



## REZONING PETITION: Z 09-21

**Request:** Rezone 35.5 AC from RA to RA-CD to operate an athletic field used for a private cricket club

**Parcel ID:** 414-042

**Location:** 2100 Block Glover Rd. Salisbury

**Lot size:** 35.52 AC ( per deed)

**Owner / Applicant:** Jaypal & Swapna Kalagiri

**Watershed:** N/A

**Floodplain:** N/A

**Existing Improvements:**  
None. Dilapidated buildings

### REQUEST

Property owner Jaypal Kalagiri is requesting the rezoning of his 35.5 acre parcel located at the 2100 Block of Glover Road Salisbury from Rural Agricultural (RA) to Rural Agricultural with a Conditional District (RA-CD) to operate an athletic field used for a private cricket club.

### CRICKET DETAILS

Cricket is a popular sport in England, Australia, India, and other countries across the world. In comparison to sports played in the United States, cricket is nearest to baseball as two (2) teams of eleven (11) players each compete in a bat and ball game consisting of a pitcher (bowler), batter, and fielders. Grassed playing fields are slightly oval shaped typically 450 feet in diameter totaling nearly 4 acres. Game duration depends on the format (number of "overs") but can last from three (3) hours up to seven (7) hours



SOURCE: SITE RESOURCES — SOUTH GERMANTOWN, MD FIELD

for a single game.

### PLAN DETAILS

According to the owner,

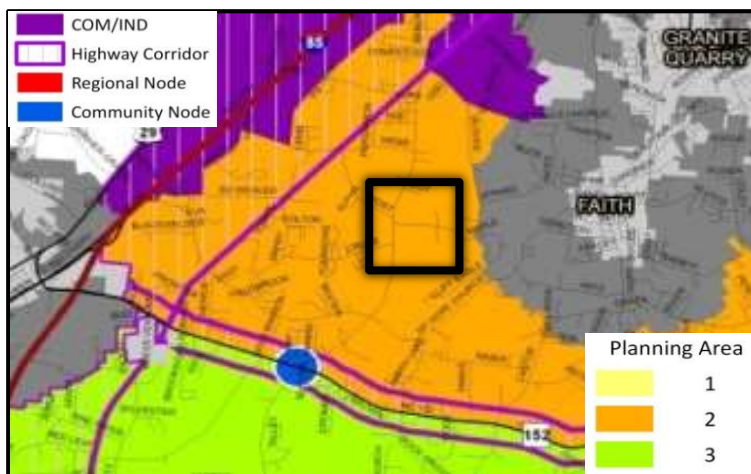
the proposed field would be used by a group of private clubs who currently compete at fields in the Charlotte area. Based on engineered plans received, the proposed field would generally be within an existing five (5) acre grassed area, include a gravel parking area sufficient for forty-eight (48) parking spaces, two (2) portable bleachers, and a portable restroom (not shown on plan). It appears the plan would maintain all existing trees outside the areas cleared for the proposed 20

foot wide grave driveway, creek crossing, and western portion of the field construction. No outdoor lighting is proposed. See enclosed narrative from the applicant. NOTE: Full plans may be viewed in PDF form at <http://rowancountync.gov/1272/Planning-Board>

**CONFORMITY WITH ADOPTED PLANS /**

East Area LUP

- Located in Area 2 – Areas adjacent to municipalities and High Rock Lake. Encourage medium density residential development; mixed use.



- The plan's recreational facility section identifies existing features in the county along with a reference to the zoning approval given for a non-profit athletic field East Rowan Diamond Sports (baseball / softball), which has yet to materialize. No specific recommendations are included in the plan for public or private athletic fields.

**CONSISTENCY WITH THE DISTRICTS PURPOSE / INTENT**

**Rural Agricultural (RA)** – This district is developed to provide for a minimum level of land use regulations appropriate for outlying areas of the county. These outlying areas typically consist of rural single-family housing, larger tracts of land used for agricultural purposes, and instances of non-residential uses intermingled. Multifamily uses are discouraged in this district. This district would provide for protection from the most intensive land uses while containing provisions for a variety of home-based business opportunities and other non-residential uses deemed appropriate through a special use permit process. It is the intent of this district to rely upon development standards to protect residences from potential adverse impacts of allowed non-residential uses. The most intensive land uses would not be allowed in this district.

