



Stanly County Planning Board
February 16, 2021 - Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on February 16, 2021 at 6:00 p.m. in the Stanly County Commons meeting room at 1000 N. First Street, Albemarle, North Carolina. Bob Remsburg served as Clerk of the meeting.

Stanly County Planning Board members attending Joel Mauldin David Underwood, Candice Brasington, Jay Eckman, Michael Williams

Absent: none (there are two vacancies on the board)

Mr. Remsburg stated that there were enough members present for a quorum.

Stanly County Planning Staff Attending Bob Remsburg, Planning Director; Bailey Emrich, Planner I

Others Present: Ken Tucker, Zach Mclain, Daniel McClellan, Adam McClellan, Kelly Hart, Reece Gibson, Joseph Burlson

Chair Eckman asked for a motion to adopt the proposed agenda

Motion: David Underwood

Second: Michael Willaiams

Approved: 5-0

Chair Eckman asked if there were any conflicts of interests due to financial or personal relationships. There were none

Chair Eckman asked for an approval of the previous minutes from November of 2020.

Motion: David Underwood

Second: Candice Brasington

Approved: 5-0

Chair Eckman announced the purpose of this meeting was to consider five items which will include hearing of any comments and recommendation of a request to rezone a parcel on River Road, amendments to several ordinances and a review of a revision to the Stanfield Valley subdivision design.

Chair Eckman introduced item number one on the agenda ZA 20-01. This is a request from Burlson Square LLC to rezone one tract consisting of a 40.14 acre tract on River Road from RA -Residential Agricultural to R20- Residential.

Chair Eckman invited county staff to share the details of the request

Bob Remsburg shared the following:

We do have just one rezoning request from Burleson Square containing 40.14 acres on River Road from RA to R20. This property is currently zoned RA and there are a few things to note. There is a power transmission line that runs through the North side of the property, most of the adjacent properties are zoned RA, with the exception of a 38 acre parcel that is diagonally across River Road and Renee Ford intersection which was zoned in 2020 to R20 which would allow more dense development and about 49 homes for a subdivision called Stanfield Valley. The RA zoned parcels near here are being developed for residential purposes by Steve Helms. There are about 17 homes that he is developing and Stanly Farms which is on the northeast corner is also there with 35 homes.

Mr. Burleson could share more on this but a soil scientist has reviewed the parcel and work is underway to determine whether the proposed 52 lots have the soil suitable for septic systems. Sketch plan for the subdivision will come later for the Planning Board to review after the soil evaluation and after the Technical Review Committee has reviewed the plan. The Town of Stanfield has proposed to provide water for this subdivision. This is a growth area according to the 2010 Land Use Plan. It is located in the Stanfield and West Stanly school districts. Stanfield school population had about 350 students in 2018 and it has dropped in some of the previous years.

Traffic in the area is likely to continue to increase, not just because of the development near the intersection but because of the development taking place in Union and Cabarrus counties. The traffic count for River Road in 2018 was about 1300 vehicles per day according to NCDOT. The Planning staff recognizes there is much growth in the area. The Helms Builders and Stanly Farms subdivisions kept lot sizes greater than 30,000 square feet. Stanfield Valley requested for their parcel to be rezoned to R20 which would allow smaller lots. At this time the smallest lots being proposed are between 19 and 20,000 square feet. All of that is depending on soil testing.

Mr. Remsburg showed aerial and zoning GIS map photos of the parcel.

Mr. Remsburg asked if there were any questions from the board.

Candice Brasington stated “ I remember the Helms lots, what were those sizes?”

Mr. Remsburg stated “Per the zoning ordinance the smallest lot for R20 when water is provided is 15,000 square feet. The only catch is that 15,000 square feet generally will not support a septic system. So, 20,000 square feet roughly with good soils potentially would,. But of course that is when each individual lot gets tested by the Environmental Health department from the County. So, lot lines could get adjusted to fit. Going back to the RA zoning which Mr. Helms and Mr. Whitley have, those lots are all 30,000 square feet or larger. The lots to the left of Mr. Helms are three and a half acres.”

Chair Eckman invited Joseph Burelson to speak in favor of the rezoning request

Mr. Burleson shared the following:

Good evening Board Members first I want to thank you all for what you do, I have sat there before and I know it's a tough job. The lots that were developed there by Steve Helms, we actually sold him that property that fronts Renee Ford and River Roads. One reason we did not try to seek R20 on those sections of the property is the depth there is slim. The ones coming down River Road there is a creek that comes through there that limits those lots. The soil there was okay, it did work well for the three acre lots. What is left now is a 40 acre site, probably some of the best soil I have seen in a long time. So we feel very confident that it will perk well. We probably will have some smaller lots, around 19 or 20,000 square feet. When you get to the back you still have the creek to cross and deal with. Also, the overhead power lines in the back. It will create larger lots and we do have some lots that are almost 3 acres. We have had a soil scientist take a look at it so we feel pretty good about it. Across the road you have Gibson properties which was rezoned to R20 about 6 months ago.

There is growth here and the Town of Stanfield would be providing water. We have completed a flow test on the water line and there is ample pressure to provide fire suppression so the fire department should be able to have plenty of flow and supply the homes with the water service. It is in a growth area and the county has identified the growth areas next to Cabarrus county and Locust. Charlotte Pipe is coming to the area and the economy this past year shows there is a great need for housing. I am in the Real Estate business and I see it day to day. We want to provide a good home in a good area for folks who live and work here in Stanly County. The real estate market has been driving this. We want to do a successful project. We anticipate putting a landscape entrance with nice paved streets in the development. Underground power and water and street lights in the development. We want to make it something to put our name on and that is local. Also something we can be proud of and also those that ride by would be proud of.

Mr. Burleson stated he would answer any questions

David Underwood asked "So 52 lots and 40 total acres. Is that a double powerline back there?"

Mr. Burleson stated " 52 is a possible number. We are still waiting on the soil test to come back before we really decide on a number. The power line is one of those huge transmission lines and then there is also a distribution line beside the big one. There is one section with poles and then there is the tower."

Mr. Underwood asked "How many acres will that take out of the 40 acres you can't build on?"

Mr. Burleson stated " Probably two or three."

Mr. Underwood stated "Let's assume you build a home on a 15,000 square foot acre lot and you have to have a septic system obviously. Have you made any plans for what happens if something goes wrong, to fix that?"

Mr. Bureson stated "The county will make sure that we have a repair area for those. So there will be a septic field and also a repair area for those. This can be done in 15,000 square feet. The smallest lot we have now is about 19,000."

Mr. Underwood stated "But, if this is rezoned you could have 15. Let's assume you have 15,000, and you go to repair it, you think you will be good?"

Mr. Bureson stated "Yes, we will be good."

Candice Brasington asked "What's the amount of acreage that you think would not be used?"

Mr. Bureson stated "We will incorporate all of the property into lots. We don't anticipate having any unused space. The roads will take out some area but I believe the average lot size is 41,000 square feet because we do have a few larger ones on the back of the property."

Chair Eckman invited anyone to speak for or against.

Ken Tucker shared the following:

Thank you for allowing me to come speak tonight. I own the property directly across River Road. For about 60 years my family has lived there and just up until 10 years or so ago there has been little development. All the development has been pretty good like the Helms Builders. We have neighbors here that live in some of those homes. They are good homes on good pieces of property. The biggest concern I have, it looks like this is a spot zoning attempt. If you look around this lot all of the lots are larger, some a couple acres a piece. I don't see how you can't call this spot zoning. The increased traffic will be horrendous. If you try to turn left on First street here, you can barely get out. The average trip here is 3,000 according to DOT. Renee Ford Road is 3800 trips per day and that [data] is three years old. Since then, there have been major subdivisions. If development continues there will be around 6,000 vehicles per day. The road is already in bad condition because of all the traffic. If you use DOT calculations the traffic on DOT will be more than First Street [in Albemarle]. There are bicycle clubs that have their route out there. I wanted to know if a traffic analysis has been done for this subdivision. There have been serious and numerous wrecks at this intersections.

Ordinance 73-2 stated your purpose and authority is to be made in accordance with the plan and reduce congestion in the streets. Prevent overcrowding of land and undue congestion of population and this document is designed to prevent spot zoning. It contains 211 pages and I did not have time to go through it all. There is section 418.1 B(2) and C(2) that a requested zoning permit will not impair the value of adjoining properties and will not be detrimental to the health, safety or welfare of the community. Traffic

is a large portion of that welfare of me and my family as well as my neighbors. Something you are required by your own rules is regulating subdivisions. Article 3 is required improvements and minimum design standards. Section 66-68 is the preservation of natural and historical sites. Trees are the first thing you list. This land is heavily wooded with mature oak trees. Will this lot be clear cut? The reason this is important to me is that there is a railroad. As the trees are cut down my house sits right there and I will be able to hear the train constantly. I hope this is something you all understand.

The ordinance also says that you will have special consideration for historical sites. This is the site on lot 47 on the plat is where the Old Drye School House used to sit. I don't know if any provisions have been made to collect artifacts. I think that is historical. It is also rumored there is an old cemetery on this property. It is possibly from the Civil War era. I urge you to do more due diligence on historical sites.

The subdivision ordinance regulates the access and thoroughfares. This is why I was asking about the traffic impact analysis. Is this something that will be approved after or before this?

Mr. Eckman stated "A lot of this is coming into the design approval and this is just the rezoning. These details would come more into development design."

Mr. Tucker stated "Any subdivision that will contain 50 lots or 500 trips per day shall construct turn lanes at the entrance."

Mr. Eckman stated "This is development design. He may not even have 52 lots, it is just suggested."

Mr. Tucker stated "I served as a manager of a Duke Energy Transmission line. There are two lines there, a 2000 volt transmission line and 1000 volt transmission line. You cannot put anything under those lines. You can farm and have a yard under it but no homes or septic. Also, be very cautious that you don't run into spot zoning. We are not asking to stop progress but your primary purpose is to not overpopulate the property. So I would ask that you consider this. We are not wanting to hold back progress. Helms Builders are doing a great job. The problem is not progress. I just don't want to flood the streets. Thank you."

Mr. Eckman stated "Please try to keep comments to the rezoning of this and not the development of this because we do not even have the plans for it yet."

Zach McClain shared the following:

We just recently moved to get away from the city. The power lines cut right through and we don't see how all of these houses are going to go back there. Behind me is just a bunch of wetlands. We love the area but we do have problems with traffic and people speeding. I have called the sheriff and the state troopers office. If you come from Renee Ford Road the intersection is really messed up. Not to mention all of the kids. Is Stanly Schools going to be able to handle all of this? I just don't see what can be built back there. The trees are also a concern. That's my main worry, traffic."

Daniel McClellan shared the following:

“I have lived at the intersection on the corner for 44 years. Last March, I came before this board to get the rezoning diagonally across to not happen. Y'all did not allow it but the County Commissioners did approve it. Once one guy gets it, another one can. My concerns are the same. Traffic, schools and septic on a small lot is not a good idea. And the amount of houses being put in that area, I was looking up and the EPA says 40 [septic] systems per square mile you have to worry about groundwater pollution. I am on a well out there and it worries me that my groundwater will be contaminated. Everytime you rezone something you have to amend the Land Use Plan. The Plan needs to be updated no doubt. This was a secondary growth area in the 2010 plan and Bob said that in 2010 they took it away. It is still in the land use plan. I really want y'all to think about not now but the future. But if you put that many houses in that small of an area it becomes an issue. I know the soil, I do it for a living and that is good soil but that doesn't mean you can put 15,000 square foot lots out there and it works. If y'all would decline this request for R20, I believe what they have done with the RA zoning is already good, They have bigger lots. You just don't want to jam pack them in here. R20 should be where there is sewer. Just think about that and the future of the area. I know it doesn't end here and the commissioners have to also understand this. Thank y'all.”

Adam McClellan shared the following:

“I have lived in Stanfield my whole life. My family owns land diagonal from here. They have owned it since 1968 and they are proud to live here. I live on Polk Ford Road right now. I bought 78 acres adjacent to my family's land that this one day would be my family's forever home. So I definitely have interest in the area. We are not against growth in the area. What Steve Helms has done with the bigger lots and even Larry Honeycutt's lots are both great. We have a problem with high density housing without sewer. Our farm has some of the best water in the area and there are three springs on our property with wagon trails coming to them. It has been known a long time that it's a great area. I want to preserve that natural resource and make sure it is not damaged. Packing in septic that tight is an issue. I am a licensed professional engineer and I drew some things out. You can fit a home on this 15,000 square foot lot [with septic] but it has to be perfect. What this zoning is all about is what you are reducing. The setbacks, minimum width, etc. Everyone is crammed together.

I just want to put in perspective what this zoning is. This building is 143,000 square feet. That would be ten homes in this building. You have to think about septic and maintaining those but you have to have them pumped routinely. I want to look at a larger picture, we need to look at the vision for our county. Do we want small homes crammed together or larger lots with nicer homes. If we are going to go this type of density why not go somewhere with available utilities or that is already zoned property. Between the development that has come there are 52 homes that have come to the area. Last year I came and spoke when Mr. Gibson came and wanted to rezone. That was voted down 7-0. The zoning board's letter to the county commissioner was that it could be developed the same if it was 30,000 square feet. The County Commissioners voted to rezone it 4-3. The County Commissioners were confused with that. Multiple commissioners stated that was setting a precedent for every greedy developer to come pack as many houses as they wanted there. I did measure it out, there is 8 acres under that power line. Again, yards and

things can be under there but you can't do anything with that. With these 52 more houses that would make 141 houses in this area on septic service. This does not count Stanfield Ridge. Looking at the numbers for EPA that would be 28,000 to 40,000 gallons of sewage going in the ground just from the houses around that intersection. It is done on a localized basis but you haven't looked at the big picture and see what is going on in the ground. You have to keep zoning at a reasonable density. The problem with environmental health, those guys are slammed and have other responsibilities. They can't look at things in detail. Their hands are tied, if you hire a third party engineer they have to go with what that engineer says. The septic is not going to be a problem right off the bat but it will be in 5-10 years. The builder will be gone and the local people will have to deal with it. Water, surface and lateral runoff are also issues. The number of cars last year was 550 and now its 3500 cars going down that road a day. School is my other issue, I have children and I know they say Stanfield is declining, but with that many houses, Stanly County schools will not be able to handle growth at that rate. My final thing is crime. More houses leads to more crime. With higher density housing, we have a problem with drugs in the county. I appreciate your time but I am asking you please decline this request and I would like to keep R20 east of Renee Ford Road and leave the west side zone RA.”

Kelly Hart shared the following:

“I have a petition here that I would like to share with you all. A lot of the neighbors have signed and feel strongly about this area. I also have a letter from one of the neighbors Ryan and Sarah Hester who recently moved into one of the Helms builders homes.”

Ms. Hart read the letter from the Hesters.

“I have to share my feelings about what is happening all over the county. There are people here that want to develop the country in a way that would be a huge disservice. This would bring high density housing and the developers have not thought about the utilities, schools or traffic. Growth is inevitable but let's band together and fight for positive growth along with improved schools and growth to handle it. A lot of people have moved here to get away from places that are consumed with high density housing. I Also have a concern with how it comes into River Road. When you cross the intersection you come to a slight incline. You would turn into traffic that you cannot see. It is a dangerous intersection. Thank you very much.”

Reece Gibson spoke in favor of the rezoning by Burleson Square, LLC. He indicated that the advantage to the developer was the flexibility in choosing a variety of lot sizes based on the land.

