



Stanly County Planning Board November 13, 2017 - Meeting Minutes

Call to Order

Chairman Bob Loflin called the meeting to order on November 13, 2017, 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.

Chair Loflin asked Mr. Remsburg to call the roll.

Stanly County Planning Board Members Attending

Terry Smith
Ned Stallings
Frank Sparger
John Eckman, III
Robert Loflin, Jr., Chair

Planning Board Members Absent:

Kevin Brickman
Bob Davis

Stanly County Planning Staff Attending

Michael Sandy, Director of Planning
Bob Remsburg, Planner I

Others Present: Lew Smith, John Barbee, Donald Shaver, Mike Dennis, Laura Hatley, Joy Hildreth, Karmen Smith, Robert Cole

Chair Loflin asked the Board to note the minutes of October 9, 2017. He asked if there were any corrections to the minutes. Hearing none, he asked for a motion to approve.

Motion: Frank Sparger made a motion to approve the October 9, 2017 minutes as written.

Second: Terry Smith seconded the motion.

Action: The Board unanimously approved this motion.

Chair Loflin announce the purposes of this meeting were to consider two requests to rezone parcels in the county.

The chair requested that Mr. Remsburg present the case, ZA17-09.

Mr. Remsburg shared:

ZA 17-09 Robert S. Cole, Jr. requests to rezone a 1.58 acre section of a 4.26 acre lot located on Watson Road approximately 500 feet south of NC 73 from RA(Residential Agricultural) to GB(General Business. Tax Record #104229.

The property is currently an open field. Mr. Cole plans to build his home on the front section of the property in the next two to three years. He currently has his automobile dealers license and does mechanical repairs to vehicles and then sells them. He plans to construct a shop building on the rear of the property to make the vehicle repairs in the near future. The side property lines are approximately 540 feet long. The GB zoning district would begin at 340 feet and continue to the rear lot line creating approximately 1.58 acres of General Business district to provide for the construction of the shop. The approximate dimensions of the General business district are 200' x 336'. The zoning as a General Business District will allow Mr. Cole to construct his shop and conduct his business at that location prior to the planned construction of his home. The remainder of property nearest Watson Road would remain RA which will allow for the construction of the home in the future. The area established for business use will require the installation of a vegetative buffer area as required by the Stanly County Zoning Ordinance. Traffic on Watson Road is not measured by NCDOT, but should be less than 200 vehicles per day. NC 73's daily traffic count average is 6,100 vehicles per day based on NC DOT's estimates from 2016. Planning staff recommends approval due to its location near a highway. This property is not located in a growth area in the Stanly County land-use plan.

Chair Loflin invited Mr. Cole to speak about his request. Mr. Cole addressed the board and explained the purpose of the request. He indicated that the staff report had covered most of what needed to be said. He purchases cars and makes repairs as needed. He contracts out any body work and sells the cars to area car dealers and others. He owns the property and can have 30-40 cars in the process of repairs. He does not have design plans for the building in hand and estimates that he would break ground in 6 months to a year from now. He does currently own the property.

The Board was given the opportunity to ask any questions.

Chair Loflin asked if there was anyone present who wished to speak in favor of the request. No one spoke.

Chair Loflin asked if there was anyone present who wished to speak against the request.

Laura Hatley, 20146-A NC 73 Highway spoke first. She indicated that she was concerned about the rezoning. The GB district was not the best use of the property. According to the County's land-use plan, this is not in a growth area. Mrs. Hatley indicated that she was concerned about well-water and the potential for contamination by the vehicles being serviced. There is no county water or sewer available. The use other than residential or agricultural would be incompatible. This is prime-land soil and the Land-Use Plan calls for the long-range conservation of agricultural areas. Agricultural business, such as the Veterinary Clinic and the Southern States locations nearby are important services for the agriculture in the area. We should abide by the Land-Use Plan. The property in question was once owned by her father-in-law's brother.

Michael Leroy Dennis, 34081 Watson Road. He lives in the property across Watson Road from this land and has been there for 40 years. This road is a main entrance for the neighborhood and is concerned about increased traffic and the risk for kids playing in the area. He indicated that

Mr. Cole purchases wrecked cars to rebuild. This will decrease the value of his property. Everyone in the neighborhood is against it. They are worried that anything could come afterward. He likes the area to remain primarily farmland.

Mr. Cole was recognized and indicated that he was regulated by the NC DMV.

Laura Hatley was recognized and shared that she was worried that the business may bring less desirable traffic to the area. It was frightening to have a business in the neighborhood and may lead to an increase in breaking and entering. Any alarm would wake up the neighborhood. This would not be an appropriate land use.

Michael Dennis – He has lived nearby for over 40 years. This property was purchased in the last year. Some consideration should be made for those that have been here for many years.

The chair reminded the board that this was a recommendation to the Board of Commissioners.

Motion: Terry Smith made a motion to recommend denial of the rezoning of the lot to the Board of Commissioners.

Second: Frank Sparger 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 December 4, 2017 meeting with a recommendation to deny the request unless the applicant decides to withdraw the case.

The chair requested that Mr. Remsburg present the second case, ZA17-10.

Mr. Remsburg reported:

ZA 17-10 Daniel J. Hildreth requests to rezone two vacant parcels containing 6.09 acres owned by Daniel S. Huneycutt on NC 24/27/73 Highway, Albemarle 640 feet west of the intersection with Dunlap Road (TR#137763 and 137764) from RA(Residential Agricultural) to GB(General Business).

The property is currently zoned RA(Residential Agricultural). The lots surrounding this property are zoned RA. Several properties nearby along NC 24/27/73 are zoned GB and HB(Highway Business). The property is currently partly forest and pasture land, with a pond. Mr. Hildreth plans to relocate his business to the property after constructing a facility. Mr. Hildreth builds custom sound systems for vehicles including cars, trucks and boats. The proposed business use would require the installation of a vegetative buffer area as required by the Stanly County Zoning Ordinance. Traffic on NC 24/27/73 in this section averages 12,000 vehicles per day based on NC DOT's estimates from 2016. Planning staff recommends approval of this request due to its location on a highway and in a growth area per the 2010 Stanly County Land Use Plan. The Land Use Plan encourages the development of properties in growth areas to promote economic development.

Chair Loflin invited Daniel Hildreth, petitioner, to explain his request.

Karmen Smith came forward and shared that Mr. Hildreth was out of town on a business trip and she would represent his interests. Ms. Smith shared that Mr. Hildreth has been in business for 13 years and has 8 years at his present location at the corner of US 52 and West Main Street in Albemarle. At his present location, he is very limited in space. Mr. Hildreth installs radios, music systems, video systems and back-up cameras, etc. With the area growing and the traffic flow to and from the lake, the property caught his attention as a desirable location. He is basically a one-man shop with a small amount of help from a part-time employee and some accounting assistance. The plan for construction would utilize the more eastern lot and would leave the existing wood line as a good barrier. The Eastside Volunteer Fire Department is across the road and the other nearby parcels include only a few homes. The new building would be 5,000 square feet with 3 garage bays. The pond on the property is currently dry. Ms. Smith is a realtor and indicated that she is handling the transaction.

Chair Loflin asked if there was anyone present who wished to speak in favor of the request.

Joy Hildreth, 358 Buffalo Bay Drive, Lilesville came forward. She stated that she is the applicant's mother and also a realtor. She does work in Anson, Stanly and Montgomery Counties. She estimated that the cost of the building at around \$300,000. The four-lane expansion of the highway would bring additional business to the area. The properties along this section of highway are mixed in their use. Due to the need for an extensive septic system, it is unlikely to be a residential property. The proposed septic system would cost between \$20,000 and \$30,000. She indicated that Mr. Hildreth had been looking for an appropriate property for several years. The construction would be a plus for the county. County water is available for this lot. The fire department will make more noise than this project.

Chair Loflin asked if there was anyone present who wished to speak against the request.

Donald Shaver, 44558 NC 24/27/73, Albemarle came forward. He lives diagonally across from this property and has been there for 37 years. He would like to see the area stay residential. He had been by the current location of Mr. Hildreth's business and noted the numbers of cars in the parking lot. There were many unused spaces which implied that the business was not that busy. Mr. Shaver shared that Mr. Hildreth and others could simply say anything in order to rezone. He asked the board to deny the request.

Lew Smith, 44487 NC 24-27-73, Albemarle, came forward next. He currently lives nearby and is also representing his mother, Jeneese Smith. He indicated that his mother owns 40 acres just west of the location. Their family has owned the land for over 100 years and it has remained residential and agricultural through that time. He believes that NC DOT needs to be questioned about this project. He is a bit concerned about the noise nuisance. Since this was a business moving from one location to another, it would not be a significant added investment to the county. The placement of a business here would be a departure from the current nature of the area and would clearly be an example of spot zoning. He could see not public benefit that would come from this project. It would only be a benefit of the landowner. The definition of General Business indicates that it should be located on the fringe of highways leading out of urban commercial areas. This project did not fit that definition. It would be more appropriate closer to Albemarle. Most of the existing businesses along the road predate zoning other than GS

Development. These existing commercial properties do not seem to set a precedent allowing this rezoning.

Karmen Smith asked to speak and was given permission to come forward. She reported that Mr. Hildreth sometimes works on boats and other vehicles away from the site of the current business and due to the limited space cannot have some vehicles come to the business location. He is very busy and schedules his work appropriately. He is about three weeks out with his work. He does not regularly leave vehicles outside. His shop is open weekdays from 10 AM to 6 PM. He is a one-man shop. Several car dealers use his services to repair and upgrade the vehicles they have for sale. He is not just for youth-related business. They have set down with NC DOT to discuss the upcoming highway project and the needs for the business. They have determined the setbacks needed for the building due to the project. The property would have camera surveillance for security. Ms. Smith explained the approximate location of the building on the property using a map.

Lew Smith returned to the podium and explained that he is opposed to any GB in the area and that he didn't think NC DOT would like the project. He felt this would be inconsistent with NC DOT and with the neighborhood.

Donald Shaver came back to the podium and explained that there were cars at the current business location on Saturday, November 4th.

Karmen Smith answered that the shop is not open to the public on Saturday, but that sometimes work load requires work on Saturdays. At the current location, people can see when the garage doors are open and stop in. The NC DOT plans indicate that even with the fire department, there is no issue.

John Barbee, 44572 NC 24/27/73, Albemarle came forward to speak. He explained that he lives across the street. He wondered why anyone would spend \$20,000 to \$30,000 for a septic system. Changes to the neighborhood was not what he needed. This area was just a grown-up field and the highway construction will bring increased speed. He would appreciate the board's consideration.

The chair reminded the board that this was a recommendation to the Board of Commissioners.

The Board discussed the future growth in the area. Frank Sparger expressed that he thought growth along the highway corridor was coming, especially as the project gets done. He empathized with the area residents but felt that the growth was inevitable. Several board members agreed with his statement.

Motion: Frank Sparger made a motion to recommend approval of the rezoning of the lot to the Board of Commissioners because this is located in a growth area of the 2010 Land-Use Plan.

Second: John Eckman 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 December 4, 2017 meeting.

Chair Loflin asked Mr. Remsburg to present information on the 2018 meeting calendar. Mr. Remsburg indicated that as presently planned there are four dates in 2018 where the Planning Board Meetings conflict with proposed meetings of the Board of County Commissioners. The Commissioners will officially adopt their schedule at their December 4th meeting. Since we do have a rezoning case before the Planning Board in December, we can establish the 2018 calendar at that meeting. There was some consideration on whether it would be best to move to Tuesday nights just before the Board of Adjustment meeting or to hold some on the first Monday of the month.

Adjournment

Chair Loflin asked if there was any additional business for the meeting. Hearing none, he asked for a motion to adjourn. Frank Sparger made the motion to adjourn with a second from Kevin Brickman. The motion was approved.

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

Robert Loflin, Chairman

Robert Remsburg, Clerk