



Stanly County Planning Board
June 15, 2021- Meeting Minutes

Call to Order Chair John Eckman called the meeting to order on June 15, 2021 at 6:30 p.m. in the Gene McIntyre 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, John Eckman, Michael Williams, Tim Fesperman, T. J. Smith

Absent: none

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

Others Present: Ken Swaringen from the Stanly County Airport, and neighboring community members to the airport

Chair Eckman asked for a motion to approved the proposed agenda

Motion: David Underwood

Second: Joel Mauldin

Approved: 7-0

Chair Eckman asked if there were any conflicts of interests with the case to be heard due to financial or personal relationships.

There were none

Chair Eckman asked for a motion to approve the minutes from May 10, 2021

Motion: David Underwood

Second: Michael Williams

Approved 7-0

Chair Eckman stated the purpose of the meeting was to consider four items. These items will include hearing of any comments and a recommendation for a request to increase the size of the Airport overlay district, make a text amendment to allow temporary uses, make a text amendment to allow for barns and sheds on parcels as a primary use and recommend revised language of the Flood Damage Prevention Ordinance.

Chair Eckman announced the first item on the agenda was ZA 21-04. This is a request from the Airport Authority to expand the Airport Overlay District to reflect the current length of the Stanly County Airport Runway. The Planning Board will hear comments and make a recommendation to the Board of Commissioners concerning this request.

Chair Eckman explained that they heard this during the last meeting, therefore he entertained a motion to bring this back on the floor.

Motion: David Underwood made the motion to reopen the hearing for item ZA 21-04

Secon: Joel Mauldin

Approved: 7-0

Chair Eckman invited Mr. Remsburg to share the details.

Mr. Remsburg shared the following:

“We have several sides prepared and I know you heard most of this last time. We consulted and worked with the airport authority since and they provided a slideshow and I don't believe that the board has seen these. So this gives a description of the Airport itself.”

Ken Swaringen joined Mr. Remsburg at the podium and shared the following

The airport is joint with the military and encompasses 642 acres. The runway in question here is 5500 feet long by 100 feet wide. That runway was extended a few years ago and at that time the ordinance was not brought up to reflect the airport as it stands today. The overlay district is just an additional boundary providing the different zones and safety for aircraft. It is not a flat plane as you would think, it is actually on a slope. It is set that way to ensure pilots have a safe avenue to get to the ground. The chart shows the different dimensions of the zones.

The FAA sets the parameters for each airport. We really don't have a choice, as I said this should have been done several years ago so we are just trying to bring things up to date to reflect the airport as it is today.

Just as an example, If a plane takes off and has to do an emergency landing and they turn around, this zone ensures that there is nothing there that should impact them being able to get back to the airport.

Mr. Remsburg stated the following:

Think of this as a football stadium. You have your flat surface and the stands are at a slope, this is a similar shape to how the overlay district is seen. The main concern potentially is height restrictions and because you have different zones, the folks that were sent information about this were in the conical zone. That is the outer fringes that were affected, everyone else had already been in the overlay district. Between the airport runway expansion and us updating the maps there are 171 property owners that were affected.

Mr. Remsburg and Mr. Swaringen walked the board through the slideshow.

Chair Eckman asked the Board if they had any questions

Candice Brasington asked “What is the purpose of notifying the people who live there? How does this change affect them, if at all? It sounds like just updating language.”

Bob Remsburg stated “You have two parts. The 171 parcel owners who were notified are ones who are not currently in the overlay district, but will be with this change. The other part is it does not affect them a whole lot. You may find a few trees that are 150 feet tall but it is not common. If someone like Verizon,

with a cell tower came and wanted to build here, we would have to talk. But, if you got to the outer fringe then you probably could put a tower up with no problem. If for some reason someone had to have something that would encroach that height limit, there is an opportunity for a variance. It is not something you would want to encourage but if something had to be in that location, it can be considered.”

Ken Swaringen stated “As part of that, if it is something an individual needs they could apply for a 7460 and the FAA would review it. Our air traffic controllers work diligently to ensure safety for those on the ground and the air. It is not unheard of to do this, it is just helping to define the airport today, so that we are within our legal parameters with the FAA.”

Tim Fesperman asked “Trees do grow, if one does and it is a problem, is it the property owner's responsibility, is it the airport, or who would handle that?”

Mr. Remsburg stated “Part of it is the property owner's responsibility. However, I think what Ken may add is that the airport authority will work with them.”

Ken Swaringen stated “Yes, we will. We have dealt with trees and we have some now that are close to that. It is a case by case basis and we try to work with the property owners. We did an airport layout plan and we did a survey of the zones and they can pinpoint anything that is protruding into that zone. There are cases where they will amend the approach and departure other than to deal with the issue.”

TJ Smith asked “As far as the noise, will that stay the same?”

Mr. Swaringen stated “Yes, it will be the same.”

Joel Mauldin asked “The topography obviously changes, so will that 150 feet be the same regardless?”

Ken Swaringen stated “ Yes, it will be the same with elevation.”

TJ Smith stated “I know the last time we were here there were several people that were upset that they were not notified, were they notified?”

Mr. Remsburg stated “ There was one person who turned their name in to be added to the list so we mailed 172 letters. We had to make a strategic decision. The change does not affect everyone in the overlay district. The folks near the airport are already in the overlay district, it just affected the outer fringe being added. Technically we don't have to send a letter to anyone for a Planning Board meeting. By our policy we normally do. We have (sent notice) for the Commissioners meeting which is a public hearing.”

Mr. Eckman invited the community members to speak.

Jane Huneycutt spoke on behalf of the adjainers and shared the following:

I would like to thank all of you. Some of our questions were: can we expect changes in our internet, TV or phone services?

Mr. Swaringen stated “No, it is not going to change how the aircraft is departing. It will be the same as it has been for the last 20 years.”

Mrs Huneycutt asked “In our first packet, under the transitional zone heading it states that a statement would be required on any plat filed that indicates that the property is in the transitional zone. The property owners of any obstruction determined to be an airport hazard... I think you have already answered that, we will work with you or you will work with us on that.”

Mrs Huneycutt asked “Should or will this expansion have any effects on the resale and tax value of our homes?”

Mr. Swaringen stated “Not that I am aware of. I am not a real estate person, but I don't see where it would have many effects.”

Mr. Remsburg stated “I believe it is state statute that requires you to put the statement on a survey that your property falls within that zone, if you go to subdivide it off in any way.”

Mrs. Huneycutt asked “Why are you just now expanding the overlay district?”

Mr. Swaringen stated “I have been the director for 3 ½ years and we are in the process of correcting things. We had to do a new airport layout plan and we had hard data to come forward. Once it was done, then we had to go back and look at the overlay district and they informed us that it did not meet the way that the airport is layed out today.”

Mrs. Huneycutt asked “ In February of 2019, the Stanly News and Press said that this project would be completed in four phases. It said the final phase involved extending the runway from 5500 to 7000 feet. Is this project in the final phase or will there be phases in the future?”

Mr. Swaringen stated “That has not even started . Those four phases were things for improvements to enhance the training for the National Guard. We are still several years from that starting. We have to go through environmental assessments before we go through with any of that. At best you are looking at 3-5 years before the first of those. The first will just be changing taxiway entrances and how planes move on the airport so they don't burn so much fuel. As far as runway expansion, that is several years out if it even happens at all. We are landlocked on the south by the Railroad and Palestine and on the other end by NC740. If we went to 7000 feet, that is probably the extent that it could ever grow.”

Mrs. Huneycutt stated “Thank you very much, I appreciate the board for letting me ask these questions.”

Mr. Swaringen stated “Anytime you want to come out, we are glad to sit and talk about the plans we have. Also what the Guard does for us, we are part of the community and we want people to be proud of the airport.”

