



**VANCE COUNTY
PLANNING & DEVELOPMENT OFFICE**

156 Church Street, Suite 003
Henderson, NC 27536-5574
Phone: 252-738-2080
Fax: 252-738-2089

TO: Vance County Planning Board
FROM: Jordan McMillen
SUBJECT: Minutes of the September 4, 2014 Planning Board Meeting
DATE: September 4, 2014 4:00 PM to 5:00 PM

Board Members: Thomas Shaw (Chairperson), Blake Haley, Ruth Brummitt, Phyllis Stainback, Rev. Roosevelt Alston

County Staff: Jordan McMillen, David Robinson

Absent: Agnes Harvin, Alvin Johnson, Jr. (Vice Chairperson)

◆ Chair Shaw opened up the meeting and asked Mr. McMillen to give an overview of the first agenda item.

A. **Zoning Ordinance Amendments – Consideration for Recommendation**

- Mr. McMillen began reviewing the proposed zoning ordinance amendments and explained that two laws adopted by the State in 2013 (SL2013-347 and SL 2013-126) have caused a need to update the zoning ordinance. He reviewed each of the proposed amendments and drew comparisons to the language that was taken from each of the session laws. He explained that session law 2013-347 provides changes to the agricultural zoning exemptions and specifically provides a better definition for bonafide farms.
- The board discussed the 5 items that are required to show a bonafide farm exists. They made note that only 1 of the 5 items are required to show a bonafide farm. The board made note that there would no longer be a requirement that farms be 10 acres with the new definition. They board made note that the removal of the 10 acre requirement will encourage smaller farmers.
- Mr. McMillen explained that session law 2013-126 made changes to several board of adjustment procedures and voting requirements. Specifically the standards for approval of a variance were changed to better define unnecessary hardships. Additionally, the law allows conditional use permits to be granted with a majority of votes as opposed to a 4/5 votes as was done previously. He explained that variances still would require a 4/5 vote for approval. He mentioned that having a “practical difficulty” is no longer allowed for issuing a variance, but rather the board is to consider “unnecessary hardships” in granting variances.
- The board discussed the new variance standards at length and determined that the new standards are in favor of the applicant and better helps the board to make a variance decision.
- Mr. McMillen reviewed the change that the planning board has previously requested for home occupations. He explained the board’s previous desire to allow home occupations to have some retail component, but that they would not like for there to be inventory “on permanent display” as this would imply that traffic would be continually visiting or shopping at this location. This would also permit internet retail sales and similar activities while preventing continual traffic to a residential area.
- Mr. McMillen informed the board that recent discussion at the state level would eliminate gravel from the definition of built-upon areas. Although originally presented in the draft ordinance amendments, the state environmental commission is still in the public comment period and has not officially made this definition change. As a result of this, he recommended that the revised Built-Upon Area and Gravel definitions be removed from the draft ordinance amendments.
- Mr. Millen explained that currently church and family cemeteries are not permitted in the Office-Institutional zoning area. He mentioned that this may have been an oversight in the original draft of the ordinance as church properties typically include a cemetery and church properties have been

assigned the Office-Institutional zoning designation. He mentioned that this issue has not been encountered yet, but felt it necessary to make the change in the ordinance.

- Mr. McMillen explained that a large area of highway commercial zoning is located along US 1/158 Highway and I-85 near the Satterwhite point road area. He explained that highway commercial as opposed to general commercial zoning is designed for businesses that cater to the auto traveling public and is typically located near interchanges. He mentioned further that there are a few existing vacant buildings in this area that have received interest for smaller manufacturing operations. As a result of this, he mentioned a need to add manufacturing as a conditional use within the highway commercial zoning designation. With comparing other uses permitted with a conditional use, it seems appropriate to allow manufacturing in this area as well which may have the potential to fill additional vacant buildings in this area.

Motion made by Ms. Brummitt to recommend approval of the zoning ordinance amendments with the removal of the built-upon and gravel definitions as they have yet to be approved by the state.

Second was made by Ms. Haley.

Motion passed 5-0.

B. **Major Subdivision – Preliminary Plat (residential use) – Fitzsimmons Subdivision**

Major Subdivision (residential use – Hidden Acres Subdivision): For Kenneth Fitzsimmons (Cawthorne Surveying). Tax Map 0471-02001. Project involves the creation of 8 lots added to a previous minor subdivision that created 4 lots. In total 12 lots would be included within this subdivision. Included in the proposal is an existing 60 ft. private easement (Kenny Lane) and a proposed 60 ft. private easement (Michelle Lane). All proposed lots are above 30,000.

- Mr. McMillen reviewed the subdivision and informed the board that previous board action required the following: (1) submittal of an NCDOT driveway permit (2) removal of Dunston Road from the plat as it is not a recognized E-911 street (3) showing of utility easements for underground utilities (4) submittal of an updated soils analysis showing adequate soils for all lots including lot 12 (5) submittal and approval of a subdivision name (6) corners of Michelle and Kenny Lane need to be rounded off with a 20 foot radius (7) submittal of a road maintenance agreement and restrictive covenants prior to getting final plat approval.
- Due to the time that has passed since this action was taken in December 2013 staff felt it appropriate for the board to review the preliminary plat an additional time. He noted that all concerns have been addressed with the revised plat.
- Mr. McMillen informed the Board that Michelle Lane has previously been approved by E-911 and the board and there would be no need to approve the road name again.

Motion made by Ms. Stainback to approve the preliminary plat for Hidden Acres Subdivision.

Second was made by Ms. Brummitt.

Motion passed 5-0.

◆ **Adjournment.**

- A. With no further agenda items, the board adjourned the meeting.