

DEPARTMENT OF PLANNING & DEVELOPMENT
DATE: 05/06/2022
STAFF CONTACT: AARON POPLIN



REZONING PETITION: Z 01-22

REQUEST: RR to CBI-CD

PARCEL ID: 310 325 and
310 327

LOCATION: 4500 block
Cauble Rd.

ACERAGE: 1.75

CURRENT LAND USE:
Vacant

OWNER: Thaddeus Ogg

APPLICANT: Thaddeus Ogg

BACKGROUND

Thaddeus Ogg is petitioning to rezone his two parcels at the approximate 4500 block of Cauble Rd from Rural Residential (RR) to Commercial Business Industrial with a Conditional District (CBI-CD) for the placement of a mini-storage warehouse facility. These properties can be further referenced as county tax parcels 310 325 and 310 327.

Relationship with any plans and policies

This property is located in Area 2 of the Western Area Land Use Plan areas adjacent to Salisbury, Spencer, China Grove, and Landis. Area 2 encourages mixed development throughout the area. Cauble Rd is identified as a minor throughcare and the plan recommends Neighborhood Business off of minor

thoroughfares.

Within approximately half a mile of this request off of US 601 HWY there have been five approved commercial rezonings. Three of the rezoning requests have been to a general NB district and the other two requests have been to Conditional District CBI. This request would follow this same trend of CBI districts being requested as conditional districts.

Consistency with the requested zoning district's purpose and intent

Commercial, Business, Industrial, CBI. This zone allows for a wide range of commercial, business and light to medium industrial activities which support both the local and/or regional

economies. The CBI district is generally appropriate in areas identified by an adopted land use plan that recommend "highway business" along identified NC and US highways; community/regional/potential development nodes; commercial corridors; and existing commercial areas. Areas served by public water/sewer represent significant public investment to foster tax base growth and employment opportunities for the citizens, which could be served through CBI designation. The CBI district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

Compatibility of all uses within the proposed district classification with other properties

Compatibility of Uses: the CBI district offers a wide variety of uses of varying intensities, however this request only allows for Mini-warehouse storage (4225).

MAJOR GROUP	INDUSTRY GROUP	RR	CBI-CD
Residential		Permitted	Not Permitted
Construction		Permitted with SR	Not Permitted
Manufacturing		Permitted with SR	Not Permitted
	"Heavy Impact Uses"	Not Permitted	Not Permitted
Transp., Com., Elec. / Gas, & Sanitary Svc.		Some Permitted with SR	Mini-Warehouses
Wholesale Trade		Most Permitted with SR	Not Permitted
Retail Trade		Permitted with SR	Not Permitted
Finance, Ins., & Real Est.		Permitted with SR	Not Permitted
Services		Most 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-

Source: Section 21-113 Table of Uses

Conditions within the vicinity (see enclosed map): Area around the intersection of Cauble Rd and US 601 HWY is mostly zoned RR. There is an approximate 16 acre CBI district that is located at the intersection and is immediately adjacent to the rezoning request. Cauble Rd has one CBI zoned lot that is currently used for a commercial use and a few other Rural Home Occupations. The majority of the tracts off of Cauble Rd have single family dwellings on them. US 601 HWY in the area is mostly single family residences, but there are a number of non-residentially developed properties with uses including a church, Dollar General, and Mulch sales.

Potential impact on facilities such as roads, utilities and schools

Roads: The NC DOT has already issued a driveway permit D091-080-21-00037 for the entrance off of Cauble Rd.

Utilities: N/A

Schools: N/A

Decision making and procedures

Decision Making: In addition to the above criteria, sec. 21-362 (c) of the Zoning Ordinance indicates the primary question before the Planning Board / 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 boards “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 Planning Board must develop a statement of consistency describing whether its action is consistent with any adopted comprehensive plans and indicate why their action is reasonable and in the public interest [sec. 21-362 (j)]. A statement analyzing the reasonableness of the decision is also necessary. See enclosed checklist as a guide in developing these statements.

A statement of reasonableness is necessary to substantiate a small-scale zoning decision and ensure the decision is “reasonable”. While spot zoning in North Carolina is considered legal, it must be determined as reasonable based on a number of factors including the following established by the courts:

- Size and nature of the tract;
- Compatibility with existing plans;
- The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community; and
- The relationship between the newly allowed uses in a spot rezoning and the previously allowed uses.

February Planning Board Meeting

The Rowan County Planning Board conducted a courtesy hearing for Z 01-22 at their February meeting. During the courtesy hearing two people spoke in opposition of the rezoning. The main concerns of the opposition were the potential for increased traffic and the potential for light to shine on adjacent residential property. One person spoke in favor of the rezoning saying that the proposed use is better than other potential uses that could be used on the site.

The Planning Board discussed the application and went over potential conditions that would mitigate the concerns of the neighbors. The Planning Board and the applicant agreed to three conditions: The screening for the property would change from an opaque fence to a row of evergreen trees, the parcels would be combined, and the dusk to dawn lighting be motion activated.

The Planning Board adopted the following statements:

Statement of Consistency – Z 01-22 is consistent with the Western Area Land Use Plan on minor thoroughfares and is adjacent to other CBI zoned properties.

Statement of Reasonableness – Z 01-22 is reasonable based on the fact there are many other CBI zoned parcels in the immediate area and that storage buildings will not be detrimental to the surrounding land owners

The Planning Board approved the request with the conditions of, combining the two properties, changing the fence and natural buffer, so that the natural buffer is on outside of fence and that the lighting be motion activated.

After the Planning Board meeting the applicant updated their site plan to reflect the conditions agreed to at the meeting. Along with addressing the conditions the applicant added a small storm water control pond to comply with any potential DEQ stormwater requirements. The applicant has assured staff that any design changes required by the DEQ would not require moving the pond.

Staff Comments

- Only the use shown in the site plan should be considered when making a decision.
- The owners plan to combine tax parcels 310 325 and 310 327 into one parcel. Staff recommends that a condition of approval be that the lots be combined.
- The Board can consider adding other mutually agreed upon conditions to the request.

Attachments

- GIS Map
- Site Plan
- Application
- Statement worksheet