

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, **September 6, 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.

STAFF PRESENT

Katrina Hewitt
Steve Warren
Lynn Niblock
Mark Selquist

MEMBERS ABSENT

Alan Williams

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

MINUTES: Mr. McNeely made a motion to approve the 8/2/06 meeting minutes. Dr. Grigg seconded said motion and all agreed. **VOTES: 10-0.**

REZONING REQUEST; WAYNE & ESTELINE JENKINS PROPERTY, CASE NO. 0609-1:

Mr. Warren presented the staff report:

OWNER /APPLICANT: Wayne & Esteline Jenkins
199 Westward Road
Stony Point, NC 28678

LOCATION: 2141 Old Mountain Road in Statesville, NC; more specifically identified as PIN# 4704-55-4644.

Directions: West on Old Mountain Road from I-40; property on left across from Sallie Drive.

- **REQUESTED ACTIONS:** 1) Rezone subject parcel from HB CUD, Highway Business, Conditional Use District to HB CUD, Highway Business, Conditional Use District; changing the conditions **from** 1) no used units (proposed use was mobile home sales), comply with **current** watershed regulations (at the time it was 24%), and 3) a six foot wooden fence along the back of the property **to** 1) no outside storage except for the dumpster and 2) extend the Leyland cypress tree buffer on south side to front of the proposed building.

PROPOSED USE: Retail (Dollar General store).

SIZE: 2.75 acres.

EXISTING LAND USE: Residential with rental homes.

SURROUNDING LAND USE: Residential, agricultural, retail, and a volunteer fire department.

WATERSHED REGULATIONS: The subject parcel is located within the WSIV Protected Area.

TRAFFIC: This section of Old Mountain Road 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: The subject parcel was rezoned to HB CUD on March 5, 1996 with the following conditions: 1) no used units (proposed use was mobile home sales), comply with current watershed regulations (at the time it was 24%), and 3) a six foot wooden fence along the back of the property. There are two other properties nearby that are also zoned HB CUD. The property across the road 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 property to the south 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: The applicant is requesting rezoning in order to sell the property for a Dollar General store. It is the applicant's contention that the current zoning conditions are not conducive for development of the property. The conditions were part of the rezoning in 1996 when the proposed use of the property was mobile home sales. The wooden fence requirement has been met. The prohibition of used units no longer applies. The Watershed Ordinance now allows for properties in this watershed to develop under the high-density option at 70% impervious, with approval by the Commissioners. The applicant would like the previous conditions changed to the ones proposed. This would allow them to request the high-density option from the Board of Commissioners. Said petition is deemed appropriate for this property given (a) zoning history of subject property and surrounding neighborhood; (b) recent developments in the immediate vicinity including this area's first grocery store; (c) though the application will allow uses (including the retail use stated on the application) which could generate more traffic than the previous use, the highway and intersection nearby can accommodate those uses without detrimental impact on the surrounding area; the size of this parcel, the watershed restrictions and the two conditions will also mitigate the impact of changes to traffic; and finally, (d) the proposed zoning change is in compliance with the County Land Use Plan. Staff therefore recommends in favor this request.

Dr. Grigg asked why all the other conditions were not still appropriate and would this mean they didn't have to meet the watershed regulations. Mr. Warren stated that the current watershed regulations would still have to be met which are different from what was approved back in 1996. Mr. Tsumas asked Mr. Warren to explain what the high density watershed options were. Mr. Tsumas stated that even if we changed the condition they still would have to meet the watershed regulations. Mr. Warren stated that was correct. Mr. Niblock stated the watershed ordinance has changed since 1996 which allows for more coverage in the current ordinance.

Wayne Jenkins, Applicant, stated that the old watershed regulations were not practical for this commercial venture. Darrell Morrow, adjoining property owner, wanted to know where the excess amount of water is going to go if the watershed regulation is changed for this property.

Ms. Johnson asked if a site plan would have to be submitted. Mr. Warren stated that a commercial site plan would have to be submitted.

Bill Hepler, stated he represented the developer of this property, and that they would meet the State requirements and would have detention ponds to catch the water and would not allow the water to run off on the adjoining property. Mr. Niblock stated if they grade more than one acre that it would require an erosion control permit from NCDNR. Ms. Johnson asked if lighting was addressed and Mr. Warren referred to the zoning ordinance.

After further discussion, Mr. Tsumas 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. McNeely seconded said motion and all agreed. **VOTES: 10-0.**

PROPOSED EROSION CONTROL ORDINANCE: Chairman Fields stated that a late item was placed on the agenda (*proposed Iredell County Erosion Control Ordinance*) and for purposes of the record that he would like to have it entered that they were given no advanced warning and the Board didn't receive any paper work. Chairman Fields stated this was a violation of the Board's procedure.

Mr. Niblock stated that it was the staff's idea to just give the Board the document for information and no discussion or action was necessary. Mr. Niblock stated that they just found out this week that the State has a deadline of December 1, 2006 in order to possibly qualify for some state funding. Mr. Niblock stated that we hope that this can be discussed at the next meeting and a recommendation be made at the November meeting. Chairman Fields stated that if that is the staff's planned procedure then he would withdraw his previous statement.

At this time, Mark Selquist, Erosion Control Administrator, explained that this is a model ordinance with a few changes. Mr. Selquist stated that he talked with NCDNR last week and they informed him that the County could inherit an existing case load of 200-250. No action was taken by the Board.

DISCUSSION OF PUBLIC-INPUT MEETINGS: The Board had lengthy open discussion about the public input meetings. The Board discussed that the Board of Commissioners wanted the report back within 120 days (*October 20th*) but after the scheduled three public input meetings the Planning Board would need to hold another meeting for invited guests to attend to speak (i.e. NCDOT, schools, fire & rescue, other jurisdictions, etc.). After all the public meetings the information would need to be reviewed and the Planning Board would meet to make their recommendation. There was discussion about possibly doing the recommendations in phases (Brawley School Road Area, Perth Road Area, and County-wide) but the Board of Commissioners asked for a recommendation on County Growth for the entire county; not just one area.

The Board discussed possibly asking the guest speakers to come to the October 4th Planning Board meeting and be heard at the end of the regular agenda or just set October 11th as a separate date to invite the guest speakers. After failed motions as to when to hold the future meetings, the Board agreed that they would wait until the September 13th public input meeting to find out what agenda items were schedule for the regular meeting on October 4th. If there are no rezonings to be heard on October 4th then they would schedule the speakers to come that night. No action was taken by the Board at this time.

MONTHLY COMMITTEE ASSIGNMENTS: Mr. Pruitt & Mr. Stephens volunteered to attend the September 20th Subdivision Review Committee meeting at 10:00am in the Old City Hall. Mr. McNeely and Mr. Pruitt volunteered to go on the site visit for next month's requests on Tuesday, September 19th.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 9:00 p.m.

Katrina Hewitt
Planning Support Specialist

Date Read and/or Approved