



Stanly County Planning Board September 10, 2018 - Meeting Minutes

Call to Order

Chairman Robert Loflin called the meeting to order on September 10, 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

John Eckman, III

Frank Sparger

Ned Stallings

Planning Board Members Absent:

Kevin Brickman

Stanly County Planning Staff Attending

Bob Remsburg, Planner I

Michael Sandy, Planning Director

Others Present: Lee Allen, Shaun Huneycutt and Wayne Pigg 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 August 14, 2018.

Motion: Terry Smith made a motion to approve the August 14, 2018 minutes as written.

Second: Bob Davis 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 18-08 Peter Horwath requests rezoning a 1.7 acre tract owned by Joseph A. Hatley and located at 24897 S. Business 52 Hwy, Albemarle from NB(Neighborhood Business) to M1(Light Industrial). Tax Record #24353; PIN 654702578969

Mr. Loflin invited Mr. Remsburg to report on Case ZA 18-08.

Mr. Remsburg shared the following using maps in a power point presentation:

Peter Horwath requests that 1.7 acres owned by Joseph A. Hatley and located at 24897 S.

Business 52 Hwy, Albemarle, be rezoned to M1(Light Industrial). The property is currently

zoned NB(Neighborhood Business). The lots surrounding this property are zoned Neighborhood

Business, Residential Agricultural, Residential R-20, and General Highway Business. Areas within ½ mile south are zoned M2(Heavy Industrial). The property has a large metal building which previously housed the Cheer Corps business. The nearby properties are either used for business or residential purposes.

The M1 district allows for manufacturing and assembly processes which “can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential and business districts.” See Section 611 of the Stanly County Zoning Ordinance for a list of all potential uses.

This parcel has the large metal building which contains just over 12,000 square feet and a large gravel parking lot. The property is located in a growth area per the 2010 Stanly County Land-Use Plan. Traffic on Business 52 South in this area averages 2,800 vehicles per day according to the 2016 NCDOT traffic count. The traffic count along Business 52 is around 5,000 vehicles per day lower since the opening of the new US 52.

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. Peter Horwath to speak concerning his request.

Mr. Horwath indicated that he was living in New London and is CEO of Insolcorp, LLC. This is a company which manufactures building products which use phase change material technology to store and release heat during winter and to reduce heat buildup, air conditioning costs and peak loads. This is primarily used in industrial, commercial, military and government buildings. The plan is to use the old Cheer Corps building for their southeast regional operations and the company’s administrative offices. A small amount of manufacturing of a non-toxic product would occur on-site. Their primary assembly plant is in Las Vegas, NV. There would be no smells or noise from the process. They want to be good neighbors. Truck traffic would be limited to one or two per week.

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. Wayne Pigg came forward and addressed the Board. He owns a warehouse building directly behind the property to be rezoned. He shared that the surrounding properties are mostly residential and that the occupants in the past have been good neighbors. He expressed that he was concerned about how existing neighbors would be impacted. It would change the neighborhood including the residents across the street.

Mr. Howarth explained further about the process used for making the product. There is basically no waste and the process involves placed calcium chloride into plastic pouches. This was used by facilities and would save about 26% in energy consumption. Main markets were New York and California, but was spreading into the southeast. Mr. Howarth lives here and wants to keep everyone happy.

Mr. Pigg indicated that if the facility had limited traffic and the processes used didn’t create anything obnoxious it would likely be a good neighbor.

The board had a brief discussion about the merits of the rezoning.

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 1.7 acres tract located at 24897 S. Business 52 highway from NB(Neighborhood Business) to M1(Light Industrial) because it is located in a growth area and would add to the economic health of the county.

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 October 1, 2018 meeting at 6:00 PM.

The chair introduced the second case:

ZA 18-09 Stony Gap Properties requests rezoning a 5.24 acre tract located at the corner of Stony Gap Road, Bailey Road and NC 24/27/73 Highway, Albemarle from RA(Residential Agricultural) to GB(General Business) Tax Record #16599, PIN 656701079409.

