

***IREDELL COUNTY PLANNING BOARD***

The Iredell County Planning Board met on Wednesday, June 3, 2009 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  
Gene Mahaffey  
Jeff McNeely  
Harold Pruitt  
Jerry Santoni  
Thomas E. Stephens  
Harry Tsumas, Jr.

**STAFF PRESENT**

Katrina Hewitt  
Ron Smith  
Ben Stikeleather

**MEMBERS ABSENT**

Kristi Pfeufer  
Alan Williams

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

**REZONING REQUEST; CLETUS D. & BRANDY A. JONES PROPERTY, CASE NO. 0906-1:** Mr. Stikeleather presented the request:

**EXPLANATION OF THE REQUEST**

This is a request to rezone 3.9 acres on Turnersburg Hwy. from RA (Residential Agricultural) to HB-CD (Highway Business Conditional District). The proposed use is automotive repair and service. A conceptual site plan had been submitted which shows the design of the site. The conditions that will be attached are as follows: Only 72 total square feet of signage, two separate driveways with a maximum width of 24 ft each, driveways will be separated by a landscaped island, the only use shall be automotive repair and service, all lighting shall be contained on site, and no unnecessary removal of trees.

**OWNER/APPLICANT**

**OWNERS:** Darrel & Brandy Jones  
179 Gilead Rd.  
Statesville, NC

**PROPERTY INFORMATION**

**LOCATION:** Turnersburg Hwy. approximately 1 mile north of exit 54 off I-77. Identified as PIN 4757239504.

**DIRECTIONS:** North on I-77 to exit 54. Turn right off of the exit. Property is on the left. Approximately one mile from the exit.



**SURROUNDING LAND USE:** The properties adjacent to the north and west are commercial, containing a trucking company and a grading operation respectively. Adjacent properties to the south and east are residential.

**SIZE:** 3.9 acres

**EXISTING LAND USE:** The existing land use is residential. However, a structure has already been built under the accessory building provision of the zoning ordinance and received its certificate of occupancy under the residential building code. Included is a copy of the permit issued by the Planning Department.

**ZONING HISTORY:** The subject parcel has been zoned RA since countywide zoning was adopted.

**OTHER JURISDICTIONAL INFORMATION:** The subject parcel lies entirely within Iredell County's zoning and planning jurisdiction.

**OTHER SITE CHARACTERISTICS:** The subject parcel is not in the watershed or floodplain.

#### **IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The closest NCDOT monitor on Turnersburg Hwy. averaged 8,000 daily trips. The current capacity for this section of Turnersburg Hwy. is 13,100. The proposed facility would generate approximately 13 trips per hour at peak operation.

**SCHOOLS:** Due to the commercial nature of this request there should be no impact on the school system.

**FIRE MARSHAL:** The fire marshal had no comments pertaining to the impact on the community.

**EMS:** No comments or concerns.

#### **REQUIRED REVIEWS BY OTHER AGENCIES**

**LOCAL:** The Inspections Department will have to review the plans to make sure that the structure meets all required building codes. The site does not require erosion control plans however some measures have been put into place to meet the Erosions Divisions recommendations. By the meeting date, all measures required by Erosion Control should be in place.

**STATE:** NCDOT has issued a driveway permit based on the site plan enclosed.

**FEDERAL:** The requested use will not require any federal approval.

#### **STAFF AND BOARD COMMENTS**

**STAFF COMMENTS:** The proposed request does not meet the land use plan as it is currently adopted. However, the 2030 Horizon Plan does recommend commercial development in this area. Also, the adjoining properties are currently being used for commercial purposes. Due to the current commercial use of adjoining properties as well as the conformity with the 2030 Horizon Plan staff is in support of this rezoning.

**PUBLIC INPUT MEETING:** The public input meeting was held on May 18, 2009 at the site. Forty-four people attended including a member of the planning staff. Concerns raised dealt with traffic safety, noise, storm water runoff, and the history of the property.

**SITE REVIEW COMMITTEE:** Jeff McNeely, Harry Tsumas, and Thomas Stephens visited the site with staff on May 12, 2009.

Chairman Fields stated so this request doesn't comply with the exiting Land Use Plan but does comply with the proposed 2030 Horizon Plan and Mr. Stikeleather stated yes that was correct.

The Board had further questions for the staff: Mr. McNeely questioned whether anyone ever lived in the older home on the property in order to comply with the rural home occupation. Mr. Stikeleather stated the applicant had planned on fixing up the old house and working on street rods in the building. Mr. McNeely asked how long did the applicant operate the business before he was out of compliance and Mr. Stikeleather stated he was not sure how long but that he shut down the business after the violation was brought forward.

Ms. Johnson asked what were the neighbors concerns and Mr. Stikeleather stated noise, traffic safety, storm water runoff, and permit history of the property. The Board had some questions about screening requirements. Mr. McNeely asked if the applicant purchased the property in 2003 and Mr. Stikeleather stated that the applicant just recently purchased the property.

Peter Smith, Attorney, stated he was representing the applicants (Darrel & Brandy Jones) and gave a synopsis of why to recommend approval. The conditions submitted in the application: only 72 total square feet of signage, two separate driveways with a maximum width of 24 feet each, driveways will be separated by a landscaped island, the only use shall be automotive repair and service, all lighting shall be contained on site, and no unnecessary removal of trees.

Mr. Smith stated that he only proposed to work during the day time. Mr. Smith stated that Mr. Jones used the wrong process for business that he first started out for he own personal use and then others wanted him to work on their cars. Mr. Smith stated that it was just too expensive for Mr. Jones to fix up the old house and that he was just in business a couple of weeks.

Mr. Smith stated that this area is not predominately residential and along US Highway 21 north of I-77 there were approximately 20 other businesses. Mr. Smith stated that there was a house across the street and a trucking company down Bethany Road. Mr. Smith stated that if they comply with the conditions he contends the use will not be detrimental to the neighbors and also that the proposed 2030 Plan designates this area as a commercial corridor.

Darrel Jones, Applicant, stated he would be working on regular cars (no trucks or farm equipment) and there would be no body or paint work on the cars. Chairman Fields asked if he would have a wrecker service and Mr. Jones stated he would just tow his customer's cars. Chairman Fields asked Mr. Jones about the operating hours and Mr. Jones stated the proposed to work Monday thru Friday, 8am – 6pm and Saturday, 8am – 1pm. Mr. Mahaffey asked about the storage area and Mr. Jones stated it would be fenced in. Dr. Grigg asked if there was plumbing in the building and Mr. Jones stated there wasn't but that he would put in a restroom and would meet both the Building Code and Health Department regulations.

Mr. Tsumas stated that he went on the site visit and he asked Mr. Jones if he would possibly agree to additional conditions: Insulation in the entire building to keep down the noise, keep hours of operation as previously stated, and pave the parking lot.

Mr. Jones agreed and said the would need at least 24 months to pave the parking lot due to lack of funds and also Mr. Jones talked about putting the buffering fence within the 30' setback but not to interfere with the neighbors current driveway. Chairman Fields questioned if the cars being worked on would be inside the building and Mr. Jones stated yes and also that any vehicle not inoperable or unpaid for services would be in the building or in the fenced in storage area.

*At this time, Chairman Fields called for a five-minute break.*

*Chairman Fields asked for anyone in favor of the request to come forward to speak:*

Chester Murphy stated this was a good business for the area and Mr. Jones was trying to help the neighbors. Mr. Murphy stated that he was not an adjoining property owner.

*Chairman Fields asked for anyone in opposition of the request to come forward to speak:*

Robert & Ruby Stevenson, adjoining property owners, stated that they were opposed because they had a mobile home at the site where this building is now located but they had septic problems and Mr. Jones offered them a double wide to move to the back of the property. They stated that they traded land with Mr. Jones but that Mr. Jones has been using their water meter. There were some questions about the survey as to who owned what land so at this time. Chairman Fields invited Mr. & Mrs. Stevenson to come forward to review the survey.

