

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **July 11, 2007** at 6:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC.

MEMBERS PRESENT

Eric Fields, Chairman
Dr. Jackie Grigg, Vice-Chairman
Anita Johnson
Gene Mahaffey, Newly Appointed Member
Jeff McNeely
Kristi Pfeufer
Harold Pruitt
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.

STAFF PRESENT

Katrina Hewitt
Ron Smith
Rebecca Harper
Matthew Todd

MEMBERS ABSENT

Alan Williams

At this time, Chairman Fields called the meeting to order and introduced Gene Mahaffey. He then turned the meeting over to Ron Smith for the Election of Officers.

ELECTION OF OFFICERS (JULY 2007 – JUNE 2008): Mr. Smith opened the floor for nominations for the position of Chairman. Dr. Grigg nominated Eric Fields as Chairman and Mr. Pruitt seconded said motion. It was a unanimous decision.

Mr. Smith opened the floor for nominations for the position of Vice Chairman. Mr. Santoni nominated Dr. Grigg as Chairman and Mr. Stephens seconded said motion. It was a unanimous decision. Mr. Smith turned the meeting back over to Chairman Fields.

MINUTES: Dr. Grigg made a motion to approve the 6/6/07 meeting minutes. Mr. Pruitt seconded said motion and all agreed. **VOTES: 9-0.** (Note: Mr. McNeely was not present at this time.)

REZONING REQUEST; SUMAT LLC PROPERTY, CASE NO. 0707-1: *Matthew Todd presented the staff report:*

OWNER: Sumat LLC
2159 Old Mountain Road
Statesville, NC 28625

APPLICANT: Andy Modi
2159 Old Mountain Rd
Statesville, NC 28625

LOCATION: 2159 Old Mountain, more specifically a portion of PIN# 4704-55-3986. **Directions:** I-40 east north on Old Mountain Road site on left at corner of Island Ford Road.

REQUESTED ACTION: Rezone the rear portion of the property from RA, Residential Agricultural Zoning District to NB, Neighborhood Business Zoning District.

PROPOSED USE: Convenience store and gas station

SIZE: The portion of the property for rezoning is 1975sq/ft.

EXISTING LAND USE: Convenience store and gas station

SURROUNDING LAND USE: Commercial and residential

WATERSHED REGULATIONS: This property is in the WSIV-CA watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Old Mountain Road is 12,000 vehicles per day and 8,000 for Island Ford Road. In 2005, the estimated daily traffic count for Old Mountain Road was 4,700 vehicles per day and 1,500 vehicles per day for Island Ford Road.

ZONING HISTORY: This property has been zoned NB/RA since countywide zoning went into effect in 1990. The property that adjoins this lot to the south was rezoned to HB-CUD in September 2006 with the following conditions: 1) No outside storage except for the dumpster and 2) Extend the leyland cypress tree buffer on the south side to the front of the proposed building. The property to the west has been RA since countywide zoning went into effect in 1990.

STAFF COMMENTS: The area around this intersection has been developing commercially over the past couple years. On the north side of Island Ford Road there is a new Food Lion shopping center. To the south of this property a Dollar General is under construction. The Iredell County Land Use Plan identifies this area as suitable for commercial use. The applicant has chosen to expand an already existing NB District. Across Island Ford Road and Old Mountain Road lies GB zoning. This strip of land the applicant is requesting the rezoning for is approximately 25' wide. With the 30' zoning setback requirement between commercial and residential uses this piece will essentially become part of the required rear buffer. Based on the location and the Iredell County Land Use Plan planning staff recommends in favor of this request.

Alex Modi, Applicant, stated that he proposed to expand the parking lot of his existing business and he was not aware the rear portion of the property was not zoned commercial. There was no one else present to speak in regard to this request.

After further discussion, Dr. Grigg 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. Ms. Pfeufer seconded said motion and all agreed. **VOTES: 9-0.** (Note: Mr. McNeely was not present at this time.)

REZONING REQUEST; JAMES ALLEN EDMISTON JR., ANNE EDMISTON, MARY TOLBERT, AND ETHEL EDMISTON PROPERTY, CASE NO. 0707-2: *Matthew Todd presented the staff report:*

<u>OWNERS/APPLICANTS:</u> James Edmiston Jr.	Anne Edmiston
120 Shady Cove Road	3295 Amity Hill Road
Troutman, NC 28166	Statesville, NC 28677
Ethel Edmiston	Mary Tolbert
189 Hamilton Road	2509 Amity Hill Road
Troutman, NC 28166	Statesville, NC 28677

LOCATION: Amity Hill Road, more specifically PIN# 4742-85-2318.000. Directions: South I-77 exit 45 north on Amity Hill Road site on right across from Murdock Road.

REQUESTED ACTION: Rezone the property from RA, Residential Agricultural Zoning District to HB, Highway Business Zoning District.

PROPOSED USE: All HB uses

SIZE: The property for rezoning is 7.16 acres.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE: Commercial and residential

WATERSHED REGULATIONS: This property is not in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Amity Hill Road is 8,000 vehicles per day. In 2005, the estimated daily traffic count for Amity Hill Road was 1,800 vehicles per day.

ZONING HISTORY: This property has been zoned RA since countywide zoning went into effect in 1990. The property is bordered by I-77 on the east and Amity Hill on the west. To the south lies a parcel of land that was recently annexed by Statesville. To the north there is a vacant RA zoned lot. Across Amity Hill Road to the southwest is RO zoning that was rezoned in 2000 and HB zoning from the countywide zoning in 1990.

OTHER JURISDICTIONAL INFORMATION: This is a speculative rezoning. Utilities would be provided by the City of Statesville. The property is located within their portion of the recently developed annexation agreement. When development occurs, the applicant will likely utilize the City's utilities, and would therefore be subject to annexation and in the least, the City's development standards.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for commercial uses. The exit 45 area is starting to transition from a rural interstate interchange to a developed interchange. Both Statesville and Troutman are extending their jurisdictions into this area, with Statesville being the primary service provider. Staff is recommending in favor of this request due to the proximity to exit 45 and the Iredell County Land Use Plan.

