

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, January 4, 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
Dr. Jackie Grigg, Vice-Chairman
Anita Johnson
Jeff McNeely
Kristi Pfeufer
Harold Pruitt
Franklin Rash
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.
Alan Williams

STAFF PRESENT

Katrina Hewitt
Richard McHargue
Steve Warren

MEMBERS ABSENT

None

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

MINUTES: Dr. Grigg made a motion to approve the 12/07/05 meeting minutes. Mr. Pruitt seconded said motion and all agreed. VOTES: 11-0.

UPDATE ON A NEW GENERAL STATUTE (REZONINGS: STATEMENT OF CONSISTENCY): Mr. McHargue explained that there has been a change to NCGS 152A-341 that deals with consistency with adopted plans. The new N. C. legislation requires that a statement be adopted at the time of all zoning amendment decisions. This applies to both adoptions and rejections and to both text and map amendments. The statement must address whether the decision is consistent with an adopted comprehensive plan.

Mr. McHargue stated that the staff has written a draft statement of plan-consistency on each staff report but that each statement is case-specific for each individual case. Mr. McHargue asked the Board to make a statement of consistency with each motion.

There was further discussion by the Board in regard to proper procedures when developing these statements of consistency.

REZONING REQUEST; FRANCES SOMERS ESTATE PROPERTY, CASE NO. 0601-1: Mr. McHargue presented the staff report:

OWNER: Frances Somers Estate
(Dwight Somers, Admin.)
1357 Jennings Road, Statesville NC 28625

APPLICANT: Same

LOCATION: 1872 West Memorial Highway in Union Grove, NC; more specifically identified as PIN(s) 4843-92-6587, 4843-92-4706, and 4843-93-3019.

REQUESTED ACTION AND CONDITIONS: Rezone the subject parcels from RA & GB, Residential Agricultural & General Business to M-2, Heavy Manufacturing

PROPOSED USE: Expansion of existing lumber mill operations

SIZE: 11.86 acres total

EXISTING LAND USE: Lumber mill

SURROUNDING LAND USE: Feed Mill, Post Office, Residential, Agricultural

WATERSHED REGULATIONS: The subject parcels are located within the WS-III-Balance watershed

TRAFFIC: According to NCDOT traffic counts during 2004, this stretch of Memorial Highway had an average of 6,000 vehicles per day with a carrying capacity of 9,000.

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

STAFF COMMENTS: This property has been used as a lumber mill for over 40 years. Countywide zoning took effect in 1990 and, as staff has discovered, the former GB zoning allowed for lumberyards at that time. This rezoning would allow the applicant to bring their property into compliance with the modern zoning code and thereby add a desired lumber shed to their present operation. Because the subject parcels were largely included in a GB zoning classification that originally allowed for the lumber mill to operate, the County's intent of having the property suitably zoned was established early on. Staff therefore recommends in favor of the request. *Statement of Land-Use Plan Consistency*: The Future Land-Use Plan indicates the suitability of general commercial uses along the Hwy 901 corridor while taking into consideration all existing land-uses (i.e. the lumber mill) at the time the Plan was adopted. It should be noted that the Plan shows commercial areas holding tightly to the Hwy 901 corridor. Hence, if the present rezoning should occur, this should not be viewed necessarily as a preference for the addition or expansion of commercial designations on the Land-Use Plan. Therefore, adjustment to the Land-Use Plan is not recommended at this time.

Mr. McHargue presented the Board with letters of opposition from James R. Speece, Pastor of Community Baptist Church and William R. & Robin M. White (*see file*).

Dwight Somers, Administrator of the Estate, stated that the business has been there a long time and he didn't realize the zoning was not consistent for lumber mills until he applied for a lumber shed to store lumber. Mr. Rash asked if they proposed major changes in their operation and Mr. Somers stated that there would be no more manufacturing; just storage. There was no one present to speak.

After further discussion, Mr. Williams stated that the property should have had the proper zoning classification for lumberyards when the county zoned in 1990. Mr. Williams made a motion to recommend approval of the rezoning to M-2, Heavy Manufacturing based on the Statement of Land-Use Plan Consistency: *The future Land-Use Plan indicates the suitability of general commercial uses along the Hwy. 901 corridor while taking into consideration all existing land-uses (i.e. the lumber mill) at the time the Plan was adopted. It should be noted that the Plan shows commercial areas holding tightly to the Hwy. 901 corridor. Hence, if the present rezoning should occur, this should not be viewed necessarily as a preference for the addition or expansion of commercial designations on the Land-Use Plan. Therefore, adjustment to the Land-Use Plan is not recommended at this time.* Mr. McNeely seconded said motion and all agreed.

VOTES: 11-0.

REZONING REQUEST; OVERCASH ELECTRIC, INC. PROPERTY, CASE NO. 0601-2: Mr. McHargue presented the staff report:

OWNER: Overcash Electric, Inc. **APPLICANT:** Same
2106 Charlotte Hwy.
 Mooresville NC 28117

LOCATION: 2106 Charlotte Highway in Mooresville, NC; more specifically identified as a portion of PIN# 4658-55-6460.

REQUESTED ACTION AND CONDITIONS: Rezone a portion of subject parcel from RA & NB, Residential Agricultural & Neighborhood Business to GB(CUD), General Business Conditional Use District. The following conditions serve to limit the potential proliferation of highly-intense commercial and industrial uses normally permitted within the GB district classification (these noted categories are specified in detail within the Iredell County Zoning Ordinance's Table of Permitted Uses):

- Prohibit the following "Business, Professional, & Personal Service" and "Retail Trade" uses; fuel oil sales; farm machinery sales & service; furniture repair & upholstery; mobile home sales & service; motorcycle sales; pawn shops; recreational vehicle sales & service; tire dealers & services; and truck stops.
- Prohibit all "Wholesale Trade" uses with the exception of electrical goods.
- Prohibit all "Manufacturing & Industrial" uses.
- Prohibit Adult Oriented Businesses.

PROPOSED USE: Expansion of existing electrical contracting business.

SIZE: 10.81 acres to be rezoned (parcel totals 29.3 acres).

EXISTING LAND USE: Electrical Contractor

SURROUNDING LAND USE: Residential and Commercial

WATERSHED REGULATIONS: The subject parcel is located within the WS-IV-Protected Area

TRAFFIC: According to NCDOT traffic counts during 2004, this stretch of Charlotte Highway had an average of 10,000 vehicles per day with a carrying capacity of 10,500.

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

STAFF COMMENTS: This property has been used by Overcash Electric since 1972. This rezoning would allow the applicant to bring their property into compliance with the modern zoning code, supplemented by certain conditions to limit particular GB uses deemed incompatible with the surrounding area; the surrounding area has witnessed a predominant pattern of NB zoning with some HB as well. Additionally, the applicant is only requesting to rezone the front portion of the parcel containing the business (approximately one-third of the entire parcel). Staff therefore recommends in favor of the request. *Statement of Land-Use Plan Consistency:* The Future Land-Use Plan indicates the suitability of general commercial areas along Charlotte Highway in this vicinity, with nodes clearly established near the Hwy 115/21 junction and Cornelius Road areas. Hence, the request is deemed compatible with the spirit and intent of the Plan.

At this time, the Board had further questions and concerns about having to comply with this new general statute requiring a "statement of land use plan consistency". Mr. McHargue stated that the County has officially adopted the Iredell County Land Use Plan and there are also some Small Area Plans and that these are the plans that we have to refer to. Mr. McHargue stated that each staff report will be based on the specific land use plan and, therefore, will be different case-by-case.

Mitch Meadows, Overcash Electric, stated that the business has been there since 1971 and they just needed additional office/storage space to better organize the business. There was no one else present to speak.

Dr. Grigg stated knowing the area and since the business has been there a long time that she felt that the property wasn't properly zoned. Dr. Grigg made a motion to recommend approval based on the Statement of Land-Use Plan Consistency: *The Future Land-Use Plan indicates the suitability of general commercial areas along Charlotte Highway in this vicinity, with nodes clearly established near the Hwy 115/21 junction and Cornelius Road areas. Hence, the request is deemed compatible with the spirit and intent of the Plan.* Mr. Williams' seconded said motion and all agreed.

VOTES: 11-0.

REZONING REQUEST; THOMAS & SANDRA McCURDY PROPERTY, CASE NO. 0601-3:

Mr. McHargue presented the staff report:

OWNER: Thomas & Sandra McCurdy
460 Normandy Road
Mooresville NC 28117

APPLICANT: Joe Keiper
111 Bevington Way
Mooresville NC 28117

LOCATION: 111 Alexander Acres Road in Mooresville, NC; more specifically identified as PIN# 4677-47-6277.

REQUESTED ACTION AND CONDITIONS: Rezone the subject parcel from RA & NB, Residential Agricultural & Neighborhood Business to HB, Highway Business

PROPOSED USE: Any and all HB uses; applicant states preference for mini-storage facilities.

SIZE: 4.67 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Vacant and Agricultural.

WATERSHED REGULATIONS: The subject parcel is located within the WS-II-Balance (Coddle Creek) watershed.

TRAFFIC: According to NCDOT traffic counts during 2004, this stretch of Highway 150 had an average of 11,000 vehicles per day with a carrying capacity of 10,500.

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

STAFF COMMENTS: Applicant is seeking to rezone this property with the intent of constructing self-storage facilities.

The property is located at the corner of Alexander Acres Road and Hwy 150. This proposed rezoning is consistent with other zoning classifications in this vicinity, and staff recommends in favor of the request. *Statement of Land-Use Plan Consistency: The request for Highway Business zoning complies with the intent of the general Commercial areas included on the County's Land-Use Plan; therefore, this request is deemed a reasonable zoning classification for this property.*

Sandy McCurdy stated that the proposed buyer (Joe Keiper) was supposed to be here tonight to speak. Ms. McCurdy stated that all she knew was that Mr. Keiper was proposing to put mini-warehouses on the property. Tom McCurdy stated that there were commercial uses surrounding this property.

Doug Carrigan, adjoining property owner, stated that his family farm has been in the area for a long time and that they were not necessarily opposed to a business use but would like to see a conditional use zoning placed on the property. Mr. Carrigan stated that he also had concerns about lighting. Kelly Carrigan stated since they owned four residential parcels across from this property that she would like to see landscaping that compliments and partially shields this property.

The Board had questions for the applicant but he wasn't present. Chairman Fields stated that the Board had two options, either to vote on what the applicant submitted or table the request. Mr. McNeely stated that in his opinion this request is doable if the applicant could address the Board's concerns.

After further discussion, Ms. Johnson stated based on the lack of information submitted by the applicant and not being able to change the request to a conditional use zoning without the applicant's permission that she recommends the request be denied. Dr. Grigg seconded said motion; and

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

The motion passed by a vote of 10-1 to recommend the request be denied.

PROPOSED AMENDMENT TO THE IREDELL COUNTY ZONING ORDINANCE; SR50, WIRELESS TELECOMMUNICATION TOWERS – SUBMITTED BY RON SMITH (For Discussion Only): Ron Smith presented a proposal to amend the Iredell County Zoning Ordinance, specifically SR 50, Wireless Telecommunication Towers:

The proposed changes are relatively simple in their scope. The first, and most significant, is in SR 50, B. This section deals with the required setbacks for all wireless telecommunication towers. The current requirement is for a setback of one foot per one foot in vertical height of the tower, plus twenty-five feet. I would propose that you consider changing this to a one to one ratio with an allowance for a decreased setback upon certification by an engineer that the fall area would be less than the typical setback. In this situation, an engineer's certification makes the required setback less arbitrary. It also puts more of a burden on the provider, which is taking more responsibility in the location of the tower. Because the required five hundred foot setback between any tower and a pre-existing home is not proposed to be changed, the potential conflict with adjacent property owners concerning falling ice and debris, as well as the scale of the tower, is thereby untouched.

The second change is directly related to the first. In the event that a tower is permitted with a decreased setback, this proposed change would allow for the accessory building(s) associated with the tower to be located closer to the property lines as well.

SR 50. Wireless Telecommunication Towers and Facilities

- A. A site plan shall be submitted containing the name of the tower owner, property owner, scale, north arrow, and latitude/longitude coordinates. Existing site conditions, including contours, any unique natural or man-made features such as vegetation and ground cover. Exact boundary lines of the property containing the proposed tower construction, fall radius and any associated guide wires. Description of adjacent land use and all property owners(s) and their addresses. A front and side elevation profile, drawn to scale, of all existing and proposed towers and their antennas to be located on the property.

Page 6 of 7, 1/4/2006 PB Meeting Minutes

- B. **Towers shall be sited to contain all ice-fall or debris from tower failure onsite. The minimum distance from the**

tower's base to the property line shall be one foot to each vertical foot of the tower's height. However, a lesser setback shall be permitted upon certification by a NC Registered Professional Engineer which ensures that the fall area of the tower and any appurtenances will be within the setback area proposed. Towers shall have a setback of one foot for each one foot in height of tower, plus twenty-five (25) feet from all property lines and rights-of-way, as measured from ground level.

- C. Towers shall not be located within a one-half (1/2) mile radius of any other wireless telecommunication tower, unless concealed in a church steeple, farm silo, or other architecturally designed encasement. Furthermore, towers located beyond a one-half (1/2) mile radius and not exceeding three (3) mile radius from any other wireless telecommunication tower shall not be permitted, unless the applicant can prove that collocation is not a viable option and no stealth location is possible.
- D. Towers shall be no closer than five hundred (500) feet from any existing residential dwelling, excluding any dwellings located on the same parcel of land as the tower.
- E. Towers with a height of two hundred and fifty (250) feet or greater shall be subject to Board of Adjustment approval as a Special Use Permit.
- F. Towers shall not exceed three hundred and fifty (350) feet in height as measured from ground level.
- G. Towers with a height greater than one hundred-fifty (150) feet shall be constructed to permit the capability for the co-location of additional provider antennas as follows:
 - 151 feet to 200 feet - two additional antennas
 - 201 feet to 250 feet - three additional antennas
 - 251 feet to 300 feet - four additional antennas
 - 301 feet to 350 feet - five additional antennas
- H. The applicant shall be required to provide written documentation showing that no proposed tower lies within a thirty (30) foot to one (1) foot run to rise ratio from the nearest point of the nearest runway of a private airstrip or airport registered with the Federal Aviation Administration (FAA).
- I. No business signs, billboards, or other advertising shall be installed on a tower, nor shall any tower be painted or have a color considered obnoxious or offensive.
- J. No offices or outdoor storage of equipment or materials are permitted on tower sites located in a residential district.
- K. Accessory or component buildings shall be setback fifty (50) feet from all property lines and rights-of-way. **However, if the required setback of the primary tower is less than fifty (50) feet the required setback for accessory structures shall be the same as that of the tower.**
- L. All structures shall be enclosed by a chain link fence at least eight (8) feet in height and screened subject to Section 12.1.
- M. The applicant shall be required to provide written documentation stating that the tower is in compliance with all applicable Federal and State regulations.
- N. Notice shall be provided to the planning department when any telecommunication tower is placed out of service. Towers not used for a period of six (6) months or more shall be removed by the owner within one hundred and twenty (120) days of receipt of notification to that effect. The applicant shall also provide the County with written documentation substantiating that the applicant has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation.
- O. Additional provider antennas and equipment shelters associated with an approved telecommunication tower site are permitted, provided said changes do not increase the setback requirement beyond the allowable limit according to tower height.

- P. Tower lighting shall not exceed the minimum for red obstruction lighting as administered by the Federal Aviation Administration (FAA).

- Q. All permits for the construction of a wireless telecommunication tower are issued in reliance upon a presumption that the tower will in fact conform to the plans which are submitted as the basis for the permit. Once constructed, the tower must continue to be maintained in compliance with the provisions of this ordinance.
- R. The applicant shall be required to notify all property owners within a one-half (1/2) mile radius of a proposed tower with a height greater than two hundred-fifty (250) feet. The notice shall be by certified mail and shall include tower height and design type and date, time and location of the proposed meeting.
- S. The applicant shall be required to provide written documentation stating that it is not viable to co-locate on existing facilities within the coverage area. Facilities includes other towers, elevated tanks, electrical transmission lines, or other structures.
- T. The applicant shall provide the County with proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction or collapse of the tower, antenna, or accessory equipment. Such proof shall be supplied to the County by the applicant at the time of application.
- U. The applicant shall provide to the planning department an inventory of its existing antennas and towers that are either within the jurisdiction of the County or within three (3) miles of the border thereof, including specific information about the location, height, and design type of each tower and antenna. The applicant shall also provide an inventory of potential future tower sites within the jurisdiction of the County. The planning department may share such information with other applicants; however, that by sharing this information, it is not in any way representing or warranting that such sites are available or suitable.

Bonnie Newell, Berkley Group, was also present to address questions by the Board.

This request was on the agenda as “discussion only” therefore the Board took no action at this time.

MONTHLY COMMITTEE ASSIGNMENTS: Ms. Pfeufer & Mr. Pruitt volunteered to attend the January 18th Subdivision Review Committee meeting at 10:00am in the Old City Hall.

Dr. Grigg & Mr. McNeely volunteered to go on the site visit for next month’s requests on Tuesday, January 17th. Mr. Williams’ will serve as alternate.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 9:20 p.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved