



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

**Agenda
March 14, 2017
5:30 PM
Cornelius Town Hall - Room 204**

Call To Order

Determination of Quorum

Presentations

1. REBIC Presentation Regarding New Buffer Ordinance

Approval of Minutes

1. January 27, 2017 Joint Meeting Minutes
2. November 15, 2016

Review And Recommendation On Agenda Items

1. Storm Sewer Video Camera Requirements for Street Acceptance
2. Deactivation and Closure of Conditional Zoning (CZ) Applications
3. Outdoor Storage

Old Business

1. Arts District Follow Up Discussion

New Business

Next Meeting

Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 14, 2017

To: Land Development Code Advisory Board

From: Wayne Herron, Director of Planning

Action Requested:

The Real Estate and Building Industry Coalition (REBIC) has requested the Town revisit several portions of the recently adopted buffer regulations. Joe Padilla, REBIC Executive Director, spoke at the Town Board public hearing and has been in contact with Staff since the adoption. The following is the specific request from Joe Padilla at REBIC:

"As far as the ordinance amendment itself, I think a simple solution would be to change the language in Chapter 9 dealing with Type A buffers, by rewriting the first line to read:

- **Location & Required Usage:**
 - Rear and/or side transition yard between existing residential ~~zoning/uses~~ NEIGHBORHOODS and all proposed uses and developments.

We would also request the Committee to re-examine the language on berm height, with the goal of approving some language that would permit a variance to the requirement where topographical conditions made it prohibitive to install.

Manager's Recommendation:

Hear Presentation.

<u>ATTACHMENTS:</u>		
Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 14, 2017

To: Land Development Code Advisory Board

From: Summer Smigelski, Planning Admin.

Action Requested:

Approval of Minutes

Manager's Recommendation:

ATTACHMENTS:		
Name:	Description:	Type:
 Joint_Meeting_Jan._30th_Will_edits_2.doc	January 30, 2017 Joint Meeting Minutes	Cover Memo



**ARTS CENTER/ARTS DISTRICT
JOINT WORK SESSION
ARCHITECTURAL REVIEW, HISTORIC PRESERVATION
LAND DEVELOPMENT CODE ADVISORY
PARKS, ARTS, RECREATION AND CULTURE
PLANNING
MONDAY, JANUARY 30, 2017
6:30PM**

- **Dinner served at 6:30pm**
- **Mayor Pro-Tem, Woody Washam welcomed everyone at 6:48pm**

Call to Order

The Chairman from each advisory board introduced their members and called their board to order.

- Joe Harris, ARB Vice Chair
- Julie Miller, HPC Chair
- Cheryl Crawford, LDCAB and Planning Chair
- Dr. Scott Higgins, PARC Chair

Arts Center

PARC Director, Troy Fitzsimmons gave a presentation on the Arts Center. See Presentation <http://cornelius.org/DocumentCenter/View/3754>

Arts District

Planning Director, Wayne Herron gave a presentation on the Arts District. See Presentation <http://cornelius.org/DocumentCenter/View/3753>

Discussion

Each table discussed in groups some ideas for the planning and development of Cornelius' Art District Overlay. The ideas that were discussed are based on the overlay extents, uses and zoning regulations, built environment, structures, architecture and the public art in the district.

After the discussion one person from each table shared some ideas.

Will Washam: "Starting with the geographic extents, we identified some control points that are currently existing; on Catawba we have the library, on North Main we have the Veterans Monument, potentially looking further north to see if there is something that makes sense, on South Main we have the firestation with the 9-11 monument. We don't have enough commercial space in downtown right now, but we also have some vacant land, so we're going to have some new development. We want high-quality new development that makes the most of our land with multi-story buildings."



**ARTS CENTER/ARTS DISTRICT
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6:30PM**

Commissioner Dave Gilroy: "One big strategic opportunity here; long term, is the redevelopment of Food Lion Shopping Center."

Susan Johnson: "To establish a sense of place; to create an advisory board separate from the 501(c)(3) that will really encompass the entire arts district; and for Artists to come together to decide direction."

Scott Higgins: "Access is very important; second point is telling the story of Cornelius; last is branding."

Joe Purdy: "To incorporate the scales from the Cotton Gin into the Arts Center; work with the existing businesses to get them on board to create a plan."

Julie Miller: "To reduce car traffic with bike lanes and shuttles; we need more variety of businesses in downtown."

Norris Woody: "We first need to get the overlay district right with friendly walkable space."

Adjournment

Meeting adjourned at 8:16 p.m.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 14, 2017

To: Land Development Code Advisory Board Members

From: Summer Smigelski, Planning Admin.

Action Requested:

Approval of Minutes

Manager's Recommendation:

ATTACHMENTS:		
Name:	Description:	Type:
 11-15-2016_Minutes_LDCAB.docx	November 15, 2017 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS LDCAB

November 15, 2016

5:30 PM

Members Present

David Dunn
Dave Gilroy
Michael Miltich
Laura Pegram
Norris Woody, Vice Chair
Bob Bruton
John Hettwer
Cheryl Crawford, Chair
Chaz Churchwell

Members Absent

Greg Reeder
Keith Eicher

Staff Present

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

VISITORS

See Sign In Sheet.

DETERMINATION OF QUORUM

Chairman Crawford called the meeting to order at 5:34 PM and determined a quorum was present.

APPROVAL OF MINUTES

The Board unanimously approved to table the October 25, 2016 minutes.

Review and Recommendation on Agenda Items

Outdoor Storage

Mr. Herron presented the Outdoor Storage draft that was crafted based on previous discussion. The board discussed the following:

- 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.
- Simple definition that has been in use since 1996. No major enforcement issues throughout the years. Cornelius population is highly compliant and has desire for positive property appearance and desire to maintain high property values.
- Defines storage as ancillary, which is required to be in side and rear yard area.
- Boats are not specifically listed in the definition and have been categorized as goods or products, since DMV does not classify boats as vehicles
- Staff has asked property owners, over the years, to place all items being stored, including boats and vehicles not in use, in the side and rear yard

- The Town recently encountered a legal challenge to our outdoor storage definition. The case is on hold to allow the Town to evaluate the current definition.
- Staff recommends continuing to require the storage of goods and products in the side and rear yard areas and that any storage is screened, as is currently required.
- What about the lake? Do we want property owners storing items in the area abutting the lake?

VEHICLES

- Any operating vehicle may be in the front yard area, whether in the driveway or in the grass.
- Non-operable vehicles that are being stored must be in the rear yard area. There is a limit to having one junk car stored on any property. The stored vehicle must be covered. Any additional stored junk vehicles must be in an enclosed garage or building structure.
- What about recreation vehicles (motor home RVs)? No complaints
- Do we want to allow vehicles to park off of the approved driveway (in the grass or yard)?
- If yes, how many? Or is it even an issue?
- If no, what are our enforcement options?
 - There are some local governments who regulate parking in the yard.
 - Issues with visitors, family gatherings, frequency, etc.

BOATS & TRAILERS

- Very few issues across town with front yard.
- Do we want to address?

After discussing Outdoor Storage, the board agreed there was some tightening up to do. Mr. Herron informed the board that staff will reevaluate and bring back.

Sign and Code Review and Discussion

- State Statute states that election signs may be posted 30 days in advance of the start of early voting.
- Town Code states 30 days prior to Election Day.
- Code should be amended to match State Statute.

Signs that are allowed are special event signs. Cornelius allows more types of special event signs than any community in the South East. The board will reevaluate the banner signs to see if there will be any changes.

Signs that are not allowed are ones that people are holding. Other signs that are not allowed are snipe signs.

Person holding signs



A Commercial Monument sign for a single tenant the maximum size of sign area is 32sq. ft. There have been no complaints for these signs. For a multi-tenant the size can go to 64sq. ft.

Wall Signs

- For a business less than 35,000 sq. ft. the sign should not exceed 36 inches in height.
- For a retail anchor tenant or business of 35, 000 sq. ft. or more the sign should not exceed 48 inches in height
- Wall signs must be less than 10% of the wall area, not to exceed 100 sq. ft.
- Multi-line letter height may not exceed 18 inches.

After discussing the wall signs the board agreed to adjust the language.

Commercial Special Event Banners

- No banner shall exceed 32 sq. ft.
- Only one banner shall be permitted at a time
- Not to exceed 63 days (108 days for a Grand Opening)
- Must be attached to the building's wall

The board discussed some issues with commercial banners. Staff will look at the concerns that the board has and will bring back an overview on what they can do.

Solar Energy Farms

- Most jurisdictions define solar collectors and solar farms separately.
- Most jurisdictions allow solar collectors as an accessory use by right in all zoning districts.
- Most jurisdictions that have Solar Farms in their ordinances only allow them in non-residential zoning districts with Board approval.



NEXT MEETING

Will be in January or February

ADJOURNMENT

Mr. Hettwer made a motion to adjourn the meeting at 6:54 PM. Mr. Miltich seconded. All in favor and motion approved.

In Favor: Chairwoman Crawford, Vice-Chair Woody, Mr. Dunn, Commissioner Gilroy, Commissioner Miltich, Ms. Pegram, Mr. Herron, Mr. Brolin, Mr. Bruton, Mr. Hettwer,

Opposed: None

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 14, 2017

To: Land Development Code Advisory Board

From: Wayne Herron, Planning Director

Action Requested:

In 2015 the Town updated the requirements for street acceptance to require a video of all of the storm sewer facilities. The video was to provide the Town a visual of the condition of the storm sewers prior to accepting them for maintenance.

Recently, there have been questions about the timing of when the video camera work should be performed. The Town's position is that the video work should be done close to the time of consideration for acceptance by the Town so the Town knows exactly what, if any, damage may have occurred during the construction/build out of the properties involved. Any camera work older than three months would not be deemed appropriate to judge the current conditions of the storm sewer(s).

