

PLANNING BOARD MEETING

Wednesday, July 3, 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 – March 6, 2024, April 3, 2024, May 1, 2024 and June 5, 2024**
- Item 5.** **Zoning Map Amendment request for Conditional District (CD) “Waxhaw Landing Phase 2 – Amendment 1” (Parcel ID #:09-351-015)**
- Item 6.** **Zoning Map Amendment request for Conditional District (CD) “Waxhaw Landing Phase 3 – Amendment 1” (Parcel ID #:09-321-003)**
- Item 7.** **Zoning map and text amendment for property located along E. Roosevelt Blvd. to rezone the property with tax parcel number 09-155-001B from CD “Camp Sutton Nursery 2” to CD “Camp Sutton Nursery 3”.**
- Item 8.** **Unified Development Ordinance (UDO) Discussion**
 - a. Density calculation**
 - b. Reduce number of lots that triggers legislative process**
 - c. RLD/RMD/RHD dimensional standards**
- Item 9.** **Next Meeting: August 7, 2024**
- Item 10.** **Adjournment**

ATTENTION BOARD MEMBERS:

Please contact Kimberly Davis at 704.282.4527 or Keri Mendler at 704.282.5797 to confirm your attendance.

Thank you.

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

PLANNING BOARD MEETING

March 6, 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, Kenneth Deal called the March 6, 2024 meeting to order at 6:00 p.m.

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

Members Absent:

Staff Present: Keri Mendler, Senior Planner, Patrick Blaszyk, Planner 1, Richard Long, City Attorney; Terry Sholar, Senior Staff Attorney,

Guests: Julie Broome, Libby Helms, Russ Colbath, Susan Colbath, Renee Ware, Angela Quintero, Sushanth Charabuddi, Nick Tosco, Frank Craighill, Ron Grander and Shahin Yavari

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

Doug Britt called the roll and the Chair noted that a quorum was present.

Item 3. **Conflicts of Interest**

Item 4. **Approval of Minutes- January 3, 2024 and January 31, 2024. The Chair asked for separate motions.**

Motion: **Jennifer Smith made a motion to approve the minutes from January 3, 2024**

Second: **Archie Morgan**

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

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

NAYS: **None**

Motion: **Jennifer Smith made a motion to approve the minutes from January 31, 2024**

Second: **Margaret Desio**

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

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

NAYS: None

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”.

Doug Britt approached the podium and introduced himself. He said I am here to present a Planned Unit Development rezone consisting of 46.44 acres in order to develop a 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 21.86 acres or 47% of that reserved as common open space. The net density of this project is 9.83 units per acre.

Adjoining Land Uses and Zoning District.

	Existing Uses	Zoning Districts
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)

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.

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/area 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. While commercial uses are likely to be prominent, these centers should emphasize a mixture of uses and residential housing units where possible.

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

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 Suburban land use area typically takes the form of neighborhoods with uniform housing types and densities. Commercial development mostly serves the needs of nearby residents and often locates along corridors with higher traffic volumes and near prominent intersections.

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.

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.

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

Maryann Rasberry asked if you took the number of approved lots/units on the books and add this to that number what would that bring the number to?

Doug Britt said right now we are at approximately 8,800 lots/units approved going back to 2016. If you add the proposed project to that number, it would bring it to approximately 9,200 lots/units.

Ken Deal asked how of that number was rental versus home ownership?

Doug Britt said the city has approved 5 or 6 multifamily projects during this time, but the majority of projects that have been approved are single family detached projects.

Archie Morgan asked how long can these project sit without being started once they are approved?

Doug Britt stated there is a vest right period that would give the developer two years to start construction.

Archie Morgan asked how about the previous project do they have two years to start construction?

Doug Britt stated the majority of the previous projects are currently active are different stages and some have been completely built out and finished.

Maryann Rasberry asked if staff had an idea of how many projects had been completely built out?

Maryann Raspberry asked if we built out all 9,200 are we going to end up with the same problem as Union County without water and sewer?

Doug Britt stated there are representatives here from the Water Resource Department tonight to speak. He stated right now we are able to serve the project. He explained when the project is routed for comments the Water Resource Department indicates whether they are able to serve the project.

Richard Yercheck asked if the carriage homes could be made for sale versus being rental?

Doug Britt stated the issue was discussed with the applicant. He indicated it would not be a simple fix to make at this point of the project because they needed a deeded right-of-way to the homes as well as having a street that would meet city standards. Doug stated it would have to be a total redesign of this portion of the project south of Myers Road to convert the units to townhomes.

Scott Clark, Director of Water Resources and Rich Riser, Water Resources Engineering and Construction Manager were present to address any sewer and water questions.

Scott Clark stated the current sewer capacity for actual flow is 78% on paper and taking into consideration what has been approved to date is 93% capacity. He stated they are under design for a waste water plant expansion. The city is under contract with a consultant for a 3-million-gallon expansion. He said construction is planned to begin in the summer of 2026 and the project should approximately be completed by fourth quarter of 2028 or first quarter of 2029.

Richard Yercheck asked what would the number go to after the expansion?

Scott Clark stated after the expansion the capacity would go from 10.4 million gallons per day to 13.4 million gallons per day.

Archie Morgan reiterated the expansion would not be completed until 2029.

Scott Clark stated correct the expansion would not be completed until fourth quarter of 2028 or first quarter of 2029.

Scott Clark stated the waste water treat expansion is a three phase expansion. He said the first phase will be an additional 3 million gallons, and the second phase would be approximately ten years after the first phase but is dependent on the growth, and the third phase of the expansion would take the city to 24 million gallons daily.

Maryann Raspberry asked about the retention ponds that Water Resources is work with?

Scott Clark stated Water Resources has one equalization basin with a capacity of 10 million gallons for wet weather flows and they have a second basin that should be completed in the next several months that has a 15-million-gallon capacity. Scott stated these basins do not increase sewer capacity they are just for wet weather flows.

Maryann Raspberry asked when would all three phases of the expansion be completed?

Scott Clark stated the third phase which would take us to 24 million gallons daily is approximately 20-25 years out, but would be contingent upon growth.

Scott Clark stated at the current capacity they are having to add staff for the existing growth and maintenance of the system. The engineering staff spends approximately 65% of their time working on new projects at the different phases of construction.

Ken Deal asked of the current 10.4 million gallons of capacity how much of that is allocated for facilities outside of Monroe?

Scott Clark stated that capacity is only for property currently within the City of Monroe.

Richard Yercheck asked does this exclude the ETJ?

Scott Clark stated he was not certain about that.

Ken Deal asked about the flow capacity we are getting from Wingate and if that was included in the 10.4 million gallons?

Scott Clark stated the flow from Wingate is included in the 10.4 million daily gallons.

Ken Deal asked so we do receive flow from outside of the city limits?

Scott Clark stated yes there is flow being received from the east side system. We receive the majority of the flow from Marshville and all of the flow from Wingate which Union County maintains their infrastructure.

Ken Deal asked how do we control increasing the flow from users outside of the city are they excluded from adding to the flow?

Scott Clark stated they are not excluded. Any additional flow has to be approved by the Water Resource Department.

Richard Yercheck asked are we providing Union County with water?

Scott Clark stated the city is not providing Union County with water.

Ken Deal asked if Marshville or Wingate need additional capacity would, they go directly to the city Water Resource Department for that?

Scott Clark stated Marshville or Wingate would go to Union County and Union County would work with the Water Resource Department.

Ken Deal asked who has the final say on approving the additional capacity request?

Scott Clark stated the City of Monroe would have the final say to approve or deny the additional capacity request.

Ken Deal asked does the City of Monroe approval mean City Council approval?

Scott Clark stated the Water Resource Engineering Manager would decide whether or not to approve the additional capacity request.

Ken Deal stated so the additional capacity request could occur without City Council being made aware.

Scott Clark stated that was correct speaking from the east side system.

Patrick Furr asked we have about 7% of capacity to work with for the next eight years?

Scott Clark stated that was correct. Scott stated there could be potential industrial clients that could locate in the area with significant volumes based on the type of industry.

Archie Morgan stated these numbers want change until the first phase of the expansion is completed which is four to five years.

Margaret Desio asked how much capacity is needed for a 250-300 home development?

Scott Clark stated the development the Board is considering tonight would utilize approximately 70,000 gallons per day.

Jennifer Smith asked how much capacity is needed for commercial uses?

Scott Clark stated it's dependent on the type of industry or a commercial use.

Ken Deal asked is there capacity to support the proposed project?

Scott Clark stated there is capacity at this time to serve the proposed project.

Nick Tosco with Poyner Spruill Attorneys stated he was representing the applicant Monday Properties. Mr. Tosco introduced Frank Craighill with Monday Properties, civil engineer Rad Hudson with WK Dickson, and traffic engineer John Schmick with DRMP.

Nick Tosco gave an overview of the background information that lead to the applicant applying for the PUD rezone. Mr. Tosco stated the same family owns all six parcels that represent the project. He indicated there have been discussion on going for over a year for this project. It was stated this project was started in 2023 with discussions with planning staff and the project was submitted in August of 2023.

Archie Morgan asked how the community meeting went with the public?

Nick Tosco indicated the community meeting went very well. He stated there was a good turnout of about 12-15 people in attendance. Mr. Tosco indicated good questions were asked with the main questions involving traffic and noise concerns.

Jennifer Smith asked which communities were in attendance at the meeting?

Nick Tosco indicated the people in attendance at the community meeting were residents in close proximity to the project which included Cameron Woods, Hamilton Place, and St. James.

Frank Craighill of Monday Properties made a presentation of the project to the Planning Board. Mr. Craighill gave an overview of the company makeup. Mr. Craighill went into detail about the amenity package for the project. He explained how the units would be furnished as well. It was explained they purposely laid out the project to have all of the density on the south side of the stream that bisects the property thus creating a 15-acre dedicated tree buffer. He stated there was a purpose for the how the site was designed and configured based on the zoning of the properties involved. Mr. Craighill stated concerns that came out of community meeting was traffic for the project as well as the NCDOT project in the area. Crime, noise, and quality of the project were other concerns that came out of the neighborhood meeting. Mr. Craighill discussed the aerial renderings of the site at full built out. He stated there was a lot of thought that went into the location of the amenities for this project.

Jennifer Smith asked will the residents of the carriage homes have to cross Myers Road to access the main amenity area?

Frank Craighill stated residents would have to cross Myers Road to have access to the main amenity area, but stated there are amenities planned for the carriage homes.

Jennifer Smith expressed concerns for residents and especially children having to cross Myers Road to access the main amenity area.

Frank Craighill stated safety was very important for his company and they were still evaluating how this will be addressed but stated it was a priority.

Frank Craighill touched on the perimeter landscaping and the traffic improvements for the project.

Maryann Rasberry asked if the doors on the units are accessed from the interior or exterior of the building?

Frank Craighill stated residents would access the units from an interior access door. Mr. Craighill stated there are not any elevators with this project, but stated all of the handicap units would be on the ground floor.

Mr. Craighill stated it would take 3 years for his company to deliver units to be ready for rent. The rent rate proposed at this time would be from \$1,500 up to \$2,500.

Ken Deal asked if there were any safety features with this project?

Mr. Craighill stated at this time his company has not got into those specific details, but they do offer discounted units to police and fire personnel if they choose to reside in the community.

Archie Morgan asked if there would be security cameras with this project?

Mr. Craighill stated cameras would be in place throughout project.

Jennifer Smith asked if there would be on site security throughout the day?

Mr. Craighill stated they did not feel the need for onsite security based on the location.

Mr. Craighill stated Monday Properties would be the owner and manage the property.

Mr. Craighill stated Monday Properties did consider for sale housing, but based on the number of units in the area that has been approved but not yet built factored into their decision to remain entirely rental. He felt there is a significant demand and under supply of high quality rental units in the area. Mr. Craighill stated he felt it was the highest and best use of the property.

Mr. Craighill spoke about the NCDOT road realignment and the transportation improvements that Monday Properties would be making in the area.

Richard Yercheck asked how far back Rocky River Road would be widened?

Rad Hudson with W.K. Dickson who is the civil engineer on the project stated the turn lanes are designed to taper back down to the two-lane road. He stated the turn lanes are required to be constructed to NCDOT standards.

Ken Deal asked if the building on the commercial side was a true representation of what would be built on the site.

Mr. Craighill stated the building was only a filler because at this time the end user had not been identified.

Sushanth Charabuddi with Eagle Eye Property Group. He stated he's not against the project, but he is against the layout and the amount rental associated with this development. He stated he was in front of the Planning Board in the last 18 months for annexation and rezoning of the Starlite project. He stated during the rezoning process he heard the development should and must have a for sale product to hold the developer responsible for many years. He stated he went back to the drawing board many times and presented to the Planning Board various options that aligned with the various stakeholders. Sushanth Charabuddi stated it was a painful and time consuming process to go through the many iterations of plans. He stated the carriage homes are nothing more than small townhomes. He suggested the carriages homes be converted to townhomes with a minimum of 2,200 square feet. He also suggested to convert one of the apartment buildings to condominium building.

Julie Broome stated she lived in the Saint James neighborhood and has family members that live along N. Rocky River Road that will be impacted by the proposed project. Ms. Broome requested that the

Board consider this area for single-family homes at a reduced density. She stated she grew up in this area and decided to move back to the area, because it feels like county to her. Her main concerns are the traffic and inconsistencies of the proposed plan with the current housing in the area. Ms. Broome stated the homes in this area were not city residents not by choice, because they were annexed by the city several years ago. She stated this area is quiet and the neighbors in the area would like it to remain that way. Ms. Broome stated the traffic will be out of control even with the proposed road improvements. Rocky River Road has seen an increase in traffic because of the bypass as well as development occurring in the area. Ms. Broome stated it is not responsible to keep approving projects without assessing the impact of the current developments in the area. Ms. Broome stated for this property to be developed there should be consideration to have access to Highway 74. Ms. Broome stated Rocky River Road cannot handle the increased volume of this development. Ms. Broome stated this project would add an additional traffic signal on N. Rocky River Road, which would bring number of traffic signals to four to go east on Highway 74. Ms. Broome stated even after the construction of the bypass and super street traffic continues to back up on N. Rocky River Road. Ms. Broome stated the backup on N. Rocky River Road prevents residents from turning out of their driveways during certain times of the day. Ms. Broome stated that realigning James Hamilton Road and Myers Road with a traffic signal will only make matters worse. Ms. Broome stated additionally that 18-wheelers trying to access the BP gas station on Rocky River Road causes traffic to snarl at certain times, which will only be worsened if the proposed project is approved. Ms. Broome stated the current issues need to be alleviated before approving additional development. Ms. Broome stated additionally that she doubted anyone in this room would vote to have an apartment complex to be built beside their home.

Angela Quintero stated she lives in Cameron Woods. Ms. Quintero read the Planning Department mission statement to the Board, which stated, "Our mission is to create a sustainable community of lasting values by preserving our past and planning for the future while enhancing the quality of life. We are committed to protecting the public health, safety, and welfare of the citizens within our community through quality customer service, education, and planning." Ms. Quintero asked how building so many rental communities is improving the quality of life of the citizens of Monroe. Ms. Quintero questioned whom the customers being served in the mission statement, is it the citizens of Union County or the developers building the rental projects. Ms. Quintero researched the city website to find out how many rental projects had been approved and are under construction. Ms. Quintero stated Founders Point has 153 rental homes off of Highway 74 and James Hamilton Road, Secrest Price Road apartments has 151 units on Highway 74, Redwood apartments has 119 units off of Highway 74, and now you have a proposal for 372 units at the corner of Rocky River and Myers Road. Ms. Quintero also stated on the other side of Rocky River Road by the bypass the Rocky River Crossing apartments has been approved which has 360 apartments, a hotel and a large storage building for everyone to store all of their belongings since they have no land. Ms. Quintero stated all of these developments are within in a 2-3 mile radius, so she questions what the city is planning for everyone in this area. She wanted to know where's the since of community. She stated her neighborhood Cameron Woods consist of 43 houses built on ½ acre to 1-acre lots with mature trees and wide streets. She stated her neighborhood has a diverse population with young and old residing in a community where they feel safe. Ms. Quintero stated everyone in her neighborhood knows everyone and takes care of everyone. She stated she understands the owner wanting to sell the property, but she wants to know why the property cannot be rezoned to low density housing and build another neighborhood like Cameron Woods. She stated she knocked on doors, talked to people and nobody wants apartments. She stated everyone wants a community like her community, Cameron Woods. Ms. Quintero stated there is so much demand for

communities like Cameron Woods, but not a single one has been approved in many years. She stated based on her research the number of units approved up to this point is over 8,000 and is still growing, but stated now that number is already over 9,000. Ms. Quinterra stated the citizens of this County have not begun to see what is coming. She stated the schools are full, the roads are crowded, and the infrastructure is buckling, but the city keeps entertaining more development. Why can't the city just push back on the developers, say no to all the rentals and cookie cutter neighborhoods, and tell them Monroe is not for sale. Ms. Quinterra stated we are not Charlotte. She stated people move here to escape that life style, but look where we are going. She asked if the Planning Board's job was to rubber stamp projects if it met the ordinance requirements. She asked can we get back to thoughtful planning to truly preserve the quality life like is stated in the mission statement.

Russell Colbath stated he lives in Cameron Woods. Mr. Colbath stated the project looks to be a decent apartment project. He stated the concern of the residents was the size, density, location, and timing of the project. Mr. Colbath stated the residents in the area feel like a tidal wave of traffic is coming with the approval of the projects in the area. He stated it feels like this is too many units for the location based on traffic and the schools. He stated the water and sewer aspect is interesting. He said if you do the math on the 7% of sewer that's left it would be around 700,000 gallons of sewer capacity. Mr. Colbath stated this project would take approximately 70,000 gallons if approved by City Council. Mr. Colbath asked whether it was prudent to allocate 10% of the remaining sewer that has to stretch four to five more years.

Motion: Patrick Furr made a motion to table the item for thirty days.

Second: Margaret Desio

Action: The motion passed unanimously with the following votes:

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

NAYS: None

The Planning Board requested the following information when the project comes back in April:

1. Can an entrance be provided to this project from Highway 74?
2. Can the carriage homes be converted to townhomes?
3. Can the main entrance into the project on Rocky River Road be looked at because there is a safety concern?
4. Is it possible to provide some type of crosswalk on Myers Road so residents can cross to gain access to the amenities?
5. Can additional stacking be provided for the left turn lane on Rocky River Road into the project?
6. What are the allowed uses if the project is developed by right?

Kenneth Deal asked if any of the zoning text amendments were critical because we had gone so long for the night and asked if any of them needed to move forward tonight.

Keri Mendler explained that staff had been working on the text amendments for several months to get them to the meeting. She explained the changeable copy amendment was due to a lot of requests coming from schools and churches, she explained it could be delayed, it would just potentially delay permitting for requested signs, assuming it was approved. She explained the Mixed Use District amendment was hindering development over the lot frontage.

Kenneth Deal explained that he believes all but the last one [item 9] would go by fairly quickly.

Keri Mendler agreed, but further explained the last one would be more involved, but there were some uses that staff wanted to proceed with like the CDB & vape shops and further regulating those uses.

The Chair asked the board if there were any concerns of further delaying this item and asked for a motion.

Motion: Maryann Rasberry made a motion to table Item 9
Second: Archie Morgan
Action: The motion passed unanimously with the following votes:

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

Item 6. Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.2.2.F: Changeable Copy

Keri Mendler, Senior Planner provided the following presentation:

In the current code, changeable copy signs are permitted as wall signs, canopy signs, and monument signs. Staff has proposed a text amendment to limit changeable copy signs to monument signs only. Staff is also proposing to allow changeable copy 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; the current code limits these type of signs to the GB and GI zoning districts.

Staff recognizes there may be concerns with these types of signs in residential areas regarding brightness, so we have included language to limit the brightness as well as require the installation of an automatic light monitor that will automatically adjust the brightness level.

Keri said she would be happy to answer any questions.

Kenneth Deal stated these types of signs concern him in residential district, the effect of the changing, the light density, and LED, lumens, etc. He asked if it would be appropriate to require these signs to follow the same rules as the noise ordinance where the lights would be off from 11pm-7am and tie it to a timer?

Keri responded to this question stating it could certainly be considered in lieu of the brightness.

Kenneth Deal mentioned the lumen brightness helps at night so it does not refract from the windshield.

Archie said in addition to the brightness, they tend to be busy.

Keri explained there are standards regarding a static message and animation and scrolling is not allowed.

MaryAnn Raspberry expressed concerns about drivers reading the signs rather than paying attention to the road, Margaret Desio concurred.

Discussion amongst the members occurred. Members expressed a concern with Monroe not needing any additional blinking signs in residential.

Margaret Desio asked if there was a way to only allow these types of signs for just school and churches?

Keri explained federal case law prohibits regulating signs based on use.

Archie Morgan said the city is in the process of trying to clean up the downtown and the Historic District and he agrees with Coach on the issue. Discussion/agreement amongst the members was noted.

Keri explained that staff brought the request forward due to the number of requests staff has received for these types of signs for school and churches located in the residential district. She explained that if Planning Board did not want to move forward with the proposal, that was fine.

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

Second: MaryAnn Raspberry

Action: The motion passed unanimously with the following votes:

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

NAYS:

Motion: Archie Morgan made a motion to recommend adoption of the Ordinance amending Code of Ordinances- Title XV: Land Usage, Chapter 157: Section 8.2.2.F Changeable Copy

Second: MaryAnn Raspberry

Action: The motion passed unanimously with the following votes:

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

NAYS:

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

Patrick Blaszyk, Planner made the following presentation:

Patrick Blaszyk introduced himself and the text amendments to reduce the lot frontage requirements in the, CC-MX1, CC-MX2, RC-MX, and MD-MX zoning districts, and reduce the setback requirements for the MD-MX zoning district.

Patrick explained that as development has come into the city, commercial development has inquired in developing in these four mixed-use zoning districts and in most cases, the lot frontage and setback requirements has been too great to develop these parcels.

Patrick explained the details of the text amendment. In the CC-MX1 zoning district the lot frontage requirement will be reduced from 75% to 25%. The lot frontage requirement in the CC-MX2 zoning district will be reduced from 60% to 25%. The lot frontage requirement in the RC-MX zoning district will be reduced from 65% to 25%. The lot frontage requirement in the MD-MX zoning district will be reduced from 85% to 25%. The setback standards in the MD-MX zoning district will be modified as follows: Front/ Street setback will increase the maximum from 20 feet to 30 feet. The side setback will become a 5-foot setback and remove the 0-foot minimum and 25-foot maximum. The rear setback will be reduced from 50 feet to 5 feet.

Maryann Rasberry questioned why this text amendment was being proposed. Patrick addressed this question by explaining a visual map example of the current and proposed building frontage requirements in the MD-MX zoning district.

Richard Yercheck further explained the reduction in lot frontage allows for a smaller building to be created in this zoning district utilizing the example created by staff.

Kenneth Deal stated that the varying lot sizes in correlation with the zoning district requirements makes land in these zoning districts often times unusable due to the fact that the development requirements are too great. The only way to reasonably develop the land would be attaining multiple variances through the Board of Adjustment. Kenneth Deal stated further that the board would like to see sites developed with a smaller building footprint in correlation with all required development standards such as parking and sidewalks.

Patrick asked if the board had any other questions. The board had none.

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

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

Motion: Archie Morgan made a motion to recommend adoption of the Ordinance amending 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

Second: Margaret Desio

Action: The motion passed unanimously with the following votes:

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

Item 8. Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 6.3: Historic Districts

Archie Morgan and Jennifer Smith stated how they were happy to see this text amendment for protecting the trees in the historic district before them. The City of Monroe Historic District Commission has been pushing for this text amendment for a while.

Patrick Blaszyk, Planner made the following presentation:

Staff is proposing a text amendment to Section 6.3, Historic Districts in the UDO to add regulatory language and penalties for removing trees in the Historic District.

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.

Patrick explained that if a tree is going to be removed or has been removed, the party removing the tree is required to obtain a report from a site visit from the Union County Urban Forester in order to determine if the tree is or was healthy, diseased or infested. If the tree was diseased, infested or posed an imminent hazard to persons or property, the penalties are waived. 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. If the DBH cannot be determined, the maximum penalty will be enforced.

Patrick then outlined the following DBH penalties:

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

Patrick Furr asked where the numbers for the penalties came from?

Patrick Blaszyk responded the tiered penalty system came from Ashville and the fees are comparable to Ashville.

Patrick Furr stated the numbers should be more than this.

Archie Morgan and Jennifer Smith agreed.

Archie Morgan stated this text amendment is a good step in the right direction but, falls short in penalties.

Patrick Furr stated the penalties should be double the proposed numbers to give the Historic District Commission more teeth with this text amendment.

Jennifer Smith asked if there is any kind of larger signage that could be dedicated to these trees that are 100 and 200 years old instead of the small silver tags on them. The tree removed across from her house had a silver tag on it and the tree removal company had no regard for it.

Archie Morgan said that people are having tree removal companies work on properties in the Historic District on the weekend when nobody is around to say anything. This text amendment is a good starting point but does not have the proper teeth needed for regulation. The City of Monroe has lost its tree city designation and hope we can get it back. Stronger penalties would prove we are serious about that.

Senior Planner Keri Mendler commented on the tagged trees statement stating that tagged trees are trees that are over 21 inches at DBH. This is why staff created a tiered system. As far as increasing the penalties, obviously, there is reasonable, not reasonable, and questions on that at the state level.

Keri asked if City Attorney Richard Long would have any information to add on increasing the penalties?

Richard stated the question we got here is whether or not we want this as a civil penalty. If you want to have a criminal penalty, you would have to amend the ordinance and prosecute for the tree removal. This would mean the district attorney would prosecute the tree removal violation.

Archie Morgan asked Richard if these fines could not be increased without them becoming criminal?

Richard responded that you can increase these penalties without them becoming criminal. The question is, what is a reasonable penalty and what is an unreasonable penalty. If it is deemed to be unreasonable, it will be appealed and your ordinance will be struck down. Now what that delicate balance is, I can't tell you.

Patrick Furr commented that he can tell what the delicate balance is. I was in the nursey business for all those years and his father and grandfather before him. A 6-8 inch caliber tree, that I used to plant all the time cost \$2,100. Give the text amendment some teeth and double the fine.

Jennifer Smith and Archie Morgan agreed.

Archie Morgan stated that he wouldn't want to impose a fine where they are appealed and the City to lose every time.

Jennifer Smith asked if the party that removed the tree would have to pay to appeal the decision.

Archie Morgan asked if we can research other tree penalty's other than Ashville.

Richard Yercheck stated that he had an idea. We can adjust the penalties but who is paying to replace the tree? So if they have to replace the tree with something of similar size and stature. Now, I'm not telling them how much that is going to cost. I'm just telling they have to put the tree back. If they cut down a 6" tree, they have to plant a 6" tree. Same goes for a 20" tree.

Jennifer Smith and Richard Long commented that they cannot replant a 200-year-old tree.

Archie Morgan stated that he understood where Richard Yercheck was coming from. He asked the rule right now is what? When the First Baptist church cut down that tree, what did they have to replace it with size wise?

Keri Mendler commented that a 3" tree is what was required to be replanted. She further explained that the staff has learned that the larger the tree, the less-likely it is to survive. The party that removed the tree will have to pay the fees in-addition to the costs of replacing the tree.

Archie Morgan, Patrick Furr and Jennifer Smith asked if the fees could be doubled and be considered reasonable.

Patrick Blaszyk stated that he would make note of that.

Maryann Rasberry asked how will new people moving into the Historic District know of these fines and penalties.

Richard Long stated that this would be enforced like any other penalty in the ordinance.

Senior Planner, Doug Britt stated that if you did not check in with the Historic District guidelines when buying the home, that is your own issue.

Maryann Rasberry asked if planning staff is going to proceed with tagging trees in the Historic District as they once did before.

Keri Mendler stated that the tagging that occurred in the district was a one-time tree inventory. City Council did approve budget last year to create an updated tree inventory. That RFP is currently out for bids. This would include both the new and the old side of the Historic District.

Maryann Rasberry asked what about tagging trees that are not in right-of-ways. I have 6 trees in my yard that need to be tagged. Can I pay to have them tagged?

Keri responded that this would be part of the inventory. If those trees are within the 20" threshold that staff is asking for, they will be documented.

Maryann Rasberry asked if does or does not matter if it is on public property?

Keri responded that staff's goal is to get private property. But, obviously there will be people who will not grant access. But, I am glad to mark you down to participate. I would also like to clarify that tagging a tree is an informational-only piece. There are no greater regulations for tagged trees as compared to tagged trees.

Kenneth Deal stated that Planning staff is creating the threshold for what trees are tagged utilizing the 20" threshold.

Archie Morgan stated that he would like to see these fines doubled and enforced. Planning staff can send out a postcard to residents of the Historic District describing how this works. But these rules are the rules.

Keri stated that if Planning Board would like for that to be their recommendation that it could be and that staff would do more research to prepare for the council meeting. Ultimately, the decision is up to City Council, but Planning Board and staff can make a recommendation for them.

Patrick Blaszyk asked if the Board would like to go through the rest of the text amendment.

Archie Morgan stated no and they are ready to make a motion.

Motion: Archie Morgan made a motion to recommend adoption of the Resolution Approving/ Land Use and Transportation Plan Compliance with the change of doubling the suggested fines by the city.

Second: Jennifer Smith

Action: The motion passed unanimously with the following votes:

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

Motion: Kenneth Deal made a motion to recommend adoption of the Ordinance amending Code of Ordinances- Title XV: Land Usage, Chapter 157: Section 6.3 Historic Districts with doubling of the proposed fines.
Second: Jennifer Smith
Action: The motion passed unanimously with the following votes:

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

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

This item was tabled per the motion made earlier in the evening and listed above after Item 5 and before Item 6.

Item 10. Unified Development Ordinance (UDO) Discussion

Kenneth Deal explained the Planning Board had voted several months ago to make this a permanent agenda item. He stated for tonight, that many individuals had indicated things needed to be updated or changed in the ordinance, one of which is that no project should come to the Planning Board unless the staff has had the opportunity to finish their work and either provide a recommendation or a non-recommendation status in their staff report, he said he was not proposing that right now, but just providing an example of things that needed to be talked about.

He explained the Planning Board's staff liaison right now is Doug and if there were questions or concerns either of their own or ones brought up to them, to discuss those items with someone and maybe consider bringing it forward for a text amendment. He said the board was going to get to a point of dissecting the code section by section, article by article; that it is a living, breathing document and we need to keep it up to date. He stated staff has been doing a good job of bringing items to us when things come to their attention. He stated this needed to be discussed at every meeting.

Item 11. Next Meeting: April 3, 2024

Item 12. Adjournment

Motion: Jennifer Smith made a motion to adjourn.
Second: Margaret Desio

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

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

NAYS: **None**

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Kenneth Deal, Chair
Planning Board

Secretary to the Board

PLANNING BOARD MEETING

April 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, Kenneth Deal called the April 3, 2024 meeting to order at 6:01 p.m.

Members Present: Kenneth Deal (Chair), Jennifer Smith (Vice Chair), Margaret Desio, Maryann Rasberry, Patrick Furr, Richard Yercheck

Members Absent: Archie Morgan

Staff Present: Keri Mendler, Senior Planner; Doug Britt, Senior Planner, Megan Brightharp, Planner 1; Richard Long, City Attorney; Terry Sholar, Senior Staff Attorney

Guests: Louis Philippi, Chris Plate, Paul Derun, Ivan Derun, Olga Derun, Bugdan Deryn, Randall York, Will Walters, Cynthia Quinto, Joe Quinto, Sushanfh Chaadeld, Yenkat, Frank Craighill, Rad Hudson, John Seyick, Jay Ross, and Paul Dunn, Nick Tosco and Rohan Shah

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

Keri Mendler called the roll and the Chair noted that a quorum was present.

Item 3. **Conflicts of Interest**

Item 4. **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”.**

Chair said this item was continued from last Planning Board meeting and is only being reviewed again to have questions of the Board answered. It doesn't need to be presented again unless there is some rejection from staff. No? Ok. We've all had an extra month to go deeply into this because there are a lot of varying issues to consider. I believe everyone also received an email from the developer answering some of the questions and concerns we had from last month. So I want to open it up for any and all Board discussions. Do you have anything to add?

Maryann Rasberry said I think you all have a very nice and very pretty proposal, but I cannot support it for the following reasons: the additional traffic is more than the intersection at Rocky River and 74 can handle; it will also interfere with the quality of life of the existing residents along that area; our water

and sewer will be overtaxed with housing units already on the books; we can't really tell what will happen in Wingate and Marshville that will put more drainage on our system; the rent will be lowered if people don't pay the rent that you're planning to charge so, in previous discussions, when asked about that you have said you would lower the rent; and we have enough housing for middle income and starter homes and apartments, but what we need are residents for upper management and company executives so they don't live in Charlotte and come to work here in Monroe because there's not housing available. The housing in Rolling Hills circle show any number of the older houses being torn down and very high-dollar houses being built there so people will come to Monroe and they will buy high-dollar houses. For the twenty years I've served on this Board, I've heard from developers that we can't make the numbers work, but you can't make them work if you don't try. So if we are going to do what's best for the City, I think we need to look at what is going on in the Western part of the County and know that eventually Charlotte will come our way. If we don't have any ground left for them to build the high-dollar homes, then they're going to hop over us and go to the next town. So I appreciate the work you've done and what you want to do for Monroe, but I just cannot support you.

Richard Yercheck said Rocky River has historically been a corridor for development for businesses and industry. I don't dislike your project. I spoke with you earlier, Nick, on the phone. I have issues with what is going to happen, traffic-wise. You have all the by-right possibilities to do anything and everything. I would encourage you to reach out to Chris Plate with economic development and see if there is something that may go there that you could potentially do with that piece of commercial property. That would change how that project would look and that's already a commercial corridor. I appreciate the explanation and digging into the confusion over the water. I'm happy to have a conversation after, Nick, whenever it's convenient.

Chair said I think as we move forward with projects in Monroe, we have to remember we sit up here and represent the City in a review process, but primarily, we represent the citizens in Monroe. It's our responsibility to give the citizens of Monroe what they need and what they want. While the apartments do have a lot of amenities and it is a well put together project, we have so many projects already approved that we, even with our projected growth for the next five years, we still have two-thousand units unoccupied if everything was to be built. We must assume that everything will be built because it was approved. If it doesn't get built then we get some of those resources back, but commercial properties use a lot more resources than residential properties. Yours is a commercial maximum project and has a major impact on the few resources that we have left. For that reason and the reasons stated by the other Board members, I can't support the project at this time either. I'm prepared to accept motions from the Board.

Motion: Maryann Rasberry made a 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.

