



Stanly County Planning Board
April 11, 2022- Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on April 11, 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, Joel Mauldin

Absent: none

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 if there were any other additions that the board needed to consider. There were none.

Chair Eckman asked for a motion to approve the proposed agenda.

Motion: David Underwood

Second: Tim Fesperman

Approved: 7-0

Chair Eckman asked for a motion to approve the minutes from March 14, 2022.

Motion: Michael Williams

Second: TJ Smith

Approved: 7-0

Chair Eckman stated that the board will consider two items. The items will include a hearing for the request to rezone a parcel on NC 24/27 and discussion of proposed language changes to the Planning Board Rules and Procedures.

Chair Eckman introduced the first item on the agenda, ZA 22-10. A request from Terry and James Peck to rezone 15,088 square feet of a 6.15 acre parcel located at 28252 Hwy 24/27, Albemarle from RA(Residential Agricultural) to R20(Residential). The Planning Board will consider comments from the owner, the petitioner and anyone in favor or against this request, and then make a recommendation to the Commissioners for their approval or denial.

Bailey Emrich shared the following:

Terry Peck has requested the rezoning of a 15,088 square foot area of a 6.15 acre parcel located at 28252 Hwy. 24/27, Albemarle from RA (Residential Agricultural) to R20 (Residential). Terry and James Peck currently use this home as a rental home and it does currently have a tenant that has lived there for several years. The purpose of the rezoning request is for Mr. and Mrs. Peck to subdivide this parcel and get the minimum allowed lot size for the R20 zoning district per the Stanly County zoning ordinance and still utilize the remaining acreage of the property as County, RA (Residential Agricultural). Section 701 of the Stanly County Zoning Ordinance allows for lots zoned as County, R20 to be a minimum lot size of 15,000 square feet where either water **or** sewer are provided. This property does have access to and is served by public water.

There are no plans to further subdivide the property or add to the current home. The plan that they have is to continue to rent out the home. The residence must meet the required setbacks for the R20 zoning district. Those setbacks are forty feet from the front property line, thirty-five feet from the rear property line and twelve feet from the side property lines. There is a manufactured home that sits on the rear side of the property and would not be included in the newly zoned portion.

RA and R20 both serve as mostly residential zoning districts with limited businesses allowed. The primary difference would be the allowed lot size. This property is located in a growth area per the Stanly County Land-Use Plan. Environmental Health has looked at this property and suggests that the septic system for the home stay on the same parcel as the home to avoid potential problems in the future. The latest traffic on highway 24/27 is near Clark Road and is 14,000 vehicles per day as reported by NCDOT in 2018.

Ms. Emrich showed the Board images of the property from aerial and zoned views. She also explained what nearby zoning districts there were.

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

Chair Eckman invited representatives of the Pecks or any others speaking in favor to come forward.

Terry Peck stated "I got this parcel of land whenever my parents passed and the old homeplace does sit on it. We are trying to get it off of that tract of land so that when we are gone it will be easier on my children in the future whenever something happens to us and they go to split up the land. There is a home there that has had a long-time tenant in it."

Chair Eckman asked if there were any questions from the Board.
There were none.

Chair Eckman invited those in opposition to come and speak.
There were none.

Chair Eckman asked for a motion from the Board to recommend to the County Commissioners approval or denial of the request by Terry and James Peck for rezoning to the R20 zoning district.

Motion: Tim Fesperman made a motion that the board recommend approval of the request to rezone 15,088 square feet on NC 24/27 from RA to R20 because it is located in a growth area and is consistent with the Stanly County Land-Use Plan.

Second: TJ Smith

Approved: 7-0

Chair Eckman stated "The Stanly County Board of Commissioners will likely consider this request following a legislative public hearing at their meeting scheduled for Monday, May 16, 2022 at 6:00 PM."

Chair Eckman introduced the second item on the agenda. A discussion of proposed language change to the Planning Board rules and procedures for the addition of a three minute speaking time for the public unless allowed to continue by the consensus of a majority of the board at scheduled Planning Board meetings. The other proposed language change is if a rezoning application has no substantial changes in conditions, the identical or similar application may be considered by the Planning Board after five years from the date of the original denial by the Board of County Commissioners.

Bob Remsburg shared the following:

Sometimes it is nice to have something to back up what you say as far as a board and these updates will help that. The 3 minute time limit is suggested but with that you are able to allow them to speak for more than that as long as the board agrees. Or if people are getting up and saying the same thing then you as a board member can ask for those who have something new to say to come up. There is no point in having repetitive testimony or one that goes on for 15 minutes potentially, especially if it is a clear cut matter. It does not limit you from extending that time if you need to.

I will just mention that as a change to the rules of procedure it states that you hear it at this meeting and then adopt the changes at the next meeting. So it gives you time to look them over and see if there are any changes to be made.

There was a case in the past that something came up about them wanting to re-apply and we realized that the rules and procedures left that wide open. It essentially said that they would have to come to you with justification, and it does not matter if it was now or 40 years from now. We did not want that technicality to be there that would create a problem. We have suggested 5 years but you all have the right to change that. If someone has a similar request, they are allowed to come back before the board if it is somewhat different than the original proposal. The staff would review that and decide if the circumstances have changed and if they have it would come before you all to make that determination and then it would become a case again. There should be some sort of time limit on this that they can come back with the same request. The board members can change, the commissioners can change, situations happen. We should not bind up the board in the future by making a decision now.

David Underwood asked "What would constitute substantial change? "

Mr. Remsburg "State statutes tend to use this language and it does leave you hanging. It is up to you to determine what that is. If we think there has been a substantial change then we would allow that to come to you for your vote. If it is within that five years it will come to you as a board first and you will make the ultimate determination."

Michael Williams asked "Where did five years come from?"

Bob Remsburg stated "Nowhere in particular. Places have different time restraints. You don't want them to be able to apply immediately. But if something has substantially changed then maybe it should come back before then. This is not in the statute, this is in your rules and procedures. We did a substantial rewrite of these rules and procedures about three years ago because a lot of things had expired. I think the old rules did say something about one year and in the rewrite it got dropped and later we realized that it was there for a reason."

David Underwood stated "Ultimately we need to be consistent as a board and do the same for everyone."

The Board continued to discuss the time limit and compare this to other counties. Ultimately, the Board was satisfied with both the three minute time limit and the five year rule. The Board is not able to vote on this until their next meeting.

Chair Eckman stated "Are there those present wishing to speak concerning the proposed language change to amend the Planning Board rules and procedures? This is just for discussion, a vote will not be taken until the next scheduled Planning Board meeting."

There were none.

Chair Eckman stated "Is there any additional business to come before the Planning Board or comments from the Board?"

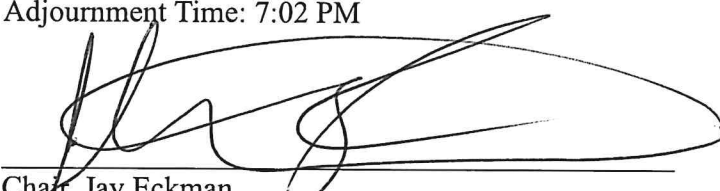
Chair Eckman asked for a motion to adjourn this meeting.

Motion: David Underwood

Second: Tim Fesperman

Approved: 7-0

Adjournment Time: 7:02 PM



Chair, Jay Eckman



Clerk, Bailey Emrich