

## ***IREDELL COUNTY PLANNING BOARD***

The Iredell County Planning Board met on Wednesday, **July 5, 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.

### **STAFF PRESENT**

Richard McHargue  
Steve Warren  
Lynn Niblock  
Stephanie Whitlock  
Rebecca Harper

### **MEMBERS ABSENT**

Alan Williams

At this time, Chairman Fields called the meeting to order. He then turned the meeting over to Lynn Niblock for the election of officers.

**ELECTION OF OFFICERS (JULY 2006 – JUNE 2007):** Dr. Grigg made a motion to nominate Eric Fields as Chairman for the upcoming year. Mr. Stephens seconded said motion. Mr. McNeely made a motion that nominations be closed. **VOTES: 10-0.**

Ms. Johnson made a motion to nominate Jackie Grigg as Vice-Chairman for the upcoming year. Mr. Pruitt seconded said motion. Mr. McNeely made a motion that nominations be closed. **VOTES: 10-0.**

Mr. Niblock turned the meeting back over to Chairman Fields.

**MINUTES:** Dr. Grigg made a motion to approve the 6/7/06 meeting minutes. Ms. Pfeufer seconded said motion and all agreed. **VOTES: 10-0.**

**REZONING REQUEST; ROGER & KATHY MCLELLAND PROPERTY, CASE NO. 0607-1 & AMEND THE IREDELL COUNTY LAND USE PLAN:** Mr. McHargue presented the staff report:

**OWNER/APPLICANT:** Roger and Kathy McLelland  
301 Dobson Farm Road  
Statesville, NC 28625

**LOCATION:** 3492 Wilkesboro Highway in Statesville, NC; more specifically identified as PIN# 4728-36-1858. **Directions:** From Statesville, north on Wilkesboro Highway; property on right past intersection of Pisgah Church and Bailey Farm Roads.

**REQUESTED ACTIONS & CONDITIONS:** 1) Amend the Iredell County Land Use Plan; and 2) Rezone subject parcel from RA, Residential Agricultural to M-1 CUD, Light Manufacturing Conditional Use District with the following conditions:

- The following land-uses shall be prohibited: adult businesses; night clubs/dance halls; bingo games; fortune tellers; correctional institutions; automobile wrecking or junkyards; ammunition, small arms, explosives; utility equipment and storage yards; asphalt plants; landfill (building debris, private); landfill (sanitary, private); natural

gas distribution lines and related appurtenances; power generation, natural gas plants and similar production facilities; sewage collection lines; sewage treatment plants;

- No outside storage shall be allowed;
- Natural border 15 feet in width shall remain along the North and South property lines;
- 75-foot setback from Wilkesboro Highway Right-of-Way;
- No construction shall occur within 30 feet of either side of the east property creek.

PROPOSED USE: M-1 allowable uses less those noted above.

SIZE: 18.99 acres.

EXISTING LAND USE: Textile Manufacturing Facility.

SURROUNDING LAND USE: Residential, Agricultural.

WATERSHED REGULATIONS: The subject parcel is located within the WSIV-Protected Area (South Yadkin).

TRAFFIC: This section of Wilkesboro Highway had an average of 5,200 vehicles per day in 2004; according to the Iredell County Thoroughfare Plan, this section has a carrying capacity of 12,000 vehicles per day.

ZONING HISTORY: The subject parcel has been zoned RA since countywide zoning took effect in 1990.

STAFF COMMENTS: B & J Knits has operated at this location since 1989. They were originally permitted for 16,000 square feet; Countywide zoning took effect the following year and, hence, the facility became non-conforming at that time. In 1996, the property received approval for expansion of a non-conforming use; this enabled the owners to add 10,000 additional square feet onto the building. Due to economic factors surrounding the textile industry, the owners have significantly scaled back their operations over the past few years. They wish to rezone the property to allow for possible sale of the 26,000 square-foot facility in the future. The surrounding properties are either agricultural or residential in nature; the nearby intersection of Pisgah Church Road and Bailey Farm Road is largely residential. Therefore, these properties were not included as future commercial or industrial on the County's Land Use Plan. Because of this, as well as the potential for an improper spot-zoning action, staff recommends against this request. With this recommendation, however, it should be noted that the property owner retains the option under the Zoning Ordinance to request a Change-in-Kind of a non-conforming use; this procedure would allow for a different use to occupy the property upon approval from the Board of Adjustment, provided that the current use of the property is not discontinued for a period in excess of one year.

