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**TO:** Vance County Citizens Advisory Committee (CAC)  
**FROM:** Ken Krulik, Assistant Director/Senior Planner  
**SUBJECT:** Minutes of the May 18, 2006 CAC meeting  
**DATE:** May 22, 2006

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**In Attendance**

**Committee Members:** Reverend J,H, Daniels-Committee Chair, Connie Kenney: Committee Vice-Chair, John Abbott, Alan Rowland, John Foster, Vincent Jefferson, and Thomas Shaw

**County Staff:** Ken Krulik (meeting facilitator), Robert Farnum

**Others Present:** Marc Woodlief and Matthew Milliken (Daily Dispatch)

**Absent:** Helen Williams, Rusty McMahon

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- ◆ Chairman Daniels called the meeting to order; requesting review of the May 11, 2006 minutes. Members first had some discussion on the issue raised by Helen Williams at the last meeting regarding parking of trucks/trailer along Saint Andrews Church Road.
- ◆ Ken Krulik responded he obtained information related to Helen Williams' request. He said that in speaking with the local NC-DOT office the situation would first have to be investigated by the Dept. of Motor Vehicles and/or Highway Patrol, then NC-DOT could install no parking signs if the situation warranted.
- ◆ Chairman Daniels then moved the discussion back to the minutes of the last meeting, Committee members identified several minor corrections which were noted by Ken Krulik. Chairman Daniels then entertained a motion to approve the minutes as corrected:
  - A. **Motion** was made by John Foster to approve the minutes of the May 11, 2006 meeting with the noted corrections. **Second** was made by John Abbott.
  - B. All members present voted to approve the May 11, 2006 minutes.
- ◆ Chairman Daniels, then said the Board of Commissioners and the County Manager responded to the Committee's request for an extension of time to complete their work, a copy of the letter was distributed by Ken Krulik (the deadline for the Committee's work to be completed has been extended to the end of June-June30, 2006).
- ◆ Members discussed that it may be possible, if their work is still not complete, to "enumerate" to the Commissioners other issues/material that still needs to be addressed, one is the draft zoning map (created with insufficient resources available to staff).
- ◆ Chairman Daniels noted that Ken Krulik and Robert Farnum conducted the mapping for the draft zoning ordinance with the best resources they had available, but it would be preferable to have a more accurate and detailed map for the draft zoning ordinance

- ◆ Ken Krulik responded that in addition to the work he and Robert Farnum conducted, which did include windshield surveys, other resources were utilized in the creation of the draft zoning map including the 2004 aerial photography for the County and tax records.
- ◆ Chairman Daniels asked if it were possible to develop a map on the computer to illustrate the County's adopted Land Use Plan map and then use it as a comparison to the draft zoning map for the Commissioners to see how they match up.
- ◆ Ken Krulik responded that this could be done (a computerized map of the County's 1996 land use map was already created by his department) and he explained to the Committee that the land use plan is a guide for County growth.
- ◆ John Foster asked Ken Krulik that based on the letter received back from the Commissioners with the extended timeframe, could the work necessary to complete the review of the draft ordinance and any changes to the draft zoning map be completed.
- ◆ Ken Krulik responded that yes he could accomplish the work and have the material ready for the Committee to review (to complete their) before the June30 deadline.
- ◆ John Foster commented that this will be "a lot of work," to which Ken Krulik agreed.
- ◆ John Foster also asked how many more meetings will need to be conducted by the Committee once all their review has been completed. Ken Krulik responded that would be up to this Committee to decide.
- ◆ John Abbott commented that with meetings being 2 hours each that four more meetings would equal eight more hours of work, members discussed if this would be sufficient.
- ◆ Chairman Daniels asked of the Committee if a Saturday meeting (10-4:00 PM) would be possible to add some additional time to the Committee's work if it were necessary (once all revisions/recommendations have been compiled for final review by the Committee)..
- ◆ Alan Rowland works most Saturdays, but this should not hinder the Committee from a Saturday meeting if that were decided. Ken Krulik would be available; other Committee members had some discussion on this option.
- ◆ Chairman Daniels said that a Saturday meeting was something to consider, no final decision for such a meeting was established. He moved the meeting forward to Section 12 of the draft ordinance and said if time permits they should review Section 13 as well as the revised draft ordinance distributed in the meeting packets.
- ◆ John Foster had a comment for Section 12.1 regarding notification of the public hearings, noting that it should be consistent with other parts of the draft ordinance.
- ◆ Chairman Daniels also asked if the state's general statues had provisions for the number of public hearings to be held, Ken Krulik gave a brief overview and noted that the state's requirements are "minimum requirements," additional hearings could be held.
- ◆ John Foster commented that some people may not be able to attend all the public hearings (per the requirements of this section) or if there is a short period of time in between the hearings that may prove difficult as well for some to attend.
- ◆ Committee members discussed what would be an appropriate length of time in between hearings if more than one were to be held. Alan Rowland commented that a Board of Adjustments usually meets once a month.
- ◆ Ken Krulik added that for public hearings, general statues specify a period of time for adequate notice to be given. Also, he added, when it comes to decisions of the Board of Adjustments it is the determination of the Commissioners as to whether the authority for final decisions for variances, conditional use permits, and re-zoning applications are set by the Board of Adjustments or remain with the Commissioners.

- ◆ Committee members had additional discussion on if two public hearings were required (per Section 12), then would two months be adequate time for a decision to be reached.
- ◆ Robert Farnum commented that the Committee had already made a recommendation earlier in the draft ordinance for a maximum of forty five (45) days for a decision and the time periods should be consistent.
- ◆ John Foster commented that the time period should be adequate for an applicant to seek legal advice if necessary and have representation.
- ◆ Chairman Daniels responded that based on the discussion it would be preferable to have two public hearings thirty (30) days apart and with a ten (10) days notification on each hearing.
- ◆ Alan Rowland commented this is similar to what is required for Board of Adjustments hearings, and would be consistent with a monthly meeting schedule for that board.
- ◆ Chairman Daniels asked if these meeting notice requirements also referred to notice sent to adjacent property owners. Ken Krulik responded that this could be addressed in a recommended revision to notify adjacent property owners as necessary.
- ◆ John Foster added that a potential revision should include that the property owners notified should be listed as the owner of record in the Vance County Tax Office. Ken Krulik also noted this recommendation.
- ◆ Chairman Daniels stated that the mailing cost for an application should be borne by the property owner (not the County). Ken Krulik responded that these costs are included in the application fees (for variances, re-zoning, conditional use permits) and is a part of the proposed fee structure to cover the costs by the applicant for all notices/mailings.
- ◆ Chairman Daniels also commented that it should be noted that notices sent should be certified mail return receipt requested, Ken Krulik also noted this recommendation.
- ◆ John Foster commented that under Section 12.2.D.1 that length of time for notices sent should be ten (10) business days, Ken Krulik noted this and would revise accordingly.
- ◆ Vince Jefferson commented that under Section 12.2.A it states that "...proposed changes or amendments.....may be initiated by the .....County Administration," he asked who is the "County Administration? Ken Krulik commented that he had made a minor error in including this and would remove the text accordingly (County Administration).
- ◆ Committee members continued discussing Section 12 and amendments/changes to the draft ordinance, as well as administration of amendments/changes in the future. .
- ◆ Chairman Daniels asked about the last sentence of Section 12.2.E that states "The Board of County Commissioners may waive this provision by majority vote." He questioned as to why a re-application for a change would be waived within a one year period.
- ◆ Committee members discussed this concern, Ken Krulik noted he would research this (whether general statutes state the majority, or if it could be changed to a 2/3 vote). A consensus of approval would be preferable was the determination of the Committee. Another concern would be to insure consistency and fairness for all applicants. Based on the discussion Ken Krulik noted he would re-work this section accordingly.
- ◆ Vincent Jefferson also noted another change to be made where it states "County Administration," Ken Krulik noted this and would revise the text as appropriate.
- ◆ Chairman Daniels noted under Section 12 that "interested person" should be defined more clearly, it should be the property owner or his/her agent. Ken Krulik responded he would continue to work on a clearer definition to include in the draft ordinance.

- ◆ Chairman Daniels noted that under Section 12.3, Item A reads: “The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories,” he asked for some clarity. Ken Krulik gave a brief overview, stating this is to prevent “spot zoning,” he work on a more clearly defined provision.
- ◆ Alan Rowland commented that this Section also needs a better defined role of what the planning board does (its actions, who is in charge of zoning). Ken Krulik gave an overview of the role of Board of Adjustments and Planning Board. He added he could develop a flow chart that shows the process/organization to include in the draft ordinance.
- ◆ John Foster commented under Section 12.3.E: “The proposed change is in accord with the County Land Use Plan...” He asked if there are plans to update the 1996 Land Use Plan, Ken Krulik responded yes and he has been compiling information to update the Land Use Plan when the draft zoning ordinance work is completed (adopted or not).
- ◆ John Foster asked if it were possible to update the Land Use Plan and complete the draft zoning ordinance work concurrently. Ken Krulik responded that even though the County’s Plan was completed ten years ago, it would need to be revised/updated and the process itself would be approximately one year for the plan alone.
- ◆ Vincent Jefferson asked, in reference to the County’s Land Use Plan, what goes into developing such a plan and the composition of the task force (committee) involved in the process (who sets the goals of the plan).
- ◆ Ken Krulik responded with an overview of developing a Land Use Plan. He noted that a land use committee (or task force) of local citizens is created to assist the Commissioners in defining the County’s goals for future growth (plans are usually 20 years in scope), then objectives are established and strategies are developed to meet those goals (with staff doing the technical work, facilitating meetings-public information meetings).
- ◆ Committee members had some discussion on the regulations adopted since the adoption of the Land Use Plan in 1996 (manufactured home park ordinance, subdivision regulations, and now work is being conducted on a draft zoning ordinance). Ken Krulik said that this timeframe of ten years to develop the tools used to implement the Land Use plan is not unrealistic.
- ◆ Chairman Daniels and John Foster asked if it were possible to have the draft zoning map consistent with the adopted land use map, in doing so it illustrates areas for proposed new development. This then identities for new property owners the expectation that areas are designated for potential commercial/industrial growth.
- ◆ Ken Krulik noted that the work being conducted to “digitize” the tax maps and provide updated information as part of the computer database will be utilized to revised the draft zoning map and provide a more accurate graphic of the proposed zoning for the County (can also be overlaid with the adopted land use map).
- ◆ John Foster noted that elements such as the new outer loop for Henderson is not identified on the draft zoning map, Ken Krulik agreed and said there is information that could still be added to the final map for review/consideration.
- ◆ Chairman Daniels moved the meeting forward, noting that the last sentence on Section 12.4 and 12.5 (page 66) should be removed, Ken Krulik noted the recommendation.
- ◆ John Foster and Alan Rowland commented that when ample time has been given to review and application, if there is no decision made in an appropriate time by the Planning Board then the application would then default to a favorable recommendation for submittal to the Board of Commissioners (in favor of the applicant).

- ◆ Committee members had additional discussion on this issue, with the burden placed on the Planning Board to make a recommendation in an appropriate timeframe, with the applicant able to ask for an extension of time if no decision has been reached. Ken Krulik noted he would re-work this section accordingly, inclusive of a recommendation for a 2/3 majority vote necessary to approve the application.
- ◆ Vincent Jefferson added that under Section 12.4 the text should read that the Board of Commissioners shall “consider” the Planning Boards’ request before taking “action” if there is no formal action taken by the Planning Board Ken Krulik noted this recommendation as well and would revise accordingly.
- ◆ The Committee had further discussion on an appropriate timeframe under Section 12.4.
- ◆ Alan Rowland commented it should be revised to have the Board of Commissioners take action within thirty (30) days, once the application is received from the Planning Board.
- ◆ Thomas Shaw added that the provision could read that “consideration and action” be taken by the Board of Commissioners within thirty (30) days. The Committee agreed, Ken Krulik noted the recommendation and would re-work the text provision.
- ◆ Committee members asked about what if the application is withdrawn is it subject to the same stated one year time limit to re-apply.
- ◆ Alan Rowland commented that this would not be the case as there was no decision made on the application (one year time limit to re-apply is only if a decision is made on the application, this prevents multiple appellations on the same issue).
- ◆ Committee members had discussion on if this would apply to a new use for the same property, Alan Rowland recommended the reapplication should be for a new use only.
- ◆ Committee members agreed and recommended that “bullet points” be added to this section to help identify the process for re-application and what would facilitate approval/denial. Ken Krulik noted this recommendation and would revise accordingly.
- ◆ With no further discussion on this section, Chairman Daniels moved the meeting forward to Section 13 (Definitions). He did ask of Ken Krulik if the conflict in interest provision for the Board of Adjustments had been added yet.
- ◆ Ken Krulik responded he was working on the text he received from Chairman Daniels, but he added text per state General Statutes (153A-345 Board of Adjustments) that refers to conflict of interest. He also distributed copies of this text to the Committee for review.
- ◆ Ken Krulik continued that under page 74 of the draft revised ordinance, he included the General Statutes text (153A-345) on voting requirements for the Board of Adjustments (4/5 vote, and the number of members can be no less than 5).
- ◆ The Committee then moved to Section 13 (Definitions), Ken Krulik informed them he was working on a definition for “interested parties” (persons) to add to this section.
- ◆ John Foster commented that under the definition of abandonment of signs, there should be a timeframe of six months (6) to consider a sign as inoperable/abandoned. Ken Krulik informed the Committee that under Section 9 he added recommended text for signs
- ◆ Chairman Daniels responded that the Committee will look at that section at a later meeting. Ken Krulik did note the recommendation from John Foster for a time limit.
- ◆ Alan Rowland and Robert Farnum pointed out that Section 5 identifies for non-conforming uses that are abandoned the time limit is one year, this could be an appropriate timeframe of an abandoned sign. Ken Krulik noted this recommendation as well; enforcement would be addressed by the Planning and Development staff.

- ◆ Alan Rowland noted a clarification under the definition of Access; other grammatical corrections were identified for this definition. Ken Krulik noted the recommendations.
- ◆ John Abbott also identified several grammatical corrections to be made to the definition of Abandonment; Ken Krulik noted these as well.
- ◆ As the meeting forward, Ken Krulik brought to the attention of the Members that under conditional use permits for adult establishments, the Committee had recommended removing a number of requirements for this use, including: “ no nude or semi-nude service/entertainment of any kind shall be allowed outside the building of a regulated use.” He asked if the Committee was sure they wanted these provisions removed.
- ◆ Robert Farnum distributed information from General Statutes giving the County authority to regulate these types of uses. Ken Krulik noted this and would revise this section accordingly as well as making copies of the state statutes available to the Committee.
- ◆ Under the definition for Agriculture, Chairman Daniels recommended adding some examples of secondary/accessory uses. Ken Krulik noted this recommendation and would revise the text accordingly.
- ◆ Committee members continued their discussion of the definitions including adding clarification of the altering of the use of property, altering the landscape, and clarification of a general aviation airport versus a private use airport (also inclusive of radio controlled model aircraft). Ken Krulik noted these recommendations as well.
- ◆ Chairman Daniels raised a point regarding automobile/service stations that minor repairs area allowed, but not major repairs. He recommended a better clarification of this in the definition, Ken Krulik noted this as well as better identifying certain uses (repairs) that would be conducted inside the facility versus outside.
- ◆ Thomas Shaw noted that this would also need to address when the uses racks for working on vehicles are utilized which are sometimes outside of the facility. Ken Krulik noted this as well and would revise the text accordingly.
- ◆ Alan Rowland also noted there is an issue of making sure that contaminants are contained on site of this type of use (automobile/service stations), Ken Krulik noted this recommendation as well.
- ◆ Committee members noted that the definition of Bona Fide Farm now includes the USDA and County Tax Office definitions, Ken Krulik responded that is based on the earlier recommendations of the Committee.
- ◆ Alan Rowland and John Foster commented that the building footprint definition should be consistent to include (as noted earlier in the draft ordinance) porches, loading docks, and canopies as applicable. Ken Krulik noted this and would revise accordingly.
- ◆ John Foster also noted that the defense of a building setback line should be noted from a survey as the tax maps on record are not always accurate. Ken Krulik noted this after discussion from the Committee and would make appropriate revisions to the definition.
- ◆ Committee members concluded their discussion and determined a schedule for their remaining meetings. Ken Krulik informed the Committee he would be absent May 25<sup>th</sup> Robert Farnum would be available as staff for that meeting. The Committee determined they would meet on May 25<sup>th</sup>, June 8<sup>th</sup>, June 22<sup>nd</sup>, and June 27<sup>th</sup> to finish their work. This would allow for Ken Krulik to finish compiling all recommendations for final review.
- ◆ With no further business the meeting was adjourned.