Second: Jennifer Smith

Action: The motion passed with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Maryann Rasberry, Patrick Furr, Richard Yercheck,

NAYS: Margaret Desio

Motion: Maryann Rasberry made a motion to recommend denial of the zoning map amendment
Second: Jennifer Smith
Action: The motion passed with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Maryann Rasberry, Patrick Furr, Richard Yercheck,
NAYS: Margaret Desio

Chair said the motion carries.

Item 5. **Zoning Map Amendment for property located at 2815 Bravo Place, further identified as tax parcel # 09-112-016. The request is to rezone the property from General Industrial (GI) to Heavy Industrial (HI).**

Megan Brightharp, Planner 1, provided the following presentation:

Megan Brightharp approached the podium and said tonight I'm here to present a Zoning Map Amendment Request regarding the property located at 2815 Bravo Place. The subject property is located north of Bravo Place. The applicant is requesting a General Rezoning of the subject property from GI, General Industrial to HI, Heavy Industrial. The property is currently undeveloped. The proposed use is not permitted in GI, General Industrial, which the property is currently zoned. Parcels next to and across from the subject property are zoned GI. Properties to the North are zoned RMD, Residential Medium Density. The Land Use and Transportation Plan indicates this area is Manufacturing Logistics and Aerospace. This designation supports manufacturing production at a variety of scales including assembly and processing, warehousing and distribution, bulk storage and utilities. Manufacturing Logistics and Aerospace areas are found near major transportation assets and generally are buffered from surrounding development. Clusters of uses that support or serve similar industrial uses typically locate nearby. Planning staff believe this request is consistent with the Land Use and Transportation Plan because the proposed rezoning to HI will allow the applicant to establish the use in the area designated for heavy industrial development.

Kenneth Deal asked the Planning Board if there were any questions for staff. None noted

Kenneth Deal called the applicant forward and asked them to state their name and address.

Randall York introduced himself and stated that his address was 806 Fisher Ridge Drive Monroe, NC.

Kenneth Deal said give us an idea what you're trying to do here with the rezoning.

Randall York said we would like to put up a concrete plant, similar to the one right beside it. Thomas has a plant, a concrete batching plant. Thomas Concrete is right beside it. It's basically the same scenario that they have. It will be a plant with silos and then you'll have a batch house which will be a small unit where your batch is done and your drivers and all come in and everything. So probably 1000 square foot or less office area plus the batching plant itself.

Kenneth Deal said I've got a couple of questions for you. Perry Crooke, is that you? Are you Perry Crooke?

Randall York said no, he's the owner. I'm supposedly going to buy it from him if all this goes through.

Kenneth Deal said are you gonna buy it?

Randall York said I don't know.

Kenneth Deal said so, there's no representative... property owner representative here?

Randall York said he called me and told me I needed to be here. He couldn't be here. So that's our goal. If this thing gets resolved where we can go to heavy, then I'm buying the property from him. And at that point, we'll move forward with all the other things going on.

Kenneth Deal said the property owner is the one that needs to ask for a rezoning of the property, not an interested party that might want to buy it. Plus, Kirby M. and Perry M. Crooke, LLC was disillusion in the state of North Carolina in 2005. So, it doesn't exist. The business address used on the application is an empty warehouse. I drove by there on my way here today. So, I see no way to enter or even entertain a rezoning. That's the way I look at this. It's not a legal application in my book causes it's a total misrepresentation.

Randall York said okay, well, I didn't have any part of that. I apologize. They were supposed to be taking care of all that and got a call yesterday saying I can't show up.

Richard Yercheck said can we get a legal counsel? Richard, what you got? What are your thoughts here?

Richard Long said well, an LLC, if it has been administratively dissolved, it does not have the authority to convey property, take actions or do anything unless it is part of its winding up process. So if it's in the process of dissolving itself, even though they've been administratively dissolved, it could convey the property. If it is moving forward in doing something like that and not conveying the property, they don't have the authority to do it without being reinstated. Does that answer your question?

Patrick Furr said and we don't know where they are in that process.

Kenneth Deal said 2005.

Richard Long said just because you've been administrative absolved does not mean you can't be reinstated. It's just a process with the Secretary of State.

Kenneth Deal said okay and I am correct in the fact that the property owner is the one or legal representative of the property owners that need to ask for a rezoning.

Richard Long said I think it we have in the past, allowed others to speak on their behalf, but I think your point is about their action. Do they have the authority to take any action right now with their LLC is more the point.

Kenneth Deal said thanks, sir. Sorry to put you on the spot.

Randall York said no problem.

Motion: Maryann Rasberry made a motion to table this request until the May meeting
Second: Jennifer Smith
Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Maryann Rasberry, Patrick Furr, Richard Yercheck, Margaret Desio

NAYS:

Chair said we will table this until the property owner can get his paperwork together and re-submit.

Item 6. **Annexation and Zoning Map Amendment request for properties located along Goldmine Road and further identified as tax parcel #'s 09-372-003D, 09-372-003E, 09-372-003G, 09-372-003H, 09-372-003J, 09-372-003K. The purposed of the request is to rezone the properties from Union County Light Industrial (LI) to General Industrial (GI)**

Doug Britt, Senior Planner, approached the podium, introduced himself and said as you say this is an annexation request and a rezoning to annex the properties along Goldmine Road. The properties are involving six parcels, five of them are owned by Union County and one is owned by the Union County Board of Education. They are requesting to annex this from Union County into the City of Monroe. The properties are currently zoned Light Industrial (LI) in Union County and we're requesting to bring it in General Industrial (GI). General Industrial for us is basically Light Industrial for Union County because we have a Heavy Industrial and we have General Industrial. This is a zoning map for the area. As you can see the properties are currently zoned as Light Industrial Union County and everything here around it to the south is zoned RA-20 in Union County and here to the north on the other side of Goldmine Road is a combination of Heavy Industrial and General Industrial. Here to the west is zoned General Industrial as well in the City of Monroe. I'll be glad to answer any questions. It is front of the bus parking lot and garage. It was annexed years ago for that specific use.

Chair asked do we have any idea what the County's intent is to do with that land?

Doug Britt said it involves an economic development project. Chris with Economic Development is here. Specifically, no it can be developed as in Union County Light Industrial and we are requesting to bring it in General Industrial.

Maryann Rasberry said I spoke with Chris and he's got some folks that I think are ready to sign on the line so he's very much in favor of this rezoning.

Doug said the ones highlighted are the ones included and one of the properties are actually the City of Monroe because when we started doing the annexation map review, there was one parcel that was actually outside the City limits. It was contiguous with what we were doing so we had to lump that in

too. All the parcels are highlighted. There is a total of six. A couple of them go across the street so it looks like there are more than six, but there's a total of six properties that would be part of the request. Chris is here.

Chris Plate, Monroe Union County Economic Development, said this is part of what the County's first toe dipping into develop the industrial parks. So this is referred to as Piedmont Innovation Park. The first half of that park was sold to ATI, which is in the purple to the north, for their \$140 million project. So we are considering several projects on the southern pieces because of the county's sewer situation, it cannot be served, so it has to be annexed into Monroe to have sewer service. The projects that we look at on these industrial lands, particularly within Monroe, are not utility intensive. It's basically machining and metalworking and other high-tech precision manufacturing very similar to what's in the Monroe Corporate Center. Those are the projects that Union County is most competitive and that's what we target in that area.

Maryann Rasberry said Chris, will the City benefit from the industrial taxes?

Chris Plate said yes, there is potential for some of these projects on there, we could see close to a billion dollars sitting on that land. No promises, but we're shortlisted on some very interesting projects.

Chair asked it's not going to be tax-exempt County land?

Chris Plate said oh no. My job is to bring you tax-base, not tax-free. It's all in line with what City Council wants.

Chair said I'd rather punt it to City Council if they really want to build out Union County with our resources then they need to block out for this if they want to do that.

Motion: Richard Yercheck made a motion to recommend adopting annexation request.

Second: Maryann Rasberry

Action: The motion passed unanimously with the following votes:

AYES: Jennifer Smith, Maryann Rasberry, Richard Yercheck, Margaret Desio

NAYS: Kenneth Deal and Patrick Furr

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

Second: Maryann Rasberry

Action: The motion passed with the following votes:

AYES: Jennifer Smith, Maryann Rasberry, Richard Yercheck, Margaret Desio

NAYS: Kenneth Deal and Patrick Furr

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

Second: Maryann Rasberry

Action: The motion passed with the following votes:

AYES: Jennifer Smith, Maryann Rasberry, Richard Yercheck, Margaret Desio
NAYS: Kenneth Deal and Patrick Furr

Item 7. 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 *THIS ITEM HAS BEEN REMOVED FROM THE AGENDA AT THIS TIME. NO ACTION WILL TAKE PLACE ON ITEM.*****

Item 8. Unified Development Ordinance (UDO) Discussion

Chair said we've all asked for more information from the Technical Review Committee. We need to formalize the Technical Review Committee, finalizing its work before projects come forward to the Planning Board so that staff actually has a recommendation to give the Planning Board and City Council for that matter. I propose that the Board members look at the UDO online, hard copy if you got it. Look at the Technical Review Committee responsibilities and let's come up with a recommendation for a text amendment that not only requires that they complete their work before applications go forward, but also tell me what you want them to tell you to look at as far as cost of the development, what kind of resources they will use and whatever information you feel you need. We'll roll it up in there as a requirement that they actually report out instead of first-come, first-served. Two alternates were approved by the Citizens Appointment Committee and will be going to the City Council at their next meeting so one of those lucky people will get to sit on the Board next month.

Item 9. Next Meeting: May 1, 2024

Item 10. Adjournment

Motion: Jennifer Smith made a motion to adjourn.

Second: Margaret Desio

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

**AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry,
Richard Yercheck, Patrick Furr**

NAYS: None

The meeting was adjourned at 6:37 p.m.

Respectfully Submitted,

Kenneth Deal, Chair
Planning Board

Kimberly Davis
Secretary to the Board

PLANNING BOARD MEETING

May 1, 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, Kenneth Deal called the May 1, 2024 meeting to order at 6:02 p.m.

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

Members Absent: Richard Yercheck and Louis Philippi

Staff Present: Lisa Stiwinter, Planning Director; Keri Mendler, Senior Planner; Megan Brightharp, Planner 1; Patrick Blaszyk, Planner 1; Richard Long, City Attorney; Terry Sholar, Senior Staff Attorney

Guests: Paul Derun, Ivan Derun Derun, Olga Derun, Randall York, Will Walters

Keri Mendler called the roll and the Chair noted that a quorum was present. Chairman Deal indicated Louis Philippi was out due to a surgery and Richard Yercheck was absent as well. He also said Patrick Furr resigned. Parker Mills filled in as an alternate. Ken Deal asked everyone to stand for the pledge of allegiance and a moment of silence.

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

Item 3. **Conflicts of Interest**

Item 4. **Zoning Map Amendment for property located at 2815 Bravo Place, further identified as tax parcel # 09-112-016. The request is to rezone the property from General Industrial (GI) to Heavy Industrial (HI).**

Megan Brightharp, Planner 1 provided the following presentation:

Megan Brightharp approached the podium and introduced herself. She said tonight I am here to present a Zoning Map Amendment request regarding the property located at 2815 Bravo Place. The subject property is located north of Bravo Place.

The applicant is requesting a general rezoning of the subject property from GI, General Industrial to HI, Heavy Industrial. The property is currently undeveloped. The proposed use is not permitted in GI, General Industrial, which the property is currently zoned. Parcels next to and across from the subject property are zoned GI. Parcels to the north are zoned RMD, Residential Medium Density.

The Land Use and Transportation Plan indicates this area is Manufacturing, Logistics, and Aerospace. This designation supports manufacturing and production at a variety of scales, including assembly and processing, warehousing and distribution, bulk storage, and utilities. Manufacturing, Logistics, and Aerospace areas are found near major transportation assets and generally are buffered from surrounding development. Clusters of uses that support or serve similar industrial uses typically locate nearby.

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

A rezoning notification sign will be posted 10 days prior to the public hearing and an official rezoning notification letter will be sent to the adjacent property owners located within 150 feet, 10 days prior to the public hearing.

Planning staff recommends approval of the rezoning.

Kenneth Deal asked if there were any questions for staff.

Parker Mills asked who owned Bravo Place and whose responsibility it was.

Keri Mendler asked if Parker Mills was inferring about maintenance and said she believes it is maintained by the City of Monroe.

Parker Mills made comments about the current state of the road.

Keri Mendler said she would pass his concern along to the Engineering Department.

Kenneth Deal asked if there was anyone that wanted to speak in favor of the project.

Randall York approached the podium and introduced himself. Randall York said that they wanted to rezone the property so that they could build a concrete plant. Thomas Concrete is right beside the subject property and it would be the same type of facility. They would have the plant with silos, a small building for office use, and a facility for storage.

Kenneth Deal asked if this project was an expansion of the other plant or a whole new business.

Randall York said it has nothing to do with Thomas concrete and their operation.

Archie Morgan asked if there is already a concrete plant there, why did they not have to rezone, but the applicant does.

Megan Brightharp said that the existing concrete plant (Thomas Concrete) was grandfathered in.

Parker Mills asked if there as something he was missing about the road. He asked how they would get concrete trucks along the road. It's a heavy road with heavy equipment.

Randall York said that the entire area was nothing but warehousing and that tractor-trailers travel that road all day. It would be the same thing that's going on there now. Instead do tractor trailers, they'd be running shorter trucks and that there would be heavier traffic.

Archie Morgan asked Megan Brightharp whose responsibility it was to get the road fixed.

Megan Brightharp said that it was a City road so it is the City's responsibility to fix it.

Kenneth Deal said it's the Engineering Department's responsibility, they budget \$1.2 million every year and that it would take quite a bit of that budget and that maybe an engineer could request a budget settlement to upgrade the road.

A conversation was had between Jennifer Smith and Kenneth Deal. (Unintelligible)

Kenneth Deal said the recommendation is based on land usage and that they may or may not take the road into consideration.

Kenneth Deal said it was a valid concern that they have to consider. Do they move forward with the rezoning and leave it to the City to worry about fixing the road or do they postpone the decision to get an answer from the City? That's something you have to ask yourself if we want it.

Jennifer Smith asked if it is rezoned for that, could more heavy industrial equipment go out there along with it? Does it open the door for more? Can someone else come along and add on to that? Not this piece of property, but further on down the road?

Megan Brightharp said that it was a general rezoning, so if it was rezoned to heavy industrial and the concrete plant falls through or if the concrete plant opens and then they close; anything that is permitted by right and is heavy industrial can go onto that property by right.

Kenneth Deal said and any other property would have to come back and we start to compound that.

Parker Mills said I have no problem passing the rezoning without correcting this, if it's going to help them out, but I do think that in the future that road is something that we... I felt that by going out there and riding and see what the condition of it is that it's going to need some attention some time.

Archie Morgan made a comment. (Unintelligible)

Randall York said just so you know, within the last eight months, this project has already been approved for a 60,000 square foot commercial building with loading docks. Everything was pretty much approved. They were waiting for planning, but because of the expense of having to pad up a building for 60,000 square foot area, he's like I'm not doing this. (Unintelligible)

Kenneth Deal said your use isn't necessarily going to create more road use than a truck storage facility.

Archie Morgan said they're the ones that'll be using that road. I don't see tabling it.

Jennifer Smith said no.

Kenneth Deal said I think what we need is, we need to have a footnote, if you will in the minutes that the City engineering department needs to assess the road and road improvements are warranted, but that's a legislative decision, but if it's in our notes in our minutes, then they're going to notice that we addressed it. And it needs something that needs to be addressed by the engineering department rather than through a special budget or the existing Monroe maintenance funds, but that's about all we can do. (Unintelligible) I have no problem with putting that in the minutes as a footnote.

Randall York spoke. (Unintelligible)

Kenneth Deal said well, we're not done yet, we've heard for.

Kenneth Deal asked if there were any more questions from the representative of the applicant.

There were none.

Kenneth Deal asked if there was anyone who wanted to speak against the rezoning.

There were none.

Kenneth deal closed the comment section and moved on to the discussion and asked if there were any Board discussion on the issue.

Parker Mills said I don't think so. They're the ones that have to deal with the road and we put that in our notes. We're approving this, the road (unintelligible) take that into consideration.

Kenneth Deal said I agree.

Parker Mills said you know my position in the past. I've never not gone to a site. (Unintelligible) I'm fine to pass it, but there's an issue with that, but I do go to all the sites.

Kenneth Deal said do we need a bus? Lisa, get us a Planning Board bus. That'll get them going over there.

Kenneth Deal opened the floor to motions.

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

Second: Jennifer Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS:

Motion: Margaret Desio made a motion to recommend adoption of the Ordinance amending Section 157.1.2.1- Official Zoning Map with a note that Planning Board recommends the engineering department inspect the roadway assessing the property for necessary improvements

Second: Jennifer Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS:

Item 5. Zoning Map Amendment for property located at 511 Fowler Road, further identified as tax parcel # 09-210-003F. The request is to rezone the property from Regional Corridor Mixed-Use (RC-MX) to Residential Low Density (RLD).

Megan Brightharp, Planner 1 provided the following presentation:

Megan Brightharp said tonight I am here to present a Zoning Map Amendment Request regarding the property located at 511 Fowler Road. The subject property is located south of Fowler Road and west of Ridge Road.

The applicant is requesting a general rezoning of the subject property from RC-MX, Regional Corridor-Mixed Use to RLD, Residential Low Density. The property is currently undeveloped. The proposed use is not permitted in RC-MX, Regional Corridor- Mixed Use, which the property is currently zoned. Parcels contiguous to the subject property are zoned RC-MX. Parcels to the north are outside of the Monroe City Limits and zoning jurisdiction.

The Land Use and Transportation Plan indicates this area as suburban. While residential uses typically take a form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in suburban location. 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.

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

A rezoning notification sign will be posted 10 days prior to the public hearing and an official rezoning notification letter will be sent to the adjacent property owners located within 150 feet, 10 days prior to the public hearing.

Planning staff recommends approval of the rezoning.

Kenneth Deal asked if there were any questions for staff.

Archie Morgan said that the City received a request to rezone the property from RC-MX to Residential Low Density, right?

Megan Brightharp said yes.

Archie Morgan said that the RC-MX is intended to provide the intense concentration of retail employment and high density residential. So, I am confused about the low and high density.

Megan Brightharp said that the applicant wants to rezone to low density. That's not permitted in RC-MX. RC-MX allows multi-family and high density.

Margaret Desio said this RLD, Low Density, is there a size that the lots have to be. It just says larger lots.

Jennifer Smith said well, it sits on two acres.

Margaret Desio and Jennifer Smith held further discussion (unintelligible).

Margaret Desio said you have a 10,000 square feet, then you have a 20,000 square feet, you can have a 40,000 square feet.

Keri Mendler said can I make a point in clarification. RC-MX is a Regional Corridor Mixed- Use district. That is where we are going to see our higher density apartments, commercial restaurants. The applicant is requesting to rezone to Residential Low Density which is a half-acre minimum lot to build a single family home. So, they're requesting to go from a higher intense, higher density to a single family zoning district to a build home because it is not allowed in the current zoning.

Margaret Desio responded. (Unintelligible)

Keri Mendler asked if that clarified.

Margaret Desio said yes.

The Planning Board continued discussion. (Unintelligible)

Kenneth Deal said that the citywide rezoning changed it from residential to mixed use. He came in to get it changed back.

Planning Board continued discussion. (Unintelligible)

Keri Mendler said just for clarification, current density the way it is zoned now allows 12 units per acre. He's asking to go from 12 units per acre to basically 2, but I think, and I'll let them clarify, they want to build a house.

Kenneth Deal asked if there were more questions for staff.

There were none.

Kenneth Deal asked if the applicant would like to step forward.

Kenneth Deal asked the applicant to state their name and current address for the record.

The applicant said his name was Ivan Derun

Jennifer Smith asked the applicant to speak up.

The applicant said good evening, my name is Ivan Derun. I am located at 2201 Lavender Meadows Court in Monroe, NC and we purchased our property back in 2022. We spent two years saving up for a home. We cleared a portion of the property to build a house on. We got a septic permit. We created a house plan within those two years. We were saving up and we actually got a loan from American Bank, which is right across the street here, so we have everything in order. We have all the subs lined up, the sub trades ready to build, we actually sold our home a few months ago to move forward with building, and we moved into a rental, which is about three minutes away from our property. We have a lot invested in this, a lot of time, a lot of money and if we knew it was a commercial property, we wouldn't have invested all this time, all this effort paying for a house, paying for a lot. I went to pull permits through Monroe, I gave them a call. That was the last step of the process before they break ground for the house and they informed me that the property was zoned commercial. We bought a residential property so it got rezoned a commercial property without us knowing. The next day after I called and they informed me of this, the bank gave me a call. They appraised our property. They appraised our house plans and they came in at 750 and I believe that's a good thing for Monroe to bring higher priced homes, luxury homes to Monroe. So, we're requesting to rezone back to residential.

Jennifer Smith said so you're just going to build one house on that.

Ivan Derun said yes. We want to build a house towards the front and leave the back more like a wooded area just for the kids.

Kenneth Deal said so for clarity, I think what I heard you say is you brought the property roughly two years ago and it was residential zoned at the time

Ivan Derun said yes.

Kenneth Deal said you started making your plans and saving your money and clearing land and during that time it got rezoned on you without you knowledge.

Ivan Derun said yes.

Kenneth Deal said when you went to get your permits you found out it was commercial.

Ivan Derun said (unintelligible) that was the last thing that comes to mind for this property.

Maryann Rasberry said do you have to wait a whole month before it goes to council before he can get started.

Kenneth Deal said yes, we are not the approval, we're recommending.

Maryann Rasberry said but after that.

Kenneth Deal said it's going to take you two months because it has to be advertised.

Keri Mendler said that it will go in June.

Kenneth Deal said so, at any rate, you want to build a home here that you've been saving and planning for.

Maryann Rasberry said yeah we want you to.

Kenneth Deal said I think we're all about that, but I have to put all the checks in the box. So, thank you very much.

Kenneth Deal ask if there was anyone who wanted to speak against the rezoning.

There were none.

Kenneth Deal opened the floor for motions.

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

Second: Jennifer Smith

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS:

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

Second: MaryAnn Rasberry

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS:

Item 6. Planning Board is requested to consider a zoning map amendment for the property located at 431 Morgan Mill Road and further identified as tax parcel 09-189-038 from Office Medical (OM) to General Business (GB).

Patrick Blaszyk, Planner 1 made the following presentation:

He said he was presenting a rezoning request for 431 Morgan Mill Road. The applicant, Will Walters is looking to rezone the .763-acre site from its current zoning designation of OM or Office Medical to GB or General Business. The General Business district is intended to accommodate a mixture of commercial, public, institutional and office and medical uses. The property is currently occupied by an 8,000 square-foot commercial building that was constructed in 1988 and is presently vacant.

Archie Morgan asked what business used to be in this buildings location while pointing at attachment 1, Ortho Map?

Chair and other members said an automotive store was located here.

Patrick Blaszyk continued his presentation with describing attachment 2, the zoning map for the area. The subject property is outlined in blue and is zoning OM for Office Medical. The parcels directly to the north are zoned RHD for Residential High Density and presently house multi-family residential housing. Parcels to the east are zoned GB for General Business and house commercial uses. Parcels to the south are zoned OM for Office Medical and house single-family residential housing and commercial uses. The parcels to the west of the site are zoned RMD for Residential Medium Density and OM for Office Medical and house single-family residential housing and commercial uses. Moving onto attachment 3, the Future Land Use map for the area. The subject property falls under the Traditional Development land use type. The only other land use type in this area is the Community Corridor land use type.

Patrick described the Land Use and Transportation Plan in attachment 4. 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.

Patrick said that Planning staff believes the request is consistent with the Land Use and Transportation Plan because commercial is a property use.

A rezoning 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.

Patrick Blaszyk said this concludes his presentation at this time and the applicant is here if you have any questions for them as well.

Margret Desio asked why the property is zoned Office Medical?

Patrick Blaszyk stated that this property was rezoned to Office Medical approximately two years ago with the adoption current Unified Development Ordinance and Zoning Map April of 2022.

Chair and Archie Morgan asked if this zoning was grandfathered in?

Senior Planner Keri Mendler explained the property was zoned Office Transitional prior to its current zoning designation. With the new zoning map adopted in April of 2022 is when the current zoning designation was of Office Medical was adopted. This current zoning district is basically the same as the old zoning district. The Office Medical zoning district is intended to act as a transition between commercial uses and residential. There is a large quantity of residential parcels in this area as well as some commercial. This is where the Office Medical provides a transitional area.

Chair said in his seventeen years of being here in Monroe, a mix of uses have been located on the subject parcel. The area desperately needs revitalization. Medical uses are not likely to occur in this area. If someone is trying to bring new development into the area then I am in support of that.

Chair asked the applicant to approach the podium.

The applicant, Will Walters approached the podium and stated his name and address. Will stated that there is not much that has not already been said. The property is right on the boarder of transitioning from commercial to residential. I bought this property as an investment so it can eventually serve the community. Rezoning the property opens the land up for a more-positive use for the area instead of sitting vacant with an old warehouse.

Archie Morgan asked if he has any plans for the parcel?

Will Walters said the he does not currently have any plans. We have been talking with our investors and engineers about different business ideas for how to move forward.

Jennifer Smith asked if the applicant is just going to lease the property as-is?

Will Walters said the property will either be leased as is or build a new use on the property that would fit into the General Business zoning district.

Archie Morgan stated how this area needs new investment.

Board members held discussion about the new houses built on the other side of Morgan Mill road.

Chair asked if there were any further questions for the applicant?

There were none.

Chair asked if there was anyone else here to speak for the project?

There were none.

Chair asked if there was anyone here to speak against the project?

There were none.

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

Second: Archie Morgan

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS:

Motion: Maryann Rasberry 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: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS:

Item 7. 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, Section 8.4.2: Parking Requirements, and Section 11 Definition of Terms.

Keri Mendler, Senior Planner made the following presentation:

She said she was presenting a proposed text amendment to various subsections of section 7 involving use definitions and supplementary standards as well as 8.4.2: parking requirements.

Keri said staff is proposing additional uses and associated definitions and standards such as catering and commissary kitchens, tobacco and vape establishments, uses involving cannabis sales, and community centers. Keri said staff is also proposing modifications to some existing uses such as separating event centers and conventional centers due the scale difference, and various animal related businesses into separate uses.

Keri explained the sections are separate, but interconnect, she further explained that Section 7.1 was the table of uses and 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. She continued saying section 8.4.2 addresses parking requirements for each use added or

modified and section 11, which is general definitions for the code. She explained staff added a few definitions specifically involving hemp, kratom, and similar substances.

Keri said this concludes her presentation however she would be happy to answer any specific questions you have about the uses, standards, or parking amendments.

Kenneth Deal added that this was the most reviewed text amendment that has come before Planning Board to date and it involved various reviews by the Police Department, the Legal Department, and the Planning Department. He continued the purpose of this was to prevent surprises and like a methadone clinic like we saw in the downtown area. He said this puts the uses for medical back near medical areas, businesses back near business areas in particular the 74 corridor. He continued saying it also anticipates, and we've seen a lot of movement, where we now have the first medical marijuana medical dispensary in North Carolina in the Indian Lands. He went on to say the Biden administration recently announced a proposed change to reclassify cannabis from a Class 1 controlled substance to a Class 3 controlled substance. He went on to add that we are seeing what other states have seen in the legalization of marijuana. He added that to address this potential here in North Carolina, the proposed changes, if legalized in North Carolina, will already address where the uses can go in Monroe. He also added that the amendment further regulates anything that is nonresidential in nature that is proposed to go in a residential area to obtain a Special Use Permit, so that it receives a review in which the public is notified and has a chance to provide comment. He added in that vape shops now have distance requirements from schools, playgrounds, and churches. He said this is a proactive document in which a lot of people have spent a lot of time reviewing to make sure things are addressed. He provided information on Kratom and how it will be regulated similarly to cannabis in the proposed amendment.

Jennifer Smith asked if pharmacies sell it or could they?

Kenneth Deal said no, pharmacies don't both selling it because they look at it like a power drink, they just don't want...they know the effects of it...

Jennifer Smith said it would be a lot more controlled if pharmacies sold it.... Because people with cancer.... That is... something that could ease their pain, but I wouldn't want it disturbed by the vape shop.

Kenneth Deal said as long as pharmacies have the lock on pharmaceuticals, I don't see them selling this unless it's a small family owned pharmacy maybe.

Archie Morgan asked what happened to the methadone clinic in downtown.

Kenneth Deal and Jennifer Smith said it was gone and that the text amendment from the special meeting in January did away with it. Kenneth Deal explained the applicant didn't have their permits complete. He explained they could still go somewhere, but it would be closer to the hospital.

Archie Morgan applauded the city staff for the review and preparation. Kenneth Deal said it's good to be proactive instead of reactive and explained that citizens may not know the heartache we've saved them by being proactive if North Carolina legalized these.

Maryann Rasberry asked a question regarding Tylenol and Codeine [unintelligible].

Parker Mills made comments about [unintelligible]

Kenneth Deal made a comment about adding the term “CBD” to the Cannabis/Kratom/Marijuana Establishment classification.

Keri Mendler said this would be easy to add.

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

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS:

Motion: Archie Morgan made a motion to recommend adoption of 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, Section 8.4.2: Parking Requirements, and Section 11 Definition of Terms with the condition that CBD be added as discussed.

Second: Maryann Rasberry

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS:

Item 8. Unified Development Ordinance (UDO) Discussion

Kenneth Deal explained at the last meeting, he asked members to review the Technical Review Committee (TRC) section to determine what the Planning Board wanted to see from TRC with future developments. He asked if anyone had anything they wanted to add to that section.

Maryann Rasberry explained that after the last few meetings, she'd like to look at the UDO to see if there is a way to make all multi-family proposals come before Planning Board and City Council rather than the 49 apartments or less be approved without going through the process. She said we really do have enough apartments and starter homes. She said we need to get to the point of starting to look at Executives for these industries that are coming so they don't have to go to Charlotte.

Kenneth Deal said we should look at that. He turned to Lisa Stiwinter to ask clarification in that multi-family homes are basically the same as single family homes and if there is 49 or less units, then it goes through the administrative approval process and if there was 50 lots or more, it goes through Planning Board and City Council for approval.

Lisa Stiwinter explained that apartments are defined as units, not lots. She explained that if multi-family was a permissible use in the zoning district, it's allowed at staff level. She explained that single family developments of 50 lots or more would require a special process for approval. She explained the mixed use district, like downtown, allow multi-family development as an allowed use because you want that high density residential use to bring the foot traffic to support the businesses downtown. She explained if the board wanted to look into requiring a special process for all multi-family, it would need to look at all mixed use districts.

Jennifer Smith asked if a moratorium could be put into effect to stop these apartments. She mentioned apartments behind the old Winn-Dixie and utility taps sticking out of the ground.

Kenneth Deal explained the Planning Board could not impose a moratorium as that is a legislative matter that City Council would have to do.

Keri Mendler clarified that she believes Jennifer Smith was also talking about the Braemar Townhome project, which was townhomes not apartments and was approved through the rezoning process.

Parker Mills said he has talked with several people and he said he has a real problem with 40-foot wide lots and houses being 5-feet off the property line. He said he thinks this should be addressed in the UDO as well. He said that especially now with the issues that the County has with infrastructure that we need to get the best product we can since we have the capacity. He said when some houses are taller than the lot is wide that is a problem and when you have houses only 5-feet off the property line, that is just not safe.

Kenneth Deal explained the zoning in the UDO pretty much doesn't allow what he is speaking of. He explained that what he is talking about and what he is seeing is conditional district control, where a developer doesn't want to build to the code and wants allowances that fit his vision of his projects and the land where he wants to build it. He explained they apply for a Planned Unit Development (PUD), which we see a lot of. He explained the PUD puts special requirements on developing, but also opens all zoning standards up to negotiation. He explained what we've seen happen is developers proposing 40-foot wide lots in zoning districts that typically require 75-foot wide lots or even 100-foot wide lots just depending on the zoning district and the UDO puts them 15-feet off the property line, but the developer wants to reduce the setbacks.

Parker Mills asked how we stop this from occurring.

Kenneth Deal said, we have to review it, as a body the majority rules on a "no", if they won't budge, we try and negotiate them up, but the developers are on dollar signs, so you know your vote is your vote, my vote is my vote. Kenneth said "I'm like you, I don't like 40-foot wide lots when they're supposed to be 75-feet, I don't like 5-feet off the property line when it's supposed to be 15-feet."

Archie Morgan further explained if you recommend denial, you must also write down your reasoning for denial.

Parker Mills asked a question [unintelligible]

Kenneth Deal explained that you have to have provisions to address unique situations.

Maryann Rasberry discussed how developers have a lot of floodplain or wetlands on their property and utilize the area for density purposes and how if you actually take how many acres there are and divide by the number of homes, it's crazy or if you actually take the land they're developing and divide by the number of homes, it comes down to 14 homes to a square inch.

Margaret Desio said they want to use it all for density and they want to cluster develop it, which I know helps them because they don't have to run sewer so far, they don't have to run water so far; it's all clustered together. She asked how this bill that Mark Brody passed affects development.

Keri Mendler explained she wasn't sure which bill she was referencing.

Parker Mills explained it's the bill where you can build 50% of your main structure behind your main house if connected to water and sewer; the mother-in-law suite or accessory dwelling.

Margaret Desio said it would allow development on very small lots.

Keri Mendler explained if the lot is existing and platted, it could be developed on provided the ordinance requirements, such as setbacks could be met. She explained if you are planning to subdivide a piece of land, it would have to meet the ordinance requirements such as lot size and setbacks.

Keri Mendler also clarified for Maryann Rasberry that staff initiated a text amendment prior to her reappointment on the Board that addressed some of the concerns she has regarding density calculations in which portions of land, such as buffers and easements are removed before calculating density.

Kenneth Deal clarified whether Maryann Rasberry was looking to go a step further and remove non-buildable land being utilized for open space from the calculation.

Maryann Rasberry made a comment about the percentage of open space being unusable such as wetland or floodplain.

Keri Mendler further explained the open space requirements were much more stringent than before as well and that sensitive lands such as floodplain and wetlands could only count towards some of your required open space, which may result in developers having to provide additional land for required open space.

Kenneth Deal added that we also doubled our open space requirements, but added that we should look into whether or not we want to include removing flood plain from the density calculations.

Maryann Rasberry said she would like to do that.

Parker Mills asked what would happen is a developer had two parcel side by side and did two developments with 49 lots each? He went on further to ask where the 49 lot limit came from?

Kenneth Deal explained that if they came together as a body they could recommend a text amendment to address the lot count.

Keri Mendler pointed out they certainly could recommend what they felt comfortable with; however, cautioned that they knew how state legislators were about property rights.

Parker Mills said Weddington requires a process for more than 6 units.

Kenneth Deal explained that Keri was referring about how we've seen what the lobbyist will do when municipalities get tough in certain areas, they lobby Raleigh to take it away from us. He said this is what happened without minimum house requirement; when you wanted to build a home in an existing neighborhood with 4,000 square foot homes, you had to also build a 4,000 square foot home. They [state legislators] took that away from us, so now next to my 2,200 square foot home, they could build a 750 square foot requirement because that house will meet all the ordinance requirements. It's kind of dangerous what Raleigh can do, but I'm kind of like you... push them until the cows come home. If they want to snap back, let them snap back.

Archie Morgan said we've been asking more and more from our developers and we've seen what happened, they've gotten to the point where they know when they come before us, we're going to be looking for certain things.

Jennifer Smith said, it's to be the same thing, they would always say "we've checked into things and this is what is what's drawn to Monroe, these \$300,000 homes - \$250,000 homes"

Unintelligible discussion amongst Board about home prices and infrastructure.

Parker Mills asked what the possibility of amending the code to change the 49 lot count to 25 lots or something different would be.

Lisa Stiwinter explained the 49/50 lot threshold came from Planning Board and City Council at the time it was introduced.

Kenneth Deal explained it originated from Lynn Keziah when he was on City Council and members of Planning Board members and it culminated from development that was being developed behind the Monroe Mall. He explained City Council was getting beat up about it and didn't know anything about the development. He explained the UDO gives the authority for staff to do certain and things and Planning staff was doing what the UDO said, but Council didn't like not knowing about the developments and suggested the changes.

Archie Morgan asked if as a Board they wanted to pursue lowering the numbers. A few members responded with "yes".

Kenneth Deal said we should never make knee jerk motions, but what we are discussing is what the purpose of discussion is. So not that the topics were raised members should go their separate ways or small groups less than 3 members and review each item to discuss with the Board. Once we're ready to vote on something, we'll vote and give reasonable time for staff to draft an ordinance.

Maryann Rasberry said we should work with staff to make sure what they're proposing would work.

Parker Mills asked if Maryann was suggesting a work session?

Lisa Stiwinter explained that Planning staff has already gone through the UDO process and has spent many months, time, and money working with the consultant. She explained there have been needed amendments and that staff has brought those forward for consideration and we will continue to bring items for consideration as things come up. She explained however that this was the Board's discussion and staff would not be making any decisions or recommendations on taking the by-right development and requiring a special process for less than 49 lots because that would be their discussion and recommendation. She explained that if this Board wanted to look into reducing the lot count for a special process that would be their decision to do so.

Parker Mills asked for clarification on meeting in groups less than three, he asked if this board falls under the Public Meeting laws.

Multiple members and the lead staff attorney confirmed, yes.

Kenneth Deal said we have the ability to call for special meetings to discuss specific items in more depth.

Keri Mendler asked for clarification purposes if the lot situation is something the Board is wanting staff to move forward with?

Kenneth Deal explained he didn't think the Board should make a knee-jerk reaction.

Keri Mendler explained she just wanted to ensure staff knew what the Board was asking them to do or not.

Kenneth Deal explained he would take the items discussed at the meetings and ask staff to add the topics to the agenda for the next meeting's discussion.

Maryann Rasberry asked if the related UDO section could be included in the packet.

Lisa Stiwinter confirmed this would be possible to help set the foundation for the discussion. She explained we would need to know the items in advance to prepare.

Parker Mills asked how staff presented the vote to City Council if the vote was not unanimous.

Keri Mendler explained that staff typically puts the vote in the staff report and that we typically add the meeting minutes to the packet for the item as well so they can see the vote.

Kenneth Deal said the agenda item he wanted to discuss was the TRC process. He said he wanted to make sure the TRC process is 100% completed so staff can make their recommendation and there are things that need to be reported to the Board in a written report. He said none of the developments coming before the city are free. We need to think about the city as a business and the cost of development. He explained we need to look at the cost in terms of the need for new fire stations for development, the materials for the development, the employee time and so forth.

Kenneth Deal explained how the electric department does everything with electricity and everything has a cost per unit. He said the departments know what the cost is per unit and we need to know this cost. He explained the electric department does industry standard and if the tax base will get us the money back within five years, then we're happy with that.

Maryann explained if the existing tax base can't bring in enough taxes to cover the cost of the services, then we're not going to [unintelligible].

Archie Morgan said that is what impact fees are for.

Kenneth Deal said unfortunately impacts fees aren't allowed in North Carolina, but there are other ways to assess fees, but that is up to City Council. He explained when electric department needs \$400,000 for a new transformer, they go to Council to move money to purchase the transformer. All Council hears is you approved this project, and now we need \$400,000 to cover the cost of the transformer, which is supposed to be making our lives better, but goes to cover the cost of the developer.

Maryann Rasberry asked if we would be able to get the TRC report

Kenneth Deal said if we write it in the report, yes we will and motioned to a paper he had handed out explaining it outlined his draft recommendations.

Lisa Stiwinter explained the TRC report and getting an estimate from each department in the development process is not a UDO type of regulation. It would be a policy decision made by City Council and the Manager.

Kenneth Deal explained his suggestion was only to provide language in the UDO to require the report, but what was included in the report would be up to Council and management.

Lisa Stiwinter explained the UDO can't require cost estimates from other departments.

Margaret Desio said she thinks the TRC process is great, but her concern is that it's another layer of development that has the potential to delay development. She explained she didn't want this to delay things from moving forward.

Lisa Stiwinter provided an overview of the TRC roles and responsibilities. She explained if a project addresses all department comments it's approved by staff if it's a by-right project or it's moved forward to Planning Board if a special process is required. She explained that if all comments and

ordinance requirements are met, there wouldn't really be a report because it would simply say something like "all ordinance requirements have been met."

Kenneth Deal explained how the Water Resources department knew for the Myers Road project that it would require 70,000 gallons per day wastewater treatment material movement. He said the departments know what it's going to cost them to process in chemicals and capacity to get it to the treatment plant, they're just not reporting the requirements to us. He said the electric department knows what the cost per unit it is.

Lisa Stiwinter explained that is a cost analysis and would a policy directive from City Council and Management, not a UDO item.

Maryann Rasberry asked if City Council asks "what's this going to cost the City?"

Lisa Stiwinter explained that staff provided a cost analysis for developments that are tied to annexations, but not for every development.

Maryann Rasberry said if the City Council is getting it then I think we should see it before they do, because we should be considering the same things that Council is receiving.

Lisa Stiwinter said she understands what the Board is saying; however, she wanted to remind the Board their task is to review development with how they comply with the land use plan, not as to whether there is adequate funding or capacity.

Keri Mendler added that Planning Board is focused land use and that they are a recommendation body to City Council based on land use issues. When you get into funding for departments that are not necessarily related to the future land use of Monroe, those are legislative decisions that elected officials have the ultimate say on. She continued saying Planning Board is land use focused, not city-wide legislative, budget, funding.

Maryann Rasberry said she remembers when the Land Use Committee was formed and met separately to make recommendations to Planning Board if the project met the land use plan. If our only job is to determine if the project meets the land use, which is not really what I understood our job to be.

Keri Mendler explained that the Planning Board is looking the Future Land Use Compliance plan, which has to do with the Future Land Use Plan; that is what the Planning Board is reviewing and making a motion on.

Archie Morgan said when Water Resources came and shared information about the Myers Road project, it was eye opening for him. Other agreed.

Maryann said land use has to do with water and sewer usage, electricity, services, traffic...you can't just decide that it just fits with the UDO, so it must be ok.

Archie said he agreed with what Ken said about the cost of these developments.

Kenneth Deal said we are the first... public hearing, if you will, on a project. If we know what a development is going to cost us – an upfront cost and that is a consideration for our review, then the public hears that at the same time so they have time to go in front of City Council to give their public opinion before it gets voted on. He said the way it is now they find out about it now is months later when departments ask to move money around to support previously approved projects.

Archie Morgan said he believes their duty as a board is to have this information before making a recommendation.

Margaret Desio echoed this sentiment saying she believed they need to know what it's going to cost the city, but we also need to know how long the city is going to recoup it through tax money. It can be a wash, but knowing it's coming back... I'm afraid if you tell the public what it's going to cost, they're going to scream, they need to understand it's going to pay for itself over a period of time.

Unintelligible discussion was held between the members.

Parker Mills said I think what I'm hearing is Keri is saying we have to make a decision based on the information we have based on what is planned out, and not make a decision based on what the cost is or water and sewer – if there is enough or not. It's like the schools are not a responsibility of the city. We're all tax payers so we're sitting here saying we don't want to approve something because it will add more kids to our schools... I don't think we can make a decision makes on what the cost is, that's for City Council to do.

Margaret Desio said one of her concerns was... like the project out on Myers Road. If you figured it out to the end, we have like 7% water & sewer left. When you figure it out when that development is built, you would have to build ten developments like it to move that [the 7% figure] to the next degree. It sounds really bad, but when you really get down to the numbers and figure it out, that development was taking a very little amount of the sewer capacity.

Kenneth Deal said he believes the report that City Council gets for annexations should be provided to Planning Board as well for consideration.

Maryann Rasberry asked for example with the Myers Road project is they should have just said it wasn't a good use of the land and would be better used as single homes?

Kenneth Deal said we have already said that, we did a city wide rezoning and basically said this is how we want to use our land but now the developers are coming to us and saying we disagree you and we want to use the property our way, not your way and then they come to us to negotiate, but they didn't negotiate well enough for us because we could easily see they bought four parcels to justify their density to build the apartments.

Kenneth Deal said he would send an email to the members, blind courtesy copy as usual, with a list of the items that were brought up at the meeting. He said if he's missing any topics to reply to him only and he would add it to the list. He then said he would email the list to staff for the next agenda. He finished by saying we need the TRC process formalized.

Richard Long, City Attorney, said Planning Board is a recommendation body and unless City Council gives them the authority to demand X, Y, Z before we approve something, you can't demand it. It sounds like what you're asking for is the Director to show that she's gone through all these steps and before you make your recommendation the list stated the steps have been met is provided. He said he didn't think it would necessarily be good practice for the Planning Board to say they wanted to hear from specific departments and he didn't know if the manager would make other department heads answerable to the Board.

Parker Mills mentioned a project that Planning Board passed a few months ago that didn't have all the road requirements done and it was allowed to go through.

Archie Morgan asked which project he was talking about.

Jennifer Smith said it was the project of 601 South – Eagle's Rest.

Archie Morgan and Jennifer Smith said that the developer said they would do whatever improvements were required, which is why it was passed.

More discussion on this was held before Richard Long explained this was a lone example of this happening when a project was moved forward.

Richard Long said what he thinks he is hearing is the Board wants to know "has the director gone through everything" and something like a sheet that has a list of items checked off.

Item 11. Next Meeting: June 5, 2024

Dispersed and unintelligible discussion was held amongst the board members.

Item 12. Adjournment

Motion: Parker Mills made a motion to adjourn.

Second: Maryann Rasberry

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

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry,
 Archie Morgan and Parker Mills

NAYS: None

The meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Kenneth Deal, Chair
Planning Board

Secretary to the Board

PLANNING BOARD MEETING
June 5, 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, Kenneth Deal called the June 5, 2024 meeting to order at 6:01 p.m. Kimberly Davis called the roll and noted that there was a quorum present.

Members Present: Kenneth Deal, (Chair), Jennifer Smith (Vice Chair), Richard Yercheck Maryann Rasberry, Margaret Desio, Louie Philippi and Archie Morgan

Members Absent: None

Staff Present: Keri Mendler, Senior Planner, Megan Brightharp, Planner I, Doug Britt, Senior Planner, Richard Long, Attorney, Terry Sholar, Senior Staff Attorney Kimberly Davis, Administrative Assistant II

Guests: Parker Mills, Lisa Hollowell, Jim Way, John Kuntz, Pam Duda, A. Parker

Kenneth Deal (Chair) said a quorum was present and invited Louis Philippi up to fill the empty chair. Now we have a full voting board of seven members.

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Conflicts of Interest

Kenneth Deal (Chair) asked if there are any conflicts of interest. Please note the agenda has been updated and items 5 and 6 have been taken off the agenda. That really only leaves us one actionable item that may cause a conflict. None heard, none taken.

Item 4. Annexation and Zoning Map Amendment request for property located along Weddington Highway (Parcel ID#:09-316-009C) from Union County R-20 to City of Monroe RLD (Residential Low Density)

Megan Brightharp, Planner I, approached the podium and introduced himself. Tonight, I am presenting an annexation and zoning map amendment request regarding the 30.443 acre property located at 2505 Weddington Road. Property is located south of Weddington Road and east of Clark Road. The request is to annex and rezone the property from Union County R-20 to RLD (Residential Low Density) City of Monroe.

The property is currently developed with a school located on the property. Parcels to the north, east and west are zoned R-20 Union County. Parcels to the south are zoned RA-20 Union County. The Land Use

and Transportation Plan indicates this area is designated as a Suburban land use category. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. 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. Planning Staff believes the request is consistent with the Land Use and Transportation Plan because civic land uses are a priority use in the Suburban land use category.

A rezoning notification sign will be posted 10 days prior to the public hearing. An official rezoning notification letter will be sent to the adjacent property owners located within 150 feet, 10 days prior to the public hearing. Planning staff recommends approval of the rezoning. Planning Board will need to take action on the following items as shown. If you have any questions for me, I will be happy to answer and the applicant is here as well.

Chair asked if there were any questions for staff?

Margaret Desio said I'm so used to working with R-10, R-20, RA-40 that tells us what the minimum lot size is. In the RLD zoning, is there a minimum lot size?

Megan Brightharp said yes.

Margaret Desio said is R-20 in the county comparable to RLD in the city?

Doug Britt answered the RLD is lot size of 20,000 feet. It's the same, just a different name.

Margaret Desio said so it's the same? Ok.

Chair said would the applicant like to come forward and please state your name and address for the record.

Jim Way stated his name and address is 10808 The Old Place, Raleigh, NC 27614. I'm here to represent school SH Monroe, LLC. We are the property owner. We are asking for the annexation. It was a requirement from the City Council when we first came to this town and put the school on that site. There is a charter school on that site currently and that's a proposed use, is to maintain a charter school operation on that site. It's something that was required for tying into City services, water, sewer, things like that. We actually put a new sewer line in to that property and so we're consistent with that requirement. In request from the city, we've applied for the annexation. Our intent is to maintain current use, which is a charter school. Just for clarification, the current charter school that's been there for the last 4-5 years is moving to another location and a different operator is coming in. So this would be a K-8 charter school operation, but we as a landowner leased it out to them as a tenant to use as a charter school.

Richard Yercheck asked who's coming in and who's the operator?

Jim Way said coming in is a group called American Leadership Academy, Monroe. The management corporate organization is Charter One.

Chair said so you're already using city water and city sewage.

Jim Way said we are, yes.

Chair said you have about 60 percent of the property developed and the rest is undeveloped land?

Jim Way said I'd say it was probably 50 to 60 percent. Yes, that's pretty accurate.

Chair asked what do you foresee using the rest of the land for? Just leaving it natural, the way it is?

Jim Way said the plan is to leave it natural. We will be coming back before the board for an addition to the school, to add another classroom building and a gymnasium to support the current operation. But that is the intended use is a charter school operation only. There is no plan for residential homes or any other development on the land other than the charter school operation.

Chair said when you say that this is a requirement that City Council put on you back when you got the sewer and water?

Jim Way said yes, exactly.

Chair asked Megan, do you have any information on that... of what City Council required them to do?

Doug Britt said she doesn't because this dates back four or five years ago. I don't know all the details, but the City agreed to serve this property with water and sewer when they were going to do the charter school, whatever charter school it was, Monroe Charter, I can't remember which one it was. Part of that agreement was is that they would be required to annex the property. That's all the details I know.

Maryann Rasberry said so I'm kind of confused. We've got a charter school using city water, etc., and we want to rezone it from R-20 to Low Density RLD which is housing.

Doug Britt said they are asking two things: one they are asking to annex into Monroe and, since the property is not in the city limits, we have to zone it. We are required by law where the state gives us sixty days to establish zoning. So we have to establish zoning and so what we did was RLD which is comparable to the R-20. Nothing is changing. They will use it for a school. They are just asking to annex and to zone the property to RLD, which is consistent with what's around that area and so that's what the request is.

Maryann Rasberry said so if it's zoned RLD and they decide they want to build some houses on it, can they do that? I'm not sure about this.

Doug Britt said if they want to tear down the school, I guess, sure. Again, all we are asking for tonight is a recommendation from the Planning Board, either yay or nay, and then it will go to Council. There are other things allowed in RLD other than houses. You can do schools. You can do nursing facilities so, yeah, theoretically speaking, if they want to tear down a building built less than five years ago I guess somebody could.

Maryann Raspberry asked so do they have to come back before the board if they decide they want to tear down the school and build some houses?

Doug Britt said they would have to follow the ordinance requirements. Right now it says if it's RLD and they will develop more than fifty lots, they are required to go through the rezoning process. If they will develop twenty lots, they can do it by right.

Archie Morgan said how many if it was kept R-20?

Doug Britt said we don't have R-20 in the City of Monroe. If it was zoned RLD, the most they could do is sixty houses in the thirty acres and they wouldn't get that many by the time you do your right-of-way, your retention, open space. But if they did more than fifty lots, they would be required to go through a rezoning. If they do less than fifty lots, they can do by right.

Maryann Raspberry asked if the property sells, do they have to come back to us? No? Ok.

Louie Philippi said I was out there at the property and they are not tearing it down. They are improving it now. They are putting money into the building and the school going to make it a better building. So the likelihood of them saying let me just knock it down and put a junk-food store, I don't know. They are spending money on that property to improve it now. Am I correct, sir?

Jim Way said that is correct. Again, our intent is to keep it as a charter school. We are required to annex and when we filled out the application for annexation, we had to select a zoning. The zoning that most matched what we were in Union County into the City of Monroe was this RLD zone. Schools are permitted use in that zone so that's what we selected as a zoning request.

Jennifer Smith asked if something would change and you can build by right then you could put anything up there that you wanted?

Jim Way said well, whatever is a permitted use according to your ordinance and my experience is that it is a change of use so you'd have to come back before the town before a change of use, would we not?

Doug Britt said no, you do not.

Jennifer Smith said so you could put up a group of houses that were \$200,000 or something under \$300,000 and cram a bunch of them on there?

Doug Britt said that would be under the assumption that they would tear down a building that has been there under five years.

Richard Yercheck said charter schools are in big demand right now. The state itself is pushing charters. There's new stuff coming down the road for charter schools. The entire state is about to become "school-of-choice" so kids are going to be moving around and if they don't get into the school they want, they will go to a charter. This is not complicated. This is a business. Charter One is one of the big operators,

like Heritage Charter USA. I do think you'll come back to us at some point. If you want to put in an athletic field or if you are going to put a gym in, I suspect there will be a baseball field and softball field.

Doug Britt said schools are allowed by right, just to clarify. They are not coming back to the board to do anything to add on another wing, build a baseball or football field. If it's a school then schools are allowed by right in RLD district. Just like Union County, the one they're rebuilding on East Elementary that is by right. They're building a brand new school and tear the other school down. You all don't see that. Schools are allowed in almost every zoning district, except maybe industrial district. Most places I've worked at most have schools allowed in most zoning districts.

Maryann Rasberry said what happens if the City Council doesn't annex the property?

Doug Britt said this is all predicated on them tapping into our water and sewer. I don't know all the details about it. It happened about five years ago or so when they built the first and it probably should've been annexed by now, but I don't know what transpired. Typically, when we serve someone outside the city limits, they pay double taps and double rates so if we don't annex, I don't know what would happen with that.

Maryann Rasberry asked have you been paying double rates?

Jim Way said I'm not sure what we've been paying, I'm sorry. I'm the developer on the construction side of things. I will tell you we are a charter school developer. That's what we do. We do not build houses. We do not do anything else. It is our intent to continue to operate this as a charter school.

Richard Yercheck asked how many schools have you got going right now and where are they? How'd you pick Charter One?

Jim Way said we have currently, nothing under construction, but we've got something in South Carolina and I think we have three in Arizona under construction. I've built thirteen since I've been here in the last five years. I didn't pick Charter One, there is a joint relationship with the school. We actually put the sewer in and paid one-hundred percent of the cost and we ran it from our property on Weddington Road to behind Union Academy School.

Doug Britt said if you are wrestling with thinking they will tear the school down and build houses on it tomorrow. If you want to modify their request from RLD to RR which is a one-acre minimum lot size and still RR allows schools. It doesn't make a difference to them because you can do the same thing in RLD as you can in RR for a school.

Chair said I see what Doug is trying to say for the Board to exercise more control to go for RRD which restricts the amount they can build if they were going to do that.

Doug Britt said if you think they will tear the school down tomorrow and build houses, RR minimum lot size is 40,000 square feet or an acre.

Chair said would only be about twenty-two houses.

Jim Way said we are currently working on plans too for the sixteen classroom and gymnasium addition. We are talking with the local district for traffic and working on plans to get that to the City for approval as soon as we get the annexation done. It is our intent to develop this as a charter school.

Richard Yercheck asked what did it cost to build this school?

Jim Way said that school, with the sewer, we got about \$8.5 million dollars into it and we'll be into the new building about \$12 to \$14 million.

Archie Morgan said if it doesn't matter which way or the other, then I say we go with RRD.

Jim Way said we are just trying to be consistent coming out of Union County and it seemed like a natural fit.

Louis Philippi said if you can look at the way this thing's laid out, I could not imagine using this piece of property and build houses on it. This is not welcoming to a homebuilder.

Jennifer Smith said anything can change in five years.

Maryann Rasberry said that's true, but the RR would be acceptable.

Chair asked if anyone wants to speak in favor of project? Anyone want to speak against the annexation?

Motion: Richard Yercheck made a motion to recommend approving annexation request.

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

Richard Yercheck made a motion to recommend adoption of the Ordinance amending section 157.1.2.1. with the caveat that this become RR.

Second: Louis Philippi

Action: The motion passed unanimously with the following votes:

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan and Parker Mills

NAYS: None

Item 5. Zoning Map Amendment request for Conditional District (CD) "Waxhaw Landing Phase 2 – Amendment 1" (Parcel ID #:09-351-015) THIS ITEM HAS BEEN REMOVED FROM THE AGENDA AT THIS TIME. NO ACTION WILL TAKE PLACE ON ITEM.

Item 6. Zoning Map Amendment request for Conditional District (CD) "Waxhaw Landing Phase 3 – Amendment 1" (Parcel ID #:09-321-003) THIS ITEM HAS BEEN

REMOVED FROM THE AGENDA AT THIS TIME. NO ACTION WILL TAKE PLACE ON ITEM.

Item 7. Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.3.10: Fences, Walls, and Berms, 8.7.4: Non-residential Design Standards, and 8.7.5: Industrial Building Design Standards

Doug Britt approached the podium. This is a text amendment that would allow for barbed wire in industrial districts. Currently barbed wire is allowed, but you have to go through Board of Adjustment for a Special Use Permit. We have done at least two through the Board of Adjustment and so most industrial districts are storing equipment and supplies that they want protected. We had a propane company storing chemicals and tanks so this is just a request to allow barbed wire in the industrial districts. Staff recommends approval and I'll be glad to answer any questions.

Motion: **Richard Yercheck made a motion to adopt Resolution approving Land Use and Transportation Plan compliance.**

Second: **Archie Morgan**

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

AYES: **Kenneth Deal, (Chair), Jennifer Smith (Vice Chair), Richard Yercheck, Maryann Rasberry, Margaret Desio, Louie Philippi and Archie Morgan**

NAYS: **None**

Motion: **Richard Yercheck made a motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.3.10: Fences, Walls, and Berms, 8.7.4: Non-residential Design Standards, and 8.7.5: Industrial Building Design Standards.**

Second: **Jennifer Smith**

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

AYES: **Kenneth Deal, (Chair), Jennifer Smith (Vice Chair), Richard Yercheck, Maryann Rasberry, Margaret Desio, Louie Philippi and Archie Morgan**

NAYS: **None**

Item 8. Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 7.5 Accessory Uses & Accessory Structures

Keri Mendler approached the podium and introduced himself. The purpose of this text amendment is to add language addressing donation boxes or donation bins throughout the city limits. Basically they are limited to general business zoning district. They have to be located on a developed lot. There are some distance requirements. Most importantly, we've added some language requiring any existing donation bins to comply with these requirements by January 1st, 2025. I will be happy to answer any questions and we do recommend approval of the text amendment.

Chair said should we or should we not put some teeth into this?

Keri Mendler said the teeth would be if it doesn't comply then it is a zoning violation and would be handled through the violation process.

Chair asked what would be the fine for non-compliance?

Keri Mendler said you send out a notice of violation and they would have ten days to comply. If they don't comply then it would be a \$50 citation, another ten days \$100 citation, another ten days \$500 citation and if they don't comply then we hand it off to the attorney's office to address.

Margaret Desio said those things concern me. I don't know where they (the donation boxes) come from or who they come from. People giving stuff. There's just a donation box. These people who own these boxes take all the stuff you put in them and sell it. It's not like they give it to Goodwill or anything.

Richard Yercheck said is there a way to limit this to non-profit organizations?

Keri Mendler said we can't limit it. The state statutes don't allow you to limit to just non-profits. This language was in our old code. It was carried forward in our new code so we currently have no regulations so this is to add some regulations to address them. Part of when we added it in the old code, we actually were trying to limit them to non-profits and we were told we could not do that. It went through the attorneys at the time. We can't just limit to non-profits. We do limit them to one box per parcel which should at least help limit them.

Maryann Raspberry asked do we know where they can put them? If they put one somewhere else do you haul it off?

Keri Mendler said in general business only. It would be a zoning violation so we would handle it in the violation process that I just went over with the 50/100/500 citation. (If they don't pay), we give it to the attorney's office to handle.

Archie Morgan said as it is, it doesn't have to be on a commercial property?

Keri Mendler said they can be anywhere. We have no language to address that at this time.

Archie Morgan said well, that's a step in the right direction. If it's not located near a business then it becomes someone's trash bin and dumping off stuff they don't want.

Keri Mendler said that's right. We don't have anything right now. It's a free-for-all which is why you've probably seen an increase in the last couple of years. This is to help rectify that as well as make them come into compliance by January 1st.

Archie Morgan said so the way it is written the 100 thing is not in here. Correct?

Keri Mendler said it's in the zoning code so any violation of any part of the zoning code is addressed through the violation process.

Archie Morgan said so that's the teeth you were talking about, Mr. Chairman.

Louis Philippi said I've never looked at these boxes very closely. So they're not necessarily helping out the poor. It's a commercial enterprise where someone is making money off of putting boxes out around our city. How much are you taxing these things? So the city would allow me to go make myself a steel box and say give me your worn out shoes and shirts and stick it on a piece of property with no accountability to you?

Keri Mendler said we don't have a tax for those. It's not a zoning code function. If you have a zoning permit that is required per this zone, you meet the standards that are listed here and you have the property owner's permission then, my guess theoretically, yes.

Maryann Rasberry asked is there a fee for that permit? Can we up that? I've sat and watched people put stuff in one of those donation boxes and I've looked up the name that was on it and it didn't exist, but then I found out that the name with dot org behind it did exist, but they were using the name and logo to get people to donate to somewhere that's selling it.

Keri Mendler said yes, \$27 for a zoning permit fee. A zoning permit fee is for a lot of other things so if you up it, it would be an increase for everything that is a zoning permit which I don't know if it's feasible right now. The state statutes limit us. We cannot regulate for-profit or not-for-profit. We went through that whole legal process a couple years ago.

Louis Philippi asked what does the City of Monroe get out of this? I got a picture of one of them overflowing with garbage to the side. What does the City and the taxpayer get out of allowing these companies to put these boxes out here indicating that I'm helping out poor people when it's actually a commercial enterprise and they are putting them anywhere? The City is getting nothing out of this deal? \$27?

Keri Mendler said they can't put them everywhere and what the City gets out of this ordinance is for the regulation whereas they are not regulated at all right now.

Maryann Rasberry asked is that \$27 dollar a month or year? What all is entailed with the \$27 permit fee?

Keri Mendler said it's a zoning permit so when you want a fence you get a zoning permit. It covers fences, a shed that's a 12x12 or smaller for residential people or if you want a shed that smaller than what a building permit would require. Zoning permits are part of other larger projects. If you're a new business and want to have a change of use there is a zoning permit fee attached to that as well. We could possibly have a whole separate fee for donation bins, but the easiest way for us is to have a zoning permit fee.

Archie Morgan said it's a \$27 one-time only permit fee? That's all they'll ever pay? They can stick these boxes, as long as they are in a business, they can stick them everywhere.

Keri Mendler said they can do one box on one parcel in general business with the property owner's permission.

Archie Morgan said they're trashy and I'd rather not see them in the city, especially for \$27 and I got to look at these overflowing collection bins. We don't know who is getting the clothes. The City is not making a dime off of it except \$27. Do we know how many we have now?

Keri Mendler said we can certainly look into prohibiting them all together, but I would have to defer to legal on that. As of right now, there is nothing and we are trying to put something into the code, but the other option would be to just prohibit entirely, but then again we would have to look into it. I don't know how many we have, but it's a lot.

Jennifer Smith said I think they need to be in designated spots.

Maryann Rasberry said well, you have to have the property owner's permission.

Keri Mendler said there are language in here. I didn't read all fifteen items, but it talks about developed lot, have to be located no closer than 20 feet from a street right-of-way. They cannot be located between building line of the principal building and the street right-of-way. They can't obstruct pedestrian or vehicle circulation. They can't be within required setbacks or vehicle accommodation areas or other unsafe locations. There are certain size and material restrictions. Donations left outside the box have to be removed within 36 hours. Property owner, one box per parcel and then they have to comply with state law because there are a bunch of state law requirements as well.

Maryann Rasberry said is there a sticker or something on these boxes so when I drive by one I can see that they have paid their \$27 and they have a permit to have that box there. Wouldn't it be a good idea to create a stick-on thing that says "I paid my \$27."

Keri Mendler said no. There is no zoning permit sticker that we have so if you were concerned that somebody didn't have their permit you would have to call us and we can check to see if they have their permit. If Planning would like to table this and request that staff look into restricting them entirely that's fine with staff.

Richard Yercheck asked what recourse do we have here because this has become circular and this is really a legal question and Keri is doing a great job. It really can fall back to you.

Richard Long, Atty, said you need to approve this that's put in front of you and then recommend that it be examined again for the same things you're talking about. Right now you have no teeth. They can put it any place they want to and if you don't do it then you'll walk away and there will be more of them. Do you want to stop them? That's your first move.

Motion: Margaret Desio made a motion to adopt Resolution approving the Land Use and Transportation Plan compliance.

Motion: Margaret Desio made a motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 7.5 Accessory Uses & Accessory Structures and Section 11: Definitions with the caveat that they must remove all outside debris within 24 hours.

Chair asked before there's a second. Richard, do we need to, as part of this motion, recommend City staff look into getting rid of these things altogether? Is that language?

Richard Long, Atty, said that doesn't have to be part of the motion. I think what you have to do is ask staff to look at the restrictions going forward.

Louie Philippi asked legal if the City notifies them and if the stuff isn't taken away within 24 hours.

Richard Long, Atty, said how would we enforce that? Are we going to have people riding around to check these boxes and pay somebody to do that? I don't think that what you want to start.

Second: Richard Yercheck

Chair said motion has been made and seconded to adopt Resolution approving the Land Use and Transportation Plan and to amend Code of Ordinances- Title XV: Land Usage, Chapter 157, Section 7.5 Accessory Uses & Accessory Structures and Section 11: Definitions with the caveat that the amount of time materials left outside the bin be changed to 24 hours.

Action: The motion passed with the following votes:

AYES: Kenneth Deal, (Chair), Jennifer Smith (Vice Chair), Richard Yercheck, Maryann Rasberry, Margaret Desio, and Archie Morgan

NAYS: Louis Philippi

Chair said for board members. Keep this handy and we can revisit this at a later date and look at it through legal and staff. Maybe what we need to do is beef it up and make the property owner, who is allowing these things to be placed on his property, the primary responsible person for the cleanup of these boxes.

Archie Morgan said I understand that, but I'd like to see City Council take up whether we want these things or not. For \$27, they are eyesores. Trash is all over the place. Do we want that in our city? I don't think we do.

Maryann Rasberry said can we stop them? Do away with them?

Richard Long, Atty. said I think you need to get some restrictions right now in place. I've not been asked to look at that.

Item 9. Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 3.3.2: Technical Review Committee (TRC)

Megan Brightharp with the Planning department approached the podium and introduced himself. Tonight I'm here to present a proposed Text Amendment to Section 157:3.3.2: Technical Review (TRC). Planning Board is requested to consider a text amendment to provide language to the Unified Development Ordinance (UDO) to clarify what is expected of applicants during a review with the

Technical Review Committee. We have added language to say applicants must address TRC Comments and submittal requirements from all appropriate city departments before a permit is issued and/or before a project moves forward in a proposed rezoning to Planning Board. Planning staff recommends approval of the proposed Text Amendment pending legal review. Planning Board would need to take action on the following items. If you have any questions, I'll be happy to answer them.

Richard Yercheck asked why are we doing this?

Chair said so that we would no longer have projects moving forward that have not completed the application process. There was not language in the ordinance before so a City Councilman or developer could come in and muscle their way to push a project forward before the TRC even finished its work.

Richard Yercheck asked is this circling back to the project on 601?

Chair said no, but it addresses what happened with that. That is an approved project and anything that has already been approved doesn't have to comply with any new changes to the UDO. They are grandfathered.

Margaret Desio asked is this redundant to what the staff normally does?

Chair said no. If you remember that project, the staff couldn't make a staff recommendation because the application process had not been completed. So a project came before the Planning Board with no staff recommendation, with no traffic study analysis complete review by either NC DOT or staff engineering. It wasn't ready to go forward.

Archie Morgan said well the developer agreed, as you know, to make any DOT requirements and City of Monroe requirements at his cost 100% for that project.

Margaret Desio said I'm just not sure I agree with absolutes. I don't work in that world of absolute, but that's not what this is about, is it?

Richard Yercheck said we're basically taking some flexibility away from staff. So whether staff chooses to move it forward or not, whether Council chooses to approve it or not, the more of this we do, the less flexibility staff has moving forward. That's the question you have to ask yourself. How handcuffed do you want staff as it relates to what they can do and when they can do it. Sometimes there's going to be a project or working with somebody that requires some flexibility and the tighter we make this the less ability they're going to have to do that. I understand where Mr. Deal is coming from, but I also understand that there are times that not everything is black and white and we are going to do some stuff outside the box.

Maryann Raspberry said but if we have these things in place and we say we need to know whether the transportation is good or whether the water sewer is capable, do we just need three out of four or four out of five. Where do you draw the line?

Chair said I disagree with the whole flexibility premise because if you want to give staff flexibility let them do their job. They're paid, full-time employees with the expertise that we do not and they need the

time to finish their work. To have somebody come in and push a project out of their hands and say well, we'll deal with that later, then they come before us with no staff recommendation. Whether I agree with the staff recommendation or not is a different thing.

Megan Brightharp said as staff, what do you mean by flexibility?

Richard Yercheck said flexibility for you and the Planning Department to work with the developer or the project and if there's something that is not narrowly defined in the UDO than you can move forward and help make some decisions and bring it before Planning and then Planning will vote and then it will also go to Council and then Council will vote. If it's so narrowly defined in all of this then there may be times where you want to move something forward or you may want to do something different, but you're not going to be able to.

Archie Morgan said I might add if City Council had a problem with traffic, they would not have voted unanimously for that project.

Margaret Desio said I think sometimes when you make absolutes, it has to be this way absolutely. I think that's just a bad precedent because not every project is exactly the same. My concern is the TRC. I think we are redundant. This is what the staff does and what we pay them for.

Doug Britt said and we were asked to prepare a text Amendment and so we present it to you whether to decide how to move it forward or whether to recommend approval, denial or modify.

Chair said and they have presented it tonight and stated to you that they recommend this be approved. Staff recommends approval. We're not taking any flexibility away from them.

Margaret Desio asked are we adding another layer?

Chair said no the layer already exists. It's the TRC as written.

Margaret Desio said it has not been used. My church had to put a fence up. Part of the church is in the Historic District and part is not in the Historic District. It took one year to get a fence approved. I'm not for anything that's going to put another layer of something that's got to get approved for the people of Monroe. I just think we need to streamline the process more than adding another layer of something that's got to go forth and be approved. That's just my concern and I don't know if the TRC has to meet and wait three weeks for them to meet then they are going to give their recommendation. I don't want to see further delays in trying to get things approved for the City and I'm afraid that's what this TRC is going to do.

Archie Morgan said the man agreed to do whatever he needed to do for that traffic study. City Council obviously agreed. They passed it unanimously.

Richard Yercheck said and that was a one-off so the only person who's been here longer than me is Maryann on this Board. That's the only time that has happened so that's the flexibility.

Maryann Rasberry said I don't know whether that is true or not. I just found out about the TRC lately so things have changed over the last twenty years.

Richard Yercheck said you've been on the Planning Board longer than me. So we're not talking about something that's happening every month, every quarter and every year. This happens once every ten years.

Maryann Rasberry said I think what we're trying to do is make a decision on something that happened in history. It happened. It's done so let's move on. Let's do whatever we need to do to keep the process as safe and healthy as it can be kept in our and the staff's limited amount of time. So let's forget about whatever this project is. It's done. So do we want to correct something that we think might have been wrong or do we?

Archie Morgan said I don't think anything was wrong. City Council vetted that development with no traffic study in hand only the developer saying he would do it.

Maryann Rasberry said there's nothing we can do to change that. So let's decide we want to say, let's make sure all the I's are dotted and the T's are crossed before it comes to us. I think that's all that staff is recommending.

Chair said that's what this does.

Motion: Richard Yercheck made a motion to adopt Resolution Denying Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution.

Second: Margaret Desio

Action: The motion passed with the following votes:

AYES: Jennifer Smith (Vice Chair), Richard Yercheck, Margaret Desio, Louis Philippi and Archie Morgan

NAYS: Kenneth Deal, (Chair), Maryann Rasberry

Motion: Richard Yercheck made a motion to deny the zoning text amendment

Second: Archie Morgan

Action: The motion passed with the following votes:

AYES: Jennifer Smith (Vice Chair), Richard Yercheck, Margaret Desio, Louis Philippi and Archie Morgan

NAYS: Kenneth Deal, (Chair), Maryann Rasberry

Item 10. Unified Development Ordinance (UDO) Discussion
Density calculation
Reduce number of lots that triggers legislative process
RLD/RMD/RHD dimensional standards

Chair said staff is asking direction. These are the items that Planning Board members indicated at our last meeting that they wanted to look at, particularly, the density calculations as it pertains to flood plains. This refers back to the Myers Road project which is the most recent project. Reducing the number of lots that triggers the legislative process currently the Ordinance states that developments of 50 units or more go through the legislative process, but units 49 and less are built by-right and don't come to Planning Board or City Council. The recommendation was to reduce that amount and C is the review of our Standards and RLD, RMD and RHD to determine if those standards are what we want, if they are too lenient or too restrictive and when it comes to density, how many lots per acre, setbacks, minimums, lot sizes and things of that nature. Discussions?

Richard Yercheck said as we move down the road and continue to push into the UDO line by line, I kind of feel like I'm doing a lot of staff's job. Now not saying that that's not something that certainly within the purview of Planning to do, but we're an advisory board and I feel like sometimes we're dipping into things that the professional staff people should be doing. They're the professionals. This is their life's work. Not us. So I agree with what you said earlier. Do we need to stay on top of the UDO, yes. I wonder if how much of staff's time preparing for this meeting and doing stuff we're asking them to do, they're doing, as opposed to what they would be doing if we weren't asking specific questions about the line items in the UDO. Not saying that any of this is wrong or bad, but it's kind of my thought. The other piece of that is that I think we're overdue for a joint meeting with Council and get some direction because everybody sitting up here serves its pleasure to the Council. Right now, after the last handful of meetings, I'm starting to feel a little disconnected from what the entire City Council wants us to do versus where we seem to be driving this bus. I don't hear direction coming from City Council as much as a mission to go line by line through the UDO and make changes as it relates to a handful of people. So if given the opportunity, I would make a motion that we table UDO discussions until we have a joint meeting with the Planning and City Council and we get specific directions from City Council as to where they want us to go and where they would like us to do. That is my motion.

Margaret Desio seconded the motion.

Maryann Rasberry said as Richard had suggested I have been on this board a long time. During that time, I don't remember Council giving us directions on where they wanted to go. Now, granted what we did was approve subdivisions or industry and that was before we had this UDO. So I don't know how important it is that we do this or don't do this and I'm certainly not opposed to a joint meeting with City Council. Do we go to City Council and say what would you like us to do?

Louie Philippi said when can we have a meeting with City Council? There's a couple things on here that I think are worthy of discussion and where there is some action. If you say we will talk to City Council to see if they want to talk to us and we throw a few months away, I think it would cause a problem. Specifically, I'm looking at the "Reducing the number of lots that triggers legislative process." There's 49 now. You can make two developments right next to each other, same kind of houses, but do different signs out front and have 98 of them.

Richard Yercheck said Louis, this item B was a year and a half ago, we just reduced it to that number so that was where we got to that number from what it had been so that has been reduced.

Louis Philippi said my experience is there's a development right off of Morgan Mill Road and if you go the back way, it's horrible. Somehow that got by. St. John's Forest was advertised and I thought what a wonderful place to live and the houses are close to the road and had to zig-zag the pick-up truck to get out of the cul-de-sac. Now that kind of construction gets by because they can do things by-right. We don't get a chance to look at it and say these houses are too close to the front or now you have places that have houses 10 feet apart. We are put up here to call attention to some of this. Are we talking about two months or six months to meet?

Richard Yercheck said I don't think any of us disagree that high-density neighborhoods can be a challenge so most of us were here when that neighborhood was approved. The neighborhoods now are much better than what we were getting five or even two years ago. The stress as we go through some of this stuff is are we turning developers off? Are we going to get development? If you're not happy with that number then we should have a discussion and talk about that with City Council. Are they happy with that number? I suspect that, after this meeting, Mr. Deal will talk with people on City Council and I suspect we will get a meeting fairly quickly.

Archie Morgan said it could actually save time because as a Planning Board, we don't want to keep sending things to Council they will just deny and developer keeps coming back to us if we have a better idea of what City Council is looking for, we will know how to best make our decisions here.

Chair said UDO clearly tells us that we are to review, anytime we have concerns about areas in the UDO, that we can discuss it, work with staff, work up a text amendment and send it to City Council so they can decide. That's the way it's supposed to work. These are all recommendations, not from me, but other members on the board, although I agree with all of them. The question from the last Board was what about rentals. We need to get rentals under control. Forty-nine lots doesn't touch rentals. So if we want to get rentals under control, we need to bring rental as a text amendment changing the word "lot" to "unit." That brings the units under. Some of the cities have minimums of more than four houses then you have to go through the legislative process and get City Council approval. There's nothing wrong with that. If the Board wants to have a joint meeting with City Council, we can certainly request that, but that doesn't relieve us of our obligation to read the UDO and our Board procedures and understand that when we see something wrong, if a Board member brings up an issue, we should examine that issue, not stifle that issue and say let's wait until somebody with more horsepower tells us to look at it, otherwise, we'll just pass it off. If the people on this Board don't want to put in the work then you have options. If you want to be on this Board, put in the work. If you want to just show up at every meeting and vote then that's fine. The City Council will notice that just by reading the minutes. We are going to examine the UDO issues because, you, the Board members, have brought them up and the UDO tells us that's our job to do. There are no motions to be made here. The UDO is available online.

Richard Yercheck said you got a first and second. Can I made a motion?

Richard Long, Atty, said you have made a motion to table this conversation. You can vote on it.

Chair said motion has been made and seconded to do no more work until we have a joint meeting with City Council who seconded? All those in favor?

Motion: Richard Yercheck made a motion that we table UDO discussions until we have a joint meeting with the Planning Board and City Council.
Second: Margaret Desio
Action: The motion failed with the following votes:

AYES: Richard Yercheck, Margaret Desio and Archie Morgan

NAYS: Kenneth Deal, (Chair), Jennifer Smith (Vice Chair), Maryann Rasberry, Louis Philippi,

Louis Philippi asked about badges so he can go out to places that are being inspected for safety.

Maryann Rasberry would like to have “Other” put back on the agenda so members of the Board can bring items to be talked about.

Chair introduced Kimberly Davis as the new Secretary. Welcome!

Item 11. Next Meeting: July 3, 2024

Item 12. Adjournment

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

AYES: Kenneth Deal, Jennifer Smith, Margaret Desio, Maryann Rasberry, Archie Morgan, Richard Yercheck, and Louis Philippi

NAYS: None

The meeting was adjourned at 7:14 p.m.

Respectfully Submitted,

Kenneth Deal, Chair
Planning Board

Kimberly Davis
Secretary to the Board



STAFF REPORT

TO: Planning Board Members

DATE: July 3, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Map Amendment request for Conditional District (CD) “Waxhaw Landing Phase 2 – Amendment 1” (Parcel ID #:09-351-015)

SUMMARY STATEMENT

The Planning Board is requested to consider a zoning map amendment for the property located along Waxhaw Highway and further identified with parcel ID number 09-351-015 from CD “Waxhaw Landing Phase 2” to CD “Waxhaw Landing Phase 2 – Amendment 1”.

REVIEW

The applicants are requesting an amendment to the conditional district in order to modify the transportation improvements previously required by the North Carolina Department of Transportation (NCDOT). The approved development consists of 64 single family lots on 29.21 acres, with 10.07 acres left as common open space.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Solar Panels	RA-40 (County) & RA-20 (County)
East	Waxhaw Landing Ph. 1- Under Construction	CD “Waxhaw Landing”
South	Residential	RA-40 (County)
West	Residential	RA-40 (County)

Proposal

The applicants received approval on June 14, 2022 to develop a residential subdivision that will consist of 64 single-family detached homes. The development will be a mix of 60-foot (44) and 80-foot (20) wide lots. The total area of the project is 29.21 acres, with 10.07 acres or 34.47% of that reserved as common open space. The density of this project is 2.19 units per acre.

REQUIREMENTS

Over the last several months the developer has engaged in conversations with the North Carolina Department of Transportation (NCDOT) regarding the original transportation improvements required for this project.

This phase of Waxhaw Landing includes one entrance off Waxhaw Highway with two internal connections to the first phase, which has two connections to Waxhaw Highway. A Traffic Impact Analysis (TIA) was prepared when this project first went through the rezoning process and the following improvements were required at the time:

1. Construct a westbound left turn lane with 100' of full storage with appropriate tapers.
 - a. Install a three-lane section between this access and the next access point of the original phase.
2. At Fletcher Broome and Waxhaw Highway (NC75), install a traffic signal with railroad preemption.

The developer will still construct a left turn lane into this phase of the development. However, as part of this amendment request the application is requesting to pay a fee-in-lieu directly to NCDOT for the cost of left turn lanes at Fletcher Broome (part of Phase 3 original requirements) and the cost of a standard signal without railroad preemption.

The fee-in-lieu will go to a potential project to improve another rail crossing nearby; however, this project is not currently funded, nor is there a timeframe for if/when it may be completed.

FUTURE LAND USE PLAN CONSISTENCY

The Future Land Use Plan indicates this area is Suburban. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Multimodal connectivity between neighborhoods and to nearby centers also should be emphasized. Strategic connections to the off-street multi-use trail network are preferred and open space should be preserved in both active and passive forms within neighborhoods. The density for suburban residential is 2-4 units per acre.

PUBLIC NOTIFICATION

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

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

RECOMMENDATION

Staff has concerns that the original project(s) warranted a signal with railroad preemption at Fletcher Broome and left turn lanes at this intersection, but this amendment would no longer result in those improvements being made. While the developer will be paying a fee-in-lieu for improvements, it is possible the proposed project may not come to fruition. For these reasons staff recommends denial of the proposed rezoning amendment.

While Planning staff recommends denial of this rezoning request, if the Planning Board wishes to recommend approval, the City Engineering Department has requested that the language on the rezoning plan regarding the platting restrictions be revised to the following:

~~“NCDOT WILL ALLOW PLATTING OF 25 LOTS FOR THIS PHASE OF WAXHAW LANDING PRIOR TO ROADWAY IMPROVEMENTS BEING INSTALLED. THE PAYMENT -IN-LIEU, MENTIONED IN NOTE 2, WILL BE PAID/ESTABLISHED PRIOR TO THE RECORDING OF THE FIRST 25 LOTS. UPON THE PLATTING OF THE 26TH LOT OF WAXHAW LANDING PHASE 2, A WESTBOUND LEFT TURN LANE WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS WILL BE INSTALLED ALONG WITH THE INSTALLATION OF A THREE LANE SECTION BETWEEN WAXHAW LANDING PHASE 1 ACCESS A AND WAXHAW LANDING PHASE 2 ACCESS”~~

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 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
 - a. With OR Without Engineering Department Recommendation
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:

1. Ortho Map
2. Zoning Map
3. Current Approved Rezoning Site Plan
4. Proposed Zoning Site Plan
5. FLUM Map

6. FLUM Description
7. Approval Resolution
8. Denial Resolution
9. Ordinance 157.1.2.1

Ortho Map

PLMA-2024-00200

Legend

- Centerlines
- Parcels
- City Limits

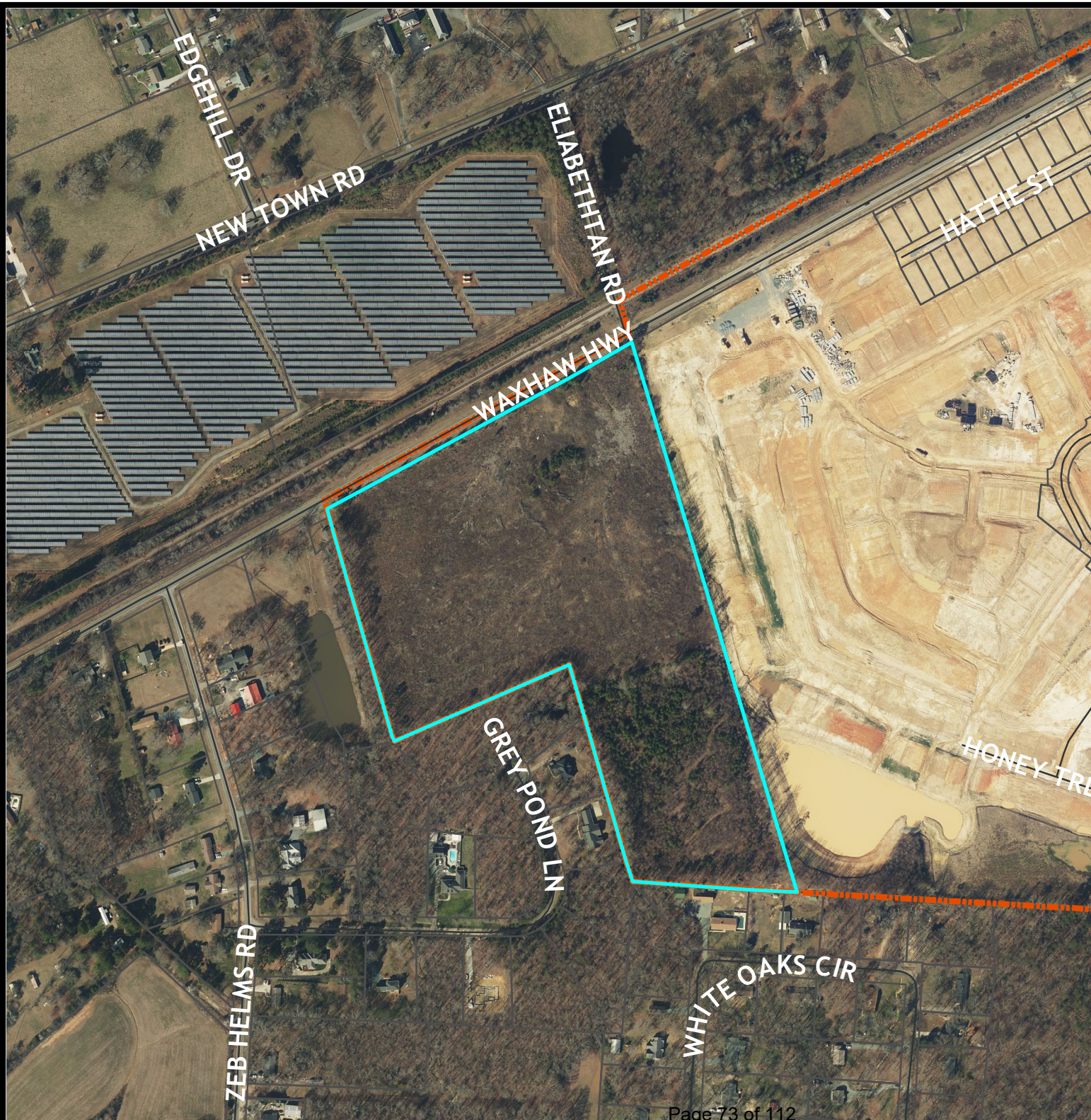
Existing: CD "Waxhaw Landing Phase 2"

Owner: Ward Starnes

Acres: 29.21



0 370 740 Feet



Zoning Map PLMA-2024-00200

Legend

Centerlines

Parcels

City Limits

Zoning Districts

CD

Union Co. Zoning

R-8

RA-20

RA-40

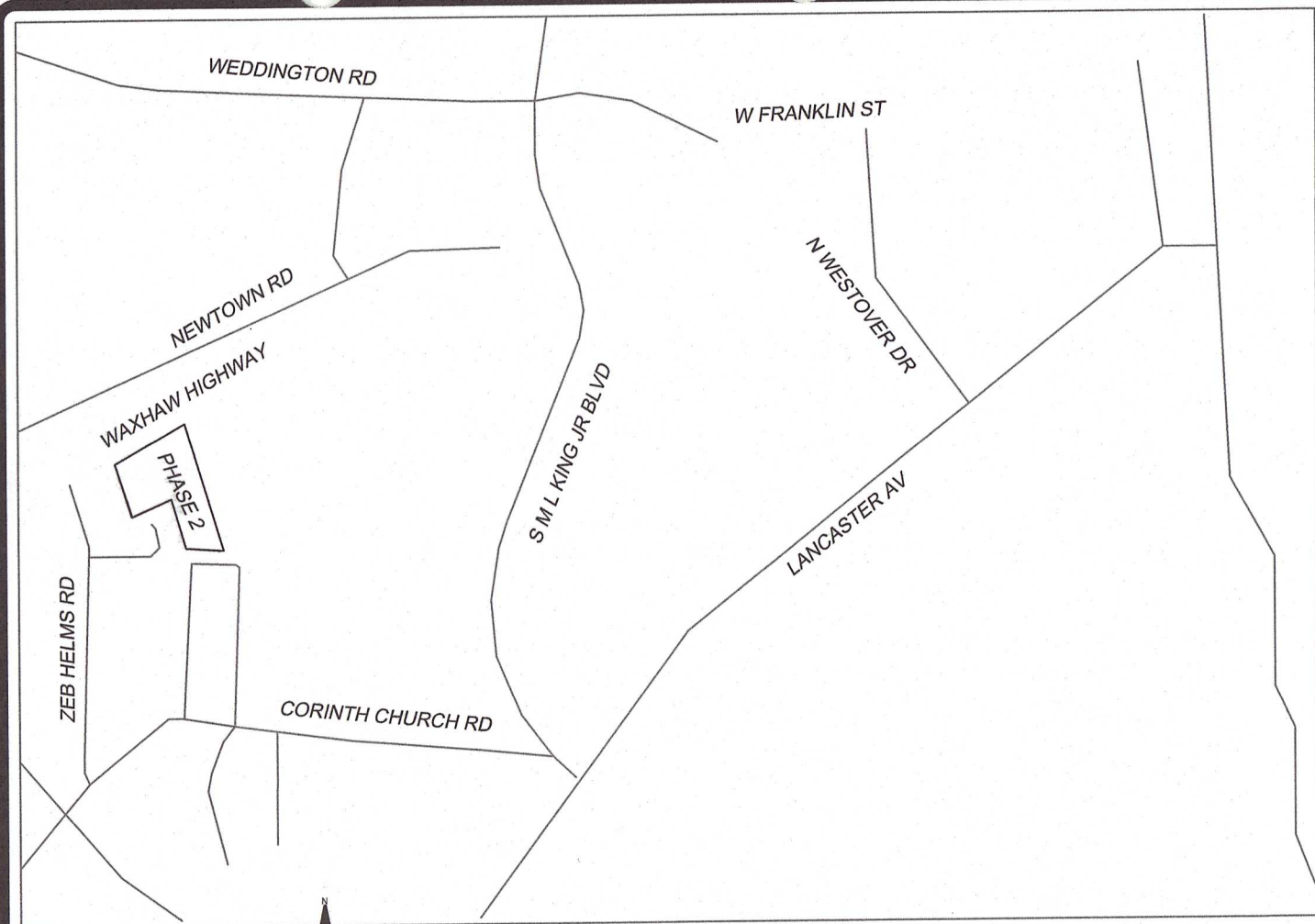
Existing: CD "Waxhaw
Landing Phase 2"

Owner: Ward Starnes

Acres: 29.21



0 370 740
Feet



VICINITY MAP
(NOT TO SCALE)

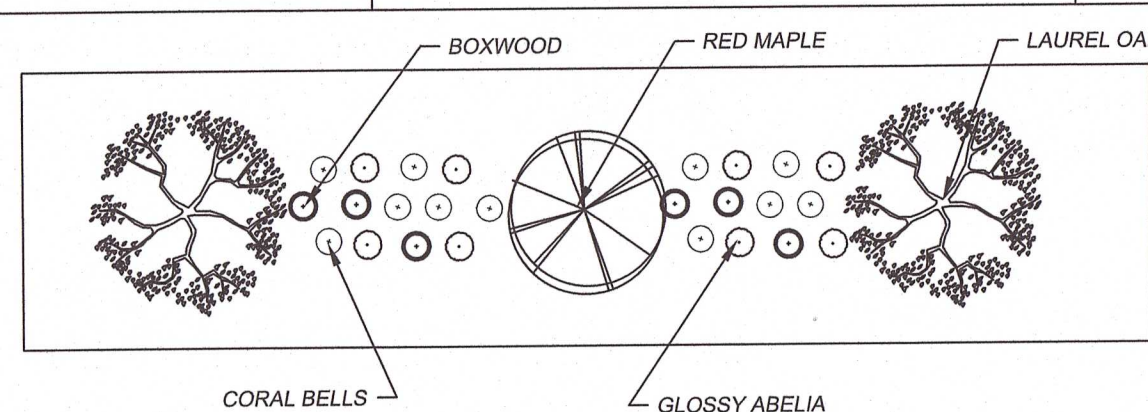
- SITE DEVELOPMENT NOTES:**
1. PROPOSED REZONING FROM RA-20 AND RA-40 (UNION COUNTY) TO CONDITIONAL DISTRICTS "WAXHAW LANDING - PHASE 2"
 2. ROADS WILL BE PUBLIC STREETS CONSTRUCTED IN ACCORDANCE WITH CITY OF MONROE STANDARDS.
 3. SIGN REGULATIONS FOR THIS PROPERTY SHALL ADHERE TO THE RESIDENTIAL SIGN REQUIREMENTS.
 4. ALL LANDSCAPING SHALL BE KEPT IN A THRIVING CONDITION.
 5. ALL ELEVATIONS, PACKETS, OR OTHER SUPPLEMENTAL MATERIAL SUBMITTED TO STAFF, PLANNING BOARD, AND/OR CITY COUNCIL IN REFERENCE AND SUPPORT OF ANY CONDITIONAL DISTRICT SHALL BE REGARDED AS AN INTEGRAL ELEMENT OF THE APPROVED SITE PLAN. MINOR DEVIATIONS FROM SUBMITTED MATERIAL SHALL BE ALLOWED AT THE DISCRETION OF THE PLANNING DIRECTOR OR HIS/HER DESIGNEE.
 6. TREES WITHIN THE DEVELOPMENT THAT ARE 75' OR GREATER IN CIRCUMFERENCE WILL BE PRESERVED AND WILL NOT BE REMOVED TO THE EXTENT PRACTICAL.
 7. TREES WITHIN THE DEVELOPMENT THAT ARE 25' OR GREATER IN CIRCUMFERENCE MAY ONLY BE REMOVED IF THEY ARE LOCATED WITHIN AN APPROVED STREET CROSS SECTION, BUILDING PAD, DRIVEWAY AREA, STORM WATER MANAGEMENT FEATURE, OR STORM OR UTILITY EASEMENT.
 8. DEVELOPER RESERVES THE RIGHT TO REMOVE SICK OR DAMAGED TREES AT DEVELOPERS DISCRETION.
 9. SETBACK MEASUREMENTS SHALL BE MADE FROM THE EXTERIOR WALL DIMENSIONS AT THE FOUNDATION. ARCHITECTURAL FEATURES (INCLUDING BUT NOT LIMITED TO OVERHANGS, STOODS, EAVES, AND SOFFITS) AND MECHANICAL UNITS MAY PROJECT INTO SETBACKS.
 10. ACCESSORY STRUCTURES SHALL NOT BE LOCATED BEYOND THE FRONT CORNER OF THE HOME, AND SHALL MAINTAIN A MINIMUM FIVE FOOT (5') SETBACK FROM ALL PROPERTY LINES. ACCESSORY STRUCTURES SHALL NOT BE LOCATED WITHIN PUBLIC EASEMENTS.
 11. LANDSCAPING SHALL BE IN ACCORDANCE WITH CITY OF MONROE STANDARDS.
 12. HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF OPEN SPACE, COMMON AREAS, BMP AREAS, ETC.
 13. COMMENCEMENT OF THE AMENITY AREA SHALL BEGIN NO LATER THAN 50% OF THE CERTIFICATE OF OCCUPANCY'S BEING ISSUED.
 14. MINIMUM LOT SIZE IS 6,000 SF. AVERAGE LOT SIZE IS 9,899 SF. LOT SIZES ARE SUBJECT TO CHANGE DURING THE CONSTRUCTION PHASE. ALL LOTS WILL MAINTAIN THE MINIMUM LOT SIZE OF 6,000 SF SHOWN ON THIS PLAN WHEN PROJECT IS PLATTED.
 15. EXTERIOR MATERIALS SHALL BE LIMITED TO A MIX OF FIBER CEMENT, STONE, STUCCO, OR BRICK. VINYL SHALL ONLY BE USED FOR TRIM WORK ONLY. HOUSE FRONTAGE SHALL HAVE ARCHITECTURAL ELEMENTS OF EITHER STONE, STUCCO, OR BRICK MATERIAL. HOUSES BUILT ON SLAB FOUNDATIONS SHALL HAVE A MINIMUM FOUR COURSE BRICK/ BRICK VENEER OF STANDARD SIZE, EXTENDING UP THE FACE OF THE SLAB.
 16. 50% OF FRONT ELEVATION (NOT INCLUDING WINDOWS AND GARAGE DOORS) WOULD BE MADE UP OF A COMBINATION OF FRONT PORCH, MASONRY (STONE OR BRICK), FIBER CEMENT SHAKE, OR WINDOW TRIM (INCLUDING SHUTTERS); THE REMAINING PORTION CAN BE HORIZONTAL FIBER CEMENT LAP SIDING.
 17. MINIMUM HOUSE SIZE SHALL BE 1,600 SF.
 18. STREET TREES SHALL BE PROVIDED AT A RATE OF 1 PER EVERY 50' WITH A CALIPER OF 3 INCHES MEASURED 6 INCHES ABOVE GRADE. STREET TREES SHOULD BE A VARIETY OF SPECIES.
 19. EACH LOT SHALL HAVE AT LEAST 2 YARD TREES, SUITABLE FOR HEALTHY GROWTH IN OUR CLIMATE. YARD TREES SHALL HAVE A MINIMUM CALIPER OF 3 INCHES MEASURED 6 INCHES ABOVE GRADE. 1 TREE MAY BE PLACED IN REAR OF LOT TO MEET THIS REQUIREMENT.
 20. ALL FRONT LOAD GARAGES SHALL HAVE CARRIAGE STYLE DOORS. ALL HOUSES SHALL HAVE A STANDARD TWO (2) CAR ATTACHED GARAGE. 80' WIDE LOTS WILL HAVE SIDE-LOADED GARAGES.
 21. ALL DRIVEWAYS SHALL BE PAVED WITH CONCRETE OR ASPHALT FROM THE ROAD TO THE GARAGE. EACH DRIVEWAY SHALL BE ABLE TO ACCOMMODATE AT LEAST TWO (2) VEHICLES.
 22. ALL EXPOSED CHIMNEYS SHALL BE STUCCO, FIBER CEMENT, OR BRICK VENEER CONSISTENT WITH THE ARCHITECTURE.
 23. THE FRONT WALL OF ALL HOUSES SHALL NOT RUN UNBROKEN (UNARTICULATED) FOR A DISTANCE OF MORE THAN 24' LINEAR FEET. ALL WALL OFFSETS SHALL BE A MINIMUM OF ONE (1) FOOT IN DEPTH.
 24. THE MAJORITY OF ALL ROOF AREAS ON ANY HOUSE SHALL HAVE A MINIMUM 6/12 PITCH ROOF.
 25. ALL FRONT LAWNS OF ALL SINGLE FAMILY HOMES SHALL BE SODED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
 26. MAIL KIOSK LOCATIONS WILL BE COORDINATED WITH USPS AND WILL HAVE AT LEAST 1 HANDICAP PARKING SPACE FOR EACH LOCATION.

Parcel Table		
Parcel #	Sq. Ft.	Acres
1	9,738	0.22
2	9,734	0.22
3	9,731	0.22
4	11,536	0.26
5	16,584	0.38
6	18,555	0.43
7	13,089	0.30
8	11,612	0.27
9	11,080	0.25
10	13,358	0.31
16	9,650	0.22
17	11,431	0.26
18	8,790	0.20
19	8,054	0.18
20	9,211	0.21
21	7,800	0.18
22	7,800	0.18
23	7,800	0.18
24	7,800	0.18
25	7,800	0.18
26	7,800	0.18
27	10,231	0.23

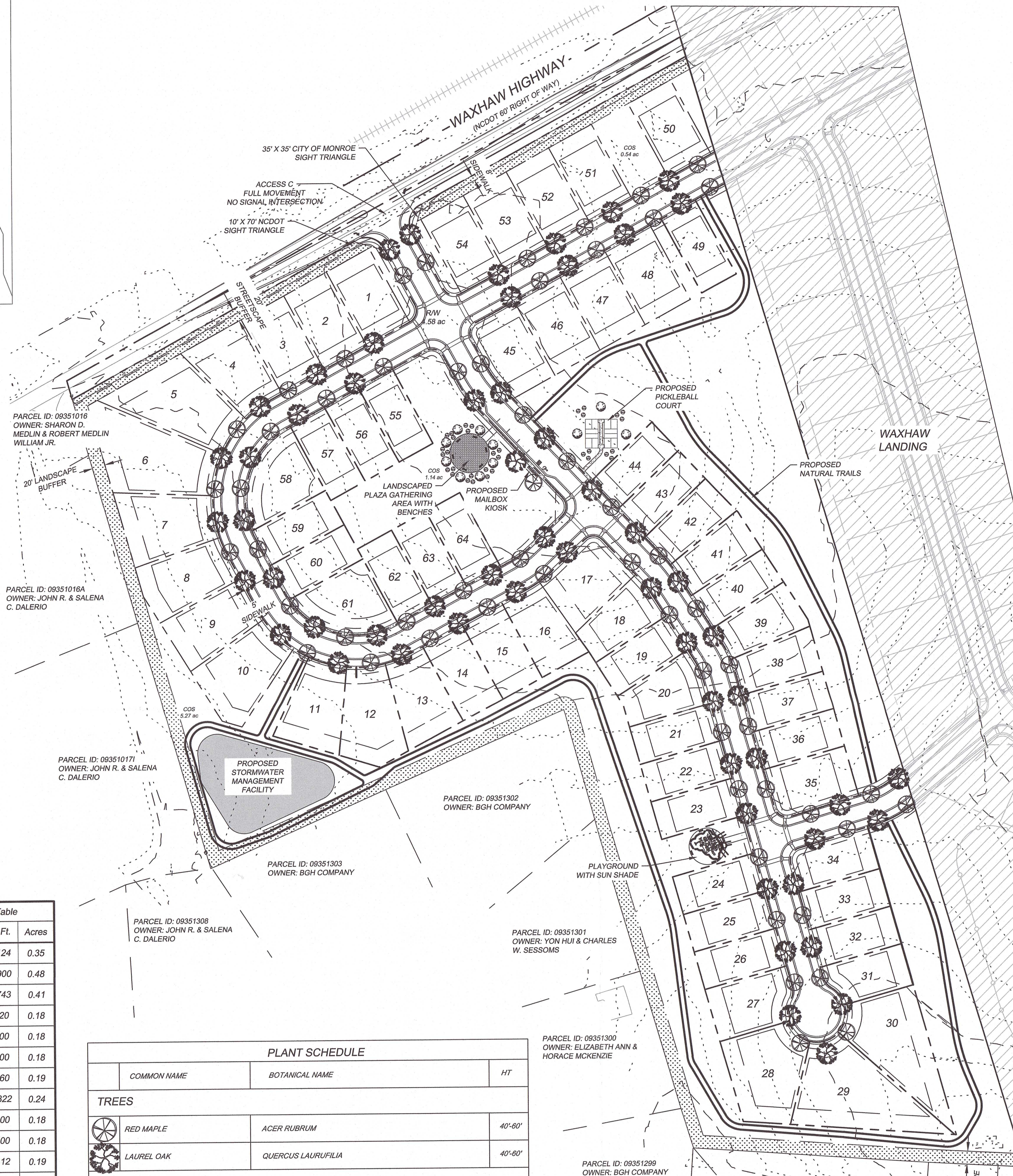
Parcel Table		
Parcel #	Sq. Ft.	Acres
50	9,749	0.22
51	9,745	0.22
52	9,743	0.22
53	9,742	0.22
54	9,740	0.22
55	7,752	0.18
56	7,800	0.18
57	7,849	0.18
58	11,288	0.26
59	7,797	0.18
60	7,797	0.18
61	11,288	0.26
62	7,800	0.18
63	7,800	0.18
64	7,800	0.18

Parcel Table		
Parcel #	Sq. Ft.	Acres
28	15,124	0.35
29	20,900	0.48
30	17,743	0.41
31	8,020	0.18
32	7,800	0.18
33	7,800	0.18
34	8,460	0.19
35	10,322	0.24
36	7,800	0.18
37	7,800	0.18
38	8,412	0.19
39	8,832	0.20
40	7,800	0.18
41	8,350	0.19
42	8,238	0.19
43	7,800	0.18
44	7,800	0.18
45	10,770	0.25
46	10,400	0.24
47	10,400	0.24
48	10,400	0.24
49	7,800	0.18

PLANT SCHEDULE			
	COMMON NAME	BOTANICAL NAME	HT
TREES			
	RED MAPLE	ACER RUBRUM	40'-60'
	LAUREL OAK	QUERCUS LAURIFILIA	40'-60'
SHRUBS			
	GLOSSY ABELIA	ABELIA x GRANDIFLORA 'KALEIDOSCOPE'	24" MIN
	CORAL BELLS	HEUCHERA x 'GEORGIA PEACH'	12"
	BOXWOOD	BUXUS x 'GREEN MOUNTAIN'	24" MIN



TYPICAL 20' LANDSCAPE BUFFER (NTS)



OFF-SITE ROAD IMPROVEMENTS:

1. ACCESS C ONTO NC 75
- 1.1. CONSTRUCT WESTBOUND LEFT TURN LANE WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS.
- 1.2. INSTALL THREE LANE SECTION BETWEEN ACCESS C AND ACCESS A
2. FLETCHER BROOME ROAD @ NC 75 INTERSECTION
- 2.1. CONSTRUCT TRAFFIC SIGNAL WITH RAILROAD PREEMPTION.
3. NCDOT WILL ALLOW PLATTING OF 25 LOTS FOR EACH OF THE BROWNING AND STARNES PORTIONS (PH. 2 & 3) OF WAXHAW LANDING PRIOR TO ROADWAY IMPROVEMENTS BEING INSTALLED. UPON THE PLATTING OF THE 26TH LOT OF EITHER THE BROWNING OR STARNES PORTION OF THE DEVELOPMENT THE FULL COMPLEMENT OF IMPROVEMENTS TO THE FLETCHER BROOME @ NC75 INTERSECTION, BOTH TURN LANES AND SIGNAL, SHALL BE INSTALLED AND OPERATIONAL.

