

TOWN OF UNIONVILLE
MINUTES OF REGULAR PLANNING BOARD MEETING

The Planning Board of Town of Unionville met on Monday, June 1, 2020, at Town Hall, 1102 Unionville Church Road, Monroe, NC. Chairman Ken Trull, Board members Jerry Adams, Barry Baucom, Craig Rushing, and Andy Fowler were present. Absent were Joe Medlin, Matt Price, and Alternates Scott Barbee and Steve Outen.

Everyone stood and recited the Pledge of Allegiance to the United States flag, after which Jerry Adams led the prayer of invocation.

Chairman Trull called the meeting to order and welcomed all to the meeting at 7:33 p.m.

Chairman Trull then asked for any questions on the minutes of the May 4, 2020, Regular Meeting, a virtual meeting. After a motion by Craig Rushing, seconded Jerry Adams, the Board unanimously approved the minutes from the May 4, 2020, Regular Meeting.

Next, Chairman Trull presented the recommendation of Text Amendment #TC-20-01, adding Gunsmith and Gun Repair to Section 164 and the Table of Uses in RA-40 zoning with a Special Use Permit. Chairman Trull asked Land Use Administrator Gaddy to speak on this Text Amendment. Land Use Administrator Gaddy stated that the applicants for this request are Jon, Mark, and Patsy Arrowood, who were attending the meeting. Jon would like to run a gunsmith and gun repair shop on his parents' property. Per the Table of Uses, this type of business is currently only allowed in business zoning or HC zoning (which we do not have in Unionville). The Arrowoods are petitioning for a text amendment that would allow those uses (gunsmithing and gun repair) in Section 164 under Manufactured Goods, to allow gunsmith and gun repair in residential zoning with a special use permit. Land Use Administrator Gaddy stated that she had emailed municipalities around the state and asked if they allowed gunsmith/gun repair in their residential zoning. In her research, she found that some municipalities did not have a policy but would probably allow gunsmith/gun repair shops in residential zoning without a permit. Rick Flowe, with N-Focus Planning, stated none of the 100+ municipalities he represents allow it in their residential zoning. However, she thinks that it would probably be okay given with a Special Use Permit, which would go with the property regardless of if it is sold, it would have to be rezoned for the Special Use Permit to come off of the property. She stated that she thought that Randolph County does have a really good suggestion there by adding the requirements that the applicant or property owner lives on the property and that the applicant/owner must obtain a Federal Firearms License. She advised the Board that along with their recommendation or motion to Council, they should include the motion that it is in compliance with the public interest and is consistent with our Land Use Plan that was approved in 2006. The Planning Board would be making a recommendation to Council, then Council will set a public hearing and they will make the decision about the text amendment. She then stated that the applicant may want to address the Board.

Jon Arrowood then stood up and introduced himself. He stated that he would be the person running the business and he lives on the property. He asked the Board if they would have any questions for him regarding what would go on there, or that kind of thing. He did state that he would not be firing guns at the location. He has a membership at a private range where he would take the guns for testing. There would be no more gunshots than normal as a result of this business. A lot of the things that he would be doing would go along the

lines of machine shops and welding; things of that nature. Autobody and auto repair would have more detriment to property value from things that might get left in the yard--harmful chemicals, and so on. He would be doing gun repair, customization, painting, re-doing finishes, and that line of work. If someone found an old firearm from a family member and did not know if it was safe to shoot, they could bring it to him and he could advise them. He stated that even if this were approved, he would have to apply through the ATF for a Federal Firearms License. They will make a property visit and inspection to ensure that it is in compliance with state and federal laws. After that application, if approved, he would then be able to open a business. Barry Baucom asked if someone had to have a federal license to be a gunsmith. Mr. Arrowood stated that he would in order to take in firearms from different people. All the firearms taken in must be registered with a "D-List" which is an inventory that the federal government can access. This would allow him to take in the gun. As soon as someone brings in a gun to be worked on, he would have to register it on this list. Once he gives it back to the gun owner, he would make a note in the book that shows that the gun has gone back out. He stated that he could not just work on guns without keeping a log of them. Chairman Trull asked if the proposed shop would be adjacent to the dwelling. Mr. Arrowood stated that the shop is located right behind the house at 6207 Unionville Brief Rd. It is a red shop right behind the house that is already existing, so he would not have to build an additional structure on the property. Craig Rushing then asked if he was only offering repairs or if he would be providing concealed carry classes or anything like that. Mr. Arrowood stated that for concealed carry, it must be through the sheriff's office; however, if he were certified to teach classes, he would consider offering classes, but not sure he would teach them from that location. Chairman Trull then asked Mr. Arrowood what experience he has and if he was currently working as a gunsmith. Mr. Arrowood stated that he currently works at a shotgun range. He also went to gunsmithing school for 2-2.5 years, where he built three custom rifles, painted, and refinished several projects. Craig Rushing stated that it is hard to find a gunsmith. Land Use Administrator asked Mr. Arrowood if he would be selling any guns or if he would just be repairing. Mr. Arrowood stated that he would have the option to sell firearms with the federal firearms license, but would not keep any inventory on site. If someone were looking for a particular firearm that they could not find elsewhere, they could come to him and he could order it for them and have it sent to the property and they could pick it up from there. He stated that he is not looking to have an inventory of firearms. Barry Baucom stated that the ATF will check in on him and heavily regulate gunsmiths. Mr. Arrowood stated that every three years he will have to renew with the ATF. He will be applying for the 07 Manufacturers License. He is doing this because if someone brought in a rifle and wanted it rechambered for a different caliber, for example, it would require him to take off the barrel. If he works on the barrel, he has to stamp the caliber and where it was made on the barrel. The Manufacturers' License will allow him to do this kind of work legally. Craig Rushing stated that he was sure Mr. Arrowood would have to keep a log of everything. Mr. Arrowood confirmed this, stating that every gun must be documented and must be up to code. If there are mistakes, it could result in losing his license. Chairman Trull called for any additional questions. He advised Mr. Arrowood that the Board will only be making a recommendation, but it would be up to Town Council after a Public Hearing is held. Mr. Arrowood confirmed that he understands this process. Land Use Administrator stated that the text change would be applicable to the entire town, not just this one property. Mr. Arrowood is just petitioning for the change. Chairman Trull thanked Mr. Arrowood and asked the Board if there was any additional discussion or a recommendation from the Board. Barry Baucom made a motion to recommend a favorable recommendation for #TC-20-01 application that allows gunsmith and repair shops to be allowed in RA-40 zoning with a Special Use Permit, that it will be added to the list of accessory uses in Section 164. He furthered that the text amendment is reasonable, in the public's interest, and is consistent

with the Town's Land Use Plan adopted in March 2006. The motion was seconded by Craig Rushing and passed unanimously.

Then, Chairman Trull introduced the consideration of Text Amendment #TC-20-02, adding language to allow unbuildable septic lots less than 40,000 square feet in RA-40 zoning. He then called on Land Use Administrator Gaddy to advise the Board on this amendment. Land Use Administrator Gaddy stated that she was unsure if the plat was included, but the Board confirmed they had seen it. She said that the plat shows a 5-lot subdivision with the addition of two smaller lots, one being .602 acres and .220 acres that are the septic lots for lots 10 and 12. She immediately noted that this does not meet our 40,000 square foot requirement. She checked with Nadine Bennett from N-Focus and was advised that if it is not in the ordinance, it cannot be approved. These are separate lots, and not just an area for an easement as we have seen in the past. Lot 10A would be part of lot 10, so whenever someone buys lot 10, they should see that they have the easement and the little piece of land that is also part of their lot. The same will be true with lot 12 and 12A. Barry Baucom clarified that in the past they had seen where there was a common area. Land Use Administrator Gaddy stated that we had seen where there was an easement onto someone else's lot in the past as well. This will be ownership by the person who owns the parent lot. Jerry Adams clarified that it is owned by the individual lot owner with an easement to access the lot. Land Use Administrator Gaddy confirmed this stating that the Lot 10 owner will own lot 10A for their septic field, and the lot 12 owner will own lot 12A for their septic field. Barry Baucom stated that lot 9 will not have anything to do with it, but it will basically be in his yard. Land Use Administrator Gaddy stated that they would have the easement on lot 9, but lot 9's owner would not own lots 10A or 12A. She said that this was a little different from what we did last year because that was on someone else's property; this is a totally separate little lot. Jerry Adams asked if the owner of lots 12 and 12A would be responsible for maintaining both lots. Land Use Administrator Gaddy stated that it was the question she had as well. She went on to say that she called Union County's Jim King, and he stated they approve these lots all the time. She said that she asked him for the verbiage from their ordinance, but he said it was not in their ordinance. She then sent it out to the planners in the state to get some responses from them, and she included the few responses that she received in their packets. The main person who had some input was Rick Flowe from N-Focus. She has been in touch with him and just today he sent some wording that she has shared with the Board. Land Use Administrator Gaddy stated that it was not anything that had to be decided at this meeting. There is a subdivision that is waiting for this approval, but if the Board needs more time to consider this, it can wait. Barry Baucom asked Land Use Administrator Gaddy what would happen when there are more lots in a bigger subdivision? He stated that he was concerned about the times when we have a much larger subdivision. Craig Rushing asked about the maintenance of the lots. Land Use Administrator Gaddy stated that there is a Part 3(d) in Mr. Flowe's ordinance that acknowledges that the property owner is responsible for maintenance. The last sentence states that, "Lots used exclusively for sewage disposal systems shall be maintained to the same landscape maintenance standard as the lot(s) for which it serves." Chairman Trull asked that in the absence of a Homeowners' Association, who would monitor that facet? Land Use Administrator Gaddy stated that the Town does not have a tall grass ordinance and it is not included in the nuisance ordinance currently being drafted. That could create a real problem. Lot 9's owner may decide to keep it mowed, but that may create tension. Craig Rushing stated that without a Homeowner's Association, he was not sure how it would be monitored. Land Use Administrator Gaddy stated that she supposed the Town could require an HOA to keep this managed. Barry Baucom asked what the requirements of an HOA include, such as a minimum or maximum number of homes.

Craig Rushing stated that he did not think there was a requirement, but that it is up to the developer of the subdivision. Barry Baucom clarified that there could be as little as three houses with an HOA. Craig Rushing confirmed that, technically, it could be. Chairman Trull stated that it is not required anywhere. There is not an HOA in Presson Farms, which has 25 homes. Chairman Trull asked Land Use Administrator Gaddy if she knew anything about the homes that were being built and what size they would be. Land Use Administrator Gaddy stated that she did not know the size of the homes, but that the lots were just over one acre. Chairman Trull stated that he did not know why we would kick it down the road unless we were waiting on more information. We would just be back in the same situation in the next month. Land Use Administrator Gaddy stated that it sounds like something that happens a lot across the state. The verbiage of the ordinance would require that we label the lots as "UNBUILDABLE; FOR SEPTIC USE ONLY," not eligible for issuance of permits for construction, dwellings, and/or other buildings. Chairman Trull stated that it was still located in an RA-40 zone, so that would prevent attempted building. Jerry Adams then asked about the easement being along the back of the property and if that would prevent access to a public road if a lot owner decided to build a fence along the back of their property. Craig Rushing stated that an easement will have to allot for access. Jerry Adams stated that he was looking at Pender County ordinance verbiage that required a 20-foot easement with access to a public or private road. Land Use Administrator Gaddy advised the Board that they wouldn't have to adopt others' language, but she was just showing what other communities did to address the issue. Jerry Adams stated that while he wouldn't want it going through a front yard, in a subdivision most of the utilities are in the front for road access. Craig Rushing asked that there would be verbiage that would denote that it is a septic-only lot, but if we would also include verbiage that denotes the owner is responsible for maintaining the lot. Land Use Administrator Gaddy stated that the proposed ordinance Part 3(d) does address maintenance. Chairman Trull stated that a complaint could be addressed through the code enforcement officer. Land Use Administrator Gaddy stated that in addition, Part 4, revises Section 181(a) Table to address the verbiage in the section discussing "Density." Currently it uses the word "Comments," but Mr. Flowe is proposing to change that to "Additional Provisions" to make it stronger. Chairman Trull spoke up in agreement of this change and thought it might minimize any problems in the future. Craig Rushing asked about the size of Lot 10A and if there would be enough room on the lot to fix the issue if there is a problem in the future. Land Use Administrator Gaddy stated that it was sent to Union County environmental health and public works for review. That would be up to them to determine. By the time Unionville gets an application, if the county approves it, then we say it is okay. Chairman Trull stated that this is a little better than what was done before because it belongs to the same lot owner. What we wanted to do before was shot down, so it feels like we have to pass this. It's not an ideal situation; an ideal situation would be that the septic field was on the lot. Barry Baucom agreed with Chairman Trull. Chairman Trull asked for any additional comments. Barry Baucom made a motion to recommend the text amendment #TC-20-02 as presented, and that it was reasonable, in the public interest, and consistent with the Land Use Plan adopted in 2006. The motion was seconded by Andy Fowler, and the motion passed with a 4 - 1 split vote.

Chairman Trull then asked for recommendations for Andy Fowler's and Joe Medlin's expiring Planning Board terms. He stated that currently there were applications on file for Samuel Harris and Gary Salek. He confirmed that this was Andy's first term and Joe's second term. Chairman Trull asked if Andy would be willing to serve three more years. Andy agreed to serve for a second term. Upon a motion by Chairman Trull, seconded by Barry Baucom, the Planning Board agreed to recommend Andy Fowler for a second term. Chairman Trull then opened the discussion for filling Joe Medlin's position. He asked the Board if they knew either of the applicants.

Land Use Administrator Gaddy stated that typically we start with alternates and move them to a full position. Chairman Trull asked if both of the alternates would be willing to serve. Barry Baucom stated that Scott Barbee had been an alternate for a longer period of time, but had not been in attendance at the meetings recently, so he did not know Scott's level of interest. Craig Rushing advised the Board that attendance had been a concern with Council in the past. Land Use Administrator Gaddy stated that Steve Outen and Joe Medlin both have health conditions and did not feel comfortable coming to this meeting in person, due to COVID-19. She also advised that Scott Barbee had dental work performed earlier in the day and was not permitted to drive. Chairman Trull stated that we ought to choose one of the applicants to recommend for an alternate position. He asked Land Use Administrator Gaddy if she could gather the attendance information of the two current alternates. Craig Rushing agreed, stating that they did not want to send something to Council for it to be rejected. Chairman Trull asked Land Use Administrator Gaddy if she would ask Joe to come back until a replacement had been appointed. He also asked for attendance information to be sent via email to the Planning Board Members. Barry Baucom asked if we could set up a Zoom meeting for those who could not attend inperson if they are still not comfortable being at the meeting. Land Use Administrator Gaddy agreed to do that. Craig Rushing asked if we had to have two alternates. Land Use Administrator Gaddy confirmed that per the ordinance, we must have two alternates. Chairman Trull asked if the applications could also be emailed. Land Use Administrator Gaddy stated she would send the applications and alternates' attendance to Planning Board members. Barry Baucom asked if, in a worst-case scenario, could the alternates zoom in with us if they're still not comfortable being here. Mrs. Gaddy stated that would be possible.

At this time, Chairman Trull called for public comments. There were none.

In other business, Craig Rushing noted that the July 4th parade and festivities have been cancelled. He asked if Council is meeting in person. Mrs. Gaddy stated that our attorney reviewed Governor Cooper's Executive Order and determined that governmental operations are exempt.

Chairman Trull asked if there is any update on the Keziah lawsuit. Mrs. Gaddy stated that there has been no update.

There being no other business and upon a motion by Craig Rushing, seconded by Jerry Adams, Planning Board adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Melody Braswell

Deputy Clerk