



# TOWN OF WAXHAW

P.O. Box 6  
1150 N. Broome St. Waxhaw, N.C 28173  
Telephone (704) 843-2195 Fax (704) 843-2196  
www.waxhaw.com

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Hours: Monday-Friday 8:00 a.m. to 5:00 p.m.

## **MAYOR**

DAUNE GARDNER

## **TOWN COMMISSIONERS**

MICHAEL STEWART (Mayor Pro-Tem)

PAUL FITZGERALD

JOHN HUNT

STEPHEN MAHER

JAMES WARNER

## **TOWN MANAGER**

WARREN WOOD

## **TOWN CLERK**

MELODY SHULER

June 15, 2015

Planning Board Regular Meeting Agenda

Waxhaw Police Department Community Meeting Room, 6:30 pm

### **Regular Meeting**

1. Call to Order
2. Roll Call and Determination of Quorum
3. Work Session
4. Unfinished Business
5. New Business
  - A. CU-003337-2015 – A request by the applicant, Aston Properties, Inc. on behalf of Cuthbertson Rd I, LLC, for an amendment to the CUP (Conditional Use Permit) for the Shoppes at Howard's Mill to allow an Automobile Repair Shop and Automobile Service Station use. The property owner is requesting to add the uses to their approved table of uses in order to develop the property located at 2524 Cuthbertson Road (tax parcel 06-162-022).
  - B. Petition CD-002516-2014 is a request by James Diehl, for a conditional rezoning / map amendment from CU-OIS (Conditional Use-Office, Institutional and Specialty) to CD-C2 (Conditional District-Highway Commercial) on approximately 12 acres of a 33 acre parcel (Tax Parcel ID number 06-165-003) located on the east side of Highway 16, south of Twelve Mile Creek. The petitioner is proposing to develop three buildings. Building one will contain an event hall. Building two will contain a full-service restaurant, catering hall and art gallery. Building three will contain a management/sales office, storage, restrooms and a bridal staging/multipurpose room.
  - C. Petition CD-002959-2014 is a request by Micheaux Resource Management, LLC, on behalf of Frances H. Pressley, Clyde D. Pressley, Shirley Jean Davis and Jerry G. Davis, for a conditional rezoning / map amendment from R-1 (Single-Family) to CD-C3 (General Commercial) on approximately 5.1 acres (Tax Parcel ID number 06-162-002 located on the west side of Highway 16, just north of the intersection of Highway 16 and Kensington Road. The petitioner is proposing a commercial development for the site, which will include a convenience store with associated car wash, an automotive repair facility and a retail building. The applicant is also requesting a major variation for the vacuum canopy per the Town of Waxhaw Unified Development Ordinance Section 20.6.3 to permit both steel columns and a red roof for the vacuum canopy.

6. Other Business - Update on previous case(s) heard by the Planning Board
7. Minutes for correction and approval: May 18, 2015 regular meeting
8. Adjournment

*\*\*Public comment (up to 3 minutes) is allowed on any item on the agenda and is limited to residents of the Town or persons having a material interest in the Town.\*\**



**Town of Waxhaw**  
**Planning & Community Development**  
 PO Box 617  
 Waxhaw, NC 28173  
 704-843-2195 (Phone)  
 704-243-3276 (Fax)  
 www.waxhaw.com

Date Received	4-28-2015
Received By	<i>DL</i>
Fee	220.00

**CONDITIONAL USE PERMIT APPLICATION**

Application Number: CU- 003337-2015 Date of Application: 4/24/15

**Applicant Information**

Applicant Name: Cuthbertson RD I, LLC c/o Aston Properties, Inc.

Applicant Mailing Address: 610 E. Morehead St., Suite 100 Charlotte, North Carolina 28202

Applicant Telephone: (704) 366-7337

Property Owner Name: Cuthbertson RD I, LLC c/o Aston Properties, Inc.

Property Owner Mailing Address: 610 E. Morehead St., Suite 100 Charlotte, North Carolina 28202

Property Owner Telephone: (704) 366-7337

Relationship of Applicant to Property Owner: Same

**Subject Property Information**

Property Location: 2524 Cuthbertson Road

Tax Map and Parcel Number(s): 06162022

Existing Zoning: CU-C3 In Flood Area? No

Is Conditional Use (CU) Rezoning Requested:  Yes  No

Proposed Conditional Use: Automobile Repair Shop and automobile service station.

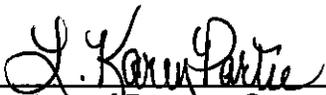
Comments: This application is a request to amend the uses allowed in the existing CUP to include automobile service shop, and automobile repair shop.

A site plan must be submitted for evaluation by the Zoning Administrator and Planning Board and subsequently approved by the Board of Commissioners prior to any development and/or construction and must be accompanied by the following:

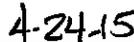
1. Name, address, and phone number of the applicant and property owner(s) (if different from applicant).
2. A scaled boundary survey showing the total acreage, present zoning classification(s), date & north arrow.
3. The owner's names and addresses, the tax parcel numbers, and the existing land use(s) of all adjoining properties.
4. A scaled site plan showing the following information:
  - A: All existing easements, reservations, rights-of-way and all yard requirements on the property or properties which are subject to the application.
  - B: Proposed size, layout and setbacks of all proposed structures. For residential uses this shall include the number of units and an outline of the area where the structures will be located. For non-residential uses, this shall include the approximate gross floor area of all structures and an outline of the area where the structures will be located.
  - C: Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.
  - D: Landscape plans showing proposed screening and landscaping, including walls, fences or planted areas as well as treatment of any existing natural features within the site.
  - E: Delineation of areas within the regulatory floodplain as shown on the Official Flood Plain Hazard Boundary Maps.
  - F: Proposed number, type and location of all free-standing identification signs.
5. Proposed phasing, if any, and approximate completion time of the project.
6. A fee paid in accordance with the fee schedule.

No application will be considered complete unless it has been properly completed and submitted to the Zoning Administrator by the deadline for the Planning Board Meeting.

To the best of my knowledge, all of the information herein submitted is accurate and complete.



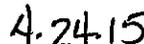
(Signature of Property Owner)



(Date)



(Signature of Applicant)



(Date)

All of the information herein required has been submitted by the applicant and is included or attached with this application.

Lori Oakley  
(Signature of Zoning Administrator)

4-28-15  
(Date)

**TO BE FILLED OUT BY ZONING ADMINISTRATOR**

Completed application submitted on: 4/28/15

Reviewed by Planning Board on: 6/15/15

Action of Planning Board: \_\_\_\_\_

Town Board Public Hearing Held On: \_\_\_\_\_

Date of Town Board Decision: \_\_\_\_\_

Action Taken by Town Board: \_\_\_\_\_

***\*Newspaper Affidavit should be attached***

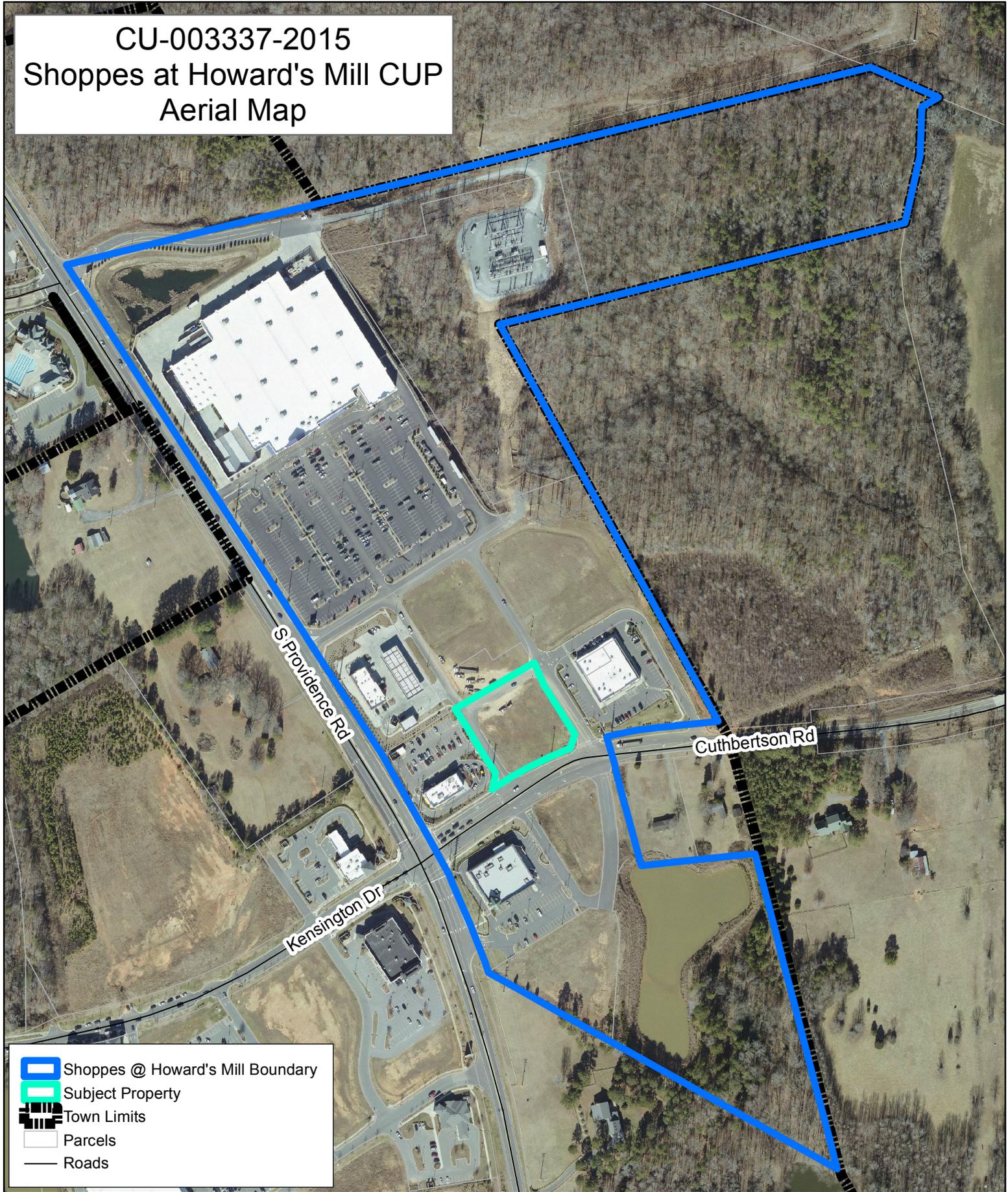
Public Hearing Notice Filed in (Newspaper): \_\_\_\_\_

Date(s) Notices Published: \_\_\_\_\_

Notification to adjacent property owners mailed on: \_\_\_\_\_

Property Posting Date: \_\_\_\_\_

CU-003337-2015  
Shoppes at Howard's Mill CUP  
Aerial Map



- Shoppes @ Howard's Mill Boundary
- Subject Property
- Town Limits
- Parcels
- Roads

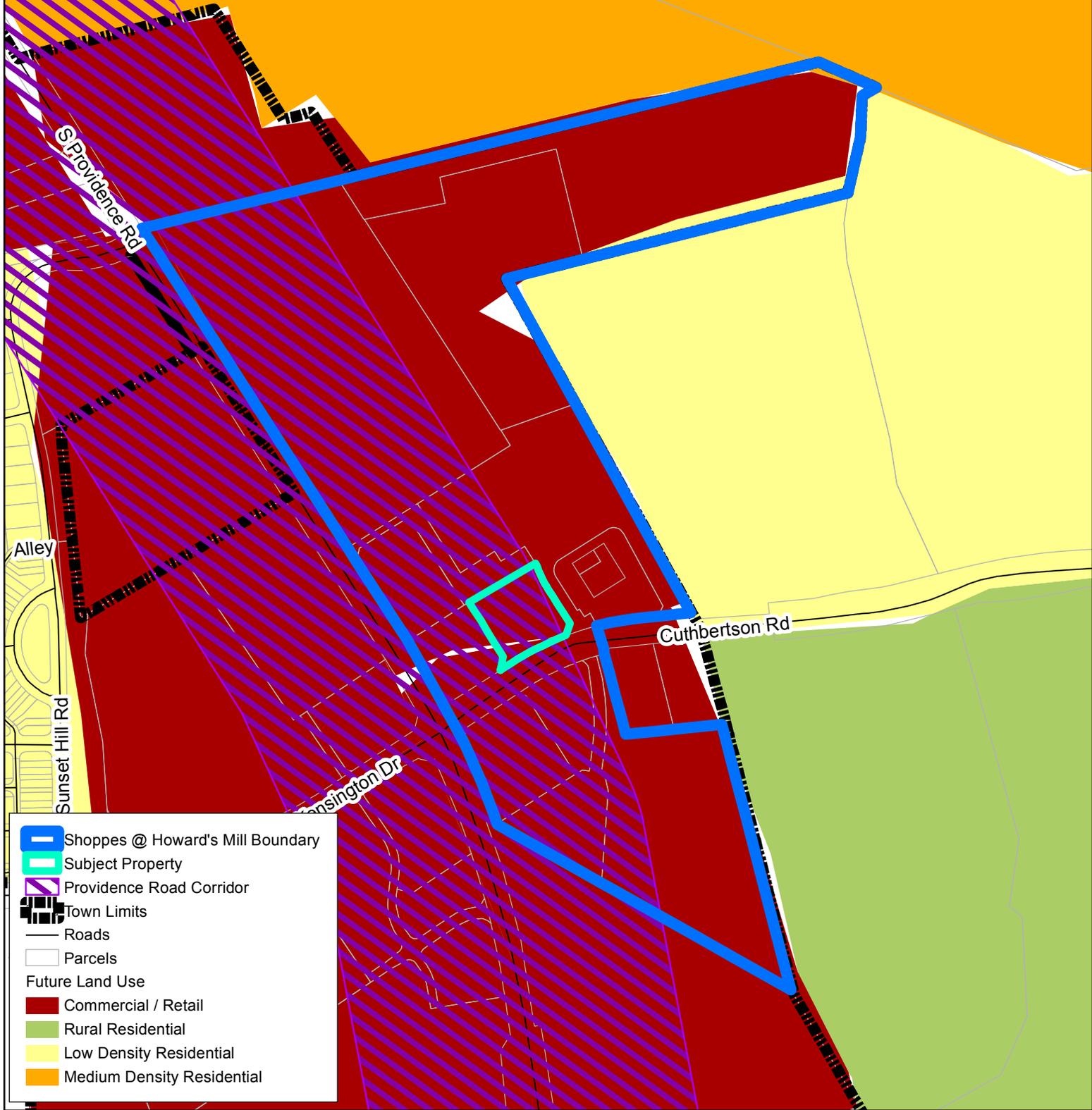
0 100 200 400 600 800 Feet



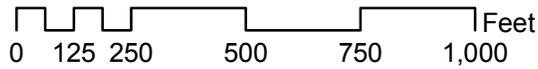
**Data Source & Disclaimer**  
Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created June 2015.



# CU-003337-2015 Shoppes at Howard's Mill CUP Future Land Use Map



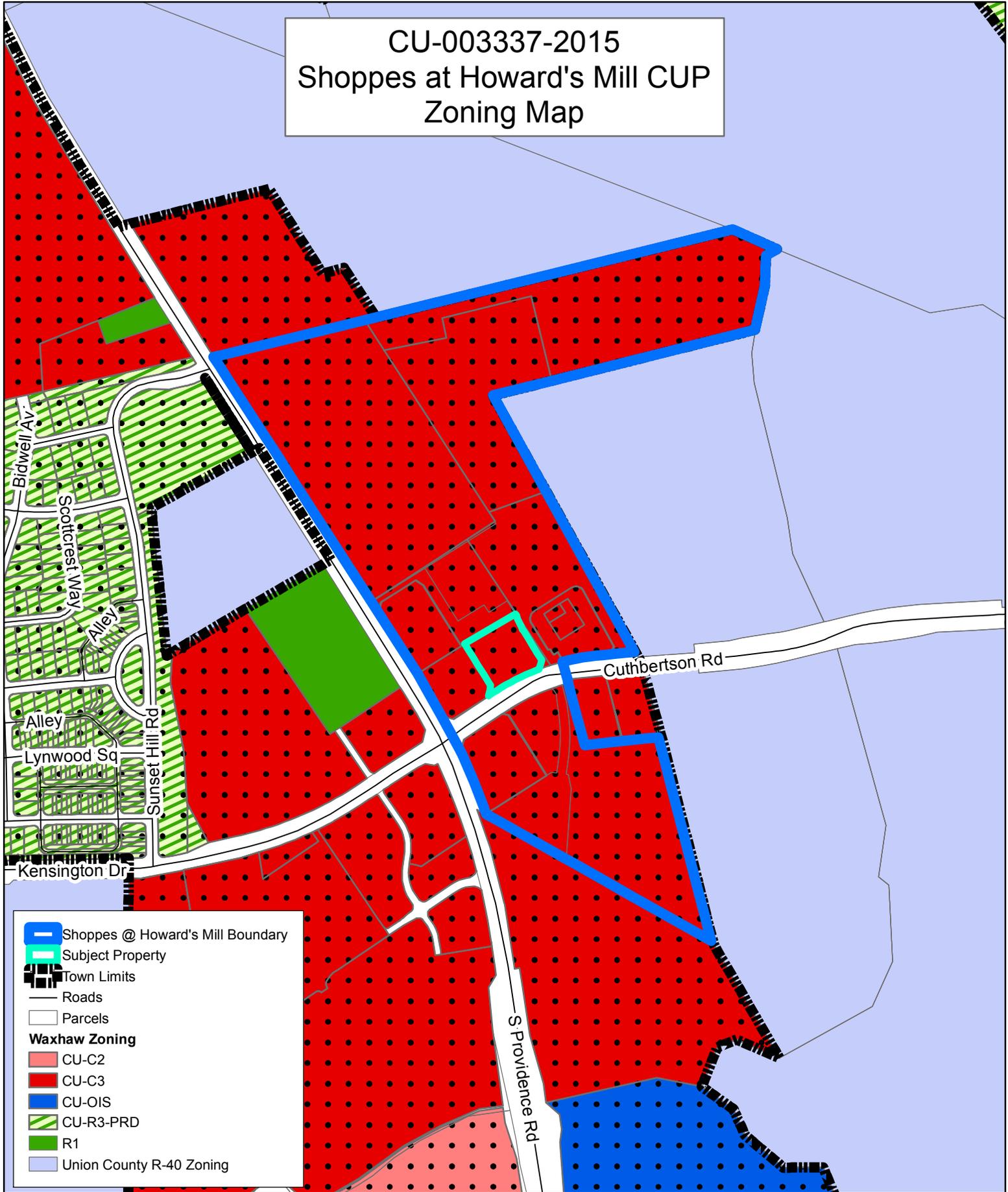
-  Shoppes @ Howard's Mill Boundary
-  Subject Property
-  Providence Road Corridor
-  Town Limits
-  Roads
-  Parcels
- Future Land Use**
-  Commercial / Retail
-  Rural Residential
-  Low Density Residential
-  Medium Density Residential



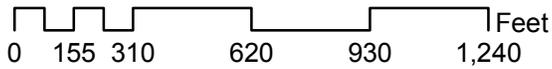
**Data Source & Disclaimer**  
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# CU-003337-2015 Shoppes at Howard's Mill CUP Zoning Map



	Shoppes @ Howard's Mill Boundary
	Subject Property
	Town Limits
	Roads
	Parcels
<b>Waxhaw Zoning</b>	
	CU-C2
	CU-C3
	CU-OIS
	CU-R3-PRD
	R1
	Union County R-40 Zoning



**Data Source & Disclaimer**

Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created June 2015.



**Conditional Use Petition CU-003337-2015  
Shoppes at Howards Mill  
Conditional Use Permit Amendment**

**EXPLANATION OF THE REQUEST**

CU-003337-2015 is a request by the applicant, Aston Properties, Inc. on behalf of Cuthbertson Rd I, LLC, for an amendment to the CUP (Conditional Use Permit) for the Shoppes at Howard's Mill to allow an Automobile Repair Shop and Automobile Service Station use. The property owner is requesting to add the uses to their approved table of uses in order to develop the property located at 2524 Cuthbertson Road (tax parcel 06-162-022).

**LOCATION / CURRENT LAND USE**

The property is located in the Shoppes at Howard's Mill development north of Cuthbertson Road between McDonald's and a medical building. The property is zoned CU-C3 (Conditional Use-General Commercial). Currently, the subject property is undeveloped and contains the following uses: Lowe's Home Improvement, Union Power Substation, McDonald's Fast Food Restaurant, Fill Good Gas Station, Walmart Neighborhood Market, Retail Shops, Medical Offices, Walgreens Drug Store and Taco Bell. There are two remaining vacant parcels, one of which is being considered for this CUP amendment.

➤ Condition and land use of the surrounding properties. The adjoining properties are:

- To the north – A vacant parcel zoned CU-C3 (Conditional Use-General Commercial), and a vacant parcel zoned Union County R-40 (Single-Family Residential) .
- To the south – A single-family residential property zoned CU-C3 (Conditional Use-General Commercial).
- To the east – Single-family residential properties zoned Union County R-40 (Single-Family Residential).
- To the west – The Cureton development with retail properties zoned CU-C3 (Conditional Use-General Commercial) and amenity center zoned CU-R3-PRD (Conditional Use-Single-Family-Planned Residential Development), a single-family residential property zoned R-1 (Single-Family Residential), and a single-family residential property zoned Union County R-40 (Single-Family Residential).

**LAND USE**

On November 11, 2004 the Board of Commissioners approved a Conditional Use Permit submitted by Aston Properties for the Shoppes at Howard's Mill development. The Shoppes at Howard's Mill is regulated by specific Development Standards (attached), four Design Palettes (attached), and the 2004 UDO (Unified Development Ordinance), which was in effect at the time of the original Conditional Use Permit approval.

The site has had several minor revisions and the Automobile Repair Shop and Automobile Service Station site is now identified as Outparcel #4 on Area A of the "Cuthbertson Conditional Use Application" (approved "Technical Data Sheet" & "Schematic Site Plan" attached), which was approved on September 5, 2013. The site was approved for an 8,000 square foot building. According to the Development Standards any use allowed in C3 (General Commercial) district and set out in Exhibit A ["Uses to be Allowed"] would be allowed on the site. The C3 (General Commercial District) zoning regulations from the 2004 UDO allowed for an "automobile repair shop" and "automobile service station", however, these two uses were removed from the "Uses to be Allowed" at the time of the Conditional Use Permit approval.

## **PARKING**

This project is regulated by the Unified Development Ordinance that was in effect at the time of approval in 2004. Therefore, the requested use will be reviewed under those regulations along with the approved development standards.

## **LANDSCAPING AND BUFFERING**

The landscaping and buffering is regulated by the 2004 UDO in effect at the time of approval. The applicant will be required to screen any dumpsters, trash handling areas, services entrances, utility structures and loading docks if applicable.

## **2030 COMPREHENSIVE PLAN & HIGHWAY 16 CORRIDOR PLAN**

The Future Land Use Map from the 2030 Comprehensive Plan show the property as Commercial / Retail and Providence Road Corridor. (See attached Future Land Use Map.)

Commercial / Retail is summarized in the plan as:

**Commercial / Retail.** These areas focus on retail and commercial uses. They should be located along main transportation corridors and near residential and employment areas to provide access to goods and services.

The Providence Road Corridor is described in the plan as:

**Providence Road Corridor.** This classification designates a corridor along Providence Road (NC-16) - the primary road corridor through Waxhaw - that has been identified for additional planning. A plan for this corridor should include recommendations for specific design standards, such as building orientation, location and amount of parking, pedestrian and bicycle facilities, signage, and architectural requirements. Standards should also address transportation design, such as access management.

The further planning recommended by the **Providence Road Corridor** classification in the 2030 Comprehensive Plan was accomplished through the adoption of the Highway 16 Corridor Plan. The regulating plan from the Highway 16 Corridor Plan shows the property as **Town Center**. **Town Center** zoning is described in the plan as “Shops mixed with townhouses, larger apartment houses, offices, workplace and civic buildings...”.

## **PLANNING STAFF ANALYSIS**

The proposed uses of Automobile Repair Shop and Automobile Service Station were allowed in the C3 (General Commercial) zoning district in the 2004 UDO with supplemental regulations as follows:

### **11.3.6 Automobile Body Shop, Automobile Repair Shop, Automotive Parts and Repair Store**

1. The lot containing such use shall be located at least one hundred (100) linear feet from any lot located in a Residential (R) zone.
2. Hours of operation shall be limited to 7:00 A.M. to 10:00 P.M. only when adjoining a Residential (R) zone, if repair and maintenance facilities are provided or if pumped automotive fuels are sold.

### 11.3.8 Automobile Service Stations

1. Gasoline pump islands shall be located no closer than fifteen (15) feet from any lot line.

The proposed use of Automobile Repair Shop would meet the supplemental regulations because it is not adjacent to a residentially zoned property and there is an approximately 350 foot distance to residentially zoned property. If the future development includes gas pumps, then the development would be required to comply with the supplemental regulation for an Automobile Service Station.

According to the Development Standards any use allowed in C3 (General Commercial) district and set out in Exhibit A [“Uses to be Allowed”] would be allowed on the site. The C3 (General Commercial District) zoning regulations from the September 9, 2004 UDO allowed for an “automobile repair shop” and “automobile service station”, however, these two uses were removed from the “Uses to be Allowed” at the time of the Conditional Use Permit approval.

Automobile Repair Shop and Automobile Service station uses are consistent with Future Land Use Plan designation of the property as “Commercial/Retail” found in the 2030 Comprehensive Plan. The 2030 Comprehensive Plan also shows the property as “Providence Road Corridor” described as needing further planning, which was accomplished through the Highway 16 Corridor Plan. The Automobile Repair Shop and Automobile Service Station uses are consistent with the property designation of “Town Center” found in the Highway 16 Corridor Plan.

The Town Center zoning district in the UDO’s Downtown Code allows “Automobile Service Station/Gas Station” with a Conditional Use Permit. Cureton, a similar development that is zoned CU-C3 allows Automobile Repair Shop and Automobile Service Station by right.

### **PLANNING STAFF RECOMMENDATION**

Planning staff recommends approval of CU-003337-2015, a request for modification of the “Uses to be Allowed” list that was attached to the Development Standards for the Shoppes at Howard’s Mill approved CUP plan to allow Automobile Repair Shop and Automobile Service Station uses. The proposed uses are compliant with the 2030 Comprehensive Plan Future Land Use Plan and the Highway 16 Corridor Plan.

This request is to amend the approved list of uses for the CUP for the Shoppes at Howard’s Mill development to add the two uses of Automobile Repair Shop and Automobile Service Station. This request does not constitute site plan approval. The future development on the property will be subject to administrative approval and regulated by the approved CUP plan, the 2004 UDO, the design palettes, and the Development Standards for the Shoppes at Howard’s Mill development.

In approving an application for a conditional use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners.

The Board of Commissioners shall issue a conditional use permit if it has evaluated an application and determined that:

- A. That the use requested is among those listed as an eligible Conditional Use in the District in which the subject property is located or is to be located.
- B. That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed.
- C. That the Conditional Use meets all required conditions and specifications; and
- D. That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Waxhaw and its environs.

**\*\*\*Please refer to the 4 Findings of Fact listed above when making a decision\*\*\***

*Submitted by: Lisa McCarter*

# Uses to be Allowed

- 1 ABC Store
- 2 Accessory Structure (accessory to principal use)
- 3 Animal Grooming Establishment
- 4 Animal Hospital (no outdoor runs)
- 5 Animal Supply Store
- 6 Antique Store
- 7 Appliance Sales and Repair (Indoor Storage)
- 8 Art Gallery
- 9 Art Supply Store
- 10 ~~Automobile Detailing Shops~~
- 11 Automobile Parts and Supply Store
- 12 ~~Automobile Repair Shop~~ (add back in) **Automobile Repair Shop**
- 13 ~~Automobile Service Station~~ (add back in) **Automobile Service Station**
- 14 ~~Automobile Wash (Self Serve)~~
- 15 Automobile Wash (Automatic) *only as an accessory to Use #39 (Convenience Store with retail fuel sales)*
- 16 ~~Bait & Tackle Shop~~
- 17 Bakery (Retail)
- 18 Bank Teller Machines, Outdoor (Principal or Accessory Use)
- 19 Barber/Beauty Shop
- 20 Beauty Supply and Cosmetics Store
- 21 Bicycle Sales/Service
- 22 Blueprint and Drafting Service
- 23 Book Store
- 24 Bowling Lanes
- 25 Building and Home Materials Center
- 26 Camera and Photography Supply Store
- 27 Candy and Nut Store
- 28 Catalogue Sales Store
- 29 Catering Establishment (Not a permitted use in C-4 at street elevation)
- 30 China and Tableware Shop
- 31 Clock and Watch Sales and Repair Shop
- 32 Clothing, Footwear, and Apparel Store
- 33 ~~Clubs, Entertainment~~
- 34 Coin and Stamp Shop
- 35 College/University
- 36 Community Center
- 37 Computer and Data Processing Sales and Service
- 38 Continuing Care Facility

# Uses to be Allowed

- 39 Convenience Store (With Retail Fuel Sales)
- 40 Convenience Store (Without Retail Fuel Sales)
- 41 Craft Studio
- 42 Dairy, Ice Cream & Coffee Shops
- 43 Day Care Center, Principal Use or Separate Use
- 44 Department Store
- 45 Detective Agency (Not a permitted use in C-4 at street elevation)
- 46 Doctors' and Dentists' Office (Not a permitted use in C-4 at street elevation)
- 47 Drapery and Linen Shop
- 48 Dry Cleaning Service Outlet
- 49 Employment Agency (Not a permitted use in C-4 at street elevation)
- 50 Engineering, Architect or Surveying Service (Not a permitted use in C-4 at street elevation)
- 51 Farm Supply Store
- 52 Farmers' Market (Outdoors)
- 53 Finance Company (Not a permitted use in C-4 at street elevation)
- 54 Financial Institution (Not a permitted use in C-4 at street elevation)
- 55 Floor Covering Store
- 56 Floral and Christmas Items Store
- 57 Florist, Retail
- 58 Florist, Wholesale
- 59 Food Store
- 60 Formal Wear and Costume Rental Store
- 61 Fraternal and Service Organization Meeting Facilities (Non-Profit and Not-for-Profit)
- 62 Furniture Store (Retail)
- 63 Furrier
- 64 Garden Supply and Seed Store
- 65 Gift, Novelty and Souvenir Store
- 66 Glass and Mirror Shop
- 67 ~~Grain Elevator~~
- 68 Gun and Ammunition Sales Shop
- 69 Gunsmith
- 70 Hobby, Toy, and Craft Shop
- 71 Home Center
- 72 Home Decorating Center
- 73 Home Electronics and Appliance Sales and Repair
- 74 Hospitals
- 75 Home for Aged
- 76 Independent Living Center

# Uses to be Allowed

- 77 Insurance Agency (Principal Use) (Not a permitted use in C-4 at street elevation)
- 78 Interior Decorator (not a permitted use in C-4 at street elevation)
- 79 Jewelry Sales (Principal Use) and Repair
- 80 Key Shop and Locksmith
- 81 Laboratories - Dental, Medical, Optical, and Research
- 82 Lawn and Garden Service
- 83 Library, Public
- 84 Linen Shop
- 85 Luggage and Leather Goods Shop
- 86 Martial Arts School
- 87 Medical Center
- 88 Medical Supply Shop
- 89 Membership Warehouse Club
- 90 Message and Errand Service (Not a permitted use in C-4 at street elevation)
- 91 Mini-Mart (no gas sales)
- 92 ~~Motel (See Hotel/Motel)~~
- 93 Multi-Tenant Development, Class I
- 94 Multi-Tenant Development, Class II
- 95 Museum
- 96 Music School
- 97 Music Store Sales and Service
- 98 News Stand (Principal Use)
- 99 Nursery (Horticultural), Greenhouses
- 100 Nursing Home
- 101 Office Equipment and Computer Store
- 102 Offices (Not a permitted use in C-4 at street elevation)
- 103 Optician and Optical Supply Store
- 104 Pet Stores
- 105 Pharmacy
- 106 Photocopy Service
- 107 Photofinish Laboratory
- 108 Photographic Studio
- 109 Picture Frame Shop
- 110 Post Office
- 111 Postal Store and Contract Station
- 112 Produce Stand (Principal Use)
- 113 Public Safety Station
- 114 Public Utility Facility

# Uses to be Allowed

- 115 Public Utility Transmission Lines
- ~~116 Racetrack, Indoor~~
- 117 Real Estate Agency (Not a permitted use in C-4 at street elevation)
- 118 Recreation Facility, Indoor (Public, Private and Non-Profit)
- 119 Recreation Facility, Outdoor (Public and Private)
- 120 Recreational Uses, Accessory
- 121 Rental Center, (no outdoor storage)
- 122 Restaurant (Principal Use, Eating & Drinking Establishment)
- 123 Restaurant, Drive-in
- 124 Restaurant, Drive-Through
- 125 Restaurant, Fast Food
- 126 Restaurants, Within Other Facilities
- 127 School, Kindergarten, Elementary and Junior High
- 128 School, Vocational
- 129 School for the Arts
- 130 Second-Hand and Consignment Shops (no outside storage)
- 131 Sewing, Cloth, and Notions Store
- 132 Shoe Repair Shop
- 133 Shopping Center
- 134 Sign and Banner Shop
- 135 Sporting Goods and Apparel Shop
- 136 Stationery Shop
- 137 Stock or Security Brokerage Firm (Not a permitted use in C-4 at street elevation)
- 138 Swimming Pool Sales, Service and Supplies
- 139 Tailor and Alteration Shop
- 140 Tanning and Nail Salon (Principal Use)
- 141 Tax Preparation Service (Not a permitted use in C-4 at street elevation)
- ~~142 Telecommunications Towers~~
- 143 Theater, Indoor Movie
- 144 Tobacco Shop
- 145 Trading Stamp Redemption Store
- 146 Trading and Conference Center
- 147 Travel Agency (Not a permitted use in C-4 at street elevation)
- 148 Trophy and Plaque Shop
- 149 Upholstery Shop
- 150 Variety Store
- 151 Video Rental Shop (Principal Use)
- 152 Wholesale Sales Operation

APPROVED

CONDITIONAL USE PERMIT FOR  
SHOPPES AT HOWARD'S MILL  
APPROVED BY TOWN BOARD

DEVELOPMENT STANDARDS

March 31, 2006

MODIFICATIONS SUBMITTED OCTOBER 5, 2009 ARE SHOWN IN HIGHLIGHTED AREA  
WITH STRIKETHROUGH ON DELETED TEXT AND BOLD ON ADDED TEXT

\* REVISION TO  
DEVELOPMENT STANDARDS  
FOR OUTPARCELS 3 & 4  
ONLY.

General

Development of the Site will comply with the requirements of the C-3 zoning district as set out in The Waxhaw Unified Development Ordinance (the "Ordinance"). Subject to the terms of these Development Standards and the Ordinance, the configurations, placements and sizes of the buildings depicted on the Schematic Site Plan (Sheet CU-2) are schematic in nature and may be altered or modified during design development and construction document phases within the building envelope lines established on the Technical Data Sheet (Sheet CU-1). Parking areas may be located within the Parking Envelopes and any Building Envelopes depicted on the Technical Data Sheet, and parking layouts may be modified to accommodate final building locations. These Development Standards are incorporated into the Conditional Use Permit along with the attached Schematic Site Plan (Sheet CU-2) and Technical Data Sheet (Sheet CU-1) dated March 31, 2006 and the four design palettes dated January 30, 2006. All improvements shall be made in substantial compliance with the attachments and comply with all applicable laws, rules and regulations.

S. Oakley  
10-16-09

In the event of the approval of this Conditional Use Permit Application and the issuance of the requested Conditional Use Permit, these Development Standards and the accompanying Technical Data Sheet will replace the previously issued Conditional Use Permit relating to a portion of the Site and the related Development Standards and Technical Data Sheet.

Permitted Uses

1. The Site, which is comprised of "Area A", "Area B" and "Area C" as depicted on the Technical Data Sheet, may be devoted only to the uses set out on Exhibit A attached hereto and incorporated herein by reference, each of which is allowed by right or allowed by right with supplemental regulations in the C-3 zoning district, or allowed as a conditional use or conditional use with supplemental regulations in the C-3 zoning district.
2. Notwithstanding anything contained herein to the contrary, this Conditional Use Permit only authorizes the proposed Lowe's Home Center to be developed on Building Envelope A on Area A of the Site. Accordingly, in the event that Developer seeks to locate another use or uses on Building Envelope A on Area A of the Site, then Developer must seek an amendment to this Conditional Use Permit in accordance with the procedures set out in Section 14 of the Ordinance that authorizes such other use or uses on Building Envelope A on Area A of the Site.

Gross Floor Area Limitations

Pursuant to the terms of the Ordinance, the term "gross floor area" does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts and maintenance crawlspace.

Additionally, internal mezzanines, outdoor porches and patios and outdoor seating and dining areas will not be considered to be a part of and counted towards the proposed maximum gross floor area of any building.

Area A

(a) Building Envelope A:

- (i) A Lowe's Home Center may be developed within Building Envelope A, in which event the home center will consist of the following elements:

<u>Main Building:</u>	A maximum of 140,000 square feet of gross floor area.
<u>Garden Center:</u>	A maximum of 30,000 square feet of area.
<u>Non-Covered Staging Area:</u>	A maximum of 7,500 square feet of area.

(b) Building Envelope B:

A maximum of 65,000 square feet of gross floor area may be developed within Building Envelope B.

(c) Outparcel # 2

A maximum of 23,000 square feet of gross floor area may be developed on Outparcel #2.

(d) Outparcel # 3

A maximum of ~~13,000~~ 14,500 square feet of gross floor area may be developed on Outparcel #3.

(e) Outparcel # 4

A maximum of ~~10,000~~ 8,000 square feet of gross floor area may be developed on Outparcel #4.

Area B

(a) Building Envelope A:

A maximum of 60,000 square feet of gross floor area may be developed within Building Envelope A. A two story structure may be constructed within Building Envelope A.

(b) Outparcel # 1

A maximum of 10,000 square feet of gross floor area may be developed on Outparcel #1.

(c) Outparcel # 2

A maximum of 17,000 square feet of gross floor area may be developed on Outparcel #2.

### Area C

Area C is hereby reserved for future development purposes, and the owner of Area C will be required to obtain a subsequent Conditional Use Permit prior to developing Area C. Notwithstanding the foregoing, Developer shall be permitted to install storm water ponds and other storm water devices within Area C that will serve Area A and Area B in the event that this Conditional Use Permit Application is approved.

Notwithstanding anything contained herein to the contrary, the total maximum gross floor area that may be constructed on the Site shall be 359,000 square feet.

### Combining of Envelopes/Outparcels

Developer may combine Building Envelopes and/or Outparcels into a single building envelope or parcel only with the prior approval of the Planning Director and the Town Planning Board.

### Multiple Buildings Within Each Building Envelope and Outparcel/Location of Buildings

1. With respect to each and every Building Envelope and Outparcel depicted on the Technical Data Sheet, Developer may construct one building that contains all of the gross floor area allocated to that particular Building Envelope or Outparcel or, at its option, Developer may construct multiple freestanding buildings that together contain all of the gross floor area allocated to that particular Building Envelope or Outparcel.
2. Subject to the Architectural Controls set out below and the setback, side yard and rear yard requirements, buildings may be located within any portion of a Building Envelope or Outparcel.

### Setbacks, Side Yards and Rear Yards

All buildings constructed within the Site shall satisfy or exceed the front setback, rear yard and side yard requirements established under the Ordinance for the C-3 zoning district.

### Screening, Landscaping and Buffering

1. The Site shall comply with the screening, landscaping and buffering requirements of Section 9 of the Ordinance.
2. Pursuant to Section 9.8 of the Ordinance, the following uses shall be screened from abutting property and from public view from a public street:
  - (a) Dumpsters or trash handling areas;
  - (b) Service entrances or utility structures; and
  - (c) Loading docks.

## **Parking**

1. Off-street parking will meet the minimum standards established under the Ordinance.
2. Except as provided in paragraph 3 below, off-street parking shall be provided on the Site at the minimum rate of 5 parking spaces per 1,000 square feet of gross floor area.
3. A home center is proposed to be developed within Building Envelope A on Area A of the Site, and the off-street parking spaces for the proposed home center would be located within Parking Envelope A. In the event that a home center is developed within Building Envelope A, then the minimum amount of off-street parking spaces required to serve the home center shall be 1 space per 300 square feet of gross floor area pursuant to Section 12.1(C) of the Ordinance. In the event that a home center or other retailer selling bulky items is not located within Building Envelope A, then the minimum amount of off-street parking spaces required to serve the user or users located in Building Envelope A shall be 5 parking spaces per 1,000 square feet of gross floor area.
4. In the event that a home center is developed within Building Envelope A on Area A of the Site, then the garden center area and the non-covered staging area will not be considered when determining the number of off-street parking spaces required to serve the home center.
5. Off-street parking areas shall meet the improvement, design and locational requirements of Section 12.2 of the Ordinance.

## **Lighting**

1. The maximum height of any freestanding lighting fixture, including its base, shall not exceed 39 feet.
2. The use of wall-pak light fixtures shall not be permitted on the Site, provided, however, that architectural light fixtures may be installed on building facades.
3. Lighting for the project shall be designed with no significant light above horizontal and any pedestrian scale lighting will emit light such that the light dissipates at the rooflines of the buildings. All parking lot lighting shall be designed such that direct illumination shall not be greater than one-half foot candle approximately ten feet (10') outside the property boundary. Perimeter lighting shall be controlled or directed to reduce glare perceptible to persons operating motor vehicles in the public right of way.

## **Signs**

All signs placed on the Site will be erected in accordance with the specifications of a Master Signage Plan to be submitted to and approved by the Zoning Administrator.

## **Access Points (Driveways)**

1. The number of vehicular access points to the Site shall be limited to the number depicted on the Technical Data Sheet.

2. The placement and configuration of each access point are subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the North Carolina Department of Transportation.

### **Storm Water Management**

1. Storm water detention ponds shall be designed to control the run-off from the Site such that the run-off does not exceed the pre-development run-off rate in accordance with State requirements and the terms of the Ordinance.
2. Detention ponds may be located anywhere on the Site, including within any required buffer areas established on this Technical Data Sheet.

### **Architectural Controls**

1. With respect to any buildings located on the Site immediately adjacent to Highway 16, no parking areas may be located between such buildings and Highway 16, provided, however, that internal circulation driveways may be located between such buildings and Highway 16.
2. The maximum height of any building constructed on the Site shall be 50 feet.
3. The attached schematic architectural elevations of the home center proposed to be constructed within Building Envelope A on Area A are intended to depict the general conceptual architectural style and character of this building. Accordingly, the home center, if constructed, shall be designed and constructed so that it is substantially similar in appearance to the attached schematic elevations. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings as determined by the Planning/Zoning Administrator.

As more particularly depicted on the attached schematic architectural elevations, the proposed home center's garden center shall be located on the westernmost (left) side of the proposed home center building along Highway 16. Payne fencing materials or like materials, which provide for an approximately 94% opaque surface, shall be utilized to screen the garden center unless the Planning/Zoning Administrator determines, in his sole discretion, prior to the issuance of the applicable building permit that the installation of such fencing materials is not in the best interest of the community from an aesthetic standpoint.

4. The primary exterior building materials for buildings constructed on the Site shall be brick with stucco/EIFS, architectural metal, cast stone units and/or stone accents. Brick colors shall be primarily red tones.
5. Attached hereto are four (4) separate schematic architectural elevations designated as "Design Palette 1", "Design Palette 2", "Design Palette 3" and "Design Palette 4" (hereinafter collectively referred to as the "Design Palettes"). The Design Palettes are intended to portray the general conceptual architectural style, character and elements of the buildings to be located on the Site (excluding the building proposed to be located

within Building Envelope A on Area A referenced above), while providing choices and flexibility in the design of these buildings. Accordingly, any building constructed on the Site (excluding the building proposed to be located within Building Envelope A on Area A) shall be substantially similar in appearance to one of the Design Palettes in terms of its architectural style, character and elements, provided, however, that the Design Palettes shall not limit the size or use of any building located on the Site. With respect to larger buildings, the architectural elements shall be appropriately sized to the scale of these buildings. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings as determined by the Planning/Zoning Administrator.

6. Prior to the issuance of a building permit for any building proposed to be developed on Building Envelope B on Area A of the Site, the Town Board of Commissioners must approve the architectural elevations of such building and the screening provided for the loading areas, if any, of such building. The scope of the Town Board of Commissioners' review and approval shall be limited to the architectural elevations of such building and the screening provided to the loading areas, if any, of such building.
7. Prior to the issuance of a building permit for any building proposed to be developed on Building Envelope A on Area B of the Site, the Town Board of Commissioners must approve the architectural elevations of such building and the screening provided for the loading areas, if any, of such building. The scope of the Town Board of Commissioners' review and approval shall be limited to the architectural elevations of such building and the screening provided to the loading areas, if any, of such building.
8. Gasoline pump facilities located on the Site shall be located with an internal orientation within the Site away from Highway 16.
9. No more than two (2) outdoor, overnight storage trailers used for pine straw and wheat straw storage may be located on the Site at any time. Such overnight trailers and outdoor storage sheds/containers and utility trailers for sale to customers, if any, shall be located near the eastern edge of Parking Envelope A on Area A as generally depicted on the Schematic Site Plan and Technical Data Sheet dated March 31, 2006. Such overnight trailers, storage sheds/containers and utility trailers will be screened either by landscaping/vegetation or by a masonry wall as determined by the Developer, but in a manner acceptable to the Planning/Zoning Administrator; provided, however, that such screening shall not be required for seasonal overnight trailers that are located on the Site only during the months of March through June.
10. With the exception of those items referenced above in Paragraph 9, the outdoor display and sale of merchandise may occur on Building Envelope A on Area A of the Site only on the sidewalk located along the front wall of the proposed home center building and under the customer loading canopy as more particularly depicted on the Schematic Site Plan and Technical Data Sheet dated March 31, 2006.

#### **Road Improvements/Sidewalks**

1. Developer shall construct all road improvements required by NCDOT for the issuance of the required driveway permits.

2. Developer shall construct all sidewalks required under the Ordinance.
3. Developer shall construct a 5 foot sidewalk along Area A's and Area B's frontage on Highway 16, and along Area A's and Area B's frontage on Cuthbertson Road.
4. Developer shall install curb and gutter along Area A's and Area B's frontage on Cuthbertson Road. Developer shall not be required to install curb and gutter along Highway 16.
5. Subject to the approval of NCDOT, Developer shall install landscaping within the median on Highway 16 at the leftover in front of the relevant access point into the Site. If NCDOT does not approve the installation of landscaping within this median, then Developer shall not be required to do so. After the installation of the landscape materials, the Town of Waxhaw shall be responsible for maintaining the same, provided, however, that Developer shall, at its cost and expense, replace any trees or shrubs that die during the 1 year period next following their installation.
6. Developer shall dedicate any right of way required by NCDOT prior to the issuance of the first Certificate of Occupancy for any building constructed on the Site.

#### **Amendments to the Conditional Use Permit**

Future amendments or modifications to the Conditional Use Permit, this Technical Data Sheet and these Development Standards may be pursued by the then Owner or Owners of the Site in accordance with the provisions of Section 14 of the Ordinance.

#### **Binding Effect of Conditional Use Permit Application**

If this Conditional Use Permit Application is approved, the development program established under these Development Standards, the Technical Data Sheet and other supportive documents shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Applicant and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest and assigns.

#### **Duration of Conditional Use Permit**

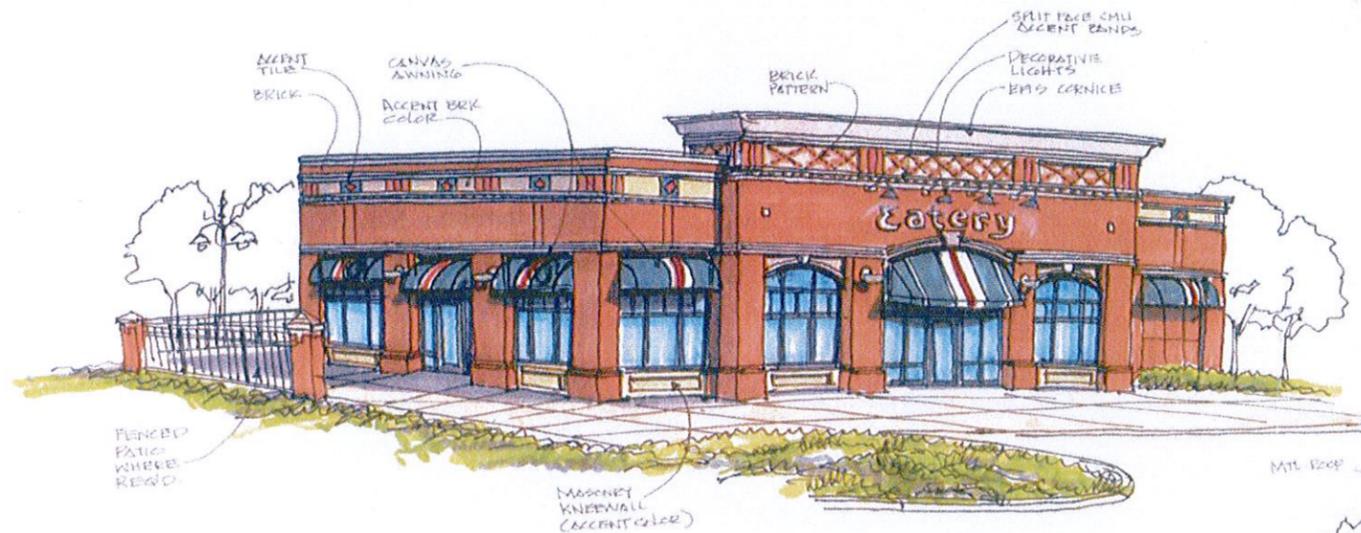
Pursuant to Sections 14.7 and 17.4 of the Ordinance, this Conditional Use Permit shall be valid for a period of 3 years in view of the scope and scale of this proposed project.



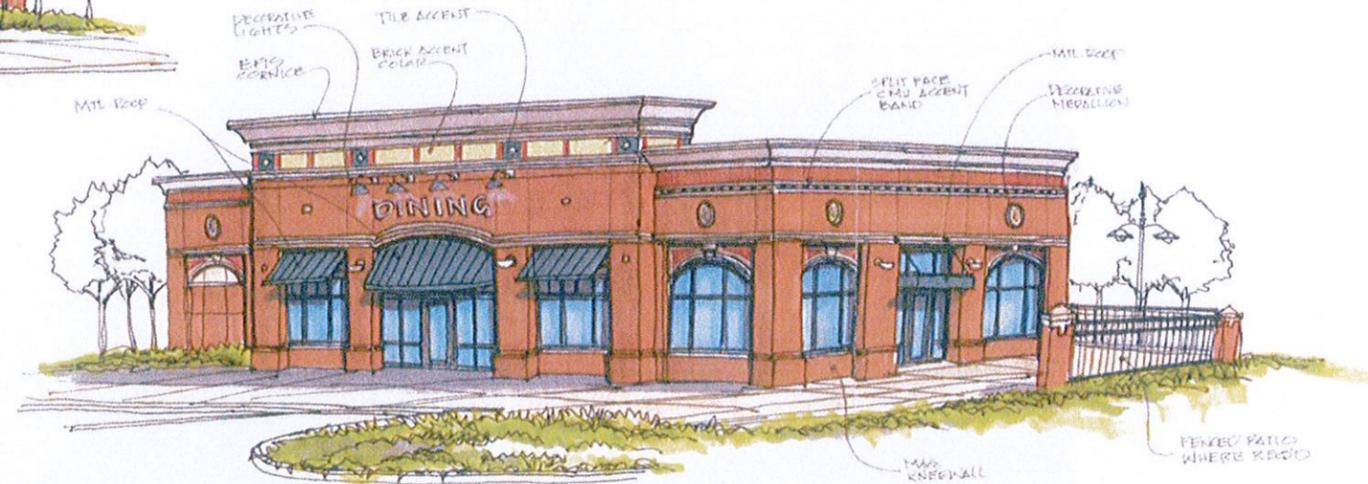
Design Palette 1



Design Palette 2



Design Palette 3



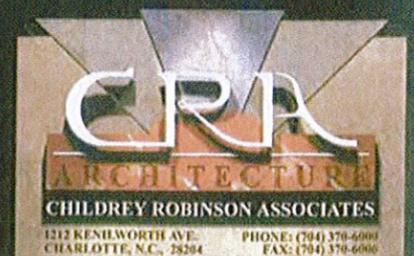
Design Palette 4

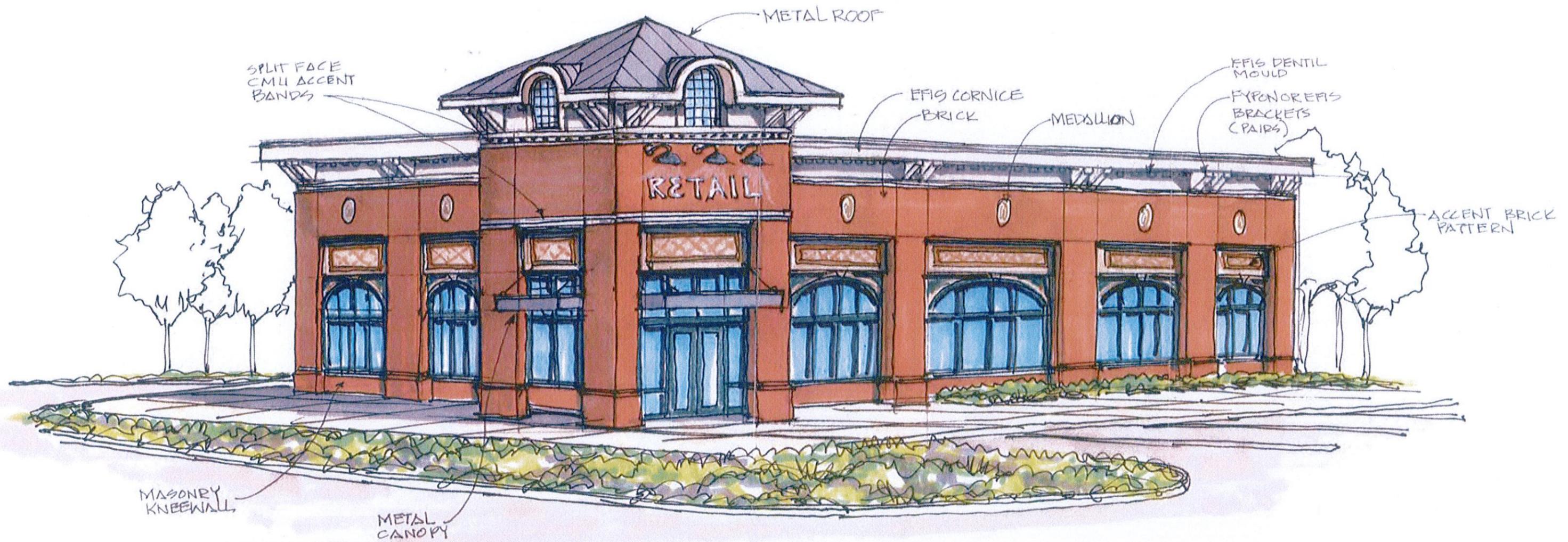


## Design Palette 1

CUTHBERTSON  
Conditional Use Application  
January 20, 2006

A STON PROPERTIES

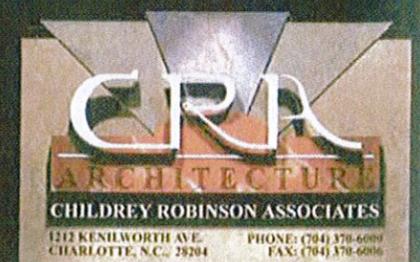


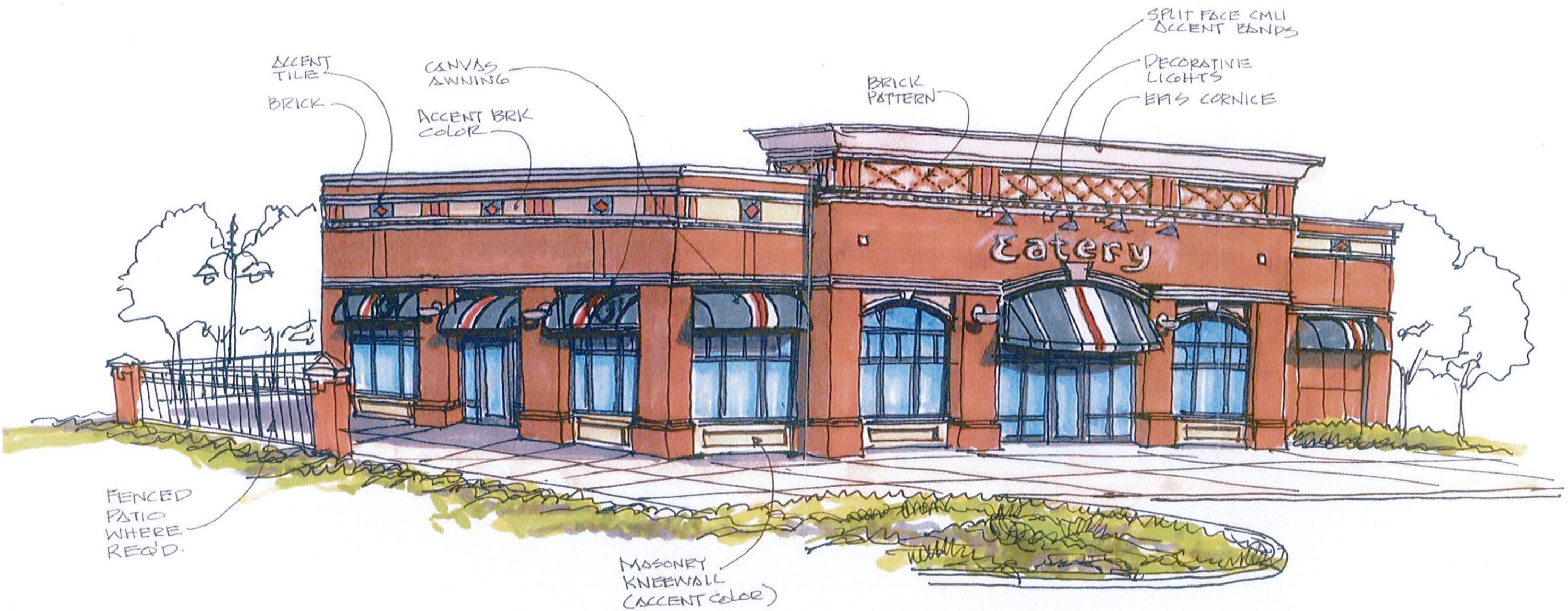


## Design Palette 2

**CUTHBERTSON**  
 Conditional Use Application  
 January 20, 2006

ASTON PROPERTIES

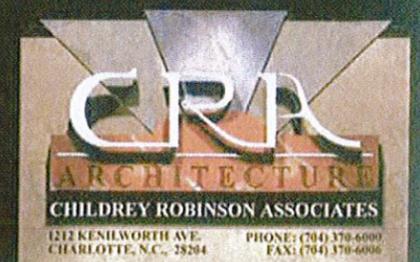


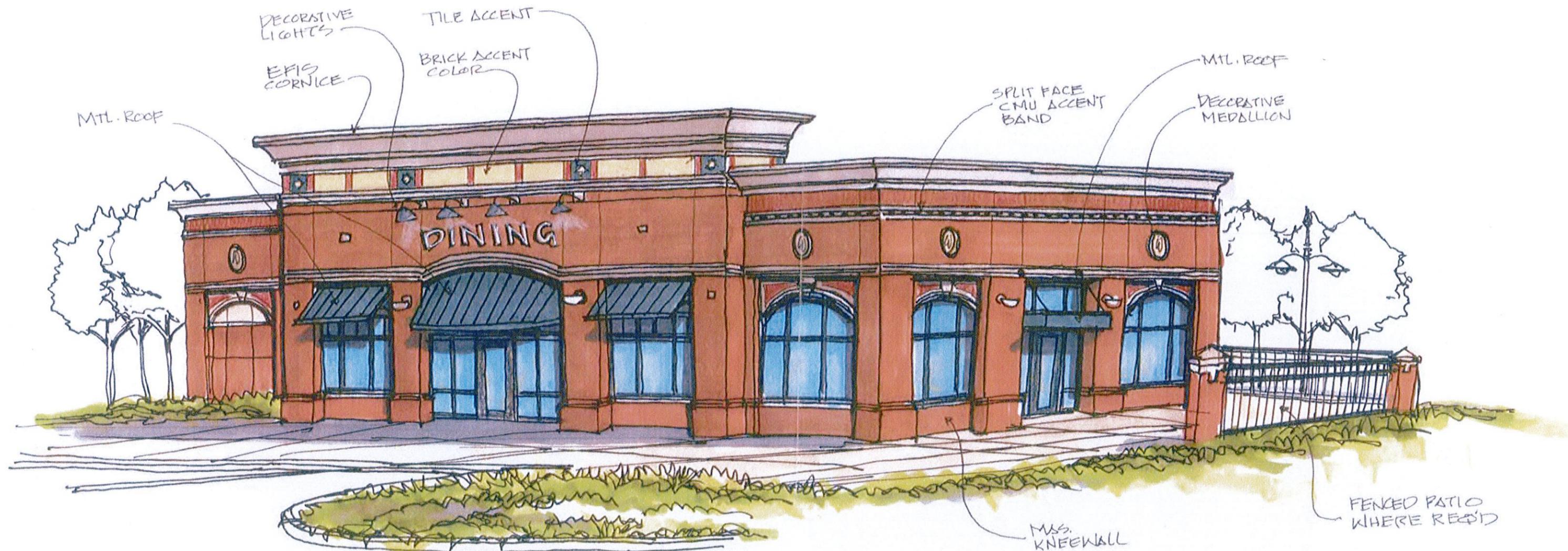


## Design Palette 3

**CUTHBERTSON**  
 Conditional Use Application  
 January 20, 2006

ASTON PROPERTIES





# Design Palette 4

**CUTHBERTSON**  
 Conditional Use Application  
 January 20, 2006

ASTON PROPERTIES



**SITE TABULATION**

AREA A: Total Acreage ±32.17 ac

Building Envelope A: ± 177,500 s.f.

Building Envelope B: 65,000 s.f.

Outparcel 2: ± 2.35 ac. ±23,000 s.f.

Outparcel 3: ± 1.38 ac. ±13,000 s.f. **±14,500 s.f.**

Outparcel 4: ± 1.1 ac. ±10,000 s.f. **±8,000 s.f.**

AREA B: Total Acreage ±1.75 ac.

Outparcel 1: ±.97 ac. ±10,000 s.f.

Outparcel 2: ±1.65 ac. ±16,000 s.f.

Building Envelope A: ±4.28ac. ±60,000 s.f.

AREA C: Total Acreage ±15.1 ac.

Total Site Acreage: ±59.03 ac.

The configuration of AREA A, Building Envelope "B" is hereby changed to incorporate a portion of the area previously defined as a Parking Envelope; however, the gross floor area shall continue to be as previously approved.

Change Approved By/On:  
*Soni Oakley* 9.5.13

MINOR REVISION  
CONDITIONAL USE PERMIT *Sonja@Howards Hill*  
APPROVED BY THE TOWN OF WAXHAW BOARD OF COMMISSIONERS  
*Soni Oakley* 9.5.13  
Planning Staff Date

PARCEL ID: 061-590-01  
EVELYN LEWIS FAMILY LIMITED PARTNERS  
428 NORTH LAUREL AVENUE  
CHARLOTTE, NC 28204  
DEED BOOK 1484/PAGE 535  
ZONING: R-40

PARCEL ID: 061-620-17  
WALTER R. PRISTER AND CHRISTINE L. PRISTER  
P.O. BOX 191  
WAXHAW, NC 28173  
DEED BOOK 376/PAGE 137  
ZONING: R-40

PARCEL ID: 061-620-18  
NEWHARR LIMITED PARTNERSHIP  
5915 CARY RIDGE ROAD  
CHARLOTTE, NC 28277  
DEED BOOK 1552/PAGE 522  
ZONING: CU-C3

PARCEL ID: 061-620-05  
SANDLER AT UNION LLC  
448 VIRGIN DRIVE  
VIRGINIA BEACH, VA 23452  
DEED BOOK/PAGE  
ZONING: CU-B3

PARCEL ID: 061-620-04  
DAVID F. STEGALL, SR (HEIRS)  
P.O. BOX 886  
WAXHAW, NC 28173-1008  
DEED BOOK 988/PAGE 129  
(FROM TAX RECORDS, NOT VERIFIED)  
ZONED: R-40

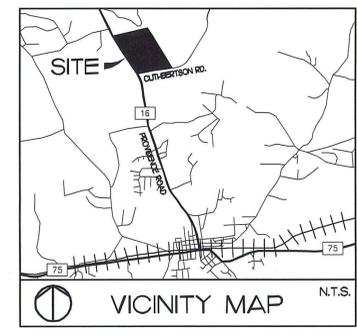
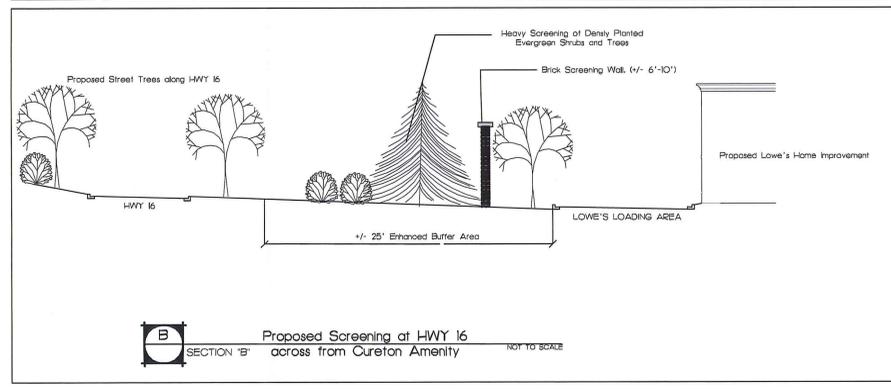
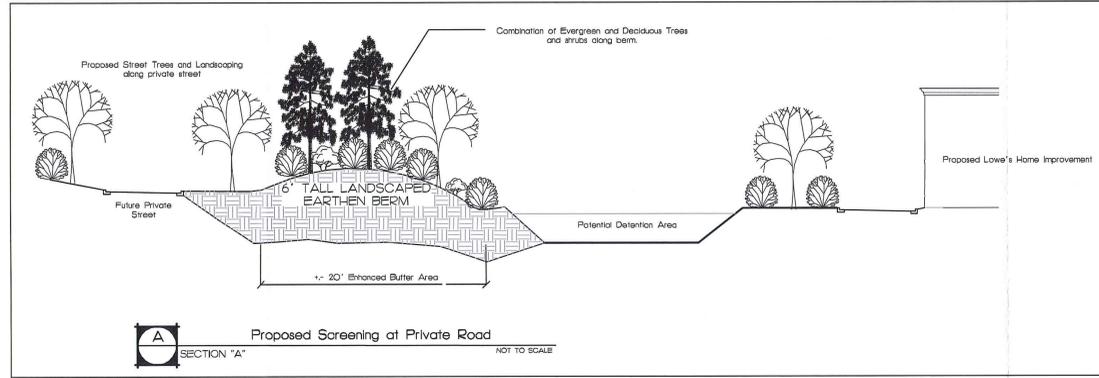
PARCEL ID: 061-620-02  
LUCILLE S. HINDLITT  
3012 SOUTH PROVIDENCE ROAD  
WAXHAW, NC 28173  
DEED BOOK/PAGE  
ZONING: R-40

PARCEL ID: 061-620-03A  
SANDLER COMMERCIAL AT UNION LLC  
448 VIRGIN DRIVE  
VIRGINIA BEACH, VA 23452  
DEED BOOK/PAGE  
ZONING: CU-C3

PARCEL ID: 061-620-27  
CLAYTON S. OWENS AND IRENE E. EDWARDS  
2409 CUTHBERTSON ROAD  
WAXHAW, NC 28173  
DEED BOOK/PAGE  
ZONING: R-40

PARCEL ID: 061-620-25A  
BARBARA S. WHITMORE AND MICHAEL LYNN WHITMORE  
2425 CUTHBERTSON ROAD  
WAXHAW, NC 28173  
DEED BOOK 378/PAGE 403  
ZONED: R-40 BY UNION COUNTY LIMITS MAP

PARCEL ID: 061-620-28B  
VICKI L. BYARS AND  
2503 CUTHBERTSON ROAD  
WAXHAW, NC 28173  
DEED BOOK 429/PAGE 114  
ZONED: R-40 BY UNION COUNTY LIMITS MAP



**ASTON**  
properties  
6525 Morrison Blvd., Suite 300 Charlotte, NC 28211  
704-366-7337

**NOTE: Entire development restricted to 359,000sf gross floor area**

- AREA A
  - Building Envelope A - see CUP for floor areas
  - Building Envelope B - 65,000sf gross floor area
  - Outparcel #2 - 23,000sf gross floor area
  - Outparcel #3 - 13,000sf gross floor area **14,500sf**
  - Outparcel #4 - 10,000sf gross floor area **8,000sf**
- AREA B
  - Building Envelope A - 60,000sf gross floor area
  - Outparcel #1 - 10,000sf gross floor area
  - Outparcel #3 - 17,000sf gross floor area
- AREA C - Future Development; requires separate CUP approval

Change approved by/on:  
*Soni Oakley* 10-16-19

CUTHBERTSON  
CONDITIONAL USE APPLICATION  
ASTON PROPERTIES  
TECHNICAL DATA SHEET

REVISIONS:  
01-09-08 REV. PER CITY COMMENTS  
01-27-08 REV. PER CITY COMMENTS  
02-11-08 REV. PER CITY COMMENTS  
03-11-08 APPROVED SITE PLAN  
10-06-08 Revision to OP #13/44  
09-04-13 Revision to Area A-Bldg. Fm B

DATE: 11/23/05  
DESIGNED BY: MRC  
CHECKED BY: MRC  
Q.C. BY: Q.C. BY  
PROJECT NO.: 1000375  
SHEET #:  
**CU-1**



PARCEL ID: 061-590-10  
EVELYN LEWIS FAMILY  
LIMITED PARTNERS  
428 NORTH LAUREL AVENUE  
APT. 1  
CHARLOTTE, NC 28204  
DEED BOOK 1484/PAGE 535  
ZONING: R-40

PARCEL ID: 061-350-01  
PFISTER LAND LLC  
C/O PATRICIA ROGERS PFISTER  
3504 WAXHAW-MARVIN ROAD  
WAXHAW, NC 28173  
DEED BOOK 3246/PAGE 338  
ZONING: R-40

PARCEL ID: 061-620-17  
WALTER R. PFISTER  
AND  
CHRISTINE L. PFISTER  
P.O. BOX 191  
WAXHAW, NC 28173  
DEED BOOK 376/PAGE 137  
ZONING: R-40

PARCEL ID: 061-620-24  
WALTER R. PFISTER  
AND  
CHRISTINE L. PFISTER  
P.O. BOX 191  
WAXHAW, NC 28173  
DEED BOOK 298/PAGE 288  
ZONING: R-40

PARCEL ID: 061-620-27  
CLAYTON S. OWENS  
AND  
RENE E. EDWARDS  
2409 CUTHBERTSON ROAD  
WAXHAW, NC 28173  
DEED BOOK/PAGE  
ZONING: R-40

PARCEL ID: 061-620-25A  
BARBARA S. WHITMORE  
AND  
MICHAEL LYNN WHITMORE  
2421 CUTHBERTSON ROAD  
WAXHAW, NC 28173  
DEED BOOK 375/PAGE 403  
ZONED: R-40 BY UNION COUNTY  
IN COUNTY PER UNION COUNTY  
IN TOWN OF WAXHAW PER CITY  
LIMITS MAP

PARCEL ID: 061-620-25B  
VICKI L. BYRNS  
2503 CUTHBERTSON ROAD  
WAXHAW, NC 28173  
DEED BOOK 420/PAGE 114  
ZONED: R-40  
IN COUNTY PER UNION COUNTY  
IN TOWN OF WAXHAW PER CITY  
LIMITS MAP

PARCEL ID: 061-620-18  
NEWCARR LIMITED PARTNERSHIP  
5915 CARY RIDGE ROAD  
CHARLOTTE, NC 28277  
DEED BOOK 1552/PAGE 522  
ZONING: CU-CS

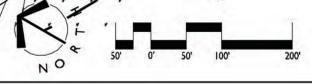
PARCEL ID: 061-620-07  
JAMES I. MULLIS  
2822 PROVIDENCE ROAD  
WAXHAW, NC 28173  
DEED BOOK/PAGE  
ZONING:

PARCEL ID: 061-620-05  
SANDLER AT UNION LLC  
448 WIKING DRIVE  
VIRGINIA BEACH, VA 23452  
DEED BOOK/PAGE  
ZONING: CU-R3

PARCEL ID: 061-620-04  
DAVID F. STEGALL, SR (HEIRS)  
P.O. BOX 886  
WAXHAW, NC 28173-1006  
DEED BOOK 088/PAGE 129  
(FROM TAX RECORDS, NOT VERIFIED)  
ZONED: R-40

PARCEL ID: 061-620-02  
LUCILLE G. HUNNICUTT  
3012 SOUTH PROVIDENCE ROAD  
WAXHAW, NC 28173  
DEED BOOK/PAGE  
ZONING: R-40

PARCEL ID: 061-620-05A  
SANDLER COMMERCIAL AT UNION LLC  
448 WIKING DRIVE  
VIRGINIA BEACH, VA 23452  
DEED BOOK/PAGE  
ZONING: CU-CS



CUTHBERTSON  
CONDITIONAL USE APPLICATION  
ASTON PROPERTIES  
SCHEMATIC SITE PLAN

REVISIONS:  
01/03/08 REV PER CITY COMMENTS  
02/11/08 REV PER CITY COMMENTS  
03/11/08 APPROVED SITE PLAN

DATE: 11-23-05  
DESIGNED BY: JRC  
CHECKED BY: JRC  
C.D. BY: J.C.B.  
PROJECT #: 1003975  
SHEET #:



Town of Waxhaw  
 Planning & Community Development  
 PO Box 617  
 Waxhaw, NC 28173  
 704-843-2195 (Phone)  
 704-243-3276 (Fax)  
 www.waxhaw.com

Date Received	6-17-2014
Received By	DL
Fee	2,557.78

**CONDITIONAL ZONING APPLICATION**

Application Number: CD-002516-2014 Date of Application: June 17, 2014

**Applicant Information**

Applicant Name: James Diehl

Applicant Mailing Address: 111 Strawpocket Lane, Mooresville, NC 28117

Applicant Telephone: 704.280.5880

Property Owner Name: James Diehl

Property Owner Mailing Address: 111 Strawpocket Lane, Mooresville, NC 28117

Property Owner Telephone: 704.280.5880

Relationship of Applicant to Property Owner: Applicant is Owner

**Subject Property Information**

Property Location: 3401 Providence Road (adjacent to 12 Mile Creek, north of Ski Trail Lane)

Tax Map and Parcel Number(s): 06165003

Existing Zoning: CU-OIS In Flood Area? Yes

Requested Conditional Zoning District: CD-C1

Proposed Use: Events Facility to include standalone restaurant, wedding chapel, management/maintenance office, future art gallery, future wine tasting/orchid room, associated parking, and incidental accessory structures.

Comments: \_\_\_\_\_

33.01  
ACRES

No application will be considered complete unless it has been properly completed and submitted to the Zoning Administrator by the deadline for the Planning Board Meeting.

To the best of my knowledge, all of the information herein submitted is accurate and complete.

  
\_\_\_\_\_  
(Signature of Property Owner)

6/12/14  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
(Signature of Applicant)

6/12/14  
\_\_\_\_\_  
(Date)

All of the information herein required has been submitted by the applicant and is included or attached with this application.

  
\_\_\_\_\_  
(Signature of Zoning Administrator)

6/17/14  
\_\_\_\_\_  
(Date)

**TO BE FILLED OUT BY ZONING ADMINISTRATOR**

Completed application submitted on: 6/17/14

Date of Neighborhood Meeting: 4/28/15

Reviewed by Planning Board on: 6/15/15

Action of Planning Board: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Board Public Hearing Held On: \_\_\_\_\_

Date of Town Board Decision: \_\_\_\_\_

Action Taken by Town Board: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***\*Newspaper Affidavit should be attached***

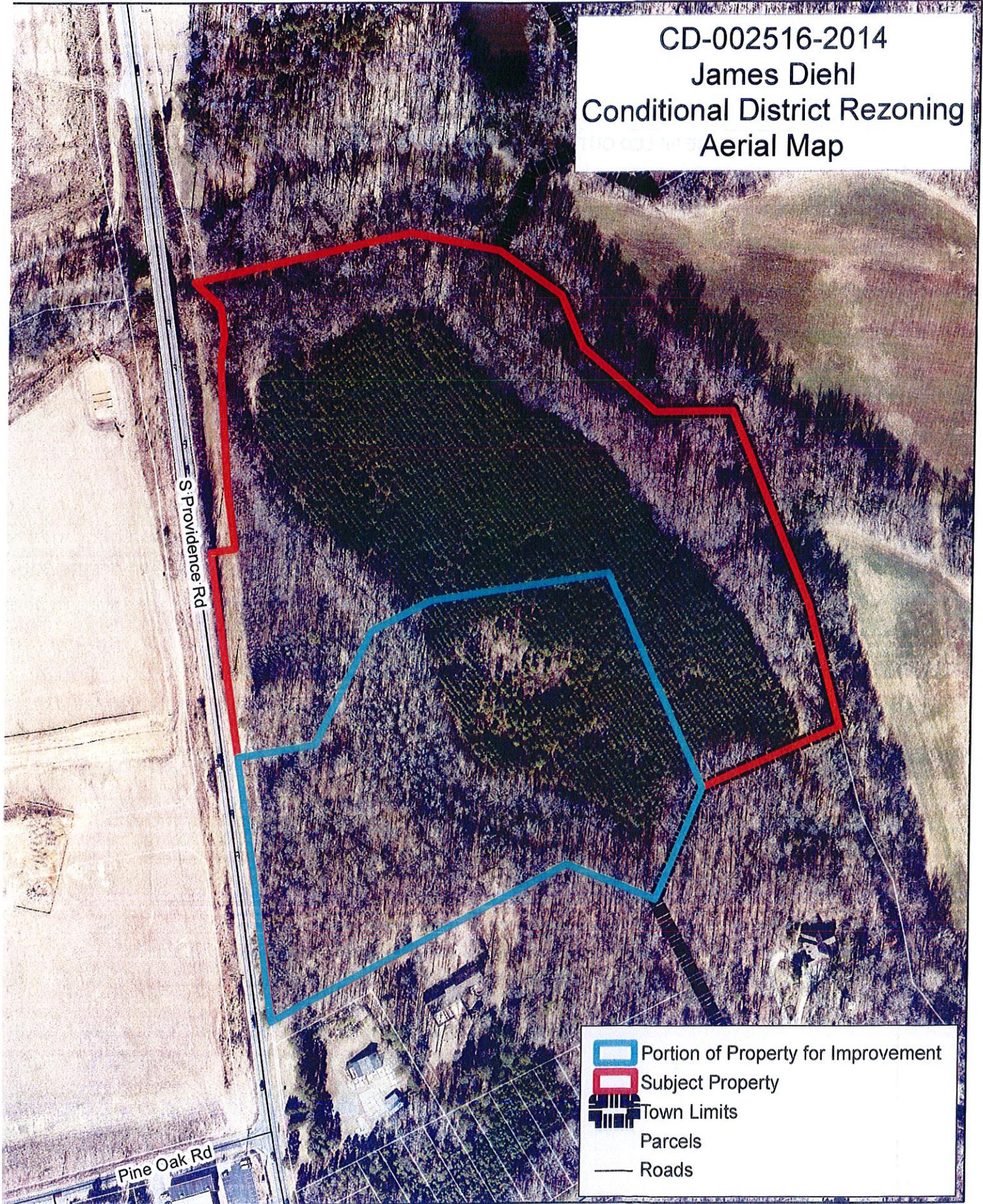
Public Hearing Notice Filed in (Newspaper): \_\_\_\_\_

Date(s) Notices Published: \_\_\_\_\_

Notification to adjacent property owners mailed on: \_\_\_\_\_

Property Posting Date: \_\_\_\_\_

CD-002516-2014  
James Diehl  
Conditional District Rezoning  
Aerial Map



- Portion of Property for Improvement
- Subject Property
- Town Limits
- Parcels
- Roads

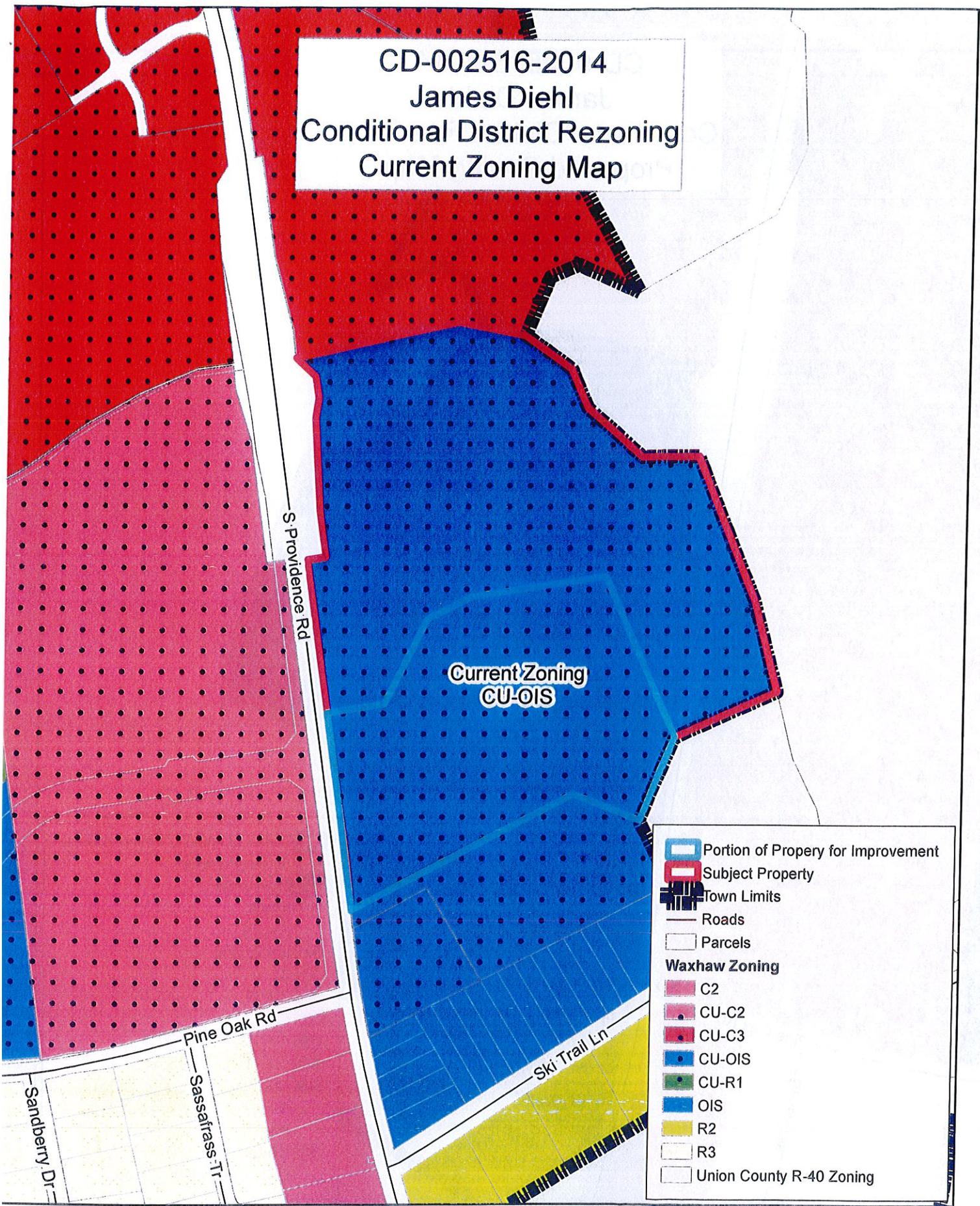
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**Data Source & Disclaimer**  
Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created June 2015.



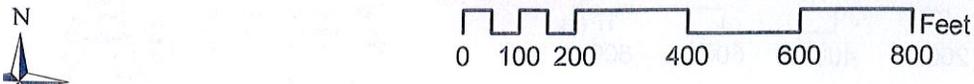
CD-002516-2014  
 James Diehl  
 Conditional District Rezoning  
 Current Zoning Map



- Portion of Property for Improvement
- Subject Property
- Town Limits
- Roads
- Parcels

**Waxhaw Zoning**

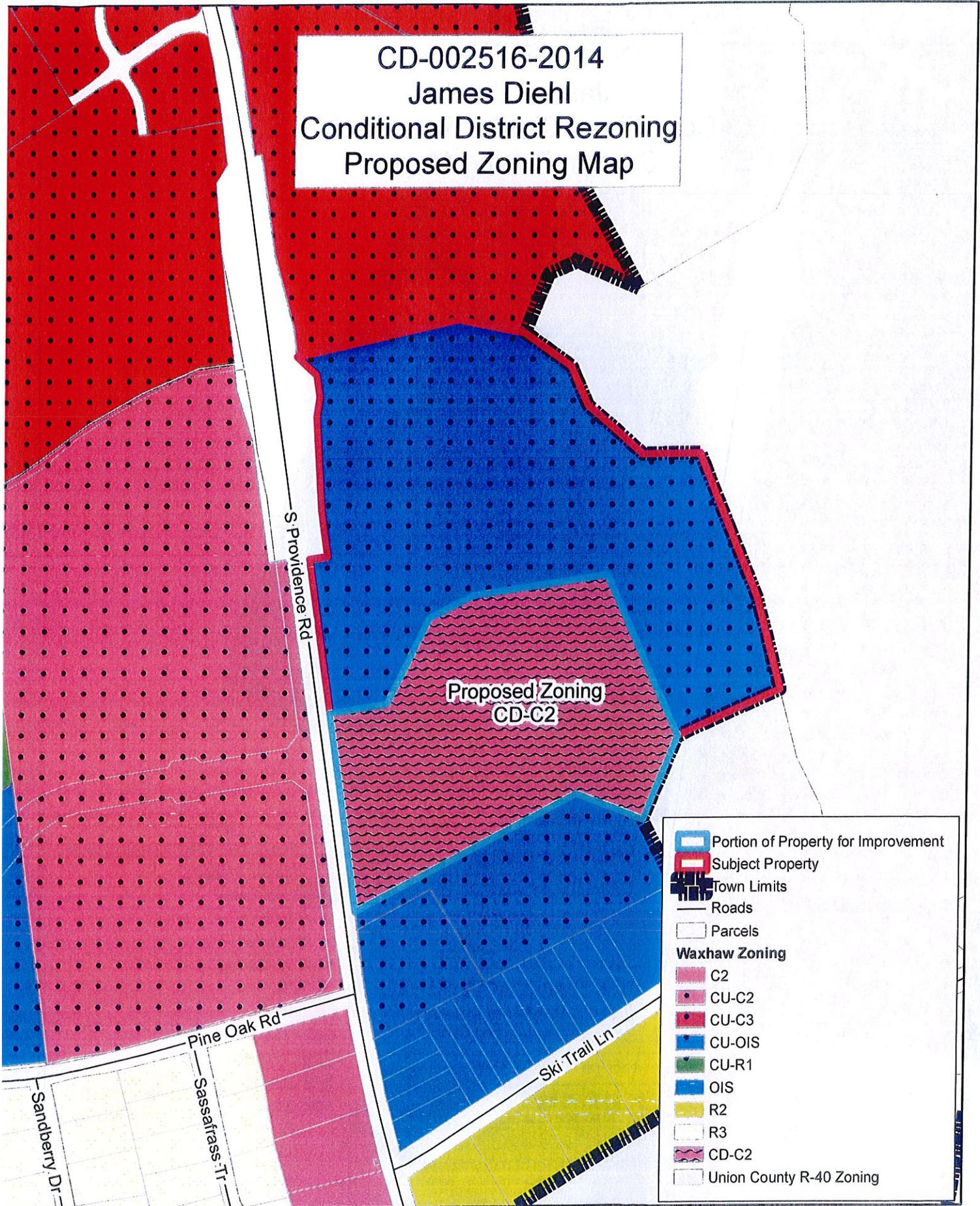
- C2
- CU-C2
- CU-C3
- CU-OIS
- CU-R1
- OIS
- R2
- R3
- Union County R-40 Zoning



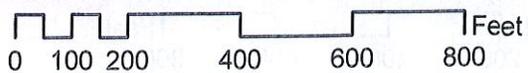
**Data Source & Disclaimer**  
 Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created June 2015.



CD-002516-2014  
 James Diehl  
 Conditional District Rezoning  
 Proposed Zoning Map



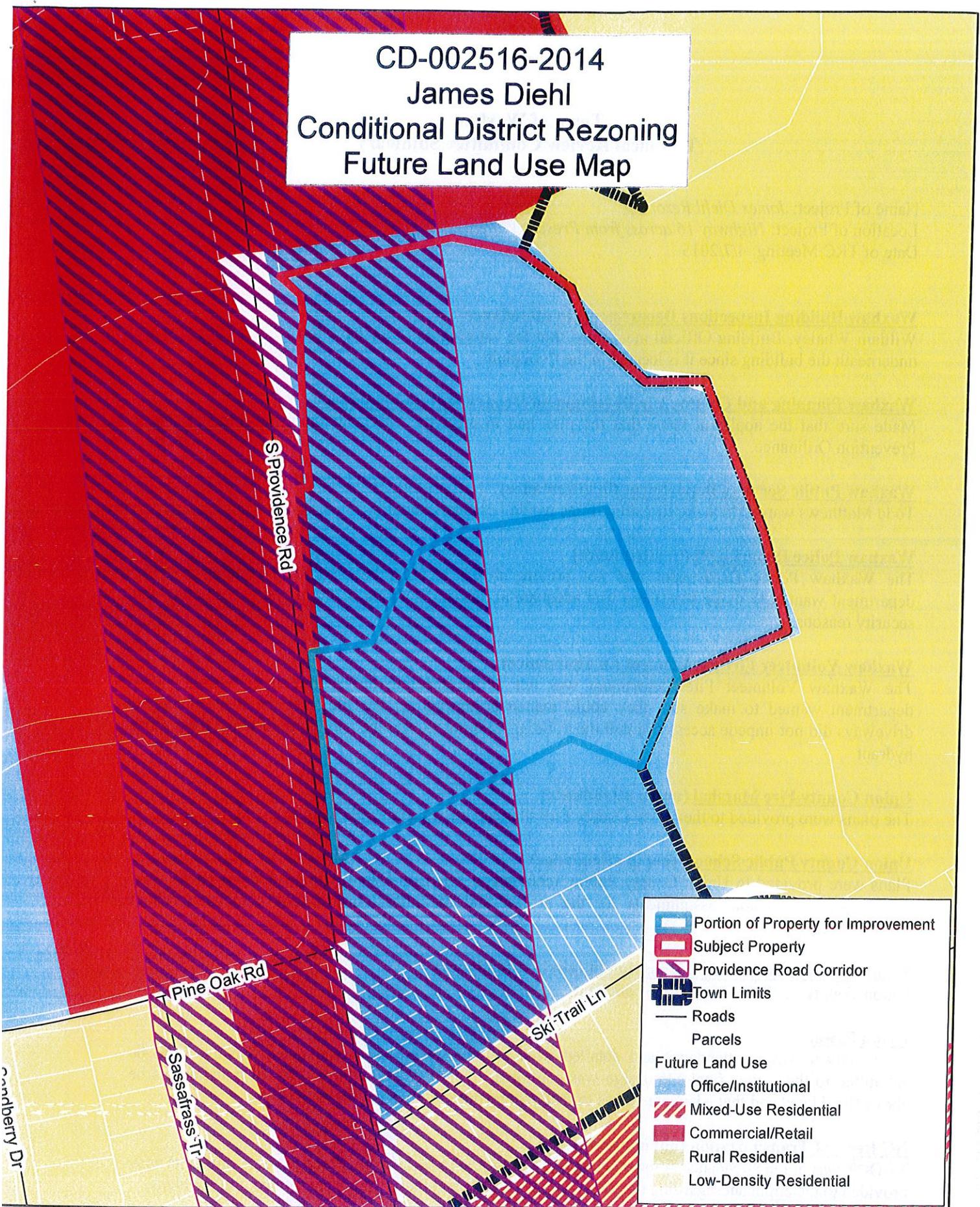
- Portion of Property for Improvement
- Subject Property
- Town Limits
- Roads
- Parcels
- Waxhaw Zoning**
- C2
- CU-C2
- CU-C3
- CU-OIS
- CU-R1
- OIS
- R2
- R3
- CD-C2
- Union County R-40 Zoning



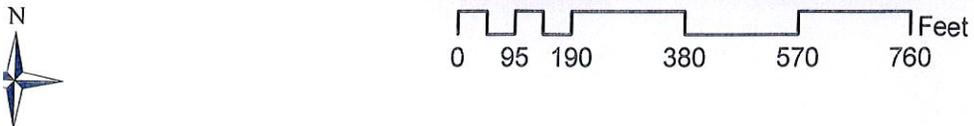
**Data Source & Disclaimer**  
 Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created June 2015.



CD-002516-2014  
 James Diehl  
 Conditional District Rezoning  
 Future Land Use Map



	Portion of Property for Improvement
	Subject Property
	Providence Road Corridor
	Town Limits
	Roads
	Parcels
Future Land Use	
	Office/Institutional
	Mixed-Use Residential
	Commercial/Retail
	Rural Residential
	Low-Density Residential



**Data Source & Disclaimer**  
 Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created June 2015.



**Town of Waxhaw  
Technical Review Committee Summary**

Name of Project: *James Diehl Rezoning*  
Location of Project: *Highway 16 across from Prescott Village*  
Date of TRC Meeting: 4/7/2015

**Waxhaw Building Inspections Department (in attendance)**

William Whaley, Building Official mentioned that the catering hall may have too much enclosed space underneath the building since it is located in the floodplain.

**Waxhaw Planning and Community Development Department (in attendance)**

Made sure that the applicant knew that the plan had to meet the UDO, including the Flood Damage Prevention Ordinance.

**Waxhaw Public Services Department (in attendance)**

Todd Matthews wanted to make sure all utilities would be underground.

**Waxhaw Police Department (in attendance)**

The Waxhaw Police Department was not present at the meeting but submitted comments. The department wanted to make sure there was adequate access and lighting of the property for safety and security reasons.

**Waxhaw Volunteer Fire Department (in attendance)**

The Waxhaw Volunteer Fire Department was not at the meeting but submitted comments. The department wanted to make sure they could maneuver throughout the site, that the trees along the driveways did not impede access and that the buildings did not exceed the maximum distance from a fire hydrant.

**Union County Fire Marshal (not in attendance)**

The plans were provided to the Union County Fire Marshal but no comments were received.

**Union County Public Schools (not in attendance)**

Plans were provided to Union County Public Schools and Mr. Don Ogram commented via email. Mr. Ogram provided school assignments for the project and the impact on recently completed school redistricting.

**Union County Public Works Department (not in attendance)**

Union County Public Works had no comments.

**Union Power**

Union Power was in attendance and detailed what utilities were present and asked that the plans be submitted to them once final site design was complete. Union Power required that all transformers be above flood level and that adequate access to facilities be provided.

**NC Dept. of Transportation (not in attendance)**

NCDOT was not in attendance at the meeting but was provided with a copy of the plans. Comments were provided to the applicant regarding necessary improvements and these were incorporated into the plans.

**Technical Review Committee (TRC) Meeting  
Waxhaw Events Center  
April 7, 2015 10:00 a.m.**

Present: Wil Ortiz, Keith Helms, and Matt Baucom – Union Power, Mike Franz – Waxhaw Volunteer Fire Department, Todd Matthews – Waxhaw Public Services, William Whaley, Lori Oakley, and Chris Rice – Waxhaw Planning and Community Development, Maxx Oliver – Recording Secretary.

**Meeting started at 10:00 a.m.**

Lori Oakley explained how the TRC meetings work to those that have not attended before.

Lori Oakley stated that a representative from the NCDOT could not make the meeting but they have asked that the entrance to the proposed development align with Prescott Glen Parkway.

Keith Helms asked if the intersection would be signalized and if there would be a left turn lane. Lori Oakley stated that there would be light. Chris Rice stated that he was unsure if there would be a turn lane. He stated that it was not shown on the current plans.

Lori Oakley asked if Union Power had a map of their coverage area because some of the Waxhaw area is covered by Duke Energy and some is covered by Union Power. Wil Ortiz stated that if the town sends them plans prior to the TRC meetings they can determine if the project falls into Union Power's coverage area or not.

Chris Rice explained the details of the project, noting each of the buildings and their functions.

Chris Rice stated that the site will be subdivided. He stated that the Fire Department previously had issues with the trees over the roads, the curb radius, and building heights.

Todd Matthews asked if all the utilities would be buried underground. William Whaley stated that they are required to be buried.

Chris Rice stated that Greg Mahar wanted the applicant to know that they must comply with the Flood Damage Prevention Ordinance.

There was a discussion about the catering hall and the associated deck.

William Whaley stated that they could have a problem with the closed space underneath the catering hall building. He stated that it exceeds the amount of closed area allowed due to its location in a floodplain.

There was a discussion about utilities in the floodplain. Keith Helms stated that his only concern is getting the transformers above flood level.

There was a discussion about the floodplain and the lines marked on the plan. Chris Rice stated that the plans will be revised to improve the readability.

William Whaley asked if the development would use fill on the site. Chris Rice stated that that is the point that the Greg Mahar wanted to get across that the development must meet the flood damage prevention ordinance.

Chris Rice asked if Union Power would need a copy of the utility plan. Keith Helms stated that they can send the utility plan to him.

William Whaley pointed out a distance that may be too great between the driveway and a building for the fire trucks.

Mike Franz asked if the buildings would be sprinkled, if there would be fire hydrants, and if there would be Knox boxes. Chris Rice stated that he cannot be sure until plans with a higher level of detail are received.

There was a discussion about sprinklers in the buildings.

Chris Rice asked if Union Power needs any access. Keith Helms stated that adequate space is needed between planting and the transformer. Matt Baucom stated that they need 10 or 12 feet between the plants and the transformer.

Wil Ortiz asked about the trees near power lines. Chris Rice stated that large maturing trees are normally required but that near utilities small maturing trees may be used. Matt Baucom stated that he had concerns with berms and large maturing trees. He stated that Union Power will trim when they can but will cut the trees down if needed.

There was a discussion about spacing requirements for trees. Chris Rice stated that he made a comment to contact Matt Baucom with questions about plantings and spacing.

William Whaley asked about the NCDOT right-of-way and stated that if utilities run in the right-of-way that plantings may be a moot point.

There was a discussion about sidewalk and future right-of-way.

**Meeting adjourned 10:42 a.m.**

## MEETING MINUTES

Date: April 28<sup>th</sup>, 2015

Project: Waxhaw Events Campus (Rezoning Petition)

Location: Waxhaw Women's Club Facility

Meeting Time: 6pm

Project Team: Jim Diehl, Owner/Petitioner  
Chip Cannon, Planner/Engineer (Urban Design Partners)  
Chris Scorsone, Architect (Cluck Design Collaborative)

Purpose: Required Neighborhood Meeting

Minutes: Mr. Diehl welcomed everyone to the meeting before introducing the project team in attendance. He then gave a project overview, explaining the proposed project.

Mr. Diehl discussed the site in its current condition and discussed how he wants to preserve as many of the existing trees and as much of the existing character as possible while executing this project. He went into a little more detail about tree save and noted the large trees shown on the plan are existing and would be primary focus for saving.

After a brief discussion about the site and trees, he outlined the project program noting it would include a catering hall and full service restaurant to complement the event hall. He talked about the types of events that could be staged at the facility and noted it would be a unique addition to the Town.

While talking about the project program, one of the attendees asked if he knew how to run an event center and restaurant. Mr. Diehl replied noting he'd owned a restaurant in Texas and Colorado before moving to Charlotte. He also told the attendees he'd worked for Marriott as a general manager of the Uptown Charlotte hotel for 20 years.

After explaining the project and its details, he turned the program over to Chip Cannon. Mr. Cannon talked about the rezoning process and "why we're all here tonight." He provided information regarding the public hearing, planning board meeting, and process. He also explained the rezoning was being done primarily to allow for the restaurant component. Mr. Cannon then went into more detail about the site plan, walking the attendees through the layout before Chris Scorsone provided more detail about the building architecture.

The group transitioned into a question and answer discussion after the team members were done explaining the project's process, program, and plan. Discussion included the following:

- 1) Thread Trail – The petitioner is agreeing to provide an access easement for construction of the trail and any trailhead feature, parking, etc., to support the trail. Construction of the trail and associated facilities would be built by

the CTT folks. There was further discussion about possible timing and routing of offsite portions.

- 2) A neighbor asked about the pond and if the owner is concerned about it being a "mosquito breeding ground." Mr. Cannon explained that the pond would be considered a "wet pond" designed to state-mandated criteria for stormwater controls. A large part of the design requirements is to ensure these facilities are deep enough (6' minimum) to support aquatic life which inhibits mosquito issues. She then asked "how many of these have you built." Mr. Cannon responded noting that a large percentage of his projects have used wet ponds as stormwater control facilities.
- 3) The need for lodging was discussed. An attendee asked if we were planning to include any lodging in the project. Mr. Diehl noted that while he originally intended to add lodging to the program, he ultimately decided not to. But he agrees that more lodging is needed in the area. He estimates many patrons would drive in from Charlotte.
- 4) The question of scale of the buildings came up. Mr. Scorsone noted that all the buildings are relatively small to fit the small scale of the venue. He said the buildings are sized comparably to many homes.
- 5) One attendee asked about the art gallery and whether or not it would be for local artists' works. Mr. Diehl said he hadn't determined that yet, but he could see it having some space for local artists. The attendee talked about the sizable artist's community in Waxhaw and how great it'd be for them to have a display space.
- 6) One of the attendees asked, "Why does Waxhaw need this facility?" Mr. Diehl said he felt it'd be a great addition to Waxhaw since it provides another service facility to bring more people to town. The attendees agreed it would be nice to have a good restaurant and such a unique venue of this size.
- 7) Schedule – Mr. Diehl wants to secure financing as soon as (if) the rezoning is approved and move right into further design. Ideally construction would start in 2016 for an opening in 2017.
- 8) Employee base – Mr. Diehl estimates the facility will employ 30-40 people.
- 9) Parking – there will be 173 spaces which meets the ordinance requirements for all the uses to be parking simultaneously.
- 10) Hwy 16 improvements/widening – Mr. Cannon reviewed the road improvements associated with the project and noted he didn't know when Hwy. 16 would be widened to 4 lanes (it's up to NCDOT).
- 11) The attendees said they think this is a good project that will be good for the Town. One attendee who lives adjacent to the site noted she doesn't have any real concerns about it being behind her home.

After the question and answer session, Chris Rice (Town of Waxhaw Planning) discussed the rezoning process again and provided additional info regarding the next steps.

The above summarizes the meeting and items of discussion as recorded by a member of the project team.

**Conditional Rezoning Petition CD-002516-2014**  
**James Diehl**  
**(Waxhaw Events Campus)**

**EXPLANATION OF THE REQUEST**

Petition CD-002516-2014 is a request by James Diehl, for a conditional rezoning / map amendment from CU-OIS (Conditional Use-Office, Institutional and Specialty) to CD-C2 (Conditional District-Highway Commercial) on approximately 12 acres of a 33 acre parcel (Tax Parcel ID number 06-165-003) located on the east side of Highway 16, south of Twelve Mile Creek. The petitioner is proposing to develop three buildings. Building one will contain an event hall. Building two will contain a full-service restaurant, catering hall and art gallery. Building three will contain a management/sales office, storage, restrooms and a bridal staging/multipurpose room.

**LOCATION AND CURRENT LAND USE**

Currently, the subject property is undeveloped.

➤ Condition and land use of the surrounding properties. The adjoining properties are:

- To the north – Twelve Mile Creek and a single family residence zoned CU-C3 (Conditional Use-General Commercial).
- To the east – Twelve Mile Creek and a large property located in Union County zoned R-40 (Single Family).
- To the south – Two parcels developed with single family residences and one developed with a former concrete plant. One of the residentially developed parcels is located in Union County zoned R-40 (Single Family). The other residentially developed parcel and the parcel with the former concrete plant are located in the Town of Waxhaw zoned CU-OIS (Conditional Use-Office, Institutional and Specialty).
- To the west – Prescott Village is located on the west side of Highway 16. Prescott Village is zoned a combination of CU-C2 (Conditional Use-Highway Commercial), CU-OIS (Conditional Use-Office, Institutional and Specialty) and CU-R1 (Conditional Use-Single Family Residential).

**LAND USE / SITE PLAN**

1. The applicant will subdivide the property as generally illustrated by the proposed property line on the rezoning plan after rezoning approval and prior to submittal of any construction documents or permitting plans.
2. The applicant intends to begin final design, engineering, and permitting by January 1, 2016 or upon approval of this rezoning request. It is anticipated that construction will commence prior to January 1, 2017 with completion estimated to be June 1, 2017.
3. The site shall be developed as an events center campus as described herein to include the following uses (with accessory uses):
  - Building One Complex - Primary Event Hall to be used for a variety of social events including, but not limited to, weddings, recitals, and general meetings. It may also be used to host catered events and functions with food service (no food preparation in the building). Outdoor spaces surrounding the Event Hall may also be used in conjunction with events taking place at the Event Hall. The Event Hall building complex includes the Event Hall (Chapel), a Bride Wing and Groom Wing, and an open air structure.
  - Building Two Complex - Full Service Restaurant with Bar, Catering Hall, and Art Gallery. The restaurant will have indoor and outdoor seating and may be used to host catered events and functions. The Catering Hall will be used for food preparation for

the Event Hall and/or the Restaurant. It will be used in conjunction with the Event Hall events.

- Building Three - Management/sales office, garage/storage, restrooms, and bridal staging/multipurpose room.
4. The total maximum gross floor area of the buildings to be constructed on the site shall be 15,000 square feet.
  5. Off street vehicular parking will meet the minimum standards established under the Section 12 of the Unified Development Ordinance.
  6. Development of the site shall comply with the landscaping, screening, and buffer requirements of the Section 9 of the Unified Development Ordinance, including a fifty five (55') foot wide Class B buffer to be installed along the proposed site's southern property lines adjacent with residentially zoned properties as generally depicted on the plan.
  7. The Petitioner agrees to provide a permanent 25' wide access easement to the Town for construction of a trailhead and parking for the Carolina Thread Trail. All improvements associated with the Trail, including but not limited to parking, trailhead feature, and trail, are to be constructed by others. Location shown on the plan is schematic only; exact and final location may be adjusted by the owner based on site conditions and other considerations at the time of granting and recording easement.
  8. The development of this project shall conform to Section 6.5 Flood Damage Prevention of the Unified Development Ordinance. All enclosed spaces will be constructed a minimum of 1 vertical foot above flood elevation as determined by current FEMA FIRM mapping.
  9. All signs installed on the site shall comply with the requirements of Section 13 of the Unified Development Ordinance.
  10. All lighting installed on the site shall comply with the requirements of Section 12 of the Unified Development Ordinance.
  11. All sidewalks will be constructed to be ADA compliant and be a minimum of 5' wide.
  12. Section 4.11 of the Unified Development Ordinance requires that the applicant have a neighborhood meeting prior to the Planning Board meeting in order to ensure that the citizens and property owners of the town have an opportunity to learn about the proposed project. The applicant has submitted meeting minutes from the Neighborhood Meeting that was held in conjunction with the proposed project and they are included in your packet.

#### **TREE PRESERVATION / LANDSCAPING / OPEN SPACE**

1. The plan meets all requirements of Section 9 of the Unified Development Ordinance with regard to buffering, landscaping and screening. The applicant has made a conscious effort to locate the proposed buildings in such a way as to minimize the amount of clearing and grading required to the greatest extent possible.

#### **ARCHITECTURAL GUIDELINES**

1. The proposed plan meets the architectural guidelines in Section 20 of the Unified Development Ordinance.
2. A color board depicting all materials has been submitted by the applicant as required by Section 20 of the Unified Development Ordinance.

#### **CONNECTIVITY / PARKING**

1. The applicant will be providing a vehicular connection to the property to the south of the site.
2. The applicant is providing the required amount of parking per Section 12 of the Unified Development Ordinance. The applicant is providing a total of 173 parking spaces.
3. The applicant is providing an easement to allow for the Town to construct a trail head for the Carolina Thread Trail.

## TRANSPORTATION

The applicant submitted a Transportation Technical Memorandum (TTM) for the project to NCDOT. This document has been reviewed by the NCDOT and town staff.

NCDOT requirements for the development are as follows:

- Westbound left-turn lane and shared through-right lane (with median designed to meet sight distance standards).
- Southbound left-turn lane into the site from NC 16 with 150' of storage.
- Right-Of-Way dedication along site frontage for future widening of NC 16.
- Modification/participation in traffic signal to be located at intersection of Prescott Glen Parkway/Waxhaw Events Campus entrance.

These improvements are to be completed at the time of site construction and in coordination with the improvements required for Prescott Village.

## 2030 WAXHAW FUTURE LAND USE PLAN

The Future Land Use Plan recommends this property be developed with office and institutional uses which is described as follows: "These areas include locations for new and existing office developments and institutional uses, such as government facilities, schools, and semi-public uses such as churches, hospitals, etc." In addition, the Future Land Use Plan includes this property as part of the Providence Road Corridor. This classification designates a corridor along Providence Road (NC-16) - the primary road corridor through Waxhaw - that has been identified for additional planning."

The Highway 16 Corridor Plan recommends this property to be developed with "Neighborhood Mixed Use" type development. The Highway 16 Corridor Plan characterizes Neighborhood Mixed Use as a "mix of houses, townhouses & small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of pedestrians".

## PLANNING STAFF ANALYSIS

Staff feels that this project is an appropriate use for the site. The proposed development meets the guidelines outlined in both the 2030 Comprehensive Plan and the Highway 16 Corridor Plan. Also, the applicant's design and intended uses for the property take into account the sensitivity of the site by the way the site has been designed.

Planning staff recommends approval of the Conditional Rezoning Request CD-002516-2014 as currently submitted, along with the following recommendations:

- The project shall conform to all requirements of the Town of Waxhaw Unified Development Ordinance and all notes on the rezoning plan.
- The applicant shall install the improvements required by NCDOT as listed in the Transportation section of this report in coordination with the improvements required for Prescott Village.

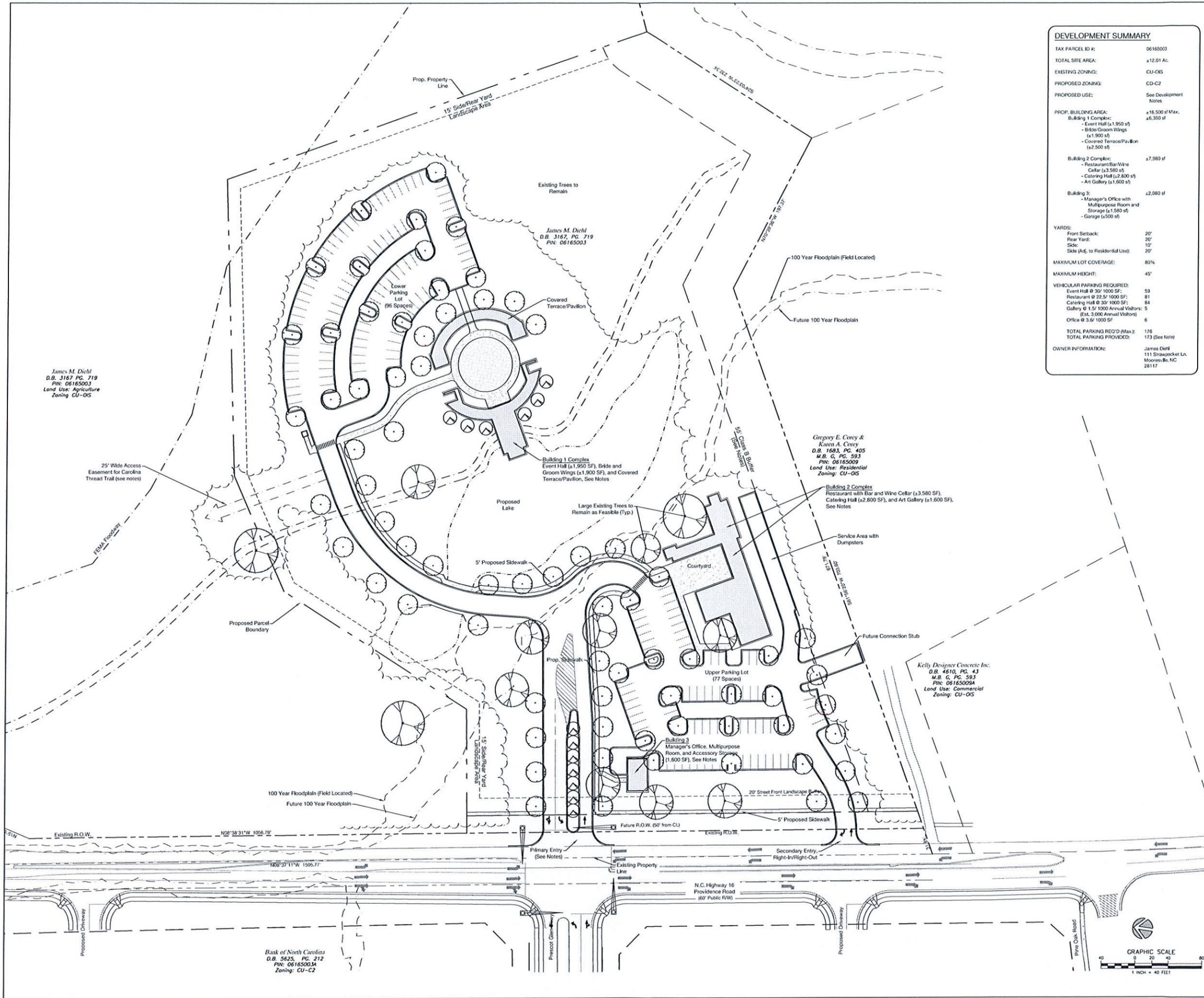
\*\*\*Please note that all staff recommendations must be agreed upon by the applicant as part of the conditional rezoning process.\*\*\*

*Submitted by: Chris Rice*









DEVELOPMENT SUMMARY	
TAX PARCEL ID #:	06165003
TOTAL SITE AREA:	±12.01 Ac.
EXISTING ZONING:	CU-OS
PROPOSED ZONING:	CD-C2
PROPOSED USE:	See Development Notes
PROP. BUILDING AREA:	±16,500 of Max. ±6,350 sf
Building 1 Complex:	<ul style="list-style-type: none"> <li>- Event Hall (±1,950 sf)</li> <li>- Bride/Groom Wings (±1,900 sf)</li> <li>- Covered Terrace/Pavilion (±2,500 sf)</li> </ul>
Building 2 Complex:	±7,980 sf <ul style="list-style-type: none"> <li>- Restaurant/Bar/Wine Cellar (±3,580 sf)</li> <li>- Catering Hall (±2,800 sf)</li> <li>- Art Gallery (±1,600 sf)</li> </ul>
Building 3:	±2,080 sf <ul style="list-style-type: none"> <li>- Manager's Office with Multipurpose Room and Storage (±1,580 sf)</li> <li>- Garage (±500 sf)</li> </ul>
YARDS:	<ul style="list-style-type: none"> <li>Front Setback: 20'</li> <li>Rear Yard: 20'</li> <li>Side: 10'</li> <li>Side (Adj. to Residential Use): 20'</li> </ul>
MAXIMUM LOT COVERAGE:	80%
MAXIMUM HEIGHT:	45'
VEHICULAR PARKING REQUIRED:	<ul style="list-style-type: none"> <li>Event Hall @ 30' 1000 SF: 59</li> <li>Restaurant @ 22.5' 1000 SF: 81</li> <li>Catering Hall @ 30' 1000 SF: 84</li> <li>Gallery @ 1.5' 1000 Annual Visitors: 5</li> <li>Office @ 3.6' 1000 SF: 6</li> </ul>
TOTAL PARKING REQ'D (Max.):	176
TOTAL PARKING PROVIDED:	173 (See Note)
OWNER INFORMATION:	James Diehl 111 Strawpocket Ln. Mooreville, NC 28117



James Diehl  
Owner/Applicant

111 Strawpocket Lane  
Mooreville, NC 28117  
704.280.5880

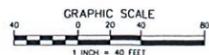
# Waxhaw Events Campus

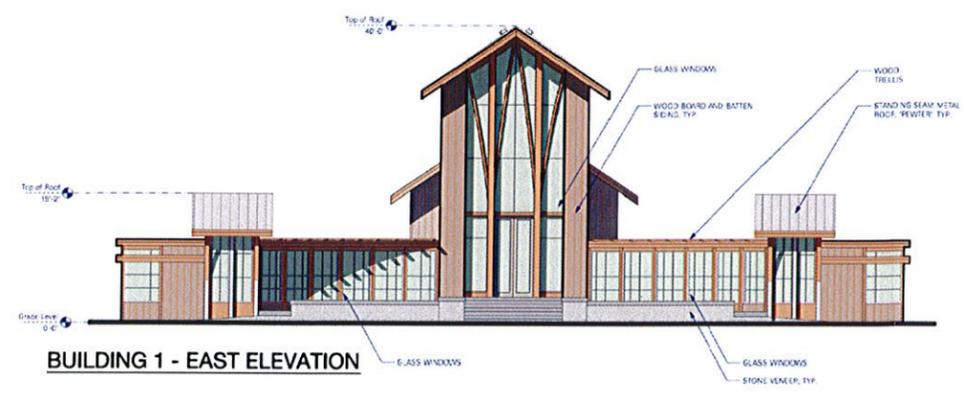
Rezoning Site Plan  
3401 Providence Road Waxhaw, North Carolina 28173

NO. DATE: BY: REVISIONS:

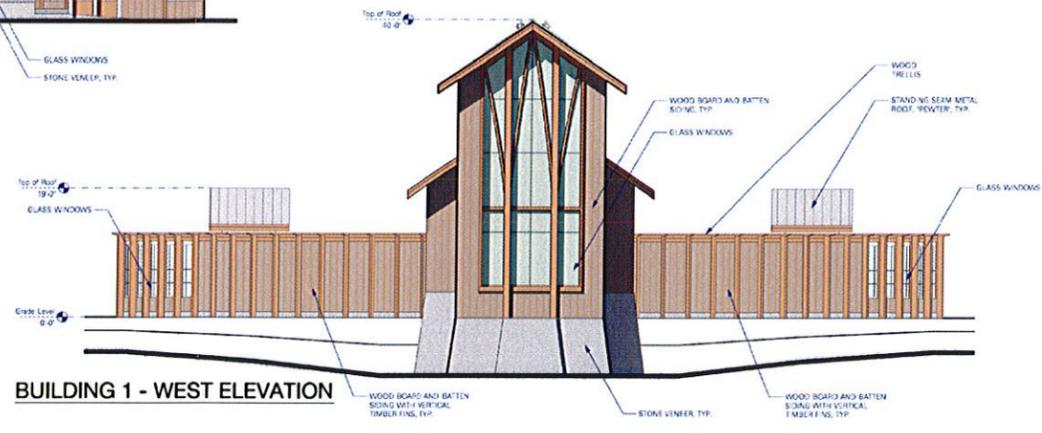
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**RZ-4**

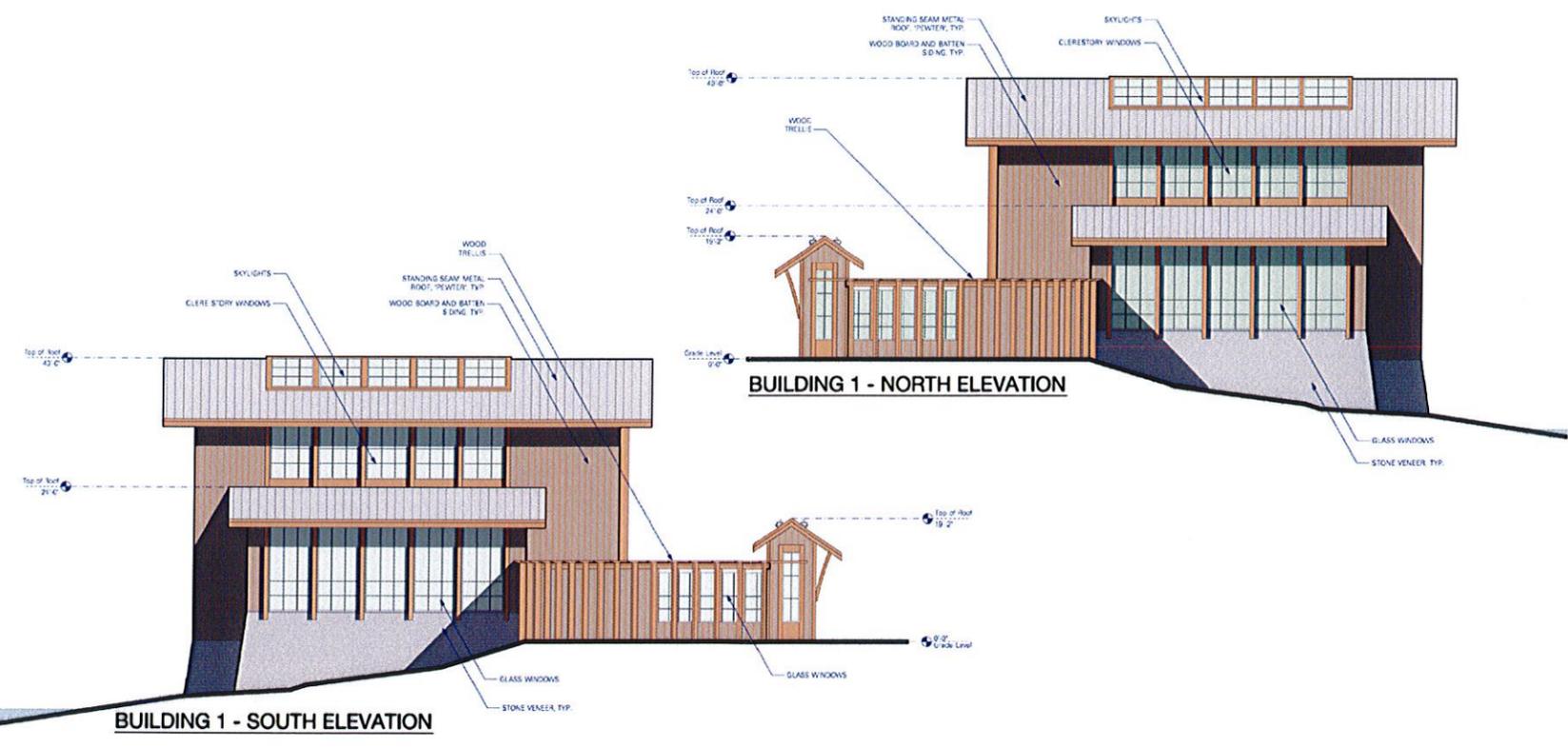




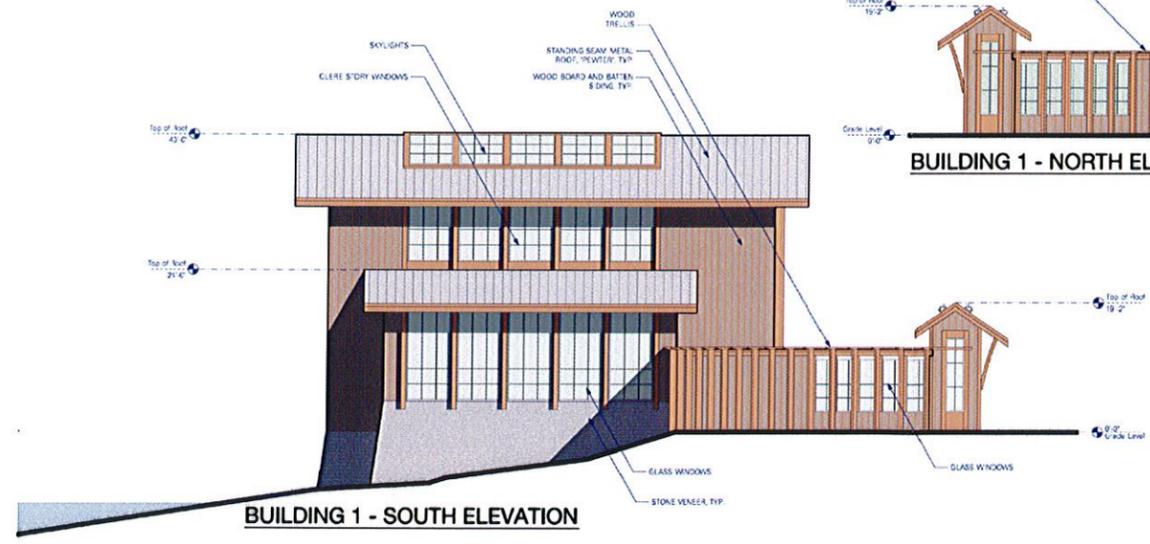
**BUILDING 1 - EAST ELEVATION**



**BUILDING 1 - WEST ELEVATION**



**BUILDING 1 - NORTH ELEVATION**



**BUILDING 1 - SOUTH ELEVATION**

**James Diehl**  
 Owner/Applicant

111 Strawpocket Lane  
 Mooresville, NC 28117  
 704.280.5880

**Waxhaw Events Campus**

**Architectural Elevations - Building 1**  
 3401 Providence Road Waxhaw, North Carolina 28173

NO.	DATE	BY	REVISIONS

Project No: 13-000  
 Date: 06/27/15  
 Designed by: udp  
 Drawn by: udp  
 Scale: NTS  
 Sheet No:

**RZ-5**

1123 Tatham Avenue, Suite 100  
 Charlotte, NC 28204  
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URBAN  
DESIGN  
PARTNERS

1319 old central ave. # 704.254.3303  
charlotte, nc 28205 | 704.254.3308  
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James Diehl  
Owner/Applicant

111 Strawpocket Lane  
Mooreville, NC 28117  
704.280.5880

# Waxhaw Events Campus

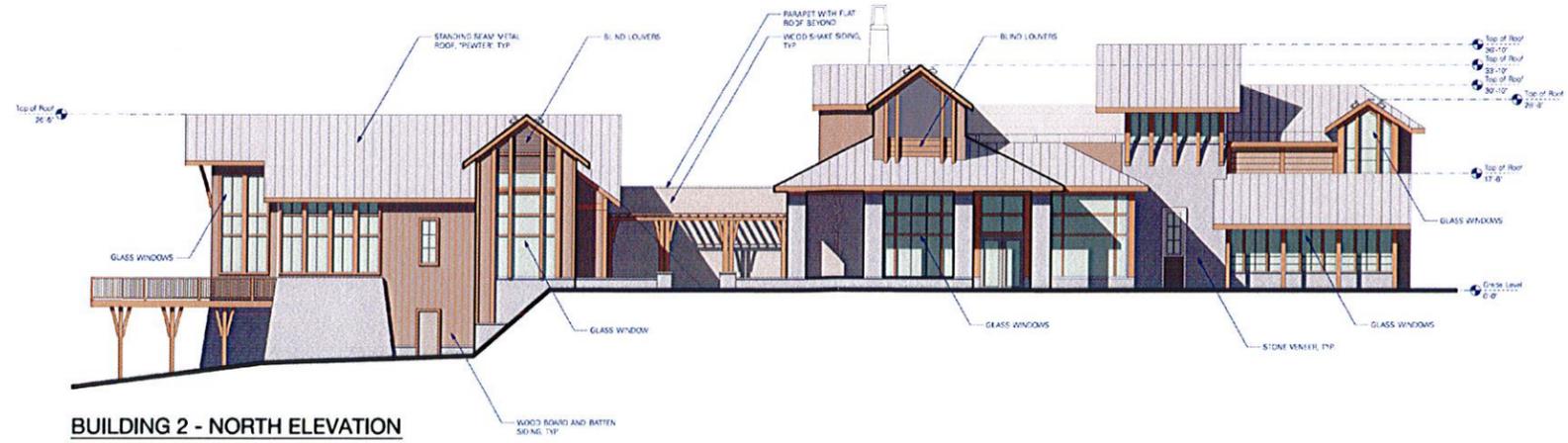
## Architectural Elevations - Building 2

3401 Providence Road Waxhaw, North Carolina 28173

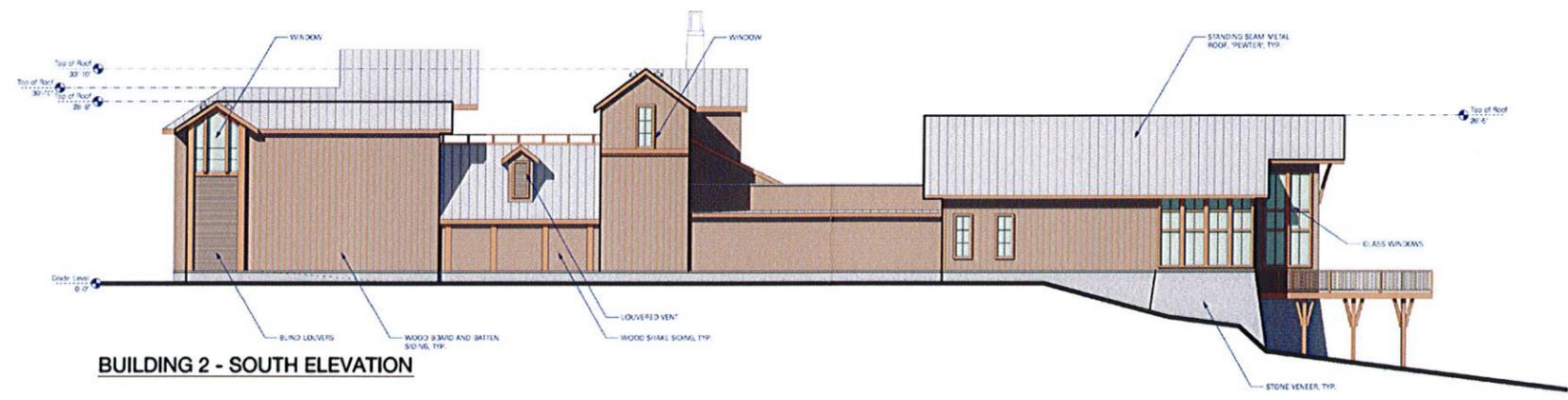
NO. DATE BY REVISIONS:

Project No: 13-020  
Date: 06/02/15  
Designed by: ucp  
Drawn by: ucp  
Scale: NTS  
Sheet No:

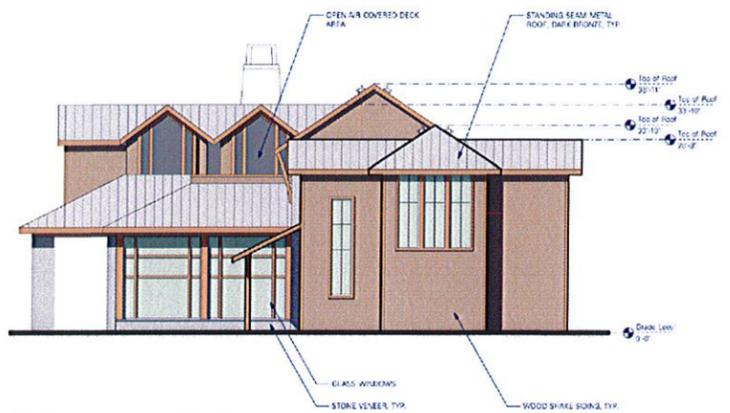
# RZ-6



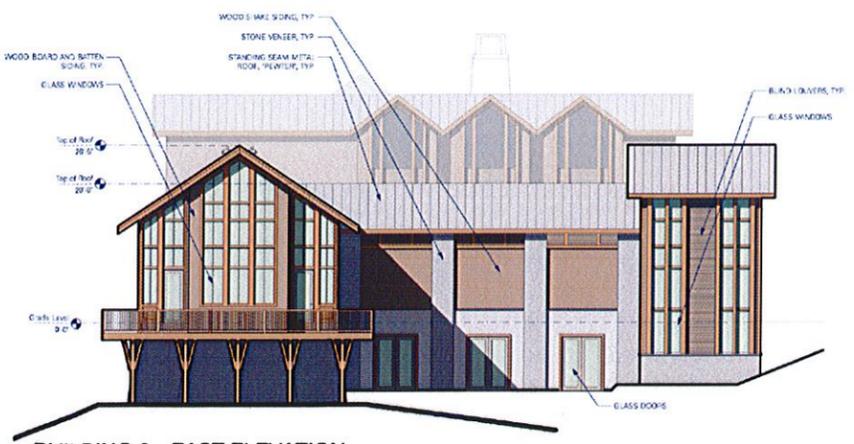
**BUILDING 2 - NORTH ELEVATION**



**BUILDING 2 - SOUTH ELEVATION**



**BUILDING 2 - WEST ELEVATION**



**BUILDING 2 - EAST ELEVATION**

1523 Emerald Avenue, Suite 120  
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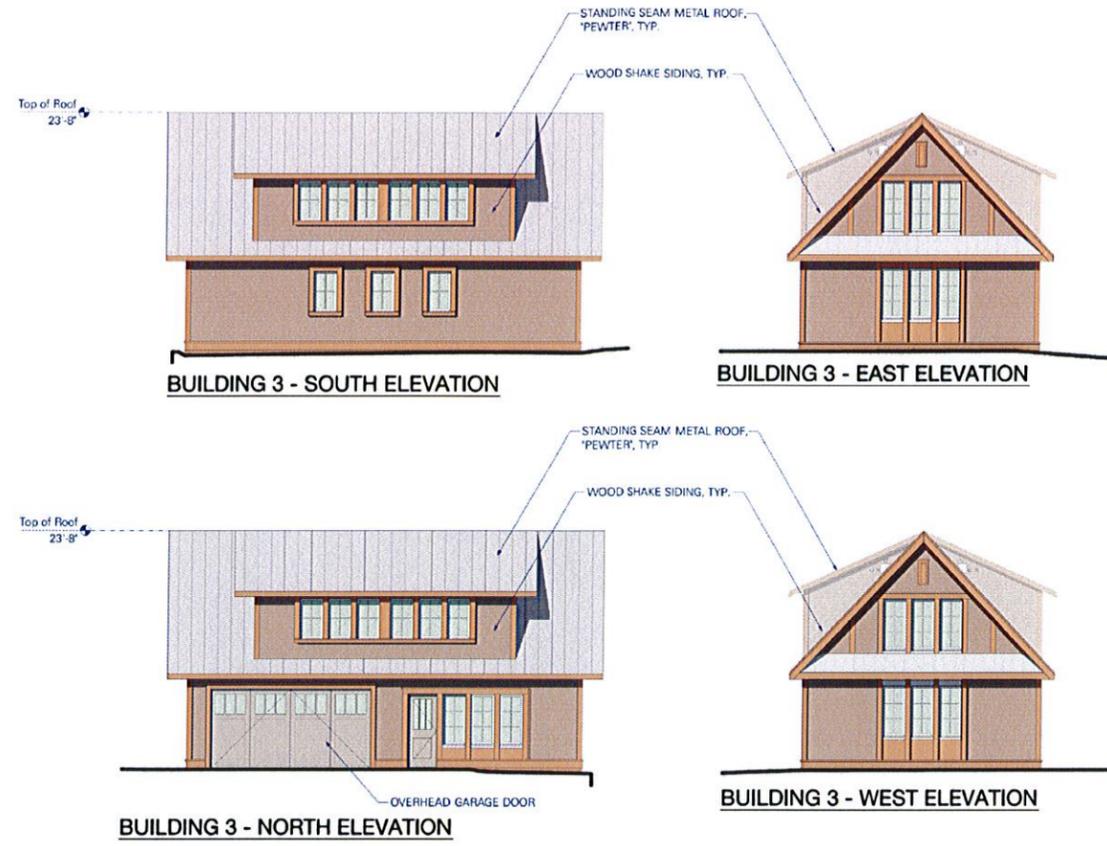
**URBAN  
DESIGN  
PARTNERS**  
1315-66 central ave. # 704.334.3303  
charlotte, nc 28205 • 704.334.3309  
urban@designpartners.com

**James Diehl**  
Owner/Applicant

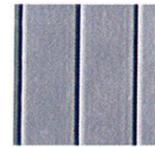
111 Strawpocket Lane  
Mooresville, NC 28117  
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**Waxhaw Events Campus**

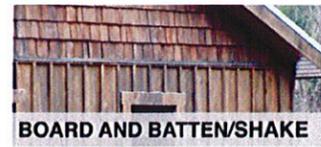
**Architectural Elevations - Building 3**  
3401 Providence Road Waxhaw, North Carolina 28173



**METAL ROOF**  
STANDING SEAM - COLOR "PEWTER"



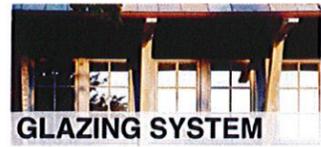
**HEAVY TIMBER**  
CEDAR - NATURAL FINISH



**BOARD AND BATTEN/SHAKE**  
CEDAR - NATURAL FINISH



**WOOD SIDING**  
DUTCH LAP CEDAR - NATURAL FINISH



**GLAZING SYSTEM**  
CLEAR GLASS, "BRONZE" ALU. STOREFRONT AND  
STAINED WOOD WINDOWS  
Color/Material Board



**STONE VENEER**  
CHARLES LUCK STONE: WILLOW CREEK OR EQ



1123 Freedom Avenue, Suite 100  
Charlotte, NC 28204  
(704) 491-0993  
www.ckdesign.com



NO. DATE: BY: REVISIONS:

Project No: 13-020  
Date: 06/07/15  
Designed by: usp  
Drawn by: usp  
Scale: NTS  
Sheet No:

**RZ-7**



Town of Waxhaw  
 Planning & Community Development  
 PO Box 617  
 Waxhaw, NC 28173  
 704-843-2195 (Phone)  
 704-243-3276 (Fax)  
 www.waxhaw.com

Date Received  
11-26-2014  
 Received By  
DL  
 Fee  
880.00

**CONDITIONAL ZONING APPLICATION**

Application Number: CD-002959-2014 Date of Application: 11-26-2014

**Applicant Information**

Applicant Name: MICHEAUX RESOURCE MANAGEMENT, LLC

Applicant Mailing Address: PO BOX 1699 MONROE NC 28111

Applicant Telephone: 704 289 3135

Property Owner Name: FRANCES H. PRESSLEY AND CLYDE D. PRESSLEY  
SHIRLEY JEAN DAVIS AND JERRY G. DAVIS

Property Owner Mailing Address: (Frances H. and Clyde D. Pressley)  
5823 WILL PLYLER ROAD  
2839 Shiloh Unity Rd  
Lancaster, SC 29720 WAXHAW NC 28173

Property Owner Telephone: 803-371-3753 (Pressley) 704-843-3336 (Davis)

Relationship of Applicant to Property Owner: NONE

**Subject Property Information**

Property Location: 3012 S. PROVIDENCE ROAD, WAXHAW

Tax Map and Parcel Number(s): 06-162-002

Existing Zoning: R-1 In Flood Area? NO

Requested Conditional Zoning District: CD-C3

Proposed Use: REDEVELOPMENT AS MULTI-TENANT  
RETAIL USE.

Comments: PROPOSED ZONING REQUEST IS  
CONSISTENT WITH SURROUNDING PROPERTIES  
IN THE WAXHAW ZONING DISTRICT

No application will be considered complete unless it has been properly completed and submitted to the Zoning Administrator by the deadline for the Planning Board Meeting.

To the best of my knowledge, all of the information herein submitted is accurate and complete.

*Shirley Jean Davis Jerry & Davis*

*Francis H. Smalley* *Clyde D. Presley* 10/29/2014  
(Signature of Property Owner) 10/30/14 (Date)

*Clayton C. [unclear]* MANAGER 11/03/2014  
(Signature of Applicant) (Date)

All of the information herein required has been submitted by the applicant and is included or attached with this application.

*Lori Oakley* 11-26-14  
(Signature of Zoning Administrator) (Date)

**TO BE FILLED OUT BY ZONING ADMINISTRATOR**

Completed application submitted on: 11/26/14

Date of Neighborhood Meeting: 4/8/15

Reviewed by Planning Board on: 6/15/15

Action of Planning Board: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Board Public Hearing Held On: \_\_\_\_\_

Date of Town Board Decision: \_\_\_\_\_

Action Taken by Town Board: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***\*Newspaper Affidavit should be attached***

Public Hearing Notice Filed in (Newspaper): \_\_\_\_\_

Date(s) Notices Published: \_\_\_\_\_

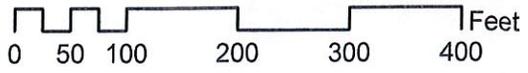
Notification to adjacent property owners mailed on: \_\_\_\_\_

Property Posting Date: \_\_\_\_\_

CD-002959-2014  
Micheaux Resources  
Conditional District Rezoning  
Aerial Map



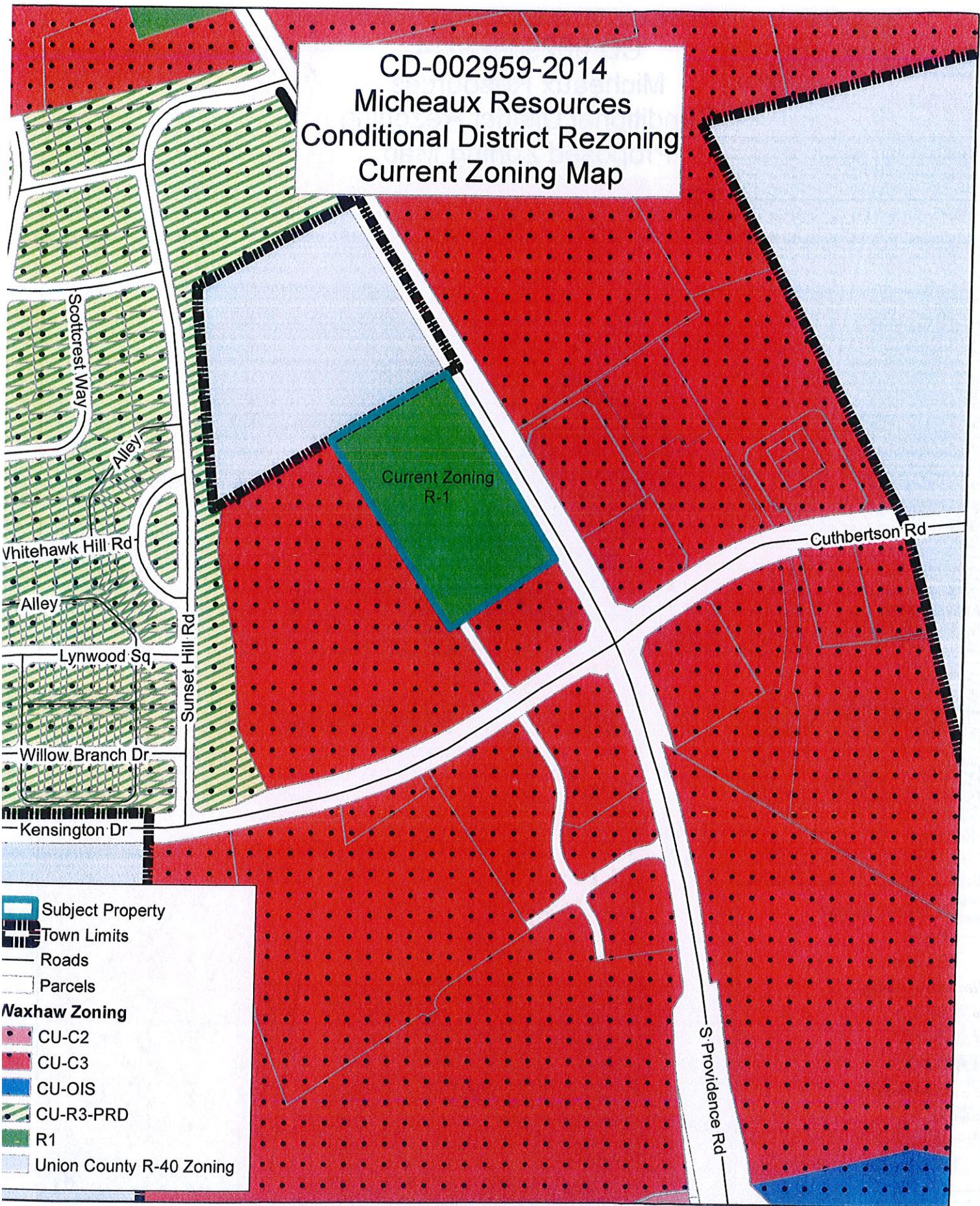
 Subject Property  
 Town Limits  
 Parcels  
 Roads



**Data Source & Disclaimer**  
Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created June 2015.

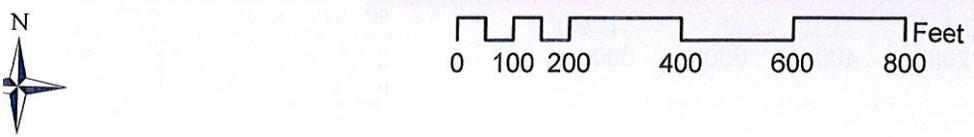


CD-002959-2014  
 Micheaux Resources  
 Conditional District Rezoning  
 Current Zoning Map



**Legend**

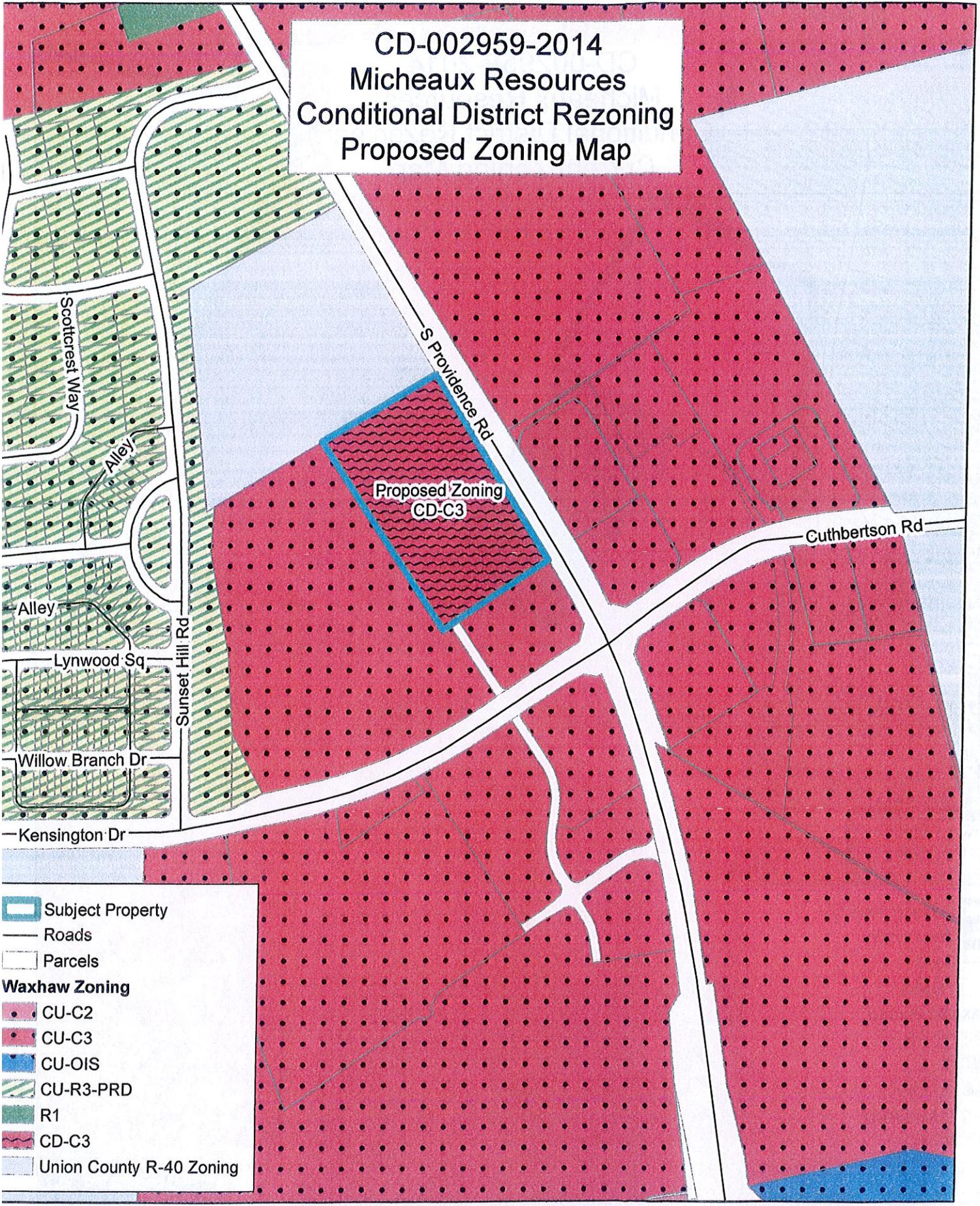
- Subject Property
- Town Limits
- Roads
- Parcels
- Waxhaw Zoning**
- CU-C2
- CU-C3
- CU-OIS
- CU-R3-PRD
- R1
- Union County R-40 Zoning



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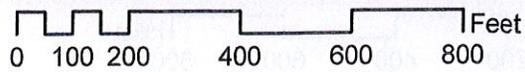


CD-002959-2014  
 Micheaux Resources  
 Conditional District Rezoning  
 Proposed Zoning Map



**Legend**

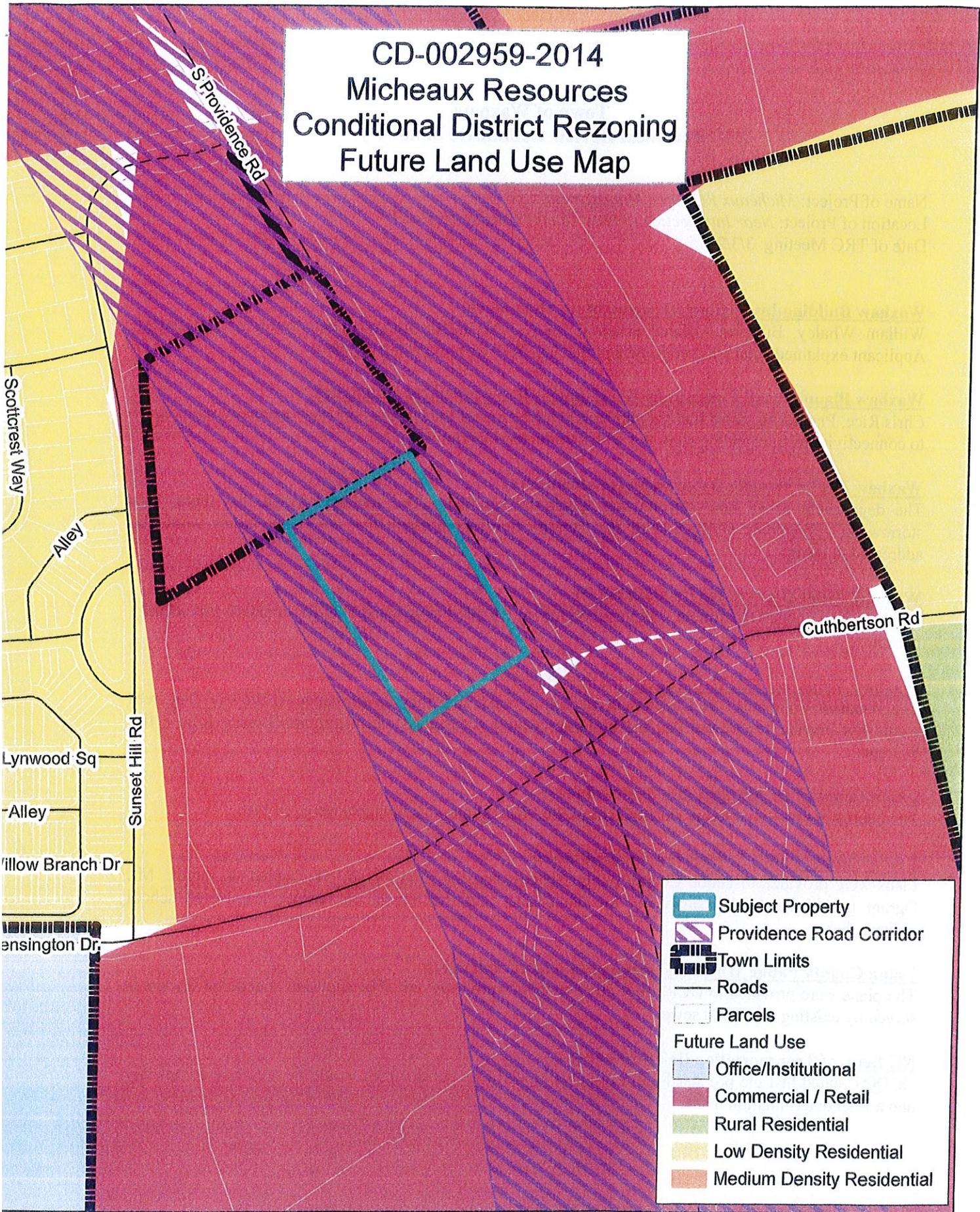
- Subject Property
- Roads
- Parcels
- Waxhaw Zoning**
- CU-C2
- CU-C3
- CU-OIS
- CU-R3-PRD
- R1
- CD-C3
- Union County R-40 Zoning



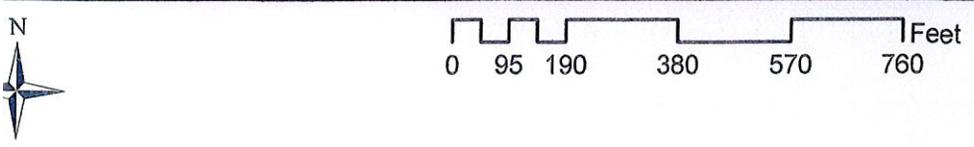
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CD-002959-2014  
 Micheaux Resources  
 Conditional District Rezoning  
 Future Land Use Map



	Subject Property
	Providence Road Corridor
	Town Limits
	Roads
	Parcels
<b>Future Land Use</b>	
	Office/Institutional
	Commercial / Retail
	Rural Residential
	Low Density Residential
	Medium Density Residential



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**Town of Waxhaw  
Technical Review Committee Summary**

Name of Project: *Micheaux Resource Management, LLC*  
Location of Project: *Near Intersection of Hwy 16 and Kensington Road*  
Date of TRC Meeting: 3/3/2015

**Waxhaw Building Inspections Department (in attendance)**

William Whaley, Building Official asked if asked what traffic improvements were to be installed. Applicant explained what was proposed and that NCDOT was reviewing the plan.

**Waxhaw Planning and Community Development Department (in attendance)**

Chris Rice, Planner II, stated that the plan would have to meet the UDO guidelines, especially with regard to connectivity to surrounding sites and with architectural guidelines.

**Waxhaw Public Services Department (in attendance)**

The department asked how storm water would be handled. The applicant stated that there were stormwater agreements in place with the Cureton development and that any other issues would be addressed at design.

**Waxhaw Police Department (in attendance)**

The Waxhaw Police Department had a concern about the site being adequately lit for safety and security reasons.

**Waxhaw Volunteer Fire Department (in attendance)**

The Waxhaw Volunteer Fire Department wanted to make sure they could maneuver the site, that trees would not impede access and that the buildings would not exceed the maximum distance from a fire hydrant.

**Union County Fire Marshal (not in attendance)**

The plans were provided to the Union County Fire Marshal but no comments were received.

**Union County Public Schools (not in attendance)**

Plans were provided to Union County Public Schools and Mr. Don Ogram commented via email. Mr. Ogram provided school assignments for the project and the impact on recently completed school redistricting.

**Union County Public Works Department (not in attendance)**

The plans were provided to UCPW but no comments were received. The applicant stated that the site is served by existing water and sewer.

**NC Dept. of Transportation (in attendance)**

NCDOT stated that the proposed improvements looked fine but that they would be reviewed completely and a final determination made.

**Technical Review Committee (TRC) Meeting**

*Honeycutt Property*

*March 3, 2015 10 a.m.*

Present: John Ross – Eagle Engineering, Patrick Quinn - Eagle Engineering, Bill Davis – Waxhaw Volunteer Fire Department, Lee Ainsworth – NCDOT, Chief Mike Eiss – Waxhaw Police Department, Todd Mathews – Waxhaw Public Services, William Whaley – Waxhaw Inspections, Chris Rice – Waxhaw Planning and Community Development Department, Maxx Oliver – Recording Secretary.

**Started at 10:00 a.m.**

Chris Rice welcomed everyone to the meeting and gave a brief explanation of the project.

John Ross went over the proposed plan including the proposed uses for the site as well as utility and access easements. He stated that there would be cross access agreements with the neighboring parcels and that the development would abut residentially zoned property in Union County's jurisdiction to the north.

Bill Davis asked if the proposed buildings would have fire sprinklers. John Ross stated that the auto use and restaurant use would most likely have sprinklers but that the building design is not to that level of detail yet. Bill Davis stated that the fire department would prefer that the buildings are located no farther than 150 feet from a fire hydrant.

There was a discussion about maneuvering a fire truck into the site. Bill Dustin stated that the Wesley Chapel Fire Department may have trouble maneuvering around the site because of size of truck their ladder truck but that there appears to be enough room to park on the street if needed.

Bill Davis asked about trees around the property and street trees for the site. John Ross stated that the trees would not overhang the streets.

William Whaley asked about left turn lane and stacking capacity. John Ross explained the details of the turn lanes and stacking for the site. He stated that there would be two left turn lanes on Cuthbertson. There was a further discussion about turn lane.

Bill Davis asked if the project would be built in phases. John Ross stated that the parcels would be sold separately but that the buildings would all be built in one phase.

Bill Davis asked if there would be Knox boxes included on the property. William Whaley stated that it is required by code for commercial buildings to have Knox boxes included.

Lee Ainsworth stated that everything sounded fine as far as NCDOT was concerned but that he would have to have his supervisor review the plans and make the final determination.

William Whaley asked if the utility poles would have to be moved. John Ross stated that they would have to be relocated.

William Whaley stated that when the construction plans are about 75% complete he would like to take a look at them so that no surprises appear at the last minute.

Bill Davis stated that the fire department would like to see the construction plans once they are in their final form.

Chris Rice explained the approval process for construction plans once rezoning is complete.

There was further discussion about storm water facilities. John Ross stated there would be no increase in site discharge.

There was a discussion about future development of Cureton commercial.

There was a discussion of cross parcel access and access to Cureton residential.

Chris Rice discussed the steps going forward for approval of the project. He stated that he will send out the minutes, and any new iteration of the plans, electronically.

**Adjourned at 10:40 a.m.**



## Neighborhood Meeting Minutes

**To:** Chris Rice/Town of Waxhaw  
**From:** Eagle Engineering, Inc.  
**CC:** File-5240;  
Mr. Chris Grissom/Micheaux Resource Management, LLC  
**Date & Time:** April 8<sup>th</sup>, 2015 from 7:00pm - 9:00pm  
**Location:** American Legion Hut, 801 E. South Main Street, Waxhaw  
**Re:** Micheaux Resource Management, LLC  
Conditional Zoning Request  
Neighborhood Meeting

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### Summary:

1. Mr. Pat Quinn/Eagle Engineering, Inc. (EEI) opened the meeting by introducing himself, Mr. John Ross (EEI) and Mr. Chris Rice/Town of Waxhaw (Town), and noting that the meeting was going to be recorded for reference in creating this meeting summary.
2. Mr. Quinn provided an overview of the proposed development site and the surrounding uses. He presented the color-rendered site plan and the proposed uses for the site. Mr. Ross denoted the proposed improvements to Providence Road including a left turn for northbound traffic into the site and a right-in/right-out turn condition for southbound Providence Road traffic. Mr. Ross discussed the buffer along the northern border of the site and the developer's desire to maintain as many trees as practical while supplementing the natural vegetation to meet buffer requirements. Convenience store and retail uses have been defined and are currently under contract. The end user of the proposed automotive use has not been defined. Proposed storm water quality features on the site plan were noted.
3. Mr. Quinn provided an overview of the other presentation materials including street perspective renderings of each proposed building elevation.
4. Chris Rice presented the Town's procedure for the rezoning petition and discussed the Condition District Commercial Zoning request vs. a "general zoning" request. Town staff and officials prefer the conditional zoning process. This process will include staff review, Planning Board meeting, a Public Hearing, and a Town Commissioner Meeting for final decision, probably in July. Mr. Rice iterated that no decision has been made at this time; the project is still in the review process and that it is the Board of Commissioners that will make the final decision. Mr. Rice encouraged those in attendance to contact him during business hours for any questions. Conditional Zoning process is legislative and does allow communication between public, applicant and decision makers.
5. Mr. Quinn noted that the project is currently being prepared for a second of three staff review cycles and we are present tonight to gain input from the community, and opened the floor for questions.

## Questions from public:

6. Has there been discussion with regard to the left turn into the property? *Yes, we have had discussions with NCDOT and are currently preparing exhibits for NCDOT review.*
7. Are there plans for the intersection of Cuthbertson and Highway 16? *Yes, there have been several conversations with NCDOT over the last months about the specific project. NCDOT has identified the need for maintaining left turn storage onto Cuthbertson with double left turn and additional "receiving lane" on the south side of Providence. NCDOT was present at Technical Review Committee meeting held at Town approximately 3 weeks prior.*
8. Has there been a figure for the cost of the roadway improvements? *Nothing official, preliminary estimates based on conceptual design to date.*
9. Was there any discussion about the length the turn lane (onto Cuthbertson) will need to be? *Yes, we have been directed to maintain the current storage that exists in the existing single lane. Lane geometry is currently based on traffic impact analysis for Lowe's/Wal-Mart project and as constructed*
10. Has there been discussion about the volume and space required for storm water? *Area indicated in blue on site plan represents proposed storm water management areas.*
11. Is there a creek or tributary on the property? *There are none. An existing pond is located on the adjacent parcel northwest of the subject site.*
12. Is there any intention of the property north of subject site developing any time soon? *Property owner indicated no intentions at this time.*
13. Where does culvert near center of site drain? *Under Highway 16 and into the Lowe's commercial site.*
14. Where will storm water drain from rear of site? *Final discharge points are to be defined. Water, sewer and storm drainage easements exist between Cureton and the subject site.*
15. Will landscape islands be used for water quality on the site? *Islands are too narrow to make effective water quality features. We are proposing pervious pavers within our water quality system to meet "maximum parking" standards of the Town.*
16. Is water quality shown on plan to scale? *Yes, based on preliminary sizing.*
17. Has there been any discussion about extending the access drives to connecting to the rear of the property? *Yes, cross access will be a requirement of the Town. It is anticipated that an easement will be provided.*
18. Has the Planning Board been made aware that they will be looking at this site (in June)? *Per Rice, the Town is in constant contact regarding projects. Official packets will be sent prior to meeting. Projects are posted on Town's website.*
19. Any discussion about the house on the property and what is going to happen to it? *We are not aware of any discussion regarding the house.*

- 20. Mr. Quinn thanked all in attendance and encouraged anyone with questions to contact Eagle Engineering, Inc. or the Town Staff.

**Conditional Rezoning Petition CD-002959-2014  
Micheaux Resource Management, LLC**

**EXPLANATION OF THE REQUEST**

Petition CD-002959-2014 is a request by Micheaux Resource Management, LLC, on behalf of Frances H. Pressley, Clyde D. Pressley, Shirley Jean Davis and Jerry G. Davis, for a conditional rezoning / map amendment from R-1 (Single-Family) to CD-C3 (General Commercial) on approximately 5.1 acres (Tax Parcel ID number 06-162-002 located on the west side of Highway 16, just north of the intersection of Highway 16 and Kensington Road. The petitioner is proposing a commercial development for the site, which will include a convenience store with associated car wash, an automotive repair facility and a retail building. The applicant is also requesting a major variation for the vacuum canopy per the Town of Waxhaw Unified Development Ordinance Section 20.6.3 to permit both steel columns and a red roof for the vacuum canopy.

**LOCATION/CURRENT LAND USE**

Currently, the subject property contains a single family home and associated accessory structures.

- Condition and land use of the surrounding properties. The adjoining properties are:
- To the north – A single family residence located in Union County zoned R-40 (Single Family).
  - To the east – The Shoppes at Howards Mill development is located across Hwy 16. The property is zoned CU-C3 (Conditional Use-General Commercial). Uses in the development include McDonald's, Walmart Neighborhood Market and Lowes Home Improvement.
  - To the south – Fifth Third Bank. The property is zoned CU-C3 (Conditional Use-General Commercial).
  - To the west – A vacant parcel. The parcel is zoned CU-C3 (Conditional Use-General Commercial).

**LAND USE / SITE PLAN ISSUES**

1. The petitioner is proposing a commercial development for the site, which will include a convenience store with associated car wash, an automotive repair facility and a retail building. The applicant plans on submitting a plat to subdivide the site into Lots 1, 2, and 3 upon approval of the rezoning.
2. Water and sewer for this site will be provided by Union County Public Works.
3. Exterior lighting shall comply with Section 12.12 of the Unified Development Ordinance.
4. Section 4.11 of the Unified Development Ordinance requires that the applicant have a neighborhood meeting prior to the Planning Board meeting in order to ensure that the citizens and property owners of the town have an opportunity to learn about the proposed project. The applicant has submitted meeting minutes from the Neighborhood Meeting that was held in conjunction with the proposed project and they are included in your packet. All notification requirements of the Unified Development Ordinance were met. The only attendees of the meeting were the owners of the subject property and the owner of the property to the north.

5. The required 20' Type B buffer will be installed along the northern property line of lot 3 along with all other required site landscaping and buffering in accordance with Section 9 of the Unified Development Ordinance.
6. Maximum building height allowed will be 30'.

#### **ARCHITECTURAL GUIDELINES / MAJOR VARIATION REQUEST**

1. The applicant is required to meet the Architectural Standards listed under Section 20 of the UDO. The current design of the columns on the vacuum canopy adjacent to the carwash and the red color of the roof do not conform to Section 20 of the Unified Development Ordinance. The applicant is requesting a major variation for the vacuum canopy per the Town of Waxhaw Unified Development Ordinance Section 20.6.3 to permit both steel columns as shown on this rendering, and the red roof of the vacuum canopy. The major variation is required because Section 20 of the Unified Development Ordinance requires materials on all accessory buildings to match the principal building.
2. Detailed elevations have been submitted and reviewed by staff.
3. Color boards have been submitted by the petitioner and they will be presented to both the Planning Board and Board of Commissioners at the meetings.

#### **CONNECTIVITY / PARKING ISSUES**

1. The applicant is providing connectivity to the parcels to the west and south of the site.
2. A sidewalk will be constructed along the frontage of Hwy 16 with a connection from each of the buildings provided. All sidewalks will be ADA compliant and 5' in width.
3. The applicant will provide shared access and parking agreements between all three lots in the development.
4. The applicant is proposing to exceed the maximum parking requirements on Lots 2 and 3. Per Section 20 of the Unified Development Ordinance the maximum parking requirement can be exceeded if the additional parking spaces are constructed with pervious material. The applicant is proposing to construct the additional parking spaces out of pervious concrete.

#### **TRANSPORTATION ISSUES**

The applicant was not required to have a traffic impact analysis prepared but did submit the plans to the North Carolina Department of Transportation for review and approval. NCDOT is requiring the applicant to construct specific traffic improvements contained in a letter dated June 4, 2015. The improvements have been shown on the plan and are detailed as follows:

1. Extend the existing right turn lane in front of the property along NC 16.
2. Dual left turn lanes onto Cuthbertson from NC 16 must be installed due to the loss of storage from the installation of leftovers on NC 16.
3. The outside receiving lane on Cuthbertson must be extended to 500 feet in length along with appropriate downstream taper.
4. Right turn lanes are to be constructed on Cuthbertson for the two access points that currently using the right turn only lane.
5. In addition to the dual left turn lanes on NC 16, a thru lane and right turn lane must be kept when the dual lanes are built along with some pavement widening on the south side end of the intersection to accommodate the new thru lane alignment.
6. In addition, although there has been no submittal for a right in/right out access nor has a formal review been performed NCDOT could possibly require the applicant to extend the existing right turn lane thru the front of their property along NC 16.

**2030 WAXHAW FUTURE LAND USE PLAN**

The Comprehensive Plan has identified this property to be developed as follows:

1. Commercial/Retail: These areas focus on retail and commercial uses. They should be located along main transportation corridors and near residential and employment areas to provide access to goods and services.
2. Providence Road Corridor: This classification designates a corridor along Providence Road (NC-16) – the primary road corridor through Waxhaw - that has been identified for additional planning.

The Highway 16 Corridor Plan identifies this property as Town Center which is described as follows:

1. General Character: Shops mixed with townhouses, larger apartment houses, offices, workplace, and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
2. Building Placement: Shallow setbacks or none; buildings oriented to street defining a street wall.

**PLANNING STAFF ANALYSIS**

Staff feels that this project is an appropriate use for the site. The proposed development conforms to the recommendations of the both the 2030 Comprehensive Plan for the Town of Waxhaw and the Highway 16 Corridor Plan for the type of development recommended for the area. The applicant will need approval of the major variation request per Section 20.6.3 of the Unified Development Ordinance to permit both steel columns as shown on the rendering and the red roof of the vacuum canopy.

Planning staff recommends approval of the Major Variation and Conditional Rezoning Request CD-002959-2014 as currently submitted, along with the following recommendations:

1. The project shall conform to all requirements of the Town of Waxhaw and to the Development Standards listed in the Land Use/Site Plan section of this report and on the rezoning plan.
2. The development shall install all NCDOT requirements at time of site development and in conjunction with NCDOT requirements.

\*\*\*Please note that all staff recommendations must be agreed upon by the applicant as part of the conditional rezoning process.\*\*\*

*Submitted by: Chris Rice*



Sam's Mart Convenience Store  
 Wexhaw, North Carolina  
 19 January 2015  
 Elevations ODA



Sam's Mart Convenience Store  
 Wexhaw, North Carolina  
 19 January 2015  
 Elevations ODA

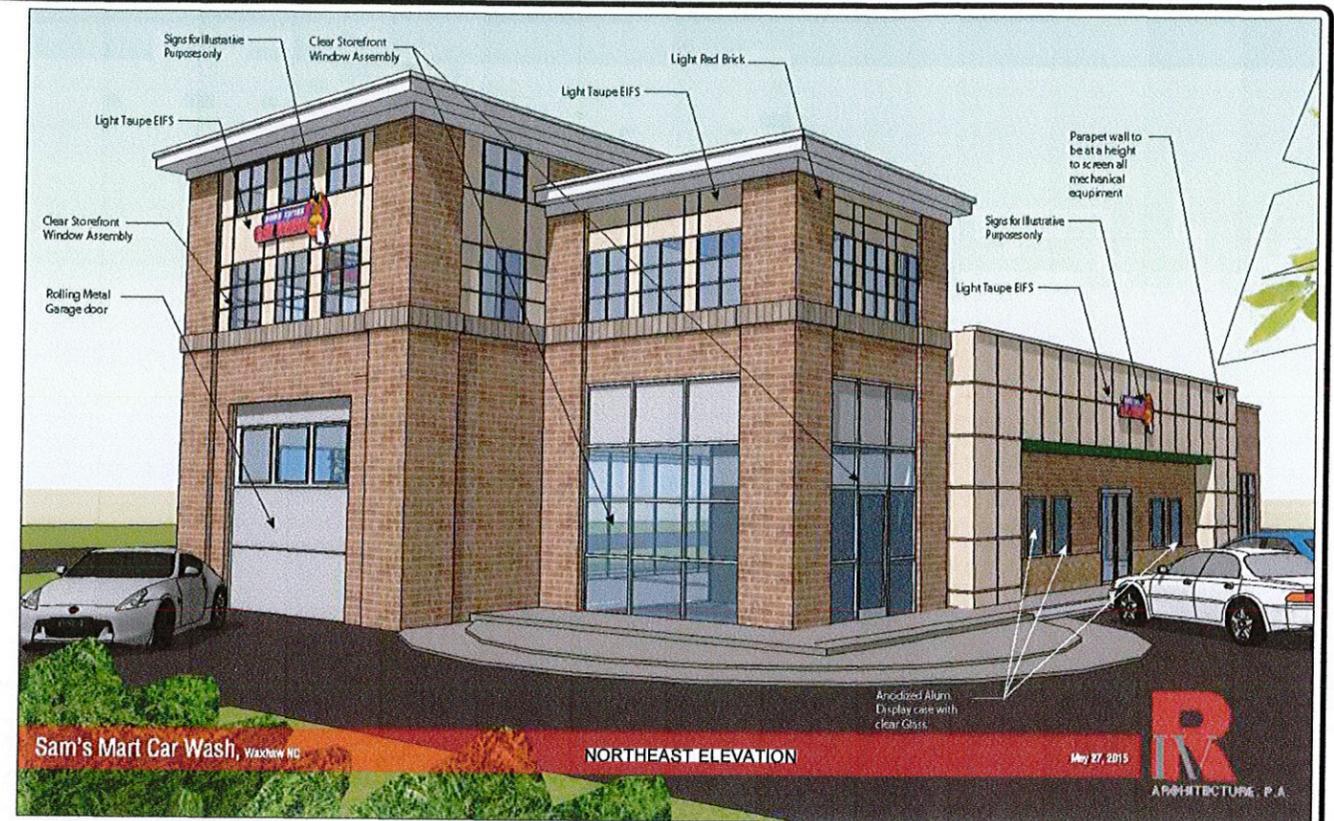


Sam's Mart Convenience Store  
 Wexhaw, North Carolina  
 19 January 2015  
 Elevations ODA

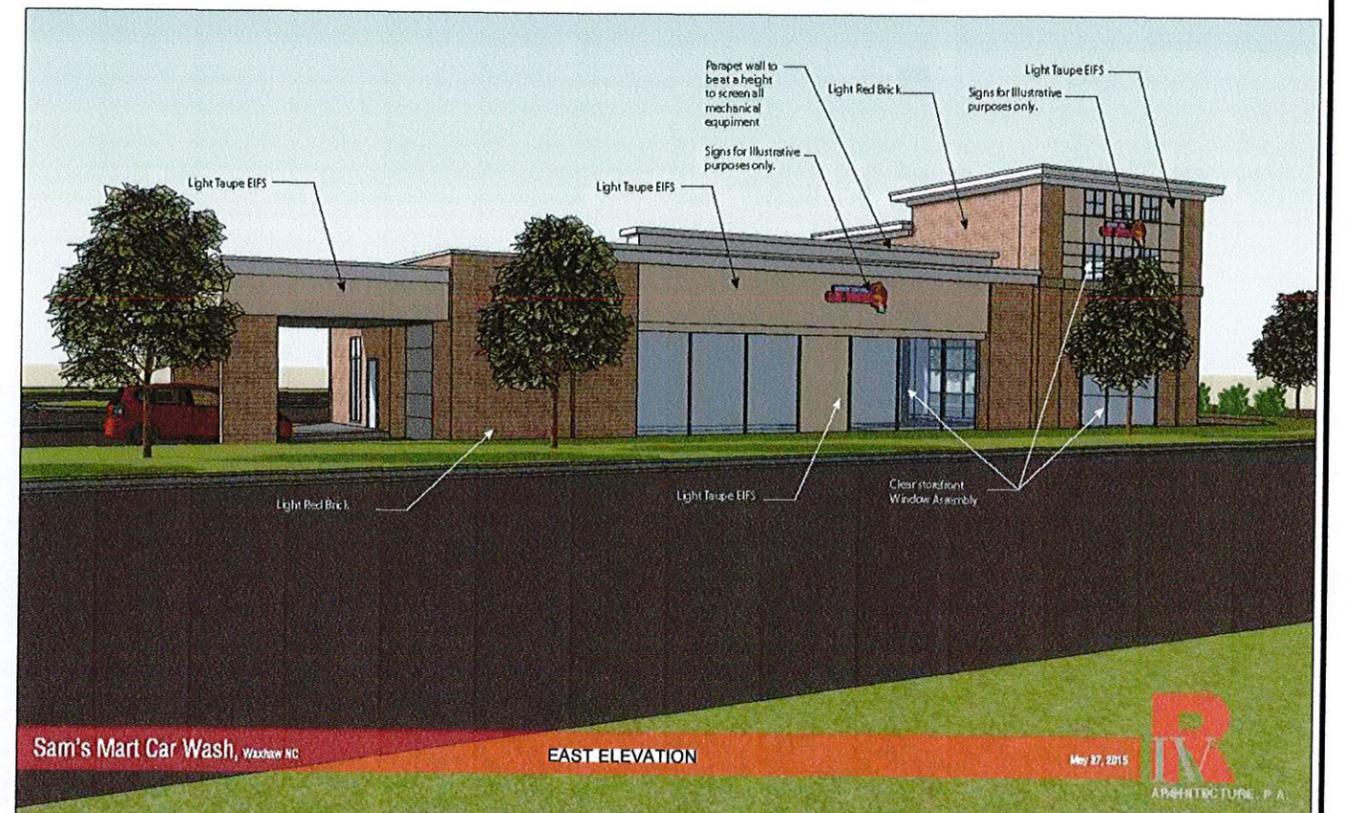
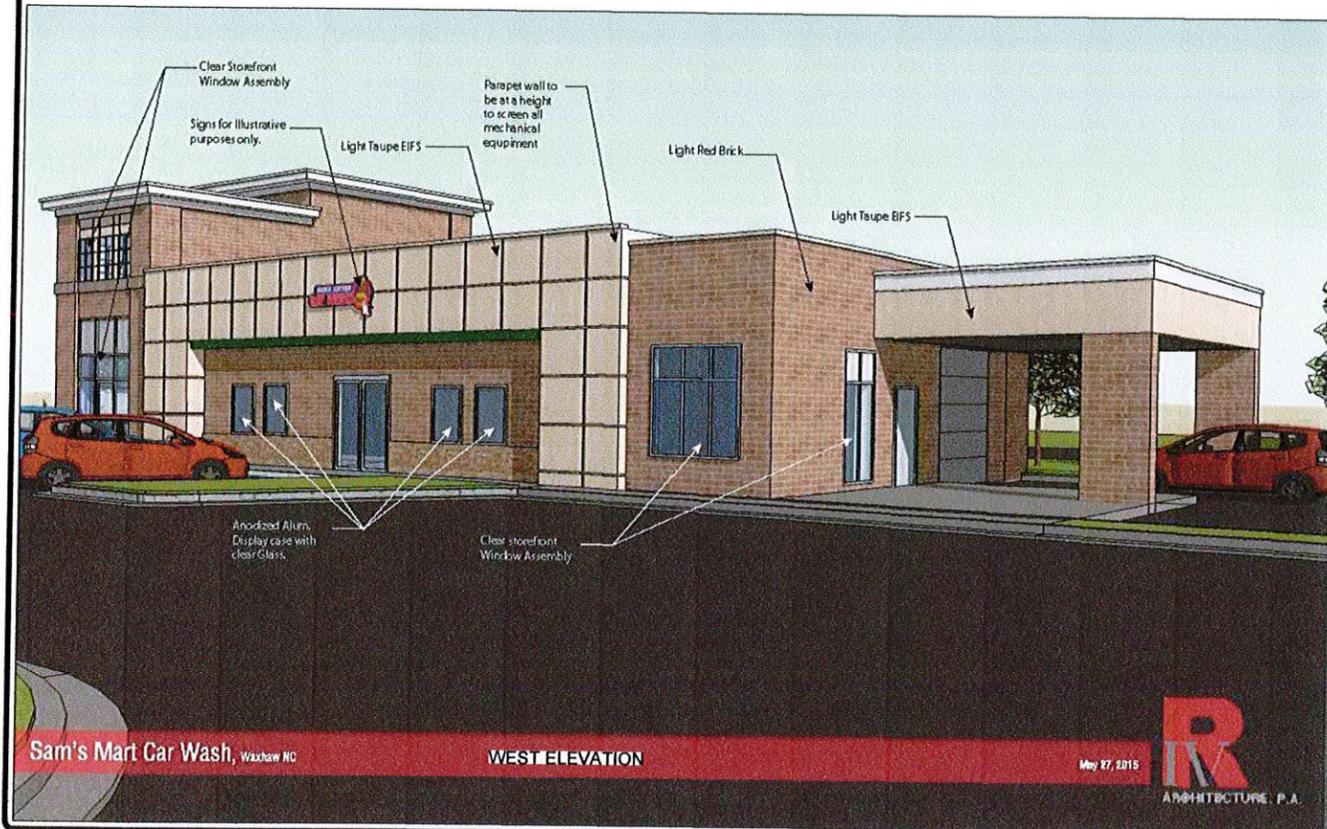


Sam's Mart Convenience Store  
 Wexhaw, North Carolina  
 19 January 2015  
 Elevations ODA

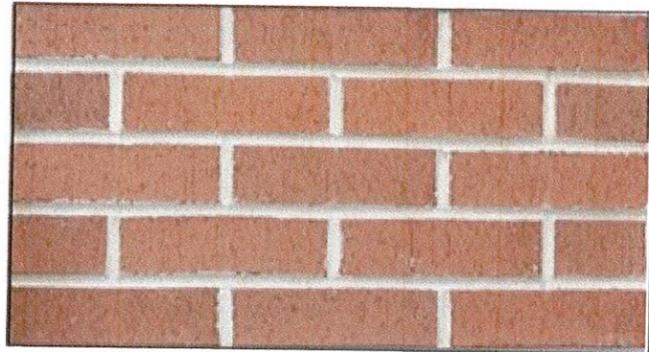
MICHEAUX RESOURCE  
 MANAGEMENT, LLC  
 LOT 1 ARCHITECTURAL  
 RENDERINGS



**MICHEAUX RESOURCE  
MANAGEMENT, LLC  
LOT 1 ARCHITECTURAL  
RENDERINGS**



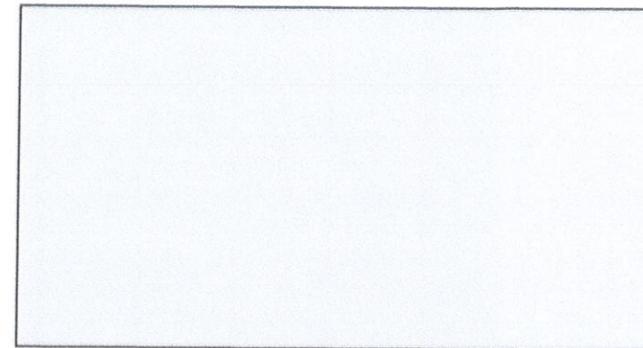




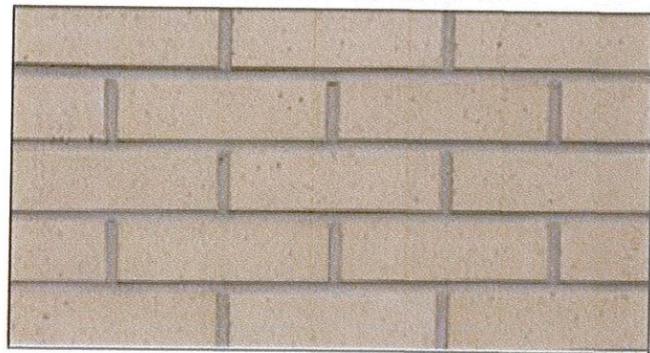
317d - Wire Cut light Red/Brown Brick : Taylor Clay : Running Bond.



New Warm Sand 50011 - ready mixed, decorative, protective wall coating composed of fine variegated aggregate encased in a pure acrylic binder : Stor Corp : Material to be placed where brick is not.



Stone White Kynar 500 - Pre-finished galvanized steel & aluminum for metal roofing, curtainwall and storefront applications : Pac-Clad : Used for roofing around all sides of the car wash.



3118 Cream - Wire Cut light cream/brown Brick : Taylor Clay : Shown as running bond, but will actually be soldier course band running along every side of the carwash.



Easy fit Savannah Ledgestone - Provides color and shadow and it comes grouped in modular components of equal height : Boral Stone : To be placed along the front entrance of carwash.



Refer to landscape plan for exact planting locations and tree type.

WEST ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



Refer to landscape plan for exact planting locations and tree type.

AERIAL ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



NORTHEAST ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



MICHEAUX RESOURCE  
MANAGEMENT, LLC  
LOT 2 ARCHITECTURAL  
RENDERINGS



EAST ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



SOUTHEAST ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



SOUTHWEST ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



MICHEAUX RESOURCE  
MANAGEMENT, LLC  
LOT 2 ARCHITECTURAL  
RENDERINGS



Refer to landscape plan for exact planting locations and tree type.

EAST ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



AERIAL ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



AERIAL ELEVATION

**LOT 2** Applicant: Micheaux Resource Management, LLC



"Sign" and "Signage" are for illustrative purposes ONLY.



NORTHEAST ELEVATION

LOT 2 Applicant: Micheaux Resource Management, LLC



NORTHEAST ELEVATION

LOT 2 Applicant: Micheaux Resource Management, LLC



NORTH ELEVATION

LOT 2 Applicant: Micheaux Resource Management, LLC



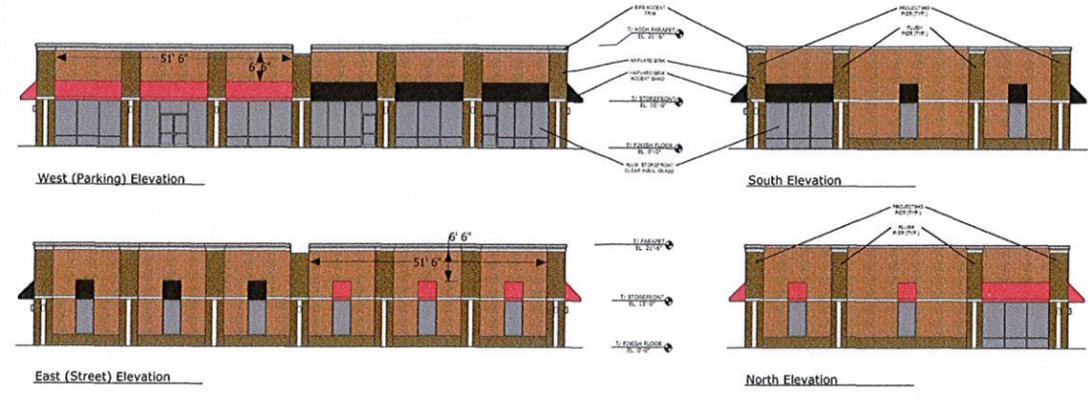
ALL SERVICE BAYS WILL BE SCREENED FROM THE PUBLIC RIGHT-OF-WAY PER THE TOWN OF WAXHAW ORDINANCE

MICHEAUX RESOURCE MANAGEMENT, LLC  
LOT 2 ARCHITECTURAL RENDERINGS

# InSite

PROPOSED RETAIL DEVELOPMENT  
3200-3230 PROVIDENCE RD  
WAXHAW, NC  
BUILDING ELEVATIONS

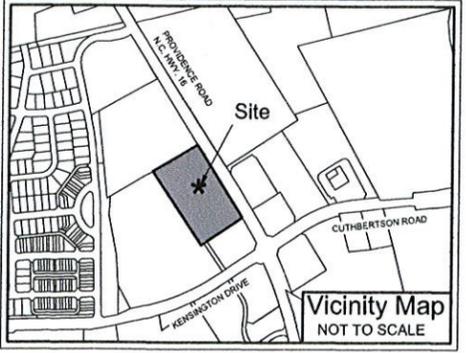
InSite Real Estate, L.L.C.  
1420 19th Street, Suite 300 | Oak Brook, IL 60523-5454  
t 855.617.8100 | f 855.617.8120 | www.itsiteresale.com



WEST ELEVATION



EAST ELEVATION



**UTILITY NOTES**

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPEARANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THERE IS NO CERTAINTY OF THE ACCURACY OF THE INFORMATION AND IT SHALL BE CONSIDERED IN THE LIGHT BY THOSE USING THIS SURVEY. UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THIS SURVEYOR IS NOT RESPONSIBLE FOR THE SUFFICIENCY OF THE UNDERGROUND UTILITY INFORMATION PROVIDED HEREON, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



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North Carolina One Call  
1-800-632-4949  
IT'S THE LAW  
<http://www2.ncoccc.org>

**ZONING INFORMATION**

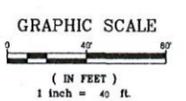
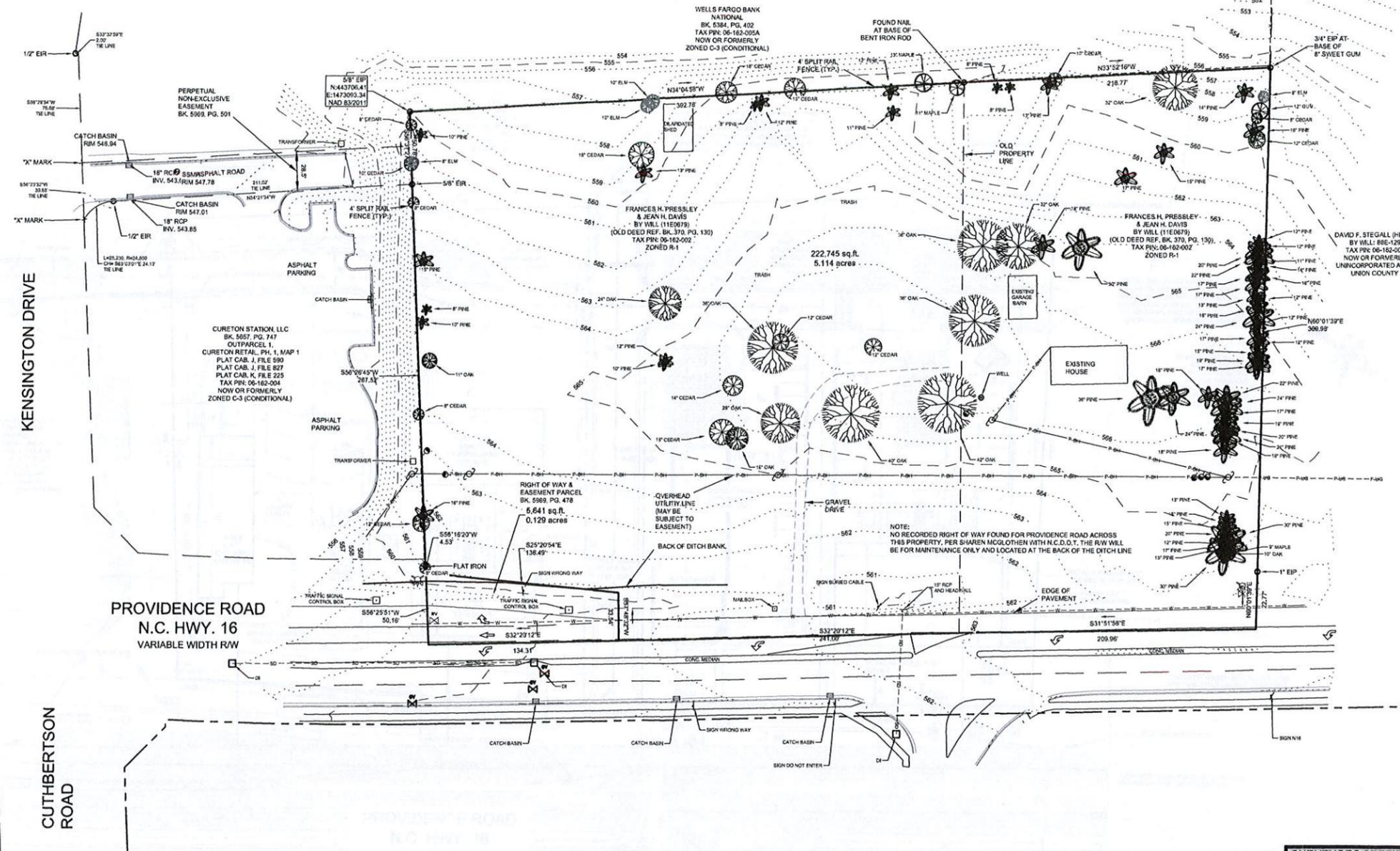
ACCORDING TO THE TOWN OF WAXHAW'S GEOGRAPHIC INFORMATION SYSTEM (GIS) THE SUBJECT PROPERTY IS ZONED "R-1" SINGLE FAMILY RESIDENTIAL. BECAUSE THERE MAY BE A NEED FOR INTERPRETATION OF THE APPLICABLE ZONING CODES, WE REFER YOU TO THE TOWN OF WAXHAW'S PLANNING AND ZONING DEPARTMENT.

**MISCELLANEOUS NOTES**

- NO USGS MONUMENTATION WITHIN 2000' OF SITE. GRID POSITIONS WERE DETERMINED USING A TRIMBLE 5000 GNSS GPS RECEIVER UTILIZING THE NORTH CAROLINA GEODETIC SURVEY VRS NETWORK. ALL COORDINATES AND BEARING SHOWN ARE BASED ON NAD 83/2011.
- AREAS COMPUTED USING COORDINATE GEOMETRY.
- IRON REBARS AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
- DEED REFERENCE: AS SHOWN.
- THE SUBJECT PROPERTY IS SUBJECT TO THE PERMANENT STORM DRAINAGE AND SEWER EASEMENT AGREEMENT AS RECORDED IN BOOK 5969, PAGE 485.
- ALL ADJOINER PROPERTY OWNER INFORMATION IS TAKEN FROM CURRENT DEEDS AND TAX RECORDS AND ARE CONSIDERED "NOW OR FORMERLY".
- RAW ERROR OF CLOSURE: 1:10,000+. BOUNDARY TRAVERSE WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- OTHER UNDERGROUND UTILITIES MAY EXIST BUT THEIR LOCATIONS ARE NOT KNOWN.
- THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND.
- TREES SHOWN ARE SUBJECT TO ERROR IN KIND.
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- THE PROPERTY SHOWN HEREON IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 371044700J, EFFECTIVE DATE OCTOBER 18, 2008.

**LEGEND OF SYMBOLS & ABBREVIATIONS**

- EIP - EXISTING IRON PIPE
- EIR - EXISTING IRON REBAR
- NIR - NEW IRON REBAR
- S.T. - SIGHT TRIANGLE
- M.B.S. - MINIMUM BUILDING SETBACK
- P.S.E. - PUBLIC STORM DRAINAGE EASEMENT
- S.S.E. - SANITARY SEWER EASEMENT
- SSMH - SANITARY SEWER MANHOLE
- R.W. - RIGHT OF WAY
- P.S.S.E. - PRIVATE SANITARY SEWER EASEMENT
- GPUE - GENERAL PUBLIC UTILITY EASEMENT
- C.P. - COMPUTED POINT
- ECM - EXISTING CONCRETE MONUMENT
- E.P.K. - EXISTING P.K. NAIL
- HANDICAPPED PARKING
- TRANSMISSION TOWER
- UTILITY POLE
- UNDERGROUND GASLINE
- OVERHEAD UTILITY LINE
- SANITARY SEWER LINE
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- WATER WELL
- YARD INLET / AREA DRAIN
- RAILROAD TRACK
- MONITORING WELL
- ELECTRIC BOX/TRANSFORMER
- CURB INLET
- STORM DRAIN
- WATER LINE
- FENCE LINE
- ZONING LINE
- UNDERGROUND TELEPHONE



**SURVEYORS CERTIFICATION**

THIS IS TO CERTIFY THAT ON THE 8TH DAY OF AUGUST, 2014, AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT AND THAT THE BOUNDARY LINES AND IMPROVEMENTS, IF ANY, ARE SHOWN HEREON EXCEPT AS NOTED. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA BOARD RULE .1620 (21 NCAC 56 ) AND THE ERROR OF CLOSURE FOR THIS PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 LINEAR FEET OF PERIMETER SURVEYED, NOR 30 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

RUSSELL L. WHITEHURST, PLS  
PROFESSIONAL LAND SURVEYOR  
LICENSE NO. L-3361

8/14/14  
DATE

**ENGINEERING**

2013A Van Buren Avenue  
Indian Trail, NC 28079  
(704) 862-4444  
[www.esginc.com](http://www.esginc.com)

P.O. BOX 551  
Alpharetta, GA 30009  
(770) 339-6640

NO.	DATE	BY	ISSUE	REVISION TO ADDRESS TITLE DOCUMENTS PROVIDED BY ATTORNEY.
	8/14/2014	RLW		

**FRANCES H. PRESSLEY & JEAN H. DAVIS PROPERTY WAXHAW, UNION CO., N.C.**

FOR THE BENEFIT OF:

**MICHEAUX RESOURCE MANAGEMENT, LLC**

**BOUNDARY SURVEY**  
**5.243 ACRES**

DESIGNED BY	RLW	CHECKED BY	RLW
DRAWN BY	RLW	DATE	8/6/2014
SCALE	1" = 40'	JOB NUMBER	5240-S-NC



PROJECT NOTES:  
 TAX PIN: 06-162-002  
 PROPERTY ADDRESS: 3012 S. PROVIDENCE RD WAXHAW, NC 28173

PROPERTY OWNERS:  
 FRANCES H. & CLYDE D. PRESSLEY 5823 WILL PLYLER RD. WAXHAW, NC 28173. PHONE (704)371-3753  
 & SHIRLEY JEAN & JERRY G. DAVIS. 2839 SHILOH UNITY RD. LANCASTER, SC 29720 PHONE (704)843-3336

APPLICANT:  
 MICHAUX RESOURCE MANAGEMENT, LLC.  
 2500 W ROOSEVELT BLVD  
 MONROE, NC 28110  
 (704) 289-3135

EXISTING ZONING: R-1  
 PROPOSED ZONING: CD-C3

DEVELOPMENT NOTES

TOTAL SITE AREA: 5.1 ACRES  
 AREA IN LOTS: 4.6 ACRES  
 AREA IN ROW: 0.5 ACRES

SETBACKS:  
 FRONT: 40'  
 REAR: 20'  
 SIDE: 10'

A 20' TYPE B LANDSCAPE BUFFER IS REQUIRED ALONG THE NORTHERN PROPERTY LINE OF LOT 3

MAXIMUM BUILDING HEIGHT: 80'

BUILDING PLANS AND ELEVATIONS TO BE PROVIDED BY ARCHITECT AND WILL CONFORM WITH TOWN OF WAXHAW U.D.O.

DUMPSTER ENCLOSURES TO MATCH MAIN BUILDING MATERIALS

LOT 1:  
 2.3 ACRES  
 1.3 ACRES IMPERVIOUS (57%)  
 3,010 SQ. FT. BUILDING (RETAIL) + 3,850 SQ. FT. (CARWASH)  
 PARKING REQUIRED: 3.5 SPACES PER 1,000 SQ. FT. = 24 SPACES  
 PARKING PROVIDED: 24 (STANDARD, 2HC & 14 VACUUM SPACES)  
 ANTICIPATED BUILDING HEIGHTS: LESS THAN 30'

LOT 2:  
 1.1 ACRES  
 0.7 ACRES IMPERVIOUS (64%)  
 8,260 SQ. FT. BUILDING (AUTO SERVICE)  
 PARKING REQUIRED:  
 - 2.7 SPACES PER 1,000 SQ. FT. OF SALES AREA (1,750 SQ. FT.) = 4.7  
 - 1.5 SPACES PER 1,000 SQ. FT. WAREHOUSE AREA (1,425 SQ. FT.) = 2.1  
 - 2 SPACES PER SERVICE BAY (7BAYS) = 14  
 TOTAL MAXIMUM SPACES = 21  
 PARKING PROVIDED: 28 TOTAL (17 IMPERVIOUS, 9 PERVIOUS, 2 HC)  
 ANTICIPATED BUILDING HEIGHT: 25±

LOT 3:  
 1.2 ACRES  
 0.6 ACRES IMPERVIOUS (61%)  
 8,050 SQ. FT. BUILDING (RETAIL)  
 PARKING REQUIRED: 3.5 SPACES PER 1,000 SQ. FT. = 29 SPACES  
 PARKING PROVIDED: 42 TOTAL (26 IMPERVIOUS, 14 PERVIOUS, 2HC)  
 ANTICIPATED BUILDING HEIGHT: 25±

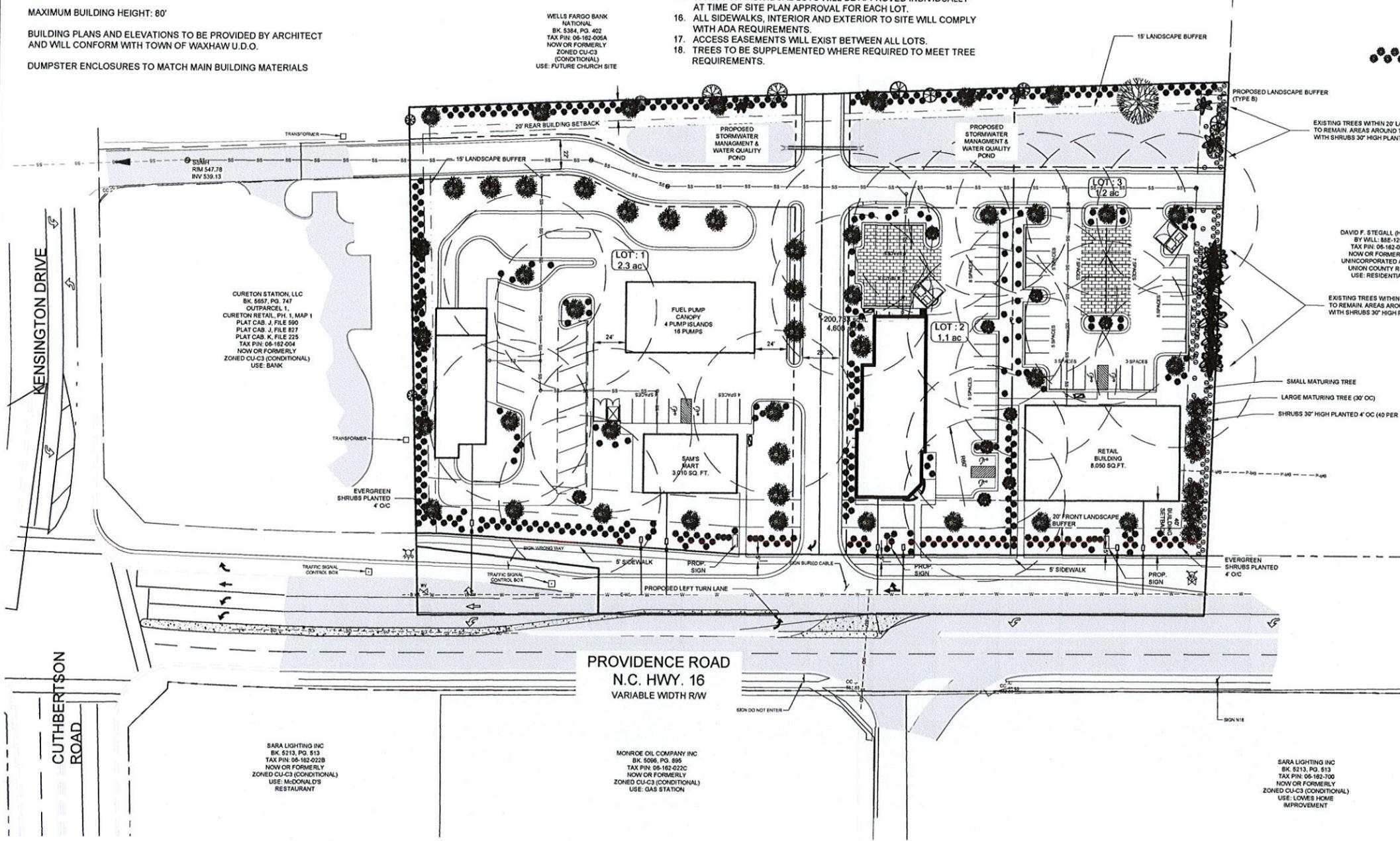
- NOTES:
- DRIVEWAY CONNECTION TO 5/3 BANK TO BE CONSTRUCTED AS PART OF THIS DEVELOPMENT.
  - INTERIOR SUBDIVISION OF PROPERTY TO BE SUBMITTED TO STAFF FOR APPROVAL UPON REZONING.
  - ESTIMATED COMPLETION DATE: APRIL 1, 2016
  - LANDSCAPING SHALL NOT IMPEDE FIRE TRUCK ACCESS ALONG INTERIOR ACCESS ROADS. OWNER TO HAVE LANDSCAPING MAINTAINED ALONG ACCESS ROAD FOR ENTIRE SITE.
  - MASS GRADING OF THE SITE WILL OCCUR.
  - ALL ABOVE GROUND UTILITIES ON SITE TO BE PLACED UNDERGROUND.
  - CAR WASH TO RECYCLE WATER TO THE MAXIMUM EXTENT POSSIBLE.
  - ALL PARKING SPACES SHALL BE 9' X 18'
  - ANY PARKING SPACES OVER THE MAXIMUM ALLOWED MUST BE PERVIOUS PAVEMENT PER UDO SECTION 12.4.D.2.B, OR A VARIANCE WILL BE REQUIRED FOR ALL ADDITIONAL PARKING.
  - ALL PARKING LOT LANDSCAPING SHALL MEET UDO SECTION 12.4.2 AND UDO SECTION 9.
  - FIRE SPRINKLER SYSTEM(S) TO BE INSTALLED PER BUILDING CODE REQUIREMENTS, IF NECESSARY.
  - HYDRANT SPACING TO COMPLY WITH FIRE DEPT REGULATIONS.
  - ALL DUMPSTER ENCLOSURES MUST BE FINISHED WITH MATERIALS MATCHING THE BUILDING ON THE SITE. DUMPSTER ENCLOSURE FINISH MATERIALS MUST BE APPROVED BY THE TOWN OF WAXHAW PRIOR TO INSTALLATION.
  - SITE LIGHTING MUST MEET THE REQUIREMENTS OF THE TOWN OF WAXHAW UDO. ALL SITE LIGHTING SHALL BE REVIEWED AND APPROVED BY THE TOWN OF WAXHAW PRIOR TO INSTALLATION.
  - SIGNS FOR INDIVIDUAL LOTS WILL BE APPROVED INDIVIDUALLY AT TIME OF SITE PLAN APPROVAL FOR EACH LOT.
  - ALL SIDEWALKS, INTERIOR AND EXTERIOR TO SITE WILL COMPLY WITH ADA REQUIREMENTS.
  - ACCESS EASEMENTS WILL EXIST BETWEEN ALL LOTS.
  - TREES TO BE SUPPLEMENTED WHERE REQUIRED TO MEET TREE REQUIREMENTS.

	Ac.	Ft <sup>2</sup>
Total Area	4.600	200376.00
Perimeter Landscape Buffer	0.726	31605.02
Utility ROW	0.000	0.00
Street ROW	0.704	30654.88
Street Setbacks	0.242	10530.45
Existing Ponds / Lakes	0.000	0.00
Reduced Total Area for Open Space	2.929	127585.65
Interior Tree Save Required (15%)	0.439	19137.85
Interior Tree Save Provided		
Lot 1	0.351	15272.30
Lot 2	0.151	6594.35
Lot 3	0.104	4529.98
	0.606	26396.63

- PROPOSED SPECIES LIST
- LARGE MATURING TREE - SCARLET OAK (QUERCUS COCCINEA)  
MIN. TRUNK CALIPER OF 2 INCHES & 10 FT HEIGHT
  - LARGE MATURING TREE - LACEBARK ELM (ALNUS PARVIFOLIA)  
MIN. TRUNK CALIPER OF 2 INCHES & 10 FT HEIGHT
  - MEDIUM MATURING TREE - RED MAPLE (ACER RUBRUM)  
MIN. TRUNK CALIPER OF 1 3/4 INCHES & 10 FT HEIGHT
  - SMALL MATURING TREE - CAROLINA SILVERBELL (HALESIA TETRAPTERA)  
MIN. TRUNK CALIPER OF 1 1/2 INCHES & 10 FT HEIGHT
  - EVERGREEN SHRUB - SAVANNAH HOLLY  
5 - 6 FT HEIGHT & 4 FT WIDTH AT MATURITY
  - 18 INCH HEIGHT & WIDTH ALONG PUBLIC STREET AT PLANTING
  - 3 - 4 FT HEIGHT AT MATURITY
  - SHRUB - COMMON WITCH-HAZEL (HAMAMELIS VIRGINIANA)
- SUBSTITUTIONS TO TREE SPECIES LISTED MUST BE FROM THE APPROVED LIST AS OUTLINED IN THE WAXHAW UDO, SECTION 9 AND SUBMITTED FOR STAFF APPROVAL PRIOR TO PLANTING.
- SUBSTITUTIONS TO SHRUB SPECIES LISTED IS PERMITTED PROVIDING THE SPECIES SELECTED IS NOT ON THE INVASIVE SPECIES LIST AS OUTLINED IN THE WAXHAW UDO, SECTION 9.

LEGEND

PERVIOUS PARKING



EXISTING TREES WITHIN 20' LANDSCAPE BUFFER TO REMAIN. AREAS AROUND TREES TO BE SUPPLEMENTED WITH SHRUBS 30" HIGH PLANTED 4' OC (40 PER 100).

DAVID F. STEGALL (HEIRS)  
 BY WILL: 88E-129  
 TAX PIN: 06-162-004  
 NOW OR FORMERLY UNINCORPORATED AREA UNION COUNTY R-40  
 USE: RESIDENTIAL

EXISTING TREES WITHIN 20' LANDSCAPE BUFFER TO REMAIN. AREAS AROUND TREES TO BE SUPPLEMENTED WITH SHRUBS 30" HIGH PLANTED 4' OC (40 PER 100).

SMALL MATURING TREE  
 LARGE MATURING TREE (30' OC)  
 SHRUBS 30" HIGH PLANTED 4' OC (40 PER 100)

EVERGREEN SHRUBS PLANTED 4' OC

KENSINGTON DRIVE

CUTHBERTSON ROAD

PROVIDENCE ROAD  
 N.C. HWY. 16  
 VARIABLE WIDTH R/W

CURETON STATION, LLC  
 BK. 5597, PG. 747  
 OUTPARCEL 1,  
 CURETON RETAIL PH. 1, MAP 1  
 PLAT CAB. J, FILE 590  
 PLAT CAB. J, FILE 597  
 PLAT CAB. K, FILE 225  
 TAX PIN: 06-162-004  
 NOW OR FORMERLY ZONED CU-C3 (CONDITIONAL)  
 USE: BANK

SARA LIGHTING INC  
 BK. 5213, PG. 513  
 TAX PIN: 06-162-022B  
 NOW OR FORMERLY ZONED CU-C3 (CONDITIONAL)  
 USE: MCDONALD'S RESTAURANT

MONROE OIL COMPANY INC  
 BK. 5096, PG. 895  
 TAX PIN: 06-162-022C  
 NOW OR FORMERLY ZONED CU-C3 (CONDITIONAL)  
 USE: GAS STATION

SARA LIGHTING INC  
 BK. 5213, PG. 513  
 TAX PIN: 06-162-700  
 NOW OR FORMERLY ZONED CU-C3 (CONDITIONAL)  
 USE: LOWES HOME IMPROVEMENT

**ENGINEERING**

P.O. BOX 551  
 ALPHARETTA, GA 30609  
 (770) 882-4222  
 www.enjonline.net

2013A Vin Burrell Avenue  
 Indian Trail, NC 28079  
 (704) 882-4222

NO.	DATE	BY	DATE	REVISION	DESCRIPTION
1	12-16-14	NEL		ADDRESSED TOWN COMMENTS	
2	02-12-15	PHD		ADDRESSED TOWN COMMENTS	
3	03-19-15	PHD		ADDRESSED TOWN COMMENTS	
4	05-22-15	TWD		ADDRESSED TOWN COMMENTS	
5	06-03-15	TWD		ADDRESSED TOWN COMMENTS	

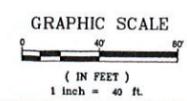
FRANCES H. PRESSLEY &  
 JEAN H. DAVIS PROPERTY  
 WAXHAW, UNION CO., N.C.  
 APPLICANT  
 MICHAUX RESOURCE  
 MANAGEMENT, LLC

LANDSCAPING PLAN

DESIGNED BY	JHR/NEL	CHECKED BY	JHR
DRAWN BY	NEL	DATE	01/12/14
DATE	AS SHOWN	FOR NUMBER	5240

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

Sheet  
 C-2.1



**Minutes of the Waxhaw Planning Board  
Town of Waxhaw, NC  
May 18, 2015**

The Waxhaw Planning Board met in a regular session Monday, May 18, 2015 at 6:30 p.m. at the Waxhaw Police Department Community Room.

**Special Called Meeting**

**1. Call to Order**

Vice-Chairman Underwood called the meeting to order at 6:30 pm.

**2. Roll Call and Determination of Quorum**

A roll call and determination of quorum was made.

Present: Vice-Chairman Underwood, Michael Kreimer, Fred Burrell, Dan Gingrich, James Mathieson, Staff Oakley, and Recording Secretary Oliver.

Absent: Chairman Godfrey, Bob Morgan, Thomas Dwyer, and John Cannamela.

**3. Work Session**

NONE

**4. Unfinished Business**

NONE

**5. New Business**

A. TA-003167-2015 is a request by the Town of Waxhaw Planning and Community Development Department to amend Section 8 Definitions, Section 11 Schedule of District Regulations, Section 13 Signs, Section 14 Conditional Use Permits, Section 16 Amendment to the Unified Development Ordinance, and Section 21 Downtown Code of the Unified Development Ordinance (UDO) to correct errors, add missing references, and to improve readability and comprehension of the text.

Staff Oliver gave a presentation on TA-003167-2015 (see attached).

Fred Burrell asked about seasonal outdoor sales and how the staff handles produce stands. Staff Oliver stated that produce stands are currently addressed in the UDO.

Fred Burrell asked why the town seems to be against internally lit signs. Staff Oliver stated that the sign ordinance was rewritten in 2013 and that the Board of Commissioners preferred externally lit signs for the town. He stated that it was most likely an aesthetic choice.

Fred Burrell asked about the time extension for Planning Board cases. Staff Oakley explained that the wording pertained to a situation when an applicant needs more time and that the applicant would have to agree to extend the review period. Fred Burrell stated that he was okay with the applicant needing more time as long as the Planning Board was not delaying the case.

Fred Burrell asked that in Section 21.6.4.C of the UDO that the proposed text “at the time of construction” be removed.

Fred asked about the proposed text on page 21-64 of the UDO. Staff Oakley explained the intersection issue with the Historic Venture project that brought about the proposed text amendment. Fred Burrell asked that language following the text “subject to NCDOT regulations” on page 21-64, be removed.

James Mathieson asked about gravel being previous. Staff Oliver stated that according to DEHNR gravel is an impervious paving material.

**Michael Kreimer motioned to send favorable for TA-003036-2014 to the Board of Commissioners on TA-003167-2015 with the proposed amendments. Dan Gingrich seconded the motion with amendments included. The motion passed unanimously (5-0).**

#### **6. Other Business - Update on previous case(s) heard by the Planning Board**

Staff Oakley stated that the last cases were heard by the Planning Board was in February. She stated that the McCray Smith rezoning was approved by the Board of Commissioners to be zoned C-1 Neighborhood Commercial. Staff Oakley stated that the 12 month limitation for reapplication on rezonings and conditional district rezonings text amendment was approved by the Board of Commissioners.

Staff Oakley stated that more cases will be heard by the Planning Board in the coming months.

Commissioner Warner stated that he was the commissioner assigned to represent the Planning Board. He stated that the Planning Board voted to send an unfavorable recommendation to the Board of Commissioners on the McCray Smith rezoning and that the Board of Commissioner approved the rezoning and may have had a change in attitude to make the political environment more favorable for development.

**7. Minutes for correction and approval: February 23, 2015 special meeting**

Fred Burrell motioned to approve the minutes from the February 23, 2015 special meeting. Michael Kreimer seconded. The motion passed unanimously, (5-0).

**8. Adjournment**

Vice-Chairman Underwood motioned to adjourn the meeting at 6:52 p.m. Fred Burrell seconded. The motion passed unanimously, (5-0).

The meeting adjourned at 6:52 p.m.

Respectfully Submitted,

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Vice-Chairman, Gary Underwood

---

Recording Secretary, Maxx Oliver

# Town of Waxhaw Planning Board

Waxhaw Police Department Community Meeting Room  
Monday, May 18, 2015

## TA-003167-2015 Clean-Up Text Amendment

Petition TA-003167-2015 is a request by the Town of Waxhaw Planning and Community Development Department to amend Section 8 Definitions, Section 11 Schedule of District Regulations, Section 13 Signs, Section 14 Conditional Use Permits, Section 16 Amendment to the Unified Development Ordinance, and Section 21 Downtown Code of the Unified Development Ordinance (UDO) to correct errors, add missing references, and to improve readability and comprehension of the text.

## Background

- The clean-up text amendment seeks to correct errors, add missing references, fix inconsistencies and overall improve readability and comprehension.

### Section 8.2 Lot Coverage, Section 8.2 Setback, Section 8.2 Setback, Front, Section 8.2 Sign, Window

**Lot Coverage** - That portion of a lot occupied by buildings, structures and/or improvements, including paving and/or surface treatment materials (~~previous~~ **impervious** paving materials, gravel, etc.).

**Setback** - the distance on a Lot measured from the ~~Lot~~ **property** line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments.

**Setback, Front** - Any Setback from a street, ~~or road,~~ **or right-of-way line.**

**Sign, Window** - Flat signs or lettering which are painted or attached to the ~~inside of a window or door~~ **inside of a window or door** of a building or structure. These signs also include retail window displays which are intended to showcase/advertise goods and products to pedestrians on the sidewalk.

## Section 11.3.64 Seasonal Outdoor Sales

64. **Seasonal Outdoor Sales**
- A. Seasonal outdoor sales, including the sale of such items as Christmas trees and pumpkins, seasonal produce (excluding farmers' market as defined in Section 8), and other similar seasonal products, may take place on a vacant or developed lot. Each seasonal outdoor sales activity is limited to a maximum of forty-five (45) consecutive days. Not more than three events are allowed per calendar year per parcel of land.
  - B. Seasonal outdoor sales shall comply with the temporary sign standards listed in Section ~~13.16~~ 13.9.12.
  - C. A temporary zoning use permit is required for the temporary display and/or sale of products that are not contained within the principal building.
  - D. All temporary seasonal outdoor sales displays shall comply with the following standards:

## Section 13.7.2 Attached Sign Standards

Window / Door Signs	Non-residential uses in all Districts	30% of total glass area on any one side of the building	n/a	No encroachment allowed	n/a	<ul style="list-style-type: none"> <li>• For Neon Signs, see 13.10 (Sign Illumination)</li> <li>• Attached to inside of window or door</li> </ul>
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## Section 13.9.12 Seasonal Outdoor Sales

12. **Seasonal Outdoor Sales:**
- A. **Applicability:** Seasonal Outdoor Sales signs shall be allowed for temporary seasonal uses under the regulations of Section 11.3.64 *Seasonal Outdoor Sales* of the UDO.
    - 1. **Location:** Shall be located on premise. Shall not be located within a public street right-of-way or within a required sight triangle, and shall not be attached to trees or utility poles.
    - 2. **Maximum Number:** One (1) sign per temporary use.
    - 3. **Surface Area:** Thirty-two (32) square feet maximum surface area.
    - 4. **Height:** Six (6) feet maximum height.
    - 5. **Time Period:** Temporary sign permits may be granted up to three (3) times a calendar year for a maximum of forty-five (45) consecutive days each time per parcel of land.
    - 6. **Illumination:** Seasonal Outdoor Sale signs shall not be internally illuminated but the sign may be illuminated from an external source and shall be lit only during the hours of operation.
    - 7. **Construction Type:** Pylon signs and banners are permissible.

## Section 13.11.1 Temporary Signs

- 1. **Temporary Signs:**
  - A. **Window Signs:**
    - 1. Location: affixed to the inside of a window or door.
    - 2. Surface Area: Shall not exceed a cumulative total for all signs of 30% of the total glass area on any one side of the building as outlined in Section 13.7.2 "Window/Door Signs."

## Section 14.5 Planning Board Review and Recommendation, Section 16.1.4 Planning Board Review and Recommendation

### 14.5 PLANNING BOARD REVIEW AND RECOMMENDATION

Once the application has been accepted, the Planning Board shall review the Conditional Use application. The Planning Board may, in its review, suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other conditions the Planning Board may find appropriate. Such conditions may include dedication of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

The Planning Board shall forward its recommendation to the Board of Commissioners within forty-five (45) days of receiving the application. If a recommendation is not made within forty-five (45) days, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board. *Notwithstanding the forgoing, the Planning Board may extend a longer time period with consent of the applicant.*

#### 4. Planning Board Review and Recommendations

The Planning Board shall consider the application for amendment at the Planning Board Meeting. The Planning Board shall have a maximum of forty-five (45) days from the date of the public meeting to make a recommendation on the application, except for the sixty-two (62) day requirement for Conditional Zoning Districts. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board. *Notwithstanding the forgoing, the Planning Board may extend a longer time period with consent of the applicant.*

## Section 21.6.4.B Roof and Eaves

### 21.6.4.B Roof and Eaves

1. Flat roofs are permitted but shall be detailed with a parapet to conceal all rooftop appurtenances from view of any public ~~the~~ street.
2. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds ~~roofs~~ may be no less than 2:12
3. Flush eaves must be finished by profiled molding or gutters.
4. All roofs shall have a minimum 25-year roof warranty and no visible roll roofing.

## Section 21.6.4.C.2 Materials

**Materials:** Commercial building walls shall primarily consist of the following materials: brick, cut stone, cementitious fiber board, or wood clapboard (residential applications such as field stone and ledge stone are prohibited). Regular or decorative concrete block as well as EIFS-type stucco may be used as the primary material on building walls not visible from a public street at the time of construction. The following materials shall not comprise more than 10% of the commercial building exteriors that are visible from a public street: Cementitious fiber board, hard-coat stucco, EIFS-type stucco, wood components, or regular or decorative concrete block. All accessory buildings must be clad in materials similar in appearance to the principal building. With the exception of the MS zoning district, repainting of painted surfaces shall not require a zoning use permit.

## Section 21.8.3 Street Regulating Plan

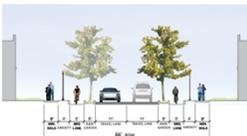
The street sections indicate total right-of-way width, sidewalk and streetside zone amenities, parking lanes, travel lanes and other geometric and urban design details. *Street configuration and amenities (including parking) are subject to NCDOT regulations and may not be allowed within certain distances of intersections with NCDOT roads.* The street types are represented by an abbreviation of the street types in the key above followed by a number, which is the measurement of the total right-of-way width in feet.

# Section 21.8.3 Street Regulating Plan

## 21.8.3.A RC-66

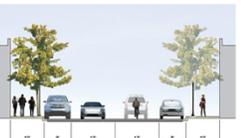
### Section 21.8.3 Street Regulating Plan

Street Type	Road
Transport Zone Assignment	UR, MK, MC, TC, OS
Right-of-Way Width	66 feet
Pavement Width	32 feet
Movement	One Movement
Design Speed	35 MPH
Traffic Lanes	2 Lanes Through Traffic
Parking Lanes	None
Bike Lanes	6 Foot Protected Bike Lane
Curb Radius	10 feet
Walkway Type	8 Foot Sidewalk
Planter Type	Planter
Curb Type	Curb
Landscape Type	Trees at 47' c.c. Avg.



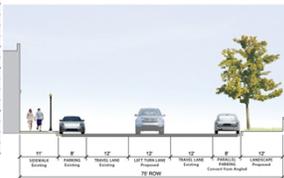
## 21.8.3.B CS-52

Street Type	Commercial Street
Transport Zone Assignment	MK, MC, TC, OS
Right-of-Way Width	62 feet
Pavement Width	42 feet
Movement	One Movement
Design Speed	35 MPH
Traffic Lanes	2 Lanes Through Traffic - One Way
Parking Lanes	2 Stiles Parallel Parking
Bike Lanes	None
Curb Radius	10 feet
Walkway Type	10 Foot Sidewalk
Planter Type	Planter
Curb Type	Curb
Landscape Type	Trees at 47' c.c. Avg.



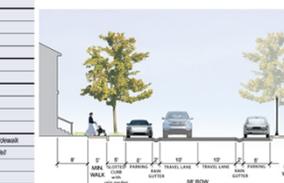
## 21.8.3.C CS-75 Section 21.8.3 Street Regulating Plan

Street Type	Commercial Street
Transport Zone Assignment	MK, MC, TC, OS
Right-of-Way Width	75 feet
Pavement Width	52 feet
Movement	One Movement
Design Speed	35 MPH
Traffic Lanes	2 Lanes Through Traffic
Parking Lanes	2 Stiles Parallel Parking
Bike Lanes	N/A
Curb Radius	10 feet
Walkway Type	11 Foot Sidewalk
Planter Type	Planter Strip
Curb Type	Curb
Landscape Type	Trees at 47' c.c. Avg.



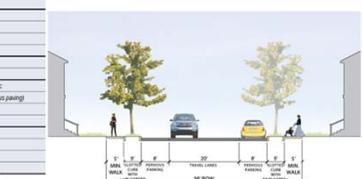
## 21.8.3.G ST-60 Section 21.8.3 Street Regulating Plan

Street Type	Street
Transport Zone Assignment	UR, MK, MC, OS
Right-of-Way Width	59 feet
Pavement Width	38 feet
Movement	One Movement
Design Speed	35 MPH
Traffic Lanes	2 Lanes Through Traffic
Parking Lanes	2 Stiles Parallel Parking
Bike Lanes	N/A
Curb Radius	10 feet
Walkway Type	1 Stile 8 Foot Sidewalk, 1 Stile 10 Foot Sidewalk
Planter Type	1 Stile Planter; 1 Stile Tree Wall
Curb Type	Stitched Curb
Landscape Type	Trees at 47' c.c. Avg.



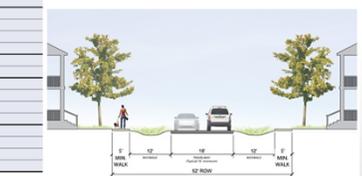
## 21.8.3.H ST-56

Street Type	Street
Transport Zone Assignment	UR, OS
Right-of-Way Width	56 feet
Pavement Width	36 feet
Movement	One Movement
Design Speed	35 MPH
Traffic Lanes	2 Lanes Through Traffic
Parking Lanes	2 Stiles Parallel Parking (staggered pairing)
Bike Lanes	N/A
Curb Radius	10 feet
Walkway Type	8 Foot Sidewalk
Planter Type	Rain Garden
Curb Type	Stitched Curb
Landscape Type	Trees at 47' c.c. Avg.



## 21.8.3.I ST-52 Section 21.8.3 Street Regulating Plan

Street Type	Street
Transport Zone Assignment	UR, OS
Right-of-Way Width	62 feet
Pavement Width	38 feet
Movement	One Movement
Design Speed	35 MPH
Traffic Lanes	2 Lanes Through Traffic
Parking Lanes	N/A
Bike Lanes	N/A
Curb Radius	10 feet
Walkway Type	8 Foot Sidewalk
Planter Type	Continuous Bioswale
Curb Type	Bioswale
Landscape Type	N/A



# Planning Staff Recommendation

Planning Staff recommends approval of TA-003167-2015. Staff feels that the proposed amendments are minimal in nature and will correct errors, add missing references, and improve readability and comprehension of the Unified Development Ordinance.