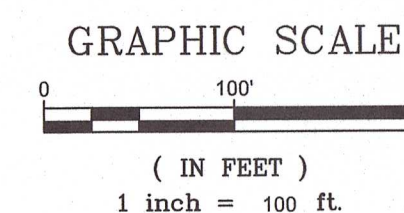
GENERAL PROVISIONS:

1. DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THIS CONDITIONAL ZONING PLAN, DEVELOPMENT STANDARDS, AND THE APPLICABLE PROVISIONS OF THE CITY OF MONROE UNIFIED DEVELOPMENT ORDINANCE (UDO).
2. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE ZONING SITE PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED AND MAY BE ALTERED SUBJECT TO APPROVAL BY THE ZONING ADMINISTRATOR.
3. ZONING IS TO BE CHANGED FROM RA-20 AND RA-40 (UNION COUNTY) TO CONDITIONAL DISTRICT "WAXHAW LANDING - PHASE 2"

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

PETITIONER SIGNATURE:
DATE: JUNE 16, 2022

APPROVED
by CC 6-14-22



WAXHAW LANDING - PHASE 2
MONROE, NC

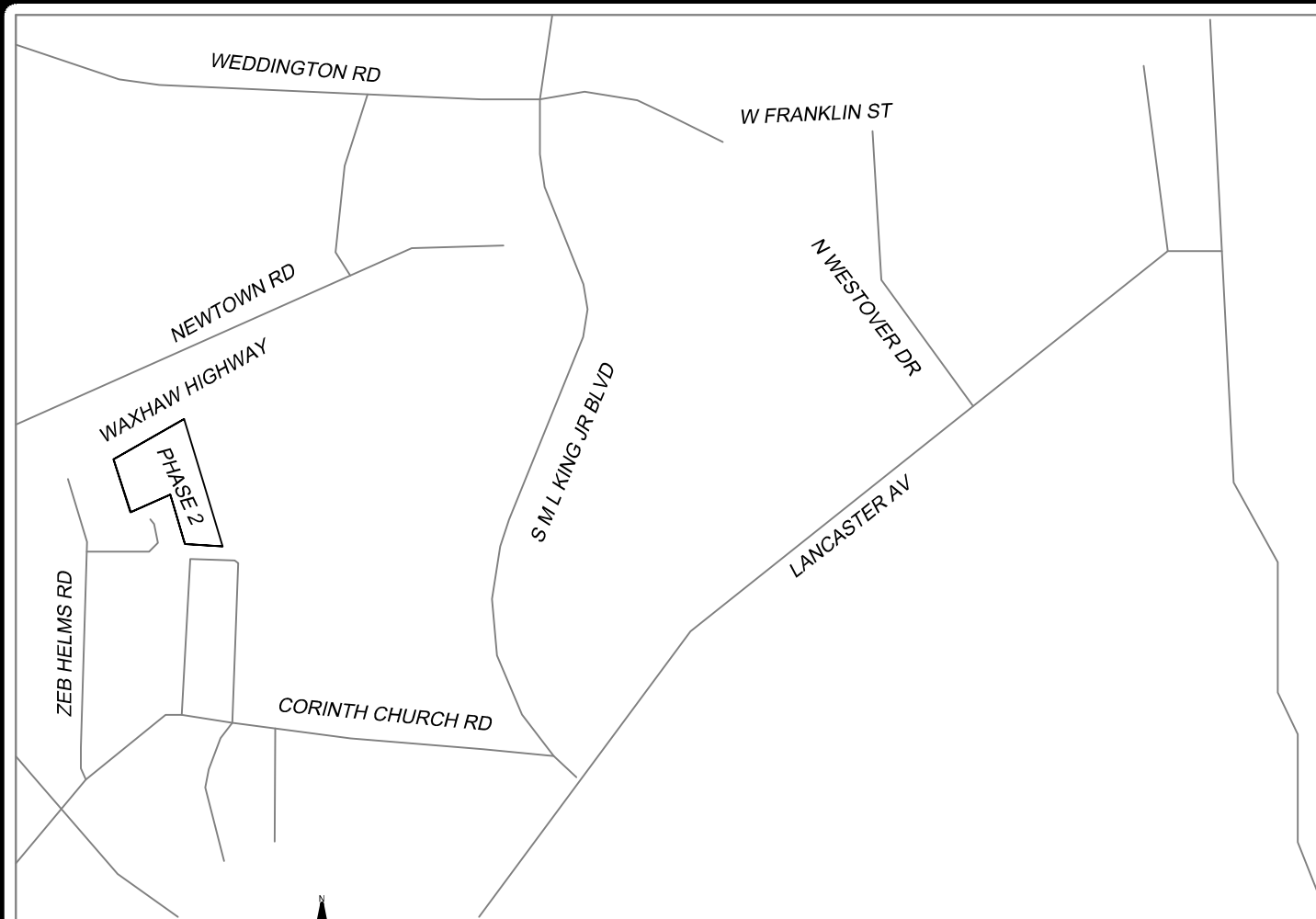
BRD LAND & INVESTMENT I, LP
725 CHERRY ROAD, SUITE 3234
ROCK HILL, SC 29730

CONDITIONAL REZONING SITE
PLAN PHASE II

DESIGNED BY	DAM	CHECKED BY	BLD
DRAWN BY	KCB	DATE	06/03/2021
Scale	AS SHOWN	JOB NUMBER	7461

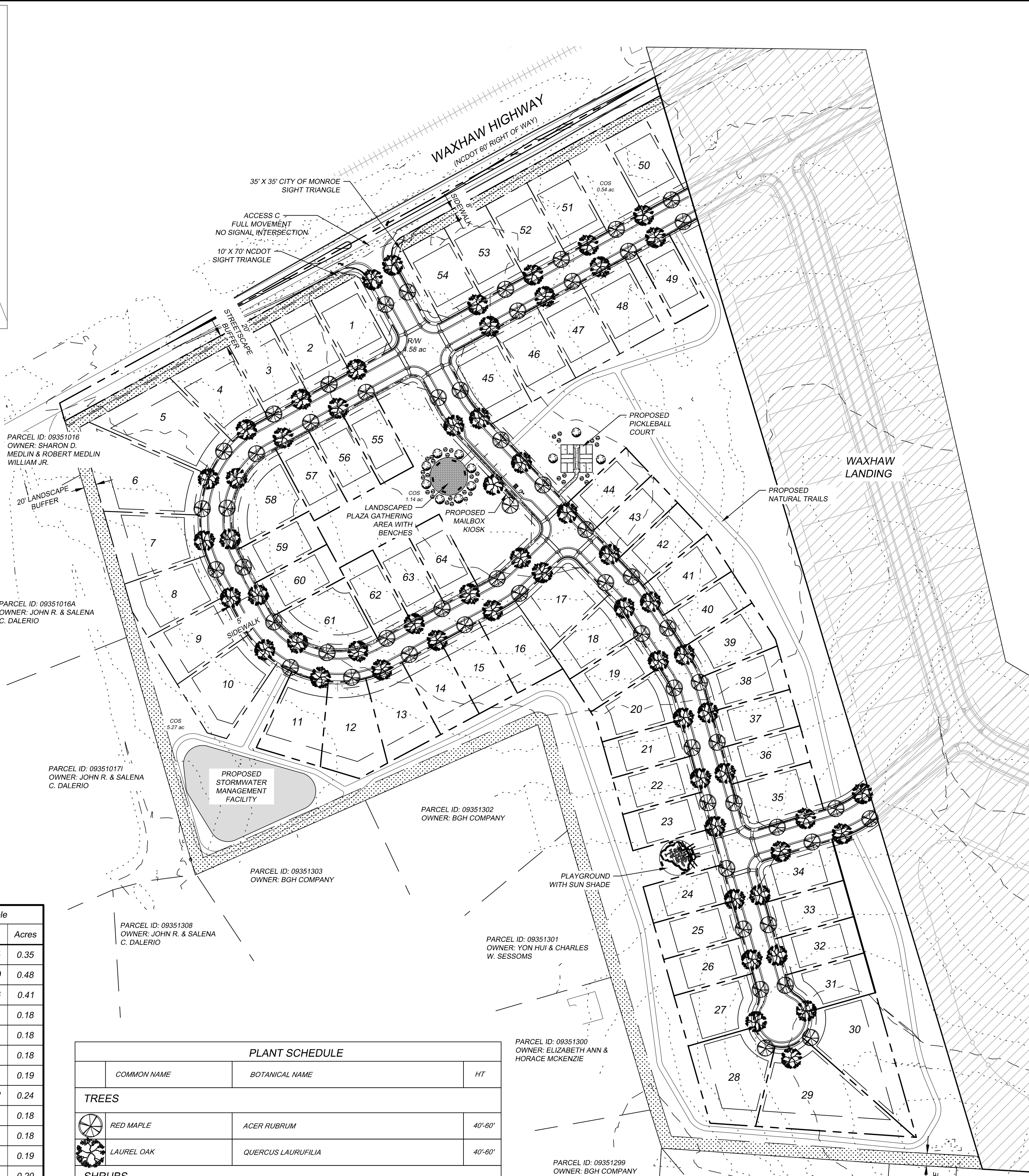
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RZP-1



VICINITY MAP
(NOT TO SCALE)

- SITE DEVELOPMENT NOTES:**
- PROPOSED REZONING FROM CONDITIONAL DISTRICTS WAXHAW LANDING PHASE 2 TO CONDITIONAL DISTRICT WAXHAW LANDING PHASE 2 - AMENDMENT 1"
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 - TREES WITHIN THE CIRCUMFERENCE THAT ARE 75' OR GREATER IN CIRCUMFERENCE WILL BE PRESERVED AND WILL NOT BE REMOVED TO THE EXTENT PRACTICAL.
 - TREES WITHIN THE DEVELOPMENT THAT ARE 25' OR GREATER IN CIRCUMFERENCE MAY ONLY BE REMOVED IF THEY ARE LOCATED WITHIN AN APPROVED STREET SECTION, BUILDING PAD, DRIVEWAY AREA, STORM WATER MANAGEMENT FEATURE, OR STORM OR UTILITY EASEMENT.
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 - ALL FRONT LAWNS OF ALL SINGLE FAMILY HOMES SHALL BE SODDED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
 - MAIL KIOSK LOCATIONS WILL BE COORDINATED WITH USPS AND WILL HAVE AT LEAST 1 HANDICAP PARKING SPACE FOR EACH LOCATION.



PARCEL ID: 09351016
OWNER: SHARON D. MEDLIN & ROBERT MEDLIN WILLIAM JR.

PARCEL ID: 09351018A
OWNER: JOHN R. & SALENA C. DALERIO

PARCEL ID: 09351017I
OWNER: JOHN R. & SALENA C. DALERIO

PARCEL ID: 09351302
OWNER: BGH COMPANY

PARCEL ID: 09351308
OWNER: JOHN R. & SALENA C. DALERIO

PARCEL ID: 09351301
OWNER: YON HUI & CHARLES W. SESSOMS

PARCEL ID: 09351300
OWNER: ELIZABETH ANN & HORACE MCKENZIE

PARCEL ID: 09354028
OWNER: DIMOCK MATTHEW WAYNE SR, DIMOCK EUGENIA YVONNE; 8065-387

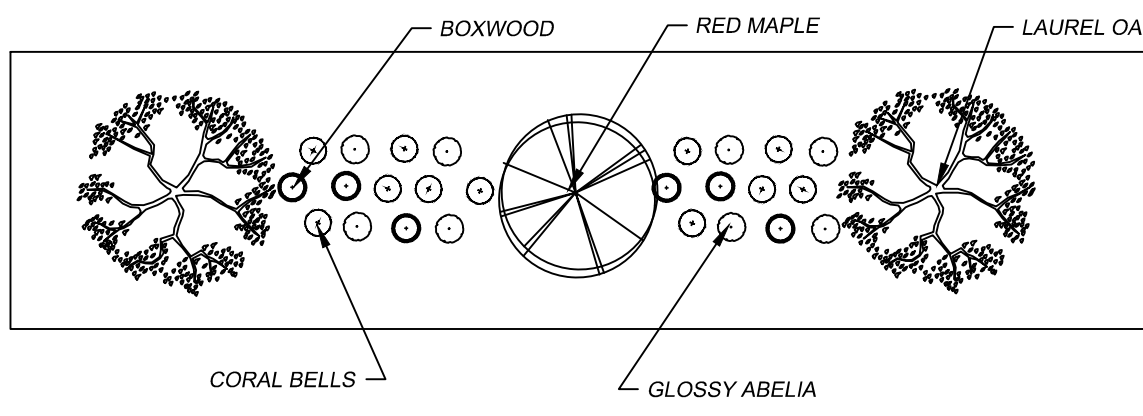
PARCEL ID: 09354031
OWNER: JAMES JAMES & TERRY A. ANGLE

PARCEL ID: 09354032
OWNER: JAMES JAMES & TERRY A. ANGLE

PARCEL ID: 09354033
OWNER: JAMES JAMES & TERRY A. ANGLE

PARCEL ID: 09354034
OWNER: KEVIN BROOKS AND BERNADETTE PLAISTED

PLANT SCHEDULE		
COMMON NAME	BOTANICAL NAME	HT
TREES		
RED MAPLE	ACER RUBRUM	40'-60'
LAUREL OAK	QUERCUS LAURIFOLIA	40'-60'
SHRUBS		
GLOSSY ABELIA	ABELIA x GRANDIFLORA 'KALEDIOSCOPE'	24' MIN
CORAL BELLS	HEUCHERA x 'GEORGIA PEACH'	12"
BOXWOOD	BUXUS x 'GREEN MOUNTAIN'	24' MIN



TYPICAL 20' LANDSCAPE BUFFER (NTS)

SITE AND DEVELOPMENT DATA

JURISDICTION	CITY OF MONROE
TAX PARCEL(S):	09351015
DEED BOOK AND PAGE	7926/361
SITE ADDRESS:	WAXHAW HWY
ZONING	CD "WAXHAW LANDING - PHASE 2"
PROPOSED ZONING	CONDITIONAL DISTRICT "WAXHAW LANDING - PHASE 2 - AMENDMENT 1"
TOTAL AREA	29.21 AC
TOTAL LOTS	64 LOTS (44-60' WIDE & 20-80' WIDE)
DENSITY	2.19 LOTS PER ACRE
AREA IN LOTS	14.54 AC
OPEN SPACE	10.07 AC (34.47%)
SETBACKS IN CONDITIONAL DISTRICT	
MINIMUM FRONT SETBACK	25'
MINIMUM CORNER/SIDE SETBACK	10'/5'
MINIMUM REAR SETBACK	25'
MINIMUM LOT SIZE	6,000 SQ. FT.
MINIMUM LOT WIDTH	60'

OFF-SITE ROAD IMPROVEMENTS:

- ACCESS C ONTO NC 75
- CONSTRUCT WESTBOUND LEFT TURN LANE WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS.
- INSTALL THREE LANE SECTION BETWEEN ACCESS C AND ACCESS A.
- PURSUANT TO AN AGREEMENT TO BE EXECUTED BY THE DEVELOPER AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, DEVELOPER AGREES TO MAKE A PAYMENT-IN-LIEU DIRECTLY TO NCDOT FOR AN AMOUNT EQUAL TO THE VALUE OF THE CONSTRUCTION COSTS OF AN 100' EASTBOUND AND 100' WESTBOUND LEFT TURN LANE AND TRAFFIC SIGNAL AT THE INTERSECTION OF FLETCHER BROOME ROAD AND NC 75
- THERE WILL BE A ONE-TIME LUMP SUM AGREEMENT WITH NCDOT TO ENCOMPASS PHASES 2 & 3
- PHASES 2 & 3 ARE COLLECTIVELY RESPONSIBLE FOR THE LUMP SUM PAYMENT. IN NO EVENT SHALL EACH PROJECT BE INDIVIDUALLY RESPONSIBLE FOR THE LUMP SUM PAYMENT OF THE AFOREMENTIONED IMPROVEMENTS, RESULTING IN MULTIPLE PAYMENTS TO NCDOT.
- THE AGREEMENT BETWEEN NCDOT AND THE DEVELOPER MUST BE FULLY EXECUTED PRIOR TO THE DRIVEWAY PERMITS BEING ISSUED FROM NCDOT
- NCDOT WILL ALLOW PLATTING OF 25 LOTS FOR THIS PHASE OF WAXHAW LANDING PRIOR TO ROADWAY IMPROVEMENTS BEING INSTALLED. UPON THE PLATTING OF THE 26TH LOT OF WAXHAW LANDING PHASE 2, A WESTBOUND LEFT TURN LANE WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS WILL BE INSTALLED ALONG WITH THE INSTALLATION OF A THREE LANE SECTION BETWEEN WAXHAW LANDING PHASE 1 ACCESS A AND WAXHAW LANDING PHASE 2 ACCESS C

GENERAL PROVISIONS:

- DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THIS CONDITIONAL ZONING PLAN, DEVELOPMENT STANDARDS, AND THE APPLICABLE PROVISIONS OF THE CITY OF MONROE UNIFIED DEVELOPMENT ORDINANCE (UDO).
- THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE ZONING SITE PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED AND MAY BE ALTERED SUBJECT TO APPROVAL BY THE ZONING ADMINIS TRATOR.
- ZONING IS TO BE CHANGED FROM CONDITIONAL DISTRICT "WAXHAW LANDING - PHASE 2" TO CONDITIONAL DISTRICT "WAXHAW LANDING PHASE 2 - AMENDMENT 1"

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

PETITIONER SIGNATURE _____

DATE _____

WAXHAW LANDING - PHASE 2
MONROE, NC

BRD LAND & INVESTMENT I, LP
725 CHERRY ROAD, SUITE 3234
ROCK HILL, SC 29730

CONDITIONAL REZONING SITE
PLAN PHASE II

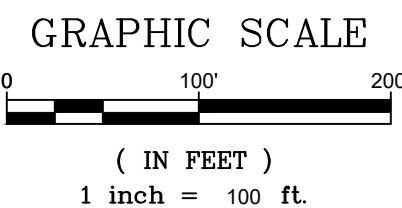
DESIGNED BY DAM
CHECKED BY KCB
DATE 08/03/2021
JOB NUMBER 7461
Scale

Sheet

RZP-1

EAGLE ENGINEERING
20134 Van Buren Avenue
Indian Trail, NC 28079
(704) 862-4222
www.eagleonline.net

REVISIONS
NO. DATE BY ISSUE
1 02/17/22 KEL REVISED LAYOUT
2 05/26/22 KEL REVISED PERMIT NOTES
3 05/26/22 KEL REVISED OFF-SITE ROAD IMPROVEMENT NOTES



Future Land Use Map

CD "Waxhaw Landing, Phase 2"

Legend

— Centerlines

▭ Parcels

Future Land Use Character Area

▭ Suburban

Acres: 29.2



0 310 620 Feet

Future Land Use Plan Consistency

The Future Land Use Plan indicates this area is Suburban. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Multimodal connectivity between neighborhoods and to nearby centers also should be emphasized. Strategic connections to the off-street multi-use trail network are preferred and open space should be preserved in both active and passive forms within neighborhoods. The density for suburban residential is 2-4 units per acre.

**RESOLUTION APPROVING LAND DEVELOPMENT PLAN COMPLIANCE
CONDITIONAL DISTRICT “WAXHAW LANDING PHASE 2 – AMENDMENT 1”
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 Conditional District “Waxhaw Landing Phase 2 – Amendment 1” further described below property is consistent with the adopted Land Development Plan. The Land Development Plan identifies this area as Suburban. Residential uses are priority uses within this character area and the permitted density is 2-4 units per acre. Furthermore, this character area recommends multimodal connections between neighborhoods. This proposed development is at 2.19 units per acre and provides multimodal connectivity between neighborhoods; therefore, it is consistent with the plan. The proposed rezoning is reasonable because: _____

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Development Plan Compliance for property with Union County Tax Parcel Number(s): 09-351-015.

Adopted this 3rd day of July, 2024.

Kenneth Deal, Chair

Attest:

Kimberly Davis, Secretary to Planning Board

**RESOLUTION DENYING LAND DEVELOPMENT PLAN COMPLIANCE
CONDITIONAL DISTRICT “WAXHAW LANDING PHASE 2 – AMENDMENT 1”
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 Conditional District “Waxhaw Landing Phase 2 – Amendment 1” further described below property is consistent with the adopted Land Development Plan. The Land Development Plan identifies this area as Suburban. Residential uses are priority uses within this character area and the permitted density is 2-4 units per acre. Furthermore, this character area recommends multimodal connections between neighborhoods. This proposed development is at 2.19 units per acre and provides multimodal connectivity between neighborhoods; therefore, it is consistent with the plan. However, this area is seeing an increase in development and allowing the developer to pay a fee-in-lieu for improvements rather than install the improvements at the time of development may adversely affect conditions that will be present with the additional lots and traffic; therefore, the project is not a reasonable use or in the public interest.

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 recommendation for denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Development Plan Compliance for property with Union County Tax Parcel Number(s): 09-351-015.

Adopted this 3rd day of July, 2024.

Kenneth Deal, Chair

Attest:

Kimberly Davis, Secretary to Planning Board

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 156: 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 156 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

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

Rezone the property located along Waxhaw Highway and further identified with parcel number 09-351-015 from Conditional District (CD) “Waxhaw Landing Phase 2” to Conditional District (CD) “Waxhaw Landing Phase 2 – Amendment 1”

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 13th day of August, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board Members

DATE: July 3, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Map Amendment request for Conditional District (CD) “Waxhaw Landing Phase 3 – Amendment 1” (Parcel ID #:09-321-003)

SUMMARY STATEMENT

The Planning Board is requested to consider a zoning map amendment for the property located along Waxhaw Highway and further identified with parcel ID number 09-321-003 from CD “Waxhaw Landing Phase 3” to CD “Waxhaw Landing Phase 3 – Amendment 1”.

REVIEW

The applicants are requesting an amendment to the conditional district in order to modify the transportation improvements previously required by the North Carolina Department of Transportation (NCDOT). The approved development consists of 150 single family lots on 67.15 acres, with 28.63 acres left as common open space.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	CSX Railroad & Single Family Residential	B-2 (County) & RA-20 (County)
East	Residential & Walter Bickett Elementary	RA-20 (County) & CD Walter Bickett School)
South	Vacant	RA-40 (County)
West	Waxhaw Landing Ph. 1- Under Construction	CD “Waxhaw Landing”

Proposal

The applicants received approval on April 1, 2022 to develop a residential subdivision that will consist of 150 single-family detached homes. The development will be a mix of 55-foot (52), 60-foot (86), and 80-foot (12) wide lots. The total area of the project is 67.15 acres, with 28.63 acres or 42.63% of that reserved as common open space. The density of this project is 2.23 units per acre.

REQUIREMENTS

Over the last several months the developer has engaged in conversations with the North Carolina Department of Transportation (NCDOT) regarding the original transportation improvements required for this project.

This phase of Waxhaw Landing includes one entrance off Waxhaw Highway with two internal connections to the first phase, which has two connections to Waxhaw Highway. A Traffic Impact Analysis (TIA) was prepared when this project first went through the rezoning process and the following improvements were required at the time:

1. Construct a westbound left turn lane with 100' of full storage with appropriate tapers.
 - a. Install a three-lane section between this access and the next access point of the original phase.
2. At the intersection of Fletcher Broome Road and Highway 75/Waxhaw Highway:
 - a. Construct eastbound and westbound left turn lanes along Highway 75
 - b. Add "DO NOT STOP ON TACKS" signs

The developer will still construct a left turn lane into this phase of the development. However, as part of this amendment request the application is requesting to pay a fee-in-lieu directly to NCDOT for the cost of left turn lanes at Fletcher Broome and the cost of a standard signal without railroad preemption (part of Phase 2 original requirements included a railroad pre-emption signal, which includes the railroad crossing arms).

The fee-in-lieu will go to a potential project to improve another rail crossing nearby; however, this project is not currently funded, nor is there a timeframe for if/when it may be completed.

FUTURE LAND USE PLAN CONSISTENCY

The Future Land Use Plan indicates this area is Suburban. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Multimodal connectivity between neighborhoods and to nearby centers also should be emphasized. Strategic connections to the off-street multi-use trail network are preferred and open space should be preserved in both active and passive forms within neighborhoods. The density for suburban residential is 2-4 units per acre.

PUBLIC NOTIFICATION

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

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

RECOMMENDATION

Staff has concerns that the original project(s) warranted a signal with railroad preemption at Fletcher Broome and left turn lanes at this intersection, but this amendment would no longer result in those improvements being made. While the developer will be paying a fee-in-lieu for improvements, it is possible the proposed project may not come to fruition. For these reasons staff recommends denial of the proposed rezoning amendment.

While Planning staff recommends denial of this rezoning request, if the Planning Board wishes to recommend approval, the City Engineering Department has requested that the language on the rezoning plan regarding the platting restrictions be revised to the following:

~~“NCDOT WILL ALLOW PLATTING OF 25 LOTS FOR THIS PHASE OF WAXHAW LANDING PRIOR TO ROADWAY IMPROVEMENTS BEING INSTALLED. THE PAYMENT -IN-LIEU, MENTIONED IN NOTE 2, WILL BE PAID/ESTABLISHED PRIOR TO THE RECORDING OF THE FIRST 25 LOTS. UPON THE PLATTING OF THE 26TH LOT OF WAXHAW LANDING PHASE 3, A WESTBOUND LEFT TURN LANE WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS WILL BE INSTALLED ALONG WITH THE INSTALLATION OF A THREE LANE SECTION BETWEEN WAXHAW LANDING PHASE 1 ACCESS A AND WAXHAW LANDING PHASE 2 ACCESS”~~

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 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.
 - a. With OR Without Engineering Department Recommendation
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.
2. Motion to recommend denial of the zoning map amendment.

Attachments:

1. Ortho Map
2. Zoning Map
3. Current Approved Rezoning Site Plan

4. Proposed Zoning Site Plan
5. FLUM Map
6. FLUM Description
7. Approval Resolution
8. Denial Resolution
9. Ordinance 157.1.2.1

Ortho Map

PLMA-2024-00201

Legend

- Centerlines
- Parcels
- City Limits

Existing: CD "Waxhaw Landing Phase 3"

Owner: BRD Land & Investment

Acres: 67.15



0 450 900
Feet

Zoning Map

PLMA-2024-00201

Legend

Centerlines

Parcels

City Limits

Zoning Districts

RMD

RLD

CD

Union Co. Zoning

RA-20

RA-40

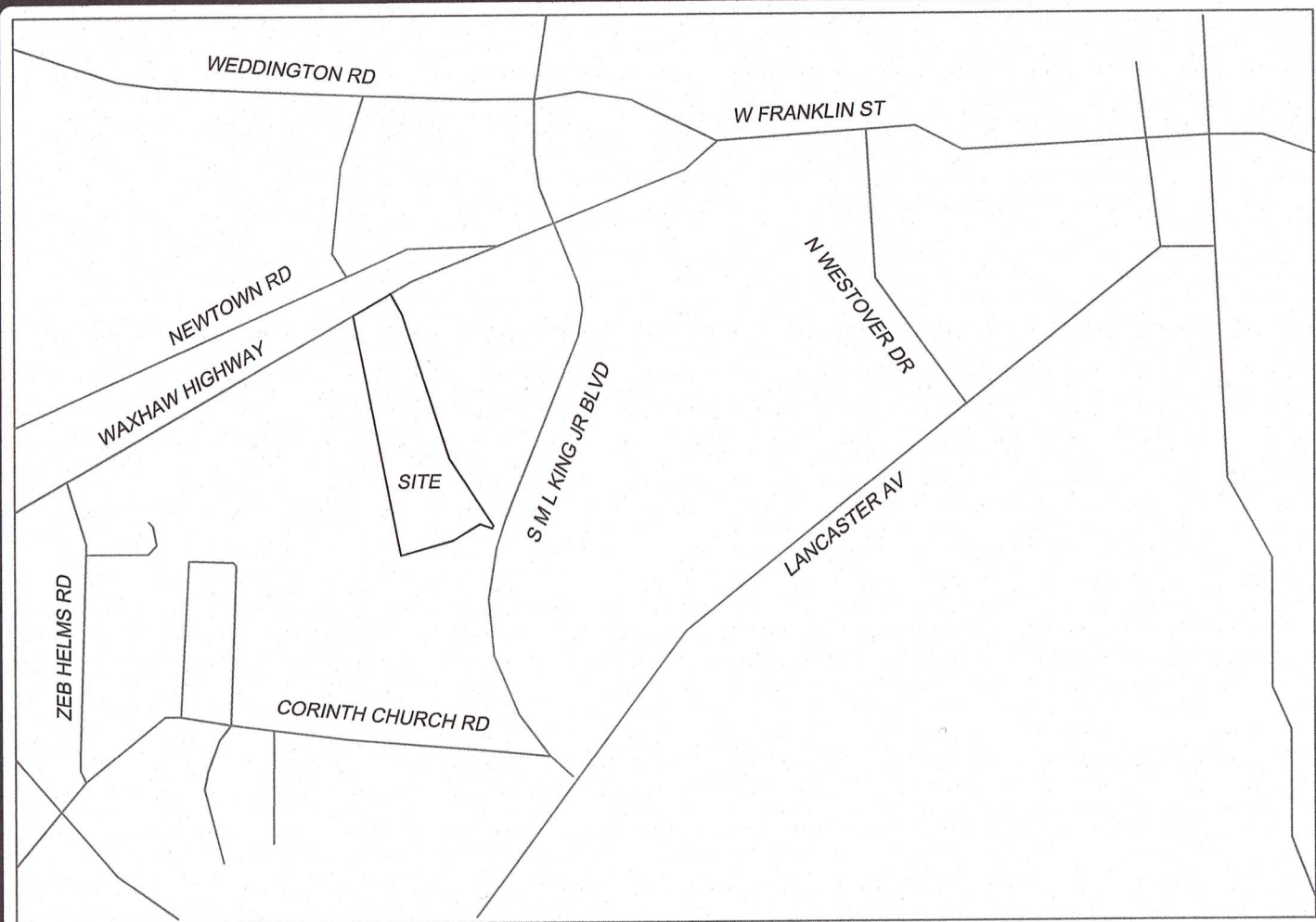
Existing: CD "Waxhaw
Landing Phase 3"

Owner: BRD Land
& Investment

Acres: 67.15

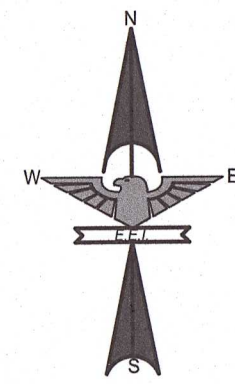
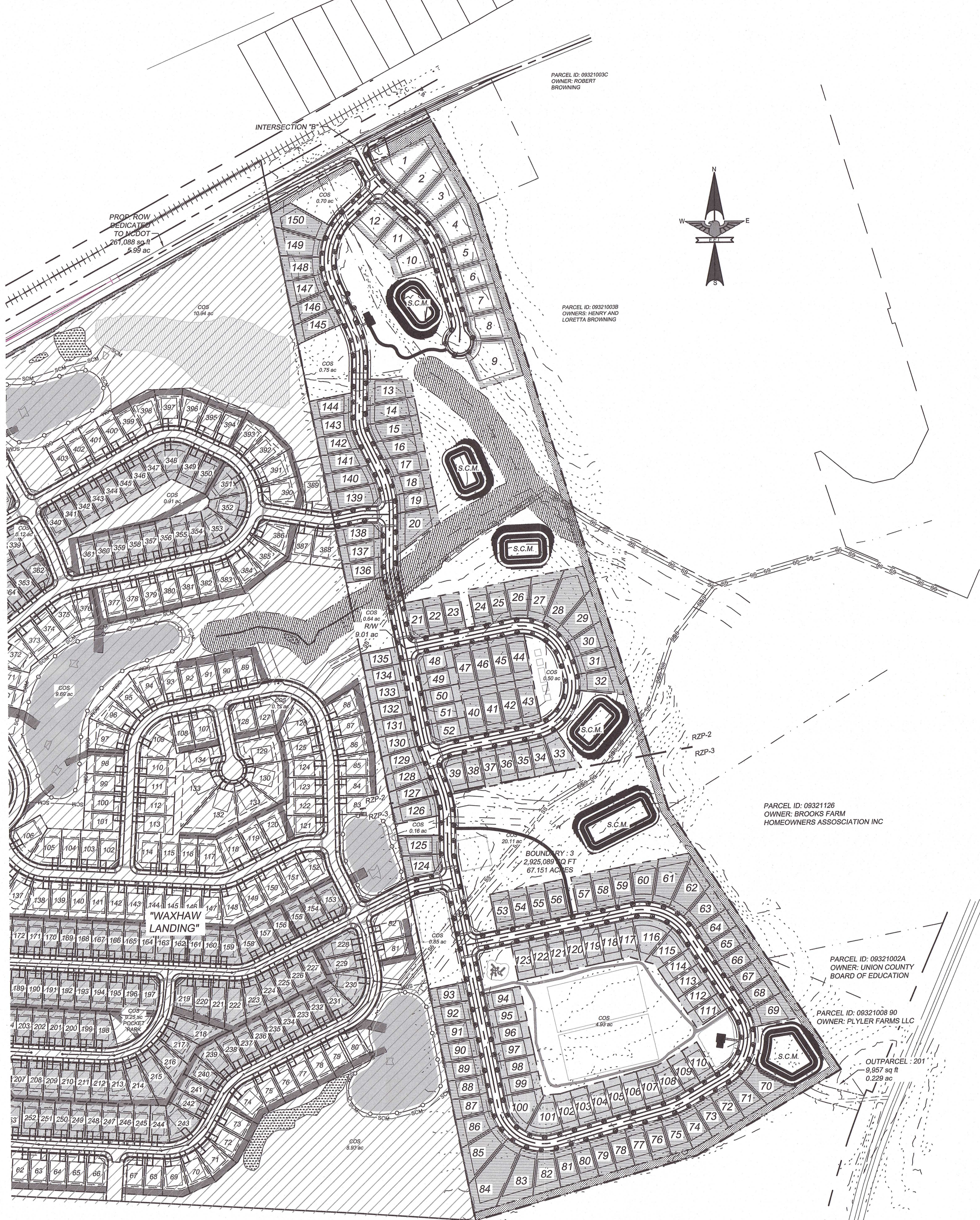


0 450 900
Feet



VICINITY MAP
(NOT TO SCALE)

- 55' WIDE LOTS
- 60' WIDE LOTS
- 80' WIDE LOTS



SITE AND DEVELOPMENT DATA	
JURISDICTION	TO BE ANNEXED INTO MONROE
PROPOSED JURISDICTION	CITY OF MONROE
TAX PARCEL(S)	09321003
DEED BOOK AND PAGE	7926/361
SITE ADDRESS	WAXHAW HWY
ZONING	RA-20, RA-40 (UNION COUNTY)
PROPOSED ZONING	CONDITIONAL DISTRICT- "WAXHAW LANDING - PHASE 3"
TOTAL AREA	67.15 AC
LOT SUMMARY	150 LOTS (12-80' WIDE, 86-60' WIDE, 52-55' WIDE)
DENSITY	2.23 LOTS PER ACRE
AREA IN LOTS	29.51 AC
OPEN SPACE	28.63 AC (42.63%)
SETBACKS IN CONDITIONAL DISTRICT	
MINIMUM FRONT SETBACK	25'
MINIMUM CORNER/SIDE SETBACK	10'/5'
MINIMUM REAR SETBACK	25'
MINIMUM LOT SIZE	6,000 SQ. FT. (AVG. AREA- 8,568 SQ. FT.)
MINIMUM LOT WIDTH	55'

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

PETITIONER SIGNATURE: *[Signature]* DATE: **APRIL 14, 2022**

NO.	DATE	BY	ISSUE
1	9/1/2021	KCB	REVISED PER CITY OF MONROE COMMENTS
2	11/04/2021	KCB	REVISED PER CITY OF MONROE COMMENTS
3	02/15/22	KEL	REVISED LAYOUT

WAXHAW LANDING - PHASE 3
MONROE, NC

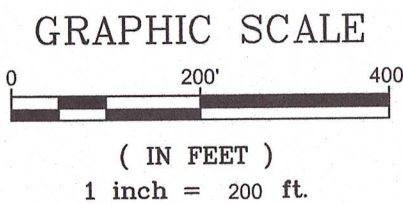
BRD LAND & INVESTMENT I, LP
725 CHERRY ROAD, SUITE 3234
ROCK HILL, SC 29730

DESIGNED BY	DAM	CHECKED BY	KCB	BLD
DATE	05/27/2021	DATE	05/27/2021	DATE
AS SHOWN		AS SHOWN		
Scale		Scale		
				1461 / 7530

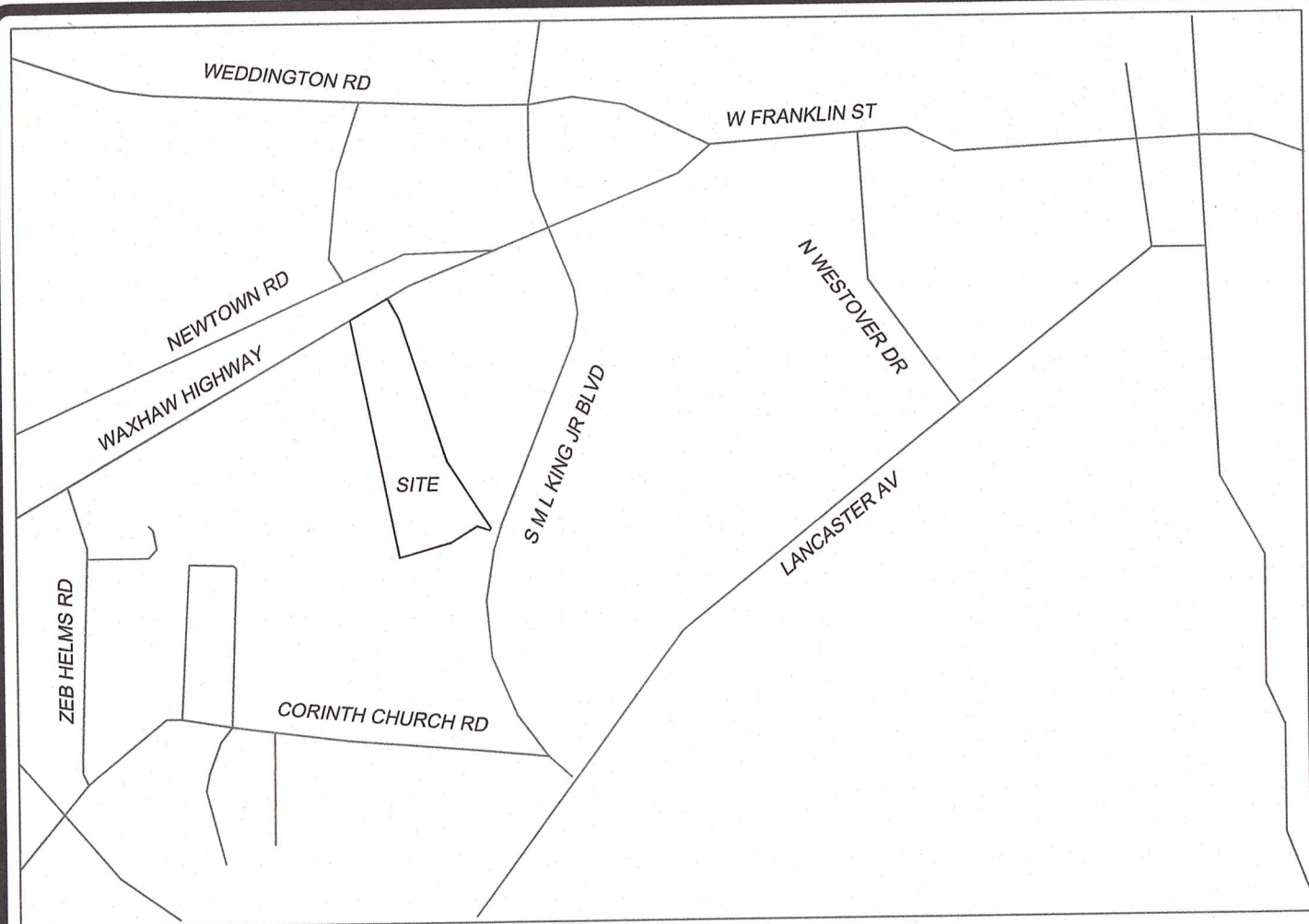
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RZP-1

APPROVED
by CC 4-12-22

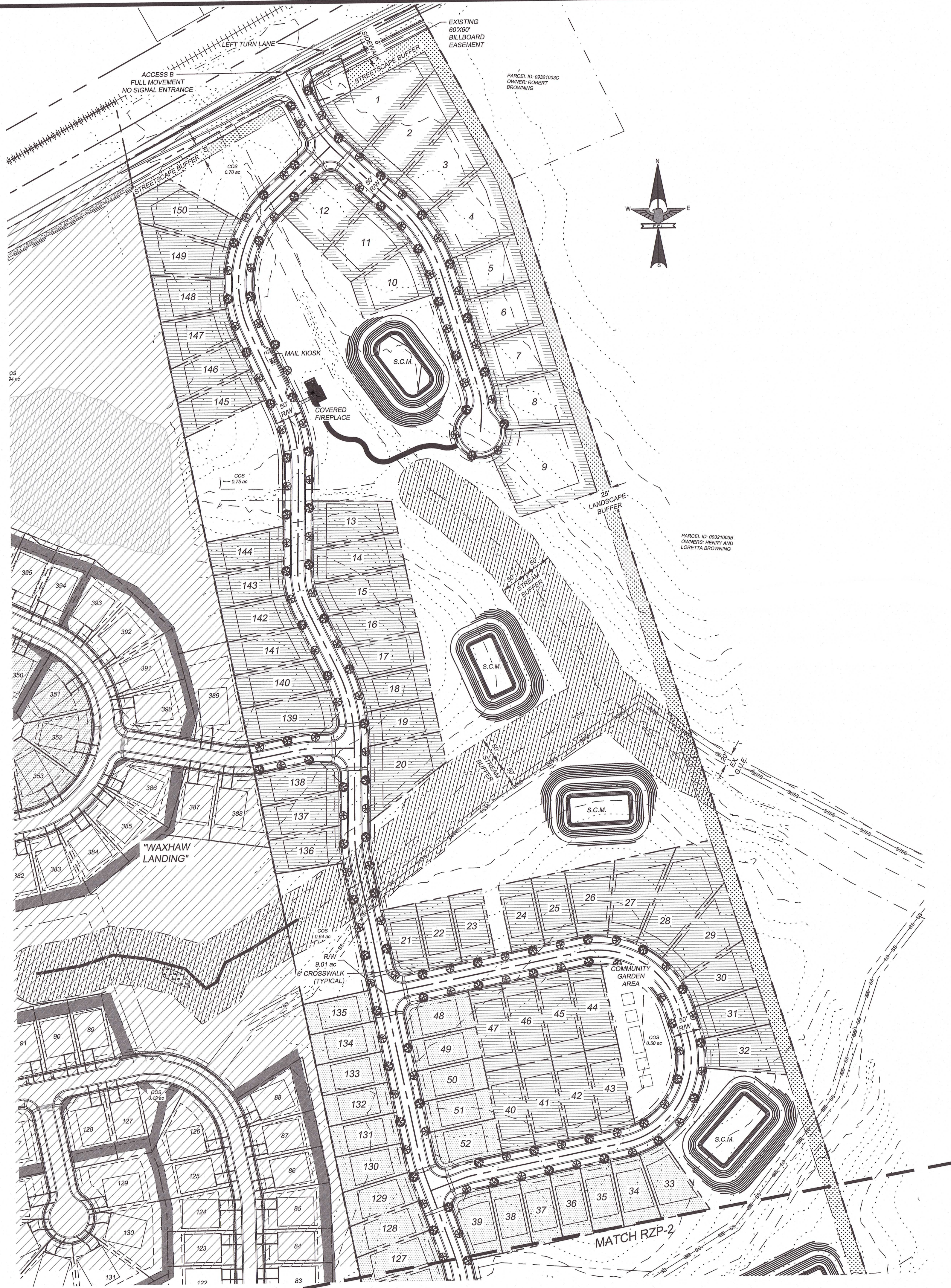


SEE SHEET RZP-4
FOR NOTES & DETAILS ON THIS PROJECT



VICINITY MAP
(NOT TO SCALE)

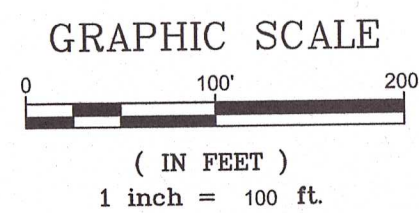
- 55' WIDE LOTS
- 60' WIDE LOTS
- 80' WIDE LOTS



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

PETITIONER SIGNATURE: *[Signature]* DATE: *April 19, 2022*

APPROVED
by CC 4-12-22



SEE SHEET RZP-3
FOR NOTES & DETAILS ON THIS PROJECT

EAGLE ENGINEERING

2013A Van Buren Avenue
Indian Trail, NC 28079
(704) 882-4222
www.eagleonline.net

NO.	DATE	BY	ISSUE
1	9/12/21	KCB	REVISED PER CITY OF MONROE COMMENTS
2	11/04/21	KCB	REVISED PER CITY OF MONROE COMMENTS
3	02/16/22	KEL	REVISED LAYOUT

WAXHAW LANDING - PHASE 3
MONROE, NC

BRD LAND & INVESTMENT I, LP
725 CHERRY ROAD, SUITE 3234
ROCK HILL, SC 29730

DESIGNED BY	DRAWN BY	CHECKED BY	BLD
DAM	KCB	KCB	BLD
AS SHOWN	DATE	JOB NUMBER	SHEET
AS SHOWN	05/27/2021	1461 / 7530	1461 / 7530

RZP-2

X:\Land Projects\20230 - Waxhaw Landing - Phase II\DWG\20230-02-Concept-Rezoning\20230-02-1.dwg 11/20/23 10:34 AM

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

[Signature]
PETITIONER SIGNATURE

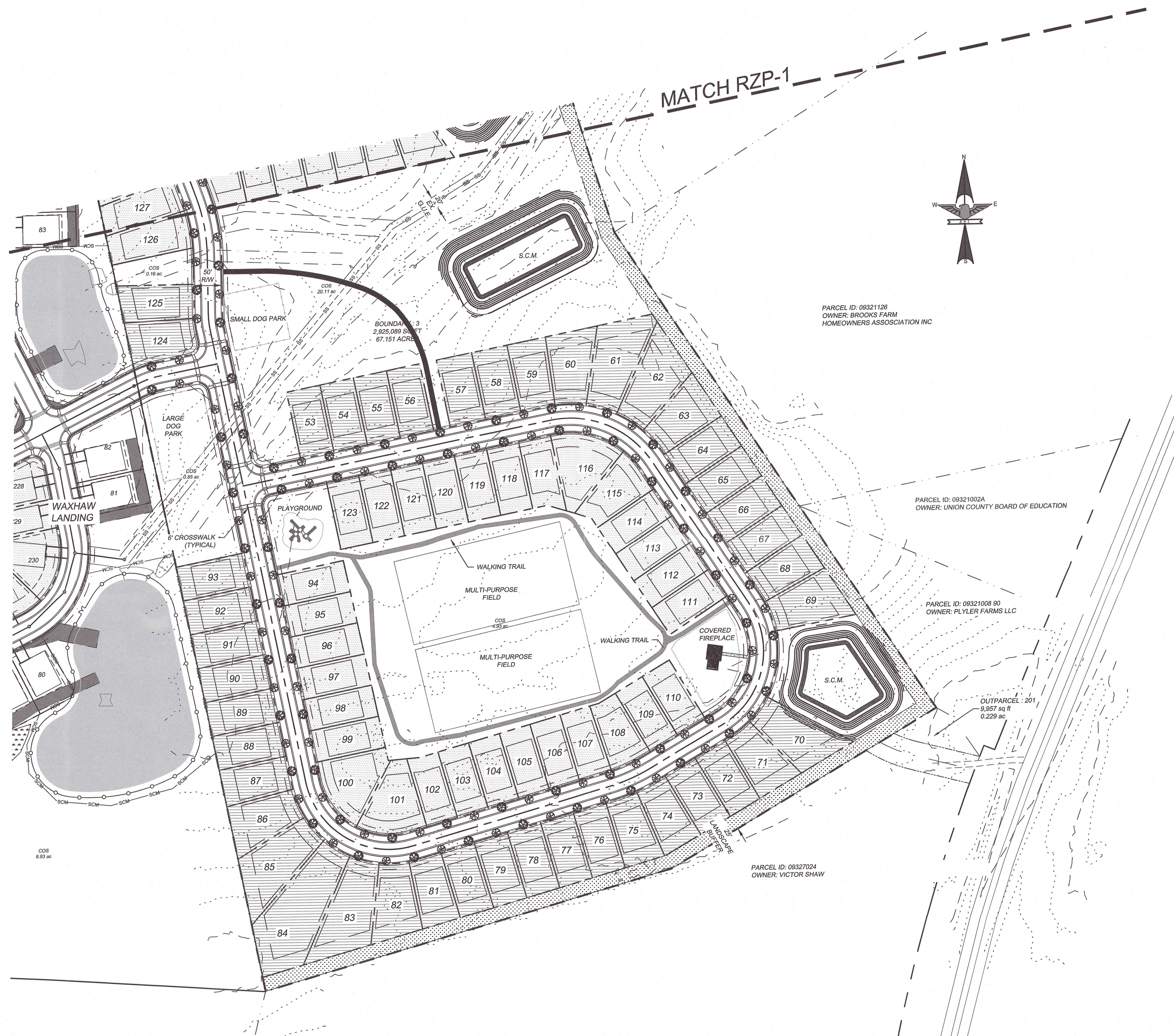
APR 14, 2022
DATE

SEE SHEET RZP-3
FOR NOTES & DETAILS ON THIS PROJECT

55' WIDE LOTS

60' WIDE LOTS

80' WIDE LOTS



APPROVED
by cc 4-12-22

GRAPHIC SCALE
0 100' 200'
(IN FEET)
1 inch = 100 ft.

EAGLE ENGINEERING

2013A Van Buren Avenue
Indian Trail, NC 28079
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NO.	DATE	BY	ISSUE
1	01/20/21	KCB	REVISED PER CITY OF MONROE COMMENTS
2	11/04/2021	KCB	REVISED PER CITY OF MONROE COMMENTS
3	02/15/22	KEL	REVISED LAYOUT

WAXHAW LANDING - PHASE 3
MONROE, NC

BRD LAND & INVESTMENT I, LP
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ROCK HILL, SC 29730

REZONING SITE PLAN

DESIGNED BY	DRAWN BY	CHECKED BY	BLD
AS SHOWN	DATE	05/27/2021	JOB NUMBER
Scale			7/61 / 7530

Sheet

RZP-3

Parcel Table		
Parcel #	Sq. Ft.	Acres
101	10,229	0.23
102	6,785	0.16
103	6,730	0.15
104	6,730	0.15
105	6,730	0.15
106	6,730	0.15
107	6,875	0.16
108	7,600	0.17
109	6,737	0.15
110	6,730	0.15
111	6,863	0.16
112	6,864	0.16
113	6,863	0.16
114	6,862	0.16
115	8,418	0.19
116	10,659	0.24
117	7,166	0.16
118	6,907	0.16
119	6,907	0.16
120	6,907	0.16
121	6,907	0.16
122	6,907	0.16
123	6,907	0.16
124	8,441	0.19
125	8,107	0.19
126	8,740	0.20
127	8,026	0.18
128	7,406	0.17
129	7,205	0.17
130	7,007	0.16
131	6,600	0.15
132	6,600	0.15
133	6,600	0.15
134	6,600	0.15
135	6,600	0.15
136	7,845	0.18
137	8,171	0.19
138	8,478	0.19
139	11,249	0.26
140	9,302	0.21
141	8,353	0.19
142	7,444	0.17
143	7,312	0.17
144	8,006	0.18
145	9,059	0.21
146	8,213	0.19
147	8,519	0.20
148	8,493	0.19
149	10,378	0.24
150	12,539	0.29

A diagram of a circular garden layout. Five plants are labeled with lines pointing to their positions: **LAUREL OAK** (top left), **GLOSSY ABELIA** (top center), **RED MAPLE** (top right), **CORAL BELLS** (right), and **BOXWOOD** (bottom center). The plants are represented by stylized icons: Laurel Oak and Coral Bells are large, bushy trees; Glossy Abelia and Red Maple are smaller trees; and Boxwood is a small, rounded shrub. The garden is divided into sections by lines, and the plants are arranged in a circular pattern around the center.

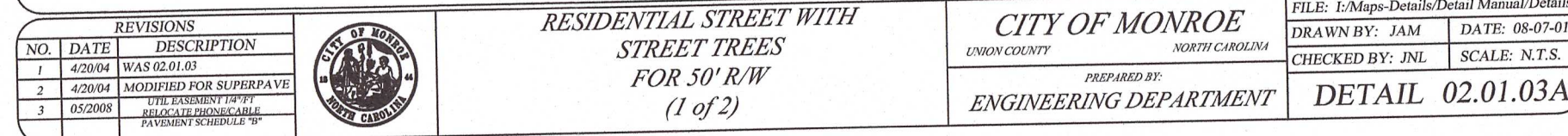
SITE DEVELOPMENT NOTES.

- PAVEMENT SCHEDULE:

- PAVEMENT SCHEDULE**
- | | |
|---|--|
| Ⓐ | 1 in. BIT. CONC., SURFACE COURSE, TYPE SF 9.5A |
| Ⓑ | 2.5 in. BIT. CONC. BINDER COURSE, TYPE I 19.0B |
| Ⓒ | 4 in. BIT. CONC. BASE COURSE, TYPE B 25.0B
OR 5 in. COMPACTED AGGREGATE BASE COURSE |
| Ⓓ | 2 ft. 0 in. VALLEY & GUTTER |
| Ⓔ | 4 in. CONCRETE SIDEWALK; 5 ft. WIDTH |

NOTES

1. UTILITY LOCATIONS SHOWN (OTHER THAN PHONE & CABLE) ARE FOR UTILITIES OWNED AND OPERATED BY THE CITY OF MONROE
2. DEPTHS SHOWN ARE MINIMUM DEPTHS OF BURY
3. STREET LIGHTS WILL BE ON ONE SIDE OF ROAD DEPENDING ON SUBDIVISION LAYOUT

*PAVEMENT STRUCTURE FOR RESIDENTIAL STREETS WITH
LESS THAN 1,000 VEHICLES PER DAY

CITY OF MONROE
LUNEN COUNTY NORTH CAROLINA
PREPARED BY:
ENGINEERING DEPARTMENT

FILE: L:\Mspc-Details\Detail Manual\Detail	
DRAWN BY: JAM	DATE: 08-07-01
CHECKED BY: JNL	SCALE: N.T.S.
DETAIL 02.01.03A	

1. DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THIS CONDITIONAL ZONING PLAN, DEVELOPMENT STANDARDS, AND THE APPLICABLE PROVISIONS OF THE CITY OF MONROE UNIFIED DEVELOPMENT ORDINANCE (UDO).
2. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE ZONING SITE PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED AND MAY BE ALTERED SUBJECT TO APPROVAL BY THE ZONING ADMINISTRATOR.
3. ZONING IS TO BE CHANGED FROM RA-20 AND RA-40 (UNION COUNTY) TO CONDITIONAL DISTRICT "WAXHAW LANDING - PHASE 3"

OFF-SITE ROAD IMPROVEMENTS:

1. ACCESS D ONTO NC 75
- 2.1. CONSTRUCT WESTBOUND LEFT TURN LANE WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS.
- 2.2. INSTALL THREE LANE SECTION BETWEEN ACCESS D AND ACCESS B.
- 2.3. FLETCHER BROOME ROAD @ NC 75 INTERSECTION
- 2.1. CONSTRUCT EASTBOUND AND WESTBOUND LEFT TURN LANES WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS.
- 2.2. ADD "DO NOT STOP ON TRACKS" SIGNS.
- 2.3. AND "DO NOT STOP ON TRACKS" SIGNS SHALL BE CONSTRUCTED AS PART OF THE IMPROVEMENTS TO THIS INTERSECTION.
- 2.4. NCDOT WILL ALLOW PLATING OF 24" TYP. FOR ELEVATION OF THE BROWNING AND STARNES PORTIONS (PH. 2 & 3) OF WAXHAAM LANDING PRIOR TO ROADWAY IMPROVEMENTS BEING INSTALLED.
- 2.5. UPON THE PLATTING OF THE 26TH LOT OF EITHER THE BROWNING OR STARNES PORTION OF THE DEVELOPMENT THE FULL COMPLETION OF THE IMPROVEMENTS TO THE FLETCHER BROOME @ NC 75 INTERSECTION, BOTH TURN LANES AND SIGNAL, SHALL BE INSTALLED AND OPERATIONAL.

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

PETITIONER SIGNATURE

APRIL 19, 2022
DATE

EAGLE ENGINEERING



2013A Van Buren Avenue
Indian Trail, NC 28079
(704) 892-4222
www.eagleonline.net

NO.	DATE	BY	ISSUE
1	9/1/2021	KCB	REVISED PER CITY OF MONROE COMMENTS
2	02/15/22	KEL	REVISED LAYOUT

WAXHAW LANDING - PHASE 3
MONROE, NC

BRD LAND & INVESTMENT I, LP
725 CHERRY ROAD, SUITE 3234
ROCK HILL, SC 29730

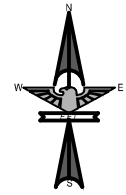
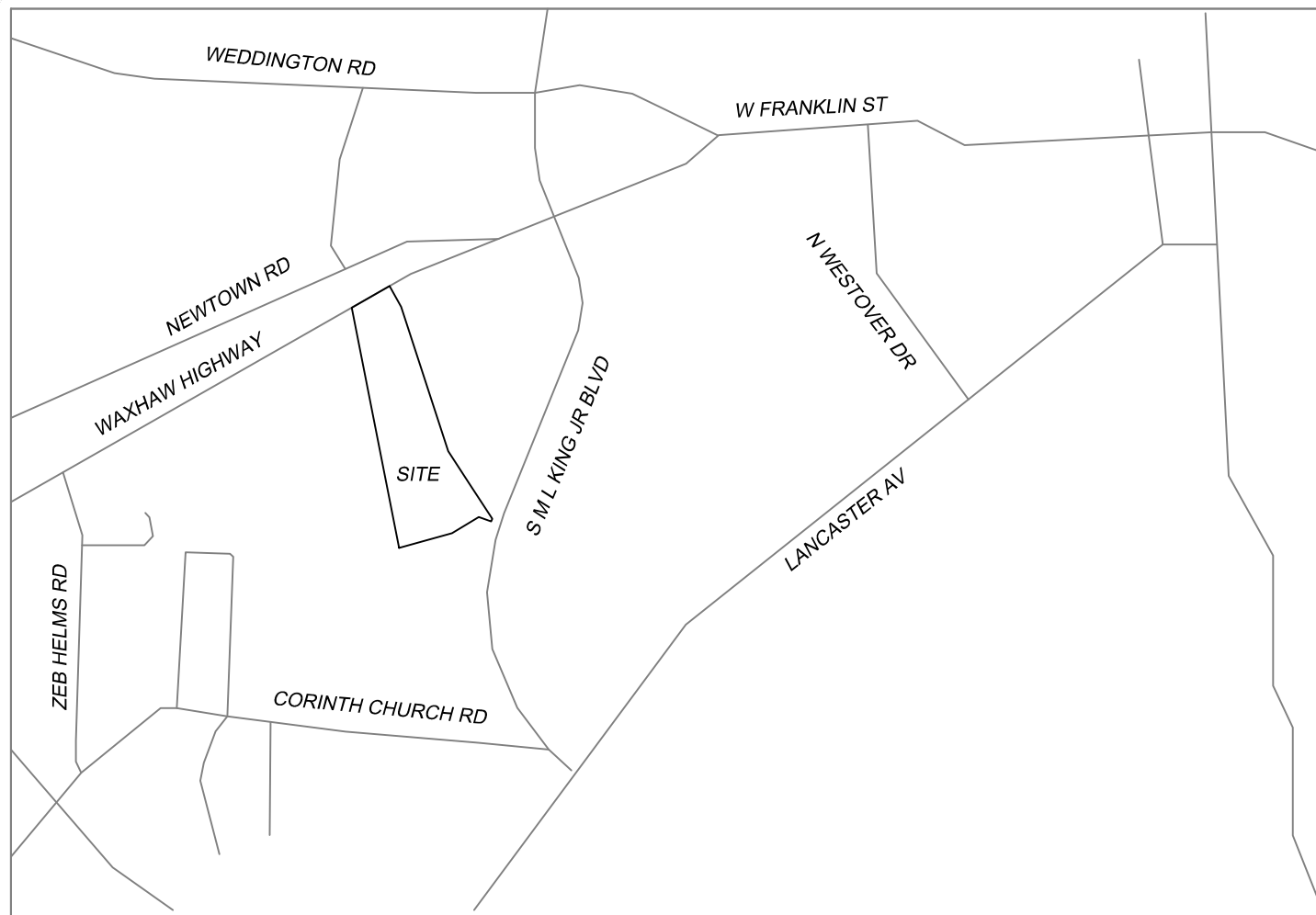
REZONING SITE PLAN

DESIGNED BY	DAM	DRAWN BY	KCB	CHECKED BY	BLD
Scale	AS SHOWN	DATE	05/27/2021	JOB NUMBER	7461 / 7530

Sheet

RZP-4

APPROVED
by cc 4-12-22



VICINITY MAP
(NOT TO SCALE)

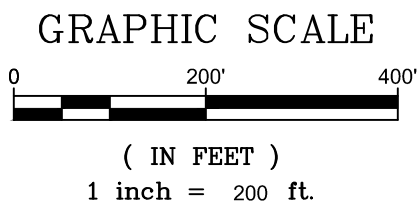
- 55' WIDE LOTS
- 60' WIDE LOTS
- 80' WIDE LOTS



SITE AND DEVELOPMENT DATA	
JURISDICTION	CITY OF MONROE
TAX PARCEL(S):	09321003
DEED BOOK AND PAGE	7926/361
SITE ADDRESS:	WAXHAW HWY
ZONING	CD "WAXHAW LANDING - PHASE 3"
PROPOSED ZONING	CONDITIONAL DISTRICT- "WAXHAW LANDING - PHASE 3-AMENDMENT 1"
TOTAL AREA	67.15 AC
LOT SUMMARY	150 LOTS (12-80' WIDE, 86-60' WIDE, 52-55' WIDE)
DENSITY	2.23 LOTS PER ACRE
AREA IN LOTS	29.51 AC
OPEN SPACE	28.63 AC (42.63%)
SETBACKS IN CONDITIONAL DISTRICT	
MINIMUM FRONT SETBACK	25'
MINIMUM CORNER/SIDE SETBACK	10'/5'
MINIMUM REAR SETBACK	25'
MINIMUM LOT SIZE	6,000 SQ. FT. (AVG. AREA- 8,568 SQ. FT.)
MINIMUM LOT WIDTH	55'

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

PETITIONER SIGNATURE _____ DATE _____



SEE SHEET RZP-4
FOR NOTES & DETAILS ON THIS PROJECT

2013A Van Buren Avenue
Indian Trail, NC 28079
(704) 862-4222
www.eagleonline.net

WAXHAW LANDING - PHASE 3
MONROE, NC

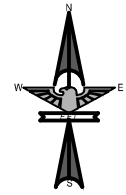
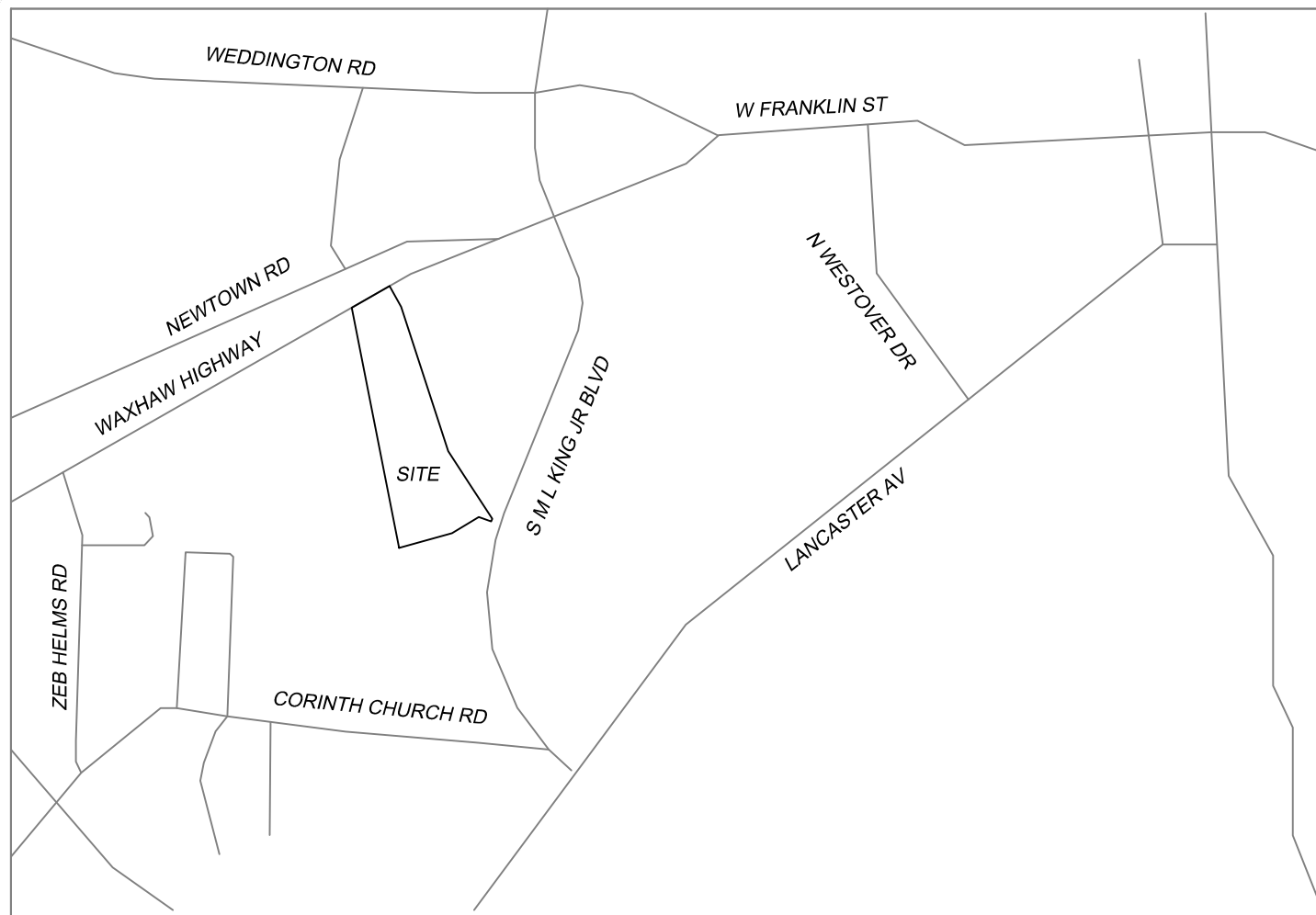
BRD LAND & INVESTMENT I, LP
725 CHERRY ROAD, SUITE 3234
ROCK HILL, SC 29730

REZONING SITE PLAN

DESIGNED BY	DAM	CHECKED BY	BLD
DRAWN BY	KCB	DATE	05/27/2021
AS SHOWN		JOB NUMBER	7461 / 7530

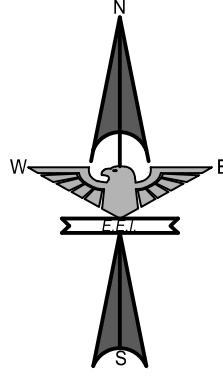
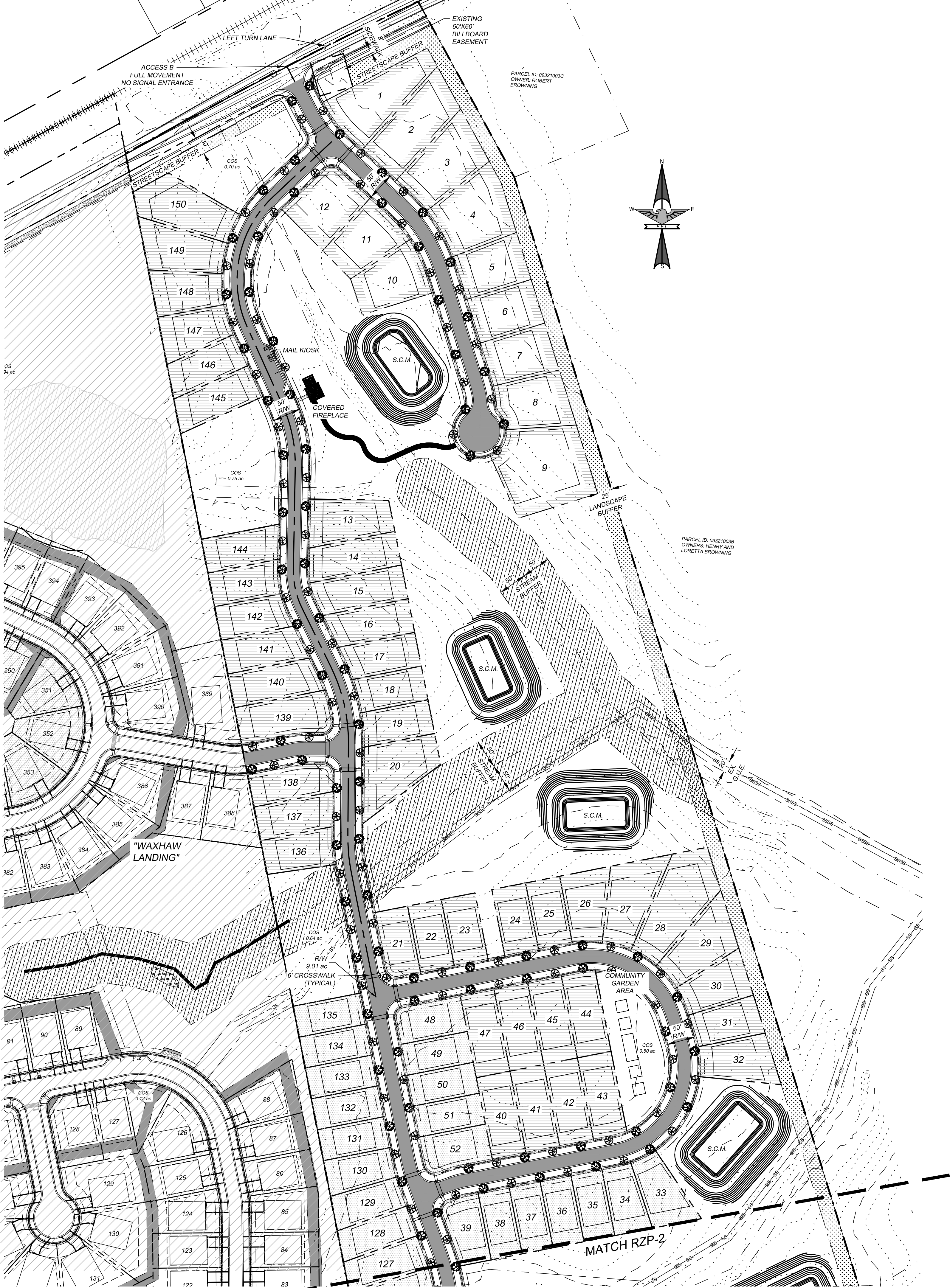
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RZP-1



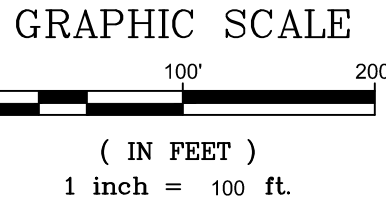
VICINITY MAP
(NOT TO SCALE)

- 55' WIDE LOTS
- 60' WIDE LOTS
- 80' WIDE LOTS



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

PETITIONER SIGNATURE _____ DATE _____



SEE SHEET RZP-4
FOR NOTES & DETAILS ON THIS PROJECT

EAGLE ENGINEERING
2013A Van Buren Avenue
Indian Trail, NC 28079
(704) 862-4222
www.eagleonline.net

NO.	DATE	BY	ISSUE
1	8/1/2021	KCB	REVISED PER CITY OF MONROE COMMENTS
2	11/01/2021	KCB	REVISED PER CITY OF MONROE COMMENTS
3	02/15/22	KEL	REVISED LAYOUT

WAXHAW LANDING - PHASE 3
MONROE, NC

BRD LAND & INVESTMENT I, LP
725 CHERRY ROAD, SUITE 3234
ROCK HILL, SC 29730

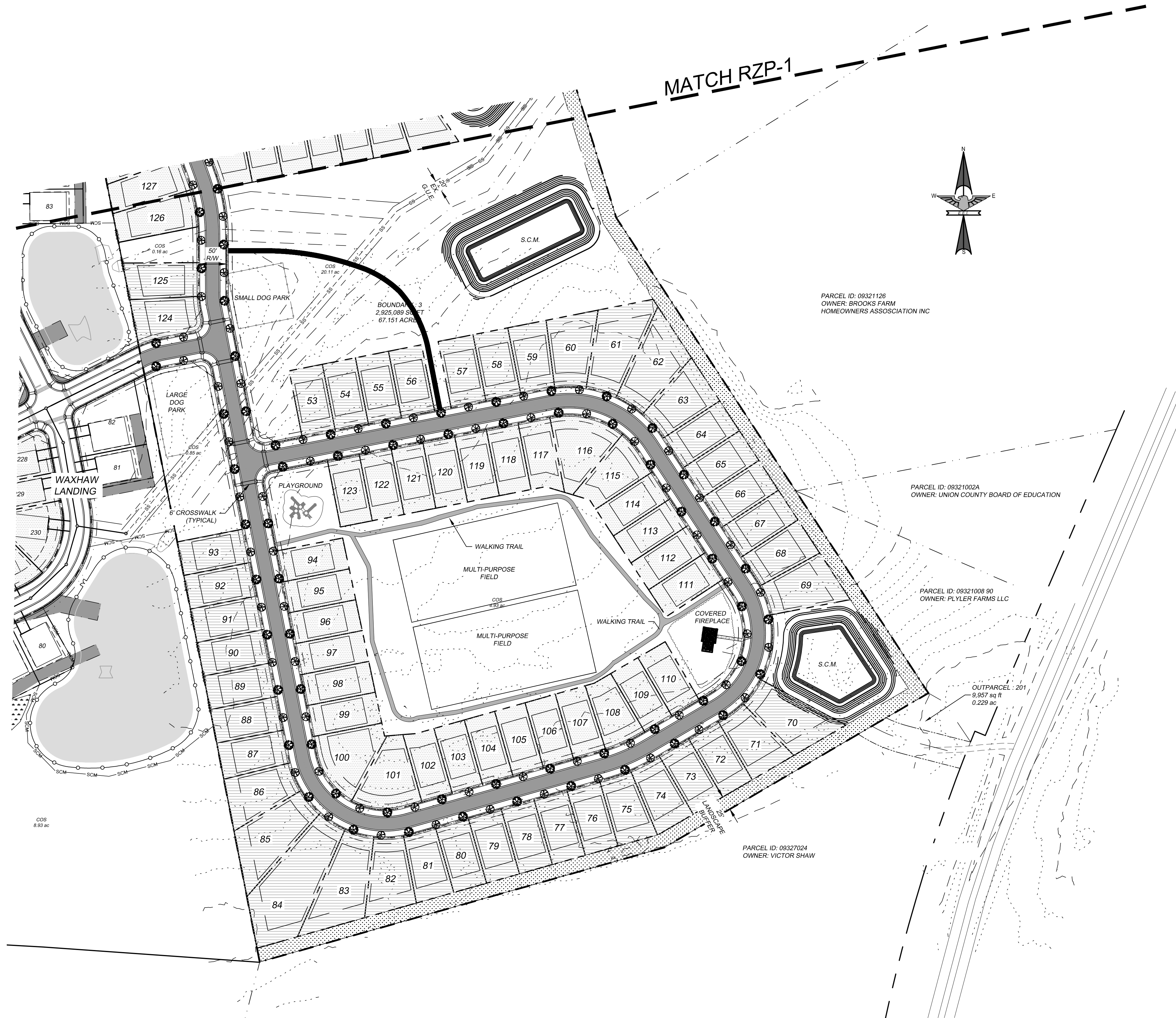
DESIGNED BY	DRAWN BY	CHECKED BY	Scale
DAM	KCB	BLD	

REZONING SITE PLAN

DATE: 05/27/2021
JOB NUMBER: 7461 / 7530

Sheet

RZP-2

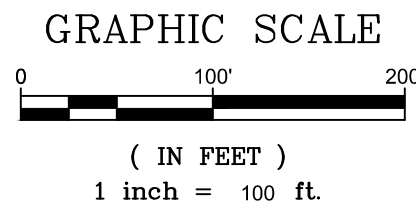


- 55' WIDE LOTS
- 60' WIDE LOTS
- 80' WIDE LOTS

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

PETITIONER SIGNATURE _____ DATE _____

SEE SHEET RZP-4
FOR NOTES & DETAILS ON THIS PROJECT



NO.	DATE	BY	ISSUE
1	9/1/2021	KCB	REVISED PER CITY OF MONROE COMMENTS
2	11/04/2021	KCB	REVISED PER CITY OF MONROE COMMENTS
3	02/15/2022	KEL	REVISED LAYOUT

WAXHAW LANDING - PHASE 3
MONROE, NC

BRD LAND & INVESTMENT I, LP
725 CHERRY ROAD, SUITE 3234
ROCK HILL, SC 29730

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	JOB NUMBER	BLD
AS SHOWN	DAM	KCB	05/27/2021	7461 / 7530	

Sheet

RZP-3

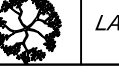
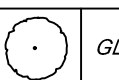
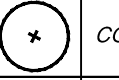
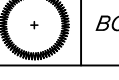
EAGLE ENGINEERING

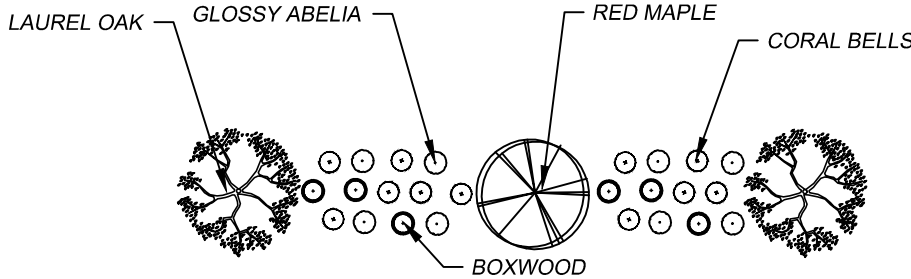
2013A Van Buren Avenue
Indian Trail, NC 28079
(704) 862-4222
www.eagleonline.net

Parcel Table		
Parcel #	Sq. Ft.	Acres
1	14,834	0.34
2	14,687	0.34
3	13,547	0.31
4	14,607	0.34
5	9,870	0.23
6	9,600	0.22
7	9,855	0.23
8	11,016	0.25
9	21,096	0.48
10	10,835	0.25
11	10,852	0.25
12	11,990	0.28
13	10,281	0.24
14	9,637	0.22
15	9,658	0.22
16	8,747	0.20
17	7,803	0.18
18	7,260	0.17
19	7,386	0.17
20	12,641	0.29
21	7,114	0.16
22	7,200	0.17
23	7,200	0.17
24	7,200	0.17
25	7,246	0.17
26	8,821	0.20
27	11,674	0.27
28	16,199	0.37
29	11,099	0.25
30	8,445	0.19
31	7,629	0.18
32	9,362	0.21
33	8,671	0.20
34	7,147	0.16
35	6,600	0.15
36	6,600	0.15
37	6,600	0.15
38	6,600	0.15
39	7,610	0.17
40	8,849	0.20
41	8,849	0.20
42	8,849	0.20
43	8,825	0.20
44	8,809	0.20
45	8,849	0.20
46	8,849	0.20
47	8,849	0.20
48	7,713	0.18
49	6,600	0.15
50	6,600	0.15

Parcel Table		
Parcel #	Sq. Ft.	Acres
51	6,600	0.15
52	7,866	0.18
53	7,200	0.17
54	7,200	0.17
55	7,200	0.17
56	7,200	0.17
57	7,571	0.17
58	7,571	0.17
59	7,853	0.18
60	9,486	0.22
61	12,842	0.29
62	11,763	0.27
63	9,119	0.21
64	7,630	0.18
65	7,580	0.17
66	7,580	0.17
67	7,581	0.17
68	7,914	0.18
69	9,789	0.22
70	11,111	0.26
71	8,557	0.20
72	7,290	0.17
73	7,290	0.17
74	7,924	0.18
75	7,870	0.18
76	7,290	0.17
77	7,290	0.17
78	7,290	0.17
79	7,290	0.17
80	7,290	0.17
81	7,661	0.18
82	9,471	0.22
83	13,641	0.31
84	20,168	0.46
85	12,842	0.29
86	9,230	0.21
87	7,492	0.17
88	7,290	0.17
89	7,290	0.17
90	7,290	0.17
91	7,290	0.17
92	7,290	0.17
93	7,290	0.17
94	6,748	0.15
95	6,794	0.16
96	6,840	0.16
97	6,886	0.16
98	6,931	0.16
99	6,977	0.16
100	10,589	0.24

Parcel Table		
Parcel #	Sq. Ft.	Acres
101	10,229	0.23
102	6,785	0.16
103	6,730	0.15
104	6,730	0.15
105	6,730	0.15
106	6,730	0.15
107	6,875	0.16
108	7,600	0.17
109	6,737	0.15
110	6,730	0.15
111	6,863	0.16
112	6,864	0.16
113	6,863	0.16
114	6,862	0.16
115	8,418	0.19
116	10,659	0.24
117	7,166	0.16
118	6,907	0.16
119	6,907	0.16
120	6,907	0.16
121	6,907	0.16
122	6,907	0.16
123	6,907	0.16
124	8,441	0.19
125	8,107	0.19
126	8,740	0.20
127	8,026	0.18
128	7,406	0.17
129	7,205	0.17
130	7,007	0.16
131	6,600	0.15
132	6,600	0.15
133	6,600	0.15
134	6,600	0.15
135	6,600	0.15
136	7,845	0.18
137	8,171	0.19
138	8,478	0.19
139	11,249	0.26
140	9,302	0.21
141	8,353	0.19
142	7,444	0.17
143	7,312	0.17
144	8,006	0.18
145	9,059	0.21
146	8,213	0.19
147	8,519	0.20
148	8,493	0.19
149	10,378	0.24
150	12,539	0.29

PLANT SCHEDULE			
	COMMON NAME	BOTANICAL NAME	HT
TREES			
	RED MAPLE	ACER RUBRUM	40'-60'
	LAUREL OAK	QUERCUS LAURIFOLIA	40'-60'
SHRUBS			
	GLOSSY ABELIA	ABELIA x GRANDIFLORA 'KALEIDOSCOPE'	24' MIN
	CORAL BELLS	HEUCHERA x 'GEORGIA PEACH'	12"
	BOXWOOD	BUXUS x 'GREEN MOUNTAIN'	24' MIN



TYPICAL 25' LANDSCAPE BUFFER (NTS)

SITE DEVELOPMENT NOTES:

- PROPOSED REZONING FROM CD "WAXHAW LANDING - PHASE 3" TO CONDITIONAL DISTRICT "WAXHAW LANDING PHASE 3-AMENDMENT 1".
- ROADS WILL BE PUBLIC STREETS CONSTRUCTED IN ACCORDANCE WITH CITY OF MONROE STANDARDS.
- SIGN REGULATIONS FOR THIS PROPERTY SHALL ADHERE TO THE RESIDENTIAL SIGN REQUIREMENTS.
- ALL LANDSCAPING SHALL BE KEPT IN A THRIVING CONDITION.
- ALL ELEVATIONS, PACKETS, OR OTHER SUPPLEMENTAL MATERIAL SUBMITTED TO STAFF, PLANNING BOARD, AND/OR CITY COUNCIL IN REFERENCE AND SUPPORT OF ANY CONDITIONAL DISTRICT SHALL BE REGARDED AS AN INTEGRAL ELEMENT OF THE APPROVED SITE PLAN. MINOR DEVIATIONS FROM SUBMITTED MATERIAL SHALL BE ALLOWED AT THE DISCRETION OF THE PLANNING DIRECTOR OR HIS/HER DESIGNEE.
- TREES WITHIN THE DEVELOPMENT THAT ARE 75" OR GREATER IN CIRCUMFERENCE WILL BE PRESERVED AND WILL NOT BE REMOVED TO THE EXTENT PRACTICAL.
- TREES WITHIN THE DEVELOPMENT THAT ARE 25" OR GREATER IN CIRCUMFERENCE MAY ONLY BE REMOVED IF THEY ARE LOCATED WITHIN AN APPROVED STREET CROSS SECTION, BUILDING PAD, DRIVEWAY AREA, STORM WATER MANAGEMENT FEATURE, OR STORM OR UTILITY EASEMENT.
- DEVELOPER RESERVES THE RIGHT TO REMOVE SICK OR DAMAGED TREES AT DEVELOPERS DISCRETION.
- SETBACK MEASUREMENTS SHALL BE MADE FROM THE EXTERIOR WALL DIMENSIONS AT THE FOUNDATION. ARCHITECTURAL FEATURES (INCLUDING BUT NOT LIMITED TO OVERHANGS, STOOPS, EAVES, AND SOFFITS) AND MECHANICAL UNITS MAY PROJECT INTO SETBACKS.
- ACCESSORY STRUCTURES SHALL NOT BE LOCATED BEYOND THE FRONT CORNER OF THE HOME, AND SHALL MAINTAIN A MINIMUM FIVE FOOT (5') SETBACK FROM ALL PROPERTY LINES. ACCESSORY STRUCTURES SHALL NOT BE LOCATED WITHIN PUBLIC EASEMENTS.
- LANDSCAPING SHALL BE IN ACCORDANCE WITH CITY OF MONROE STANDARDS.
- HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF OPEN SPACE, COMMON AREAS, BMP AREAS, ETC.
- COMMENCEMENT OF THE AMENITY AREA SHALL

- BEGIN NO LATER THAN 50% OF THE CERTIFICATE OF OCCUPANCY'S BEING ISSUED.
- MINIMUM LOT SIZE IS 6,000 SF.
- EXTERIOR MATERIALS SHALL BE A LIMITED TO A MIX OF FIBER CEMENT, STONE, STUCCO, OR BRICK. VINYL SHALL ONLY BE USED FOR TRIM WORK ONLY. HOUSE FRONTAGE SHALL HAVE A MINIMUM OF 25% ARCHITECTURAL ELEMENTS OF EITHER STONE, STUCCO, OR BRICK MATERIAL. HOUSES BUILT ON SLAB FOUNDATIONS SHALL HAVE A MINIMUM FOUR COURSE BRICK/ BRICK VENEER OF STANDARD SIZE, EXTENDING UP THE FACE OF THE SLAB.
- MINIMUM HOUSE SIZE SHALL BE 1,600.
- STREET TREES SHALL BE PROVIDED AT A RATE OF 1 PER EVERY 50' WITH A CALIPER OF 3 INCHES MEASURED 6 INCHES ABOVE GRADE. STREET TREES SHOULD BE A VARIETY OF SPECIES.
- EACH LOT SHALL HAVE AT LEAST 2 YARD TREES, SUITABLE FOR HEALTHY GROWTH IN OUR CLIMATE. EACH TREE SHALL HAVE MINIMUM CALIPER OF 3 INCHES MEASURED 6 INCHES ABOVE GRADE. 1 TREE MAY BE PLACED IN REAR OF LOT TO MEET THIS REQUIREMENT.
- ALL FRONT LOAD GARAGES SHALL HAVE CARRIAGE STYLE DOORS. ALL HOUSES SHALL HAVE A STANDARD TWO (2) CAR ATTACHED GARAGE.
- ALL DRIVEWAYS SHALL BE PAVED WITH CONCRETE OR ASPHALT FROM THE ROAD TO THE GARAGE. EACH DRIVEWAY SHALL BE ABLE TO ACCOMMODATE AT LEAST TWO (2) VEHICLES.
- ALL EXPOSED CHIMNEYS SHALL BE STUCCO, FIBER CEMENT, OR BRICK VENEER CONSISTENT WITH THE ARCHITECTURE.
- THE FRONT WALL OF ALL HOUSES SHALL NOT RUN UNBROKEN (UNARTICULATED) FOR A DISTANCE OF MORE THAN 24 LINEAR FEET. ALL WALL OFFSETS SHALL BE A MINIMUM OF ONE (1) FOOT IN DEPTH.
- THE MAJORITY OF ALL ROOF AREAS ON ANY HOUSE SHALL HAVE A MINIMUM 6/12 PITCH ROOF.
- ALL FRONT LAWNS OF ALL SINGLE FAMILY HOMES SHALL BE SODDED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- MAIL KIOSK LOCATIONS WILL BE COORDINATED WITH USPS AND WILL HAVE AT LEAST 1 HANDICAP PARKING SPACE FOR EACH LOCATION.
- ALL 80' WIDE LOTS WILL BE REQUIRED TO HAVE SIDE LOAD GARAGES.

OFF-SITE ROAD IMPROVEMENTS:

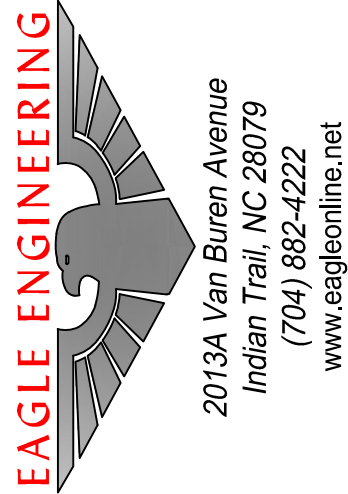
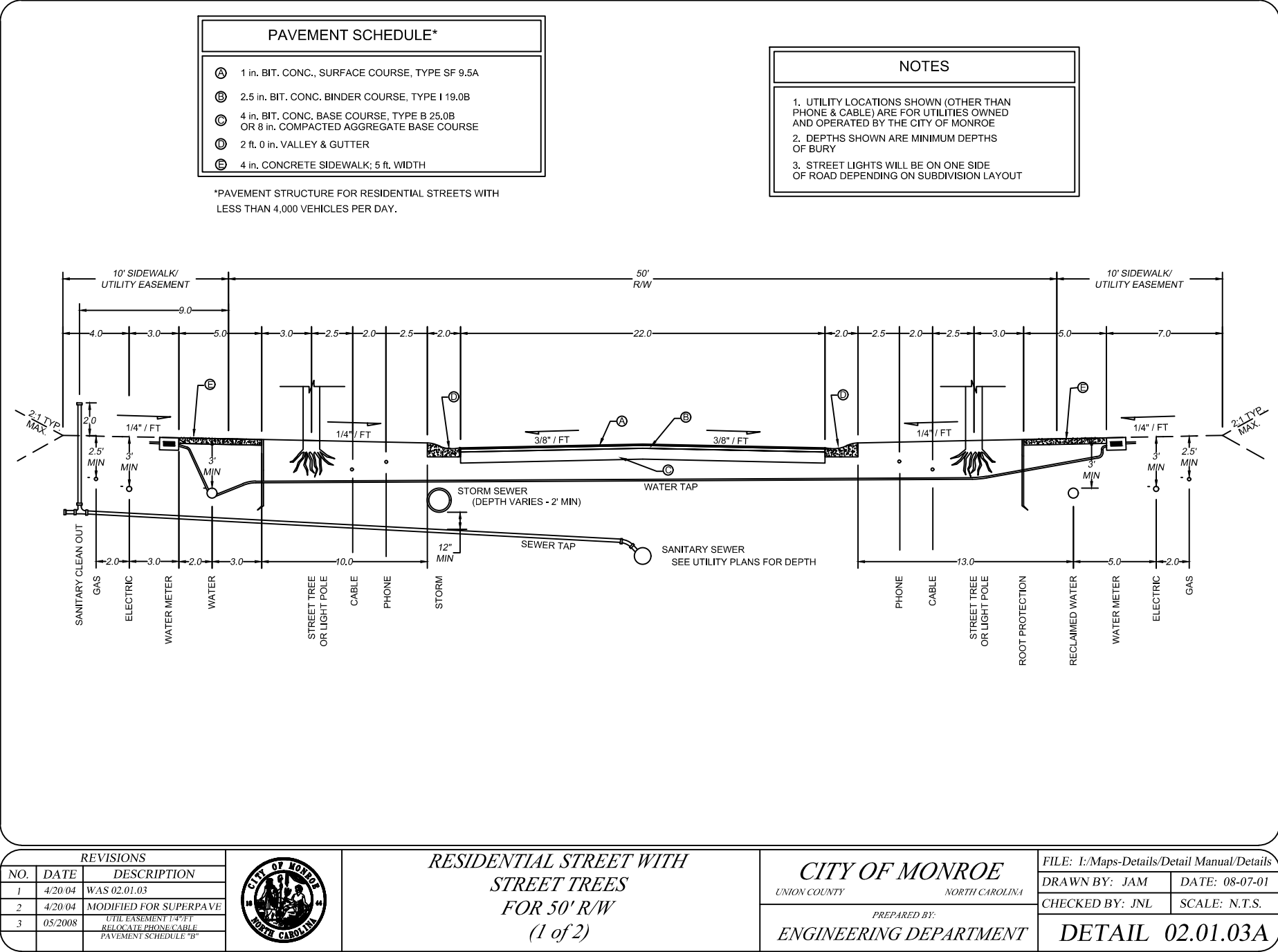
- ACCESS D ONTO NC 75
 - CONSTRUCT WESTBOUND LEFT TURN LANE WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS.
 - INSTALL THREE LANE SECTION BETWEEN ACCESS D AND ACCESS B.
- PURSUANT TO AN AGREEMENT TO BE EXECUTED BY THE DEVELOPER AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, DEVELOPER AGREES TO MAKE A PAYMENT-IN-LIEU DIRECTLY TO NCDOT FOR AN AMOUNT EQUAL TO THE VALUE OF THE CONSTRUCTION COSTS OF AN 100' EASTBOUND AND 100' WESTBOUND LEFT TURN LANE AND TRAFFIC SIGNAL AT THE INTERSECTION OF FLETCHER BROOME ROAD AND NC 75
 - THERE WILL BE A ONE-TIME LUMP SUM AGREEMENT WITH NCDOT TO ENCOMPASS PHASES 2 & 3
 - PHASES 2 & 3 ARE COLLECTIVELY RESPONSIBLE FOR THE LUMP SUM PAYMENT. IN NO EVENT SHALL EACH PROJECT BE INDIVIDUALLY RESPONSIBLE FOR THE LUMP SUM PAYMENT OF THE FOREMENTIONED IMPROVEMENTS, RESULTING IN MULTIPLE PAYMENTS TO NCDOT.
 - THE AGREEMENT BETWEEN NCDOT AND THE DEVELOPER MUST BE FULLY EXECUTED PRIOR TO THE DRIVEWAY PERMITS BEING ISSUED FROM NCDOT
- NCDOT WILL ALLOW PLATTING OF 25 LOTS FOR THIS PHASE OF WAXHAW LANDING PRIOR TO ROADWAY IMPROVEMENTS BEING INSTALLED. UPON THE PLATTING OF THE 26TH LOT OF WAXHAW LANDING PHASE 3, A WESTBOUND LEFT TURN LANE WITH 100' OF FULL STORAGE AND APPROPRIATE TAPERS WILL BE INSTALLED ALONG WITH THE INSTALLATION OF A THREE LANE SECTION BETWEEN WAXHAW LANDING PHASE 1 ACCESS B AND WAXHAW LANDING PHASE 3 ACCESS D

GENERAL PROVISIONS:

- DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THIS CONDITIONAL ZONING PLAN, DEVELOPMENT STANDARDS, AND THE APPLICABLE PROVISIONS OF THE CITY OF MONROE UNIFIED DEVELOPMENT ORDINANCE (UDO).
- THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE ZONING SITE PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED AND MAY BE ALTERED SUBJECT TO APPROVAL BY THE ZONING ADMINISTRATOR.
- ZONING IS TO BE CHANGED FROM CD "WAXHAW LANDING - PHASE 3" TO CONDITIONAL DISTRICT "WAXHAW LANDING - PHASE 3-AMENDMENT 1"

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

PETITIONER SIGNATURE _____ DATE _____



2013A Van Buren Avenue
Indian Trail, NC 28079
(704) 862-4222
www.eagleonline.net

WAXHAW LANDING - PHASE 3
MONROE, NC

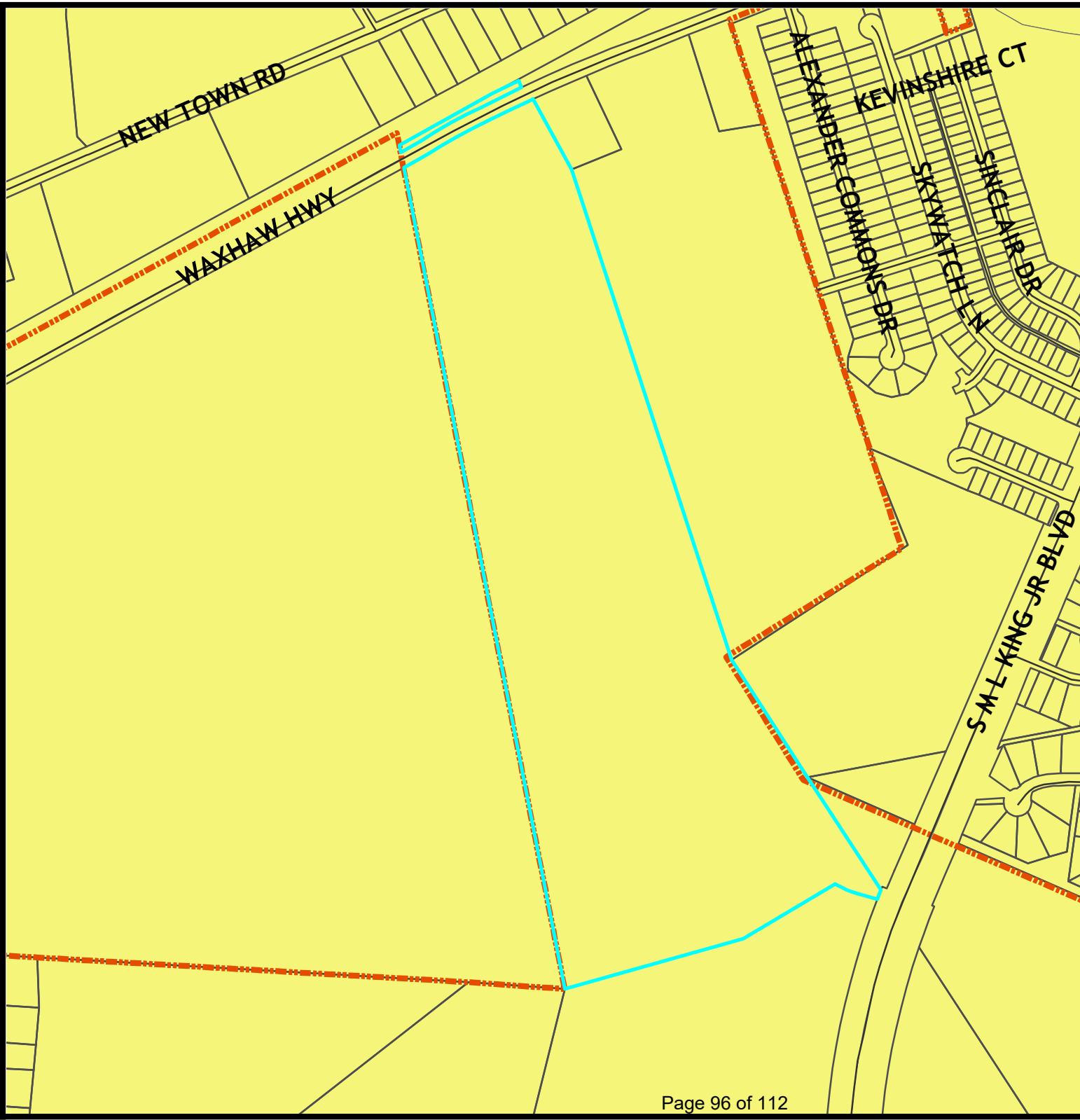
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REZONING SITE PLAN

DESIGNED BY	DAM	CHECKED BY	BLD
AS SHOWN	DATE	05/27/2021	JOB NUMBER
Scale			7461 / 7530

Sheet

RZP-4



Future Land Use Map

CD "Waxhaw Landing Ph.3"

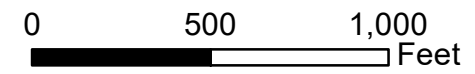
Legend

- Centerlines
- Parcels
- City Limits

FLUM
Future Land Use Character Area
Suburban

Existing: RA-20 & RA-40
(County Residential)

Acres: 67.10



Future Land Use Plan Consistency

The Future Land Use Plan indicates this area is Suburban. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Multimodal connectivity between neighborhoods and to nearby centers also should be emphasized. Strategic connections to the off-street multi-use trail network are preferred and open space should be preserved in both active and passive forms within neighborhoods. The density for suburban residential is 2-4 units per acre.

**RESOLUTION APPROVING LAND DEVELOPMENT PLAN COMPLIANCE
CONDITIONAL DISTRICT “WAXHAW LANDING PHASE 3 – AMENDMENT 1”
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 Conditional District “Waxhaw Landing Phase 3 – Amendment 1” further described below property is consistent with the adopted Land Development Plan. The Land Development Plan identifies this area as Suburban. Residential uses are priority uses within this character area and the permitted density is 2-4 units per acre. Furthermore, this character area recommends multimodal connections between neighborhoods. This proposed development is at 2.19 units per acre and provides multimodal connectivity between neighborhoods; therefore, it is consistent with the plan. The proposed rezoning is reasonable because: _____

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Development Plan Compliance for property with Union County Tax Parcel Number(s): 09-321-003.

Adopted this 3rd day of July, 2024.

Kenneth Deal, Chair

Attest:

Kimberly Davis, Secretary to Planning Board

**RESOLUTION DENYING LAND DEVELOPMENT PLAN COMPLIANCE
CONDITIONAL DISTRICT “WAXHAW LANDING PHASE 3 – AMENDMENT 1”
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 Conditional District “Waxhaw Landing Phase 3 – Amendment 1” further described below property is consistent with the adopted Land Development Plan. The Land Development Plan identifies this area as Suburban. Residential uses are priority uses within this character area and the permitted density is 2-4 units per acre. Furthermore, this character area recommends multimodal connections between neighborhoods. This proposed development is at 2.19 units per acre and provides multimodal connectivity between neighborhoods; therefore, it is consistent with the plan. However, this area is seeing an increase in development and allowing the developer to pay a fee-in-lieu for improvements rather than install the improvements at the time of development may adversely affect conditions that will be present with the additional lots and traffic; therefore, the project is not a reasonable use or in the public interest.

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 recommendation for denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Development Plan Compliance for property with Union County Tax Parcel Number(s): 09-321-003.

Adopted this 3rd day of July, 2024.

Kenneth Deal, Chair

Attest:

Kimberly Davis, Secretary to Planning Board

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 156 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

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

Rezone the property located along Waxhaw Highway and further identified with parcel number 09-321-003 from Conditional District (CD) “Waxhaw Landing Phase 3” to Conditional District (CD) “Waxhaw Landing Phase 3 – Amendment 1”

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 13th day of August, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board Members

DATE: July 3, 2024

FROM: Lisa Stiwinter, Director of Planning & Development

PREPARED BY: Patrick Blaszyk, Planner

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

SUMMARY STATEMENT

The Planning Board is requested to consider a zoning map and text amendment for property located along E. Roosevelt Blvd. to rezone the property with tax parcel number 09-155-001B from CD “Camp Sutton Nursery 2” to CD “Camp Sutton Nursery 3”.

REVIEW

On December 13, 2021 City Council approved a rezoning from General Industrial to CD “Camp Sutton Nursery” for tax parcel 09-155-001B and a portion of parcel 09-122-002. The rezoning was requested in order to utilize the property for a commercial greenhouse with onsite retail and wholesale sales, specifically plants and other landscaping needs such as rock, soil, mulch, and storage buildings.

On September 12, 2023 City Council approved a rezoning from CD “Camp Sutton Nursery” to CD “Camp Sutton Nursery 2” for tax parcel 09-155-001B. Paving of the parking and circulation areas and installation of a sidewalk along E. Roosevelt Blvd. were approved with the first rezoning as required per the Unified Development Ordinance. The second rezoning was requested in order to not pave the parking and circulation area; however, to paved the driveway up to the right-of-way line. The applicant also requested not to install the sidewalk along E. Roosevelt Blvd.

The applicant, UC QOZBII has requested an amendment to the second rezoning request in order to allow for the use of archery on the site, which falls under Outdoor Recreation. The applicant

has also requested to install an archway entrance sign that extends over the driveway into Camp Sutton Nursery.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

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

Proposal

The applicant is requesting to add archery as Outdoor Recreation to the permissible uses in the Camp Sutton 3 Conditional District and is looking to install outdoor recreation features between the front façade of the green houses and the street fronting the lot. The applicant is also requesting to install an archway entrance sign into the Camp Sutton Nursery.

Outdoor Recreation

The applicant is proposing to have six Outdoor Recreation archery stations around the site. Three of the stations are in front of the front wall of the green houses on the property. According to Outdoor Recreation section 7.2.6.K.4.b of the City of Monroe Unified Development Ordinance (UDO), “No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.” The applicant is seeking to deviate from this ordinance requirement.

Arch Entrance Sign

As a part of this proposal, the applicant is proposing an archway entrance sign into the Camp Sutton Nursery. Archway signs are not permitted in the City of Monroe Unified Development Ordinance. The sign types that are permitted in the ordinance include wall, window, canopy/awning, projecting/blade, monument/community and sidewalk per section 8.2.5 of the UDO.

LAND USE AND TRANSPORTATION PLAN COMPLIANCE

The Land Use and Transportation Plan indicates this area is located in the Manufacturing, Logistics, and Aerospace character area with a small portion in the Medical character area, which is also located in the floodplain and is not being constructed on. The Manufacturing, Logistics, and Aerospace designation includes the city’s existing base of industrial centers. These areas support manufacturing and production at a variety of scales, including assembly and processing, warehousing and distribution, bulk storage, and utilities. Manufacturing, Logistics, and Aerospace areas are found near major transportation assets (e.g., highway, rail, and/or air) and generally are buffered from surrounding development. Clusters of uses that support or serve similar industrial uses typically locate nearby.

PUBLIC NOTIFICATION

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

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

RECOMMENDATION

Planning staff recommends approval of the rezoning request.

PLANNING BOARD ACTION

APPROVAL	DENIAL
1. Motion to recommend adoption of a Resolution <i>Approving</i> Land Use and Transportation Plan compliance	1. Motion to recommend adoption of a Resolution <i>Denying</i> Land Use and Transportation Plan Compliance and authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign at a later date
2. Motion to recommend adoption of the Ordinance amending Section 157.1.2.1- Official Zoning Map and Section 157.1.3.1- Conditional Districts Established	2. Motion to recommend denial of the zoning text amendment

Attachment(s):

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

Prepared: 6-21-24 PB

Aerial Map

CD "Camp Sutton Nursery 3"

Legend

-  Centerlines
-  Parcels
-  Subject Property

Owner: UC QOZB II, LLC

Acres: 34 +/-



0 390 780
 Feet

Attachment 1

Zoning Map

CD "Camp Sutton Nursery 3"

Legend

Centerlines

Parcels

Zoning Districts

CD

GI

MD-MX

NB

GB

RMD

Existing: CD "Camp Sutton"

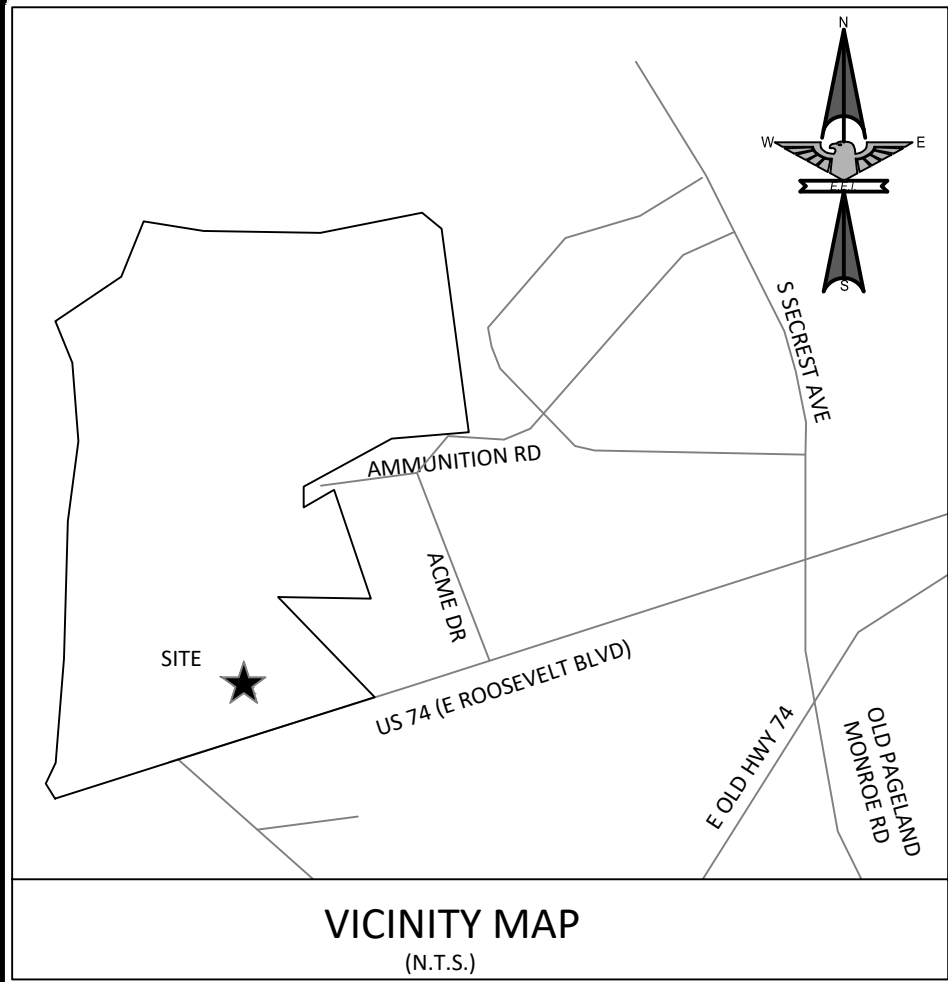
Owner: UC QOZB II, LLC

Acres: 34 +/-

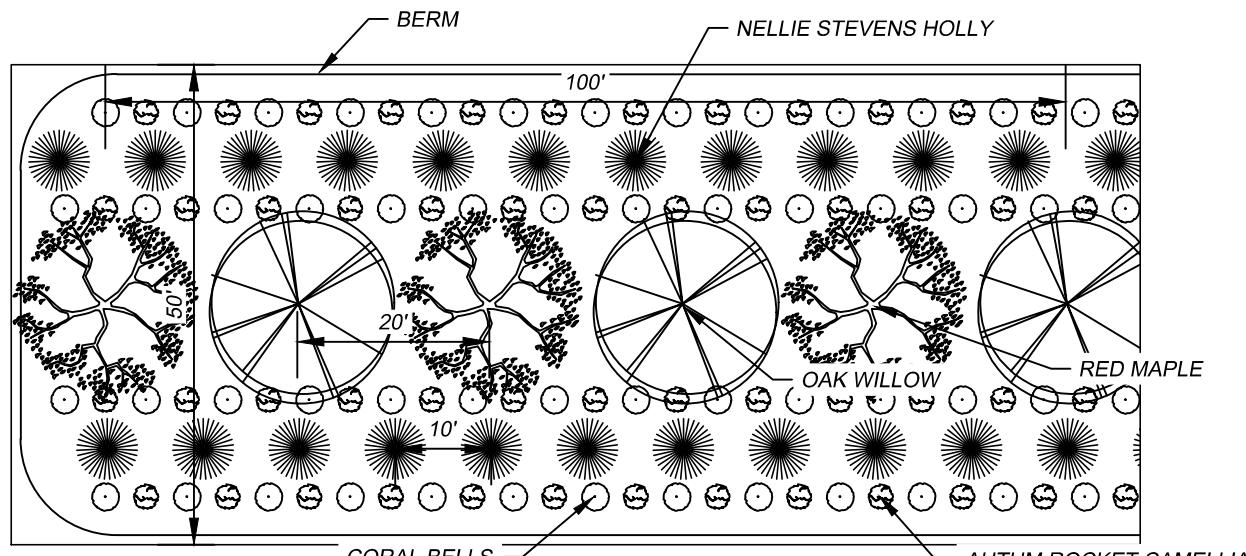


0 390 780 Feet

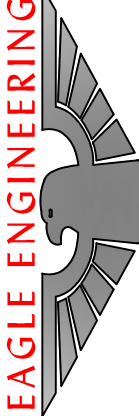
Attachment 2



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



SITE AND DEVELOPMENT DATA	
JURISDICTION	CITY OF MONROE
TAX PARCEL(S):	09155001B, 09122002
SITE ADDRESS:	1800 E. ROOSEVELT BLVD.
ZONING	CONDITIONAL DISTRICT "CAMP SUTTON NURSERY"
PROPOSED ZONING	CONDITIONAL DISTRICT "CAMP SUTTON NURSERY 2"
USE CLASSIFICATION	COMMERCIAL
TOTAL AREA	+/- 83 AC
AREA TO BE REZONED	+/- 34 AC
MINIMUM FRONT SETBACK	50'
MINIMUM CORNER/SIDE SETBACK	10'
MINIMUM REAR SETBACK	10'



FIRM LICENSE # C-0873

2013A Van Buren Avenue

Indian Trail, NC 28079

(704) 982-4222

www.eagleonline.net

PRELIMINARY
NOT FOR
CONSTRUCTION

NO.	DATE	BY	ISSUE
1	06/23/2023	BLD	REVISED PER CITY OF MONROE COMMENTS
2	11/08/2023	KEL	REVISED PER CITY OF MONROE COMMENTS
3	05/03/2024	KEL	ADDED NOTE 5 TO GENERAL PROVISIONS
4	06/03/2024	KEL	ADDRESS CITY COMMENTS
5	06/18/2024	KEL	ADDRESS CITY COMMENTS

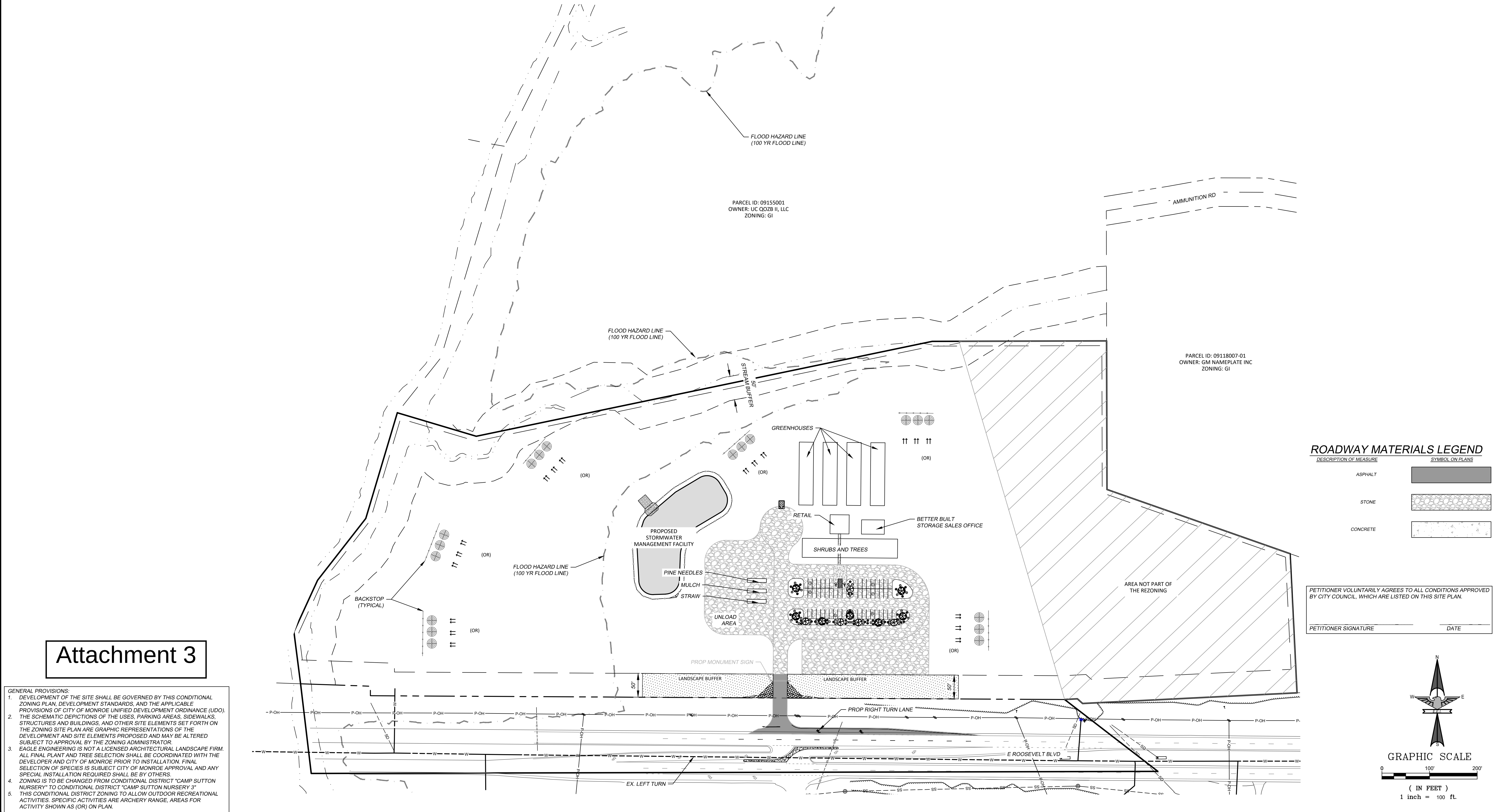
CAMP SUTTON NURSERY
MONROE, UNION CO., N.C.

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

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

Sheet

RZP-1



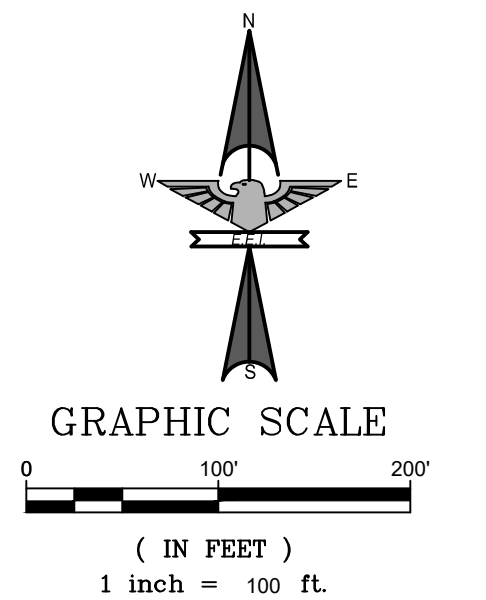
Attachment 3

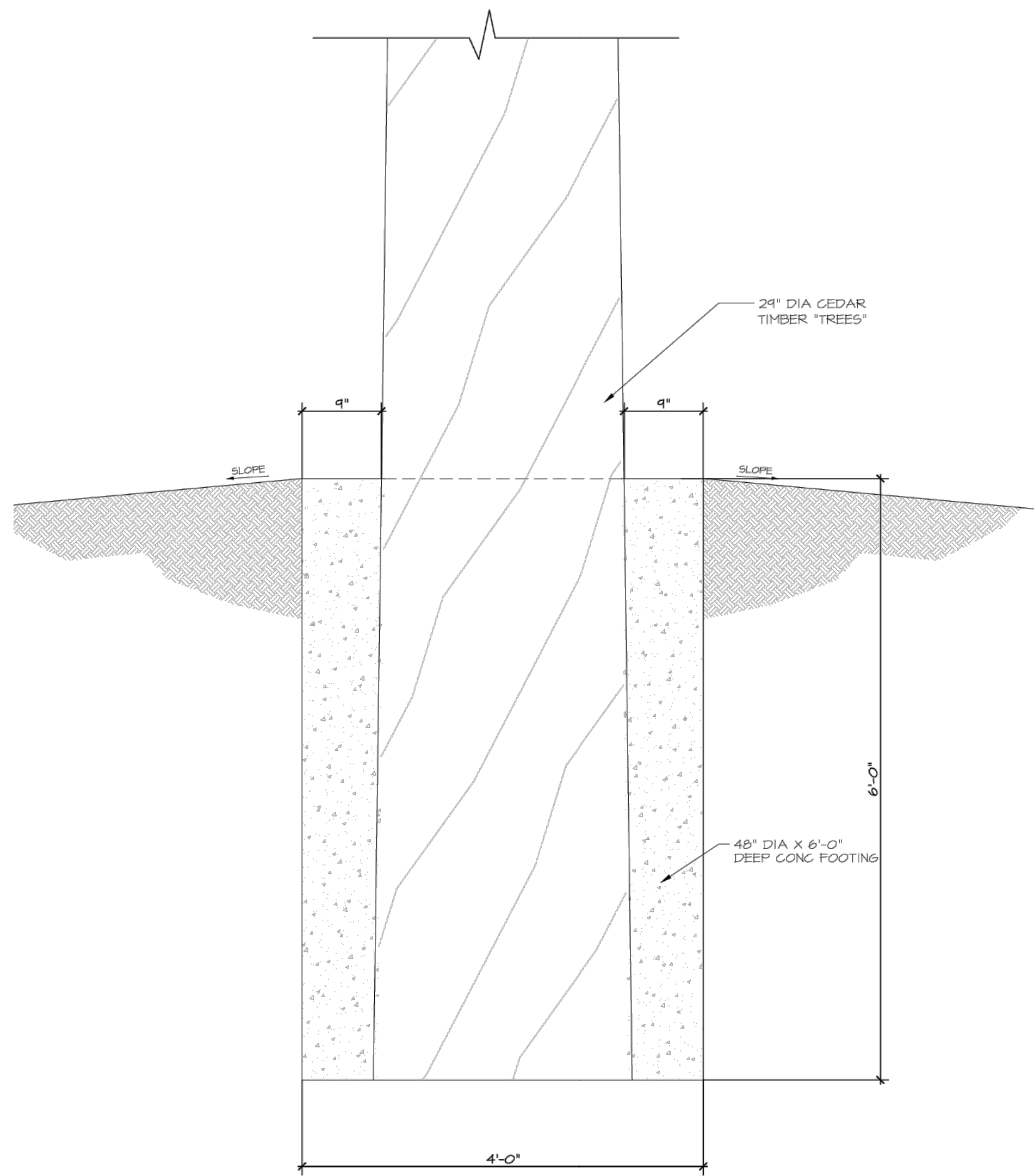
- GENERAL PROVISIONS:**
1. DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THIS CONDITIONAL ZONING PLAN, DEVELOPMENT STANDARDS, AND THE APPLICABLE PROVISIONS OF CITY OF MONROE UNIFIED DEVELOPMENT ORDINANCE (UDO).
 2. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS,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

ROADWAY MATERIALS LEGEND	
DESCRIPTION OF MEASURE	SYMBOL ON PLANS
ASPHALT	
STONE	
CONCRETE	

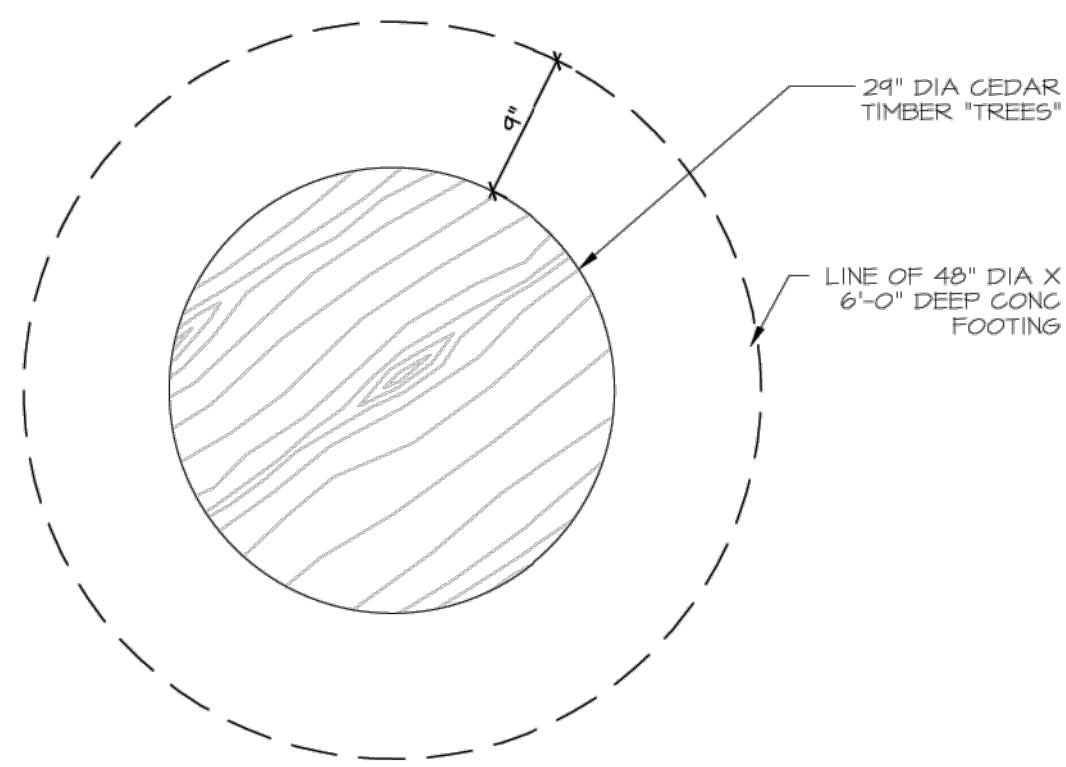
PETITIONER VOLUNTARILY AGREES TO ALL CONDITIONS APPROVED BY CITY COUNCIL, WHICH ARE LISTED ON THIS SITE PLAN.

PETITIONER SIGNATURE _____ DATE _____

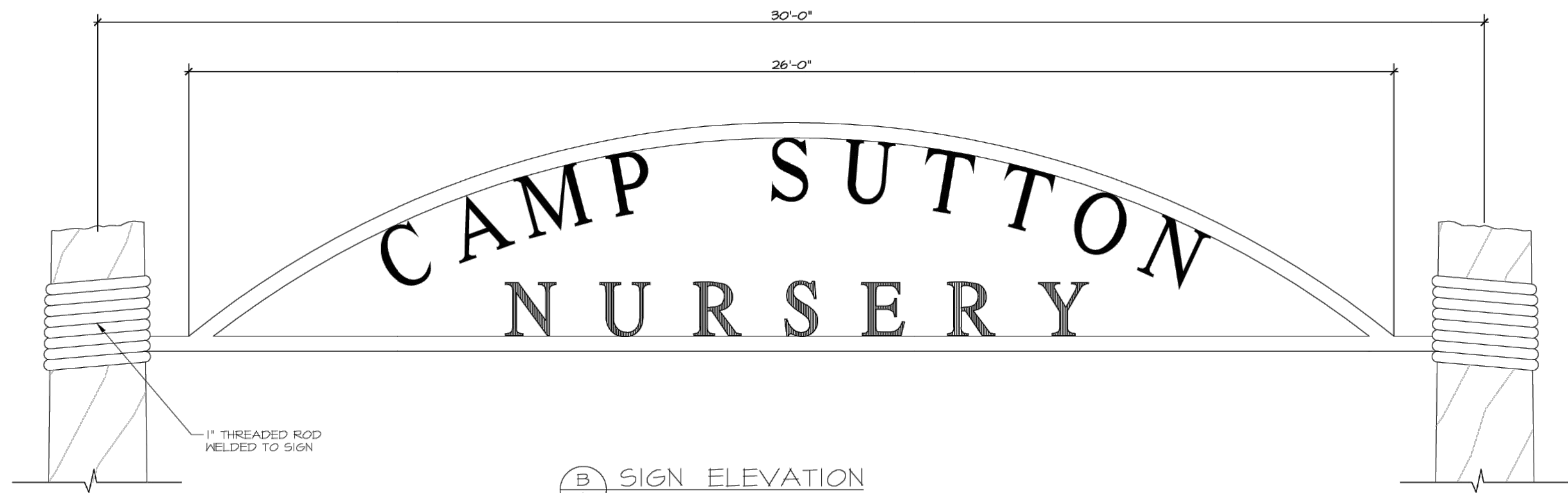




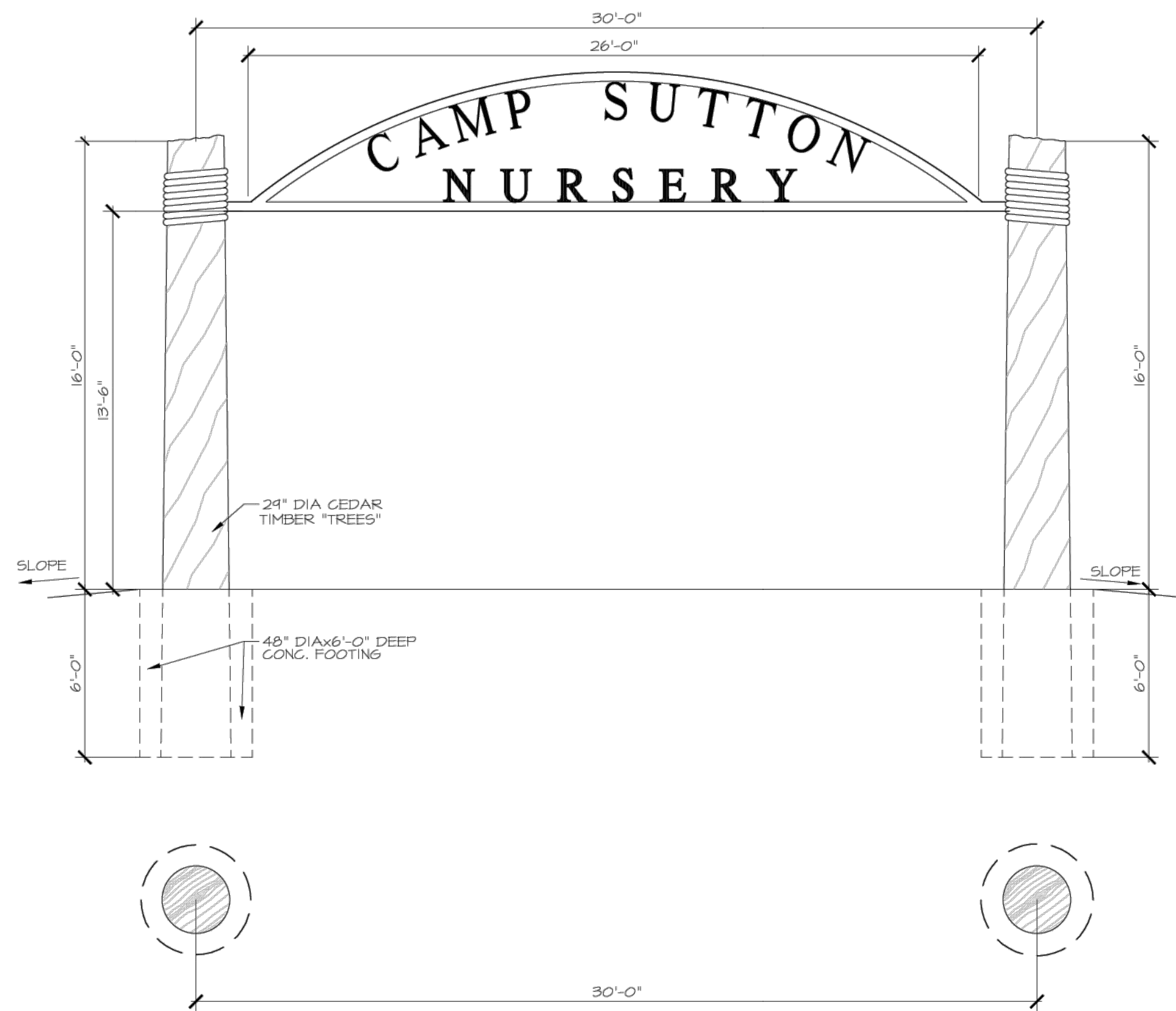
C SIGN POST DETAIL
SCALE: 1" = 1'-0"



D POST FOOTING
SCALE: 1" = 1'-0"



B SIGN ELEVATION
SCALE: 1/2" = 1'-0"



A SIGN PLAN and ELEVATION
SCALE: 1/4" = 1'-0"

Attachment 4

Future Land Use Map

CD "Camp Sutton Nursery 3"

Legend

Centerlines

Parcels

Future Land Use Character Area

Industrial

Medical Campus

Suburban

Existing: CD "Camp Sutton"

Owner: UC QOZB II, LLC

Acres: 34 +/-



0 390 780 Feet

Attachment 5

Land Development Plan Consistency

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

Attachment 6

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
CONDITIONAL DISTRICT “CAMP SUTTON NURSERY 3”**

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 Conditional District “Camp Sutton Nursery 3” further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as the Manufacturing, Logistics, and Aerospace designation, which is predominately for manufacturing and production, though commercial uses are also listed as a priority use in this character area and the proposed use of outdoor recreation is a commercial use; therefore, the proposal is consistent with the plan. The proposed project is a reasonable use and in the public interest, because it is located along a main corridor where commercial businesses would typically locate.

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

Adopted this 3rd day of July, 2024

Kenneth Deal, Planning Board Chair

Attest:

Kimberly Davis, Secretary to Planning Board

Attachment 7

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
CONDITIONAL DISTRICT “CAMP SUTTON NURSERY 3”**

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 Conditional District “Camp Sutton Nursery 3” further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as the Manufacturing, Logistics, and Aerospace designation, which is predominately for manufacturing and production, though commercial uses are also listed as a priority use in this character area and the proposed use of outdoor recreation is a commercial use; therefore, the proposal is consistent with the plan. However, the proposed use is not reasonable or in the public interest because: _____

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

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

Adopted this 3rd day of July, 2024

Kenneth Deal, Planning Board Chair

Attest:

Kimberly Davis, Secretary to Planning Board

**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 property along E. Roosevelt Blvd. further identified with tax parcel ID number 09-155-001B from Conditional District “Camp Sutton Nursery 2” to Conditional District “Camp Sutton Nursery 3”.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 13th day of August, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk