

**May 3, 2006**

The Union County Planning Board met in special session on Wednesday, May 3, 2006, at 7:00 p.m. in the Union County Government Center, located at 500 North Main Street, Ninth Floor, Room #925, with Chairman King presiding.

**PRESENT:** Chairman Jim King, Mark DiBiasio, Lee Godwin, Liza Kravis, David Vandenabeele, Robert Allen, Nathan Hopper, and Andy Williams

**ABSENT:** None

**ALSO PRESENT:** Richard Black, Roger Horton, and Pam Rivers

**ITEM NUMBER ONE**

Call to Order

Chairman King called the meeting to order at 7:00 p.m.

Nathan Hopper was designated as a voting member.

**ITEM NUMBER TWO**

Approval of the April 4, 2006 Minutes

***Motion was made by Liza Kravis and seconded by Robert Allen to approve the April 4, 2006 minutes. The vote was 7 to 0.***

**ITEM NUMBER THREE**

Agenda Additions & Deletions

***Motion was made by Mark DiBiasio and seconded by Liza Kravis to accept the agenda as proposed. The vote was 7 to 0.***

**ITEM NUMBER FOUR**

Planning Staff Items

- **Rezoning Petition #001090, JOSEPH D. ROGERS**, requesting rezoning classification from R-20 (Residential) to LI (Light Industrial) containing 4.17 acres being on Tax Map #05-087-021F, located on N.C. Hwy. 75 at the eastern town limit of Waxhaw, and being within Jackson Township.

Roger Horton presented a site location map for the proposed rezoning. Joe McCollum, attorney for the petitioner, asked to speak in favor of the proposed rezoning.

Mr. McCollum noted the following to the Planning Board about the proposed rezoning:

- The proposed rezoning was 4.17 acres.
- Close to the town limits of Waxhaw.
- Property is bordered by CSX railroad on the north.
- Highway 75 is the southern boundary of the property.
- The western boundary has a branch that runs along the property.
- The current zoning for the proposed property is R-20.
- The property is not suitable for residential use.
- Light-Industrial would be more suitable for this property.
- The owner of the property, Joseph Rogers, was approached by a company that wanted to put mini-warehouses on the property. (Note: Chairman King informed the applicant that a specific use could not be considered. The Planning Board can only consider all uses within that zoning classification).
- The Union County Land Use Plan currently projects Light Industrial for this property.
- The project will not affect the schools or the traffic at this property.
- Mr. McCollum said he was in hopes the Planning Board would recommend a favorable recommendation for the proposed rezoning.

Chairman King reminded the Planning Board they could not consider a specific use and could only look at all possible L-I uses in considering this application.

Chairman King asked if anyone wanted to speak against the proposed rezoning.

David Bingham, Jr., residing at 7902 Waxhaw Hwy., Waxhaw, NC 28173, noted the following to the Planning Board:

- Mr. Bingham said he was not against the rezoning of the property, but had some concerns about the runoff because of the well located on his property.
- He said he was also concerned about the traffic and what would affect him down the road.

Chairman King said the Planning Board would consider all types of uses in the zoning that would be at the proposed property. Light Industrial is to accommodate enterprises engaged in manufacturing, processing, creating, repairing and painting. Chairman King said the process was to make a recommendation to the Union County Board of Commissioners and they would make the final decision.

Roger Horton gave the Staff Recommendations:

**FAVORABLE CHARACTERISTICS OF THE PETITION**

1. The Land Use Plan projects future land use to be industrial.
2. The property has access to N.C. Hwy. 75, a major arterial road, and the CSX Railroad.
3. County water and sewer are accessible per Union County Public Works Department.

**UNFAVORABLE CHARACTERISTICS OF THE PETITION**

1. The predominant land use in this area is residential, and some nearby residences could be adversely affected if industrial is developed at this location.

**STAFF RECOMMENDATION:            FAVORABLE**

Favorable to rezone: 170  
Unfavorable to rezone: 50

***Motion was made by Lee Godwin to table this item to the next meeting so the petitioner could possibly change to a conditional rezoning. The Board discussed this issue. The petitioner was not agreeable to changing his zoning request to a conditional rezoning. Lee Godwin withdrew his motion.***

***David Vandenabeele made a motion to approve the rezoning. The motion failed 3 to 4. The vote was 4 to 3, unfavorable to rezone this property.***

### **ITEM NUMBER FIVE**

#### **Section 272 – Certain Temporary Signs: Permit Exemptions and Additional Regulations**

Lee Jenson, Land Use Administrator, was available to answer questions from the Planning Board on the following text:

#### **Section 272 – Certain Temporary Signs: Permit Exemptions and Additional Regulations:**

- (a) The following temporary signs are permitted without a sign permit or the payment of fees. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this article except those contained in Section 276 (Total Sign Surface Area), 277 (Freestanding Sign Surface Area), and 278 (Number of Freestanding Signs).
- (1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Only one such sign shall be allowed along the border of each side of a lot that fronts upon a public street. If the lot has less than two hundred feet of frontage, the sign may not exceed four square feet in area. If the lot has more than two hundred feet of frontage, the sign may not exceed sixteen square feet in area.
  - (2) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information, including but not limited to such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall be removed within ten (10) days after the issuance of a building permit and shall be removed within ten (10) days after the issuance of the final occupancy permit.
  - (3) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten days following the holidays.
  - (4) Signs erected in connection with elections or political campaigns. Such signs shall be removed within fifteen (15) days following the election or conclusion of the campaign. No such sign may exceed thirty-two square feet in surface area.
  - (5) Signs indicating that a special event such as a fair, carnival, circus, festival or similar happening is to take place on the lot where the sign is located. Such signs may be erected not sooner than thirty days before the event and must be removed not later than three (3) days after the event.
  - (6) Signs advertising the existence of (i) a roadside stand selling fruits or vegetables grown on the lot where the stand is located or on other land owned by or leased to the person operating the stand, or (ii) a farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser. Not more than three such signs may be erected, and no sign may exceed thirty-two (32) square feet in surface area. Such signs may not be erected more than seven (7) days before the seasonal opening of such enterprise and shall be removed not later than seven (7) days after the enterprise closes for the season.
  - (7) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
    - (a) Not more than one such sign may be located on any lot.
    - (b) No such sign may exceed four square feet in surface area.
    - (c) Such sign may not be displayed for longer than ten (10) consecutive days or more than twenty (20) days out of any 365-day period.
- (b) Other temporary signs not listed in subsection (a) shall be regarded and treated in all respects as permanent signs, except that (as provided in Section 276) temporary signs shall not be included in calculating the total amount of permitted sign area.

***It was a consensus of the Planning Board to enforce the following text amendment:***

- **Signs are to be limited to two (2) signs per development, per intersection.**
- **No development shall have more than a total of twelve (12) signs.**
- **The Land Use Administrator, or his designee, shall remove all illegal signs on the site without notice.**

Mr. Jenson will bring back to the Planning Board the requested text changes.

**ITEM NUMBER SIX**

Checklist for Reviewing Proposed Zoning Amendments and discussion of general zoning districts

Richard Black and Roger Horton discussed the following and answered questions from the Planning Board

**PETITION #**

**Checklist for Reviewing Proposed Zoning Amendments**

This checklist is prepared for each rezoning petition by the Union County Planning Department staff after a site inspection has been made. Each question has been given weighted scores to be applied to each rezoning case. The weight of the score depicts the importance of the particular question being addressed.

Each question is grouped as either FAVORABLE TO REZONE or UNFAVORABLE TO REZONE unless otherwise noted. The questions are then scored, the score determining whether the Planning Department staff will give a FAVORABLE OR UNFAVORABLE recommendation to the Planning Board.

		<u>YES</u>	<u>NO</u>	<u>POINTS</u>
1.	Would the granting of the rezoning request conform to the presently accepted future land use plans for the county?			
	<u>EXPLAIN:</u>			
2.	Would the granting of the rezoning request conform to presently accepted plans for the future handling of traffic as well as present traffic consideration.			
	<u>EXPLAIN:</u>			
3.	Would the granting of the rezoning request impose other undue hardships on adjacent landowners such as noise, electric display signs, odors, or other nuisances and/or adversely affect the property values of adjacent landowners to an unreasonable degree?			
	<u>EXPLAIN:</u>			
4.	If the rezoning request were granted, would the necessary utilities (transportation, rail, truck, air, water, sewer, electricity, gas or telephone) be available to serve the purpose intended?			
	<u>EXPLAIN:</u>			
5.	Would the grating of the rezoning request raise any legal questions such as spot zoning, establish a precedent, or the rule of reasonableness?			
	<u>EXPLAIN:</u>			
6.	Could the Planning Board suggest a more suitable alternate area in the immediate vicinity for the use that would eliminate the necessity for rezoning? If no, do not score.			
	<u>EXPLAIN:</u>			
7.	Is there an alternative under the zoning laws which will permit the request without rezoning? If no, do not score.			

EXPLAIN:

8. Will the rezoning increase detrimental effects to the public health, safety, and welfare of the vicinity?

EXPLAIN:

9. Will the rezoning be in sharp contrast to the existing land use of the area?

EXPLAIN:

10. Will the rezoning be in sharp contrast to the existing zoning of the area?

EXPLAIN:

11. If an existing non-conforming use, will the rezoning, in order to expand, increase detrimental effects on the development trend of the area?

EXPLAIN:

12. If rezoning is for higher density residential, would granting the request cause or increase overcrowded conditions in any Union County Public School? Any other concerns?

EXPLAIN:

**FAVORABLE TO REZONE**

**UNFAVORABLE TO REZONE**

Mr. Black distributed the following for discussion with the Planning Board:

**Zoning**

**Zoning Ordinance contains:**

1. Text described what land uses are permitted in each district and what development standards have to be met in that district.
2. Map places the land into various zoning districts.

**Zoning Districts (Article IX Zoning Districts and Zoning Map):**

1. General Districts:
  - Residential: RC-80, RA-40 and 20, R-40, 20, 15, 10, 8 and 6 (Section 135)
  - Commercial: O, B-1, 2, 3, 4, and 6 and HC (Section 136)
  - Manufacturing: L-I, L-2, and PID (Section 137)
  - Planning Unit Development: PUD 1-16 (Section 138)
2. Overlay Districts:
  - Floodplain and Floodway (Section 139)
  - Water Supply Watershed (Section 140 See Article XXI)
  - Mining (Section 141)
  - Airport (Article XXII)
3. Parallel Conditional Use Zoning Districts (Sections 54A and 54B)

**Use Restrictions (Table of Uses Section 146 and 147):**

1. Permitted By Right (Z)
2. Special Use Required (S)
3. Major Development Required (D)
4. Supplemental Regulations Apply (s)

**Dimensional Requirements:**

1. Minimum Lot Size (Section 181)

2. Minimum Lot Width (Section 183)
3. Building Setback (Section 184)
4. Accessory Building Setback (Section 185)
5. Building Height (Section 186)

**Other Typical Zoning Requirements:**

1. Signs – Location, Number, Size, Height, and Type (Article XVII)
2. Parking - Number, Dimensions, Off-Street, Loading, Handicapped (Article XVIII)
3. Screening and Trees – Types, Between Zoning Districts, Parking Lots (Article XIX)

**Relationship to Comprehensive Plan (Land Use Plan):**

1. The Comprehensive Plan provides a vision of the future and the mechanisms for accomplishing that vision.
2. The Comp Plan provides the establishment of consistent, coordinated policies that will serve as the long-term foundation for day-to-day public land use, regulatory, and investment decisions.
3. The Comp Plan is a plan or guide, not a regulation.
4. Zoning ordinances and subdivision regulations are necessary for plan implementation.
5. Recent North Carolina planning/zoning legislation requires both the Board of Commissioners and the Planning Board to adopt statements of Comp Plan consistency with respect to all zoning amendments.
6. The consistency statement is not subject to judicial review.

**Other Development Regulations:**

1. **Subdivision Regulations:**
  - Regulates the creation of new lots or separate parcels of land.
  - Rules relate to the size and shape of lots, width and length of streets, and construction of streets, curbs and gutters, sewers water lines and sidewalks.
  - Facilities record keeping regarding land ownership.
  - Does not address what future use can be made of the lots.
2. **Building Codes:**
  - Regulates how new construction must be conducted.
  - Includes detailed standards for structural safety and for electrical, plumbing, and heating systems.

**ITEM NUMBER SEVEN**

Planning Staff Report (Work In Progress)

It was noted that the Planning Board requested that their packets be mailed to them earlier in order for them to review their material.

**ITEM NUMBER EIGHT**

MUMPO Comments

No comments were given.

**ITEM NUMBER NINE**

Brief Comments

Nathan Hopper: Amen to your last comment, let's keep politics out of the Planning Board.

Robert Allen: No comment.

David Vandenabeele: No comment.

Liza Kravis: Thank you.

Lee Godwin: Nada.

Jim King: No comment.

Mark DiBiasio: No comment.

**ITEM NUMBER TEN**

Adjournment

The Chairman adjourned the meeting.