



Land Use Board

October 15, 2024

Meeting Minutes

The Union County Land Use Board met in regular session on October 15, 2024, at 6:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street.

Present: Chairman Darren Greene, 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 Jenson, 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 recited and Dion Edwards gave the prayer.

Establish Voting Members: Chairman Darren Greene said there were seven regular members present to vote.

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

Approval of the Minutes: Doug McClew made a motion for approval of the September 17, 2024 Land Use Board minutes, Larry Britt agreed to seconded it once the date in the header was changed, and they were approved 7 to 0.

Public Hearing:

Planning Staff Report - Rezoning Case # CZ-2024-004

Staff Contact: Bjorn Hansen, Senior Planner

Summary of Request

This case is a request Rezoning Petition (CZ-2024-004) submitted by Christopher Stevens (the "Applicant") requesting a revision of the Union County Zoning Map by rezoning a 5.471 acre portion of land appearing on the tax map as portions of tax parcels 08-051-007C and 08-051-007H ("Tract 1") from RA-40 to Light Industrial (LI), with Conditions, including consolidating the aforementioned portions of such parcels; creating a new 1.529 acre parcel from a portion of the parcel of land appearing on the tax map as tax parcel 08-051-007C ("Tract 2"), which will remain RA-40; consolidating a portion of a parcel of land appearing on the tax map as tax parcel 08-051-007C with the entire existing parcel 08-0510-007G, to create a new 2.618 parcel ("Tract 3"), which will remain RA-40; and consolidating portions of land appearing on the tax map as portions of tax parcels 08-051-007H and 08-051-007C to create a new 0.919 parcel ("Tract 4"), which will

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remain RA-40; with all such parcels in the Goose Creek Township (“Rezoning Petition”). The rezoning will include the following conditions:

1. Limited to site plan dated August 15, 2024
2. Bring all buildings into compliance with building code, zoning, and environmental health requirements
3. Five-year vesting of development rights
4. Development will meet all requirements of the Union County Unified Development Ordinance

Owner/Applicant

Owners: Christopher Stevens and Debbie Stevens
3317 New Salem Road
Monroe, NC 28110

Terry Stevens and Angela Stevens
3317 New Salem Road
Monroe, NC 28110

Christopher Stevens and Anita Stevens
3401 New Salem Road
Monroe, NC 28110

Applicant: Christopher Stevens
3401 New Salem Road
Monroe, NC 28110

Property Information

Location: On the northeast side of the intersection of East Lawyers Road and New Salem Road. Location more specifically described as tax parcel 09-330-012.

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

Existing Land Use and Development Status: The parcels are currently zoned RA-40 and totals approximately 10.6 acres. The site is largely cleared for a septic contracting business with three residences.

Environmental Features: There is a stream on the eastern edge of the site. There are no other significant features.

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 since zoning was implemented in Union County. A special use permit was granted in 1976 for the permanent location of a mobile home approximately a quarter mile south of the site. Two residential rezonings for approximately two acres from R-40 to RA and RA-20 approximately a half mile east of the site were approved in 1985. A rezoning request for 68 acres from R-40 to B-3 was proposed in 1977 and withdrawn.

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

Transportation: This site is New Salem Road, which is a NCDOT-maintained facility. It has a 2021 daily traffic count of 3,500 vehicles per day. East Lawyers Road has a 2021 daily traffic count of 1,400 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.

The intersection of East Lawyers and New Salem has a funded roundabout project to address safety issues.

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 employment or industrial area is approximately 3.5 miles to the south near the Monroe Expressway.

Public and Municipal Comments

Public Comments: A community meeting was held September 12, 2024. One resident attended the meeting and asked about visibility of proposed future office uses from his home west of the site. No changes were made based on feedback.

Municipal Comments: Unionville is 1.75 miles from the site, so they were not contacted for comments.

Staff Comments and Recommendation

This part of Union County is identified for rural residential and agricultural land uses, meaning a septic system contracting operation and headquarters would be inconsistent with the plan. There are no nearby industrial zoned parcels, creating the opportunity for additional industrial rezoning requests in a part of the county not designated for such uses. This does not have access from a NC highway but is near an intersection that will be improved to address safety concerns. **Because of these aspects of the development, staff recommend denial of this rezoning application.**

Bjorn Hansen came to the podium to go over his report. Vice Chair Rick Davis wondered if this had ever been approved for the business usage as light industrial or has it always been RA-40. Bjorn Hansen said it has always been zoned RA-40. Vice Chair Rick Davis then determined that the business was out of compliance and has been. Bjorn Hansen agreed. Vice Chair Rick Davis questioned if the business been cited in past for violations. Bjorn Hansen explained they had been twice - once for storage of materials and the other for operating the business. He clarified this rezoning was an option to bring themselves into compliance. Larry Britt asked how long the business had been operational and someone from the audience said 22 years. Vice Chair Rick Davis verified if it was at this location and the audience member replied yes. Larry Britt noticed the site plan showed see note 5 but there was no note 5. He was also concerned about the property lines. Vice Chair Rick Davis requested Bjorn Hansen to explain why staff recommended denial for this rezoning. Bjorn Hansen stated approving this could set a precedence in the area for more light industrial. There was additional discussion concerning the business and its location. Mark Tilley asked if

they make or manufacture anything on the property and Bjorn Hansen said since the applicant was there, they could address that question. Vice Chair Rick Davis was concerned if it is approved, it opens the area for industrial. If it was denied, it could continue to be there just on a scaled down level.

Chris Stevens of Stevens Septic came to the podium. He explained they had been in business for 22 years. He said nobody even knew they were back there – they don't make noise, kept the place clean, and done the right thing. When they found out they were in violation, the first thing they did was try to get everything up to code but the County suggested waiting for the rezoning in case it was denied. He continued that in 2021 his business doubled and he couldn't stop or scale back. He would just move the business somewhere else. He loves where he currently is – his home is there and he doesn't worry about something being stolen. Vice Chair Rick Davis questioned why they were rezoning it and Mr. Stevens clarified it was needed for everything already on the property and for a future office warehouse building as the business grows. Mr. Davis asked if there was any type of odor from the porta johns and Chris Stevens responded no. Vice Chair Rick Davis verified he could not scale back and Mr. Stevens said that was not in his wheelhouse. Mr. Davis stated if they recommended approval and the Board of County Commissioners approved it, it would open that area up to light industrial. Chris Stevens understood but across the street was the water treatment plant and just down the road was a brand new church. The only reason he needs to rezone as light industrial is due to the number of vehicles he has. Larry Britt wanted to know how many employees he had and the response was between 25 and 27. Doug McClew questioned what the five year plan was. Mr. Stevens explained that the septic side never really doubled and he was fine with that but the portable toilet is what is growing. He was planning to open a satellite station where the most progress is. Mark Tilley wanted to know if they manufacture anything and the answer was no. Charles Walkup Jr. asked if his employees were from Union County and he believed 70% were from Union County while the others were from South Carolina, the Wadesboro area, or Charlotte. He felt the current location is center for all his employees. Charles Walkup Jr. told the Board he went out there and could not see the business from the road. David Brooks wanted to confirm only one person came to the community meeting. Derrick Austin mentioned that he believed it was tip top and decorated during the holidays.

Vice Chair Rick Davis was torn with the land use program. Mark Tilley pointed out any other rezoning will have to take the same steps and come through the Land Use Board where decisions can be made like the last two items that have come before the Board and they voted differently on each one. Chairman Darren Greene understood where staff was coming from. A lot of time was spent on the Comp Plan but he also understands this business has been there for 22 years. Doug McClew also mentioned the employees and concern over losing the business to another state or county. Vice Chair Rick Davis said the property has not been abused in 22 years.

Mark Tilley read the Consistency Statement to recommend approval of the rezoning and Vice Chair Rick Davis seconded. It was passed unanimously 7 to 0.

Planning Staff Report: Lee Jenson introduced the 2025 Land Use Board meeting schedule to the members. Vice Chair Rick Davis made the motion to accept it and Doug McClew seconded. It was approved 7 to 0.

Brief Comments: There were no comments.

Close: With no further discussions, Doug McClew a motion to adjourn and Vice Chair Rick Davis seconded. It passed unanimously. The meeting adjourned at 7:40pm.