

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **May 3, 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
Lynn Niblock

MEMBERS ABSENT

None

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

MINUTES: Mr. Williams made a motion to approve the 4/5/06 meeting minutes. Mr. Rash seconded said motion and all agreed. **VOTES: 10-0.** (NOTE: Ms. Johnson was not present at this time.)

REZONING REQUEST; ARCHIE L. & GLENDA T. MILLER PROPERTIES, CASE NO. 0605-1: Mr. Warren presented the staff report:

OWNER /APPLICANT: Archie & Glenda Miller
204 Kendall Road
Troutman, NC 28166

LOCATION: 1113, 1115, and 1119 Charlotte Highway in Troutman, NC; more specifically identified as PIN#s 4750-02-2529, 4750-02-4696, and 4750-02-1496. **Directions:** From Statesville, south on Charlotte Highway under I-77 overpass at Exit 42; property on left.

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

- Underground utilities required;
- Roadway Protection Overlay District standards shall apply;
- Site development plan shall provide for shared parking with adjacent parcels under same ownership; and
- Site development plan shall provide for future interconnectivity between adjacent properties

PROPOSED USE: GB uses, potentially including a family-owned heating and air conditioning contractor facility, subject to specific site-development conditions.

SIZE: 2.01 acres total.

EXISTING LAND USE: Residential and Nonconforming Commercial building.

SURROUNDING LAND USE: Residential, Commercial.

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

TRAFFIC: In 2004 there was an average daily traffic count of 11,000 vehicles per day on this stretch of Highway 21, with an approximate carrying capacity of 10,500 according to the NCDOT Thoroughfare Plan.

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

STAFF COMMENTS: The applicants seek to rezone the subject parcels along US 21 to accommodate future commercial growth. They have intentions of locating a family-owned business at this location (Troutman Heating & Air). The GB district itself is consistent with the objectives of the Exit-42 Small-Area Plan, and the conditions proposed encourage the continuation of site-specific development criteria along the Charlotte Highway corridor. Several other parcels have been similarly rezoned GB-CUD along this stretch in recent months and years, and these commercial zonings have involved these same conditions. Because the proposed rezoning follows this pattern as well as the intent of commercial growth near the Exit 42 interchange, staff recommends in favor of this request.

Archie Miller, Owner/Applicant, stated that they wanted to clean up this property and it would help the neighborhood. Mr. Miller stated his grandchildren needed a place to go.

After further discussion by the Board, Dr. Grigg made a motion to recommend approval of the proposed zoning map amendment and to advise that it is consistent with the Exit 42 Small Area Plan. Mr. McNeely seconded said motion and all agreed. **VOTES: 10-0.**

(NOTE: Ms. Johnson was not present at this time.)

Ms. Johnson was present for the following cases.

REZONING REQUEST; ROGER K. & KATHY H. MCLELLAND PROPERTY, CASE NO. 0605-2: Mr. Warren presented the staff report:

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

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

REQUESTED ACTIONS: 1) Amend the Iredell County Land Use Plan; and 2) Rezone subject parcel from RA, Residential Agricultural to M-1, Light Manufacturing

PROPOSED USE: Any and all M-1 uses.

SIZE: 18.99 acres.

EXISTING LAND USE: Textile Manufacturing Facility.

SURROUNDING LAND USE: Residential, Agricultural.

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

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

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

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

Roger McLelland, Owner/Applicant, stated that he purchased the property prior to county-wide zoning but the business has been in his family since 1973. Mr. McLelland stated that he lives in this community and that he runs a neat operation. Mr. McLelland stated that there were other business uses in the area. Mr. McLelland stated that the property is buffered. Mr. McLelland questioned why the county allowed him to add to this building back in 1997 if it would restrict what he could or couldn't do in the future. He further stated that he thought his property was rezoned. Mr. McLelland presented a tax card showing the use showing as industrial. Mr. McLelland stated that at peak employment they employed thirty people and currently there are only seven employees. They manufacture material with knitting machines; no dying of material.

Mr. Tsumas asked if he would consider possible rezoning only a portion of the property and add conditions to the rezoning. Mr. McLelland stated he was flexible. Mr. Tsumas stated that the M-1 zoning has some obnoxious uses.

Donna Wagel stated that she has known Mr. McLelland for a long time and she supports his proposal. Ms. Wagel stated that there is no noise and its beautiful property.

After further discussion, Mr. Williams questioned why it wasn't zoned industrial back in 1990 when county wide zoning was put in place. Mr. Williams made a motion to recommend amending the Land Use Plan. Ms. Johnson seconded said motion.

Chairman Fields asked Mr. Warren if the staff suggested conditions and Mr. Warren stated he didn't know. Chairman Fields stated that he felt the request needed further work. Dr. Grigg asked Mr. McLelland if he was aware of all the permitted uses in M-1 and Mr. McLelland stated that he met with Richard McHargue and he suggested M-1. Mr. Tsumas stated that he would like to see the acreage limited, limit outside storage, and delete some of the permitted uses.

After further discussion, Mr. McLelland stated that he would like to withdraw his request tonight and come back next month with a conditional use rezoning. Mr. Williams and Ms. Johnson withdrew their motions.

REZONING REQUEST; MILLIGAN INVESTMENTS LLC PROPERTY, CASE NO. 0605-3:

Mr. Warren presented the staff report:

OWNER: Milligan Investments, LLC APPLICANT: Ken Wilkinson
192 Paddock Road 144 Bridle Path
Union Grove, NC 28689 Mooresville, NC 28117

LOCATION: Eagle Mills Road in Union Grove, NC; more specifically identified as PIN# 4862-52-9893. Directions: From Statesville, travel north on I-77 and exit onto Memorial Highway (901); turn right and travel east for approximately 1.5 miles. Turn left onto Eagle Mills Road; property on right.

REQUESTED ACTION & CONDITIONS: Rezone a portion of subject parcel from RA, Residential Agricultural to HB-CUD, Highway Business Conditional-Use District with the following conditions:

- Prohibited uses shall include: amusement arcades and indoor places of entertainment including bowling alleys, pool rooms, skating rinks and batting cages; social and fraternal organizations and associations; bingo games; dance halls, including night clubs; fortune tellers and astrologers; golf driving ranges; miniature golf facilities; cemetery; colleges or universities; hospitals; nursing and convalescent homes, congregate and group care; orphanages and similar philanthropic institutions; animal clinics and hospitals; bus stations; drive-in theaters; motels and hotels; motion picture productions; mini-warehouse; photo-finishing laboratories; private clubs; taxidermists; upholstering and furniture refinishing; ABC sales for on-premise consumption; bars; automobile and truck dealers (new and used); automobile parts and supply store; building supply dealers; fuel oil sales; furniture repair including upholstery; garden centers or retail nurseries; liquor stores; mobile home sales and service; pawn shops; tire dealers and service; printers and publishers; wireless telecommunications towers and facilities.

PROPOSED USE: RV rental business.

SIZE: 7.738 acres requested for rezoning (parcel totals 14.14 acres).

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential, Agricultural, and Commercial (medical park, pharmacy, North Iredell Rescue Squad).

WATERSHED REGULATIONS: The subject parcel is located within the WSIII – Balance (Hunting Creek).

TRAFFIC: This section of Memorial Highway had an average traffic count of 3,200 vehicles per day in 2004 with a carrying-capacity of 9,000.

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

STAFF COMMENTS: The applicants seek to rezone the southern half of the subject parcel. They own RentMeRVAmerica and wish to relocate their business to this location; their proposed building would be of an architectural style compatible with the rural nature of the area. There is a commercial node at the intersection of 901 and Eagle Mills; currently there is NB (Neighborhood Business) zoning in this vicinity with a pharmacy, medical office park, and the North Iredell Rescue Squad. The subject property is located approximately 400 feet from Highway 901. When viewing the property from Houstonville Road, there is a noticeable hill that blocks the view of the subject portion; this natural berm would serve as an ideal buffer/boundary between the zoning districts. In addition to this, if this request is approved there will be the requirement for a screening device pursuant to the Zoning Ordinance requirements (wherever HB adjoins RA district lines). The result should be a clear separation of land-uses; staff feels that this is an important consideration in this case in terms of how far the commercial node should be expanded at this point in time. In addition to physical characteristics of the property, the proposed conditions lessen the intensity of the HB status on this parcel by restricting HB land-uses to only those allowed in NB (Neighborhood Business). Because this request only seeks to rezone the portion of this acreage closest to Memorial Highway, the existence of a good natural boundary, and proposed conditions that reduce the intensity of the HB classification at this particular location, staff would recommend in favor.

Ken Wilkinson, Applicant, stated that Mr. Milligan is still the property owner and he just has a contingent contract on the property. Mr. Wilkinson presented photos of their existing business. Mr. Wilkinson stated that they need a place to put their rentals and keep them secure. Mr. Wilkinson stated RV Rentals is a family business about vacations. Mr. Wilkinson stated that he loved the country and wanted to some day build his home on this property also. Mr. Wilkinson stated the facility would look like a barn and would not offend the residential surroundings.

Chairman Fields asked how many rentals would be on the property and Mr. Wilkinson stated approximately 15-20 and most would be housed inside. Mr. Wilkinson stated that they did minor maintenance and repair. Ms. Johnson asked why they wouldn't want to be located along I-77 for high traffic exposure and Mr. Wilkinson stated that walk-in traffic is very minimal. Ms. Pfeufer asked if they would have a dumping station and Mr. Wilkinson stated that most of the customers dump their sewage before they come back (because they charge a \$100 fee) but there are two campgrounds in the area that he could use to dump the sewage if needed.

Chairman Fields asked if Mr. Warren if sales would be allowed and Mr. Warren stated yes. Mr. Wilkinson stated they usually get referrals from the dealers to rent so they don't sale many.

Kathy Wilkinson, Applicant's wife, stated that 70% - 80% of their business comes from the internet and with being within a couple miles of two campgrounds that they felt this was a suitable site.

OPPOSITION:

Brenda Hunter stated that she owns 170 acres on Dare Road and she was representing her family and many of the property owners in the area. At this time, Mr. Hunter asked all those in attendance who were opposed to stand and approximately 25 people stood. Ms. Hunter presented the Board with photographs of the current business located in southern Iredell County. Ms. Hunter stated that it's difficult to oppose someone's dream but this is a rural neighborhood. Ms. Hunter stated that this property is two miles from I-77 and that there were no other HB uses in the area. Ms. Hunter stated that this property is not located on a major highway and the Land Use Plan designated NB. This is not a proposed service to the neighborhood and it would set a precedent for further HB zoning. Ms. Hunter added that no conditions placed on this proposal would be acceptable.

Sharon Snow stated that she lives north of this property and felt HB use was not suitable for this area. Ms. Snow stated that she didn't want to see North Iredell turn into a commercialized area like in South Iredell. Ryan Rocky stated he owned 13.1 acres across from this property and he was opposed to any HB uses that didn't support neighborhood needs. Mr. Rocky stated that there is a blind curve on Eagle Mills Road right in front of this property and was concerned about the RV's pulling out in front of oncoming traffic. Mr. Rocky stated that he was a volunteer fireman and had concerns about the proposed 10,000 sf building as far as fire ratings.

IN FAVOR:

Bruce Milligan, Owner, stated that there is a waste dump just down the road and he didn't feel this proposed use would hinder the community. Mr. Milligan stated that he has owned this property for three years. Mr. Milligan stated this property is already earmarked commercial in the Land Use Plan. Mr. Milligan stated that he was originally proposing a grocery store for this property.

Mr. McNeely stated that he went on the site visit and he had a hard time visioning making it fit at this time. Dr. Grigg stated there are too many differences between the NB & HB zoning classifications. Mr. Williams stated that the corner of Eagle Mills & Memorial Highway was better suited for HB but not further out at this time. After further discussion by the Board, Dr. Grigg made a motion recommend this request be denied. Mr. McNeely seconded said motion. VOTES: 11-0.

MONTHLY COMMITTEE ASSIGNMENTS: Ms. Pfeufer & Mr. Pruitt volunteered to attend the May 17th Subdivision Review Committee meeting at 10:00am in the Old City Hall. Mr. Pruitt & Mr. McNeely volunteered to go on the site visit for next month's requests on Tuesday, May 23rd. Mr. Santoni and Mr. Williams will serve as alternates.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 9:10 p.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved