



REZONING PETITION: Z 01-20

Request: Rezone 8.36 AC from CBI-CD (expired conditional district – pier and dock construction) to RA

Parcel ID: 644-150

Location: 8600 Blk. Bringle Ferry Rd.

Lot size: 8.36 AC.

Owner / Applicant: Mark and Lorin Oden

Watershed: WSIV PA Tuckertown Reservoir

Floodplain: None

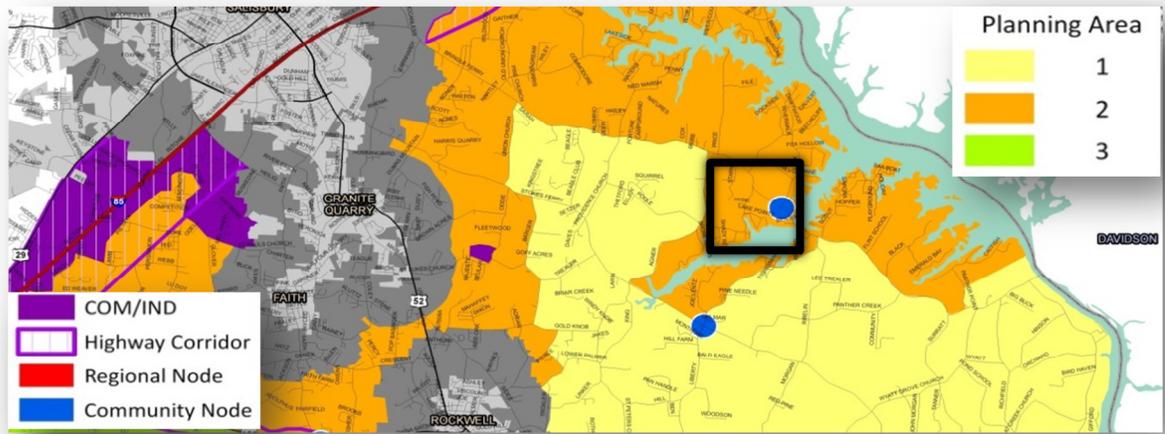
Existing Improvements: Vacant / Wooded property

BACKGROUND Property owners Mark and Lorin Oden’s rezoning petition Z 08-00 / CUP 03-00 from Rural Agricultural (**RA**) to Commercial, Business, Industrial with a Conditional District (**CBI-CD**) to accommodate a pier and dock construction business for their property located in the 8600 Block of Bringle Ferry Road referenced as tax parcel 644-150 was approved by the Board of Commissioners on March 20, 2000. The Oden family elected not to proceed with the business resulting in an expired conditional district. Sections 21-61 through 63 of the Zoning Ordinance indicate conditional districts are established exclusively for uses identified on the site plan and must receive a zoning permit for construction within two (2) years of rezoning to remain valid.

REQUEST The Oden family requests the rezoning of their 8.36 acre tract from **CBI-CD** to **RA**.

- CONFORMITY WITH ADOPTED PLANS / POLICIES**
- Located in Area 2 of the Eastern Area LUP generally defined as lands adjacent to municipal jurisdictions and surrounding High Rock Lake.
 - Rural Businesses may be appropriate along recognized thoroughfares.

- Area 2 is primarily 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 agricultural purposes, and instances of non-residential 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 home-based business opportunities and other non-residential uses deemed appropriate through a conditional use permit process. It is the intent of this district to rely upon development standards to protect residences from potential adverse impacts of allowed non-residential uses. The most intensive land uses would not be allowed in this district.

COMPATIBILITY OF USES

MAJOR GROUP	INDUSTRY GROUP	CBI-CD	RA
Residential		Not Permitted	Permitted
Construction		Pier and dock const.	Permitted with SR
Manufacturing		Not Permitted	Permitted with SR
	"Heavy Impact Uses"	Not Permitted	Not Permitted
Transp., Com., Elec. / Gas, & Sanitary Svc.		Not Permitted	Some Permitted with SR
Wholesale Trade		Not Permitted	Most Permitted with SR
Retail Trade		Not Permitted	Permitted with SR
Finance, Ins., & Real Est.		Not Permitted	Permitted with SR
Services		Not Permitted	Most Permitted with SR
	Misc. Amusement & Rec.	Not Permitted	Not Permitted
Public Admin.		Not Permitted	Permitted

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

Source: Section 21-113 Table of Uses

POTENTIAL IMPACT ON ROADS

Bringle Ferry Road –

- Classified as a major thoroughfare.
- Annual Average Daily Traffic (AADT) count collected in 2017 adjacent to the property estimate 2,600 vehicle trips along this section and a historical high of 3,800 in 2015.
- Comprehensive Transportation Plan (CTP) estimates road capacity at 15,100 AADT.
- Without a known use, staff would anticipate a minimal impact on Bringle Ferry Road based on the allowed uses and property size.

CONDITIONS IN THE VICINITY

See Enclosed Map –

- An arrangement of residential uses is located along the frontage of Bringle Ferry and Poole Roads to the north and west.
- Parcels to the south and east are relatively large and less developed.
- Concentration of homes in Lakeside View and Lake Pointe is located approximately .44 miles south in the Second Creek cove of High Rock Lake.
- Community Node at Tamarac is located approximately .66 miles to the east.
- The property at 3125 Poole Road, located approximately 640 feet south, was rezoned to **CBI-CD** in 2004 for a machine shop (Z 17-03 & CUP 37-03).

POTENTIAL IMPACT ON UTILITIES

The property will be served by an on-site well and septic system.

POTENTIAL IMPACT ON SCHOOLS

Staff estimates approximately 12 lots could be created through a major subdivision, which would have minimal impact on school capacity.

DECISION MAKING

In addition to the above criteria, sec. 21-362 (c) of the Zoning Ordinance indicates the primary question before the Planning Board 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 board “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.

PUBLIC NOTICE

May 11th – Letters mailed to eight (8) adjacent property owners (within 100 feet of subject property).

May 12th – Sign posted on property.

May 13th – Request posted on Planning Department website.

STAFF COMMENTS

When conditional districts are no longer relevant or achieve the property owner’s interest, they must be rezoned to a general zoning district. In this case, **RA** is most appropriate.





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 Planning & Development
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 Phone (704) 216-8588
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 www.rowancountync.gov

Received
 3-20-2020
pending payment

COPY

Case # Z 01-20
 Date Filed _____
 Received By _____
 Amount Paid \$300
Office Use Only

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: Mark A. Oden
 Signature: _____
 Phone: 704-637-6498 Email: markaoden@yahoo.com
 Address: 150 Dockside Drive, Salisbury, NC 28146

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

Name: Mark A. Oden
 Signature: 
 Phone: 704-637-6498 Email: markaoden@yahoo.com
 Address: 150 Dockside Drive, Salisbury, NC 28146

PROPERTY DETAILS:

Tax Parcel(s): 644-150 Size (sq.ft. or acres): 8.353
 Property Location: Bingle Ferry Road (0.25 miles past Poole Road)
 Current Land Use: N/A
 Date Acquired: 2/29/2000 Deed Reference: Book 876 Page 300

REQUEST DETAILS:

Existing Zoning District CBI CUD Requested Zoning District RA

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: 5 / 26 / 20
- 3. Notifications Mailed: 5 / 11 / 20
- 4. Property Posted: 5 / 12 / 20
- 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).

- _____
- _____
- _____
- _____