



Joint Board Workshop December 10, 2009

Members Present:

David Nail, Chairman

John Robertson, Vice Chair

Steve McGlothlin

William Ogburn

Larry Stamm

Members Absent:

Allen Brawley

David Steen

Joe Thompson

Danny Martin

Commissioners Present:

Mitch Abraham, Commissioner

Chris Carney, Commissioner

Rhett Dusenbury, Commissioner At Large

Also Present:

Tim Brown, Planning Director

Craig Culberson, Senior Planner

Jim King, Senior Planner

Maureen Gable, Planner

Neil Burke, Transportation Planner

Irene Mann, GIS Technician

Mandy Edwards, Zoning Administrator

Tammy Heck, Zoning Administrator

Angela Thompson, Administrative Support Specialist

Steve Husemann, Town Manager

Erskine Smith, Assistant Town Manager

Mr. Brown began the Power Point presentation at 7:40 p.m. in the Boardroom. A copy of the presentation, titled Planning 101 and Design Standards, is on file in the Planning Department.

Mr. Burke also presented the Adopted Plans and Transportation Impact Analyses segments of the Power Point presentation.

The Planning Staff was introduced to the Town Board and Planning Board members. Mr. Brown invited questions and comments from the attending members.

Mr. Stamm asked if the Town Board members were able to know how the Planning Board members voted on recommendations made to the Town Board. Mr. Brown assured him that the Planning Board recommendations did reflect the vote for each member. It was acknowledged that the Planning Board members' reasons for a particular vote were not detailed in the recommendations. Mr. Brown stated that while Conditional Use Permit requests and Board of Adjustment requests, which required an evidentiary hearing to be held in a quasi-judicial manner, could not be discussed; other requests which required a Legislative Hearing could be discussed among Staff and Board members.

The discussion continued pertaining to the availability of the Planning Board minutes for the Town Board Commissioners. Having the minutes prior to the Town Board meeting would allow the Board members the opportunity to understand the Planning Board members' reasons for their recommendation. Mr. Brown stated that having the minutes would be helpful, but these would not be approved minutes. He pointed out that the Board members were welcome to call and speak with the Staff about the requests.



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Mr. Robertson suggested that the Town Board members could attend the Planning Board meetings to understand the reasons for votes. Mr. Brown cautioned that the members must be careful about information concerning requests they might have received outside of the quasi-judicial hearings. He stressed that they must disclose any information received before the hearing commenced. He reminded the Board members that their decisions were to be based on the Findings of Fact received during the evidentiary hearings. Mr. Carney stated that Town Board members had shared information from Planning Board meetings with each other. He asked if it was wrong for them to do so. Mr. Brown replied saying that as no sworn testimony was given in a Public Meeting, it was acceptable to discuss the matter.

There was discussion concerning the Transportation Impact Analysis. Mr. Culberson commented that these were generated when new development was being introduced in a certain area. The study would enable Staff to make recommendations as to changes to traffic configurations. Mr. Brown stated that the Staff would also provide an executive summary of the Transportation Impact Analysis to the Board members.

Asked about the procedures for code violations, Mrs. Heck stated that Staff would locate the property on GIS and go to the property to take notes and photographs of said violation. The property owner would be notified of the violation and Staff would work with the owner to correct the violation. If the property owner did not correct the violation, there were legal remedies available for the Staff to utilize. Citing an apparent increase in Variance requests, Mr. Stamm asked the Staff to look into ways to decrease the requests through the permitting and code enforcement processes.

The Staff was asked how violations at commercial locations were reported and managed. Mr. Brown stated that the two Zoning Administrators were in the field regularly covering their territories. He said that they were always looking for violations, both residential and commercial. He also indicated that the Staff depended upon the observations of other people in the public. Mr. Brown encouraged the attendees to report any possible violations they found.

Mr. Carney asked if there were ways to better manage the locations of car dealerships. Mr. Brown replied that the Town Board, which establishes policy, could direct the Staff to research procedures for car dealerships and the locations. In referencing the new Zoning Ordinance and Conditional Use Permits, he stated that these documents allow the Boards to make specific conditions for the applicant to fulfill in granting the Conditional Use Permits. He said that the Town Board could establish certain standards for such uses. The discussion also addressed the possibility of different criteria for uses along various highway corridors; i.e. NC Highway 150 and NC Highway 21, which would be designated as auto nodes. Mr. Culberson suggested that at the Boards' direction, the Planning Staff could create performance criteria for car dealerships, much as had been done for convenience stores. Mr. Robertson cautioned that the process must balance the need for compliance with the Zoning Ordinance but not



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discourage the growth of new business. Mr. Brown assured the attendees that the Staff would research and develop plans for the Boards review.

Mr. Abraham asked if a procedure had been developed by the Planning Staff to map the progression of a developer's plans from sketch plans phase to completion. Mr. Culberson directed the attendees to the Town's website for the Land Development Process Manual. He indicated that the document outlined the process for applicants. He also referenced the flow chart on the website which charted the process from the beginning through completion. Mr. Brown reiterated that the Planning Staff reviewed the Land Development process with the applicants, making sure that the requirements of Zoning Ordinance and Comprehensive Land Use Plan were clearly defined. Mr. Culberson invited the Board to make recommendations for improvements to the process.

Mr. Robertson asked if there could be a time restriction for rezoning. Mr. Culberson replied that the only way to change the zoning on a parcel would be for the property owner to make application for rezoning and follow through the process. He indicated that North Carolina State Statues did not support time restrictions. Mr. Carney stressed that the decision to down zone a property was a difficult one. Mr. Brown pointed out that no matter how frequently property owners made rezoning requests, they had the right to due process when making these requests of the Town of Mooresville.

When asked if requests were denied by the Staff, Mr. Culberson stated that most requests were within the requirements of the Zoning Ordinance and the Comprehensive Land Use Plan, with a few exceptions. Mr. Brown reminded the attendees that they had these same resources to make their recommendations and determinations. Mr. Culberson agreed that the documents were the tools to use to determine the feasibility of the requests presented to the Boards. Mr. King said that requests could be forwarded to the Boards with the Staff not recommending the proposed request. Mr. Culberson also stated that requests had been discouraged by Staff, but that the applicant still had the right to present their requests to the Boards. He said that most of the applicants would ask the Staff what changes to plans needed to be done to get a positive recommendation. Mr. Culberson and Mrs. Gable stated that the process to mitigate issues of a request sometimes occurred for very lengthy periods of time before the request would be presented to the Boards. Mrs. Gable stated that even if the Staff did not agree with a plan that had been approved through the Land Development Process, the Planning Staff was obliged to forward said request to Planning and Town Boards.

Mr. Brown invited the attendees to continue an open dialogue with the Staff and between each Board to further develop the decision making process. He also announced that there would be future workshops to address topics such as Code Enforcement, Small Area Plans and Transit. He reiterated that the Staff would review the topics discussed and begin to research and develop ideas for the Boards' consideration.

The meeting adjourned at 8:45 p.m.