

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **May 2, 2007** 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
Ricky Hurley

MEMBERS ABSENT

None

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

MINUTES: Mr. Pruitt made a motion to approve the 4/4/07 meeting minutes. Mr. Rash seconded said motion and all agreed. **VOTES: 9-0.** *Note: Ms. Johnson & Mr. McNeely were not present at this time.

REZONING REQUEST; ALEXANDER RAILROAD COMPANY PROPERTY, CASE NO. 0705-

I: Mr. Hurley presented the staff report:

OWNER/APPLICANT: Alexander Railroad Company
PO Box 277
Taylorsville, NC 28681

LOCATION: The property is located at 1795 Midway Road, in Stony Point, NC; more specifically identified as PIN# 3797-92-5790. **Directions:** Take Taylorsville Highway west from Statesville; turn right onto Midway Road and property on right after crossing railroad tracks.

REQUESTED ACTION: Rezone subject parcel from RA, Residential Agricultural to M1-CUD, Light Manufacturing Conditional Use District; and Amend the Iredell County Land Use Plan.

- ♣ All uses allowed **EXCEPT** for the following: Airports, transportation facilities, private building debris landfills, and private sanitary landfills.

PROPOSED USE: Wood forests products, wholesale.

SIZE: 9.04 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential uses are adjacent to the north, northwest, and east. Vacant residential land lies to the south and vacant commercial land lies to the west of the requested property.

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

TRAFFIC: This section of Taylorsville Highway had an average of 2,600 vehicles per day in 2005 and Midway Road had an average of 1,300 vehicles per day in 2005. According to the 1993 Iredell County Thoroughfare

Plan, this section of Taylorsville Highway has a carrying capacity of 10,500 vehicles per day and Midway Road has a carrying capacity of 8,000 vehicles per day.

ZONING HISTORY: The subject parcel was zoned RA when countywide zoning took effect in 1990. Parcels along the south side of Taylorsville Highway from Midway Road west to the Alexander county line were zoned for Neighborhood Business at that time, as were two areas of General Business fronting Taylorsville Highway and Halyburton Road. One rezoning case was approved across Midway Road for Heavy Manufacturing Conditional Use District for a wood processing/lumber operation in November of 1993.

STAFF COMMENTS: The applicant has chosen the M1-CU District classification, which allows for a range of light manufacturing uses and allows for many similar uses as nearby commercial properties. Although the Iredell County Land Use Plan identifies this area as suitable for future residential development; staff is recommending in favor of this rezoning request and the land use map amendment since the parcel is adjacent to an operating rail line, and lies in close proximity to NC 90 with an available water supply. An existing commercial and industrial node is identified on the Iredell County Land Use Plan map along NC 90 and Halyburton Road from the Alexander County line to the west side of Midway Road. The expansion of the industrial node along this corridor is a logical extension considering the local infrastructure in place and nearby heavy manufacturing wood operation.

Ben Zachary, President of Alexander Railroad Company, stated they own, operate, and maintain the eighteen miles of railroad between West Statesville to Taylorsville, NC. Mr. Zachary stated that they serve twenty customers that are located within their right-of-way over this distance. Mr. Zachary stated that the railroad has been there since 1887 and the company was formed in 1946. Mr. Zachary stated that they were a common carrier of carload freight that operates Monday through Friday during daylight hours.

Mr. Zachary stated that they were not in the land development business but that they occasionally purchase property adjoining their track for future economical development purposes and they did purchase this property in 1994. Mr. Zachary stated that there were very few railroad sites left in Iredell County. Mr. Zachary stated that they were contacted by Cardinal Forest Products, an existing Iredell County business, looking to relocate and expand their business and railroad access was a requirement.

Dr. Grigg asked if they had side rail to the proposed warehouse and Mr. Zachary stated that yes they did and there would be a switch that would allow carload freight. He further stated that the company proposed 10-12 railroad carloads per month.

John Bryan, President/General Manager – Cardinal Forest Products, stated that they are currently located on US Highway 70 towards Salisbury. Mr. Bryan stated that they are a wholesale lumber distributor and distribute in five states in the southeast. He further stated that they bring in lumber (specialty products) by rail/tractor trailer, unload, then break into smaller units and ship to customers. Mr. Bryan stated that their products are the high end finished lumber. Mr. Bryan stated that they currently bring in 10-12 rail cars per month and 3-5 tractor trailer loads per day. Mr. Bryan stated that there is no manufacturing. Mr. Bryan stated that they did try to contact all the surrounding neighbors to explain what they were proposing. Mr. Bryan stated that they propose to construct a 63,000 sq. building with all the wood stored inside the warehouse. They currently employ 13 employees and 6 salesmen, and him.

