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## Rowan County Planning and Development Department

402 North Main Street ▪ Room 204 ▪ Salisbury, N.C. 28144-4341

Phone: 704-216-8588 ▪ Fax: 704-638-3130

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### Map Amendment Request Z 06-16

#### MEMORANDUM

TO: Chairman Jones and Planning Board Members  
FROM: Ed Muire, Planning Director  
RE: Amendment of Watershed Overlay [WSO] Boundary for Coddle Creek Watershed  
DATE: May 10, 2016

#### REQUEST

- **Map Amendment Z 06-16:** Jon Finger, representing his brother David Finger, requests the watershed overlay boundary for Coddle Creek be modified to remove Tax Parcel 249B-294 from the water supply watershed requirements; application is included as Attachment 1.

**NOTE:** Planning Staff recommends this map amendment request consider including the entirety of these additional parcels on Tax Map 249B: 295/296/297/298 and portions of parcels 216/391/286/299/274.

#### BACKGROUND

**General Information:** Prior to the enactment of North Carolina's Surface Water Supply Watershed Rules that became effective for counties in 1994, watershed rules applied exclusively to the establishment of a minimum lot size for ground absorption sewage collection systems (i.e. septic systems). In this particular case, the Coddle Creek standards for septic systems became effective September 1, 1987 and mandated all septic systems permitted after that date have a minimum lot area of 40,000 square feet. In Rowan County, this rule was generally enforced by the Environmental Health Division of the Rowan County Health Department.

The surface water supply watershed standards effective for NC counties in 1994 created a five tiered classification for watersheds (WS-I thru WS-V) and applied minimum lot size standards to residential development and impervious cover limitations to non-residential development. The regulatory standards for the respective watershed classifications were based upon the level of existing development within the watershed basin. Within Rowan County, there are ten (10) watersheds in three (3) different classifications comprising 152,021 acres or 237.5 square miles. Relative to this particular request, the Coddle Creek watershed was classified a WS-II which had a minimum residential lot size of 40,000 square feet and an impervious cover limitation of twelve percent (12%). Rowan County Planning and Development administers this program. In some instances, the watershed areas enforced by Environmental Health and the Planning Department overlapped and depending on classification, the stricter rules applied for development.

The Regulatory Reform Act of 2013 (HB 74 / SL 2013-413) enacted a variety of statutory changes, one of which eliminated the ground absorption rules contained in 15A NCAC 18C.1211 enforced by

the County's Environmental Health Division. As such, administration of all watershed standards is now managed by Planning and Development.

The boundaries of all surface water supply watershed areas within Rowan County were based on Public Water Supply Watershed quadrangle overlays prepared by the North Carolina Center for Geographic Analysis (CGIA) and then transferred to county tax maps. Where watershed boundaries closely followed roadways, the boundary was "snapped" to follow the roadway for administrative purposes. Elimination of the ground absorption rules now allows for the County to determine when appropriate to utilize the topographic boundary of a watershed area as opposed to acquiring a "variance" from NC Division of Environmental Quality (DEQ), formerly NCDENR. In this case, Staff has proposed a boundary modification for the Coddle Creek Watershed Overlay based on the actual watershed contour that removes the Finger parcel and all or portions of several others south along S. Enochville Avenue (attachment 2) and received concurrence from DEQ that it is acceptable (attachment 3).

## **ZONING CRITERIA [ref. Section 21-362(i)]**

### **I. *Relationship and Conformity with any Adopted Plans or Policies***

*Land Use Plan for Areas West of I-85:* The site is located in Area 2 and removal of the watershed overlay (WSO) for these parcels does not negate the general recommendations for the area noted below. Removal of the WSO does remove the 40,000 square foot minimum lot size requirement for single-family residential and the twelve percent (12%) impervious cover limitations for non-residential tracts.

- *Encourage medium density residential development in this area*
  - Encourage mixed use development throughout this area
    - Include commercial components with residential development to serve proposed and surrounding neighborhoods
    - Encourage connectivity through open space networks with surrounding development to promote walking and biking, without mandating them over private property
  - Traditional and conservation subdivisions should be encouraged in this area
  - Maintain minimum lot size standards currently in effect
  - Encourage compatible land development patterns through performance-based standards when residential lots may be proposed adjacent to the following uses:
    - Voluntary Agricultural Districts
    - Existing or proposed Industrial
    - Existing or proposed Commercial
  - The TRC should study the potential impacts from noise, dust or odor before a final recommendation is made

### **II. *Consistency with this Article and Requested Zoning District***

*Purpose and Intent:* The purpose of the WSO is to provide for the protection of public water supplies as required by the Watershed Classification and Protection Act (NCGS 143-214.5) through rules regulating new development and expansions to existing development based on watershed classifications. In this case, the WSO adds an additional layer of development standards to the Rural Agricultural (RA) zoning district. Removal of the WSO, entirely or in part, for the affected parcels does not negate subdivision or zoning standards for the RA district.

*History:* PCUR 02-13 was a parallel conditional use rezoning request for TP: 249B-294 to accommodate a general merchandise retail business. Based on a variety of neighborhood concerns about the proposed project, the Planning Board unanimously recommended denial of the project and the applicant subsequently withdrew the request from consideration by the Commission.

**III. *Compatibility of all uses within the Proposed Zoning District Classification with other Property and Conditions in the Vicinity***

*Proposed District:* As noted herein, modification of the Coddle Creek WSO does not remove or add any uses per se, rather it removes the minimum 40,000 square foot lot size standards and 12% impervious cover limitations and now reverts to the RA standards for lot size.

*Vicinity Conditions:* The proposed WSO modification area contains the entirety of five parcels (Tax Map 249B Parcels 294/295/296/297/298) and portions of five parcels (Tax Map 249B Parcels 216/391/286/299/274). All the aforementioned tracts have single-family residential uses, with exception of TP: 249B-294 which is currently a vacant and wooded 1.4 acre tract.

**IV. *Potential Impacts on Facilities such as Roads, Utilities, Schools***

*Roads:* Enochville Avenue is designated as a minor thoroughfare and the Cabarrus-Rowan Metropolitan Planning Organization's (CRMPO) Comprehensive Transportation Plan (CTP) suggests the current design capacity at 11,800 vehicles per day. 2014 NCDOT traffic counts indicate 6,600 vehicles per day adjacent to the site. Future improvement for the S. Enochville Avenue road segment propose an upgrade in width to the current 2 lane road and including a center turn lane within an observe eighty foot right-of-way. Design capacity based on this improvement would increase to 13,100 vehicles per day.

*Utilities:* Current future development is reliant on groundwater wells and septic systems.

*Schools:* Given all affected parcels are developed, with exception of TP: 249B-294, its potential division of into two (2) tracts would have an insignificant impact on schools.

**PROCEDURES**

Given the boundary of the Coddle Creek WSO is being modified and not eliminated in its entirety, Staff opinion is that no statement of reasonableness is required. However, a statement of consistency providing a recommendation to the Commission to approve or deny Z 06-16 is necessary [worksheet attached] and should reflect the relationship between the request and any of the zoning criteria addressed herein.

**STAFF RECOMMENDATION**

Approve Z 06-16 request to modify the Coddle Creek WSO by eliminating parcels 294/295/296/297/298 and portions of parcels 216/391/286/299/274 on Tax Map 249B.



