



REZONING PETITION: Z 04-19

REQUEST: Modify zoning boundary for RA and MHP districts to match existing improvements. Revise MHP from 12 AC to 6.5 AC and RA from 11.3 AC to 16.8 AC (see enclosed map).

Parcel ID: 314-020

Location: 700 – 800 Block of Kepley Rd.

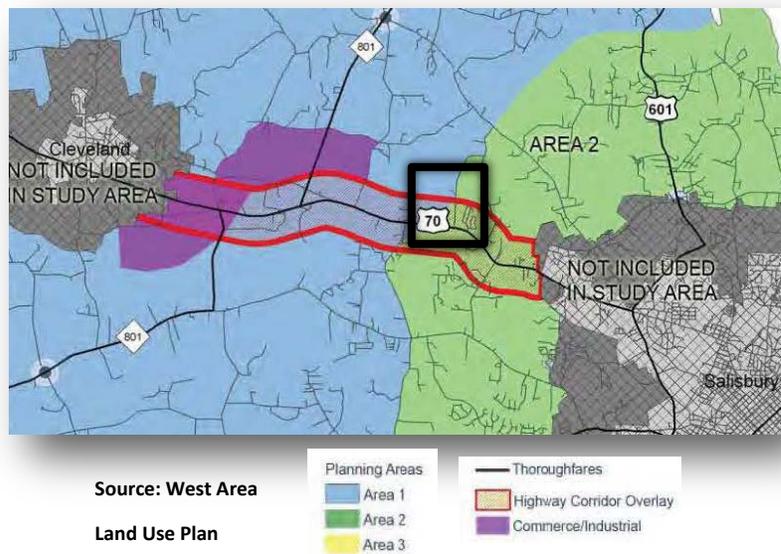
Acreage: 23.3 AC.

Property Owner / Applicant: Mark Kraus

Existing Improvements: 4 single-wide manufactured homes, 3 double-wide manufactured homes, 2 single family dwellings and 2 vacant spaces with well and septic systems connections.

CONFORMITY WITH ADOPTED PLANS / POLICIES

- Located in Area 1.
- No specific plan recommendations regarding the request. Area 1 is predominantly zoned RA.



CONSISTENCY WITH THE DISTRICTS PURPOSE / INTENT

RA – This district is developed to provide for a minimum level of land use regulations appropriate for outlying areas of the county. These outlying areas typically consist of rural single-family housing, larger tracts of land used for agriculture or in fields and forest land, with some nonresidential uses intermingled. Multifamily uses are discouraged in this district. This district would provide for protection from the most intensive land uses while containing provisions for a variety of less intensive land uses. It is the intent of this district to rely upon development standards to protect residences from potential adverse impacts of allowed nonresidential uses. The most intensive land uses would not be allowed in this district.

MHP – This district is established in order to provide for the proper location and planning of manufactured home parks, excluding family manufactured home parks. Special requirements

shall be applied to these parks which shall specify improvements to the park to ensure the public health, safety and welfare of the park inhabitants as well as the surrounding area. Designation of an area as being in the MHP district provides design and appearance criteria which are more appropriate for rental manufactured housing and/or spaces, including vinyl or similar skirting, clustering of units and reduced road construction standards. These standards are not applicable to manufactured homes and/or lots located outside a MHP district. This district requires site plan review for development of manufactured home parks by the board of commissioners. This review is required because the use may have particular impacts on the surrounding area and the county as a whole. Approval of the site plan may include the addition of reasonable and appropriate standards to the site plan. No other uses allowed in the MHP district shall require site plan approval by the board of commissioner unless expressly required by this chapter.

COMPATIBILITY OF USES

| MAJOR GROUP | INDUSTRY GROUP | RA | MHP |
|---|------------------------------|------------------------|---------------|
| Residential | | Permitted | Permitted |
| Construction | | Permitted with SR | Not Permitted |
| Manufacturing | | Most Permitted with SR | Not Permitted |
| | Textile Mill Prod. | Not Permitted | Not Permitted |
| | Lumber Prod. | Permitted with SR | Not Permitted |
| | Paper & Allied Prod. | Not Permitted | Not Permitted |
| | Chemical & Allied Prod. | Not Permitted | Not Permitted |
| | Petroleum Prod. | Not Permitted | Not Permitted |
| | Stone, Glass, Concrete, etc. | Some Permitted with SR | Not Permitted |
| Transp., Com., Elec. / Gas, & Sanitary Svc. | | Not Permitted | Not Permitted |
| Wholesale Trade | | Most Permitted with SR | Not Permitted |
| Retail Trade | | Permitted with SR | Not Permitted |
| Finance, Ins., & Real Est. | | Permitted with SR | Not Permitted |
| Services | | Most Permitted with SR | Not Permitted |
| | Misc. Amusement & Rec. | Not Permitted | Not Permitted |
| Public Admin. | | Not Permitted | Not Permitted |

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

Kepley Rd.

- Classified as a local road.
- Annual Average Daily Traffic (AADT) count 310 in 2016.
- No estimated capacity calculated by the Comprehensive Transportation Plan.
- Request should result in minimal impact on Kepley Rd.

CONDITIONS IN THE VICINITY

See enclosed map for surrounding land use.

POTENTIAL IMPACT ON UTILITIES

All uses are served by individual septic systems and two (2) existing wells.

POTENTIAL IMPACT ON SCHOOLS

N/A. Both zoning districts permit the same density.

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

January 14, 2019 – Letters sent to 6 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

Planning staff discussed plans with the property owner to subdivide a large parcel to the rear of the property, establish a separate lot for the manufactured home park, and create four (4) new lots on the northern end of the property based on the existing and anticipated future improvements. The requested zoning change would apply the MHP district to the approximate 6.5 acre area surrounding the existing manufactured home park while the remaining areas to the north and west would be zoned RA (see enclosed map for existing and proposed zoning boundaries).



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:"*

- "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).
- "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).
- "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 _____



Rowan County Department of
 Planning & Development
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Case # Z 04-19
 Date Filed 1/8/19
 Received By SAS
 Amount Paid \$ 300⁰⁰

Office Use Only

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: Mark Kraus
 Signature: *Mark Kraus*
 Phone: 704 213 8358 Email: markandcharity@gmail.com
 Address: 480 Hope Hill Rd.

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

Name: same
 Signature: _____
 Phone: _____ Email: _____
 Address: _____

PROPERTY DETAILS:

Tax Parcel(s): 314 020 Size (sq. ft. or acres): 23.3
 Property Location: Kepley road
 Current Land Use: MANUFACTURED HOME PARK
 Date Acquired: 2017 Deed Reference: Book 1301 Page 606

REQUEST DETAILS:

Existing Zoning District RA, MHP Requested Zoning District MHP, RP

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

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), _____, 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): _____

Date: _____

Name of Applicant / Agent: _____

Address: _____

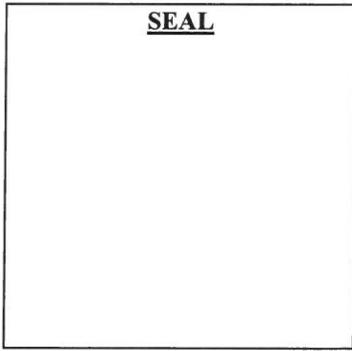
Phone Number: _____

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 _____ COUNTY OF _____

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

My commission expires _____, 20 ____.



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: / /