



September 19th, 2023
 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 Meeting to Order	Chair	N/A
1.		Approval of Agenda	Chair	Approve Agenda Motion: I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: -----
2.		Approval of Minutes A. July 18th, 2023	Chair	Approve Minutes Motion: I make the motion to: 1) Approve the Minutes as presented; or 2) Approve the Minutes with the following changes: -----
3.		TX23.09.01 A. Acts of Sourdough LLC, a bakery products company, submitted a text amendment application to request Bakery and Bakery Products as a listed use (L) in the Vehicle, Service, and Repair (VSR) zoning district. B. Statement of Consistency and Reasonableness.	Max Hsiang, Planning Director	Recommend Approval/Denial Motion: I make the motion to recommend: 1) Approval of the request as presented. 2) Defer the request to ----- 3) Denial of the request as submitted.

#	Time	Item	Presenter	Action Requested/Next Step
4.		<p>TX23.09.02</p> <p>A. Staff requests a text amendment to add sign regulations for removing or replacing signs due to eminent domain in Article 17.4.</p> <p>B. Statement of Consistency and Reasonableness.</p>	Max Hsiang, Planning Director	<p>Recommend Approval/Denial</p> <p>Motion: I make the motion to recommend:</p> <ol style="list-style-type: none"> 1) Approval of the request as presented. 2) Defer the request to -----. 3) Denial of the request as submitted.
5.		<p>TX23.09.03</p> <p>A. Staff requests a text amendment to add vested rights extension for Conditional Zoning (CZ) in Article 5.4-3(I).</p> <p>B. Statement of Consistency and Reasonableness.</p>	Max Hsiang, Planning Director	<p>Recommend Approval/Denial</p> <p>Motion: I make the motion to recommend:</p> <ol style="list-style-type: none"> 1) Approval of the request as presented. 2) Defer the request to -----. 3) Denial of the request as submitted.
6.		Adjournment	Chair	<ol style="list-style-type: none"> 1) Motion: I make the motion to adjourn.

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

The Planning Board of the Town of Stallings met for their regularly scheduled meeting on July 18, 2023, at 7:00 pm. The meeting was held at the Stallings Government Center, 321 Stallings Road, Stallings, NC 28106.

Planning Board members present: Chairman Robert Koehler, David Barnes, Jon Van de Riet, and Jacqueline Wilson

Planning Board members were absent: Vice Chairwoman Laurie Wojtowicz and Ryan Awaldt

Staff members present: Max Hsiang, Planning Director and Mary McCall, Deputy Town Clerk.

Chairman Robert Koehler recognized a quorum.

Invocation and Call to Order

Chairman Robert Koehler called the meeting to order at 7:00pm.

1. Approval of Agenda

Board Member Van de Riet made the motion to approve the agenda. The motion was approved unanimously after a second from Board Member Wilson.

2. Approval of Minutes – May 16, 2023

Board Member Van de Riet made the motion to approve the Planning Board Minutes from May 18, 2023. The motion was approved unanimously after a second from Board Member Wilson.

3. RZ23.06.01

A. To rezone 14 721 Lawyers Road from Union County Zoning, Residential 20 (R -20) to Stallings Zoning, Mixed Use 2 (MU-2).

B. Statement of Consistency and Reasonableness

Planning Director Hsiang presented text amendment RZ23.06.01 to rezone 1.23 acres of property identified as parcel ID #08324001, located at 14721 Lawyers Rd from Union County Residential 20 (R- 20) to Mixed-Use 2 (MU-2). Staff recommended approval of RZ23.06.01 as MU-2 is consistent with the shopping center/commercial property located across the street. MU-2 zoning will also help increase the number of commercial business opportunities in the Town per the Town of Stallings Economic Development Plan.

Board Member Wilson made the motion to approve the recommendation of RZ23.06.01 along with a statement that RZ23.06.01 is inconsistent but reasonable in conjunction with the Comprehensive Land Use Plan. The motion was approved unanimously after a second from Board Member Van de Riet.

4. Downtown Streetscape Revisit

To revisit the Downtown Streetscape Plan with the Planning Board in July and the Town Council on August 14th.

Planning Director Hsiang revisited and reviewed the Downtown Streetscape Plan. After discussion, all planning board members present agreed with the plan being presented to the Town Council.

