

Joint Special Meeting
Mount Holly City Council & Zoning Board
March 26, 1990

Mayor Black called this special meeting to order at 7:30 P.M. on Monday, March 26, 1990, at City Hall in the Council Room. Mayor Charles B. Black, Jr., Councilwomen Faye Little and Lib Nichols, Councilmen Archie Small, Dr. R. L. Duke, Myles Biggerstaff, and Mayor Pro-Tem Bob Jessen were present. Also present were City Manager Greg Young, City Attorney Kemp Michael, Planning Consultant Allen Medlin and Zoning Administrator Gary Roberts. From the Planning & Zoning Board, the following were present; Bobby Black, Ernest Stowe, Jr., F. H. Abernathy, Jr., Yates Springs, Stewart Hubbeling, and Roger Carpenter.

The invocation was led by Archie Small.

The first discussion was regarding implementation of the Corridor District Zoning. The proposal by the joint committee had been distributed to the Council prior to this meeting. Some of the Planning & Zoning Board had not seen it. They incorporated more paragraphs of intent, addressed specific screening trees, and more realistic figures. Mr. Medlin said if there were any specific questions, he would be glad to address them. Mayor Pro-Tem Jessen, Chairman of the Committee, said he wished to make it clear that this new ordinance would not change the zones that are already in place, but is in addition to them, and deals with aesthetics, etc. It is not the intent of the City to stop owners from having access and using their property.

Mr. Medlin said the idea is to maintain a positive quality of appearance along the corridors to the City, to be sure our pleasant community is not spoiled by development. Mayor Black said the concept is good and he is all for it, but he does not want the City to go into the tree business. Mr. Medlin said that was not intended, but the City would be responsible to budget amounts each year to keep the "public areas" aesthetically pleasant. Mrs. Hazel Michael was recognized from the audience; she asked if the City can override what the State does and do what the State will not allow people to do now. Mr. Medlin said the City would coordinate its efforts with the State and would care for areas permitted. Stewart Hubbeling asked if the Council objects to the City spending money within the right-of-way. Councilwoman Nichols said she felt this should be done with the funds the Beautification Committee is budgeted each year, and the City has to keep in mind it's other responsibilities to the maintenance of its buildings and facilities as well as the corridors. Councilman Jessen said the City is not expected to buy 500 trees all at once, but if this is approved, the intent is for the City to be involved in a gradual process of budgeting an amount each

year for this purpose. Councilwoman Little said it could be done through the Beautification Committee. Stewart Hubbeling said he would be hesitant to instigate and inflict on property owners these requirements if the City does not commit to participation. Mayor Black said he agrees, but the point must be made that this year the City has priorities in the newly annexed areas which will have to be cared for first, such as water and sewer lines, streets and sidewalks. Mr. Medlin presented a drawing which he prepared to show an example of a property if it would be required to meet the proposed ordinance. Mr. James Grant was recognized from the audience; the example was using his property. Mr. Grant was upset because he does not believe he would be able to meet the example without going out of business. He said there is not really enough property to put all those parking spaces and trees in there and to have a fifteen foot clearance. he was also under the mistaken impression that the City would take the fifteen feet from him; the Council told him that the City does not take the land, but requires the property owner to make certain improvements to it to give a pleasing look to the highway. Councilman Jessen stated that the City would not deny an owner the right to use his property; and they are aware that some of the properties are too small and would have to apply for a variance as a non-conforming use. F. H. Abernathy, Jr., Chairman of the Planning Board, said he wants to know what percentages of the existing lots out there do not meet this new criteria. Mr. Medlin said he could get that, but he already knows from the study he did that the majority of lots are over 150 feet, and would not have trouble complying. Councilman Jessen pointed out that this ordinance would be directed not so much at what is already there, as it would be for the things that are coming. Councilwoman said we should be able to put protective language in here for the small property owners. Councilman Biggerstaff said he believes the number of trees required is excessive and should be reduced. Mr. Medlin said any adjustments the Council and Board wish to make can be made. Councilman Biggerstaff further stated he did not think it necessary to require on the inside property lines, but only along the right-of-way. Councilman Jessen said that legitimate developers would not have a problem with this ordinance. Stewart Hubbeling said it is not for all of Mount Holly, just the corridors, and is intended to attract developers; those who cannot do this on the corridor would simply buy property off of the corridor. Mr. George Michael was recognized from the audience, and asked them to say how far back this would have to be done from the road, since some of the properties are 2,600 feet deep. Mr. Medlin said the ordinance specifically refers to the setback areas only, not the whole depth of the land. City Attorney Michael said there are several questions he feels need to be addressed in the ordinance, such as what would have to be a residential structure if it was rezoned business; would have to be moved back or not.

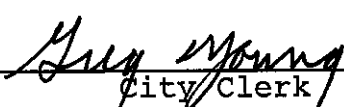
Councilman Jessen asked the Council and Board to give the Committee direction so it can fine tune the proposed ordinance. It seemed to be the consensus that the requirements should be only a short distance into the property, and there should be more feet between the trees, and generally to make it less strict. Zoning Administrator Gary Roberts recommended that five or six examples to be done of real properties and these be considered to establish finally the exact requirements. This was agreed upon, with the request that some be small and some be large.

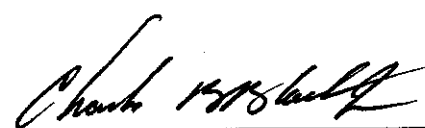
The second discussion was regarding the development of a new land use plan and zoning ordinance. City Manager Young reminded the Council that \$32,000 was budgeted for a new land use plan and zoning ordinance revisions. Mr. Young needed guidance as to what the Council and Board want to be in the specifications before he lets bids from consultants. Mr. Medlin reviewed the procedure that Gastonia has taken, as follows: 1. City Council/Planning Commission/Citizen Kick Off Meeting; 2. Citizen Participation, by surveys and area meetings at separate sites; 3. Data Collection and Research, by the consultant, resulting in a draft; 4. Public Review; 5. Plan Draft reviewed by the City Council and Planning Commission; 6. Final Draft; 7. Public Hearing; and 8. Adoption. This process would probably take about a year. The factors to be considered in the plan are: history and environment; population and economic profile; utilities and public services; land use; transportation; recreation; capital improvements; objectives and goals; and rewriting of the ordinance.

F. H. Abernathy, Jr. asked how often this should be done; Mr. Medlin said it should be every ten years, but no more than fifteen years, and Mount Holly's was last done in 1977. City Manager Young said the 1990 census is coming, a sewer system study is about 95% done, and it should be incorporated, and the new trends must be addressed, such as the mini-warehouses. Mr. Medlin added that a new trend is apartment housing. Mr. Young said he needs to know how many meetings we would expect the consultant to attend and what things we are going to hire them to advise us on so that he can prepare specifications, and let bids. Mr. Roberts said the elements of our plan must be established by these Boards. Mr. Young asked the Boards to specify any elements beyond the general ones Mr. Medlin already outlined that they want addressed by the new land use plan, such as the river properties, and the Gateway area, etc. City Attorney Michael suggested that the two Boards consider what they really want to pay someone else to do; and stated that he does not believe it would be wise to have a whole new zoning ordinance done, but instead to take the one we have and make the revisions in it that we know are needed, and then if there are any items left that we need advice on, hire a consultant at that point. F. H. Abernathy agreed, saying

that they basically know the sections that are a problem. City Attorney Michael continued that as to the land use plan, he felt the old one was still viable, and just needs updated or expanded to the new areas annexed and to new ETJs. He recommended that the Boards control the scope of what they intend to pay someone else to do, and utilize the expertise that is in the room that night, such as Mr. Abernathy, Mr. Roberts, Mr. Medlin, the staff, some of the Council members, and himself. Councilman Biggerstaff agreed that would be wise. Stewart Hubbeling said the land use plan has an impact on our community for a long time, and we should have citizen input. Mr. Michael said he was not saying that there should be no citizen input at all, but that they were asking for unnecessary trouble to announce that the whole zoning ordinance is going to be chucked out and replaced by a new one; that this would cause property owners a lot of turmoil because they will wonder if their property will be rezoned to something else and what. This should be limited not across the whole city, but to the specific areas that really need it, in his opinion. F. H. Abernathy said this should be approached as an "update" and he agreed that the consultant should be hired later to do specific things needed. Mayor Black said they could use some of the City's hours with COG for some of this as well. Roger Carpenter said the Committee should set aside specific areas and questions, and then have the consultant come in to tell us what other cities are doing, and if something we want is legal or not. Mr. Roberts said professional help will be needed on the land use plan, but that the zoning ordinance amendments could be worked on in house beginning now. Mr. Medlin recommended that they prepare a list of things they want a consultant to address, and give the good things in the City and the bad things in the City (regarding the land use plan), and get citizen input, but not at first. Stewart Hubbeling suggested that each of the Board members read the old land use plan and make their own list of areas to be addressed, and then the committee consolidate the lists into one list for the consultant. This was agreed by both Boards. Then it was agreed that the Committee, the staff, and the City Attorney will work on the review of the Zoning Ordinance and isolate the amendments needed in it, and make recommendations to the Boards for changes.

The meeting was then adjourned at 10:20 P.M., upon motion by Councilman Duke, seconded by Councilwoman Little, unanimously carried.


City Clerk


Mayor
