

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

The Planning Board of the Town of Stallings met for its regularly scheduled meeting via Zoom on April 20, 2021, at 7:00 p.m.

Planning Board members present were: Chairman Jack Hudson, Vice Chairman Crenshaw, Shawna Steele, Misti Craver, Jacqueline Wilson, Laurie Wojtowicz, Allen Taylor, David Barnes

Robert Koehler was not in attendance.

Staff present were: Planning and Zoning Administrator Lynne Hair and Planning Technician Matthew West.

Call to Order and Recognition of Quorum

Chairman Hudson recognizes a quorum and calls the meeting to order. This meeting is held via Zoom. The meeting is commenced at 6:59 p.m.

1. Approval of Agenda

Chairman Hudson entertains a motion to approve the agenda for tonight.

Ms. Wilson makes motion to accept the agenda. Ms. Steele seconds the motion.

Chairman Hudson reads off the names of the members present for a vote.

Wilson – Yes

Craver – Yes

Wojtowicz – Yes

Steele – Yes

Crenshaw - Yes

2. Approval of Minutes – March 16<sup>th</sup>, 2021

Chairman Hudson considers a motion to accept the minutes from the previous meeting on March 16<sup>th</sup>, 2021.

Ms. Wilson makes motion to approve the minutes from the previous meeting. Ms. Steele seconds the motion.

Chairman Hudson reads off the names of the members present for a vote.

Wilson – Yes

Craver – Yes

Wojtowicz – Yes

Steele – Yes

Crenshaw - Yes

3. TX21.04.01

Chairman Hudson asks Ms. Hair to present staff information on the first item, text amendment TX21.04.01.

Ms. Hair begins her presentation. The text amendment is being proposed by staff. The amendment would require Tree Disturbance Permits for developments to receive their certificate of occupancy. Currently, the UDO lists all permits required, but the tree disturbance permit is not included. Tree disturbance permits listed as required elsewhere in the Unified Development Ordinance (UDO), this change will add that requirement to Article 7.1.

Ms. Hair finishes her presentation by stating that the request is to add clarity to the UOD. Staff recommends approval.

Chairman Hudson asks for questions from board.

Ms. Wojtowicz asks to clarify that this change is only to Article 7.1.

Ms. Hair answer Yes, the change is only in Article 7.1

Mr. Taylor asks if this will apply to both commercial and residential.

Ms. Hair responds that this change will apply to both commercial and residential.

Mr. Taylor points out that home owner's associations (HOAs) have requirements, and asks how this change would impact those requirements.

Ms. Hair clarifies that this applies to the construction of a development. The town does not regulate all tree removal; this change would only affect the grading for a development.

Chairman Hudson states for the record that Allen Taylor has joined the meeting at 7:05 p.m. and has voting privileges. (7:05)

Chairman Hudson asks for any more questions for staff.

Hearing no more questions, Chairman Hudson entertains a motion to approve the request with conditions as stated.

Ms. Steele makes motion to approve as presented. Ms. Wilson seconds the motion.

Chairman Hudson reads off the names of the members present for a vote.

Wilson – Yes

Taylor - Yes

Craver – Yes

Wojtowicz – Yes

Steele – Yes

Crenshaw - Yes

The vote is unanimous, TX21.04.01 is APPROVED.

Chairman Hudson entertains a motion for the Statement of Consistency and Reasonableness.

Ms. Steele makes a motion to accept a Statement of Consistency and Reasonableness. Ms. Wilson seconds the motion.

Chairman Hudson reads off the names of the members present for a vote.

Wilson – Yes

Taylor - Yes

Craver – Yes

Wojtowicz – Yes

Steele – Yes

Crenshaw - Yes

Mr. Barnes joins the meeting at this point

Chairman Hudson moves to the next agenda item.

4. TX21.04.02

Chairman Hudson asks Ms. Hair to present.

Ms. Hair begins by explaining that the request is to prohibit commercial vehicles with two or more axles are prohibited from parking on streets on in front yard setbacks in single family residential (SFR) districts. The change is changing the wording to be “...more than two axles...” to “... two or more axles...”, as well as prohibit parking commercial vehicles in front yard setbacks.

The request is being made because the code enforcement office has had issues with box trucks. Box trucks currently cannot be cited because of the wording of the current UDO. The purpose of the request is to keep commercial vehicles off subdivision streets. Staff recommends approval.

Chairman Hudson asks if the request is prompted by citizen complaints or safety concerns.

Ms. Hair responds that the request is prompted by citizen complaints, and asks Ms. Dickinson, the code enforcement officer, to add any additional information.

Ms. Dickinson explains that the complaints from residents are due to safety concerns. The trucks block the view of street, making it dangerous for residents to pull out of their driveways.

Chairman Hudson states that the primary concern then seems to be safety, rather than nuisance complaints from residents.

Ms. Wilson adds an anecdote about someone on her street that parks a commercial truck. She adds that the school bus has problems getting in and out of the neighborhood because truck was in street.

Ms. Steele asks for clarification on the type of vehicle targeted with this text amendment. She asks if this is targeted at larger, big rig, style of trucks, or delivery vehicles.

Ms. Hair responds that the change applies to all commercial vehicles. She adds that most complaints are 2 axle commercial trucks like amazon trucks. The vehicles are oversized and left on street for extended time.

Ms. Steele asks for a definition of "extended time".

Ms. Hair answers that short delivery stops will not be affected by this change, but that parking on street in front of the house would be prohibited.

Ms. Steele asks if parking in the driveway would be acceptable under this change.

Ms. Hair responds Yes, provided the vehicle is not parking in the front yard setback.

Ms. Steele clarifies that the front yard setback is 30 feet.

Ms. Hair states that this depends on the zoning district. The front yard setback can be anywhere between 20 feet and 40 feet.

Ms. Steele adds that garbage trucks could have issues with trucks parking on the street, so she feels it is a safety concern as well.

Ms. Hair notes that the last sentence of ordinance lists exceptions, including delivery trucks or moving trucks.

Chairman Hudson asks that part of amendment is defining the axles and front setback prohibitions, but the amendment is also adding the definition of commercial vehicle?

Ms. Hair answers Yes.

Mr. Taylor says that his HOA does not allow trucks in driveways; trucks have to park on street. He asks if the town prohibits parking in the street and an HOA prohibits parking in the driveway, where can a truck park?

Ms. Hair responds that the vehicle owner will need to find somewhere else to park. The concern with parking on public streets is safety.

Mr. Taylor asks if a mini van with a sign on it would be covered under this change.

Ms. Hair answers that if a complaint was received, the Town could cite the vehicle owner under this ordinance.

Ms. Steele asks if this would be at the code enforcement officer's discretion.

Ms. Hair responds that yes, it would be.

Vice Chairman Crenshaw asks if a sign is all it takes to make a vehicle a commercial vehicle.

Ms. Hair answers that if the vehicle is primarily used for a commercial business, then it would be restricted by this change.

Chairman Hudson asks what the penalty fines would be for violating this ordinance change.

Ms. Hair responds that it would be a civil penalty. First the vehicle owner would be provided a notice, then the code enforcement officer can issue a fine. She adds that typically the Town will try to work with owners.

Ms. Steele states that her only issue is if someone has commercial vehicle in driveway that they need for their job, the required front yard setback prohibition is going to cause issues to people who are not causing problems that this change seeks to address. She adds that HOAs can enforce on street parking if that is in their by-laws.

Ms. Dickinson provides an example: in Forest Park there is a tree trimmer vehicle. It cannot be cited because it has 2 axles.

Ms. Steele asks about the neighbor who has a large truck but parks in driveway.

Ms. Dickinson responds that the neighbor would not be cited, because he has a long driveway and would not be in the required front setback.

Ms. Wilson asks about short driveways. She adds that sometimes it isn't possible to even fit a car in the driveway without using the portion of the driveway in the front setback. She expresses concern that this may not leave some residents with anywhere to park their trucks, despite not causing any issues.

Ms. Wojtowicz notes that Ms. Steele suggests parking in driveway, but Mr. Taylor mentioned that his neighborhood's HOA does not allow parking in the driveway.

