



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, Senior Planner
DATE: February 11, 2016
RE: **Z 02-16**

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 02-16**

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 (CBI).

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, are generally appropriate for the corridor. The plan does recommend appearance and design standards for the corridor and the creation of a highway business zoning district to eliminate use of the parallel conditional use district.

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. Without a known use, it is difficult to discern whether future development would be compatible with the surrounding area.

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, areas along I-85 were being evaluated for inclusion within newly established economic development zones (85-ED-1 through 4), which also evaluated properties within this area. 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 – For comparison purposes, the below table of use excerpt provides a much generalized comparison between the RA and CBI districts. A more detailed comparison may be found in section 21-113 of the Zoning Ordinance.

Land Use Category	RA	CBI
Residential	Permitted	Permitted
Agriculture	Permitted	Permitted
Mining	Not Allowed	Not Allowed
Construction	Permitted with SR	Permitted

Manufacturing	Many permitted with SR	Most Permitted
Transportation, Communications, etc.	Some permitted with SR and CUP	Most Permitted
Wholesale Trade	Most permitted with SR	Most Permitted
Retail Trade	Permitted with SR	Permitted
Finance, Insurance, etc.	Permitted with SR	Permitted
Services	Most permitted with SR	Permitted
Public Administration	Some permitted with SR	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.

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 1.15 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 a former paintball facility 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. two business containing 10,896 sq. ft. under roof. 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 a major thoroughfare in E. NC 152 Hwy with 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.

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. Preliminary discussions with DOT suggests a future driveway connection would be restricted to Menius Rd.

Utilities – N/A

Schools – Minimal. Both RA and CBI 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

As stated, this request is supported by the Land Use Plan and consistent with the purpose and intent of the CBI district. While the previously referenced CBI area was too loosely applied to this large portion of the county, the referenced CBI, NB, and IND zoned properties in the general vicinity suggest application to this corner lot may be appropriate. As always, public input is an important part of this process.



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 02-16
 Date Filed 2.2.16
 Received By SAS
 Amount Paid \$ 200.00

Office Use Only

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: Susan B Holshouser
 Signature: [Signature]
 Phone: 704-798-1807 Email: DHOLSHOUSER@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: [Signature]
 Phone: 704-202-0473 Email: CMCRAINSHAW@yahoo.com
 Address: 525 Parks Rd
Salisbury NC 28146

PROPERTY DETAILS:

Tax Parcel(s): 126-079 Size (sq.ft. or acres): 3.72 acres
 Property Location: Corner of E NC 152 & Meadows Rd
 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 RA Requested Zoning CBI

AFFIDAVIT 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): [Signature]

Date: 2/1/16

Name of Applicant / Agent: Susan B Holshouser

Address: 525 E Ridge Rd Salisbury NC 28144

Phone Number: 704-798-1807

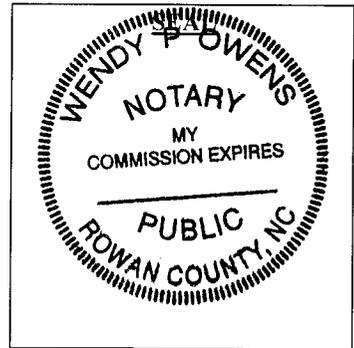
IT IS UNDERSTOOD BY ALL PARTIES HERETO INCLUDING OWNER(S) & APPLICANT(S) / AGENT(S) THAT WHILE THIS APPLICATION WILL BE CAREFULLY CONSIDERED AND REVIEWED, THE BURDEN OF PROVIDING ITS NEED RESTS WITH THE ABOVE NAMED APPLICANT WHETHER OWNER, NON-OWNERS, OR OWNER'S AGENT.

STATE OF NC

COUNTY OF Rowan

I, Wendy P Owens, 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 January 30, 2017.



OFFICIAL USE ONLY

- 1. Signature of Rezoning Coordinator: [Signature]
- 2. Planning Board Courtesy Hearing: 02/22/16
- 3. Notifications Mailed: 2/10/16
- 4. Property Posted: 2/9/16
- 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: / /

**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 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

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

1 _____

2 _____

3 _____
