

**Burnsville Planning Board
Special Meeting - January 12, 2021
Burnsville Town Center**

The Burnsville Planning Board met on January 12, 2021 for a special meeting at the Burnsville Town Center. Kim Simpson presided, with members Greg Yuziuk and Jerri Storie present. Members Paul Bradley, and Robert Byrd joined the meeting via remote simultaneous communication at 6:15pm and were counted present for purposes of quorum and voting. Also in attendance were Mayor Theresa Coletta, Heather Hockaday, Brian Buchanan, Chad Fox, Corey Osborne from the High Country Council of Government, and Town Councilor Judy Buchanan via webex. Kim Simpson called the meeting to order at 6:20pm.

The meeting was streamed live for the public on the Burnsville Town Center's YouTube Channel.

Approval of the Minutes - Minutes from a special meeting held on November 16, 2020 were available. Jerri Storie made a motion to approve the minutes as read. Greg Yuziuk seconded the motion, which carried.

Discussion of future land use map - Corey Osborne of the High Country Council of Governments and consultant to the Land Use Plan Steering Committee gave background on the development of the future land use map and how he arrived at the designations. He said there was an emphasis on existing land use and for the most part, future recommended land use matches existing land use.

Member Paul Bradley expressed concerns about the future zoning designation of two properties on the future land use map. He felt that they could possibly conflict with the goals of the Planning Board and may not fit the zoning change criteria. Mr. Bradley, Kim Simpson and Jerri Storie agreed that more time should be spent reviewing the future land use map.

Chair Kim Simpson suggested that the Planning Board have a special meeting to give members time to review the future land use map. A special meeting was set for January 25th at 6:15pm in the Burnsville Town Center.

Adopt regular meeting schedule - Greg Yuziuk made a motion to continue on the same regular meeting schedule. Kim Simpson seconded the motion, which carried.

Discuss membership efforts - Mrs. Hockaday emphasized the new for new members and told the board that Town staff is happy to explore efforts to fill vacancies.

Rezoning request - An application, submitted by Ron and Minnie Powell, to rezone 407 E. Main Street from R-10 to C-3 was available for review. Robert Byrd explained a possible conflict of interest. Kim Simpson voted for Robert Byrd to recuse himself due to a conflict of interest. Jerri Storie seconded and the motion passed.

Mrs. Hockaday explained the laws governing how to consider zoning amendments, the board's role in making recommendations to the Town Council. She also spoke about the procedure of a public hearing and notice requirements involved after the matter is moved to the Town Council.

Zoning administrator Brian Buchanan gave background on the property, described neighboring properties, previous property use, and access from East Main Street.

Plan consistency statements were available for review. Mrs. Hockaday explained the need for a consistency statement from the Planning Board saying that the zoning map amendment is either consistent or not consistent with the planning goals of the Town.

A vote was called asking for who is in favor of rezoning 407 East Main Street from R-10 to C-3. The vote was as follows:

<u>Yes</u>	<u>No</u>
Greg Yuziuk	Kim Simpson
Jerri Storie	Paul Bradley

Robert Byrd was recused from voting. The recommendation to Council failed 2 to 2.

A vote was held asking who felt the zoning map amendment is NOT CONSISTENT with the planning goals of the Town. The vote was as follows:

<u>Yes</u>	<u>No</u>
Kim Simpson	Gregg
Jerri Storie	
Paul Bradley	

Robert Byrd was recused from voting. The recommendation to Council that the zoning map amendment is NOT CONSISTENT passed 3 to 1.

Review Procedural Rules for Town of Burnsville Planning Board - A discussion and overview of procedures to help guide efficient and effective meetings was had.

Discussion of Advisory Board Handbook - The handbook was available for review.

Discuss NCLM training modules - Training modules available from the North Carolina league of municipalities were presented.

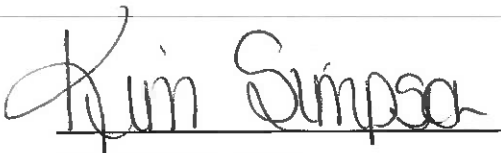
The next meeting will be a joint special meeting of the Burnsville Planning Board and Burnsville Land Use Plan Steering Committee on February 25th at the Burnsville Town Center.

The next regular Planning Board Meeting is on April 13, 2021 at 6:15pm in the Burnsville Town Center.

There being no further business the meeting adjourned.

Recorded by:


Chad Fox


Kim Simpson, Chair

PLANNING BOARD'S WRITTEN RECOMMENDATION TO THE BURNSVILLE TOWN COUNCIL TO APPROVE APPLICATION ZMA0121 REQUESTING AN AMENDMENT TO THE OFFICIAL ZONING MAP

WHEREAS, the zoning administrator for the Town of Burnsville has received an application requesting an amendment to the Official Zoning Map of the Town of Burnsville on the parcel depicted in the map attached hereto as Exhibit "A" and identified as follows:

APPLICANT(s): Ron and Minnie Powell
OWNER(s): Ron Powell and wife Minnie Powell
PIN(s): 082015549830000
ADDRESS: 407 EAST MAIN STREET, BURNSVILLE NC 28714
LOT AREA: .39 ACRE
CURRENT ZONING: R-10 (residential)
PROPOSED ZONING: C-3 (commercial)

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from R-10 residential district to C-3 commercial district; and

WHEREAS, on January 7, 2021 the Burnsville Town Council voted to refer the application to the Planning Board for their review and recommendation as is required by North Carolina Law; and

WHEREAS, pursuant to NCGS 160A-383(c)/ 160D-604 (a) and (b) "the planning board shall make a written recommendation regarding adoption of the regulation to the governing board." "Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report."; and

WHEREAS, the Planning Board has advised and commented on whether the proposed amendment is consistent with any plan or plans for land use in the Town of Burnsville and has provided written recommendation to the Town Council concerning the same (written recommendation is attached hereto as Exhibit B); and

WHEREAS, the Planning Board recommends that the Burnsville Town Council () approve () deny the proposed map amendment by a vote of 2 to 2.

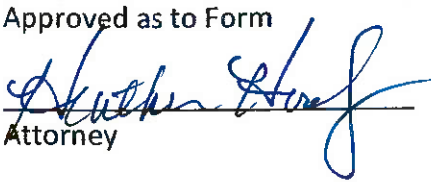
NOW, THEREFORE, THE BURNSVILLE PLANNING BOARD HEREBY RECOMMENDS AS FOLLOWS:

1. The Planning Board recommends that the Burnsville Town Council () approve () deny the proposed Zoning Map amendment as stated above.

Read, approved and adopted this the 12th day of January, 2021.

ATTEST:


Clerk

Approved as to Form

Attorney

BURNSVILLE PLANNING BOARD

By: 
Kim Simpson, Chair

Consented to (YES/NO):

- Planning Board Members:
- Kim Simpson, Chair N
- Greg Yuzick- Y
- Jerrie Storie- Y
- Robert Byrd- Recused
- Paul Bradley- N

PLAN CONSISTENCY STATEMENT
ZONING MAP AMENDMENT
NOT CONSISTENT WITH PLAN

For: AMENDMENTS TO THE ZONING MAP TO REZONE THE TRACT OR PARCEL OF LAND DESCRIBED BELOW TO FROM R-10 to C3.

Pursuant to North Carolina State law the Burnsville Planning Board hereby adopts and approves the following Plan Consistency Statement for the rezoning of tax lot PIN 082015549830000 407 East Main Street Burnsville, NC 28714 from R-10 (residential) to C-3 (commercial). The Board finds the following:

1. The use DOES NOT meet goals of the land use planning documents in that it allows for more uniform land use regulation in concert with the current zoning ordinance.

Upon examination of the below referenced plans finds that these amendments are inconsistent with the 2004 Yancey County/Town of Burnsville land use plan, NCSTEP and Small Town Main Street:

1. Will not help establish quality commercial development in Town
2. Will not help improve the local economy in Town
3. Will not preserve property values in Town
4. Is not consistent with or appropriate for adjoining properties

The proposed zoning map amendment is inconsistent with the planning goals of the Town. These changes are unreasonable and will not serve the public interest because they:

Remove property more appropriately zone R-10 from that designation and harm property values in the Town of Burnsville by detracting from the residential character of the area.

The Burnsville Planning Board adopts this consistency statement.

Read, approved and adopted this the 12 day of January, 2021.

BY: Kim Simpson
Kim Simpson, Chair

Attest:

J. Crutcher
CLERK

RESOLUTION OF THE BURNSVILLE PLANNING BOARD TO RECOMMEND THE COMPREHENSIVE
LAND USE PLAN TO THE BURNSVILLE TOWN COUNCIL

WHEREAS, the Steering Committee for the 2021 Burnsville, NC Comprehensive Land Use Plan has approved a draft of a Land Use Plan, drafted by Consultant, Cory Osborne, from High Country Council of Governments; and

WHEREAS, the Steering Committee has recommended the 2021 Burnsville NC Comprehensive Land Use Plan to the Burnsville Planning Board for approval on January 12, 2021; and

WHEREAS, the Burnsville Planning Board has received the 2021 Comprehensive Land Use Plan for the Town of Burnsville and upon review recommends referring the draft plan to the Burnsville Town Council publish the draft for public comment, to hold a public hearing and ultimately adoption by the governing council.

NOW, THEREFORE, it is hereby resolved that by the Burnsville Planning Board the following:

1. That the 2021 Burnsville, NC Comprehensive Land Use Plan draft is approved and recommended to the Burnsville Town Council for further action.

This the 25 day of January, 2021.

ATTEST:


CLERK

BURNSVILLE PLANNING BOARD

BY: 
KIM SIMPSON, CHAIR