1. Planning Board Meeting

   Documents:

   1904-1_TAKES_PB STAFF REPORT.PDF
   1904-2 DEATON_PB STAFF REPORT.PDF
   PB AGENDA_4.3.19.PDF

1.1. PB Minutes 4/3/19

   Documents:

   04 03 19 PB MINUTES.PDF
EXPLANATION OF THE REQUEST

This is a request to rezone approximately 3.33 acres at the corner of Canvasback Road and Brawley School Road from Residential Agricultural (RA) to Neighborhood Business Conditional District (NB-CD). This request is conditional per the submitted application, and will be limited to the uses attached to the request.

OWNER/APPLICANT

OWNER/APPLICANT: James ("Jim") Takes

PROPERTY INFORMATION

LOCATION: Josh Acres, Lots 16-20, at the corner of Canvasback Road and Brawley School Road; more specifically identified as PINs 4636892482.000, 4636891356.000, 4636890332.000, 4636799205.000, and 4636797196.000.

DIRECTIONS: West on NC-1100/Brawley School Road from I-77; property is approximately 3 miles on the left, just after Canvasback Road.

SURROUNDING LAND USE: There is residential and commercial property to the north, within Mooresville’s Municipal Planning Area. A mix of residential and GB/HB commercial uses are to the east. Property to the south is all residential in nature. To the west is a mix of RO/NB commercial uses.

SIZE: The acreage to be rezoned is approximately 3.33 acres.

EXISTING LAND USE: All five parcels are currently vacant.

ZONING HISTORY: The property has been zoned RA since county-wide zoning in 1990.
OTHER JURISDICTIONAL INFORMATION: The property is located just outside of Mooresville’s short range USA boundary. The Town of Mooresville has not expressed concern about NB-CD uses at this site.

OTHER SITE CHARACTERISTICS: The property is located within the regulated WS-IV-CA Catawba/Lake Norman Watershed Critical Area. Properties with a WS-IV-CA designation along Brawley School Road are limited to the Non-Residential Low Density Option only; of 24% built-upon area for new development. The property is not in a flood hazard zone.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The closest traffic count along Canvasback Road, near the intersection of Canvasback Road and NC-1100/Brawley School Road and had a traffic count of 4,200 vehicles per day in 2016. As a local, residential street, there is currently no traffic study data citing capacity for this section of Canvasback Road. The closest traffic count along Brawley School Road lies to the west, in front of Brawley Middle School, and had a traffic count of 31,000 vehicles per day in 2017. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of Brawley School Road is approximately 36,600 vehicles per day through the year 2030.

SCHOOLS: This is a commercial rezoning and should have no implications on local schools.

EMERGENCY SERVICES: This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

UTILITIES: This site is currently served by well and septic.

REQUIRED REVIEWS BY OTHER AGENCIES

LOCAL: The applicant must provide a site plan to the Planning & Development Department for review before developing the property. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Watershed calculations and erosion & sedimentation control standards will also be reviewed for compliance.

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

FEDERAL: None at this time.
STAFF AND BOARD COMMENTS

STAFF COMMENTS: The 2030 Horizon Plan calls for this area to be Corridor Commercial in nature, which includes commercial, office, and/or retail uses along major thoroughfares and highways, allowing for both large and small mixed-use commercial centers. These areas are both within and outside the Iredell County Urban Services Area. They may be serviced by and incorporated into one of the municipalities as some point in the future. The intent of these lands is to provide a mix of commercial/retail and office uses at critical nodes or activity centers along major roadways. Traditional strip commercial development is discouraged within these areas. Instead, developments should be designed to provide greater connectivity within and to adjacent developments, pedestrian access should be a priority, and landscaping, signage, and building design/orientation should be consistent within individual developments.

In order to achieve and maintain these Corridor Commercial development goals, the owner/applicant has agreed to following conditions:

1.) Limited permitted land uses to include: Accounting, audit or bookkeeping, Administrative or management services, Advertising agencies, Agencies and offices rendering specialized services not involving retail trade such as real estate, insurance, advertising, architecture, engineering and accounting not listed elsewhere, Employment agencies, personnel agencies, Finance offices, Insurance agencies, Law offices, Medical offices, Offices not classified elsewhere (no retail), Real estate offices, and Stock, security or commodity brokers.

2.) Single story structures only.

3.) Each individual lot will not have direct access to Brawley School Road. All lot must utilize one shared driveway access to Brawley School Road. One shared emergency exit shall be allowed onto Canvasback Road.

The Planning staff can support the proposed rezoning request based on the following:
The 2030 Horizon Plan calls for this area to be Corridor Commercial, which allows for commercial, office, and/or retail uses along major thoroughfares and highways. The subject property is adjacent to other existing commercial uses, and the applicant has narrowed down the list of permitted NB uses to only include uses that should not exceed existing road capacity.

PUBLIC INPUT MEETING: A public input meeting was held on Tuesday, March 20th, 2018 at Shoals Grill, beginning at 6:00 pm. Twelve property owners from the area were in attendance to hear the proposal and ask questions about future development. As a result of this public input meeting, conditions have been imposed to limit driveway access, building height, and the number of permitted uses at this site.

SITE REVIEW COMMITTEE: Staff visited the site on March 15, 2019.
ACTION NEEDED:

TO APPROVE: Motion to recommend in favor of the zoning map amendment, and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it is contained within a commercial corridor, it is adjacent to other commercially zoned property, and traffic impacts should not exceed road capacity.

TO DENY: Motion to recommend denial of the zoning map amendment and to make a finding that though the denial is inconsistent with the adopted 2030 Horizon Plan, said denial is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because....

Attachments:
Rezoning Application
Zoning Map
Future Land Use Map
Aerial View Map
Iredell County
Application for Rezoning

The following steps are required in order for your application to be considered complete.
Incomplete applications will be returned to the applicant and will not be processed.

1. Schedule a pre-application meeting with staff.
2. Submit a completed application. All applications must include:
   - Cash, check, or money order made payable to Iredell County.
     Fees: $500 for a rezoning request
3. A plat, drawn to scale, showing the bearings and the distances of the property requested for rezoning, if only rezoning a portion of a parcel.

The Rezoning Process:

1. Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process.
2. Submit a Zoning Map Amendment application to Iredell County Planning. During this time, planning staff will review your application, prepare a staff report to the board, and notify all adjacent property owners.

Petitions for a change in zoning are first referred to the Planning Board and then acted upon by the Iredell County Board of County Commissioners. Planning Board meetings are held on the first Wednesday of every month at 7:00 p.m at the Iredell County Government Center (Old Iredell County Courthouse), 200 South Center Street, located in downtown Statesville. At this time, the Board will hold a public meeting and make a recommendation. The Planning Board's recommendation is then forwarded on to the Iredell County Board of Commissioners for them to approve or deny the request. The Iredell County Board of Commissioners meets at the same location at 7:00 PM on the first Tuesday of each month.

Subject Property Information
1. Street Address: Brawley School Road, Josh Acres lots 16 - 20
2. PIN(s) 4636892482, 4636891356, 4636890332, 4636799205, 4636797196
3. Deed Reference: Book 2367 Page 31
4. Township: Davidson
Description of Subject Property

1. Size to be rezoned (square feet or acres) 3.33 Acres
2. Street Frontage (feet) BSR 700, Canvasback 215
3. Watershed WSIV - Critical
4. Current Land Use of Property RA - Vacant

5. Surrounding Land Use
   North Commercial / Residential
   South Residential
   East Residential / Commercial
   West Commercial

Request

1. Change Zoning From RA To NB
2. Is this a request for a “Conditional Zoning” District? YES
3. If a Conditional Zoning District is being requested, please describe the Purpose for Request/Proposed Use – Professional offices

Since amendments to zoning maps should also be based on a Land Use Plan, please explain in the space below how your request satisfies each of the following requirements:

1. How would the requested zoning change be consistent with the property’s classification on the future land use map in the 2030 Horizon Plan?

   All tracts are within the corridor commercial designation of the 2030 horizon plan.

2. What significant neighborhood changes have occurred to make the existing zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?

   Widening and development of Brawley School road in addition to current zoning of the other three corners as commercial make this property unsuitable for residential development. Deed restrictions prohibiting commercial use have been removed, Deed reference book 2514, page 2354-2360

Conditional Zoning Application

Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Section 2.21 of the Iredell County Land Development Code.

1. Accounting, auditing or bookkeeping
2. Administrative or management services
3. Advertising agencies
4. Agencies and offices rendering specialized services not involving retail trade such as real estate, insurance, advertising, architecture, engineering and accounting not listed elsewhere

Page 2 of 4
Rezoning Application
5. Employment agencies, personnel agencies
6. Finance offices
7. Insurance agencies
8. Law offices
9. Medical offices
10. Offices not classified elsewhere (no retail)
11. Real estate offices
12. Stock, security or commodity brokers

Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width). Single story structures only

Lots 16, 17, 18, 19, 20 must use shared driveway access to Brawley School Road.

Owner Information

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of providing its need rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process.

