



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
FROM: Shane Stewart, Senior Planner
DATE: May 9, 2016
RE: **PCUR 01-16**

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 **PCUR 01-16**

BACKGROUND

When staff met with Mr. Crainshaw several months ago regarding his plans for property at the corner of NC 152 Hwy. and Menius Rd., a comparison of the two (2) types of rezoning requests were discussed to determine his preferred option to accommodate the proposed development. Mr. Crainshaw elected to apply for the “straight” rezoning based on the flexibility it provided and the lack of being limited to a specific development plan. Alternatively, a conditional use rezoning is a voluntary request that rezones property to a district where all permitted uses are considered conditional and only uses specifically identified are permitted. This approach provides the ability to discuss specifics of a development proposal unlike a “straight” rezoning where all allowed uses must be considered.

Prior to a vote regarding rezoning request **Z 02-16**, Mr. Chad Crainshaw withdrew his request at the March 21, 2016 meeting with the Board of Commissioners in favor of applying for a conditional use rezoning request. Four (4) citizens spoke at the hearing regarding their concerns on how the property would be used and other issues that could not be addressed with a “straight” rezoning.

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 with an accompanying conditional use district (CBI-CUD) to accommodate a construction special trade contractor business (contract seeding / landscaping company). According to the site plan submitted, the development would include a 6,250 sq.ft. office / shop, two storage buildings totaling 9,500 sq.ft., and a large gravel area for “outside equipment and material storage”, which could eventually cover approximately ¾ of the property.

**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, as generally appropriate for the corridor. The plan does recommend the following:

- A. Encourage setbacks and structure placement that promotes side and rear parking;
- B. Consider building appearance, design elements and landscaping for new businesses;
- C. Consider setbacks and buffer standards for new projects locating adjacent to existing residential uses; and
- D. Consider the creation of a Highway Business zoning district and associated standards to eliminate continued use of parallel conditional use districts.

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. The applicant chose to limit the property use to a seeding contractor and propose screening along residential areas to address concerns from neighboring properties, in efforts to address district compatibility. Mutually agreed upon conditions (applicant and county) may be applied to this development to further ensure the overall public good is served.

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, properties along I-85 were evaluated for inclusion within newly established economic development zones (85-ED-1 through 4), in addition to the evaluation of the extensive CBI zoned areas. 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 – The below table provides a generalized list of land use categories permitted in the RA district. A more detailed list may be found in section 21-113 of the Zoning Ordinance. The proposed seeding contractor could be permitted with Special Requirements in the current zoning district but does not meet all requisite standards.

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

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 the former Carolina Paintball Park 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. where two business containing 10,896 sq. ft. under roof are located. 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 the major thoroughfare in E. NC 152 Hwy., which has 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. The ITE Trip Generation Manual (7th edition) does not provide a comparable use to the proposed contractor seeding operation and therefore was not used. However, the proposed operation with an estimated ten (10) employees, combined with an average of 2-3 deliveries per week suggest this use would generate a minimum of twenty-one (21) daily trips.

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.

Utilities – The applicant does have an approved septic system layout from the Environmental Health Office.

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

EVALUATION CRITERIA

As provided in Section 21-59, the applicant has attached his responses to the evaluation criteria with staff comments indicated below.

1. Adequate transportation access to the site exists. On April 19, 2016, NCDOT approved a commercial driveway permit to access Menius Road at the location identified on the enclosed site plan.

2. The use will not significantly detract from the character of the surrounding area. As identified in item 3 of the zoning criteria, uses in the immediate area are residential surrounded by pockets of non-residential zoning within a ½ mile radius (see map). With some exceptions, most non-residential zoned properties along the NC 152 corridor between China Grove and Rockwell contain businesses that predated zoning. A very limited amount of acreage is pre-zoned for non-residential development within the corridor resulting in piecemeal evaluations for rezoning requests in this area. The zoning district’s purpose and intent statement along with the East Rowan Land Use Plan serves as the basis for many zoning decisions. Additionally, the plan recognizes the Neighborhood Business district as generally appropriate along identified thoroughfares when considering requests to rezone for specific uses or pre-zone areas for anticipated development.

This criterion is the most challenging to determine in evaluation of the request. The applicant has attempted to address concerns raised from adjoining property owners, which focused on the potential unknown or future reuses, visibility concerns, and maintenance issues if White Pines Ln. were used for access. The site plan does depict a developed area that could eventually cover ¾ of the property. Additional conditions or site plan modifications could be considered, if necessary, to address identified impacts or concerns only if accepted by the applicant.

3. Hazardous safety conditions will not result. Staff is unaware of any hazardous safety issues associated with the proposed operation that would not be regulated by state or local laws (e.g. Building Inspections, Fire Marshal, Environmental Health, NCDOT).

4. The use will not generate significant noise, odor, glare or dust.

Noise – As best staff can anticipate, noise should be mainly limited to vehicles and equipment typically leaving in the A.M. and returning in the P.M. along with the estimated 2-3 deliveries per week.

Odor & Glare – Odor should be minimal. Proposed “dusk to dawn” lighting at the gated entrance should be similar to that commonly found in most areas of the county, which are generally appropriate for residential and rural areas. Directional lighting to the shop’s rear is intended to focus on storage areas.

Dust – The site plan proposes a concrete entrance and a gravel surface for all travel and storage areas.

5. Excessive traffic or parking problems will not result. The proposed nineteen parking spaces should be sufficient to accommodate ten (10) employees and business guests. According to the applicant, employees typically arrive on site in the morning and return at various times depending on the project and weather. Additionally, site deliveries average about 2-3 trips per week suggesting overall site traffic should be minimal.

6. The use will not create significant visual impacts for adjoining properties or passersby. The applicant proposes a row of Green Giant evergreen trees (similar to Leyland Cypress) planted eight (8) feet on center, approximately three (3) feet tall at time of planting located along White Pines Ln. and along ½ the frontage of Menius Rd. With an estimated growth rate of two (2) feet per year, the evergreens should mitigate some visual impacts to adjacent properties and passersby along Menius Rd.

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, deliberations by the board(s) “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 request, a statement analyzing the reasonableness of the decision is also necessary. While spot zoning in North Carolina is considered illegal, 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.**

The board may wish to expound upon the below statements adopted with **Z 02-16** based on the specifics of this application.

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

The applicant’s revised submittal has attempted to address public concerns raised regarding his proposed development plans, which may be further debated in this conditional use district process. This request is supported by the Land Use Plan and is consistent with the purpose and intent of the CBI district; both of which are generally broad in their criterion. While the previously referenced CBI area adopted during initial countywide zoning was too loosely applied to this large portion of the county, the CBI, NB, and IND zoned properties in the general vicinity suggest application to this corner lot would be reasonable. As always, public input is an important part of this process. Concerns raised from adjoining properties could be addressed as conditions or site-specific standards should the board determine necessary to address conformity with the criteria identified herein.



Rowan County Department of
Planning & Development
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Case # PCUR 01-16
Date Filed 5-2-2016
Received By Becky Best
Amount Paid \$200.00
Office Use Only CK# 19465

===== PARALLEL CONDITIONAL USE REZONING APPLICATION =====

OWNERSHIP INFORMATION:

Name: Susan B. Holshouser
Signature: Susan B. Holshouser
Phone: 704-798-1807 Email: dholshouser2@carolina-rr.com
Address: 525 E Ridge Rd
Salisbury NC 28144

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

Name: Chad m. Crainshaw
Signature: Chad m. Crainshaw
Phone: 704-202-0473 Email: cmcrainshaw@yahoo.com
Address: 525 Parks Rd
Salisbury N.C. 28146

PROPERTY DETAILS:

Tax Parcel(s): 126-079 Size (sq.ft. or acres): 3.72 acres
Property Location: Corner Menius Rd + Hwy 152 E
Current Land Use: Vacant
Date Acquired: _____ Deed Reference: Book _____ Page _____

Surrounding Land Use: North Residential
South Residential
East Wooded Vacant
West Residential and vacant grassfield

Existing Zoning Rural Agricultural Requested Zoning CBI - CUD

PURPOSE & SECTION:

State purpose of conditional use permit:

To locate a Commercial Erosion Control Business
that has been in existence since 1994

Cite section(s) of Zoning Ordinance which permit is being requested:

21-113

ATTACHED DOCUMENTS:

Applicant must attach a response to the evaluation criteria from Section 21-59 and an accompanying site plan based on information required in Section 21-52 and 21-60.

Attached: Yes No

Applicant shall, at the time the application is made, present all the necessary evidence (maps, drawings, statements, certifications, etc.) showing how the requirements of the applicable sections of the Zoning Ordinance will be met.

AFFADAVIT OF OWNER

To be completed if a second party will represent case

I (We), Susan B Holshouser, 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): Susan B Holshouser

Date: 5/3/16

Name of Applicant / Agent: Chad M Crainshaw

Address: 525 Parks Rd Salisbury N.C. 28146

Phone Number: 704-202-0473

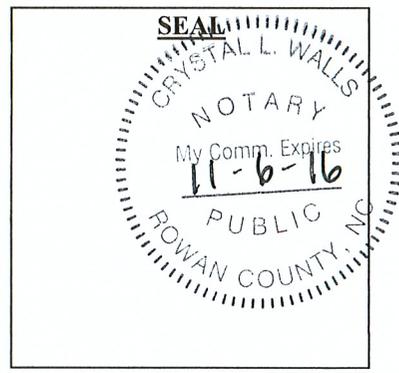
IT IS UNDERSTOOD BY ALL PARTIES HERETO INCLUDING OWNER(S) & APPLICANT(S) / AGENT(S) THAT WHILE THIS APPLICATION WILL BE CAREFULLY CONSIDERED AND REVIEWED, THE BURDEN OF PROVIDING ITS NEED RESTS WITH THE ABOVE NAMED APPLICANT WHETHER OWNER, NON-OWNERS, OR OWNER'S AGENT.

STATE OF North Carolina COUNTY OF Rowan

I, Crystal L Walls, a Notary Public for said County and State, do hereby certify that Susan B Holshouser personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires 11-6-, 20 16.

Crystal Walls



OFFICIAL USE ONLY

- 1. Signature of Rezoning Coordinator: McA 2. Planning Board
- Courtesy Hearing: 05/23/16 3. Notifications Mailed: 05/11/16 4. Property Posted: 05/12/16
- 5. Planning Board Action: Approved Denied 6. Board of Commissioners
- Public Hearing: / / 7. Notifications Mailed: / / 8. Property Posted: / /
- 9. Dates Advertised: 1st / / 2nd / / 10. BOC Action: Approved Denied
- 11. Date Applicant Notified: / /



PO Box 935 China Grove, NC 28023

Phone: 704-859-1535

Company Overview

Knox Contract Seeding, Inc. is an erosion control subcontractor based in Rowan County, NC. The company was incorporated in the state of North Carolina in 1994.

Erosion control consists of applying grass seed to disturbed ground in order to establish vegetation to prohibit soil runoff into watersheds.

The business is conducted through obtaining contracts with prime contractors to execute North Carolina Department of Transportation roadway construction projects. We also perform work on private building sites such as large retail store locations and new residential subdivisions.

Knox Contract Seeding does not, at this time, provide any services to the general public that would create walk-in traffic. We have a small number of employees, at the current time we employ seven, on average ten.

Employees normally arrive for work between 6 AM and 8 AM and return at various times of the day, depending on the workload and project location.

Knox Contract Seeding performs all physical work for its contracts away from the home shop location. Our workforce typically leaves daily and travels to the jobsite where we have a work order, perform the work and then return back to the home shop location in the evening.

Knox Contract Seeding will conduct its business out of a small office area, maintenance shop and open air storage facility. Occasionally on rainy days, we may work on repairing equipment in the shop. We will receive some materials from outside vendors and place in the storage facility. Deliveries usually occur two to three times per week.

Thank you,

Chad M. Crainshaw
Vice President

CHAD CRAINSHAW ZONING APPLICATION
PCUR 01-16

Summary for Courtesy Hearing:

The proposed use by Knox Contract Seeding, Inc., will be for a primary company operations center. Such center, based on its historic operations, will have approximately 2 tractor-trailer supply deliveries per week. Company Equipment will leave in the mornings around 7:00 am and return in the evenings by 7:00 pm. The Company Equipment is typically loaded for transit the evening before it is transported to minimize or eliminate late night and early morning loading noise. During the work day, except on inclement weather days when maintenance work to equipment is usually performed, there will be 10 employees reporting to work and leaving for the duration of the business day with only 1 or 2 employees on the premises for office work during hours of operation. All parking for employees will be on the work site and no employees or customers will park on the public street. Noise, day or night, will be consistent with other highway traffic without substantially increasing the noise burden.

The traffic impact on Menius Road will be minimized by the site plan. The site plan is designed to allow a tractor-trailer and up to 2 other cars to leave the Menius Road right of way even if the company gate is not yet opened so no traffic on Menius Road will be caught behind delivery or company trucks trying to access the site. Additionally, company policy will be that company trucks will exit the premises toward N.C. Highway 152 to gain ready access to the highway corridor and not impact the residential agricultural end on the remaining portion of Menius Road. With the majority of company trucks leaving in the time period of 7:00 am on weekdays this will not conflict with the current highway back-up caused by Carson High School as Carson High School does not begin the school day until 8:30 am. There will be very rare weekend traffic as the work performed by the company is generally required on weekdays and the company policy is that it is generally closed for business on Saturday and Sunday so that when most neighbors will be home from their respective occupations, the site will generally be closed. There is not a retail component to the company so there will be virtually no customer impact on traffic.

The proposed use is consistent with the highway business corridor already existing on NC Highway 152 with multiple commercial sites within 1 mile of the subject tract. Although this site will no longer remain an open field, the site plan provides for giant evergreen plantings along all boundaries that would be seen by an existing residence on Menius Road. The evergreen screening will be consistent with the existing pine tree plantings to the east of the subject tract.

The proposed use will not great odor, glare or dust. The previously mentioned evergreen barrier will also shield the residential neighbors from any dust or glare that may result from the proposed use. The proposed use does not include any manufacturing process that would emit odors. The only odor would be from exhaust of vehicles and equipment which will only occur for limited times during the day and such odor is not inconsistent with the highway business corridor use already occurring along NC Highway 152.

Adjoining properties and passersby will not be subjected to a substantial visual impact. The building to be constructed will be located behind the evergreen buffer so it will not be visible from the residences on Menius Road. In the initial plan there will be a retained grass area of approximately 25% of the property and such grass area is the area visible on first view from NC Highway 152 and its intersection with Menius Road. There will be a perimeter fence to reduce interlopers that may otherwise detract from the neighborhood. While there will be dusk to dawn lighting, such lighting is designed to point on the premises and not onto the neighboring tracts or onto the highway for passersby to view.

**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.*

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

Item #1 of the Staff Report

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

If applicable, refer to Item #4 of the Staff

YES	NO	Is the request consistent with the requested zoning district?
<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 PCUR - _____ - 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

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 courtsey 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 PCUR - _____ - 16 request [is] or [is not consistent] with the [Eastern] or [Western] public interest based on the following:

1 _____

2 _____

3 _____
