



October 22, 2024
 Stallings Government Center
 321 Stallings Road
 Stallings, NC 28104
 704-821-8557
www.stallingsnc.org

Planning Board Meeting Agenda

#	Time	Item	Presenter	Action Requested/Next Step
	7:00 pm	Invocation Call the Meeting to Order	Chair	N/A
1.		Agenda Approval	Chair	Approve/Amend Agenda Motion: I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: -----
2.		2025 Planning Board Meeting Schedule	Max Hsiang, Planning Director	Vote Motion: I make the motion to: 1) Approve of the request as presented. 2) Amend the request.
3.		Planning Board Training 1. Brief Presentation 2. Meeting Parameters 3. Brief Rules of Procedure Overview	Max Hsiang, Planning Director	N/A
4.		Development Project Updates	Max Hsiang, Planning Director	N/A
5.		Adjournment	Chair	Motion: I make the motion to adjourn.



MEMO

To: Planning Board
From: Max Hsiang, Planning Director
Date: 10/22/2024
Re: Proposed Planning Board Schedule for 2025

Request:

Please vote to approve or amend the proposed 2025 Planning Board schedule.

Meeting Dates and Times:

The Planning Board typically meets on the third Tuesday of each month at 7:00 PM. However, the staff requests that the Board consider changing the meeting time to 6:00 or 6:30 PM. Please indicate your preference.

The Board of Adjustments meets on an as-needed basis. When we receive an item, the meeting will be scheduled for the same day as the proposed dates below after the Planning Board meeting concludes.

Proposed Meeting Dates for 2025:

- January 28th: *Note: Due to the Council meeting on the third Tuesday, the Planning Board will meet on a different date.*
- February 18th
- March 18th
- April 15th
- May 20th
- June 17th
- July 15th
- August 19th
- September 16th
- October 21st
- November 18th
- December 16th



Please let me know if these dates work with your schedule and if you have any questions.

TOWN OF STALLINGS PLANNING BOARD TRAINING

Department of Planning &
Zoning



TOPICS TO BE DISCUSSED

- Roles/relationships of Governing Board, Planning Board, Staff
- Administrative, Legislative, and Quasi-Judicial Decisions
- Zoning Statements
- Spot Zoning
- Adopted Plans
- Proposing Conditions
- Factors used when making recommendations
- Conflicts of Interest
- Rules of Procedure

WHO HEARS ZONING CASES?

- **Town Council**
 - Always makes final decision
- **Planning Board**
 - Makes recommendations
- **Board of Adjustment**
 - NEVER

THE ROLE OF TOWN COUNCIL

DO'S



**Adopts and Amends Land
Use Ordinance and Land
Use Plans**



**Appoints Members to the
Planning Board**



**Approves General &
Conditional Rezoning Map
and Text Amendments**

THE ROLE OF TOWN COUNCIL

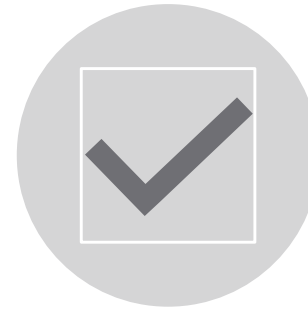
DO NOT'S



**ADMINISTERS LAND
USE ORDINANCE**



**DECIDES APPEALS OF
THE ADMINISTRATOR'S
DECISIONS**



ISSUES VARIANCES

THE ROLE OF PLANNING BOARD

GS 160D-301: The **governing board** shall create a “planning board”...

GS 160D(c): requires all **formal** Land Use Ordinance amendments be submitted to Planning Board for review and recommendation.

Planning Board has 30 days to make recommendation. (160D-604(b))



Case goes to **governing board** if no Planning Board recommendation made during requisite time period.



THE ROLE OF PLANNING BOARD

- 1) To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a **comprehensive plan**, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;
- 2) To facilitate and coordinate **citizen engagement** and participation in the planning process;
- 3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a **coordinated and efficient manner**.

A close-up photograph of a hand pointing at a complex zoning map. The map features a dense network of colored lines (blue, orange, red, green, purple) representing different zoning districts or boundaries. The hand is in the foreground, pointing towards the center of the map. The background is slightly blurred, emphasizing the map and the hand.

THE ROLE OF PLANNING BOARD

- 4) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all **zoning text and map amendments** as required by G.S. 160D-604;
- 5) To exercise any functions in the **administration and enforcement** of various means for carrying out plans that the governing board may direct;
- 6) To provide a **preliminary forum for review of quasi-judicial decisions**, provided that no part of the forum or recommendation may be used as a basis for the deciding board; and
- 7) Other duties as assigned...



COMPOSITION OF PLANNING BOARD

Seven (7) members

Two (2) alternate members

All residents of Stallings

Appointed by Town Council;

Three (3) year staggered terms

Chair and Vice-Chair:

**Elected by Planning Board in
January**

one (1) year term

eligible for re-election

COMPOSITION OF PLANNING BOARD

Chair Duties:

Presides at all meetings and hearings of the Planning Board

Appoints all standing and temporary committees

Discussing all matters before the Planning Board

Vice-Chair Duties:

Assumes the role of the Chairman in their absence



PROCEDURE OF PLANNING BOARD

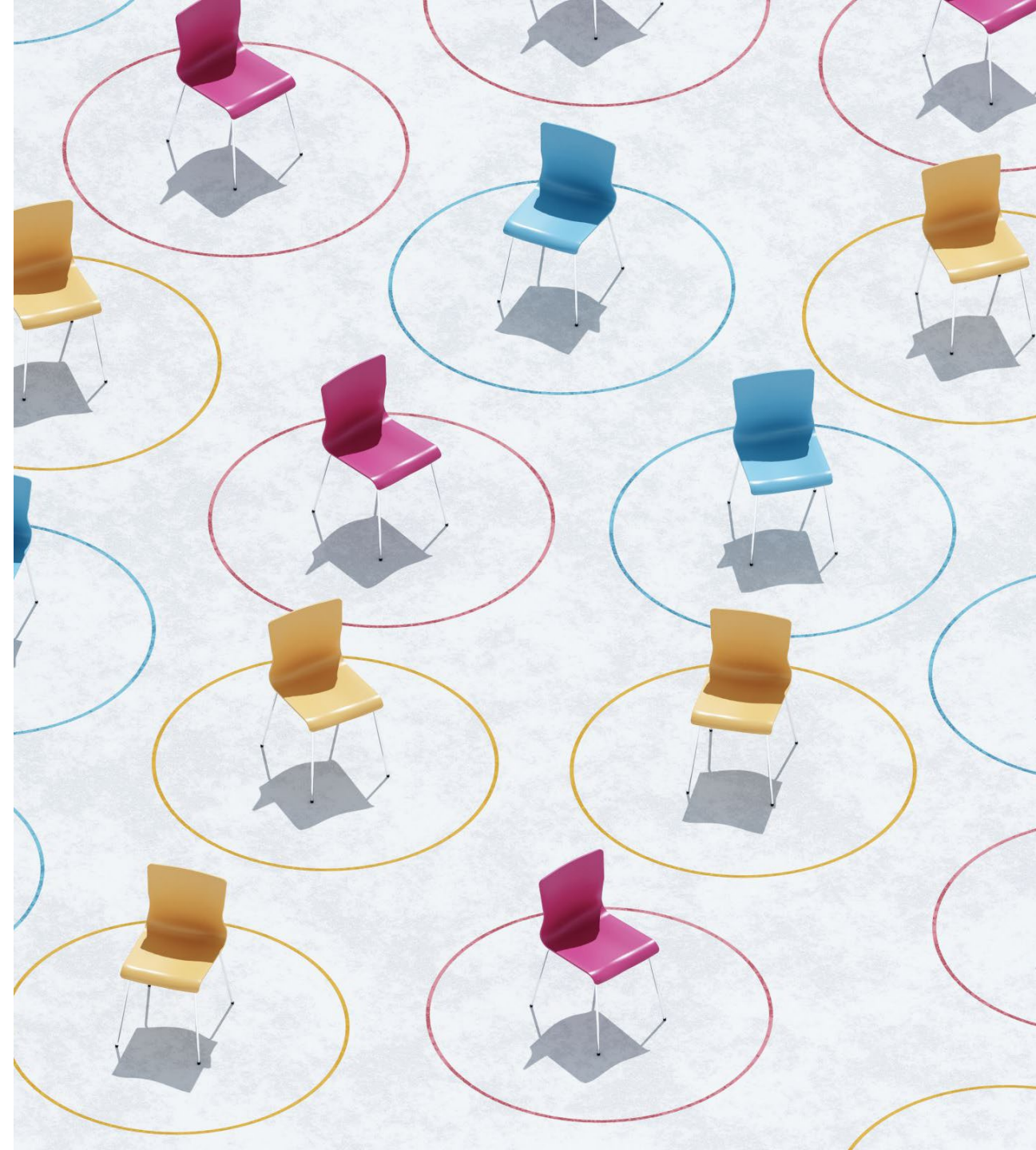
**Who presides if the Chair and
Vice-Chair are absent?**

**Temporary Chair is elected by
members at the meeting**

When does the acting Chair vote?

**Chair shall only vote in case of a
tie**

**AND instances where there are
only three (3) other voting
members present.**



REMOVAL FROM OFFICE

You CAN be removed from
the Planning Board

All Members: Absent from
two (2) consecutive meetings

- Chairman will direct Staff to notify such member in writing.
- If they fail to attend the next meeting the Planning Board may vote by majority of the remaining members to request the position be vacated and replaced by the Town Council.

ROLE OF STAFF

Administers and
Enforces zoning
Ordinance

Informs
Public/Answers
Questions

Issues Permits

Gives Staff
Reports

Gives Staff
Recommendations

Monitors
Regulations on a
day-to-day basis

Approves exempt
& minor
subdivision plats
and construction
plans

TYPES OF DECISIONS: ADMINISTRATIVE



Made by Staff



EXAMPLE: Signing off on a zoning permit or approval of minor subdivision plat.



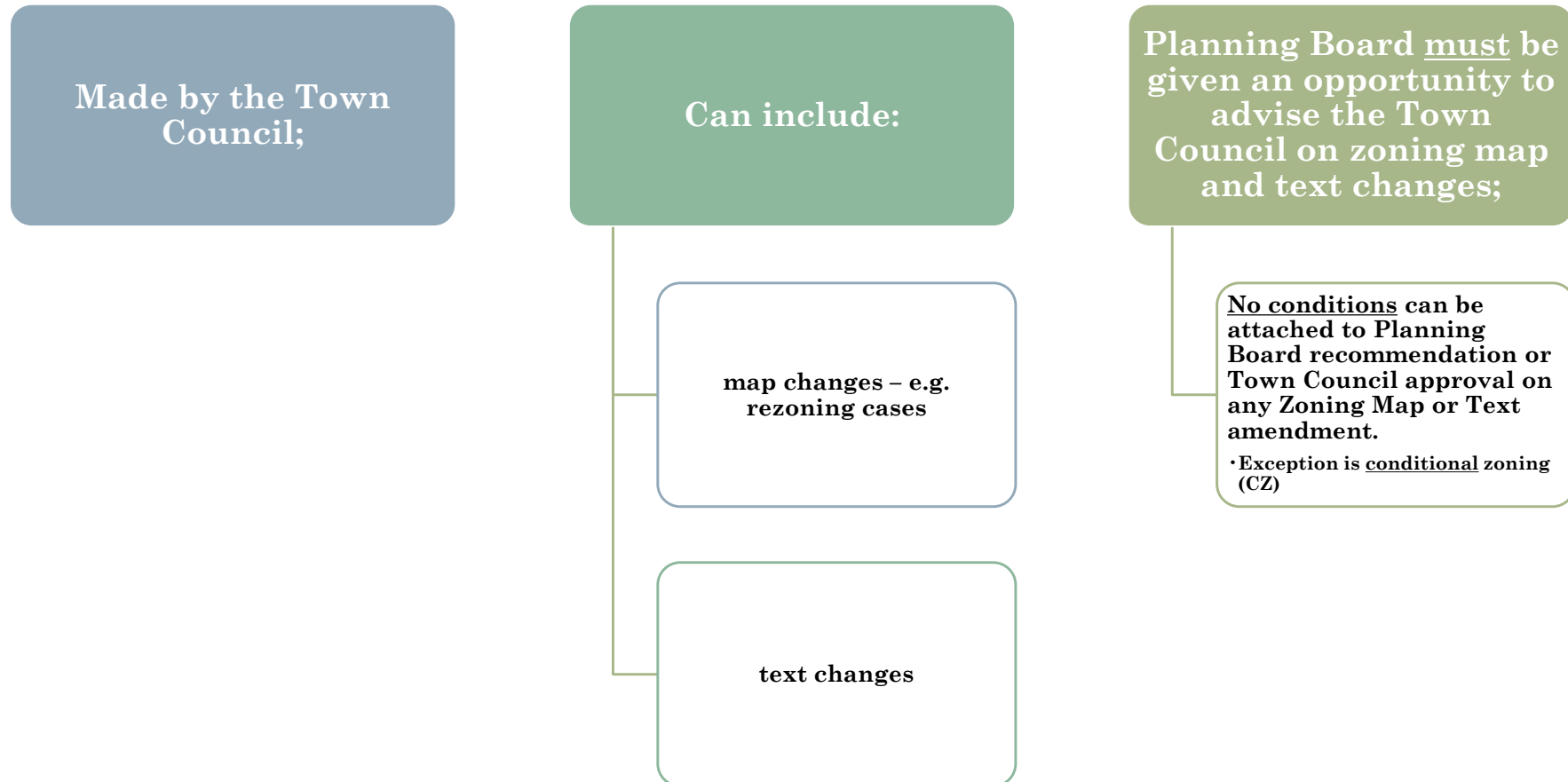
Occasionally, judgment calls may have to be made if standards are not precise or where the ordinance allows for discretion by staff (“insignificant or minor deviations”)



EXAMPLE: Mandated Landscaping or screening regulations

Based on written standards.

TYPES OF DECISIONS: LEGISLATIVE



**TYPES OF
DECISIONS:
QUASI-
JUDICIAL**

Made by the Board of Adjustments;

Four (4) main decisions:

- 1) Special Use Permits**
- 2) Variance**
- 3) Certificate of Appropriateness
(Historic district or landmark)**
- 4) Appeal of Administrative
Decision**

Run like a court case

Evidentiary

TYPES OF DECISIONS: QUASI- JUDICIAL

If a Board member's term will potentially end before a case is completed:

- If the Board member is **NOT** planning on applying for another term, The Council may ask and provide for a term extension so that the Board member can sit for the remainder of the case.
 - The Board member may also ask to be recused at the beginning of the case and ask that Council appoint a new member to take their place
- If the Board member **IS** planning on applying for another term, the Council may appoint that member to the Board again preemptively.

Ultimately, it is best for everyone if the Board members who start a case finish the case. A new Board member can be added partly through a case, but this will cost everyone time and money.

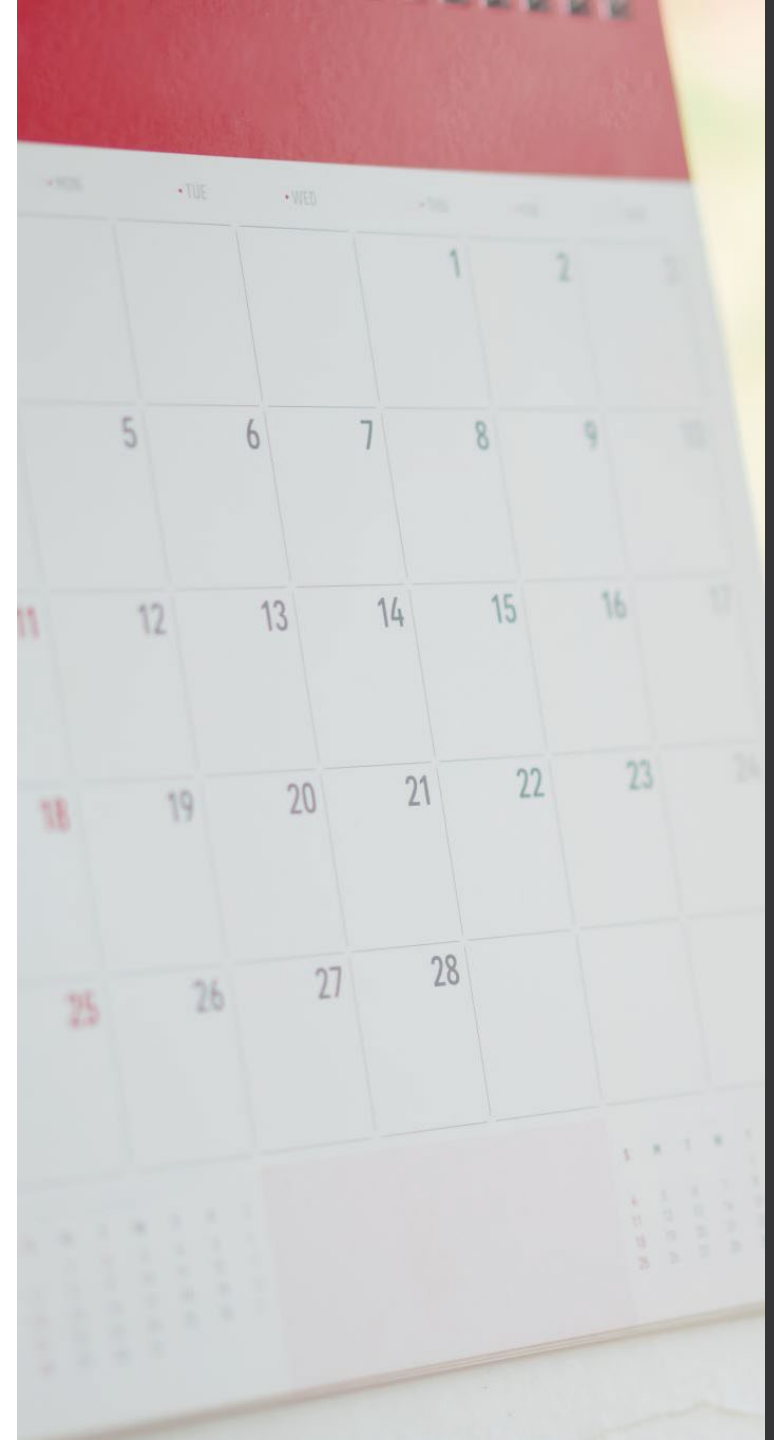


GENERAL REZONINGS

- **Legislative Decision;**
- **Always been available to property owners;**
- **Property owner can request zoning change from one general (standard, etc.) district to another;**
- **If approved, any use allowed in the underlying district can be built according to the standards for that district and use;**
- **No conditions can be placed on such rezoning; it either is approved or disapproved...PERIOD!!!!**

GENERAL REZONINGS

- **Third-party rezonings (i.e., requests made by someone other than the property owner) are allowed;**
- **Property owners, neighbors, and Planning Board members can *speak* to anyone they want to prior to the Planning Board meeting or Town Council public hearing;**
 - **Planning Board members are discouraged from discussing cases outside public hearings**
 - **Planning Board members are not allowed to commit to an opinion on a pending case prior to the Planning Board meeting on the case.**



GENERAL REZONINGS

Advantages:

Planning Board members can talk with others prior to their meeting;

No findings of fact; Not quasi- judicial proceedings;

Once rezoned, owner has full freedom to develop property per what is allowed in the underlying district.

Relatively inexpensive to apply for; no site plans needed.



GENERAL REZONINGS

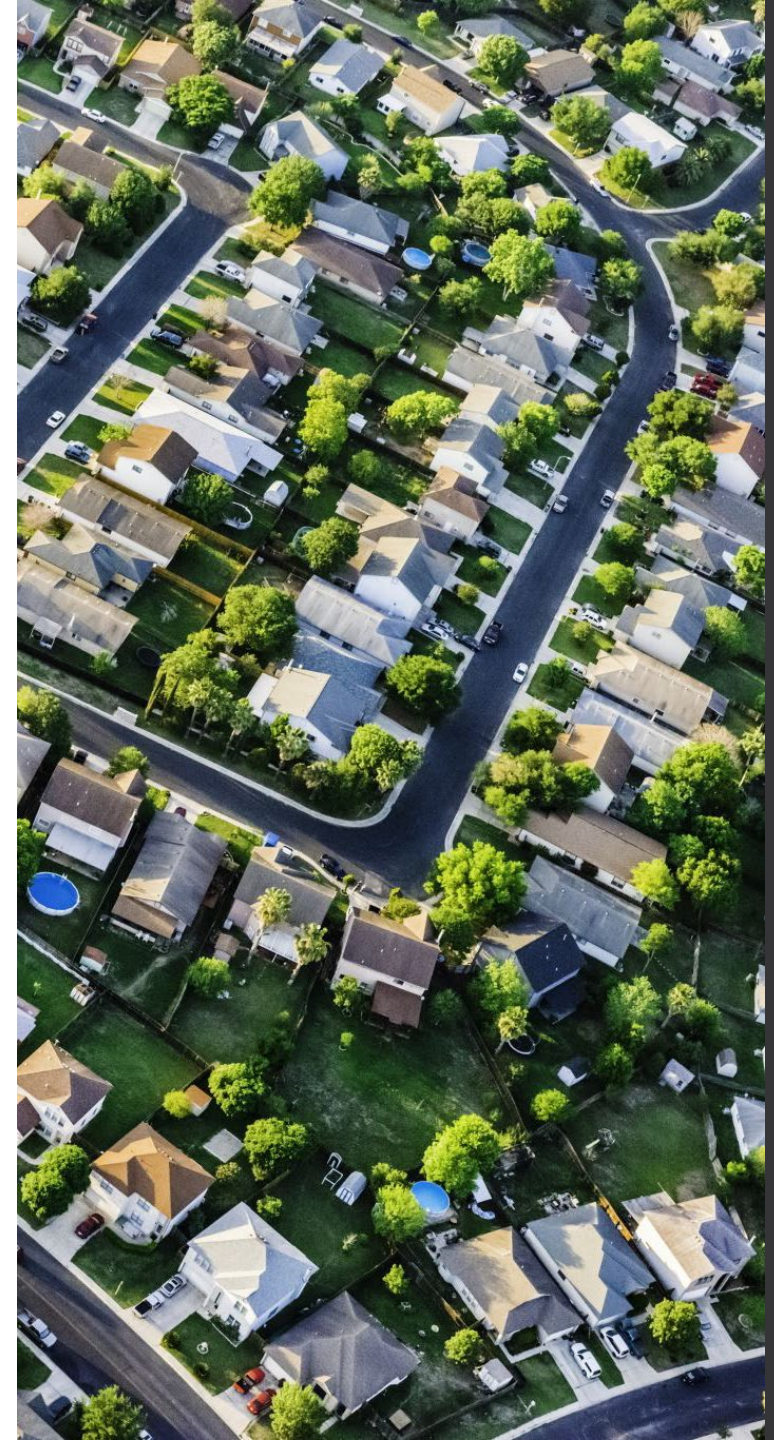
Disadvantages:

No certainty for Town or neighbors as to what exactly will be built;

Chairman must prohibit discussion of proposed future uses on subject property when considering rezoning;

Current property owner may sell property to another party who has different plans for what is to be built;

May be embarrassing for Town if something awkward gets built.





SPECIAL USE PERMITS (SUP)

- Some uses are **ONLY** allowed through issuance of a SUP
 - Listed in the Table of Uses
 - **EXAMPLES:** Adult Businesses; equestrian facility
- Quasi-judicial hearing held by Board of Adjustments;
- Town Council can approve fair and reasonable conditions.

ZONING STATEMENT

**TWO
STATEMENTS
TO BE MADE
WITH ALL
ZONING
CASES (map
and text):**

Statement of consistency (with Land Use Plan and all other applicable **ADOPTED** plans) (160D-604(d));
Statement of reasonableness (required for Town Council only) (160D-605(b));

**A SINGLE
STATEMENT
CAN BE
USED**

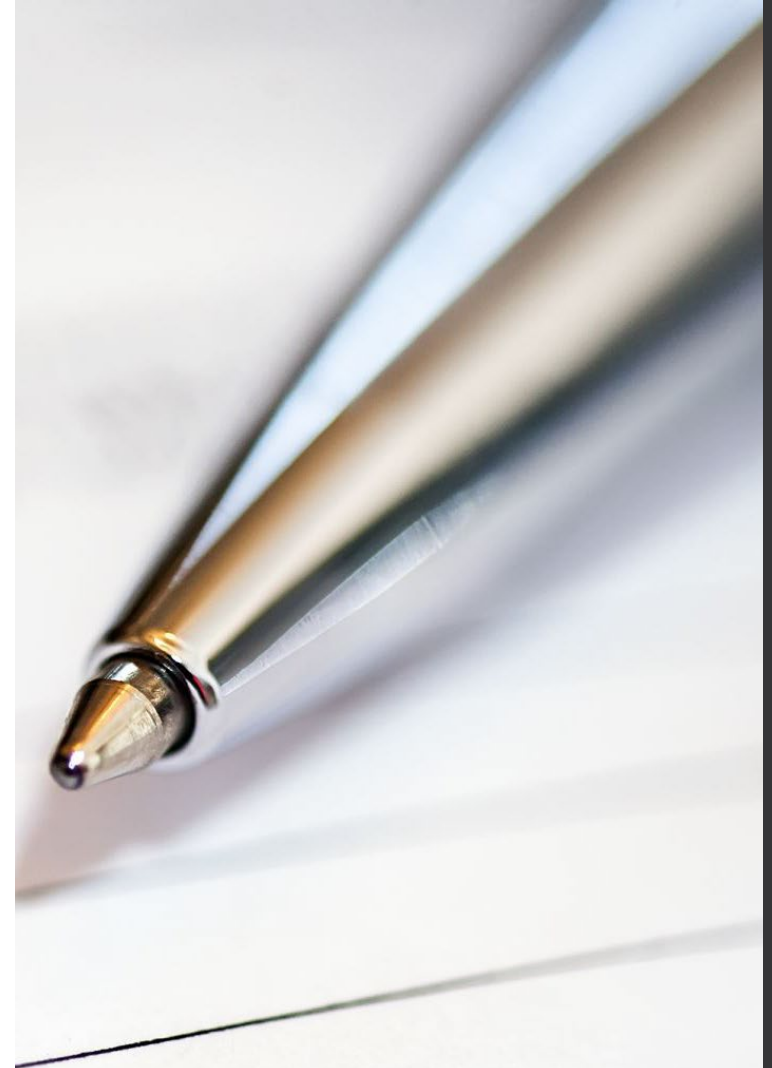
Give some rationale as to why each statement was made; **AND...**

ZONING STATEMENT

MUST BE IN ONE OF THREE FORMS:

- 1) A statement approving the amendment and describing how it is consistent with the plan;
- 2) A statement rejecting the amendment and describing how it is inconsistent with the plan; or,
- 3) A statement approving the amendment and a declaration that it is inconsistent with the plan. In this situation, the statement must also include an explanation that the governing board considered the adopted plans but was found to be reasonable for the stated reasons.

Stated reasons can be prepared ahead of time by Staff but must be read and included in the final decision.



4 CONSIDERATIONS FOR SPOT ZONINGS

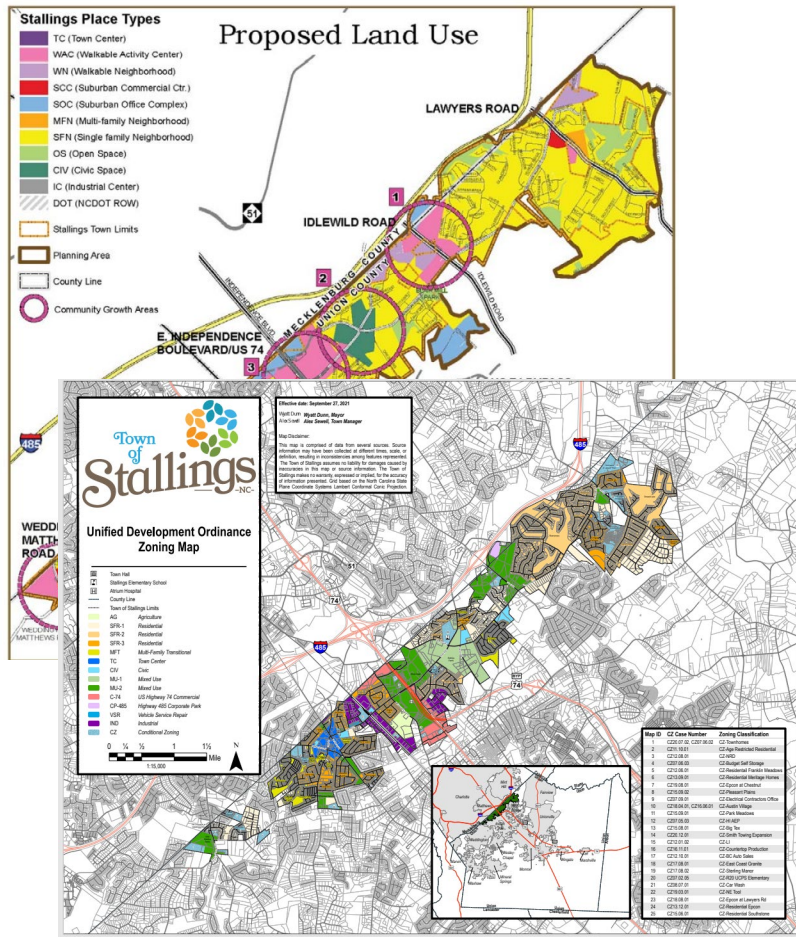
Size of tract;

Compatibility of zoning with adopted plans;

Benefits/detriments of rezoning to the applicant, surrounding properties, and community; and,

Relationship of uses allowed under proposed zoning and uses currently allowed on adjacent tracts.

LAND USE PLAN VS. LAND USE REGULATIONS



LUP...SERVES AS A
 GUIDE FOR HOW THE TOWN
 SHOULD* DEVELOP
 *According to the Town Council

ZONING MAP & Land Use
 Ordinance text... THIS IS THE
 LAW THAT IMPLEMENTS THE
 LUP



All zoning decisions must reference consistency with the LUP and other officially adopted plans that are relevant.

OTHER RELEVANT PLANS

- ✓ **Small Area Plans;**
- ✓ **Parks and Greenway Master Plan;**
- ✓ **Transportation Plan (?);**

If the **Town Council** adopted it, and the Plan is relevant to the application, you need to consider it when making zoning decision



CONDITIONAL REZONINGS

- ✓ Always give applicant opportunity to discuss conditions that the Planning Board or Town Council might want to add
- ✓ Substantial evidence in the record must support conditions imposed by Town Council;
- ✓ Conditions that impose an exaction must be reasonably related and proportionate to impact of development.
e.g. Couldn't require extra bike parking be provided because you really want people to bike more

ILLEGAL CONDITIONS?

- **Hours of business operation?**
- **Square footage (Res/Non-res)?**
- **Limitations on ownership/rental?**
- **Exterior Building Appearance of Single-family Homes?**
- **Landscaping/ Screening/ Outdoor Lighting?**
- **Access Management/ Connectivity?**
- **Signage?**



FACTORS TO CONSIDER

Staff Recommendations;

- Current land use and Future Land Use Plan;
- Availability of Utilities;
- Thoroughfare Plans and Traffic Concerns;
- Citizen Comments and Concerns;
- Statements of Consistency;
- Zoning and Plans of Neighboring Jurisdictions;

and...

CONFLICTS OF INTEREST

NCGS 160D-109(b): “A planning board member shall not vote/make a recommendation on any zoning map or text amendments where the outcome of the matter ... is **reasonably** likely to have a **direct, substantial, and readily identifiable financial impact** on the member.”



CONFLICTS OF INTEREST

VOTING:

- ✓ If you are present; and,
- ✓ Unless you are excused from voting (due to a conflict); and,
- ✓ You do not vote...you have abstained; **THEREFORE:**
 - ✓ You will be counted as having voted in favor of the motion that is on the table (*per Robert's Rules*)



PLANNING BOARD CONFLICTS OF INTEREST

Declare nature of conflict

Ask for a determination from the Planning Board

Majority vote determines if conflict exists

There may still be a conflict – BE CAREFUL

If Conflict exists:

Member is excused from voting

MAY VOICE OPINION

Opinion considered as if the Member was just a local citizen

PLANNING BOARD PROCEDURE

Order of Business:

- a) Determination of Quorum**
- b) Approval of previous minutes**
- c) Old business**
- d) New business**
- e) Adjournment**

Any item not on the agenda may be considered after approval by a majority vote of the Planning Board members in attendance



Questions or Comments

Parameters of Meeting & Script

For all Meetings:

The Chair will now take over the meeting:

1. **Invocation (if applicable)**
 - a. Invocation must happen before the Call to Order.
2. **Call to Order:** The Chair will call the meeting to order.
 - a. State time.
 - b. Determination of Quorum by Chair.
3. **Approval of the Agenda:** The agenda shall be approved [or amended if necessary]
 - a. The Chair or Secretary will call on Board members **individually** to provide comments and votes.
 - b. When **voting**, please remember to identify yourself by stating your name and vote.
4. **Approval of the Minutes (if applicable):** Minutes from the previous meeting shall be approved.
 - a. The Chair or Secretary will call on Board members **individually** to provide comments and votes.
 - b. When **voting**, please remember to identify yourself by stating your name and vote.
5. **Old/New Business:** The Chairman shall announce the business at hand. Each applicant will be handled separately, one after the other.
 - a. The order of events is; Introduction of the item, staff presentation, applicant presentation, public comments, vote, next item, etc.
 - b. The Chair shall entertain Public Comments after the applicants have presented with a 3 minute time limit each.
 - c. The Chair or Secretary will call on Board members **individually** to provide comments and votes.
 - d. When **voting**, please remember to identify yourself by stating your name and vote if your hand is raised.
 - e. Statements of Reasonableness and Consistency are required for rezonings and text amendments.
 - f. **If the item discussed is a Public Hearing (i.e., Conditional Zonings), The Chair will open the public hearing to discuss the items (staff/applicant presentation, public comment). When the item is finished with presentations, the Chair will close the Public Hearing. Then the Board may now vote on the item. No additional comments can be made (after the Public Hearing closing) from staff, applicants, or the public unless called on by the Board.**
6. **Adjournment:** The Chair will call for a vote to adjourn the meeting.

Planning Board

Parameters of Meeting & Script

- a. The Chair or Secretary will call on you individually to provide comments and votes.
- b. When voting, please remember to identify yourself by stating your name and vote.



**PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
POLICY DOCUMENTS**

Amended: 03-19-2024

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**RULES OF PROCEDURE
PLANNING BOARD
TOWN OF STALLINGS, NORTH CAROLINA**

**ARTICLE I
PLANNING BOARD**

1-1 The official name of the Planning Board shall be the Stallings Planning and Zoning Board, hereafter referred to as the "Planning Board."

**ARTICLE II
OBJECTIVE AND PURPOSE**

2-1 The primary objective of the Planning Board is to develop and maintain a continuing, cooperative planning program to benefit the people of the Town of Stallings.

2-2 The purposes of the Planning Board are:

- a) To make studies of the Town;
- b) To determine objectives to be sought in the development of the areas under study;
- c) To prepare and adopt plans for achieving these objectives;
- d) To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- e) To keep the Town Council and the general public informed and advised as to these matters; and
- f) To perform any other related duties that the Town Council may direct.

**ARTICLE III
MEMBERSHIP**

3-1 Members of the Planning Board shall be appointed by the Town Council for designated terms. The Planning Board shall consist of seven (7) regular members and two (2) alternate members.

3-2 If a vacancy occurs on the Planning Board by reason of death, resignation, change of residence, or any other cause, it shall be filled by Town Council appointment for the duration of the unexpired term.

**ARTICLE IV
ELECTION OF OFFICERS**

4-1 Annually, at the regular meeting of the Planning Board held in the month of January, a Chair and Vice-Chair shall be elected by the Board's membership (including alternate members). The Chair and Vice-Chair for the Zoning Board of Adjustments shall be the same individuals as Planning Board. These officers shall be elected for a term of one (1) year and may be re-elected for successive terms to the same office. Members shall be notified of the date, time, and place of the election of officers, at least seven (7) days prior to the regular January meeting. Each officer shall serve until relieved of their duties as herein provided.

4-2 The Chair shall preside at all meetings and hearings of the Planning Board, appoint all standing and temporary committees, and have the duties normally conferred on such office. The Chair shall have the privilege of discussing all matters before the Planning Board.

4-3 In the event of the absence of both the Chair and Vice-Chair from a meeting of the Planning Board, the remaining members present may elect a temporary Chair for that meeting and proceed with the order of

business.

4-4 The Planning board may appoint from its membership or recommend that the Town Council appoint or hire a person(s) to serve as a secretary for the Planning Board. Said person (s) (hereinafter referred to as the "Secretary") shall keep minutes and records of the Planning Board, prepare with the Chair the agenda for regular and special meetings, attend to the correspondence of the Planning Board, and perform such other duties normally carried out by a Secretary.

ARTICLE V MEETINGS

5-1 Regular meetings of the Planning Board shall be held on the third Tuesday of each month at 7:00 p.m. in the Stallings Town Hall. Each member shall be notified of each regular meeting by the Secretary to the Planning Board. The Secretary shall also inform each Planning Board member of all joint Town Council/Planning Board public hearings. Said meetings shall be considered Town Council meetings to determine the rules of conduct and procedure.

5-2 Special meetings may be called only by the Chair, provided that at least forty- eight (48) hours written or oral notice of the time of such meeting shall be given each member by the Secretary.

5-3 Four (4) members of the Planning Board shall constitute a quorum. A quorum shall be present before any business is transacted.

5-4 The Chair shall decide all points of the procedure unless otherwise directed by a majority of the Planning Board in session at the time.

5-5 All regular and special meetings of the Planning Board shall be open to the public.

ARTICLE VI ATTENDANCE

6-1 In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for two (2) consecutive regular meetings, the Chair may direct the Secretary to notify such members in writing of their absences. If such member fails to attend the next regular meeting, the Planning Board, by a majority vote of the remaining members, may request that the position be vacated and that the Town Council make a replacement.

ARTICLE VII ORDER OF BUSINESS

7-1 The order of business shall be as follows:

- a) Determination of Quorum
- b) Approval of Previous Minutes
- c) Old Business
- d) New Business
- e) Adjournment

7-2 Items of business at the regular meeting shall appear on the agenda. The business which is not identified on the agenda may be considered only after approval by a majority of the Planning Board in session at the time.

ARTICLE VIII CONFLICT OF INTEREST

8-1 Members of the Planning Board shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. § 160D or the Stallings Development Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property is subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

8-2 A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for review of the finding of the Board or may be to allege an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and submitted to a properly convened meeting of the Board. The Board shall hear all evidence and shall, by majority vote, make the final determination as to the existence of a conflict of interest.

8-3 Withdraw from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.

8-4 Any person who abstains from voting without having first been excused by the Board as herein prescribed shall be deemed to have voted on the matter in an affirmative manner.

Article IX RECORDS

9-1 The Secretary shall keep a record of the Planning Board's recommendations, transactions, findings, and determinations. Said records shall be public and filed in the Stallings Town Hall.

ARTICLE X ACTION BY THE BOARD

10-1 All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded and voted upon by all unexcused members present for a quorum (except as provided in Section 8-4).

10-2 Voting shall be done by roll call or hand. The Chair shall vote only in case of a tie and instances where only three (3) other voting members are present.

10-3 Only members present when a vote is taken shall be eligible to vote. If an issue before the Planning Board is carried over from one meeting to another, a member may vote on the matter if they did not attend the previous meeting at which item was discussed.

10-4 All members of the Planning Board have the right to vote on all matters except as specified in Sections 8-1 and 10-2.

ARTICLE XI ADOPTION AND AMENDMENT

11-1 Within limits allowed by law, these rules may be amended at any time by an affirmative vote of a majority of the voting members of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted this ____ day of _____, 2024.

Chair

Secretary



**RULES OF PROCEDURE
ZONING BOARD OF ADJUSTMENTS
TOWN OF STALLINGS, NORTH CAROLINA**

**ARTICLE I
GENERAL RULES**

1-1 The Zoning Board of Adjustment (referred to as the "Board") shall be governed by the terms of G.S. § 160D-302 of the General Statutes of North Carolina and by the Town of Stallings Zoning Ordinance. All members of the Board shall thoroughly familiarize themselves with these laws.

**ARTICLE II
MEMBERSHIP, OFFICERS, AND DUTIES**

2-1 Elections

A Chair and a Vice-Chair for the Zoning Board of Adjustments shall be the same people elected by the Board's membership (including alternate members) annually at the Planning Board's regular meeting held in January. These officers shall be elected for terms of up to one (1) year in length and may be re-elected for successive terms to the same office. Members shall be notified of the date, time, and place of the election of officers at least seven (7) days prior to the regular May meeting. Each officer shall serve until relieved of their duties as herein provided

2-2 Officers Duties

The Chair shall decide upon all points of order and procedure, subject to these rules unless directed otherwise by a majority of the Board in session at the time. The Vice-Chair shall serve as acting Chair in the absence of the Chair, and at such times he shall have the same powers and duties as the Chair.

2-3 Secretary And Town Clerk Duties

A Secretary shall be appointed by the Town Manager from the Town's Administrative Staff. The Secretary shall be responsible for taking minutes at all board meetings. These minutes shall show the record of all important facts of each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. The Secretary, subject to the direction of the Chair and the Board, shall conduct all correspondence of the Board, shall arrange for all public notices required to be given and shall notify members of pending meetings and their agenda, and shall generally supervise the clerical work of the Board. A copy of the minutes of all Board of Adjustments meetings shall be maintained in the office of the Secretary.

2-4 Membership

The members of the Planning Board shall serve in the capacity of the Board of Adjustments and shall be appointed for designated terms by the Stallings Town Council. The Board of Adjustments shall consist of nine (9) members consisting of seven (7) regular members and two (2) alternate members. The alternate members of the Board shall be requested to attend all regular and special meetings. They shall be able to cast a vote on an application for a variance, interpretation, or appeal when a

regular member of the Board is absent or if a Board member has a conflict of interest. The alternate members shall have full voting privileges on the adoption or amendment of these rules of procedure and other procedural aspects of the Board's business.

ARTICLE III MEETINGS & HEARINGS

3-1 Regular Meetings & Public Hearings

Regular Meetings and Public Hearings of the Board shall be held on the Third Tuesday of each month at 7:30 p.m., or after the Planning Board Meeting, in the Stallings Town Hall. Regular meetings and Public Hearings may be held at any other convenient place in the Stallings area if directed by the Chair in advance of the meeting. Each member shall be notified of each meeting by the Secretary to the Board.

3-2 Special Meetings

The Special meetings of the Board may be called at any time by the Chair. At least forty-eight (48) hours written notice of the time and place of special meetings shall be given by the Secretary to each member of the Board.

3-3 Cancellation of Regular Meetings and Public Hearings

Whenever there is no business for the Board, or whenever so many members notify the Secretary of their inability to attend that a quorum will not be available, the Chair may dispense with a regular meeting or Public Hearing by having written or oral notice given to all members not less than twenty-four (24) hours before the time set for the meeting.

3-4 Quorum

A quorum shall consist of four (4) members of the Board. The Board shall not vote upon an application for a variance when less than four-fifths (4/5th) voting members present.

3-5 Voting

All regular members may vote on any issue unless they have disqualified themselves for one or more reasons listed in Article VI. The required vote to decide appeals and applications shall be provided in Article 7-2 and shall not be reduced by any disqualification. In all other matters, the majority of the members present and voting shall decide issues before the Board.

ARTICLE IV ATTENDANCE

4-1 In order for the Board to carry out its duties and responsibilities, all members must attend the meetings. If any regular member is absent for two (2) consecutive regular meetings, the Chair may direct the Secretary to notify such member in writing of their absences. By a majority vote of the remaining members, the Board of Adjustment may request that the position be vacated and request a replacement be replaced made.

ARTICLE V ORDER OF BUSINESS

5-1 All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- a) Determination of Quorum
- b) Approval of Previous Minutes

- c) Old Business
- d) New Business
- e) Adjournment

**ARTICLE VI
RULES OF CONDUCT AND CONFLICT OF INTEREST**

6-1 The Zoning Board of Adjustment shall be governed by the terms of Chapter 160D-302 of the General Statutes of North Carolina and by the Town of Stallings Zoning Ordinance. All members of the Board shall thoroughly familiarize themselves with these laws.

6-2 Members of the Board of Adjustment shall not participate or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision-maker. Impermissible violations of the due process include, but are not limited to, a member having a fixed opinion before hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or financial interest in the outcome of the matter. (G.S. § 160D-109).

6-3 Withdraw from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.

6-4 If a public hearing is continued from one meeting date to another, no Board member shall vote on any matter deciding an applicant or appeal unless they shall have attended the entire public hearing on that application or appeal. An alternate member may replace a regular member only if the alternate member was in attendance at all previous public hearing sessions concerning that application. If a vote cannot occur, it will be necessary that the public hearing continue on another date or be started over and readvertised with new voting Board members.

6-5 Conduct of Hearing

Any party shall appear in person or by an agent or by an attorney at the hearing. The order of business for hearing shall be as follows:

- a) The Chair, or such person as they shall direct, shall give a preliminary statement of the case;
- b) The applicant shall present the argument in support of their application;
- c) Persons opposed to granting the application shall present the argument against the application;
- d) The Chair (or the Secretary at the Chair's direction) shall summarize the evidence which has been objectives or corrections. Board members may view the premises and ask clarifying questions before arriving at a decision. All witnesses giving evidence before the Board shall be placed under oath, and the opposing party may cross-examine them.
- e) Members of the Board will not express individual opinions on the proper judgment of any case with any parties before determining that case. Continued violation of this rule shall cause dismissal from the hearing or Board.

**ARTICLE VII
APPEALS, APPLICATIONS, AND PUBLIC HEARINGS**

7-1 Types of Appeals

The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination the Development Administrator makes. In deciding appeals, it may hear both those based upon an allegedly improper or erroneous interpretation of the Ordinance and those based upon alleged hardship resulting from the strict interpretation of the Ordinance

7-2 Procedure For Filing Appeals

The Board shall hear no appeal unless notice thereof is filed with the Town Clerk within fifteen (15) days after the interested party or parties receive notice of the order, requirement, decision, or determination by the Development Administrator. All applications shall be made upon the form furnished for that purpose by the Town, and all information required shall be provided before an appeal shall be considered as having been filed.

7-3 Procedure For Filing Application For Variances

A complete application for a variance shall be submitted to the Development Administrator at least fifteen (15) days before the Board of Adjustment hearing at which the case is to be heard. All applications shall be made upon the form furnished for that purpose by the Town, and all information required shall be provided before the application can be considered for the Board of Adjustment to hear.

7-4 Public Hearing Notice

After a completed application is submitted to the Development Administrator, a public hearing shall be scheduled at the next regularly scheduled meeting of the Board or at a special meeting called for at an earlier date by the Chair; all such meetings being scheduled at least fifteen (15) days after the application has been accepted and deemed complete by the Development Administrator. Notice of evidentiary hearings shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and the Town shall also send by first class mail notice of the public hearing to the applicant and owners within 500 ft of the subject property. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, before the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The Board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the Board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement (G.S. § 160D-406).

7-6 Rehearings

An application for rehearing may be made in the same manner as provided for an original hearing. Evidence supporting the application shall initially be limited to necessary to enable the Board to determine whether there has been a substantial change in the case's facts, evidence, or conditions. The application for rehearing shall be denied by the Board if, from the record, it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that there has been a change, it shall treat the request in the same manner as any other application. A public hearing shall not be required to be held by the Board of Adjustment to determine whether rehearing is to be held. Those Board members who voted on the application at the prior public hearing need not all be voting to determine if a rehearing is held. The concurring vote of at least four-fifths (4/5ths) voting members shall be required to conduct a rehearing.

7-7 Decision

1. Time:

Decisions by the Board shall be made no later than thirty-one (31) days from when the hearing was closed.

2. Form:

The Board's final decision shall be shown in the record of the case as entered in the minutes of the Board and signed by the Secretary and the Chair upon approval of the minutes by the Board. Such a record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. Where a variance is granted, the record shall detail any exceptional difficulty of unnecessary hardship upon which the appeal was based and which the Board finds to exist. The record shall describe the decision to reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from.

The record shall detail what conditions and safeguards in connection with granting a variance if the Board imposes any.

3. Expiration Permits:

Unless otherwise specified, any order or decision of the Board granting a variance shall expire if a building permit or certificate of occupancy for such use is not obtained within twelve (12) months from the decision date.

4. Voting at Hearings:

In no case shall more than seven Board of Adjustment members be allowed to vote on any case involving a variance application, interpretation of the Zoning Ordinance text, or appeal of a Development Administrator's decision.

The concurring vote of at least four voting members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Development Administrator. A vote of at least four-fifths (4/5ths) voting members shall be required for a variance. Voting on any issue shall be done by a show of hands or roll call.

5. Public Record of Decision:

As filed in its minutes, the decisions of the Board shall be of public record, available for inspection at the Town Clerk's office during regular business hours.


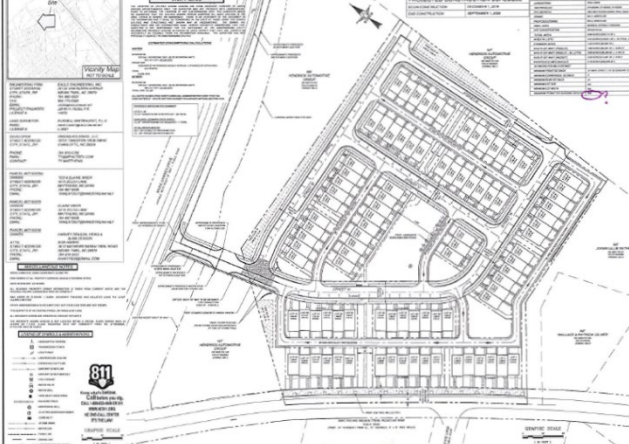
**ARTICLE VIII
ADOPTION AND AMENDMENT**

8-1 These rules may, within limits allowed by law, be amended at any time by an affirmative vote of not less than four (4) regular or alternate members of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted this ____ day of _____, 2024.

Chair

Current Approved Residential Project Status

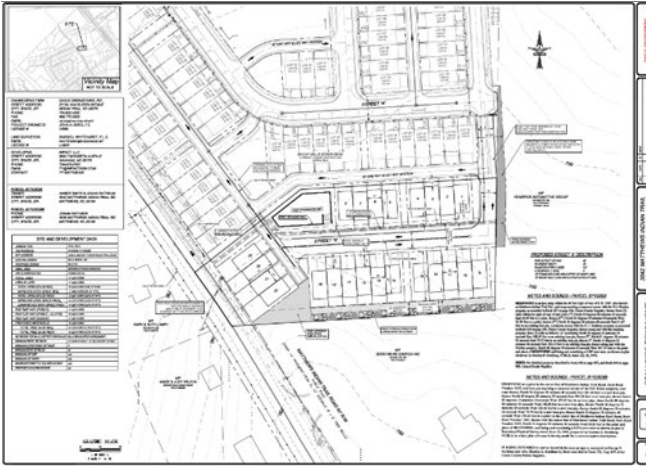
Project Name, Info	Location	Additional Info	Status																								
<p>Idlewild Mixed-Residential Plan (Aria):</p> <ul style="list-style-type: none"> Total Site Area: 48.83ac in Stallings 270 Multifamily Units (Aria) 148 Townhomes in Stallings (Inactive) 115 Townhomes in Matthews (Inactive) 3.41 acres of retail/commercial (Inactive) 	<p>Idlewild Rd behind Idlewild Shopping Center</p>	<ul style="list-style-type: none"> By-Right Development Development Agreement: Yes, recorded. Construction Documents approved. Final Plats approved. They have received their Water and Sewer Accessibility letter, NCDEQ Permit, and NCDOT Driveway Permit. 	<p>Construction Ongoing</p>																								
 <p>DEVELOPMENT SUMMARY</p> <p>MATTHEWS: FRONT LOAD: 85 REAR LOAD: 85 TOTAL: 170 STALLINGS: REAR LOAD: 148 TOTAL: 148 APARTMENTS: 230 TOTAL IN 7 BUILDINGS</p> <p>TOTAL NUMBER OF TOWNHOMES: 115 (MAY BE ADJUSTED UP OR DOWN) REAR LOAD BUILDING OF 148: TOTAL: 148 MAX TOTAL: 218</p> <p>BOHLER ENGINEERS, P.C. IDLEWILD RESIDENTIAL EXHIBIT G MATTHEWS/STALLINGS, NC</p>																											
<p>Bailey Mills (Formerly Stallings Townhomes):</p> <ul style="list-style-type: none"> 92 Single-Family Attached Residential. 	<p>Marie Garris Rd and Matthews Indian Trail Rd</p>	<ul style="list-style-type: none"> By-Right Development Development Agreement: Yes recorded 	<p>Construction Ongoing</p>																								
 <p>PROJECTED CONSTRUCTION SCHEDULE</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Start Date</th> <th>End Date</th> </tr> </thead> <tbody> <tr> <td>Site Preparation</td> <td>01/2022</td> <td>03/2022</td> </tr> <tr> <td>Foundation</td> <td>03/2022</td> <td>05/2022</td> </tr> <tr> <td>Framing</td> <td>05/2022</td> <td>07/2022</td> </tr> <tr> <td>Roofing</td> <td>07/2022</td> <td>09/2022</td> </tr> <tr> <td>Interior Finishes</td> <td>09/2022</td> <td>11/2022</td> </tr> <tr> <td>Exterior Finishes</td> <td>11/2022</td> <td>01/2023</td> </tr> <tr> <td>Final Inspection</td> <td>01/2023</td> <td>02/2023</td> </tr> </tbody> </table>	Activity	Start Date	End Date	Site Preparation	01/2022	03/2022	Foundation	03/2022	05/2022	Framing	05/2022	07/2022	Roofing	07/2022	09/2022	Interior Finishes	09/2022	11/2022	Exterior Finishes	11/2022	01/2023	Final Inspection	01/2023	02/2023			
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<p>Bailey Mills Expansion (Phase 2):</p> <ul style="list-style-type: none"> The Town Council approved CZ22.09.01 on March 28, 2022. 23 Attached Residential Units 	<p>Marie Garris Rd and Matthews Indian Trail Rd</p>	<p>They have been approved for an extension of Conditional Zoning Vested rights for an additional two years due to sewer capacity (till March 28, 2026).</p>	<p>Construction Documents and Final Plat not approved.</p>																								

Project Name, Info

Location

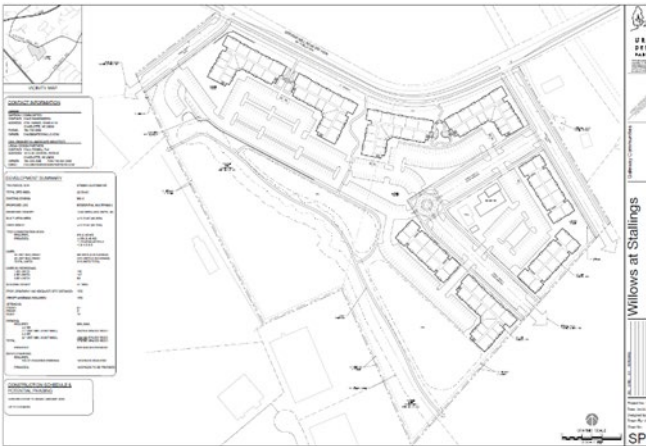
Additional Info

Status



The Willows at Stallings:

- 315 Multifamily Residential.



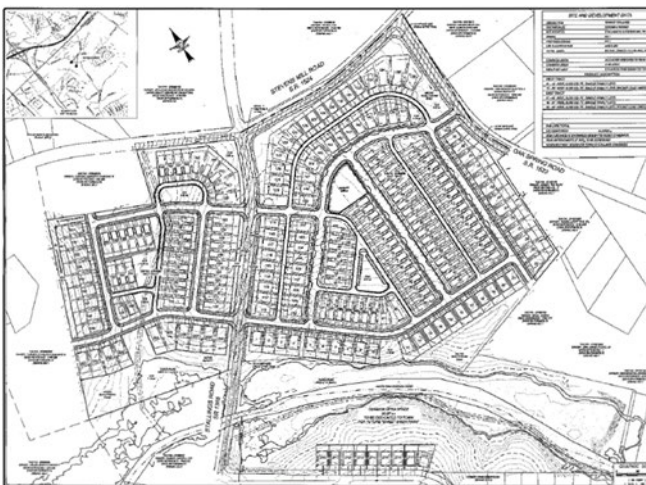
Stevens Mill Rd

- Development Agreement: Yes - recorded
- By-Right Development.

- Construction documents were approved, and the final plat was not approved.
- Inactive

Stallings Farm:

- 216 Single-Family Residential



Stallings Rd and Stevens Mill Rd.

- Development Agreement: Yes - Recorded
- By-Right Development.

Comments were submitted for the 2nd review of the construction documents.

Stone Creek (Formerly Union Park Townes):

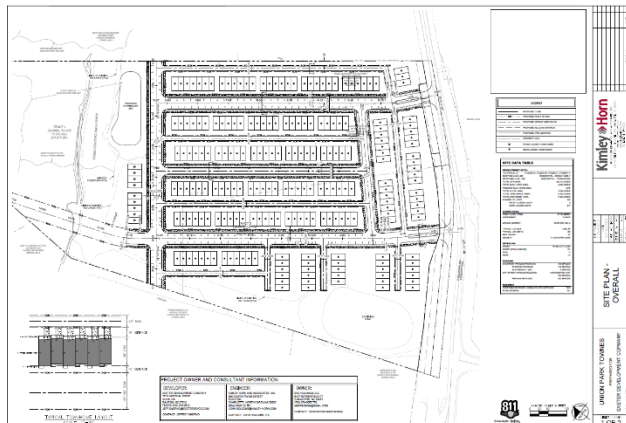
Stallings Rd

- Development Agreement: Yes recorded

Under Construction

Project Name, Info	Location	Additional Info	Status
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- 220 Single-Family Attached Units



- By-Right Development.

Idlewild and Stevens Mill Project (Idlewild Crossing): Stevens Mill Rd & Idlewild Rd



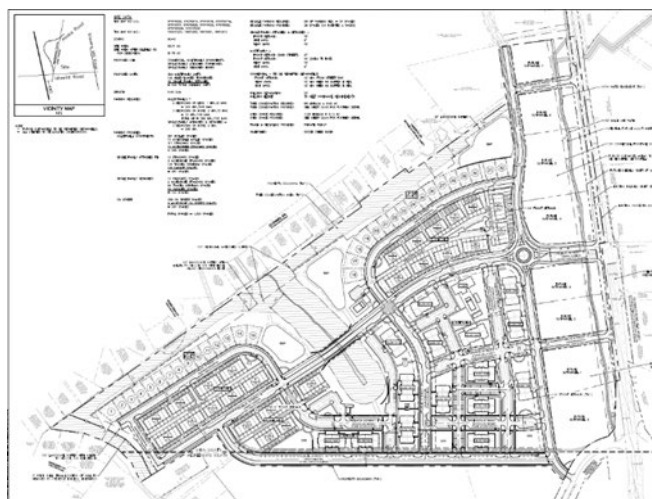
- By-Right Development
 - Development Agreement: Yes – NOT recorded. Within the next few months, they will submit a DA for a Gas Station and Drive-thru use on the commercial out parcels. They submitted the original application in 2020 when the uses were allowed by right.
- Concept plan approved

Stinson Farm:

Idlewild Rd

- Total Site Area: 83.71ac
- 360 Multifamily Units
- 136 Attached-Homes
- 32 Single-Family Detached Homes
- 8 Future Outparcels of retail/commercial (Inactive)

- Development Agreement: Yes – recorded.
- Construction Documents Approved



Project Name, Info

Location

Additional Info

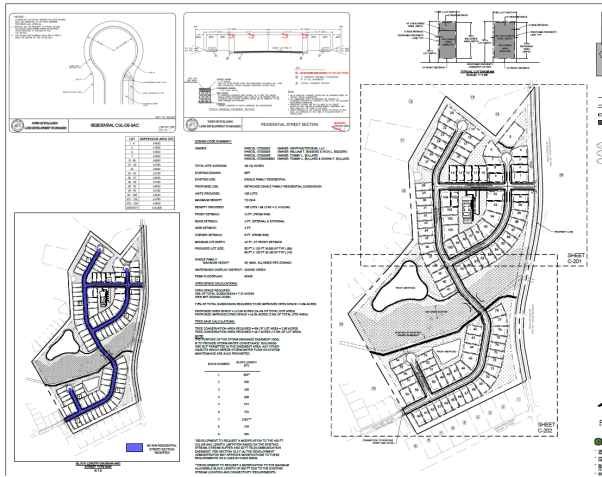
Status

Courtyards on Greenway:

Lawyers Rd

- By-right Development Comments submitted for 1st review of Construction Documents.

- 105 Single-Family Detached Residential



Housing Unit Projections:

- The following chart shows an estimate of the future homes with approved development agreements, Council approval, or plans to be built in Stallings. Some development housing unit counts are subject to change during the plan review.

Development Name	# of Housing Units
Idlewild Mixed Use Development (Aria at Idlewild location)	<ul style="list-style-type: none"> • 270 Multifamily Units (Aria) • 148 Attached-Homes
Bailey Mills	<ul style="list-style-type: none"> • 92 Attached-Homes
Bailey Mills Expansion (Phase 2)	<ul style="list-style-type: none"> • 23 Attached-Homes
Courtyards on Greenway	<ul style="list-style-type: none"> • 105 Single-Family Homes
Stallings Farm	<ul style="list-style-type: none"> • 216 Single-Family Homes
Stinson Farm	<ul style="list-style-type: none"> • 360 Multifamily Units • 136 Attached-Homes • 32 Single-Family Homes
Stone Creek Townhomes	<ul style="list-style-type: none"> • 220 Attached-Homes
The Willows	<ul style="list-style-type: none"> • 315 Multifamily Units
Total Future Projections	<ul style="list-style-type: none"> • 353 Single-Family Detached Homes • 471 Attached-Homes • 945 Multifamily Units
Legend - Under Construction	
Legend - Plans Approved	
Legend - Awaiting Plan Approval	

Silverline TOD

We have been awarded the CRTPO Grant, and there are three main initiatives for the Silver Line Plan Integration:

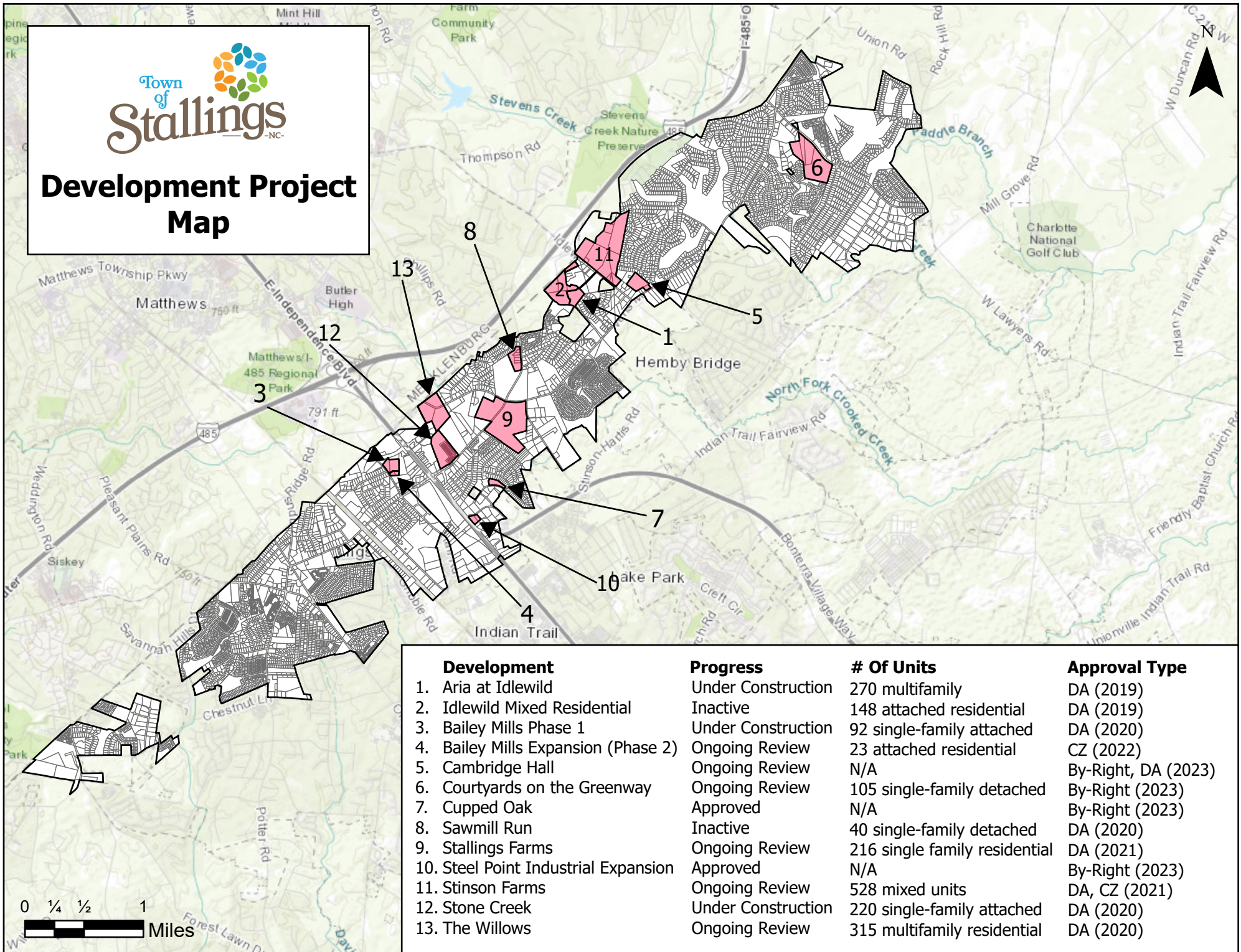
1. Integrate the future Lynx Silver Line Project into the Stallings Comprehensive Land Use Plan to include timelines, benefits, studies, and education.
2. Reimagine the Monroe Expressway Small Area Plan and create a Silver Line Station/Atrium Hospital Small Area Plan that includes renderings and specs.
3. Incorporate an updated Transportation-oriented Development overlay in the development ordinance with preservation and promotion techniques along the proposed Silver Line alignment.

- Status:

- See the survey results for a limited time here: <https://arcg.is/0554aj0>
- Public input session at Stallings Fest Completed
- Next Steps: Planning Board recommendation, Vision/Goals, Comprehensive Plan Update, Small Area Plan Update.



Development Project Map



Development	Progress	# Of Units	Approval Type
1. Aria at Idlewild	Under Construction	270 multifamily	DA (2019)
2. Idlewild Mixed Residential	Inactive	148 attached residential	DA (2019)
3. Bailey Mills Phase 1	Under Construction	92 single-family attached	DA (2020)
4. Bailey Mills Expansion (Phase 2)	Ongoing Review	23 attached residential	CZ (2022)
5. Cambridge Hall	Ongoing Review	N/A	By-Right, DA (2023)
6. Courtyards on the Greenway	Ongoing Review	105 single-family detached	By-Right (2023)
7. Cupped Oak	Approved	N/A	By-Right (2023)
8. Sawmill Run	Inactive	40 single-family detached	DA (2020)
9. Stallings Farms	Ongoing Review	216 single family residential	DA (2021)
10. Steel Point Industrial Expansion	Approved	N/A	By-Right (2023)
11. Stinson Farms	Ongoing Review	528 mixed units	DA, CZ (2021)
12. Stone Creek	Under Construction	220 single-family attached	DA (2020)
13. The Willows	Ongoing Review	315 multifamily residential	DA (2020)