

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, March 1, 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.
Alan Williams

STAFF PRESENT

Katrina Hewitt
Steve Warren
Rebecca Harper
William Allison
Lynn Niblock

MEMBERS ABSENT

None

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

MINUTES: Dr. Grigg made a motion to approve the 02/01/06 meeting minutes. Mr. Pruitt seconded said motion and all agreed. **VOTES: 11-0.**

REZONING REQUEST; PINECREST LAND DEVELOPERS INC. PROPERTY, CASE NO. 0603-1:

Mr. Warren presented the staff report:

<u>OWNER:</u>	Pinecrest Land Developers, Inc. 191 Clearview Road Statesville, NC 28625 (704)902-6033	<u>APPLICANT:</u>	Greg Palmer (same)
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LOCATION: Pinecrest Subdivision at the corner of East Monbo and Hudspeth Roads in Troutman, NC; more specifically identified as PIN#s 4720-49-4555; 4720-49-3580; 4720-49-3415; 4720-49-2421; 4720-49-1307; 4720-39-9288; 4720-39-8291; 4720-39-7198; 4720-49-0145; 4720-49-1157; 4720-49-2138; 4720-49-3146; 4720-49-4106.

Directions: From Troutman at Hwy 21/Old Mountain Road intersection, travel west on Old Mountain Road. Turn left onto E. Monbo Road and travel approximately 3 miles to intersection with Hudspeth Road; property will be on the left, immediately before Hudspeth Road.

REQUESTED ACTION: Rezone subject parcels from R20-CUD to R20.

PROPOSED USE: Single-family residential.

SIZE: 8.245 total acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential and Agricultural.

WATERSHED REGULATIONS: The subject parcel is located within both the WSIV-Protected Area and WSIV-Critical Area. Minimum lot sizes are as follows: WSIV-PA = 21,780 square feet; WSIV-CA = 25,000 square feet.

TRAFFIC: In 2004, East Monbo Road had an average daily traffic count of 1,800 vehicles per day. According to the Iredell County Thoroughfare Plan, this road has a carrying capacity of 9,000 vehicles per day.

ZONING HISTORY: In 1997 these parcels were one large tract of land that was included in a Non-Owner Petition rezoning request. This rezoning was approved by the County Commissioners; the property was rezoned from RA to R20-Conditional Use District, with the condition that the minimum lot size shall be 40,000 square feet. This request stemmed from the property owners' collective desire to maintain the rural and agricultural nature of the community.

STAFF COMMENTS: *Background:* In the fall of 2005, Pinecrest Land Developers, Inc. submitted a single-family residential subdivision plat with lots that were drawn subject to the standards of the Watershed Districts within the project area. This plat was approved and the lots recorded (this involved a total of 13 lots). As part of this process, the applicant was advised by Subdivision staff that the area was zoned R-20; the applicant had thus drawn their lots according to these applicable standards (see Watershed Regulations above). Upon approval of the subdivision, the developer proceeded to stake out the lots. A complaint was then registered with the Planning Department; the complainant questioned the lot sizes, thinking that the larger lot size (40,000 square feet) was required. Upon research into the 1997 case file, it was confirmed that the rezoning was indeed conditioned with the greater minimum lot size requirement. Upon notifying the developer of this mistake, the developer decided to submit the present request for rezoning which, in effect, seeks the elimination of the larger lot size condition from the R-20 designation. *The Subdivision Department computer was not activated with the GIS layer that indicated the existence of Conditional Use Districts; therefore, it was believed that the zoning on the property was a straight R20 without conditions. The mistake was not realized until the complaint was issued.

Present request: The applicant requests a rezoning to eliminate the 40,000 square foot minimum lot size requirement. Again, there are presently a total of 13 lots recorded on 8.245 acres. Should the larger lot size be enforced on the project, the plat will need to be redrawn in which case the project would only be allowed a maximum of eight (8) lots.

Summary & Recommendation: Because of the unique nature of this application, staff has put considerable thought into this case. Staff understands that this property is located on the outer edge of the R20-CUD district while also being located adjacent to RA property. Additionally, there are watershed regulations applicable to this property that, in and of themselves, require larger lot sizes than those within the standard R20 classification. At the present time with the approved subdivision plat, the applicant is indeed meeting these requirements. However, the fact remains that a non-owner rezoning petition was submitted several years ago in which the majority of property owners made a conscious and collective decision to maintain the rural, low-density nature of the surrounding community. Although the Pinecrest subdivision is relatively small in scope, an approval of rezoning could set a precedent that is contrary to the intent of the Conditional-Use District and thus open the door for future requests that seek higher densities. In this context, it is important to realize that the rural character of the community has remained so since the rezoning of 1997. There has been little subsequent construction within this CUD area; therefore from a public-policy standpoint, there appears to be little pressure to rezone the property to allow for additional housing beyond that which would be allowed under the CUD requirements. For these reasons, and after due consideration of all facets of this case, staff recommends against this request.

Statement of Land-Use Plan Consistency: This case does not hinge on the County Land Use Plan per se; therefore, denial of the rezoning would be neither consistent nor inconsistent with the Plan. However, denial of the rezoning would be consistent with the goals of the surrounding community in terms of the existence of the non-owner- petitioned R20-Conditional Use District that specifically requires larger minimum lot sizes.

Ms. Johnson asked if the previous owner signed the non-owner petition back in 1997 and Mr. Warren stated that he did not have that information. Ms. Pfeufer asked how large was the non-owner area that was rezoned and Mr. Warren stated approximately 900 acres. Mr. McNeely stated that he went on the site visit and there is new construction of a dwelling going on two lots that have been combined.

Greg Palmer, Applicant, stated that the required lot size due to the zoning and watershed regulations was 239% and 274% bigger than the normal R-20 zoning. Mr. Palmer stated that the lot sizes meet the two different watershed regulations and they went forward in good faith. Mr. Palmer stated that the subdivision signs went up back in October but the problem did not come to light until January. Mr. Palmer stated that construction on the one dwelling is going on and is currently under contract.

Mr. Palmer stated the zoning information is on the county website but it's hard to go into different layers to find all the conditions. Mr. Palmer stated it was just an oversight. Mr. Palmer stated this proposed development would not negatively impact the area that they were here just to resolve the matter.

Chairman Fields asked how many lots would the subdivision have if they complied with the CUD requirements and Mr. Palmer stated probably 7-8 lots. Mr. Palmer submitted the Board with a copy of the subdivision plat. There was further discussion in regard to the minimum lot size (40,000 sf) and the building envelope area (which is less due to setbacks and right-of-ways).

Mr. Tsumas stated that the subdivision plat that Mr. Palmer just submitted shows the R-20(CUD) zoning on it. Mr. Palmer stated that they didn't know what the CUD requirement was and went on the Planning Dept. knowledge. Mr. Palmer stated it was an oversight, that they knew there was a CUD but didn't know what the CUD was. Dr. Grigg asked if they purchased the property through a realtor and Mr. Palmer stated that he purchased the property directly from the owner. Chairman Fields asked if he was represented by an attorney at the closing and Mr. Palmer stated that he was. The Board had further discussion.

Brent Warren stated that he was a lifetime member of East Monbo community and he was speaking on behalf of those present tonight in opposition to this request. Chairman Fields asked all those in opposition to stand and approximately 30 people stood. Mr. Warren stated that the community took a pro-active stance in 1997 by submitting a non-owner petition, which was approved by the Board of Commissioners. Mr. Warren stated that their petition had greater than 80% of the property owners in favor (only three property owners didn't sign the petition) and that Mr. Shumaker, previous owner of the property in question tonight, signed the petition in favor. Mr. Warren also stated that they had made investments in our properties to be protected and the community has stayed the same.

Jane Getsinger stated that she lived in the R-20(CUD) area and that they took visionary action in 1997 and wanted the Board to uphold their petition that was approved. Gary Thomas stated that he lives in the East Monbo Area and this area has remained rural and the proposed rezoning doesn't conform to the character of this area. Mr. Thomas stated that apparently the applicant and staff made the mistake, but the community petitioned this area to R-20(CUD).

Brent Warren submitted the Board with a new petition with 70 signatures of property owners opposed to the rezoning. Joe Shumaker stated that he sold this property to Mr. Palmer and he was not aware if Mr. Palmer knew of the CUD. Mr. Shumaker stated that he did sign the petition in 1997 to rezone the area to R-20(CUD). Mr. Palmer stated that he disagreed with Brent Warren's comments.

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

Chairman Fields called the meeting back to order (8:25 p.m.).

Mr. McNeely stated that there were a lot of people at fault but that isn't this Board's problem. Mr. McNeely stated that the zoning has been in place of almost ten years and if we approve this request we would be going backwards and making a mistake. Mr. McNeely made a motion to recommend this request be denied as per the statement of consistency. Mr. Williams seconded said motion.

Chairman Fields stated that he was on this Board in 1997 when the rezoning was approved and he was impressed with the group because they were unified in their thinking. Chairman Fields also stated that it is regrettable that mistakes were made but that has nothing to do with the decision of this Board. Mr. Williams called the questions and the Board voted unanimously to recommend the request be denied by a vote of 11-0.

REZONING REQUEST; THOMAS & SANDRA MCCURDY PROPERTY, CASE NO. 0601-3:

Mr. Warren presented the staff report:

OWNER: Thomas & Sandra McCurdy
460 Normandy Rd
 Mooresville, NC 28117

APPLICANT: Joe Keiper
111 Bevington Way
 Mooresville, NC 28117

LOCATION: 111 Alexander Acres Road in Mooresville, NC; more specifically identified as PIN# 4677-47-6277.

REQUESTED ACTION AND CONDITIONS: Rezone the subject parcel from RA & NB, Residential Agricultural and Neighborhood Business to HB-CUD, Highway Business Conditional Use District with the following conditions:

- Provide aesthetic landscaping along both Alexander Acres Road and Hwy 150 frontage;
- Ingress/egress to be located only onto Alexander Acres Road per DOT approval;
- Any outside storage will be located at southern end of property, out of site of the residential properties along Hwy 150;
- Lighting to shine inward on the storage area only;
- Exclude all "Residential" uses as listed in the Iredell County Zoning Ordinance;
- Exclude all "Recreational" uses as listed in the Iredell County Zoning Ordinance;
- Exclude all "Educational & Institutional" uses as listed in the Iredell County Zoning Ordinance;
- Exclude all "Retail Trade" uses as listed in the Iredell County Zoning Ordinance;
- Exclude all "Manufacturing and Industrial" uses as listed in the Iredell County Zoning Ordinance;
- Exclude all "Public Works Facilities, Utilities & Infrastructure" uses as listed in the Iredell County Zoning Ordinance;
- Exclude the following "Business, Professional, & Personal Service" uses: Animal clinics and hospitals; Automobile rental and leasing; automobile repair and service (excluding storage of wrecked or junked vehicles); automobile washing facilities; bus stations; communicative facilities, including radio and television broadcasting; convenience food stores; drive-in theatres; dry-cleaning & laundry facilities; equipment repairs; farm-type enterprises; internal service facilities incidental to permitted uses; laundromats; motels & hotels; motion pictures productions; photo finishing laboratories; private clubs; recreational vehicle parks or campsites; service stations; shoe repair or shoeshine shops; taxi terminals; upholstery & furniture refinishing.

PROPOSED USE: Mini-storage facilities.

SIZE: 4.67 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Vacant, Agricultural, and Residential.

WATERSHED REGULATIONS: The subject parcel is located within the WS-II-Balance (Coddle Creek) watershed.

TRAFFIC: According to NCDOT traffic counts during 2004, this stretch of Highway 150 had an average of 11,000 vehicles per day with a carrying capacity of 10,500.

ZONING HISTORY: This property has been zoned RA and NB since countywide zoning took effect in 1990.

STAFF COMMENTS: Applicant is seeking to rezone this property with the intent of constructing self-storage facilities. The property is located at the corner of Alexander Acres Road and Hwy 150. This proposed rezoning is consistent with other zoning classifications in this vicinity, and staff recommends in favor of the request. Statement of Land-Use Plan Consistency: The request for Highway Business zoning complies with the intent of the general Commercial areas included on the County's Land-Use Plan; therefore, this request is deemed a reasonable zoning classification for this property.

PLANNING BOARD ACTION & FOLLOW-UP: On January 4, 2006 the Planning Board voted 10-1 to recommend denial of the rezoning request based on the lack of site-development information submitted by the applicant, as well as the applicant's absence from the meeting. It was noted that, since the applicant was not in attendance at that meeting, the applicant could not respond to neighbors' concerns over various aspects of the site's development. Therefore, applicant could not amend his request to a Conditional-Use District. Following the Planning Board meeting, applicant met with staff to address the neighbors' concerns and prepare a conceptual design of the planned project accordingly.

BOARD OF COMMISSIONERS ACTION & FOLLOW-UP: On February 7, 2006 the Board of Commissioners remanded this request to the Planning Board due to the fact that new information on the case had been presented. Specifically, the applicant had added conditions to their request which the Planning Board did not have a chance to review due to the applicant's absence at the January meeting. The applicant has since added further conditions to exclude certain Highway-Business uses from the property (as listed above on this staff report).

Chairman Fields asked Mr. Keiper if he was interested in "mini-warehouse" why not just CUD for that use and Mr. Keiper stated that he wanted to be able to keep his options open. The Board had questions in regard to the landscaping requirements. Mr. Warren stated that the screening would be regulated by the zoning ordinance. Mr. Tsumas stated that the condition listed states "aesthetic landscaping" and that is not an enforceable condition. Chairman Fields asked the staff why this condition was not addressed before tonight and Mr. Warren stated this part of the ordinance is being looked at as part of the overall amendments to the zoning ordinance. Mr. McNeely stated that the RPO would come into play. Mr. McNeely stated that maybe they could change the wording to state 90% opaque. Mr. McNeely also stated the last condition that the word "excluding" should read "including".

Sandra McCurdy commented on the surrounding land uses and stated the mini-warehouses are not going to affect this area. Doug Carrigan, adjoining property owner, stated the CUD is better than straight HB zoning. Mr. Carrigan did have some concerns in regard to lighting. June Goodman, adjoining property owner, was concerned about the property being filled in to offset the water flow on the property. Mr. Niblock stated that NCDNR would regulate erosion control because it's over an acre.

After further discussion, Mr. Tsumas made a motion to recommend approval per the statement of consistency with the one correction: change the word "excluding" to "including". Dr. Grigg seconded said motion. Mr. McNeely stated that the applicant was willing to change the landscaping requirement but Mr. Tsumas stated that it was not part of his motion. Chairman Fields stated that he envisioned this property possibly being annexed by Mooresville. Mr. Stephens called the questions. The Board proceeded to vote:

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

NOES: McNeely, Santoni

The motion passed in favor by a vote of 9-2.

PROPOSED TEXT AMENDMENT TO THE IREDELL COUNTY ZONING ORDINANCE; SR 57, HOMELESS SHELTERS (For Discussion Only): Rebecca Harper stated that the County currently has no guidelines to provide for homeless or emergency shelters of any kind. Ms. Harper stated that due to events such as Hurricane Floyd in Eastern North Carolina and Hurricane Katrina in the Gulf Coast, a need for shelters in Iredell County has become apparent. Ms. Harper presented the following proposed amendment:

Article XIX. A.

Homeless Shelter. A facility operating year-round or seasonal, which provides lodging and supportive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

Article IX.

SR 57. Homeless Shelter.

- (A) In any residential district, a minimum of one (1) acre shall be required to establish a homeless shelter and on a site utilizing greater than three (3) acres (130,680 square feet) devoted to the use shall have frontage on a collector or thoroughfare street.
- (B) In any residential district, all structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any property line and a thirty (30) foot undisturbed buffer shall be provided along all residentially zoned property.
- (C) A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.
- (D) No such facility shall be located within one-half (1/2) mile of an existing shelter for the homeless or any other group care facility.
- (E) The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
- (F) The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.
- (G) A complete site plan shall be provided for all homeless shelters, which must conform to all applicable health, building code, licensing laws and regulations.
- (H) Screening and landscaping which complies with Article XII shall be provided along all property lines abutting residentially zoned property.

This use would be permitted in the following districts with a Special Use Permit: RA, R-20, RO, R-8A, & RU-R as well as permitted out-right in the following districts: GB, HB, CB, HB, & OI. (These districts are the same for similar uses such as convalescent homes, group homes, family care homes, and nursing homes)

Chairman Fields stated that he felt in the beginning this was a great idea but he thought it was a temporary situation for emergencies; not a permanent facility. Ms. Harper stated that the County has turned over emergency shelter situations to the American Red Cross but that in some of the recent situations with the hurricanes long term shelters are needed. Ms. Harper explained that there are current hurricane evacuees staying at the old Hill Haven nursing facility here in Statesville and that the Board of Commissioners granted them an extended stay through a resolution that will expire soon. The Board had concerns about this type of facility being located in residential districts. Ms. Harper stated a Special Use Permit would be required for residential districts. The Board was not in favor of amending the zoning ordinance just to relieve one problem situation and was strongly against allowing such a facility in a residential district.

Mr. Niblock explained how the current situation at Hill Haven came about and he stated the Board of Commissioners directed the staff to come up with some language in the zoning ordinance to address this type of facility. Ms. Pfeufer asked if it was possible for Hill Haven to be rezoned to commercial and Mr. Niblock that is certainly one avenue that can be explored.

After lengthy discussion, the Board gave an informal recommendation that the staff change the amendment

by only allowing this type facility in commercial zoned districts along with a required Special Use Permit.

MONTHLY COMMITTEE ASSIGNMENTS: Mr. Pruitt & Mr. Tsumas volunteered to attend the March 15th Subdivision Review Committee meeting at 10:00am in the Old City Hall. Mr. McNeely & Mr. Pruitt volunteered to go on the site visit for next month's requests on Tuesday, March 21st.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 10:30 p.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved