

AGENDA FOR MEETING OF
THOMASVILLE
BOARD OF PLANNING AND ADJUSTMENT

June 30, 2015

City Council Chamber
Second Floor, Police Department Building
7 West Guilford St.
5:30

1. Call to Order and Establishment of Quorum
2. Approval of Minutes of May 26, 2015 Regular Meeting
3. Z-15-10
Proposed Amendment to the Zoning Ordinance
An ordinance providing for the regulation of electronic gaming operations
4. Z-15-11
Request for Rezoning
Applicant/Owner: C & G Piedmont Enterprise LLC
Location: 1303 Trinity Street
Existing Zoning: R-10 Low Density Residential
Proposed Zoning: M-1 Light Industrial
5. BOA-15-04
Request for Variance
Applicant/Owner: Ennis Paint Inc.
Location: 509 County Line Road
Existing Zoning: M-1 Light Industrial
Proposed Variance: Maximum height of structure from 50 to 75 feet
6. Other Business
7. Adjournment

MINUTES OF THE
THOMASVILLE BOARD OF PLANNING AND ADJUSTMENT
MEETING - JUNE 30, 2015

The regular June meeting of the Thomasville Board of Planning and Adjustment was called to order at 5:30 P.M. in the Thomasville City Council Chambers with a quorum present.

Members present were: Mr. Carl Shatley, Chairperson; Mrs. Judy Smith; Mr. Wayne Brumley; Ms. Jane Hill; Mrs. Jeannette Shepherd; and Mr. Doug Hunt

Members absent were: Mr. Oran Jefferies, Vice-Chairperson

Alternate member present was: James Beasley

Staff present were: Mr. Chuck George, Planning and Zoning Administrator; Mrs. Rhonda Bowers, Recording Secretary; and Mr. Paul Mitchell, City Attorney

City Council Liaison present: None

Business taken up was as follows:

- 1) Call to Order and Establishment of Quorum

The meeting was called to order by Chairperson Shatley, who declared a quorum to be present.

- 2) Approval of Minutes of May 26, 2015 Regular Meeting

Upon a motion by Mr. Hunt and a second by Mrs. Smith, the minutes of the May 26, 2015 Regular Meeting were approved.

- 3) Proposed Amendment to the Zoning Ordinance (Z-15-10)

An ordinance providing for the regulation of electronic gaming operations

Mr. Mitchell said this ordinance is conditional on the General Assembly of North Carolina passing legislation that legalizes sweepstakes/electronic gaming. Recent decisions by the North Carolina Court of Appeals and the North Carolina Supreme Court have outlawed sweepstakes. There is legislation that has been introduced in the General Assembly to legalize the games. The City Council wants to have something in place so if the General Assembly does legalize the games, we will have some kind of control and zoning in place. At the current time there is almost no control over the sweepstakes and that is why the city had 18 different operations going on. The proposed regulations would limit the number of sweepstakes in the city and it would also provide such limitations as not operating in the historic district, nor being within 1,000 feet of another video/internet café, or within 1,200

feet of a church, school, daycare, or nursery. Any change of the zoning ordinance must come before the planning board for their review and recommendation to city council.

Chairperson Shatley asked whether residential areas would be protected in this ordinance.

Attorney Mitchell said this type of business would only be allowed in the C-2 Highway Commercial zoning district.

There was no one else in the audience to speak, so Chairperson Shatley closed the public hearing and asked if there was a motion from the board members on the amendment.

Upon a motion by Ms. Hill and a second by Mr. Brumley, the board voted 7 - 0 to recommend that City Council approve the amendment to the zoning ordinance.

- 4) Request for Rezoning – (Z-15-11)
Applican/Owner: C & G Piedmont Enterprise LLC
Location: 1303 Trinity Street
Existing Zoning: R-10 Low Density Residential
Proposed Zoning: M-1 Light Industrial

Chairperson Shatley opened the discussion with a description of the request.

Mr. Chuck George said this is a 2.3-acre lot at the intersection of Unity and Trinity Streets with an existing brick house and accessory buildings.

Chairperson Shatley asked if there was anyone who wished to speak in favor of this rezoning request.

Mr. Gary Loflin, a managing member of C & G Piedmont Enterprise LLC, said he had purchased this property 15 years ago. One year ago he cleaned it up removing the pine trees and debris. The properties surrounding it on 3 sides are all zoned M-1. He has had inquiries about the property, and the first question he is asked is how the property is zoned. When he informs prospects it is zoned R-10, they are no longer interested in purchasing the property. He doesn't have any concrete ideas of how he wants to develop the property, but he would like the flexibility to look at the options. He understands the emotional attachment to this property from the people he bought the land from.

Chairperson Shatley asked if there was anyone else who wished to speak in favor of this request and there was none. He then asked if there was anyone who wished to speak against this request.

Mr. Mark Hill, property owner at 135 Falling Creek Drive, said he brought a letter from Will and Sarah Swaim because they are out of town and couldn't attend this meeting. (A copy of this letter will be in the permanent file of these minutes.) Mr. Hill read the letter to the board members in which it states that Mr. and Mrs. Swaim are against the rezoning request due to Mr. Loflin not having shared with them his plans for the property; their property is low lying and prone to flooding; and it is a dangerous intersection with numerous accidents already.

Mr. Hill said he brought petitions with signatures of about 72 people in the neighborhood who are in opposition to this rezoning request. The corner where the old Maxine Swaim house is located should be zoned residential, and he is not sure how it became zoned manufacturing. Following Unity Street to Old Thomasville Road and everything to the east up to the county line is residential except for one corner which is an Exxon Station. When an annexation was to come to Thomasville, there was a vision for industrial, manufacturing and job growth and it was not in this area. It was more toward the northern side of the city and generated toward Thomasville Business Park off of Old Raleigh Road. He has already been before the Planning Board once to fight against rezoning for high density residential because Mr. Loflin planned to build apartments on the same property. He said they won against that rezoning based a lot on the traffic problems. This location is a very highly traveled area. He said that just because the other corners are zoned M-1 is not a good reason to change this zoning. He doesn't see it benefiting Thomasville because there are already manufacturing areas that are undeveloped and it would be an eyesore to the residential neighbors in the area.

Ms. Christy Swaim said this rezoning would not be in the best interest of the city. This corner lot is connected to a very large residential community. People in this community travel this intersection numerous times daily, and it is already congested with traffic. She contacted the N.C. Department of Transportation and received a detailed intersection analysis report from their traffic and engineering department. (Copies of this report were given to the board members.) She also discussed this problem with Sergeant John Elgin, with the Thomasville Police Department, in which she was told there were increased calls from the community about speeding in the area clocking vehicles with speeds up to 55 mph in the 35 mph speed limit zone. Also there is speeding down Unity Street into this intersection. The report from NCDOT said from 2005 to 2015 there have been 30 reported wrecks within 150 feet of this intersection, which also resulted in \$203,000 in property damage. In 2014 there were 9 reported personal injuries as a result of accidents at this intersection. This confirms that congestion has significantly increased which resulted in injury to human life, most likely someone who lives in this community. Adding additional entrances and exits so close to this intersection will create more difficulty getting in and out of a potential manufacturing business.

Mr. Sherrill Ward, who lives at 1420 Unity Street, said there is an average of over 2,000 vehicles a day that go through this intersection. Warehousing or manufacturing would add more traffic to the area especially during rush hour mornings and afternoons. He said he wasn't aware of the other 3 corners being zoned M-1 and didn't know how the residential property got zoned M-1. His block is still all residential except for Crossroads Grocery which has been there for over 50 years which performs a service for the community. He would be agreeable to something that would help the neighborhood out such as a store or small restaurant. He is not against all development but certain businesses would take away from property values. When Mr. Loflin bought the property he knew it was zoned residential. He didn't buy it to build a house on but was speculating. Just because he hasn't been able to develop the property under that zoning requirement doesn't mean the rules have to be changed to help him make a profit off the property.

Mr. Tommy Swaim said he has the piece of property that adjoins Mr. Loflin's land. He understands Mr. Loflin's concern in wanting to do something with the property. But his

concern is Mr. Loflin didn't know what he was going to do with the property. Once the property is zoned M-1, he can turn around and sell it to someone else as M-1.

Mr. Kevin Scullion, business owner at 1375 Unity Street which is 1st Choice Automotive, said his property is zoned M-1, and it was already zoned M-1 when he purchased it 7 years ago. He said he would like to have all the traffic he could get going past his retail business, but it is not worth sacrificing the safety of the residents of the community. Some adjustment should take place to the traffic light at the intersection in lengthening the delay of the switch. As he is working in his shop and he hears that awful sound of air bags going off or breaking of glass and plastic, he gets upset, grabs his cell phone, a broom, a rag and goes running out into the street to try to help.

Mrs. Mitzi Swaim Marlowe, property owner at 1372 Unity Street, said it has been her lifelong residence. The neighborhood at Falling Creek has so many young families within it with so many young children. She sees these kids as little tots growing up to 15 years old and starting to drive. The intersection is so dangerous and she has personally witnessed a child being ejected from a car and killed. The intersection cannot stand any more traffic.

Mrs. Josephine Swaim, property owner at 1309 Trinity Street, said she has lived there since she was 19 years old and she is now 73 years old. The people that live in the homes in the Falling Creek area are hardworking people doing the best they can to have what they do have. They have a lot of children. There is a Facebook group of 100 or more people who try to look out for each other. Progress is not always doing something that the people don't want. One person shouldn't have so much impact on so many people and so many children.

Ms. Ann Harvey, property owner of 132 Falling Creek Drive, said it is almost impossible to get out of Falling Creek Drive onto Unity Street. They are just a block from the traffic light, so more traffic would make it more of a nightmare, especially at certain times of the day.

There was no one else in the audience to speak, so Chairperson Shatley closed the public hearing and asked if there was a motion from the board members on the rezoning request.

Mr. Hunt asked Mr. George whether concreting the whole property would raise the risk of flooding in the area.

Mr. George said since the property is more than an acre it will go into the stormwater phase II program and stormwater management will be required at that time.

Upon a motion by Ms. Hill and a second by Mrs. Shepherd, the board voted 7 - 0 to recommend that City Council deny the rezoning request.

Chairperson Shatley said Mr. Loflin can appeal this decision to City Council so the neighbors would still have to go to the City Council meeting to speak their desires on this rezoning request.

Mr. George informed the audience that Mr. Loflin had 10 days to file a written appeal. Once the appeal is received it will be placed on the next City Council agenda. The

adjoining property owners within 100 feet will be notified, a legal ad placed in the High Point Enterprise, and the property posted with a zoning notice.

5) Request for Variance – (BOA-15-04)

Applicant/Owner: Ennis Paint Inc.

Location: 509 County Line Road

Existing Zoning: M-1 Light Industrial

Proposed Variance: Maximum height of structure from 50 to 75 feet

Chairperson Shatley requested all persons wishing to speak on the variance to please come down front and be sworn in. He opened the discussion with a description of the variance request.

Mr. George said Ennis Paint requested to increase the variance height up to 75 ft. for two furnace stacks to be placed on the back side of the building at 509 County Line Road.

Mr. Rob Mantek, Plant Manager at Ennis Paint, said they had requested the height variance for a new product line they wish to bring into the facility. They bought this property one year ago and have been undergoing extensive renovations. The front building, referred to as building “A,” has been renovated and is running production now. They make reflective road markers that you see down the center of roads which is an injection molding process. In the farthest back building on the west end of the property, referred to as building “D,” there is a natural gas fired furnace. They make all the different types of road marking materials from paint, to thermoplastic, to plural components. They have a dozen factories around the United States, Canada and Europe and all factories make different products all related to the road marking industry. One of the main components is the reflective glass beads that go on the markings which you see when your vehicle headlights shine on them. The furnaces take a recycled crushed glass which is sprinkled into the furnace. As they hit the flame, the particles become heated. As they are spinning up they are shaped into round glass spheres. The vortex opens up and they fall out. They are caught and sifted for different sizes and then packaged either for resale or incorporated into the products that Ennis Paint makes.

When Ennis Paint bought the facility, there were two large silos already located on the property that TFI used to collect wood waste. TFI had shredding operations and the wood waste was used to fire their boilers. Those silos which were approximately 85 ft. in height were over the maximum height limit. The silos have been taken down because they are not used in Ennis’ process. Where they want to install the furnaces would be another 450 ft. toward the back of the property away from County Line Road. It would be two furnace stacks that would come up about 75 ft. each.

Chairperson Shatley asked whether the furnaces would expel nitrogen oxide when they are fired up and if the furnaces expel smoke, steam or any kind of cloud.

Mr. Mantek said it would expel carbon monoxide which would be clear emissions and all of it is regulated through the EPA and would follow the guidelines of the state for air emissions and air permitting. It is one ingredient which is crushed, recycled glass. There is no powder, liquid or flammables added to the process. There is also a secondary dust

collection system in the process. Their plant in Texas is currently making this product so it is not a new product to the company but it is new to Thomasville. There is no odor given off and would be no different from the gas furnace at a home.

Chairperson Shatley said he was concerned about the quality of life for the residential area which included three subdivisions. He asked Ennis whether limiting the height of the furnaces would rule out the furnace concept.

Mr. Mantek said they would not be able to produce this product here in Thomasville. They currently import the majority of these glass beads from overseas. They go through hundreds of millions of pounds yearly throughout all their plants for just their usage. A lot of the recycling companies send the recycled glass to China where they make the beads. They want to be more self-sufficient by producing their own raw materials. TFI had a large number of employees that went away. Just in the front building alone there were 130 jobs created in the last year.

Mr. Hunt asked whether this was a condensing furnace.

Mr. Mantek said it was not, that it is basically a straight 48-inch tube with the flame shooting straight up through it. The glass is fed through different chutes as they hit the flame it shoots them up in the air. As they super heat they glow and they round out as they spin. The chamber then opens up and as it loses velocity, the beads fall down and are captured.

Mrs. Smith asked if this expansion would provide more jobs for the Thomasville residents.

Mr. Mantek said that would definitely be creating new jobs. They are not closing their plant in Texas. This plant would be an addition for their personal use. This is going to be a three-shift operation starting with 20 employees.

Mr. Hunt asked whether this is going to be a burdensome issue for the fire department and whether there will be any safety systems set up in case of any type of problem.

Mr. Mantek said all the buildings are sprinklered and as they renovate they have been in close contact with the Thomasville Fire Department. The fire department is very aware of the property and all the issues that would accompany this business. There are two main gas lines that come in and you have your safety shutoff valves. He passed out some samples of this product to the board members.

Chairperson Shatley asked if there were any other heat processes at this location.

Mr. Mantek said the only other heat process they have is in the front building, and that is the plastic injection molding which is electric heat.

Chairperson Shatley asked if there was anyone else who wished to speak in favor of this request and there was none. He then asked if there was anyone who wished to speak against this request.

Mr. William McNeer, property owner at 1208 East Sunrise Avenue, asked if there was any chance of producing quartz with this process because he had looked at the company's MSDS sheets.

Mr. Mantek said that was not the MSDS sheet for this plant but was for the paint producing plants which are not located at this property.

Mr. McNeer asked what the noise factor would be.

He said the front plant, which does the injection molding and shipping, had been in operation 24/7 since April 2015. The noise level would be less than TFI's because Ennis removed 25 dust collectors and cyclones of large motors used by TFI. Ennis is only going to be running one or two motors which are newer machines which reduce noise.

Mr. McNeer said if they are only going to use recycled glass, he would not have any objections to the variance.

There was no one else in the audience to speak on the item so Chairperson Shatley closed the public hearing and asked if there was a motion from the board members on the variance request.

Mr. Hunt made the motion to approve the variance, and Mrs. Smith seconded it. The board voted 7 - 0 to approve the variance request.

6) Other Business

There being no further business, the meeting was adjourned.

Respectfully submitted,

Chuck George, Secretary
Board of Planning and Adjustment
City of Thomasville

Rhonda Bowers, Recording Secretary
Board of Planning and Adjustment
City of Thomasville