



Stanly County Planning Board
January 10, 2022- Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on January 10, 2022 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 David Underwood, Michael Williams, Tim Fesperman, Jay Eckman, Joel Mauldin

Absent: TJ Smith & Candice Brasington

Stanly County Planning Staff Attending Bob Remsburg, Planning Director & Bailey Emrich, Planner 2

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 approved the proposed agenda

Motion: David Underwood

Second: Tim Fesperman

Approved: 5-0

Chair Eckman asked for a motion to approve the minutes from November 8, 2021

Motion: David Underwood

Second: Michael Williams

Approved: 5-0

Chair Eckman shared that the board would be considering four items. The items will include hearing of any comments and recommendation of a request to rezone a parcel on Coyle Road and a parcel on Nelson Mountain Road, make a recommendation on a text amendment regarding criminal penalties for zoning violations, and the review of a major subdivision plat on Nelson Mountain Road - contingent on the rezoning.

Chair Eckman introduced the first item on the agenda ZA 22-01. A request from Burleson Square Group LLC to rezone two parcels located on Nelson Mountain Road from RA to R20.

Chair Eckman invited county staff to share the details

Bob Remsburg Shared the following:

“Burleson Development Group has requested the rezoning of two parcels totaling 12.58 acres on Nelson Mountain Road from RA-Residential Agricultural to R20-Residential. This parcel is owned by Angie Rudisill and is in the Millingport Community. The properties surrounding these parcels are all zoned RA. The purpose of the rezoning is to allow the property to be developed with smaller lots. This proposed subdivision would have public water and individual septic systems. A new road would be constructed to access up to 20 lots with an average size around 21,000 square feet each. This is just north of a growth

area along NC 73. Traffic on Nelson Mountain Road is local with 90 vehicles per day reported by NCDOT in 2015. The proposed street will meet all NCDOT requirements and allows for an extension into the adjoining property. This is in the Millingport Fire and School Districts. This is very near an identified growth area in the Stanly County Land-Use Plan and has water available; therefore it can be considered consistent with the Land-Use Plan.”

Mr. Remsburg presented the pictures and explained each one along with the proposed subdivision plat and how Mr. Burleson achieved his 100 construction criteria points per the Stanly County Subdivision Ordinance.

Chair Eckman invited Burleson Square to speak in favor of their request

Joseph Burleson shared the following:

“This one is pretty simple. I think it will make a nice development in an area where we need more homes. Everyone knows what the real estate market looks like currently. We need a place to build new construction and I think this place would make a great spot. To the east is the city of Albemarle limits where there is a good bit of density and there is also a nearby development that I am working on that was rezoned R20 a while back. The soil has been indicated on the Stanly County soil map as some of the better soil. David Ezzell is waiting for my direction on getting started on that and we are feeling very good about getting enough septic systems to meet the 20 lots.”

No one else spoke for or against.

Chair Eckman asked for a motion of approval or denial

Motion: Tim Fesperman made a motion to approve ZA 22-01 because it is consistent with the Stanly County Land-Use Plan and complies with the zoning ordinance requirements.

Second: Joel Mauldin

Passed: 5-0

Chair Eckman shared the Stanly County Board of Commissioners will hear this request at their February 7, 2022 meeting at 6:00 PM.

Chair Eckman introduced the second item, the review and approval of SD 22-01, a major subdivision on two parcels of land located on Nelson Mountain Road containing 20 lots at 15,000 square feet a piece.

Chair Eckman invited county staff to share the details

Bob Remsburg shared the following:

I discussed a majority of this during the rezoning hearing, but you have a plat before you so if there are any questions we can certainly address those if you have questions about the design.

Joseph Burleson agreed with Mr. Remsburg and did not add any further comments.

Chair Eckman asked for a motion of approval or denial

Motion: David Underwood made a motion to approve the preliminary plat for SD 22-01, Nelson Mountain Road subdivision contingent on the rezoning request being approved by the County Commissioners.

Second: Michael Williams

Approved: 5-0

Chair Eckman introduced item number three, a proposed text amendment to both the zoning and subdivision ordinance to comply with the NC General Statute change to comply with criminal penalties.

Bob Remsburg shared the following:

“These are minor changes to the ordinances. The general assembly adopted a slight change in the statutes which took away the opportunity for us to enforce land use laws through the use of criminal penalties. Because they did that ours had to be adjusted slightly to remove criminal penalties. Even though we did go through the major 160D changes last year, the legislature will continue to tweak a few things.”

Chair Eckman asked for a motion of approval or denial

Motion: Michael Williams made a motion to recommend approval of the proposed text change by the County Commissioners in order to comply with the NCGS change.

Second: Tim Fesperman

Approved: 5-0

Chair Eckman introduced item four, ZA 22-04 Venture and Property Experts, LLC requests to rezone a 16.9 acre parcel they own on Coyle Road from RA-Residential Agricultural to RA-Coyle Road Conditional District.

Chair Eckman asked Planning Staff to share the details

Bob Remsburg shared the following:

“Venture Property Experts is a group of individuals who has purchased this property with the idea of developing it into 12 lots. They are requesting to rezone this parcel to RA- Coyle Road conditional district. The adjacent properties are also zoned RA. We are just east of the ETJ of Stanfield. The minimum lot size that they are proposing is .8 acres, per the proposed conditions. The proposed plat shows the smallest lot at 1 acre and the largest at 2 and a half acres. The proposed conditions will require larger lot sizes than our current zoning ordinance does. The lots will have a private well and septic. This is located in a growth area and NCDOT is requiring shared driveways, similar to current developments.

We looked at the property and there was really no way to meet the point system. We decided that a conditional district would be the best option for this. It would allow for conditions to be met, helping to produce a quality development. Otherwise, they would have been able to develop three lots per year based on our subdivision ordinance and eventually get the 12 lots they are aiming for.”

Tim Fesperman asked, “ Without the conditions, would they be allowed to put mobile homes on the property?”

Mr. Remsburg stated “Correct, they would be. The conditions allow us to put standards in place where they would only be allowed to have these site built homes there. They could subdivide this over 5 or 6 years and get a maximum of 24 lots out of it and put a mobile home on each parcel.

Homes will be at least 2,100 square feet with 2-car attached garages and driveways with concrete parking pads. House prices are proposed to be in the \$450,000 and up range. Minimal grading is required and most trees will be preserved by the developer. Traffic on Coyle Road was estimated at 700 vehicles per day by NCDOT in 2016. This parcel is located in a growth area per the 2010 Stanly County Land-Use Plan. Since this is a residential use in a residential zone located in a growth area, this proposal is consistent with the Land-Use Plan.”

Mr. Remsburg shared aerial and zoned images of the proposal.

Mr. Remsburg shared the proposed list of conditions.

David Underwood asked “How do you define minimum grading?”

Mr. Remsburg stated “That's a good question, it is hard. I am not sure. I don't have an answer for you to be honest. Some of this language came from the City Lake Drive property. It is a gray area. It is more of an encouragement than anything else. We can come up with conditions to recommend or further define that as a board, you can make those more specific.”

David Underwood stated “You felt comfortable bringing these to us, so do you see a problem with them?”

Mr. Remsburg stated “I see the advantage to them. What the developers wanted to do was to develop the whole thing. The list of (construction criteria) points did not help them. The goal of the construction criteria points is to improve a subdivision and make it nicer. We could not get there because a lot of those points are loaded onto one thing. They did not have water or sewer so that is a lot of points already. They could put in a road and develop both sides of the road. But, they don't want to do that. The conditional zoning allowed for these negotiable conditions. The City Lake one had one suggestion (at the Commissioners meeting) and the developer agreed to it on the spot and it was approved. This meeting is the one to make a recommendation to the commissioners if you were wanting to amend a condition, this is the meeting to do it.”

Chair Eckman invited Venture Property Experts to speak in favor of the request.

Chris Duncan shared the following:

“We have been in the area for many years. We are not going to be just the developer but we are going to be the builder as well. As a builder, we get calls every week about people looking for homes. We build regularly. We want to come in and make a really good contribution to the land. We met with staff to figure out the best approach for this parcel. We are looking at the modern farmhouse home. We tossed around the points a ton and that just did not make sense for us but the conditional rezoning did. To have a plan and layout all twelve lots at once as opposed to doing a few at a time made sense for us and being able to put conditions on it would help.”

Chris Duncan and Dana Wise showed images of the homes they would be building.

Joel Mauldin asked “I see the minimum square footage is 2,100...do you have an average that you think you will be?”

Chris Duncan stated “We think we will be over that. Probably 2,500 to 2,800 square feet, which is the current need based on what we have done. We think the mid fours is the price range right now. It is a high market and the market moves.”

Tim Fesperman asked “What is the opinion on the soil and perking it for septic?”

Chris Duncan stated “We have had one of our soil scientists we work with come out and do test digs at where we anticipate the parcels to go. We got the first pass which is where he says he feels comfortable with it and we are able to proceed on that.”

Chair Eckman invited community members to come speak in favor or against the request.

Cindy Fish shared the following:

“I have been a resident of Coyle Road since 1998 and my property is approximately 130-190 feet to the proposed property. The conditions of ZA 22-04 states that each home will have a 2 car attached garage and a concrete pad to accommodate at least 4 vehicles outside of the garage. Based on these conditions

the vehicle impact could increase by 6 vehicles each site. NCDOT conducted a traffic count in 2016 and found Coyle Road travels an estimated 700 cars per day. There was an increase of 300 cars from 2014 to 2016. If this increase continued to 2021 a current count would be an additional 500 cars per day, resulting in 1200 cars. Traffic will be increased by over 10% and the number of homes will be increased by 50%. Coyle Road serves as a cut through between highway 200 and Big Lick Road. Charlotte Pipe is building a facility in Oakboro and traffic will increase on this road as employees travel to and from work. The road is quite narrow and residents have to drive off to the side of the road just to allow for enough roadway for vehicles to pass. The Planning Department has now said that the plan is to have each lot have its own well and septic but previously the letter indicated that sewer was going to be connected on Big Lick Road. Therefore I will assume the new proposal is what they are going to ask for approval of. The first question is will the land perk for 12 septic tanks, if not will the builder be sharing septic tanks? There are approximately 20 residents on wells and septic on Coyle Road and these additional 12 homes would increase that by over 50%. My husband and I are waiting for a letter back from the EPA that we sent out regarding our concern over this proposed development. According to the Planning Department, the proposal includes shared driveways which are 6 driveways. Shared driveways and the concrete pad create the potential for significant water runoff.”

Mrs. Fish included her concern pertaining to the school system, particularly Stanfield Elementary, West Stanly Middle School, and West Stanly High School.

“Four Oaks Builders LLC filed articles of incorporation with the secretary of state's office in January of 2012. It is not BBB accredited. Mr. Duncan and Mr. Stuttle are also members of Triad Long Landscapes LLC the articles of incorporation were filed in 2012 and in October of 2015 the Dept. of the Secretary of State filed a notice for grounds of administrative dissolution of this business. Mr. Duncan was also the managing member of JLB Holdings LLC; its articles of organization were filed in 2013 then in 2016 administrative dissolution happened. What procedures will stay in place if they do not follow through with their development? The property in question has already begun the clearing.”

Christopher Fish shared the following:

“I am the husband of Cynthia Fish. I wanted to address the fact that we are among 23 families that call Coyle Road home. Each resident is going to feel the impact of this project. Apparently it is the policy of the Planning Department to only notify those within 100 feet. I would say that if you live within up to half a mile you are also impacted by this and should have the chance to support or oppose. In the letter that was sent to the 100 foot properties, it claims that the builder held a meeting at Stanfield park on December the 17th. I know of no one from Coyle Road that attended that meeting because they were not notified about it. We did not even know about this until a neighbor who got the letter came and showed us. I believe we should note that they are not a local builder and their intention is to put as many homes as they can in that one area. The property has been zoned RA for a specific reason. If any of you know this road, you will know it is a narrow, rural road. It is not even a blimp on DOT's screen to come and replace that road. I would respectfully ask that you examine the policies in regards to notification and deny this request.”

Laura McLester shared the following:

“I was one of the few that did receive this letter. This land is rural agriculture land and there is a lot of hunting that goes on as well as fields and farming that happens. This road is very narrow and does have a lot of traffic. If you are within a half a mile I do feel that residents should be given notification and have the chance to be heard to better understand what is coming into our area. I just wish that we could have known further information about this so that we would have a better feeling. I know change has to come but I feel like it should be delayed or stopped just because of who lives there and the region at this time.

Cindy and Chris both gave a lot of major points to this and I would greatly appreciate your consideration at opposing this as well.”

William Beck shared the following:

“I would like to ask you, is this a done deal? Because if it is not, why are they already grading? You got all this concrete coming in and going down that hill. What is that going to do with 12 new wells? All septic tanks are going to run down the back. Charlotte Pipe is opening up and this is going to be a cut through. There are not a lot of people who live out there because they want the country living. All that water is coming down towards the bad curve.”

Chair Eckman asked for Mr. Remsburg to come back up and asked him to explain what would happen if this was denied and if there would be any restrictions.

Mr. Remsburg shared the following:

“As it stands without adding a road, they are required to have 110 average lot width. They are limited to 12-15 homes. If it perks they would be allowed to do these homes at three a year with no conditions. It would have the regular RA district regulations. All of the style construction requirements go away. There could be 12 manufactured homes there if they wanted to.”

Michael Williams stated “I think there is some confusion on this. If this is approved today it is putting more conditions on what is being built. It is currently zoned RA, as it stands anyone can put 12 mobile homes there. If we approve this tonight, we are saying that they cannot have mobile homes and they have to meet these requirements for a site built home.

Tim Fesperman stated “Since this is a conditional rezoning it runs with the land. It does not matter about any LLC, corporation, any individual. It is only about the land. Any future owner would have to meet these conditions.”

David Underwood asked the developers “If this is not approved, what are you going to do?”

They responded “We will still build. Even if we do 3 at a time. The exchange is to be able to lay out the lots. The clearing of the land is not presumptive. It is to give us a sense of the land. We think going the conditional route would be favorable to the citizens long term and allow for us to lay the lots out and get started. We are essentially proposing an upgrade of the zoning. We build in all the surrounding counties. And I get when it is right beside your property you do not want it.”

Josh (adjoiner) shared the following:

“I understand what you are saying, and yes we would much rather have 12 nicer homes as opposed to what it could be. I understand their concern. The road is an issue. I am one of the two tractor trailers that park on that road. Ms. Williams lives at the bottom of the hill so I do see, will it affect her? Will it wash her house out? Can something be done to say the water will not affect someone's homes? I would hope I can speak for all of us when I say I would rather have 12 nicer homes than not. Everyone in the bottom does have to currently fix their driveways. The opinions of these people do matter to me.”

Bob Remsburg stated “There is not much in the Land Use Ordinance that addresses stormwater runoff. That is a separate set of rules and the state controls that here. DEQ enforces that in Stanly County. The defining line is if one acre or more is disturbed. We do not do storm water.”

David Underwood asked “Would you all be willing to make one of the conditions that the water runoff would not affect their property?”

The developers stated “We would follow the standard procedures for setting up these lots and water is going to run where it is. We can't intentionally direct water in that direction. So we follow the grading protocols and let water go where it is going to go. We want to be neighborly but I don't want to say yes to something that may already be a big problem. I don't know that our work is going to create more problems. But, yes we do agree to fix any problem that we create.”

Mr. Remsburg stated “You can make that a condition and say something to the effect of ‘Will address any water runoff created by the construction of this project.’...I will work on that quickly.”

Joel Mauldin stated “I wasn't given a topo map. Based on elevation from roadside down, how does it go?”

Chris Duncan stated “When you get 150 feet back you start going somewhat downhill.”

Chris Duncan and Dana Wise displayed a picture of the property and what it currently looks like with the grading that has been done.

Chris Duncan stated “We would agree with the added condition.”

Mr. Remsburg stated “I added the condition of number 19 ‘Will correct any runoff of stormwater issues created by the construction of homes to prevent damage to neighboring properties.’ If you and the developers agree that will be added.”

Chair Eckman asked for a motion

Motion: Tim Fesperman made a motion that the board approve the request to rezone the parcel from RA to RA- Coyle Road conditional district since this is located in a growth area and if all conditions are met including number 19, complies with the zoning ordinance then it is consistent with the land use plan.

Second: Joel Mauldin

Approved: 5-0

Chair Eckman announced the County Commissioners would hear this request at their February 7th meeting at 6:00 PM.

Chair Eckman asked for a motion to adjourn

Motion: David Underwood

Second: Michael Williams

Approved: 5-0

Adjournment: 7:49 PM

Jay Eckman, Chairman

Bailey Emrich, Clerk