

**MINUTES OF THE REGULAR
CONOVER PLANNING BOARD MEETING
January 17th, 2012**

The regular meeting of the Conover Planning Board was held on January 17th, 2012, at the Conover City Hall.

PRESENT: Vice Chairman Jim Ten Kate, Board Members David Brown, Ryan Spleet, Ken Hilderbran, Robert Jarrett, Jim Rice, Janette Sims, and Helen Whitfield

ABSENT: Chairman Joe Kaylor, Board Member Steven Kiger

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

Vice Chairman Ten Kate called the meeting to order at 7:00 p.m.

ITEM 1: Approval of Minutes.

Vice Chairman Ten Kate presented the minutes of the regular meeting on October 18th, 2011.

Upon a motion from Board Member Jarrett, seconded by Board Member Sims: It was unanimously resolved:

That the minutes of the regular meeting on October 18th, 2011 be approved.

ITEM 2: Old Business:

There was no old business.

ITEM 3: New Business:

Mr. Hight presented amendments to the Conover Code of Ordinances, Appendix A : Zoning, regarding uses allowed in the B-3 Central Business District and code regarding telecommunication towers.

Discussion and questions regarding changes to the B-3 District:

Mrs. Sims asked how the change would affect churches already in the B-3 district.

Mr. Hight stated that they would be allowed to operate as legal non-conforming uses.

Mr. Ten Kate asked if an identical use could replace an existing non-conforming use at the same location.

Mr. Hight replied that it could not.

Mr. Jarrett asked if a non-conforming use could move to a new location within the district.

Mr. Hight replied that it could not.

Mr. Hilderbran asked about the use providing for the sale of boats and automobiles.

Mr. Hight replied that this use in the B-3 district had added restrictions placed on it fairly recently, regarding display of autos for sale.

Mr. Ten Kate opened the public meeting and invited any public present the opportunity to speak on the matter. There being no public comments, Vice Chairmen Ten Kate opened the floor for questions and discussion by the Board:

Mr. Hilderbran asked about the rationale for excluding libraries, funeral homes and parks and expressed that he felt churches should remain an allowable use.

Mr. Hight stated that staff was tasked to review the uses presently permitted within the district that were not commercial in nature or resulted in a routinely closed or inactive shopfront building the majority of the time. The uses proposed to be removed from the B-3 were uses that staff believed to meet such criteria. These uses did not appear to comply with the business-centric nature of the B-3 district. Excluding just one of these types of uses, such as just churches, would not be allowable or logical, thus all of the uses of a comparable nature that meet the criteria should be removed.

Mr. Jarrett stated that removing churches could mean that a building in B-3 could go un-occupied. He also stated that similar nearby uses in other districts could be affected if the B-3 district was enlarged.

Mr. Hight replied that to his knowledge there is currently only one active church in the district that would be rendered non-conforming, and that he did not expect that the B-3 district was likely to be expanded.

Regarding changes to telecommunication towers:

Mr. Hilderbran asked about whether monopole tower construction requirements had changed.

Mr. Schlichting replied that requirements that all new towers be monopole type were unchanged from existing code.

Mr. Ten Kate asked about procedures for towers that were no longer in use.

Mr. Schlichting replied that requirements for out-of-use towers were unchanged from existing code.

Mr. Ten Kate opened a public meeting regarding the proposed changes to the Code of Ordinances. There being no members of the public in attendance to comment, the public meeting was then closed.

Mrs. Whitfield made a motion to adopt proposed changes, seconded by Mr. Jarrett.

Mr. Hilderbran made a motion to amend the proposed changes such that churches would not be struck and the section striking libraries would not be struck but instead changed to read "bookstores."

Mr. Ten Kate pointed out that bookstores would probably be allowed under the section that allows "retail businesses... not otherwise referred to."

Mr. Hilderbran agreed and changed his amendment such that the removal of churches as an allowable use in B-3 district be struck from the proposed changes. Mr. Jarrett seconded the motion.

Mr. Brown asked whether there had been any parking problems associated with the churches in the district.

Mr. Hight replied that he hadn't heard of any for the one church that was located on 1st Av S, but had heard several complaints about the one located on Conover Station SE. With no off-street parking lot, many vehicles were parked in the street and near the street intersection.

Mr. Spleet mentioned that other places have churches in their business districts that look more like churches and not storefront buildings and asked whether they might be allowed with an appearance requirement.

Mr. Hight stated that the code allowed certain uses, such as auditoriums and arenas under a "special-use" permit that would be required to be issued by the City Council. Such a requirement could be made for a use that requires special attention in a certain district.

Mr. Ten Kate stated that he agreed with removing churches as a use to B-3, stating that they are allowed in numerous other districts and existing churches in the district would be allowed to continue to operate.

Mr. Hight replied that churches are allowed in most other districts in the city.

Mr. Brown asked about ownership of the property where churches are currently occupied in the B-3 district.

Mr. Hight stated that he thought only one was owned by the occupant, the one on 1st Av S, which is currently for sale.

There being no more discussion, Mr. Ten Kate called for a vote by show of hand to Mr. Hilderbran's amendment: To remove the striking of section "37.2.11 Churches and other places of worship" from the proposed changes the Conover Code of Ordinances.

FOR: Sims, Jarrett, Hilderbran

AGAINST: Ten Kate, Brown, Spleet, Whitfield, Rice

The motion for amendment having failed, Mr. Ten Kate called for a vote by show of hand to Mrs. Whitfield's motion to adopt the proposed changes.

FOR: Ten Kate, Brown, Spleet, Whitfield, Rice, Sims

AGAINST: Jarrett, Hilderbran

The motion to adopt the proposed changes as recommended passed 6-2.

Mr. Hight presented an item regarding the subdivision of property owned by the City of Conover. This subdivision is for the Park at Conover Station and the stormwater facility that will accompany it.

Mr. Ten Kate asked for a clarification of notes on the map regarding the parcel being split by a road, which Mr. Hight explained.

Mr. Ten Kate asked how the park boundaries would be delineated on the ground.

Mr. Hight replied that that would probably have to be decided as development of surrounding properties occurred.

Mrs. Sims asked about the extension of Conover Station SE to the south.

Mr. Hight replied that was a possibility in the future, but that he expected there would not be full access to Conover Blvd along Conover Station SE.

Mr. Jarrett expressed that reserving property on the east side of the park for a future connection to Conover Blvd was a good idea.

There being no further discussion, Mr. Hilderbran made a motion, seconded by Mr. Rice to approve the proposed subdivision. The motion passed with unanimous approval.

ITEM 4: Informational Items:

Mr. Hight presented the October, November & December 2011 Permit Reports.

ITEM 6: Adjournment:

There being no further business, the meeting ADJOURNED at 8:05 p.m.

Jim Ten Kate, Planning Board Vice Chairman

Q. Lance Hight, Planning Director