



Stanly County Planning Board
June 12, 2023 - Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on June 12, 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, Jay Eckman, Kevin Brickman, Joel Mauldin, TJ Smith & Michael Williams

Absent: Tim Fesperman

Stanly County Planning Staff Attending: 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: Kevin Brickman

Approved: 6-0

Chair Eckman asked for a motion to approve the minutes from May 8, 2023.

Motion: David Underwood

Second: Joel Mauldin

Approved: 6-0

Chair Eckman shared that the first item on the agenda was a request by Burleson Development LLC for approval of a 28 lot subdivision on a parcel of land located at 20239 Running Creek Church Road, Locust, NC 28097 (Tax Record #10766).

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

Bailey Emrich shared the following:

Burleson Development, LLC has requested the approval of a 28-lot major subdivision at 20239 Running Creek Church Road, Locust, NC 28097 which contains 20.89 acres. This property is zoned

County, RA (Residential Agricultural) and there is currently a home and several outbuildings on the property. The surrounding area is also zoned RA and is occupied by single family dwellings. Each lot will have an individual septic system but will be served by public water from a water main on Austin Road. There is a proposed ecological preservation area containing 1.70 acres on the north side of the property. An area on the northeast corner of the ecological preservation does lie within a flood zone.

There will be one main entrance off of Running Creek Church Road which has been reviewed and approved by NCDOT. Lots 19 and 20 will have a shared driveway off of Running Creek Church Road and lots 1 and 2 will have a shared driveway off of Austin Road. The largest lot in the subdivision is currently 31,957 square feet and the smallest being 30,000 square feet. The latest traffic count from NCDOT regarding the corner of Austin Road and Running Creek Church Road is from 2016 with 780 cars per day. This property does lie within the Rural Preservation Area per the 2040 Land Use Plan. Adjacent parcels are in the Primary and Secondary Growth Areas and the development is approximately 2,300 feet north of the Red Cross town limit. This is located in the Locust and West Stanly School attendance zones.

Construction Criteria Points for this project:

30- Public Water

10- Street Lighting

10 - Trees (4 per lot)

10-Entrance Landscape and Design

20- Engineered storm drainage

15- Ecological Preserve

10- Homeowners Association

105- Total Points

The Planning Board may offer any suggestions regarding the subdivision design. This subdivision plan meets the current requirements of the Stanly County Subdivision and Zoning Ordinances. State statute 160D-801 states that decisions on approval or denial of preliminary plats may be made only on the basis of standards explicitly set forth in the subdivision ordinance or Unified Development Ordinance. DOT did review this preliminary plat and it was approved by (NCDOT District Engineer) Marc Morgan.

Ms. Emrich displayed maps of the property and the proposed preliminary plat.

Chair Eckman asked if there were any questions for staff

David Underwood "Was this started before the Land Use Plan was adopted?"

Ms. Emrich "No, it was after the Land Use Plan was adopted."

Chair Eckman invited Mr. Burlison to come speak concerning his request.

Mr. Burlison shared the following:

Thank you for your service to the county. As Bailey mentioned this meets all the criteria in your subdivision ordinance and your zoning ordinance. Contrary to what was reported in the newspaper, this is not a rezoning request. We are simply asking you to approve this by right. We meet all the criteria that was put forth. NCDOT has looked at this project and approved this layout. They actually requested some minor changes and what you see in front of you is what we ended up with. It does meet the international fire standard as far as the turning radius and the cul-de-sac of a 48 foot radius and a 6 foot diameter. The reload design meets NCDOT criteria and we are proposing for it to be a NCDOT road and we will build it to that standard. The shared driveways also meet that threshold. There are two shared driveways as Bailey mentioned. Preliminary soil evaluations have been done, the soil map shows it to be one of the best soils in the county and they look great. David Ezzell, the Environmental Health Director was out there and everything looked good so I don't think we will have any problems there. There is water available on Austin Road and we will bring a water main down Running Creek Church Road and serve the whole development either internally or from Austin Road. We have met the points criteria based on the subdivision ordinance and we have placed an ecological preserve along the rear. That property we would recommend being in an HOA so that they would handle that and make sure it

stays maintained. We are meeting all of the criteria, this is not a rezoning request. If you have any questions I will be happy to answer.

Chair Eckman "I know the Board has some questions but I will go ahead and ask, lots 1 and 2 and lots 19 and 20 with the shared driveways and then lot 23 with its own driveway, my understanding is it was originally drawn as a loop through and they were not going to have separate driveways but DOT changed that, is that correct?"

Mr. Burelson "We actually had more shared driveways and there were some kind of near the intersection of the two roads in the corner. So for safety concerns they wanted us to get rid of that shared driveway and once I looked at it again and had the engineer to redraw it, this was a better design and I like it more anyways. It alleviated at least one additional driveway but I think the initial design was two more shared driveways. Short answer is that it is a more efficient design."

Chair Eckman "I am going to go through the sign in sheet. You will have a 3 minute time limit and please keep it to new information."

Lewis Furr shared the following:

I am a lifelong Stanly County resident and a resident of the Ridgecrest community for the last 52 years. I want the Planning Board to go by its own planning that it paid for to have you and the CC do the study that says we are in a Rural Preservation Area and developments aren't part of the Rural Preservation. If you are in a rural area a development is not preservation. I am four generations of Furrs that have lived in that area and there are still a lot of them. I worked in Charlotte for 37 years and I saw Davidson and Cornelius become what they have become. Stanly County's selling point right now is that we give people the opportunity to not live on top of each other like Mecklenburg county. If we go to build these subdivisions which we already are building a bunch of, if we pack them all in at some point we are stifling what we have. We are going to lose our rural atmosphere. The state is not going to build roads quick enough to cover all the extra things. Mr. Burleson has a smooth story to tell you and I am not saying that it is not true and that he will do a great job but it does not matter if you start packing them in. I live straight across from Ridgecrest Acres and it changed the whole community 20 years ago. You have Purser drive and you have houses packed on top of each other and we never had anything like that. I just like for us to at least slow down on things and make people build on a lot of sufficient size to compliment a country atmosphere and I appreciate you listening to what I have to say. Have a good night.

Donald Perry shared the following:

Basically he went through pretty much everything that most of us would have to say. You are in the county and you got out here so you would have some room and we are not jammed up. That is the way we would really like to see it stay. I know there has to be some building going on but there doesn't have to be this much building going on in one spot this small. Personally, I think if they are going to build down here then you should have lots at a minimum of 2 acres. So people have room to move around instead of walking out the door and shaking hands with their neighbor on the porch. It messes up the whole county and that is all they are doing. Put it out there where the builder's house is and see how it goes over. It won't go over so well. He is not going to want a bunch of people coming in there. All it is going to do is build crime and traffic. It is just going to be a problem everywhere. You are going to need more law enforcement and everything else to take care of all of these people. I can assure you that if you put this many people close together, you will have a lot of crime. Always has been and always will be. I am 72 years old and I am speaking from experience if you put

that many people together that is how it will be. I am trying to at least get things spread out. I don't know how he is getting that land to perk because 90% of the land around there won't perk. Maybe he has a way of doing it, I don't know. I own a bunch of land down there and a lot of it won't perk. A lot of my neighbors have 40-60 acres and a lot of it won't perk. How he got this small property to perk, I don't know. I hope you keep this in the back of your mind, thank you.

Cliff Swink shared the following:

West Stanly Middle, have you been by that place when school lets out or in the mornings? It is like crazy traffic. Austin Road is pretty much wide open and everyone books it through there and the state does not keep that intersection cut back. I have called them 2 or 3 times to get that corner cut down for grass. You have cars that cannot see around that corner because of the vegetation and then you add to the school traffic. I don't know why we have buses anymore because everyone has a car. They are just lined down that road when school lets out. I believe it is a hazard right there and there is a lot of traffic especially during school. I will agree with my neighbors, 28 houses on 20 acres? That is not Stanly County. I have seen what they have done on the end of Mission Church Road. They built crackerbox houses that all look the same. This is not why we moved out here. I don't have a problem with them building on the land but that high population in that small area. I wish ya'll would rethink this. We don't want to be Harrisburg. You remember when Harrisburg was a small country town and it is not anymore. I think that is where we are heading.

Shane Almond shared the following:

Just because something meets the criteria does not mean that it is right. Mr. Burleson was included on the Land Use Plan and he was part of the folks that put it together. We gave them the primary and the secondary. As far as I understood you had to have 5 acres to build on unless you are a developer. Unless you have the conservation subdivision. The words conservation and subdivision do not go together. It is just like with all of this going on, do any of you have children that go to Stanly County schools or know any teachers? I have a teacher in my home and I have kids that go to school. There is no school that can supply all these children, because it is not just these kids but all the other subdivisions coming in as well. There are an estimated 2-3 kids a week that come in on the western part of the school system. Stanfield just put in two mobile units. There is a point in time where you have to say if you don't care about the farmland or preservation at least have the schools, children and parents in mind. I got a text at least once a week because of the lack of school bus drivers. Have you ever had to leave work and do as much as you can to get your children and hopefully your job will let you go get them. Stanly County cannot keep teachers and does not have school bus drivers. So with this development and the other ones coming in, I am not sure if you are aware but it is just like in Locust. There are development companies buying up hundreds of acres in Locust. It may say farming out there but in the long run that is what they are doing. When you put the flyers out and got everybody's perspective on things, the county residents are the ones who said we don't want this type of growth. If you listen to one or two developers, then you have alienated the whole county. Just remember, when it comes down to it. Actions speak louder than words and it is not just with this developer it is with all of them.

Ellen Gaskins shared the following:

Thank you for allowing me to speak. I am speaking against this development. The traffic study in 2016, that is 7 years old. All the development and the school system, the traffic has more than quadrupled. This area cannot handle all that traffic. That many houses on that small of lots, when it is supposed to be a land preservation area? It is not preservation to put 28 houses on 20 acres. I think the lots are too small. We are the county and want to stay in the county. We don't want subdivisions everywhere. We moved out of the city to stay out of the

city. We don't need that. With it being a land preservation area that is too small of lots to even consider this along with the traffic and everything else.

Chair Eckman asked if the board had any further questions or comments.

There were none.

Chair Eckman asked for a motion from the for approval or denial of the Preliminary Subdivision plat submitted by Burleson Development LLC for a 28 lot subdivision located at 20239 Running Creek Church Road, Locust, NC 28097.

Motion: David Underwood made a motion to approve the preliminary plat since all criteria was met.

Second: Joel Mauldin

Chair Eckman entertained discussion of the item.

TJ Smith asked for the Land Use Plan map to be pulled up.

David Underwood "This is my concern, we are going against the plan that we adopted. If we start now, what are we going to do later? Where do you draw the line? If we allow this one it connects to the next one and the next one. Then our growth area is no longer a growth area."

Ms. Emrich "If I may just make a comment, the Land Use Plan, yes it is a recommendation but the zoning ordinance is a law so there is a difference between the two when it comes to that aspect."

David Underwood "There lies the problem, it met all the criteria. So, we either have to change the criteria from now on or..."

Chair Eckman "It is a suggestion just like the cell phone towers. As long as they check all of the boxes then they met the criteria and the state says that you have to approve it."

David Underwood "That is the problem here. Like she said, basically these are rules and they are written and adopted and he has met those. We have passed the Land Use Plan and that is why I asked the question when you were speaking, was this supplied before the Land Use Plan was introduced. If it had been then I would not have a problem."

Chair Eckman "The problem is you are talking about legally binding versus a suggestion."

Michael Williams "Also, keep in mind that whatever we decide here means nothing really. It still has to go to the commissioners for approval."

Ms. Emrich "No, preliminary plat approval only goes before you. If there are no major changes to the preliminary plat then the final plat will be signed off by Bob. If it were a conditional then yes it would before the Commissioners. Since this is a traditional subdivision, you all have the final say on the preliminary plat."

Chair Eckman "All in favor of the preliminary subdivision say aye"

4 voted in favor

Chair Eckman "Opposed"

2 voted against

Ms. Emrich asked for board members to raise their hands to show the vote again

Chair Eckman "Let's repeat the vote"

Chair Eckman "All those in favor of approval raise your hand"

2 voted in favor

Chair Eckman "Opposed"

4 voted against

David Underwood "I want it noted that my only concern was the Land Use Plan."

TJ Smith "That is across the board, it is nothing against Mr. Burleson, it doesn't matter who would have come up here."

Mr. Burleson "Could you restate the motion for me?"

David Underwood "I made a motion to approve, they voted for it or against it."

Mr. Burleson "So what was the final vote count?"

Chair Eckman "4-2."

David Underwood "Bailey, my next question is what is his next option?"

Ms. Emrich "I will have to go back and look but I believe that he can come back in 6 months."

David Underwood "He can come and bring this plan back?"

Ms. Emrich "Yes, but like I said I will have to check because there is a timeframe."

Mr. Burleson "Bailey, do you understand that motion?"

Due to confusion on the vote between staff, the applicant and the Planning Board, Ms. Emrich asked for a recess to consult with the Planning Director and the County Attorney.

Recess was convened

Chair Eckman "We need to clarify something."

David Underwood "Mr. Chairman, I would like to make a motion to reconsider the last item."

Second: Michael Williams

David Underwood "By law, Mr. Burleson has met all the requirements of this. Those are the rules for a subdivision which we control. We wanted to go by the Land Use Plan and that is simply a suggestion, not law. So therefore, by my motion the vote was incorrect by using that as a reason to deny."

Chair Eckman "I have a motion and a second to reconsider SD 23-01, all in favor of reconsideration please raise your right hand."

Approved for reconsideration: 6-0

David Underwood "As before, I make a **motion** that we approve SD 23-01 by Burleson Development because it meets all zoning requirements for a subdivision as it stands."

Second: Joel Mauldin

Chair Eckman “The motion is to approve the plan as drawn.”

David Underwood “A vote for would be a vote to approve the plan.”

Chair Eckman “All in favor to approve SD 23-01 please raise your right hand.”

Approved: 6-0

Chair Eckman “The motion to approve SD 23-01 by Burleson Development LLC preliminary review and design passes.”

Item #2 - ZA 23-06 a request by county staff for a text amendment to amend section 607.2 and 13.3 of the Stanly County Zoning Ordinance to further define Adult Establishments and Adult Live Entertainment.

Chair Eckman invited county staff to share the details

Ms. Emrich shared the following:

The Planning Department has received a request from the County’s Administration to draft language into the Stanly County Zoning Ordinance which would address male or female impersonators who provide entertainment that appeals to a prurient interest. The NC General Assembly is considering language which may address this issue statewide. Currently the Stanly County Zoning Ordinance restricts adult entertainment to the Highway Business district with a Special Use Permit granted by the Board of Adjustment if certain conditions are met. There are currently no Special Use Permits in place for an Adult Establishment or use in Stanly County’s zoning jurisdiction.

The proposed text amendment would change the term “Adult Businesses” to “Adult Establishments” in Section 607.2 to match the definition in Section 13.3. The new language in Section 607.2 adds the clarification statement “and uses including Adult Live Entertainment”. In Section 13.3-Definitions of the Zoning Ordinance, the proposed amendments includes a new definition for Adult Live Entertainment and adds clarifying language to the definition of Adult Establishment. It also corrects a reference to the definitions Section 13.3 and corrects the reference to the definition of Massage and Bodywork Therapy Establishment.

Since there are currently no adult establishments or uses in the zoning jurisdiction of Stanly County, this affects no existing business or use. The overall effect would be to help classify drag type shows which appeal to a prurient interest as adult live entertainment and require that type of activity to be held only at a location which has received a Special Use Permit as an adult establishment or use.

Ms. Emrich displayed images of the proposed language amendments.

Chair Eckman asked if there were any questions for staff.

