

***IREDELL COUNTY PLANNING BOARD***

The Iredell County Planning Board met on Wednesday, November 5, 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  
Kristi Pfeufer  
Harold Pruitt  
Jerry Santoni  
Thomas E. Stephens

**STAFF PRESENT**

Rebecca Harper  
Katrina Hewitt

**MEMBERS ABSENT**

Anita Johnson  
Harry Tsumas, Jr.  
Alan Williams

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

**MINUTES:** Mr. Santoni noted some corrections and additions to the 10/1/08 meeting minutes in regard to why there was a split vote on the proposed amendment to Family Day Care Homes. Ms. Hewitt noted the changes and will correct the minutes. Mr. McNeely made a motion to recommend approval subject to the corrections. Mr. Mahaffey seconded said motion and all agreed. **VOTES: 8-0.**

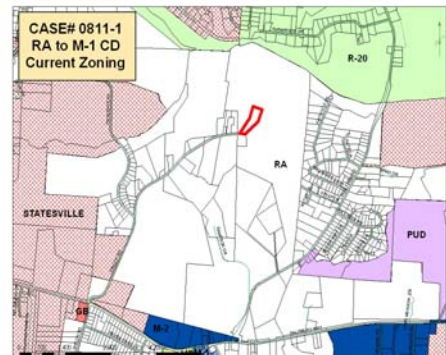
**REZONING REQUEST; CASE NO. 0811-1:** Ms. Harper presented the staff report ~

This is a request to amend the US 70 East Corridor Future Land Use Plan and rezone 5 acres at the end of Fanjoy Road in Statesville from RA, Residential Agricultural Zoning District to M-1 CD, Light Manufacturing Conditional District. The proposed use for the property is the manufacturing of wood or metal products (currently trusses). A conceptual site plan has been provided and is labeled Exhibit A.

**OWNERS:** Sammy & Jane Deal  
  
449 Fanjoy Road  
Statesville, NC 28625

**LOCATION:** At the end of Fanjoy Road; more specifically identified as PIN # 4764-31-3744.

**DIRECTIONS:** East on Salisbury Highway, left onto Fanjoy Road, at the end on the left.



**SURROUNDING LAND USE:** This property is surrounded by residential and farming uses.

**SIZE:** The property is 5 acres.

**EXISTING LAND USE:** The parcel is vacant, but has been used as part of a farm in the past.

**ZONING HISTORY:** This property as well as the surrounding property has been zoned RA since county wide zoning was established.

**OTHER JURISDICTIONAL INFORMATION:** The Planning staff has discussed this proposal with the City of Statesville Planning staff, who felt there were other more suitable sites for this use and they do not support the rezoning request. The main issues they had with the request were that it could hinder the future assemblage and/or development of the property, the access to the site is poor, and that it could possibly constitute a spot zoning since the nearest industrial designation is ½ a mile away and that the property is surrounded by residential zoning districts.

**OTHER SITE CHARACTERISTICS:** This property is not located water supply watershed.

**TRAFFIC:** In 2006, the average number of vehicles per day on Fanjoy Road was 1,400.

**SCHOOLS:** Because this is an industrial rezoning, there should be no implications on local schools.

**FIRE MARSHAL:** This proposal has been reviewed by the Iredell County Fire Marshal's Office. The Fire Marshal's Office has no issues with the proposal.

**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 develop the property. Zoning requirements such as parking and screening will be reviewed at such time. The Erosion Control division of the Planning and Development Department will review the plan for compliance with the County Soil Erosion & Sedimentation Control Ordinance.

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

**FEDERAL:** None at this time.

**STAFF COMMENTS:** The US 70 East Corridor Future Land Use Plan, which was adopted on May 6, 2003, identifies this area as suitable for residential uses. The plan also designated areas for current and future industrial growth. Of the 1261 acres designated for current industrial growth, 19% has not been zoned for industrial uses. Of the 707 acres designated for future industrial growth, 95% has not been zoned for industrial uses.

The nearest area identified for industrial uses on the US 70 East Corridor Future Land Use Plan is ½ mile south on Fanjoy Road. There are no industrial zoning districts on Fanjoy Road in the County's jurisdiction. However, there are properties that are in the City of Statesville's jurisdiction located near the intersection of Fanjoy Road and Highway 70 that are currently zoned for industrial uses.

The Planning staff cannot support the proposed rezoning request based on the following: lack of compliance with the US 70 East Corridor Future Land Use Plan, lack of proximity to current or future industrial areas in the plan, lack of support from the City of Statesville Planning staff, and the availability of possible industrial sites nearby along Highway 70 that are already designated for industrial uses.

