

Town of Dallas Planning Board Meeting

Agenda

Thursday, July 19, 2018

To be held at Fire Station Community Room at 7:00 pm

The following agenda is proposed:

1. Call to Order
2. Roll Call of Members Present; Declaring a quorum as present
 - a. Welcome New Members: Tim Farris and Gene Brown
3. Invocation or Moment of Silence
4. Pledge of Allegiance to the Flag
5. Announcements/Introductions
6. Approval of Agenda with Additions or Deletions
7. Approval of Minutes- June 21, 2017
8. Old Business
 - a) Fencing in Commercial Districts
9. New Business
 - a) Rezoning Application: 132232, 132233, 132246, 132231, and 132234
 - b) Possible Text Amendment: Sidewalk requirement added to Zoning Development Standards
10. Upcoming Topics
 - 1) Residential Encroachment Agreements and Driveway Permits
 - 2) Sign Regulations
 - 3) Gaming Regulations (no current applicants)
11. Adjournment

MINUTES
Town of Dallas
PLANNING BOARD

Meeting of June 25, 2018

The meeting was called to order at 7:00 PM by Chairman Curtis Wilson.

The following members were present: Curtis Wilson, Chair, Glenn Bratton, John Beaty, John O' Daly, Alternate Reid Simms

Members absent: David Jones, Eric Clemmer

Also present: Tiffany Faro, Director of Development Services, Greg Best, resident, Johnny Denton, Town Engineer

There was an invocation lead by Chairman Wilson and pledge of allegiance.

Approval of Agenda: A motion by Glenn Bratton was made and seconded by Reid Simms to approve the agenda for this meeting, with date correction to June 21, 2018, and the motion was adopted unanimously.

Approval of Minutes: A motion by Reid Simms was made and seconded by Glenn Bratton to approve the minutes with correction for the April meeting.

Old Business:

1) Fences in Residential Districts- Update

Tiffany presented details from previous discussion and summarized research relating to encroachment agreement required when Museum placed fencing on Town ROW. Board discussed if residents should be able to place fencing in ROW and if so with what conditions. Mr. Wilson suggested that since a precedent was set, if a resident wanted to agree to conditions similar to museum that they maybe should be allowed to do that. Mr. Beaty requested clarification that it would not be for existing fences, just any new fence applications. Mr. Denton added normally this is only an issue with road ROW (local or state), not all ROW- the sticking points are the possible liability if someone is hurt on fencing within ROW, as well as potentially Town utilities. Gastonia could be used as a precedent if we decide to move forward- they have one in place. Multiple Board members agreed conditions would be needed if fencing is allowed within the ROW, but each situation should be reviewed case by case. Tiffany offered to bring back a draft encroachment agreement with restrictions to protect our utilities for Board review and discussion. Tiffany also proposed preparing suggestions for commercial fencing regulation for review.

New Business:

1) Clarification and Possible Text Amendment- Minor vs. Major Subdivisions

Tiffany summarized the current processes for minor and major subdivisions, and suggested a minor text change to differentiate the 2 types and clarify our subdivision ordinance's definition. Most properties in Town have or will have community water

and sewer, so the suggestion is that #4 would be edited to read that a subdivision could be considered minor as long as no utilities gets extended and it meets all other qualifications. Town Engineer recommended adding in electric extensions to the definition. A motion was made by John Beaty to approve a text amendment for #4 of the minor subdivision definition to read: "The subdivision will not require the extension of public water, sewer, or electric utilities", and was seconded by John O'Daly. The motion passed unanimously.

2) Greg Best Subdivision

Tiffany summarized the submission of Greg Best to divide parcel #227368 into 6 lots, and noted that with the recommendation of the text amendment above, this application would be seen as a minor subdivision. Mr. Best is requesting the waiver of both curb and gutter and sidewalk in the development of these parcels. Sidewalk currently exists along Davis across the street from this parcel, and surrounding area does not currently have curb and gutter installed. Concerns were expressed relating to the safety of not having a sidewalk on both sides of a street. Several stated that curb and gutter would set it apart from surroundings a lot, but sidewalk would be a nice amenity to require. Mr. Best offered his thoughts for the waiver and shared cost concerns and potential infeasibility of the slope of the lot to allow for sidewalk. Town Engineer offered a compromise of requiring sidewalk, but then requesting 10' of additional ROW so that curb and gutter can be added at a later date if desired by Town. Sidewalk could go behind the ditch to allow for drainage to continue as in place. Additional ROW would be an asset due to truck traffic from Public Works – the street is narrow now but may be widened one day to accommodate that. Mr. O' Daly made a motion to require sidewalk, but grant the curb and gutter waiver with a 10' ROW extension to the Town. Motion seconded by Mr. Bratton, and approved unanimously.

Other Business

- a. Eric Clemmer's reappointment approved by Town Board, Gaston Co. approval pending
- b. Overview of possible upcoming topics

Other Business and Adjournment:

There being no further business Chairman Wilson asked for a motion to adjourn. Mr. Bratton moved to adjourn. The motion was seconded by Mr. Beaty. The motion to adjourn was passed unanimously.

Respectfully Submitted,

Approved:

Tiffany Faro, Development Services Director

Curtis Wilson, Chairman

TOWN OF DALLAS, NORTH CAROLINA

PLANNING BOARD AGENDA ITEM

DESCRIPTION: Fencing in Commercial Districts

AGENDA ITEM NO. 8A

MEETING DATE: 7/19/2018

BACKGROUND INFORMATION:

Currently, our ordinance addresses fencing requirements in the following areas:
General Provisions: 153.007 Supplemental Yard Regulations, 153.016 Fences in Residential Areas

Zoning Districts: 153.023 Residential Multifamily, 153.041 Extractive Industrial, 153.047 Planned Residential Developments, 153.049 Traditional Neighborhood Developments

Screening and Landscaping: 153.060 Outdoor Screening of Motor Vehicles and Used Appliances, 153.063 Screening and Landscaping

While we have many fencing regulations for residential and new developments requiring screening, we do not necessarily clarify that screening installed after a property is constructed must meet specific guidelines, ie. Located out of the ROW, fence permit, height limitations, materiality, etc.

Development Services Director has located two examples of ordinance regulations for commercial fencing for consideration of inclusion into our ordinances- one from the City of Gastonia and another from Lincolnton for further discussion.

Recommendation: Expand 153.016 to include requirements for non-residential fencing as well as fencing within residential districts.

Questions:

1. Which requirements, if any, of non-residential fencing would you like to see added to our ordinances?
2. Should there be any differences in fencing between different zoning districts?

BOARD ACTION TAKEN:

NEXT STEPS:

Non-Residential Fencing Ordinance References

153.007 SUPPLEMENTAL YARD REGULATIONS

(D) (2) Subject to the provisions of § 153.012, necessary retaining wall, **fences** less than four feet high and **fences** less than six feet high when located in a rear yard, shall be exempt from the yard requirements of this chapter. No **fence** more than four feet in height shall be permitted in a front yard. On a corner lot no fence more than four feet in height shall be located within any yard required along a street line by any other provision of this chapter. The height of any fence located within a yard abutting a street line shall be measured from the sidewalk; and if there be no sidewalk or curb, from the center line of the street. All other fence heights shall be measured from natural grade.

153.013 DEVELOPMENT STANDARDS

(17) (b) Outdoor storage areas must be maintained to prevent the spillover of stored materials on abutting land or public rights-of-way, preserve the safety of pedestrians on adjoining sidewalks, prevent fire hazards, prevent the threat of breeding places for rats and vermin, prevent the possible uses of such yards as hiding places for criminal activity, and to eliminate the attraction of materials stored within to playing children. The storage area shall be **fenced** with a strong, secure, visually impenetrable **fence** of suitable materials of a least six feet in height.

