



REZONING PETITION: Z 04-20

Request: Rezone 3.16 AC from **RA** to **CBI-CD** for a water well drilling contractor business

Parcel IDs: 140-233 & 234

Location: SE corner of Old Beatty Ford Rd. (900 - 1100 Block) and Bostian Rd. (1800 Block)

Lot size: 3.16 AC total

Owner: Charles Morgan

Applicant: Sam King Jr. (Engineer) on behalf of Morgan Well & Pump Inc.

Watershed: WSIV PA (Coldwater Creek)

Floodplain: None

Existing Improvements: None

REQUEST On behalf of Morgan Well and Pump Inc., applicant and project engineer Sam King Jr. is requesting a rezoning of 3.16 acres located on the southeast corner of Old Beatty Ford and Bostian Roads referenced as Rowan County Tax Parcels 140-233 & 234 from Rural Agricultural (**RA**) to Commercial, Business, Industrial with a Conditional District (**CBI-CD**) to accommodate a 4,000 sq.ft. building and associated storage area for a water well drilling contractor business.

PLAN DETAILS The enclosed site plan details the proposed location of a 4,000 sq.ft. metal building for office and storage along with an adjoining 4,500 sq.ft. fenced storage area for outdoor equipment and material storage. Other site details include:

- Eleven (11) parking spaces most of which are gravel.
- Eleven (11) Crepe Myrtle trees: (7) along Old Beatty Ford Rd. and (4) along Bostian Rd.
- Low intensity “night lights” mounted on building directed away from adjacent roads.
- Operations Monday through Friday 8 AM to 5 PM.

CONSISTENCY WITH THE DISTRICTS PURPOSE / INTENT **CBI** – This zone allows for a wide range of commercial, business and light to medium industrial activities, which support both the local and / or regional economies. The CBI district is generally appropriate in areas identified by an adopted land use plan that recommend “highway business” along identified NC and US highways;

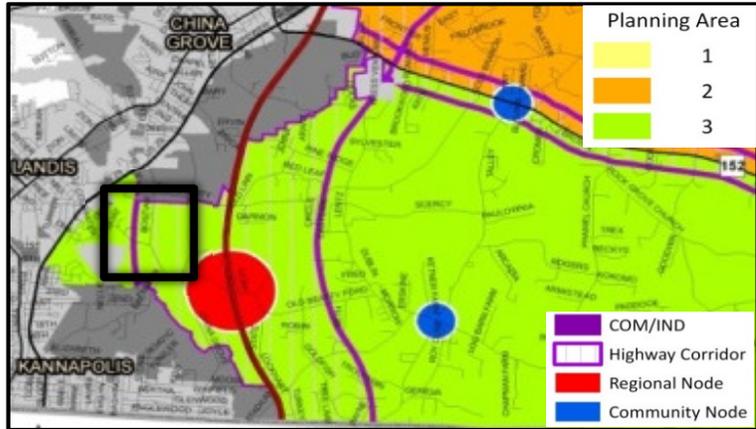
community / regional / potential development nodes; commercial corridors; and existing commercial areas. Areas served by public water / sewer represent significant public investment to foster tax base growth and employment opportunities for the citizens, which could be served through CBI designation. The CBI 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.

**CONFORMITY
WITH ADOPTED
PLANS / POLICIES**

Eastern Area LUP

- Located in Area 3: No specific recommendation applicable.
- Located along identified major thoroughfare: Rural businesses are generally encouraged along major thoroughfares with Neighborhood Business (NB) serving as the most appropriate district in most instances. Appearance standards are referenced as a potential area of future study.

