

# June 6, 2024 Planning Board Abstract

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## Meeting of the Coats Planning Board June 6, 2024 6:00 p.m.

### **I. Call to Order**

- A. Invocation & Pledge
- B. Approval of Agenda
- C. Approval of Minutes – March 7, 2024

### **II. Public Forum**

(Please limit comments to 3 minutes in order to allow others to speak)

### **III. New Business**

- A. Preparing for Future Land Use Plan Update – Info Only

### **IV. Manager Update**

- A. Development Updates

### **V. Adjourn**

**TOWN OF COATS  
Planning Board  
Thursday, March 7, 2024  
Official Minutes**

The Town of Coats Planning Board met in regular session on Thursday, March 7, 2024 at 6:00 p.m. in the Board of Commissioners' Meeting Room at Coats Town Hall.

**Members Present:** Chair Hazel Stephenson, Vice-Chair Misty Gil, Alan Pope, Lawrence Denning, Don Plessinger, Ally Fouts

**Members Absent:** Clint Latham

**Staff Present:** Town Manager Nick Holcomb

**I. CALL TO ORDER**

Chair Hazel Stephenson called the meeting to order at 6:00 p.m. with a quorum being present.

Chair Hazel Stephenson delivered the invocation and led those in attendance in the Pledge of Allegiance.

**RESOLVED,** to approve Agenda.

**MOTION BY: Don Plessinger, SECOND BY: Alan Pope  
APPROVED: 6-0, unanimously approved**

**RESOLVED,** to approve minutes from the February 1, 2024 meeting.

**MOTION BY: Alan Pope, SECOND BY: Lawrence Denning  
APPROVED: 6-0, unanimously approved**

**II. PUBLIC FORUM**

Chair Stephenson closed the Public Forum after hearing no one.

**III. NEW BUSINESS**

**A. Develop Written Consistency Statement on Rezoning Recommendation**

Chair Stephenson informed the board that they needed to come up with a written consistency statement to support last month's action denying the rezoning and annexation request. She explained that although the board was presented with lots of facts and figures at the previous meeting, some explanation is required to support the Board's action. She then asked Town Manager Nick Holcomb to explain some of the Land Use Plan points that could be used for the written statement.

Mr. Holcomb explained that the goal of this meeting was to come up with a written statement and he quoted the state law saying "Any proposed zoning amendments include written comments on the consistency of the proposed amendment with the comprehensive plan and any other relevant plans that have been previously adopted." He went on to say that the statement must carefully consider the plan and set out for public inspections its reasons for following or not following the plan, and needs to address why the board considers the action to be reasonable and in the public interest. He stated reasoning should focus on impacts of rezoning, such as:

- Landowner, neighbors, and Public
- Suitability of the site
- Traffic
- Environment
- Neighborhood Character
- Utilities

He mentioned that based on what he heard during the public comments at the previous meeting and looking at the Land Use Plan, **Objective 4.7: Protect traffic carrying capacities and promote public safety, by adopting an access management plan to limit access along major and minor thoroughfares** - could help serve as the written statement.

Chair Stephenson pointed out that while it may not be in line with comments from the public, the residential portion does state that a mixture of dwelling types is desired, and the request does not have that. She also went on to say that she believed additional studies need to be done for traffic and accidents on that road.

Ally Fouts voiced her agreement with believing that transportation issues need to be looked further into. She referred to **Objective 1.1: to increase collaboration with the NCDOT to develop a comprehensive transportation plan that coincides with the Land Use Plan**; and asked if that had been discussed since 2015. Mr. Holcomb said that it has not, and Fouts asked if that could be something that they potentially learn from this situation. Mr. Holcomb said he could do all he could do regarding that, but explained that DOT has engineers, data, and formulas, and they provide the expert, final answers.

Alan Pope asked if there could be a clause that states if the development was put there, there could be no complaining about the chicken houses being so close, along with the shooting range. He mentioned the potential for lawsuits and said that along with traffic, that would be his main concern. Stephenson responded by saying she could see Mr. Pope's point, but the Land Use Plan does not mention those concerns. Plessinger addressed Mr. Pope saying that there will always be complaints, and Chair Stephenson expressed agreement.

Ally Fouts suggested they could base their claim on impacting the local economy, mentioning one of the concerns that were brought before the Planning Board by the public was that the town doesn't have the businesses to support these additional people. He responded by saying the preservation of all agricultural areas would limit most development within the ETJ.

Chair Stephenson stated that for her, the biggest inconsistency with the plan is traffic. She also mentioned that she felt that a lot of input from the public was regarding concerns with traffic and adding that many additional homes would add plenty more cars to the roadways.

Lawrence Denning inquired how much of the land is within town limits. Mr. Holcomb informed him that it is not in town limits, but 100% in the ETJ, and there would be a request to annex into the Town of Coats. With there being a request for rezoning to SRF-3, Ally Fouts asked if SRF-3 falls under the Multi-Family Mixed Use Residential. Mr. Holcomb responded saying no, that it would be residential. Fouts went on to say she believed in addition to traffic concerns, housing does not include the mixture of dwelling types. Town manager Holcomb said that while that could be a valid statement, he doesn't believe that would satisfy concerns of those public comments.

Fouts then asked about utilities. Mr. Holcomb stated there is potential for that argument because the developer would have to extend the sewer line from the existing pump station on Irbin Drive, and there could be a better location where the sewer line wouldn't have to be extended as far.

**RESOLVED**, to adopt written statement to support denial of rezoning based on Objective 4.7 due to concerns about the impacts on traffic on Abattoir Rd. and Highway 27.

**MOTION BY: Misty Gil, SECOND BY: Ally Fouts**  
**APPROVED: 6-0, unanimously approved**

#### **IV. MANAGER UPDATE**

Town Manager Nick Holcomb gave an update on the Lauder property Major Subdivision project, informing the board that he has just gotten a resubmittal based off of second round of engineering comments.

He also provided an update on the Townhome project off of Highway 27; stating that the developer is trying to coordinate with neighbors and that their engineers are close to their first submittal of construction documents.

Hazel Stephenson inquired about the Brick Mill project and Mr. Holcomb informed her there were no updates at that time.

#### **V. ADJOURN**

**RESOLVED**, to adjourn.

**MOTION BY: Misty Gil, SECOND BY: Alan Pope**  
**APPROVED: 6-0, unanimously approved**

Meeting adjourned at 7:00 p.m.

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Mikayla Johnson, Deputy Clerk

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Hazel Stephenson, Chair

DRAFT



**Item Abstract:**  
Future Land Use Plan

**Item No.**  
IV-A

**Meeting Date:**  
Jun 6, 2024

x  **Information**  
 **Action Item**  
 **Consent Agenda**

**Summary**

Please find attached blog post which outlines a summary of the Comprehensive Plan and Land Use Plan purpose, goals, requirements, etc.

This is now State requirement to have the plan in order to enforce zoning. The Town's existing plan was adopted August, 2025. So it is becoming outdated and in need of an update to comply with the "reasonably maintained" requirement.

This will be a lengthy, involved process taking place over the next 9-12 months.

There is not sufficient Planning staff to handle the process in-house. We are planning and budgeting to hire the right consultant team to help with this. This process will require input from the Planning Board on many of the big questions, but also help from our Planning Board members in gathering input from the public at public meetings and town events.

<https://canons.sog.unc.edu/2021/08/comprehensive-plans-and-land-use-plans-required-for-zoning/>



## Coates' Canons NC Local Government Law

### Comprehensive Plans and Land Use Plans Required for Zoning

**Published: 08/19/21**

**Author Name: Adam Lovelady**

What investments should our town make to lure new economic development? How can we improve housing options? How can we revitalize downtown? How do we preserve our agricultural lands and ensure property rights? How do we protect our community from natural disaster?

