

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, October 3, 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
Gene Mahaffey
Jeff McNeely
Kristi Pfeufer
Harold Pruitt
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.
Alan Williams

STAFF PRESENT

Katrina Hewitt
Rebecca Harper

MEMBERS ABSENT

None

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

MINUTES: Dr. Grigg made a motion to approve the 9/5/07 meeting minutes. Mr. Santoni seconded said motion and all agreed. **VOTES: 11-0.**

TABLED REZONING REQUEST; REGINALD K. & JOAN A. OSTWALT PROPERTY, CASE NO. 0709-2: Rebecca Harper presented the following staff report:

OWNER/APPLICANT: Reginald K. & Joan A. Ostwalt
177 Applehill Road
Troutman, NC 28166

LOCATION: 912 South Main Street in Troutman, NC; more specifically a portion of PIN# 4740-76-1797.
Directions: Highway 115 south, on the right past Flower House Loop and across from Julian Lane.

REQUESTED ACTION AND CONDITIONS: Amend the Exit 42 Future Land Use Plan and rezone a portion of the property from HB, Highway Business Zoning District to GB CUD, General Business Conditional Use Zoning District with the following conditions:

- Only the uses permitted on the property under its existing zoning of HB will be allowed under the new GB CUD zoning
- All yard setbacks, limits on minimum distance from intersections, and number and width of driveways, and all prohibitions on outdoor storage in Iredell Zoning Ordinance Section 6.18.1 (Roadway Protection Overlay District) will be met.
- Developer will bear the expense of adding a southbound left turn lane and northbound right turn taper for the driveway access on Flower House Loop (SR 1312), in addition to construction of the right in right out driveway on US 21. All driveway construction for these two access driveways must obtain NCDOT permits and meet NCDOT construction standards. Under this zoning change, the property owner agrees to restrict access to the property to only one right in right out driveway on US 21, and to only one full service driveway on Flower

House Loop, even though the property is intended to be divided into two lots. Free-standing signs for each lot will be limited to the size and height limits in Zoning Ordinance Section 6.18.1.

- All utilities connections will be installed underground on the property, including all connections to outdoor and/or parking lot lighting.
- Parking lots and frontage of the property along US 21 will be screened adjoining the US 21 right of way by the property owner's choice of either a) a 15 foot wide roadway yard or b) a roadway yard of lesser width, but not less than 3 feet wide, provided the entire length of the roadway yard is landscaped with a vegetative cover which meets the minimum number of required shrubs per 100 feet of length, exclusive of driveways and crosswalks.
- At least one paved stub out will be provided for possible future connectivity to the adjoining property to the north.

PROPOSED USE: Three-story chain motel and adjoining specialty restaurant.

SIZE: The property is 2.44 acres.

EXISTING LAND USE: Currently vacant, but has previously been used for a mobile home sales lot.

SURROUNDING LAND USE: Vacant and commercial.

WATERSHED REGULATIONS: This property is located in the Catawba/Lake Norman WSIV-Protected Area Watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Highway 21 is 40,000 vehicles per day. However, the capacity changes to 10,500 within approximately 300 feet to the north and approximately 1 mile to the south. In 2005, the estimated daily traffic count for Highway 21 was 13,000 vehicles per day and 2,600 vehicles per day for Flower House Loop. The uses proposed would generate approximately 2,242 more trips per day.

ZONING HISTORY: This property was rezoned to HB in 1998 along with the surrounding properties. The property to the north that is zoned GB was rezoned in 1986.

OTHER JURISDICTIONAL INFORMATION: The Planning staff has met with Town of Troutman representatives, who indicated that water and sewer capacity was approved by the Board of Aldermen for this site on September 13, 2007. The Town's Land Use Plan identifies the property as Neighborhood Retail, but they would not be opposed to an amendment to the plan due to the proximity of the property to the interstate.

STAFF COMMENTS: This property is currently zoned for Highway Business uses, which includes the proposed uses of the property listed by the applicant. However, the height restrictions for the HB zoning district are 35 feet and the applicant would like to have the 50 foot height limit allowed in the GB zoning district.

This property is designated in the Exit 42 Future Land Use Plan as Neighborhood Retail. This designation is designed for small-scale commercial developments that are intended to serve the adjoining and nearby developments with low-impact retail type uses. Other areas have been addressed as suitable for these type uses in the Exit 42 Future Land Use Plan. These areas are categorized as Interchange Commercial, which includes retail and service uses primarily geared toward the traveling public, including such uses as motels and restaurants. The Neighborhood Retail designation in this area was intended to provide services to the adjoining residential areas as well as providing a buffer between the residential area and the interchange commercial areas.

This property is identified on the County GIS maps as being located in the WSIV-Protected Area Watershed. However, the applicant has provided sufficient information that indicates the water from this property does not run into the watershed, but is instead piped outside of the watershed. The Planning staff supports this request.

John Massey stated they would answer any questions the Board may have. There was no one else present to speak in regard to this request.

After further discussion, Dr. Grigg made a motion to recommend amending the Exit 42 Future Land Use Plan. Mr. Williams seconded said motion and all agreed. VOTES: 11-0.

Dr. Grigg made a motion to recommend approval of the zoning map amendment and to advise that it is consistent with the Exit 42 Future Land Use Plan. Ms. Johnson seconded said motion and all agreed. VOTES: 11-0.

PROPOSED AMENDMENT TO THE IREDELL COUNTY ZONING ORDINANCE (For Information Only): Article XIII, Special Requirements for Facilities Located On or Adjacent to Lake Norman: Rebecca Harper presented the staff report:

ORDINANCE: Zoning Ordinance

SECTION: Article XIII, Special Requirements for Facilities Located on or Adjacent to Lake Norman

**ARTICLE XIII. SPECIAL REQUIREMENTS FOR FACILITIES LOCATED
ON OR ADJACENT TO LAKE NORMAN**

Section 13.0 General

All uses of land and any facilities, structures, construction or alterations to Lake Norman and its shoreline shall be subject to the provisions of this Section in addition to other general or specific requirements of this Ordinance.

Section 13.1 Description of Area; Applicability

The provisions of this Section shall apply to the surface waters of Lake Norman lying below contour elevation seven hundred sixty (760) feet above Mean Sea Level, United States Geological Survey (U.S.G.S.) Datum and to land areas bordering on the waters of Lake Norman within one thousand (1,000) feet of the shoreline when measured from full pond level at contour elevation seven hundred sixty (760) feet above Mean Sea Level, (U.S.G.S.) Datum. ~~All dimensional requirements herein, when reference is made to the water surface, or shore shall be measured from the full pond level which is at contour elevation seven hundred sixty (760) feet above Mean Sea Level, U.S.G.S. Datum, unless otherwise noted. Property lines of waterfront lots will be considered to be on the shoreline where such lots have been surveyed and a record plat thereof recorded in the Iredell County Registry and where such plat clearly indicates that the property lines are based upon and intended to represent contour elevation seven hundred sixty (760) feet above Mean Sea Level, U.S.G.S. Datum.~~

Section 13.2 Piers

~~Pier facilities shall be located and constructed to remain within an area defined generally by projection perpendicular to the shore at the corner and defined more specifically as follows:~~

~~A projection over the water shall be established at each of the two (2) property corners on the shoreline. Each projection shall be perpendicular to a line connecting two (2) points on the seven hundred sixty (760) foot contour line where a ten (10) foot radius from that property corner intersects the seven hundred sixty (760) foot contour line.~~

~~Such pier facility may extend over the water for a distance of eighty (80) feet from the shore regardless of the depth; and may extend beyond eighty (80) feet to a depth of ten (10) feet measured at full pond or a maximum extension over the water of one hundred twenty (120) feet from shore. However, in no event shall a pier facility, when located in a cove, extend more than one-third (1/3) the width of the cove, measured from~~

~~the shore at the point of the proposed construction to the nearest point on the opposite shore. (See Illustration) All piers shall be designed so that the top of the decking will be at least one (1) foot above the water surface when at full pond level.~~

A "pier" shall be any structure extending into the water from the shore, whether floating or fixed to the lake bottom, for use as a boat landing place or promenade. The term "pier facility" is intended to mean a pier and all appurtenances thereto such as floats, pilings, and buoys used to berth a boat at the pier. Such facilities shall comply with the shoreline management guidelines of the Lake Management Division of Duke Energy Company.

~~All piers and docks shall have two (2) white reflectors, a minimum of six (6) inches above full pond elevation, on each furthest corner of the extension of the pier into the water, reflecting light parallel to the shore in each direction and directly across the water in line with the shore from each corner. White reflectors shall be placed on each side of the pier at intervals of fifteen (15) feet or less, six (6) inches above the water, beginning at its outermost extension into the water, including all floats and other appurtenances, and extending to the seven hundred sixty (760) foot contour of the shore line.~~

Section 13.3 — Common Facilities

~~Two (2) or more adjoining property owners may jointly apply for a permit for a common pier facility and may use the aggregate of the individual areas as defined above provided a written contract duly recorded by all parties concerned is submitted with the permit application and that other properties affected by the contract would not be pre-empted.~~

Section 13.4 — Moorings and Floats

~~Moorings and floats when placed in the Lake for navigational purposes shall be so placed only with the expressed written approval of the Lake Norman Marine Commission or the North Carolina Wildlife Commission. When placed for the purpose of mooring, they shall be separated on every side from any other mooring by a distance of at least fifty (50) feet, and shall be located so as to permit unobstructed passage on the Lake of through boats. Moorings and floats shall not be anchored in such a manner as to deny or obstruct in any manner access to the Lake from boat docks, boat houses, or boat launching ramps. In addition to the foregoing requirement, such moorings and floats shall conform with the Uniform Waterway Marking System.~~

Section 13.5 — Marine Railways

~~Marine railways shall have permanent signs complying with the requirements of the North Carolina Wildlife Commission Uniform State Waterway Marking System designating the location of the marine railway. Marine railways shall not extend above the normal or natural lake bed at the time of construction more than eighteen (18) inches, between a horizontal measurement extending from the seven hundred sixty (760) contour to a water depth of fifteen (15) feet below the seven hundred sixty (760) contour.~~

Section 13.6 — Breakwaters

~~Breakwaters, when constructed for the purpose of protecting docks, piers, or other facilities, shall be so placed as to protect the particular facility for its width only and shall not offer area protection which might overly obstruct passage on the Lake. Breakwaters shall be located and marked so as not to be a hazard to boating at any time.~~

Section 13.7 — Filling

~~All filling operations shall be designed by a registered engineer and approved by the Lake Management Division of Duke Energy Company or Lake Norman Marine Commission as applicable. Fill shall not be placed above the water level without proper and adequate rip rapping to prevent fill from being eroded into the Lake. Fill so placed shall be sufficiently compacted to reach ninety percent (90%) maximum dry density~~

~~using the Standard Proctor Test as defined by ASTM D698 66T. Fill areas shall not obstruct access to or be a hazard to passage on the Lake or a nuisance to adjacent property owners.~~

Section 13.8 — Dredging

~~Dredging shall not be conducted in such a way that the spoil there from is placed back in the Lake thus reducing water depth in areas outside of the dredged area. All dredging activities shall be reported to the Lake Management Division of Duke Energy Company or the Lake Norman Marine Commission, as applicable, by the owner or his engineer prior to commencement.~~

Section 13.9 — Lighting

~~Lighting which offers navigational aid on Lake Norman, whether public or private, shall be approved by the Lake Norman Marine Commission. When installed for purposes other than navigational, lights shall not be moving or flashing or colored other than white, except for a continuous non-flashing yellow light for insect control. Lights shall not be of such intensity as to cause night blindness for boat operators on the Lake and not inhibit vision in any way.~~

Section 13.10 — Overhead Transmission Lines

~~Overhead transmission lines shall be constructed to a minimum height of forty-eight (48) feet at maximum deflection above the full pond level.~~

Section 13.11 — Public and Private Swimming Areas

~~Swimming areas shall not be defined in water beyond a depth of fifteen (15) feet and in no event shall extend more than eighty (80) feet from shore. Swimming areas shall extend into the water so as to remain confined within a projection of the side lot lines of the lot on which the area is located, maintaining the side yard requirements of the district in which the lot is located. Public swimming areas shall be, and private swimming areas may be marked and protected in keeping with the North Carolina Commission regulation, Section IV, Paragraph 12d.~~

Section ~~13.12~~ 13.3 Uses on the Lake

Marinas, piers, cruise boats and similar uses may be permitted to extend into/on the Lake provided they meet the requirements of this Article and provided further that the land base of such activity is located in a zoning district that permits the activity. **Such facilities and activities shall comply with the shoreline management guidelines of the Lake Management Division of Duke Energy Company.**

Section 13.13 — Floating Homes Prohibited

~~Floating homes and similar facilities for dwelling purposes, whether stationary or mobile, are expressly prohibited on, within or over in the surface waters of Lake Norman within the jurisdiction of this Ordinance.~~

ILLUSTRATION 1



STAFF COMMENTS: The Planning staff would like to submit these changes to the lake requirements section of the Zoning Ordinance. This has been a difficult section for the staff and the public to work with because of the process for calculating the pier projection line and also because of the differences between the County regulations and Duke Power's regulations. Duke Power already regulates the items that we are proposing to take out of the Zoning ordinance. This has been discussed with Duke Power and they have no issues with the changes as long as the County still requires that zoning and building permits be issued for the piers.

Mr. Santoni stated that he went through the Shoreline Management Guidelines of the Lake Management Division of Duke Energy Company and wanted to know if the following issues were addressed: common facilities, breakwaters, and filling. Ms. Harper explained that she thought they were enforced by Duke. Mr. Santoni stated that he was just concerned if we delete these regulations from our ordinance that he wanted to make sure it was in Duke's regulations.

Mr. Tsumas questioned if Section 13.13 (Floating Homes) was addressed by Duke. Ms. Harper stated that she knew it was addressed but didn't know the extent of how it was addressed.

After further discussion, Mr. Tsumas made a motion to recommend approval with the exception of leaving Section 13.13 (Floating Homes) in the zoning ordinance. Dr. Grigg seconded said motion and all agreed. VOTES: 11-0.

MONTHLY COMMITTEE ASSIGNMENTS: Dr. Grigg & Mr. Pruitt volunteered to attend the October 17th Subdivision Review Committee meeting at 8:30 a.m. in the Building Standards Center. Mr. McNeely, Mr. Pruitt, and Mr. Stephens volunteered to go on the site visit for next month's request on Tuesday, October 23rd.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 7:35 p.m.

Katrina Hewitt
Administrative Asst. II

Date Read and/or Approved