



Stanly County Planning Board September 10, 2012 - Meeting Minutes

Call to Order

Vice Chairman Marvin Smith called the meeting to order on September 10, 2012, at 7:00 p.m. in the Commons Meeting Room at 1000 N First Street, Albemarle, North Carolina.

Stanly County Planning Board Members Attending

Marvin Smith	William B. Lilly, Jr.
Brenda Hunter	Robert Davis
Billy Franklin Lee	Robert Loflin
Allan McGuire	

Planning Board Members Absent:

None

Stanly County Planning Staff Attending

Michael Sandy, Planning Director
Linda Evans, Planner II
Tim Swaringen, Zoning Enforcement Officer

Others Present: Gus Schad, James Schad, Glenn Hinson, Alice Hinson

Vice Chairman Smith asked if there were any corrections to the May 14, 2012, minutes

Motion: Bob Loflin made the motion to approve the May 14, 2012, meeting minutes as written.

Second: William Lilly seconded the motion.

Action: The Board unanimously approved this motion.

Vice Chairman Smith called the first item on the agenda and asked Michael Sandy to present the case, ZA 12-02.

Michael Sandy stated that the applicant requests rezoning of a 1.37 acre parcel of land from RA to R-20, tax record number 11506. The property is located at 17202 Frog Pond Road, at the Woodfield Road intersection. The purpose of this requested amendment is to reduce the minimum lot size requirement to 15,000 square feet which will allow the property owner to divide the property. The adjoining properties are zoned RA to the west, east, south, and north. The property is served by public water but not sewer. This property is not located in a regulated floodplain or in a WS-IV Water Supply Watershed. Traffic on this section of Frog Pond Road is approximately 500 cars per day as of 2011 NCDOT data. Planning staff recommends this request due to the fact that the property is located in a very large residential area, is in a growth area, and is in accordance with the Stanly County Land Use Plan.

Vice Chairman Smith asked the applicant to come forward and state his case.

Mr. Glenn Hinson came forward and stated that he lives across the street from this property and has a storage building on a portion of the property. He stated that the property is in Mary B. Hinson's name. He stated that he and his family want to divide the property so that the portion on which the building is located can be deeded to him.

Michael Sandy clarified the reason for the rezoning is that the property, if divided, will not have enough acreage to meet the minimum lot size requirement of 30,000 square in the current RA zoning. If the property is rezoned to R-20 the minimum lot size requirement will be 20,000 square feet and can be divided into two parcels.

Vice Chairman Smith asked if anyone else would like to speak regarding this case. No one came forward.

Vice Chairman Smith called for a Motion in this case.

Motion: William B. Lilly made a motion to send this case to the County Commissioners with a recommendation to approve ZA 12-02, a rezoning from RA to R-20.

Second: Bob Loflin seconded the motion.

Action: The Board voted unanimously to approve the motion.

Michael Sandy informed the applicant that he would need to attend the Board of Commissioners meeting tentatively scheduled for October 1, 2012, for a final decision on this matter.

Vice Chairman Smith called the second item on the agenda and asked Michael Sandy to present the case, ZA 12-03.

Mr. Sandy stated that Gus Schad requests rezoning of a 16.31 acre parcel of land from R-20 to R-8. The tax record number is 17649; the property is located on South Business 52 Hwy, approximately 375 feet south of the intersection of Ross Drive. The purpose of this requested amendment is to allow multi-family dwellings. The adjoining properties represent a mixture of zoning designations: RO to the Southeast, GHBD to the Southwest, R-8 to the Northwest, and R-20 to the Northeast. The property is served by public water and sewer. This property is not located in a regulated floodplain or in a WS-IV Water Supply Watershed. Traffic on this section of South Business US 52 Hwy has not been studied since the new US 52 Hwy, but is approximately 3000 cars per day. Planning staff recommends this request due to the fact that the property is located in a mixed use zoning area, is in a growth area, and is in accordance with the Stanly County Land Use Plan.

Vice Chairman Smith asked the applicant to come forward and state his case.

James Schad spoke on behalf of the property owner, Gus Schad. He stated that the project is in its preliminary stages and no firm plans have been made at this point. A sketch has been submitted for the Board's review. If the rezoning is approved a more detailed plan will be submitted.

Marvin Smith asked how many levels and units are planned. James Schad stated that possibly two levels and elevators will be used if it is two levels. Approximately 204 units are planned. Mr. Smith asked if they have spoken with DOT regarding its regulations and Mr. Schad answered no.

Bob Loflin asked how long they have owned the property and Gus Schad stated 12 to 15 years; James Schad stated more like 15 years. Mr. Loflin asked if there has been farming on the property in those years and Gus Schad answered no.

Bob Davis asked if the Lutheran Home next door is a retirement home and another Board member answered that it is a full nursing facility.

Allan McGuire asked Mr. Schad if he had spoken to neighbors and Gus Schad stated that he had spoken with the Mexican family living on an adjacent property and had tried to buy the property from the family. He stated the family may consider the sale of the property in the future.

Michael Sandy stated that he and Mr. Schad had talked with DOT about a turn lane and Mr. Schad will do whatever DOT requires.

William Lilly asked if the units would be rental or ownership units. The Schads answered that it could be some of both. Gus Schad stated that he is in negotiations with an outfit from New York that will do the actual construction and that this outfit is a very reputable firm that does good work.

Vice Chairman Smith asked if anyone else would like to speak regarding this case. No one came forward.

Vice Chairman Smith called for a Motion in this case.

Motion: Billy Franklin Lee made a motion to send this case to the County Commissioners with a recommendation to approve ZA 12-03, a rezoning from R-20 to R-8.

Second: William Lilly seconded the motion.

Action: The Board voted unanimously to approve the motion.

Michael Sandy informed the applicant that he would need to attend the Board of Commissioners meeting tentatively scheduled for October 1, 2012, for a final decision on this matter.

Other Business

Discussion regarding an amendment to the zoning ordinance to limit number of times a year yard sales can be held on a property.

Michael Sandy stated that some residents around the county in residential districts are continually having yard sales on their property day after day and week after week which amounts to the operation of a flea market. Flea markets are not allowed in residential districts without a special use permit issued by the Board of Adjustment and are required to be in a completely enclosed building. Mr. Sandy feels that limiting the number of yard sales a person can hold in a year's time will eliminate this problem. He stated he would like to amend the ordinance to add yard sales as a permitted use in residential districts and set times and guidelines for their operation.

After some discussion by the Board, Vice Chairman Smith asked for a Motion.

Motion: Marvin Smith made a motion to send this case to the County Commissioners with a recommendation to amend the zoning ordinance regarding yard sales.

Second: Allan McGuire seconded the motion.

Action: The Board voted unanimously to approve the motion.

Discussion of adoption of a Minimum Housing Ordinance for Stanly County.

Michael Sandy advised the Board that a proposed minimum housing ordinance is available for review in the office or a copy can be emailed if desired. He asked that each Board member review this document.

After some discussion, the Board acted as follows:

Motion: Brenda Hunter made a motion to send this case to the County Commissioners with a recommendation to adopt a minimum housing ordinance for Stanly County.

Second: Billy Franklin Lee seconded the motion.

Action: The Board voted unanimously to approve the motion.

Election of Officers for the 2012-2013 year.

Michael Sandy opened the floor for nominations for Chairman.

Motion: Bob Loflin made a motion to nominate Marvin Smith as Chairman.

Second: Brenda Hunter seconded the motion.

Action: There being no other nominations for Chairman, Billy Franklin Lee closed the floor for nominations.

Action: The Board voted unanimously to elect Marvin Smith as Chairman.

Chairman Smith opened the floor for nominations for Vice Chairman.

Motion: Marvin Smith made a motion to nominate Bob Loflin as Vice Chairman.

Second: Billy Franklin Lee seconded the motion.

Action: There being no other nominations for Chairman, William Lilly closed the floor for nominations.

Action: The Board voted unanimously to elect Bob Loflin as Vice Chairman.

Chairman Smith asked Linda Evans if she would accept the position of Secretary/Clerk and Mrs. Evans accepted.

Adjournment

Vice Chairman Smith asked for a motion to adjourn. A motion to adjourn was made by Billy Franklin Lee and seconded by William Lilly. The meeting was adjourned at 8:00 p.m.

Marvin Smith, Vice Chairman

Linda Evans, Clerk