



April 28, 2014
Council Work Session Meeting

Mayor Bryan Hough
Mayor Pro-Tem Perry Toomey
Councilman Jerry Bishop
Councilwoman Carolyn Breyare
Councilman J. Jason Gowen
Councilman Jim Hope
Councilman David Moore
Kemp Michael, City Attorney
Danny Jackson, City Manager

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL WORK SESSION
Location: Council Chambers**



**April 28, 2014
6:30 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

SET THE AGENDA

CONSENT AGENDA

1. Call for a Public Hearing for Text Amendment to Consider Amending Section 6 of the Zoning Ordinance to allow production of musical instrument components as a Special Use in the B-1 Central Business District
2. Call for a Public Hearing for a Text Amendment to consider Amending Section 7, Note 16 of the Zoning Ordinance to require location guidelines for safety and require design criteria for new stealth towers in the Light Industrial and Heavy Industrial District

BUSINESS

1. Consideration and Approval of the 2014 Land Development Guidelines *Dave Johnson*
2. Closed Session (*pursuant to NCGS 143-318.11 (a) (5 and 6)*)
3. Adjourn

CONSENT AGENDA



City of Mount Holly Action Agenda Item

To: City Council	Date: April 23, 2014
From: Greg Beal, Planning Director	Meeting Date: April 28, 2014
<u>Agenda Item to be considered:</u> <u>Call for a Public Hearing for a text amendment, submitted by Greg Black, to consider amending Section 6 of the Zoning Ordinance, to allow the production of musical instrument components as a Special Use in the B-1 Central Business District.</u>	
<u>Will this require a public hearing?</u> ☒ YES ☐ NO	
<u>Background/Purpose of Request:</u> <u>Recently, I have been meeting with Greg Black, the brother of former Mayor Bobby Black, who was in Mount Holly visiting with his family from New Jersey. Greg lives just outside of New York City in West Orange. He produces mouthpieces for musical instruments, such as trumpets, French horns, and tubas, out of the basement in his home. Mr. Black, being born and raised in Mount Holly, feels that the time is right to move back home. His family plans on moving into his mother's home in Woodland Park, as it is currently vacant. However, his business is not in-line with a home occupation by Ordinance. Therefore, Greg has explored options of locating his business in Downtown Mount Holly.</u>	
<u>First off, this would require a text amendment because the "manufacturing of musical instruments or components" is only allowed in the Light Industrial and Heavy Industrial District in Mount Holly. After speaking with Mr. Black, I am very comfortable with amending the text in the Ordinance to allow the "manufacturing of musical instrument components" allowed as a Special Use in the B-1 District (Downtown).</u>	
<u>The following timeline is proposed to consider the text amendment first, and the Board of Adjustment would hear Mr. Black's Special Use request at a later date:</u>	
• <u>Mr. Black's application for the text amendment will request a new use in Section 6 Table of Permitted and Special Uses of the Zoning Ordinance, which would classify the manufacture of musical instrument components as a Special Use in the B-1 Central Business District; this will help avoid the possibility of allowing large-scale manufacturing of musical instruments, which could be seen as an intrusive use downtown. Think Bach. Also, we discussed having this as a special use to prevent even the large-scale manufacturing of musical instrument components, and while that possibility is slim-to-none, it is still a preventative measure. The Board could then review the special uses on a case-by-case basis and attached any conditions that they felt were needed based on the specific circumstances of each case.</u> • <u>Staff will request that Council set the public hearing dates for the text amendment on April 28th at their called work session. The public hearing before the Planning Commission is proposed for Monday, May 5th at 6:00 PM, and the public hearing before City Council is proposed for Monday, May 12th at 7:00 PM.</u> • <u>If all goes well at the public hearings in May, the applicant would then submit an application for the manufacture of musical instrument components as a Special Use, now allowed by the Zoning Ordinance (if Council approves on May 12th). This is one, required public hearing before the Zoning Board of Adjustment for the proposed use at a specific proposed space (i.e. former CRO building). The public hearing before</u>	

- Board of Adjustment is quasi-judicial in nature, which requires the applicant or his representative to present evidence in support of the use under sworn testimony.
- Given the assumption that the text amendment is approved in May, the public hearing before the Board of Adjustment is proposed to take place on Monday, June 2nd at 6:30 PM.
- I have spoken with Greg Black about the proposed timeline, and he is very comfortable with the process. Mr. Black is looking to locate in the former CRO building downtown, as Mr. Love has done extensive renovations of the building after the flood.

