



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: September 13, 2016
RE: **Z 10-16**

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 10-16**

REQUEST

Vernon Powell is requesting the rezoning of a portion of an 80.6 acre parcel owned by Jerry Trevey, James Epting, and Andrea Powell referenced as Tax Parcel 052-096 located at Long Ferry Road and an unnamed interstate service road near Interstate 85 from 85-ED-1 to 85-ED-2 and Commercial, Business, Industrial (CBI) [see enclosed map]. Planning Staff recently met with Rowan Works staff regarding a potential development opportunity at this location which would require 85-ED-2 zoning designation.

Rezoning the area south of the service road 85-ED-2 would leave two (2) portions of adjacent parcels – .16 acres of Tax Parcel 052-093 and .35 acres of Tax Parcel 052-095 – zoned 85-ED-1. As such, Planning Staff provided mailed notice to the property owners indicating these areas would be included within this request. As per sec. 21-362(d), the Board of Commissioners, Planning Board, or property owners and their agents are able to initiate a rezoning. Staff requests the Planning Board include these areas with the recommendation for Z 10-16.

ZONING CRITERIA

1. Relationship and conformity with any plans and policies.

Plans – This property is located within Area 2 and, more importantly, the Commercial and Industrial Corridor along Interstate 85 as identified by the East Rowan Land Use Plan. In general, the plan encourages

commercial, industrial, and mixed uses within one (1) mile of the interstate and would support both the existing and proposed zoning designations.

Policies – N/A.

2. Consistency with the requested zoning district’s purpose and intent.

The 85 ED districts “...are hereby established to preserve, encourage and enhance the economic development opportunities in areas adjacent and near I-85 in accordance to plans adopted by the county board of commissioners. It is recognized that I-85 is uniquely important the future of the county because of the great potential for development of all types that exist along this corridor. Development within these districts shall be of types which maximize the economic benefits to the county while minimizing the potential impacts.

The district are designed to accommodate, as appropriate, uses such as manufacturing, distribution, retail, service industries, corporate parks. Certain individual uses may be allowed as uses by right in some districts, while other more intensive uses may require a higher level of review and approval by the county. The districts encourage and allow more creative design of land development than may be provided on other general zoning districts. This flexibility is provided for planned unit developments.”

85-ED-1. The purpose of the 85-ED-1 district is to encourage the location of "high capital investment/high wage/low employment/clean" industries. Certain industries shall be allowed as permitted uses standards provided to protect adjacent neighborhoods. Other heavy industries may be allowed as conditional uses. If part of a larger master plan limited accessory and ancillary retail and service uses may be allowed.

85-ED-2. In areas where existing conditions such as surrounding development, access etc. may make the area less marketable for uses listed exclusively in the 85-ED-1 district then the 85-ED-2 district may be appropriate. The primary additions to this district are distribution and wholesaling operations.

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.

Between 2000-2003, properties along I-85 were evaluated for inclusion within newly established economic development zones (85-ED-1 through 4) to provide additional non-residential district options. A transition from 85-ED-1 to 85-ED-2 is somewhat a

“lateral” move as the 85-ED-2 district permit all uses allowed in 85-ED-1 in addition to distribution and wholesale trade as conditional uses.

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 85-ED-1, 85-ED-2, and CBI districts. A more detailed list may be found in sections 21-34 & 113 of the Zoning Ordinance.

Land Use	85-ED-1	85-ED-2	CBI
Residential	Not allowed	Not allowed	Permitted
Construction	Not allowed	Not allowed	Permitted
Manufacturing	Most permitted	Most permitted	Most permitted
Transp., Comm., etc.	Not allowed	Not allowed	Permitted
Wholesale Trade	Not allowed	Permitted with CUP	Permitted
Retail Trade	Not allowed	Not allowed	Permitted
Fin., Insur., etc.	Not allowed	Not allowed	Permitted
Services	Not allowed	Not allowed	Most permitted

Conditions in the vicinity (see enclosed map) –

North – Exxon gas station at 1190 Long Ferry Rd. (LFR), Duke Energy substation (1220 LFR), and properties along Willow Creek Dr. (interstate service road) zoned 85-ED-2 by the county and *Interstate Business (IB)* and *Manufacturing and Industrial (I)* by the Town of Spencer.

South – Town Creek and its associated floodplain and the ALDI distribution facility at 1985 Old Union Ch. Rd.

East – Mobi Lodge (1400 Block LFR), a 37 space manufactured home park zoned 85-ED-1, Sharp Transit (1355 LFR), Salisbury-Rowan Utilities (SRU) water tower, concentration of residential uses, and large undeveloped properties.

West – Salisbury wastewater treatment plant at the end of Heiligtown Rd., *IB* and 85-ED-2 zoned areas by the Town of Spencer and East Spencer respectively, and three (3) businesses along Montclair Dr. (interstate service road).

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

Roads – This parcel has 1,172 ft. of frontage on the unnamed frontage road and 501 ft. on Long Ferry Rd., which is classified as a major thoroughfare. Surprisingly, the NCDOT Comprehensive Transportation Plan does not contain a design capacity for this portion of

Long Ferry Road. Average daily traffic count from 2013 suggests 4,700 vehicle trips along this section of Long Ferry Road (historical high of 5,400 in 2009).

Utilities – Public water is available along Long Ferry Road extending from the adjacent water tower to the Town of East Spencer. Sewer is available at the wastewater treatment facility on the west side of I-85.

Schools – Both 85-ED-1 and 2 do not permit residential uses; CBI does permit residential use but is an unlikely land use choice.

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)]. A statement analyzing the reasonableness of the decision is also necessary. See enclosed checklist as a guide in developing these statements.

STAFF COMMENTS

The “Trevey” site contains a number of important infrastructure features and excellent interstate visibility necessary to attract a variety of economic development opportunities. A district change to 85-ED-2 affords additional distribution and wholesale trade options for the main part of the property while the CBI area provides a more appropriate designation for the corner lot. The two (2) portions of adjacent properties staff recommended to include within this request would ensure a consistent zoning map for the county jurisdictional area.



Rowan County Department of
 Planning & Development
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Case # Z 10-16
 Date Filed 09.02.16
 Received By SAS
 Amount Paid \$ 300.00

Office Use Only

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: James Epting (25%); Jerry Trevey (50%); Andrea Powell (trustee - 25%)

Signature: Andrea Powell (trustee)

Phone: 336-312-2847 Email: _____

Address: 103 Elmwood Terrace, Greensboro, NC 27408

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

Name: Vernon Powell

Signature: _____

Phone: 336-337-5940 Email: vernonbpowell@gmail.com

Address: 103 Elmwood Terrace, Greensboro, NC 27408

PROPERTY DETAILS:

Tax Parcel(s): 052 096 Size (sq.ft. or acres): 78.13

Property Location: Long Ferry Road (near Interstate 85)

Current Land Use: undeveloped

Date Acquired: 5/8/86 Deed Reference: Book 624 Page 951

Surrounding Land Use: North undeveloped
 South distribution center (Aldi)
 East trucking company (Sharp Transit) & mobile home park
 West undeveloped

Existing Zoning 85-ED-1 Requested Zoning 85-ED-2 (main parcel) & CBI (Outparcel)

AFFADAVIT OF OWNER

To be completed if a second party will represent case

I (We), Andrea Powell, 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): Andrea Powell

Date: 9-2-2016

Name of Applicant / Agent: Vernon Powell

Address: 103 Elmwood Terrace, Greensboro, NC 27408

Phone Number: 336-337-5940

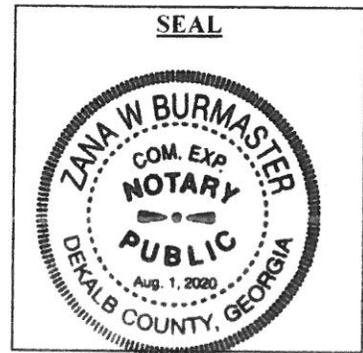
IT IS UNDERSTOOD BY ALL PARTIES HERETO INCLUDING OWNER(S) & APPLICANT(S) / AGENT(S) THAT WHILE THIS APPLICATION WILL BE CAREFULLY CONSIDERED AND REVIEWED, THE BURDEN OF PROVIDING ITS NEED RESTS WITH THE ABOVE NAMED APPLICANT WHETHER OWNER, NON-OWNERS, OR OWNER'S AGENT.

STATE OF Georgia COUNTY OF DeKalb

I, Zana W. Burmaster, a Notary Public for said County and State, do hereby certify that Andrea Powell personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires August 1, 2020.

Zana W. Burmaster



OFFICIAL USE ONLY

- 1. Signature of Rezoning Coordinator: [Signature]
- 2. Planning Board Courtesy Hearing: 09/26/16
- 3. Notifications Mailed: 09/13/16
- 4. Property Posted: 09/15/16
- 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

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 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 _____
