

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, April 2, 2008 at 6:00 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
Dr. Jackie Grigg, Vice-Chairman
Anita Johnson
Gene Mahaffey
Jeff McNeely
Kristi Pfeufer
Harold Pruitt
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.

STAFF PRESENT

Katrina Hewitt
Ron Smith
Rebecca Harper
Matthew Todd
Stephanie Whitlock

MEMBERS ABSENT

Alan Williams

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

MINUTES: Dr. Grigg made a motion to approve the 3/5/08 meeting minutes. Mr. Pruitt seconded said motion and all agreed. **VOTES: 7-0.** *NOTE: Mr. McNeely and Mr. Tsumas were not present at this time.*

REZONING REQUEST; CASE NO. 0804-1: Ms. Harper presented the staff report ~

The request is to rezone this 1.03 acre parcel from RA, Residential Agricultural Zoning District to HB, Highway Business Zoning District. Because this is a straight rezoning, each of the uses allowed in the HB district must be considered.

OWNER: Don Scott Kelly
534 Troutman Farm Road
Troutman, NC 28166

APPLICANT: J. Michael McGuire
352 S. Laurel Avenue
Charlotte, NC 28207

AGENT: Mike Todd
445 N. Main Street
Troutman, NC 28166

LOCATION: The corner of Amity Hill Road and Murdock Road in Troutman, NC; more specifically PIN# 4742-75-7379.

DIRECTIONS: I-77 south to exit 45, turn right onto Amity Hill Road, property is on the left at the corner of Murdock.

SURROUNDING LAND USE: This property is located at the corner of two roads with residential development to the north and south. It has vacant land to the west and east. There is also a good bit of commercial property in close proximity.

SIZE: The property is 1.03 acres.

EXISTING LAND USE: Vacant.

ZONING HISTORY: This property was rezoned from GB to RA for farming purposes on July 7, 1992. The property to the west and south was zoned HB during the county wide zoning process. The property to the south was rezoned from RA to RO on February 2, 2000. The property to the northeast was rezoned from RA to HB for a gymnastics center on January 4, 2005. The property to the east was rezoned from RA to HB on August 7, 2007.

OTHER JURISDICTIONAL INFORMATION: Discussions with the City of Statesville Planning Staff have revealed that this area does not lie within their future land use plan. Those areas are referred to the County concerning future land uses. This is a speculative rezoning. Utilities would be provided by the City of Statesville. When development occurs, the applicant will likely utilize the City's utilities, and would therefore be subject to annexation and the City's development standards.

OTHER SITE CHARACTERISTICS: This property is not located in a water supply watershed. This property is within close proximity to the Larkin Project which is in the beginning stages at Exit 45. There were 5,000 residential units and 1.5 million square feet of commercial approved as part of the project.

TRAFFIC: In 2006, the average number of vehicles per day on Murdock Road near the intersection was 6,000 and on Amity Hill Road just north of Murdock Road were 1,800. Because the use has not been designated, it is difficult to determine the impact on Amity Hill Road or Murdock Road. The capacity for this stretch of Amity Hill Road is 8,000 vehicles per day.

SCHOOLS: Because this is a commercial rezoning, there should be no implications on local schools.

FIRE MARSHAL: Due to the fact that there is no proposed use, it is difficult for the Fire Marshall's Office to make any specific statements about this request at this time. The Troutman Fire Department does not have ladder trucks, so the highest building they would be able to provide fire service for would be three stories.

LOCAL: Because there is no proposed use, there is no formal local agency review at this time. Should the applicant need water and sewer, he would have to develop under the City of Statesville's development criteria.

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

FEDERAL: None at this time.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for commercial uses. The exit 45 area is starting to transition from a rural interstate interchange to a developed interchange. Both Statesville and Troutman are extending their jurisdictions into this area, with Statesville being the primary service provider.

Based on the transition from a rural to a developed interchange and surrounding commercial zoning districts, the Planning staff can support the proposed rezoning request.

SITE REVIEW COMMITTEE: Jackie Grigg, Jeff McNeely, and Alan Williams visited this site with the staff on March 18, 2008.

The Owner, Don Kelly, was present to answer any questions the Board may have. There was no one present to speak in regard to this request.

After further discussion, Dr. Grigg made a motion to recommend in favor of the zoning map amendment and to advise that it is consistent with the Iredell County Land Use Plan. Mr. Pruitt seconded said motion and all agreed. **VOTES: 7-0.** *NOTE: Mr. McNeely and Mr. Tsumas were not present at this time.*

Mr. Tsumas was present for the following requests:

PROPOSED AMENDMENT TO THE IREDELL COUNTY ZONING ORDINANCE:

Ms. Harper presented the staff report ~

RE: Section 6.18.1 (Roadway Protection Overlay District) Amendment

We have a request from Tony Quinn with HQ Marine to create an amendment to allow chain link fences in the front yard of properties that lie within the Roadway Protection Overlay District on Highway 150. The proposal would require that the fences be screened to 90% opaque from the ground to a height of 4 feet and that they are kept in good repair. The applicant had several items stolen from boats that were stored in front of their building. They erected a fence for security purposes, without the knowledge that fences were not permitted in the front yard. They are proposing this amendment as a way to allow them to keep their fence in place.

The RPO was created and adopted as a way to generate and maintain an aesthetic quality throughout the Highway 150 corridor. The current regulations (fences made of natural materials) have been difficult to enforce and the end result has had the opposite effect on the corridor. As the attached pictures show, some of the fences that meet our current guidelines are dilapidated and look worse than what the applicant has built. Also, the River Highway Corridor Plan includes a recommendation that the RPO guidelines “provide for the screening of chain link fences in the front yard of a project.” The staff sees a need to allow for existing commercial businesses to provide for security on their property, however some controls are needed.

The applicant has made a formal request, which the Planning staff does support.

The Board reviewed the amendment and asked the staff to make the following changes:

- ▶ Only allow vinyl dipped chain link fence in green or black
- ▶ Need definition of landscaping
- ▶ Clarify that the fence is to be screened with vegetation
- ▶ Need definition of good repair
- ▶ How does it compare to Mooresville’s
- ▶ Landscaping and fence have to be kept in good repair
- ▶ Clarify that not all of 12.1 is changing, just RPO
- ▶ Minimum height when planted of 2 feet?

NO ACTION WAS TAKEN BY THE BOARD AT THIS TIME.

Mr. McNeely was present for the following request:

SUBDIVISION ORDINANCE RE-WRITE:

Mr. Smith stated that since our first discussion in February, we have held two meetings with local surveyors, developers, realtors, and homebuilders. Based on feedback from those groups we made several changes to the document. The changes that have been included in this draft are reasonable, and have been added to the overall document.

Mr. Smith stated that we have been asked by several members of the board to try to show the changes that have taken place since the original submittal in February. The best way we have found is to show the actual changes that Benchmark made in their drafts. Therefore, you will be reviewing a document that shows:

- Originally proposed new text (from February) in blue,
- Omissions and changes to existing or proposed text in red (these are basically changes that have taken place since the original submittal), and
- Totally new language in green.

A clean copy of the ordinance is on our website at:
<http://www.co.iredell.nc.us/Departments/Planning/upcoming.asp>.

Mr. Smith stated that he would like to ask for a recommendation on the ordinance if the board is ready to make one. The original was submitted in February and the changes that have occurred since then are laid out for your review, so hopefully they will be easy to spot. We have tried to work everything out before coming back to you on this project so that the Board and Commissioners have a document that most people can accept and feel like they have had input on.

Mr. Smith stated that the following is information that we have put together to give some background on some of the major changes.

Water Connectivity

Below is a table that compares our proposed amendment to several of the surrounding counties. In each of these cases we are looking at a similar requirement of connectivity to a public or private system.

Water System Connectivity Comparison

	Lot Number Threshold								
	1	2-9.	10-25.	26-50	51-75	76-100	101-200	201-300	301+
Catawba	Abutting	250'	1000'	2000'	3000'	4000'	1 mile	3 miles	mandatory
	1	2-9.	10-25.	26-49	50-300			300 +	
Henderson	100'	200-900'	1000-2500'	2600-4900'	5000'			2 miles	
	1	2-10.	11-20.	21-50	51-100		101+		
Iredell	None	200'	300'	600'	1000'		1500'		
	0-10		11-20.	21-50	51-100		101+		

Lincoln	200'	300'	600'	1000'	1500'
	0-8	9-20.	21-50	51-100	100+
Rowan	None	400'	800'	1500'	2000'

Fire Suppression

The Fire Suppression provision as proposed here with this amendment (Section 5.13.2), is only applicable if a proposed development surpasses a specific number of lots. If a development exceeds (30) lots and is not served by a community water system, yet is adjacent to an adequate surface water supply, it would be required to install a dry hydrant.

A dry hydrant is a non-pressurized pipe system permanently installed at an existing lake, pond, stream or other alternate water source (100,000 Gal. / 50 year drought) that provides a suction of water to a fire tank truck. Non-pressurized meaning that it is a stand alone hydrant and not interconnected to any other hydrants or community water system.

In the case of a fire, a VFD tanker truck can pull up to the hydrant and draft water from it. The tanker truck then delivers the water to the fire where it is transferred directly to the pumper truck for immediate use or it is dumped into a drop tank that is set up on site for the next most immediate need.

This provision is predicated on the subdivision having an adequate surface water supply. Without such a water supply and there being no other alternative measures, the developer would not have to comply with this provision.

This document was modeled after Henderson County’s code with some wording taken from the Rowan County Ordinance.

This is an issue that was brought to our attention at last year’s Commissioner Retreat and has been a concern of the Fire Marshal’s office for a long time. As south Iredell intensifies with development, the greater the need for adequate fire protection. The dilemma is that there is quite a bit of property being developed where no water is available for a considerable distance. Areas just north of Mooresville and at the end of some of our lake peninsulas are the biggest concern. The intent here is merely to provide some additional fire protection in places where very little or none exists now.

Traffic Impact Study

The proposed traffic impact study (TIS) in this ordinance is primarily the result of the sheer number of cars that are associated with the development taking place in this county. We are proposing a 100 lot threshold for a TIS. Currently, NCDOT requires a study to be undertaken when a development is over 300 lots. In many cases we feel this is not adequate, and the county does not see the results of the study. We have modeled this section after Henderson County. Other counties that require a study of this type are Lincoln (any major subdivision upon recommendation by the Planning Board), Cabarrus (200 lots), Rowan (case by case), and Davie (informal improvements required throughout the ordinance).

Overlay District

One of the growth issues also adopted through the Growth Study was a subdivision overlay district. In a county that is growing as quickly as ours, the Planning Board and Board of Commissioners do not always have the time to review all major subdivisions. Iredell has done that in the past; however the sheer numbers necessitated a change to an administrative approval process.

One method of dealing with the impacts of growth is to amend the Zoning Ordinance to require a Special Use Permit (or similar process) for all subdivisions that are either over a certain size or which will create a major impact on the surrounding area. This would allow the governing body to weigh the impacts on local infrastructure and resources such as schools, roads, water, and other related factors before deciding upon a development.

Iredell County
Department of Planning and Development
Subdivision Ordinance Rewrite
Information Sheet

Subdivision Ordinance Rewrite

The Department of Planning and Development has been working with Benchmark CMR, Inc. for several months on the rewrite of the Subdivision Ordinance. The intent of the rewrite is to bring a document that has been virtually unchanged since 1989 up to date with strategic amendments.

Many of the changes found in the proposed ordinance deal with recommendations that were the result of the South Iredell Growth Study that took place from 2006 to 2007. The Iredell County Planning Board held multiple meetings to gather citizen input prior to making several significant recommendations concerning growth and growth management. The majority of these recommendations were later endorsed by the County Commissioners at their 2007 Winter Planning Retreat.

Growth Study Recommendations

The primary recommendations that have been incorporated into this rewrite are as follows:

1. Interconnectivity requirements;
2. Turning lanes on roads where traffic improvements are needed;
3. Open space requirements;
4. Public water/sewer connection requirements;
5. Fire and emergency service standards and requirements;
6. Time limitations on approved subdivisions; and
7. Traffic impact study requirements for subdivisions over 100 lots.

These recommendations have been included in various forms, to the extent that the staff felt reasonable. They comprise the major changes to the ordinance and will lessen the impact of new development on the surrounding area.

Formatting and Procedure

The staff has attempted to develop a new review process that will spend more time looking at “big picture” issues, while not compromising on the technical side of subdivision design. A new step, the submittal of a Concept Plan, has been incorporated into the overall process. The Concept Plan will help the staff and the Technical Review Committee to take note of significant features and issues that are associated with the site.

Public Input

Since the distribution of the original draft to the Planning Board in February, our department has held two input meetings. Both meetings were directed at individuals and groups that will be using the document or could be affected by its adoption. The first meeting was attended primarily by local surveyors.

Surveyor’s Comments

Comments given by local surveyors were generally technically based and constructive. As users of the ordinance, the attendees were able to give our staff input and guidance on several areas that could be improved, or which may not work at all. Many of these suggestions were incorporated into the updated draft. A synopsis of those comments is as follows:

1. Clarify requirements for submittal of construction plans;
2. Keep the Technical Review Committee involved in preliminary plat review;
3. Better define the Existing Conditions Report, which is part of the Concept Plan submittal;
4. Better incorporate NCDOT into the Traffic Impact Study process;
5. Clarify the emergency access easement requirement;
6. Remove the connection to local sewer systems and also remove the requirement to connect to a municipal water and/or sewer system;
7. Ensure that local water companies can handle fire suppression requirements if connection is required;

8. Develop a “large lot” exclusion for mandatory water connection; and
9. Clarify fire suppression language.

Developer’s/Realtor’s/Interested Parties’ Comments

The second meeting was geared toward groups that would generally be affected by the changes, the development community and interest groups. This meeting was more of a question and answer session, and minimal changes were made to the draft based on comments. Some of the major comments and/or questions were:

1. How long would “grandfathered” or “vested” projects have until they had to comply with the new standards?;
2. Clarify fire suppression language;
3. Add provisions for open space dedication;
4. Require buried utilities; and
5. Several minor grammatical and non-substantive suggestions were made to clarify the document.

Consensus was not met among the group. As opposed to the first meeting, there were varied interests at the meeting which at times were contrasting.

Schedule

The tentative schedule for review and adoption of the ordinance is as follows:

1. Second reading of the Planning Board – April 2, 2008
2. First submittal to the Board of Commissioners – May 6, 2008
3. Second reading of the Board of Commissioners – May 20 or June 3, 2008

Erin Burris (Benchmark) reviewed the ordinance in detail and the Board had lengthy discussion. The following are the general recommendations:

- make tables and wording consistent throughout when referencing the same requirements
- When using an acronym for the first time, put the complete word in parenthesis after the acronym

ARTICLE I

- Section 1.2 (3rd bullet) - “**Maintain** Coordination of roads and highways within proposed subdivisions with existing or planned roads and highways and with other public facilities.”
- Section 1.4.3 – “Proposed subdivisions must comply in all respects with any other officially adopted **County** plans.”

ARTICLE II

- Section 2.19(a) – “The planning Director shall **designate** ~~appoint~~ the Subdivision Administrator **from the Planning and Zoning staff.**”
- Section 2.7.1(a) – “.....No variance shall be granted unless the Board of Adjustment finds **all of the following to be true:**”
- Section 2.7.1(a) – add “; **and**” at the end of each findings of fact numbers 1-3.

ARTICLE III

- Section 3.6, Step 3, (C) – Revise the section to say the Subdivision has two 31 day periods to review; then the applicant may appeal to Board of Adjustment.
- Section 3.7.1 (table) – add bubbles to the side, like in the power point presentation, showing who is involved in each step.
- Section 3.7 Step 1 – Move the word Optional to the front of the heading – “**Optional** Pre-application Meeting with Sketch Plan (~~optional~~)”

- Section 3.7 Step 1, (B) – “**The benefits of a pre-application meeting shall be that** the Subdivision Administrator shall review.....”
- Section 3.7, Step 3, (E) – Change 10 days to 14 days – “All recommendations shall be forwarded to the Administrator within ~~10~~ **14** days of receipt.”
- Section 3.7, Step 5 (E) – “.....Shall constitute grounds for the Subdivider to apply to the ~~Planning Board~~ **Board of Adjustment** for approval”

ARTICLE IV

- Section 4.2.2, 4.3.2, 4.4.3 (Plan Labelings) – Make requirement wording consistent with one another.
 - Section 4.2.2 (A) – **Proposed** name of the proposed development
 - Section 4.2.2 (B), 4.3.2 (D), and 4.4.3 (A), Title Block Information (f)– **Justified** North Arrow
 - 4.3.1, 4.4.1, 4.4.2, 4.4.2 – “full-size copies **at least 18X24**”
 - 4.3.2 (T) “Type of utilities to be provided **and the name of the service provider**”, also add to 4.4.3 (A)
 - 4.3.2 (V) - Change Section reference to 5.4.2, and change wording “ showing existing conditions including topography (**5ft minimum**)”, and “ any **known** trees over 36 inches in diameter or **significant trees**” – also make wording more consistent with Section 5.4.2.
- Section 4.3.1, 4.4.1 (3), 4.4.2– “Digital Copy in DXF or DWG format (~~2000 or older version~~), **to comply with Mapping Department Standards**”
- SECTION 4.4.3 (A) – possibly add column for Concept Plan and Sketch Plan requirements and remove 4.4.2 and 4.3.2, Plan Labelings, and make all requirement wording consistent with one another.
- Section 4.4.3 (A), Title Block Information (d) – “PIN Number(**s**)”
- Section 4.4.3 (A), Plat Preparation Information (d) – remove “Mortgagees”
- Section 4.4.3 (A), Property & Site Calculation Information (o) – “Sufficient **engineering survey** data to determine readily and reproduce....”
- Section 4.4.3 (B) – add owners certificate
- Section 4.4.3 (C), 6 (b) – “...including, but **not** limited to pesticide....”
- Section 4.4.3 (C), 7 – change “The maintenance of all streets and roads in this subdivision shall the the responsibility of (Owner(**s**)/Developer(**s**)).....” in both the private and public road declaration statement.

ARTICLE V

- Section 5.4.2 – Make consistent with 4.3.2 (v) as mentioned above.
- Section 5.5.2 (d) – “All panhandle lots or flag lots shall have a minimum road frontage width of 25 feet and **the panhandle a** maximum depth of 250 feet...”
- Section 5.11 (D) – “Private roads shall meet **or exceed** all right-of-way and constructions standards of NCDOT.....”
- Section 5.12.1 – remove references of sanitary sewer
- Section 5.12.2 (D), 4 – “....a surface drainage system shall be designed to protect the proposed development **and adjacent properties** from water damage.”

ARTICLE VI

- Section 6.2 - add LOS

Mr. Smith stated that the staff would make the suggested recommendations and bring the ordinance back to the next meeting (May 7th) and ask for the Board to make a recommendation.

NO ACTION WAS TAKEN BY THE BOARD AT THIS TIME.

MONTHLY COMMITTEE ASSIGNMENTS: Mr. McNeely & Mr. Santoni volunteered to attend the April 16th Subdivision Review Committee meeting at 10:00 a.m. in the Building Standards Center. Dr. Grigg, Mr. McNeely, & Mr. Pruitt volunteered to go on the site visit for next month's request on Tuesday, April 22nd.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 11:25 p.m.

Katrina Hewitt
Administrative Asst. II

Date Read and/or Approved