The chair requested that Mr. Remsburg present the second case, ZA18-09.

Mr. Remsburg shared the following using maps in a power point presentation:

Stony Gap Properties requests that 5.24 acres located on the southeast corner of Stony Gap Road and NC 24/27/73(Troy Road), Albemarle, be rezoned to GB(General Business). The property is currently zoned RA(Residential Agricultural). The lots surrounding this property are mostly zoned Residential Agricultural. Other GB areas are located along this section of NC 24/27/73, including a parcel rezoned to GB in December 2017.

The GB districts are “generally located on the fringe of highways leading out of urban commercial areas. They dispense retail goods and services to the community and provide space for wholesaling and warehousing activities.” See Section 610 of the Stanly County Zoning Ordinance for a list of all potential uses.

This parcel is currently wooded with pine and hardwood trees. It has access to NC 24/27/73, Stony Gap Road and a small section of Bailey Road. The property is located in a growth area per the 2010 Stanly County Land-Use Plan. Traffic on NC 24/27/73 in this area averages 12,000 vehicles per day according to the 2016 NCDOT traffic count. The traffic count along Stony Gap Road is 730 vehicles per day according to 2016 data. There is no data available for Bailey Road, but it is primarily minor local traffic.

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

Chair Loflin invited Mr. Joel Mauldin, II, owner of the property to speak concerning this request.

Mr. Mauldin came forward and shared that he had decided that with the upcoming highway change something should be done with some of the property which has been in his family for 100 years. He does not want to be intrusive because of the sensitive nature of the highway corridor. He lives in the community. He is hopeful to develop a gas and general store similar to

one in Awendaw, SC called Sewee Outpost. This store also contains a restaurant and sells supplies. Mr. Mauldin presented the board with photos he had taken which showed a relatively new building amid the trees with about 6 or so gas pump islands. Awendaw is a tourist area and the store was developed to appeal to the community and the traveling public. Mr. Mauldin indicated that he had settled with the NC DOT for the widening project. Mr. Mauldin was asked whether a perk test had been done since sewer is not available. Mr. Mauldin indicated that it had not been completed but would be if the zoning was approved. Entrances would primarily be on Stony Gap Road.

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. Lou Smith who lives nearby on Valley Drive came forward to address the Board. Mr. Smith indicated that he was not against the project, but did want some clarification. He wanted to know if the project would be before or after the road project, what the location of the building would be and whether there would be boat storage on the property. Mr. Smith also expressed concern that the facility be built to enhance the appearance of the gateway to Morrow Mountain.

Mr. Mauldin replied that he was just in the beginning stages and wasn't sure about the time frame or the exact location of the building on the property. It would have a good appearance and would keep as many trees as possible. He did not want the facility to be obtrusive. The lot would be about ½ acre smaller due to the amount taken by NC DOT for the widening project.

The Board discussed the project and determined that it had many advantages.

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

Motion: Terry Smith made a motion to recommend that the Board of County Commissioners approve the rezoning request by Stony Gap Properties for 5.24 acres to GB(General Business) because it will provide services needed in the area and is located in a growth area.

Second: Bob Davis seconded the motion.

Action: The Board voted unanimously to approve the motion.

The chair advised that the request to change the zoning on the lots will now go before the Board of Commissioners at their October 1, 2018 meeting at 6:00 PM.

The chair introduced the third item:

ZA 18-10 Stony Gap Properties requests rezoning a 34.12 acre tract located at the corner of Dunlap Road and NC 24/27/73 Highway, Albemarle from RA(Residential Agricultural) to GB(General Business) Tax Record #16596, PIN 656703447838.

The chair requested that Mr. Remsburg present the third item, ZA18-10.

