

Minutes
Morganton Planning & Zoning
February 27th, 2014

Members Present:

Hank Dickens, Chairman
Bill Lennon
Rick Lingerfelt
Waits Gordon
Claude Huffman
Judy Francis
Pete Wallace
David Kirk
Don Smith

Members Absent:

Kim Woolard
Vacancy (ETJ)

Also present from the City staff were Lee Anderson, Director Development Design Services; and Jackie Cain, Administrative Assistant.

I. OLD BUSINESS:

Item 1: Review and approval of the January 9th, 2014 minutes.

Mr. Dickens stated a copy of the minutes had been provided. Mr. Dickens stated seeing no corrections or comments from commission the minutes would be approved as submitted (9-0).

Item 2: Review of City Council action since last meeting.

Mr. Anderson stated City Council met in January and approved a request to rezone approximately 0.42 acres of property located at 607 Valdese Avenue from Residential High Single Family (RH-S) to Residential High (RH) submitted by Jim Yamin. Mr. Anderson stated Mr. Yamin is continuing the process for development of this project.

Mr. Anderson stated that staff had met with City Council in January for their annual Council retreat. He stated he had updated council on the ongoing progress of the New Zoning Ordinance. He stated the upcoming City Pride newsletter would include a brief overview of the New Zoning Ordinance for Morganton citizens.

II. APPEARANCES:

Mr. Dickens stated this time is set-aside for individuals to come before the planning board to express any planning related concerns to the planning board.

None.

II. NEW BUSINESS:

Item1: Consideration to rezone approximately 0.77 acres of property located at 707 N. Green Street from Residential Medium (RM) to Neighborhood Business Conditional Use (NB-CU) submitted by CMTT Properties.

Mr. Dickens asked Mr. Anderson to review the rezoning request for commission members.

Mr. Anderson stated this property is presently zoned Residential Medium (RM). RM districts permit single family and multi-family uses up to 7.5 dwelling units per acre. The minimum lot size in RM zones is 9,000 s.f. RM districts also permit: Daycares, Home Occupations, Bed and Breakfast and Boarding Houses under special requirements.

He stated the requested zoning is to Neighborhood Business Conditional Use (NB-CU) for the purpose of utilizing the existing home for a professional office. Traditional NB districts permit a wide variety of residential uses up to 13.5 du/acre and a broad number of small business uses under restricted hours of operations and other limiting requirements. The application for Conditional Use Zoning would further limit the uses allowed under NB upon conditions mutually agreed upon by the owner.

Mr. Anderson stated the property access is from N. Green Street which is a five lane Major Thoroughfare carrying approx. 13,000 Average Daily Trips. This is well under the current 20,000 capacity of the roadway and approximately 10% less than it carried 20 years ago. The subject property has an existing residential drive entrance located near the taper end of a center turn lane. The staff anticipates a greater risk of left in and left out accidents if a commercial use is allowed. The current driveway would not allow appropriate distance to slow down and turn into the driveway. Center turn tapers should generally allow at least 150 feet of speed transition distance for a safe turning movement to take place.

Mr. Anderson stated the property has access to an eight (8) inch City water line located within N Green Street. This line is adequate to serve the office use proposed.

Mr. Anderson stated the property has access to an eight (8) inch City sewer line along the eastern property line and also the street. This line is adequate to serve the proposed use.

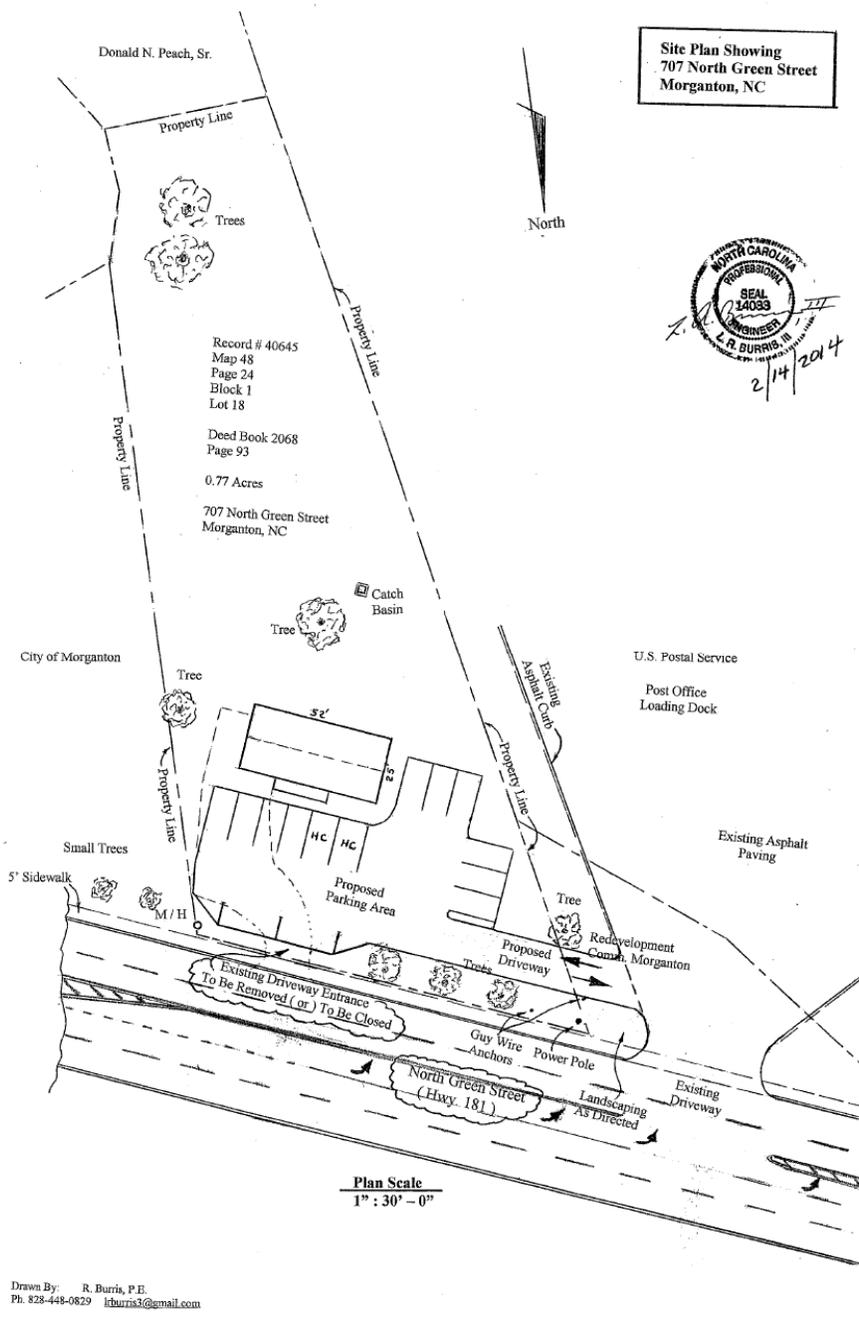
Mr. Anderson stated the City's Mission 2030 Land Development Plan indicates the N. Green Street Corridor should remain primarily low density use, therefore the request would not follow planned land use.

