

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, May 7, 2008 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
Gene Mahaffey
Jeff McNeely
Harold Pruitt
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.
Alan Williams

STAFF PRESENT

Katrina Hewitt
Ron Smith
Rebecca Harper
Steve Warren
William Allison

MEMBERS ABSENT

Anita Johnson
Kristi Pfeufer

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

MINUTES: Mr. Pruitt made a motion to approve the 4/2/08 meeting minutes. Dr. Grigg seconded said motion and all agreed. **VOTES: 8-0.** *NOTE: Mr. Mahaffey was not present at this time.*

REZONING REQUEST; CASE NO. 0805-1: Ms. Harper presented the staff report ~

This is a request to rezone 1 acre from RA, Residential Agricultural Zoning District to RO, Residential Office Zoning District. Because this is a straight rezoning, each of the uses allowed in the RO district must be considered. The applicant is currently proposing to convert the house into an office.

OWNERS: Don & Terry Moore
131 Stutts Road
Mooresville, NC 28117

APPLICANT: Matthew Carley
137 The Point Drive
Mooresville, NC 28117

LOCATION: 131 Stutts Road; more specifically identified as PIN # 4636-46-3697.

DIRECTIONS: Brawley School Road, left on Stutts Road, on left.

SURROUNDING LAND USE: This property is surrounded by residential uses to the south, vacant land to the north and east, and commercial uses to the west.

SIZE: The property is 1 acre.

EXISTING LAND USE: This property is currently being used for residential purposes.

ZONING HISTORY: This property has been zoned RA since county wide zoning was established. The property directly across Stutts Road was rezoned from NB CUD to GB on June 2, 1987. The zoning designation of the remaining surrounding property has been in place since county wide zoning as well.

OTHER JURISDICTIONAL INFORMATION: The Planning staff has met with Town of Mooresville representatives, who felt this rezoning falls in line with their future plans for the corridor. This property lies within a Neighborhood Center node on their plan, which is a compact mixed-use, pedestrian scale node that includes retail, professional and office facilities that serve the immediate neighborhood. Also in this node is a project that has already been approved by the Town. This project is on Brawley School Road and includes a grocery store with ancillary shops and out parcels.

OTHER SITE CHARACTERISTICS: This property is located in the WSIV-CA watershed. However, one acre has to be disturbed before the Watershed Ordinance regulations are triggered. The existing impervious area is exempt from the regulations. Based on the size of the lot and the amount of existing impervious area, there is not enough land remaining to trigger the regulations.

TRAFFIC: In 2006, the average number of vehicles per day on Stutts Road was 4,600.

SCHOOLS: Because this is a commercial rezoning, there should be no implications on local schools.

FIRE MARSHAL: This proposal has been reviewed by the Iredell County Fire Marshal and he had no problems or comments with regards to the request.

EMS: This proposal has been reviewed by the EMS Director and he had no problems or comments with regards to the request.

LOCAL: The applicant will have to provide a site plan to the Planning Department for review to change the use of the house to an office. Zoning requirements such as parking and screening will be reviewed at such time.

STATE: Other than building code, there should be no formal state agency review at this time.

FEDERAL: None at this time.

STAFF COMMENTS: The Brawley School Peninsula Small Area Plan identifies this area as suitable for commercial uses. The area across Stutts Road has already been developed for commercial, office and warehouse uses.

Based on compliance with local land use plans and surrounding commercial zoning districts, the Planning staff can support the proposed rezoning request.

SITE REVIEW COMMITTEE: Jackie Grigg visited this site with the staff on April 22, 2008.

Matthew Carley, Applicant, stated he was an investment advisor and wanted to open his own business and he usually only had one client per week. Mr. Carley stated that he would not be living on this property.

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

After further discussion, Dr. Grigg made a motion to recommend in favor of the zoning map amendment and to advise that it is consistent with the Brawley School Peninsula Small Area Plan. Mr. Pruitt seconded said motion and all agreed. **VOTES: 8-0.** *NOTE: Mr. Mahaffey was not present at this time.*

Mr. Mahaffey arrived at this time.

NON-OWNER REZONING REQUEST; CASE NO. 0805-2: Ms. Harper presented the staff report ~

This is a non-owner request to rezone 744.81 acres from RA, Residential Agricultural Zoning District to RU-R, Rural Residential Zoning District. Because this is a straight rezoning, each of the uses allowed in the RU-R district must be considered. The applicants have stated the purpose of the request is to preserve the integrity of their community free from mobile home parks and single-wide mobile homes.

APPLICANTS:	Maxine T. Henderson 259 W. Houstonville Road Harmony, NC 28634	Elaine C. Johnson 431 W. Houstonville Road Hamptonville, NC 27020
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LOCATION: West Houstonville Road between Eagle Mills Road and Harmony Highway.

DIRECTIONS: Harmony Hwy. north, left on West Houstonville Road.

SURROUNDING LAND USE: These properties are surrounded by residential uses and farmland.

SIZE: The properties total 744.81 acres.

EXISTING LAND USE: These properties are used primarily for residential and farming purposes. There are also two churches within the boundary.

ZONING HISTORY: This property was zoned RA during the county wide zoning process, as well as the GB district at the intersection of W. Houstonville Road and Harmony Highway and the NB district at the intersection of Eagle Mills Road and Memorial Highway. The property to the south was rezoned from RA to HB CUD on April 2, 2002. The RU-R district to the north was rezoned on April 4, 1999. The R-20 district to the southeast was rezoned on June 4, 1996.

OTHER JURISDICTIONAL INFORMATION: This property is located near the Town of Harmony. The Town's future land use plan covers only the area within the city limits.

OTHER SITE CHARACTERISTICS: This property is located in the WSIII-BOW water supply watershed.

TRAFFIC: In 2006, the average number of vehicles per day on W. Houstonville Road near the intersection with Harmony Highway was 390.

SCHOOLS: Because this rezoning goes from one residential district to another, there should be no implications on local schools. The minimum lot size will increase from 20,000 square feet per unit to 30,000 square feet per unit. Therefore if the area was subdivided, the number of lots that could be created would be less with the RU-R district.

FIRE MARSHAL: This proposal has been reviewed by the Iredell County Fire Marshal and he had no problems or comments with regards to the request.

EMS: This proposal has been reviewed by the EMS Director and he had no problems or comments with regards to the request.

LOCAL: Because there is no proposed use, there is no formal local agency review at this time.

STATE: Other than building code, there should be no formal state agency review at this time.

FEDERAL: None at this time.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for residential uses. There has been a trend in the area to change from the RA district to RU-R and R-20 as well. Thirty-three of the forty property owners have signed the petition in favor of the request, which is 82.5 percent. These thirty-three owners account for 96.7 percent of the total acreage to be rezoned. Historically, non-owner rezoning requests with 80% or more owner signatures have been given favorable recommendations.

Based on the compliance with the Iredell County Land Use Plan, a majority of the owner's signatures on the petition and surrounding residential zoning districts, the Planning staff can support the proposed rezoning request.

SITE REVIEW COMMITTEE: Jackie Grigg visited this site with the staff on April 22, 2008.

William Henderson, son of Maxine Henderson (Applicant), stated that he was asked to speak in behalf of the land owners in this area. Mr. Henderson described the area as a rural farm community. Mr. Henderson stated that the land owners in this area are concerned about their quality of life with all the farmland dwindling as residential development moves northward in the County. Historic Deltonia Plantation to our east has placed at least 600 acres in a permanent easement to the Land Trust of Central North Carolina. The A. L. Patterson farm did owner participation in the RUR zoning and residents along US Hwy. 21 from Harmony to Houstonville zoned their properties to R-20. In addition, the West Hunter Junior Family has purchased 170 acres approximately ¼ mile away on Dare Road and they are turning it into a showcase farm known as Hunting Creek Farm.

Mr. Henderson stated that they are concerned about mobile home parks and single wide mobile homes; the negative attributes these types of properties bring to the area, and the decrease in property values. Mr. Henderson stated everyone just wants positive change for their neighborhood.

Elaine Johnson stated that she has lived on her farm for 38 years and that she loves her rural community. Joel Hayes stated that he inherited property from his grandmother which has been in the family for over 100 years. Mr. Hayes also noted that there were three churches in the area and Houstonville Road is a designated bikeway. Margareta Summers also spoke in favor of the rezoning.

No one spoke in opposition to this request.

Dr. Grigg stated that she went on the site visit and felt the request was appropriate.

Mr. Santoni asked the staff how the border was determined and Ms. Harper stated the staff worked with the applicants and came up with the border...that they try to not use a road as a border where there would different type uses across the road from one another. Ms. Harper stated that the applicants went door to door and talked with the neighbors and got the petition together. Chairman Fields stated that the staff only facilitates the applicants with the petition but it is the applicants who determine which properties are within the petitioned area.

Mr. McNeely stated that he just wanted to make sure that the property owners realized no mobile homes would be allowed and Ms. Harper stated that modular and double wide mobile homes are allowed in the RUR district.

Mr. Mahaffey stated that when he got out of the service he couldn't afford a house and his father allowed him to put a single wide next to their home and he hates to see this zoning from allowing someone else the same start.

Dr. Grigg made a motion to recommend in favor 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

AYES: Grigg, Williams, Fields, McNeely, Pruitt, Santoni, Stephens, Tsumas
NOES: Mahaffey

The motion passed in favor. VOTES: 8-1.

REZONING REQUEST; CASE NO. 0805-3: Ms. Harper presented the staff report ~

This is a request to rezone 5.05 acres from RA, Residential Agricultural Zoning District to NB, Neighborhood Business Zoning District. Because this is a straight rezoning, each of the uses allowed in the NB district must be considered. The applicant is currently proposing to use the property for retail sales.

OWNER/APPLICANT: Jerry Price, 239 Lewis Ferry Road, Statesville, NC 28677

LOCATION: 1711 Old Mountain Road; more specifically identified as PIN # 4713-08-7364.

DIRECTIONS: Highway 70 west to Old Mountain Road, on the corner.

SURROUNDING LAND USE: This property is surrounded by residential uses to the north, south and west, and commercial uses to the east.

SIZE: The property is 5.05 acres.

EXISTING LAND USE: This property is currently being used for residential purposes.

ZONING HISTORY: This property has been zoned RA since county wide zoning was established. The properties zoned NB located on the opposite corners of the intersection have also been zoned such since county wide zoning. The parcels further east were zoned HB on July 2, 1991.

OTHER JURISDICTIONAL INFORMATION: Discussions with the City of Statesville Planning Staff have revealed that this area does not lie within their future land use plan. Those areas are referred to the County concerning future land uses.

OTHER SITE CHARACTERISTICS: This property is located in the WSIV-PA watershed.

TRAFFIC: In 2006, the average number of vehicles per day on Old Mountain Road was 7,600. The capacity for this stretch of Old Mountain Road is 13,800 vehicles per day. In 2006, the average number of vehicles per day on Highway 70 was 3,300. The capacity for this stretch of Highway 70 is 13,100 vehicles per day. The capacities for both roads have been deemed adequate through 2030 in the 2008 Iredell County Comprehensive Transportation Plan.

SCHOOLS: Because this is a commercial rezoning, there should be no implications on local schools.

FIRE MARSHAL: This proposal has been reviewed by the Iredell County Fire Marshal and he had no problems or comments with regards to the request.

EMS: This proposal has been reviewed by the EMS Director and he had no problems or comments with regards to the request.

LOCAL: The applicant will have to provide a site plan to the Planning Department for review in order to develop the property for any of the uses permitted in the NB district.

STATE: Other than building code and NC DOT, there should be no formal state agency review at this time. Discussions with NC DOT indicated that they would most likely require improvements such as left and right turn lanes off of both roads.

FEDERAL: None at this time.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for commercial uses. The intersection is currently zoned NB on the north and east sides. There are some concerns over the access onto and off of both Old Mountain Road and Hickory Highway due to the amount of traffic and the configuration of the intersection.

Based on compliance with local land use plans and surrounding commercial zoning districts, the Planning staff can support the proposed rezoning request. However, the staff would prefer to see this request come back as a Conditional Zoning District.

SITE REVIEW COMMITTEE: Jackie Grigg visited this site with the staff on April 22, 2008.

Mr. Smith stated that NCDOT will review the driveway permits but the staff felt a conditional zoning would allow us to put the extra restrictions due to the busy intersection and it would also address the safety issues.

Jerry Price, Owner/Applicant, stated that he was not sure what would be put on the property but one possibility is a small retail shop. Mr. Price stated that there was plenty of property for the septic fields and NCDOT would regulate the driveway permits.

Chairman Fields asked Mr. Price why he submitted the request with straight NB zoning when the staff recommended a conditional zoning. Mr. Price stated time was a factor due to it taking an extra thirty to sixty days for a conditional zoning and also the extra steps (holding public meeting). Chairman Fields stated that he feels some assurances need to be brought before this Board to address safety before they can make a decision. Mr. Smith stated that NCDOT could require improvements that the applicant cannot comply with. Mr. Price stated that NCDOT will make a decision only based on a specific use and I don't have that now. Mr. Price did say that Gerald Grant is currently working on a proposed site plan to show NCDOT.

After further discussion, Mr. Price withdrew his application in order to come back before the Board with a conditional zoning request.

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

Chairman Fields called the meeting back to order.

SUBDIVISION ORDINANCE RE-WRITE: A clean copy of the ordinance is on our website at: <http://www.co.iredell.nc.us/Departments/Planning/upcoming.asp>.

Mr. Smith stated that this is the third presentation to the Board with the suggested changes and the staff was asking the Board for a recommendation tonight. Mr. Tsumas commented on a few minor changes.

Dr. Grigg made a motion to recommend approval of the Subdivision Ordinance rewrite (4/9/09 draft copy) with the said corrections. Mr. McNeely seconded said motion and all agreed. **VOTES: 9-0.** The Board thanked the staff for all their hard work on the ordinance rewrite.

PROPOSED AMENDMENT; ZONING ORDINANCE, SECTION 3.2 (EVERY LOT MUST ABUT A STREET): Ms. Harper presented the staff report ~

As part of the Subdivision Ordinance amendments that you are currently reviewing, we also need to make a change to the Zoning Ordinance. Section 3.2 deals with the requirements for lots that abut a street and those that are landlocked. In order to make sure that both ordinances are in agreement, we need to make this proposed change.

Section 3.2 Every Lot Must Abut a Street

No building, structure or use of land for other than agricultural purposes shall be constructed on a lot which does not abut a street at least twenty-five (25) feet with the following exception:

~~A maximum of two (2) lots may be divided from any tract of land in Iredell County that was "landlocked" as of August 7, 1990. Said lot or lots shall meet the minimum size requirements of the district in which it is located and shall be served by an easement of no less than twenty-five (25) feet in width which is connected to a dedicated right of way. Said twenty-five (25) foot easement shall serve only the two (2) lots to be subdivided and the original tract shall be legally described and recorded in the Iredell County Register of Deeds.~~

Land-locked parcels that have no road frontage as shown on the Iredell County Mapping Department 1992 Parcel Boundary Line Maps (1967 Orthophotography) shall be allowed to divide a maximum of two (2) lots from that landlocked parcel. Said parcel shall be served by an easement of no less than 25 feet in width and shall be legally described and recorded in the Register of Deeds.

Ms. Harper asked the Board to change the regular rules or procedure (where an amendment is brought before the Board for info only at the first meeting and then comes back for public comment at the second meeting) in order to amend the zoning ordinance at the same time as the subdivision rewrite. Mr. McNeely made a motion to suspend the rules of procedure for this particular matter. Dr. Grigg seconded said motion and all agreed. **VOTES: 9-0.**

After further review, Mr. McNeely made a motion to recommend approval of the proposed amendment. Dr. Grigg seconded said motion and all agreed. **VOTES: 9-0.**

PROPOSED AMENDMENT; ZONING ORDINANCE, SECTION 6.18.1 (ROADWAY PROTECTION OVERLAY): Ms. Harper presented the staff report ~

We have a request from Tony Quinn with HQ Marine to create an amendment to allow chain link fences in the front yard of properties that lie within the Roadway Protection Overlay District on Highway 150. The proposal would require that the fences be screened to 90% opaque from the ground to a height of 4 feet, that they be vinyl coated and green or black in color, and a requirement that both the screening and the fence are kept in good repair. The applicant had several items stolen from boats that were stored in front of their building. They erected a fence for security purposes, without the knowledge that fences were not permitted in the front yard. They are proposing this amendment as a way to allow them to keep their fence in place.

The staff has made the changes that the Board proposed at the April meeting. We have also added the definitions that were requested as well. The applicant has made a formal request and agrees to the proposal as submitted here, which the Planning staff does support.

Section 6.18.1 Roadway Protection Overlay District (RPO)

B. Front Yard Setback. The front yard setback shall be a minimum of eighty (80) feet measured from the centerline of the frontage roadway but in no case shall the front yard setback be less than that required by the use for the underlying district in which located, or thirty (30) feet whichever is the greater. Where applicable, the front yard setback is to be measured from any future right-of-way as designated in the Iredell County Thoroughfare Plan. ~~No chain link or similar fencing is permitted in the front yard. Fences of natural materials (i.e. wood, brick, stone, etc.) would be permitted in the front yard.~~

H. Landscaping.

1. Any chain link ~~or similar~~ fencing visible from the street must be **vinyl coated and colored dark green or black. It must also be screened with vegetation or a landscaped berm** at least ninety (90) percent opaque from the ground to a height of at least ~~six (6)~~ **four (4)** feet ~~as per Section 12.1 of the Iredell County Zoning Ordinance.~~ **Planted vegetation must be a minimum of two (2) feet high when planted. All fencing and vegetation shall be kept in a state of good repair.**

Vegetation. Plants such as trees or shrubs.

Good Repair. A condition in which structures, improvements, vegetation or other areas remain attractive, safe and presentable and carry out the purposes for which they were installed, constructed, or required.

Landscaping. An expanse of scenery including but not limited to lawns, trees, plants, and other organic or inorganic materials used to soften or mitigate the impacts of development.

John Morrow stated that he was present on behalf of Tony Quinn (Applicant) to answer any questions. After further review, Mr. Tsumas made a motion to recommend approval. Mr. Pruitt seconded said motion and all agreed. **VOTES: 9-0.**

MONTHLY COMMITTEE ASSIGNMENTS: Mr. Pruitt & Mr. Santoni volunteered to attend the May 21st Subdivision Review Committee meeting at 10:00 a.m. in the Building Standards Center. There will not be a site visit for next month since no cases were received by the deadline.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 8:45 p.m.

Katrina Hewitt
Administrative Asst. II

Date Read and/or Approved