

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **June 7, 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

Katrina Hewitt
Richard McHargue
Steve Warren
Lynn Niblock
Rebecca Harper
William Allison

MEMBERS ABSENT

Alan Williams

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

MINUTES: Dr. Grigg made a motion to approve the 5/3/06 meeting minutes. Mr. Pruitt seconded said motion and all agreed. **VOTES: 9-0.** *Note: Mr. Tsumas was not present at this time.*

REZONING REQUEST; KEITH MARTIN PROPERTY, CASE NO. 0606-1: Mr. McHargue presented the staff report:

OWNER /APPLICANT: Keith Martin
110 Jade Spring Court
 Mooresville, NC 28117

LOCATION: 3114 Salisbury Highway in Statesville, NC; more specifically identified as PIN#s 4773-72-6511 and 4773-71-5799. **Directions:** From Statesville, east on Salisbury Highway; property on right past Triplett Road intersection.

REQUESTED ACTION AND CONDITIONS: Rezone 4773-71-5799 and a portion of 4773-72-6511 (with the exception of .75 acre which is north of the existing Salisbury Hwy) from RA, Residential Agricultural to M-1 CUD, Light Manufacturing Conditional Use District with the following condition:

- The following uses are prohibited: Adult-oriented businesses; dance halls/night clubs; go-cart/motorcycle & similar vehicle tracks; shooting ranges (indoor and outdoor); correctional institutions; landfill (building debris, private); landfill (sanitary, private).

PROPOSED USE: Light Industry spec buildings.

SIZE: 13.1 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential, Commercial.

WATERSHED REGULATIONS: The subject parcel is not located within a Watershed area.

TRAFFIC: In 2004, this section of the existing Salisbury Highway had an average of 10,000 vehicles per day. The new Salisbury Highway, when constructed, will have four lanes.

ZONING HISTORY: The subject parcels have been zoned RA since countywide zoning took effect in 1990. Originally one parcel, this land was split in 2002 with the DOT's acquisition of new Right-of-Way for the new Salisbury Highway.

STAFF COMMENTS: The applicant seeks to have the subject parcels rezoned from RA to M-1CUD with appropriate conditions given the rural nature of an area that has a mix of residential and industrial/commercial. Applicant plans to construct spec industrial buildings on this site. The Highway 70 Small-Area Plan does show this area to be suitable for future industrial expansion; however, the Plan encourages build-out of the primary industrial area before such expansion occurs eastward. In evaluating this, one sees that there is considerable industrial development in these areas at the present time; the exception is the Statesville Business and Industrial Park which remains largely undeveloped, although there are stringent criteria for industries that choose to locate in this area. The restrictive covenants of this park are geared towards a higher level of aesthetic standards in construction and therefore may be targeted towards certain clientele that specifically seek a controlled industrial-park type environment. The construction of the new Salisbury Highway is also underway with an expected completion date of July 2007, and this factor is important in future land-development patterns along this corridor. In addition to providing effective access to and from the primary industrial areas, the new road can also help facilitate future industry as envisioned in the Small Area Plan. For these reasons, staff recommends in favor of this request.

Keith Martin, owner/applicant, stated that he didn't have a specific use at this time but that he did talk with his neighbors and they didn't have any concerns. Mr. Martin stated that the thought he would be able to access off the old and new US Hwy. 70.

There was no one else present to speak in regard to this request. After discussion by the Board, Ms. Johnson made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the Highway 70 Small Area Plan. Dr. Grigg seconded said motion and all agreed.

VOTES: 9-0. *Note: Mr. Tsumas was not present for this request..*

Mr. Tsumas was present for the following requests:

REZONING REQUEST; THOMAS BRETT SAWYER PROPERTY, CASE NO. 0606-2 & AMEND THE RIVER HIGHWAY SMALL AREA PLAN: Mr. McHargue presented the staff report:

OWNER /APPLICANT: Thomas Brett Sawyer
2195 Perth Road
 Mooresville, NC 28117

LOCATION: 2195 Perth Road in Mooresville, NC; more specifically identified as PIN# 4638-72-7875. Directions: From Mooresville, travel north on Perth Road from River Highway; property on right at corner of Lakeshore School Road.

REQUESTED ACTION AND CONDITIONS: 1) Amend the River Highway Small Area Plan; 2) Rezone subject parcel from RA, Residential Agricultural to RO-CUD, Residential Office Conditional-Use District with the following condition:

- Use limited to insurance, finance, and real estate office. All other R-O uses shall be prohibited.

PROPOSED USE: Finance/Insurance/Real Estate office.

SIZE: 1.145 acres.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE: Residential, Educational, Airpark.

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

TRAFFIC: In 2003, there was an average of 6,800 vehicles per day on this section of Perth Road. According to the Iredell County Thoroughfare Plan, Perth Road 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: The applicant seeks to have the subject parcel rezoned from RA to RO-CUD with the condition that the only use to occupy the property will be an office for insurance/finance/real estate services. This property is near the corner of Lakeshore School Road. With the recent alignment of Perth Road with Doolie Road at the River Highway intersection, this area has opened up to commercial development; indeed, the Small Area Plan stated that "Once this intersection is realigned it will be necessary to reexamine the recommendations for this node." The Town of Mooresville has annexed much of this area for a future shopping center near River Highway. The Town has also annexed 19 acres on the east side of Lakeshore School Road. This pattern of development was recognized as a future possibility in the River Highway Small-Area Plan in 2000. With the conditions proposed and the growing transitional nature of this corridor, staff would recommend the amendment to the River Highway Small-Area Plan (Transitional) and approval of the rezoning request.

Thomas Brett Sawyer, Owner/Applicant, presented the Board with a pamphlet further explaining his proposed insurance business for this property (*see attachment in file*). Mr. Sawyer stated Sawyer Insurance is a family owned insurance agency operating in Mooresville since 1975 and they currently employ four people.

There was no one else present to speak in regard to this request. Mr. McNeely stated that he was struggling with this request because he felt it was several years ahead of time. Mr. Santoni stated that he agreed with Mr. McNeely's comments. Ms. Johnson stated that she disagreed, that she felt this property was not residential with the traffic and school entrance adjoining the property. Ms. Johnson also stated that this use would have a low impact and would be transitional. Mr. Pruitt agreed with Ms. Johnson and further stated that the CUD limits the uses for this property.

After further discussion, Dr. Grigg made a motion to recommend amending the River Highway Small Area Plan (Transitional). Mr. Stephens seconded said motion; and

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

NOES: McNeely, Santoni

The motion passed in favor by a vote of 8-2.

At this time, Dr. Grigg made a motion to recommend approval of the zoning map amendment and to advise that it is now consistent with the River Highway Small Area Plan. Mr. Pruitt seconded said motion; and

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

NOES: McNeely, Santoni

The motion passed in favor by a vote of 8-2.

REZONING REQUEST; DAWN P. PATRICK PROPERTY, CASE NO. 0606-3 & AMEND THE BRAWLEY PENINSULA SMALL AREA PLAN: Mr. McHargue presented the staff report:

OWNER /APPLICANT: Dawn Patrick
1305 Brawley School Road
 Mooresville, NC 28117

LOCATION: 1305 Brawley School Road in Mooresville, NC; more specifically identified as PIN# 4636-15-0358. Directions: West on Brawley School Road from Mooresville; property on left past Isle of Pines Road intersection.

REQUESTED ACTION AND CONDITIONS: 1) Amend the Brawley School Road Small Area Plan; 2) Rezone subject parcel from RA, Residential Agricultural to RO-CUD, Residential Office Conditional-Use District with the following condition:

- The following uses shall be prohibited: mobile home park; cluster development; cemetery; automobile parking lots; funeral homes; sewage treatment plants.

PROPOSED USE: Chiropractor Office.

SIZE: .96 acres.

EXISTING LAND USE: Residential w/home office.

SURROUNDING LAND USE: Residential, commercial.

