



Stanly County Planning Board April 11, 2011 - Meeting Minutes

Call to Order

The Stanly County Planning Board held its regular meeting on April 11, 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.
Brenda Hunter
Marvin Smith

Planning Board Members Absent:

None

Stanly County Planning Staff Attending

Michael Sandy, Planning Director, AICP, CZO
Linda Evans, Planner II, CZO
Tim Swaringen, Zoning Enforcement Officer

Others Present: List filed with April 11, 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 March 14, 2011, minutes. Allan McGuire stated that, in reference to his comments for ZA 11-03, he would like to clarify that he was not specifically addressing this particular business or business owner; that his concern was that the M-2 zoning designation would allow anyone to operate a junk yard on the property if the property changed hands in the future. He stated that the intent of his comment was to point out that anyone owning the property from now on will be allowed to operate a junk yard or any other industry listed as a permitted use in M2 on this property if they so choose.

Motion: Allan McGuire made the motion to approve the March 14, 2011, 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 11-05.

Michael Sandy stated that Dzafer Bambur, on behalf of Patsy Morgan, et al, requests rezoning of a 13.3 acre tract of land (tax record 17858) from RA to M-2 to allow an automobile salvage yard. Property is located at 4280 Love Mill Road, approximately 1050 feet south of Honeycutt Road.

The adjoining properties are zoned RA to the south, north, 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 Love Mill Road is approximately 1200 cars per day as of 2007 NCDOT data.

Planning staff recommends this request in accordance with the Stanly County Land Use Plan.

Chairman Estridge asked Michael Sandy what is currently on the property. Mr. Sandy answered by showing the Board aerial photographs of the property showing buildings, tree line, and pond.

Chairman Estridge asked Realtor Lee Allen in what capacity he is present for this case. Mr. Allen stated that he represents the sellers who are the Morgan Heirs. He stated that the applicant has a contract to purchase the property, contingent on the approval of this rezoning.

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

Deafer Bambur came forward and presented a drawing of his proposals for the property. He stated that every car that comes on the property will be completely recycled. He stated that he has been in the car business for about seven years. He stated that he wants to start a recycling business in Stanly County. He and his father plan to employ about thirty people at this facility.

Chairman Estridge asked him why he picked this place and Mr. Bambur stated, because it is so beautiful here.

Marvin Smith asked Mr. Bambur to clarify his statements regarding his length of time in the car business. Mr. Bambur stated that he was in the used car business for about seven years but the economy had forced him to turn to recycling; he currently operates a recycling facility in Charlotte.

William Lilly asked Mr. Bambur where the vehicles would come from. Mr. Bambur stated they would come from North Carolina, South Carolina, and Virginia. Mr. Lilly asked, at any given time, how many cars he expected to have on the property. Mr. Bambur stated, in the beginning, ten to fifteen and maybe 1000 if business is good.

Chairman Estridge asked anyone else who would like to speak to come forward.

Tom Steeples came forward and stated that he owns eighty acres across the road from this property and he plans on developing it in the future. He feels that an operation of this kind will have a negative impact on development of homes in this area and he is against the rezoning of this property.

Jerry Helms came forward and stated that he is here to represent Kinza Memorial Baptist Church. He stated that the Church has approximately 300 members; a few are present tonight. He stated that the Church as a whole is against this rezoning and listed several reasons why.

(1) The Church and all the homes in the area are on well water; they fear contamination of the wells from this business.

(2) There is a small stream through the property; they fear the run-off from this operation will contaminate the stream.

(3) Heavy rains will flood the banks of the stream, increasing the contamination.

(4) Operations of this sort create rodents and mosquitoes.

(5) High risk for theft of auto parts, bringing a criminal element to the area.

(6) If business fails and cars are left on the property who will clean up mess.

(7) This type business will discourage growth in the community and property values would go down.

(8) A ten foot high fence will not block the view of the salvage yard from the Church because of the elevation on the Church property.

Mr. Helms stated that the Church does not feel that this type operation is a good fit for the Church or the Community.

Marvin Smith asked Mr. Helms how many Church members are unemployed. Mr. Helms answered that he had no idea.

Kevin Moore came forward and stated that he has owned property behind this property for twenty-nine years. He stated that the area is very beautiful and he would like to see it stay that way. He stated that he has worked in a steel mill for about twenty-two years. He stated that his plant processes approximately six million dollars of scrap metal a month and that the plant employees eleven hourly employees and one manager. He does not believe an operation of the size the applicant is proposing will be able to support thirty employees. He is also concerned about runoff water containing contaminants such as lead and mercury. His residence is 250 feet from the property line and he is concerned about the noise from the operation. He also owns other property downstream of the proposed operation, on which he keeps livestock, and he has the same concerns for this property and the health of his livestock and other livestock in the area.

Tommy Morgan came forward and asked the Board to look at what happened at Alcoa. He stated that he did not know one junk yard in the county that employed anywhere near thirty employees. He stated that he heard the applicant had been turned down for this type operation on a site in South Carolina. He is concerned that the septic system does not meet regulations since it was probably put in before regulations were established. He is doubtful that the property will even perk. He doesn't want to put any businessman out of his livelihood but the applicant should look for another place to put this operation.

Lee Allen came forward and stated that the property has been on the market for about three years. A previous prospective buyer hired a soil scientist to check the property and it was determined by the soil scientist that there were several areas on the property where a septic system would work.

Talisa Linker came forward and stated that she is not here to state facts and figures but that she grew up in the area and she has an emotional side to present. She stated that she does not believe

a junkyard will have a positive impact on the environment. She works in an industrial site and there is no way you can guarantee there won't be a spill. She also feels this would be considered spot zoning because the few business districts in the area are grandfathered from long before a zoning ordinance existed for Stanly County. She stated there are no businesses from Stanfield to the county line and this is the most beautiful area of Stanly County. She believes the only reason the applicant is desirous of this property is because of the cost; he is getting it cheap. Also, why rezone this property when there is already vacant industrial property in the county. A straight rezoning of this property, without a conditional use or special use permit, will make it impossible to enforce the regulations that should be required for this type operation. She wants to know where the applicant's operation is located in Charlotte and she would like to see pictures of this operation. She also believes that the county should attempt to better control the existing violations before allowing something else to operate in the county.

W. J. Greene came forward and stated that he is a lifelong resident of this area. He believes this is spot zoning and will encourage the Planning Board not to spot zone this property.

Jonathan Rinehardt came forward. He stated that he owns property on three sides of this property and he agrees with all the other speakers. He asked the Board members what they would want on this property if they lived in the area.

Wendell Talley came forward. He stated that he owns property in the vicinity and that this area is agricultural. He does not feel that this operation will fit into the land use plan. He sincerely asks that the Board reject this rezoning.

Michael Sandy stated that, in 2010 the Stanly County Land Use Plan was updated to include this area in the growth area, per Stanfield's request.

Myra Nance came forward and stated that she agrees with everything that has been said. In opposition, she feels this operation would devalue property and would not benefit the community.

Talisa Linker came forward and asked if Stanfield's ETJ has been expanded. Michael Sandy answered that it had not. She doesn't think Stanfield's growth should project out to the subject property. She doesn't think Stanfield should have a say in property passed its ETJ.

Tommy Morgan came forward and asked who is going to clean up any problems this operation will create. He asked if the county is prepared to run water lines if the well water is contaminated.

Marvin Smith stated that he is delighted to see this passionate group of people standing up for what they believe in. He stated that possibly the Church members could chip in and buy this property and create a Church park.

Tommy Morgan stated that he did not think it was the responsibility of the Church to have to buy the property to keep this business out. He feels it is the responsibility of the Board to do the right thing.

Mr. Smith stated that he meant no offense by his comment; he was merely complimenting the Church for its unity.

Mr. Bambur came forward and stated that his plans to hire approximately thirty employees is correct; he does not see how he can run the type business he plans with any less help. He stated that the hours of operation will be Monday through Friday from 8 am to 5 pm. The only noise from the operation will be a tractor leveling land and the trucks that unload the cars. All liquids will be removed from the vehicles inside a building. The fencing around this property will cost forty to fifty thousand dollars. He has thought this through very carefully and his operation will not harm the community or decrease property values.

Myra Nance came forward and stated that this type business does not fit in this community; it is not a business community.

Allan McGuire stated that the Board's job is to determine if an industrial site will fit in this area, not a particular business or business owner. Property in this area is zoned Residential Agricultural for as far as you can see and he cannot think of a more inappropriate area to rezone to industrial.

Marvin Smith agrees with Mr. McGuire.

Brenda Hunter agrees with Mr. McGuire.

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

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

Motion: Allan McGuire made a motion to send this case to the County Commissioners with a recommendation to deny this request for rezoning.

Second: Marvin Smith seconded the motion.

Action: The Board voted unanimously to approve the motion.

Adjournment

Chairman Estridge asked for a motion to adjourn. A motion to adjourn was made by William Lilly, Jr. and seconded by Houston B. Clark. The meeting was adjourned at 8:15 p.m.

Sam Estridge, Chairman

Linda Evans, Clerk