



**EDENTON-CHOWAN
INSPECTIONS AND PLANNING DEPARTMENT**
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**Chowan County Planning Board
November 17, 2015
Chowan County Public Safety Center
305 West Freemason Street
7:00 pm**

Chairman Marvin Hare called the meeting to order. He asked Planner Elizabeth Bryant to call the roll. Jim Leggett, Marvin Hare, and Bobby Winborne were present. William Monds, Wayne Parrish, Linda Peterson, and Jim Robison were absent.

Mr. Leggett opened the meeting with a prayer.

Ms. Bryant stated that, due to the lack of a quorum, the Board would be unable to vote on any issues at this time.

Mr. Hare asked the Board members if they had any additions or deletions that they would like made to the minutes of the October 13, 2015 meeting. (there were none)

Mr. Hare opened the floor to public comment.

Dossey Pruden, 351 Soundside Rd, spoke in regard to the Board's consideration of repeal or further amendment to TA-14-01 regarding Department/General Merchandise/Variety Stores in the A-1, Agricultural Zoning District; and subsequent recommendation to the Chowan County Board of Commissioners.

Mr. Pruden stated that there was less than 105 acres of B-1 property in Chowan County and that land was owned by less than 12 owners. He stated that he had 40 acres rezoned to B-1 back in 2007. He stated that if you own property that is zoned B-1 then you have a right to build a Department/General Merchandise/Variety Store. He stated that if the proposed text amendment is approved then that would mean that B-1 owners would have to obtain another permit from either the Board of Commissioners or the Planning Board (depending on the size of the building) to construct a Department/General Merchandise/Variety Store. He stated that would be another \$400 that a B-1 owner would have to pay for that right. He stated that he felt that existing B-1 owners should be grandfathered because they already have the right to build a Department/General Merchandise/Variety Store as a use by right in the B-1 district. He stated that he had already paid the money to have the property rezoned to B-1 and that now he would be required to pay another fee to obtain a Special Use or Conditional Use Permit to allow him to build a Department/General Merchandise/Variety Store which was already a use by right in the B-1 district. He stated that he did not think that it was fair to existing B-1 owners and that he felt that the text amendment would cause more problems than what it was worth.

Ms. Bryant explained how the text amendment came about. She stated that when she was updating some past files that had not been recorded at the Register of Deeds she came across the text amendment and that she did not understand why the previous planner had brought the text amendment before the Planning Board because there was already a provision in the Ordinance to allow for the development of Department/General Merchandise/Variety Stores by conditional use rezoning. She stated that when she went to the Commissioners in October that she was told that their recollection was the reason that the

previous planner presented the amendment was so that the smaller stores would not have to go through both the Planning Board and Board of Commissioners and that the larger stores would have to go before both Boards. She stated that the Ordinance at the time required that the stores, regardless of size, would have to go through both Boards. She stated that it also was unclear in the language whether the text amendment applied only to the A-1 District or if the intent was for it to apply to all districts where that use is allowed. She stated that the Commissioners had told her that it was for A-1 only. She stated that she was asked for her opinion on the amendment and that her opinion was that if the Ordinance was going to require a Conditional Use or Special Use Permit for this type of store in any district then she felt that it should be required across all zoning districts or that the text amendment should be repealed. She stated that the Commissioners had asked her get the Planning Board's opinion on the intent of the text amendment and whether it should stand as it is, be further amended, or be repealed.

Mr. Hare stated that the text amendment was clear to him as it was written and approved.

Mr. Winborne stated that he recalled that the amendment went back and forth between the Commissioners and the Planning Board a couple of times.

Mr. Leggett stated that he thought that the amendment was meant to speed up the approval process for the smaller stores.

Mr. Hare expressed concerns over spot zonings in some of the properties that Mr. Pruden had pointed out on the zoning map.

Ms. Bryant stated that they were conditional use rezonings which means that they are tied to a specific development project and that is allowed under North Carolina General Statute. She stated that if that specific development project does not happen then that rezoning reverts back to the original zoning.

Mr. Winborne questioned the zoning of the recently developed dollar stores.

Ms. Bryant stated that they were still zoned A-1 and that they had obtained Special Use Permits for the stores. She stated that the Special Use Permits transferred with the property.

Ms. Bryant stated that speaking with the Planning Board and Board of Commissioners has helped her make sense of what the intent of the text amendment was and that at the next Planning Board meeting she hoped to get the consensus of the entire Planning Board on the intent of the text amendment. She stated that it would then be up to the Commissioners to decide what action to take on the amendment.

Mr. Hare asked why locations like Smalls Crossroads and Valhalla would still be zoned A-1 when they are being used as a business.

Ms. Bryant stated that the A-1 district is a very permissive zoning district and that every use that is in the northern part of the county was an allowed use in the A-1 district. She stated that, in her opinion, it was up to the property owner to decide if they want to have their property marketed or zoned in a certain way.

Mr. Hare noted the next item on the agenda, discussion of the 2008 Edenton-Chowan Land Use Plan.

Ms. Bryant stated that Chowan County would typically be scheduled for an update to the Land Use Plan at this time but that the State of North Carolina had cut funding to the program and that grant money was no longer available for the update. She stated that she was not sure that the Town & County would feel that an update is necessary at this time.

There was some discussion about past projects that had failed to come to fruition as well as population growth patterns within the county.

Ms. Bryant stated that the current Land Use Plan was still a good document and that the maps were still relevant because the county had not changed a lot since the last update.

Mr. Hare stated that he felt that the Land Use Plan provided a good vision for the county. He questioned whether the vision at the time of the last update was still the same vision for the county today.

(tape ended, had to be flipped)

There was some discussion on what would happen if a large industrial facility wanted to locate in Chowan County and how that could come about.

Ms. Bryant stated that any project like that would have to be located on property zoned Industrial.

There was discussion on the Sandy Point project and how that development group was recruited to Chowan County.

Mr. Winborne stated that he felt that any lot in Chowan County should only be able to be sold with the prerequisite that it be able to pass a perk test.

Ms. Bryant stated that there was now a requirement on subdivision plats that the health department has to sign off on the plat stating that it has passed all their requirements.

There was discussion on the demographics of Chowan County and ways to encourage growth.

There being no further business, the meeting was adjourned.

