

Stanly County Planning Board
February 12, 2024 - Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on February 12, 2024 at 6:30 p.m. in the Gene McIntyre meeting room at 1000 N. First Street, Albemarle, North Carolina.

Stanly County Planning Board members attending David Underwood, Jay Eckman, Kevin Brickman & TJ Smith

Absent: Michael Williams, Joel Mauldin & Tim Fesperman (all excused)

Stanly County Planning Staff Attending: Bob Remsburg, Planning Director & Bailey Cline, Planner 2

Chair Eckman asked if there were any conflicts of interests with the items to be heard due to financial or personal relationships.

There were none

Chair Eckman asked if there were any other additions to the agenda that the board needed to consider.

There were none.

Chair Eckman asked for a motion to approve the proposed agenda.

Motion: TJ Smith

Second: David Underwood

Approved: 4-0

Chair Eckman asked for a motion to approve the minutes from January 8, 2024.

Motion: David Underwood

Second: Kevin Brickman

Approved: 4-0

Chair Eckman shared the first item on the agenda was ZA 24-01, a proposed text amendment to add language in the Stanly County Subdivision Ordinance for the allowance of Conservation Subdivisions.

Chair Eckman asked for Planning Staff to share the details of the request.

Bob Remsburg shared the following:

We do have a proposal before you for a text amendment for both the zoning and subdivision ordinance that would allow language for conservation subdivisions. As you might recall this was part of the land use plan which was adopted back in November of 2022. We were considering what to do, how to do this and how it would affect growth in this county. As we do this, I am going to start out with a few pictures here so that you can wrap your head around what a Conservation Subdivision might look like when it is done.

Mr. Remsburg displayed the images and explained each.

The whole goal is to have land preserved. The way we have this written, the densities do not change.

TJ Smith “I don't know if we are getting into this yet but I know we pushed for the 5 acres that turned into 3 acres but is this the trump card if someone wants to build in the preservation area?”

Bob Remsburg “Not exactly a trump card because the way this is written, if you have 100 acres and you use the 3 acre rule then 100 divided by 3, give or take you have 33 lots in that situation. The way we have this written you could still only get 33 lots on 100 acres if you are in the preservation area. The catch is that you bring them closer together on smaller lots and then the rest of the area is conserved. It cannot be built upon, it is out into a permanent easement situation. The only exception to that is that we put in a method that is for a conservation lot which is where you may own the land and it is taxable property but you cannot build on it. It gets restricted and there is a portion of that lot that you could never build on. So there are two ways that this happens. The way that it is written is that if it is zoned RA and is in the Rural Preservation then you can only get 33 lots on 100 acres. If you are RA and in a growth area then that is 40,000 square foot lots.”

TJ Smith “What is it now Bob, so as it sits now it is 3 acres per lot. Can you give me the math on 100 acres as it sits now?”

Bob Remsburg “So, this is the chart for calculating permitted density. So this is just an example. 100 acres and the minimum lot size is 3 acres so your density is .33 units per acre. We have other parts in here that talk about the size of lots. But, the idea is that you can concentrate those lots in this smaller situation. If you are in the R20 district and have 100 acres with the lot size being 20,000 square feet then you get 2.17 units per acre or 217 dwelling units. Now, there are not many places in Stanly County that are R20 and 100 acres this scenario is not very likely. But, you can still get 217 homes but you will preserve a lot of that because the lot sizes will be smaller. It is mandatory that you preserve 35 percent plus any undevelopable pieces of the property. If you have steep slopes or creeks or anything of that sort then those are not developable and once you eliminate that you still have to take at least 35 percent more out of that. You might remember the City Lake subdivision property, that was done as a conditional zoning but about 55 percent of that was left conserved and they were putting 186 homes on that property.”

TJ Smith “Is it being built now?”

Bob Remsburg “In the city. It is not under construction yet but it has been annexed into the City of Albemarle because of cheaper utilities.”

David Underwood “What about well and septic tanks?”

Bob Remsburg “Obviously you still have to apply.”

David Underwood “If we are in the RA district where the 3 acres applies but now we have said instead of that we will bring you down closer. We still have a well and septic tank issue, do we not?”

Bob Remsburg “We could. That again goes back to minimum lot size. Hold onto that thought for one second, I am going to come back to the chart really quick and as you can see in the 40,000 that would be R40 areas or RA that is in the growth area. You get down to 1.08 units per acre.”

TJ Smith “Let me ask you since you are on that particular item. It is in a growth area and is 40,000 square feet. We have not necessarily messed with that because we have been trying to fight for our conservation plan. So in that

particular situation, it would be a benefit for that because instead of us wiping out more property and building a modern development this will make it more suitable for what we as a county want.

Bob Remsburg “I would agree with that, yes. At least 35 percent of the unconstrained buildable area shall be set aside as protected open space. It does not include the primary or constrained areas which are the steep slopes and things of that nature. Section 8 here, primary constrained areas identified on the plat shall not be counted towards the primary open space areas. That includes wetlands, floodplains, steep slopes and Rights of Way. Then you have the conserved open space which is the 35 percent which could consist of woodlands, farmlands, natural areas, wildlife habitats and corridors.”

TJ Smith “So open space in a development such as this, is topography something that can count as or they could not build on that anyways?”

Bob Remsburg “Right, so A3 says steep slopes are defined as those that are greater than 25 percent as identified by soil scientist or survey. Those steeper slopes are considered unbuildable. They get taken out to start with so those along with wetlands and floodplains get taken out to start with then you jump into the unconstrained areas which is the 35 percent. It is important to lot size as far as having the well and septic work properly and having a repair area. Nothing can happen on a lot that cannot perk. That's just going to automatically knock something out. Ideally all of that is determined up front and once in a while you will get into a situation where you are getting ready to get shovels out and the lot doesn't perk and then you end up having to merge two lots together. That is the responsibility of the Environmental Health Department. If the lot is being created and got through the process and then won't support a septic system then that is going to have to be addressed generally by combining lots and that is what has tended to happen in the past or reconfiguring lot lines. We do not encourage this but some subdivisions in Union County where you cluster the lots together and then pump the system way out to somewhere else.”

David Underwood “You couldn't pump it on the conservation land, could you?”

Bob Remsburg “Well, that is a good question. I am not sure that is really addressed here and you would have to create an easement. And really it is not a buildable property so we might need to create that component.”

David Underwood “Then you are going to create another issue because if it is one of those instances then that land wont be used for anything.”

Bob Remsburg read through the purposes listed of the Stanly County Conservation Subdivision.

Bob Remsburg “The goal is to have some of these open spaces utilized as nothing else at least as view sheds but also passive recreational especially. But also, potentially for farm use. These are required in the RA zoning district but are permitted but not required in the R40 and R20 zoning districts. We do not have a whole lot of R40 out there, we have some R20 but this becomes an option for those who are in those districts. Most of the property in these areas especially R20 are going to be fairly close to municipalities anyways. There are a few strips of R20. They have to follow the standards for the subdivision approval process that we currently have and have to comply with all ordinances including fire code. There are two different types of recreation areas if you think about it. Active recreation such as public parks are fine but not much for wildlife. That only can count for 50 percent of that 35 percent of unconstrained area. Passive recreation areas such as walking trails and picnic areas do count fully as open space. We did add that all plants put in the landscape buffer are native species.”

TJ Smith “You showed the pictures earlier on, there are trees pretty much in the whole front yard and side yard, do they have to leave a certain amount of trees, how do we regulate that?”

Bob Remsburg “They are going to have to submit a site plan and ideally in that site plan they are going to identify the different wood lands that are going to be preserved and where they are going to build. One thing that is different from our plan these models that were shown is these lots that are along the roads, there is a 50 foot roadside buffer required. Cabarrus County has this now, the houses are tucked back behind a berm and I am not a big fan of berms but on the other hand, going down the road you don't know that there are 100 houses back there. You may know by the traffic on the road but you will not know by driving by. That is kind of a plus. That is one of our goals is protecting that viewshed driving down Austin Road or wherever so you don't see a whole bunch of houses.

One of the first steps that they are going to have to do is come up with a plan that shows where those constrained areas are such as the steep slopes and unbuildable property and then look at the buildable land and then kind of pick up where they are going to lay it out depending on if they are connecting to infrastructure and then they are going to identify 35 percent or more that they are going to preserve whether it be in farmland or woods or wherever. So, we have got undivided preserves which is really what you want which means the constrained and unconstrained areas are not divided and will all be one core group or connected group. You could potentially have these subdivisions connected by open space networks. The idea is that you don't end up with little pods of preserved spots but you have an area of fairly substantial preserved area. We tried to come up with an idea where a property owner could own some of the land that is to be conserved. This is where the divided preserves come in. You cannot build on it or use it and except where there is pre-existing pasture land fences are not permitted because it cannot be divided up. It has to be connected to the neighbors freely so that the wildlife or whatever can move from one spot to the other.

We then get into the ownership of the conserved area. It could go into a fee simple dedication to a private non property land conservancy or unit of government, ownership by an HOA where development and maintenance agreements are part of the bylaws or it can be put into a conservation easement as a conservation where we allow privately owned lots as part of the conservation but it gets recorded as that on the lots. We then talk about how you maintain or modify it which would take someone such as a landscape architect and land surveyor.

They need to come up with the existing features map which should include forest, farmland, conservation, natural, scenic, historic and cultural features which are listed in 66-45 that we have already looked at. Any location of septic or well systems located off the parcel being served whether on private parcels, HOA owned parcels or preservation conservation areas shall require the establishment of a recorded easement for that purpose. So, we do address this. By this language you can have them as a recorded easement off of your property.”

David Underwood “But, if you do that then you are disturbing the soil and it defeats the purpose of what we are trying to do.”

Bob Remsburg “To a certain degree, yes, the answer would be true. But how much is okay? I don't know. We do see this once in a while where the septic is 500 feet away from the house and I think it is happening more and more where intense development is taking place. This is up for discussion so if we want to come back and look at that then we can. We can look at it and say that we aren't going to allow it and limit it to a certain degree which I would have to think about. Or is it okay?”

TJ Smith “So I guess I am confused, who brought this up to begin with? Was this something you guys wanted to do?”

Bob Remsburg “Well, the Land Use Plan called for us to create a Conservation Subdivision.”

TJ Smith “In what ways would it conflict with the 3 acre conservation language?”

Bob Remsburg “It doesn't conflict except when it comes to lot size. The 3 acre rule says that you have to have 3 acres for a house. This says that your density is the same but you can get it onto a smaller lot and just not cut up all of the 100 acres.”

TJ Smith “So, smaller lot as in how small?”

Bob Remsburg “Hang on to that thought. So maybe we need to address this particular area with septic.”

David Underwood “See, that is a two-part problem. If it is a divided lot like you said then I am going to have a hard time knowing that I cannot put a septic tank there if I own it. I pay taxes on it but I can't put my septic on it. But, if you are going to leave it as one whole lot of conservation area then you should not disturb the soil. You are putting these homes close together and we are going right back to what we were trying to stop.”

Bob Remsburg “As I have understood it over the years from Environmental Health, if the dirt is good you can actually get down to 15,000 square foot lot and it will support well and septic. So, the goal is to get things tighter and preserve as much open space as possible. So if you start increasing the lot sizes too much then certainly in the R40 and R20 areas you are reducing the incentive for people to do this. Second, somewhere in there you start to defeat the purpose. For the RA district you have already stated in the beginning that you have to build a conservation subdivision, you cannot build a standard subdivision anymore. We can look at it differently and make it optional in all three but you need to think about what is the incentive to do this. Or you can make it required in all areas. We did not include R10 or R8 areas because generally that is multi-family and we have little to none in the county. The way it is written now is that minimum lot area requirements would be reduced to 15,000 in the RA and R40 districts and 10,000 in the R20 zoning district. Minimum lot frontage will be no less than 35, average lot width shall be no less than 75 feet in the RA and R40 zoning districts and 60 feet in the R20 zoning district and minimum front setback shall be no less than 25 feet if garages are front loading and homes with rear and side loading garages may have 15 foot setback, minimum side and rear setbacks shall be what is required in the underlying zoning district and flag lots are not permitted. 15,000 square feet is not very large but then again that is the minimum that would support a septic system. That is between the developer and Environmental Health department and potentially their soil scientist.”

TJ Smith “So we are going from 40,000 if it is not in the conservation area and we are talking about 15,000 and make it kind of a clustered subdivision with more trees.”

Bob Remsburg “It preserves more land. More contiguous preserved land.”

TJ Smith “But, who regulates that. I feel like we have been down this road before.”

Bob Remsburg “Well, we haven't as a county. The only place that we have sort of is because we did that one development off of Long Lake Drive that is now in the city and that is where we went this way with this idea but it was a conditional zoning district.

Conservation Subdivisions would be by right. This does not require a rezoning. The way the ordinance is currently written, it would come to the Planning Board for review of the subdivision design. Of course if it meets all the codes then you better pass it because if you don't then we will get sued again. We have been down that road.”

Chair Eckman “So, because we are making these more dense, the density is still 3 acres but with a smaller lot size. So, those lots would still be the cost of a 3 acre lot. I could see someone saying that this is just going to drive up the cost of building a home.”

Bob Remsburg “Again, this is a major subdivision so it does not affect individual property owners or minor subdivisions. You can still create your minor subdivision with 4 lots.”

Chair Eckman “Essentially a 15,000 square foot lot and 3 acre lot have the same cost.”

Bob Remsburg “The savings for a developer comes on the infrastructure side of it. It'll be interesting to see if it does affect land prices. The initial price of property but of course all of that is rising now anyways.”

David Underwood “This is cluster housing no matter how you paint it.”

Bob Remsburg “A lot of places use a sliding scale for density but we decided not to go that route. Michelle Nance is here and she can speak on this as well. We have all of the buffers laid out as well between subdivisions and also streams. There are goals listed for each of the conservation types when it comes to forestland, farmland, scenic views and historic.”

Jay Eckman “Who determines what the goal is? The developer?”

Bob Remsburg “That is going to be determined by the developer and staff. It becomes what your goals are for the use. Staff would have the authority to come in and say what their goal is based on what is there. It is hard to nail all of that down because in some areas you may need to do two of these things.”

TJ Smith “The by right part scares me as well. The past two years we have gotten stuff that is by right but we vote on it anyways.”

Bob Remsburg “Legally we need to change the ordinance to take away that right for you. You do not need to be approving subdivisions that should be an administrative thing done by staff but that is not the way the ordinance is written and I do not think the commissioners are ready to do that. I agree with you. But that is the way the ordinance is and you all could decide you want to change it.”

David Underwood “So instead they bring it to us and make us look bad when we review it. Let's go back to the 10,000 square feet in R20. Where is that going to apply? Because you just said Mr. Ezzell said 15,000 and if we have 10,000 in here then how is that going to support a well and septic tank?”

Bob Remsburg “It won't, you will have to do water and sewer.”

TJ Smith “So you would have to be close to infrastructure for the 10,000 square feet?”

Bob Remsburg “That is right. We are not addressing utilities much in this. But, the R20 districts are near utilities in many districts. They may not have service there now but they could with a developer who wants infrastructure to be extended to this area.”

TJ Smith “I know we worked hard for what we have and obviously it became a big controversial conversation and certainly don't want to go against that. The only benefit I see of this is taking the place of a cluster development itself. Do we have that in place currently?”

Bob Resmburg “We have some old language for a cluster subdivision and we potentially need to take it out I think. There is not much of an incentive to use it. It does not have the layers or requirements that this does to make sure the lands are put in a conservation easement or anything.”

TJ Smith “We are already running into these developments where we live and there is no place to park and that is always an issue. If we don't have a position to where we can give conditional or like Long Lake, we were able to put a bunch of restrictions there. We put an overflow parking lot there and I did not necessarily care for that but they listened to us and made a list of things to do. Can we do that with this? A fancy cluster scares me and I feel like we need to be more restrictive than just letting them tell us where they want to put the homes.”

Bob Remsburg “The key is that a conditional zoning district like Long Lake requires a rezoning. It requires a presentation to you and your recommendation to the commissioners. As part of that process you can come up with that list of conditions. What we try to do by right like this is to come up with the right conditions that would be acceptable without having to ask for any more. Because this is the legislative process to set those requirements and apply to any conservation subdivision in the county and therefore someone shows up with a piece of property in the county and says they want to do a conservation subdivision in the county it becomes by right and they do not have to do a rezoning request. If they want to get their density up then they would have to rezone it to R20 and then apply the conservation subdivision to it.”

TJ Smith “As it sits right now I am indifferent, I just do not want it to conflict with what we have in place right now.”

Bob Remsburg displayed a Conservation Subdivision layout and further explained the density rule.

Bob Remsburg “There are some people that are going to prefer to be on three acre lots but our point was to make that required in the RA district. That way you have got to preserve land in that area because that is what we have heard from the public is that we want to preserve as much land as possible. So, they wanted the five acre lots but what they really wanted was conserved land.”

TJ Smith “Where we live is not always fields like that. What if it is just a 100 acre field and you are going to have a small cluster development in the middle of farmland.”

Bob Remsburg “That is why you have several options here as far as doing woodlands or farmlands, etc. You can do different types. You can have it as pasture land, there can be a herd of cows out there.”

Chair Eckman “In that situation with the 100 acre field, with those buffers they are going to have to plant tons of trees?”

Bob Remsburg “They are going to have to meet the buffer requirements, yes. If they pick a wide open field and put houses in it, they are going to have to shield those houses from the rest of the world. It won't be instant but someone 40 years from now will be thanking us for it.”

Michelle Nance “You have done a great job. I am with the Centralina Regional Council and this was a team effort with your great employees. It basically came up because of the Land Use Plan and people wanting to preserve some of that space. I think one thing that I did want to mention is we looked at Conservation Subdivisions from not only NC State (University) but also Moore County, Henderson County, Rowan and Cabarrus County. One of the things we did not want to do is allow more density than Cabarrus County and have folks coming across the line and be able to demolish more open space than they would be able to in Cabarrus. Because that is where the pressure is coming from and we wanted it to be in line with it or more stringent. Lets say a 100 acre lot in the rural preservation area, the other counties actually said in the Conservation Subdivision you can do more density. But, with Stanly County they said let's not do more density. It is the same density you are just moving it around. That is really the key thing I had. I think before we go to the Commissioners, I think we should do one that is very specific to what this ordinance calls for.”

Chair Eckman asked if there was anyone in the audience wishing to speak.

Kevin Farmer shared the following:

I live at 31986 Blakely in Albemarle. It is funny that you all talk about the Long Lake Subdivision because I was there the night that they bullied the city into taking it over. You guys did all of that hard work and they rezoned it to R10. My biggest concern and why I show up to everything is because of the buffers with the water streams because there are zero for Stanly County. I read this through a few times and I think no matter what, if you get someone wanting to divide it into three acres then it is going to be good but these developers who are coming out here are not looking for three acre lots. They are looking for R10 and not even R20. I think the biggest thing we need to implement is the buffers. My land is RA and there is a current plot behind me that is the old King property and there is a developer who is wanting to squeeze houses in there. They are looking to do R10. As it sits now, there are no buffers required between the two and they can go right up to my property line. I also have an intermittent stream that comes through my property and I have seen the plan that they want to do and they want to just flat clear all of that and build homes over top of it. I know it is a preliminary sketch but the fact that no one on their side looked at the USGS map and said there is a stream. I watched them drive straight through the stream. It infuriates me that all of this has gone on so far. I moved out here to get away from the city and I guess I picked a bad spot where there is high development. But, regardless we create these buffers and ordinances to hold these developers to high standards and you won't get sued if this is what your ordinance requires and they do not meet that. But, if you go back and say that you have nothing in place then they can get around it and that is why the developers are coming this way and bullying people into letting them do this. The 186 homes on Long Lake are supposed to start in October and then they are wanting to build those 200 homes right around my home. My property floods and it all runs downhill. In Stanly County it is only registered as a watershed if it is a classified watershed which is not right because the stormwater has to go somewhere and that happens to be my property. It goes over top of City Lake Drive and then out to Long Lake. I think what we need to do as a community is come together and create these ordinances to protect the community and this is the only way to do it and hold these developers to a standard. I know that Cabarrus County has a great watershed ordinance that specifically talks about everything and stormwater where they have 100 foot buffers. We are really headed in the right direction with this but we need to make sure

that applies if they want to rezone that property behind me to R10 and they are going to come to you guys and want to rezone it and apparently there are no standards for buffers or protecting the waterway right now. It is zoned RA right now but they are not going to keep it zoned that because of the money. I think they will do the same thing the other company did and do all the legwork with you guys and then go to the City and talk them into taking it over.”

TJ Smith “You said 100 foot buffer in Cabarrus County?”

Kevin Farmer “100 foot stream buffers. Water is not being protected here because there is no watershed or stormwater protection. I don't want to move but I spent a lot of money for this property and now I have to potentially find more land to keep doing what I want to do.”

Carla Weyrick shared the following:

I appreciate the opportunity to address you. I am here to advocate for the Conservation Subdivision amendment. Over the last 3 years I have been before the City of Albemarle for the protection of acreage surrounding conservation areas. I am asking as well as the conservation for the county subdivision and stormwater ordinances to be added on. These guys have done an amazon job. The work that Bob, Bailey and Centralina have done is because they have heard you and are listening to you and the community. The three years I have been working on this, I finally got a chance in June to call the Army Corps of Engineers, North Carolina DEQ and got a great response from North Carolina DOT because we have had an excessive amount of flooding along Long Lake and City Lake Drive. In March of 2022, we had a neighbor that lives along that creek line drown because of the hydraulics of the water. Once the community college began to expand before the land was cleared, the 100 acre plus the 86 acres of the King property, when they expanded the school, which is great we all want growth and development, but we all began to experience flooding and the retention pond that the community college has currently is not able to stay within the banks of the community college. I can give you so many pictures from over the years of the water overflowing the roads and you don't ever know when it is going to happen because you may not have a heavy rain but you may have two inches fall within a two hour time frame and the water has no place to go except down stream.

I have done a lot of work with this and in research with NCDOT. I have been at city council trying to protect the 86 acres and I missed the planning meeting for the 100 acres and we were not notified. We were 800 feet away from the property and we were not notified at all. We lived out there, my grandfather lived out there and we have been on that road for 60+ years. Things happen and it is okay. A lot has happened with growth and development over the past couple of years and everyone is learning. So anyways, with this subdivision ordinance when we are talking about buffers, I ask that a buffer be considered around all single family residences and subdivisions. This buffer would be considered common open space and promoting aesthetically pleasing neighborhoods, encouraging developers to incorporate streets, trees, sidewalks and potentially walking trails that not only enhance the visual appeal but contribute to the pedestrians safety, healthy lifestyles and also increases the community's desirability. On the hand out that I have given you this is in Midland. This is as you are coming in Locust and you see the land being cleared and what this is is that they are going to have 112 lots and there are no perimeter buffers at all. I am selling these homes and I have clients wanting to buy homes here and we sat down with the sales agent three weeks ago and just yesterday had a conversation, there are only two lots through the whole subdivision that they can build one of three homes and it would give them the privacy they want. Behind there is a triangle lot and the gentleman that owns it is holding onto it for his daughters so that they can run their business from there. Which is great, nothing wrong with that and it is in the right spot. But, there is no buffers at all. My client does not want to be seen from 24/27 and they definitely do not want to be backed up to a business where there are no required buffers of anyone who develops there.

The developers are just looking at their bottom line. They want as many houses as possible to go on their lots. They are not preserving the trees. This is not Stanly County, I am giving an example of what developers are doing and in Mecklenburg county it is nothing but urban areas now. We have no more land there. The existing homes and land that we do have, the UDOs have changed to where they can go in a neighborhood and put a duplex there. People there want to get out to this county. That is why I appreciate the ordinance in regards to the buffers and also asking that the developers put in trails. You guys are great. With the City Lake property that went before the City Council, Carolina Thread Trail called and asked to meet with them and they never called them back. What I had hoped we could do is expand the Carolina Thread Trail. I live in Mecklenburg county now but I have a home on City Lake but all the flooding I experienced 30 years ago in Charlotte and the city had to come through and buy up the properties where everything was flooding and make them pedestrian greenways.

This is a beautiful community but you guys have the influence to really preserve the true character of this community. My encouragement is that you expect for these guys coming before you to have a plan and that it is well thought out. What I realized in November, I have been petitioning trying to create change and I am not getting anywhere and I need to come to the Planning Boards. To educate, I am no expert but I have been selling land here for 25 years and the whole Charlotte region and I am an appraiser and I know what affects property values and I know what buyers want.

The watershed ordinances, when I called NCDEQ and I kept hitting a wall and they were like there is no watershed ordinance in Stanly County at all. The minimum standard is NCDEQ. Then I found out that Albemarle has 4,000 houses that they agreed to build in the City. I was even more alarmed because we have development happening in the county, rightfully so because we need growth everywhere but if our streams and buffers are not protected and we are not mindful of how we handle things and then the City is doing it three times more with a water system that is already failing, then we have problems and will have continual flooding. I emphasized to the City Council and there are no water buffers for them yet. When the City voted for the 100 acres the mayor did ask for more buffers around the lakes and intermittent streams that were not there before. We have to start somewhere and the municipalities will follow your lead on how we protect that. The water just drains down that 86 acres on City Lake and there is nowhere for it to go. The erosion is exponential and after the 86 acres was approved by you all they took their plans to NCDOT and they turned the streets down. There are four blind spots in a mile on City Lake. DOT decided to order a hydraulic study and when it came back I got a copy of it and the section where our homes are, there is so much that needs to be done to that road. We really need to be more mindful about how many homes we put into the communities and really protect the streams. It is really putting our citizens in harm's way. I was in a neighborhood with three acres this morning and it was beautiful but it was almost too much land. With what you have this is pushing conservation.

With City Lake Drive, we have Bald Eagles out there. Those developers have just been clearing all the trees. We have wildlife everywhere. This is something to really protect when it comes to all of the communities. Even behind City Lake, you have Austin Road and Hatley Farm Road and all of that flooding is from the streams. The importance of having these guidelines up front is to avoid over taxing the systems. These proposals serve as the first line of defense to manage growth at a manageable rate. Creating this ordinance will be for all municipalities to imitate. I propose that these ordinances be written and implemented before further rezoning or subdivisions. This preventive approach ensures that once an application is approved the county cannot go back and fix ordinances. As it is grandfathered in under existing guidelines. It is crucial to implement smart growth in Stanly County. I want to express my gratitude to Bob and Bailey on this conservation guideline. They have taken a lot of feedback and input. I am happy to share with you all any of the information that I have.

Chair Eckman asked if there was anyone else who wanted to speak.
There was no one.

Bob Remsburg “Technically you should have a motion to discuss but we can talk about it some now and if you want to do it further then you can go into the motion. I will mention, I talked a little bit with Bailey and Mrs. Nance dealing with David's concern dealing with lot sizes and again this has to fit everybody and of course it will eventually go before the commissioners. The question I have is whether you would feel more comfortable sending it up the chain of command if the minimum lot sizes were 15,000 and 20,000 as opposed to 15,000 and 10,000?”

David Underwood “Yes.”

TJ Smith “I know I am out and about in these storms and I have seen it on the western end of the county with some developments. I did know it was an issue but I did not know a ton about it until you brought it up. But, is that something that we can talk about as well.”

Bob Remsburg “We probably need to consider a couple of things. We do have a watershed ordinance but that is for drinking water and the watershed ordinance that is in place is to protect drinking water so waters that are flowing into drinking water so in this case, Badin Lake, Lake Tillery and Tuckertown. We have buffer and density rules that apply in the eastern edge of the county. What Mrs. Weyrick is primarily concerned about would be stormwater regulations and that is a whole other set of regulations and we can go there eventually and it may fall under zoning or you may have a whole separate department in the county that becomes the Stormwater department. The City has been around and around about how to address stormwater in Albemarle. Stormwater regulations are important and the only regulations we have in place are through DEQ. That would be a whole other ordinance and that might come at some point but as of now it is not on the table. We can put these buffers in place along the streams and we can eventually look at the subdivision ordinance and say that applies to all subdivisions but right now we are just dealing with conservation subdivisions. So we are making sure it is in this ordinance. Again, if you make this a requirement in the RA zoning district then all subdivisions would have to meet those buffers.”

TJ Smith “I am for it. But, just like that situation at City Lake and how much time we put into that and we approved it. I did not like the 10 foot setbacks and the parking. I just feel like if we are going to do a by-right situation then it needs to be heavily regulated.”

Bob Remsburg “They can go larger than the minimum allowed lot size and they will have to clear the area for septic but of course not disturb the ground too much. Page 6 of dimensional standards, you mentioned parking and that was also a concern of mine. Letter 4D says minimum front setback for front loading is 25 and if they are side or rear it is 15 feet. We can adjust that, if that would be preferred. My thought of course is that you want that setback if it is front loading when that person is driving the Suburban or pick up truck.”

TJ Smith “So if we add these buffers which I agree with the gentleman from earlier. Can we add as we develop this a parking section that says per home there has to be a certain amount of parking? Can we do some sort of chart or an overflow parking? I just feel like if it by right then we need to establish it.”

Bob Remsburg “Under the general criteria we can do something. You are facing a back and forth on that. Do you require parking and then you are increasing impervious surface and increasing runoff and then you are defeating stormwater. In our zoning ordinance it requires that every house have two parking places. Most ordinances have some parking requirements. City of Albemarle does not have any.”

Carla Weyrick “There is so much happening in the county, and in Highland Creek in Charlotte there are two cars per home and you can park in the driveway or your garage. But you cannot park on the street after 11 or they will be ticketed and that is how they control it.”

TJ Smith “I happen to be in the business on one end of that and we have a lot more going on than sticking parking tickets on cars.”

Carla Weyrick “The HOA actually does it.”

Bob Remsburg “So our ordinance says you have to have two. I think the way to allow or provide parking space we could say that it has to be more than two. Or you make your setbacks a little larger that way there is space in the driveway. Currently if you are in the RA district it is 50 feet and the R20 is 40 feet unless you are on the lake and it is 30 feet.”

TJ Smith “We have apartments that were just built and they have two parking places with a 20 foot pad and I want to say it is not very wide. My truck could not go there without hitting something.”

Bob Remsburg “The state regulates parking sizes now. You can't make the requirement any wider than 9 feet.”

TJ Smith “What I am saying is you don't have but two parking spaces and plus the garage which is storage most of the time anyways so the cars will end up on the road.”

Kevin Brickman “Parking on the road is regulated by DOT and we don't have any local roads.”

Bob Remsburg “If you are talking about parking spaces then I think we put that under general criteria. We either add a section under there for parking or you simply increase the front setback a little more for more parking in the driveway. For minimum lot size we talked about changing it to 15,000 and 20,000 and I don't think you want to do more than that really to keep this as an encouraged thing to do in the R20 and R40. I think you could up the setbacks about 5 feet or so but I wouldn't go any higher.”

TJ Smith “I don't want to make a motion yet but I feel like we have three people out and I feel like it is a lot. I will say this, I feel like this needs to be studied and we need to come to a good agreement and implement the buffering and parking and still make it cluster like even though I don't necessarily like that. Bob, you said we could bump it up to 20,000 square feet and 15,000 square feet.”

David Underwood “A 15 foot setback is not very far guys, that is just not a lot.”

Bob Remsburg “Remember that is for side and rear loading garages.”

David Underwood “I don't care, it is still not enough.”

TJ Smith “If you say a house is 2.5 people and they could have three cars, where are you going to put the third?”

David Underwood “Number one I am tired of being behind. We are always chasing a cats tail. We need to look at this as to how they can come to our terms and not us fix something that we put before them. Number two, we have to think down the road, who is going to buy these houses? Are we going to have realtors buy these things and rent

back out? Probably not but behind Tim Marburger they have that issue. I just want to fix that front setback because that is so close to the road.”

TJ Smith “They are going to be forced to break the rules with the no parking on the road. It is just too small.”

TJ Smith made a motion to table this item until the next meeting

Second: Kevin Brickman

Tabled 4-0

Bob Remsburg “I am going to ask this before we move forward, is 30 feet for front loading and 20 feet for side or rear good?”

David Underwood “I would rather see 25 and 30.”

Bob Remsburg “I don't know that it is a problem at all but we will come back to it next time.”

TJ Smith “It is just a hot button topic and what makes it pretty is all the trees but you still have to build these houses really close together with zero parking and there is no room.”

David Underwood “I think these storms are not going to be typical anymore.”

TJ Smith “I feel like I have just been poking holes in what you all have put together and I have been on your end trust me. You feel unappreciated sometimes but I appreciate all you do and these decisions are on our necks if we don't do it right.”

Chair Eckman introduced the second item on the agenda ZA 24-02, a proposed text amendment to amend the access easement requirements and related language in both the Stanly County Zoning and Subdivision Ordinances to be consistent with North Carolina Fire Code Requirements.

Bob Remsburg shared the following:

We realized that we had a problem when some of the requirements we had in zoning did not match up with what was required in the fire code and again with Centralina’s help we have gone through both ordinances and have met with the Stanly County Fire Marshall and we worked through everything to make us consistent with the fire code. It is scattered all through both ordinances. First off, the fire code requires a 20 foot wide all weather surface with a 13 ½ foot high clearance for the passage of a vehicle. Our ordinance said 20 foot for the easement size. DOT streets are a different animal but in this case we are uping things. The reason we are going to 30 feet is because if you think about the way a street is done you may have an angled line to the ditch or culverts, etc. and extend beyond the 20 foot surface. So the idea is that you have a little bit to spare and make it consistent with 30 feet. We have corrected things that say 20 or less to 30. Because of this we were able to do away with some of the language about flag lots. The one thing we did change that is not quite related but is a violation really of the state statute. If someone has a problem with the action of the Planning Board, their recourse is to appeal to superior court. This is language we didn't realize was in there with the 160D updates which says that someone can appeal your decision to the commissioners within 30 days and that is not legal or statutory so we took it out.

Section 66-38, the whole deal in the fire code is that it does not address one or two lots but it does address three to four lots or more. Four lots is a minor subdivision in our ordinance. One to two lots is a minor sub and then five

lots is a major subdivision. One to two lots can still have a 20 foot easement with a 12 foot travelway because it is really more of a driveway. Firecode kicks in at more than two. We are trying to discourage any easement in a major subdivision.

66-76, there was language added to require a second entrance for a major subdivision when a Traffic Impact Analysis, the Fire Marshall, Planning Staff or Planing Board determines it is necessary. Additionally, a subdivision containing 60 or more lots shall be required to have at least two entrances. So currently if you have a plan before you and you determine that the shape, topography or whatever makes it need a second entrance.

David Underwood "Where did you come up with that number?"

Bob Remsburg "Current fire code says that if you have 30 lots you have to have a second entrance. My understanding is that they are currently reworking the fire code and they are going to take that out of the appendix and put it into the fire code and that it will be changed to 100 lots."

David Underwood "So, what happens to us here?"

Bob Remsburg "We can be more restrictive if we want to."

David Underwood "I would love to see the 60 be 50. What happens if we come in and revise that subdivision? I have a 39 lot subdivision and add 20 lots. Because this has happened before."

Bob Remsburg "So, that would be a major subdivision and it would not only come to you all but to us as well."

David Underwood "Would that automatically make them have to have a second entrance?"

Bob Remsburg "I tend to think that the answer is yes."

David Underwood "That is what I would like for it to be. That way no one is blamed for anything."

Bob Remsburg "Then we started thinking about the odd thing that happened on Brattain Road or Millingport Road where there is a court. DOT is not wanting driveways on major thoroughfares. DOT is either going to say they have to have shared driveways or put a loop in there and allow them to enter off of that easement and we only have two entry points. So how do we treat that? It says that they have to be a 30 foot wide easement with a 20 foot surface and it can serve 12 lots and no more. Millingport Road, the fire department can access most of those houses, not the ones in the back but the ones in the front from Millingport Road even if they don't get on the loop. Mr. Barnham recommended that we add this about major subdivision served by public utility water shall have hydrants in place and approved by the Fire Marshall prior to the issuance of building permits. I can control whether a building permit is issued or not.

We do point out turn around options which are listed in images here. There are a whole lot of grandfathered easements in the county. These would be affected if lots were added to them. We did change the campground language to 20 feet and the telecommunications tower language to just meet current fire code. Besides the 50 foot are there any other changes?"

Chair Eckman asked if there were any questions from those present.

There were none.

Chair Eckman entertained a motion

David Underwood made a motion to approve text amendment ZA 24-02 with the amendment of 50 or more lots in section 66-76.

Second: Kevin Brickman

Approved: 4-0

Chair Eckman entertained a motion to adjourn

Motion: TJ Smith

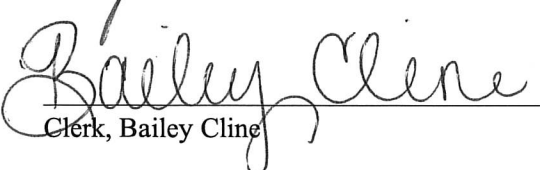
Second: Kevin Brickman

Approved: 4-0

Time: 8:47 PM



Chair, Jay Eckman



Clerk, Bailey Cline