I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

Property Owner: James and Denise Takes
Company: Name Lake Norman Property Rental
Position: Owner
Address: 111 Chinook Ct, Mooresville, NC 28117
Phone: 704-402-5418
Email: jimtakes@hotmail.com
Signature: [Signature] (Must be notarized)

North Carolina, Tredell County

I, _______ _____________________________ Melody Hildebrand, a Notary Public for Tredell County, North Carolina, do hereby certify that _______ _____________________________ James Takes personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and official seal this the 11 day of February, 2019.

Melody Hildebrand

My Commission expires: 32-20

MELODY HILDEBRAND
NOTARY PUBLIC
IREDELL COUNTY
STATE OF NORTH CAROLINA

Applicant/Agent James Takes__________________________
Company Name____________________________________
Position___________________________________________
Address _111 Chinook Ct______________________________
Phone _704-402-5418_______________________________
Email _jimtakes@hotmail.com________________________
Signature _________________________________________
This is a request to rezone an approximately 14.4 acre portion of a property along Lentz Road, off of Tomlin Mill Road, from Residential Agricultural (RA) to General Business (GB). This is a straight rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER: Danny & Teresa Sparks
APPLICANT: Coy Deaton (Deaton Properties)

PROPERTY INFORMATION

LOCATION:
Just off Tomlin Mill Road, along Lentz Road, directly behind the One Stop gas station; more specifically, a portion of PIN 4749923517.000.

DIRECTIONS:
Take exit 59 for Tomlin Mill Road, off I-77. Head west on Tomlin Mill Road. In less than half a mile, turn left onto Lentz Road. The property adjoins the One Stop gas station property to the rear.

SURROUNDING LAND USE:
There are residential agricultural uses directly to the east, south, and west. There is various commercial development to the north, and east of I-77.

SIZE:
The acreage to be rezoned includes only the northern most portion of the parcel. To be exact, the first 1,020 vertical feet, squared off to total approximately 14.4 acres.
EXISTING LAND USE: The entire parcel is currently vacant, except for an old abandoned and dilapidated farm structure.

ZONING HISTORY: This property has been zoned Residential Agricultural (RA) since county-wide zoning was established in 1990. The adjoining parcels to the north (Tomlin Mill One Stop) were rezoned to General Business in 2012.

OTHER JURISDICTIONAL INFORMATION: This rural property is not located within any municipalities’ Urban Service Area.

OTHER SITE CHARACTERISTICS: This property is not located within a regulated Watershed Area. The property is not located in a flood hazard zone.

UTILITIES: This site is currently served by well and septic.

**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

TRAFFIC: There is no available NCDOT AADT traffic count data for secondary roads, such as Lentz Road. The closest traffic count is along Tomlin Mill Road, near the on/off ramp for I-77, which had a traffic count of 4,300 vehicles per day in 2017. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of Tomlin Mill Road is approximately 28,000 vehicles per day through the year 2030.

SCHOOLS: This is a commercial rezoning and should have no implications on local schools.

FIRE MARSHAL: This proposal has been reviewed by the Iredell County Fire Marshal’s Office. The Fire Marshal’s Office did not address any concerns on the request.

EMS: This proposal has been reviewed by the EMS Department. EMS did not address any concerns on the request.

**REQUIRED REVIEWS BY OTHER AGENCIES**

LOCAL: The applicant must provide a site plan to the Planning & Development Department for review to develop the properties. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Erosion & sedimentation control standards will also be reviewed for compliance.

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

FEDERAL: None at this time.
STAFF AND BOARD COMMENTS

STAFF COMMENTS: Being just off I-77, the parcel in question is adjacent to what the 2030 Horizon Plan calls a Highway Interchange Commercial area. Highway Interchange Commercial areas include existing or future commercial, retail, and service uses located proximate to interstate interchanges on major arterial roadways. Traditional strip commercial development is discouraged within these areas. Instead, developments should be designed to provide greater connectivity within and to adjacent developments: pedestrian access should be a priority, and landscaping, signage, and building design and orientation should be consistent within individual developments. Uses within these areas generally should include gas stations, hotel/motels, restaurants, and other highway travel related businesses. Secondary uses may include retail, office developments, and higher-density residential uses.

The Planning staff can support the proposed rezoning request based on the following: The property is adjacent to a Highway Interchange Commercial corridor in the 2030 Horizon Plan and is adjacent to various existing commercial parcels. Adjoining parcels to the north are currently zoned General Business, and this rezoning would just be an expansion of that commercial designation.

SITE REVIEW COMMITTEE: Staff visited site on March 15, 2019.

ACTION NEEDED:

TO APPROVE: Motion to recommend in favor of the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it is in harmony with the area and it is adjoining commercially zoned property.

TO DENY: Motion to recommend denial of the zoning map amendment and to make a finding that though the denial is inconsistent with the adopted 2030 Horizon Plan, said denial is reasonable and in the public interest and does not further the goals of the 2030 Horizon Plan because....

Attachments:
Rezoning Application
Zoning Map
Future Land Use Map
Aerial View Map
Iredell County
Application for Rezoning

The following steps are required in order for your application to be considered complete.
Incomplete applications will be returned to the applicant and will not be processed.

1. Schedule a pre-application meeting with staff.
2. Submit a completed application. All applications must include:
   - Cash, check, or money order made payable to Iredell County.
     Fees: $500 for a rezoning request
3. A plat, drawn to scale, showing the bearings and the distances of the property requested for rezoning, if only rezoning a portion of a parcel.

The Rezoning Process:

1. Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process.
2. Submit a Zoning Map Amendment application to Iredell County Planning. During this time, planning staff will review your application, prepare a staff report to the board, and notify all adjacent property owners.

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Subject Property Information
1. Street Address: Tomlin Mill Rd
2. PIN(s): 4749923617.000
3. Deed Reference: Book 1355 Page 1395
4. Township 08
### Description of Subject Property

1. **Size to be rezoned (square feet or acres)**
   - 15 acres

2. **Street Frontage (feet)**
   - 1,020 ft.

3. **Watershed**
   - AG. RESIDENTIAL

4. **Current Land Use of Property**
   - AG. RESIDENTIAL

5. **Surrounding Land Use**
   - North: Commercial
   - South: Residential / Commercial
   - East: Commercial / Residential / AG.
   - West: Residential / Governmental

### Request

1. **Change Zoning From**
   - AG. RESIDENTIAL
   - **To**
   - Commercial / GB

2. **Is this a request for a "Conditional Zoning" District?**
   - YES / NO

3. **If a Conditional Zoning District is being requested, please describe the Purpose for Request/Proposed Use**

Since amendments to zoning maps should also be based on a Land Use Plan, please explain in the space below how your request satisfies each of the following requirements:

1. **How would the requested zoning change be consistent with the property's classification on the future land use map in the 2030 Horizon Plan?**

   ![Property Adjacencies](image)

   PROPERTY ADJOINING 2030 HORIZON PLAN HIGHWAY INTERCHANGE COMMERCIAL

   MODE.

2. **What significant neighborhood changes have occurred to make the existing zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?**

   ![Additional Details](image)

   ADJACENT PROPERTIES ARE COMMERCIAL IN NATURE. IN ADDITION, GENERAL BUSINESSES ARE NEEDED FOR FEET MATINGSHOP USE. PROPERTY EAST NORTH 56 & 3 ADJACENT STORE ZONES FOR COMMERCIAL. PROPERTY SOUTH WAS GRANDFATHERED, BUT IS COMMERCIAL USE.

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Page 2 of 4
Rezoning Application
Conditional Zoning Application

Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Section 2.21 of the Iredell County Land Development Code.

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Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width).

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Page 3 of 4
Rezoning Application
Owner Information

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of providing its need rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process.

I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

Property Owner  SPARKS DANNY D. & TERESA T.
Company Name
Position
Address  16 JACOB HUNTER LANE LILBURN, GA 30046
Phone  706-273-1140
Email
Signature  [Signature] (Must be notarized)

North Carolina, Polk County

I, NICHOLAS JOEL MCLEMORE, a Notary Public for Polk County, North Carolina, do hereby certify that Danny Sparks personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the  3rd day of MARCH, 2019.

My Commission expires:  6 August 2021

Applicant/Agent  CUY DEAN
Company Name  DEAN DEER PROPERTIES
Position  PRESIDENT
Address  41 BUTTERFLY RD. CAVE SPRING, GA 30124
Phone  706-252-1556
Email  [Email]
Signature  [Signature]
IREDELL COUNTY PLANNING BOARD

Harry Tsumas, Chairman
Kristi Pfeufer, Vice Chair
Jerry Santoni
Chris Carney

Doug Holland
Mark Davis
Tracy Jenkins
Robert Palmes

Raymond Burnette
Melissa Neader, Alt.
Scottie Brown, Alt.

April 3, 2019
Commissioners Meeting Room
Iredell County Government Center
Statesville, North Carolina
7:00 p.m.

A G E N D A

Call to Order

Consideration of Rezoning Requests

Case #1904-1
Owner/Applicant James ("Jim") Takes is requesting to rezone approximately 3.33 acres at the corner of Canvasback Road and Brawley School Road from Residential Agricultural (RA) to Neighborhood Business Conditional District (NB-CD). This request is conditional per the submitted application, and will be limited to the uses attached to the request.

Case #1904-2
Applicant Coy Deaton (Deaton Properties) is requesting to rezone an approximately 14.4 acre portion of a property along Lentz Road, off of Tomlin Mill Road, from Residential Agricultural (RA) to General Business (GB). This is a straight rezoning and no conditions are proposed at this time.

Other Business

Approval of the March 6, 2019 Meeting Minutes

Committee Assignments – Site Visits: Friday, April 12, 2019

Adjournment
IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, April 3, 2019 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

Harry Tsumas, Chairman
Kristi Pfeufer, Vice-Chair
Chris Carney
Doug Holland
Raymond Burnette
Robert Palmes
Tracy Jenkins
Mark Davis

STAFF PRESENT

Leslie Meadows
Matthew Todd
Cindy Nicholson

Chairman Tsumas called the meeting to order.

Chairman Tsumas explained that Vice-Chair Kristi Pfeufer has a conflict of interest with Case No. 1904-2 (Coy Deaton, Deaton Properties) and has requested to be recused from this case.

Mr. Carney made a Motion to recuse Ms. Pfeufer and Mr. Holland seconded said motion and all were in favor.

Ms. Pfeufer excused herself at this time.

Chairman Tsumas moved Case No. 1904-2 up to be heard first on the Agenda.

Leslie Meadows presented the following cases:

REZONING REQUEST: 1904-2, COY DEATON (DEATON PROPERTIES) (APPLICANT)

EXPLANATION OF THE REQUEST

This is a request to rezone an approximately 14.4 acre portion of a property along Lentz Road, off of Tomlin Mill Road, from Residential Agricultural (RA) to General Business (GB). This is a straight rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER: Danny & Teresa Sparks

APPLICANT: Coy Deaton (Deaton Properties)
LOCATION: Just off Tomlin Mill Road, along Lentz Road, directly behind the One Stop gas station; more specifically, a portion of PIN 4749923517.000.

DIRECTIONS: Take exit 59 for Tomlin Mill Road, off I-77. Head west on Tomlin Mill Road. In less than half a mile, turn left onto Lentz Road. The property adjoins the One Stop gas station property to the rear.

SURROUNDING LAND USE: There are residential agricultural uses directly to the east, south, and west. There is various commercial development to the north, and east of I-77.

SIZE: The acreage to be rezoned includes only the northern most portion of the parcel. To be exact, the first 1,020 vertical feet, squared off to total approximately 14.4 acres.

EXISTING LAND USE: The entire parcel is currently vacant, except for an old abandoned and dilapidated farm structure.

ZONING HISTORY: This property has been zoned Residential Agricultural (RA) since county-wide zoning was established in 1990. The adjoining parcels to the north (Tomlin Mill One Stop) were rezoned to General Business in 2012.

OTHER JURISDICTIONAL INFORMATION: This rural property is not located within any municipalities’ Urban Service Area.

OTHER SITE CHARACTERISTICS: The property is not located within a regulated Watershed Area. The property is not located in a flood hazard zone.

UTILITIES: This site is currently served by well and septic.
**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** There is no available NCDOT AADT traffic count data for secondary roads, such as Lentz Road. The closest traffic count is along Tomlin Mill Road, near the on/off ramp for I-77, which had a traffic count of 4,300 vehicles per day in 2017. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of Tomlin Mill Road is approximately 28,000 vehicles per day through the year 2030.

**SCHOOLS:** This is a commercial rezoning and should have no implications on local schools.

**FIRE MARSHAL:** This proposal has been reviewed by the Iredell County Fire Marshal’s Office. The Fire Marshal’s Office did not address any concerns on the request.

**EMS:** This proposal has been reviewed by the EMS Department. EMS did not address any concerns on the request.

**REQUIRED REVIEWS BY OTHER AGENCIES**

**LOCAL:** The applicant must provide a site plan to the Planning & Development Department for review to develop the properties. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Erosion & sedimentation control standards will also be reviewed for compliance.

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

**FEDERAL:** None at this time.

**STAFF AND BOARD COMMENTS**

**STAFF COMMENTS:** Being just off I-77, the parcel in question is adjacent to what the 2030 Horizon Plan calls a Highway Interchange Commercial area. Highway Interchange Commercial areas include existing or future commercial, retail, and service uses located proximate to interstate interchanges on major arterial roadways. Traditional strip commercial development is discouraged within these areas. Instead, developments should be designed to provide greater connectivity within and to adjacent developments; pedestrian access should be a priority, and landscaping, signage, and building design and orientation should be consistent within individual developments. Uses within these areas generally should include gas stations, hotel/motels, restaurants, and other highway travel related businesses. Secondary uses may include retail, office developments, and higher-density residential uses.
The Planning staff can support the proposed rezoning request based on the following: The property is adjacent to a Highway Interchange Commercial corridor in the 2030 Horizon Plan and is adjacent to various existing commercial parcels. Adjoining parcels to the north are currently zoned General Business, and this rezoning would just be an expansion of that commercial designation.

**SITE REVIEW COMMITTEE:** Staff visited site on March 15, 2019.

**QUESTIONS FROM BOARD TO STAFF**

Mr. Tsumas asked Ms. Meadows if it is just the cross hatched area that is being considered.

Ms. Meadows states yes, staff came to this acreage by taking 1,020 vertical square feet on each side of the property and squared it off to total approximately 14.4 acres.

Mr. Tsumas asked if the remaining acreage that is not cross-hatched will stay RA.

Ms. Meadows states yes.

Mr. Carney asked if the land to the north is owned by the same person.

Ms. Meadows states no. There may be a few acres that will be sold to that person, but it would be a separate operation.

Mr. Tsumas asked Ms. Meadows to explain how the Horizon Plan works with this parcel.

Ms. Meadows states the Horizon Plan and the map contain different kinds of classifications that staff considers conceptual models. Staff felt that these lines and boundaries can give and take a little and this highway interchange commercial area has seen a lot more development recently. There is a lot of commercial uses already along this stretch and staff feels this site is still consistent with the long range plan.

Mr. Tsumas asked if this area was recently rezoned in previous years.

Mr. Todd states the area where the gas station is located was rezoned GB in recent years.

Mr. Tsumas asked if there were any more questions for staff.

There were no more questions for staff.

**THOSE SPEAKING ABOUT THE CASE**

Mr. Tsumas asked if there was anyone present on behalf of the applicant.

Nicholas McLemore spoke on behalf of Mr. Deaton which is unable to attend due to travel. Mr. McLemore states he lives in Cedar Town, Georgia which is 5 hours away. They are currently already operating a mobile fleet in Statesville, North Wilkesboro, and Georgia. He states the operation has been here in Statesville about 5 years and it is
time to add an addition of a shop which will be about an 8,000 square foot facility on this piece of property. He said they have 5 existing shops in Georgia and know they need 10 – 12 acres to build each shop. Mr. McLemore states they are a growing company and this won’t be the last they build.

Mr. Tsumas asked if there were any questions for Mr. McLemore.

There were no questions.

Mr. Tsumas asked if there were any others to speak on behalf of the request or opposed to the request.

**No one wished to speak for or against the request.**

Mr. Tsumas asked if there were any further questions for staff.

After no further discussion, Mr. Carney made a Motion to recommend in favor of the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because development is conditionals per the submitted request, it is contained within a future commercial corridor, and traffic impacts will not exceed road capacity. Mr. Jenkins seconded said motion and all were in favor.

**VOTE: 7-0**

**REZONING REQUEST: 1904-1, JAMES (“JIM”) TAKES (OWNER/APPLICANT)**

**EXPLANATION OF THE REQUEST**

This is a request to rezone approximately 3.33 acres at the corner of Canvasback Road and Brawley School Road from Residential Agricultural (RA) to Neighborhood Business Conditional District (NB-CD). This request is conditional per the submitted application, and will be limited to the uses attached to the request.

**OWNER/APPLICANT**

**OWNER/APPLICANT:** James (“Jim”) Takes

**PROPERTY INFORMATION**

**LOCATION:** Josh Acres, Lots 16-20, at the corner of Canvasback Road and Brawley School Road; more specifically identified as PINs 4636892482.000, 4636891356.000, 4636890332.000, 4636799205.000, and 4636797196.000.
**DIRECTIONS:** West on NC-1100/Brawley School Road from I-77; property is approximately 3 miles on the left, just after Canvasback Road.

**SURROUNDING LAND USE:** There is residential and commercial property to the north, within Mooresville’s Municipal Planning Area. A mix of residential and GB/HB commercial uses are to the east. Property to the south is all residential in nature. To the west is a mix of RO/NB commercial uses.

**SIZE:** The acreage to be rezoned is approximately 3.33 acres.

**EXISTING LAND USE:** All five parcels are currently vacant.

**ZONING HISTORY:** The property has been zoned RA since county-wide zoning in 1990.

**OTHER JURISDICTIONAL INFORMATION:** The property is located just outside of Mooresville’s short range USA boundary. The Town of Mooresville has not expressed concern about NB-CD uses at this site.

**OTHER SITE CHARACTERISTICS:** The property is located within the regulated WS-IV-CA Catawba/Lake Norman Watershed Critical Area. Properties with a WS-IV-CA designation along Brawley School Road are limited to the Non-Residential Low Density Option only; of 24% built-upon area for new development. The property is not in a flood hazard zone.

**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The closest traffic count along Canvasback Road, near the intersection of Canvasback Road and NC-1100/Brawley School Road and had a traffic count of 4,200 vehicles per day in 2016. As a local, residential street, there is currently no traffic study data citing capacity for this section of Canvasback Road. The closest traffic count along Brawley School Road lies to the west, in front of Brawley Middle School, and had a traffic count of 31,000 vehicles per day in 2017. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of Brawley School Road is approximately 36,600 vehicles per day through the year 2030.
SCHOOLS: This is a commercial rezoning and should have no implications on local schools.

FIRE MARSHAL: This proposal has been reviewed by the Iredell County Fire Marshal’s Office. The Fire Marshal’s Office did not address any concerns on the request.

EMS: This proposal has been reviewed by the EMS Department. EMS did not address any concerns on the request.

UTILITIES: This site is currently served by well and septic.

**REQUIRED REVIEWS BY OTHER AGENCIES**

LOCAL: The applicant must provide a site plan to the Planning & Development Department for review before developing the property. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Watershed calculations and erosion & sedimentation control standards will also be reviewed for compliance.

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

FEDERAL: None at this time.

**STAFF AND BOARD COMMENTS**

STAFF COMMENTS: The 2030 Horizon Plan calls for this area to be Corridor Commercial in nature, which includes commercial, office, and/or retail uses along major thoroughfares and highways, allowing for both large and small mixed-use commercial centers. These areas are both within and outside the Iredell County Urban Services Area. They may be serviced by and incorporated into one of the municipalities as some point in the future. The intent of these lands is to provide a mix of commercial/retail and office uses at critical nodes or activity centers along major roadways. Traditional strip commercial development is discouraged within these areas. Instead, developments should be designed to provide greater connectivity within and to adjacent developments, pedestrian access should be a priority, and landscaping, signage, and building design/orientation should be consistent within individual developments.
In order to achieve and maintain these Corridor Commercial development goals, the owner/applicant has agreed to following conditions:

1.) Limited permitted land uses to include: Accounting, audition or bookkeeping, Administrative or management services, Advertising agencies, Agencies and offices rendering specialized services not involving retail trade such as real estate, insurance, advertising, architecture, engineering and accounting not listed elsewhere, Employment agencies, personnel agencies, Finance offices, Insurance agencies, Law offices, Medical offices, Offices not classified elsewhere (no retail), Real estate offices, and Stock, security or commodity brokers.

2.) Single story structures only.

3.) Each individual lot will not have direct access to Brawley School Road. All lots must utilize one shared driveway access to Brawley School Road. One shared emergency exit shall be allowed onto Canvasback Road.

The Planning staff can support the proposed rezoning request based on the following:

The 2030 Horizon Plan calls for this area to be Corridor Commercial, which allows for commercial, office, and/or retail uses along major thoroughfares and highways. The subject property is adjacent to other existing commercial uses, and the applicant has narrowed down the list of permitted NB uses to only include uses that should not exceed existing road capacity.

PUBLIC INPUT MEETING: A public input meeting was held on Tuesday, March 20th, 2018 at Shoals Grill, beginning at 6:00 pm. Twelve property owners from the area were in attendance to hear the proposal and ask questions about future development. As a result of this public input meeting, conditions have been imposed to limit driveway access, building height, and the number of permitted uses at this site.

SITE REVIEW COMMITTEE: Staff visited the site on March 15, 2019.

QUESTIONS FROM BOARD TO STAFF

Mr. Tsumas asked Ms. Meadows if she has had a conversation with Mooresville.

Ms. Meadows states she did send an email to make them aware and has had no comments either way. Ms. Meadows states she has also seen Mooresville’s Senior Planner, Craig Culbertson, in person and he hasn’t mentioned anything about it.

Mr. Tsumas asked if there were any more questions for staff.

There were no more questions for staff.
THOSE SPEAKING ABOUT THE CASE

Mr. James Takes, 111 Chinook Lane, Mooresville, NC 28117, owner of property, states the other three corners of this intersection are currently commercial and it seems these vacant lots would be the best use to be commercial rather than residential because of how busy the intersection is. Mr. Takes states he met with a lot of the adjacent property owners and has incorporated many of their requests into his agreed upon conditions. He feels he has exceeded their requests. He has limited the NB list of uses down to just a small handful of professional office buildings. In the Neighborhood Business district, the uses list is exhaustive and he has scaled it down to just a dozen professional offices to be leased and true to the neighborhood.

Mr. Tsumas asked if anyone had any questions for Mr. Takes.

No one had questions.

Mr. Tsumas asked if there was anyone else to speak on the behalf of the applicant or in favor.

There was no one else to speak on behalf of the applicant.

Mr. Tsumas asked if there was anyone to speak opposed to the request.

Mr. Charles McCutchan, 120 Fantasy Ln., Mooresville, states he has two questions and he is not sure if it pertains to this hearing or another one in regards to lighting and drainage for the property owners that have water problems along this area.

Mr. Tsumas states staff could possibly help Mr. McCutchan with that information. Mr. Tsumas told Mr. McCutchan that if Mr. Takes builds on this property, he would have to submit a site plan to staff for review and also Environmental Health would review the plan as far as water retention and drainage. Mr. Tsumas states that you can’t change the flow of water, and lighting is supposed to be directed down onto your property. Lighting can’t be broadcast off of property lines. Those types of things are handled at a staff level with site plans that are submitted. The Planning Board is strictly zoning.

Mr. McCutchan said thank you.

Mr. Takes states he has an engineer plan that shows the drainage.

Mr. Tsumas let them know to talk to each other about those type of things at a later time.

Mr. Tsumas asked if anyone else wished to speak opposed to this request or with questions.
Mr. Malloy Mortoo, 126 Canvasback, Mooresville, states he is not opposed to rezoning, he is just wanting information about what is being built. He states he purchased his property 3 years ago in June and he hasn’t had any information on what has been done. When he received the letter concerning this meeting, he asked some of the other neighbors about what was happening and the neighbors told him there was a previous public meeting but he was not made aware of that meeting.

Mr. Tsumas asked Ms. Meadows to explain what this meeting is about and the process that will take place.

Ms. Meadows states with a conditional request, the applicant has to hold a public input meeting with the community which was held in March 2018. Based on what that meeting consisted of, Mr. Takes agreed to certain conditions in order to make it work for all parties involved.

Mr. Mortoo states he never received notification of that public input meeting.

Mr. Tsumas states to Mr. Mortoo that based on the request, they are limiting the uses to an executive office type structure that has to be one level. Examples would be advertising agency, architect services, engineering, etc. which is on the list of things that could be allowed that was included in the information.

Ms. Meadows states mostly like medical offices, law offices, specialized services not involving retail or restaurants or things such as that.

Mr. Carney suggested to Mr. Mortoo that he and Mr. Takes take some time together to meet before the Iredell County Board of Commissioners meeting to get a better understanding of what is planned, being just a minimum of professional uses. If he is still uncomfortable after meeting with Mr. Takes about the proposed plan, he could still voice his opinion with the Board of Commissioners at the next scheduled meeting if needed.

Mr. Tsumas ask that Mr. Mortoo make sure to get a copy to look over in order to talk more with Mr. Takes.

Ms. Meadows at that time gave Mr. Mortoo a copy of the staff report and application.

Mr. Tsumas asked Mr. Mortoo if he had any other comments.

Mr. Mortoo said no, only questions directly to Mr. Takes.

Mr. Takes states Mr. Mortoo’s name was on the mailing list when notices were sent out regarding the public input meeting last year.

Mr. Tsumas asked if there was anyone else to speak in opposition.

Ms. Mortoo, 126 Canvasback, Mooresville, states she is concerned about traffic because Brawley School Road is a very busy road. Ms. Mortoo is concerned because they are already having issues with people wanting to turn from Brawley School Road onto Canvasback to double back around instead of making a U-turn. She is asking how that will play a role into the traffic for Canvasback.
Mr. Tumas states as per the request, there is only going to be one driveway for the whole section. There will not be a driveway on Canvasback except for emergency vehicles only, in case of an emergency. Examples would be fire trucks, ambulance, etc. like a back alley way. All traffic for the site would use Brawley School Road in and out and a site plan will have to be submitted to staff as well for NCDOT to tell where the access road would need to be.

Ms. Meadows states that Mr. Takes has already spoken with NCDOT and the driveway will be on the first lot as requested by NCDOT.

Mr. Tumas asked if there was anyone else to speak in opposition.

There were no more to speak for or against the request.

Mr. Tumas asked if there were any further questions for staff.

After no further discussion, Mr. Holland made a Motion to recommend in favor of the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because development is conditional per the submitted request, it is contained within a future commercial corridor, and traffic impacts will not exceed road capacity. Mr. Burnette seconded said motion and all were in favor.

**VOTE: 8-0**

**OTHER BUSINESS:** None

**UNFINISHED BUSINESS:** None

**MINUTES:** Ms. Pfeufer made a motion to approve the March 6, 2019 meeting minutes. Mr. Holland seconded said motion and all were in favor.

**MONTHLY COMMITTEE ASSIGNMENTS:** Rezoning site visits, Friday, April 12, 2019.

**ADJOURNMENT:** There being no further business, Chairman Tumas declared the meeting adjourned at 7:30 p.m.

_______________________        ______________________
Cindy Nicholson               Date Read and/or Approved  
Administrative Assistant