

AGENDA

Newton Planning Commission

June 28, 2016

7:00 p.m.

**City of Newton
Headquarters Fire Station Training Room
119 South Brady Ave.
Newton, NC**

1. Roll Call
2. Consideration of Minutes
 - April 26, 2016 Meeting Minutes
3. Public Hearing
 - a. **Special Use #2016-01** filed by Robbie Bennett. The applicant is seeking a special use permit to allow for the use and operation of a funeral parlor. The subject site is located on the eastside of NC Hwy 16 just south of NC Hwy 10. The site comprises of two adjacent lots that are approximately 4 acres combined. According to Catawba County Tax Records the properties are identified as parcel number 3740-20-82-4491 and 3740-20-82-4131.
4. New Business
5. Old Business
6. Reports
7. Adjournment

The City of Newton does not discriminate on the basis of disability in the provision of its services as charged by the City Council of the City of Newton. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the City of Newton ADA Coordinator at least 48 hours prior to the scheduled meeting.

Minutes
Newton Planning Commission

April 26, 2016

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on April 26, 2016 in the Council Chambers at City Hall.

Members

Present: Ken Simmons, Chairman
Carmen Isenhower
Donny Setzer
Melinda Travis
David Weldon

Members

Absent: Jim Smith
Mark Stalnaker

Staff

Present: Randolph S. Williams, AICP, Planning Director
Alex Fulbright, Assistant Planning Director

Item 1: Call to Order

Chairman Simmons called the meeting to order at 7:00 pm.

Item 2: Consideration of Minutes from prior meeting

Chairman Simmons asked for consideration of the minutes of the **March 22, 2016** meeting. Being that there was no objections, **Chairman Simmons** ruled that the minutes approved as presented.

Item 3: Public Hearings

- a) **Text Amendment 2016-03 - Farm and heavy equipment sales and rental.** The proposed zoning text amendment will define the use "Farm and heavy equipment sales and rental".

Chairman Simmons opened the public hearing and recognized **Planning Director Randy Williams**.

Mr. Williams stated that Mr. Corriher has withdrawn his application. **Chairman Simmons** closed the public hearing and no action was needed.

- b) **Rezoning #2016-02. Theodore H. Corriher** is seeking to rezone the properties located on the west side of S Ashe Av between W B St and W A St from a B-3 Central Business District to a B-4 General Business District. The area to be requested to be rezoned is 1.75 acres. According to Catawba County Tax Records the properties are identified as parcel numbers 3730-16-93-3449 and 3730-16-93-3681. Both properties are owned by the applicant.

Chairman Simmons opened the public hearing and recognized **Planning Director Randy Williams**.

Mr. Williams stated that Mr. Corriher has withdrawn his application.

Chairman Simmons closed the public hearing and no action was needed.

- c) **Text Amendment 2016-04 – Composition of the Subdivision Review Board.** The proposed subdivision text amendment relates to the composition of the subdivision review board and clarifies how members are appointed.

Chairman Simmons opened the public hearing and recognized **Assistant Planning Director Alex Fulbright**.

Mr. Fulbright reviewed his memo that read:

At a recent Subdivision Review Board meeting, the issue of composition of the Subdivision Review Board was broached. The existing ordinance needs to be changed to reflect current position titles. In addition, it was discussed that there was the need for clarification on who could serve as an alternate in the event of absence and how the vice-chairmen was selected. The current ordinance reads as follows:

Composition; chairman. The SRB shall consist of the city manager, planning director/assistant city manager, director of parks and recreation, director of public works, police chief, and fire chief. Attendance at all meetings is required, but a member may designate an alternate when attendance at an SRB meeting is precluded by illness, accident, vacation or irreconcilable conflict. The chairman of the SRB shall be appointed by the city manager to serve at his pleasure.

The proposed ordinance, if adopted would address those issues. It reads as follows:

Composition; chairman. The SRB shall consist of the City Manager, Planning Director, Director of Parks and Recreation, Director of Public Works, Police Chief, and Fire Chief. The City Manager may designate an alternate to serve on the SRB in his place or in the place of any department head for any length of time determined by the City Manager. Attendance at all meetings is required of each SRB member. The chairman and vice-chairman of the SRB shall be appointed by the city manager to serve at his pleasure.

Chairman Simmons closed the public hearing.

After some discussion, a motion was made by **Donny Setzer** and seconded by **Melinda Travis** to recommend that the City Council approve the request. The Planning Commission unanimously approved the motion.

Item 4: New Business

Election of Officers

Chairman Simmons turned the meeting over to **Assistant Planning Director Alex Fulbright**.

Mr. Fulbright explained that it was time to hold the annual election for officers and that the Planning Commission needed to elect a Chairman and Vice-Chairman. Mr. Ken Simmons was nominated for Chairman and Mr. Donny Setzer for Vice-Chairman. The Planning Commission unanimously approved the nominations.

Item 5: Old Business

There was no old business to discuss.

Item 6: Monthly Reports

Staff reviewed department activity and recent City Council actions.

Item 7: Adjournment

With no further business, the meeting was adjourned.

Respectfully submitted,

Alex Fulbright
Recording Secretary

MEMORANDUM

TO: Newton Planning Commission

FROM: Alex Fulbright, Assistant Planning Director

DATE: June 24, 2016

SUBJECT: Special Use Permit 2016-02 as filed by Robbie Bennett

Background:

Attached with this memo is a copy of an application filed by Robbie Bennett. Mr. Bennett is seeking a Special Use Permit to allow him to locate a Funeral Parlor on NC Hwy 16. The subject site is located on the eastside of NC Hwy 16 just south of NC Hwy 10. The site comprises of two adjacent lots that are approximately 4 acres combined. According to Catawba County Tax Records the properties are identified as parcel number 3740-20-82-4491 and 3740-20-82-4131. The site is zoned R-20 and Funeral Parlors are permitted as a Class A Special Use within the R-20 District, with approval by the City Council.

Review:

A Special Use is a use that would not be appropriate generally without special study throughout the zoning district, but which is controlled by the number or size of location or relationship to adjoining neighborhood and which would promote the public health, safety, and welfare.

The applicant is proposing to construct a 14,000 square foot main building and a 4,800 office building. The site is located outside the City Limits but within the ETJ. The proposed facility would be served with city water and on-site septic system.

The zoning ordinance as it applies to Funeral Parlors as a special use in residential districts requires that the following standards be met.

- **Funeral parlors are permitted in residential districts that are zoned R-20 Single Family Residential.** The site which the applicant is applying for is zoned R-20.
- **The site shall have direct access to an arterial street as shown on the thoroughfare plan and the collector street plan.** The site fronts on NC 16 Hwy which is classified as an arterial street on the collector street plan.
- **All applicable state regulations governing Funeral establishments have been met.** The state regulation cannot be met until zoning approval has been granted.

- **Signage is subject to article VII of the Zoning Ordinance as it pertains to Churches and Civic Organizations.** Sign permits have not been applied for the proposed funeral parlor at this time. If a special use permit is granted all sign would have to comply with article VII of the Zoning Ordinance as it pertains to Churches and Civic Organizations.

Also, the use would have to comply with all required city regulations and standards; unless greater or different regulations are recommended and approved. Based on the site plan which is considered conceptual in nature; building appearance, landscaping, parking, stormwater, soil erosion, buffers & screening, and signage would be reviewed and approved when construction plans are submitted in order to obtain permits to begin construction. The attached site plan is provided to show bulk, relationship to the adjoining properties, and general position on the site, but is not considered to be complete for site plan development review for construction.

In addition to City regulations, the site will have to comply with all applicable Federal, State, and County regulations. Specifically, the proposed on-site septic system would have to be approved by the NC Board of Funeral Service and the State and County Environmental Health Departments.

Public notification:

Public notification procedures have been conducted in compliance to the City's Zoning Ordinance. A public notice was published in the Observer News Enterprise on June 17th and June 24th, 2016. A notice was mailed to 24 property owners, including all owners of adjacent properties and those properties which fall within 100 feet of the adjacent tracts. In addition to the published notices and mailings, signs were placed at the site and will remain in place until Council takes action on this item.

The Planning Department has received one written response to the special use application which is attached to this memo.

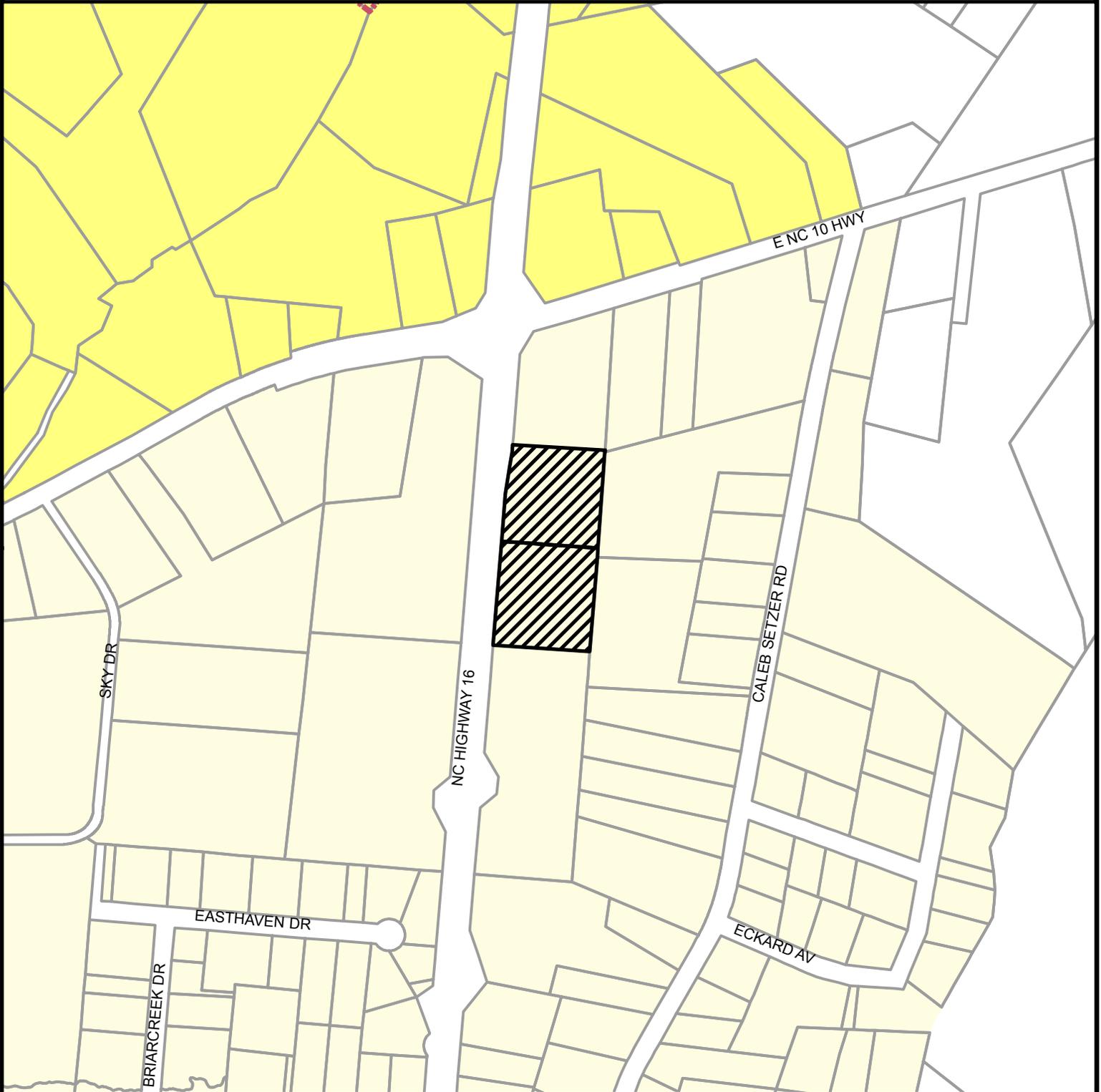
Recommendation action:

It is staff's recommendation to the Planning Commission, if it is their intent to forward the application to the City Council with a favorable recommendation, a comprehensive review of the attracted site plan is made and to recommend conditions that are necessary to mitigate any potential negative impacts such a use might have on the surrounding area. Site conditions for this application could include, but not limited to, screening/buffering; landscaping; access management; signage; lighting; appearance and compliance with all associated development codes and regulations. This development is one of the first along NC 16 and will set a precedent on future development along the corridor.



Special Use #2016-02

Robbie Bennett
NC Highway 16



 City Limits  Single Family Residential (R-20)  Single Family and Manufactured Home Residential (R-20A)



NOT TO SCALE

Date: 6/17/2016

SPECIAL USE PERMIT APPLICATION
CITY OF NEWTON, NORTH CAROLINA

Application #: 2016-02

Date: 5/27/2016

Application for CLASS A **SPECIAL USE PERMIT** (Circle either)

To the CITY COUNCIL, Newton, NC:

I, (We) the undersigned, so hereby petition the City Council of Newton to issue a **CLASS A** **SPECIAL USE PERMIT** in the name (s) of Robert F. & Rhonda L. Bennett

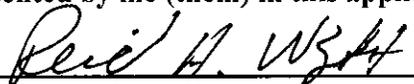
for the use of property located at 1855 E NC 10 Hwy, Newton, NC 28658

also known as Catawba County Tax Parcels 374020824491 & 374020824131

permitted by Section _____ of the Newton Zoning Ordinance.

<u>NAME OF APPLICANTS</u>	<u>ADDRESS</u>	<u>TELEPHONE NO.</u>
<u>Robert F. Bennett</u>	<u>PO Box 234 Newton NC 28658</u>	<u>828 465 2111</u>
<u>Rhonda L. Bennett</u>	<u>PO Box 234 Newton NC 28658</u>	<u>828 465 2111</u>

On behalf of the above listed applicants, I do hereby certify that all of the information presented by me (them) in this application is true to the best of my knowledge.


Authorized Applicant

5/27/2016
Date

- (1) This application must be accompanied by a site plan based upon survey prepared by a Registered Land Surveyor showing the exact location of all property lines, corner stakes, buildings, signs, parking spaces, loading areas as well as full and accurate description of the proposed use including its location, appearance and operational characteristics.
- (2) In addition, this application must include all relevant information needed to show compliance with the general and specific standards governing the Special Use in which is the subject of this application.
- (3) If title to the above described property is not in the same name of the applicant, then a letter from the owner signifying approval must also be submitted.

1225 Caleb Setzer Road
Newton, NC 28658
828-464-8417

June 22, 2016

Dear Sirs:

This letter is in response to the notice concerning the Newton Planning commission's Public Hearing on June 28, 2016. We will be unable to attend due to major back surgery for Sue at Presbyterian Hospital in Charlotte on that same day. We would like to express our concerns regarding the Special Use permit filed by Robbie Bennett for a funeral parlor near our home of 50 years.

First of all, please note that we are against the permit to build and operate a funeral parlor – the reasons are as following:

We oppose the permit because this is Residential; it is not an appropriate use of residential land. If it is re-zoned, then it opens the door to all commercial businesses. This funeral parlor will be extremely detrimental to our property value as well. Funeral homes have a certain connotation about them and would detract from the value of the surrounding land. People move and purchase land for many reasons, but no one wants to live next to a funeral home, which would make selling property in this area extremely difficult. It will hurt our investment we have made through the years and completely change our so-called "Golden Years"!

Having to look at a funeral home out my sliding glass door would certainly be depressing. We are use to seeing nature out that door; deer, turkeys, squirrels, rabbits, etc. Now, we know that funerals are a part of life, but seeing it so close and knowing there are corpses right there is something we don't think we can endure each and every day. As we aged, we thought we would enjoy our years right here in this residential neighborhood, a place we have loved for years. But the news of the possibility of this rezoning has already had a depressing influence on our life. The taking in and out of dead bodies, the simple thought of the embalming, and the thought of all of this is more than we can handle being right next to our house. There is a psychological 'ick' factor associated with living next door to a funeral parlor. We simply do not know what we will do now if this is rezoned to

allow this construction. To be reminded daily of our mortality when simply looking out a door is a very emotional issue for us.

We also think about the constant going and coming of the traffic created from this proposed parlor on Highway 16. The traffic would certainly be affected with the funeral services, the funeral processions pulling out and so on from this proposed parlor. Not only the pulling out of the processions, but the traffic from the "receiving" could also create traffic snarls. The traffic flow of this highway will most certainly be affected.

There will be added congestion to this "new" highway.

We have been told that there will be no crematorium, but we know that will be the next step. We have spent a whole day researching issues to go along with this permit, and from Canada to across the United States; folks do not want to live near one of these. Even though funeral home owners state that they are safe for the environment, my research did not pull up one publication that proved that fact. It is stated that fumes are to be clear, odorless and invisible, but later they all proved to be harmful. All have reported that mercury vapor is emitted from these and have had profound health effects on those living near them.

There is also the issue of no water and sewer available and that would have to be added at your expense? We don't know how that works, but we know these services are not there now. Also, how can you guarantee the disposal of the fluids from that business would not have an added determinable affect on the land. We understand special underground containers are used, but we also know that there are exceptions to everything, and leakage could be a possibility.

If you, as a commission, pass this re-zoning to allow this permit to be issued, you will take the "Golden" out of our "years". Please take our concerns under consideration and do not rezone nor issue this permit.

Sincerely,

Handwritten signature of Eddie Travis in cursive script.

Edward (Eddie) Travis

Laura (Sue) Travis