

Memorandum

To: Morganton Planning & Zoning Commission Members
From: Phillip Lookadoo, Director D&D Services
Date: July 2, 2020
Subject: P&Z meeting to be held July 9, 2020

The Morganton Planning & Zoning Commission will meet on **Thursday, July 9, at 5:15 pm** in the City Hall Council Chamber. Please contact Jackie Cain (828) 438-5260 to confirm your attendance

In response to the stay-at-home order issued by Governor Roy Cooper, and to help mitigate the spread of COVID-19, the Planning Commission will hold a meeting July 9, 2020, remotely. The Council Chamber will not be open to the public, except as provided below, in order to remain in compliance with the Governor's orders.

If citizens wish to address the commission during the meeting they may:

1. Send an email to: jcain@ci.morganton.nc.us
2. Send a letter to: City of Morganton, Attn: Jackie Cain, P.O. Box 3448, Morganton, NC 28680
3. Hand deliver a letter to City Hall: 305 East Union Street by 9:00 a.m. on Thursday July 9, 2020.
4. If a citizen would like to address the commission in person, they must make an appointment by calling Jackie Cain (828) 438-5260 by 9:00 a.m. on Thursday July 9, 2020. Speakers will be allowed into Council Chamber one at a time during Public Comment and asked to leave the room immediately after speaking.

All comments must be received by 9:00 a.m. on Thursday July 9, 2020.

Morganton Planning & Zoning Commission
Agenda: July 9, 2020
City Hall Conference Room 4
305 East Union Street (Suite A100)

I. OLD BUSINESS:

- Item 1:** Review and approval of the June 18, 2020 minutes.
- Item 2:** Review of City Council action since last meeting.

City Council did not meet in July and action taken at the June 18, 2020 planning commission would be submitted to city council at the August 3, 2020 meeting.

II. APPEARANCES

This Agenda time is reserved to provide citizens an opportunity to appear before the Planning Commission about issues other than those appearing on the agenda. Citizens may present their planning ideas, opinions or concerns for Commission consideration and discussion. Anyone wishing to speak should come to the podium, state their name, and address for the record.

III. NEW BUSINESS

- Item 1:** A public meeting will be held concerning a map amendment for a proposed rezoning located at 107 Old Jamestown Road (PIN 1793137357 and 1793138261) to reflect the intent of the 2030 Land Use Plan and to also match adjacent land uses.

OTHER ITEMS OF DISCUSSION

IV. ADJOURN

Next Scheduled P&Z Meeting: **Thursday July 9, 2020 at 5:15 PM**
City Hall Council Chamber

Minutes
Morganton Planning & Zoning
June 18, 2020

Members Present:

Hank Dickens, Chairman
Bill Lennon, Vice-Chairman
Judy Francis
Rick Lingerfelt
Waits Gordon
Eric Engstrom
Don Smith
Pete Wallace

Members Absent:

Also present from the City staff were Phillip Lookadoo, Director Development Design Services; Louis Vinay, City Attorney; and Jackie Cain, Administrative Manager.

I. OLD BUSINESS:

Item 1: Review and approval of the March 12, 2020 minutes.

Mr. Dickens stated a copy of the minutes from the March 12, 2020 meeting were provided. Motion to adopt as submitted was approved unanimously (8-0).

Item 2: Review of City Council action since last meeting

Mr. Dickens asked Mr. Lookadoo to update commission on actions taken by city council.

Mr. Lookadoo stated planning commission had met in March regarding timbering and the item was tabled and no action was taken. Mr. Lookadoo stated planning commission requested staff to bring more information and maps for further discussion. Mr. Lookadoo stated NC Planning legislation has new statute for counties (Chapter 151A) and cities (Chapter 160A) and the end result or combination of the two being Chapter 160D. Provisions which may preclude our ability to regulate timbering through planning. Mr. Lookadoo stated staff was working with NC School of Government on the limitations and how we apply from a local government standpoint. Mr. Lookadoo stated until staff figures that out and how it is to be applied, then nothing has been brought to planning for consideration.

Mr. Dickens stated his questions was focused upon semantics and the difference between harvesting and timber farming. Mr. Dickens went on to say he felt timber harvesting is an activity and timber farming is more of an appropriate plan use.

II. APPEARANCES:

Mr. Dickens stated this time is set-aside for individuals to come before the planning board to express any planning related concerns to the planning board.

None.

III. NEW BUSINESS:

Item 1: Rezoning request for 32 +/- acres of property located at 665 Kirksey Drive, 0 Kirksey Drive and 0 Old Rock Quarry Road reference record #'s 6172, 50158 and 37877 from Exclusive Industrial District (EID) to Low Intensity District (LID) has been submitted by Scott Blake

Mr. Dickens asked Mr. Lookadoo to review the proposed rezoning.

Rezoning Evaluation

Case # 002-2020

Scott Blake

PIN-2714124245 and 2714122099

REIDs- 50158, 6172 and 37877

Cumulative Tract size: 32+ acres

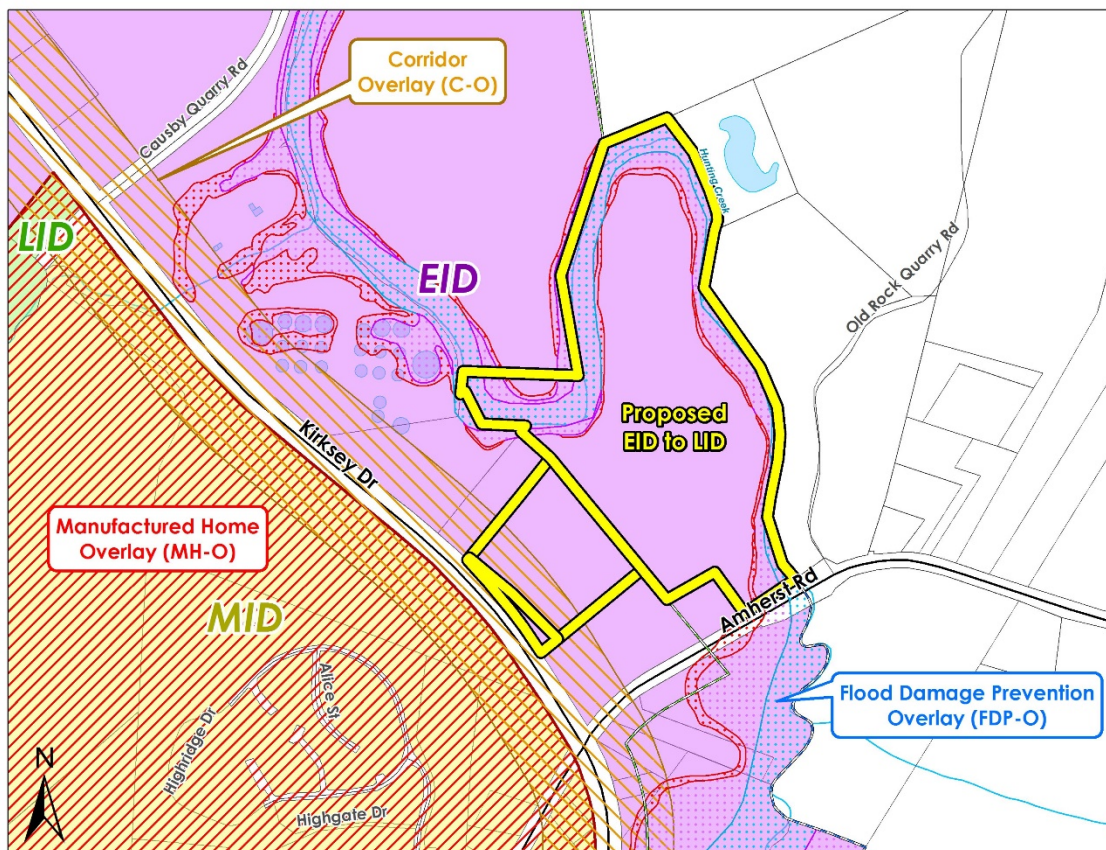
Current Zoning: Exclusive Industrial District (EID)

