



## Stanly County Planning Board March 14, 2016 - Meeting Minutes

### **Installation**

Before the meeting was called to order, Clerk Bob Remsburg installed the three new members of the Stanly County Planning Board as appointed by the Board of County Commissioners on March 7. Kevin Brickman; John Eckman, III; and Frank Sparger took the oath of office.

### **Call to Order**

Planning Director Michael Sandy called the meeting to order on March 14, 2016, at 7:00 p.m. in the Commons Meeting Room at 1000 N First Street, Albemarle, North Carolina.

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

Robert Loflin, Jr. – arrived at 7:10  
Terry Smith  
Kevin Brickman  
John Eckman, III  
Frank Sparger

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

Ned Stallings  
Bob Davis

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

Michael Sandy, Planning Director  
Bob Remsburg, Planner I

**Others Present:** See sign-in sheet

Planning Director Sandy explained that since there were new appointments including a replacement for the past chairman, the board needed to elect a new Chair and Vice-Chair. He called for nominations for Chair.

**Motion:** Kevin Brickman made the motion to elect Robert Loflin, Jr. as the chair.

**Second:** Frank Sparger seconded the motion

**Action:** Motion was approved.

**Motion:** Frank Sparger made the motion to elect Terry Smith as the vice-chair.

**Second:** John Eckman seconded the motion.

**Action:** Motion was approved

Michael Sandy called on Terry Smith to chair the meeting in the absence of the newly elected chair.

Vice-Chairman Smith asked the Board to note the minutes of January 11, 2016. He asked if there were any corrections to the minutes. Hearing none, he asked for a motion to approve.

**Motion:** Kevin Brickman made a motion to approve the January 11, 2016, minutes as written.

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

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

Vice-chairman Smith called on Michael Sandy to present the first hearing, ZA16-02.

**ZA 16-02 Kaw Valley Engineering/Zimmerman Properties, on behalf of Dennis Holbrook and MDS Smith, request rezoning from M2 to R8. Applicant respectfully requests to rezone a 4.25 acre tract, a portion of Tax Record Number 6276 from M2 to R8. The property is located south and east of Leonard Avenue extension and west of Henson Street between sections of the tract which are zoned R8. The purpose of this request is to subdivide the property for multi-family residential development.**

Michael Sandy, Planning Director presented that this rezoning is in accordance with the Stanly County Land Use Plan. The adjacent properties are in both Stanly County and City of Albemarle zoning jurisdictions. Lots to the north are part of the Wal-Mart shopping area and are zoned GHBD – General Highway Business District and R8A – Multi-family Residential. Public utilities are available from the City of Albemarle. Schools serving this area are East Albemarle Elementary, Albemarle Middle and Albemarle High. This property is accessed from Leonard Avenue Extension or from the end of Henson Street and is located between two existing R8-Multi-family Residential areas already zoned on this parcel. Most of the parcel is zoned M2-Heavy Industrial. Planning staff recommends approval based on the Stanly County Land-Use plan and because water and sewer are available with the land located in an identified growth area.

Since Robert Loflin, Jr. had arrived; Mr. Smith turned over the chair duties to Mr. Loflin.

Mr. Loflin invited Michael Osborne of Kaw Valley Engineering to come forward and speak to their request to rezone the tract between the two existing R8 zoned areas. Mr. Osborne presented the proposed site plan which requires at least two additional acres above what is presently zoned R8. He spoke to the limited amount of traffic which would be generated and that, at least for the morning commute, the traffic would not be at a busy retail time. Mr. Osborne gave members a diagram of the proposed development which includes four three-story buildings housing 80 apartment units utilizing 8.25 acres.

No one spoke in opposition.

Cavin Holbrook came forward and commented for the passage of the zoning change and that he did not see a significant traffic issue caused by the proposed development.

Mr. Loflin expressed concern about the congestion on Leonard Avenue and NC 24/27/73 and Frank Sparger asked about rental subsidies. Mr. Osborne replied that there were no direct rental subsidies, but some federal assistance was possible on this project.

Mr. Sparger explained that he has a professional relationship with Mr. Holbrook and was willing to recuse himself is that was the desire of the board. The board determined that the relationship was not a significant factor that would prevent Mr. Sparger from making a rational decision in this case.

**Motion:** Kevin Brickman made a motion to recommend approval of ZA16-02 to the Board of County Commissioners.

Second: John Eckman

Action: The Board unanimously approved this motion.

Mr. Sandy reminded Mr. Osborne and Mr. Holbrook that the hearing at the Board of County Commissioners meeting would be on April 4<sup>th</sup> at 7:00 p.m.

Chairman Loflin called on Mr. Sandy to present the second hearing, ZA16-03.

**ZA 16-03 Lanny Page on behalf of Janice R. Efirm, request rezoning from RA to GB. Applicant respectfully requests to rezone a 2.5 acre tract, Tax Record Number 7096 from RA to GB. The property is located at the southwest corner of S. Oak Ridge Road (NC205) and Bear Claw Road. The purpose of this request is to locate a business on the property.**

Michael Sandy, Planning Director presented that this rezoning is in accordance with the Stanly County Land Use Plan. This property is located between the Town of Red Cross and the Town of Oakboro along S. Oak Ridge Road (NC 205) and within the County's zoning jurisdiction. Lots adjacent in both Red Cross and County jurisdictions are zoned RA-Residential Agricultural. Traffic averages between 5,000 and 6,000 vehicles per day on NC 205. The Planning staff recommends this project be approved as it is located in a growth corridor with water and sewer available. Several nearby properties are zoned for business.

Mr. Loflin invited Mr. Lanny Page to come forward and present why he desires the rezoning of this property. Mr. Page expressed that he was purchasing the land in order to provide for the future of his family. His desire is to create a farmers' market which can be operated by his daughter who is now 21 and in school. This would be the family business. This looks like the right spot for this activity.

Mr. Loflin asked if there was anyone wishing to speak against the rezoning.

Kimberly Abeyta came forward and identified that she and her husband were adjacent property owners. She presented binders to the Planning Board containing a petition signed by 25 area residents expressing their preference for the Board to deny the rezoning request. Also in the binders were photos of vacant area businesses and vacant properties which Mrs. Abeyta expressed may be more suitable for business purposes. She also expressed concern that the Oakboro area was not growing and has not supported several local businesses including farmers market/produce stands. She also expressed concern that the community would see less traffic if Oakboro School was closed. Her husband, Kevin Abeyta, joined her and shared that he would rather see the woods than a vacant business. He indicated that the Bear Claw neighborhood was established and this would not fit in. He was concerned that there would not be enough business traffic to sustain the location.

Harold Little, an adjacent property owner, also spoke indicating that he wanted to see the property cleaned up.

Mr. Page approached and stated that having another business in the community may attract more customers to all the businesses. He was flexible about the land use and was unsure of a timetable

to actually put the business into operation. There was the possibility if it was not rezoned to place a duplex on the corner. Rezoning would increase the value of the land. The Abeyta's shared that they now had an option to purchase the property if Mr. Page releases his contract with the property owner, Mrs. Janice Efird.

At this point, Mr. Loflin closed the hearing. Board members discussed the request. Mr. Sandy clarified that the request for General Business allows a large variety of commercial operations and that the purpose of the Planning Board was to recommend that the Board of County Commissioners either approve or deny the rezoning request.

Chairman Loflin asked if there were any further questions from the Board. Hearing none, he invited the members of the board to propose a motion on the approval or denial of the request.

**Motion:** Terry Smith made a motion to send this case to the Board of County Commissioners with a recommendation to approve ZA 16-03.

**Second:** John Eckman seconded the motion.

**Action:** The Board approved this motion with members John Eckman, Robert Loflin, and Terry Smith voting in favor and members Kevin Brickman and Frank Sparger voting against the motion.

Mr. Sandy advised those present that the hearing for this case would be held by the Board of County Commissioners on April 4, 2016 at 7:00 p.m.

**Other Business:** Michael Sandy invited Bob Remsburg to present a proposal for an amendment to the Zoning Ordinance. Mr. Remsburg shared a list of definitions which would replace the existing Section 1300 of the current ordinance. Mr. Remsburg expressed that these definitions would help as other updates are made to the ordinance. This is the beginning of a process to address the ordinance. A proposed schedule for updates was also presented. The dates would change as the Planning Board would still only meet to consider new business and include updates as they were ready. The Board was asked to review the definitions and make inquiries if they saw anything that needed to be addressed. The Board should, at their next regular meeting, be prepared to recommend to the County Commissioners that the new definitions be adopted.

### **Adjournment**

Chairman Loflin asked for a motion to adjourn. A motion to adjourn was made by Kevin Brickman and second by Terry Smith. The meeting was adjourned at 8:12 p.m.

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Chairman

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Clerk