Mr. Anderson explained the subject property adjoins the US Postal Service which is zoned NB immediately to the west. This subject property is relatively small and is the only residential lot currently accessing directly onto N. Green between the Post office and the Senior Center. The property also adjoins Rink Street along its southern property line, but this access point is not presently used. Rezoning the subject property to NB zoning could destabilize the current zoning boundary and encourage similar rezoning requests easterly along Green St.; however, the conditions agreed to does offer a method to help prevent this from occurring.

This request would not constitute spot zoning since the adjacent property to the west is zoned for NB use.

Mr. Anderson stated the primary impact to the surrounding land uses will be potential reduction of residential character in the adjoining neighborhood unless adequate conditions can be agreed upon to reduce potential adverse impacts.

Mr. Anderson stated the North Green Street Corridor has historically contained a mixture of single family, multi-family, office and commercial uses throughout its length. There is a small amount of vacant land to the immediate east that is owned by the City. The adjoining residential neighborhoods are stable and occupied. This particular property is a transition property due to the house positioning on the lot. Conditional zoning could work very well if the property is restricted to prevent adverse conditions from occurring. The applicant has agreed to the conditions listed below. The staff would recommend approval of this rezoning based on the site plan and conditions agreed to below.



- CMTT Properties, LLC desires to have the use for 707 N Green St changed to NB-CU.

- The desired CU will be for Real Estate related uses. These uses would be limited to normal business practices of listing homes for sale, meeting with potential buyer clients and collecting rents for managed properties.

- The property would be subject to all restrictions under NB uses as placed by City.

- Business will have normal operating hours from 8am- 5pm.

- The footprint of the structure would not change unless permitted by the City in the future. Only the interior will change to better accommodate office space.

- CMTT Properties will make additional parking for customers as drawn by engineer Ray Burris, (Originals will be brought by your office to your attention). Owner will attempt to leave as much landscape undisturbed as possible to make for good curb appeal.

Mr. Anderson stated a creating a drive entrance as shown on the drawing. He stated a cross easement through the City of Morganton property on the eastern side of the property could be given for the newly created drive entrance. Mr. Anderson explained this would create a safer entrance. Mr. Anderson stated the applicant has agreed that the footprint of the structure would not change and there are no planned additions to the structure, i.e. storage buildings etc. Mr. Anderson added the applicant had stated the use would be professional office use only.

Mr. Dickens asked if there were questions for Mr. Anderson.

Ms. Francis stated she felt it was necessary for the construction of a new drive entrance and expressed her concern if City Council was not supportive of Planning Commission's recommendations.

Dr. Kirk questioned the sign options for the location.

Mr. Anderson stated lower profile signage would be recommended.

Dr. Kirk asked if you could put conditions upon the signage.

Mr. Anderson stated yes.

Mr. Truitt, 1961 Spainhour Road, CMTT Properties stated he had planned on using a low profile sign which is 4 x 4 and being designed by Action Sign Company. He stated there would be low shrubs and landscaping added around the location of the sign.

Mr. Dickens questioned lighting that would be used.

Mr. Truitt stated a low voltage lighting.

Mr. Dickens opened public hearing.

Mr. Truitt had already answered questions for staff.

Mr. Dickens asked if there was opposition to the request.

None.

Mr. Dickens closed public hearing.

Mr. Huffman made a motion to rezone approximately 0.77 acres of property located at 707 N. Green Street from Residential Medium (RM) to Neighborhood Business Conditional Use (NB-CU) submitted by CMTT Properties with the following conditions:

1. The property would be subject to all restrictions under NB uses as placed by City.
2. The footprint of the structure would not change unless permitted by the City in the future. Only the interior will change to better accommodate office space.
3. Low Profile sign with landscaping.
4. Low voltage lighting for the site.
5. Drive entrance created to the East, across City of Morganton property.

The motion was seconded by Ms. Francis and passed unanimously (9-0).

Mr. Anderson stated City Council would meet on April 7th, 2014 at 6 p.m. to review the recommendation and hold a public hearing for this item.

IV. OTHER ITEMS OF DISCUSSION

None

V. ADJOURN

6:00 p.m.

Next Regular Meeting: Thursday, March 13th, 2014 at 5:15 PM