5. Adjournment

Board Member Wilson made the motion for adjournment. The motion was approved unanimously after a second from Board Member Barnes.

The meeting adjourned at 7:24 pm.

Robert Koehler, Chairman

Mary McCall, Deputy Town Clerk

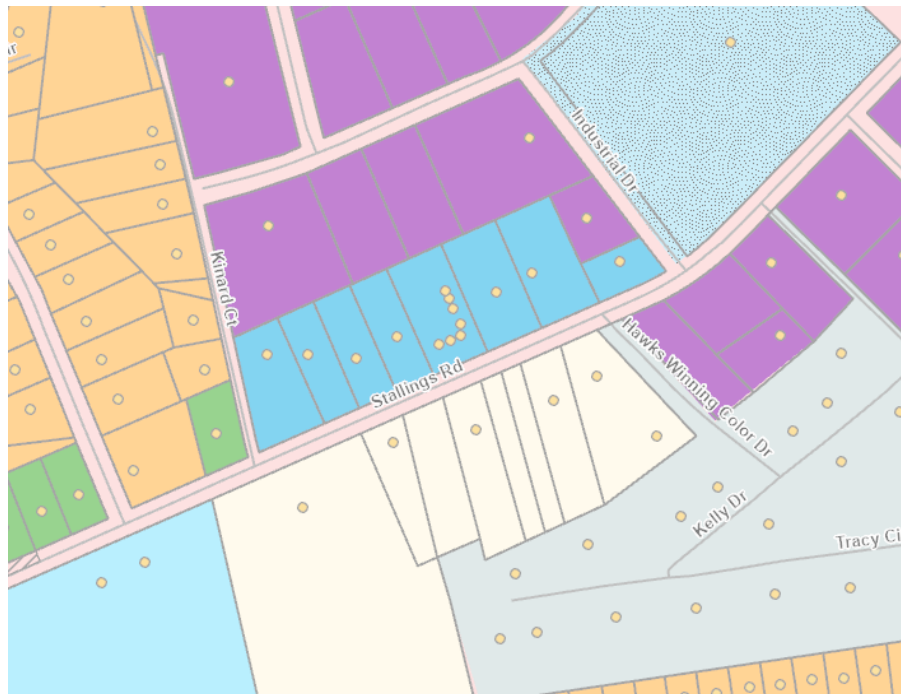


MEMO

To: Planning Board
From: Max Hsiang, Planning Director
Date: 9/19/2023
Re: TX23.09.01 - Bakery & Bakery Products in VSR Zoning

Request:

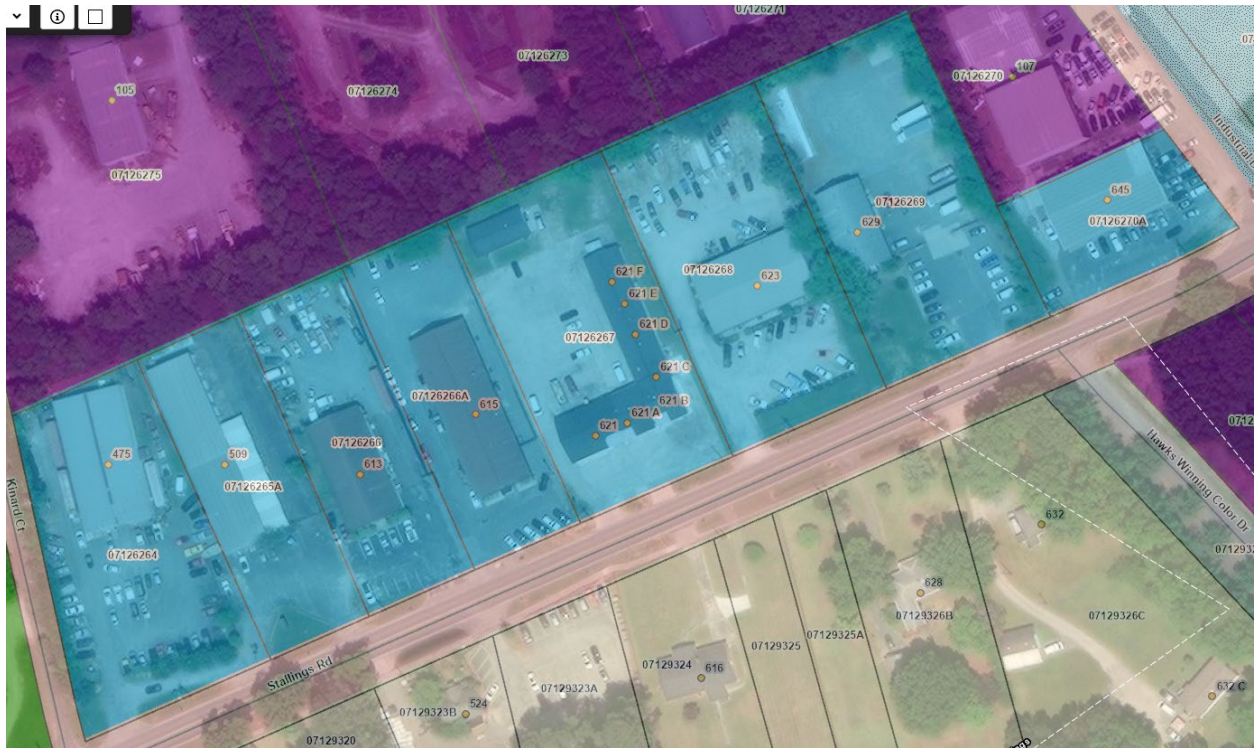
Acts of Sourdough LLC, a bakery products company, submitted a text amendment application to request Bakery and Bakery Products as a listed use (L) in the Vehicle, Service, and Repair (VSR) zoning district.



History:

The VSR zoning district was established to provide locations for specific uses (*Automotive*) that, due to their unique characteristics and importance to the community and the traveling public, require different criteria and specifications than typical commercial development. Uses in this district include heavy commercial goods and services for motor vehicles and some limited industrial.

VSR has had several text amendments to allow Medical Supplies, Flooring, and now Bakery. The VSR zoning was created only to allow automotive uses but is now moving towards more commercial.



Staff Recommendation:

Staff recommends approval of TX23.09.01. Staff recommends the need for additional uses in VSR besides automotive and may bring a staff-led text amendment to amend the allowed uses in VSR in the future. This text amendment also helps increase the number of commercial business opportunities in the town per the Town of Stallings Economic Development Plan.

#	L = listed use CZ = conditional zoning S = Use listed with additional standards SUP = Special Use Permit Reference SIC and NAICS code for further data on the listed uses.	Agriculture (AG)	Single Family Residential (SFR-1, SFR-2, SFR-3 & SFR-MH)	Multi-Family Residential Transitional (MFT)	Traditional Neighborhood Development Overlay (TNDO)	Town Center (TC)	Civic (CIV)	Mixed Use (MU-1)	Mixed Use (MU-2)	US 74 Commercial (C 74)	Interstate Highway 485 Corporate Park	Vehicle Service/Repair (VSR)	Business Center (BC)	Industrial (IND)	Heavy Industry Overlay (HIO)	
1	LIGHT INDUSTRIAL USES															
2	Animal Feeds	CZ (10.2-4)								CZ (10.2-4)			S(10.1-36)	S (10.1-36)		
3	Apparel and Finished Fabric Products												S(10.1-36)	S (10.1-36)		
4	Assembly of components manufactured off site, Final												S(10.1-36)	S (10.1-36)		
5	Audio, Video and Communications Equipment												S(10.1-36)	S (10.1-36)		
6	Bakery Products				S (10.1-36)					S (10.1-36)		L	S(10.1-36)	S (10.1-36)		
7	Beverage Products and/or Bottling	CZ (10.2-4)								CZ (10.2-4)	CZ (10.2-4)		S(10.1-36)	S (10.1-36)		
8	Bicycle Parts and Accessories											S (10.1-36)	S(10.1-36)	S (10.1-36)		
9	Brooms and Brushes												S(10.1-36)	S (10.1-36)		
10	Computer and Office Equipment												S(10.1-36)	S (10.1-36)		
11	Electrical Equipment												S(10.1-36)	S (10.1-36)		
12	Furniture and Fixtures												S(10.1-36)	S (10.1-36)		
13	Glass Products from Purchased Glass												S(10.1-36)	S (10.1-36)		
14	Household Appliances												S(10.1-36)	S (10.1-36)		
15	Leather Products (not including tanning)	CZ (10.2-4)											S(10.1-36)	S (10.1-36)		
16	Lighting and Wiring Equipment												S(10.1-36)	S (10.1-36)		
17	Manufactured Housing and Wood Buildings												S(10.1-36)	S (10.1-36)		
18	Medical, Dental and Surgical Equipment											S (10.1-36)	S(10.1-36)	S (10.1-36)		
19	Photographic Equipment and Supplies												S(10.1-36)	S (10.1-36)		
20	Pottery and Related Products	S (10.1-36)											S(10.1-36)	S (10.1-36)		
21	Sign manufacture											S (10.1-36)	S(10.1-36)	S (10.1-36)		
22	Sporting Goods and Toys												S(10.1-36)	S (10.1-36)		
23	Textile Products (no dyeing and finishing)												S(10.1-36)	S (10.1-36)		
24	HEAVY INDUSTRIAL USES															
25	Ammunition, Small Arms													S (10.1-36)		
26	Asbestos, Abrasive and Related Products															CZ (10.2-16)
27	Batteries															CZ (10.2-16)
28	Chemicals, Paints and Allied Products															CZ (10.2-16)
29	Concrete, Cut Stone and Clay Products													S (10.1-36)		
30	Dairy Products	CZ (10.2-4)												S (10.1-36)		
31	Fabricated Metal Products											S (10.1-36)		S (10.1-36)		

#	L = listed use CZ = conditional zoning S = Use listed with additional standards SUP = Special Use Permit Reference SIC and NAICS code for further data on the listed uses.	Agriculture (AG)	Single Family Residential (SFR-1, SFR-2, SFR-3 & SFR-MH)	Multi-Family Residential Transitional (MFT)	Traditional Neighborhood Development Overlay (TNDO)	Town Center (TC)	Civic (CIV)	Mixed Use (MU-1)	Mixed Use (MU-2)	US 74 Commercial (C 74)	Interstate Highway 485 Corporate Park (CP 485)	Vehicle Service/Repair (VSR)	Business Center (BC)	Industrial (IND)	Heavy Industry Overlay (HIO)
1	ABC Store (liquor sales)					CZ			CZ	L					
2	Accessory Dwelling Unit	S (10.1-3)	S (10.1-3)	S (10.1-3)	S (10.1-3)	L	S (10.1-3)	S (10.1-3)	S (10.1-3)						
3	ADULT ESTABLISHMENTS/USES														
4	Bookstore, Adult													SUP (10.2-3)	
5	Cabaret, Adult													SUP (10.2-3)	
6	Massage Parlor													SUP (10.2-3)	
7	Motel, Adult													SUP (10.2-3)	
8	Movie, Adult - Rental, Sales													SUP (10.2-3)	
9	Retail, Adult Products													SUP (10.2-3)	
10	Theater, Adult													SUP (10.2-3)	
11	Agricultural Based Business Facilities	SUP (10.2-4)												S (10.1-36)	
12	Agricultural Production (Crops only)	L	L				L							L	L
13	Agricultural Production (Crops & Livestock)	L													
14	Agricultural Production (Within Buildings)	L												L	L
15	Alteration, Clothing Repair				L	L		L	L	L					
16	Amusement/Water Parks, Fairgrounds									SUP (10.2-5)	SUP (10.2-5)				
17	Antique Store				L	L		L	L	L					
18	Apparel Sales (Clothing, Shoes, Accessories)				L	L		L	L						
19	Appliance Repair, Refrigerator or Large							S (10.1-36)	S (10.1-36)	S (10.1-36)		S (10.1-36)	S(10.1-36)	S (10.1-36)	
20	Appliance Store							S (10.1-36)	S (10.1-36)	S (10.1-36)					
21	Arts and Crafts Store				L	L		L	L	L			L		
22	Asphalt Plant														SUP (10.2-6&16)
23	Athletic Fields	L	L	L	L		L	L							
24	Auditorium, Coliseum or Stadium						L		L						
25	Auto Supply Sales									S (10.1-36)		S (10.1-36)	S(10.1-36)	S (10.1-36)	
26	Automobile Dealers									S (10.1-36)		S (10.1-36)			
27	Automobile Rental or Leasing									L	L	L	L	L	
28	Automobile Repair Services (Major)									S (10.1-4)		S (10.1-4)		S (10.1-4)	
29	Automobile Repair Services (Minor)									S (10.1-4)		S (10.1-4)		S (10.1-4)	
30	Automobile Towing and Storage Services											S (10.1-5)		S (10.1-5)	
31	Bakery				L	L		L	L	L		L	S(10.1-36)	S (10.1-36)	
32	Bank, Savings and Loan, or Credit Union				S (10.1-6)	S (10.1-6)		S (10.1-6)	S (10.1-6)	S (10.1-6)	S (10.1-6)		S(10.1-6)		
33	Barber Shop				L	L		L	L	L	L		L		
34	Bars (with/without Beverage Production Accessory				L	L		L	L	L	L				



TEXT AMENDMENT APPLICATION

315 Stallings Road
Stallings, NC 28104
704-821-8557
Fax 704-821-6841

Date Filed: 8/31/2023 Fee Paid: \$600.00 - AMT 9/1/23

***Please reference the Fee Schedule for cost.**

Applicant Information

Applicant Name: Acts of Sourdough LLC

Address: P.O. Box 307 Matthews, NC 28106

Phone: (561) 312-0093 Email: actsofsourdough@gmail.com

Proposed Text Amendment - Include Article and Section Numbers

Request text amendment to include Bakery and bakery products as a listed use (L) in USR zoning.

The desire of our company is to service local markets, community functions and our neighbors with the baking and breaking of bread

Please include a statement addressing the following:

- 1) In order to maintain sound, stable and desirable development within the planning jurisdiction of the Town of Stallings, it is intended that this ordinance be amended to:
 - (a) To correct manifest error in the ordinance;
 - (b) Because of changed or changing conditions in a particular neighborhood or community as a whole; and/or
 - (c) To promote and forward the purposes of the adopted Stallings Land Use Plan.
- 2) It is the further intent of this ordinance that if amended it will promote the general health, safety, and welfare of the citizens of Stallings.

According to Article 5.3 - (3.) of the Stallings Development Ordinance, full and complete applications must be submitted by 12:00 noon on the last business day of the calendar month in order to be considered at the meeting of the Stallings Planning Board scheduled for the following month. For additional information or assistance, call the Town of Stallings Planning Office at (704) 821-8557.

Applicant Signature: [Handwritten Signature] Date: 8/31/2023



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX23.09.01

REQUEST: Acts of Sourdough LLC, a bakery products company, submitted a text amendment application to request Bakery and Bakery Products as a listed use (L) in the Vehicle, Service, and Repair (VSR) zoning district.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council”, adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

WHEREAS, the Town Council finds it necessary to consider the Planning Board’s recommendations.

THEREFORE, The Planning Board hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state-mandated land use regulations established through NCGS § 160D. The Planning Board recommends to **APPROVE** the proposed amendment and stated that the Planning Board finds and determines that the zoning/text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) This text amendment helps increase the number of commercial business opportunities in the town per the Town of Stallings Economic Development Plan.

Recommended this the ___ day of _____, 2023.

Planning Board Chair

Attest:

Planning Staff

September 19, 2023



MEMO

To: Planning Board
From: Max Hsiang, Planning Director
Date: 9/19/2023
Re: TX23.09.02 - Eminent Domain Signage

Request:

Staff requests a text amendment to add sign regulations for removing or replacing signs due to eminent domain in Article 17.4.

Eminent domain is the right of governments (like the Town of Stallings or NCDOT) to take private property for public use with fair compensation.

Add a new provision at the end of Section 17.4 to read as follows:

17.4 Applicability

17.4-1 Except as specifically exempted in this Article, no sign shall be erected, altered, or displayed without a sign permit issued by the Town of Stallings confirming compliance with the provisions of this Article. Signs made nonconforming by this Article shall be grandfathered until altered, abandoned, relocated, or removed except for prohibited signs, which shall be removed within ten (10) days as required in Section 17.5 of this Article.

17.4-2 When a lawful sign (either lawful under current regulations or lawfully in existence as a nonconforming sign) is removed or displaced through eminent domain, the sign may be replaced at a location on the site under the following standards:

- (A.) If the sign can be replaced in a location that complies with all existing regulations, no additional requirements will apply.
- (B.) If the sign cannot be replaced on the site in compliance with all existing regulations, the Development Administrator may nonetheless approve a sign that:
 - (1.) Does not exceed the height or square footage of the removed or displaced sign and
 - (2.) Is reasonably located to ensure traffic safety and compliance with all regulations that may reasonably be complied with, and does not block signs on any adjacent parcel and
 - (3.) May or may not comply with setbacks. For clarity, the Development Administrator, at their sole discretion, may reduce or modify setbacks in order to allow a replacement sign on the site.

Staff Recommendation:

- Staff recommends approval due to the displacement of signs with road widening projects and eminent domain. Many signs become displaced and may be unable to be replaced due to non-conformity. With this text amendment below, business and property owners may be able to replace their sign with a new

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one, either conforming or non-conforming, while meeting applicable regulations with the Development Administrator's approval. This text amendment maintains the community's health, safety, and appearance.



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX23.09.02

REQUEST: To add sign regulations for removing or replacing signs due to eminent domain.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council”, adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

WHEREAS, the Town Council finds it necessary to consider the Planning Board’s recommendations.

THEREFORE, The Planning Board hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives outlined in the document of promoting quality development and consistency with all state-mandated land use regulations established through NCGS § 160D. The Planning Board recommends to **APPROVE** the proposed amendment and states that the Planning Board finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- To maintain the health, safety, and appearance of the community

Recommended this the ___ day of _____, 2023.

Planning Board Chair

Attest:

Planning Staff

September 19, 2023



MEMO

To: Planning Board
From: Max Hsiang, Planning Director
Date: 9/19/23
Re: TX23.09.03 - Conditional Zoning Vested Rights

Request:

Staff requests a text amendment to add vested rights extension for Conditional Zoning (CZ) in Article 5.4-3(I).

The text amendment reads as follows:

- (I.) If no formal action (e.g., construction plan submittal, permit application, etc.) has been taken to begin the development of the property in accordance with the Conditional Zoning ordinance within twenty-four (24) months of its approval by the Town Council, **the property shall undergo the following:**
1. Revert to its previous zoning classification; or
 2. The Development Administrator may initiate appropriate action to rezone the affected property to any other classification within six (6) months of the loss of vested rights; or
 3. Before the date of vested rights expiration, the Development Administrator may approve vested rights for up to an additional twenty-four (24) months **once** due to delayed infrastructure improvements or unforeseen circumstances (i.e., lack of sewer capacity) if substantial evidence and good cause shown can be proven; or
 4. Apply for Zoning Vested Rights Approval outlined in Article 7.13.

Original:

- (I.) If no formal action (e.g., construction plan submittal, permit application, etc.) has been taken to begin the development of the property in accordance with the Conditional Zoning ordinance within twenty-four (24) months of its approval by Town Council, or no vested right has been obtained, then the property shall revert to its previous zoning classification, or the Development Administrator may initiate appropriate action to rezone the affected property to any other classification.

Staff Recommendation:

Staff recommends approval since the Town has had several developments that lost conditional zoning vested rights (i.e., Northeast Tool, Terkuerst Retreat, Raley Townhomes). Currently, the only other option for a developer is to resubmit for a conditional zoning and start the entire process over. This text amendment gives
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additional flexibility for vesting rights for conditional zoning due to lack of infrastructure or unforeseen development circumstances.



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX23.09.03

REQUEST: Staff requests a text amendment to add vested rights extension for Conditional Zoning (CZ) in Article 5.4-3(I).

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council”, adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

WHEREAS, the Town Council finds it necessary to consider the Planning Board’s recommendations.

THEREFORE, The Planning Board hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state mandated land use regulations established through NCGS § 160D. The Planning Board recommends to **APPROVE** the proposed amendment and stated that the Planning Board finds and determines that the zoning/text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) This text amendment gives additional flexibility for vesting rights for conditional zoning due to lack of infrastructure or unforeseen development circumstances.

Recommended this the ___ day of _____, 2023.

Planning Board Chair

Attest:

September 19, 2023

Planning Staff

September 19, 2023