

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **October 4, 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
Harold Pruitt
Franklin Rash
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.
Alan Williams

STAFF PRESENT

Katrina Hewitt
Steve Warren
Lynn Niblock
Mark Selquist
William Allison

MEMBERS ABSENT

Kristi Pfeufer

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

MINUTES: Dr. Grigg made a motion to approve the 9/6/06 meeting minutes. Mr. McNeely seconded said motion and all agreed. **VOTES: 10-0.**

REZONING REQUEST; MOONDANCE LAND COMPANY LLC PROPERTY, CASE NO. 0610-1: Mr. Warren presented the staff report:

OWNERS: Moondance Land Company, LLC (James P. Cartner)
PO Box 79
Stony Point, NC 28678

AGENT: E. Bedford Cannon
140 E. Water Street
Statesville, NC 28677

LOCATION: Corner of Scotts Creek Road and Wilkesboro Highway/ NC 115, more specifically a portion of PIN # 4736-11-0736. **Directions:** Highway 115 north, on the southwest corner of Scotts Creek Road.

REQUESTED ACTION AND CONDITIONS: Amend the Land Use Plan and rezone a portion of the property from RA, Residential Agriculture Zoning District and NB, Neighborhood Business Zoning District to GB-CUD, General Business – Conditional Use Zoning District. See the attached pages for a list of uses prohibited under the conditional use zoning.

PROPOSED USE: Veterinary Hospital.

SIZE: The proposed area to be rezoned is 2.321 acres. The total parcel is 3.557 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 roadway is 12,000 vehicles per day. In 2003, the estimated daily traffic count was 9,500 vehicles per day. The impacts of amending the Land Use Plan should not impact the amount of traffic at this intersection, since the use is intended to draw customers from the surrounding residential areas.

ZONING HISTORY: This property has been zoned RA and NB since County-wide zoning went into effect in 1990. The previous owner, Shirley Levan, requested that this property be rezoned in 2005 to HB-CUD with the only condition being that it was for an animal hospital only. The staff recommended approval of the request. The Planning Board voted 9-0 to recommend in favor of the request on April 6, 2005. The Board of Commissioners voted 5-0 to deny the request on May 3, 2005, citing septic and buffering issues.

STAFF COMMENTS: This property is at the intersection of two major roads in the County. There is a gas station to the north of this property as well as other businesses in the area. Rezoning only a portion of the property and a required 30 foot buffer along all adjacent residentially zoned properties, will protect the neighboring residential uses from any negative impacts associated with the proposed use. The applicant hired a licensed soil scientist to evaluate this property for the proposed project.

The Board had questions about the current Land Use Plan and how it would be amended. Mr. Warren explained that just the portion being asked to be rezoned would be amended on the Land Use Plan.

Bedford Cannon, Attorney representing the applicant, stated they have tried to decide how they could have the facility that they want with minimal impact on the adjoining property owners. Mr. Cannon stated that they eliminated 30-40% of permissible uses in the GB District with the heavier uses eliminated. Mr. Cannon stated that they hired a soil scientist to address the concerns in regard to water & sewer. He also stated the proposed use would have limited hours and minimal traffic which hopefully will alleviate the concerns of the adjoining property owners on Ellenburg Road. Mr. Cannon presented the Board with a letter from Cecil Stallard, adjoining property owner, stating his support of the proposal.

SPEAKING IN FAVOR:

Larry Ellenburg, adjoining property owner, stated that he was present tonight to support Dr. Cartner's proposed Animal Hospital that will be built under strict guidelines enforced by the county and state. There will be no outside odor, no water run off, no water contamination, and no animals running loose. Mr. Ellenburg stated that he has dealt with the Animal Hospital in Stony Point and never has had problems with odors. He also stated that the Animal Hospital will be an asset to the community.

Mike Randolph, 2020 Wilkesboro Highway, stated that he met Dr. Cartner at the Stony Point Animal Hospital and supports this proposal. Mr. Randolph stated that there is a need for this type of service in the area. Mr. Randolph stated that the Animal Hospital will have to meet strict state guidelines and the use would not be detrimental to the neighbors.

Larry Watts, adjoining property owner, stated that he was a former partner of Dr. Cartner and knows that the Animal Hospital would be an asset to the community.

SPEAKING IN OPPOSITION:

Dan Combs, adjoining property owner, stated that he has lived on Ellenburg Road since 1972. Mr. Combs stated that this request was turned down in 2005 and the only change is the different ownership and asking for GB instead of HB. Mr. Combs stated that the neighbors and he are opposed due to the damage to property values and most importantly, environmental issues (smell, noise, water pollution).

Mr. Combs stated there were shallow wells in their neighborhood and his was only 35' deep. Mr. Combs stated that there were children in the neighborhood that had serious health conditions and he was concerned about the proposed use. Mr. Combs stated that Dr. Cartner is not their neighbor; that he is a neighbor to the public's animals.

Mr. Stephens asked Mr. Combs who all was he speaking for and Mr. Combs stated that he was representing seven families. Mr. McNeely stated that he was on the site visit and thought the proposed building would be 300' from the property line and that he could not see the neighboring homes through the woods. Mr. McNeely asked Mr. Combs what other uses would be suitable. Mr. Combs stated the property was better suited for other commercial uses. Mr. McNeely stated there were several permitted uses that could go on the property now and with the value of the property that this use would be well regulated by the state.

Brendle Rumble, adjoining property owner, stated that she didn't appreciate how Mr. Combs was treated by the Board. Ms. Rumble stated that she is the grandmother of one of the boys with special health conditions. Ms. Rumble stated that she listened to the others speak of what a fine man Dr. Cartner was but so are these boys. Ms. Rumble stated that she also had a sleep disorder and was concerned about noise. Mr. McNeely apologized if he offended anyone but he stated that he feels this request appears to be a great fit for the property and the area.

After further discussion by the Board, Mr. McNeely made a motion to recommend amending the Iredell County Land Use Plan. Mr. Williams seconded said motion; and

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

NOES: Grigg

The motion passed in favor Votes: 9-1.

Mr. McNeely 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. Rash seconded said motion; and

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

NOES: Grigg

The motion passed in favor by the Votes: 9-1.

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

REZONING REQUEST; BRAWTUS MANAGEMENT COMPANY, CASE NO. 0610-2:

Mr. Warren presented the staff report:

OWNERS: Brawtus Management Company (David Brady)
494 Eufola Road
Statesville, NC 28677

LOCATION: Sallie Drive in Statesville, more specifically identified as PIN # 4704-55-8986. Directions: Old Mountain Road west, right on Sallie Drive (before Island Ford Road intersection), on left next to the Pneu-Mech building.

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

PROPOSED USE: Parking lot and septic system for business next door, which is expanding.

SIZE: The parcel is .55 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Residential, commercial, and vacant

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

TRAFFIC: The portion of Old Mountain Road at the intersection of Sallie Drive had an average of 4,700 vehicles per day in 2004; according to the Iredell County Thoroughfare Plan, this section of Old Mountain Road has a carrying capacity of 12,000 vehicles per day.

ZONING HISTORY: This property has been zoned RA since Countywide zoning went into effect in 1990. The property to the west was rezoned to GB in February 2002. There are two other properties nearby that are zoned HB CUD. One was rezoned to HB CUD on June 2, 1992 with the following conditions: 1) no bay doors to face Old Mountain Road and 2) allow any or all uses permitted in the NB district and transmission shops under the HB district. The other was rezoned on November 1, 1994 with the following condition: that is be used for mini-warehouse. Other properties in the area have been rezoned to GB in 1992 and 1997 and to NB in 1993.

STAFF COMMENTS: This property is near the intersection of two major roads in the County. The applicant is expanding their current building and they need room for their septic and parking, both of which require the same zoning district as the business. There is a required 30 foot buffer between this use and adjoining residential properties. The County Land Use Plan designates this property as commercial. Based on the compliance with the Land Use Plan and the proposed uses, staff recommends in favor this request.

David Brady, Applicant, stated that they proposed to expand their business and needed the additional property for the septic field and additional parking. Mr. Brady stated they owned all the surrounding property except for one parcel. There was no one else present to speak in opposition to this matter.

After discussion by the Board, Dr. Grigg 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. Pruitt seconded said motion and all agreed. **VOTES: 10-0.**

PROPOSED AMENDMENT – IREDELL COUNTY ZONING ORDINANCE: Mr. Warren stated that at the 8/2/06 meeting the Planning Board recommended approval of these amendments. At their 9/5/06 meeting, the Board of Commissioners recommended changes. Mr. Warren stated that the changes were made to Article IV and Article XI.

In Article IV, Section 4.4 (3B), the recommended change was that we leave the “expansion of a nonconforming use” process with the Planning Board and Board of Commissioners rather than giving the duty to the Board of Adjustment. In Article IX, Section 11.22(D), the recommended change dealt with the number of estimates required for replacement of a damaged nonconforming sign.

There was some confusion about what pages they were reviewing and the Board asked Mr. Warren to have the staff number the pages for the review process.

After further review and discussion, the Board sent these amendments back to the staff for corrections to the following Sections:

- Section 4.2, first paragraph, delete the word “lots” from the last sentence.
- Section 10.0, Senior High schools, trade and vocational schools, colleges and universities – change “s” to “space”
- Section 10.0, under Commercial and Industrial: Adult Uses – change “sf” to “square”
- Section 10.1, change “See Section 12.2”
- Section 11.18 (B), delete the word “minor” road in line three

No action was taken by the Board.

PROPOSED EROSION CONTROL ORDINANCE: Mark Selquist stated that he did not have a formal presentation but would answer any questions the Board may have. Mr. Selquist stated that the proposed ordinance was based on a state model and that this was a stand alone ordinance.

The Board had lengthy discussion and discussed the following issues:

- Definition of “working” days –vs.- calendar days and the requirements for establishing ground cover on slopes and in High Quality Water areas
- If this ordinance veers too far from the state ordinance that it will be harder to get approved by NCDENR
- Set a definite amount for a fine instead of having a discretionary fine up to \$500/acre
- Ordinance needs to be clear, concise, and enforceable
- Current grading permits still are in effect
- Proposed ½ acre requirement in Watershed areas and one acre in all other areas
- State ordinance is strictly one acre requirement
- State currently has under 150 new plans per year outside of the municipalities (but that is with the one acre requirement)
- Concerns that the county will not have enough staff to handle case load
- Set specific time for staff to review plans

Mr. Selquist stated that the staff would take these comments and asked the Board to send them any other comments prior to the October 18th workshop at which time the staff will give them further information to study prior to the November 1st meeting. NO ACTION WAS TAKEN BY THE BOARD AT THIS TIME.

MONTHLY COMMITTEE ASSIGNMENTS: Dr. Grigg & Mr. Pruitt volunteered to attend the October 18th 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, October 17th.

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

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved