

PLANNING BOARD MEETING

Wednesday, August 7, 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 – July 3, 2024**
- Item 5.** **Zoning Map Amendment for the property identified as 1913 Steele Street from General Industrial (GI) to Residential Medium Density (RMD) (Tax Parcel 09-150-166)**
- Item 6.** **Annexation of 19.11 acres located at the intersection of US Highway 74 and Bivens Road and further identified with parcel ID numbers 09-087-004A and 09-087-011.**
- Item 7.** **Zoning map amendment for fifteen properties located along E. Franklin St., McLarty St., Leewood Dr., Club Dr., and Pageland Hwy.**
- Item 8.** **Zoning Text Amendment to Section 8.10.1.B titled “Density and Intensity” and Section 11 titled “Definition of Terms” of the Unified Development Ordinance (UDO).**
- Item 9.** **Zoning Text Amendment to Section 157.4.2 titled “Residential Zoning Districts” of the new Unified Development Ordinance (UDO)**
- Item 10.** **Zoning Text Amendment to Section 157.8.4.3.C titled “Parking Design Standards” of the Unified Development Ordinance (UDO).**
- Item 11.** **Unified Development Ordinance (UDO) Discussion**
- Item 12.** **Next Meeting: September 4, 2024**
- Item 13.** **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: **Richard Long**
 Terry Sholar
 Planning Staff

PLANNING BOARD MEETING

July 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 July 3, 2024 meeting to order at 6:01 p.m. Kimberly Davis called the roll and the Chair noted that a quorum was present.

Members Present: Kenneth Deal (Chair), Jennifer Smith (Vice Chair), Margaret Desio, Richard Yercheck, Archie Morgan, Maryann Rasberry, Pamela Duda (ETJ Member), Parker Mills (Alternate 1) and Louis Philippi (Alternate 2)

Members Absent: None

Staff Present: Keri Mendler, Senior Planner, Doug Britt, Senior Planner, Patrick Blaszyk, Planner 1, Richard Long, City Attorney; Terry Sholar, Senior Staff Attorney, Kimberly Davis, Administrative Assistant II

Guests: Tom Crouch, Scott Hunsucker, Stephen Bennett, Mayor Ron Pappas, Mayor Pro Tem David Dotson, Kyle Dipretoro, Council Member Surluta Anthony, Brett Cannup

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

Item 3. **Conflicts of Interest- None**

Item 4. **Approval of Minutes – March 6, 2024, April 3, 2024, May 1, 2024 and June 5, 2024.**

Chair said I trust everybody had an opportunity to go through those in their packets? Any comments or issues with any of those?

Richard Yercheck asked can we approve them in one lump?

Chair said if there are no conflicts or interests drawn to any particular minutes, yes.

Motion: **Jennifer Smith made a motion to approve the minutes from March 6, April 3, May 1 and June 5, 2024.**

Second: **Archie Morgan**

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

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

NAYS: None

Item 5. Zoning Map Amendment request for Conditional District (CD) “Waxhaw Landing Phase 2 – Amendment 1” (Parcel ID #:09-351-015)

Keri Mendler, Senior Planner, approached the podium and said good evening. I’m actually going to present items 5 and 6 together. They are separate projects and they will require separate action, but the transportation improvements are basically why we are here tonight. The transportation improvements really are intertwined together so that’s why I’m going to do it together and talk about everything at once.

Item 6. Zoning Map Amendment request for Conditional District (CD) “Waxhaw Landing Phase 3 – Amendment 1” (Parcel ID #:09-321-003)

Keri Mendler presented the following: Tonight I’ll be presenting a Zoning Map Amendment for “Waxhaw Landing – Phase 2 and 3” which are located along Waxhaw Highway. Phase 3 was originally approved in April 2022 and Phase 2 is approved in June 2022. 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 properties that surround these projects are other single family developments. The solar farm as well to the north of Phase 2 and then there is Walter Bickett Elementary School to the southeast of Phase 3.

Phase 2 and 3 are currently zoned Conditional District (CD) Phase 2 and 3 respectively. Phase 2 is, of course, the one furthest away from the City. Phase 3 is the one closest to the City limits. Phase 1 is in the center of those. That was approved some time in 2021. Adjoining zoning for these parcels is RA-40 and RA-20 which is the blue color. Those are Union County zoning classifications so these parcels are surrounded by County property with the exception of Walter Bickett. Phase 2 consisted of 64 single-family detached homes with a mix of a mix of 60-foot and 80-foot wide lots. Phase 3 consists of 150 single-family detached homes with a mix of 55-foot, 60-foot and 80-foot wide lots.

So for the last several months, the developers engaged in conversations with the North Carolina Department of Transportation regarding the original transportation improvements required for this project. Each phase includes one entrance off of Waxhaw Highway with two internal connections to the first phase. This first phase also has two connections to Waxhaw Highway. There are currently proposed four access points across the span of these projects.

In front of you are the outlined improvements that are required under the current zoning. Again, the left turn lane into Phase 3, the left turn lane into Phase 2 and then at Fletcher Broome, there were some requirements at Fletcher Broome and Waxhaw Highway. Those included a traffic signal with railroad preemption as well as eastbound and westbound left turn lanes to turn onto Fletcher Broome Road. In Phase 3, it was also a requirement to add some signage about not stopping on the tracks. Existing, currently, there was a four-way stop that was installed recently by NCDOT that was unrelated to these projects. It was funded before these projects went through the process.

As far as Phase 2 and the railroad preemption, so what is that? Basically, a preemption is a sequencing of traffic signal for at grade crossings to restrict traffic flow when a train is approaching the crossing. It is

very similar to what we have at Charlotte Avenue and Dickerson Boulevard. When the train is coming through, it stops traffic and directs so that the intersection doesn't become blocked and, for example, it won't let you turn right onto Dickerson.

As far as what the developer is requesting as part of this rezoning amendment, they are still going to be constructing the left turn lanes into their development at the access points. However, instead of doing the improvements at Fletcher Broome such as the traffic signal with railroad preemption and left turn lanes, they are requesting instead of doing a payment in-lieu. That payment would be the amount estimated for the construction of left turn lanes and a regular traffic signal. The regular traffic signal is one without the railroad preemption with it so there is a little bit less entailed. It would be a normal traffic signal.

So that payment would essentially be going to a different project. We have a representative from NCDOT and the applicant's representative will provide some more information on that. There are some proposed alternative improvements at another crossing in the vicinity. However, with that said, the project is not currently funded and the proposal for that project came out of discussions within the last six to seven months. That is one reason that staff have concerns about this project or the requests that are currently being presented to you.

So as far as neighborhood notification, signs will be posted ten days prior to the public hearing. We will also be sending adjoining property owner (APO) mailings ten days prior to the hearing as well.

The Future Land Use Plan indicates this area is Suburban. Residential uses typically take the form of neighborhoods with uniform housing types and a mix of housing types, which these do comply with. The density for suburban is 2-4 units per acre which, of course, they are not requesting a change in their density from what they have already approved.

So as I stated earlier, the other payments that the payment in-lieu would go to are not fully funded. They have come out of conversations within the last six to seven months so staff does have concerns about that. This is why we did recommend denial of this rezoning request. If Planning Board does wish to move forward with the request, the Engineering Department did request that the agreement mentioned in Note 2, which is the payment in-lieu agreement document between the developer and NCDOT, be received before recording the first twenty-five lots of either Phase. I will be happy to answer any questions. The applicant is here as well as a representative from the North Carolina Department of Transportation.

Richard Yercheck said I have a question. When we are talking about the improvements are not funded yet, are you talking about the developer or are you talking about State?

Keri Mendler said so the left turn lane, as it sits now, the developer is responsible for installing the left turn lane into their development as well as the traffic signal and railroad preemption. That is a cost to the developer for their project. They are still doing the left turn lanes into their development, but instead of constructing the traffic signal with railroad preemption and the left turn lanes at Fletcher Broome, they are instead requesting to take a portion of that money and put it in an escrow account that would go to a completely separate project in the vicinity of this project.

Richard Yercheck said is that the developer requesting that or the State?

Keri Mendler said my understanding is that it started with conversations with the developer reaching out to NCDOT and NCDOT looked at other alternatives in the area to address traffic concerns. So I would say there is a bit of a joint conversation. My understanding is that the developer started that, but that is again my understanding.

Chair said let me take a short pause here since we are talking about Waxhaw Landing and Waxhaw Highway and recognize that we have the distinguished Mayor of Waxhaw, Ron Pappas, in the audience tonight. He must have a specific interest. We also recognize the two distinguished members of our own City Council that are here tonight, Mayor Pro Tem David Dotson and Council Member Surluta Anthony.

Keri Mendler said I don't have anything unless you have questions for me. Like I said, the applicants have a representative here as well as a representative for NCDOT. They can provide some more information on where they have been on the transportation side of it. Waxhaw Highway, New Town Road and Fletcher Broome are NCDOT roads. They have the say over the requirements.

Chair said ok, we definitely want to hear from them. Any more questions for staff?

Archie Morgan said basically, they want to get away from constructing the traffic signal with railroad preemption and pay some money for some future project instead, correct?

Keri Mendler said yes, I think that is a fair way to put it. They are going to not construct the stuff at Fletcher Broome and, instead, put money in an escrow account for a different project nearby.

Maryann Rasberry asked what is the different project?

Keri Mendler said I will let NCDOT or the applicant's representative talk on that.

Chair said how does the City feel about railroad preemption? I've seen it work. You don't want to go straight when the train is coming. There is nowhere to go.

Keri Mendler said so I would say, from the City's perspective, we know very limited details and the other project came out of discussions within the last six to seven months so it's not a fully-funded, fully-discussed concept. From what we know, I think it makes sense and I think that it is probably a good project, but from a Planning Department standpoint, it's not fully-funded and it just came out of discussions so it may not happen. We didn't feel comfortable recommending a project with other improvements that may or may not happen. That is where Planning staff is at.

Margaret Desio said you might not be able to answer, but worst case scenario, it does not happen. Is the developer going to get his \$450,000 back?

Keri Mendler said that's my understanding. I would think he would probably just get the money back from escrow, but again that is a question for DOT and the applicant.

Stephen Bennett came up to the podium and stated his name and address. My address is 114 W. Jefferson Street, here in Monroe. That is my business address. I am an attorney representing the developer on this

request and I do have Kyle Dipretoro here with me tonight. We also have a representative from NCDOT to answer what I surmise are going to be most of your questions. As Keri mentioned, we are talking about Waxhaw Landing. She went through what Phase 2 and Phase 3 were originally approved to be and how many lots there were going to be. I want you to have a full understanding of the timeline and how it is that we actually got here. So those original requests for Phase 2 and Phase 3 were submitted in 2021, were approved in 2022 and, since that time, they were engaged in Engineering and Permit approval ever since until late last fall when it was time to talk to DOT about making these improvements. So the developer goes to NCDOT and they talk about are they still appropriate and wanted there. DOT requests that the developer do a technical memo, two of them actually, to see if they are still warranted right there. One of them was to explore whether an all-way stop, I've always called it a four-way stop, but apparently all-way stop is the term, whether an all-ways stop would be effective at the intersection of Fletcher Broome and NC-75. It turns out it was. In fact, there are reasons, and I'll get into that in a second, where it may be superior to a traffic light at that intersection. So from these memos, they start having bigger discussions and realize maybe there is a better project in this area that can accomplish two things: 1) Promote safety, which is the goal of when you are building roads and making road construction and 2) Enhance traffic flow. So over time, the developer and NCDOT come up with a different plan.

Stephen Bennett continued. The reason for that, you mentioned railroad preemption and why that is a good thing, but a better thing is to avoid crossing railroads entirely. Then you don't have folks go over railroads. That is a safety risk. So, with the NCDOT Rail Division, one of their goals is actually to reduce, what they call, at-grade crossings. There is an opportunity to do a different plan in the area that would eliminate the at-grade crossing at Fletcher Broome. You wouldn't have it anymore. That's the goal here. These were the original improvements that were part of the original plan. You see you've got the turn lanes in Phase 2 and Phase 3, the left turns at Fletcher Broome, the railroad preemption and the traffic signal. I thought this was a really interesting comment when we were talking to NCDOT recently. They mentioned the phrase "flexibility and design." The initial recommendation were those things on that diagram, but that's an initial recommendation. As everyone investigated further, they came up with a better idea. All-way stop is a perfect example of that. It reduces queuing and moves traffic on a side street faster than a traffic light. That is my way to work every day. I drive down New Town Road, I make a right on Fletcher Broome and then I turn left onto NC-75. I do that because I'm terrified of the left hand turn from New Town onto NC-75. I used to just take the roundabout at Rocky River until they put the four-way stop there. It's there today. It showed up magically two months ago. It was great. This week, there were zero cars there on Monday, zero cars there on Tuesday and there was one car there today. If you put a traffic light there, then you would have the problem of folks waiting for the traffic light on Fletcher Broome when an all-way stop will move traffic a little faster. One of the things about the all-way stop is it reduces or eliminates the need for railroad preemption. Railroad preemption is tied to traffic signals and eliminates the need for those turn lanes because it is a four-way stop. So when we are talking about the larger project, and I'll show you a picture of the theory right now, is essentially the modification of New Town would be to either extend it all the way to MLK or redesign it's inner section with NC-75 so you don't have that really sharp angle anymore that you can't see. What that would do is eliminate the at-grade crossing on Fletcher Broome and possibly modify or eliminate the one on New Town, you know, how it crosses again where New Town curves back into NC-75. So from those discussions, we now have a developer agreement, ninety-eight percent of the way in place, where the developer would contribute \$442,000 in DOT towards that project which is not a small sum of money. Stephen Bennett continued. This is the four-way stop that is out there today. You can see the dash lines that are highlighting the two various plans and this is why we've got a representative from NCDOT here

who can talk a little bit. I'm not a traffic engineer. He can talk quite a bit more about the theory, what would work better as well as potential time lines for you. That was shared with us earlier this week and is the reimagining of that intersection at New Town Road. You see you get rid of that sharp, sharp angle that you can't see. We will let him talk about that proposed timeline. Really, why we are here, to boil it down into three bullet points, is the original plan had various traffic improvements that DOT wanted. Now that we are there and ready to move we have figured out different things that DOT wants. So, in order to move forward, at least from Kyle and the developer's perspective, we have to modify those conditions from the original plans. That is why we are here.

Archie Morgan said Stephen, so it's the traffic signal that makes the railroad preemption...

Stephen Bennett said yes sir. It works in tandem with the traffic signal.

Archie Morgan said the four-way stop does not?

Stephen Bennett said correct.

Archie Morgan said what about a roundabout?

Margaret Desio said we all said that.

Stephen Bennett said they requested that the memo study a four-way stop. I hear you about a roundabout. I don't know if there are right-of-way issues.

Jennifer Smith said we were there at 5:30pm at the four-way stop and it was already backed up. I can only imagine what it was like in the morning with those new subdivisions all popping up everywhere too.

Stephen Bennett said I don't know. I come through there at 8 o'clock in the morning and there is no one there.

Archie Morgan said a roundabout would keep traffic moving better than a four-way stop would.

Stephen Bennett said all I can tell you is NCDOT requested they do the memo for the all-way stop and the conclusion was that it was as good, if not better, than a traffic light. It's out there. We didn't ask to go put it. They did the memo and, a month later, it was there.

Richard Yercheck said Stephen, your client is amenable to working with DOT and doing whatever they want and it looks like they are going to pony up \$442,000. You all aren't pushing back against any of this? You are just trying to figure it out?

Stephen Bennett said yes, there is a contract. If this is approved, they will write the check the next day. They are ready to give NCDOT the money.

Richard Yercheck said where are you, since this has been around for a while, in the permitting process?

Stephen Bennett said this is the only impediment to them moving dirt.

Archie Morgan said so it is fully permitted?

Maryann Rasberry said it has been approved. It's already on the docket.

Stephen Bennett said yes, ma'am. It was approved two years ago.

Maryann Rasberry said so if it weren't from this change from stoplight to four-way stop, you would already have your permits and be out there digging in the dirt?

Stephen Bennett said yes, building houses. Any questions from me?

Maryann Rasberry said I'd like to hear from DOT.

Chair asked are there any more questions for Mr. Bennett? Does anyone want to speak directly with the developer? Would the NCDOT representative please step forward? Give your name and business address for the record, please.

Brett Canipe said I'm with the North Carolina Department of Transportation. I'm the Division 10 Engineer which includes this area. Our division office is in Albemarle and the address is 716 West Main Street.

Chair said you, sir, is our expert on traffic. Probably the best expert on traffic that we've had ever to come before us. We rely very heavily on your opinion in these matters. Can you explain, from an NCDOT perspective, how this went from functionally a contractual organization between The City of Monroe and the developer to a changed request that is originated with NCDOT?

Brett Canipe said sure. So we work hand-in-hand with municipalities like The City of Monroe. We issue access permits for a new development whether it's commercial or residential in nature. We work usually with a traffic engineering firm that the developer typically hires. We identify traffic mitigations like turn lanes, sometimes signals, and sometimes all-way stops. In this case, as it turned out, we often have a lot of things going on in different hops at one time and so the only stop was already in our safety program. We have been implementing all-way stops really across the state. You all have probably driven through a lot of them recently. There can sometimes be long lines of cars that come out of them compared to what folks are used to, before the stop, particularly when there was no signal there. Over the past few years, they have been installed in a lot of other places so we are doing the same thing. The safety benefits are very well documented. That is how we are actually able to fund those projects is through our safety program. So that project was already in the hopper the same time this was going on. Sometimes things like that happen, where you have one improvement option and a developer may be nearby about to make some other improvements. In this case, we went ahead and put the all-way stop in because it was already a funded project and the development project was still in flux. So then, with this particular case, the traffic impact analysis recommended a signal and the railroad preemption which could be a very significant cost.

Brett Canipe continued saying we oftentimes work with our Rail Division on projects to remove at-grade crossings. That is done through rail safety funds. In this case, we felt like it might be appropriate to explore that alternative so we did. We contacted Rail Division and thought could this be a better alternative to eliminate the crossing at Fletcher Broome because it is very close. Even with the signal preemption, it is still very close. We do this at other locations, such as in Waxhaw. There is a safety project that is in Wingate, going on right now, where we have had the ability to tap into those rail safety funds and close one crossing at least. That is the minimum requirement to access the funds and improve another crossing. That is what we are proposing here. It's true that the project is not completely funded yet. That is because we haven't completed the process of the engineering analysis that will be necessary to determine the ultimate cost. From a cost opinion standpoint, we believe it's very probable that it can be funded so we would like to pursue that alternative project simply from a safety perspective. It is a better alternative than any at-grade crossing. Any time you can reduce the crossings, statistically, you are going to improve safety. That was our interest in trying to come up with an alternative plan. We often make recommendations in these traffic analysis. We do have the flexibility to change those, probably a little easier than a municipal government, because you have the Board structure, whereas in our case, we typically handle it in our district engineer's office.

Archie Morgan said I have a question. NCDOT thinks this is a safer alternative, so why are we charging developers \$442,000 for a future project when this is a safer project to begin with?

Brett Canipe said this project could come about without the developer. It wasn't necessarily on our radar, but it certainly became a point of interest. Are we charging them? You could look at it like that.

Archie Morgan said someone has to write a check for \$442,000.

Brett Canipe said sure. It is not a requirement of NCDOT that that happened, but the project may or may not happen without that. We don't know yet. We have to wait and complete the engineering process to see how much it will cost to build it, such as what are the right-of-way implications and utility implications. If the signal and preemption were installed and we tried to pursue this project, that would be a waste of someone's funds. So you could look at it and, the other side of that coin, we are saving folks from investing in infrastructure that may not have that long of a life span if this project were to move forward anyway.

Maryann Rasberry asked was this decision made in a brainstorming kind-of discussion whereas "if we do this" or "if we do that?" Did the developer offer to provide that funding since he was already committed to it?

Brett Canipe said I think it was just what you said, a brainstorming session. I can tell you, I've been involved with a number of projects very similar to this. We've got projects in Charlotte. A couple of them I can identify right now. Over the years, we've done this. We've seen it. An opportunity came up. A developer had proposed improvements and so it was an opportunity, the way we looked at it so it did come out of a brainstorming session.

Maryann Rasberry asked how confident are you that this extension of New Town Road will happen?

Brett Canipe said it will be very difficult for me to give you some percentage of level of confidence, but I am fairly confident that this could happen. This is something that is not unusual for the Rail Division to pursue a project like this. Our local Highway Division work with them, hand-in-hand, to develop these projects. At my first glance, at the scope, we've got two alternatives we are still considering. I think the more likely alternative is the realignment of the New Town crossing itself. I think that would be the less expensive alternative so I think that is probably where it would land. We would want to go through a public involvement process and we are going to need to coordinate with local government on that. We will need to cost all that out before we can give that final answer, yes or no, on whether it can be a funded project. Right now, I think it is very probable that it could go forward.

Maryann Rasberry said and safer.

Brett Canipe said yes. Any time you close one crossing, it is most certainly safer.

Pamela Duda said when you look at the program and this project, how far out do you expand your site pattern? The reason I'm asking that is because Monroe is growing at a rapid rate. Obviously the railroad is going through a large part of our town, so how far in the scope do you go out to anticipate that flow? Based on timing, there might some other developments that are popping up and then, it might seem like a bad decision and think we probably should have done this instead. I'm just trying to understand how far out you look in the scope to determine this kind of thing?

Brett Canipe said our project would ultimately conduct its own traffic analysis. We are going to take the background traffic through approved development, whatever zoning information is available, and all that factors in. We project our traffic volumes and then we would model that traffic activity to determine the ultimate design. Anytime we build a project, we want to project out into the future traffic volumes and make sure we have some kind of reasonable service life, somewhere between twenty to thirty years.

Richard Yercheck said here is where I have some issues. We've got a project that came through Planning and we thought it was a good project. They made changes and did everything they were supposed to do for us. They made it to City Council and they went through all the hoops and expense to get to City Council. He gets fully permitted and he's ready to make all the changes he needs to make to move forward with his project. Now, the government is coming in and saying we would like to do something different. We would like you to pay us \$442,000 so we can do something different, in addition to what you were going to do. We are going to ask you to stop what you're doing because now the City is distressed over whether this is going to get funded or not from the State level. So I have a citizen who is trying to impact future citizens of the City of Monroe, such as future taxpayers and future residents, and improve the quality of life. This is a very nice project in a very nice area. What I see is government coming in and putting more and more roadblocks. We keep moving the goal post on this guy and it's not fair. The City got wishy-washy because you came in and you want to make changes to the project. Sitting up here, I get it. We want to make the railroad as safe as we possibly can if we can divert people around it. From a standpoint of being a Planning Board Member and trying to represent the people he is going to build houses for, I'm not happy at all.

Kyle Dipretoro stood and stated his name and address at 1314 Mockingbird Lane, Charlotte, NC 28209. I appreciate the question greatly. We did raise this in the first place where we did come to them and say, "Are these still appropriate?" There are some real challenges, with this rail extension, the wire line

agreement and twelve months for permitting and all these different things, and was it really the best use of our time, our resources and their time, frankly. So that is when we started to come together as a larger group and say, "Can we come up with something better?" This is really us coming forward and saying we brought it to the table from that standpoint so, as far as Brett is concerned, I do want to defend him. He did everything to be fair to us in thinking what options and alternatives we could have so I do appreciate everything he has done for us.

Margaret Desio said I have one question for DOT. First of all, I was surprised at the distance that this Fletcher Broome intersection is from this project. Before I went out and looked at it, I felt like it was right across the street, but it is a good ways down the road. Answer the big question, why not a roundabout?

Brett Canipe said a roundabout there may work. I wouldn't sit here and tell you that it could not work. Funding that would become the bigger challenge. Related to the previous comments, anytime you coordinate with a railroad, since they sort of live in their own planet, and it is their right-of-way and they really live by that. It is difficult to coordinate any project in the railroad right-of-way which is why I'm very grateful that NCDOT has a Rail Division that has those in-line connections. Funding it would be probably the biggest challenge. If it weren't from a traffic standpoint, if we could get through the railroad coordination, we still might have some concerns about cueing traffic back up on the railroad tracks even on a roundabout scenario. The all-way stop, actually, would perform very similarly as a roundabout and probably have a better protection of the railroad crossing itself. Not that it couldn't work, but I just think it would have its challenges.

Maryann Rasberry said would it have enough right-of-way to put a roundabout in? It looks like an awfully small area.

Jennifer Smith and Margaret Desio both said and close to the tracks.

Brett Canipe said the roundabout I'm presuming is about Fletcher Broome and NC-75, right? So, with that limited space between NC-75 and the railroad itself, that is really the issue that we've got that we want to make a better solution for. The cost would certainly... and having access to the funds.

Jennifer Smith said would the builder have to pay for that if you put a roundabout in?

Brett Canipe said I think it would be a pretty heavy lift. If you are referring to the developer. To offset that cost, I wouldn't want to speculate, but I think it would be expensive.

Archie Morgan said I still can't wrap my head around the \$442,000.

Brett Canipe well they couldn't build it for that.

Archie Morgan said if NCDOT wants to make improvements here, and already has with the four-way stop, it just seems to me we are penalizing the developer for what? Where does this money go? Is it a future, pie-in-the-sky project down the road somewhere?

Kyle Dipretoro stood and said I think what it boils down to is that we had committed to these original improvements and certainly didn't know the cost and complexity and all these different things that go through it, but when it comes down to it, they have been flexible for us to be able to say, "Well, can we come to an agreement on a value that works where you can allocate these funds for something that is substantially greater. That was something they felt that they can do. We agreed to certain improvements and we have to pay for them. It is not penalizing us because we have to pay something. For us, if we can allocate those resources and put it towards something that is a greater project, a better overall benefit for the community, then we are happy to do that.

Archie Morgan said but we don't know what that is.

Brett Canipe said you're right. We can't sit here today and say exactly when and what the project is. I've worked on enough of these to tell you this is a viable project. I think it could come to fruition. The reason is because of the access to the rail safety funds. It's really a benefit. That's the way we view it so that's why we would pursue this type of project.

Richard Yercheck said Brett, I hope you can understand where we're coming from. We've made a contract with Kyle and his company, in that, he's been through all the hoops that we've asked him to go through. He has made it through and, right now to us, he is at the finish line. All of a sudden, you all are back and we're trying to figure out where the penalty flag got dropped and why we are backing up here.

Brett Canipe said I would like to make a comment related to that. I think anybody that works in the railroad right-of-way is going to have to endure coordinating with that organization. So if any developer goes to do work in a railroad right-of-way, it is even more difficult then when NCDOT does it. So I don't think it is a foregone conclusion that any developer could go enter the agreement with the railroad, have their plans reviewed at a high cost that's part of working with the railroad, and actually get this done in a quick timeline. I don't view it as us sticking a wrench in the spokes, if you will, but us working together with the developer to find a better solution.

Richard Yercheck said well, I think Kyle has made that evident to us so that part is good. When I first started reading this, I was getting frustrated with the fact that here comes big government to squash them. Thank you,

Maryann Raspberry said the issue for me is that they have a project and it was approved by the Planning Board and the City Council. They have been building. Everything is fine. They come to get their permits and all of a sudden they are told, "You can't have your permits because you didn't put in a red light and whatever that thing is that makes the arms go up and down." So why are we holding them up. It sounds like a good one that works for both DOT and the developer so I don't see what the problem is. They are already on the docket. It's not as if they are coming to us and saying we are going to build some more houses in Monroe. I'm with you. It seems like a win-win to me.

Brett Canipe said I think it can be.

Chair said Keri, can you correct me if I'm wrong, but I think that the bottom line here is that we have to modify the contract that we have between us and the developer before it can go down this road. Otherwise, the developer is still on the hook for putting in the improvements that can be bulldozed away

if they eliminate this at-grade railroad crossing. They are going to go ahead with the project and that turn light switch and everything goes in the waste bin. I think the developer's point-of-view is he would rather have the money go to good use then to be wasted and bulldozed a couple years down the road. We need to modify that contract and Kyle before he can move forward.

Archie Morgan asked Keri, why is Planning staff recommending denial?

Keri Mendler said Planning staff recommends denial because there are too many questions. Is it happening? Is it not happening? We don't know. It's not fully funded. Do we think what they're talking about makes a lot of sense and would be reasonable and be a good improvement for the area? Yes, but it is not fully funded or fully studied. It just came out of conversations because the other intersection and developer wanted to look at other alternatives for his project.

Maryann Rasberry said if they had gone to DOT now, instead of in 2022, then the contract would already say four-way stop.

Keri Mendler said the four-way stop has been funded for several years. It is a little bit of a coincidence that it's all happening right now as its being developed, but my understanding is that it has been funded for several years. It wasn't related to this project.

Maryann Rasberry said so DOT required them to put in a stoplight where they knew they were going to put in an all-way stop?

Keri Mendler said I can't answer that. I just know that from staff's perspective it's probably a good idea and a good plan for the area. There are too many unknowns for us to get on board with it at this time.

Maryann Rasberry said I don't know that it is such an unknown that it will stop us from amending the contract to say that they can get their permits.

Keri Mendler said I will say this. As of right now, like Kyle pointed out, they are going through the permit process. As it is currently approved, they can record up to the first twenty-five lots before they actually install these improvement that are required currently. That is what currently written on the plans.

Maryann Rasberry said twenty-five lots are not very many.

Keri Mendler said that's typically the requirement when you have a project that's either up to fifty lots or up to fifty percent before you have to do the improvements so that there is not too much traffic. That is our teeth and DOT's teeth and a plan to make sure the developer actually puts in the improvements.

Maryann Rasberry said you can't count the houses already built?

Keri Mendler said I'm not sure I understand your question. Phase 1 is already under development and houses are being built. These improvements are totally separate of Phase 1.

Chair said when Phase 1 was approved, these requirements weren't placed on Phase 1 as it stood alone. Phase 2 and 3 got added to it. It went from a five-hundred unit project to a seven hundred and fourteen unit project. They've all three passed.

Archie Morgan said it just seems like the developer has done everything that we asked them to do. Now, because DOT has stepped in and changed things, the City doesn't like it.

Keri Mendler said that is for Planning Board's discussion. From Planning staff's perspective, there are too many unknowns for us. If Planning Board and City Council think there are no unknowns and you feel comfortable with it, by all means, that is the Board's discretion and City Council's discretion. We are just Planning staff with a recommendation just like Planning Board is a recommendation body.

Chair said staff have to work on certainties. They've got to have something in black and white to base their recommendation on and they are saying they don't have that. Is there anyone else present who came to speak in favor of amending these projects that would like to speak now? Is there anyone in the audience who came to speak in opposition of approval of the changes?

Keri Mendler said you will have to do separate motions for Phase 2 and then Phase 3. If you are headed down the path of a recommendation for approval, if you will just let us know if that is with or without Engineering Department recommendation that the agreement be received prior to the recording of the twenty-five lots. Basically, (you are) making sure the agreement is in place before they start recording and building, which I think they are probably going to be doing anyway. We did recommend denial so just let us know in your motion and, if you are recommending approval, give us some information so we can work that up to a resolution

Motion: Richard Yercheck made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance and authorization for staff to draft the resolution based on the reasons provided and authorization for the Chair to sign at a later date. This would be with the Engineering Department's recommendations added and twenty-five units being at the point at which they have to go for permitting. An addendum to my motion is this is Phase 2.

Second: Maryann Rasberry

Action: The motion passed unanimously with the following votes:

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

NAYS: Pamela Duda

Motion: Richard Yercheck made a motion to recommend adoption of the Ordinance amending Section 157.1.2.1- Official Zoning Map also for Phase 2.

Second: Jennifer Smith

Action: The motion passed unanimously with the following votes:

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

NAYS: Pamela Duda

Motion: Richard Yercheck made a motion regarding Phase 3. I make a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance and authorization for staff to draft a resolution based on the reasons provided and authorization for the Chair to sign at a later date. This would also include Engineering Department's recommendations.

Second: Margaret Desio

Action: The motion passed unanimously with the following votes:

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

NAYS: Pamela Duda

Motion: Richard Yercheck made a motion regarding Phase 3 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, Richard Yercheck, Archie Morgan and Maryann Rasberry

NAYS: Pamela Duda

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".

Patrick Blaszyk, Planner 1, approached the podium and introduced himself. He said I am here to present a rezoning request for property located along East Roosevelt Blvd. The subject property can be seen here outlined and highlighted in blue. The applicant is requesting to rezone the property from its current zoning designation from CD "Camp Sutton Nursery 2" to CD "Camp Sutton Nursery 3". Now to give you all a little bit of background on this parcel.

On December 13, 2021, City Council approved a rezoning from General Industrial to CD "Camp Sutton Nursery." 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. On September 12, 2023, City Council approved a rezoning from CD "Camp Sutton Nursery" to CD "Camp Sutton Nursery 2." 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 East Roosevelt Blvd. Now for the rezoning request for today, the applicant has requested an amendment from 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.

Moving onto the zoning map here, again, the subject property can be seen here highlighted in blue. The subject property is zoned CD for Conditional District "Camp Sutton Nursery 2." Parcels to the north are zoned GI for "General Industrial" and GB for "General Business." Parcels to the east are zoned GI and

“Conditional District.” Parcels to south are zoned RMD for “Residential Medium Density” and parcels to the west are zoned CD “Metro Medical.”

Moving on here to the 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 principal buildings and the street fronting the lot. The applicant is also requesting to install an archway entrance sign into the Camp Sutton Nursery.

The six archery stations can be seen here on the site. There are two here on the western side of the site and there is one along the southeast corner of the site which are in front of those principal buildings. Then there are three along the back there, two on either side of the greenhouses and another one on the northwest corner of the site. According to Outdoor Recreation section 7.2.6.K.4.b of the Unified Development Ordinance (UDO), “No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.” In this case, that is Highway 74. The applicant is seeking to deviate from this ordinance requirement for these three different Outdoor Recreation archery stations. I’ll go back through again with pictures in my presentation here of the proposed archery locations that were on site earlier. Starting off, if you will, number 1 is starting off with the left side of the property and moving my way eastward. Location 1 is located on the west side of the property closer to Highway 74. Location 2 is further north than that. As it can be seen, there is some topography on the site with a drop-off where this greenery is. Their location, also on the west side of the site in that northwest corner. Then the location to the west of the greenhouses. Here is the location to the east of the greenhouses and now on the southeast corner of the site with Highway 74 being on this side of the property.

Now for that archway entrance sign, the location of that sign can be seen here at the bottom of the screen. It has the lighter gray text with that. Here in attachment 4, this is a document submitted by the applicant. It shows the proposed sign with the proposed height of approximately 16-feet in height and around 30-feet in width. Archway signs are not permitted in the City of Monroe Unified Development Ordinance. I also have another picture as a part of that sign has already been constructed here at the driveway which can be seen here from my site visit earlier.

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, The Manufacturing, Logistics, and Aerospace designation includes the city’s existing base of industrial centers. The subject property is outlined here in blue. The majority of that parcel falls into the industrial land use character area and the western part of that falls under the medical campus. Parcels to the north and east fall under the industrial character areas. Parcels to the south fall under that suburban and all the parcels to the west here fall under that medical campus designation. 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 the approval of the rezoning request for the following condition. That the applicant will complete the conditions of the previous rezoning request as approved to include the landscaping along Highway 74. This includes my presentation at this time. The applicant is also here as well if you have any questions for him. I believe he also has a presentation.

Jennifer Smith asked what type of material is the sign?

Patrick Blaszyk said so the posts here appear to be trees or logs. I cannot speak for what the actual arch part is. I assume metal, but that would be a good question for the applicant.

Archie Morgan said did you say that signs are not allowed under the UDO?

Patrick Blaszyk said the archway sign they are proposing is not allowed, is not found in the ordinance.

Archie Morgan said no signage?

Patrick Blaszyk said no, this specific type of sign, like an arch entrance sign.

Richard Yercheck said so it's not that it's not allowed. It's just not in there. So if we like it, we can approve it because it's not there.

Patrick Blaszyk said yes. Would you like to come up and say something?

Tom Crouch introduced himself and said I am here representing the Camp Sutton Nursery. My address is 231 Post Office Drive, Suite B-8 in Indian Trail, North Carolina. Patrick did a great job of outlining what we want to do. I just want to give you a few more facts and details about specifically what we want to do. As you know, we brought this to you all about two years ago. We've been operating the nursery for about a year now and we just feel like we could do more with the land. In the rezoning package you saw, it is thirty-two acres which is a big parcel. A lot of the land is in the flood plain so it is not really usable to build anything. We felt like we wanted to find a use that would be really cool and unique. That's how we came up with archery. As you can see here, on this layout, we have eighteen targets like a golf course with eighteen holes. The targets will be mix of 3-D animal targets and normal box targets. Here are a couple of photos for you of our 3-D targets. The whole idea is that you will be able to come and sight your bow in and shoot at turkeys, hogs, deer or whatever three targets we have at that particular stand. So you can practice sighting your bow and practice different angles whether shooting down or shooting across or shooting through the trees. Also, we want to have box targets so a competition-style, like skeet shooting or sporting clays. You would come in with a group of people and have point systems set up and you can shoot through the targets. Again, we have eighteen stands and eighteen targets so you can take a short walk through there and have a unique experience.

The second part of the rezoning is the request for the sign. As the Planning Board Member and staff pointed out, there is no designation in the UDO for this type of sign. The UDO has two types of sign in there that you can choose from. We wanted this to be a really unique place so we actually found old cedar trees on the property when we cleared it and used those cedar trees for the posts. We didn't think it would be an issue until we started applying for the permit for the sign and we found out the UDO doesn't allow this type of sign because it is not listed. It is not not allowed, it is just not listed. So we came up with this rezone to show this. The top section will be rusted metal. We actually had it C & C machined and they cut out the letters so it's a 3-D picture of the letters coming through. Then, we will have old ropes that tie around the connection points so you won't be able to see them. It will be a really cool old-style sign. The way we came up with this is actually Monroe has this type of sign already built. It is just not the UDO, but this is City property so they were able to build it. We love that look. That is how we came up our design for the sign. I'm happy to answer any questions you might have.

Archie Morgan said I'm sure there are safety standards with archery. Someone sets the bar with that and all that will be done?

Tom Crouch said absolutely. We will have a consultant come in that knows exactly how to set the targets up, the distances and safe distances between targets.

Maryann Rasberry said go back to your map and show us where the arch will be.

Tom Crouch said right here, when you turn off of 74 and turn up the driveway, this little gray line is actually where it will be. It is right outside the site triangles and right where my mouse is.

Pamela Duda said Tom, I love the nursery by the way. I really enjoy it. I've been there and bought stuff. It's a beautiful piece of property. With the archery, I guess I'm looking for the vision. I know you guys do cool things. To Archie's question, my concern, first when I was hearing about the archery, is the safety and backdrop since you are right off of 74. With the way the arrows go, I'm curious because not everybody is a good shot. How are you going to encompass that to keep it?

Tom Crouch said so I'm going to go back to Patrick's slide. He had some great pictures. This is a good picture. If you walk ten more feet into the picture, you would be looking down. It is a pretty substantial drop-off probably angled down for fifteen feet. Most of the shots that would be taken would be angled down so you wouldn't have anyone wildly spraying. Then we would also build dirt berms that you would shoot into if you miss.

Pamela Duda said is this going to be for the public, private, educational or enjoyment? I'm just trying to understand where you are going with it.

Tom Crouch said our vision for it is to be for the public, more specifically, as a leisurely, pleasurable event. We have thrown around the notion of doing a contest there with the box targets and all, but the main vision, especially in the beginning, is to have 3-D targets where people can come and sight their bows in and have a fun time doing it.

Pamela Duda asked is there going to be a fee for renting those spots?

Richard Yercheck said so while my wife is shopping for plants, I can go shoot my bow? I like it.

Margaret Desio said Tom, do we have any instructors if someone wants to learn how to shoot?

Tom Crouch said so we have been in conversations with... I don't have his name right now, but I can get it for you.

Scott Hunsucker said we have got a professional that we are talking to about coming to work with us and he would manage all the safety aspect as well.

Maryann Rasberry asked will you also have merchandise for sale? Arrows and things that they might need or break?

Tom Crouch said yes, ma'am. Part of the business of the professional we would hire, he actually does most of the bows for people in Union County and makes them and works on them so he would have some of his supplies there.

Pamela Duda said are you going to reach out to the schools? I know the NRA offers shooting for the kids to learn safety on how to handle a rifle. I'm just curious how far you are going with this?

Tom Crouch said we had not planned to do that, but that is a good idea. We wouldn't have anything with rifles or guns.

Chair said well, if you shoot high enough over the hill, then you will go into the Monroe police firing range and I'm sure they'll come visit you. Since you provided some comments, just give your name and address so the secretary can get it in the record.

Scott Hunsucker gave his name and he is with The Moser Group, Post Office Drive in Indian Trail.

Chair said thank you. We want to keep our records straight. I do have one question. Go back to your site plan again. The only concern that pops in my mind, as a bow hunter and teaching kids how to shoot bow and arrow, is are the left and right target ranges that run parallel with 74. What are you going to do to mitigate a young man who happens to stumble and it goes onto the roadway.

Tom Crouch said our thought would be to have these targets be the closer ones so you have a closer shot. We also would build an L-shaped berm on those to prevent people from shooting to the right or left.

Scott Hunsucker said also the angle that we are talking about is not parallel with 74. It would be more towards the woods.

Jennifer Smith said you did say you would have instructors or people that were present so if it were young teenagers then they wouldn't shoot each other or shoot at cars.

Tom Crouch said we will have a professional there that will be able to instruct folks and there will be wavers and there will probably be training classes. It is similar to how you would at a skeet shooting place that makes sure you have that safety training before you are allowed to go by yourself.

Pamela Duda said this is probably none of my business, but I'm going to ask it anyway. What kind of insurance do you have to have for something like this? Do you have something that can cover you? I'm just looking on your behalf because you know there is always that one person.

Tom Crouch said yes, ma'am. We are in the process of talking with an insurance company now about this. We are looping this in and we are actually trying to open a skeet shooting range further out. We are grouping these together.

Chair said well, this is the third time for your project here and I noticed the staff mentioned some things that we did in the first modification that haven't been completed yet. Are you going to get those completed before you move into phase 3 improvements?

Tom Crouch said yes, sir. The only thing we have remaining is the landscaping. We have been in contact with Keri as well. We changed the plants to have a little more variety and have a little more unique look. This was partially because we felt like we were going to build this pull-through sign and gazebo sign and they were all going to mesh together and then we halted when we didn't know if we could do that sign or not. We wanted everything to look harmonious and have plants that mirrored and were in harmony with our sign. That is why we paused, but as soon as we have the direction we are going, that will be installed.

Archie Morgan said Mr. Chairman, can I make a comment? It has nothing to do with the archery, but it does have to do with Camp Sutton Nursery. I understand the UDO requires sidewalks and we want sidewalks and we want wider sidewalks and all that. There is no reason for Camp Sutton Nursery to have had to put that sidewalk put in. You've got to walk a quarter mile from Hilltop Restaurant to get to the sidewalk. No one is going to walk to Camp Sutton Nursery from Hilltop, but yet it was a requirement in the UDO for them to have one. As we look at the UDO for things we might want to change, I think it is pragmatic to say this requires a sidewalk. This one is going to look new for years. There is no one who is ever going to use that sidewalk. We've all been down 74. No one is going to walk there.

Chair said the last modification that they got eliminated the sidewalk requirement, but that is something that we should look at. I know there is some partnership with the state on better ways for the public to move about without burning fuel so that is certainly something we can look at.

Jennifer Smith said I love your sign. I think it is beautiful. I think you need an old truck sitting there from the 1800's with the same color of the sign.

Tom Crouch said we have an old dually from 1927 truck that we bring out for Christmas. It's all rusted out.

Chair said any more questions? Is there anyone else here tonight that wanted to speak in favor of this amendment? Is there anyone here who wanted to speak in objection?

Patrick Blaszyk said I just wanted to reiterate that Planning staff recommends approval of this rezoning request under the condition that the applicant will complete the conditions of the previous rezoning request including the landscape along Highway 74. I wanted to redirect that before you all made your decision.

Motion: Margaret Desio made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance and the applicant will complete conditions of the previous rezoning request as approved including the landscaping along Highway 74 as recommended by staff.

Second: Jennifer Smith

Action: The motion passed unanimously with the following votes:

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

NAYS: None

Motion: Margaret Desio made a 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.

Second: Jennifer Smith

Action: The motion passed unanimously with the following votes:

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

NAYS: None

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**

Chair said moving on the agenda to Item 8 which are discussions on possible text amendments to the Unified Development Ordinance. Staff is asking for clarification on density calculations, in that a Board Member mentioned the possibility and feasibility of adding flood plains into the density calculation exclusion, since that is non-buildable land. Also, there was a Board Member that made a request to look at reducing the number of lots that trigger the legislative process. It was further amended to our current stipulation in the UDO on lots be modified to include units because right now there is no limit as to the amount of apartment complexes that can be built within the UDO with requiring a legislative process. So if you think about lots, which means a house or apartments, they all generate the same strain on infrastructure. The legislative process, ie City Council, should be making decisions on whether or not to move forward on a project based on available infrastructure that they want to obligate to that. Right now, we have no number for that. So the original motion or suggestion was to just change the language so that lots and units would all be wrapped in together. Apartment complexes would fall into the same rule that we have now for individual homes.

Richard Yercheck said are we going to get a presentation from staff on this? We are moving forward and having discussions and that's fine. What is our goal this evening with these?

Chair said staff would like to know what presentations they need to work up to bring to us so that we can actually build a text amendment.

Richard Yercheck said Doug. Can you guys give us some pointers here on what it is that we are supposed to be doing to help you? This is all very nebulous, right? We went through this last month. We are back at it again. I got no emails and no info from staff saying, "Last month after we went through all this..." There was no feedback from anyone saying, "Gosh, would you guys really please get in here and help us to decide what we need to do." To me, this is all already in the UDO and we've already done that.

Doug Britt said it is left up to the Board to give staff direction. We received input about possible text amendments and some of those we have processed and some have gone to Council. What we left out was, as Mr. Deal says, right now when we calculate density, we do a little net density. We take out any type of easements, any type of string buffers and any type of right-of-way. That is how we calculate

density now. It is basically up to you all to give us direction to come back with a text amendment or amendments.

Richard Yercheck said how does the State calculate density? At the end of the day, that is where it all lands.

Doug Britt said it is not really a State thing. It is done by each jurisdiction the way they want to do it. They do it their own way. Typically, the places I've worked at has always been off gross acreage. We went to a net acreage. That's how we do it. They can create their own flavor however they want to calculate it.

Pamela Duda said Union County does it net density. They take out all those other pieces.

Doug Britt said yes, and some places are going to take out some of the things and some places might take out all of the things. It's how you want to build your ice cream sundae of what you want to include or exclude or not. That is basically for you all to give us direction to what you want us to see to come back at a later time with a text amendment to modify the density to take out flood plain or not take it out. Right now, we go full steam ahead with net density of taking out road right-of-ways, stream buffers and easements. That's how we calculate it right now.

Richard Yercheck said how long or how hard is it to calculate net density versus gross density?

Doug Britt said gross is pretty easy. What we require a developer to do when they submit a plan, if it's a single-family subdivision, we make them show the calculation and how much right-of-way they have since they are going to have six or ten roads within the subdivision. If it's got streams within the subdivision, we make them show the stream buffers. It is required to be 35-feet or 50-feet from top of bank so if it's 35-feet, you have a 70-foot swath, and if it's 50-feet, you have a 100-foot swath. Also, if there are easements going through the property, we make them calculate all that out and show us how much acre it is and minus that from the total and that is our net acreage. Then we calculate from there based on the units.

Pamela Duda said so the information is already there, it just depends on which way you want to add or subtract.

Archie Morgan asked Doug, do you want to see more things added to that list?

Doug Britt said it's not Doug. This is you all. Quite honestly, of my twenty-six years of doing this, I've always done off gross acreage. If you go to different places, they do it different ways. When Planning Board and Council wanted us to go to net acreage, we did that. That led to discussion to take out the flood plain, well, that will be up to Planning Board. If that is what you want to recommend us to do, we will draft a text amendment, bring it back to the next meeting and then you all can decide to move it on. It will then go to Council for Council to decide. It's not what staff wants to do, it is what you all want to do as a Body.

Maryann Rasberry said I'd like to see the flood plain come out.

Pamela Duda said I would too.

Chair said let me try to make this simple. Who can request a text amendment to the UDO?

Doug Britt said Planning Board, citizens, anybody.

Chair said when that is requested, you work it up and bring it to the Planning Board?

Doug Britt said correct, or a citizen can draft a text amendment as well.

Chair said so the items that we have on our agenda here are, in fact, items that Planning Board Members stated that they wanted.

Doug Britt said that is the list we received and you have had it on the agenda for the last couple of months to discuss and there has been no direction given to the staff of which you want to do first. It is my understanding that you all want to discuss it and then establish whether you all want staff to proceed with those amendments or not. That hasn't really been done for the last couple of months. It has been on there, but nothing has been discussed.

Chair said what we tried to do last month was to open discussions so that the Board Members that brought these issues up would have an opportunity for them to be discussed.

Richard Yercheck said so, in the future, if a Board Member brings us A, B or C, can we have their name attached to it so we can have discussions ahead of time with them, prior to the meetings, and figure out a little bit about what they are looking for? I still have heartburn with the fact that we are going line by line through the UDO and that is Doug's job. That is Keri's job. I run a financial planning firm. When they find issues or have issues, they bring them to us. If a Planning Board Member has some burning issue, absolutely, but every month going through the UDO line by line is not what we are supposed to do. We hired a consulting firm. We paid a million dollars or more to have professionals come and do this. So, again, I can calculate the density, whether it be gross or net, sitting right here. I don't have heartburn having it be net. It doesn't really matter to me one way or the other. What I don't like is us going through and taking time away from them and us doing their job when our job is oversight. Not their job. They are the professionals. We're not.

Chair said I disagree with you. It is our job. The UDO makes it our job.

Maryann Rasberry said a lot of these came from me as a result of what we were seeing coming to the Planning Board. I haven't read the UDO and don't have any intentions of reading it. I understand it is about that thick, but I don't feel like this is going through it line by line. I was the one who said we've got these subdivisions and they are coming in. They are saying it is only 1.9 houses per acre, but three-fourths of the land is in the flood plain.

Richard Yercheck said I get that. I understand that. You had some valid questions and we should be working on those and addressing those.

Maryann Raspberry said I think we should probably be meeting with staff to sit down and figure out what to bring.