Ms. Johnson asked Mr. McHargue with the limitations that are on the request now, why Staff was still concerned enough to recommend denial and Mr. McHargue stated that even with the limitations set on the property, it is still a manufacturing use most suited for the M-1 District and is not suited to be in a residential district.

Mr. Tsumas asked what kind of rights he had now under his permit and Mr. McHargue stated that it was a non-conforming grandfathered use and to change the use he would require approval from the Board of Adjustment.

Ms. Johnson asked if they had looked at any other alternatives and Mr. McHargue stated that Staff has done all they could do. Ms. Johnson asked if there was any other zoning designation besides M-1 that would be more appropriate for the area and still allow his manufacturing use and Mr. McHargue stated no.

Mr. Tsumas stated that he was concerned because there were a lot of uses that had not been taken out, such as auto car lots, truck dealers, and mobile home dealers. He asked Mr. McHargue if they would automatically be excluded because of outside storage and Mr. McHargue stated that if the outside storage was an integral part of the use it would not be considered outside storage, but that the

Board could stipulate no outside storage at all, under any circumstance, and it would then exclude those type uses from the allowed uses.

Ms. Johnson asked if there had been any complaints of the business that Staff was aware of and Mr. McHargue stated there were none that he knew of. Ms. Johnson asked if they had considered subdividing the property and only rezoning the area where the building was located and Mr. McHargue stated the applicant did not want to do that.

Roger McLelland stated that in 1989 he purchased the 19-acre tract for community employment of a manufacturing facility. He stated that in 1990, county-wide zoning came about and zoned the area residential only. He stated he received approval from the county for an expansion of a non-conforming use in 1997 so that he could add a new phase to the existing business. Mr. McLelland stated that he has been taxed as manufacturing since 1989. He stated that he would not have invested the money in a new phase if he had known that in the future he would not be able to sell the property. He stated that he only asks the Board that they allow him to be marketable. He stated that he has put a buffering condition on the rezoning, and would have buffering along every side of the property.

Ms. Johnson asked if there was enough room for a right-of-way to access the back and Mr. McLelland stated yes, he had over 400ft of road frontage. Ms. Johnson asked if he had considered subdividing the property and rezoning only the portion where the building was and Mr. McLelland stated that they considered that, but not all of the land is usable with the terrain, and it would be taking away from what he wanted to do along with being terribly expensive.

Ms. Johnson stated that she understood that he was a good steward of the land but when he might sell the property he will lose control, and she was concerned that the new property owner might not be as good of a steward.

Mr. Tsumas stated that he did not have a problem with the manufacturing, but the list also included fleamarket, farm machinery, tire recappers, equipment lease and repair, service stations, truck stops, and many more. He stated that there needed to be a good compromise and limit the things that would be offensive to the area.

Mr. McNeely asked how much acreage left was developable and Mr. McLelland stated 9-10 acres of developable land was left. Mr. McNeely stated that you could possibly put two more buildings on a site that size. Mr. McNeely asked Mr. McLelland if they were still operating and Mr. McLelland stated yes.

No one else wished to speak in regards to the request.

Ms. Johnson stated that with R-A zoning all around, you have to assume that there will eventually be houses up against this. She stated that however, he has been paying taxes and received approval for an expansion and feels like the building should be allowed. She asked Mr. McHargue if the request were denied what Mr. McLelland's options were and Mr. McHargue stated that he would still be allowed to operate the facility as is. He stated that if the use were to change, they would have to come back to the Board of Adjustment for approval. Mr. McHargue stated that if the business went under, they would have one year to sell and find someone to reopen it as manufacturing, or it would lose its grandfathered status.

Ms. Johnson asked if they would be allowed to come back with more conditions on the request,

excluding more of the M-1 uses, or splitting the property and Mr. McHargue stated that Staff did look at splitting the property and felt that it would make it more of a spot zoning the smaller it was.

Dr. Grigg stated that it was an unobtrusive piece of property. She stated that you do not even realize it is there with it being off the road as far back as it is. She stated that based upon the septic being in the front yard and nothing else being allowed between the building and the road, she would like to make a motion to amend the Land Use Plan and to recommend approval of the proposed zoning map amendment and to advise that it is consistent with the Iredell County Land Use Plan.

The motion died from a lack of a second.

Mr. McNeely stated that it was an adequate building and a nice setting but the problem is that the business does not belong there. He stated that it was an injustice to allow him to build and expand, but it would be a time bomb if it was rezoned. He stated that he hoped Mr. McLelland can continue to operate until he can incorporate a buyer. Mr. McNeely made a motion to recommend denial of the request. Mr. Pruitt seconded said motion.

Ayes: Fields, Johnson, McNeely, Pfeufer, Pruitt, Rash, Santoni, Tsumas  
Noes: Stephens, Grigg

The motion passed in favor of 8-2.

Mr. Tsumas and Ms. Pfeufer asked to be excluded from the next case. Mr. McNeely made a motion to approve their request. Mr. Rash seconded said motion and all agreed.

**REZONING REQUEST; SUPERIOR PROPERTIES OF IREDELL & ETAL AND BILL C. & MAXINE WATTS SMITH PROPERTIES, CASE NO. 0607-2:** Mr. McHargue presented the staff report:

<b><u>OWNERS:</u></b>	Superior Properties of Iredell & ETAL P.O. Box 5339 Statesville, NC 28687	Bill C & Maxine Watts Smith 1162 Charlotte Highway Troutman, NC 28166
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**LOCATION:** Charlotte Highway in Troutman, NC; more specifically identified as PINs# 4750-00-8638, 4750-10-2824, 4750-11-8002, and a portion of 4750-01-2280 (that which lies to the east of Charlotte Highway).  
**Directions:** From Troutman, south on Charlotte Highway; property on left past Exit 42 interchange.

**REQUESTED ACTIONS & CONDITIONS:** Rezone subject parcels from RA, Residential Agricultural to GB-CUD, General Business Conditional Use District with the following conditions:

- All utility connections will be underground.
- Roadway Protection Overlay District standards shall apply.

**PROPOSED USE:** General Business uses.

**SIZE:** 48.1 acres.

**EXISTING LAND USE:** Vacant with one residential dwelling.

**SURROUNDING LAND USE:** Residential, Agricultural, Vacant.

**WATERSHED REGULATIONS:** The subject parcels are not located within a watershed area.

**TRAFFIC:** In 2004 there was an average of 11,000 vehicles per day on this stretch of Charlotte Highway, with a carrying capacity of 10,500 according to the Iredell County Thoroughfare Plan.

ZONING HISTORY: The subject parcel has been zoned RA since countywide zoning took effect in 1990.

STAFF COMMENTS: The applicants plan to utilize 18 acres of the subject property to construct a 125,000 square-foot building for wholesale and distribution of building products (primarily insulation). The remainder of the property will be developed for other office, service, and retail businesses yet to be determined. This request is for property that is part of the "General Business Conditional Use District" of the Exit 42 Small-Area Plan. The applicants are proposing conditions that are consistent with the instructions in the Exit 42 Small-Area Plan and that have been implemented as part of other rezonings along the Charlotte Highway corridor. Should rezoning be approved and the project commences, the Zoning Ordinance will require a minimum 30-foot buffer be maintained against all residentially zoned property; this setback must also include a screening device to separate the land-uses. Staff finds this request in order due to its consistency with the Exit 42 Small-Area Plan objectives and would therefore recommend in favor.

Dr. Grigg stated that the site plan looked like it only covered a portion of the property and asked Mr. McHargue if Staff knew what the remaining portion of the property was to be used for and Mr. McHargue stated that it would be primarily business and office. He stated that the site plan only showed the anchor facility.

Dr. Grigg asked if the highway department would require a turn lane and Mr. McHargue stated they may, but it was up to them, depending on the volume of traffic going in and out.

Attorney Bedford Cannon, representing the land owners, distributed a letter from the Town of Troutman (*see file*). He stated that the proposal was within the Exit 42 Land Use Study, and it is consistent with the plan. Attorney Cannon stated that the letter from Troutman states that there are 8" sewer lines to service the property and that when the water tank is constructed they anticipate a 16" water line leading to the property. He stated that Duke Power has access to the site at the present time and that in regards to natural gas, the gas line comes down Houston Road and does come over to Highway 21 and could be easily accessible. Attorney Cannon stated that it is a requirement for the request that it is accompanied by the approval of the Town of Troutman that water/sewer services are available. He stated that they have also placed conditions on the plat that the request is subject to underground utilities and the Roadway Protection Overlay requirements.

Tom McKittrick, owner of Forsite Development Partners, stated that this has been a project that they have been working on for about 1 ½ years. He stated that it is a 125,000 square foot, 200 ft deep rear loading building with car parking in the front and truck activity in the rear. Mr. McKittrick stated that Dr. Redden did have a concern with the project being next to his home. Mr. McKittrick stated that his primary concern was noise and view of the building. He stated that they have since reconfigured the site plan to place the trailer storage in the rear of the property. Mr. McKittrick stated that they have also cut into the hill so that when Dr. Redden looks out his window he will only see the top of the building, with the natural hill and the buffering still in place. He stated that once he talked to the owner about the revisions, the owner was satisfied.

Mr. McNeely asked how many acres this project would encompass and Mr. McKittrick stated that it would probably be about 16 acres.

Ms. Johnson asked if the piece on the lower left would always be open space or eventually developed and Mr. McKittrick stated that it would eventually be developed into maybe really light industrial or retail and office space.

Ms. Johnson asked why the property is not being zoned Light Industrial instead of General Business if the bulk was going to be industrial. Mr. Fields stated that they are only proposing 16 to 18 acres as

Industrial and that the rest would be General Business Conditional Use which is allotted for in the Land Use Plan.

There was no one else present to speak in regards to the request. Mr. Stephens made a motion to recommend approval of the proposed zoning map amendment and to advise that it is consistent with the Exit 42 Small-Area Plan. Dr. Griggs seconded said motion and all agreed. **VOTES: 10-0.**

At this time, Chairman Fields declared a recess (8:25 p.m.)

**REZONING REQUEST; PAMELA EDWARDS FORD PROPERTY (FORMER HILL HAVEN NURSING HOME), CASE NO. 0607-3:** Mr. McHargue presented the staff report:

<b><u>OWNER:</u></b>	Pamela Edwards Ford 224 Augusta Drive Statesville, NC 28625	<b><u>APPLICANT:</u></b>	Ark of Refuge 114 Hill Haven Rd. Statesville, NC 28677
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**LOCATION:** 114 Hill Haven Road in Statesville, NC; more specifically identified as PIN#4733-71-0390.  
**Directions:** From Statesville, south on Charlotte Highway; turn right onto Hill Haven Road; property on right.

**REQUESTED ACTIONS & CONDITIONS:** Rezone subject parcels from R-20, Single-Family Residential HB-CUD, Highway Business Conditional Use District with the following conditions:

- The following uses shall be prohibited: amusement arcades and indoor places of entertainment including bowling alleys, pool rooms, skating rinks, and batting cages; social or fraternal associations/organizations; bingo games; dance halls including night clubs; fortune tellers & astrologers; golf course including pro shop; golf driving ranges; miniature golf facilities; public parks; recreation facilities, public; swim & tennis clubs; private swimming pools; ambulance services; cemetery; hospitals; libraries; museums and art galleries; animal clinics and hospitals, including totally enclosed kennels operated in connection with animal clinics or hospitals; automobile parking (commercial); automobile rental & leasing; automobile repair and service; bus stations; drive-in theaters; freezer lockers; funeral homes; Laundromats; motels & hotels; motion picture productions; mini-warehouse; photo finishing laboratories; private clubs; recreational vehicle parks or campsites; service stations (not including truck stops); taxi terminals; taxidermists; truck and utility trailer rental, sales & leasing (light); upholstering & furniture refinishing; ABC sales for on-premises consumption, bar; automobile & truck dealers, new and used; automobile parts & supply stores; building supply dealers, specialty shops and other; fuel oil sales; furniture repair, including upholstery; garden centers and retail nursery; liquor stores; mobile home sales & service; pawn shops; recreational vehicles, sales & service; service stations, gasoline (no major repair); printing & publishing; governmental public works facilities, utilities, infrastructure & appurtenances; sewage treatment plants, non-governmental public; water treatment plants, non-governmental public; wireless telecommunication towers & facilities.

**PROPOSED USE:** Temporary Residential Facility for persons displaced from their homes due to circumstances beyond their control.

**SIZE:** 4.29 acres.

**EXISTING LAND USE:** Temporary Residential Facility (Ark of Refuge) for persons displaced from their homes due to circumstances beyond their control. Facility was established for evacuees from Hurricane Katrina with a temporary zoning approval from the Board of Commissioners.

**SURROUNDING LAND USE:** Residential, Commercial.

**WATERSHED REGULATIONS:** The subject parcels are not located within a watershed area.

**TRAFFIC:** In 2004 there was an average of 11,000 vehicles per day on this stretch of Charlotte Highway, with

a carrying capacity of 10,500 according to the Iredell County Thoroughfare Plan.

ZONING HISTORY: This property was rezoned from RA to R-20 in May 1991. This case involved 160 acres and 15 different property owners. Thirteen (13) of the property owners signed the petition.

STAFF COMMENTS: Ark of Refuge began operation at the former Hill Haven Nursing Home as a temporary residential facility for persons displaced by Hurricane Katrina. Because the Zoning Ordinance did not address this type of land-use, the Board of Commissioners approved a temporary zoning permit for this facility that runs through November 2006. During this time, an ordinance amendment was prepared and adopted for such temporary residential facilities (“Homeless Shelter”). This land-use is now allowed within certain commercial zoning districts but only with a Special-Use Permit from the Board of Adjustment. The applicants are thus seeking rezoning to comply with the ordinance requirements; if rezoning is approved, the applicant will then apply for a Special Use Permit from the Board of Adjustment. The property is located within the Commercial node of the land-use plan; surrounding zoning classifications are Neighborhood Business to the east (properties along Highway 21 corridor) and R-20 to the west. Since the subject property lies adjacent to NB property and the owners desire to preserve the future option of using the buildings as an assisted-living facility which would not be allowed in NB, the applicants have sought HB-CUD that excludes all other non-NB uses from this property. Therefore the practical effect of this rezoning will be to “create” an NB classification for this property that will allow for the future possibility of an assisted-living/group care facility. The key is that, although called “HB-CUD”, all the high-intensity HB uses will be excluded from the use of this property. Because this request is consistent with the Land-Use Plan and the surrounding zoning pattern of the commercial corridor, staff recommends in favor.

Dr. Grigg stated there was nothing in the request about a 90 day turnaround and asked if that was a zoning requirement and Mr. McHargue stated no, that it was in their by-laws. Dr. Grigg asked if they had explored incorporating that into the request and Mr. McHargue stated that the definition for Homeless Shelter by its nature is viewed as short-term.

Mr. Santoni stated that his concern was there is no definition for temporary in the ordinance.

Mr. Fields stated that the request states for persons displaced from their homes due to circumstances beyond their control was too broad and could be just about anything. Mr. McHargue stated that they do run drug screens, background checks and criminal checks before allowing someone to stay. He also stated that the building they are currently in houses 35 people and they are nowhere near capacity at this time.

Mr. McNeely asked that with the way the ordinance is written, even if they rezoned it to allow a homeless shelter, would it still not require a special use permit from the Board of Adjustment and Mr. McHargue stated yes that a homeless shelter would require a special use permit.

Mr. McHargue stated that they have excluded all non-Neighborhood Business uses except assisted living, group care and nursing homes.

Mr. Tsumas stated that if Arc of Refuge moved and someone else took the property over, they would be required to come back to the Board of Adjustment for approval of their specific use. He stated that the special use permit given to the Arc of Refuge would be specific for their business alone.

Mary Taylor, executive director of the Ark of Refuge, stated that this program grew out of a need of people needing help by Hurricane Katrina. She stated that they also saw a need of people in the community that needed a place to stay due to circumstances such as a natural disaster, loss of job and under a financial burden. She stated that they are trying to provide a place where people can come and will be treated with respect and still maintain their dignity, and to be able to feel safe.

Mr. Taylor stated that is why everyone coming into the facility is checked. She stated that they do a criminal check, check for child abuse, and drug abuse before anyone is allowed to stay at the facility. She stated they are allowed to stay at the facility for a 90 day period to be able to reconstruct their

lives and reenter the community as a whole person.

Mr. Fields asked if the program was affiliated with anyone and Ms. Taylor stated that it grew out of a need of the Fellowship Tabernacle Church had for Katrina victims. She stated that they are separating their association from the church to be able to apply for other funding.

Mr. Fields stated that it sounds like it is a new entity, locally owned and operated with a thrust on helping local folks, such as people who have lost their homes due to a fire, or a need for a location due to marital discord or domestic violence. He asked Ms. Taylor if someone who had addiction, whether alcohol or drugs, would be allowed at the facility and Ms. Taylor stated that because they would have to pass the admission requirements which require a background check, drug check, etc. , they would not be allowed. She stated that they use the agency Before You Hire to do all the checks, and that Ark of Refuge does not even make the determination.

Mr. McNeely asked if they did random drug testing and Ms. Taylor stated that if there is a suspicion of them taking or using alcohol or drugs, that you can be retested at any time. She stated they sign this agreement when coming in and if found to not pass, they are automatically dismissed.

Mr. McNeely asked about the food service and Ms. Taylor stated that they receive two self-serve meals, and one hot meal per day. Mr. McNeely asked if there were a grace period in which if someone left they could come back and Ms. Taylor stated no, what they are trying to do is to equip them with the tools that when they leave they will not need to come back. Mr. McNeely asked if they had a curfew and Ms. Taylor stated that visitors are allowed until 8 pm, but only in the common area, and all residents must be in by 11 pm, and must sign in when they enter and leave the facility. Mr. McNeely asked the maximum housing capacity and Ms. Taylor stated that they could house 150 people with both buildings, but the second building is uninhabitable because of the roofing condition. Mr. McNeely asked how many people were there now and Ms. Taylor stated 17.

Pastor Robert Taylor stated that this was a referral only entity. He stated that they accept referrals from the Red Cross, Salvation Army, or any other such entities. He stated that they do not accept people walking off the street, that they do have to be referred. Mr. Taylor stated that he admired Ms. Taylor and the Staff for their tenacity and vigor to make certain that our County and community is taken care of in an emergency.

Kevin Taylor, with Fellowship Tabernacle Church, stated that the church was in full support of the facility. He stated that the church volunteers at the Ark of Refuge by keeping up the grounds or whatever is necessary to make sure the Ark of Refuge is a safe Haven and a representation of God and the community.

Dorothy Heagans, Program Coordinator for the Ark of Refuge, stated that she volunteers 40-50 hours per week and that it was gratifying and rewarding to see people come in and stay and then after they leave, want to come back and volunteer. She stated that the different services like Social Services are constantly calling and that she was proud of the Ark of Refuge and what it is accomplishing.

No one else wished to speak in regards to the request.

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

**REZONING REQUEST; JAMES F. & CYNTHIA T. BRANNEN PROPERTY, CASE NO. 0607-**

**4:** Mr. McHargue presented the staff report:

**OWNER/APPLICANT:** James and Cynthia Brannen  
108 Culpeze Road  
 Mooresville, NC 28117

**LOCATION:** 907 Brawley School Road in Mooresville, NC; more specifically identified as PIN#4636-79-6076. **Directions:** From Mooresville, west on Brawley School Road; property on left approximately 850 feet west of Canvasback Road intersection.

**REQUESTED ACTIONS & CONDITIONS:** Rezone subject parcels from RA, Residential Agricultural to RO-CUD, Residential Office Conditional Use District with the following conditions:

- No outside storage;
- A screening device pursuant to Article XII of the Iredell County Zoning Ordinance shall be installed along the common property line with PIN#4636-78-9906 (124 Fantasy Lane).

**PROPOSED USE:** Any and all RO uses.

**SIZE:** 1 acre.

**EXISTING LAND USE:** Residential.

**SURROUNDING LAND USE:** Residential, Commercial.

**WATERSHED REGULATIONS:** This property is located within the WSIV-Critical Area Watershed.

**TRAFFIC:** This section of Brawley School Road had an average of 12,000 vehicles per day in 2004; according to the Iredell County Thoroughfare Plan, this section of Brawley School Road 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. This parcel is also within the Brawley School Road Roadway Protection Overlay District.

**STAFF COMMENTS:** This property is located within the Transitional Area of the Brawley School Road Small-Area Plan. This request has also taken into consideration its proximity to residential development; the applicant has agreed to provide a screening device pursuant to the Zoning Ordinance requirements (not an ordinary requirement when RO adjoins other residential zoning). This condition could set a strong precedent for future transitional rezonings in the area, should those properties follow suit. This will serve as a suitable buffer between residential and office uses along Brawley School Road. Staff finds this request in harmony with the Small-Area Plan and therefore recommends in favor.

James Brannen stated that he purchased the property 14 years ago, but with the development going on. He stated that with the widening of the road, the road is going to be about 20 feet from the front of the house and they decided to try to get it rezoned. He stated that it would not be desirable for residential then, but would be good for an office or such. Mr. Brannen stated they do not have a specific plan at this time.

Mr. Pruitt asked what the property is used for today and Mr. Brannen stated it was a rental house.

Mr. McNeely asked if they had ever lived on the property and Mr. Brannen stated they lived their about a year while they were building a house, but bought it mainly for investment property.

No one else wished to speak in regards to the request.

Mr. Tsumas made a motion to recommend approval of the proposed zoning map amendment and to advise that it is consistent with the Brawley School Road Small – Area Plan. Mr. McNeely seconded

said motion and all agreed. VOTES: 10-0.

**PROPOSED AMENDMENT TO THE IREDEL COUNTY ZONING ORDINANCE:** Ms. Harper stated that the Planning staff and the amendment subcommittee have reviewed another group of changes to the Zoning Ordinance. The following sections have been reviewed and are ready for their input (*see attachment in file*):

- Article IV. Non-Conforming Situations
- Article VII. Table of Special and Permitted Uses
- Article X. Off-Street Parking & Loading
- Article XI. Signs
- Article XII. Landscaping

Mr. Fields asked if there had been any public notice of the amendments to the general public and Ms. Harper stated that the public notice will go out at the time of the Commissioners Meeting.

Mr. Pruitt asked if there was a section for non-conforming signs and Ms. Harper stated that it was located in the sign section of the Ordinance.

Dr. Grigg said the committee had talked about putting a footnote in the different sections referencing the revision date.

Mr. Tsumas stated that the first sentence of Article X needed to say, “there are *not* enough uses” instead of “there are *no* enough uses”.

