

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, September 5, 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
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.

STAFF PRESENT

Katrina Hewitt
Rebecca Harper
Ron Smith

MEMBERS ABSENT

Harold Pruitt
Alan Williams

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

MINUTES: Dr. Grigg made a motion to approve the 8/1/07 meeting minutes. Mr. McNeely seconded said motion and all agreed. **VOTES: 9-0.**

REZONING REQUEST; PENSKE REALTY, INC. & SOUTH IREDELL COMMUNITY DEVELOPMENT CORPORATION PROPERTY, CASE NO. 0709-1: Ron Smith presented the staff report:

<u>OWNERS:</u>	Penske Realty, Inc. PO Box 200 Mooresville, NC 28115	South Iredell Community Development Corp. PO Box 628 Mooresville, NC 28115
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LOCATION: Penske Way in Mooresville, NC; more specifically PIN# 4668-66-3047 and a portion of PIN# 4668-87-6591. **Directions:** Highway 115 south, left on Mazeppa Road, right on Penske Way, on the corner on the right.

REQUESTED ACTION AND CONDITIONS: Change the conditions on the existing M-2 (CUD) Zoning District by removing the following underlined conditions:

- No part of the property or any building or structure placed on the property shall be used for any purpose or in such a manner which will be a nuisance to the occupants or owners of any other adjoining real estate by reason of emission from the property, buildings, and structures or the creation thereon or therein of **odors, gases, dust, smoke, noise, fumes,** cinders, soot, vibrations, glare, radiation, radioactivity, waste materials or any other means or substances.

And adding the following conditions:

1. No testing of high performance vehicles will take place before 8:00 a.m. or after 5:00 p.m. on Monday through Saturday. No testing of high performance vehicles will take place before noon and after 5:00 p.m. on Sunday. "High performance vehicles" shall mean those vehicles whose performance improvements prevent them from being legally operated on the public streets and highways of the State of North Carolina.

2. Applicant will use a combination of either berm or the existing wooded area on the south side of the property to act as a noise buffer. Applicant will leave the existing wooded area in place, with the exception of that portion of the wooded area that must be removed for the depicted facility. If there are areas to the south of the facility that are not immediately bounded by the wooded area and if there is sufficient room for the construction of a berm at those portions that are not immediately bounded by the wooded area, Applicant will construct an eight foot high berm in those specific areas so long as this can be done in compliance with environmental requirements. The remaining three sides of the property are bounded by existing industrial uses.
3. Applicant will not conduct racing or testing for viewing by spectators for an admission fee.
4. Site specific plan attached hereto as Exhibit "A-1" shall govern the development of the property, subject to reasonable variations in design modifications necessitated by site conditions.
5. The decibel reading for the facility use measured at one hundred (100) feet from any outside edge of the track surface shall be no more than one hundred and twenty (120) decibels.
6. Applicant will install landscaping that meets the screening standards of the Iredell County Zoning Ordinance along the railroad boundary of the property to obscure or partially obscure the view of the track portion of the facility from Mazeppa Road.
7. Where possible, Applicant will construct an eight foot (8') high landscaped earthen berm along Penske Way from the intersection with Mazeppa Road to the proposed zoning line, so long as said berm does not negatively impact the safety of the road surface of the facility. Where it is not possible to construct a berm along Penske Way, Applicant will install landscaping that meets the screening standards of the Iredell County Zoning Ordinance.
8. A significant portion of the track surface will be constructed below the existing grade to the extent possible while maintaining safety standards for the facility.
9. All lighting at the facility will be directed towards the facility and no lighting of the facility will be placed within 100 feet of the southern boundary line of the property.

PROPOSED USE: Oval and road course tracks for the following purposes: testing, research and development of high performance vehicles, law enforcement training and practice area, and recreational motorsports and sponsorship activities.

SIZE: The property is 54.29 acres.

EXISTING LAND USE: Two ball fields and a vacant lot attached to a large racing facility.

SURROUNDING LAND USE: Industrial and vacant.

WATERSHED REGULATIONS: This property is located in the Back Creek WS II-Balance of Watershed.

TRAFFIC: According to the 1993 Iredell County Thoroughfare Plan, the capacity for this stretch of Mazeppa Road is 10,500 vehicles per day. In 2005, the estimated daily traffic count was 8,200 vehicles per day. The facility will not contribute greatly to the amount of traffic on Mazeppa Road. The biggest traffic impact will be when private groups use the facility.

ZONING HISTORY: This property has been zoned M-2 CUD since August 22, 1989 when the Business Park was established.

OTHER JURISDICTIONAL INFORMATION: This property is identified as industrial on the Town of Mooresville's current Land Use Plan and also on the 2030 Plan that they are currently in the process of developing. Noise abatement is the Town's primary concern. It is likely the facility will be annexed at a later date.

STAFF COMMENTS: The property is currently zoned for Heavy Industrial uses, and is designated for industrial use in the County Land Use Plan. The surrounding property is all designated for future industrial as well. The neighboring properties have industrial uses currently in operation including Cardinal Glass, Penske Racing, and other racing facilities such as a wind tunnel. When the industrial park was originally established, there were residential properties across Mazeppa Road. This may have been part of the relatively strict conditions. Much of that residentially zoned property has now been rezoned for industrial uses, and Mazeppa Road has become Mooresville's, and Iredell County's, primary industrial area. Based on the consistency with the County Land Use Plan, the existing manufacturing zoning, and the surrounding uses, the Planning staff **recommends in favor** of this request.

Mr. Tsumas asked Mr. Smith to define 120 decibels and Mr. Smith gave some examples (Interstate traffic ~ 80/90 decibels, Rock concert ~ 120 decibels) but stated that the applicant can answer more in detail. Ms. Johnson asked who would enforce the noise levels and Mr. Smith stated that our department along with the Sheriff's Department's noise meter.

Don Miller, Representing Penske Realty, Inc. stated that they did not plan to disrupt the neighbor's quality of living. Mr. Miller stated that this proposed facility is not a race track; that it is a test facility to create a situation where we can have next generation development. Mr. Miller stated that this town used to be big manufacturing and many manufacturing has moved over seas. He stated that race teams have come here and it's a booming economy. Mr. Miller stated that Mooresville chose to be "Race City USA".

Mr. Miller stated that we asked ourselves in the past how we could help make it better for the race teams and we built a wind tunnel in Lakeside Park where the old shop used to be. He stated that they moved the racing shop to their existing facility two years ago and that this facility is 144,000 square feet and is a world class race shop. Mr. Miller stated that people come to visit the shop and also spend money in the community.

Mr. Miller stated that the next step they see is to build a testing facility to test their race cars from time to time and also to encourage auto clubs to come use the facility. Mr. Miller stated that they feel that 70% will be leased for these auto clubs and 30% for their testing.

Mr. Miller stated that people have asked where the 120 decibels came from and Mr. Miller stated that they did a lot of testing and it revealed that the loudest thing that happens in the Mooresville area is the train (118 decibels) and this proposed use will not be anywhere near the 120 decibels. Mr. Miller stated that at this time, Cliff Homesley (Attorney representing Penske Realty, Inc.) had a power point presentation "*An Analysis of the Effects of the Proposed Penske Test Facility*" to present (*see attachments in file*).

Mr. Homesley closed by stating this is about fear vs. opportunity and those people here tonight have reasonable fears, they have a way of life they are use to, and their concerns are valid, but we have to weigh this because this is an industrial area. Mr. Homesley stated that Mooresville has become a motor sports capital and the question is how do we integrate that with automotive development of all kinds and that's by putting a world class test facility with a world class company that can afford to do it.

Mr. Homesley stated that Mr. Penske will never make enough money to justify paying for this even if he leased it out 24 hours a day; that this man is a visionary and his record speaks for himself and the fact that this vision is going to land in our community is the opportunity.

Mr. Miller stated that the lights were not to race cars; that they are for the cameras for security purposes. Mr. McNeely asked about the banking of the track and Mr. Miller stated the road course would be flat and the ¾ mile oval track will be banked (14 degree max.) and the ½ mile oval track will be semi-banked (7 degree max.).

Mr. Stephens asked why the following was eliminated from the conditions: ODORS, SMOKE, FUMES and Mr. Miller stated that he cannot see why any of these will be an issue and not sure why they were eliminated except for this was part of the package. Ms. Johnson asked if there would be more than one car at a time testing and Mr. Miller stated there may be a couple but it's not a race track. Mr. McNeely asked if they might limit the number of cars and Mr. Miller stated that he would agree to limit to five cars. Mr. Santoni asked if they planned to monitor noise levels and Mr. Miller gave his word he would monitor the noise levels. Chairman Fields asked why the hours of operation were for seven days a week and Mr. Miller stated some of these car clubs worked during the week and the clubs met on weekends. Mr. McNeely asked if the weather played a part in testing and Mr. Miller stated that it was expensive to test these cars (approximately \$100,000 per test period) therefore there would not be testing daily. Dr. Grigg asked about the weekly usage and Mr. Miller stated an average of 1 ½ days a week (our cars) and they are not renting out to other teams.

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

THOSE SPEAKING IN OPPOSITION:

Rev. William Roberts, Pastor at Triplett UMC, which is located approximately one mile from the proposed facility. Rev. Roberts stated that lifting the noise regulations from the zoning will be a detriment to our operation as a religious facility, impede our free exercise of our faith, and is part of a constitutional issue supported under the Religious Land Use and Institutionalize Person Act of 2000 which deals with zoning issues as they relate to religious bodies.

Rev. Roberts stated that they appreciate the revenue that this sport has brought to our community but at the same time industry does not rise to the level that can supersede our rights as a religious body. Rev. Roberts stated that their church is open seven days a week / 24 hours a day and they also have a daycare open five days a week, during teacher work days, summer months, and even holidays. Rev. Roberts stated that they are located 1.5 miles from the site by road and approximately 1.3 miles as the crow flies. Rev. Roberts stated that they were mainly concerned about noise but also concerned about the possibility of fumes since they did operate a daycare.

Mr. Tsumas asked Rev. Roberts what the difference would be in other churches located near businesses and Rev. Roberts stated that most of those churches are dealing with traffic noise which is at a lower decibel than the proposed 120 decibel allowance. Mr. Tsumas stated the noise levels were measured at 100' and the church is located 1.5 miles from the site so he can't quantify whether the noise level will be any worse than a church sitting near a busy highway.

Cora Lee Pless, adjoining property owner, stated that in 1989 the land which is now the Mooresville Business Park was first zoned by creating a zoning classification that was conducive to economic and industrial development while at the same time imposing restrictions which protected the citizens living in proximity to the business park. Ms. Pless respectfully requested that the Board uphold the current conditional zoning. Ms. Pless stated that she felt the applicant has tried to down play the noise however if the amount of noise is not going to be significant then there is no reason to change the zoning. Ms. Pless stated that the wind tunnel which is located indoors down the road is still noisy.

Ms. Pless stated that they were also concerned about the hours of operation and it would decrease the value of homes in the area. Ms. Pless questioned how much benefit would this type facility actually be to our community and questioned how those who work 2nd & 3rd shifts would sleep during the day with the noise. Ms. Pless stated that they were concerned if the door is open for this test track that there will be no deterrent to eventual use as a race track. Ms. Pless ended by asking what was the purpose of government...is it to solely to promote industry and bring money into the county or is it also to protect the citizens who have made this county their home...if money is the bottom line...then us ordinary citizens have no chance tonight.

Jana Lowery stated that she was representing property owners on Woodridge Lane and they were opposed because the restrictions were placed there years ago to protect the existing residences. Ms. Lowery stated that all the industries adhere to these current restrictions. Ms. Lowery stated that she was also concerned about the applicant not being specific with some of their conditions.

Robert Brawley stated that he was talking on behalf of all those who voted for him in 1988. Mr. Brawley stated that their community got special legislation passed years ago so the Chamber of Commerce, County Commissioners, and the Mooresville Town Council could work together to allow the Chamber of Commerce to purchase the property and use the taxing authority of the other two boards and start the industrial park. Mr. Brawley stated that this is the first time neighbors have showed any opposition since 1989.

George Zevan stated he was talking on behalf of his wife and property owners in Brook Glen Crossing Subdivision. Mr. Zevan stated they all were opposed to this test track due to the loud noise.

James Williams commented on some of the technical issues. Mr. Williams questioned the difference in ranges of decibels. Mr. Williams stated that there are probably hundred of homes within a mile of this track.

IN FAVOR: Gary Hill stated that he moved here from Raleigh in 1993 in order to work with NASCAR teams and that he feels this is a practical site for the track since it's in the business park and that Mooresville is Race City USA.

Terrance Laise stated that he lives in Cherry Grove Subdivision and works with NASCAR but he has concerns about the noise levels and wondered about the possibility of mufflers used with testing.

William Webb stated that he was on the Board of Directors for the Cherry Grove Subdivision (359 homes ~ \$350,000+ values) and that many of the people in this subdivision are racing folks and they are not opposed to NASCAR. Mr. Webb felt the noise would be a nuisance and they are opposed.

Willie Gabriel stated that she had a blueberry picking farm and was concerned about fumes, gas, and smoke. Ms. Gabriel stated the business park goes by the current rules and they shouldn't be changed for one company. Ms. Gabriel submitted a petition with 250+ signatures of community people opposed to the change (*see petition in file*).

Chuck Pless stated that he lives closer to this property than anyone and this one event would change everything. Mr. Pless had a map showing how many homes are in the vicinity and it doesn't matter the cost of these home that it would be a nuisance to all of them including schools and work places. Mr. Pless stated that textiles is what made Mooresville but textiles came and left and eventually racing will leave.

Chairman Fields stated that we are going to hear from the following speaker but after that the Board only wanted to hear from people having something new and different to say.

Lynn Parker stated that she lives in a smaller ticket price home but has the same concerns as those with more expensive homes. Ms. Parker stated that this would affect everyone's quality of life and she was opposed.

Linda Overcash stated that they own Overcash Angus Farms and agriculture is not lost in Iredell County. Ms. Overcash stated that they used to hear noise at the plant and that noise travels out there. Ms. Overcash stated that she felt independent studies of the noise levels should be done by someone other than the applicant.

Beverly Sprawl stated that she is speaking on behalf of five neighbors located on NC Hwy 801 and they are approximately 1/3 mile as the crow flies from the plant. Ms. Sprawl stated that she was familiar with OSHA regulations and felt the noise level would transmit across the community.

Geral Brown stated he was opposed due to the noise and that his father led the zoning charge in 1989. Mr. Brown commented on the South Iredell Industrial Commission cutting down 2000' of trees in violation of deed restrictions in the park.

Charles Meltenberger stated that he felt the applicant could spend money to protect neighbors by placing an acoustic barrier instead of trees being used around the property.

Chairman Fields stated that this would be the last speaker then the Board would deliberate.

Bobby Sullivan stated that he was the attorney for Toyo Seal which is a company which manufactures a type of auto part and they are an occupant of this business park. Mr. Sullivan stated that Toyo Seal asked him to come tonight and voice their concerns.

Mr. Sullivan stated that Penske has been working on this proposal for months but the surrounding property owners have not had the time to study what they are proposing and be able to comment on how it would affect them.

Jody Roxanne Brown asked to be allowed to speak since her property was adjoining this proposal. Ms. Brown stated that she wasn't as prepared because they didn't have time before tonight. Ms. Brown was concerned about the wildlife in the area, noise levels, and property values. Ms. Brown stated that she felt she should be able to speak with Mr. Penske since it's going to be right next door to me. Ms. Brown stated that they have lived there for years and Penske has not.

