



## REZONING PETITION: Z 02-22

**Request:** Rezone 4.52 AC from RA to NB-CD for a general contractor's business

**Parcel ID:** 619-130

**Location:** 5200 Block Bringle Ferry Rd. Salisbury

**Lot size:** 4.52 AC

**Owner / Applicant:** Chris and Drew Roseman

**Watershed:** N/A

**Floodplain:** N/A

**Existing Improvements:**  
None.

### BACKGROUND

Two months after purchasing approximately 21 acres of land at 5145 Bringle Ferry Road at the beginning of last year, property owner Chris Roseman discussed his plans for subdividing and the developing the property. Chris along with his brother Chase proposed to create a one (1) acre lot for the existing house at 5145 Bringle Ferry Road, create one (1) lot for each brother to build their personal residences, and one (1) lot for their family business – a General Contractor of single family homes. Staff shared the standards for Rural Home Occupations (RHO) to incorporate into the lot layouts in anticipation of plan submittals once residences where constructed.

In early December of last year, the Roseman's indicated the construction of their homes would be delayed due to lumber prices and inquired about other options that would permit the construction of a non-residential building. Staff indicated rezoning to Neighborhood Business was the only other option.

### REQUEST

Property owners Chris and Drew Roseman are requesting the rezoning of their 4.52 acre parcel identified as Parcel ID 619-130 located at the 5200 Block of Bringle Ferry Road Salisbury from Rural Agricultural (RA) to

Neighborhood Business with a Conditional District (NB-CD) to operate a general contractor's business.

### PLAN DETAILS

Proposed plans include:

- A 7,200 sf enclosed building with two (2) lean-to sections, which total another 4,800 sf, that will be used for storage (12,000 sf total).
- Structure would be 500 feet off the road (note this could change unless a specific condition of approval were established).
- Small gravel area in front to accommodate parking needs.
- No outdoor storage proposed.

- While the lot has frontage along with an identified thirty (30) foot easement to Drew Roseman's lot (Parcel ID 619-131), access is proposed via a newly constructed driveway from Bringle Ferry Road on the adjacent Parcel ID 619-129 (Chris Roseman's lot), which will serve the two (2) future residences and the business. In anticipation of the three (3) future addressable structures, county Planning and IT staff accepted the proposed road name of "Duckhorn Drive" for the new driveway.
- Proposed swimming pool behind the building.

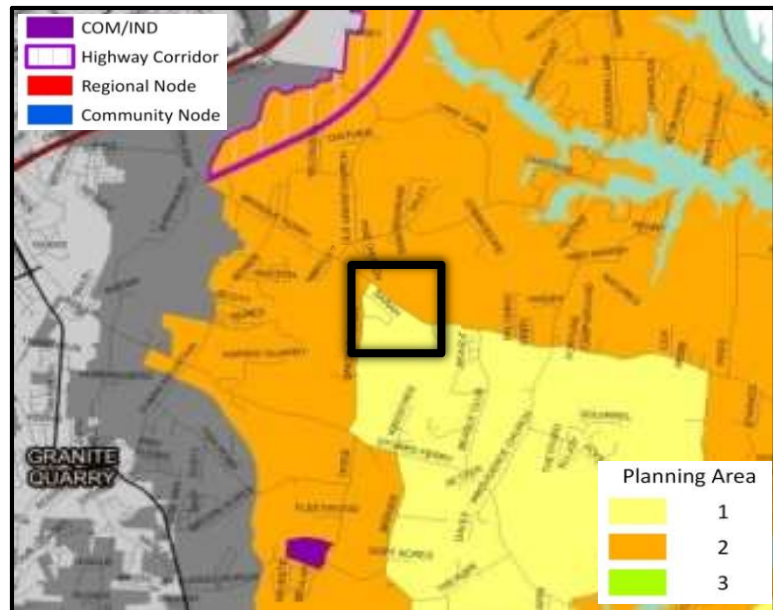
**CONFORMITY  
WITH ADOPTED  
PLANS / POLICIES**

East Area LUP

- Located in Area 1.
- Property located at transition from Area 2 (properties adjacent to municipalities and High Rock Lake).

