Planning Board
Regular Meeting Minutes
Tuesday, June 11, 2024 at 6:30 PM
Conover City Hall Council Chambers
101 1st Street E, Conover

A Regular Meeting of the Planning Board was held on Tuesday, June 11, 2024 at 6:30 PM in the Council Chambers of Conover City Hall.

I. CALL TO ORDER

Present:	Vice Chairman Mary Reynolds, Chairman David Brown, Planning Board Member Corey Keisler, Planning Board Member Ken Hilderbran, Planning Board Member Sherman Powell, Planning Board Member D.R. Timmerman Jr.
Absent:	Planning Board Member Eddie Dwiggins
Staff:	Planning Director Erik Schlichting and Assistant Planner Heather Stephens.

II. APPROVAL OF MINUTES

Item 1. May 14, 2024 Regular Meeting Minutes

A motion was duly made by Planning Board Member Timmerman Jr., seconded by Vice Chairman Reynolds, to approve May 14, 2024 Regular Meeting Minutes.

AYES:	Chairman Brown, Vice Chairman Reynolds, Planning Board Member Timmerman Jr., Planning Board Member Keisler, Planning Board Member Hilderbran, Planning Board Member Powell
NOES:	None
ABSTAIN:	None

With a unanimous vote of 6-0, the May 14, 2024 Regular Meeting Minutes were approved.

III. OLD BUSINESS

There is no old business.

IV. HEARING FOR PERSONS HAVING BUSINESS WITH THE BOARD

Mr. Brown opened the hearing at 6:31.

No one chose to spoke at this time.

Mr. Brown closed the hearing at 6:31.

V. NEW BUSINESS

Item 2. Code Amendment CA 24-03: Amendment to a Portion of the Zoning Code - Appendix A, Article III, Division 1, Section 31.4 - Land use table.

Mr. Schlichting presented the item. He stated that this Code Amendment was requested by Mr. Caskill Cook, who is unable to be here today due to some ongoing health issues. He owns a piece of property on Brian Dr. that he would like to use for his charitable organization which provides cars to people that have had certain life difficulties and are recovering from them. In 2019, when the zoning matrix was created, several things were taken out of the M-1 district, since it had been a district that allowed a wide variety of uses. Boat/Auto/RV Sales was removed during that time, along with other commercial uses and residential. The request is to add it back in. To his understanding from Mr. Cook, in order to transfer a title from his business to a person, DMV requires that you have a dealer's license with a licensed location as an auto dealership to do that.

Mr. Schlichting stated that in his memo, he had said that he was not aware of any auto sales existing in that district, but since has become aware of one. Robinson Motors was permitted before the change was made. He is unsure how it operates as there are no cars on the lot to be sold. Staff has turned down three different requests for auto sales in the M-1 district. He does not recommend the change, because of the reasoning that a quarter to a third of our zoning is the M-1 district. Mr. Cook had asked about rezoning previously for this property, but Mr. Schlichting advised against the rezoning since it would be spot zoning.

Mr. Hilderbran questioned if the existing lots like Mr. Robinson's are grandfathered in?

Mr. Schlichting responded yes, and as far as he knows, this is the only one in M-1.

Mr. Timmerman questioned about the charitable organization and if there was a difference in nonprofit use.

Mr. Schlichting responded that in his discussions with Mr. Cook, he has expressed that it is a problem with the DMV, and not with the city. Mr. Cook explained that he is not opening an auto sales location, and he will just bring the cars there and just be kept there. He was provided with a permit and a certificate of occupancy for warehouse use, but the DMV said it was not good enough.

Mr. Powell questioned if this would be retail sales.

Mr. Schlichting responded that Boat/Auto/RV Sales is its own category in the Land Use Table. We do not decide between a non-profit or for-profit business, but we look at the use of the property instead.

Mr. Brown stated the change was made, and it seems like this is almost a bigger question of whether we should take that change back.

Mr. Schlichting responded to allow him to change the use because of his charitable organizations would allow this use in all of M-1.

Mr. Hilderbran questioned if he could appeal the decision if City Council was to turn it down.

Mr. Schlichting responded yes, he could appeal it, but that he would have to review the procedure for it.

Mrs. Reynolds questioned if this organization was run out of his home or a business location.

Mr. Schlichting responded that this was an industrial property that he purchased, and he wished to run it from that location.

Mr. Brown questioned where the charity organization was functioning before the move to this building.

Mr. Schlichting responded that he was unsure.

The board stated that if this is approved, it would approve it for everyone else in the M-1 district.

Mr. Timmerman stated that he thinks it might be better if he appealed for a variance instead.

Item a. Public Hearing for CA 24-03

Mr. Brown opened the Public Hearing at 6:41.

Todd Robinson, with his father's business located at 1901 Conover Blvd E, on the corner of Brian Dr and Conover Blvd, spoke on behalf of Mr. Cook. Mr. Cook called him since he was not able to be there. He is not as familiar with the process of a variance, but he can pass it along if it comes to that. He wanted to convey that NCDMV, for Mr. Cook to be able to operate his charitable organization and be able to transfer a title from one organization to the recipient, the state requires an office that is not another business. The transfer of paperwork requires a dealer's license. His age and health would not even allow him to open any kind of dealership there anyway. The building would work well for his organization and his intentions were to help other people by giving them a vehicle. If another route needed to be taken, he would let Mr. Cook know.

Mr. Brown closed the Public Hearing at 6:44.

A motion was duly made by Planning Board Member Powell, seconded by Planning Board Member Keisler, to deny the approval of Code Amendment CA 24-03: Amendment to a Portion of the Zoning Code - Appendix A, Article III, Division 1, Section 31.4 - Land use table.

AYES:	Chairman Brown, Vice Chairman Reynolds, Planning Board Member Timmerman Jr., Planning Board Member Keisler, Planning Board Member Hilderbran, Planning Board Member Powell
NOES:	None
ABSTAIN:	None

With a unanimous vote of 6-0, it was decided to deny the approval of Code Amendment CA 24-03: Amendment to a Portion of the Zoning Code - Appendix A, Article III, Division 1, Section 31.4 - Land use table.

VI. INFORMATIONAL ITEMS

Item 3. May Permit Report

Mr. Schlichting presented the May 2024 Permit Report.

At the current pace, we are on track to have 300 permits by the end of the year.

VII. ADJOURNMENT

Nex Planning Board Meeting: July 9, 2024 at 6:30 P.M.
There being no further business, the meeting was adjourned at 06:53 PM.

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David Brown, Planning Board Chairman Erik Schlichting, Planning Director