Mr. Burleson stated:

“Many people have moved into the area with the lots we sold in the past. I am asking to reduce it to R20 so we can have leeway on smaller and large lots. I remind you that the question tonight is about the zoning. I was not prepared to bring you all of the designs standards, DOT, and traffic analysis. I am happy to try and answer any questions.”

Candice Brasington asked “When it comes to trees, septic, and size of the lot. The things I am thinking of the roots of the trees and the septic. I had an issue with that years back. If you have a small place to work with and are keeping trees. How would you prevent that with what you are planning?”

Mr. Burleson stated “Like I said that is not pertaining to what is before you tonight but I will try to answer it. David Ezzell met with me and Bob and looked at this and said we would have to evaluate the soil. Technology is always changing and there are new types of systems you can put in. There are alternate ways to do it. They are certainly safe and approved through the state and the county will look over them. I will do everything with what the county tells me to do and go through the process like anyone else.”

Candice Brasington stated “When it comes to zoning versus design I think you really have to know that with the zoning we know the concerns that will come with it. You can really separate the two from each other. Not getting into detail and those things, you can expect that to not be an issue. I think it's great that you want to keep as many trees as possible. That is one of the things that people from the city love.”

Mr. Burleson stated “Hopefully before long I will be back with a site plan for you all that will maintain the aesthetic and keep it a nice place.”

**Motion: Joel Mauldin made a motion to approve
Second: Michael Williams**

The Board chose to discuss the item before voting

Candice Brasington stated “Obviously growth is happening regardless. It may not happen now but looking at it now it will happen. Yes, there are already approvals for R20 but like I was saying there is something about what draws people here is the view. I lived in Myrtle Beach for 20 years and I saw this happen. I certainly am concerned about the density of this. I think there needs to be more distance between homes. I am not opposed to the development but I think really keeping that integrity and space draws people.”

Jay Eckman stated “There is no site plan. This is just saying what the minimum requirements are for his site plan. Even though there are plans out there we do not have that.”

Michael Williams stated “Just like Candice, I am not from here either. My wife is so therefore I can't leave. But, one of the great things about Stanly County is that its so beautiful. Especially the western end. One gentlemen said that 8 acres out of the 40 would not be available for septic because of the towers. That is 20 percent. So given that and what comes next, I am not comfortable with it to be honest with you.”

Chair Eckman called for the vote

Denied: The Board voted 0-5 to recommend approval. [Therefore, the board recommends that the County Commissioners deny the request to rezone.]

Chair Eckman stated: “With the recommendation of this Board to deny the request, the Planning Department staff will consult with the petitioner to consider whether they wish to proceed. If so, the Planning Department staff will propose to the County Clerk that the rezoning request be placed on the agenda for the March 1, 2021 meeting of the Stanly County Board of Commissioners.”

Item number two was presented which was a change to the Stanfield Valley subdivision by Reece Gibson

Bob Remsburg showed what was previously approved.

Mr Remsburg stated “The main difference is if you look you will see the cul-de-sac that comes in the middle with 5 lots around it. The septic work is ongoing and the engineers have looked at this. Where the cul-de-sac sits according to the engineer is a low spot so they chose to approach this differently. The key change is you move the cul-de-sac to a hammerhead road instead of coming off of the east west road at the bottom and picking up two lots at the bottom of that. Those two lots become a shared open space for the rest of the development. Between lots 29 and 30 and 15 and 14 there is a path. That is one thing I insisted, you have to have a trail. My encouragement here was a circular path. Obviously you can see some of the creeks and streams.”

Candice Brasington asked “I remember the last time this was before us, we asked about the fire trucks for the cul-de-sac. But, this change would the fire truck just back out?”

Mr. Remsburg stated “Right, the idea is they back in or out instead of turning around. The other component is if you look on River Road and there is a creek on the east side of the property that comes from the subdivision across the road. You can see from the original plan they have moved the entrance a little to the west. Taking what was in the corner and expand it and then split in half. We have allowed, at this point, an easement to get access to the back lot.”

David Underwood stated “What about the mailbox receptacle”

Mr. Gibson stated “ There will be around 4 mailbox stations. They will be on the road right-of-way.”

Motion: David Underwood to approve the new plan for the Stanfield Valley subdivision with the understanding that Mr. Gibson would have adequate places created for pull-outs for central mailbox stations.

Second: Michael Williams

Approved: 5-0

Mr. Remsburg introduced the suggested text amendments to the County’s land-use ordinances - Zoning, Subdivision, Minimum housing and High Grass and Flood Damage Prevention to comply with requirements of the NC General Assembly by the creation of NC General statute 160D.

Mr. Remsburg shared the following:

“State Statutes changed and by July 1 we have to update our ordinance or we don't have one. We have to do this. It affects all land use ordinances. Watershed is not on there because there were not any changes needed. Zoning had a significant amount and a few to subdivision. Minimum housing and high grass primarily does not change however, I did make one change that is supported by the statutes that I think needs to happen and I talk to Jenny Furr, the County Attorney. The way it was set up the housing appeal board was the board of County Commissioners and it really did not work to make them that role. They are also the ones ordering a condemnation of property and potentially caused a conflict. The appeals are

typically heard by the Board of Adjustment so that is the one switch I did. We have a pretty good Board of Adjustment so it makes sense to make the appeal to them. The subdivision ordinance had a few scattered changes and the zoning ordinance had the most changes. But, this has to be done.

David Underwood stated “I would not be willing to vote tonight because this is the first time I am seeing it. There is a lot of yellow.”

Bob Remsburg stated “ I understand, but I wanted you all to see it and know these changes had to be made. If you all want to take it for information now and we will do it as a public meeting at the next one in March, that is fine. Yet, we do have a timeline we must meet. ”

Motion: Michael Williams made a motion to table consideration of ZA20-02 - ordinance revision due to NCGS 160D.

Second: Candice Brasington

Tabled 5-0

Mr. Remsburg introduced the fourth item of Short Term Rental in the Stanly County Zoning Ordinance. “There have been questions about how we deal with Airbnb's and short term rental regulations. The basic idea is to have a regulation on them. We have had several over the past few years and what you have to watch is having them turn into party homes. This is what the rules are for. We do have lake front property that has the potential to be a hotspot for these. I contacted the town of Edenton and that is what this is. Their ordinance with some things removed and other things added to make it fit our code.”

Michael Williams asked “Does this include the weddings venues?”

Mr. Remsburg stated “If they were trying to do rentals for sleepovers then yes.”

Motion: David Underwood to recommend approval of ZA20-03 Short Term Rentals text amendment

Second: Joel Mauldin

Approved: 5-0

Mr. Remsburg introduced the last item on the agenda which was a recommendation from staff and a request from the Stanly County Airport Authority to replace the current language of Section 613 of the Stanly County Zoning Ordinance which is otherwise known as the Airport Overlay District.

Mr. Remsburg stated “The way the Ordinance is set up the Authority served as the Board of Adjustment for the area that is the airport overlay district and they did not like that because they had to deal with Quasi-judicial procedures. The Airport Authority brought up the Chester-Catawba language and basically said that we should change our ordinance to what was written. This does modernize and update the ordinance. We had the same ordinance from 1980 for the airport. This is a request from them. You can approve it as is. The one thing that is not there is the map. The airport has been working with the Mapping Department to get an updated one which will reflect the language in the ordinance.”

Motion: David Underwood made the motion to recommend approval of ZA21-04 as long as the map was added

Second: Candice Brasington

Approval: 5-0

Chair Eckman asked for a motion to adjourn the meeting.

Motion: David Underwood

Second: Michael Williams

Approval: 5-0

Time Adjourned : 8:04 p.m.

Bob Remsburg, Clerk

Jay Eckman, Chairman