

**MINUTES OF PLANNING BOARD OF THE
TOWN OF STALLINGS, NORTH CAROLINA**

The Planning Board of the Town of Stallings met for its regularly scheduled meeting via Zoom on January 19, 2021, at 7:00 p.m.

Those present were: Chairman Jack Hudson, Vice Chairman Rocky Crenshaw, Planning Board Members Robert Koehler, David Barnes, Misty Craver, Laurie Wojtowicz, and Jacqueline Wilson.

Allen Taylor was absent.

Mac McCarley, Attorney at Law was present.

David Scholl was present

Staff present were: Planning and Zoning Administrator Lynne Hair and Planning Technician Matthew West.

Call to Order and Recognition of Quorum

Chairman Hudson recognizes a quorum and calls the meeting to order. This meeting is held via Zoom. The meeting is commenced at 7:10 p.m.

1. Agenda and Minutes Approval

Chairman Hudson entertains motions to approve the agenda.

Mr. Koehler makes a motion to approve the agenda, seconded by Vice Chairman Crenshaw. The agenda is approved unanimously.

Chairman Hudson entertains motions to approve the meeting minutes.

Ms. Craver makes a motion, seconded by Mr. Koehler. The agenda is approved unanimously.

2. CZ 20.12.01

Chairman Hudson introduces the first order of business. The first order of business is CZ 20.12.01, and asks Ms. Hair to present.

Ms. Hair begins her presentation introducing the rezoning request. The request is brought by Atrium Health. The rezoning request is to rezone a small portion of two lots behind the EZ Smith Towing parcel on Stallings Road. The land requested to be rezoned is being provided for use by the towing company in exchange for the towing company allowing Atrium to build a round-a-bout with a portion of the front of the towing company's lot.

The current towing company is a legal non-conforming use that has been grandfathered in.

The rezoning request is for a small, 0.63 acre portion of two lots owned by Atrium behind EZ Smith Towing.

Staff recommends approval with conditions.

Chairman Hudson asks the applicant to present before the board asks questions.

Mr. Bennett Thompson presents for the applicant. Attorney John Carmichael may join the meeting later, but has been held up in another meeting.

Mr. Thompson adds that a new entrance to the EZ Smith Towing company will be added near the rear of the lot, and that the rezoned section was chosen to accommodate the larger towing trucks. Mr. Thompson also adds that the Town has already expressed interest in the round-a-bout, and that this rezoning request is the best compromise with EZ Smith Towing to build the round-a-bout.

Chairman Hudson opens the floor for questions to the applicant.

Vice Chairman Crenshaw expresses concern that this use is not compatible with the Comprehensive Land Use Plan, and that the rezoned lot will be visible from the nearby bypass even with a screening fence.

Ms. Wojtowicz asks Ms. Hair if the rezoned property is being added to the towing company's lot.

Ms. Hair responds that the rezoned portion will be used by the towing company, but will not be owned by the towing company. The parcel lines will not be adjusted.

Ms. Wojtowicz asks if the new driveway will be on the EZ Smith Towing lot.

Mr. Thompson shows the proposed rezoning map, which shows that the new access to the towing company will be mostly on the adjacent lot. The applicant has already negotiated an easement with the neighboring land owner, because both the EZ Smith Towing lot and the neighboring lot have the same owner. Stub roads were included on the new access road for future land development.

Ms. Wilson notes that when she drives on the freeway past the property, she is focused on traffic or the hospital, not the towing company. Ms. Wilson also asks Ms. Hair to confirm if EZ Smith Towing was sold, that the lot would need to be rezoned.

Ms. Hair confirms that if the CZ lapses, the property could not be used for towing. She adds that this is the reason that only the small portion is being rezoned, and not the entire EZ Smith Towing lot.

Vice Chairman Crenshaw asks for confirmation on the location of the new access road.

Mr. Thompson presents the map again, and indicates that EZ Smith Towing will have a gate installed at the entrance to their lot.

Chairman Hudson remarks that inevitably people will take a wrong turn at the round-a-bout. He asks who is responsible for posting signs, will it be a public or private road, and if there is turn around access.

Mr. Thompson responds that NCDOT will control just the round-a-bout, and the rest of the road will be a private road. He indicates that he would need to check on who is responsible for the signage. He adds that they have included enough space at the end of the new access road for a fire truck to turn around.

Mr. Koehler asks how much land EZ Smith Towing is losing and how much land they are gaining.

Mr. Thompson answers that EZ Smith will be losing approximately 0.5 acres from the front of the lot, and gaining 0.63 acres.

Ms. Wojtowicz asks if a buffer will be required.

Ms. Hair responds that a 5' wide buffer is required in addition to the fence that Atrium has already volunteered to provide.

Mr. Thompson adds that the additional parking lot would need to be graded out so that no retaining wall would be required. This would allow adequate room for a buffer.

Chairman Hudson asks to confirm what Staff's recommendation was.

Ms. Hair confirms that staff recommends approval with the conditions listed, which were:

- 1) Gravel parking be allowed for the 0.6 acres of conditionally zoned property.
- 2) Opaque fencing be required to meet requirements of Article 11.6-2.
- 3) Approval is limited to the requested Vehicle Parking/Storage and Maintenance Building Use.
- 4) Any necessary permits will need to be acquired from the State, County, and Town as applicable.
- 5) Any change in use will need to receive conditional zoning approval from the Town.
- 6) A landscape plan showing compliance with any required buffers will be submitted and reviewed during the permitting process.

Chairman Hudson accepts motions for approval with conditions or denial of the rezoning request.

Ms. Craver makes a motion to APPROVE with conditions. Mr. Koehler seconds.

Vice Chairman Crenshaw – Nay

Mr. Koehler – Yes

Mr. Barnes – Yes

Ms. Craver – Yes

Ms. Wilson – Yes

CZ 20.12.01 is APPROVED.

Ms. Hair asks Chairman Hudson to call for a motion to accept a Statement of Reasonableness and Consistency for this CZ.

Chairman Hudson accepts a motion to accept a statement of reasonableness.

Mr. Koehler makes the motion, and Ms. Craver seconds.

Vice Chairman Crenshaw – Nay

Mr. Koehler – Yes

Mr. Barnes – Yes

Ms. Craver – Yes

Ms. Wilson – Yes

The Statement of Reasonableness and Consistency is APPROVED.

3. TX 21.01.01

Chairman Hudson moves to the next order of business, TX 21.01.01. This is a text amendment to amend Table 8.1 of the Town of Stallings Unified Development Ordinance (UDO). The applicant is Mr. Bob Richards, represented by Mr. Isaac Harrow with the Moser Group.

Ms. Hair presents information first.

The text amendment would allow four (4) new listed uses to the Industrial (IND) zoning. The four (4) new uses are:

- 1) Sports Academy
- 2) Dance School
- 3) Gymnastics/Cheerleading gyms
- 4) Personal Trainer gyms

The impetus for this text amendment was a code enforcement call regarding a dance studio that was not an allowed use in Union West Business Park. It was decided that a text amendment was the best solution.

The requested uses are less intense than the current permitted uses. There are existing uses that will also be brought into conformity. Ms. Hair asserts that these types of uses seek out smaller warehouse or flex spaces. Inclusion of the uses in the IND zoning would give property owners more options when renting out small warehouse space.

Ms. Hair presents some concerns. Current property owners were worried that these uses may present a liability increase and real risk to the other businesses. There was also a concern that parking requirements might not be adequate for these uses in the IND zoning.

Staff recommends approval of the text amendment. Ms. Hair notes that the board should consider that approval of this text amendment would apply to all IND zones, not just Union West Business Park.

Mr. Harrow presents the applicant's case.

Mr. Harrow notes that the new uses are not typical retail uses. Specifically, the operational hours of these uses would be on evenings and weekends with no walk-in appointments. This means that the uses would not interfere with existing business uses. He also adds that adding more uses to the IND district would fill in vacant warehouses.

Chairman Hudson opens the floor for questions to the applicant.

Mr. Koehler expresses concern about the parking availability.

Mr. Harrow emphasizes that the new uses will not have an impact on the neighbors because the hours are sufficiently different. He also adds that the warehouses all have spaces for large trucks that would be utilized as regular parking spaces for the new uses.

Ms. Wojtowicz asks for a definition of a personal training facility, and if this definition is already listed in the UDO.

Ms. Hair describes as personal training facility as a smaller gym with specialized equipment, such as a CrossFit gym. These facilities have set hours and small, private classes.