Rowan County Department of  
Planning & Development  
402 N. Main Street Ste 204  
Salisbury, NC 28144  
Phone (704) 216-8588  
Fax (704) 638-3130  
www.rowancountync.gov

Case # Z 06-16  
Date Filed 4.13.16  
Received By MEM  
Amount Paid —  
**Office Use Only**

**REZONING APPLICATION**

OWNERSHIP INFORMATION:

Name: David A. Finger, Jr.  
Signature: \_\_\_\_\_  
Phone: (704) 664-4040 Email: dfinger@windstream.net  
Address: 468 Templeton Road  
Mooresville, NC 28117

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

Name: Jon R. Finger  
Signature: *Jon R. Finger*  
Phone: (704) 938-4918 Email: jrfinger@carolina.rr.com  
Address: 945 Coventry Road  
Kannapolis, NC 28081

PROPERTY DETAILS:

Tax Parcel(s): 249B294 Size (sq.ft. or acres): 1.39 acres  
Property Location: S. Enochville Ave.  
Current Land Use: \_\_\_\_\_  
Date Acquired: Dec. 7, 1983 Deed Reference: Book 610 Page 132

Surrounding Land Use: North \_\_\_\_\_  
South \_\_\_\_\_  
East \_\_\_\_\_  
West \_\_\_\_\_

Existing Zoning \_\_\_\_\_ Requested Zoning \_\_\_\_\_

**AFFADAVIT OF OWNER**

To be completed if a second party will represent case

I (We), David A. Finger, Jr., 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): *David A. Finger, Jr.*

Date: 4-11-16

Name of Applicant / Agent: Jon R. Finger

Address: 945 Coventry Rd., Kannapolis, NC 28081

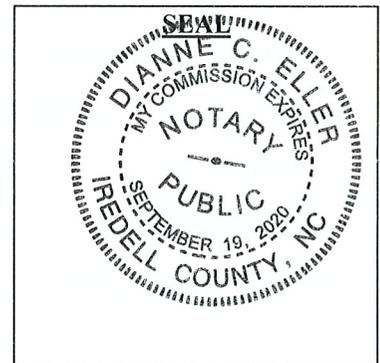
Phone Number: (704) 938-4918

**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 Iredell

I, Dianne C. Eller, a Notary Public for said County and State, do hereby certify that David Alton Finger Jr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

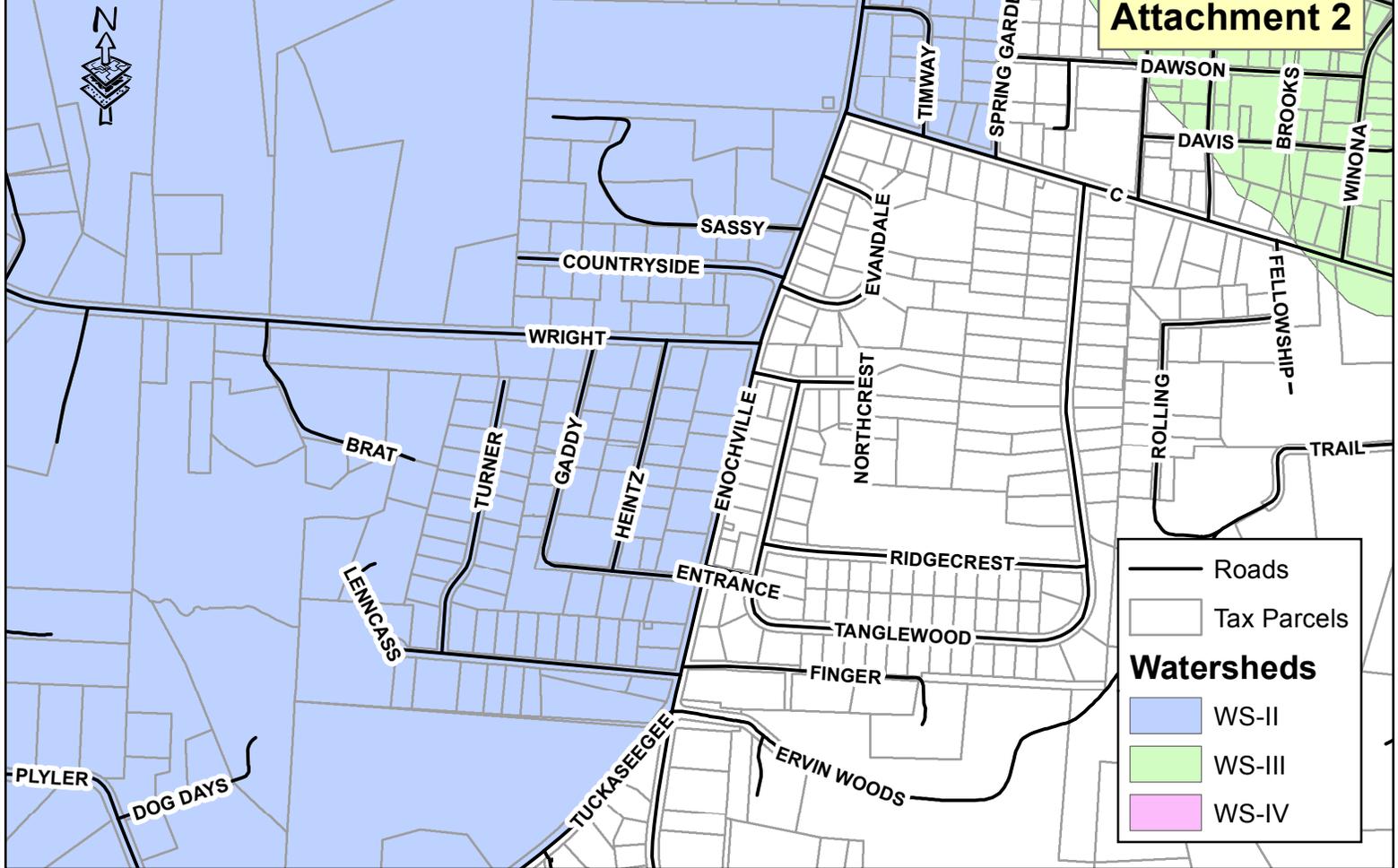
My commission expires April 11, 2016.



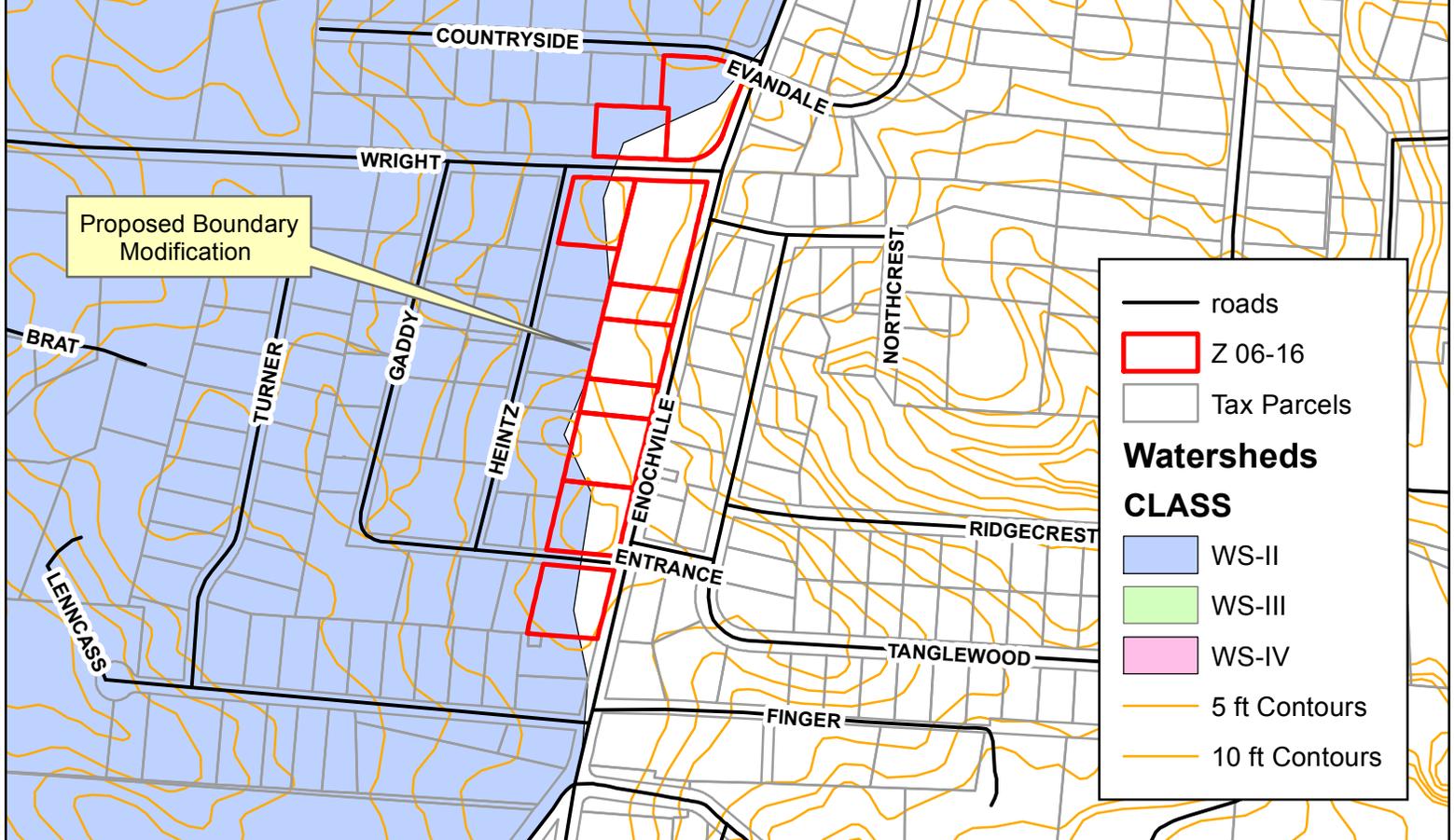
**OFFICIAL USE ONLY**

- 1. Signature of Rezoning Coordinator: *M. S. M.* 2. Planning Board
- Courtesy Hearing: 5/23/16 3. Notifications Mailed: 5/13/16 4. Property Posted:
- 5/13/16 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:  / /

# Current Watershed Overlay



# Proposed Watershed Overlay





PAT MCCRORY

*Governor*

DONALD R. VAN DER VAART

*Secretary*

TRACY DAVIS

*Director*

May 4, 2016

Mr. Ed Muire  
Planning Director  
Rowan County  
402 North Main Street, Rm 204  
Salisbury, NC 28144-4341

**Subject: Approval of Changes to Watershed Overlay Boundaries**

Dear Mr. Muire:

The purpose of this letter is to inform you that the Division of Energy, Mineral and Land Resources (DEMLR) has reviewed and approved the amendment to Rowan County's water supply watershed protection overlay boundary received by our office on April 27, 2016. Rowan County submitted the revised overlay in response to a request from a property owner to more accurately delineate the Balance of Watershed boundary of the Coddle Creek WS-II watershed for a net decrease of 7.86 acres.

We accept that the proposed map you submitted for review more accurately represents the location of the Coddle Creek water supply watershed boundary. DEMLR approved the boundary change in accordance with North Carolina General Statute 143-214.5 and North Carolina Administrative Code 15A NCAC 2B .0100 and .0200. Specifically, 15A NCAC 2B .0104(o) requires that all revisions to the Environmental Management Commission's (EMC) or the local government's critical and protected area boundaries be approved by the EMC prior to adoption by the local government. Please be advised that new development projects on this property may be subject to NPDES Phase 2 stormwater requirements.

We appreciate Rowan County's efforts to help protect the vital public water supplies of this state. Please let me know if our office can be of any assistance.

Sincerely,

Julie Ventaloro  
WSWP Program Coordinator

cc: DEMLR Stormwater Program files