Richard Yercheck said well, I got that and I still go back to we should have a meeting with City Council and find out what direction they want us to go in. Every month, Mr. Deal does a fine job crafting an email that he sent and replied back to Keri with here is what the next six months are going to look like. We are going to go line by line through the UDO. We have the ability, if we see a problem in the UDO, to go and address it and look at it. We've always had that authority and that ability, but to Mr. Deal's plan, when Mr. Dotson was on Planning, was to consistently, every month, on things that were of interest to them. It's not of interest to me. I'm not interested until staff says we've got a problem here. If they come to us and we've got a problem then I want to address that. I'd like to know if Mr. Deal... If City Council comes back and tells me that we need to do "Item 8" at every meeting, I'll gladly sit here and do "Item 8" at every meeting. Right now, this is something that has become personal for you. It's not personal for me. I'm not arguing that we have some authority to go drive through this, but I don't think it is the highest and best use of our time and it's certainly not the highest and best use of staff's time. Us doing this, causes them to stop what they are doing, which is the work of the City, and what the City Manager is asking them to do. They are being re-tasked to come in and prep for us and I don't think that's fair.

Pamela Duda said so we had a consultant come in and do our UDO who has no investment in Monroe and have connected to a developer. It starts to get unrolled. We start to see these developments come through and they don't make sense for what Monroe needs. So, as a citizen and now as a Planning Board Member, yes, it is our job to start going and looking and seeing what parts of that UDO does not make sense for this City. Density is huge right now. Infrastructure is huge right now. So yes, we are addressing the ones that we are pushing back on because we don't want crap being built in Monroe. So density is one of them. We need to clean up what the apartments are doing because they are going crazy. Oh, by the way, you are all complaining about all the sizes of these houses and how far apart they are. Guess what, that is on the line. You don't see twenty pages here. You see three items. As a citizen, I've worked really hard, and, yes, it's been personal for me, to clean this up because I live in this City. I believe in this City and I want to retire in this City. I don't know where you live, but obviously this doesn't matter to you. It matters to me and it matters to the rest of us. That why these are on here. We are working with the staff. We are and have been to make sure we itemize these and say these are the ones that are important to make text amendments. Otherwise, that consultant that came from Charlotte, they don't care about us. We had the DOT in front of us. They don't really care about us. So, the Planning Board, the UDO, the TRC and the Council are the only way we can keep controlled growth. Thank you, Richard.

Richard Yercheck said so I live in the City, right off of Secrest Shortcut and don't live in the ETJ. I've been here for over thirty years. I picked it special.

Chair said sir, you are one of seven members. I would like some of the others to have an opportunity to speak. While we are at it, Archie, I've got your sidewalk thing to look at on here as well. There is no recommendation from a Planning Board Member that should go ignored and unexamined. That is what they are here for. That's what the UDO says they are here for. You've made it obvious, sir, that you do not want to work on any of this. You've been an obstruction since day one. You kept the UDO discussions off the agenda forever. This Board voted to put them on, yet they still didn't manage to get on there until City Council made the decision to remove you from Chair. You are no longer in Chair.

UDO discussions are on the agenda. You forced the vote last month trying to have it removed. That vote failed. People on this Board want to roll up our sleeves and do the work. I have not asked anybody that didn't want to put in the sweat to get involved. I've made sure the people I've talked to are Board Members. I've made sure I've never violated quorum rules which keeps it to small groups and very tight schedules as we are all volunteers. If you don't wish to be involved, that is your choice. You still hold a seat and you can vote. You are one vote. If any other member here finds something wrong with the UDO as we are reviewing a project, and they bring it up, it deserves research. It's our responsibility to the City and to the citizens that pay the taxes in the City. The citizens want legislative oversight. That is our elected officials. We only make recommendations. When a text amendment does come before us, if it gets voted down, then City Council gets the say so. They are speaking for some of these changes from City Council because we are moving too slow. We keep getting derailed. We don't need to get derailed.

Richard Yercheck said if I get some direction from...

Chair said I've spoken with three City Council Members so far. All three of them have said we are too busy, our legislative time is important and we don't need to have a meeting that has no substance beyond go back and follow the UDO and do your job. They are not interested in having a joint meeting if we have nothing substantive to talk to them about.

Richard Yercheck said well, I go back to we are taking up staff time doing stuff that should be their responsibility as the need comes up. Historically, when someone from Planning found something that they had questions or concerns about, they might share it with other Planning Board Members, but we gave it to the City Manager and Director of Planning. They got together and started doing some research and got back to us. I go back to I think this has personal agendas behind it. It is more heartache and heartburn for staff then what they are telling us.

Chair said well, as you have said to me in the past, your opinions are noted. We are moving on.

Maryann Rasberry said let me say something. I've been on this Planning Board since the mid to late 90's and I was off last year. It's the only time I've been off. In all those years, I have never sat at a Planning Board meeting where there was this much dissention and this much hostility. It really breaks my heart that we are sitting here talking to each other in this manner. I would like for us to decide what we want to do and let's do it, but let's see if we can do it in a pleasant way so we are not arguing with each other. That is not what we are here for. We are not here for personal gain. We are not here to win the points. We are here to try to help the City grow in a positive direction. So, please, if you have an angst, call the person you have the angst with and talk it out. Don't bring it here. It really is sad for me to hear this kind of thing going on at Planning Board. I am happy to meet with staff at any time and sit down. I think A, B and C were probably mine so I'm happy to sit down with them so they can explain to me what the laws are and how far we can go and how far we can't go. Doug, I'll make an appointment. Thank you for listening.

Keri Mendler said the UDO discussion was put on the agenda at a vote by Council. As far as meeting with staff, of course we are happy to meet with you, but you have staff here. You have the whole Commission here. That's part of the agenda is the UDO discussion where you have everybody here. We all know it's Wednesday, the first Wednesday of the month at 6pm. We have these items that were presented at the last meeting so if there is discussion for the Board, and you want to talk about it, we are

happy to take your consideration. If you want to vote, as a Board, to what you want to recommend to staff, that's why we are here. Staff has also spent a number of years on the UDO so, at this point, it is you guys. If you want to make recommendations, you have to tell us, but it needs to be as a consensus as a Planning Board.

Maryann Rasberry said I don't think we can make recommendations tonight because what I'm hearing is a discussion about whether or not to even do this. Whether or not it should even be on the agenda.

Richard Yercheck said Maryann, if you wanted to make a motion to change density calculations to net from gross, I don't think anybody up here would argue with that.

Chair said that has already been done.

Keri Mendler said yes, we just need to know if you want to include flood plain.

Pamela Duda said we just need to add flood plain. You either want it or you don't.

Doug Britt said you can tell us also if you want us to bring the text amendment for that next month. What's going to happen, when we do a text amendment, it will be on the agenda and then you will introduce it and then talk about it. It's not like you are voting on it tonight.

Motion: **Pamela Duda made a motion to add flood plains to the density calculation as an exclusion on calculation on density.**

Second: **Richard Yercheck**

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

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

NAYS: **None**

Archie Morgan said I think we need to work on stuff that staff needs us to work on. I'm a radio guy. You all went to school for this kind of stuff. I would never pretend to know half of what you know about it. I'm a volunteer, but if you need direction from us, then we need to give them the direction they need.

Keri Mendler said these are items that Planning Board has raised as concerns. This isn't Planning staff bringing these concerns. This is Planning Board. These are yours. Staff is going to draft it for you and bring it back at the recommendation and direction of Planning Board because you have voted, as a Board, to say we want flood plain excluded.

Archie Morgan said well, the comment was made that we were moving too slow.

Pamela Duda said that is why, tonight, we have three items on the list that we can vote on. The next one is reduce number of lots that triggers legislative process. Should we add lots and units as one so we can then talk about apartments? That's the number we need to talk about. We agree on it and we vote on it and we move on to the next item. What's the number?

Archie Morgan said all right, let's talk about it. Let's get something done.

Doug Britt said I'll speak on lots. Right now, it's said if you need more than fifty lots, it is required to be a rezoning. I know there has been discussion. Do you want to make that number less than fifty lots, I'm not doing units, just lots to keep it separate? That number has been discussed. Do you want to make it less than fifty? Do you want to keep it at fifty? Quite honestly, from staff's perspective, a fifty lot subdivision is not a very large subdivision.

Maryann Rasberry well, what can we legally do?

Keri Mendler said we will find out once the state tells us.

Doug Britt said we do Myers subdivision all the time. That is when grandpa subdivides off some acres to his grandkids. You can do no more than five lots, up to five lots for a Myers subdivision. Those are done at staff level and we do those all the time. Somebody is going to carve off an acre, but the most they can carve off is no more than five lots. To tell you where the State lies, I don't know. I think fifty is a small amount, but that is just my opinion. I could say that we leave it at fifty and you all can say I make a motion we do it at twenty or thirty.

Richard Yercheck said when was the last time we adjusted this? We just adjusted this.

Keri Mendler said last May.

Maryann Rasberry said here is the problem for me. We have eight thousand units on the books so every time you add fifty homes, to me, that is adding a lot of homes. We are running out of farmland to build houses on. We need to get some of them built before we start adding more unless they are houses for executives. We have enough "worker bee" houses, but what we need are some houses for the leaders of the industry so they will live in Union County instead of Mecklenburg.

Doug Britt said the fifty thing is strictly a number pulled out of the air that you all want. We can't write a section of the code for executives and then a section for workers.

Pamela Duda said you can't designate it that way. You've seen developers also play the games where they do it in tracts. They will do one tract, which is one part, another tract and then another tract. I saw it when they were trying to do the solar farm because they couldn't develop it. They put it in tracts to bypass the requirements. So there is a way around all of this. All the UDO is trying to do is tighten it up because it was very broad. All we are trying to do, based on all that we are seeing built around here, is that we might have too many of this now. Now we want to want to make sure we have a little higher value or higher quality homes.

Archie Morgan said with what we have, I certainly think we need to tighten the reins. Anyone have a problem with fifty and include apartments in that?

Doug Britt said let's just focus on the lots.

Pamela Duda said I'm more conservative. I'd say twenty-five.

Richard Yercheck said let's just go to two.

Maryann Rasberry said five.

Keri Mendler said you probably want to do five.

Richard Yercheck said if we do twenty-five tonight, then in six months, we will be back or rotate some new people on the Board and they will say I'd like to bring that down to ten or eight.

Doug Britt said five is a Myers subdivision so you need to be more than five.

Chair said the real question is not that you are excluding fifty houses or five houses, what you're really talking about is at what point do we trigger the legislative review. When does it come to Planning Board and when does it go to City Council? That's the number that we are talking about. As far as apartments go, all we need to do is add the word "units" to "lots" and then apartments get drawn into that same thing. That's really what the question is. At what level of a division, apartments or single-family homes, do we want City Council to make a decision on what resources, fire, police, electric, sewer, water, all that. Once they approve a project, they've signed a blank check for all those things. At what level do we want that process brought in to bear? That's the question.

Maryann Rasberry said well, I wanted the UDO to be amended so there was no place where they could build apartments by-right, as in Rocky River Road and 74.

Numerous Board members speaking (unintelligible)

Pamela Duda said we have to vote on the number of legislative process for lots right now. That is what he is looking for. As we evolve, as we are growing out this Monroe process and Monroe development, the reason I'm saying twenty-five at this point is because we are starting to reach the cuspis of ten thousand units. You say eight thousand, but I think it's up to ninety-two hundred by now. I'm saying I agree with Mr. Deal, that it's the legislative process, and that's why I threw out twenty-five. I think we need to start being in front of this before it gets too far.

Richard Yercheck said Doug, how many homes units do we have approved right now?

Doug Britt said eighty-eight hundred.

Richard Yercheck said so it's not ten thousand. Will all eighty-eight hundred of those houses get built?

Archie Morgan said well, that's been the thing. Staff has said we don't expect all of those to be built.

Maryann Rasberry said they are not all houses either, are they?

Doug Britt said there are eighty-eight hundred lots/units. There are fifteen hundred or two thousand that are probably multi-family. So you take that two thousand multi-family units. Eighty-eight hundred is everything.

Maryann Rasberry said we didn't get up to nine until we got those apartments if they had been approved.

Doug Britt said that's correct.

Pamela Duda asked is that those on the books right now?

Chair said Myers Road would have put us up to nine thousand.

Archie Morgan asked so how many won't be built?

Richard Yercheck said as a general rule, will all of them be built in your opinion or your experience?

Doug Britt said no. They will not. Will all eighty eight hundred lots be developed? I find that doubtful.

Maryann Rasberry asked are we going with twenty-five?

Archie Morgan said we still need to get back to the number. I like twenty-five and I like "units."

Richard Yercheck said I think the other thing you've got to remember is curbing by-right building. So now you are going to tell a person, who has property rights, that here we come, as the government, and we are going to take rights away from you as to how you are going to develop your property. Before that, you've got to come to us and go through all the process and pay more fees and more money.

Maryann Rasberry said they've always had to pay money and had to abide by the rules, whether it was one house per acre or two.

Archie Morgan said I just think we need to hone in on this thing. We've got subdivisions everywhere and cracker box houses. It's time to tighten up.

Chair said the only think you are doing to a developer for by-right is requiring him to get City Council approval for what they want to do.

Richard Long, Attorney, said may I make a suggestion? I think this is part of your process. First, articulate what you see is the problem and why you want to have it discussed. So you are articulating that you think you've got too large an area for by-right. What you want them to come back to you and say, "We think fifty is too much." What are the pros and cons of coming down below or if you go beyond that? I will tell you this from reading the statute. The legislature is very much pro by-right and they are leaning further and further in that direction so you need to hear that while you are doing this. The idea is can you please explore this and bring it to us the next time. If you have a suggestion that we go down, please tell us why, or you say leave it alone, please tell us why. Then you can have an intelligent conversation. Not that you're not having an intelligent conversation.

Doug Britt said Richard does raise the point, a year or two ago, about doing away with conditional district. That discussion is being had at the state level because obviously from a developer standpoint, they don't like coming to Planning Board and Council.

Richard Long said that's right. I hear everything being said and I agree with the way you are looking at it. It's just like when you're talking about density. I'm concerned about density and that it should include or exclude flood plain. Why? What does that do? You have the information to be able to make that decision. To talk about it saying I like it or I don't like it. Tell me how it impacts us. That's where you are right now. You're talking at the problem instead of saying, "Bring me the information and let us discuss that problem."

Richard Yercheck said Mr. Chair, would you ask staff to put together a report that would encompass what the State is doing and what the legalities are and bring this back up as a separate item?

Chair said that would have to be the Board decision and I don't think I should be directing them to ... As you indicated, that is a lot of work on their part, to try to do that.

Maryann Rasberry said I think if they have some guidance, it will just be a matter of doing the research. That's why I said I would meet with Doug because I am the one who brought it up. I'm more than happy to come in and say, "What are the laws?" and what can we legally do or not legally do.

Richard Yercheck I think we are just picking a random number without any basis for picking it.

Keri Mendler said I understand wanting to meet with staff independently. I get that, but as a Board, you all need to make a decision together to direct us. If the Commission wants us to look into that, then, as a Board, let us know.

Archie Morgan said ok, let's come out with a number. They need some guidance on a number. I have no problem with twenty-five.

Maryann Rasberry said well, let's do some research.

Doug Britt said we'll come back. We will do some research and move in the direction of twenty-five.

Chair said yes, pros and cons of reducing it from fifty to twenty-five. Also, from multi-family, which is apartments primarily, including the word units/apartments/lots.

Jennifer Smith said can we control not having any more apartments? Do we have that ability to do that? I think we are saturated.

Doug Britt said you cannot prohibit a use. You can require certain uses which can only be approved by a Planning Board recommendation and City Council. You cannot do that. You can make it where they have to go through a rezoning process.

Chair said so you are going to do some research and get back with us. Legally, by state, we cannot put a restriction on use. We cannot say we don't want rentals and they all have to be up for sale. State doesn't allow us to do that. We can't dictate the usage of the property.

Jennifer Smith said you can change the zoning on it, right?

Doug Britt said we can change how the use is allowed. We can make a use like a landfill, you would never allow a landfill by-right, but a landfill would only require City Council. You can make it where certain uses, no matter where they are located, require to have City Council approval.

Chair said what I would recommend that the Board, to save time for staff, is for them to look into it. It is a simple text amendment, actually, and ask them to go ahead and draft a text amendment using twenty-five as a target number. If we decide we want to move forward, we can approve that text amendment and move it on to Council and not cost Council another month. They have to advertise it for public consumption before they can actually move on it.

Motion: Maryann Rasberry made a motion for staff to prepare and present a text amendment reducing the number of lots/units/apartments that triggers the legislative process down to twenty-five and brief us on the pros and cons of doing that before we vote to move that text amendment.

Second: Archie Morgan

Action: The motion passed unanimously with the following votes:

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

NAYS: None

Richard Yercheck said could we please add some sort of a comment from the State to that, if you can get that, as to what the by-right numbers that they are looking at?

Keri Mendler said I don't know if we will get that, but we can tell you what they've looked at and discussed.

Doug Britt said a quick thing about the sidewalk. Sidewalk is not in the UDO. Sidewalk is in the detail manual for Engineering Department so that is nothing that is in the UDO. From staff perspective, we are a proponent for sidewalks. To me, if you are spending a lot of money to develop a site, the costs of a sidewalk for doing a site, is pennies on the project.

Archie Morgan said I get that and I see the need. In that particular case, it's at the bottom of the hill. No one is going to walk on that sidewalk, Doug.

Doug Britt said we hear that all the time, but, from a local government employee, my comment to that is that sidewalk may go nowhere when it is put in, but, eventually, it connects. It might not connect in five or seven years, but what happens is it eventually connects and gives people the ability to walk and get where they are going. I get it when it is originally put in and there is nothing on either side of it. We've had some larger projects where there was nothing on it and it is in a populated area where a sidewalk was not put in. From a staff perspective, we are always going to argue for a sidewalk.

Archie Morgan said but you're saying it is not part of the UDO?

Doug Britt said it is not. It is in the standard detail for Engineering.

Richard Yercheck said that sidewalk is the one off because it stops at a bridge that is going over a creek.

Keri Mendler said DOT may add a sidewalk over it at some point.

Maryann Rasberry said you may set a precedent. Once you allow one to do it, the next fifteen will come along and say they didn't have to.

Archie Morgan said Mr. Chairman, can we talk about C? C is the RLD/RMD/RHD dimensional standards.

Keri Mendler said ok, I think Mr. Mills may have asked about setbacks in the residential districts at the May meeting. He had concerns about 5-foot setbacks. We put these in here. Most of the residential districts have larger than 5-foot setbacks. A lot of the houses that you are seeing being developed have 5-foot setbacks, but those went through the legislative process, through Planning Board and City Council. That is why that topic is in there.

Archie Morgan said which was a mistake. Five-foot setbacks are just not enough.

Chair said I'm partially responsible for that as well. If we have concern with setbacks, the biggest thing about setbacks is in the conditional districting process, the PUDs. They come in and want to build in areas that require 15-foot side setbacks and they all want to go to 5-foot. They force their way through on that. We need to be aware that they should be building to fit in the area from which they are constructing. If we won't let the guy next door build 15-foot within the property line, why are we letting the developer come in and build 5-foot off the property line, which is a maximum density tool. Then by the three adjacent lots that are flood plains, to water down the density numbers, because when you add that acreage in, it sounds great. It is only at six density when, in reality, he is building it twenty density. The people that live there are living in twenty density not six density the way it is advertised. It is false advertisement.

Archie Morgan said well, we need to fix that. If that's a UDO item we need to look at then we need to look at it because that is not right.

Keri Mendler said so this is what is currently required for the Residential Rural zoning District: 50-foot front, 20 side if interior, 40-foot if on a corner lot, 25-foot rear. This is the roughly acre-size lots. Then the Residential Low Density is about a half-acre: 25-foot front, 15 side if interior, 20-foot if on a corner lot, 20-foot interior rear and 25-foot if you are a thru lot (that's if you have a road on either side of your front and rear property lines). The RMD which is Residential Medium Density are 12,000 square foot lot sizes so about a little over a quarter of an acre: 20-foot front, 10 side if interior, 15-foot if on a corner lot, 10-foot interior rear and 20-foot if you are a thru lot. I don't know if there are concerns with what is in the UDO currently versus what goes through the process. Obviously if it goes through a process, that's something that Planning Board and Council can comment on at that time.

Doug Britt said if it is going through a PUD, it allows the developer to modify the ordinance requirements. That is completely legal. It is presented to you all and presented to the Council. If it is recommended by you all then it is recommended to you with those 5-foot setbacks. If you don't like it, don't recommend approval of it. The same thing with Council. If Council doesn't like the 5-foot setback

then there is no obligation to approve the project. As staff, we are very up front when we meet with developers about lot sizes and density, but at the end of the day, it is their prerogative whether they want to pull the trigger to go through the process. We tell them now about the sewer, current flow versus build-out. We explain the rezoning process is difficult to get through. Just because you don't like a project doesn't necessarily mean there is something wrong with the ordinance. You can like a project and the ordinance could be ok, but if you don't like it, don't vote for it. There is no pressure that staff puts on you. Just because we recommend approval on a project, it doesn't mean you are under obligation to vote for a project. By all means, you are seven individuals that vote your own prerogative and if you don't like it, don't vote for it.

Archie Morgan said well, I think we've been scrutinizing these a whole lot more in the past year. We ask a lot of developers. We expect to get it.

Margaret Desio asked Doug, do we have many in the pipeline now coming through?

Doug Britt said no. The word has been out for the last couple of years. It is a tough process to get approval through Planning Board and City Council. Both Keri, Lisa and I tell that to developers. If you want to go through the process, our job is to assist you and tell you what the requirements are, but I'm very upfront to them about what Planning Board does or doesn't like. Council have concerns about this, this and this. The last thing I want to do is when somebody walks out of a Council meeting and get a disapproval and thought they would get it approved.

Margaret Desio said seven and one-half percent has hurt. When and if that begins to come down, we may see developers come back to us, being more willing to go with our guidelines if interest rates are more attractive for them to sell their products.

Chair said for clarity purposes when a project comes to the Planning Board, whether we recommend approval or not, it goes from the Planning Board to Council for advertisement and, then the following month, to the Council for action. That is not a delay in the process. What the developers are complaining about is, you just saw it earlier this evening, and it is now two years and they just got their permits. It's the permitting process which we do not control that is driving this process out.

Doug Britt said there is another side to that story too. For instance, I had a project that I just provided comments on yesterday. The City last sent comments ten months ago. When we get it submitted to us and it gets routed. Sometimes there is a backlog to get that project entered in, but it only sits in a queue for maybe two weeks at the most. Once it gets entered in and gets pushed out (TRC), it goes to water resources, fire, Engineering, Planning, and Building Standards. Once it gets pushed out, we have ten to fourteen days to review it. That one I had the other day, I was a day late on my review comments, but it had been submitted two weeks ago. It was a re-submit so it doesn't have to wait and it is re-entered back in the cycle within a day. If they are behind in the Permit Center, it might sit up to two weeks to get entered in, but usually they stay only about a week behind. Once the City sends the comment letter out and it exhausts the list of every department that deals with Development. At that point in time, we are done with it until they re-submit it. If it takes Jennifer a year to re-submit back then it might take two years, but of that two years, how much of it was sitting in City offices. Sometimes it may take awhile to get re-submitted.

Margaret Desio said Doug, if a bunch of units are on the docket for a developer and they don't do something in two years, five years, do they fall off?

Doug Britt said it does now. Once it is approved, they have two years to commence with grating activities.

Margaret Desio said are you keeping up with that?

Doug Britt said yes, we do. There are three projects that have rolled off because they were approved and it never got any further. They never submitted a plan.

Archie Morgan said so that is some of the eighty-eight hundred that won't be built?

Doug Britt said no, we have already taken those out.

Pamela Duda said so Chairman, is this a viable request to the staff that we keep talking about this eighty-eight hundred? Is it possible to get just a summary percentage of what that looks like and where? In this way, we will know how many residential, townhomes and apartments. Is that too much work to ask?

Archie Morgan said and how many of those that have not "sunsetting" or close to "sunsetting" within that twenty-four months.

Doug Britt said either it has expired or not expired.

Maryann Rasberry said I don't think that is statistically important. I think if we have a subdivision coming before us it would be nice to have it at that time.

Pamela Duda said where I am going with this is looking at the statistics as to the areas. I know we get the maps and see where, but it would help from a concentration standpoint as to these developments are here in x amount and what their schematics are versus what is coming before us. Is that too much work?

Doug Britt said I can say the out of the 8800, roughly between 1500 to 2000 are multi-family and then the rest are all single family. When we say single family, they are either townhomes or detached homes.

Keri Mendler said I think we have broken up between multi-family and single family. We haven't gone down to townhomes because that's considered single family. We have the main difference and, I think, all you see here are single family other than probably two developments, Redwood and the Yardley Project. I think that is it.

Maryann Rasberry said is that those little bitty, tiny things they are building.

Doug Britt said yes, that is not an apartment complex. They are just single-story, either duplexes or flats.

Pamela Duda said so that's why I wanted to go back to what you were showing us. My question to you guys is what we've been talking about. I hear what you were saying, Doug, about "just don't approve

it.” However, I see the UDO as kind of the Bible. Does it make sense to identify what those rules and regulations are here? Do we revisit the setbacks?

Parker Mills introduced himself and his address is 1111 Mallard Landing Drive, Monroe, 28110. The reason I mentioned the setbacks is I have a very close relationship with law enforcement. There are numerous subdivisions, like Scotch Meadows, with setbacks. The setbacks are forty-foot wide lots, five-feet off the property line, but the parents have to bring the kids to the end of the subdivision. If you are going out Olive Branch Road, the school bus stops twice a day and blocks the roads. The setbacks are so tight on the front that when one car pulls in the other cars are on the road. You can’t get a firetruck, ambulance or a garbage truck through there. The air conditioning units are between the houses so they are already 10-feet apart and you can’t get an emergency vehicle or even a riding lawn mower in the back. It’s a fire hazard. St. Johns Forest in the County had close setbacks and a fire broke out and burned other houses down. Monroe is the only game in town in the County. It’s a great opportunity to improve the quality of homes. I think that is what we need to do. I did bring up the number of lots. At forty-nine houses, two developers could come up and do two subdivision with two different projects, side-by-side. Weddington only allows six. I’m hoping that staff will go and look at other municipalities and find out what they do. Lower the number. They can still build a huge subdivision, but legislature can step inside and see what they need and what they want. It comes from you all. If it is over forty-nine, you won’t see it. It’s all by-right.

Keri Mendler said I just went over what is in the code now for setbacks. The only way you can modify the setbacks is through the legislative process. A large subdivision that wants to do 5-foot setbacks will likely go through a legislative process anyway and they can modify through that process.

Pamela Duda said so it’s our job to ask the right questions at that time to make sure.

Keri Mendler said with the whole TRC, every project goes to the Fire Department. There are a lot of concerns with homes and fire, particularly with vinyl homes, but a lot of homes we have in Monroe are required to have fiber cement which helps as well.

Archie Morgan said so what did the Fire Department say about Scotch Meadows? Did we approve that?

Keri Mendler said it’s in the City. It came before Planning Board and Council in 2019. It was approved.

Archie Morgan said well, that is the kind of thing we need to tighten up on. We’ve got enough of that and we know it’s bad and, like Parker said, we are the only game in town with water and sewer. We can demand better.

Chair said I think what I hear Doug and Keri saying is because the developers are using the conditional district process to basically put everything for negotiation on the table. There is not an easy way to put a concrete bottom of 10-feet, but what we can do, as a Board, is state that we are not going to give our vote to houses 5-foot off the property line. We want 10-feet or more. When they tell the developer that, it will save the developer a lot of time because if they can tell the developer that the Planning Board wants a minimum of 10-foot between these houses. They can go back to their drawing board and then bring it to us or they are wasting a lot of money and time. The Planning Board will vote “no.” The Council takes Planning Board recommendations seriously, as well as staff recommendations. This

required a commitment from all of us. I think we need to absorb “C” for a while because there are many districts and we will be here all night.

Doug Britt said the smallest setback you have for a single-family detached home is 10-foot. It’s medium density.

Keri Mendler said I will say that Residential High Density is for apartments and, by and large, properties that are zoned RHD already currently have existing apartments that have been there since the 60’s and 70’s. We don’t have vacant land that is zoned RHD.

Pamela Duda said so I think we just made a decision on “C” and that is to hold the line or leave as is. We are preempting as they come through.

Chair said are we done for UDO Discussions for this month? Any issues with meeting in August? None noted. Do I have a motion to adjourn?

Item 9. **Next Meeting: August 7, 2024**

Item 10. **Adjournment**

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

Second: **Jennifer Smith**

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

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

NAYS: None

The meeting was adjourned at 8:24 p.m.

Respectfully Submitted,

Kenneth Deal, Chair
Planning Board

Kimberly Davis
Secretary to the Board



STAFF REPORT

TO: Planning Board

DATE: August 7, 2024

FROM: Lisa Stiwinter, Director of Planning and Development

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Zoning Map Amendment for the property identified as 1913 Steele Street (tax parcel 09-150-166).

SUMMARY STATEMENT

Planning Board is requested to consider a zoning map amendment to rezone the property located at 1913 Steele Street and further identified as tax parcel 09-150-166 from General Industrial (GI) to Residential Medium Density (RMD).

REVIEW

The City of Monroe has received a request from Joel Penegar to rezone the subject property from General Industrial (GI) to Residential Medium Density (RMD). The General Industrial (GI) district is intended to permit light industrial and manufacturing establishments of varying scales and may permit compatible uses. The Residential Medium Density (RMD) district is intended to allow for a mix of housing types, including single family detached, townhouses/attached single family, and may permit compatible uses. The property is currently developed with one residential structure.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Industrial	General Industrial
East	Vacant	General Industrial
South	Residential	Residential Medium Density
West	Residential	Residential Medium Density

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

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

Planning staff believes the request is consistent with the Land Use and Transportation Plan because the proposed rezoning Residential Low Density (RMD) will reestablish a residential use in an area designated for residential development.

PUBLIC NOTIFICATION

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

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

RECOMMENDATION

Planning Staff recommends approval of the rezoning.

Approval Actions

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

Denial Actions

1. Motion to recommend adoption of the 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.
2. Motion to recommend denial of the zoning map amendment

Attachments:
Attachment 1-Ortho Map
Attachment 2-Zoning Map
Attachment 3-Future Land Use Map

Attachment 4-FLUM Description
Attachment 5-R-2024-XX Approval
Attachment 6-R-2024-XX Denial
Attachment 7-O-2024-XX Section 157.1.2.1

Ortho Map
PLMA-2025-00001

Legend

- Centerlines
- Parcels
- Subject Property

Owner:
Joel Penegar

Acres: 9.4



0 305 610
Feet

Attachment 1

Zoning Map
PLMA-2025-00001

Legend

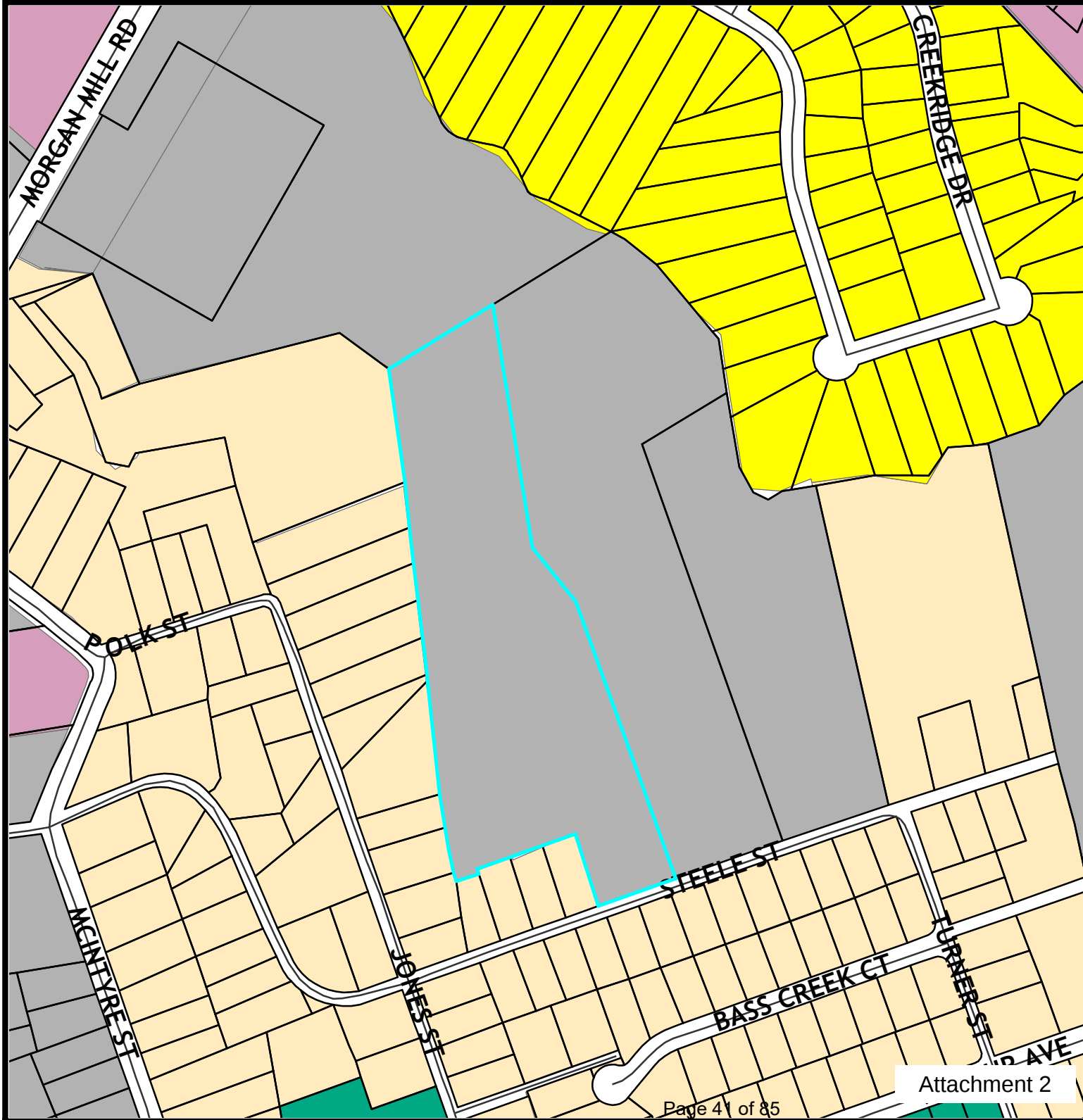
- Centerlines
- Parcels
- Monroe Zoning Districts**
 - CD
 - GI
 - OM
 - RLD
 - RMD
 - Subject Property

Owner:
Joel Penegar

Acres: 9.4



0 305 610
Feet



Future Land Use Map
PLMA-2025-00001

Legend

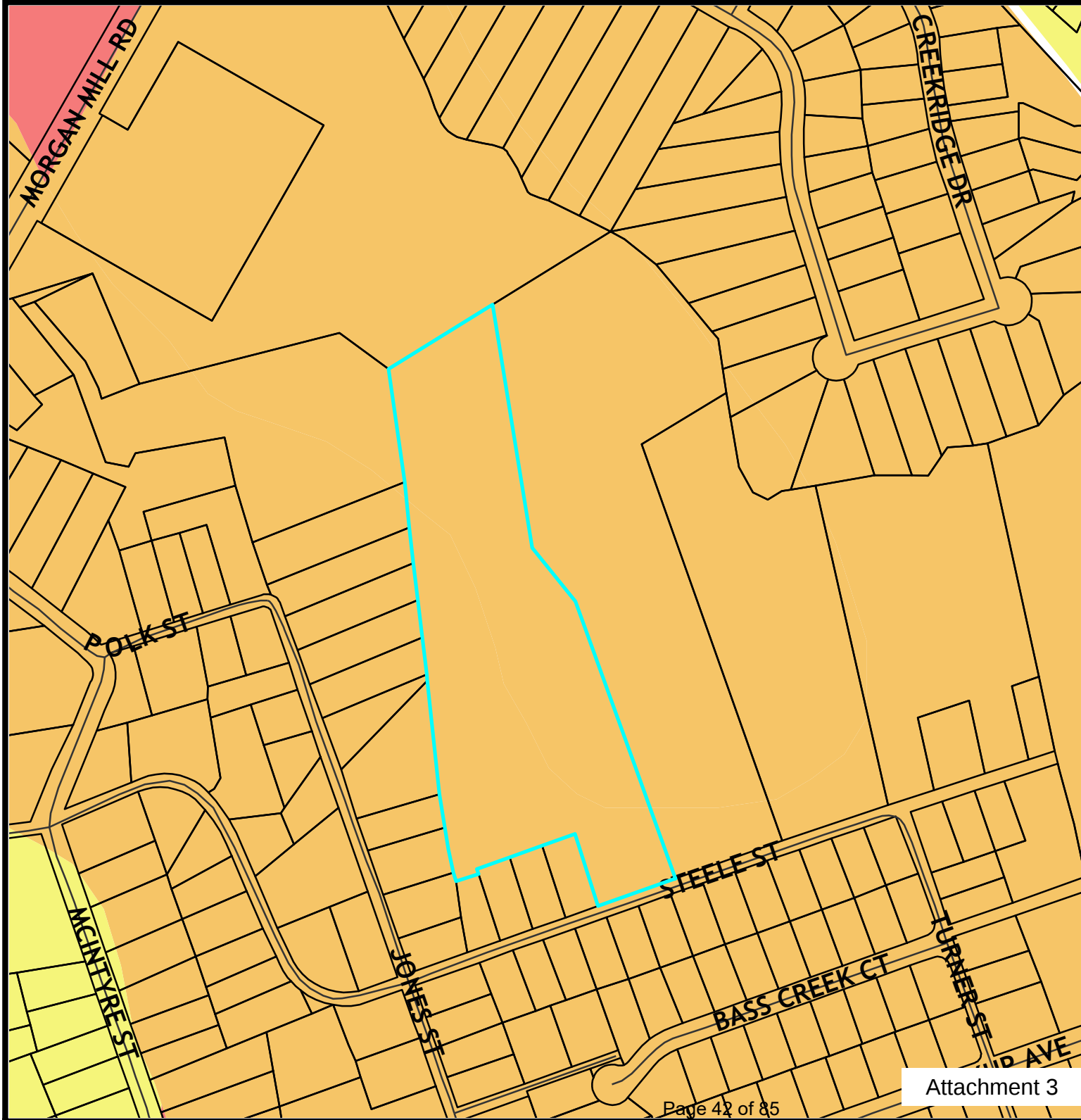
- Centerlines
- Parcels
- Future Land Use Character Area**
 - Community Corridor
 - Suburban
 - Traditional Development
 - Subject Property**

Owner:
Joel Penegar

Acres: 9.4



0 305 610
Feet



Land Use and Transportation Plan Description

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

**RESOLUTION APPROVING LAND USE AND
TRANSPORTATION PLAN COMPLIANCE**

R-2024-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for the property located at 1913 Steele Street further described below is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Traditional Development where residential is a priority use. The proposed rezoning to the Residential Medium Density (RMD) designation would allow residential uses which would be consistent with the Plan. The proposed rezoning is a reasonable use and in the public interest because the surrounding parcels are residential uses.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of a Resolution Approving Land Use and Transportation Plan Compliance of the zoning map amendment for property with Union County Tax Parcel Number: 09-150-166.

Adopted this 7th day of August, 2024.

Kenneth Deal, Planning Board Chair

Attest:

Kimberly Davis, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND
TRANSPORTATION PLAN COMPLIANCE**

R-2024-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for the property located at 1913 Steele Street further described below is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Traditional Development where residential is a priority use. The proposed rezoning to the Residential Medium Density (RMD) designation would allow residential uses which would be consistent with the Plan. However, this proposal is not a reasonable use or in the public interest because:

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance for property with Union County Tax Parcel Number(s): 09-150-166.

Adopted this 7th day of August, 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 located at 1913 Steele Street further identified with parcel ID # 09-150-166 from General Industrial (GI) to Residential Medium Density (RMD).

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 10th day of September, 2024

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board Members

DATE: August 7, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Doug Britt, Assistant Director of Planning and Development

SUBJECT: Annexation of 19.11 acres located off of N. Bivens Road and further identified with parcel ID numbers 09-087-004A and 09-087-011

SUMMARY STATEMENT

Planning Board is requested to consider the annexation of 19.11 acres located at the intersection of US Highway 74 and Bivens Road and further identified with parcel ID numbers 09-087-004A and 09-087-011.

REVIEW

Metal Recycling Services, LLC, is requesting the annexation of 19.11 acres located at the intersection of US Highway 74 and Bivens Road and further identified with parcel ID numbers 09-087-004A and 09-087-011. The property is currently located in the ETJ and is zoned General Industrial (GI). The property is currently being developed to be included with the Metal Recycling business.

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 annexation.

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

Approval Actions

1. Motion to recommend approving annexation request.

Denial Actions

1. Motion to recommend denying annexation request.

Attachments:

Attachment 1- Ortho Map
Attachment 2- Zoning Map
Attachment 3- Annexation Plat

Ortho Map

Case #: PLANXA 2023-00098

Legend

- Centerlines
- City Limits
- streams
- Parcels

Existing: City of Monroe
General Industrial (GI)

Owner: Metal Recycling
Services, LLC

Acres: 19.11



0 370 740
Feet

Zoning Map

Case #: PLANXA 2023-00098

Legend

- Centerlines
- City Limits
- streams
- Parcels

Zoning Districts

- GI
- HI
- NB

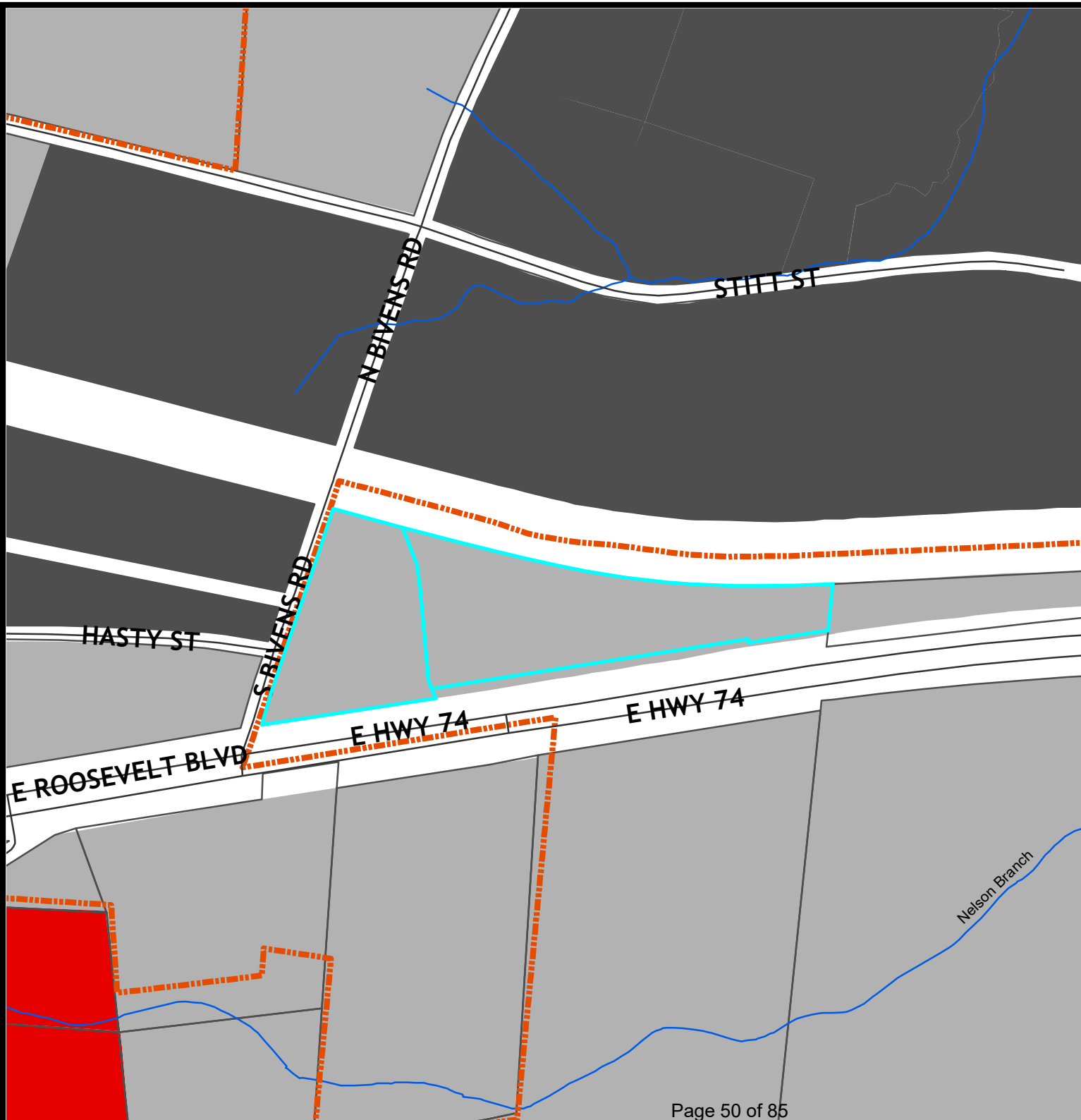
Existing: City of Monroe
General Industrial (GI)

Owner: Metal Recycling
Services, LLC

Acres: 19.11



0 370 740 Feet



REVISION RECORD		
NO	DATE	DESCRIPTION
1	06/19/2023	Revisions per City of Monroe
2	08/01/2023	Additional Revisions per City of Monroe
3	09/05/2023	Additional Revisions per City of Monroe
4	2/29/2024	Additional Revisions per City of Monroe
5	4/3/2024	Additional Revisions per City of Monroe
6	4/23/2024	Additional Revisions per City of Monroe
7	5/10/2024	Additional Revisions per City of Monroe
8	6/4/2024	Added Set #5 Rebar

PLAT REVIEW OFFICER CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF UNION

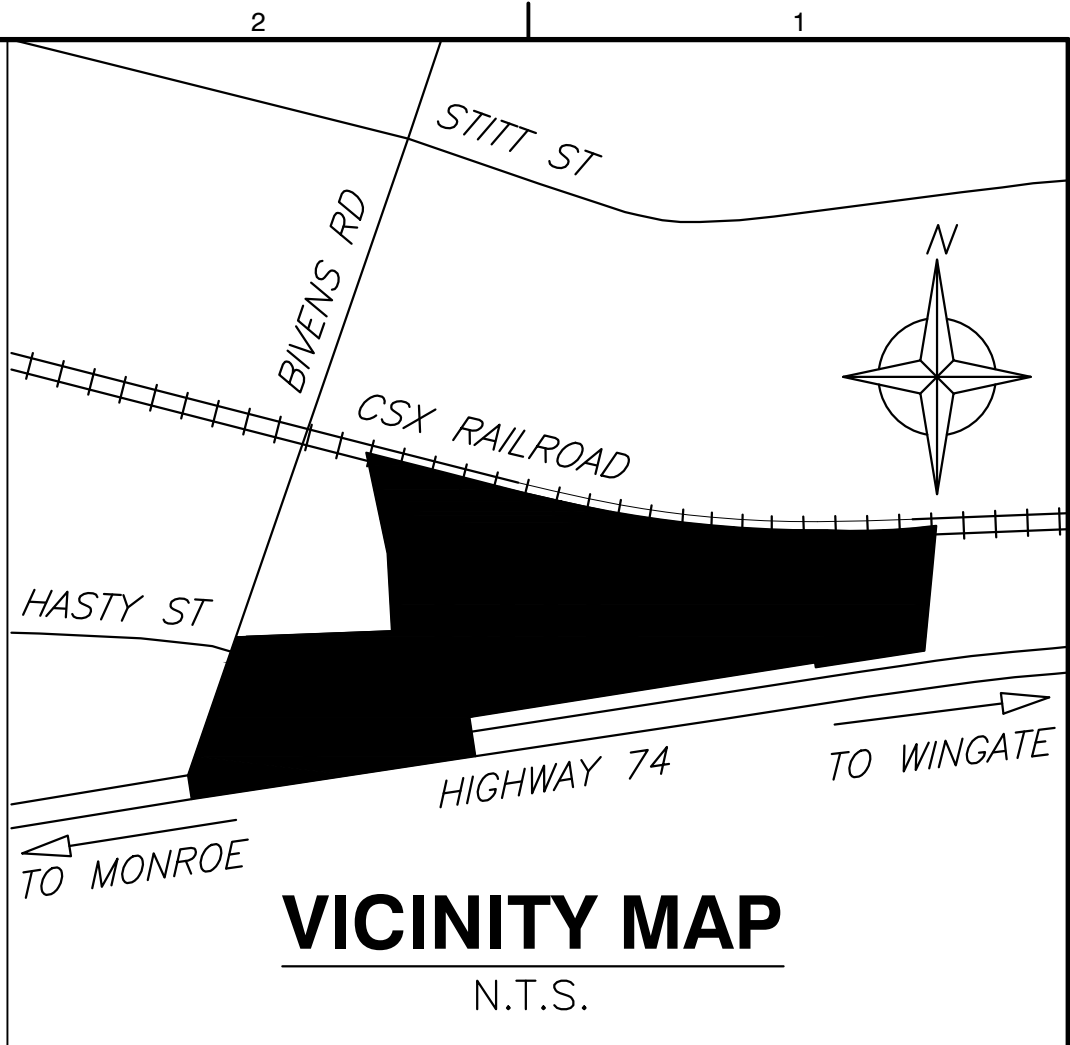
I, _____, REVIEW OFFICER OF UNION
COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS
CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS
FOR THE RECORDING.

REVIEW OFFICER _____ DATE _____

CITY CLERK CERTIFICATION

I, _____, CITY CLERK OF THE CITY OF
MONROE, NORTH CAROLINA, HEREBY CERTIFY THAT ON THE _____ DAY
OF _____, 20____, THE CITY COUNCIL APPROVED THIS
PLAT FOR ANNEXATION AND RECORDING.

DATE _____ CITY CLERK _____ (SEAL)



SEE SHEET 2 OF 2 FOR CERTIFICATION,
GENERAL NOTES, LEGEND, INSET DETAILS

N/F
WDC BUILDING, LLC
PID#: 09084009B
DEED BOOK 5747, PAGE 695

N/F
DUCO-SCI, INC
PID#: 09084009P
DEED BOOK 4491, PAGE 473

N/F
METAL RECYCLING SERVICES
LLC
PID#: 09087009
DEED BOOK 4854, PAGE 546

WATERLINE ENCROACHES RAILROAD
RIGHT-OF-WAY AS PER TOWN OF
MONROE WATER DEPARTMENT

BIVENS ROAD (SR 1763)
RIGHT-OF-WAY
PER DEED BOOK 107, PAGE 4
OUTSIDE CITY LIMITS
EXTRATERRITORIAL
JURISDICTION AREA(ETJ)

N/F
METAL RECYCLING SERVICES LLC
09-087-011
DB 4854 PG 450
TRACT 1
PC R, FILE 848-850
TOTAL ACREAGE: 3.48± ACRES

FOUND #5 REBAR
N: 451412.22
E: 1554783.59

N/F
METAL RECYCLING SERVICES LLC
09-087-004A
DB 4854 PG 450
RB 8163 PG 436
TRACT 2
PC R, FILE 848-850
TOTAL ACREAGE: 14.77 ± ACRES

N/F
GUY PROPERTIES, LLC
PID#: 09087003
DEED BOOK 1498, PAGE 71

FOUND 1 1/2" IRON PIPE
@ 0.32' LT
S 167°19'44" W
2538.46' GROUND
(2538.11' GRID)
TIE TO NCS-UNION HM34
N: 451416.02
E: 1558590.38
COMBINED SCALE
FACTOR: 0.99986381
[CONTROL CORNER]
FOUND CONCRETE
R/W MONUMENT
(POINT OF BEGINNING)
[CONTROL CORNER]

N/F
S S T INVESTMENTS CO
LIMITED PARTNERSHIP
PID#: 09117002
DEED BOOK 1725, PAGE 546

FOUND MAG NAIL 3.7'
FROM LINE, NOT A
PROPERTY CORNER

DETAIL: SEE INSET "B"

N 17°59'49" E 415.32'
S 17°59'49" W 176.21'

N 17°59'49" E 170.04'
N 45°10'00" W 74.32'

FOUND CONCRETE
R/W MONUMENT

N/F
STATE HWY COMMISSION
DEED BOOK 226, PAGE 618

N/F
PRODUCERS
COOPERATIVE
FEED MILL, INC.
DEED BOOK 329
PAGE 824

FOUND MAG NAIL

N 47°47'22" E 220.30'
N 08°57'57" W 79.16'

N/F
ROBERT L. HOLLAND
DEED BOOK 263, PAGE 522

N/F
ATI SPECIALTY MATERIALS, LLC
PID#: 09087006A80
DEED BOOK 8636, PAGE 403

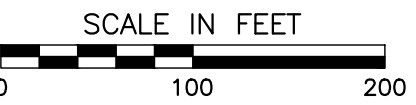
N/F
YALE SECURITY INC
PID#: 09087005
DEED BOOK 5865, PAGE 742

N/F
BILL G. BRASWELL, JR., AND
WIFE CAROLYN B. BRASWELL;
MARY ALICE B. FAGG AND
HUSBAND DUANE S. FAGG;
LINDA B. OELSCHLAEGER AND
HUSBAND, TERRY D.
OELSCHLAEGER
PID#: 09087004
DEED BOOK 3662, PAGE 656

TOTAL AREA ANNEXED
19.11± ACRES

CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHL	CHB
C1	4300.00'	3°35'54"	270.04'	270.00'	S 77°41'51" E
C2	2500.00'	5°30'09"	240.09'	240.00'	S 82°14'52" E
C3	3000.00'	5°15'14"	275.10'	275.00'	S 87°37'34" E
C4	5900.00'	2°22'56"	245.32'	245.30'	N 88°33'21" E

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S 20°29'33" E	19.94'
L2	S 39°00'45" E	13.24'
L3	S 81°02'03" W	6.33'
L5	N 07°06'58" W	90.01'
L6	N 21°02'22" W	122.42'
L7	S 75°41'04" E	30.20'
L8	N 08°56'15" W	11.00'

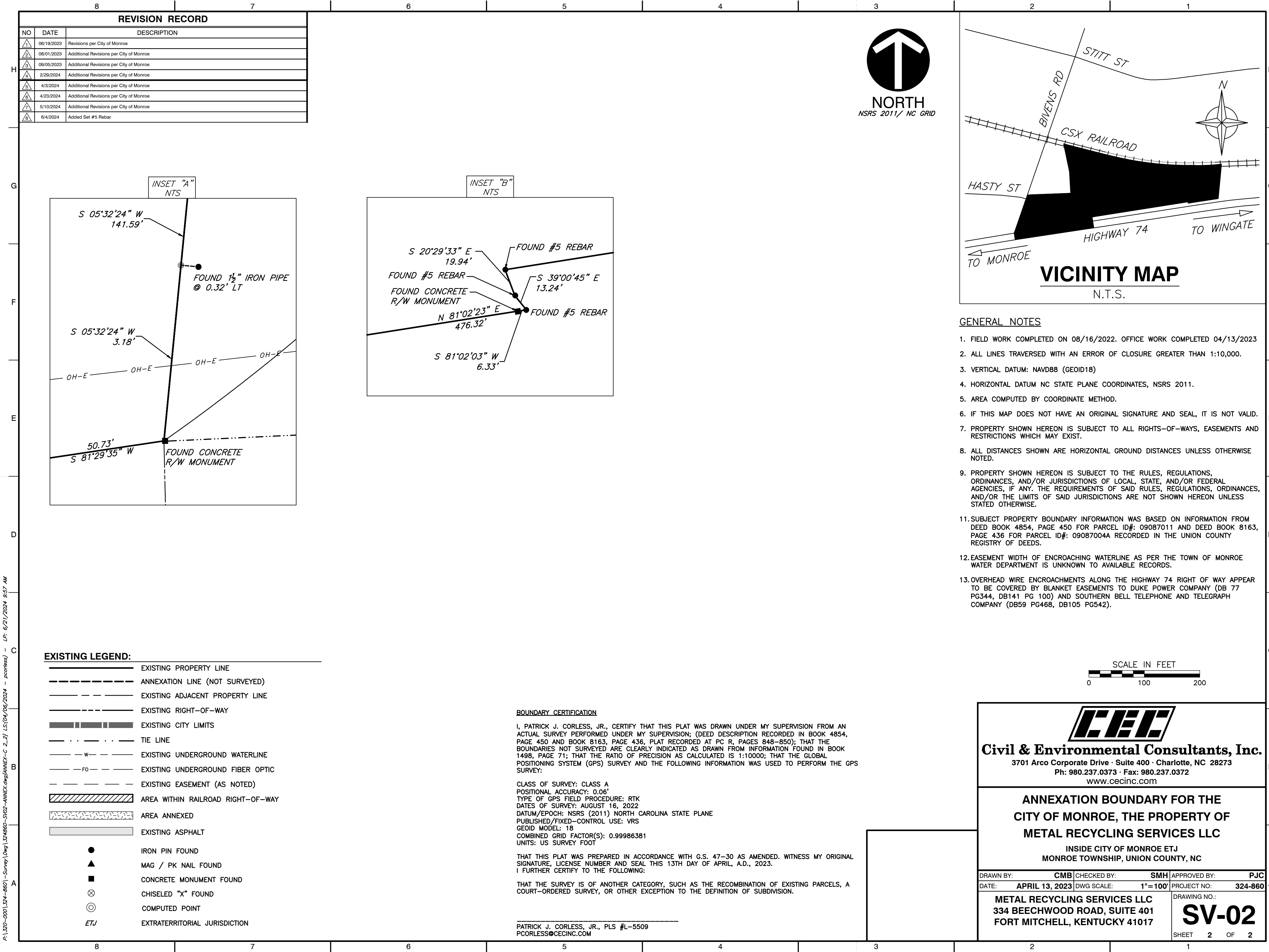


C&E
Civil & Environmental Consultants, Inc.
3701 Arco Corporate Drive · Suite 400 · Charlotte, NC 28273
Ph: 980.237.0373 · Fax: 980.237.0372
www.cecinc.com

**ANNEXATION BOUNDARY FOR THE
CITY OF MONROE, THE PROPERTY OF
METAL RECYCLING SERVICES LLC**
INSIDE CITY OF MONROE ETJ
MONROE TOWNSHIP, UNION COUNTY, NC

DRAWN BY:	CMB	CHECKED BY:	SMH	APPROVED BY:	PJC
DATE:	APRIL 13, 2023	DWG SCALE:	1"=100'	PROJECT NO.:	324-860
METAL RECYCLING SERVICES LLC 334 BEECHWOOD ROAD, SUITE 401 FORT MITCHELL, KENTUCKY 41017				DRAWING NO.:	
				SV-02	
				SHEET 1 OF 2	

P:\320-000\324-860\Survey\Draw\324-860-SV02-ANNEX.dwg(ANNEX-C_L2) LS(04/06/2024 - postless) - LP: 6/21/2024 9:55 AM





STAFF REPORT

TO: Planning Board

DATE: August 7, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Map Amendment for the properties located along E. Franklin St., McLarty St., Leewood Dr., Club Dr., and Pageland Hwy.

SUMMARY STATEMENT

Planning Board is requested to consider a zoning map amendment for properties located along E. Franklin St., McLarty St., Leewood Dr., Club Dr., and Pageland Hwy. and further identified as tax parcel ID #'s 09156009, 09156008, 09156007, 09156006, 09156006A, 09159003, 09159002, 09159001, and 09159001A from Medical Mixed-Use (MD-MX) to Residential Low Density (RLD) and parcels 09157001, 09156019, 09156013, 09157006, 09157007 01, and 09157008 from Medical Mixed-Use (MD-MX) to Office Medical (OM).

REVIEW

The City of Monroe has received concerns regarding parcels rezoned to the Medical Mixed-Use zoning district during the city-wide rezoning finalized in April 2022. Staff received concerns regarding five (5) parcels in the area; however, after reviewing the future land use and vision for the area, staff initiated a general rezoning of fifteen (15) parcels in the E. Franklin and Club Acres area. Properties owners were notified via a courtesy letter mailed on July 17, 2024 of the proposed rezoning.

The following parcels are proposed for rezoning:

Parcel ID #	Property Address	Zoning Prior to April 2022	Current Zoning	Proposed Zoning
09156009	0 E FRANKLIN ST	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)
09156008	728 MCLARTY ST	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)

09156007	815 MCLARTY ST	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)
09156006	802 LEEWOOD DR	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)
09156006A	804 LEEWOOD DR	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)
09159003	801 LEEWOOD DR	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)
09159002	801 CLUB DR	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)
09159001	1630 PAGELAND HWY	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)
09159001A	1632-A PAGELAND HWY	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	RLD (Residential Low Density)
09157001	1500 E FRANKLIN ST	R-20 (Residential Low Density)	MD-MX (Medical – Mixed Use)	OM (Office Medical)
09156019	1501 E FRANKLIN ST	OT (Office Transitional)	MD-MX (Medical – Mixed Use)	OM (Office Medical)
09156013	1503 E FRANKLIN ST	OT (Office Transitional)	MD-MX (Medical – Mixed Use)	OM (Office Medical)
09157006	1420 E FRANKLIN ST	OT (Office Transitional)	MD-MX (Medical – Mixed Use)	OM (Office Medical)
0915700701	1424 E FRANKLIN ST	OT (Office Transitional)	MD-MX (Medical – Mixed Use)	OM (Office Medical)
09157008	0 ELLEN ST	OT (Office Transitional)	MD-MX (Medical – Mixed Use)	OM (Office Medical)

The Medical-Mixed Use (MD-MX) zoning district was established in April 2022 to implement the Medical Campus character area as established in the Future Land Use Plan and predominately allows medical uses in a “campus” style layout.

The Office Medical (OM) zoning district was established in April 2022 to allow office and medical uses; however, this district also serves as a transitional district between more intensively development properties and residential districts. The Office Medical district allows various residential uses in addition to the office and medical uses. The OM zoning district replaced the OT district as shown above.

The Residential Low Density (RLD) zoning district was established in 2022 to accommodate single-family residential development in areas within the City of Monroe that may not be appropriate for higher densities. The minimum lot size of the RLD zoning district is 20,000 square feet or approximately .5 acres. The RLD zoning district replaced the R-20 zoning district as shown above.

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

The Land Use and Transportation Plan identifies this area as Traditional Development, Suburban, and Medical Campus.

The Traditional Development area surrounds the downtown core and is anchored by the City’s most historic neighborhoods. This designation allows some small-scale commercial and service uses that support surrounding residences. The dense transportation network offers easy access to downtown. Office, medical, and single-family residential are priority uses in this character area.

The Suburban area encompasses approximately 63% of the future land use area of the city. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Single-family residential is a priority use in this character area.

The Medical District area is anchored by Carolinas Healthcare System – Union and includes various uses such as primary care, outpatient surgery, and other specialty services. This area should address the needs of the hospital, including research and development and other medical activities. Office and medical are priority uses in this character area.

Staff believes the rezoning is consistent with the Future Land Use Plan because the proposed rezoning from Medical Mixed-Use to RLD and OM implements office/medical uses where appropriate while retaining the residential character of the residential lots in question.

PUBLIC NOTIFICATION

Properties owners were notified via a courtesy letter mailed on July 17, 2024 of the proposed rezoning and the August 7, 2024 Planning Board meeting.

Rezoning notification signs will be posted 10 days prior to the public hearing.

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

RECOMMENDATION

Planning Staff recommends approval of the rezoning.

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

APPROVAL	DENIAL
1. Motion to adopt Resolution recommending <i>approval</i> of the Land Use and Transportation Plan compliance	1. Motion to adopt Resolution recommending <i>denial</i> of the Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution

2. Motion to adopt the Ordinance recommending <i>approval</i> of the zoning map amendment	2. Motion to recommend <i>denial</i> of the zoning map amendment
---	--

Attachments:

1. Ortho Map
2. Existing Zoning Map
3. Proposed Zoning Map
4. Future Land Use Map
5. FLUM Description
6. R-2024-XX Approval
7. R-2024-XX Denial
8. O-2024-XX Section 157.1.2.1

Ortho Map

Legend

— Centerlines

▭ Parcels

▭ Effected Parcels

Effected Parcels: 15
Effect Property Owners: 14



0 290 580
 Feet

Existing Zoning Map

Legend

Centerlines

Parcels

MD-MX

OM

RLD

RMD

Effected Parcels

Effected Parcels: 15
Effect Property Owners: 14



0 290 580 Feet



Proposed Zoning Map

Legend

Centerlines

Parcels

MD-MX

OM

RLD

RMD

Effected Parcels

Effected Parcels: 15
Effect Property Owners: 14



0 290 580 Feet



Future Land Use Map

Legend

Centerlines

Parcels

FLUM

Future Land Use Character Area

Medical Campus

Suburban

Traditional Development

Effected Parcels

Effected Parcels: 15
Effect Property Owners: 14



0 290 580
Feet

Land Use and Transportation Plan Description

The Land Use and Transportation Plan identifies this area as Traditional Development, Suburban, and Medical Campus.

The Traditional Development area surrounds the downtown core and is anchored by the City's most historic neighborhoods. This designation allows some small-scale commercial and service uses that support surrounding residences. The dense transportation network offers easy access to downtown. Office, medical, and single-family residential are priority uses in this character area.

The Suburban area encompasses approximately 63% of the future land use area of the city. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Single-family residential is a priority use in this character area.

The Medical District area is anchored by Carolinas Healthcare System – Union and includes various uses such as primary care, outpatient surgery, and other specialty services. This area should address the needs of the hospital, including research and development and other medical activities. Office and medical are priority uses in this character area.

**RESOLUTION APPROVING LAND USE AND
TRANSPORTATION PLAN COMPLIANCE**

R-2024-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for the properties located along E. Franklin St., McLarty St., Leewood Dr., Club Dr., and Pageland Hwy., and further described below, is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Traditional Development, Suburban, and Medical Campus. The proposed rezoning from Medical Mixed-Use to RLD and OM implements office/medical uses where appropriate, while retaining the residential character of the residential lots in question; therefore, it is consistent. The proposed rezoning is reasonable because it protects the existing single family residential neighborhood by maintaining residential versus mixed-use commercial uses.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance of the zoning map amendment for the properties with Union County Tax Parcel Numbers: 09156009, 09156008, 09156007, 09156006, 09156006A, 09159003, 09159002, 09159001, and 09159001A, 09157001, 09156019, 09156013, 09157006, 09157007 01, and 09157008

Adopted this 7th day of August, 2024

Kenneth Deal, Planning Board Chair

Attest:

Kimberly Davis, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND
TRANSPORTATION PLAN COMPLIANCE**

R-2024-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for the properties located along E. Franklin St., McLarty St., Leewood Dr., Club Dr., and Pageland Hwy., and further described below, is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Traditional Development, Suburban, and Medical Campus. The proposed rezoning from Medical Mixed-Use to RLD and OM implements office/medical uses where appropriate, while retaining the residential character of the residential lots in question; therefore, it is consistent. However, this proposal is not a reasonable use or in the public interest because:

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance of the zoning map amendment for the properties with Union County Tax Parcel Numbers: 09156009, 09156008, 09156007, 09156006, 09156006A, 09159003, 09159002, 09159001, 09159001A, 09157001, 09156019, 09156013, 09157006, 09157007 01, and 09157008

Adopted this 7th day of August, 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 properties located along E. Franklin St., McLarty St., Leewood Dr., Club Dr., and Pageland Hwy. and further identified with parcel ID #'s 09156009, 09156008, 09156007, 09156006, 09156006A, 09159003, 09159002, 09159001, and 09159001A from Medical Mixed-Use (MD-MX) to Residential Low Density (RLD) and parcels 09157001, 09156019, 09156013, 09157006, 09157007 01, and 09157008 from Medical Mixed-Use (MD-MX) to Office Medical (OM).

