



**ROWAN COUNTY COMMISSION AGENDA
SPECIAL MEETING**

June 22, 2020 - 6:00 PM

Join from a PC, Mac, iPad, iPhone or Android device:

<https://bit.ly/rowanboc0622>

Password: 06222020

Or join by phone:

Dial: (602) 753-0140 (720) 928-9299 (213) 338-8477

Webinar ID: 988 9872 8002

Password: 06222020

Call to Order

Invocation

- Provided By: Chaplain Michael Taylor

Pledge of Allegiance

Consider Approval of the Agenda

Board members are asked to voluntarily inform the Board if any matter on the agenda might present a conflict of interest or might require the member to be excused from voting.

- 1 Public Hearing for ZTA 01-20
- 2 Adjournment

Citizens with disabilities requiring special needs to access the services or public meetings of Rowan County Government should contact the County Manager's Office three days prior to the meeting by calling (704) 216-8180.

ROWAN COUNTY
A COUNTY COMMITTED TO EXCELLENCE



130 West Innes Street - Salisbury, NC 28144
TELEPHONE: 704-216-8180 * FAX: 704-216-8195

MEMO TO COMMISSIONERS:

FROM: Shane Stewart, Assistant Planning Director; Presented by Ed Muire
DATE: June 12, 2020
SUBJECT: Public Hearing for ZTA 01-20

Salisbury Investments I LLC, is requesting a text amendment to the Zoning Ordinance to incorporate SIC 283 and 284 as uses permitted by right in the IND zoning district. While the origin of this request is based on a specific site of interest by the applicant, staff proposes to include changes in the 85-ED 1-3 and the Commercial, Business, Industrial (CBI) districts, which will affect all properties zoned as such.

See enclosed memo for addition information and background info on the request.

Receive staff report from Ed Muire, conduct public hearing, adopt statement of consistency, and approve / deny / table ZTA 01-20.

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	6/12/2020	Exhibit
Application	6/12/2020	Exhibit



Rowan County Department of Planning & Development
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MEMORANDUM

TO: Rowan County Board of Commissioners
FROM: Shane Stewart, Assistant Planning Director
DATE: June 12, 2020
RE: **ZTA 01-20**

SUGGESTED BOARD OF COMMISSIONERS ACTION

- ☐ Receive staff report ☐ Conduct public hearing ☐ Close hearing & discuss
☐ Motion to adopt statement of consistency ☐ Motion to Approve / Deny /
Table **ZTA 01-20**

BACKGROUND

County staff from the Planning Department and the Economic Development Commission has been in contact individuals interested in establishing a business to initially produce hand sanitizer that will transition to pharmaceutical production thereafter. Information received from the applicant and business owner describing the proposed operations indicate the use of plastic resin pellets and similar materials to create various forms of packaging and bottling for their finished product line. Staff views these activities as customary to many manufacturing sectors and maintain the primary use of the proposed business will be hand sanitizer and pharmaceutical manufacturing rather than specific plastics manufacturing.

According to the Standard Industrial Classification (SIC) code used to categorize business activity referenced in the table of use matrix of the Zoning Ordinance, staff have determined these operations would be grouped within manufacturing sectors SIC 283: *Drugs* and SIC 284: *Soap, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and other Toilet Preparations*, which require a conditional use permit and compliance with eight (8) specific performance measures allowed only in Industrial (IND) district.

In 2004, Planning Staff was directed to identify groups of manufacturing uses which often exhibit significant impacts on surrounding properties inherent to their operation and to establish appropriate standards for consideration. The resulting process identified the requirement of IND zoning, compliance with a pre-determined set of specific

performance measures, and the need to obtain a conditional use permit prior to their operation. The identified group were loosely referred to as “heavy impact uses” consisting of manufacturing and wholesale trade sector uses such as Paper Mills (SIC 262); Chemical and Allied Products (SIC 28) [discussed further below]; Petroleum Refining (SIC 29) [e.g. hot mix asphalt plant]; Hydraulic Cement (SIC 324) [e.g. ready-mixed concrete plant]; and Primary Metals (SIC 33) [e.g. metal smelting] – refer to https://www.osha.gov/pls/imis/sic_manual.html for more specifics and examples of different uses in these groups

The chemical and allied product sector (SIC 28) contains eight (8) subgroups most of which should remain grouped with the above heavy impact uses (e.g. industrial inorganic chemicals (SIC 281); paints, varnishes, lacquers, etc. (SIC 285); industrial organic chemicals (SIC 286); agricultural chemicals (SIC 287)). However, this sector includes SIC 283 and 284 uses listed above, which should be considered separate from the major group 28 and the overall heavy impact group.

REQUEST

Salisbury Investments I LLC, is requesting a text amendment to the Zoning Ordinance to incorporate SIC 283 and 284 as uses permitted by right in the IND zoning district. While the origin of this request is based on a specific site of interest by the applicant, staff proposes to include changes in the 85-ED 1-3 and the Commercial, Business, Industrial (CBI) districts, which will affect all properties zoned as such.

PROPOSED CHANGES

Existing text proposed for deletion appear **highlighted with strikethroughs** while new text appear as **bold red text**.

Sec. 21-34. Economic development districts established for I-85.

(c) The district are labeled as 85-ED 1 through 4. "85" represents the relationship to I-85. "ED" represents the economic development designation for the sites.

(1) *85-ED-1*. The purpose of the 85-ED-1 district is to encourage the location of "high capital investment/high wage/low employment/clean" industries. Certain industries shall be allowed as permitted uses standards provided to protect adjacent neighborhoods. Other heavy industries may be allowed as conditional uses. If part of a larger master plan limited accessory and ancillary retail and service uses may be allowed.

a. In the 85-ED-1 district the following uses are permitted by right with a minimum lot size of five (5) acres:

Manufacturing group:

Drugs (SIC 283)

Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC 284)

- b. The following are allowed with the issuance of a conditional use permit:

Manufacturing group:

~~Drugs (SIC 283);~~

- (2) 85-ED-2. In areas where existing conditions such as surrounding development, access etc. may make the area less marketable for uses listed exclusively in the 85-ED-1 district then the 85-ED-2 district may be appropriate. The primary additions to this district are distribution and wholesaling operations.

- a. Certain industries shall be allowed as permitted uses with standards provided to protect adjacent neighborhoods. Other heavy industries and distribution and wholesale operations may be allowed as conditional uses. If part of a larger master plan limited accessory and ancillary retail and service uses may be allowed.

Manufacturing group:

Drugs (SIC 283)

Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC 284)

- b. The following are allowed with the issuance of a conditional use permit:

~~Drugs (SIC 283);~~

- (3) 85-ED-3 *Corporate Park District*. Some areas with good interstate visibility, good access and good surrounding environment may be suitable for high-end corporate headquarters. This may or may not include manufacturing. The purpose of the district is to provide for a high-quality mixture of employment uses of varying types in a single coordinated development. Minimum development size is twenty (20) acres and will require approval of a PUD.

- a. Allowed primary uses are:

Manufacturing group:

Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC 284)

Sec. 21-60

- (2) *Manufacturing trade group.*

a. *Pulp mills (SIC 261); paper mills (SIC 262); chemicals and allied products (SIC 28) except Drugs (SIC 283) and Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC 284); petroleum refining and related products (SIC 29); leather and finishing (SIC 3111); hydraulic cement (SIC 324); structural clay products (SIC 325); concrete, gypsum and plaster products (SIC 327); abrasives, asbestos, non-metallic mineral products (SIC 329); primary metal industries (SIC 33); ammunition except for small arms (SIC 3483), ordinance*

and accessories (SIC 3489); power, distribution and specialty transformers (SIC 3612); and wholesale trade group: chemical and allied products (SIC 516) and petroleum and petroleum related products (SIC 517).

1. *Minimum lot size.*
 - i. Five (5) acres for manufacturing group uses regulated under this subsection.
 - ii. Ten (10) acres for wholesale trade group uses regulated under this subsection.
2. *Location of structures, storage of materials.* The location of principal structures and storage of flammable or hazardous materials shall be two (2) times the required buffer area in article IX. However, parking, storage of nonflammable and nonhazardous materials, etc. may be placed up to the required additional buffer.
3. *Site location.* Site shall have primary access to arterial or major collector street. This requirement is not applicable to expansions of facilities regulated under this subsection, which are contiguous to facilities existing prior to August 16, 2004.
4. *Security restrictions.* Access shall be controlled through the use of gates, fences, etc. to prevent entrance to the operational area by unauthorized persons. Fencing standards shall be as specified in section 21-215(2)(b)2.
5. *Dust, odor, glare.* Dust, odor, and glare shall not be noticeable at adjacent residential property lines.
6. *Removal and reclamation.* Applications for new facilities classified in SIC 28 **except Drugs (SIC 283) and Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC 284)**, 29, 3612, 516 & 517 & temporary use permits for facilities classified as SIC 2951 & 3241 seeking approval pursuant to section 21-281(2) of this chapter may be required to provide written documentation substantiating that the applicant or operator has and will maintain a surety bond payable to Rowan County sufficient to disassemble and remove any outdoor equipment, stockpiles, etc. or reclaim any excavated areas once the facility ceases production for a period of three hundred sixty (360) days. The bond amount shall be based on an estimate provided by a registered professional engineer or architect having professional credentials, recognized expertise or specialization in construction and removal of similar facilities. Renewable bonds are expected to provide updated estimates and reflect increases due to labor costs, demolition practices, addition of equipment, etc. The requirements of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.
7. *Screening.* Screening standards for new facilities and expansions to existing facilities regulated under this subsection shall be as follows:
 - i. *New facilities.* When a new facility shares a common property line(s) with a more restrictive zoning district, Type B screening requirements established in section 21-215(2)(b)1.--3. of this chapter are applicable to the portion of the

facility's operational area bordering that property line(s). New facilities sharing a common property line with an identical zoning district are subject to the screening requirements based on the land use relationships established in section 21-216. However, Type B screening may be necessary in some instances to provide visual separation from the side and rear property lines when characteristics of the site such as topography, vegetation, line of sight with adjacent developed properties, etc. prevent effective screening when employing the standards of section 21-216. Type A screening requirements established in section 21-215(1)(b)1.--4. are applicable to the front yard of the operational area of the facility. Notwithstanding the screening requirements of this section, the preservation of existing vegetation as outlined in section 21-218 shall be depicted of the site plan as appropriate. Applicability of screening and buffering standards of this section are not preempted when adjacent tracts are in common ownership or a tract is subdivided in an attempt to circumvent these requirements.

- ii. *Expansions to existing facilities.* Contiguous expansions of facilities regulated under this subsection, which existed prior to August 16, 2004, are subject to the land use relationships established in section 21-216.
8. *Separation.* The facility shall be no closer than one-half (1/2) mile from a church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling. The distance shall be measured from any portion of the property dedicated or utilized for the function of the church, licensed daycare, public or private school, health care facility, public park or existing inhabited dwelling including but not limited to buildings, recreation and parking areas, etc. and the nearest point of the operational area of the proposed facility. The standards of this item are not applicable to expansions of facilities regulated under this subsection, which are contiguous to the facilities that existed prior to August 16, 2004.

Sec. 21-113. Table of uses.

P- Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C- Conditional Use		Zoning Districts								
		Residential					Nonresidential			
Use		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
Manufacturing										
SIC										
28	Chemicals and allied products, <i>all except</i>									C
283	Drugs						P			P
284	Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations						P			P

Sec. 21-216. Screening and buffering.

(d) *Group 3:*

- (14) **Drugs (283)**
- (15) **Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (284)**
- (14 16) Rubber and miscellaneous products (30).
- (15 17) Leather and leather products (31) except leather tanning and finishing.
- (16 18) Stone, clay, glass and concrete products (32) except hydraulic cement, structural clay products, concrete, gypsum and plaster products.
- (17 19) Abrasives, asbestos, nonmetallic mineral products, fabricated metal products (34) except ammunition, except for small arms; ordnance and accessories.
- (18 20) Industrial and computer machinery and equipment (35).
- (19 21) Electronic and other electrical equipment (36).
- (20 22) Transportation equipment (37).
- (21 23) Measuring, analyzing and controlling instruments (38).
- (22 24) Miscellaneous manufacturing (39).
- (23 25) Transportation and utilities (Division F), all except sanitary services, sewerage systems, refuse systems, dumps, sanitary land fills, rubbish collection and disposal, and solar energy systems.
- (24 26) Wholesale trade (50 and 51) all except motor vehicle parts, used; brick, stone, and related construction materials, metal and minerals, except petroleum, scrap and waste materials, livestock (wholesale); chemical and allied products, petroleum and petroleum products.
- (25 27) All retail trade (Division G).
- (26 28) All finance, insurance, and real estate (Division H).
- (27 29) All services (Division I), except shooting ranges, skeet shooting facilities, trap shooting facilities, and institutional uses listed in Group 2.

(e) *Group 4 (most intensive):*

- (6) Chemicals and allied products (28) **all except Drugs (283) and Soap, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (284).**

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)]. See below recommended statement from the Planning Board.

PUBLIC NOTICE

June 9th AM & June 11th PM – Notice provided for a Special Meeting of the Planning Board in the PM on the 11th and continuation on the 12th 24 hours after initial consideration on Planning and Development webpage, Planning Department and County Administration bulletin boards, and emailed to *Salisbury Post*.

June 11th and 18th – Published noticed in the *Salisbury Post*.

June 17th – Request posted on county agenda website.

**JUNE 11 & 12, 2020
PLANNING BOARD
MEETINGS**

The Planning Board conducted a courtesy hearing on June 11th to receive public comments regarding the request. After hearing from no one, the board voted 7-0 to recommend approval as presented by staff based on the following statement of consistency:

“ZTA 01-20 is consistent with the adopted land use plans and is reasonable and in the public interest as the uses are appropriate for the districts identified in the zoning matrix and consistent with the ordinance [based on SIC groupings and breakdown identified in the staff report].”

On June 12th, the Planning Board ratified the request with a 5-0 decision after receiving no public comments after the courtesy hearing.

STAFF COMMENTS

The proposed changes provide business opportunities with administrative approval in the Drugs and Soaps, Detergents, etc. sectors while retaining the heavy impact standards for all others.



Rowan County Department of
Planning & Development
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Case # ZTA 01-20
Date Filed 6/8/20
Received By SAS
Amount Paid \$300.00 credit card
Office Use Only

ZONING TEXT AMENDMENT APPLICATION

APPLICANT INFORMATION

Name: Salisbury Investments I, LLC
Signature: [Signature]
Phone: 704 717 5528 Email: houston@Forsytheinc.com
Address: 5320 Old Preville Road
Charlotte NC 28210

AGENT INFORMATION:

Name: _____
Signature: _____
Phone: _____ Email: _____
Address: _____

SECTION(S) _____

DESCRIPTION OF REQUESTED CHANGE:

Ability to manufacture hand sanitizer and
containers to house and ship it.

OFFICIAL USE ONLY

1. Signature of Coordinator: [Signature] 2. Planning Board Courtesy
Hearing: 06/11/20 3. Planning Board Action: Approved 7 Denied 0 4. Board of
Commissioners Public Hearing: 06/22/20 5. Dates Advertised: 1st 06/11/20 2nd 06/18/20
6. BOC Action: Approved _____ Denied _____ 7. Date Applicant Notified: ____/____/____

ratified
6/12/20
5-0