



Rowan County Planning and Development Department

402 North Main Street, Suite 204 • Salisbury, N.C. 28144-4341
Planning: 704-216-8588 Fax: 704-638-3130

MEMORANDUM

TO: Chairman Edds and Rowan County Board of Commissioners
FROM: Shane Stewart, Senior Planner
DATE: March 8, 2016
RE: **Z 02-16**

SUGGESTED BOARD OF COMMISSIONERS ACTION

- ☐ Receive staff report ☐ Petitioner comments ☐ Conduct public hearing
☐ Close hearing and discuss ☐ Motion to adopt statement of consistency and reasonableness ☐ Motion to Approve / Deny / Table **Z 02-16**

REQUEST

Chad Crainshaw is requesting the rezoning of a 3.72 acre parcel owned by Susan Holshouser referenced as Tax Parcel 126-079 located at the corner of E. NC 152 Hwy and Menius Rd. from Rural Agricultural (RA) to Commercial Business Industrial (CBI).

ZONING CRITERIA

1. Relationship and conformity with any plans and policies.

Plans – This property is located within Area 2 and the Highway Corridor Overlay for E. NC 152 as defined by the East Area Land Use Plan. The overlay recognizes Highway Businesses, which are typically in the form of “stand alone” businesses, are generally appropriate for the corridor. The plan does recommend appearance and design standards for the corridor and the creation of a highway business zoning district to eliminate use of the parallel conditional use district.

The March 2014 Cabarrus-Rowan Metropolitan Transportation Plan identifies the Hwy 152 Bypass as a potential 2035 horizon year project. This un-funded project has a generalized alignment beginning at Brown Rd. west of China Grove and extending north of town to Menius Rd. Since an alignment has not been established, the layout should only be used as general information rather than a firm location for the bypass.

Additionally, TIP # R-4062 is an un-funded 2035 horizon year project to widen E. NC 152 Hwy to 4 lanes from I-85 to US 52 Hwy. The subject property frontage along E. NC 152 Hwy is currently subject to an observed right of way of 100' to account for the future widening project and ensure setbacks and other dimensional standards would be conforming after completion.

Policies – N/A.

2. 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 industrial activities which provide goods and services. This district is typically for more densely developed suburban areas, major transportation corridors, and major cross-roads communities. However this 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.

This property complies with the location requirement being along a major corridor and the land use plan recommendation of highway business along NC 152. Without a known use, it is difficult to discern whether future development would be compatible with the surrounding area.

When countywide zoning was established on January 19, 1998, approximately 75% of the acreage between Grants Creek and Old Concord Rd. extending from Salisbury to China Grove / Hwy 152 were zoned CBI. Between 2000-2003, areas along I-85 were being evaluated for inclusion within newly established economic development zones (85-ED-1 through 4), which also evaluated properties within this area. Even though CBI functions as an open district permitting residential and many commercial uses, it became apparent the district application was too loosely applied to this large portion of the county consisting of 8,260 acres. As a result, on April 21, 2003, much of the areas between Grants Creek and Old Concord Rd. including the subject property, were rezoned from CBI to RA or Rural Residential (RR).

3. Compatibility of all uses within the proposed district classification with other properties and conditions in the vicinity.

Compatibility of uses – For comparison purposes, the below table of use excerpt provides a much generalized comparison between the RA and CBI districts. A more detailed comparison may be found in section 21-113 of the Zoning Ordinance.

Land Use Category	RA	CBI
Residential	Permitted	Permitted
Agriculture	Permitted	Permitted
Mining	Not Allowed	Not Allowed

Construction	Permitted with SR	Permitted
Manufacturing	Many permitted with SR	Most Permitted
Transportation, Communications, etc.	Some permitted with SR and CUP	Most Permitted
Wholesale Trade	Most permitted with SR	Most Permitted
Retail Trade	Permitted with SR	Permitted
Finance, Insurance, etc.	Permitted with SR	Permitted
Services	Most permitted with SR	Permitted
Public Administration	Some permitted with SR	Permitted

Note: Permitted with SR means permitted subject to compliance with a defined list of special requirements; “CUP” means subject to a conditional use permit by the Board of Commissioners.

Conditions in the vicinity (see enclosed map) –

North – Residential is the predominant land use for areas north of the subject property along Menius Road. Four (4) parcels totaling 2.16 acres zoned CBI and Neighborhood Business (NB) are located approximately ½ mile north containing an automotive repair business (665 Menius Rd.), a vacant commercial building previously used for automotive repair (690 Menius Rd.), and two residences. Another CBI zoned area, currently undeveloped, is located .36 miles north near 1895 Mt. Hope Ch. Rd. totaling 3.35 acres.

South – A cluster of six (6) residences are located between E. NC 152 and Beaver Loop.

East – The parcel immediately adjacent is vacant and wooded while the remaining areas along E. NC 152, White Pines Ln., and Fish House Rd. are predominately residential. A commercial building containing a former fish wholesale business is located approximately 450 feet east at 185 Fish House Ln. A 9.7 acre Industrial (IND) zoned parcel containing multiple businesses totaling 88,464 sq.ft. under roof is located 500’ southeast at the corner E. NC 152 and Beaver Loop. A 3.22 acre area zoned CBI-CUD (**Z 05-01 & CUP 08-01**) containing a former paintball facility is located .20 miles southeast at 330 Beaver Loop.

West – Properties to the west are almost exclusively residential and zoned RR, which has generally been viewed as a transition zone. East Coast Development Co. (building / special trade contractors) owns 3.3 acres zoned CBI-CUD (**PCUR 02-06**) located ¼ mile southwest at 300 Wade Dr. containing nearly 22,000 sq.ft. under roof. Another CBI zoned area totaling over 10 acres is located ½ mile west at E. NC 152 and Kress Venture Dr. two business containing 10,896 sq. ft. under roof. This intersection also includes nearly 30 acres of vacant property zoned Highway Business (HB) by the Town of China Grove.

4. Potential impact on facilities such as roads, utilities and schools.

Roads – The property has 249 ft. of frontage on a major thoroughfare in E. NC 152 Hwy with an estimated capacity of 15,100 vehicles per day according to the NCDOT Comprehensive Transportation Plan compared to a traffic count of 8,600 vehicles in 2014 (historical high of 9,800 in 2008). Since the estimated capacity is largely based on pavement width (24 ft.) and speed limit (55 MPH), it should only be used as basic information regarding the volume to capacity ratio rather than the single measure in assessing the road’s operational capability. The property also contains 603 ft. of frontage along Menius Rd., which is classified as a local road with a 2014 traffic count estimate of 1,200.

As traffic counts approach 10,000 vehicles per day, it becomes more evident the widening project is necessary in the years ahead. For comparison purposes, Statesville Blvd. (US 70) experienced traffic counts ranging from 10,000 to 13,000 in the early 2000s on the two lane highway prior to the 4 lane widening completed around 2011. Preliminary discussions with DOT suggest a future driveway connection would be restricted to Menius Rd.

Utilities – N/A

Schools – Minimal. Both RA and CBI permit residential uses.

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 of Commissioners 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)]. Since this is a small-scale rezoning request, a statement analyzing the reasonableness of the decision is also necessary. See the below recommended Planning Board statements.

SPOT ZONING

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 may be determined as reasonable based on a number of factors including the following established by the courts:

- 1. Size and nature of the tract;**
- 2. Compatibility with existing plans;**

3. The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community; and
4. The relationship between the newly allowed uses in a spot rezoning and the previously allowed uses.

FEBRUARY 22, 2016 PLANNING BOARD MEETING

Applicant Chad
Crainshaw, property
owner Susan

Holshouser, and their attorney James Carter spoke in favor of the request. Adjacent property owner Sherry Hicks spoke about her concerns over the potential negative impact on property values and unknown potential uses. The Planning Board voted (7-1) to recommend approval based on the following statements:

Statement of Consistency

“Z-02-16 is located within the 152 Highway overlay and is consistent with the land use in that overlay.”

Statement of Reasonableness

“Z-02-16 is reasonable based on its location on Highway 152 and being located in the 152 Highway corridor area of the Eastern Land Use Plan. It is also reasonable based on the compatibility with other commercial uses in the vicinity.”

STAFF COMMENTS

As stated, this request is supported by the Land Use Plan and consistent with the purpose and intent of the CBI district. While the previously referenced CBI area was too loosely applied to this large portion of the county, the referenced CBI, NB, and IND zoned properties in the general vicinity suggest application to this corner lot may be appropriate.

Should the Board have concerns regarding the potential unknown uses, they could encourage the applicant to apply for a site-specific rezoning request, which is exclusively a voluntary zoning request. This would require the applicant to withdraw the current request, submit a site-specific rezoning request, and repeat the Planning Board / Board of Commissioner hearing process. As always, public input is an important part of this process.