

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, October 6, 2021 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

Kristi Pfeufer, Vice-Chair
Robert Palmes
Raymond Burnette
Jerry Santoni
Tracy Jenkins
Andy Webster
Ronda Hoke

STAFF PRESENT

Leslie Meadows
Matthew Todd
Jonny Williams
Jake Lowman
Cindy Nicholson

MEMBERS ABSENT

Harry Tsumas, Chairman
Chris Carney
Mark Davis
Doug Holland

Vice-Chair Pfeufer called the meeting to order.

Leslie Meadows presented the following case:

**REZONING REQUEST: 2110-1, ROBERT & JANE HOKE (OWNERS)
ROBERT MAYHEW (BUYER), MAYHEW CONSTRUCTION CORPORATION & DAVID
JONES (BROKER), CAROLINA LANDMARK REALTY, LLC (APPLICANT(S))**

EXPLANATION OF THE REQUEST

This is a request to rezone approximately 4.71 acres at the corner of Water Tank Road and Old Mountain Road, from Highway Business (HB) to Light Manufacturing Conditional District (M-1CD). This request is conditional per the submitted application, and specific conditions shall be imposed as attached to the request.

OWNER/APPLICANT

OWNER: Robert & Jane Hoke

**APPLICANT(S): Robert Mayhew (Buyer), Mayhew Construction Corporation &
David Jones (Broker), Carolina Landmark Realty, LLC**

PROPERTY INFORMATION

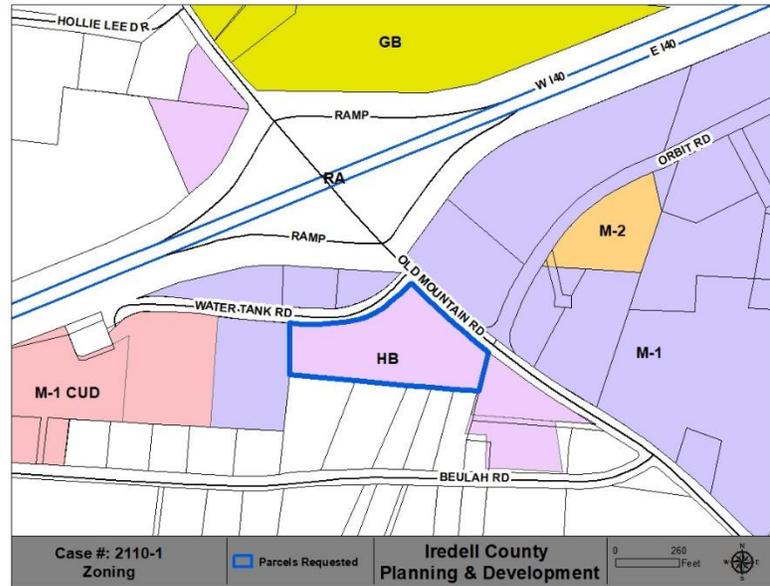
ADDRESS/LOCATION: 1905 Old Mountain Road; more specifically, PIN#: 4704717480.000

SURROUNDING LAND USE:

There are various other M-1 industrial uses to the north, east, and west of the site. Adjacent HB properties are currently still vacant. South of the site is predominately residential, RA, in nature.

SIZE: The total acreage to be rezoned is approximately 4.71 acres.

EXISTING LAND USE: The site is heavily wooded along Water Tank Road, with a former single-family dwelling with detached garage along Old Mountain Road. Purportedly, the existing principal dwelling may be converted into an office space.



ZONING HISTORY: This property was rezoned from Residential Agricultural (RA) to Highway Business in 1989 in order to legally expand an automotive repair business (Sieg's Garage) that was once being operated on what is now the adjacent property to the east, along Old Mountain Road. Since Interstate 40 Zoning, the block of M-1 zoning district surrounding this area has existed and/or continued to expand.

OTHER JURISDICTIONAL INFORMATION: This property is just outside the City of Statesville's municipal Urban Service Area, and does lie inside the City of Statesville's Long Range Urban Service Area. The City of Statesville was made aware, and seems to agree the request appears to be consistent with most of the existing surrounding development. However, the City recommends for additional R-O-W easements along both roadways, for future possible road widening projects and/or sidewalk installation.

OTHER SITE CHARACTERISTICS: This property is not located within a drinking-water supply regulated Watershed Area. Built upon area of proposed new development will not be limited. The property is not located in a flood hazard zone.

UTILITIES: This site may be served by well and septic, but also has access to private water utility service through West Iredell Water Corporation.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: Water Tank Road is a dead end road, not currently covered by the CRTPO Comprehensive Transportation Plan. The closest and most recent NCDOT traffic count, is just east of this property, before Beulah Road, along Old Mountain Road, which had a traffic count of 9,700 vehicles per day in 2018. According to the current CRTPO Comprehensive Transportation Plan, Old Mountain Road is considered a Boulevard in need of improvements. The 2008 Comprehensive Transportation Plan, a Study Report for Iredell County, lists the capacity for this section of Old Mountain Road as approximately 13,800 vehicles per day through the year 2030. The speed limit along this portion of Old Mountain Road is 45 mph, and the speed limit along Water Tank Road is 55 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 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: In addition to building code, there could be formal state agency guidelines/review for specific proposed M-1 uses.

FEDERAL: There could also be federal agency guidelines/review for certain M-1 uses.

STAFF AND BOARD COMMENTS

STAFF COMMENTS: The applicants are requesting an increase in commercial zoning designation of a corner lot at Water Tank Road and Old Mountain Road. The parcel is already zoned for commercial HB use, but the future use being proposed would require at least Light Manufacturing (M-1) or higher. Various other M-1 properties already exist next door and adjacent to this property. However, staff recommended for a conditional rezoning process, due to the number of residential properties adjoining this property to the south. Note that this is a conditional rezoning and specific conditions imposed as part of the application are as follows:

- 1.) All tub grinding shall be a minimum of two hundred (200) foot distance from any adjacent residentially zoned property.

Being very close to an I-40 Interchange, the parcel in question is currently split between the 2030 Horizon Plan Corridor Commercial and Employment Center - Industrial/Flex/Office designations. Surrounding M-1 uses, along Water Tank Road and across Old Mountain Road, lend to the atmosphere of an Industrial Business Park. Due to the more intense, industrial nature of the majority of allowable M-1 uses, staff is recommending an amendment to the 2030 Horizon Plan to extend the Employment Center – Industrial/Flex/Office designation to this entire property. The Employment Center – Industrial/Flex/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 lands are either currently served or are planned to be served in the future by public or private water or sanitary sewer systems. Development should provide adequate transitions to adjacent lower intensity uses, such as residential and commercial uses, in the form of vegetated buffers, landscaping, setbacks, and building heights.

The Planning staff can support the proposed rezoning request, and subsequent 2030 Horizon Plan map amendment, based on the following:

The majority of the property already lies within the 2030 Horizon Plan Employment Center-Industrial/Flex/Office designation, it is surrounded by various existing commercial manufacturing/industrial uses, and the conditions of the request aim to safeguard the surrounding homeowners.

PUBLIC INPUT MEETING: A public input meeting was held onsite Tuesday, September 7, 2021 from 5:00 - 6:00 pm, at 1905 Old Mountain Road. A team composed of the applicant/realtor, the potential buyer/landowner, and the future developer/lessee were present to address questions and concerns about their proposed Source Reduction Facility. However, no citizens or surrounding neighbors attended to provide feedback. A copy of the applicant's summary of said public input meeting has been included at the end of this report.

SITE REVIEW COMMITTEE: Staff performed a site visit on September 17, 2021, to post property and take photo documentation. Staff was accompanied by Planning Board member Andy Webster.

QUESTIONS FROM BOARD TO STAFF

Vice-Chair Pfeufer asked if any residents showed up at the public input meeting.

Ms. Meadows said no.

Mr. Santoni asked Ms. Meadows if the setbacks shown include the concerns by the City of Statesville.

Ms. Meadows said no, that was not included as one of the conditions of the request. Those are recommendations per the city's code, which would only apply if the applicant was willing to list those as agreed upon conditions.

Mr. Santoni clarified staff is not taking into consideration the recommendations of City of Statesville.

Ms. Meadows said not at this time. The Board could recommend it to be added as a condition if they choose.

Vice-Chair Pfeufer asked if there were any further questions for staff.

There were no further questions for staff.

Vice-Chair Pfeufer then asked the applicant/owner if he would like to come forward to speak.

THOSE SPEAKING ABOUT THE CASE

Mr. David Jones, 126 Columbine Drive, Statesville said he is here to speak on behalf of the property owners, as well as the buyers. Initially, they were going to request a straight zoning change to M-1, but based on the county staff recommendations, it was decided to make it a Conditional Rezoning. Therefore, imposing limitations on their use for this property.

Mr. Jones said the potential buyers were more than willing to adhere to Conditional Rezoning changes. They currently operate a Source Reduction facility outside of Asheville, that is strictly and solely for wood reduction. It will be taking in woody debris and mulching it, then selling it as a retail residential product. Mr. Jones said they are looking to relocate to this area and chose this location due to the proximity to the interstate.

Mr. Santoni asked if the operation will be contained inside a building due to the noise potential for nearby residents.

Mr. Jones said no, it is a tub grinding operation. The buyer has been more than willing to go with the recommendations of staff regarding the buffer setbacks, and more than

willing to go beyond the requirement for the vegetation buffer setback and operation setback.

