



March 21st, 2023
 Stallings Town Hall
 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. January 17th, 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. | | Training A. Conduct the Planning 2023 Planning Board and Board of Adjustments training. | Max Hsiang | |
| 4. | | Poll A. Discuss the Planning Board and Board of Adjustments poll. | Max Hsiang | |

| | Time | Item | Presenter | Action Requested/Next Step |
|----|------|--|-----------------|---|
| 5. | | <p>TX23.02.01</p> <p>A. To amend Article 2.10-2 Accessory Structures located in Setback to implement limitations on the size and quantity of accessory structures in the Town of Stallings.</p> <p>B. Statement of Consistency and Reasonableness.</p> | Patrick Blaszyk | <p>Approval/Denial of TX23.02.01</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. | | <p>TX23.03.01</p> <p>A. To amend Article 9.8-3 (B) (1.) (e.) to allow for trailers and portable offices for the housing of on-site staff management if the trailers are at least 50' from the property lines and the lot is at least 5 acres or greater in size.</p> <p>B. Statement of Consistency and Reasonableness.</p> | Patrick Blaszyk | <p>Approval/Denial of TX23.03.01</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. |
| 7. | | <p>TX23.03.02</p> <p>A. To require conditional zoning (CZ) for Single-Family residential uses in the Mixed-Use 1 & 2 Zoning Districts.</p> <p>B. Statement of Consistency and Reasonableness.</p> | Max Hsiang | <p>Approval/Denial of TX23.03.02</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. |
| 8. | | 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 January 17, 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, Vice Chairwoman Laurie Wojtowicz, David Barnes, Jacqueline Wilson, and Ryan Awaldt.

No Planning Board members were absent.

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

Chairman Robert Koehler recognized a quorum.

Invocation and Call to Order

Chairman Robert Koehler led the Pledge of Allegiance and called the meeting to order at 7:00 pm

1. Approval of Agenda

Vice Chairwoman Wojtowicz made the motion to approve the agenda. The motion was approved unanimously after a second from Board Member Wilson.

2. Approval of Minutes – October 18, 2022

Vice Chairwoman Wojtowicz made the motion to approve the Planning Board Minutes from October 18, 2022. The motion was approved unanimously after a second from Board Member Wilson.

3. TX23.01.01

A. Amend Article 11.6-1 Buffering and Screening of Different Districts to allow the Development Administrator the authority to require a buffer for new development adjacent to existing residential.

B. Statement of Consistency and Reasonableness

Planning Director Hsiang presented text amendment TX23.01.01, explaining the reason for the change is to enable the Development Administrator to address buffer requirements not identified in the ordinance. Planning Director Hsiang advised the Council and Staff's goal is to protect existing residential homes from the impacts of new development by installing a buffer.

Vice Chairwoman Wojtowicz made the motion to approve the recommendation of TX23.01.01 along with a statement that TX23.01.01 is consistent and reasonable in conjunction with the Comprehensive Land Use Plan. The motion was approved unanimously after a second from Board Member Awaldt.

4. TX23.01.02

A. The Town Planning Staff has recommended a text amendment to allow for the use of breweries with or without beverage sales in the Industrial (IND), Business Center (BC) and Town Center (TC) zoning districts.

B. Statement of Consistency and Reasonableness

Planning Technician Blaszyk presented text amendment TX23.01.02 to allow breweries with or without beverage sales in the Industrial, Business Center and Town Center zoning districts. Planning Technician Blaszyk said that the proposed amendment evolved from the recent interest and property inquiries along Stallings Road for the placement of breweries. Planning Technician Blaszyk explained that staff quantified the proposal by considering the disproportionate split of the Stallings' tax base of eighty percent residential and twenty percent commercial, with the theory that the text amendment could improve the balance of the tax split.

Board Member Awaldt made the motion to approve the recommendation of TX23.01.02 along with a statement that TX23.01.02 is consistent and reasonable in conjunction with the Comprehensive Land Use Plan. The motion was approved unanimously after a second from Board Member Wilson.

5. Adjournment

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

The meeting adjourned at 7:23 pm.

Robert Koehler, Chairman

Mary McCall, Deputy Town Clerk

**TOWN OF STALLINGS
PLANNING BOARD
TRAINING
March 21, 2023**

**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

TOPICS TO BE DISCUSSED

- **Roles/relationships of Governing Board, Planning Board, Staff**
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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**.

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**

TOPICS TO BE DISCUSSED

- Roles/relationships of Governing Board, Planning Board, Staff
- **Administrative, Legislative, and Quasi-Judicial Decisions**
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TYPES OF DECISIONS: ADMINISTRATIVE

Made by Staff

Based on written standards.

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

TYPES OF DECISIONS: LEGISLATIVE

Made by the **Town Council**;

Can include:

map changes – e.g. rezoning cases

text changes

Planning Board must be given an opportunity to advise the **Town Council** on zoning map and text changes;

No conditions can be attached to

Planning Board recommendation or **Town Council** approval on any Zoning Map or Text amendment.

Exception is conditional zoning (CZ)

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:

1. 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
2. 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.

TOPICS TO BE DISCUSSED

- Roles/relationships of Governing Board, Planning Board, Staff
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STRAIGHT (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!!!!**

STRAIGHT (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.

STRAIGHT (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.

STRAIGHT (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):

- 1) Statement of consistency (with Land Use Plan and all other applicable ADOPTED plans) (160D-604(d));
- 2) 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 STATMENT

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.

TOPICS TO BE DISCUSSED

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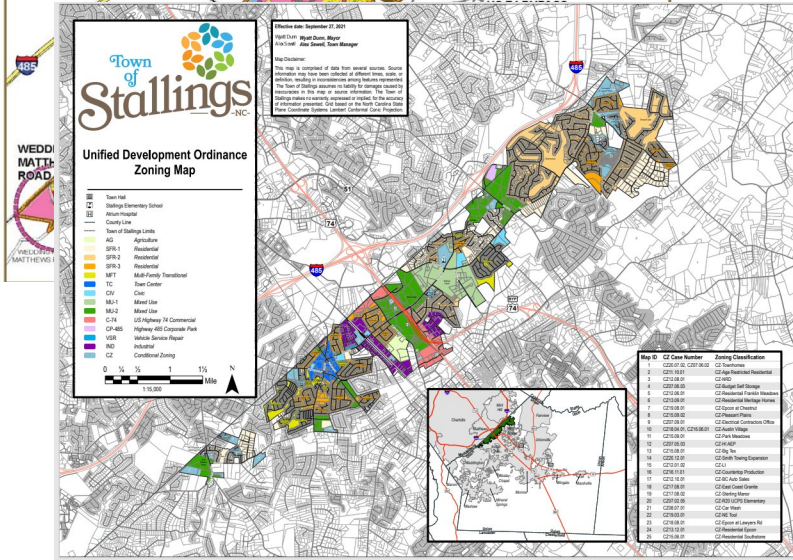
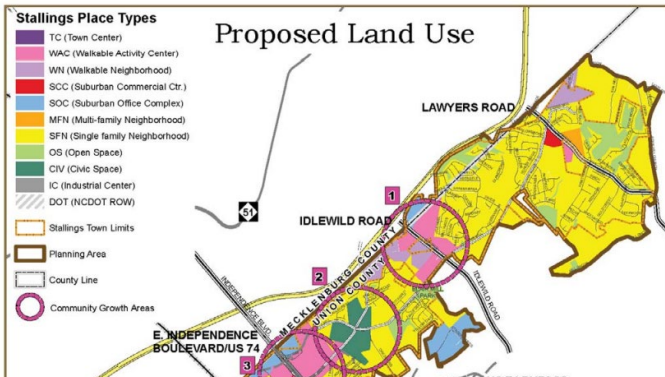
4 CONSIDERATIONS FOR SPOT ZONINGS

- 1) **Size of tract;**
- 2) **Compatibility of zoning with adopted plans;**
- 3) **Benefits/detriments of rezoning to the applicant, surrounding properties, and community; and,**
- 4) **Relationship of uses allowed under proposed zoning and uses currently allowed on adjacent tracts.**

TOPICS TO BE DISCUSSED

- Roles/relationships of Governing Board, Planning Board, Staff
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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



TOPICS TO BE DISCUSSED

- Roles/relationships of Governing Board, Planning Board, Staff
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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?**

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

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...

FACTORS TO CONSIDER

WHAT MAKES THE MOST
SENSE FOR STALLINGS IN
THE LONG RUN!!!!!!

TOPICS TO BE DISCUSSED

- Roles/relationships of Governing Board, Planning Board, Staff
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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

TOPICS TO BE DISCUSSED

- Roles/relationships of Governing Board, Planning Board, Staff
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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



MEMO

To: Planning Board
From: Patrick Blaszyk, Planning Technician
Date: 03/21/2023
Re: TX23.02.01 - Accessory Structure Limitations

❖ **Request:**

To amend Article 2.10-2 Accessory Structures located in Setback to implement limitations on the size and quantity of accessory structures in the Town of Stallings.

❖ **Reason for Request:**

The Town has received permit requests over the past several months for accessory structures that are not in harmony with the area they are built in. Many times, these structures significantly add to the quantity of impervious surface on the lot and are too large. The Town did not have any way to regulate the size and quantity of these structures in the past.

❖ **Amendment:**

The text amendment request reads as follows:

2.10-2 Accessory Structures located in Setback.

- (A.) Except as otherwise provided in this article, accessory structures located within an established setback or required side yard can be no closer than five (5') feet of a side or rear lot line and meet requirements established in Article 9 for Building Type. Accessory structures on corner lots must meet the established side yard setbacks and accessory structures in double frontage lots must meet established rear yard setback. Where permitted, accessory dwellings may be located no closer than four (4') feet to the right-of-way or easement of an abutting mid-block alley, nor closer than five (5') feet to an abutting rear property line. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of section 2.11 of this Ordinance.
- (B.) There must be a primary structure prior to any accessory structures allowed on the property. Fences, pools, and pergolas are not included. Below is the chart on accessory structures sizes and quantities allowed.

Accessory Structure Maximum Size and Number of Structures Allowed *

| Lot Size | Maximum Footprint | Maximum No. of Structures |
|--------------------|--|---------------------------|
| 0.00 to 0.499 acre | 25% of the square footage of ground floor area of the principle structure as identified by tax parcel records, not to exceed 1,200 sf total. | 1 |
| 0.50 to 1 acre | 50% of the square footage of ground floor area of the principle structure as identified by tax parcel records, not to exceed 1,600 sf total. | 2 |
| 1.01 to 2 acres | Aggregate size of all accessory structures combined shall not exceed 5% of the square footage of the lot; in no case shall a single accessory structure be more than 50% of the heated square footage of the principle structure. | 2 |
| 2.01 to 3 acres | Aggregate size of all accessory structures combined shall not exceed 5% of the square footage of the lot; in no case shall a single accessory structure be more than 75% of the heated square footage of the principle structure. | 3 |
| 3.01 to 5 acres | Aggregate size of all accessory structures combined shall not exceed 5% of the square footage of the lot; in no case shall a single accessory structure be more than 90% of the heated square footage of the principle structure. | 3 |
| Over 5 acres | Aggregate size of all accessory structures combined shall not exceed 5% of the square footage of the lot; in no case shall a single accessory structure be more than 125% of the heated square footage of the principle structure. | 5 |

(Amended April 24, 2023)



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX23.02.01

REQUEST: To amend Article 2.10-2 Accessory Structures located in Setback to implement limitations on the size and quantity of accessory structures in the Town of Stallings.

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 zoning/text amendment is consistent/inconsistent and reasonable/unreasonable 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/DENY** the proposed amendment and stated that the Planning Board finds and determines that the zoning/text amendment is consistent/inconsistent and reasonable/unreasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) This text amendment allows accessory structures to be more in harmony with the zoning districts and areas of town they are built in.
- 2) This allows the Town of Stallings to be better able to restrict the quantity of impervious surface within its limits.
- 3) This text amendment can aid in reducing the number of stormwater runoff issues by managing impervious surface quantities.

Recommended this the ___ day of March, 2023.

Planning Board Chair

Attest:

Planning Staff



MEMO

To: Planning Board
From: Patrick Blaszyk, Planning Technician
Date: 03/21/2023
Re: TX23.03.01 - Allowing Work Trailers on Properties 5 Acres and Greater in Size

❖ **Request:**

To amend Article 9.8-3 (B) (1.) (e.) to allow for trailers and portable offices for the housing of on-site staff management if the trailers are at least 50' from the property lines and the lot is at least 5 acres or greater in size.

❖ **Reason for Request:**

To further promote commercial development and growth in the Town of Stallings in accordance with the Town's Economic Development Plan by allowing work trailers on site for management, operation, and security of a site.

❖ **Amendment:**

The text amendment request reads as follows:

9.8-3 (B) (1.)

(e.) Trailers (mobile and/or manufactured units) may not be used as permanent highway buildings **unless the property is 5 acres or more in size. Trailers and portable offices may only include an on-site management office to house staff for the management and operation of the site, so long as it is located at least 50' from the front property line.**



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX23.03.01

REQUEST: To amend Article 9.8-3 (B) (1.) (e.) to allow for trailers and portable offices for the housing of on-site staff management if the trailers are at least 50' from the property lines and the lot is at least 5 acres or greater in size.

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 zoning/text amendment is consistent/inconsistent and reasonable/unreasonable 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/DENY** the proposed amendment and stated that the Planning Board finds and determines that the zoning/text amendment is consistent/inconsistent and reasonable/unreasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) To further promote commercial development and growth in the Town of Stallings in accordance with the Town's Economic Development Plan.
- 2) To enhance the nature of certain permitted work trailers in the Town of Stallings.

Recommended this the ___ day of March, 2023.

Planning Board Chair

Attest:

Planning Staff



MEMO

To: Planning Board
 From: Max Hsiang, Planning Director
 Date: 03/21/2023
 Re: TX23.03.02 - Conditional Zoning for Single-Family Residential in Mixed-Use Zoning

Request:

The Mixed-Use zoning category has been used to build higher-density residential zoning categories since the Stallings Development Ordinance (SDO) was adopted in 2018. The council directed staff to research the implementation of Mixed-Use control measures in the Stallings Development Ordinance.

At their February 27, 2023, meeting, the Town Council requested that staff draft a text amendment to require conditional zoning (CZ) for Single-Family residential uses in Mixed-Use 1 & 2.

With this text amendment, all residential uses, including single-family, will require a text amendment or conditional zoning for approval. Higher-density residential uses like townhomes and apartments require conditional zoning approval.

| L = listed use S = Use listed with additional standards SUP = Special Use Permit <i>Reference SIC and NAICS code for further data on the listed uses.</i> | 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) |
|--|------------------|--|---|---|------------------|-------------|------------------|------------------|
| Religious Institutions (Church, Synagogue, Mosque or Place of Worship) | | | | S (10.1-11) | S (10.1-11) | S (10.1-11) | S (10.1-11) | S (10.1-11) |
| RESIDENTIAL USES (DWELLINGS) | | | | | | | | |
| Dwelling, Accessory Unit | S (10.1-3) | S (10.1-3) | S (10.1-3) | S (10.1-3) | S (10.1-3) | S (10.1-3) | S (10.1-3) | S (10.1-3) |
| Dwelling, Attached House (incl. term "Townhouse") | | | CZ | L | CZ | CZ | CZ | CZ |
| Dwelling, Manufactured Home (see Sections 22.5-2 & 10.1-35) | | L | | | | | | |
| Dwelling Park, Manufactured Home (see Section 22.5-1) | | | | | | | | |
| Dwelling, Multifamily (apartments or condominiums) | | | | CZ (10.1-24) | CZ (10.1-24) | | CZ (10.1-24) | CZ (10.1-24) |
| Dwelling, Single Family Detached, including Modular Construction | L | L | L | L | L | L | CZ | CZ |



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX23.03.02

REQUEST: To amend Article 8, Table 8.1 Table of Uses, to require Conditional Zoning (CZ) for Single-Family Residential Uses in the Mixed-Use 1 & Mixed-Use 2 zoning categories.

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 zoning/text amendment is consistent/inconsistent and reasonable/unreasonable 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/DENY** the proposed amendment and stated that the Planning Board finds and determines that the zoning/text amendment is consistent/inconsistent and reasonable/unreasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) This text amendment protects the health, welfare, and safety of the Stallings community.

Recommended this the ___ day of March, 2023.

Planning Board Chair

Attest:

Planning Staff