



Stanly County Planning Board June 14, 2010 - Meeting Minutes

Call to Order

The Stanly County Planning Board held its regular meeting on June 14, 2010, at 7 p.m. in the Commons Meeting Room at 1000 N First Street, Albemarle North Carolina.

Chairman Estridge asked for a roll call and Michael Sandy called the roll.

Members Attending

Billy Franklin Lee
Floyd Eudy
Allan McGuire
Marvin Smith
Sam Estridge Jr.

Members Absent

Houston B. Clark, II
Brenda Hunter

Stanly County Planning Staff Attending

Michael Sandy, Planning Director, AICP, CZO
Linda Evans, Planner II

Others Present: List is filed with the June 14, 2010, minutes.

Chairman Estridge stated that the Board had two sets of minutes to approve, April 12, 2010, and May 10, 2010. He asked if there were any corrections to the minutes of April 12, 2010. Hearing none, he asked for a motion to approve these minutes.

Motion: Franklin Lee made a motion to approve the minutes of April 12, 2010 as written.

Second: Marvin Smith seconded the motion.

Action: The Board unanimously approved this motion.

Chairman Estridge asked if there were any corrections to the minutes of May 10, 2010. Hearing none, he asked for a motion to approve these minutes.

Motion: Franklin Lee made a motion to approve the minutes of May 10, 2010 as written.

Second: Marvin Smith seconded the motion.

Action: The Board unanimously approved this motion.

Chairman Estridge called the first item on the agenda and asked staff to present the case.

Michael Sandy stated that case ZA 10-07 is a request for rezoning from RA (Residential Agricultural) to G-B (General Business). Todd and James Schad respectfully requests that both a 9.17 and 23.15 acre tract (Tax Record Numbers, 21414 and 5506) currently zoned RA be rezoned to G-B. The property in question is located at the corner of Stony Mountain Road and NC 24/27/73. The purpose of this requested amendment is to allow expansion of an existing commercial use currently located on adjacent property. The adjoining properties are zoned R-A to the south, north and east, and G-B (General Business) to the west. Not adjoining, but a little farther to the west, is a small area zoned H-B (Highways Business). Public utilities including water are provided to the property in question. This property is not located in a regulated floodplain but is located in the WS-IV water supply watershed. The property in question is located within a growth area according to the Stanly County Land Use Plan. This section of NC 24/27/73 is part of the NC Scenic By-way for both the segment leading from Albemarle to Lake Tillery and Indian Mound Road up to Valley Drive. Traffic on this section of road is approximately 11,000 cars per day as of 2007 NCDOT data. The Planning Staff recommends G-B (General Business) as a general use. This rezoning would be in conformance with the 2010 Stanly County Land Use Plan.

Chairman Estridge asked is anyone present wanted to speak regarding this case.

Todd Schad came forward and presented a map of the area to be rezoned. On the map, he pointed out a forty foot natural buffer which he proposes to keep around the property. He stated that he needs more flat area for his business located on the adjoining property. He plans to use this additional property for the storage of mulch. He also plans to upgrade the Stone Mountain Subdivision sign and landscape around it.

Someone in the back of the audience stated that they had not heard Mr. Schad and asked him to repeat what he had said; Mr. Schad turned around and repeated his request.

Marvin Smith asked Mr. Schad if he plans on grading or reshaping the property. Mr. Schad stated that he did not have immediate plans to do any grading or reshaping. He stated that he has some areas on his currently zoned GB property that needs to be filled in and he may, at some point in the future, move some earth to use for fill to level out that property.

Marvin Smith asked Mr. Schad if he intended to do any late night operation of the business. Mr. Schad stated that his normal hours were 7:00 AM to 5:00 PM. He stated that he may open for one-half day on Saturday in the future.

Chairman Estridge asked if anyone else wished to speak on behalf of this case.

Jim Vick came forward and stated that he lives in Stone Mountain Subdivision. He stated that he wants to know what the long range plan is for property, especially the 9.17 acre tract along Stony Mountain Road.

Mr. Schad stated that he could not really tell at this point. As his business grows he plans to use the additional acreage for storage of mulch and possible other things.

Mr. Vick expressed concern that the forty foot buffer would not be enough to hide the activities on the Schad property.

Darlene Dennis began speaking from the audience and Chairman Estridge asked her to come to the podium to speak. She came forward and stated that she would like to see a buffer that will totally block the view of the property from NC Hwy 24/27 and Stony Mountain Road. She stated that 24/27 is considered a scenic byway and she is concerned that Mr. Schad's business will take away from the beauty of this area. Mr. Schad assured Ms. Dennis that he has no intentions of upsetting the beauty of this area. He stated that he has a lot of friends in this area and he respects the area.

Jim Vick asked Michael Sandy about the watershed. Mr. Sandy stated that this property is in the watershed and Mr. Schad will have to comply with any regulations in the book.

Jim Vick gave the definition of scenic byway. He stated that he is concerned about property values decreasing in the area. He stated that he does not personally know any of the Schads but he understands that when they went into their first location in Stanly County they did not do what they had said they would do. He stated that he doesn't have faith that Todd Schad will do what he is promising. He stated that he is opposed to this rezoning, particularly for the 9.17 acre tract.

Todd Schad asked Mr. Vick if he thought his present business had hurt the property value. Mr. Vick stated that he is sure the business has not enhanced the property value in the area. Mr. Vick also stated that the addition of more GB zoned property would not increase jobs. Mr. Schad stated that it will maintain jobs. Mr. Schad stated that he needs to expand his business to keep his current employees.

Mike Miller came forward and asked Mr. Schad if there is going to be any entrance to the property from Stony Mountain Road. Mr. Schad stated that there is an entrance there already but they plan to gate it off and not use it.

Mr. Schad was questioned about the effect the coloring of the mulch will have on the wells in the Stone Mountain area. Mr. Schad stated that the coloring will not be done here but, if it were, it would not be dangerous to the wells. The coloring is done with a non hazardous material and is safe to place around homes.

Tim Dennis came forward and stated that he is looking at the overall future. He stated that the Schads may not be there in ten years while the residents will remain there. He stated that he would like to see the property remain RA, especially the 9.17 acres. He stated that he did not want to see a mining operation on the property.

Mr. Schad stated that his operation is not a mining operation. Mr. Schad stated that he has no plans of selling the property; instead he is trying to grow.

Alan Beasley came forward and stated that he is totally surrounded by the Mr. Schad's property and he has no problem with the rezoning to enlarge his business. He stated that he came to the meeting thirteen years ago when he had the original property rezoned. He stated that every time the Schads told him what they were going to do, it was done.

T.O. Jones came forward and stated that he owns a large portion of the adjoining property and he has no problem with mulch being stored on Mr. Schad's property. He stated that it would look better than it does now because it is being dumped on. He stated he would rather see a business that would take care of the property. He had rather see mulch than a trailer park or a low income housing development. He asked the audience to trust Mr. Schad to do what he says he will.

Kim Glover came forward and stated that she is opposed to the rezoning because it will encroach on residential property.

Jack Insoe came forward and stated that he is opposed to the rezoning.

Gus Schad came forward and stated that people here seem to be concerned with property value. He stated that Todd Schad will not do anything to depreciate the property value. Todd wants to expand his business and he will do whatever buffering is necessary.

Kenny Furr came forward and stated that he has lived on Stone Mountain for about forty years. He stated that he has no problem with what the Schads want to do. He stated he has always known Todd to be a man of his word. He asked Mr. Schad why he is requesting GB instead of some other business designation. Mr. Schad stated that he is requesting the same zoning as his current business zoning, which is GB. Mr. Furr asked Michael Sandy to read the permitted uses in GB. Mr. Sandy read several of the uses and Mr. Furr stated that he has no opposition to this request.

Mr. Bailey came forward and suggested that Mr. Schad not rezone the 9.17 acre tract along Stony Mountain Road to GB. He stated he would be agreeable with him rezoning the larger tract but not the 9.17 acre one. He stated that he opposes the request as it stands now.

Chairman Estridge asked if anyone else wished to speak regarding this request. No one came forward. Chairman Estridge asked for a motion.

Motion: Floyd Eudy made a motion that Todd Schad leave a two hundred foot strip of the 9.17 acre tract zoned RA and rezone the rest of the property to GB. No second was made. There was some discussion whether Mr. Schad would be agreeable to leaving two hundred feet zoned RA. Mr. Schad stated that he did not feel he could give up two hundred feet. After a short discussion, it was agreed that the amount left RA would be one hundred feet instead of two hundred feet. Mr. Eudy withdrew his previous motion and made the following motion.

Motion: Floyd Eudy made a motion that these zoning map amendments be forwarded to the Stanly County Board of Commissioners with a favorable recommendation for approval, with the exception that one hundred feet of the 9.17 acre tract be left zoned RA.

Second: Franklin Lee seconded the motion.

Action: The Board unanimously approved this motion.

Chairman Estridge asked staff to present the next case.

Michael Sandy stated that ZA 10-08 is a request for a Text Amendment to add Section 808 to allow Wind Energy Systems as a permitted use in R-A, R-R, R-40, R-20, G-B, H-B, M-1, and M-2; amend Section 804 to add 804.4 to set height limitations for Wind Energy Systems; add Section 1302.96 to define Small Wind Energy System and 1302.97 to define Large Wind Energy System. Planning Staff has reviewed and researched several existing ordinances where wind power generation is regulated and found the proposed amendment to be the best option for Stanly County. The Planning Staff recommends this text amendment. This rezoning would be in conformance with the 2010 Stanly County Land Use Plan. The text amendment would read as follows:

Amend Section 804 Height Limitations and Exceptions

Add #4 Small Wind Energy Systems limited to 135 feet in height and Large Wind Energy Systems to a height approved by the Planning Board as necessitates.

Add Section 808 Wind Energy Systems

- Compliance with FAA Regulations: Wind Energy Systems shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Evidence of compliances or non-applicability shall be submitted with the application.
- Utility Notification: No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- Appearance: Wind energy towers shall maintain a galvanized finish or be painted to conform the tower color to the surrounding environment to reduce visual obtrusiveness. No wind tower should have any signage, or writing or pictures that may be construed as advertising at any time. In addition no flags, streamers or decorative items may be attached to the wind energy system tower or turbine.
- Setback: The base of the wind turbine shall not be closer to the surrounding property lines than the height of the wind turbine unless a NC Registered Professional Engineer certifies the fall zone of the wind turbine and appurtenances will be within the setback area proposed. In addition, no wind turbine shall be located closer to an inhabited structure on adjacent property less than 1.5 times the height of the wind turbine. A reduction in this requirement can be obtained through a permanent easement from the adjoining owners providing for a fall zone.
- Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system that is not functional shall be repaired by the owner or removed. In the event that the County becomes aware of any wind energy system that has not operated for a continuous period of six months, the County will notify the landowner by registered mail and provide 45 days for a written response. In such response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, the County shall notify the landowner shall remove the turbine within 120 days of receipt of said notice.

Large Wind Turbine System shall provide the additional information:

- State whether a certificate of public convenience and necessity for the system is required from the North Carolina Utilities Commission and, if so, the anticipated schedule for obtaining the certificate. The County may ask the Utility Commission to determine whether a certificate for public convenience and necessity is required for a particular wind power project for which the County has received a site permit application. The County shall not approve a project until such certificate has been obtained. Where no certificate is required, a discussion shall be required to show the intentions of the use of the power generated.
- Site plan prepared in accordance with Section 710 of the Zoning Ordinance including the proposed location and height of such structures.

ADD to Zoning Districts:

R-A, R-R, R-40, R-20, G-B, H-B, M-1, M-2

Definitions:

Add Section 1302.96 Large Wind Energy System: A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control of conversion electronics, which has a rated capacity of more than 20 kW.

Add section 1302.97 Small Wind Energy System: A wind energy conversion system consisting of a single wind turbine, a tower, and associated control of conversion electronics, which has a rated capacity of not more than 20 kW. Multiple systems located on agriculture farms as defined in zoning ordinance are also considered small wind energy systems even if they aggregate kW exceeds 20, provided the primary intent is to generate power to reduce on-site consumption.

Chairman Estridge asked is anyone present wanted to speak regarding this case.

Bill Yeaton came forward and stated that he is requesting this zoning amendment to allow a wind energy system for Lucky Clay Farms. He stated that this would be an alternative source of power for the cabin and the farm. He stated that Sean Hackett would give the Board more information about the system that will be installed and asked Mr. Hackett to come forward.

Sean Hackett came forward and presented a power point presentation to the Board. A copy is attached to these minutes.

Franklin Lee stated that he had heard that the wind doesn't blow hard enough in Stanly County to support a windmill. He asked Mr. Hackett if he had done any research on this. Mr. Hackett stated that there is not enough wind in Stanly County to support a large wind project and a large one would not be feasible in Stanly County. But, a small unit as proposed here would be beneficial when the power fails and to supplement other power.

Michael Sandy asked what the difference was between what he is proposing and the barrel type systems. Mr. Hackett stated that there is not much difference.

Allan McGuire asked if granting this text amendment would permit wind energy systems in the whole county. Michael Sandy said that it would.

Motion: Marvin Smith made a motion to forward the proposed zoning map amendments to the Stanly County Board of Commissioners with a favorable recommendation for approval.

Second: Floyd Eudy seconded the motion.

Action: The Board unanimously approved this motion.

Chairman Estridge asked staff to present the next case.

Michael Sandy stated that ZA 10-09 is a request for a Text Amendment to add Yard Sale as a permitted use in the R-A, R-40, R-20, R-10, R-8, R-MH, and RR zoning districts; add Section 1302.98 to define Yard Sale. This proposed amendment will limit a Yard Sale to a 2 day limit four times in 12 months. Also they can only be held in conjunction with a residential structure in a residential zone. The Planning Staff recommends this text amendment. This rezoning would be in conformance with the 2010 Stanly County Land Use Plan. The text amendment would read as follows:

Section 1302.98 **Yard Sale:** A one (1) or two (2) day activity occurring at a residential dwelling no more than four (4) times in any given twelve (12) month period where items which the residents have no further use for are being resold to the general public. Yard sales do not include items which were originally obtained to be resold to the general public. Group yard sales are allowed with the same requirements. Off street parking shall be provided. Yard sales shall be considered an accessory use.

Add "Yard Sale" to the R-A, R-40, R-20, R-10, R-8, R-MH, and RR Zoning districts.

After a brief discussion the Chairman asked for a motion.

Motion: Marvin Smith made a motion to forward the proposed zoning map amendments to the Stanly County Board of Commissioners with a favorable recommendation for approval.

Second: Floyd Eudy seconded the motion.

Action: The Board unanimously approved this motion.

Chairman Estridge asked if there was any other business other business

Michael Sandy stated that the Board should discuss sweepstakes gaming regulations for Stanly County. Mr. Sandy suggested that the Board form a committee to come into the office and work with staff to determine what needs to be done regarding this issue. Sam Estridge stated that he would be willing to do this and Allan McGuire also volunteered. Hearing no other volunteers, Chairman Estridge stated that he would appoint Brenda Hunter to the committee.

Adjournment

Vice-Chairman Estridge asked for a motion to adjourn. A motion to adjourn was made by Floyd Eudy and seconded by Marvin Smith. The meeting was adjourned at 9:45 p.m.

Sammy E. Estridge, Jr., Vice-Chairman

Michael M. Sandy, Clerk