



**TOWN OF GRANITE QUARRY  
PLANNING BOARD  
REGULAR MEETING AGENDA  
May 3, 2021 6:00 p.m.**

- |   |  |
|---|--|
| <b>Call to Order</b>  | <b>Chairman Luhrs</b>                        |
| <b>Determination of Quorum</b>                                | <b>Chairman Luhrs</b>                        |
| <b>1. Approval of Agenda</b>                                  | <b>Board</b>                                 |
| <b>2. Approval of Minutes</b>                                 | <b>April 5, 2021 Regular Monthly Meeting</b> |
| <b>New Business</b>   |  |
| <b>3. Membership Update</b>                                   | <b>Clerk Smith</b>                           |
| <b>4. UDO Text Amendment – ZBA Membership</b>                 | <b>Planner Blount</b>                        |
| <b>5. Proposed State Legislation Revisions</b>                | <b>Discussion Only</b>                       |
| <b>A. Regulating Trees S367</b>                               |  |
| <b>B. Single-family zoning HB401</b>                          |  |
| <b>C. Principle of regulation “in favor of free land use”</b> |  |
| <b>Old Business</b>   | <b>None</b>                                  |
| <b>Adjourn</b>  |  |

**Agenda Item Summary**  
Regular Monthly Meeting  
May 3, 2021  
Agenda Item 1

Summary

The Board may discuss, add, or delete items from the agenda.

Action Requested

***Motion to adopt the agenda (as presented / as amended).***

**Approval of Agenda**

Motion Made By:

\_\_\_\_\_

Second By:

\_\_\_\_\_

For:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
- 

Against:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
-

**Agenda Item Summary**  
Regular Monthly Meeting  
May 3, 2021  
Agenda Item 2

Summary

Draft minutes from the April 5, 2021 Regular Monthly Meeting are attached for your review.

Action Requested

***Motion to approve the April 5, 2021 Regular Monthly Meeting minutes (as presented / as amended).***

**Approval of Minutes**

Motion Made By:

\_\_\_\_\_

Second By:

\_\_\_\_\_

For:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
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Against:

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- Dolores Shannon (A)
- Jim King (A)
-



**TOWN OF GRANITE QUARRY  
PLANNING BOARD  
REGULAR MEETING MINUTES  
April 5, 2021 6:00 p.m.**

**Present:** Chair Richard Luhrs, Vice Chair Michelle Reid, Joe Hudson, Mike Brinkley, Jared Mathis, Jerry Holshouser, Ronald Jacobs, David Morris

**Not Present:** Dolores Shannon (A), Jim King (A)

**Staff:** Town Planner Steve Blount, Town Clerk Aubrey Smith

**Call to Order:** Chairman Luhrs called the Planning Board meeting to order at 6:00 p.m.

**Determination of Quorum:** Chairman Luhrs verified there was a quorum present.

**1. Approval of Agenda**

**ACTION:** Mr. Hudson made a motion to adopt the agenda as presented. Mr. Brinkley seconded the motion. The motion passed 6-0.

**2. Approval of Minutes**

**ACTION:** Mr. Brinkley made a motion to approve the minutes from the March 1, 2021 Regular Monthly Meeting as presented. Mr. Mathis seconded the motion. The motion passed 6-0.

**New Business**

**3. Stormwater System Appearance Standards**

*Mr. Morris joined the meeting at 6:02 p.m.*

Planner Blount reviewed his presentation on the stormwater system appearance standards and recommended a text amendment to the UDO to add language for landscaping standards as shown below. He stated this was the first step in a complex process.

There was Board discussion that included questions on how far staff had looked into other stormwater options. Planner Blount responded options were still being explored. Concerns were stated regarding stagnation and overall upkeep. Planner Blount stated how to manage would be addressed in later steps.

Staff requested a motion to recommend the addition of landscaping text to UDO Section 10.3.

*Section 10.3.7- Landscaping of Best Management Practices (BMPs)*

- 1. Adequate landscaping shall be provided around and as a part of all post construction stormwater management BMPs to help them blend into or be complimentary to their surroundings. Landscaping shall include decorative grasses, shrubs, trees, berms, walls, etc.*
- 2. A landscaping plan shall be submitted for approval during the engineering drawing review phase of development, and final landscaping shall be completed prior to occupation of the project.*

*Landscaping design shall be based on the guidelines found in Chapter 8 of the UDO but shall be customized as needed based on the location of the property in relation to major roads and highways and the location of the BMPs on the site.*

3. *A four-foot-tall painted metal fence with a locking gate(s) shall be provided around the perimeter of wet or dry collection and settlement ponds for security and safety.*
4. *Maintenance of the BMPs shall include mowing, trimming, pruning, etc. on a regular schedule as required to maintain the landscaping's original appearance. Components of the landscaping shall be replaced if found to be diseased or dead. Any damage to the landscaping caused during maintenance or repair of BMPs shall be repaired to its original state.*

**ACTION:** Mr. Brinkley made a motion to approve. Mr. Jacobs seconded the motion. The motion passed 7-0.

**4. Industrial Park Outdoor Storage Regulations**

Planner Blount reviewed his presentation on industrial park outdoor storage regulations and recommended a text amendment to the UDO. His presentation included the location and topography of the current industrial park and its unique requirements.

Staff requested a motion to recommend adoption of text amendments as presented.

*Suggested Text Amendment*

1. *Add line to Table of Uses in Chapter 3 after, "Outdoor Storage (associated with permitted non-residential use)" as follows:*

**Table of Uses**

<b>Other Uses</b>	<b>RR</b>	<b>RL</b>	<b>RM</b>	<b>RH</b>	<b>OI</b>	<b>NB</b>	<b>CB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>	<b>SR</b>
<i>Outdoor Storage-Industrial Park (associated with permitted non-residential use)</i>									X	X	4.10.3

2. *Revise Section 4.10.3 adding Item C as follows:*

**4.10.3 Outdoor Storage (non-residential)**

- A. *All outdoor storage shall be located in the rear yard only.*
- B. *All outdoor storage shall be screened from view of the street with minimum five (5) foot Type A buffer in accordance with Sections 8.2.1 and 8.2.5.1.*
- C. ***Outdoor storage will be allowed in the rear and sides yards (not to intrude on the front yard) of Industrial Park property. Storage area will be graded, graveled or paved, and kept free of weeds and/or debris. Outdoor storage area will be submitted as a part of site plan approval process. Screening will not be required.***

3. *Add the following definition on page A-16 of Appendix A: Definitions:*

***Industrial Park Property***

***Properties located in the Town's industrial park along Chamandy Drive and along future roads in any expansions of this park.***

**ACTION:** Mr. Brinkley made a motion to approve. Mr. Morris seconded the motion. The motion passed 7-0.

## Old Business

### 5. Small Town Success Stories

Planner Blount reviewed a presentation on success stories of other small towns with an emphasis on the need for strategic planning to help guide civic evolution.

There was Board discussion regarding opportunities for participation in regional leadership and building relationships with local partners.

## Adjournment

**ACTION:** Mr. Morris made a motion to adjourn the meeting. Mr. Jacobs seconded the motion. The motion passed with all in favor.

Chairman Luhrs closed the meeting at 7:30 p.m.

Respectfully Submitted,

Aubrey Smith

Town Clerk

**Agenda Item Summary**

Regular Monthly Meeting

May 3, 2021

Agenda Item 3

Summary

The Planning Board members listed below have terms set to expire on 7/31/2021. The Committee Membership and Appointment Policy says the following regarding reappointments:

- No later than its regularly scheduled May meeting each year, each committee shall review the status of any members whose terms expire July 31 of that year.
- For any such members wishing to be reappointed, the committee shall confirm eligibility of those members and make a recommendation for or against reappointment to the Board of Aldermen.
  - Citizens may serve only two consecutive terms on boards, committees, or commissions unless this limitation is waived by the Board of Aldermen.
  - A request for the term limitation to be waived should be included with the committee’s recommendation to the Board of Aldermen for reappointment.
- Appointments or reappointments to terms expiring each year shall be made at the regularly scheduled July Board of Aldermen meeting to become effective July 31.

Members with Expiring Terms:

Member	Seat	Consecutive Term
Jerry Holshouser	Town	1 <sup>st</sup>
Richard Luhrs	Town	1 <sup>st</sup>
Joe Hudson	Town	1 <sup>st</sup>
Michelle Reid	ETJ	1 <sup>st</sup>

Attachments

**A. 2020-2021 PB Meeting Attendance**

Action Requested: (if members desire and are qualified)

***Motion to recommend to the Board of Aldermen reappointment of Jerry Holshouser, Richard Luhrs, and Joe Hudson to Town resident Planning Board seats and Michelle Reid to ETJ Planning Board seat with term expirations of 7/31/2024.***

**Reappointment Recommendations**

Motion Made By:

\_\_\_\_\_

Second By:

\_\_\_\_\_

For:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
- 

Against:

- Chair Richard Luhrs
- Vice-Chair Michelle Reid
- David Morris
- Jared Mathis
- Jerry Holshouser
- Joe Hudson
- Mike Brinkley
- Ronald Jacobs
- Dolores Shannon (A)
- Jim King (A)
-

Member	4/5/2021	3/1/2021	2/1/2021	1/4/2021	11/9/2020	10/12/2020	9/14/2020	8/10/2020	7/13/2020	6/8/2020	5/11/2020	4/13/2020
Mike Brinkley	P	P	-	-	-	-	-	-	-	-	-	-
Joe Hudson	P	P	P	A	E	A	P	P	-	-	-	-
Jim King (A)	A	A	A	A	A	A	E	E	-	-	-	-
Brenda Costantino	-	-	-	E	P	P	P	P	E	P	P	A
Dolores Shannon (A)	A	A	P	A	P	A	A	A	A	A	A	P
David Morris	P	P	P	P	P	A	A	E	A	P	P	P
Jamie Vanhoy	-	-	-	-	-	-	-	-	-	A	A	A
Jared Mathis	P	P	P	P	P	P	P	P	E	P	P	P
Arin Wilhelm	-	-	-	-	-	-	-	-	-	-	A	P
Ron Jacobs	P	A	E	P	E	A	P	P	P	E	P	P
Jerry Holshouser	P	A	P	P	E	P	A	P	E	P	P	P
Richard Luhrs	P	P	P	P	P	P	E	P	P	P	P	P
David Trexler	-	-	-	E	E	P	P	P	E	P	P	P
Michelle Reid	P	P	P	P	P	P	A	P	A	P	P	P

P = Present

A = Absent - No notification

E = Excused - Absent but notified





MEMO

Date: 07/17/2020

RE: Revise Membership Numbers for ZBA

Narrative:

To make our town boards and commissions more efficient and manageable, we are proposing reducing the size of the Board and Adjustment via a text amendment to the Uniform Development Ordinance. We are also using this amendment to do away with the alternate positions. This board rarely meets and when it does, we can schedule the meeting to suit the member's schedules to ensure attendance. These amendments will also make interested citizens available to serve on other boards.

Based on the current position openings, these revisions will be accomplished through attrition instead of terminating anyone's current position. As soon as two new applicants are found, our two Aldermen currently serving on the ZBA will be able to resign those positions.

The text amendment is as follows:

### **15.5.1 Establishment**

- A. A zoning Board of Adjustment is hereby established. This board shall consist of ~~10~~ 7 members as follows:
1. ~~Five (5)~~ Four (4) members shall reside within the municipal corporate limits and shall be appointed by the Town Board of Aldermen;
  2. ~~Five (5)~~ Three (3) members shall reside within the town's one-mile extraterritorial jurisdictional area and shall be appointed by the Rowan County Board of Commissioners.
  3. The members of the zoning Board of Adjustment already serving on the board prior to the passage of this amended section shall be considered as the ~~five~~ four members appointed by the Town Board of Aldermen, and each of these members shall serve the balance of the term to which such member was appointed.
- B. Extraterritorial board members, like in-town board members, shall serve for staggered terms of three years. Initial appointment of extraterritorial board members shall be as follows:
1. Two members for terms of three years each;
  2. One member for a term of two years;
  3. ~~Two members for terms of one year each.~~

~~C. In addition, there shall be at least two (2) alternate members appointed to the board. At least one (1) alternate member shall be an in-town resident and at least one (1) alternate member shall be an extraterritorial resident. All alternates shall be appointed to three (3) year terms, with the initial appointment of in-town member(s) being for three (3) years and the extraterritorial member being for two (2) years. Any alternate member, while attending any meeting of the board and serving in the absence of a regular board member, shall have and may exercise all the powers and duties of a regular member. Any in-town alternate may only replace any in-town regular board member; any extraterritorial alternate may only replace any extraterritorial regular board member.~~

C. The ~~five (5)~~ three (3) extraterritorial board members (~~and their alternates~~) shall have equal rights, privileges, and duties as the ~~five~~ four in-town board members (~~and their alternates~~) in all matters.

D. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay, but may be reimbursed for the expenses incurred while representing the board.

**ORDINANCE NO. 2021-09**

**AN ORDINANCE AMENDING TEXT OF THE TOWN OF GRANITE QUARRY'S  
UNIFIED DEVELOPMENT ORDINANCE**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF GRANITE QUARRY:**

**Section 1.** That the Unified Development Ordinance of the Town of Granite Quarry, North Carolina, Section 15.5.1 is hereby amended as follows:

**15.5.1 Establishment**

- A.** A zoning Board of Adjustment is hereby established. This board shall consist of 7 members as follows:
  - 1.** Four (4) members shall reside within the municipal corporate limits and shall be appointed by the Town Board of Aldermen;
  - 2.** Three (3) members shall reside within the town's one-mile extraterritorial jurisdictional area and shall be appointed by the Rowan County Board of Commissioners.
  - 3.** The members of the zoning Board of Adjustment already serving on the board prior to the passage of this amended section shall be considered as the four members appointed by the Town Board of Aldermen, and each of these members shall serve the balance of the term to which such member was appointed.
  
- B.** Extraterritorial board members, like in-town board members, shall serve for staggered terms of three years. Initial appointment of extraterritorial board members shall be as follows:
  - 1.** Two members for terms of three years each;
  - 2.** One member for a term of two years;
  
- C.** The three (3) extraterritorial board members shall have equal rights, privileges, and duties as the four in-town board members in all matters.
  
- D.** Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay, but may be reimbursed for the expenses incurred while representing the board.

**Section 2.** All ordinances in conflict herewith are repealed to the extent of any such conflict.

**Section 3.** This ordinance is effective on the \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
William D. Feather, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Aubrey Smith, Town Clerk

\_\_\_\_\_  
Carl M. Short, Town Attorney



MEMO

Date: April 29, 2021

TO: Planning Board

From: Steve Blount, Town Planner

RE: Proposed State Legislation- How it Impacts Local Decisions

Narrative:

Municipalities are “creatures of the State”, only existing because the NC State Legislature voted at some point to allow each municipality to be formed under a specific set of rules called a Charter. The rules governing every facet of the operation of municipalities is found in the North Carolina General Statutes. From time to time, the State Legislature amends those rules and municipalities must respond by changing the way they do business, sometimes in dramatic ways.

Two bills are under consideration this year that could have major impacts on Granite Quarry. I will attach the actual bill language to your agenda package, but a summary of the important parts is found below.

### **Single Family Zoning (HB401)**

"§ 160D-707. Middle housing use in residential zones. (a) Definitions. – As used in this section, the term "middle housing" means a residential dwelling that is one of the following, as defined by the North Carolina Building Code Council: (1) A duplex. (2) A triplex. (3) A quadplex. (4) A townhouse. (b) Middle Housing in Residential Zones. – A local government shall allow all middle housing types in areas zoned for residential use, including those that allow for the development of detached single-family dwellings. (c) Regulation and Scope. – A local government may regulate middle housing pursuant to the provisions of this Chapter, provided that the regulations do not act to discourage development of middle housing types through unreasonable costs or delay. In permitting middle housing types, nothing in this section shall be construed to prohibit a local government from permitting single-family dwellings in areas zoned to allow for single-family dwellings. Nothing in this section affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to dwelling type restrictions. Any regulation adopted pursuant to this section shall not apply to an area designated as a local historic district (i) pursuant to Part 4 of Article 9 of this Chapter or (ii) on

the National Register of Historic Places. This section shall only apply to areas that are served, or through extension may be served, by one or more of the following:

### **Regulating Trees (SB367)**

"§ 160A-205.4. Limitations on regulating trees. No city may adopt ordinances regulating the removal of trees from private property within the city's corporate limits or extraterritorial jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a city to adopt ordinances regulating the removal of trees from private property, shall be used by a city's governing body as the basis for adopting ordinances regulating the removal of trees from private property."

### **Principle of regulation “in favor of free use of land” (Found in HB401, Section 160D-706)**

§ 160D-706. Zoning conflicts with other development standards.

(c) Except as provided in subsection (a) of this section, a local government shall not adopt or enforce development regulations that alter the principle that ambiguities in land development regulations are to be construed in favor of the free use of land, including any development regulations that assert that a more restrictive rule or regulation is controlling



MEMO

Date: April 26, 2021

TO: Planning Board

From: Steve Blount, Town Planner

RE: Single-Family Zoning Legislation (SB349/HB401)

Narrative:

In 2019, facing a lack of adequate housing and a diminishing availability of developable land, along with concerns over housing equity, Minneapolis took what was then considered the extraordinary step of abolishing single-family zoning in favor of regulations that allowed duplexes and triplexes on property that once only allowed single-family homes. The State of Oregon followed suit in 2020 and California, Maryland and Virginia have all witnessed similar legislative efforts with mixed results.

A recent planning related article said of single-family zoning, *“In brief, there’s compelling evidence that single-family zoning has damaged the environment by encouraging suburban sprawl and car reliance, worsened affordability by restricting housing supply, and undermined inclusion by keeping lower-income households out of high-opportunity neighborhoods.”*

Charlotte’s recent update of their comprehensive plan recognized that, *“It’s estimated nearly 400,000 people will be added to the population of Charlotte in the next 20 years, bringing the city’s population to 1.2 million people. The city is among the top in the nation for attracting baby boomers and millennials. “These people are going to need a place to live,” Jaiyeoba said. The main sticking point in the plan: single-family zoning. “Building single-family houses exclusively isn’t sustainable,” he said. Currently, 84% of Charlotte is zoned for a single-family zone. Charlotte 2040 would shift the city’s zoning focus to include more duplexes, triplexes, and in some cases, quadplexes. Neighbors often complain adding multi-family housing options would increase traffic, decrease property values, and change the character of their neighborhood.”*

In its 2019 Comprehensive Plan update, the Town of Granite Quarry recognized the need to avoid the exclusionary effects of single-family zoning by adopting as a goal, *“The Town should use zoning and land use planning to help ensure that a wide range of housing types, including multi-family housing, be located throughout the town.”* While many municipalities large and small have adopted similar goals, local opposition to multi-family housing, usually voiced by

neighboring property owners at rezoning hearings, has limited much chance of achieving these goals.

Recognizing the problems associated with single-family zoning and the lack of support for unpopular local solutions (rezonings to allow multi-family or mixed density developments in single-family areas), the NC State legislature is considering adoption of SB349/HB401 which would require duplexes, triplexes, quadplexes, and townhomes be allowed in all zoning classifications currently zoned for single-family homes. Some details that should be considered:

- This now-called “middle-housing” (middle income, middle density??) requirement would only apply to properties served or potentially served by municipal water and sewer systems.
- This change in zoning regulation would not *require* the inclusion of middle-housing in any proposed developments, just *allow* it. (Some municipalities have tried to boost the availability of middle-income housing by requiring a set percentage of low- or middle-income housing in all large developments.)
- This statute revision does not limit a development’s restrictive covenants’ ability to limit development to single-family homes.
- In addition to allowing middle-housing, this statute revision would require the allowance of “accessory dwellings” in single-family zoning, which our UDO already allows with Special Requirements.
- In addition to allowing middle-housing, this statute requires acceptance of NCDOT traffic analysis as conclusive evidence when considering the impact of large development, a practice we already follow in most cases.

Questions to consider:

1. How does the proposed revision fit into our recent discussions about promoting more high-end development in Granite Quarry?
2. Many municipalities are actively opposing this statute revision based mostly on the State intruding on local decision-making rights. Is this a valid argument? Is it the best argument?
3. I have the following concerns. Are they valid?
  - a. At least 80% of the undeveloped land in Granite Quarry and its ETJ is zoned RL which now allows only single-family homes at a density of four units per acre. The statute revision would allow duplexes, triplexes, quadplexes and townhomes (middle-housing) on all of those properties at that same density.
  - b. Single lot infill development throughout the town that is now designated for only single-family homes would be opened to middle-housing unless protected by neighborhood restrictive covenants. Is that fair to existing residents?
  - c. Large scale development could bring too-rapid population growth. (At 2.3 people/dwelling average, Village at Granite’s 250 homes might have brought 2,300 new people to our community instead of the currently estimated 575.)