



TOWN OF YADKINVILLE

"A TOWN IN PROGRESS"

TOWN OF YADKINVILLE PLANNING BOARD

MINUTES

MONDAY, SEPTEMBER 21, 2020

5:30 P.M.

Yadkinville Town Hall

Commissioners Chambers

213 Van Buren Street, Yadkinville, NC 27055

PLANNING BOARD MEMBERS

(PRESENT/ABSENT):

Anna Logan Howe –Chair - Present
Rhyne Dowell – Vice Chair - Present
Virgil Dodson - Present
Mary Reavis - Present
Tony Snow - Present
R.J. Speaks - Present
Danny Coe – Absent (excused)

TOWN OFFICIALS PRESENT:

Mike Koser, Town Manager
Shelia Weathers – Assistant Town
Manager
Abigaile Pittman, Planning Director

1. ELECTION OF CHAIR AND VICE CHAIR

Virgil Dodson made a motion for Anna Logan Howe to be the Chair of the Planning Board. The motion was seconded by Mary Driver Reavis and it was passed unanimously.

Vote: 6/0

Virgil Dodson made a motion for Rhyne Dowell to be the Vice Chair of the Planning Board. The motion was seconded by Mary Driver Reavis and it was passed unanimously.

Vote: 6/0

A quorum was met, and the meeting proceeded.

2. CALL MEETING TO ORDER

Ms. Anna Logan Howe, Chair called the meeting to order at 5:40 p.m.

3. APPROVAL OF MINUTES

1. November 18, 2019 – Regular Meeting Minutes

Planning Director Abigaile Pittman noted that there was one revision to the November 18, 2019 Minutes, that Anna Logan Howe was not absent but present.

Virgil Dodson moved to approve the November 18, 2019 Planning Board meeting Minutes. R.J. Speaks seconded the motion and it passed unanimously by a vote of 6-0.

4. NEW BUSINESS

2. ZTA-2020-01

- Applicant: Abigaile Pittman, Planning Director
- Amendment: Request to amend the Town of Yadkinville Code of Ordinances, Title 9, Development Ordinance, Section 5.1 Building Design Standards - Purpose & Applicability; Section 5.4.7 Nonresidential Design Standards – Wall Materials and Color; and Section 5.5.7 Central Business (CB) District Design Standards – Color; to revise the material and color standards, and language regarding applicability.

Planning Director Abigaile Pittman reviewed the proposed text amendment, referencing the staff report in the agenda packets. She stated that in the last year, multiple businesses along S. State Street have undertaken renovations, which has involved the review and implementation of the building design standards in Article 5 of the Development Ordinance. The design standards apply to all new nonresidential (and multifamily construction) and expansions of greater than 20 percent of the gross floor area of the building. Section 5.5 provides additional design standards for buildings in the Central Business (CB) zoning district. The proposed text amendment is intended to provide amended language that is more ordered, clear, and enforceable; and to more realistically address the issues of materials in the case of building expansions and painting new or existing buildings.

Ms. Pittman reviewed the primary proposed revisions:

1. Section 5.1.2.C.1. states that if a nonconforming nonresidential building is being expanded by greater than 20%, then the primary new building material for the expansion shall be continued over to 50% of the front façade of the existing building. This section does not apply to buildings in the Central Business (CB) zoning district.

Staff recommends that this requirement be deleted for the following reasons: a) The existing building would be legally nonconforming (grandfathered in); b) partial deconstruction of the existing building would be required; and c) the requirement is an economic disincentive to expanding existing buildings/businesses.

2. Section 5.4.7.1.A.1. applies to new construction including additions and requires durable material over a minimum of 50% of the surface area of each primary building façade and 25% of each secondary building façade, and then states that these cladding materials may not be painted or otherwise altered in color from their natural appearance. This section does not apply to buildings in the Central Business (CB) zoning district.

Staff recommends deletion of the requirement that the cladding not be painted or otherwise altered in color for the following reasons: a) Most of the buildings being impacted are franchise businesses along S. State Street where the cladding on the majority of existing buildings are already tastefully painted; b) The revised regulations restrict primary and secondary façade colors to low-reflective, subtle, neutral or earth tone colors. The use of high-intensity, fluorescent, or neon colors is not permitted; c) the requirement is an economic disincentive to new business construction and to expanding existing buildings; and d) This requirement will be challenging to enforce over time since the Development Ordinance does not require a zoning permit for painting alone.

3. Section 5.4.7.1.B.2. applies to existing buildings and states that brick and stone cladding materials on existing buildings may not be painted or otherwise altered in color from their natural appearance. This section does not apply to buildings in the Central Business (CB) zoning district.

Staff recommends deletion of the requirement that the cladding on existing buildings not be painted or otherwise altered in color for the following reasons:

- a. Most of the buildings being impacted are businesses along S. State Street where the cladding on the majority of existing buildings are already tastefully painted;
 - b. The revised regulations restrict primary and secondary façade colors to low-reflective, subtle, neutral or earth tone colors. The use of high-intensity, fluorescent, or neon colors is not permitted;
 - c. The requirement is an economic disincentive to new business construction and to the expansion of existing buildings; and
 - d. This requirement is challenging to enforce on existing buildings that may not need a zoning permit for any other reason. The Development Ordinance does not require a zoning permit for painting alone.
4. Section 5.4.7.3. applies to industrial building facades. It lists building materials required for industrial building facades and requires that the materials are either integrally colored or painted to match the color of the materials used to clad the greatest proportion of the surface area of the primary and secondary building facades of office, customer service, and retail portions. At the end of this section an exception is provided for

building facades located within 250 feet of a major thoroughfare, allowing that said façades meet the minimum material requirements for a secondary building façade unless a Type 2 buffer in accordance with Section 4.4.3. Buffer Yards is installed along the thoroughfare frontage.

Staff recommends deletion of the language for the exception for building facades located within 250 feet of a major thoroughfare if a Type 2 buffer is provided for the following reasons: a) Industrial buildings can be quite large buildings up to 50 feet in height, and the permitted uses have the potential of varying land use intensities; and b) A Type 2 buffer as defined by the Development Ordinance would not sufficiently mitigate the majority of industrial building impacts within 250 feet of a major thoroughfare, particularly since newly planted shrubs and trees remain relatively quite small for many years.

5. Section 5.5 Central Business (CB) District Design Standards states that this section of the Development Ordinance is intended to maintain Downtown Yadkinville's character and ensure that infill development is compatible.
 - a. The purpose statement has been revised to reference the downtown's historic and small-town character and the artistic spirit created by Yadkin Cultural Arts Center, and to encourage compatible redevelopment and revitalization to create a vibrant and attractive downtown. The revised language is consistent with the Downtown, and Community Character and Identity Goals of the adopted Comprehensive Plan, as well as the guidelines and strategies of the Town's Downtown Façade Improvement Program.
 - b. The NC General Statutes and case law regarding the application of design guidelines support the application of more restrictive and specific guidelines in settings such as Yadkinville's downtown area, where existing character, and adopted plans and programs require compatibility standards.

6. Section 5.5.7 addresses the color of facades in the CB District and currently states the brick may only be painted to maintain the "integrity of existing buildings".
 - a. This is an ambiguous, subjective term that is not specific enough for enforcement purposes.
 - b. This section has been revised to state that for new construction, brick, stone and other permitted cladding materials shall be unpainted and naturally colored, but that existing brick or other masonry buildings that have been painted they can be repainted with low reflectance, earth tone, muted, subtle, and neutral colors.

- c. For both new construction and existing buildings, building trim and accent areas may feature or be painted brighter colors, as approved during the plan review process.
- d. The use of high-intensity, metallic, fluorescent, or neon colors is not permitted under any scenario.

Staff recommends approval of the proposed revisions to the CB District design standards (as described above) for the reasons provided.

Planning Director Pittman stated that she found that all of the requested amendments are consistent with the goals and strategies of the Town's adopted Comprehensive Plan, and with the purpose statement for the Building Design Standards of the Town's adopted Development Ordinance, which are listed in the staff report in the agenda packet.

Ms. Pittman recommended approval of ZTA-2020-01 based on the request maintaining consistency with:

- The Community Character and Identity Goal and CCI Strategy 2 of the Comprehensive Plan;
- The Land Use & Growth Management Goal of the adopted Comprehensive Plan;
- The Downtown Goal of the Comprehensive Plan;
- The adopted Purpose statement set forth in Section 5.1.1 Building Design Standards of the Town of Yadkinville Development Ordinance;
- The Downtown, and Community Character and Identity Goals of the adopted Comprehensive Plan;
- The guidelines and strategies of the Town's Downtown Façade Improvement Program; and
- The NC General Statutes and case law regarding the application of design guidelines in different scenarios.

R.J. Speaks and Virgil Dodson asked Ms. Pittman to explain her statement that the requirement is challenging to enforce on existing buildings that may not need a zoning permit for any other reason because the Development Ordinance does not require a zoning permit for painting alone. In response Ms. Pittman read Section 2.2.3.1 of the Development Ordinance stating the required circumstances for a zoning permit, and it did not include painting. She explained that it is illegal to regulate the painting of residential property outside of a designated area such as an historic district or a scenic corridor, and that the legality of regulating nonresidential painting solely is not entirely crystal clear outside of a historic district, a specified area with designated appearance criteria or a scenic corridor, etc. This is a matter that would need to be carefully researched.

R.J. Speaks made a motion for the Planning Board to approve ZTA-2020-01, a request to amend the Development Ordinance, Section 5.1 Building Design Standards - Purpose & Applicability; Section 5.4.7 Nonresidential Design Standards – Wall Materials and Color; and Section 5.5.7 Central Business (CB) District Design Standards – Color; to revise the material and color standards, and language regarding applicability, based on the request maintaining consistency with: 1) The Community Character and Identity Goal and CCI Strategy 2 of the Comprehensive Plan; 2) the Land Use & Growth Management Goal of the adopted Comprehensive Plan; the Downtown Goal of the Comprehensive Plan; and the adopted Purpose statement set forth in Section 5.1.1 Building Design Standards of the Town of Yadkinville Development Ordinance. The motion was seconded by Tony Snow and it passed by a vote of 5-1 with Virgil Dodson voting in opposition. (zoning permit issue).

7. ZTA-2020-03

- a. Applicant: Maplewood Baptist Church
- b. Amendment: Request to amend the Town of Yadkinville Code of Ordinances, Title 9, Development Ordinance, Section 6.4.2 Freestanding Signs, Section 6.4.2.1 District and Size Standards, Table 6.4 Freestanding Sign District and Size Standards; to revise the size and height of freestanding signs for religious institutions & related uses in the RR, RM, RH, RMH zoning districts.

Planning Director Abigaile Pittman reviewed the proposed text amendment, referencing the staff report in the agenda packets. She stated that Maplewood Baptist Church has proposed a new freestanding, partial LED sign for their church site at 1100 Maplewood Drive. The existing regulations applicable to religious institutions and related uses in the Rural Residential (RR), Residential Medium Density (RM), Residential High Density (RH), and Residential Manufactured Housing (RMH) zoning districts would allow the LED portion on 75 percent of the sign, but only permit a maximum 16 square foot sign, and a maximum of 6 feet in height. The base type of the sign would need to be a monument or arm sign.

Ms. Pittman stated that the proposed text amendment would allow a religious institution on 10 acres or more in the RR, RM, RH, RMH Districts to have a 32 square foot sign, 10-foot tall monument sign. The proposed signage would be equivalent to the maximum allowed in the Neighborhood Business (NB) zoning district, which is designated for less intensive business and service uses located near residential areas, but less than the allowances permitted in the Highway Business (HB), Light Industrial (LI)

and Heavy Industrial (HI) zoning districts. Ms. Pittman referred the Board members to the sign table and sign drawing in the agenda packet.

Referencing details provided in the staff report, Ms. Pittman stated that the proposed text amendment is consistent with Strategy CC2 of the Town's adopted Comprehensive Plan, and with Section 6.1 of the Development Ordinance regarding the purpose of the sign regulations.

Planning Director Abigaile Pittman recommended approval of ZTA-2020-03 based on the request's consistency with Strategy CC2 of the adopted Town of Yadkinville Comprehensive Plan, and Section 6.1 of the Development Ordinance. Additionally, she stated that the proposed text amendment considers the communication needs of a religious institution in the community, the mitigating large acreage of most such sites, and that the signage allowance for churches in residential areas is small compared to the allowance in some of the other zoning districts.

Ms. Pittman noted that the petitioner for Maplewood Baptist Church was in attendance and wished to address the Planning Board.

Rev. Jimmy Lancaster, Maplewood Baptist Church addressed the Planning Board and his presentation was passed out to the Board members (copy attached), and he reviewed it for the record. Addressing general questions from the Board, Rev. Lancaster discussed the need for a sign of this size for their church on this large acreage site, and the need for visibility from the road frontages.

Virgil Dodson noted that because of the large acreage requirement he did not think that this text amendment would apply to any other churches in town.

R.J. Speaks made a motion for the Planning Board to approve ZTA-2020-03, a request to amend the Development Ordinance, Section 6.4.2.1 District and Size Standards, Table 6.4 Freestanding Sign District and Size Standards, to revise the regulations for religious institutions and related uses in RR, RM, RH, RMH zoning districts. This recommendation is based on the request's consistency with Strategy CC2 of the adopted Town of Yadkinville Comprehensive Plan. The motion was seconded by Mary Reavis and it passed unanimously by a vote of 6-0.

1. ZTA-2020-04

- a. Applicant: Abigaile Pittman, Planning Director
- b. Amendment: Request to amend the Town of Yadkinville Code Of Ordinances, Title 9, Development Ordinance, Section 3.4.8.5.4 Temporary Retail Sales (Including Temporary Produce Stands, Christmas Tree Sales, Food Vendors, and Similar Uses); to add and revise criteria for temporary use events in the Central Business (CB), Highway Business (HB) and Neighborhood Business (NB) zoning districts.

Planning Director Abigaile Pittman reviewed the proposed text amendment, referencing the staff report in the agenda packets. She stated that Staff is proposing a revision to the regulations governing temporary retail sales and special events on private property in the Central Business (CB), Highway Business (HB) and Neighborhood Business (NB) zoning districts.

Ms. Pittman stated that there are concerns that the existing regulations may be too restrictive and highlighted the following issues:

- The current regulations only allow temporary retail sales in the NB and HB zoning districts – but not in the CB District.
- Staff surmises that this restriction evolved because CB lots are typically smaller and there is no parking requirement for businesses in the CB District; however, a good number of CB zoned, developed properties have parking areas and/or yards.
- Regulated temporary events on private property downtown (CB) and in the HB and NB zoning districts will help small businesses be successful.
- Additionally, the regulations currently only allow temporary uses to have one additional vendor on a private property site regardless of the zoning district or property size.

Ms. Pittman stated that the proposed revisions are intended to be a reasonable compromise for temporary uses (including special events) on private property, particularly in consideration of the current challenges local businesses are facing.

Ms. Pittman summarized the following proposed noteworthy changes to the temporary retail sales regulations:

- A list of permit exceptions (Sec. 3.4.8.5.4. A. 9.);
- Temporary retail sales would be permitted in the CB zoning district (Sec. 3.4.8.5.4. B.);

- Only 1 food truck vendor permitted at any time on a lot in the CB and NB zoning districts. No more than 2 food truck vendors at any time on a lot in the HB district (Sec. 3.4.8.5.4.B.3.);
- Criteria added addressing vendor set-up on properties (Sec. 3.4.8.5.4.B.4.);
- Time limits for temporary vendor permits are revised (Sec. 3.4.8.5.4.B.5.);
- Christmas tree and pumpkin sales lots are regulated separately now (Sec. 3.4.8.5.4.C.); and
- There is a separate section regulating any public event held on private property with an anticipated attendance of 200 or more (Sec. 3.4.8.5.4.D.).

Ms. Pittman noted that the Town has a separate permit process for special events on public property, which is administered by the Police Department, and is not applicable on private property.

Planning Director Pittman stated that the proposed text amendment is consistent with the following adopted plan sections:

1. The Community Character & Identity goal of the Comprehensive Plan is to embrace Yadkinville's small-town charm, agrarian history, location in the Yadkin Valley Wine Region, and artistic atmosphere as catalysts for revitalization, growth, and economic development;
2. The Land Use & Growth Management goal of the Comprehensive Plan is to establish a sustainable land development pattern that complements the character of the Town, promotes economic development, and concentrates higher intensity uses where adequate infrastructure exists, while preserving environmentally sensitive areas, adequate open space, and recreational opportunities;
3. The Economic Development goal of the Comprehensive Plan is to attract and retain a variety of businesses and industry to provide a robust and diverse economic base and employment opportunities for residents; and
4. Section 3.4 Special Requirements of the Development Ordinance states that the requirements that apply to other uses such as temporary retail sales are intended to mitigate any potential adverse impacts that certain uses may have on surrounding property or the community at-large.

Planning Director Abigaile Pittman recommended approval of ZTA-2020-04, based on the request's consistency with the Community Character & Identity, Land Use & Growth Management, and Economic Development goals of the

adopted Town of Yadkinville Comprehensive Plan; and the intent statement for Section 3.4 Special Requirements of the Development Ordinance. Additionally, she stated that the proposed text amendment is a reasonable compromise for temporary uses (including special events) on private property in the CB, HB and NB zoning districts considering the conditions proposed. The regulated temporary events on private properties in the CB, HB and NB zoning districts will help small businesses be successful.

There was discussion among the Planning Board members regarding the number of food trucks permitted on a site, the need for site layout sketches to ensure standards, extending pumpkin sales lots to include September, October and November, and the requirement to have written approval to use parking areas on adjacent lots. Mary Reavis asked about yard sales; Ms. Pittman advised her they are separately regulated in the Development Ordinance.

Virgil Dobson recommended that the Planning Board approve ZTA-2020-03, a request to amend the Development Ordinance, Section 6.4.2.1 District and Size Standards, Table 6.4 Freestanding Sign District and Size Standards, to revise the regulations for religious institutions and related uses in RR, RM, RH, RMH zoning districts, subject to the following revisions:

1. Section 3.4.8.5.4.B.3 (limiting the number of food truck vendors to only 1 on a lot of record at any time in the CB and NB Districts, and to only 2 at any time in the HB District) be deleted and the remaining subsections renumbered accordingly. The intent of this revision is for the activity to be controlled by the site standards, and to encourage businesses in town.
2. Section 3.4.8.5.4.B.4 (providing criteria for food truck vendors located on a lot of record in the CB, NB and HB zoning districts) be revised to add a sentence requiring a site layout plan indicating access doors to buildings, drive aisles required for access, available parking onsite, parking reserved for other businesses on the property, and parking available on adjacent properties (with written permission).
3. Section 3.4.8.5.4.B.5 (limiting the number of number of times per calendar year and consecutive days within a given period of time) be revised as follows:
 5. Temporary retail sales events are not intended to continue for such a length of time that it in effect constitutes a permanent use. Such events ~~are to be held no more than ten (10) times during a calendar year on a property~~ shall not be more than three (3) consecutive days within any 7-day period, except for food truck vendors which shall be located on a property no more than five (5) consecutive days within any 14-day period, for a maximum of 90 days per

calendar-year.

4. Section 3.4.8.5.4.C.1 (limiting pumpkin sales lots to the month of October) be revised to limit pumpkin sales lots the months of September, October, and November.

Virgil Dobson's recommendation was based on the request's consistency with Strategy CC2 of the adopted Town of Yadkinville Comprehensive Plan.

The motion was seconded by RJ Speaks and it passed unanimously by a vote of 6-0.


5. OTHER BUSINESS – There was no other business.

6. ADJOURNMENT - Next Scheduled Board Meeting is October 19, 2020

Virgil Dodson made a motion for the Planning Board to adjourn. Mary Driver Reavis seconded the motion and the motion passed unanimously by a vote of 6-0.



Anna Logan Howe, Chair



Date