Requested Zoning: Low Intensity District (LID)

JUNE 2020

Description

The property proposed for rezoning is located at the intersection of Kirksey Drive and Amherst Road (See attached location map). Surrounding properties include vacant land, an active rock quarry, Burke County's Emergency Management Center and the City of Morganton Fire Training Center.

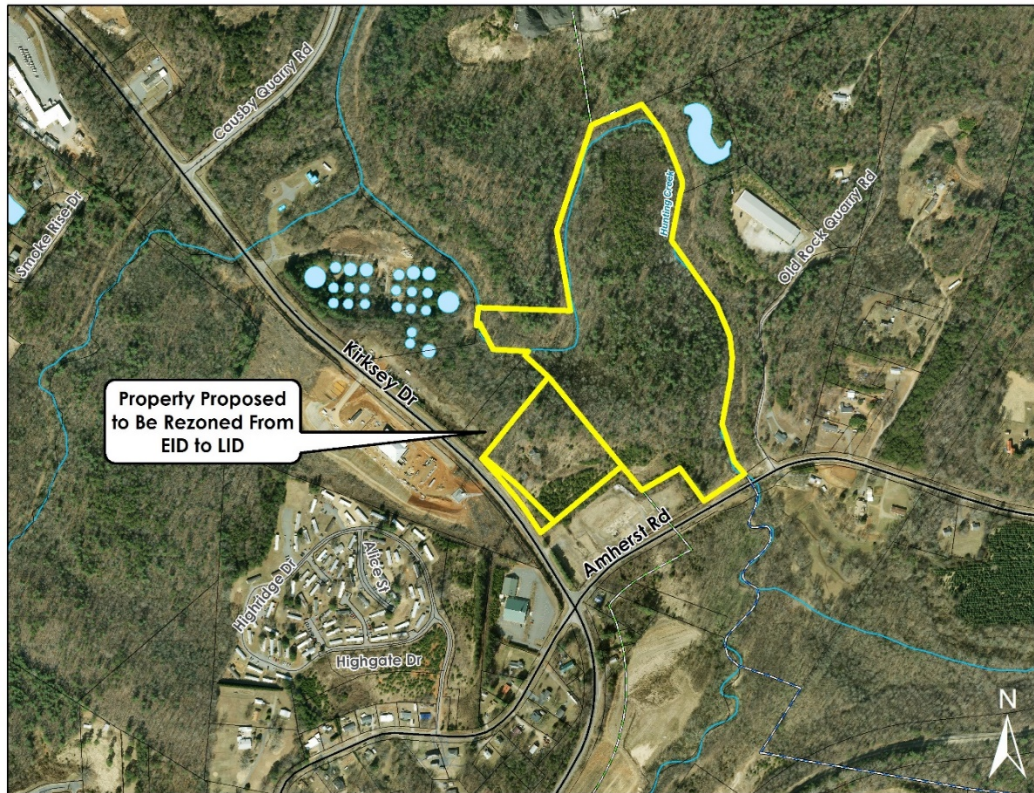


Zone Comparison

The current zoning designation EID is intended to provide for manufacturing, warehousing, transportation, utility, and similar uses. The further growth of non-industrial development is prohibited to preserve land for industrial purposes.

The LID was established primarily for single-family residential uses at a variety of densities depending on location and proximity to transportation corridors and services. It was also the intent of this district to allow for certain types of nonresidential community facilities and services that would not be detrimental to the residential character of the

district.



Mr. Gordon questioned where the Synthron plat was located?

Mr. Lookadoo stated the old Synthron plant was located along Amherst Road and pointed to the location on the map.

Mr. Gordon asked if there was still residue of the plant there?

Mr. Lookadoo stated he did not have an answer for that. Mr. Lookadoo stated he had contacted NC DEQ and there are current underground storage tanks on the property and if there were environmental concerns. He stated their reply was a Phase 1 and 2 environmental study would need to be conducted. COM can file an information request so all NC DEQ departments would respond. Mr. Lookadoo stated he left a message with underground storage tank department and should hear back from them. He added that no one recalled any continued monitoring for the site.

Public Services

Access – This property can be accessed by Kirksey Drive or Amherst Road. Kirksey Drive currently has 5,000 vehicles traveling this portion of the road per day and Amherst Road has 1,900 vehicles per day on this section of the road.

Water – The water line is available on Kirksey Drive with a 12-inch line. Along Amherst Rd is an 8-inch line.

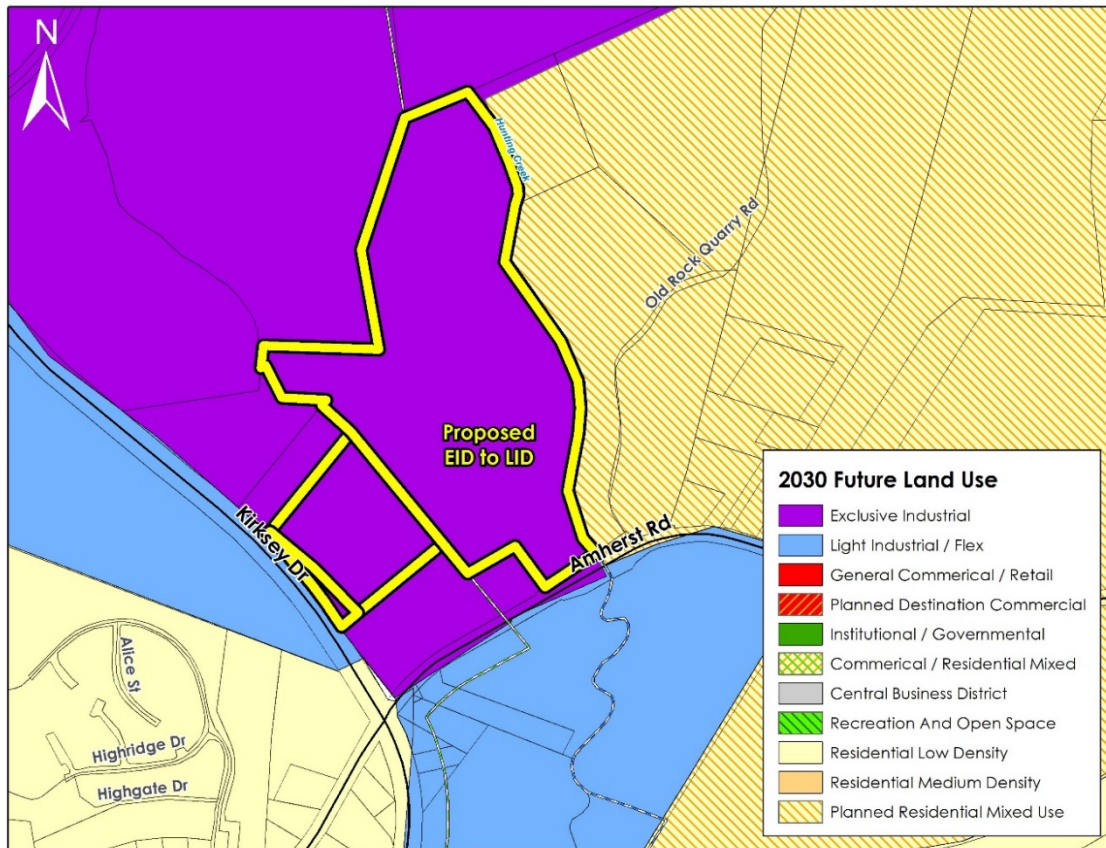
Sewer – There is a 21-inch sewer line available on the subject property. A preliminary utility design is needed for review to confirm access to the proposed lots.



Planned Land Use

The City's Land Development Plan indicates Exclusive Industrial land use for this property. Properties to the west and north are proposed to be "Exclusive Industrial" and "Light Industrial" while adjacent properties to the east and south are proposed to be "Residential/Mixed Use" and "Light Industrial" (see attached 2030 Future Land Use Map). The request does not comply with the 2030 planned land use. For the Commission to recommend rezoning as requested; a finding must be made that there has been a shift in need for the requested type of land use and that this property, while recommended to

be industrial, is suitable for residential land use.



Future Rezoning

Future rezoning should only be considered concurrently with consultation of the Mission 2030 Land Use Plan map for this area and any due consideration to amending of such plan.

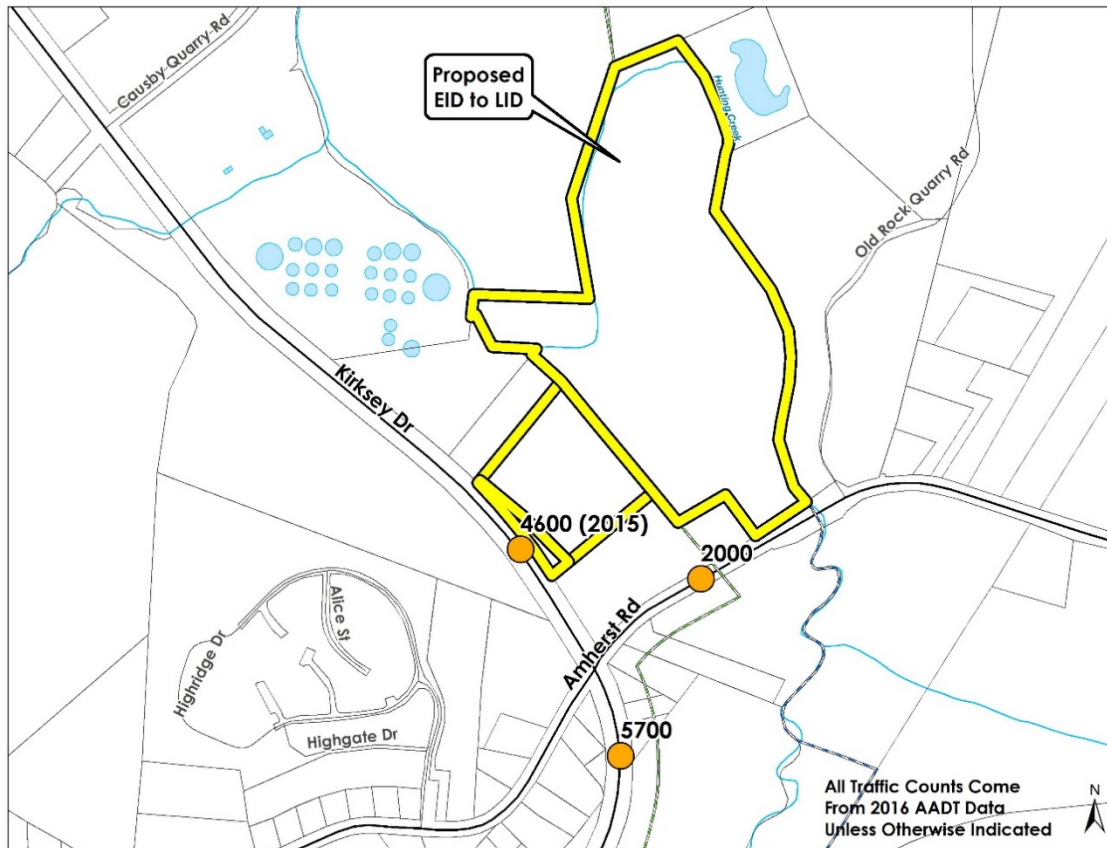
Spot Zoning

This request will not constitute spot zoning with the proposed LID as its size is sufficient to create its own zoning district.

Impact to Surrounding Properties

Impact to adjacent properties will be minimal and primarily associated with increased traffic on each access street and the nearby intersection. It should be noted that there will likely be impacts from adjacent properties to any potential residents of this property were it to be developed for residential purposes. The City has, in the past, received complaints from neighborhoods in the vicinity of Vulcan (rock quarry) as well as Sieren

manufacturing which is approximately ½ mile from this property.



Staff Recommendation

While this parcel is zoned in compliance with the Mission 2030 Comprehensive Plan for Exclusive Industrial Use, there is a recognized need for residential development in the City. A recommendation to approve would need to consider this as well as compatibility with the adjacent land uses and carry with it the recommendation to amend the Mission 2030 plan as required by state law. Any recommendation therefore should be made recognizing that accompanying amendment.

Mr. Dickens asked members to address Mr. Lookadoo with any questions.

Mr. Gordon questioned the complaints regarding Vulcan and the development property pointed out on the map.

Mr. Lookadoo stated the blasting at Vulcan was reported and concerning for some neighbors.

Mr. Dickens questioned if the trip counts were increased were both Kirksey and Amherst state serviced roads. He questioned signalization requirements.

Mr. Lookadoo stated the developer would request NCDOT to have a traffic impact analysis.

Mr. Dickens questioned the traffic capacity.

Mr. Dickens reviewed standards for operating public meeting during the stay-at-home order issued by Governor Roy Cooper. He questioned Mrs. Cain, administration, regarding contact or requests.

Mrs. Cain stated planning commission were given a letter from Vulcan Materials Company in response to the rezoning. She added no other inquiry had been made besides the developer.

Mr. Dickens reviewed the Vulcan correspondence with commission.

Mr. Dickens opened public meeting.

Mr. Scott Blake, Breckenridge Homes 1224 E Hudson Blvd Gastonia NC, stated he was the developer and had requested the rezoning.

Mr. Gordon asked if the property would be developed into a quarry.

Mr. Blake stated it would be residential family developments. He stated there would be a common area, nature hiking area and pedestrian bridge across the creek.

Mr. Dickens stated the rezoning use was not essential, however since the developer had brought the use forward, could he provide us with density of the units.

Mr. Blake stated 72 units which would be between 1600-2000 sq. ft., cultured stone, attached garage, between \$225,000-\$325,000.

Mr. Lennon questioned if the homes were cluster homes.

Mr. Blake stated the homes would not be a patio home.

Mr. Dickens asked about restricted covenants or HOA.

Mr. Blake reviewed some restrictions.

Mr. Wallace questioned the proximity to Vulcan.

Mr. Blake stated ½ mile.

Mr. Dickens asked the lot size.

Mr. Blake stated 80 by 125.

Mr. Lennon questioned any issues with the creek and flooding.

Mr. Blake stated he had a geologist review and test the land. He stated there is a good slope which is area which he likes to build upon.

Mr. Dickens made Mr. Blake aware of the letter received from Vulcan Materials and provided him with a copy of the letter. Mr. Dickens encouraged Mr. Blake to contact Vulcan Materials.

Mr. Gordon made a motion Rezoning request for 32 +/- acres of property located at 665 Kirksey Drive, 0 Kirksey Drive and 0 Old Rock Quarry Road reference record #'s 6172,

50158 and 37877 from Exclusive Industrial District (EID) to Low Intensity District (LID) has been submitted by Scott Blake.

Ms. Francis reminded commission that we are approving a rezoning and not a development.

Mr. Dickens stated decreasing the industrial area within the city limits would not be a bad thing since we have an industrial park eager for tenants.

Mr. Smith seconded the motion, passing unanimously (8-0).

Item 2: Review proposal to rezone a parcel located at 107 Old Jamestown Road (PIN 1793137357) to reflect the intent of the 2030 Land Use Plan and to also match adjacent land uses.

Rezoning Recommendation

Case # 03-2020
107 Old Jamestown Road Rezoning Recommendation
NCPINS: 1793137357, 1793138261

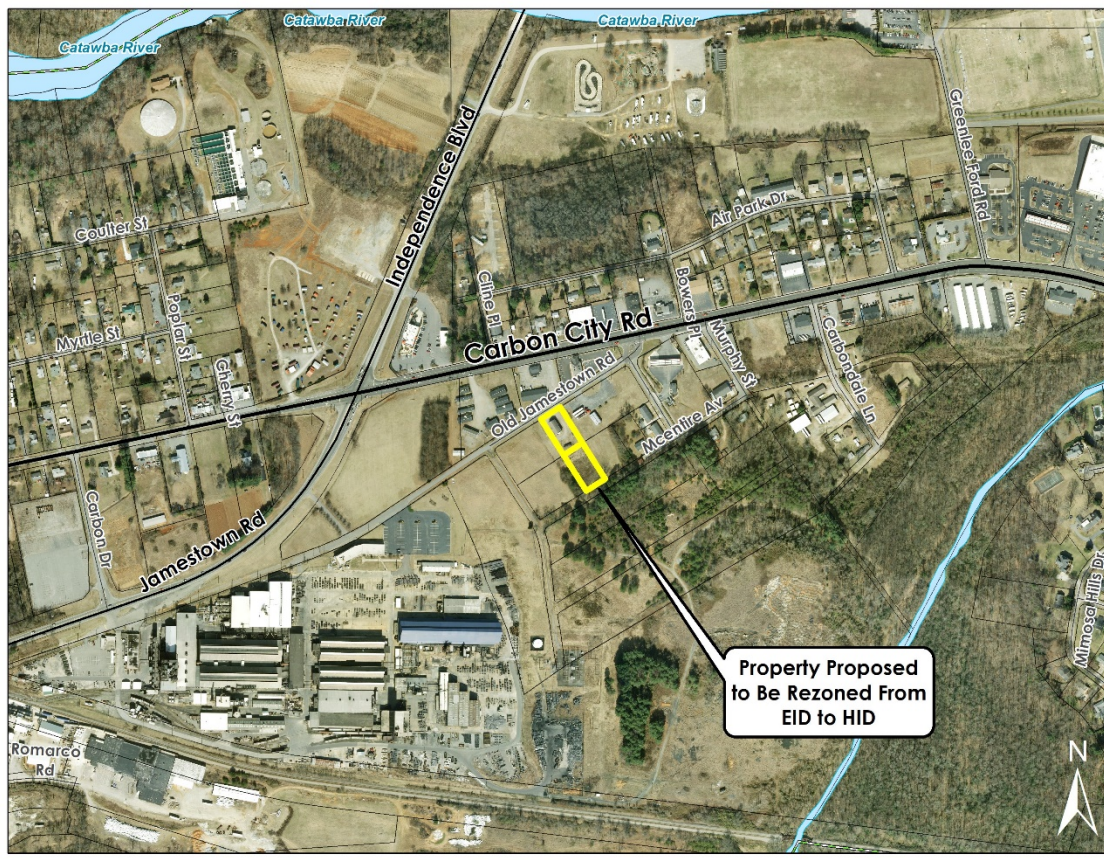
Background

To cause the principles and goals, relative to a conducive and friendly environment to economic development, of the Mission 2030 Plan to be implemented; the City of Morganton redrafted and adopted its zoning code. Along with the new code came new and more simplified zoning districts from what was in place. It was therefore necessary to assign a new zoning designation to every parcel of property within the City's zoning jurisdiction.

To assign zoning districts to parcels of land correctly, and part of the comprehensive planning process contained in the Mission 2030 plan, an evaluation had to take place. This evaluation involved an inventory of land uses (existing land use) for each parcel and the subsequent assigning of a proposed land use (future land use) to be consistent with the goals of the Mission 2030 plan. With the adoption of the Mission 2030 plan, the future land use for each parcel was assigned. New zoning designations for each parcel were then based on the parcel's future land use.

