



Town of Fairview

PLANNING AND ZONING BOARD

Agenda

March 19, 2019 @ 6:30 p.m.

Meeting will be in the Fairview Town Hall Meeting Room

1. Roll Call and Determination of Quorum --- Chair Randall
2. Public Comments
3. Report on Council actions: ---Ed Humphries
4. Business:
 - a. Consider recommending the Conditional Zoning classification amendment Permit #CZ-19018 to Council for approval
 - b. Consider amending Fairview Land Development Plan (Housing section) and recommend to Council for approval
5. Approval of Previous Minutes:
 - a. February 19, 2019---Regular meeting
6. Public Comments
7. Adjourn

Discuss
Conditional
Zoning
Permit #CZ 19-018

Section 58 Conditional Zoning Approval Procedures

(a) Applicability

The conditional zoning procedure of this section applies when a property owner proposes to place additional zoning- or development-related restrictions on a particular property, over and above those that would otherwise apply under this ordinance. The conditional zoning procedure of this section must be followed whenever an applicant for rezoning proposes to:

- (1) Reduce or narrow the range of uses or building types allowed in the subject zoning district;
- (2) Commit to strict compliance with a site-specific development plan that imposes:
 - (i) Lot and building regulations that are more restrictive than otherwise required in the subject zoning district; or
 - (ii) Other development-related standards or conditions that are different than those that would otherwise apply to the subject property under this ordinance.

(b) Authority to File

Applications for conditional zoning district may be filed only by the subject property owner or the subject property owner's authorized agent. A notarized letter shall be submitted stating person or company is acting as the agent and have authority to make comments for the owner.

(c) Pre-application Meeting

A pre-application meeting is required before filing a conditional zoning district application with the Land Use Administrator.

(d) Review and Approval Procedure

The zoning procedures and requirements of this section apply and must be followed for all conditional zoning, except as otherwise expressly stated in this section.

(e) Required Community Meeting

Before a public hearing may be held on an application for conditional zoning, the applicant must provide the administrator with a written report of at least one community meeting held by the applicant. The neighbors within a 500 feet radius of the said property shall be notified in writing using the county tax parcel address.

- (1) Reasonable notice of the required community meeting must be given to nearby property owners and to affected and interested parties in accordance with Fairview's notice policies.



- (2) The report must include at least a sign-in sheet with addresses of those persons and organizations contacted about the meeting and the manner and date of contact, time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.
 - (3) If the applicant has not held at least one community meeting pursuant to this subsection, the applicant must file a report documenting efforts that were made to arrange such a meeting and stating the reasons that a meeting was not held.
 - (4) The adequacy of the meeting and the meeting report must be considered by the Council but is not subject to judicial review.
- (f) Submittal Requirements
- The application must include all information required for proposed conditional zoning. In addition, proposed conditional zoning must include detailed narrative text that specifies the conditions that will govern development of the subject property. If proposed conditions include physical site improvements or features that can be illustrated, a site plan shall also be submitted. The drawing shall be complete and provide all information as to the development of said property.
- (g) Scope and Effect of Approval
- (1) Transferability
- Approval conditional zoning run with the land and are not affected by changes of tenancy, ownership, or management. Similarly, all conditions associated with an approved conditional zoning are perpetually binding upon the subject property and apply regardless of changes in ownership or tenancy, unless amended in accordance with the conditional zoning amendment process.
- (2) Special Uses
- Once a conditional zoning district has been approved by the Fairview Town Council, property owners are not required to obtain special use approval, as long as all information required for special use approval is included with the conditional zoning application. If the information otherwise required for special use approval is not submitted and reviewed as part of the conditional zoning district application, then special use approval is required before any permits may be issued for the subject use.
- (3) Recording
- The subject property owner must obtain written certification of the approval of the conditional zoning from the administrator and record the legal description and accompanying conditional zoning and exhibits in the office of the register of deeds to be attached to the deed. No building permits or zoning permits or approvals may be issued by the county or Fairview until the property owner provides a signed written acknowledgement of recording.

(4) Violations

Any violation of a condition attached to an approved conditional zoning is a violation of this ordinance and is subject to the same penalties and enforcement procedures as any other ordinance violation.

(h) Amendments and Modifications

Amendments to approved conditional zoning amendments may be approved in accordance with the following requirements.

(1) Minor Amendments

- (i) The administrator is authorized to approve the following minor amendments to approved conditional zoning:
 - a) Any amendments expressly authorized as minor amendments at the time of approval of the conditional zoning; and
 - b) Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the conditional zoning was approved and that are not otherwise classified as major amendments.
- (ii) Applications for minor amendments to approved conditional zoning must be filed in a form established by the administrator. If no action is taken on the minor amendment application within 30 days of filing of a complete application, the minor amendment is deemed denied.

