



Stanly County Planning Board
May 8, 2023 - Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on May 8, 2023 at 6:30 p.m. in the Gene McIntyre meeting room at 1000 N. First Street, Albemarle, North Carolina.

Stanly County Planning Board members attending David Underwood, Tim Fesperman, Jay Eckman, Kevin Brickman, Joel Mauldin, TJ Smith & Michael Williams

Absent: none

Stanly County Planning Staff Attending Bailey Emrich, Planner 2 & Tim Swaringen, Code Enforcement Officer

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 February 7, 2023.

Motion: David Underwood

Second: Michael Williams

Approved: 7-0

Chair Eckman shared that the board will consider one conditional rezoning and one text amendment. The first item is a request by Sammy Estridge to rezone a portion of his property located at 24352 Ridgecrest Road, Locust, NC 28097 from RA to Ridgecrest Road Conditional District.

Chair Eckman invited county staff to share the details of this request.

Bailey Emrich shared the following:

Sammy Estridge Jr. has requested a conditional district zoning for an approximately 3 acre portion of a tract containing 35.09 acres located at 24352 Ridgecrest Road, Locust. He has proposed the parcel be rezoned from RA (Residential Agricultural) to Ridgecrest Road Conditional District. Mr. Estridge owns the entire parcel which contains a home and three outbuildings. The purpose of this rezoning is to allow for 6 storage facility buildings containing 200 units. There will be two 40 unit facilities with each being 20x10, two 20 unit facilities with each unit being 20x20 and two 40 unit facilities with each being 10x15. There will also be a designated area for open storage of boats and RVs.

A traditional rezoning would require that the property be rezoned to Highway Business which is a commercial district. Mr. Estridge prefers to have this designated as a conditional zoning district which will establish certain restrictions on the property and allow its use for a mini-warehouse storage facility and nothing else. The project will have 8 foot chain-link fencing with barbed wire surrounding it. According to the most recent (2018) traffic count by NCDOT, Ridgecrest Road sees an estimated 1,100 cars per day. Substation Road sees an estimated 340 cars per day. I am not sure how often NCDOT does their traffic count but 2018 was the most recent one for this area. There will be no well or septic systems placed on the property in relation to this use therefore there will be no soil evaluation test required.

You all have received the list of conditions that have been agreed upon by the property owner. Chambers Engineering provided a site plan for the property displaying all of the units as well as proposed signage and lighting to be used for the project.

Ms. Emrich shared the list of proposed conditions on the property as well as maps and site plans. She indicated that the property does lie within the Rural Preservation Area per the 2040 Land Use Plan.

Ms. Emrich “The site plan was sent out to DOT and the Fire Marshall. DOT shared that the only issue would be possible site distance. They will have to show that site distance can be maintained and a driveway permit will be required. The Fire Marshall indicated that the project will require a complete plan review and that a hydrant will have to be installed.”

Tim Fesperman “So will all or part of that cemetery be joined by an 8’ tall chain link fence?”

Ms. Emrich “The 8 foot fence will be around the storage facility. There will be a 6’ foot wooden fence surrounding the 2 sides of the cemetery.”

David Underwood “Is this still an active cemetery”.

Ms. Emrich “I am pretty sure, I will refer to the neighbors to make sure about that.”
(neighbors agreed that it was still active).

Tim Fesperman “So the surrounding property would not be affected by the conditional zoning of this property, correct?”

Ms. Emrich “The only affected area will be the area that is outlined in black on the site plan which is around 3 acres.”

Tim Fesperman “So that would leave the rest of the property in the RA zoning district?”

Ms. Emrich “Yes, that means the remainder would still be in the original zoning district which is Residential Agricultural, while the requested rezoned area would be in its own district.”

Tim Fesperman "What does RA allow?"

Ms. Emrich "There is currently a home on the property. Typically it is used for Single Family Dwellings but in order to put another site built home on this property it would have to be subdivided. There are a few other low density uses that are allowed in RA such as greenhouses."

Chair Eckman invited those to speak in favor of the request

Sammy Estridge shared the following:

I am the one requesting this. We purposely put this facility not near anyone on the right or left side of the property. We tried to keep it in the center of everyone and hopefully we can do it.

Tim Fesperman "Is that Ridgecrest Presbyterian Church cemetery?"

Mr. Estridge "Yes."

There were no others present to speak in favor of the request.

Chair Eckman invited those opposing the request to come and speak.

Chair Eckman stated that there would be a 3 minute time limit on speaking.

