

Minutes From February 5, 2009

Members Present

Bill McDonald-Chairman
Eddie Walters
Leon August
Bob Perry
Gene Allen

Members Absent

Al Seibert

Staff

Gary Parker
Jeff Curtis
Judy Presnell

1. Call to Order-9:00 am
2. Roll Call-Quorum Present
3. Agenda Comments-Item (b) was moved to Item (a) to accommodate the visitors that were in attendance for the rezoning request.
4. Approval of Minutes-From November 20, 2008 Session. **Perry moved to approve. Seconded by August. Motion carried unanimously.**
5. Zoning Administrator Report-None
6. Building Inspectors Report-None
7. Old Business-None
8. New Business
 - a. Rezoning request from Oceanside Corporation to rezone parcel # 2273A155 and parcel # 2273A151 (portion inside SSB ETJ) from MR-3 to MB-1.

Sheila McLamb presented her case to the board. She said the best use for the property would be for business as the parcels are located on a major road and will provide services for the residents. She went on to say she received inquiries from business that had interest in locating there; however, she has received no inquiries for residential building.

Allen asked what businesses had inquired about the property? Shelia answered there was interest from two retail establishments and one governmental inquiry.

Perry asked about spot zoning and read the definition of spot zoning from the Land Use Plan. He further went on to say that he could not approve this without a site plan; i.e., what the building would like, noise to the nearby residents, parking, turn lanes, lighting, buffering, landscaping, etc...so, I can't make a recommendation or decision.

Parker said if it were rezoned and a commercial interest came in, it would have to meet the current ordinance and buffer requirements.

Walters agreed Perry had a good point. Walters also read from the Spot Zoning, and referenced what the NC Supreme Court defines as spot zoning and also item # 4. (from attachment in meeting packet). He related that this parcel of land is consistent with Spot Zoning.

Shelia answered saying, the NC Supreme Court is clear that spot zoning is legal, if it meets certain criteria. She continued to say the community is a growing area, and it is reasonable to have businesses to support the residential population.

McDonald said the focus is what the community will look like and where our residential is and where our commercial is. There appears to be adequate commercial business to the north.

McDonald asked the board for a motion.

Perry made a motion to defer this for further discussion and consideration. Seconded by August.

August stated that he would like to visit the site.

All those in favor to defer for further discussion?

Bob-Yes

Leon-Yes

Gene-No

Eddie-No

Bill-No

Walters: **“I move that we deny the request for rezoning on the basis that it is not consistent with our current and future land use plan that we have proposed and are trying to get finalized. And, that, we are looking at a piece of property that is individually owned, that is a relatively small tract of land, and is entirely surrounded by residentially owned properties. I agree with the applicant that it is not the highest and best use of any single tract of land on a major roadway such as 904. The question the town and board has to deal with is there is always a starting point and a stopping point of different zoning districts and where we want that to be established and I think it is pretty well established in the existing zoning that we have.”**

McDonald: **“So your motion is to deny?**

Is there a second to that motion?”

Seconded by Allen.

“Any further discussion?”

Being none: “all those in favor say aye.” The board responded “aye”.

“All those opposed?” None.

Motion carried unanimously.

The board recessed for a five minute break.
Meeting resumed at 9:40 am.

b. Approval of the proposed Bike/Ped Plan

Explanation of the changes presented by Gary Parker after which some discussion and questions about cost matters ensued with the board members.

**Motion to adopt plan made by Walters. Seconded by Perry.
Motion carried unanimously.**

9. Comments from Visitors-None

10. Adjournment-Meeting adjourned at 10:12 am.

Bill McDonald-Chairman

Cindy Nelson-Secretary