

December 5, 2006

The Union County Planning Board met in regular session on Tuesday, December 5, 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, Vice Chairman Mark DiBiasio, Lee Godwin, David VanDenabeele, Nathan Hopper, Liza Kravis, Robert Allen, Andy Williams and Dan Wooten

ABSENT: N/A

ALSO PRESENT: Richard Black, Roger Horton, Lee Jenson and Amy Pressley

ITEM NUMBER ONE

Call to Order

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

ITEM NUMBER TWO

Agenda Additions & Deletions

Motion was made by Mark DiBiasio and seconded by Liza Kravis to approve the agenda. The vote was 7 to 0.

ITEM NUMBER THREE

Approval of November 7, 2006 minutes

Motion was made by Mark DiBiasio and seconded by David VanDenabeele to approve the November 7, 2006 minutes. The vote was 7 to 0.

ITEM NUMBER FOUR

Amendment to PUD #000001 – To construct a 3-Story Office Building, Bank and Restaurant on Tax Parcel 06-201-007 and amendment to PUD #000003 - To construct a church on Tax Parcels 06-198-005 and 06-198-002F along Rea Road.

Richard Black gave a brief history of PUD #000001 and PUD #000003.

Bill Neal, Rich Keagy, Bob Cash, Alan Naspinski, Mitchell Puckett, with LV Reality (co-developer of Longview) were available for questions from the Planning Board.

Mr. Neal noted that the proposed construction would be at the intersection of Rea Road and Tom Short Extension on 40 acres (part of the 168 total acreage). The construction would consist of a Class A Office Building being built out of stone, brick and pre-cast. Trees and evergreens would be added and the proposed church would be on 20 acres.

The following Hunter Oaks residents voiced their concerns over the future construction of a 3-Story Office Building:

Lauren Lurz, (resides in Hunter Oaks, 915 Grayscroft Drive, Waxhaw, NC 28173).

- Has seen the positive and detrimental effects of commercial development in Union County
- Will make an effort to work with LV Realty and requests the same respect from LV Realty.
- Would prefer the property be developed as originally planned by LV Realty noting it as their "Village Plan".
- In order to comply with Section 307 A of the Union County Land Use Ordinance – Opaque Screening type, an 8 foot brick wall must be constructed.
- The brick wall is a security concern and necessity.
- In addition to the brick or stone wall, would like the natural tree line to remain; does not want the buffers to be clear cut.
- Lighting along the perimeter of the parking lot; the lighting is in violation of Section 243 of the Land Use Ordinance. Lighting requirements in Section 242 of the Union County Land Use Ordinance can be achieved in a manner that would not interfere with surrounding lots.
- Due to small children residing in homes, requests the hours of Operation to be 8:00 a.m. to 6:00 p.m., Monday – Friday.
- Parking Lot Lighting – to be hooded, lamp post style (requests Hours of Operation to be 8:00 a.m. to 6:00 p.m., Monday – Friday)
- Hours of loading and dumpster collections - (requests Hours of Operation to be 8:00 a.m. to 6:00 p.m., Monday – Friday)
- Light Restrictive Windows – windows that do not allow light after dark (requests Hours of Operation to be 8:00 a.m. to 6:00 p.m., Monday – Friday)

John Yeagley

- Had the ability to meet with those at LV Realty; not opposed but willing to work with LV Realty.
- In hopes that LV Realty will look at where the homes are located in the subdivision and how close the building is to the subdivision.
- Would like to maintain the existing tree line.
- Would like in the record that the existing trees will remain.

Jill Jaynes (resides in Hunter Oaks, 907 Graycroft Drive, Waxhaw, NC 28173)

- Primary concerns are hours of operation, lighting, the security.
- Storm drainage is directly on personal property.
- Would like to see the existing trees remain.

- Would like to see the requests in writing of the changes that will take place, the protection of personal property.

Andrew Bruno (resides in Hunter Oaks, 911 Graycroft Drive, Waxhaw, NC 28173)

- Does not have a problem with LV Reality as long as they do what they are asked to do.

Mayor Mike Cognac (Mayor of the Village of Marvin)

- Not speaking in favor nor opposition to the Planning Board but requests that the Union County Planning Board let the process that is already underway in the Village of Marvin take its course before taking action.
- The parcels in question before the Planning Board were received by Marvin for application for voluntary annexation into the Village of Marvin.
- The applicant has attempted to make those applications contingent upon Marvin's approval for conditional zoning process; this is not legal in North Carolina.
- The Village of Marvin has completed a workshop, "MX2, Mixed Use District". This will be on Marvin's agenda for Tuesday, December 12, 2006.
- Would like the Planning Board to take into consideration that the Village of Marvin is working on this process.

Lee Edmonson

- Represents Canterfield Creek that abuts the proposed PUD #000001.
- Not against the development of the area.
- Wants LV Reality obligated to the screening and the lighting.
- Preference would be the Mayor Cognac's plan and allow them to continue negotiations

At this time, Chairman King called for discussion among the Planning Board members.

Mr. Black read the following Staff Recommendations:

**Planning Director's Report
Major Development Permit Application
Amendment to PUD Permit – 000001
Develop Office Building, Restaurant, and Bank Tax Parcel 06201007**

The Planning Director and the appropriate staff have reviewed Stephen R. Puckett's Application for a Major Development. The Planning Director submits this report pursuant to Section 56 of the Union County Land Use Ordinance.

Based on Stephen R. Puckett's application, it appears that the Longview South development is in compliance with all applicable requirements of the Ordinance and the approved List of Conditions for PUD Permit-000001 as follows:

1. The application is complete and is in compliance with Section 49. All applicable information set forth in Appendix A and all permits/approvals requested in order to evaluate the proposed development have been provided.
2. The proposed development is in compliance with the regulations applicable to B-2 zoning with that portion of the PUD (Section 138).

3. The proposed development is in compliance with Section 15, 135, 136, 138 and 159 which require that nonresidential uses in a PUD must be integrated, well-planned, and primarily residential area is achieved in many ways: (1) type of uses – restaurant, bank and office building provide services needed by the surrounding residential area; (2) size and scale of the uses – restaurant (4,547 sq ft), bank (5,369 sq ft), and office building (75,415 sq ft) and no structure over 35 feet in height; (3) design of the uses – all buildings except office building, with sloped shingle roofs and all buildings with brick and stone trim; and (4) Sidewalks – 4 foot-wide concrete sidewalks linking all the lots in this development which are linked to surrounding residential developments by connecting sidewalks. Under NCDOT guidelines, no traffic study is required due to the relatively small size of the proposed development.
4. The proposed development is in compliance with the List of Conditions for PUD Permit – 000001 approved by the Union County Planning Board on April 1, 2004.

RECOMMENDATION:

It is recommended that Stephen R. Puckett's Application for a Major Development Permit (amendment to PUD Permit 000001) be granted because the application is complete, all permits/approvals requested were provided, the application for proposed development complies with the B-2 zoning regulations and all other requirements of the Union County Land Use Ordinance, this proposed nonresidential development complies with PUD zoning regulations as it is part of an integrated and well-planned, primarily residential development, and the proposed development meets all the conditions listed in the approval PUD Permit-000001.

Lee Godwin asked Mr. Neal if it was in the plan to cut down the existing trees that the residents had asked to be left. Mr. Neal said that the brick wall will be installed with lengthy landscaping. He noted that not every tree will be retained but an additional plan submission of 500 trees and bushes, mostly evergreens will be planted.

Liza Kravis noted that a stream and water flows under Rea Road. Ms. Kravis asked if the proposed Stormwater pond was a definite that LV Reality would be constructing. Rich Cadey noted that the FEMA line shown on the map was the new 1% FEMA line.

Nathan Hopper noted that the residents of Hunter Oaks had requested an 8 foot wall and LV Reality was proposing a 6 foot wall. One concern was the light coming from the windows and if the windows omitted light at night. Mr. Neal noted that it was their intent to install windows that would reflect light during the day. Mr. Hopper noted the hours of operation on the proposed church, bank and office building. The church and bank hours of operations were not in question, but Mr. Neal said that he could not put a restriction on the office building hours until the building had tenants. Mr. Neal noted that there will not be any medical offices in the office building. Most of the tenants will be conventional office usage, no medical or retail; more offices that provide services.

Chairman King said that one question that had risen was if the bank was considered a retail use. Mr. Black said it was a service. The Board asked for clarification where the bank use is defined in the current Ordinance.

Motion was made by Lee Godwin to table this item until the Wednesday, January 3, 2007 Planning Board meeting, to give the Village of Marvin the opportunity to

get their ordinance in order and possibly incorporate this plan into The Village of Marvin.

Mark DiBiasio seconded this motion noting that he wanted to see specific zoning on the lots, to have further discussion whether or not it qualifies as a shopping center, as a shopping center what rules would be different, and the sewer lines running under the parking lot.

In addition to the motion made, the Planning Board noted that they would like to have clarification on the following before making a decision:

The additional agreements listed were not on the plans submitted to the Planning Board members; the Planning Board members requested the following to be placed on future plans turned into the Planning Board for further consideration:

- **The 6 foot brick wall**
- **Additional screenings that was not included in the original plans**
- **Clarification if any on water and sewer (pertaining to Christie Putnam's letter)**
- **Clarification that no trees are being planted on the sewer or water line easements (pertaining to Christie Putnam's letter)**
- **Lot orientation**
- **Shopping Center determination (whether it qualifies as a shopping center)**
- **Buffers/setbacks**
- **If actual office use in ordinance requires more parking spaces, then additional spaces must be added.**
- **The integrated architectural style is maintained and consistent.**

The vote was 5 to 2.

At this time, Chairman King called for a recess until 8:30 p.m.

Chairman King reconvened the meeting at 8:30 p.m.

ITEM NUMBER FIVE

Update /Continuation of Section 272, Sign Ordinance Status

The following is a memo from Staff Attorney Jeff Crook to Richard Black for the Planning Board regarding "Sign Provisions".

"You indicated this morning that the Planning Board has requested from me a "memorandum of understanding" regarding what can be done with the County's sign provisions. You will recall that by memo dated August 17, 2006, I indicated that I had reviewed various sign provisions suggested by the Planning Board and determined that they were unlikely to survive constitutional scrutiny. It was my recommendation at that time that the existing sign regulations should undergo careful analysis during the comprehensive review of the LUO anticipated to follow adoption of the new land use plan.

It is my understanding that the Planning Board desires to expedite this review of the sign provisions, and I have shared this information with the County Manager. Please provide a list of the issues of concern to the Planning Board, in addition to those addressed in my August 17 memorandum. I would note that there is a great deal of caselaw, both state and federal, regarding the regulation of signs. A rewrite of the County's sign provisions is a major endeavor that will take a significant amount of staff time. I should be better able to gauge the time required following receipt of a complete list of the Planning Board's concerns. "

Some of the Planning Board concerns that Mr. Black covered were:

1. Political Signs: How far in advance of an election were signs to be placed? What is the time limit?
2. Real Estate signs: The number of signs and how close should they be to an intersection?
3. Removal of the signs.

Chairman King noted that enforcing existing ordinances and possibly a permitting process would help with regulating the enforcement of signs.

Motion was made by Mark DiBiasio and seconded by Lee Godwin to table this item until the next regularly scheduled meeting, Wednesday, January 3, 2006. The vote was 7 to 0.

ITEM NUMBER SIX

Training Session – Review of the Current Land Use Plan

Motion was made by Lee Godwin and seconded by Liza Kravis to table this item until the next regularly scheduled Planning Board meeting to be held on Wednesday, January 3, 2006. The vote was 6 to 1.

ITEM NUMBER SEVEN

Planning Staff Report (Work in Progress)

Richard Black told the Planning Board members that on Monday, December 11, 2006, from 7:00 p.m. to 9:00 p.m. at the Agri-Services Center, located at 3230-D Presson Road, Monroe, NC 28110, the Land Use Consultant, Roger Waldon, along with David Owens, Mike Jennings and Greg Dale will present a "Symposium of Ideas Union County Comprehensive Plan".

Mr. Black said the Symposium was to create interest about the upcoming Land Use Plan. Letters announcing the Symposium were sent to the Town Mayors, the Chamber of Commerce, and the homebuilders. Jerry Simpson, Director of Cooperative Extension, dispersed the letter to the agricultural community. Brett Vines, Union County Public Information Officer put the letter on the County's website and ads were placed in the Enquirer Journal and Neighbors of Union County for publication.

The following letter is the Symposium of Ideas Union County Comprehensive Plan that was distributed:

Union County is updating its Comprehensive Plan, and the need for an update is compelling. With pressures coming from the Charlotte-Mecklenburg area, concerns about growth management, a need for economic development, transportation considerations, an array of individual municipalities, and high value placed on agriculture and rural character, a comprehensive strategy for the County's future is essential.

Union is not alone in facing these pressures and opportunities. Communities across North Carolina and throughout the Southeast have been grappling with similar issues. As a kick-off to this effort to prepare Union County's Comprehensive Plan, let us hear ideas from elsewhere - - what has worked, what hasn't, what growth management tools are available.

On Monday evening, December 11, at the Union County Agri-Services Center, Union County will sponsor a "Symposium of Ideas." Three speakers have been invited to share their experiences and ideas with Union County's leaders and citizens.

David Owens is one of North Carolina's primary resources for local governments. Professor of Public Law and Government at UNC's School of Government, Dave Owens has lectured and offered technical advice extensively across North Carolina for two decades.

Mike Jennings is one of North Carolina's leading planning practitioners. Since 1984 he has helped manage land use and zoning policy in Wake County, a County with many similarities to Union: part of a major metropolitan area, high growth pressures, rapid change in some parts of the County but not others, and over a dozen municipal governments to engage in cooperative efforts.

Greg Dale brings a Southeast and National perspective to this discussion. A principal in the firm McBride Dale Clarion, Greg works out of a base in Cincinnati to assist cities and counties in preparing Comprehensive Plans and Growth Management Strategies.

This symposium has been planned to "jump-start" conversations about Union County's future, and about possible growth management strategies - - to bring ideas to the table that can be considered and folded into discussions about possibilities here. Following the individual presentations will be a panel discussion and opportunity for questions and comments from the audience.

A summary of the Symposium will be prepared for use and reference as work on the Comprehensive Plan proceeds. Please join us on Monday, December 11, at the Agri-Services Center to kick-off this important planning effort to create a framework for the development of future public policy and a more workable plan that can help guide decisions about growth, development and protection of natural resources.

Sincerely,

Richard P. Black
Planning Director

Chairman King requested that a Public Notice be sent out noting that the Planning Board might have a quorum present but would not be conducting any business at the Symposium.

Mr. Black gave an update on the Towns and the APFO:

<i>Stallings:</i>	<i>Not to adopt the APFO</i>
<i>Marshville:</i>	<i>No action and not anticipating any action on the APFO</i>
<i>Mineral Springs:</i>	<i>Adopted the APFO</i>
<i>Marvin:</i>	<i>Adopted the APFO</i>
<i>Weddington:</i>	<i>Has a Public Hearing and a decision will be made on Monday, December 11, 2006</i>

Monroe: The Monroe Planning Board recommended against it but it has not been placed on the Council's agenda for consideration
Indian Trail: Next meeting to be held on December 12, 2006
Wingate: Wanted to wait to see what the new County Commissioners did with the APFO; next meeting to be held on December 19, 2006
Unionville: No response
Fairview: Mr. Black will be doing a workshop with the Town of Fairview on December 19, 2006
Waxhaw: Will be having a workshop on Saturday, January 2007
Wesley Chapel: Adopted the APFO
Hemby Bridge: Under County Jurisdiction
Lake Park: Under County Jurisdiction

Mr. Black noted that two lawsuits have been filed against Union County due to the APFO.

Chairman King read G.S. 143.318.12.12(a) to change the meeting place of the next Planning Board meeting. The Planning Board would like to meet in the County Commissioner's new Board Room located on the 1st Floor of the Government Center, Room # 115. This change will be filed with Lynn West, Clerk to the County Commissioners, to be kept on file.

Motion was made by Mark DiBiasio and seconded by Lee Godwin to change the meeting date to Wednesday, January 3, 2007. The vote was 7 to 0.

Vice Chairman DiBiasio asked Lee Jenson for an update on Piedmont Natural Gas. Mr. Jenson said he talked with Mayor Clinton and with Wesley Chapel's Planner. Piedmont Natural Gas was in violation and agreed to remove their equipment.

Chairman King noted that he received a fax from the Clerk to the Board of County Commissioners on Tuesday afternoon, December 5, 2006 at 5:26 p.m. concerning the abolishment of the Union County Planning Board and the Union County Board of Adjustment. It was requested that this item be placed on the Planning Board's agenda, Tuesday night, December 5, 2006. Chairman King stated that this was completely against all rules and procedures of the Planning Board and until it was properly presented to the Planning Board it would not be placed on the agenda for discussion. Following rules and procedures, Mr. King noted that an item to be placed on the Planning Board agenda is required 18 days before the meeting and the item must have appropriate documentation attached when submitted to the Planning Department.

ITEM NUMBER EIGHT
MUMPO Comments

Lee Godwin gave an overview of the last MUMPO meeting. He said MUMPO would be coming out soon with the Transportation Improvement Program. Mr. Godwin said that Rea Road Extension Project U3467 was pushed towards the front of the line to be considered. Mayor Nancy Anderson asked that there be a “Support of Study” for the Rea Road Extension.

ITEM NUMBER NINE

Brief Comments

Andy Williams	Merry Christmas to all and thank you staff for all you’ve done, for your hard work for the past year.
Dan Wooten	No comment
David VanDenabeele	Merry Christmas
Robert Allen	Thanks staff to all of you.
Chairman King	Merry Christmas and a fantastic New Year and I hope you get even more than you deserve.
Mark DiBiasio	Merry Christmas to everybody as well and Happy New Year and staff and thank you very much for all the work you have done this year.
Nathan Hopper	Merry Christmas to all and to staff, thank you very much for everything you have done.
Liza Kravis	Thank you to staff, thank you to all of you, you know for better or worse I think everybody here has tried real hard to do a good job this year and this has been a really good group to work with so thank you everybody in the room and Happy Holidays.
Lee Godwin	Happy Holidays, I think we have a very good board, I hate to see the stuff that’s going to be coming down the pipe come down, maybe it will be for the better, maybe it won’t, you never know but that’s step is out of our hands but I have enjoyed working with everybody, staff, and on the board also and the only place that I’m concerned is that we can get better; I’m hoping that what we have done in the past year has actually improved something and maybe the next year we can do better. Merry Christmas.

ITEM NUMBER TEN

Adjournment

Chairman King adjourned the meeting.