



## Stanly County Planning Board February 14, 2011 - Meeting Minutes

### **Call to Order**

The Stanly County Planning Board held its regular meeting on February 14, 2011, at 7:00 p.m. in the Commons Meeting Room at 1000 N 1<sup>st</sup> Street, Albemarle, North Carolina.

### **Stanly County Planning Board Members Attending**

Sam Estridge, Jr.  
Floyd Eudy  
Billy Franklin Lee  
Allan McGuire

### **Planning Board Members Absent:**

Houston B. Clark, II  
Brenda Hunter  
Marvin Smith

### **Stanly County Planning Staff Attending**

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

**Others Present:** List filed with February 14, 2011, Planning Board minutes.

The meeting was called to order at 7:35 p.m., due to lack of a quorum before that time, by Chairman Sam Estridge.

Chairman Estridge asked if there were any corrections to the December 13, 2010, minutes. Hearing none, he asked for a motion.

**Motion:** Floyd Eudy made the motion to approve the December 13, 2010, meeting minutes.

**Second:** Billy Franklin Lee seconded the motion.

**Action:** The Board unanimously approved this motion.

Chairman Estridge called the first item on the agenda and asked Michael Sandy to present the case, ZA 11-01.

Michael Sandy stated that, on behalf of Ruby Almond, Douglas Rink requests rezoning of a portion of a 22.72 acre parcel of land from RA to M-1 (tax record number 7024). The property is located at the intersection of Wyatt Road and NC 24/27 Hwy. The purpose of this requested amendment is to allow the portion of the property to have zoning for business or commercial purposes.

The adjoining properties are zoned R-A to the south, east, and west and G-B (General Business) to the north. Public utilities including water are provided to the property in question with sewer located to the west on NC 24/27 approximately 3000'. This property is not located in a regulated floodplain or 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 and its proposed revision. Traffic on this section of NC 24/27 Hwy is approximately 12,000 cars per day as of 2009 NCDOT data.

Chairman Estridge asked the applicant to come forward and present his case.

Mr. Douglas Rink came forward. He stated that his business has carried on a continued relationship with Mrs. Ruby Almond for about 40 years. He stated that the plans he submitted are Mrs. Almond's estate plans and are in conformance with the Stanly County Land Use Plan, specifically the TDR and TDN sections. He stated that Mrs. Almond is very active in the use of her land and she retains veto rights on what use is placed on the property and is very much in control of her property.

Chairman Estridge asked if anyone else wished to speak regarding this case.

Teresa Eudy came forward and asked Mr. Rink what he intends to put on the property. Mr. Rink answered that he doesn't have any specific plans at this point. He stated that the property across the street is zoned GB, which allows more commercial uses than M-1 zoning. Mrs. Eudy asked what is allowed in M-1 zoning. Chairman Estridge stated that Michael Sandy would be able to answer that question. Mr. Sandy offered to show Mrs. Eudy a list of the permitted uses in M-1 zoning and Mrs. Eudy stated that she had looked at that list online.

Floyd Eudy asked Mr. Rink how much land he actually needs to keep the sign and how much the state requires for the sign. Mr. Eudy stated that it sounds like he is expanding the M-1 zoning to allow more uses on the property. Mr. Rink stated that the odd shape of the property has to do with the buffer requirements of the zoning ordinance. Mr. Sandy stated that he thinks Mr. Eudy's question was asked to determine if Mr. Rink would consider rezoning less of the property. Mr. Rink answered that an engineer had designed the property to meet the requirements of the zoning ordinance and the Stanly County Land Use Plan and all the property is needed to accomplish this.

Linda Huneycutt came forward and stated that she was not aware that the property across the road from Mrs. Almond's property is zoned commercial and asked if the county did the rezoning without contacting the property owners. Mr. Sandy stated that the original zoning map was created in 1973 and the whole county was zoned in 1978. He stated that if there had ever been a store or business on that property across the road from Mrs. Almond's it would have been zoned commercial and remained commercial through the years even if the use was discontinued. Mrs. Huneycutt stated that she has lived in the area all her life and there has never been a business on that property. He suggested that the property owners come into the office and request a rezoning if they are dissatisfied with the commercial zoning on that property.

Gene Parker came forward and stated that he represents Pine Grove United Methodist Church and he wants to go on record that the Church opposes the rezoning of the Almond property.

Teresa Eudy came forward again and stated that she objects to the rezoning of the Almond property.

Mr. Rink came forward again and stated that what he is proposing here is consistent with the Stanly County Land Use Plan and reminded the audience that Mrs. Almond retains the right to veto any use of her property.

Guy Almond, Ruby Almond's son, came forward and stated that he realizes that everyone is concerned with the possibility of a convenience store going up on the property. He stated that as long as he has any say, and he can convince his sisters to side with him, there won't be a convenience store on this property. His daughter is attending culinary school and someday hopes to operate a café on the property. The rezoning is to allow Mr. Rink to keep his sign and help pay some of the taxes, etc., on the property.

Chairman Estridge stated that the Planning Board does not have the final say in this case; it will be left up to the Commissioners to approve or reject this rezoning.

The Board discussed the issue and it was decided that if Mr. Rink will agree to rezone less of the Almond property, and leave the portion behind the Almond property belonging to Teresa E. Eudy zoned RA; the Planning Board will send the case to the Commissioners with a favorable recommendation.

Mr. Rink stated that this would eliminate some of the buffer along the rear of the Teresa E. Eudy property. He also stated that he was concerned that he may need this area for the septic drain lines in the future.

Mr. Floyd Eudy stated that Mr. Rink's statement about the drain lines concerns him even more because this indicates he is planning future uses on the property.

Mr. Rink stated that he would accept the reduction of zoning to M-1 and rezone only the portion as indicated on the attached map, which would amount to about an acre less than the 6.418 acres originally planned.

Chairman Estridge asked if anyone else would like to speak regarding this case. No one responded.

Chairman Estridge stated that he would entertain a motion at this time.

**Motion:** Floyd Eudy made a motion to send this case to the County Commissioners with the following recommendation: That the property be rezoned to M-1 as per the attached amended map which does not include the property behind the Teresa E. Eudy property.

**Second:** Allan McGuire seconded the motion.

**Action:** The Planning Board unanimously voted to approve this motion.

Chairman Estridge asked Michael Sandy to present the next case, ZA 11-02.

Michael Sandy stated that the Planning Staff is recommending that Section 601.2 of the Stanly County Zoning Ordinance be amended to remove the approval requirement of the Board of

County Commissioners for Agriculture Fairs, Carnivals, Recreational and Entertainment Activities.

Special Use Permits have traditionally been issued by the Board of Adjustment with the exception of the aforementioned uses since 1985. The 1985 text amendment was to allow the current Stanly County Fairgrounds to be established and allow other related events on an “as needed basis” in the R-A zoning district. Staff feels that the Board of Adjustment can handle these duties at this time. There have been only a few applications since 1985 considered.

Chairman Estridge asked if there were comments from the Board. Hearing none, he asked for a motion.

**Motion:** Billy Franklin Lee made a motion to send this case to the County Commissioners with a favorable recommendation.

**Second:** Floyd Eudy seconded the motion.

**Action:** The Planning Board unanimously voted to approve this motion.

### **Adjournment**

Chairman Estridge asked for a motion to adjourn. A motion to adjourn was made by Floyd Eudy and seconded by Allan McGuire. The meeting was adjourned at 8:15 p.m.

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Sam Estridge, Chairman

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Linda Evans, Clerk