



REZONING PETITION: Z 03-19

REQUEST: Rezone from RA to CBI-CD for a 9,100 sq.ft. retail store (site plan encl.)

Parcel ID: 3881013

Location: Corner of E. NC 152 Hwy / Organ Church Rd

Address: 6225 E. NC 152 Hwy Rockwell

Acreeage: 1.72 incl r/w ac

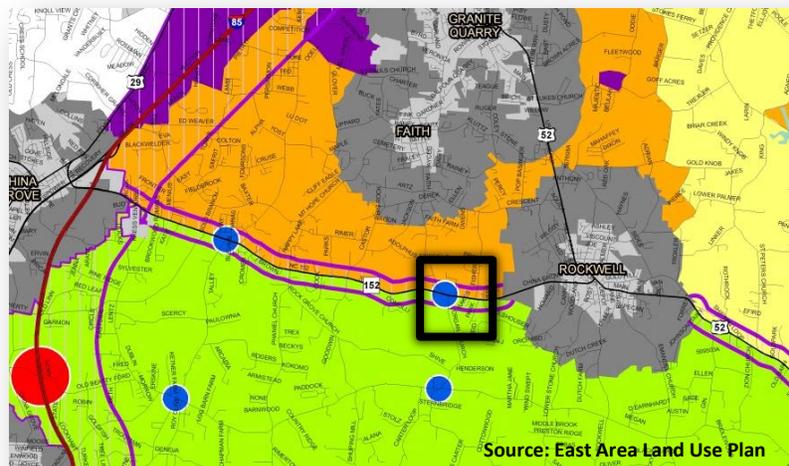
Property Owner: Levi Voros

Applicant: Terramore Development

Existing Improvements: Single Family Dwelling 1,787 sq.ft. constructed in 1939 & (2) storage buildings totaling 720 sq.ft.

CONFORMITY WITH ADOPTED PLANS / POLICIES

- Located in Area 3 & Community Node (Sifford's)
- "A mix of uses is encouraged in or near community nodes". "Permitted uses that support existing population's need for goods & services are encouraged (e.g. convenience store, gas station, office space, restaurant, etc.)"
- Highway businesses generally encouraged on E. NC 152 Hwy.



CONSISTENCY WITH THE DISTRICTS PURPOSE / INTENT

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.

COMPATIBILITY OF USES

MAJOR GROUP	INDUSTRY GROUP	RA	CBI-CD (203-19)
Residential		Permitted	—
Construction		Permitted with SR	—
Manufacturing		Most Permitted with SR	—
	Textile Mill Prod.	—	—
	Lumber Prod.	Permitted with SR	—
	Paper & Allied Prod.	—	—
	Chemical & Allied Prod.	—	—
	Petroleum Prod.	—	—
	Stone, Glass, Concrete, etc.	Some Permitted with SR	—
Transp., Com., Elec. / Gas, & Sanitary Svc.		—	—
Wholesale Trade		Most Permitted with SR	—
Retail Trade		Permitted with SR	9,100 sq. ft. store
Finance, Ins., & Real Est.		Permitted with SR	—
Services		Most Permitted with SR	—
	Misc. Amusement & Rec.	—	—
Public Admin.		—	—

Generalized Groupings:
 Permitted: 100-75% Most: 75-50% Many: 50-25% Not Permitted: 25-0%

Source: Section 21-113 Table of Uses

POTENTIAL IMPACT ON ROADS

E. NC 152 Hwy

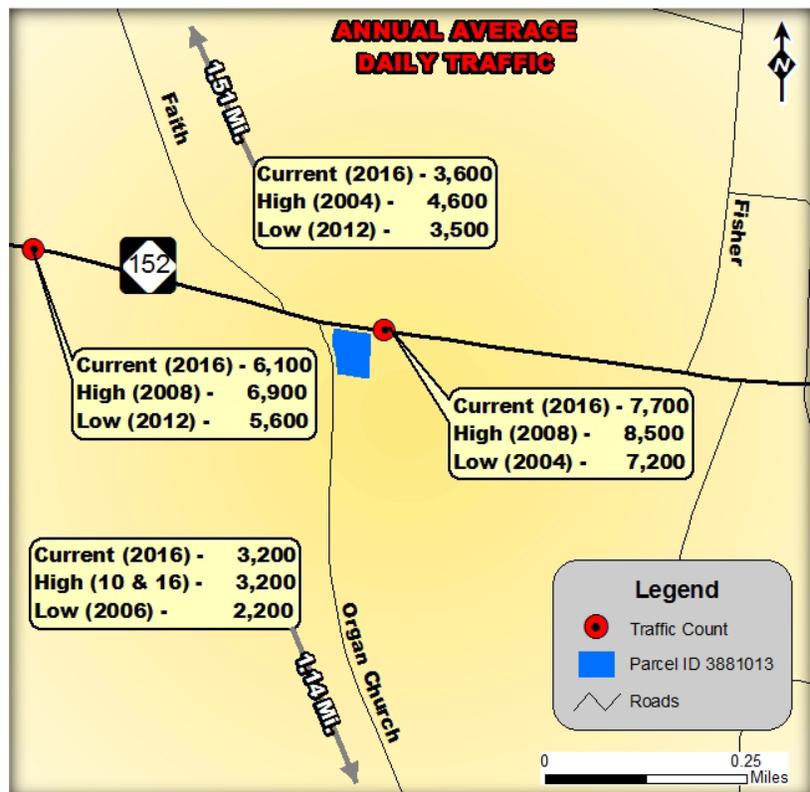
- Major thoroughfare
- Est. capacity * – 15,100 (W. of Faith Rd.) to 14,600 (E. of Faith Rd.)

Faith Rd

- Major thoroughfare
- Est. capacity * – 12,200

Organ Church Rd

- Major thoroughfare
- Est. capacity * – 13,600



* Estimate from Comprehensive Transportation Plan

POTENTIAL IMPACT ON ROADS CONT.

According to Rowan County Emergency Services (EMS) records (911 calls) from 1/1/13 to 1/3/19, 38 vehicular accidents occurred in the general vicinity of this intersection (between Rockwell Farms Rd to the west and Small Sifford Way to the east). Since many accidents are not reported to NCDOT's Accident Database, the EMS count may represent a more accurate reflection of accident frequency. However, the NCDOT database is a standardized collection of reported accidents that occur within 150 feet of an intersection and is easier to use than sorting and determining precise accident locations by 911 calls. The below map depicts accident figures from the NCDOT database at eight (8) intersections from Kress Venture Dr. to Link St. from 2013 to 2017. Additionally, traffic counts are also included in the table below for specific sections along NC Hwy 152 E. along with the intersecting street.



- The Institute of Transportation Engineers Trip Generation Manual (7th edition, 2003) suggests a “Free-standing Discount Store” would generate an average of 510 trips per day.
- Preliminary discussions with NCDOT suggest the proposed driveway connection with Organ Church Rd. would meet their requirements to obtain a permit. No access to NC 152 E. Hwy. will be granted.
- Due to site distance limitations to the south and proximity to Hwy 152 E., a formal permit on Organ Church Rd. should be requested before the Board of Commissioner’s meeting.

Traffic Count 2017 (or most recent)		
Intersecting Street	Traffic Count E. 152 Hwy	Traffic Count Intersecting Street
Castor Rd	7,000	1,700
Faith Rd	7,700	3,600
Happy Lake Rd	8,400	770
Holshouser Rd	7,700	1,400
Kress Venture Dr	10,000	N/A
Link St	5,700	3,000
Menius Rd	10,000	1,200
Old Concord Rd	8,900	6,200 - 6,400
Organ Ch Rd	7,700	3,200
Rock Grove Ch	8,400	730
Shuping Mill Rd	7,000	610

CONDITIONS IN THE VICINITY See enclosed map for surrounding land use.

POTENTIAL IMPACT ON UTILITIES Public water and sewer lines area located approximately 1 road mile away at Shive Elementary School located at 655 Shive Rd. Rockwell. However, this development will be served by on-site water and sewer.

POTENTIAL IMPACT ON SCHOOLS N/A. Both districts 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. A statement analyzing the reasonableness of the decision is also necessary. **See enclosed worksheets for statement development.**

PUBLIC NOTICE November 26, 2018 – Developer held a community input meeting regarding the project.

January 14, 2019 – Letters sent to 9 adjacent property owners (within 100 feet of subject property).

January 16, 2019 – Sign posted on property.

January 18, 2019 – Request posted on Planning & Development Department website.



STAFF COMMENTS As with any courtesy hearing, public input is an important part of the process and should be considered if possible. Staff’s primary concern with the request is the proximity of the proposed driveway to E. NC 152. However, a commercial driveway permit is necessary to determine the flexibility of the location. Conditions and standards which address conformance to applicable ordinances and adopted comprehensive plans conditions may be applied if mutually agreed upon with the applicant.



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Case # Z 03-19
 Date Filed 11/7/19
 Received By SAS
 Amount Paid \$ 300.00 pd.
Office Use Only

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: Levi Wolfgang Voros

X Signature: Levi Wolfgang Voros

Phone: 704-224-0667 Email: voroslk@hotmail.com

Address: 6225 East NC Highway 152, Rockwell

APPLICANT / AGENT INFORMATION: Complete affidavit on back if non-owner

Name: Teramore Development

Signature: [Signature]

Phone: 704-224-7364 Email: jstrickland@teramore.net

Address: 1970 Derita Road, Concord, NC 28027

PROPERTY DETAILS:

Tax Parcel(s): 388 1013 Size (sq.ft. or acres): 1.72 Acres

Property Location: 6225 East NC Highway 152, Rockwell

Current Land Use: Rural Agricultural

Date Acquired: 5/18/2017 Deed Reference: Book 1290 Page 55

REQUEST DETAILS:

Existing Zoning District RA Requested Zoning District CBI = CD

If requesting a conditional zoning district, list proposed use or uses:

9100 Retail See site plan.

Additional information enclosed restricting the conditional use district? Yes No

Site plan containing information from sec. 21-52 enclosed? Yes No

AFFADAVIT OF OWNER

To be completed if applicant is not the property owner

I (We), Levi Wolfgang Voros, 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.

X Signature(s): Levi Wolfgang Voros

Date: December 27, 2018

Name of Applicant / Agent: Teramore Development / Joe Strickland

Address: 1970 Derita Road, Concord, NC 28027

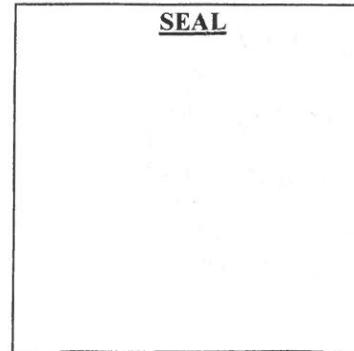
Phone Number: 704-224-7369

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, Shelley L. Voros, a Notary Public for said County and State, do hereby certify that Levi Wolfgang Voros personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires October 4, 20 19.



OFFICIAL USE ONLY

- 1. Signature of Rezoning Coordinator: [Signature] 2. Planning Board
- Courtesy Hearing: 1/28/19 3. Notifications Mailed: 1/14/19 4. Property Posted:
- 1/16/19 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: / /



CONSISTENCY WORKSHEET

ROWAN COUNTY PLANNING BOARD

CONSISTENCY QUESTION — *"Is the proposed amendment consistent with any adopted plan..." & "Why action is reasonable & in the public interest"*

REFERENCE SOURCES

YES NO Is the request consistent with applicable plans?
 Example: _____
 Example: _____

Item #1 of the Staff Report

YES NO N/A Is the request consistent with any other adopted plans?

If applicable, refer to Item #1 of Staff Report

YES NO Is the request consistent with the zoning districts purpose and intent?
 Example: _____
 Example: _____

Item #2 and #3 of the Staff Report

YES NO Is the request reasonable and in the public interest?
 Example: _____
 Example: _____

Staff Report, Land Use Plans, Ordinances, Public Comment

STATEMENT DEVELOPMENT — *"Prior to adopting or rejecting any rezoning request, one of the following statements shall be adopted:"*

- 1 "Z _____ is consistent with the _____ Land Use Plan(s) based on the following...". "Furthermore, the adoption of Z _____ is reasonable and in the public interest based on the following..." (use blanks below).
- 2 "Z _____ is not consistent with the _____ Land Use Plan(s) based on the following...". "Furthermore, the denial of Z _____ is reasonable and in the public interest based on the following..." (use blanks below).
- 3 "Z _____ is appropriate and necessary to meet the development needs of Rowan County for the following reasons not previously envisioned by the _____ Land Use Plan(s)...". "Furthermore, the adoption of Z _____ is deemed an amendment to the _____ Land Use Plan(s) and is reasonable and in the public interest based on the following..." (use blanks below).



REASONABLENESS WORKSHEET

ROWAN COUNTY PLANNING BOARD

REASONABLENESS DETERMINATION: *"Is there a reasonable basis for the change in zoning districts"*

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 Worksheet

YES NO

Compatibility with Future Land Use Map

Page 1 of ERLUP and Page 38 of WRLUP

Reference Map in Staff Report

YES NO

Benefits and Detriments

General summary from Staff Report and comments from courtesy hearing

Is there a benefit to the owner at the expense of the neighbors or community?

YES NO

Relationship of Uses

Item #3 of the Staff Report ; Inset of zoning map; Section 21-113 Table of Uses

Proposed Uses compared to existing uses

Suggested Statement

In accordance with Section 21-362(j) of the Rowan County Zoning Ordinance and after due consideration the Planning Board advises the Z_____ request [is] or [is not] reasonable and in the public interest based on the following:

1 _____

2 _____

3 _____