The Staff is recommending an amendment to the street acceptance standards that required video camera of storm sewers be provided no more than ninety (90) days prior to the date of request for street acceptance.

Manager's Recommendation:

Approval.

ATTACHMENTS:		
Name:	Description:	Type:
 Town Code Amendment Standards for Street Acceptance.docx	Draft Ordinance	Backup Material

**AN ORDINANCE TO AMEND
THE TOWN OF CORNELIUS CODE OF ORDINANCES**

WHEREAS, it has become necessary for the Town to update specific Titles within the Town’s Code of Ordinances; and

WHEREAS, this change represents a revised Code provision.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius that the Code of Ordinances, Title 9 is hereby amended and adopted as follows:

- Section 1. Title 9 of the Code of Ordinances attached hereto as Attachment A, is hereby adopted as amended and revised by the Town to be applicable within the Town limits and on property or right of way belonging to the Town outside the corporate limits.
- Section 2. This Ordinance shall become effective upon adoption.
- Section 3. Nothing in the adoption of this Ordinance shall amend or revoke any other Titles in the Town’s Code of Ordinances which shall remain in full force and effect.
- Section 4. Nothing in the adoption of this Ordinance shall terminate or otherwise affect any pending enforcement actions, civil penalties or fines arising from violations of the provisions of Title 9 as they existed prior to adoption of this Ordinance, and any such actions shall survive the adoption of this Ordinance.

Adopted this XXX day of XXX, 2017.

SEAL

Charles L. Travis, III, Mayor

ATTESTED:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

ATTACHMENT "A"

Section 94.17 REQUIREMENTS FOR ADOPTION OF STREET ACCEPTANCE RESOLUTION.

The Board of Commissioners may, at its sole discretion, adopt a resolution to accept a street for maintenance, but shall not adopt any resolution accepting a new street unless:

(A) The Board has received a written request from the subdivider or from the majority of the property owners along a street that such street be accepted as a public street for maintenance by the town.

(B) The Board receives a report from staff that:

(1) Either final approval of the streets was granted by the County Engineer at least one year prior to the time of such request for maintenance is made, or that such street or streets existed as a public street prior to the effective date of this subchapter and as such have functioned as a street or streets for at least one year; provided, however, that this one year testing period may be waived by the Board of Commissioners in cases where the development density standard set forth in division (2) below has been met and the Board finds that the street or streets requested for maintenance would suffer damage from further delay of application of the final surface course required under the street construction and testing standards of the town;

(2) At least 90% of the lots fronting on the street or streets requested for maintenance have a non-residential development or habitable dwelling unit located thereon; and

(3) That any defects which have appeared in new streets during the one year waiting period or in the case of existing streets, any defects identified by the Public Works Supervisor of the town at time such request for maintenance is made have been repaired; and

(4) There are no parcels or lots remaining in any adjoining or future phases for construction or development that may utilize the proposed section of street with construction related traffic; and

(5) Any maintenance bond for any street within a development must be maintained for a minimum of two (2) years and until 100% of the lots in the development have a non-residential development or habitable dwelling unit located thereon.

(6) A video of all underground storm drainage lines has been provided to the Town for review and evaluation of condition of infrastructure. **The video(s) may not be done more than ninety (90) days prior to the request for street acceptance.**

(C) The Board of Commissioners determine that such street corresponds in its location and aligns with a street shown on a preliminary subdivision plat formally approved by the Planning Board or that the street was established as a public street prior to the adoption of this subchapter and therefore not subject to this subchapter.

(Ord. 91-00042, passed 2-4-91; Am. Ord. 2013-00523, passed 3-4-13)

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 14, 2017

To: Land Development Code Advisory Board

From: Wayne Herron, Director of Planning

Action Requested:

Staff is requesting consideration of an amendment that would allow for certain CZ applications to be deactivated or closed after a six month period with no activity.

The Town currently has applications that have remained open with no activity for over a year. Many neighbors have noted to the Town that these open ended applications impact potential home sales and property values. While every property owner and applicant should have the right to a reasonable process and time line, keeping an application open infinitely with long periods of inactivity may not be fair and appropriate to neighbors and the community.

Staff is proposing the following language for consideration:

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:

1. That activity on the application must occur for the application to remain active
2. 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.

Manager's Recommendation:

Discussion of Potential Text Amendment

ATTACHMENTS:		
Name:	Description:	Type:
No Attachments Available		



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 14, 2017

To: Land Development Code Advisory Board

From: Wayne Herron, Director of Planning

Action Requested:

Final review of proposed outdoor storage ordinance.

Manager's Recommendation:

Review and provide feedback.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 14, 2017

To: Land Development Code Advisory Board

From: Wayne Herron, Planning Director

Action Requested:

Discussion of next steps following our joint meeting regarding the Arts District.

Manager's Recommendation:

Discussion

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		
