



**Town of Mooresville
Planning Board
April 22, 2025
6:00 PM - Mooresville Town Hall**

Present: Steve McGlothlin, Michael Cole, Michelle Marckwardt, Gregory Peretz, Laura Temple, Shaun Hooper, and Jeremy Katz.

Also Present: Planning & Community Development Director Erika Martin, Senior Planner Sandy Howell, Planner Veronica Bateson, Town Staff Attorney Caline Schechter, Administrative Assistant Lisa Smith, and Planning Specialist Danielle Upright.

1. Call to Order

Chair McGlothlin called the meeting to order at 6:01 pm.

2. Pledge of Allegiance

3. Chairperson's Welcome and Opening

Chair McGlothlin welcomed the Planning Board Members and the guests.

4. Public Comment

No one signed up to speak.

5. Adjustments to the Agenda

There were no adjustments to the agenda.

6. Adoption of the Agenda

ACTION: A motion was made by Mr. Katz, seconded by Ms. Temple, to approve the agenda as presented.

Motion carried unanimously.

7. Consideration of Approval of Minutes

7.a. Consider approval of March 25, 2025, Minutes

Chair McGlothlin noted that a correction was needed. Ms. Marckwardt was not present at the last meeting.

ACTION: A motion was made by Mr. Cole, seconded by Mrs. Temple, to approve the minutes as amended.

Motion carried unanimously.

8. Old Business

There was no old business.

9. New Business

9.a Consider Conditional Rezoning Request CZ-2025-04 for a 400-acre site located at Patterson Farm Road, 148 Patterson Farm Road, and 338 Rustic Road. The applicant is requesting Town of Mooresville Conditional Industrial (C-IN).

Earnhardt Farms, LLC is seeking Town of Mooresville Conditional Industrial (C-IN) zoning for a 400-acre site located at Patterson Farm Road (PINs 4674965019, 4674783311), 148 Patterson Farm Road (PIN 4674663977), and 338 Rustic Road (PIN 4684250452). The property is currently zoned Iredell County Residential Agricultural (RA).

Ms. Martin presented the rezoning request for CZ-2025-04.

Kristin Dean and Brandon Smith spoke as representatives for Tract.

The following citizens signed up to speak for public comment:

1. Ellen Abercrombie-338 Patterson Farm Road
2. Rene Earnhardt-445 Patterson Farm Road
3. Alan Goodman-Mooresville Road
4. Jerry Starr-687 Patterson Farm Road
5. Chris Wilkinson-349 Patterson Farm Road
6. Kerry Pennell-589 Patterson Farm Road
7. Scarlett Inman-162 Stallings Mill Drive

Dan Brewer with Bowman Consulting spoke as a representative for the rezoning.

The applicant agreed to the conditions listed below.

1. **Development of the Property.** Development of the Property will be governed by these conditions and the Concept Plan, submitted with the Conditional Zoning Application (together referenced as "Concept Plan") as well as the applicable provisions of the Town of Mooresville Unified Development Ordinance (the "Ordinance"). Unless the Concept Plan establishes a more stringent standard(s), or unless otherwise noted on the Concept Plan or in these Development Standards, the regulations established under the Ordinance for the IN-zoning classification govern development of the Property as shown on the Concept Plan.
2. **Schematic Nature of Concept Plan.** The buildings, parking lots, driveways, water storage tanks, substation, lift stations, internal vehicular circulation, and other site elements (the "Site Elements") set forth on the Concept Plan are schematic in nature and exact locations, orientation of the buildings, size, number or quantity and

configurations of Site Elements may be modified during design, engineering, and construction phases of the development so long as such modifications meet the minimum Ordinance standards. Building and driveway locations are Conceptual in nature. It is understood that a more detailed review will be made should the rezoning be granted and the project move into site/construction documents. Additional review will include, but is not limited to: parking, landscaping, lighting, driveways, floodplain, elevations, signage, etc. This Ordinance shall govern over any conflicts or inconsistencies between notes shown on the Concept Plan and these adopted and agreed upon conditions.

3. **Permitted Uses.** With the exception of the prohibited uses listed herein, the Property may be developed for any uses permitted in the IN zoning district subject to review and approval by the applicable Town regulations and processes. Under this Concept Plan, the site is intended to be developed for data centers and associated uses. Accessory uses to support the permitted uses are also allowed. In addition to the accessory uses specifically listed in Table 4-1 of the Ordinance, accessory uses may include electric power transforming station, all electric generation, distribution, switchyard, transmission and substation facilities (including solar facilities), enclosed energy, battery and fuel storage facilities, such as but not limited to, Battery Energy Storage Systems, public and private water and wastewater facilities, water treatment facilities, water storage and cooling facilities and associated water pumps, tanks and equipment, communication, broadband, and fiber optic utilities, air handlers, cooling equipment and heat pumps and any other infrastructure necessary to support the permitted uses. Small modular reactors and nuclear facilities shall be prohibited.
4. **Permit Choice.** As provided in G.S. 160D-608 and G.S. 143-755, if changes are made to the Unified Development Ordinance between the time an application is submitted and the application is approved, the Developer may choose which version of Ordinance will apply to the application; provided that the subject matter of the change is not already addressed in the conditions of this Ordinance or any related agreement between the Developer and the Town.
5. **Storm Water Management.** The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the site plan submittal and are not implicitly approved from an engineering perspective with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
6. **Sound Study.** A Sound Study will be submitted to the Planning Director for review prior to the issuance of a building permit. Since sound generated by generators during power outages or emergencies is exempt from the Noise Ordinance, it will not be included in the Sound Study. The purpose of the sound study is to identify any issues. Any issues identified exceeding a one-hour average of 45 decibels from 10pm to 7am and a one-hour average of 55 decibels from 7am to 10pm will be mitigated through further design and permitting.
7. **Site Access.** Subject to the approval of the Town, access to the project shall be from Patterson Farm Road as generally depicted on the Concept Plan. With the exception of access needed for project maintenance, emergency, or for other future uses

approved by the Town, there will be no project access to Rustic Road. At the discretion of the developer, successors, heirs, and assigns, a gate may be installed at the property line adjacent to Rustic Road. All internal roads and driveways are to remain private. Any site access proposed to be located between properties identified as PIN#4674781938 and PIN#4674890072 shall be for emergency access only.

8. **Preservation Areas.** Except as permitted by a) and b), the “Preservation Areas” shown on the Concept Plan shall be kept in a natural state, except that necessary utility lines may be installed through the Preservation Areas to serve the project. Any tree clearing except for forest health or as necessary to install essential utilities is prohibited.
See below for conditions specific to certain Preservation Areas:
 - a) Preservation Area A: Should this area be deeded/dedicated to the Coddle Creek ARP Church, the Church may extend cemetery uses on this property.
 - b) Preservation Area B: Area has been identified for possible deeding/dedication to a public entity to include but not be limited to a Land Conservation Group. Should this occur, uses consistent with conservation activities and passive public recreation shall be permitted.
9. **Buffer, Setbacks, and Height.** A minimum 100' perimeter buffer shall be provided around the site as shown on the Concept Plan. Buildings will be set back at a minimum of 150' as measured from the perimeter property lines as shown on the Concept Plan. Internal building setbacks shall be as generally depicted on the Concept Plan. The maximum height of any building or structure on the site will be 100'.
10. **Lighting.** Lighting will be limited to zero footcandles at the property line, except at the primary access points along Patterson Farm Road. Security and construction lighting are exempt from meeting this standard.
11. **Parking.** Per the Town of Mooresville Unified Development Ordinance (UDO) Section 5.2.5-3.D: Data Center use has a "variable parking requirement" and is considered a low-demand parking use, and shall propose the amount of parking by one of the following methods at the time of Site Plan Review:
 - a) Use the minimum parking requirement for the use most similar to the proposed use:
Business Services, Office - 3 per 1,000 SF
Industrial Services - 2 per 1,000 SF
 - b) Utilize the standards set by the Institute for Transportation Engineers (ITD), Urban Land Institute (ULI), National Parking Association, or the American Planning Association
 - c) Conduct a parking demand study to demonstrate the appropriate minimum off-street parking requirements.
12. **Traffic Mitigation.** Developer shall enter into a Mitigation Measures Agreement with Town. All improvements shall be complete prior to the issuance of the first building permit for the site.
13. **Sidewalks.** A Sidewalk is required along Patterson Farm Road. However, this site is eligible to pay a fee-in-lieu at 100% of the cost of Sidewalk installation prior to site plan approval.
14. **General Design Standards.** In addition to the applicable building design standards as set forth under Section 5.9.6 of the Mooresville Town Code for

Industrial Development, the following additional building design standards shall apply:

a) Principal Building Facades will meet the following standards:

- i. For the purposes of this subsection, the term “principal building facades” shall include all building facades substantially visible to abutting public roads or visible from adjacent to planned or existing residential districts.
- ii. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two (2) of the following design elements:
 - change in building height
 - building step-backs, projections or recesses
 - fenestration
 - changes in building material, pattern, texture, color
 - use of accent material
 - overhangs
 - canopies or porticos
 - arcades
 - variations in the roof line
 - Faux windows
 - Other enhanced design elements which may be approved by the Planning Director
- iii. Building colors shall blend in with the surrounding natural environment to the greatest extent practicable.

b) Screening of Building Mechanical Equipment and Critical Infrastructure

- i. Ground-level mechanical equipment or accessory uses (not including parking areas) that are visible from public rights-of-way and/or adjacent residential dwellings will be screened from public view using one or multiple of the following methods of screening:
 1. A principal structure;
 2. Existing vegetation that will remain on the Property, or new, planted vegetation (*ex.* evergreens or shrubs) that fully screens the equipment from public view;
 - ii. A visually solid fence, screen wall or panel, or other visually solid screen that shall be constructed of materials that are matching or consistent in style, color and/or texture with those used in the exterior construction of the principal building. Chain link fencing with slats is not permitted to satisfy this requirement. Above-ground mechanical equipment and structures will be screened from view from adjacent public streets and residential dwellings.
 - iii. Any mechanical units placed on the rooftops of buildings shall be screened from view from adjacent public streets and residential dwellings by architectural features which are compatible with building façade architecture. The method of screening shall be provided and reviewed with the Planning Director’s review of the building elevations.
 - iv. All buildings are exempt from any existing or future Town requirement to install roof-mounted solar equipment.
- c) Notwithstanding the foregoing, Architectural Modifications as set forth in Section 2.5.23 of the Code may also be granted in accordance with such provisions.

15. **Fencing:** The interior of the site may include security fencing up to fourteen feet in height comprised of black chain link with opaque netting or other opaque fence material as approved by the Planning Director.

ACTION: A motion was made by Mr. Hooper, seconded by Ms. Markwardt, to deny the rezoning.

Motion failed with a 3-4 vote.

ACTION: A motion was made by Mr. Cole, seconded by Mr. Peretz, to recommend approval to the Town Board for rezoning case CZ-2025-04.

In reading the Plan Consistency & Statement of Reasonableness, Mr. Cole read the following: “I make a motion to recommend that the Town Board approve CZ-2025-04 with the conditions. Specifically, the proposal will assist with making Mooresville’s economic base stronger and more diverse. Therefore, the future land use designation should be updated to reflect Flex Industrial.

The proposal is reasonable and in the public interest because restricting the site to a data center will provide critical and modern infrastructure for Mooresville and the broader community. Additionally, the proposal includes numerous conditions to mitigate impacts to adjacent properties.”

Motion carried with a 4-3 vote.

9.b Consider Conditional Rezoning Request CZ-2025-07 for a 73.22-acre site located at 1761 Mecklenburg Highway and 190 Eastport Lane. The applicant is requesting a Town of Mooresville Conditional Residential General (C-RG).

EPCON Communities is seeking the Town of Mooresville Conditional Residential General (C-RG) zoning for a 73.22-acre site located at 1761 Mecklenburg Highway (PIN 4655321098) and 190 Eastport Lane (PIN 4655231115). The property is currently zoned Town of Mooresville Residential Low-Intensity (RLI).

Mr. Katz recused himself as he had a conflict of interest as a past representative of the applicant.

ACTION: A motion was made by Mr. Hooper, seconded by Mr. Cole, to excuse Mr. Katz from this case. The motion carried unanimously.

Ms. Howell presented the rezoning request for CZ-2025-07.

Whitney Hodges, Planner with EPCON Communities, presented. Jeff Moore, a traffic engineer, also spoke.

The following citizens signed up to speak for public comment:

1. Joyce Chapman- 185 Eastport Lane.
2. Vince Favata-184 Eastport Lane.

3. Frank De Cespedes- 194 Eastport Lane.

Ken Cardos, Regional President for EPCON Charlotte, spoke as a representative of EPCON Communities.

The applicant agreed to the conditions listed below.

1. Site development shall conform to the approved Concept Plan. Any modifications post-approval shall be consistent with UDO 2.5.4.C.8.b, "Minor Modifications".
2. Residential development to have a maximum of 157 residential units at a density of 2.41 units per acre.
3. Residential development is limited to 86 single family detached and 71 attached residential (townhomes). Additionally, any accessory and/or temporary uses otherwise permitted in the RG district may be permitted.
4. For Attached residential Dwellings, internal units will have shared driveways with a 5' median strip where practical. End units may not necessarily share driveways.
5. Maximum block lengths may exceed table 5-2 requirements due to site conditions (wetlands, water bodies and plat shape). Mid-block pedestrian connections have been added, along with traffic calming improvements at the pedestrian connections.
6. The posted speeds for residential streets in the proposed subdivision to be 25 MPH at time of Town street acceptance. Nothing in the Ordinance shall prohibit the Town from changing the speed limit once the roads are accepted.
7. Prior to the Town's acceptance of streets and multi-use paths, the developer or HOA shall be responsible for maintenance of the same.
8. Prior to Town acceptance of streets, developer shall be responsible for maintenance of street trees. Following Town acceptance of streets, the Homeowner's Association (HOA) shall maintain all street trees located in the public right of way to Town of Mooresville standards.
9. Architectural Materials. The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings will include a combination of the following: glass, brick, cultured stone, concrete, cementitious siding (such as hardy-plank), or wood. Vinyl as a building material will not be allowed except on windows and soffits.
10. Active recreational areas may include a combination of landscaping, seating, exercise equipment, trails, a swimming pool with supporting restrooms, parks, or similar uses. All spaces classified as "open recreation fields" shall not exceed a maximum of 4% slope. Final design of open space areas will be approved by staff at the time of construction approval.
11. The developer proposes to provide approximately 10.12 acres to the Town of Mooresville needed for the East/West Connector, through donation of 8.05 acres of real property within the Courtyards at Millstone Ridge, plus 2.07 acres of easement obtained within the parcel connecting to Mecklenburg Highway. Per the Concept Plan, the developer will construct two lanes of the proposed East/West Connector that aligns with the east bound direction of the East/West Connector. Until the time that the connector is open these two lanes will provide one lane of travel in each direction. At the intersection of the East/West Connector and Mecklenburg Hwy, the interim lanes will be offset to align center of the interim roadway with Phase 1 of the East/West Connector.
12. Per the UDO, the developer will provide a 30' buffer between the residential

development and the East West Connector. The buffer will include a landscaped area which will be approved administratively by staff at site plan review.

13. All traffic mitigations shall be constructed in accordance with the signed Mitigations Measures Agreement.
14. As provided in G.S. 160D-608 and G.S. 143-755, if changes are made to the Unified Development Ordinance between the time an application is submitted and the application is approved, the Developer may choose which version of Ordinance will apply to the application; provided that the subject matter of the change is not already addressed in the conditions of this Ordinance or any related agreement between the Developer and the Town.
15. This Ordinance shall govern over any conflicts or inconsistencies between notes shown on the Concept Plan and these adopted and agreed upon conditions.
16. Front of residences shall be limited to 1 to 2 stories above grade.
17. The connection to Eastport Lane shall be closed if Town staff directs, the Town Fire Marshall agrees, and the development will remain in compliance with all applicable state laws and codes. However, no additional TIA shall be required for the closure of Eastport Lane.

ACTION: A motion was made by Ms. Temple, seconded by Mr. Hooper, to recommend approval to the Town Board for rezoning case CZ-2025-07.

Motion carried unanimously.

9.c Consider Conditional Rezoning Request CZ-2025-05 for a .75-acre site located at 2918 Charlotte Highway. The applicant is requesting Conditional-Community Commercial (C-CC). Garret Enterprises LLC is seeking Conditional Community Commercial (C-CC) zoning for a .75-acre site located at 2918 Charlotte Highway (PIN 4656198014). The request is to extinguish a Conditional Zoning district.

Mr. Katz recused himself as he had a conflict of interest as a past representative of the applicant.

ACTION: A motion was made by Mr. Hooper, seconded by Ms. Temple, to excuse Mr. Katz from this case. The motion carried unanimously.

Mrs. Howell presented the rezoning request for CZ-2025-05

The applicant, Rochelle Garret, with Garret Enterprises, agreed to the following conditions:

1. The site is restricted to Retail Sales and Services Establishment, Small and any accessory and/or temporary uses otherwise permitted in the CC district, respectively.
2. The site will include Type A buffers on the East and West property line.
3. The maximum square footage of the building will be 2500 square feet.

A motion was made by Mr. Cole, seconded by Ms. Temple, to approve CZ-2025-05.

The motion carried unanimously.

9.d Consider Rezoning Request RZ-2025-02 for a 29.91-acre site located at 1131 Young Street, 1135 Young Street, and approximately 28 acres located at 704 Parker Avenue. Doug Johnson and Town of Mooresville are seeking to re-establish zoning as follows: Residential Limited Service (RLS) for 0.96 acres located at 1131 Young Street (4656757649), Traditional Neighborhood (TN) for 0.51 acres located at 1135 Young Street (PIN 4656758553), and Hybrid Low Intensity (HLI) for approximately 28 acres located at 704 Parker Avenue (off of Young Street and Locust Street) (PIN 4656754305).

Ms. Bateson presented the rezoning case for RZ-2025-02.

A motion was made by Ms. Temple, seconded by Mr. Cole, to approve RZ-2025-02. In reading the Plan Consistency & Statement of Reasonableness, Ms. Temple read the following: "I make a motion to recommend that the Town Board approve RZ-2025-02 because the proposal is consistent with the Town's One Mooresville Plan. Specifically, the proposal is compatible with the future land use designations in the One Mooresville Plan and is surrounded by other similar zoning uses. The proposal is reasonable and in the public interest because it extinguishes a conditional zoning district and re-establishes applicable and appropriate base zoning. However, if the owner of 1131 Young Street does not accept the zoning, 1135 Young Street and 704 Parker Avenue shall continue."

The motion carried unanimously.

9. Administrative Items

Ms. Martin told the board there would be 5 cases at the May meeting.

Jeff Mack was sworn in as the new Planning Board member.

10. Adjournment

A motion was made by Mr. Hooper, seconded by Mr. Katz, to adjourn the meeting at 9:16 pm. Motion carried unanimously.

Americans with Disabilities Act (ADA) Statement It is the policy of the Town of Mooresville that all Town public meetings and Town-sponsored public meetings and events are accessible to people with disabilities and to those with difficulties understanding the English language. If you need assistance in participating in this public meeting due to a disability as defined under the Americans with Disabilities Act (ADA), or need other translative services, please call the Town Clerk's Office at 704-662-3131 or jerosby@mooresvillenc.gov, or the Town ADA Coordinator at 704-799-4074 or cmckenzie@mooresvillenc.gov, at least three (3) business days prior to the scheduled meeting or event to request an accommodation.