



Stanly County Planning Board
March 14, 2022- Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on March 14, 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, TJ Smith, Kevin Brickman

Absent: Joel Mauldin

Stanly County Planning Staff Attending Bailey Emrich, Planner 2

Chair Eckman announced the first order of business was for the new member of the Planning Board, Kevin Bircckman to be sworn in.

Bailey Emrich conducted the swearing in ceremony.

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 stated the agenda had a couple of additions from the one that was mailed out in the packet. Chair Eckman asked if there were any other additions that the board needed to consider. There were none.

Chair Eckman asked for a motion to approved the proposed agenda

Motion: David Underwood

Second: TJ Smith

Approved: 6-0

Chair Eckman asked for a motion to approve the minutes from January 10, 2022.

Motion: David Underwood

Second: Tim Fesperman

Approved: 6-0

Chair Eckman stated that the board will consider three items. The items will include hearing of any comments and recommendation of a request to rezone a parcel on NC 24/27 and make a recommendation on a text amendment regarding Short-Term Rentals and a text amendment regarding community meeting requirements for Conditional Zoning requests.

Chair Eckman introduced the first item on the agenda, ZA 22-06. A request from Nathan Soltis to rezone 6 acres of a 55.75 acre parcel located at 24344 Hwy. 24/27, Albemarle from RA (residential Agricultural) to GB (General Business).

Chair Eckman invited county staff to share the details
Bailey Emrich shared the following:

Nathan Soltis has requested the rezoning of 6 acres of a 55.75 acre parcel located at 24344 Hwy. 24/27, Albemarle from RA (Residential Agricultural) to GB (General Business). This parcel is owned by Leudith Whitely Underwood. The purpose of the rezoning is to allow for Mr. Soltis' concrete finishing company. Section 610.1 of the Stanly County Zoning Ordinance allows for "Contractors offices and storage yards". This would apply to Mr. Soltis' desired use for the 6 acres because he plans to use this as a storage and office space for Soltis Concrete Company. Please see the enclosed map for the area to be rezoned.

There is currently a residence and multiple outbuildings on the property. Mr. Soltis does plan to add one more building on the property to serve as a garage and office. Mr. Soltis does plan to potentially build his own residence on the rear portion of the property that will still be zoned RA (Residential Agricultural). This property does have access to public water along NC 24/27 and is located in a growth area per the Stanly County Land-Use Plan. Traffic on Highway 24/27 near Efir Road is 13,500 vehicles per day as reported by NCDOT in 2020.

Mr. Soltis will have to meet all required setbacks, buffer, fencing, signage and parking regulations as listed in the Stanly County Zoning Ordinance. There will be a required 10 foot vegetative buffer between the proposed commercial district and any abutting residentially zoned district. If existing vegetation is available that could potentially be used in place of the required buffer no additional vegetation would be required. Mr. Soltis will have to obtain any required permits in order to renovate the existing buildings into a commercial use.

Adjoiners within 100 feet of the property were notified of the rezoning. I did not receive any phone calls, I did have one person come in and ask me about it but it was not out of concern, more so questioning what was happening. The maps that are displayed show you the aerial view and the zoned view. From the zoned map you can see that there are parcels nearby along 24/27 that are M1, which is light industrial as well as HB, Highway Business.

Ms. Emrich went through the slideshow that showed the different map displays.

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

Chair Eckman invited representatives of Mr. Soltis or any others speaking in favor to come forward.

Greg Underwood shared the following:

My mother is one of the owners of the property. We have had this for sale for some time. After speaking with our real estate agent, Amenda Cody, she has gone in depth with me about what Mr. Soltis is going to do with this property. When 24/27 was four laned, J.T. Russell & Sons leased the house from us for an office space for approximately two years. It was not rezoned at that time and there were no other buildings built. It recently has just been used as a rental home but now it is empty. The house definitely need a few things to be done in order to use it as an office space but based on the age of the home it is in

pretty good shape. As far as the outbuilding goes, it is going to be on the backside of the property and to my knowledge there are 7 or 8 other buildings on the property and he could use. The kind of equipment he is using may need something a little larger than what my grandpa built here years ago. To my knowledge the only thing he has left to be done on the property is getting it perked and I think since it is almost a 56 acre site that won't be a problem. I have spoken with the neighbors around and one of them is Mr. Whitley currently owns a business that is Highway Business and he is not aware of anyone around that would have a problem with it. I am very familiar with the property and I grew up on it. I will be happy to answer any questions.

Chair Eckman asked if there were any questions from the Board for Mr. Underwood. There were no questions for Mr. Underwood.

Chair Eckman invited anyone else present to speak concerning the request to come forward.

Linda Troutman asked "Will this affect the taxes on my property?"

Bailey Emrich stated "I would not imagine that it would, but I can provide you a name and number of someone to contact if you would like to confirm that."

Linda Troutman asked "Has DOT said if they are going to do anything with that road, like create a turn lane?"

TJ Smith stated "I believe DOT has done all they are going to do there but that would be a question for them, so I would contact them for that."

Chair Eckman asked if there was anyone else present who would like to speak. There were none.

Chair Eckman asked for a motion of approval or denial.

Motion: TJ Smith made a motion to recommend approval of ZA 22-06 because it is located in a growth area, is consistent with the Stanly County Land Use Plan and will promote economic development within the county.

Chair Eckman asked if there was any discussion.

David Underwood stated, I think it was the right decision to approve it. We just need to remember that when we do rezone stuff like this that since it is commercial there is no telling what it could be later. But, there are already industrial and commercial properties nearby and it is on 24/27. I think it was a good motion and there is no objection in this case. Once we change it and if something were to happen and it does not follow through, it could be anything in that zoning district.

