



Land Use Board

August 20, 2024

Meeting Minutes

The Union County Land Use Board met in regular session on August 20, 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 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: Planning Director Lee Jensen 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.

Oath of Office: Regular Members Mark Tilley and Derrick Austin took the oath of office and then the alternates David Brooks and Charles Walkup, Jr were sworn in.

Establish Voting Members: Vice Chairman Rick Davis said there were six regular members so there was a quorum. To have an odd number voting, David Brooks would be a voting member for the meeting.

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: Doug McClew made a motion for approval of the June 18, 2024 Land Use Board minutes, Dion Edwards seconded it, and they were approved 7 to 0.

Public Hearing:

Planning Staff Report - Rezoning Case # CZ-2023-004

Staff Contact: Bjorn Hansen, Senior Planner

Summary of Request

This case is a request to amend the Zoning Map of Union County by rezoning one parcel of land totaling 4.808 acres appearing on the tax map as tax parcel 08-312-017B in the Goose Creek Township from RA-40 to Light Industrial (LI) with Conditions. The applicant requests the rezoning in order to develop an outdoor storage facility with 90 spaces for recreational vehicles, trailers, and boats. The rezoning will include the following conditions:

1. Limited to site plan dated July 2, 2024
2. Five-year vesting of development rights
3. Stormwater facility will meet 2 and 25 year storm events.
4. Development will meet all requirements of the Union County Unified Development Ordinance

Owner/Applicant

Owner: Ismar Bambur
3010 Rea Road
Charlotte, NC 28226

Applicant: Ismar Bambur
3010 Rea Road
Charlotte, NC 28226

Property Information

Location: On the east side of Rock Hill Church Road immediately south of the intersection with Union Road and Ranch Drive. Location more specifically described as tax parcel 08-312-017B.

Municipal Proximity: The site is immediately east of the Town of Stallings.

Existing Land Use and Development Status: The parcel is currently zoned RA-40 and totals approximately 4.808 acres. The site is vacant with some forested areas.

Environmental Features: There are no streams, wetlands or floodplain on site. A stormwater detention facility is proposed on the southern part of this development.

Utilities: Public water is available to the site but no utilities are required since there will be no employees or bathroom facilities on site.

Zoning and Land Use History: The site has been zoned RA-40 with no previous rezoning proposals. A rezoning immediately east of the site was proposed in 1983 to rezone 110 acres from R-40 to RA, but it was withdrawn before the Board of Commissioners could consider the proposal.

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

Transportation: This site is on Rock Hill Church, an NCDOT-maintained facility. The NCDOT does not maintain a traffic count on this section of Rock Hill Church. The traffic count is likely less than 2,000 vehicles per day, based on the 1,300 vehicle per day 2017 count near NC 218. Union Road has a 2022 traffic count of 250 vehicles per day. A traffic Impact Analysis was not required for this rezoning. Traffic generated from this proposed use is likely to be low but will involve a large percentage of trucks. The driveway location has been reviewed by the NCDOT and meets their standards.

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. The closest commercial node is at the intersection of Lawyers and Stevens Mill, one mile to the west. There is a commercially- zoned property north of the site, but the Land Use Map did not propose an expansion or increase in permitted uses at this intersection.

Public and Municipal Comments

Public Comments: A community meeting was held August 6, 2024. A total of 12 residents attended the meeting. They expressed concerns about water contamination from oils leaking from stored vehicles, glare from lights, and impacts on property values. The applicant revised the site plan to eliminate 45 storage spaces along Rock Hill Church Road, reducing overall parking to 90 spaces.

Municipal Comments: Stallings was consulted for comments. They oppose the proposed use, stating that it is not near their industrial or automotive uses identified in their land use map.

Staff Comments and Recommendation

This part of Union County is identified for rural residential and agricultural land uses, meaning a storage lot would be inconsistent with the plan. There is a commercial site immediately north of this site that was rezoned by Union County in 2019, although that was due to a legal non-conforming use that had existed since 1981. This use would have limited noise impacts and can meet Union County development standards. This site would have access south of an awkward intersection and could cause traffic issues in the future as a result of increased traffic and would involve security lighting that is inconsistent with rural residential areas. In addition, the large amount of excess storage area in the site could result in enforcement issues in the future if more than 90 boats, RVs, or trailers are stored on site. **Because of these aspects of the development, staff recommend denial of this rezoning application.**

Bjorn Hansen came before the Board to give his presentation. Mark Tilley asked if there was any reason limiting the property from being used as residential and Bjorn Hansen advised it was his understanding that it did not perk well. Larry Britt wondered how far the nearest storage was and Bjorn Hansen was unsure. Doug McClew questioned if it would have limited access and Bjorn Hansen verified it would be gated. Vice Chair Rick Davis wanted to know if there was a traffic impact study and Bjorn said one was not required for this since it won't generate enough traffic.

Ismar Bambur, the petitioner, came before the Board. He explained he purchased the property three years ago and since it was unused land, he thought he would try to rezone it for storage. Originally it was going to be 24 hour access but that has been changed to 9:00 pm. As far as landscaping, the chain length fence should not be seen and there will be no structural buildings. Vice Chair Rick Davis mentioned an email they received indicated that when Emerald Lake HOA sold the property, the contract stated the property would be for personal use and asked what Mr. Bambur's opinion was of that. He mentioned there were

restrictions but they had negotiated to have some removed. He then found that the negotiated version was not used during closing and would have to meet with his lawyers. He continued that he purchased it as an investment and never really had a plan for it and didn't remember saying he would use it for personal use. He told the Board he decided to rezone it after several people had asked him if they could store their boats on it. There was some discussion as to why he did not try to use it for its residential zoning and that he did not live in the area.

David Benton of 618 Rock Hill Church Rd was against the rezoning. He is a lifelong Union County resident. He said it is across the street and has seen several boats there. He does not believe this belongs in the country setting.

Kim Stephens of 5933 Four Wood Dr was opposed to the rezoning. She felt it would be eye sore, the vehicles could leak toxic materials into the ground and the heavier vehicles could make the area a mud pit when it rains. She questions if all the boats stored are Mr. Bambur's. She observed houses in the area sell quickly but the house for sell directly across from this has been on the market for weeks. No one wants to look at that. She feels it might bring theft to the area as well.

David Brooks asked what the parking surface would be and Bjorn Hansen responded it would be gravel.

Silva Deason of 5927 Four Wood Dr was against it. Her concerns had already been addressed. She mentioned Mr. Bambur bought the property in August 2022 and had applied to rezone it in less than a year. She believed this would take away from their neighborhood, the people of Rock Hill Church, and the community.

Joseph Craparotta of 5897 Four Wood Dr was against the rezoning. He explained it was a nice, quiet, residential area and when he purchased it, he knew it was a residential area. It does not need to be an industrial area with a gravel parking lot with 90 spots. It could have loud diesel trucks with possible reverse lights adding noise and light pollution to the neighbors. Contamination to the land and ground water. He thought this belonged on 74 and not in a residential area.

Julia Hejazi of 5903 Four Wood Dr was opposed to the rezoning. She just purchased her home four weeks ago and prior to that, lived in Mecklenburg County off Albemarle Rd. When she originally turned on Rock Hill Church Rd, she saw a house and trees and was reminded of her childhood. She has owned property on the lake for 30 years and knows boaters. What will happen during holiday weekends is that boat owners' will be blocking the neighborhood entrance waiting their turn to get their boat. It will cause congestion on a two lane road that was never meant for this.

Lisa Solomon of 7225 Three Wood Dr was against it. She was a long time resident of Union County for almost thirty years. She loves the Emerald Lake neighborhood and believes it is beautiful. The rezoning would ruin the curb appeal of the rear entrance leading to homes. She mentioned they have an issue with the front entrance with the newly added roundabout. She felt it would be a safety concern and if promises are not kept, it will not be properly monitored and maintained. It will lead to the invitation of crime and more industrial businesses. The road is narrow and not big enough to handle additional traffic of large vehicles.

Jeff Williams of 5500 Two Iron Drive was against the rezoning. His property was also directly across from this four acres. Him and his wife were born and raised in Union County. When they purchased their house, there was house on that property. Boat storage would devalue their property. He was not against small

business but this was not the place for this type of business. He disagreed with Bjorn Hansen that it was light traffic with it coming from Lawyers, Highway 218, and Union.

Seth Werner of 6126 Four Wood Dr was opposed to the rezoning. He had a copy of the contract and it did say for personal use. If nothing else, he entered the contract under false pretenses and would be happy to share.

Ismar Bamburg told the Board the land would not perc. He mentioned he also had a copy of the contract. Mark Tilley stated since he knew the land would not perc, had he investigated if he could connect to the County's sewer. Mr. Bamburg said he had not. There was some more discussion about sewer systems in the area.

Bob Rossi of 5525 Two Iron Drive was against the rezoning. He stated he only had one question for the Board – if they lived in a nice neighborhood in a nice house, would you want this going in across from you.

Frank Brucia of 1208 Emerald Lake Drive opposed the rezoning. He had lived in Union County since 1974. They have 10 families that live in the area. They own businesses in Charlotte. He likes the scenery and wildlife around. He did not want it to look like the industrial park at Lawyers and was disgusted there is even a possibility of it. He is concerned about the traffic.

Gennady Maryanov of 5883 Four Wood Dr was against it. He said as soon as he purchased it, he had boats there that he and someone else would work on. He does not believe it is personal use. Traffic has increased in the last two years. He has seen how the boats pull out and is concerned about accidents that will happen.

Barry Linderman of 7153 Three Wood Dr was also opposed to the rezoning. He is a retired CPA so he is a numbers guy. He took numbers directly from the Union County website. The property was purchased in 2022 for \$150,000. The most recent value is around \$83,000 with a 40% drop in the value of his purchase. Mr. Linderman's perception was that he was trying to mitigate a personal bad investment by turning it into some type of commercial venture. He did not feel the residents of Emerald Lake should pay the price or bare the burden of a bad financial investment.

Larry Britt felt it was a residential area and his feelings were to deny it. Doug McClew understood Mr. Bamburg trying to re-coop some money. He also knew from previous cases that there are other ways to get land to perc. He believed he might be able to triple his money with nice one acre lots. He concluded by saying he would recommend denial. Mark Tilley said he had been in Union County for 40 years. He grew up on a farm, now owns a trucking business located in an Industrial Park. He is very pro-business but there is a place for everything because there must be harmony for everyone. With that, he made a motion to deny and read the staff provided consistency statement. Doug McClew seconded and the rezoning was denied 7 to 0.

Planning Staff Report - Rezoning Case # CZ-2023-007
Staff Contact: Bjorn Hansen, Senior Planner

Summary of Request

This case is a request to amend the Zoning Map of Union County by rezoning one parcel of land totaling 2.82 acres appearing on the tax map as tax parcel 09-330-012 in the Monroe Township from RA-40 to Light

Industrial (LI) with Conditions. The applicant requests the rezoning in order to develop a business headquarters with warehouse space. The rezoning will include the following conditions:

- 1) Limited to site plan dated June 17, 2024
- 2) Five-year vesting of development rights
- 3) Installation of sidewalks along Plyler Mill and NC 200 unless no longer required by the Comprehensive Transportation Plan
- 4) Building on Plyler Mill can be fenced storage before building is constructed
- 5) Development will meet all requirements of the Union County Unified Development Ordinance

Owner/Applicant

Owner: Ashley and Travis Couick
3319 Crow Road
Monroe, NC 28112

Applicant: Brandon Tyler Couick
7120 Potter Road South
Waxhaw, NC 28173

Property Information

Location: On the south side of the intersection of Plyler Mill and NC 200. Location more specifically described as tax parcel 09-330-012.

