

Town of Cornelius Planning Board/Board of Adjustment

Agenda June 12, 2017 6:30 PM Cornelius Town Hall - Assembly Room

Pre-Meeting

- **A.** 5:30pm Room 204 Dinner and Code Update Review Chapters 8, 9, 11, 12, 13, 14, 15 and 16
- 1. Call To Order
- 2. Determination of Quorum
- 3. Approval of Minutes
 - **A.** April 24, 2017
 - **B.** May 8, 2017
- 4. Consideration of Approval
 - A. REZ 01-17: Mama's Pizza
- 5. Old Business
- 6. New Business
- 7. Next Meeting
- 8. Adjournment

REQUEST FOR BOARD ACTION

Print

D. (
Date of Meeting: June 12, 2017	Date of Meeting:	June 12, 2017

To: Planning Board Members

From: Wayne Herron, Planning Director

Action Requested:

Continue review of Code update items recommended by the Land Development Code Advisory Board. The Planning Board completed reviews of Chapters 1 through 6 previously. Staff will begin with Chapter 7 at this upcoming session.

Manager's Recommendation:

Review and provide feedback.

ATTACHMENTS:			
Name:	Description:	Type:	
No Attachments Available			

REQUEST FOR BOARD ACTION

Print

Date of Meeting: June 12, 2017

To: Planning Board Members

From: Summer Smigelski, Planning Admin.

Action Requested:
Approval of Minutes

Manager's Recommendation:

ATTACHMENTS:		
Name:	Description:	Type:
☐ Minutes_04-2017_Draft.pdf	April 24,2017 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS PLANNING BOARD

Assembly Room April 24, 2017 6:30 p.m.

Members Present

Betty Trautwein Keith Eicher Susan Johnson Lee Peterson Michael Osborne, Alternate Joseph Dean, Alternate

Members Absent

Cheryl Crawford, Chair

Keith Pickett Hardy McConnell. Vice Chair

Staff Present

Wayne Herron, Planning Director Gary Fournier, Planning Technician Summer Smigelski, Admin, Assistant Becky Partin, Communication Specialist

VISITORS

See Sign-In Sheet

Bill Ingram, Alternate

Pre-Meeting- 5:30pm

In the absence of the Boards Chair and Vice Chair, Ms. Trautwein was elected to preside.

Mr. Herron continued the code review recommended by the Land Development Code Advisory Board. The Planning Board continued their discussion on Chapter 6 Conditional Uses. At 6:15pm the Chair called for a break and asked for everyone to meet in the Assembly Room for the regular Planning Board meeting downstairs.

DETERMINATION OF QUORUM

Chair Trautwein re-convened the Planning Board meeting at 6:35 pm and noted there was a quorum present.

Approval of Minutes

Mr. Osborne made a motion of approval for the March 13, 2017 minutes. Mr. Eicher seconded. All in favor, motion approved.

Mr. Ingram abstained from voting since he was not present for the March 13, 2017 meeting.

In Favor: Mr. Eicher, Ms. Johnson, Mr. Osborne, Opposed: None

Mr. Dean, Mr. Peterson, Ms. Trautwein,

VAR 01-17 Crown Harbor Marina

Mr. Eicher made a motion to open up the public hearing. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Ms. Johnson, Mr. Osborne, Opposed: None Mr. Dean, Mr. Peterson, Ms. Trautwein, Mr. Ingram

Chair Trautwein called forward anyone wishing to testify to be sworn in by the Board Secretary. The applicant and Town staff was sworn in by Ms. Smigelski.

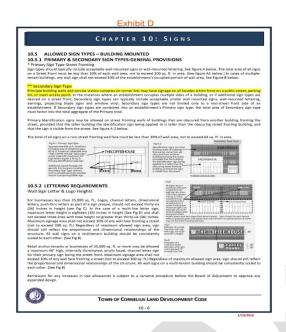
Mr. Fournier presented VAR 01-17 Crown Harbor Marina. Good evening madam chair and members of the board. My name is Gary Fournier and I am a Planning Technician for the Cornelius Planning Department. I will be presenting a variance case number VAR 01-17. The applicant is Kimberly Thaxton. The tax ID number is 001-762-44, the location is 21660 Crown Lake Drive. The current zoning for the parcel is neighborhood mixed use also known as NMX. The applicant is requesting a variance to allow for a wall sign to be mounted on the north wall of the Crown Harbor Marina. The north wall doesn't front a public street, parking lot, or main access point. Staff will present testimony at the hearing that covers the following basic facts and will introduce the Town exhibits into evidence. The subject property is within the Town of Cornelius Zoning jurisdiction and is zoned Neighborhood Mixed Use (NMX). The property is shown on the slides; The Zoning Map as Exhibit A, The Aerial Vicinity Map as Exhibit B and the Aerial Property Map as Exhibit C.





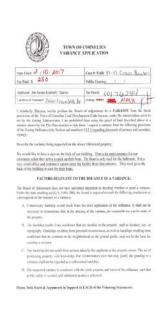


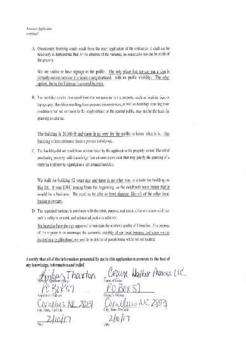
Section 10.5.1 of the Town of Cornelius Land Development Code (LDC) states in part that "Principle building walls and service station canopies on corner lots may have signage on all facades which front on a public street, parking lot, or main access point." LDC Section 10.5.1 is shown as Exhibit D.



The Applicant has submitted a Town of Cornelius Variance Application and a drawing showing the proposed sign. The Variance Application is shown as Exhibit E and the drawing is shown as Exhibit F.

Exhibit E





38-384-9553 marrier

Exhibit F



I obtained three satellite photos of the subject property from the Mecklenburg county website Polaris3G, which are shown as Exhibits G, H, and I.





I visited the property and took four pictures, which are shown as Exhibits J, K, L, and M.









Chair Trautwein: "Any questions for staff?"

Mr. Eicher: "How do you find the main point of access?"

Mr. Fournier: "Street access in the front where people walk in would be considered the common entrance."

Mr. Eicher: "The reason for my question is its boat storage, correct... How do you get your boats in there?"

Mr. Herron: "That's for you as a board to interpret and make that decision as you see fit but, as Gary said staff's interpretation uniformly town wide is the street access."

Mr. Eicher: "Water access is not considered?"

Mr. Herron: "That is correct."

Mr. Osborne: "How does the current signage meet with the current ordinance?"

Mr. Fournier: "It is a temporary banner."

Mr. Osborne: "Can you elaborate a little on the interpretation on temporary banners opposed to permanent signage for the ordinance?"

Mr. Fournier: "Temporary banners, just that they are temporary they are allowed for 63 days per calendar year. A wall sign is permanent; it's something other than a banner."

Mr. Ingram: "Has been changes to the ordinance over the last twelve years?"

Mr. Fournier: "Yes, I do not know those changes off the top of my head."

Mr. Herron: "Some of you, on this board, may have been involved with that. In 2010 there was a major overhaul with the sign regulation, part of that was to be more business friendly. There is a lot more leverage given in the sign regulation that what was given before."

Mr. Peterson: "What was the signage size allowed? Was there limits on the size?"

Mr. Herron: "Yes, it's a very subjective thing for communities. The courts have not set size limitations so it's different in every community and in Cornelius specifically. The size has increased since 2010 but, unfortunately I cannot remember the size prior to 2010. What is being proposed on the north side, size wise its fine it's the fact that it's not the primary entrance and that's what the requested variance is for."

Chair Trautwein: "Any other questions for staff? Thank you. Would the applicant please come forward? If you could state your name and address for the record we would appreciate that."

Applicant: "Yes, Kimberly Thaxton, P.O. Box 57 Cornelius, NC 28031 or this address 21660 Crown Lake Dr. Thank you for letting me speak tonight. I own the building; the building was built about 15 years ago. We built it from the ground up and it was extremely expensive to build. We ended up spending 3 and a half million on this building with 176 slips. The average slip is about \$2,600 per year so if we are not full... So if we have 25 slips open, which we do now, that is \$65,000 annually which is a lot because the mortgage is huge and we like to keep it nice. It's state-of-the-art; it's the newest one on the lake so it has new requirements. Our building is very unique and there is no other way to situate this on that lot and with the way the rules are written there is no way for us to have signage to comply with the road frontage or the primary entrance the reality though is that if you have been in this business, there is a tiny little office with a bathroom, it's as big as most people's master bathroom. Most customers never go in there unless they go to the bathroom. There is a waiting area, customers wait for their boat on the deck outside. The backside is our front entrance because it's the only one that is constantly used and boats are our primary customers with boats going in and out of that door. My interest

is I would just like to see a sign on there; we will make it pretty, meet the code and take down the banner. Do you have any questions?

