



*Vance County Planning & Development
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TO: Vance County Citizens Advisory Committee (CAC)
FROM: Ken Krulik, Assistant Director/Senior Planner
SUBJECT: Minutes of the May 4, 2006 CAC meeting
DATE: May 9, 2006

In Attendance

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

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

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

Absent: Thomas Shaw, III and Rusty McMahon

- ◆ Chairman Daniels called the meeting to order; requesting review of the April 27, 2006 minutes. Minor grammatical corrections were identified by Committee members and noted by Ken Krulik.
- ◆ With no further discussion or corrections to the minutes by the Committee, Chairman Daniels entertained a motion to approve the minutes as corrected:
 - A. **Motion** was made by John Abbott to approve the minutes of the April 27, 2006 meeting with the noted corrections. **Second** was made by Alan Rowland.
 - B. All members present voted to approve the April 27, 2006 minutes.
- ◆ Chairman Daniels reminded members they had consensus to review the revised Table of Permitted Uses at the final meeting (and all draft ordinance recommendations from the Committee). He continued by asking the assembled members to look over the text provisions (text changes bolded in the distributed material, under Section 3.1 and 3.2).
- ◆ Committee members noted necessary adjustments to the numbering of the text section and sub-sections; there was discussion on the proposed changes to the road frontage requirement and lot size minimums for properties with access to public water and sewer.
- ◆ Alan Rowland commented that in the initial review of this section it was noted that the individual proposed zoning categories, for the amount (percent) of allowed coverage on each lot and open space requirements, were inconsistent. He stated that these elements need to be consistent (equal 100% when calculated). Ken Krulik noted this and would review these elements for consistency and make appropriate adjustments.
- ◆ John Foster raised a question after Committee members concluded discussing lot coverage and open space requirements for the proposed zoning categories. He asked how much time would be allotted for the Committee to review all potential recommendations to be considered, prior to submitting the final report to the Commissioners.

- ◆ Ken Krulik stated that at the conclusion of the Committee's meeting on May 11th; all recommendations will be compiled into a final document and mailed to the members at least several days ahead of the May 18th meeting. This would allow the members to review the material and to take action on the proposed recommendations (May 18th) and then submit the final report to the Commissioners.
- ◆ Ken Krulik continued that the final recommendations from the Committee would be summarized (and a revised draft illustrating changed text) would be submitted to the Commissioners with a recommendation to read the proposed changes thoroughly prior to the June 5th Board of Commissioners meeting.
- ◆ Alan Rowland commented it's his understanding the Planning Board would be involved at some point in the final review process as well (the Planning Board has worked on the draft ordinance for a long time and would need to see the recommendations from the Committee as well potentially make their own).
- ◆ Ken Krulik said the same material would be submitted to the Planning Board to expedite their review of the recommendations. He added he has reviewed with the Planning Board the recommendations being considered by the Advisory Committee (worked to keep the Planning Board informed and solicit input) and once the Committee has completed its work, the recommended revisions will be reviewed by the Planning Board on May 23rd.
- ◆ John Foster asked if the Planning board has had any feedback on the proposed revisions, Ken Krulik responded yes although the comments have been few.
- ◆ John Foster then asked if those comments could be submitted to the Advisory Committee for review as well, Ken Krulik responded that he would do so for their next meeting.
- ◆ Chairman Daniels asked again if there were other changes to be made to the text of Section III (Table of Permitted Uses would have a final review at their last meeting). He added that it may be prudent to have all uses in the proposed A-R (agriculture residential) zone be given a CU (conditional use) permit designation. This would give the Board of Adjustments the ability to review/approve what would be allowed in that zone.
- ◆ Vincent Jefferson commented that even with the recommendations from this Committee, the Commissioners would need to not only listen to their recommendations, but those from the Planning Board as well as they have the expertise to address land use issues.
- ◆ John Foster inquired as to how closely related the draft zoning ordinance is to the County's Land Use Plan.
- ◆ Ken Krulik responded they are consistent, one basic premise of the Land Use Plan is to maintain the County's rural and agricultural character (draft zoning ordinance focuses on that element). He added that the Planning Board had the preservation of the County's rural and agricultural character as its main focus in developing the draft ordinance.
- ◆ Chairman Daniels moved the meeting to the review of draft ordinance (page 39 where the Committee at its last meeting) under Section Six (Conditional Use Permits) and focusing on automobile salvage/junkyards. He also informed the members that copy of the County's Abandoned Vehicle Ordinance (Ordinance #2) was distributed for review.
- ◆ Ken Krulik also distributed to the Committee a potential-revised Ordinance #2 developed by the County's Compliance Officer although it has not yet been formally reviewed-adopted by the County Commissioners (both the original Ordinance #2 and revised Ordinance #2 were distributed for review/discussion purposes).
- ◆ Chairman Daniels distributed a draft "conflict of interest policy" he developed for potential inclusion into the draft zoning ordinance (Board of Adjustments Section). He continued the meeting asking if the members had any comments starting on page 39.

- ◆ John foster asked if there were any specific laws currently that dealt with abandoned vehicles. Ken Krulik commented that the distributed Ordinance #2 is the current local regulation for abandoned vehicles in the County. He noted the current Ordinance #2 is lacking “teeth” to be as effective as it could be and the potential revised Ordinance #2 (also distributed) may better address enforcement if adopted by the Commissioners.
- ◆ The Committee had general discussion on the issue of cleaning up (removing) abandoned vehicles in the County (outside of Henderson). Ken Krulik noted that there is no formal County program to offer services (resources) for removal if there are abandoned vehicles on one’s property that need to be removed.
- ◆ Alan Rowland commented that within the City of Henderson, there are volunteers that have been solicited by the City to address removal of abandoned vehicles.
- ◆ Helen Williams commented that it was her understanding that something was already in place and in operation in the city (Henderson) to address this issue.
- ◆ Committee members continued their discussion of automobile salvage/junkyards (page 39), it was noted that in other areas privacy fences are required for these operations yards to screen the use. Ken Krulik noted that inclusion of a privacy fence (potential text revision) for this use could then allow for a reduced setback (part of the discussion).
- ◆ Chairman Daniels commented that in the draft ordinance the text for existing salvage/junkyards an eight foot high chain link fence opaque for screening) would be required to be installed within 24 months. Ken Krulik responded yes, with the idea to improve safety and security for the property (Committee can make revisions to this text).
- ◆ Alan Rowland commented that it’s in the best interest of the property owner (from a liability standpoint) to have a fence that would deter people from coming onto the property and getting injured.
- ◆ Vincent Jefferson commented that with installing a fence that is opaque then the image of the area is improved greatly. He added there are already several property owners he knows of (with salvage yards) that have begun installing fences.
- ◆ Committee members continued discussing fencing for salvage yards (new and existing). This included expansion and requirements for fencing, as well as instances where a person who works on cars and has people just drop them off , then “forgetting” to pick them up. Members noted it may be an issue of the County setting aside funds to provide resources in helping to clean up the abandoned vehicles.
- ◆ Vincent Jefferson added it’s also a reposniltiy issue for the property owners of these operations (and mechanics who work on vehicles) to require that the vehicles be picked in certain amount of days (this is a continuing issue since there is really no enforcement).
- ◆ Helen Williams commented that this is why zoning is so important, to let people know there are limitations as to what can happen (since there will always be changes). “There comes a time when we (as residents) will have to be in compliance.” She added that while many people are willing to follow the rules not everyone will do so.
- ◆ John Foster added that fencing will aid in reducing the “pilferage” of materials from salvage yards, as well as improving security (kids often get into the sites to play and get injured-fencing will assist in reducing these issues).
- ◆ Alan Rowland noted that there is a need to revise the text at the bottom of page 39 (item 1.A.1) that the text was inconsistent for the setbacks of 500’ from residential zone, yet the AR zone allows this use with a conditional use permit. Ken Krulik noted this and would revise the provision to insure it is consistent.

- ◆ Vincent Jefferson noted on Page 40 for item D-2, if this provision was grandfathered for existing uses. Ken Krulik noted he would research this question.
- ◆ John Foster noted on same the section for Item D-3 to include text that reads “to include environmental requirements.” He added this should also be addressed under Item E-5. Ken Krulik noted these recommended revisions for incorporation into the draft ordinance.
- ◆ Alan Rowland commented that on the same page under Item E 1 where it reads “Site Plan approval.” It should read “Shall have site plan approved.” Also he noted under Item E-2 tow it reads “setbacks from the centerline...” and yet all other setbacks in the draft ordinance are from the right of way line, this should be consistent and read “right of way line”. Ken Krulik also noted these recommended revision to add into the draft ordinance.
- ◆ Committee members had some discussion on salvage yards being allowed in certain zones as a permitted use and in others with a conditional use permit.
- ◆ Chairman Daniels stated there is a need to insure the fencing/screening provisions (salvage yards-permitted or permitted as a conditional use) in the proposed C-1 (General Commercial) and L-I (Light Industrial) zoning categories needs to be clarified. He added as a recommendation to require fencing/screening for salvage yards no matter if it’s a permitted use or a conditional use. Ken Krulik noted this recommended revision
- ◆ Ken Krulik sated that there were text provisions under sections 4.15 and 4.16 in regards to screening and buffering between uses. He added that he was working on revising the text to clarify screening and buffering requirements between commercial/industrial uses and adjacent residential uses. Also he noted, an appropriate provision for landscaping and buffering will be added to the proposed C-1 and L-I zones.
- ◆ Chairman Daniel had a minor text correction on page 41 and the recommendation for a fence height (eight feet) under Item E-1 on the same page.
- ◆ John Abbott raised a question regarding multi-family dwellings (apartments) on page 43, in the proposed R-10 zone, stating there seemed to be not much space for parking and open space on a lot (proposed for 300 square feet of space).
- ◆ Committee members had some discussion on multi-family dwellings and where they were allowed in the proposed R-30, R-20, and R-10 zones. Ken Krulik gave an overview of what is listed in the proposed Table of Permitted Uses
- ◆ Connie Kenney inquired if the proposed 300 square feet of space for multi-family in this proposed zone was for parking, parks, and/or open space.
- ◆ Ken Krulik responded that under the proposed ordinance for a multi-family dwelling, each dwelling unit would require 300 square feet (SF) of open space on the lot where it is built (for example, 3 separate dwelling units would each require 300 SF = 900 SF).
- ◆ Committee members had further discussion on the section for multi-family dwellings listed on page 43. It was determined that there needs to be a provision to reference the parking requirements and open space requirements for this section, Ken Krulik noted this recommendation and would address it accordingly.
- ◆ John Foster raised a question for Item G-4 on page 43, as relates to the type of “assurance” provided to the Board of Adjustments to assume the maintenance of private drives. His question was what type of assurance? It was discussed by the members and determined that a bond should the assurance, Ken Krulik noted this recommendation.
- ◆ John Foster also noted the same question and potential response (bond) for Item G-5 on the same page. Ken Krulik noted this recommendation as well.

- ◆ Vincent Jefferson commented that the numbering system of the draft ordinance would need to be revised based on several corrections, Ken Krulik noted this and would address the recommendation.
- ◆ Chairman Daniels noted that though group homes are noted in the Conditional Use Section pages 43 to 44, that there are no proposed zoning categories where group homes require a conditional use permit (only listed in certain categories as permitted). He recommended removing this, Ken Krulik noted this and would revise accordingly
- ◆ Chairman Daniels then moved the meeting forward to campgrounds (page 44 Item 3). He noted that Item C should be revised for “camping areas, drinking water and sanitary facilities shall be available within twelve hundred (1200) feet,” what is the distance from. In addition it states developed campsite versus primitive campsites, there should be some definition included. Ken Krulik noted these recommendations and would revise the text.
- ◆ John Foster recommended under Item H page 44 for additional plan requirements, that the text should address a preliminary plan be submitted and if the conditional use permit is approved, then to request the final plan. This will reduce extra costs if the conditional use permit is not approved; Ken Krulik noted this and would make the revision
- ◆ Committee members also had discussion on the Item that reads “A camp store may be permitted, but no alcoholic beverages may be sold on the site.” It was determined after discussion by the members to remove this text provision; Ken Krulik noted this recommendation to revise the section accordingly.
- ◆ Ken Krulik noted that with the modification to the Table of Permitted Uses for manufactured home communities, the text provision on page 45 Item 4 should be removed as there is no longer a conditional user permit requirement for that use.
- ◆ Chairman Daniels moved the discussion to page 50 for conditional use permits on wireless (cell) towers, commenting that Item 9-A should include provision for matching FCC requirements on electromagnetic field (EMF) effects. He continued that this type of documentation should also be submitted for review by the Board of Adjustments.
- ◆ John Foster commented that there is no provision for what to do if the tower is destroyed for any reason, can they build it back. Ken Krulik noted this and would research this for potential inclusion into the draft ordinance.
- ◆ Committee members began discussing conditional use permits for airports.
- ◆ John Foster commented on the requirement for a minimum of five acres for a heliport (page 51 Item A), it was discussed by the Committee if this is for the helipad itself or the heliport. After some discussion it was recommended to include a definition of heliport and helipad, as well as to clarify the acreage requirement for the property and the pad. Ken Krulik noted these comments and recommendations.
- ◆ Connie Kenney asked if this requirement would apply to hsoitals, Ken Krulik responded he would research this and work on an appropriate text clarification/revision.
- ◆ Committee members concluded their discussion on airports and moved to page 52, Section 7 on parking, a correction to that last sentence of Section 7.1 was noted to change “guarded” to “controlled. “ It was also note by members to revise Section 7.5 Item A to specify “... and not for any type of commercial use....” Ken Krulik noted these recommendations from the Committee.
- ◆ Alan Rowland noted on page 53 Item C that the provision reading “A strip of land five (5) feet....” should be changed to ten feet, Ken Krulik noted the recommendation as well.

- ◆ John Foster commented under Section 7.6 on page 53 that language should be added for temporary parking to be allowed for trailers and manufactured homes, it was determined after some discussion to add text reading “allowed for five days with permission of the property owner.” Ken Krulik noted this and would make the appropriate revision.
- ◆ Committee members also had discussion to revise under 7.6 Item 5 and under Section 7.7 for vehicle storage that trailers (pulled behind a semi/18-wheeler) should be allowed for those who operate businesses using trailers. Ken Krulik noted these recommendations and would re-work the provision to address this as well make sure they are consistent.
- ◆ Helen Williams noted that there are areas in the County where trailers are parked on the side of roads, such on part of St. Andrews Church Road (in the right of way), and it’s difficult to see around the backs of the trailers (limits visibility when driving). She inquired if this was permissible.
- ◆ Chairman Daniels commented that trailers are required (per NC-DOT) to not be parked in the right of way for roads.
- ◆ Ken Krulik commented he would research both of these concerns as raised by Helen Williams and Chairman Daniels.
- ◆ Committee members further discussed licensed versus unlicensed vehicles parked on farms, Ken Krulik noted, after the discussion, he would also research this issue.
- ◆ Chairman Daniels moved the meeting forward to Sections 7.7 through 7.12, there were no further comments or discussion raised by the Committee members. He asked the members to review the draft document he distributed for the next meeting, as relates to for conflict of interest, to be potentially included in the draft ordinance.
- ◆ Ken Krulik also distributed to the Committee, material he compiled on potential and compared fees for variances, re-zoning applications and conditionals use permits (for review and consideration). He also distributed a draft section on signs and sign requirements for review and consideration in Section 9 of the draft ordinance.
- ◆ John Foster has some final comments on the fees; he also asked if there could be out together a structure of the make-up of the Board of Adjustments (members, alternates) as well as how they relate to the Planning Board and Board of Commissioners. Ken Krulik noted these recommendations and would work on addressing this request, he added the next meeting would include review of Sections 8 through 12 on May 11th
- ◆ With no further business the meeting was adjourned.