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

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

STAFF COMMENTS: The applicant seeks to have the subject parcel rezoned from RA to RO-CUD with the condition that certain uses shall be excluded from the property. The applicant currently resides on the property and is permitted to operate her Chiropractic practice as a home occupation. The applicant is requesting rezoning because, due to increasing development and traffic along Brawley School Road, she feels the property will be better suited to future office usage rather than purely residential. However, this request is not compatible with the Brawley School Road Area Plan; the Plan calls for Residential development south of the Blume & Stutts Road areas. The Plan envisioned that the Brawley School corridor should remain with a resort-residential feel for the majority of its southern end, thereby reducing opportunities for strip commercial development along the full length of the corridor. This factor was noted even though it was known that road widening would occur in the future. Specifically, the Plan's goal for transportation is to "Promote a thoroughfare design that safely and efficiently moves people into and out of the Brawley School Road Peninsula while controlling local land-use activities and providing for basic recreation and pedestrian opportunities." Additionally, the Plan's goal for future land-use decisions is "To maintain Brawley School Road's primarily residential character and to accommodate neighborhood-oriented businesses at strategic and well-planned locations along the corridor." Such locations were identified as being further northeast in the Blume and Stutts Road areas; since the Plan's adoption however, the County amended it to include a "Low Intensity Office" node just south of McKendree Road and some subsequent rezoning occurred here in 2004. This was a limited area and was not envisioned to be a continued pattern outside that area. For all the foregoing reasons, staff feels that continued consideration of piecemeal rezonings along the Brawley School Road would defeat the residential objectives of the Land Use Plan in this area. In short, this portion of the corridor was not envisioned to transition into a strip-commercial area. Staff therefore would recommend against this request.

Dawn Patrick, Owner/Applicant, submitted photographs showing the proposed right-of-way when Brawley School Road is widening (20' from her dwelling). Ms. Patrick stated that she has talked to her neighbors and they had no concerns.

Ms. Patrick stated that this property is not residential anymore and that even with the Land Use Plan each request should be heard case by case. She also stated that "The Point" subdivision has 900+ homes and "The Farms" subdivision has 500+ homes and that most of her patients come from the surrounding area. Ms. Patrick stated that she eliminated uses that would not be consistent with the surrounding neighborhood.

Chairman Fields asked how long she had owned the property and Ms. Patrick stated she's been there since September 2005. Ms. Johnson asked if she was aware of the right-of-way situation and Ms. Patrick stated that she wasn't aware that it would come within 20' of the dwelling.

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

Mr. Tsumas stated that he felt there were some uses permitted that are not suitable for this residential area. Ms. Patrick stated that due to the size of the property it won't allow many of those uses. Ms. Johnson stated that even though they use the Land Use Plan as a guideline it's hard to visualize this property being residential with the right-of-way being so close to her home.

After further discussion by the Board, Mr. Pruitt made a motion to recommend denial of the zoning map amendment and to advise that it is inconsistent with the Brawley School Peninsula Small Area Plan. Mr. Santoni seconded said motion; and

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

The motion passed by a vote of 8-2 to recommend denial of the request.

At this time, Chairman Fields declared a break (8:20 p.m.).

REZONING REQUEST; PERTH LANDSCAPING SUPPLY LLC PROPERTY, CASE NO. 0606-4 & AMEND THE IREDELL COUNTY LAND USE PLAN: Mr. McHargue presented the

staff report:

<u>OWNER :</u>	Perth Landscaping Supply, LLC	<u>AGENT:</u>	Edmund L. Gaines (atty)
	199 Waddell Road		P.O. Box 149
	Mooresville, NC 28117		Statesville, NC 28687

LOCATION: 1453 Perth Road in Mooresville, NC; more specifically identified as PIN#s 4649-07-2159, 4649-06-3917, and 4649-06-3729. **Directions:** From Troutman, South on Perth Road; property on left approximately ¼ mile past Fern Hill Road at Knotty Pine Lane intersection.

REQUESTED ACTION AND CONDITIONS: 1) Amend the Iredell County Land-Use Plan; 2) Rezone subject parcels from RA, Residential Agricultural to HB-CUD, Highway Business Conditional-Use District with the following conditions:

- Business to be conducted only during daytime hours;
- Use limited to the operation of a garden center and retail nursery.

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PROPOSED USE: Garden Center/Nursery/Landscape Supply Business.

SIZE: 4.07 acres.

EXISTING LAND USE: Garden Center/Nursery/Landscape Supply Business.

SURROUNDING LAND USE: Residential.

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

TRAFFIC: In 2004, Perth Road had an average of 8,200 vehicles per day. According to the Iredell County Thoroughfare Plan, Perth Road 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. In 2003, the property was permitted for a garden center/landscape supply business. This was a permitted use in the RA district at that time, as it fell under the "Farm-Type Enterprise" category of uses allowed within RA. In 2006, however, the zoning ordinance was amended to separate garden center/landscape supply businesses from the "Farm-Type Enterprise" category; as a matter of illustration, commercial landscape-supply was considered a more intense operation requiring commercial zoning as opposed to the typical roadside vegetable-stand operated by the rural homeowner. As a result of this amendment the existing, permitted business became a legal non-conforming use.

STAFF COMMENTS:

Background: Perth Landscaping Supply was permitted in 2003 at the subject location. A site plan was submitted, updated, and then approved. The approved site-plan required driveway access from Perth Road only, with no access from Knotty Pine Lane. In early 2006 staff began receiving complaints from neighboring residents about truck usage of a driveway that was constructed onto Knotty Pine. Upon investigation, additional zoning violations were discovered relating to setback, signage, and watershed regulations. Staff contacted the applicant in March 2006 with a Notice-of-Violation directing the applicant to come into compliance.

Permit Status: The applicant is permitted to operate as shown on the approved site plan. However, the zoning violations still exist; furthermore, expansion is not possible because of its nonconforming status.

Request for Rezoning: Expansion of a Non-Conforming Use isn't a possible option for the applicant because the violations in question involve open uses of land (the Zoning Ordinance allows for Expansion of non-conforming *structures only* through Planning Board and Board of Commissioner approval). Section 4.3 deals with this issue by stipulating that non-conforming open uses of land may not be expanded. In this case the applicant's business has grown, and the business would therefore need the flexibility of a commercial zoning classification on the property.

Staff Analysis & Recommendation: The applicant has requested rezoning to HB-Conditional Use District that restricts all HB uses except for garden centers/retail nursery/landscape supply businesses. While such conditions set forth a specific and known use of this property, the Land Use Plan does not identify any commercial areas nearby. Establishing a new zoning classification would likely be construed as an improper spot-zone in this context of surrounding residential zoning. It should be noted that, without rezoning, the applicant can come into compliance by scaling back the business to what the approved site-plan shows. The increase in the scope and intensity of the business, as well as the change in zoning classification, is not compatible for this area. Due to these factors, staff recommends against this request.

Chairman Fields asked if the applicant has to be in compliance prior to applying for rezoning and Mr. McHargue stated that the issue of violations will be dealt with regardless of the outcome of this meeting but the applicant is requesting rezoning which will alleviate part of his violations (setbacks and signage).

gate on the side road. He stated that it was a misunderstanding between the staff and the owner because the owner has the plan showing an entrance on the side road. Mr. Gaines stated that the Mr. Stamey padlocked the gate after being notified of the violation. Mr. Gaines stated it would make sense to use this side road because there is a school bus stop across from the entrance on the property.

Mr. Gaines addressed the violations and stated that Mr. Stamey is not within the 80' and the signage has been taken care of and they disagree with the mulch pile being considered as pervious area in the watershed area. Mr. Gaines stated that Mr. Stamey has also met with the staff numerous times to address these violations.

Mr. Gaines stated that Mr. Stamey has owned this property over 30 years and in 2003 got the permit to operate but this year the Board of Commissioners amended the ordinance and made this a nonconforming use. Mr. Gaines stated that by that time, the owner had invested a large amount of money and that his business has grown. Mr. Gaines submitted a petition signed by customers of Perth Landscaping Supply in support of this request. Mr. Gaines added that Perth Landscaping Supply has six employees.

Mr. Gaines argued whether this could be considered spot zoning because this is not a different use; that it's been in operation for several years. Mr. Gaines also stated that spot zoning is not always illegal and that Perth Landscaping Supply is not the only commercial use on Perth Road.

Mr. Pruitt asked if there were any plans to deal with the severe erosion problem and Stamey Odell stated that the ditch along Perth Road is maintained by NCDOT and he has also planted 300 Lelands along the fence. Mr. Pruitt asked about the footings on the back portion of the property and Mr. Stamey stated if the rezoning is passed he plans to put bins for the mulch and sand.

The Board had further questions for Mr. Stamey about what was on the site plan and what was actually be done on the property. The Board also discussed the watershed regulations. Ms. Johnson stated what was perceived and what it has become are two different things. Ms. Pfeufer asked about his operation and Mr. Stamey stated they had twelve landscapers, 20-30 local retail customers per day and 2-3 commercial vehicles coming and going.

(NOTE: There are approximately 50+ people in the audience in regard to this request.)

Jack Davis, 142 Knotty Pine Lane, stated that he complained 2-3 years ago about Mr. Stamey using Knotty Pine Lane to access his property. Mr. Davis presented the Board with photographs of the trucks using this road. Mr. Davis stated he had strong opposition to the appearance and that this business sits right in the middle of a residential area. Mr. Davis stated that he is not against the business but they should have to apply the same rules as the rest of us. Mr. Davis read a letter from his family complaining about this situation. Mr. Davis submitted the Board with a copy of the subdivision restrictions and petitions in opposition.

Junetta Dlugokecki, 116 Raykecki Drive, stated that children catch a school bus at Knotty Pine Lane and Perth Road near this gate where trucks come in and out. Ms. Dlugokecki stated this business was on a two lane rural road and was not suitable for this residential neighborhood. Ms. Dlugokecki stated that he was given approval but didn't comply. Lori Arrowood, 168 Knotty Pine Lane, stated she was concerned about the traffic and school bus safety situation.

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Amy Daniels, Employee at Perth Landscaping Supply, stated that they open at 8am and that they

provide a service to the community.

Wayne Clontz, 1421 Perth Road, stated that he has lived on his property since 1978 and he operates a grading business but he has no sign. Jim Drappo, 158 Honeysuckle Creek Lp, stated that he has lived there over a year and that Perth Landscaping Supply has grown since that time and he has no objection to them operating as they were originally permitted. Mr. Drappo stated that he did have a problem with the dump trucks using their residential subdivision road to access the business.

Patsy Bass stated that she lives behind the business and there is noise starting at 7am in the morning and also the signs say they open at 7am. Ms. Bass stated that the footings are right against their property line. Ms. Bass stated that the business has not been in compliance. Lisa Cash, 118 Knotty Pine Lane, stated that she has lives across from the gate and has lived there since 1987. Ms. Cash stated that truck drivers stop in front of the gate and honk their horns until they open the gate for them.

Terry Hillis, Employee of Perth Landscaping Supply, stated that Mr. Stamey has been working on cleaning up the property but it takes time. Mr. Hillis stated that they are providing a service for the growing residential neighborhood. Dan Waddell stated that growth is coming and everyone needs to learn how to live together. Ronnie Fruia, 125 Knotty Pine Lane, commented on his objections to the rezoning.

At this time, Chairman Fields declared a break (10:15 p.m.).

After further discussion by the Board, Mr. Pruitt made a motion to recommend denial of the zoning map amendment and to advise that it is inconsistent with the Iredell County Land Use Plan. Ms. Pfeufer seconded said motion and all agreed. **VOTES: 10-0.**

PROPOSED AMENDMENT TO THE IREDELL COUNTY ZONING ORDINANCE; ARTICLE VII, SECTION 7.0, MINIMUM LOT SIZE: Mr. Warren stated that due to increased growth pressures, especially in the southern end of the County, the staff has been asked to research Growth Management tools. As a result of that research and a directive from the Board of Commissioners, the first tool we would like to initiate is an increase in minimum lot sizes. In order to help the growth pressures in the southern end of the County we are proposing an increase to minimum lot sizes of 40,000 square feet in the Catawba/Lake Norman and Lookout Shoals Water Supply Watershed areas and in the remainder of Davidson and Coddle Creek townships. We are also proposing an increase to 30,000 square feet for the majority of the remainder of the County. In the RU-R zoning district there is an increase to 40,000 square feet since the minimum was already 30,000 and the intent of that district has always been to have larger lot sizes. The regulation for the minimum lot size of 43,560 square feet in the Coddle Creek and Back Creek Water Supply Watershed areas is already being enforced through our Watershed Ordinance. However, to make the regulations less confusing, we have added it to the Zoning Ordinance as well.

Section 7.0 Dimensional Requirements

Each use shall, as a minimum, conform to the dimensional requirements of the district in which it is located. In some cases a specific use may be required to meet the Special Requirements as set forth in Article IX.

	Districts	MINIMUM LOT SIZE (SEE NOTES)		MINIMUM YARD REQUIREMENTS (See Notes)			Maximum height (in feet)
		Square ft. per dwelling unit	Lot width (in feet)	Front yard setback	Side yard (in feet)	Rear yard (in feet)	
R-A	Single-family	20,000 30,000	100	35	15	35	35
	Two-family	15,000 25,000	110	35	15	35	35
	Other Principal Structures	20,000 30,000	100	35	15	35	35
RU-R	Single-family	30,000 40,000	100	35	15	35	35
	Two-family	20,000 30,000	110	35	15	35	35
	Other Principal Structures	30,000 40,000	100	35	15	35	35
R-R	Single-family	20,000 30,000	100	35	15	35	35
	Other Principal Structures	20,000 30,000	100	30	10	20	35
R-20	Single-family	20,000 30,000	90	35	15	35	35
	Two-family	15,000 25,000	110	35	15	35	35
	Other Principal Structures	20,000 30,000	90	35	15	35	35
R-12	Single-family	12,000	80	35	12	35	35
	Two-family	8,000	90	35	12	35	35
	Other Principal Structures	12,000	80	35	12	35	35
R-8	Single-family	8,000	70	35	10	25	35
	Two-family	6,000	80	35	10	25	35
	Other Principal Structures	8,000	70	35	10	25	35

	Districts	MINIMUM LOT SIZE (SEE NOTES)		MINIMUM YARD REQUIREMENTS (See Notes)			Maximum height (in feet)
		Square ft. per dwelling unit	Lot width (in feet)	Front yard setback	Side yard (in feet)	Rear yard (in feet)	
R-8A	Single-family	8,000	70	35	10	25	35
	Two-family	4,000	80	35	10	25	35
	Multi-family	3,000	85	35	10	30	50
	Other Principal Structures	8,000	70	35	10	30	50
R-O	Single-family	8,000	70	35	10	25	35
	Two-family	4,000	80	35	10	30	50
	Multi-family	3,000	85	35	10	30	50
	Other Principal Structures	8,000	70	30	8	20	50
O-I	Principal Structures	8,000	70	30	8	20	50
N-B	Principal Structures	None	None	30	10	20	35
H-B	Principal Structures	None	None	40	20	20	35
S-C	Principal Structures	None	None	50	20	20	35
C-B	Principal Structures	None	None	40	20	20	35
G-B	Principal Structures	None	None	30	10	20	50
M-1	Principal Structures	None	None	50	10	20	None
M-2	Principal Structures	None	None	50	10	20	None

NOTES:

- (a) In the R-20 District a minimum lot size of ~~15,000~~ **25,000** square feet may be permitted where either public water or sewer or both is provided. The lot sizes required for the various Districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities may require larger areas or, in some instances, because of Health Department Standards may not permit development as intended.
- (b) All corner lots shall provide an additional ten (10) feet to the minimum side yard requirement on the corner side. Corner lots in districts with no side yard requirement shall provide a ten (10) foot side yard on the corner side.
- (c) In developments where units are permitted to be attached, no interior side yard is required where units are attached by a common structural or load-bearing wall of at least ten (10) feet in length.
- (d) In the NB, CB, HB, SC, GB, M-1 and M-2 Districts a thirty (30) foot side and rear yard shall be provided where the side or rear yard adjoins a residentially zoned property other than a street, railroad right-of-way or river.
- (e) Lot area does not include street right-of-way deeded to, dedicated to or claimed by NCDOT. All yards are measured from the property line or edge of right-of-way.
- (f) Except in cases to expand existing S-C Districts under the same ownership or control, no S-C District Zoning shall contain less than four (4) contiguous acres under the same ownership or control. All land within an S-C Shopping Center shall be contiguous (not across a street) and shall be under the same ownership or control.

- (g) In the Catawba Lake Norman Water Supply Watershed Critical Area, a minimum fifty (50) foot vegetative buffer setback (front yard, side yard, rear yard) is required for all development activities along all perennial waters, including streams, rivers and impoundments, indicated on the most recent versions of United States Geodetic Survey (USGS) 1:24,000 scale topographic maps; provided, that nothing in this subsection shall prevent artificial streambank or shoreline preservation where otherwise permitted. No new development is allowed in the buffer except that water dependent structures, or other structures such as flagpoles, signs, and security lights, which result in only a diminutive increase in impervious area. In addition, public works projects such as road crossings and greenways may be allowed where no practicable alternative exists.
- (h) In the Catawba Lake Norman ~~Water Supply Watershed Critical Area~~ **and Lookout Shoals Water Supply Watersheds and in the remainder of Coddle Creek and Davidson Townships**, ~~in any case where traffic from a development must travel Brawley School Road in order to access Williamson Road,~~ a minimum of ~~30,000~~ **40,000** square feet of land area is required for each dwelling unit in any zoning district without regard to the method of providing water and/or sewer service. ~~In the remainder of the Catawba Lake Norman Water Supply Watershed Critical Area, a minimum of 25,000 square feet of land area is required for each dwelling unit in any zoning district without regard to the method of providing water and/or sewer service.~~ **In the Back Creek and Coddle Creek Water Supply Watersheds, a minimum of 43,560 square feet of land area is required for each dwelling unit in any zoning district without regard to the method of providing water and/or sewer service.**

Mr. Warren asked the Board to waive formalities and make a recommendation on this request tonight. Mr. Warren presented the Board with a copy of comments from the Health Department in regard to implications of larger minimum lot sizes on septic system permitting (*see attachment in file*).

Dr. Grigg asked if there would be a grace period and Mr. Warren stated if they had vested rights or preliminary plat approval they could continue with their development as previously approved. Mr. Warren stated that if the Board of Commissioners approve this the effective date would be immediately. Mr. Tsumas asked Mr. Warren to explain the theory of “controlled growth” and how is this proposal going to slow growth? Mr. Warren stated this one tool alone isn’t going to slow growth but it certainly is going to affect the pattern of future growth.

Ms. Johnson asked what was going to happen to property values and wouldn’t this eliminate affordable housing and Mr. Warren stated he wouldn’t be behind this if it was against affordable housing.

Chairman Fields stated that he likes this idea and that it’s probably long overdue but my concern is why all of the sudden is everyone in a hurry and I don’t understand the sense of urgency all of the sudden. Chairman Fields stated if we are going to do this now it should be implemented in fair fashion. Chairman Fields asked how much notice to the public has been given. Ms. Johnson also asked if this is going to be coming in parts, while it is pieced together without an overall comprehension plan? Mr. Niblock stated that the urgency is that we have been directed to move forward with this and in all fairness to all the developers, surveyors, and others that if we are going to move forward and make changes the sooner we make changes so they know what the rules are going to be then they will be better off. Mr. Niblock stated that the reason it’s being done in steps is because if we try to do everything at once we will not be able to complete it in 120 days which is the time frame given by the Board of Commissioners. Mr. Niblock stated that if we don’t move forward or wait to do it all at one time we could easily be looking at something more serious than fast tracking it that we could be looking at putting everything on hold until we get finished which would be more unfair to the developers.

Chairman Fields stated that there has to be a sense of fairness in doing this and notice has not been given. Mr. Niblock stated that he did not get this directive but Tuesday a week ago and that he's talked to several from the Home Builders Association, surveyors, and engineers. There was further discussion about the legal requirements of advertising for this meeting. Chairman Fields stated that we followed normal procedure for all the others requests but we are being asked to waive that for this request. Mr. Tsumas stated that he will have no part in rushing something through and I understand that the staff was directed to do this, but there is absolutely no reason not to follow proper procedure because the developers and property owners are going to think you are pulling something over them. Ms. Johnson stated that she agreed with Mr. Tsumas' comment. Mr. Niblock stated that the Board of Commissioners will hold a public hearing. The Board had further open discussion about rushing this request without proper procedure.

Mr. Niblock stated that he could tell the Board several things that the County will be exploring over the next six months. Mr. Niblock stated that the staff brought several growth tools to the Board of Commissioners: moratorium, impact fees, increase lot size, adequate public facility ordinance, etc. Mr. Niblock stated that out of all the growth tools presented the Board of Commissioners liked the increase of lot size and building an overlay district for the target areas. Mr. Niblock stated that they are not trying to stop growth but to control growth.

After lengthy discussion, Mr. McNeely made a motion to recommend approval of this amendment and to advise that it is consistent with the following statement: *this amendment is consistent with the Land Use Plan's purpose of serving as a policy guide in making future recommendations dealing with growth and development of the County; specifically it is consistent with the Plan's recommendation that the Zoning Ordinance text undergo a comprehensive review and expansion of its various definitions.* Mr. Pruitt seconded said motion.

Ms. Pfeufer asked if those in the audience who have sat here for over four hours don't have the right to be heard. Chairman Fields stated they are suppose to but this meeting wasn't advertised. Mr. Warren stated that this was a "courtesy hearing". Chairman Fields stated that he would like to hear from those in the audience. Chairman Fields also directed Ms. Hewitt to note in the minutes that this was a "courtesy hearing".

Rob Collier, Realtor and Developer, and also Vice-President of the Iredell County Homebuilders Association; stated he didn't know how this Board could make a decision on this matter without hearing from the public and we didn't receive fair notice. Mr. Collier stated that mandated low density development requires more land to serve a given population than conventional density restrictions. It also increases the cost of housing beyond the affordability of low and middle income families. Mr. Collier stated that mandated density development accelerates urban sprawl and reduces the number of dwelling units per acre. Mr. Collier stated that the home building industry is not causing the challenges associated with growth but are responding to a housing need.

Brett Sawyer stated that he was speaking as a realtor and said he sees both sides to the issue but felt that the Planning Board was being thrown to the wolves to make a decision tonight. David Holmes, Developer, stated his concerns about the fast track issue. Mr. Holmes has a development that could be affected by this change that could cost him \$180,000.

After further discussion by the Board, Mr. Stephens called the question. Chairman Fields stated that Mr. McNeely made a motion and Mr. Pruitt seconded it to recommend approval. Therefore the Board proceeded to vote:

AYES: McNeely, Pruitt, Fields, Grigg, Rash, Santoni

NOES: Johnson, Pfeufer, Stephens, Tsumas

The motion passed in favor by a vote of 6-4.

Mr. Tsumas stated that if something like this is brought before this Board again in this manner that he will not serve on this Board again.

MONTHLY COMMITTEE ASSIGNMENTS: Mr. Pruitt & Mr. Santoni volunteered to attend the June 28th Subdivision Review Committee meeting at 10:00am in the Old City Hall. Mr. Pruitt & Mr. Williams volunteered to go on the site visit for next month's requests on Tuesday, June 20th.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 12:05 a.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved