

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, August 6, 2008 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
Dr. Jackie Grigg, Vice-Chairman
Anita Johnson
Gene Mahaffey
Jeff McNeely
Jerry Santoni
Thomas E. Stephens

STAFF PRESENT

Ron Smith
Alaina Dillard
Rebecca Harper
Matthew Todd

MEMBERS ABSENT

Harold Pruitt
Alan Williams
Harry Tsumus
Kristi Pfeufer

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

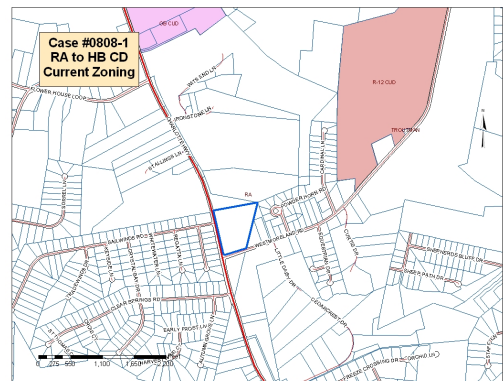
MINUTES: Dr. Grigg made a motion to approve the 7/2/08 meeting minutes. Mr. Stephens seconded said motion and all agreed. **VOTES: 6-0.** (Mr. McNeely was absent for this vote)

REZONING REQUEST; CASE NO. 0808-1: Mr. Todd presented the staff report ~

This is a request to amend the Iredell County Land Use Plan and rezone 11.23 acres at the corner of Charlotte Hwy (US 21) and Westmoreland Road in Mooresville from RA, Residential Agricultural Zoning District to HB CD, Highway Business Conditional District. The proposed use for the properties is a 150,927 square foot mini-storage facility. A conceptual site plan and elevation drawing has been provided and is respectively labeled Exhibit A and Exhibit B.

OWNER/APPLICANT

OWNER/APPLICANT: Pruitt Development Corporation
124 Kirkwall Place
Mooresville, NC 28117



PROPERTY INFORMATION

LOCATION: Corner of Charlotte Hwy (US 21) and Westmoreland Road in Mooresville; more specifically identified as part of PIN # 4659274254.

DIRECTIONS: I-77 to exit 42 South on Charlotte Hwy (US 21) site on northeast corner of intersection with Westmoreland Road.

SURROUNDING LAND USE: This property is surrounded by residential uses. This property is 1.5 miles south of Exit 42, which is designated for interchange commercial development.

SIZE: The property is 11.23 acres.

EXISTING LAND USE: The property is currently wooded and vacant.

ZONING HISTORY: This property and the surrounding properties have been zoned RA since county wide zoning was established. In March of 2001 a rezoning request was made for this property for Highway Business (HB) for all permitted uses in the HB district. At that time the County Attorney rendered an opinion that this request constitutes spot zoning. On March 7, 2001 the Planning Board voted to recommend denial of the request by an 11-0 vote. On March 12 the application was withdrawn before going to the Commissioners meeting. In April of 2001 a rezoning request was made for Neighborhood Business Conditional Use District (NB-CUD). The conditions included:

- ◆ Not allowing car wash and woodworking shops
- ◆ 30' and 40' foot buffers
- ◆ Landscaping standards of the Iredell County Zoning Ordinance to apply to both Westmoreland and US 21
- ◆ No direct access to US 21 shall be permitted that does not align with the entrance to Windward Point.

On April 4, 2001 the Planning Board voted to recommend denial of the request by a 7-2 vote. At the May 1, 2001 Board of Commissioners meeting the applicant withdrew the request. Minutes from both of these meetings are attached.

OTHER JURISDICTIONAL INFORMATION: There is no other jurisdictional information for this site.

OTHER SITE CHARACTERISTICS: This property is not located in a water supply watershed. The property has 834.01 feet of frontage on Charlotte Highway (US 21) and 429.41 feet of frontage on Westmoreland Road.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: In 2006, the average number of vehicles per day on Charlotte Highway (US 21) just south of Westmoreland was 13,000 and on Westmoreland Road was 620. The capacity for Charlotte Highway (US 21) is 13,800. The Comprehensive Transportation Plan calls for this part of Charlotte Highway (US 21) to be increased from a 70' right-of-way to a 90' right-of-way. The applicant has proposed to dedicate the additional 20'.

Mini-warehouse developments are expected to produce 2.5 trips per 1000 square feet during the weekday. A further breakdown shows the following:

- ◆ AM Peak: 0.15 trips/1000 square feet
- ◆ PM Peak: 0.26 trips/1000 square feet

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

FIRE MARSHAL: This proposal has been reviewed by the Iredell County Fire Marshal and he had no problems or comments with regards to the request.

EMS: This proposal has been reviewed by the EMS Director and he had no problems or comments with regards to the request.

REQUIRED REVIEWS BY OTHER AGENCIES

LOCAL: The applicant will have to provide a site plan to the Planning Department for review to develop the property. Zoning requirements such as parking and screening will be reviewed at such time. The Erosion Control division of the Planning and Development Department will review the plan for compliance with the County Soil Erosion & Sedimentation Control Ordinance.

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

FEDERAL: None at this time.

STAFF AND BOARD COMMENTS

STAFF COMMENTS: The Exit 42 area is rapidly developing. Commercial development is extending south and north from the interchange along Charlotte Highway (US 21). This site is approximately 1.5 miles south of exit 42. To the south and north the closest commercially zoned property is about a half mile away. This immediate area is largely residential with the potential for 600 homes off of Westmoreland Road. The County Land Use Plan shows this area staying residential.

This intersection along with many others in this area is shown to stay residential on the current Land Use map. Currently the county is undergoing a new county wide comprehensive land use plan that will have policies, strategies, and principles to help in guiding development for intersections similar to this. It is important that Charlotte Highway (US 21) not be stripped out with commercial zoning. Strip commercial development will only lead to impeding traffic flow along this corridor.

In discussing this case with the County Attorney the following were concerns for spot zoning:

- ◆ Single ownership of property
- ◆ Size of parcel to be rezoned
- ◆ Level and degree of zoning change

Due to all these factors the Planning staff is not supporting the proposed rezoning request.

The applicant's original proposal showed the driveway cuts coming off of Westmoreland and not Charlotte Highway (US 21). Based on concerns from neighbors at the community meeting the applicant moved the driveway cut from Westmoreland Road to Charlotte Highway (US 21) (across from Sailwinds Road) with a right turn lane, turned the direction of the buildings to be perpendicular to Charlotte Highway (US 21), and added a 75' natural buffer along Westmoreland Road.

Planning Staff feels that if any use is to occur on this site that it not have direct access on Charlotte Highway (US 21). Charlotte Highway (US 21) is a major thoroughfare and we need to limit the number of driveway cuts to avoid slowing down traffic at multiple intersections. It is our opinion that a more appropriate site for a driveway cut would be on Westmoreland Road at least 200' back from the intersection with Charlotte Highway (US 21). NCDOT (Patrick Norman) agreed with our preference of limiting access for this site to only Westmoreland Road. It would also be imperative that the applicant install both a right and left turn lane onto Westmoreland Road. This design would help ensure safety at the intersection and maintain traffic flow on Charlotte Highway (US 21).

PUBLIC INPUT MEETING: The Public Input Meeting was held on June 6, 2008 at the Vanderburg United Methodist Church in Mooresville. Approximately 25 people attended the meeting. In general their questions pertained to the impacts on their property with regards to traffic, lighting and property values associated with the proposed commercial use. In order to alleviate some of the concerns the applicant moved the access for the property from Westmoreland Road to Charlotte Highway (US 21), provided a 75 foot natural buffer along Westmoreland Road, and rearranged the buildings so that they are perpendicular to Charlotte Highway (US 21). A full report of this meeting, generated by the applicant is attached.

SITE REVIEW COMMITTEE: Jackie Grigg and Tom Stephens visited this site with the staff on July 22, 2008.

Mrs. Johnson asked if the County Attorney felt that this was spot zoning. Mr. Todd stated the attorney had three concerns: single ownership of the property, the size of the parcel and the level and degree of the zoning change requested. Mr. Todd stated that this request had been submitted in 2001 for HB and the case was withdrawn. The applicant came back the next month and requested NBCUD. The county attorney felt at that time it was spot zoning.

Those Speaking for the Request:

Mr. Pruitt (owner/applicant) stated that he had owned the parcel for 12 yrs. He stated that he did come before the board years ago to request a shopping center, but he did not have specific retail use and there was a lot of opposition. He stated that there has been tremendous growth in the surrounding area. He stated that he understands that the Land Use Plan does not call for commercial use of this property. Mr. Pruitt said that he felt low density housing was not the property highest and best use. He stated that low density housing brought a burden onto the school system and the tax department in Iredell County. Mr. Pruitt said that he is proposing a upscale storage facility that would have very low impact by being a quiet neighbor, provide a excellent buffer between the existing homes and highway, and the use will have a low traffic count. Mr. Pruitt stated that he held a public impact meeting and addressed the concerns of the neighbors such as moving the entrance, make a 75ft buffer on Westmoreland, have decorative fencing on Hwy 21 and make the office look like a home. He also stated that he was willing to donate 20ft to Iredell County for road improvement.

Mr. Stevens asked if the Department of Transportation (DOT) were consulted on the preferred access points. Mr. Pruitt stated that DOT preferred the access on Westmoreland Rd. Mr. Santoni asked if this information was submitted back to DOT. Mr. Pruitt stated No.

Mrs. Johnson asked if there was going to be a buffer on the back side of the property and if so how would that relate to the power lines cutting through it. Mr. Pruitt stated that the buildings stopped before the power lines and from that area to the rear of the property would not be disturbed. Ms. Johnson then asked what kind of buffer would be in place on Westmoreland Rd. Mr. Pruitt stated that there would be a 40ft. natural buffer.

Mrs. Johnson asked if there would be outside storage. Mr. Pruitt stated that he was not sure if there was a need for outside storage. He stated that if there was outside storage that it would be at the Duke Power easement.

Mrs. Johnson asked what the hours of operation would be. Mr. Pruitt Stated that the storage facility would be in operation 24hrs a day, seven days a week. He stated that most of the traffic would be during the day and there would be no electricity inside the units.

Dr. Grigg stated that the drive between the buildings looked narrow. Mr. Pruitt stated that customers would come down between the buildings and then turn to another drive and leave through a second gate.

Mrs. Johnson asked if the storage facility would be used for distribution involving transfer trailers. Mr. Pruitt stated that the main purpose for the facility would be household goods.

Mr. Fields asked if there would be problem eliminating the access to Hwy 21 and providing a left and right turn lane. Mr. Pruitt stated that the facility would not create that much of a traffic impact. He stated that he would put the driveway on Westmoreland if needed and add a turn lane if requested.

Mrs. Johnson asked if limited access hours would be considered. Mr. Pruitt stated that would hurt the business.

Mr. McNeely asked if other warehouses were owned by Mr. Pruitt. Mr. Pruitt stated he owned one located on Brawley School Rd. Mr. Fields asked if there had been any complaints on this one in the past 12 yrs. Mr. Pruitt stated there had been no complaints and no crime at the Brawley School Rd facility. Mr. Pruitt stated that there would be cameras and everyone has a gate code to come in and out.

Jim Mairs, Westmoreland Road resident, stated that getting out on to Hwy 21 is dangerous. He stated that the proposed Mini Storage is the best use for the property.

Those speaking against the request:

Janet McClure, Westmoreland Road. resident, stated that she has lived in the area for 28 years. She stated that this area was residential and should stay this way. She stated that a commercial business would bring the quality of life and value of property down. She stated that the undeveloped commercial zonings need to be built up before rezoning residential.

Sara Nestler, Cardinal Lane resident, stated that she has lived in the area for 10 years. She stated that she had signed petitions for opposition from neighbors of the property. She also stated that there is enough problems getting in and out on Hwy 21, and this would cause more traffic problems. She stated that this is a business located in a residential neighborhood and it would be spot zoning.

Wade Overcash, Westmoreland Road resident, stated he had lived there for 23 years. He stated that he is opposed to the rezoning, the property should stay residential, and it is spot zoning.

Bill Wilkie, Westmoreland Road resident, stated that he has lived in the area for 28 years. He stated that he is opposed to the rezoning because it is spot zoning, and that would bring more unwanted commercial to the area. He stated the property should stay residential.

Dr. Grigg recommended denial because it is spot zoning, and inconsistent with the Iredell County land Use Plan. The said motion was seconded by Mr. Stephens. Votes 7-0

REZONING REQUEST; CASE NO. 0808-1: Ms. Harper stated that this request is from Tasha Hayden who currently operates a family day care home in Iredell County to amend the zoning ordinance concerning Family Day Care Homes. Ms. Harper stated that the staff worked with Ms. Hayden and Jennifer Griffith with the Iredell County Partnership for Children in order to draft this proposed amendment.

Our current regulations allow six or fewer children in a family day care home (in-home daycare). This is considered to be an accessory use to the principal structure and requires a \$50 zoning permit and parking spaces at a rate of one per teacher or staff, plus one for drop off and pick up.

If an operator of a Family Day Care Home would like to care for more than five, but less than eight children, they have to go through the process of getting a Special Use Permit for a daycare center. This includes having a scaled site plan drawn, a fee of \$500, required play area at seventy-five square feet per child, and additional parking requirements including stacking spaces, such as those at a bank or drive-thru restaurant.

The NC State Statutes regulate the licensing of Family Child Care Homes (in-home daycare) in Chapter 110, Sections 86(3) & 91(7b). They allow five or fewer preschool age children (including those that live in the home) and an additional three school age children. School age children that live in the home are not counted. They do not issue licenses to those who care for either one or two children. This regulation was adopted by the General Assembly in 1991.

The staff looked at other zoning codes to evaluate how other local jurisdictions regulated Family Day Care Homes. The Town of Mooresville, the City of Statesville, Cabarrus County and Catawba County, all have regulations that mirror the State regulations.

The Iredell County Zoning Ordinance does not currently address the ratio of school age versus preschool age children associated with a family day care home, nor the provider's own children. This amendment would clarify that issue. Requiring the provider to go through the Special Use Permit process to add two more children would be a hardship on the provider due to the costs associated with the Special Use Permit process. Although the State does regulate this use, it makes it easier on the applicants if this regulation mirrors the State's guidelines. Other local communities have been approached to modify their guidelines to match the State and they have already done so.

ARTICLE IX. SPECIAL REQUIREMENT NOTES TO THE TABLE OF PERMITTED AND SPECIAL USES

SR 8. Family Care Home and Family Day Care Home

A family care home with six (6) or fewer persons or a family day care home with ~~five (5)~~ **eight (8)** or fewer persons may be operated as an accessory use to a principal dwelling.

ARTICLE XIX. DEFINITIONS

Family day care home. A building used as a residence for a family which is also used to provide day care services on a temporary basis without transfer of custody for five (5) or fewer **preschool age children and an additional three (3) school age** children, for a fee. **This includes preschoolers living in the home but the provider's own school age children are not counted.** (See SR 8)

ARTICLE X. OFF-STREET PARKING AND LOADING

Section 10.0 Off-Street Parking Requirements

C. Minimum Off-Street Parking Requirements

The following off-street Parking Space shall be required:

Classification

Child care and kindergarten,
~~less than 6~~ **eight (8) or fewer** children

Off Street Parking Requirement

1 space per teacher or staff, plus
space for 1 car drop off and pickup

The Board expressed concerns such as limiting the number of school age children, size of the facility, and the number of parking spaces available for parents. The Board requested a licensed consultant to answer questions about NC state regulations.

OTHER BUSINESS; DISCUSSION OF BILLBOARDS ON MAJOR THOROUGHFARES:

Mr. Smith stated that there were some requests for digital billboards In Iredell County. He stated that the request that had come in was denied due to the current ordinance standards. Mr. Smith stated that he would like to form a committee to discuss and regulate these types of signs. He stated that he would like the committee to consist of a few planning board members, planning staff, and a consultant for information only.

Mr. Santoni and Mrs. Pfeufer stated they would be a part of the committee. The board requested that the consultant be for information only. The Board requested that staff come back before the board with a recommendation after research was completed.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 9:45 p.m.

Alaina Dillard, CZO
Planning Support Specialist

Date Read and/or Approved