



**REZONING PETITION:
Z 06-22: DAVID TUCKER**

Request: Amend site plan for existing CBI-CD to allow 2,240 sf office addition for existing heavy construction contractor business

Parcel ID: 606-051

Location: 4725 Long Ferry Rd. Salisbury

Lot size: .94 AC

Owner: David Tucker

Applicant: The Bogle Firm

Watershed: N/A

Floodplain: N/A

Existing Improvements:
2,720 sf office building

BACKGROUND According to Rowan County Tax Assessor records, the existing structure located at 4725 Long Ferry Road Salisbury (Parcel 606-051) was built in 1985 and used as a convenience store until converted to office space in 2001. Planning Staff was not aware of the conversion, which likely was an interior upfit for the Rural Agricultural (RA) zoned property. In 2011, the Board of Commissioners approved a rezoning request from RA to Commercial, Business, Industrial with an accompanying Conditional District (CBI-CD) for a funeral home, which the applicant chose not to develop. In 2016, the Board of Commissioners approved a request from current property owner David Tucker to amend the CBI-CD zoning district to permit a grading and hauling business with up to five (5) trucks.

REQUEST On behalf of Mr. Tucker, The Bogle Firm is requesting an amendment to the existing CBI-CD designation to accommodate a revision to their site plan to include a 2,240 sf addition for an existing heavy construction contractor business.

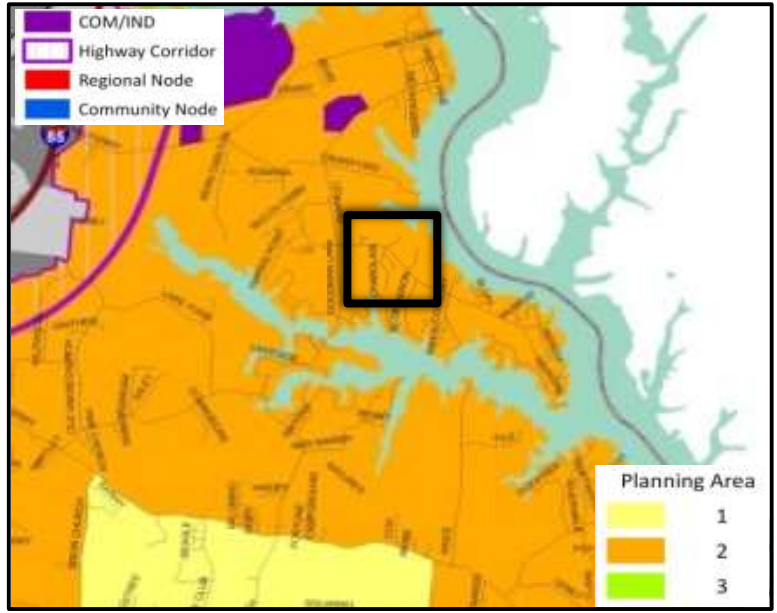
PLAN DETAILS According to the site plan provided, site details include:

- Location will be used as an office for accounting and estimating for a heavy construction land development and grading contractor.
- All company trucks / vehicles, heavy equipment, and material storage will be stored off-site.
- 2,240 sf office addition with handicap parking and building access accommodations.
- Minor improvement to SE parking area for a total of 17 spaces.
- Leyland Cypress tree buffer installed along the rear property line (either was not installed in 2016 or died).

**CONFORMITY
WITH ADOPTED
PLANS / POLICIES**

East Area LUP
• Located in Area 2.

• Proposals for expansion of existing businesses that minimize conflict with surrounding residential uses through design standards or impact mitigation techniques are encouraged.



**CONSISTENCY WITH
THE DISTRICTS
PURPOSE / 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.

Conditional Districts (CD) – There are instances where a rezoning request to a general district would be inappropriate and could not effectively be managed by the district’s general development standards. As an alternative manner to evaluate such a request, a conditional district may propose specific development standards necessary to address anticipated impacts on surrounding properties and the county, establish consistency with adopted plans, and / or provide a clear understanding of the type and degree of future development allowed within the district. This can often be achieved by the commitment to a specific use or uses permitted in the conditional district, increased development standards, or site plan details, which are tailored to address the aforementioned objectives and sufficient to allow for an appropriate evaluation of the request. This voluntary procedure must be petitioned by the property owner or their authorized agent as a development proposal and not for securing early zoning for tentative uses which may not be undertaken for a long period of time.

COMPATIBILITY OF USES

Since this is an amendment to an existing CD, a use comparison table is not necessary.

CONDITIONS IN THE VICINITY See Enclosed Map –North

- 4685 LFR – Mini-warehouse rezoned CBI-CD in 2005
- 4695 LFR – Automotive repair rezoned CBI-CD in 2005
- Small cluster of houses along the 4600 Block of LFR
- Bayridge Estates – 9 lot residential subdivision developed in 1989
- 4590 LFR – Millers Ferry Fire Department

South

- Chez Charolais Acres – 56 lot residential subdivision / manufactured home park developed in 1994
- Cluster of houses along LFR

East

- 4798 LFR – Residence on a predominantly wooded tract
- Middle Oaks – 11 lot residential subdivision developed in 1986

West

- Chez Charolais Acres
- 70 acre cattle pasture between LFR and Goodman Lake Rd.

POTENTIAL IMPACT ON ROADSLong Ferry Road (SR 2120) –

- Classified as a local road (major thoroughfare designation from Goodman Lake Road to N. Salisbury Av. in Spencer).
- Most recent Annual Average Daily Traffic (AADT) count collected in 2015 just east of Goodman Lake Rd. estimate 1,700 vehicle trips.
- This request should have minimal impact on roads.
- According to a previous staff report, the existing driveways were permitted by NCDOT and should not require any change for office use.

POTENTIAL IMPACT ON SCHOOLS

None.

POTENTIAL IMPACT ON UTILITIES

The office is served by an on site- well and septic system. The addition will be subject to comply with applicable Rowan County Environmental Health Standards.

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.

JULY 25TH, 2022 PLANNING BOARD MEETING Other than the applicant, no one spoke at the meeting. The Planning Board voted unanimously (5-0) to recommend approval as requested with no conditions subject to the below statement:

Planning Board Statement of Reasonableness / Consistency

“Z 06-22 is consistent with the East Area Land Use Plan and reasonable and appropriate based on the following: compatible with the surrounding area; the conversion from an office with onsite storage of heavy equipment for hauling and grading to just a larger office space will be a benefit to the neighbors because the removal of the heavy equipment and debris will clean up the site; it is an expansion of a current business and is better overall utilization of the property.”

PUBLIC NOTICE **August 2nd** – Letters mailed to five (5) adjacent property owners (within 100 feet of subject property).

August 2nd – Sign posted on property.

August 4th & 11th – Notice published in the *Salisbury Post*.

STAFF COMMENTS Staff’s primary concern is the use of the buffer area for material storage and the lack of vegetation or fencing adjacent to the residential uses. If approved, this will be verified at both the final building inspection and noted for a subsequent inspection thereafter. For added clarity, staff would recommend adding a condition of approval to specify:

1. Per site plan, all heavy equipment and construction material will be parked and stored off-site.