Ms. Steele states that she would like the ordinance to be whichever rule is most restrictive. For example, if an HOA restricts parking in the street, then the HOA should be responsible for penalizing trucks parked in the street, but if there is no HOA rule regarding parking in the street, then this proposed ordinance would apply and the Town would take responsibility for enforcing it.

Ms. Wilson adds that her neighborhood allows larger vehicles that do not carry people to be parked on the street. She adds that this change would supersede that rule.

Chairman Hudson states that there are two issues to address: the first issue is safety, which is what this proposed change addresses. The second issue is annoyance. He finishes by suggesting that the Board could defer this to the next meeting.

Ms. Hair suggests that the Board could also approve the change tonight without the front yard setback restriction. She adds though, that many vehicles that are being addressed with the proposed change can be parked in garages.

Ms. Wojtowicz states that she does not mind front yard part, but she does not know which is worse: forcing people to park on road or in driveway. She is also concerned that the proposed changes contradict HOA rules.

Ms. Hair answers that HOA rules supersedes the Town's laws if the HOA rules are more restrictive. Currently, greater than two axle commercial vehicles are already restricted from parking on the street.

Chairman Hudson states that the Planning Board obligation is to establish regulations for whole town. People choose to buy in an HOA neighborhood; the Town should not consider HOA requirements, and should consider town holistically.

Ms. Steele states that she is satisfied with street parking being prohibited, but would like front yard restriction removed.

Ms. Carver suggests changing the wording instead of front yard setback to be beyond sidewalk.

Ms. Hair responds that the UDO already prohibits blocking a sidewalk. This amendment is focused on prohibiting parking on the streets and in the front driveway.

Mr. Taylor says that even non-commercial vehicles in his HOA have to park in garage or on street; there is no driveway parking allowed of any kind.

Ms. Wojtowicz asks if the front yard setback restriction only applies to SFR.

Ms. Hair answers Yes, the front yard setback restriction only applies to SFR. Apartments or commercial developments have parking lots and not usually streets. SFR neighborhoods are where town owned roads are.

Ms. Wojtowicz asks if townhomes usually have town owned roads.

Ms. Hair responds that townhome developments sometimes include town owned roads. However, this amendment is to address SFR neighborhoods that usually have longer driveways. Ms. Hair asks Ms. Dickinson if the limitation to SFR neighborhoods is sufficient to meet the goals of the amendment.

Ms. Dickinson responds that HOAs usually provide restrictions outside of SFR neighborhoods.

Chairman Hudson asks Ms. Hair if the Board could recommend denial so staff can re-write.

Ms. Hair suggests that the Board can table the amendment until next meeting to give staff a chance to re-write the amendment.

Chairman Hudson entertains a motion to table TX21.04.02 until the next Planning Board meeting.

Ms. Wojtowicz makes a motion to table until staff can look into required front yard setbacks and districts that might need to be included. Vice Chairman Crenshaw seconds the motion.

Chairman Hudson reads off the names of the members present for a vote.

Wilson – Yes

Taylor - Yes

Craver – Yes

Wojtowicz – Yes

Steele – Yes

Crenshaw – Yes

TX21.04.02 is TABLED until the next Planning Board meeting.

##### 5. Adjournment

Chairman Hudson asks for any other business.

Ms. Hair answers that they have addressed all the agenda items.

Chairman Hudson entertains a motion to adjourn the meeting.

Ms. Wilson makes motion to adjourn, Mr. Taylor seconds the motion.

Chairman Hudson reads off the names of the members present for a vote.

Wilson – Yes

Taylor - Yes

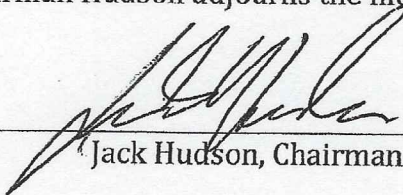
Craver – Yes

Wojtowicz – Yes

Steele – Yes

Crenshaw - Yes

Chairman Hudson adjourns the meeting at 7:33 p.m.



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Jack Hudson, Chairman



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Matthew West, Planning Technician