



**VANCE COUNTY
PLANNING & DEVELOPMENT**

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

Planning Board Minutes

March 12, 2020

TO: Vance County Planning Board
FROM: Angie Blount
SUBJECT: Case # RZ20200109-1 – Rezone 20.687 acres from AR to GC1, Bullocksville Park Rd
DATE: March 12, 2020

Approved 6-11-2020

Board Members Present: J. Thomas Shaw, Chair, Ruth Jones, Vice-Chair, Phyllis Stainback, Logan Darensburg, Alvin Johnson, Jr., Ruxton Bobbitt, Alternate

Board Members Absent: Agnes T. Harvin, Blake Haley

County Staff: Jonathan Care, Attorney, Sherry Moss, Interim Planning Director, Angie Blount, Planner

Those signed up for Public Comment: Melray Bullock, area resident

J. Thomas Shaw, Chair, opened the March 12, 2020 meeting of the Vance County Planning Board at a little past 4 pm.

Chairperson Shaw announced the first order of business would be to review and approve the minutes from the January 9, 2020 Planning Board meeting. Board member Ruth Jones made a motion to approve the minutes as presented; Board member Ruxton Bobbitt seconded the motion. A vote was taken and was unanimous to approve the minutes as presented.

Chairperson Shaw announced the next order of business would be to hear case number RZ2020109-1, a continuation from the January 9, 2020 meeting. Chairperson Shaw asked planning staff to present the case.

Angie Blount, planner for Vance County, explained the request is to rezone a 20.687 acre tract of land on Bullocksville Park Rd from AR to GC1. She advised that the applicant had submitted an application to the Vance County Board of Adjustment to operate a rodeo on the property but the inclusion of permanent structures made it necessary for the property to be rezoned. The applicant made application in January to the Vance County planning board for a rezoning on 120 acres. The board requested that the acreage to be rezoned be decreased. The applicant did a subdivision of land and is now asking to rezone 20.6 acres.

Board member Mr. Ruxton Bobbitt asked if the 45' easement on the plat was adequate. Mrs. Blount advised 25' is the requirement. Mr. Bobbitt asked if the width of the easement was based on the applicant owning the surrounding property. Mrs. Blount stated that ownership of the surrounding property was not an issue and that 25' was the requirement for a private access easement. Mrs. Blount added that if it were a public road, NCDOT would require 60'. Mrs. Blount added that as long as emergency vehicles can pass on the road, the width is adequate. Mr. Bobbitt asked if parking requirements would come before the Board of Adjustment. Mrs. Blount advised that if the property were rezoned and the applicant applied to the Board of Adjustment for a Conditional Use Permit, then parking would be addressed. Mrs. Blount reminded the board that the request is for a rezoning recommendation.

Chairperson Shaw commented that there would be a public comment period during the Board of Adjustment meeting if the applicant made application for a Conditional Use Permit.

Board member Mr. Bobbitt commented that he felt the 45' width of the private access easement was too narrow and felt that a 60' width would be needed. Jonathan Care, County Attorney, advised the board that they have the ability to make a motion that the rezoning be approved with the condition or recommendation that the easement width be adjusted.

Chairperson Shaw asked if the board was clear that the request was to rezone the 20.6 acres from AR to GC1 and that the recommendation could be included to increase the width of the easement from 45' to 60'. He asked if the board had any further comment or questions.

Board member Mrs. Phyllis Stainback asked why the application listed only one owner if the property was jointly owned. Mrs. Blount replied that the property is jointly owned by a husband and a wife. Board member Mrs. Ruth Jones asked about the applicant and her role in the rezoning. Mrs. Blount replied that she had not been informed what the relationship was between owner and applicant. It was the wish of the board that both owners (husband and wife) be listed both, as owner and applicant on the application, to which Mrs. Blount advised, would be revised as such. Mr. Care advised the board that the applicant could be anyone as is often the case in new development. Mr. Care advised as long as the owner is informed; it can be a different applicant. He advised the board may want to place as a condition that owner information be included. Mrs. Jones asked if the wife was listed as owner. Mrs. Blount advised that she was, both in tax records and on the preliminary plat. Chairperson Shaw commented that the concern was that only one owner was listed on the application. Mrs. Blount advised she would have both the owners placed on the application.

Board member Mr. Bobbitt asked how many uses are allowed without a Conditional Use Permit with a GC1 zoning. Mrs. Blount advised that she would need to consult the ordinance, of which she did not have a copy present. Board member Mr. Bobbitt asked Mr. Care if they would need to consider any issues raised in a letter from an adjoining landowner, which was included in board member packets. Mr. Care advised since the landowner was not present to comment the board did not have to consider the issues mentioned. Mr. Bobbitt advised his concern was that if the property is rezoned, a use not requiring any further board action could be established on the property. Mr. Care advised that was true, that any use allowed within that zoning district could be established if it did not require further board action, but that there are many uses that might be allowed at local level that the State of North Carolina has regulations that may void any local permissions. Chairperson Shaw asked if the board wished to discuss the matter further. Mrs. Blount advised staff was looking up the uses that do not require further board action in a GC1 zoning. Mr. Bobbitt asked if junk yards or salvage was allowed, Mrs. Blount advised that it was. Mr. Care commented that there would be other requirements under the county ordinance that would be imposed on some uses even if it did not require further board action. Chairperson Shaw asked if there was any further discussion, being none, he asked if anyone would like to make a motion. Board member Mr. Bobbitt made a motion that the recommendation be approved to be presented to the County Commissioners provided the application bears the names of both owners and that the private access easement width on the plat be increased from 45' to 60'. The motion was seconded by Board member Mr. Alvin Johnson. A vote was taken and the recommendation to rezone was unanimous.

After a vote was taken and before Chairperson Shaw acknowledged a lady from the audience as wishing to speak. She asked what kind of commercial business this would be. Mr. Care answered and stated that the type of business was irrelevant at this meeting as it was only for a rezoning. The lady advised that she has lived on Bullocksville Park Road for over 30 years and that the traffic in the summertime is already bad and makes it hard to pull out onto the highway. She advised that the people who live in the area should be given some consideration in the matter. Chairperson Shaw

advised her that the case would be going to the County Commissioners to decide and that she would need to express her concerns there during public comment. She gave her name for the minutes as Melray Bullock.

Chairperson Shaw announced the next order of business would be to hear case # MN20200312-1, a 7 lot minor subdivision with a Class 2 road to be named Waterside Lane. Chairperson Shaw asked planning staff to present the details.

Angie Blount, Planner for Vance County, advised that the board would hear details for a 7 lot minor subdivision to be accessed from a Class 2 Private Road, requiring a set of construction plans showing the road is built to NCDOT standards, except paving. Mrs. Blount stated this could be found in the Vance County Subdivision Ordinance, Section 404 and 313.11.6. Mrs. Blount advised the Class 2 road would be accessed from State Road 1417, Daniel Boone Trail. Mrs. Blount advised that 911 addressing had approved the use of the name "Waterside Lane". Mrs. Blount advised that staff did not anticipate any negative impacts on surrounding properties as a result of this subdivision.

Chairperson Shaw asked the board if they had any questions and if someone would like to make a motion for or against. Board member Mrs. Jones asked if they could include a road maintenance agreement. Chairperson Shaw advised they could mention it. Mrs. Blount advised that there were several standards in the subdivision ordinance that should be applied but also sections that seem to cancel out standards. She advised that there would be standards for building and standards for maintenance recorded with the plat. Chairperson Shaw asked if there was any further discussion or questions from the board. Record board member Mr. Bobbitt made a motion to approve with the condition that the road is built to NCDOT standards per Vance County Subdivision Ordinance 313.11.6, and a road maintenance agreement (upon the advice of Mr. Care). The motion was seconded by Board Member Mrs. Jones. A unanimous vote was taken approving the request.

Chairperson Shaw announced that being no further business, he declared the March 12, 2020 meeting of the Vance County Planning Board adjourned at 4:33 p.m.