

Town of Red Cross
Planning and Zoning Meeting At Town Hall
Minutes of
Monday, February 5, 2024, at 6:00 PM

Present: Lionel Hahn - Chairman

Members Present: Andrew Smith- Town Council Liaison, Kristi Thompson- Secretary, Thelma Tomberlin, Wendell Copeland, Jennifer D'Amore, Heather Britt – Alternate

Planning and zoning officer: Mike Efird

Clerk: Shannon Alberta

Absent: Tina Eudy – Vice Chairman

Lionel Hahn, Chairman, called the meeting to order.

Devotion and Prayer was given by Thelma Tomberlin.

Welcome, and recognition of guests 4+

The agenda was approved for February 5, 2024. The **Motion** was made by: Kristi Thompson, second by Thelma Tomberlin Vote: 6 Yea, 0 Nay.

The Minutes of the last Planning and Zoning meeting of January 2, 2024 were approved, a **Motion** was made by: Jennifer D'Amore, second by Kristi Thompson; Vote: 6 Yea, 0 Nay.

There were no public comments

Old Business:

Attorney Al Benschhoff attended the meeting to answer any questions the board may have regarding conservation subdivisions and possible questions regarding changing the zoning ordinance. There was a question regarding how eliminating R8, R10, and R20 would affect affordable housing in the town. Attorney Al Benschhoff explained there is no requirement in North Carolina for municipalities to provide affordable housing, and the town can zone the property any way they wish to zone it. He did express that if there was a repeal in these zoning densities, and there are any properties built in these densities, they would become nonconforming. When someone applies for a mortgage for a nonconforming property or go to build a shed or garage on this property, they would require a variance from the board of adjustments since all of the requirements would change. To prevent the board from having to hear unnecessary variances, the town can say they will no longer re-zone R8 or R10. The properties that are already zoned that way can stay as is, but a property cannot be rezoned to these in the future. The council can already enforce this as their power of decision, but it can be written into the ordinances for further clarification. There is no way to prevent future commissioners from coming in and changing these ordinances in the future. The planning board discussed they would like R10 to be removed as long as no properties are zoned that way, and amend R8 for the future since there is already zoning for R8 In the town. Attorney Al Benschhoff explained if they decide to move

forward with removing R10 and amending R8, the amendment would be written along with a zoning consistency and reasonable statement, then brought to the planning board for their approval, and then brought to the council as a recommendation, a public hearing would be held, with the adoption of the amendment to follow.

Attorney Al Benshoff explained to the board, that the idea of a conservation subdivision is to conserve land that the community says is valuable to conserve. Some communities will conserve prime farmland, some will keep development off slopes, some will prevent development in a flood plain, historic structures preserved, and Archaeological sites preserved. The developer will bring a sketch to the board showing the areas they feel as valuable and need preservation, along with a subdivision being presented on the land that is deemed highly buildable. About half of the jurisdictions of North Carolina has some sort of subdivision conservation on the books. Red Cross and Stanly County has a form of it on their books already, it is not used unless a community really wants to have it. They aren't used by choice and will only be used if required, because it is more expensive for a developer to build. The town can also set a bigger open space requirement where they set a certain percentage that has to be open space. The conservation subdivision will help keep land preserved as if just changing it to all private lots to a minimum lot size of 10 acres, these lots can eventually over time be subdivided by families eventually going away. The town sets the requirements for a conservation subdivision, but Attorney Al Benshoff recommends it be set fair so the developer has a chance to make some income off of building such a subdivision. Other options are Family Subdivisions which are newly being implemented. Family Subdivisions are similar to what Stanly County has recently done, where a minimum lot size is set with stipulations that can only be subdivided by family per the ordinance set by the municipality. This could easily be implemented in Red Cross with an amendment to the current subdivision ordinance. Currently, R20 is the smallest lot the town has, due to the requirements for septic since the town has no sewer capabilities. Attorney Al Benshoff recommended finding a location of 50-100 acres with streams and trees to physically visit to view it with all of the possible scenarios discussed.

Mike Efird updated the board on the minimum housing violation regarding 151 Bear Claw Road. A hearing was held at Town Hall where an order was drawn up and recorded with Stanly County. The owner has 90 days to come to compliance and has worked since the hearing on cleaning up the property so far.

A report was given regarding the public park workshop, Mike Efird stated the meeting was very constructive and had a large turnout. Mike Efird also gave the board a community park design guide for everyone to review to help them gain better knowledge on the subject.

There was a brief update on the grants for the public park, Andrew Smith will be discussing the grant from Stanly County at the next council meeting. Lori Harper will also be attending the next council meeting to discuss grants that may be of interest of the town for the park or any other interests of the town.

New Business:

Mike Efird discussed a new minimum housing complaint he received in regard to the property located at 125 Deerfield Road Locust, NC 28097. Five different residents filed a formal complaint for the property, so he will begin moving forward with organizing a hearing once speaking with attorney Jim Phillips. Mike Efird explained he has 30 days to investigate and organize a hearing from when the complaints were filed.

Mike Efird discussed with the board to provide a formal recommendation they would like to send to the Town Council regarding rezoning town property. Mike Efird also notified the board there was a neighborhood meeting held at town hall with no attendees. The formal recommendation states that the property be rezoned from M1 and RA to all central business CB. A Motion was made to accept the recommendation by Wendell Copeland, second by Jennifer D'Amore Vote 6 Yea, 0 Nay.

Mike Efird presented a draft of a Consistency and Reasonableness Statement for rezoning Town property. This statement is normally custom-written per case, by Mike Efird. This is required by general statute, to state that the rezoning is consistent with the current land use plan. Mike Efird went through the land use plan and listed the sections where this type of zoning applies to the land use plan of the town. Mike Efird asked the board to review the statement, add or change anything they feel necessary, and then give him a formal recommendation to present it to the town board for adoption before they vote on rezoning. This is a very important statement to help the town, if anyone were to contest a rezoning, it would be thrown out of court without the statement. The board formally recommended it be presented with no further changes, a motion was made by Thelma Tomberlin, second by Wendell Copeland Vote 6 Yea, 0 Nay.

Mike Efird reported on a preliminary request he received for a final plat review for Joseph Burlison for the Streamside at Red Cross Subdivision (Formerly Forest Creek Subdivision). Mike Efird explained he received a proposed final plat from Joseph Burlison with a request for Mike Efird to provide a list of any changes that need to be made. So far, Mike has three detailed pages of changes that need to be done before approval can be made including estimates to be provided, bonds to be obtained, and certain terms to be followed. The AMT engineers and attorneys will be approving and overlooking these bonds, covenants, and estimates required. Joseph Burlison stated he thinks he will be able to present the final plat to the town council by mid-March. There is one model home being built on the land which is approved to be done as a prairie build. Sewer lines are also currently in the process of being run to the plat. They have to have an approved final plat before any permits are approved.

Further discussion:

Barbara Carpenter asked for comment on if the Town were to get sewer, how would that change the town in regards to the desire for development?

Andrew Smith asked the board to share their takeaways from the conservation subdivision discussion.

MOTION to adjourn the meeting was made by: Wendell Copeland, second by Thelma Tomberlin; Vote: 6 Yea, 0 Nay

NEXT SCHEDULED MEETING MONDAY: Monday March 4th, 2024, at 6PM

Shannon Alberta- Town Clerk

Lionel Hahn - Chairman