These are essential questions for communities large and small. Questions of prosperity and opportunity, character and preservation, resilience and revitalization. Questions without simple answers.

A quality comprehensive plan or land-use plan seeks to answer these big questions. A good planning process is focused on land use planning, grounded in key data for current conditions and trends, guided by authentic community input, informed by planning best practices, and aligned with practical

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implementation strategies. Through that process and with an adopted plan, a local government can engage citizens in policy-making, wisely invest public dollars, guide development decisions, qualify for certain grants and government funding, and more.

Additionally, a new state law requires that if a local government wants to enforce zoning the local government must have and maintain a comprehensive plan or land-use plan. This blog outlines the statutory requirements for plans, suggests some alternatives for smaller communities, and highlights possible assistance for planning efforts.

## Plan Requirement

By July 1, 2022, local governments must have a reasonably maintained comprehensive plan or land-use plan in order to retain authority to adopt and enforce zoning regulations. A couple of years ago the General Assembly passed legislation that reorganized North Carolina's planning statutes into a new chapter of the N.C. General Statutes, Chapter 160D. The legislation made a number of revisions to state planning statutes. Most were minor, technical matters, but Article 5 outlines the requirement to have a plan in order to have zoning—one of the notable substantive changes in Chapter 160D.

Notably, plan consistency must be considered by the planning board and governing board for zoning amendments, but the adopted plan remains advisory: "Plans adopted under this Chapter shall be advisory in nature without independent regulatory effect." G.S. 160D-501(c).

## Plan Definitions

*Comprehensive plan* and *land-use plan* are fairly broad terms in the planning world and the state law gives specific definitions, providing a bit of clarity for what is required. G.S. 160D-501 (a1) calls for a comprehensive plan that "sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction", or a land-use plan that "uses text and maps to designate the future use or reuse of land." Additionally, the statute states that "[a] comprehensive plan or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs. Planning analysis may address inventories of existing conditions and assess

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future trends regarding demographics and economic, environmental, and cultural factors.” As discussed more below, G.S. 160D-501(b) suggests elements that may be included in a comprehensive plan, but does not require any particular element or format.

It is worth noting that a comprehensive or land-use plan may be combined with other required plans. The prime example of this is the land-use plan required for certain coastal communities under the Coastal Area Management Act (CAMA). One planning process and adopted plan may serve as both the land-use plan for Chapter 160D and the land-use plan for CAMA, as long as that plan and process meets the requirements for 160D and CAMA.

## Elements

Some state planning laws require specific elements for comprehensive plans, but North Carolina does not. While they are not affirmatively required, the elements listed at G.S. 160D-501(b) are typical topics included in a worthwhile comprehensive or land-use plan:

- (1) Issues and opportunities facing the local government, including consideration of trends, values expressed by citizens, community vision, and guiding principles for growth and development.
- (2) The pattern of desired growth and development and civic design, including the location, distribution, and characteristics of future land uses, urban form, utilities, and transportation networks.
- (3) Employment opportunities, economic development, and community development.
- (4) Acceptable levels of public services and infrastructure to support development, including water, waste disposal, utilities, emergency services, transportation, education, recreation, community facilities, and other public services, including plans and policies for provision of and financing for public infrastructure.
- (5) Housing with a range of types and affordability to accommodate persons and households of all types and income levels.
- (6) Recreation and open spaces.
- (7) Mitigation of natural hazards such as flooding, winds, wildfires, and unstable lands.
- (8) Protection of the environment and natural resources, including agricultural resources, mineral resources, and water and air quality.
- (9) Protection of significant architectural, scenic, cultural, historical, or archaeological resources.

- (10) Analysis and evaluation of implementation measures, including regulations, public investments,

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and educational programs.

## Process to Adopt a Plan

G.S. 160D-501(c) provides that plans shall be adopted as a legislative action by the governing board with the advice and consultation of the planning board. The process is the same as a zoning text amendment outlined at G.S. 160D-601: referral to the planning board for recommendation, two rounds of published newspaper notice, public hearing, and legislative vote.

If a plan was previously adopted under prior legislation (when there was no specification about how to adopt plan), there is no need to re-adopt that plan. Plans adopted under Chapter 160D, however, must follow this process for legislative action to adopt.

## Reasonably Maintained

Under G.S. 160D-501(a), a local government “shall adopt *and reasonably maintain* a comprehensive plan or land-use plan.” So what does it mean for a plan to be reasonably maintained? At what point do we need to update our plan?

The statutes do not specifically define the term “reasonably maintain.” In general, professional practice calls for community plans to be updated every five to ten years. Factors determining the frequency of plan updates include rate of growth and change as well as physical, economic, and social conditions. If the community has experienced limited change, then a plan that was adopted up to ten years ago might still be useful. If the community has experienced rapid change, then an update every five years may be more appropriate. If the plan has been in place for several decades without an update, it is time to update it.

Keep in mind that the state requirement is for reasonable *maintenance*. There is no mandate for a complete rewrite of a community’s comprehensive plan.

## Alternatives to Planning Alone

There are many good reasons that a community may want to establish a land-use or comprehensive plan, but it is not necessary or appropriate for every community to take on planning and zoning alone. ~~The resources required for crafting and maintaining a plan can be substantial, and the administration of land development regulations is no small task. Before beginning the planning process, a community~~

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should first identify the community needs and priorities, confirm the requirements for planning and zoning, and assess town resources. If a town wants to have and enforce its own zoning, the town will need to adopt and maintain a land use plan, but there are many alternatives to consider.

The following questions will help a community determine if they should proceed with planning and zoning on their own or consider alternatives:

- Does the community have interest in guiding growth and development? What are the community's priorities related to growth and development? Planning and zoning is one way to guide growth, but not the only way and may not be the appropriate tool for a particular community.
- What is the current and projected volume of zoning requests and development proposals in the community? If there is limited projected growth, there may be less need for town-specific zoning.
- Does the community have the staff capacity to administer planning and zoning regulations? If not, does it have the financial resources to hire out for administration of planning and zoning regulations? Resources and capacity are key questions for implementation of any plan.
- Are there opportunities for the community to partner with the county in which it is situated, the regional council of governments, or others to complete a plan and/or administer development standards? As discussed below, there are many alternatives for coordinating planning and zoning.

Many alternative arrangements exist for a small town that cannot take on all of the necessary planning and zoning responsibilities alone. In such circumstances, before embarking on a planning effort the town should consider the following alternatives.

- Partner for joint planning. The town may coordinate planning efforts with the county, the regional council of governments, neighboring towns, or other entities.
- Partner to apply county zoning. The town may coordinate with the county to have county zoning enforced within the municipal limits.
- Remove zoning. If development volumes are low, the town may be able to rely on basic ordinances such as a flood-damage prevention ordinance, a high-impact industry ordinance, and/or a minimum-housing ordinance. Without the existence of zoning, there is no state requirement that the town must have a plan.

## Assistance

If a town determines that it wants to continue with its own planning and zoning, there are various options available. If there is capacity and expertise, local government planning staff may handle a planning process in-house. If not, planning consulting firms are available and many of North Carolina's

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regional councils of governments provide planning and zoning services. The School of Government does not provide direct planning services, but we do have new training and resources available for officials whose duties may include comprehensive or land-use planning.

The new PlanNC Guidebook is crafted to support a streamlined planning process in North Carolina's small communities. The Guidebook is focused on land use planning, grounded in key data for current conditions and trends, guided by authentic community input, informed by planning best practices, and aligned with practical implementation strategies. It includes explanations, examples, and templates for completing a planning process. You can find more information at: <https://go.unc.edu/PlanNC>

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