



Stanly County Planning Board  
August 16, 2021- Meeting Minutes

**Call to Order** Chair Jay Eckman called the meeting to order on May 10, 2021 at 6:30 p.m. in the Gene McIntyre meeting room at 1000 N. First Street, Albemarle, North Carolina. Bailey Emrich served as Clerk of the meeting.

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

**Absent: TJ Smith**

Ms. Emrich stated that there were enough members present for a quorum.

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

**Others Present:** Jeffrey Chandler, Tom Hellman and two associates from Stanly Tractor.

Chair Eckman asked for a motion to approved the proposed agenda

**Motion: David Underwood**

**Second: Joel Mauldin**

**Approved: 6-0**

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 June 15, 2021

**Motion: Tim Fesperman**

**Second: Michael Williams**

**Approved: 6-0**

Chair Eckman announced the only item on the agenda was ZA 21-09. This is a request from Jeffrey Chandler to rezone a 1.24 acre tract at 37953 US 52 Highway, New London from RA (residential agricultural) to HB (Highway Business). The Planning Board will consider comments from the owner and anyone in favor or against this request and then make a recommendation to the commissioners.

Chair Eckman invited Planning staff to share information regarding the case.  
Ms. Emrich stated the following:

Jeffrey Chandler requests the rezoning of a parcel located at 39753 US 52, New London from RA(Residential Agricultural) to HB (Highway Business) containing 1.24 acres. The parcel is owned by Jeffrey Chandler. There are currently two separate structures on the property. Adjoining this property are several different zoned districts, including RA(Residential Agricultural), HB (Highway Business), New London, M-1 (Light Industrial), and Albemarle, HID(Heavy Industrial).

This parcel is located in a growth area per the 2010 Stanly County Land Use Plan and does have public water available on US 52. All of the neighbors within 100 feet have been notified of the request for rezoning of this parcel. The parcel currently lies right outside of both the City of Albemarle and the Town of New London.

If the parcel is rezoned to Highway Business it must comply with the list of permitted uses listed in Section 607 as well as the setback requirements in section 701. Any potential commercial use in this district will have to provide a site plan that shows parking spaces, buffers as well as vegetation.

You can see on the screen that the blue outline is the parcel currently. You can see where the city limits of Albemarle and New London both end right next to this parcel as well as both the structures and the business that sits right next to it which is Stanly Tractor.

Chair Eckman asked if the Planning Board had any questions for Planning Staff  
The Board had no questions

Chair Eckman invited those in favor of the rezoning request to speak  
Jeffrey Chandler shared the following:

“My dad passed away about a year and a half ago and this land was inherited. The land beside us, behind us and across the road from us are all zoned business. Our intentions are to sell it. I have spoken with several people that have interest in the land. It is to their benefit that it would already be commercial property”.

Chair Eckman asked if the Board had any questions for Mr. Chandler

Joel Mauldin asked, “ You said there was sewer there?”

Ms. Emrich stated “No, there is water available. No sewer.”

David Underwood asked “Will these buildings on the property be a problem if it goes commercial?”

Mr. Chandler stated “The house itself needs to be torn down. There is no saving it. There is a business on one side and a small Mobile Home Park on the right. It is not very attractive for residential property and if

someone would want to put a house there. It is better suited for a business. I work for Clayton Homes and they're interested in putting a Clayton connect hub there for tractor trailers. They service two plants in Rowan and Stanly counties. They are opening one here to service this state for right now and once they get it going they are going to open another hub in Oxford. That is my intention and I have been talking with them about that.”

David Underwood asked “Will the home have to be torn down to where it can no longer be used as a residence?”

Ms. Emrich stated “It would have to meet commercial code”.

Mr. Remsburg stated “The house and the out building would both have to be brought up to commercial code to be used for a commercial purpose.”

David Underwood stated “I just remember the discussion we had years ago about something similar to this.”

Mr. Remsburg stated “ I will just say that there is a rule in there about use and time. It seems like we changed it to one year. But, the idea is that if a building gets destroyed and it was used as a residence and it is not rebuilt within a certain time frame, it cannot go back to a residential use.”

David Underwood stated “But if someone wanted to live in it now, it would be fine?”

Mr. Remsburg stated “Right, so if it is not used as a residence within the six months then it could no longer be used as a residential structure.”

Chair Eckman invited others to speak concerning this request

Tom Hellman shared the following:

“I am the owner of the property which is just south. I am strongly opposed to zoning this for commercial property. I will give you the situation. I opened up Stanly Tractor there about 4 years ago and in the last couple of years there have been two businesses that have operated on this property. One was a Southeast Tire and Towing and then there was an automotive repair business. What we found ourselves in is that our property is about 400 feet wide with a 100 foot wide driveway. It was easier for people to hit my driveway and drive down and drive westward and turn into the business next door. A couple of times we had to bring the law out to get it stopped. That is my biggest concern. I have not heard anything in the last few minutes that says it is going to change. If you look, that parcel is about 80 feet wide. That speed limit is 55 miles per hour and we have about 15,000 cars a day going down this highway. That is about 11 cars a minute. What is happening is people are trying to hit an 80 foot wide lot going 55 miles an hour and it gets easier just to use our driveway and turn around. That is my biggest concern. I visited with Mr. Morgan in DOT and he said that they could not do anything with it until satisfactory drawings were submitted with it. I do not need additional traffic and someone coming in my store asking my employees where this business is. I don't need extra traffic that does not belong at my business on my property.

Chair Eckman asked if there were any questions for Mr. Hellman  
There were none

Chair Eckman asked “Bailey, am I seeking this right? 106 feet across the front?”

Ms. Emrich stated “90 feet is what I am seeing.”

Chair Eckman asked “What are the setbacks for this property?”

Candice Brasington asked “Could that issue not be resolved with fencing?”

Mr. Remsburg stated “As far as crossing from one property to another, yes it could be.”

Candice Brasington asked “Is there a requirement for that?”

Mr. Remsburg stated “There is a requirement between residential zoned property and commercial zoned property. But a residential property owner can waive the buffer requirement.”

Candice Brasington asked “So there would not be a buffer requirement between these two parcels?”

Mr. Remsburg stated “If it was rezoned highway business then no, but it would still require a buffer between the residential parcels that join the property.”

Mr. Remsburg stated “The answer to the side setback is actually 20 feet from both sides.”

Tim Fesperman asked “Now would that be a building or would that be inclusive of parking?”

Mr. Remsburg stated “Structure only, not parking. But parking does have its own buffer requirements but that goes back mostly to the 10 foot rule.”

Chair Eckman stated if there is no one else wishing to speak he would entertain a motion of approval or denial of the request made by Jeffrey Chandler to rezone this parcel at 39753 US 52 from RA to HB.

Motion: Michael Williams stated a motion to recommend approval based on the lot being in a growth area and providing a potential for economic growth.

Second: Candice Brasington

Chair Eckman stated the Board would now discuss the motion

Joel Mauldin asked “If the issue is people coming and going I understand that. But, if it is a 20 foot setback would that bring the driveway whether it be an office or storage, would that setback move that driveway over 20 feet? Would that driveway be in that setback? Which normally you can put a driveway in the setback.”

Mr. Remsburg stated “ Correct, the driveway would be allowed in the setback.”

Chair Eckman asked Mr. Chandler to come back up.

David Underwood asked “ Mr. Chandler, you said that Clayton is interested in this property. So what would they exactly be doing with these trailers and parking them there? Would it be for distribution?”

Mr. Chandler stated “It would just be the trucks that they own. There may be an office building but they would more than likely use the existing shop.”

Chair Eckman asked “Bob, do you have the list of permitted uses handy for Highway Business?”

Mr. Remsburg read off all of the permitted uses in Highway Business

Mr. Remsburg stated “It is not as intense as General Business, that would be allowed for outdoor storage of vehicles for repair. If it is going to be used for what Mr. Chandler has described as a parking facility then there would be parking requirements that would need to be met.”

An audience member opposed to the request asked to speak

Chair Eckman invited him up

He shared the following:

I think something that is being lost right now is that the focus for the last three or four minutes has been what the proposed business is and in this case it is a parking lot for big trucks. That is hypothetical right, I mean if that transaction does not occur we have spent 8 minutes talking about something that doesn't matter. I think what is important is that we talk about the fact that there is a business next door that is generating 100,000 dollars in tax revenue annually. What is important is that we don't disrupt that revenue coming in because we are talking to folks who are looking for some business that is next door. I feel like that is being lost in the conversation when we are talking about parking big trucks. Because if this business does not come to fruition then it is a tremendous waste of your energy.”

David Underwood stated “But at the same time we have to give him the same due diligence as if it were you guys coming up here and asking for this rezoning. You understand our point too I would hope. Our purpose here is to make the county better and to get the citizens to the point where they need to be and that is the hard part for us and looking down the road we have to make decision that we only have a few minutes to decide but once we make them it will be changed for a long time ”

The audience member stated “Certainly, I agree and that is why it is really important that we are all here discussing it. We are talking about a tremendous amount of tax revenue and the things that keep the county going are businesses like ours that generate a significant amount of money for the county and the city.”

Chair Eckman stated “So I have a motion to approve ZA 21-09, correct?”

Approved: 5-1

Chair Eckman stated “Stanly County Board of Commissioners will hear this request at the September 7, 2021 meeting, you are invited to share your concerns.”

Chair Eckmna entertained a motion for Adjournment

Motion: David Underwood

Second: Candice Brasington

Approved: 6-0

Time of Adjournment: 6:57 PM

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Chair, Jay Eckman

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Clerk, Bob Rensburg