Mr. Jones said a tub grinding and wood reduction facility has to have a state permit. The state permit guidelines will dictate the operation and tub grinder location itself. Therefore, will be well within the setback requirements of both the state and county per the zoning requirement.

Vice-Chair Pfeufer asked if there were any further questions for Mr. Jones.

There were no further questions for Mr. Jones.

Vice-Chair Pfeufer asked if there were any others to speak in favor of this request.

There were no others to speak in favor of the request.

Vice-Chair Pfeufer asked if there were anyone to speak in opposition of this request.

There were none to speak in opposition of this request.

Vice-Chair Pfeufer asked if there were any further questions for staff.

There were no further questions for staff.

At this time, Vice-Chair Pfeufer closed the public input meeting.

Mr. Santoni said he is disturbed that the City of Statesville's recommendation is being ignored. Mr. Santoni said he doesn't know the distance that it would take to meet their requirement if that fits within the boundaries of discussion with the applicant. He feels this area will have lots of growth with the local manufacturing in the vicinity, and prime property for increased manufacturing in the future.

Mr. Santoni asked Ms. Meadows what the requirement that the City of Statesville is asking for.

Ms. Meadows apologized that she is not familiar enough with the City of Statesville code to know what their right-of-way easements would necessarily be.

Vice-Chair Pfeufer clarified this was not in their ETJ.

Ms. Meadows said no, it is still in Iredell County's jurisdiction, but does fall in what the county calls their Urban Service Area for future possibility of utilities.

Mr. Jenkins verified they were made aware and had no input.

Ms. Meadows said yes they were made aware and that was their input.

Mr. Palmes verified that Old Mountain Road is a state maintained road.

Ms. Meadows said yes.

Mr. Palmes said if the state wanted something, they will get it via eminent domain. If the owner is willing to take that risk, it is up to them.

Mr. Burnette said there are future plans to rebuild the bridge there, but is unaware as to when that will happen.

Vice-Chair Pfeufer said she hasn't seen that on any of the transportation plans.

Mr. Hoke said approximately year 2025.

Vice-Chair Pfeufer said as of right now, the city limits and ETJ area end at Highway 90. There is still Stamey Farm Road exit before you get to Old Mountain Road. Therefore, still two exits away from the city limits at this particular point.

Mr. Palmes said this is a long way from city limits, where sidewalks would be required or asked for anytime soon.

Mr. Santoni said he isn't too concerned about sidewalks with the expansion of the road. There is all the manufacturing there with big trucks that need extra room.

Mr. Jenkins said they have been doing it for years there with all the current factories in the area and big trucks have been traveling.

Mr. Jenkins asked if the entrance would be from Water Tank Road.

Ms. Meadows said that she isn't sure that has been determined at this point.

Mr. Santoni said he is not familiar with the area, and asked the Board if this is a bigger problem than he's thinking or not.

Mr. Jenkins said it is a big wide area at Water Tank Road.

Vice-Chair Pfeufer said NCDOT will come in and have a huge say about traffic on Old Mountain Road/Water Tank Road.

Mr. Santoni stated when another municipality makes a recommendation, it needs to be taken seriously.

After no further discussion, Mr. Santoni made a Motion to recommend approval to amend the County's 2030 Horizon Plan and approval of the zoning map amendment, and to make a finding that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because the majority of the property already lies within the 2030 Horizon Plan Employment Center-Industrial/Flex/Office designation, it is surrounded by various existing commercial manufacturing/industrial uses, and the conditions of the request aim to safeguard the surrounding homeowners. Mr. Jenkins seconded said motion, all were in favor.

VOTE: 7-0

CONSIDERATION OF TEXT AMENDMENTS – APPENDIX H SOIL EROSION & SEDIMENTATION CONTROL ORDINANCE (for information only) minutes reflect the discussion by Board.

Mr. Matthew Todd, Planning & Development Director, began with the introduction of the amendment before the Board and said that Mr. Jonathan Williams from Erosion Control would present further details for *information only* based on proposed text amendments to Appendix H Soil Erosion & Sedimentation Control Ordinance. Mr. Todd also noted there will be another future Text Amendment regarding Subdivisions.

Mr. Todd said back in 2019, there were some Erosion Control amendments that came before the Board. So, some of this will be familiar. Mr. Todd said at the first of this year, the state came and audited our program. Everything looked good on the paper side of the files, but the State Model Ordinance was updated in 2020, and pointed out that our Ordinance needed to be updated. Mr. Todd said, unfortunately, there seems to be constant statute changes and updates. As staff was preparing this text amendment, there is already new statutes that will have been approved and adopted that will affect our ordinance. Staff will be coming back again next year most likely once the state puts out a new model ordinance.

Mr. Todd said this amendment is pretty straight forward with some additions and definitions.

Mr. Santoni asked Mr. Todd if the county is allowed to have a little more strict ordinance, or does the county have to follow Raleigh's dictatorial statutes.

Mr. Todd said the county can't be more strict than what the state has out there for the most part. There is no longer as much leeway as there once was. Mr. Todd said for the

most part, we have matched their Model Ordinance as what is being proposed. These Text Amendments will be shared with the State as well for their review.

At this time, Mr. Jonny Williams came forward to discuss in more detail the Amendments before the Board and have discussion with Board members on any concerns.

Mr. Santoni said on page H-10, regarding Section H-8B ground cover changing from seven calendar days to ninety calendar days. He feels a lot of damage would happen in that timeframe. He asked if temporary groundcover is in place from the time they start.

Mr. Williams said during staff discussion, it was interpreted it would give staff the authority to make sites that are dragging their feet on permanent stabilization, to make it happen within the ninety days. He said temporary stabilization would be seven to fourteen days. Permanent ground cover typically can't be established in seven days.

Mr. Santoni said he has seen good and bad developers, and some will drag their feet and a lot of damage occurs with velocity and volume going across property around homes.

Mr. Jenkins verified they would be required to have temporary ground cover until then.

Mr. Williams said yes, they would still have to have temporary stabilization in all inactive disturbed areas within seven to fourteen days. They would have to monitor that on a regular basis to make sure of no failures, and the county would still issue Notice of Violations for any failures of temporary stabilizations.

Mr. Williams said after staff discussion, they felt ninety days should give sufficient time for permanent stabilization to be established at a site, especially in a non-growing season.

Mr. Santoni asked if there was a way to emphasize that temporary groundcover has to stay in place until permanent groundcover takes hold.

Mr. Williams said there are temporary stabilization timeframes currently in the Ordinance depending on the grade and length of the slopes. Also, on projects with one acre or more of disturbance, these are tied into multiple requirements in the North Carolina NCGO1 permit that specifically tie them to the seven to fourteen days. At the point of plan review, it is also included in that process.

Mr. Santoni said the next area of concern is on page H-18 under the topic of Other Disapprovals. It references individuals that have been convicted of a misdemeanor. It

seems it has removed the part about knowingly or willfully continued land disturbing activity. He wants to know why that would be removed.

Mr. Williams said he is unaware of why the State has proposed to remove some of the language, other than keeping the most important aspect of being convicted of a misdemeanor by a developer. It still allows staff to disapprove a plan.

Mr. Santoni said he wants it left in to include the ones who willfully and knowingly continue land disturbing activity.

Vice-Chair Pfeufer clarified with Mr. Williams these are state mandated changes, and would that even be a possibility.

Mr. Williams said he will forward the Board's concerns and feedback to the State, and wait to hear the response if able to waver the language.

Mr. Todd said it more restrictive the way it is proposed. It is stating a misdemeanor violation period.

Mr. Jenkins said he agrees, it is not specifying what they did wrong.

Mr. Santoni said he interprets it differently. He feels it is saying they may not have a misdemeanor, but willfully, consciously continuing to do land disturbing activity. Mr. Santoni asked Mr. Williams to follow-up with his concern.

Mr. Santoni perceives the language on H-21, that replaces H-22 regarding self-inspections, seems weaker. He feels before it was specific, and now more generic.

Mr. Williams said staff has discussed this and the county ordinance is much more specific as to what's expected with self-inspection reports. The state is more of a blanket statement to avoid loopholes.

Mr. Santoni said it is too vague, giving people the opportunity to get around things.

Mr. Williams said again, the NCGO1 Construction Stormwater Permit, it does require very specific self-inspection reports, and can request to see those at any time.

Mr. Santoni feels a year from now, the office will get ten times more phone calls due to the vagueness of this language on this page.

Mr. Santoni noted H-26 Section 3, grammatical errors regarding numbering.

Mr. Santoni noted H-34 under C, if the change in days from 15 to 30 was a county change or state change.

Mr. Williams said that is a state change and is non-negotiable. The county has to allow at least 30 days according to the general statute.

Vice-Chair Pfeufer asked if there were any further questions/concerns for Mr. Williams.

There were no further questions/concerns.

OTHER BUSINESS: None

UNFINISHED BUSINESS: None

MINUTES: Ms. Nicholson noted a correction on page 21 for name change to Mr. Thompson. Mr. Hoke made a motion to approve the August 4, 2021 amended meeting minutes, seconded by Mr. Burnette, all were in favor.

MONTHLY COMMITTEE ASSIGNMENTS: Site Visit: Friday, October 15, 2021

ADJOURNMENT: There being no further business, Vice-Chair Pfeufer declared the meeting adjourned at 7:51 p.m.

Cindy Nicholson
Administrative Assistant

Date Read and/or Approved