Chairman Fields called a five-minute recess (10:05 p.m.)

Ms. Johnson stated that there were still some technical questions in regard to the noise levels that she doesn't have the answers to. Mr. Tsumas questioned why they have not heard from the Mooresville Economic Development Commission. Mr. McNeely stated that he struggles to define what a nuisance is and feels back in 1989 they should have defined what they considered as a nuisance. Mr. McNeely also stated that he had some problems with the proposed conditions and feels they need to be more specific.

At this time, Mr. McNeely 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 all agreed. VOTES: 9-0.

REZONING REQUEST; REGINALD K. & JOAN A. OSTWALT PROPERTY, CASE NO. 0709-2: Rebecca Harper presented the 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 has not been allocated by the Board of Aldermen for this site. However, getting the water and sewer approval should not be a problem. 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 also identified as being located in the WSIV-Protected Area Watershed. Although the applicant has indicated to the staff that there may be some questions as to whether the property is actually located in the watershed, the staff has no official documentation to verify that information at this time. Utilizing the low-density option, the maximum impervious area permitted is 36%, and would be 70 % if the high-density option were approved by the Board of Commissioners. The site plan submitted would not meet either of these requirements. Based on the future designation of neighborhood retail, the lack of water and sewer approval, and questions concerning the watershed, the Planning staff **recommends against** this request.

Mr. Tsumas asked when the small area plan was adopted and Ms. Harper stated in 2000. Chairman Fields asked Ms. Harper if she knew of any plans of realignment of Flower House Road and Houston Road and Ms. Harper stated that she did not have any information. Mr. McNeely asked if this property was in a watershed or not and do the applicants have anything more than hearsay and Ms. Harper stated that the applicants have not submitted anything to the staff in writing and that's why they feel the application is premature and that is why staff is recommending against it. Chairman Fields stated that he felt the Board needed to know whether this property lies within the watershed before a decision can be made.

Howard Bryan stated that they were only asking to have it rezoned because of the height requirement that they could construct a two-story building now as it is currently zoned. Mr. Bryan stated that Iredell County only allows 35' height in the HB District. Mr. Bryan commented on the proposal of obtaining water and sewer from the Town of Troutman but that the Town didn't meet until the 14th of this month. He also commented on surrounding GB zoning and felt this request was in order. Mr. Bryan stated that they have met with NCDOT about the realignment of Flower House Loop and Houston Road and predicts something will be resolved in the next 18 months. Mr. Bryan discussed in length the watershed issue but stated that he didn't have any documentation. Mr. Bryan stated that they know they have to meet the watershed regulations if it is determined that they are in the watershed but they are not asking for site specific approval tonight.

Reginald Ostwalt stated that he served on the Exit 42 Committee in 2000 and was under the impression that Flower House Loop was the dividing line of not being in the watershed. Chairman Fields stated that the Board has always had something in writing from the Town of Troutman and without this info he couldn't make a decision. Mr. Tsumas stated that he felt watershed regulations do not determine the use of the property.

After further lengthy discussion, Mr. McNeely asked the applicant if they would agree to have their request tabled until more information could be submitted with their request and Mr. Ostwalt stated he was in agreement to have it tabled. Therefore, Mr. McNeely made a motion to table this request until the October 3rd meeting. Dr. Grigg seconded said motion; and

AYES: McNeely, Grigg, Johnson, Mahaffey, Pfeufer, Santoni, Stephens, Tsumas

NOES: None

ABSTENTION: Fields

The motion passed to table the request.

VOTES: 9-0.

NOTE: An "abstention" vote counts as an "ayes" vote.

REZONING REQUEST; JEROME HOWARD PROPERTY, CASE NO. 0709-3: *Rebecca Harper presented the staff report:*

OWNER/APPLICANT: Jerome Howard
209 Pine Island Drive
Charlotte, NC 28214

LOCATION: Crosstie Road Extension off Charlotte Highway in Troutman, NC; more specifically PIN# s 4750-22-0353, 4750-13-2304, & 4750-21-4071. Directions: Highway 115 south, left on Crosstie Road.

REQUESTED ACTION AND CONDITIONS: Rezone the property from RA, Residential Agricultural Zoning District to R-8A, Multi-Family Residential Zoning District.

PROPOSED USE: A mixture of single-family, townhouse, patio, and apartment homes to be accessed by the extension of Crosstie Road.

SIZE: The property is 72.36 acres.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Vacant, agricultural and commercial.

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

TRAFFIC: This section of Charlotte Highway had an average of 11,000 vehicles per day in 2005. According to the 1993 Iredell County Thoroughfare Plan, this section of Charlotte Highway has a carrying capacity of 10,500 vehicles per day.

ZONING HISTORY: The subject parcels were zoned RA when countywide zoning took effect in 1990. Several rezoning cases have been approved nearby at the Exit 42 interchange in anticipation of commercial development occurring as the Town of Troutman extends utilities into this area. Parcels adjacent to west have requested HB-CUD, with the most recent rezoning approved in May of 2007 for GB-CUD to allow for possible future commercial development.

OTHER JURISDICTIONAL INFORMATION: The Planning staff has met with Town of Troutman representatives indicating that water and sewer capacity has not been allocated by the Board of Aldermen for this site. In addition, the Town of Troutman adopted an amendment to the Exit 42 Land Use Plan on March 8, 2007 that identifies a portion of the requested site (PIN # 4750-22-0353) as future Light Industrial.

GROWTH IMPACT: *The following section analyzes the effects this development will have on the three major types of infrastructure schools, traffic/roads, water and sewer:*

Table 1 breaks down the number of single-family units that could be built under the current RA zoning district versus the number of single-family units that could be built under the proposed R-8A zoning district. However, this development would likely generate more lots based on the proposed townhouses and apartment homes. *(These numbers have been determined assuming that y 0.8% of the overall acreage would be used for streets, and 0.5% of the overall acreage would be considered undevelopable land).*

Table 1

	Zoning	Acreage	Number of units
Currently	RA	72.36	137
Proposed	R-8A	72.36	343

1. Schools. Students located in this development will attend Troutman Elementary and Middle and South Iredell High Schools. The capacity of each of these schools is listed in Table 2 below, along with the estimated impact that this development will have on each.

Table 2

School	Capacity	# of Students 2006-2007	New Students
Troutman Elementary	800	788	50
Troutman Middle	572	427	25
South Iredell High	1101	880	34

The school system is currently in the second phase of a three phase Capital Facilities Program. Under this program, the capacity of Troutman Elementary was recently increased to 800. Also, a 42 acre site on Overcash Road has been approved for a future elementary and middle school. However, keep in mind, two rezonings that were recently approved by the Board of Commissioners would have an impact on these schools as well. The proposed number of students generated by those developments would be 84 elementary school children, 42 middle school children, and 54 high school children.

2. Traffic/Roads. The estimated number of average daily trips per household is approximately ten. Based on the allowable density, this will equate to 1,370 trips at 137 lots and 3,430 trips at 343units.
3. Water and Sewer. There has been no commitment from the Town of Troutman to provide water and sewer to this property. IT is highly unlikely that the development could take place without these utilities.

STAFF COMMENTS: The Iredell County Land Use Plan identifies this area as suitable for future residential development. The applicant has chosen the R-8A classification, which allows for a range of residential uses including multi-family and single-family dwelling units. The Planning staff feels that the request appears reasonable, but after further examination and research is **recommending against** the request. Although multifamily developments are traditionally placed closely to commercial developments to buffer single family residential uses, the staff feels that the current request is premature and should be coordinated with Town of Troutman land use goals for the Exit 42 area and provide the necessary utilities and public right-of-way access to the property.

Chairman Fields stated that he doesn't think the staff should bring these requests before the Board if they are not in order and Ms. Harper stated that the applicant insisted on submitting the request.

Mike Stewart stated he was present tonight since Bedford Cannon (Mr. Howard's attorney) couldn't be here. Mr. Stewart stated that they felt with the best information they had at hand that they chose the R-8A classification. Mr. Stewart addressed in length the questions the staff has on utilities, easement, and proposed use but Mr. Stewart he doesn't have documentation that the staff has requested.

Howard Bryan addressed some concerns about the easement and the proposed water and sewer. Mr. Bryan also discussed the history of the properties in the area. Mr. Bryan stated that he met with Ricky Hurley, former County Planner months ago and received support and encouraged the applicant to go forward with this rezoning. Mr. Tsumas stated irregardless of the merits of the R-8A zoning that the Board isn't getting the proper documentation.

Tony Broffman, Real Estate Broker, stated that he has worked with Mr. Howard for several years on different projects. Mr. Broffman stated that he has met with the manager of the Town of Troutman and one of their planners and was told that his relationship with Howard Bryan was hindered because Mr. Bryan was black listed by the Town of Troutman. Mr. Broffman stated that he didn't know which direction to take. Mr. Broffman stated that they had the go ahead from the county planner months ago and now something has changed and he doesn't understand it.

Chairman Fields stated that he was sorry that he has had problems with the Town of Troutman but this Board had to deal with the issues at hand that dealt with the county. Mr. Smith stated that the fundamental requirement to develop as proposing is water & sewer and for whatever reasons we are in constant contact with the Town of Troutman and have not received that assurance.

After further consideration, Mr. Stewart stated that they would **WITHDRAW** their request.

PROPOSED AMENDMENT TO THE IREDELL COUNTY ZONING ORDINANCE: Article III, Section 3.9, Accessory Buildings & Structures: Rebecca Harper presented the staff report:

ORDINANCE: Zoning Ordinance

SECTION: Article III, Section 3.9 Accessory Buildings and Structures

Section 3.9 Accessory Buildings and Structures

Accessory buildings and structures shall **meet** ~~be exempt from setback and yard requirements provided they are located in accordance with~~ the following requirements:

- A. In residential zoning districts, accessory buildings and structures:
1. Shall not be erected in front of the front building line of the principal structure, except as provided for in B. below;
 2. Shall not be erected within twenty-five (25) feet of any side street on a corner lot;
 3. Shall not be erected within ten (10) feet of any property line not a street line or within ten (10) feet of any other building on the same lot;
 4. Shall not exceed the height limitation of the ~~district in which located unless otherwise exempt or specifically regulated by this Ordinance~~ **principal structure;**
 5. ~~Shall not exceed a maximum total area of fifty (50) percent of the gross floor area of the principal building or six hundred (600) square feet whichever is greater; and, shall not cover more than (30) percent of any rear yard, excluding privately owned airplane hangers;~~
 - 5.1. ~~May exceed twelve hundred (1200) sq. ft. in the R-20 and RU-R districts subject to the following restrictions:~~
 - a. ~~On a parcel of land less than two (2) acres in size, no building shall exceed two thousand (2000) sq. ft., nor be located closer than fifty (50) feet to any exterior property line.~~

~~b. On a parcel of land two (2) acres or more in size, no building shall exceed thirty-five hundred (3500) sq. ft., nor be located closer than fifty (50) feet to any exterior property line.~~

~~5.2. In the RA district no accessory building shall cover more than 30% of the rear yard.~~

5 The size limitations for accessory buildings are as follows:

a. In the RA district the following restrictions apply:

i. On tracts of land less than 5 acres, the total square footage of all accessory buildings and structures shall not exceed 3500 square feet.

ii. On tracts of land 5 acres or more, there shall be no combined total square footage requirement, however no one (1) accessory building or structure's square footage shall exceed 3500 square feet.

b. In the R-8, R-8A, and R-12 districts the total square footage of all accessory buildings or structures shall not exceed fifty (50%) percent of the total square footage of the principal building or six (600) square feet whichever is greater, nor cover more than 30% of the rear yard.

c. In the R-R, RU-R, and R-20 districts, the total square footage of all accessory buildings and structures are as follows:

i. On a parcel of land less than one acre, the total square footage of all accessory buildings or structures shall not exceed fifty (50%) percent of the total square footage of the principal building or six (600) square feet whichever is greater.

ii. On a parcel of land one (1) acre to two (2) acres in size, the total square footage of all buildings shall not exceed two-thousand (2000) sq. ft. If the total square footage of any one (1) building exceeds 1200 square feet that building shall not be located closer than fifty (50) feet to any exterior property line.

iii. On a parcel of land two (2) acres or more in size, the total square footage of all buildings shall not exceed 3500 sq ft. If the total square footage of any one (1) building exceeds hundred (1200) sq. ft., that building shall not be located closer than fifty (50) feet to any exterior property line.

d. Privately owned airplane hangers are exempt from size limitations, but shall meet the accessory building setback requirements as described in A (1), (2) and (3) above.

6. Shall not be permitted except as accessory to a principal building either existing or under construction in the same lot.

7. Shall not be used for human habitation **except as provided for in SR 51 Accessory Dwelling Unit.**

B. Notwithstanding A (1) above, in residential districts on lots of one (1) acre or larger, an accessory building or structure may be located in the front yard provided it is not located within one hundred and fifty (150) feet of the frontage street right-of-way line. In addition in any residential district, one gazebo-type accessory building may be located in the front yard provided it is set back at least one-half (½) the required setback for the principal building.

C. In non-residential zoning districts, accessory buildings and structures:

1. May be located in front of the front building line of the principal building, but shall follow the same front yard setback as the principal building;
2. Shall comply with A (2),(3) and (4) above.

STAFF COMMENTS: The Planning staff would like to submit these changes to the Accessory Buildings and Structures section of the Zoning Ordinance. This has been a difficult section for the staff to administer, and the public to understand based on the confusing way the way the text is worded. Therefore, we have attempted to clarify the standards, while not changing the intent.

REQUESTED ACTION: A recommendation to the Board of Commissioners is needed at this time.

After discussion, Mr. Tsumas made a motion to recommend approval (with the one correction) and Ms. Pfeufer seconded said motion. All agreed. VOTES: 9-0.

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.

~~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 riprapping 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 — Uses on the Lake

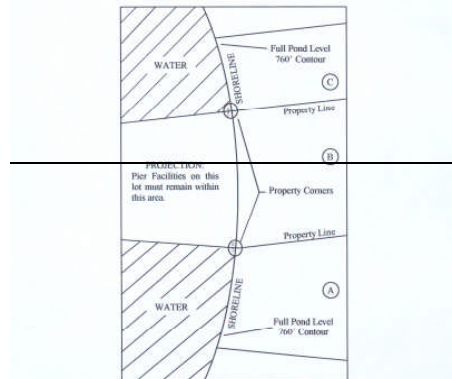
~~Marinas, piers, cruise boats and similar uses may be permitted to extend into/on the Lake provided they meet the requirements of this Article and provided further that the land base of such activity is located in a zoning district that permits the activity.~~

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.~~

~~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.

REQUESTED ACTION: No action is need at this time. This submittal is for information purposes only.

The Board took no action.

MONTHLY COMMITTEE ASSIGNMENTS: Dr. Grigg & Mr. Stephens volunteered to attend the September 19th Subdivision Review Committee meeting at 10:00 a.m. in the Building Standards Center. Dr. Grigg, Mr. Stephens, and Mr. McNeely volunteered to go on the site visit for next month’s request on Tuesday, September 18th.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 12:45 a.m.

*Katrina Hewitt
Administrative Asst. II*

Date Read and/or Approved