



Planning Board Minutes June 10, 2010

Members Present:

David Nail, Chairman

John Robertson, Vice Chair

Allen Brawley

Danny Martin

Steve McGlothlin

William Ogburn

Larry Stamm

David Steen

Joe Thompson

Also Present:

Craig Culberson, Senior Planner

Tammy Heck, Zoning Administrator

Angela Thompson, Administrative Support Specialist

Mr. Nail opened the meeting with prayer at 6:25 p.m.

1. Approval of the minutes of the May 13, 2010 Planning Board meeting.

ACTION: Mr. Stamm made a motion to approve the minutes as submitted. Mr. Ogburn seconded the motion. The motion passed unanimously.

2. Consideration of an **ESTABLISHMENT OF ZONING** request from the Town of Mooresville. The property located at 1111-1113 Brawley School Road, is further referenced as Iredell County Map PIN 4636-47-0296. The request is to establish zoning from NB (Neighborhood Business-Iredell County) to CMX- (Corridor Mixed Use- Town of Mooresville).

Mr. Culberson began the Power Point presentation by explaining to the Planning Board members that the approval of the request would ensure compliance with North Carolina State statutes which required the establishment of municipal zoning within 60 days of annexation.

He said the 1.76 acre site which was located at the southwest corner of Stutts and Brawley School Roads had been fully developed as a convenience store with gas sales under Iredell County's NB (Neighborhood Business) Zoning District. The property was scheduled to be annexed into the Town of Mooresville on June 30, 2010. He indicated that the Town of Mooresville had to establish municipal zoning for the property.

He said that the Staff recommended establishment of zoning for this property as CMX (Corridor Mixed Use), the most compatible of Mooresville's Districts. He stated that the request was in keeping with the existing land use on the property.

He said the approval of the request was in keeping with the Town of Mooresville Planning Strategy 1 which encouraged documents and maps to be updated. He explained that the request was also in compliance with the Comprehensive Land Use Plan that denoted the area for a Neighborhood Center.



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ACTION: Mr. Martin made a motion to adopt the Statement of Reasonableness and Compliance and to recommend approval of the Establishment of Zoning request. Mr. Robertson seconded the motion. The motion passed unanimously.

3. Consideration of an **ESTABLISHMENT OF ZONING** request from the Town of Mooresville. The property located on the south side of the 200 block of Cornelius Road is further referenced by Iredell County Tax Map PIN's 4658-13-9176. The request is to establish zoning on the property from RA (Residential-Agricultural-Iredell County) to (R-2-Single Family Residential 2-Town of Mooresville).

During a Power Point presentation, Mr. Culberson explained that the 78.96 acres site was currently zoned RA (Residential Agricultural-Iredell County) and was scheduled for annexation on June 30, 2010. He said the site was the future Cornelius Road Town Park, and that the Town was currently extending utilities to the site. He said that the plans for the park had been approved. He indicated that the park would be located approximately half of the way between US Highway 21 and Interstate 77 on the southern side of Cornelius Road.

He explained that the 2008 Comprehensive Land Use Plan denoted the area as Employment Center Flex/Light Industrial. He said that it was in close proximity to Talbert Business Park and Deerfield Business Park. He stated that the Town of Mooresville Zoning Ordinance allowed for large recreational uses such as the current request in that area.

He stated to the Board that just as in the first request, the Town of Mooresville must assign municipal zoning to the property to meet statutory requirements subject to its annexation into the Town of Mooresville.

He said that the Staff recommended the establishment of zoning for this property as R-2 (Single Family Residential-2), the most compatible of Mooresville's Districts. He said that the zoning supported municipal and public parks.

Mr. Martin asked if the request would only affect the park and not the houses bordering the park. Mr. Culberson said that the park was the only parcel which would be a part of the request. He said none of the residences fronting Cornelius Road would be involved.

Mr. Stamm asked when the development of the park would begin. Mr. Culberson said that there would be grading on the site within the next few months.

Mrs. Vicki Klutz stated that her mother lived at 237 Cornelius Road. She said that the property was being affected by the park. She said she understood that her mother's property was not being zoned at the present time. She wanted to know if the Town of Mooresville might in the future rezone the adjacent properties. Mr. Nail said that the property owners would have to ask to be rezoned. He said



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that if the property owners did not ask to be rezoned, then they would remain within Iredell County's zoning authority.

Mr. Culberson said that at present the properties annexed by the Town of Mooresville were voluntary. He said that involuntary annexations required the Town to provide utilities to the properties. He indicated that a water line was currently on Cornelius Road which came from the business park. He said that the likelihood was very small that an involuntary annexation would happen in the near future.

Mrs. Kluttz asked what the back of the park was going to look like. Mr. Culberson said that the park would include screening for adjacent properties. He said that the plans for the park were available at the Recreation and Planning Departments.

Mr. Steen asked if Single Family Residential-2 (R-2) zoning was normally used for parks. Mr. Culberson said that the Town of Mooresville Zoning Ordinance allowed parks in practically all of the zoning districts. He used as an example the new Mazeppa Road Park and stated that it was in a General Industrial Zoning District.

ACTION: Mr. Robertson made a motion to adopt the Statement of Reasonableness and Compliance and to recommend approval of the Establishment of Zoning request. Mr. Stamm seconded the motion. The motion passed unanimously.

4. Consideration of a **REZONING** request from Lake Davidson Commercial, LLC, Gabriel Family Properties, LLC and Mt. Mourne Investors, LLC. The property located at Langtree Rd., Transco Rd. and Hwy. 115, is further referenced as Iredell County Map PIN's 4645-72-4927, 4645-74-7147, 4645-74-9116, 4655-04-2739, 4655-03-2773, 4655-02-3305 and 4655-12-5467. The request is to rezone the property from R-3 (Single-Family Residential-3) and NMX (Neighborhood Mixed-Use) to VC (Village Center) and CMX (Corridor Mixed-Use).

Mr. Culberson began by saying that the applicant was proposing to rezone 173.32 acres to the Corridor Mixed-Use (CMX) and Village Center (VC) Districts. Of this total, approximately 52.39 acres were proposed to be rezoned Corridor Mixed-Use (CMX) District and approximately 120.93 acres were proposed to be rezoned to the Village Center (VC) District. He stated that the property was currently zoned Single Family Residential-3 (R-3) and Neighborhood Mixed-Use (NMX). He said the property was located along North Carolina Highway 115, Langtree Road and Transco Road.

He said that the map indicated that the properties in red on the map exhibit were intended to be rezoned Village Center (VC) and the properties in lavender, along either side of North Carolina Highway 115, were to be rezoned to Corridor Mixed-Use (CMX). He indicated that much of the surrounding property was zoned Exclusive Industrial (EI) and portions were zoned Single Family Residential.

He said that the 2008 Comprehensive Land Use Plan denoted the location to support employment/office use, which was in keeping with the Village Center (VC) Zoning District. He said



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the property was located at the proposed intersection for the East-West Connector. He said the East-West Connector would extend from Interstate 77 to North Carolina Highway 115 further to Shearers Road and finally to end at North Carolina Highway 3. He indicated the location of the East-West Connector on the Comprehensive Transportation Plan. He said that the Comprehensive Land Use Plan indicated a Business Center at the intersection and such uses were in keeping with Corridor Mixed-Use Zoning Districts.

He stated that the 2006 Mount Mourne and South Iredell Small Area Plan also recommended high density, mixed-use development, primarily office to be located along Langtree Road. He said the area may also contain uses that provide support services to these employment uses and emerging employment centers.

Mr. Culberson explained that the north side of Langtree Road was predominately occupied by Lowe's Corporate Campus. He said that the Langtree properties along Interstate 77 were zoned Village Center (VC) for mixed residential, office and employment center uses. He said the current request was in keeping with the 2008 Comprehensive Land Use Plan and the Mount Mourne and South Iredell Small Area Plan.

He said that the applicant was present to answer any questions the Board members may have. He said while they were formalizing general plans of the proposed uses, they did not have a Concept Plan ready for approval. He said the rezoning request, when approved, would help the developer attract businesses to their site. He said that most of the development to the south of Langtree Road and North Carolina Highway 115 were predicated on the upgrading of the Town of Mooresville sewer treatment plant, the Presbyterian Pump Station and the Mount Mourne outfall to facilitate the utility needs in the area. He said the projects were in progress and would take a few more years to complete.

Mr. Robertson asked if the request had been presented to the Planning Board recently. He also asked what action the Board took at the time. Mr. Culberson stated that the original request was for all of the properties to be rezoned Village Center (VC). He said subsequent discussions about the business node at North Carolina Highway 115 had the applicants rethink their request. He said that the Board, at the time, had recommended approval of the request. He indicated that the applicants asked to resubmit the request to the Planning Board before it would be presented to the Mooresville Town Board of Commissioners.

Mr. Martin asked if the Mount Mourne and South Iredell Small Area Plan indicated a business node at the new intersection. Mr. Culberson said that the Plan did indicate a mix of uses in the area. Mr. Martin said that he thought that the idea was to not have business at the new intersection. Mr. Culberson said that the intent was to not create destination retail along the interchange. He said that Corridor Mixed-Use (CMX) zoning did not allow some uses that would be allowed in a Highway Business (HB) Zoning District. He said most of the uses in Corridor Mixed-Use (CMX) were tailored to a smaller scale use. He said that a big box store, such as Kohl's, would have to apply for a Conditional Use



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Permit if it was over sixty thousand (60,000 s.f.) square feet. He also said that the Corridor Mixed-Use Zoning District would support the existing community.

Mr. Martin said he believed that the Harris Teeter out on Perth Road had to be less than forty thousand (40,000 s.f.) square feet. Mr. Culberson said that that plan had developed under the General Business District which required different criteria. He said that the plan was brought before the Board for approval based on building sizes and specific building locations. He said it was not a straight up rezoning request.

Mr. Stamm asked if Mr. Culberson had a copy of the Mount Mourne and South Iredell Small Area Plan showing what the original intended uses were for the property and area, reflected in colors or circles. Mr. Culberson said he did have a Bubble Diagram. Mr. Stamm asked what the intended use was for the property on either side of North Carolina Highway 115, at the proposed intersection with the East-West Connector. Mr. Culberson stated that the southwest and northeast quadrants were designated as retail/commercial, and the southeast and northwest quadrants were designated as office/retail. Mr. Stamm stated that the request was in keeping with the designations.

Mr. Stamm said that a portion of the property appeared to be on the waterfront. He asked that if the property were rezoned to Village Center (VC) would it be possible for a boat storage business or marina to locate on the waterfront. He asked if the boat traffic would potentially increase in the area. Mr. Culberson stated that the Village Center zoning district would not allow for a marina.

Mr. Mike Wiggins, Senior Vice President with Crosland introduced himself and his partner, Steve McCloud. He said that the request was the culmination of a four year process working with the Town of Mooresville Staff. He said that they had worked to have uses on the sites taking into consideration the fifty percent (50%) impervious area requirement.

He said that his company had a signed lease agreement with Lowe's Foods, which will be located in the southwestern quadrant, the area that Mr. Stamm had been concerned about. He said that the reason his company was asking for the Corridor Mixed-Use (CMX) zoning on the property was to be in keeping with the Mount Mourne and South Iredell Small Area Plan. He said the store size would be approximately forty-eight thousand (48,000 s.f.) square feet, which was under the maximum size of sixty thousand (60,000 s.f.) square feet.

Mr. Wiggins said that a Traffic Impact Analysis had been performed. He said he plans for roughly three hundred thousand (300,000 s.f.) square feet of retail and seven hundred thousand (700,000 s.f.) square feet of medical office. He said the rezoning would help his company sign more lease contracts. He said that his company would be asking for Site Plan approval in the future under the Unified Development Code. He said that the Planning Staff would have oversight during the approval process.

Mrs. Edna Hill said that she owns property on Mount Mourne Loop. She said that she was concerned if the request would have any effect on her street. Mr. Culberson said the request did not pertain to her property.



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ACTION: Mr. Stamm made a motion to adopt the Statement of Reasonableness and Compliance and to recommend approval of the Rezoning request. Mr. McGlothlin seconded the motion. The motion passed unanimously.

10. Consideration of other business.

There was no other business.

ACTION: Mr. Robertson made a motion to adjourn the meeting. Mr. Ogburn seconded the motion. The motion carried. Mr. Nail adjourned the meeting at 6:53 p.m.