- Rural businesses located along recognized thoroughfares are generally encouraged for NB designation.

- The plan recognizes the NB district may be enhanced by increasing allowed uses, a maximum building size, appearance standards, and setbacks. Note: the district standards have been revised to include additional permitted uses and increased building size.



**CONSISTENCY WITH  
THE DISTRICTS  
PURPOSE / INTENT**

**Neighborhood Business (NB)** – This district is primarily designed to provide rural business opportunities typically in the form of small retail, service, office, and light manufacturing uses to serve the community's existing and future needs for goods, services, and employment opportunities. Standards within the district are intended to promote context sensitive development appropriately scaled and organized in a manner that would not be detrimental to the surrounding area. Development within this district would contain impacts inherently more intensive than those associated with uses permitted with special requirements in the RA district but significantly less than those in CBI zoned areas. The NB district is generally appropriate in areas identified by an adopted land use plan for rural businesses located on identified minor and major thoroughfares and within community nodes. However, additional consideration may be necessary as some thoroughfare segments would not be conducive to NB designation due to surrounding land use and / or potential negative impacts such as traffic, noise, and visual impacts.

Generally, the NB district shall be two (2) acres or larger. However, a lot of record, smaller than two (2) acres may be considered for rezoning to NB if the owner of the lot does not own adjacent property which may be included in the rezoning request.

**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.

#### **NB SPECIAL REQUIREMENTS**

Section 21-65 identify the following criteria apply to uses permitted with special requirements in the NB district (staff comments in bold):

1. *Site Plan – Show all existing / proposed buildings and criteria herein.* **Provided.**
2. *Lighting – Shielded to prevent light and glare spillover to adjacent residentially developed properties.* **Proposed security light in front of building.**
3. *Minimum zone lot size – Minimum zone lot size shall be two (2) acres.* **4.52 Acres.**
4. *Building size – Maximum building size not exceed 10% of the lot area up 10,000 sf and 5% of the lot acreage thereafter up to 25,000 sf.* **14,464 sf permitted (using ac outside r/w).**
5. *Impervious surface – Maximum impervious surface not to exceed 65%.* **Proposing 19,798 sf or 11% impervious coverage.**
6. *Hours of operation – Not exceed 6:00 a.m. to 11:00 p.m.* **General operating hours will be M-F 9AM to 5PM.**
7. *Parking – As prescribed in Article VII.* **Five (5) spaces provided while only two (2) required (vehicles for operation are proposed to be parked within building).**
8. *Signage – As prescribed in Article VIII.* **No standards for signage.**
9. *Noise – Not exceed the decibel levels during time periods prescribed in section 21-241.* **Should not present any issues.**
10. *Outdoor storage – All outside storage areas including dumpsters shall be sites to the rear of the building, not within the required setbacks, and completely screened from residentially zoned properties.* **Per applicant, no outdoor storage proposed. Equipment proposed within the structure.**
11. *Smoke, odors and dust – Use will not create any smoke, odors, or dust at a level discernible at lot lines.* **Should not apply.**

12. *Required licenses and permits – Provide a copy of all required licenses / permits prior to issuance of a zoning permit. All have / will be obtained.*
13. *Handling waste and other by-products – Any proposed dumpster must meet item #10.*
14. *Screening and buffering – As required by section 21-216. None required since building is more than 200 feet to the nearest adjacent residential principal or accessory use.*
15. *Outdoor display – Limited to 5,000 sf. N/A.*

The site plan complies with all of the Rural Home Occupation (RHO) standards in the RA district except the residency requirement and side setbacks, which is an internal property line within the Roseman family property.

#### COMPATIBILITY OF USES

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

MAJOR GROUP	INDUSTRY GROUP	RA	NB-CD
Residential		Permitted	Not Permitted
Construction		Permitted with SR	General Contractor
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	Not Permitted
	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 between Bringle Ferry and Goodman Lake Roads.
- Single family dwelling at 5280 Bringle Ferry Road directly across the street.

##### South

- Wooded properties.

##### East

- Three (3) residences along Bringle Ferry Road (5225, 5355, 5415).
- Church Creek and associated floodplain.
- Duke Energy transmission line.

## West

- Residential uses along Bringle Ferry Road.
- Union Terrace subdivision established in 1963 containing 71 lots with only 16 dwellings. Staff have been informed by a couple property owners in the neighborhood that most of these lots do not perc for on-site septic systems.

### **POTENTIAL IMPACT ON ROADS**

#### **Bringle Ferry Road (SR 1002) –**

- Classified as a major thoroughfare.
- Most recent Annual Average Daily Traffic (AADT) count collected in 2019 near Union Church Rd. estimate 4,400 vehicle trips along this road segment.
- Comprehensive Transportation Plan (CTP) estimates road capacity at 14,600 AADT, which represents a figure primarily based on pavement width (estimated 28 foot) and speed limit (45 mph) rather than a single measure of assessing the road's operational capacity.
- Staff estimate this use should generate a low number of trips.
- On January 25, 2022, NCDOT approved a residential driveway permit #D091-080-22-00017 for the proposed houses and commercial structure. A separate commercial permit was not required due the assumed minimal impact.

### **POTENTIAL IMPACT ON SCHOOLS**

N/A.

### **POTENTIAL IMPACT ON UTILITIES**

The Roseman's hired private soil scientist Steve Cannon to design a septic system that will extend on Parcel ID 619-129 (no layout provided). All required septic easements will be identified and recorded as necessary prior to permitting.

This property is located within a Phase II stormwater area identified by the North Carolina Department of Environmental Quality (DEQ). According to DEQ staff, developments that meet the low density requirement (under 24% impervious coverage) would not require stormwater control measures.

### **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.

**FEBRUARY 28<sup>TH</sup>, 2022**  
**PLANNING BOARD**  
**MEETING**

Other than the owner / applicant, no one spoke at the courtesy hearing. The Planning Board voted unanimously (6-0) to recommend approval with no conditions. Board member Mike Julian did question whether a condition to pave a portion of driveway entrance was needed. [Staff comment: condition #9 of the permit indicates permanent driveways shall be paved a minimum of 50 feet but is typically enforced by DOT only in instances where safety issues arise due to mud / gravel extending onto the roadway. Note, the driveway is located on an adjacent lot not part of the rezoning request.]

**Planning Board Statement of Reasonableness / Consistency**

Z 02-22 is consistent with the East Area Land Use Plan and reasonable and appropriate based on the following:

- Appears it will have low impact on the surrounding community;
- Consistent with the NB and RHO standards;
- Bringle Ferry Road is considered a major thoroughfare, which is where NB is intended; and
- Seems to align with the spirit and intent of the ordinance.

**PUBLIC NOTICE**

**March 22<sup>nd</sup>** – Letters mailed to four (4) adjacent property owners (within 100 feet of subject property).

**March 22<sup>nd</sup>** – Signs posted on property.

**March 24<sup>th</sup> & 31<sup>st</sup>** – Notice published in the *Salisbury Post*.

**STAFF COMMENTS**

General contractor businesses typically do not generate much site activity less morning and evening movements. Visual impacts with outdoor storage are one of the primary concerns with some contractor businesses but none are proposed with this application. Additionally, the NB district requires any outdoor storage – other than equipment parking – be located behind the building and screened. Staff is of the understanding all equipment will be either within the building or under the lean-to, which could be discussed with potential conditions for assurance. The site plan meets the RHO standards (less residency) designed to address compatibility in most RA zoned areas.

