

**MINUTES OF THE REGULAR
CONOVER PLANNING BOARD MEETING
October 21st, 2008**

The regular meeting of the Conover Planning Board was held on October 21st, 2008 at the Conover City Hall.

PRESENT: Chairman Abernathy, Board Members Joe Kaylor, Jim Ten Kate, Ken R. Hilderbran, Mike Long, David Brown, Helen Whitfield, Janette Sims and Steven Kiger.

ABSENT: Jan Herman

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 September 16th, 2008.

Board Member Ten Kate – Correction for the first sentence in the third paragraph it reads, “When there is any development where a NCDOT road involved, which is basically any main thoroughfare in Conover, a driveway permit must be completed with NCDOT”, it should read “When there is any development where a NCDOT road *is* involved, which is basically any main thoroughfare in Conover, a driveway permit must be completed with NCDOT”.

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

That the minutes of the regular meeting on September 16th, 2008 be approved with correction.

ITEM 2: Public Meeting – Text Amendment to Conover Code of Ordinances Appendix A. Zoning and Appendix C. Stormwater

Mr. Hight opened and discussed the following item:

The Code of Ordinances is a dynamic document. Planning Staff, along with other City Departments work to administer the Code on a daily basis. Routinely Staff encounters provisions of the Code which are out of date, inconsistent with other regulations, counter to sound planning practice or inconsistent with overall community desires. Staff will then conduct research and offer recommendations to amend the subject Code language. The following are several recommended text amendments to the Zoning Ordinance and Stormwater Ordinance. In the opinion of Staff the following amendments will result in more effective and efficient administration of our standards.

The red text illustrates the new or modified ordinance language. The highlighted portions of text with a strikethrough will be deleted from the ordinance. Following each recommended amendment is the “Justification” that explains the purpose of the change.

Adding 27.1.26 internet based business as home occupation:

Mr. Hight – A home occupation is a business that is ran out of a home. We allow certain types of businesses as home occupations. The home occupations we allow are low intensity uses such as an accountant’s office, landscape offices and beauty salons. We have had requests for internet based businesses. Obviously, the

internet was not around when this ordinance was adopted. We think it would be in harmony with the other permitted home occupations.

Adding 38.2.17, 39.2.8 (v), and 310.2.22 to allow storage, production, or distribution of biofuels

Mr. Hight – Conover has been a part of the biofuels movement. We use biofuels in all of our Public Works fleet. We actually won an award in 2007 for our program. However, we don't have a zoning district that the storage, production and distribution of biofuels as a permitted use.

Board Member Hilderbran – I have one comment on that. I don't mind M-1 and EM-1, but my experience around fuel transports in a B-4, you are going to have trucks coming in with raw products, you're going to have a certain amount of processing then you're also going to have a distribution system in the same facility of trucks bringing it out. Do you really want in a B-4 General Business District a lot of tractor trailers pulling in and out? This to me, should be in an industrial zone.

Mr. Hight – We can easily strike the B-4 district from the amendment if the Board wishes.

Board Member Ten Kate – What is involved in the production of biofuels?

Mr. Hight – That would involve the taking in of the raw products and the refining and manufacturing of the biofuel.

Board Member Kiger – what is in place currently as far as traditional petroleum storage?

Mr. Hight – Gasoline, oil or fuel storage above ground is a permitted use in the M-1 zoning district.

Board Member Ten Kate – I have a great deal of concern over the storage tanks. When I go down to Charlotte I see all these tank farms and I don't want to drive around Conover and see the same thing. Will there have to be a buffer for these tanks?

Mr. Hight – only if it adjacent to residentially zoned property.

Adding permitted use to Section 312.4.5 (a) Campus and Institutional District

Mr. Hight – we would like to include technology-based facilities, including, but not limited to, advanced methodologies and processes in biotechnology, nanotechnology, computer hardware and software, and accessory and support facilities to these uses. The purpose of this is because our economy is experiencing a dramatic change. We have lost a staggering number of manufacturing jobs over the last decade. High tech jobs are higher paying jobs which would be good for the area.

Board Member Hilderbran – So what zoning district are you recommending this use be permitted?

Mr. Hight – Campus, Office and Institutional which is a TND zoning district. Only two properties are currently zoned COI. If anyone came in wanting to do something like this, a rezoning would occur.

Adding section 37.2.7 outdoor sales of vehicles in the Central Business District

Mr. Hight – The Central Business District encompasses downtown Conover. This walkable commercial area is considered the heart of the city. Here we strive to promote a thriving, pedestrian friendly and human-scaled environment. One characteristic of a healthy downtown is occupied storefront buildings, like the many of buildings in downtown Conover. Occupied storefront buildings create vitality and breathe life into the streetscape. Parking lots do not achieve the same result. Automobile sales are a permitted use in the B-3

District. Staff proposes that automobile sales remain a permitted use, however additional standards that are already existing within the zoning ordinance be applied.

Board Member Hilderbran – Under section one. Are you referencing that to a house when it says “any front yard”?

Mr. Hight – No. According to our Code, a yard is defined as the space between the right of way and the front to build-to line.

Adding 37.4.2 allowing PUD-R in the Central Business District.

Mr. Hight - This amendment would allow the development of multifamily residential within the B-3, Central Business District with conditional approval from the City Council. Currently, residential is only permitted on the second floor of downtown buildings. Over the past decade downtowns across the country have been experiencing a growth of residential condominiums and apartments. This is a reversal from the trend of decades of urban flight. Some of the numerous benefits of residential growth in the core of the city include; more customers for downtown businesses, closer proximity to services and reduced dependency on automobiles.

There were no questions from the Board.

Removing a provision in 25.7.4 (a) Signs

Mr. Hight - We allow “sandwich board signs” in downtown because it is a pedestrian area. However, we don’t need a zoning permit for these signs as long as people are following the ordinance. We also added “one per building” and struck “one per business”.

There were no questions from the Board.

Changing regulations on freestanding signs in B-3

Mr. Hight - Freestanding signs have been prohibited in the downtown for over a decade. The most recent amendment to the sign code in 2006 also continued this prohibition. However, based on research of other codes and public comment, Staff feels that monument style signs of a reduced size would be appropriate for the more human-scale downtown business district. Obviously, the majority of buildings in the downtown have a zero setback from the street right-of-way so the placement of a freestanding sign would not be possible. However, some buildings with a street yard may be able to meet the requirements.

There were no questions from the Board.

Removing sentence from 25.6 Non-Conforming Signs

Mr. Hight - At the Council retreat, the sign inventory was presented with two options to deal with nonconforming signs: 1) keep the text as written or 2) amend the code to remove the five year amortization period.

The ordinance requires that signs be brought into compliance when an applicant requests a permit for modification to be made the sign, a change of occupancy, closure of business or an obsolete or dilapidated sign. Since the sign ordinance was adopted in 2006 there have been 16 nonconforming signs that have been removed and replaced with conforming signs. This accounts for over 15% of the total nonconforming signs in the city. City Council felt this progression was effectively dealing with the nonconforming sign situation.

Adding new standard to 40.4 Standards for Stormwater Control Measures

The new Phase II Stormwater standards instituted by the State mandate the installation of engineered stormwater controls on new land use projects. These best management practice structures (BMPs) treat stormwater runoff

pollution. As mandated by the state, the City adopted Appendix C to the Code of Ordinances in May of 2007. The provisions of this ordinance require that any BMP installed in Conover meet the standards of the “North Carolina Department of Water Quality BMP Design Manual”. The Manual provides 11 different types of structures that can be installed that meet the standards. There are also some other types of proprietary structures that have been approved on a case by case basis after review by DWQ. Despite this, only one type of structure is typically submitted for review and construction. This type of BMP is called a wet/dry detention basin. These structures are basically dry ponds that fill with stormwater during storms and slowly release over time. They are typically surrounded by chain link fencing, as they can be a safety concern. This provision would give staff the ability to apply more scrutiny to the location of such structures when safety and aesthetics are an issue.

Once all the amendments were discussed, Chairman Abernathy opened the public meeting.

Joie Fulbright, owner of Conover Auto Sales – (referring to adding 37.2.7) If I was going to build another office, would I have to build it up on the road?

Mr. Hight – Yes, the office would have to be built close to the road. However, this amendment is not affecting the setbacks of the B-3. Those setbacks are in the code today.

Joie Fulbright – I feel like there should be higher standards for car lots in downtown. I want to make sure that there won't be any junk lots.

With no further comments, Chairman Abernathy closed the public meeting.

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

That the amendment to allow biofuel facilities in M-1, EM-1 and B-4 be tabled for further review.

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

That the remaining Zoning Text Amendments be approved.

INFORMATIONAL ITEM: Executive Summary – Pedestrian Transportation Plan

On May 4th, 2007 the City was notified that we had received an NCDOT Comprehensive Pedestrian Planning Grant. The grant, in the amount of \$20,000 would help fund a planning document that would provide an overall vision, as well as recommendations for pedestrian infrastructure planning in Conover. Planning Staff developed and advertised a request for proposals to enlist a consultant to help develop this plan. Six proposals were submitted and after a thorough review, Planning Staff chose Greenways Incorporated. Over the course of the past year, Conover City Staff, Greenways Incorporated and NCDOT have worked closely to develop Conover's first comprehensive plan dedicated solely to improving our pedestrian network.

A steering committee consisting of City Staff, WPCOG Staff, NCDOT Staff, Conover Citizens and a Conover Planning Board Member was established to hold meetings to review the development of the plan. Two public workshops were also held to gather public input. Through these engagements, review of existing Conover codes and fieldwork, Greenways Incorporated was able to craft a plan that incorporates community desires while also taking into account the constraints that can hinder pedestrian improvements. The Executive Summary provides a synopsis of the development process as well as the goals and recommendations of the final draft plan.

There being no further business, the meeting ADJOURNED at 8:20 pm.