

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JUNE 8, 2005

The Henderson County Board of Commissioners met for a special called meeting at 6:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Shannon Baldwin, Commissioner Chuck McGrady, County Manager David E. Nicholson, Assistant County Manager Justin Hembree, County Attorney Russell Burrell, and Deputy Clerk to the Board Amy Brantley.

Also present were: Planning Director Karen C. Smith, Planner Autumn Radcliff, Planner Anthony Prinz, Public Information Officer Chris S. Coulson and Development and Enforcement Services Director Toby Linville.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order at approx. 6:05 p.m. and welcomed all in attendance. He requested Karen Smith begin with an overview of the area. The Board would then take the map section by section, look at the properties in the various areas and take action where appropriate.

REZONING ACTION #R-05-01, THE U.S. HIGHWAY 25 NORTH ZONING STUDY

Karen Smith briefly reviewed the information provided for the Boards consideration which consisted of a Staff memo, a list of the sixty nine (69) contested parcels, a map showing the contested parcels without any other zoning, zoning map amendments adopted by the Board on May 9, 2005, and a current zoning map as of May 9, 2005.

Ms. Smith noted that the list of 69 contested parcels was compiled from various lists that the Board had previously seen, letters received, and comments received during public input sessions and Planning Board sessions. Some of the listed parcels may no longer be contested, however if individuals had not specifically indicated that they were satisfied, the property remained on the list.

Ms. Smith referred the Board to the map showing the contested parcels without any other zoning. She stated that Staff would begin with the properties in Inset 1, then proceed to Inset 2, Inset 3, and then would cover properties going from south to north. During the course of the meeting Ms. Smith provided the Board with some background and answered a variety of questions from the Board. The Board also asked questions from various members of the audience, and had discussion amongst themselves. Actions were taken by the following motions.

Chairman Moyer made the motion that parcels 46, 66, 67, 68, and the depth of 300 feet of parcels 15, 13 and all of 14 be rezoned as C-4. Following discussion about where the 300 feet would begin and the width of the right-of-way on Highway 25, it was the consensus of the Board to have the 300 feet begin at the edge of the right-of-way. A vote was taken on the motion. The motion carried 3-2 with Commissioner Baldwin and Commissioner McGrady voting in opposition.

Commissioner McGrady made the motion that parcels 57, 8, 7, 58, 43, and the depth of 300 feet of parcels 40, 41 and 42 be rezoned C-2 with the remainder of those three parcels being zoned R-15. The motion failed 3-2 with Chairman Moyer and Commissioner McGrady voting in favor.

Commissioner Messer made the motion that parcels 57, 8, 7, 58, 43 be rezoned C-4, and the depth of 300 feet of parcels 40, 41 and 42 be rezoned C-2 with the remainder of those three parcels being zoned R-15.

DATE APPROVED _____

The motion carried 3-2 with Commissioner Baldwin and Commissioner McGrady voting in opposition. With regard to Chairman Moyer's motion on parcels 13, 14, and 15, Karen Smith questioned what the zoning would be behind the 300 feet. Going back to the first motion, Chairman Moyer made the motion that the property in parcels 13 and 15 beyond the 300 foot mark remain zoned RC. All voted in favor and the motion carried.

Chairman Moyer made the motion to rezone parcels 17, 48, and the small portion of 13 on the west side of Highway 25 C-4, and leave 16 and 47 as R-15. The motion carried 3-2 with Commissioner Baldwin and Commissioner McGrady voting in opposition.

Commissioner McGrady made the motion to accept the Planning Board's recommendation on all the parcels in Inset 2. Following discussion, Commissioner McGrady amended his motion to accept the Planning Board's recommendations and rezone parcels 18, 65 and 37 to C-2P, and 25, 26, 62, 63 and 64 to C-2. The motion carried 4-1 with Commissioner Baldwin voting in opposition.

Commissioner Young made the motion that the depth of 300 feet of parcels 23 and 24 be zoned C-4 with the remainder of those two properties being zoned O&I. Following discussion, Commissioner Young withdrew his motion.

Commissioner Messer made the motion that parcels 23, 24, 35, 60 and 59 be zoned C-4 as required in the previous motions. The motion failed 3-2 with Commissioner Messer and Commissioner Young voting in favor.

Commissioner McGrady made the motion to follow the Planning Board's recommendation and zone parcel 23 C-2P and parcel 24 O&I. The motion failed 3-2 with Chairman Moyer and Commissioner McGrady voting in favor.

Commissioner McGrady made the motion that parcels 12, 19, 53 and 54 be rezoned consistent with the Planning Board's recommendation of C-2P. The motion failed 3-2 with Chairman Moyer and Commissioner McGrady voting in favor.

Commissioner Messer made the motion that parcels 12, 19, 53 and 54 be zoned C-4 within 300 feet from the right-of-way. The motion failed 3-2 with Commissioner Messer and Commissioner Young voting in favor.

Chairman Moyer made the motion to adopt the Planning Board's recommendation and zone all parcels within Inset 3 as R-15. All voted in favor and the motion carried. The parcels contained in Inset 3 were: 3, 52, 69, 33, 34, 28, 30, 27, 29, 11, 51, 31, 49, 44 and 45.

Commissioner Messer made the motion that parcels 9 and 56 be zoned I-2. The motion carried 3-2 with Commissioner Baldwin and Commissioner McGrady voting in opposition.

Commissioner McGrady made the motion that parcel 36 be zoned RC. The motion carried 4-1 with Commissioner Baldwin voting in opposition.

Commissioner McGrady made the motion that parcel 32 be rezoned consistent with the Planning Board's recommendation which split the parcel into C-4 and RC zoning. The motion carried 4-1 with Commissioner Baldwin voting in opposition.

Commissioner Messer made the motion that the depth of 300 feet of parcels 1 and 21 be zoned C-4 with the remainder of property on parcel 21, and parcel 22 zoned RC. The motion carried 4-1 with Commissioner Baldwin voting in opposition.

Commissioner McGrady made the motion that parcel 55 be zoned C-4. The motion carried 4-1 with Commissioner Baldwin voting in opposition.

Commissioner McGrady made the motion that parcels 4, 6, 5 and 20 be zoned R-15 as consistent with the Planning Board's recommendation. All voted in favor and the motion carried.

Commissioner McGrady made the motion that parcel 50 be zoned T-15 as consistent with the Planning Board's recommendation. All voted in favor and the motion carried.

Commissioner Baldwin made the motion that parcel 10 be zoned I-1. All voted in favor and the motion carried.

Chairman Moyer made the motion that parcels 12, 19 and 53 be rezoned C-2. Following discussion, Chairman Moyer amended his motion to zone parcels 12 and 19 C-2, and to consider parcels 53 and 54 together, and zone the depth of 300 feet as C-2. The motion failed 3-2 with Chairman Moyer and Commissioner Young voting in favor.

Chairman Moyer made the motion that parcels 12, 19, 53, 54, 38 and 39 be rezoned as C-2P, consistent with the Planning Board's recommendation. The motion carried 3-2 with Commissioner Baldwin and Commissioner Messer voting in opposition.

Chairman Moyer made the motion that parcels 23, 24 and 35 be rezoned C-2. Following discussion, Chairman Moyer amended his motion to rezone parcels 23 and 24 as C-2. The motion failed 4-1 with Chairman Moyer voting in favor.

Commissioner Messer made the motion that parcel 24 be zoned C-4, and parcels 23 and 35 be zoned C-2P as consistent with the Planning Board's recommendation. The motion carried 4-1 with Commissioner Baldwin voting in opposition.

Commissioner McGrady made the motion that parcel 61 be rezoned C-2. The motion carried 4-1 with Commissioner Baldwin voting in opposition.

Commissioner Young made the motion that parcels 59 and 60 be rezoned C-2. The motion carried 3-2 with Commissioner Baldwin and Commissioner McGrady voting in opposition.

Ed Groce requested that since the Board had zoned parcels 59 and 60 as C-2, they reconsider zoning parcel 35 as C-2. It was the consensus of the Board not to reopen discussion on that parcel.

Chairman Moyer thanked Staff for their work on the matter, stating they had done a tremendous job.

Adjourn

Commissioner McGrady made the motion to adjourn the meeting at 8:25 p.m. All voted in favor and the motion carried.

Attest:

Amy R. Brantley, Deputy Clerk to the Board

William L. Moyer, Chairman