

**QUARTERLY PUBLIC HEARING
MINUTES
MONDAY, MAY 2, 2016
5:30 P.M.**

COUNCIL MEMBERS:	Mayor Rennie Brantz, Mayor Pro-Tem-Lynne Mason, Loretta Clawson, Jeannine Underdown, Jennifer Teague and Charlotte Mizelle
PLANNING COMMISSION MEMBERS:	Chairperson-Eric Woolridge, Vice-Chairperson Greg Simmons, Jeff Templeton, Connor Boyle, Charlie Myers, Matthew Vincent, Michelle Dineen and Cameron Lippard
STAFF PRESENT:	Bill Bailey-Director of Planning and Inspections, Jane Shook-Planning Supervisor, and Marlene Crosby-Board Secretary
OTHERS PRESENT:	John Ward-Town Manager and Allison Meade-Town Attorney

CALL TO ORDER

Mayor Rennie Brantz called the hearing to order at 5:38 p.m.

CASE 20160058 MODERN AUTOMOTIVE: Mr. Jerry Hollifield with Modern Automotive Network has filed a General Use Zoning Map Ament Petition to rezone the R3 Multi-Family Residential portion of 185 and 225 Modern Drive to B3 General Business.

Mr. Bill Bailey, Director of Planning and Inspections presented this case as outlined in the meeting packet.

Mayor Brantz asked about the development of the small portion of property that the applicant is asking to be rezoned. Mr. Bailey said the rezoning of the property will help unify the property by making it all in a B-3 zoning district. Mr. Bailey said it is his understanding that the dealership will use the property for car storage.

Mayor Pro-Tem Mason asked what the darker blue line on the map in the staff report for this case was referring to. Mr. Bailey said it is identifying the corporate limits.

Council Member Clawson asked for clarification on the difference in the R-3 and B-3 zoning districts. Mr. Bailey explained that in a proposed general map amendment, the Staff shows in the Table of Principal Uses what the available uses are and what the uses would be, if they are approved.

Mayor Brantz opened the floor for public comment.

Mr. Jerry Hollifield from Modern Automotive came to the podium and explained that the reason for the rezoning request is to help the dealership utilize the whole 12 acres of their property. He noted that a future use would be to expand their parking area and move their inventory to an area where it needs to be.

Mr. Bailey explained to the Council and Planning Commission members that they can only

consider the uses that are in the Table.

Mr. Bailey noted that what Mr. Hollifield is describing is an approved use. Mr. Bailey noted that this is a split-zoned parcel.

Mr. Alan Crees from Municipal Engineering came to the podium to introduce himself and said he was present to answer any questions on this case.

Vice-Chairperson Simmons asked if the dotted line on the map represented the corridor district. He clarified that the location of the line does go behind the property. Mr. Bailey said yes and it basically controls access.

Mayor Brantz closed this public hearing at 5:45 p.m.

CASE 20160027 PROTEST PETITION REMOVAL: Amend UDO Articles 1 and 9 to remove references to “Protest Petitions”.

Mr. Bailey presented this case as outlined in the meeting packet. Mr. Bailey explained that the proposed UDO text amendment change is due to a change in the state legislature which eliminated a municipality’s ability to allow protest petitions.

Mr. Bailey referred to the revised process found on page one of the staff report under Citizen Comment 9.04.01.

Discussion ensued on the time-frames for citizen comment.

Vice-Chairperson Simmons asked if this proposed text amendment change would take the protest petition process away from the Board of Adjustment. Mr. Bailey said no because the change is only for rezoning and map amendment changes.

Mr. Bailey explained that there is an intervener process for the Board of Adjustment.

Mayor Brantz opened the floor for public speakers. There were no speakers for this case.

Mayor Brantz closed this public hearing at 5:47 p.m.

CASE 20160028 FIRE CODE COORDINATION: Amend UDO Article 23 to bring street and driveway standards into compliance with the NC Fire Code.

Mr. Bailey presented this case as outlined in the meeting packet. Mr. Bailey noted the proposed change was made to help the language more line-up with elements state law. Mr. Bailey noted that the fire marshal has approved the proposed language.

Mayor Brantz opened the floor for public speakers. There were no speakers for this case.

Mayor Brantz closed this public hearing at 5:48 p.m.

CASE 20160178 PLANNED DEVELOPMENT MODIFICATION: Amend UDO Article 9 to modify who the applicant must invite to the neighborhood meeting and the place of the meeting.

Mr. Bailey presented this case as outlined in the meeting packet. Mr. Bailey talked about the way that neighborhood meetings are handled. Mr. Bailey noted the use of charrette-style meetings to be held in the Council Chambers and note corresponding changes in other articles.

Council Member Clawson asked if notification distance should be increased.

Mr. Bailey talked about the cons of increasing the distance. Mr. Bailey said that state law requires notification of 150 feet. Mr. Bailey said it is up to the Council to decide.

Council Member Teague asked if there is an increased Staff work load, when increasing the distance.

Mr. John Ward, Town Manager asked if there is an increase in cost. Mr. Bailey said that there would be an increase in the postage costs.

Council Member Teague noted her concerns about the neighborhood meeting, in that she was afraid that if the neighborhood meeting became too much like a public hearing then the community may not come to the actual public hearing to voice any concerns.

Mayor Pro-Tem Mason asked if signage is put up for the neighborhood meetings. Mr. Bailey said that posting on the property would not occur for the community meetings but will for the public hearing.

Mayor Pro-Tem Mason said it is important for everyone to know that the intent of the neighborhood meetings was for the developer and the neighbors to talk about the project early on in the process.

Council Member Mizelle asked how the notification distance was measured. Mr. Bailey noted that it was from the edge of the property [property line].

Council Member Clawson noted that she did not think that 150' was enough and noted that neighborhoods further out should be made aware of the proposed project. Council Member Mizelle said she is leaning toward 300' for the notification distance.

Discussion ensued on whether the applicant should have to handle the notification for the project. Mr. Bailey talked about the developer having to go to the county to get the mailing information. Mr. Bailey said yes this would save the Town money and the Staff time.

Council Member Teague said she is struggling that the neighborhood meetings becoming a public hearing. Mr. Bailey said that Staff has never been involved with neighborhood meetings due to the appearance of fairness doctrine. Mr. Bailey talked about the developer taking minutes that become a matter of public record.

Ms. Meade talked about using the notification to educate the neighbors about the process. Mr. Bailey indicated that Staff could come up with a brochure to send out with the notification.

Discussion ensued on how the neighborhood meeting would be conducted.

Mr. Bailey said the meetings are designed solely for the applicant with more general concepts in mind. Mr. Bailey explained the process and noted that if Staff is involved then the process will need to be more streamlined. Mr. Bailey said the Staff is going to have a larger window or process to facilitate the process.

Ms. Meade said she is in favor of having more flexibility in the process.

Mr. Ward suggested waiting to see how the Council's prior approval works out.

Mayor Pro-tem Mason agreed with Mr. Ward. Mr. Bailey talked about the specific procedural requirements include A(2)(d).

Discussion ensued on waiting to see how the current language works out before making changes. Ms. Meade asked Council to consider leaving in the language in Subsection 9.10.10.

Council Member Teague indicated that she liked the idea of holding the neighborhood meeting in Council Chambers. Discussion ensued on how that could work. Mr. Ward indicated that he would look into solutions for Council Chambers.

Discussion ensued on the notification distance and it was the consensus of Council to change the notification distance from 150' to 300'.

CASE 20160222 UNLISTED USES: Amend UDO Articles 2 and 15 to add catch-all for uses not listed in the Table of Uses and provide for evaluation of unlisted uses; modify "Recreation" table title and add 12.13 Motor Vehicle Racing/Speedway to Table of Principal Uses as a prohibited use.

Mr. Bailey presented this case as outlined in the meeting packet. Mr. Bailey said that the Staff looked at other codes to create a formalized process.

Mr. Bailey added that the LBCS Land-Based Classification Standards were originally used to help with the revisions to the UDO adopted in 2014.

Discussion ensued on how the proposed changes would impact the situation with the racetrack on Roby Greene Road. Ms. Meade noted that this topic of conversation was not appropriate at this meeting. Ms. Meade noted there is not a permit to consider at this time.

Mayor Brantz opened the floor for public speakers. There were no speakers for this case.

Mr. Richard Butler voiced his support for the racetrack and noted his concerns with the proposed amendment.

Mr. Ernie Carpenter voiced his support for the racetrack and noted his concerns with the proposed amendment.

Mr. Terry Goss voiced his support for the racetrack and noted his concerns with the proposed amendment.

Mr. Luke Goss voiced his support for the racetrack and noted his concerns with the proposed amendment.

Mr. Kevin Sound voiced his support for the racetrack and noted his concern with the proposed amendment.

Mr. Richard Plogzaj voiced his support for the racetrack and noted his concern with the proposed amendment.

Mr. Paul Clark voiced his support for the racetrack and noted his concern with the proposed amendment.

Dr. Brad Bachelor voiced his support for the racetrack and noted his concern with the proposed amendment.

Mr. Butler asked if Council had received a letter. Mr. Ward said the Council had received it and that he has a copy for the record.

Mayor Brantz closed this public hearing at 6:56 p.m.

CASE 20160224 TREE BOARD REMOVAL: Amend UDO Article 2 to remove the “Tree Board” from the UDO and modify the powers and duties of the “Community Appearance Commission”.

Mr. Bailey presented this case as outlined in the meeting packet.

Discussion ensued regarding the Mayor’s Tree Fund. Mr. Ward indicated that the tree fund was still in existence within the budget.

Discussion ensued regarding Arbor Day and Tree City program requirements. Mr. Bailey indicated that all Tree City requirements would be met under the proposed changes.

Mr. Bailey further explained tree cutting permit and identifying other sources of funds and other grants that will have a license associated with it.

Mayor Brantz closed this public hearing at 7:01 p.m.

CASE 20150149 PUBLIC HEARING PROCESS CHANGE: Modify UDO Article 9 with respect to the hearing, review and approval process for UDO text amendments and Zoning Map amendments (including PD and CD applications).

Mr. Bailey presented the outlined in the meeting packet. Mr. Bailey explained that Staff was directed to come up with a faster process to process UDO text and zoning map amendments.

Mr. Bailey explained the proposed changes were made to address the Planning Commission’s concern about having to hear make a decision on a complex case the same night as the hearing.

Mr. Bailey noted that Planning Commission meeting would move to the fourth Monday of the month.

Mr. Ward noted to Council that this could increase the possibility of Council’s attendance on every fourth Monday. Mr. Bailey said he did not see this happening every month but it will be a steady programmable thing that can be added in.

Mayor Brantz said the benefit would be to streamline the public hearing process.

Mr. Bailey explained with the public hearing being held first and the Planning Commission meeting to be held immediately after where the Commission could decide to make a decision, send it to the next Planning Commission meeting for further discussion or schedule a special meeting to discuss.

Discussion ensued on the confusion on how many meetings were actually occurring. Mr. Bailey noted that the Planning Commission would now only be meeting on the fourth Monday unless they called a special meeting. Council would be required to attend this meeting on the fourth Monday if there was a public hearing scheduled.

Discussion ensued on how the cases would be scheduled for public hearing.

Mayor Pro-tem Mason noted that it will be a shorter time period without delays. She said the

hearing process is automatic and there does not need to be a request made to Council for a special meeting.

Mayor Brantz closed this public hearing at 7:26 p.m.

ADJOURNMENT

Mayor Brantz adjourned the hearing at 7:26 p.m.

VOTE:

Aye-All

Nay-None

The vote was unanimous.

Rennie Brantz, Mayor

Marlene Crosby, Board Secretary

Eric Woolridge, Planning Commission Chairperson