

PLANNING BOARD MEETING

Wednesday, March 6, 2024

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.** **Conflicts of Interest**
- Item 4.** **Approval of Minutes- January 3, 2024 and January 31, 2024**
- Item 5.** **Zoning Map Amendment for Planned Unit Development “Myers Road Mixed Use” for properties located along Myers Road and N. Rocky River Road and further identified as tax parcel #'s 09-336-018, 09-336-018-C, 09-336-018-G, 09-336-018-H, 09-336-018-I, and 09-336-018-J. The request is to rezone a total of 46.44 acres from Community Corridor Mixed-Use 1 (CCMX-1) to Planned Unit Development “Myers Road Mixed Use”.**
- Item 6.** **Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.2.2.F: Changeable Copy**
- Item 7.** **Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Table 5.5: CC-MX1 District Development Standards, Table 5.6: CC-MX2 District Development Standards, Table 5.7: RC-MX District Development Standards, and Table 5.8 MD-MX District Development Standards**
- Item 8.** **Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 6.3: Historic Districts**
- Item 9.** **Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 7.1: Table of Permissible Uses, Section 7.2.5: Public and Institutional Uses, Section 7.2.6: Commercial Uses, Section 7.2.7: Office and Medical Uses, Section 7.2.9: Other Uses, and Section 8.4.2: Parking Requirements**
- Item 10.** **Unified Development Ordinance (UDO) Discussion**
- Item 11.** **Next Meeting: April 3, 2024**
- Item 12.** **Adjournment**

ATTENTION BOARD MEMBERS:

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

Thank you.

cc: **Planning Staff
Terry Sholar
Richard Long**

PLANNING BOARD MEETING

January 3, 2024 @ 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 January 3, 2024 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, Archie Morgan and Patrick Furr

Members Absent:

Staff Present: Keri Mendler, Senior Planner, Patrick Blaszyk, Planner 1, Terry Sholar, Senior Staff Attorney, Ashlyn Penegar, Administrative Assistant II

Guests: Evan Abrnmowitz, Louis Philippi, Parker Mills, Daryl Anderson, James Kerr, David Dotson

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

Item 3. **Approval of Minutes- December 6, 2023**

Kenneth Deal said I only have one amendment to the minutes, it basically involves a reply that I made to a question that the microphone picked up, but the question wasn't picked up and Archie posed the question. Either just put in Archie Morgan asked unintelligible or if he remembers what he asked?

Archie Morgan said are you kidding me?

Ashlyn Penegar asked do you know what page this is?

Kenneth Deal said it was on page 13, the response is correct, but its just the question that Mr. Morgan asked is missing, so I don't know if he remembers what he asked or not.

Archie Morgan asked where you said I want to know where this Board was last month, that's my thoughts? I don't remember.

Kenneth Deal said I think what it was is that you had leaned over to me and asked me what I thought about the project and my response was I'm still trying to figure out where this Board was last month when Eagles Rest came up. I don't want to say what you said, but other than that, I found it to be complete.

Chair said alright, so Terry, do we just say Archie Morgan unknown or unintelligible?

Terry Sholar said yes, unintelligible.

Chair asked and said Mr. Deal, are you good with that?

Kenneth Deal said yep, other than that, it was good.

Motion: Jennifer Smith made a motion to approve the amended minutes from December 6, 2023

Second: Kenneth Deal

Action: The motion passed unanimously with the following votes:

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

NAYS: None

Item 4. Zoning map amendment for the property located at 807 and 809 West Franklin Street and further identified as tax parcel 09-273-013 from Residential Medium Density (RMD) to Residential High Density (RHD).

Patrick Blaszyk, Planner 1, approached the podium and introduced himself. He said tonight, I am presenting a zoning map text amendment request for the property located at 807 and 809 West Franklin Street and further identified as tax parcel 09-273-013 from Residential Medium Density (RMD) to Residential High Density (RHD).

The City of Monroe has received a request from Evan Abrnmowitz to rezone the 0.348 acres from Residential Medium Density (RMD) to Residential High Density (RHD). The Residential High Density (RHD) district is intended to permit for a denser development pattern and is intended to allow for a mixture of housing types, including multifamily. The RHD zoning district is intended to be utilized in areas that feature a design and scale that encourage townhouse/attached single family, duplex/triplex/quadplex, and multifamily development and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards.

This property is currently occupied by a structure that was constructed in 1925 and is presently being utilized as a duplex. This lot is also located in the City of Monroe Historic District. The applicant is requesting the rezoning in order to convert the duplex into condominiums.

The Land Use and Transportation Plan indicates this area as Traditional Development. This form of development surrounds the downtown core and is anchored by the city's most historic neighborhoods. This designation allows some small-scale commercial and service uses that support surrounding residences. The dense transportation network offers easy access to downtown. The design and scale of neighborhoods encourages active living and affords residents the ability to live, work, shop, and play within a walkable community. Buildings are generally oriented toward a comprehensive network of walkable streets. Cul-de-sacs should be limited to the extent possible, such as locations where topography, natural features, or existing development makes other street connections prohibitive. Requiring pedestrian connections and designating stubouts for future street connections is encouraged.

Planning staff believes the request is consistent with the Land Use and Transportation Plan because multi-family is a priority use and allows 10 units per acre and this rezoning would result in 5.75 per acre.

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 and Planning staff recommends approval of the rezoning request and I will be happy to answer any questions that you might have.

Chair asked do we have any questions for Patrick?

Archie Morgan said not at this time, I don't. I have a variety of questions, but let's hear from the applicant.

Chair said we would like to hear from the applicant, thank you, Patrick.

Chair asked is there anyone that would like to speak in favor of this project?

Evan Abrnmowitz approached the podium and introduced himself and said I am the property owner and I appreciate you hearing this matter. What we are trying to do is not make any changes, we are keeping the existing building. Right now is operated as rentals, but we want to make it owner occupied housing. We were told that this was the process that we had to go through to do that, again, we aren't changing or building any new buildings or splitting down or tearing down the building. We are just simply changing from for rent, to for sale. I bought the property with my wife in 2022 and I grew up in Charlotte and went to Myers Park High School and I kind of new about Monroe's potential and I was attracted it to it as a market. The first time I drove around the Historic District, I was blown away by how beautiful and charming it was. I saw the property on the market and thought that we really liked the potential of this area. We currently live in Wilmington and we really like historic buildings and historic communities. I feel like you get that with owner occupied housing, opposed to rentals. We want people that are invested in the community and as an investor, I feel like this is the best move. I also feel that it's good for the City as well, to have owner occupied housing in this spot. Again, that's why I am here and thank you for considering and I am happy to answer any questions.

Chair said ok, thank you.

Archie Morgan said we take the historic district very seriously and I am Chairman of the Historic District Commission and I am concerned that there are no elevations here. We have no idea what you are wanting to do or what it's going to look like. Our job is to preserve the Historic District and I don't know what you are planning here.

Mr. Abrnmowitz said we aren't planning anything; we aren't making any changes to the building. Our plan is to put the property up for sale as sale units.

Archie Morgan asked will the outside of the house change in anyway?

Mr. Abrnmowitz said no changes inside or outside.

Archie Morgan asked how many condos are we talking about?

Mr. Abrnmowitz said it's a duplex, so it's just two units.

Archie Morgan said ok.

Jennifer Smith asked are they going to be sold individually?

Mr. Abrnmowitz said correct.

Jennifer Smith said my question is that if this went through and what if you sold it to someone else and God forbid, the property burned to the ground or they tore it down. What would they be able to put back there? The same thing or a quadplex?

Mr. Abrnmowitz that might be a better question for Patrick.

Patrick Blaszyk said if the property were to burn down after this rezoning, the parcel would become RHD, Residential High Density, so they would be able to put multifamily, such as condominiums and multifamily products on the lot, but whatever they would put on the lot would have to go through the Historic District to make sure...

Archie Morgan said therein lies the rub, the zoning goes with the property and not the home. So, we are concerned about down the road and what happens to this property. What is the potential of what could go on this piece of property?

Patrick Blaszyk said anything that is allowed in the RHD zoning district. So, you could have condos, different types of multifamily...

Chair asked how many on that lot?

Jennifer Smith asked like a quadplex.

Patrick Blaszyk said they could have 3 units that they could have on the lot.

Chair asked they would go from 2 units to 3?

Keri Mendler approached the podium and said can I just add something as well? If it were to burn down and be rebuilt, Patrick did say 3 units max based off the density of the RHD. In addition to that, they would have to meet all of the development standards, such as buffering and landscaping and open space. So, while they could technically do three, I don't know if it's really feasible with all of the requirements that the ordinance would require, to go that route, if it were to burn down.

Jennifer Smith asked could someone come in and buy that property and then do them all as rentals?

Keri Mendler said certainly, just like its rentals now today. The City can't regulate rental versus owner occupied.

Archie Morgan asked if its 2 units today and its going to stay 2 units, why do we have to rezone it to high density?

Patrick Blaszyk said the owner is looking to do condos, which are only allowed in the RHD zoning district. Condos aren't allowed in the currently district that's it's in, which is the RMD, Residential Medium Density District.

Jennifer Smith asked that's because he wants to sell them individually, right?

Patrick Blaszyk said right.

Chair asked do we have any more questions for Evan? Hearing none, thank you. Is there anyone that would like to speak in favor of this project?

James Kerr approached the podium and said I am here speaking to you as a neighbor and a Historic District resident. As you can see for those of you that know us, the property in question is directly across the street from our house and directly in front of another property that we own on the corner. We worked really hard to get this part of the downtown area in the Historic District and we love seeing what's happening up and down every street downtown and having this property as a condo or townhome, would we be having this same discussion? Meaning that they would own the dirt under the two units?

Keri Mendler said yes, so that's the difference between the townhouses and condos. Townhomes, you would own and it would be a property line from the front to the back and each person would own a lot, plus part of the building. Whereas a condo, it's basically an internal property line, where the exterior is owned by both parties basically. Townhomes are permitted in the RMD district, condos are considered multifamily, which is why the RHD is required for the rezoning.

James Kerr said that clarifies that and asked Keri, would you be good if it were townhouses?

Keri Mendler said I don't know if that's going to be allowed, because of the density. I think that's why we are at, where we are at.

James Kerr said whether it is two condos or two townhouses, it would increase property values exponentially. That house is truly a jewel. It was delivered to that site in the 1920's from the railroad yard and put together and it has always been a duplex, it was ordered from Sear's as a duplex, it was assembled as a duplex and each side has almost 2,300 square feet on each side. Having these to purchase, we all know the advantages whenever you have someone that's more stable. You have people that are staying longer and the yards are kept up better. I think this would help strengthen the fabric of our neighborhood and God forbid something that would happen and it would burn down, but I think the Planners were pretty clear that you could never do more than three and I don't see how you could put three on there, it's really skinny.

Jennifer Smith asked where is the parking at for that property? Is it at the very rear?

James Kerr said yes, when you go past our house and take a left on Johnson and then you take another left, there is a driveway right behind the building that currently runs right into a 2 car garage. The garage appears to be original too. It's actually behind the 807 side and its already divided in the middle. Bryan McAlister has already looked at it, and it already has the demising walls in the attic and the fire walls are still there. This would just be a legal maneuver; you aren't making any changed inside or any changes outside.

Jennifer Smith said its always been very well maintained for as long as I've lived here and I've lived here 36 years and I've never seen it in any kind of disrepair.

James Kerr said Bill and Nancy Price owned it for about 50 years and then Evan and his wife have owned it.

Jennifer Smith asked is it going to have a Homeowners Association or anything like that?

James Kerr said if it's a condo, it would. If it was a townhouse...

Chair said Evan, please come back up. We are asking James questions that should be directed to you.

Mr. Abrnmowitz said I might direct them to James though.

James Kerr said I will try to answer, but we might need to defer them to the experts. What was the question again? I'm sorry.

Jennifer Smith said homeowner's association.

James Kerr said if it was a condo, it would have to have an HOA, even just for two units. You would have an undivided interest in all of the property, outside of your inside walls. So, you would probably be paying one person to mow and one person to clean out the gutters and so on.

Archie Morgan asked these are strictly going to be for sale?

James Kerr said correct.

Archie Morgan asked there is no way that they can be rentals?

Jennifer Smith said well, no. Someone could buy them and rent it. Once it's sold, you can do whatever you want with it. There isn't anything that you can include in the deed or anything else that excludes that.

James Kerr said someone just bought that whole neighborhood near McGee Corporation and now that who neighborhood is rental now on 74.

Kenneth Deal asked can I ask for a gentleman's agreement between me and you that you will never pledge to never to sell this property to a corporate rental company?

Jennifer Smith asked Mr. Deal to repeat his question.

Kenneth Deal repeated his question to Mr. Abrnmowitz.

Mr. Abrnmowitz said like an out of state...

Kenneth Deal said in state, out of state, I don't care where they are at, I would like to see two single families go into this thing and own what they are living in, because they will maintain it. Nancy Price was my neighbor before she passed away, so I've been in this house. One side is beautiful actually, but I cant require that and obviously no one could require that. But, I would like to know that a couple of families are going to benefit from what you are trying to do.

Mr. Abrnmowitz said that's the hope.

James Kerr said I think you have pretty strict scrutiny with the ladies next door, they are our neighborhood watch, Loraine and Gina. Then, the Griffins are diagonally across the street and we are the two houses directly across.

Jennifer Smith said you wouldn't let that happen, would you James?

James Kerr said no and Dana certainly wouldn't.

Chair said thank you gentlemen. Do we have anyone else that would like to speak in favor of this project? Do we have anyone that would like to speak against this project? Hearing none, do we have any further discussion on the Board? Anyone more questions for Patrick?

Patrick Furr said I would like to say that I would like to see some of this work before go forward with this. In other words, if he's done this somewhere else, I would like to put my eyes on his work and see what he intends to do. Basically, we are giving a pig in a poke and hoping he does this and hoping he does that. I cant see a lot of advantage to the City of the community if we are just going to take the thing and turn it into two homes and double our asking price on the thing. So, if there is any way possible, I would like to see some of his work where this has been done before, before we make a decision.

Chair asked and said, Evan, have you done anything like this before or is this your first outing.

Mr. Abrnmowitz said I haven't done anything like this before, but like I said, I'm not doing anything at all to the building.

Chair said right, so the building is staying the same and you just want to be able to deed it left and right.

Margaret Desio asked he says he's not going to do anything to it, so what kind of work are we looking for?

Patrick Furr said side work and see what he's going to up fit it.

Jennifer Smith saying something inaudible.

Chair said we don't have any control over that.

Archie Morgan said from what he is saying, there is nothing to see. Like Margaret said, I don't know what we would look at. He's not changing anything.

Margaret Desio said it is what it is.

Archie Morgan said I'm concerned about elevations too, but there won't be any change from what he is telling us.

Chair said ok, I will entertain a motion.

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

Second: Richard Yercheck

Action: The motion passed with the following votes:

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

NAYS: Patrick Furr

Chair asked Mr. Deal, are you an aye or a nay, I didn't hear you.

Kenneth Deal said I didn't vote.

Jennifer Smith asked you're not voting?

Kenneth Deal said I'm not voting.

Chair asked can I have anyone that would like to abstain from the project, please abstain.

Terry Sholar said to abstain, there needs to be a basis to abstain. Either you have some conflict or some interest in the property, that would be a basis for abstaining. Otherwise, it's counted as a "Yes" vote.

Kenneth Deal said that's correct, I'm aware of that.

Chair said alright, that motion is approved, or is approved. I will need another motion.

Motion: Margaret Desio made a motion to recommend adoption of the Ordinance amending Section 157.1.2.1- Official Zoning Map

Second: Jennifer Smith

Action: The motion passed unanimously with the following votes:

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

Kenneth Deal abstained from the motion to recommend adoption of the Ordinance amending Section 1557.1.2.1-Official Zoning Map.

Chair said congratulations.

Item 5. Zoning text amendment to Section 3.3.4 and 3.3.4 titled “Board of Adjustment and Planning Board”.

Terry Sholar approached the podium and introduced himself. He said, Planning Board is requested to consider amending Chapter 157 3.3.3 and 3.3.4 to add alternate members to the Planning Board and Board of Adjustment. Currently the Planning Board and Board of Adjustment has seven members each. Planning Board is asked to add two alternate members each to the Planning Board and Board of Adjustment. Both boards provide specific functions when hearing land usage matters and need a full board to make decisions. The Board of Adjustments conducts specific quasi-judicial hearings regarding variances and appeals. The UDO amendment is to add alternates to each board to fill in a case-by-case bases when a regular member is absent or disqualified from hearing a case. Staff recommends adoption of the ordinance amending the Chapter 157 of the Zoning Code to provide for alternate members on the Planning Board and Board of Adjustment.

Chair said I have a question.

Terry Sholar said sure.

Chair asked is it possible to break these up into two? Because right now they’re kind of ganged together. I would be in favor of what you are saying for Board of Adjustment, but with that being said, I just got this and I would like some time to ask some other folks some questions about it. If we are going to do alternates, how many alternates per Board of Adjustment and Planning?

Terry Sholar said 2 each. 2 alternates for Planning Board and 2 alternates for Board of Adjustment.

Chair asked will they be coming to every meeting or will they just be coming when we need them?

Terry Sholar said they will be coming with the idea that if something happened, they would be able to fill in and replace a regular member if they were needed during a hearing.

Chair asked will we be paying them to sit in the stands versus sitting on the dais?

Terry Sholar said yes, they will be a paid participant.

Chair said that’s a pretty good gig.

Jennifer Smith said I’ve done that before. That’s been in the past.

Terry Sholar said for many, many years, we had alternates on both boards and I'm not sure when it got removed...

Kenneth Deal said I know more history about that than I care to know, so I won't repeat the history. But, I've heard many times, that City Council would prefer for us not to send things forward to them with no recommendation. The only way to ensure that is to have a full board here at every meeting, 7 votes. So, it's either an up or down recommendation from Planning Board and we've had this problem, not so much with the Planning Board, but with the Board of Adjustment. Because, we lost alternates and when we lost alternates, we lost the ability to pull and we also lost public interest of even being on the Board. When they did away with the alternates, I was one of the first people to complain about that, it just made no sense not to always have a full Board sitting up here adjudicating where we can have alternates who receive the same packet that we do and they do their own individual research that we do and they come and they sit here and they are ready to step up, because they attend every meeting. If Coach is on vacation or our Chairman is on vacation, it doesn't matter, we would still have 7 people voting on stuff. We wouldn't have the Wildwoods that we dump onto City Council with no recommendation from the Planning Board, it kind of negates the purpose of us. So, I am fully in support of this. I do have one question though, I didn't have a chance to read GS 160 D-307, as to how it pertains to the ETJ member on these two Boards, the revision takes them out. Where the ETJ member by that state statute is appointed by Union County, I think that little portion needs to be put in there. We've never had anybody from the Junior Council show up at either of the meetings, so I don't see any problem with taking that away.

Terry Sholar said the intent here is not to take away the ETJ members, they would still remain. It may not have been part of this revision, but in the overall ordinance, it would still remain untouched.

Kenneth Deal asked can we just put that sentence back in there?

Terry Sholar said I think it is in another section of the ordinance. (Mr. Sholar flips through ordinance)

Chair asked Ken, do you want to table this until they can fix that and bring it back to us next month?

Kenneth Deal said I don't see any reason to table it. Again, it's a simple change.

Terry Sholar said the intent was to leave all the rest of the ordinance, except for this specific change, unchanged. So, the remainder of the ordinance would remain intact with the ETJ portion and those kinds of things. There are lots of other provisions in this ordinance, besides just these, and they would all remain intact.

Kenneth Deal said I just want to make sure that people that live in the ETJ don't find themselves unrepresented in matters that directly affect them, that's my point.

Terry Sholar said I am almost 100% positive that that will remain in place.

Jennifer Smith said we've always had 7, we are just actually adding alternates on, correct?

Terry Sholar said yes, 2 alternates.

Kenneth Deal said we are putting them back on, they used to be on there before.

Chair said ok, do we have any other questions for Terry? Thank you, sir.

Chair asked do we have any discussion from the Board? Would anyone like to make a motion?

Motion: Kenneth Deal made a motion to approve the Resolution to add alternates to the Board of Adjustment and Planning Board.

Second: Jennifer Smith

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

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

NAYS: None

Item 6. Next Meeting: February 7, 2024

Item 7. 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, Margaret Desio, Kenneth Deal, and Archie Morgan

NAYS: None

The meeting was adjourned at 6:35 p.m.

Respectfully Submitted,

Richard Yercheck, Chair
Planning Board

Ashlyn Penegar
Secretary to the Board

SPECIAL CALLED PLANNING BOARD MEETING

**January 31, 2024 @ 4:00 PM
City Hall – Council Chambers
300 W. Crowell Street, Monroe, NC**

Emailed to HR on:

Item 1. Call to Order/Roll Call

Vice Chair, Jennifer Smith called the January 31, 2024 Special Called meeting to order at 4:00 p.m. Ashlyn Penegar called the roll and noted that there was a quorum was present.

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

Members Absent: Richard Yercheck

Staff Present: Lisa Stiwinter, Director of Planning and Development; Doug Britt, Senior Planner, Patrick Blaszyk, Planner 1, Richard Long, City Attorney; Terry Sholar, Senior Staff Attorney, Ashlyn Penegar, Administrative Assistant II

Guests: David Dotson, Mayor Pro Tem

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Zoning text amendment to Section 7.2 titled “Permissible Use Definitions and Standards”.

Lisa Stiwinter approached the podium and introduced herself. She said I am here to bring before you a Zoning text amendment request to section 7.2 titled “Permissible Use Definitions and Standards” of the Unified Development Ordinance. Planning Board is requested to consider the zoning text amendment to section 7.2 and the purpose of the text amendment is to provide clarification and include missing language. I would like to direct your attention to section 7.2.7, Office Medical Uses that is included in front of you in your packet and as well as on the screen. The use and the standards that was revised relates to the rehabilitative clinics and all the changes are highlighted in red and we will go over those together.

1. Characteristics. A **licensed** facility engaged in the care and treatment for psychiatric, alcohol and/or drug **dependency** problems. ~~where patients are residents and require more than an overnight stay.~~
2. Accessory Uses. Accessory uses may include associated office, parking, cafeterias, **and** health facilities, ~~staff residences located on site for continuous care.~~
3. Uses Not Included.
 - a. Residential care facilities including assisted living facilities (see residential use).

4. Use Standards.

- a. Be at least 500 feet from any other such facility; and
- b. Be at least 500 feet from any lot in a single-family residential district, school, park, child care center, and religious institution that has a child care center or school.
- c. Required to be a certified licensed facility by North Carolina Department of Health and Human Services.
- d. The certified licensed facility shall comply with any and all applicable federal, state and local standards, regulations, laws, statutes and ordinances and licensing requirements.

Lisa Stiwinter said the zoning text amendment is in compliance with the Land Use Plan and I will be happy to answer any questions.

Jennifer Smith, Vice Chair, asked could this change or have any long term affect for other further projects that could come forward in maybe 5-10 years from now?

Lisa Stiwinter said if this zoning text amendment were to be approved by Council, then if a facility were to request to locate in the City, they would be required to comply with the use definition and these standards. Also, just to go a little further, because I'm sure all of you have the question of where are these uses allowed and what districts. (Lisa Stiwinter shows a picture of the Table of Permissible Uses, found in the Staff Report) If there is an X, it is not permitted, if there is an S, that means it could be allowed in that district, which is Office Medical. But, by a Special Use Permit that would be approved by the Board of Adjustment.

Archie Morgan asked does this affect at all the proposed methadone clinic?

Lisa Stiwinter said the proposed methadone clinic has an existing renovation permit that has been submitted. So, this text amendment would not have an impact on that existing permit.

Archie Morgan asked where does that stand?

Lisa Stiwinter said that is currently in the permitting process, it has not been issued.

Margaret Desio asked the Special Use is only in Office Medical?

Lisa Stiwinter said yes. Now, if a use were to come to the City and an additional rehabilitative clinic not in the Office Medical, they could request to go through a Conditional District rezoning process, but of course that comes before Planning Board and City Council for approval.

Jennifer Smith, Vice Chair, asked does that clinic have to come before clinic or is it a done deal?

Lisa Stiwinter said the clinic right now and part of the reason we are doing a revision to the definitions is because currently the definitions includes rehabilitative clinics that only relate to overnight stay.

Some rehabilitative clinics do not require overnight stay, so that was part of the revision to the amendment because right now the only location that it would've fallen in was the Office Medical, that doesn't relate to overnight stay. We weren't able to lump it into the rehabilitative clinic because of the way the definition was written. In Office Medical, according to the Table of Permissible Uses, the Medical Office/Dental Clinics are allowed with a P in the Office Medical, Neighborhood Business, General Business, PUD and all the Mixed Use Districts. That is your typical pediatric care, chiropractic care type of office uses, which like I said, the overnight stay part of the definition prohibited us from limiting the current methadone clinic into that use category.

Archie Morgan asked were there any issues that came up regarding this? What caused this change?

Richard Long approached the podium and said I will be happy to address that. We were asked by Council two questions. The first was how did this happen and the second was how do we prevent this from happening again? This is designed to keep this from happening again. Does that answer your question?

Archie Morgan said yes, it does.

Kenneth Deal said I have a question, Lisa, since we've got this opened up here. On page 8 of your text amendment, it says, "The Director shall determine whether an unlisted use is similar to a use identified in the Table of Permissible Uses based on consistently".

Lisa Stiwinter said let me get there really quick.

Kenneth Deal said it's in the part A under 7.2.3 and you go into A, 1, 2 and then B, C, D and E. Then, it goes into on page 8. It says, "The Director shall determine whether an unlisted use is similar to a use identified in the Table 7.1, Table of Permissible Uses based on consistently with cities adopted policy guidance and the following standards". This outlines the things that you are supposed to look at when determining a permitted use. Where I'm driving at this, a lot of times throughout the UDO, we talk about adjacent properties or properties within a hundred feet or something like that. But, when you get into the impact on adjacent lands created by the use. This particular issue that brought this to bare, has such a significant impact on the entire downtown district. My question is that wouldn't it help you in determining this, if we added to subsection II, after adjacent lands and added in, "or area businesses". Because this thing has the impact of literally destroying the Dowd Center. It has the impact to destroy future building of hotels and just about every business is up in arms over it. Activities such as this, if you can't find a way to get them to go over into the medical area, where they should be, will destroy years of what you guys have been trying to put together. I think that we should be able to say that this particular use, will have such a negative impact on the other businesses that already exist and that's a basis for you to turn down their request, without ever going forward. We would all back you up on that, I think. My question is, on "II, after lands", can we add "Or area businesses"?

Archie Morgan said I will be in favor of that.

Lisa Stiwinter said I will defer to the Legal Staff to determine whether we can do that or cannot do that.

Richard Long said I don't know; I would have to look at it.

Margaret Desio asked can we not go to other cities where this is being done and see. I'm for stopping it, if we can. But, just to go to other cities to see what the area around these clinics has happened to them? If they've closed or had significant impact.

Richard Long said they are in Marshville right now.

Lisa Stiwinter said I understand your intent and there is possibility a way to do it, but it's just whether this specific language is exactly...

Kenneth Deal said its obviously what an areas business is for, but someone comes in and applies to change the purpose of use. It used to be a Family Video and there are light years between a Family Video and a methadone care clinic. So, when they are trying to change the purpose of something so significantly, it doesn't just affect the properties that touch it around its perimeters, it affects the whole downtown district.

Archie Morgan said I agree.

Kenneth Deal said I will defer to the attorney to look it up legally, but its legal to do this or I wouldn't be asking. But, I will defer to the City Attorney on the...

Richard Long said I think if that's your recommendation, you guys are an advisory board. You can make a recommendation to the Council that they amend this and we will look at it and if we tell them they can't do it, we will tell them that too. You can certainly make that recommendation out of this today.

Kenneth Deal said I'm good with that.

Lisa Stiwinter said depending on how you make your motion to vote on the text amendment, you could add that.

Kenneth Deal said right, do it in the actual motion. Got you.

Margaret Desio asked are you saying that its sufficient right now to deny the one that is in the permit process?

Kenneth Deal said no, I wish I could say that. I'm thinking the future.

Jennifer Smith, Vice Chair, asked that's a done deal, isn't it? Pretty much?

Richard Long said I cannot answer that question for you. I know their permit is in process.

Kenneth Deal said I will give you an example, not that this is going to happen. But, let's say this methadone clinic gets put in there and North Carolina has an epiphany in Raleigh one day and decides to make medical marijuana or marijuana for casual use available. The next thing you know, one of

those opens up a block away and what kind of downtown are we having? I don't want to look like San Francisco, do you want to look like San Francisco? No.

Jennifer Smith, Vice Chair said or downtown Asheville.

Kenneth Deal said Asheville can't even hire police officers there, no matter how much they offer to pay them.

Archie Morgan said I think that language needs to be included.

Kenneth Deal said we can move on from there, I've got a few little administrative things that doesn't change anything. But, I noticed reading through, a couple words were mashed together and stuff. I will go over with you, after the meeting for the typos and stuff. But, other than that, I'm absolutely in love with what you've done with this amendment. It's good work.

Jennifer Smith, Vice Chair, asked is there any further discussion from the panel?

Motion: Kenneth Deal made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance with the modification to subsection II, to include a recommendation to include, "or area businesses", as those that might be affected by a change in usage.

Second: Jennifer Smith

Action: The motion passed with the following votes:

AYES: Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr, Maryann Rasberry and Archie Morgan

NAYS: None

Motion: Margaret Desio made a motion to recommend adoption of the Ordinance amending Chapter 157, Section 7.2-Permissible Use Definitions and Standards of the Unified Development Ordinance, with the modification of, "or area businesses"

Second: Archie Morgan

Action: The motion passed unanimously with the following votes:

AYES: Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr, Maryann Rasberry and Archie Morgan

NAYS: None

Item 6. **Next Meeting: March 6, 2024**

Item 7. **Adjournment**

Motion: **Maryann Rasberry made a motion to adjourn.**

Second: **Kenneth Deal**

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

AYES: **Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr, Maryann Rasberry and Archie Morgan**

NAYS: **None**

.
The meeting was adjourned at 4:16 p.m.

Respectfully Submitted,

Jennifer Smith, Vice Chair
Planning Board

Ashlyn Penegar
Secretary to the Board



STAFF REPORT

TO: Planning Board Members

DATE: March 6, 2024

FROM: Lisa Stiwinter, Director of Planning & Development

PREPARED BY: Doug Britt, Senior Planner

SUBJECT: Zoning Map Amendment request for Planned Unit Development “Myers Road Mixed Use” (Parcel ID #'s: 09-336-018, 09-336-018-C, 09-336-018-G, 09-336-018-H, 09-336-018-I, and 09-336-018-J)

SUMMARY STATEMENT

The Planning Board is requested to consider a zoning map amendment for the properties located along Myers Road and N. Rocky River Road further identified as tax parcel #'s 09-336-018, 09-336-018-C, 09-336-018-G, 09-336-018-H, 09-336-018-I, and 09-336-018-J. The request is to rezone a total of 46.44 acres from Community Corridor Mixed–Use 1 and Residential Low Density (RLD) to Planned Unit Development “Myers Road Mixed Use”.

REVIEW

The applicant, Monday Properties Investments LLC, is requesting a Planned Unit Development rezoning in order to develop mixed use project that will consist of apartments, for rent carriage homes and a future commercial outparcel. The total area of the project is 46.44 acres, with approximately 21.86 acres or 47% of that reserved as common open space. The net density of this project is 9.83 units per acre.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District.

	Existing Uses	Zoning District
North	Single Family Residential	Residential Low Density (RLD) & General Business (GB)
East	Commercial & Single Family Residential	Residential Low Density (RLD) & Community Corridor Mixed–Use 1 (CCMX-1)

South	Commercial	Community Corridor Mixed–Use 1 (CCMX-1)
West	Single Family Residential & Vacant	General Business (GB)

Proposal

The applicant is requesting a Planned Unit Development rezoning in order to develop a mixed use project that will consist of 336 apartments, 36 for rent carriage homes, and approximately two acres for future commercial development. The uses allowed for the commercial development would be those allowed in the Community Corridor Mixed Use-1 zoning district. The total area of the project is 46.44 acres, with approximately 21.86 acres or 47% of that reserved as common open space. The project will be comprised of 1-bedroom, 2-bedroom, and 3 bedroom units. The overall project density is 9.83 units per acre.

REQUIREMENTS

Density & Dimensional Standards

Zoning District	Maximum Allowable Density
CC-MX1	8 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

Front: 20 foot

Side: 20 foot

Rear: 20 foot

Max Building Height: 3-stories

Buffering & Landscaping

Parking lot trees will be provided as depicted on the site plan with a minimum caliper of 2.5 inches measured 6-inches above grade.

Perimeter buffers are not required within the mixed use districts as the intent is to create walkable and connected projects; however, planned unit developments are required to provide perimeter buffers. The ordinance requires a ten-foot street yard buffer along the street frontages of both Myers Road and Rocky River Road which has been depicted on the proposed site plan. The ordinance will also require a 50-foot buffer along the adjacent properties to the north of Myers Road. The buffer is required to include a mix of trees, shrubs and a 6-foot fence. The developer is requesting a deviation from the ordinance to not install the fencing and plantings north of the floodplain since this area is not being developed and being left as a natural open space. The project area south of Myers Road will provide a combination of a 50-foot buffer and 25-foot buffer. The buffers will include a mix of trees, shrubs and a 6-foot fence.

The ordinance requires 10% tree save area, the applicant has complied with this requirement by leaving the northern parcel of the project primarily undisturbed. A tree survey was provided

which depicted all trees on the site that were greater than seventy-five inches in circumference in the developed area of the project. 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 trees will be mitigated per the Unified Development Ordinance standards and the final 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 16.26 acres. The applicant has provided approximately 21.86 acres, which is approximately 47% of the total site. The ordinance states a maximum of 20% 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 2.3 acres, which is 14.15% of the open space. The ordinance also states a maximum of 20% of the total required open space may include environmentally sensitive lands and floodplains. The site plan delineates the flood plain and stream buffers will cover approximately 9.5 acres, which is 58% of the required open space which is a deviation from the ordinance requirements.

Planned Unit Developments that are 25 – 50 to acres in size are required to include at least two (2) small open space types, two (2) medium open space types and one (1) large open space type. The small open space areas require a range of area from 500 square feet to 1 acre, the medium open space type requires 1-2.5 acres and the large open space type requires 2.5 acres or greater. There are three (3) small amenity areas, one (1) medium area and one (1) large 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: clubhouse, amenity barn building, pool(s) and cabana(s), fire pit(s), fenced in dog park(s), grilling station(s), community garden, nature trail with fitness stations and lawn games.

-Small amenity features: pocket parks, playground

-Medium amenity features: clubhouse, amenity barn building, pool and cabana, fire pit, fenced in dog park, grilling stations, community garden, and lawn games

-Large amenity feature: nature trail with fitness stations

Elevations

Exterior building materials for the project will include cementitious siding with masonry accents. Vinyl trim, doors, and windows will be permitted and the balconies shall be required to be provided with metal railings. The unit square footages for the project are as follows:

Unit Type	Square feet
1-bedroom Type A	720
1-bedroom Type B	735
2-bedroom	1,146
Carriage Homes 3-bedrooms	1,600

Parking

The ordinance requires 1.5 spaces per dwelling unit, which is a total of 558 required parking spaces for this development. The multifamily portion of the project is providing 482 surface parking spaces and 33 garage unit spaces for a total of 515 spaces. The carriage home portion of the project will provide one parking space in the garage of each unit and one space in the driveway for a total of 72 spaces and there are an additional 28 overflow spaces for a total of 100 spaces in this portion of the project. The total number of parking spaces for the overall project is 615.

Sidewalk

Sidewalk will be provided internally throughout the development, and an eight-foot (8') wide sidewalk will be provided along N. Rocky River Road and the majority of the road frontage along Myers 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 Myers PUD is a proposed 372-unit mixed use development on tax parcels 09-336-018, 09-336-018-C, 09-336-018-G, 09-336-018-H, 09-336-018-I, and 09-336-018-J located along Myers Road and N. Rocky River Road. The project falls within the following school zones for the current school year:

Porter Ridge Elementary	Currently at 103% rated capacity
Piedmont Middle	Currently at 101% rated capacity
Piedmont High	Currently at 82% rated capacity

Per Board of Education Policy, neither Porter Ridge ES nor Piedmont MS are accepting any additional transfers due to high enrollment. Additional residential construction contributes to high enrollments, which in turn exacerbate problems such as:

- Additional mobile classrooms
- Inadequate capacity for food service and rest room facilities
- Rationing of access to the Media Center
- Insufficient parking and queuing space for parents to safely deliver or pick up their children
- Inadequate planning/meeting space for additional staff.

Transportation

Since this a multifamily project all of the internal drives and circulation will be maintained by the developer, and the City of Monroe will have no maintenance responsibilities. The proposal includes full movement access points from both Myers Road and N. Rocky River Road. 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 transportation improvements for this project are as follows:

-Myers Road at Site Access A & B
No improvements required

-N. Rocky River Road and Site Access C
Construct a northbound left-turn lane with at least 80 feet of storage.
Construct a southbound right-turn lane with at least 100 feet of storage.

-N. Rocky River Road and Myers Road
Construct an eastbound right turn lane with 100 feet of storage.

Additionally, there is currently a North Carolina Department of Transportation (NCDOT) road realignment project underway that will align James Hamilton Road and Myers Road. The realignment will create a safer intersection of the two roads with N. Rocky River Road. Along with the realignment NCDOT will be installing a traffic signal at the intersection as well as left turn lanes onto James Hamilton Road and Myers Road. NCDOT is currently acquiring right-of-way and construction is scheduled to begin in 2025.

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 project will 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 partially located in a Neighborhood Mixed-Use Center, Community Corridor, and Suburban land use categories.

Neighborhood Mixed-Use 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 with and at a scale compatible with nearby residential development. These centers measure half-a-mile across, representing approximately a 10-minute walking distance. The design transitions effectively between residential and nonresidential uses, and includes safe and convenient pedestrian and bicycle access for nearby residents. While commercial uses are likely to be prominent, these centers

should emphasize a mixture of uses and residential housing units where possible. Single family residential should be discouraged but may be used as a transition between land uses or to maintain continuity between the surrounding neighborhoods.

The Community Corridor area generally covers most of US 74 and areas adjacent to intersecting major streets. The area serves as a primary conduit to downtown, epicenter of the city's commercial activity, and the spine of the community with critical connections to major employers and activity centers. This designation encourages a more unified approach to improving the area's physical environment and economic viability. While linear due to its orientation on US 74, the vision for the Community Corridor is for redevelopment to occur as nodes of activity (preferred with a mixture of uses). This may be achieved by focusing more intense commercial/mixed-use nodes at key intersections with transitional uses as a buffer to adjacent residential areas. The FLUM emphasizes mixed-use nodes at the intersections of US 74 and Rocky River Road and Dickerson Boulevard.

The Suburban land use area typically takes the form of neighborhoods with uniform housing types and densities; a mix of housing types and lot sizes is preferred in Suburban locations. Attached and multi-family housing is suitable in mixed-housing neighborhoods and activity centers. Commercial development mostly serves the needs of nearby residents and often locates along corridors with higher traffic volumes and near prominent intersections. Emphasis should be placed on integrating the design of commercial centers with surrounding neighborhoods. Connectivity between neighborhoods and to nearby centers also should be emphasized. Allowable density in this area is 2 to 4 dwelling units per acre.

Planning staff is of the opinion the development pattern of a mixed-use development with different housing options at this location is not consistent with the Land Development Plan at 9.83 units per acre, but is a reasonable use due to the project partially being located within a Neighborhood Mixed-Use Center located in close proximity to Highway 74. The Future Land Use Map illustrates the pattern, location, and character of future land uses within the study areas. It is intended to guide future decisions with the necessary flexibility to respond to shifting trends that can be expected for a city in the path of growth.

PUBLIC NOTIFICATION

The developer held a neighborhood meeting on August 29, 2023 to discuss the project with local residents.

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

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

RECOMMENDATION

Planning staff recommends approval of Planned Unit Development “Myers Road Mixed Use”.

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

Approval Actions

1. Motion to recommend adoption of a Resolution *Approving* Land Use and Transportation Plan compliance.
2. Motion to recommend adoption of the Ordinance amending Section 157.1.2.1- Official Zoning Map.

Denial Actions

1. Motion to recommend adoption of a Resolution *Denying* Land Use and Transportation Plan Compliance and authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign at a later date.
2. Motion to recommend denial of the zoning map amendment.

Attachments:

Attachment 1-Ortho Map
Attachment 2-Zoning Map
Attachment 3-Site Plan & Elevations
Attachment 4-TIA Recommendation
Attachment 5-Future Lane Use Map
Attachment 6-FLUM Description
Attachment 7-Approval Resolution
Attachment 8-Denial Resolution
Attachment 9-Ordinance 157.1.2.1



Ortho Map

Case #: PLMA 2024-00036

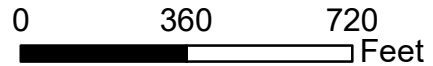
Legend

- Centerlines
- City Limits
- streams
- Parcels

Existing: CC-MX1 & RLD

**Owner: Myers Brothers, LLC,
Heirs of Charles Myers, &
John Myers**

Acres: 46.44



Zoning Map

Case #: PLMA 2024-00036

Legend

- Centerlines
- City Limits
- streams
- Parcels

Zoning Districts

- CC-MX1
- NB
- GB
- RLD

UC Zoning Districts

- HC

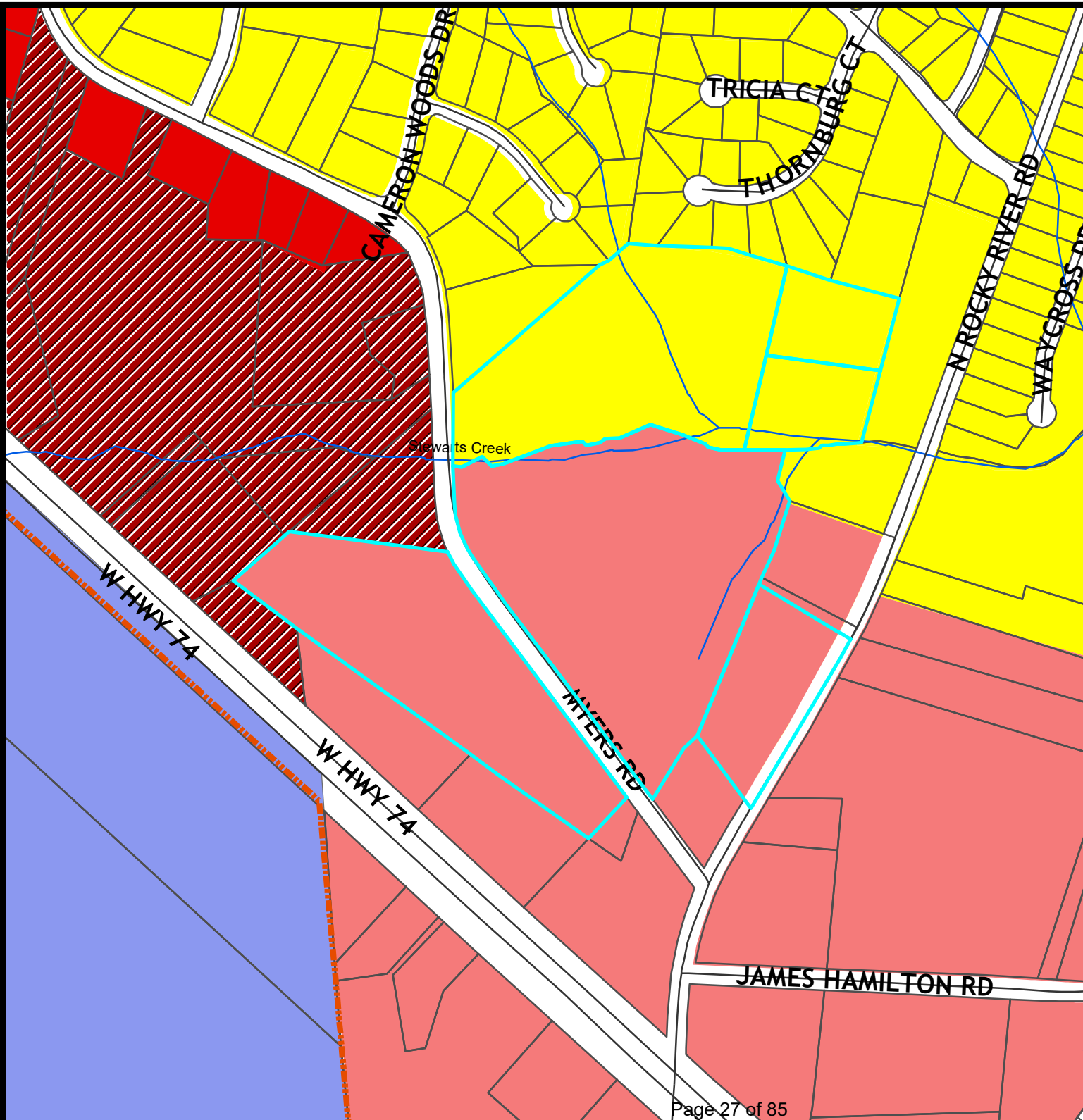
Existing: CC-MX1 & RLD

Owner: Myers Brothers, LLC,
Heirs of Charles Myers, &
John Myers

Acres: 46.44

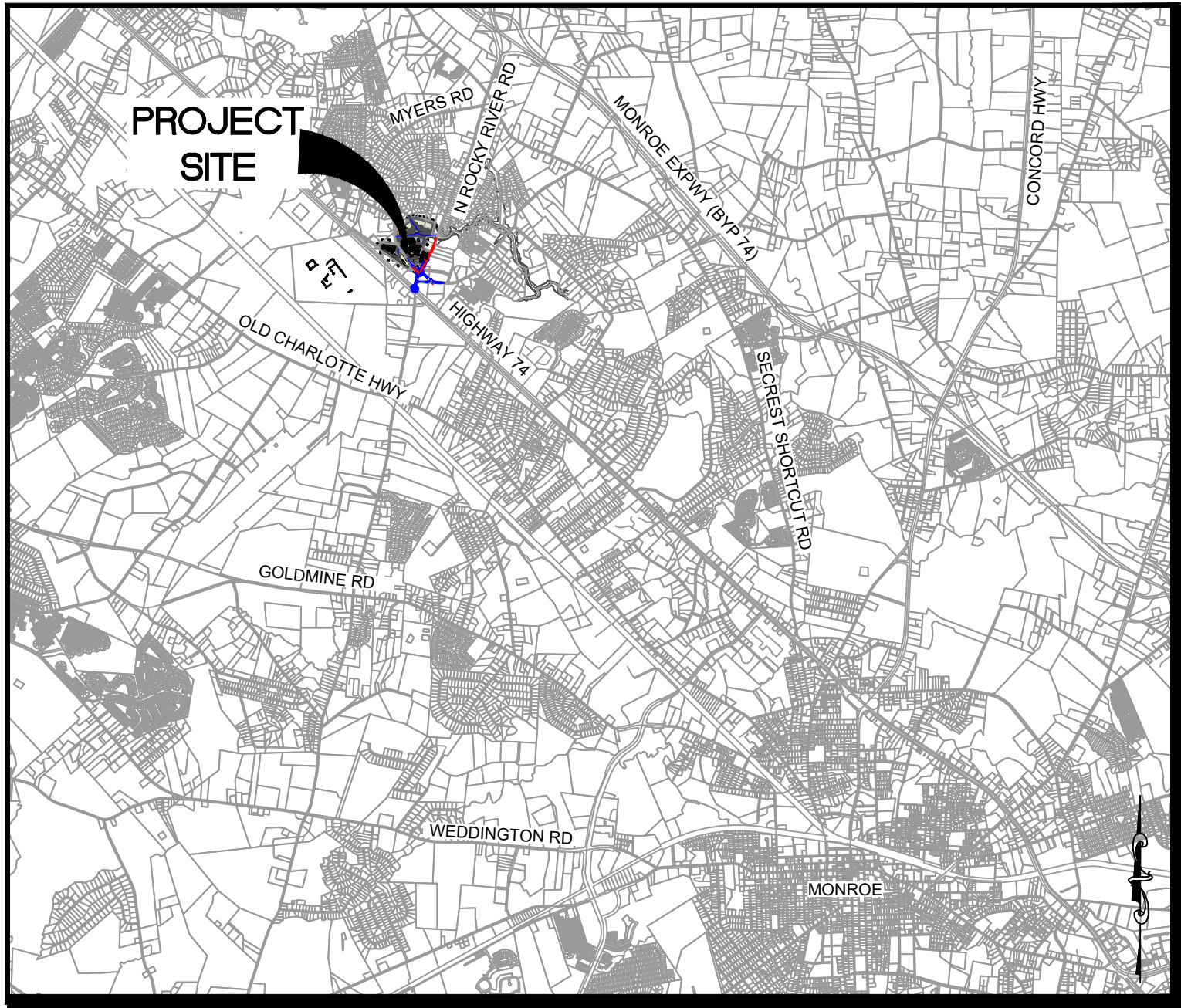


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Feet



MYERS ROAD MIXED USE PLANNED UNIT DEVELOPMENT

LOCATED IN
MONROE, UNION COUNTY, NORTH CAROLINA



VICINITY MAP

N.T.S.

TABLE OF CONTENTS	
PAGE	SHEET NAME
RZ-1	COVER SHEET
RZ-2	PLANNED DEVELOPMENT MASTER PLAN
RZ-3	OPEN SPACE AND BUFFER DETAILS
RZ-4	ARCHITECTURAL RENDERINGS
RZ-5	ARCHITECTURAL ELEVATIONS
RZ-6	ARCHITECTURAL ELEVATIONS
RZ-7	EXISTING CONDITIONS PLAN
RZ-8	NCDOT IMPROVEMENTS PLAN
RZ-9	ALTA SURVEY

LEGEND:

- PLANNED UNIT DEVELOPMENT BOUNDARY
- ADJOINING PROPERTY BOUNDARY
- PROPOSED LOT LINE
- PROPOSED PERIMETER BUFFER
- PROPOSED OPEN SPACE
- PROPOSED PAVED SURFACE AREA
- FEMA FLOODPLAIN

OWNER:
CONTACT:
EMAIL:
ADDRESS:
PHONE:

MONDAY PROPERTIES
SHAHIN YAVARI
SYAVARI@MONDAYRE.COM
1000 WILSON BOULEVARD
SUITE 700
ARLINGTON, VA 22209
(703) 525-8340

CIVIL ENGINEER:
CONTACT:
EMAIL:
ADDRESS:
PHONE:

WK DICKSON & CO., INC.
WESTON BOLES, PE
WBOLES@WKDICKSON.COM
1213 W MOREHEAD STREET,
SUITE 300
CHARLOTTE NC 28208
(704) 334-5348

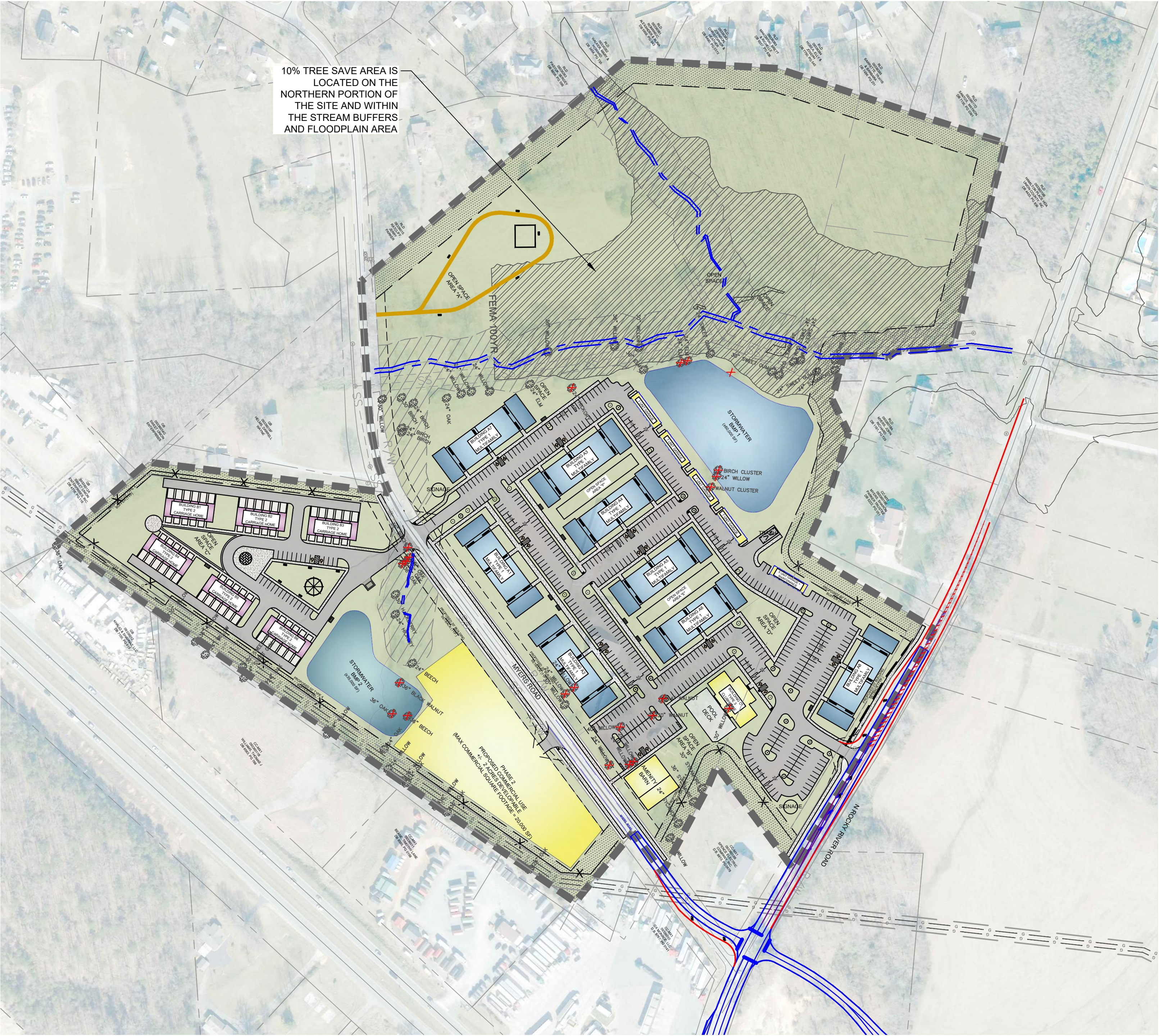
UTILITY PROVIDERS:

WATER AND SEWER:
CITY OF MONROE
WATER AND SEWER
300 W. CROWELL STREET
MONROE, NC 28112

CABLE & INTERNET:
SPECTRUM CABLE
7910 CRESCENT EXECUTIVE DRIVE
CHARLOTTE, NC 28217

NATURAL GAS:
PIEDMONT NATURAL GAS
4720 PIEDMONT ROW DR.
CHARLOTTE, NC 28210

ELECTRIC:
DUKE ENERGY
P.O. BOX 1090
CHARLOTTE, NC 28201

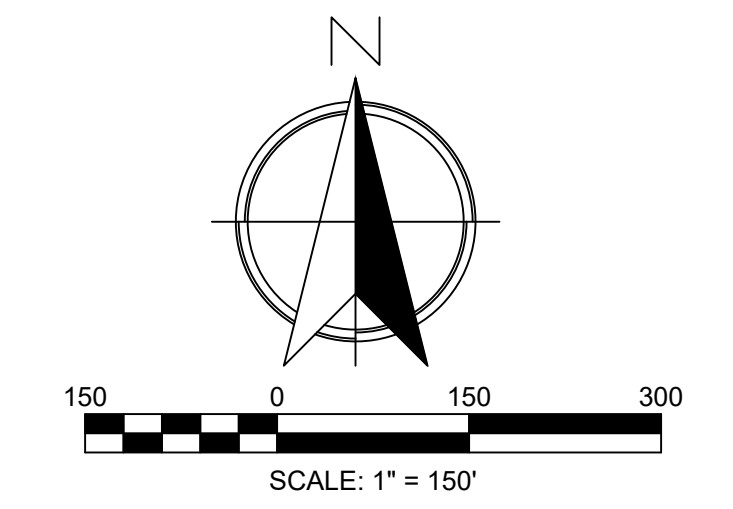


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1000 WILSON BLVD, SUITE 700
ARLINGTON, VA 22209

MYERS ROAD MIXED USE PLANNED UNIT DEVELOPMENT

PLANNED UNIT DEVELOPMENT COVER SHEET



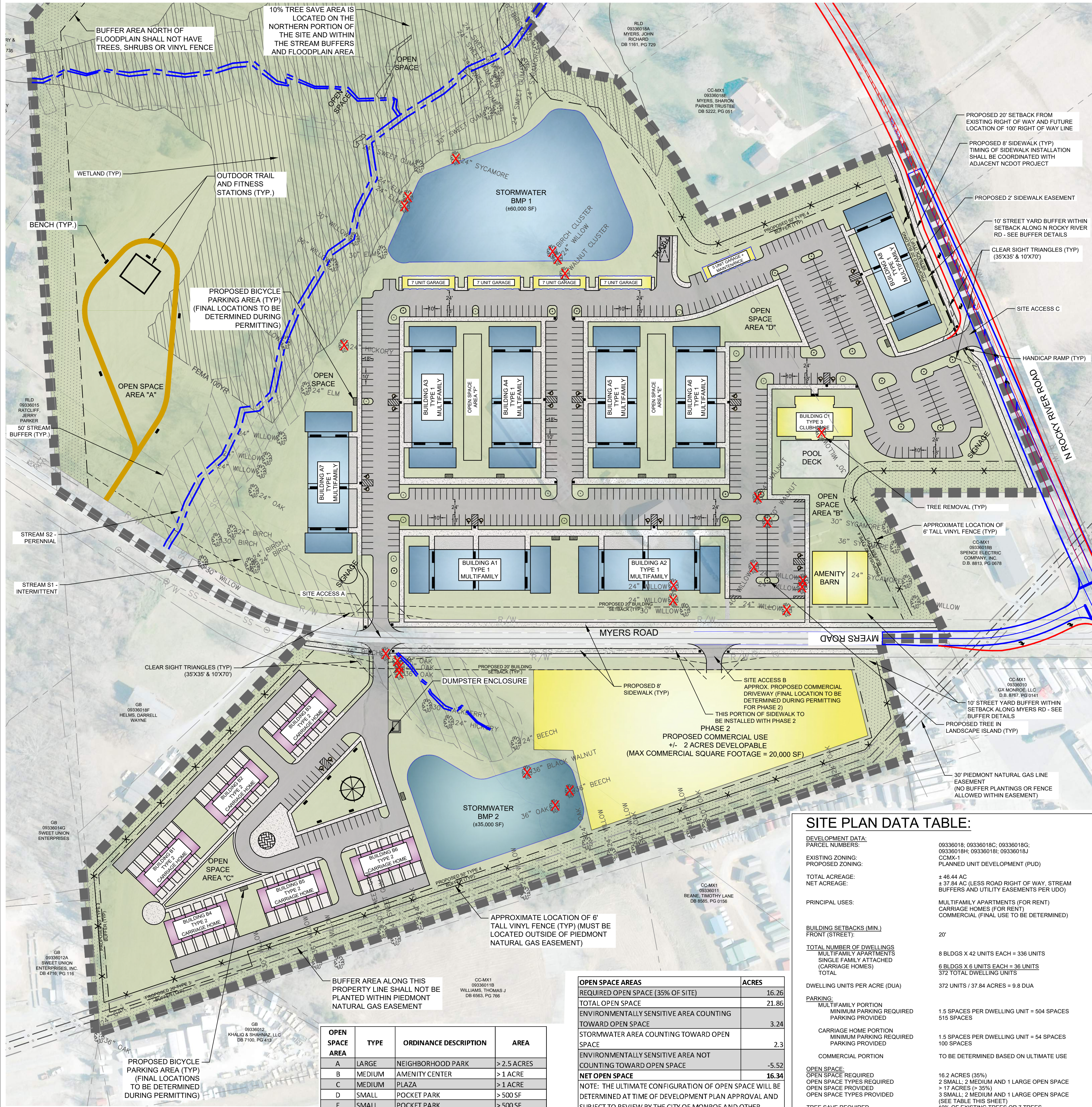
PROJ. MGR.: WGB
DESIGN BY: RDH
DRAWN BY: RDH
PROJ. DATE: 8/21/2023
DRAWING NUMBER:

RZ-1
WKD PROJ. NO.: 2022081300.00.CL

DATE:	COMMENT:
1/4/2024	REVISED PER CITY COMMENTS
2/14/2024	REVISED PER CITY COMMENTS

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PRELIMINARY DRAWINGS - DO NOT USE FOR CONSTRUCTION



SITE PLAN DATA TABLE:

DEVELOPMENT DATA:	08336018, 08336018C, 08336018C, 08336018H, 08336018I, 08336018J
PARCEL NUMBERS:	CC-MX1 08336018, CC-MX1 08336018C, CC-MX1 08336018H, CC-MX1 08336018I, CC-MX1 08336018J
EXISTING ZONING:	CC-MX1
PROPOSED ZONING:	PLANNED UNIT DEVELOPMENT (PUD)
TOTAL ACREAGE:	± 46.44 AC
NET ACREAGE:	± 37.84 AC (LESS ROAD RIGHT OF WAY, STREAM BUFFER, AND UTILITY EASEMENTS PER UDO)
PRINCIPAL USES:	MULTIFAMILY APARTMENTS (FOR RENT) CARRIAGE HOMES (FOR RENT) COMMERCIAL (FINAL USE TO BE DETERMINED)
BUILDING SETBACKS (MIN.) FRONT (STREET):	20'
TOTAL NUMBER OF DWELLINGS:	8 BLDGS X 42 UNITS EACH = 336 UNITS
MULTIFAMILY APARTMENTS:	6 BLDGS X 6 UNITS EACH = 36 UNITS
SINGLE FAMILY ATTACHED (CARRIAGE HOMES):	372 TOTAL DWELLING UNITS
TOTAL:	372 UNITS / 37.84 ACRES = 9.8 DUA
DWELLING UNITS PER ACRE (DUA):	
PARKING:	
MULTIFAMILY PORTION:	1.5 SPACES PER DWELLING UNIT = 504 SPACES
MINIMUM PARKING REQUIRED:	515 SPACES
PARKING PROVIDED:	
CARRIAGE HOME PORTION:	1.5 SPACES PER DWELLING UNIT = 54 SPACES
MINIMUM PARKING REQUIRED:	100 SPACES
PARKING PROVIDED:	
COMMERCIAL PORTION:	TO BE DETERMINED BASED ON ULTIMATE USE
OPEN SPACE:	
OPEN SPACE REQUIRED:	16.2 ACRES (35%)
OPEN SPACE TYPES REQUIRED:	2 SMALL, 2 MEDIUM AND 1 LARGE OPEN SPACE
OPEN SPACE PROVIDED:	> 17 ACRES (> 35%)
OPEN SPACE TYPES PROVIDED:	3 SMALL, 2 MEDIUM AND 1 LARGE OPEN SPACE (SEE TABLE THIS SHEET)
TREE SAVE REQUIRED:	10% OF EXISTING TREES OR 7 TREES
TREE SAVE PROVIDED:	> 7 TREES

OPEN SPACE AREA	ACRES
REQUIRED OPEN SPACE (35% OF SITE)	16.26
TOTAL OPEN SPACE	21.86
ENVIRONMENTALLY SENSITIVE AREA COUNTING TOWARD OPEN SPACE	3.24
STORMWATER AREA COUNTING TOWARD OPEN SPACE	2.3
ENVIRONMENTALLY SENSITIVE AREA NOT COUNTING TOWARD OPEN SPACE	-5.52
NET OPEN SPACE	16.34
NOTE: THE ULTIMATE CONFIGURATION OF OPEN SPACE WILL BE DETERMINED AT TIME OF DEVELOPMENT PLAN APPROVAL AND SUBJECT TO REVIEW BY THE CITY OF MONROE AND OTHER REQUIRED JURISDICTIONAL BODIES.	

OPEN SPACE AREA	TYPE	ORDINANCE DESCRIPTION	AREA
A	LARGE	NEIGHBORHOOD PARK	> 2.5 ACRES
B	MEDIUM	AMENITY CENTER	> 1 ACRE
C	MEDIUM	PLAZA	> 1 ACRE
D	SMALL	POCKET PARK	> 500 SF
E	SMALL	POCKET PARK	> 500 SF
F	SMALL	POCKET PARK	> 500 SF

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

- A. The development and use of the Site will be governed by the Rezoning Plan, these development standards and the applicable provisions of the City of Monroe ("City") Unified Development Ordinance (the "UDO").
- B. The site shall be served by internal private drives which must meet all the requirements for public street construction. All drives located outside of the public right-of-way are private drives. Minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process. Stubbed streets serving the apartments have been removed.
- C. The maximum density on the Site shall be 9.8 units to the acre. Increased density will be mitigated through the use of vegetation retention, perimeter buffering and/or placement of buildings internal to the site.
- D. For the commercial portion of the site, the Petitioner may use the site for any of the permissible uses under the Community Corridor Mixed Use-1 (CC-MX1) in the UDO.
- E. All stormwater management facilities depicted on the Rezoning Plan, regardless of whether such facilities are wet or dry systems, shall count toward the required open space requirements of the UDO.

2. TRANSPORTATION AND PARKING

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site and construction plans and designs and any adjustments required for approval by the City and/or the North Carolina Department of Transportation ("NCDOT").
- B. The alignments of the internal streets, driveways and vehicular circulation areas may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the City and/or NCDOT.
- C. The Petitioner shall work with NCDOT to complete the transportation and sidewalk improvements set out below and the timing for the construction and installation of such improvements shall be coordinated with the adjacent NCDOT project and approved TIA, subject to final approval by NCDOT and City of Monroe Staff.
- (1) Rocky River Road and Myers Road / James Hamilton Road
- (a) Construct an eastbound right turn lane with 100 feet of storage and appropriate taper.
- (2) Myers Road and Site Access A
- (a) Construct Site Access A (on both sides of Myers Road) with one ingress and one egress lane.
- (3) Myers Road and Site Access B
- (a) Construct Site Access B with one ingress and one egress lane. This access point will be completed with Phase 2 (the commercial portion of the site).
- (4) Rocky River Road and Site Access C
- (a) Construct Site Access C with one ingress and one egress lane.
- (b) Construct a northbound left-turn lane with at least 80 feet of storage and appropriate taper.
- (c) Construct a southbound right-turn lane with at least 100 feet of storage and appropriate taper.

- D. The site shall be served by internal private drives. Minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process.
- E. The Petitioner shall obtain a City of Monroe Driveway Permit for the connection to Myers Road.
- F. All off-site road improvements shall be in accordance with NCDOT standards unless otherwise approved by the City of Monroe or NCDOT.

3. ARCHITECTURAL STANDARDS

- A. All elevations, packets, or other supplemental material submitted to staff, Planning Board, and/or City Council in reference and support of any conditional district shall be regarded as an integral element of the approved site plan; minor deviations from submitted material shall be allowed at the discretion of the planning director or his designee.
- B. Exterior building materials for Building Type 1 shall be primarily cementitious siding. Exterior building materials for Building Type 2 (Carriage Homes) shall be primarily cementitious siding. Windows shall be vinyl and balconies shall have metal railings.
- C. All carriage home units shall be provided with at minimum 1-car garages.
- D. The maximum building height is 3 stories.

4. LIGHTING

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

5. SIGNS

- A. A sign plan shall be provided as part of the site design package and comply with City Sign Ordinance standards consistent with the mixed use zoning district standards.

6. LANDSCAPING

- A. Perimeter Buffers shall be provided as shown on the Rezoning Plan and shall remain undisturbed. In all cases, buffers may be crossed with utility crossings as needed to serve the site.
- B. The Petitioner requests deviation from 6' opaque wall or berm within 50' Type 4 Buffer. The Petitioner proposes to install a 6' tall vinyl privacy fence in lieu of the opaque wall. No fence or wall shall be installed in buffer areas that fall within the FEMA floodplain or on the undeveloped portion of the site located north of the FEMA floodplain.
- C. Trees measuring 75" circumference in perimeter buffers shall be preserved. Trees measuring 75" in circumference in required open space areas shall be preserved and if removed, shall be mitigated. Trees that are 25" in circumference or larger within the required buffers, if disturbed, shall be mitigated. Mitigation measures shall include planting 3" caliper trees at time of planting. A tree survey/mitigation plan will be required prior to the project being processed.
- D. Streetscape along Myers Road and N Rocky River Road shall retain existing vegetation where possible. Where vegetation is removed for roadway improvements, street trees at regular intervals shall be provided. Decorative landscaping shall be provided at each entrance to the site. In no case shall plantings or structures be installed in site triangles.
- E. The Petitioner shall provide open space areas as generally depicted on the Rezoning Plan. Open space shall be maintained by Property Owner.
- F. Amenity area programming shall include, but is not limited to, the following: Clubhouse, Amenity Barn Building, Pool(s) and cabana(s), fire pit(s), fenced in dog park(s), grilling station(s), community garden and lawn games.
- G. All multi-family developments with fifty (50) or more units shall be required to provide a bulk trash compactor. All developments shall provide recycling service and containers.
- H. The commercial portion of the site shall be required to meet CC-MX1 requirements for setbacks and all other requirements of the UDO.
- I. The minimum tree size at time of planting shall be 2.5" caliper.

7. ENVIRONMENTAL

- A. The Petitioner shall comply with the City's adopted Stormwater Management Ordinance. The location, size and type of stormwater management systems depicted on the plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual stormwater treatment requirements and natural site discharge points.
- B. A 25+1 flood analysis shall be provided to the City for all streams which serve to drain 10 acres or more, as well as other applicable items contained in the City's Standard Specifications & Detail Manual, Section 07.06.03, upon rezoning approval.

8. PHASING

- A. The development is intended to be designed and constructed in two phases. The residential development will be constructed in the first phase. The commercial outparcel will be constructed in the second phase.

9. UTILITIES

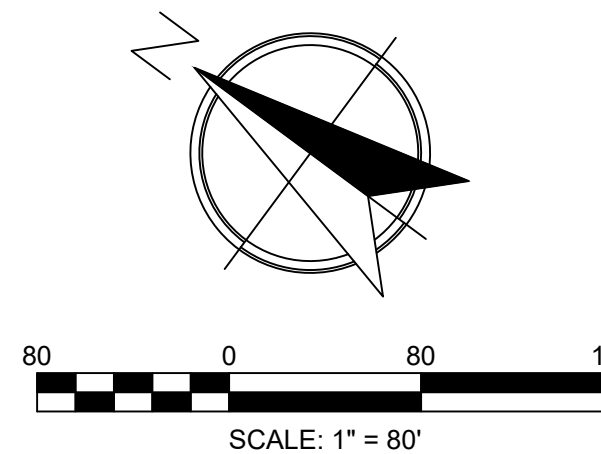
- A. Utilities plan shall be provided as part of the site design package and comply with City Code standards. Development shall connect to City's public water and public sewer.

LEGEND:

	PLANNED UNIT DEVELOPMENT BOUNDARY
	PROPERTY BOUNDARY
	PROPOSED PERIMETER BUFFER
	PROPOSED OPEN SPACE
	PROPOSED PAVED SURFACE AREA
	FEMA FLOODPLAIN

MYERS ROAD MIXED USE PLANNED UNIT DEVELOPMENT

PLANNED DEVELOPMENT MASTER PLAN



PROJ. MGR.:	RDH
DESIGN BY:	RDH
DRAWN BY:	RDH
PROJ. DATE:	AUGUST 21, 2023
DRAWING NUMBER:	

WKD PROJ. NO.:	RZ-2
	2022081300.00.CL

DATE:	COMMENT:
1/4/2024	REVISED PER CITY COMMENTS
2/14/2024	REVISED PER CITY COMMENTS

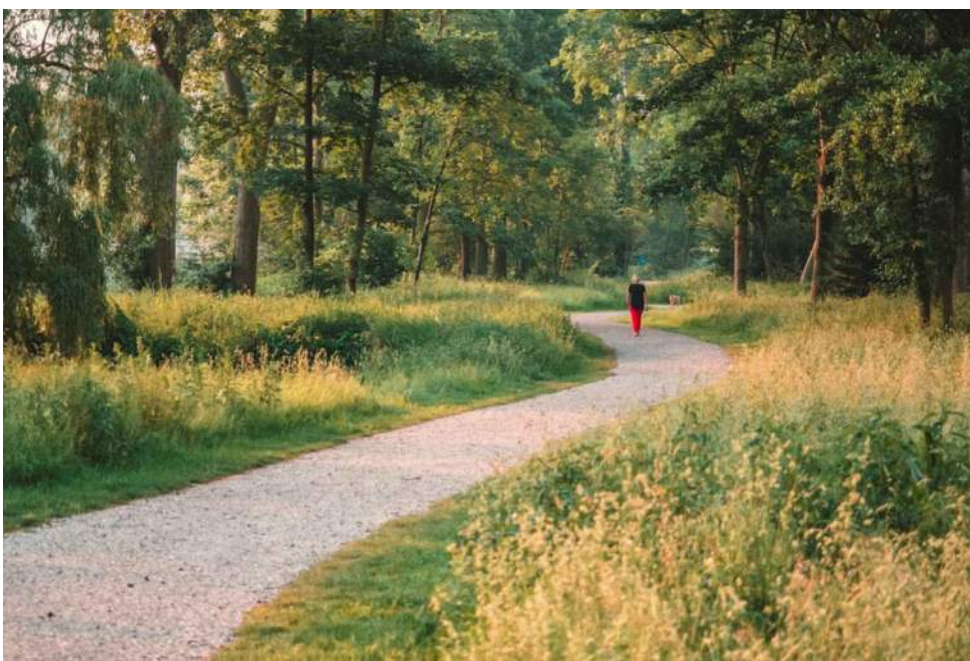
CONCEPTUAL POOL DECK RENDERING
(OPEN SPACE AREA B)



FIRE PIT AND PAVILION
(OPEN SPACE AREA C)



MEADOW
(OPEN SPACE AREA A)



OUTDOOR GAME AREA
(OPEN SPACE AREA B)



COMMUNITY GARDEN
(OPEN SPACE AREA C)



PLAYGROUND
(OPEN SPACE AREA D)

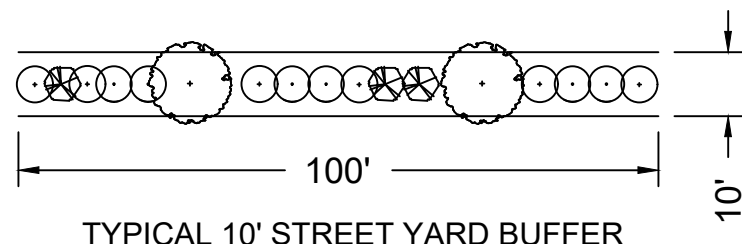


CONCEPTUAL COURTYARD RENDERING
(OPEN SPACE AREAS E & F)



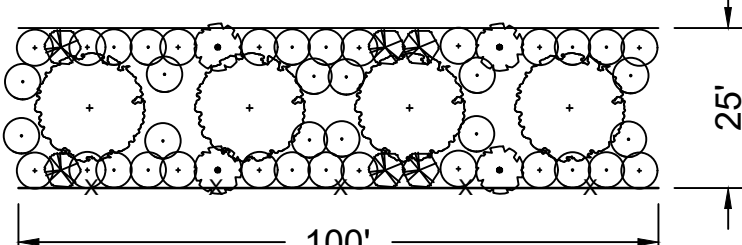
LANDSCAPE BUFFER DETAILS

3 TREES PER 100 LF
20 SHRUBS PER 100 LF



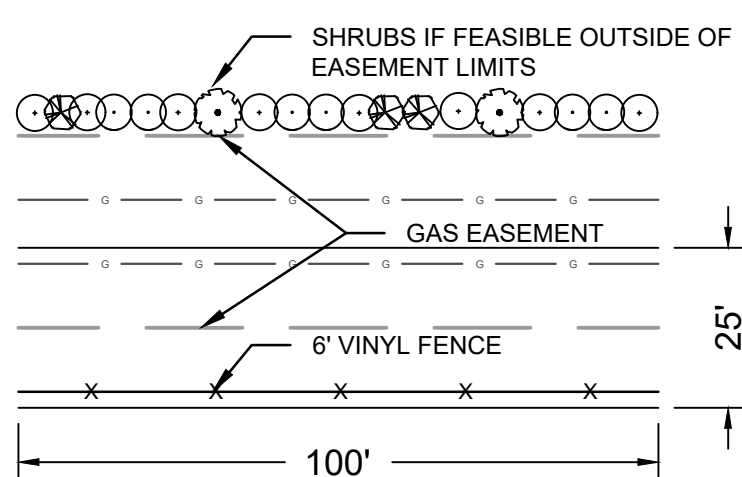
TYPICAL 10' STREET YARD BUFFER

3 TREES PER 100 LF
1 UNDERSTORY TREE PER 100 LF
50 SHRUBS PER 100 LF
6" VINYL FENCE



TYPICAL 25' TYPE 3 BUFFER

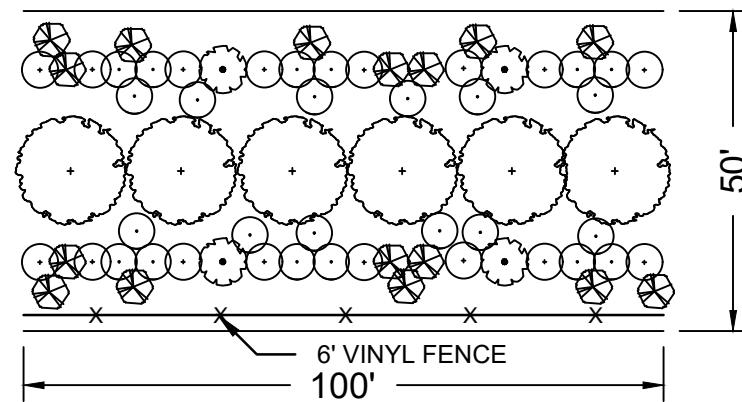
NO PLANTINGS WITHIN
LIMITS OF GAS
EASEMENT



25' TYPE 3 BUFFER ADJACENT TO
GAS EASEMENT

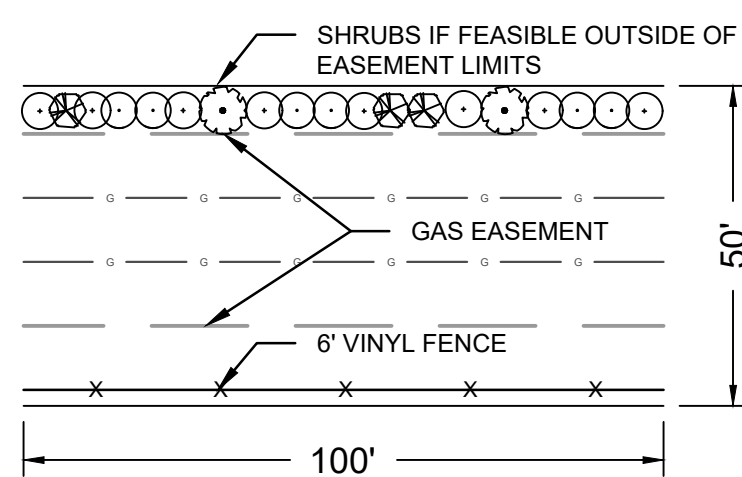
4 TREES PER 100 LF
2 UNDERSTORY TREES PER 100 LF
60 SHRUBS PER 100 LF
6" VINYL FENCE

NOTE THAT BUFFER AREA NORTH OF
FLOODPLAIN ON UNDEVELOPED
PORTION OF SITE SHALL NOT HAVE
TREES, SHRUBS OR VINYL FENCE



TYPICAL 50' TYPE 4 BUFFER

NO PLANTINGS WITHIN
LIMITS OF GAS
EASEMENT



50' TYPE 4 BUFFER ADJACENT TO
GAS EASEMENT

MYERS ROAD
MIXED USE
PLANNED UNIT
DEVELOPMENT

OPEN SPACE AND
BUFFER DETAILS

PROJ. MGR.:	RDH
DESIGN BY:	RDH
DRAWN BY:	RDH
PROJ. DATE:	AUGUST 21, 2023
DRAWING NUMBER:	

RZ-3

WKD PROJ. NO.:
2022081300.00.CL

REVISED:	
DATE:	COMMENT:
1/4/2024	REVISED PER CITY COMMENTS
2/14/2024	REVISED PER CITY COMMENTS

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NOTE: STRUCTURES AND IMAGES SHOWN ON THIS
REZONING PLAN ARE CONCEPTUAL IN NATURE
AND SUBJECT TO CHANGE DURING FINAL DESIGN.

POOL, CLUBHOUSE AND AMENITY BARN



CARRIAGE HOMES AND PLAZA



HIGH AERIAL VIEW



HIGH AERIAL VIEW



PROJ. MGR.:	RDH
DESIGN BY:	RDH
DRAWN BY:	RDH
PROJ. DATE:	AUGUST 21, 2023
DRAWING NUMBER:	

RZ-4

WKD PROJ. NO.: 2022081300.00.CL

REVISION:	
DATE:	COMMENT:
1/4/2024	REVISED PER CITY COMMENTS
2/14/2024	REVISED PER CITY COMMENTS

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THE IMAGES ON THIS SHEET ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE INTENDED TO REFLECT THE OVERALL QUALITY OF THE RESIDENTIAL UNITS TO BE BUILT ON THE SITE. THE ACTUAL UNITS CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS SO LONG AS THEY ADHERE TO THE PROVISIONS SET FORTH IN SECTION 3 OF THE DEVELOPMENT STANDARDS.

PROJ. MGR.:	RDH
DESIGN BY:	RDH
DRAWN BY:	RDH
PROJ. DATE:	AUGUST 21, 2023
DRAWING NUMBER:	

RZ-5

WKD PROJ. NO.:

2022081300.00.CL

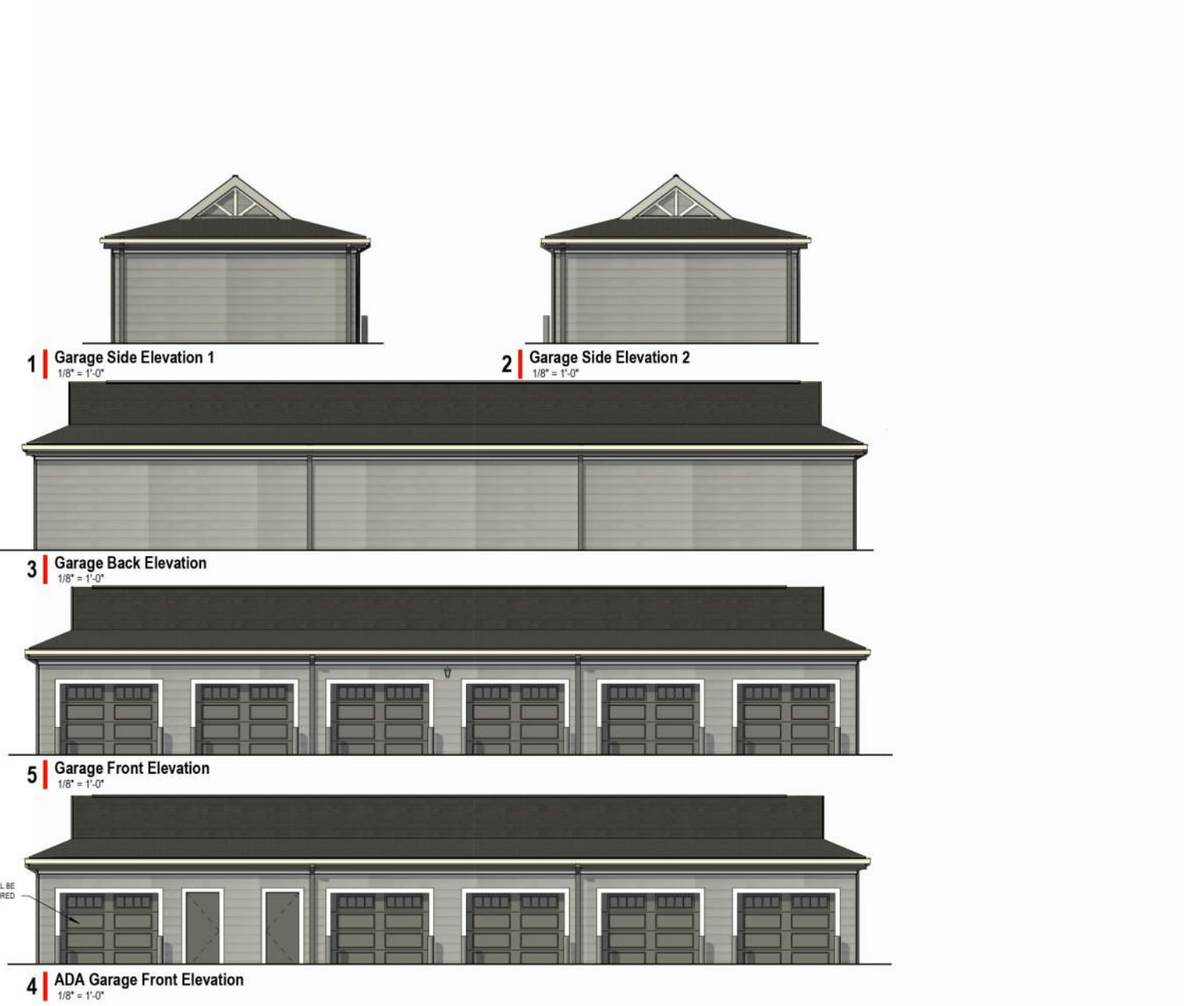
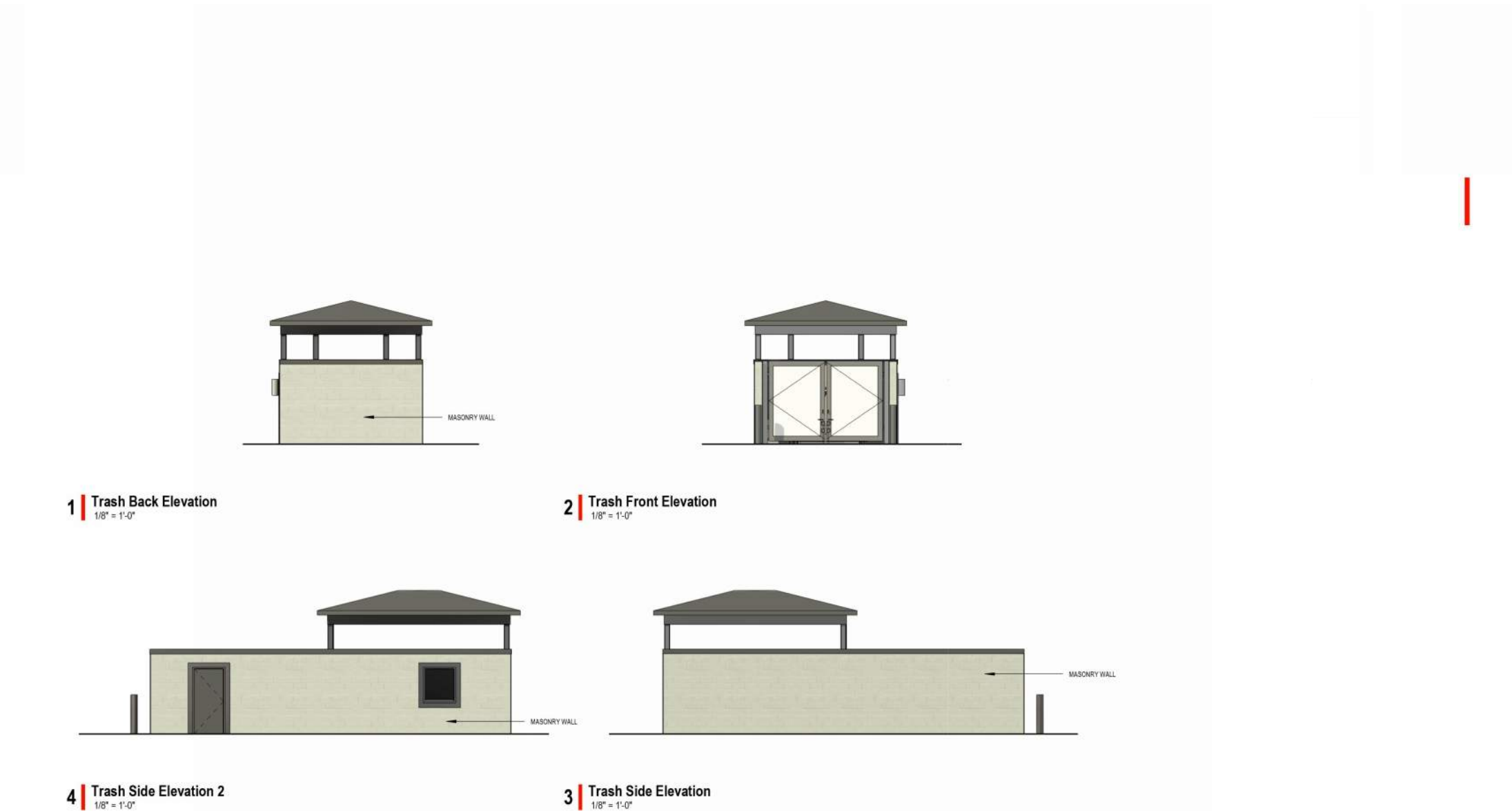
REVISED:	
DATE:	COMMENT:
1/4/2024	REVISED PER CITY COMMENTS
2/14/2024	REVISED PER CITY COMMENTS

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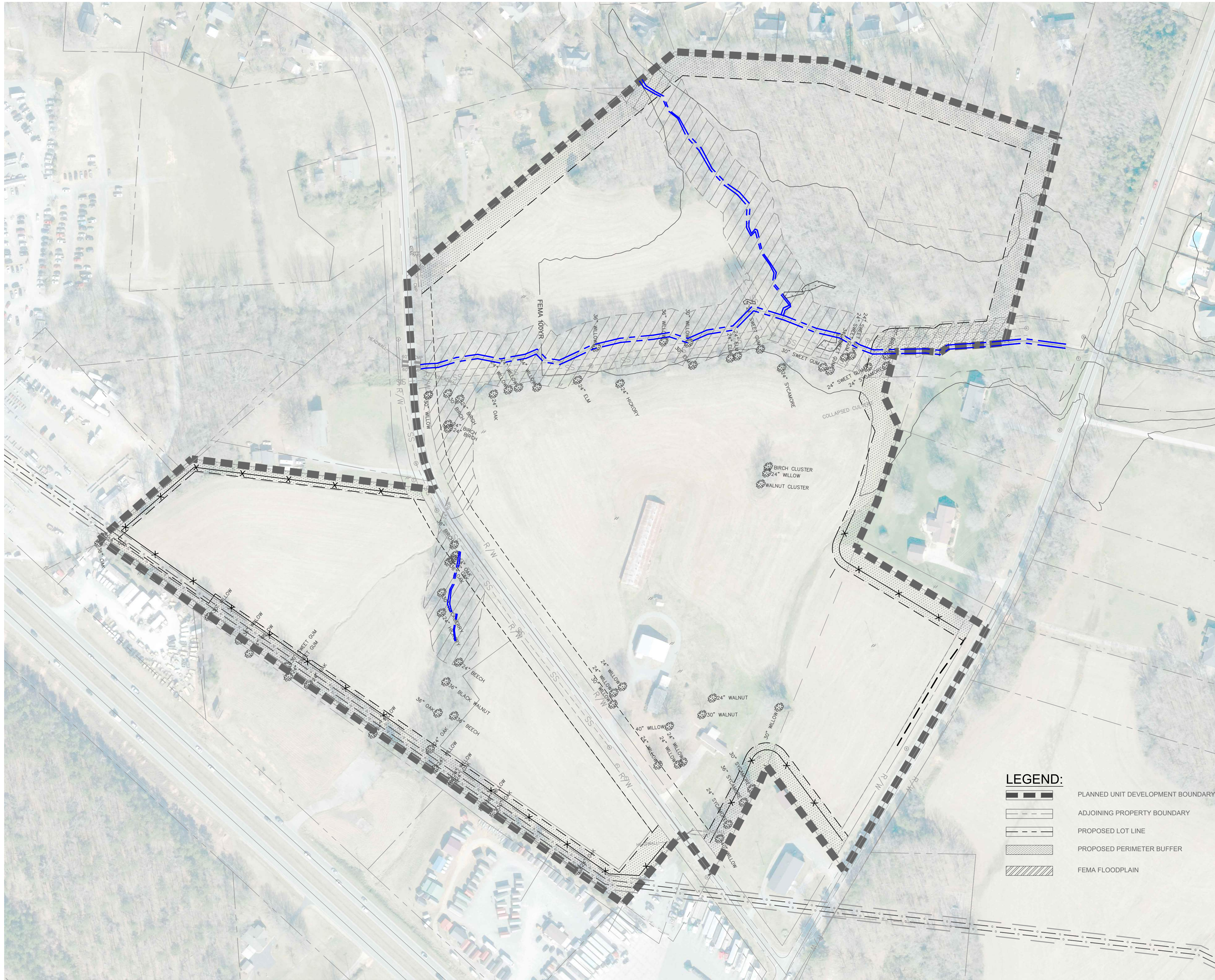
PRELIMINARY DRAWINGS - DO NOT USE FOR CONSTRUCTION



PRELIMINARY DRAWINGS - DO NOT USE FOR CONSTRUCTION



EXAMPLE DUMPSTER ENCLOSURE
FOR CARRIAGE HOME AREA



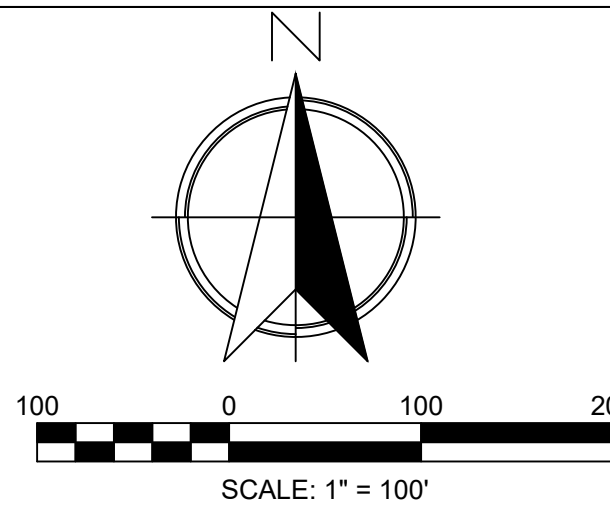
WK DICKSON
community infrastructure consultants
1213 W. MOREHEAD STREET
SUITE 300
CHARLOTTE, NC 28208
(704) 334-5348
(704) 334-0078
WWW.WKDICKSON.COM
NC LICENSE NO.F-0374

CLIENT:
MONDAY PROPERTIES
1000 WILSON BLVD, SUITE 700
ARLINGTON, VA 22209

MYERS ROAD
MIXED USE
PLANNED UNIT
DEVELOPMENT

PLANNED
DEVELOPMENT
EXISTING
CONDITIONS PLAN /
TREE SURVEY

SEAL:



PROJ. MGR.:	RDH
DESIGN BY:	RDH
DRAWN BY:	RDH
PROJ. DATE:	AUGUST 15, 2023
DRAWING NUMBER:	

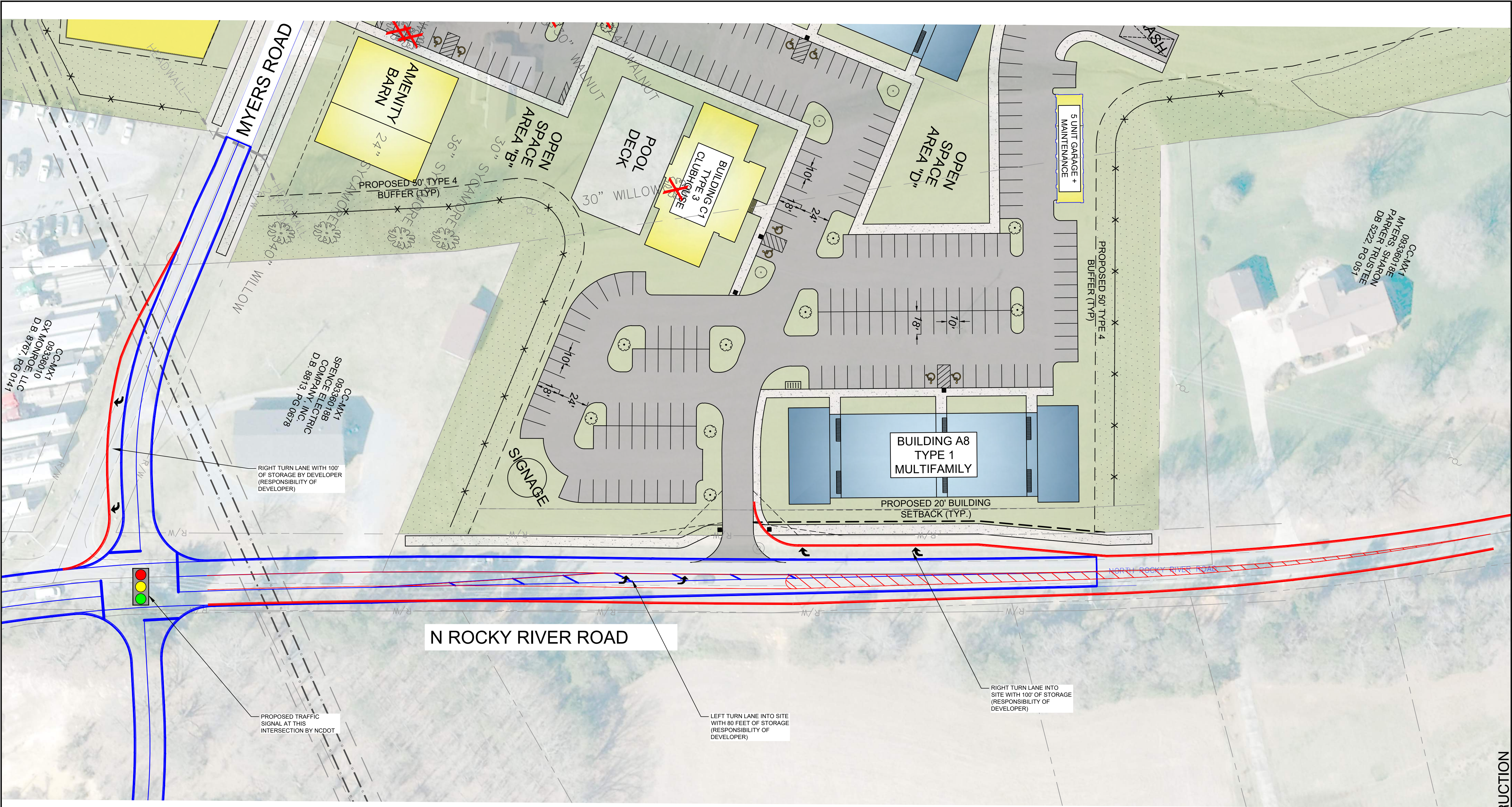
RZ-7

WKD PROJ. NO.:
2022081300.00.CL

REVISED:	DATE:	COMMENT:
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	2/14/2024	REVISED PER CITY COMMENTS

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PRELIMINARY DRAWINGS - DO NOT USE FOR CONSTRUCTION

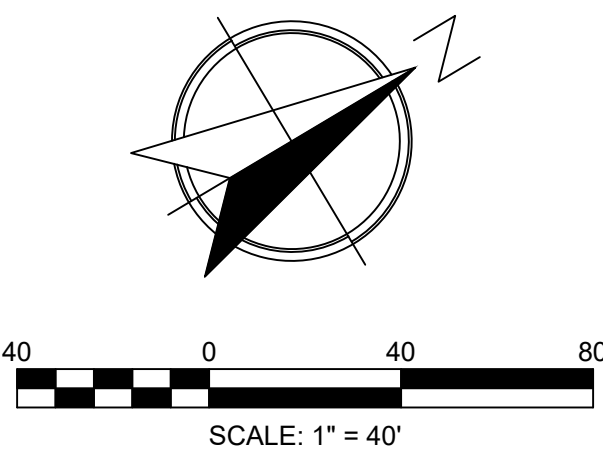


- PROPOSED NCDOT LINEWORK
- PROPOSED MONDAY PROPERTIES TURN LANE LINEWORK

PROJECT:
**MYERS ROAD
MIXED USE
PLANNED UNIT
DEVELOPMENT**

SHEET TITLE:
**PLANNED
DEVELOPMENT
ROAD
IMPROVEMENT
PLAN**

SEAL:



PROJ. MGR.:	RDH
DESIGN BY:	RDH
DRAWN BY:	RDH
PROJ. DATE:	AUGUST 15, 2023
DRAWING NUMBER:	

RZ-8
WKD PROJ. NO.:
2022081300.00.CL

REVISED:	COMMENT:
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1/4/2024	REVISED PER CITY COMMENTS
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PRELIMINARY DRAWINGS - DO NOT USE FOR CONSTRUCTION

**TRAFFIC IMPACT
ANALYSIS**

FOR

MYERS ROAD MIXED-USE

LOCATED

IN

MONROE, NC

Prepared For:
Monday Properties
1000 Wilson Boulevard, Suite 700
Arlington, VA 22209

Prepared By:
Infrastructure Consulting Services, Inc.
dba
Ramey Kemp Associates
5808 Faringdon Place
Raleigh, NC 27609
License #F-1489



12-5-23

RKA Project No. 23124

Prepared By: AMI

Reviewed By: CTS

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed Myers Road Mixed-Use development to be located along Myers Road and Rocky River Road in Monroe, North Carolina. The proposed development, anticipated to be completed in 2027, is assumed to consist of 367 multifamily units and 20,000 square feet (s.q.) of retail. Site access is proposed via one full movement driveway along Rocky River Road and two full movement driveways along Myers Road.

It should be noted that since acquiring scoping approval, the site layout has changed slightly resulting in an increase of 5 multifamily units (from 367 to 372). Based on a comparison of the trip generation potential between those two densities, the increase in traffic would be no more than 32 vehicles over the course of a typical 24-hour weekday, with the AM peak hour traffic increasing by 1 total trip, and the PM peak hour traffic increasing by 3 total trips. Because of the negligible increase in traffic between the two densities, the density approved during scoping was utilized for the purpose of this analysis.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2023 Existing Traffic Conditions
- 2027 No-Build Traffic Conditions
- 2027 Build Traffic Conditions

Trip Generation

It is estimated that the proposed development will generate approximately 184 new trips (61 entering and 123 exiting) during the weekday AM peak hour and 270 new trips (158 entering and 112 exiting) during the weekday PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

9. RECOMMENDATIONS

Based on the findings of this study, no specific geometric improvements by the proposed development have been identified to accommodate future traffic conditions. See a more detailed description of the recommended lane configuration below. Refer to Figure 14 for an illustration of the recommended lane configuration for the proposed development.

Improvements by NCDOT STIP U-5703B

STIP U-5703B is expected to realign James Hamilton Road to connect at the existing Myers Road intersection. As part of the same project, a traffic signal is proposed to be installed at the new intersection of Rocky River Road and Myers Road/James Hamilton Road. Per the current design plans, designated left turn-lanes are to be provided along Rocky River Road.

Recommended Improvements by Developer

Rocky River Road and Myers Road/James Hamilton Road

- Construct an eastbound right-turn lane with 100 feet of storage and appropriate taper.

Myers Road and Site Access A

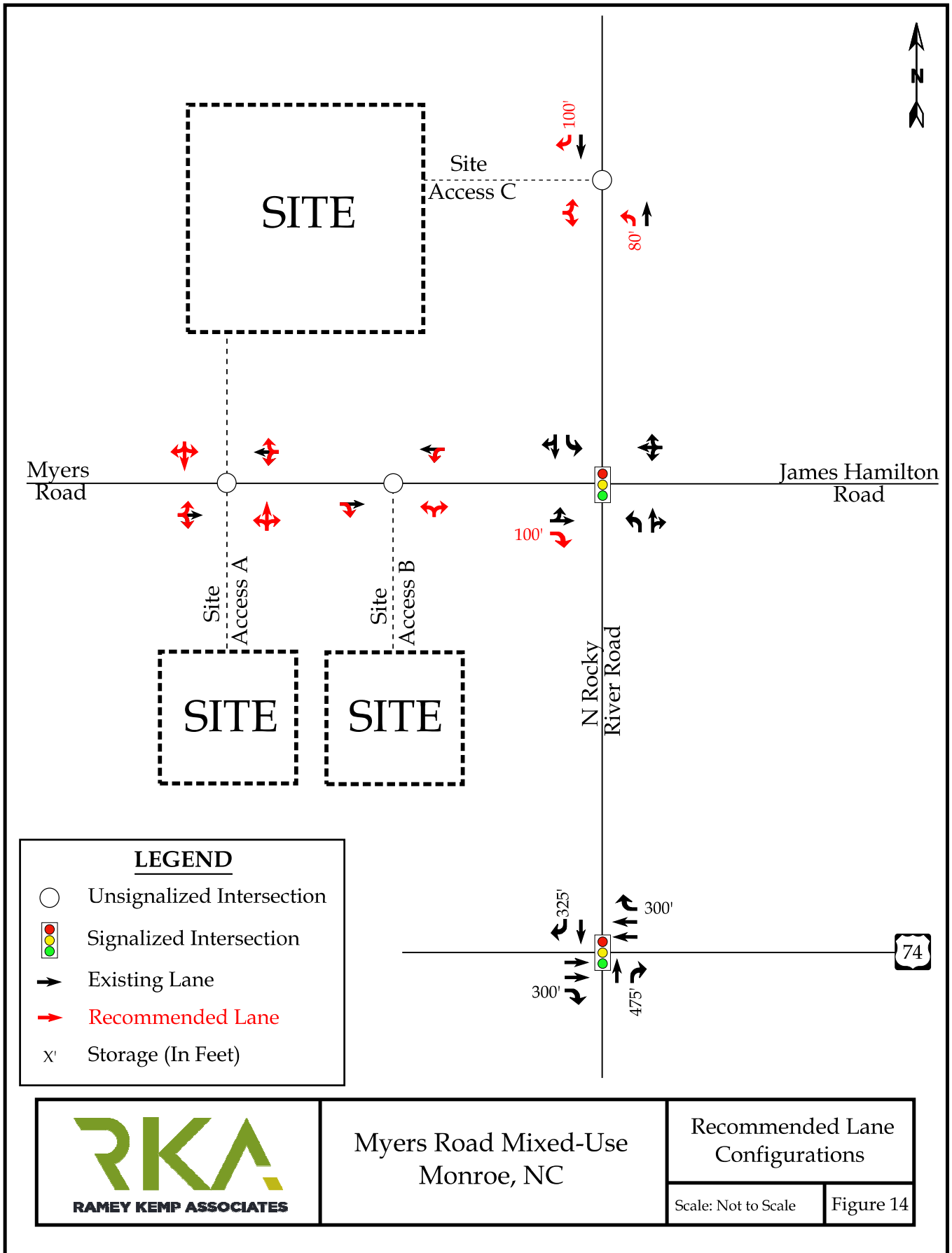
- Construct Site Access A (on both sides of Myers Road) with one ingress lane and one egress lane.

Myers Road and Site Access B

- Construct Site Access B with one ingress lane and one egress lane.

Rocky River Road and Site Access C

- Construct Site Access C with one ingress lane and one egress lane.
- Construct a northbound left-turn lane with at least 80 feet of storage and appropriate taper.
- Construct a southbound right-turn lane with at least 100 feet of storage and appropriate taper.



Zoning Map

Case #: PLMA 2024-00036

Legend

- Centerlines
- City Limits
- Parcels
- Neighborhood_Centers

FLUM

- Community Corridor
- Industrial
- Suburban

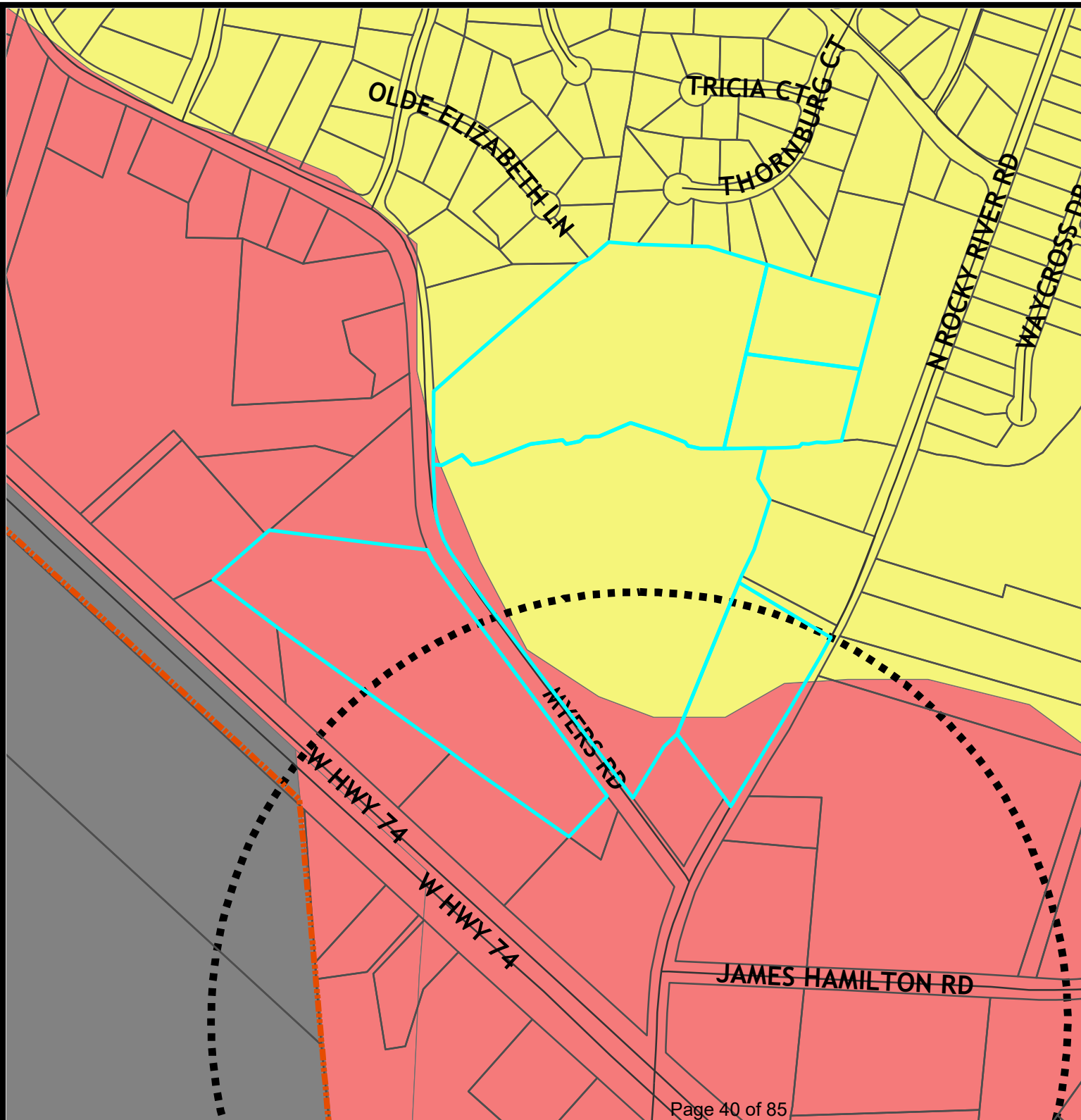
Existing: CC-MX1 & RLD

Owner: Myers Brothers, LLC,
Heirs of Charles Myers, &
John Myers

Acres: 46.44



0 360 720 Feet



Land Use and Transportation Plan

The Land Development Plan indicates this project is partially located in a Neighborhood Mixed-Use Center, Community Corridor, and Suburban land use categories.

Neighborhood Mixed-Use 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 with and at a scale compatible with nearby residential development. These centers measure half-a-mile across, representing approximately a 10-minute walking distance. The design transitions effectively between residential and nonresidential uses, and includes safe and convenient pedestrian and bicycle access for nearby residents. While commercial uses are likely to be prominent, these centers should emphasize a mixture of uses and residential housing units where possible. Single family residential should be discouraged but may be used as a transition between land uses or to maintain continuity between the surrounding neighborhoods.

The Community Corridor area generally covers most of US 74 and areas adjacent to intersecting major streets. The area serves as a primary conduit to downtown, epicenter of the city's commercial activity, and the spine of the community with critical connections to major employers and activity centers. This designation encourages a more unified approach to improving the area's physical environment and economic viability. While linear due to its orientation on US 74, the vision for the Community Corridor is for redevelopment to occur as nodes of activity (preferred with a mixture of uses). This may be achieved by focusing more intense commercial/mixed-use nodes at key intersections with transitional uses as a buffer to adjacent residential areas. The FLUM emphasizes mixed-use nodes at the intersections of US 74 and Rocky River Road and Dickerson Boulevard.

The Suburban land use area typically takes the form of neighborhoods with uniform housing types and densities; a mix of housing types and lot sizes is preferred in Suburban locations. Attached and multi-family housing is suitable in mixed-housing neighborhoods and activity centers. Commercial development mostly serves the needs of nearby residents and often locates along corridors with higher traffic volumes and near prominent intersections. Emphasis should be placed on integrating the design of commercial centers with surrounding neighborhoods. Connectivity between neighborhoods and to nearby centers also should be emphasized. Allowable density in this area is 2 to 4 dwelling units per acre.

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE PLANNED UNIT DEVELOPMENT
“MYERS ROAD MIXED USE”**

R-2024-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for Planned Unit Development “Myers Road Mixed Use” further described below property is not consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan indicates this mixed use project is partially located in a Neighborhood Mixed-Use Center, Community Corridor, and Suburban land use categories. The Neighborhood Mixed-Use Center and Community Corridor both identify mixed use development as a priority land use while the Suburban land use category does not. Additionally, the Neighborhood Mixed-Use Center allows mixed-use projects without a maximum density threshold and the Community Corridor area permits up to ten (10) units per acre, but the Suburban land use category area does not support greater than four (4) units per acre; therefore, the project is not consistent with the Land Use and Transportation Plan. However, this proposal is a reasonable use and in the public interest because the project is being proposed in an area where nonresidential uses and higher density multi-family uses would primarily locate. Furthermore, the development does provide a buffer to the adjacent subdivisions to the north since this area of the project is being preserved as natural open space. 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 approval, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance of the zoning map amendment for the properties with Union County Tax Parcel Number(s): 09-336-018, 09-336-018-C, 09-336-018-G, 09-336-018-H, 09-336-018-I, and 09-336-018-J.

Adopted this 6th day of March, 2024.

Kenneth Deal, Chair

Attest:

Doug Britt, Senior Planner

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE PLANNED UNIT DEVELOPMENT
“MYERS ROAD MIXED USE”**

R-2024-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for Planned Unit Development “Myers Road Mixed Use” further described below property is not consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan indicates this mixed use project is partially located in a Neighborhood Mixed-Use Center, Community Corridor, and Suburban land use categories. The Neighborhood Mixed-Use Center and Community Corridor both identify mixed use development as a priority land use while the Suburban land use category does not. Additionally, the Neighborhood Mixed-Use Center allows mixed-use projects without a maximum density threshold and the Community Corridor area permits up to ten (10) units per acre, but the Suburban land use category area does not support greater than four (4) units per acre; therefore, the project is not consistent with the Land Use and Transportation Plan. However, the proposed development is not a reasonable use or in the public interest because:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance for properties with Union County Tax Parcel Number(s): 09-336-018, 09-336-018-C, 09-336-018-G, 09-336-018-H, 09-336-018-I, and 09-336-018-J.

Adopted this 6th day of March, 2024.

Kenneth Deal, Chair

Attest:

Doug Britt, Senior Planner

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2024-XX

Preamble

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

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

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

Rezone the properties located along Myers Road and N. Rocky River Road and further identified as tax parcel #'s 09-336-018, 09-336-018-C, 09-336-018-G, 09-336-018-H, 09-336-018-I, and 09-336-018-J. The request is to rezone the properties from Community Corridor Mixed-Use 1 and Residential Low Density (RLD) to Planned Unit Development "Myers Road Mixed Use".

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 9th day of April, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: March 6, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior 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 Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.8.2.F: Changeable Copy

REVIEW

Planning Board is requested to consider a text amendment to section 8.8.2.F of the Unified Development Code. Section 8.8 is for signage, particularly the section referenced addresses changeable copy signs. Staff has proposed a text amendment to limit changeable copy signs to monument signs only as well as allow these type of signs in the RLD (Residential Low Density) and RMD (Residential Medium Density) zoning districts.

Staff has received an increased number of requests from schools and religious establishments to install electronic changeable copy signs; many of these institutions are located within the residential zoning districts listed above and are currently not permitted to have these types of signs. Staff recognizes there may be concerns with these types of signs in residential areas regarding brightness; we have included language to limit the brightness during the day and night as well as a requirement for the installation of an automatic light monitor that will automatically adjust the brightness level.

RECOMMENDATION

Planning staff recommends approval of the presented text amendment.

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

APPROVAL	DENIAL
1. Motion to adopt Resolution <i>Approving</i> Land Use and Transportation Plan compliance	1. Motion to adopt Resolution <i>Denying</i> 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
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 8.2.2.F <i>Changeable Copy</i>	2. Motion to deny the zoning text amendment

Attachments:

1. Approval Resolution: R-2024-xx
2. Denial Resolution: R-2024-xx
3. O-2024-xx

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2024-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 Chapter 157, Section 8.8.2.F *Changeable Copy* is consistent with the Land Use and Transportation Plan because the document states that city leadership is responsible for developing policies and adopting standards that guide growth in a way that addresses the needs of its people. This text amendment will address the needs of community organizations; therefore, the text amendment is consistent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 8.8.2.F *Changeable Copy*

Adopted this 6th day of March, 2024

Kenneth Deal, Planning Board Chair

Attest:

Keri Mendler, Senior Planner

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2024-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 Chapter 157, Section 8.8.2.F *Changeable Copy* is not consistent with the Land Use and Transportation Plan because the document states that Monroe will be a dynamic and progressive city that protects our neighborhoods and will be a great place to live with attractive neighborhoods. Allowing electronic changeable signs in residential areas may cause unsightly distractions in residential areas; therefore, the text amendment is not consistent.

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 to amend Section 8.8.2.F *Changeable Copy*.

Adopted this 6th day of March, 2024

Kenneth Deal, Planning Board Chair

Attest:

Keri Mendler, Senior Planner

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2024-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 §157.8.2.2.F “Changeable Copy” as follows:

F. Electronic Changeable Copy. Changeable copy is permitted on monument/community signs only with, ~~canopy, wall signs is permitted per~~ the following standards:

1. **Size.** Up to fifty percent (50%) of the maximum area of the sign face may be used for changeable copy.
2. **Video.** Video, animated, scrolling or moving changeable electronic variable messages are not permitted. This provision shall not restrict the copy from changing from one message to another.
3. **Message.** Message must remain static for at least five (5) seconds with an interval of two (2) seconds or less.
4. **GB and GI Districts.** Changeable copy may be permitted only in the General Business (GB) and General Industrial (GI) districts. ~~including canopy-oriented signs subject to the following standards:~~
 - a. ~~The maximum sign area per canopy face is twelve (12) square feet limited to two faces.~~
 - b. ~~The vertical edge of the canopy sign shall be a maximum of two (2) feet in height, except for fuel canopies, where the maximum vertical edge of the canopy may be thirty-six (36) inches.~~

~~c. In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.~~

~~d. The sign area for canopy-oriented signs shall be deducted from the allowable square footage for wall signs permitted for the use.~~

5. **RLD & RMD Districts.** Changeable copy may be permitted in the Residential Low Density (RLD) and the Residential Medium Density (RMD) districts, subject to the following standards:

a. The maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn (i.e., the time of day between sunset and sunrise). The sign shall have an ambient light monitor shall be installed that automatically adjusts the brightness level of the sign to coordinate with the level of ambient light. Information pertaining to these standards shall be submitted as part of the permit application.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: March 6, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Patrick Blaszyk, Planner

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

SUMMARY STATEMENT

Planning Board is requested to consider various zoning text amendments to the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed Use District*, and Section 5.8: *Medical District Mixed-Use*.

REVIEW

Sections 1-4: Sections one through four are requesting the modification of the lot frontage in the development standards table for four of the mixed use zoning districts. Lot frontage is the percentage of the width of the building in relationship to the width of the lot. Section four is also requesting the modification of setbacks. A setback is the distance a building is required be placed from the property line. Requiring too large of a percentage of lot frontage or a setback may unnecessarily restrain the existing permissible uses in these zoning districts.

RECOMMENDATION

Planning staff recommends approval of the presented text amendments for Section 5.5-5.8 of the Unified Development Ordinance.

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

APPROVAL	DENIAL
1. Motion to adopt Resolution <i>Approving</i> Land Use and Transportation Plan compliance	1. Motion to adopt Resolution <i>Denying</i> 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
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 5.5: <i>Community Corridor Mixed-Use 1 District</i> , Section 5.6: <i>Community Corridor Mixed-Use 2 District</i> , Section 5.7: <i>Regional Corridor Mixed Use District</i> , and Section 5.8: <i>Medical District Mixed-Use</i>	2. Motion to deny the zoning text amendment

Attachments:

1. Approval Resolution: R-2024-xx
2. Denial Resolution R-2024-xx
3. O-2024-xx

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2024-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 Chapter 157, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed Use District*, and Section 5.8: *Medical District Mixed-Use* is consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan is the guide for future growth, reducing the minimum lot frontage and setbacks sets Monroe up for best planning practices by reducing the quantity of unnecessarily large buildings. The proposed zoning text amendment is a reasonable use and in the public interest because it will reduce building frontage requirements and setbacks, thus potentially increasing the quantity of existing permissible uses in these four zoning districts.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed Use District*, and Section 5.8: *Medical District Mixed-Use*.

Adopted this 6th day of March, 2024

Kenneth Deal, Planning Board Chair

Attest:

Patrick Blaszyk, Planner

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2024-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 Chapter 157, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7 *Regional Corridor Mixed Use*, and Section 5.8: *Medical District Mixed-Use* is consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan is the guide for future growth, reducing the minimum lot frontage and setbacks sets Monroe up for best planning practices by reducing the quantity of unnecessarily large buildings. However, this proposal is not a reasonable use or in the public interest because:

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance to amend Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed Use District*, and Section 5.8: *Medical District Mixed-Use*.

Adopted this 6th day of March, 2024

Kenneth Deal, Planning Board Chair

Attest:

Patrick Blaszyk, Planner

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2024-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 §157.5.5 “COMMUNITY CORRIDOR MIXED-USE 1 DISTRICT (CC-MX1)” follows:

Amend Lot Frontage in Table 5.5. CC-MX1 District Development Standards

CC-MX1 District Development Standards		
Frontage	% Requirement	75% <u>25%</u>
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Oriented to street

Space intentionally left blank

Section 2. Amend §157.5.6 “COMMUNITY CORRIDOR MIXED-USE 2 DISTRICT (CC-MX2)” as follows:

Amend Lot Frontage in Table 5.6 CC-MX2 District Development Standards

CC-MX2 District Development Standards		
Frontage	% Requirement	60% <u>25%</u>
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Oriented to Street

Section 3. Amend §157.5.7 “REGIONAL CORRIDOR MIXED-USE District (RC-MX) Standards Table” as follows:

Amend Lot Frontage in Table 5.7 RC-MX District Development Standards

RC-MX District Development Standards		
Frontage	% Requirement	65% <u>25%</u> Outparcel buildings may be used to meet frontage and entrance requirements. See Section 8.7: Design Standards
	Active Use Areas	Permitted, but active use area shall not be physically adjacent to residentially zoned property
	Entrances	Oriented to street

Space intentionally left blank

Section 4. Amend §157.5.8 “MEDICAL DISTRICT MIXED-USE (MD-MX)” as follows:

Amend Lot Frontage and Setbacks in Table 5.8 MD-MX District Development Standards

MD-MX District Development Standards		
Building Placement (min/max)	Front/Street ¹	0' / 20' <u>30'</u>
	Side ²	0'5' <u>25'</u>
	Rear ³	5' 50'
Frontage	% Requirement	85% <u>25%</u>
	Active Use Areas	Permitted
	Entrances	Oriented to Street

Section 5. This Ordinance shall be effective upon adoption.

Adopted this ____ day of _____, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: March 6, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Patrick Blaszyk, 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 6.3: *Historic Districts*.

REVIEW

Planning Board is requested to consider a text amendment to add language to the Unified Development Ordinance (UDO) to provide tree removal penalties in the Historic District. The UDO currently does not contain any regulatory language or penalties for tree removal in the Historic District. With this, the historic trees that populate the Historic District are left vulnerable.

RECOMMENDATION

Planning staff recommends approval of the presented text amendments for section 6.3 of the Unified Development Ordinance.

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

APPROVAL	DENIAL
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1. Motion to adopt Resolution <i>Approving</i> Land Use and Transportation Plan compliance	1. Motion to adopt Resolution <i>Denying</i> 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
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 6.3: <i>Historic Districts</i>	2. Motion to deny the zoning text amendment

Attachments:

1. Approval Resolution: R-2024-xx
2. Denial Resolution R-2024-xx
3. O-2024-xx

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2024-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 6.3: *Historic Districts* is consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan is the guide for future growth, establishing penalties and regulations for tree removal in the historic district sets Monroe up for the best planning and preservation practices. The proposed zoning text amendment is a reasonable use and in the public interest because it will better protect the trees that are located in the historic district, thus decreasing the quantity of trees removed from the district without just cause.

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 6.3: *Historic Districts*.

Adopted this 6th day of March, 2024

Kenneth Deal, Planning Board Chair

Attest:

Patrick Blaszyk, Planner

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2024-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 6.3: *Historic Districts* is consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan is the guide for future growth, establishing penalties and regulations for tree removal in the historic district sets Monroe up for the best planning and preservation practices by decreasing the quantity of trees removed from the historic district without just cause. 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 6.3: *Historic Districts*

Adopted this 6th day of March, 2024

Kenneth Deal, Planning Board Chair

Attest:

Patrick Blaszyk, Planner

TEXT AMENDMENT

Section 1. Amend §157.6.3 “HISTORIC DISTRICTS” as follows:

6.3. HISTORIC DISTRICTS

- A. **Purpose and Intent.** In compliance with N.C.G.S. § 160D, Article 9, Part 4, the purpose of Monroe’s historic district(s) is to maintain the historic integrity of certain areas within the City of Monroe (“City”) and to:
1. Promote the sound and orderly restoration, preservation, rehabilitation, and conservation of historic properties and areas;
 2. Increase and stabilize property values of property within the City and strengthen the overall economy;
 3. Protect, safeguard and conserve the heritage of the City;
 4. Promote and preserve any individual property or area that embodies important elements of the City’s social, economic, political or architectural history for the education, pleasure and enrichment of citizens;
 5. Ensure compliance with the standards defined in the *South Monroe Historic District Design* document; and
 6. Contribute to the enrichment of the culture and welfare of the City.
- B. **Applicability.** Before the designation of any historic district, compliance with all provisions of Chapter 152, Historic Properties of the City’s Code of Ordinances, and this Section shall occur.
1. **Local Report.** A local report, prepared by the *Historic District Commission* (HDC) (refer to Section 3.3.5: Historic District Commission) shall be prepared detailing the following items:
 - a. The proposed boundaries of a proposed or amended historic district.
 - b. The significance of the buildings, structures, features, sites or surroundings included in any proposed or amended district.
 - c. Consistent with N.C.G.S. § 160D-944, any historic district proposed shall only consist of areas deemed of special significance in terms of their history, architecture, or culture and to possess integrity of design, setting, materials, feeling, and association.

- 2. Local Report Recommendations.** The HDC shall forward its local report and recommendations to the North Carolina Department of Cultural Resources (NCDRC) for review and comment. The NCDRC, acting through the State Historic Preservation Officer or designee, shall complete an analysis of, and recommendation concerning the proposed historic district, and shall submit its recommendation to the City Council. Failure of the NCDRC to submit its recommendations to the City Council within 30 calendar days after receipt of a written request for such from the City shall relieve the City Council of any responsibility to await the recommendation.
 - 3. Planning Board.** Prior to action by the City Council, the Planning Board shall review the recommendations of the HDC and the NCDRC and forward its comments and recommendation to the City Council.
 - 4. City Council.** After receiving the comments and recommendations of the HDC, NCDRC, and Planning Board, the City Council shall provide a decision as to the initiation of an application for a zoning map amendment, consistent with Section 3.4.6: Zoning Map Amendment, to classify land as a local historic district.
- C. **Historic Districts.** The historic districts existing in the City are enumerated and defined below:
- 1. South Monroe Historic District.** The South Monroe Historic District extends west, south, and southeast of downtown and its area is defined in the *South Monroe Historic District Design* document, and on the City's Official Zoning Map.
- D. **Certificate of Appropriateness (COA).** A Certificate of Appropriateness (COA) shall be required when applicable in accordance with Section 3.4.12: Certificate of Appropriateness, whether a building permit is required or not. All requests for a COA shall be in compliance with N.C.G.S. § 160D -947. No exterior portion of any building or structure (including walls, fences, light fixtures, steps, pavement or other appurtenant features) may be erected, altered, restored, moved or demolished without approval of a COA by the HDC.
- 1. Minor Work.** When inside a historic district, the HDC shall have the authority to delegate to the Planning Director (or designee) review authority of certain types of Minor Works. Minor work is defined as those exterior changes that do not involve substantial alterations, additions or removals that could impair the integrity of the property (or the district as a whole). The minor works shall be limited to those listed in the Monroe Historic District's design standards. The

Planning Director shall review minor works in accordance with Section 3.4.13: Certificate of Appropriateness (Minor Works).

2. **Quasi-judicial Decisions.** Other than these administrative decisions on minor works, decisions on COAs are quasi-judicial and shall follow the procedures of N.C.G.S. § 160D -406.

E. **Design Standards.**

1. **Standards.** In accordance with N.C.G.S. § 160D-947, the HDC shall adopt detailed architectural and design standards for all designated historic districts and designated properties. These standards shall take into account the historic and architectural significance and historic elements of properties and of structures unique to the district, and shall guide the commission in determining congruity with the special character of the historic district for new construction, alterations, additions, moving, and demolition. In reviewing a COA, the exterior form and appearance of any proposed addition or modification to the historic property or structure within the district shall be in accordance with the adopted standards. The standards are defined in *South Monroe Historic District Design* document.
2. **Contents.** The *South Monroe Historic District Design* standards give consideration to various development standards, including standards on:
 - a. Site features and plants;
 - b. Public rights of way;
 - c. Fences and walls;
 - d. Walkways, driveways and off-street parking;
 - e. Exterior lighting;
 - f. Signage;
 - g. Garages and Accessory structures;
 - h. Cemeteries
 - i. Building exteriors and materials;
 - j. Exterior Walls;
 - k. Windows and doors;
 - l. Roofs;
 - m. Porches, entrances, patios, decks and balconies;
 - n. Sustainability, utilities and energy retrofit;
 - o. Accessibility, health and safety considerations;

- p. Additions and new construction; and
 - q. Relocation and demolition
- F. **Zoning and Uses.** Historic districts may contain several zoning classifications and uses. Uses of land within a historic district shall be subject to the underlying zoning district requirements in accordance with Section 7.1: Tables of Permissible Uses.
- G. **Maintenance and Repair.** Nothing in this Section shall be construed to prevent the maintenance or repair, voluntary or as required by the Building Inspection Division due to unsafe conditions, of any exterior architectural feature in a historic district which does not involve a substantial change in design, material or outer appearance.
- H. **Tree Removal.** Pursuant to N.C.G.S §160A-175, cities have the ability to impose fines and penalties for ordinance violations. The following section pertains to all trees in the Historic District measuring 6 inches or greater in Diameter at Breast Height (DBH) that are removed without proper approval. This includes, diseased or infested trees and trees that pose an imminent hazard to persons or property.
 - 1. **Union County Urban Forester Report.** The Union County Urban Forester (UCUF) or their designee will provide a report for the removed tree determining if the tree was healthy, diseased or infested, or posed an imminent hazard to persons or property, along with the DBH of the tree.
 - a. If the report provided by the Union County Urban Forester determined the tree was diseased or infested, or posed an imminent hazard to persons or property, the following penalties are waived.
 - b. If the report cannot determine the tree was diseased or infested, or posed an imminent hazard to persons or property, the penalties will not be waived (for example, if the stump is removed and there is no documentation of the above issues through the use of photographs or other materials to show the DBH measurement).
 - c. If the DBH cannot be determined after the fact, (through the use of documentation such a photographs to show the DBH measurement), the maximum penalty below shall apply.
 - 2. **Penalties.** If a healthy tree is removed without prior approval from the City of Monroe Planning Department, the following penalties shall be issued per tree removed:

a. Diameter at Breast Height (DBH) Penalties:

6-10" tree (DBH)
\$250/tree

10-14" tree (DBH)
\$500/tree

14-18" tree (DBH)
\$750/tree

18-22" tree (DBH)
\$1,000/tree

Over 22" tree (DBH)
\$1,500/tree

3. Tree Replacement

If a tree is removed, with or without approval, a 3-inch DBH tree of the same or comparable species must be planted; the replacement tree should be planted in the same location; however, alternative planting locations may be determined at the discretion of the Planning Director, Union County Urban Forester or their respective designees due to site features that may make the location infeasible (ex: overhead/underground utilities, spacing to house or other structures, etc.).

4. Enforcement

1. If the Planning Director finds that any provision of this chapter is being violated, he/she shall send a written notice to the person responsible for such tree removal violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.
2. The final written notice and the initial written notice (which may be the same) shall state the penalty incurred and requirements for remedying the violation, such as tree replacement. Supporting documentation shall be sent with this notice. The Planning Director's decision may be appealed utilizing the process outlined in section 3.4.11: Appeals. Per N.C.G.S 160A-175, the city may recover unpaid civil penalties in the nature of debt.

5. Appeal of Union County Arborist

If the party that removed the tree(s) are not satisfied with the determinations of the Union County Urban Forester (for example if the UCFU determines the tree was healthy and should have not been removed) , they may appeal the Union County Arborists' determination by utilizing an alternative certified arborist to

prepare a report. The alternative arborist must be an International Society of Arboriculture Certified Arborist. The report will be provided to the Union County Urban Forester, if he/she agrees with the report, the standards outlined in subsection 6.3.H will apply. If the Union County Urban Forester disagrees with the report, the decision may be appealed utilizing the process outlined in section 3.4.11

6. Waivers, exemptions, and exceptions

1. The Planning Director or designee, in writing, may waive some or all requirements of this sub-section for a reasonable time due to an emergency such as a hurricane, tornado, windstorm, tropical storm, flood, or other natural disaster.
2. The Planning Director or their designee may authorize removal of a tree without a required permit if it is determined to be in a hazardous condition that may:
 - a. Immediately endanger the public health, safety, or welfare; or
 - b. Cause an immediate disruption of public services.
3. Utility trimming is recognized to be an important component to maintain utility service. Tree removal due to utilities is still subject to the standards above; however, trimming is exempt with proper approval from the Planning Director or their designee. Utility trimming should be done in a manner that preserves the existing tree canopy of the district; topping of trees shall not be conducted on district trees. Utility firms are responsible for contacting the Planning and Development Department before beginning work to determine where the district boundary is.



