

TOWN OF UNIONVILLE
MINUTES OF REGULAR PLANNING BOARD MEETING

The Planning Board of the Town of Unionville met on Monday, February 1, 2021, at Town Hall, 1102 Unionville Church Road, Monroe, NC. Chairman Jerry Adams, Board members Craig Rushing, Steven Outen, Barry Baucom, Matt Price, Ken Trull and Alternate Scott Barbee were present. Absent were Andy Fowler and Alternate Devin Clontz.

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

Chairman Adams called the meeting to order and welcomed all to the meeting at 7:31 p.m. Chairman Adams then asked Scott Barbee to sit on the Board.

Chairman Adams then brought forward the consideration of the minutes of the January 4, 2021, Regular Meeting. After a motion made by Ken Trull and seconded by Matt Price, the Board unanimously approved the minutes from the January 4, 2021 Regular Meeting.

At this point, Chairman Adams introduced the first item of business, the Recommendation to Town Council regarding Rezoning #ZC-20-04, rezoning a portion of parcel #08168006J, located at 1210 Sikes Mill Road, from RA-40 to CUD-LI (light industrial) for a tire recap or repair facility. Chairman Adams said that the first part of this was heard last month. Mr. Pressley is wanting to change the zoning of the front 1.66-acre portion to LI. There were questions about whether or not the entire parcel was LI or if the front part of the parcel was still RA-40. Union County did send a map that showed the front portion of the parcel is still listed as R-40. This is Council's decision, but they are waiting for Planning Board to make a recommendation. Chairman Adams asked Land Use Administrator Gaddy to speak. Land Use Administrator Gaddy stated that they could limit the amount of time people speak. On the application itself, she has recommended conditions. The Board can approve, add to, or delete any of those recommendations. Last month there was a question as to the zoning of the property. Now that we have that cleared up, the Board is reviewing the request, based on the application provided.

Chairman Adams asked if Mr. Pressley had reviewed the eight conditions. Mr. Pressley confirmed that he had reviewed these. He stated that it would be 8-5, Monday through Friday. Probably 8-12 on Saturday. He asked the Board if that would be a problem. Ken Trull stated that it would just need to be included in the conditions. Chairman Adams stated he had no further questions.

Beth Pressley of 1220 Sikes Mill Road, adjacent to 1210 Sikes Mill Road, then spoke in opposition of the rezoning. She stated that her property directly borders the area being considered for rezoning. She said that she had worked to improve their home, adding a pond to her yard. After speaking with an appraiser, she was advised that a tire store will negatively affect the value of her home and property. She also spoke with a real estate investor who advised the same warning. She stated that she had additional concerns regarding the school next door. She stated that she was concerned with the environmental impact as well. Drainage from the tire shop will go directly to the pond in her front yard. She also stated her concern that used tires will attract pests. In addition, oil & used oil filters require specific disposal. This proposed shop is in the proximity of three schools and traffic would be disrupted. The noise would

also be a nuisance for her property. She went on to say that Unionville has done a lot to support its residents and maintain the small-town feel that so many have come to love. Ken Trull asked who she spoke with about the impact on her property value. Ms. Pressley stated that she had spoken to real estate appraiser Rob Morrison.

Next, Renee Hendrix spoke in opposition to the proposed rezoning. She stated that she manages and operates Unionville Christian Academy, which is on family-owned land. She stated that her concerns are similar in nature. She is a licensed real estate agent and is familiar with land values and how things affect values. She stated that a facility of this type would impact not only school property values, but residential property values. Her mother, an adjoining property owner who could not be in attendance due to health concerns, permitted Renee to speak on her behalf. She is concerned with the increase in traffic, proximity of the shop to the school's playground (it would be within 8-10 feet of the playground), which would have the public too close to the playground and the fenced area for the children. In addition, they are concerned about the noise from the equipment and shop language. Another concern is tire storage. If used tires are not being hauled off appropriately, they will attract pests near the school. Finally, they are concerned about safety. They have tried to have the speed limit reduced to 35 MPH near the school. The curve is already bad, but they are also concerned about the safety of added traffic there.

Next, Fred Pressley, the applicant for the rezoning request, spoke. He began by stating that he had been in the tire business for 35 years. He stated that it was a Christian business and there would be no foul language used. He stated that Sikes Mill Road is a thoroughfare, and they will not change the speed limit to 35 MPH. He said that there is already Light Industrial zoning all the way down Sikes Mill Road with two welding shops, a well-drilling company, and a daycare. He stated that he did not know why everyone thinks a tire store will be noisy. The loudest thing there would be an air wrench. He said that they would close at 5, but most of the daycare will pick their kids up by 5 or after. He stated that he was trying to get this 1.66 acres set up for Light Industrial. What he already has zoned as LI is past the neighbor's house. He could move the proposed shop to put it on LI, but it would put it closer to the neighbor. He stated that he knew how to get rid of tires and that he had done it for 35 years. He then added that there was also no traffic hazard either. He stated that his driveway had better visibility than either of his neighbors'. Scott Barbee then stated that he knew there would be a requirement for opaque screening for privacy, but he also heard concerns about insects and rodents. He asked Mr. Pressley if he would secure the tires to keep pests out. Mr. Pressley stated that he did not have a place set up, but there would be a cover, like for an air compressor. For a while, it will be stored inside anyway. He said that the dump was not far and that he would take a truckload at a time. He has been in conversation with the dump.

Next, Alexandra and Joseph Caldwell 1215 Sikes Mill Road, spoke in opposition to the rezoning. They live directly across the property. The school does have a K-5, so there are children being picked up at 2 PM as well. Ms. Caldwell stated that she had a question as to who would enforce the conditions for the property. Land Use Administrator Gaddy stated that there is a Code Administrator, who is contracted by the town to investigate code violations. Ken Trull added that the code enforcement originates from a complaint that has to be brought to the town. Ms. Caldwell stated that they like the country setting, largely residential, and not in town around a bunch of businesses. She said that they prefer to avoid that environment. She is concerned about the traffic, obstructed views, and prefers that there are no hours on Saturday to at least allow for a family-weekend setting. She went on to say that property values are a

concern, and she knows it will affect her property value. She also said that the school is a family business, and she was hoping her children will grow up there. She said that the noise is another issue. Mr. Caldwell is in the industry and has a residential shop. They are very informed on how a shop should run and EPA/OSHA precautions. They are also very familiar with the amount of noise it will produce from air hammers and other tools. Mr. Caldwell stated he had been in the industry for 12 years. Even with fencing/distance, the sound could be up to 80 decibels all day long. Traffic is a concern as well. The proposed shop is directly in the bend. All day long, there is traffic, and fog can make matters worse because it is in a blind corner. Adding another obstacle with higher traffic will make this worse. They plan on their son attending daycare across the street, but don't want him next to that environment. They do not want their newborn right next to it. All of the neighbors agree, and they would like some consideration of that. Steven Outen asked where they lived in conjunction with the property. The Caldwells stated they lived directly across from the proposed building site.

There being no other questions or concerns, Chairman Adams then opened the floor for discussion. Scott Barbee stated that an enclosure for storing tires was mentioned earlier. Chairman Adams asked if that could be added to the restrictions. Land Use Administrator Gaddy asked how it should be worded. Scott Barbee stated that he was listening to the concerns regarding pests. Craig Rushing then stated that he had a question for Mr. Pressley. He said that he understood that this would be a tire store, but wanted to know what all would be included, such as vehicle maintenance. Mr. Pressley stated that they would probably do oil changes and inspections later on. He also stated that it would not be a recap shop. There will only be tires, oil changes, inspections, and light maintenance. He would not be rebuilding engines or transmissions, and there would not be vehicles piled up outside. He stated that it would be a nice-looking building and will fit in really well in the community. Craig Rushing asked if the building would have restroom facilities and if so, if it would be reliant on a septic system. Mr. Pressley confirmed that it would have facilities and a septic tank. Land Use Administrator Gaddy stated that under the permit conditions, Mr. Pressley would have to produce a driveway permit, water/sewer permit, and environmental permit before going to Union County for a building permit. Chairman Adams asked if there should be a ninth condition that required used tires to be stored under a roof in a contained area. Chairman Adams then called for a motion. Barry Baucom asked if the hours were changed on the conditions since Mr. Pressley referenced Saturday hours, which were not currently listed. Land Use Administrator Gaddy asked Mr. Pressley if he would agree to the enclosure of used tires. Mr. Pressley confirmed he would. Scott Barbee made a motion that a ninth condition is added that will require the covering of discarded tires to prevent pests. Mr. Pressley stated that he would have a roll-up door in the back of the facility for that. Matt Price asked if he understood that the role of the Planning Board is to determine if the request fits within the Land Use Plan. Land Use Administrator Gaddy confirmed this. Ken Trull then stated that it was not that cut and dry, since the Board also includes a statement of reasonableness and consistency. That statement pulls in the idea of the public interest. It must be reasonable, so the Board can take into account that Rob Morrison has mentioned that it will negatively affect property values. Scott Barbee then amended his motion to expand the condition concerning the hours of operation to include Saturday morning hours from 8-12. Matt Price seconded the amended motion and the motion passed with a split vote, 6 in favor, 1 opposed.

Chairman Adams then called for a motion for a recommendation to Council. Scott Barbee made a motion that the rezoning request submitted is reasonable and in the public interest and is consistent with the Town's Land Use Plan, adopted March 2006. The motion was seconded by Barry Baucom. Matt

Price asked if the motion was open to discussion. Chairman Adams clarified that this motion is a favorable recommendation that will now go before Council. Scott Barbee stated that it met the criteria of the Land Use Plan. Ken Trull added that it also required agreeing with the statement of reasonableness and consistency. The Planning Board approved the motion in a split vote, 5 in favor, 2 opposed. Land Use Administrator Gaddy stated that Council would set a public hearing and adjoining neighbors will receive a letter and be advised of the hearing.

Chairman Adams then introduced the next item for business, a recommendation to Town Council regarding Text Amendment #TC-20-03, Section 220 regarding easement lots. Land Use Administrator Gaddy has been speaking about this for a while. There was a question brought forward about the issue of easement and how the ordinance currently references back to the term "parent parcel," which means whatever the parcel looked like in 2003 when Unionville took over its own zoning. That is the parent tract, as discussed a couple of months ago. Nadine, our advisor from N-Focus, opposes this and is concerned that it will open the door to a lot of easements. However, there is a lot of landlocked property in Unionville. If we change the wording and someone wants to divide it among generations, it can be done. Right now, that would not be allowed beyond having two lots served by an easement subdivided from the parent parcel. Ken Trull asked why Nadine was in opposition to the amendment. Land Use Administrator Gaddy stated that Nadine says it is dangerous language, providing no clear limitations. With the increase of easement lots, it would negate the purpose of having a limit. Craig Rushing stated that if there were a 30-acre parent parcel, currently there could only be two easements for 15 acres if it were subdivided. He then asked what the difference would be between Right-of-Way and easement, and if they were the same thing. Land Use Administrator Gaddy stated that Right-of-Way typically is used to refer to state-maintained roads rather than property access. Our ordinance addresses easements. Barry Baucom asked if an easement is owned. Land Use Administrator Gaddy stated someone having an easement was not necessarily the owner of the easement but has been granted access through another landowner's property to their property that does not have road frontage. Craig Rushing stated once an easement is put into place, it is permanent. Land Use Administrator stated that our ordinance does not require a driveway, but it just provides a permanent record so that 20-30 years later people will still have access to their property. Barry Baucom then stated that while he did not see a major problem with breaking it down, he also sees Nadine's point and how it could complicate things. Matt Price asked if this amendment would lead to there being no limit to the number of driveways on a property. Land Use Administrator Gaddy specified that this amendment does not address driveways but addresses easements. Barry Baucom asked how it would affect a family trying to divide a parcel. Land Use Administrator Gaddy stated that currently, the ordinance does not allow more than two easements from one parent parcel. Matt Price stated that in the future it would likely look totally different. Jerry Adams stated that there would always be an option to put a road through a parcel to give them all access. Land Use Administrator Gaddy clarified that it would have to be a public road. If they want to develop a road, that would be fine because it would grant the lots access to a public road. Lots with easements are landlocked. Ken Trull asked if there would be a problem with someone wanting more than two easements. Barry Baucom stated that it might become problematic if there was a development with several lots requiring easements, but developers will put roads in and it then becomes a non-issue. Land Use Administrator Gaddy stated that Nadine's point is that this wording does not put a clear end to the easements. Ken Trull stated that there might be an instance that it needed to be done, and even though Nadine has hesitations, he thinks Unionville should move forward with the

proposed change in wording. Ken Trull made a motion to recommend the text change to Council. Craig Rushing seconded the motion and it passed unanimously.

Chairman Adams then opened the next item for conversation, the recommendation to Town Council regarding survey questions for the new Land Use Plan. Chairman Adams stated that Land Use Administrator Gaddy included an overview of potential questions for the survey. The overall consensus is that we keep the survey simple by asking three questions: What growth they want to see, where they would like to see it, and what type of growth do they want. Looking through some of the old surveys, most of the past respondents wanted it to stay the same. 68% said it was a good-very good place to live. Most of the respondents wanted to maintain the small-town feel. Chairman Adams asked if anyone wanted to see any other questions. Steve Outen stated that what he saw from the 2002 survey results, we still currently hear these same opinions in these meetings. Jerry Adams stated that when we see a request to bring a commercial business into an area, we learn that everyone wants it but no one wants it in their backyard. We still need to reach out and see if opinions have changed. Chairman Adams asked if there were any other thoughts or questions. Craig Rushing stated that he felt it was important to keep it simple. Chairman Adams stated that the three proposed questions should spark some ideas. Deputy Clerk Braswell stated that we would need to require the name & address as a pre-qualifier for the surveys. Craig Rushing added that we also need designated areas for commercial. Ken Trull stated that the map shows certain places for potential industrial zoning, but the vast majority want to keep it rural and oppose the rezoning to commercial use for the property in those designated areas. Land Use Administrator Gaddy stated that we do need to update our Land Use Plan. We seek input from members of the community to signal that we are listening. Craig Rushing stated that we have to look at the big picture. We hear the concerns, but we still have to look at the requests with an open mind. Land Use Administrator Gaddy stated that we also now have Facebook, which can help to inform and encourage a better response. Deputy Clerk Braswell stated that the last survey had a really good response rater, especially considering that it was a mailer. Land Use Administrator Gaddy advised that there was a virtual survey conducted in 2015 with only 200 residents responding. Deputy Clerk Braswell asked if we would still plan to include a link to the current future land use plan. Land Use Administrator Gaddy stated that we could. Matt Price asked if it would be dissected by region. Deputy Clerk Braswell stated that it could be listed as each current future development region and if the respondent agreed or disagreed with that designation. Steve Outen asked that with all of the opposition to the request at Five Forks, if anyone knew how it was done when they built the convenience store. Barry Baucom stated that it would be best to keep simple and let them put what they wanted to put. Land Use Administrator Gaddy said that we could just let them fill out the places they know. Barry Baucom stated that respondents could indicate the specific locations they would like to see growth. Chairman Adams stated that we could take those three questions to Council. Matt Price made a motion to recommend the survey including their name, address, and the three questions. Craig Rushing seconded the motion and it unanimously passed.

The next item on the agenda that Chairman Adams brought forward was the recommendation to Town Council for Planning Board member, Jerry Adams', expiring term. Ken Trull made a motion to recommend renewal for Chairman Adams' second term. Craig Rushing seconded the motion and it passed unanimously.

In other business, Ken Trull asked if there was an update from the Dollar General request. Land Use Administrator Gaddy advised that she thought they were working on resubmitting it. They had asked about the due date for the next Planning Board meeting, so she knows they are working on something.

With there being no other business and upon a motion by Scott Barbee, seconded by Matt Price, the meeting adjourned at 8:39 p.m.

Respectfully submitted,

Melody Braswell

Deputy Clerk