

## ***IREDELL COUNTY PLANNING BOARD***

The Iredell County Planning Board met on Wednesday, March 4, 2020 at 7:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC.

### MEMBERS PRESENT

Harry Tsumas, Chairman  
Mark Davis  
Robert Palmes  
Doug Holland  
Chris Carney  
Tracy Jenkins  
Jerry Santoni  
Scottie Brown  
Melissa Neader

### Absent

Kristi Pfeufer  
Raymond Burnette

### STAFF PRESENT

Leslie Meadows  
Matthew Todd  
Cindy Nicholson

*Chairman Tsumas called the meeting to order.*

Leslie Meadows presented the following cases:

***REZONING REQUEST: 2003-1, OVERCASH PROPERTIES LTDP RLLP (OWNER)  
& STEPHEN F. OVERCASH, ODA ARCHITECTURE PLLC (APPLICANT)***

### **EXPLANATION OF THE REQUEST**

This is a request to revise HBCD conditions associated with an approximately 2.83 acre parcel along Charlotte Highway. This request is conditional per the submitted application, and will be limited to the uses attached to the request.

### **OWNER/APPLICANT**

**OWNER:** Overcash Properties LTDP RLLP

**APPLICANT:** Stephen F. Overcash, ODA Architecture PLLC

## PROPERTY INFORMATION

**ADDRESS/LOCATION:** 2059 Charlotte Hwy; more specifically PIN#: 4658657606.000.

**SURROUNDING LAND USE:** There are residential and commercial properties to the west, and north toward the V-intersection with Statesville Highway. The surrounding property to the south and east is zoned M-1, operating as a lumberyard.

**SIZE:** The total acreage to be rezoned is approximately 2.83 acres.

**EXISTING LAND USE:** Property is vacant; recently combined from two parcels and former dwellings have been removed.

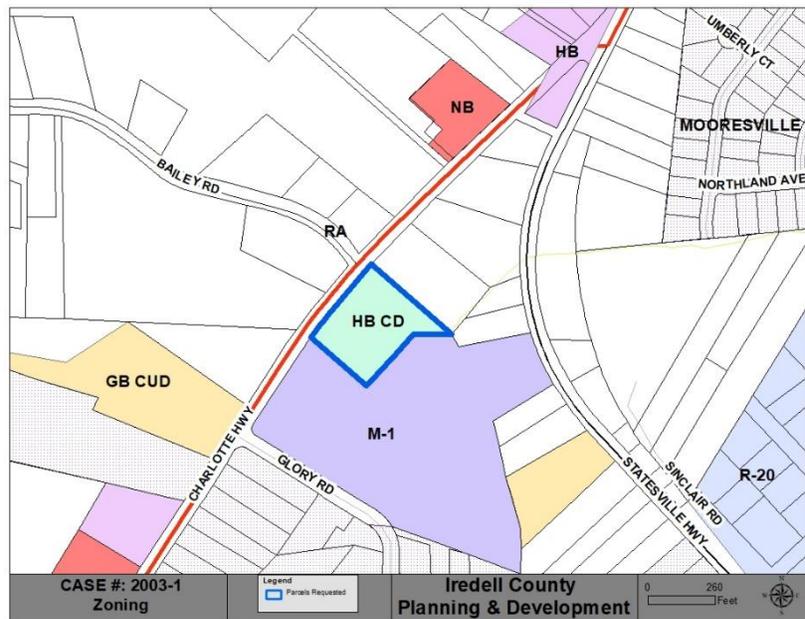
**ZONING HISTORY:** This property was zoned Residential Agricultural (RA)

during county-wide zoning in 1990. The surrounding property to the southeast was rezoned to M-1 in 2016, prompting a commercial rezoning of this site in 2018, to HB CD. The 2018 HB CD conditions pertained to an interior access only mini-storage facility.

**OTHER JURISDICTIONAL INFORMATION:** This property is located within Mooresville's short-range USA boundary. The Town of Mooresville has expressed concern about additional commercial uses along this section of US 21 that may serve to strip out the once residential area, and fear the road infrastructure may be lacking to support additional traffic. It was noted that their One Mooresville Land Use Plan might also have architectural requirements that could affect this property in the future.

**OTHER SITE CHARACTERISTICS:** The property is located outside of the regulated Catawba/Lake Norman Watershed areas, and is not within a flood hazard zone.

**UTILITIES:** This site is currently served by well and septic. However, a portion of the property falls within the water service area of the Town of Mooresville.



## IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**TRAFFIC:** There is heavy congestion in this area at times. The closest and most recent traffic count, just north of the property near the V-intersection with NC 115, had a traffic count of 8,100 vehicles per day in 2017. According to current CTP Inventory and Recommendations, the capacity for this section of Charlotte Highway is approximately 13,800 vehicles per day. The speed limit along this section of Charlotte Highway is 45 mph.

**SCHOOLS:** This is a commercial rezoning and should have no implications on local schools.

**EMERGENCY SERVICES:** This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

## REQUIRED REVIEWS BY OTHER AGENCIES

**LOCAL:** The applicant must provide a commercial site plan to the Planning & Development Department for review in order to develop the property. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Erosion & sedimentation control standards will also be reviewed for compliance.

**STATE:** Other than building code, there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

## STAFF AND BOARD COMMENTS

**STAFF COMMENTS:** While the HBCD zoning designation will remain the same, the applicant is requesting revisions to the 2018 HBCD agreed upon conditions. This request is conditional per the submitted application, and will be limited to the uses attached to the request. Even though the conditions of the request primarily pertain to a self-storage mini-warehouse facility, it is important to remember that all uses shown highlighted in the HB uses list attached to the application; such as a variety of professional services, retail sales, restaurants, etc., are allowable uses for this site. The new applicant desires to offer a limited number of non-climate-controlled self-storage units that open to the outside, as well as possible office supply/packaging retail space. Specific conditions imposed as part of the application are as follows...

No outside storage allowed, but non-climate-controlled storage is allowed with the following stipulations:

- No roll-up doors will front directly onto Charlotte Highway.
- Unconditioned storage units will not exceed 20% of the total units or represent more than 20% of the gross area.
- No exterior building lighting will be allowed along the east boundary. All lighting to have cut-off shields as to not shed light onto an adjacent property.
- There will be a landscaped buffer along the east boundary.
- There will be interior and exterior security cameras.
- Any non-climate-controlled storage will be behind a gated fence, with full gates.

The 2030 Horizon Plan calls for this area to be Medium-Density Residential that includes areas and land that is either currently developed or slated for future development at medium densities. These areas are within the Iredell County Urban Services Areas and may be serviced by and incorporated into one of the municipalities at some point in the future. These lands are either currently served or will be served in the future by public or private water or sanitary sewer systems. The intent of these lands is that they provide more dense development opportunities and a broader range of housing choices than low density residential. Medium-Density Residential areas also allow for small-scale neighborhood commercial uses. Utilizing this Horizon Plan description, staff have interpreted such "small-scale neighborhood commercial uses" to include such uses as mini self-storage facilities and others per the narrowed-down list of HBCD uses submitted.

The Planning staff can support the proposed rezoning request based on the following: The 2030 Horizon Plan calls for this area to be medium density residential, which allows for small-scale neighborhood commercial uses. The site adjoins existing, more intense commercially used property, and the proposed conditions protect surrounding property values while limiting the list of HB uses to include only those that should not exceed existing road capacity.

**SITE REVIEW COMMITTEE:** Staff visited site on February 14, 2020.

### **QUESTIONS FROM BOARD TO STAFF**

Mr. Brown asked Ms. Meadows if the land was flat all the way to the other lots.

Ms. Meadows states the applicant could better answer that question.

Chairman Tsumas states the applicant can answer that question when they come forward.

Mr. Santoni said he was concerned with stormwater runoff and where it would go.

Ms. Meadows states the back corner will be left vegetative and most likely will not be disturbed.

Mr. Santoni asked with all the impervious surface, where would the stormwater runoff go after construction?

Chairman Tsumas said that will be addressed once the applicant submits their site plan along with the other required items.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

Chairman Tsumas asked if the applicant would like to come forward to speak.

Mr. Stephen Overcash, ODA Architecture, 2010 S. Tryon St., Charlotte, NC is here to represent the petitioner and to answer any questions. The major thing the applicant is wanting is some ability to have roll-up doors as long as they are not seen from the street and have 20% non-climate controlled storage. The building in the front would have a small amount of non-climate controlled storage but would never be seen unless you are a key card access holder and had a unit in that section.

Mr. Brown asked Mr. Overcash about the topography on the back side.

Mr. Overcash states it slopes to the back about a story, which is about 10 – 14 feet, which is the reason of using the topo to hide those doors down the hill and to get the most use out of the land. The upper building is the only building that will really be seen from the highway.

Mr. Overcash states during the neighborhood meeting held previously, there were concerns about having lighting on Building B that would shine on adjoining neighbor's yards, which has been agreed to that there will not be any. Also, it was agreed to put an additional buffer on the Eastern boundary side. The back wall will be a solid wall that will basically look like a privacy fence.

Chairman Tsumas asked Mr. Overcash if the fence will tie into the building?

Mr. Overcash said it will tie into the building and then go into the gate for people to come in to rent a unit and check in but will not have access any further unless you have an access card or security code.

Mr. Santoni clarified the direction to enter in to come around to the door area.

Mr. Overcash states they have made a restriction there won't be any roll-up doors seen from the highway. There will be glass store front doors to get in.

Mr. Santoni asked regarding the neighborhood meeting that was held, the only two concerns from the public meeting were the lights and the landscaping.

Mr. Overcash said there were two people that showed up to the public meeting to voice the neighborhood opinion and those were the two items of concern. Mr. Overcash states they want to soften the rear wall with landscaping. This is already M-1 zoned property and not residential and definitely want to protect any residential neighbors by placing landscaping back there which may or may not be 30' of buffer.

Ms. Neader asked where the property meets up with Hoke Lumber Company, is there pavement to pavement or earth in between?

Mr. Overcash said it is all dirt that can have trees and shrubbery put in.

Chairman Tsumas asked if there were any more questions for Mr. Overcash.

There were no more questions for Mr. Overcash.

Chairman Tsumas asked if there were any others to speak on behalf of the applicant.

There were no others to speak on behalf of the applicant.

Chairman Tsumas then asked if there were any to speak against the applicant.

There was none to speak against the application.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

After no further discussion, Mr. Holland made a Motion to recommend in favor of the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it is within the Medium Density Residential designation, which allows for small-scale neighborhood commercial uses, it adjoins existing, more intense commercially used property, and proposed conditions protect surrounding property values while limiting the list of HB uses to include only those that should not exceed existing road capacity. Mr. Carney seconded said motion and all were in favor.

**VOTE: 9-0**

**REZONING REQUEST: 2003-2, ERVIN HELMUTH, KINGDOM LAND MANAGEMENT (OWNER) & NATE OVERHOLT, PINE VIEW BUILDINGS/KINGDOM LAND MANAGEMENT (APPLICANT)**

**EXPLANATION OF THE REQUEST**

This is a request to rezone two adjoining parcels, approximately 38.08 acres, along Tomlin Mill Road, next to the I-77 corridor, from Highway Business/Residential Agricultural (HB/RA) to General Business (GB). This is a straight rezoning and no conditions are proposed at this time.

**OWNER/APPLICANT**

**OWNER:** Ervin Helmuth, Kingdom Land Management  
**APPLICANT:** Nate Overholt, Pine View Buildings/Kingdom Land Management

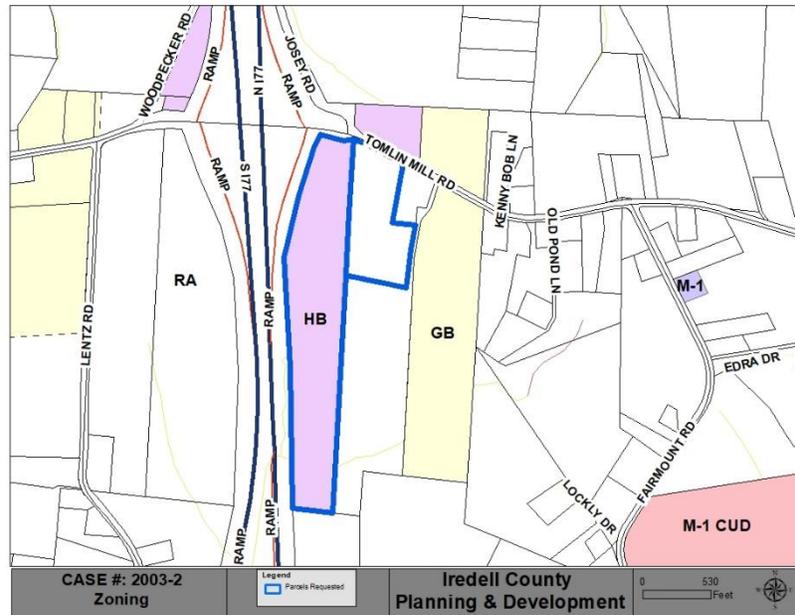
**PROPERTY INFORMATION**

**ADDRESS/LOCATION:** 933/907 Tomlin Mill Road, just east of I-77 N on/off ramp. More specifically PIN#'s: 4759123313.000 and 4759137293.000.

**SURROUNDING LAND USE:**

There are residential agricultural uses directly to the north, east, and south. However, properties to the north and east, currently in RA use, have been commercially rezoned. The I-77 corridor lies directly to the west.

**SIZE:** The total acreage to be rezoned includes two parcels, approximating 38.08 acres.



**EXISTING LAND USE:** Manufacturing and sales facility for Pine View Buildings, LLC. The adjoining smaller parcel contains an older SFD and farm structures.

**ZONING HISTORY:** These properties have been zoned Residential Agricultural (RA) since county-wide zoning was established in 1990. The larger parcel that has been operating as Pine View Buildings (933 Tomlin Mill Rd) was rezoned to Highway Business (HB) in 1998.

**OTHER JURISDICTIONAL INFORMATION:** This rural property is not located within any municipalities' Urban Service Area.

**OTHER SITE CHARACTERISTICS:** This property is not located within a regulated Watershed Area. The property is not located in a flood hazard zone.

**UTILITIES:** This site is currently served by well and septic.

#### **IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The closest traffic count is along Tomlin Mill Road, near the on/off ramp for I-77 N, just west of Josey Road, which had a traffic count of 3,800 vehicles per day in 2017. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of Tomlin Mill Road is approximately 28,000 vehicles per day through the year 2030. The speed limit along this section of Tomlin Mill Road is 45 mph.

**SCHOOLS:** This is a commercial rezoning and should have no implications on local schools.

**EMERGENCY SERVICES:** This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

#### **REQUIRED REVIEWS BY OTHER AGENCIES**

**LOCAL:** The applicant must provide a site plan to the Planning & Development Department for review to develop the properties. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Erosion & sedimentation control standards will also be reviewed for compliance.

**STATE:** Other than building code, there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

#### **STAFF AND BOARD COMMENTS**

**STAFF COMMENTS:** The applicant represents Pine View Buildings, a storage building manufacturing and sales operation, existing currently on the larger parcel, with plans to expand the business onto the adjoining smaller parcel to the east. Due to the increased intensity of the existing Manufactured Housing & Wood Buildings use and future expansion, staff recommends both parcels rezone to General Business (GB) in order to be in compliance with the current LDC. This is straight rezoning and all GB uses would be allowed.

Being just off I-77, the parcels in question are within, or partially within, what the 2030 Horizon Plan calls the Highway Interchange Commercial and Employment Center-Industrial/Flex Space/Office areas. Highway Interchange Commercial areas include existing or future commercial, retail, and service uses located proximate to interstate interchanges on major arterial roadways. Traditional strip commercial development is discouraged within these areas. Uses within these areas generally should include gas stations, hotel/motels, restaurants, and other highway travel related businesses. Secondary uses may include retail, office developments, and higher-density residential uses. Employment Center- Industrial/Flex Space/Office areas are intended for development of industrial, flex space, and office uses including light manufacturing and assembly, research and development, warehousing, and building trade showrooms and offices. These areas should have access to planned arterial or collector streets to provide adequate infrastructure for transportation of goods to and from distribution centers.

The Planning staff can support the proposed rezoning request based on the following: Conceptually, the properties are within the 2030 Horizon Plan Highway Interchange Commercial and Employment Center- Industrial/Flex Space/Office areas, they are adjacent to various existing commercial properties, and this rezoning would bring the existing use into better zoning compliance.

**SITE REVIEW COMMITTEE:** Staff visited site on February 14, 2020.

### **QUESTIONS FROM BOARD TO STAFF**

Mr. Carney asked Ms. Meadows if she feels this is a more appropriate zoning for this use.

Ms. Meadows states yes, staff feels this is a more appropriate zoning.

Mr. Todd, Planning Director, states the retail sales of the buildings is allowed in HB, but technically, the manufacturing of those buildings need to be in GB zoning. While they are trying to rezone the piece next door, staff felt it would be best to go ahead with the other piece also to where there would be no questions in the future about it.

Mr. Brown asked if it would be land locking the property next door.

Ms. Meadows states it is a separate lot and there is a small right-of-way that is residential, therefore, not land locked. Ms. Meadows feels the applicant will speak more about that.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

Chairman Tsumas asked if the applicant if they would like to speak on their behalf.

Mr. Ervin Helmuth (owner), 614 Bussell Road, Olin, NC 28660 which is three miles from the facility, said they are simply trying to lay a better foundation before expanding and be in full compliance with zoning as it should be, before investing money there at the location. Mr. Helmuth states he also owns the property beyond, so as far as a neighbor, he is the neighbor to the property. There is a piece of land at the back that has an easement to the gentlemen that lives back there and is a friend and actually a former owner's brother and there is a good relationship all the way around.

Chairman Tsumas asked if there were any questions for Mr. Helmuth.

There were no questions for Mr. Helmuth.

Chairman Tsumas asked if there was anyone to speak in opposition of the application.

There was no opposition.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

After no further discussion, Mr. Jenkins made a Motion to recommend in favor of the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it is in harmony with the Highway Interchange Commercial and Employment Center- Industrial/Flex Space/Office areas, is adjacent to existing commercially zoned properties, and would bring the existing use into better zoning compliance. Mr. Brown seconded said motion and all were in favor.

**VOTE: 9-0**

**OTHER BUSINESS:** Mr. Todd let the Board know that the Solar Farm Text Amendment will be sent to the Board of Commissioners Economic Development Task Force for further discussion prior to the public hearing which will be in one month.

**UNFINISHED BUSINESS:** None

**MINUTES:** Mr. Holland made a motion to approve the February 5, 2020 meeting minutes, seconded by Mr. Jenkins. All were in favor.

**MONTHLY COMMITTEE ASSIGNMENTS:** Site visits: Friday, March 13, 2020.

**ADJOURNMENT:** There being no further business, Chairman Tsumas declared the meeting adjourned at 7:28 p.m.

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*Cindy Nicholson*  
*Administrative Assistant*

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*Date Read and/or Approved*