



## REZONING PETITION: Z 10-19

**REQUEST:** Rezone 6.1 AC from RA & RR to INST and .29 AC from RA to RR (see enclosed map).

**Parcel IDs:** 207-007 & 052

**Location:** 2420 Weaver Rd.

**Acreage:** 6.39 AC.

**Watershed:** WSII BW Back Creek / Sloans Creek

**Property Owners /**

**Applicants:** Price of Freedom Museum Inc. & Kenneth Seagle

**Existing Improvements:**

Former Patterson School currently used as American war memorial & museum.

**BACKGROUND**

According to a February 22, 2015 article in the *Salisbury Post*, Price of Freedom founder Bobby Mault secured use of the former Patterson School building located at 2420 Weaver Road in 2004 through a lease agreement with the Rowan Salisbury School System (RSSS) to house a significant collection of military memorabilia from World War I through the War in Afghanistan. The Price of Freedom Museum Inc.'s website references the facility as an "American war memorial dedicated to the men and women of the United States armed services who paid the ultimate Price of Freedom with their lives and service to our great country. Our goal is to teach all generations the true price of freedom."

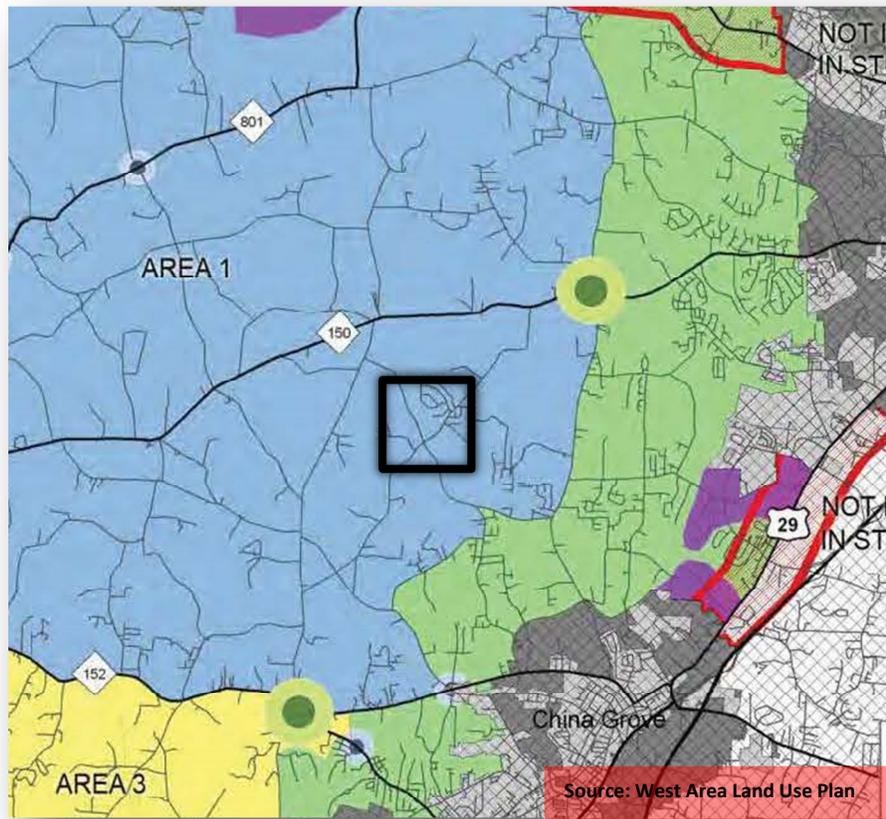
Planning Staff met with Bobby Harrison, representative with the museum, in the summer of 2018 regarding the museum's desire to add a 4,800 sq.ft. building to store additional memorabilia. Staff indicated the property would need to be rezoned to INST since the RA district does not permit the current use. Since this meeting, the museum purchased the property from RSSS.

**CONFORMITY WITH ADOPTED PLANS / POLICIES**

- Located in Area 1 – no specific plan recommendations.
- Most rural part of the study area.
- Predominantly zoned RA.



**CONSISTENCY WITH THE DISTRICTS PURPOSE / INTENT**



**INST** – The purpose of the Institutional district is to recognize and permit the creation of defined areas for the unified and orderly development of major cultural, educational, medical, governmental, religious and other institutions in order to support and enhance their benefits to the community in a manner which protects adjacent residential uses. Trade school facilities teaching a trade, for example truck driving or welding, which have that activity on site, shall meet zoning requirements for that use.

**COMPATIBILITY OF USES**

MAJOR GROUP	INDUSTRY GROUP	RA	INST
Residential		Permitted	Not Permitted
Construction		Permitted with SR	Not Permitted
Manufacturing		Permitted with SR	Not Permitted
	"Heavy Impact Uses"	Not Permitted	Not Permitted
Transp., Com., Elec. / Gas, & Sanitary Svc.		Some Permitted with SR	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	Some Permitted
	Misc. Amusement & Rec.	Not Permitted	Not Permitted
Public Admin.		Permitted	Permitted

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

Source: Section 21-113 Table of Uses

**POTENTIAL IMPACT ON ROADS** Weaver Rd

- Classified as a minor thoroughfare.
- No Annual Average Daily Traffic (AADT) count collected.
- Comprehensive Transportation Plan (CTP) estimates capacity at 11,400 AADT.
- Request should result in minimal impact on Weaver Rd.

**CONDITIONS IN THE VICINITY** See enclosed map for surrounding land use. Nearby properties contain a mixture of residential and agricultural uses including the subdivisions of Davis Farms, Carriage Court, and Country Manor located north and east of the site.

**POTENTIAL IMPACT ON UTILITIES** The property is served by an on-site well and septic system.

**POTENTIAL IMPACT ON SCHOOLS** N/A. INST does not 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 12, 2019 – Letters sent to seven (7) adjacent property owners (within 100 feet of subject property).

November 14, 2019 – Sign posted on property.

November 15, 2019 – Request posted on Planning & Development Department website.



**STAFF COMMENTS** As evidenced in the table of use comparison, the Institutional zoning district is narrowly tailored to include almost exclusively service sector uses. Since its creation in 2003, only two (2) INST districts have been created:

1. Z 12-03 – Day care use at 1905 Emanuel Church Rd. totaling 1 AC
2. Z 04-18 – Assisted living facility at 234 Northdale Ave. totaling 3.76 AC.



Rowan County Department of  
 Planning & Development  
 402 N. Main Street Suite 204  
 Salisbury, NC 28144  
 Phone (704) 216-8588  
 Fax (704) 638-3130  
 www.rowancountync.gov

Case # Z 10-19  
 Date Filed 11-1-19  
 Received By Rebecca Best  
 Amount Paid \$ 300.00 CL# 1421  
Office Use Only

**REZONING APPLICATION**

**OWNERSHIP INFORMATION:**

Name: PRICE OF FREEDOM MUSEUM  
 Signature: Robert Harrison, TRUSTEE  
 Phone: 704-857-7474 Email: \_\_\_\_\_  
 Address: 2420 WEAVER RD., CHINA GROVE, NC

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

Name: ROBERT HARRISON  
 Signature: Robert Harrison  
 Phone: 704-202-3301 Email: bharr45@gmail.com  
 Address: 445 White Rd., Mt. Ulla, NC 28125

**PROPERTY DETAILS:**

Tax Parcel(s): 207.007 Size (sq.ft. or acres): 6.1 ac  
 Property Location: 2420 Weaver Rd., China Grove, NC  
 Current Land Use: Museum  
 Date Acquired: \_\_\_\_\_ Deed Reference: Book \_\_\_\_\_ Page \_\_\_\_\_

**REQUEST DETAILS:**

Existing Zoning District RA Requested Zoning District INST

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: \_\_\_\_\_

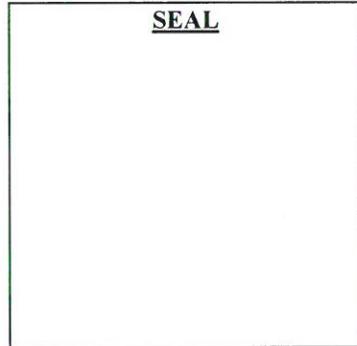
Phone Number: \_\_\_\_\_

**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: \_\_\_\_\_ 2. Planning Board
- Courtesy Hearing: 11 / 25 / 19 3. Notifications Mailed: 11 / 12 / 19 4. Property Posted:
- 11 / 14 / 19 5. Planning Board Action: Approved \_\_\_\_\_ Denied \_\_\_\_\_ 6. Board of Commissioners
- Public Hearing: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 7. Notifications Mailed: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 8. Property Posted:
- \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 9. Dates Advertised: 1<sup>st</sup> \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 10. BOC Action: Approved
- \_\_\_\_\_ Denied \_\_\_\_\_ 11. Date Applicant Notified: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_



Rowan County Department of  
 Planning & Development  
 402 N. Main Street Suite 204  
 Salisbury, NC 28144  
 Phone (704) 216-8588  
 Fax (704) 638-3130  
 www.rowancountync.gov

Case # Z 10-19  
 Date Filed 11/1/19  
 Received By RB  
 Amount Paid \$ 300.00 # 1421

Office Use Only

**REZONING APPLICATION**

**OWNERSHIP INFORMATION:**

Name: Kenneth R Seagle  
 Signature: [Signature]  
 Phone: 704-467-7386 Email: Kenneth.seagle@ncfbins.com  
 Address: 304 Birdie Dr Salisbury NC 28147

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

Name: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Address: \_\_\_\_\_

**PROPERTY DETAILS:**

Tax Parcel(s): 207 052 Size (sq.ft. or acres): ~~12.89~~ .29 AC  
 Property Location: 2440 Weaver Rd Salisbury NC 28147  
 Current Land Use: RR  
 Date Acquired: 8/2015 Deed Reference: Book 1238 Page 582

**REQUEST DETAILS:**

Existing Zoning District RR Requested Zoning District INST

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

Additional information enclosed restricting the conditional use district? Yes  No

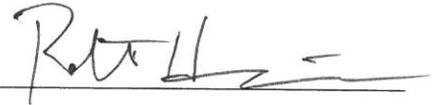
Site plan containing information from sec. 21-52 enclosed? Yes  No

Letter of Intent

This letter is to confirm my intent to exchange a tract of land (approximately .29 acres) with a similar size tract (.29 acres) owned by me, Kenneth Ray Seagle with the adjoining tract owned by the Price of Freedom Museum located at 2420 Weaver road, China Grove. The tracts are highlighted in bold ink on the attached sheet. This the 31<sup>st</sup> of October, 2019.



Kenneth Ray Seagle



Robert Harrison, Trustee

Price of Freedom Museum

BURLESON MELISSA R  
Parcel 207 027  
Taxed 26 71Ac  
Deedbook DC9  
Page 100  
207 027

207 025  
MCCORKLE GENE EDWARD  
Parcel 207 025  
Taxed 11 23Ac  
Deedbook 1311  
Page 30

2565  
Parcel 207 025  
Taxed 11 23Ac  
Deedbook 1311  
Page 30

(197) (167) (152)  
2545 (0.98A)  
6775  
125 001  
207 088

MART AMBER NICOLE & SPOUSE  
Parcel 207 088  
Taxed 9.6Ac  
Deedbook 1336  
Page 28

ROWAN COUNTY BOARD OF ED  
Parcel 207 007  
Taxed 6.1Ac  
Deedbook  
Page

2420  
207 007

PATTERSON SCHOOL

(5.94A)  
2713  
128

SEAGLE KENNETH RAY  
Parcel 207 052  
Taxed 12.89Ac  
Deedbook 1238  
Page 582

207 052

286'±  
300'±

0.29 Ac ±

0.29 Ac ±

525'±  
528'±

±.05

236.4

(345)

GREGOIRE TERRY L  
Parcel 207 006  
Taxed 3.66Ac  
Deedbook 1285  
Page 140  
207 006

(3.4  
76  
1

WEAVER RD

2390  
ALDRIDGE ROBERT LEE JR  
Parcel 207 048  
Taxed 2.89Ac  
Deedbook 831  
Page 111

207 090  
RIVERS MARGARET L &  
Parcel 207 090  
Taxed 2.25Ac  
Deedbook 1148  
Page 657

MCCORKLE GENE EDWARD  
Parcel 207 025  
Taxed 11 23Ac  
Deedbook 1311  
Page 30  
207 025

(560)

(591)

(357)

(889)

(2.85A)  
8274

FRETZE ROGER TILLMAN  
Parcel 207 084  
Taxed 1.36Ac  
Deedbook 1233  
Page 185

(115) 1

207 094

2

207 049

(0.94A)

(38) (36)  
WISE TIMOTHY EUGENE  
Parcel 207 049  
Taxed 1.06Ac  
Deedbook 0680  
Page 0893

(1178)

(213)

207 010 131

2600

(1.43A)  
4324

(322)

207 019 132

WISE TIMOTHY EUGENE  
Parcel 207 010  
Taxed 1.53Ac  
Deedbook 0680  
Page 0893

(1.02A)  
5492

(342)

PATTERSON GRANGE TRUSTEES  
Parcel 207 019  
Taxed 1.3Ac  
Deedbook 1261  
Page 421

(63)

148.92

3

(667)

(456)

2570

MCKNIGHT ALBERT DONALD  
Parcel 207 051  
Taxed 27.3Ac  
Deedbook DC9  
Page 001

(355)

207 051

MCKNIGHT DONALD  
Parcel 207 072  
Taxed 0.35Ac  
Deedbook 1092  
Page 294



# 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 \_\_\_\_\_

\_\_\_\_\_