



## Stanly County Planning Board August 14, 2018 - Meeting Minutes

### **Call to Order**

Chairman Robert Loflin called the meeting to order on August 14, 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.

Chair Loflin 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

John Eckman, III

Frank Sparger

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

Ned Stallings

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

Bob Remsburg, Planner I

**Others Present:** Ronnie Burleson and Alan Love registered to speak. Several property owners and others were present. Charles Brown and Max Justice were present to represent Oakmont Acquisition.

The Chair invited the board to review the minutes of the previous meeting which was held on May 29, 2018.

**Motion:** John Eckman made a motion to approve the May 29, 2018 minutes as written.

**Second:** Frank Sparger 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 and an amendment to Section 618 of the Zoning Ordinance.

The chair introduced the first case:

**ZA 18-05 Oakmont Acquisition requests the rezoning of 31 acres of a 57 acre tract located on Buster Road, southwest of Lighthouse Road near Oakboro and a 2.93 acre tract located at 16869 Buster Road from RA(Residential Agricultural) to M2(Heavy Industrial). Tax Record #862, 10988; PIN 55302856210, 559304747869 .**

Mr. Loflin invited Mr. Remsburg to report on Case ZA 18-05.

Mr. Remsburg shared:

Oakmont Acquisition requests that 31 acres of a 57 acre tract located on Buster Road and a 2.93 acre tract located at 16869 Buster Road, Oakboro, be rezoned to M2 – Heavy Industrial. The property is currently zoned RA – Residential Agricultural. The lots surrounding this property are also in residential and industrial districts. The remaining acreage in the first tract is located within the Town of Oakboro’s zoning jurisdiction. An application is also being submitted to Oakboro requesting rezoning of their section to industrial. Other adjacent parcels owned by Oakmont Acquisition are already zoned for industrial purposes. These properties are currently either used for residential or agricultural purposes. An industrial facility is proposed for these parcels and the other nearby properties owned by Oakmont Acquisition. The parcel at 16869 Buster Road contains a residence and outbuildings.

These parcels are located in a growth area per the 2010 Stanly County Land-Use Plan. Traffic on Buster Road in this area averages 530 vehicles per day and on NC 205 averages 1700 vehicles per day according to the 2015 NCDOT traffic count.

Planning staff recommends approval of this request since this property is located in a growth area and would be economically beneficial to the county.

Chair Loflin invited Mr. Charles Brown to speak concerning his request.

Mr. Brown used a map to illustrate the location of the project and indicate the other parcels already owned and zoned industrial by Oakmont Acquisition. These parcels were rezoned about 8-years ago. He pointed out which parcels were being rezoned and that portions of one parcel were within the Oakboro ETJ. Mr. Brown indicated that Oakmont would be requesting that Oakboro rezone their portion of the larger tract. Oakmont may acquire some additional property in the future and would return to request it to be zoned for industrial use.

Frank Sparger asked if other tracts would be rezoned. Mr. Brown indicated that was likely, but that Oakmont had not acquired other nearby parcels at this point.

Mr. Brown was asked if he could share information about the proposed development with the Board. Mr. Brown introduced Max Justice, an attorney from Charlotte representing Oakmont. He answered the question by stating that this was for a potential manufacturing project. A firm has interest in utilizing the 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.

Mr. Alan Love of Oakboro came forward. Mr. Love reported that he owns adjacent land across NC 205 from the property. He shared that his main concern was for the protection of adjoining properties from run-off and other environmental issues. Creeks and streams run through the property onto adjacent land. Silt and chemicals could create a problem for wildlife. Buffers would be needed. Board members asked Mr. Remsburg if buffers would be required. Mr. Remsburg responded that wherever a commercial or industrial use adjoins a residential use, a buffer is required. He also shared that stream buffers are also required.

Charles Brown spoke and shared that Oakmont would want to do what is right and follow the ordinance requirements. They would want to be sure the environment is protected. Mr. Love indicated that he was ok with progress, he just wants to see it done well. He was OK with the buffers.

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 31 acres and the 2.93 acres owned by Oakmont Acquisition to M2(Heavy Industrial) because it is located in a growth area adjacent to other industrial property.

**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 September 4, 2018 meeting at 6:00 PM.

The chair introduced the second case:

**ZA 18-06 Jason T. Gallagher request the rezoning of 1.52 acres of a 4.25 acre tract located at 40136 Old Salisbury Road, New London, from RA(Residential Agricultural) to HB(Highway Business) Tax Record #137663, PIN 663103011874**

The chair requested that Mr. Remsburg present the second case, ZA18-06.

Mr. Remsburg shared:

Jason T. Gallagher requests that 1.52 acres of his property located at 40136 Old Salisbury Road, New London, be rezoned to HB – Highway Business. The property is currently zoned RA – Residential Agricultural. The lots surrounding this property are also in the RA District. The adjacent properties are either used for residential or agricultural purposes. Mr. Gallagher is proposing to use the 1.52 acres at the front portion of his property for the construction and operation of a mini-storage facility. An occupied mobile home is located on the rear section on the property and would remain in place. The HB district is appropriate for general retail uses included rental storage facilities.

This parcel is currently an open field and is located in a growth area per the 2010 Stanly County Land-Use Plan. Traffic on Old Salisbury Road in this area averages 1,200 vehicles per day according to the 2015 NCDOT traffic count.

Planning staff recommends approval of this request since this property is located in a growth area and would be economically beneficial to the county.

Chair Loflin invited Mr. Jason Gallagher, owner of the property to speak concerning this request.

Mr. Gallagher came forward and shared that he has wanted to develop a small business and has determined that a mini-storage facility would be a good use of a portion of his property on Old Salisbury Road. There are no storage facilities in the immediate area and this is reasonably near Pfeiffer University. He does not live on the property but leases the mobile home which is

located further back from the proposed project. He would likely put in a new driveway and plans to construct a 30x80 building with 16 units. This building would be located close to the road.

Board members asked whether the project would be gated or open. Mr. Gallagher stated that there would like be a fence along the front, but not likely to enclose the whole building. He was also asked if this would be paved or gravel. Mr. Gallagher said it would be gravel to start and may be paved later. A paved entrance apron will likely be required by NC DOT.

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. Ronnie Burleson, neighbor from Burris-Burleson Road came forward to oppose the request. He has farms in five counties and, as a small business owner, he is afraid that Mr. Gallagher is setting himself up for failure due to the rural nature of the area. He considers this a spot zoning since there is no commercial zoning of any type along Old Salisbury Road from Richfield to Albemarle. Mr. Burleson thinks that this should be in Richfield or New London. He also was concerned about the potential for folks coming to the area to break into the storage units.

Jason Gallagher stated that he hoped this would be a good asset to the community. That it would be accessible to many and he feels that this is a good location.

Bob Davis asked about how soon he hoped to fill the units. Mr. Gallagher stated that he hoped to having them full in 6-10 months. He believes that people will come 5-10 miles to a storage facility.

Mr. Sparger pointed out that while there are no highway business zoned properties adjacent, the property is in a growth area and it has to begin somewhere. Mr. Sparger expressed that while Mr. Burleson's concern about the viability of the project was admirable, it was not within our scope of responsibility whether it is a successful enterprise.

Linda Gilbert of 1228 Autumn Lane and owner of nearby property came forward and expressed her desire to keep the area residential and farmland. This would change the look of the neighborhood.

The Board discussed the proposal. Terry Smith expressed his concerns about the lack of fencing and feels that more planning is needed by Mr. Gallagher. Mr. Remsburg pointed out that buffering would be required between the commercial property and the residential properties.

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

**Motion:** Bob Davis made a motion to recommend that the Board of County Commissioners deny the rezoning request by Jason Gallagher for 1.52 acres to HB(Highway Business) because the project is surrounded by residential properties.

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

**Action:** The Board approved the motion recommending denial by a vote of 4-2.

Mr. Remsburg advised that it was up to Mr. Gallagher whether to carry the case forward to the Commissioners. If the request to change the zoning on the lots goes before the Board of Commissioners it will be considered at their September 4, 2018 meeting at 6:00 PM.

The chair introduced the third item:

**ZA 18-07 Section 618 SEPGS Overlay District text amendment**

The chair requested that Mr. Remsburg present the second case, ZA18-07.

Mr. Remsburg shared:

Following the approval of the solar project on Old Aquadale Road, County Commissioners asked the Planning Department to look at the current ordinance and consider whether adjustments should be made especially concerning the decommissioning process for SEPGS. Staff was also concerned about setting clear expectations for the information developers are required to submit for review by the Planning Department, Planning Board and County Commissioners during the plan review and approval process. Language was updated to clarify these processes based on current standards.

After research and discussion with the staff it was determined that requiring a bond for decommissioning would not be necessary. Not requiring a bond will avoid Planning Department staff having to keep track of this additional paperwork and will not be a deterrent to potential developers of solar projects. Lease agreements will be required to have a decommissioning component. Salvage value will likely exceed the need for a bond.

There is interest in at least two other major solar projects in the county and potential for expansion of at least one project which has already been approved.

**Motion:** Frank Sparger made a motion to recommend that the Board of County Commissioners replace Section 618 with the new language as proposed.

**Second:** Terry Smith 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. Kevin Brickman made the motion to adjourn with a second from Frank Sparger. The motion was approved.

The meeting was adjourned at 8:30 p.m.

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Robert Loflin, Chairman

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Robert Remsburg, Clerk