



## **PLANNING BOARD MINUTES NOVEMBER 14, 2022 7 pm**

**In Attendance:** Chair Susan Drake, Board Members Tom Appenzeller, Nancie Mandeville, Tracy Stancill, and Rusty Johnson

**Staff:** Ann Sutton, Town Clerk and Planning Administrator Jonathan Wells

**Call To Order:** The meeting was called to order by Chair Susan Drake.

**Invocation and Pledge:** The invocation was given by Board Member Johnson. All recited the Pledge of Allegiance.

### **Consent Agenda:**

A motion was made by Board Member Johnson to approve the August 8, 2022, minutes.

Board Member Mandeville seconded the motion. All ayes.

The October 10, 2022 meeting minutes were tabled until the next meeting. The motion was made by Board Member Johnson and seconded by Board Member Stancill. All ayes.

**Rezoning Text Amendment RZA22-04 "Murals" (application accompanies agenda):** Planning Administrator Wells said he is proposing there be text in the Development Ordinance for the Mural Ordinance. Mr. Wells presented the text amendment application. Therefore, he made suggested changes to the Mural Ordinance based on the comments from the October 10, 2022 meeting. Mr. Wells presented the changes in a paper document of the previous Mural Ordinance with the suggested changes (see attached). Planning Administrator Wells mentioned that he did speak with the Town Board at the November 7<sup>th</sup> meeting to brief them on the changes that may be coming to them for approval. Mr. Wells would like for the Planning Board to review and agree on the revised Mural Ordinance in December. He would then bring the results to the Town Board in January. A Public Hearing will be held at the January 3, 2023, Town Board Meeting for comments. Mr. Wells also added the consistency statement to be used for approval of the Mural Ordinance.

Board Member Johnson questioned the definition of a "Sign Mural". He asked if the second sentence should be stricken out, "The images contained in a Mural should depict messages of civic, geographic or historic significance or tasteful abstract design and shall not contain images or messages that may be construed as lewd, obscene, profane or controversial." Board Member Johnson said that this sentence is expressed in the "Requirements". It was decided to simplify the murals' definition to include "should depict messages of civic, geographic or historic significance or tasteful abstract design", but remove "images or messages that may be construed as lewd, obscene, profane or controversial". These

adjectives will be added as more descriptions of what is appropriate to the Requirements.

Board Member Mandeville asked who would determine if something was controversial. Town Administrator Wells said that it is proposed that it would be the Town Council as the requirements recommended.

Board Member Johnson asked who would create the application. Mr. Wells said he would typically do that.

Board Member Johnson asked where the fee would show in the Fee Schedule. Planning Administrator Wells said it will show in the Sign category with a fee for the application.

Board Member Stancill asked if a picture was required of the artwork before the painting. Planning Administrator Wells said that could apply to the entire ordinance. If he sees that something has been done outside of the ordinance, the applicant can be fined. Chair Drake said the applicant could be warned up-front that there would be a penalty if the mural was different from the application for approval. Also, she mentioned agreements could be made with the owners or artists concerning up-keep of the mural.

**Discussion Mobile Vendor Text Amendment Update:** Planning Administrator Wells said not much had changed in the text amendment since the October meeting. He and Lakesha Medlin had spent many hours reviewing the chapter on Special Events and Temporary Buildings. Planning Administrator Wells feels there needs to be a separate place in the Mobile Vendor text to put language in to make the Special Events and Temporary Building more understandable. Community and Event Coordinator Medlin is working on designing event application forms.

Board Member Johnson asked if the text amendments would be ready at the next meeting. Planning Administrator Wells felt time needed to be taken to create a solid document. This time of year is a good time to structure the amendment so everything is clear.

**Official Zoning Map Update and Discussion:** Planning Administrator Wells has been working with Union County GIS Department and is pleased with how well they work together. Mr. Wells added graphics to the handouts to help the Board understand parts of the discussion.

On the graphic maps there are three areas that need the Planning Boards' attention. Planning Administrator Wells showed several town maps, but only one was the official map with appropriate signatures on the map. This map is from February 1, 2016. There are three areas on the map that were not included on the official map. The three parcels have no zoning classification on them. Mr. Wells asked Union County GIS to temporarily color those parcels with the same zoning classification as the adjacent parcels for illustration purposes. Union County was asked not to share the maps with anyone as they are not accurate. Planning Administrator Wells said that the Town Board must apply a zoning classification to the parcels. The parcels are #02320005, 02083017A, and 02318018.

Chair Drake felt the Planning Board had discussed this at one time. But, she could not remember if anything was done about them. Board Member Mandeville asked if these parcels were pulled up in GIS, is there any zoning attached to them. Mr. Wells said no. The

zoning files were never given to the county prior to now. If there is no zoning on the property, the owner technically can do anything on the property. We have no authority over the property.

Mr. Wells said we need to treat these properties as three separate map amendments. Planning Administrator Wells will need to contact the owners of these properties to let them know what happened. And, he will let the owners know the town is in the process of zoning these parcels.

Chair Drake said that the Main Street Periphery Zoning Map of March 11, 2019, is correct for the areas with the Main Street Periphery Zoning attached. March 12, 2019, and October 31, 2022 are not legal maps.

Board Member Mandeville asked what the Planning Board needed to do to move the amendments forward. Planning Administrator Wells reminded all that the maps before them were for informational use only. Moving forward, map amendments will need to be done. Board Member Johnson asked if that could be done in December. Planning Administrator Wells said that January would be a better time to work on the amendments.

Board Member Appenzeller asked if everything else on the October, 2022 map were correct. Mr. Wells said yes, except for the three parcels, everything else is correct from a zoning point.

Chair Drake asked if Mr. Wells will come back in January for us to approve the zoning of the parcels. Planning Administrator Wells said he needs to have a single community meeting in January concerning the three parcels. Community meetings are required for map amendments. There will also need to be a Public Hearing. Planning Board is not required to attend the Community Meeting.

Board Member Stancill asked why the error in the coloring of the map could not be admitted especially when the intent was to have the three parcels zoned like the adjoining parcels. Mr. Wells said the 2016 map was approved, with the three properties not being zoned.

Board Member Johnson asked about the Green Street zoning issue and if we could do the amendments of the three properties and Green Street at the same time. Mr. Wells would rather work on Green Street separately.

Chair Drake mentioned the 2035 Plan with respect to the Green Street property zoning. Planning Administrator Wells said that the 2035 Plan should ideally be reviewed every three years. Chair Drake felt the Town Council might not have the cost available in its budget to review. She suggested the 2035 Plan be reviewed in sections, with the core of the plan looked at first by the Planning Board. This can be discussed a little further along. Chair Drake said that we may need to have a joint session with the Town Council to hear what they are thinking of for future changes in the town.

**Other:** Planning Administrator Wells said that he has been approached by a woman, who has a Bona Fide Farm in the ETJ. She would like to subdivide it to have a small parcel cut out of it. She brought in all her paperwork to prove she had a Bona Fide Farm. Mr. Wells spoke with the county, and yes, she is a Bona Fide Farm. Therefore, she can subdivide the property to

break out a smaller parcel.

**Public Comments:** There were no public comments.

**Adjournment:** Board Member Johnson made the motion to adjourn the meeting. Board Member Stancill seconded this. All ayes. 8:49 pm