

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **November 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

William Allison
Katrina Hewitt
Ricky Hurley
Mark Selquist
Steve Warren

MEMBERS ABSENT

None

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

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

REZONING REQUEST; D C WARREN PROPERTY, CASE NO. 0611-1: Mr. Warren presented the staff report:

OWNER: D C Warren
175 Triplett Road
Cleveland, NC 27013

APPLICANT: Dorothy Woodfin POA
111 Ridgewood Lane
Statesville, NC 28677
(704) 872-1097

LOCATION: 175 Triplett Road, more specifically PIN#s 4773-61-5749, 4773-62-6096, 4773-71-0860, 4773-62-9037, & 4773-72-1072. **Directions:** Highway 70 east, right onto Triplett Road, property is on the left at the intersection of the new Highway 70.

REQUESTED ACTION AND CONDITIONS: Rezone the properties from RA, Residential Agriculture Zoning District to GB, General Business Zoning District.

PROPOSED USE: Any GB uses.

SIZE: The proposed area to be rezoned is 11.848 acres.

EXISTING LAND USE: Residential and vacant.

SURROUNDING LAND USE: Residential, agricultural, vacant, and a new highway.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Highway 70 is 10,500 vehicles per day. In 2005, the estimated daily traffic count was 11,000 vehicles per day. The State is currently in the process of re-routing and widening Highway 70. This property will have frontage on the new stretch of Highway 70. The proposed capacity the new Highway 70 is 26,000 vehicles per day.

ZONING HISTORY: This property has been zoned RA since County-wide zoning went into effect in 1990. The properties to the north that are GB were rezoned in April of 1996 and December of 2004. The property to the west that is GB was rezoned in August 1995. The property to the east that is M-1 CUD was rezoned in July of 2006. The property to the east that is M-1 has had the same zoning since County-wide zoning went into effect in 1990.

STAFF COMMENTS: The area is in the midst of transition due to new highway construction slated for completion next summer. An 880 linear foot boundary of the applicant's property fronts new Highway 70. It is anticipated by staff that owners of frontage properties will continue to request zoning changes in anticipation of the road improvements. This particular tract also has frontage on Triplett Road. The Highway 70 Small Area Plan identifies this area as suitable for future industrial expansion. The applicant has chosen the GB District classification which allows many businesses uses including some light industrial uses. There is not a prospective tenant and it is the applicant's intent to market the property as broadly as possible. A GB District lies to the north, across the new Hwy 70. Planning staff recommends in favor of this request. This property is more suitable for future GB uses based on the Highway 70 Corridor Plan, the road improvements, and the nearby zoning districts and land uses.

Dorothy Woodfin, applicant, stated that her parents own this property and they are in bad health where they have to hire caregivers and she needs to sell this property at its best and highest use in order to pay for their health care. Mr. McNeely asked if anyone has shown any interest in this property and Ms. Woodfin stated that there is some interest but nothing definite with details.

Dr. R. M. Hall asked how this would affect his property since his home is a registered historical place. Chairman Fields explained that the zoning would only change the applicant's zoning classification but would impact the area. Dr. Hall stated that he wanted the public to have a clear vision of his old plantation home from the new Highway 70 and not have a business or industry in front of it. Chairman Fields stated that this a "transitional" area which would be a tourist draw.

James VanHoy stated he was friend of the applicants and he's also a realtor. Mr. VanHoy stated that Ms. Woodfin came to him for help with possibly selling some property because they had sold some last year for practically nothing. Mr. VanHoy stated that there is someone interested in the property but there are no specific plans. Mr. VanHoy stated that they just wanted the best and highest use for the property. Mr. VanHoy also noted that the old plantation was previously owned by Ms. Woodfin's grandparents therefore she would never do anything detrimental to that historic home. Mr. VanHoy stated that he talked with NCDOT and they would not need to access the new Highway 70 from Triplett Road. Mr. VanHoy stated this area is in transition and changes are on the way.

Gloria Anderson, adjoining property owner, stated she was concerned because they own large acreages of land with cattle on it and fears the increased property values would cause tax increases.

After further discussion by the Board, Mr. Williams made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the Highway 70 Corridor Plan. Ms. Pfeufer seconded said motion and all agreed. **VOTES: 10-0.** *Note: Ms. Johnson was not present at this time.*

Ms. Johnson was present at this time.

