

Memorandum

To: Morganton Planning & Zoning Commission Members
From: Jesse James, Senior Planner D&D Services
Date: March 4, 2021
Subject: P&Z meeting to be held March 11, 2021 5:15

The Morganton Planning & Zoning Commission will meet on **Thursday, March 11, 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 order issued by Governor Roy Cooper, and to help mitigate the spread of COVID-19, the Planning & Zoning Commission will hold a meeting March 11, 2021 with the following guidelines. The Council Chamber will be open to the public with limitations. Listed below are ways to participate while remaining 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, March 10, 2021.
4. If a citizen would like to address the commission in person, they may attend the scheduled meeting. Limitation of fifty (50) individuals are allowed in the council chamber. Masks will be required. Please contact Jackie Cain (828) 438-5260 with any questions. Speakers during any public hearing shall be limited to three (3) minutes each. Citizens will be allowed into Council Chamber.

All comments (emails or letters) must be received by 9:00 a.m. on Thursday March 11, 2021.

Morganton Planning & Zoning Commission
Agenda: March 11, 2021
City Hall Conference Room 4
305 East Union Street (Suite A100)

I. OLD BUSINESS:

Item 1: Review of City Council action since last meeting.

- Consideration for an application submitted by Bryan Beam for Maylenia LLC. to rezone the property listed as 410 E Hogan Street. The property is currently zoned High Intensity District (HID) and the application is to rezone to Exclusive Industrial District (EID). Bryan Beam petitioned for an appeal to city council. City council met at their February meeting and approved the rezoning request for 410 Hogan Street.

Item 2: Review and approval of the January 14, 2021 minutes

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: Consideration for a resolution to initiate Zoning Ordinance Text Amendments related to the North Carolina Legislation passing of Chapter 160D Land Use Law.

Action required: Motion for the Planning and Zoning Commission to initiate staff preparation of City of Morganton Zoning Ordinance text amendments to comply with North Carolina Chapter 160D Legislation.

OTHER ITEMS OF DISCUSSION

IV. ADJOURN

**Next Scheduled P&Z Meeting: Thursday April 8, 2021 at 5:15 PM
City Hall Council Chamber**

Minutes
Morganton Planning & Zoning
January 14, 2021

Members Present:

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

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: Election of Chair/Vice-Chair

Requirements for election of chairman and vice-chairman were conducted. Mr. Hank Dickens was nominated as Chairman and Mr. Bill Lennon was elected as vice-chairman. These position will serve for a period of one year.

Item 2: Review and approval of minutes.

Mr. Dickens stated a minutes from the October 9, 2020 and December 10, 2020 meeting were provided for review. Minutes from December were corrected to reflect Judy Francis and Jackie Cain as absent from the meeting.

Item 2: Review of City Council action since last meeting

Mr. Dickens stated Mr. James would review action taken by city council.

Mr. James stated City Council met in January and approved

- Consideration of an application by Burke Development, INC. Alan Wood to re-zone the property identified as 115 Wamsutta Mill Road, PIN-1793478629, from its current Medium Intensity District (MID) to High Intensity District (HID).

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: Application for consideration of a rezoning of a 26.83+- acre track (PIN #2703569030) located at 410 Hogan Street from High Intensity District (HID) to Exclusive Industrial District (EID) submitted by Bryan Beam.

Mr. Dickens asked Mr. James to review the request.

Rezoning Evaluation

Case # PZ-1-21

410 E Hogan Street Re-Zoning

Pin#- 2703569030

Background

An application has been submitted by Bryan Beam for Maylenia LLC. to rezone the property listed as 410 E Hogan Street. The property is currently zoned High Intensity District (HID) and the application is to re-zone to Exclusive Industrial District (EID). Historically this property has been light industrial, as it remains today.

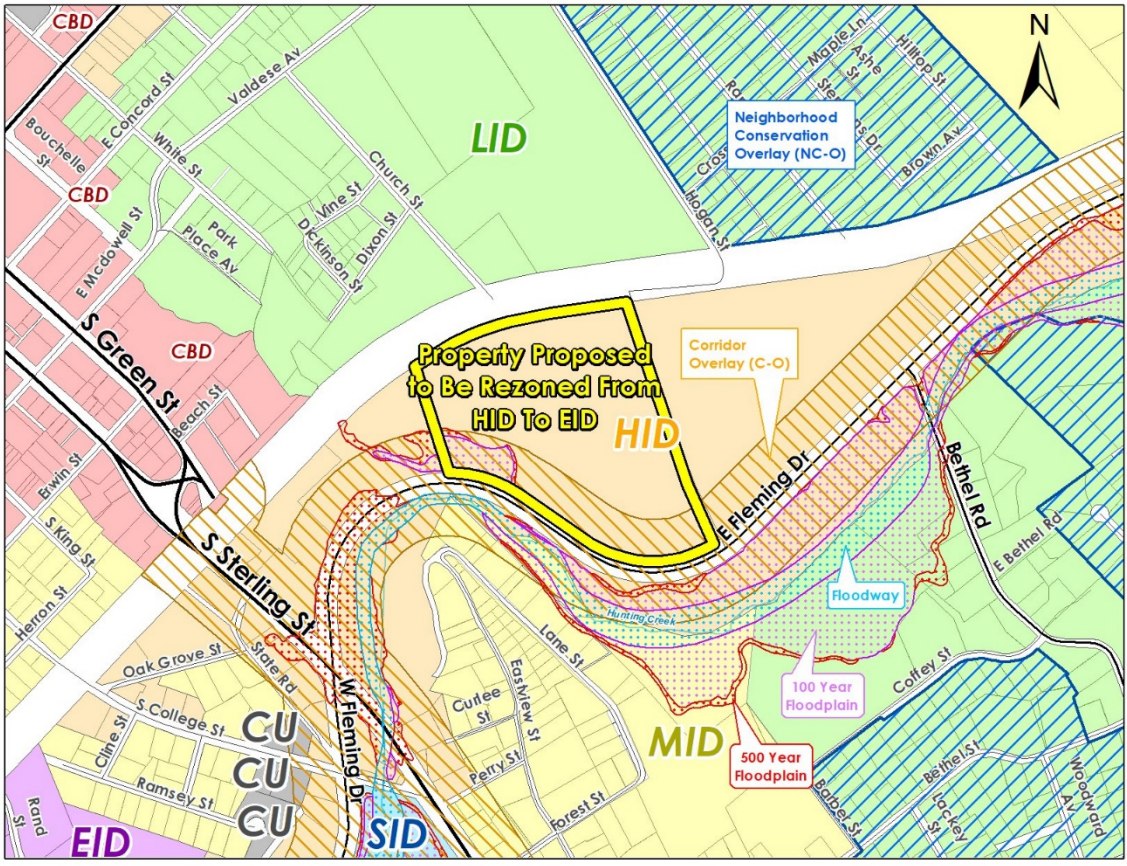


Zone Comparison

The High Intensity District is established to accommodate high density residential and a wide variety of civic, institutional, retail, service, and office uses along major arterials within the City and to ensure these uses are attractive, functional, and do not have a harmful effect on adjacent neighborhoods or other commercial areas of the City. HID does accommodate light manufacturing as a land use in the zoning ordinance.

The Exclusive Industrial District is established as a district 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.

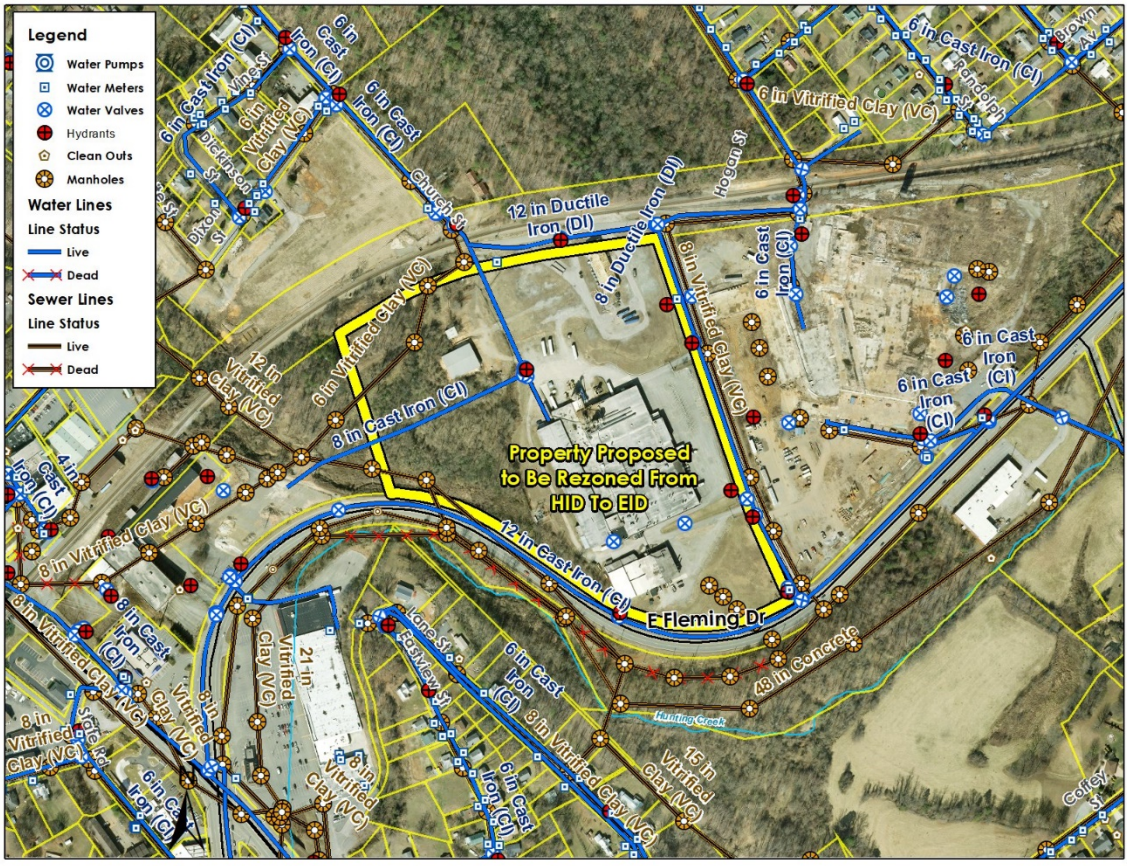


Public Services

Access – The property currently has direct access off of E Hogan Street. Hogan Street leads to Valdese Ave to the north and the property fronts E Fleming Drive to the East.

Water – Property is tapped into the public water system.

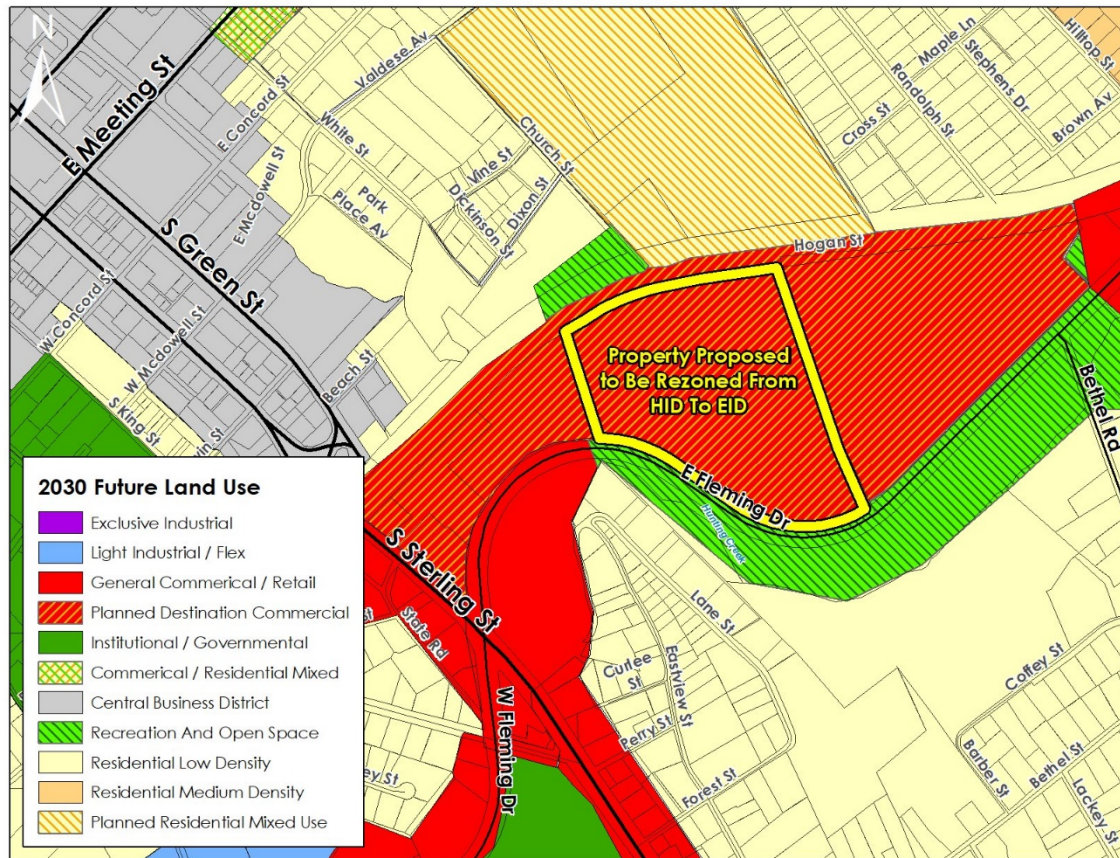
Sewer – Property is tapped into the public sewer system.



Planned Land Use

The City’s 2030 Future Land Use plan indicates that the subject parcel’s future land use would be best suited as Planned Destination Commercial which is designed to include shopping, services, recreation,

employment and institutional facilities serving the region.



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. The current use of the property as light manufacturing/industrial is consistent with the current zoning of HID, however there are several uses within the industrial land use category that cannot be permitted on this site due to its current zoning status and would benefit from EID zoning. See attached Land Use Table.

Spot Zoning

This request will not constitute spot zoning with its parcel size listed as 26.83 acres.

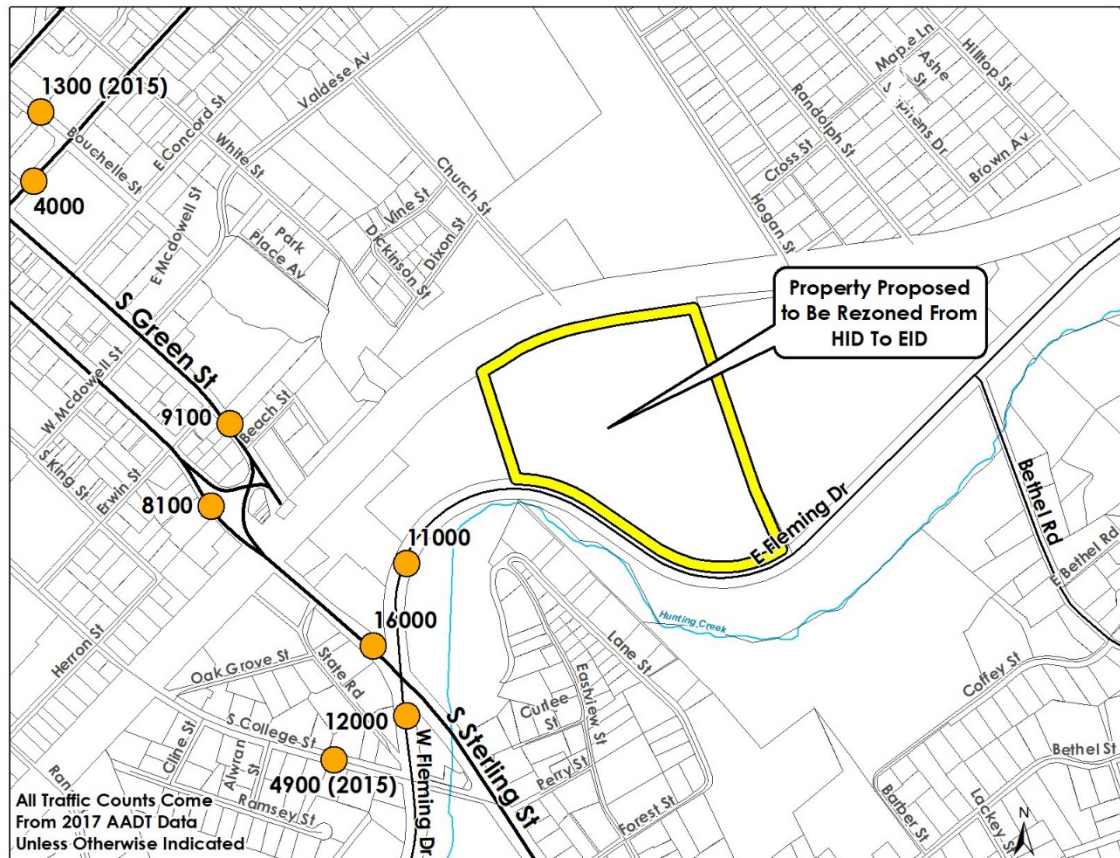
Impact to Surrounding Properties

As stated previously, the current, and historical land use of this property has been and is light industrial/manufacturing. There are railroad tracks to the north property line, vacant abandoned industrial property to the east, vacant property to the west and W Fleming Drive to the south. Residential properties are within 600 feet to the north and approximately 350 feet to the south.

Some potential impacts resulting from a change from HID to EID are more intensive industrial land uses, noise, environmental impacts, and possible increase in truck traffic. There are no vulnerable lower intensity land uses in regards to these impacts currently located on any adjacent parcel so the impacts are potentially minimal.

The most immediate potential impact is traffic in the form of industrial and or commercial trucks using Hogan Drive to access Valdese Ave to Fleming Drive or vice versa. The Valdese Avenue quadrant of

this road is comprised of vacant land to the west and single family housing to the east.



Staff Recommendation

Staff recommends approval under advisement that The City of Morganton take action to restrict traffic on Hogan Street from Valdese Avenue to the railroad tracks, North of 410 Hogan Street, to through truck traffic (i.e. local delivery traffic only). This recommendation is based on the analysis conducted into potential impacts and limiting the main potential impacts due to increased commercial/industrial truck traffic through a residential district.

Furthermore, staff recommends updating the Mission 2030 Comprehensive Plan to reflect this rezoning change. The current use of the property, as well as the historic usage of it lead us to believe that the highest and best use of this property are within the permissible uses listed with the EID zoning designation.

Mr. Dickens asked staff if they had questions for staff.

Mr. Gordon added the traffic restrictions would be like that of the Bethel Road truck restrictions.

Mr. James stated yes it would.

Mr. Dickens opened for public comment.

No one present.

Closed public hearing.

Mr. Engstrom questioned minimum lot size for spot zoning not to be questioned.

Mr. James stated if the property is under 2 acres and also not continuous zoned throughout the district then it could be a question of spot zoning. He added that when a parcel is the size of this one (26.83 acres) it isn't a question.

Mr. Wallace questioned if there was a railroad siting on the lot.

Mr. James stated there was an operable rail siting in the past and wasn't sure if it was still operable.

Mr. Wallace asked if the zoning change would allow rail service.

Mr. James stated rail service or terminal yard is allowed in EID.

Mr. Lennon stated 60 years ago there was rail service at the location.

Mr. Gordon asked about Hogan Street and closing? He questioned if the street was a city street.

Mr. James stated Hogan Street is maintained by the city and we could initiate closing the street to truck traffic.

Ms. Francis asked if staff had any concerns over other allowable uses of EID...like a junk yard that could be 600 feet from residential units.

Mr. James stated yes, it is highly unlikely that the current building at 410 Hogan Street with all the upgrades would be used as a junk yard office.

Ms. Francis stated staff could not refuse an applicant that requested to put a junk yard at the location because it is in the use chart.

Mr. James stated we would have zoning ordinance restrictions such as buffer yards, landscaping...

Ms. Francis mentioned if this were rezoned to EID, then it would be very difficult to refuse an applicant request for rezoning for properties in the area..across the road. She said this roadway area is a main corridor into Morganton.

Mr. James stated Mission 2030 labeled this area as destination commercial was the potential for this property to be used as such. He stated staff hasn't had any potential for that change. He stated that doesn't mean that it couldn't happen.

Ms. Francis questioned the rehab of adjacent properties which has happened. How will industrial zoning affect that new up fit of Alpine Mill. She expressed the investment.

Mr. James stated there was a large buffer area between those properties which would provide some protection.

Mr. Lingerfelt stated his concern wasn't the use of the Kellex property, he stated he felt this property would probably be used for distribution of some sort. He stated his concern was the property across the road. He stated we are opening the door to the possibility of a rezoning request.

Mr. Lennon stated this area was looked at during Mission 2030 as potential retail

expansion. Mr. Lennon stated since then large retail spot has developed along interstate. He stated he also never understood furniture factory use being grouped as Light Industrial. He discussed furniture factory use of chemicals, noise, furnace etc.

Ms. Francis stated looking at HID with allow ability for distribution as a use. She stated she felt this request could be opening Pandora's Box. She said this corridor could be damaged with an EID zoning.

Mr. Lingerfelt stated changing the ordinance could be the answer. He again stated his concern wasn't this property, but the other properties surrounding.

Mr. James stated text amendment could be another avenue for the applicant.

Ms. Francis stated she was aware the use couldn't be considered and wanted to know how staff felt about a text amendment.

Mr. James stated it could be done with a text amendment as opening up more uses.

Mr. Wallace clarified that we would add distribution center as a permitted use in HID.

Ms. Francis stated it would be onsite manufactured goods.

Mr. James stated if commission decided, then he could approach the applicant to request a zoning text amendment for change of allowable use within HID to allow distribution center.

Ms. Francis asked about the fee for the applicant?

Mr. James stated commission could initiate the request.

Mr. Dickens stated without the applicant present to question, we don't have the answers.

Mr. Lingerfelt asked if we could table the request.

Mr. Lennon stated the property in concern is already being used as storage of 30 federal trucks. Mr. Lennon motioned to table the request without prejudice.

Motion seconded by Mr. Gordon and passed unanimously (9-0).

OTHER ITEMS OF DISCUSSION

160(d)

Mr. James stated discussion of 160(d) would be upcoming. He stated it would not necessarily be at the next meeting.

ADJOURN

Next Scheduled P&Z Meeting: **Thursday March 11, 2021 at 5:15 PM**
City Hall Council Chamber

