



**Town of Cornelius
Land Development Code Advisory Board**

**Agenda
January 28, 2019
5:30 PM
Room 204**

Call To Order

Determination of Quorum

Approval of Minutes

1. September 24, 2018

Review And Recommendation On Agenda Items

1. Noise Ordinance - Entertainment Venues
2. Changeable Copy Signs - Entertainment Venues
3. Childcare Use Requirements and Conditions
4. Fee Schedule Review
5. Water Quality & Treatment of Phosphorus

Old Business

New Business

Next Meeting

Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 28, 2019

To: Chair and LDCAB Members

From: Summer Smigelski, Planning Admin.


Action Requested:

Approval of Minutes

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 09242018Minutes_LDCAB.docx	September 24, 2018 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS LDCAB

September 24th, 2018

5:30 PM

Members Present

Cheryl Crawford, Chair
Norris Woody, Vice Chair
Keith Eicher
Bob Bruton
Joe Dean
Michael Miltich
David Gilroy

Members Absent

David Dunn
Laura Pegram
John Hettwer
Karen Tovar
Chaz Churchwell

Staff Present

Wayne Herron, Planning Director
Becky Partin, Comm. Specialist
Summer Smigelski, Admin.
Catherine Gautier, Planner

VISITORS

See Sign In Sheet.

DETERMINATION OF QUORUM

Chairman Crawford called the meeting to order at 5:31 PM and determined a quorum was present.

2018 Transportation Bond Referendum

Mr. Herron presented a brief overview of the 2018 Transportation Bond Referendum. (See Presentation Attached)

APPROVAL OF MINUTES

The Board unanimously approved the July 23rd, 2018 minutes.

Motion made by Mr. Woody. Seconded by Mr. Dean. All in favor, motion approved.

In Favor: Chairwoman Crawford, Mr. Dean, Mr. Eicher,
Commissioner Gilroy, Vice Chair Woody, Mr. Bruton,
Commissioner Miltich

Opposed: None

Automotive Service Uses Prohibition-Mr. Evan Miller

Previously the board requested staff prepare options for consideration. Mr. Herron provided an overview on the different options.

LAND USE OPTIONS FOR SEFTON ROAD AREA

Summary for considering land use change – Mr. Evan Miller approached the LDCAB in July with request to specifically allow “auto body shop” uses. The Town prohibited all automotive uses in the Town in the 2006/2007 time frame. The prohibition of auto oriented uses was based on citizen feedback regarding expansion of auto related uses around exit 28 and then further bolstered during the development of the Comprehensive Master Plan (CMP) in 2009/2010. Citizen feedback has supported the prohibition over the years due to the proliferation of auto oriented uses taking away from our desire to create a walkable environment with land uses that create synergy with people and not the automobile. LDCAB asked Staff to present options for consideration:

1. NO CHANGE

Continue to support the prohibition of auto oriented uses. It has been suggested that without

TOWN OF CORNELIUS LDCAB

September 24th, 2018

the prohibition, Exit 28 and US 21 would be over run with new and used car sales along with small service centers. Is this what the Town wants in the gateway areas around Exit 28 and US 21? One other issue noted by Board members is that if one body shop goes in on Sefton, how difficult does that make it to recruit other retail and possibly 2nd and 3rd floor residential, if the Town decides to move in that direction. Allowing one auto business will attract other auto uses and detract from the recruitment of other more desirable/walkable uses.

2. SEFTON AREA OVERLAY FOR AUTO BODY

Define a small area along Sefton to only allow auto body repair uses. These uses could be concentrated in this small geographic area around the CATS Park and Ride Lot. Staff has floated this idea to other property owners in the area and received lukewarm reception. One auto body shop would eliminate the development of higher end commercial, retail and mixed use on any adjoining property and would only lead to requests for additional auto oriented uses on adjoining properties.

3. ALLOW AUTO BODY USES WITH CZ IN ALL HIGHWAY COMMERCIAL ZONING

This would provide the option for the Town Board to consider these uses anywhere around Exit 28 or US 21.

4. ALLOW AUTO ORIENTED USES IN THE INDUSTRIAL DISTRICT

There are some storage uses and auto type uses in the Industrial District. Staff also floated this idea to some property owners along Bailey and received lukewarm reception here as well. With the recruitment of Yokohama and other high end uses along with micro breweries, auto uses simply don't fit for the future of what the vision of Bailey Road and our unique characteristics of industrial uses could be.

After discussion the board agreed on no change.

Motion made by Mr. Woody. Seconded by Mr. Bruton. All in favor, motion approved.

In Favor: Chairwoman Crawford, Mr. Dean, Mr. Eicher,
Commissioner Gilroy, Vice Chair Woody, Mr. Bruton,
Commissioner Miltich

Opposed: None

TA 09-17 Small Cell Wireless

Ms. Partin presented TA 09-17 to the board.

In 2017, the General Assembly of North Carolina adopted House Bill 310 into law. This bill was an "act to reform collocation of small wireless communications infrastructure to aid in deployment of new technologies". The bill facilitates the deployment of such structures with expeditious processes and reasonable and nondiscriminatory rates, fee, and terms. The following changes to the Land Development Code are necessary to be in compliance with this law:

Chapter 2, Definitions.

- Delete Antenna Systems
- Add Wireless Facility
- Add Wireless Facility, Small Cell

Chapter 4, Building Design. Add Section 4.2.4, Small Cell Wireless Facilities

- Add design criteria for small cell wireless facilities

TOWN OF CORNELIUS LDCAB

September 24th, 2018

Chapter 5, Zoning & Use Regulations

Modify the Use Table

- Delete Antenna Systems
- Add Small Cell Wireless Facility, requiring a Special Use Permit

Chapter 6, Uses Permitted With Conditions.

- Delete Antenna Systems
- Add Small Cell Wireless Facility condition

Motion made by Commissioner Miltich. Seconded by Mr. Eicher. All in favor, motion approved.

In Favor: Chairwoman Crawford, Mr. Dean, Mr. Eicher,
Commissioner Gilroy, Vice Chair Woody, Mr. Bruton,
Commissioner Miltich

Opposed: None

TA 02-18 Watershed Built Upon Area Averaging

Ms. Partin presented Watershed Built Upon Area Averaging to the board. For years, the Town has allowed the transfer of impervious area from lot A to lot B. Both lots must be in the same watershed. Lot A must maintain compliance with its specific maximum impervious area. Impervious area to be transferred by recorded plat. Earlier this year, after receiving a complaint, the North Carolina Division of Energy, Mineral and Land Resources (DEMLR) informed the Town that our practice of allowing impervious area transfers between properties was not in compliance with state statute. Section 11.3 specifies the necessary process for a property owner to obtain additional built-upon area rights with the approval of a Built-Upon Area Averaging Certificate issued by the Watershed Review Board. As a result of this change, an additional signature block on the plat is necessary and is reflected in Chapter 13, Development Plan Specifications. These changes have been submitted to and reviewed by DEMLR. We are awaiting final approval. To comply with state statute, Section 11.3, Built-Upon Area Averaging, is proposed to be added to the Land Development Code.

After discussion the board approved TA 02-18 Watershed Built Upon Area Averaging.

Motion made by Commissioner Miltich. Seconded by Mr. Woody. All in favor, Motion approved

In Favor: Chairwoman Crawford, Mr. Dean, Mr. Eicher,
Commissioner Gilroy, Vice Chair Woody, Mr. Bruton,
Commissioner Miltich

Opposed: None

Next Meeting

Staff will let the board know.

Adjournment

Commissioner Miltich made a motion to adjourn the meeting at 6:22pm. Mr. Woody seconded. All in favor and motion approved.

In Favor: Chairwoman Crawford, Mr. Dean, Mr. Eicher,
Commissioner Gilroy, Vice Chair Woody, Mr. Bruton,
Commissioner Miltich

Opposed: None

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 28, 2019

To: Land Development Code Advisory Board Members

From: Wayne Herron, AICP

Deputy Town Manager/Director of Planning

Action Requested:

Cornelius has a very narrow business corridor along Catawba and US 21.

As the Town considers approval of redevelopment and new venues that provide entertainment, we must revisit our noise ordinance and its application.

While we always want to be respectful of the quality of life of our residential properties, residential land use is located in close proximity to all of our proposed entertainment areas.

The primary area of concern will be the proposed Arts District, where staff is already receiving complaints regarding existing business with periodic performances.

In addition, staff has received numerous inquiries for potential entertainment venues along US 21. The current Boatyard Eats entertainment venue has generated some noise issues. The key economic development opportunities that contain entertainment are asking for certain assurances of either exemptions or the addition of language in the noise ordinance that protects their investment from repeated complaints from residential properties that are close in proximity.

The City of Charlotte recently went through the same discussion, so we have good examples to start our discussion.

Manager's Recommendation:

Discuss potential changes to noise ordinance for entertainment venues.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 28, 2019

To: LDCAB Members
From: Wayne Herron, AICP
Deputy Manager

Action Requested:

Staff has been asked to investigate potential amendments to allow entertainment venues to utilize changeable copy signs to announce performers.

In researching the issue, Town's cannot regulate content in any way. So, establishments could advertise food and other items on the signs. In addition, other businesses may request changeable copy signs, if allowed for entertainment venues.

Staff would like to have a discussion as to whether additional study and research is warranted and what the pleasure of the committee may be.

Manager's Recommendation:

Discuss changeable copy signs.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 28, 2019

To: LDCAB
From: Wayne Herron, AICP
Deputy Manager/Director of Planning

Action Requested:

Currently, the only condition the Town notes for child care is a requirement for an outdoor play area with a six foot fence. Other concerns with regard to parking and drop off have normally been addressed due to demands in the market.

Now, there is a new type of childcare that is occurring for anytime drop off during the course of a day and the visits are short to allow parents time to shop or visit the doctor. The Town Code does not provide a differentiation between these short term childcare facilities and the all day facilities.

Staff is not so concerned about the outdoor play area for these type of facilities, although we do believe it would be nice. We will discuss this requirement with the Board and see what your preference is.

Staff's primary concern is the drop off and pick up. We currently have a short term childcare facility that has located in the Town Center live work units. Staff was unaware that it had opened. The owner indicates they have been there for a number of years. The Town recently received complaints that at certain times of the day, the childcare center utilizes all of the on street parking and the use is not in sync with other Town Center uses. Pick and drop off for children in high traffic town center street is a safety issue and the volume of trips is a concern for nearby business.

Staff wants to discuss this issue with LDCAB and consider creating a use category for short term child care to consider addressing these issues.

Manager's Recommendation:

Discussion

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 28, 2019

To: LDCAB

From: Wayne Herron

Action Requested:

Staff was asked to evaluate the current fee schedule for Planning related items. Staff would like to present an initial draft for discussion.

Manager's Recommendation:

Discussion

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 28, 2019

To: LDCAB

From: Wayne Herron

Action Requested:

Mecklenburg County has asked the Town to evaluate the impacts of phosphorus on the east side of Town within the watershed.

Manager's Recommendation:

Discuss concerns regarding phosphorus.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		
