



**Stanley Town Council Special Meeting
Official Minutes
Monday, February 20, 2023**

The special meeting of the Stanley Town Council was held on Monday, February 20, 2023 at the Town Hall. The following elected officials and staff were present:

Steven Denton, Mayor
Cathy Kirkland, Mayor Pro-Tem
Bud Pate, Council Member
Chad Jones, Council Member
Leigh Anna Helms, Council Member
Rob McMinn, Council Member, absent

Sarah Penley, Planning Director
Olga Grishin, Town Clerk
John Russell, Town Attorney

Call to Order:

Mayor Denton called the meeting to order at 6:00 p.m.

Invocation:

Mayor Denton gave the invocation.

Pledge of Allegiance:

All citizens present recited the Pledge of Allegiance.

Approval of Agenda:

Mayor Denton asked if there was a motion to approve the agenda. Mayor Pro-Tem Kirkland made a motion to approve the agenda, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

Approval of Minutes:

Mayor Denton asked for a motion to approve the February 6, 2023 Regular Meeting Minutes. Mayor Pro-Tem Kirkland made a motion to approve the minutes as presented, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

Public Hearing

Adopt a Temporary Moratorium on Unspecified Retail Uses in the Town of Stanley

Mayor Denton asked if there was a motion to open a public hearing. Council Member Helms made a motion, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

Director Penley received a question from a citizen about general information.

Director Penley addressed the Council with a presentation. The request is to establish a sixty (60) day development moratorium on retail (not specified) uses pursuant to NC General Statute 160D-107. NC General Statute 160D-107 requires the governing board to hold a legislative hearing for the purpose of adopting temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses.

The Town's staff discovered uses within the Use Table pertaining to retail that are unclear nor defined in the Definitions section of the Zoning Ordinance. Further, there are definitions for uses included in the Ordinance for which the uses are not recognized nor permitted as valid. Current uses have no definitions to define their intent clearly (e.g., retail trade uses). Some uses are very broad and too open to interpretation (e.g., Miscellaneous Retail). There are no supplemental notes to regulate the uses. Examples of some definitions not included in the use table: Business Services & Photocopying, Convenience Store, Retail. The Staff has already been at work adding and revising definitions to suit the community's needs, reviewing other agencies for input, like the Town of Mooresville, which has retail categorized into three types based on the size of the building. Gaston County established reuse/compartmentalization – as part of the Special Use Permit review process, any retail establishment shall be designed to include specific elements for adaptation to multi-tenant re-use. Such elements may include compartmentalized constructions including plumbing, electrical service, heating, ventilation, and air conditioning, building design shall also allow for the interior subdivision of the structure into separate tenancies, facades shall be readily adaptable to multiple entrances, parking lot schemes shall be designed to enable users of any future tenants to readily walk from their vehicles to the storefront, and other design elements that facilitate the multi-tenant re-use of the building. If the moratorium is approved, staff will utilize the first thirty (30) days for editing and revisions to the Ordinance in order to bring clarity and clear regulations related to non-specified retail uses. The second thirty (30) days would be used for review by staff, the Technical Review Committee, Management, and Legal Counsel, as well as presenting to the Planning Board for consideration and recommendation. In conclusion, Director Penley emphasized that the current Zoning Ordinance had discrepancies and vague terminology, making interpretations difficult. A moratorium would allow Planning staff time to edit and conform the Retail Uses to a more standardized and understandable format, easing the ability to assist and expedite customer service. Only the Town Council can approve and/or adopt any official text amendments to the official Zoning Ordinance for the Town of Stanley. Director Penley added for the record that Manager Jenkins issued a memorandum in support of the temporary moratorium. The memorandum states that Manager Jenkins reviewed the proposed recommendation by the planning director, Sarah Penley, to place a moratorium on retail uses. Manager Jenkins reviewed all the statutes related to 160D-107 and recommends the Town Council approve this moratorium in order to update standards and provide clarity to existing and proposed new uses.

Mayor Denton asked if there was a motion to close a public hearing. Council Member Helms made a motion, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

Mayor Denton asked if there was a motion to approve a temporary moratorium on unspecified retail uses in the Town of Stanley. Council Member Helms made a motion to approve the moratorium, and Council Member Pate seconded the motion. A vote was held, and the motion passed unanimously.

Mayor Denton asked for a motion to adjourn. Mayor Pro-Tem Kirkland made a motion, Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously to adjourn.

Respectfully Submitted:

Steven Denton – Mayor

(OFFICIAL TOWN SEAL)

Heath Jenkins – Town Manager

Olga Grishin - Town Clerk