



## Stanly County Planning Board April 9, 2018 - Meeting Minutes

### **Call to Order**

Chairman Robert Loflin called the meeting to order on April 9, 2018, at 7:00 p.m. in the Commons Meeting Room at 1000 N First Street, Albemarle, North Carolina. Bob Remsburg served as Clerk of the meeting.

Vice-Chair Smith asked Mr. Remsburg to call the roll.

### **Stanly County Planning Board Members Attending**

Terry Smith, Vice-Chair

Robert Davis

Robert Loflin, Jr., Chair

Kevin Brickman

Ned Stallings

John Eckman, III

Frank Sparger

### **Planning Board Members Absent:**

None

### **Stanly County Planning Staff Attending**

Bob Remsburg, Planner I

**Others Present:** Edward Gann and Brian McLendon registered to speak. Several property owners and others were present.

The Chair invited the board to review the minutes of the previous meeting which was held on February 12, 2018.

**Motion:** Terry Smith made a motion to approve the February 12, 2018 minutes as written.

**Second:** Kevin Brickman seconded the motion.

**Action:** The Board unanimously approved the motion.

Chair Loflin announced the purpose of this meeting was to consider two requests to rezone parcels in the county.

The chair introduced the first case:

**ZA 18-02 Wesley Kent Bowers requests the rezoning of 5.69 acres located beside and behind 12530 Cottonville Road, Norwood from M2 (Heavy Industrial) to RA (Residential Agricultural), Tax Record #37900, PIN 655401254234.**

Mr. Loflin invited Mr. Remsburg to report on Case ZA 18-02.

Mr. Remsburg shared:

Wesley K. Bowers requests that his property located beside and behind 12530 Cottonville Road containing 5.69 acres be rezoned to RA – Residential Agricultural. The property is currently zoned M2 – Heavy Industrial. The lots surrounding this property are RA, R-20 and M2. The adjacent properties are either used for residential or agricultural or educational purposes. South Stanly Middle School is adjacent on the southern property line. This parcel and two others were zoned M2 at the request of the EDC and Mr. Bower's grandfather in 2006. The adjacent M2 properties border two rail lines and would remain zoned M2. Although the Michelin plant is nearby, the Bower's property has not been developed for industry and remains an agricultural use today. The 5.69 acre parcel has been divided from the larger tracts and has frontage on Cottonville Road.

Mr. Bowers plans to construct his home on the property and, therefore, wishes to zone it for residential use. The RA district is appropriate for residential, educational and agricultural uses in low density areas. Single-family homes are not permitted in the M2 District.

This parcel is mostly an open field. One corner is crossed by a high tension power line with one transmission tower on the property. The property has been in the Bowers family since the mid-1960s. Traffic on Cottonville Road in this area averages 1,300 vehicles per day according to the 2015 NCDOT traffic count.

This property is located in a growth area per the 2010 Stanly County Land-Use Plan. Planning staff recommends approval of this request since this property is located adjacent to other family member's property and has seen no development activity.

Chair Loflin invited Mr. Bowers to speak concerning his request.

Mr. Wes Bowers indicated that he was planning to build a home on the property and needed it to be rezoned to allow that. He addressed a question from the board about this creating a landlocked situation for the remaining M2 acreage. He explained that the traditional access to the rear areas of the property was through a dirt road that crosses the South Stanly Middle School property.

Mr. Kent Bowers, Wes' father, explained that his father had sold the land to the school system and that the school system had insisted on having additional road frontage. This resulted in the transfer of property which included the entrance road to the M2 property.

The Chair invited any others to come speak in favor of the request. No one came forward.

The Chair invited any to speak against the request. No one came forward.

The Planning Board discussed the landlocked situation and determined that since the land was already controlled by Mr. Wes Bowers, the property was already landlocked and changing the zoning would not affect the situation of the remaining M2 property.

There being no further comments, Chair Loflin invited the Board members to offer a motion.

**Motion:** Frank Sparger made a motion to recommend that the Board of County Commissioners approve the rezoning of the 5.9 acre lot owned by Mr. Wesley Kent Bowers because this is located near RA zoned property and would allow Mr. Bowers to construct a home near other family members.

**Second:** Terry Smith seconded the motion.

**Action:** The Board unanimously approved this motion.

The chair advised that the request to change the zoning on the lots will now go before the Board of Commissioners at their May 14, 2018 meeting at 6:00 PM.

The chair introduced the second case:

**ZA 18-03 Stanly Solar LLC requests the establishment of a Solar Electric Power Generating System Overlay District (SEPGS) to portions of six tracts located at or near 20165 Old Aquadale Road, Tax Record #6872, 19965, 4200, 7259, 6873, 6435; PIN 653603046441, 653603139359, 653603247805, 653603004989, 653601263076, 6536032247435. The total acreage of the six tracts is 391.89 acres.**

Mr. Ned Stallings asked to be recused from the case due to his ownership of one of the parcels involved. The chair granted his request and Mr. Stallings left the dais.

Mr. Frank Sparger indicated that one of the property owners involved was a client of his investment business, but shared that this should not be a factor in his consideration of this request for an overlay district. The chair sought and received the concurrence of all board members that it was acceptable for Mr. Sparger to participate in hearing this case.

No other board members had conflicts with participating in the case.

The chair requested that Mr. Remsburg present the second case, ZA18-03.

Mr. Remsburg shared:

Stanly Solar LLC requests that portions of six tracts owned by David Ned Stallings, Donna E. Stallings, Ronald L. Carter, Claudine C. Carter, Lillian B. Poplin, and Roger Poplin, located beside and behind 20165 Old Aquadale Road have the Solar Electric Power Generating System Overlay District applied. The tracts contain approximately 391.89 acres. The SEPGS area will be slightly smaller due to flood zone areas and topography. Mr. Remsburg showed a map of the proposed area on powerpoint. The home area at 20165 Old Aquadale Road will remain along with adjacent acreage.

The proposed solar generating system will generate up to 30 Kwh and will connect to the existing Duke Energy transmission line which runs through the area. Lease agreements with Stanly Solar LLC have been reached by the property owners and the parent company, Solterra Partners. Some wooded areas may be preserved and plans have been submitted to the county

indicating the required fencing and buffer will be provided. Plans have also been submitted and approved for the decommissioning and deconstruction of the solar arrays once the useful life of the system has been exhausted. Data on inverter noise has been received and approved. Noise will be minimal during daylight hours only.

Traffic on Old Aquadale Road in this area averages 570 vehicles per day according to the 2015 NCDOT traffic count. Traffic will increase during the period of construction, but increase will be minimal during regular operation. This property is not located in a growth area per the 2010 Stanly County Land-Use Plan. Planning staff recommends approval of this request since this property is located in a rural area and will have minimal visual and environmental impact. It also does not negatively affect the value of neighboring agricultural lands.

Chair Loflin invited Mr. Dennis Richter, representing Stanly Solar to speak concerning this request.

Mr. Richter presented a powerpoint slide show about the overall scope of the project which will include approximately 175,750 solar panels capable of powering 12,391 homes for a year by producing 111,091,373 kWh of energy. The panels would be mounted on a single axis frame and would be able to follow the gentle contour of the land. Inverters would generally be placed near the substation created for the transfer to the Duke Energy grid. Mr. Richter shared that he has estimated the current property tax paid on the parcels impacted totals approximately \$1,847 annually. With the improvements, the annual revenue should be close to \$121,860. He estimated that construction would take 6-9 months with contractors utilizing local hotels and restaurants during that construction time. Estimated project cost is \$70 million. The estimated lifespan of the system is 30 years. A buffer screening would be included where existing vegetation is not sufficient as required by the zoning ordinance. Some grading and erosion control will be needed and the property will be mowed several times per year.

The Chair invited any others to come speak in favor of the request. No one came forward.

The Chair invited any to speak against the request.

Mr. Edward Gann of 34272 Mabry Road came forward to express his concerns about this being located on the western perimeter of his property. He has been there since 1990 on 40 acres purchased from the Carter family. This is a rural area and his family has enjoyed the rural nature of the area. The idea of seeing the neighboring property developed was a surprise. He felt that the project would not provide any benefit to the neighbors and would have a negative effect on the value of the properties nearby. He ended by asking the board if they would find this acceptable in their back yard.

Mr. Brian McLendon, 20061 Old Aquadale Road came forward to express his concerns. He has been speaking with Mr. Richter and found him to be cooperative. He was not in favor of the development. This would look terrible from his back window when he has been used to seeing fields.

Frank Sparger expressed that the board often hears similar concerns about changes affecting neighbors and that these can be difficult decisions for the board.

Concerns were raised by the board members about the amount of buffering required for these large projects as not being sufficient. Chair Loflin suggested a 50 foot buffer with triple plantings might be a worthwhile requirement. After some discussion, it was determined to make a separate motion to amend the language of the ordinance to increase the size of the buffer and amount of vegetation required for a buffer near existing residential uses. The Planning Department staff was asked to draft language which would effectively increase the buffer area and the effectiveness of the required vegetation.

There being no further comments, Chair Loflin invited the Board members to offer a motion.

**Motion:** John Eckman made a motion to recommend that the Board of County Commissioners approve the establishment of a Solar Electric Power Generating System Overlay District on portions of the six tracts as shown on the map.

**Second:** Frank Sparger seconded the motion.

**Action:** The Board approved this motion by a vote of 4-2.

The chair advised that the request to change the zoning on the lots will now go before the Board of Commissioners at their May 14, 2018 meeting at 6:00 PM.

**Motion:** Bob Loflin made a motion to recommend that the Board of County Commissioners amend Section 618.5.A adding language which would require an increase to the width of the buffer required on areas adjoining a residential use up to 50 feet and doubling the amount of vegetation required. Vegetation should be staggered.

**Second:** Kevin Brickman seconded the motion.

**Action:** The Board approved this motion by a unanimous vote.

### **Adjournment**

Chair Loflin asked if there was any additional business for the meeting. Hearing none, he asked for a motion to adjourn. Terry Smith made the motion to adjourn with a second from Robert Davis. The motion was approved.

The meeting was adjourned at 8:45 p.m.

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Robert Loflin, Chairman

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Robert Remsburg, Clerk