

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

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

PRESENT: Vice Chairman Jim Ten Kate, Board Members Jim Rice, Janette Sims, Helen Whitfield, Robert Jarrett and Steven Kiger

ABSENT: Chairman Joe Kaylor, Board Members David Brown, Ryan Spleet, and Ken Hilderbran

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

Vice Chairman Ten Kate called the meeting to order at 7:08 p.m.

ITEM 1: Approval of Minutes.

Vice Chairman Ten Kate presented the minutes of the regular meeting on March 20th, 2012.

Upon a motion from Mr. Jarrett, seconded by Mr. Rice: It was unanimously resolved:

That the minutes of the regular meeting on March 20th, 2012 be approved.

ITEM 2: Old Business:

There was no old business.

ITEM 3: New Business:

FINAL PLAT: Murphy Oil

Mr. Hight presented a Final Plat for the Planned Unit Development – Business (PUD-B) at the Walmart shopping center for the development of a Murphy Oil convenience store/gas station. He stated that Murphy Oil had worked with staff to make sure that the planned development complied with the PUD restrictions regarding building appearance and lot layout, and stated that Staff recommended the approval of the Final Plat.

Mr. Kiger asked about the restriction of goods for sale displayed outside the building.

Mr. Hight replied that the design of the structure included a “wing wall” that would keep the outside ice chest and propane exchange cabinet from being seen from the NC 16 side of the building.

Mr. Jarrett expressed concern as to whether the design provided enough space for the movement of vehicles between the pumps and the parking stalls.

Mr. Hight replied that the designed drive aisles were actually wider than the required minimum distance and should be adequate

Mrs. Sims asked whether the development would have a right-in/right-out access or comparable to Zaxby's layout.

Mr. Hight replied that traffic could flow in both directions, as the parking is 90 degree. The only direct access to the lot was via the internal private street in the Walmart development but there would also be a cross connection to the already developed adjacent lot.

Mr. Jarrett asked whether the lot design was adequate to handle fuel delivery trucks.

Mr. Hight replied that staff, specifically the Fire Department, had checked the turn radius for trucks and found them adequate.

Mrs. Whitfield asked about the potential for further additions to or new buildings on the lot.

Mr. Hight replied that any future construction would have to comply with the established standards. Mr. Hight also added that temporary signs would not be allowed beyond the "grand opening" period.

Mr. Ten Kate asked where the price sign would be.

Mr. Hight stated it would be on the canopy.

Mr. Ten Kate asked whether the development would have LED signs.

Mr. Hight stated that LED signs are allowed, as long as they are not displaying flashing, scrolling or intermittent messages.

Mr. Kiger & Mr. Ten Kate asked about other signs for the development.

Mr. Hight replied that the development would have wall mounted signs but no free-standing sign.

Upon a motion by Mr. Rice, seconded by Mrs. Sims it was unanimously resolved that:

The Final Plat for the Murphy Oil development in the Walmart PUD-B be approved as presented.

PUBLIC MEETING: Text amendment to the MX Zoning District

Mr. Hight presented a change to the text of the Code of Ordinances: Appendix A, Zoning that would alter the MX Zoning District. The text changes would make the already allowed multifamily use require a PUD, and would add light manufacturing with certain restrictions as a use allowed by right in the district. Mr. Hight explained briefly the rationale behind the changes with regard to the desire to change the zoning of the former Broyhill property, now Conover Station, from M-1 to MX, which the Board would take up as its next item.

Mr. Ten Kate asked for clarification of the item.

Mr. Hight reiterated that the current discussion related to the text of the zoning code, not the zoning map.

Mr. Jarrett stated that he objected to adding light manufacturing as an allowed use because he felt that the use was readily available in the city via other manufacturing zoning districts.

Mr. Hight replied that the intent of the change would be to allow for more diversity in the size and type of manufacturing operations in the city and also allow prospective clients to be adjacent to the Manufacturing Solutions Center facility. He stated that city staff is routinely asked by prospective business and manufactures for smaller, flexible types of available spaces, of which there are not many.

Mrs. Whitfield asked for more detail on what light manufacturing might include.

Mr. Hight went over the restrictions that would be written into the code regarding a light manufacturing use and emphasized that any such use would be required to keep all of its operation within the confines of the structure.

Mrs. Sims asked if currently available manufacturing facilities were not sufficient for the type of light manufacturing the city would like to attract, that might be encouraged to locate here through their association with the MSC facility currently under construction.

Mr. Hight replied that staff believes there will be prospective new business that may want to be near the MSC facility.

Mr. Ten Kate asked about the city's ability to guide future development at the Conover Station site.

Mr. Hight replied that the city has a great deal of control. The city still has the choice of who it would sell the property to and that the PUD process would still be an option for some types of development.

Mr. Jarrett asked for a clarification of the code with regard to the proposed amendment not being approved, which Mr. Hight provided.

There being no further discussion, Mr. Ten Kate opened a public meeting. There being no comments from the public, the public meeting was closed.

Mr. Rice asked if a traffic study had been done taking into account full build-out of the Conover Station site.

Mr. Hight replied that no traffic impact analysis (TIA) had been done. He pointed out that even though the MSC facility is quite large, it did not have many employees and staff does not anticipate they will generate substantial traffic. He stated that it would be hard to know what traffic impacts might be since future development and end users are uncertain at the moment.

Upon a motion by Mrs. Sims, seconded by Mrs. Whitfield it was resolved by a vote of five to one that:

The proposed text amendments to Code of Ordinances: Appendix A, Zoning, for the MX Zoning District be adopted as presented.

Mr. Jarrett cast the dissenting vote.

PUBLIC MEETING: Rezoning R12-1

Mr. Hight presented Rezoning R12-1, proposed to rezone two city-owned properties at Conover Station, the former Broyhill Furniture plant, from M-1 (General Manufacturing) and R-9 (Residential) to OS (Open Space) and MX (Mixed Use).

Mr. Ten Kate asked to clarify that two existing districts would be changed.

Mr. Hight showed on the map the specific zoning areas that would be changed by the proposed rezoning.

Mr. Jarrett asked about the R-9 zoning along 3rd St SE.

Mr. Hight stated that area would be included in the change to the MX district.

Mr. Jarrett asked about the possible construction of a street access to connect near the intersection of 3rd St SE and 2nd Ave SE.

Mr. Hight replied that was an option but the City had no current plan for such a connection.

Mr. Rice asked if any other properties currently zoned R-9 would be affected.

Mr. Hight replied that only the city-owned property would be rezoned.

Mr. Ten Kate asked why a strip of land on the east side of the property would be zoned MX instead of OS and included in the park.

Mr. Hight replied that it had been reserved as a possible future connection to Conover Blvd E (US 70), which would not be allowed on property that the City had set aside for the park.

Mr. Jarrett asked that if any adjacent property was added to the park in the future would it require further rezoning.

Mr. Hight replied that a park would be allowed as a use in the MX zone and such a scenario would not require a rezoning.

There being no further discussion, Mr. Ten Kate opened a public meeting.

Mr. Tom Winters spoke on behalf of his mother who owns property along 3rd St SE and adjacent to the proposed rezoning.

Mr. Winters noted a gap between his mother's property and the proposed OS zone and asked whether that was being reserved for a street.

Mr. Hight replied that it was not planned for a standard City Street but would be necessary as an internal connection for future developments that would otherwise be split by the stormwater structure currently under construction.

Mr. Winters asked about making sure his mother's property would be screened from future development.

Mr. Hight stated that any future development would require an opaque screening buffer between the commercial development and existing residential uses.

Mr. Winters asked a question about specifics of the buffer distance, which Mr. Hight provided.

Mrs. Ann Holt, owner of property on 3rd St SE, asked about changing the R-9 zone along 3rd St SE.

Mr. Hight reiterated that only the city-owned property was to be rezoned.

There being no further comments, the Public Meeting was closed.

Upon a motion by Mr. Jarrett, seconded by Mr. Rice, it was unanimously resolved that:

Rezoning R12-1 be approved as presented.

Mr. Ten Kate made the following statement:

The Planning Board has voted to approve this Zoning Amendment based on the findings that it is consistent with the 2003 Land Development Plan, is reasonable based on the relationship between uses permitted in the proposed zoning district and those permitted in the existing zoning districts, and furthers public interests.

ITEM 4: Informational Items

Mr. Hight reported on City Council action from their most recent meeting.

Mr. Hight presented the March 2012 Permit Report.

Mr. Hight stated the Mr. Kaylor intended to end his service on the Planning Board and asked Board Members to help look for people who might be interested in filling the vacancy.

ITEM 6: Adjournment:

There being no further business, the meeting ADJOURNED at 8:08 p.m.

Jim Ten Kate, Planning Board Vice Chairman

Q. Lance Hight, Planning Director