REZONING REQUEST; WILLIAM TODD NICHOLSON ETAL PROPERTY,
CASE NO. 0611-2: Mr. Warren presented the staff report:

OWNERS: William Todd Nicholson, et al
449 Bell Farm Road
Statesville, NC 28677
(704) 880-0003

LOCATION: At the corner of Turnersburg Highway and Strawberry Lane, more specifically PIN # 4746-66-5231. **Directions:** Highway 21 north, on the right at the corner of Strawberry Lane.

REQUESTED ACTION AND CONDITIONS: Amend the County Land Use Plan and rezone the property from R-20, Single-Family Residential District to HB-CUD, Highway Business-Conditional Use District, with the condition that it be used only for automobile repair, sales, and service.

PROPOSED USE: Automobile repair, sales and service.

SIZE: The proposed area to be rezoned is 2.24 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential, commercial and vacant.

WATERSHED REGULATIONS: This property is not located in a watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Turnersburg Highway is 10,500 vehicles per day. In 2005, the estimated daily traffic count was 9,200 vehicles per day.

ZONING HISTORY: This property has been zoned R-20 since County-wide zoning went into effect in 1990. The properties to the south that are HB have been zoned R-20 since County-wide zoning went into effect in 1990. The properties to the north that are GB were rezoned in September of 2000.

STAFF COMMENTS: The applicant's property lies approximately midway between commercial nodes on the Land Use Plan. Neither of the commercial areas are close to "build-out". The area to the north of the subject property is the Hwy 21/I-77 Interchange and contains a number of parcels of various sizes, some of which are zoned for the intended use. Both sides of I-77 seem to have potential locations for this type of business. The commercial area to the south is also more suitable for the intended use and provides a variety of more suitable locations with HB zoning. The planning staff is recommending against the request in support of the Land Use Plan. There are a number of commercial properties nearby and the subject property is in the middle of a low density residential area which deserves protection from less compatible uses and the County needs to avoid the potential for stripping commercial development along this part of the Turnersburg Highway.

Tim Dempsey, applicant, stated that there are several existing businesses in the area that are grandfathered. Mr. Dempsey stated that there is a large amount of traffic on Highway 21 and this is a good location for a neighborhood garage; that Highway 21 isn't suitable for residential use. Chad Nicholson, applicant, stated that Barker's Grocery is across the road and there is a high volume of traffic along Highway 21. Tim Dempsey stated that the proposed garage would be a nice brick building that would conform to the neighborhood with a paved parking lot, showroom, office, and large bay doors for car inspections. Mr. Dempsey stated that the garage was going cost approximately ¾ million dollars and he plans to operate it. Mr. Dempsey stated that land behind him has been for sale for a long time.

Carl Thompson, adjoining property owner, stated he owns the 42 acres behind this property and plans to develop a residential subdivision in accordance with the current zoning and feels the commercial garage would be detrimental to his proposed development. There was no one else to speak in regard to this request.

Mr. Tsumas stated the properties to the north and south are zoned residential and are shown the same on the land and he feels the county intends for this to remain residential since its zoned R-20 and not even RA. Mr. Williams stated there are a lot of houses in this area. Mr. McNeely stated even though it is zoned R-20 this two acres isn't suitable for residential use on Highway 21 with the high volume of traffic. Mr. McNeely stated that this may be a little premature for a change on the land use plan but he also understands the applicant's concerns.

After further discussion, Mr. Tsumas made a motion to recommend denial of the zoning map amendment and to advise that it is inconsistent with the County Land Use Plan. Dr. Grigg seconded said motion; and

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

The motion passed to recommend denial of the request. **VOTES: 9-2**

REZONING REQUEST; J C FAW PROPERTY, CASE NO. 0611-3: Mr. Warren presented the staff report:

OWNER: J C Faw
PO Box 410
Wilkesboro, NC 28697

AGENT: Eric Wood
410 Auction Drive
Salisbury, NC 28147
(704) 202-1524

LOCATION: At the corner of Brawley School Road and Drye Drive, more specifically PIN #s 4647-01-3786 & 4647-01-3588. Directions: Brawley School Road, right Drye Drive, on right.

REQUESTED ACTION AND CONDITIONS: Rezone the property from RA, Residential Agricultural District and NB-CUD, Neighborhood Business-Conditional Use District to NB, Neighborhood Business

PROPOSED USE: Office building.

SIZE: The proposed area to be rezoned is 2.38 acres.

EXISTING LAND USE: Vacant and residential.

SURROUNDING LAND USE: Commercial and residential.

WATERSHED REGULATIONS: This property is located in the WSIV-CA Watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Brawley School Road is 9,000 vehicles per day. In 2005, the estimated daily traffic count was 24,000 vehicles per day.
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ZONING HISTORY: The parcel to the north has been zoned RA since County wide zoning in 1990. The parcel to the south was rezoned from RA to NB-CUD on March 2, 1999. The condition was that the only use permitted was a convenience store with gasoline sales. The property to the east was zoned CB-CUD in July 2001 and April 2003. Mooresville has zoning jurisdiction to the East and south.

STAFF COMMENTS: The NB District designation request and intended use, offices, are both supported by the Brawley School Peninsula Small Area Plan. Nearby land uses include an office building across the road and this segment of BSR is more suitable for the intent of the district namely providing services to nearby residences than future residential sites. Planning staff is in favor of this request.

Eric Wood, agent, stated the intended use is for mix retail/office use but nothing specific. Mr. Wood stated that this property is adjacent to Morrison Plantation and Mooresville zoning jurisdiction. Mr. Wood stated that the original site plan was for a convenience store/gas station and that is not what they now propose. Mr. Wood stated that there were mixed uses surrounding this property and that NCDOT will regulate where the driveway permit will be placed. Mr. Wood also stated that the current watershed regulations limit the amount of land that they can develop.

Dr. Grigg asked if there was adequate space for the septic field and Max Spears stated that the health department said there was. Ms. Johnson asked if the right-of-way has been purchased on this property by NCDOT yet and Mr. Wood stated no, and they would probably lose 40-50' of property.

SPEAKING IN OPPOSITION: Skip Webber stated he lived on Brawley School Road and was also a member of the Iredell Growth Commission and had several concerns: #1, He felt the applicant was rezoning from residential to commercial for higher value for the right-of-way purchase; and #2 This is the busiest part of Brawley School Road and there is discussion about a possible cut-through on Charleston Drive.

SPEAKING IN FAVOR : Judy Dobson stated that she lives across the road on Charleston Drive and wanted to know where the driveway would be into this proposed project. Joy Stephanie stated Brawley School Road is widened the traffic concerns about where the driveway is located will be solved. Ms. Stephanie stated this property is not residential, but commercial. Phil Tiffany stated this proposal will not be detrimental to the area. Warren Dobson stated he was in favor of commercial along Brawley School Road because there is a problem with infrastructure.

Mr. Wood stated that he wanted to comment on Mr. Webber's statement in regard to the rezoning being opportunistic. Mr. Wood stated the property is already zoned HB(CUD) and that it wouldn't make a difference in price of the sale of right-of-way. Also, a large median will prevent the traffic flow from affecting Charleston Drive.

After further discussion, Dr. Grigg made a motion to recommend approval and Mr. Pruitt seconded said motion. All agreed. VOTES: 11-0.

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

presented the staff report:

ORDINANCE: Zoning Ordinance

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| <u>SECTIONS:</u> | Article IV | Nonconforming Situations |
| | Article VIII | Table of Special and Permitted Uses |
| | Article X | Off Street Parking & Loading |
| | Article XI | Signs |

STAFF COMMENTS: These amendments were reviewed at the October Planning Board meeting after being referred back to the Board by the Board of Commissioners with a couple of changes. The Planning Board found a few errors and requested that changes be made. The subcommittee charged with reviewing these amendments has reviewed these sections again and the changes are being brought back to the Planning Board. The proposed changes can be seen in red text and underlines. The changes requested by the Board of Commissioners can be seen as blue text. In Article IV, Section 4.4 (B 3), the Board of Commissioners recommended that the process for expansion of non-conforming uses remain at the discretion of the Planning Board and Board of Commissioners rather than allowing the Board of Adjustment to handle such requests. In Article IX, Section 11.22 (D), the Board of Commissioners recommended a change concerning the number of estimates required for replacement of damaged non-conforming signs.

Chairman Fields asked Mr. Warren to state his recommendation regarding changes to Article IV and Mr. Warren stated that he abides by what the Board of Commissioners has requested. Chairman Fields asked if there was any background information to support his recommendation, or if it was a political position. Mr. Warren stated there were a number of nonconforming uses in the county left over from before county-wide zoning took effect and he felt the elected officials have a better understanding of those areas than the Board of Adjustment. Chairman Fields asked Mr. Warren if it was also his opinion and recommendation that the Board should continue to look favorably upon expanding nonconforming uses and Mr. Warren said yes in some cases. Chairman Fields stated that he was not in favor of expanding nonconforming uses and he felt it is a very poor practice.

Dr. Grigg stated that she served on the subcommittee and they had considerable discussion about the process of expansions of nonconforming uses and were of the mindset that this is a function that the Board of Adjustment was better suited to handle instead of the Board of Commissioners. Mr. McNeely stated that the Board of Adjustment is non-political and Mr. Santoni stated the BOA is unbiased because they have to following a procedure and answer set findings of fact. Mr. Tsumas stated that the BOA has a different set of rules and legally they have to make a decision without considering political pressure.

Chairman Fields stated it was the policy of this Board for many, many years to not discuss board business with the public outside of public meetings. Also, Chairman Fields stated that expanding nonconforming uses is nothing other than allowing rezoning without rezoning. Mr. Williams asked Chairman Fields who appointed him to this committee. Chairman Fields stated that he understood who appointed him but asked if that was supposed to tell him how to vote. Mr. Williams replied yes. Chairman Fields stated that he felt the Board of Commissioners would want the Planning Board to vote how the Planning Board feels is appropriate. Mr. Williams stated in this particular instance the Board of Commissioners wanted some leeway. Mr. McNeely stated that we had the perfect case of this situation with the rendering plant request because it became a political decision.

Chairman Fields wondered why the Board of Commissioners didn't just disregard the

Planning Board recommendation and pass this amendment without sending it back to this Board. Dr. Grigg stated that the Planning Board can only recommend with the best interest of the county and not an individual.

The Board continued to review the proposed changes and decided to vote on the changes separately:

Dr. Grigg made a motion to recommend approval of Article VIII, Table of Permitted Uses and Special Uses and Article X, Off Street Parking & Loading. Mr. Santoni seconded said motion. Mr. Tsumas stated that he recently was researching mini-warehouses and he felt the parking requirement should be changed *from* “1 per ten storage units” *to* “1 per ten storage units or a maximum of 15 spaces”.

Mr. Tsumas made a motion to amend Dr. Griggs's motion to change Article X by adding “or a maximum of 15 spaces”. Mr. Stephens seconded said motion and all agreed.

VOTES: 11-0.

At this time the Board voted on the motion made by Dr. Grigg to recommend approval of Article VIII and Article X with the amended motion. VOTES: 11-0.

The Board discussed Article XI, number of estimates and agreed the wording should not include “if possible” and instead the ordinance should just require two estimates. Mr. Tsumas made a motion to recommend approval Article XI with the change “to require two (2) estimates only”. Mr. McNeely seconded said motion and all agreed. VOTES: 11-0.

Dr. Grigg made a motion to recommend approval of Article IV with the change “approval from Board of Adjustment”. Ms. Johnson seconded said motion; and

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

The motion passed in favor VOTES: 9-2.

PROPOSED SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE: Mark Selquist presented the revisions to the draft ordinance as a result of comments received at the 10/4 Planning Board meeting. Mr. Selquist reviewed the ordinance (*see copy in file*) further and there was discussion in regard to Section 402, Plan Appeals.

After lengthy discussion, Mr. McNeely made a motion to recommend the adoption of the proposed ordinance with the addition of the following in Section 402 (a) 2): “*If a hearing is not conducted within sixty (60) days of the date of a timely written request for a hearing, then the appeal will be found in favor of the appellant.*” Mr. Pruitt seconded said motion and all agreed. VOTES: 11-0.
The Board thanked Mr. Selquist for a well written ordinance.

the November 15th Subdivision Review Committee meeting at 10:00am in the Old City Hall. Dr. Grigg, Mr. McNeely, and Mr. Pruitt volunteered to go on the site visit for next month's requests on Tuesday, November 21st.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 10:35 p.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved