

Minutes
Morganton Planning & Zoning
January 10, 2013

Members Present:

Hank Dickens, Chairman
Tate Ervin
David Ferber
Bill Lennon
Charlie Sasser
Waits Gordon

Members Absent:

Marc Sholar, Vice Chairman
Don Smith
Jimmy Kirksey
Otto Woerner
Claude Huffman

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

I. OLD BUSINESS:

Item 1: Review and approval of the October 11th, 2012 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 (6-0).

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

Mr. Anderson stated City Council met in November and approved rezone 0.67 acres of property located at 504 East Union Street from General Business (GB) to Office and Institutional (OI) submitted by Foothills Services, Inc. He stated

Mr. Anderson added that City Council also approved the amendment to ordinance Section 9-4008 of the Zoning Ordinance of the City of Morganton to eliminate the resident owner criteria within accessory apartments in association with single family dwellings.

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

III. NEW BUSINESS:

Item1: Consideration to rezone 2.42 acres of property located at 618 East Meeting Street from General Business (GB) to Light Industrial (LI) submitted by Harold Best (Foothills Fabricators).

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

Mr. Anderson stated the property has been zoned for General Business (GB) purposes since 1985. GB districts permits a wide variety of commercial, service and light warehousing uses. The district also permits single family and multifamily uses. GB districts are normally found along major roadway corridors where adverse impacts are minimized to adjoining property uses.

This request would change the zoning to a Light Industrial (LI) classification. LI districts are intended to allow a wide variety of manufacturing, fabrication, assembly and warehousing uses along with wholesale trade. Large setbacks are imposed in this district due to the wide range of uses permitted. Many of these uses can adversely affect surrounding areas due to noise, hours of operation, vehicular movements, lighting, unsightly material storage, etc. These districts are generally found away from residential areas.

Mr. Anderson stated the property is accessed from East Meeting Street, which is a two lane major thoroughfare maintained by NCDOT. The roadway carries approximately 3400 vehicles per day based on 2011 counts. The current capacity of this roadway is 14,000 ADT which is well above current usage. There are currently no plans to alter this roadway however the installation of bike lanes is recommended by the Mission 2030 Plan when restriping occurs.

Mr. Anderson explained a 12 inch City water line is located along the opposite side of East Meeting Street. This 12 inch line is adequate to serve an LI use at this location. He added that an 8 inch City sewer line is located along within East Meeting Street. This 8 inch vitrified clay line is need of replacement however it is currently sized adequately to service a dry industrial user at this location. Line capacity would not support a wet industry at this location.

Mr. Anderson reviewed the Mission 2030 Plan. He stated the plan proposes this area of town to remain a combination of commercial and residential use. New LI requests were not anticipated along Meeting Street although the previous Bergelin Furniture was recently reoccupied with an LI use.

Mr. Anderson stated this area continues to be an area of transition. This is the third rezoning requests in less than 12 months within the area. Much of this is due to the types of buildings in the area and mixture of uses already present in the area. This LI request could generate similar request; however very few of the adjacent properties are very large or suited for LI use.

He added that the request would not constitute spot zoning since it is adjacent to an existing LI district. This property was zoned for industrial purposes in the 70's and early 80's and much of the housing grew up around the industry in the area. A low impact industrial use should not adversely affect livability in this area; however this request is not presently a conditional use request; therefore, restrictions on adverse conditions may be limited.

Mr. Anderson stated this applicant has made a traditional LI rezoning request rather than a conditional use type request. Traditional Light Industrial zones allow many uses that can adversely impact surrounding residential areas; however, not all LI uses carry the

same negative impacts. This property is uniquely situated on a relatively small site compared to most LI type uses. Typically LI uses sit on large tracts of land located away from residential uses. The staff acknowledges that finding reuses for existing large buildings can be a difficult task especially in today's economy and if large vacant buildings sit vacant for an extended period of time, this can also adversely impact the adjoining residential areas. This request really better suited as a Conditional Use rezoning rather than a traditional rezoning. If the applicant was willing to accept certain conditions to help protect the adjoining residential area the staff would support this rezoning. The staff would recommend conditions that would prohibit large quantities of hazardous storage, limitations on outside storage, and limitations on outside manufacturing activities, limitations on outside equipment such as compressors and loud speakers, and finally limitations on any use that would require State Air Quality Permits for emissions such as paints, varnishes, or dust collection systems.

Mr. Dickens asks commission if they have questions for Mr. Anderson.

Mr. Gordon questioned if the old Bereglin plant was traditional or conditional use zoned.

Mr. Anderson stated it was traditional and was currently occupied by a foam fabrication business.

Mr. Lennon commented that the property in question for rezoning was at one time the old diary bar and the main area was the machinery area.

Mr. Sasser questioned if the industrial use would be dry or wet use.

Mr. Anderson stated dry.

Mr. Ervin questioned if the board needed to deny the request and have the applicant reapply as a conditional use permit request.

Mr. Anderson stated he spoke with City of Morganton attorney, Louis Vinay, and adding conditions to the request is more restrictive than it was advertised, so adding conditions meets requirements of public hearing.

Mr. Ferber questions if there were lighting limitations and also questions work production schedules.

Mr. Anderson stated all of these questions are valid and should be addressed to the owner of the location. He stated the conditions can be refused by the owner if they don't meet his manufacturing plan. Mr. Anderson stated he had met with the owners earlier in the week and provided them with a table of permitted use. He stated they had highlighted the uses they were comfortable with and thought would fit the location.

Mr. Ervin questioned screening of the property. He stated the south property line currently had some vegetation and suggested that those would remain or perhaps additional trees be added as a buffer.

Mr. Dickens questioned if parking was available.

Mr. Anderson stated parking spacing was based on the number of employees and there should be adequate parking.

Mr. Dickens opened public hearing.

Mr. Harold Best, stated his company Foothills Fabricators had option to purchase the property located at 618 East Meeting Street. He stated he was a small company with only 6 employees. He explained that his company works with steel, so the materials would be stored indoors and all manufacturing would be done indoors also.

Mr. Dickens asked his hours of operation.

Mr. Best stated there would not be a third shift operation. He stated typically the hours of operation would be 8 till 6 and no Saturday work. He stated there may be an occasion which he and his wife would be at the location late at night getting an order ready. He explained that this would not be typical and all work would be confined to the interior of the building site.

Mr. Ervin questioned the noise level.

Mr. Best stated that the noise was minimal...and the machinery used was lathes which generated low noise levels. He added that with the doors of the building closed that the machinery would not be heard.

Mr. Lennon questioned deliveries.

Mr. Best stated that a 20 foot truck was used for delivery of the steel and that he used his personal truck for delivery of the finished product.

Mr. Lennon questioned the size of the building and if his company would occupy the entire space.

Mr. Best stated the building was approximately 26,000 square feet and he would occupy 7,000-8,000 square feet. He stated they plan on leasing out the additional space to Rexel Electric. He emphasized to the board that hours of operation for the tenants would be limited to first shift.

Mr. Gordon stated he understood Mr. Best to be willing to accept conditions upon the property and for the conditions to apply to the tenants.

Mr. Best stated he was comfortable with conditional use.

Mr. Sasser stated he disagreed with limiting the owner's hours of operation. He stated that a new business needed flexible hours in order to get the "order out the door".

Mr. Dickens asked if anyone had opposition to the item.

None.

Mr. Dickens called for question or comments.

Commission members discussed conditions.

Mr. Sasser made a motion to rezone 2.42 acres of property located at 618 East Meeting Street from General Business (GB) to Light Industrial (LI) with conditions submitted by Harold Best (Foothills Fabricators) seconded by Mr. Gordon and passed unanimously (6-0).

Mr. Anderson stated the following items were discussed by commission and would be conditions which the owner would agree:

- Screening to the south of the property would not be removed
- Fabrication would be kept inside of the building
- No outdoor storage of equipment

Mr. Anderson stated he would meet with the owners and review the table of permitted uses.

Item 2: Consideration to rezone 5.8 acres of property located at 806 Jamestown Road from Residential High (RH) to General Business (GB) submitted by Keith Bowers (Maximum Metals).

Mr. Dickens asked Mr. Anderson to review the request.

Mr. Anderson stated the property under consideration is presently split into two zoning districts which are General Business (GB) in the front 200 feet (approx. 0.7 acres) and Residential High (RH) in the rear (approx 5.8 acres). RH districts permit a wide variety of residential uses including single family and multi-family development. RH districts also permit Class A Mobile Homes on individual lots and also Mobile Home Parks under special requirements. The current residential density of RH zones is 13.5 dwelling units/acre. No business uses are permitted within the RH district other than large childcare and home occupation service businesses.

Mr. Anderson stated the requested zoning is to General Business (GB). GB districts allow a wide variety of commercial uses, as well as high density residential, and office uses. GB districts are normally found along major thoroughfares where proper utility services and infrastructure is located. These zones are normally located away from single family residential areas to avoid adverse impacts.

Mr. Anderson stated this property has frontage and access Jamestown Road which is classified as a Major Thoroughfare and maintained by the NCDOT. The latest traffic counts (2011) indicate Jamestown Road carries approximately 11,000 average daily trips. The current capacity of Jamestown Road is 12,000 ADT. The City's Thoroughfare Plan indicates widening to 5 lanes will be necessary by 2025 to accommodate increased demand. There is currently no funding allocated for this widening by NCDOT.

Mr. Anderson stated the property has access to a twelve (12) inch City water line along Jamestown Road which would adequately serve a GB use.

Mr. Anderson stated the property has access to an eight (8) inch City sewer line on the opposite side of Jamestown Road. This line is adequate to serve a commercial use; however, a large portion of this property slopes away from Jamestown Road and may not have gravity access to the sewer system. A sewer pump will need to be used to service the rear portion of this site.

Mr. Anderson explained that the Mission 2030 Land Development Plan does anticipate additional commercial rezoning along the northern side of Jamestown Road; therefore the request does follow planned land use.

Mr. Anderson stated that staff anticipates more commercial rezoning will be requested over the coming years along Jamestown Road if this request is approved. There are adjacent residential properties that contain large amounts of open space. These properties present development opportunities to commercial developers. As traffic increases and lane widening occur, single family residential conditions will continue to diminish in the area.

He added that this request will not constitute spot zoning since the property is already partially zoned GB, is adjacent to GB and follows Planned Land Use.

The primary impact to the surrounding land uses will be increased traffic flow along Jamestown Road and left turn delays due to absence of a center turn lane. GB zoning districts allow many types of uses that can adversely impact adjoining residential areas. Impacts such as; additional noise, light and glare, storm drainage discharge and late night operation disruptions. A standard screening and buffering device is required along adjacent residential properties which can help to reduce these adverse impacts; however, existing conditions do not totally eliminate them. The City does require site lighting to be directed inward and downward at an angle no greater than 45 degrees to vertical which helps to diminish adjacent lighting impacts on residences. Impervious surface limitations are also enforced.

Mr. Anderson stated that planning staff recognizes that this property is situated in an area of transition from residential to commercial use. There are a number of residences remaining along Jamestown Road that may be negatively impacted from the commercial development of this site. A conditional use request could offer opportunities to further reduce these potential negative impacts if land use types and hours of operation were part of this request. This however would require the owners to change their request to a GB Conditional Use rezoning rather than a Traditional GB rezoning.

Mr. Dickens asks commission if they have questions for Mr. Anderson.

Mr. Ervin questioned the buildings on the site.

Mr. Anderson stated the buildings had been used in the past; however the owner indicated removal of the buildings.

Mr. Dickens opened public hearing.

Mr. Keith Bowers, 5888 Holiday Shores Nebo NC, stated he and his wife want to build a location for their company Maximum Metals. He stated the building on the site is not

worth repairing. He stated his business is a small operation with 1 full time and 1 part time employee. He explained his businesses works with aluminum, stainless, cooper materials that warehouses the materials then distributes them out.

Mr. Lennon questioned his fabrication.

Mr. Bowers stated there is some limited cutting.

Mr. Bowers stated he had met with Mark Hall regarding sewer tap. He stated the building would have an office bathroom and would meet gravity requirements for the sewer grade.

Mr. Anderson confirmed that it would meet sewer requirements without the use of a sewer pump.

Mr. Dickens asked Mr. Bowers about conditional use and would he be opposed to conditions.

Mr. Bowers stated he did not have a problem with conditions. He stated his operation currently ran from 7 a.m. till around 4 p.m. He said no Saturday work and no third shift.

Mr. Gordon questioned traffic from deliveries.

Mr. Bowers stated there were no large truck deliveries...only 16 Foot flat bed or 10 foot flat bed.

Ms. Chapman, 807 Jamestown Road, questioned the effect on her property values if this property was rezoned. She stated she was also concerned about the community environment and the impact the operation could have on the air. Ms. Chapman stated she did not want disruption of sewer service when the sewer was installed for the business... She added the she didn't oppose the item, but wanted clarification.

Mr. Anderson stated that when sewer service is added to a new location that the City of Morganton attempts to do so without disruption of other sewer customers. He stated that rezoning of a property did not affect the assessed value of property. He stated that the Burke County Tax Office had information on assessment and how that is handled.

Ms. Chapman also questioned traffic on Jamestown.

Mr. Anderson stated NCDOT has no plans for expansion of Jamestown Road and currently accommodates the traffic count on the thoroughfare.

Mr. Bowers stated the tire shop across the road has operations which take place outdoors and his operation would be all indoors. He stated his company is more of a distribution warehouse operation.

Mr. Thomas Tapp, 101 Riverhills Drive, expressed his concern of the sewer line and connection.

Mr. Anderson assured Mr. Tapp that the business would have to connect to sewer and his service would not be disrupted.

Mr. Dickens asked if anyone had opposition to the item.

None.

Mr. Dickens closed public hearing.

Mr. Dickens called for question or comments.

Mr. Ervin asked about limitations to the rezoning and taking this hearing from a traditional to conditional use rezoning.

Mr. Anderson stated conditional use rezoning needed to be addressed and commission has discussed limitation of hours and limitation to traffic counts into and out of the business are all concerns of the commission members. Mr. Anderson stated the use would be of a small distribution warehouse.

Mr. Bowers stated he did not want conditions which would be negative upon the resale of the property.

Mr. Lennon stated the location is a light distribution use and there is more concern with the use on the front of the property than the rear area.

Mr. Bowers explained his building would be placed to the rear of the property.

Mr. Sasser stated he did not agree with restriction of hours of operation and stated he did not think noise would be obstructive to the neighborhood.

Mr. Ferber stated the front was already zoned General Business (GB) and could have a business on the property currently.

Mr. Gordon stated by locating his building further back, then it will decrease any noise.

Mr. Ervin made a motion to rezone 5.8 acres of property located at 806 Jamestown Road from Residential High (RH) to General Business Conditional Use (GB-CU) limiting to indoor operation only and limiting to light distribution use only submitted by Keith Bowers (Maximum Metals) seconded by Mr. Lennon and passed unanimously (6-0).

IV. OTHER ITEMS OF DISCUSSION

V. ADJOURN

5:55 p.m.

Next Regular Meeting: Thursday, February 14th, 2013 at 5:15 PM