153.041 EXRACTIVE INDUSTRIAL

(C) Required **fencing**. The quarry area being excavated shall be entirely enclosed within a **fence**, referred to in the trade as a non-climbable **fence**. The **fence** shall be a minimum of six feet in height, of a wire mesh, rectangular shape, the size of such rectangle not to exceed two inches by four inches, and is to be located a minimum of ten feet back from the edge of the excavated area.

153.060 OUTDOOR SCREENING OF MOTOR VEHICLES AND USED APPLIANCES.

The outdoor storage of any motor vehicles or used appliances shall be screened from the public street and from any adjoining lots by a chain link **fence** at least five feet in height, and by a row of hedge or other natural planting of comparable opacity planted at an initial height of at least three feet and of such variety that an average height of six feet can be expected by normal growth within four years from the time of the initial planting or by a durable masonry wall or other privacy **fence** at least five feet in height, designed to be compatible with the adjoining property or would spread disease. All plant material must conform to the guidelines set forth in the 1959 edition of American Standard for Nursery Stock, published by the American Association of Nurserymen, Inc., including any subsequent amendments thereto or revisions or editions thereof.

153.063 SCREENING AND LANDSCAPING

The intent of these screening requirements shall be to separate certain zoning districts from other zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy. Any screening required under this section shall materially screen the subject use between the ground level and the height of the required screening from the view of the adjoining property.

Non-Residential Fencing Ordinance References

(C) Specifications for screening.

(1) (a) The area used for screening shall be free of all encroachment by structures, parking areas or other impervious surfaces except driveways connecting the lot to ingress and egress points, mailboxes, boundary fences and any walls or fences to be included as part of the screen area. Except as required for division(A)(3) above, the amount and type of screen materials to be planted per 100 linear feet shall be as indicated in Figure 5.

1. Wall or Fences . Any wall shall be constructed in a durable fashion with a finish surface of wood, brick, stone, or other decorative material approved by the Zoning Enforcement Officer. **Fences** shall be constructed of wood in a durable fashion and of durable, weather resistant wood fencing materials and of consistent pattern or of other decorative opaque material which is approved by the Zoning Enforcement Officer. No wall or **fence** used for screening purposes shall be less than six feet nor greater than eight in height above grade. All wall or fences used for screen purposes shall be opaque. Walls and fences shall be constructed in accordance with division (F) below.

(F) Screen construction and installation maintenance.

(1) The plantings, **fences** , walls, or berms that constitute a required screen shall be properly installed and maintained in order for the screen to fulfill the purpose for which it is established.

(2) Walls, **fences** , and berms shall be constructed in a durable and attractive fashion in accordance with any applicable codes and generally accepted construction and workmanship practices and meet all specifications herein.

(3) The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy and orderly in appearance, and to keep walls, **fences** , and berms in good repair and neat appearance. Any vegetation that constitutes part of a screen shall be replaced by the property owner in the event that it dies. All screen materials shall be protected from damage by erosion, motor vehicles or pedestrians,

FENCES AND WALLS

Fences and walls are permitted in all zoning districts in the City of Lincolnton and the City's Extra Territorial Jurisdiction (ETJ) subject to the following regulations:

In Residential and Office/Institutional districts:

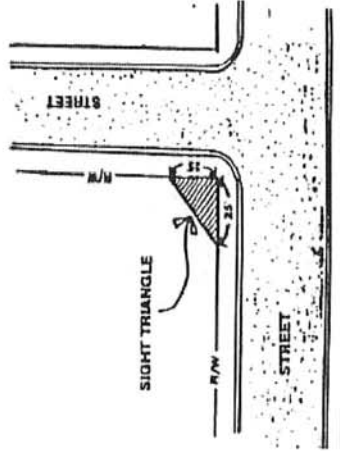
- Fences and walls located within required setback areas (required front, side or rear yard) may not exceed 6 feet in height except when the fence or wall is installed in order to satisfy screening requirements of the zoning regulations.
- No electrical fences are permitted.

In NB, CB, CBT, GB, PB and GMC districts:

- Fences and walls may not exceed 12 feet in height with the exception of jails and penal institutions where the wall or fence is installed behind the required setbacks.
- No electrical fences are permitted.

In All Zoning Districts Other Than CB and CBT:

On a corner lot in any zoning district, other than CB and CBT no fence or wall or other obstruction to vision more than 2½ feet in height may be placed or maintained in the sight distance triangle.



Other considerations prior to installation of your fence or wall:

- The City does not require zoning approval or a zoning permit to install a fence. However, prior to installation, you need to ensure that the fence is located entirely on your own property and not on any right-of-way, utility easement or on an adjoining property.
- Fences can be placed on the property line. You should check your boundary survey to determine the property line and the location of any utility easements and rights-of-way.

Phone: 704-736-8930

Web site:

www.ci.lincolnton.nc.us

9.4.2 - ALL OTHER DISTRICTS

- A. Within all required setbacks the maximum height of a fence or wall shall be 12 feet except as provided in Subsection C.
- B. No electrical fences except livestock protection fences shall be permitted.
- C. Any fence or wall constructed within a sight distance triangle must conform to the regulations contained in Section 9.7.
- D. No fence or wall shall be constructed within a general drainage or utility easement which will block or materially impede the flow of stormwater runoff.
- E. Any fence or wall serving as a retaining wall shall be solid cement, masonry or wood and constructed to the standards of the City of Gastonia.
- F. Any fence or wall constructed within the CBD zoning district must conform to the regulations contained in Section 7.11.H.7. *Central business district*
- G. Any fence or wall constructed within the UMU zoning district must conform to the regulations contained in Section 7.12.H.7. *Urban mixed use*

(Ord. No. 14-632, § 11, 8-19-14)

TOWN OF DALLAS, NORTH CAROLINA

PLANNING BOARD AGENDA ITEM

DESCRIPTION: Rezoning Application- parcels on Walnut and W Trade

AGENDA ITEM NO. 9A

MEETING DATE: 7/19/2018

BACKGROUND INFORMATION:

Mr. Joseph Pearson, on behalf of property owners Tara Patton Gilmore, Patricia Patton Empson, Frank Matthew Hough III, and Marilyn Hough Brooks, has submitted a rezoning application request for parcels 123234, 132233, 132232, 132231, and 132246.

Four properties are currently zoned R-12 (123234, 132233, 132232, 132231) and one is zoned OI-1 (132246) . Mr. Pearson intends to purchase the properties if rezoning of the lots is successful, but does not yet have a specific use in mind. He is requesting to rezone the lots to B3-P to allow for maximum marketability for development.

The proposed zone of B3-P is in alignment with our Future Land Use Plan for neighborhood and community business at this location.

BOARD ACTION TAKEN:

NEXT STEPS:

TOWN OF DALLAS
REZONING APPLICATION

Location of Property: WALNUT and ^W Trade St

Lot Size: 2 acres Current Zone/ Use: R-12/ O-I1 Parcel ID# 132234, 132233, 132232, 132231, 132246

Name of Owner: <u>see attached</u>
Address of Owner: <u>↓</u>
Owner Phone #: <u>↓</u> Email: _____

The undersigned hereby respectfully requests that the Dallas Planning Board, pursuant to the provisions of the Dallas Zoning Code, Article VII, and in compliance with NCGS 160A-387, recommend to the Dallas Board of Aldermen, a Zoning Classification change from

R-12 & O-I1 to B-3P On the following described property:

5 parcels: 710 W Trade, 708 W Trade, 206 North St, 706 W Trade, & W Trade, FURTHER IDENTIFIED AS PARCEL ID # 132234, 132233, 132232, 132231, 132246

I certify that all the information provided in this application is accurate to the best of my knowledge, information and belief.

[Signature]
Signature of applicant

7-9-18
Date

[Signature]
Development Services Director

7/9/18
Date

Rezoning Application Fee is \$500 (includes advertising costs).
Checks to be made payable to the Town of Dallas.

Owner of Property

Gilmore, Tara Patton, Patricia Patton Empson

Owner's Address

10804 Partridge Cross Lane, Charlotte, NC 28214

Street Address of Property

Trade Street

Area Size of Property .34 and .19 acres

132232/132233

Tax Map Number

in Town in ETJ

Current Zoning Designation

R-12

Current Use of Property

Single Family Residential

Requested Change in Zoning Designation

B-3P

Site served by Municipal Water Yes

✓

No

Site served by Municipal Sewer Yes

✓

No

Petitioner must attached (on a separate sheet) the names of the owners, current mailing addresses, and tax parcel numbers of ALL adjoining properties including properties across any streets/roads.

We/I certify that all information provided in this application is accurate to the best of our/my knowledge, information, and belief. Furthermore, by signing this request, we/I agree to pay for advertising costs associated with this petition. We/I understand that this petition must be completed in full and the required fee paid for acceptance.

Joseph Pearson
Signature of Applicant

July 9, 2018
Date

Fee: \$ 500.00 plus advertising costs.

Tara Patton Gilmore / Patricia Patton Empson
Gilmore Tara Patton / Patricia Patton Empson

OFFICE USE ONLY

Accepted as complete: _____ Date _____

Action:

On _____ the Planning Board recommended that this petition be: Approved Denied

On _____ the Board of Aldermen held a Public Hearing concerning this request. By vote of the Board they: Approved Denied

JPearson @ pearsonproperties.net

Owner of Property Frank Matthew Hough III and Marilyn Hough Brooks

Owner's Address 208 North Lane Road, Mount Holly, NC 28120

706 and 710 W. Trade Street and 206 North Street

Street Address of Property 132246/132231/132234 Area Size of Property .68/.53/.27 acres

Tax Map Number _____ in Town in ETJ

132246- O/I-1

Current Zoning Designation Others-R-12 Current Use of Property Single Family Residential

Requested Change in Zoning Designation B-3P

Site served by Municipal Water Yes No _____

Site served by Municipal Sewer Yes No _____

Petitioner must attached (on a separate sheet) the names of the owners, current mailing addresses, and tax parcel numbers of ALL adjoining properties including properties across any streets/roads.

We/I certify that all information provided in this application is accurate to the best of our/my knowledge, information, and belief. Furthermore, by signing this request, we/I agree to pay for advertising costs associated with this petition. We/I understand that this petition must be completed in full and the required fee paid for acceptance.

Joseph D. Purvot
Signature of Applicant

July 9, 2018
Date

Frank M. Hough III
Frank M. Hough III

Marilyn H. Brooks
Marilyn H. Brooks

Fee: \$ 500.00 plus advertising costs.

OFFICE USE ONLY

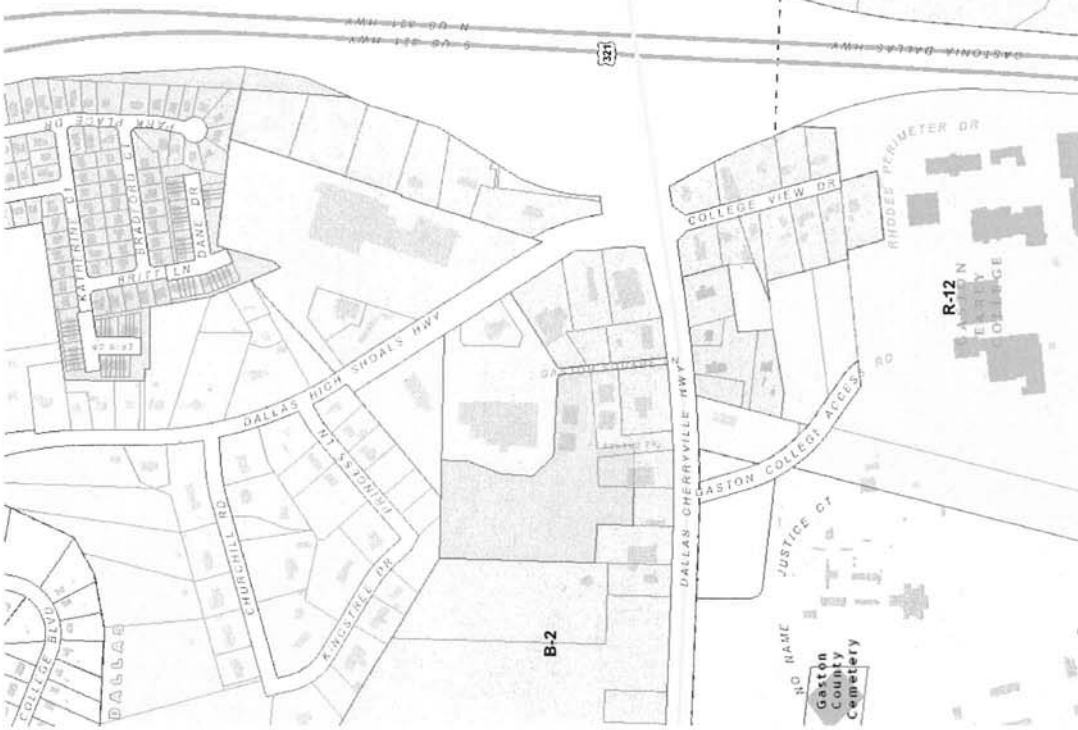
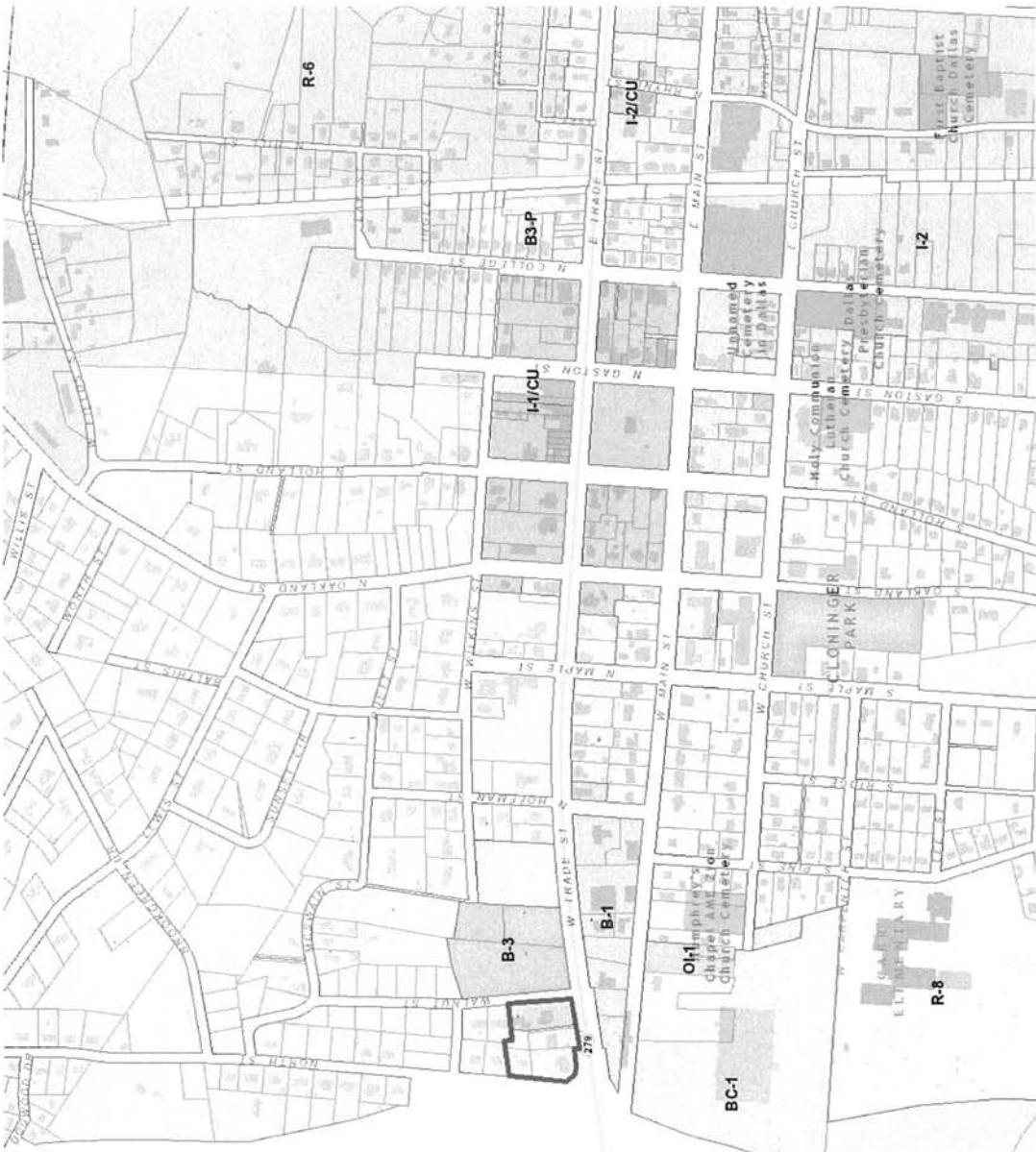
Accepted as complete: _____ Date _____

Action:

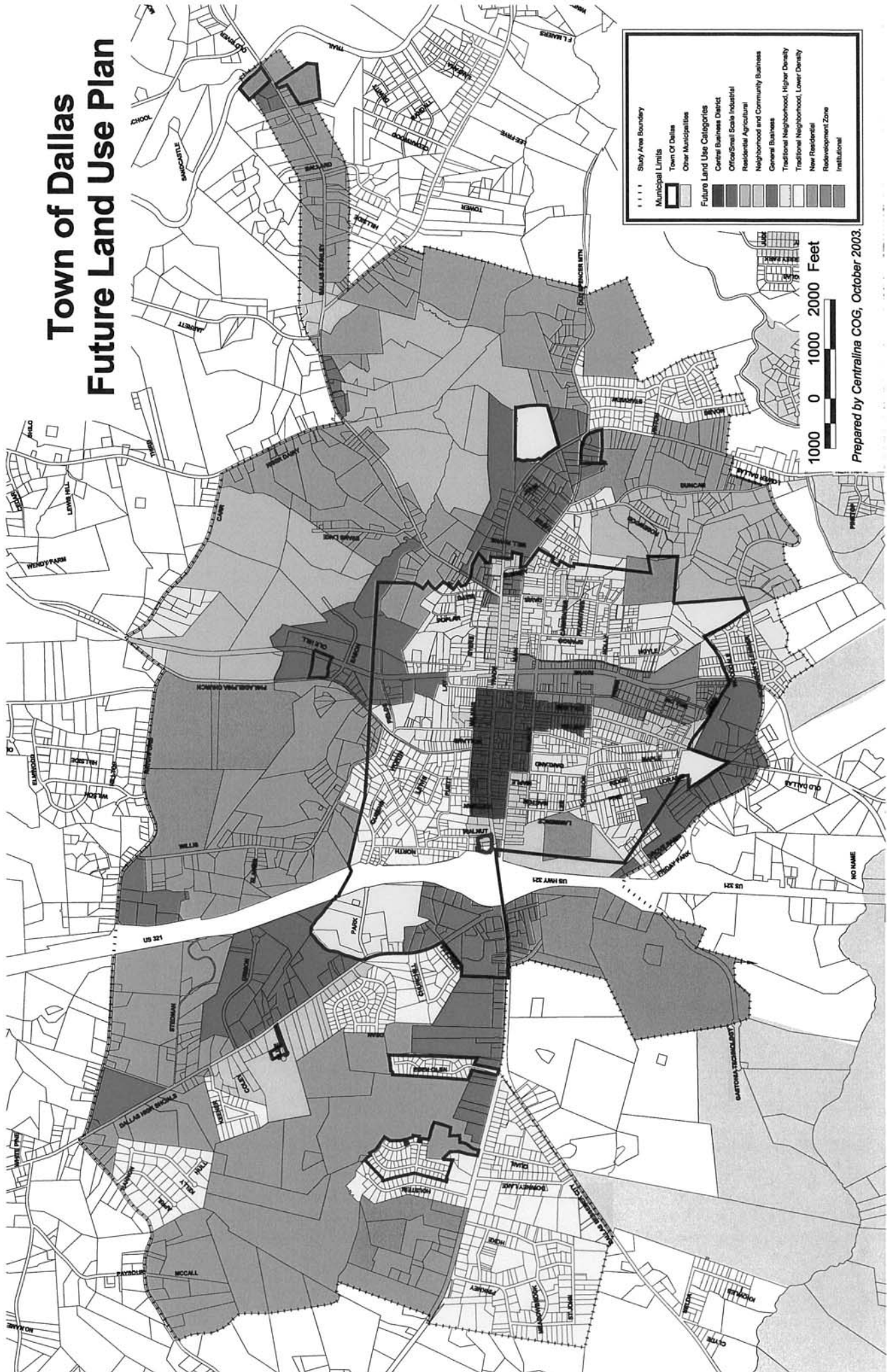
On _____ the Planning Board recommended that this petition be: Approved
Denied

On _____ the Board of Aldermen held a Public Hearing concerning this request. By vote of the Board they: Approved Denied





Town of Dallas Future Land Use Plan



Study Area Boundary
 - - - - -

Municipal Limits
 Town Of Dallas (thick solid line)
 Other Municipalities (thin solid line)

Future Land Use Categories

- General Business District
- Office/Small Scale Industrial
- Residential Agricultural
- Neighborhood and Community Business
- General Business
- Traditional Neighborhood, Higher Density
- Traditional Neighborhood, Lower Density
- New Residential
- Redevelopment Zone
- Institutional



Prepared by Centralina COG, October 2003.

TOWN OF DALLAS, NORTH CAROLINA

PLANNING BOARD AGENDA ITEM

DESCRIPTION: Possible Text Amendment: Sidewalk to Zoning Development Standards

AGENDA ITEM NO. 9B

MEETING DATE: 7/19/2018

BACKGROUND INFORMATION:

Installation of sidewalks by developers has until now been triggered by our subdivision ordinance 152.074 (H):

- (1) Sidewalks may be required along both sides of streets in subdivisions.
- (2) Sidewalks shall be required in order to promote the free flow of vehicular traffic and to provide safety to pedestrians.
- (3) Sidewalks shall be constructed within the street right-of-way and installed in accordance with town specifications and standards.

In some instances, development occurs without the need for the subdivision of a lot or lots. Our current Zoning Development Standards as outlined in 153.013 do not require developers to install sidewalks along street frontage (in the event they do not currently exist).

(D) (9) *Sidewalks*. The proposed location and design of sidewalks, as required by this Code, shall be included as part of the site plan(s).

Questions:

1. Does the Board recommend a text amendment to adopt the subdivision requirements of 152.074(H) as part of all development standards as part of 153.013 (D) (9)?

BOARD ACTION TAKEN:

NEXT STEPS: