



Stanly County Planning Board October 14, 2013 - Meeting Minutes

Call to Order

Vice Chairman Burleson called the meeting to order on October 14, 2013, at 7:00 p.m. in the Commons Meeting Room at 1000 N First Street, Albemarle, North Carolina.

Stanly County Planning Board Members Attending

Billy Franklin Lee
Robert Loflin
Robert Davis
Terry Smith
Joseph Burleson
Brenda Hunter

Planning Board Members Absent:

Marvin Smith

Stanly County Planning Staff Attending

Michael Sandy, Planning Director
Linda Evans, Planner II

Others Present: List filed with the October 14, 2013, minutes.

Vice Chairman Burleson asked if there were any corrections to the September 9, 2013, minutes, Hearing none, he asked for a motion.

Motion: Robert Loflin made a motion to approve the September 9, 2013, meeting minutes as written.

Second: Terry Smith seconded the motion.

Action: The Board unanimously approved this motion.

Vice Chairman Burleson called the first item on the agenda and asked Michael Sandy to present the case.

ZA 13-06 Rezoning from RA Residential Agricultural to RA/TO Residential Agricultural -Tower Overlay – American Towers requests a rezoning of a 100' X 100' portion of a 12.63 acre tract, tax record number 1563, owned by Joyce Ann Hartsell Baucom, in order to erect a 195 foot monopole tower on the property. The property is located at 8499 Renee Ford Road, approximately 1450 feet south of its intersection with Polk Ford Road. Under Sec. 614 of

the Stanly Zoning Ordinance, approval of this rezoning and the issuance of a telecommunications tower permit would allow the applicant to erect a telecommunications tower to the height allowed by such permit. Staff has reviewed the application and it appears to meet the subjective requirements of the ordinance. Adjoining zoning is RA. No other towers are in the immediate search area; therefore, co-locating on an existing tower was not an option. The propagation study submitted by the applicant for the tower location shows that with the erection of the tower, the area would be adequately served. The applicant has notified, in writing, property owners within 300 feet of the proposed application for the tower. Adjoining property owners of the site have received notice of this meeting in accordance with state law. The applicant has documentation that the proposed tower location will not seriously injure the values of the adjoining properties.

Section 614.4 of the Zoning Ordinance states that the following factors may be used to evaluate a tower for aesthetic reasons: To protect the view in scenic areas, unique natural features, scenic roadways, etc., and to protect the concentration of towers in one specific area, the height, design, placement, and other characteristics of the tower can be modified to have a less intrusive visual impact on the county.

This site is located approximately 1,300 feet southwest of the intersection of Polk Ford Road and Renee Ford Road, in an open area and should not be clearly visible from the highway. This site appears to be an above average site for a monopole tower.

Staff recommends the following conditions of approval: Public Safety, (State, City, County, etc), shall be permitted to co-locate on this tower at no cost; a zoning permit shall be obtained within six months from the date of the Board of County Commissioners approval to rezone the property and the tower shall be completed and a Certificate of Occupancy obtained within one year from issuance of the zoning permit.

Vice Chairman Burleson asked anyone who wished to speak regarding this case to come forward.

Brian T. Pearce came forward and stated that he represents American Towers, LLC. He stated that he had followed the required procedures for filing an application for placement of a 195 foot monopole communications tower on the subject site. He stated that he had sent letters to adjacent property owners regarding placement of the tower and notified them of certain tests to be performed. He stated he had received no complaints and that he would be happy to answer any questions.

Robert Loflin asked staff if any complaints were received regarding this request. Staff answered that it had received a few phone calls inquiring about the zoning sign but no complaints.

Vice Chairman Burleson asked if he could hear a Motion.

Motion: Billy Franklin Lee made a motion to send this case to the Board of County Commissioners with a recommendation to approve ZA 13-06.

Second: Robert Loflin seconded the motion.

Action: The Board voted unanimously to approve the motion.

Vice Chairman Burlison called the next item on the agenda and asked Michael Sandy to present the case.

ZA 13-07 Rezoning from RA Residential Agricultural to RA/TO Residential Agricultural -Tower Overlay – American Towers requests a rezoning of a 100' X 100' portion of a 7.15 acre tract, tax record number 4003, owned by Nancy Carpenter, in order to erect a 195 foot monopole tower on the property. The property is located at 12449 NC 138 Hwy, approximately 1540 feet north of its intersection with Chapel Road. Under Sec. 614 of the Stanly Zoning Ordinance, approval of this rezoning and the issuance of a telecommunications tower permit would allow the applicant to erect a telecommunications tower to the height allowed by such permit. Staff has reviewed the application and it appears to meet the subjective requirements of the ordinance. Adjoining zoning is RA. No other towers are in the immediate search area; therefore, co-locating on an existing tower was not an option. The propagation study submitted by the applicant for the tower location shows that with the erection of the tower, the area would be adequately served. The applicant has notified, in writing, property owners within 300 feet of the proposed application for the tower. Adjoining property owners of the site have received notice of this meeting in accordance with state law. The applicant has documentation that the proposed tower location will not seriously injure the values of the adjoining properties.

Section 614.4 of the Zoning Ordinance states that the following factors may be used to evaluate a tower for aesthetic reasons: To protect the view in scenic areas, unique natural features, scenic roadways, etc., and to protect the concentration of towers in one specific area, the height, design, placement, and other characteristics of the tower can be modified to have a less intrusive visual impact on the county.

This site is located approximately 1650 feet north of the Chapel Road and NC 138 intersection, in an existing wooded area and may be clearly visible from the highway (NC 138). This site appears to be an average site for a monopole tower.

Staff recommends the following conditions of approval: Public Safety, (State, City, County, etc), shall be permitted to co-locate on this tower at no cost; a zoning permit shall be obtained within six months from the date of the Board of County Commissioners approval to rezone the property and the tower shall be completed and a Certificate of Occupancy obtained within one year from issuance of the zoning permit.

Vice Chairman Burlison anyone who wished to speak regarding this case to come forward.

Brian T. Pearce came forward and stated that he represents American Towers, LLC. He stated that he had followed the required procedures for filing an application for placement of a 195 foot monopole communications tower on the subject site. He stated that he had sent letters to adjacent property owners regarding placement of the tower and notified them of certain tests to be performed. He stated he had received no complaints and that he would be happy to answer any questions.

Robert Loflin asked staff any complaints were received about this request. Staff answered no.

Vice Chairman Burlison asked for a motion.

Motion: Robert Loflin made a motion to send this case to the Board of County Commissioners with a recommendation to approve ZA 13-07.

Second: Robert Davis seconded the motion.

Action: The Board voted unanimously to approve the motion.

Vice Chairman Burlison called the next item on the agenda and asked Michael Sandy to present the case.

ZA 13-08, Rezoning from RA (Residential Agricultural) to RA/TO (Residential Agricultural -Tower Overlay) – American Towers requests a rezoning of a 100' X 100' portion of a 50.66, tax record number 24846, owned by Wade Elvin Hinson, in order to erect a 195 foot monopole tower on the property which is located at 14120 Travis Road, Approximately 1875 feet northwest of its intersection with Hatley-Burriss Road. Under Sec. 614 of the Stanly Zoning Ordinance, approval of this rezoning and the issuance of a telecommunications tower permit would allow the applicant to erect a telecommunications tower to the height allowed by such permit. Staff has reviewed the application and it appears to meet the subjective requirements of the ordinance. Adjoining zoning is RA. No other towers are in the immediate search area; therefore, co-locating on an existing tower was not an option. The propagation study submitted by the applicant for the tower location shows that with the erection of the tower, the area would be adequately served. The applicant has notified, in writing, property owners within 300 feet of the proposed application for the tower. Adjoining property owners of the site have received notice of this meeting in accordance with state law. The applicant has documentation that the proposed tower location will not seriously injure the values of the adjoining properties.

Section 614.4 of the Zoning Ordinance states that the following factors may be used to evaluate a tower for aesthetic reasons: To protect the view in scenic areas, unique natural features, scenic roadways, etc., and to protect the concentration of towers in one specific area, the height, design, placement, and other characteristics of the tower can be modified to have a less intrusive visual impact on the county.

This site is located approximately 7000 feet from the centerline of NC 24/27, in an existing wooded area and should not be clearly visible from the highway. This site appears to be an above average site for a monopole tower.

Staff recommends the following conditions of approval: Public Safety, (State, City, County, etc), shall be permitted to co-locate on this tower at no cost; a zoning permit shall be obtained within six months from the date of the Board of County Commissioners approval to rezone the property and the tower shall be completed and a Certificate of Occupancy obtained within one year from issuance of the zoning permit.

Vice Chairman Burlison anyone who wished to speak regarding this case to come forward.

Brian T. Pearce came forward and stated that he represents American Towers, LLC. He stated that he had followed the required procedures for filing an application for placement of a 195 foot

monopole communications tower on the subject site. He stated that he had sent letters to adjacent property owners regarding placement of the tower and notified them of certain tests to be performed. He stated he had received no complaints and that he would be happy to answer any questions.

Robert Loflin asked staff if any complaints were received regarding this request. Staff answered no. Mr. Loflin also inquired about the cost of placing one of these towers and Mr. Pearce stated that he had no idea regarding the cost.

Vice Chairman Burlison asked for a motion.

Motion: Robert Loflin made a motion to send this case to the Board of County Commissioners with a recommendation to approve ZA 13-08.

Second: Terry Smith seconded the motion.

Action: The Board voted unanimously to approve the motion.

Vice Chairman Burlison asked if there is any other business to be discussed.

Michael Sandy stated that the committee appointed to study the subdivision point system had reached a proposal to amend the subdivision ordinance as follows:

- 1) Remove all the language in Section 66-72 Curb and Gutter and Sidewalks and add the following language:

Sidewalks are at the option of the developer and any horizontal portion of curb & gutter is counted into the pavement width.

- 2) Add the following language to Section 66-90 Construction criteria point approval system:

<u><i>2- Sided Sidewalks</i></u>	<u><i>20</i></u>	<u><i>Per ADA requirements on both sides</i></u>
<u><i>Engineered Storm Drainage</i></u>	<u><i>20</i></u>	<u><i>Designed and approved underground storm drainage</i></u>
<u><i>Curb and Guttering</i></u>	<u><i>25</i></u>	<u><i>Standing or Valley type</i></u>
<u><i>Home Owners Association</i></u>	<u><i>10</i></u>	<u><i>Recorded and Enforced</i></u>

Robert Davis originated discussion regarding storm drainage issues. Michael Sandy stated that, due to the diversity of property and varied circumstances, he would suggest that each submittal of a preliminary plat and construction plan be scrutinized closely on a case by case basis before the final subdivision plat is approved and recorded.

Terry Smith asked if this proposal was what the appointed committee had suggested and Joseph Burlison, a member of the committee, answered yes.

Vice Chairman Burlison asked for a motion.

Motion: Robert Davis made a motion to send this case to the Board of County Commissioners with a recommendation to approve SDA 13-01.

Second: Billy Franklin Lee seconded the motion.

Action: The Board voted unanimously to approve the motion.

Vice Chairman Burleson asked for other business.

Michael Sandy stated that the committee appointed to study subdivision issues had also discussed the possibility of removing major subdivisions as a permitted use in the RA Residential Agricultural Zoning District and asked if the Board would like to address this issue at this time.

Robert Davis stated that he recalls that this was approached the last time he was on the Planning Board and the idea was rejected.

Michael Sandy stated that he is concerned that, if the economy picks up, large scale developers will move into the county and create major subdivisions with two or three hundred small size lots for lower income housing. He stated that this was happening when he first came to Stanly County with the development of Island Creek Subdivision, Sycamore Station, and others. This type development brings people, but no infrastructure or adequate facilities. He feels that not allowing major subdivisions in the RA Residential Agricultural District will deter this type development and steer major subdivisions toward towns and growth areas and away from agricultural land. In addition, prohibiting them in the RA District will give the Planning Board and the Board of County Commissioners a voice in where subdivisions will be located.

Robert Davis suggested that Michael Sandy pull something together for the Board to take a look at. Michael stated that he would have something prepared by the next Planning Board Meeting.

Adjournment

Vice Chairman Burleson asked for a motion to adjourn. A motion to adjourn was made by Robert Loflin and seconded by Brenda Hunter. The meeting was adjourned at 8:00 p.m.

Joseph Burleson, Vice Chairman

Linda Evans, Clerk