



Town of Fairview

PLANNING AND ZONING BOARD

Agenda

February 21, 2017 @ 6:30 p.m.

Meeting will be in the Council Meeting Room

1. Roll Call and Determination of Quorum --- *Vice Chairman Crowell*
2. Public Comments:
3. Report on Council actions: ---Ed Humphries
4. Business:
 - a) Review Request for a Text Change TC-017-003 to add the use "Truck Body Fabrication" to the Table of Uses of the Fairview Land Use Ordinance as defined as 'To make by assembling parts or sections of truck beds to be mounted on truck chassis' permitted in the following zone by the requirement of "Condition Use Permit" RA-40 (C), HC (C), and by right (Z) in LI
 - b) Review request from Patrick Ferguson for a Conditional Use Permit (CUP - 17-004) to operate a "truck body fabrication operation" on his property (#08216005F) @212W Old Dutch Indian Trail NC 28079
 - c) Approve: Minutes of November 15, 2016
5. Public Comments:
6. Adjourn

Text Change

TC-017-003

Town of Fairview

PETITION FOR ZONING TEXT CHANGE

Petition Number TC-17-003 Date of Petition JAN 17 2017

1. Petitioner's Name TOWN OF FAIRVIEW
Address 7400 CONCORD HIGHWAY MONROE NC 28110
Phone 704 564 3412 Fax _____

(Attach a separate sheet showing name, address, and phone of any co-petitioners)

2. State the exact nature of text change desired. Please make references to sections, page number, etc. Please make specific references to language that you desire deleted and/or language you desire to be added or to be put in place of deleted language. Interrelated changes may be made a part of the same application. Any change that is not interrelated to this change shall require a separate application. An example of an interrelated change is where a change in one section causes the need to change another section. If you need additional space, attach additional page(s).

TO ADD "TRUCK BODY FABRICATION" TO THE TABLE
OF USES IN THESE ZONING CATEGORIES:

RA-HO "C"

HC "C"

LI "Z"

Define: TRUCK BODY FABRICATION: TO MAKE
BY ASSEMBLING PARTS OR SECTIONS

Town of Fairview
SIGNATURE OF APPLICANT

Jan 17 2017
DATE

Application Processing Fee: Attach Check payable to *Town of Fairview* in the amount of \$250.

Mail Completed Application/Check to: Town of Fairview, 7400 Concord Hwy.,
Monroe, NC 28110

(To be Filled Out by the Zoning Administrator)

Reviewed by Planning Board on 2/21/2017. Action of Planning Board

Reviewed by Town Council on _____ . Action of Town Council

Public Hearing Notice Filed in _____ on _____
(Name of Newspaper)
(Attach newspaper affidavit)
(Date(s) Notice was Published)

Town Council Public Hearing Held on _____ .

Action by Town Council after Public Hearing

5

USE	SUPPLEMENTAL REGULATION SECTION NUMBER OR ARTICLE	PARKING REQUIREMENT FOUND IN SECTION 291(e)	RC80	RA40	RA20	R40	R20	O	B-1	B-2	B-3	B-4	HC	B-6	LI
Theater, Indoor Movie		6.12							Z	Z		Z	C		
Theater, Outdoor Movie		6.26										C	C		
Tire Recap or Repair Facility		2.22										C	C		Z
Tobacco Shops		2.12							Z	Z		Z	C		
Tourist Home		1.53		C	C						Z	Z			
Tourist Information Office		3.11						Z	Z	Z	Z	Z	C		
Townhouse	180L, App. J	1.3		Z	Z	Z5	Z		Z	Z		Z			
Toy Shop		2.12							Z	Z		Z	C		
Travel Agency		3.11						Z	Z	Z	Z	Z	C		
Trophy and Plaque Shop		2.12							Z	Z		Z	C		
TRUCK BODY FABRICATION				C									C		Z
Truck Terminal or Tractor Trailer Truck Transfer Companies/Transfer Lots		10.2			C (11'14)								C		Z
Truck and Utility Trailer Rental Facility		5.12										C	C		Z
Truck Driving School		5.12										C	C		Z
Truck Stop		5.12											C		
Truck Washing Facility	165	9.5										C	C		C
Upholstery Shop		2.12							Z	Z		Z	C		
Utility Facilities, (County owned and operated)	179	1	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	Z5	Z
Utility Facilities, Community/Regional		1													C
Utility Facilities, Electric Substations	177	1	Z5	Z5	Z5	Z5	Z5	Z5	Z5	Z5	Z5	Z5	C5	Z5	Z5

- Z - Permitted By Right
- C - Conditional Use Permit Required
- D - Major Development Permit Required
- s - Supplemental Regulations Apply
- / - or, (example Z/D)

PUBLIC HEARING NOTICE

The Fairview Town Council will conduct a Public Hearing starting at 7:00pm on Monday, **March 13, 2017, during the Council Regular monthly meeting** at the Old Fairview School (location address: 7514 Concord Highway, Monroe, N.C. 28110). The purpose of this hearing is to:

Hear public comment on:

Text Amendment / Change #TC 17-003

To add to the Table of Uses in The Fairview Land Use Ordinance the Use:

“Truck Body Fabrication”

Permitted in The following zone by the requirement of “Condition Use Permit” RA-40 (C), HC (C), and by right (Z) in LI.

Definition: ‘Truck Body Fabrication’:

To make by assembling parts or sections of truck beds to be mounted on truck Chassis

The Public is invited to attend the public hearing and make comments. As a result of comments, the Town council reserves the right to make changes to the proposed Amendment prior to adoption. For More information, call Ed Humphries, Land Use Administrator at (704) 564.3412 during business hours. (Tuesday and Thursday 8:00am to 3:00pm) The Town of Fairview does not discriminate on the basis of disability. If you need an auxiliary aid or service or other accommodation in order to attend or fully participate at this meeting, please contact the Ed Humphries at (704) 564.3412 as far in advance of the meeting as possible so that your request can be considered.

**Conditional
Use Permit
CUP-17-004**

**7Town of Fairview
Staff Report for:
Planning Board**

DATE— Feb 21 2017

--CASE #: CUP 17-004

Applicant(s):

Patrick L Ferguson
212 W Old Dutch Road
Indian Trail NC 28079

Property Owner(s):

Same

Requested Action:

Requesting a conditional use permit to operate a Truck Body Fabrication business on 08216005F

Existing Zoning:

RA-40

Requested Zoning:

RA-40 with CUP

Location:

212 W Old Dutch Rd Indian Trail NC 28079

Property Size:

12.366 Acres

Tax Parcel(s):

08216005F

Purpose/Narrative:

Business is grandfathered under County Zoning (2004). Business does truck body fabrication: to make by assembling parts or sections to truck chassis.

Ferguson Highway Products builds as well as reconditions custom truck bodies for driving posts and drilling holes. This equipment is primarily used in the highway industry for guardrails.

We buy raw materials, steel, hydraulic hose ,wire, paint etc. and we design and build these based on the customer's needs.

The proposed building will be used in all portions of the process involved in building these bodies.

Surrounding Area Zoning:

Residential and some farming

Conditions:

1. No more than Six employees including owner.
2. The proposed business with operate from 7:00am to 5:30pm (Monday-Friday) and on Saturday from 8:00am to 5:00pm. Emergency repairs may dictate later hours than 5:30pm but not to exceed 9:00pm. (These are rare occasions)
3. The proposed building 40'X60' (2400 sq ft) will be

	<p>able to be constructed on site.</p> <ol style="list-style-type: none"> 4. In addition and attached to the proposed building a shed (40'X 25' for personal use (store farm equipment and other personal equipment) 5. The proposed business is to build custom truck bodies as well as to recondition truck bodies for other uses. The above includes but is not limited to cutting, welding, grinding, machining, painting and assembling. 6. The proposed building (2400 sq ft) will be used for the all activates of the business. 7. There will be no business related outside storage. 8. There will be adequate parking for all employees. (see site plan) 9. All deliveries will be done so using the existing drive and the applicant will maintain adequate room for them to turn around. 10. The maintenance of the driveway will be agreed on by the property owners who use the drive.
Land Use Plan Recommendation:	Before CUP 17-004 can be approved—TC17-003 adding “Truck Body Fabrication” to the table of uses in the Fairview Land Use Ordinance must be approved by the Fairview Council
Compliance with Zoning Ordinance:	See above If approved (TC-17-003) Use is permit in current ordinance
Staff Recommendation on Conditional Use Permit Application:	Approve with Conditions as stated

Town of Fairview

7400 Concord Highway
Monroe NC 28110

CONDITIONAL USE PERMIT APPLICATION

Fees: \$325 to \$500

Application Number: CUP 17-004 Date of Application: JAN 24, 2017

I. Applicant / Owner Information

- A. Applicant's Name: Patrick Ferguson
Address: 212 Old Dutch Rd. West, Indian Trail, NC 28079
Phone: 704-617-4802 Email: Pat@Fergusonhp.com
- B. Owner's Name: Patrick Ferguson
Address: 212 Old Dutch Rd. West, Indian Trail, NC 28079
Phone: 704-617-4802 Email: Pat@Fergusonhp.com

II. Property Information

- A. Property Location: 212 Old Dutch Rd. West
Indian Trail, NC 28079
- B. Tax Parcel Number: 08216005F
- C. Deed Book _____ Page _____
- D. Existing Zoning _____ Proposed Zoning _____
- E. Existing Use _____ Proposed Use _____
- F. Property Size _____ (Sq. Ft./Acres)
- G. Is a Rezoning Application being submitted with CUP Application?

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,

Email: Christie@fergusonhp.com
PAT@fergusonhp.com

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.



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 of **\$325** for buildings 1000 square feet or less and **\$500** for buildings 1001 square feet or more. Attach check, payable to the *Town of Fairview*, Attn: Ed Humphries 7400 Concord Highway Monroe NC 28110

Comments: RA40 CUP FEE PAID \$500

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.