Mr. Remsburg shared the following using maps in a power point presentation:

Stony Gap Properties requests that 34.12 acres located on the northeast corner of Dunlap Road and NC 24/27/73(Troy Road), Albemarle, be rezoned to GB(General Business). The property is currently zoned RA(Residential Agricultural). The lots surrounding this property are mostly zoned Residential Agricultural. Other GB areas are located along this section of NC 24/27/73, including a parcel rezoned to GB in December 2017.

The GB districts are “generally located on the fringe of highways leading out of urban commercial areas. They dispense retail goods and services to the community and provide space for wholesaling and warehousing activities.” See Section 610 of the Stanly County Zoning Ordinance for a list of all potential uses.

This parcel is currently mostly wooded with pine and hardwood trees. A couple of acres of cleared property are located near the intersection. It has approximately 850 feet of road frontage on NC 24/27/73 and 500 feet of frontage on Dunlap Road. Approximately 10.5 acres of the property along NC 24/27/73 is located in a growth area per the 2010 Stanly County Land-Use Plan. The growth area follows NC 24/27/73 for a depth from the old right of way of 500 feet. Traffic on NC 24/27/73 in this area averages 12,000 vehicles per day according to the 2016 NCDOT traffic count. The traffic count along Dunlap Road is 120 vehicles per day according to 2015 data.

Planning staff recommends approval of this request since the major road frontage portion of this property is located in a growth area and has the potential to be economically beneficial to the county.

Chair Loflin invited Mr. Joel Mauldin, II, owner of the property to speak concerning this request.

Mr. Mauldin came forward and shared that he wanted to do something with this property that had been in the family for many years. The highway widening project will be taking 70-80 feet in front of the property preserving a ditch drainage area that will remain. He presented pictures showing a boat and camper storage facility similar to what he plans. This included a nicely developed entrance with brick columns and a wrought iron style fence. This would have one entrance on Dunlap Road and he would keep trees as a buffer. The boat and camper storage would be fenced in and include low-level LED lighting. Future plans may include a mini-storage facility added behind and covered single-story boat storage. The land begins to slope downward as you go north from NC 24/27/73. He would not use asphalt to begin to keep the land as pervious as possible. The area would be screened from the highway.

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 spoke against..

There being no further comments or discussion, 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 rezoning request by Stony Gap Properties for 34.17 acres to GB(General Business) because it will provide services needed in the area and is located in a growth area.

Second: Frank Sparger seconded the motion.

Action: The Board voted unanimously to approve the motion.

The chair advised that the request to change the zoning on the lots will now go before the Board of Commissioners at their October 1, 2018 meeting at 6:00 PM.

The chair introduced the fourth item:

ZA 18-11 Stanly Solar, LLC requests the application of a Solar Electric Power Generating System Overlay district on three parcels located on Old Aquadale and Sides Roads, Tax Record #17082, 28227, 38431, PIN 652604712924, 652604719490, 653501192815.

The chair requested that Mr. Remsburg present the fourth item, ZA18-11.

Mr. Remsburg shared the following using maps in a power point presentation: Stanly Solar LLC requests that portions of two tracts owned by Andrew H. McSwain along the north side of Sides Road and one tract owned by Stephen R. Efird located on the southeast side of Old Aquadale Road across from Sides Road have the Solar Electric Power Generating System Overlay District applied to the current RA (Residential Agricultural) District. The tracts combined contain 191.27 acres. The SEPGS area will be smaller due to flood areas, existing vegetation and topography. The proposed SEPGS Overlay District on these three parcels will total 94.18 acres. Stanly Solar has reached lease agreements with Mr. McSwain and Mr. Efird for use of portions of their properties.

These properties are additions to the SEPGS which was approved by the Stanly County Board of Commissioners in June. Currently the properties are zoned RA – Residential Agricultural. Normal uses in this district include single-family dwellings on large lots, farm-type enterprises including greenhouses, poultry houses, hatcheries, and agricultural processing facilities as a part of bona fide farms.

The proposed solar generating system will generate at least 111,091,373 kWh and will connect to the existing Duke Energy transmission line which runs through the area. Some wooded areas will 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 and occur during daylight hours only. The contract which Stanly Solar is seeking with Duke Energy is for a duration of 20 years and may be renegotiated or extended at that time. According to Stanly Solar, the total proposed system will generate enough power to supply over 12,000 homes for a year. There would be approximately 175,750 solar panels with an estimated value of over \$70 million.

Traffic on Old Aquadale Road in this area averages 570 vehicles per day according to the 2015 NCDOT traffic count. There is no NCDOT traffic data available for Sides Road. Traffic will increase during the period of construction, but any 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. Buffer requirements are in place per recent updates in the Stanly County Zoning Ordinance.

Due to the positive economic impact and no significant effect on the value of neighboring property, the Planning staff recommends approval.

Chair Loflin invited Mr. Dennis Richter, developer of the project to speak concerning this request.

Mr. Richter came forward and shared that Stanly Solar needed to add several parcels to the project. This would not increase the scope of the solar production, but would allow for the panels to be placed with fewer issues with topography and less removal of existing vegetation. Mr. Richter explained that the additional area for solar production amounted to approximately 50-60 acres of the McSwain property and 30 acres of the Efird property. He used a power point presentation to update the Board on how the layout would work and where the affected homes within 300 feet were located. He explained that those areas would receive a wider buffer as now required by the ordinance. Mr. Richter showed how the additional land would increase the anticipated tax revenue for the county based on over \$70 million in value. He reviewed the construction techniques and presented some information from the NC Clean Energy Technology Center from NC State. Estimated time for construction once the project is approved is 8-9 months.

The Chair invited any others to come speak in favor of the request.

Stephen Efird, property owner, came forward. He indicated that he and his wife had looked at other solar farms in Monroe and in Richmond County. The one in Richmond County had sheep grazing for vegetation control. They also saw one at the Rockingham Drag strip. The panels do not cause harm and there are no chemicals that cause problems. Mr. Efird will be living next door to the project and likes the idea of providing clean energy. The folks living nearby have expressed no problems to him with the development.

The Chair invited any to speak against the request.

Mr. Shaun Huneycutt, St. Martin Road, came forward. He first shared a letter from Nalan Efird who lives across St. Martin Road from the McSwains. Mr. Efird shared that he spends weekends in Stanly while maintaining a home during the week in Hickory. He was concerned about erosion control and the quality of water in Long Creek. He was concerned about damaged panels causing harm to the environment and concerned that the LLC might not be viable in the long term. He doesn't think the farms look good on the countryside and doesn't want them in the area. Mr. Efird was concerned about the legal rights requirement in the contract which is one reason he decided not to participate.

After reading Mr. Efird's letter, Mr. Huneycutt shared his concerns. He compared requirements for setbacks in Edgecombe County and emphasized that his biggest concern was that taxpayers would end up having to pay for removal and clean-up if the LLC walks away from the project. He was concerned about safety since his home is very close to the project and he has driven by a solar farm in another county with an unlocked gate. Some counties limit the height to 15' and Stanly allows up to 25'. He recommends that Stanly change their ordinance to be more like the Edgecombe and Northhampton ordinance and to follow the recommended model ordinance from NC State. He wonders why no environmental impact study is required. He is also concerned about electromagnetic radiation.

Mr. Remsburg asked to read a letter that had been sent from Dr. Sandra Efird Carter in opposition to the overlay district. Dr. Carter is an adjoining landowner to the Stephen Efird property and could not be present at the meeting. The chair authorized reading of the letter. Dr. Carter's letter expressed that she was concerned with the heritage of the rich farmlands, streams and wildlife of the area. Here is an excerpt from her letter:

"As an educator, I understand the benefits of green energy to our society. However, there is less benefit to our

society when we lose one natural resource for the benefit of another. My point is, we should be good stewards of ALL natural resources. Why choose land where the solar farm will disturb and/or destroy the rich habitats and wildlife in this community for solar panels? Would not a location with poor soil and less inhabitants be more practical while maintaining the intent of the solar panel farm? Why allow a solar farm to disrupt a community where the majority of home owners are life-long residents? What long-term impact will the solar farm have on the residents? What will be the impact on the soil and wildlife over time? What about the underground water sources and well water of the community residents? What will be the impact on the home values of nearby residents? Do you want the beautiful lands of Stanly County to become fields of panels? Who cleans up the fields of panels if the company goes bankrupt?

My understanding is that the majority of residents in this community, both young and elderly, have my same view point. Please understand that I do not write this letter in hast. It is disheartening to see that the few landowners who have signed their land to the solar panel agreement don't live in this fertile community or either have future plans to live elsewhere. My understanding is that Stanly Solar LLC is a start-up company with little to no history, making promises of substantial payouts for land rental, ranging anywhere from \$600 an acre to over \$1,100 an acre and up. It is sad to see that money often trumps a person's verbal agreement with neighbors or the wishes of the elderly. Why agree to the rezoning in this beautiful community when there are more suitable barren, less populated lands in North Carolina?"

Following the reading of the letter, Mr. Ned Stallings recused himself from the discussion and vote on this project as he is a participant in the earlier portion that has already been approved.

The Board did not seek further information from the staff or the petitioner.

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

Motion: Terry Smith made a motion to deny the request.

There was no second to the motion, so it failed.

Motion: John Eckman made a motion to approve the request.

There was no second to the motion, so it failed.

Motion: Frank Sparger made a motion to table the request until the next meeting so that members could gather more information.

Second: Bob Davis seconded the motion.

Action: The Board voted 4-1 to approve the motion. (Ned Stallings was recused)

The chair advised that the request would be considered at the next Planning Board meeting.

The chair introduced the fifth item:

FPO 18-01 Flood Damage Prevention Ordinance updated

The chair requested that Mr. Sandy present the fifth item, FPO 18-01.

Mr. Sandy shared that the current Flood Damage Prevention Ordinance was last updated in 2008 and there were several additions, deletions and other minor changes needed to bring the ordinance up-to-date with language provided by the NC Department of Public Safety, Division of Emergency Management. This agency oversees the National Flood Insurance Program (NFIP). The Flood Damage Prevention Ordinance aims to restrict uses of property that are "dangerous to health, safety, and property due to water or erosion hazards", to "require that uses vulnerable to floods... be protected against flood damage at the time of initial construction", "control the alteration of natural floodplains, stream channels, and natural protective barriers", and "control filling, grading, dredging, and all other development that may increase erosion or flood damage." As part of the National Flood Insurance Program, the objectives of the

ordinance include minimizing public expenditure for flood control projects, minimize the “need for rescue and relief efforts associated with flooding”, “minimize damage to private and public property due to flooding”, and to “maintain the natural and beneficial functions of floodplains”. Stanly County has participated in the NFIP and adopted its first Flood Damage Prevention Ordinance in 1983. This adoption will update the ordinance and continue participation in the NFIP. Due to the positive economic impact of regulating potential flood risks and the necessity of having this ordinance up-to-date, the Planning staff recommends approval.

The chair invited anyone present interested to speak for or against recommendation of the ordinance update. No one came forward.

Motion: Frank Sparger made a motion to recommend that the Board of County Commissioners update the Flood Damage Prevention Ordinance with the new language as proposed.

Second: John Eckman seconded the motion.

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

The chair shared that the Flood Damage Prevention Ordinance will be considered for approval by the Stanly County Board of Commissioners at their October 1, 2018 meeting.

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 Ned Stallings. The motion was approved.

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

Robert Loflin, Chairman

Robert Remsburg, Clerk