



Land Use Board

January 28, 2025

Meeting Minutes

The Union County Land Use Board met in regular session on January 28, 2025, at 6:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street.

Present: Vice Chair Rick Davis, Derrick Austin, Larry Britt, Dion Edwards, Doug McClew, Mark Tilley and alternate Charles Walkup, Jr.

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

Call to Order: Vice Chair Rick Davis called the meeting to order.

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

Establish Voting Members: Vice Chair Rick Davis said with six regular members in attendance for the meeting that alternate Charles Walkup Jr would be a voting member.

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

Approval of the Minutes: Mark Tilley made a motion for approval of the November 19, 2024 Land Use Board minutes and Larry Britt seconded. It was approved 7 to 0.

Public Hearing:

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

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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
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 includes 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.

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.

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.

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.

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.

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.

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 to mitigate school and traffic impacts, its high density is in conflict with the adopted comprehensive plan. **Staff therefore recommend denial of the proposed rezoning.**

Bjorn Hansen came to the podium for his presentation. Once he was finished, Emily Powell with Kolter Homes went over their presentation and answered questions from the Board.

Key discussions included:

- **Traffic and Road Infrastructure:** Concerns over increased traffic and the impact on local roads, including planned improvements and a \$500,000 developer contribution.
- **Wastewater Management:** The developer proposed a decentralized wastewater treatment facility with a drip field system. Board members inquired about system maintenance, potential environmental impact, and the role of the HOA.
- **Community Impact:** Concerns raised about school enrollment, emergency services, and property values.
- **HOA Responsibilities:** Discussion on long-term street maintenance and enforcement of age restrictions.

Brad Fellrath of 7513 Russell Rd was against the development. He was concerned that the drain fields were going to be across the road from his property and the odor. He also thought Mill Grove Road would sustain a lot of damage due to how narrow it was.

Bill Rice of 7516 Russell Rd was against the development. He believed he had the largest amount of property that backed up to the creek frontage of this neighborhood. They already have a sewer treatment plant from Old Sycamore and now they want to add a new one at the other end. He too was concerned about the smells and was worried about an HOA managing a sewer treatment plant. He doesn't have a problem with the developer Kolter Homes but asked for some compassion for those that already live in the area.

Chip Leaf of 2008 Dilworth Rd in Charlotte had signed up but chose not to speak.

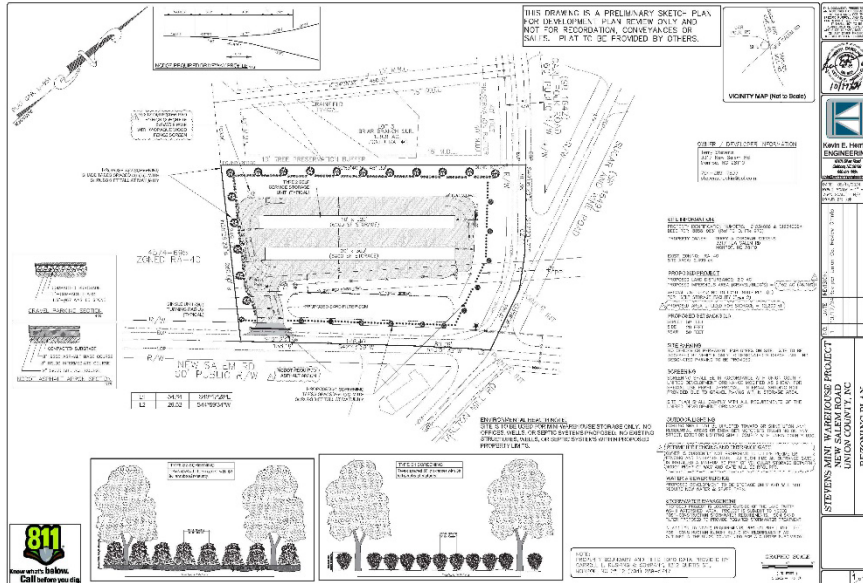
Richard Martinez of 1217 Rock Hill Church Rd attended the first meeting they had. He felt he asked the most questions at that meeting because his current home is his home for life. He was assured that there would not be any smells. He wasn't sure the concerns for the roads inside the neighborhood. He also felt the land was going to be used for something and he would rather have an older community there than something else. He visited Cresswind and was impressed and recommended members to go visit it. He was against but has now decided it might be a good addition.

Ken Worthy of 8911 Mill Grove Rd. He has lived there for thirty years and believes it will have a huge impact on the area. Mill Grove will be the main artery and it will not be wide enough. He appears it will be much denser than it appears. He is concerned about traffic turning onto Highway 218 and especially for older people. They only areas they would go to in Union County is Hemby Bridge and Stevens Mills Rd – anything else is going to leave our County. He felt one acre homes would be better.

Following board discussions, Mark Tilley read the Consistency Statement to recommend denial of the rezoning and Charles Walkup Jr seconded. It was passed unanimously 7 to 0.

Planning Staff Report - Rezoning Case # CZ-2024-006
Staff Contact: Bjorn Hansen, Senior Planner

Summary of Request



Owner/Applicant

Owners: Terry and Deborah Stevens
3317 New Salem Road
Monroe, NC 28110

Applicant: Terry and Deborah Stevens
3317 New Salem Road
Monroe, NC 28110

Property Information

Location: On the northeast corner of the intersection of New Salem and Sugar and Wine Roads. Location more specifically described as tax parcels 01-234-006 and 01-234-006A.

Municipal Proximity: The site is two miles east of Unionville.

Existing Land Use and Development Status: The parcels are currently zoned RA-40 and are undeveloped.

Environmental Features: The site is partially forested, with the portion on the eastern edge cleared in the last two years. The site plan includes enhanced tree protection and buffering to mitigate the tree loss. There are no streams or floodplains on the site.

Utilities: Public water is available to the site. The site will not require septic service.

Zoning and Land Use History: The site has been zoned RA-40 since zoning was implemented in Union County. The business on the eastern corner of Tarlton Mill and New Salem was rezoned to B-4 in 1979. A special use permit was approved by the Board of Adjustment in 2004 to allow for a convenience store and gas pumps. There have been no other rezonings or special use permits in the vicinity of this site.

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

Transportation: This site will have access from New Salem Road, which is a NCDOT-maintained facility. It has a 2022 daily traffic count of 2,700 vehicles per day. There are no funded road improvements in the vicinity of the project. This site is expected to generate less than 100 trips per day, which did not meet Union County or NCDOT thresholds for a traffic impact analysis. No improvements to New Salem Road are recommended as part of this rezoning or site plan.

Planning Documents

Union County Comprehensive Plan: The Union County 2050 comprehensive plan identifies this area as Rural Residential, with an overall density of approximately one unit per acre. The closest light industrial district recommended in the plan is along US 74 and US 601.

Public and Municipal Comments

Public Comments: A community meeting was held January 14, 2025. Three residents attended the meeting and asked about previously permitted septic fields on adjacent parcels, ability to operate the business if sold, and lighting glare on adjacent parcels. No changes were made based on feedback. No additional comments have been received by staff.

Municipal Comments: Because Unionville is two miles from the site, they were not asked for comments.

Staff Comments and Recommendation

This part of Union County is identified in the comprehensive plan as rural residential and agricultural uses. This proposal for outdoor storage is therefore not consistent with the plan. The two parcels have a power line crossing through the site, as well as having frontage on two roads, which limit the appropriateness as residential. In addition, there are two commercial properties across the street, meaning potential impact on residential properties is further reduced. The proposal can meet Union County development standards and will have a low impact on adjacent roads. **Because of these aspects of the development, staff recommend approval of this rezoning application.**

Bjorn Hansen came to the podium for his presentation. Once he finished, Terry Stevens explained how he owned Krista's Corner and wanted a good area for the community.

Board Discussion & Concerns:

- **Security & Crime Prevention:**
 - Concerns about potential for the storage facility to become a **drop site for illegal activity**.
 - Proposed solution: **Gated access during specific hours** (dawn to dusk) and potential security cameras.
- **Lighting & Aesthetic Impact:**
 - Question on whether outdoor lighting is required.
 - Developer to use **pole-mounted lighting with shielding** to reduce glare.
- **Traffic & Safety Considerations:**
 - Access planned off **New Salem Road**, avoiding major intersections.
 - Concerns about congestion were minimal due to **low traffic generation** of the storage facility.
- **Site Maintenance & Long-Term Viability:**
 - Inquiry on whether **a security gate will be installed** – applicant confirmed it would be locked after dark.

Following board discussions, Mark Tilley read the Consistency Statement to recommend approval of the rezoning and Doug McClew seconded. It was passed unanimously 7 to 0.

Planning Staff Report: Lee Jenson provided updates on past Land Use Board decisions. The Dorman rezoning for an office building at Rea Rd and Tom Short was approved. A text amendment regarding 30% open space requirements in rural residential areas was also approved. The proposed driveway spacing and lot size amendment was not moved forward by the BOCC.

Brief Comments: There were none.

Close: With no further discussions, Doug McClew a motion to adjourn and Larry Britt seconded. It passed unanimously. The meeting adjourned at 8:15 pm.