



Rowan County Planning and Development Department

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MEMORANDUM

TO: Chairman Jones and the Rowan County Planning Board
FROM: Franklin Gover, Planner
DATE: June 17th, 2016
RE: **PCUR 02-16 CBI-CUD** to allow for a grading and hauling business

SUGGESTED PLANNING BOARD ACTION

1. Receive staff report **2.** Petitioner comments **3.** Conduct courtesy hearing
4. Close hearing and discuss **5.** Develop statements **6.** Recommend to Approve /
Deny / Table **PCUR 02-16**

BACKGROUND & REQUEST

In 2011, the Rowan County Board of Commissioners voted to approve a rezoning at 4726 Long Ferry Rd. The property is owned by Patricia Jordan of Chapel Hill, further referenced as Rowan County Tax Parcel 606 051. PCUR 01-11 rezoned 606 051 from *Rural Agricultural (RA)* to *Commercial, Business, Industrial with a Conditional Use District (CBI-CUD)* to allow a funeral home with conditions. After obtaining approval, the applicant decided not to pursue development of a funeral home and made no changes to the property. The subject parcel is .94 acres outside of the street right-of-way and has an existing 2,720 square foot structure. According to the Rowan County Tax Assessors Office the existing structure was built in 1985 as a convenience store.

David Tucker requests that the current CBI-CUD at 4725 Long Ferry Rd, be modified to allow for a grading and hauling business with parking for up to five dump trucks. A conditional use district is specific to the the requested land use and any change is subject to the same rezoning process.

ZONING CRITERIA

1. Relationship and conformity with any plans and policies.

Plans - According to the Eastern Rowan Land Use Plan this property is located within Area Two, areas adjacent to a municipality and surrounding High Rock Lake. The plan recommends medium density residential development and recognizes instances of existing rural commercial and industrial uses along recognized thoroughfares. The land use plan recommends Neighborhood Business (NB) districts along these identified thoroughfares. The rezoning site is consistent with the plan as an instance of rural commercial.

Note: This parcel is not located within a watershed area.

Policies – The applicant has provided a site-specific plan for this request which provides the option to add mutually agreed upon conditions to ensure compatibility.

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 site is located along Long Ferry Rd approximately one half mile beyond Goodman Lake Rd. Long Ferry Rd is recognized as a minor thoroughfare from Spencer to Goodman Lake Rd. Long Ferry Rd east of the intersection with Goodman Lake Rd is classified as a local road.

The CBI district was established in 2011 with the approval of PCUR 01-11. There are existing CBI-CUD districts adjoining and nearby the subject parcel (see list of cases in section 3). Upon the implementation of county-wide zoning this parcel was zoned RA. Recognizing the commercial character of the existing structures and the residential development in the surrounding area previous boards decided to designate this parcel and the adjoining parcels CBI-CUD to allow specific commercial uses while moderating impacts on the surrounding neighborhoods. A conditional use district provides a process to help increase compatibility when new development and uses are proposed. The Conditional Use District process seeks to minimize the impacts from the broad applications of commercial zoning on the surrounding residential uses, address concerns

of compatibility and allows for further conditions to address identified concerns. When compared to the plan recommended NB district a CBI-CUD use will function similarly due to limitations on use and applied conditions.

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

Compatibility of uses –

This site is located within a small group of CBI-CUD districts along Long Ferry and Goodman Lake Roads. The requested grading and hauling business is similar to the uses allowed at the adjoining CBI-CUD zoned parcels which have conditions addressing screening and signage. Grading and hauling uses are allowed in the RA district with special requirements.

Conditions in the vicinity (see map) –

The surrounding area is primarily a mixture of residential zoning districts along with several CBI-CUD zoned parcels. Chez Charolais Park, zoned Manufactured Home Park (MHP) is a manufactured home park with homes on individual lots located directly behind the rezoning site. To the northeast are Bay Ridge Estates and Eleanor Potts Manufactured Home Park. To the southeast along Long Ferry Rd is Lake View Estates and Middle Oaks. Miller's Ferry Fire Department is close by at 4590 Long Ferry Rd.

Nearby Approved PCUR Cases:

PCUR 03-05: Located immediately west of the subject parcel, approved multiple uses including construction and special trade (SIC 15 & 17), transportation (SIC 422), wholesale (SIC 50), Retail uses (SIC 53 and 55) uses, and service uses (73, 75, 76, and 86) with six conditions including limited signage, continuous evergreen screening, and asphalt entrances.

PCUR 03-07: Located .5 miles west along Long Ferry Rd allows a warehousing use with no conditions

PCUR 03-06: Located 1.5 miles south along Goodman Lake Rd allowed commercial and retail uses with conditions regarding storage, paved parking, signage, fire ISO rating, and screening.

PCUR 01-11: Allowed funeral home service on the subject parcel (606 051), approved with two conditions, no parking in the road right-of-way and no crematory.

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

Roads – Information provided by NCDOT's Comprehensive Transportation Plan (CTP) estimates a carrying capacity of 11,300 average vehicles per day. The most recent traffic count estimates from 2013 tallied 1,600 average daily trips along Long Ferry Rd, measured just east of Goodman Lake Rd. Long Ferry Rd east of Goodman Lake Rd is classified as a local road.

Utilities – Uses on this site will utilize private water and sewer, subject to verification from the Rowan County Environmental Health Office.

Schools – N/A

Conditional Use Evaluation Criteria

As provided in Section 21-59, the applicant has provided the following responses to the evaluation criteria in “quotations” followed by underlined staff comments:

1. ***Adequate transportation access to the site exists.*** “*The property at 4725 Long Ferry Road already has a driveway connecting it to said road. There would be no additional access needed*”. Staff comment: This parcel is served by two existing driveways along 181’ of road frontage. Staff referred the applicant to the North Carolina Department of Transportation for driveway permit approval. Currently there is a driveway permit on file. The applicant will need follow up with NCDOT for any required improvements to the entrances.

2. ***The use will not significantly detract from the character of the surrounding area.*** “*The main use of the property would be business offices with parking for dump trucks if allowed. If dump trucks are not allowed, use would be business offices only. There are already several business in close proximity including a mechanics garage next door There would be no detracting from the surrounding area*”. Staff comment: The existing commercial structure has been a part of the High Rock Lake/ Long Ferry Road community since 1985 and is adjacent to several commercial structures. PCUR 01-11 was approved in 2011 to allow a funeral service business. The proposed funeral service business was never issued a zoning permit and has since expired. Visibility is a concern having a residential uses adjoining the property on the east side and to the rear. The current request, a grading and hauling business, is classified in Section 21-216 of the Rowan County Zoning Ordinance as a Group 3 land use requiring Type A screening along the rear property line to provide a buffer between the use and the Chez Charloais manufactured home community (Group 1). The applicant has indicated the required shrubs on the site plan (See attachment #3)

3. ***Hazardous safety conditions will not result.*** “*The offices will not create any hazardous or unsafe conditions. The trucks would not be serviced or any mechanical work done on the property*”. Staff comment: The office use would not create any hazards. Any issues with sight distance will be determined by the NCDOT during the permitting process. As a result of the previous convenience store use ground contamination was present on this site. The contamination was mitigate and the underground tanks have been clean and sealed. In 1998 the NC

Department of Environmental and Natural Resources issued a letter of no further action and monitoring wells were closed.

4. ***The use will not generate significant noise, odor, glare, or dust.*** “As business offices there would be no significant increase in noise, glare, or dust. The dump trucks would leave in the morning not to return until the end of the working day. Since there are several businesses in area already, the trucks leaving and returning once a day would not increase noise, odor glare, or dust significantly”. Staff comment: No lighting has been proposed to the rear of the building. However any future lighting shall be conscious of the adjoining community in an effort to minimize glare.

5. ***Excessive traffic or parking problems will not result.*** “There would be no excessive increase in traffic or parking as the business is not retail. There would be minimal office personnel for which there is already parking on the property. The dump trucks would only be parked overnight or on weekends. Parking for trucks would be at rear of building”. Staff comment: Section 21-166 of the Rowan County Zoning Ordinance requires a minimum of 7 parking spaces, the applicant has indicated 5 spaces for the parking of dump trucks and 7 additional employee spaces.

6. ***The use will not create significant visual impacts for adjoining properties or passersby.*** “There would be no buildings added leaving visual impact as it is presently. Any trucks parked there would be at the back corner of the building leaving property visual impact at a minimum. There would be landscaping and proper maintenance of building and property at all times. There is also a plan to add fencing across the back of the property in the near future. Currently there is a chain link fence which will be covered by white fencing at a future date. Staff comment: See comment #2 above and attachment #3 Site Plan, the Eastern Rowan land use plan recommends design standards and impact mitigation techniques that minimize conflict with the surrounding residential uses.

PROCEDURES

Staff recommends that the Planning Board develop a statement of reasonableness before recommending approval or denial to address any claims of spot zoning. This statement should provide the basis for the board’s decision and determine whether the request is reasonable and in the public interest. A statement of consistency is also necessary to address the relationship between this request and any applicable county adopted plans prior to making a recommendation to approve or deny the request. (See attachment #4 statements form)

STAFF COMMENTS

1. Site was rezoned to CBI-CUD in 2011 to allow funeral home service use, the CUP has since expired resulting in a zoning district with no permitted uses.
2. The proposed use is a grading and hauling office with on-site parking for up to five dump trucks
3. Screening is required along the rear property line due to adjoining residential uses
4. This site was formally subject to violations for underground water quality due to contamination from underground storage tanks. Contamination has since been mitigated as of April 1998.
5. Planning Board and the applicant may work together to develop mutually agreed upon conditions to increase compatibility with the surrounding area, such as increased screening, limiting signage, and maintenance of sight distances.

ACTION OF THE PLANNING BOARD

1. Motion to adopt a statement of reasonableness
2. Motion to adopt a statement of consistency
3. Motion to recommend approval/denial/table the request to rezone Tax Parcel 606 051

ATTACHMENTS

1. Application
2. Vicinity and Zoning Maps
3. Site Plan
4. Statements Form