



Planning Board Minutes September 9, 2010

Members Present:

David Nail, Chairman

John Robertson, Vice Chair

Danny Martin

Steve McGlothlin

William Ogburn

Larry Stamm

David Steen

Joe Thompson

Also Present:

Craig Culberson, Senior Planner

Tammy Heck, Zoning Administrator

Angela Thompson, Administrative Support Specialist

Members Absent:

Allen Brawley

Mr. Nail opened the meeting with prayer at 6:04 p.m.

1. Approval of the minutes of the August 12, 2010 Planning Board meeting.

ACTION: Mr. Stamm made a motion to approve the August 12, 2010 Planning Board minutes as submitted. Mr. Martin seconded the motion. The motion passed unanimously.

2. Consideration of a **TEXT AMENDMENT** request from The Town of Mooresville for **Article 2.2.18(4)(B) Waiver of Time Limit Standards**, of the Town of Mooresville Zoning Ordinance.

Mrs. Heck presented the request along with a Power Point presentation. She explained that Section "B" of the Common Review procedures did not apply to a new development application. She said that this recently came to the attention of the Staff during their regular weekly Text Amendment meeting.

She explained that the Planning Staff was trying to make the Town of Mooresville Zoning Ordinance easier to administer by removing redundant portions and portions that did not apply. She said that the Text Amendment would remove Section "B" from Article 2.2.18(4).

Mr. Martin asked if a new application could only be submitted after one year. Mrs. Heck said that a new request could be made at any time. She said that a new application that was substantially different from a previously submitted application was not subject to a waiver of time limit.

Mr. Robertson asked if item "C" would become item "B" once item "B" was removed from the Zoning Ordinance. Mrs. Heck replied that he was correct.

ACTION: Mr. Robertson made a motion to adopt the Statement of Reasonableness and Compliance and to recommend approval of the Text Amendment request. Mr. Steen seconded



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the motion. The motion was unanimously approved.

3. Consideration of a **TEXT AMENDMENT** request from The Town of Mooresville for **Chapter 5.1.4, Table of Uses, Offices**, of the Town of Mooresville Zoning Ordinance.

Mrs. Heck began the Power Point presentation by explaining that the request was in regard to Section 5.1.4, Table of Uses, of the Town of Mooresville Zoning Ordinance. She said that the Text Amendment would remove the requirement of a Conditional Use Permit for office use in the General Industrial (GI) Zoning Districts. She explained that office uses would be allowed as a use by right.

She indicated the proposed change on the Table of Uses and explained that all four (4) office categories under the General Industrial (GI) column required a Conditional Use Permit. She said that the purpose of the General Industrial (GI) zoning district was for Employment Centers. She explained that most manufacturing and wholesale operations included office uses. She said that the Staff did not believe a Conditional Use Permit should be required, as it was a costly, time consuming process.

Mr. Doug Gillis, a property owner in Lakeside Business Park, said that he supported the recommendation of office uses as a use by right in General Industrial (GI) Zoning Districts. He requested that the Planning Board also consider allowing churches as a use by right in General Industrial (GI).

He explained that his building, formerly Reds Gym, was built as an athletic club. He said that the building was not conducive for industrial uses and that a church was interested in the building. He explained that the building had been vacant for two (2) years and that he was desperate to sell the building. He said that there were seven (7) vacant buildings for sale in Lakeside Business Park. He stated that one (1) parcel owned by Doug Yates was for lease and there were eight thousand (8,000 s.f.) square feet of space available in the Time Warner Cable building. He said that the Business Park was in transition.

Mr. Doug Ervin, the Executive Pastor for High Rock Community Church based in Salisbury, North Carolina, stated that his church was a multi-site church with five (5) locations. He said that approximately sixteen hundred (1,600) individuals attended services on the weekends. He explained that his church was the church interested in purchasing Mr. Gillis' building and that his ministry would like to have a Mooresville location. He commented that the ministry wanted to make the community better by reaching out and by sharing their message.

He said that the ministry had a background of buying and renovating facilities to be used as church properties. He explained that the church had purchased a Ford dealership in Denton, a boat dealership at High Rock Lake, a Winn-Dixie in Salisbury and an A & P grocery store in Kannapolis to convert to churches. He said that the building in Lakeside Business Park would work with their ministry's vision.



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

4. Consideration of other business.

Mr. Stamm asked if the Planning Department Staff would be reviewing the Table of Uses concerning churches in General Industrial (GI) Zoning Districts. Mr. Culberson said that the intent of the Staff could possibly be to present a Text Amendment to allow churches in that zoning district. He said that there were several possibilities to examine.

Mr. Nail asked if the church could proceed before a Town Board hearing concerning the matter. Mr. Culberson explained that churches were not an allowed use in General Industrial (GI) Zoning Districts. He said that at present Mr. Gillis would not be able to sell his building to High Rock Community Church to be used as a church site.

Mr. Steen asked if the church could be located in the Lakeside Business Park if a Conditional Use Permit were granted. Mr. Culberson replied that the Zoning Ordinance would have to be changed for the use to be allowed. He stated that there were arguments that could be made to allow or not allow churches in General Industrial (GI) Zoning Districts.

Mr. Culberson said that the present value of the property in question was very different from three (3) years ago. He said that the Staff would have a plan to present at the next Planning Board meeting on October 14, 2010.

Mr. Robertson asked if there were two (2) daycares located in Lakeside Business Park. Mr. Culberson affirmed that there were.

Mr. McGlothlin stated that the suggestion was good because of timing. He said that activity in that location would not be as busy on the weekends when the church would hold services. Mr. Culberson stated that Mr. Gillis had discussed the request with Mrs. Maureen Gable, Planner. He said that the Staff had also been discussing the appropriateness of the request.

Mr. Robertson, citing the current controversy in New York City concerning a mosque near Ground Zero, commented that the request should be contemplated carefully. Mr. Culberson replied that churches were currently allowed as a use by right in eleven (11) of Mooresville's fourteen (14) zoning districts.

Mr. Dave Scott, a resident of Mooresville and a member of High Rock Community Church, said that funding was a significant threshold for starting a new church within a community. He said Mr. Gillis' building was of interest to their church because of the building's layout. He explained that the building



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was already built to code for assemblage. He said the larger room could be used for services while the smaller rooms could be used for Sunday school activities. He acknowledged that there were other zoning districts which allowed churches as a use by right, but he said that the expenses would be significantly greater to upfit buildings in those areas.

He said that his church was not a steeple type of church. He said that his church had a more businesslike atmosphere. He said that the outside of the building would not be changed.

He explained that Morrison Plantation and Mooresville Town Square were nearby, suggesting that residents living in close proximity might attend the church's services. He said that from a demographic perspective the location was ideal. He said that there were approximately forty thousand (40,000) people living in that area and that of that number only sixty (60%) percent of residents did not attend a local church.

ACTION: Mr. Martin made a motion to adjourn the meeting. Mr. Thompson seconded the motion. Mr. Nail adjourned the meeting at 6:23 p.m.