Dr. Grigg asked Mr. Bryan if he has discussed the need for turning lanes and Mr. Bryan stated that they are in the preliminary stages but would contact NCDOT at the appropriate time.

Karole Clanton, adjoining property owner, stated that she was opposed because it was 100' from her

bedroom window. Ms. Clanton stated that there were other issues of concern: environment, quiet area, residential. Ms. Clanton stated that some of the neighbors are opposed but they are not present tonight. Ms. Clanton submitted a photo of her property to the Board (*see attachment in file*).

At this time, Mr. Bryan submitted a site plan showing the location of the building (*see attachment in file*). Mr. Bryan stated adjoining property was zoned GB & M-2(CUD).

After further discussion by the Board, Mr. Pruitt made a motion to recommend amending the Iredell County Land Use Plan. Mr. Rash seconded said motion and all agreed. **VOTES: 9-0.** *Note: Ms. Johnson & Mr. McNeely were not present at this time.

Mr. Pruitt made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the Iredell County Land Use Plan. Mr. Williams seconded said motion and all agreed. **VOTES: 9-0.** *Note: Ms. Johnson & Mr. McNeely were not present at this time.

Ms. Johnson & Mr. McNeely were present for the following case:

EXPANSION OF A NONCONFORMING USE; CASE FARMS LLC: Mr. Hurley presented the staff report:

OWNER/APPLICANT: Case Farms, LLC
385 Pilch Road
Troutman, NC 28166

LOCATION: The property is located at 385 Pilch Road, Troutman, NC; more specifically identified as PIN# 4751-25-7169. **Directions:** Take South Main Street from Troutman; turn left onto Oswalt Amity Road; turn left onto Pilch Road; property on right at intersection of Pilch Road and Pear Tree Road.

REQUESTED ACTION: Allow an expansion of an existing non-conforming office use within a Residential Agricultural District by 8,000 square feet, for a total of 13,787 square feet of new and existing office space.

PROPOSED USE: Corporate office.

SIZE: 16.36 acres.

EXISTING LAND USE: Corporate office & vacant hatchery.

SURROUNDING LAND USE: Residential uses are adjacent to northeast and west of site, vacant land to north, south and east.

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

TRAFFIC: This section of Pilch Road had an average of 930 vehicles per day in 2004; the 1993 Iredell County Thoroughfare Plan does not identify the carrying capacity for Pilch Road, but the estimated carrying capacity is 8,000 vehicles per day.

ZONING HISTORY: The subject parcel was zoned RA when countywide zoning took effect in 1990. The entire surrounding area is zoned for residential uses with the nearest commercial zoning approximately 4,000 feet west along I-77. The site was formerly used as a chicken hatchery operation within the existing 29,000 square foot building. An associated truck wash facility, parking areas and two residences also exist. The current use consists of one converted residence of 4,787 square feet for office use by approximately 20 employees of Case Farms. This request proposes an expansion to the existing converted residence that will allow an additional 8,000 square foot for office uses. The remainder of the facilities cannot be occupied by commercial or industrial uses and are unable to be re-opened without a change in the current zoning classification of Residential-Agricultural. The only permissible uses are those outlined in Section 8.3 of the Iredell Zoning Ordinance, primarily residential single family uses and accessory buildings.

STAFF COMMENTS: The Iredell County Zoning Ordinance allows non-conforming uses to expand based upon the applicant meeting several criteria outlined below:

- a. The enlargement will not cause substantial harm to the adjoining property owners.
- b. The enlargement will not result in traffic increases beyond the capacity of the roads serving said use.
- c. The enlargement will not result in emission of smoke, fumes, noise, odor, or dust which will be detrimental to the character of the district or to the health, safety, or general welfare of the community.
- d. The enlargement will maintain all minimum setbacks and buffer requirements of the use district in which said use would be permitted.

Evaluation of Criteria: The Zoning Ordinance provides the above-referenced criteria that must be met for an applicant to expand a non-conforming use. Items A, B, and C should be considered in light of the property's location. Item D is evaluated based upon the submitted site plan showing the existing facilities and proposed expansion. Staff is recommending for the request and feels that based upon the submitted site plan and history of the operation that an expansion would not negatively impact adjoining residential properties and meets all criteria for an expansion of a non-conforming use. The expansion of non-conforming use is preferred to a rezoning request since specific issues can be addressed relating to size of proposed facility, intended use, possible impacts on surrounding neighborhood, avoidance of spot zoning issue, and any future expansions would have to be evaluated by the Board.

Mr. Pruitt questioned why the hatchery building could not be renovated and Mr. Hurley explained the hatchery building lost its nonconforming status and in order to occupy that building it would require rezoning. Mr. Tsumas stated the company still owns the property and the business has been in operation (other than the hatchery) therefore he felt they should be able to have their office anywhere on this property. Mr. Tsumas stated that we don't zone buildings we zone land. Chairman Fields stated that he couldn't vote on this matter without a legal opinion because he didn't agree with the staff's opinion. Mr. Tsumas stated that he felt it goes against what the nonconforming use is trying to do because it's making them expand the facility instead of using what is already there. Mr. Tsumas stated that he agreed with the Chairman that a legal interpretation was needed.

Mike Popowycz, Chief Financial Officer with Case Farms, gave some background info on the company. Mr. Popowycz stated that Case Farms was started in 1987 and they have three locations where they raise and slaughter poultry in Morganton & Goldsboro, NC; and Ohio. He stated that they started leasing the building in 1993 and purchased the property in 1995. Mr. Popowycz stated the last time the hatchery was used was back in 1992. Mr. Popowycz stated that their company has grown from 5 to 20 employees and they only use the hatchery building for storage. He stated that they have outgrown the existing residential structure and need additional office space. Mr. Popowycz stated that they would be willing to look at renovating the hatchery building since it's already there and they much rather utilize that building.

After further discussion, Mr. Tsumas asked the applicant if they would accept a 30 day delay so the Board could get a legal interpretation and Mr. Popowycz stated that they really want to stay on this property so they could wait. Mr. Tsumas made a motion to table this request until the next meeting (June 6th) in order to obtain a legal opinion from the County Attorney. Mr. McNeely seconded said motion and all agreed. **VOTES: 11-0.**

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

PROPOSED AMENDMENT TO ZONING ORDINANCE; AMEND SR31, RADIO, TELEVISION OR COMMUNICATION TRANSMISSION TOWERS – SUBMITTED BY: BENCHMARK CMR, INC.: Mr. Hurley presented the staff report:

ORDINANCE: Zoning Ordinance

SECTION: SR 31 Radio, Television or Communication Transmission Towers

- a. Transmission Towers shall have a setback of one (1) foot for each one (1) foot in height of tower from all property lines and rights-of-way.
- b. No vehicles or materials shall be stored on the premises; and no offices shall be permitted.
- c. All buildings shall be setback at least twenty (20) feet from all property lines and shall be designed and landscaped with a buffer strip in such a way as to blend in with surrounding area.
- d. All structures shall be enclosed by a chain link fence at least eight (8) feet in height.
- e. Transmission Towers with a height of three hundred (300) feet or greater shall be subject to Board of Adjustment approval as a Special Use.
- f. Transmission Towers with a height of one hundred (100) feet or greater shall be designed and constructed to permit the capability for co-location of at least one additional wireless telecommunication use.
- g. Transmission Towers shall not be located within two thousand (2,000) feet of any other existing transmissions tower, unless concealed within a church steeple, farm silo, or other architecturally designed encasement.
- h. Transmission Towers shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport.

APPLICANT: Jessica Sick
Benchmark CMR Inc.
118 South Main Street
Kannapolis, NC 28081

STAFF COMMENTS: A request was made by Benchmark CMR on behalf of their client to amend SR 31 concerning radio, television and communication towers. A copy of the request has been included with this staff report along with the proposed changes. The staff recommends in favor of the request as submitted.

REQUESTED ACTION: No action is need at this time. This submittal is for information purposes only.

Jessica Sick, Benchmark CMR Inc., reviewed the proposal with the Board. She stated that her company represented DCBI - Davidson County Broadcast Inc.

After further discussion, Chairman Fields explained the procedure that the Board would review this information and would put it on the next agenda for public comments. Therefore, no action was taken by the Board at this time.

MONTHLY COMMITTEE ASSIGNMENTS: Ms. Pfeufer & Mr. Pruitt volunteered to attend the May 16th Subdivision Review Committee meeting at 10:00am in the Building Standards Center. Dr. Grigg, Mr. Pruitt, & Mr. Williams volunteered to go on the site visit for next month's requests on Tuesday, May 22nd.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 8:55 p.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved