

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, December 7, 2005 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
Jeff McNeely
Kristi Pfeufer
Harold Pruitt, *Newly Appointed Member*
Franklin Rash
Jerry Santoni
Thomas E. Stephens
Alan Williams

STAFF PRESENT

Katrina Hewitt
Richard McHargue
Steve Warren

MEMBERS ABSENT

Anita Johnson
Harry Tsumas, Jr.

At this time, Chairman Fields called the meeting to order and welcomed Mr. Harold Pruitt, newly appointed board member.

RESOLUTION: Chairman Fields read a Resolution thanking Chris Becker for his service on the Planning Board. Mr. Rash made a motion to adopt the Resolution and Dr. Grigg seconded said motion. All agreed.

MINUTES: Dr. Grigg made a motion to approve the 11/2/05 meeting minutes. Mr. Williams seconded said motion and all agreed. **VOTES: 8-0.** (NOTE: Mr. McNeely was not present at this time.)

REZONING REQUEST; THOMAS E. BARNETTE PROPERTY, CASE NO. 0512-1: Mr. McHargue presented the staff report:

<u>OWNER:</u>	Thomas E. Barnette 1576 Brawley School Rd. Mooresville, NC 28117	<u>APPLICANT:</u>	Jerry Barnette P.O. Box 5123 Mooresville, NC 28117
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LOCATION: 1576 Brawley School Road in Mooresville, NC; more specifically identified as PIN # 4626-71-4565.
Directions: South from Mooresville on Brawley School Road, property on right at corner of Chuckwood Road and Brawley School Road.

REQUESTED ACTION AND CONDITIONS: Rezone the subject parcel from RA, Residential Agricultural to RO-CUD, Residential Office Conditional-Use District with the following condition:

- employ screening device per Article XII, Section 1 of the Zoning Ordinance on the west side of subject property along the common boundary with PIN# 4626-71-2123.

PROPOSED USE: Office and/or service uses.

SIZE: 1 acre.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE: Residential with new Lake Norman Fire Department and RO uses to the north of the subject parcel.

WATERSHED REGULATIONS: The subject parcel is located within the WS-IV-CA watershed.

TRAFFIC: This section of Brawley School Road had a traffic count of 5,800 vehicles per day in 2004; the 1993 Thoroughfare Plan states that this section also has a carrying capacity of 9,000 vehicles per day.

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

STAFF COMMENTS: This property is located at the intersection of two major roads that provide access to areas that have been heavily developed into residential communities. The property is also bordered on the west by a private LCID (Land Clearing & Inert Debris) landfill. Staff review indicates that the property is therefore situated at a location more conducive to a Residential-Office use rather than purely residential; such a rezoning would not require an amendment to the land-use plan. In an effort to facilitate improved buffering in this residential area, the applicant is proposing to require screening on the west side of the subject parcel pursuant to Article XII of the Zoning Ordinance (note that this is not a standard requirement of the RO district because it is primarily a residential classification). Due to the unique location of this parcel and its proximity to the main travelway, as well as the proposed screening which would enhance the visual impacts between Brawley School Road and the adjacent landfill, staff recommends in favor of the request.

Mr. McHargue presented the Board with letters of opposition from: William Barger, The Point Owners Association, and The Farms Property Owners Association (*see letters in file*).

Mr. Santoni stated that he went on the site visit and this property is surrounded by vacant land that isn't proposed to be developed in The Point and there is also a landfill adjacent to the site. Mr. Santoni stated that this property is not conducive for a residence.

Mr. Jerry Barnette stated that no one would want to live there due to the traffic and development. Mr. Barnette stated that the RO zoning classification would be in keeping with the surrounding area. Mr. Barnette submitted the board with photographs of the property and the surrounding area.

Mr. Stephens asked the staff about the question of spot zoning in the opposition letters and Mr. McHargue stated that the Residential Office district is not classified as commercial use. There was no one else present to speak.

After further discussion, Dr. Grigg made a motion to recommend approval. Mr. Santoni seconded said motion and all agreed. **VOTES: 8-0.** (*NOTE: Mr. McNeely was not present to vote on this request.*)

PROPOSED COMPREHENSIVE TRANSPORTATION PLAN FOR IREDELL COUNTY: Mr. Warren stated that earlier this year, Ms. Linda Dosse, Transportation Engineer with NCDOT, made a presentation to the Board regarding the new Comprehensive Transportation Plan (CTP) for Iredell County. Ms. Dosse will next be presenting more detailed information and asking the Board to make a recommendation to the Board of County Commissioners for adoption.

Mr. Warren stated that he has worked with Ms. Dosse from the beginning of the process and have reviewed the materials for the CTP. Although full documentation is not contained within this enclosure, she will explain the additional technical data supplements to the maps and the written recommendation, which are the essence of the CTP. Mr. Warren stated that he was in accordance with NCDOT and Ms. Dosse in recommending to the Board its endorsement of this plan.

Ms. Dosse presented the Comprehensive Transportation Plan (*see attachment*). After further review by the Board, Mr. McNeely made a motion to recommend approval. Ms. Pfeufer seconded said motion and all agreed. VOTES: 9-0.

PROPOSED TEXT AMENDMENTS TO THE IREDELL COUNTY ZONING ORDINANCE: Mr. McHargue stated that the Text Amendment Subcommittee has met several times to confer with the Planning Staff on a variety of revisions to the County's Zoning Ordinance. The materials enclosed have been reviewed in depth and are ready for the Planning Board's review.

This first round of revisions has included the addition and revision of various definitions to the "Definition" section of our Ordinance. Some of these revisions also necessitated some changes regarding the districts in which various uses are allowed, as well as noted amendments to the Special Requirement ("SR") sections for those particular uses; where appropriate, such changes are noted and would be amended on the matrix of permitted uses.

In addition, a new "Article 19: Definitions" has been proposed, with the addition of all the new terms as well as cross-referencing to related SR's. The current ordinance has definitions listed within Section 18 "General Legal Provisions", but we felt that this section deserved its own Article for ease of reference by the general public.

The attached revisions/materials are as follows:

- Restaurant & Bar
- Bona-Fide Farm
- Building Lines
- Farm Buildings
- Farm-Type Enterprises
- Kennels/Animal Shelters/Grooming
- LCID Landfills
- Rural Commercial Recreational Facilities
- Article 19: "Definitions"

Mr. McHargue went over each item separately:

Restaurant & Bar: After discussion, Dr. Grigg made a motion to recommend approval. Mr. Rash seconded said motion and all agreed.

At this time, Chairman Fields stated that the Board was out of order; that the proposed amendments were on the agenda as "discussion only". Dr. Grigg rescinded her motion and Mr. Rash seconded. Therefore the Board continued to review and discuss each item separately:

Bona-fide Farm: discussion about possibly deleting "iv" or change "letter" to "contract"

Building Lines: redraw fourth diagram (rear line)

Farm Buildings: no change

Farm Type Enterprises: no change

Kennel/Animal Shelter/Grooming: There was discussion about the number of pets (private use) and staff felt the Animal Control Ordinance regulated several issues that the zoning department doesn't enforce. Staff stated they would revisit this amendment as well as animal shelters for further study back to the subcommittee.

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

Land Clearing & Inert Debris (LCID) Landfills: no change

Rural Commercial Recreational Facility: add "automobiles"

Definitions: no change

Mr. McHargue stated that in July this year the Planning Board reviewed for the first time some preliminary ideas for regulating the location of non-governmental water storage tanks/towers. During the Text Amendment Subcommittee's recent meetings concerning revisions to various definitions in the County Zoning Ordinance, they have further discussed the water-storage facility issue.

In summary, there is little guidance in terms of regulations from other jurisdictions; however, it is possible that the prevalence of tanks and towers could only become greater as growth pressures continue and subsequent impacts to traditional wells and water tables occur. The subcommittee agreed to add this item at their last meeting on November 9th and the draft you received in your agenda package was the most current version of the proposed language. By consensus of the committee members present, it was determined to invite representatives from the utility and development companies to the table to jointly discuss the ramifications and impact of the proposed regulations prior to their adoption.

Mr. McHargue stated that since the agenda packages were mailed, Mr. Santoni had met with Mr. William Allison with our staff and an updated draft has been brought before you tonight. Mr. McHargue stated that he has had very little time to review this updated draft.

Mr. Santoni stated that he was unable to attend the last subcommittee meeting and he submitted information to Mr. Allison. Mr. Santoni stated that several neighbors had concerns about a proposed water tower and he submitted letters of opposition and a petition from neighbors (*see file*).

Chairman Fields asked to hear from the subcommittee and Dr. Grigg stated that they wanted to get some of the stakeholders together to discuss the proposal at their next meeting. Chairman Fields asked then is it not premature to discuss this proposal that is before the Board tonight. Mr. Santoni stated that the Board asked for this information in July and that Ms. Harper tried to contact these companies and they never responded. Chairman Fields asked if this draft has been given to these companies and Mr. McHargue stated that the staff just received this draft copy before the meeting tonight.

Chairman Fields stated to Mr. Santoni that the subcommittee was charged with evaluating without prejudice and it appears the investigation is incomplete because the subcommittee felt input was needed from these entities and they have not seen this updated draft. Chairman Fields stated that he strongly objects to this coming before the Board tonight without it being thoroughly evaluated. Chairman Fields also told Mr. Santoni if he is personally involved that perhaps he has a conflict and should stand down. Chairman Fields stated he personally felt this draft should go back to the subcommittee.

Mr. Santoni stated that he was prepared to step down when the Board voted and Chairman Fields stated that he should not be speaking on behalf of this request. At this time, Mr. Warren stated that the staff would contact these companies and have them attend the next subcommittee scheduled for the second Wednesday in January for input.

Mr. Santoni stated that his neighbors are here tonight to speak. Chairman Fields stated this isn't the appropriate time to speak but there will be a public meeting at a later time. Chairman Fields stated that he would allow those present to speak if they would keep it brief but this matter is not properly before the Board tonight. Chairman Fields further stated that if this were scheduled as a public meeting they would allow people to be heard and he didn't know how they knew about this meeting tonight but it was not on the agenda for public comment.

Bert Gilman, 371 Sundown Road, stated that the water tank was not proposed for domestic use but for irrigation. Mr. Gilman felt it would have a definite impact on the water supply and wanted this to be considered when decisions are made. Mr. Gilman also commented that #4 & #8 of the draft was not overlapping as previously stated by a board member.

William Wanemaker, 412 Sundown Road, stated that the neighbors signed a petition in opposition. Mr. Wanemaker discussed the history of problems with the run-off already in the subdivision. Mr. Wanemaker asked the Board to take a good look at the draft and make a decision in a timely fashion.

Note: the Board took no action.

MONTHLY COMMITTEE ASSIGNMENTS: Dr. Grigg & Mr. Pruitt volunteered to attend the December 21st Subdivision Review Committee meeting at 10:00am in the Old City Hall.

Mr. McNeely & Mr. Williams volunteered to go on the site visit for next month's requests on Friday, December 16th.

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

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved