

Stanly County Planning Board
November 14, 2023 - Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on November 14, 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, Michael Williams, Joel Mauldin, Kevin Brickman, TJ Smith & Tim Fesperman

Absent: none

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

Chair Eckman asked if there were any conflicts of interests with the items to be heard due to financial or personal relationships.

There were none

Chair Eckman asked if there were any other additions to the agenda 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 October 10, 2023.

Motion: Michael Williams

Second: David Underwood

Approved: 7-0

Chair Eckman shared that the first item on the agenda was CR 23-03, a request by Randy Mauldin to rezone an approximately .73 acre parcel located on Carter Road in Albemarle from R20 to a Conditional Zoning District.

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

Bob Remsburg shared the following:

It is a request for a .73 acre parcel located on the South West corner of Carter Road and US 52 from R20 to a Conditional District for the operation of a mini storage facility. Access is from Carter Road and it sees about 600 vehicles per day. He is contracted to purchase the property from Cheryl P. Davies. The property is currently vacant and the Albemarle city limits are approximately 325 feet south of this property. On the county side of it, adjoining properties are zoned R20, M2, GB, HB and RA so it is quite a mix of everything. If you go south to the City Limits those areas are zoned R10, M1 and GHBD. This is located in a Primary Growth Area per the Stanly County Land Use Plan. It would have to meet a list of conditions but you are able to amend those with the agreement of Mr. Mauldin.

Mr. Remsburg read through the list of conditions.

Mr. Remsburg displayed aerial and zoned maps of the property.

Chair Eckman asked if there were any questions for Mr. Remsburg

TJ Smith “What is the property next to it zoned?”

Mr. Remsburg “That is zoned Heavy Industrial.”

Tim Fesperman “Mr. Mauldin agreed that in the conditions it says no outside storage of boats and watercrafts but should we add motor vehicles to that? In the memo it said motor vehicles.”

Mr. Remsburg “Yes, Mr. Mauldin agrees to that so we can add that to it.”

David Underwood “There are 44 proposed storage units in the narrative and 40 on here so which one is it?”

Mr. Mauldin “There should be 48, that is what I would like to do.”

Mr. Remsburg “Okay, I was wrong. Then what he is requesting is 48 and you all can talk to him about that. He does have a site plan proposed that you all have received. You all can adjust that number as what is appropriate.”

TJ Smith “So, it is not up to 40, it is 48 correct?”

Mr. Remsburg “Yes, that is what I am hearing.”

David Underwood “Okay, number 6 in the conditions says no flags, banners or temporary signs for no longer than 15 days. On our list number 5 says, no flags, banners or temporary signs. Which one is it?”

Mr. Mauldin indicated it was the one that was no longer than 15 days.

Tim Fesperman “Is that part of the sign ordinance?”

Bob Remsburg “No it is not.”

TJ Smith “Are the signs limited to just the business?”

Mr. Remsburg “We do not allow off premise signs in the county at all but we could add language to the end of this condition to state that the signs would only be allowed to be used for the business.”

TJ Smith “Are these really going to be monitored every 15 days?”

Mr. Remsburg “It is really up to the business owner to monitor that but if we get a complaint then we will start to notice if the signs are not being taken down properly and the owner will be notified that they need to be removed. We are complaint driven when it comes to compliance.”

Mr. Brickman “Will there be hours of operation or a gate? I live across the street from one and they are a good neighbor to have but sometimes they are busy.”

Chair Eckman indicated Mr. Mauldin would be best to answer that question.

Chair Eckman invited Mr. Mauldin to come speak in favor of his request.

Mr. Mauldin shared the following:

Staff was very helpful during this process so I appreciate that. I do have this request listed as a conditional use and not Highway Business. I think it is a reasonable request based on the fact that this is off of a five lane road on a corner lot. I know this board has turned down other storage facilities in the past but I think this is different

based on where it is at. I own property just to the east of this. The property across the street is HB and the property to the South is Heavy Industrial. I feel like this property conforms to the neighborhood. If you are heading North on 52, most of the time at least one of those intersections have a commercial lot. From the proposed conditions, we need to change that to 48 facilities. The plan is to not have a gate but I will have cameras and plenty of lighting.”