There were none.

Chair Eckman invited those speaking in favor of the request to come forward.
There were none.

Chair Eckman invited those speaking against this request to come forward.
There were none.

Chair Eckman asked for a motion from the board.

Motion: Michael Williams made a motion to approve the text amendment.

Second: Joel Mauldin

Chair Eckman entertained any discussion

Chair Eckman “My opinion on this is that if the state is going to do something about it then we don't need to do anything right now. One of the things that I saw that I feel like is too subjective is the term prurient, who is defining that? What does one find offensive that another person doesn't? Who is going to be the mediator of this? I use the example of a Kiss cover band and they dress up. Is that considered drag? Or if they bring in celebrity impersonators, who mediates the subjectivity of that? If the state is working on something for this then I say we wait.”

TJ Smith “As it stands, what does it say right now?”

Chair Eckman “Currently, all that is marked in yellow is not there. It just defines an Adult Establishment.”

Community member shared the following:

You were asking about a definition of this and I don't want to ever see this board put into a position like they were just put into with Mr. Burluson and the zoning problem. It is characterized by inordinate interest in sex, arousal or appearing to have an inordinate interest in sex. Unordinary interest in matters of sexual business. It is pretty well defined and by not approving this, I don't want you to put yourselves in a position where someone can come in and try to do this now without this in effect.

TJ Smith “What does the current North Carolina statute say?”

Ms. Emrich handed the current statute language to the board.

Ms. Emrich “It is kind of lengthy but it is essentially just a list of definitions and it includes adult establishments, adult book stores, etc.”

TJ Smith “I recommend that we table it and you all read this.”

Michael Williams “Mr. Chairman I would like to rescind my motion of approving this and further make a motion that we table this so that the board can thoroughly review the North Carolina General Statute that defines Adult Establishment and also since the state is working on legislation on this.

Second: Joel Mauldin

Tabled : 6-0

Item #3 - ZA 23-02, an item that was tabled at the February 22, 2023 meeting regarding Section 407.2 (E) and (F) of the Stanly County Zoning Ordinance to permit the temporary use of camper trailers during construction of a primary residence.

Chair Eckman asked for a motion to bring this item off of the table.

Motion: David Underwood made a motion to approve ZA 23-02

Second: Michael Williams

Chair Eckman opened it up for discussion

David Underwood “Mr. Chairman here is my problem, we have people who want to build a home that have campers already and if we are going to approve, we need to put restrictions on it that they can only be there for a specified period of time, have to have a special permit, and water and sewer in order to put it there.

Ms. Emrich “Currently the proposed amendment states that some may elect to use a tank for wastewater and utilize a pump and haul service. A new tap may be installed or a well permitted for water source. It says Campers would be required to meet the RVIA and NFPA requirements and could be permitted for up to two consecutive 6 month periods as long as construction was going on and required inspections were completed.”

David Underwood “To amend that motion we need to put in that once a CO is issued it can no longer be hooked up.”

David Underwood “The motion is for and that we are going to approve with that added restriction.”

Chair Eckman asked if there were any comments from the public.

Community member “Whatever the rule is on this it is already being done. On Ridgecrest Road there is a camper with a deck built and clothes hanging up. I have also been a victim of the homeless situation. Me and two of my brothers own three small lots in Albemarle. The house was torn down because of road construction. I go by and someone has moved into the old chicken house on the property. I called the police department and filed paperwork.”

Chair Eckman “Mr. Furr what you are speaking falls outside of what we are talking about, this is about constructing a home. We are just trying to put this ordinance in so people are able to live in the camper while they build their home.”

Chair Eckman “All in favor of approving ZA 23-02 with the proposed amendments”

Approved: 6-0

Chair Eckman shared that the Stanly County Commissioners will likely consider this request at their July 10, 2023 meeting.

Item #4 - ZA 23-04, an item that was tabled at the February 22, 2023 regarding a Text Amendment to Section 701 to require parcels in the RA and R40 zoning districts to have 40,000 square feet minimum lot size if either public water or sewer are not available and 30,000 square feet minimum if both water and sewer are available; require parcels in the R20 zoning district to have 20,000 square feet minimum lot size if either public water or sewer are not available and 15,000 square feet if both public water and sewer are available; and require parcels in the R10 zoning district to have 15,000 square foot minimum lot size if either public water or sewer are not available and 10,000 square foot minimum if both public water and sewer are available.

Chair Eckman asked for a motion.

Motion: David Underwood made a motion to approve

Second: Michael Williams

Chair Eckman entertained discussion.

David Underwood “This is what is going to help the Land Use Plan.”

Chair Eckman asked if there were any comments from the public.

Community member “Clarify this, we are talking about basically subdivisions and lot sizes and what they can have as a lot size for those?”

Ms. Emrich “Yes, so essentially if both public utility services are available then they are able to have a smaller lot size but if only one or neither of the public utility services are available then they are required to have the larger lot size.”

Community member “I recommend that you up that and the smaller size be at least 40,000 square feet and if you have both then it can be 50,000.”

Chair Eckman entertained a vote.

Approved: 5-1

Chair Eckman shared that the Stanly County Commissioners will likely consider this request at their July 10, 2023 meeting.

Item #5- A discussion regarding Conservation Subdivision and the lot size requirements for them.

Chair Eckman asked staff to share the details.

Ms. Emrich shared the following:

This is just recommended language for the Conservation Subdivision, it is just a discussion and not something that you will vote on tonight. Essentially take it home, read it and red line it. We will come back to it but this is the first recommendation in the Land Use Plan. This would be implemented and required for all major subdivisions in the Rural Preservation Area. If you have any questions while reading it then please feel free to call myself or Bob.

TJ Smith “Would this be able to be shared with the public?”

Ms. Emrich “I would say yes because it is an item on the agenda.”

Community Member, Shane Almond asked to speak before adjourning.

He shared the following:

I would like to say I appreciate all of you that put Stanly County residents before a developer. They are not the ones who drive the school buses, they are there for the money. So if you do something with the language from the Land Use Plan, I don't know how that goes or if it could be put into the law. The reason I could not get the rest of the community here is because we have gone through meeting after meeting and nothing has changed. It is always the same. I would even go as far as putting a moratorium on building but unless you are there and you have a spouse as a teacher or a child at the school, you don't know how this is impacting the schools at all. You talk to the school board and all the new kids are coming from these developments. It is only going to get worse and worse. Until Stanly County can retain teachers and school bus drivers it is never going to change. Like I said, I don't know if the Land Use Plan can ever come about but if you don't do something the residents of Stanly County will get priced out of their homes and their rentals because we cant afford it. If you go to any subdivision they are not Stanly County residents. They are wanting to get away from where they came from.

All these developments are not helping the county like some of these developers want to make you believe. I want to thank you all for at least having the county in mind unlike developers.

David Underwood "I got a daughter that teaches, I farm for a living. This is a tough decision. I hated to eat crow."

Shane Almond "I know that and that is why I wish we could get a moratorium because if nobody likes farming then I don't care if we preserve it or what but at least think about the children. I harp on it but when you have to decide whether you pick your kids up from school or you quit your job, you shouldn't have to do that. Mr. Burleson, he is not going to drive a school bus or get his teaching license so it falls to the parents. Every one of these developments tell you what the school system is like but do not tell you that the schools lack teachers or bus drivers. My wife is a teacher and I am the father of a wildlife conservation biologist so I am passionate about this. I want to save as much farmland as we can but also children deserve to have better than this. He is suing the City of Red Cross and I don't care if he sues the county, so be it. But something needs to be done. True Homes has bought hundreds of acres in Locust, they are not going to farm it. They are going to build on it. Something has to be done and I hope to God with the Land Use Plan something does happen. I appreciate it and all of your work.


Chair Eckman entertained the motion to adjourn

Motion: David Underwood

Second: Kevin Brickman

Approved: 6-0

Time Adjourned: 8:20 PM



Chair, Jay Eckman

Clerk, Bailey Emrich