Ms. Wojtowicz asks if there are size requirements to be considered a personal training facility.

Ms. Hair states that there are no size requirements, but that by nature these facilities are not large.

Ms. Wojtowicz asks how the Town would know that a new facility is a personal training facility as opposed to a regular gym.

Ms. Hair responds that any new gym would need a use permit, which gives the Town the opportunity to ensure that the use is appropriate for the zoning.

Chairman Hudson opens the floor for a motion to approve or deny the text amendment.

Ms. Wilson makes a motion to APPROVE. Mr. Koehler seconds.

Vice Chairman Crenshaw – Yes

Mr. Koehler – Yes

Mr. Barnes – Yes

Ms. Craver – Yes

Ms. Wilson – Yes

TX 21.01.01 is APPROVED.

4. Open Space Report

Chairman Hudson asks Ms. Lynne to open the next item, which is the Open Space Report.

Ms. Hair provides background on the open space project. The Town Council directed Staff to increase the open space requirements of the UDO. Staff recommended increasing open space requirements to be a percentage based on the zoning district. After discussion with the Council, they recommended Staff contact the Centralina Regional Council to re-write the open space portion of the UDO. Centralina is in attendance to introduce their approach to the project and collect feedback from the Planning Board. Ms. Nance and Mr. Longino are the representatives from Centralina in attendance.

Mr. Longino begins the presentation. He describes Centralina's proposed approach to the open space rewrite. Their framework is to review the Town's current open space regulations, compare current regulations to peer communities, and finally recommend changes.

Chairman Hudson begins the discussion by framing the key question as he sees it. He asks if the Planning Board is satisfied with the use and design of the existing open spaces in the Town, or where modifications need to be made.

Ms. Hair adds more information from the initial discussions with Council. Council did not like that the open space requirement was not specific enough. The Town had ordinances in the past that were more specific that the Council would like again. The Small Area Plans and Comprehensive Land Use Plan allow for higher density and emphasize pocket park type open spaces. Council was concerned that with higher densities, the smaller open spaces would not balance out the density. The Town's Greenway Plan includes open spaces, but they are all active open spaces. Council wants to ensure that developers are putting in the right types of open spaces. Ms. Hair concluded that tonight Centralina would like thoughts, rather than specific needs.

Chairman Hudson suggests adding an option for developers to substitute open spaces with compensation. He states he would be a proponent for ear-marking funds for open space elsewhere if a developer does not have enough room on a specific site.

Ms. Hair adds that the town already has a Fee in-lieu of parkland, but this is specifically for developments that do not have the option of donating parkland to the town because their development is outside of the parks and greenways listed in the Greenway Plan. She states that the Town has been collecting this money for years, and are now building the first

town-built greenway in the Vickery neighborhood. She finishes by stating that park lands are a type of open space, but that the town does not have a “fee in-lieu of open space”.

Mr. Scholl states that he has learned over time that the Council wants more buffers.

Ms. Nance asks if the buffers Council wants to see are landscaped or natural. She adds that sometimes a buffer is just scrub vegetation and does not adequately provide screening.

Ms. Wilson states that Council does want landscaping. She has seen developments where a fence is used in conjunction with a buffer of scrub vegetation, but in the winter even with a fence the vegetation does not provide adequate screening.

Mr. Scholl says that a well-maintained neighborhood is less of a concern, and that the bigger issue is between a neighborhood that does not quite “fit”. Council really wants a buffer as a transition between uses.

Vice Chairman Crenshaw states that he would like to keep buffers undisturbed.

Mr. Scholl points out that buffers assume there is something worth saving. He also adds that there was a neighborhood in Town that was given the choice to fence the buffer area or have it landscaped.

Ms. Hair notes that it was Vice Chairman Crenshaw’s neighborhood has sparse areas of the buffer. She asks if there is a need to have requirements to fill in buffers, and if buffers are a priority.

Vice Chairman Crenshaw responds that more buffers is better for both old and new developments. He adds that 30 feet is not enough, especially in the winter.

Ms. Nance suggests open area could include recreation areas, such as playgrounds and active living spaces. She asks if that would be something the board would like to require of developers.

Vice Chairman Crenshaw responds that all open space is welcome, and that the Town does not have a lot of space left. It is therefore important to preserve as much as possible.

Ms. Hair adds that the Town has a good Greenway Plan, but that it is difficult to acquire new land for the Greenway. She asks if the Town should require neighborhood parks to compliment the Greenway Plan.

Ms. Nance adds that buffers are useful, but that the board should consider spaces within neighborhoods for activity and connections to the Greenway.

Ms. Hair states that the Town does have a requirement on usable greenspace, but that the language is vague. She would like to see more specific language on active open spaces, like parks, tennis courts, pools, etc.

Ms. Wojtowicz confirms that there is no fee in lieu of open space, but asks if commercial or industrial uses have fees for including open space.

Ms. Hair responds that the fee in lieu of park land is written by number of lots, which does not apply to commercial or industrial. She adds that a fee for commercial or industrial uses could be added.

Ms. Wojtowicz states that she would like to see the fees be scaling, because a bigger commercial development could afford more of a fee than a smaller commercial development could.

Vice Chairman Crenshaw asks to confirm the current open space requirement.

Ms. Hair responds that the current requirement is 7.5%. She adds that this is less than a previous ordinance, which used to be a sliding scale from 10%-30% depending on the zoning district.

Ms. Wojtowicz states she would not mind going back to 10%

Ms. Nance asks if there is any place the Board would not like more open space. She adds an example of a developer who designs a large open space, but it ended up as a large field that was unused.

Chairman Hudson adds that he has seen developers get creative, with ideas like a "human checkerboard". He does not like those ideas that go unused.

Ms. Hair says that the current ordinance emphasizes pocket parks by setting the minimum required area to 500 square feet. Consequently, there are developers who are counting "leftover" space as open space. She would like the ordinance to require more intentionally built open space.

Ms. Wojtowicz asks if un-buildable space can be counted as open space.

Ms. Hair responds that it can.

Ms. Nance states that useless open space should not count. For example, a stream buffer should be left as completely undisturbed, but should not count as open space.

Ms. Craver says that some neighborhoods have tree lined streets, but that newer neighborhoods do not have trees to screen the road. She states that she would like to see better tree requirements along roads.

Ms. Nance asks if private areas need to be screened more.

Ms. Craver agrees.

Ms. Wojtowicz adds that developers would remove everything on a site, then replant once construction is finished. However, the replanted trees are much smaller and less useful as screening trees.

Mr. Longino confirms that the Board would like to increase buffers, but to not include those buffers as open space.

Ms. Wilson adds that she would like to see trails integrated into the buffers, if the buffers are larger. She states that the town has a decent sidewalk network, but that it is difficult to get from one neighborhood to another, and it would be nicer to do it in a nature trail.

Mr. Longino adds that some communities have requirements to link amenities together.

Ms. Wilson understands that developers are trying to maximize their profits, but she would like to see more of the land used, rather than leaving it natural to count for open space.

Ms. Wojtowicz asks if the Town owns any land that can be used for recreation.

Ms. Hair responds that the Town owns Blair Mill Park, which was donated by a developer, but have not done anything with the park. There was a public group that added a disc golf course. She also adds that the Town owns several parcels around Town Hall, but those are intended for the downtown development.

Chairman Hudson finishes the conversation by stating that he thinks visualization will be important for this project. He asks the board to take pictures of open space they like and do not like. He asks Ms. Hair for anything else to discuss on open space.

Ms. Hair responds that there is nothing further needed to discuss, and that she appreciates the comments.

Chairman Hudson asks for a motion to adjourn.

Mr. Koehler makes the motion to adjourn, Ms. Wilson seconds.

Vice Chairman Crenshaw – Yes

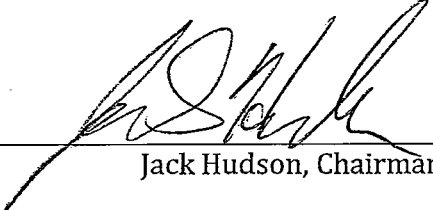
Mr. Koehler – Yes

Mr. Barnes – Yes

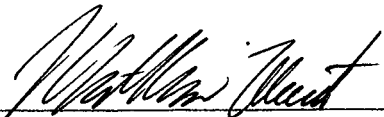
Ms. Craver – Yes

Ms. Wilson – Yes

Chairman Hudson adjourns the meeting at 8:15 p.m.



Jack Hudson, Chairman



Matthew West, Planning Technician