Stanly County Planning Board
March 14, 2011 - Meeting Minutes

Call to Order
The Stanly County Planning Board held its regular meeting on March 14, 2011, at 7:00 p.m. in the Commons Meeting Room at 1000 N 1st Street, Albemarle, North Carolina.

Stanly County Planning Board Members Attending
Sam Estridge, Jr.
Billy Franklin Lee
Allan McGuire
Houston B. Clark, II
William Lilly, Jr.

Planning Board Members Absent:
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 March14, 2011, Planning Board minutes.

The meeting was called to order at 7:00 p.m. by Chairman Sam Estridge.

Chairman Estridge asked if there were any corrections to the February 14, 2010, minutes. Hearing none, he asked for a motion.
Motion: Houston B. Clark made the motion to approve the February 14, 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 11-03.

Michael Sandy stated that Eric Smith, on behalf of IMM, LLC, requests rezoning of a 1.46 acre parcel of land from GB to M-2 (tax record number 2745). The property is located at the intersection of NC 200 Hwy South and Oak Grove Road. The purpose of this requested amendment is to allow the portion of the property to have zoning for a recycling business or other industrial purposes.

The adjoining properties are zoned HB to the south, and north and RA to the west and east. Public utilities are not available in the area and the property is currently served by a well and septic system. This property is not located in a regulated floodplain or a water supply watershed. The property in question is located within a growth area according to the Stanly County Land Use Plan. Traffic on this section of NC 200 Hwy is approximately 2200 cars per day as of 2009 NCDOT data. The planning staff recommends this request in accordance with the Stanly County Land Use Plan.

Chairman Estridge asked the applicant to come forward and present his case.
No one came forward.

Allan McGuire stated he had a question for the applicant. Chairman Estridge asked the applicant to come forward. Eric Smith and Billy Lambert approached the podium.

Allan McGuire asked if the recycling business is already in operation on the property. Mr. Smith answered that it is. Mr. McGuire asked if he is requesting the M2 zoning to be in compliance with the zoning ordinance. Mr. Smith answered yes. Michael Sandy stated that the property needs to be zoned M2 to operate a scrap metal recycling business and that a ten (10) foot high fence is required around the property in M2 zoning.

Mr. McGuire stated that he has concerns regarding the M2 zoning because junk yards are also allowed in M2 zoning and he fears that this property may turn in to a junk yard. Mr. Lambert stated that everything is in the warehouse and they are not running cranes or anything like that. Generally it's a one day turnaround for anything brought on the property.

Mr. Clark stated that it's unlikely the property is large enough for a junk yard since it is only about one and one-half acre. Mr. McGuire stated that he has seen junk yards on mere lots.

Michael Sandy stated that he visited the property a couple of weeks ago and the applicant is doing exactly what he is saying. He stated that the zoning officer noticed, last week, that there are a few junk cars on the property but the applicant states that the cars are being moved. Mr. Sandy stated that the applicant went through the Review Committee and is taking care of all the issues brought up at that meeting. He stated that the applicant is planning on landscaping the property to make it eye appealing but he wants to wait until after the property is compliant with the zoning ordinance before putting more money into the project.

William Lilly asked the applicant what the hours of operation are. Mr. Smith stated that the hours are Monday through Thursday, 8:30 am to 4:00 pm; Friday and Saturday 8:30 am to 12:00 pm.

Michael Sandy asked how many customers the operation sees per day. Mr. Lambert answered approximately 60 or 70 per day.

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: Houston Clark made a motion to send this case to the County Commissioners with a favorable recommendation:
Second: William Lilly seconded the motion.
Action: Four members voted for the motion and Allan McGuire voted against the motion.

Michael Sandy asked the Chairman to hold off a minute before closing the case. He asked the applicant and the Planning Board if they would like to consider withdrawing the request for a rezoning to M2 and, instead, request a text amendment to the zoning ordinance to allow an indoor recycling center in GB General Business. Both the applicant and the Planning Board agreed that this would be a better way to go. Chairman Estridge asked the applicant if he is aware that he is not allowed to have open storage in GB zoning and the applicant answered yes, and that he is agreeable to no open storage on the property.

Motion: Houston Clark withdrew his motion to recommend the rezoning to M2 and, instead, made a motion to recommend to the Commissioners a text amendment to GB General Business, to list indoor recycling centers as a permitted use.
Second: William Lilly seconded the motion.
Action: The Board voted unanimously to approve the motion.

Chairman Estridge asked Michael Sandy to present the next case, ZA 11-04.

Michael Sandy stated that Ervin Eudy requests rezoning of a 1.7 acre parcel of land from R-A to R-20 (tax record number 7396). The property is located on Pine Ridge Road near Norwood. The purpose of this requested amendment is to allow the lot to be utilized for two single family homes.

The adjoining properties are zoned RA. Public Water is available in the area and the property is currently served by a septic system. This property is not located in a regulated floodplain but lies within a water supply watershed. The property in question is located within a growth area according to the Stanly County Land Use Plan. Traffic on this section of US 52 Hwy is approximately 6400 cars per day as of 2009 NCDOT data. The planning staff recommends this request in accordance with the Stanly County Land Use Plan.

Board member William Lilly stated that he would like to state that he is distantly related to the applicant but he does not feel he should excuse himself from voting because he does not stand to gain anything from the denial or approval of the applicant's case. The Board noted Mr. Lilly's statement and concurred with him regarding the outcome of the case and his decision.

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

Ervin Eudy came forward and thanked the Board for allowing him to speak. He stated that he would like to respond to Mr. Lilly's comment about his relationship. He stated that he and Bill's father played Cowboys and Indians many times when they were growing up. He stated that he has owned the property for approximately 30 years and that his daughter is getting married and he wants to give her a portion of the property. In order to divide the property he needs the reduced minimum lot size that R-20 zoning requires.

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

No one responded.

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: Allan McGuire seconded the motion.
Action: The Planning Board unanimously voted to approve this motion.

Other Business:

Michael Sandy presented the Board with a spreadsheet denoting the Board Members attendance record for the past year. There is concern about repeated absences of Board members due to the possibility of having to continue cases due to lack of a majority. All Board members must be very diligent about attending the meetings or letting staff know ahead of time that they will not be able to attend. The February Board meeting was delayed for approximately one-half hour due to lack of a majority. Chairman Estridge stated that he would talk with other Board members and attempt to avoid having to delay or reschedule a meeting because of lack of members.

Adjournment
Chairman Estridge asked for a motion to adjourn. A motion to adjourn was made by William Lilly and seconded by Allan McGuire. The meeting was adjourned at 7:45 p.m.

_____
Sam Estridge, Chairman

_____
Linda Evans, Clerk