

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **April 4, 2007** 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
Kristi Pfeufer
Harold Pruitt
Franklin Rash
Thomas E. Stephens
Harry Tsumas, Jr.
Alan Williams

STAFF PRESENT

Katrina Hewitt
Ricky Hurley
Steve Warren

MEMBERS ABSENT

Dr. Jackie Grigg, Vice-Chairman
Jeff McNeely
Jerry Santoni

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

MINUTES: Mr. Williams made a motion to approve the 3/7/07 meeting minutes with corrections. Mr. Tsumas seconded said motion and all agreed. **VOTES: 8-0.**

REZONING REQUEST; HAZEL BASS WIKE PROPERTY, CASE NO. 0704-1: Mr. Hurley presented the staff report:

<u>OWNER:</u>	Hazel Bass Wike 1124 Charlotte Highway Troutman, NC 28166	<u>AGENT:</u>	Tam Leroy Wingler 178 Happy Lane Statesville, NC 28677
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LOCATION: The property is located at 1124 Charlotte Highway, being in the southern quadrant of the interchange for I-77 and Charlotte Highway in Troutman, NC; more specifically identified as PIN# 4740-92-1175. **Directions:** Take Charlotte Highway south from Troutman; property on right approximately ½ mile south of the existing truck stop.

REQUESTED ACTION: Rezone subject parcel from RA, Residential Agricultural to GB-CUD, General Business Conditional Use District.

- ♣ All utilities must be underground.
- ♣ Apply Roadway Protection Overlay (RPO) standards; which include signs, landscaping, and access restrictions.
- ♣ Interconnectivity between adjacent parcels.

PROPOSED USE: Any and all GB uses.

SIZE: 14.0 acres.

EXISTING LAND USE: Single Family Residential.

SURROUNDING LAND USE: Residential uses are adjacent to the northeast, south, and east, with vacant commercial land to the north and west of the requested property.

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

TRAFFIC: This section of Charlotte Highway had an average of 11,000 vehicles per day in 2005. According to

the 1993 Iredell County Thoroughfare Plan, this section of Charlotte Highway has a carrying capacity of 10,500 vehicles per day.

ZONING HISTORY: The subject parcel was zoned RA when countywide zoning took effect in 1990. Several rezoning cases have been approved at this interchange in anticipation of commercial development occurring as the Town of Troutman extends utilities into this area. Parcels adjacent to west and north of the requested site have been rezoned as General Business Conditional Use, with the most recent rezoning approved in March of 2007 for GB-CUD to allow for possible future commercial development.

STAFF COMMENTS: The Exit 42 Small Area Plan identifies this area as suitable for future interchange commercial development. The applicant has chosen the GB-CU District classification, which allows for a greater range of commercial uses and is similar to other nearby commercial properties. Adjacent parcels to the north and west are zoned commercial and staff recommends in favor of this request since it is consistent with the Exit 42 Small Area Plan.

Leroy Wingler, Agent, stated that the owner needed to sell her property in order to have income to pay bills and for her future care.

THERE WAS NO ONE ELSE TO SPEAK IN REGARD TO THIS REQUEST.

After further discussion, Ms. Johnson made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the Exit 42 Small Area Plan. Mr. Pruitt seconded said motion and all agreed. VOTES: 8-0.

REZONING REQUEST; BOB RUDISILL HOMES INC. PROPERTY, CASE NO. 0704-2: Mr. Hurley presented the staff report:

OWNER/APPLICANT: Bob Rudisill Homes, Inc
174 Winding Shore Drive
Troutman, NC 28166

LOCATION: The property is located at 124 Jillians Lane in Davidson, NC; more specifically identified as PIN# 4644-98-7892. Directions: Take Mecklenburg Highway south from Mooresville; turn right on to Bridges Farm Road; turn right onto Jillians Lane and property is at end of road.

REQUESTED ACTION: Rezone subject parcel from RA, Residential Agricultural to R12-CUD, Single Family District, Conditional Use District.

- ♣ Limited to single family detached dwelling units.

PROPOSED USE: Single Family detached dwellings.

SIZE: 1.89 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Single family homes and lots surround tract; an existing single family development to south and west lies within the town limits of Davidson.

WATERSHED REGULATIONS: The subject parcel is located within the Lake Norman/Catawba Critical Area watershed.

TRAFFIC: This section of Mecklenburg Highway had an average of 11,000 vehicles per day in 2005. According to the 1993 Iredell County Thoroughfare Plan, this section of Mecklenburg Highway has a carrying capacity of 10,500 vehicles per day.

