



Planning Board Minutes August 12, 2010

Members Present:

David Nail, Chairman

John Robertson, Vice Chair

Allen Brawley

Danny Martin

William Ogburn

Larry Stamm

David Steen

Joe Thompson

Also Present:

Tim Brown, Planning Director

Craig Culberson, Senior Planner

Maureen Gable, Planner

Mandy Edwards, Zoning Administrator

Members Absent:

Steve McGlothlin

Mr. Nail opened the meeting at 6:17 p.m.

1. Approval of the minutes of the July 8, 2010 Planning Board meeting.

ACTION: Mr. Stamm made a motion to approve the July 8, 2010 minutes as submitted. Mr. Thompson seconded the motion. The motion was unanimously approved.

2. Consideration of a **TEXT AMENDMENT** request from the Planning Department. The Text Amendment is for **Table 8.6.1 Allowable Signage by Base Zoning District, Article 8.6.2 Additional Sign Standards, and Chapter 13 Definitions**, of the Town of Mooresville Zoning Ordinance.

Mr. Brown presented the request stating that the Text Amendment pertained to Chapter Eight, Signs, of the Town Mooresville Zoning Ordinance. He said that the Sign Ordinance chart would include a new sign classification, Freestanding Signs, as a sign type. He explained that the request was applicable to Corridor Mixed-Use (CMX), Highway Business (HB), General Industrial (GI) and Exclusive Industrial (EI) Districts. He said that three different free standing signs types were allowed in the referenced Zoning Districts. He explained that the types were Arm Signs, Monument Signs and Pole Signs.

He explained that the Text Amendment would allow Ground Signs in the Zoning Districts. He said that a definition had been added in Chapter Thirteen to define the Ground Sign type. He said that the square footage would increase in the four (4) Zoning Districts. He said that the request would promote the use of the Monument and Ground Sign types and discourage Pole Signs.

Mr. Stamm asked if the allowable maximum square footage on the signs was consistent with other towns. Mrs. Edwards said that the square footage was consistent with other cities around the area. She explained that cities such as Cary, more than other municipalities, had a more restrictive Sign Ordinance. She said that the portion of the Text Amendment pertaining to the square footage of Pole



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Signs was seventy five (75 sq. ft.) to two hundred (200 sq. ft.) square feet. She explained that on Table 8.6.1 the sizes were dependent upon the Use Type such as Single Use, Business and Shopping Center Use. She said the size requirements were consistent with those of other towns in the area.

Mr. Stamm asked if the proposed Text Amendment was for ground signs. Mr. Brown said that the request was to add a new sign type to the Ground Sign portion of the Sign Ordinance. Mr. Stamm asked if the label change, highlighted in yellow, from Pole Sign to Freestanding Sign was a specification pertaining to Ground Signs or Pole Signs. Mrs. Edwards explained that by adding the word Freestanding in the chart, it would include any of the four (4) types of Freestanding Signs throughout Chapter Eight. She said that Freestanding Signs included a Ground Sign, Pole Sign, Monument Sign or an Arm Sign. She indicated that the Monument Sign was included in the chart below Interstate Signs.

She said that in the current Zoning Ordinance a Monument Sign was limited to thirty-six (36 sq. ft.) square feet. She said that a seventy-five (75 sq. ft.) square foot was allowed for a Pole Sign. She said that when the 2008 Zoning Ordinance was adopted the intent was to encourage the use of Monument Signs rather than Pole Signs. She said that by allowing seventy-five (75 sq. ft.) square feet on a Pole Sign and only thirty-six (36 sq. ft.) square feet on a Monument Sign had encouraged the use of Pole Signs. She said that the label of Freestanding Sign would allow for a sign that looks similar to a Monument Sign and could be larger like the Pole Sign.

She said the proposed request also allowed the aesthetic quality of the sign to be addressed. Mr. Stamm asked if many of the existing Monument Signs would be changed to allow for more square footage. Mrs. Edwards replied that there was a possibility that signs in the Zoning Districts referred to could change to be enlarged. Referring to River Highway, she explained that many businesses had chosen to use Pole Signs. She said that a skirt on some Pole Signs made the appearance look less like a Monument Sign.

She also indicated that in the Town Center Districts only Monument Signs were allowed. She said that the proposed Text Amendment would only allow Pole Signs within the Zoning Districts that currently allowed the use of said signs.

Mr. Martin asked if a business would be restricted from using Pole Signs where allowed. Mrs. Edwards answered that it would restrict the use of Pole Signs. She said that the proposed request would be an incentive to encourage the use of other types of signage.

ACTION: Mr. Robertson made a motion to adopt the Statement of Reasonableness and Compliance and to recommend the approval of the Text Amendment request for Chapter Eight, Signs and Chapter Thirteen, Definitions. Mr. Brawley seconded the motion. The motion was unanimously approved.



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3. Consideration of a **TEXT AMENDMENT** request from The Town of Mooresville. The Text Amendment is for **Article, 2.3.1 Official Zoning District Map and Text Amendment** and to **Article 2.3.3 Conditional Use Permit**, of the Town of Mooresville Zoning Ordinance.

Mr. Brown presented the Text Amendment request and said that it would allow for input to be received from the Historic Preservation Commission regarding the Rezoning or Conditional Use Permit application pertaining to an historic property within the Town of Mooresville. He said that the request would provide for the ability of the Historic Preservation Commission to give information and input to the Staff. The Staff would then be able to provide the information to the Planning Board and the Mooresville Town Board of Commissioners.

He said that the Staff recommended the approval of the proposed Text Amendment to Article 2.3.1 and Article 2.3.3 of the Town of Mooresville Zoning Ordinance.

Mr. Stamm said that he believed that the request was a great idea and would provide an opportunity for more input than had been addressed in the historic district. He said that the Historic Preservation Commission in Mooresville was a very strong group. He stated that his concern was that the group might not be as strong in the future. He said that he believed that the group did not meet very regularly. He said that this could cause a serious roadblock for an applicant seeking a Rezoning or Conditional Use Permit. He said that he was looking into the future concerning the hindrance or loopholes.

Mr. Steen asked if the Historic Preservation Commission members were appointed. Mr. Brown stated that the members were appointed by the Mooresville Town Board of Commissioners. He said that the Town of Mooresville had an obligation to seat the Historic Preservation Commission Board. He explained that the request would afford the Commissioners more information concerning historic districts.

Mr. Martin agreed with Mr. Stamm's comment concerning the meetings of the Historic Preservation Commission. Mrs. Edwards said that she serves as the Staff liaison for the group. She said that within the Commission there was a Subcommittee that oversaw the Administrative Design Review. She said that the proposed request would not require a formal Historic Preservation Commission meeting. She explained that the Concept Plan could be emailed to each member for comments.

She said that the text in the Staff Report had been slightly changed. She explained the statement read, "The Historic Preservation Commission shall review and comment on proposed Concept Plans." She said that the original statement read that the Board would make a recommendation which sounded much like the responsibilities of the Planning Board. She said that the Planning Board made recommendations of approval or denial to the Board of Commissioners.

She explained that the Historic Preservation Commission's role would be to determine if the request would have an effect on the historic quality or character of a structure. The group would determine if



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there could be a way to mitigate any change to the structure. She reiterated that the Historic Preservation Commission would just review the request and make comments.

Mr. Martin asked if there could be a time frame with which the Historic Preservation Commission would review the Concept Plan and make a review. Mrs. Edwards replied that the Planning Board could make a recommendation for the Historic Preservation Commission to have the opportunity to review and make comments in a timely manner.

Mr. Culberson said that the Town Board of Commissioners determined the meeting schedules for the various Boards under their purview. He said that when a Rezoning request was submitted, the Planning Staff had sixty (60) days to present the request to the Planning Board. He said that the Historic Preservation Commission could review requests within the sixty (60) day timeline. He explained that requests were worked on by Staff during that period of time, and it also would allow the applicants time to provide any additional information that was needed.

Mr. Brown explained that the powers and duties of the Planning Board were outlined in the Town of Mooresville Zoning Ordinance. He said the request concerning Section 2.1.6 defined the Historic Preservation Commission's role as reviewing and providing recommendations to the Planning Board and Board of Commissioners on amendments to the Official Zoning District Map to establish or amend historic district boundaries. He stated that the request would give better definition to the duties described in the Zoning Ordinance.

Mr. Nail asked if the members of the Historic Preservation Commission were appointed and how many members served on the Board. Mr. Brown affirmed that the members were appointed. Mrs. Edwards stated that there were eight (8) members and that they met on the first Thursday of each month.

Mr. Stamm pointed out that he asked the question concerning loopholes because of the memo that was sent in the Agenda packet. He read, "We have found some provisions in the ordinance that need revision, and there are also 'loopholes' in the ordinance that need to be closed." He said that this made him concerned that the request might create a loophole for an applicant not to be able to have an opportunity to have the Historic Preservation Commission review request. Mr. Brown replied that the Staff had a due process obligation to applicants to ensure that their requests were processed in a timely manner.

Mr. Steen asked Mrs. Edwards if the Staff Report on the monitors was the corrected report. She said that it was the corrected report.

ACTION: Mr. Stamm made a motion to adopt the Statement of Reasonableness and Compliance and to recommend approval of the request. Mr. Ogburn seconded the motion. The motion passed unanimously.

4. Consideration of the adoption of the Planning Board Time Limit Policy.



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Mr. Brown told the Board members that the proposed policy was essentially the same as the Board of Adjustment's adopted policy. He explained that there was not a quasi-judicial element involved with the proposed Planning Board Time Limit Policy.

Mr. Steen, referring to the five (5) minute time limit for questions, read from Item Number Three (3) on the proposal, "The time limits for speakers shall be exclusive of the time taken in responding to questions of members of the Planning Board." He said that it appeared to be in conflict. Mr. Martin responded that the applicant would be allowed five (5) minutes for questions though the Board members could take twenty (20) minutes to ask questions. Mr. Brown said that Item Number Three (3) gave the Board members the ability to ask questions of the applicant and the Staff.

Referring to the Rules of Procedure, Mr. Brown explained that after the discussion of a request was closed, a motion could be made and seconded. He said that there could then be discussion concerning the motion to clarify a decision. Mr. Martin asked if there were no limits for Board members to ask questions of the applicant in that scenario. Mr. Brown said that the time limits were a general guideline to give the Chairman the ability to give order to proceedings.

ACTION: Mr. Martin made a motion to adopt the Planning Board Time Limit Policy. Mr. Thompson seconded the motion. The motion was unanimously approved.

6. Consideration of other business.

There was no other business.

ACTION: Mr. Robertson made a motion to adjourn the meeting. Mr. Ogburn seconded the motion. The motion was unanimously approved. Mr. adjourned the meeting at 6:41 p.m.

5. Discussion of future revisions to Chapters 5, 7 and 8 of the Town of Mooresville Zoning Ordinance. (*The Planning Board meeting was adjourned prior to the discussion.*)