



Planning Board/Board of Adjustment

Regular Meeting Agenda

Monday, July 11, 2022, 7:00 PM

Meeting Initiation

- | | |
|--|-----------------|
| 1. Call to Order | Chairman Mosher |
| 2. Moment of Silence | Chairman Mosher |
| 3. Pledge of Allegiance | Chairman Mosher |
| 4. Determination of a Quorum (3 of 5) | Chairman Mosher |
| 5. Approval of Minutes of May 10, 2022 | Board |
| 6. Adopt Proposed Agenda | Board |

New Business (Planning Board)

- | | |
|---|--------------|
| ✗ 7. Payment-in lieu of sidewalk text amendment | Steve Blount |
| a. Board Action- vote to recommend to BoA | Board |
| ✓ 8. Riverfront Property Zoning classification | |
| a. Discussion | Steve Blount |
| ✓ 9. Street Renaming Project | |
| a. Discussion | Steve Blount |
| ✓ 10. Rezoning of Trailhead Property | Steve Blount |
| a. Board Action- vote to recommend to BoA | Board |

Old Business (Planning Board)

- | | |
|--|--------------|
| ✓ 11. 160D decriminalization text amendments | Steve Blount |
| a. Board Action- vote to recommend to BoA | Board |

New Business (Board of Adjustment)

- | | |
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| 12. No New Business | Chairman Mosher |
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Old Business (Board of Adjustment)

- | | |
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| 13. No Old Business | Chairman Mosher |
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Meeting Closing

- 14. Public Comment
- 15. Comments from Board Members
- 16. Announcements
- 17. Adjournment

Chairman Mosher
Board
Chairman Mosher
Chairman Mosher

PO Box 45, Spencer, NC 28159-0045
704-633-2231 Office
704-202-4113 Cell
Sblount@spencernc.gov



Planning Board Meeting Minutes
Monday, May 9, 2022
7:00 PM

The meeting was called to order by Chairman Jimm Mosher

Mosher led a moment of silence and the Pledge of Allegiance

A quorum of the board was present with Jimm Mosher, Anthony Nero, Tim Witkowski in attendance. Jessica Klaus joined the meeting at about 7:25 PM. Donna Redfern was absent.

Staff in attendance included Planning, Zoning & Subdivision Administrator Steve Blount

The minutes from the April 11, 2022 were approved by unanimous vote of the board on a motion by Witkowski and a second by Nero.

The agenda for the May, 2022 meeting was approved by unanimous vote of the board on a motion by Witkowski and a second by Nero.

New Business (Planning Board)

1. Salisbury Ave Restriping

- a. Planner Blount made a PowerPoint presentation explaining the proposed restriping of Salisbury Ave. from 17th St to Long Ferry Rd which would include one traffic lane in each direction, a center turn lane, and bike lanes on either side. The presentation highlighted the benefits of bike lanes to the citizens of Spencer, the attractiveness of bike lanes as an amenity, and on the "traffic calming" effect of the restriping. The board discussed the various issues.
- b. Nero made a motion to recommend endorsement by the Board of Aldermen, Klaus seconded the motion, the vote was unanimous to approve the motion.

2. Text Amendment- Section 2.22 Murals

- a. Planner Blount presented a memo dated 4.29.22 titled *Development Ordinance Section 2.22 Amendment* and explained that the proposed text amendment allowed the Board of Aldermen to approve murals on walls facing "Main Street" (Salisbury Ave.), which the original text did not allow. This was needed to permit work on existing murals and the addition of new murals to proceed per a recently adopted Town program.
- b. Witkowski made a motion to recommend adoption of the text amendment by the Board of Aldermen, Klaus seconded the motion, the vote was unanimous to approve the motion.

3

Old Business (Planning Board)

3. Comprehensive Planning

- a. Planner Blount made a PowerPoint presentation and presented draft language in a memo dated June 14, 2022 titled Amendments to Town of Spencer Comprehensive Land Use Plan that explained the various updates that were being suggested be made to the Town's 2008 Land Use Plan. Some pending corrections were noted in areas where current actions had already surpassed the proposed recommendations.
- b. Witkowski made a motion to recommend adoption of the updates by the Board of Aldermen, Klaus seconded the motion, the vote was unanimous to approve the motion.

New Business (Board of Adjustment)

4. No New Business

Old Business (Board of Adjustment)

5. No Old Business

Meeting Closing

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MEMO

Date: 6.30.22

By: Steve Blount

RE: Fee-In-Lieu for Sidewalks

Narrative:

The Town's Development Ordinance requires "improvements" to be provided for larger residential and all commercial and industrial developments. These include open space, street trees, extensions of water and sewer lines, new roads, sidewalks, etc. For several of these improvements (i.e., open space), where site conditions, topography or other factors make following these requirements to the strict language of the ordinance overly burdensome or even impossible, our ordinance allows the developer to pay to the Town the equivalent value of the specific improvement in lieu of actually providing it. In these cases, these monies are designated by the Board of Aldermen to be used on similar projects in other areas.

Requirements for sidewalks are specified in Section 2-19 of our Development Ordinance but there is no mention of allowing a payment-in-lieu of procedure if conditions make them impractical. Since this process is not included, staff is left with only the option of requiring sidewalks be installed or the project not be built.

Staff is suggesting the addition of a payment-in-lieu clause for sidewalks required under Section 2-19. The suggested text requires the developer/property owner to request this option where it is felt the construction of sidewalks, would be inconsistent or unreasonable based on surrounding conditions..." The developer is required to submit a detailed cost estimate for the required sidewalks when requesting this option. If this option is deemed acceptable to the Town's Zoning and Subdivision Administrator, the use of the funds would be at the discretion of the Board of Aldermen.

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~~4-1~~

2.19-5 Fee-in-Lieu.

Payment-in-lieu for sidewalks alternative:

As an alternative to sidewalks construction, the applicant has the option to make a payment-in-lieu of constructing the required sidewalks.

1. Payment-in-lieu requirements:
 - a. Approval must be given for payment-in-lieu of sidewalks by the Zoning & Subdivision Administrator with guidance from the Town Manager and other staff.
 - b. When requesting this option, the applicant shall submit a detailed estimate of cost for construction of the required sidewalks which will be reviewed and approved by town staff. Cost estimate should include all costs including but not limited to engineering, infrastructure relocations and improvements, grading, forming, concrete, finishing, etc. If an agreement on the total cost of the sidewalks cannot be reached, the application for payment-in-lieu may be rejected.
2. Payment-in-lieu of sidewalks is allowed where:
 - a. Construction of sidewalks would be inconsistent or unreasonable based on surrounding conditions such as topography, wetlands, etc.
 - b. Where a sidewalk would not connect to adjacent sidewalks nor are there proposed or adopted plans for a connecting sidewalk at the site.
3. Payment-in-lieu is not permitted if:
 - a. If property is adjacent to any existing sidewalk.
 - b. Adjacent to sidewalk appearing on a proposed development plan, and/or adjacent to any sidewalk planned for construction within one year.
 - c. In a planned urban greenway corridor approved by the Board of Aldermen
4. Payment-in-lieu of sidewalks fund requirements:
 - a. Funds must be equal to the estimated cost of construction of the required sidewalk, which includes materials, labor, engineering, and any required infrastructure improvements for that sidewalk. Payment shall be made prior to approval of final plat.
5. Fund appropriations:
 - a. Such funds shall be used at the discretion of the Town's Board of Aldermen to build or complete sidewalks in other locations, and for greenways or other pedestrian, bikeway, and/or pathway systems.





MEMO

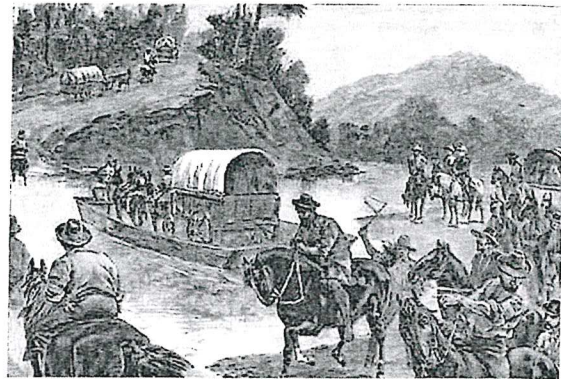
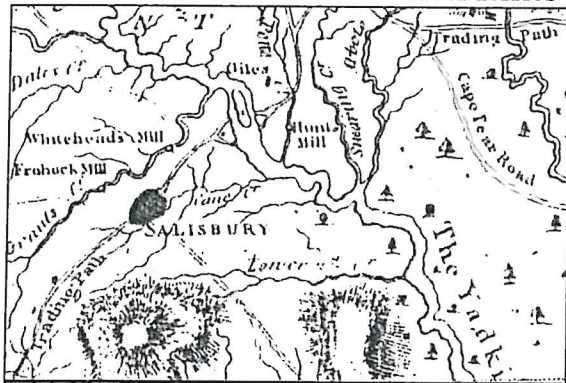
Date: 5.27.22

By: Steve Blount

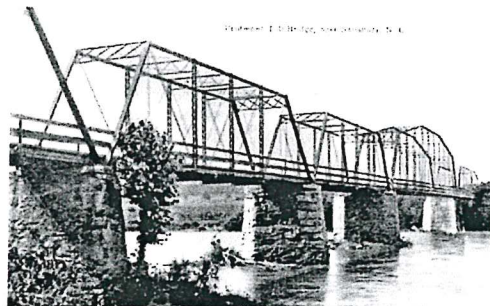
RE: Transformative Moments- Riverfront Property Zoning Classification

Narrative:

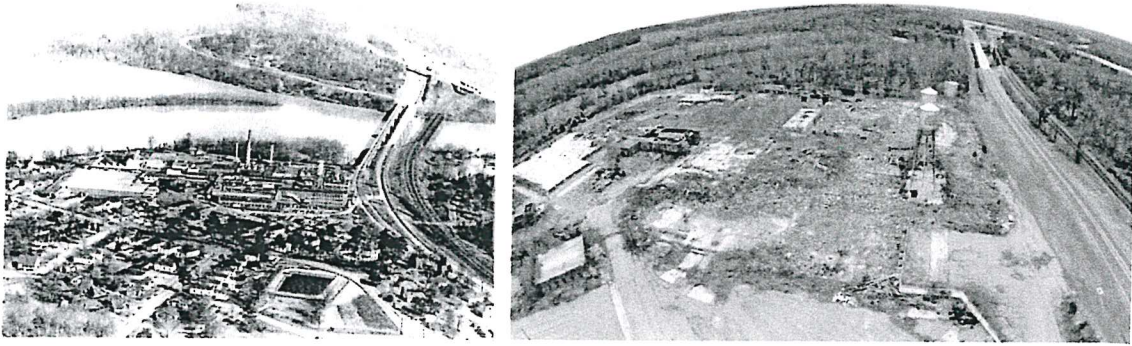
In the beginning it was a Trading Path for Native Americans and early European settlers. Over time it became a dirt road with river ferries across the shallow points.



Later, bridges were built, and the railroad came.



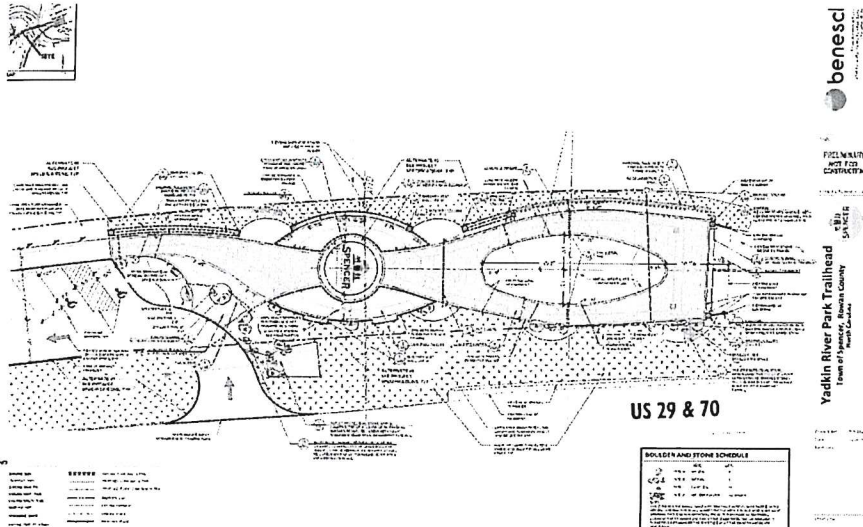
Later still, US HWY 29 and then Interstate I-85 crossed the Yadkin River. In the 1930s, NC Finishing Company began business on US HWY 29 at the south end of what is now known as the Wil-Cox Bridge. The business closed in September of 2000 and most of the facility was demolished in later years.



Through the 2000s and bankruptcies, plans for a racetrack, new owners, and failed plans, the NC Finishing property sat empty and derelict, but other activities were still in progress. In 2010, Davidson County took ownership of the Wil-Cox bridge and began planning a park on the north side of the bridge. The bridge was refurbished, and the first phase of the Davidson County River Park was completed.



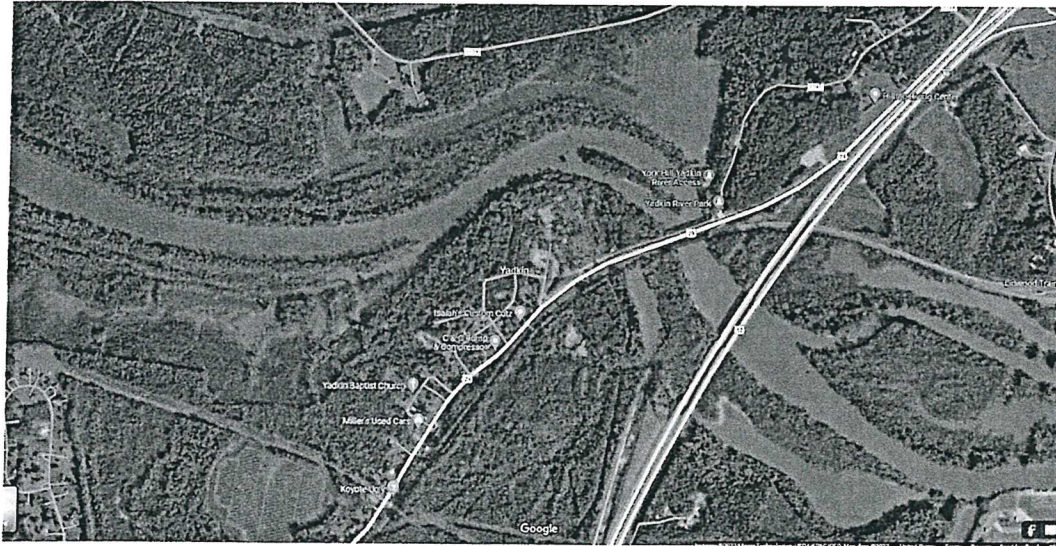
Soon, work will begin on Spencer's Yadkin River Park Trailhead, connecting Davidson County's Park via the Wil-Cox Bridge to the citizens of Spencer and Rowan County. River access and new recreational activities for all will grow from this partnership.



All the steps mentioned above were transformative moments in the history of this section of the Yadkin River and the surrounding land. According to Webster, transformative means, “*causing or able to cause an important and lasting change in someone or something*”. Much of this history took place before the Town of Spencer even existed. Opportunity for another transformative moment is at hand now, however, and Spencer can have great influence on where this step takes our town, all of northern Rowan County and southern Davidson County. Through a quirk in the history of this area, the NC Finishing property is in the municipal limits of Spencer and development of this property is under the control of the Town's Development Ordinance. Properly developed, this riverfront area can become our northern node of development.



