



**Agenda
Town of Mooresville
Planning Board
May 9, 2023
6:00 PM - Mooresville Town Hall**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Chairperson's Welcome and Opening**
- 4. Public Comment**
- 5. Adjustments to the Agenda**
- 6. Adoption of the Agenda**
- 7. Consideration of Approval of Minutes**
 - 7.a Consider Minutes of April 11, 2023
[Planning Board Minutes 4-11-2023 DRAFT.pdf](#)
- 8. Old Business**
- 9. New Business**
 - 9.a Consider Conditional Rezoning Request CZ-2023-04 for a 2.08-acre site located at 1176 Shearers Road. The request is to rezone the property from Residential Limited Service (RLS) to Traditional Neighborhood with Conditions (C-TN).
JSL Properties, LLC is seeking Traditional Neighborhood with Conditions (C-TN) for a 2.08-acre site located at 1176 Shearers Road (PIN 4665278526). The property is currently zoned Residential Limited Service (RLS).
[PB-Pack-1176_Shearers.pdf](#)
- 10. Administrative Items**

11. Adjournment



MINUTES
Town of Mooresville
Planning Board
April 11, 2023
6:00 PM – Mooresville Town Hall

Present: Michael Cole, Mark Brady, Jeremy Katz, Rosalind Campbell, Steve McGlothlin, Mitch Abraham, Michelle Marckwardt

Also Present: Asst. Planning & Community Development Director Erika Martin, Asst. Town Attorney Carey Austin, Planner III Brad Priest, Planner I Maureen Kulka; Planner II Christa Jordan

Absent: Shaun Hooper

1. Call to Order

Chair Steve McGlothlin called the meeting to order at 6:01 p.m.

2. Pledge of Allegiance

3. Chairperson's Welcome and Opening

Chair McGlothlin welcomed the Planning Board and guests and opened the meeting.

4. Public Comment

Chair McGlothlin opened the Public Comment; no participants spoke. Chair McGlothlin read a written statement from Richard Beck that was sent to the Board suggesting that the Brumley Farm project be denied.

5. Adjustments to the Agenda

Maureen Kulka informed the Board that there are no adjustments to the agenda.

6. Adoption of the Agenda

ACTION: A motion was made by Mr. Abraham, seconded by Mr. Cole, to approve the agenda. Motion approved: 7-0

7. Consideration of Approval of Minutes

- 7.a Consider Minutes of March 14, 2023
[Planning Board Minutes 3-14-2023 DRAFT.pdf](#)

ACTION: A motion was made by Mr. Abraham, seconded by Mr. Katz, to approve the March 14, 2023, Planning Board Meeting Minutes. Motion approved: 7-0

8. Old Business

9. New Business

- 9.a Consider Conditional Rezoning Request CZ-2023-03 for a 54.478-acre site located at 1304 Oakridge Farm Highway (Brumley Farm). The request is to rezone the property from Iredell County Residential Agricultural (RA) to Town of Mooresville Residential Low Intensity with Conditions (C-RLI). Recommend Approval, Approval with Future Map Amendment, Denial, or Other the rezoning request with a Statement of Reasonableness and Compliance.
[PB Pack-Brumley-April 11.pdf](#)

Ms. Maureen Kulka presented the conditional rezoning request.

A discussion was held regarding the staff recommendation to approve the request.

The following representatives for the project spoke:

Mr. James McKnight, Realco Development
Mr. John Shamp, EPCON Communities
Mr. Gerald Grant, Jordan Grant & Associates
Ms. Jennifer Robertson, Atlas Environmental Inc.

Public comment was opened; no members spoke regarding the request.

Public comment was closed.

ACTION: A motion was made by Mr. Katz, seconded by Mr. Brady, to approve the request with the following conditions:

1. Site development shall conform to the approved Concept Plan and meet the dimensional requirements of the 2008 Zoning Ordinance for R3.
2. The project density shall not exceed 2 units per acre (107 maximum lots).
3. The project shall provide a 10-foot-wide paved greenway trail with a 30-foot easement dedicated to the Town of Mooresville to connect with future greenway trails on adjoining property for the benefit of the public. Developer will construct a pedestrian

bridge and walkway connecting the greenway for public use and dedicate the same to the Town of Mooresville.

4. The project shall provide a minimum of 25 acres of common open space.
5. The project will include street stubs to the properties to the east and west as shown on the concept plan.
6. The project site improvements including streets, utilities, and access shall meet the standards of the Town of Mooresville, the Memorandum of Mitigation Agreement, and the NCDOT as noted on the approved concept plan.
7. The project is restricted to single-family residential and its associated accessory uses.
8. Street Trees planted in the planting strip between the back of curb and the sidewalk shall be maintained by the HOA.
9. The access road shall be paved and be dedicated for public bike and pedestrian use. This access road shall count as active public open space for bike and pedestrian use and dedicated to the Town of Mooresville.
10. The project shall be conditioned to the following architectural conditions:
 - Siding material will be wood grained fiber board with wood grained textured trim and accent pieces. Vinyl siding will be prohibited except as a trim material for doors and windows. Vents, grills, and shutters will be pre-formed plastic or vinyl that may or may not include wood grain.
 - Architectural shingles will be used.
 - Four or five home plans will be offered with multiple elevations, creating approximately 12 different home facades.
11. Developer and/or HOA, as applicable, shall maintain all areas dedicated to the Town of Mooresville until such time as the Town of Mooresville accepts responsibility for the maintenance thereof.
12. (Tentative Condition) The development will be considered age restricted: in 80% of the homes, at least one person in the home will be 55 or older.

Motion approved: 6-1 (Marckwardt voted to deny)

- 9.b Consider Conditional Rezoning Request CZ-2023-02 for a 3.9-acre site located at 136 Rocky River Road. The request is to rezone the property from General Business Conditional Use (GB-CU) to Corridor Mixed Use Conditional (CM-C). Recommend Approval, Approval with Future Map Amendment, Denial, or Other the rezoning request with a Statement of Reasonableness and Compliance.
[Final Board Packet - 4 11 23.pdf](#)

Mr. Brad Priest presented the conditional rezoning request.

A discussion was held regarding the staff recommendation to approve the request with additional conditions that will bring the site into closer consistency with the OneMooresville Plan and the decision standards of the UDO for rezonings.

The following representatives from Legacy Pointe spoke:

Mr. Jamie Rolewicz
Ms. Laura Temple
Mr. Chris Baker

Public comment was opened; no members spoke regarding the request.

Public comment was closed.

ACTION: A motion was made by Mr. Brady, seconded by Mr. Cole, to approve the request with the following conditions:

1. Provide a new cross access easement through site to support future development, allowing for construction of a public street with driveway connections, including extending the driveway for the site to meet public roadways in the future. The easement will provide connectivity to further guide economic and residential development and provide for future development and road projects.
2. Architectural elevations shall be similar in nature to attached Schedule 1, incorporated by reference. Final building shall be two stories in front, three stories in rear despite examples that may show four stories. Samples provided for architecture reference only. Building materials to be used shall be stucco, hardie plank siding, storefront glass, and metal awnings. The side of the building facing the new cross access easement will provide consistent architectural elements, so the building is visually appealing on the sides facing roadways and possible future roadways.
3. Provide sidewalks on site to develop walkable neighborhood center.
4. Adoption of the site-specific concept plan and the Prescribed Condition Document.
5. Exclusion of all uses excepting self-storage.
6. Provide a plaza at the front of the property with enhanced landscaping to enhance quality of life through green spaces.
7. Provide for 50' buffers where site borders with residential properties, with the ability to remove such buffers if adjoining residential property is rezoned to commercial to increase developable property in the future.
8. Architectural elevations of the new building generally blend design and materials of the existing shopping center, incorporating similar use of brick and stucco but not requiring a pitched roofline.
9. The applicant shall submit the driveway maintenance agreement prior to site plan approval of the self-storage facility.

Motion approved: 7-0

- 9.c Consider Text Amendment-2023-01 (TA-2023-01) amending the Unified Development Ordinance (UDO) to allow Accessory Structure Sales. Recommend Approval, Denial, or Modification of the text amendment with a Statement of Reasonableness and Compliance.
[PB TA 2023 01 Accessory Structure Sales.pdf](#)
[ORD Accessory Structure Sales.pdf](#)

Ms. Erika Martin presented the Text Amendment.

A discussion was held regarding the staff recommendation to approve the request.

The following representative for the project spoke:

Mr. Silas Bowling, Owner-Applicant

Public comment was opened; no members spoke regarding the request.

Public comment was closed.

ACTION: A motion was made by Mr. Cole, seconded by Mr. Katz, to approve the request.

Motion approved: 7-0

10. Administrative Items

10.a Administrative Items

Ms. Martin provided updates on the following administrative items:

- 1.) Monthly Development Report
- 2.) Town Board Action
- 3.) Timing for scheduling Town Board cases
- 4.) Upcoming Planning Board Cases, including distribution of iPads

11. Adjournment

ACTION: Motion by Mr. Brady, seconded by Ms. Campbell, to adjourn the April 11, 2023, Planning Board Meeting at 8:20 p.m.

Motion approved: 7-0



Town of Mooresville
NORTH CAROLINA

AGENDA ITEM

Post Office Box 878
Mooresville, North Carolina 28115
Telephone 662-7040

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Statement of Reasonableness and Compliance

To: Mooresville Planning Board
From: Maureen Kulka, Planner
Date: May 9, 2023
Subject: CZ-2023-04: 1176 Shearers Rd

Please choose one of the options below or make your own statement of reasonableness and compliance.

☐ **Approve:**

I make a motion to recommend to the Town Board **approval of CZ-2023-04 through rezoning the site to C-TN (Conditional-Traditional Neighborhood) with the agreed upon conditions** because the proposal is consistent with the Town's OneMooresville Plan. Specifically, the proposal is compatible with the Future Character and Land Use designation Neighborhood Residential which does encourage development of small apartments. The request **is reasonable and in the public interest** because it is within an existing residential area and is within the desired density of 3-6 dwelling units per acre.

☐ **Deny:**

I make a motion to recommend to the Town Board to **deny CZ-2023-04** because it is **inconsistent** with the OneMooresville Comprehensive Plan. Specifically, the proposal for the subject property, though consistent with the desired density of 3-6 dwelling units per acre, is not consistent with the adjacent zoning, or density. The request **is unreasonable and not in the public interest** because the multi-family use is more intense than the single-family uses in the vicinity.

☐ **Other:**

I make a motion to:

Steve McGlothlin, Planning Board Chair

Danny Wilson, PCD Director

Date: _____

Date: _____



Town of Mooresville

Planning Board Staff Report

From: Maureen Kulka, Planner
Date: May 9, 2023
Project: CZ-2023-04: 1176 Shearers Rd

Request

JSL Properties, LLC, is seeking Conditional-Traditional Neighborhood zoning (C-TN) for a 2.08 acre site located at 1176 Shearers Rd. The property is in the ETJ (Extra Territorial Jurisdiction) and is currently zoned RLS (Residential Limited Service). The applicant is seeking concurrent annexation.

Project Description

The applicant is seeking a conditional zoning to Conditional-Traditional Neighborhood (C-TN). The proposed plan would be developed under the 2008 Zoning Ordinance because the Concept Plan was submitted prior to UDO adoption. The site currently supports a single-family home and a detached accessory structure, is triangular shaped, and relatively flat. It has some mature trees along the road frontage and a stand of trees along the rear property line. The site is adjacent to Conditional-Residential Limited Service (C-RLS) in the Villas of Prestwick subdivision (under constructions) to the north and west. The Villas at Prestwick was approved without a stub to this property; therefore, no connection is possible. There is Residential Limited Service (RLS) to the south and east, and Residential Low Intensity (RLI) to the northeast in the Franklin Grove Subdivision. Much of the area on the southside of Faith Rd is in Iredell County's Residential Agricultural (RA) district. The property will be in Voting Ward 1 if annexed and is in the Mooresville Graded School District.

The Concept Plan shows a multi-family project for 12 condo units in triplex configuration flanking the corner of Shearers Rd and Faith Rd. The stormwater control measure (SCM, pond) for the development would be located at the corner and have a screening wall which will also serve as signage. The site is accessed from a single driveway at the north of the site. All driveways for individual units are accessed from the rear of the site. There is a 10-foot-wide buffer along the rear property line. The open space for the project is to the rear of the site and at the northern corner. The proposed plan shows 0.12 acres of tree save along the rear property line which is 32.12%. This is 7.12% over the required 25%. However, the tree save area is close to the area of disturbance and may not be viable. The site amenities are a greenspace with a dog park at the northern corner and level green space with a courtyard to the center rear of the site. This property is unusual in that the property line goes to the center lines of Shearers and Faith Roads. There is approximately 0.599 acres that would be dedicated as right-of-way along Shearers and Faith roads. The proposed density is 5.76 dwelling units per acre.

The property is not in a designated watershed district and there are no streams on the property. A Transportation Impact Analysis (TIA) was not required for this project.

