



Land Use Board November 19, 2024 Meeting Minutes

The Union County Land Use Board met in regular session on November 19, 2024, 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 Mark Tilley gave the prayer.

Establish Voting Members: Vice Chair Rick Davis said with six regular members were in attendance for the meeting and 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: Larry Britt made a motion for approval of the October 15, 2024 Land Use Board minutes, Dion Edwards agreed to seconded. It was approved 7 to 0.

Public Hearing:

Planning Staff Report - Rezoning Case # CZ-2024-008

Staff Contact: Bjorn Hansen, Senior Planner

Summary of Request

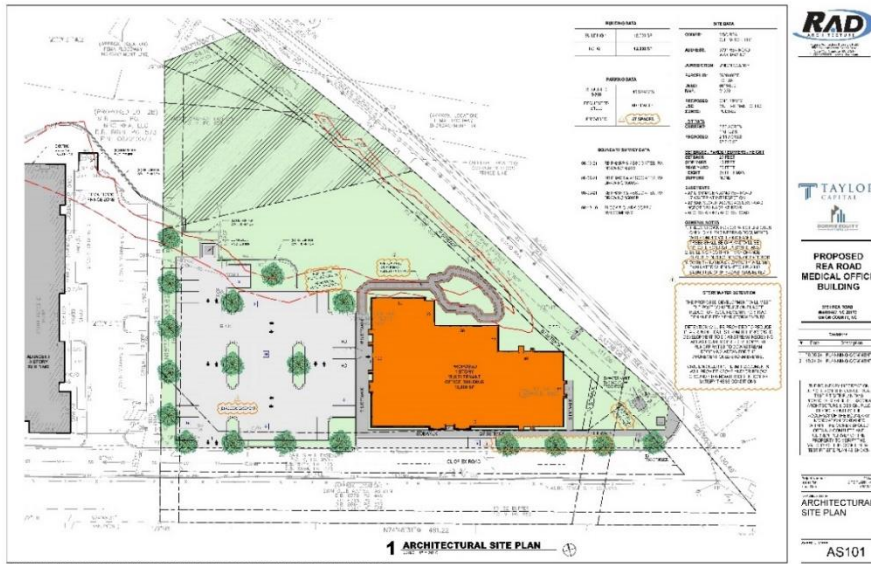
This case is a rezoning request, petition CZ-2024-008, submitted by Dormie Equity Partners, LP (the "Applicant") for revision of the Union County Zoning Map by amending the approved Planned Unit Development district permit with associated conditions for a 2.53 acre parcel of land appearing on the tax map as tax parcel 06-201-007J in the Sandy Ridge Township under an existing legacy PUD6-B2 zoning district. 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. Development will meet all requirements of the Union County Unified Development Ordinance.
3. The approval is limited to the site plan dated October 24, 2024.

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4. The permitted uses on the site include all office uses, including medical office.
5. The site may include natural-surface pedestrian trails within areas that fall within a floodplain.
6. The site may include pedestrian-related improvements and plantings (including in the floodplain) as allowed under the Union County Unified Development Ordinance and other state, local, and federal regulations.



Owner/Applicant

Owners: MSC Rea Outparcel, LLC
725 Park Cedar Drive
Matthews, NC 28105

Applicant: Dormie Equity Partners, LP
1213 West Morehead Street, Fifth Floor
Charlotte, NC 28208

Property Information

Location: On the southwest side of the intersection of Rea and Tom Short Roads. Location more specifically described as tax parcel 06-201-007J.

Municipal Proximity: The site is immediately east of the Village of Marvin.

Existing Land Use and Development Status: The parcel is currently zoned PUD6-B2 and is undeveloped.

Environmental Features: There is a floodplain on the northern edge of the site and detention would be required as part of the site plan.

Utilities: Public water and sewer are available to the site.

Zoning and Land Use History: The site has been zoned as PUD6 since 2004, when it was rezoned as part of the overall site that now includes the Kohls, vacant land on the northeast corner of Tom Short and Rea Roads, and portions of Hunter Oaks. There were three unsuccessful and one successful rezoning from R-40 to R-20, which resulted in 246 acres of residential development in the immediate vicinity of the site. There also was an approved townhouse development on the county line north of this site approved in 2018. There have been two commercial rezonings proposed since 2018, including the approved shopping center north of the Lighthouse Child Care Facility and denied telecommunications tower behind Lighthouse. There have been five special use permits at this intersection, all relating to the implementing the PUD zoning of the overall development. All five were approved, and all have been implemented, with the exception of the large vacant parcel on the northeast corner of Rea and Tom Short.

