

**MINUTES OF THE REGULAR
CONOVER PLANNING BOARD MEETING
March 18, 2008**

The regular meeting of the Conover Planning Board was held on March 18th, 2008 at the Conover City Hall.

PRESENT: Chairman Abernathy, Board Members Janette Sims, James Ten Kate, Joe Kaylor, Mary Jean Griffin, Ken R. Hilderbran, Michael Lingle, Steven Kiger, David Brown and Millie Baker

ABSENT:

STAFF: Planning Director Q. Lance Hight
Planner Daniel Robinson
GIS Coordinator Erik Schlichting
Environmental Coordinator Terry Lail

Chairman Abernathy called the meeting to order at 7:00 p.m.

ITEM 1: Approval of Minutes

Chairman Abernathy presented the minutes of the regular meeting on February 19th, 2008.

Upon a motion from Board Member Ten Kate, Seconded by Board Member Sims: It was unanimously resolved:

That the minutes of the regular meeting on February 19th, 2008 be approved.

ITEM 2: Public Meeting - Zoning Map Amendment R08-3 – for the property located at 1014 2nd Av NW

Mr. Hight opened and discussed the following item:

Horace Isenhower, the property owner has submitted an application for rezoning a portion of the property located at 1014 2nd Av NW. The portion of the property requesting to be rezoned consists of approximately 3.8 acres +/-, and is currently zoned City of Conover NR (Neighborhood Residential). A small area of approximately .7 +/- acres with the zoning classification CC (Corridor Commercial) exists along the frontage of this property. The proposed zoning change would increase the size of the area zoned CC to a total of approximately 4.5 acres +/-.

This property is located within the Highway 16 North Corridor. In 1998 the City of Conover placed a moratorium on development in this area. This corridor contained about 350 acres and at the time had 28 property owners. Planning Staff anticipated that with the future completion of Thornburg Drive, the new exit 132 interchange on Interstate 40 and the large tracts of undeveloped acreage in the area, that commercial development pressure would follow. Planning Staff sought to develop a plan to encourage higher quality architectural design and consistency, discourage strip development, limit driveway curb cuts, and to create a walkable, mixed-use area for development. Due the size and complexity of the project, the City hired David Walters of UNC Charlotte as a planning consultant for the corridor. In the months leading up to the rezoning, then Planning Director Randy Williams and Mr. Walters held several meetings with the property owners within this corridor. At these meetings, Mr. Williams and Mr. Walters presented the conceptual plan for the corridor and took in comments and concerns of the property owners.

The result was the establishment of new zoning districts and rezoning of the properties. The zoning district boundaries were established based on the conceptual plan. Along major thoroughfares a commercial zoning district was established.

This property is located near the western edge of the Highway 16 N Corridor. The property is bound by NR (Neighborhood Residential) zoning to the north and CC (Commercial Corridor) zoning to the west, south and east. The surrounding land uses today include Mr. Isenhower's single family residence to the north, Café Rendezvous Restaurant and Holiday Inn Express to the west, a vacant single family home to south, and undeveloped acreage and a single family home to the east.

The CC zoning districts allows for commercial uses, offices, churches, entertainment facilities, recreation, motels, multi and single family homes, vocational and technical schools and wholesale sales. The NR (Neighborhood Residential) permits single family homes by right.

The area requested to be rezoned would move the existing CC zoning boundary for this property from approximately 130' in depth to approximately 650' in depth off of Highway 16 North. The adjacent properties with the CC zoning have a similar depth of 630' to 700'.

The 2003 Land Development Plan identifies the future land use of this subject area as commercial transitioning into residential.

Staff reviewed the proposed zoning map amendment #R08-3 and recommends approval to the Planning Board.

Chairman Abernathy then opened the Public Meeting.

Joyce Shaw – I am puzzled on why now is Mr. Isenhower asking for this rezoning. What does he plan on doing with the land? Also, why doesn't the Commercial Corridor zoning go all the way to 2nd Av NW?

Mr. Hight – The petitioner stated on the application the reason for the rezoning is to enhance the marketability of the property. The CC zoning does not go all the way to 2nd Av NW because that is the request of the petitioner and Mr. Isenhower's driveway is located in that area.

Chairman Abernathy then closed the public meeting.

Board Member Ten Kate – It is my understanding that this parcel will have two zoning districts.

Mr. Hight – That is correct. That is not uncommon at all for parcels within the Highway 16 N Corridor, in fact there are properties that have four different zoning classifications.

Board Member Ten Kate – If any development were to happen, would the property be subdivided?

Mr. Hight – It is very likely that would happen.

Board Member Ten Kate – My last question, you stated the Randy Williams held meetings with property owners, were there any concerns raised about this property?

Mr. Hight – Our files indicate that meetings were held, however it appears that no minutes were taken at the meetings. I believe it was more question and answer sessions. However, we do have the minutes from the Planning Board meeting when the Highway 16 N plan was first heard and it was mentioned that the neighborhoods should be protected with features such as landscaping and buffers.

Upon a motion from Board Member Lingle, Seconded by Board Member Baker: It was unanimously resolved:

That Zoning Map Amendment R08-3 be approved.

ITEM 3: Minor Subdivision – Dana Isenhour Property located at 1511 N NC 16 HWY

Mr. Hight opened and discussed the following item:

Dana Isenhour, the property owner, has submitted a final plat for a minor subdivision of his property located at 1511 N NC 16 Highway. The property is presently zoned MX (Mixed Use) and includes approximately 4.5 acres.

This request is to subdivide and create a new parcel from the existing parcel. The newly created parcel will include .62 acres +/-, while the existing parcel will include 3.9 acres +/- . Both parcels will have adequate road frontage, and will meet the city standards for residential use. The parcels will be served by municipal water and sewer. The request is compatible with the recommendations of the 2003 Land Development Plan.

Planning Staff has reviewed the final plat for the Isenhour minor subdivision and recommends approval to the Planning Board.

Board Member Kaylor – What would happen to the building that is being constructed if we decide not to do this?

Mr Hight – This will not impact the building at all, the building could be constructed on the lot the way it is now.

Board Member Brown – There is no change in the zoning, correct?

Mr. Hight – The zoning is not being changed. This would simply carve a line out around the project.

Board Member Kaylor – The building looks like it is right up against the right-of-way.

Mr. Hight – It has a 15 foot setback from the right-of-way. The outlots that are being developed in front of the Wal-Mart have 25 foot setbacks. This is part of the Highway 16 N plan, to have the buildings close to the road and have the parking in the back.

Upon a motion from Board Member Ten Kate, Seconded by Board Member Hilderbran: It was unanimously resolved:

That the Isenhour Minor Subdivision be approved.

ITEM 4: Presentation of Planning Board Appointment/Reappointment Policy – Selection of members to represent the Planning Board on the committee

Mr. Hight opened and discussed the following item:

Neither the Conover Code of Ordinances or the Planning Board Bylaws set a policy or procedure for the appointment or reappointment of members to the Planning Board. The City Council requested Staff to review and present a more formal policy on how Planning Board Members are appointed and reappointed to the Conover Planning Board. Recommendations were made by Council Members that included:

- Development of a written policy for adoption by the City Council that sets procedures for appointment,
- Establish a committee to conduct interviews of potential candidates and evaluations of existing Planning Board Members that are up for reappointment,
- Development of an application and making available to citizens, both to pick up at the City Hall and on the City Website.

The policy states the membership of the committee that will review appointments and reappointments to the Planning Board. This committee will consist of members that will be elected annually and include two City Council members, two Planning Board members, the City Manager and Planning Director. At this time staff is requesting that the Planning Board elect two members that will provide representation on this committee.

Chairman Abernathy – Steven Kiger and David Brown are both just recently coming on to this board, so I feel it would not be in the best interests for them to serve on this committee. They have not had the time to be with these other members that will be up for reappointment.

Mr. Hight – Unfortunately, with there being five Planning Board members up for reappointment this June, it limits the prospective field of members to appoint to the committee. This scenario should not occur. In the future the appointments will be staggered in a manner so that no more than three Planning Board members will be up for reappointment in any given year.

Board Member Hilderbran – I motion that we base this on seniority and select Ms. Sims and Mr. Kaylor for this committee.

Upon a motion from Board Member Hilderbran, Seconded by Board Member Lingle: It was unanimously resolved:

That Board Members Sims and Kaylor be appointed to the appointment committee.

Mr. Hight presented the permit report for February 2008.

Mr. Hight reminded the members of the board that the Planning Board Retreat will be held on March, 20th.

Mr. Hight informed the board of the landscape proposal of the corner of Hwy 16 and Northern Dr.

Mr. Hight informed the board that the Planning Department is selling rain barrels.

There being no further business, the meeting ADJOURNED at 7:36 pm.

David Abernathy, Planning Board Chairman

Q. Lance Hight, Planning Director