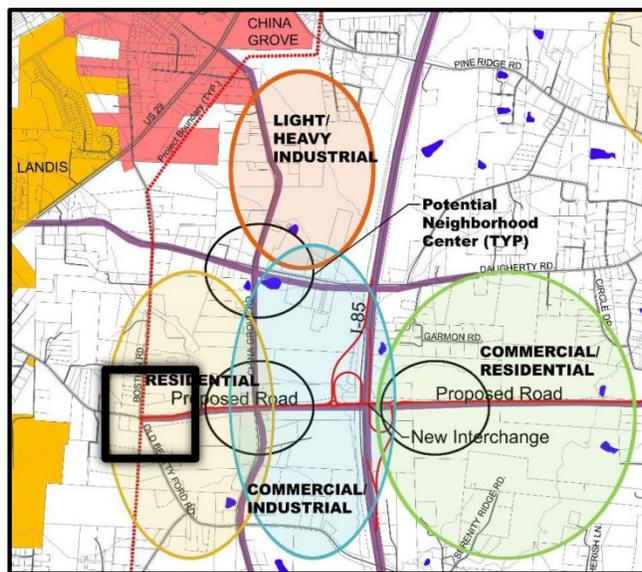
- Located in Highway Corridor for I-85: Depending on the specific location within the corridor, the plan generally encourages commercial, industrial, and mixed uses. Perimeter landscaping and parking on side / rear is suggested.
- Located adjacent to Regional Node at Old Beatty Ford Rd / I-85: The subject area is located



approximately 600 feet outside the identified one (1) mile regional node (note: the location on the map was based on previous road alignment). Significant levels of retail, service, and mixed-use development were envisioned within the core and at varying degrees throughout the node. The plan recommended a more extensive study of land proximate to the interchange including a review of public utilities that may serve the area.

I-85 South Corridor Study

The south corridor study was commissioned to further evaluate development guidelines and suggested scenarios for properties near the new interchange based on potential water and sewer service. The plan was envisioned to supersede the East plan’s general recommendations but was stated in the absence of water and sewer, the East plans recommendations would likely remain. Even though utilities are not in place, 385 acres of land at the interchange was annexed by the City of Kannapolis as a precursor to utility extension and development.



Plan recommendations include:

- Property is located within an area identified as potential Residential and adjacent to one of three (3) Neighborhood Centers noted at key intersections and a Commercial / Industrial area. In general, the plan assumes a concentration of development near the interchange, near key intersections, and along the “important” corridors.
- Design guidelines relating to building façade, landscaping, signage, lighting, buffering, etc. are referenced as areas to further evaluate

COMPATIBILITY OF USES

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

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

Source: Section 21-113 Table of Uses

CONDITIONS IN THE VICINITY

See Enclosed Map –

North

- Vacant parcels and a small number of residences.
- Landis Church of God at 1700 Bostian Rd. located on 26 acres north and east of the subject property.

South

- Kannapolis Moose Lodge at 1860 Bostian Rd. located on 20 acres.
- Residential uses along Bostian Rd. frontage.

East

- Wooded properties immediately adjacent.
- **CBI** designation located ¼ mile northeast totaling 224 acres.
- Property located in City of Kannapolis ¼ mile east zoned Agricultural District (**AG**). The placeholder district includes property owned by Kannapolis Crossing LP, a Baton Rouge developer with intended plans for significant development.

- ½ mile from the southbound on / off ramp to I-85.

West

- Primarily wooded properties with some residential uses along Old Beatty Ford Rd.
- .27 mile from Light Manufacturing (M-1) zoned parcel in the Landis town limits.

POTENTIAL IMPACT ON ROADS

Old Beatty Ford Rd. –

- Classified as a major thoroughfare.
- Annual Average Daily Traffic (AADT) count collected in 2016 north of Ebenezer Rd. (previously Old Beatty Ford, now Bostian Rd.) tallied 2,000 vehicle trips along this section (historical high of 2,400 in 2002).
- Prior to the recent improvements, the Comprehensive Transportation Plan (CTP) estimates road capacity at 14,100 AADT.
- Although not adopted as part of the local street appendix as an observed right of way, Planning Staff noticed the CTP was updated last year to identify Old Beatty Ford Rd. as a future 4 lane road with a 110 foot right of way. The observation with respect to setbacks are only required when part of the adopted street appendix but may warrant consideration here as a potential condition to ensure future setbacks are compliant. According to GIS, the existing right of way along the area proposed for development varies between 100 and 79 feet in width.
- No access proposed on Old Beatty Ford Rd.

Bostian Rd. –

- Classified as a minor thoroughfare (could be re-evaluated in future due to dead end at interstate).
- Annual Average Daily Traffic (AADT) count collected in 2016 north of Old Beatty Ford Rd. tallied 450 vehicle trips along this section (historical high of 570 in 2006).
- The CTP estimates road capacity at 11,000 AADT.
- The ITE Trip Generate manual (7th Edition) does not provide a comparable category for Construction Special Trade Contractors to determine estimated traffic generation. However, since the site activity may function most similar to an office, a Single Tenant Office Building (Use Code 715) may serve as the most comparable code. Using the proposed ten (10) employees, the business could generate 37 average daily trips.
- NCDOT approved commercial driveway permit #20-020-RD for the proposed connection to Bostian Rd.

POTENTIAL IMPACT ON UTILITIES

The proposed business will use an on-site well & septic

system.

POTENTIAL IMPACT ON SCHOOLS

Minimal. Currently, two (2) residential uses would be permitted while 0 would be possible under the proposed request.

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. A statement analyzing the reasonableness of the decision is also necessary. **See enclosed worksheets for statement development.**

PUBLIC NOTICE

September 16th – Letters mailed to seven (7) adjacent property owners (within 100 feet of subject property).

September 16th – Sign posted on property.

September 18th – Request posted on Planning Department website.



STAFF COMMENTS

At 21.33 miles, Old Beatty Ford Road is the longest secondary road (non-highway) in the county and has long served as an important thoroughfare for South Rowan. After many decades of expressing the need to have a new I-85 interchange for South Rowan within the 5 ½ mile gap between NC 152 Hwy and Lane St., the importance of this corridor has increased considerably. In addition to the transportation benefits served, the interchange and corridor affords new economic development opportunities for the area and is the focus of the City of Kannapolis with the 385 acre expansion of their municipal limits.

Kannapolis zoned the newly annexed area **AG** as a placeholder district until specific plans were presented and the appropriate zoning district(s) identified. The South Corridor plan did not recommend “pre-zoning” property in the study area, which is consistent with the historical approach of the county to typically (with some exceptions) zone property based on its current vs potential future use. This request serves as the first rezoning request within the study area. Planning staff encouraged the applicant to consider the design elements of the project with respect to both the East and South Corridor plan recommendations. As a result, landscaping and lighting comments were added.

Section 21-61 (e) indicates the mutually agreed upon conditions and site-specific standards may be imposed to address conformity to applicable ordinances, officially adopted comprehensive plans, and those that address impacts reasonably expected to be generated by the development.

Staff would encourage consideration of the 110' right of way as a condition of approval and any others the board believes are suitable to address plan consistency.



Rowan County Department of
 Planning & Development
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Case # Z 04-20
 Date Filed 09-11-20
 Received By SAS
 Amount Paid \$300

Office Use Only

Energov # Z-014523-2020

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: Morgan Well Pump, INC / Charles M Morgan
 Signature: Charles M. Morgan
 Phone: 704-933-0479 Email: morganwellpump@gmail.com
 Address: 4070 Sunrise Dr Kannapolis, NC 28083

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

Name: Samuel L. King, Jr
 Signature: Samuel L. King, Jr. Digitally signed by Samuel L. King, Jr.
 Date: 2020.07.31 08:43:20 -04'00'
 Phone: 828-403-5586 Email: samkingjr@gmail.com
 Address: 401 Poteat Drive, Morganton, NC 28655

PROPERTY DETAILS:

Tax Parcel(s): 140-233 & 140-234 Size (sq.ft. or acres): 3.129 Acres
 Property Location: SE int Old Beatty Ford Rd & Bostian Rd
 Current Land Use: Vacant
 Date Acquired: 3/14/2018 Deed Reference: Book 1305 Page 718

REQUEST DETAILS:

Existing Zoning District RA Requested Zoning District CBI-CD

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), Charles Michael Moya, 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): Charles Michael Moya

Date: 7-31-2020

Name of Applicant / Agent: Samuel L. King, Jr - King Engineering of Concord, RLLP

Address: 401 Poteat Drive, Morganton, NC 28655

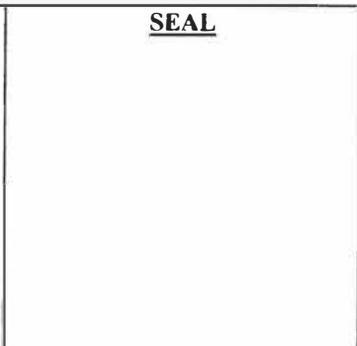
Phone Number: 828-403-5586

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, George Hamilton a Notary Public for said County and State, do hereby certify that Charles Michael Moya personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires 9-15, 20 20



OFFICIAL USE ONLY

- 1. Signature of Rezoning Coordinator: [Signature]
- 2. Planning Board Courtesy Hearing: 09 / 28 / 20
- 3. Notifications Mailed: 09 / 16 / 20
- 4. Property Posted: 09 / 16 / 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: / /



Z 04-20: Morgan Well & Pump Inc.

LEGEND

County Zoning

- RA
- CBI
- IND

Landis Town Limits
Zoning: M-1

Kannapolis City Limits
Zoning: AG

Site

Parcels

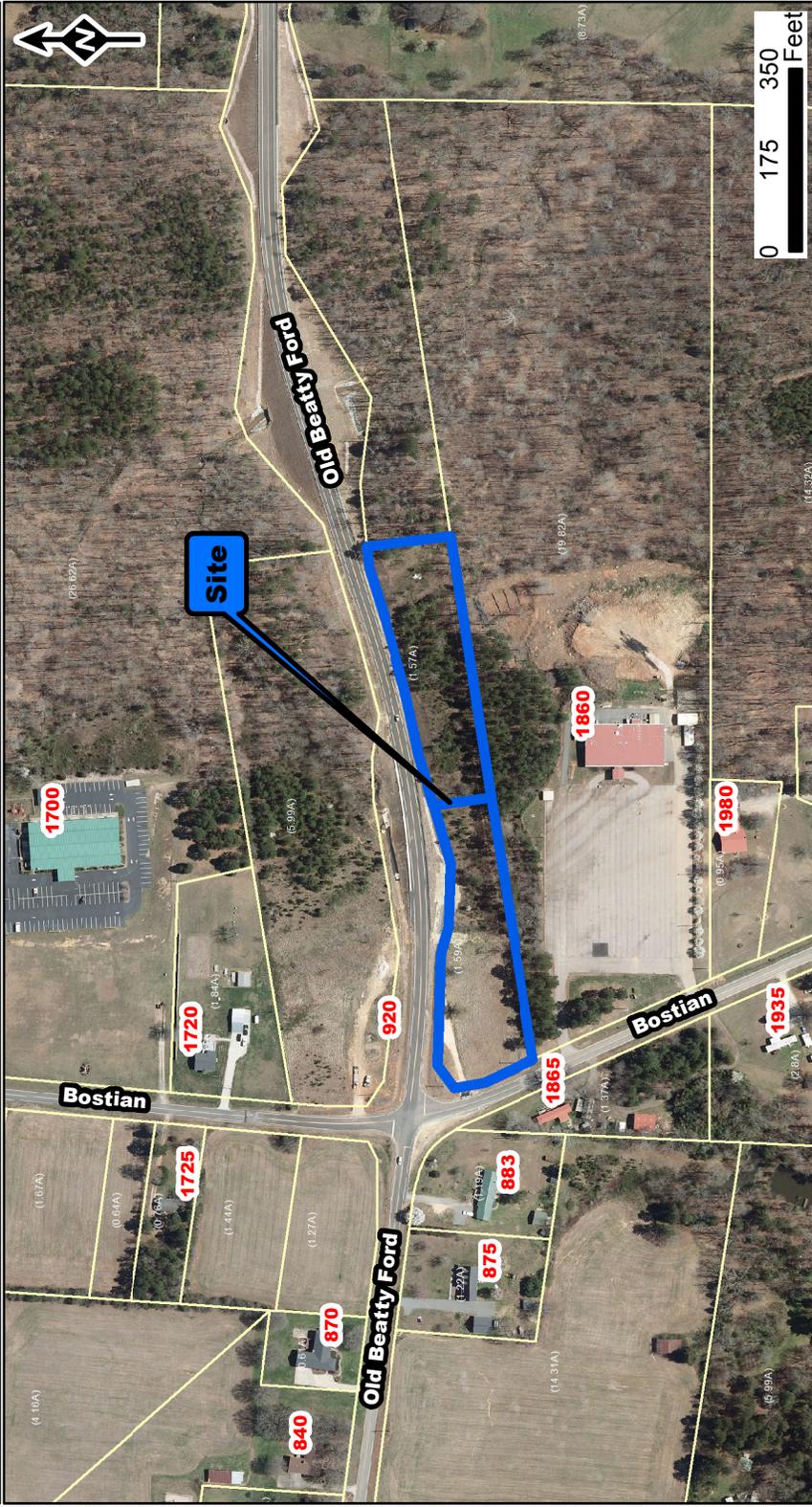
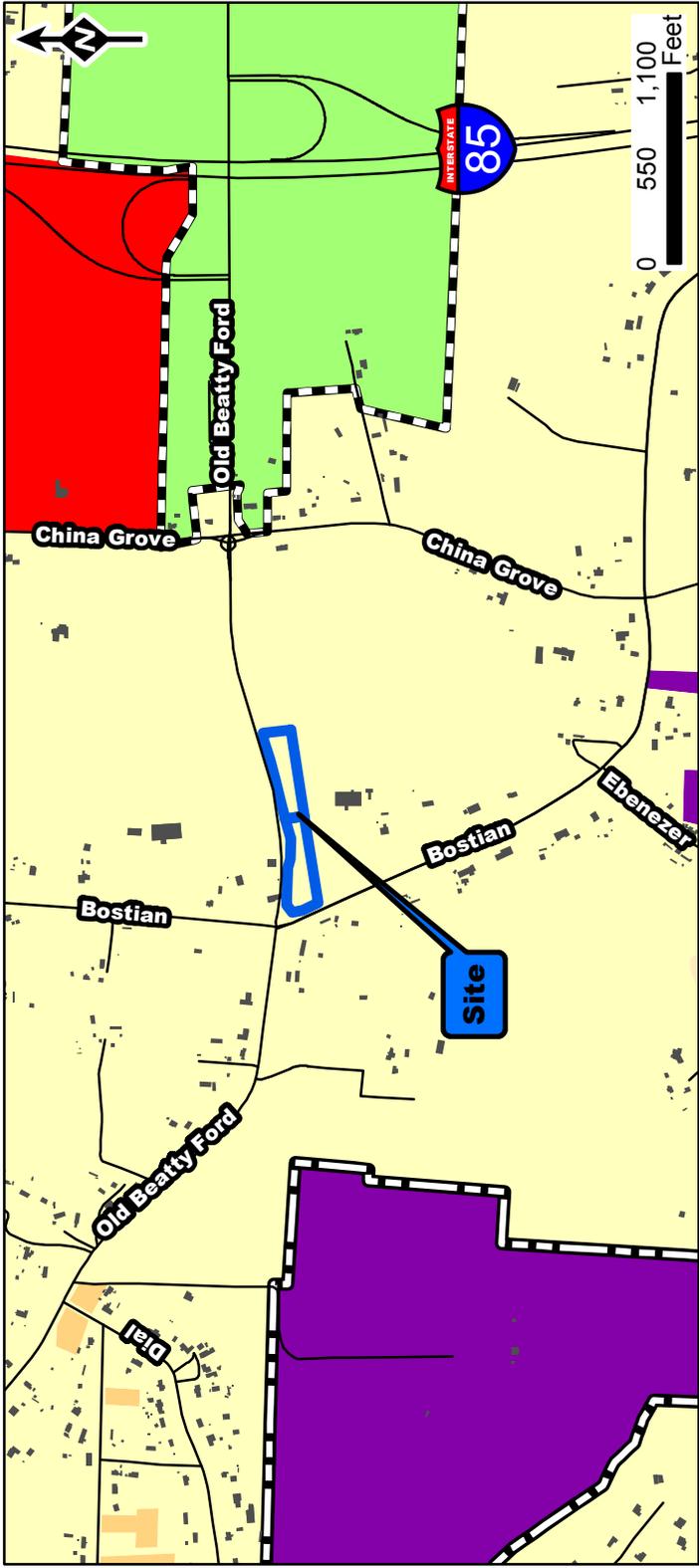
Roads

Buildings

Addresses

Feb. / Mar. 18 Aerial

Prepared by Rowan County Planning & Development Department
September 16, 2020





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 _____
