



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

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

September 21, 2015

Planning Board Regular Meeting Agenda

Waxhaw Police Department Community Meeting Room, 6:30 pm

Regular Meeting

1. Call to Order
2. Oath of Office
3. Roll Call and Determination of Quorum
4. Work Session
5. Unfinished Business
6. New Business
 - A. Petition RZ-003687-2015 is a request by Development Solutions Group, on behalf of Tanner Ridge LLC, for a rezoning/map amendment on parcels 05138026 and 05138027 from CU-C3 (Conditional Use-General Commercial) to NMX (Neighborhood Mixed Use) located on Waxhaw-Marvin Road.
 - B. Petition TA-00717-2015 is a request by staff to amend Section 21.7.3.A of the Waxhaw Unified Development Ordinance to revise the maximum parking requirements in the downtown area by adding food and beverage establishments.
7. Other Business - Update on previous case(s) heard by the Planning Board
8. Minutes for correction and approval: August 4, 2015 special work session
9. 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
8-26-2015
 Received By
DL
 Fee
550.00

ZONING CHANGE APPLICATION

Application Number: RZ- 003687-2015 Date of Application: 8-26-2015

Applicant Information

Applicant Name: Development Solutions Group,

Applicant Mailing Address: 1121 Carmel Commons Blvd Ste 360
 Charlotte NC 28226

Applicant Telephone: 704.543.0760

Property Owner Name: Tanner Ridge, LLC,

Property Owner Mailing Address: 8500 Water Point Ct. Charlotte NC
 28277

Property Owner Telephone: 317.431.6446

Relationship of Applicant to Property Owner: Grantee

Subject Property Information

Property Location: 5401 Waxhaw - Marpin Road and the
 parcel to the west.

Tax Map and Parcel Number(s): 05138027 & 05138026

Existing Zoning: CU-C3 In Flood Area? No

Requested Zoning District: NMX Acreage 7.341

Current Use of Land: Zoned Commercial; not currently in use

Surrounding Land Uses: Residential; Residential Rental; Common Open
 Space; Farm; Residential; Commercial; Commercial

Comments: Rezoning requested per the adopted
 Waxhaw Downtown Neighborhood Plan and the
 Waxhaw Downtown Master Plan.

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.

Robin Roseberg Tanner Ridge LLC
(Signature of Property Owner)

8.22.15
(Date)

[Signature]
(Signature of Applicant)

8-25-15
(Date)

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

Sari Oakley
(Signature of Zoning Administrator)

8-26-15
(Date)

TO BE FILLED OUT BY ZONING ADMINISTRATOR

Completed application submitted on: 8/26/15

Reviewed by Planning Board on: 9/21/15

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***

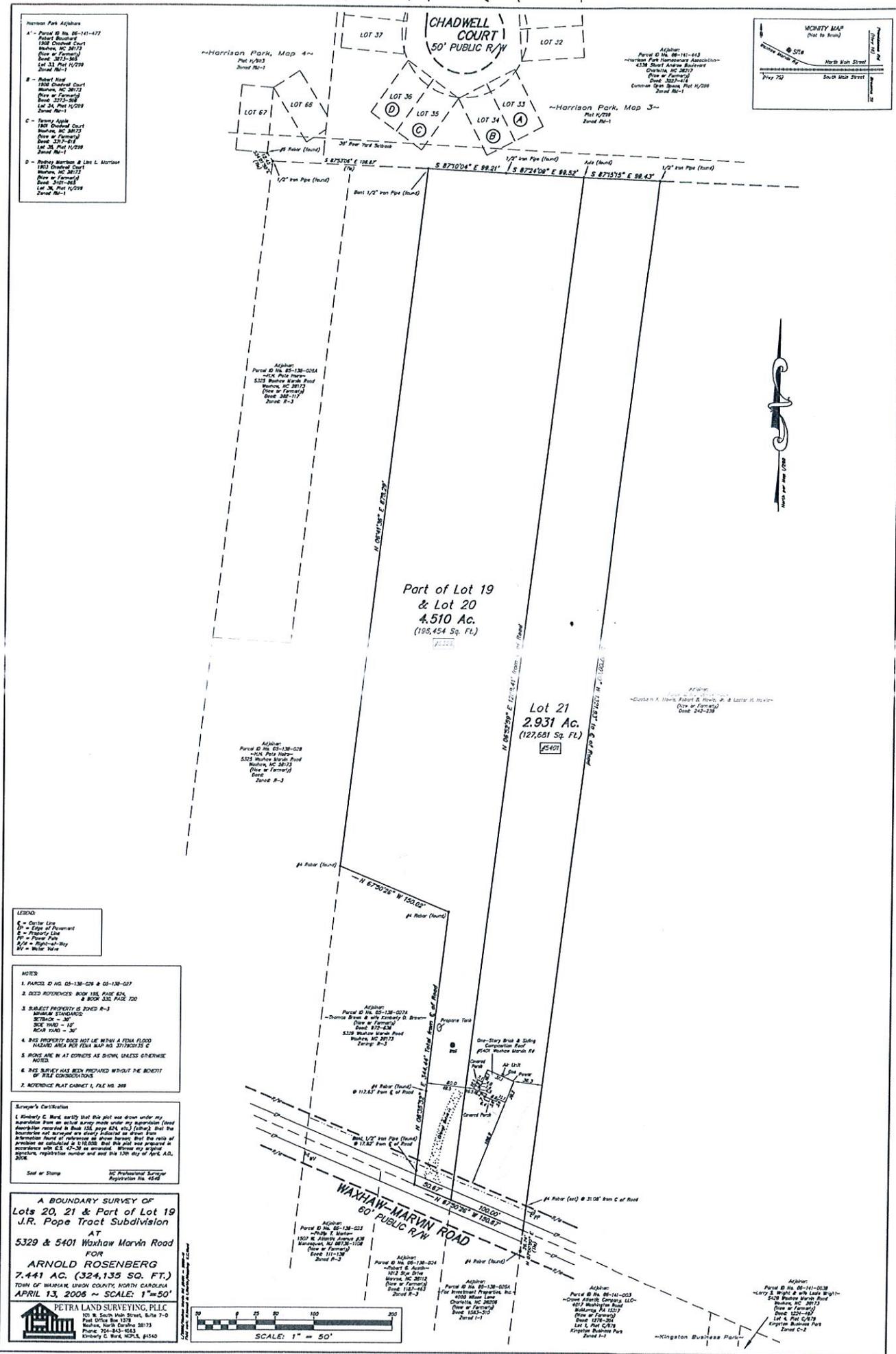
Public Hearing Notice Filed in (Newspaper): _____

Date(s) Notices Published: _____

Notification to adjacent property owners mailed on: _____

Property Posting Date: _____

Exhibit "A" Tanner Ridge Rezoning



A BOUNDARY SURVEY OF
Lots 20, 21 & Part of Lot 19
J.R. Pope Tract Subdivision
AT
5329 & 5401 Waxhaw Marvin Road
FOR
ARNOLD ROSENBERG
7,441 AC. (324,135 SQ. FT.)
TOWN OF HARRISON, UNION COUNTY, NORTH CAROLINA
APRIL 13, 2008 ~ SCALE: 1"=50'

PETRA LAND SURVEYING, PLLC
 101 N. South Main Street, Suite 700
 Post Office Box 1378
 Murfreesboro, North Carolina 28137
 Phone: 704-843-6543
 Kimberly C. Ward, SCS, 01540

Exhibit "B" Tanner Ridge Rezoning

Exhibit "A"

TRACT I:

ONE CERTAIN LOT ON THE NORTH SIDE OF THE WAXHAW-MARVIN ROAD ABOUT ONE-HALF MILE FROM WAXHAW, NC BEING A PORTION OF LOT NO. TWENTY ONE (21) OF THE J.R. POPE TRACT OF LAND MADE BY RALPH W. ELLIOTT, CS FOR T.C. EDWARDS, MAY 7, 1945, ACCORDING TO A MAP OF SAID PROPERTIES RECORDED IN PLAT BOOK 1, PAGE 289, UNION COUNTY REGISTRY.

BEGINNING AT THE RIGHT OF WAY OF WAXHAW-MARVIN ROAD AND BEING A COMMON CORNER WITH HOWIE (DEED BOOK 242, PAGE 239) NOW OR FORMERLY, THENCE ALONG SAID RIGHT OF WAY, N. 67-50-26 WEST 150.67 FEET TO A POINT, THENCE N. 06-52-59 EAST 1288.41 FEET TO AN AXLE FOUND THENCE S. 87-15-15 EAST 99.43 FEET TO A ½ INCH IRON PIPE; THENCE ALONG SAID BOUNDARY LINE S. 07-00-00 W. 1321.93 FEET TO THE SAID POINT AND PLACE OF BEGINNING AND BEING ALL OF 2.931 ACRES, MORE OR LESS AS SHOWN ON BOUNDARY SURVEY BY PETRA LAND SURVEYING, PLLC DATED APRIL 13, 2006.

TRACT II:

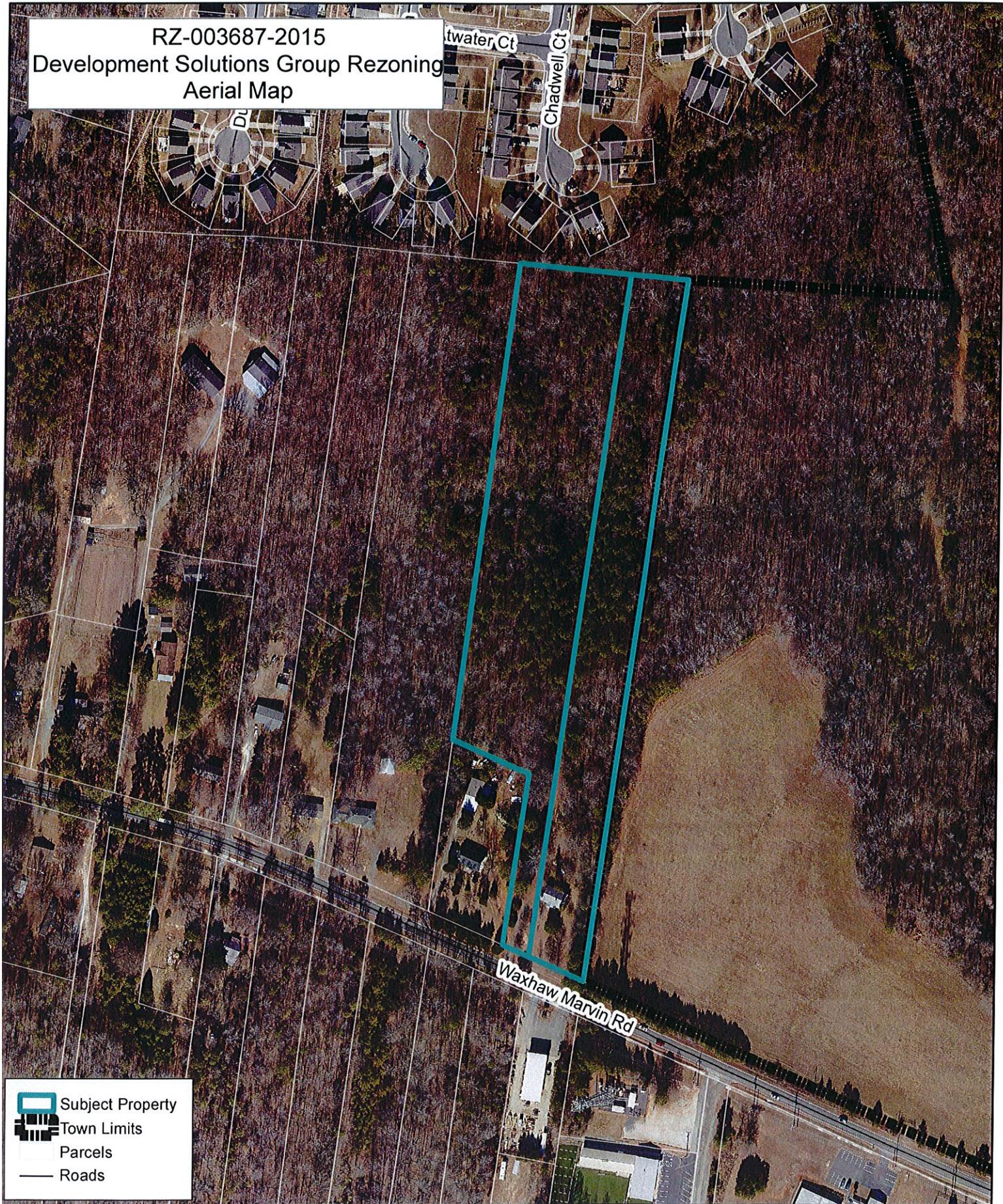
BEING A LOT ADJOINING FIRST LOT ABOVE DESCRIBED, BEING A PORTION OF LOT NO. NINETEEN (19) OF THE J.R. POPE TRACT OF LAND MADE BY RALPH W. ELLIOTT, CS, FOR T.C. EDWARDS, MAY 7, 1945, ACCORDING TO A MAP OF SAID PROPERTIES RECORDED IN PLAT BOOK 1, PAGE 289, UNION COUNTY REGISTRY, REFERENCE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE RIGHT OF WAY OF WAXHAW-MARVIN ROAD AND THE BOUNDARY OF LOT 21 ALONG SAID RIGHT OF WAY, N. 67-50-26 W. 50.67 FEET TO A POINT; THENCE N. 06-35-52 E. 344.44 FEET TO A #4 REBAR FOUND; THENCE N. 67-50-26 W. 150.02 FEET TO A #4 REBAR FOUND; THENCE N. 06-41-36 E, 878.29 FEET.

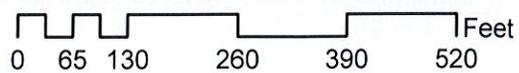
Exhibit "C" Tanner Ridge Rezoning

Exhibit C Parcel ID	Tanner Ridge Rezoning Name	Address	Parcel Size	Use
05138027A	Thomas & Kimberly Brown	5329 Waxhaw-Marvin Road Waxhaw NC 28173	1.14	Residential
05138028-	Rocco & Shirel Femia	226 Tyndale Court Waxhaw NC 28173	5.341	Residential Rental
06141443-	Harrison Park HOA	POB 79032 Charlotte NC 28271-7047	10.191	Common Open Space
06141004 90	Elizabeth R Howie Family	501 N. Broad Street Waxhaw NC 28173	105.03	Farm
05138024-	Robert Austin Gray III	1012 Styx Drive Monroe NC 28112	1.51	Residential
05138025A	Fox Investment Properties Inc	4000 Wilson Lane Charlotte NC 28206	0.68	Commercial
05138025-	Wesley & Audrey Fox	4000 Wilson Lane Charlotte NC 28206	0.677	Commercial

RZ-003687-2015
Development Solutions Group Rezoning
Aerial Map



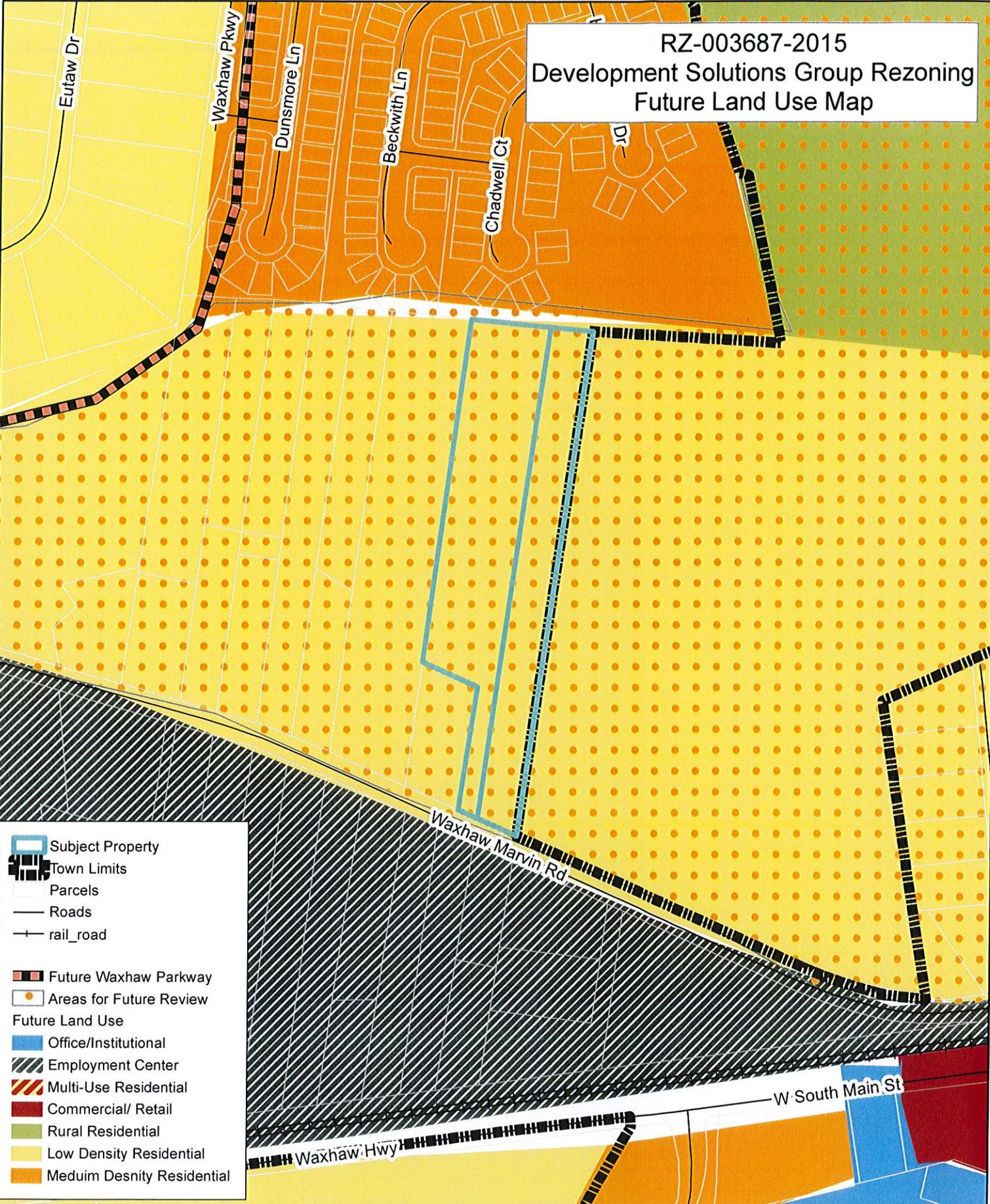
 Subject Property
 Town Limits
 Parcels
 Roads



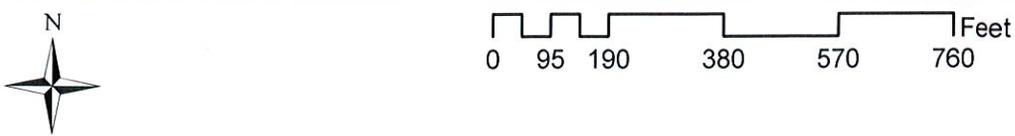
Data Source & Disclaimer
Data provided by Union County GIS and Town of Waxhaw GIS. The Town of Waxhaw does not guarantee the accuracy of the information displayed. Map created September 2015.



RZ-003687-2015
 Development Solutions Group Rezoning
 Future Land Use Map



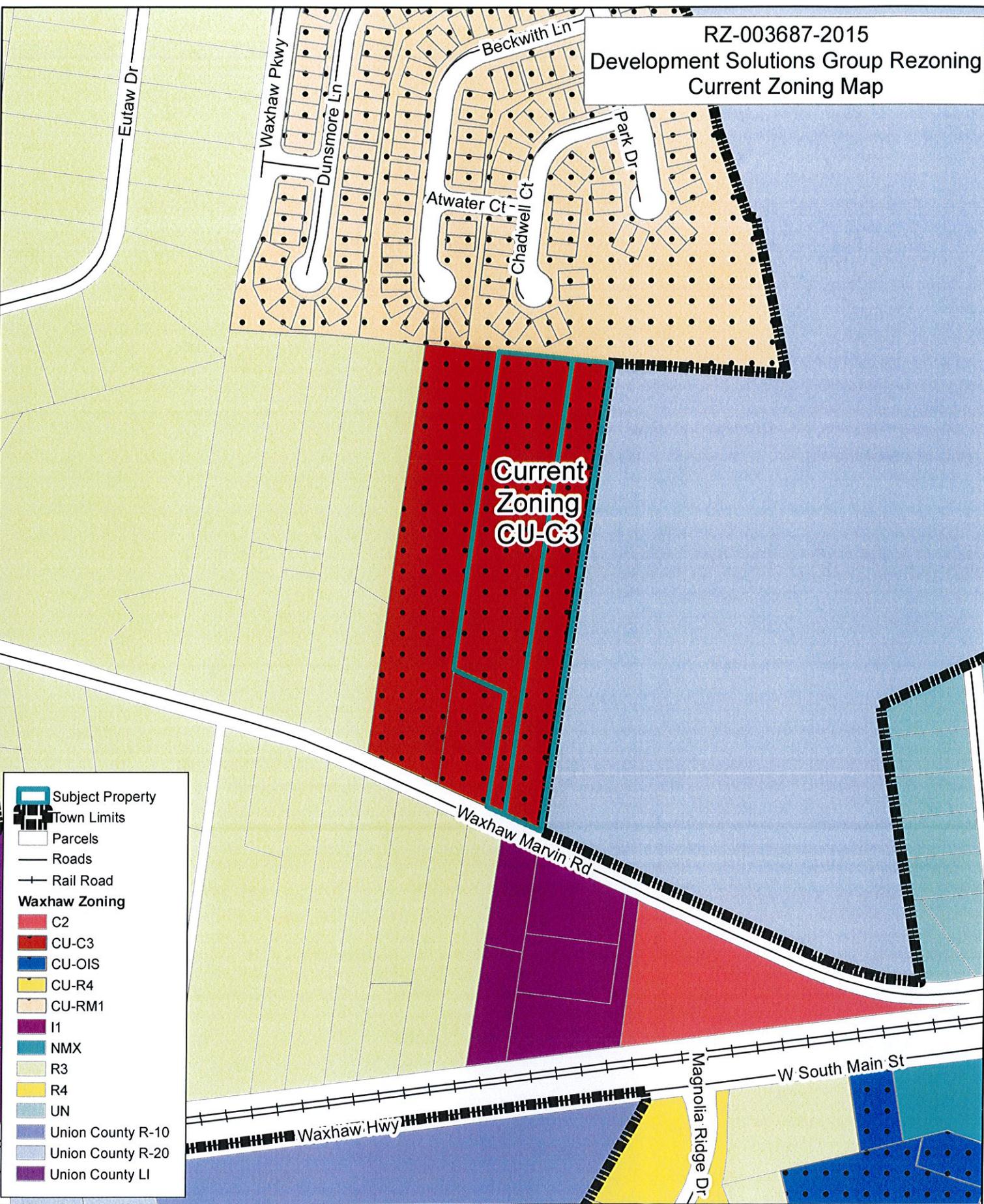
- Subject Property
- Town Limits
- Parcels
- Roads
- rail_road
- Future Waxhaw Parkway
- Areas for Future Review
- Future Land Use**
- Office/Institutional
- Employment Center
- Multi-Use Residential
- Commercial/ Retail
- Rural Residential
- Low Density Residential
- Medium Density Residential



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 September 2015.



RZ-003687-2015
 Development Solutions Group Rezoning
 Current Zoning Map



Legend

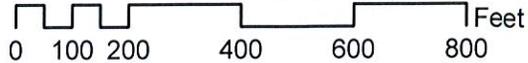
- Subject Property
- Town Limits
- Parcels
- Roads
- Rail Road

Waxhaw Zoning

- C2
- CU-C3
- CU-OIS
- CU-R4
- CU-RM1
- I1
- NMX
- R3
- R4
- UN

Union County Zoning

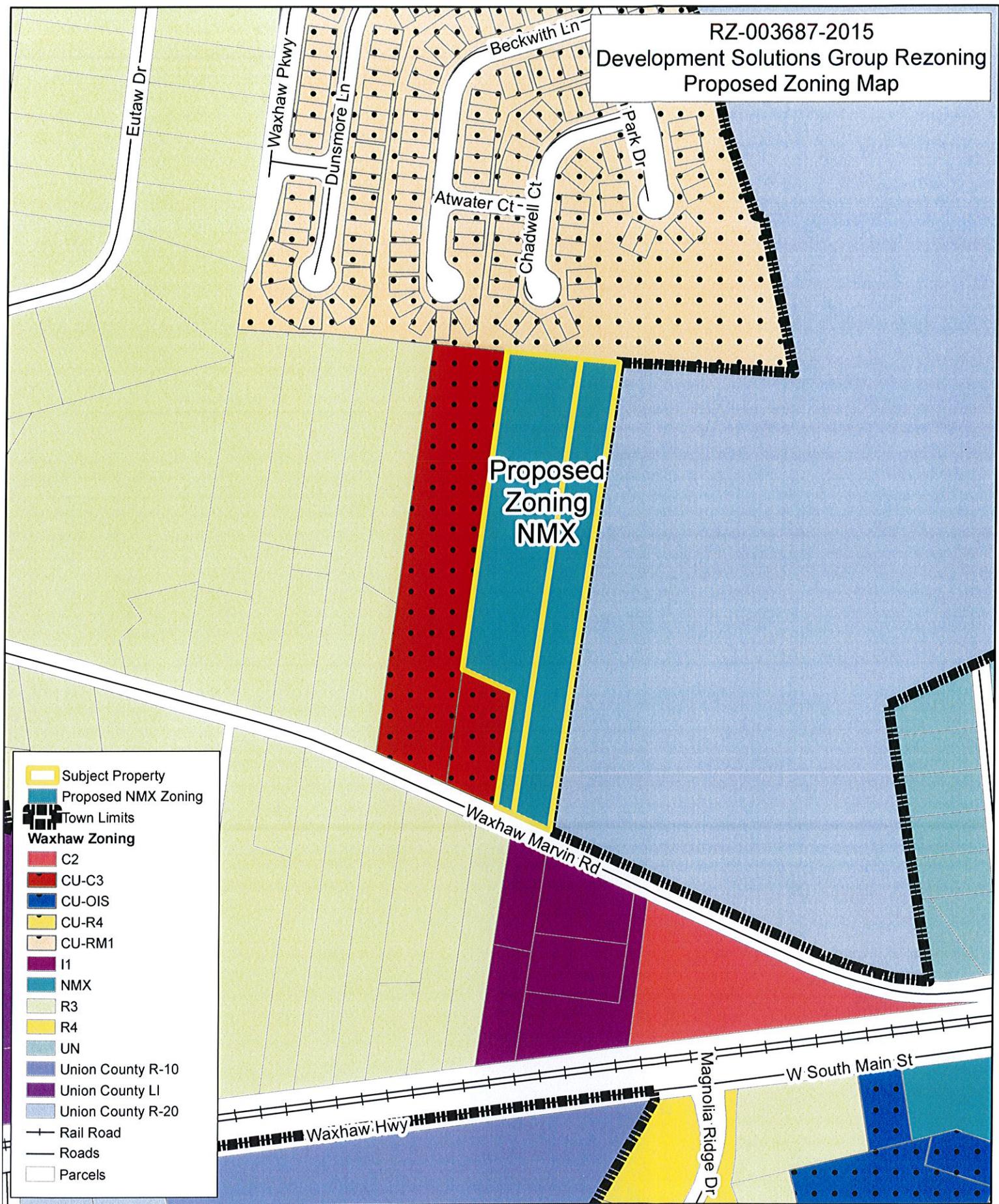
- Union County R-10
- Union County R-20
- Union County LI



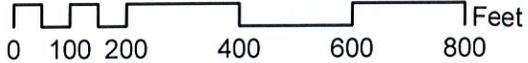
Data Source & Disclaimer
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RZ-003687-2015
 Development Solutions Group Rezoning
 Proposed Zoning Map



- Subject Property
- Proposed NMX Zoning
- Town Limits
- Waxhaw Zoning**
- C2
- CU-C3
- CU-OIS
- CU-R4
- CU-RM1
- I1
- NMX
- R3
- R4
- UN
- Union County R-10
- Union County LI
- Union County R-20
- Rail Road
- Roads
- Parcels



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 September 2015.



**Rezoning Petition RZ-003687-2015
Tanner Ridge LLC Property On Waxhaw-Marvin Road**

EXPLANATION OF THE REQUEST

Petition RZ-003687-2015 is a request by Development Solutions Group, on behalf of Tanner Ridge LLC, for a rezoning/map amendment on parcels 05138026 and 05138027 from CU-C3 (Conditional Use-General Commercial) to NMX (Neighborhood Mixed Use) located on Waxhaw-Marvin Road.

LOCATION AND CURRENT LAND USE

The properties are located to the west of downtown Waxhaw and have frontage on Waxhaw-Marvin Road. 5401 Waxhaw-Marvin Road, parcel 05138026, is developed with a single-family residence and accessory structures and parcel 05138027, located to the west, is undeveloped. The properties total 7.341 acres in size.

- Condition and land use of the surrounding properties. The adjoining properties are:
 - To the north – Harrison Park subdivision, zoned CU-RM1 (Conditional Use-Multi-Family Residential).
 - To the east – Undeveloped farm land located in Union County zoned R-20 (Single Family Residential).
 - To the south – An equipment rental business zoned I1 (Light Industrial) and undeveloped wooded land zoned R3 (Single Family Residential).
 - To the west – Two single family homes zoned CU-C3 (Conditional Use-General Commercial).

EXISTING ZONING & LAND USE

The subject properties are zoned CU-C3 (Conditional Use-General Commercial). Parcel 05138026 is developed with a single-family residence and accessory structures and parcel 05138027, located to the west, is undeveloped. The properties were rezoned to the current CU-C3 (Conditional Use-General Commercial) from R3 (Single Family Residential) on November 13, 2007. The conditional use plan approved at that time is no longer valid but would have permitted 37, 500 square feet of wholesale warehouse space divided among six buildings and 13, 605 square feet of office space divided among three buildings.

According to Section 4.1.4 of the UDO (Unified Development Ordinance):

“The purpose of the C-3, General Commercial District is to provide for the commercial use of land developed as an agglomeration of business activity sufficiently separated from residential zoning districts by either transitional zoning districts such as C-1, C-2 and /or OIS; or by sufficient buffering and screening measures. Commercial development should be compatible with arterial and collector street systems and

accessibility. The requirements of the C-3 zoning district should ensure the proper site development of commercial activities and should ensure the proper separation of commercial activities from residential zoning districts. Establishments developed under the C-3 classification are encouraged to promote the agglomeration of commercial activity and enhancement of strong business orientation within the C-3 zoning district. The outdoor overnight storage of plants, nursery items, building materials, and other bulk goods visible from any public street shall not be allowed in the C-3 district. No building used for retail purposes shall have a footprint that exceeds 62,500 square feet.”

2030 COMPREHENSIVE PLAN / FUTURE LAND USE MAP / DOWNTOWN NEIGHBORHOODS PLAN

The Future Land Use Map from the 2030 Comprehensive Plan shows the properties as Low-Density Residential which is described in the plan as follows:

“Low-Density Residential. These areas provide opportunities for more suburban style, lower density traditional neighborhood living. They include detached single-family residential uses which range in density from 0.5 dwelling units per acre to 3 dwelling units per acre. Other types of uses that may occur are schools and parks.

The Downtown Neighborhoods Plan, which was adopted on July 18, 2014, depicts a regulating plan that identifies these properties to be zoned NMX (Neighborhood Mixed Use) which is described in Section 4.1.17.B as:

“Neighborhood Mixed Use (NMX): The Neighborhood Mixed Use District consists of higher density, mixed use buildings that accommodate retail, offices, townhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.”

These properties were not included in the Downtown Waxhaw Vision Plan area of study as indicated on the application.

PLANNING STAFF ANALYSIS

The property is currently zoned CU-C3 (Conditional Use-General Commercial) and is adjacent to properties currently used for single-family residential purposes. R3 (Single Family Residential) and I1 (Light Industrial) zoning are across Waxhaw-Marvin Road respectively. The I1 zoned property is developed with an equipment rental business and the R3 zoned properties are either undeveloped or contain existing single-family uses.

The Future Land Use Map in the 2030 Comprehensive Plan calls for Low Density Residential. Low Density Residential provides opportunities for more suburban style, lower density traditional neighborhood living. They include detached single-family residential uses which range in density from 0.5 dwelling units per acre to 3 dwelling units per acre. Other types of uses that may occur are schools and parks.

The property is located in the Downtown Neighborhoods Plan area. The regulating plan contained in the Downtown Neighborhoods Plan depicts the property as NMX zoning and Section 9.2 “recommends augmenting the Downtown Code’s regulatory framework to fit the development goals for the Eastside, Hillcrest, and Waxhaw-Marvin neighborhoods as set forth in this plan.”

The requested rezoning is not in keeping with the 2030 Comprehensive Plan and Future Land Use Map. Also, the Downtown Neighborhoods Plan recommends NMX (Neighborhood Mixed Use) zoning once the Downtown Code’s regulations are augmented to fit the areas in the plan. At this time, the downtown code contained in Section 21 of the Unified Development Ordinance, has not been amended to address parcels located outside of the downtown boundary.

This rezoning is a general rezoning request to NMX (Neighborhood Mixed Use), and therefore, no conditions can be placed on the approval and any use allowed in NMX district could be placed on these parcels. A Zoning Table of Uses from Section 21 of the UDO is attached for your reference to see the uses that are allowed in the NMX zoning district.

PLANNING STAFF RECOMMENDATION

Staff does not recommend approval of the proposed rezoning RZ-003687-2015. Although the Downtown Neighborhoods Plan recommends NMX zoning for these parcels it is not recommended that the zoning of the areas in the Downtown Neighborhoods Plan be done in a piecemeal manner. As mentioned above, Section 9.2 of the Downtown Neighborhoods Plan indicates “This plan recommends augmenting the Downtown Code’s regulatory framework to fit the development goals for the Eastside, Hillcrest and Waxhaw-Marvin neighborhoods...” Staff recommends that the Town review the current downtown zoning districts to ensure they do not need to be revised to make them appropriate for the downtown neighborhoods and then rezone each neighborhood as a whole, as was done with the Downtown Vision Plan for the downtown area. In addition, the Town will be completing the rewrite of the Comprehensive Plan and it is encouraged that the recommendations of this document be taken into account prior to rezoning the downtown neighborhoods.

Also, staff believes that this request may constitute a spot zoning. Spot zoning occurs when a small area is rezoned significantly different from the surrounding area when it may not be compatible with either the surrounding uses or the comprehensive plan.

STATEMENT OF REASONABLENESS AND CONSISTENCY

The proposed zoning of these parcels appears to not be reasonable at this time. It also may be inconsistent with the future planning goals of the Town of Waxhaw based on the findings of the future land use map being developed in conjunction with the Comprehensive Plan and the associated Future Land Use map.

Submitted By: Chris Rice

21 | Downtown Code

Use or Function						
21.3.1.C. Office/Service	UN	NMX	MS	TC	OS	Supplemental Regulations
Dry Cleaning & Laundry Services	—	—	X	X	—	
Funeral Homes	—	—	—	—	—	
General Office (includes Professional Services)	—	XS	X	X	—	21.3.2.K.3
Home Occupation	XS	XS	XS	XS	—	21.3.2.C.2
Medical Services (e.g. doctor's office, clinic)	—	XS	X	X	—	21.3.2.K.3
Personal Care Services	—	XS	X	X	—	21.3.2.K.3
Personal Services, Restricted	—	—	—	—	—	
Postal Store and Contract Station	—	XS	X	X	—	21.3.2.K.3
Small Equipment Repair/Rental	—	—	X	X	—	
Veterinary Services	—	—	—	X	—	
21.3.1.D. Commercial/Entertainment	UN	NMX	MS	TC	OS	Supplemental Regulations
ABC Store (Alcoholic Beverage Sales Store)	—	—	—	X	—	
Adult Establishment	—	—	—	—	—	
Amusements, Indoor	—	—	—	X	—	
Amusements, Outdoor	—	—	—	—	CUP	
Event Center	—	—	X	X	—	21.3.2.D.1
General Commercial – Under 10,000 s.f.	—	XS	X	X	—	21.3.2.K.3
General Commercial – Use between 10,000 s.f. – 25,000 s.f.	—	—	X	X	—	
General Commercial – Use Greater than 25,000 sf	—	—	—	XS	—	21.3.2.D.2
Lounge / Bar/Tavern/Night Club	—	—	X	X	—	
Outside Sales (Accessory)	—	XS	XS	XS	—	21.3.2.D.3
Pawn Shop	—	—	—	—	—	
Racetrack	—	—	—	—	—	
Restaurant	—	XS	X	X	—	21.3.2.D.4
Theater, Indoor Movie or Live Performance	—	XS	X	X	—	21.3.2.K.3
Theater, Outdoor	XS	XS	—	—	CUP	21.3.2.D.5
<i>X = Permitted Use XS = Permitted with Supplemental Regulations CUP = Conditional Use Permit — = Prohibited</i>						

21.3.1.E. Civic	UN	NMX	MS	TC	OS	Supplemental Regulations
Cemetery	CUP	—	—	—	—	
Conference/Convention Center**	—	—	—	X	—	
Cultural or Community Facility**	—	X	X	X	CUP	
Government Offices* *	—	X	X	X	—	
Meeting Facilities	—	X	X	X	—	
Recreation Facilities, Indoor	—	X	X	X	CUP	
Recreation Facilities, Outdoor	—	X	X	X	CUP	
21.3.1.F. Educational/Institutional	UN	NMX	MS	TC	OS	Supplemental Regulations
Church/House of Worship	X	X	XS	XS	—	21.3.2.F.1
College/University	—	CUP	CUP	CUP	—	
Correctional Institution	—	—	—	—	—	
Day Care Center in Single Family Structure and up to 8 Children/Persons	X	X	X	X	—	21.3.2.F.2
Day Care Center in Single Family Structure from 9 to 12 Children/Persons	X	X	X	X	—	21.3.2.F.3
Day Care Center	—	XS	X	X	—	21.3.2.K.3
Halfway Homes	—	—	—	—	—	
Hospital	—	—	—	—	—	
School, Elementary and Secondary	CUP	CUP	CUP	CUP	—	21.3.2.F.2
School, Vocational	XS	XS	XS	XS	—	21.3.2.F.3
Stadium	—	—	—	—	—	
Studio –Dance, martial arts, music	—	XS	X	X	—	21.3.2.K.3
21.3.1.G. Automotive	UN	NMX	MS	TC	OS	Supplemental Regulations
Automobile Service Station/Gas Station	—	—	—	CUP	—	21.3.2.G.1
Drive-Thru/Drive-In Facility – Food	—	—	—	—	—	
Drive-Thru/Drive-In Facility - Other	—	—	—	CUP	—	21.3.2.G.2
Parking Lot/Structure –Principal Use	—	—	CUP	CUP	—	21.3.2.G.3
Parking Structure – Accessory Use	—	—	XS	XS	—	21.3.2.G.3
Theater, Outdoor Movie / Theater, Drive-In	—	—	—	—	—	
Vehicle Rental/Leasing/Sales	—	—	—	XS	—	21.3.2.G.4
Vehicle Services – Major Repair/Body Work	—	—	—	—	—	
Vehicle Services – Minor Maintenance/Repair	—	—	—	XS	—	21.3.2.G.5

21 | Downtown Code

X = Permitted Use XS = Permitted with Supplemental Regulations CUP = Conditional Use Permit — = Prohibited

21.3.1.H. Industry/Wholesale/Storage	UN	NMX	MS	TC	OS	Supplemental Regulations
Artist Studio and Related Workshops	XS	X	X	X	—	21.3.2.H.1
Light Manufacturing Workshops	—	XS	X	X	—	21.3.2.H.2
Heavy Equipment/Manufactured Home Rental/Sales	—	—	—	—	—	
Industry, Heavy	—	—	—	—	—	
Industry, Light	—	—	X	X	—	
Materials Recovery & Waste Transfer Facilities	—	—	—	—	—	
Recycling Deposit Station (Principal Use) / Recycling Collection Stations	—	—	—	—	—	
Research and Development Facilities	—	XS	X	X	—	21.3.2.K.3
Storage – Outdoor Storage Yard	—	—	—	—	—	
Storage – Self-Service	—	—	—	—	—	
Wholesaling and Distribution	—	—	—	—	—	
21.3.1.I. Agriculture	UN	NMX	MS	TC	OS	Supplemental Regulations
Community Garden	XS	XS	—	—	XS	21.3.2.I.1
Animal Kennel	—	—	—	—	—	
Farmers' Market	XS	XS	XS	XS	—	21.3.2.I.2
Nursery / Nurseries & Garden Centers	—	—	—	X	—	
Produce Stand	XS	XS	XS	XS	—	21.3.2.I.3
21.3.1.J. Infrastructure	UN	NMX	MS	TC	OS	Supplemental Regulations
Telecommunications Tower	CUP	CUP	CUP	CUP	—	
Utilities – Class 1	X	X	—	X	—	
Utilities – Class 2	—	X	—	X	—	
Utilities – Class 3	—	—	—	—	—	
21.3.1.K. Other	UN	NMX	MS	TC	OS	Supplemental Regulations
Temporary Uses	XS	XS	XS	XS	—	21.3.2.K.1
Accessory Buildings	XS	XS	XS	XS	—	21.3.2.K.2

X = Permitted Use XS = Permitted with Supplemental Regulations CUP = Conditional Use Permit — = Prohibited



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
 August 31, 2105
 Received By
 Chris Rice
 Fee
 N/A

TEXT AMENDMENT APPLICATION

Date of Application: August 31, 2015 Application Number: TA-003717-2015
(completed by staff)

Applicant Information

Applicant Name: Town of Waxhaw
 Applicant Address: PO Box 617, Waxhaw, NC 28173
 Applicant Email Address: crice@waxhaw.com
 Applicant Telephone: 704-843-2195

Type of Change: New Addition _____ or Revision X

Ordinance Section: 21.7.3.A of the Unified Development Ordinance

Current Text: See Attachment

Proposed Text: See Attachment

Reason for requested change (attach additional sheets if necessary): Revising the maximum parking requirements in the downtown area by adding a requirement for food and beverage establishments.

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

Chris Rice
 Signature of Applicant

8/31/15
 Date

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

Loni Oakley
(Signature of Zoning Administrator)

8-31-15
(Date)

TO BE FILLED OUT BY ZONING ADMINISTRATOR

Completed application submitted on: 8/31/15

Reviewed by Planning Board on: 9/21/15

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: _____
(Name of Newspaper)

Date(s) Notices Published: _____

Text Amendment TA-003717-2015
Revisions to Section 21.7.3.A Maximum Parking Requirements (all districts)

EXPLANATION OF THE REQUEST

Petition TA-00717-2015 is a request by staff to amend Section 21.7.3.A of the Waxhaw Unified Development Ordinance to revise the maximum parking requirements in the downtown area by adding food and beverage establishments.

REQUESTED UDO CHANGES

Section 21.7.3.A Maximum Parking Requirements (all districts) – See attached language

PLANNING STAFF ANALYSIS

Currently Section 21 of Unified Development Ordinance does not provide parking requirements for food and beverage establishments in the downtown area. This amendment will provide the maximum requirements allowed for such uses within the downtown area. It will allow food and beverage establishments to provide onsite parking in a sufficient amount to provide parking for patrons without creating large parking lots or impeding on surrounding uses. One (1) space per three (3) seats is similar to other towns throughout region. (See attached comparison) All parking must still meet the locational and screening requirements found in Section 21.

PLANNING STAFF RECOMMENDATION

Planning Staff recommends approval of TA-00717-2015. Staff believes the revision will allow food and beverage establishments to provide sufficient onsite parking while still adhering to the intent of the downtown code.

Submitted by: Chris Rice

Use	UN	NMX	MS	TC
Lodging	1.5/bedroom			
Multifamily	1.5/bedroom			
Office/Service Educational/Institutional Automotive Industrial/Wholesale/Storage	3/1,000 sq. ft.	4/1,000 sq. ft.	3/1,000 sq. ft.	3/1,000 sq. ft.
Commercial/Entertainment	n/a	4/1,000 sq. ft.		
Civic	4/1,000 sq. ft.			
Food and Beverage Establishments	1 per 3 seats			

21.7.3.B Parking Design and Location

1. Design shall follow the standards of Section 12.6 (Dimensional Requirements for Parking Spaces, Aisles, and Driveways.)
2. **Parking Area Access:**
 - a. UN District - Access to off-street parking areas (open lots, car ports, and garages) is not permitted from the principal frontage for any detached house on a lot less than 60 feet wide or on any attached building, with the exception of mid-block lots that do not have access to an alley or side street. Access must be provided using a rear lane, rear alley or secondary frontage. All corner lots, regardless of lot size, must access parking areas from a rear lane, alley, minor street or secondary frontage.
 - b. NMX, MS and TC Districts – Parking must be accessed from a rear alley, secondary frontage, minor street or driveway per Section 21.7 – 3.D., with the exception of mid-block lots that do not have access to an alley or side street.

Parking Space Comparison for Restaurants

Mineral Springs, NC	One (1) space for each employee during the shift of greatest employment plus one (1) space for each three (3) seats.
Cornelius, NC	1 per 3 seats
Holly Springs, NC	One (1) parking space peach three (3) customer seats plus one (1) parking space per employee on the largest shift (maximum of five (5) spaces required).
Belmont, NC	1 per 4 seats
Fort Mill, SC	1 per 3 persons of maximum fire rated capacity

**Minutes of the Waxhaw Planning Board
Town of Waxhaw, NC
August 4, 2015**

The Waxhaw Planning Board met in a special work session Monday, August 4, 2015 at 6:30 p.m. at the Waxhaw Police Department Community Room.

Special Work Session

1. Call to Order

Chairman Burrell 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: Chairman Burrell, Vice-Chairman Kreimer, Bob Morgan, Dan Gingrich, Thomas Dwyer, James Mathieson, Staff Oakley, Staff McCarter, Staff Rice, and Recording Secretary Oliver.

Absent: David Godfrey and Gary Underwood

Others Present: Commissioner Maher, Commissioner Stewart, and Town Manager Wood.

3. Work Session Items

A. BOC update on reorganization of boards and committees

Commissioner Maher stated that at the last Board of Commissioners meeting a schedule was laid out for the restructuring of the town boards and committees. He stated that through new communication and outreach efforts the town has received 47 applications for the various boards and committees. He stated that at the next Board of Commissioners meeting that they are scheduled to appoint the Planning Board and Parks and Recreation Committee members. Commissioner Maher stated that the Board of Commissioners is working on orientation packets for all boards and committees that contain expectations, goals, code of conduct, and bylaws. He stated that each board and committee will be assigned a town staff liaison.

Commissioner Maher stated that biggest project that the Planning Board is working on is the Unified Development Ordinance rewrite. He stated that he knows the UDO is a point of contention for the town. He stated that while the Planning Board is going through the board and committee restructuring that he wants the Planning Board to continue to work on the UDO update and if more time is necessary that it is understandable and more time can be provided.

B. Review RFP's (Request for Proposal's) submitted by consulting firms for the rewrite of the Waxhaw Unified Development Ordinance

Chairman Burrell stated that the discussion should be informal and that questions that came up at the last meeting should be talked through. He pointed out that Dan Gingrich asked if some categories should be given more weight than others when scoring the consulting firms. He stated that he felt staff had already weighted some categories.

Chairman Burrell asked if everyone had a chance to look through the sample ordinances provided by the firms. Thomas Dwyer stated that interpreting codes is not his area of expertise and that he will look to staff for their recommendations.

Dan Gingrich stated that he looked at the sample codes and came up with the same top three firms as staff but in a different order.

James Mathieson stated that the way he went about judging the proposals was by ignoring staff's recommendations and scoring them himself. He stated that he came up with same top three proposals as staff in different order.

Chairman Burrell stated that he read the code examples of staff's top three proposals. He stated that he read the Bluffton, South Carolina code written by LSL after a recommendation that Bluffton had one of the best ordinances in the Carolinas. He stated that he talked with an assistant town manager in Bluffton and he stated that LSL will not give a town an off-the-shelf code so the town has to work hard to come up with a code that will work for your town. He stated that some things that are included in other codes were not in Bluffton code and could be added to the Waxhaw ordinance. He gave an example of the Huntersville ordinance and their campus zoning district.

James Mathieson stated that Huntersville has one of the better ordinances right now and really focuses on growth management.

Vice-Chairman Kreimer stated that he had three questions. He asked about the difference between form based codes; use based codes, and traditional codes. He asked if all the references have been checked. He asked about some of the companies hiring subcontractors and he stated he felt that hiring a firm with a very experienced lead is important. Staff McCarter stated that she would start with the third question. She stated that Stewart met all the criteria but the project lead had little code writing experience. Staff Oakley stated that it is common for contractors to team up to work on projects and that the firm currently working on the comprehensive plan hired a subcontractor to assist.

Bob Morgan stated that Stewart seemed to have strength in the area of parks and recreation but little experience with writing a UDO. He stated that he feels Stewart should be eliminated from being one of the top three candidates because they do not have enough experience.

Staff McCarter stated she would move on to the second question about the references. She stated that staff contacted the references and she stated that some of the answers were surprising. She stated that some of the firms were off budget and off timeline. She stated that Studio Cascade, N-Focus, and CodeWright had weaker than other references but she stated that she does not want to reveal who specifically staff contacted.

Staff McCarter moved on to Vice-Chairman Kreimer's first question about the different types of codes. She stated that form based codes put an emphasis on design, they regulate the height, bulk, and relationship to street but put little emphasis on the type of use. She stated that a use based code is also referred to as a traditional or Euclidian code and they focus more on the type of use and the separation of different types of uses. She stated that a hybrid code would be a mix of form based and traditional. Staff McCarter stated that it could be argued that the current UDO is a hybrid because it has traditional elements as well as the downtown code section that is a form based code. She stated that for example the consultant might find that it would be good to leave existing neighborhoods regulated by a traditional code and use a form based code for the downtown, commercial, and mixed use areas where more uses and flexibility are desired.

Thomas Dwyer asked if a hybrid code could be used more efficiently than our current code. Staff McCarter stated that staff would rely on the consultant's expertise. Chairman Burrell stated that our ordinance has evolved over the past few years. Staff McCarter stated that even if a hybrid was proposed the town would look for one that is much more streamlined.

Dan Gingrich asked about major difference in residential use regulations between form based and traditional ordinances. Staff Oakley stated the differences between traditional and formed based codes will not be as drastic in residential uses. She stated that the form based code may have more clustering options than the traditional code, for example.

Chairman Burrell stated that the town can have the consultant structure a code the way the town would like to see.

Chairman Burrell stated that the Planning Board is probably ready to pick the top three firms and that they most come up with questions for interview.

C. Selection of the top three candidates for interviews

Chairman Burrell stated that he would be happy to interview the three firms that staff picked.

Bob Morgan stated that the location of firms should be a priority because they will charge for the travel expenses. He stated that he would like to use a local firm, if possible. He stated LSL was his top pick and he liked the online interactive aspect of their code. He stated that he already expressed his concerns with Stewart and he was concerned that the other firms were too far away.

Staff Oakley stated that all the consultants that the town has worked with in the past have been local. She stated that all the firms have allocated travel expenses in their budget from the beginning.

Chairman Burrell stated that Fort Mill, South Carolina has been working with LSL's office out of Michigan.

Dan Gingrich stated that if a firm could not come up with five great references then that is a big red flag for him.

Thomas Dwyer stated that PlaceMaker's 9 month time frame seemed short and was concerned that it would not be enough time. Staff Oakley stated that 9 months could be enough time but felt that the time frame would probably be extended.

Staff McCarter stated that PlaceMakers proposed to combine several meetings together, probably in an effort to save money. She stated that breaking the meetings out to separate dates would probably add more cost. Staff Oakley stated that the comprehensive plan consultants intended to stick to the original schedule but the town asked them to extend the schedule. Chairman Burrell stated that town will remain flexible and add more meetings and time as needed.

Chairman Burrell stated that he can tell from the discussion tonight that the Planning Board will have great questions for the interviews.

Chairman Burrell asked if the Planning Board needs to interview three firms, or would just two be enough. James Mathieson stated that the Planning Board should interview three firms because he feels that they should not limit their options or leave out a potential good consultant.

Dan Gingrich, Thomas Dwyer, Vice-Chairman Kreimer agreed that the Planning Board should interview three firms. Bob Morgan thought that two would suffice but was open to three.

There was a consensus that the top three scoring firms should be interviewed. James Mathieson stated that he is concerned about the bad references. Staff Oakley stated that the bad reference could be explained as having under bid the project and that it was probably a learning experience.

Chairman Burrell stated that the Planning Board would interview the top three scoring firms and now they must schedule the interviews. He stated that the top three are LSL Planning, PlaceMakers, and StudioCascade.

Bob Morgan stated that it is very important that staff likes the new ordinance. Staff Oakley stated that ease of use is important and if the public can easily use it that it makes everything easier.

Bob Morgan asked if the form based code would leave decisions about allowed uses up to staff or if they would have to come to the Board of Commissioners. Staff McCarter stated that the categories are much broader and the staff would make judgment calls but rezonings would still come through Planning Board and the Board of Commissioners for approval.

Chairman Burrell stated that the new code should take the uncertainty away from the development process.

Dan Gingrich stated that part of the problem is that the town is not sure what they want to see and do not lay out goals and expectations clearly. Chairman Burrell stated that the Board of Commissioners is working on a framework to make those decisions. He stated that the comprehensive plan that is in the works will also help.

There was a discussion about the Prescott commercial property.

Dan Gingrich asked if the type of zoning will stay the same under a new ordinance. Staff McCarter stated that the consultant will make rezoning decisions with the aid of the regulating plan that will be included in the comprehensive plan.

Staff Oakley asked if the same format as the comprehensive plan consultant interviews would work for the upcoming interview. Chairman Burrell stated that there should be more time between interviews but the basic format should work.

There was a discussion of the logistics of conducting the interviews. Chairman Burrell stated that he felt the interviews should be conducted in August.

4. Adjournment

Vice-Chairman Kreimer motioned to adjourn the meeting at 7:36 p.m. Thomas Dwyer seconded. The motion passed unanimously, (6-0).

The meeting adjourned at 7:36 p.m.

Respectfully Submitted,

Chairman, Fred Burrell

Recording Secretary, Maxx Oliver

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