Jim Edmiston, Applicant, stated that he had his three sisters and mother here with him tonight and that this property has been in their family since the 1960's. Mr. Edmiston stated that taxes on this property keep on going up and they just want to get the property rezoned to be in compliance with the surrounding area. He further stated that he has talked with the neighbors and there was no opposition. There was no one else present to speak in regard to this request.

After further discussion, Mr. Stephens 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. Tsumas seconded said motion and all agreed. **VOTES: 9-0.** (Note: Mr. McNeely was not present at this time.)

Mr. Tsumas asked to be excused from the next two rezoning requests. Dr. Grigg made a motion to excuse Mr. Tsumas and Mr. Pruitt seconded said motion. All agreed.

REZONING REQUEST; TSUMAS FAMILY LIMITED PARTNERSHIP PROPERTY, CASE NO. 0707-3: Rebecca Harper presented the staff report:

OWNER: Tsumas Family Limited Partnership
300 E. Broad Street, Suite 103
Statesville, NC 28677

APPLICANT: Jan Woodside, Operation Manager
300 E. Broad Street, Suite 103
Statesville, NC 28677

LOCATION: 945 Bell Farm Road, more specifically PIN#s 4763-47-6443 & 4763-47-6370. Directions: US Highway 70 east, right on Bell Farm Road, properties are on the right.

REQUESTED ACTION AND CONDITIONS: Rezone the properties from RA, Residential Agricultural Zoning District to R-12 CUD (PUD), Single-Family Residential Conditional Use Zoning District (Planned Unit Development) with the following conditions:

- 80' x 170' lots as shown on the PUD master plan approved in 2000, and
- Limited to Single-Family Residential Uses.

PROPOSED USE: Residential uses to be added to an existing R-12 CUD (PUD).

SIZE: The property is 1.35 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential and agricultural.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: Bell Farm Road is not addressed in the 1993 Iredell County Thoroughfare Plan with regards to capacity. In 2005, the estimated daily traffic count for US Highway 70 was 4,100 vehicles per day.

ZONING HISTORY: This property has been zoned RA since County-wide zoning went into effect in 1990. The property to the east with the PUD (Planned Unit Development) was rezoned in 2000. The properties to the southeast and southwest have been zoned M-2 since County-wide zoning went into effect in 1990.

OTHER JURISDICTIONAL INFORMATION: This request has been reviewed with the City of Statesville Planning Staff. The staff agrees with the proposed use, and is generally in favor of the request. Water and sewer service was previously allocated to the overall PUD by the City.

GROWTH IMPACT: Based on the size of the property, the impact on schools, traffic, and water and sewer will be minimal as an addition to the existing PUD.

STAFF COMMENTS: The US 70 East Corridor Plan identifies this area as a transitional area. The transitional area is designated for PUD and related uses. The R-12 zoning district fits into the future transitional areas proposed in the US 70 East Corridor Plan. The applicant indicates the proposed use is an extension of the existing PUD that lies to the northeast. Planning staff recommends in favor of this request due to based on its compatibility with the US 70 East Corridor Plan and the adjoining PUD that was approved in 2000.

Brian Jenest (Cole, Jenest & Stoneware; Land Planners, Land Architecture, Civil Engineers in Charlotte) stated that they had proposed to rezone this portion back seven years ago with the original PRD but at the last minute could not close on the property so they are coming back now to include these parcels to bring it in line with the adjacent PRD.

Dr. Grigg asked if they proposed to have a turn-lane at this location and Jan Woodside, Operations Manger for Tsumas Family, stated that a traffic study was done at the time of the original PRD zoning and that traffic plan is still in effect. Ms. Woodside stated before any final site plan approval NCDOT will review the traffic needs and they will comply with their regulations. Dr. Grigg asked what the primary entrance would be for the entire PRD and Mr. Jenest stated there were entrances proposed off Bell Farm Road, John Long Road, and Salisbury Road. Dr. Grigg also asked if any talks have been made since the original PRD was approved to have a bridge over the railroad and Mr. Jenest stated that there were no plans for a bridge at this point.

Chairman Fields asked if the two parcels would be used for residential lots or the entrance to the development and Mr. Jenest stated that it would be used for single family lots. There was no one else present to speak in regard to this matter.

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 US 70 East Corridor Plan. Ms. Pfeufer seconded said motion and all agreed. **VOTES: 8-0.** (Note: Mr. Tsumas was excused from this request and Mr. McNeely was not present at this time.)

**REZONING REQUEST; TSUMAS FAMILY LIMITED PARTNERSHIP PROPERTY,
CASE NO. 0707-4: Rebecca Harper presented the staff report:**

OWNER: Tsumas Family Limited Partnership
300 E. Broad Street, Suite 103
Statesville, NC 28677

APPLICANT: Jan Woodside, Operation Manager
300 E. Broad Street, Suite 103
Statesville, NC 28677

LOCATION: Bell Farm Road and Salisbury Highway, more specifically PIN#s 4763-35-8501, 4763-36-7532, & 4763-47-3177. **Directions:** Salisbury Highway east, right on Bell Farm Road, properties are on the right.

REQUESTED ACTION AND CONDITIONS: Rezone the properties from RA, Residential Agricultural Zoning District to R-8A CUD, Multi-Family Residential Conditional Use Zoning District and SC CUD, Shopping Center Conditional Use Zoning District with the following conditions:

- Retail and office uses shall not exceed a total of 150,00 square feet
- Total number of dwelling units shall not exceed 150
- Stub-outs to be made to PIN#s 4763-46-6249 and to existing PRD (adjacent properties)
- Final site plan approvals including points of ingress, egress, interconnectivity shall comply with zoning, subdivision, and NCDOT specifications

PROPOSED USE: Shopping center and single-family attached dwellings, any uses permitted in the R-8A and SC zoning districts.

SIZE: The property is 37.96 acres.

EXISTING LAND USE: Vacant and residential.

SURROUNDING LAND USE: Residential (existing and proposed), agricultural, and industrial.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of US Highway 70 is 10,500 vehicles per day. In 2005, the estimated daily traffic count for US Highway 70 was 18,000 vehicles per day and 4,100 vehicles per day for Bell Farm Road. The State is currently in the process of re-routing and widening US Highway 70. This property will not have frontage on the new stretch of US Highway 70.

ZONING HISTORY: This property has been zoned RA since County-wide zoning went into effect in 1990. The property to the northeast with the PRD (Planned Residential Development) Zoning was rezoned in 2000. The properties to the east and west have been zoned M-2 since County-wide zoning went into effect in 1990. The properties to the southwest were zoned M-1 in 1995, HB in 1991, and CB CUD in 2006.

OTHER JURISDICTIONAL INFORMATION: This request has been reviewed with the City of Statesville Planning Staff. The staff agrees with the proposed use, and is generally in favor of the request. **GROWTH**

IMPACT: *The following section analyzes the effects this development will have on the three major types of infrastructure; schools, traffic/roads, water and sewer:*

1. **Schools.** Students located in this development will attend Third Creek Elementary, Statesville Middle and South Iredell High Schools. The capacity of each of these schools is listed below, along with the estimated impact that this development will have on each.

School	Capacity	# of Students 2006-2007	New Students
Third Creek Elementary	816	637	22
Statesville Middle	780	527	11
South Iredell High	1101	880	15

All three of these schools are currently under capacity. The school system is also examining their options for new elementary school locations in the general vicinity. If a school site is secured, it will allow the school system to build a new school within the next two to three years.

2. Traffic/Roads. The estimated number of average daily trips per household is ten. Based on the allowable density, this will equate to 290 trips at 29 lots (allowable under the RA district) and 1,500 trips at 150 lots (allowable with approval of the proposed development).
3. Water and Sewer. The City of Statesville will be providing water and sewer service to this development, which will likely require annexation.

STAFF COMMENTS: The area is in the midst of transition due to new highway construction slated for completion next summer. Approximately 196 linear feet of the applicant’s property fronts the US Highway 70 right-of-way and approximately 1,801 feet fronts the Bell Farm Road right-of-way. There is no frontage on the proposed new location of US Highway 70. The US 70 East Corridor Plan identifies this area as transitional. The transitional area is designated not only for PUD uses but also other commercial and industrial uses, largely dependent upon how the area develops. The R-8A and SC zoning districts fit into the future transitional area proposed in the US 70 East Corridor Plan. The applicant indicates the proposed uses are intended as support services to the existing PRD zoning district that lies to the northeast. Planning staff recommends in favor of this request. This property is suitable for the proposed uses based on the US 70 East Corridor Plan and the nearby zoning districts and land uses.

Mr. Brian Jenest stated that he previewed the existing PRD from the last request and stated that this proposed development tied in with existing PRD. Mr. Jenest stated that the northern portion of this property is proposed for residential and the southern portion for a shopping center. Mr. Jenest stated that they didn’t proposed access off Highway 70 due to the railroad. Chairman Fields asked how many entrances were proposed and Mr. Jenest stated there were three entrances off Bell Farm Road for the entire project.

Bill Lackey, adjoining property owner, stated that he was opposed to the residential portion as well as the shopping center portion. Mr. Lackey stated that the land has been clear cut with disregard to the welfare of the adjoining properties; someone went around telling the neighbors this was a “done deal” and it was a waste of time to come to this meeting; feels this is a personal attack against him and his wife; would devalue of his property; wildlife concerns; traffic safety; and concerns about this developers past developments. Mr. Lackey presented photos of some of the other developments done by the Tsumas family which have not been kept up (*see attachments in file*). Chairman Fields asked Mr. Lackey to speak in regard to this property only. Mr. Lackey further stated that the property was located on a very dangerous curve; Wayside VFD’s could not handle the population increase and that there were water & sewer concerns.

Mr. Lackey addressed his concerns on the proposed shopping center: stated that for some reason shopping centers don’t get support from Statesville; there were unable to attract quality stores. Also, that access off Bell Farm Road to this shopping center will create an even bigger traffic hazard. Mr. Lackey stated that he talked to approximately 70 people in the community and he submitted a petition with signatures from those who do not support this project.

Chairman Fields asked Mr. Jenest to address the curve in the road, possible traffic light, etc. Mr. Jenest stated that NCDOT would review the project and they would comply with whatever NCDOT requires whether it was widening of the road, straightening of roads, stop lights, etc.

Mr. Jenest stated that they only have a conceptual plan at this time. Mr. Jenest stated that they had a public meeting for the neighbors in June but only two people showed up.

Ms. Johnson asked if the roads would be private or public and Ms. Woodside stated the roads would be dedicated public streets maintained by NCDOT. Ms. Johnson also asked about water & sewer and Ms. Woodside stated that City water and sewer were approved for this project in 1998.

Ms. Woodside added that this development would be for single family residences; that there would be no manufactured homes.

Dr. Grigg asked if the Tsumas family was willing to donate land to NCDOT to eliminate the curve and Mr. Jenest stated that once we see what NCDOT will require it will be up to them to comply. Dr. Grigg stated that wasn't her question; that she wanted to know if the applicant was willing to eliminate this curve and make it part of the proposal. Mr. Jenest stated that it is premature to say whether they could do it or not until after a study was done. Jan Woodside stated that they are willing to do whatever for safety but if it means having to put a road through the middle of the project and giving up 7 or 8 acres it may not be feasible. At this time, Chairman Fields stated that we needed to get back on track and let the others speak.

OTHERS SPEAKING IN OPPOSITION:

Sammy Deal, adjoining property owner, stated that this is a good community and we want to maintain our rural farming community. Mr. Deal stated that he doesn't want to see 800+ homes across from this driveway. Chairman Fields reminded Mr. Deal that the PRD with all the homes was approved years ago. Mr. Deal stated that he understood that but they are asking for more and it will cause too much traffic.

Marty & Kelli Tucker, adjoining property owners, stated that their concern is the traffic increase being a safety hazard and this not being suitable for their rural farm community. Bert Bell stated that he has lived on Bell Farm Road 50+ years and was opposed to this project. Mr. Bell stated that there are too many unknowns for this project. Craig Deal, adjoining property owner, was concerned about traffic safety. Mr. Lackey addressed the curve situation with NCDOT from the past.

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

Mr. Jenest stated that the large development has already received approval years ago and that this proposed project is in accordance with the original plan and that this proposed use is in accordance with the Iredell County Land Use Plan. Mr. Jenest stated that they would be willing to have as a condition that they get NCDOT to do an updated traffic study.

After lengthy discussion, Dr. Grigg made a motion to recommend denial. Mr. Mahaffey seconded said motion; and

AYES: Grigg, Mahaffey, Fields, McNeely, Pruitt, Santoni, Stephens

NOES: Johnson, Pfeufer

The motion passed to recommend denial. **VOTES: 6-2.** (Note: Mr. Tsumas was excused from this request and Mr. McNeely was not present at this time.)

Mr. McNeely is present at this time. Ms. Johnson asked to be excused from the next rezoning request. Mr. Stephens made a motion to excuse Ms. Johnson and Mr. McNeely seconded said motion. All agreed.

REZONING REQUEST; ANITA RITCHIE JOHNSON PROPERTY, CASE NO. 0707-5:

Rebecca Harper presented the staff report:

OWNER: Anita Ritchie Johnson
323 Walnut Street
Statesville, NC 28677

APPLICANT: Michael or David Johnson
323 Walnut Street
Statesville, NC 28677

LOCATION: 2370 Shelton Avenue in Statesville, NC; more specifically PIN# 4732-67-0884. **Directions:** Highway 115 south, property is on the right past Iredell Memorial Gardens.

REQUESTED ACTION AND CONDITIONS: Amend the County Land Use Plan and rezone the property from RA, Residential Agricultural Zoning District to R-8A, Multi-Family Residential Zoning District and NB CUD, Neighborhood Business Conditional Use Zoning District with the following conditions:

- Permit all uses in the R-8A and NB districts, with the exception of service stations with and without gas,
- Stub outs to be provided on both sides of the property to the large adjoining tracts,
- RPO (Roadway Protection Overlay) standards to be met along Shelton Avenue (Highway 115),
- All parking for the business uses shall be located to the rear of the non-residential buildings, and
- Only 2 driveway cuts to be allowed per NC DOT approval.

PROPOSED USE: Multi family and neighborhood retail and office project.

SIZE: The property is 21.7 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: This property is primarily surrounded by residential uses, with some limited commercial in the area, and an industrial facility within ½ mile to the north.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Highway 115 is 10,500 vehicles per day. In 2005, the estimated daily traffic count for Highway 115 was 8,900 vehicles per day.

ZONING HISTORY: This property has been zoned RA and NB since County-wide zoning went into effect in 1990. The Champ property to the north was zoned M-1 in 1991.

OTHER JURISDICTIONAL INFORMATION: This request has been reviewed with the City of Statesville Planning Staff. The staff agrees with the conditions proposed by the County, and is generally in favor of the request. This property is located within Statesville's portion of the newly crafted annexation agreement with Troutman, and therefore would be considered for annexation if requested.

GROWTH IMPACT: *The following section analyzes the effects this development will have on the three major types of infrastructure schools, traffic/roads, water and sewer:*

1. **Schools.** Students located in this development will attend Troutman Elementary and Middle and South Iredell High Schools. The capacity of each of these schools is listed below, along with the estimated impact that this development will have on each.

School	Capacity	# of Students 2006-2007	New Students
Troutman Elementary	727	788	26
Troutman Middle	572	427	13
South Iredell High	1101	880	17

The school system is currently in the second phase of a three phase Capital Facilities Program. Under this program, the capacity of Troutman Elementary will increase to 800 (effective Summer 2007).

The school system is also examining their options for new elementary school locations in the general vicinity and options for the expansion and potential construction of a new middle school. If a school site is secured for the elementary, it will allow the school system to build a new school within the next two to three years.

2. Traffic/Roads. The estimated number of average daily trips per household is approximately ten. Based on the allowable density, this will equate to 390 trips at 39 lots and 1,740 trips at 174 units.
3. Water and Sewer. There has been no commitment from the City of Statesville to provide water and sewer to this property. However, discussions with the City Planning staff indicated that there should be no problem in getting a commitment from the City for the utilities. A water line is located on this property along Shelton Avenue. There has been some discussion of putting a pump station on this lot to accommodate the sewage.

STAFF COMMENTS: The property is currently zoned for single-family residential and neighborhood business uses. However, the proposed use in the County Land Use Plan is residential. The project has access to an existing water line and will most likely get approval on the sewer from the City of Statesville. The proposed project would increase the NB zoning from approximately 3 acres to approximately 8 acres, with the remainder of the property to be designated as R-8A. Table 1 breaks down the number of units that could be built under the current RA zoning district versus the number of units that could be build under the proposed R-8A zoning district.

Table 1

	Zoning	Acreage	Number of units
Currently	RA	18	39
Proposed	R-8A	13	174

The current NB zoning allows for commercial uses along the highway. Although this is not designated in the Land Use Plan for commercial uses, the impact of expanding the current NB zoning would be limited. Future requests for additional NB zoning would be limited due to the barriers on either side; a neighborhood to the south and a cemetery to the north. Although the current Land Use Plan calls for residential uses, the plan is slightly out-dated and seems to have not taken into account the neighborhood business designation along this road. With some reservations, the planning staff recommends in favor of this request. Although the property is partially zoned for commercial uses and has access to water and sewer, it does not comply with the Land Use Plan. However, it is likely that this property will not develop under the County's jurisdiction and will eventually be annexed into the City of Statesville as a result of the water and sewer service.

Mr. McNeely questioned the number of projected students and Ron Smith stated that the Iredell Statesville Schools use a specific formula (.32 kids per dwelling unit then they break down between elementary, middle, and high schools).

Mike Johnson, Applicant, stated that the developer would choose Statesville or Troutman for utilities since they fall in a contractual area between the municipalities. Mr. Johnson further explained the utilities in this area. Mr. Johnson stated that they propose apartments or maybe condos. He further stated that due to the geographic constraints in the area it's not suitable for single family residences.

Mr. Johnson stated that they did not have a site plan at this time. There was no one else present to speak in regard to this request.

After further discussion by the Board, Dr. Grigg made a motion to recommend amending the Iredell County Land Use Plan. Ms. Pfeufer seconded said motion; and

AYES: Grigg, Pfeufer, Fields, Mahaffey, Santoni, Stephens, Tsumas
NOES: McNeely, Pruitt

The motion passed in favor. **VOTES: 7-2.** (Note: Ms. Johnson was excused from this request.)

Ms. Pfeufer made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the County Land Use Plan. Dr. Grigg seconded said motion; and

AYES: Pfeufer, Grigg, Fields, Mahaffey, Santoni, Stephens, Tsumas
NOES: McNeely, Pruitt

The motion passed in favor. **VOTES: 7-2.** (Note: Ms. Johnson was excused from this request.)

REZONING REQUEST; SHILOH FARMS, INC. PROPERTY, CASE NO. 0707-6: Ron Smith presented the staff report:

<u>OWNER:</u> Shiloh Farms, Inc. 201 Odell School Road Concord, NC 28027	<u>APPLICANT:</u> Matthew Wilson Landcraft Management, LLC 1435 West Morehead Street, Suite 135 Charlotte, NC 28208
<u>AGENT:</u> Nicole R. Store ESP Associates, P.A. PO Box 7030 Charlotte, NC 28241	

LOCATION: 431 Westmoreland Road in Troutman, NC; more specifically PIN# 4659-49-7258.
Directions: I-77 south to exit 42, south on 21, left on Westmoreland Road site on left at corner with Houston.

REQUESTED ACTION: Rezone the property from RA, Residential Agricultural Zoning District to R-12-CUD, Single Family Residential Conditional-Use District with the following conditions:

1. Water and sewer must be provided and the subsequent development policies of the Town of Troutman concerning water and sewer service must be followed (*see attachment A*),
2. Phasing will be required based on the following:
 - a. The proposed development will be permitted to develop to the density standards of the RA district for the first two years beginning on the date of the approval of the rezoning. The number of lots that will be allowed during that time shall be no more than **196 (this number has been determined by subtracting 0.8% of the overall acreage for streets, and 0.5% of the overall acreage for undevelopable land, then multiplying the net acreage by 2.178, the density allowed in the RA District)**.
 - b. Upon the expiration of the two year period mentioned above, the remaining lots that would be permitted by utilizing an R-12 density shall be allowed to begin (**i.e. final subdivision plats may then be submitted**).

- c. All lots created subsequent to the rezoning may adhere to the minimum standards of the R-12 District.

District Comparison

	RA (Residential Agriculture)	R-12 (Single Family Residential)
Acreage	103.55	103.55
Less Undevelopable Land	90	90
Lots per Acre	2.178	3.63
Total Possible Lots	196	326

PROPOSED USE: Residential community with an amenity center and recreational area.

SIZE: 103.55 acres

EXISTING LAND USE: Vacant/Agricultural Land

SURROUNDING LAND USE: Agricultural and residential

WATERSHED REGULATIONS: This property is not in a watershed.

TRAFFIC: The traffic capacities for Westmoreland Road and Houston Road were not specifically addressed in the 1993 Iredell County Thoroughfare Plan. However, based on similar roads within the County, it would appear that the design capacity would be between 8,000 and 9,000 ADTs. Westmoreland Road is currently paved for only a portion of its length. As part of the approval from the Town of Troutman, the road will be completely paved. In 2004, the estimated daily traffic count for Westmoreland Road was 650 vehicles per day and 470 vehicles per day for Houston Road in 2005.

ZONING HISTORY: This property and surrounding properties have been zoned RA since the countywide zoning went into effect in 1990.

GROWTH IMPACT: *The following section analyzes the effects this development will have on the three major types of infrastructure schools, traffic/roads, water and sewer:*

4. Schools. Students located in this development will attend Troutman Elementary and Middle and South Iredell High Schools. The capacity of each of these schools is listed below, along with the estimated impact that this development will have on each.

School	Capacity	# of Students 2006/2007	New Students
Troutman Elementary	727	788	50
Troutman Middle	572	427	24
South Iredell High	1101	880	32

The school system is currently in the second phase of a three phase Capital Facilities Program. Under this program, the capacity of Troutman Elementary will increased to 800 (effective Summer 2007).

The school system is also examining their options for new elementary school locations in the general vicinity and options for the expansion and potential construction of a new middle school. If a school site is secured for the elementary, it will allow the school system to build a new school within the next two to three years.

5. Traffic/Roads. The estimated number of average daily trips per household is approximately ten. Based on the allowable density, this will equate to 2,000 trips at 200 lots and 3,330 trips at 333 lots.
6. Water and Sewer. The Town of Troutman will be providing water and sewer service to this development. A letter from the Town, labeled "Attachment A" is attached to this staff report.

OTHER JURISDICTIONAL INFORMATION: This request has been reviewed, and endorsed, by the Town of Troutman. The Town has agreed to provide water and sewer service to the development. In return, the developer must agree to adhere to the development standards detailed in the letter from the Town of Troutman, dated June 20, 2007 (Attachment A).

STAFF COMMENTS: The recent growth study has established several new policies to consider when dealing with new development. This proposal is subject to much of that study due to the implications of the request for higher density development. Several core issues have been considered by the staff, and should be considered in your deliberation of this request.

1. Impact on schools. Higher density equals more children. The schools that will serve this development are either near, or over capacity. The developer currently has the right to develop on this property under the current RA zoning. By phasing the development and limiting the number of lots over the next two years, the developer is agreeing to wait until the school system has had adequate time to plan for the new students.
2. Intergovernmental Cooperation. The Growth Study recommended that the County work closely with the municipalities to prepare for growth. The County Planning Staff has worked closely with Troutman on this request and understands the Town's financial needs as they relate to water and sewer (see below). Because this request is endorsed by the Town, and is a prudent approach to development, we have tried to be as cooperative as possible with Troutman.
3. Urban Service Areas. The Growth Study recommended studying USAs as a way to cooperate with the municipalities and to funnel growth into areas that can handle it (i.e. water and sewer and roads). Although Troutman does not have an established USA, it does have a detailed Capital Improvement Plan for water and sewer. This area is currently served by these utilities, and would be included in the USA if it were adopted.
4. Water and Sewer Connectivity. It was apparent through the study that development with municipal utilities was preferred where possible. Because this area is served by utilities, it makes sense to connect. However, it also makes sense to allow higher densities when municipal utilities are available due to economic reasons, it benefits the Town as well as the development community. There are also positive environmental impacts that come with connection to utilities.

This request, with the associated conditions, is a balance between the impact on schools and roads, and the promotion of development practices that utilize the systems currently in place. Staff feels that the impact on the schools is offset by the conditions of the request, primarily the delay in development, and that the core principles of the Growth Study are being met. The two year delay for the additional lots will give the school system the opportunity to plan and deal with the growth in this area (an elementary school sight currently being sought).

Based on all of these issues, staff recommends approval of the request.

The Board had further questions and lengthy discussion with Mr. Smith in regard to the above staff report.

Matthew Wilson (Landcraft Management LLC), Applicant introduced Nicole Storey (ESP Associates, P.A.), Agent for this request. Ms. Storey stated they are limiting to 224 homes; not the 326 permitted in the R-12 zoning. Ms. Storey stated that this is a quality development with 30% common open space. Ms. Storey referred to the letter of support from the Town of Troutman (*see attachment in file*). Ms. Storey stated that they would probably be annexed by the Town of Troutman within the next two years. She stated that they have been pro-active with school issues, extending utility services to this area, dedicating right-of-way on Westmoreland Road which currently doesn't have public right-of-way and in addition plan to pave Westmoreland Road.

Mr. Tsumas asked if the proposed 224 homes were part of the conditions and Ms. Storey stated that it is a condition by way of the Town of Troutman letter but they would also be happy to offer that condition as part of this rezoning. Mr. Tsumas asked about the driveway connections on Westmoreland Road and Ms. Storey stated that they didn't propose any private driveway cuts for the lots on Westmoreland Road. Mr. Tsumas asked if this could be a part of the condition and Mr. Wilson stated that he didn't have a problem with making this a condition.

THOSE SPEAKING IN OPPOSITION:

Sara Nestler (166 Cardinal Lane), adjoining property owner, stated that Highway 21 has been over capacity years ago and we keep on building. Ms. Nestler stated that this would be too many people on a rural road. Elizabeth Miles (645 Houston Road) stated concerned about the increase in traffic.

Dan Newton, 525 Shepherd Road, stated that there is a subdivision in this area for the past two years and not one house has been built yet and another subdivision that's been there four years and only six homes built so far. Mr. Newton stated that the existing roads in the area cannot handle increase in traffic. Teresa Newton, 525 Shepherd Road, stated her concerns with traffic safety with the existing roads. Fred Nestler (166 Cardinal Lane), adjoining property owner, stated his concerns about the schools and also stated that Exit 42 is going to become like Exit 36. Mr. Nestler stated that we need to take a break and let the infrastructure catch up.

At this time, the Board had further deliberation. Mr. Tsumas stated that he felt the staff has done a really good job trying to mediate some type of compromise and with the developer's limited cap on the number of houses and the limit on driveway cuts that he would like to make a motion.

Mr. Tsumas made a motion to recommend approval (*with the added two conditions*) of the zoning map amendment and to advise that it is consistent with the Iredell County Land Use Plan. Mr. Pruitt seconded said motion. Mr. McNeely stated that out of all the R-12 zoning requests I've seen they are trying to do a good of job as anybody but I still can't vote for anything less than R-20 to go out in the County. Ms. Johnson stated that this request will actually only allow 28 more units than the existing RA zoning and the developer is adding more green space. After further discussion, the Board voted on the request:

AYES: Tsumas, Pruitt, Fields, Grigg, Johnson, Pfeufer

NOES: Mahaffey, McNeely, Santoni, Stephens

The motion passed in favor. VOTES: 6-4.

REZONING REQUEST; HOWARD & ASSOCIATES LTD PARTNERSHIP AND TOM & WENDY SHADRIX PROPERTY, CASE NO. 0707-7: Ron Smith presented the staff report:

OWNERS: Howard & Associates LTD, Partnership
400 Avinger Lane Apt 347
Davidson, NC 28036

Tom & Wendy Shadrix
8704 Stage Ford Road
Raleigh, NC 27615

AGENT/APPLICANT: E & J Development, LLC
 227 Hideaway Lane
 Mooresville, NC 28117

LOCATION: The property lies between Overcash and Houston Road, more specifically PIN#s 4750-87-1673 and 4750-84-4557. Directions: I-77 south to exit 42, south on 21, left on Westmoreland Road site at end across Houston Road.

REQUESTED ACTION: Rezone the property from RA, Residential Agricultural Zoning District to R-12-CUD, Single Family Residential Conditional-Use District with the following conditions:

1. Water and sewer must be provided and the subsequent development policies of the Town of Troutman concerning water and sewer service must be followed (*see attachment A*),
2. Phasing will be required based on the following:
3. The proposed development will be permitted to develop to the density standards of the RA district for the first two years beginning on the date of the approval of the rezoning. The number of lots that will be allowed during that time shall be no more than **336 (this number has been determined by subtracting 0.8% of the overall acreage for streets, and 0.5% of the overall acreage for undevelopable land, then multiplying the net acreage by 2.178, the density allowed in the RA District)**.
4. Upon the expiration of the two year period mentioned above, the remaining lots that would be permitted by utilizing an R-12 density shall be allowed to begin (**i.e. final subdivision plats may then be submitted**).
5. All lots created subsequent to the rezoning may adhere to the minimum standards of the R-12 District.

District Comparison

	RA (Residential Agriculture)	R-12 (Single Family Residential)
Acreage	177.63	177.63
Less Undevelopable Land	154.53	154.53
Lots per Acre	2.178	3.63
Total Possible Lots	336	565

PROPOSED USE: Single family residential housing

SIZE: 177.63 acres

EXISTING LAND USE: Vacant/Agricultural Land

SURROUNDING LAND USE: Agricultural and residential

WATERSHED REGULATIONS: This property is not in a watershed.

TRAFFIC: The traffic capacities for Overcash Road and Houston Road were not addressed in the 1993 Iredell County Thoroughfare Plan. However, based on similar roads within the County, it would appear that the design capacity would be between 8,000 and 9,000 ADTs. In 2004, the estimated daily traffic count for Overcash Road was 680 vehicles per day and 470 vehicles per day for Houston Road in 2005.

ZONING HISTORY: This property and surrounding properties have been zoned RA since the countywide zoning went into effect in 1990.

GROWTH IMPACT: *The following section analyzes the effects this development will have on the three major types of infrastructure schools, traffic/roads, water and sewer:*

1. Schools. Students located in this development will attend Troutman Elementary and Middle and South Iredell High Schools. The capacity of each of these schools is listed below, along with the estimated impact that this development will have on each.

School	Capacity	# of Students 2006/2007	New Students
Troutman Elementary	727	788	83
Troutman Middle	572	427	42
South Iredell High	1101	880	56

The school system is currently in the second phase of a three phase Capital Facilities Program. Under this program, the capacity of Troutman Elementary will increase to 800 (effective Summer 2007).

The school system is also examining their options for new elementary school locations in the general vicinity and options for the expansion and potential construction of a new middle school. If a school site is secured for the elementary, it will allow the school system to build a new school within the next two to three years.

2. Traffic/Roads. The estimated number of average daily trips per household is ten. Based on the allowable density, this will equate to 3,600 trips at 336 lots and 5,650 trips at 565 lots.
3. Water and Sewer. The Town of Troutman will be providing water and sewer service to this development. A letter from the Town, labeled “Attachment A” is attached to this staff report.

OTHER JURISDICTIONAL INFORMATION: This request has been reviewed, and conditionally endorsed, by the Town of Troutman. The Town has agreed to provide water and sewer service to the development. In return, the developer must agree to adhere to the development standards detailed in the letter from the Town of Troutman, dated June 20, 2007 (Attachment A).

STAFF COMMENTS: The recent growth study has established several new policies to consider when dealing with new development. This proposal is subject to much of that study due to the implications of the request for higher density development. Several core issues have been considered by the staff, and should be considered in your deliberation of this request.

1. Impact on schools. Higher density equals more children. The schools that will serve this development are either near, or over capacity. The developer currently has the right to develop on this property under the current RA zoning. By phasing the development and limiting the number of lots over the next two years, the developer is agreeing to wait until the school system has had adequate time to plan for the new students.
2. Intergovernmental Cooperation. The Growth Study recommended that the County work closely with the municipalities to prepare for growth. The County Planning Staff has worked closely with Troutman on this request and understands the Town’s financial needs as they relate to water and sewer (see below). Because this request is endorsed by the Town, and is a prudent approach to development, we have tried to be as cooperative as possible with Troutman.
3. Urban Service Areas. The Growth Study recommended studying USAs as a way to cooperate with the municipalities and to funnel growth into areas that can handle it (i.e. water and sewer and roads). Although Troutman does not have an established USA, it does have a detailed Capital Improvement Plan for water and sewer. This area is currently served by these utilities, and would be included in the USA if it were adopted.
4. Water and Sewer Connectivity. It was apparent through the study that development with municipal utilities was preferred where possible. Because this area is served by utilities, it makes sense to connect. However, it also makes sense to allow higher densities when municipal utilities are available due to economic reasons, it benefits the Town as well as the development community. There are also positive environmental impacts that come with connection to utilities.

This request, with the associated conditions, is a balance between the impact on schools and roads, and the promotion of smart development that utilizes the systems currently in place. Staff feels that the impact on the schools is offset by the conditions of the request, primarily the delay in development, and that the core principles of the Growth Study are being met. The two year delay for the additional lots will give the school system the opportunity to plan and deal with the growth in this area (an elementary school sight currently being sought).

Based on all of these issues, staff recommends approval of the request.

Mr. Smith stated that this a carbon copy of the last request as far as the foundation of it but he added that the applicant may be able to address this further, but there may be some discussion about the possibility of a school on one of these two sites.

Doug Johnson (E & J Development, LLC), Applicant, stated that he and his partner, Lee Easter, have been in negotiations with Kenny Miller (Iredell Statesville Schools) for the past three weeks and a proposal will be before the Iredell County School Board on July 16th for 30 acres for an elementary school out of the 106 acre tract. Mr. Smith stated that if the 30 acres is taken out the new calculation for permitted lots would be 278. Mr. Tsumas stated whether the 30 acres is taken out the density per acre remains the same.

Mr. Johnson stated that there are no private driveways on Overcash or Houston Roads. Chairman Fields asked if he would add this as a condition and Mr. Johnson stated he saw no problem with adding this as a condition. Dr. Grigg asked Mr. Smith if this two year period was from the date of approval from the Board of Commissioners or subdivision approval and Mr. Smith stated it was two years from the Board of Commissioners meeting.

THOSE SPEAKING IN OPPOSITION:

Elizabeth Miles (645 Houston Road), adjoining property owner, stated that they are in violation of deed restrictions and Chairman Fields stated that this Board doesn't have control over deed restrictions. Ms. Miles stated she was concerned about the increase traffic. Teresa Newton (525 Shepherd Road) stated she was opposed because of overcrowding of the schools and increase of traffic on these rural roads. Brent Casto (275 Overcash Road), adjoining property owner, stated that the proposed entryway is across from his driveway and he had traffic concerns and the impact on the schools. Robert Shinn (773 Houston Road) stated he was opposed. Teresa Casto (275 Overcash Road), adjoining property owner, stated that she worked at Troutman Elementary and it's taken over two years to add on to the school due to the overcrowding. Ms. Casto stated that Troutman Elementary is currently over capacity. Chairman Fields stated that this Board is concerned about schools and this Board recently did a six month study on county growth and the impact on schools.

After further discussion, Mr. McNeely made a motion to recommend denial since the Board doesn't know the outcome of the School Board meeting next week and he still believes R-20 is the lowest zoning classification that needs to be in Iredell County. Mr. Santoni seconded said motion.

Mr. Tsumas commented that irregardless if these developments are in the municipalities the school system still has the problems of growth and we can't ignore that fact we have the R-12 zoning classification in our zoning ordinance. The R-12 district is supposed to be used where there is water & sewer available. Mr. Pruitt stated that if these subdivisions don't come then those schools won't come so are we saying stop development? Ms. Johnson stated that not everyone can afford the subdivisions with large acreage tracts. Mr. Mahaffey stated the tax payers are the ones who will be burdened for the police & fire protection, schools, etc. Mr. Santoni stated too much density in a rural area with the infrastructure not there concerns him. Mr. Smith stated that there is no wall around Iredell County and people are coming and the County is responding to a need and a demand and we need to figure out what's the best way to deal with it. Chairman Fields stated that he thought Mr. McNeely's comments were "old school" because the realism is growth follows the Interstate South to North and it's going to keep growing and it really has very little to do with the city limits.

At this time, the Board voted on the motion made to recommend denial made by Mr. McNeely and seconded by Mr. Santoni:

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

The motion failed. VOTES: 4-6.

Mr. Pruitt made a motion to recommend approval (*with the added condition*) 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

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

The motion passed in favor. VOTES: 6-4.

**PROPOSED AMENDMENT TO THE IREDELL COUNTY SUBDIVISION ORDINANCE;
SECTION 110, SUBDIVISION REVIEW COMMITTEE DEFINITIONS:** Rebecca Harper presented the following as information only at this meeting:

ORDINANCE: Subdivision Ordinance

SECTION: Section 110 (Other Definitions)

Subdivision Review Committee. A committee appointed by the Board of Commissioners to review all major subdivision preliminary and final plats and to make recommendations to the Subdivision Administrator to approve, approve with conditions, or disapprove such plats. The committee shall consist of ~~nine~~ **eleven** members as follows:

- The Subdivision Administrator (or Designee),
- Two Members of the Iredell County Planning Board, ~~and~~
- **One representative from the N.C. Department of Transportation,**
- **One representative from Iredell-Statesville Schools,**
- **One representative from the Mooresville Graded School District, and**
- One representative each from the following Iredell County Offices or agencies:
 - i. Emergency Communications, Operations & Mgt. Office,
 - ii. Fire Marshal's Office,
 - ~~iii. Register of Deeds Office,~~
 - iv. Health Department,
 - v. Mapping Department, and
 - vi. Planning Department.

Of these members, the Subdivision Administrator alone shall be entitled to designate, for any meeting of the Committee which he is unable to attend, a member of the Planning Department staff to attend in his place and to cast the subdivision Administrator's vote on any matters before the Committee at that meeting.

STAFF COMMENTS: The Planning staff was directed to pursue these changes by the Board of Commissioners at their winter retreat as a result of the Growth Study. The changes include adding voting members from NCDOT, Iredell-Statesville Schools and Mooresville Graded School District. We are also removing a voting member from the Register of Deeds Office based primarily on changes to the NC General Statutes that occurred in the late 1990's that took much of the review responsibilities out of their hands. This amendment will increase the voting members from 9 to 11.

REQUESTED ACTION: No action is needed at this time. This submittal is for informational purposes only.

The Board had open discussion and advised the staff to research the growth study minutes to see what the vote was by this Board on who they wanted to serve on this committee and whether or not they got to vote. No action was taken by the Board.

RESOLUTION: Chairman Fields read a Resolution in honor of Franklin Rash's service on the Planning Board. Mr. McNeely made a motion to approval the Resolution and Mr. Santoni seconded said motion. All agreed.

MONTHLY COMMITTEE ASSIGNMENTS: Mr. Pruitt & Mr. Santoni volunteered to attend the July 18th Subdivision Review Committee meeting at 10:00am in the Building Standards Center. Mr. McNeely, Mr. Pruitt, and Mr. Stephens volunteered to go on the site visit for next month's requests on Tuesday, July 17th.

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

Katrina Hewitt
Administrative Assistant II

Date Read and/or Approved