Currently zoned IND which encourages light industrial and distribution warehouse development, the big-picture view in the map below shows why the property in this area should be thought of as so much more and why the IND zoning classification is inadequate to guide development in this area



Options to Control Development

1. Scenic Gateway Overlay- defined as a small area along perimeter that limits visual impact of site development by leaving boarder undeveloped
2. New Zoning Classification/Overlay- would create new zoning classification reducing uses to those board thinks is appropriate to site
3. Buy property- town or interested party would buy property and then modify list of acceptable uses, then resell back into private ownership for development
4. Partner with current owners- Town would have to offer something to make partnership worthwhile.

MEMO

Date: 5.20.22

To: Board of Aldermen

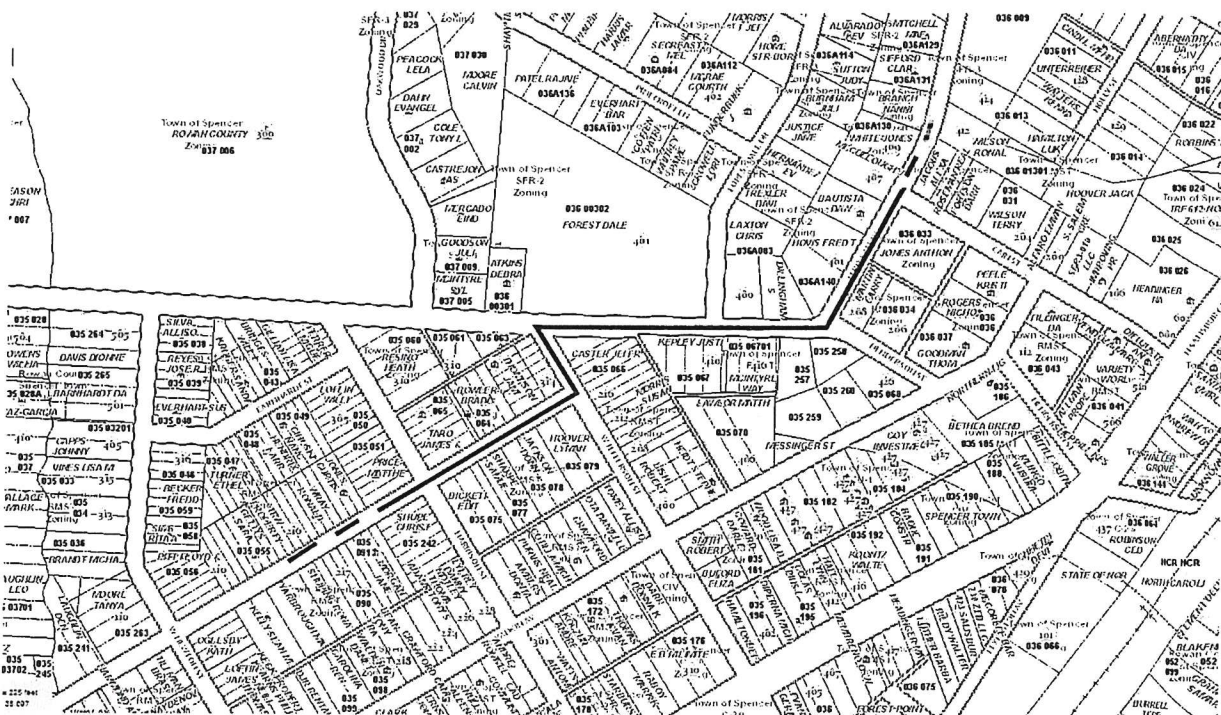
By: Steve Blount

RE: Street Renaming- N Rowan Ave. Ext

Narrative:

I mentioned during the renaming process for a section of S Spencer Ave to Meadow St that there were other problem road names and addressing in Spencer. The following is one of those that has been identified by Rowan County Planning as a problem that needs to be addressed.

As seen on the following drawing, at the northeastern end of N Rowan Ave., this street ends at a tee intersection with W Jefferson St, but that is not the end of N Rowan Ave. If you turn left on W Jefferson at that intersection and then turn right on N Whitehead Ave. and travel about 800 feet, you find that N Rowan starts again on the left. From that intersection, N Rowan travels north about a half mile with a major intersection with Charles St, ending at a right hand turn onto Anne St. This northern portion is officially labeled N Rowan Ave. Ext. which does nothing to alleviate the confusion.



We would suggest renaming the portion of this road shown on the following map, now known as N Rowan Ave Ext to a new name (name yet to be determined) and readdressing the 19 properties (five currently undeveloped and unaddressed) on that section of road in a logical progression as

The map displays the following zoning districts and codes:

- SFR-2**: Single-Family Residential, Two-Family
- RMST**: Residential Medium Density
- C-29**: Commercial
- 037**: General Zoning
- 038**: General Zoning
- 039**: General Zoning
- 040**: General Zoning
- 041**: General Zoning
- 042**: General Zoning
- 043**: General Zoning
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- 200**: General Zoning



MEMO

Date: 6.30.22

To: Board of Aldermen

By: Steve Blount

RE: Yadkin River Park Trailhead
Property Annexation and Rezoning

Narrative:

Bids will be received on the Town's new Yadkin River Park Trailhead project on July 21st and assuming bids are in line with estimates, construction will begin soon after. Ownership of the property where this project will be built was transferred to the Town from NCDOT some time ago, but the property is currently not within the Town's municipal limits or our ETJ, thus zoning and permitting authority falls to Rowan County. Obviously, it is in the best interest of the Town that this property be brought into our municipal limits and that zoning and permitting for this project be handled by our own planning department.

Annexation

NC State statutes strictly control annexation by municipalities of unincorporated property. Municipalities are allowed by NCGS 160A-58.7 to annex property they own that is not contiguous with their current core boundaries. The Town is following requirements specified by this statute to annex this property.

At the Board's July board meeting, you will be asked to approve a ***Resolution of Intent*** and set a public hearing for your August meeting. You will have the required public hearing at your August preagenda meeting. You will be asked to approve an ***Ordinance to Extend the Corporate Limits*** at your August 9th regular board meeting.

Rezoning

Part of the requirements in NCGS 160A-58.7 is following normal processes found in 160D to apply new zoning classifications to the property being annexed. The property being annexed is currently zoned by Rowan County as RA or Rural Agricultural. This classification allows parks but many other uses as well. We are proposing that the property be rezoned to the Town's CIV zoning classification which would allow the proposed park.

Rezoning requires a three-step process. The proposed rezoning will be presented to the Planning Board at their July 11 meeting asking them to make the required recommendation to the Board of Aldermen. A public hearing will be scheduled for your preagenda meeting on August 4 and then you will be asked to approve this rezoning along with the annexation at your August 9 regular board meeting.

11/1

Zoning Permits

With the annexation and rezoning approved at your August meeting, zoning permits for this project can be issued as early as August 10. This should be adequate to not slow the actual beginning of work on this project

11.2



MEMO

Date: 6.30.22

By: Steve Blount

RE: Rezoning Trailhead Park Property

Narrative:

NCDOT transferred ownership of parcel 048 096 to the Town's ownership in anticipation of the Town developing a Yadkin River Park in this area with this parcel serving as the park's trailhead. This .89 acre parcel is between the old NC Finishing Company site and US HWY29 at the south end of the Wil Cox Bridge. The town has had created a plan to develop this property into a park similar to the one developed on the north end of the bridge by Davidson County. This park will serve as the trailhead to future development of public trails and river access points in this area. Plans for the park have been completed and the town will accept bids from contractors for this project on July 21 with construction to begin soon after if bid prices are within budget.

While the NC Finishing Company property was annexed into the town's municipal limits some years ago, this parcel is not in our municipal limits or the town's ETJ and thus is under the zoning control of Rowan County. The town is moving to annex this property with the final vote taking place in August.

As a part of the annexation process, the town needs to apply an appropriate zoning classification to this property after it is annexed. The property is currently zoned RA (Rural Agricultural) by Rowan County. This zoning classification would allow the park as a permitted uses along with many other uses. RA is the county's least restrictive zoning classification.

As the park will be town owned and operated, staff is suggesting that the appropriated Spencer zoning classification would be CIV (Civic). This classification would allow the proposed park a use by right and the same classification could be applied to adjacent riverfront properties as the park is further developed.

Action Requested:

Vote to recommend to the Board of Aldermen that they rezone parcel 048 096 from the County's RA designation to the Town's CIV designation.

11.3

AN ORDINANCE AMENDING
THE "SPENCER DEVELOPMENT ORDINANCE"
OF THE TOWN OF SPENCER, NORTH CAROLINA

Ordinance Number _____

WHEREAS, on June 8, 2021 the Town Board of Aldermen's newly adopted Spencer Development Ordinance, also known as the SDO, became fully effective; and,

WHEREAS, the Governor and General Assembly of the State of North Carolina set into law Session Law 2021-138 on the 2nd day of September 2021 amending G.S. 160D to decriminalize violations except in certain instances; and,

WHEREAS, the amendment of the SDO to incorporate the requirements of SL 2021-138 affecting G.S. 160D is both consistent with the adopted *2008-2025 Town of Spencer Land Use Plan* by continuing to meet the adopted goals of *2008-2025 Town of Spencer Land Use Plan* emphasizing management of growth and reasonable because of the Town's need to achieve compliance with Session Laws 2019-111, 2020-25 and 2021-138; and,

THEREFORE BE IT ORDAINED by the Town Board of Aldermen that the Spencer Development Ordinance be amended as follows:

PART 1. Articles 5 is hereby amended to add the following language to the end of Section 5.2:

"The following changes to this Ordinance are authorized and may be carried out by either the *Town Clerk* or the *Planning, Zoning, & Subdivision Administrator* or their designee, without processing a formal amendment:

1. Corrections to the Official Zoning Map to reflect updated information on property boundaries, street alignments, natural stream alignments, etc. shall not be considered amendments;
2. Edits to the text of this Ordinance and/or the Official Zoning Map to update a table of amendments, add information to the legend of the Official Zoning Map, correct typographical errors, add and/or correct geographical information, and/or insert notations representing amended text in an article, section, subsection, or provision; and
3. Deletions of provisions stricken down by either a legislative action of the North Carolina legislature or a court of competent jurisdiction."

PART 2. Article 16 is hereby amended to delete the following language from Section 16.1-7, said language being the second sentence of the enumerated paragraph:

“In addition to being subject to the provisions for enforcement in Article 23 of the Ordinance, any person who, being the owner or agent of the owner of any land located within the Town’s jurisdiction, subdivides their land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall also be deemed guilty of a Class 1 misdemeanor.”

PART 3. Article 18 is hereby amended to rewrite Section 18.3(H) to read as follows:

“Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Ordinance. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Spencer from taking such other lawful action as is necessary to prevent or remedy any violation.”

PART 4. Article 18 is hereby amended to rewrite Section 18.4(C)(15) to read as follows:

“Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a violation of this Ordinance.”

PART 5. Article 18 is hereby amended to rewrite Section 18.4(D)(5) to read as follows:

“Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a violation of this Ordinance.”

PART 6. Article 23 is hereby amended to rewrite Section 23.6-5 to read as follows:

“Stop Work Orders. Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Planning, Zoning & Subdivision Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S.160D-404(b). Violation of a stop work order regarding any building deemed unsafe shall constitute a Class 1 misdemeanor.”

PART 7. Article 23 is hereby amended to rewrite Section 23.7-6 to read as follows:

“Nonpayment. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty, reasonable attorney fees and court costs. Provided, however, if the civil penalty is not paid within the time prescribed, the Planning, Zoning & Subdivision Administrator may have a lien for all cost incurred placed upon the property that is the subject of the violation.

PART 8. This Ordinance shall be effective at 12:01 AM EST on _____, 2022.

ADOPTED on this the ____th day of _____ 2022.

s/ _____

Jonathan Williams, Mayor

s/ _____

Stacy Craven, Town Clerk