Ron Weavell asked “I heard Camp Barnhardt is not being used as much and that it may be used as a training center for the National Guard?”

Mr. Swaringen stated “Very doubtful. I could see it more as a facility that may support emergency training for water rescue. Because they do use it now for that. As far as the military, I don't ever see it being used for that.”

Ron Jensen asked “I am a newly affected owner, the letter said a 75 limit on height and then I heard 150. So I just want some clarification on that.”

Mr. Swaringen stated “The horizontal plane is 150 feet above the airport, out to 4000 feet. Everything past that is on a slope as you go out it is increasing.”

Chair Eckamn asked for a motion of recommendation for the County Commissioners at their July 19, 2021 meeting.

Motion: Michael Williams proposed a recommendation of approval for ZA 21-04 due to the fact that the Stanly County Airport is currently non-compliant with the FAA standards.

Second: Candice Brasington

Approved: 7-0

Chair Eckman introduced the second item on the agenda, ZA21-06 , a proposed text amendment to allow for temporary uses for properties to allow for construction staging areas, sale offices, concerts and revivals, and holiday sales lots.

Mr. Remsburg shared the following:

I had a phone call a few weeks ago, asking for what they would need for Piedmont Natural Gas to locate a construction site in Stanfield. So we started looking to see how we would allow that. This would be over 20 acres. We probably have allowed smaller ones in the past with no permits. We really don't allow them of this size. Bailey did some research and found where counties near us have language in their ordinance that allows for construction yards, along with other things. My original plan was to take this before the Board of Adjustment to be considered a special use permit. Then she found the Union County ordinance. It gives a lot of deference to the Zoning Administrator if it's a minor situation. It is not an exclusive list, just some examples that could happen. We are open to suggestions. I am happy with this in its current form but am not wedded to it.

Candice Brasington asked “What would happen if something went beyond the realm of temporary?”

Mr. Remsburg stated “If it is going to be a long term situation or becomes one, you have the ability to take it before the Board of Adjustment and the neighbors can have the opportunity to speak on it.”

Joel Mauldin asked “How is the city handling this?”

Bailey Emrich stated “I believe it has to be a permitted use.”

TJ Smith stated “Oakboro does a renewable one every year. That way you have to revisit it and talk about it again every year. Who would be the one to review this?”

Mr. Remsburg stated “The Board of Adjustment would be reviewing it. They would be able to put restrictions or conditions on this including buffer, parking, operating hours, just like a special use permit.”

TJ Smith stated “ I would like to ask something of the Board. Personally, I say we ask them to renew it every year. We can set the times. I believe they shouldnt be working on Sundays.”

Michael Williams stated “I agree with you, TJ. With this you could put within the document the definition of temporary is up to one year. Which may be renewed.”

Mr. Remsburg stated “Let me suggest this, the primary things that would be long term are staging area and construction yards, sales and leasing offices, and natural disaster situations. I would just add one sentence stating that they shall be limited to one year subject to renewal every year.”

Tim Fesperman stated “When Colonial Pipeline put in their 40 inch gas line, they had about a 25 acre storage yard. I think it took about a year to do. It was very specific in the lease as far as what the property owners would let them do and how it had to be put back. They had fencing and hidden from the road. They didn’t really want people to know it was back there. It was really between the lessee and lesser.”

Mr. Remsburg stated “If you look down to letter H, it says other restrictions as deemed appropriate may be approved by the parties requesting or the zoning administrator. But, the Board of Adjustment has all the ability. Yet, it does give me some guidance as the zoning administrator to say okay, we can set some reasonable hours and they have to agree to it but it allows for me to do that administratively. If the zoning administrator makes a decision and the ones who submitted the application do not like it, they can appeal it and go before the Board of Adjustment.”

David Underwood “We have to be careful. A lot of these contractors are on a time crunch and if we put those time restrictions in there it could be a problem and we have to be careful with that especially on these important jobs like gas line projects. We can't go out and control how that guy works because of things that are out of his control.

Mr. Remsburg stated “I don't think that I would put that time restriction in the ordinance.”

Mr. Remsburg and the Board discussed the difference between a special use permit and allowing for the proposed temporary uses.

Chair Eckman asked for a motion of recommendation

Motion: TJ Smith recommended approval of the new language contingent on the addition of section H concerning a renewable time limit of one year.

Second: Tim Fesperman

Approved: 7-0

Chair Eckman introduced the third item on the agenda, ZA 21-07, regarding a proposed text amendment to allow for the placement of sheds or barns as a primary use on lots of 3 acres or more

Mr. Remsburg shared the following:

“This one has been a problem. We get this question all the time. If you are a bonafide farm you can place a shed or barn on your property and if there is a home there you can. If it is a blank piece of property you cannot. A barn or shed is not a permitted use unless it is a farm.”

Bailey Emrich stated “The only way that you can place a barn or shed on a vacant property is if you own two adjoining parcels and your home sits on one of them and you want your barn to sit on the other, you can do that. But, if both of them are vacant, you cannot.”

Michael Williams asked “Say your house is on one side of the road and your barn sits across the road?”

Mr. Remsburg stated “Yes, we would normally allow that. You can also have your shed or barn by itself on a parcel if you permit both your barn and your home at the same time and choose to build the barn or shed first. But, you cannot let that permit expire and you have to have your first inspection on the home construction in the first six months. If you don't do that, then you're out of compliance, you have a nonconformity.”

Mr. Remsburg stated “My thought has been, should we allow someone to have a barn or shed a primary use if they have at least X amount of acres.”

TJ Smith stated “Me personally, it's the county for a reason. It's not like you're in a high dense area. If you own a couple of acres I don't see the issue.”

Michael Williams stated “If someone owns one acre, who are we to tell them you can't build something on your land.”

Mr. Remsburg stated “There is an out, because anytime you put a number in the ordinance it can be appealed to the Board of Adjustment. So if they really want this building to go on this property but they don't have enough acreage they can go to the Board of Adjustment. I will say I feel that half an acre or an acre is too small. That is the size a home goes on (in a subdivision development). The proposed language does say that it will have to meet the setbacks of a primary structure and if you have a half acre lot, that will be hard to do if they plan to put a home on there also.”

TJ Smith stated “I see where you add the use to R10 and R20, and those lots are rarely 3 acres. You essentially would not have enough space in that zoned district.”

Mr. Remsburg stated “Well, there are those rare situations where someone has had something rezoned to some small residential situation but it is still a large parcel and has not been subdivided. I would agree generally it will not apply but there will be that rare person who owns 5 acres of property zoned R20.”

Chair Eckman entertained a motion of recommendation.

Motion: Tim Fesperman recommended approval of the text amendment to allow for sheds and barns where a parcel contains 3 acres or more to promote continued economic growth and maintenance of properties.

Second: TJ Smith

Approved: 7-0

Chair Eckman introduced ZA 21-08 an update to the Flood Damage Prevention Ordinance to comply with 160D and state requirements.

Mr. Remsburg shared the following:

We did this already but then we got the information from the NC Department of Public Safety and there were a few minor errors that corrected the references to statutory language and a few other things. This is basically one of those things that you have to do. We are going to keep the ordinance, therefore people can have flood insurance in this county.

There were no other comments.

Chair Eckman entertained a motion of recommendation

Motion: David Underwood recommended approval as written to comply with the requirements of the NC Department of Public Safety.

Second: Joel Mauldin

Approved: 7-0

Chair Eckman entertained a motion to adjourn

Motion: David Underwood

Second: Michael Williams

Time of Adjournment: 7: 54 pm

Chair, Jay Eckman

Clerk, Bob Remsburg