Chair Eckman asked if there were any questions for Mr. Mauldin

TJ Smith “Speaking on the banners, what are you putting on them?”

Mr. Mauldin “Vacancy, now renting, now open, I did not want to leave them out forever so that is why I thought to limit them to 15 days. I will have to be honest enough to take it down. I just did not want to put it in there and then it can stay up for two years.”

David Underwood “How big is your building?”

Mr. Mauldin “It will be two 30x100 buildings and potentially on the plan that you have Mr. Underwood there would be a 40x10 building as well that is close to 52. That is not the plan to put it in there but that is maximalization per the engineer. I thought it would be easier to take it out of this request than to go back and add it back in later.”

David Underwood “Is that how you are getting the 48 units?”

Mr. Mauldin “Yes.”

Joel Mauldin “Are they requiring you to put a fence around it?”

Mr. Mauldin “Not in the county.”

TJ Smith “Is there going to be buffering around it? I see that it would not be required if the adjoining land owners say it doesn't. Do we know if they have said it doesn't have to have it?”

Mr. Mauldin “The plan is that for the property to the South, there will be a white fence against that property. Since I own the property to the east of that, I will not put one up there.”

Chair Eckman asked if there was anyone else wanting to speak concerning the request.

Ruth Cotton shared the following:

There is one thing that has not been mentioned at all which is there are homes across from this on Carter Road. There are a few of us here that do not wish to have a storage unit put across the street from our homes. Lighting is a problem. I know that he says that it will face down but it will be on 24/7. There are homes across from this, they only talked about what is behind it. The first house will have the driveway going right toward their driveway. Something to think about. There are families that do not wish to have it.

Mr. Remsburg “That driveway for the storage facility would be almost right across from their driveway and the reason for that is to get as far back from the intersection as possible.”

TJ Smith “If we approve it, is there nothing preventing this light or is that going to be the entrance and exit across from the driveway?”

Mr. Remsburg “We do not have an exterior lighting part of the ordinance. You would hope they would be good neighbors and there would not be a ton of light pollution.”

Joel Mauldin “If I could make a suggestion to you. If you are not going to put a fence up and you are not going to have hours of operation, you will have people coming in and out at all hours so I think you will want to change that. If you put a buffer and a gate in there then that may help a lot as far as the neighborhood.”

Chair Eckman asked if there was anyone else wishing to speak.

There was no one.

Chair Eckman entertained a motion to recommend to the County Commissioners approval or denial of this rezoning request.

Motion: David Underwood made a motion to approve the request because it was close to heavy industrial, on a main road and is currently vacant. It is also located in a Primary Growth Area.

Second: Michael Williams

Chair Eckman stated they could now discuss.

TJ Smith “We are not doing any favors to the neighbors. I do not care if it is there or not but just not doing anything for the neighbors.”

Mr. Underwood “Why do you choose not to have a fence?”

Mr. Mauldin “Cost prohibitive.”

Mr. Brickman “I think at the minimum a gate and shrubbery would be good.”

TJ Smith “I feel like we are just trying to compromise and we are not being good stewards. If there is going to be traffic going in and out across the street if someone has lived there forever...I mean it is our job to do right by everyone.”

Mr. Mauldin “My parents have owned several of these smaller facilities over 30 years. There may have been a few break ins over the years but very few.”

Mr. Mauldin asked Code Enforcement Officer, Tim Swaringen to speak on break-in activity in the past for storage facilities.

Tim Swaringen “His parents and grand dad have several storage units and several other folks around the county. Most of them do not have fences. As far as zoning issues I have not had any complaints relating to any of these units as far as after hours coming and going. Usually if lights are shining into roadways then DOT asks that they be switched. As far as the fencing, I have not had anyone come and complain about that in 15 years.”

Mr. Swaringen listed out the storage units to his knowledge and explained that he had not received any complaints for any of them.

Chair Eckman “I am with TJ as far as I do not have a problem with it but the house on the backside is stuck.”

Tim Fesperman “Are we a steward of the property or are we trying to decide legality. This gentleman owns the property and is asked for conditions on it. I did not like something that was built behind me but it did not stop it from being built.”

Mr. Remsburg “You can go back to that list of conditions and see if there was anything that Mr. Mauldin would agree to change.”

Tim Fesperman “52 is a major highway and this is a corner lot. QT may want to open a gas station there. There are a lot of possibilities.”

Mr. Mauldin “The reason the entrance is on Carter Road instead of 52 is to get off of 52 and to not slow any traffic down.”

David Underwood “Would you be opposed to a buffer on Carter Road? A lot of people put buffers in and based on what I am hearing this would be a compromise. We are trying to let you get what you want and protect the neighbor at the same time.”

Mr. Remsburg “At some point I had added number three which does say that areas along Carter Road and 52 would have a buffer. You can amend your motion to add the language about a buffer.”

TJ Smith read what the Stanly County Zoning Ordinance currently requires for buffers.

David Underwood “I would like to amend that motion to add number three from the previous list of conditions regarding the buffer.”

Mr. Mauldin “That is on Carter Road?”

David Underwood “Yes, we are trying our best to keep the light from going to them.”

The amended motion passed 7-0

Chair Eckman shared that the Stanly County Commissioners will likely hear this request at their December 4, 2023 meeting at 6:00 PM.

Chair Eckman introduced the second item on the agenda, ZA 23-10, a request by Martha Ingold to rezone an approximately 3.9 acre parcel located on Harmony Road in Norwood from RA (Residential Agricultural) to R20 (Residential).

Chair Eckman asked staff to share the details

Bailey Cline shared the following:

The Planning Department received a request from Martha Ingold to rezone her 4.2 acre parcel located on Harmony Road from County, RA (Residential Agricultural) to County, R20 (Residential). Parcels of land that are zoned County, RA and lie within the Rural Preservation area per the Stanly County Land Use Plan are required to be at least 3 acres or larger when subdivided unless it is an exempt subdivision. Mrs. Ingolds

property does lie within both of those areas and therefore, with the 3 acre minimum lot size requirement, Mrs. Ingold is not able to further subdivide her 4.2 acre parcel.

Mrs. Ingold subdivided the tract on the north side of Harmony Road into 8 lots in 1994 and still owns some of those lots. Mrs. Ingold indicated that she wished to do the same thing to the 4.2 acre parcel. There is no access to public utilities, therefore the parcels would require both a well and septic system. All of the surrounding parcels are also zoned County, RA (Residential Agricultural). The property is approximately 1.15 miles from the secondary growth area, 1.95 miles from the primary growth area and 2.6 miles from the City Limits of Norwood. The R20 zoning district does not allow for mobile homes, it only allows for site built or modular homes as far as residential uses are concerned.

NCDOT has not performed a traffic count on Swaringen Road. The nearest traffic counts were performed on Matt-Neal Road in 2016 which reported 600 cars per day and Cooper Road in 2015 which reported 450 cars per day.

Mrs. Cline indicated that she personally had not received any complaints concerning this rezoning. Mrs. Cline displayed aerial and zoned images of the property.

David Underwood "What is the average size of the lots on Harmony Road?"
Bob Remsburg "The smallest lot is 21,000 square feet."

Chair Eckman invited Mrs. Ingold to speak in favor of her request.

Mrs. Ingold shared the following:

I have owned this land a while and I would like to have three lots put on it. I am 82 years old and I pay for the land and I have had to make a living and this is how I do it. I expect you all to let me do this to my land. I am just requesting that I have three lots. They said if I can let my family have it then it could be 60,000 a lot so I request you let me do it myself instead of letting my family have it. I know all about farming. We lost money on the farm just like everyone else. I am just requesting that I get three lots because I pay for the land and pay my taxes. I have three brothers living and they know all about this and they are not happy about it.

Chair Eckman asked if there was anyone else wishing to speak.

Charlotte Barringer shared the following:

My house sits four feet from the corner of her property. I do not want a home that close. The tongue of the mobile home that sits back there is on the property line. We have a mobile home on the backside of our property and it is on the property line. Our well is all but dried up because the houses have pulled the water table down. It also floods and it was all under water just a few weeks ago and you can see the line where the water comes through and it is over my head. I just ask where you consider where she is going to put these houses, I have been there for thirty years. According to a survey we had done, all the trees that she had planted are on my property. So does that mean that I can cut them all down? She is encroaching a lot onto our side and will there be a survey to prove where these lines are? She just built a house last year and the water went down more."

TJ Smith "If they build homes then they have to show where the property lines are and as far as the trees that is a civil issue and you would have to go to court on that."

Martha Ingold “I would like to say that is not all true. I have had that surveyed twice. I know where the line is. On the outside there is a pasture post for where the line was and Dent surveyed it twice for me. I am not encroaching on her property at all. Her oil tank is sitting on my property.”

Chair Eckman “That is a dispute between the two of you, we are just deciding on the zoning.”

Martha Ingold “I have never seen the water so high anywhere that it would flood anything, it is just a ditch that goes to another pipe in the road.”

Tommy Curlee “I own property across the road and I do farm and have animals. Our water table is down. I am having trouble with my well. We need to keep less houses and more farming in there because we are in the farming district and I would hate to get to where I have no water for my animals.”

Shane Almond “I am not for or against it, it is whatever you all want to do. You just need to remember this is in a rural preservation area and a couple of months ago you all made a recommendation to the board of three acres. You are setting a precedent for the future.”

Chair Eckman entertained a motion to recommend to the County Commissioners approval or denial of this rezoning request.

Motion: David Underwood made a motion to deny ZA 23-10 because it is against the plan and if it goes to R20 there will be a problem with well and septic.

Second: Michael Williams

Chair Eckman entertained discussion.

David Underwood “I am just afraid that is not enough room. Not enough area for well or septic.”

Martha Ingold “I have one well on two houses and they have plenty. Every well I have is 300 feet deep. I only have three wells on my property and every well is 300 feet deep and I just don’t think this is fair because to start with I was able to give it to my family for 60,000 square feet and now I am being turned down for that.”

Chair Eckman “This has not been voted on but you will have to take this up with the commissioners.”

Chair Eckman then took a vote on the motion to deny.

Denied: 7-0

Chair Eckman stated that the Planning Staff will consult with Mrs. Ingold if she wants to move forward with the request and if she does then this will go before the commissioners at their December 4, 2023 meeting at 6:00 PM.

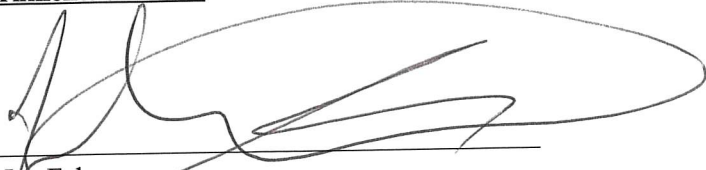
Chair Eckman entertained a motion to adjourn.

Motion: David Underwood

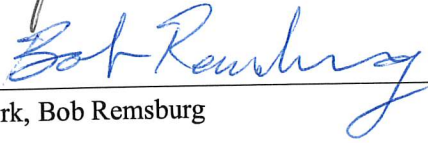
Second: TJ Smith

Approved: 7-0

Adjournment: 7:45 PM

A large, stylized handwritten signature in black ink, likely belonging to Jay Eckman, written over a horizontal line.

Chair, Jay Eckman

A handwritten signature in blue ink, likely belonging to Bob Remsburg, written over a horizontal line.

Clerk, Bob Remsburg