



## Stanly County Planning Board June 13, 2011 - Meeting Minutes

### **Call to Order**

The Stanly County Planning Board held its regular meeting on June 13, 2011, 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  
Allan McGuire  
Houston B. Clark, II  
William Lilly, Jr.  
Brenda Hunter  
Marvin Smith

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

Sam Estridge, Jr.

### **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 June 13, 2011, Planning Board minutes.

The meeting was called to order at 7:00 p.m. by Vice Chairman Marvin Smith.

Vice Chairman Smith asked if there were any corrections to the April 11, 2011, minutes

**Motion:** Houston B. Clark made the motion to approve the April 11, 2011, meeting minutes as written.

**Second:** William Lilly seconded the motion.

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

Vice Chairman Smith called the first item on the agenda and asked Michael Sandy to present the case, ZA 11-06.

Mr. Sandy stated that Virran Crump, on behalf of Aquadale Rural VFD, requests rezoning of a 1.652 acre parcel of land from RA to GB (Tax Record Numbers 19942 and 19941). Also requested is rezoning of a 0.46 acre portion of Tax Record Number 19941 to R-20. The property is located at the intersection of NC 138 and Plank Road. The purpose of this requested amendment is to allow the relocation of the Aquadale VFD on the property. The adjoining properties are zoned GB to the east, M-2 to the north and RA to the west, and south. Public

sewer is not available to the property; the property is currently served by a septic tank. Public Water is available. 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 138 is approximately 2400 cars per day as of 2009 NCDOT data. Planning staff recommends this request due to the fact that the property is located in a Growth Area in accordance with the Stanly County Land Use Plan. Also, this property is in close proximity with other existing business zoning.

William Lilly asked Mr. Sandy why the request is for 2 different zoning designations. Mr. Sandy stated that a house is located on a portion of the property and the fire department wants that rezoned to R20 so the house and its property can be sold as residential.

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

Virran Crump stated that he has an official request for this rezoning signed by all Board members of the Aquadale Rural Volunteer Fire Department. He stated that the rezoning is for a new fire department which will be built sometime in the future. He stated that the fire department wants to sell the property with the house to have some return on the investment in the property. He stated he already has a buyer for the house and residential property.

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

Vice Chairman Smith 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 approve this request for rezoning.

**Second:** Brenda Hunter seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

Vice Chairman Smith called the next item on the agenda and asked Michael Sandy to present the case, ZA 11-07.

Mr. Sandy stated that Danny Starnes requests rezoning of a 0.707 acre parcel of land from RA to HB (tax record number 16349). The property is located at 20730 US Highway 52 South approximately 1500 feet north of the intersection of Johns Road. The purpose of this requested amendment is to allow the continuation of a printing business on the property. The adjoining properties are zoned HB to the west, and RA to the east, north and south. Public sewer is not available to the property; the property is currently served by a septic tank. This property is not located in a regulated floodplain but is located in a WSIV Water Supply Watershed. The property in question is not located within a growth area according to the Stanly County Land Use Plan. Traffic on this section of US 52 Hwy is approximately 7300 cars per day as of 2009 NCDOT data. Planning staff recommends this request due to fact that rezoning this property will bring a non-conforming land use into compliance with the zoning ordinance. Also, this property is in close proximity with other existing business zoning.

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

Mr. Starnes came forward and stated that a business has been in operation on this property for 30 plus years. He stated that, when he bought the property, he was under the impression that it was zoned for business but found out recently that it is not.

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

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

**Motion:** William Lilly made a motion to send this case to the County Commissioners with a recommendation to approve this request for rezoning.

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

**Action:** The Board voted unanimously to approve the motion.

Vice Chairman Smith called the next item on the agenda and asked Michael Sandy to present the case, ZA 11-08.

Mr. Sandy stated that Roger L. and Dwan Hahn request rezoning of a portion (5.0 acres) of an 8.26 acre tract of land from RA to M-2 (tax record number 33573). The property is located 1600 feet south of the intersection of Mission Church and Running Creek Road. The purpose of this requested amendment is to allow the continuation of a non-conforming auto salvage yard on the property. The adjoining properties are zoned RA (Residential Agriculture). Public water and sewer are not available to the property; the property is currently served by well and septic tank. This property is not located in a regulated floodplain or a Water Supply Watershed. The property in question is not located within a growth area according to the Stanly County Land Use Plan but rezoning this parcel will bring into conformity a long time non-conforming land use. Traffic on this section of Mission Church Road is approximately 670 cars per day as of 2009 NCDOT data. Planning staff recommends this request due to fact that the rezoning will bring a long standing non-conforming land use into compliance with the zoning ordinance.

Allan McGuire asked Mr. Sandy if the cars that are located on the property that Mr. Hahn is not rezoning will be moved to the property that is rezoned to M2. Mr. Sandy answered that they will be moved and a fence will be required around the M2 zoned property.

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

Mr. Hahn came forward and stated that he has operated a business on this property since early 1980 and had previously been told that it would be allowed. Now he is being told it is not allowed and he needs the property rezoned to be able to continue to operate his business.

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

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

**Motion:** Billy Franklin Lee made a motion to send this case to the County Commissioners with a recommendation to approve this request for rezoning.

**Second:** Houston B. Clark seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

Vice Chairman Smith called the next item on the agenda and asked Michael Sandy to present the case, ZA 11-09.

Mr. Sandy stated that Tony Treece requests the text amendment to section 611.1 of the Zoning Ordinance to allow "Auction Houses" to the list of permitted uses in the M-1 Zoning District. Currently Auction Houses are allowed in the GB Zoning District only. Addition of Auction Houses in areas of Manufacturing will make a good reuse of property and can be easily converted back for a manufacturing use in the future as needed. Planning staff recommends this request due to the fact that the property zoning will not change and most M-1 zoning districts are located in a Growth Area in accordance with the Stanly County Land Use Plan.

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

Tony Treece came forward and stated that he has been an auctioneer since 2005. He stated he is trying to keep some local money in Stanly County with the auction house. He intends to open the building on Friday and Saturday nights for auctions. He began the auctions a few weeks ago and had a very good turnout. People came from Stanly and surrounding counties to eat, shop, and buy gas. He feels this venture is a plus for Stanly County and will keep money in the area. He stated he is trying to get everything into compliance with all the regulations of Stanly County. He stated that the auction house was closed down the previous Saturday night at 10:00 by the Stanly County Fire Marshall. He stated that they did not show him any paperwork, they just told him verbally to close the auction and remove the people from the building, which he did.

Vice Chairman Smith asks a few questions about the closing by the Fire Marshall and told Mr. Treece he was sorry this had happened.

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

Vernon Thompson came forward and stated he thought that property could be used as an auction house. He would like to see this and other empty buildings around the county used rather than sitting empty.

David Fisher came forward and stated that Tony Treece is a man of good character and he is in favor of him being able to operate an auction house on this property.

David Gardin came forward and stated that he had never been to an auction before but saw the sign and decided to take a look. He feels that this is one of the better things to happen in this community in a long time. He stated he bought a lawnmower for \$27.00 and saved himself about \$100.00. He feels Mr. Treece is generating income in the area and he should be allowed to operate the auction house.

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

**Motion:** Houston B. Clark made a motion to send this case to the County Commissioners with a recommendation to approve this request for a text amendment to the zoning ordinance.

**Second:** Brenda Hunter seconded the motion.

**Action:** The Board voted unanimously to approve the motion.

**Adjournment**

Vice Chairman Smith asked for a motion to adjourn. A motion to adjourn was made by William Lilly and seconded by Houston B. Clark. The meeting was adjourned at 7:40 p.m.

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Marvin Smith, Vice Chairman

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Linda Evans, Clerk