**Conditional Districts (CD)** – There are instances where certain uses may have significant impacts on the surrounding area and the county which cannot be predetermined and controlled by general district standards. As a result, a general zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted as a conditional district subject to development requirements to address the anticipated impacts would be consistent with the spirit and intent of this chapter. This voluntary procedure must be petitioned by the property owner or their authorized agent as a firm development proposal and not for securing early zoning for tentative uses which may not be undertaken for a long period of time.

Prior to a Zoning Ordinance amendment in the summer of 2021, athletic fields were permitted subject to a special use permit considered by the Board of Commissioners. In two (2) separate amendments, the table of uses made accommodation for *Utility Scale Solar; Landfills; Salvage Yards; Zoos; and Athletic Fields* as conditional districts in addition to special uses in non-residential zoning districts. Among other reasons, the CD option migrates from the often cumbersome evidentiary hearing process to a legislative process, includes Planning Board consideration, and allows more time for public input with both a courtesy and legislative hearing typically extending over a two (2) month period.

#### CONDITIONAL DISTRICT CRITERIA

Section 21-64(e) of the Zoning Ordinance requires the following three (3) specific standards for athletic fields:

1. **Site plan.** Site plan containing required information has been submitted.
2. **Buffering.** All parking areas shall be screened by a Type A buffer from residentially zoned areas. Unlike typical screening requirements in the ordinance, this section requires screening regardless if the adjacent property contains a residential structure within 200 feet. The applicant proposes the retention of a forty (40) tree buffer around the property perimeter less the entrance. It is doubtful this will achieve a Type A buffer adjacent to the parking lot and will likely require supplemental plantings or a fence.
3. **Lighting.** No lighting is proposed.

#### COMPATIBILITY OF USES

Evidenced by the above description and below table of uses, the RA district is comprised of agricultural uses, residential subdivisions, rural home occupations, and other uses often considered through a special use permit review.

MAJOR GROUP	INDUSTRY GROUP	RA	RA-CD
Residential		Permitted	Not Permitted
Construction		Permitted with SR	Not Permitted
Mining		Not Permitted	Not Permitted
Manufacturing		Some Permitted with SR	Not Permitted
	"Heavy Impact Uses"	Not Permitted	Not Permitted
Transp., Com., Elec. / Gas, & Sanitary Svc.		Some Permitted with SR	Not Permitted
Wholesale Trade		Permitted with SR	Not Permitted
Retail Trade		Most Permitted with SR	Not Permitted
Finance, Ins., & Real Est.		Most Permitted with SR	Not Permitted
Services		Some Permitted with SR	Cricket Field
	Misc. Amusement & Rec.	Not Permitted	Not Permitted
Public Admin.		Not Permitted	Not Permitted

Generalized Groupings:  
Permitted: 100-75% Most: 75-50% Some: 50-25% Not Permitted: 25-0%

Source: Section 21-113 Table of

**CONDITIONS IN THE VICINITY****See Enclosed Map –****North**

- Large tracts containing two (2) residences north of Glover Rd.
- Clover Glen subdivision established in 1997 consisting of 15 lots currently developed with 10 single family dwellings.

**South**

- Large wooded tracts; Crane Creek.

**East**

- Copperfield subdivision established in 1989 consisting of 12 lots developed with 12 single family dwellings.
- Single family dwellings along Glover Rd.

**West**

- Crane Creek and associated floodplain.
- Dwellings along Old Concord Rd.

**POTENTIAL IMPACT ON ROADS****Glover Road (SR 2532) –**

- Classified as a minor thoroughfare.
- Most recent Annual Average Daily Traffic (AADT) count collected in 2014 at the westernmost property corner estimate 1,100 vehicle trips along Glover Rd.
- Comprehensive Transportation Plan (CTP) estimates road capacity at 13,600 AADT, which represents a figure primarily based on pavement width (estimated 20 foot) and speed limit (45 mph) rather than a single measure of assessing the road's operational capacity.
- Staff is unable to determine the number of vehicle trips this facility will generate. In addition to players and necessary officiating personnel, guests may attend or others as the owner / league permit. The applicant attempted to address staff's question regarding the number of individuals attending the facility in the narrative but nothing quantitative. Although difficult to enforce, this topic could be discussed as a condition of approval for general use or in the event a tournament with spectators is proposed.
- On November 3, 2021, NCDOT approved commercial driveway permit #D091-080-21-00063 for using the existing driveway upgraded to the proposed width and turning radius. Condition #9 indicates the first 50 foot must be paved, unless otherwise waived by DOT.

**POTENTIAL IMPACT ON SCHOOLS**

N/A.

**POTENTIAL IMPACT ON UTILITIES**

The owner plans on providing portable restrooms.

**NOISE** In effort to address potential impacts of noise, the site plan includes a table of common noise sources with decibels and a second table illustrating the dissipating decibel levels by distance based on a high school softball game as a comparison to what the proposed field may generate. According to the applicant, no speakers will be used for officiating, announcements, music, etc.

**SOIL** According to the soil layer in GIS, an approximate five (5) acres along Glover Rd. consist of Cecil soil identified as “moderate” meaning the soil is generally considered suitable for septic systems. Conversely, the remaining acreage consist of Chewacla, Enon, Mecklenburg, and Segefield soils identified as “severe” meaning these soil types are typically problematic for percolation with conventional septic systems. These areas are primarily impacted by the significant area of floodplain and drainage features extending through the property.



**DECISION MAKING** In addition to the above criteria, sec. 21-362 (c) of the Zoning Ordinance indicates the primary question before the Board of Commissioners in a rezoning decision is “whether the proposed change advances the public health, safety, or welfare as well as the intent and spirit of the ordinance.” Additionally, the board “shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed zoning change on the public at large.”

**PROCEDURES** The Board of Commissioners must develop a statement of consistency / reasonableness describing whether its action is consistent with any adopted comprehensive plans and indicate why their action is reasonable and in the public interest. A statement analyzing the reasonableness of the decision is also necessary.

**NOVEMBER 22, 2021  
PLANNING BOARD**

Four (4) citizens spoke at the Planning Board Meeting sharing the following comments:

1. Richard Hooper – Adjacent property owner in favor of proposal.
2. Gregory Lowe – Adjacent property owner with no concerns other than security of the property when not in use. Would like to see a gate or other restriction at the entrance for idle times.



3. Linda Ennis – Adjacent property owner indicated that Copperfield residents are primarily older with no children that want peace and quiet. She is concerned about noise and would like to see a limit on the number of people attending matches.
4. Annette Moore – Adjacent property owner concerned since her family hunts adjacent to the proposed field and for safety reasons. Undecided at this point if she is for or against the proposal.

The Planning Board voted unanimously (6-0) to recommend approval subject to the following conditions and below statement of consistency and reasonableness:

1. Increase buffer width to 40 feet;
2. No athletic field lighting; and
3. Add security gate at the drive entrance.

**Statement of Consistency and Reasonableness – “Z 09-21 is consistent with the East Rowan Land Use Plan and reasonable and appropriate based on the addition of green space to the plan, field lights will not be used, and adopted conditions.”**

**STAFF COMMENTS** While impacts from athletic field operations may vary based on specific characteristics – especially public vs. private – , they commonly include traffic, noise, glare, and hours of operation. The CD process provides an opportunity for the neighbors and board to discuss and determine if potential conditions would adequately address potential impacts sufficient to deem the project compatible with the area. Staff encouraged the applicant to consider a voluntary condition to retain as much of a tree buffer as possible adjacent to the Copperfield subdivision resulting in the offering of forty (40) foot.

At this time, it is unknown the frequency of use other than “during daylight hours”. It is conceivable this location could host tournaments since it appears the Charlotte region may have only a half dozen fields. If mutually agreed upon by the applicant, specific conditions that address compatibility could include:

1. Forty (40) foot tree retention buffer required around property limits less driveway;
2. Field may only be used for the sport of cricket;
3. All visitors must park in designated parking spaces;
4. No use of permanent or portable high intensity “athletic field lighting”;
5. No use of speakers;
6. Limit on signage (if a Board concern); and
7. Install gate or other vehicular restriction at driveway entrance consistent with NCDOT permit requirements.