

Planning Staff Report - Rezoning Case # CZ-2024-007

Staff Contact: Bjorn Hansen, Senior Planner

Summary of Request

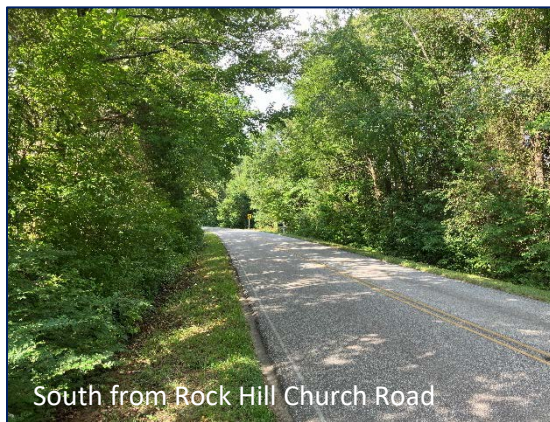
This case is a rezoning request, petition CZ-2024-008, submitted by Kolter Group Acquisitions, LLC (the “Applicant”) for revision of the Union County Zoning Map by rezoning tax parcels appearing on the Union County tax map as parcels 08-309-016, 08-282-009A, and a 129.17 acre portion of tax parcel 08-312-014, in the Goose Creek Township from RA-40 to R-4 with Conditions. The rezoning will include the following conditions:

1. Pursuant to Section 160D-108.1 of the North Carolina General Statutes and Section 80.020 of the Union County Unified Development Ordinance, the approval is vested for a period of five years.
2. Develop according to site plan dated November 5, 2024
3. Subdividing the approximately 20.93 acre portion of parcel 08312014 not included in the development
4. Meeting all requirements of the Union County Unified Development Ordinance.
5. Conceptual master plan. The development is subject to the conceptual master plan submitted as part of the Conditional Rezoning Application. Petitioner shall develop the site in a manner generally consistent with the conceptual master plan with the understanding that some minor modifications to the plans may be made as long as the ultimate design is consistent with the spirit and intent of the conceptual master plan.
6. General Design Guidelines:
 - a. The principal buildings constructed on the site may use a variety of building materials. The building materials used for the building may be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco, EIFS, cementitious siding (such as Hardi-Plank), or wood. Vinyl, as a building material, will only be allowed on widows, soffits, and trim features.
 - b. Accessory structures constructed in the development shall match the architectural style and shall be of the same materials as the principal buildings.
7. Meeting all requirements of Traffic Impact Analysis:
 - a. Petitioner will comply with any off-site improvements as required by NCDOT.
 - b. Prior to the platting of the 400th home, the developer agrees to contribute \$500,000 to Union County towards improvements at the Mill Grove Rd/Lawyers Road roundabout, or other road improvement in the vicinity of the project.
 - c. NC218 and Access 1 - Construct east bound right turn lane along NC218 and northbound approach of Access 1 as a Right-In-Right-Out.
 - d. Mill Grove Road and Access 2: Construct a northbound left turn lane into Access 2

Planning Department

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8. The community will meet the Fair Housing Act requirements for an Age Restricted development under the “55 or older” exemption.
 - a. At least 80 percent of the units must have at least one occupant who is 55 years of age or older; and
 - b. The facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and
 - c. The facility or community must comply with HUD's regulatory requirements for age verification of residents.
9. The HOA Declarations will have leasing provisions that include a cap (5% of lots) and an 18 month lockout/residency requirement. The Declarations will also require that every lease include a reference to the 55+ age/occupancy requirements. The Declarations will also require prior Board review of any proposed lease to confirm that the age-related requirements are not going to be violated by any proposed tenant or occupant.
10. Future amendments to the rezoning plan may be applied for by the owner or owners of the applicable development area portion of the site affected by such amendment in accordance with the provisions herein and of Article 80 of the Ordinance. All conditions of the overall development will still apply.
11. If this rezoning petition is approved, all conditions applicable to the development of the site imposed under the rezoning plan will, unless amended in the manner provided herein and under the ordinance, be binding upon and inure to the benefit of the petitioner and subsequent owners of the site and development areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.



Municipal Proximity: The site is immediately west of Fairview and less than a half mile east of Stallings.

Existing Land Use and Development Status: The parcel is currently zoned RA-40 and is forested with some area cleared for agriculture.

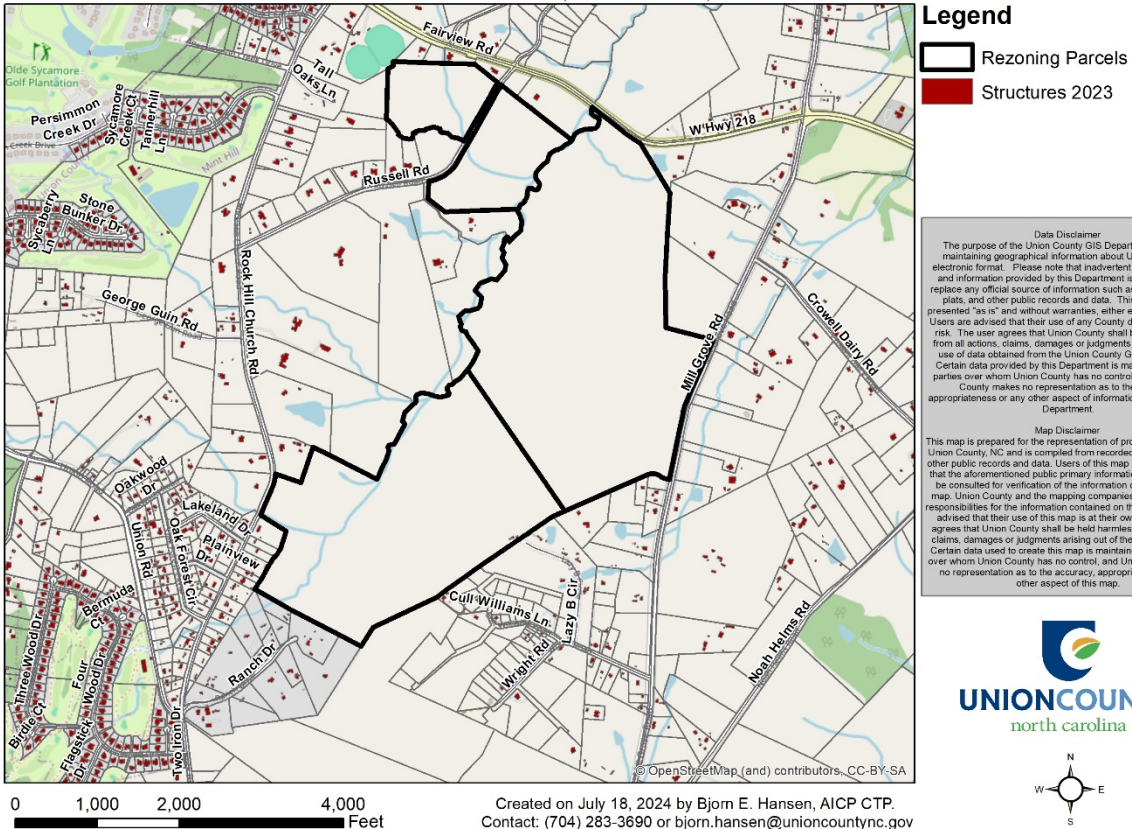
Development Status

Petition: 2024-CZ-007

Size: 410 acres

Name: Gold Branch

Tax Parcels: 08-031-014, 08-309-016, and 08-282-009A



Environmental Features: There is a significant amount of floodplain on the western part of the site. The development site plan includes stormwater detention for the 2, 10, and 50 year storm events. These floodplain areas are kept in open space and not part of any individual home sites. The site will also include 100 foot stream buffers for all identified streams on site. A closed gold mine, called the Blue Shaft, is located in the southeaster part of the site. The site will have approximately 230 acres of open space, which include required stream buffers, fenced off septic drip fields, and community amenities. Approximately 180 acres would be undisturbed and accessible open space.

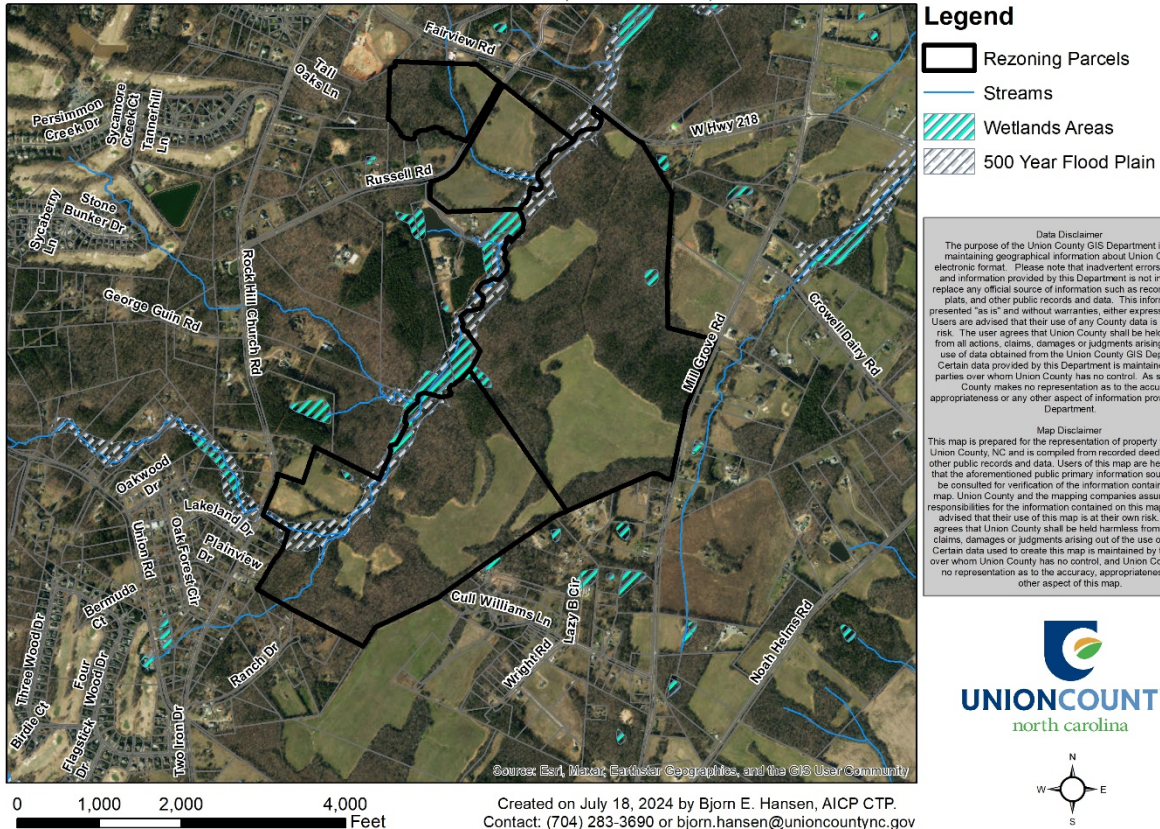
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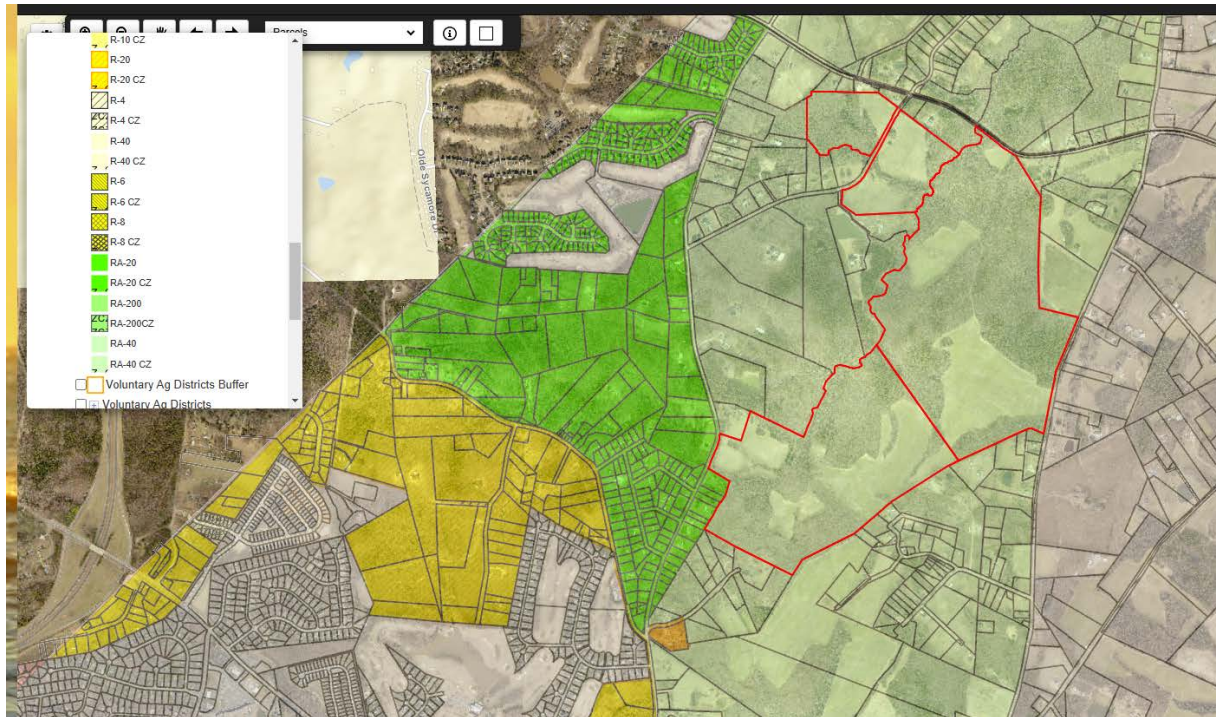
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Utilities: Public water is available to the site. The applicant is electing to use a private permitting option for the septic service to the site, so Union County Environmental Health will not play a role in permitting septic facilities within this development. The septic primary and repair drain fields are located in the northeastern portion of the site, adjacent to Russell Road.

Zoning and Land Use History: The site has been zoned as RA-40 since zoning was instituted in Union County. A special use permit was approved on the site in 1994 for a quail hunting preserve and club house. There were several successful rezonings from R-40 to R-20 in the 1980s, although these were for one acre or less parcels. A commercial rezoning at Mill Grove and NC 218 was approved in 1990.



Schools: Because this rezoning request is for an age-restricted neighborhood, UCPS was not consulted for comments.

Transportation: This development would have access from NC 218 and Mill Grove Road, both of which are NCDOT-maintained facilities. Union County staff requested a road connection to Rock Hill Church Road, which was feasible in the initial site plan, but the plan was subsequently revised to remove the approximately 20 acres west of the stream to the road that would allow this connection.

NC 218 carries approximately 9,600 vehicles per day, while Mill Grove carries approximately 1,100 vehicles per day. Both of these counts are from 2021. There are no funded road improvements in the vicinity of the project, although roundabouts were recently constructed at NC 28 and Mill Grove Road, and Mill Grove Road and Lawyers Road. Both were constructed to address safety concerns. This site is expected to generate approximately 3,200 trips per day, which is less than half what a traditional single-family development would generate.

A traffic impact analysis (TIA) was required by both the NCDOT and Union County and looked at traffic conditions now and in 2033, upon buildout of the site. Because of the recently completed roundabouts and traffic generation characteristics of the site, no specific intersection was sufficiently degraded to require mitigation, but the NCDOT, Union County, and developer agreed that there was impact throughout the study area that warranted future improvements, although the specific improvements would be addressed in the future. The following mitigations will be provided as conditions of the development:

- NC 218 entrance: right in-right out access only, with a concrete median, and a deceleration lane into the site. The right in-right out limitation is due to sight distance concerns along NC 218
- Rock Hill Church entrance: full movement access, with left turn lane into the site.
- Payment of \$500,000 to Union County made after the recording of the 400th lot to be used at the intersection of Lawyers Road and Rock Hill Church Road, or another intersection nearby.

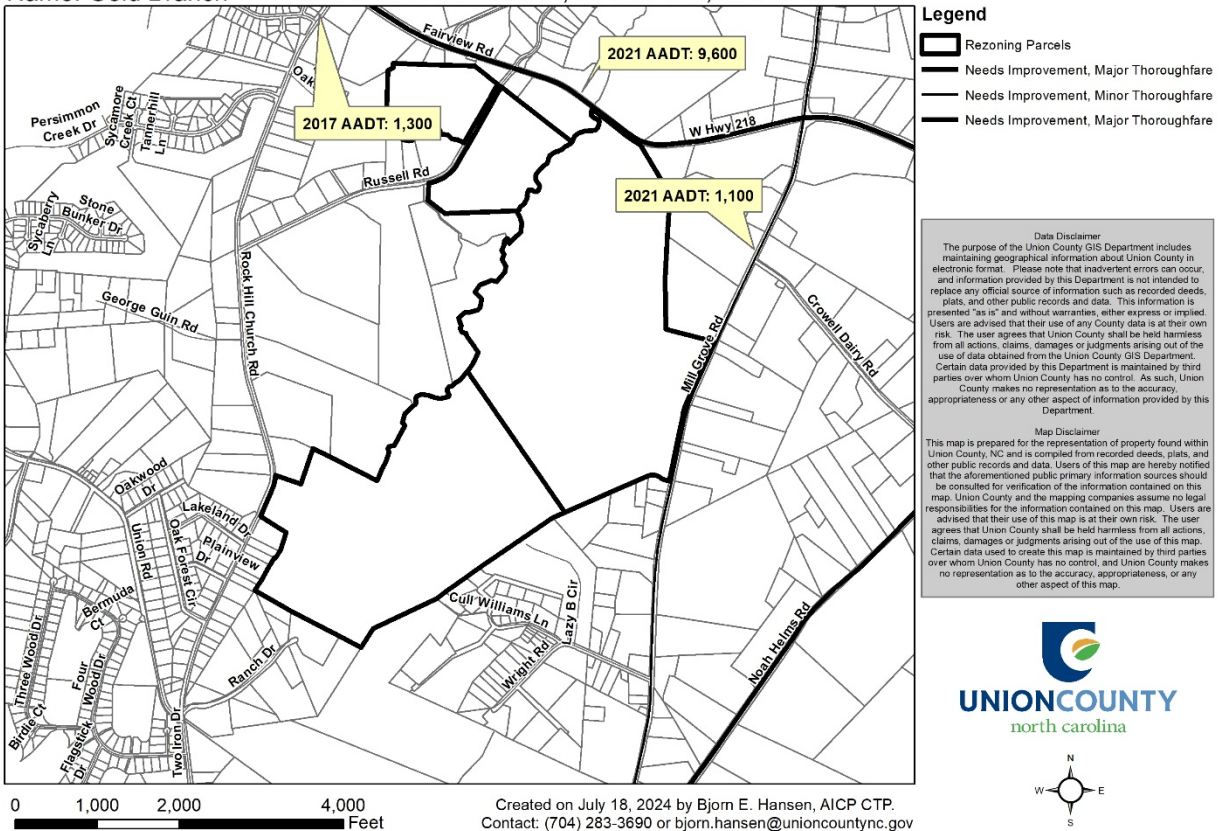
Transportation

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Planning Documents

Union County Comprehensive Plan: The Union County 2050 comprehensive plan identifies this area as Rural Residential, with an overall density of one unit per acre. Smaller lot sizes in exchange for increased open space is acceptable, provided overall density does not increase. Net density for the site is 2.69 dwelling units per acre and gross density is 1.77 dwelling units per acre, so the density is significantly higher than what is recommended in the comprehensive plan. This recommendation is due to a lack of utility service and consideration of land use planning preferences for Stallings and Fairview.

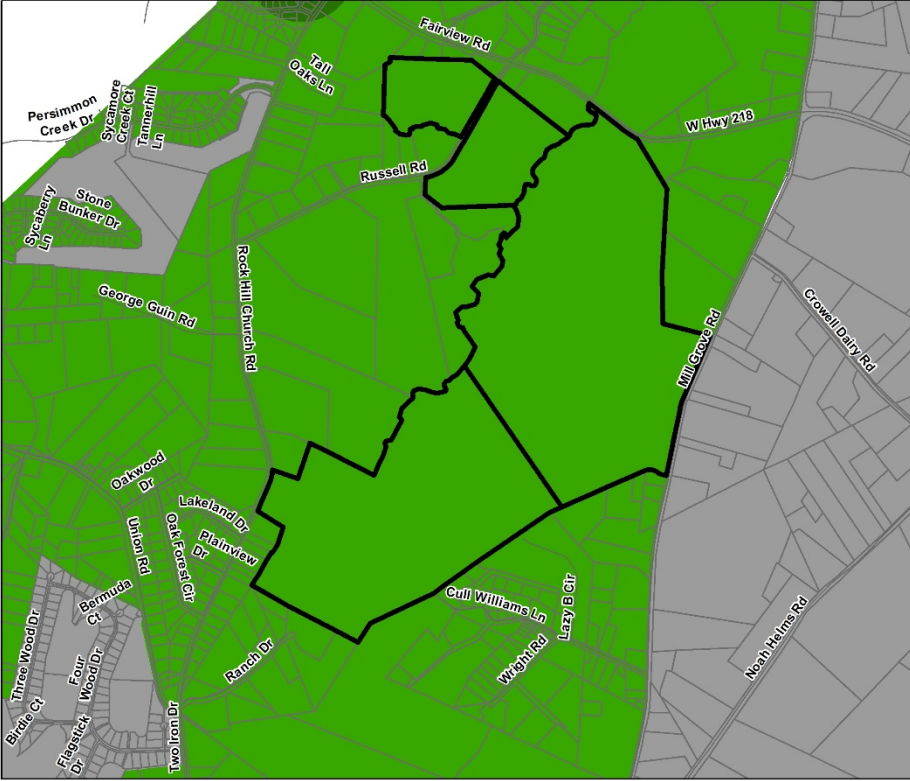
Land Use Map

Petition: 2024-CZ-007

Size: 410 acres

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Tax Parcels: 08-031-014, 08-309-016, and 08-282-009A



Legend

- Rezoning Parcels
- Municipalities
- Rural Center
- Rural Residential

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Public and Municipal Comments

Public Comments: A community meeting was held January 7, 2025. Approximately 55 residents attended the meeting and asked about the process for rezoning, traffic concerns, smell from septic fields, impact on taxes from additional development, units converted to rentals, and fire response. No changes were made based on feedback. Two residents have emailed comments, citing concerns over the abandoned well on site, traffic impacts, and preserving rural character.

Several residents spoke at the Land Use Board meeting. Two noted the quality of the existing Cresswinds developments in the area. Two other residents expressed concern over sewer odor from drain fields, impact of construction on the existing roads, and density when compared with adjacent areas.

Municipal Comments: Stallings and Fairview provided comments opposing the development. Fairview noted transportation, private septic, and density concerns. Stallings would prefer to annex this property as future development occurs, and noted traffic, stormwater, and private sewer service concerns.

Land Use Board Recommendation

The Land Use Board reviewed this proposal at its January 28, 2025, meeting. The Board unanimously recommended denial, citing concerns over density and traffic.

Staff Comments and Recommendation

This part of Union County is identified in the comprehensive plan for a combination of rural residential and agricultural land uses. This site has a net density of significantly more than two units per acre. There is a significant amount of open space, but much of it is for required buffering along streams or fenced off as drain fields for the community septic system. The development would have no impact on nearby schools but would add more than 3,000 trips per day to the adjacent road network. The contribution of money to apply to a future intersection project will help mitigate the impacts, however. Although the development proposes mitigates school and traffic impacts, its high density is in conflict with the adopted comprehensive plan. **Staff therefore recommend denial of the proposed rezoning.**