Mr. Peterson: "I'm just a little confused here but I'm showing a transfer of ownership on June 9th, 2016 on the tax records. Do you still own it?"

Ms. Thaxton: "I bought it from the former institute but I was always a part of that."

Mr. Dean: "I agree that the temporary banner is tacky looking and I would like to see the better looking sign. What are plans when you do have available boat slips, will we still see a temporary banner?"

Ms. Thaxton: "I would hope to never have a temporary banner, I do not like it and I think if people knew where we were we wouldn't have any reason for that. I don't think we would need it unless there was something special going on, so the answer to that is, I cannot imagine a need for it."

Mr. Osborne: "You may have said this earlier but if you could clarify, what about the south side of the building?"

Ms. Thaxton: "We do not like people in the building anyways because it could be dangerous but they normally sit down in that waiting area and there is a man door. They are allowed to go in there to cover their boat, get something out of their boat or come in and wax their boat, just whatever they need to do outside of going to the bathroom."

Mr. Osborne: "If they drive their car there to get that out of their boat are they going through the front or are they walking around the back?"

Ms. Thaxton: "They still have walk around back and their car has to stay parked in the front. We have a path around the side for if someone brings their trailer, but I try to keep cars in the front when we can because there is not that much room."

Mr. Osborne: "So if people are driving their boats or driving their cars, if they are going in the building they are typically going in the north side of the building?"

Ms. Thaxton: "Yes!"

Mr. Peterson: "The sign you are putting in is the four by twenty five, what is the size of your temporary?"

Ms. Thaxton: "I'm sorry I do not know."

Mr. Peterson: "Would you consider a permanent sign of that size?"

Ms. Thaxton: "I think the four by twenty five is probably as small as I would want but I just do not think any smaller would be beneficial."

Ms. Johnson: "Will the lettering be white?"

Ms. Thaxton: "I thought black would look better, I think the white looks bad. Does anyone have a preference, I'm open to suggestions?"

Ms. Johnson: "Do you think that if its black people will not notice it as much? That is what so important is that it needs to be noticeable. I like black too, it looks much classier however, and if the purpose of the signage is to have visibility my concern is you would not get that with black."

Ms. Thaxton: "I guess we would have to see it... (Inaudible)"

Mr. Herron: "We do not regulate the colors that can be whatever the applicant chooses or what you request. We do allow interior lightings so at night the sign would be more visible. One of the things I would like to add is the size. The twenty five by four is the maximum the code allows. I will point out that you can consider the size of the sign in relation to how big the building is. If you are concerned if people won't see the sign, you may consider increasing the size if you feel that there is a more appropriate size that would be more visible. One thing you want to make sure is that they are safe, if people are struggling to see sometimes that's unsafe."

Mr. Dean: "What would be your recommended size?"

Applicant: "I would go with as big as you can, not in height but in width (Inaudible) the setbacks on parts of the building there and my guess is that's going to be 120, 125 square feet. Keep in mind when they ask for square foot it's the actual square of the sides not the square foot of Crown Harbor plus just Marina they do a square box around it so there is a lot of dead space there that's in that 100 square foot. So it's truly not 100 square foot it may only be 75 because you would have to do the whole box. If it was a circle you would consider it as a box for the zoning. So basically if we went with as big as you can go, which I agree I think the 100 square feet coming down I77 would not look good. If you went that full size you will probably going to get a true 100 square feet of signage, you won't have that dead space."

Mr. Dean: "Explain, when you say if you do the full size what are you referring to there?"

Applicant (Rick): "When I answered the question about, how big should we go, if you look at where the two feet or three feet on each side of that, that's centered in that little square. There is a setback, a drop back there; you can't put the sign over that. If we went almost to those edges that would help tremendously."

Mr. Eicher: "That would enlarge the letters?"

Applicant (Rick): "Yes sir!"

Mr. Osborne: "Do you have plans to use the interior lighting signs?"

Applicant: "I really think it would look great at night from 77 so I think it would be crazy to not do interior lighting."

Mr. Peterson: "This is more so directed to Wayne. I just want to make sure I understand this right, the variance we are considering is what is the front of the building, is that correct?"

Mr. Herron: "That is correct. Any consideration of this type you have to build conditions to dictate the square footage. Your first decision is, will you allow it and consider this a main entrance. As Keith was saying, can you interpret that, that is your choice and then you can put a condition on the side."

Mr. Peterson: "Do we know on Westmorland, did they not put a sign on the interstate side on that Mariana?"

Mr. Herron: "Yes sir!"

Mr. Peterson: "Do we know the size of that at all?"

Mr. Herron: "I do not know, but that is one that the board approved. It is over the hundred. The one I do remember is the mattress store. I believe it is at 128. That is facing the interstate."

Ms. Trautwein: "One of the considerations on both of those as I recall was the overall size of the building. If you could remind us of that guideline is, that would be helpful."

Mr. Herron: "The way the ordinance is worded is that you consider the full mass of the building and how the increase in size will look here and that it's not so large that it over takes the size of building, it should look proportional."

Ms. Trautwein: "So there is not a clear cut guideline of ten percent of overall space?"

Mr. Herron: "No."

Mr. Eicher: "Wayne, is this something we can prove without a definitive answer on the side?"

Mr. Herron: "You have in the past on both of the ones you have done you negotiated what you thought was appropriate square footage. If you would like to ask the applicant to bring something back to you, you have the right to do that too. For example: If you are considering 125 you may ask the applicant to bring you a drawing back at 125. It doesn't give you the full picture, the computer drawing makes it look larger than what it really is but it might help you to have a better comfort level. If you table it that is something they can bring that back. What I would suggest is maybe bring back several renderings at different sizes just to give you a better feel then you can negotiate from there."

Mr. Peterson: "Well my feeling is that this building is much larger then Hall Marine and that was over a hundred square foot. Really I do not think the twenty five by four is really out of line to ask for this and the fact that it's going to be lit up at night so that it is visible, I think that is probably a good thing. I just wanted to voice my opinion on that."

Mr. Dean: "I do not see that the four by twenty five, to me that's not big enough. I think it needs to be the size of that building. I agree with Wayne, I do not want people driving down the interstate and struggle to see the sign. It defeats the purpose of what you are trying to do."

Mr. Ingram: "Do you know how big that opening is there?"

Applicant: "I don't, but I could get that for you."

Mr. Herron: "If you are looking for specific numbers, which that's appropriate, then you may consider tabling this to your next meeting and we would ask them to bring back specific pictures and dimensions that will show you."

Mr. Peterson: "Should we be deciding the variance prior to that, because we have to get the variance decision."

Mr. Herron: "No, if you need additional information you would need to continue the hearing until next meeting. Let them bring that information back and have that for your review."

Ms. Trautwein: "I like the idea of having the additional information on the size so that we have a visual, but I'm also hearing that you do not want white so I think it would be good for us to see the colors that you do want."

Mr. Eicher: "We do not have a choice of color, we do not have any right to say anything about the color."

Mr. Herron: "Actually you do have the ability to condition that, we just do not have that in code now. If you have a preference then you have a right to condition that."

Mr. Eicher: "How difficult would it be for you to come back?"

Applicant: "Not at all!"

Mr. Osborne: "I think it may also be worth wild to reconsider, if you are looking at potentially changing the scope of the sign in your proposal. I don't know if you are stuck with putting in that location on the building but you may just relook at the proposal. My opinion would be to open it up."

Applicant: "There is another proposal that we talked about."

Ms. Trautwein: "I'm thinking some of the board members would be more comfortable if we asked you to come back and if you are willing to come back. Do I hear anyone who would like to make a motion?"

Mr. Peterson: "Well... My feeling is that if the variance is not approved there would be no reason to come back. If the variance is approved prior to then could we have them back after that?"

Mr. Herron: "If you are going to consider approving the variance you need to have the specifics of what you are approving. You need to have that submitted as evidence before you close the hearing. At this point you should not be making a decision to approve or deny because you do not have all of the evidence yet. You would need to have the applicant bring back additional evidence back for consideration. If your desire is to get this evidence you just need to make a motion to continue this hearing until May 8th."

Mr. Eicher made a motion to table VAR 01-17 Crown Harbor Marina until next meeting. Mr. Dean seconded. All in favor, motion approved.

Opposed: None

In Favor: Mr. Eicher, Ms. Johnson, Mr. Osborne,

Ms. Trautwein, Mr. Peterson, Mr. Ingram,

Mr. Dean

Mr. Eicher made a motion to close the public hearing. Mr. Peterson seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Ms. Johnson, Mr. Osborne, Opposed: None

Ms. Trautwein, Mr. Peterson, Mr. Ingram,

Mr. Dean

TA 01-17 and REZ 02-17 Torrence Chapel Traffic Mitigation District Overlay

Mr. Herron presented TA 01-17 and REZ 02-17 Torrence Chapel Traffic Mitigation District Overlay. NCDOT and Stakeholder Committee studied multiple options and developed Preferred Alternatives for the Torrence Chapel, West Catawba intersection. January 17, 2017 - NCDOT presented to Town Board Preferred Alternative Primary concern was removal of left turns from southbound Torrence Chapel Rd. Town has continued discussion with NCDOT about retaining left turn Compromise has been achieved. The intent of the Torrence Chapel Traffic Mitigation District Overlay is to allow through conditional zoning, uses in a specific area that would be compatible and appropriate with regard to normal land use and aesthetics, but also with trip generation and congestion management within a contributing area in proximity to the Torrence Chapel/West Catawba intersection. Uses within the overlay may promote vehicular traffic that is more of a regional draw. Therefore, uses of this nature should be evaluated for impacts on the Torrence Chapel/West Catawba intersection with regard to the impacts of the trips generated.

PERMITTED USES

- A. Within the TCTMD-O, all new development uses, redevelopment uses and/or subdivisions (major or minor) shall utilize the conditional zoning (CZ) process.
- B. All other uses shall be allowed in accordance with the underlying zoning district. The only change that is being proposed is the process. A Zoning Map amendment that applies to Highway Commercial zoning district, west of I-77 within the Town of Cornelius planning jurisdiction. The Overlay district affects 75 parcels which is about 170 acres.

Mr. Eicher: "Will this have a negative impact of redevelopment of the Waltrip property?"

Mr. Herron: "The way this is written is if someone was to go in for just an upfit then conditional zoning would not apply."

Mr. Peterson: "This is all on the west side, now will this be on the eastside?"

Mr. Herron: "Well based on the study that DOT did all the traffic that they feel contributed to this way only studied on the west side of 77 so that is why we kept our overlay."

Ms. Johnson: "Based on that, it could be 15 years for this? Would that also mean 15 years for the 21 roundabout?"

Mr. Herron: "Let me clarify, when I say 15 years I mean 15 years to eliminate left turns. What we hope is and what we are negotiating with DOT is that we have five million dollars right now, we want to go ahead and get the roundabout and fix some of the problems that are on Torrence Chapel by eliminating some of the driveways that caused some of the backups now. That could improve traffic tremendously."

Ms. Trautwein: "So as I understand it there are two things that are needed, one is the amended land development code and the other is the approval of the zoning map?"

Mr. Eicher made a motion to approve TA 01-17 and REZ 02-17 Torrence Chapel Traffic Mitigation District Overlay. Mr. Ingram seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Ms. Johnson, Mr. Osborne, Opposed: None

Ms. Trautwein, Mr. Peterson, Mr. Ingram,

Mr. Dean

TA 02-17 Outdoor Storage

The storage of goods, products, or vehicles as an ancillary use by their owner or on a commercial basis outside of a permanently constructed building. Replace current outdoor storage definition AND conditions in Chapter 6 (Uses Permitted with Conditions) with:

Storage, Outdoor

Residential Properties/Uses:

The storage of goods or products as an ancillary use. The goods or products shall be stored in the side or rear yard and screened with an opaque fence, a tarp/cover, or within a shed or building.

Vehicles:

With the exception of junked vehicles as allowed in Section 90.18 of the Code of Ordinances, if not parked on an improved driveway, vehicles shall be stored in the side or rear yard. Vehicles that are not parked on an improved driveway for a party or special event are exempt.

Recreational vehicles and trailers:

If not parked on an improved driveway, recreational vehicles and/or trailers shall be stored in the side or rear yard. A limit of one recreational vehicle or trailer per property is allowed to be parked on an improved driveway.

Boats/vessels/personal watercraft:

The boat/vessel/personal watercraft must be on a licensed registered trailer and not exceed twenty-six (26) feet in length by the manufacturer's published overall length. In addition, the boat/vessel/personal watercraft may not exceed 6,500 lbs. by the manufacturer's published dry weight. If not parked on an improved driveway, the boat/vessel/personal watercraft shall be stored in the side or rear yard. A limit of one boat or vessel, or two personal watercraft so long as the two personal watercraft are stored on one trailer designed to carry/hold two personal watercraft, which does not exceed the above length and weight limit, is allowed to be parked on an improved driveway.

Driveway, Improved - A driveway with a surface that is concrete, asphalt or gravel.

Commercial Properties/Uses:

Goods or products shall be stored in the rear yard and screened with an opaque fence or masonry fence/wall that shall match or complement the appearance of the principal structure. In addition, the storage area shall be screened with a type "A" buffer.

Mr. Eicher made a motion to recommend TA 02-17 Outdoor Storage. Mr. Osborne seconded. All in favor, motion denied.

In Favor: Mr. Eicher, **Opposed:** Ms. Johnson, Mr. Osborne, Mr. Dean

Ms. Trautwein, Mr. Peterson, Mr. Ingram

Ms. Johnson made a motion to recommend denial of TA 02-17 Outdoor Storage. Mr. Dean seconded. All in favor, motion approved.

In Favor: Ms. Johnson, Mr. Osborne, Opposed: Mr. Eicher

Ms. Trautwein, Mr. Peterson, Mr. Ingram,

Mr. Dean

TA 03-17 Deactivation or Closure of a Conditional Zoning (CZ) Application

If after a period of six months, no activity has occurred on an application, the application may be deactivated and closed. Activity shall be defined as follows: Submission of a plan for review or presentation, Community Meeting, A TIA or other required plan is in process of being prepared or reviewed, Technical Staff Meeting or Committee Review, A Board review.

After five (5) months of no activity, the Town shall notify the applicant that the six (6) month deadline is approaching. The applicant shall be notified of the two available alternatives for action with regard to the application:

That activity on the application must occur for the application to remain active A double fee may be paid to keep the application active. If a second six month period passes, a triple fee would be required to keep the application active. No refunds will be provided upon payment of a double or triple fee.

The applicant may withdraw the application. If requested and/or warranted, any refund of application fees will be at the discretion of the Planning Director based on mailing and advertising costs to date.

If no contact is made to the Town regarding an action noted above and the six (6) month deadline passes, the application shall be deactivated and closed with no application refund provided.

Upon withdrawal or deactivation of any application, the applicant may file a new application with new fees being paid at any time. The application and review shall start from the beginning of the review process and be considered as a newly filed application.

Mr. Eicher made a motion to approve of TA 03-17 Deactivation or Closure of a Conditional Zoning (CZ) Application. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Ms. Johnson, Mr. Osborne,

Ms. Trautwein, Mr. Peterson, Mr. Ingram,

Mr. Dean

Opposed: None

 $\frac{\text{OLD BUSINESS}}{\text{Just a reminder of the Van Tour, the date is will be May 3}^{\text{rd}} \text{ at 12pm. Lunch will be provided in}$ room 204.

NEW BUSINESS

If any member is interested in going to the School of Government for a Quasi-Judicial training please let staff know so we can get you set up.

NEXT MEETING

We will continue the Variance.

ADJOURNMENT

Mr. Dean made a motion to adjourn the meeting at 8:29 p.m. Mr. Eicher seconds the motion. All in favor and motion approved.

In Favor: Mr. Eicher, Ms Ms. Trautwein Mr. Dean	s. Johnson, Mr. Osbo , Mr. Peterson, Mr. Ir		one
Respectfully Submitted:			
Betty Trautwein	Date	Summer Smigelski	Date

REQUEST FOR BOARD ACTION

Print

Date of Meeting: June 12, 2017

To: Planning Board Members

From: Summer Smigelski, Planning Admin.

Action Requested:
Approval of Minutes

Manager's Recommendation:

ATTACHMENTS:		
Name:	Description:	Type:
<u>Minutes_05082017_PB.pdf</u>	May 08, 2017 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS PLANNING BOARD

Assembly Room May 08, 2017 6:30 p.m.

Members Present

Betty Trautwein
Cheryl Crawford, Chair
Susan Johnson
Michael Osborne, Alternate
Joseph Dean, Alternate
Bill Ingram, Alternate

Members Absent

Keith Eicher

Keith Pickett Hardy McConnell, Vice Chair Lee Peterson **Staff Present**

Wayne Herron, Planning Director Gary Fournier, Planning Technician Summer Smigelski, Admin. Assistant Becky Partin, Communication Specialist

VISITORS

See Sign-In Sheet

Pre-Meeting- 5:30pm

Mr. Herron reviewed Chapter 7. Mr. Herron and Planning Board members discussed the criteria's that would be evaluated when looking at a development for connectivity. At 6:15pm the Chair called for a break and asked for everyone to return at 6:30pm for the regular Planning Board meeting and that they will continue with Chapter 7 after the board hears from VAR 01-17 Crown harbor Marina.

DETERMINATION OF QUORUM

Chair Crawford re-convened the Planning Board meeting at 6:32 pm and noted there was a quorum present.

REVIEW OF AGENDA ITEMS

VAR 01-17 Crown Harbor Marina (Continued Hearing from April 24th)

Mr. Wayne Herron presented new evidence to the board for Crown Harbor Marina. This is a continuation; the board continued the hearing from the last meeting. We do have additional evidence that was supplied by the applicant. The board requested additional pictures which we are submitting as exhibits N and O. The two exhibits will show the proposed sign is seven feet tall and thirty two feet wide for a total of 224 square feet.

Exhibit N Exhibit O



Chair Crawford: "The floor is open for any questions. I will have questions because I was not here. If you board members could enlighten me on thoughts and feedback that you guys shared at the meeting just to catch me up as well. My discussion earlier, we are talking about the proportion, I think there was some concern with the size. Our code says it should be a hundred square feet and last week you guys were at a 125 square feet, correct?"

Ms. Johnson: "A hundred, they were trying to keep it based on code. The conversation was to truly maximize that space. We were discussing if we should also allow for a larger sign as well."

Chair Crawford: "The question I asked of Wayne earlier when I was trying to catch up a little is we have done in the past where I have been on the board as well with the proportion. My thing is we have done this and if you put a hundred square foot sign and we are saying its ten by ten I don't believe anyone is going to see that going 65mph. We were calculating the actual proportion of that one wall. It came up to be if we did the 115 by 60 it was 6900 square feet. You also have the ridgeline there; we are guessing that's twenty feet above. If you take that away and 40 by 115 I guess we came up with 4470. Either way it is still a small proportion and I think now you guys came back with it being 225 square feet. Based on the proportion of that size of the wall I think that's well within a proportional component of it. We have done that a couple times here in Cornelius already with a larger building facing the interstate and making it proportionate. So from what you guys talked about earlier I do not see any problems with it being proportionately at that size."

Mr. Dean: "How tall, I know they are at seven feet now, your original at the last meeting. How high was it?"

Applicant: "Five feet."

Chair Crawford: "So even five feet for that, Crown Harbor Marina, on that big space even the smaller space; I don't know I am not a sign person but I think that would be difficult to see. From my stand point I do not see a problem with that proportion."

Ms. Johnson: "One of the things we have talked about last time was the color and obviously you brought us two different colors. Which color do you prefer?"

Applicant: "I thought about what you said, I think you suggested the blue because of the roof and the more I think about it I think the blue would be much better."

Ms. Johnson: "I just think that the point is to have visibility and with the black still will not give you the exposure you are looking for."

Mr. Dean: "We do want your business to be seen."

Chair Crawford: "Does anyone else have any thoughts, questions or issues? Let's close the public hearing."

Ms. Johnson made a motion to close the public hearing. Ms. Trautwein seconded. All in favor, motion approved.

In Favor: Ms. Crawford, Ms. Johnson, Mr. Osborne, Opposed: None

Ms. Trautwein, Mr. Ingram, Mr. Dean

Findings of Fact #1

Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Chair Crawford: "I do feel this could be an unnecessary hardship simply for the fact that no one knows what your business is. The only signage that you have that is considered the front is where people are not going to walk down the street and see your signage so I do feel that would be an unnecessary hardship. Their traffic is coming from the water front side which is the back of the building."

Ms. Johnson made a motion to approve Finding of Fact #1. Ms. Trautwein seconded. All in favor, motion approved.

In Favor: Ms. Crawford, Ms. Johnson, Mr. Osborne, Opposed: None

Ms. Trautwein, Mr. Ingram, Mr. Dean

Findings of Fact #2

The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

Ms. Johnson: "I think there is a hardship because people are unsure where the front is versus the back. The second reason would be the location of it. So I do think there is a hardship there.

Ms. Trautwein made a motion to approve Finding of Fact #2. Mr. Ingram seconded. All in favor, motion approved.

In Favor: Ms. Crawford, Ms. Johnson, Mr. Osborne, Opposed: None

Ms. Trautwein, Mr. Ingram, Mr. Dean

Finding of Fact #3

The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Mr. Dean: "I do not think this is the applicant's fault that the land was in the way it faced. The fact that majority of their business comes from the backside on the lake. I do not think it resulted from anything they did."

Ms. Trautwein made a motion to approve Finding of Fact #3. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Ms. Crawford, Ms. Johnson, Mr. Osborne, Opposed: None

Ms. Trautwein, Mr. Ingram, Mr. Dean

Finding of Fact #4

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Ms. Trautwein: "I agree that it is consistent with spirit, purpose and intent. I think this is a fair approval."

Ms. Trautwein made a motion to approve Finding of Fact #4. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Ms. Crawford, Ms. Johnson, Mr. Osborne, Opposed: None

Ms. Trautwein, Mr. Ingram, Mr. Dean

Mr. Ingram made a motion to approve VAR 01-17 Crown Harbor Marina. Ms. Trautwein seconded. All in favor, motion approved.

In Favor: Ms. Crawford, Ms. Johnson, Mr. Osborne, Opposed: None

Ms. Trautwein, Mr. Ingram, Mr. Dean

Code Review- Continued

Mr. Herron continued the code review. The board left off on bike and pedestrian facilities. Will Washam he is the Bike expert we will meet to discuss what needs to be in the code. We did discuss that we need to have specific standards for bike facilities and parking. Will, will put together a separate slide show and what we are recommending to present to you for your next meeting. The board discussed Cul-de-sacs and the length from the nearest intersection which would be 250 feet. Curbs and drainage is wanted in the alleys for safety and maintenance. The town encourages Reverse angle parking; it allows drivers to make eye contact with oncoming traffic and making the sidewalks more accessible for pedestrians. After discussion of Chapter 7, Mr. Herron briefly discussed Chapter 8- Open Space, Mr. Herron informed the board that they

will need to discuss buffers in a future meeting. The Pre meetings will continue for another three months, once the board is finished with the code review.

NEW BUSINESS

Mr. Herron informed the board that next meeting they may have an Appeal come before them.

NEXT MEETING

June 12, 2017

ADJOURNMENT

Mr. Dean made a motion to adjourn the meeting at 7:54 p.m. Mr. Osborne seconds the motion. All in favor and motion approved.

In Favor: Ms. Crawford, Ms Ms. Trautwein, Mr			osed: None
Respectfully Submitted:			
Cheryl Crawford Chair	Date	Summer Smigelski Secretary	Date

REQUEST FOR BOARD ACTION

Print

Date of Meeting:

June 12, 2017

To: Planning Board Members

From: Jason Pauling, AICP - Senior Planner

Action Requested:

A request from Mama's Pizza to construct a new building, which will eventually replace their current restaurant located at 19741 S. Main Street. The new building will be approximately 5,250 square feet, and will include 3,250 square feet for the new Mama's Pizza Restaurant, and 2,000 square feet of additional commercial space to be leased to another tenant. The new building is proposed to have frontage on Hickory Street and Tryon Street in lieu of South Main Street, which is a variation from the code and requires Board approval. The new building is designed to have a building front façade appearance on all three streets.

Manager's Recommendation:

Approval with Conditions

ATTACHMENTS:			
Name:	Description:	Type:	
□ 2017-01-12_Rezoning_Letter.pdf	Rezoning Description Letter	Backup Material	
□ MAMA_S_Zoning.jpg	Zoning Map	Backup Material	
□ MAMA_S_LU.jpg	Land Use Map	Backup Material	
□ MAMA_S_Vicinity.jpg	Vicinity Map	Backup Material	
□ MAMA_S_Property.jpg	Property Map	Backup Material	
<u> □ IMG_9706.JPG</u>	Photo1: Tryon-Hickory	Backup Material	
<u> </u>	Photo 2: Tryon	Backup Material	
<u>□</u> <u>IMG_9709.JPG</u>	Photo 3: Hickory	Backup Material	
<u>□</u> <u>IMG_9710.JPG</u>	Photo 4: South Main Front	Backup Material	
REZ_01- 17_(PB)_Mamas_Pizza_Staff_Report.docx	Staff Report	Backup Material	
☐ Mama_s_Pizza_Rezoning.pdf	Site (Civil) Plan	Backup Material	
D 2017-06- 01 Mama s Pizza Rendering.pdf	Illustrative Site Plan	Backup Material	
☐ mama_s_pizza_aerial_combined.pdf	Main Street Perspective	Backup Material	
mama_s_pizza_view_from_Hickory.pdf	Hickory Perspective	Backup Material	
□ mama_s_pizza_view_from_Tryon.pdf	Tryon Perspective	Backup Material	
mama_s_pizza_view_from_fire_station.pdf	Fire Station Perspective	Backup Material	
☐ Elevations and Floor Plans.pdf	Elevations and Floor Plans	Backup Material	

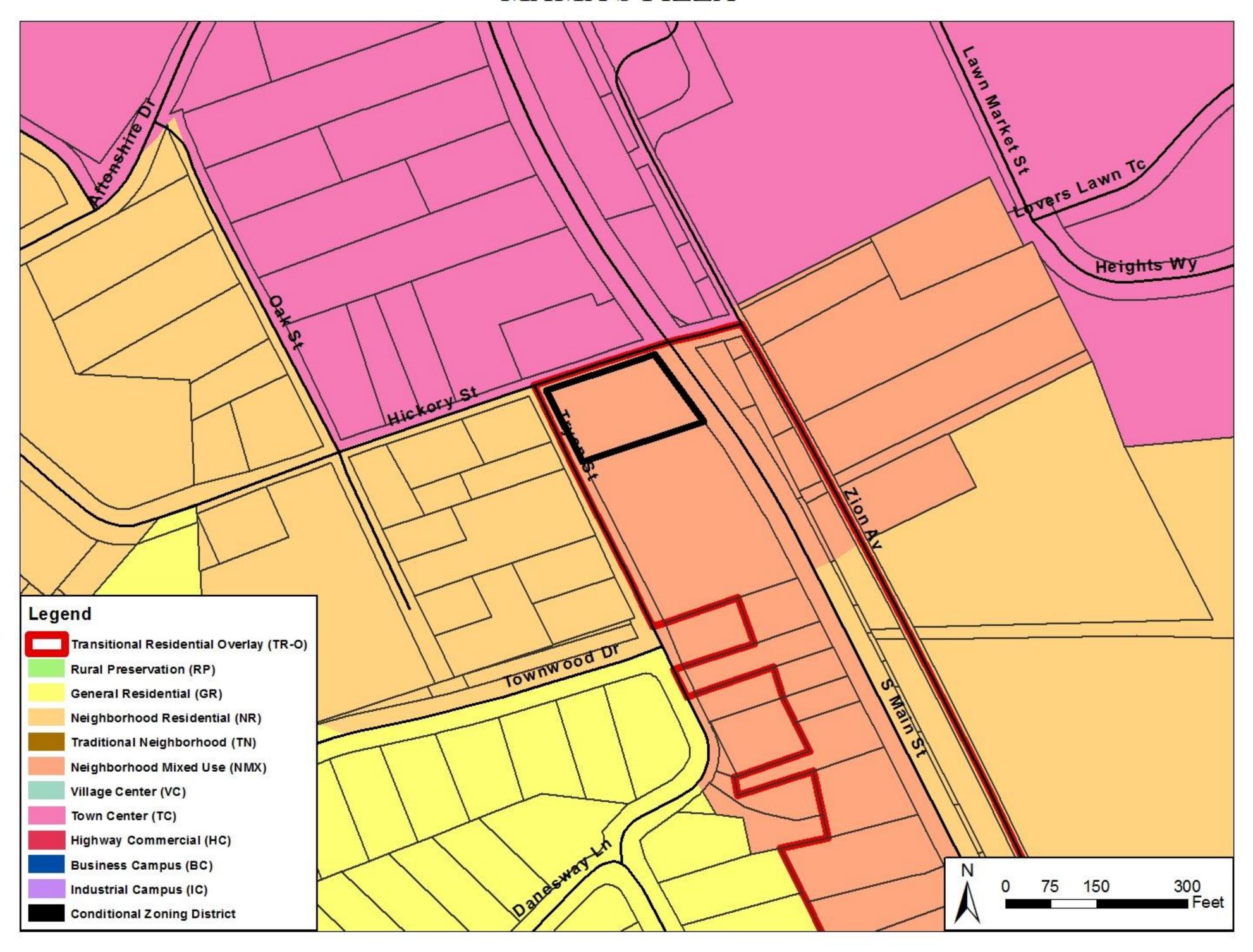


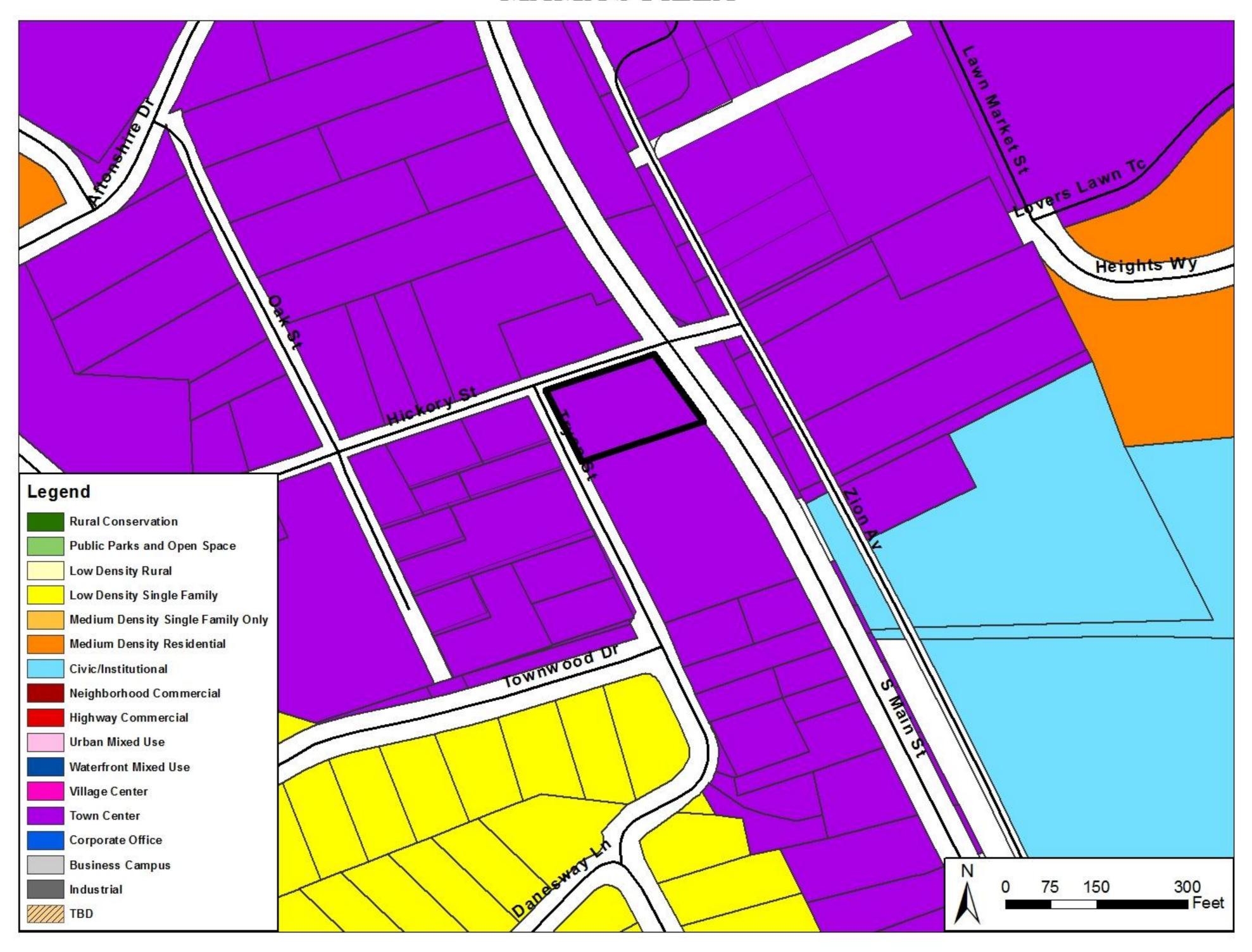
Written Summary, January 01, 2017

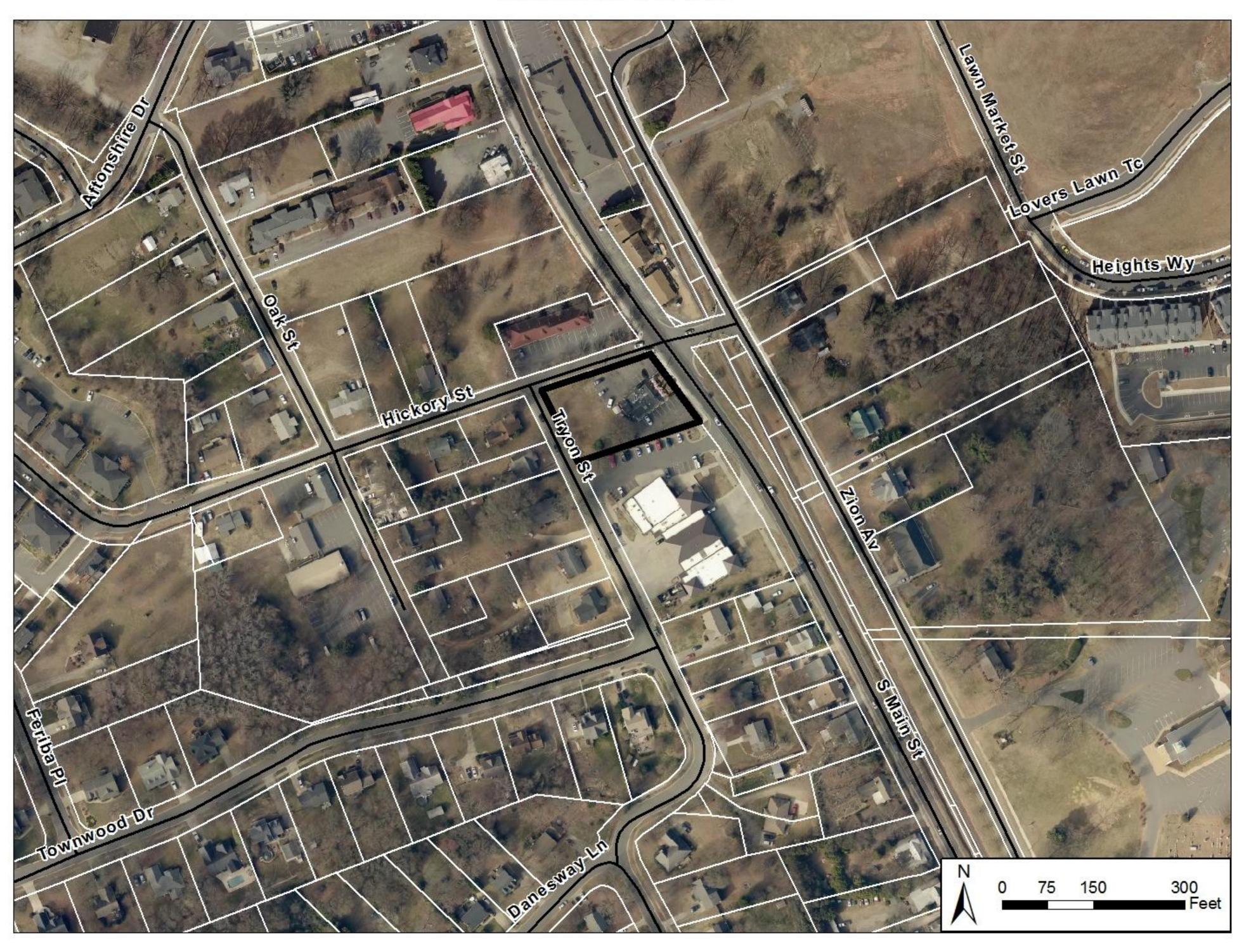
This project proposes a 3,250 sf multi-use building for Mama's pizza with an outdoor dining space and an additional 2,000 sf commercial building space with sidewalks to access the building off of Tryon Street and Hickory Street. Site plan proposes new parking area with multiple access points from existing sidewalks onto the new site and required landscaping.

Sincerely,

Jay Henson, ASLA HensonFoley



















REZ 01-17 Mama's Pizza

Conditional Zoning Request

Planning Board Meeting June 12, 2017

OWNER(S): Frank and Lynn Manis

Fore Realty Incorporated 18817 Coveside Lane Cornelius, NC 28031

APPLICANT: Jay Henson, ASLA

HensonFoley

8712 Lindholm Drive, Suite 202A

Huntersville, NC 28078

PROPERTY LOCATION: 19741 South Main Street (Southwest corner of Main Street (NC Hwy

115) and Hickory Street (PID: 00515122)

PROPERTY SIZE: 0.88 acres

CURRENT LAND USE: Commercial - Restaurant

PROPOSED LAND USE: Commercial – Restaurant (Multi-tenant)

EXISTING ZONING: NMX (Neighborhood Mixed Use), and TR-O (Transitional

Residential Overlay)

PROPOSED ZONING: CZ (Conditional Zoning)

EXISTING CONDITIONS:

- 1. <u>Description of Adjoining Zoning and Land Uses</u> This property is bordered to the north by property zoned TC (Town Center), and currently operated as a commercial strip center. Directly to the South lies the Cornelius-Lemley Fire Station, which is zoned NMX. Immediately west across Tryon Street, properties are zoned NR Neighborhood Residential, and contain existing single-family residences. Across Main Street and the Norfolk Southern rail line are properties zoned NMX and used as either single family residences or offices.
- 2. Topography The topography is generally flat with a slight grade change from east to west.
- 3. <u>Vegetation</u> The front two-thirds of the site is mostly covered with development and impervious area and there is very little vegetation that exists, with the exception of one large tree near the fire departments property in the rear of the site.
- 4. <u>Infrastructure</u> All utilities exist on the site. The site is currently accessed by one long driveway on Hickory Street on the north side, and one long driveway on South Main Street.

The Hickory Street/South Main Street Intersection is currently unsignalized, however the Town has plans to develop intersection improvements, and also provide a traffic signal at this location in the near future. Staff is working with the applicant to accommodate the necessary land needed for this project. A narrow sidewalk exists on both Hickory Street and South Main Street, but does not exist on Tryon Street. The existing driveways on both Hickory and Main Streets create a safety challenge for vehicles and pedestrians.

STAFF COMMENTS:

- 1. Project Overview The existing building on site is about 1652 square feet heated, and 2,291 square feet total. It has been a number of different restaurant uses through the years, but the building has remained since 1960 with very little changes. The applicant(s) are planning a new building with a new restaurant. The new multi-tenant building will total 5,250 square feet, whereas 3,250 will be exclusively for Mama's Pizza. The new building will be constructed behind the existing building, which will remain open during construction of the new building, and then will be closed and demolished in order to build the front parking area once the new building is completed. There will be one new driveway access off of Hickory Street, and no driveway access from South Main Street. The additional 2,000 square foot unit may be a restaurant or general commercial/retail/office. There are a total of 32 parking spaces provided, which meets the Land Development Code. The site is exempt from storm water/water quality requirements because it is less than an acre. The applicant(s) are also providing a new 10-foot multi-use sidewalk along South Main Street, as well as a new 5foot sidewalk along both Hickory and Tryon Street. A large outdoor dining area is planned along Hickory Street. The proposed dumpster has been moved to the back of the site at the southwest corner off of Tryon Street, and will not be visible from the front.
- 2. <u>District Consistency</u> Restaurants and commercial are typically permitted uses with conditions in the Neighborhood Mixed Use district. However, because of the unique design of the site and building on a corner lot fronting on three different streets, the proposed site, building layout, and building design is best reviewed through conditional zoning. Particularly those sections of the code relating to building frontage requirements, and specifics on the architecture per Chapter 4.
- 3. <u>Land Use Plan Consistency</u> The Land Use Plan adopted by the Town Board on January 6th, 2014 designates this property as Town Center. Restaurants are one of the primary land uses found in this land use designation.
- 4. <u>Pre-Development Review Committee</u> An initial concept plan was presented to the PDRC in February 2017. Staff received comments that were mostly positive, however the committee seemed split on whether or not to allow the building to be pushed back, and not front on Main Street. The majority felt the property on the south side of Hickory Street was more of a transition area and setting the building back from Main Street would not take away from the Town Center plans. Staff concurs and believes the new proposed building will be an asset to the planned Arts District as well.
- 5. <u>Community Meeting</u> The applicant held the required community meeting on Wednesday, April 19, 2017. Residents were mostly supportive of the concept, but had a few concerns, including a concern about parking along Tryon Street, and the appearance of the Tryon Street elevation, which would be the back of the building.

6. <u>Architectural Review</u> – The proposed new building will be a total of one-story, but Mama's will be 26-feet in height to have the appearance of a two-story building, and is designed with a traditional Italian façade with a pitch-roof with ceramic tiles. The addition will be slightly offset and shorter with a flat roof. All HVAC and equipment will be on the roof and screened from view. The base of the building will contain stone, and the primary exterior material proposed is stucco. A variation is proposed to allow 35% window and door coverage on the front elevation, although the front elevation also contains accents and good articulation. The Hickory Street Elevation will be designed to look like a primary front, which will include a large porch for the outdoor dining area. The rear elevation does contain entrances to both units and a few accents, but does not contain many windows. The elevations have been presented to the Architectural Review Board on April 28th and May 26th for conceptual approval. Most of the comments made at the April meeting were addressed, and the Board gave conceptual approval at the May meeting with minor comments to address when the building permits are filed.

STAFF RECOMMENDATIONS:

Staff is recommending approval of this project subject to the following conditions

- 1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
- 2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
- 3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
- 4. The applicant(s) shall dedicate the necessary right-of-way for the Hickory Street Intersection improvements by plat prior to construction document approval. All work within the right-of-way, including driveway closures, curb and gutter, sidewalk and landscaping shall be coordinated with the Town and with NCDOT, and the applicant(s) shall obtain the appropriate encroachment agreements as part of the construction document review for the demolition and grading of the existing building and front parking area.
- 5. The applicant(s) is providing designated areas for art as part of the proposed Art's District. All proposed art shall be reviewed and approved by PARC Board prior to installation.
- 6. Approval of the requested conditional zoning district, includes approval of the following architectural variations:
 - a. Section 4.6.1(D): Allow the primary façade of the building to face the secondary streets (Hickory Street and Tryon Street)
 - b. Section 4.6.3(B)(3): Allow a reduction in the window and door coverage requirement below 70%. Approximately 35% window and door coverage is currently shown on the front facade.

All other requirements of Chapter 4 shall be met.

CONTENTS:

COVER SHEET

SURVEY & EX CONDITIONS

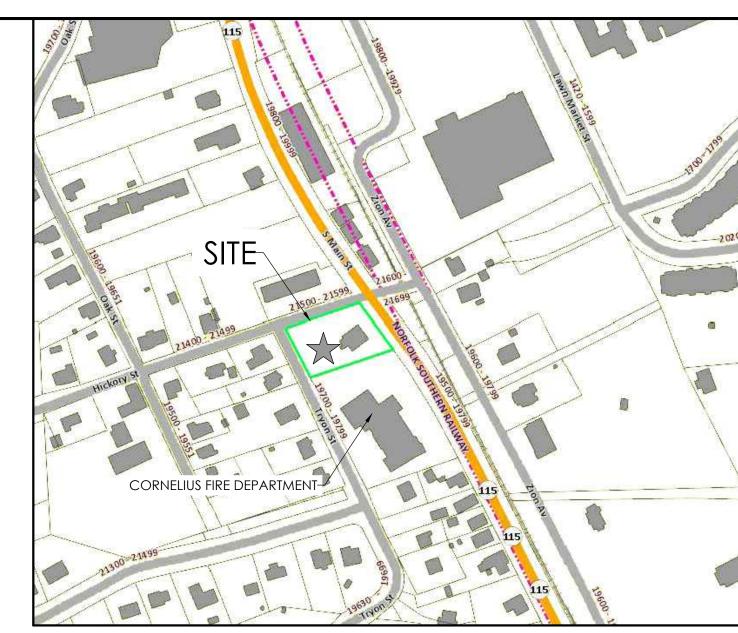
SITE PLAN

CIVIL SITE PLAN PACKAGE PROPOSED

> MAMA'S PIZZA CORNELIUS, NC

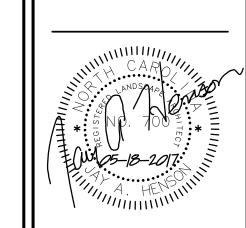


FORE REALTY INCORPORATED 18817 COVESIDE LANE CORNELIUS, NC 28031 PH: (561) 212-3063









REVISIONS:

PROJECT NUMBER: 216082

DATE: 01/13/2017 DRAWN BY: JA SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMMENDED.

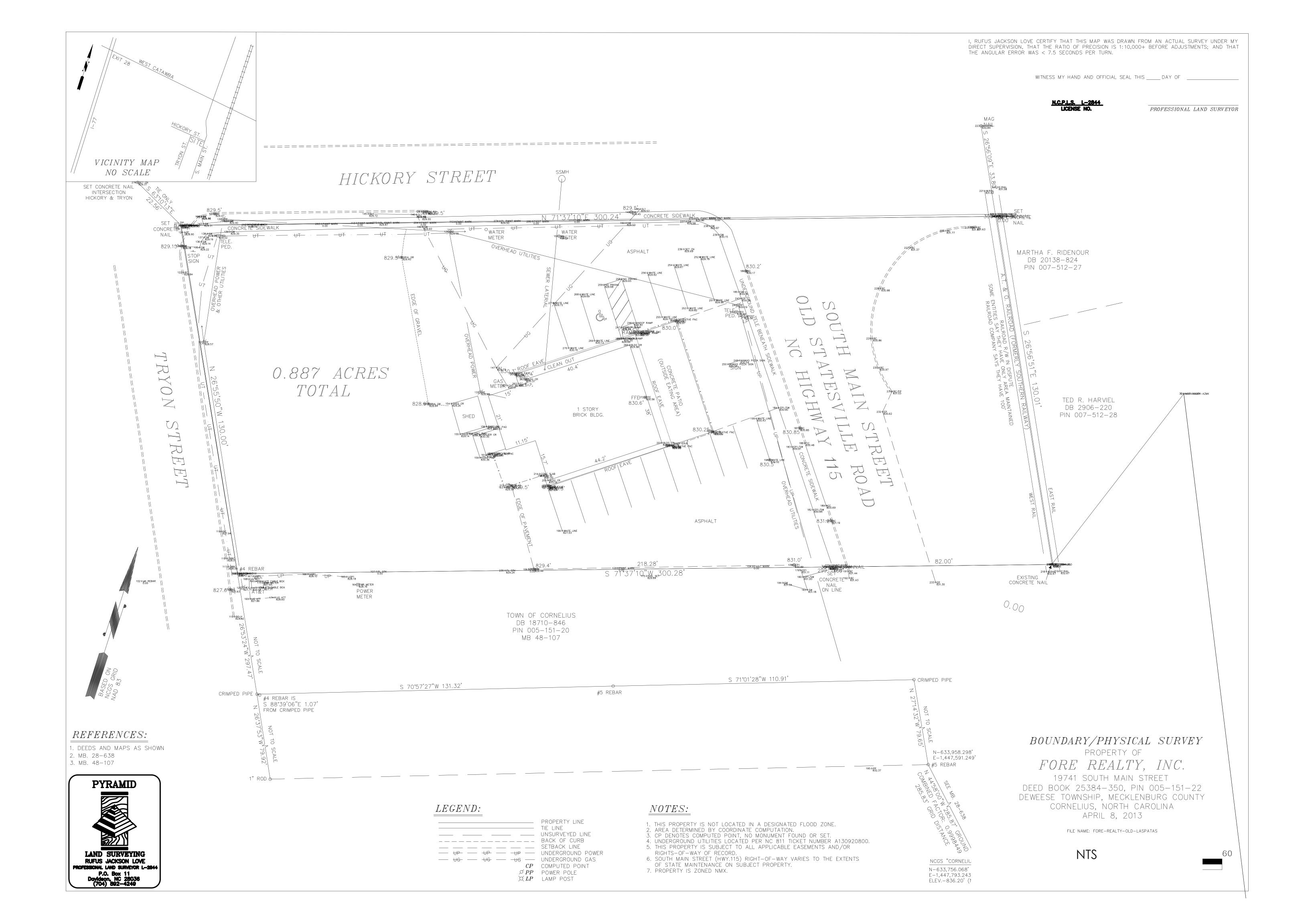
1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING

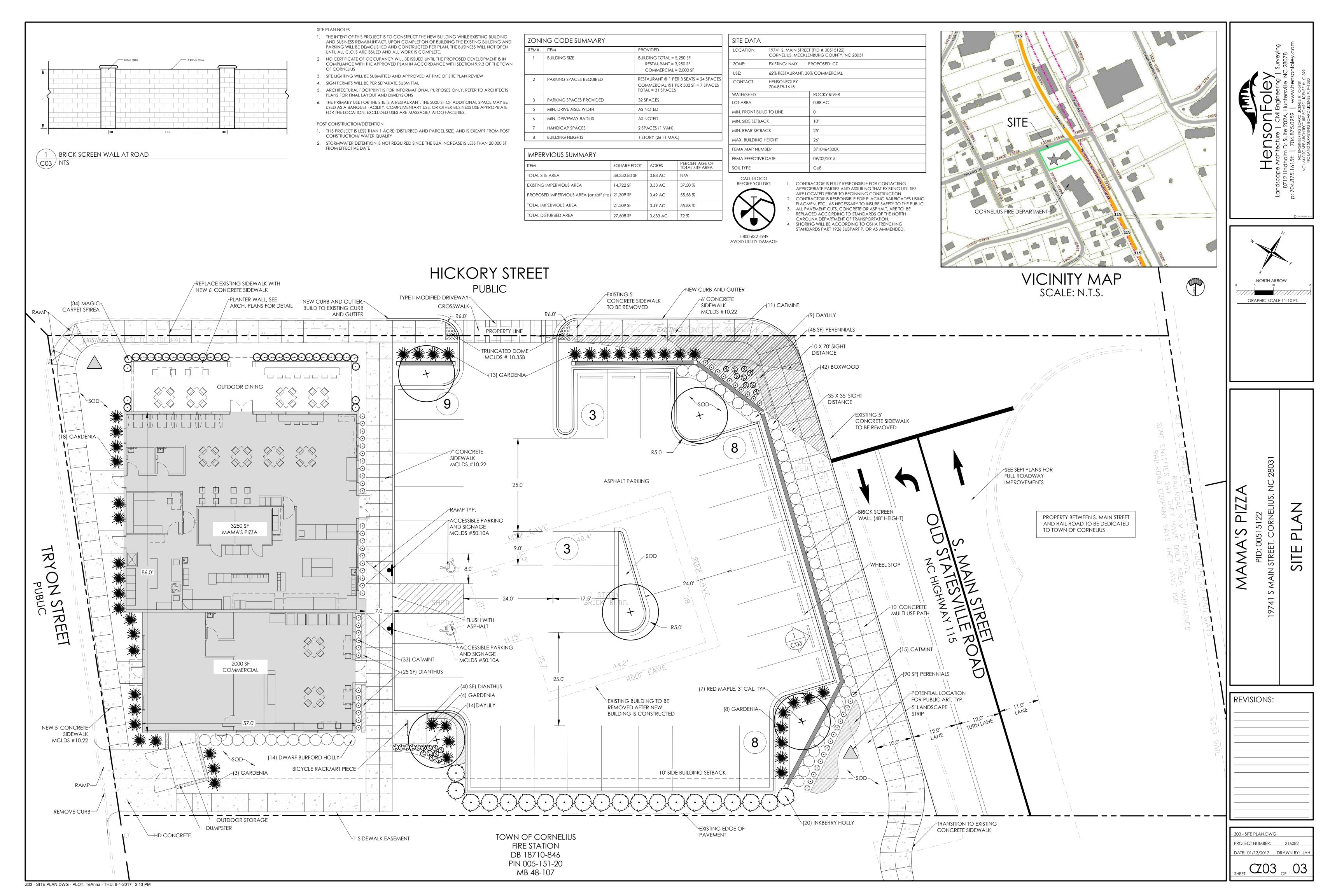
CAROLINA DEPARTMENT OF TRANSPORTATION.

APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES

CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH

BEFORE YOU DIG AVOID UTILITY DAMAGE







SITE PLAN NOTES THE INTENT OF THIS PROJECT IS TO CONSTRUCT THE NEW BUILDING WHILE EXISTING BUILDING AND BUSINESS REMAIN INTACT. UPON COMPLETION OF BUILDING THE EXISTING BUILDING AND PARKING WILL BE DEMOLISHED AN DCONSTRUCTED PER PLAN. THE BUSINESS WILL NOT OPEN UNTIL ALL CO'S ARE ISSUED AND ALL WORK IS COMPLETE. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL THE PROPOSED DEVELOPMENT IS IN COMPLIANCE WITH THE APPROVED PLAN IN ACCORDANCE WITH SECTION 9.9.3 OF

THE TOWN OF CORNELIUS

3. SITE LIGHTING WILL BE SUBMITTED AND APPROVED AT TIME OF SITE PLAN REVIEW 4. SIGN PERMITS WILL BE PER SEPARATE SUBMITTAL

5. ARCHITECTURAL FOOTPRINT IS FOR INFORMATIONAL PURPOSES ONLY. REFER TO

ARCHITECTS PLANS FOR FINAL LAYOUT AND DIMENSIONS 6. THE PRIMARY USE FOR THE SITE IS A RESTAURANT, THE 2000 SF OF ADDITIONAL SPACE MAY BE USED AS A BANQUET FACILITY, COMPLIMENTARY USE, OR OTHER BUSINESS USE APPROPRIATE FOR THE LOCATION. EXCLUDED USES ARE MASSAGE/TATOO FACILITIES.

POST CONSTRUCTION/DETENTION

PUBLIC

- 1. THIS PROJECT IS LESS THAN 1 ACRE (DISTURBED AND PARCEL SIZE) AND IS EXEMPT FROM POST CONSTRUCTION/ WATER QUALITY
- 2. STORMWATER DETENTION IS NOT REQUIRED SINCE THE BUA INCREASE IS LESS THAN 20,000

LOCATION:	19741 S. MAIN STREET (PID # 00515122) CORNELIUS, MECKLENBURG COUNTY, NC 28031	
ZONE:	NMX	
USE:	38% RESTAURANT, 62% COMMERCIAL	
CONTACT:	HENSONFOLEY 704-875-1615	
WATERSHED		ROCKY RIVER
LOT AREA		0.88 AC
MIN. FRONT BUILD TO LINE		0
MIN. SIDE SETBACK		10'
MIN. REAR SETBACK		25'
MAX. BUILDING HEIGHT		26'
FEMA MAP NUMBER		3710464300K
FEMA EFFECTIVE DATE		09/02/2015
SOIL TYPE		СиВ



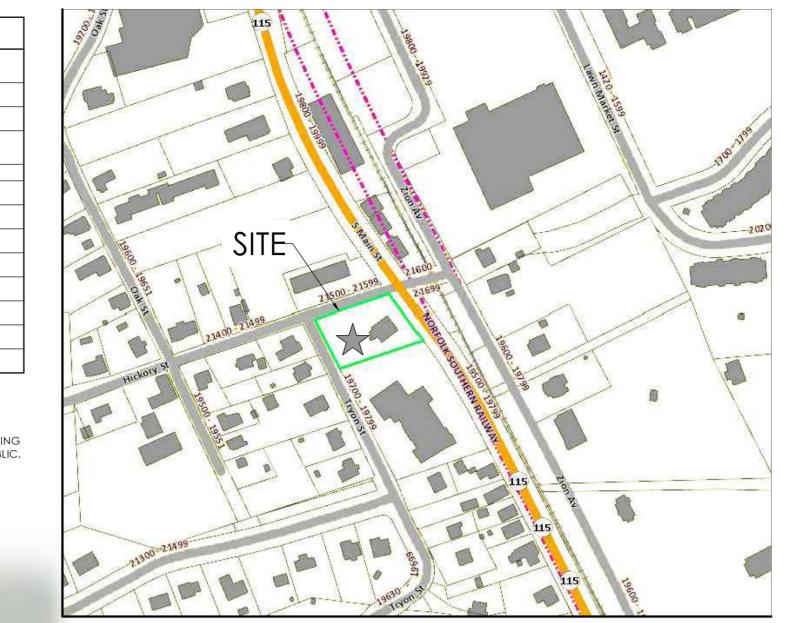
- BEFORE YOU DIG 1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES
 - ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION. ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.

 CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMEN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.

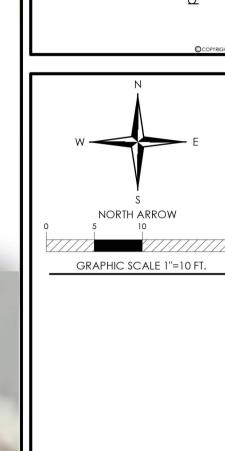
 ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

 SHORING WILL BE ACCORDING TO OSHA TRENCHING

 - STANDARDS PART 1926 SUBPART P, OR AS AMMENDED.







SITE

REVISIONS:

. C 3 _{OF} 03

TOWN OF CORNELIUS FIRE STATION DB 18710-846 PIN 005-151-20 MB 48-107

10' SIDE BUILDING SETBACK









