

DEPARTMENT OF PLANNING & DEVELOPMENT
DATE: 09/23/2022
STAFF CONTACT: AARON POPLIN



REZONING PETITION: Z 05-22

REQUEST: RR to CBI-CD

PARCEL ID: 463A289

LOCATION: 3700 block
Mooresville Rd.

ACERAGE: 5.98

CURRENT LAND USE:
Vacant

OWNER: Sutton Children
LLC

APPLICANT: Sutton
Children LLC

BACKGROUND

Sutton Children LLC are petitioning to rezone their parcel at the approximate 3700 block of Mooresville Rd from Rural Residential (RR) to Commercial Business Industrial with a Conditional District (CBI-CD) for the placement of a mini-storage warehouse facility. This property can be further referenced as county tax parcel 463A289.

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. Mooresville Rd/ NC 150 HWY is identified as a major throughfare and the plan recommends Highway Business off major thoroughfares and NC highways.

The Western Area Land Use Plan recommends considering building appearance, design elements and landscaping for new businesses. Conditional district rezonings offer the Board an opportunity to recommend these enhanced design elements in the form of mutually agreed upon conditions.

This proposed mini-storage warehousing has some higher performance standards included with it that are not typical to the mini-storage facilities that have been brought to the Board in recent years. One of the more notable differences are that there will be a manned office with a masonry façade and windows instead of only metal siding. The heavy duty asphalt paving is a higher standard than the gravel paving that is commonly used in storage facilities in the County.

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 property is located inside a Phase II storm water area. The site plan addresses this with a storm water pond. NC DEQ permitting may require changes to the pond. Changes in location of the pond may require an amendment to the zoning district if it involves a relocation of a building or parking area, but changes in the shape alone likely would not necessitate an amendment.

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). The buildings on the site plan have around a 50,000 Sq Ft footprint. With two of the buildings being two story the total storage area is around 80,000 Sq Ft.

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): The area around the intersection of Mooresville Rd and John Rainey Rd is a mixture of RR, Residential Suburban (RS) and CBI. Most of the RR zoned lots are larger lots with single family dwellings and Farm/Wood land. The RS zoned lots are mostly within subdivisions that connect to Mooresville Rd; these lots are smaller lots that contain single family dwellings. The CBI lots are adjacent to the rezoning and contain a Gas station, Landscaping supply business, and cell tower. Other nonresidential uses in the area would be the Christ United Methodist Church, Neel Rd Baptist Church, and Masingo's Motor Company auto repair business.

Potential impact on facilities such as roads, utilities and schools

Roads: The NC DOT has indicated that they do not have issue with granting access off Mooresville Rd however they have not issued a formal driveway permit. The Briggs Rd to Quail Rd section of NC 150 (Mooresville Rd) has an AADT of 7,200 last taken in 2019. The designed capacity is 14,600 AADT. The Quail Rd to Candlewick Dr section of NC 150 (Mooresville Rd) has a AADT of 10,000 last taken in 2018 with a design capacity of 12,500 AADT.

Using the formulas from the Institute of traffic Engineers Trip Generation 7th edition, Mini Warehouses generate on average 2.5 trips per 1,000 Sq Ft on weekdays and 2.33 Trips per 1,000 Sq Ft on Saturdays. Using these calculations, the site would generate 200 weekday trips and 186 Saturday trips. Weekday peak AM hours are calculated at .28 trips per hour and weekday peak PM hours are calculated at .29 per hour. With these calculations the site could generate 22 trips per hour during AM peak and 23 trips per hour PM peak.

Utilities: Utilities are not available at this site and the buildings will utilize well and septic.

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 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.

July Planning Board Meeting

The Rowan County Planning Board conducted a courtesy hearing for Z 05-22 at their July Meeting. Multiple people from the community spoke in opposition to the request. The concerns from the community were related to traffic issues, safety, property values, and privacy.

The Planning Board members discussed the case. The Board raised concerns that the use would go behind existing houses and surround the residence at 3707 Mooresville Rd on two sides. The Planning Board also acknowledged the traffic concerns but decided that it was not relevant to this request as the amount of traffic on the road was a problem prior to the request.

The Planning Board adopted the following statement:

Statement of Consistency and Reasonableness –Z 05-22 is not consistent with the Western Land Use Plan or reasonable/appropriate based on the following:

- The project size of 96000 square feet on 5.98 acres of land is out of scale with the area;
- the project will split the existing houses (4);
- the project will overwhelm the neighborhood.

The statement was adopted with a vote of 4 to 2

A motion to deny the application was adopted with a vote of 4 to 2.

Site Plan Amendments

After the Planning Board meeting the applicant decided to amend the request and reduce the scale of the use to address some of the concerns of the community and Planning Board. The most notable changes are as follows:

- Reduction from 6 to 4 buildings. Total storage capacity reduced from 112,000 Sq Ft to 80,000 Sq Ft.
- Removal of parking area for boats and RVs.
- Removal of the secondary entrance off of John Rainy Rd.
- Increase of the buffer area from 20' to 25' and 30'.
- Increase in vegetative screening for adjoining residences.
- Wood or Veneer fencing added to buffer area with adjoining residences off of Mooresville Rd.

Staff Comments

- Higher Standards described in the building elevations could change unless added as a mutually agreed upon condition of approval. However, the asphalt paving is on the site plan so it would be required without adding a separate condition.
- With the request being a conditional district the Board could add mutually agreed upon conditions to address other concerns that were not adequately addressed in the updated site plan.

Attachments

- GIS Map
- Site Plan
- Application
- Statement worksheet