Mr. & Mrs. Stevenson stated that Mr. Jones didn't keep his word to them so how can he be trusted with his business. They stated that Mr. Jones told them that he was going to build a garage to work on some of his hot rods. Also, that Mr. Jones worked longer than a couple weeks as previously stated by their attorney. Mr. & Mrs. Stevenson also felt there was a traffic safety issue in that stretch of highway and didn't think that more than five cars would fit in the building. Mr. Stevenson stated that no one lives in the second mobile home because of septic problems.

Chairman Fields reminded the Stevenson's that the Board will not get in the middle of a neighbor disagreement; that the Board only considers the rezoning at hand.

Edythe Stevenson, adjoining property owner, stated that she and her husband (Joseph) have lived in this area since 1950 and that they were opposed. She stated that they didn't know anything about this until the building went up. Ms. Stevenson stated that if Mr. Jones would have built the building behind his home and used it for his own use then they wouldn't be opposed. Mr. Santoni asked Ms. Stevenson if she was aware that the proposed 2030 Land Use Plan designates this area as commercial and Ms. Stevenson stated the first time she heard of it was at the neighborhood meeting.

Jerry Turner stated that he owns a landscaping business down Highway 21 but he was there speaking for the property owner who lives across the road. Mr. Turner stated that when he built his building for his business he had to go through all kinds of regulations with the Building Code and he felt like Mr. Jones should have to do the same.

Mr. Turner complained about Mr. Jones coming in their minority community and that there were no minority Planning Board Members. Mr. Turner also complained about the County issuing the permit in the first place. Chairman Fields stated that he would not allow Mr. Turner to criticize this Board; that the County followed proper procedure but the applicant was in violation because of the use of the permit originally issued.

There was no one else to speak. At this time, the Board had open discussion.

Mr. Tsumas stated that this was suppose to be an accessory building for a rural home occupation but it turned into a commercial business. Mr. Tsumas stated irregardless of how it came about his vote hinged upon the site plan whether it was proper use or not and also looking at the proposed 2030 land use plan. Mr. Tsumas stated that the applicant will have to comply with all the regulations.

At this time, Mr. Tsumas made a motion to recommend approval as submitted with the added conditions stated previously and agreed to by the applicant:

- *The entire building must be insulated (noise control) including the compressor building.*
- *Hours of operation shall be limited to 8am – 6pm, Monday through Friday and 8am – 1pm on Saturday.*
- *The parking lot must be paved within 24 months of approval.*
- *Any vehicle that is inoperable or is “unpaid” must be stored in the main building or within the designated storage area as shown on the approved site plan.*
- *The storage area must be enclosed by a fence at least 6’ in height that is opaque.*

*\*Note: These are in addition to the conditions submitted by the applicant on the application.*

Chairman Fields stated that since it’s not consistent with the existing Land Use Plan, although it is in compliance with the proposed 2030 Horizon Plan, as to whether Mr. Tsumas wanted his motion to include that statement. Mr. Tsumas stated that his motion was to recommend approval as stated above with the additional conditions without the Land Use Plan statement. Dr. Grigg seconded said motion.

Discussion: Mr. McNeely felt if we approved this request it would set precedence. Mr. McNeely stated that he felt the use circumvented way to far from what was approved on the permit. Mr. Pruitt stated that he had a major problem with this request. Ms. Johnson stated that there is a residence across the street and this area is not zoned for business. Mr. Mahaffey stated that he agreed with Mr. McNeely and Ms. Johnson’s comments.

Mr. Tsumas asked the staff can this be conditional only if 2030 Plan is approved and Mr. Smith recommended that it is possible if it meets the intent of the proposed Land Use Plan to vote now. Mr. Tsumas stated that if we didn’t have the proposed 2030 Land Use Plan that he would be opposed to this request. Chairman Fields stated the Board needed to vote based on the Land Use Plan now.

Chairman Fields stated that it was difficult to reward someone's wrong doing and Mr. Jones had ample time to investigate proper procedure. Chairman Fields also stated he agreed with Mr. Tsumas though that this is a transitional area. Dr. Grigg stated that it is not our role to judge other than based on merit to request to rezone and she felt the zoning request merits our consideration.

At this time, the Board voted:

AYES: Tsumas, Grigg, Santoni, Stephens

NOES: Fields, Johnson, Mahaffey, McNeely, Pruitt

The motion to recommend approval failed by a vote of 4-5; therefore the request receives an unfavorable recommendation.

**PROPOSED 2030 HORIZON PLAN:** Mr. Smith stated that the attached a map that shows the Hwy. 90 Corridor from the City of Statesville's jurisdiction to the Alexander County line. This map is the result of Jeff McNeely's request to add more industrial uses along the corridor, primarily due to the availability of rail. Mr. Smith stated that he met with Jeff and Ben Zachary, the president of the Alexander Railroad, and drove the corridor. The map shows a change to the proposed Future Land Use Map that would expand the current industrial/employment center designations.

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Mr. Smith stated that he agrees with Jeff and Ben that this area has the potential for significant industrial development, although until utilities are in place it will likely be of a smaller scale. Therefore, he proposed a rural industrial designation for certain parcels along this corridor and if the Board is so inclined, he can support the change to the plan.

Mr. Smith also attached a memo from Clarion that details several recommended changes to the text and one change to the Future Land Use Map of the plan. The textual changes are a result of the last meeting and a recent letter/stance that was taken by the Board of Commissioners. The map change is the result of an ongoing case (the one on your agenda) and I wanted to get this before you at the last meeting but could not make the changes in time.

**Suggested Text Changes – Public Land Acquisition Programs**

**Incentives for Working Lands (Agriculture) -- Page 43, AG Policy 2.2**

This policy and associated strategies provide direction on potential incentives that the County might provide to owners of farms and other agricultural operations to ensure these uses are viable into the future. AG Strategy 2.2.2, specifically suggests that the County consider development of a county-wide fund to promote agricultural preservation through land acquisition and conservation easements. We suggest that this language be adjusted to acknowledge that the County has an existing Purchase of Development Rights Program and that the County should consider funding this program when economic conditions improve and when financial resources are available for this type of initiative. Specifically, we suggest that the language should be changed to state the following:

*“AG Strategy 2.2.2: Consider funding the Iredell County Purchase of Development Rights Program to promote agricultural preservation through the public acquisition of lands. New funding initiatives should be considered at such time that the County has adequate financial resources for new programs.”*

Promoting the Protection of Open Space -- Page 69, ER Strategy 1.2.4

This strategy suggests that the County consider developing a public acquisition program for the protection of environmentally sensitive lands and open spaces. Given current County budget shortfalls and a need to be sensitive to the current economic situation, we recommend changing this language to suggest that the County pursue other funding sources, such as grants, to fund public acquisition of environmentally sensitive lands. Specifically, we suggest that the language should be changed to state the following:

*“ER Strategy 1.2.4: Consider developing a public land acquisition program to protect environmentally sensitive lands and open spaces in the County. Funding for such a program should come from non-local funding sources, such as grants from state and federal agencies and private philanthropic entities.”*

**Suggested Text Changes – Provision of Transportation Infrastructure and Improvements**

County’s Role in Providing Transportation -- Page 45, First Paragraph under Key Trends and Issues

This section discusses the County’s present role regarding transportation planning, identifies the partners that the County works with to develop transportation plans, and describes that, historically, counties in North Carolina have not owned or maintained roads. It goes on to discuss that counties in North Carolina have recently been given the authority to take ownership of and maintain roads.

The Iredell County Board of Commissioners recently sent a letter to the NC General Assembly opposing the legislation that allows the NC Department of Transportation to convey ownership of roads to counties in North Carolina. We recommend that the Plan language be revised to reflect the County’s interests on this matter. Specifically, we suggest that the following sentence should be deleted from the Plan:

*“In addition, new tools, such as the ability to own and maintain roads, are available to counties in North Carolina that provide them with the opportunity to undertake transportation improvements.”*

Consideration of Local Financing of Lower Cost Transportation Improvements -- Page 52, T Policy 3.2

This policy discusses the potential for the County to use local financing for lower cost transportation improvements to increase capacity and mobility in the County. Given the County’s policy for the NC Department of Transportation to own and maintain all non-municipal and non-private roads in the County and the County’s policy to not own and maintain roads, we recommend striking the majority of this language to reflect these policy interests. Specifically, we suggest that T Policy 3.2 and T Strategies 3.2.1-3.2.3 and T Strategy 3.2.5 be deleted from the Plan. We recommend moving T Strategy 3.2.4 (county-wide access management standards) under T Policy 3.1: Efficient Use of Existing Transportation Capacity.

**Suggested Text Changes – Purpose of Transit Policies and Strategies**

Planning for Future Transit -- Page 50, T Policy 1.2

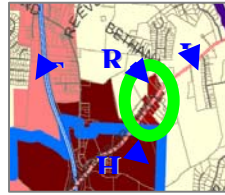
This policy discusses the need to plan and prepare for future transit opportunities in Iredell. The three strategies to carry out this policy include development of a plan to define transit corridors, requiring landowners of proposed developments along future transit corridors to preserve defined public right-of-ways, and identifying the need for and location of necessary transit supportive uses, such as park and ride lots. One of the key purposes for encouraging the development of transit in Iredell has been to provide new alternative transportation modes that can help reduce greenhouse gas emissions from single-occupant vehicles and improve air quality in the region. We recommend that the Plan language be revised to reflect that objective – that improvement of air quality is a critical reason for pursuing transit in the County. Specifically, we suggest that the language should be changed to state the following:

*“T Policy 1.2: Work with regional partners to identify and plan for future transit (i.e., bus and rail) corridors and ancillary uses, such as park and ride lots, to provide alternative transportation choices in high traffic areas of the county and to promote the reduction of greenhouse gas emissions and improve regional air quality.”*

**Suggested Future Land Use Map Change**

Several parcels located along US-21 just south of Bethany Road and north of Prison Camp Road in the Statesville Planning District have non-residential uses in place currently. The current version of the Future Land Use map suggests that this area should be designated as Low-Density Residential land use into the future. Given existing conditions in this area, we recommend that this area should be changed to Corridor Commercial to better reflect the existing conditions and provide additional opportunities for business development along this corridor. Changing this area to Commercial Corridor will also create a transitional area between Highway Interchange Commercial and Low-Density Residential uses, buffering these residences from higher intensity highway commercial development.

Figure 1 outlines this area for consideration.



**Figure 1:  
Recommended  
Future Land Use  
Map Change**

Mr. McNeely stated that on this Board that we all come from a different area and this happens to be his area and he feels like we need to look at this area now. Mr. McNeely stated that industry might not come in this area within the next five years but new homes might.

Mr. Smith stated that he received a letter today from Susan C. Heffron, AICP, Urban Resource Group (*see attachment*) asking that her comments be introduced into the record as comments on the plan and provided to the Planning Board.

Susan Haynes asked if there was public notification for this plan and Chairman Fields stated that the Committee had been working on this plan for two years and there were several community forums held. Chairman Fields also stated that the plan is available for review on the county's website. Ms. Haynes stated that she didn't have access to a computer or the local newspaper.

Ben Zachary, Alexander Railroad, stated that he supported the update to the 64/90 corridor that Mr. Smith presented earlier tonight. Mr. Zachary stated that lack of sewer in that area is not a reason to not designate as rural industrial.

After further discussion, Mr. Santoni made a motion to accept the Plan with the amendment of the Highway 64/90 Corridor and with the proposed changes outlines in the memo from Clarion. Dr. Grigg seconded said motion and all agreed. **VOTES: 9-0.** Chairman Fields thanked the committee and staff for a well done job on the Plan.

**MINUTES:** Mr. McNeely made a motion to approve the 5/6/09 meeting minutes with the noted changed by Mr. Tsumas. Mr. Pruitt seconded said motion. The motion passed in favor **VOTES: 9-0.**

**ADJOURNMENT:** There being no further business, Chairman Fields declared the meeting adjourned at 9:50 p.m.

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Katrina Hewitt  
Administrative Asst. II

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Date Read and/or Approved