



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 November 12, 2015 Planning Board Meeting
DATE: November 12, 2015 4:00 PM to 5:30 PM

Board Members: Thomas Shaw (Chairperson), Phyllis Stainback (Vice Chairperson), Ruth Brummitt, Alvin Johnson, Jr.

County Staff: Jordan McMillen

Absent: Blake Haley, Agnes Harvin

- ◆ Mr. Shaw opened up the meeting and entertained a motion for approval of the 10/15/2015 minutes:
 - a. **Motion** was made by Ms. Brummitt to approve the minutes.
 - b. **Second** was made by Ms. Stainback.
 - c. **Motion** passed 4-0.
- ◆ Mr. Shaw entertained a motion for approval of the meeting schedule for calendar year 2016.
 - a. **Motion** was made by Ms. Brummitt to approve the minutes.
 - b. **Second** was made by Mr. Johnson.
 - c. **Motion** passed 4-0.
- ◆ Mr. Shaw moved to the next agenda item.
 - A. **Rezoning Request (Case# RZ1511-1) – Spring Valley Farm 2, LLC (Applicant) - Tax Parcels 0201 02015, 0201 02027 & 0201 02016 – Request to rezone 3 parcels as follows:**
 - Tax parcel 0201 02015 (53.88 acres) owned by Edward & Donna Spain – Request to rezone from Residential Low Density (R-30) to Agricultural Residential (AR);
 - Tax parcel 0201 02027 (38.39 acres) owned by Edward Spain – Request to rezone from Residential Low Density (R-30) to Agricultural Residential (AR);
 - Tax parcel 0201 02016 (17.38 acres) owned by Alexander S. Lombard III & Ronda Lombard Moore – Request to rezone from Residential Low Density (R-30) to Agricultural Residential (AR);
 - Mr. McMillen reviewed the complete staff report outlining the location, existing land use, surrounding land uses, parcel size, zoning history, newly permitted uses with the rezoning, as well as the impacts of the rezoning. He reviewed the considerations to be made by the board in making a favorable rezoning recommendation.
 - Ms. Beth Trahos (Attorney with Smith, Moore, Leatherwood, LLP) addressed the board and informed them that the applicant does intend to put a solar farm on the site although the board is to consider all possible uses in the rezoning. She further mentioned that it is felt that the surrounding land uses including the landfill and the transfer station would be compatible with having this property rezoned to Agricultural Residential.
 - Mr. Edward Spain (Property Owner) asked the board to support the rezoning request. He mentioned that existing streams provide a large buffer that would hide any proposed use on the property. He mentioned that there would need to be significant setbacks from Julia Street and Spring Valley Road due to topography and streams.
 - The board discussed the rezoning request and reviewed the zoning of the surrounding parcels. In discussing this, the board made note that the subject property owned by Mr. Spain sits off of NC 39 North slightly. The board also discussed the benefit of topography and streams providing an additional buffer for any particular uses on the property.

Motion made by Ms. Brummitt to recommend approval of the rezoning request on the basis that the proposed zoning would be consistent with the general surrounding area within a rural part of the county.

Second was made by Ms. Stainback.
Motion passed 4-0.

B. **Rezoning Request (Case# RZ1511-2)** – Sunlight Partners, LLC (Applicant); Mr. Claude Bobbitt (Property Owner) - Request to rezone parcel from Low Density Residential (R-30) to Agricultural Residential (A-R) - Tax Parcel 0464 03001.

- Mr. McMillen reviewed the complete staff report outlining the location, existing land use, surrounding land uses, parcel size, zoning history, newly permitted uses with the rezoning, as well as the impacts of the rezoning. He outlined the proximity of surrounding subdivisions and mentioned that this rezoning has the potential to visually impact the surrounding residential areas if proposed uses and buffers are not designed, planned and maintained properly. He reviewed the considerations to be made by the board in making a favorable rezoning recommendation.
- Mr. Mike Fox (Attorney representing the applicant - Sunlight Partners) addressed the board and informed the board that the proposal would be to construct a solar farm if the rezoning and future zoning approvals were successful. Mr. Fox presented a booklet of company information, safety information on solar farms, appraisals, site plans, and landscaping plans. He mentioned that the focus of their presentation would be to show a dense buffer that would eliminate negative visual impacts.
- The board questioned the reasoning of the site plans being presented and questioned whether they were necessary at this stage of the process. Mr. McMillen reminded the board that their recommendation should be based upon all allowable uses following the rezoning and a particular use should not be considered.
- Mr. Mike Wallace (Sunlight Partners) addressed the board and mentioned that the booklet and site plans are to show the board that they have taken buffer concerns very seriously. He reviewed the buffer plan for the site and mentioned that there would be no visual impact.
- Mr. Rich Kirkland (Appraiser) addressed the board and mentioned his experience and reviewed his opinion that solar farms have no impact on property values.
- The board discussed the rezoning request and the potential impacts and mentioned that the buffer could be helpful regardless of the use proposed for the property.

Motion made by Ms. Stainback to recommend approval of the rezoning request on the basis that any negative visual impacts can be mitigated to the surrounding residential properties with extensive screening. Additionally the rezoning would situate the property similarly to properties in the general area.

Second was made by Ms. Brummitt.
Motion passed 4-0.

C. **Rezoning Request (Case# RZ1511-3)** – Sunlight Partners, LLC (Applicant); Mrs. Joyce Duke (Property Owner) - Request to rezone parcel from Low Density Residential (R-30) to Agricultural Residential (A-R) - Tax Parcel 0550 01015A

- Mr. McMillen reviewed the complete staff report outlining the location, existing land use, surrounding land uses, parcel size, zoning history, newly permitted uses with the rezoning, as well as the impacts of the rezoning. He mentioned that the surrounding land as well as the size of the subject parcel would make the rezoning request reasonable. He mentioned a staff concern with the concentration of conditional uses and mentioned that this property may be within 1,000 feet of a solar farm previously approved as a conditional use. He reviewed the considerations to be made by the board in making a favorable rezoning recommendation.
- Mr. Mike Fox (Attorney representing the applicant - Sunlight Partners) addressed the board and informed the board that the proposal would be to construct a solar farm if the rezoning and future zoning approvals were successful. Mr. Fox presented a booklet of company information, safety information on solar farms, appraisals, site plans, and landscaping plans.
- Mr. Mike Wallace (Sunlight Partners) addressed the board and briefly reviewed the site plan and landscaping plan. He mentioned that the intention was to provide a dense buffer where existing vegetation was not present in order to ensure that all exposed areas would be covered and to reduce any negative visual impacts.
- Mr. Rich Kirkland (Appraiser) addressed the board and reviewed his opinion that solar farms have no impact on property values.

- The board discussed the rezoning request and the surrounding zoning categories being compatible with the proposed agricultural residential zoning classification.

Motion made by Mr. Johnson to recommend approval of the rezoning request as the proposed zoning category would be in harmony with surrounding parcels of similar size.

Second was made by Ms. Brummitt.

Motion passed 4-0.

D. **Rezoning Request (Case# RZ1511-4)** – Rachel Allen Daye (Applicant); Rachel Allen Daye & Norma Diane Allen Bullock (Property Owners) - Request to rezone parcel from Low Density Residential (R-30) to Agricultural Residential (A-R) - Tax Parcel 0467 03003

- Mr. McMillen reviewed the complete staff report outlining the location, existing land use, surrounding land uses, parcel size, zoning history, newly permitted uses with the rezoning, as well as the impacts of the rezoning. He mentioned that the parcel is predominantly surrounded by Agricultural Residential zoning with the exception of the Lynnbank Estates Subdivision to the east zoned R-30. He mentioned that the property is secluded with access by an easement from the subdivision. He mentioned further that the property could have been zoned R-30 or A-R when zoning was put in place, although R-30 was chosen at that time due to its proximity to the neighboring subdivision. He reviewed the considerations to be made by the board in making a favorable rezoning recommendation.
- Ms. Brummitt questioned the current use of the property. Mr. McMillen mentioned that the majority of the property is wooded currently with 2 stream tributaries that limit the development potential of the entire parcel.
- Mr. Timothy Daye (son of landowner) addressed the board and mentioned that the property is being rezoned because all of the surrounding land is zoned as agricultural. He mentioned that the land is currently wooded, with half of the property being timbered 10 years ago. He mentioned that access to the property is a path from the subdivision. Mr. McMillen clarified that the access is an existing path at the western side of the Lynnbank Subdivision and is therefore not landlocked. He mentioned further that the easement is not wide enough to allow development of the property. The property owner will need to increase the easement width should the property be developed in the future.
- Ms. Brummitt questioned the amount of acreage in the middle of the tract that is useable with the streams and wetlands on the property. Mr. McMillen mentioned that a specific survey has not been provided to determine this, but based upon rough estimates it appears anywhere from 22-30 acres would be useable accounting for the required stream and wetland buffers.
- Mr. Shaw questioned whether the A-R zoning would change the taxes for the property. Mr. McMillen mentioned that the rezoning changes the potential uses of the property, but does not impact the taxes rate.

Motion made by Ms. Brummitt to recommend approval of the rezoning request on the basis that the proposed zoning would be consistent with the surrounding properties and that any negative visual impacts could be mitigated from the neighboring subdivision.

Second was made by Ms. Stainback.

Motion passed 4-0.

◆ **Adjournment.**

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