1-24-2017
DATE

[Signature]
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(The Following Information is to be Completed by the Land Use Administrator)

RECOMMENDATIONS OF THE PLANNING BOARD: _____

BOARD Meeting 2-21-2017

PUBLIC HEARING DATE: _____

Notice of Public Hearing Published On: _____

Notices to Applicant and Adjoining Property Owners Mailed on: _____
(Verification Attached)

Revised 8/25/16

Sign Posted On: _____

Conditional Use Permit "Findings of Fact" Checklist Attached: YES _____ NO _____

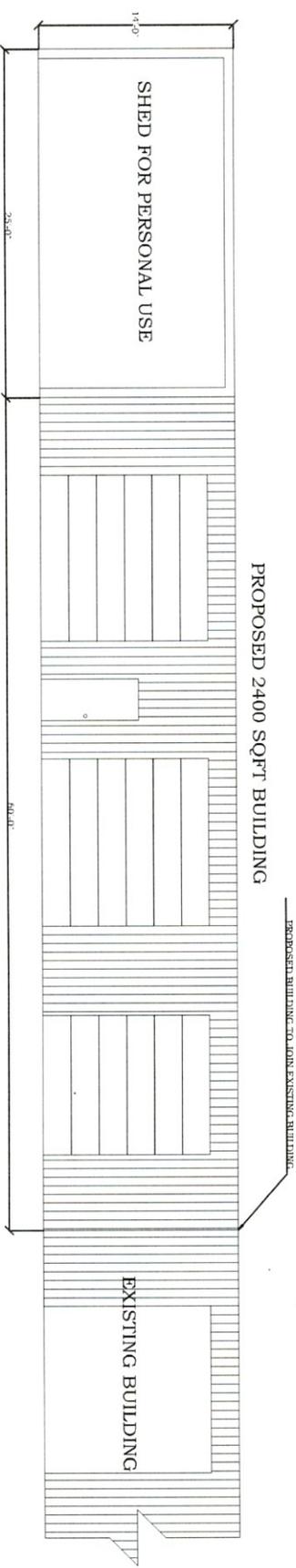
Action Taken by Town Council _____

Conditions Imposed by the Town Council Upon Said Conditional Use _____

Notification of Action Mailed to Applicant On: _____
(Notification Attached)

Proposed Building Elevation

Handwritten mark



CHANGE	REVISIONS	BY	APP	DATE	TOLERANCES: FRACTIONS ± .050 DECIMALS ± .050	MATERIAL	THICKNESS	GRADE	NOTES
A					.X ± .010				
B					.XX ± .002				
C					.XXX ± .002				
D									
E									
F									
G									
H									
I									

PATRICK FERGUSON 212 OLD DUTCH RD PHONE (704) 617-4802 INDIAN TRAIL NC 28079		SCALE: NONE DATE:		APPROVED BY: PLF		DRAWN BY: PLF		REVISED:	
PROPOSED BUILDING AND SHED				P/N		DRAWING NUMBER			

Parcel Number

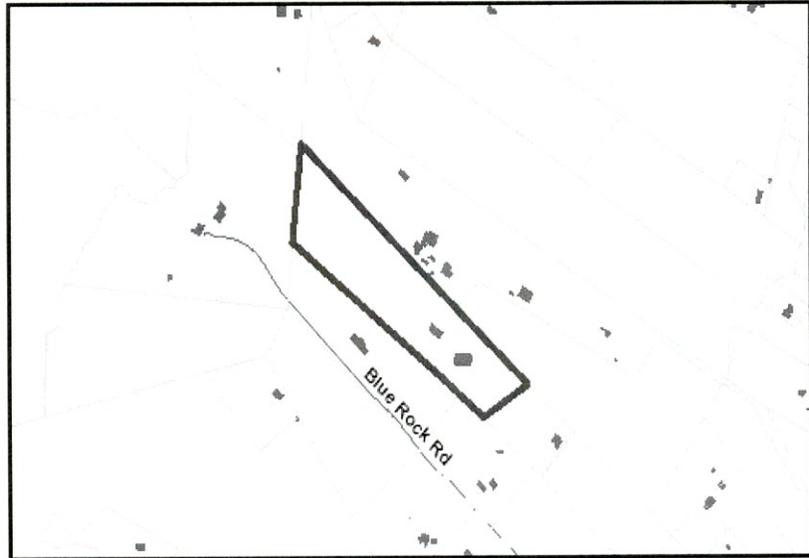
08216005F

Owner

FERGUSON
PATRICK L

Mailing Address

212 W OLD DUTCH RD
INDIAN TRAIL
NC, 28079



Account Information

Land Value	\$128,100.00	Subdivision	
Building Value	\$376,800.00	Description	TRACT D REALTY 2000
Total Value	\$504,900.00	Situs Address	212 W OLD DUTCH RD
Acreage	12.3660	Property Class	RESIDENTIAL

Sales Information

Sale Date	Sale Amount	Book & Page	Grantor
12/16/2003	\$0.00	3308 407	REYNOLDS FENCE & GUARDRAIL INC
08/04/1997	\$60,500.00	0996 900	MCLEMORE ROBERT THAD
08/04/1997	\$0.00	0996 894	APPLE REALTY 2000 INC

Location Information

Municipal Administration	Fairview	School	<u>School Assignment Information</u>
County Zoning Code	CITY	Census Tract Number	202.03
Zoning Administration	Fairview	FEMA Panel	5532
ETJ		FEMA Zone	
Fire District	Fairview	Soils	CmB,GsB,GsC,BaB

Building Information - [View Real Property Site](#)

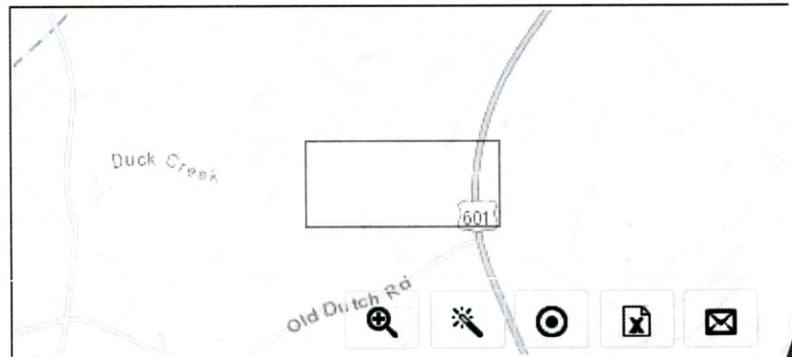
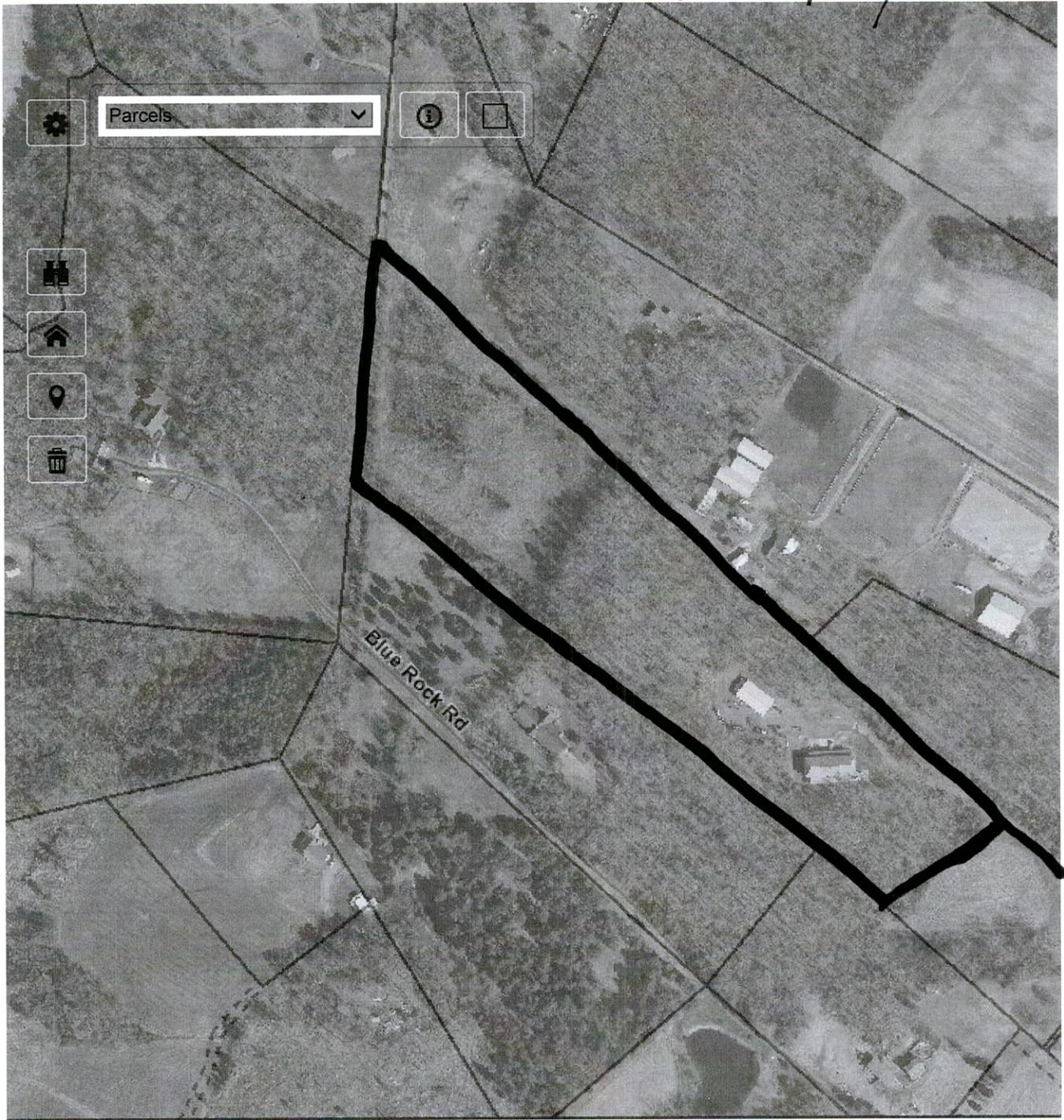
Total Living Area	3481	Type of Building	DWELLING
Year Build	1999	Improvement Type	Single family

District Voting Assignments (Jurisdictions)

Polling Place	Fairview Elementary School Gym	School District	4	Congressional District	8
Precinct District	#32	State House	55	Senate District	36

15

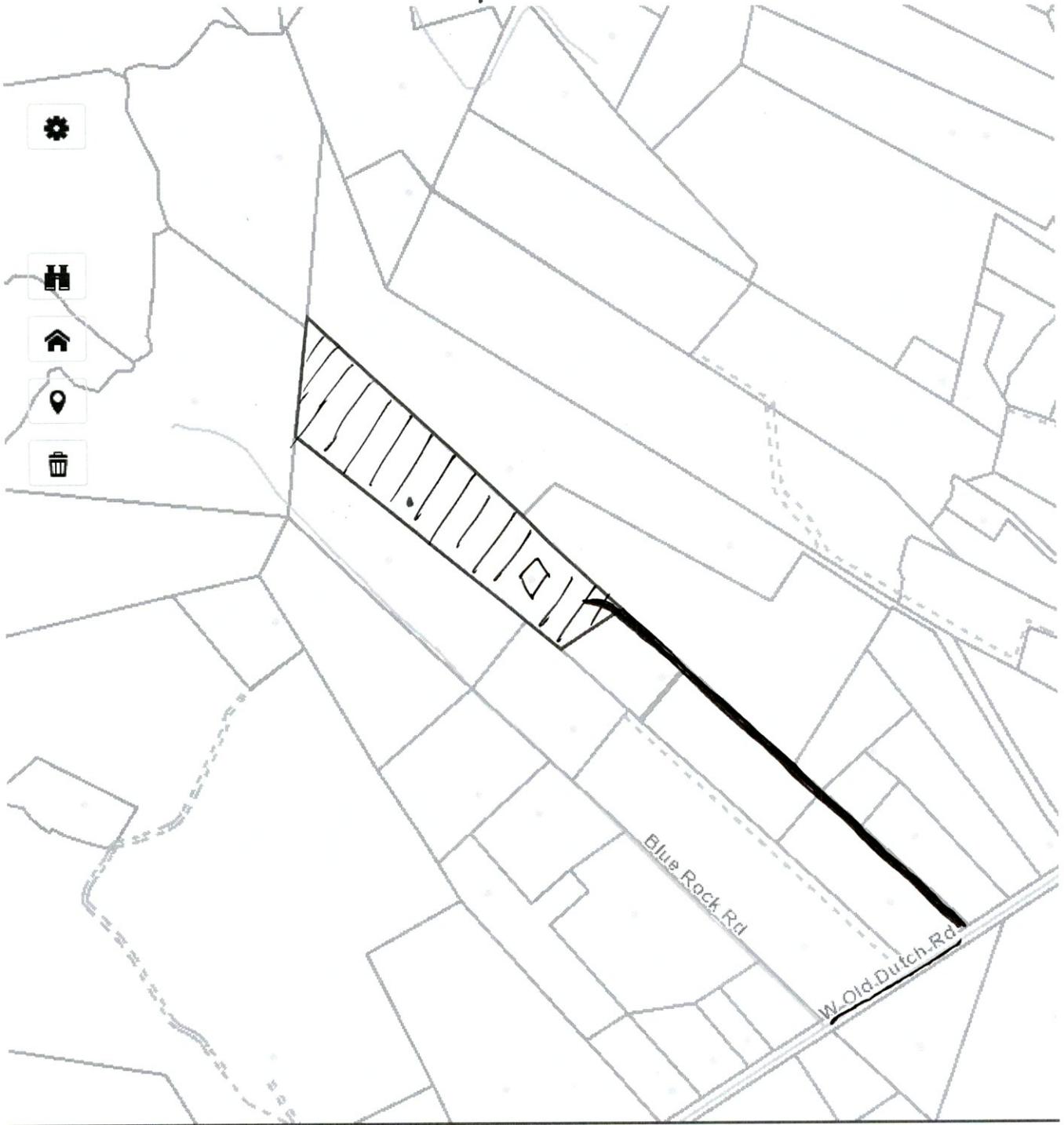
AERIAL VIEW OF PROPERTY



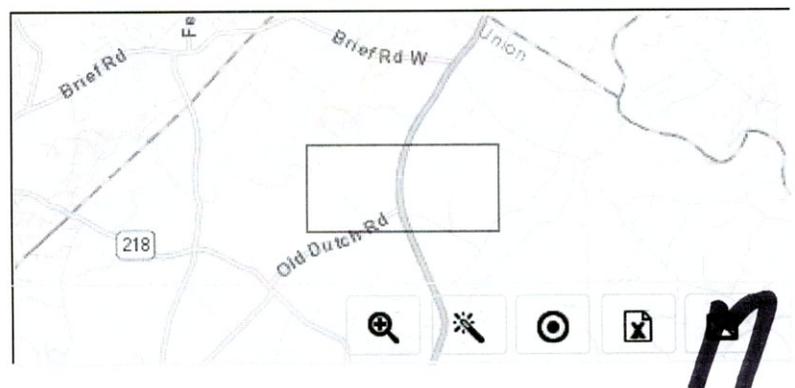
1 Results 100m 300ft

16

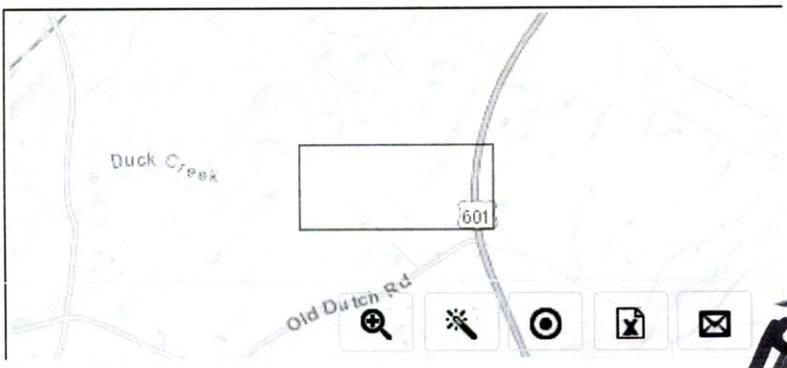
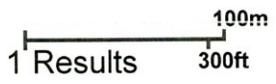
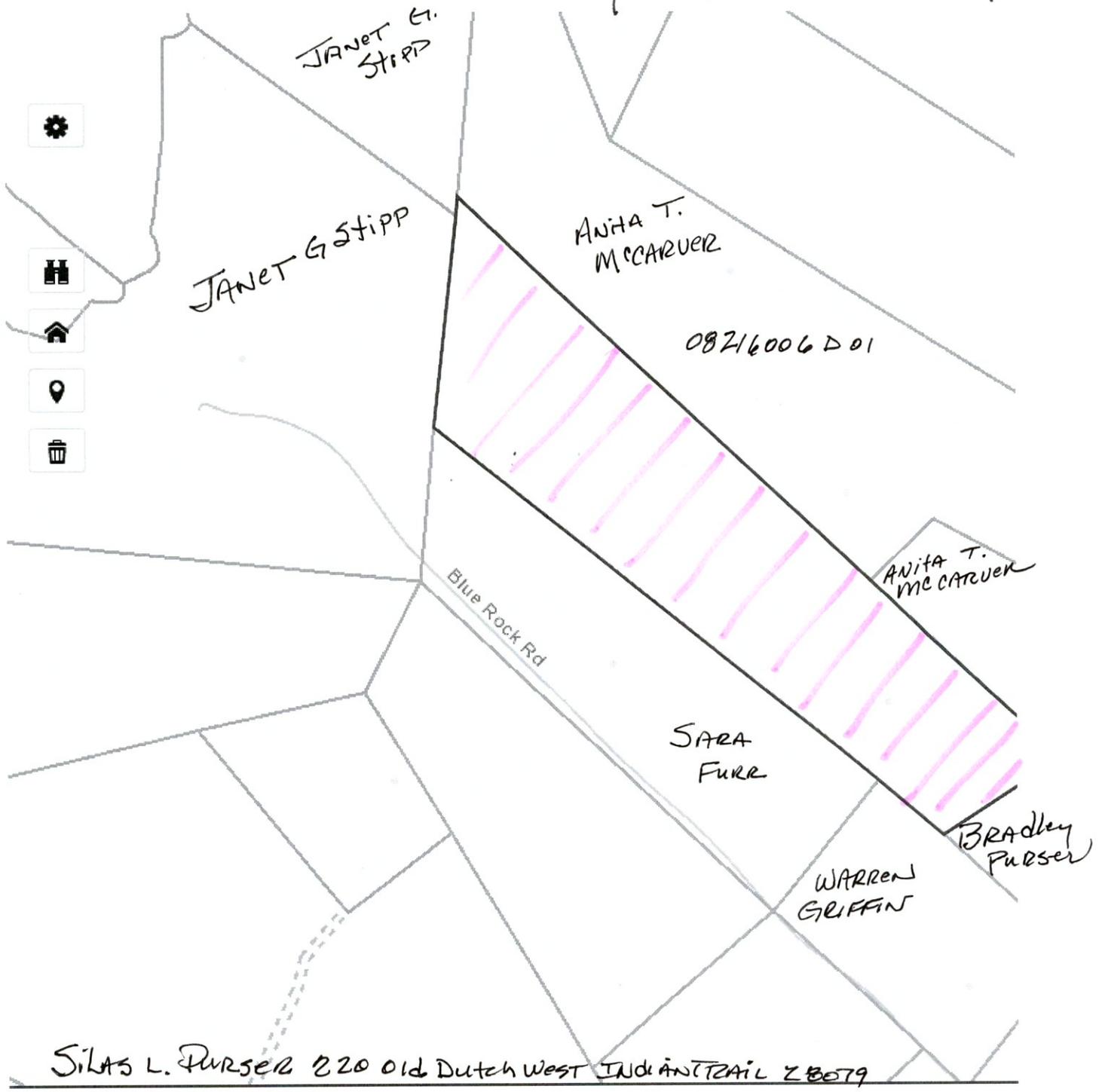
Showing EASEMENT to Old Dutch



