

Minutes
Morganton Planning & Zoning
April 14th, 2016

Members Present:

Hank Dickens, Chairman
Bill Lennon, Vice-Chairman
Rick Lingerfelt
Claude Huffman
Pete Wallace
Don Smith
Judy Francis

Members Absent:

David Kirk
Waits Gordon

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

I. OLD BUSINESS:

Item 1: Review and approval of the June 11th, 2015 Minutes.

Mr. Dickens stated a copy of the minutes had been provided. Mr. Dickens asked if there were any changes for the minutes. Mr. Dickens made a motion that the minutes be approved as submitted (7-0).

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

Mr. Anderson reported City Council met August 3rd, 2015, and approved a Zoning Ordinance Amendment to allow Bed and Breakfast Inns within the Neighborhood Conservation Overlay (NC-O) of the Medium Intensity District (MID).

City Council also approved an amendment to allow Correctional facilities within High Intensity Districts (HID).

Mr. Anderson updated commission members on NCDOT interchange development projects. He stated NCDOT will hopefully begin installing landscaping at Exit 105 in the coming months. He stated Exit 104/Enola Road has a completion date of fall 2016. He mentioned that major transportation projects would be upcoming for exit 100 and 103.

Mr. Anderson stated at our May 12th meeting there would be election of officers. He added that City Council would be considering reappointment of 3 members, Pete Wallace, Hank Dickens and Judy Francis at their June council member. Reappointment would be for 3 years.

Item 3: Zoning Ordinance Update

Mr. Anderson stated since the ordinance re-write became effective on January 1st 2015, the staff has been very pleased with the transition. So far it has gone very smooth considering the broad changes made. Developers and realtors are starting to become more comfortable with the changes and new requirements. The new Intensity based flexibility of the Zoning

Ordinance offers property owners and developers many more options than they had previously. This has helped to eliminate the demand for rezoning requests, and based on that observation, it would appear for the most part that the zoning map changes made are working very well. The staff has identified a few areas that do need to be reconsidered as a proactive zoning map change. The staff will be bringing those proposed map changes to the next 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:

Item 1: Consideration to amend Appendix A.4 of the Zoning Ordinance to redefine “Motor Vehicle and Boat Services” to include Body Work.

Mr. Anderson stated the amendments tonight are due to requests or questions raised during implementation of the ordinance either by City staff, business owners or property owners. Several oversights have been identified that are recommended for amendments. Mr. Anderson provided the commission with Appendix A of the Zoning Ordinance entitled Definitions and pointed out Motor Vehicle and Boat Services.

MOTOR VEHICLE AND BOAT SERVICES. An establishment engaged in providing mechanical, automotive, fuel, maintenance, and repair services. This use includes service stations but *does not include body work or painting*. This definition includes gas stations, service stations, motor vehicle repair, and car washes. Outdoor storage associated with such uses may be permitted as indicated in the Permitted Uses Table.

Mr. Anderson stated the current definition completely excludes body work from the ordinance and thus prohibits such businesses entirely. It was not the intent to prohibit these uses but to merely manage them better. Mr. Anderson stated the use can be and should be accommodated nicely within HID and EID areas. Mr. Anderson provided the Commission with Table 3:1 entitled Permitted Uses and pointed out that Motor vehicle boat services should be redefined to include body work.

Mr. Anderson stated the outdoor display or outdoor storage of wrecked or junked cars is regulated under a different criteria in the ordinance, therefore, this issue should not cause any difficulties within permitted locations. The outdoor storage requirements are found under Article 3 Zoning districts & Uses (C) Outdoor Storage (associated with a permitted use, excluding outdoor sales display) (1) All outdoor storage shall be located in the rear yard only. (2) No outdoor storage shall be located within 50 feet of the street right-of-way or adjacent LID, MID, CBD zoned or residentially-used property. (3) All outdoor storage shall be screened from view of the street with a screening device as set forth in Section 4.4.7. No items shall project above the screening device within 100 feet of the property line or shall exceed at total height of 20 feet.

Ms. Francis questioned if car dealerships, who also conduct body work, would have to meet the same criteria. For example would the 50 feet right-of-way criteria include new car display or would that be specifically for wrecked vehicles.

Mr. Anderson stated that car dealerships fall under automotive retail which has different criteria, however if the automotive retail location conducted body work then they would also have to comply with the outdoor storage screening etc for any cars or outdoor storage associated with that particular use separate from the retail.

Mr. Dickens stated it was his opinion that the definition should also contain verbiage for boat service within the body of the definition.

Mr. Vinay suggested the use of marine for boat.

Mr. Anderson stated the word marine could be easily added to the definition..

Mr. Smith made a motion to approve an amendment to Appendix A-4 of the Zoning ordinance to redefine ***MOTOR VEHICLE AND BOAT SERVICES as follows:***. An establishment engaged in providing mechanical, automotive, marine, fuel, maintenance, and repair services. This use includes service stations body work, painting, gas stations, service stations, motor vehicle repair, marine repair and car washes. Outdoor storage associated with such uses may be permitted as indicated in the Permitted Uses Table

The motion was seconded by Peter Wallace and passed unanimously (7-0).

Item 2: Consideration to amend Section 4.2.4 and Section 4.2.5 of the zoning ordinance to clarify and reference an exception to the 35' maximum height requirement for non-residential buildings within the high intensity district (HID)

Mr. Anderson stated the ordinance currently permits non-residential buildings within HID districts to exceed 35' in height if certain design criteria can be met, however, the staff has determined that the ordinance does not clearly reference this design criteria exception. As the City is actively recruiting a new hotel to the area, the height question came up and the staff now brings an ordinance amendment for your consideration to clarify and better reference this exception.

He stated Table 4.4 entitled "Non-Residential Dimensional Standards" should be amended by adding an asterisk within column F and also add a new sub note to the table as shown.

TABLE 4.4: NON-RESIDENTIAL DIMENSIONAL STANDARDS

District	A Min. Lot Size (Square feet)	B Min. Lot Width (feet)	C Front Setback (feet)	D Side Setback (feet)	E Rear Setback (feet)	F Max. Height (feet)
LID	40,000	100	30	10	25	35
MID	20,000	80	20	10	20	35
HID	10,000	60	20	10	20	*35
CBD	N/A	N/A	N/A	N/A	N/A	65
EID	20,000	50	50	50	50	65
SID	N/A	50	20	10	20	65

N/A=Not applicable

* = See Exception Section 4.2.5 (F)

Mr. Anderson Also stated that Section 4.2.5 entitled “Exceptions to Dimensional Standards” needs to be amended by inserting a new paragraph (F) to read Non-residential buildings within HID districts may be constructed to a maximum height of 75 feet. Vertical Articulation is to be utilized as per Section 4.8.6.4

Mr. Lennon stated 75 feet along the interstate would be acceptable, but questioned if that would be appropriate for the downtown area.

Mr. Anderson stated 5-6 stories is typically 75 feet. The CBD is limited to 65 feet.

Mr. Smith asked if the limitation of 75 feet is due to fire safety and our equipment.

Mr. Anderson stated the City’s ladder truck is capable of accessing up to 105 feet but not at the angle necessary to fight a fire.

Mr. Dickens made a motion to amend Section 4.2.4 and Section 4.2.5 of the zoning ordinance to clarify and reference an exception to the 35’ maximum height requirement for non-residential buildings within the high intensity district (HID), seconded by Mr. Lennon and passed unanimously (7-0).

Item 3: Consideration to amend TABLE 3.1 of the zoning ordinance to include Single-family dwellings as a permitted use within the high intensity district (HID)

Mr. Anderson stated it had been discovered that the approved version of the new ordinance inadvertently excluded single-family dwellings as a permitted use within HID zones. He stated Chapter 4, entitled “Zoning” of Part 9 of the Ordinance be amended. Table 3.1 entitled “Permitted Uses” is amended by indicating the use of Single-family dwellings is a permitted use within HID column of the table.

Mr. Wallace made a motion to amend Table 3.1 of the zoning ordinance to include Single-family dwellings as a permitted use within the high intensity district (HID), seconded by Mr. Huffman and passed unanimously (7-0).

Item 4: Consideration to amend Section 5.4.2 of the Zoning Ordinance to allow wall signage to be placed upon existing mansard roofs.

Mr. Anderson stated the new ordinance as written prohibits wall signs from extending above the parapet or eave of the building. Mr. Anderson stated this requirement was intended to prevent new signs from being installed on the roof of a building including mansard roofs. It has been determined by the staff that there are numerous existing businesses in the City that have mansard type roofs that contain signage. The new ordinance prohibits any replacement or repair to these signs. Mr. Anderson stated that very few businesses in Morganton have true mansard roofs, but many have faux mansard roofs that obscure flat roofs with HVAC equipment. He provided several photo examples of signage on mansard roofs in Morganton and recommended the ordinance be amended to accommodate mansard roof sign on existing buildings under the criteria that the sign size not extend above the roof peak and the amount signage be limited to the typical wall signage limitations.

The Commission discussed mansard roofs and parapets

Mr. Lingerfelt stated he would consider the majority of the roofs in the photo examples provided as parapets rather than mansards.

Mr. Dickens asked for clarification and addition to add roof peak or roof ridge to clarify the intent.

Mr. Lennon made a motion to approve the additions made to the amendment to Section 5.4.2 paragraph (F) as follows:

Wall signs shall not extend above the parapet or eave or peak of the building except in cases where pre-existing buildings constructed with mansard roofs or gambrel may contain wall signage upon the mansard roof that does not extend above the ridge of the roof.

And approval of 5.5.14 Roof Signs as presented:

Signs erected in whole or in part on, upon or over the roof or parapet of a building or structure and which are wholly or partially dependent upon the roof of the building or structure for support, except in cases where pre-existing buildings constructed with mansard roofs have Wall signage upon the mansard roof which does not extend above the ridge of the roof.

Seconded by Mr. Smith and approved unanimously (7-0).

IV. OTHER ITEMS OF DISCUSSION

None

V. ADJOURN 6:10 p.m. Next Regular Meeting: Thursday May 12th at 5:15 PM