

1 **COLUMBUS PLANNING BOARD**
2 **Minutes of Regular Meeting**
3 **Monday, April 10, 2017**
4

5 The Town of Columbus Planning Board met on Monday, April 10, 2017 at 4:00 p.m., at the
6 Columbus Town Hall, 95 Walker Street, Columbus, North Carolina.

7
8 **Roll Call**

9 **Present:** Kathleen Nowakowski
10 Jimmi Buell
11 Brent Jackson
12 Bevin Corbin
13 Joann Scoggins
14

15 **Staff Present** Monica Greene, Town Clerk
16 Tim Barth, Town Manager
17 Lora Baker, Town Attorney
18

19 The meeting was called to order at 4:00 p.m. A roll call was taken and the Chairman acknowledged all
20 present with exception of Bevin Corbin and Joann Scoggins.

21
22 **Public Comment**

23 There were no public comments
24

25 **Adoption of Minutes**

26 The following Minutes were presented for approval:

- 27 - December 12, 2016 Regular Meeting
- 28 - March 6, 2017 Special Meeting
- 29 - March 13, 2017 Regular Meeting

30 Mr. Jackson made a motion to approve the minutes of the December 12, 2016 regular meeting as
31 presented. Ms. Buell seconded, and the motion carried unanimously.

32 Ms. Buell made a motion to approve the minutes of the March 6, 2017 special called meeting as
33 presented. Mr. Jackson seconded, and the motion carried unanimously.

34 Ms. Nowakowski made a motion to approve the minutes of the March 13, 2017 regular meeting as
35 presented. Ms. Buell seconded, and the motion carried unanimously.
36

37 **Item #4. Consideration of the Rezoning of 156 S. Peak Street from R-2 to CBD**

38 Mr. Barth explained that owner of the property located at 156 S. Peak Street would like the property
39 rezoned from R-2 residential to CBD commercial. Mr. Barth stated that Ms. Lynn Koester currently has
40 a contract to purchase the property in question, which she would like to renovate and turn into rental
41 apartments. Mr. Barth stated that Ms. Koester already owns the property across the street from 156 S.
42 Peak Street, which is already zoned CBD, and that she would like to combine the properties into a single
43 commercially-zoned parcel after the purchase. Mr. Barth noted that two adjacent parcels to the property
44 in question are already zoned CBD.

45 Ms. Koester stated that the home will be renovated mostly on the interior, with only exterior cosmetic
46 changes, so there would be no changes to the footprint of the home. Ms. Koester stated that because she
47 already owns the property across the street, the combined parcel would be a good investment for her.
48

49 Ms. Nowakowski asked what the zoning allowance differences would be between R-2 and CBD.

50 Mr. Barth stated that the zoning ordinance does not allow more than one multi-family residential unit to
51 be located on a single parcel in R-2 without a special use permit. Mr. Barth explained that Ms. Koester
52 would be combining her two lots into one parcel with two separate buildings, one in which she currently
53 lives, and one to rent as separate units in the same building; therefore, a single zoning designation would
54 be required.

55 Mr. Jackson made a motion to recommend the rezoning of 156 S. Peak Street from R-2 residential
56 district to CBD business district.

57
58 Ernie Kan was present and spoke regarding the issue. Ms. Kan stated that her neighborhood was
59 changed in a similar way from R-2 to CBD. Ms. Kan stated that changing the zoning of even one lot can
60 change the nature of a neighborhood, and could allow for clubs or other businesses directly next door to
61 residences. Ms. Kan asked that the planning board consider using a special use permit as opposed to
62 rezoning to prevent a negative impact on the neighborhood.

63 Mr. Barth stated that he would not recommend this rezoning in most circumstances, but in this case with
64 the lots being combined into a single parcel, the only way to make the property useful for multi-family
65 rentals is to rezone as CBD. Ms. Koester stated that her plan is to renovate and rent 156 S. Peak Street
66 and continue to live in the home at 136 S. Peak Street long-term.

67 Ms. Nowakowski stated that the current residence of Ms. Koester is already zoned CBD, so extending
68 that zoning to the adjacent property makes sense. Ms. Nowakowski and Ms. Buell stated that they did
69 not see any problems with the request.

70
71 Ms. Buell seconded the motion to rezone, and the motion carried unanimously.

72
73 **Item #5. Consideration of Changes to the Permitted Uses Table**

74 Mr. Barth requested the planning board review the current permitted uses table of the zoning ordinance,
75 and approve edits to clarify certain uses as requested by Council. Mr. Barth suggested that “private
76 recreational facilities” be broken out in greater detail in the permitted uses table.

77 Mr. Barth explained that there would also need to be a more specific definition of “adult entertainment
78 establishment” and additional restrictions as to where those establishments can be located within the
79 town.

80 It was the consensus of the board to make the following edit recommendations to the permitted uses
81 table and definitions section of the zoning ordinance:

- 82 - Add “Arcade”, “Skating Rink”, “Bowling Alley”, “Indoor Shooting Range”, and “Indoor Pool”
83 as permitted uses in the Historic Commercial district under “Indoor Recreational Facility”
- 84 - Add “Movie Theater” as a permitted use in Highway Commercial and Central Business Districts
- 85 - Add “Outdoor Recreational Facility” as a permitted use in Highway Commercial District
- 86 - Add “Parks” defined as “Public or private nonprofit recreational facilities” as permitted uses in
87 all zoning districts.
- 88 - Edit the definition of “Adult Establishments” to match the definition given in Article 26A of the
89 North Carolina General Statutes as follows:
90 “Definitions. (1) "Adult bookstore" means a bookstore: a. Which receives a majority of its gross
91 income during any calendar month from the sale or rental of publications (including books,
92 magazines, other periodicals, videotapes, compact discs, other photographic, electronic,
93 magnetic, digital, or other imaging medium) which are distinguished or characterized by their
94 emphasis on matter depicting, describing, or relating to specified sexual activities or specified
95 anatomical areas, as defined in this section; or b. Having as a preponderance (either in terms of
96 the weight and importance of the material or in terms of greater volume of materials) of its
97 publications (including books, magazines, other periodicals, videotapes, compact discs, other
98 photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or

99 characterized by their emphasis on matter depicting, describing, or relating to specified sexual
100 activities or specified anatomical areas, as defined in this section. (2) "Adult establishment"
101 means an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult
102 live entertainment business, or massage business as defined in this section. (3) "Adult live
103 entertainment" means any performance of or involving the actual presence of real people which
104 exhibits specified sexual activities or specified anatomical areas, as defined in this section. (4)
105 "Adult live entertainment business" means any establishment or business wherein adult live
106 entertainment is shown for observation by patrons. (5) "Adult motion picture theatre" means an
107 enclosed building or premises used for presenting motion pictures, a preponderance of which are
108 distinguished or characterized by an emphasis on matter depicting, describing, or relating to
109 specified sexual activities or specified anatomical areas, as defined in this section, for
110 observation by patrons therein. "Adult motion picture theatre" does not include any adult mini
111 motion picture theatre as defined in this section. (6) "Adult mini motion picture theatre" means
112 an enclosed building with viewing booths designed to hold patrons which is used for presenting
113 motion pictures, a preponderance of which are distinguished or characterized by an emphasis on
114 matter depicting, describing or relating to specified sexual activities or specified anatomical
115 areas as defined in this section, for observation by patrons therein. (7) "Massage" means the
116 manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or
117 mechanical device. (8) "Massage business" means any establishment or business wherein
118 massage is practiced, including establishments commonly known as health clubs, physical
119 culture studios, massage studios, or massage parlors. "Sexually oriented devices" means without
120 limitation any artificial or simulated specified anatomical area or other device or paraphernalia
121 that is designed principally for specified sexual activities but shall not mean any contraceptive
122 device. (10) "Specified anatomical areas" means: a. Less than completely and opaquely covered:
123 (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately
124 above the top of the areola; or b. Human male genitals in a discernibly turgid state, even if
125 completely and opaquely covered. (11) "Specified sexual activities" means: a. Human genitals in
126 a state of sexual stimulation or arousal; b. Acts of human masturbation, sexual intercourse or
127 sodomy; or c. Fondling or other erotic touchings of human genitals, pubic regions, buttocks or
128 female breasts.

129 Restrictions as to adult establishments. (a) No person shall permit any building, premises,
130 structure, or other facility that contains any adult establishment to contain any other kind of adult
131 establishment. No person shall permit any building, premises, structure, or other facility in which
132 sexually oriented devices are sold, distributed, exhibited, or contained to contain any adult
133 establishment. (b) No person shall permit any viewing booth in an adult mini motion picture
134 theatre to be occupied by more than one person at any time. (c) Nothing in this section shall be
135 deemed to preempt local government regulation of the location or operation of adult
136 establishments or other sexually oriented businesses to the extent consistent with the
137 constitutional protection afforded free speech."

138 - Add restrictions as to where "Adult Establishments" can be located as follows: "No adult
139 businesses shall be permitted in any building located in the following areas: (1) Located within
140 750 feet in any direction from a residential building or residentially zoned property. (2) Located
141 within 1,000 feet in any direction from a building in which an adult oriented building is located.
142 (3) Located within 1,500 feet in any direction from a building used as a church, synagogue, or
143 other house of worship. (4) Located within 1,500 feet in any direction from a building used as a
144 public or private elementary or secondary school, child day care or nursery school. (5) Located
145 within 1,500 feet in any direction from any lot or parcel on which a public playground, public
146 swimming pool, or public park is located. (6) Located within 1,500 feet in any direction from
147 any establishment with an on-premise ABC license. (7) The gross floor area of any adult-

148 oriented business shall not exceed 3,000 square feet and all business-related activity shall be
149 conducted in a building. (8) Except for an adult motel, no adult oriented business may have
150 sleeping quarters.”
151 - Edit the permitted uses table of the zoning ordinance to allow “adult establishments” in R-1; only
152 if the listed requirements can be met.

153
154 Mr. Jackson made a motion to recommend to Council the listed changes to the permitted use table and
155 definitions section of the zoning ordinance as discussed. Ms. Buell seconded, and the motion carried
156 unanimously.

157
158 Ms. Nowakowski made a motion to enter closed session for the purpose of discussing Closed Session
159 Minutes and Economic Development Discussion at 5:48 PM. Ms. Buell seconded the motion, and the
160 motion carried unanimously.

161
162 The meeting entered closed session at 5:48 PM
163 The meeting returned to open session at 6:02 PM

164
165 There being no further business to discuss, Ms. Nowakowski made a motion to adjourn. Ms. Buell
166 seconded, and the meeting was unanimously adjourned at 6:03 PM.

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Kathleen Nowakowski, Chairman

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174 Monica Pace Greene, CMC, NCCMC, Town Clerk