

**Town of Fairview
Planning and Zoning Board Meeting
March 18, 2014**

The following members were present: Chairman Phil Thomas; Nancy Randall; Jesse Hargett; Patricia Kindley; John Crowell; and John Phifer.

Staff: Land Use Administrator, Ed Humphries

Chairman Thomas opened the meeting.

Public Comment

There was no public comment at the first of the meeting.

Chairman Thomas suggested that there be a Public Comment at the end of the meeting.

Chairman Thomas made a motion that he would like to amend the agenda to add a discussion of "Spot Zoning". [Add to 4: (A)]

Nancy Randall seconded the motion. All members present voted yes (6-0).

Chairman Thomas started the conversation regarding "Spot Zoning" by sharing what the Town Attorney had provided the Council.

(A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the small tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning."

[*Id.* at 549, 187 S.E. 2d at 45.](#) However, having so defined the practice, we hastened to add that the practice is not invalid per se but, rather, that it is beyond the authority of the municipality or county and therefore void *only* "in the absence of a clear showing of a reasonable basis" therefore. *Id.*

The court has considered several things in determining if there was a reasonable basis such as:

1. The size of the property to be rezoned
2. Whether it complies with any plan of the municipality
3. Does it cause any adverse impact on the adjoining property owners
4. What are the other uses in the area

In other words if there is a clear showing of a reasonable basis for the rezoning it is not spot zoning.)

Jesse Hargett stated that he thought that all four “Basics” had to be approved by Council.

Nancy Randall stated that the Town needed strong reasons to Spot Zone due to law suits.

Phil Thomas stated that we need to be able to show that there is “reasonable basis”; it is only illegal if you could not show good reasons.

Discussion on Land Use Plan

Phil Thomas: We heard people at the Council Meeting where the Small Area Plan was discussed say that they “don’t want change.” We have to recognize that Fairview has changed, it is changing, and will continue to change. Over the next several months, we need to develop an updated Land Use Plan to present to Council. Although the present Land Use Plan has a 2010 date, it is actually the same plan that was adopted in 2005.

- We need to start planning for the future.
- We need to listen to all the residents, not just a “vocal” few.
- We need to look at the plans for the areas around us (Cabarrus County/Midland, Unionville, Indian Trail). These plans were reviewed and discussed.
- We don’t want the County to control our Planning and Zoning, as their 2003 Plan showed housing with 2-3 houses per acre in the NW quadrant of Fairview.

John Crowell stated that we (Fairview) wanted to control our growth and that is why we are incorporated.

The needs of the older population were discussed.

The 601 corridor was discussed. Industrial and commercial locations were also discussed.

Do we need to look at some industrial at Brief Road since there is already water and sewer running to the Corning plant approximately 2 miles north of our town limits?

Prior to the next meeting: Chairman Thomas asked all members to 1) Review the actual zoning classifications 2) Review the 2011 Citizens Survey 3) Think about where commercial and industrial nodes need to be for the updated Land Use Plan.

Minutes

The February 18, 2014 minutes will be approved at the April, 2014 meeting.

John Crowell made a motion to adjourn.

John Phifer seconded the motion. All members voted yes (6-0).

Respectfully submitted,

Ed Humphries
Land Use Administrator

Phil Thomas
Chairman

Approved this 15th day of April, 2014