Mr. Tsumas suggested maybe basing the required parking on square footage instead of number of chairs.

Mr. Tsumas stated that in Article XI, Signs, on page 94 under political signs, it should say “60 days prior to *election*” instead of only “60 days prior”.

The Board expressed a concern with the expense that it would cost the developer under the new Landscaping requirements, and the need to require that much landscaping throughout the entire County. After lengthy discussion, the Board recommended removing Article XII from the list and sending it back to Staff and the Sub-committee to re-evaluate.

**GROWTH MANAGEMENT UPDATE:** Mr. Warren stated that the Commissioners valued the contributions of the Planning Board and felt that it needed more thought. He stated that the Commissioners have suggested holding some public input meetings and look at the two highest growth areas, the Brawley School Peninsula Area and the Perth Road Area. Mr. Warren stated that he felt the moratorium is off the table all together, but that they would like to look at these two areas more closely and possibly come up with some strategies from all sectors such as special interest groups, residents, planning board members and staff for a growth management approach for these two areas. Mr. Warren stated that one of the biggest contributors to the problem is NCDOT. He stated that there is a disconnect that is so severe that no one has an answer as to how to match up land use strategies and approaches with road capacity.

Mr. Fields stated that the Board was given a black-eye by the Staff and the County Commissioners. He stated that he understands they have been given a charge to go forward and is all for it, but that the Board wants to know what they are getting into before proceeding. He stated that he wants some parameters of discussion, how the meetings are going to be advertised, and that the Board should be prepared before Staff proceeds.

Mr. Niblock stated that the Commissioners remanded it back to the Board and suggested holding some public meetings on the Brawley School Peninsula Area and the Perth Road Area. He stated that they are looking for the expertise of the Planning Board to come up with suggestions to what they feel is appropriate. Mr. Niblock stated that he would like the Planning Board to tell Staff and Commissioners what would be appropriate after hearing from the different parties. He stated that he did not think Staff had to attend but that they would be more than happy to facilitate or work with the Planning Board in any way that will help.

Theresa O'keefe, with the Lake Norman Home Builders Association, stated that they would like to work with the County in making a solution. She stated that they can look at a strategy as far as schools and roads are concerned. She stated that if invited to the workshops, they would be there and use the time allotted to try and sit down and work out a strategy.

After further discussion, it was decided upon by the Board to hold a workshop on July 20, 2006 at the Iredell County Agricultural Center at 6:00 p.m, with Staff gathering input together for the Board within one week.

**PROPOSED AMENDMENT TO THE IREDELL COUNTY SUBDIVISION ORDINANCE:** Mr. McHargue stated that recent discussions about growth management in Iredell County lead us to the possibility of witnessing an increasing number of subdivision plats being submitted for approval. The Subdivision Ordinance provides for certain timelines in this regard. The proposed amendments (*see attachment in file*) would have the practical effect of enabling the Subdivision Review Committee to table such approvals should scheduling of increasing numbers of applications become problematic. Mr. McHargue stated that the following amendments were proposed:

- Section 305.3, Approval of Final Plat by the Subdivision Administrator and Recording
- Section 308.3, Review Procedure
- Section 309.3, Submission Procedure

Mr. Pruitt suggested making it read 31 days for Minors and Majors to make it more uniform.

Mr. Tsumas stated that they need to change “seven days” in the first paragraph, last sentence of Section 308.3.

**MONTHLY COMMITTEE ASSIGNMENTS:** Mr. Pruitt & Mr. Tsumas volunteered to attend the July 19<sup>th</sup> Subdivision Review Committee meeting at 10:00am in the Old City Hall. Mr. McNeely & Dr Grigg volunteered to go on the site visit for next month's requests on Tuesday, July 18<sup>th</sup>.

**ADJOURNMENT:** There being no further business, Chairman Fields declared the meeting adjourned at 11:28 p.m.

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Stephanie Whitlock  
Planning Support Specialist

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Date Read and/or Approved