

Memorandum

To: Morganton Planning & Zoning Commission Members
From: Jesse James, Senior Planner D&D Services
Date: November 30, 2020
Subject: P&Z meeting to be held December 10, 2020

The Morganton Planning & Zoning Commission will meet on **Thursday, December 10th, 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 (phase 2.5), and to help mitigate the spread of COVID-19, the Planning & Zoning Commission will hold a meeting December 10th, 2020 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, December 9, 2020.
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. Additional seating and live feed will be available in the lobby of city hall. 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 December 10, 2020.**

Morganton Planning & Zoning Commission
Agenda: December 10, 2020
City Hall Conference Room 4
305 East Union Street (Suite A100)

I. OLD BUSINESS:

Item 1: Review and approval of the October 8, 2020 minutes will be at our next meeting

Item 2: Review of City Council action since last meeting.

- Application from William Andrews for consideration for an amendment to the Zoning Ordinance sections 3.2 Overlay Districts, 4.2 Density and Dimensional Standards, and 4.8 Building Design Standards. These changes are for the proposed addition of a new overlay zone “Restricted Residential Overlay (RR-O)” to the City of Morganton Zoning Ordinance.
- A public meeting will be held concerning a proposed rezoning of a 0.95+- acre tract (PIN# 2703156576), 0.44+- acre tract (PIN# 2703158591), 0.33+- acre tract (PIN# 2703159443) and 0.29+- acre tract (PIN#2703157369) located at 313 West Union Street, 101 Lyman Court, 103 Lyman Court and 104 Lyman Court from Conditional Use (CU) to Medium Intensity District & Restricted Residential Overlay (MID/RR-O) submitted by William F. Andrews.
- Application submitted by Nancy VanNoppen for consideration for an amendment to the Zoning Ordinance, Table of Permitted Uses, to allow Body Art Establishments (tattoos & body piercing) as a permitted use in the Central Business District with conditions.

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 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).

OTHER ITEMS OF DISCUSSION

IV. ADJOURN

Next Scheduled P&Z Meeting:

Thursday January 14, 2021 at 5:15 PM
City Hall Council Chamber

Rezoning Evaluation

Case # PZ-12-20
115 Wamsutta Mill Rd Re-Zoning
Pin#- 1793478629

Background

An application has been submitted by Alan Wood for Burke Development, Inc. to rezone the property listed as 115 Wamsutta Mill Rd. The property is currently zoned Medium Intensity District (MID) and the application is to re-zone to High Intensity District (HID).

Zone Comparison

The Medium Intensity District is intended for a variety of medium to high density residential and low to medium intensity civic, institutional, office, service, and retail uses designed to keep the impact on adjacent residential areas at a minimum.

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.

Public Services

Access – The property currently has direct access off of Wamsutta Mill Road (Paved City Street) which connects to both Independence Boulevard to the North and North Green Street 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 map indicates that the subject parcel's future land use would be best suited as Light Industrial or Flex Space which are defined as scattered light industrial sites with active manufacturing and assembly operations.

The property is currently home to JE Ekornes USA Inc. which is a furniture manufacturer. In regards to land use, this is classified as manufacturing or assembly in the City of Morganton Zoning Ordinance, which is consistent with the 2030 Land Use Map, but not the current Zoning Designation of Medium Intensity District. Medium Intensity District does not allow for Light Manufacturing.

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. Analysis shows that the best use of this subject parcel is for light manufacturing which is consistent with either HID or EID zoning districts in the City of Morganton Zoning Ordinance.

Spot Zoning

This request will not constitute spot zoning since this property is adjacent to properties zoned HID and is 20.08 acres in size.

Impact to Surrounding Properties

Rezoning this property from MID to HID would not have any major impacts to surrounding properties being that the current use is vested as light manufacturing.

Staff Recommendation

The current zoning base district of MID is not consistent with the current use of the subject property, nor does it match the Mission 2030 Land Use Plan described previously. Staff recommends that the Planning and Zoning Commission approve this rezoning to HID based on the information provided in this report.



City of Morganton PETITION FOR REZONING

Date Filed _____

TO: CITY PLANNING AND ZONING COMMISSION AND CITY COUNCIL,
MORGANTON, NORTH CAROLINA: I (we), the undersigned, do hereby respectfully
make application and request the City Planning and Zoning Commission and the City
Council to amend the Zoning Ordinance and change the Zoning Map of the City of
Morganton as hereinafter requested, and in support of this application, the following facts
are shown:

1) It is desired and requested that the following property be rezoned from:
MID to: HID

2) The property sought to be rezoned is located at (street address or description of
location) 115 Wamsutta Mill Road

Parcel #1 (You may access City of Morganton at <http://bit.ly/mzoning> in order to
obtain the following information.)

Size of tract 20.08

Deed Book 001800 page 00170

Tax parcel # Map _____ Block _____ Lot # _____

PIN # 1793478629 Record # 37301

The property sought to be rezoned is owned by:

Owners name(s) and address County of Burke

Mailing address (if different than above) Post Office Box 219, Morganton, NC 28680

**(For additional tracts to be rezoned please attach additional sheets with the
same information as for parcel 1.)**

3) Attach a legal description of all property for which rezoning is requested. (*Copies of
deeds are available from the Burke County Register of Deeds Office located at the
Burke County Courthouse on South Green Street.*)

4) An application fee of **\$750.00** must be submitted with this application.

5) Applicant Information

Applicant's Name (please print) Burke Development, Inc. - Alan Wood

Mailing Address 2128 S Sterling St, Suite 150, Morganton, NC 28655

Telephone Number 828.764.1818

Signature Alan Wood

**If you have questions about this form or the rezoning process, please contact City
of Morganton, Development & Design Services Department at (828) 438-5260.**

FOR REGISTRATION REGISTER OF DEEDS
ELIZABETH T COOPER
BURKE COUNTY, NC
2008 OCT 23 11:44:43 AM
BK: 1800 PG. 170-173 FEE: \$20.00

INSTRUMENT # 2008012699

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax \$-0-

Parcel Identifier No 11-48-4-5 Verified by _____ County on the _____ day of _____ 2008

By _____

Mail/Box to _____

This instrument prepared by G REDMOND DILL, JR, ATTORNEY, P O BOX 332, VALDESE, N C 28690

Brief description for the Index B/L 115 Wamsutta Mill Road, Morganton, N C 28655

THIS DEED made this 26th day of June, 2008, by and between

GRANTOR

GRANTEE

FOOTHILLS SERVICES, INC.

COUNTY OF BURKE

**115 Wamsutta Mill Road
Morganton, North Carolina 28655**

**P.O. Box 219
Morganton, North Carolina 28680**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Morganton, Quaker Meadows Township, Burke County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book 889, Page 299

A map showing the above described property is recorded in Plat Book _____, Page _____

NC Bar Association Form No 6© 1977, 2002
Printed by agreement with the NC Bar Association - 1981

+ James Williams & Co, Inc
www.JamesWilliams.com

1800-170

SCHEDULE "A"

BEGINNING at an existing iron pipe in the Southwest margin of the right-of-way of Wamsutta Mill Road (S R 1295) at the Southeast corner of the property now or formerly claimed by Dana Federal Credit Union (Book 851, Page 174, Burke Registry), said beginning point being located South 47° 51' 45" East 539 39 feet from a pk nail set in the centerline of the intersection of Independence Boulevard and Wamsutta Mill Road, thence from said beginning point and with the Southwest margin of the right-of-way of Wamsutta Mill Road South 55° 13' 19" East 150 18 feet to an existing iron pipe at the Northwest corner of the property now or formerly claimed by E J Victor, Inc. (Book 840, Page 589, Burke Registry), thence with Victor's West line South 24° 0' 48" West 169 31 feet to an existing iron pipe, thence continuing with Victor's West line South 22° 46' 30" East 1,414 31 feet to an existing iron pipe at Victor's Southwest corner and the Northwest corner of the property now or formerly claimed by Dana Corporation (Book 540, Page 453, Burke Registry); thence with Dana's West line South 22° 47' 11" East 522 78 feet to an existing iron pipe in Dana's West line at the Northeast corner of the property now or formerly claimed by Gresham Orrison (Book 766, Page 1600, Burke Registry), thence with Orrison's North line South 70° 6' 58" West 455 02 feet to an existing iron rod in the East line of the property now or formerly claimed by Duke Power Company (Book 454, Page 225, Burke Registry) at Orrison's Northwest corner, thence with Duke Power's East line North 20° 0' 19" West 695 42 feet to a concrete monument, thence continuing with Duke Power's East line North 20° 1' 8" West 1,179 89 feet to a concrete monument, thence continuing with Duke Power's East line North 19° 56' 49" West 184 99 feet to an existing iron pipe in Duke Power's East line at the Southwest corner of the property now or formerly claimed by Hunting Creek Associates (Book 851, Page 172, Burke Registry); thence with Hunting Creek's South line North 53° 15' 35" East 204 77 feet to an existing iron pipe at Hunting Creek's Southeast corner and the Southwest corner of the property now or formerly claimed by Dana Federal Credit Union (Book 851, Page 174, Burke Registry), thence with Dana Federal's South line North 53° 15' 35" East 205 04 feet to the point and place of BEGINNING, said tract to contain 19 998 acres, more or less, as more fully shown on that plat of survey for Foothills Services, Inc prepared by Catawba Valley Surveying under date of September 4, 1997

SUBJECT TO the Exception and Right-of-Way as described in deed dated January 15, 1981 by Kathryn H Dixon, Dorothy H Randolph and husband, John L Randolph, to Frederick Edward, Inc recorded in Deed Book 600, Page 444, Burke Registry

TOGETHER WITH all tenements, hereditaments, easements and appurtenances belonging or in any wise appertaining thereto

DEED REFERENCES Book 889, Page 299, Book 863, Page 1306 all of the Burke Registry

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions
All valid and enforceable easements and restrictions of record

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written

FOOTHILLS SERVICES, INC
(Entity Name)

By: *W. Darrell Robertson* (SEAL)
Title W. Darrell Robertson President

By _____ (SEAL)
Title _____

By _____ (SEAL)
Title _____

By _____ (SEAL)
Title _____

(SEAL-STAMP) STATE OF NORTH CAROLINA, COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed Witness my hand and Notarial stamp or seal this ____ day of ____, 2008

MY COMMISSION EXPIRES _____ (SEAL)

NOTARY PUBLIC



(SEAL-STAMP)

STATE OF NORTH CAROLINA, COUNTY OF Burke
I, SNOW A. SHERRILL, a Notary Public of the County and State aforesaid, certify that W. DARRELL ROBERTSON appeared before and acknowledged that he is the President of FOOTHILLS SERVICES, INC, a North Carolina Corporation and that by authority duly given and as the act of each entity, he signed the foregoing instrument in its name on its behalf as its act and deed WITNESS my hand and official seal this the 26th day of June, 2008

MY COMMISSION EXPIRES 1/19/09 (SEAL)

NOTARY PUBLIC SNOW A. SHERRILL

STATE OF NORTH CAROLINA, COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed Witness and official seal this the ____ day of _____, 2008

MY COMMISSION EXPIRES _____ (SEAL)

NOTARY PUBLIC

The foregoing Certificate(s) of _____ is/are certified to be correct
The instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof

By _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds



ELIZABETH T COOPER
REGISTER OF DEEDS, BURKE
JUDICIAL BUILDING
201 SOUTH GREEN STREET
MORGANTON, NC 28655

PLEASE RETAIN YELLOW TRAILER PAGE

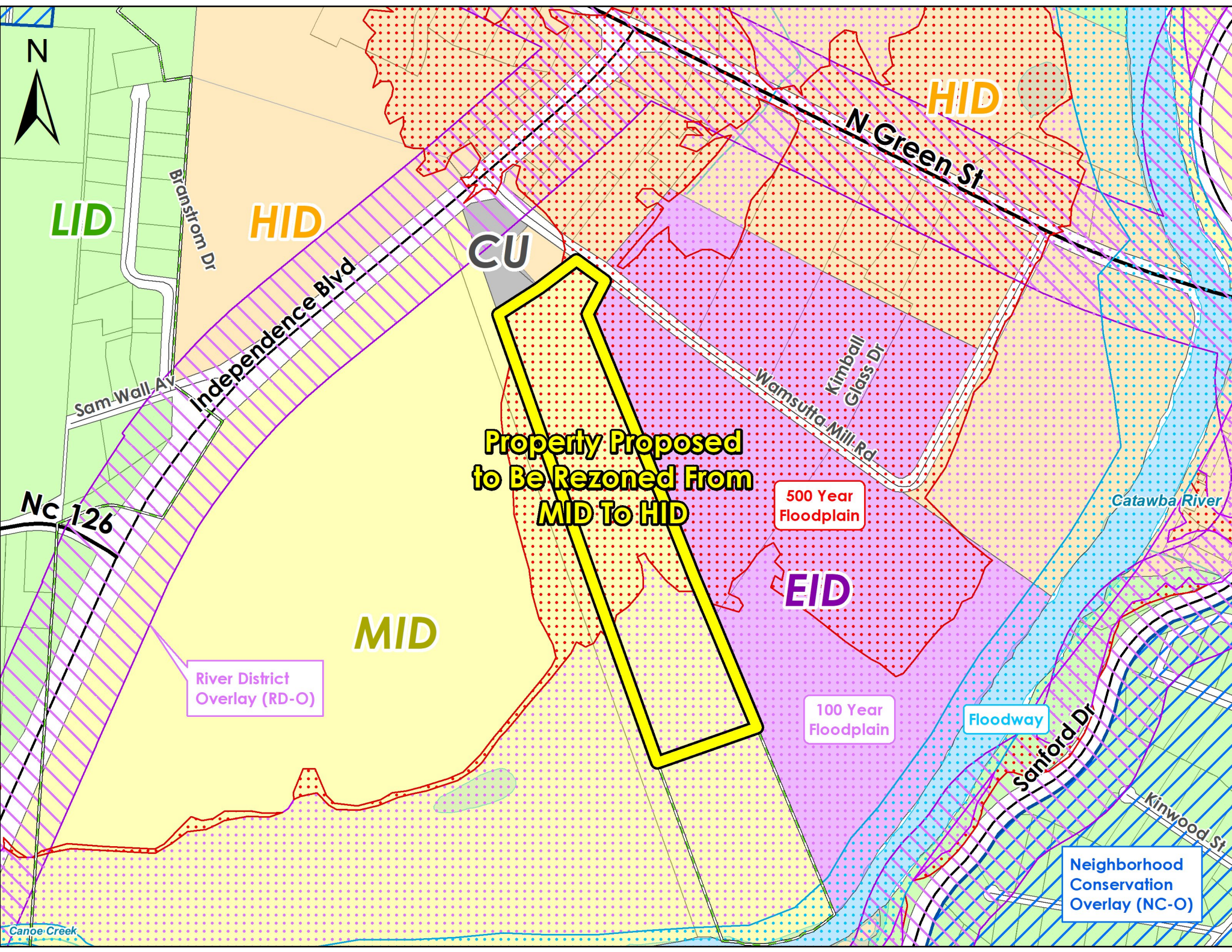
It is part of recorded document, and must be submitted with original for re-recording
and/or cancellation

Filed For Registration: 10/23/2008 11:44:43 AM
Book. RE 1800 Page: 170-173
Document No.: 2008012699
DEED 4 PGS \$20.00
Recorder: WANDA CHURCH

2008012699

2008012699

173



LID

HID

CU

HID

N Green St

Branstrom Dr

Sam Wall Av

Independence Blvd

Property Proposed
to Be Rezoned From
MID To HID

500 Year
Floodplain

EID

Catawba River

Nc 126

MID

River District
Overlay (RD-O)

100 Year
Floodplain

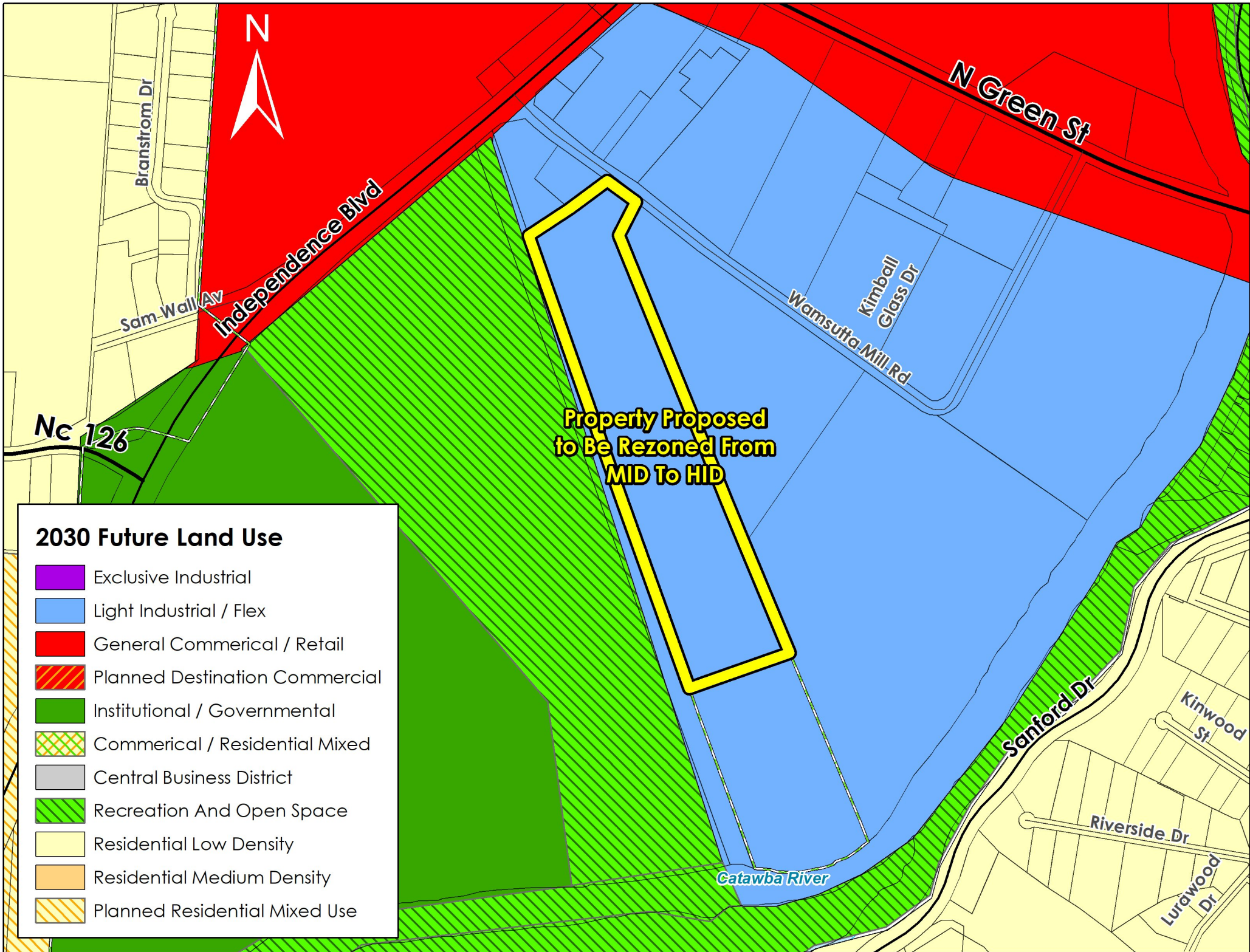
Floodway

Sanford Dr

Kinwood St

Neighborhood
Conservation
Overlay (NC-O)

Canoe Creek



Legend

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

Water Lines

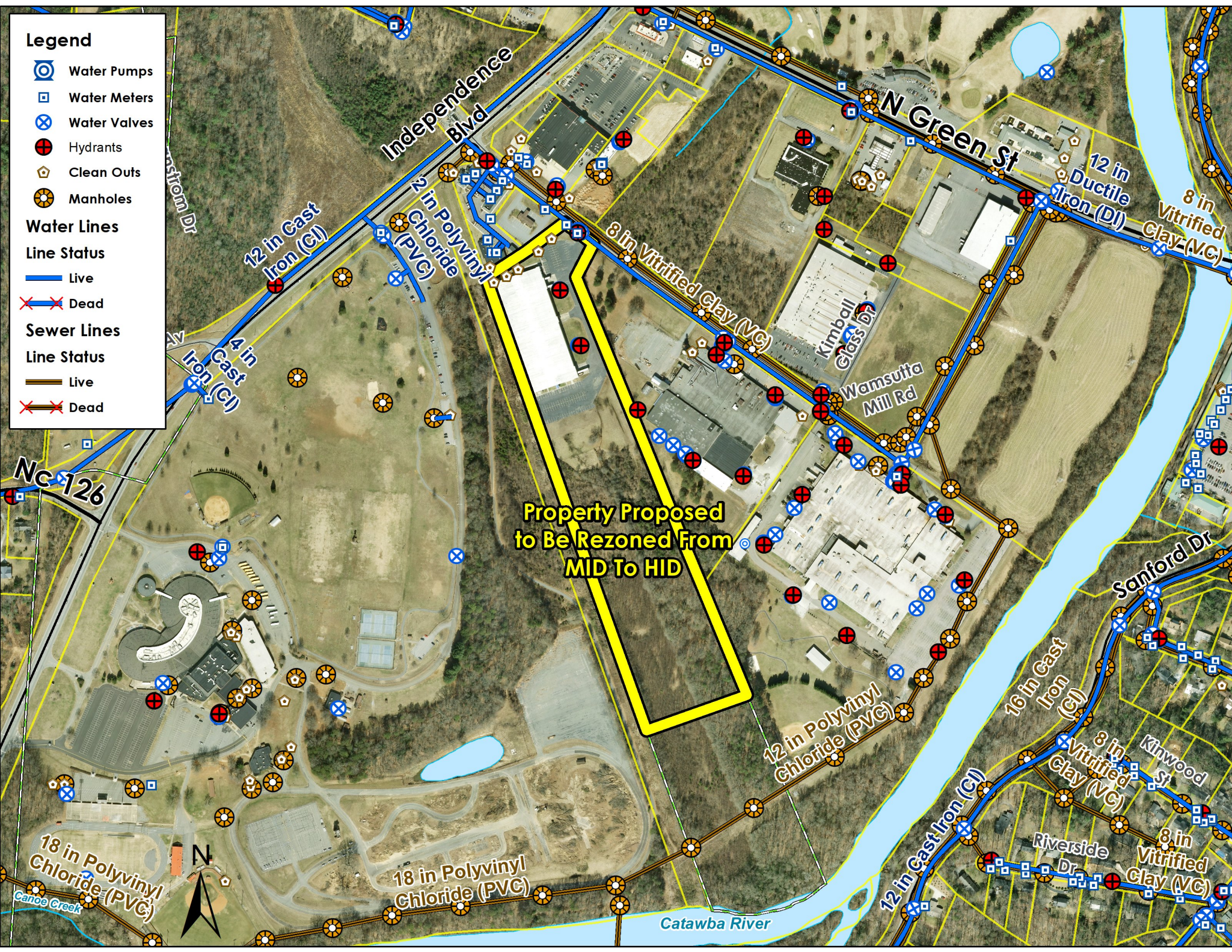
Line Status

- Live
- Dead

Sewer Lines

Line Status

- Live
- Dead

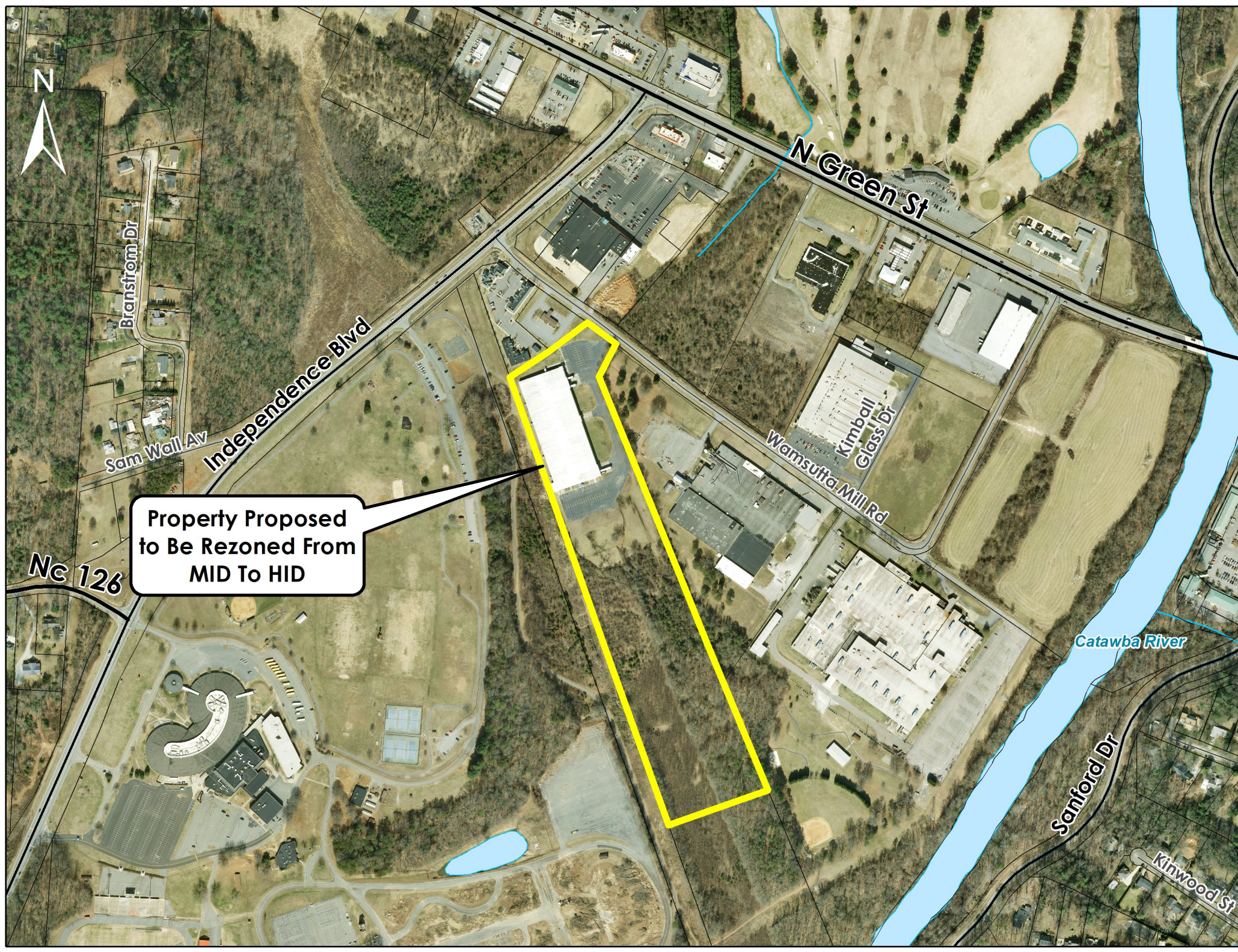


**Property Proposed
to Be Rezoned From
MID To HID**

Nc 126



Catawba River



**Property Proposed
to Be Rezoned From
MID To HID**

N Green St

Bransford Dr

Sam Wall Av

Independence Blvd

Nc 126

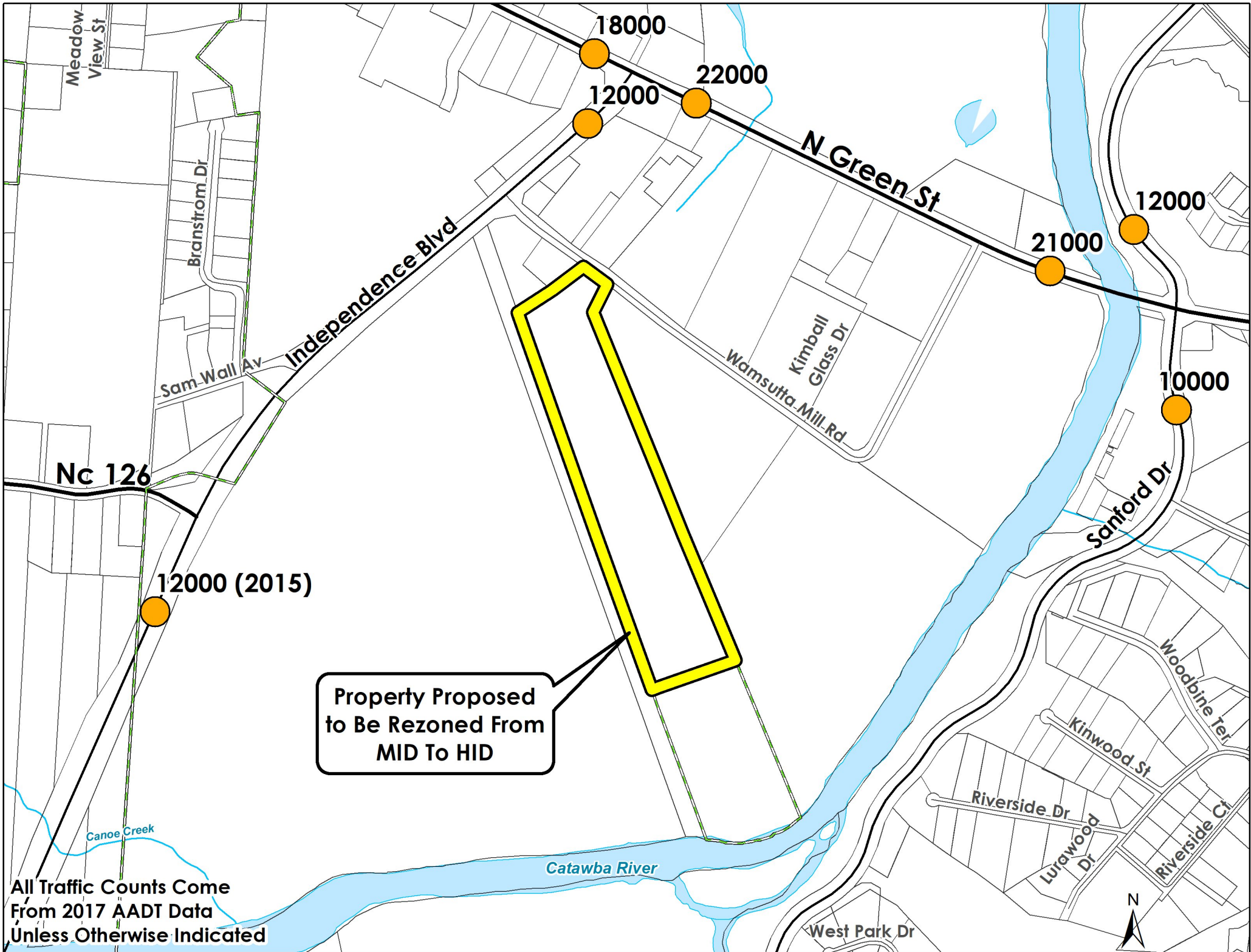
Wamsutta Mill Rd

Kimball
Glass Dr

Catawba River

Sanford Dr

Kinwood St



Property Proposed to Be Rezoned From MID To HID

All Traffic Counts Come From 2017 AADT Data Unless Otherwise Indicated

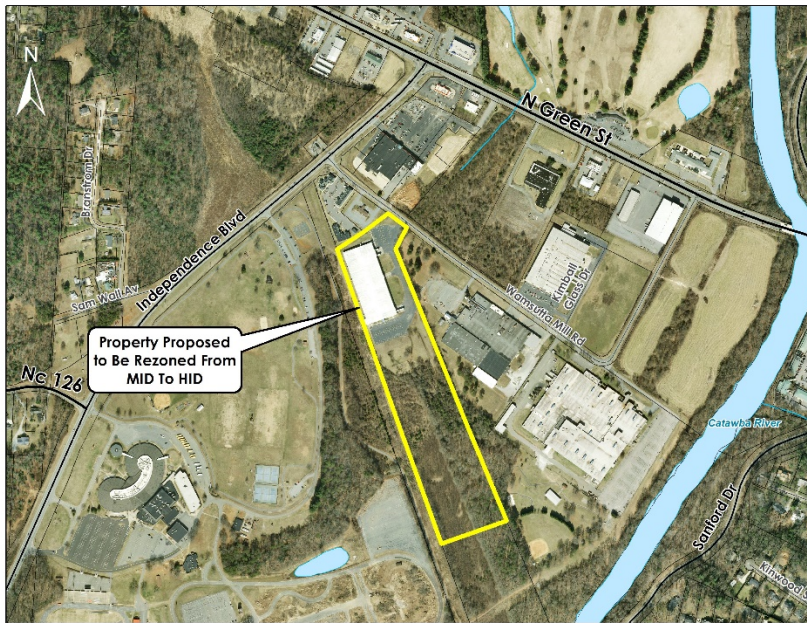
CITY OF MORGANTON NORTH CAROLINA

November 30, 2020

Dear Property Owner:

Public Notice

The Morganton Planning and Zoning Commission will hold its meeting on Thursday, **December 10, 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 rezoning of a 20.08+- acre track (PIN# 1793478629) located at 115 Wamsutta Mill Road from Medium Intensity District (MID) to Heavy Intensity District (HID) submitted by Burke Development, Inc.



In response to the order issued by Governor Roy Cooper (phase 3), and to help mitigate the spread of COVID-19, the Planning & Zoning Commission will hold a meeting December 10, 2020. The Council Chamber will be open to the public with limitations. Listed below are ways to participate and remain in compliance with the Governor's orders.

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**All comments (emails or letters) must be received by 9:00 a.m.
on Wednesday December 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 D&D Services
City of Morganton