

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **January 3, 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
Dr. Jackie Grigg, Vice-Chairman
Anita Johnson
Jeff McNeely
Kristi Pfeufer
Harold Pruitt
Franklin Rash
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.

STAFF PRESENT

Katrina Hewitt
Steve Warren
Ricky Hurley
Elinor Hiltz

MEMBERS ABSENT

Alan Williams

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

MINUTES: Mr. Pruitt made a motion to approve the 12/6/06 meeting minutes. Dr. Grigg seconded said motion and all agreed. **VOTES: 9-0.** *Note: Mr. McNeely was not present at this time.*

REZONING REQUEST; PAGE GFI INVESTMENT GROUP LLC PROPERTY, CASE NO. 0701-1: Mr. Hurley presented the staff report:

OWNER /APPLICANT: GFI Investment Group, LLC
PO Box 1112
Cornelius, NC 28031

LOCATION: Southern quadrant of Buffalo Shoals Road and Old Mountain Road in Statesville, NC; more specifically identified as PIN#'s 4722-37-4634. **Directions:** West on Old Mountain Road from Troutman; property on left just before Buffalo Road intersection.

- **REQUESTED ACTION:** Rezone subject parcel from RA, Residential Agricultural to GB, General Business.

PROPOSED USE: Any and all GB uses.

SIZE: 1.0 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Commercial uses are north of site and directly across Old Mountain Road, with residential uses to south and east.

WATERSHED REGULATIONS: The subject parcel is located within the WSIV Protected Area.

TRAFFIC: A section of Old Mountain Road just south of the Buffalo Shoals Road had an average of 7,100 vehicles per day in 2005; according to the 1993 Iredell County Thoroughfare Plan, this section of Old Mountain Road has a carrying capacity of 12,000 vehicles per day.

ZONING HISTORY: The subject parcel has been zoned RA when countywide zoning took effect in 1990. Seven rezoning cases have occurred at the intersection of Old Mountain Road and Buffalo Shoals Road since December of 1996 and were approved for either General Business or Highway Business zoning. The most recent rezoning was approved in March of 2001 for HB-CUD to allow for mini-warehouses.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for future commercial development. The applicant has chosen the GB District classification, which allows for a greater range of commercial uses and is similar to other nearby commercial properties. Several parcels located at the intersection of Buffalo Shoals Road and Old Mountain Road are zoned commercial and staff recommends in favor of this request. Staff would like to bring attention to the required buffer widths for this parcel if this request is approved. A 30 foot buffer is required along all property lines abutting a residential zoning district, which will only allow for a 40 foot wide buildable area.

Mr. Pruitt questioned why the staff would be in favor when the parcel is only going to be 40' wide and not suitable to build on. Mr. Hurley stated that the developer doesn't have immediate plans to build.

Anthony Colletti, applicant, stated that he owns property across the street from this parcel that is currently zoned commercial and he proposed in the future to put an office for his investment firm. Mr. Colletti stated that he was aware of the 40' lot area but he just wanted to get this property zoned for possible future use.

There were no adjoining property owners present to speak in regard to this request.

After further discussion, Mr. Tsumas made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the Iredell County Land Use Plan. Mr. Santoni seconded said motion and all agreed. **VOTES: 10-0.**

REZONING REQUEST; SOUTH IREDELL COMMUNITY DEVELOPMENT CORPORATION PROPERTY, CASE NO. 0701-2: Mr. Hurley presented the staff report:

OWNER /APPLICANT: South Iredell Community Development Corporation
PO Box 628
Mooresville, NC 28115

LOCATION: Located between Mazepa Road and Mt Ulla Highway northeast of Mooresville, NC; more specifically identified as PIN#'s 4668-99-9013 and 4668-98-5395. Directions: Take Mt Ulla Highway north from Mooresville; turn left onto Wallaces Grant Drive until reaching end.

- REQUESTED ACTION: Rezone subject parcels from RA, Residential Agricultural to M-2 CUD, Heavy Manufacturing Conditional Use District

PROPOSED USE: M-2 with prohibited uses, buffer, and access restriction (conditions as attached).

SIZE: 16.4 acres.

EXISTING LAND USE: Residential and vacant.

SURROUNDING LAND USE: Industrial uses are north of site and with residential uses to south and east. Vacant industrial land sits adjacent to the west.

WATERSHED REGULATIONS: The subject parcels are located within the WS II-Balance of watershed.

TRAFFIC: The section of Mt Ulla Highway just north of NC Hwy 150 had an average of 6,200 vehicles per day in 2005; according to the 1993 Iredell County Thoroughfare Plan, this section of Mt Ulla Highway has a carrying capacity of 9000 vehicles per day.

ZONING HISTORY: The subject parcels have been zoned RA when countywide zoning took effect in 1990. A majority of property located southeast of Mazeppa Road and along Mooresville Boulevard has an industrial zoning classification of M-2 CUD, with several parcels being annexed into the town limits of Mooresville.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for future industrial development. The applicant has chosen the M-2 CUD classification, which allows for the most intensive industrial uses and corresponds to an adjacent property zoned M-2 CUD, but has chosen to eliminate the most noxious industrial uses, add a buffer along residential areas, and restrict access to Wallaces Grant Drive. Several parcels located to the north and west of the parcels are zoned for and occupied by heavy industrial uses. Staff recommends in favor of this request.

Keith Klopp, South Iredell Community Development Corporation, stated that they intend to merge these parcels with the larger parcels currently located within the business park. Mr. Klopp stated that they have submitted numerous conditions to protect the surrounding residential area.

Richard Tomasini, adjoining property owner (*143 Wallaces Grant Drive*), stated that he was a real estate broker and was opposed because this was a peaceful residential neighborhood. Mr. Tomasini stated that even though the business park was already there it was currently far enough away to not effect their neighborhood but the proposed parcels were adjacent to his property and didn't want to see the industrial use come any closer. Mr. Tomasini also felt there are environmental issues that will come along with this proposed change. Mr. Tomasini stated that he lives on this property and has spent \$12,000 on fencing the property to put his horses there. Mr. Tomasini also was concerned if this was approved more land would come in the future to be rezoned industrial and this would benefit the business and not the public. Mr. Tsumas asked how long he had lived there and Mr. Tomasini stated he purchased the property in September 2005. Mr. Tsumas stated that the 1997 Land Use Plan shows all this area in an industrial node.

Mr. Klopp stated that the conditions they submitted prohibited uses that might be harmful in order to protect the neighbors and that the industries are regulated by the State in regard to the environmental issues. Mr. Klopp also stated that the business park was a benefit to the people in the community due to the values of the homes and businesses.

Hubert Cascaddon, adjoining property owner (*155 Wallaces Grant Drive*), stated that he bought his home in 1998 and that he is concerned about the value of his property and is opposed.

Mr. McNeely stated that here again we see industrial growth infringing on agriculture and residential but the business park has been there quite a while and the Land Use Plan shows this area as suitable for industrial use.

After further discussion, Mr. Pruitt made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the Iredell County Land Use Plan. Dr. Grigg seconded said motion and all agreed. VOTES: 10-0.

REZONING REQUEST; ABILENE CHURCH OF CHRIST PROPERTY, CASE NO.

0701-3: Mr. Hurley presented the staff report:

OWNER: Abilene Church of Christ
120 Bell Farm Road
Statesville, NC 28625

APPLICANT: Columbia Development, LLC
PO Drawer 10325
Greensboro, NC 27404

AGENT: Joyce Bell, Caldwell Banker

LOCATION: Located south of the intersection of Vance PO Road and Mocksville Highway in Statesville, NC; more specifically identified as a portion of PIN# 4765-42-1896 that is to be recombined with an adjacent parcel to the north. Directions: Take East Broad Street to Mocksville Highway, turn right and site is on right just past Vance PO Road.

- REQUESTED ACTION: Rezone a small portion of land, approximately 0.15 acres from R-20 to GB and amend the Iredell Land Use Plan.

PROPOSED USE: Retail store

SIZE: 0.15 acres, an approximately 45' X 145' area.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE: Vacant property on all sides with gas station across Mocksville Highway.

WATERSHED REGULATIONS: The subject parcel is not located within a water shed.

TRAFFIC: This section of Mocksville Highway had an average of 7,700 vehicles per day in 2005; according to the 1993 Iredell County Thoroughfare Plan, this section of Mocksville Highway has a carrying capacity of 12,000 vehicles per day.

ZONING HISTORY: The subject parcel was zoned to R-20 when countywide zoning took effect in 1990. A rezoning was approved in December of 1986 to change several parcels west of Vance PO Road and south of Mocksville Highway from R-20 to Community Business. A more recent request was approved in April of 2001 to rezone a parcel northwest of the Bell Farm Road and Mocksville Highway intersection from R-20 to GB. General Business zoning is the predominate zoning along the Mocksville Highway corridor at the Vance Road and Bell Farm Road intersections.

STAFF COMMENTS: The applicant is seeking to rezone this small portion that is to be recombined with an existing parcel that fronts Mocksville Highway. The applicant's site plan requires this additional GB zoning to accommodate a planned retail store and associated buffer area. Staff is recommending for this request since the planned retail store would be in conformance with the Iredell County Land Use Plan and the required plan amendment is necessary for this small sliver of land that will serve as the buffer yard and support the rear wall of proposed building.

Bill Hefner stated that he represented the developer and they just need to extend the property in order to make their site plan meet all the regulations.

There were no adjoining property owners present to speak in regard to this request.

After further discussion, Mr. McNeely made a motion to recommend amending the Iredell County Land Use Plan. Dr. Grigg seconded said motion and all agreed. **VOTES: 10-0.**

Mr. McNeely made a motion to recommend approval 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: 10-0.**

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REZONING REQUEST; MARLAN PROPERTIES, INC. PROPERTY, CASE NO. 0701-4:

Mr. Hurley presented the staff report:

OWNER /APPLICANT: Marlan Properties, Inc.
1156 Perth Road
Troutman, NC 28166

LOCATION: Located at 1156 Perth Road in Troutman, NC; more specifically identified as PIN# 4730-72-5706. Directions: Take North Main Street south into Troutman, turn right on to Wagner Street as it continues as Perth Road, property is on right at lake.

- REQUESTED ACTION: Modify zoning conditions for existing GB-CUD, General Business Conditional Use Permit (See attached conditions).

PROPOSED USE: GB uses and conditions as listed.

SIZE: 1.62 acres.

EXISTING LAND USE: Dock and pier building business.

SURROUNDING LAND USE: Dry dock storage facility to west, vacant and residential uses to north, vacant property to east across Perth Road, and Lake Norman along southern property line with residential properties on opposite shoreline.

WATERSHED REGULATIONS: The subject parcel is located within the WSIV Critical Area.

TRAFFIC: This section of Perth Road just south of State Park Road had an average of 6,200 vehicles per day in 2005; according to the 1993 Iredell County Thoroughfare Plan, this section of Perth Road has a carrying capacity of 12,000 vehicles per day.

ZONING HISTORY: This parcel and along with an adjacent property were rezoned to RR, Rural Residential in December of 1987. All other properties surrounding this site have been zoned R-20 since countywide zoning took effect in 1990. The subject parcel was rezoned to GB-CUD in August of 2001 to allow the dock building business. The Iredell County Land Use Plan was amended at this time. An amendment to the conditions was approved February of 2003 to allow for charter cruises to operate from this site. A complete zoning history is attached to this report.

STAFF COMMENTS: The applicant is seeking to modify the existing GB-CUD District classification to allow for a major change of conditions to maximize the current site. Staff is recommending against this request with concern that expansion of commercial uses in this area would contribute to traffic congestion along the Perth Road corridor, which is undergoing rapid residential development. Staff feels that timing of this request is premature with regards to the Growth Study still under way for the southern portion of Iredell County and a final report is still under review. Staff has concern that this 1.62 acre site may be too small to accommodate all of the required parking, driveway access, safety for customers, and avoidance of conflict between multiple uses resulting from continuation of the current dock building business and possible expansion of uses to include a gas station or restaurant. This request removes most conditions approved as part of the initial GB-CUD district in August of 2001. Staff would like to draw attention to a few provisions proposed to be deleted from the current conditional use permit: 1) Request was limited to a dock-building facility and boat slips to be only used by operation, 2) a site specific site plan is required, 3) lighting oriented away from adjacent residential uses and not directly affect residents either adjacent or across the cove, 4) hours of operation limited to 8-5 weekdays, 5) no overnight stays permitted on any boat docks in approved slips, and 6) slips/docks gated and locked when not in use. The minutes from the August 7, 2001 County Commissioners' meeting states Ron Smith, Planning Supervisor indicating that prior use as a convenience store with boat slips, gas tanks and a grill had been somewhat contentious in the past.

Mark Lancaster, Owner/Applicant, stated that the Board is familiar with the history of this property and he was here tonight before the Board because of problems with rapid growth and that his business has grown over 100% this past year.

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Mr. Lancaster stated that he owns a lake lot on the point in this cove and also other lots and he wouldn't do anything that would be detrimental to this cove. Mr. Lancaster stated that he cannot add on to the existing building where he currently builds the docks, so if he cannot locate the

building in a different area, then he would have to build up (add to the height of the building) to accommodate his needs. Mr. Lancaster stated that if he cannot build the facility needed he would have to build the docks off-site and bring them on-site at a later time which would cause more traffic concerns. Mr. Lancaster stated that he has done everything he said he would do at the site since he bought it in 2001 and plans to keep his promises and he has been a good neighbor to those in Skippers Cove.

Mr. Tsumas asked if there were septic issues in the past and Mr. Lancaster stated that he cannot do anything until the water and sewer comes in that area. Chairman Fields stated that he has was on the Board the last time Mr. Lancaster came before us and there was great reluctance to let you do what you wanted to do at that time. There was a strong consensus that he was wanting to do too much for such a small parcel and many restrictions were put on this property because of that. Chairman Fields stated that it concerns him greatly that he is asking to eliminate most of the conditions (hours of operation and overnight stay). Mr. Lancaster stated that the dry storage next door has overnight stay and there haven't been any problems. Mr. Lancaster also stated that the restaurant would need longer operating hours. Chairman Fields asked Mr. Lancaster about the cruise service and Mr. Lancaster stated that he no longer operates a cruise service.

Mr. McNeely stated that he believe Mr. Lancaster will do what he says but that the zoning goes with the property; not the ownership. Mr. Tsumas asked Mr. Lancaster if these conditions were eliminated how that might affect the boat traffic since that was a major concern in the past. Mr. Lancaster stated that he only has 17 boat slips approved so he can only dock 17 boats therefore the boat traffic won't increase. Mr. Lancaster stated that there is no one here opposed tonight which shows that he is doing what he said he would do.

Jim Edmiston, adjoining property owner, stated that he has owned his property since 1963 and that Mr. Lancaster has been a good neighbor and done all that he said he will do. Mr. Edmiston stated that he was in favor of this request. Tom Williams, General Manager of Lancaster Docks, stated that he was worked with Mr. Lancaster for eleven years and that Mr. Lancaster has integrity in the community.

There was no one else present to speak in regard to this request.

Ms. Johnson stated that due to the fact that there is no one present in opposition is testimony that Mr. Lancaster must be doing something right and it's a positive thing to have access to the lake for people who do not own lake frontage. At this time, Ms. Johnson make a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the Iredell County Land Use Plan. Dr. Grigg seconded said motion.

Mr. McNeely stated he remembers Skipper's Cove from a long time ago and feels if the use at the marina grows it is putting more and more stress on the cove. Mr. Tsumas stated he had a problem with the condition (L) *Limitation of public usage of boat ramp*. Mr. Lancaster stated that he allows the neighbors in Skipper's Cove to use the boat ramp along with the fire and sheriff departments. After further discussion, Ms. Johnson amended her motion to recommend approval as previously stated with the modification of the condition (L) to read: *Limited private usage of boat ramp*.

Dr. Grigg seconded the amended motion; and

AYES: Johnson, Grigg, Pfeufer, Pruitt, Rash, Santoni, Tsumas

NOES: Fields, McNeely, Stephens

The motion passed in favor by a VOTE: 7-3.

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

REZONING REQUEST; DALA CASA LANDSCAPING & DESIGNS, LLC PROPERTY, CASE NO. 0715-5: Mr. Hurley presented the staff report:

<u>OWNER:</u>	Dala Casa Landscaping & Designs, LLC 19141 Kanawha Drive Cornelius, NC 28031	<u>APPLICANT:</u>	Anthony D'Alessandro 19141 Kanawha Drive Cornelius, NC 28031
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LOCATION: Located on Bethesda Road in Statesville, NC on north side of Third Creek; more specifically identified as PIN#'s 4762-56-2574. **Directions:** Salisbury Highway east from Statesville, turn right on to Bethesda Road, property is on left just before bridge over Third Creek.

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

PROPOSED USE: Landscaping and nursery business with conditions (see attached).

SIZE: 15.46 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Vacant land borders this site on the north, south, and west with residential uses to the east.

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

TRAFFIC: A section Bethesda Road just north of Oswalt Amity Road had an average of 1,800 vehicles per day in 2005.

ZONING HISTORY: The subject parcel, as well as all surrounding property, has been zoned RA when countywide zoning took effect in 1990.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for residential uses. The applicant has chosen the HB-CUD classification, which allows for this particular use, but has decided to limit district to just this specific use with conditions. Applicant has also limited hours of operation, size of any signage, and to screen the property with evergreen trees. The Iredell County Land Use Plan will need to be amended for this proposed rezoning. Staff is recommending against this request since this site is located within a large area designated for residential use and may set a precedent for other such requests in rural residential areas. Staff would also like to advise the Board that the subject parcel lays completely within Zone A for Third Creek as shown on the Flood Insurance Rate Map for Iredell County. The lowest floor for all non-residential construction must be elevated at least one foot above the base flood elevation or flood proofed in lieu of elevation.

Ms. Johnson asked what would be a better use for this property since it lies within a flood zone and couldn't be used for a residence.

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Mr. Tsumas stated that there wasn't any comments about "spot zoning" in the staff comments on the staff report. There was lengthy discussion as to whether this was a farm-type enterprise or a commercial landscaping business. Mr. Tsumas noted that the conditions listed are very subjective.

Peter Casatelli stated that he was one of the partners of Dala Casa Landscaping & Design. Mr. Casatelli stated that they purchased the property back in September and at that time landscaping businesses were allowed in the RA District and that's why they brought the property. Mr. Casatelli stated that he was not aware of the ordinance changing until they submitted their site plan. Mr. Casatelli stated that tree farm would actually enhance the look of the area and this property is located in a flood plain. Mr. Casatelli stated that they have talked to the neighbors and they were in favor with the conditions submitted. Mr. Casatelli stated that there is a 15 – 20 foot drop off from Bethesda Road so it limits what is visible when traveling down the road and this would not be an eyesore for the neighborhood.

Chairman Fields asked Mr. Casatelli to define his business and Mr. Casatelli stated that they will grow the trees on the land and truck them to the sites. They will have equipment on the property used in growing the trees. Mr. Casatelli stated that they should not have any customer traffic. Mr. Rash asked what percentage of the trees would be grown on the property and Mr. Casatelli stated approximately 90%. Ms. Johnson stated that in the past most complaints about landscaping businesses have been the traffic in and out from the trucks used in the business and public traffic. Mr. Casatelli stated they were not planning on having a retail shop but if a customer wanted to come on the property to pick out certain trees then they would be allowed to.

Chairman Fields asked Mr. Casatelli if “spot zoning” had been explained by the staff and Mr. Casatelli stated no one explained spot zoning to him but that his partner is the one who submitted the application. Mr. Tsumas stated that after hearing Mr. Casatelli describe his business he felt it came under agricultural use. Mr. Casatelli stated that we mainly do new installation of landscaping for new homes but we also maintain some of the yards until the homes sell. Chairman Fields asked Mr. Casatelli to explain more in detail about the landscaping part of the business. Mr. Casatelli stated that any equipment needed in association with the landscaping business would be kept on this property. Mr. Casatelli stated that they will grow the trees but will also house materials needed for the landscaping business (rock, gravel, sand, mulch, sod, waterfalls, etc.) Mr. McNeely asked Steve Warren if this type use was allowed in the RA district and Mr. Warren stated the problem comes from the “business” end of the landscaping business.

There were no adjoining property owners present to speak in regard to this request.

Chairman Fields stated the staff didn't put much in the staff report about spot zoning and asked the staff what their opinion was. Mr. Warren stated it did not fall within the land use plan and that it was spot zoning. Mr. McNeely stated the land was not suitable for much and growing trees might be a great fit for it but not necessarily a landscaping business. Mr. Tsumas asked when the zoning ordinance was amended and Mr. Warren stated back in March. Chairman Fields stated the property was purchased in September. Chairman Fields stated that he cannot get past the issue of spot zoning and Mr. Tsumas agreed.

After further discussion by the Board, Mr. Tsumas 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.

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Mr. Rash seconded said motion; and

AYES: Tsumas, McNeely, Fields, Grigg, Pfeufer, Pruitt, Santoni

NOES: Johnson, Rash, Stephens

The motion passed in favor by a **VOTE: 7-3.**

Mr. McNeely stated that he felt this property may need to be grandfathered if at the time they purchased the property they were told that they could do what they wanted. Chairman Fields stated that this Board is doing what it is charged to do and that situation is between the applicant and the county.

Mr. Rash stated that he wanted to go on record stating that the applicant has been done a major injustice in his opinion.

REZONING REQUEST; ELBERT C. & CHARLES GRIFFIN PROPERTY, CASE NO. 0701-6:

Mr. Hurley presented the staff report:

OWNER: Elbert C & Charles Griffin
6022 Unionville-Brief Rd
Monroe, NC 28110

AGENT: Gerald V Grant
PO Box 268
Statesville, NC 28687

LOCATION: 124 Tarlton Road in Statesville, NC; more specifically identified as PIN#'s 4715-17-6811.

Directions: West on US Highway 64 from Statesville; turn right on Tarlton Road, property on immediate left.

- REQUESTED ACTION: Rezone balance of parcel, approximately 1.8 acres, from RA, Residential Agricultural to GB, General Business.

PROPOSED USE: Any and all GB uses.

SIZE: 6.65 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Commercial uses are north of site, with residential uses and vacant land to south, east, and west.

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

TRAFFIC: Tarlton Road had an average of 520 vehicles per day in 2004 and US Highway 64 just west of NC 90 had an average of 7500 vehicles per day in 2005.

ZONING HISTORY: The subject parcel has been partially zoned GB when countywide zoning took effect in 1990. Four rezoning cases have occurred northeast of this site for either GB or M-1 zoning classification, with the M-1 district being approved in December of 1993. The three other rezoning cases were approved as GB in January 1997, May 2000, and most recently November 2004 which have been developed as industrial uses.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for future commercial and industrial development. The applicant desires that the existing GB District classification be applied to the remainder of the parcel. Staff recommends in favor of this request since it is consistent with the land use plan and the requested zoning will accommodate both commercial and some light industrial uses.

Neither the applicant nor any adjoining property owners were present to speak in regard to this request.

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Mr. McNeely made a motion to recommend approval 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: 10-0.**

REZONING REQUEST; JENNIFER & BOBBY KNOX JR PROPERTY, CASE NO. 0701-7:

Mr. Hurley presented the staff report:

OWNER/APPLICANT: Jennifer & Bobby Knox, Jr
364 Ingram Road
Statesville, NC 28625

AGENT: Dick Brolin
Piedmont Design Associates
125 East Plaza Drive Ste 104
Mooresville, NC 28115

LOCATION: Located at 104, 105, 110, & 122 Brown Ridge Lane in Mooresville, NC; more specifically identified as PIN#'s 4658-53-5107, 4658-52-4964, & 4658-53-1139. Directions: Take Charlotte Highway north from Mooresville, turn right on to Brown Ridge Lane, property is on both sides of named private drive.

- REQUESTED ACTION: Rezone subject parcels from RA, Residential Agricultural to HB-CUD, Highway Business Conditional Use (see attached conditions) and amend the Iredell Land Use Plan.

PROPOSED USE: Offices/retail and mini-warehouses.

SIZE: 6.02 acres.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE: Residential uses abut this site to the south and east, and a mixture of small commercial retail and residential uses to the north and across US 21 to the west.

WATERSHED REGULATIONS: The subject parcel is located within the WSIV Protected Area.

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

ZONING HISTORY: The subject parcels have been zoned RA when countywide zoning took effect in 1990. A commercial node was identified in the Iredell County Land Use Plan that centers approximately on the intersection of Cornelius Road and Charlotte Highway. Two existing areas of Neighborhood Business zoning were applied when county-wide zoning occurred in 1990. One such area lies directly across from the applicant's property but falls outside the designated commercial node. The other such NB district follows the western side of Charlotte Highway just south of Cornelius Road to approximately Glory Road where a significant GB-CUD zoning was approved in Feb. of 2001 to accommodate the expansion of an existing business already established on that site. Other recent rezonings have occurred on the east side of Charlotte Highway at the intersection of either Laura Road or Cornelius Road for NB or HB-CUD, but all requests were within the designated commercial node as shown on the land use plan.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for residential uses; however, this site is adjacent to a commercial node identified in the land use plan. The Iredell County Land Use Plan will need to be amended for this proposed rezoning. The applicant has chosen the HB-CUD classification and to restrict the uses to those shown on the submitted concept plan. Applicant has also decided to limit the square footage of both the proposed office/retail building and the mini-warehouses. Staff is recommending against this request since it is not consistent with the Iredell County Land Use Plan and concern that the scale of this project is out of character for the area and will negatively impact adjacent residential uses, especially those dwellings on adjacent properties to north and east. The depth of this property will result in the proposed uses intruding into a small but established neighborhood that otherwise would not be negatively affected by commercial uses along Charlotte Highway.

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The Cornelius Road and Charlotte Highway intersection has traditionally served as a small scale and locally oriented business mixture with an exception being the long established Overcash Electric property. Staff also noted that a Duke Energy transmission line crossed the rear portion of the property; which will prohibit development and grading within the easement and will cause a change in the layout as shown on the submitted concept plan.

Mr. Tsumas stated that he had a conflict of interest and needed to be excused from this request.

Mr. Stephens made a motion to excuse Mr. Tsumas and Mr. Rash seconded it. All agreed.

Dick Brolin, Piedmont Design Associates, stated he was hired by the Knox family to do a conceptual plan for their rezoning request. Mr. Brolin reviewed the site plan. It was noted that the Board didn't have the revised plan. Chairman Fields asked when the staff received the revised plan and Mr. Brolin stated on 12/29/06. Mr. Brolin stated that his project is proposed to be complete in four phases in a ten year period.

Kenneth Arrington, adjoining property owner, stated that he was opposed due to the standing water on the property now and he was concerned about the water runoff. Mr. Arrington stated he was also concerned about the value of his property. Karyn Dick, adjoining property owner, stated that there was a creek and she was concerned about the flow of the water.

Mr. Warren stated that he talked with Tim Brown, Town of Mooresville, due to the utility lines going in and received an email from him expressing concerns about the appearance of the building exteriors along the highway and concerns about mini-warehouse use. Chairman Fields asked Mr. Warren if Mr. Brown wanted the guidelines for the Mt. Mourne area be implemented here and Mr. Warren stated probably long range.

After further discussion and questions by the Board, Mr. Warren suggested that this request be tabled until the next meeting due to the Board not receiving the updated site plan until tonight in order to give the applicant and staff more time to further review the site plan. Mr. Brolin stated that his client was interested in tabling this matter until the next meeting.

Mr. McNeely made a motion to table this request until the next meeting (February 7th). Mr. Rash seconded said motion and all agreed. **VOTES: 9-0.** *NOTE: Mr. Tsumas was excused from this request.*

PROPOSED AMENDMENT – ZONING ORDINANCE: Mr. Warren presented the staff report:

SECTIONS: Article IX. Special Requirement Notes to the Table of Permitted Uses
SR 6. (F)

SR 6. Class A Mobile Home on Individual Lot

F. All multi-sectional manufactured (mobile) homes shall have a continuous brick, stone, stucco or decorative block non load-bearing skirting or underpinning. ~~The foundation shall be constructed to the specifications of Volume VII of the NC Building Code for single-family residential construction.~~

STAFF COMMENTS: This verbiage has been interpreted as being in violation of the NC Regulation for Manufactured Homes, 2004 edition by Jim Long, Commissioner of Insurance. Therefore, the Inspections Department can no longer enforce this requirement. We would like to remove it from the Zoning Code to be in compliance with State law.

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The Board had open discussion but no action was taken by the Board.

FINAL DRAFT – GROWTH MANAGEMENT REPORT: Chairman Fields stated that considering the lateness of the hour he would like to have input from the Board as to whether they want to tackle this or postpone it until a different night. Dr. Grigg stated that she would like to see it postponed and

hold a separate meeting. The Board agreed to hold a workshop on Wednesday, January 24th at 6:30 p.m. in the County Government Center.

MONTHLY COMMITTEE ASSIGNMENTS: Dr. Grigg & Mr. Stephens volunteered to attend the January 17th Subdivision Review Committee meeting at 10:00am in the Old City Hall. Dr. Grigg, Mr. McNeely, and Mr. Pruitt volunteered to go on the site visit for next month's requests on Tuesday, January 23rd.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 10:50 p.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved