

**December 4, 2007**

The Union County Planning Board met in regular session on Tuesday, December 4, 2007 at 7:00 p.m. in the Union County Board of Commissioner's Board Room, located on the 1<sup>st</sup> Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112, with Chairman Robert Allen presiding.

**Planning Board Members Present:**

Robert Allen, Everette Medlin, Charles Greene, Russell Cox, Richard Simpson, Albert Starnes, and Bill McGuirt

**Planning Board Members Absent:**

Don Kerr, Christa Boggs, Andy Williams and Dan Wooten

**Also Present:**

Richard Black, Roger Horton, Pam Rivers, Lee Jenson and Amy Helms

**ITEM NUMBER ONE**

Call to Order

***Chairman Allen called the meeting to order. Charles Greene was made a voting member.***

**ITEM NUMBER TWO**

Additions and/or Deletions to the Agenda

***No items were added or deleted to the agenda.***

**ITEM NUMBER THREE**

Approval of the Agenda

***Motion was made by Charles Greene and seconded by Richard Simpson to approve the agenda. The vote was 7 to 0.***

**ITEM NUMBER FOUR**

Approval of the November 6, 2007 Planning Board minutes.

***Motion was made by Russell Cox and seconded by Vice Chairman Everette Medlin to approve the November 6, 2007 minutes.***

**ITEM NUMBER FIVE**

Land Use Ordinance Text Amendments – Section 15 Definitions, Section 180N Shopping Center, and Section 146 Table of Uses

Richard Black, Interim County Manager/Planning Division Director, reviewed with the Planning Board with proposed Text Amendment changes. Mr. Black said that in Section 15, it was being proposed to add a definition of retail establishments. He noted that the word "use" would

replace the word “establishment” in the definition of Shopping Center and the terms Shopping Center A (up to 120,000 sq ft) and Shopping Center B (greater than 120,000 sq. ft.) would be deleted. Mr. Black also pointed out that subsection h. of Section 180N would be replaced with specific standards for regulating hours of operation and the Table of Uses (Section 147) would be amended to reflect retail establishments and shopping centers based on their amount of total floor area.

**PROPOSED AMENDMENTS TO  
UNION COUNTY LAND USE ORDINANCE  
DECEMBER, 2007**

1. A definition of “Retail Establishment” shall be added to Section 15, as set forth below:

**Definitions:**

Retail Establishment: A building, property, use or activity, the principal purpose of which is the sale of goods, products, or merchandise directly to the consumer. Any use that could be classified as a Retail Establishment but also could be classified as another use within the Table of Uses (e.g., Variety Store) and that has a total floor area of at least 25,000 square feet shall be considered solely a Retail Establishment and not such other use (e.g., Variety Store) when determining whether that use is permitted in a particular zoning district.

2. In Section 15 concerning definitions, in the definition of “Shopping Center”, the word “establishment” between the words “retail” and “constructed” will be deleted and replaced with the word “use”. Also, the terms and related definitions of “Shopping Center, Class A” and “Shopping Center, Class B” shall be deleted.
3. The title of Section 180N shall be changed to the following:

**Section 180N – Shopping Centers and Retail Establishments Exceeding 50,000 sq ft of total floor area**

4. The first sentence of Section 180N shall be replaced with the following:

Shopping Centers and Retail Establishments which exceed 50,000 square feet of total floor area shall comply with the requirements of this Section.

5. Subsection h. of Section 180N, shall be replaced with the following:

h. Hours of operation. Hours of operation shall be limited to between 6:00 AM and 11:00 PM for any building (including related outdoor sales area) of a Shopping Center or Retail Establishment within 200 feet of a property with a single-family residence and for any building where the primary parking area for said building is within 200 feet of a property with a single-family residence. If the development consists of one Retail Establishment or Shopping Center with only one building, the hours of operation will be limited to between 6:00 AM and 11:00 PM if a building or any parking area is within 200 feet of a property with a single-family residence. This 200 foot distance shall be measured from the closest point on the property line of the lot with the single-family residence to the closest part of each separate building or primary parking area for said building of the Shopping Center or Retail Establishment.

6. Delete from the Table of Uses (Section 147) the following uses: “Retail Sales (total floor area greater than 50,000 sq/ft)”, “Retail Sales Misc”, “Shopping Center – Class A (up to 25,000 – 120,000 sq. ft.)”, and “Shopping Center – Class B (over 120,000 sq. ft.)” and add to the Table of Uses per attached Proposed Amendment – Table of Uses (Exhibit 1).

**Exhibit 1**

**Proposed Amendment – Table of Uses**

Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291 (e)	B-1	B-2	B-3	B-4	HC
Retail Establishments or Shopping Centers, less than 25,000 sq ft of total floor area		2.120	Z	Z	Z	Z	Z
Retail Establishments or Shopping Centers, 25,000-50,000 sq ft of total floor area		2.120	S	S		Z	Z
Retail Establishments or Shopping Centers, 50,001-120,000 sq ft of total floor area	180 (N)	4.110	Ss	Ss		Ss	Z
Retail Establishments or Shopping Centers, greater than 120,000 sq ft of total floor area	180 (N)	4.110				Ss	Z

Z – Permitted by Right

S – Special Use Permit Required

Ss – Supplemental Regulations Apply (See Column 2)

Note: both parking requirements (2.120 and 4.110) have the same requirement – 1 space per 400 sq ft of gross floor area

***Motion was made by Robert Allen and seconded by Russell Cox to send to the Board of County Commissioners, with a vote of 7 to 0, to add the definition for retail establishments, deleting the general retail categories such as miscellaneous retail sales, retail sales in a single building greater than 50,000 sq. ft., Shopping Center, Class A up to 120,000 sq ft., Shopping Centers, Class B over 120,000 sq. ft. and putting retail establishments or shopping centers into four categories, being regulated by their size; less than 25,000 sq ft., 25,000-50,000 sq. ft., 50,001-120,000 sq. ft., and greater than 120,000 sq. ft. of total floor area.***

**PROPOSED AMENDMENTS TO  
UNION COUNTY LAND USE ORDINANCE  
DECEMBER, 2007**

1. **Section 15 – Definition of Basic Terms**

**Retail Establishment:** *A building, property, use or activity, the principal purpose of which is the sale of goods, products, or merchandise directly to the consumer. Any use that could be classified as a Retail Establishment but also could be classified as another use within the Table of Uses (e.g., Variety Store) and that has a total floor area of at least 25,000 square feet shall be considered solely a Retail Establishment and not such other use (e.g., Variety Store) when determining whether that use is permitted in a particular zoning district.*

2. **Shopping Centers:** A group of two (2) or more retail ~~establishments~~**uses** constructed and developed in one (1) or more phrases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

~~**Shopping Center, Class A:** A shopping center containing up to one hundred twenty thousand (120,000) square feet of gross leasable area.~~

~~**Shopping Center, Class B:** A shopping center containing over (120,000) square feet of gross leasable area.~~

3. The title of Section 180N shall be changed to the following:

**Section 180N – Shopping Centers and Retail Establishments Exceeding 50,000 sq ft of total floor area**

4. The first sentence of Section 180N shall be replaced with the following:

~~A Shopping Center, as defined in Article II, Section 15 or for those retail sales Establishments which exceeds 50,000 sq./ft. of total floor area.~~

***Shopping Centers and Retail Establishments which exceed 50,000 square feet of total floor area shall comply with the requirements of this Section.***

**h. Consideration of hours of operation**

5. Subsection h. of Section 180N, shall be replaced with the following:

- i. Hours of operation. Hours of operation shall be limited to between 6:00 AM and 11:00 PM for any building (including related outdoor sales area) of a Shopping Center or Retail Establishment within 200 feet of a property with a single-family residence and for any building where the primary parking area for said building is within 200 feet of a property with a single-family residence. If the development consists of one Retail Establishment or Shopping Center with only one building, the hours of operation will be limited to between 6:00 AM and 11:00 PM if a building or any parking area is within 200 feet of a property with a single-family residence. This 200 foot distance shall be measured from the closest point on the property line of the lot with the single-family residence to the closest part of each separate building or primary parking area for said building of the Shopping Center or Retail Establishment.

6. Delete from the Table of Uses (Section 147) the following uses: “Retail Sales (total floor area greater than 50,000 sq/ft)”, “Retail Sales Misc”, “Shopping Center – Class A (up to 25,000 – 120,000 sq. ft.)”, and “Shopping Center – Class B (over 120,000 sq. ft.)” and add to the Table of Uses per attached Proposed Amendment – Table of Uses (Exhibit 1).

**Replace deleted uses with following:**

**Exhibit 1**

**Proposed Amendment – Table of Uses**

Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291 (e)	B-1	B-2	B-3	B-4	HC
Retail Establishments or Shopping Centers, less than 25,000 sq ft of total floor area		2.120	Z	Z	Z	Z	Z
Retail Establishments or Shopping Centers, 25,000-50,000 sq ft of total floor area		2.120	S	S		Z	Z
Retail Establishments or Shopping Centers, 50,001-120,000 sq ft of total floor area	180 (N)	4.110	Ss	Ss		Ss	Z
Retail Establishments or Shopping Centers, greater than 120,000 sq ft of total floor area	180 (N)	4.110				Ss	Z

**Z – Permitted by Right**

**S – Special Use Permit Required**

**Ss – Supplemental Regulations Apply (See Column 2)**

**Note: both parking requirements (2.120 and 4.110) have the same requirement – 1 space per 400 sq ft of gross floor area**

**ITEM NUMBER SIX**

Cluster Development Amendment Discussion – Fire Safety, Building Code, and Septic Tank Usage

Richard Black gave a review of this amendment to the Planning Board. Russell Cox said it was his understanding that the land would be set aside for the whole community in order to house the septic systems for the Newland Community Properties. He asked if each septic tank would now be on the 20,000 sq. ft. lot along with the residence.

Wes Hinson, Attorney for Newland Communities, was available to answer questions from the Planning Board. He said Newland Communities was limited by locally by what the state, Environmental Health, approves, as far as septic systems go. Mr. Hinson said they were asking that in the ordinance, the clustering would increase the green space and the developer would not have to put in septic systems all over the open space whereas you combine the by-right density for the proposed property and the rest would be open space. This would cut down on impervious areas such as streets and infrastructure from the sewer and water.

***Motion was made by Albert Starnes and seconded by Robert Allen that the Planning Board find no problems with fire safety, building codes and septic tank issues in the R-20 and R-40 setback rules that apply.***

At this time, Mark DiBiasio asked to speak against the Cluster Development Amendment. He asked the Planning Board to keep the text amendment as it has been written.

***Russell Cox made a motion to leave the current setbacks as was previously sent to the Board of County Commissioners. The motion died due to a lack of a second motion.***

Jim King spoke against the Cluster Development Amendment. He noted that when the side setback is changed from 10 to 12, this change will apply to everyone, not just one certain development.

***Albert Starnes withdrew his motion.***

***Russell Cox made a motion to withdraw the original recommendation/adjustments made and start all over; being though there are new people on the Planning Board that have not had the opportunity to discuss this matter. William McGuirt seconded the motion. The vote was 5 to 2.***

***Albert Starnes made a motion to get more information on the Cluster Development Amendment and to inform the Board of County Commissioners that the Planning Board voted to rescind the proposed setbacks. Chairman Allen seconded the motion. This item was tabled to the next scheduled Planning Board meeting which at this time representatives from Fire Services, Environmental Health and Building/Inspections would be available to answer questions from the Planning Board.***

**ITEM NUMBER SEVEN**

Adequate Public Facilities Ordinance Presentation – Lee Jenson, Land Use Administrator

***Lee Jenson, Land Use Administrator, explained what the Adequate Public Facilities Ordinance did and how it applies to the current Union County Land Use Ordinance.***

**ITEM NUMBER EIGHT**

Stormwater Ordinance Presentation – Amy Helms, Assistant Director of Infrastructure and Environment

***Amy Helms, Assistant Director of Infrastructure and Environment, presented to the Planning Board the Stormwater Ordinance. Ms. Helms and Susan Tolen, Stormwater Engineer, were present to answer questions from the Planning Board.***

**ITEM NUMBER NINE**

Re-schedule January 1, 2008 Planning Board Meeting

***It was a consensus of the Planning Board, to change the regularly scheduled Planning Board meeting to be held on Tuesday, January 1, 2008 to Tuesday, January 8, 2008.***

**ITEM NUMBER TEN**

Planning Staff Report (Work in Progress)

It was asked if there any minutes taken from the previous Steering Committee meetings. Mr. Black said the consultant was responsible for the Steering Committee meeting minutes.

Mr. Black noted the next Steering Committee meeting would be held on Tuesday, December 11, 2007 at the Union County Chamber of Commerce, beginning at 5:00 p.m.

Mr. Black also said that if the Steering Committee, if they chose to do so at their next meeting to be held on December 11, 2007, felt comfortable with the proposed goals and objectives, to have a Public Events to be held at the Agri-Center in Wingate sometime in January 2008, to receive comments from the public.

**ITEM NUMBER ELEVEN**

Brief Comments

Rusty Cox	No comment
Everette Medlin	No comment
Albert Starnes	No comment
Robert Allen	I want to thank you all for your participation in this Board; I appreciate it.
Richard Simpson	I wanted to say thank you for your thoughts and prayers over the last several weeks.
Charles Greene	No comment
Bill McGuirt	No comment

**ITEM NUMBER TWELVE**

Adjournment

***The meeting was adjourned at 10:00 p.m.***