

**MINUTES OF THE REGULAR
CONOVER PLANNING BOARD MEETING
September 21st, 2010**

The regular meeting of the Conover Planning Board was held on September 21st, 2010 at the Conover City Hall.

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

ABSENT: None

STAFF: Planning Director Q. Lance Hight, AICP
GIS Coordinator Erik Schlichting, GISP

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

ITEM 1: Approval of Minutes.

Chairman Kaylor presented the minutes of the regular meeting on June 15th, 2010.

Upon a motion from Mr. Ten Kate, Seconded by Mrs. Sims: It was unanimously resolved:

That the minutes of the regular meeting on June 15th, 2010 be approved.

ITEM 2: Old Business:

There was no old business.

ITEM 3: New Business:

Zoning Map Amendment: R10-1: 3660 and 3720 Lai-Ber Drive – R-9A (Residential) to COI (Campus Office and Institutional)

Mr. Hight opened the item.

Scott Millar, representing the Catawba County Economic Development Corporation (EDC) has submitted an application for the rezoning of two parcels located at 3660 Lai-Ber Dr and 3720 Lai-Ber Dr. The EDC presently has an option to purchase the properties. The two (2) adjacent parcels contain a combined 159 +/- acres, and are currently zoned City of Conover R-9A (Residential). The proposed zoning classification is City of Conover COI (Campus Office and Institutional).

In 1999 the subject properties were included within a future phase of the master plan for Cline Village, a mixed-use residential project. The original master plan for Cline Village anticipated over 520 residential units. To date, the development contains one multifamily building with 40 apartments and 22 single family homes.

Today, Conover and our entire region are in a very different economic climate than we were in 1999. New residential construction and subdivision development has substantially slowed. All indicators point to the conclusion that entire anticipated build out of Cline Village will not be a reality.

The proposed zoning amendment is intended to make available developable land for technology-based campus style development and subsequently generate jobs for our area. Primary access for the site is intended to be from Highway 16 North, via Northern Drive, over Lyle Creek.

The Conover code of ordinances states: "Intent: The Campus Office and Institutional District is established to provide for office and institutional complexes which are already in place and for new office and institutional complexes for which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community."

Permitted uses by right include: academic institutions, churches, governmental complexes, health institutions, offices, conference facilities, laboratories and research, technology based facilities and computer software and support facilities. The code further states that any use within this district "produce no smoke, odor, vibration, noise, heat, dust, glaring light or other hazardous / noxious or objectionable attribute(s) noticeable from outside any building".

The 2003 Land Development Plan identifies the future land use of this subject area as single-family and high density residential. However, the "North Conover Planning Study, Conceptual Master Plan", a more detailed small area plan, identifies both high-density residential and institutional uses.

Staff has reviewed the proposed zoning map amendment #R10-1 and recommends approval to the Planning Board.

The Board then heard a presentation from Scott Millar of the EDC. Mr. Millar emphasized the need for growing and diversifying the tax base and bringing new jobs to the region. He mentioned other EDC projects like the Apple project in Maiden and said that the type of development he is pursuing would be a low-impact, campus style development. He indicated that access to the property from Northern Dr. had been negotiated with Tri City Baptist Church (TCBC).

Mr. Millar then answered questions. Paraphrasing:

Mrs. Sims asked if the new access road would connect to Lai-Ber Dr.

Mr. Millar said no, then added that main access will be from near Wal-Mart (Northern Dr), but there may be an emergency access connection to Lai-Ber Dr.

Mr. Long asked about the structure of the Multi-jurisdictional Park (MJP) partnership.

Mr. Millar briefly discussed the MJP members, the project timeline, and the investment structure of the partnership.

Mr. Hilderbran asked about whether access to the project from Northern Dr. was assured.

Mr. Millar stated that access had been negotiated with and approved by TCBC.

Mr. Ten Kate asked what the current use of the property was.

Mr. Millar stated that part of the property had been recently timbered, part was being used for agriculture.

Mr. Hilderbran asked about construction traffic using Lai-Ber Dr.

Mr. Millar said that Lai-Ber would be used but the extent would depend on the timeline of the development project.

Chairman Kaylor asked whether the County's involvement in the project had been assured.

Mr. Millar stated that the County had signed a letter of intent to participate in the project.

Mr. Brown asked whether failing to have access from NC16 (Northern Dr) would impede the development.

Mr. Millar stated that using Lai-Ber Dr as primary access would prohibit the type of development he is working on.

Mr. Hilderbran asked about construction access on other roads while Northern Dr access is constructed, cited the current construction of the Apple facility.

Mr. Millar stated that the Apple facility was beyond the scope of what the site up for re-zoning could accommodate, so impact would not be as great as Apple. But, construction would have impacts which would have to be addressed prior to beginning.

Mrs. Whitfield asked if the project involved constructing buildings for tenants.

Mr. Millar stated that the intent was to build infrastructure to open the site only, not to fully develop the property.

Chairman Kaylor opened the public meeting.

Mrs. Tanya Hartsoe (Lee Cline Rd./Lai-Ber Dr.) asked how long Lai-Ber Dr. would be used for construction access, expressed concern over the idea of emergency access on Lai-Ber Dr. and inquired about what the development would do to property taxes and whether the city intended to annex her property.

Mr. Hight stated that he knew of no plans to annex any property near the proposed re-zoning site.

Mr. Millar addressed the construction timeline and mentioned potential disruptions regarding permitting required by FEMA.

Mr. Alan Hedrick (Lai-Ber Dr.) asked for more information about the likelihood of construction traffic on Lai-Ber Dr. Mr. Millar stated that the level of traffic depended on the timeline for the construction, but if feasible it would be kept as low as possible while the access road was constructed.

Mr. Hight pointed out that a portion of Lai-Ber Dr. is private and that it was not currently intended to be used for construction traffic

Mrs. Hartsoe mentioned that there is a school bus stop on Lai-Ber Dr. that needed to be taken into consideration with regards to traffic impacts.

Chairman Kaylor said that could be addressed with the school system at the appropriate time.

Having no more questions from the public, Chairman Kaylor closed the public hearing and asked if the Board had further questions.

Mr. Ten Kate asked about what the EDC would do following the successful re-zoning of the property.

Mr. Millar stated that, that being the case, they would proceed with engineering & permitting processes in anticipation of having a client before actual work begins, and basing the pace of work with interest in the property.

Mr. Ten Kate asked whether Lai-Ber Dr. would be used during construction of the southern access road (Northern Dr.).

Mr. Millar stated that Lai-Ber Dr. would be needed to access the property on the north side of Lyle Creek during construction of the access road.

Mr. Ten Kate asked if the southern access road would be the primary access for construction during development.

Mr. Millar replied, yes.

Mr. Brown asked how long actual construction would take once all the preliminary work was done.

Mr. Millar estimated construction would take four to five months.

Mr. Long asked what would happen if the road was built and the option to purchase the property expired?

Mr. Millar said in that event the EDC would acquire approximately half the property in compensation for the road investment.

Mr. Long asked what was the price that had been agreed upon for the property.

Mr. Millar stated the price was \$13,345 per acre.

Mr. Long expressed concern that the agreed upon price was too high given recent trends in the real estate market and the current tax value of the property.

Mr. Millar disagreed and cited the price paid for another recent development project on a site without access restrictions.

Mr. Long asked how much the property owner had been paid for the option.

Mr. Millar replied that nothing had been paid for the option.

Mr. Rice asked if Mr. Millar anticipated that the property would not be developed in the next several years without the access road being constructed.

Mr. Millar stated that he believed it would not be developed without the access road.

Mr. Hilderbran asked if any property owners were notified of the re-zoning other than those required by statute.

Mr. Hight replied that the Planning Department had posted signs, published notices, and mailed notices as required by statute.

Mr. Hilderbran asked for confirmation that property owners at the entrance to La-Ber Dr. had not been notified.

Mr. Hight confirmed that they had not been mailed notices, as such notices were not required.

Upon a motion from Mr. Ten Kate, seconded by Mr. Rice to approve, it was resolved eight for (Kaylor, Brown, Ten Kate, Kiger, Spleet, Rice, Whitfield, Sims) to two against (Hilderbran, Long) to approve Zoning Map Amendment R10-1.

Chairman Kaylor suggested that it might be possible to notify additional property owners about the rezoning hearing prior to the upcoming City Council meeting.

Upon a motion by Mr. Hilderbran, seconded Mr. Long, it was unanimously resolved that:

Homeowners living along the portion of Lai-Ber Dr. that would be affected by development traffic should be included in the notices mailed before the City Council meeting.

ITEM 4: Informational Items:

June – August Permit Report: The permit report was not sent out as part of the agenda. Mr. Hight stated he would make sure that members received a copy of the report.

Updates on Conover Station: Mr. Hight discussed the ongoing construction and environmental clean-up underway at Conover Station.

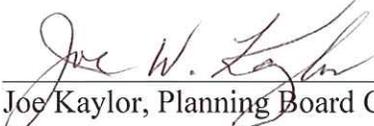
ITEM 5: Council Action:

Mr. Hight listed the City Council's approval of several items of interest to the Planning Board:

Conover Station Master Plan
Conover Station Site Improvement Funding
Conover Station Website design
Conover Station Environmental Clean-up Contract
Renaming of a portion of 4th Street Pl SE to Conover Station SE

ITEM 6: Adjournment:

There being no further business, the meeting ADJOURNED at 8:14 p.m.



Joe Kaylor, Planning Board Chairman



Q. Lance Hight, Planning Director