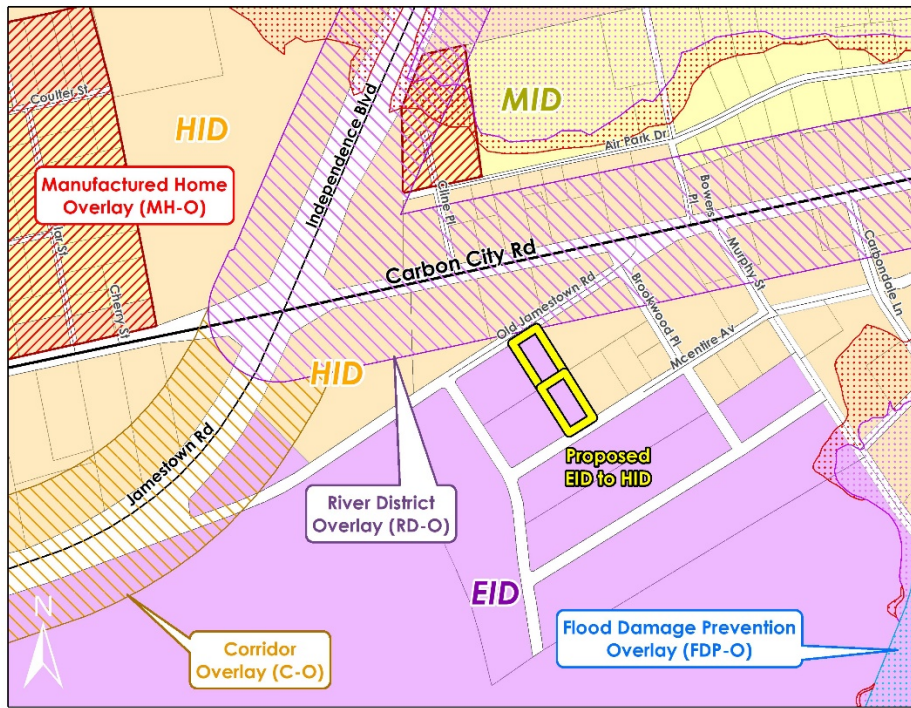
In the case of the parcels associated with 107 Old Jamestown Road, identified as NC PINS: 1793137357, 1793138261, the future land use of "General Business/Commercial" was assigned. This was appropriate as all the parcels in that block were designated as such. These two parcels and two others owned by SGL Carbon, LLC; however, were zoned "Exclusive Industrial District (EID)." Staff cannot verify but, it appears that the ownership of the parcels caused them to mistakenly be zoned EID as opposed to the

“General Business/Commercial” zoning district of “High Intensity District (HID).”



Zone Comparison

EID zoning designation provides for industrial development only while HID provides for an array of general commercial, high density residential, and light industrial uses.



Public Services

Access – Through Old Jamestown Road to Carbon City Road.

Water – Lines are in Old Jamestown Road

Sewer – Lines are in Old Jamestown Road

Planned Land Use

As stated above, the future land use designation for these parcels is “General Business/Commercial.”

Future Rezoning

Future rezoning applications should fully take into consideration the analysis considered in determining future land use as part of the Mission 2030 Plan.

Spot Zoning

This request will not constitute spot zoning as adjacent parcels are currently zoned HID.

Impact to Surrounding Properties

The re-zoning consideration would allow for compatible uses to the adjacent parcels and the district.

Staff Recommendation

Staff recommends that the Planning and Zoning Commission adopt a motion directing staff to prepare a rezoning application, initiated by the Planning and Zoning Commission, for the parcels associated with 107 Old Jamestown Road and identified as NC PINS: 1793137357 and 1793138261, to be submitted for the next available Planning and Zoning Commission and City Council meetings.

Mr. Dickens asked commission if they had questions for Mr. Lookadoo.

Ms. Francis stated during Mission 2030 letters were sent to property owners regarding the changes. She questioned why they were coming forward at this point.

Mr. Wallace made a motion for staff to prepare a rezoning application for the parcels associated with 107 Old Jamestown Road and identified as NC PINS: 1793137357 and 1793138261, seconded by Mr. Gordon and passed unanimously (8-0).

OTHER ITEMS OF DISCUSSION

Mr. Dickens questioned Item 1 motion and did verbiage “amending current 2030 land use map” need to be included.

Mr. Vinay stated yes.

Mr. Dickens amended previous motion to approval rezoning request for 32 +/- acres of property located at 665 Kirksey Drive, 0 Kirksey Drive and 0 Old Rock Quarry Road reference record #'s 6172, 50158 and 37877 from Exclusive Industrial District (EID) to Low Intensity District (LID) has been submitted by Scott Blake and amending current 2030 land use map, seconded by Mr. Engstrom and passed unanimously (8-0).

ADJOURN

Next Scheduled P&Z Meeting: **Thursday July 9, 2020 at 5:15 PM**
City Hall Council Chamber

Rezoning Evaluation

Case # PZ-003-2020

107 Old Jamestown Road Rezoning

NCPINS: 1793137357, 1793138261

REIDs- 31718 and 33129

Cumulative Tract size: 0.88 acres

Current Zoning: Exclusive Industrial District (EID)

Requested Zoning: High Intensity District (HID)

JULY 2020

Background

At the June 18, 2020 regular meeting of the Planning and Zoning Commission (P & Z) Meeting, staff requested the Commission to initiate a rezoning application relative to the above stated properties. This effort would cause consideration of rezoning properties identified as NCPINS: 1793137357, 1793138261 and located at 107 Old Jamestown Road, to be rezoned from Exclusive Industrial District (EID) to High Intensity District (HID).

The basis for the request from staff was a request for a zoning permit for a service use on the property. Upon investigation of the zoning map and future land use map in the Mission 2030 document, it was determined that the property likely should have initially been zoned HID. At the June 18, 2020 meeting, the P & Z voted unanimously to initiate the

Zone Comparison

EID zoning designation provides for industrial development only while HID provides for an array of general commercial, high density residential, and light industrial uses.

Public Services

Access – Through Old Jamestown Road to Carbon City Road.

Water – An 8 inch line is in Old Jamestown Road

Sewer – An 8 inch line is in Old Jamestown Road

Planned Land Use

As stated above, the future land use designation for these parcels is “General Business/Commercial.”

Future Rezoning

Future rezoning applications should fully take into consideration the analysis considered in determining future land use as part of the Mission 2030 Plan.

Spot Zoning

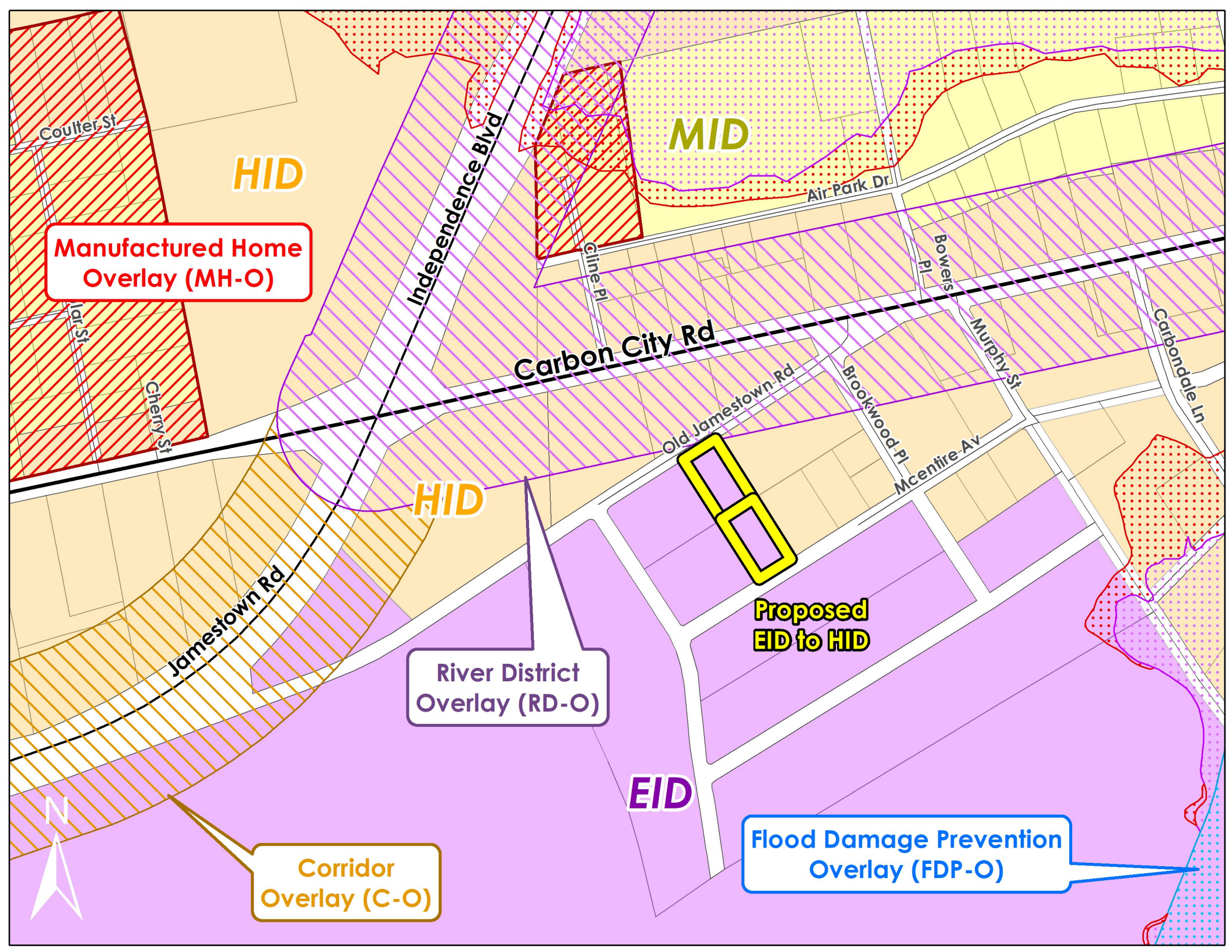
This request will not constitute spot zoning as adjacent parcels are currently zoned HID.

Impact to Surrounding Properties

The re-zoning consideration would allow for compatible uses to the adjacent parcels and the district.

Staff Recommendation

Staff recommends that the Planning and Zoning Commission adopt a motion recommending that City Council approve this rezoning initiative.



HID

MID

HID

EID

**River District
Overlay (RD-O)**

**Corridor
Overlay (C-O)**

**Flood Damage Prevention
Overlay (FDP-O)**

**Manufactured Home
Overlay (MH-O)**

**Proposed
EID to HID**

Carbon City Rd

Independence Blvd

Jamestown Rd

**Proposed
EID to HID**

Air Park Dr

Bowers Pl

Murphy St

Carbondale Ln

Old Jamestown Rd

Brookwood Pl

Mcentire Av

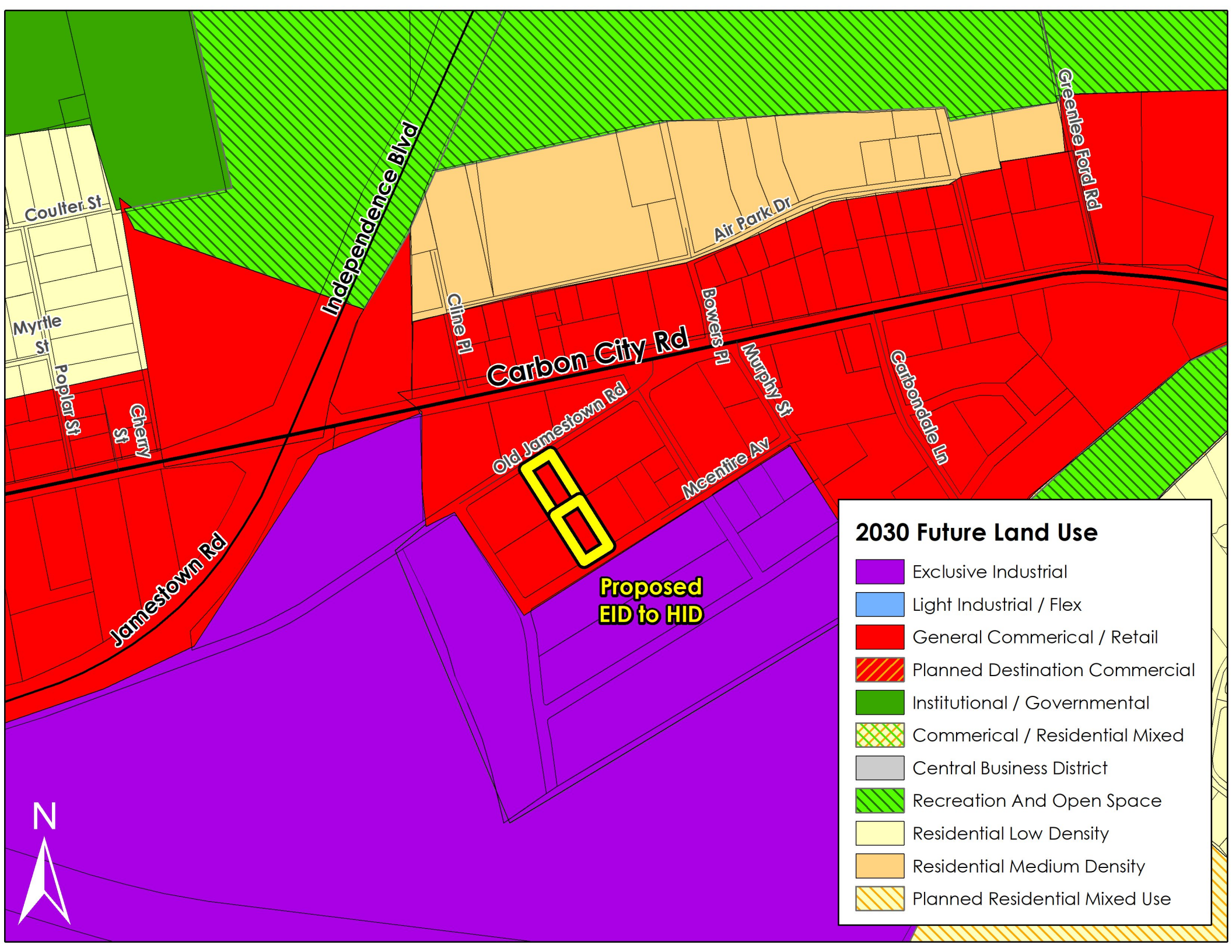
Coulter St

lar St

Cherry St

Cline Pl

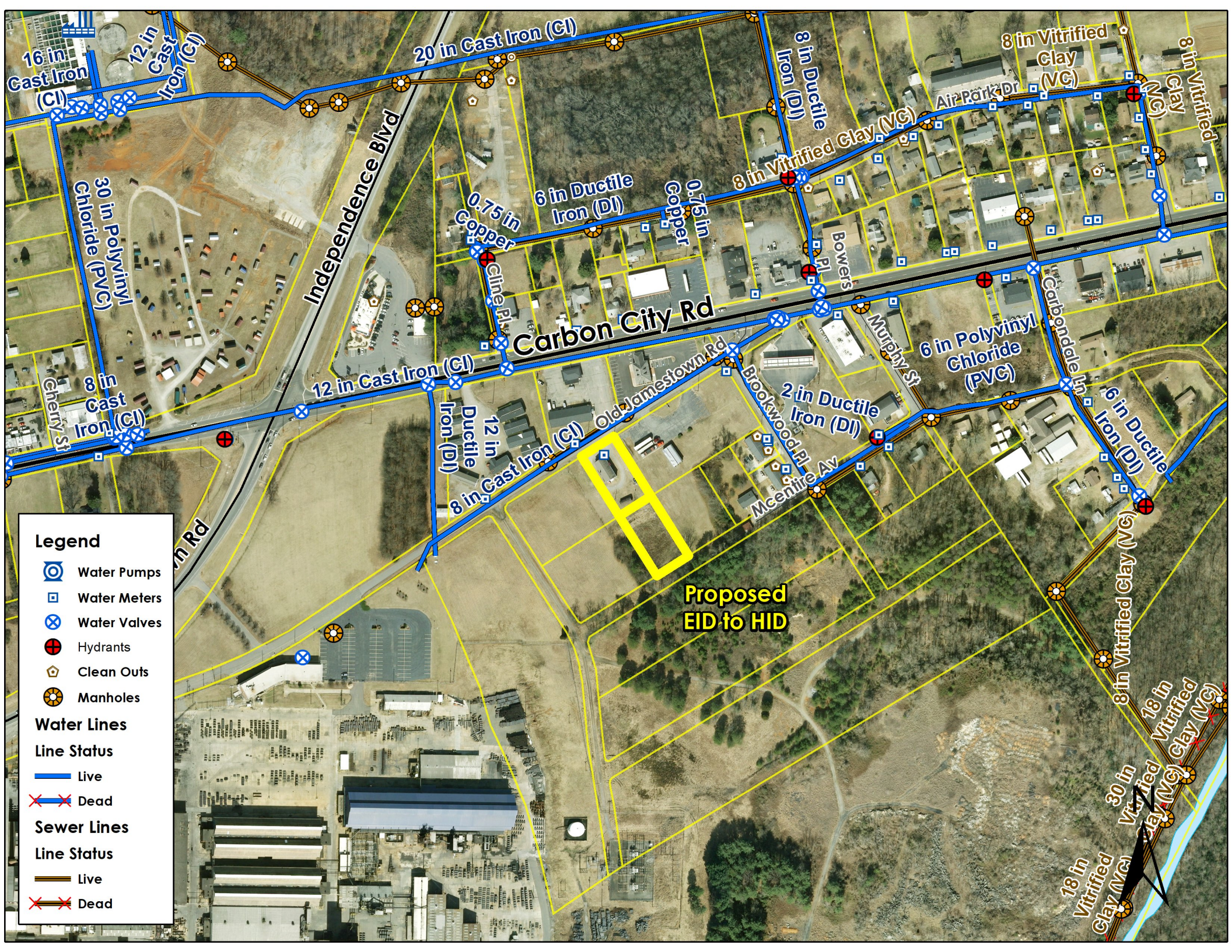










2030 Future Land Use

- Exclusive Industrial
- Light Industrial / Flex
- General Commerical / Retail
- Planned Destination Commercial
- Institutional / Governmental
- Commerical / Residential Mixed
- Central Business District
- Recreation And Open Space
- Residential Low Density
- Residential Medium Density
- Planned Residential Mixed Use







Legend

-  Water Pumps
-  Water Meters
-  Water Valves
-  Hydrants
-  Clean Outs
-  Manholes



Water Lines

Line Status

-  Live
-  Dead

Sewer Lines

Line Status

-  Live
-  Dead

**Proposed
EID to HID**

Independence Blvd

Carbon City Rd

16 in Cast Iron (CI)
12 in Cast Iron (CI)

20 in Cast Iron (CI)

8 in Ductile Iron (DI)

8 in Vitrified Clay (VC)

8 in Vitrified Clay (VC)

30 in Polyvinyl Chloride (PVC)

0.75 in Copper
Climax Pl

6 in Ductile Iron (DI)

0.75 in Copper

8 in Vitrified Clay (VC)

Air Park Dr

8 in Vitrified Clay (VC)

8 in Cast Iron (CI)
Cherry St

12 in Cast Iron (CI)

12 in Ductile Iron (DI)

8 in Cast Iron (CI)

2 in Ductile Iron (DI)

6 in Polyvinyl Chloride (PVC)

6 in Vitrified Clay (VC)

6 in Ductile Iron (DI)