(2) Major Amendments

- (i) All of the following constitute major amendments to approved conditional zoning:
 - a) An increase in overall building coverage by more than 1%;
 - b) An increase in building height by more than 1% or 1 foot, whichever is less;
 - c) An increase in residential density or the number of residential units allowed;
 - d) An overall reduction in the amount of common open space or landscaping;
 - e) A reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
 - f) A change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes;
 - g) Any combination of 2 or more minor amendments that were not expressly authorized by the approved conditional zoning district; and

h) Any modification of a condition of approval imposed at the time of approval of the conditional zoning district.

(l) Vested Rights

If the Council approves a conditional zoning district that includes a plan qualifying as a site-specific development plan under NCGS 153A-344.1 (b)(5), the Council is authorized, upon a written request from the property owner, to designate the approved plan as a site-specific development plan that triggers a vested right for a period of not less than 2 nor more than 5 years pursuant to NCGS 153A-344.1. An approved site-specific development plan must include the following statement: "Approval of this plan establishes a zoning vested right under NCGS 153A-344.1. Unless terminated at an earlier date, the vested right remains valid until [insert date]."

DRAFT

Discuss Fairview Land Development Plan

Fairview Land Development Plan

GUIDELINES

The Town of Fairview Land Development Plan combines the goals and objectives of its residents with sound planning principles in conjunction with the attached *Future Land Use Map* by way of the following general guidelines:

1. To provide a low-density, rural atmosphere allowing single-family residential and agricultural uses. Additionally, in select nodes small-scale office and retail developments will be allowed that serve the needs of the Fairview community. Light industrial uses that provide employment opportunities to residents will also be considered.
2. To avoid, where possible, destruction of trees and landscape.
3. To protect environmentally sensitive areas such as floodplains and watersheds and to promote and preserve open space.
4. To maintain the existing quality of residential neighborhoods through enforcement of land use and building codes.

The Land Development Plan provides an overall framework to guide operational decisions in planning and acts as a basis for rational decisions regarding zoning, subdivision control, redevelopment, and related issues. The Plan reflects an estimate of future land requirements. It indicates how and where development should proceed to ensure a desirable physical investment. The Plan adheres to the highest standards of health, safety, and welfare in a living environment.

For the purposes of this document “Land Development Plan” is defined as:

This plan serves as a guide to official decisions regarding the distribution and intensity of private development, as well as public decisions on the location of future public facilities and open spaces.

Goals and Objectives

These goals and objectives are an essential element of this plan. The formulation of goals and objectives reflect sound planning principles and, most importantly, express the values of the community.

The Town of Fairview is viewed by its residents to be a friendly and safe place to live. Fairview treasures the absence of higher-density development, traffic congestion, and other related problems of larger cities in its jurisdiction. This development plan seeks to protect this quality of life as it represents the foundation upon which land use decisions will be based.

Goals supported by the community provide a sound basis for planning and subsequent action. Further, as Planning is a continuous process, periodic review of priorities will provide for later revisions of objectives and land development recommendations. The following goals of the community are distributed into these categories: *Quality of Life, Environment, Housing, Office/Commercial and Industrial*

Quality of Life

Goal: To maintain and promote the current high quality of life in the town of Fairview.

Objectives: To retain agrarian based development patterns, where desired, throughout the Town.

Environment

Goal: To promote the preservation and management of open space and natural features of the environment in order to safeguard safety, health, and welfare.

Objectives: To avoid, where possible, destruction of trees, animal species, and landscapes.
To protect environmentally sensitive areas such as floodplains, creeks, and watersheds.
To develop land use regulations that provide for open space preservation.

Housing

Goal: To provide an environment in which every resident within the Town’s planning areas has an opportunity for adequate, decent, and safe housing.

Objectives: To maintain the existing quality of residential neighborhoods through enforcement of land use and building codes. *Since housing demand is more likely on the western side of Fairview due to proximity to 485 and the Charlotte Metro area, higher density housing would be considered in this area, but only with proper conditions, adequate sewer, adequate water, adequate open spaces and adequate recreational facilities.*

Office/Commercial

Goal: To provide small-scale office and retail developments that provide employment opportunities and serve the everyday retail needs of Fairview area residents.

Objectives: To designate specific and limited areas on the Fairview Future Land Use Map that are located along the Highways 601 and 218 Corridors as well as around select activity nodes. Such areas shall consist of small-scale office and retail developments that are well-planned, aesthetically pleasing and integrate well with surrounding residential areas.
To develop land use regulations that allow for a limited amount of office and commercial development that is in harmony with the goals and objectives of the Fairview Land use Plan.

Industrial

Goal: To promote and expand the Town’s industrial base with high-paying and environmentally friendly industrial, manufacturing and warehousing jobs.

Objectives: Promote new industrial development where adequate utility and transportation infrastructure is provided or could be provided in a cost-effective manner. Promote the adaptive reuse (for manufacturing AND OTHER USES) of any of the Town’s existing industrial buildings, when and where feasible. Such sites should be compatible with surrounding land uses.

Coordinate the location of future industrial areas with the Town, County, and State utility and transportation infrastructure networks and with the Land Use Plans of the county and other neighboring jurisdictions.

New buildings and their siting on the property should be of such scale and design so as to improve the quality, character and livability of surrounding areas. Require that utility lines for all new industrial developments be placed underground. Create off-street parking policies that encourage quality design, pedestrian and vehicular safety, and are user-friendly in nature. Use increased parking lot landscaping as a means of improving the aesthetics of industrial developments. Create standards that limit the amount of off-street parking in front yards along major and minor thoroughfares.

Ensure adequate screening of industrial uses from adjacent non-industrial parcels and along the Town's major and minor thoroughfares in such a manner that these uses do not detract from the Town's overall image and that viewsheds from these thoroughfares are protected. Provide transitional land uses or buffers (including natural buffers such as vegetated areas, berms, etc., or commercial or institutional uses) between residential and newly developed industrial areas.

General Policies:

1. Conditional Use rezonings will be considered more favorably than general rezonings as a means to ensure compatibility of new development with surrounding areas.
2. The Town of Fairview encourages the reservation of land for parks and open space, and will seek the dedication of parkland or fees-in-lieu through the subdivision process.

Approve Minutes



**Town of Fairview
Planning Board Meeting
February 19, 2019**

The following Planning Board members were present: Kelvin Baucom, Doug Buchanan, Tony Helms, Mike Medlin, Greg Morgan, Rick Pigg, and Bill Thomas

Others present: Ed Humphries, Land Use Administrator / Deputy Clerk, Teresa Gregorius, Town Clerk

Public Comments

None

Reports

Ed Humphries reported that the Council approved David Griffin's Conditional Use Permit CUP 18-133. Council also approved the Text Change TC 18-138 Regulations for "Small (Tiny) Houses" with a wording change to "House Size". Council had their retreat on January 26th and started a discussion on conditional zoning.

Items of Business

A. Review Major Development Permit MS-CUP 19-011

Mr. Humphries stated that Helms Partners Inc. has applied for a Major Development Permit MDP 19-011 to develop a subdivision of 6 lots at 8216 Old Ferry Road. The subdivision name is Old Ferry Estates. The Board discussed.

Doug Buchanan made a motion to turn down #MDP 19-011 because of inconsistencies, lack of information and errors. Corrections can be made and brought back to the Planning Board at a later date. Motion died without a second.

Greg Morgan made a motion to recommend approval of #MDP 19-011 as amended to the Council. Rick Pigg seconded the motion. Baucom, Helms, Medlin, Morgan and Pigg voted yes, Buchanan voted no (5-1).

B. Discussion on Conditional Zoning

Mr. Humphries presented and explained the draft of conditional zoning procedures to the Board. After the draft is finalized, Mr. Humphries will bring it back to the Board.

C. Update on 601 and Brief intersection

Mr. Humphries updated the Board on properties at the intersection of Highway 601 and Brief Road which are all zoned commercial:

- Hot Mess Burgers will be opening soon.
- The individual that owns the property on Brief Road (Old Cuddy property across from Hot Mess Burgers) has it for rent. Mr. Humphries has received numerous inquiries which would require a conditional use permit.
- The lot across Highway 601 from the Old Cuddy property is owned by Mr. Roger Haigler. The acre lot does not perk thus there are limitations as to the usage of the property. Mr. Haigler is currently in negotiations with a tree cutting company to purchase the property to park their vehicles on.

D. Minutes

Doug Buchanan made a motion to approve the December 18, 2018 minutes. Kelvin Baucom seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Morgan and Pigg voted yes (6-0).

Kelvin Baucom made a motion to adjourn. Rick Pigg seconded the motion. Board members Baucom, Buchanan, Helms, Medlin, Morgan and Pigg voted yes (6-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Tony Helms
Vice Chair

Approved this _____ day of _____, 2019