1. STAFF REPORT TEXT AMENDMENT LCID

Documents:

STAFF REPORT TEXT AMENDMENT LCID_2ND VERSION.PDF

1.I. Staff Report

Documents:

1906-1_BEALER_PB STAFF REPORT.PDF

1.II. PB AGENDA

Documents:

PB AGENDA_6.5.19.PDF

1.II.i. 6.5.19 PB Minutes

Documents:

06 05 19 PB MINUTES.PDF
IREDELL COUNTY PLANNING & DEVELOPMENT

PLANNING STAFF REPORT

Proposed Text Amendment – Performance Requirements: R54 Landfill, Land Clearing and Inert Debris and to add R67 Source Reduction Facility (Processing and wholesale)

EXPLANATION OF THE REQUEST

Staff is proposing amendments to Chapters 2, 3 and 16 of the Iredell County Land Development Code. The following text amendments to the Land Development Code are being presented for recommendation at this time.

Existing text that is bold and with strike-through is text to be removed. Text in red and underlined is new text to be added and was reviewed at the May 1st Planning Board meeting. Text in blue is revised while text that is strike-through is proposed to be removed since the last meeting.

STAFF COMMENTS

Chapter 3 deals with specific land uses and provides additional requirements for those uses above the basic standards of the code.

Landfill, Land Clearing, and Inert Debris facilities are referred to as LCIDs. These facilities are currently allowed in some residential districts through the Special Use Permit process. We have several locations permitted throughout the County. They are also regulated by the North Carolina Department of Environmental Quality (NCDEQ), who issues a separate permit on behalf of the State. With interest in these facilities continuing to grow, due to the increasing development of the southern end of the County, it was felt that the code needed to be further addressed. Therefore, in an attempt to reduce the amount of material (inert debris) that is buried at LCID’s, the staff is of the opinion that there is a need for these facilities to also be able to grind for wood chips or mulch and to be able to pit burn with high heat (air curtain burning). Thus resulting in a reduced amount of material to be buried. Additionally, it is recognized by the NCDEQ that there is a greater need for the ability to accommodate source reduction methods or ways to reduce the amount of material these LCID sites take in and ultimately fill or cover.

Along with the amending of the LCID’s to accommodate more alternatives, the staff is also proposing the addition of a separate provision (R67 Source Reduction Facility) which would involve a more intensive operation, allowing for the processing and repurposing of additional types of materials (i.e. brick, block, concrete, untreated wood), when not associated with an LCID. In addition to the crushing and sifting of said material, this type of facility would include the ability to stockpile materials, store and maintain equipment and contain offices. Although the operation of these types of facilities will likely be of a more permanent nature, it was felt that they should be allowed in some of the county’s more rural areas and not just confined to industrial locations. To help address those potential concerns, increased setbacks and other restrictions have been added.
Performance Requirements (Chapter 3)

R54 Landfill, Land Clearing and Inert Debris

On-site landfills with a disposal area of a half acre or less will be exempt from these requirements but shall follow all NC Division of Waste Management guidelines per GS 130A-301.1. Beneficial fill including concrete, brick, block and uncontaminated soil, rock and gravel requires no zoning approval when the intent is to improve land use potential and no excavation is involved.

The following guidelines shall be required for all off-site landfills with a disposal area of 600 square feet or more and/or sites over a half acre of on-site items.

A. Setback

   There shall be 100 foot minimum distance from any property line.

B. On sites less than two (2) acres applicant shall have recorded at the Iredell County Register of Deeds a LCID Notification form available from the North Carolina Department of Environmental and Natural Resources.

   On sites larger than two (2) acres applicant shall contact the North Carolina Department of Environmental and Natural Resources for final approval.

C. Use Separation

   1. There shall be a 300 foot minimum separation from any existing residence; and
   2. Fifty (50) foot minimum separation from all surface waters; and
   3. 100 foot minimum separation from all commercial or public buildings, and wells.

D. Access

   1. Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
2. Driveways and driveway cuts shall be installed to minimize sediment on adjacent roads.

E. Dust

All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

F. Operation

1. No filling is permitted in the 100-year floodplain. No filling is permitted in minor drainage ways unless the drainage has been piped in accordance with approved plans. No filling is permitted in utility easements.

2. The operator shall monitor access road conditions and immediately clear any sediment or debris from the road.

G. Signs

1. An information board sign shall be posted and maintained at the entrance, listing the name and phone number of the current operator, the types of material accepted, and the hours of operation.

2. The sign shall also instruct drivers to contact the operator upon finding any sediment that has been tracked from the site.

H. See Section 4.5.2 for limitations in the water supply watersheds.

I. Ancillary Uses

For the purpose of reducing the amount of inert debris, air curtain burning or grinding operations shall be permitted. Residue and mulch may be stored on site and/or mixed with other organic material prior to its covering or removal. This shall include both the retail and wholesale of the resulting bi-product. All such operations are subject to North Carolina Department of Environmental Quality Approval. The addition of ancillary uses to an existing operation shall require a revision to the Special Use Permit.
Performance Requirements (Chapter 3)

R67 Source Reduction Facility (processing & wholesale)

A. Setback

1. There shall be a minimum two hundred (200) one hundred (100) foot distance from any adjacent residentially zoned properties for all activity areas.

2. There shall be a minimum one hundred (100) foot setback from any adjacent property zoned commercial and a fifty (50) foot setback from any adjacent property zoned industrial. distance from all other property lines.

B. Use Separation

1. There shall be a five hundred (500) foot minimum separation from any existing residence.

2. There shall be a one hundred (100) foot minimum separation from all perennial streams.

C. Access

Driveways and driveway cuts shall be installed to minimize sediment on adjacent roads.

D. Dust

All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

E. Screening

Screening shall be provided around the entire operation, including the road side in the form of one of the following:

1. A four (4) foot berm with shrubs at least 18 inches when planted ;or

2. Fifty (50) foot of existing vegetation. A fifty (50) foot wide strip of existing vegetation at least 6 feet in height.

Screening is not required if the adjacent property is zoned for industrial uses as identified in the Table of Permitted Uses.

F. Must also comply with all other State and/or Federal guidelines.
Definitions (Chapter 16)

Section 16.4 Definitions

Source Reduction Facility (processing & wholesale). A facility designed to both process and recycle reclaimed material associated with both inert debris and nonhazardous waste, including brush, stumps, concrete, brick, block, stone and other land clearing waste normally received at an LCID (Land clearing and inert debris landfill).

Zoning Districts (Chapter 2)

Section 2.21.4 Manufacturing, Industrial, & Other High Intensity Uses

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<th>USES</th>
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ACTION NEEDED:

TO APPROVE: Motion to recommend approval the zoning text 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 aims address common zoning issues, and address industry changes in a developing county.

TO DENY: Motion deny the zoning text 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....
This is a request to rezone approximately 12.19 acres along Highway 150/River Highway from being split between General Business Conditional Use District (GB CUD)/Residential Agricultural (RA) to entirely General Business Conditional District (GB-CD). This request is conditional per the submitted application, and will be limited to the uses attached to the request.

OWNER/APPLICANT: Kim Bealer, Woodland & Waterview, LLC

PROPERTY INFORMATION

LOCATION: Along NC Hwy 150/River Highway, across from Waddell Road; more specifically identified as PIN 4627993119.

DIRECTIONS: Take I-77 South to exit 36 toward Lincolnton. Turn right onto River Highway/NC-150 West; property is approximately 3.5 miles on the left, just past Carolina Cycle Concepts.

SURROUNDING LAND USE: Residentially zoned property surrounds the parcel in all directions, except to the east. To the east and northeast is a mix of GB/HB commercial uses.

SIZE: The acreage to be rezoned is approximately 12.19 acres.

EXISTING LAND USE: The entire parcel is currently vacant.
ZONING HISTORY: The property was initially zoned RA during the county-wide zoning of 1990. In 1991, Michael Wayne, agent for Crescent Resources rezoned an approximately 2.75 acres portion of the front eastern corner to GB CUD, for a proposed sales location for landscaping materials and supplies.

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

OTHER SITE CHARACTERISTICS: The property is located within the regulated WS-IV-CA Catawba/Lake Norman Watershed Critical Area. The proposed new development will require the Non-Residential High Density Option; of 24% - 70% built-upon area with curb and gutter, or 36% - 70% without curb and gutter. The property is not within a flood hazard zone.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The closest traffic count along NC Hwy 150/River Highway is just east of the parcel, near Boaters Drive, and had a traffic count of 22,000 vehicles per day in 2017. According to the CTP Inventory and Recommendations for Mooresville, the capacity for this section of NC Hwy 150/River Highway is currently approximately 13,800 vehicles per day. Thus, traffic is already well above capacity. A NCDOT widening project is planned along a 15-mile stretch of NC Hwy 150, from the NC Hwy 16 Bypass in Catawba County to just west of the US Hwy 21/NC Hwy 150 interchange in Mooresville. Proposed road construction is slated to being in August of 2019. These future improvements would accommodate current and future traffic volumes and reduce congestion at this site. However, the specific impacts of land acquisition and road widening construction to future development at this site are currently unknown.

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 expressed 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 high density option 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 the Corridor Commercial development goals, the owner/applicant has agreed to following conditions:

1.) Limited permitted land uses to include: Dance Studio/School, Day Care Center, Accounting/Audit or Bookkeeping, Physical Fitness Center, Animal Clinic with enclosed kennel connection, Animal Grooming (no boarding or outdoor kennel), Automobile/Truck Dealer, Bar/Restaurant, Carpet Sales & Services, Clothing Shop, Department/Variety Store, Drug Store, Dry Cleaners, Hardware Store, Mini-Storage/Warehouse, Contractors Office.

2.) Development limited to area designated on attached survey drawing, with exception of commercial driveway placement per NCDOT approval.

3.) A 30 foot vegetative buffer to be maintained adjacent to residential properties.
   Note: 30 foot buffer not required along the property line at water treatment facility.

Staff also notes that Iredell County’s Land Development Code no longer utilizes the Conditional Use District (CUD) zoning option. CUDs can be very specific; limiting the future development of a property. Often times it becomes difficult to effectively enforce compliance. A rezoning at this site will eliminate the restrictive GB CUD zoning district that currently exists.

The Planning staff can support the proposed rezoning request based on the following:
A portion of the property is identified as a Corridor Commercial area in the 2030 Horizon Plan, which allows for such commercial, office, and/or retail uses along major thoroughfares and highways that the applicant has narrowed down the list of permitted GB uses to include. The subject property adjoins other existing commercial uses, and the proposed site plan confines major development to the west side of the parcel.
PUBLIC INPUT MEETING: A public input meeting was held on Thursday, May 2nd, 2019 at the office of Kenneth Bealer Homes on Brawley School Road, beginning at 6:00 pm. Four 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 the number of permitted GB uses at this site, as well as designating the area of major development and required vegetative buffers.

SITE REVIEW COMMITTEE: Raymond Burnette and Jerry Santoni, along with staff, visited the site on May 17, 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 a portion of the property is identified as a commercial corridor area, the property adjoins other commercially zoned property, and the proposed site plan confines major development to the west side of the 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 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: HWY 150-Locate South side across from Waddle Rd.
2. PIN(s): 46-27993/119,000
3. Deed Reference: Book 1907 Page 655
4. Township 17 - Davidson
Description of Subject Property
1. Size to be rezoned (square feet or acres) 12.191 ACRES
2. Street Frontage (feet) 935.89 FT.
3. Watershed
4. Current Land Use of Property
   Vacant
5. Surrounding Land Use
   North RA
   South RA
   East GB - CUL
   West RA

Request
1. Change Zoning From RA To 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
   - The have current property rezoned from RA/GB mix to entire parcel zoned GB,
   - Current proposal Self Storage facility
     with road frontage Retail + Professional services.

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?
   The present GB zoned area of property is in the designated commercial extension. We simply want all property rezoned GB.

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?
   None
   Combined with the HWY 150 expansion project and surrounding GB property our property is not conducive for RA use.
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.

- Dance Studio/School
- Day Care Center
- Accounting, Audit or Bookkeeper
- Physical Fitness Center
- Animal Clinic, hospital with enclosed kennel
- Animal Grooming - no boarding or outdoor kennel
- Automobile dealer
- Bar
- Carpet Sales & Service
- Clothing Shop
- Mini Storage/Warehouse
- Contractors Office
- Drug Store
- Dry Cleaners
- Hardware Store

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).

- Development limited to area designated on attached survey drawing, with exception of commercial drive-thru, placement for NCDOT approval.

- 30 ft. vegetative buffer to be maintained adjacent to residential properties. NOTE: 30 ft. buffer not required along the property line of water treatment facility.
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 ____________________________
Company Name ____________________________
Position ____________________________
Address ____________________________
Phone ____________________________
Email ____________________________
Signature ____________________________
(Must be notarized)

North Carolina, ____________ County

I, ____________ J. Plummer, a Notary Public for ____________ County, North Carolina, do hereby certify that ____________________________ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the ___ day of ________, 2019.

My Commission expires: ____________, ____________

BEDFORD J. PLummer
Notary Public - North Carolina
Mecklenburg County
My Commission Expires Jun 20, 2023

Applicant/Agent ____________________________
Company Name ____________________________
Position ____________________________
Address ____________________________
Phone ____________________________
Email ____________________________
Signature ____________________________
IREDELL COUNTY PLANNING BOARD

June 5, 2019
Commissioners Meeting Room
Iredell County Government Center
Statesville, North Carolina
7:00 p.m.

AGENDA

Call to Order

Consideration of Rezoning Request

Case #1906-1
Applicant Kim Bealer, Woodland & Waterview, LLC is requesting to rezone approximately 12.19 acres along Highway 150/River Highway from being split between Residential Agricultural (RA)/General Business (GB) to entirely General Business Conditional District (GB-CD). This request is conditional per the submitted application, and will be limited to the uses attached to the request.

Consideration of Text Amendments (For Recommendation)
- LCID (Land Clearing Inert Debris) and Source Reduction

Other Business

Approval of the May 1, 2019 Meeting Minutes

Committee Assignments – Site Visits: Friday, June 14, 2019

Adjournment
IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, June 5, 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
Doug Holland
Robert Palmes
Tracy Jenkins
Jerry Santoni
Melissa Neader
Scottie Brown

STAFF PRESENT
Leslie Meadows
Matthew Todd
Cindy Nicholson
William Allison

Chairman Tsumas called the meeting to order.

Leslie Meadows presented the following case:

REZONING REQUEST: 1906-1, KIM BEALER (APPLICANT)

EXPLANATION OF THE REQUEST

This is a request to rezone approximately 12.19 acres along Highway 150/River Highway from being split between General Business Conditional Use District (GB CUD)/Residential Agricultural (RA) to entirely General Business Conditional District (GB-CD). This request is conditional per the submitted application, and will be limited to the uses attached to the request.

OWNER/APPLICANT

OWNER/APPLICANT: Kim Bealer, Woodland & Waterview, LLC

PROPERTY INFORMATION

LOCATION: Along NC Hwy 150/River Highway, across from Waddell Road; more specifically identified as PIN 4627993119.

DIRECTIONS: Take I-77 South to exit 36 toward Lincolnton. Turn right onto River Highway/NC-150 West; property is approximately 3.5 miles on the left, just past Carolina Cycle Concepts.
**SURROUNDING LAND USE:** Residentially zoned property surrounds the parcel in all directions, except to the east. To the east and northeast is a mix of GB/HB commercial uses.

**SIZE:** The acreage to be rezoned is approximately 12.19 acres.

**EXISTING LAND USE:** The entire parcel is currently vacant.

**ZONING HISTORY:** The property was initially zoned RA during the county-wide zoning of 1990. In 1991, Michael Wayne, agent for Crescent Resources rezoned an approximately 2.75 acres portion of the front eastern corner to GB CUD, for a proposed sales location for landscaping materials and supplies.

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

**OTHER SITE CHARACTERISTICS:** The property is located within the regulated WS-IV-CA Catawba/Lake Norman Watershed Critical Area. The proposed new development will require the Non-Residential High Density Option; of 24% - 70% built-upon area with curb and gutter, or 36% - 70% without curb and gutter. The property is not within a flood hazard zone.

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

### IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**TRAFFIC:** The closest traffic count along NC Hwy 150/River Highway is just east of the parcel, near Boaters Drive, and had a traffic count of 22,000 vehicles per day in 2017. According to the CTP Inventory and Recommendations for Mooresville, the capacity for this section of NC Hwy 150/River Highway is currently approximately 13,800 vehicles per day. Thus, traffic is already well above capacity. A NCDOT widening project is planned along a 15-mile stretch of NC Hwy 150, from the NC Hwy 16 Bypass in Catawba County.
to just west of the US Hwy 21/NC Hwy 150 interchange in Mooresville. Proposed road construction is slated to being in August of 2019. These future improvements would accommodate current and future traffic volumes and reduce congestion at this site. However, the specific impacts of land acquisition and road widening construction to future development at this site are currently unknown.

**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.

### 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 high density option 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 the Corridor Commercial development goals, the owner/applicant has agreed to following conditions:

1.) Limited permitted land uses to include: Dance Studio/School, Day Care Center, Accounting/Audit or Bookkeeping, Physical Fitness Center, Animal Clinic with enclosed kennel connection, Animal Grooming (no boarding or outdoor kennel), Automobile/Truck Dealer, Bar/Restaurant, Carpet Sales & Services, Clothing Shop, Department/Variety Store, Drug Store, Dry Cleaners, Hardware Store, Mini-Storage/Warehouse, Contractors Office.

2.) Development limited to area designated on attached survey drawing, with exception of commercial driveway placement per NCDOT approval.

3.) A 30 foot vegetative buffer to be maintained adjacent to residential properties. Note: 30 foot buffer not required along the property line at water treatment facility.

Staff also notes that Iredell County’s Land Development Code no longer utilizes the Conditional Use District (CUD) zoning option. CUDs can be very specific; limiting the future development of a property. Often times it becomes difficult to effectively enforce compliance. A rezoning at this site will eliminate the restrictive GB CUD zoning district that currently exists.

The Planning staff can support the proposed rezoning request based on the following: A portion of the property is identified as a Corridor Commercial area in the 2030 Horizon Plan, which allows for such commercial, office, and/or retail uses along major thoroughfares and highways that the applicant has narrowed down the list of permitted GB uses to include. The subject property adjoins other existing commercial uses, and the proposed site plan confines major development to the east side of the parcel.

PUBLIC INPUT MEETING: A public input meeting was held on Thursday, May 2nd, 2019 at the office of Kenneth Bealer Homes on Brawley School Road, beginning at 6:00 pm. Four 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 the number of permitted GB uses at this site, as well as designating the area of major development and required vegetative buffers.

SITE REVIEW COMMITTEE: Raymond Burnette and Jerry Santoni, along with staff, visited the site on May 17, 2019.
QUESTIONS FROM BOARD TO STAFF

Mr. Tsumas asked why the new NCDOT roadway was mentioned and does it have something to do with this case.

Ms. Meadows states yes, there is a condition on the request that major development would be on the eastern portion, this is pointed out because it is not known where NCDOT will require them to install the driveway. Staff wanted to make sure that the driveway is an exception to the delineated 6.35 acres in case NCDOT made them put the driveway in on the western portion of the lot.

Mr. Santoni asked Ms. Meadows if the map that is attached is the future version of what the roadway will be and does it account for all the new NCDOT setbacks because that affects density, usage of the property, etc.

Ms. Meadows states that would be a question for the applicant because they hired an engineer that drew the maps.

Mr. Santoni states that NCDOT setbacks are sensitive and how will this effect it if there were to be four or five lanes; that would take a large chunk of property.

Mr. Tsumas states he would assume this is probably an actual survey because with NCDOT, you never know until they actually get the final design in place where it is. Then they have to survey it, therefore, the drawing may not be the future plan. As a Board, we have to deal with what is presented today.

Mr. Brown asked if there was city sewer there currently.

Ms. Meadows states no, it is septic and well.

Mr. Brown states with the septic system there in that location, there will not be any commercial building backing up to personal property.

Ms. Meadows states ideally that is what is wanted if agreed by NCDOT.

Mr. Brown asked if there is city water there and not sewer.

Mr. Santoni states no, it stops around Doolie Road.

Mr. Tsumas asked if there were any further questions.

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

Mr. Leonard Bealer, Terrell, NC, spoke on behalf of Kim Bealer, applicant. Mr. Bealer states yes, there is an 8 inch water main across the street. This is designed to current NCDOT standards. As far as the radius bulbs, there is one on the North side and also one that mirrors it on the South side and is pretty much set by NCDOT and is in the last phase of acquisition.

Mr. Tsumas asked if this represents the existing road pattern and the bulbs are on top of it, therefore, this is showing both current and future.

Mr. Bealer states yes. His property line several years ago was reduced. The right of way has already been retracted and now NCDOT is wanting to take more of it for the additional turn around. Mr. Bealer states as a developer, he decided to concentrate on the less intrusive side where the treatment facility and other small businesses are currently instead of the area with residential due to being able to buffer and do everything they could to have good use of the street.

Mr. Tsumas asked if the Board had any questions for Mr. Bealer.

Mr. Santoni asked Mr. Bealer why he needed high density.

Mr. Bealer states the way the watershed restrictions work, he would only be allowed to develop 24%, which in this case it would only allow about 3 acres and they need approximately 6 acres with what they want to develop. The metes and bounds doesn’t take into consideration they will have a landscape screen which will reduce the impervious area as well.

Mr. Brown asked if there were going to be 2 buffers.

Mr. Bealer states the area near the residential is going to be left natural as much as possible.

Mr. Palmes asked if the 50% impervious area is of the 12.1 acres.

Mr. Bealer states yes, but it doesn’t take into consideration the landscaping. Mr. Bealer states that he understands that NCDOT is doing their best to widen the road, but there is no way this area suites a residential environment to develop here due to the septic treatment facility, rock quarry and dive area, Highway 150, etc. which limits what you can do and they have taken that into account and left the plan as far away from residential to limit the impact as they could.

Mr. Tsumas asked if there were any others to speak on behalf of the applicant.

There were no more to speak on behalf of applicant.
Mr. Tsumas asked if there were any persons wishing to speak in opposition of this application.

Mr. Shad Aul, 143 Greenbay Road, states he purchased his property in 2009 under the premise that knowing some of the area was GB-CUD some would remain assumed to be wooded unless someone were to choose to build a residential property. Mr. Aul purchased and built his home on that premise alone. With that exception, they would accept a business to be confined within the GB-CUD space as it wouldn’t be a detriment to the value of his property. Mr. Aul feels that the rezoning of this whole property, understanding despite limitations and considerations that Mr. Bealer has gone through in order to shield the business use the best he can, would still be a significant devaluation of his property which is his biggest personal investment. Had this been proposed or been zoned in this fashion when he purchased the property, he would have made a different decision and not purchased the property based on this. With this being proposed as is, it does not show the sediment pond, and the area near to the residences would be thinned out or cleared out and will increase road noise and give a clear view from Highway 150 and perhaps even the vegetation and/or fencing, that alone will devalue his and other neighbor’s property.

Mr. Tsumas asked Mr. Aul if he had discussed with staff about what the options are because this is a conditional request.

Mr. Aul states that Mr. Bealer has had them over to his office and has given an overview of his intent. From the information that was given, he has done some research on his own, walked the property to see where things might be laid out, where the septic might be and how close a retention pond might be. Mr. Aul states that 6 months out of the year they can clearly see the residential area to one side but having that same view to seeing a storage facility or other facility, he feels this would have a significant decrease in his property value.

Mr. Santoni asked Mr. Aul if he had spoken to Mr. Bealer about the type of shrubbery or other type of buffering that you couldn’t see through during the winter time.

Mr. Aul states he has not had any other conversations with Mr. Bealer since the prior discussion, but yes, if approved, he will definitely have more conversations with Mr. Bealer to possibly increase the distance of the 30 foot buffer to a larger buffer to protect the value of their property a little bit more.

Mr. Tsumas explained to Mr. Aul about how a conditional request works and explained that the applicant has established conditions on the submitted application and the Board is voting not on a specific type of business, but all that are listed. Once it’s voted on, there can be no other conditions. Mr. Tsumas told Mr. Aul if he had any ideas that he felt like speaking to Mr. Bealer about that would need to be done before the Board votes and if he would prefer the Board take a short recess in order to talk to him, they could.
Mr. Aul states he did not understand that part of it and he is simply here to speak from his prospective of what he feels will happen to his property value if this is approved. Mr. Aul expressed when he purchased his property it was under full disclosure and had the knowledge that the one section was zoned GB-CUD and at some point within those confines there could be some level of business but not as to what exactly would be there but it wouldn’t be extended outside of that and be no septic, no clearing, no pond and so forth as to potential things that could impact them.

Mr. Tsumas states these situations are dealt with a lot and that is why there is the Horizon Plan as well. It’s not just what is zoned, but what might be zoned in the future. When you are on a major corridor like this, it tends to be commercial.

Mr. Brown suggests about the double buffer, that maybe the applicant and homeowner could get together and discuss what could be put there as a buffer that would block year round views of site.

Mr. Aul states that is a great suggestion.

Mr. Tsumas asked if there were any other questions.

Mrs. Pfeufer asked Ms. Meadows just for clarification purposes, the area indicated by the yellow line on the map along the rear and west property line, that the county is requiring a 30 foot vegetative buffer but not along the designated metes and bounds line.

Ms. Meadows states no, that is a condition the applicant is voluntarily agreeing to and the other would depend on what type of use goes there.

Mr. Todd, Planning Director, states the applicant has increased it to 30 foot because there are more options within the county’s ordinance. With their site plan, they are agreeing to do a 30 foot vegetative buffer.

Mr. Tsumas asked what the buffer would normally be.

Mr. Todd states you can actually go down to 10 feet with a fence and some shrubs as the minimum. If the applicant does do a mini storage, the mini storage does have specific screening requirements, but it will not necessarily follow the metes and bounds line. If applicant does one of the others uses listed, there is nothing ordinance wise requiring it to be a 30 foot buffer. If Mr. Bealer or the Board wants that as a condition, it needs to specifically be stated that the metes and bounds line will have some type of landscaping or buffering along it.

Ms. Pfeufer confirmed that Mr. Bealer has voluntarily stated he is going to increase the vegetative buffering to 30 feet along the two yellow lines indicated on the map as part of his request.

Mr. Todd said yes, that is correct.
Mr. Brown asked if it was just vegetative and would there be any height requirement.

Mr. Palmes asked if there is a height requirement at time of planning.

Mr. Todd states there are options, such as it can be left in its natural state if it meets code requirements or if the natural vegetation doesn’t meet the density, then he may have to go in and add some. That would all be worked out at the actual zoning permit site plan stage. It would also depend on how much is cleared in order to get a septic in.

Mr. Tsumas states those trees could potentially stay or depending on what his engineer says, they may have to come out for the septic or the sediment pond. The applicant is not that far along yet in the process to know and would submit that for site plan approval later. Mr. Bealer has voluntarily said he would include a 30 foot buffer instead of a 10 foot buffer.

Mr. Todd states again, there are two options. Typically, if they are wanting to do a fence and shrubs, they can have a 10 foot buffer, but Mr. Bealer has basically taken that option off the table and said he is going to do a 30 foot buffer.

Mr. Santoni states that he was there for the site visit, but based on the aerial view, it doesn’t look highly vegetative currently.

Mr. Aul states that this aerial is a winter view and this illustrates if cleared out, how much more they will be impacted by Highway 150 noise and views.

Mr. Tsumas asked if there were any more to speak in opposition.

No one else spoke in opposition.

Mr. Tsumas asked Mr. Bealer if he would like to address some of the comments that have been made or would he like the Board to take a recess to give himself and Mr. Aul a moment to speak.

Mr. Bealer states Mr. Aul brought up good points about the vegetation and what’s there. Mr. Bealer states it is his intent if they move forward to only disturb the sedimentation and septic area. As far as the topography of the area, there is nearly 100 feet of elevation difference and with the angle, there is not much you would see in the winter time. He states they could have went all the way down and cleared the area out and put a fence up but felt that was not in the best interest of the community and families around.

Mr. Tsumas asked Mr. Bealer if there were any other conditions he would like to include on the request at this time and Mr. Bealer responded no, he feels he is good with the request as is.

Ms. Pfeufer asked Ms. Meadows if these conditions would still be applicable if the land was sold.
Ms. Meadows states yes, same conditions would apply.

Mr. Tsumas asked if there were any other questions.

There were no other questions, therefore, Mr. Tsumas explained the process to Mr. Bealer, and gave the date of July 16, 2019 to which it will go to the Board of Commissioners for final approval.

After no further discussion, Mr. Santoni 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 a portion of the property is identified as a commercial corridor area, the property adjoins other commercially zoned property, and the proposed site plan confines major development to the east side of the property. Mr. Holland seconded said motion and all were in favor.

**VOTE: 8-0**

**CONSIDERATION OF TEXT AMENDMENTS**

Mr. Todd presented the following text amendment for consideration based on a review of the Land Development Code:

**LCID (Land Clearing Inert Debris) and Source Reduction**

Mr. Todd states this text amendment involves two different sections of the Land Development Code. The first section involves Land Clearing Inert Debris which is often referred to as a LCID or stump dump. Mr. Todd said there are a few sites in the county where they are actually bringing a grinder and grinding the material (inert debris) into mulch and to do something with it at that point.

Mr. Todd states the newest thing the county is hearing about is burning the product as well. Adding this statement to this section would officially allow this to be considered as part of those operations. Mr. Todd states there was not really anything else that changed from last time. At this point, if someone wanted to do an LCID, the decision would have to come back through the Board of Adjustment in order to add grinding or burning.

Mr. Palmes asked in order to add grinding or burning, or if they wanted to keep business as usual they wouldn’t need to come back through.

Mr. Todd states yes. If they are not interested in doing one of these activities and they are already permitted as an LCID, they would just continue their operations. In the past, the county was able to address the grinding of inert debris by treating it as a rural sawmill which is a whole other Special Use Permit.
Mr. Todd states again, this would just be for someone that is wanting to run a new business. If they are clearing land and wanting to bring one of these grinders to grind inert debris or burn it and process items on site, they would basically be considered exempt from this section of the code.

Mr. Todd states on the next part, there have been a few changes that came from the last meeting involving a new section to the code called a Source Reduction Facility. This would include processing and wholesale. Basically, no longer having a gully onsite trying to fill. They may do nothing but grind on the site, doing something with the product like wholesaling it back out, not necessarily leaving it on site.

Similar to the last one, if in a residential district, this will require a Special Use Permit which is a site plan specific process. It is a public hearing process that goes through the Board of Adjustment. Also, this section is only intended to regulate those that are trying to open this as a true business where outside materials are being brought in. These will contain a little more by possibly having air burners and grinders for concrete, stones, block, etc. At the last meeting, it was recommended to change the distance from 100 feet to 200 feet in residential zoned properties and for commercial/industrial it be 50 feet.

There was some additional discussions regarding the landscaping requirements between the existing vegetation and the berm requirements. Mr. Todd stated that the berm came up earlier for sound issues and planted vegetation on top of the berm. The existing vegetation does not require a berm due to the requirement that it be 50 foot in width.

Special Use Permit is for residential only. When in the M1 or M2 district, they would have to meet standard setback requirements and not meet this section requirements.

Mr. Todd said 100 foot versus 200 foot buffer is something the Board should consider. This suggestion was from the last meeting and does drastically impact property as it reduces usable space. Mr. Todd showed the Board some images showing the impact of the 100 foot versus 200 foot setback.

The Board discussed the setback requirements and concerns. Mr. Palmes and Mr. Brown stated that the 200 foot setback from residential was reasonable. Mr. Holland stated that the 200 foot setback would be consuming a lot of land and basically 90% of the land would be unusable. Mr. Palmes asked for clarification on new construction of a house and how it would impact this use.

Mr. Tsumas and Mr. Holland discussed the need for the recycling use and that we do not want people to haul long distances from one area of the county to another. Mr. Holland agreed that the Board of Adjustment could address many of these concerns on a case-by-case basis. Mr. Holland and Mr. Brown felt a 100 foot setback is more reasonable.

Mr. Todd stated for clarification, that the 500 foot setback only applied to existing houses. New houses constructed after approval of one of these sites would have no impact. Mr. Todd stated that currently LCID’s require a 300 foot setback and Rural Sawmills require a 500 foot setback. He also stated that through the Special Use Permit process the specifics of the area could be considered. His example was a platted subdivision that does not
have any existing homes yet. The Board could consider this through the process and based on input. Mr. Todd also offered a new proposal to deal with the setbacks that had been debated. Mr. Todd presented the following change to the Board from what was sent out in the staff report.

1. There shall be a minimum one hundred (100) foot distance from any adjacent residentially zoned properties for all activity areas.

2. There shall be a minimum fifty (50) foot distance from all other property lines.

3. All grinding and crushing of block, stone, gravel, etc., shall be a minimum of two hundred (200) foot distance from any adjacent residentially zoned property and one hundred (100) foot distance from all other property lines.

Mr. Santoni said the key issue being that the machines would have a 200 foot setback but not storage. Mr. Tsumas asked could it state all processing equipment. Mr. Todd said no. Air curtain burning that is processing would fall under one or two. Mr. Santoni said air curtain burning would not have flying objects to deal with. Ms. Pfeufer asked would the 200 foot setback be from property lines.

Mr. Santoni likes the new option and it balances the needs. Mr. Palmes agrees on the distances of 100 foot, yet a 500 foot setback from existing homes. The Board discussed the 500 foot setback requirement.

Mr. Todd said the 200 foot setback was from property lines. Also, staff can clarify that the 500 foot setback from existing homes would be only for crushing, burning, and grinding equipment. All other activities would meet the proposed property setback requirements.

Mr. Tsumas asked if there were any more questions or comments.

There were no more questions or comments.

The following motion was made with the proposed setback change and the clarification of the 500 foot setback for grinding, crushing, and burning.

After no further discussion, Mr. Santoni made a Motion to recommend approval the zoning text 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 aims to create compliance with N.C. General Statute changes, address common zoning issues, and address industry changes. Mr. Brown seconded motion and all were in favor.

**VOTE: 8-0**
OTHER BUSINESS: None

UNFINISHED BUSINESS: None

MINUTES: Ms. Pfeufer made a motion to approve the May 1, 2019 meeting minutes. All were in favor.

MONTHLY COMMITTEE ASSIGNMENTS: Rezoning site visit, Friday, June 14, 2019.

ADJOURNMENT: There being no further business, Chairman Tsumas declared the meeting adjourned at 8:18 p.m.

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Cindy Nicholson            Date Read and/or Approved
Administrative Assistant