

**TOWN OF ANGIER
PLANNING BOARD
Tuesday December 11, 2018, 7:00 P.M.
Angier Board Room
28 N. Raleigh Street
Minutes**

The Angier Planning Board met in regular session Tuesday December 11, 2018 inside the Angier Board Room at 28 N. Raleigh Street. Chairman Everett Blake presided, calling the meeting to order at 7:05 p.m.

Members Present: Chairman Everett Blake, III
Junior Price
Lee Marshall
Chris Hughes

Members Absent: Paul Strohmeier
Christina Kazakavage
Jonathan Bridges

Staff Present: Planning Director, Sean Johnson

Others Present: Mayor, Lew Weatherspoon
Commissioner, Loru Hawley

2. **Pledge of Allegiance:** Everett Blake led the pledge of allegiance.
3. **Invocation:** Everett Blake offered the invocation.
4. **Approval of the September 10, 2018 Planning Board Minutes:** With there being no changes, the September 10, 2018 Planning Board Minutes were approved as presented.

Motion: Lee Marshall
Second: Chris Hughes
Vote: Unanimous, 4-0

5. **Consideration of the Agenda:** The Planning Board approved the Agenda as written.

Motion: Junior Price
Second: Lee Marshall
Vote: Unanimous, 4-0

6. New Business: Rezoning Request

Sean Johnson presented the Staff Report for the proposed rezoning request submitted by the Black River Grove Baptist Church for the property located at 828 North Raleigh Street and identified by Harnett County PIN: 0674-74-1101.000. Mr. Johnson explained that the 0.547 acre parcel currently contains a partially demolished structure and is zoned Open Space and Recreation. The property owner has requested the parcel be rezoned to Office & Institutional.

Mr. Johnson stated that the surrounding land uses include medium and high density residential, office, and retail. The property can be served by Town of Angier water and sewer services. He also stated that the 2017 Comprehensive Land Use Plan calls for commercial uses in this area, including on the property in question.

During the Staff evaluation of the rezoning request, Mr. Johnson concluded the following:

- 1) The impact to adjacent property owners and the surrounding community is reasonable, because the requested zoning district allows for uses compatible with surrounding uses.
- 2) The requested zoning district is compatible with the existing Land Use Plan which calls for commercial use of the property.
- 3) The proposal does enhance or maintain the public health, safety and general welfare, because the proposal would allow for uses compatible with surrounding uses.
- 4) The request is not for a small scale rezoning, because the requested zoning district would allow for uses compatible with adjacent uses.

Staff recommended approval of the rezoning request.

Planning Board Chairman, Everett Blake then gave those in attendance the opportunity to address the Board.

Ms. Dorothy Williams, 2149 Matthews Road, Lillington, who is a trustee at Black River Grove Baptist Church stated church records date back to 1887 and the cornerstone dates 1920. The collapsed portion of the church was built in 1949. Ms. Williams is requesting the rezoning of the church from Open Space to Office & Institutional to rebuild a new sanctuary for primary worship service. The Church has met all state, county, and town requirements during the demolition and repairing and will continue to adhere to all future policies and laws.

Ms. Wanda Gregory, 363 N Dunn Street, stated Black River Grove Baptist Church is a wonderful church and has been a part of Harnett County and Angier's history. The church is one of the oldest buildings in Harnett County and it would be a shame if it no longer exists in that area. Ms. Gregory has been to the church several times as Mayor and stated the congregation is made up of the sweetest, most honest people.

Mr. Jimmy Ragland, 766 Smithfield Street, approached the Board to ask how many other properties in Town were zoned Open Space and Recreation.

Mr. Shelton Hawley, 805 Benson Road, then spoke to the Board regarding some concerns he has had with the Church in the past as well as some potential concerns he had if they were to rebuild. He stated he owns property next to the proposed rezoning and is concerned the church will utilize the space for a commercial type business. He also mentioned that the current structure that is still there was not built in accordance to the code and was not very pleasant to look at. Mr. Hawley stated there wasn't enough parking and members would often park on his property. He feels that the litter in his yard came from the church.

Mr. Chatman, long time member of the church, was concerned with why the church had to be rezoned since the cafeteria was left remaining and believes the church should be grandfathered in.

Mr. Ned Linear, 477 Chadberry Lane, spoke about on his support of the rebuilding of the church and believes everyone should help the church as much as they can.

Mr. Joseph Jones, the pastor of the Church, stated he is planning on rebuilding a church not a commercial business. He stated the church has a great deal of history. Mr. Jones wants Black River Grove Baptist Church to be a beacon for the Town of Angier.

There was some discussion between the speakers, the Board and the Staff present regarding nonconforming uses and the ability of the Church to rebuild without first obtaining the requested rezoning. Planning Director, Sean Johnson, read Chapter 13, Section 13.6 of the Angier Unified Development Ordinance which specifies the requirements for reconstruction of damaged nonconforming structures. The Ordinance language specifies that damaged nonconforming structures may not be repaired and used as before if the damage exceeds 50 percent of the assessed value, among other criteria. Therefore, in order for the Church to rebuild or expand the portion of the building currently standing, a rezoning is required to establish the Church as a conforming use.

Staff and the Board explained to those in attendance that, if the rezoning was approved, any new construction on the property in question would first require the submission of a new site plan which conforms to all current applicable State and Town standards for staff level site plan review.

The Planning Board then considered the Standards of Review in the case of the requested rezoning. The Standards of Review were read and agreed upon as follows:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
3. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

4. The proposed change is in accord with the land use plan and sound planning principles.

The Planning Board voted to recommend approval of the requested rezoning to Office & Institutional.

Motion: Everett Blake
Second: Chris Hughes
Vote: Unanimous, 4-0

7. Other Business

Items for Discussion and Recommendation: Planning Board & Staff Recommended UDO Amendments

Sean Johnson began the discussion regarding several previously proposed amendments to the Angier Unified Development Ordinance. Mr. Johnson explained that the amendments has been presented during the Angier Board of Commissioners Workshop on November 27, 208 and initial feedback from the Board had been collected and included in the Planning Board's meeting packets.

Mr. Johnson led the discussion regarding UDO amendments related to Automotive Repair businesses, Auto and Manufactured Home Sales businesses, Multi-Family Residential Standards, and Alcohol Sales related businesses. The Planning Board and Staff discussed the Commissioner's concerns regarding each amendment and came to consensus on what items should be addressed before presenting the amendment to the Commissioners at their next Board Workshop.

UDO Amendments to remove Special Use Permit requirements for Auto Services and Auto Sales businesses:

The Planning Board suggested that the Special Use Permit requirement should be removed and that no radius should be required between these businesses.

UDO Amendment to remove Special Use Permit requirement for multi-family residential uses with less than 20 units:

The Planning Board suggested that the Special Use Permit requirement be removed for all multi-family residential uses which include less than 20 units. They also suggested that no multi-family uses should be allowed in the RA-30 or R-15 zoning districts, the maximum units per acre should be increased to 12, the project setbacks should be reduced based on the acreage of the project, and the separation between buildings should be reduced to a minimum of 10 feet.

UDO Amendments to remove restrictions on Bars/Nightclubs and add other alcohol sales businesses to the Permitted Use Table:

The Planning Board recommended that the definition of a Bar/Nightclub be revised to include "51 percent or greater of the net income is from alcohol sales" for clarity purposes. The Board also recommended that Bar/Nightclub, Bottle Shop and Brewery/Winery be added as Permitted Uses within the Central Business and General Commercial districts.

The Planning Board agreed that there should be no radius required between these types of businesses, as they will likely share customers and feed off of each other. There was agreement by the Board to remain intentionally vague with the requirements for live music not to be audible off of the premises after 11 p.m. at these businesses. It should be left up to the discretion of the Police to determine if the music is a nuisance to nearby residents. There was also agreement by the Board that the sampling areas to be allowed within Bottle Shops and Breweries/Wineries remain as an accessory use to occupy up to 30 percent of the square footage of the business's floor plan.

UDO Amendment to revise the requirements for Dumpster Screening:

The Planning Board agreed that they would not be opposed to requiring the amortization of existing dumpsters which do not meet the Ordinance's current dumpster requirements within a reasonable time frame such as 6 months or 1 year. The Board did acknowledge that the enforcement of that amortization would be difficult and may not be the next battle the Town should choose to fight.


Mr. Johnson told the Planning Board that the comments made would be added to the proposed amendments and they would be presented to the Commissioners again at their January Workshop.

8. Adjournment: The Planning Board voted unanimously to adjourn the meeting at 9:25pm.

Motion: Lee Marshall

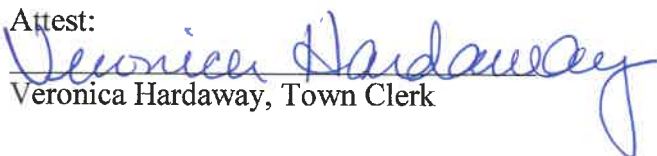
Second: Junior Price

Vote: 4-0



Everett Blake III, Chairman

Attest:



Veronica Hardaway, Town Clerk