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

Transportation: This site is off of Rea Road, which is a NCDOT-maintained facility. It has a 2022 daily traffic count of 22,000 vehicles per day. There are no funded road improvements in the vicinity of the project. This site is expected to generate approximately 400 trips per day, which did not meet Union County or NCDOT thresholds for a traffic impact analysis. No improvements to Rea Road are recommended as part of this rezoning or site plan. The site would use the existing driveway off of Rea Road.

Planning Documents

Union County Comprehensive Plan: The Union County 2050 comprehensive plan identifies this area part of a small commercial center. A Small community center typically serves a larger population and includes 125,000 square feet to 400,000 of square feet of leasable space. The typical trade area of a Community Center is three to six miles. Small community centers should be anchored by a commercial use such as a grocery store or retailer. The surrounding land use is for single-family residential at a density of approximately two units per acre.

Public and Municipal Comments

Public Comments: A community meeting was held October 8, 2024. Three residents attended the meeting and asked about the process for rezoning and parking requirements. No changes were made based on feedback. No additional comments have been received by staff.

Municipal Comments: Marvin is less than a quarter mile west of the site and were contacted for comments.

Staff Comments and Recommendation

This part of Union County is identified as a commercial node, as well as single-family residential land uses. This proposal for medical office uses is consistent with the PUD zoning for the site and the commercial node designation for the area. 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. He explained this was a conditional rezoning for a 2 and a half acre parcel off of Rea Road near the Kohl's. This is part of the overall large PUD plan unit development zoning district that has been in existence for almost 20 years. This isn't technically a rezoning because it already has the right zoning assigned to it but the conditions for that overall zoning are such that any development implementation of it must come to the board for approval. PUD stands for planned unit development and there's sections within it. You could have a commercial and a residential component. PUD zoning was very complicated and anytime plans were updated you had to go back to the planning board to get an approval for those updated plans. PUD zoning was eliminated with the new ordinance because it was so complicated and nobody liked it. However, there are legacy districts out there that must be dealt with and it made sense to use the conditional rezoning process. When it shows up as a conditional rezoning it was to use the process but it's not really a rezoning. They're essentially just coming to you saying these are the updated plans. Planning Staff suggested that medical offices were probably the most intensive type of office use and so lesser uses were seen as appropriate and gave the applicant more flexibility. Rick Davis clarified that the rezoning was for medical because that is the stiffest and Bjorn agreed. Bjorn went over the area and the businesses located there. Bjorn noted that some parking was in the flood plain but Brian Hawkins, the stormwater had stated it would work.

Mark Tilley believed it appeared that the parking lot is a part of the floodplain and concerned given what had recently happened in Western North Carolina. There was some discussion about the stormwater detention under the parking lot.

Aaron Houck with Robinson Bradshaw and Chad Dameron were present to go over the project a little more and answer any questions from the Board.

Larry Britt thought the design looked good. Mark Tilley was concerned with the floodplain but he did acknowledge he was part of the original approval. He read the Consistency Statement to recommend approval of the rezoning and Doug McClew seconded. It was passed unanimously 7 to 0.

Public Hearing:

Planning Staff Report – TXT-2024-002 Text Amendment to Sections 5.030-B (Conventional Development) and 5.030-C (Cluster Development) of the Union County Development Ordinance

Staff Contact: Lee Jenson, Planning Director

Summary of Request

These proposed text amendments are based on recommendations outlined in the Union County 2050 Comprehensive Plan. The Comprehensive Plan outlines several strategies that will help implement the vision of the plan; one of which is helping to protect the rural character and open spaces of areas shown as "Rural Residential" in the Union County comprehensive plan. The Board of County Commissioners then established an implementation committee to make specific recommendations concerning all the strategies. One specific recommendation concerning protecting the rural character and open spaces of Union County is to require major subdivisions in the "Rural Residential" areas to provide 30% open space. This effectively

reduces the overall density of major subdivisions in the “Rural Residential” areas by 30%. These implementation strategies were approved by the Board of County Commissioners in January 2024.

Section 5.020 Allowed Uses

Principal uses are allowed in R districts in accordance with [Section 25.010 \(Table 25-1\)](#). Not more than one principal dwelling unit is allowed on a single lot (parcel) of land unless otherwise approved as a townhouse or multi-unit development ([amended 5-18-2015](#)).

Section 5.030 Lot and Building Regulations

5.030-A General

This section establishes lot and building regulations for all development in R districts. The standards vary based on zoning classification and sometimes by building and development type. These regulations are not to be interpreted as a guarantee that allowed densities and development yields can be achieved on every tract. Other factors, such as central water and central sewer service availability, health department requirements, other requirements of this ordinance or other factors may sometimes work to further limit development potential.

5.030-B Conventional Development ([amended 3-15-2021](#))

“Conventional development” is any development that utilizes Table 5-2 to establish minimum lot sizes.

1. Applicability

The conventional development standards established in this subsection apply to all conventional development new subdivisions in all RA and R districts.

2. Lot and Building Regulations

The lot and building regulations of Table 5-2 apply to all conventional development in R districts. Conventional developments are also subject to the supplemental regulations of this subsection (5.030-B).

3. Density Standards

1. For Major Subdivisions utilizing conventional development standards the following density standards apply:

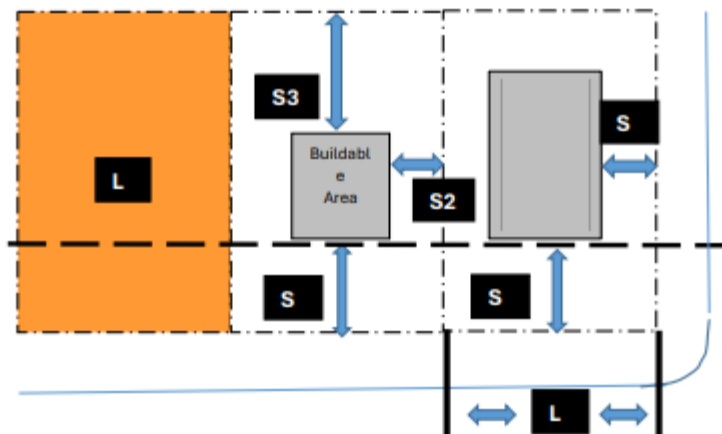
- a. Density is not transferable across state roads. Existing and proposed street rights-of-way may not be counted as lot area for the purposes of calculating maximum site density.
- b. Areas within a special flood hazard area, as shown on the Flood Insurance Rate Maps (FIRM) for Union County, and areas designated as Riparian Buffers under Article 70 of this ordinance, shall not be used to calculate maximum site density.
- c. In areas identified as “Rural Residential” on the future land use map in the current comprehensive plan, in addition to the standard set forth above, an additional 30% of the acreage of the development site shall be set aside as common open space and shall not be used to calculate maximum site density. Common open space as required by this section shall follow the regulations set forth in Section 5.030-C(4)(b) and 5.030-C(4)(d)-(g).

Table 5-1: R District Lot and Building Regulations--Conventional Development (amended 8-6-2018)

Regulations		RA-200	R-40 RA-40	R-20 RA-20	R-15	R-10	R-8	R-6	R-4
Minimum Lot Size									
L1	Area (square feet)	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Area per dwelling unit (sq. ft.)								
	Detached House	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Two-unit house	NA	30,000	15,000	11,250	7,500	6,000	4,500	3,000
	Townhouse	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building	NA	NA	NA	NA	6,250	5,000	3,750	2,000
L2	Width (feet) [1]	300	120	100	80	70	60	50	35
Minimum Setbacks (feet)									
S1	Street/front [2]	40	40	40	30	30	30	25	20
S2	Side [3]	15	15	12	10	10	10	8	5
S3	Rear	40	40	40	30	30	30	25	20
S4	Corner Side	20	20	20	15	15	15	12.5	12.5
	Max. Building Height (feet)	35	35	35	35	35	50	50	50
	Max. Coverage for bldgs. & structures	40%	40%	40%	40%	40%	40%	40%	40%

[1] Lot width does not apply to townhouses
[2] Corner lots – one street side yard shall be ½ of the required street/front setback
[3] For townhouses, side setbacks apply to end units only.
[4] Non-residential uses allowed in residential districts may exceed the 35 ft. height limitation, but shall not exceed 50 ft. in overall height.

Figure 5-1: Residential Lot and Building Regulations (Conventional Development) (amended 8-6-2018)



5.030-C Cluster Development

“Cluster development” refers to a subdivision of detached houses that allows for smaller lot sizes than conventional developments but that results in greater preservation of common open space and no overall increase in residential density. Cluster development regulations require that a specified portion of each subdivision be set aside and permanently preserved as open space. Cluster development designs allow more compact and less costly networks of streets and utilities. They can also help reduce stormwater runoff and non-point source pollutant loading rates and can be used to help preserve an area’s semi-rural character. Cluster developments are intended to reduce stormwater runoff and flooding, preserve

natural resources, protect water quality and encourage the provision of needed open space and recreational amenities for residents.

1. **Applicability**

The cluster development option established in this subsection is available for new subdivisions in RA-200, RA-40, RA-20, R-40, R-20 and R-15 districts.

2. **Lot and Building Regulations**

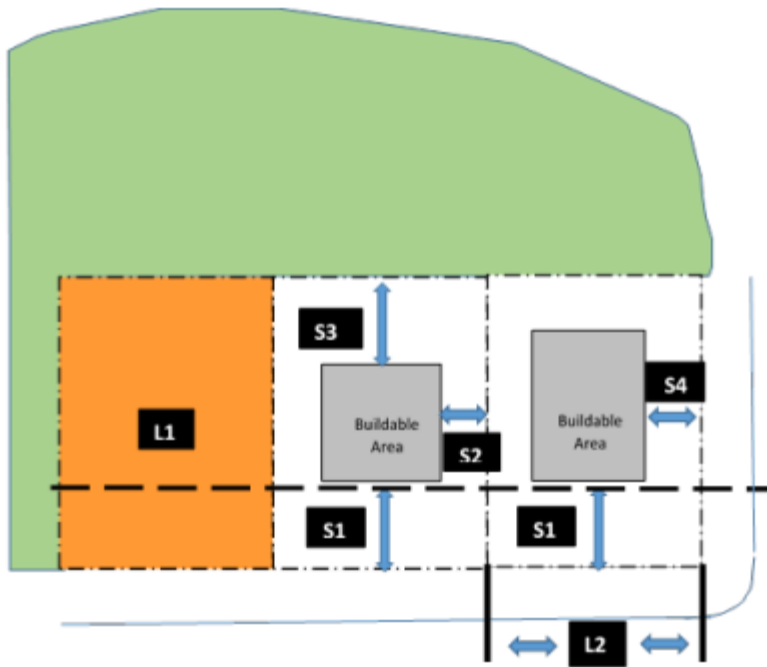
The lot and building regulations of

Table 5-3 apply to all cluster developments in R districts. Cluster developments are also subject to the supplemental regulations of this section (5.030-C).

Table 5-2: R District Lot and Building Regulations—Cluster Development (amended 8-6-2018)

Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15
Overall Site				
Minimum contiguous area (acres, gross)	100	25	25	25
Minimum open space (% site)	See 5.030-C.			
Minimum Lot Size				
Minimum Lot Area (sq. ft.)	87,120	20,000	15,000	10,000
Minimum Setbacks (feet)				
Street	25	25	25	25
Side	10	7.5	5	5
Rear	25	25	25	25
Corner Side	12.5	12.5	12.5	12.5
Max. Building Height (feet)	35	35	35	35

Figure 5-2: Residential Lot and Building Regulations (Cluster Development) (amended 8-6-2018)



3. Site Area and Density

- a. Lots split by state roads are considered separate lots and may not be combined to meet applicable minimum site area requirements.
- b. Density is not transferable across state roads. As required with conventional (non-cluster) subdivisions, existing and proposed street rights-of-way may not be counted as lot area for the purposes of calculating maximum site density.
- c. Areas within a special flood hazard area, as shown on the Flood Insurance Rate Maps (FIRM) for Union County, and areas designated as Riparian Buffers under Article 70 of this ordinance, shall not be used to calculate maximum site density. *(amended 3-15-2021)*
- d. In areas identified as "Rural Residential" on the future land use map in the current comprehensive plan, in addition the standards set forth above, an additional 30% of the acreage of the development site shall be set aside as common open space and shall not be used to calculate maximum site density.

4. Open Space

- a. Each cluster development must include permanently protected common open space equal to at least ~~±0.30~~ 30% of the gross area of the subdivision or the difference

between the cumulative total lot area that would have been required under the conventional development minimum lot area requirements of ~~§5.030-B~~ and the actual cumulative total area provided within the cluster development, whichever results in a greater amount of open space.

- b. Required open space must be directly accessible to residents of the development.
- c. Street rights-of-way and waste water disposal fields may not be counted toward satisfying minimum common open space requirements, and no more than 50% of the required minimum open space area may consist of FEMA-regulated floodplain area.
- d. At least 50% of the common open space required to be set aside must be usable open space, meaning an area that is capable of being used and enjoyed for passive recreation and that:
 - (1) Is left in its natural or undisturbed state (as of the date development began), if wooded, except for the cutting of trails for walking or jogging (see below), if not wooded at the time of development is property vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective of providing passive recreational opportunities; or
 - (2) Consists of a pond, lake or other natural or human-made body of water.
- e. Common open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The legal instrument must be one of the following:
 - (1) A permanent conservation easement in favor of either:
 - (a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions;
 - (b) A governmental entity (if the entity accepting the easement is not the county, then a third right of enforcement favoring the county must be included in the easement);
 - (2) An open space tract protected by a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
 - (3) An equivalent legal tool that provides permanent protection, as approved by the county attorney.

- f. The applicant must identify the owner of the open space. The designated owner and the owner's successors are responsible for maintaining the open space and any associated facilities. If a property owners association is the owner, membership in the association is mandatory and automatic for all property owners within the development and their successors.
 - g. The applicant must submit a management plan for the open space and all common areas. The management plan must:
 - (1) Allocate responsibility and guidelines for the maintenance and operation of the open space and any associated facilities, including provisions for ongoing maintenance and for long-term capital improvements;
 - (2) Estimate the costs and staffing requirements needed for maintenance, operation and insurance and outline the means by which necessary funding will be obtained or provided; and
 - (3) Describe means of enforcing the management plan.
5. **Subdivision Design Improvements**
Unless otherwise expressly stated, cluster developments are subject to the same infrastructure and public improvement requirements (e.g., streets, trails, street trees, street lights, etc.) as conventional developments (subdivisions).
 6. **Stormwater Management**
Post-development stormwater discharge rates at the property boundary may not exceed the pre-development rate for the 2- and 25-year storm events. This regulation does not apply if discharging directly into a FEMA-regulated floodplain.
 7. **Central Water and Central Sewer**
Cluster developments must have water service from a central water source and sewer service from a central sewer service provider. *(amended 5-18-2015)*
 8. **Streets**
All lots shall be served by newly created interior streets. *(amended 5-18-2015)*
 9. **Recreational Facilities**
Cluster developments must have at least one recreational amenity including but not limited to neighborhood pool/club house, or other recreational facilities such as bike paths, ball fields, pocket parks, walking trails, or basketball courts. These facilities must be constructed before releasing more than 75% of the lots for final plat. *(amended 5-18-2015)*

Lee Jenson described to the Board the proposed change was to require 30% open space for subdivisions of more than eight lots. The purpose would reduce density in rural areas while preserving open spaces. After the Board discussed it for a period, Larry Britt read the consistency statement to recommend approval, Doug McClew seconded it and it was approved unanimously.

Public Hearing:

Planning Staff Report – TXT-2024-003 Text Amendment to Table 5-2 (R District Lot and Building Regulations - Conventional Development) and 60.070 (Lots and Access) of the Union County Development Ordinance

Staff Contact: Lee Jenson, Planning Director

Summary of Request

These proposed text amendments are intended to increase safety and decrease driveway access points along major corridors in Union County. The amendments would increase lot road frontage requirements along roadways in Union County that have a posted speed limit of 45 MPH or greater. In addition, along those same roadways, lot size requirements would be increased as well, thereby, decreasing overall density for lots taking direct access along higher speed corridors.

Section 5.030 Lot and Building Regulations

Table 5-2: R District Lot and Building Regulations--Conventional Development (amended 8-6-2018)

Figure 5-1

Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15	R-10	R-8	R-6	R-4
Minimum Lot Size								
L1	Area (square feet)							
	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Area per dwelling unit (sq. ft.)							
	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Detached House							
	NA	30,000	15,000	11,250	7,500	6,000	4,500	3,000
	Two-unit house							
	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building							
	NA	NA	NA	NA	6,250	5,000	3,750	2,000
L2	Width (feet) [1]							
	300	120	100	80	70	60	50	35
Minimum Setbacks (feet)								
S1	Street/front [2]							
	40	40	40	30	30	30	25	20
S2	Side [3]							
	15	15	12	10	10	10	8	5
S3	Rear							
	40	40	40	30	30	30	25	25
S4	Corner Side							
	20	20	20	15	15	15	12.5	12.5
	Max. Building Height (feet)							
	35	35	35	35	35	50	50	50
	Max. Coverage for bldgs. & structures							
	40%	40%	40%	40%	40%	40%	40%	40%

[1] Lot width does not apply to townhouses

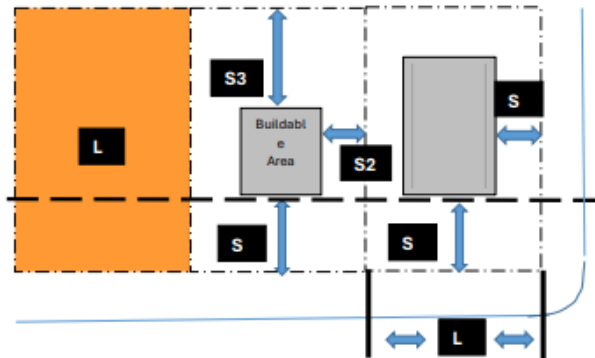
[2] Corner lots – one street side yard shall be 1/2 of the required street/front setback

[3] For townhouses, side setbacks apply to end units only.

[4] Non-residential uses allowed in residential districts may exceed the 35 ft. height limitation but shall not exceed 50 ft. in overall height.

[5] Lot sizes and width listed in this table apply only to properties which do not have public road frontage or which have frontage on public which have speed limits of less than 40 mph. For lots fronting on roads with a posted speed limit of 40mph or greater, please refer to section 50.070-A (3) for additional requirements.

Figure 5-1: Residential Lot and Building Regulations (Conventional Development) (amended 8-6-2018)



Section 60.070 Lots and Access

60.070-A Lots

1. The size, shape and orientation of lots must comply with applicable zoning district standards and be appropriate for the location, topography and physical features present and for the type of development and use contemplated.
2. Minimum lot dimensions, building setback lines and lot areas must conform to applicable zoning district requirements.
3. In all residential zoning districts except RA-200, for lots with frontage on public roads with a speed limit of 40 mph or greater, the following standards apply:
 - a. For lots with frontage on public roads with a speed limit between 40 mph and 54 mph, the minimum lot size shall be 60,000 square feet, with a minimum of 150 feet of road frontage.
 - b. For lots with frontage on public roads with a speed limit of 55 mph or higher, the minimum lot size shall be 80,000 square feet with a minimum 240 feet of road frontage (unless it meets the criteria of subsection (c) immediately below.
 - c. For lots with frontage on public roads with a speed limit of 55 mph or higher that are less than two miles in length, the minimum lot size shall be 60,000 square feet with a minimum of 150 feet of road frontage.

Lee Jenson explained to the Board the proposed increased lot size and road frontage requirements would be for parcels located on roads with speed limits of 40 mph or higher. Concerns raised during the presentation were the potential financial burden on individual property owners and families, especially the impact to rural residents wanting to divide land for family use. Members emphasized the need to balance safety with property owner rights. Mark Tilley read the consistency statement for denial of text amendment, Vice Chair Rick Davis seconded and it passed unanimously.

Planning Staff Report: Lee Jenson let the Board know the Stevens rezoning application was approved by the Board of Commissioners with conditions to address lot lines and landscaping.

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 7:32 pm.