



# Town of Fairview

## PLANNING AND ZONING BOARD

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### Agenda

February 20, 2024 @ 6:30 p.m.

**Meeting will be at Fairview Town Hall Meeting Room**

- 1. Roll Call and Determination of Quorum --- Chairman Buchanan**
- 2. Items of Business:**
  - 3.A. Discuss #L-I CUD 24 002 request from Haigler Farms LLC to rezone a 38-acre tract, Parcel #08222011M to light industrial CUD (Conditional Use District). Any use in the district will be required to obtain a special use permit.
- 3. Approval of Minutes: November 21, 2023 --- Regular meeting**
- 4. Public Comments**
- 5. Adjournment**

**Town of Fairview  
Staff Report for:**

**Planning Board**

DATE: February 20, 2024

<b>CASE #: L-I CUD 24-002</b>	<b>Haigler Farms, LLC</b>
<b>Applicant(s):</b>	Haigler Farms, LLC 9606 Indian Trail Fairview Road Indian Trail NC 28079
<b>Property Owner(s):</b>	Jan and B.B. Haigler
<b>Requested Action:</b>	To increase the size of the present CUD L-I (Conditional use District) on Brent Haigler Road
<b>Existing Zoning:</b>	RA-40 In the Farm Program
<b>Requested Zoning:</b>	CUD L- I Section 132 (a)-Conditional Use District ) (Any L-I use permitted in will be required to obtain a Special Use Permit ( Section 58,54)
<b>Location:</b>	Brent Haigler Road
<b>Property Size:</b>	38 ac
<b>Tax Parcel(s):</b>	Parcel # 08222011M
<b>Purpose/Narrative:</b>	Haigler Farms LLC would like to rezone approx. 38 acres to L-I CUD and have the right to subdivide. The property is next to the Haigler Building LLC parcel # 08222011F which is presently zoned L- I CUD -All on Brent Haigler Road
<b>Surrounding Area Zoning:</b>	Residential, Farming and L-I CUD use
<b>Existing Conditions:</b>	Open (In the Farm Program)
<b>Current Land Use Plan:</b>	RA-40 Residential
<b>Compliance with Zoning Ordinance:</b>	Complies with present Zoning Ordinance RA-40 Residential (in farm program)
<b>Conditional Permit Conditions:</b>	<ol style="list-style-type: none"> <li>1. All properties as they are approved will be required to install a 30 ft. buffer as required in Land Use Ordinance- Section 308</li> <li>2. NCDOT may require improvements as needed with changes of uses</li> <li>3. All properties shall be leased from Haigler Farms LLC .</li> <li>4. Water to be supplied by County to all uses within 2500 ft.</li> </ol>
<b>Staff Recommendation on Application:</b>	Staff would recommend rezoning. This request is to expand what is already in place on Brent Haigler Rd.. The L-I CUD requires that a special permit be obtained for each change in use. In the district

# Town of Fairview

7516 Concord Highway  
Monroe NC 28110

## CONDITIONAL ZONING DISTRICT PERMIT APPLICATION Fee: \$600

Application Number: L-1 CUD 24002 Date of Application: 1-11-2024

### I. Applicant / Owner Information

- A. Applicant's Name: BB Haigler  
 Address: 9906 Indian Trail-Fairview Rd Indian Trail, NC 28079  
 Phone: 704-221-2874 Email: jbbhaigler@gmail.com
- B. Owner's Name (if different from above):  
 Address:  
 Phone: Email:

### II. Property Information

- A. Property Location: 576 Brent Haigler Rd Indian Trail NC
- B. Tax Parcel Number: 08-222-011M
- C. Deed Book 3115 Page 012
- D. Existing Zoning RA40 Proposed Zoning L-1
- E. Existing Use Proposed Use
- F. Property Size 37.95 acres (Sq. Ft./Acres)
- G. Is a Rezoning Application being submitted with CUP Application? N

### III. Other Required Information (Attach The Following)

- A. Narrative describing the requested conditional use in sufficient detail and a justification that the conditional use meets the standards and intent contained in the Land Use Ordinance.
- B. The owners' names, addresses, the tax parcel numbers use(s), and current Zoning Classifications of all adjoining properties. Please include this information on the Attachment "A" form.
- C. A scaled boundary survey drawn to an appropriate scale prepared by and certified to be correct by a surveyor or engineer registered with the State of North Carolina.



showing dimensions of the property and adjacent lots and streets, the total acreage, present zoning classification(s), date and north arrow. On copies of this survey shall be drawn the following Information:

- (1) All existing easements, reservations, right-of-way and all yard requirements for the zoning district.
  - (2) A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, proposed size layout and setbacks of land and proposed structures, and proposed number, type, and location of signs. For residential uses this shall include the number of units and an outline of the area here the structures will be located. For nonresidential uses, this shall include the approximate square footage of all structures and an outline of the area where the structures will be located.
  - (3) Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets. (Shopping Centers, having two (2) or more individual uses shall show the parking spaces, channelization and ratios shown, service areas, off-street loading facilities, service drives and dimensions thereon; and all pedestrian ways.)
  - (4) Landscape plan at the same scale as the site plan showing existing and proposed trees, ground cover and landscape material, proposed screening, and buffering (if applicable) including walls, fences or planted areas as well as treatment of any existing natural features.
- D. Plans and elevations for all proposed structures.
- E. A map at the same scale as the site plan showing the following:
- (a) Delineation of areas within the floodplain as shown on the official flood hazard boundary maps.
  - (b) Accurate mapping of all soil classifications found on the site and general depths thereof. The applicant shall use the same classifications used by the U. S. Department of Agriculture.
  - (c) Existing and proposed topography at five (5) feet contour intervals.
  - (d) Plans for providing potable/public water and for the treatment of wastewater.
- F. Certification from owner of record that applicant has authorization to apply for this zoning action. (This is needed only if the applicant is not the property owner). Certification shall be notarized.

Revised 11/8/18

- G. State whether or not the applicant or owner, owns, has a proprietary interest, or in any way has any other contractual interest in any land that is contiguous to the land, which is the subject of this request. If so, please provide a sufficient legal description of such land and state the interest of the applicant or owner.
  
- H. Application processing fee is **\$600**. Attach check, payable to the *Town of Fairview*, Attn: Ed Humphries 7516 Concord Highway Monroe NC 28110

Comments:

I, the undersigned owner or authorized representative, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

1/9/2023

DATE

**BB Haigler**

SIGNATURE OF OWNER OR AUTHORIZED  
REPRESENTATIVE



Town of Fairview  
7516 Concord Hwy  
Monroe NC 28110

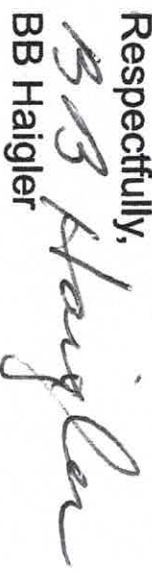
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Dear Mr. Humphries, Planning Board and Town Council,

My wife Jan and I are requesting the rezoning of parcel 08-222-011M to Light Industrial. We own several other adjoining parcels that are also zoned Light Industrial. Currently there are three successful and growing businesses established on those other parcels: Medlin Automotive, Pearson Diesel Shop, and Blossman Propane. In the last year or two, we've received multiple phone calls inquiring about additional land zoned for LI use. Our purpose in the rezoning request is to prepare for future growth and we believe this parcel would be best suited for Light Industrial, as opposed to Residential. Just as the businesses I mentioned, in the future it would provide additional revenue and services to the town and it's residents. There's no plan to sell the land and it would remain in the farm program until an LI use has been approved, permits received, etc. We're committed to adhering to all applicable Town of Fairview land use ordinance requirements and will fully comply with the established regulations and guidelines.

Thank you for your time and consideration.

Respectfully,

  
BB Haigler





**Correction: See correct Parcel ID Number**

### **Community Meeting ----NOTICE**

The Town of Fairview will conduct a Community Meeting starting at 6:30pm on Tuesday **Jan. 30, 2024** at the Town Hall --address: 7516 Concord Highway, Monroe, NC.

To Discuss:

A request from Haigler Farms 2 LLC to rezone a 38-acre tract to **L-I CUD** (Any use in the district will be required to obtain a special use permit.) \*\*\*\*\*

**Parcel # 08222011M** and Town permit # L-I CUD 24 002.

\*\*\*\*\* See Section 137(a), page 119, Section 54 Special use Permits page 70 and Section 58, Condition Zoning District page 73 of the Fairview Land Use Ordinance \*\*\*\*\*

For more information, call Teresa Gregorius, Town Clerk or Ed Humphries, Land Use Administrator at (704) 753.1981 during business hours. (Tuesday and Thursday 9:00am to 3:00pm)

The Town of Fairview does not discriminate based on disability. If you need an auxiliary aid or service or other accommodation to attend or fully participate in this meeting, please contact Teresa Gregorius at (704) 753.1981 as far in advance of the meeting as possible so that your request can be considered.

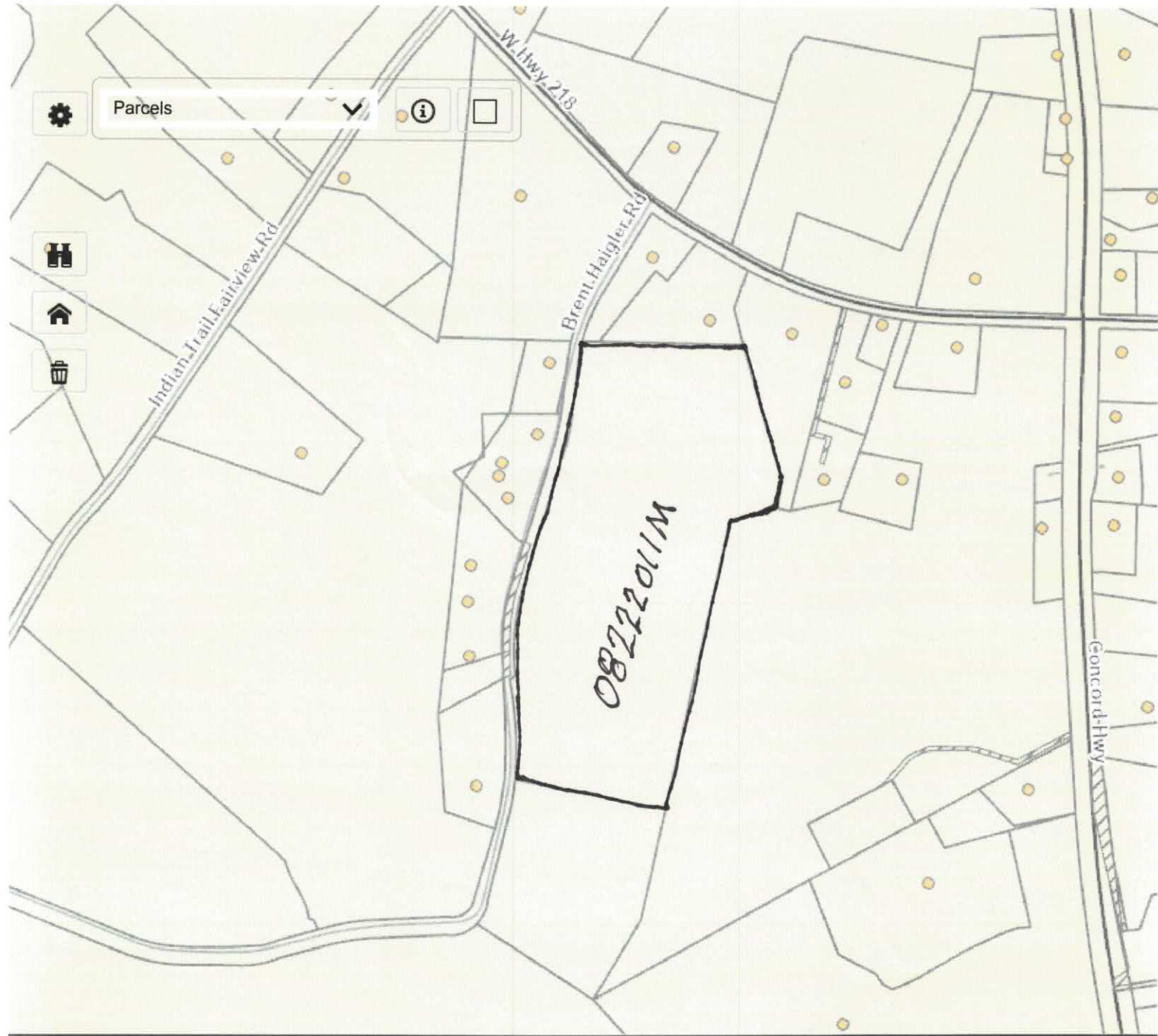
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CONDITIONAL USE PERMIT APPLICATION  
ATTACHMENT "A"  
ADJOINING PROPERTY OWNERS INFORMATION

Owners(S) Name(S)	Owners Mailing Address (Include Zip Code)	County	Tax Book Number	Tax Map Number	Tax Parcel Number	Current Zoning Classification	Existing Land Use
1. Joe Cuthbertson	7617 Concord Hwy 28110				08222014A	RA-40	RA-40
2. "					08222014B		
3. Nicole McCoy	3101 Keenan Dr Columbia SC 29201				08189005B	RA-40	
4. Michael Klein	401 Hwy 218 W (28079)				08222014	RA-40	
5. Alan Dowdee	225 Hwy 218 W 28110				08189004A	RA-40	
6. Jane Pressley	217 Hwy 218 W 28110				08189004B	RA-40	
7. Joan Bell	209 W Hwy 218 28110				08189004	RA-40	
8. Arthur Flowe	123 W Hwy 218 28110				08189005C	RA-40	
9. Robert Trickett	201 W Hwy 218 28110				08189005A	RA-40	
10. Elizabeth Long	117 W Hwy 218 28110				08189002C	RA-40	
11. Daniel Allen	205 W Hwy 218 28110				08189005D	RA-40	
12. Bell Family Land LLP	117 W Hwy 218 28110				08189002	RA-40	
13. Rodd Price	10017 Indian Trail-Fairview				08225012C	RA-40	
14. James Smith	<sup>3925</sup> 3401 Smith Farm Rd Matthews 28104				08225012B		
15. Dale & Mary Lou Starnes	7401 Concord Hwy 28110				08185002A		
16. <sup>ESTATE OF</sup> Barbara Totty	4804 NE Elmhurst Dr. Hickory 28601				08189002E		
17. Sid + Sue Lampley	113 W Hwy 218 28110				08189002D		

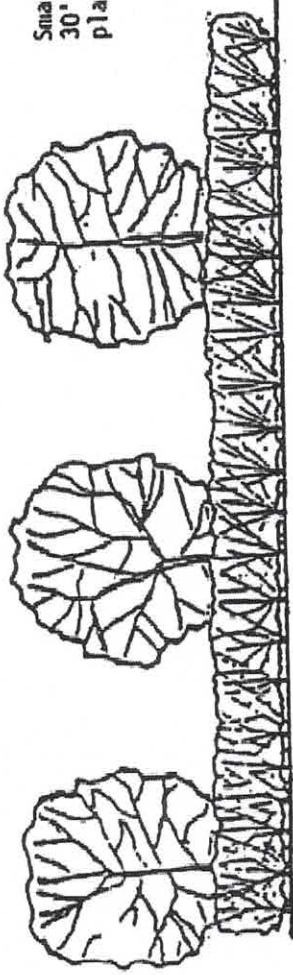
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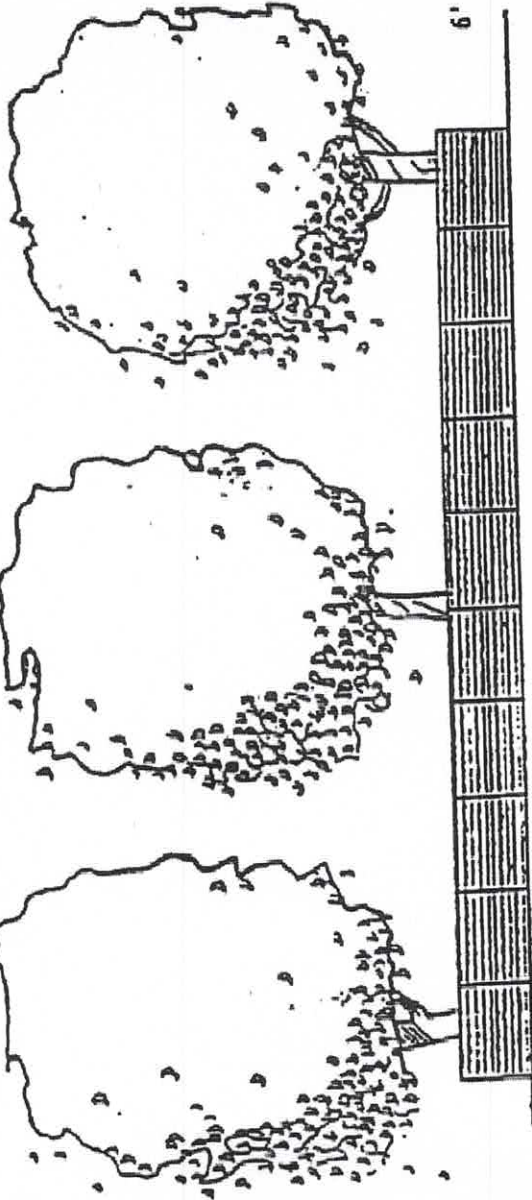


E-6 Typical Opaque Screens

Small trees planted  
30' on center. See  
planting list E-10(a).



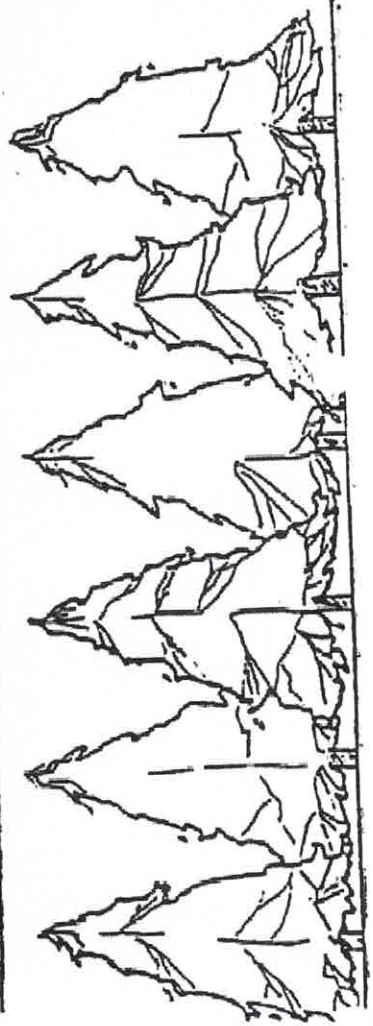
6' high evergreen  
screening shrubbery  
planted 4' on center.  
See planting list E-10(e).



Large trees  
planted 40' on  
center. See  
planting list  
E-10(c).

6' high redwood fence.

Tall evergreen trees,  
stagger planted, with  
branches touching the  
ground. See planting  
list E-10(b).





## Section 307 Descriptions of Screens.

The following three basic types of screens are hereby established and are used as the basis for the screening requirements set forth in Section 308.

- (a) Opaque Screen, Type "A". A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. If a berm is chosen, whether required or not, the slope of the berm shall not be greater than a ratio of 3:1. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.
- (b) Semi-Opaque Screen, Type "B". A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. If a berm is chosen, whether required or not, the slope of the berm shall not be greater than a ratio of 3:1. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.
- (c) Broken Screen, Type "C". A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. If a berm is chosen, whether required or not, the slope of the berm shall not be greater than a ratio of 3:1. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the





**Town of Fairview  
Planning Board Meeting  
November 21, 2023**

The following Planning Board members were present: Doug Buchanan, Sharon Clontz, Mike Medlin, Josh Presley, Bill Thomas, Rodney Stephens (Alt.). Absent: Chrisie Black, Greg Morgan, Fred Rogers (Alt.)

Others present: Ed Humphries, Land Use Administrator/Deputy Clerk; Teresa Gregorius, Town Clerk and Spencer Cox, Administrative Assistant

**Public Comments**

None

**Items of Business**

**A. Mini Mart @ Hwy. 601 and Brief Road #NR 23-098**

Ed Humphries presented Special Use Permit #NR 23-098 for a Mini Mart at Hwy. 601 and Brief Road. The Board discussed the list of questions below:

- I. *In the entrance that is being closed,*
  - a. *Remove the existing curb.*  
*No curb needed to be removed*
  - b. *Establish grass.*  
*Grass planted in entrance that is to be remove*
2. *Parking spaces*
  - a. *Number of spaces required is 16 (1 per 150 sq ft) Section 291 (2,500 sq ft building)*  
*Adding 5 parking angled spaces in front of building*
  - b. *Two of the 16 is required to be accessible one van and one for cars and trucks:*
    - i. *The one for vans needs a sign saying "VAN ACCESSIBLE"*  
*To be added*
    - ii. *Width for car is 96-inch min*  
*To be corrected*
    - iii. *Width for van is 132" with a 60" loading aisle or 96" with a 96" aisle*  
*To be corrected*
    - iv. *Parking spaces are 9'x19'*  
*To be corrected, 5 new spaces added*
    - v. *Parking for accessibility parking must be on solid surface with no potholes and 2% grade in both directions.*  
*To be corrected*

- vi. *It is recommended that that parking bumpers be place in front of the building at the parking spaces to stop cars from running into the building  
Owner did not want to do*
- 3. *Dumpsters*
  - a. *Is there going to be a dumpster? Yes*
    - 1. *Must be screened Such screening shall consist of decorative opaque fences or walls or with sufficient natural plantings to create a year-round opaque screen. If man-made materials are used as part of such screening, such materials are to be as harmonious as possible with the principal building on the site.*
    - 2. *Locate on site drawing.*  
*Located to the right of the building close to the street*
- 4. *Sight distance at entrance on Brief.*
  - a. *NC DOT needs to establish the sight distance and remove shrubs that block the sight distance.*  
*Shrubs are to be cut*
- 5. *The planting indicated on drawing provided*
  - a. *No plant schedule*  
*Provided*
  - b. *Is it located outside the R/W*  
*No*
  - c. *Trees in the parking lot- 20% paved area is required to be in shade More detail in Land Use Ordinance.*  
*None needed*
- 6. *What is happening with the garage door on the side? It is not shown on the floor plan.*  
*Will not be used. Will be posted "Not In Use"*
- 7. *If the single door in front is changed out from a single to a double door, a building permit will be required.*  
*Door will remain "single door"*
- 8. *Site drawing does not show existing shrubs. Needs to be revised.*  
*Revised*
- 9. *Site drawing needs to show additional parking. Needs to be revised.*  
*Revised*
- 10. *Obtain driveway permit from NCDOT. Obtained*
- 11. *Meet with Fire Marshall*

Doug Buchanan made a motion to recommend to the Council with the revisions noted. Josh Presley seconded the motion. Board members Buchanan, Clontz, Medlin, Presley, Thomas, Stephens voted yes (6-0).

## B. Food Trucks

Ed Humphries presented the Board with a request from the town to add Food Truck Text Amendment #TA 23-112 to Land Use Ordinance in Definitions and Table of Uses as noted below:

**FOOD TRUCK.** *A licensed, motorized vehicle or mobile food unit that is designed and equipped to serve food and is temporarily located for the purpose of selling food items to customers. This use includes ice cream trucks*

**TEMPORARY VENDOR OPERATIONS.** *Temporary vendors shall operate under the following conditions:*

- 1) *Hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. except for special events operating under a temporary use permit.*
- 2) *Food trucks and food trailers shall be parked on private property with the property owner's permission and shall not be parked within any street, right-of-way or sidewalk area.*
- 3) *Temporary vendors are responsible for the proper disposal of solid waste, wastewater and trash associated with the operation. Waste and trash shall be removed from the location of operation at the end of each day to maintain the health and safety of the public.*
- 4) *No grease shall be disposed of in public places, streets, stormwater drainage system, or sanitary sewer system.*
- 5) *Advertising and signage is limited to what is displayed on the vendor truck, trailer or structure and any permitted signs on the site of operation.*

- 6) *Food vendors shall display or otherwise make available menu items and prices.*
- 7) *Vendor operations shall be walk up arrangements only. Drive through operations are prohibited.*
- 8) *Vendor operations as an accessory use shall not impede or otherwise compromise the vehicle access, pedestrian access or parking arrangements of principal uses on the same site.*
- 9) *Site plan may be required.*
- 10) *Food truck will be moved daily.*

The Board discussed and added #10 to the list.

Doug Buchanan made a motion to recommend to the Council with the revision noted. Sharon Clontz seconded the motion. Board members Buchanan, Clontz, Medlin, Presley, Thomas, Stephens voted yes (6-0).

C. Minutes

Mike Medlin made a motion to approve the October 17, 2023 minutes. Bill Thomas seconded the motion. Board members Buchanan, Clontz, Medlin, Presley, Thomas, Stephens voted yes (6-0).

Bill Thomas made a motion to adjourn. Mike Medlin seconded the motion. Board members Buchanan, Clontz, Medlin, Presley, Thomas, Stephens voted yes (6-0).

Respectfully submitted,

\_\_\_\_\_  
Teresa Gregorius  
Town Clerk

\_\_\_\_\_  
Doug Buchanan  
Chairman

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024





**Community Meeting  
Permit # L-I CUD 24 002**

**January 30, 2024**

The partitioner, B.B. Haigler, conducted a community meeting at town hall on Tuesday, January 30<sup>th</sup>.

Ed Humphries, Town of Fairview Land Use Administrator presented the rezoning request for Parcel # 08222011M, permit # L-I CUD 24 002, 576 Brent Haigler Road. Haigler Farms LLC would like to rezone approx. 38 acres to L-I CUD and have the right to subdivide. The property is next to the Haigler Building LLC parcel # 08222011F which is presently zoned L- I CUD, all on Brent Haigler Road. Any use in the district will be required to obtain a special use permit. (Section 137(a), page 119, Section 54 Special use Permits page 70 and Section 58, Condition Zoning District page 73 of the Fairview Land Use Ordinance)

Residents within 500 feet of the property lines of 576 Brent Haigler Road were notified by letter of the community meeting (See Appendix A).

The following residents below that spoke at the meeting were not in favor of the rezoning:

- Alan Dowdee
- Jane & Keith Wade
- Elizabeth Long
- Daniel Allen
- Mary Lou Starnes
- Robert Trickett

Some of the concerns mentioned were:

- What type businesses may lease the property
- Roads not built for heavy traffic
- Concerns about businesses already located along the light industrial already zoned
- Stormwater
- Buffer