W Rd

Old Jamestown Rd

Brookwood Pl

Mcenite Av

Murphy St

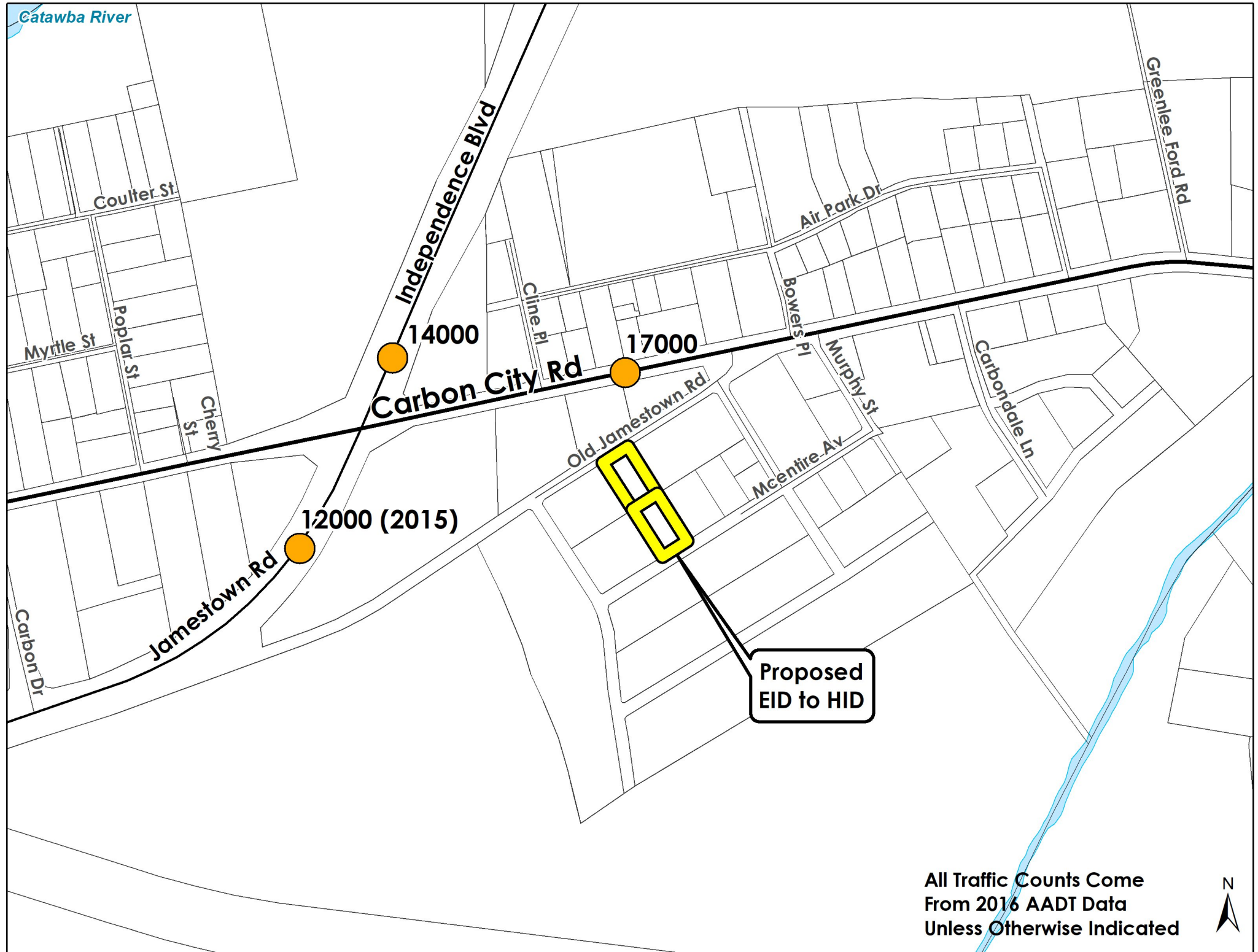
Carbondale Ln

18 in Vitrified Clay (VC)
30 in Vitrified Clay (VC)
18 in Vitrified Clay (VC)



Property Proposed
to Be Rezoned From
EID to HID

Catawba River



All Traffic Counts Come From 2016 AADT Data Unless Otherwise Indicated



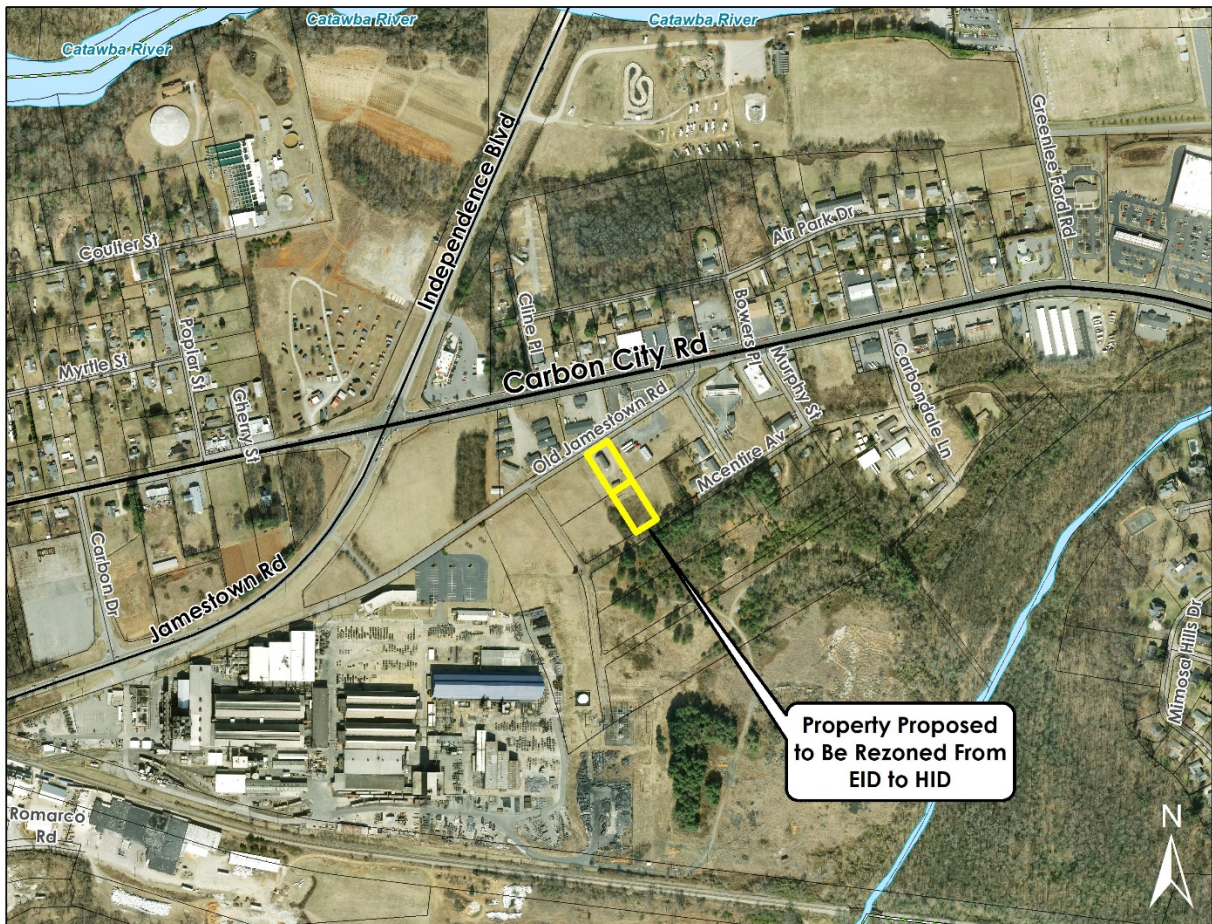
CITY OF MORGANTON NORTH CAROLINA

June 30th, 2020

Dear Property Owner:

Public Notice

The Morganton Planning and Zoning Commission will hold its monthly meeting on Thursday, **July 9th, 2020 at 5:15 p.m.** in the City Hall Council Chambers located at 305 East Union Street Suite A100 A public meeting will be held concerning a proposed map amendment for a proposed rezoning located at 107 Old Jamestown Road (PIN 1793137357 and 1793138261) to reflect the intent of the 2030 Land Use Plan and match adjacent land uses. (see the map below)



In response to the stay-at-home order issued by Governor Roy Cooper, and to help mitigate the spread of COVID-19, the Planning & Zoning Commission will hold a meeting July 9, 2020. The Council Chamber will not be open to the public, except as provided below, in order to remain in compliance with the Governor's orders.

If citizens wish to address the commission during the meeting they may:

1. Send an email to: jcain@ci.morganton.nc.us

2. Send a letter to: City of Morganton, Attn: Jackie Cain, P.O. Box 3448, Morganton, NC 28680
3. Hand deliver a letter to City Hall: 305 East Union Street by 9:00 a.m. on Wednesday July 8, 2020.
4. If a citizen would like to address the commission in person, they must make an appointment by calling Jackie Cain (828) 438-5260 by 9:00 a.m. on Thursday, July 9, 2020. Speakers will be allowed into Council Chamber one at a time during Public Comment and asked to leave the room after speaking.

All comments must be received by 9:00 a.m. on Thursday July 9, 2020.

For more information please call the City's Development & Design Services Department at (828) 438-5260. Interpreter services for the hearing impaired will be provided upon request. Please call TDD at 1-800-676-3777 at least seventy two (72) hours prior to the scheduled meeting. For other special needs services please call (828) 438-5260 at least 48 hours prior to the scheduled meeting.

Sincerely,

Phillip Lookadoo

Director Development & Design Services
City of Morganton