TJ Smith asked "Bailey, just for my information if it were to be a concrete mixing, it would have to be industrial and they would have to come back and talk to us?"

Bailey Emrich stated "Right, so if it were to pass today for General Business as a Contractors office but later they decided they wanted to do the concrete mixing there as well, it would have to be rezoned again to Heavy Industrial which is M2. It would go through the same process."

David Underwood stated "We need to stay aware of the decisions we make now because once they change they will not likely go back. But, I feel like you made the right motion."

Chair Eckman asked for a second to the motion.

Second: Kevin Brickman

Passed: 6-0

Chair Eckman stated the Stanly County Board of County Commissioners will hear this item at their April 4, 2022 meeting at 6:00 PM.

Chair Eckman introduced the second item on the agenda, ZA 22-08 a proposed text amendment to the Zoning Ordinance to modify the requirements for Community Meetings prior to the Planning Board meeting for a Conditional Rezoning. The Chair asked Bailey Emrich to present the staff report on the proposed language change.

Bailey Emrich shared the following information.

The Stanly County Zoning Ordinance currently requires that any applicant for a Conditional Zoning District must hold a community meeting prior to the submission of an application for rezoning. The owner or developer is required to notify all the adjoining to the property at least 14 days before this community meeting. The current language also requires that the Planning Department receive the application for a Conditional Zoning District at least 25 days in advance of the Planning Board meeting. The result is a significant delay in the process. A requirement for a community meeting, especially for a single lot conditional district, seems unnecessary since there will be a public meeting with the Planning Board and a legislative hearing before the Board of Commissioners. The Planning Department staff already has the authority to reject or delay an incomplete application and should not treat a request for Conditional Zoning differently from other rezoning requests. This suggested change would amend the language to encourage a community meeting for a Major Subdivision that applies for a Conditional Rezoning but it would not be a requirement. Planning Department policy is to notify all property owners within 100 feet of any proposed rezoning prior to the meeting of the Planning Board. NC General Statutes require notification prior to the Board of Commissioners' legislative hearing between 10 and 25 days in advance.

In the several cases approved so far, the time constraints created by this requirement have been difficult to work around. The public meetings have been poorly attended. The City of Locust does many Conditional Zoning cases and does not require a community meeting in advance of the Planning Board meeting.

Chair Eckman asked if there were any questions for County Staff.

There were none.

Chair Eckman asked if there was anyone present to speak for or against ZA 22-08.

There were none.

Chair Eckman asked for a motion of approval or denial.

Motion: David Underwood made a motion to approve the request.

Second: TJ Smith

Approved 6-0

Chair Eckman stated the Stanly County Board of County Commissioners will hear this item at their April 4, 2022 meeting at 6:00 PM.

Chair Eckman introduced the third item on the agenda, ZA 22-09 Text Amendment to the Stanly County Zoning Ordinance to clarify that notification is required of all property owners within 100 feet of the parcel containing a Short Term Rental.

Chair Eckman asked county staff to share the details of the request.

Bailey Emrich shared the following:

This Amendment would add three words to clarify that notification of the adjoining and nearby property owners as shown below. This is simply a clarification to the language recently adopted. The Planning Board unanimously recommended approval of this text amendment at their meeting on March 14, 2022.

Section 423.3.B(b)3) requires a signed statement by the STR owner attesting that the property owners within 100 feet of the parcel containing the STR were notified of the intended STR use. The sworn statement shall include a list of the names and addresses of the property owners who received notice. The notice from the STR owner to nearby property owners shall include:

- a. Street address of proposed short-term rental;
- b. A statement that the owner is applying for an STR permit.
- c. Name and contact information for the owner;
- d. Name and contact information for the designated responsible party if the owner is not a permanent resident of Stanly County; and
- e. Maximum allowable occupancy for the property.

We recently had an individual that applied for a Short Term Rental to point this out to us because they understood it as 100 feet from the actual home and there was no one within 100 feet from the residence. This would help clear up the confusion that it is actually from the property lines, not the home itself.

Chair Eckman asked if there were any questions for county staff.
There were none.

Chair Eckman asked if there were any parties present wishing to speak concerning this request.
There were none.

Chair Eckman asked for a motion of approval or denial.

Motion: TJ Smith made a motion to approve the request.

Second: Tim Fesperman

Approved: 6-0

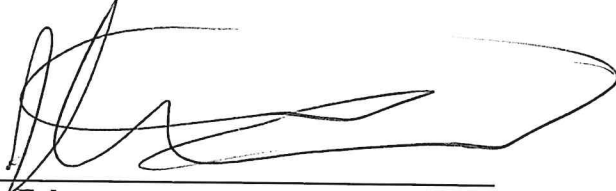
Chair Eckman stated the Stanly County Board of County Commissioners will hear this item at their April 4, 2022 meeting at 6:00 PM.

Chair Eckman asked if there was any additional business.
There was none.

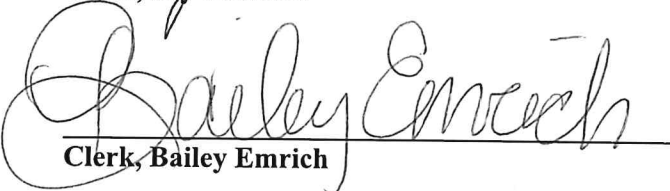
Chair Eckman entertained a motion to adjourn.

Motion: David Underwood moved to adjourn the meeting.
Second: TJ Smith
Approved: 6-0

Adjourned: 7:10 PM



Chair, Jay Eckman



Clerk, Bailey Emrich