



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: June 10, 2015
RE: **Z 20-04 & CUP 16-04 Amendment**

SUGGESTED PLANNING BOARD ACTION

- Receive staff report Petitioner comments Conduct courtesy hearing
 Close hearing and discuss Develop statements Approve / Deny /
Table **Z 20-04 & CUP 16-04 Amendment**

BACKGROUND

On November 15, 2004, the Board of Commissioners (BoC) approved a rezoning request (**Z 20-04 & CUP 16-04**) for property owner Aaron Martin from Rural Residential (RR) to Commercial, Business, Industrial with a conditional use district (CBI-CUD) at the corner of US Hwy 601 and Cauble Road to accommodate the retail sale of primitive furniture, storage buildings, crafts, and other items. In April of 2007, Mr. Martin was approved for an amendment to his conditional use district to expand the operational limits and construct an additional building. In July of 2011, Mr. Martin was approved for a third amendment to allow for an automotive tire and minor repair facility, which was never constructed.

Parallel conditional use rezonings are typically applied for in locations where “straight” rezonings may not be conducive due to the unknown property use. One of the limitations of this type of application is the requirement to repeat the rezoning process should the site plan exceed a minor change. Section 21-62 (d) 2 of the Zoning Ordinance indicates changes to an approved conditional use district shall be treated as amendment to the zoning map.

REQUEST

Mr. George Venters with Glandon Forest Equity, LLC is requesting an amendment to a 1.7 acre portion of an existing 3.6 acre CBI-CUD located at the 5100 Block of US 601 Hwy to accommodate a new

9,403 sq.ft. retail sales business (general merchandise) on Tax Parcels 310-098, part of 099, and 297 where the previous automotive service facility was proposed (see attached site plan).

**ZONING
CRITERIA**

1. Relationship and conformity with any plans and policies.

Plans – The Land Use Plan for Areas West of I-85 indicates highway businesses (other than those along US 29 & 70) are encouraged at existing commercial nodes or potential node locations. The plan also encourages consideration of building appearance, design elements, and landscaping for these locations.

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.

During the initial countywide zoning process, approximately 13 acres along Hwy 601 north of Cauble Rd, which contained five (5) businesses, were zoned CBI. Multiple zoning decisions thereafter either established or re-emphasized a section south of Cauble Rd should develop as CBI or Neighborhood Business (NB) as well, which increased the total zoned area to approximately 18 acres. While the general area is not “densely developed”, it is suburban in setting and is located adjacent to a major (US 601) and minor (Cauble Rd) thoroughfare. Additionally, the district and previous uses were deemed compatible with the surrounding area and serving the overall public good with each request, which should not be different with this request.

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

Compatibility of uses –

The CBI district does permit a wide range of potential uses, which is why the Martin family initially requested a conditional use district allowing the zoning designation to be based on a specific use. Previous zoning decisions permitted retail sales with office and warehouse space under roof but most of the product was located outside. Additionally, the permitted automotive tire and repair shop added a more invasive land use than retail sales, which should be compatible with other uses in the existing CBI zone.

Conditions in the vicinity (see enclosed map) –

North – Properties to the north include Manpower Horsepower (4705), an automotive paint and body shop (5270), Pop’s convenience store (5285), a small business at 111 Henry Ln, and Starship Engineering (5820) – all within the CBI district.

South – Concentration of residential uses fronting US 601 two of which have visible home based businesses (5055 & 5025) and the Martin family’s furniture and storage shed business (5120 & 5130).

East – Large wooded acreage with several undeveloped lots along Old Wood Ln.

West – A few residential uses and the future home of Lifeway Church at 5075.

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

Roads – DOT traffic counts from 2013 suggest this segment of US 601 receives 7,100 trips per day compared to an estimated 15,100 capacity by the DOT Comprehensive Transportation Plan. Using trip generation estimates for freestanding discount stores found in the 7th edition of the Institute of Transportation Engineers Manual, this store could receive 527 vehicle trips per day (i.e. a trip is calculated a movement from an origin to the store with a second trip calculated as exiting the store to the next destination). Considering the wide-range of results in this category and the lack of a specific category for smaller discount stores, staff averaged the high range with the average range for the estimation resulting in 766 trips per day. Considering some of these customers will already come from the 7,100 current users, the capacity of US 601 should not be significantly affected.

While the DOT driveway permit has not been issued, preliminary discussions indicate the developer will be responsible to install a left turn lane on US 601 prior to store opening.

Utilities – The use will be served by an on-site well and septic system. The applicant stated a private soil consultant provided an initial analysis suggesting the proposed layout would meet applicable Environmental Health standards, which will be verified by local staff. This property is located within a Phase II stormwater area as defined by the North Carolina Department of Environment and Natural Resources and will require an on-site bio-retention pond to collect stormwater runoff.

Schools – N/A.

EVALUATION CRITERIA

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

- 1. Adequate transportation access to the site exists.** The anticipated approved driveway permit with associated turn lane requirement along with the available capacity discussed in item 4 above suggests adequate transportation exists for the proposed use.

2. **The use will not significantly detract from the character of the surrounding area.** As described in the previous sections, this property is located within an 18 acre CBI / NB zoned area containing six (6) businesses with over 28,000 sq.ft. under roof, four (4) of which existed since 1980. The RR zoning district can be thought of as a “holding” zone not by the district description but in the application throughout the county evident in the zoned areas along US 70, 601, NC 150, and land between US 29 and Old Concord Rd. Additionally, this retail sales facility should be much less intrusive than the previously approved automotive service facility.

3. **Hazardous safety conditions will not result.** Compliance with the driveway permit will ensure the driveway entrance conforms to DOT safety standards for access to public streets. Store construction is subject to compliance with applicable Environmental Health and Building Inspection standards.

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

Noise, odor, dust – No significant noise, odor, or dust is anticipated

Glare – The applicant stated wall packs and full cutoff lights on poles will be used. No other specific information has been given to date.

5. **Excessive traffic or parking problems will not result.** The site plan proposes 35 parking spaces, 11 more than required by the Zoning Ordinance, and a parking lot design conducive to facilitating the safe movement of customers. Also see section 4 from the zoning criteria.

6. **The use will not create significant visual impacts for adjoining properties or passersby.** The store is proposing a 95’ front setback with parking to the front and south side. In the evaluation criteria, the applicant stated the front façade will be masonry with landscaping added to the site for aesthetics, which also addresses the appearance standards referenced in the land use plan from section 1 of the zoning criteria. Considering the existing businesses in the area and the previous approval of an automotive service facility, the retail store should not create a significant visual impact for the few adjacent residences or traffic along US 601 or Cauble Rd.

PROCEDURES

Since this request could be considered a small-scale rezoning, the Planning Board should develop a statement of reasonableness before approving or denying the request 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 decision to approve or deny the request.

See enclosed checklist as a guide in developing this statement.

STAFF COMMENTS

This request amends an existing CBI-CUD zone previously approved an automotive tire shop with minor repairs and is located within an 18 acre CBI / NB zoned are containing six businesses most of which have been present for 35 years. The request is in keeping with the CBI district's locational standards and would be in compliance with the land use plan recommended nodal development along US 601 and appearance standards.

If the Planning Board recommends approval, Planning Staff offers the following two (2) conditions of approval of which #1 is required while #2 is optional:

1. Tax parcels 310-098, part of 99, and 297 must be combined by deed prior to the issuance of a zoning permit; and
2. In lieu of the proposed pylon sign, a ground mounted 32 sq.ft. (sign copy area) sign with an overall height of 6 feet or less may be placed at the driveway entrance outside all site triangles.



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 # ~~PERM~~ CUP 16-04
Date Filed 06.01.15
Received By SAS
Amount Paid \$200⁰⁰ ch# 9735
Office Use Only

Z 20-04 $\frac{1}{1}$ Amend.

~~PARALLEL CONDITIONAL USE REZONING APPLICATION~~

OWNERSHIP INFORMATION:

Name: Martin, Aaron N.
Signature: *Aaron Martin*
Phone: 704-797-5498 Email: _____
Address: 5120 US Hwy 601 Salisbury NC 28147

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

Name: Gladon Forest Equity, LLC / George Venters
Signature: _____
Phone: 919-459-2601 Email: gventers@vanguardpg.com
Address: 3900 Merton Drive, Suite 210 Raleigh, NC 27609

PROPERTY DETAILS:

Tax Parcel(s): 310098, 310297, & 310099 Size (sq.ft. or acres): 1.7 proposed
Property Location: Corner of US 601 Hwy and Cauble Road
Current Land Use: vacant
Date Acquired: _____ Deed Reference: Book _____ Page _____

Surrounding Land Use: North CBI- Commercial
South NB - Business
East RR - Residential
West RR - Residential

Existing Zoning CBI-CUD Requested Zoning CBI - CUD

PURPOSE & SECTION:

State purpose of conditional use permit:

Proposed commercial retail sales

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

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.

COUNTY OF ROWAN

AFFADAVIT OF OWNER

To be completed if
a second party
will represent case

STATE OF NORTH CAROLINA

I (We), Aaron N. Martin, 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): [Handwritten Signature]

Date: _____

Name of Applicant / Agent: Glandon Forest Equity, LLC / George Venters

Address: 3900 Merton Drive, Suite 210, Raleigh, NC 27609

Phone Number: 919-459-2602

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.

I, Wanda Hochstetler, a Notary Public for said County and State, do hereby certify that Aaron N. Martin personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires April, 2020



OFFICIAL USE ONLY

- 1. Signature of Rezoning Coordinator: [Handwritten Signature]
- 2. Planning Board Courtesy Hearing: 06/22/15
- 3. Notifications Mailed: 06/09/15
- 4. Property Posted: 06/09/15
- 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: / /

Evaluation Criteria

(1) Adequate transportation access to the site exists;

Per NCDOT review, the property access will be on US Hwy 601. Road improvements shall consist of a left turn lane per NCDOT requirements. The proposed use will be open during normal business hours and is not a high traffic generator. Traffic is generated throughout the typical day and is not concentrated just at peak hours.

(2) The use will not significantly detract from the character of the surrounding area;

Building design meets the requirements of Rowan County. Rowan County does not have any specific architectural requirements for this area. The proposed building will have a masonry front wall with some landscape to enhance the view from the road. Landscaping will be added to front property line and will consist of Maple trees for shade and to enhance the overall appearance of the development. The commercial building across Cauble Road is an all metal exterior building.

(3) Hazardous safety conditions will not result;

Proposed road improvements per NCDOT requirements to minimize any traffic issues. All Plantings shall not be placed within the NCDOT sight triangles for safety.

(4) The use will not generate significant noise, odor, glare, or dust;

Store will be open during normal business hours. Parking lot and building lights will be constructed to limit impacts to adjacent properties. The exterior lighting will consist of wall packs and light poles directed towards the parking areas. The lights will be full cut-off lights and may be modified using shields to prevent light levels from interfering with adjacent property owners.

(5) Excessive traffic or parking problems will not result;

The proposed use will be open during normal business hours and is not a high traffic generator. Traffic is generated throughout the typical day and is not concentrated just at peak hours. All parking is contained on the property. No on-street parking will be constructed for this site.

(6) The use will not create significant visual impacts for adjoining properties or passersby.

The building exceeds the minimum setback to limit the visual impacts for adjoining property. Landscaping will be added to provide shaded areas to enhance the visual impact for adjoining properties. The exterior lighting will consist of wall packs and light poles directed towards the parking areas. The lights will be full cut-off lights and may be modified using shields to prevent light levels from interfering with adjacent property owners. The current property was originally approved for a Tire Repair Facility.

**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- _____ - 15 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- _____ - 15 request [is] or [is not consistent] with the [Eastern] or [Western] public interest based on the following:

1 _____

2 _____

3 _____