**PUBLIC INPUT MEETING:** The Public Input Meeting was held on September 30, 2008 at Chapel Hill United Methodist Church at 109 Chapel Hill Lane. Seven people attended the meeting. Their questions and concerns pertained to days of operation, traffic, speed limit, and jobs created. Mostly the attendees seemed to be in favor of having the proposed changes take place. No conditions were added to the petition as a result of the public input meeting.

**SITE REVIEW COMMITTEE:** Jackie Grigg and Thomas Stevens visited this site with the staff on October 21, 2008.

Sammy Deal, Owner/Applicant, stated that this would be a small manufacturing plant and would not be dirty or noisy and that it would create a few jobs. Mr. Deal stated that he met with his neighbors and they have no objections. Mr. Deal stated that the County just purchased 72 acres adjoining this property for the future landfill and that there are chicken houses currently on his property. Mr. Deal stated that for what this is and where it is at, that it's not a big deal.

Mr. McNeely asked Ms. Harper if this could be considered under the home occupation and Ms. Harper stated that maximum building size allowed was 3500 sq. ft. and his proposal is much larger than that. Chairman Fields stated at the information meeting questions were brought up about hours of operation and would like for Mr. Deal to share his thoughts. Mr. Deal stated they would operate five days a week (Monday through Friday) from 8am to 5pm with possibly six employees. Mr. Deal stated that there would be storage of materials inside the building and also outside. Dr. Grigg asked about the trucks hauling the materials in and out of the property and Mr. Deal stated an eighteen-wheeler will bring materials to the property but more than likely a flat bed truck will be used to haul the trusses out. Dr. Grigg stated that she visited the property and had questions about the traffic. Mr. Deal stated the materials wouldn't probably be brought in but once every two weeks and I don't believe products would be going out each day. Dr. Grigg stated that Fanjoy Road was a fairly narrow curvy road but Mr. Deal said it's like that on the other end where the other manufacturing is located.

Mr. Pruitt asked if this wasn't "spot zoning" and Ms. Harper stated that the County Attorney would have to make that determination. Ms. Harper stated that the City of Statesville felt like it would be spot zoning.

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

The Board had further discussion. Mr. Santoni asked Ms. Harper if the County purchased the adjoining property and she stated that she knows they purchased the golf course but she did not know if they owned the adjoining property. Chairman Fields stated that the Land Use Plan was adopted in 2003 and this area is not suitable for commercial use and that he was opposed to this rezoning for the following reasons: not consistent with the land use plan, spot zoning, City of Statesville opposition, and the staff not recommending. Dr. Grigg stated that this area has a rural atmosphere and she was opposed to any manufacturing zoning. Mr. Mahaffey stated that Mr. Deal owns all the property surrounding this parcel.

After further discussion, Mr. Pruitt made a motion to recommend denial of the zoning map amendment and to advise that it is inconsistent with the US 70 East Corridor Future Land Use Plan. Dr. Grigg seconded said motion; and

AYES: Pruitt, Grigg, Fields, Pfeufer, Santoni, Stephens  
NOES: Mahaffey, McNeely

The motion passed VOTE: 6-2.

**PROPOSED AMENDMENT TO THE ZONING ORDINANCE:** Ms. Harper presented the staff report:

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We have a request from Darlene Payne to amend our zoning regulations concerning electronic changeable face (digital) billboards. Although there are regulations with regards to billboards in the Iredell County Zoning Ordinance, they do not address the issue of electronic changeable faces. We have been asked to amend our code to allow this type of sign.

The staff has researched State and local regulations as well as other information with regards to digital billboards. Based on the research, there is no opposition from the staff to these signs as long as there are regulations to address them. Of all of the regulations we have reviewed, the staff liked the City of Charlotte's regulations best, and has tried to mirror the proposed regulations to them. The staff worked with the applicant and two Planning Board members to create this proposal.

The applicant has made a formal request, which the Planning staff does support. We are giving this information to you for information only.

**ARTICLE XI. SIGNS**

**Section 11.19 Signs Permitted in Non-Residential Zoning Districts**

**D. Permanent Off-Premises Advertising (**Static** Billboard) Signs**

The following permanent off-premises advertising (billboard) signs are permitted in H-B, G-B, M-1 AND M-2 Zoning Districts upon issuance of a zoning permit regarding the proposed sign(s), provided that the stated specific requirements, conditions and stipulations are met:

**E. Permanent Off-Premises Advertising, Electronic Changeable Face (Digital Billboard) Signs**

**The following permanent off-premises advertising (billboard) signs are permitted in H-B, G-B, M-1 AND M-2 Zoning Districts upon issuance of a zoning permit regarding the proposed sign(s), provided that the stated specific requirements, conditions and stipulations are met:**

**Permitted number of signs:**

**Limited only by spacing requirements.**

**Maximum copy area of signs (1):**

**Maximum sign face area shall be 380 square feet.**

**Permitted number of Sign Faces**

**One sign face is permitted per side, and there shall be no more than 2 sides.**

**Permitted illumination:**

**The outdoor advertising sign shall have an automatic dimmer (factory set to the illumination intensities set below) and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. The sign shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. Before receiving a certificate of occupancy, a member of the Planning Department shall be present at a test (by the applicant) to ensure that the sign meets this standard. Furthermore, a written report of the test shall be given to**

the Planning Department in order for the original test to be duplicated at any given time.

Any external illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway, or any residential use.

Electronic changeable face outdoor advertising signs shall contain a default design that will freeze the sign in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.

Permitted location (2):

There shall be a minimum spacing of 400 feet between the electronic changeable face outdoor advertising sign and Residential Districts and Educational and Institutional uses. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of residential district or to the property line of the institutional use.

There shall be a minimum spacing of 2,000 feet between an electronic changeable face outdoor advertising sign and any other outdoor advertising sign on the same side or opposite side of the street.

Off-premises advertising (billboard) signs shall not be located less than 500 feet from any Interstate Highway access/exit ramp or safety rest area measured along the Interstate roadway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. (Refer to Figure A.) No portion of any sign shall be located closer than ten (10) feet from any property line.

Maximum height:

50 feet if located within 660 feet of the right-of-way of an Interstate Highway and 40 feet if located within 660 feet of a US Primary Highway.

Minimum setback:

10 feet

Maintenance:

The area immediately surrounding advertising (billboard) structures shall be appropriately maintained.

Special Requirements:

All permanent off-premises advertising (billboard) signs on public roads located within 660 feet from the edge of the road right-of-way line shall, except as noted, meet the criteria established by the North Carolina Department of Transportation Outdoor Advertising Manual or the provisions of this Ordinance, whichever is stricter.

Must have written verification of NC DOT approval prior to the issuance of a zoning permit.

Sign Support shall be freestanding with unipole construction only.

No moving, rotating, fluttering, blinking, or flashing elements are permitted. No animation, video, audio, pyrotechnic, or bluecasting components are permitted.

Advertising messages or information shall remain in a fixed, static position for a minimum of ten (10) seconds. The change sequence must be accomplished within an interval of two (2) seconds or less.

There can only be one message at a time on the outdoor advertising sign.

Electronic changeable face outdoor advertising signs shall not be located in any Roadway Protection Overlay.

Electronic changeable face outdoor advertising signs are permitted only along limited access Interstate Highways and limited access US Primary Highways.

1. The maximum permitted copy area shall be determined from the road which the sign predominantly faces. If a sign equally faces two different roads, the larger of the two permitted copy areas may be erected. The copy area of an advertising sign shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign. The copy area shall include any border or trim but shall exclude the base or apron supports and other structural devices. If an advertising message appears on the base or apron, it will not be excluded from the copy area.
2. All advertising signs within 660 feet of the edge of a right-of-way, located on opposite sides of the same roadway shall be spaced at least two thousand (2000) feet apart from each other. This provision shall not apply when one side of the roadway and all advertising signs on that portion of the roadway are not visible to the motorist on the opposite side of the roadway. In no instance, however, shall two advertising signs on the same side of the roadway be located less than two thousand (2000) feet apart. (Refer to Figure D.)

The distance between signs shall be measured along the center line of the road by the closest distance between the points of perpendicular intersection of each sign. All advertising signs shall be located at least one thousand (1,000) feet from any portion of the lot containing the principal use being advertised.

Dr. Grigg asked if the Board was suppose to act on what the applicant wants or what's in the best interest of the County. Ms. Harper stated that the staff worked with the applicant (Darlene Payne) and two Planning Board Members (Ms. Pfeufer and Mr. Santoni) to come up with some standards and this was a joint effort from all of us. Mr. Santoni stated that he was involved in the discussion but was more in a listening mode than an interaction mode and that this is more Ms. Payne's presentation. Mr. Santoni stated that he would add his comments after she gave her presentation. Chairman Fields stated in regard to Dr. Grigg's question that the Board's consideration should always be what's in the best interest of the County.

Chairman Fields commented on the procedure and that the applicant has a vested interest in her request and he has a hard time figuring out how the staff and someone in her position can do this together and he feels it's inappropriate. Mr. Santoni stated that he agreed.

Mr. McNeely asked if this was similar to Mecklenburg County's zoning ordinance and Ms. Harper stated yes that most of the verbiage and standards were taken from the City of Charlotte's code.

Darlene Payne, Applicant, stated that she didn't know how much she had in preparing any of this amendment. Chairman Fields asked Ms. Payne who she represented and Ms. Payne stated she represented American Advertising, her billboard business she started ten years ago. Ms. Payne stated she made a request to be allowed to have digital billboards and the County did the research and she did not have much input in this request. Ms. Payne stated though she is in agreement with what the staff has presented with the exception of the 400' residential spacing but that Ms. Harper has stated she changed the 400' to 100'.

Mr. Pruitt asked what Mooresville's regulations were and Ms. Harper stated that Mooresville allows replacing existing billboards with digital but no new digital billboard sites. Ms. Harper stated our ordinance will not allow digital billboards in overlay districts, therefore they would not be allowed on Highway 150.

Kristy Pfeufer stated that she served on the committee and that Ms. Payne brought her proposal before us and it was almost like a contract negotiation. We mutually agreed on some things...she didn't get everything she wanted and we didn't necessarily get everything we wanted but we came to an agreement that we all could agree on. Ms. Pfeufer stated as far as the overlay districts goes my biggest concern is Highway 150 and I'm opposed to that. Ms. Pfeufer stated she also had concerns about the spacing between billboards and that digital billboards should only be allowed on Interstates and limited access highways.

Jerry Santoni stated that he agreed with Ms. Pfeufer's comments and that at these meetings we mostly listened and answered questions if asked. Mr. Santoni stated that he did some research on his own and felt that the time interval should be no quicker than thirty seconds and the applicant wanted ten seconds for financial reasons and he felt his research was based on safety. Mr. Santoni stated that he felt the ordinance needed to be in the best interest of the County; that we are not here to make money for businesses. Mr. McNeely stated he disagreed with that statement because he felt the County was here to foster businesses but at the same time not to cause a public nuisance.

Mr. Pruitt stated he didn't think the ten second change time would be a distraction. Mr. Santoni stated that he could live with an increase from ten seconds to twenty seconds. Mr. Santoni stated that overall this was a good document. The Board further deliberated about the ten second time change. There were also disagreements between the applicant and the staff about the 2000' separation. Ms. Harper stated that the staff will sit down with applicant and go over all the issues brought up tonight and then have the applicant come back next month and present her request. Chairman Fields stated that usually by the second meeting we vote on a draft that incorporates what the board wants.

Chairman Fields stated he had a problem with the way Ms. Harper and Ms. Payne are handling this request and also two different stories from Board Members. One said they just listened and the other says they negotiated with the applicant. The Board further discussed and argued the procedure of hearing zoning ordinance amendments. Chairman Fields called for a quick break at this time (8:55 p.m.).

Chairman Fields explained to Ms. Payne that between now and the next meeting for her to decide what she wants to present whether it's this document or a variation of this document. Chairman Fields stated that tonight the Board is going to touch on areas we might not agree with the applicant:

- Ms. Payne proposes ten seconds changing time. Four Board Members agreed and three wanted to see more. Mr. Santoni suggested sixteen seconds and only four Board Members agreed. Mr. Pruitt again stated he didn't think the time will matter. Kristy recommended twelve seconds. The Board further deliberated and could not come to a consensus so they deferred on the time.
- Ms. Payne proposed 1000' distance between static and digital billboards and 2000' between digital bill boards. It was the consensus of the Board that the distance be 2000' between static and digital bill boards.
- The Board discussed the changing time and finally came up with a consensus (5-3) of twelve seconds.
- It was the Board's consensus to keep billboards out of the RPO and changing the setback from residentially zoned property from 400' to 100'.

The Board also asked the staff to research other codes from cities other than Charlotte, to check NCDOT standards, and to check the status of the City of Statesville's proposed billboard amendment.

***NO ACTION WAS TAKEN BY THE BOARD.***

***MONTHLY COMMITTEE ASSIGNMENTS:*** Ms. Pfeifer and Mr. Santoni volunteered to attend the TRC Meeting on Wednesday, November 19<sup>th</sup>.

***ADJOURNMENT:*** There being no further business, Chairman Fields declared the meeting adjourned at 10:15 p.m.

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*Katrina Hewitt  
Administrative Asst. II*

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*Date Read and/or Approved*