



Town of Stanley Planning Board Agenda

Date: Tuesday, April 18, 2023

Location: Town Hall, 416 Highway 27 S, Stanley, NC 28164

Time: 6:00 PM

1. Commencement

- A. Call to Order
- B. Approval of Minutes
- C. Set Agenda

2. New Business

- A. Request to reassign the responsibility of Special Use Permit application hearings from the Board of Adjustment to Town Council

3. Old Business

None

4. Adjournment



**Town of Stanley Planning Board Meeting
Official Minutes
Tuesday, August 16, 2022**

The Planning Board Special meeting was held on Tuesday, August 16, 2022 in-person at the Town of Stanley Town Hall. The following elected officials, staff and applicants were present:

Sally Davis, Board Member
Philip McGinnis, Chairman
Ronald Eddington, Board Member
Nina McDowell, Board Member

Olga Grishin, Town Clerk
Elisa Neal, Town Planning Director

Call to Order:

Chairman McGinnis called the meeting to order at 6:00 p.m.

Agenda Item- Approval of agenda

Chairman McGinnis called for a motion to approve the meeting Agenda as presented. Board Member Ronald Eddington made a motion to approve the agenda. This was seconded by Board Member Nina McDowell. A vote was called for, and the motion passed unanimously 4-0.

Agenda Item- Approval of minutes

Chairman McGinnis called for a motion to approve the meeting minutes from the March 29, 2022 and April 25, 2022 Planning Board Meetings.

A correction of the minutes for the April 25th, 2022 meeting was made on a page #2, second paragraph. Corrected to "The" from " he".

Chairman McGinnis asked for a motion to approve a revised official meeting minutes from April 25, 2022, and to approve meeting minutes from the March 29, 2022 meeting. Board Member Sally Davis made a motion to approve official meeting minutes from the March 29th meeting and the amended meeting minutes from the April 25th 2022 meeting. Board Member Nina McDowell seconded the motion. A vote was called for, and the motion passed unanimously 4-0.

Agenda Item- New Business

a) **Zoning Ordinance Text Amendment - Add definitions to Section 8.3 Definitions of Specific Terms and Words of the Zoning Ordinance**

❖ ***Add definitions for “Food Truck” and “Mobile Businesses”***

Board member Sally Davis made a suggestion to add the words “and beverages” to the end of the definition for Food Trucks. Planning Director Neal concurred that this would make the definition more accurate in the event that a food truck was only selling beverages, or when food trucks wish to sell food *and* beverages.

Chairman McGinnis asked for a motion to recommend approval for this item. Board Member Nina McDowell made a motion to approve the recommendation of adding the definitions for Food Trucks as amended and the definition for Mobile Businesses as presented. Board Member Sally Davis seconded the motion. A vote was called for, and the motion passed unanimously 4-0.

b) **Zoning Ordinance Text Amendment – Establishments of Zoning Districts Section 10.1**

❖ ***Amend description of “MU Mixed Use District”***

Chairman McGinnis began discussion about how the alteration of the current description of the Mixed-Use District affects the zoning map and the table of uses. Planning Director Neal informed the Chairman and the board that this alteration would not affect either, but the alteration of this description would allow for better understanding of the uses allowed the Mixed-Use district and correct the process for approval of uses in the Mixed-Use district.

Chairman McGinnis asked for a motion to recommend approval for this item. Board Member Ronald Eddington made a motion to recommend approval of the description for the Mixed-Use zoning district as presented. Board Member Nina McDowell seconded the motion. A vote was called for, and the motion passed unanimously 4-0.

c) **Zoning Ordinance Text Amendment – Table of Permitted Uses**

❖ ***Add “Mixed-Use” zoning category to the Table of Permitted Uses, Section 12 of the Zoning Ordinance***

❖ ***Approve uses allowed by special use permit (S) in the Mixed-Use zoning district***

❖ ***Add “Food Truck” and “Mobile Businesses” as uses in the Table of Permitted Use and approve these uses in each zoning district***

Chairman McGinnis opened discussion for amendments to the Table of Permitted Uses. Board member Nina McDowell asked why the Food Truck use has an “X” and not an “S,” showing that the use would be allowed by-right instead of by special use permit. Planning Director Neal answered that the Food Truck use and the Mobile Businesses use are allowed by-right under

the mixed-use column due to the regulations being adopted by the Town Council in July to allow food trucks and mobile businesses in every zoning district, but with certain stipulations depending on which district the food truck is in. Chairman McGinnis asked if there was a way to adopt more uses “by-right” other than just for Food Trucks and Mobile Businesses. Planning Director Neal explained that any other uses being allowed by special use permit only reflects the existing language in the Zoning Ordinance that allows uses in the Mixed-Use district only by special use permit, but the food trucks and mobile businesses are an exception due to the recently adopted language in the Code of Ordinances that allow these two uses by-right in every district. To allow other uses by-right in the Mixed-Use district would mean that a text amendment would need to be submitted to change the language of the description of the Mixed-Use district to support special use permit uses and by-right uses in this district. Board member Sally Davis asked about item “ii.” under item “C” of the agenda. Planning Director Neal explained that item “C” is three parts: 1, to add “Mixed-Use” as a category in the Table of Permitted uses due to it being an existing zoning district and thus being required to be represented in the table of permitted uses; 2, to approve uses to be allowed in the Mixed-Use district; and 3, to add the uses for “Food Truck” and “Mobile Businesses” to the table of permitted uses. Chairman McGinnis expressed his concern that adding a mixed-use category and adding uses to be allowed in this district to the table of permitted uses. The Chairman expressed that many other towns and cities have several mixed-use projects that are showing up. The Chairman expressed his concern that allowing uses by special use permit *only* in the Mixed-Use district would add an extra layer of scrutiny to uses being allowed in this district, and asked whether that is a good thing or bad thing for businesses seeking to come into town. Board member Sally Davis added that the Comprehensive Land Use Plan reflects the town uses in that mixed-use projects would have an extra layer of scrutiny.

Chairman McGinnis asked for a motion to recommend approval for this item. Board Member Nina McDowell made a motion to recommend approval of the amendments to the Table of Permitted Uses as presented. Board Member Ronald Eddington seconded the motion. A vote was called for, and the motion passed unanimously 4-0.

Agenda Item- Adjournment

Chairman McGinnis asked for a motion to recommend adjournment. Board member Sally Davis made a motion, seconded by Board member Nina McDowell. A vote was called for, and the motion passed unanimously 4-0.

The Planning Board Meeting for August 16, 2022 was adjourned at approximately 6:29pm.

Respectfully Submitted:

Philip McGinnis – Chairman

(OFFICIAL TOWN SEAL)

Heath Jenkins – Town Manager

Olga Grishin - Town Clerk

Planning Board Item (2)(A)

Board Action Request: To reassign the responsibility of Special Use Permit application hearings from the Board of Adjustment to Town Council

Background: In keeping with the current trend for policies and standards throughout the State of North Carolina, shifting Special Use Permit applications from the Board of Adjustment to Town Council would align with more than sixty-nine (69) percent of other jurisdictions throughout North Carolina that provide for the primary decision-making body for Special Use Permits as the governing board. The assignment of this responsibility to the governing board is particularly common for more populous towns and cities with populations of ten thousand (10,000) or more, to designate the decision to town councils.

The evidentiary hearing process (quasi-judicial) would remain the same, as would the four (4) findings of fact and burdens of proof currently required:

1. Does not materially endanger the public health or safety;
2. Meets all required conditions and specifications;
3. Would not substantially injure the value of adjoining property or be a public necessity; and
4. Will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

Staff Recommendation: To approve the request, as presented, in order to allow for broader transparency in the decision-making process.