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 10th day of September, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: August 7, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Doug Britt, Assistant Director of Planning and Development

SUBJECT: Zoning Text Amendment to Section 8.10.1.B titled “Density and Intensity” and Section 11 titled “Definition of Terms” of the Unified Development Ordinance (UDO).

SUMMARY STATEMENT

At the July 3, 2024, Planning Board meeting, Planning Board voted to have staff research how other jurisdictions calculate density and prepare a text amendment to remove FEMA regulated flood plain from the density calculation.

REVIEW

In April 2023, planning staff, at the request of City Council and Planning Board, prepared a text amendment to modify how residential density is calculated going from gross acreage to net acreage. Planning staff drafted the text amendment to remove existing and proposed street rights-of-ways, stream buffers, and utility easements from the area used to calculate the maximum site density. Additionally, a statement was added that density is not transferable across state roads.

At the July 18, 2023, City Council adopted a text amendment to modify the term density and how it is calculated:

DENSITY. The maximum number of residential dwelling units permitted per net acre of land. In determining density, a fractional unit shall not entitle an additional unit. Density is not transferable across state roads. Existing and proposed street rights-of-way, stream buffers, and utility easements shall not be used to calculate maximum site density.

At the July 3, 2024, Planning Board meeting, Planning Board voted to have staff research how other jurisdictions calculate density and prepare a text amendment to remove FEMA regulated flood plain from the density calculation.

Planning staff has prepared a text amendment to remove FEMA regulated flood plain from the density calculation.

RECOMMENDATION

Planning Board is requested to discuss the item and direct staff if you wish to make a recommendation on the proposed amendment or maintain the current ordinance requirements.

If Planning Board wishes to make a recommendation on the draft text amendment, the following actions will need to be taken:

APPROVAL

1. Motion to adopt Resolution recommending *approval* of the Land Use and Transportation Plan compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution.
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 8.10.1. B *Density and Intensity*, and Section 11 *Definition of Terms*.

DENIAL

1. Motion to adopt Resolution recommending *denial* of the Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution.
2. Motion to recommend *denial* of the zoning text amendment

Attachments:

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

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.10.1.B: *Density and Intensity*, and Section 11: *Definition of Terms* is consistent with the Land Use and Transportation Plan because the text amendment helps to manage the growth and infrastructure to advance the land use vision outlined in Forward Monroe. The proposed zoning text amendment is a reasonable use and in the public interest because:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Code of Ordinances-Title XV: Land Usage, Chapter 157 Section 8.10.1.B: *Density and Intensity*, and Section 11: *Definition of Terms*.

Adopted this 7th day of August, 2024

Kenneth Deal, Planning Board Chair

Attest:

Kimberly Davis, Secretary to Planning Board

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.10.1.B: *Density and Intensity*, and Section 11: *Definition of Terms* is consistent with the Land Use and Transportation Plan because the text amendment helps to manage the growth and infrastructure to advance the land use vision outlined in Forward Monroe. However, this proposal is not a reasonable use or in the public interest because:

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Denying Land Use and Transportation Plan Compliance to amend Code of Ordinances-Title XV: Land Usage, Chapter 157 Section 8.10.1.B: *Density and Intensity*, and Section 11: *Definition of Terms*.

Adopted this 7th day of August, 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:

TEXT AMENDMENT

Section 1. **Amend §157.8.10.1.B “DENSITY AND INTENSITY, STANDARDS OF MEASUREMENT” as follows:**

B. Calculation of Density. Residential density shall be measured by dwelling units per net acre (du/ac).

1. All residential densities denoted in the adopted Forward Monroe plan are not guaranteed by right. The appropriate allocation of density shall encourage sustainable development.
2. Subdivision, zoning, and site plan review criteria and procedures shall assure that density is consistent with established residential development patterns and provides equitable use of the land.
3. Residential Density is calculated as net density. Density is not transferable across state roads. Existing and proposed street right-of-way, stream buffers, flood plain, and utility easements shall not be used to calculate maximum site density.

Section 2. **Amend Section §157.11 “DEFINITIONS” as follows:**

DENSITY. The maximum number of residential dwelling units permitted per net acre of land. In determining density, a fractional unit shall not entitle an additional unit. Density is not transferable across state roads. Existing and proposed street rights-of-way, stream buffers, flood plain, and utility easements shall not be used to calculate maximum site density.

Section 3. This Ordinance shall be effective upon adoption.

Adopted this ____ day of _____, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: August 7, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Text Amendment to Section 157.4.2 titled “Residential Zoning Districts” of the new Unified Development Ordinance (UDO).

SUMMARY STATEMENT

At the July 3, 2024 Planning Board meeting, Planning Board voted to have staff research how other jurisdictions regulate residential subdivisions and prepare a text amendment to reduce the threshold requiring a rezoning for residential subdivisions from 50 lots to 25 lots.

REVIEW

In June 2023, planning staff, at the request of City Council and Planning Board, prepared a text amendment to require residential subdivisions greater than 50 lots to go through a legislative rezoning process. Planning staff drafted the text amendment to require residential subdivisions with 50-99 lots to go through a Conditional District rezoning and required subdivisions with 100 lots or more to go through a Planned Unit Development rezoning.

At the July 18, 2023, City Council adopted a text amendment adding the following language to section 157.4.2:

D. Single-Family Residential Subdivision Rezoning Standards.

1. A Single-Family Residential Subdivision with lot counts between 50 and 99 lots shall be reviewed as a Conditional District Rezoning as outlined in Section 4.6 “Conditional Zoning” following the Zoning Map Amendment process outlined in Section 3.4.6 “Zoning Map Amendment (Rezoning)”.

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

At the July 3, 2024 Planning Board meeting, Planning Board voted to have staff research how other jurisdictions regulate residential subdivisions and prepare a text amendment to reduce the threshold requiring a rezoning for residential subdivisions from 50 lots to 25 lots.

Staff has prepared a text amendment requiring residential subdivisions with 25-99 lots to go through the Conditional District rezoning process while residential subdivisions with 100 lots or more will still require a Planned Unit Development rezoning. Staff has also attached research from other jurisdiction regulations on residential development along with past proposed legislation regarding conditional zoning from the State Senate and House.

While there was discussion at the July 3, 2024 meeting to include multi-family projects in this lot threshold, City Council, at their July 9, 2024 meeting, adopted an ordinance requiring **all** multi-family projects to go through a legislative process removing the need for a unit threshold for multi-family projects.

RECOMMENDATION

Planning staff has provided research on how other jurisdictions regulate residential subdivisions and prepared the text amendment as requested by Planning Board. Planning Board is requested to discuss the item and direct staff if you wish to make a recommendation on the proposed amendment or maintain the current ordinance requirements.

If Planning Board wishes to make a recommendation on the draft text amendment, the following actions will need to be taken:

APPROVAL	DENIAL
1. Motion to adopt Resolution recommending <i>approval</i> of the 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	1. Motion to adopt Resolution recommending <i>denial</i> of the Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 4.2 Residential Districts	2. Motion to recommend <i>denial</i> of the zoning text amendment

Attachments:

1. Research

2. R-2024-XX Approval
3. R-2024-XX Denial
4. O-2024-XX

Jurisdiction	Population	Jurisdiction Owned Utilities?	Regulations <i>requiring</i> legislative rezoning for SF Development?
Union County	256,452	Yes	No. Residential development adheres to zoning district requirements.
Hickory	44,415	Yes	No. Residential development adheres to zoning district requirements.
Indian Trail	42,854	No - through County	No. Residential development is by-right if it meets ordinance requirements
Monroe	37,797	Yes	Yes. Developments over 50 lots require legislative rezoning
Salisbury	36,319	Yes – joint effort with Rowan County	No. Residential development adheres to zoning district requirements.
Waxhaw	23,073	No - through County	No. Developments must adhere to zoning code requirements
Weddington	14,080	No - through County	Yes. Developments over 7 lots require legislative rezoning
Marvin	6,813	No - through County	No. Development adheres to zoning code requirements. (min lot size of 2.5 acres).
In the examples above, it should be noted that while jurisdictions noted as <i>not</i> requiring a legislative process, developers still have the ability to request a rezoning in order to seek deviations to the ordinance requirements; however, if developments meet the ordinance requirements, they are not <u>required</u> to go through a legislative process.			

NC Proposed Legislation

Session 2021; HB 401 & SB349: *Increasing Housing Opportunities*

Introduced March 24, 2021; **last action March 25, 2021**

Sponsors: D. Hall; Moffitt; Brody; Richardson

- Allow “middle housing” (duplex, triplex, quadplex, townhomes) in all residentially zoned areas served with water & sewer
- Allow accessory dwelling units where principle units are located
- Prohibits regulations that only allow a particular use of land by requiring conditional zoning or that establishes a maximum threshold of size or density for a use type that triggers the requirement for conditional zoning

Session 2021; HB684: *LRC Study Development Exactions*

Introduced April 26, 2021; **last action May 10, 2021**

Sponsors: Moffitt; Brody; Winslow; Zenger; Blackwell; Iler; Kidwell

An act to require the legislative research commission study development exactions, including their impact on affordable housing and whether they are constitutional as currently implemented in North Carolina.

(Development exactions - A condition of development permission that requires a public facility or improvement to be provided at the developer's expense)

Session 2023; HB 409 & SB374: *Regulation of Accessory Dwelling Units*

Introduced March 16, 2023; **last action April 26, 2023**

Sponsors: Winslow; Alston; Tyson; G. Brown; A. Baker; Balkcom; Belk; Clampitt; Crutchfield; Hawkins; F. Jackson; Loftis; Quick; Rudow; Ward; Wray

- Allow at least one accessory dwelling unit with conforms to the NC Residential Code for one- and two- family dwellings.
 - May not require a conditional district rezoning for these structure

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.2: *Residential Zoning Districts* is not consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan guiding statement states “Monroe will be a dynamic and progressive city that promotes growth that boosts our economy, protects our neighborhoods, and enhances our downtown.” By requiring residential subdivisions over 25 lots to go through a legislative rezoning process, we have the potential to limit growth; therefore, it is not consistent. However, the proposed text amendment is a reasonable use and in the public interest because:

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

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

Adopted this 7th day of August, 2024

Kenneth Deal, Planning Board Chair

Attest:

Kimberly Davis, Secretary to Planning Board

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.2: *Residential Zoning Districts* is not consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan guiding statement states “Monroe will be a dynamic and progressive city that promotes growth that boosts our economy, protects our neighborhoods, and enhances our downtown.” By requiring residential subdivisions over 50 lots to go through a legislative rezoning process, we have the potential to limit growth; therefore, it is not consistent. The proposed zoning text amendment is not a reasonable use and in the public interest because:

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

Adopted this 7th day of August, 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:

TEXT AMENDMENT

Section 1. Amend Section §157.4.2 “**RESIDENTIAL ZONING DISTRICTS**” as follows:

§157.4.2 RESIDENTIAL ZONING DISTRICTS

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

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

The three (3) residential zoning districts are listed in Table 4.2, and their standards enumerated, in the Sections below.

B. Uses. The residential zoning districts permit residential uses and compatible public and institutional uses. The residential districts allow for a diverse range of housing stock and compatible uses across three (3) residential districts: Residential, Low Density (RLD), Residential, Medium Density (RMD), and Residential, High Density (RHD).

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

D. Single-Family Residential Subdivision Rezoning Standards.

1. A Single-Family Residential Subdivision with lot counts between ~~2550~~ and 99 shall be reviewed as a Conditional District Rezoning as outlined in Section 4.6 “Conditional Zoning” following the Zoning Map Amendment process outlined in Section 3.4.6 “Zoning Map Amendment (Rezoning)”.
2. Single-Family Residential Subdivisions with lot counts greater than 100 shall be reviewed as a Planned Development as outlined in Section 4.5.2 “Planned Unit Development” following the Planned Developments process outlined in Section 3.4.7 “Planned Developments (Rezoning)”.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this ____ day of _____, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: August 7, 2024

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Text Amendment to Section 157.8.4.3.C titled “Parking Design Standards” of the Unified Development Ordinance (UDO).

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.4.3.C titled “Parking Design Standards”.

REVIEW

Planning Board is requested to consider a text amendment to section 8.4.3.C titled Parking Design Standards. The purpose of this text amendment is to update the Unified Development Code language to be consistent with State Statute 160D-702, which states the following:

“Nothing in this subsection affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

(c) A zoning or other development regulation shall not do any of the following:

(2) Require a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.”

Section 157.8.4.3.C currently requires parking areas to be a minimum of ten (10) feet in width by eighteen (18) feet in length, which is in violation of the State Statute listed above. The text amendment will revised the ten (10)-foot width requirement to the nine (9)-foot width limit set by the State.

RECOMMENDATION

Planning staff recommends approval of the text amendment.

APPROVAL	DENIAL
1. Motion to adopt Resolution recommending <i>approval</i> of the Land Use and Transportation Plan compliance.	1. Motion to adopt Resolution recommending <i>denial</i> of the Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 8.4.3.C	2. Motion to recommend <i>denial</i> of the zoning text amendment

Attachments:

1. R-2024-XX Approval
2. R-2024-XX Denial
3. O-2024-XX

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.4.3.C Parking Design Standards is consistent with the Land Use and Transportation Plan because the text amendment ensures compliance with State Statutes.

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

Adopted this 7th day of August, 2024

Kenneth Deal, Planning Board Chair

Attest:

Kimberly Davis, Secretary to Planning Board

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.4.3.C Parking Design Standards is not consistent with the Land Use and Transportation Plan because:

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

Adopted this 7th day of August, 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:**

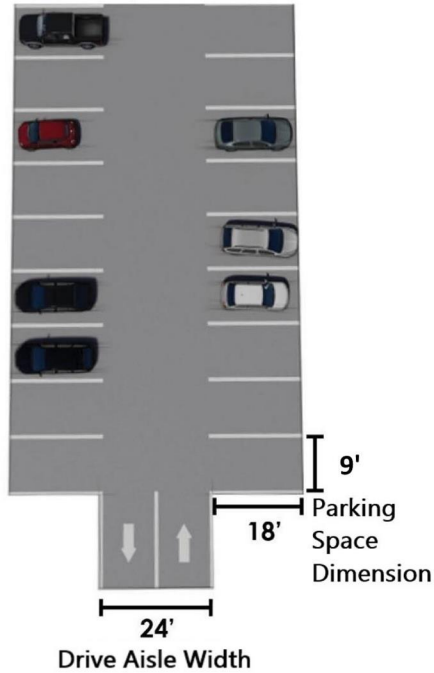
TEXT AMENDMENT

Section 1. Amend Section §157.8.4.3.C “**DIMENSIONAL STANDARDS**” as follows:

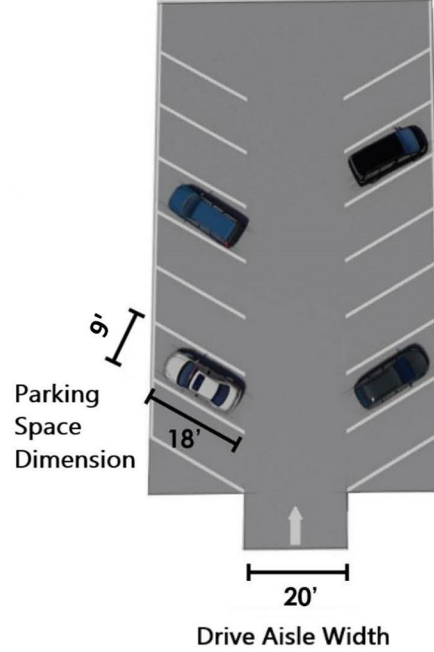
C. Dimensional Standards. Parking areas shall include parking spaces of a minimum of ~~nineteen~~ (18) feet in width by eighteen (18) feet in length. Handicapped parking spaces shall comply with all applicable state laws. Minimum drive aisle widths shall comply with Table 8.4.2: Parking Area Dimensional Standards, below. Figure 8.4.3 has been provided as an illustrative example.

Section 2. Amend **Figure 8.4.3 Parking Area Dimensional Standards Graphic** as follows:

90 Degrees - Head-In Parking
Two-Way Drive Aisle



30 Degrees Parking
One-Way Drive Aisle



Section 3. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2024.

Attest:

Robert A. Burns, Mayor

Bridgette H. Robinson, City Clerk