Fiscal Impact:

Will Item affect current budget	☐ YES	☐ NO	☒ N/A
Reviewed by Finance Director	☐ YES	☐ NO	☒ N/A
Preaudit Certification required	☐ YES	☐ NO	☒ N/A
Capital Project Ordinance required	☐ YES	☐ NO	☒ N/A
Budget Transfer required	☐ YES	☐ NO	☒ N/A
Total City Dollars:	\$		
Budget Code			
Reviewed by City Attorney	☐ YES	☐ NO	☒ N/A

Manager/Staff Recommendation: Staff recommends setting the public hearing dates for the text amendment for May 5th (Planning Commission) and May 12th (City Council).

Attachments:

1. Text Amendment Application





PAID

APR 17 2014

City of Mount Holly

**APPLICATION FOR TEXT AMENDMENT
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: 4-17-14 Application Number: 4-17-14A

I, the undersigned, do hereby respectfully make a formal application for your review of my request concerning the text amendment described below:

1. The amendment is found in the City of Mount Holly City Code relating to:
CUSTOM MUSICAL INSTRUMENT MOUTHPIECE
BUSINESS BOTH DESIGNING LIGHT MANUFACTURING,
& SELLING PRODUCTS MADE THERE

2. The following statement best describes what you would like the text amendment to reflect: A "SPECIAL USE" PROVISION IN THE
ZONING ORDINANCE ALLOWING FOR ABOVE
STATED PROCESSES ON THE PREMISES AT
117 W. CENTRAL AVE.

3. Name: GREG BLACK MOUTHPIECES INC.

Address: 623 EAGLE ROCK AVE, PMB #127
WEST ORANGE, N.J. 07052

973-493-8651
Phone Number

Gregory M. Black
Signature of Applicant

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of **\$250.00 (See Fee Schedule)** at least 20 days prior to the First Day of the Month for initial consideration.



City of Mount Holly Action Agenda Item

To: City Council	Date: April 23, 2014
From: Greg Beal, Planning Director	Meeting Date: April 28, 2014
<u>Agenda Item to be considered:</u> Call for a Public Hearing for a text amendment, to consider amending Section 7, Note 16 of the Zoning Ordinance, to require location guidelines for safety and require design criteria for new stealth towers in the Light Industrial in Heavy Industrial District.	
<u>Will this require a public hearing?</u> ☒ YES ☐ NO	
<u>Background/Purpose of Request:</u> Recently, I have been receiving more calls from telecommunications providers, seeking land to place new monopole cell towers, which are most certainly not the most attractive feature for any town. Please consider the following points in order to formulate some safety guidelines, such as setbacks or required distance from other structures in case of a collapse, and some design guidelines to preserve the aesthetics of Mount Holly and its surroundings.	
<u>Considerations:</u> 1) <u>General Statute 160A-400.51A gives cities local authority to regulate zoning and land use considerations, including landscaping, structural design, setbacks, and fall zones for wireless support structures and wireless facilities (i.e. cell towers).</u> 2) <u>Our current Ordinance is sets no criteria for location, except that towers be a minimum of 100 feet from a residentially-zoned property and located in the L-1 or H-1 District.</u> 3) <u>I have never heard any person say, "I wish we had more cell towers in town." Or "I cannot get a signal/reception in Mount Holly." Cell towers are obviously a necessity in today's world and provide benefits, but there needs to be some regulations to insure safety and aesthetic appeal, especially in our gateway areas.</u> 4) <u>When asked if the City of Mount Holly has any landscaping or design requirements, staff responds with, "Not currently." The wireless representative then explains that we are one of the few towns that do not have design requirements. My response to that is the zoning laws have been contested over the years as towns enact regulations on cell tower and related facilities, and quite frankly, we were not getting any requests on new towers.</u> 5) <u>If design and safety criteria are the standard, and AT&T, Verizon or other providers are modeling their expansion programs to include these regulations, Mount Holly should be at least to the standard level.</u>	
<u>Purpose of an expanded telecommunications facilities ordinance:</u> • Minimize the impacts of telecommunications facilities on surrounding areas by establishing standards for location, structural integrity and compatibility; • Encourage the location and co-location of telecommunications facilities equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, and to reduce the need for additional antenna-supporting structures ; • Encourage coordination between suppliers of telecommunications services in the City of Mount Holly and its zoning jurisdiction; • Accommodate the growing demand for telecommunications services and the resulting	

- need for telecommunications facilities;
- Regulate in accordance with all applicable federal and state laws;
- Establish review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time;
- Protect the unique aesthetics of Mount Holly while meeting the needs of its citizens and businesses to enjoy the benefits of wireless communications services; and
- Encourage the use of existing buildings and structures as locations for telecommunications facilities infrastructure as a method to minimize the aesthetic impact of related infrastructure.

Examples of Design Criteria Regulations:

No Design Criteria



Design Criteria



Pine Tree Cell Tower

Elm Tree Cell Tower

Bell Tower Cell Tower

The above examples illustrate how a simple Ordinance change can influence the aesthetic appeal of wireless towers. These are called “stealth towers” because they blend into the surrounding landscaping.

<i>Fiscal Impact:</i>			
Will Item affect current budget	☐ YES	☐ NO	☒ N/A
Reviewed by Finance Director	☐ YES	☐ NO	☒ N/A
Preaudit Certification required	☐ YES	☐ NO	☒ N/A
Capital Project Ordinance required	☐ YES	☐ NO	☒ N/A
Budget Transfer required	☐ YES	☐ NO	☒ N/A
Total City Dollars:	\$		
Budget Code			
Reviewed by City Attorney	☐ YES	☐ NO	☒ N/A

Manager/Staff Recommendation: Staff recommends setting the public hearing dates for the proposed text amendment for May 5th (Planning Commission) and May 12th (City Council).

Attachments:

- Existing Ordinance

Note 15 **Drive-In Theaters**

- A. Shall have direct principal access to a street with a minimum of forty-four (44) feet of pavement at least two hundred (200) feet in each direction from the point of intersection.
- B. Stacking space shall be provided for a minimum of ten (10) percent of the vehicle capacity.
- C. The motion picture screen shall be positioned so that it cannot be seen from any public street or residentially zoned area.

**Note 16** **Radio, Television or Communication Towers**

- A. Radio, television or communication towers in the L-I and H-I Districts may exceed the height limitation for the district provided:
 - 1. Towers shall be a minimum of one hundred (100) feet from any residentially zoned property and shall be located such that all supporting cables and anchors are contained within the property.
 - 2. Towers shall comply with all other federal, state and local regulations.

Note 17 **Airports or Air Transportation Facilities**

- A. The minimum area shall be fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand (2,000) foot runway. More area is required for larger airports. Airport size and layout shall conform to FAA Advisory Circular 150/5300-4B.
- B. There shall be a minimum three hundred (300) foot distance between airport property and the nearest residence.
- C. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

Note 18 **Ammunition, Small Arms**

- A. No such facility shall locate within a five hundred (500) foot radius of any residentially or O&I zoned property.
- B. Security fencing shall be provided along the entire boundary of such a facility.

BUSINESS



City of Mount Holly Action Agenda Item

To: Mayor and City Council

Date: April 23 2014

From: David E. Johnson, PE

Meeting Date: April 28, 2014

Agenda Item to be considered: *Revisions to the 2006 Land Development Guidelines*

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request :

Revise and update the 2006 Land Development Guidelines and standard details for City infrastructure improvements and new community designs by incorporating updated technical criteria and clarifying standard details for: right-of-way improvements, drainage systems, stormwater management facilities, best management practices, water distribution systems and sewer systems.

Planning Commission voted to recommend approval of the 2014 Land Development Guidelines at their April 7, 2014 meeting.

Fiscal Impact:

Will Item affect current budget	☐ YES	☒ NO	☐ N/A
Reviewed by Finance Director	☐ YES	☒ NO	☒ N/A
Preaudit Certification required	☐ YES	☒ NO	☒ N/A
Capital Project Ordinance required	☐ YES	☒ NO	☒ N/A
Budget Transfer required	☐ YES	☒ NO	☒ N/A
Total City Dollars:	\$		
Budget Code			
Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A

Manager/Staff Recommendation: *Recommend Passing the 2014 Land Development Guidelines*

Result of City Council Decision:

Attachments:

Clarification that the stormwater management requirement is for high density projects with has drainage area discharging directly to a Mount Holly storm drainage system or discharging across property not owned by the applicant

Clarification that the financial guarantees required for BMP's and SWM facilities are already accounted for in the current bonding requirements outlined in the Subdivision Ordinance

The local residential street design comparison chart has been condensed to the significant design changes affecting subdivision layouts and land development costs.

LAND DEVELOPMENT GUIDELINE CHANGES

Stormwater Management (SWM) Facilities

Current “High Density Projects shall control and treat the difference in stormwater runoff volume leaving the project site between pre and post development conditions for, at a minimum, a 1-year, 24-hour storm event.”

Proposed New Paragraph “For High Density Projects in addition to the BMP requirement, the peak stormwater runoff discharged from the site or portion thereof to an existing Mount Holly drainage system or across property not owned by the applicant shall not be any greater than the pre-development discharge based on a 10-yr. frequency 24-hr. storm event.”

NOTE OF EXPLANATION: The new paragraph was revised from the version provided at the April 14, 2014 Council hearing. The change was made to better define the conditions in which SWM facilities are required in new projects. This requirement is only for only those projects opting for the High Density Option and only for the drainage area contributing to an existing Mount Holly storm drainage facility or discharging across property not owned by the applicant. SWM facilities would not be required for the drainage areas with positive outfalls to existing waterways.

BMP & SWM Ownership, Operation and Maintenance Responsibilities

Current All BMP's devices shall be maintained by the property owner or homeowner's association. The devices shall be routinely inspected to insure the functioning of the facility. Costs for maintenance and repairs shall be borne by the property owner or homeowner's association.

Proposed Change All BMP's *and/or SWM* devices shall be maintained by the property owner or homeowner's association. The devices shall be ***inspected and maintained by the developer/owner/HOA in accordance with the approved design plans.*** ~~routinely inspected to insure the functioning of the facility.~~ Costs for maintenance and repairs shall be borne by the property owner or homeowner's association

Proposed New Paragraph The BMP's and/or SWM facilities shall be designed for ease of maintenance, access and aesthetic appearance. All BMP's and/or SWM facilities are privately owned, operated, and maintained by the property owner or HOA. The construction plans, plat, and HOA documents shall include a detailed maintenance and inspection schedule for each proposed BMP and/or SWM facility.

Financial Guarantees

Current: Refers to the subdivision Ordinance and outlines the requirements. Duration of the guarantee shall not exceed 18 months.

NOTE: The cost of construction for BMP and SWM facilities are included in the bond estimate for the project. It is this cost estimate which establishes the financial guarantees required of developers.

Proposed Change: The irrevocable letter of credit shall be in the form of an "evergreen" or "automatic renewal" guarantee.

Current: Release of a portion of the guarantee as improvements are completed and approved by the City.

Proposed Change: Subdivider may request a reduction to 30% of the total amount deposited only after 80% of the homesites are developed and may reissue the "evergreen" letter of credit to obtain approval by the City Council.

NOTE: We are NOT recommending a separate maintenance and operation letter of credit or require monies to be posted to ensure the BMP and/or SWM facility is operating in accordance with the approved design.

We have sufficient safeguards in the City Code of Laws, Zoning Ordinance, and Stormwater Systems Ordinance to force owners of BMP's and/or SWM facilities to properly maintain and operate these facilities.

BELMONT requires the following: the permit applicant shall deposit with the city either cash or other instrument approved by the Watershed Review Board that is readily convertible into cash at face value. The cash or security shall be in an amount equal to 15% of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten year period, whichever is greater.

Mount Holly Land Development Guidelines – Local Residential Streets

The purpose of this chart is to illustrate proposed roadway design changes that would promote safe speeds within residential neighborhoods, reduce stormwater quality and quantity issues, and be more consistent with the watershed protected area overlay districts and provide more flexibility in design of residential subdivisions.

<u>Design Criteria</u>	Mount Holly		Comparison		
	<u>Current</u>	<u>Proposed</u>	<u>Belmont</u>	<u>Mecklenburg</u>	<u>Gastonia</u>
Design Speed	30 mph	25 mph	20-25 mph	25 mph	30 mph
Min. Centerline Radius	200-ft	100-ft	90-ft	250-ft	250-ft
Tangent between Horizontal Curves	50-ft	50-ft	100-ft	50-ft	50-ft
Maximum Length of cul-de-sac	500-ft	800-ft	250-ft	Based on # Lots	800-ft
Total Travel Lanes Width / ROW	24-ft / 50-ft	20-ft / 50-ft	26-ft / 50-ft	22-ft / 50-ft	24-ft / 50-ft
Pavement Section	1"-2"-7"	1½"-2"-7"	1"-2"-8"	1"-1½"-8"	1"-2"-8"

<u>Cost Analysis</u>	Mount Holly		Comparison
	<u>Current</u>	<u>Proposed</u>	<u>Belmont</u>
Asphalt Surface	\$10/sy (1")	\$15/sy (1.5")	\$10/sy (1")
Asphalt Binder	\$15/sy (2")	\$15/sy (2")	\$15/sy (2")
Stone Base	\$17/sy (7")	\$17/sy (7")	\$19/sy (8")
Total	\$42/sy	\$47/sy	\$44/sy
Total Pavement Width	24'	20'	26'
Example Lot Width	80'	80'	80'
Total Pav't Cost for 80-ft of road	\$8,960	\$8,355	\$10,170