

**Minutes
Newton Planning Commission
January 29, 2013
Council Chambers
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on December 12, 2012 in the Council Chambers at City Hall.

Members

Present: Ken Simmons, Chairman
Melinda Travis
Jim Granny
Donny Setzer
Jim Smith
Stan Gabriel
Mark Stalnaker

Members

Absent:

Staff Present:

Alex Fulbright, AICP, Assistant Planning Director
Max Sigler, Planner

Item 1: Call to Order

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

Item 2: Consideration of Minutes of the December 12, 2012 Meeting

Chairman Simmons asked for consideration of the minutes of the December 12, 2012 meeting.
Chairman Simmons ruled that the minutes were approved as presented.

Item 3: Public Hearing

Rezoning #2013-01 as filed by Gateway Management.

Chairman Simmons recognized Assistant Planning Director Alex Fulbright who reviewed his memo dated January 29, 2013. The memo is as follows:

Applicant: Gateway Management

Owner(s): Joyce Little Fidler
Janice Little Harvey Family Trust

Request: The applicant is requesting the approval of a rezoning from R-20 and R-20A to PD-H, Planned Development Housing to allow for the construction of a 48-unit age restricted and affordable housing apartment complex on the site.

Summary Recommendation:

Planning Commission recommends to the City Council approval of the rezoning based on the findings contained herein and subject to any conditions of approval as found by the Planning Commission and/or City Council.

Project Setting:

Location: The subject property is located on the East side of Old Conover Startown Rd. and is bisected by AC Little Dr. (See Attached Map)

Parcel ID#: 3731-16-73-7817

Existing Zoning: R-20, Single-Family Residential
R-20A, Single-Family and Manufactured Home Residential

Land Area: 7.91 Acres

Project Description:

Staff received an application from Gateway Management for an Amendment to the Official Zoning Atlas. The request is for a 7.91 acre parcel, currently zoned Single Family Residential (SFR), to be rezoned to PD-H to allow for the construction of 48 single story, elderly apartments on the site. Photos representing similar type construction have been attached for your review.

Surrounding Land Uses:

The site is currently undeveloped and is surrounded by a range of land uses. The list of existing land uses directly adjacent to this tract are as follows:

- ❖ Single Family Residential
- ❖ Vacant (Zoned Single Family Residential)
- ❖ General Business
- ❖ Multi-Family Planned Development Housing

Excluding the adjacent uses, above, the following uses can be found within ¼ mile of the subject tract:

- ❖ Single Family Residential (“Stick Built”)
- ❖ Single Family Residential (Manufactured)
- ❖ Vacant (Zoned SFR)
- ❖ General Business
- ❖ Multi-Family Planned Development Housing

Land Use Policy Analysis:

The most recent Land Use Plan for the subject site is the 1988 *Land Development Plan*, which indicates the future land use for the tract to be Commercial. The Plan Map, Goals, and Policy Statements only indicate general land uses and recommendations, not specific uses, intensities, or development guidelines. The following Plan policy related to this proposal reads:

❖ Residential Land

1. Encourage the construction of affordable housing to attract new residents and potential employees to Newton.

The applicant has indicated that this *is* an affordable housing project, as it is projected to receive NC State and/or Federal Housing Credits and will be subject to rental guidelines, including income limitations, as specified by the respective housing agency.

The *Land Development Plan's Open Space Network Map* also shows a Greenway Path along the entirety of AC Little Drive. The proposed *Schematic Site Plan* submitted with the application shows the installation of five foot sidewalks on both sides of the street, which will serve as an adequate means of complying with the Plan document.

Zoning History:

The current single family zoning classification dates back to the 1966 Zoning Map.

In 2004, an application was submitted within proximity of the subject tract to amend a previously approved Planned Development; now known as Bradbury Apartments.

In 2010, an application was submitted by Gateway Management, which also the applicant for this request, for the subject tract to rezone the site to Planned Development Housing. The site plan was similar to the proposed site plan currently under consideration. A public hearing was scheduled and advertised as required for the March, 2010 Planning Commission Meeting; however, the applicant withdrew the application prior to the meeting. No action was taken on the application.

Zoning Analysis:

It is the intent of Planned Development districts to be established for specialized purposes where tracts, suitable in location, area and character for the uses proposed, are to be planned and developed on a unified basis. Suitability of tracts for the development proposed are determined by both reference to the adopted land development plan and from performance standards specified in the appropriate planned development category found within the Zoning Ordinance.

Planned Development district regulations offer greater public advantages through the promotion of unified planning and development, rather than through uncertain individual lot development. These regulations are designed to promote economical and efficient land use, improved level of amenities, and more creative and appropriate design. **Section 102-491** of the City Zoning Ordinance promotes and encourages development in this form; where appropriate in location and character.

The following specific requirements must be met to demonstrate appropriateness of the development's function, pattern, timing, consistency with adopted land development plan, and relationship to public and/or private facilities:

- (1) **Relation to major transportation facilities** – The proposed development does not impact any minor street associated with an existing residential neighborhood and has direct access to Old Conover Startown Rd., which is considered a Collector street.
- (2) **Relation to public utilities, facilities, and services** – Water and sewer facilities are available to the site. Stormwater management will be required for this project and the *Schematic Site Plan* shows a portion of the site set aside for those facilities. Duke Power holds exclusive corridor rights for serving this project with electric utility service.

The Fire Department has indicated the current road width (17') is inadequate for fire response, and as a result of the proposed development, the applicant will be required to widen the road to 20' in width for the entire length of the project's frontage on AC Little Drive.

The Fire Department is also requiring the applicant, as a condition of final site plan approval, to install fire hydrants adequate to meet State Fire Code requirements and standards set forth in the City's Manual of Specifications. The applicant has also indicated that the project will include a sprinkler system to all units to enhance fire protection of the facility.

- (3) **Physical character of the site; relation to surrounding property** – The tract is suitable for development in the manner proposed. Concerns regarding erosion and drainage will be addressed through the Erosion Control and Stormwater Management permitting processes. Otherwise, the topography of the site, both currently and post-development does not create hazardous conditions to persons or property on or off the tract.

Design Review:

In addition to the requirements detailed above, the submitted *Schematic Site Plan* has been reviewed and has been found to meet design criteria set forth in the ordinance. Minimum Land Area, Maximum Allowed Intensity, Site Planning, and Buffer & Screening shown on the proposed plan all align with the requirements established by **Section 102-505** of the *Zoning Ordinance*, concerning Planned Development Housing Districts.

Should Council approve this Rezoning application, a more thorough review of plan documents will be conducted by all City departments and County Building Services prior to releasing Zoning or Building permit approvals.

Transportation:

All driveway access to the development will be from AC Little Dr. AC Little Dr. is a City maintained street and therefore will not require review from NCDOT. As stated in the Zoning Analysis section, the Fire Code will require the applicant to widen the road to 20'.

5' sidewalks are also proposed on both sides of the street. Upon completion of the development, the applicant will offer right-of-way improvements to the City for acceptance and dedication.

Mr. Fulbright introduced Mr. Tommy Ward, who was representing the Applicant Gateway Management.

Mr. Ward spoke about the project. He mentioned that the project was ultimately dependent on the approval of the project's application to the North Carolina Housing Agency's tax credit program. He stated that the project would provide affordable housing to individuals that are 55 years old and older, as well as those with mobility disabilities. 15% of the 48 units would be handicap accessible. The total cost of the project is \$5.5 million. He stated that he has done similar projects in Lincoln County and he invited anyone to go visit those facilities.

Bobby Lee Bollinger, adjacent property owner asked about stormwater management on the site.

Mr. Fulbright explained that the intent would be that stormwater system would be designed so that the stormwater from the development into stormwater structures on either side of A C Little Drive; from the stormwater structures into the drainage ditches on A C Little Drive; and then to the Hildebrand Creek to the east of the site.

Mr. Ward confirmed Mr. Fulbright statement and explained that there were state and local regulations that would require stormwater management.

Chairman Simmons closed the Public Hearing and asked Planning Commission to consider the item. After some discussion, **Mark Stalnaker** made a motion to recommend that the City Council adopt the proposed ordinance as presented. **Jim Granny** seconded the motion; the vote on the motion was unanimous.

Item 4: Old Business

There was no old business.

Item 5: New Business

Item 6: Monthly Reports

Chairman Simmons recognized **Mr. Fulbright**, who reviewed the monthly report.

Item 7: Adjournment

With no further business, the meeting was adjourned.

Respectfully submitted,

Alex Fulbright, AICP
Recording Secretary