



## 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 Jones and Rowan County Planning Board Members  
FROM: Shane Stewart, Assistant Planning Director  
DATE: July 12, 2016  
RE: **Z 09-16**

#### **SUGGESTED PLANNING BOARD ACTION**

- 1.** Receive staff report
  - 2.** Petitioner comments
  - 3.** Conduct courtesy hearing
  - 4.** Close hearing and discuss
  - 5.** Develop statements
  - 6.** Approve / Deny / Table
- Z 09-16**

#### **REQUEST**

Mark Butler is requesting the rezoning of a 3.3 acre parcel owned by Hugh Hallman referenced as Tax Parcel 240-008 located at 3320 Deal Road from Rural Agricultural (RA) to Neighborhood Business (NB).

#### **ZONING CRITERIA**

##### **1. Relationship and conformity with any plans and policies.**

Plans – This parcel is located within Area 3 as identified by the Western Area Land Use Plan, which indicates the NB district is generally appropriate along minor and major thoroughfares.

Policies – N/A.

##### **2. Consistency with the requested zoning district's purpose and intent.**

*“Neighborhood Business, NB.* This district is designed for retail, limited small manufacturing facilities and service oriented business centers which serve small trading areas. As a result the list of allowed uses is more limited than those in the CBI district. The development standards for these business areas are designed to promote sound, permanent business development and to protect abutting and surrounding residential

*NB continued.* Areas zoned NB shall be so located as to conveniently serve the community population. The establishment and subsequent development of this district shall not create or expand problems associated with traffic volumes or circulation. As the district is established to provide for small neighborhood oriented business areas limitations on gross floor area is established. Limitations on total impervious surface are established to minimize the adverse impacts of this type of development on adjacent residential areas. Generally, the NB district shall be two (2) acres or larger. However a lot of record, smaller than two (2) acres may be considered for rezoning to NB if the owner of the lot does not own adjacent property which may be included in the rezoning request.”

This request meets the districts purpose and intent statement as a retail operation to serve a small trading area, the land use plan recommendation for NB designation, and is located on a corner lot of two (2) thoroughfares. The nearest retail area for limited to general goods is within the Enochville area ranging from 3.43 to 4.91 miles away along Enochville Ave. and 6.2 miles from a large grocery store at Shears and Rocky River Roads in Mooresville. As evidenced below, the NB district also permits other uses, which may not necessarily serve the retail and service needs of the surrounding population.

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

Compatibility of uses – The below table provides a generalized list of land use categories permitted in the RA and NB districts. A more detailed list may be found in section 21-113 of the Zoning Ordinance.

<b>Land Use Category</b>	<b>RA</b>	<b>NB</b>
Residential	Permitted	Most Permitted
Agriculture	Permitted	Permitted
Mining	Not Allowed	Not Allowed
Construction	Permitted with SR	Most permitted with SR
Manufacturing	Many permitted with SR	Some permitted with SR
Transportation, Communications, etc.	Some permitted with SR and CUP	Few permitted with SR
Wholesale Trade	Most permitted with SR	Few permitted with SR
Retail Trade	Permitted with SR	Permitted with SR
Finance, Insurance, etc.	Permitted with SR	Permitted with SR
Services	Most permitted with SR	Some permitted with SR
Public Administration	Some permitted with SR	Some 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.

Current property uses include the 1,176 sq.ft. “Stop & Hop” convenience store established in 1942 (according to Tax Assessors records), one single-family dwelling, and one single-wide manufactured home. If approved, the manufactured home would be made non-confirming since the use is not permitted in the NB district. The Special Requirements noted in the NB district (e.g. building size and impervious coverage limits, limited hours of operation, specifications for outdoor storage, and limits for outdoor display) are also designed to ensure developments are compatible with surrounding properties. Due to watershed limitations of one (1) residence per 40,000 sq.ft. and commercial uses limited to 65% impervious coverage (if a Special Non-residential Intensity Allocation is [SNIA] approved by the Board of Commissioners), one of the residences would likely need to be removed if the property were further developed.

Conditions in the vicinity (see enclosed map) –

### **North**

- Large mostly undeveloped properties.

### **South**

- Large mostly undeveloped properties.

### **East**

- Cluster of homes to the east and southeast along Deal Rd.
- Camp Westley located at 168 Camp Westley Dr. located approximately 500 feet east. According to their website, the camp was established in 1947 and now serves as an interdenominational camp for youth and children and also offers worship services and religious activities on their 10 acre property.

### **West**

- Hedrick Hills subdivision established in 1983 containing 10 lots developed with single-family dwellings.
- Iredell County line 1.08 miles.

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

Roads – This parcel has 166 ft. of frontage on Deal Rd. and 675 ft. on Unity Church Rd. both of which are classified as minor thoroughfares. These road segments have estimated carrying capacities of 13,600 and a range between 14,100 and 13,100 vehicles per day

respectively according to the NCDOT Comprehensive Transportation Plan. Comparatively, 2014 traffic counts for Deal Rd. total 2,000 vehicles taken .56 miles west of the intersection and 1,500 for Unity Church Rd. taken 460 ft. south of the intersection.

The NB district limits the total commercial structure size to 10,000 sq.ft., and impervious coverage (gravel, pavement, rooftops) to 65 percent (assuming the SNIA is approved). Even with the full re-development of the property, these limitations should ensure future traffic generation would not exceed the above capacity estimations. However, it should be expected that some uses could greatly increase traffic volumes, which would only be addressed through a commercial driveway permit to determine what improvements, if any, would be required. It should also be noted that the current access and parking area configuration for the existing convenience store does not meet zoning or NCDOT standards as approximately 165 ft. of the road shoulders are paved with no defined access point or denoted parking areas.

Utilities – Any future expansion or re-use of the current property would be subject to Environmental Health with respect to on-site well and septic use.

Schools – N/A. Both districts 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 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)]. Since this is a small-scale rezoning, a statement analyzing the reasonableness of the decision is also necessary. See enclosed checklist as a guide in developing these statements.

**STAFF COMMENTS**

This request meets the purpose and intent of the NB district and the land use plans recommendation for property designation.



Rowan County Department of  
 Planning & Development  
 402 N. Main Street Ste 204  
 Salisbury, NC 28144  
 Phone (704) 216-8588  
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 www.rowancountync.gov

Case # Z 09-16  
 Date Filed 7/05/16  
 Received By SAS  
 Amount Paid \$ 300.00

Office Use Only

**REZONING APPLICATION**

**OWNERSHIP INFORMATION:**

Name: Hugh E. Hallman  
 Signature: [Signature]  
 Phone: 703-225-9144 Email: hhallman11@yahoo.com  
 Address: 9633 Shannon Lane  
Manassas, VA 20110

**APPLICANT / AGENT INFORMATION (Complete affidavit on back if other than owner):**

Name: Mark S. Butler  
 Signature: [Signature]  
 Phone: 704-239-2241 Email: msbutler@cte.net <sup>PHONE</sup> (704-596-8311)  
 Address: PO Box 5658  
Concord, NC 28027

**PROPERTY DETAILS:**

Tax Parcel(s): 240-008 Size (sq.ft. or acres): 3.3 acres  
 Property Location: 3320 Deal Road, Mooresville, NC 28115  
 Current Land Use: Convenience Store  
 Date Acquired: 12-7-1983 Deed Reference: Book 610 Page 210

Surrounding Land Use: North RA  
 South RA  
 East RA  
 West RA

Existing Zoning Rural Agricultural Requested Zoning ~~Commercial~~ NB

**AFFADAVIT OF OWNER**

To be completed if a second party will represent case

I (We), Hugh E. Hallman, owner(s) of the within described property do hereby request the proposed rezoning and hereby authorize the person listed below to act as my (our) duly authorized agent in this matter.

Signature(s): [Signature]

Date: 7-2-2016

Name of Applicant / Agent: Mark S. Butler

Address: P.O. Box 5688 Concord, NC 28027

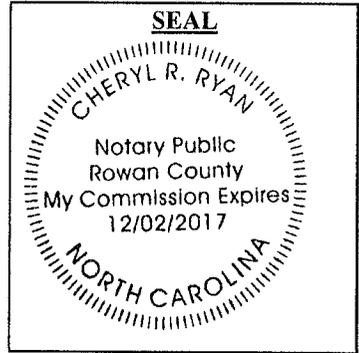
Phone Number: 704-239-2241

**IT IS UNDERSTOOD BY ALL PARTIES HERETO INCLUDING OWNER(S) & APPLICANT(S) / AGENT(S) THAT WHILE THIS APPLICATION WILL BE CAREFULLY CONSIDERED AND REVIEWED, THE BURDEN OF PROVIDING ITS NEED RESTS WITH THE ABOVE NAMED APPLICANT WHETHER OWNER, NON-OWNERS, OR OWNER'S AGENT.**

STATE OF North Carolina COUNTY OF Rowan

I, Cheryl R. Ryan, a Notary Public for said County and State, do hereby certify that Hugh E. Hallman personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires 12-02, 2017.



**OFFICIAL USE ONLY**

- 1. Signature of Rezoning Coordinator: [Signature]
- 2. Planning Board
- Courtesy Hearing: 07/25/16
- 3. Notifications Mailed: 07/13/16
- 4. Property Posted: 07/14/16
- 5. Planning Board Action: Approved  Denied
- 6. Board of Commissioners
- Public Hearing:  / /
- 7. Notifications Mailed:  / /
- 8. Property Posted:  / /
- 9. Dates Advertised: 1<sup>st</sup>  / /  2<sup>nd</sup>  / /
- 10. BOC Action: Approved  Denied
- 11. Date Applicant Notified:  / /

## ROWAN COUNTY PLANNING BOARD CONSISTENCY WORKSHEET

**CONSISTENCY QUESTION:** *"Is the proposed amendment consistent with any adopted plan..."*

**REFERENCE  
SOURCES**

*\* NOTE: Consistency statements are applicable to both map and text amendments.*

<b>YES</b>	<b>NO</b>		<b>Is the request consistent with Land Use Plan?</b>
<input type="checkbox"/>	<input type="checkbox"/>	<i>Example:</i>	_____
<input type="checkbox"/>	<input type="checkbox"/>	<i>Example:</i>	_____

**Item #1 of the Staff Report**

<b>YES</b>	<b>NO</b>	<b>N/A</b>	<b>Is the request consistent with any other adopted plans?</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

**If applicable, refer to Item #4 of the Staff**

<b>YES</b>	<b>NO</b>	<b>Is the request consistent with the requested zoning district?</b>
<input type="checkbox"/>	<input type="checkbox"/>	_____

**Item #2 of the Staff Report**

**Suggested Statement**

In accordance with Section 21-361(b) of the Rowan County Zoning Ordinance, the Planning Board advises the Z- \_\_\_\_\_ - 16 request [is] or [ is not consistent] with the [Eastern] or [Western] Rowan Land Use Plan based on the following:

- 1 \_\_\_\_\_  
\_\_\_\_\_
- 2 \_\_\_\_\_  
\_\_\_\_\_
- 3 \_\_\_\_\_  
\_\_\_\_\_

**ROWAN COUNTY PLANNING BOARD  
REASONABLENESS WORKSHEET**

**REASONABLENESS DETERMINATION:** *"Explain why the decision is reasonable and in the public interest"*

**REFERENCE  
SOURCES**

*\*NOTE: Reasonableness statements should focus on spot zoning claims.*

\_\_\_\_\_ acres

**Size of the tract**  
Relationship to adjacent or surrounding properties

**Zoning Application and Background / Request portion of Staff Report**

**YES**      **NO**  
     

**Compatibility with Land Use Plan**

Refer to  
Consistency section

**YES**      **NO**  
     

**Compatibility with Future Land Use Map**  
Reference Map in Staff Report

Page 1 of ERLUP  
and Page 38 of  
WRLUP

**YES**      **NO**  
     

**Benefits and Detriments**  
Is there a benefit to the owner at the expense of the neighbors or community?

General summary from  
Staff Report and  
comments from courtesy  
hearing

**Relationship of Uses**  
Proposed Uses compared to existing uses

Item #3 of the Staff Report  
Inset of zoning map;  
Section 21-113 Table of  
Uses

**Suggested Statement**

In accordance with Section 21-362(j) of the Rowan County Zoning Ordinance and after due consideration advises the Z- \_\_\_\_\_ - 16 request [is] or [ is not consistent] with the [Eastern] or [Western] public interest based on the following:

**1** \_\_\_\_\_

\_\_\_\_\_

**2** \_\_\_\_\_

\_\_\_\_\_

**3** \_\_\_\_\_

\_\_\_\_\_