

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, April 5, 2006 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

Eric Fields, Chairman
Anita Johnson
Jeff McNeely
Kristi Pfeufer
Harold Pruitt
Franklin Rash
Thomas E. Stephens
Harry Tsumas, Jr.
Alan Williams

STAFF PRESENT

Katrina Hewitt
Richard McHargue
Lynn Niblock
Rebecca Harper
Alison Huffman

MEMBERS ABSENT

Dr. Jackie Grigg, Vice-Chairman
Jerry Santoni

At this time, Chairman Fields called the meeting to order.

MINUTES: Mr. McNeely made a motion to approve the 3/1/06 meeting minutes. Mr. Pruitt seconded said motion and all agreed. **VOTES: 8-0.** *Note: Mr. Williams was not present at this time.*

REZONING REQUEST; SADHAV LLC PROPERTY, CASE NO. 0604-1: Mr. McHargue presented the staff report:

OWNER: Sadhav, LLC.
2225 Wilkesboro Hwy.
Statesville, NC 28625
(704)873-1545

AGENT: Costi Kutteh, Attorney
113 N. Center Street
Statesville, NC 28677
(704)873-2131

LOCATION: Subject property is the former Martin's One-Stop convenience store at 2225 Wilkesboro Highway in Statesville, NC; more specifically identified as PIN#4736-12-0081. **Directions:** From Statesville, north on Wilkesboro Highway (NC 115); property at corner of Scotts Creek Road.

REQUESTED ACTION: Rezone a portion of subject parcel from RA, Residential Agricultural to NB, Neighborhood Business

PROPOSED USE: Continued use as a convenience store.

SIZE: 1.06 acres.

EXISTING LAND USE: Convenience store.

SURROUNDING LAND USE: Residential, Commercial, Churches, Agricultural.

WATERSHED REGULATIONS: The subject parcel is not located within a Watershed area.

TRAFFIC: In 2004, this section of 115 had an average daily traffic count of 10,000 vehicles per day. According to the Iredell County Thoroughfare Plan, this road has a carrying capacity of 12,000 vehicles per day.

ZONING HISTORY: The majority of this parcel was assigned the NB zoning classification during countywide zoning in 1990. The properties touching this intersection were all assigned a partial NB designation at that time; in addition, this intersection was identified as a commercial node with the adoption of the County Land-Use Plan in 1997.

STAFF COMMENTS: Sadhav, LLC has purchased the subject property, which was previously part of a larger parcel owned by Thomas and Diane Martin. The new owner plans to continue operations as a convenience store with hopes for a modest expansion to the building to allow for a larger cooler and storage area inside. Due to the new property split, the subject parcel now contains 2 small triangular areas that together total approximately .16 acre. These areas are the subject of the rezoning request. Because the majority of this property is presently zoned NB and the Land-Use Plan identifies this intersection as a commercial node, staff recommends in favor of the request.

Statement of Land-Use Plan Consistency: Approval of this rezoning is consistent with the Land-Use Plan's identification of the Wilkesboro Hwy/Scotts Creek Road intersection as a commercial node.

Costi Kutteh, Attorney representing the applicant, stated they just proposed to add a small storage on the rear of the property. Mr. Kutteh stated that the existing store has been there 35 years and that 85% of the property is already zoned NB. Mr. Kutteh provided an affidavit from the previous owners.

Bill Johnson stated that he lives in the area (110 Ridgeview Rd) and that he was opposed to more commercial zoning in that area. Tony Macuso stated he was concerned it would encroach into a residential area.

Ms. Johnson asked about buffering and Mr. McHargue stated that a 30' buffer would be required between the residential/commercial zoning. Ms. Johnson also had questions about lighting and Mr. Kutteh stated there were no plans to change the lighting. Mr. McNeely stated the LUP commercial node included all the four corners at this intersection.

After further discussion by the Board, Mr. Tsumas made a motion to recommend approval based on the Statement of Land-Use Plan Consistency: *Approval of this rezoning is consistent with the Land-Use Plan's identification of the Wilkesboro Hwy/Scotts Creek Road intersection as a commercial node.* Ms. Pfeufer seconded said motion. Ms. Johnson stated that she would like to see some type of condition on the lighting requirements. Mr. McNeely stated that there are no houses near this business and that this property does not fall within a RPO. The questions were called and the Board proceeded to vote:

AYES: Tsumas, Pfeufer, Fields, McNeely, Pruitt, Rash, Stephens,
NOES: Johnson

The motion passed in favor VOTE: 7-1.

Note: Mr. Williams arrived at this time.

REZONING REQUEST; JERRY C. CASHION & CLYDE W. DEATON PROPERTY, CASE NO. 0604-2: Mr. McHargue presented the staff report:

OWNERS: Jerry C. Cashion & Clyde W. Deaton
1104 Mordecai Drive 294 Houston Rd
Raleigh, NC 27604 Troutman, NC 28166
(919) 834-4569 (704) 528-6229

AGENT: E. Bedford Cannon, Attorney
140 East Water Street
Statesville NC 28677
(704) 872-7438

LOCATION: 294 Houston Road (2.98 acres) and adjacent vacant parcel (19.5 acres), more specifically identified as PIN# 4750-16-2272 and 4750-06-8409. **Directions:** South from Troutman on Charlotte Highway, turn left onto Houston Road; property on right past I-77 overpass.

REQUESTED ACTIONS: 1) Amend the Exit 42 Small-Area Plan; and 2) Rezone subject parcels from RA, Residential Agricultural to HB, Highway Business.

PROPOSED USE: Any and all Highway-Business uses.

SIZE: 22.48 total acres.

EXISTING LAND USE: Vacant and Residential.

SURROUNDING LAND USE: Residential & Agricultural.

WATERSHED REGULATIONS: The subject parcel is not located within a Watershed area.

TRAFFIC: In 2004, this end of Houston Road had an average of 770 vehicles per day.

ZONING HISTORY: The subject parcels have been zoned RA since county-wide zoning took effect in 1990. The applicants have submitted this request with the intention of the parcels becoming part of a commercial development in the Exit 42 vicinity. During 2005, several parcels totaling approximately 40 acres were zoned commercially (HB) pursuant to the Exit 42 Small-Area Plan objectives for the interchange area.

STAFF COMMENTS: The present request seeks to rezone the subject parcels along Houston Road in the same fashion as those mentioned above. Superior Properties has acquired ownership in most of the previously-zoned properties and intends to continue this assembly of parcels for purposes of development; however, the subject parcels are not part of the Small-Area Plan. Therefore, a strong justification will be needed to recommend an amendment to the Small-Area Plan as well as any rezoning. With the addition of the Houston Road parcels, the developers have explored the opportunity to provide a road connecting Houston Road with Charlotte Highway just south of the I-77 overpass. NCDOT has advised staff that Superior Properties has submitted an access plan for the Charlotte Highway side of the development. At this time, however, no plans have been submitted for connection to Houston Road. Similarly, no site-plans have been submitted to the County Planning Department on the proposed development or its traffic management measures; it is staff's understanding that the developer wishes to keep site plans confidential at this time due to ongoing negotiations with potential tenants. Without site-plan information and specific conditions, however, staff feels it would be inappropriate to recommend in favor of a Land-Use Plan amendment and the rezoning request. Staff cannot make a judgment as to the amount of traffic generated onto Houston Road, nor are there any conditions on the request that would guarantee interconnectivity between parcels. In addition, if the parcels are not developed under the same ownership there is no guarantee that the subject properties will be part of the overall development; thus there is potential to have HB-zoned tracts with no conditions along a very rural portion of Houston Road. Without stipulations on the property that would help provide certainty as to the use and development of these particular parcels in terms of their connection to the planned development and traffic facilitation, staff recommends against this request.

Statement of Land-Use Plan Consistency: This request is not consistent with the objectives of the Exit 42 Small-Area Plan.

Mr. Rash asked if a site plan was submitted and Mr. McHargue stated that none were submitted to the staff. Mr. McHargue stated that Howard Bryan did come by his office yesterday with a survey showing the properties and that they received preliminary approval from NCDOT along Highway 21.

Bedford Cannon, Attorney representing the applicants, presented the Board with a map showing all the properties in the area to show how they fit together and also driveway cuts on Highway 21 tentatively approved by NCDOT. Mr. Cannon also presented photographs of the surrounding property along Houston Road. Mr. Cannon stated that they were not at liberty to announce the possible buyer and therefore could not submit an official site plan at this time.

Howard Bryan, Realtor, explained that there was a long history to this property. Mr. Bryan stated that three years ago he started working on this project when the owners of this property wanted access to this property. Chairman Fields stated that the staff asked for information and they can't agree to something without the facts. Mr. Tsumas asked if he would be comfortable with a connectivity condition and Mr. Bryan stated they would be very uncomfortable because they don't control that property.

The Board has further discussion and at this time, Chairman Fields declared a five-minute recess.

Earl Bowers stated he was told that no business would go beyond I-77 on Houston Road years ago. Mr. Bowers stated that he doesn't want noise and traffic on Houston Road. Judy Honeycutt, adjoining property owner, stated that Mr. Bryan has been tormenting her for the past few years. Ms. Honeycutt stated that the Arthurs Estate has a 100 year old home on it and her family planned to repair the home and her daughter may start organic farming. Ms. Honeycutt stated that Houston Road runs through a community and this is speculative zoning and asked the Board to not make a decision without a site plan. Ms. Honeycutt stated that she was not planning on selling her property in her lifetime.

Mr. McNeely asked Donald Duncan, Manager for the Town of Troutman, who was present, if he would address some of the issues at hand. Mr. Duncan stated he here to answer any questions but he was not present representing anyone. Mr. Duncan stated that the Town of Troutman, in 2005, adopted a long range plan and currently there is an 8" water line supply that runs 3.5 miles from our existing water tank all the way to Crosstie Ln. They are in negotiation with the Town of Mooresville to create a new pump station and tie in the lines by March 2007. Mr. Duncan stated that he has spoken with Mr. Bryan's client and they do exist even though they cannot disclose who it is but they have committed to assist with the cost of the water tank. Mr. Duncan stated that, regardless what the County does, the Town of Troutman will eventually annex this property and their Land Use Plan is similar to the County's. Mr. Duncan stated that he has also met with NCDOT in regard to the roads and the Town of Troutman will require some type of connection between these roads.

After further discussion by the Board, Mr. McNeely stated that the only way he saw it would work is with conditions and the applicant is not willing to accept any conditions. Therefore, Mr. McNeely made a motion to recommend this request be denied based on the Statement of Land-Use Plan Consistency: *This request is not consistent with the objectives of the Exit 42 Small-Area Plan.* Mr. Pruitt seconded said motion; and

AYES: McNeely, Pruitt, Fields, Johnson, Pfeufer, Rash, Stephens, Tsumas

NOES: Williams

The motion passed by a VOTE: 8-1 to recommend denial of the request.

PROPOSED EXPANSION OF A NON-CONFORMING USE; ARTHUR & DELORIS LEA PROPERTY: Mr. McHargue presented the staff report:

<u>OWNER:</u>	Arthur and Deloris Lea	<u>APPLICANT:</u>	LeaWay Company (Steve Lea)
	P.O. Box 1762		417 Garden Valley Road
	Bunnell, FL 32110		Statesville, NC 28625
	(386)437-5160		(704)873-2072

LOCATION: 417 Garden Valley Road in Cool Springs community, more specifically identified as PIN#4787-94-2136. Directions: East from Statesville on Mocksville Highway, turn left onto Cool Spring Road, bear right onto Garden Valley Road. Property on left at corner of Loggerhead Road.

REQUESTED ACTION: Expansion of a Non-Conforming Use

PROPOSED USE: Rendering facility.

SIZE: 9.4 acres.

EXISTING LAND USE: Meat Products Processing Facility (pet food).

SURROUNDING LAND USE: Vacant, Agricultural. There is a non-owner petitioned R-20 area that begins approximately 1,000 feet south of the subject parcel along Garden Valley Road. This rezoning occurred in 1994 with the intent of the property owners to limit opportunities for mobile home development. The case involved 2,000 acres of land with all 76 (100%) property owners signing the petition.

WATERSHED REGULATIONS: This property is located within the Watershed IV-Protected Area.

TRAFFIC: In 2004, Garden Valley Road had an average of 220 vehicles per day.

ZONING HISTORY: This property has been zoned RA since Countywide zoning took effect in 1990.

STAFF COMMENTS: The Iredell County Zoning Ordinance allows non-conforming uses to expand based upon the applicant's meeting several criteria:

- a. The enlargement will not cause substantial harm to the adjoining property owners.
- b. The enlargement will not result in traffic increases beyond the capacity of the roads serving said use.
- c. The enlargement will not result in emission of smoke, fumes, noise, odor, or dust which will be detrimental to the character of the district or to the health, safety, or general welfare of the community.
- d. The enlargement will maintain all minimum setbacks and buffer requirements of the use district in which said use would be permitted.

Background: The applicant seeks permission to add a rendering facility to their existing meat-processing operation which has been in business since 1979 at this location. Lea-Way Company picks up deceased cattle from area farms and provides a means for sanitary disposal; the existing plant processes useable materials into pet food products but it must ship out the unusable parts to outside renderers. Industry and regulatory changes over the operation of rendering plants have led some rendering operations to downsize or even shut down. Lea-Way is requesting this expansion due to its need to continue providing services to the local agricultural community which would otherwise have limited, if any, opportunities for legal and sanitary disposal. Applicant has also submitted a letter-of-support to this effect from the County Agricultural Extension; in follow-up to this, staff has consulted with both the Extension and the Health Department. Neither entity reports any historical complaints against the company. The Extension again stressed their support for the project, stating that it would provide a valuable and needed service to the agricultural community.

Request: The applicant seeks to add a 6,720 square-foot facility onto their existing operation of 9,223 square feet. This will be a 112'x60' building attached to the west side of the existing building. The applicant has submitted a preliminary site-plan and their proposal meets County setback requirements. LeaWay currently has a monthly average of just over 2 million pounds of material going through their facility. Of this total, approximately 66,000 – 70,000 lbs. (3%) constitute unuseable cattle ruminants that are currently being shipped to outside renderers for processing.

Evaluation of Criteria: Items (b) and (d) would appear to be met based on the limited amount of traffic that this operation generates as well as the plans of the applicant. Items (a) and (c), however, would require greater analysis. The applicant must demonstrate that the proposed expansion would not prove detrimental to the surrounding community. In answering this, one may look to the suitability of the surroundings for this type of industrial operation. Although the area is not zoned for general industrial use, the subject parcel involves an agriculturally-based business that is located in an undeveloped rural area (zoned RA). There are no homes adjacent, and there is vacant wooded land on three sides (north, east, and south) of the subject property. The parcel to the west is vacant and owned by the LeaWay owners, as well. Therefore, the subject property's physical situation would buffer it well in terms of impact on neighboring property. In addition to this factor, rendering facilities are heavily regulated by the State and will, as described in the enclosed environmental report, have to meet stringent permitting requirements. In summary, the location of the existing operation appears to be no less-suitable for a rendering facility than any other industrially-zoned territory in the County. It is located in an agricultural community that has been relatively undeveloped. After due consideration of the many factors surrounding this case, and upon site visit to this area, staff would recommend in favor of this request.

Mr. McHargue presented the Board with a letter of opposition from Edwina Sowers Holland, Co-Trustee of the Sowers Living Trust, adjoining property owner.

Steve Lea, Applicant, stated that Lea-Way Farms has safely removed 28,800 pounds of ruminant material from Iredell County and surrounding counties all under strict federal and state regulations, thus keeping these materials out of the ground and the water table. In addition, as of September 2005 all non-ambulatory cattle are banned from entering packing plants and the food chain, increasing the need for the service they provide. Mr. Lea also stated that, with the increased difficulty in processing these materials off site, the future of our business is in question without this expansion.

Mr. Lea stated that there are approximately 50,000 beef and dairy cattle in Iredell County and that the farmers experience mortality of cattle for various reasons including disease, predation, weather events, accidents, etc. Mr. Lea stated that since 1979 his company has collected these animals for recycling by keeping them out of the ground and out of the water table at no cost to Iredell County or the State. Mr. Lea stated that they are under strict regulations by the State and USDA and inspected regularly.

Mr. Lea stated that currently 1/3 of their monthly production must be transferred by truck three times per week to be processed off site. Mr. Lea stated that with this addition, we would be able to fully process all raw materials in an enclosed building before shipping.

Mr. Tsumas asked if this would reduce the trucking and Mr. Lea stated that it would be one time a month versus three times a week at present. Mr. McNeely asked about buffering and Mr. McHargue stated that no additional buffering would be required. Mr. Lea stated that there was an existing natural buffer and they didn't plan to change that. Mr. Lea stated there would be no outside storage. Chairman Fields asked about hours of operation and Mr. Lea stated they operate Monday through Friday, 7am – 5pm.

Rex Bell, dairy farmer in Iredell County, stated this service was an extremely important part of our industry and was in favor of this expansion.

Mr. Williams stated that this was a vital party of our agriculture in Iredell County and they provide service to the farmers. Mr. Williams made a motion to recommend approval based upon the applicant meets the criteria. Mr. McNeely seconded said motion. It was a unanimous decision.

VOTES: 9-0.

PROPOSED TEXT AMENDMENT TO THE IREDELL COUNTY ZONING ORDINANCE; SR 57, HOMELESS SHELTERS: Ms. Harper presented the following amendment with the changes the Board requested at the last meeting:

Proposed SR57, Homeless Shelter

Amendment To:	Zoning Ordinance
Articles and Sections:	Article VIII. Table of Permitted Uses and Special Uses, Section 8.3 Table of Permitted Uses and Special Uses; Article IX. Special Requirement Notes to the Table of Permitted and Special Uses, SR 57 Homeless Shelter; Article XVIII. General Legal Provisions; Penalty for Violation, Section 18.6.A General Definitions

Article VIII. Table of Permitted Uses and Special Uses,

Section 8.3 Table of Permitted Uses and Special Uses

<i>USE TYPES</i>	RA	RU-R	R-R	R-20	R-12	R-8	R-8A	RO	OI	NB	HB	SC	CB	GB	M-1	M-2	SR
Homeless Shelter	S	S		S			S	S	X S	X S	X S		X S	X S			57

~~(These districts are the same for similar uses such as convalescent homes, group homes, family care homes, and nursing homes)~~

Article IX. Special Requirement Notes to the Table of Permitted and Special Uses

SR 57. Homeless Shelter.

- (A) ~~In any residential district, a minimum of one (1) acre shall be required to establish a homeless shelter and on a site utilizing greater than three (3) acres (130,680 square feet) devoted to the use shall have frontage on a collector or thoroughfare street.~~
- (B) ~~In any residential district, all structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any property line and a thirty (30) foot undisturbed buffer shall be provided along all residentially zoned property.~~
- (C) A minimum floor space of ~~fifty (50)~~ **one hundred (100)** square feet shall be provided for each individual sheltered.
- (D) No such facility shall be located within one-half (1/2) mile of an existing shelter for the homeless or any other group care facility.
- (E) The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
- (F) The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.
- (G) A complete site plan shall be provided for all homeless shelters, which must conform to all applicable health, building code, licensing laws and regulations.
- (H) Screening and landscaping which complies with Article XII shall be provided along all property lines abutting residentially zoned property.

Article XVIII. General Legal Provisions; Penalty for Violation, Section 18.6.A General Definitions

Homeless Shelter. A facility operating year-round or seasonal, which provides lodging and supportive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

The Board had discussion and asked the staff to change (C) by adding the word “habitual”.

After further review, Mr. Stephens made a motion to recommend approval subject to the Statement of Land Use Consistency: ***This amendment is consistent with the Land Use Plan’s purpose of serving as a policy guide in making future recommendations dealing with the growth and development of the County; specifically it is consistent with the Plan’s recommendation that the Zoning Ordinance text undergo a comprehensive review and expansion of its various definitions.*** Mr. Pruitt seconded said motion and all agreed. VOTES: 9-0.

UPDATE ON THE WEST IREDELL LAND SMALL AREA PLAN: Ms. Huffman presented a power point presentation on the West Iredell Small Area Plan as information only. No action was taken by the Board.

MONTHLY COMMITTEE ASSIGNMENTS: Mr. Pruitt & Mr. Stephens volunteered to attend the April 19th Subdivision Review Committee meeting at 10:00am in the Old City Hall. Mr. McNeely, Mr. Pruitt, & Mr. Williams volunteered to go on the site visit for next month's requests on Tuesday, April 18th.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 10:00 p.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved