



Land Use Board

May 20, 2025

Meeting Minutes

The Union County Land Use Board met in regular session on May 20, 2025, at 6:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street.

Present: Chairman Darren Greene, Derrick Austin, Larry Britt, Doug McClew, Mark Tilley and alternates David Brooks and Charles Walkup, Jr.

Also Present: Planning Director Lee Jensen, Senior Planner Bjorn Hansen, and Land Use Board Clerk Amy Griffin.

Call to Order: Chairman Darren Greene called the meeting to order.

(a) Pledge of Allegiance and Moment of Reflection: The Pledge of Allegiance was said and Mark Tilley gave the prayer.

Establish Voting Members: Chairman Greene noted that with two regular members absent, alternates David Brooks and Charles Walkup, Jr. would serve as voting members.

Additions and/or Deletions to the Agenda: There were no changes. Doug McClew made a motion to approve it and Larry Britt seconded it. It was approved 7 to 0.

Approval of the Minutes:

March 18, 2025 Minutes – Motion: Larry Britt, Second: Doug McClew, Vote: Approved 7 to 0.

April 8, 2025 Special Meeting Minutes – Motion: Charles Walkup Jr., Second: Derrick Austin, Vote: Approved 7 to 0.

Public Hearing:

Planning Staff Report - Rezoning Case # CZ-2025-002

Staff Contact: Bjorn Hansen, Senior Planner

Summary of Request

This case is requesting to rezone a 2.65 acre portion of one parcel totaling 8.46 acres appearing on the tax map as tax parcel 04-341-004E from RA-40 to Light Industrial (LI) with Conditions; located in the Jackson Township. The request is to allow an existing vehicle repair business to come into compliance with zoning. The rezoning will include the following conditions:

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unioncountync.gov

1. Limited to site plan dated April 11, 2025
2. Uses limited to personal and commercial vehicle repair and maintenance
3. 2.65 acre portion will be subdivided with LI with Conditions zoning applied
4. Five-year vesting of development rights
5. Development will meet all requirements of the Union County Unified Development Ordinance on the date of approval

Owner/Applicant

Owner: Adam and Colby Gordon
3704 Mary Elizabeth Church Road
Waxhaw, NC 28173

Applicant: Adam Gordon
3704 Mary Elizabeth Church Road
Waxhaw, NC 28173

Property Information

Location: On the west side of Mary Elizabeth Church Road north of South Potter Road. Location more specifically described as tax parcel 04-341-004E.

Municipal Proximity: The site is slightly more than three miles from the Town of Waxhaw.

Existing Land Use and Development Status: The parcel is currently zoned RA-40. There is a residence and vehicular storage on the site, which is associated with vehicular repair operation across the street. Approximately one-half acre of the proposed vehicular storage is legal non-conforming and could continue if the rezoning were denied.

Environmental Features: There are no streams, wetlands or floodplain on site. One of the existing ponds on site will be used for stormwater detention.

Utilities: Public water and sewer are not available to the site.

Zoning and Land Use History: The parcel site has been zoned RA-40 since zoning was initiated. There was a one acre rezoning from R-40 to R-20 in 1984 approximately a mile north of the site. The same parcel rezoned from R-20 to RA in 1985. There was a one acre rezoning from R-40 to R-20 in 1984 a half mile north of the site. The Board of Adjustment approved a special use permit for 5,000 SF manufacturing facility in 2006 a half mile west of site and a special use permit for boarding kennel in 2005 one mile west of the site.

Schools: Because this rezoning request is commercial in nature, UCPS was not consulted for comments.

Transportation: This site is on Mary Elizabeth Church Road, which is a NCDOT-maintained facility. The road does not have an established traffic count, an indication of its low volumes. There are no funded road improvement projects in the immediate vicinity of the rezoning. A traffic Impact Analysis was not required

for this rezoning. There is no expected change in traffic as a result of this rezoning as no new uses are proposed.

Planning Documents

Union County Comprehensive Plan: The Union County 2050 comprehensive plan identifies this area as a Rural Residential area. The closest areas recommended for industrial are along NC 75, approximately four miles to the north. The proposed Light Industrial use is therefore considered inconsistent with the current plan.

Public and Municipal Comments

Public Comments: A community meeting was held April 28, 2025. One member of the public attended. They did not oppose the proposed use but had questions about other potential industrial uses in the future. It was explained that no other uses would be allowed without an additional rezoning. No changes were made based on feedback.

One emailed comment has been received by a nearby resident, citing impacts on value of land and appearance. Two residents spoke at the Land Use Board meeting, one in favor and one against.

Municipal Comments: Waxhaw was not consulted for comments due to the distance to the town limits.

Staff Comments and Recommendation

This part of Union County is identified for rural residential and agricultural land uses. The rezoning does not propose new uses from what area already occurring on site, although the area being proposed would be nearly five times the legal non-conforming areas. The proposed parcels and site plan can comply with unified development ordinance, but the use is not consistent with the adopted plan. **Because of these aspects of the development, staff recommend denial of this rezoning application.**

Public Comments:

- *Michelle Brunette* – Opposed. Stated the site affects nearby property values and visibility from Potter Road. She attempted to sell adjacent property and received reduced offers due to the adjacent use.
- *Deborah Willis* – Initially supportive but opposed due to concerns about long-term impact of industrial zoning and its permanence.

Applicant Remarks (Mr. Gordon):

- Stated intent to use the area for overflow only; not continuous use.
- Proposed installing a 12-ft vegetative year-round buffer.
- Clarified use of resin materials; stated they are not hazardous unless mixed.
- Indicated a potential future shop may be built, but the goal is to preserve the property for family use.

- Agreed to 12-ft screening
- Did not agree with no truck/trailer combinations (e.g., no tractor-trailers).

Board Discussion and Conditions Considered:

- Limiting vehicle types (no truck/trailer combinations)
- Requiring a 12-ft vegetative screen on all sides, especially toward Potter Road
- Recognizing the tension between helping a local business and maintaining residential character

Board Action:

Motion: Mark Tilley to recommend denial, **Second:** Larry Britt

Vote: 4 in favor of denial, 3 opposed

Outcome: Denial Recommended

Planning Staff Report - Rezoning Case # CZ-2024-011

Staff Contact: Bjorn Hansen, Senior Planner

Summary of Request

This case is requesting to rezone a parcel totaling 2.4 acres appearing on the tax map as tax parcel 09-372-050 from RA-20 to RA-40 with Conditions; located in the Monroe Township. The rezoning will include the following conditions:

- 1) Limited to site plan dated April 21, 2025
- 2) Five-year vesting of development rights
- 3) Development will meet all requirements of the Union County Unified Development Ordinance

Owner/Applicant

Owner: Angel Riquelme Javana
1301 Crown Forest Lane
Monroe, NC 28112

Applicant: Angel Riquelme Javana, DBA Union Landscaping and Hardware
1301 Crown Forest Lane
Monroe, NC 28112

Property Information

Location: On the south side of Sanford Lane east of Goldmine Road. Location more specifically described as tax parcel 09-372-050.

Municipal Proximity: The site is less than 200 feet from the City of Monroe.

Existing Land Use and Development Status: The parcel is currently zoned RA-20. There is an existing landscaping business on the site.

Environmental Features: There are no streams, wetlands or floodplain on site.

Utilities: Public water and sewer are not available to the site. The site would utilize well and septic service.

Zoning and Land Use History: The parcel site has been zoned RA-20 since zoning was initiated. The nursery business has operated within zoning regulations since at least 2007. A landscaping business was determined to be operating on site in 2024, necessitating a rezoning and special use permit to bring into compliance.

There was a 293 acre RA-20 to light industrial rezoning 500 feet north of the site in 2004 and an 11 acre rezoning from RA-20 to light industrial in 2003 500 feet west of the site. A special use permit for a permanent location of a mobile home was approved 500 feet south of the site in 1981.

Schools: Because this rezoning request is commercial in nature, UCPS was not consulted for comments.

Transportation: This site is on Sanford Lane, which is an NCDOT-maintained facility. The road 2023 traffic volumes were approximately 1,400 vehicles per day. There are no funded road improvement projects in the immediate vicinity of the rezoning. A traffic Impact Analysis was not required for this rezoning. There is no expected change in traffic as a result of this rezoning as no new uses are proposed.

Planning Documents

Union County Comprehensive Plan: The Union County 2050 comprehensive plan identifies this area as a Single Family Residential area, which means up to two units per acre where utilities are present. An employment center is immediately north of the site, based around the Monroe Airport industrial area. There have been two large industrial rezonings immediately north and west of the site, showing the impact of the employment center designation.

The uses proposed under RA-40 require a special use permit, which can be incorporated into the rezoning. The applicant has stated in their application, submitted documentation or staff have concluded through a site plan review that it meets the five findings of fact necessary for a special use permit:

1. The proposed use and development comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use.
2. The proposed development will not materially endanger the public health or safety.
3. The proposed development will not substantially injure the value of abutting property or is a public necessity.
4. The proposed development will be in harmony with the area in which it is located.
5. The proposed development will be in general conformity with the comprehensive plan.

Public and Municipal Comments

Public Comments: A community meeting was held May 7, 2025. Two members of the public attended. They supported the proposed rezoning and had no concerns over the current uses. No changes were made based on feedback.

Municipal Comments: Monroe was consulted for comments.

Staff Comments and Recommendation

This part of Union County is identified for single-family residential land uses. The rezoning does not propose new uses from what area already occurring on site. The proposed parcels and site plan can comply with unified development ordinance, but the use is not consistent with the adopted plan. However, the parcel is near two large industrial rezonings in recent years, consistent with the recommendations of the employment center designation near the airport. The uses are therefore a reasonable transition from industrial to residential areas. **Because of these aspects of the development, staff recommend approval of this rezoning application.**

Board Discussion and Conditions Considered:

- Long-standing landscaping and nursery operation
- Compatible with surrounding zoning and "Employment Center" land use designation
- No community opposition
- Staff recommended **approval**

Board Action:

Motion: Doug McClew, **Second:** Derrick Austin

Vote: Approved unanimously 7 to 0

Outcome: Approval Recommended

Planning Staff Report - Text Case # TXT-2025-001

Staff Contact: Lee Jenson, Planning Director

Summary of Request:

Proposed text amendment to:

1. Update the definition of "lot of record" with a rolling 10-year reset
 2. Modify Section 80.070-A to remove the fixed February 14, 1978 date
 3. Clarify the definition of "minor subdivision" to exclude divisions requiring new infrastructure
- Goal: Allow generational land division while avoiding developer misuse
 - Staff supported the amendment as beneficial for family use

Board Discussion:

- Supported the 10-year rolling reset
- Emphasized protection for family subdivision needs

Board Action:

Motion: Larry Britt to recommend approval and adopt consistency and reasonableness statement, **Second:** Doug McClew

Vote: Approved unanimously

Outcome: Approval Recommended

Planning Staff Report: Lee Jenson informed the Board that stormwater text amendments would be coming to them next month. He reminded everyone that currently they regulate the 25 year storm event only in cluster subdivisions. The recommendation was made to bump that up to the 50 year storm event and for it to apply to all development types – residential and commercial. There has been a lot of flooding throughout the County. There were some other recommendations but they were still being researched. Another recommendation was for a rural land use plan to take a more in-depth look at the rural residential areas of the comp plan, criteria to look at, commercial nodes, and other things. Board of County Commissioners (BOCC) will appoint committee members and should take about 18 months. Bjorn Hansen told the Board they received a NC grant for it in addition to more details. Mark Tilley asked if this would help with the people who purchase property and then clear cut it. Lee Jenson answered by saying there were different ways that could be handled and gave some explanation. The final item was that at the last BOCC meeting, they gave staff direction to come up with some ideas to lower density in areas and the Planning Department is currently researching it.

Brief Comments: There were no comments from the Board.

Close: With no further discussions, Doug McClew made a motion to adjourn and Larry Britt. It passed unanimously. The meeting adjourned at 8:00 pm.