STAFF REPORT

TO: Planning Board

DATE: March 6, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior 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 Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 7.1: Table of Permissible Uses, Section 7.2.5: Public and Institutional Uses, Section 7.2.6: Commercial Uses, Section 7.2.7: Office and Medical Uses, Section 7.2.9: Other Uses, and Section 8.4.2: Parking Requirements.

REVIEW

Planning Board is requested to consider a text amendment to sections located in section 7 related to uses and definitions, as well as section 8.4.2, involving parking requirements. Staff has proposed a few additional uses and definitions such as a use for catering and commissary kitchens, and tobacco, vape, and CBD establishments. Staff has also proposed breaking a few existing uses into separate uses such as event centers and conventional centers due the scale difference.

Section 7.1 lists the specific use changes and what zoning districts they are permitted in. Sections 7.2.5 through 7.2.7 and 7.2.9 list the specifics of these uses such as the characteristics, examples, and use standards. Lastly, section 8.4.2 is the parking requirements to address the added uses as well as the uses that were broken up into more than one use.

RECOMMENDATION

Planning staff recommends approval of the presented text amendment.

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

APPROVAL	DENIAL
1. Motion to adopt Resolution <i>Approving</i> Land Use and Transportation Plan compliance	1. Motion to adopt Resolution <i>Denying</i> Land Use and Transportation Plan Compliance
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 7.1: Table of Permissible Uses, Section 7.2.5: Public and Institutional Uses, Section 7.2.6: Commercial Uses, Section 7.2.7: Office and Medical Uses, Section 7.2.9: Other Uses, and Section 8.4.2: Parking Requirements	2. Motion to deny the zoning text amendment

Attachments:

1. Approval Resolution: R-2024-xx
2. Denial Resolution: R-2024-xx
3. O-2024-xx

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2024-xx**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend Chapter 157, Section 7.1: Table of Permissible Uses, Section 7.2.5: Public and Institutional Uses, Section 7.2.6: Commercial Uses, Section 7.2.7: Office and Medical Uses, Section 7.2.9: Other Uses, and Section 8.4.2: Parking Requirements is consistent with the Land Use and Transportation Plan because the document states that city leadership is responsible for developing policies and adopting standards that guide growth in a way that addresses the needs of its people. This text amendment will address the needs of the community by adding clarifications for potential businesses looking to locate in the city.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 7.1: Table of Permissible Uses, Section 7.2.5: Public and Institutional Uses, Section 7.2.6: Commercial Uses, Section 7.2.7: Office and Medical Uses, Section 7.2.9: Other Uses, and Section 8.4.2: Parking Requirements

Adopted this 6th day of March, 2024

Kenneth Deal, Planning Board Chair

Attest:

Keri Mendler, Senior Planner

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2024-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend Chapter 157, Section 7.1: Table of Permissible Uses, Section 7.2.5: Public and Institutional Uses, Section 7.2.6: Commercial Uses, Section 7.2.7: Office and Medical Uses, Section 7.2.9: Other Uses, and Section 8.4.2: Parking Requirements is not consistent with the Land Use and Transportation Plan because the plan states Monroe will be a dynamic city; this text amendment may further restrict certain types of uses looking to locate in our dynamic city.

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 to amend Section 7.1: Table of Permissible Uses, Section 7.2.5: Public and Institutional Uses, Section 7.2.6: Commercial Uses, Section 7.2.7: Office and Medical Uses, Section 7.2.9: Other Uses, and Section 8.4.2: Parking Requirements.

Adopted this 6th day of March, 2024

Kenneth Deal, Planning Board Chair

Attest:

Keri Mendler, Senior Planner

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2024-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 §157.7.1 “TABLE OF PERMISSIBLE USES (TRADITIONAL AND MIXED-USE) as follows:

Space intentionally left blank. See next page.

TABLE 7.1. - TABLE OF PERMISSIBLE USES																		
“P” = Permitted, “S” = Special Use Permit Required, “X” = Prohibited																		
Use Type	Traditional Districts											Mixed-Use Districts						REFERENCE
	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	
Public and Institutional Uses																		
<u>Fraternal Clubs, Civic and Private Club, Minor (Less Than 15,000 SF or 150 Person Membership)</u>	X	X	X	X	P	P	P	X	X	X	P	<u>X</u> P	P	<u>X</u> P	P	<u>X</u> P	X	7.2.5.D
<u>Cultural Facility, Library and/or Museum, Civic and Private Club, Major (Greater Than 15,000 SF or 150 Person Membership)</u>	<u>X</u> P	<u>X</u> P	<u>X</u> P	<u>X</u> P	<u>S</u> P	<u>S</u> P	<u>S</u> P	X	X	<u>X</u> P	<u>P</u> P	X	P	<u>X</u> P	P	<u>X</u> P	X	7.2.5.E
<u>Community Center</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	7.2.5.F
Commercial Uses																		
<u>Event Venue (Less than 15,000 SF) Center/Convention Center</u>	X	X	X	X	X	X	P	X	X	X	P	X	S	S	S	S	X	7.2.6.A A
<u>Convention/Conference Center (15,000 SF or greater)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	7.2.6.B B
<u>Commercial Kitchen/Catering</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	7.2.6.CC

<u>Tobacco/Vape/CBD Retail Store</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>7.2.6.D</u> <u>D</u>
Office/Medical Uses																		
<u>Outpatient Treatment Facility</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>7.2.7.G</u>
Animal Hospital/Veterinarian	X	X	X	X	P	P	P	P	X	P	P	X P	P	P	P	P	P	7.2.7.H G
Other Uses																		
Animal Shelter /Kennel	S	S	X	X	X	X	S	P	X	X	X	X	X	X	X	X	X	7.2.9.A
<u>Animal Shelter</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>7.2.9.B</u>

Section 2. Amend Section §157.7.2.5 “PUBLIC AND INSTITUTIONAL USES” as follows:

D. Fraternal Civic and Private Clubs, Minor—Less Than 15,000 SF or 150 Person Membership

1. Characteristics. A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues. ~~Smaller scale civic uses, including public or nonprofit nature generally providing a local service to people of the community. Also includes private club uses including facilities used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitution and by laws. Facilities may contain one (1) or more buildings and structures operated only for the benefit of its members and their guests.~~
2. Accessory Uses. Accessory uses may include offices, meeting areas, food preparation areas, parking, and cafes.
3. Examples. ~~Libraries, museums, non-profit or public community centers, public amenity centers, and p~~Private clubs such as fraternal organizations and orders.
4. Uses Not Included.
 - a. Commercial museums, classified as general retail.
 - b. Parks, classified as open space/parks.
 - c. Event centers or convention centers catering to outside groups or audiences.
 - d. Health and fitness facilities (i.e. commercial gym, see indoor recreation).

5. Use Standards.

- a. When proposed within the OM or NB district, fraternal clubs shall comply with the following:
 - i. The parcel on which the club is to locate must be at least two (2) acres in size.

E. Cultural Facility, Library and/or Museum ~~Civic and Private Clubs, Major—Greater Than 15,000 SF or 150 Person Membership~~

1. Characteristics. Establishments such as educational garden, educational center, conservatories, planetariums, or other similar uses of an historic, educational, or cultural interest, which are not operated for profit. Larger scale civic uses, including public or nonprofit nature generally providing a local service to people of the community. Also includes private club uses including facilities used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitution and by laws. Facilities may contain one (1) or more buildings and structures operated only for the benefit of its members and their guests.
2. Accessory Uses. Accessory uses may include offices, meeting areas, food preparation areas, and parking, ~~and cafes.~~
3. Examples. Libraries, museums, non-profit or public educational, historical or cultural centers ~~.community centers, public amenity centers, and private clubs such as fraternal organizations and orders.~~
4. Uses Not Included.
 - a. Commercial museums, classified as general retail.
 - b. Parks, classified as open space/parks.
 - c. Event centers or convention centers catering to outside groups or audiences.
 - d. Health and fitness facilities (i.e. commercial gym, see indoor recreation).

F. Community Center

1. Characteristics. A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.
2. Accessory Uses. Accessory uses may include recreation offerings such as swimming pools, gymnasiums, outdoor courts, athletic fields, offices, meeting areas, food preparation, and parking.
3. Examples. Recreation Center, Community Center, Active Adult/Senior Centers, Youth Centers
4. Uses Not Included.
 - a. Parks, classified as open space/parks.
 - b. Event centers or convention centers catering to outside groups or audiences.
 - c. Health and fitness facilities (i.e. commercial gym, see indoor recreation).
5. Use Standards.

- a. Outdoor courts, swimming pools, and athletic fields shall be located at least 50-feet from any lot line abutting the RR, RLD, and RMD zoning districts.

Section 3. Amend Section §157.7.2.6 “COMMERCIAL USES” as follows:

7.2.6. COMMERCIAL USES

A. General Retail Sales, Less Than 10,000 Square Feet

1. Characteristics. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail less than 10,000 square feet is localized retail meant to serve the needs of an immediate area.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
3. Examples. Establishments selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, ~~pets~~, pet supplies~~food~~, pharmaceuticals, plants, printed material, stationary, and videos; food sales, photographic studios; and photocopy and blueprint services.
4. Uses Not Included.
 - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial and manufacturing.
 - b. Sales of landscape materials, including bark chips and compost, is classified as light industrial and manufacturing.
 - c. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

B. General Retail Sales, 10,000 to 25,000 Square Feet

1. Characteristics. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail less than 25,000 square feet is neighborhood level retail meant to serve the needs of a neighborhood area.
2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
3. Examples. Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment,

fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, ~~pets~~, pet ~~supplies~~~~food~~, pharmaceuticals, plants, printed material, stationary, and videos; food sales, photographic studios; photocopy and blueprint services

4. Uses Not Included.

- a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial and manufacturing.
- b. Sales of landscape materials, including bark chips and compost, is classified as light industrial and manufacturing.
- c. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

C. General Retail Sales, 25,000 to 100,000 Square Feet

1. Characteristics. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail of 25,001 to 100,000 feet is community level retail meant to serve the needs of several neighborhoods.

2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.

3. Examples. Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, ~~pets~~, pet ~~food~~~~supplies~~, pharmaceuticals, plants, printed material, stationary, and videos; food sales, photographic studios, and photocopy and blueprint services.

4. Uses Not Included.

- a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial and manufacturing.
- b. Sales of landscape materials, including bark chips and compost, is classified as light industrial and manufacturing.
- c. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

AA. Event Venue (Less than 15,000 SF) ~~Center/Convention Center~~

1. Characteristics. A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like Venues or facilities used by a group of people for temporary events such as conferences, sports, weddings, corporate parties, birthdays, reunions event halls, concerts, or similar events.
2. Accessory Uses. Accessory uses include offices; meeting rooms, ~~indoor restaurant,~~ kitchens or food preparation space, bar, lounge, cabanas, ~~boat docks,~~ parking, photography studio, facilities to accommodate live or recorded music. ~~indoor or outdoor recreation such as: swimming pools, tennis courts, fitness center, sauna, and other similar facilities.~~
3. Examples. Examples may include wedding venue, small scale concert hall, banquet hall, a convention center, coordinate wedding and banquet halls, sports stadium, or concert hall.
4. Uses Not Included.
 - a. Any fraternal organization, community centers and private clubs (see civic and private club);
 - b. Halls or rooms available to rent from public safety facilities including fire and police stations.

BB. Convention Center (15,000 SF or greater)

1. Characteristics. Buildings, groups of buildings or facilities designed for meetings, lectures or conferences, conventions, seminars, or intended for use for spectator sports, entertainment events, expositions and other public gatherings.
2. Accessory Uses. Accessory uses include offices, meeting rooms, indoor restaurant or food preparation, bar, lounge, cabanas, parking, indoor or outdoor recreation such as: swimming pools, tennis courts, fitness center, sauna, and other similar facilities.
3. Examples. Examples may include a convention center, sports stadium, or concert hall.
4. Uses Not Included.
 - c. Any fraternal organization, community centers and private clubs (see civic and private club);
 - d. Halls or rooms available to rent from public safety facilities including fire and police stations.
5. Use Standards.

- a. Landscape buffer with a buffer intensity of 3 shall be established along any side of the property abutting any residential use or public right-of-way.
- b. The parcel on which the use is to locate must be at least five (5)

CC. Commercial Kitchen/Catering

- 1. Characteristics. A single occupied or shared commercial grade kitchen in which individuals or businesses prepare food products and meals, usually paying an hourly, daily, weekly, or monthly rate to lease a space shared by others.
- 2. Accessory Uses. Office space to meet clients, parking, storage space.
- 3. Examples. Examples include commissary kitchen for mobile food vendors, catering business
- 4. Uses not Included.
 - a. Restaurants with on-site consumption and/or restaurants with takeout/delivery.
 - a.—b. Catering associated with a hotel, motel, or event venue

DD. Tobacco/Vape/CBD Retail Establishment

- 1. Characteristics. A commercial establishment, operated as a principal use, engaged in the retail sale of tobacco, nicotine, hemp-derived compounds, including CBD, for the purposes of human ingestion as authorized for sale by the State, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco, tobacco-related paraphernalia of any type, electronic cigarettes, any electronically-actuated device or inhaler meant to simulate cigarette smoking that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation
- 2. Accessory Uses. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
- 3. Examples. Establishments selling products, as listed above, as the principle use.
- 4. Uses not Included.
 - a. General retail establishments who sell these products in an accessory nature.
- 5. Use Standards.
 - a. Establishments shall not locate within 500 feet, measured horizontally from the closest property line to property line, of schools, playgrounds, parks, religious institutions, or public libraries.

- b. Establishments shall not locate within 500 feet, measured horizontally from the closest property line to property line, of an existing legally established business of the same nature.
- c. Existing establishments that do not meet these standards may continue to operate until such time the use is abandoned for more than 180 days, at which point, the use may only be re-established in accordance with this section.
- d. All federal, state, and local laws, rules, and regulations must be adhered to in the operation of such establishments. This includes regulations pertaining to advertisements, age restrictions, and the legality of products sold.

Section 4. Amend Section §157.7.2.7 “OFFICE AND MEDICAL USES” as follows:

7.2.7. OFFICE AND MEDICAL USES

E. Medical/Dental Office.

1. Characteristics. A facility engaged in the examination, diagnosis and treatment of medical care and treatment such as chiropractic, ophthalmologic, dental, and pediatric, therapeutic, counseling- or other health care patients; includes administrative and clerical operations of the practice; does not include overnight facilities for patients.
2. Accessory Uses. Accessory uses may include laboratories, medication sales, and physical therapy cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
3. Examples. Examples include but are not limited to medical and dental clinics, medical and dental labs, blood-collection facilities, urgent care facilities without ambulatory care, chiropractic and physical therapy, ophthalmologists, therapeutic/counseling, and psychologists. ~~outpatient facilities without ambulatory care; and blood-collection facilities.~~
4. Uses not Included.
 - a. Rehabilitative Clinic
 - b. Massage Therapy; defined as personal service

G. Outpatient Treatment Facility

1. Characteristics. A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists on a short-term basis. Patients may or may not receive care or lodging overnight, but the facility is not intended for long-term overnight care. Such facilities may include sleeping rooms for care workers and members of patient's families.
2. Accessory Uses. Accessory uses may include cafeterias, day care facilities, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
3. Examples. Imagery Center, Sleep-study center, Surgery center, Medical Research
4. Uses not Included.
 - a. Rehabilitative Clinic
5. Use Standards.
 - a. Drive up lanes for ambulances shall not be located within one-hundred (100) feet of a residential use.
 - b. Emergency vehicle entrance shall not be located across the street from a residential use or residential zoning district.

Section 5. Amend Section §157.7.2.9 “OTHER USES” as follows:

7.2.9. OTHER USES

A. Animal ~~Shelter~~/Kennel

1. Characteristics. The use of land for the purpose of boarding animals on a temporary basis. May include a pet resort which provides day care for pets in addition to grooming and training
2. Accessory Uses. Outdoor play areas for animals, office, indoor storage, limited retail sales of pet associated items.
3. Examples. Animal kennel or boarding facility, ~~animal shelter~~.
4. Uses Not Included.
 - a. Animal Shelter/Rescue (see Animal Shelter/Rescue)
5. Use Standards

b.a. If located within a residential district or adjacent to a residential zoning district, any outdoor kennel space or outdoor play space shall be located at least 100-feet from adjoining residential districts.

B. Animal Shelter/Rescue

1. Characteristics. The use of land for homeless, lost, or abandoned animals are cared for until homes can be found. Includes establishments for profit or non-profit.
2. Accessory Uses. On-site veterinary care for in-house animals, outdoor play areas for animals, office, indoor storage.
3. Examples. Humane Society, Pet Rescue (for profit or non-profit)
4. Uses Not Included.
 - a. Animal Kennel (see Animal Kennel)
5. Use Standards
 - a. If located within a residential district or adjacent to a residential zoning district, any outdoor kennel space or outdoor play space shall be located at least 100-feet from adjoining residential districts.

Section 6. Amend Section §157.8.4.2.K “OFFICE AND MEDICAL USES” as follows:

K. Parking Requirements Table. Parking shall be provided in accordance with Table 8.4.1: Parking Requirements.

Table 8.4.1. Parking Requirements

Table 8.4.1. Parking Requirements		
Land Use - Category/Specific Use	Minimum Required	Maximum Allowed
Public and Institutional Use Classification		
Schools (Elementary/Middle)	3.0/Classroom 1/employee	5.0/Classroom N/A

Schools (High/Senior)	4.0/Classroom <u>5 per classroom and 1/employee</u>	7.5/Classroom <u>N/A</u>
University, College, and Vocational School	<u>4.0/1,000 SF</u>	6.0/1,000 SF <u>N/A</u>
Civic and Private Clubs	See Below	
Minor – Less Than 15,000 SF or 150 Persons Membership <u>Fraternal Clubs</u>	<u>3.0/1,000 SF</u>	<u>5.0/1,000 SF</u>
Major – More Than 15,000 SF or 150 Persons Membership <u>Cultural Facility, Library and/or Museum</u>	4.0 <u>5.0/1,000 SF</u>	6.0 <u>10.0/1,000 SF</u>
<u>Community Center</u>	<u>3.0/1,000 SF</u>	<u>5.0/1,000 SF</u>

Table 8.4.1. Parking Requirements (Cont.)

Commercial Use Classification		
Event Center/ Convention Center	<u>4.0/1,000 SF</u>	<u>10.0/1,000 SF</u>
<u>Convention Center</u>	<u>6.0/1,000 SF</u>	<u>10.0/1,000 SF</u>
<u>Commercial Kitchen/Catering</u>	<u>2.0/1,000 SF</u>	<u>5.0/1,000 SF</u>
<u>Tobacco/Vape/CBD Retail Store</u>	<u>4.0/1,000 SF</u>	<u>6.0/1,000 SF</u>
Office/Medical Classification		
<u>Outpatient Treatment Facility</u>	<u>4.0/1,000 SF</u>	<u>6.0/1,000 SF</u>
Other Uses		

Animal Shelter /Kennel	1.0/1,000 Office SF	2.0/1,000 Office SF
<u>Animal Shelter</u>	<u>1.0/1,000 Office SF</u>	<u>2.0/1,000 Office SF</u>

Section 7. This Ordinance shall be effective upon adoption.

Adopted this ____ day of _____, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk