



Planning Board

Thursday, March 14, 2024, 5:30 p.m.
Bryant Womack Justice & Administration Center
40 Courthouse Street
Columbus, North Carolina 28722

- I. Call to order
- II. Approval of Agenda
- III. Approval of Minutes
Approval of Minutes from December 14, 2023 Planning Board Meeting
- IV. Vote for Chair and Vice- Chair
Planning Board Bylaws call for the election of a Chair and Vice-Chair by the Board.
- V. Preliminary Plat – Minor Subdivision
Applicant: Laddy Edwards
Location: Township, Parcel # P53-107
Acreage: 4.79
Proposed number of sites: 3
Average lot size: 1.60 acres
Road system: S.R. #1168
Water system/sewer: Private
Land use: Residential
- VI. Public Comments
- VII. Adjournment

PLANNING BOARD
December 14, 2023 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

1. Call to Order

Members Present: Warren Eadus, Anwar Timol, Libby Morris, Lisa Krolak, Ed Daniel

Members Absent: Warren Watson, Tony Dale, Chris Jones

Staff Present: Cathy Ruth, Chelsea Allen, Sarah Zoellers

2. Approval of Agenda

A motion to approve the agenda was made by Lisa Krolak, seconded by Anwar Timol. A vote was taken and all were in favor, the motion carried unanimously.

3. Approval of Minutes

A. November 9, 2023 Minutes - Draft

A motion to approve the minutes from November 9, 2023 was made by Lisa Krolak, seconded by Ed Daniel. A vote was taken and all were in favor, the motion carried unanimously.

4. Zoning Ordinance - Text Amendment Request to Neighborhood Commercial (NC), add Automobile, Truck, & Farm Implement Sales & Service as a Permitted Use

Cathy Ruth gave an overview of the Text Amendment Request to allow the use of Automobile, truck, & farm Implement sales & service to be permitted by right in the Neighborhood Commercial (NC) zoning district.

The applicant, Mike Cacioppo, gave an overview of his existing business located on P47-41 and the need to expand his business operations to an adjacent parcel under his ownership, P47-70. He stated the existing business of twenty years was grandfathered in as a non-conforming use, (P47-71). The Polk County Zoning Ordinance, states, *A nonconforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became nonconforming.* Therefore, a text amendment of the Polk County Zoning Ordinance would be required to allow the use, *Automobile, truck, & farm Implement sales & service*, to be permitted by right throughout the Neighborhood Commercial (NC) zoning district.

The Board discussed the proposed recommendation.

Libby Morris made a motion to amend the recommendation to allow the use of Automobile, truck, & farm Implement sales & service to be permitted by

Special Use in the Neighborhood Commercial zoning district, seconded by Ed Daniel.

The motion passed with four votes in favor and one in opposition.

It was noted that Cathy Ruth will present the Text Amendment and the Planning Board's recommendation on January 16, 2024 to the Polk County Board of Commissioners.

5. Other Business

None.

6. Public Comments

None.

7. Adjournment

Warren Eadus adjourned the meeting at 6:50pm.

POLK COUNTY PLANNING BOARD BY-LAWS

I. General Rule

The Polk County Planning Board shall be governed by Chapter 160D-301 of the General Statutes of North Carolina (NCGS), as amended, and Ordinance passed and any amendments thereto.

II. Officers and Duties

- A. Chair: A Chair shall be elected annually in February by the members of the Planning Board for a term of one year. The Chair shall be eligible for re-election. The Chair shall decide all points of order and procedure, subject to these rules, unless directed otherwise by four (4) members of the Planning Board in session at that time. The Chair, with the approval of the Planning Board, shall make all committee appointments.
- B. Vice-Chair: A Vice-Chair shall be elected by the Planning Board in the same manner and for the same term as the Chair. The Vice-Chair shall serve as acting Chair in the absence or disability of the Chair. At such times, he shall have and exercise the same powers and duties as the Chair.
- C. Secretary: A Secretary shall be elected by the Planning Board at the same time and for the same term as the Chair and Vice-Chair. However, the Secretary need not be a member of the Planning Board and shall be eligible for reappointment. The Secretary shall keep all records, shall conduct all correspondence of the Planning Board, and shall generally supervise the clerical work of the Planning Board. The Secretary shall keep a record of its members' attendance, and full and accurate minutes for regular, special, and emergency meetings, which shall be a public record. In the event of an evidentiary hearing, the Planning Board shall keep a record of its members' attendance, full and accurate minutes, as well as a detailed record of evidence presented, including witness testimony, which shall be a public record.

If the Secretary is appointed from outside the membership of the Planning Board, the Secretary shall not be eligible to vote on any matters before the Planning Board.

III. Meetings

- A. Regular Meetings: Regular meetings of the Planning Board shall be held on the second Thursday of each month at 5:30 PM (or otherwise determined with at least four (4) votes by the Planning Board) in the Polk County Board of Commissioner's Meeting Room, or at other locations in Polk County.

Cancellation of Meetings: Whenever there is no business to come before the Planning Board, the Chair may dispense with the regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

- B. Special Meetings and Emergency Meetings: Special meetings and emergency meetings of the Planning Board may be called at any time by the Chair in conformance with G.S. 143-318.12, and the place and subject of the meeting shall be given.
- C. Remote Meetings: The Planning Board may conduct a remote meeting under a declared emergency and follow the remote meeting requirements according to NCGS 166A-19.24 and 143.318, as well as any County policies.
- D. Quorum: The quorum shall consist of four (4) members of the Planning Board.
- E. Conduct of the Meeting: All meetings of the Planning Board shall be open to the Public (For quasi-judicial proceedings, please refer to the Quasi-Judicial Rules of Procedure).

1. Meeting Rules

- a) Agenda items which require a vote must have a motion and a second before being allowed on the floor for discussion.
- b) Votes are to be made by a raise of the hand and by voice.
 - 1. The voice shall be audible enough to be picked up by the recorder and understood by the Secretary.
 - 2. A non-indication or a non-vote is the same as a “yes” vote.
 - 3. To abstain from a vote is also considered a “yes” vote, and shall be recorded as abstained.
- c) The Secretary shall record all votes by name as “for” or “against.”
- d) A time period may be allotted for citizens to comment on agenda and non-agenda items (to be determined by the Planning Board).
 - 1. Comments should be pertinent to the County’s business, and will be limited.
 - 2. Note: If the need arises, it will be left to the Planning Board’s discretion to designate a group spokesperson.
 - 3. Citizens unable to attend the meeting may submit their comments in writing.

2. Rules of Debate: Meeting Decorum Between the Planning Board Members

- a) Every Planning Board member desiring to speak should address the Chair, and upon said recognition by the Chair, should confine discussion to the question under debate, avoiding all personalities and indecorous language.
- b) The Planning Board member shall refrain from: attacking a member's motives; speaking adversely on a prior motion not pending; speaking while the Chair or other Board members are speaking; speaking against their own motions; and disturbing the Board.
- c) A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said member shall be at liberty to proceed.
- d) A member shall be deemed to have yielded the floor when he or she has finished speaking. A member may claim the floor only when recognized by the Chair.

3. Rules of Debate: Meeting Decorum Between Planning Board Members and Citizens

- a) Order must be preserved.
 1. No person shall, by speech or otherwise, delay or interrupt the proceeding or the peace of the Planning Board, or disturb any person having the floor.
 2. No person shall refuse to obey the orders of the Chair of the Planning Board.
 3. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Planning Board shall not be considered orderly or decorous.
 4. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner.
 5. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Planning Board is granted by the Chair.
- b) If the Chair or the Planning Board declares an individual out of order, he or she will be requested to relinquish the podium.
 1. If the person does not do so, he or she is subject to removal from the meeting room and may be removed by the Sheriff.

- c) Any person who becomes disruptive or interferes with the orderly business of the Planning Board may be removed from the meeting room for the remainder of the meeting.

F. Ethics:

- a. **Advisory Decision:** Members of the Planning Board shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- b. **Quasi-Judicial Decisions.** – A Planning Board member exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- c. **Resolution of Objection.** – If an objection is raised to a Planning Board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the Planning Board shall by majority vote on the objection.

Familial Relationship. – a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

G. Voting: The voting of a majority of those present shall be sufficient to decide any matter before the Planning Board, provided the quorum is present. No Board member shall participate in the discussion or decision of any matter in which he has personal or financial interest (see Section III.F).

H. Assignment of Alternate Members: The alternate member of the Planning Board shall participate in those Proceedings in which one or more regular members are absent or are unable to participate because of a financial or other interest. Regular members, on receiving notice of a Proceeding in which they will be unable to participate, will promptly notify the Secretary. On receiving that notification, the Secretary shall, by the most expeditious means, notify the alternate member to attend, participate and inform the Chair of the situation.

IV. Committees

The Chair may appoint committees to investigate particular matters or undertake other assignments within the responsibility of the Planning Board. The Chair shall be responsible for the preparation of the charge of the committee, subject to the approval of the Planning Board

and shall make all appointments to the committee, subject to the approval of the Planning Board.

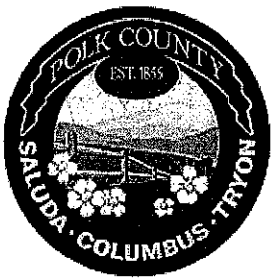
V. Amendments

These rules may, within the limits allowed by law, be amended at any time by the affirmative of not less than four (4) members of the Planning Board provided that such amendments shall have first been presented to the membership in writing at a regular or special meeting before the meeting at which the vote on the amendment was taken.

THIS REVISED SET OF BYLAWS WAS ADOPTED BY THE POLK COUNTY PLANNING BOARD ON THE 11th DAY OF JUNE, 2020.

Chair

Secretary



POLK COUNTY, NC

35 Walker Street • PO Box 308 • Columbus, NC 28722 • Phone: 828-894-2732 • Fax: 828-894-2913

MINOR SUBDIVISION AND MAJOR SUBDIVISION APPLICATION

PERMIT # 2P26171

1. APPLICATION TYPE

Minor Subdivision (2-8 Lots)

Major Subdivision (9+ Lots)

NOTE: A PRE-APPLICATION CONFERENCE WITH THE SUBDIVISION ADMINISTRATOR PRIOR TO SUBMITTING THE PRELIMINARY PLAT FOR A MAJOR SUBDIVISION IS RECOMMENDED.

2. PROJECT INFORMATION

Date of Application _____ Name of Project Bill Jackson Rd.
 Location 347 Bill Jackson Rd. Mill Springs Property Size (acres) 5.9
 Zoning District Not Zoned (OU) Date of Last Subdivision _____
 Current Land Use HOME Proposed Land Use SELL Lot B 1.03 ACRES
 Tax Parcel Number(s) P 53-107 Proposed # of Lots 3

3. CONTACT INFORMATION

Laddy Edwards
 Property Owner
100 Gerald Gibbs Dr. Mill Springs NC 28756
 Address City, State, Zip
828-625-9007, 828-429-7516 laddy.electric@yahoo.com
 Telephone E-mail Address

Same
Applicant / Agent (Registered Engineer, Designer, Developer, Surveyor, etc.)

Address City, State, Zip

Telephone E-mail Address

If you have any questions regarding these requirements, please contact the Polk County Community Development Department at 828.894.2732.

OWNER / APPLICANT SIGNATURE Laddy Edwards DATE 2/15/2024

FOR STAFF USE ONLY			
Permit Number <u>2P26171</u>	Flood? Yes <input type="checkbox"/> Map # <u>-</u>	No <input checked="" type="checkbox"/>	
Fee <u>\$250.00</u>	Watershed? Yes <input type="checkbox"/> Map # <u>-</u>	No <input checked="" type="checkbox"/>	
Zoning District <u>Unzoned</u>	Location # <u>8173</u>		
Staff Signature <u>Chelsea Allen</u>	Date <u>2-15-2024</u>		

DATE 2/15/24
TIME 13:38:51
USER PLBCONNOR

POLK COUNTY
APPLICATION AND PERMIT

PAGE 1
PROG# PT2000

PERMIT NUMBER ZP 26171 ZONING PERMIT APPLIED 2/15/2024
WORK ORDER# 51331 TYPE SUBDIVISION FEES ISSUED 2/15/2024
LOCATION 347 BILL JACKSON RD EXPIRES 8/13/2024
PIN HEALTH
PARCEL ID P53-107 MILL SPRING REFERENCE Z00024984
TOWNSHIP 4 COOPER GAP ACREAGE 4.790 CENSUS TRACT
WATERSHED NOT IN WATERSHED FLOOD PLAIN? N SBC#
DI RECT IONS NC 108E; L/NC 9N; L/ BILL JACKSON RD; ON L BETW #135 AND #429

EDWARDS CHARLES LADDY OWNER ID 51931
EDWARDS TERESA G PHONE
100 GERALD GIBBS DR

MILL SPRING NC 28756

APPLICANT EDWARDS, LADDY 828.625.9007
OCCUPANT

SUBDIVISION
M/ HOME PARK LOT #: B
ZONING DISTRICT OU
COND/ SPECIAL USE
SETBACK FRONT: 25 REAR: 25 RIGHT: 15 LEFT: 15
PARKING SPACES
SIGNS/ PAVING
TYPE WATER/ SEWER
DESCRIPTION MINOR SUBDIVISION - THREE LOTS

SURVEYOR
GENERAL

SITE PLAN

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PERMIT ISSUED: 2/15/2024 BY: PLCHELS PERMIT EXPIRES: 8/13/2024 or 12 months from last inspection

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IS TRUE TO THE BEST OF MY KNOWLEDGE AND THAT ZONING IS SUBJECT TO ALL ADDITIONAL REGULATIONS PERTAINING TO THE PROPOSED USE. I UNDERSTAND THAT THIS PERMIT IS VOID AND OF NO EFFECT WITHIN 30 DAYS OF ISSUANCE IF NO BUILDING PERMIT HAS BEEN ISSUED FOR THE PROPOSED USE.

On File
SIGNATURE OF OWNER/ AGENT

2/15/2024
DATE

Cherelle Allen
CODE ENFORCEMENT OFFICIAL

DATE 2/15/24
TIME 13:38:51
USER PLBCONNOR

POLK COUNTY
BILLING NOTICE

PAGE 2
PROG# PT2000

PERMIT NUMBER ZP 26171 ZONING PERMIT APPLIED 2/15/2024
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PIN HEALTH
PARCEL ID P53-107 MILL SPRING REFERENCE Z00024984
TOWNSHIP 4 COOPER GAP ACREAGE 4.790 CENSUS TRACT
WATERSHED NOT IN WATERSHED FLOOD PLAIN? N SBC#
DIRECTIONS NC 108E; L/NC 9N; L/BILL JACKSON RD; ON L BETW #135 AND #429

EDWARDS CHARLES LADDY
EDWARDS TERESA G
100 GERALD GIBBS DR

OWNER ID 51931
PHONE

MILL SPRING NC 28756

APPLICANT EDWARDS, LADDY 828.625.9007
OCCUPANT

SERVICE	QUANTITY	RATE	FEE AMOUNT	FEE PAID	FEE DUE
MINOR	1	250.00	250.00	250.00	
PAID BY: EDWARDS CHARLES LADDY			CK#:	1008 PAID BY CHECK	
TRANSACTION 909532 TOTALS			250.00	250.00	

CASH RECEIPT

POLK COUNTY

User ID : PLBCONNOR
Todays Date : 2/15/2024
For : ZONING PERMITS

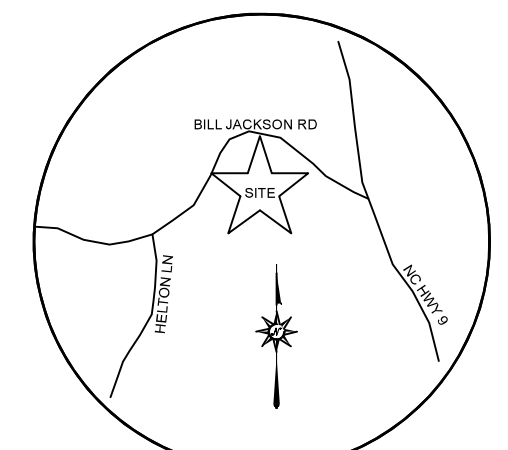
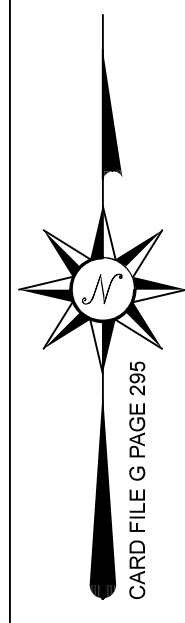
Collected By : PLBCONNOR
Transaction Date 2/15/2024 Number 909532

Received From : EDWARDS CHARLES LADDY PMT# ZP00026171 CK# 0000001008

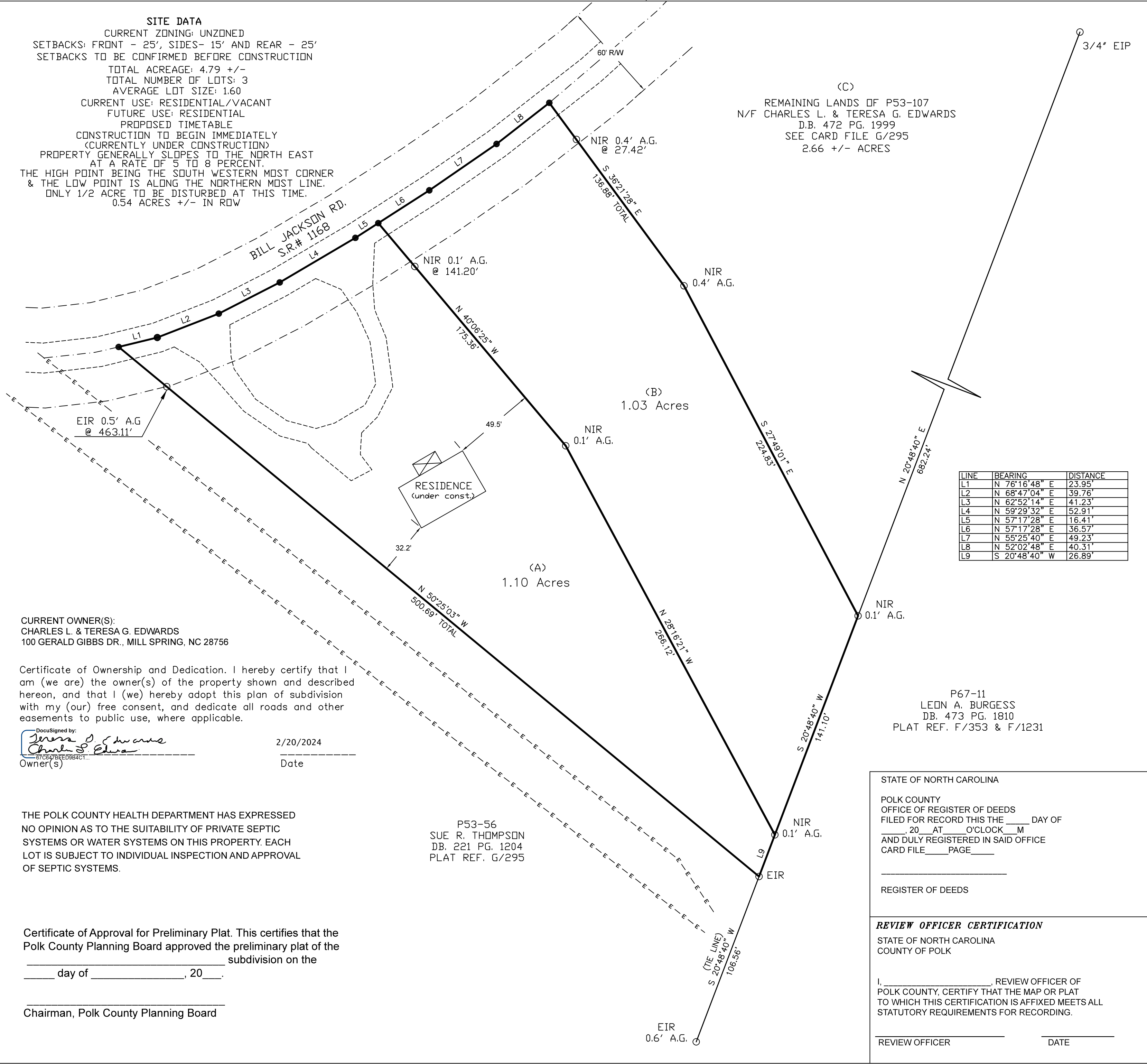
Total Transaction Amt 250.00 CK#: 1008

SITE DATA
 CURRENT ZONING: UNZONED
 SETBACKS: FRONT - 25', SIDES- 15' AND REAR - 25'
 SETBACKS TO BE CONFIRMED BEFORE CONSTRUCTION
 TOTAL ACREAGE: 4.79 +/-
 TOTAL NUMBER OF LOTS: 3
 AVERAGE LOT SIZE: 1.60
 CURRENT USE: RESIDENTIAL/VACANT
 FUTURE USE: RESIDENTIAL
 PROPOSED TIMETABLE
 CONSTRUCTION TO BEGIN IMMEDIATELY
 (CURRENTLY UNDER CONSTRUCTION)
 PROPERTY GENERALLY SLOPES TO THE NORTH EAST
 AT A RATE OF 5 TO 8 PERCENT.
 THE HIGH POINT BEING THE SOUTH WESTERN MOST CORNER
 & THE LOW POINT IS ALONG THE NORTHERN MOST LINE.
 ONLY 1/2 ACRE TO BE DISTURBED AT THIS TIME.
 0.54 ACRES +/- IN ROW

(C)
 REMAINING LANDS OF P53-107
 N/F CHARLES L. & TERESA G. EDWARDS
 D.B. 472 PG. 1999
 SEE CARD FILE G/295
 2.66 +/- ACRES



VICINITY MAP
 (NOT TO SCALE)



CURRENT OWNER(S):
 CHARLES L. & TERESA G. EDWARDS
 100 GERALD GIBBS DR., MILL SPRING, NC 28756

Certificate of Ownership and Dedication. I hereby certify that I am (we are) the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all roads and other easements to public use, where applicable.

DocuSigned by:

 Owner(s) _____ Date 2/20/2024

THE POLK COUNTY HEALTH DEPARTMENT HAS EXPRESSED NO OPINION AS TO THE SUITABILITY OF PRIVATE SEPTIC SYSTEMS OR WATER SYSTEMS ON THIS PROPERTY. EACH LOT IS SUBJECT TO INDIVIDUAL INSPECTION AND APPROVAL OF SEPTIC SYSTEMS.

P53-56
 SUE R. THOMPSON
 DB. 221 PG. 1204
 PLAT REF. G/295

Certificate of Approval for Preliminary Plat. This certifies that the Polk County Planning Board approved the preliminary plat of the _____ subdivision on the _____ day of _____, 20____.

Chairman, Polk County Planning Board

P67-11
 LEON A. BURGESS
 DB. 473 PG. 1810
 PLAT REF. F/353 & F/1231

STATE OF NORTH CAROLINA
 POLK COUNTY
 OFFICE OF REGISTER OF DEEDS
 FILED FOR RECORD THIS THE _____ DAY OF _____, 20____ AT _____ O'CLOCK _____ M
 AND DULY REGISTERED IN SAID OFFICE
 CARD FILE _____ PAGE _____
 REGISTER OF DEEDS

REVIEW OFFICER CERTIFICATION
 STATE OF NORTH CAROLINA
 COUNTY OF POLK
 I, _____, REVIEW OFFICER OF POLK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 REVIEW OFFICER _____ DATE _____

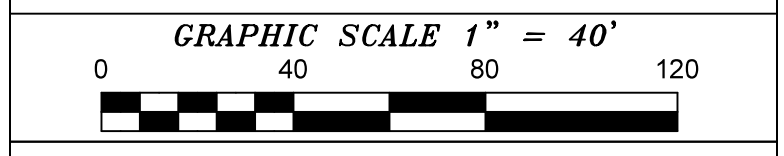


SURVEY FOR:
 CHARLES L. & TERESA G. EDWARDS
 COOPER GAP TWP., POLK CO., NO. CAR.
 LEGAL REFERENCE:
 DB. 472-1999, PB. G/295
 JANUARY 10, 2024

LEGEND:

A.G.	ABOVE GRADE
B.G.	BELOW GRADE
CM	CONCRETE MONUMENT
EIP	EXISTING IRON PIPE
EIR	EXISTING IRON ROD
MN	MAG NAIL
NIR	NEW IRON ROD
☀	AREA LIGHT
●	CALCULATED POINT
Ⓢ	ELECTRICAL
Ⓜ	SEWER MANHOLE
Ⓜ	WELL/WATER METER/VALVE
---	ADJOINING LINE (APPROXIMATE)
---	BOUNDARY LINE (SURVEYED)
---	DRIVE / ROAD
-E-E-E-E-E-	OVERHEAD UTILITIES
---	RIGHT-OF-WAY/APPEARANT RW

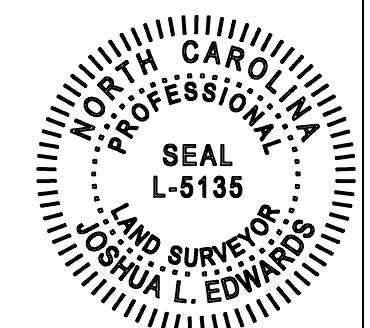
**** NOTES ****
 - THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 - NO TITLE SEARCH PERFORMED BY THE SURVEYOR.
 - ALL DISTANCES ARE GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
 - THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AS DETERMINED BY THE FEDERAL INSURANCE RATE MAP OF NORTH CAROLINA.



STATE OF NORTH CAROLINA, POLK COUNTY, I JOSHUA L. EDWARDS CERTIFY THAT THIS MAP WAS (DRAWN UNDER MY SUPERVISION) FROM (AN ACTUAL SURVEY MADE UNDER MY SUPERVISION)-DEED DESCRIPTION RECORDED IN BOOK 472 PAGE 1999 BOOK _____ PAGE _____ ETC... THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/10,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK N/A PAGE N/A; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 12TH DAY OF JANUARY, 2024.

DocuSigned by:

 PROFESSIONAL LAND SURVEYOR
 REG. NO. L-5135



NOTE:
 THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND. G.S. 47-30(F)(11)(A)

PROPERTY LOCATION:
 BILL JACKSON RD
 MILL SPRING, NC 28756
TAX PARCEL:
 P53-107

NC FIRM LICENSE NO. P-1922
 RATIO OF PRECISION: 1:10,000
 D-163-67
PLAT #
 14693B