Rick Love shared the following:

I am probably a little over half a mile from where they are wanting to build this. They said they did not know exactly how the road was with the traffic and in the last five years, how would you all like to get to the end of your driveway and get flipped the bird or blown the horn or get about hit? There are a million cars that come by there a day. I thought about doing a video and sending it to you. I know the people from 24/27 come through there. I have a farm with trailers , trucks & horses and there is no way I can turn any of that equipment around fast enough without getting hit. I wish I had a video of me stripping down and going down to that creek to get people's cars out. They fly down that road. I want to change it to Ridgecrest RaceWay. We don't even have enough power that we can have Christmas Dinner. They cut the power off, what do you think this will do? I just don't think we need it. I don't think anyone wants it and I don't know the best way to stop it. This is the best way to piss a lot of people off and it has got us pissed. I am so sorry and I don't want to be ugly but I have been there 40 years and I want to make the last of my years there. Why do yall want to run us out? We have a great community and I have not had a bit of trouble out of any of these people. But, here in the last 2-3 weeks I would hate to tell you how many chases we have had. I don't want to sit in my yard and shoot people but I am getting tired of it. My kids and my wife have to go to work and I think we need to think about it. Just like that town center and all that is going to be put up, I think that is ridiculous because it is just not ready for it. Why do y'all want to come over there and make us mad. Look at the lack of respect for digging around a cemetery, who does that? If I was at the cemetery and put a fence up around there it would make me so mad.

Matt Sullivan shared the following:

I am one of the residents directly across from where this will be. I did not buy a place in the country just to have a storage facility put in my front yard. We have neighbors who just moved into the community because it is so nice. A commercial private storage facility with 200 units is going to have so much traffic on this road. It is going to have 24/7 access, it is not like you can only access on Saturday. Anything you want to drag out there. If you have that much junk that you need to store it then you need to take it somewhere else and not store it in our small community where no one wants to see it. Regardless, I know me and 15 or 20 of my neighbors here are completely against it. I am

telling you it is a bad idea to put a storage facility in a community where there is no business, not one business in that area other than a fire department and a repair shop.

Allan Gaskins:

I am a member of Ridgecrest Presbyterian Church and we are strictly against it. To us it is like desecrating our cemetery. It is going to up our crime rate because I have spoken to police officers in the community with other storage facilities and they said that it would be because of breaking and entering. The lights will do no good because they will just shoot them out. The noise issue will also be a problem. It is going to decrease the value of land in the area along with the homes. We are a farming community and we don't have any problems. We have a low crime rate and do not want to see an upgraded crime rate on account of these storage facilities.

Walter Furr:

I am a trustee and a member of Ridgecrest Presbyterian Church. I really dont think it would be a good decision. There would be people coming in and out of there that we do not know and I am not in favor of it.

Henry Dry:

I am here today for my father. We all came from the Ridgecrest area and are proud to call it home. My father still calls it home at his final resting place at Ridgecrest Presbyterian Cemetery. Right next to this property. A cemetery is supposed to be a peaceful place, where you are resting. This is a quiet place to visit loved ones. A storage facility messes with the sanctity of this place. Starting even with the construction phase. I just want you to imagine burying your father while this facility is being built. There are backhoes, dump trucks and everything else while they are trying to do a 21 gun salute or while you are laying your child there? Is that a peaceful palace? I also feel the increase will hinder the farming equipment from going from field to field. Farming is a major part of this community and many families depend heavily on it. This will bring increased traffic and mess with the safety. Cars have to pull off on the side of the road now for safe passing. It would be much more difficult for a truck with a boat in tow or 40 foot motorhome or RV. This is a highly traveled road for Emergency responders. Ridgecrest Volunteer Fire Dept. is less than half a mile down the road. If something is stuck in the road trying to get into the facility and my home is on fire, they will not be able to get to me. If I need to get there to run a call, I won't be able to get there. If you are upside down in the embankment you don't want to wait. Unfortunately, I do understand growth. I know it is necessary but I don't feel like this is an appropriate area for it. We are a small community but we all know each other and stick together. We are not trying to stop progress but this is not the place for it. I left work two hours early to get here. My neighbors and uncle dont know this is happening. Give me a chance and I will make sure every door in Ridgecrest is knocked. My father is buried in that cemetery and if he had a shovel he would dig himself out of the grave to move away from it. Don't make someone hold a folded flag while some jerk is revving up a jet ski.

Andrew Mullis:

Mr. Mullis handed out a petition.

This petition has 104 signatures from people in the community saying that they are not for this facility. We are a rural area, much like Red Cross. We depend on the ability to farm our own land and we have many farmers in our community who will be hurt by this. There is already a rise in crime throughout our county as there is already a rise in crime as our county continues to let more and more housing come in. Some of it has come into our area and alot of us are not happy about that either. I would like for you to think about how many people on that list have been here for generations and

generations. Many, including myself, my kids are sixth generation not only on our farm but in our home. I plan to continue that. I am teaching all of them how to live off of the land and respect the land. Farming is this county's number one institution, We are slowly destroying it. But we say it is okay because we allow big institutions to come in and take over. I don't think one single farmer here is okay with that. All I have to say is Ridgecrest Community, thank you so much for showing up and letting everyone know how you feel. This is how a community is. If you want a community to come after you during voting season, this is the way to do it.

Chair Eckman asked if anyone else would like to speak.

Community member:

“If any of you would like to come to my house one weekend and try to get out of my driveway and get out without getting hit, cursed out or flipped off then let me know and I will shut up.”

Debra Mazinka

“I am a member of the community and live on SubStation Road. We actually don't know alot of the neighbors because we moved right as the pandemic began. We love this community and it is a beautiful rural area. I love to watch a good rain shower or a comet. I can do that from my backyard but the direction I have to lay is directly looking at where this is planned and it will brighten the skies and ruin what I love. It has only been 6 months since your County Commissioners approved the Land Use Plan that you showed the map of and this is clearly an area that is designated for Rural Preservation. It is upsetting that nearly 6 months later that we have a suggestion to over turn that and put something commercial in this space. We already notice on SubStation road that the GPS guides people that way and we have a lot more traffic. If you are coming up Millingport it does not take you to the Fire station, it takes you to SubStation.”

Kyle Odell

“I live in the home directly across the street and I have lived here for 11 years with my family. I hate to say this but I am a retired detective from Charlotte. We moved here to get out of there. It has been great for the most part. As far as the traffic between Ridgecrest and SubStation, it has gotten ridiculous. There is a vacant lot on SubStation and on a weekly basis I am running drug dealers off the property. The neighbors probably don't realize it. I am tired of it and I moved here for a reason. If there is one thing I know from working in law enforcement for 26 years it is that people want to store drugs. It has been like that from the beginning of storage units. We don't want to be responsible for people at 2 in the morning meeting at the storage facility. I think this will only make the problem worse.”

Michelle Oliver

“I moved here in the summer of 21 because of the rural area and peacefulness. Otherwise, I could have chosen somewhere in Charlotte. I just feel like this is a residential area and it should stay that way. There is a passcode into the facility but who knows how long they will be there. Most of the time people will abandon their belongings and it will become a dump. I just want to keep the area the way it is. I know the people that have been there a lot longer than me want the same thing.”

Chair Eckman asked for a motion from the Board to recommend to the County Commissioners approval or denial for CR 23-01 regarding a conditional rezoning for a portion of a parcel located at 24352 Ridgecrest Road.

Motion: Michael Williams moved that the board recommend denial of the rezoning due to it not being in a growth area per the 2040 Land Use Plan and it is displayed as being in the Rural Preservation on the Future Land Use Map. Also, I do know that that particularly stretch of road is a blind spot. Being that the cemetery is there that should be sacred.

Second: T.J. Smith

Motion was approved: 7-0

Chair Eckman shared that the Planning Staff will consult with the petitioner to determine whether they wish to move forward with the rezoning request. If they do move forward, this case could be considered by the County Commissioners following a legislative public hearing at their meeting scheduled for Monday, June 5, 2023 at 6:00 PM.

Community member "So he is or is not moving forward?"

Ms Emrich shared "So we will meet with the property owner and see if he wishes to move forward or not. If he does wish to move forward those of you who received the initial notice will receive another one and it will be posted in the newspaper. The date and time on the sign will change. If he chooses to not move forward the sign will be taken down. If he chooses to move forward then you can expect a letter within the next 2 weeks.

Community member "But that is only for those who are within 100 feet, right?"

Ms. Emrich "Yes, people within 100 feet receive written notice."

Community member "So then we will just do this all over again?"

Ms. Emrich "It would go before the commissioners and they would have the final say."

Community member "Can I be put on the list to where I get a letter?"

Ms. Emrich "If you would like to get a letter just come up to me after this and I will add you to the list."

Chair Eckman introduced the second item on the agenda, a request by Planning Department staff to make a Text Amendment to allow a Group Care Facility on a parcel of 8 acres or larger in the RA - Residential Agricultural District and the RR - Rural Recreational District as well as amend the definition of Group Care Facility.

Chair Eckman invited county staff to share the details of this request.

Bailey Emrich shared the following:

These text amendments would allow a Group Care Facility to be located by right on a parcel of 8 acres or larger in the RA-Residential Agricultural zoning district and in the RR-Rural Recreational zoning district and amend the definition of Group Care Facility to include any facility licensed by NC Department of Health and Human Services under NC Administrative Code 27G.

If the amendment to the definition is adopted, Group Care Facilities are defined as nonprofit facilities or any facility licensed by the NCDHHS under NCAC 27G for the purpose of assisting more than 20

residents recuperating from the effects of drugs or alcohol, runaway children or battered individuals or to provide shelter and support for those who are handicapped. These types of facilities are not an alternative for incarceration but serve primarily for counseling and rehabilitation. Some facilities are short term (30 days or less) and some are long term. The requirement for 8 acres will create some separation from adjoining properties and differing uses. Currently these districts allow Group Homes and Boarding and Rooming Houses, but do not allow larger Group Care Facilities. The RA district allows for Nursing, Rest or Convalescent Homes with no acreage restriction.

Planning staff have recently reviewed two proposals for this type of facility and no Stanly County zoning district currently allows this type of use by right or through a special use permit. These facilities would serve an important role in the community and region to assist individuals in their recovery and treatment. The actual language proposed for the text amendments are highlighted in yellow on the attached sheet.

David Underwood "I have an issue with this being by right, I want to make sure I understand what you mean. If I have 10 acres and a home that can house 20 people. By right if I meet those I automatically qualify?"

Ms. Emrich "Yes, that is correct. You would have to make sure you have done everything you need to with Environmental Health, Building Inspections and permitting but from zoning it would be an allowed use but would still need to meet things like parking and signage. If you all agree cohesively this can always be amended to be recommended as a Special Use Permit and then it would have to go before the Board of Adjustment for approval and a list of conditions would have to be met and agreed upon by the Board and Property owner."

Tim Fesperman "I am somewhat concerned after what we just went through that the people should have a right to at least voice their concern about a project that is coming beside them and their neighborhoods. I am not saying that just because they voice their opinion that is the way that it has to be."

Tim Swaringen "You can have up to 6 people living in a home that may be getting group counseling and that type of thing but are living as a single family unit per general statute definition and this would allow them to have more than 6 people living in the facility."

David Underwood "This gave me the same thing that Verizon tried to do when they came in and wanted to put a cell tower up and we couldn't even ask a question. If we do this by right we never know, they would not even come to us."

T. J. Smith "I think there is a need for them but they do not need to be shoved into these neighborhoods."

No one from the public remained present at the meeting to make comments on this proposed text amendment.

Chair Eckman asked for a motion to recommend to the Board of County Commissioners approval or denial of the proposed text amendments regarding Group Care Facilities on a parcel of land 8 acres or larger in the RA and RR zoning district as well as amending the definition of a Group Care Facility.

Motion: David Underwood made a to approve the proposed text amendment regarding Group Care Facilities on a parcel of 8 acres or larger in the RA and RR zoning district but amending it to require it be done as a Special Use Permit and not by right.

Second: Michael Williams

Approved: 7-0

Chair Eckman shared that the County Commissioner will likely consider this request following a legislative public hearing at their meeting scheduled for Monday, June 5, 2023 at 6:00 PM.

Chair Eckman stated that if there was no further business he would entertain a motion to adjourn.

Motion: David Underwood

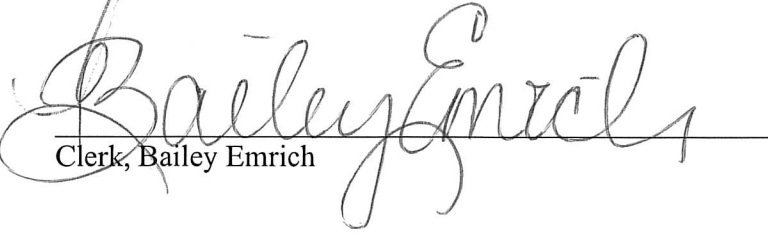
Second: Joel Mauldin

Approved: 7-0

Time of Adjournment: 7:35 PM



Chairman, Jay Eckman



Clerk, Bailey Emrich