The proposed project is noted as Tier one in the Growth Map and Neighborhood Residential in the Future Character and Land Use Plan. This calls for the following opportunities:

- Infill development guided by the surrounding neighborhood
- Redevelopment that includes a variety of housing choices designed to fit the neighborhood context
- Accessory dwelling units
- Increase bicycle and pedestrian connections between neighborhoods and adjacent development
- New green spaces and shared use connections that create greater linkages between neighborhoods and preserve the tree canopy and access to nature for residents

The primary uses for this land use category are single-family (detached), townhomes, duplexes, triplexes, quadplexes, and small scale, low-rise multi-family apartments.

Neighborhood Meeting

The neighborhood meeting is scheduled for Thursday, April 27, 2023, at 6:00 pm, at the Charles Mack Citizen Center. A meeting summary will be provided at the May 9, 2023, Planning Board meeting.

Conditional Zoning Map Amendment (Rezoning) Standards & Site Analysis

The current Residential Limited Service (RLS) allows for the following uses by right:

Agricultural- Plant Nursery

Residential- Family Care Home, Duplex, Manufactured Home, Single-Family Detached Dwelling

Institutional- Cemetery, Common Recreation Facility, Government Services Facility, Public Safety Facility

Parks/Open Area- Community Garden, Public Golf Course, Park

Utilities/Transportation- Bus Stop, Shoreline Structure, Telecommunication Facility (Collocation), Minor Utility

Lodging- Bed and Breakfast Inn

Recreation/Entertainment- Country Club, Equestrian Center

The proposed conditional zoning to Conditional-Traditional Neighborhood will only allow for a multi-family use with accessory uses per the concept plan and a density capped at 5.76 dwelling units per acre (counting the road right-of-way area in the calculation).

Density & Intensity	By Right in Current District: RLS	By Right in TN District	In Conditional District: C-TN
Density (du/acre)	2	10	5.76
Lot Area	0.5 acres	None	None

Lot Width	50' at right-of-way; 100' at front setback	None	None
Setbacks	Front 35', Sides 15', Rear 40'	Front 15', Sides 5', Rear 10'	Front 10', Sides 15', Street Side 10', Rear 25'
Building Height	3 Stories (Max)	3 Stories (Max)	3 Stories (Max)
Open Space	25% (Residential Site); 20 % (Institutional Site); 15% (Commercial Site)	15% (Residential Site); 10% (Institutional & Commercial Site)	15% (Residential Site)

Overlays	
Watershed Protection Overlay	Not in a restricted Watershed District
Additional Overlay(s)	NA

List of Voluntary Conditions
1. Build according to the Concept plan. 2. The uses are restricted to multi-family condo. 3. The Density is capped at 5.76 dwelling units per acre (counting the road right-of-way area in the calculation). 4. The minimum size of trees will be upsized to UDO requirements of 2.5 caliper inches for canopy trees and 1.5 caliper inches for understory trees, and the HOA agrees to maintain the street trees.

Section 2.5.2.D of the Unified Development Ordinance (UDO) describes specific items to be considered when making amendments to the official zoning map and include the following:

1. **Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan and any relevant adopted small area plans;**
The Future Character and Land Use Map in the OneMooresville Plan designates this site as *Neighborhood Residential*. This calls for a desired density of 3-6 dwelling units per acre. The proposed plan shows a density of 5.76 dua. Additionally, the project is a small scale, multi-family use that is called out as a primary use. Policy 2-1-3 of the OneMooresville Plan encourages infill development. Policy 3-1-6 promotes street-oriented designs to encourage pedestrian corridors to develop. For these reasons, the proposed rezoning request is consistent with the OneMooresville Comprehensive Plan.
2. **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property;**
This area of Shearers and Faith Roads is lower density than the proposed request. Typically, the area densities range from one to 3 dwelling units per acre (dua). The Villas at Prestwick subdivision, which is directly adjacent to the north, is 2.93 dua. Additionally, the uses are typically single-family detached, not multi-family. For these reasons, it is not compatible with the surrounding property.

3. Whether and the extent to which the proposed amendment will result in the expansion of an existing zoning district or provides for a more logical transition between existing zoning districts that may be incompatible;

It is not an expansion of an existing district and does not provide a logical transition between existing zoning districts. There is no Traditional Neighborhood (TN) in the vicinity. The density and use are more intense than those of the surrounding area. For these reasons, it does not provide a logical transition and is incompatible.

4. Whether and the extent to which the proposed amendment would result in or help support a logical and orderly development pattern for the community; and

The subject property is at a corner in a somewhat rural area of the town. With a proposed density of 5.76 du for a multi-family project, the project would not support a logical and orderly development pattern. However, it could be considered infill and allow a different housing choice for the area.

5. Whether and the extent to which the proposed amendment would encourage development in areas that can be reasonably served by public infrastructure.

Water and sewer are both available at the site. The site is also within the preferred 4-minute fire response time. Policy 2-1-1 encourages the use of the Tiered Growth map to manage growth. The Tiered Growth map shows this area as a Tier 1 which is a priority growth area.

Next Steps

Before development of the property can occur, the following will need to be accomplished:

- Scheduling of Public Hearing (Town Board)
- Public Hearing (Town Board)
- Site plan Approval (Town Staff)

Planning Board Options & Consistency Statement

Please choose one of the options listed in the Statement of Reasonableness document (attached to the front of this agenda item) or you may provide your own reasonableness and consistency statement.

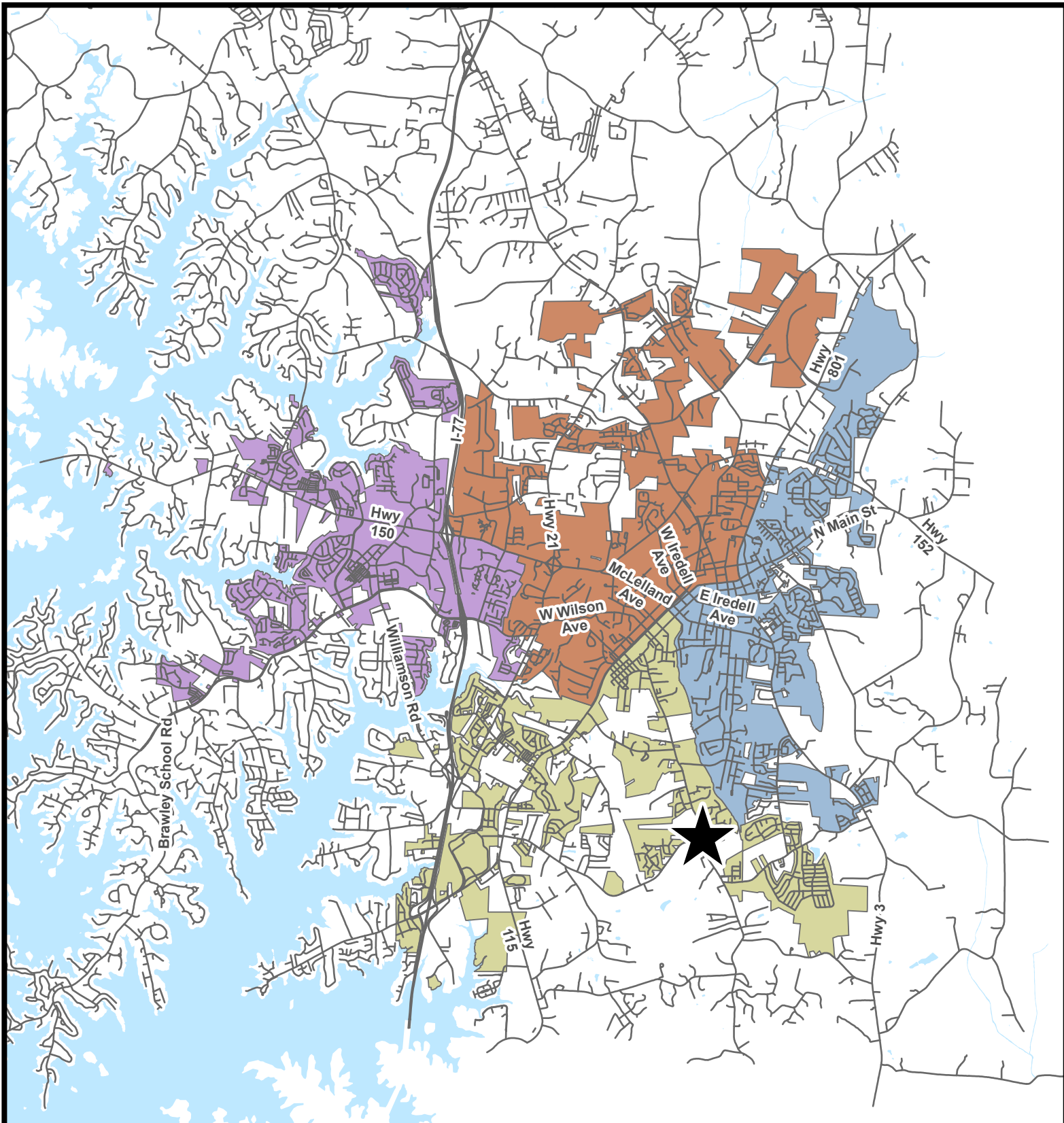
Staff Recommendation

Staff recommends **recommends denial of CZ-2023-04** because the proposal **is not consistent** with the Town's One Mooresville Plan. Specifically, the proposal is not compatible with the surrounding zoning. The request **is not reasonable and in the public interest** because it is denser than the surrounding area and will introduce multi-family into an area where it currently does not exist.

Attachments

1. Voting District Map
2. Aerial Map
3. Site Photos
4. Future Character & Land Use Map
5. Current Zoning Map (.25)

6. Current Zoning Map (1)
7. Tiered Growth, Utilities, & Community Facilities Map
8. Rezoning Application
9. Concept Plan
10. Draft Ordinance



0 0.5 1 Miles

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Subject Property



Ward 1



Ward 2



Ward 3



Ward 4



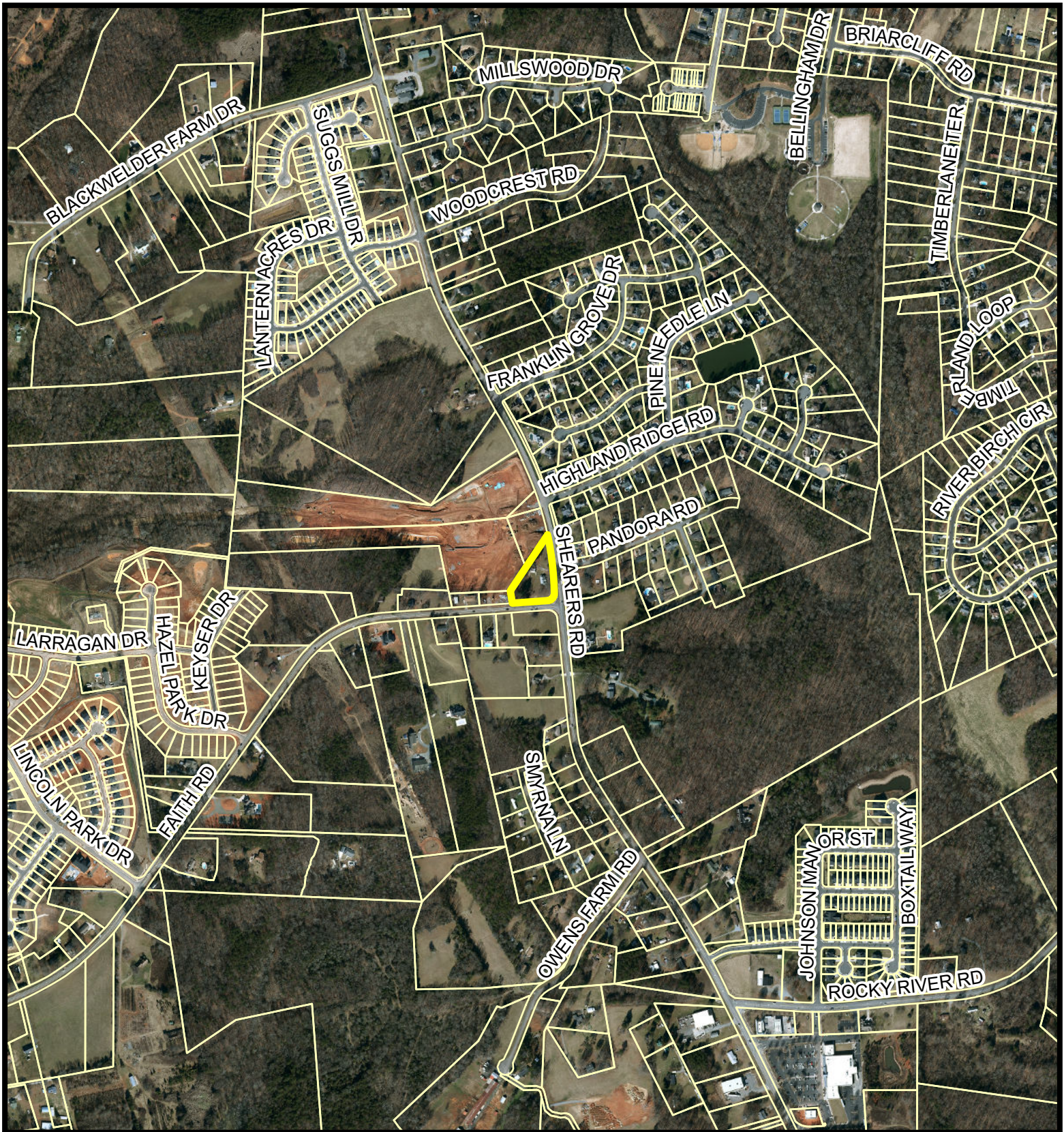
Voting Districts

5/9/2023

CZ-2023-04 / AX-2023-03

1176 Shearers Rd

PIN 4665278526



0 0.125 0.25 Miles

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Subject Property



Aerial of Subject Property

5/9/2023

CZ-2023-04 / AX-2023-03
1176 Shearers Rd
PIN 4665278526

CZ-2023-04

Site from Shearers Rd

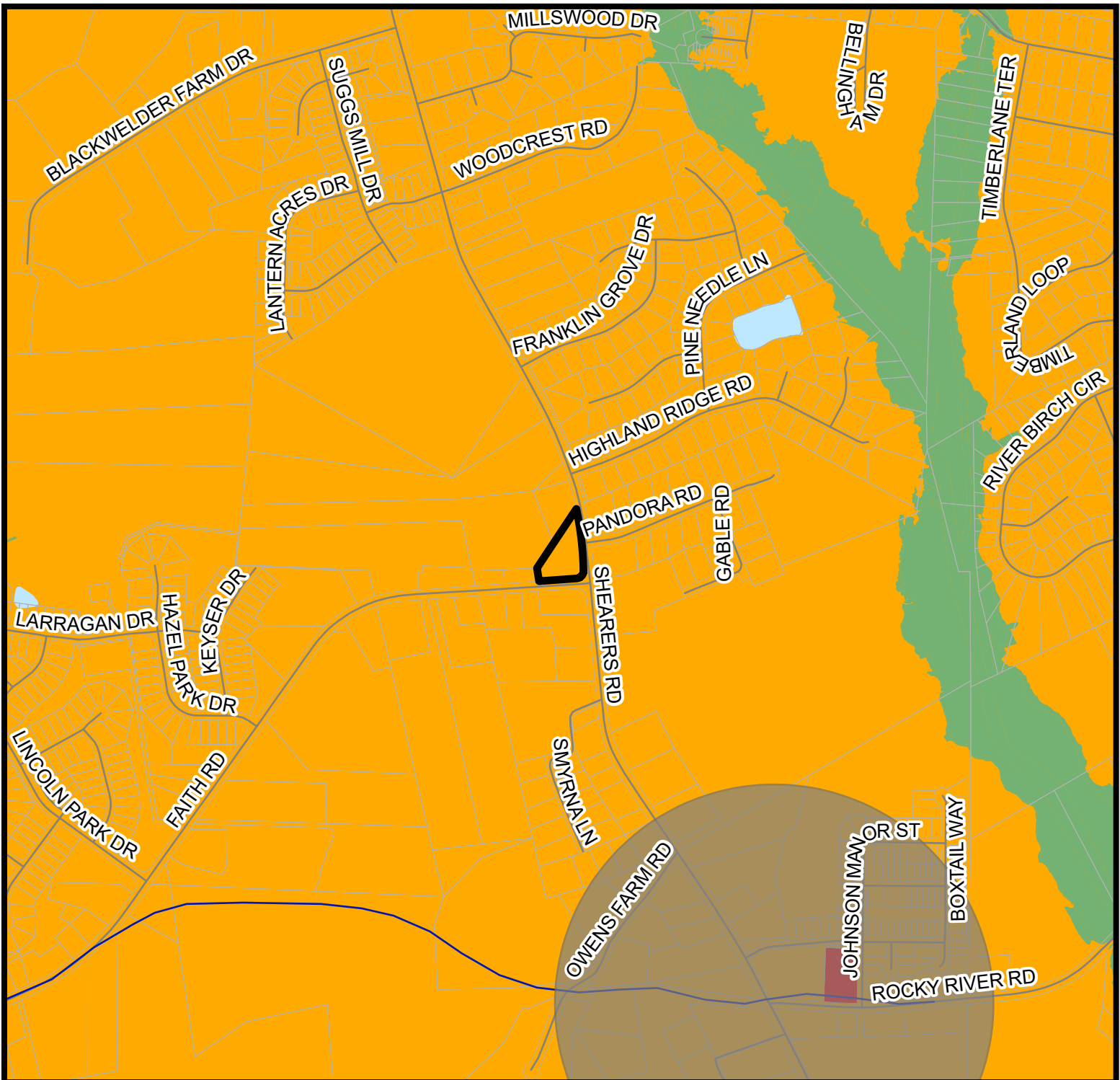


View of site from Faith Rd

Looking towards Pandora Rd



Looking Southward along Shearers Rd



 Subject Property

Nodes

-  VC-Village Center
-  NC-Neighborhood Center

Future Character

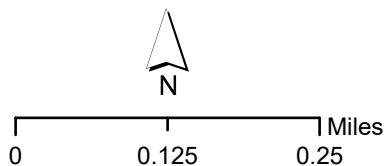
-  Town Residential
-  Mill Village
-  Neighborhood Residential
-  Peninsula Residential
-  Rural Residential
-  Future/Cluster Residential
-  Downtown Edge
-  Downtown Center
-  Mixed Use Destination
-  Mixed Use Corridor
-  Employment Center
-  Industrial



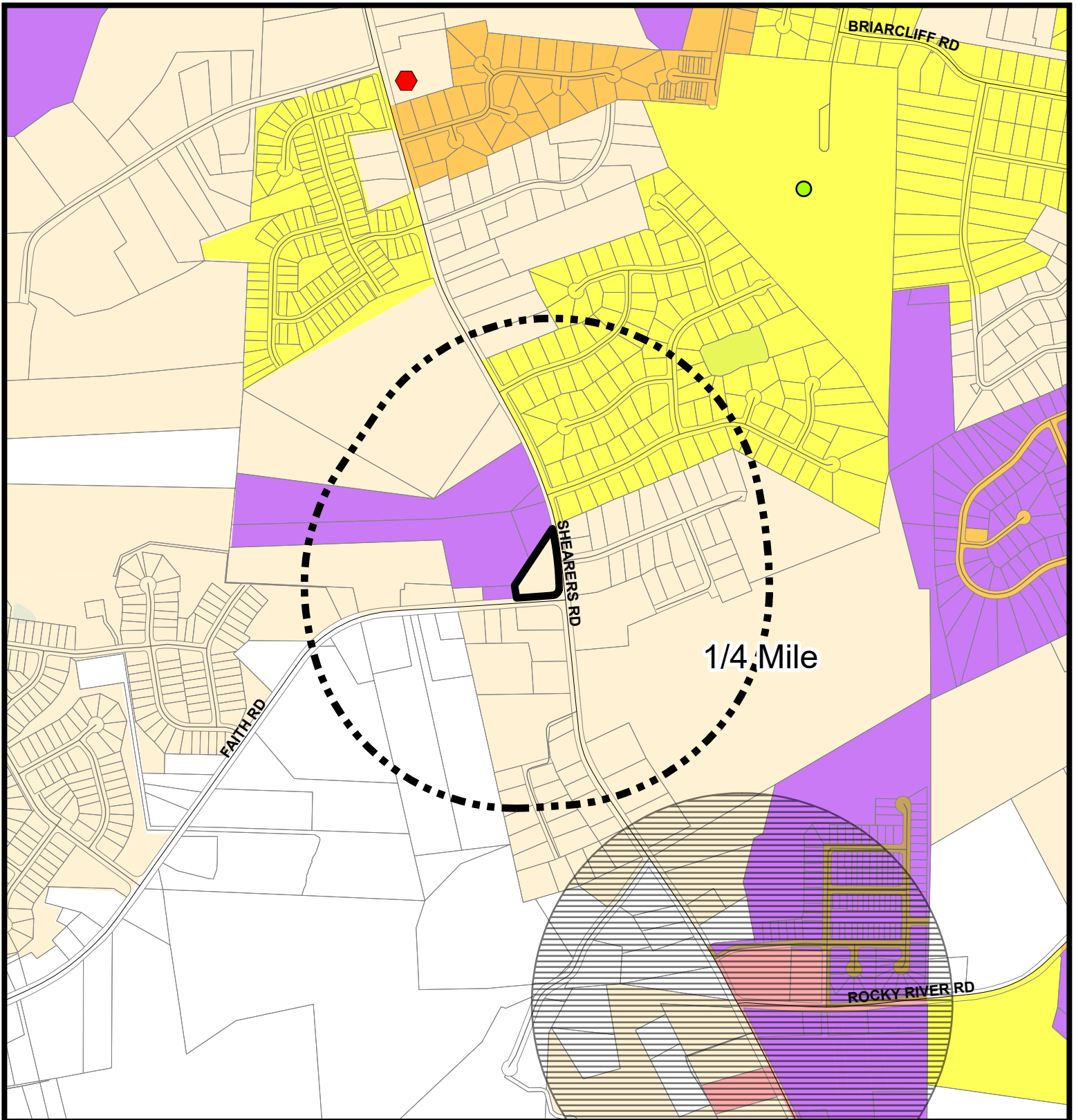
Future Character and Land Use

5/9/2023

CZ-2023-04 / AX-2023-03
1176 Shearers Rd
PIN 4665278526



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0 0.125 0.25 Miles

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-  Subject Property
-  Schools
-  Parks
-  Fire Stations
-  Lake Norman
-  Neighborhood Center
-  Village Center
-  Brawley School Road Overlay
-  Historic District Overlay
-  Conditional Zoning

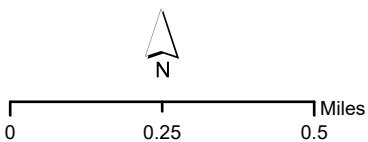
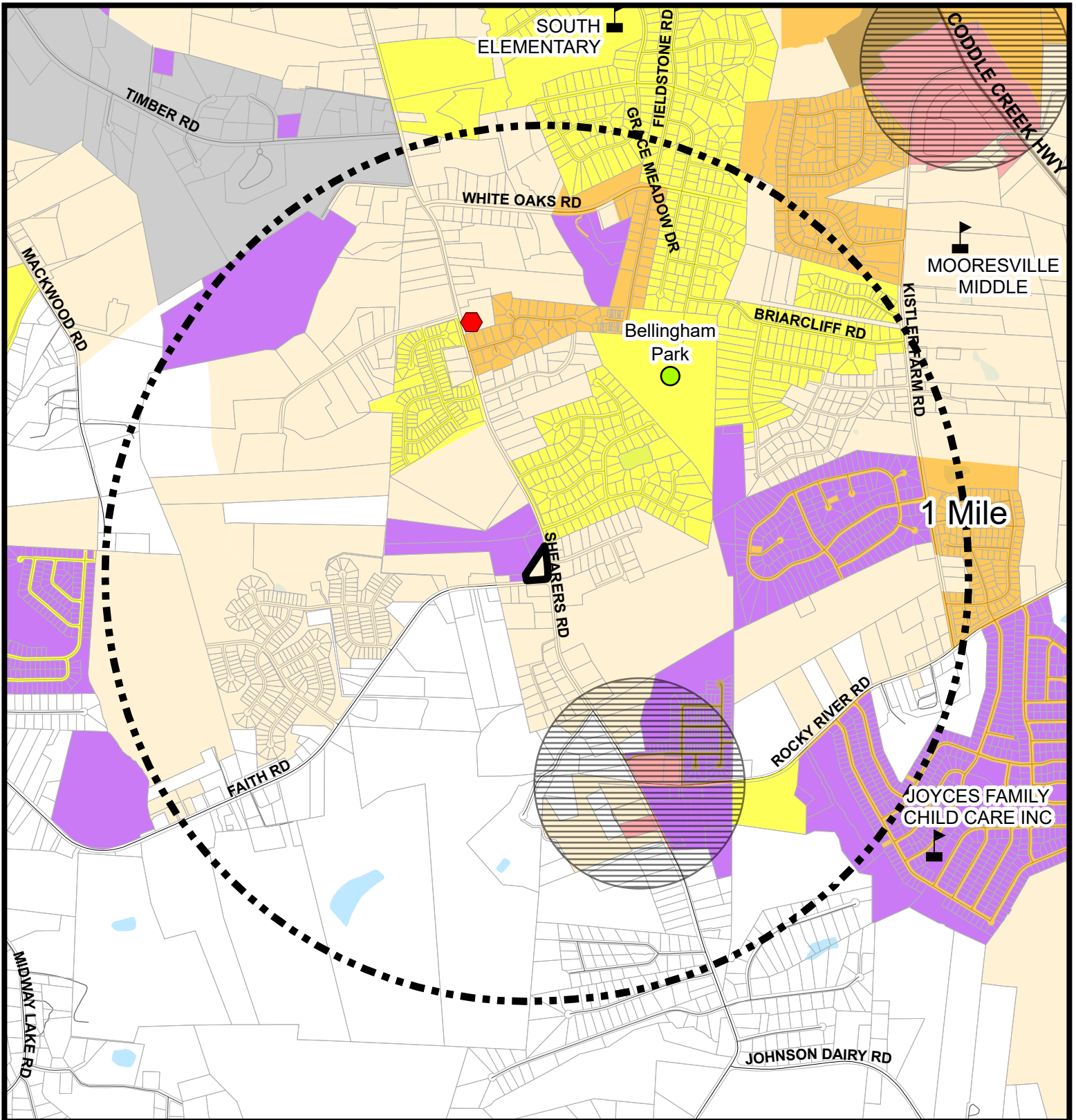
-  RLS
-  RLI
-  RG
-  HNV
-  TN
-  DE
-  TD
-  CM
-  CC
-  HLI
-  IN
- PD



Zoning

5/9/2023

CZ-2023-04 / AX-2023-03
1176 Shearers Rd
PIN 4665278526



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- Subject Property
- Schools
- Parks
- Fire Stations
- Lake Norman
- Brawley School Road Overlay
- Historic District Overlay
- Neighborhood Center
- Village Center
- Conditional Zoning

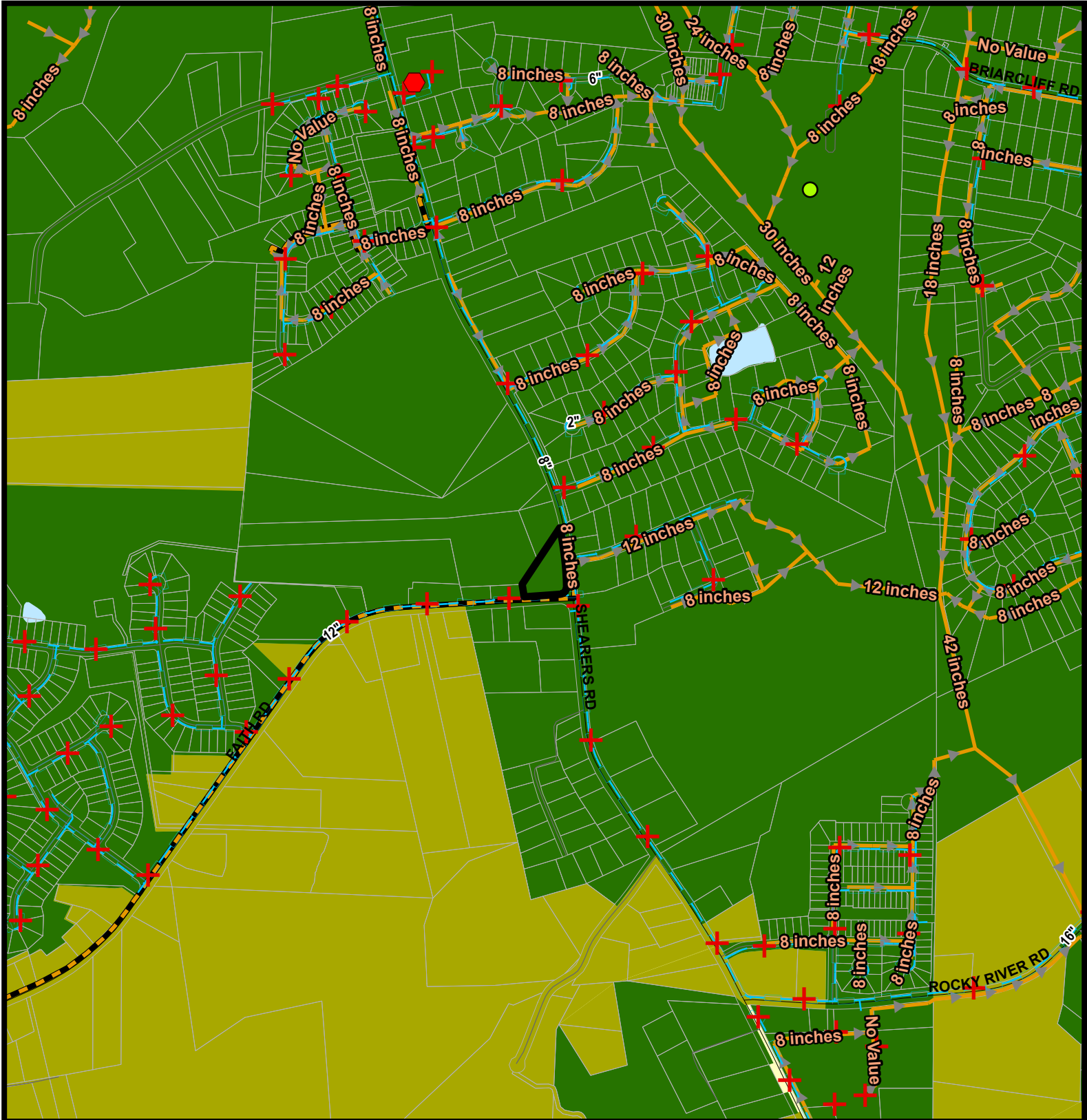
- RLS
- RLI
- RG
- HMV
- TN
- DE
- TD
- CM
- CC
- HLI
- IN
- PD



Zoning

5/9/2023

CZ-2023-04 / AX-2023-03
1176 Shearers Rd
PIN 4665278526



- Subject Property
- Schools
- Parks
- Fire Stations
- Tier 1: Town Services & ETJ
- Tier 2: Utility Growth Area
- Tier 3: Long Term Utility Growth
- Tier 4: Low Priority Utility Provision

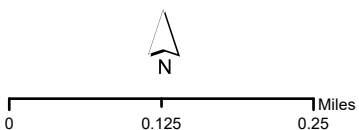
- Water Main
- Force Main
- Manholes
- Sewer Line



Tiered Growth and Utilities

5/9/2023

CZ-2023-04 / AX-2023-03
1176 Shearers Rd
PIN 4665278526



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Town of Mooresville

Planning and Community Development Department
413 North Main St., Mooresville, NC 28115
704-662-7040

Rezoning Application

Applicant	
Applicant/Company: JSL PROPERTIES LLC	
Contact Person: JOHN MARTINEZ	
Project Role: PROJECT MANAGER	
Address: 9215 ROCKROSE DRIVE, TAMPA, FL 33647	
Phone: 561-891-1936	Email: johnm9475@gmail.com
Property Owner	
Property Owner: JSL PROPERTIES LLC	
Contact Person: JOHN MARTINEZ	
Address: 9215 ROCKROSE DRIVE, TAMPA, FL 33647	
Phone: 561-891-1936	Email: johnm9475@gmail.com
Project Information	
Project Name: 1176 SHEARERS ROAD	
Project Address: 1176 SHEARERS ROAD	
Project Location: NW CORNER OF FAITH ROAD AND SHEARERS ROAD	
Parcel Identification Number(s) (PIN): 4665-27-8526	
Acreage: 2.08 ACRES	Current Zoning District: RLS
Proposed Zoning District: C-TN	
Rezoning Type (select one): ☐ Rezoning. ☒ Conditional Rezoning.	
Is the site inside the Town Limits (select one): ☐ Yes. The site is inside the Town Limits of Mooresville. ☐ No. The site is in the Town's extraterritorial jurisdiction (ETJ). Annexation request not submitted. ☒ No. An annexation application has been submitted concurrently with this request. ☐ No. Upon submittal of this application release of jurisdiction is requested from Iredell County.	



Town of Mooresville

Planning and Community Development Department
413 North Main St., Mooresville, NC 28115
704-662-7040

Rezoning Application

Zoning Overlay(s):

Watershed (select one):

- ☐ WS-IV- Critical Area-Catawba-Lake Norman Application Fee (see Application Fee Schedule)
- ☐ WS-IV-Protected Area-Catawba-Lake Norman
- ☐ WS-II-Balance of Watershed-Yadkin-Back Creek
- ☐ WS-II- Balance of Watershed-Yadkin-Coddle Creek
- ☒ Outside Watershed Protection Overlay District

Project Narrative:

APPLICANT PROPOSES TO CONSTRUCT 12 CONDOMINIUM UNITS IN 4 BUILDINGS AT THE CORNER OF FAITH ROAD AND SHEARERS ROAD. THE PROJECT WOULD BE ANNEXED INTO THE TOWN OF MOORESVILLE AND WOULD CONNECT TO THE TOWN WATER AND SEWER SERVICES.

Minimum Requirements for Submittal

- ☐ Notarized letter from property owner(s) giving the applicant permission to make the request on their behalf
- ☐ Application Fee (see Application Fee Schedule)
- ☐ Project Narrative
- ☐ Staff-Approved Concept Plan (Conditional Rezoning only)
- ☐ List of any conditions requested (Conditional Rezoning only)
- ☐ Summary of Neighborhood Communications (Conditional Rezoning only)

Acknowledgements and Signatures

Application is hereby made for authorization to perform work as described in this application along with accompanying drawings. The information on this application is complete and accurate, and I am authorized to submit this application. I understand that all work must be according to approved plan and in compliance with all applicable codes and regulations. I authorize the subject property to be posted, inspected, and grant permission to the Town of Mooresville to collect relevant property data and imagery with the use of drone technology. The Town of Mooresville assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.

Applicant Signature:

Date:

03-30-23



Town of Mooresville

Planning and Community Development Department
413 North Main St., Mooresville, NC 28115
704-662-7040

Rezoning Application

Agent Authorization for Rezoning (to be completed by each owner)

The undersigned owner, does hereby authorize:

Agent Name: PIEDMONT DESIGN ASSOCIATES, PA

Address: 125 E. PLAZA DRIVE, SUITE 101, MOORESVILLE, NC 28115

Telephone: 704-664-7888

E-Mail Address: dmunday@pdapa.com

to act on my behalf for the purpose of petitioning the Town of Mooresville for a rezoning, as applicable to the property described in the attached petition.

The owner does hereby covenant and agree with the Town of Mooresville that said person has the authority to do the following acts for and on behalf of the owner:

1. To submit a proper petition and the required supplemental materials;
2. To appear at public meetings to give testimony and make commitments on behalf of the owner;
3. In the case of a conditional rezoning request, to accept formal conditions for the project;
4. To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of the rezoning request.

The authorization shall continue in effect until final disposition of the petition submitted in conjunction with this request.


Signature of Property Owner

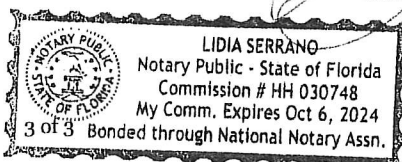
03/30/25
Date

John Martinez
Printed Name

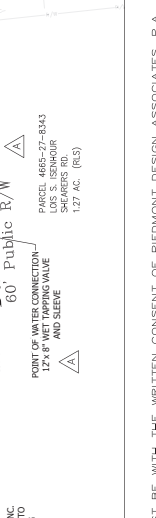
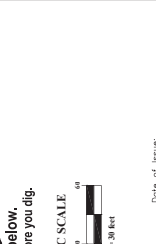
John Martinez personally appeared before me this
day and acknowledged the witness by my hand and official seal this the 30th day of
March, 2023

My commission expires 10/06/2024

Notary Public



Revised Date 8/4/2021



PAPER: 4665-27-8131
 LON S. ISHAKIAN
 1196 SHERBORN RD.
 1.60 KC. (RdS)



1000

Ordinance # 2023-

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTIES FROM RESIDENTIAL LIMITED SERVICE (RLS) TO TOWN OF MOORESVILLE CONDITIONAL-TRADITIONAL NEIGHBORHOOD (C-TN) CASE CZ-2023-04

WHEREAS, the Town of Mooresville did publish a legal notice in the *Mooresville Tribune* on _____, 2023 and _____, 2023, sent letters to all adjacent property owners on _____, 2023 and placed notice on the property on _____ setting forth that a public hearing for rezoning request **CZ-2023-04: 1176 Shearers Rd** to be held on _____, at 6:00 p.m., in the Mooresville Town Hall, 413 N Main St, Mooresville, North Carolina, 28115 for the purpose of rezoning the after-described property.

WHEREAS, a public hearing was held regarding the proposed zoning classification pursuant to §160D-601.

NOW, THEREFORE, BE IT ORDAINED, BY The BOARD OF COMMISSIONERS FOR THE TOWN OF MOORESVILLE:

Section 1. That the zoning classification is hereby amended to Conditional-Traditional Neighborhood (C-TN) zoning district for the property as described below:

Approximately 2.08 acres of land located at 1176 Shearers Rd (Iredell County Tax Parcel Identification Number: 4665278526.000) belonging to JSL Properties, LLC.

Section 2. That the zoning amendment from Town of Mooresville RLS to Town of Mooresville Conditional-Traditional Neighborhood (C-TN) for the above-described property is hereby authorized subject to the following conditions:

1. Build according to the Concept Plan.
2. The uses are restricted to multi-family condos.
3. The density is capped at 5.76 dwelling units per acre.
4. The minimum size of the trees will be upsized to UDO requirements of 2.5 caliper inches for canopy trees and 1.5 caliper inches for understory trees, and that the HOA agrees to maintain the street trees.

Section 3. All requirements of the Town's Ordinances shall be met in addition to the supplemental conditions listed above. These requirements are perpetually binding unless another rezoning request is brought to the Town and approved by the Town Board.

Adopted this _____ day of _____, 2023.

Miles Atkins, Mayor

Attest: _____
Genevieve Glaser, Town Clerk

Approved as to form: _____
Sharon Crawford, Town Attorney

DRAFT