Municipal Proximity: The site is a half mile from the City of Monroe.

Existing Land Use and Development Status: The parcel is currently zoned RA-40 and totals approximately 2.82 acres. The site is a largely forested area.

Environmental Features: There are no streams, wetlands or floodplain on site. A stormwater detention facility is proposed in the central portion of the site.

Utilities: Public water is available to the site and septic service will be utilized.

Zoning and Land Use History: The site has been zoned RA-40 with no previous rezoning proposals. A B-3 to Light Industrial (LI) rezoning immediately northeast of the site was approved in 1982, which allowed the mini-storage facility to be developed. There have been no other proposed rezonings in the immediate vicinity of this site.

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

Transportation: This site is on NC 200 and Plyler Mill. Both are NCDOT-maintained facilities. NC 200 has a 2021 daily traffic count of 10,000 vehicles per day. Plyler Mill has a 2022 daily traffic count of 4,700 vehicles per day. A traffic Impact Analysis was not required for this rezoning. Traffic generated from this proposed use is likely to be low but will involve a large percentage of trucks. The driveway locations have been reviewed by the NCDOT and meet their standards. The site plan does include sidewalks, but this

requirement will be eliminated if the proposed comprehensive transportation plan (CTP) amendment is approved in early 2025.

The intersection of Plyler Mill and NC 200 is part of the 2023 Critical Intersection Analysis, with a roundabout recommended to address safety issues. Union County has approved funding to illuminate the intersections of Doster and Kings Pointe immediately to the south and north of this site due to safety issues. The lighting has not yet been installed.

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 commercial node is at the intersection of MLK Boulevard and NC 200, a half mile to the east.

Public and Municipal Comments

Public Comments: A community meeting was held August 8, 2024. One resident attended the meeting and asked about site access from NC 200. No changes were made based on feedback.

Municipal Comments: Monroe was not consulted for comments due to the distance to the city limits.

Staff Comments and Recommendation

This part of Union County is identified for rural residential and agricultural land uses, meaning a warehouse and business headquarters would be inconsistent with the plan. There is an industrial parcel immediately to the north that was rezoned by Union County in 1982, but that is a very low impact use on site at the corner of two busy roads, limiting its value for residential uses. There are parcels in the immediate vicinity that could develop as commercial or industrial if rezoned, so this rezoning could establish a precedent for future rezonings. This use would have partial access from an NC highway and can meet Union County development standards. However, this site would have access on a dangerous portion of NC 200, with two sections already identified for intersection lighting, and an unfunded critical intersection at NC 200 and Plyler Mill. **Because of these aspects of the development, staff recommend denial of this rezoning application.**

Bjorn Hansen came to the podium and gave his presentation. Larry Britt questioned what the building on the corner was used for. Bjorn explained it was personal mini self-storage. David Brooks asked if it was going to be storage to which Bjorn Hansen said he would let the applicants explain. Charles Walkup wanted some more background information.

Brandon Couick (he goes by Tyler) and his sister-in-law Ashley Couick came up. Mr. Couick explained he and his family were born and raised Union County residents for many generations. He was in the telecommunications industry doing fiber optics. Most of his employees have grown up in the same area with a lot of them being family, family friends, and people from school. He pointed out there are four industrial properties in Union County for rent or purchase. Rent is outrageous and it is almost impossible for mom and pop businesses here. His sister in law purchased it with plans to develop it but he realized it

was attached to a light industrial property and he had been looking. Covid significantly impacted his business – they lost their office in Mineral Springs and took a long time to recover. He wanted a property of his own instead of a high price rental. This location is less than a half mile up the road from two gas stations, another storage place, and a Dollar General. Most of the employees live in the Parkwood area and it also helps the ladies in the front office who must pick up their children from nearby schools. Ashley Couick said she had helped him look for property for about four years. Everything for sale is over a million and most are over three million and this would help his growing business.

Larry Britt asked what exactly they would be doing. Tyler Couick explained they do splicing and restoration. Most of his work is from Charlotte to Union County because they have a time frame for when they must start work or they will be fined. Larry Britt said he wasn't familiar with splicing and wondered if there were any odors involved. Mr. Couick explained they work out of trailers and use a little piece of equipment to melt the glass together. He continued explaining they did everything in the connectivity business from helping with the permitting, the right of ways, placing the cable, splicing it, to the network engineering. Larry Britt commented the mini storage at the corner happened many years ago and he did not know if that would help them or not.

Dion Edwards wanted to know how many employees they had. Tyler Couick replied they currently had 15 to 20 internals but before they took a dramatic hit with Covid, they had 60. They also use subcontractors around North and South Carolina. He questioned if there was access to the parcels for big trucks and Mr. Couick responded yes. Mark Tilley asked if the employees took their vehicles home with them and the answer was yes. Mr. Tilley then wanted to him to estimate how many trucks would come in and out of the property each day. Tyler Couick indicated he had eight trucks and five or six would come in and out. Most of the time they would come Mondays to load their trucks and the rest of the time would leave from their homes to the job site. They are mostly remote with a storage building on Westwood Industrial Drive but they really have outgrown it. Mark Tilley asked how their deliveries were typically made. Either a box truck is brought or they pick it up themselves about once a week. Mark Tilley wondered if a tractor trailer would ever deliver and Tyler Couick stated they had never won a contract like that. He continued that typically with contracts that large, they have staging stations at the location instead of having materials delivered to the business location. Mr. Couick said this property would be to primarily keep their supplies in and have Monday morning safety meetings. The most traffic would be Mondays from 7 to 10 am and Friday afternoons from 5 to 7 pm.

Charles Walkup Jr questioned how many people in the area expressed reservations about it and he said one man at the corner inquired about road traffic but once he had an understanding, he didn't have a problem with it. Dion Edwards wanted to know if there would ever be a retail side to the business and Mr. Couick responded not in his industry. Tyler Couick explained how he had found a perfect spot inside the city limits but it wasn't zoned for Light Industrial although he didn't believe it would ever work the way the city had it zoned. Ashley Couick mentioned there was nothing zoned light industrial currently for sale or lease. He added small companies can not afford the prices.

Mark Tilley questioned if you went down Lancaster Highway and went over some of the businesses and asked if, in his opinion, would the impact be much different than the mini storage. Bjorn Hansen indicated mini storage was extremely variable and suggested it was an apples to orange comparison. David Brooks believed the County needed people like this applicant because housing projects would not support the County. He also did not feel he saw a tremendous negative impact.

Mark Tilley thought, unlike the previous rezoning, this one was on a highway. He knew there was a lot of business on Highway 200. There was some discussion about lighted intersections coming that way. Finally, Mr. Tilley agreed with Mr. Brooks that Union County needed businesses and he thought it spoke loudly that no one was there in opposition. Charles Walkup said he would join in that support. He felt government did not have the authority to dictate what could be done on a property but could make recommendations. The previous rezoning had the community against it and again, no one in the surrounding area is rejecting this one. Larry Britt verified the property was posted for the rezoning. Bjorn Hansen explained what the County's procedures were for notifying neighbors about rezonings.

David Brooks asked if there would be entrances on both roads and Bjorn Hansen answered yes. He also told the Board with the retention pond that the two buildings do not connect. Doug McClew stated in the time he has been on the Board there has been talk of needing more industry and it needed to be taken to heart. He concluded by saying he would be for this project. Doug McClew made a motion to approve the rezoning and read the staff provided consistency statement. Mark Tilley seconded and it was approved 7 to 0 to rezoning.

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: Vice Chair Rick Davis wanted to verify nothing needed to be done with Mark Tilley's CRTPO position since he was sworn in for a new term today. They determined nothing was required.

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