ZONING HISTORY: The subject parcel was zoned RA when countywide zoning took effect in 1990. Parcels located to the south and west are within the town limits for Davidson and zoned for high density residential use.

STAFF COMMENTS: The applicant has chosen the R12 Single Family District classification, which will

allow single family residential development with a minimum lot width of 80 feet. The South Iredell Small Area Plan identifies this area as suitable for future residential development; staff feels that this request is reasonable and recommends in favor of this request since the parcel is located adjacent to high density single family development.

The Board had several technical questions about right-of-way access. Mr. Hurley stated that William Allison, Subdivision Administrator had reviewed this site plan and all requirements had been met. Mr. Tsumas asked about the zoning classification in the Mooresville ETJ and Davidson City Limits and Mr. Hurley stated that he did not have that information.

Bob Rudisill, Owner/Applicant, stated that there were problems with the soil and septic location; therefore they just needed help with the width of the three lots. Mr. Rudisill stated that what he was asking for was in line with the surrounding residential properties.

After further discussion by the Board, Ms. Johnson asked if she should step down from voting since she had dealings with the surrounding developments. Chairman Fields asked Ms. Johnson if she had any financial interest and she stated yes and asked to be excused. Mr. Tsumas made a motion to excuse Ms. Johnson and Mr. Stephens seconded said motion. All agreed.

THERE WAS NO ONE ELSE TO SPEAK IN REGARD TO THIS REQUEST.

Mr. Tsumas made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the South Iredell Small Area Plan. Ms. Pfeufer seconded said motion and all agreed. **VOTES: 7-0.** *NOTE: Ms. Johnson was excused from this request.*

REZONING REQUEST; FRIENDSHIP HOLDIN INC. PROPERTY, CASE NO. 0704-3: Mr. Hurley presented the staff report:

OWNER/APPLICANT: Friendship Holding, Inc.
1477 Friendship Road
Statesville, NC 28625

LOCATION: The property is located at 1469 Friendship Road, in Statesville, NC; more specifically identified as PIN# 4821-93-8948. Directions: Take Wilkesboro Highway north from Statesville; turn right on to Friendship Road, property is approximately 1¼ mile on right.

REQUESTED ACTION: Rezone a portion of subject parcel from RA, Residential Agricultural to M2-CUD, Heavy Manufacturing Conditional Use District and amend the Iredell County Land Use Plan.

- ♣ Uses limited to Sawmill & Lumber and Wood Products.
- ♣ Operation hours limited to 7am-6pm
- ♣ Weekly removal of sawdust and chips
- ♣ Operation conducted within existing metal building

PROPOSED USE: Sawmill operation.

SIZE: 5.3 acre portion of a 6.33 acre tract.

EXISTING LAND USE: Sawmill operation.

SURROUNDING LAND USE: Residential uses are scattered along Friendship Road to north and west of site, vacant land adjoins property along east and south.

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

TRAFFIC: This section of Friendship Road had an average of 820 vehicles per day in 2004; the 1993 Iredell County Thoroughfare Plan identifies the carrying capacity of Friendship Road as 8,000 vehicles per day.

ZONING HISTORY: The subject parcel was zoned Residential Agricultural when countywide zoning took effect in 1990. The surrounding area is largely rural farmland with scattered housing along the existing roadways. The nearest commercial zoning areas are located approximately 1/4 miles from either the intersection of Wilkesboro Highway or North Chipley Ford Road.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for future residential development. The size of the property considered for rezoning may raise the issue of spot zoning and staff is recommending against this request since it is inconsistent with Iredell County Land Use Plan and the associated noise, dust, and traffic resulting from a manufacturing operation can negatively impact the adjacent residences.

Mr. Hurley stated that the staff received a complaint today in regard to concrete being stored in the rear of the property. Mr. Hurley stated that Ben Stikeleather, Zoning Enforcement Officer, visited the property today and took photos that showed the lumber was sitting on the concrete to keep it from being on the ground. Mr. Hurley added that he received three letters of opposition (*see attachments in file*) and presented them to the Board.

Mr. Tsumas asked what the use was on the property when county-wide zoning took effect and Mr. Hurley stated there was a private race shop. Mr. Pruitt asked how long has the sawmill been in operation and Mr. Hurley stated a couple years.

Bedford Cannon, Attorney representing the applicant, presented the Board with letters of support from area business and the community (*see attachments in file*).

Karen Schultz, Applicant, stated that she has lived in the home site next door since 1988 and she built the current shop located on this property the same year. Ms. Schultz stated that she had a race shop in the building prior to county-wide zoning and operated the race shop until sometime after 9/11. Ms. Schultz stated that the lumber company only utilizes 2/3 of the building and she houses some of her racing equipment in the other part. Ms. Schultz stated that while she was exploring other options to utilize the property that RBN Grading contacted her about possibly leasing the building and lot. She then contacted the other owners of Friendship Holding, Inc. and they agreed to lease the building to RBN Grading for their service to the community. Ms. Schultz explained that in 2006 as customers' needs changed RBN discussed placing a saw mill on the property and that the proposed saw mill would only produce one truck load a day. She stated that was less tractor trailer per day than the dairy down the road. Ms. Schultz stated that trees are agricultural and do not produce bi-products and are all natural. Their products are used by the community, farmers use the saw dust and chips, and homeowners use the mulch.

Ms. Schultz stated as the saw mill progressed they moved the operation inside the building to reduce noise and get workers out of the weather. Ms. Schultz stated that is apparently when there became a problem; when the portable saw mill on wheels was moved to concrete in the building the operation became classified as "manufacturing" according to NC Statute. She stated that the chipper does make noise and they plan to address that within the conditional use district.

Ms. Schultz stated that they tried to contact all the adjoining property owners to discuss the rezoning. Ms. Schultz stated that most of the neighbors agreed the chipper was noisy and she explained that they would address that situation with the conditions on the rezoning. Ms. Schultz showed on Power Point photos of property 1 1/2 miles from this property that showed many farmers and residents maintain alternative income producing venues other than conventional farming. They resort to these methods to exist in today's economy.

Kathy Sparks, RBN Grading & Lumber, stated that her and her husband Ricky owns the business and that they live three miles from this site and have lived in this community for forty-six years. Ms. Sparks stated that lumber production is a form of agriculture and saw millers have the same type

heritage as farmers and that they are born into it. Ms. Sparks stated that her husband is a third generation lumberman. Ms. Sparks stated that they started out leasing the building knowing that Ms. Schultz had operated a race shop years earlier and they never had complaints and have been there since 2004.

Ms. Sparks stated that there was interest suggested by the community to put in a saw mill because of the closing of G&G Lumber in Union Grove even though they are not near the scale of that saw mill. Ms. Sparks stated that there is nothing in the northern portion of Iredell County to offer this type service and asked to continue their operation to allow employees to work.

Ms. Sparks stated that their business was the only site in North Carolina that takes in cross-ties (used for railroads).

Chairman Fields asked how many people they employ and Ms. Sparks stated 15-20 to run the mill and they operate usually 7am – 6pm, Monday through Friday and sometimes a half day Saturday. Ms. Sparks stated that there was no exterior lighting because they didn't operate at night. Ms. Sparks stated that if they have to move they will go out of business.

Ms. Johnson asked if the chipper would be put in the building and Ms. Sparks stated that the chipper is actually behind the building and would have to be housed around it (leaving one side open for the chips to be blown in the trailer). Mr. Rash asked if there was any other improvements made to the property and Ms. Sparks stated that they had not built any buildings but they had done grading and put down gravel. Ms. Johnson asked how wood would it be stored if multiple customers brought wood at one time and Ms. Sparks stated that it would be stored on-site and there is usually a three day turn around time.

At this time, Ms. Sparks presented a large map showing the locations of most of their customers showing that the majority are in the North Iredell area.

Mr. Cannon stated that this is an agricultural area and felt this business was closely related and supports farming. Mr. Cannon stated with G&G Lumber closing in Union Grove that there was a need for this type service in North Iredell. Mr. Cannon stated that this site was a place of business prior to zoning. Mr. Cannon stated that the fact that the business was mostly inside (cutting and sawing) it cut down on the noise. Mr. Cannon stated that with all the mitigating conditions, this use is compatible with the surrounding community.

Mr. Tsumas asked Mr. Cannon what his opinion was in regard to “spot zoning” and Mr. Cannon stated that there are other industrial sites near this area. Ms. Johnson asked why so much area was being rezoned next to the building and Mr. Cannon replied that the survey showed that area was used for storage and gravel area so it needed to be included.

At this time, Chairman Fields declared a five-minute break.

Those speaking in OPPOSITION:

Joanna Barker, Adjoining Property Owner (1464 Friendship Road), stated that she bought her small farm because she liked the beauty and quietness of the country. She read from her letter that was previously submitted (*see attachment in file*) addressing the ugliness of the huge machinery; piles of logs, mulch, and lumber; noise; traffic from trucks; and safety concerns.

Jettie Pharr, Adjoining Property Owner (1179 Friendship Road), stated that her property bordered the back side of this property and there were piles of waste wood on the rear of this property. Ms. Pharr stated that it was heartbreaking to look at this and felt it decreased the value of her property.

Ms. Pharr was also concerned if they went out of business that something worse might go there and other industries possibly would come into the rural community.

Patti Ralston stated that she lived ¼ mile east of this property and stated that the noise we hear is like its right next door and there is the constant beeping noise of the equipment. Ms. Ralston said that she was surprised the saw was housed in the building because it was so loud. Ms. Ralston stated that her family purchased their farm land because it was in a quiet community and heavy manufacturing is not suitable. Ms. Ralston also thought surrounding farmland was in the Farmland Preservation Program.

A. K. Loyd, Adjoining Property Owner (1421 Friendship Road), stated he had some real concerns but the principal one was a Heavy Manufacturing CUD (Conditional Use District) and who would police it? Mr. Loyd stated that if it would be self policed then we will be in a worse mess than we are now.

Mr. Tsumas asked if they were a current violation on this property and Mr. Hurley stated that a complaint was made to our office by a property owner and that's how it came to our attention that they were in violation. Mr. Williams stated that he thought it was a good business but in the wrong location.

After further discussion, Mr. Pruitt made a motion to recommend denial of the zoning map amendment and to advise that it is inconsistent with the Iredell County Land Use Plan. Mr. Williams seconded said motion and all agreed. **VOTES: 8-0.**

REZONING REQUEST; TODD ABERNATHY CONSTRUCTION LLC PROPERTY, CASE NO. 0704-4: Mr. Hurley presented the staff report:

OWNER/APPLICANT: Todd Abernathy Construction, LLC
109 Lindbergh Lane
 Mooresville, NC 28117

LOCATION: The requested properties are located at 276 Lipe Road, Troutman, NC; more specifically identified as PIN#'s 4740-35-1137 and 4740-34-1886. Directions: Take South Main Street from Troutman towards I-77; turn right onto Flower House Loop Road; turn right onto Lipe Road and property is at end of road on right.

REQUESTED ACTION: Rezone subject parcel from RA, Residential Agricultural to GB-CUD, General Business Conditional Use District and amend the Iredell County Land Use Plan.

- ♣ Uses limited to the following: Commercial Auto Parking, Contractor's Facilities, Septic Tank Services, Utility Equipment and Storage, Wholesale Lumber and Construction Materials, Warehousing and Storage, Equipment Repairs, & Offices rendering specialized service not involving retail trade.
- ♣ Eight foot tall berm along southeastern property line with Whitmire parcel; PIN #4740-34-6709.
- ♣ No signage larger than 36 square feet.
- ♣ No lighted signs along road frontage.

PROPOSED USE: Contractor's office and grading equipment storage.

SIZE: 14.77 acres (2 tracts).

EXISTING LAND USE: Single Family Residential and vacant.

SURROUNDING LAND USE: Residential uses and vacant land surround the entire requested properties.

WATERSHED REGULATIONS: The subject parcel is located within the Lake Norman/Catawba Protected

Area.

TRAFFIC: This section of Lipe Road had an average of 120 vehicles per day in 2004; the 1993 Iredell County Thoroughfare Plan does not identify the carrying capacity for Lipe Road, but the estimated carrying capacity is 6,500 vehicles per day for this roadway.

ZONING HISTORY: The subject parcels were zoned RA when countywide zoning took effect in 1990. All adjacent parcels to the requested site have been zoned for residential use, with the nearest commercial zoning districts at the Exit 42 interchange for I-77, a distance of approximately one mile. Additionally, Crescent Resources is in the process of developing a large residential subdivision on the adjacent property to the west, within the town limits of Troutman.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for future residential development. The applicant wishes to relocate a family owned contractor's office and equipment from Brawley School Road. The applicant has chosen the GB-CUD classification that will allow for the contractor's office and other similar uses. All adjacent parcels are zoned residential and staff is recommending against this request since it is inconsistent with the Iredell County Land Use Plan and the proposed location is at the dead end of a state maintained road through an existing residential area. Lipe Road can only access Flower House Loop through the existing residential area and the road is fairly narrow and poorly constructed. Spot zoning may also be an issue even when considering the size of the tract. A rezoning would convey significant benefit for the property owner but also may significantly impact neighboring properties with large truck traffic.

Mr. Tsumas asked Mr. Hurley what the zoning was in the Troutman city limits since it adjoined this property. Mr. Hurley stated that he didn't have that information but the map showed "RS" so he felt it was Residential Single Family. Mr. Tsumas stated that he was frustrated that the zoning in adjacent municipalities was not presented tonight with these cases; therefore he could not vote on this request. Chairman Fields reminded Mr. Tsumas that an abstention vote counted as an affirmative vote. Mr. Tsumas stated then in that case he would ask to be excused from this request. Mr. Stephens made a motion to excuse Mr. Tsumas and Ms. Pfeufer seconded said motion. All agreed.

Ms. Johnson commented that in recent meetings the Board tried to coordinate with adjoining municipalities and without the correct zoning information it's difficult to make decisions. Mr. Stephens asked if this request could be tabled and Chairman Fields stated that the applicant may not be happy with that.

Todd Abernathy, Applicant, stated that his father owned Richard Abernathy Grading which was currently located on Brawley School Road. Mr. Abernathy stated due to the road widening project that they were losing so much of their property that they needed to relocate. Mr. Abernathy stated this he owned this property on Lipe Road and in order to accommodate the business it would need to be rezoned to GB.

Mr. Stephens asked Mr. Abernathy if he knew the adjoining zoning in the Troutman limits and Mr. Abernathy stated that he didn't. Chairman Fields asked him if he was on a strict time table and Mr. Abernathy stated that he was because NCDOT would take their right-of-way in June.

Chairman Fields asked Mr. Abernathy to address access to this property and spot zoning. Mr. Abernathy stated that the tract size addresses spot zoning and that Lipe Road is a state road and they don't propose a large amount of traffic. Mr. Abernathy stated that they proposed to have an office and a maintenance facility so when something breaks they would have an area to fix it.

Mr. Abernathy stated that there proposed hours was Monday through Friday, 7:30am – 5:00pm and occasional Saturdays. He further stated that their employees take home their company vehicles so they would not come to the shop everyday, maybe once a week for a staff meeting.

Buddy Whitmire, Adjoining Property Owner (273 Lipe Road), stated that they purchased their property at the end of a dead-end road for peacefulness. Mr. Whitmire stated that this proposed business would be right in his front yard. Mr. Whitmire stated that even an 8' berm would not stop the traffic that will be coming and going. Mr. Whitmire stated that there were retired people and children in this neighborhood that don't need commercial traffic. He also stated that this would decrease his property value. Mr. Whitmire submitted a petition to the Board with signatures of everyone living on Lipe Road (*see attachment in file*). Every Lipe Road resident is opposed except for the applicant.

Darrell Nance, Adjoining Property Owner (147 Nantz Woods Lane), stated that he felt this was spot zoning because a commercial business didn't belong in the middle of a residential neighborhood. Mr. Nance stated that he was concerned about future uses if rezoned.

Jerry Staley, Adjoining Property Owner (255 Lipe Road) stated he lived next to Mr. Whitmire and that he and his wife were opposed to a business being at the end of a dead-end road in a residential neighborhood. Mr. Staley asked about other possible uses allowed with this rezoning and Chairman Fields read all the allowable uses submitted in the application. Mr. Abernathy stated that he picked out all possible uses from the zoning ordinance because of the Conditional Use District and would be agreeable for specific uses. Chairman Fields stated to Mr. Abernathy if you add or subtract to the list of proposed uses that you will probably not satisfy the neighbors. Mr. Abernathy stated that the building was an approximately 60x100 metal building with a brick front. He showed the Board photographs of this type of building. Mr. Williams stated that he went on the site visit and that getting to this property is a problem.

Skip Webber stated that he didn't come here tonight to speak in regard to this request but after listening to the pros and cons of this request I thought I might be able to shed a little independent light on this. Mr. Webber stated that he knows of the current business on Brawley School Road and it is a nice operation and does peacefully exist with the residential neighborhood.

At this time, Mr. Hurley stated that Steve Warren made a telephone call to David Salebee, Town Manager of Troutman, and he said the zoning was RS, Residential Single Family with minimum ½ acre lots.

After further discussion, Ms. Johnson made a motion to recommend denial of the zoning map amendment and to advise that it is inconsistent with the Iredell County Land Use Plan. Mr. Pruitt seconded said motion and all agreed. **VOTES: 7-0.** *NOTE: Mr. Tsumas was excused from this request.*

MONTHLY COMMITTEE ASSIGNMENTS: Mr. Pruitt & Mr. Stephens volunteered to attend the April 18th Subdivision Review Committee meeting at 10:00am in the Old City Hall. Mr. Pruitt & Mr. Williams volunteered to go on the site visit for next month's requests on Tuesday, April 17th.

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