1 Results
200m
600ft



Showing Adjacent Property Owners



RB

STIPP JANET G
9215 BLUE ROCK RD
INDIAN TRAIL, NC 28079

STIPP JANET G
9215 BLUE ROCK RD
INDIAN TRAIL, NC 28079

GRIFFIN WARREN N & WIFE KAREN O
230 OLD DUTCH RD
INDIAN TRAIL, NC 28079

PURSER BRADLEY WILSON & TARA
EASLEY
210 W OLD DUTCH RD
INDIAN TRAIL, NC 28079

FURR SARA
9202 BLUE ROCK RD
INDIAN TRAIL, NC 28079

FERGUSON PATRICK L
212 W OLD DUTCH RD
INDIAN TRAIL, NC 28079

MCCARVER ANITA T
114 OLD DUTCH RD W
INDIAN TRAIL, NC 28079

MCCARVER ANITA T
114 OLD DUTCH RD W
INDIAN TRAIL, NC 28079

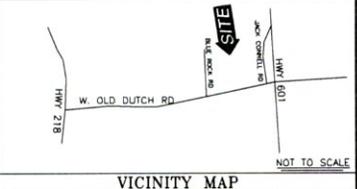
MCCARVER ANITA T
114 OLD DUTCH RD W
INDIAN TRAIL, NC 28079

Survey

- LEGEND**
- - BOUNDARY CORNER
 - (S) - SET
 - (F) - FOUND
 - C.P. - COMPUTED POINT
 - - - - - ELECTRIC LINES
 - - - - - EXISTING FENCE

ORIGINAL PROPERTY NOTES:
 OWNER: N/F PATRICK L. FERGUSON
 PROPERTY ADDRESS: 212 OLD DUTCH ROAD WEST
 PARCEL ID: 08216005F
 DEED BOOK: 3308, PAGE 407 - MAP BOOK H, PAGE B41
 TOTAL AREA: 12.357 ACRES

NOTES:
 1. THIS PROPERTY IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA AS SHOWN ON FEMA MAPS FOR THIS LOCATION.
 2. ALL DISTANCES ARE SURFACE HORIZONTAL DISTANCES.
 3. AREA WAS COMPUTED BY COORDINATE METHOD.



I, DAVID E. GRIFFIN, certify that this plot was drawn under my supervision from an actual survey made under my supervision, that the boundaries not surveyed are clearly indicated as drawn from the information found in adjoining deeds; that the ratio of precision as calculated is 1:15000+. This property shown hereon may be subject to easements, restrictions of which the undersigned has no knowledge of. That this plot is not for recordation as per General Statute 47-30 as amended, witness my original signature this 25th day of JANUARY, 2017 A.D.

PRELIMINARY PLAT

DAVID E. GRIFFIN

L-3850
 REGISTRATION No.

N/F
 JANET G. STIPP
 ID: 08216001B
 DB: 6033, PG 449

(F) AXLE

N 05°30'16" E 493.40'

(F) IRON REBAR

N 50°47'43" W
 125.25'

(F) IRON REBAR (BENT)

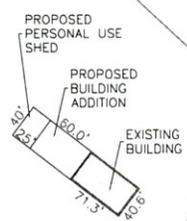
212 OLD DUTCH ROAD
 N/F
 PATRICK L. FERGUSON
 PARCEL ID: 08216005F
 DEED BOOK: 3308, PAGE 407
 TOTAL AREA: 12.357 ACRE

N/F
 ANITA T. MCCAFVEP
 ID: 08216004D01
 DB: W16E-427

S 48°41'02" E 1752.11'

N/F
 SARA FUJIR
 ID: 08216005D
 DB: 1180, PG 860

N 50°30'49" W 1235.81'



N/F
 ANITA T. MCCAFVEP
 ID: 08216006D01
 DB: W16E-427

(F) IRON REBAR
 N.C. GRID
 NAD83(07)
 N: 520,971.06
 E: 1,536,683.82

S 58°21'01" W 299.96'

(F) IRON REBAR

EXISTING 45' ACCESS EASEMENT PER MB: H-841

N/F
 BRADLEY W. PUPSER & TARA E.
 ID: 08216005C
 DB: 3441, PG 721



GRIFFIN SURVEYING SERVICES, PA

FIRM #: C-1871
 1310 Brief Road East Monroe, NC 28110
 QUALITY IS OUR PRIORITY
 PH: (704) 753-5008 E-MAIL: david@griffinsurveying.net FAX: (704) 753-9041

PROPERTY SURVEY FOR: 212 OLD DUTCH ROAD WEST

GOOSE CREEK TOWNSHIP UNION COUNTY, NORTH CAROLINA
 PREPARED FOR
PATRICK FERGUSON
 MONROE, NC

DRAWING NAME: 17-02 R2
 SCALE: 1" = 100'
 TAX ID #: 08216006
 SURVEYED BY: AG
 DRAWN BY: JW
 CHECKED BY: DG
 DATE: 01/25/17

20

ANITA T. McCARVER
ID: 08216006D01
DB: W16E-427

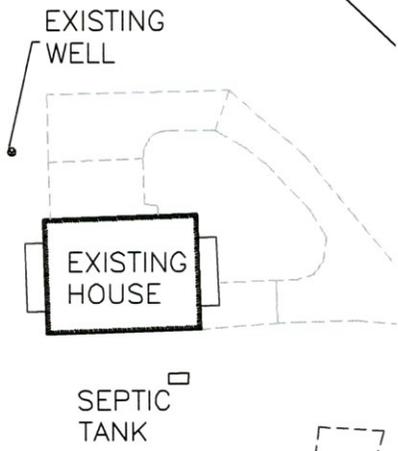
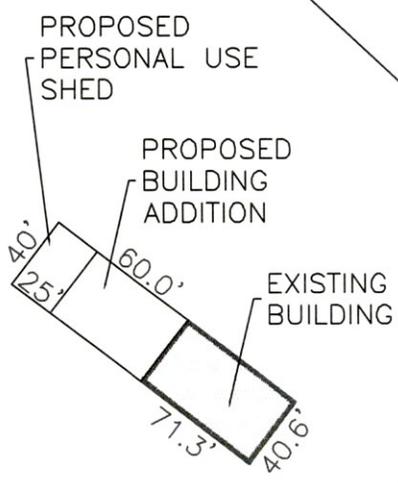
SITE PLAN (TAKEN FROM SURVEY)

212 OLD DUTCH ROAD
N/F
PATRICK L. FERGUSON
PARCEL ID: 08216005F
DEED BOOK: 3308, PAGE 407
TOTAL AREA: 12.357 ACRE

S 46°41'07" E 1757.71'

N/F
SARA FURR
ID: 08216005D
DB: 1160, PG 860

N 50°50'49" W 1255.81'



21 A L S

Letter to Adjacent Owners
AND NOTICE FOR NEWSPAPER

PUBLIC HEARING NOTICE

The Fairview Town Council will conduct a Public Hearing starting at 7:00pm on Monday, **March 13, 2016 during the Council Regular monthly meeting** at the Old Fairview School (location address: 7514 Concord Highway, Monroe, N.C.). The purpose of this hearing is to consider the following:

To hear public comment concerning

A request from Patrick Ferguson to obtain a
Conditional Use Permit # CUP 17-004

To change the use on parcel # 08216001 zoned residential RA-40
To RA-40 CUP (Conditional Use Permit)

The permit would permit the use of "Truck Body Fabrication" as defined as:

To make by assembling parts or sections of truck beds to be mounted on truck Chassis

With the following conditions:

1. No more than six employees including owner.
2. The proposed business will operate from 7:00 am to 5:30 pm (Monday-Friday) and on Saturday from 8:00am to 5:00pm. Emergency repairs may dictate later hours than 5:30 pm but not to exceed 9:00 pm. (These are rare occasions)
3. The proposed building 40'X60' (2400sqft) will be able to be constructed on site and used for the all activities of the business .
4. Attached to the proposed building is a shed (40'X 25') for personal use (store farm equipment and other personal equipment)
5. The business builds custom truck bodies as well as reconditioning truck bodies for other uses. The above includes but is not limited to cutting, welding, grinding, machining, painting and assembling.
6. The proposed building (2400 sq ft) will be used for the all activities of the business.
7. There will be no business related outside storage.
8. There will be adequate parking for all employees. (see sight plan)
9. All deliveries will be done so using the existing driveway. And I will maintain adequate room for trucks to turn around.
10. The maintenance of the driveway will be agreed on by the property owners.

The Public is invited to attend the public hearing and make comments. As a result of testimony, the Town council reserves the right to make changes to the proposed request prior to adoption. For More information, call Ed Humphries, Land Use Administrator at (704) 564.3412 during business hours. (Tuesday and Thursday 8:00am to 3:00pm)

The Town of Fairview does not discriminate on the basis of disability. If you need an auxiliary aid or service or other accommodation in order to attend or fully participate at this meeting, please contact the Ed Humphries at (704) 564.3412 as far in advance of the meeting as possible so that your request can be considered.



**Town of Fairview
Planning Board Meeting
November 15, 2016**

The following Planning Board members were present: John Crowell, Tony Helms, Patricia Kindley, Nancy Horak Randall, Doug Buchanan, Sara Furr

Others present: Ed Humphries, Land Use Administrator / Deputy Clerk, Teresa Gregorius, Town Clerk

Public Comments

None

Reports

Ed Humphries reported that the Council approved Text Amendment TC-16-049 (*Criteria for approving Uses to determine that the proposed use(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district*).

Items of Business

A. Request for a Conditional Use permit #CUP-16055

Ed Humphries stated that the Conditional Use Permit is to subdivide a residential lot (1.326 ac) from parcel #08282019H and create a conforming lot allowing a barn in the northwest corner of the lot to remain on the property. The board members discussed the conditions of the permit and added a condition that a barn cannot be rebuilt in the same area.

Tony Helms made a motion to approve the Conditional Use Permit #CUP-16055 as amended. Patricia Kindley seconded the motion. Board members Crowell, Kindley, Helms, Randall, Buchanan, and Furr voted yes (6-0).

B. Minutes

Nancy Randall made a motion to approve the October 18, 2016 minutes. Doug Buchanan seconded the motion. Board members Crowell, Kindley, Helms, Randall, Buchanan, and Furr voted yes (6-0).

C. Town Survey 2016 Results

Ed Humphries shared the PowerPoint 2016 Survey results with the board members.

Board Comments

None

Nancy Randall made a motion to adjourn. Patricia Kindley seconded the motion. Board members Crowell, Kindley, Helms, Randall, Buchanan, and Furr voted yes (6-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

John Crowell
Vice Chairman

Approved this _____ day of _____, 2017

