

Minutes
Morganton Planning & Zoning
January 9th, 2014

Members Present:

Hank Dickens, Chairman
Bill Lennon
Rick Lingerfelt
Kim Woolard
Waits Gordon
Pete Wallace
Don Smith

Members Absent:

Claude Huffman
Judy Francis
David Kirk
Vacancy (ETJ)

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 November 14th, 2013 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 (7-0).

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

Mr. Anderson stated City Council met in December and approved request to rezone approximately 13.4 acres of property located at 109 East Fleming Drive and 611 S. Sterling Street from Heavy Industrial (HI) to General Business (GB) submitted by Alpine Mill, LLC. Mr. Anderson stated Alpine Mill are continuing their process for development of this project.

Mr. Dickens asked if Alpine Mill would be in partnership with the development of housing which NCSD is proposing.

Mr. Anderson stated Alpine Mill is working with NCSD to try to make that happen.

Item 3: New Appointment

Mr. Anderson stated City Council appointed David Kirk to fulfill term of Charlie Sasser. He stated Dr. Kirk was appointed on January 6th, 2014 City Council meeting.

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

Mr. Anderson stated Mr. Yamin had originally submitted his request for rezoning as Residential High Single Family (RH-S) to Residential High (RH), but after discussion has requested the property be rezoned to Residential High Conditional Use (RH-CU). Mr. Anderson stated conditional use would allow for easier transition into the Valdese Avenue neighborhood.

Mr. Anderson stated this property is presently zoned Residential High Single Family (RHS). RHS districts are restricted to allow single family residential uses only on lots as small as 6,000 s.f. These districts are often located within older sections of town where preexisting homes on small lots exist with little or no multi-family units in the general vicinity.

Mr. Anderson explained that the requested zoning is to Residential High Conditional Use (RH-CU). RH districts typically permit a wide variety of residential uses including single family, multi-family and also Class A Manufactured Homes on individual lots and also mobile home parks upon parcels greater than 2 acres. RH districts can permit up to 13.5 dwelling units per acre. Mr. Anderson stated the subject property is located along Valdese Avenue which is a two lane City Street that is primarily single family residential in nature. The roadway carries less than 2000 daily vehicle trips. This is well under the current 12000 capacity of the road. He added the subject property has access to a sixteen (16) inch City water line located within Valdese Avenue which is a primary distribution line for the City quite adequate to serve multi-family uses. Mr. Anderson stated the property has access to an eight (8) inch City sewer line along the western property line which is also adequate size to serve a multi-family use.

Mr. Anderson explained the City's Mission 2030 Land Development Plan indicates the Valdese Avenue Corridor should remain primarily single-family in character which is contrary to what traditional RH zones allow. He stated however, a conditional use request could place restrictions on the property that could prevent adverse issues from being created. Mr. Anderson stated after speaking with Mr. Yamin, he had agreed to the following conditions:

1. No mobile homes on the property.
2. No development of multi-family buildings on the property.
3. Only an access drive to the adjoining multi-family property would be permitted.
4. Only a single-family use of the property would be allowed if the adjoining multi-family development does not occur.

Mr. Anderson stated currently the subject property adjoins six (6) vacant acres to the west which is presently zoned for Residential High (RH) multi-family development and although the subject property is relatively small a traditional RH zone could allow up to 5

multi-family units or one double wide manufactured home on the property. This could destabilize the current RH-S Zoning boundary along Valdese Avenue. This request would not constitute spot zoning since the adjacent property along Carolina Street is already zoned for RH use.

With the conditions attached, the staff does not anticipate adverse impacts to the surrounding area.

Mr. Anderson stated the Valdese Avenue Corridor has historically contained single family residential uses throughout its length. Only a few lots contain non-conforming uses such as an abandoned oil and gas distribution site nearby. There are substantial amounts of vacant land in the general vicinity of the subject site which makes the area prime for future development and infill within a short distance to the downtown. It will be in the best interest of the City to blend future development into the neighborhood appropriately so as to not disrupt existing single-family development, but also encourage new investment and values to increase in the area. Mr. Anderson stated the staff would therefore recommend approval of a Conditional Use rezoning for the subject property.

Mr. Dickens asked if commission members had a question for Mr. Anderson. Having none, Mr. Dickens opened for public hearing for those speaking for the request.

Mr. Larry Whisnant, 610 Valdese Avenue, stated he was present representing the 600 block of Valdese Avenue. Mr. Whisnant stated he owned property across from the requested rezoning. He stated he was in favor of conditional use rezoning for the property and wanted Valdese Avenue to be left Residential High Single Family dwellings. He stated he wanted to keep the balance of the neighborhood by controlling the development on the large tracts of land. Mr. Whisnant stated that without the conditional use, and then dominion development could occur.

Mr. Dickens asked Mr. Whisnant if he had spoken with the developer.

Mr. Whisnant stated no.

Mr. Yamin, 14 Brewery Lane Tryon NC, stated he was the developer and provided commission with a rough draft of a site plan. He stated he agreed to conditional use rezoning for the property. Mr. Yamin stated he plans to develop property adjacent to the requested rezoning property. He stated he has the adjacent property under contract for multi-family construction. Mr. Yamin stated he plans to remove the single family dwelling and use the property as the drive entrance for the multifamily construction on the property located adjacent.

Mr. Dickens discussed the site plan, stating it appeared there would be 76 units constructed which would be 2 story units.

Mr. Gordon referred to the site plan and the placement of a unit at the entrance of the apartment complex, which is the rezoning property. He questioned the construction and asked if it was an apartment.

Mr. Yamin stated that construction would be the management office and multi-purpose room for the apartment complex. He stated this was not a residential building.

Mr. Gordon asked if this unit was located on the rezoning property.

Mr. Yamin stated as the site plan is drawn, the corner of the building may be on the property, but that can be adjusted.

Mr. Gordon asked if the community building would face Valdese Avenue or the complex.

Mr. Yamin stated it would face the complex or the drive entrance to the apartment complex.

Mr. Anderson stated it appears the community building could be shifted to the west locating it on the adjacent property.

Mr. Yamin stated since this was a preliminary site plan it could be shifted over.

Mr. Dickens asked if the property was owned by the developer.

Mr. Yamin stated he owned the property.

Mr. Dickens asked the City Attorney about restrictive covenants for the property in relation to the rewrite of the City Ordinance.

Mr. Vinay stated that it would not apply currently as commission is directed to evaluate the rezoning request according to the current ordinance.

Ms. Woolard asked if landscaping could be a condition as the development would be seen from Valdese Avenue.

Mr. Anderson stated it could be added as a condition if the developer agrees.

Mr. Douglas Johnson , 115 Southview Street, stated he felt the development of the tract of land would be positive. He stated the property currently has some crime activities and development would clean that up.

Mr. Derrick Reynolds, 600 Valdese Avenue, stated he was in favor of the project.

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

None.

Mr. Dickens closed public hearing.

Mr. made a motion to rezone approximately 0.42 acres of property located at 607 Valdese Avenue from Residential High Single Family (RH-S) to Residential High Conditional Use (RH-CU) submitted by Jim Yamin. (7-0).

Mr. Anderson stated City Council would meet on February 3rd, 2014 at 6 p.m. to review the recommendation from Planning Commission.

IV. OTHER ITEMS OF DISCUSSION

None

V. ADJOURN

6:10 p.m.

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