

**CITY OF KINGS MOUNTAIN
PLANNING & ZONING BOARD MEETING
TUESDAY, JANUARY 11, 2022 5:30 pm
CITY COUNCIL CHAMBERS**

1- **Call to order**

2- **Invocation**

3- **Pledge of Allegiance**

4- **Welcome**

5- **Roll Call**

Attendees: Chairman Doug Lawing, Donald Adkins, Joseph Allen, Renee Bost, Clinton Bouldin, Bobby Elliot, Ronnie Franks, Ron Humphries, Chris Jolly, Todd Wilson, and Kyle Yarbro

Staff: Kassie Bowen, Brian Finnegan, Stuart Gilbert, Kimberly Herndon

6- **Approval of the December 7th minutes**

Motion to approve the December 7th minutes

Motion:

Approve Deny

Second:

7- **Adoption of the Agenda**

Motion:

Approve Deny

Second:

8- **Installation of 2022 Officers**

A. Installation of Chairman, Vice Chairman, and Secretary; swearing in by City Clerk.

9- **New Business**

A. **MJS-21-3 Hoyles Road Subdivision; Parcel 62675, Owner Michael Thornburg, Applicant Josh Butler (Gateway Design)**

1. Staff Report
2. Board Discussion
3. Motion to approve or deny the construction of the subdivision

Motion:

Approve Deny

Second:

4. Motion to send approval/ denial to City Council

Motion:

Approve Deny

Second:

10- **Motion to Adjourn**

Motion:

Approve Deny

Second:

11- **Meeting Adjourned**

**CITY OF KINGS MOUNTAIN
PLANNING & ZONING BOARD MEETING
TUESDAY, OCTOBER 12, 2021 5:30 pm
CITY COUNCIL CHAMBERS
MINUTES**

The meeting was called to order at 5:30PM. Todd Wilson lead the invocation. The Pledge of Allegiance was recited by everyone in attendance, and Chairman Lawing called role:

Present: Chairman Doug Lawing, Ron Humphries, Renee Bost, Ronnie Franks, Joseph Allen, Bobby Elliot, Todd Wilson, and Kyle Yarbrow, Chris Jolly, Clint Bouldin

Absent: Donald Adkins

Staff present: Stuart Gilbert, Kimberly Herndon, Brian Finnegan, Kassie Bowen

The minutes for the previous meeting on September 14th was approved simultaneously in one motion, made by Ron Humphries, seconded by Bobby Elliott. The vote was unanimous.

Chairman Doug Lawing entertained a motion to approve the current agenda. A motion was made by Ronnie Franks. Joseph Allen seconded the motion. The motion passed unanimously.

Kimberly Herndon gave a staff report on the Comprehensive Plan and the Development Guidebook. She explained that data for two sections of the plan is typed, but all of the information is only in text at the moment. Kimberly plans to add pictures to the plan before presenting it. She also mentioned that the software used for the UDO, ENCode, now offers a way to use the service for comprehensive plans as well. She is inquiring about the cost of the additional service, if there is any cost.

Kimberly explained to the Board that the City is now in the soft live phase of using the OpenGov software.

Kimberly explained to the Board that she had been researching census data for the Comprehensive Plan and reported on her findings of population changes in Kings Mountain.

Ron Humphries asked Kimberly if she knew or could find the population of the ETJ in Kings Mountain. Kimberly explained that the population information could be found in census data. Kimberly also added that the GIS contractor for the City was working on implementing census data into the City's mapping software.

Case Z 19-8-21 Conventional Rezoning for Century Communities Southeast, LLC

Stuart Gilbert advised the Board that the case was presented to them last month, but wasn't sent to City Council due to the lack of advertising the case. Stuart explained that it wasn't necessary to entertain and approve a motion for the case because the motion was entertained and accepted unanimously the previous month.

Chairman Doug Lawing agreed that the case didn't need to have a motion.

Case Z 15-6-21 Conditional District Rezoning for Clovis Point, Parcel #11912

Stuart explained that the application was submitted in June and since the new UDO didn't go into effect until July, the developer decided to meet the old ordinance instead of following the guidelines of the new ordinance. Stuart explained what a conditional district is and how it is implemented. He explained that the property is located on Kings Mountain Boulevard and stated all of the properties surrounding the property.

Colton Harrell presented the proposed subdivision. He informed the Board of the details and conditions of the property. Colton explained that he and Dean were working with Chief Harmon on how the entrances of the subdivision needed to be placed. Colton also went over the setbacks for the lots and the amenities that are proposed for the subdivision. He also went through a PowerPoint that was put together to present to the community at the developers' community meeting.

Ron Humphries asked Colton if they had a joint use agreement for the south entrance road. Colton explained that the road is a public road.

Stuart Gilbert addressed the court again and discussed the conditions of the subdivision more elaborately. He addressed the setbacks and concerns of the setbacks within the City staff. Stuart also explained that there was an issue with the number of entrances into the subdivision and the distance between the entrances. The Fire Chief for Kings Mountain, Tommy Harmon, was in the process of finding the information on the subject.

Stuart stated that the Harrell's had a community meeting for the project, since they were using the Ordinance that was in effect before July of 2021. He stated that the minutes of the meeting and the PowerPoint presentation that was prepared for the meeting, were all included in the packet for the Planning and Zoning Board meeting.

Chairman Doug Lawing asked staff and the developers what the square footage of the proposed houses was going to be since the square footage stated on the conditions sheet and the square footage in the PowerPoint presentation was different. Dean Harrell responded by stating that the proposed square footage of the homes was going to be 1800sf to 2200sf.

Kimberly asked the developers if the front setback on all lots was 20 feet. Colton told her that yes, the front setback is 20 feet and the corner yard setback is 10 feet. Kimberly asked if they

could meet the site triangle with the setbacks in place. Dean stated that they could and that he could provide an example. Kimberly explained that the 5 foot side yard meets fire code and is accepted in a conditional district, but Kimberly stated that she was concerned about there being a storm water utility easement between the lots. Dean explained that if there is a storm water easement between the properties, he's willing to make the necessary changes to the lots to compensate for that easement.

Ron Humphries explained that the property does include a floodplain at the back side of the site and asked that Dean take the floodplain seriously. Dean told him that they were planning to meet or exceed the requirements for the floodplain and storm water implementations.

A Board member asked Dean if they were having a traffic study conducted for the site and Dean replied that the traffic engineers were using the data from the traffic analysis conducted for Cannon 35, except the data was sorted and filtered to meet the necessary needs of the community for the subject project.

Stuart explained that the Consistency and Reasonableness Statements were placed on the desks for the Board members.

Chairman Doug Lawing mentioned to the Planning and Zoning staff that he would like for the title of the cases in the agenda to include what the zoning of the subject property currently was and what the owner would like to rezone the property to be.

Ron Humphries asked the developer and staff why the property was wanting to be zoned using the old UDO names. Staff explained that in the new UDO, there isn't a conditional district zoning class.

Kimberly explained that by using the Conditional District zoning class, the developer is allowed to choose the conditions of the property, so long as the conditions are approved by The City. When the new UDO was being created, the zoning class of Conditional District was not implemented. The Conditional District zoning will no longer be used under the new UDO.

The motion to approve the rezoning was made by Renee Bost, seconded by Clinton Bouldin and unanimously approved.

Consistency Statement For:

PLANNING & ZONING BOARD'S STATEMENT FAVORING THE CHANGE FROM RESIDENTIAL OFFICE (RO) TO CONDITIONAL DISTRICT RESIDENTIAL RS-6

The proposed area to be rezoned is located on Kings Mountain Boulevard. It is in in the city limits, located approximately 0.5 mi. south of the intersection of Kings Mountain Boulevard and Shelby Road (Business 74). The parcel is surrounded by residential property on all sides: Suburban Residential (SR) to the north and east, SR and a Conditional Use Residential R-6 to

the south, and SR along with Residential RS-8 to the west. There is a developed neighborhood adjacent to the property to the north, and when Beason Creek is completed there will be developed residential to the west and south. The southern border of the property is adjacent to a multi-family community. Given the surrounding developments, the proposal of the Clovis Point subdivision will be harmonious with adjacent properties, and would remain consistent with the growth and interest to the surrounding area. Given the consistency with adjacent developments, it would be reasonable to grant the rezoning to a conditional district residential zone.

The motion to recommend the rezoning request to City Council was made by Ron Humphries, seconded by Bobby Elliott and unanimously approved.

The motion to adjourn the meeting was made by Ronnie Franks, seconded by Todd Wilson and unanimously approved.

The meeting was adjourned.

Doug Lawing, Chairman

Kassie Bowen, Secretary