

Planning Board Meeting
April 14, 2014
6:30 pm

Council Chambers

Minutes & General Account

Planning Board Members Present: Kerry Miller, Chair; Art Wise, Vice-Chair; Dot Perdue, Eddie Oakley, Sarah Glanville and John Capes (Alternate)

Council Liaison: Lynn Montgomery

Staff: Matthew Johnson & Martha Wolfe

Visitors: Carol Brooks of the Jamestown News, Jim Hill, Brent Morris

1. Call to Order – Kerry Miller called the meeting to order.
2. Approval of minutes from January 13, 2014 meeting – Art Wise made a motion to approve the minutes as presented. Sarah Glanville made a second to the motion. The motion passed by unanimous vote.
3. Public Hearing to consider a rezoning request from Industrial (IND) to Commercial/Main Street Transitional (C/MST) for the property located at 207 Oakdale Rd. - Matthew Johnson stated the property consists of approximately ½ acre. The current use of the property is medical office or professional office. The property is bordered to the North by industrial, East by vacant and residential properties, West is commercial and to the South is single family residential.

The property is located in the Primary Growth area and serviced by Town water/sewer. It is located in the industrial portion of the Future Land Use Map. The property is part of the Hillstone/Professional Drive subdivision which was zoned light industrial prior to the 2009 Land Development Ordinance.

The applicant is interested in marketing his property for professional office or medical office type uses which were made non-conforming by the Land Development Ordinance 2009. Johnson stated originally the light industrial category in the previous ordinance did allow a number of other uses not typically seen in light industrial districts. Generally, industrial uses have a more intense use and/or have outside storage of equipment.

Kerry Miller asked the applicant, Brent Morris, Real Property Management, to please tell the Planning Board his intentions for the property. Morris stated the reason to rezone the property is simply to get the property to a zoning designation that is not a non-conforming use. The previous use of the property was a law firm, eye doctor and homeopathic medicine. At present, all uses are non-conforming. He would like to change the zoning to make it more conducive to the type of tenant they will actually lease to and to be in compliance. The property/building was designed more as an office space verses industrial usage. He does not foresee it ever being an industrial use. The property just happens to be located right in that pocket where other industrial buildings are located. The type of inquiries he has received from prospective tenants are internal medical doctor, salon and financial planner. Morris said he understands once the property is vacant for a period of time, it is no longer grandfathered and no longer allowed for those uses to continue as non-conforming. The C/MST provides a lot more flexibility in the type of tenant that can be there. It makes it more practical.

Kerry Miller opened the Public Hearing and asked if there was anyone in the audience that wished to speak for or against the rezoning request.

Jim Hill, 209 Oakdale Rd., stated he lives next door to the property. Mr. Hill asked what could be put in the office building if it were rezoned to the C/MST and how would it affect his property. He was concerned if a new business moved in could they stay open late at night, 24 hr., could they add additional outside lighting, etc. He is curious how it could affect his property.

Johnson stated there are a number of uses that are allowed under the C/MST zoning. He feels because of the way the property is already developed one would be self-limiting in types of uses that are permitted there because of parking. The property does not seem viable for a bar or grocery store. The parking available is around 21 spaces. It is true that the property would be zoned appropriately for those businesses but it would not meet the parking requirements. The normal commercial uses allowed would be retail, medical, professionals, lawyers, accountants. The applicant stated what they are trying to do is to get back to the type tenants they had before the LDO changed. The C/MST zoning would allow them to do that.

Mr. Hill stated he is concerned about the type of business that could go at the subject site. As long as it stays a professional building he has no problem with it. He asked if the rezoning would help him or hurt him. Johnson stated we cannot answer that. Any rezoning requests are done on a case by case basis.

Capes asked about the grandfather status. Johnson said when the eye doctor moved out of the property, the time frame/period for the non-conforming use was triggered. Once 6 months passed, certain criteria has to be met. The owner has to show they have marketed it to try and get the same type of use back in the property. After 1 year as vacant, they have to put in a use that conforms to the zoning. The building was always set up for a professional office type use. The applicant is trying to alleviate all the zoning issues.

Glanville asked if the property stayed industrial, could someone buy the building and then the use go more to heavy trucks and industrial use. Johnson said as it is now zoned, someone could demolish the building and put any type of industrial use permitted. Industrial uses are of a more intensive nature such as manufacturing and wholesale. The requested rezoning would be a less intensive use.

Art Wise made a motion to recommend approving the rezoning request from Industrial to Commercial/Main Street Transitional the property located at 207 Oakdale Rd. Sarah Glanville made a second to the motion. The motion passed by unanimous vote of the members present; Art Wise, Sarah Glanville, Dot Perdue, Eddie Oakley.

4. Public Comment Period – No one registered to speak.

5. Other Business –

It was announced that the Wrenn Miller Park has been entered into a contest for North Carolina Great Places. Please vote. The deadline is May 9th, 2014.
No other business.

Dot Perdue made a motion to adjourn. Art Wise made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 7:02 pm.