

DEPARTMENT OF PLANNING & DEVELOPMENT  
DATE: 11/13/2020  
STAFF CONTACT: AARON POPLIN



## REZONING PETITION: Z 07-20

**REQUEST:** RR to CBI-CD

**PARCEL ID:** 751-038

**LOCATION:** 8200 block Statesville Blvd.

**ACERAGE:** 11.71

**CURRENT LAND USE:**  
Vacant

**OWNER:** Eric Dixon Sr. and Leona F. Dixon.

**APPLICANT:** Mitch Wilson  
Rowan Clearing Partners LLC

### BACKGROUND

Mitch Wilson on behalf of Rowan Clearing Partners LLC is requesting the rezoning of Eric Dixon Sr. and Leona F. Dixon's property at approximately the 8200 block of Statesville Blvd. from Rural Residential (RR) to Commercial Business Industrial with a Conditional District (CBI-CD) to allow the placement of Gupton Land Clearing's company office, workshop, and equipment storage area. This property can be further identified as parcel 751 038.

### Relationship with any plans and policies

This property is located in Area 1 of the Western Area Land Use Plan, and is located within the US 70 Highway Corridor Overlay. The US 70 Corridor Overlay encourages commercial and industrial uses having transportation dependency due to rail availability and US highway. The Us 70 Corridor Overlay also encourages quality building design and appearance.

### Consistency with the requested zoning district's purpose and intent

**Commercial, Business, Industrial, 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.

The request falls within the Yadkin River water supply watershed which is a WS-IV. The proposed development is below the maximum built upon area of 36% of the lot, and would not require getting a Special Non-Residential Intensity Allocation (SNIA) permit from the board of commissioners.

**Compatibility of all uses within the proposed district classification with other properties**

Compatibility of Uses: the CBI district offers a wide variety of uses of varying intensities, however this request only allows for a Land Clearing SIC 1629.

MAJOR GROUP	INDUSTRY GROUP	RR	CBI-CD
Residential		Permitted	Not Permitted
Construction		Permitted with SR	Land Clearing Contractor
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	Not Permitted
	Misc. Amusement & Rec.	Not Permitted	Not Permitted
Public Admin.		Permitted	Not Permitted

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

Source: Section 21-113 Table of Uses

Conditions within the vicinity (see enclosed map): The section of Statesville Blvd. between Hildebrand Rd and NC 801 is comprised of RR and CBI zoning. Most of the RR zoned lots are undeveloped with a few having single family residences on them. The CBI zoned lots are concentrated at the intersection of Statesville Blvd. and NC 801, but there are two CBI zoned lots that do not border other CBI lots. All but two of the CBI lots have an active commercial use and their uses cover a wide variety of industrial classifications.

**Potential impact on facilities such as roads, utilities and schools**

Roads: Statesville Blvd. has a design capacity of 35,100 vehicles per day and as of 2019 the average daily traffic was 13,000 vehicles per day. Gupton Land Clearing employs 8 people and

will generate trips when they leave for job sites at the beginning of the work day and when they return from jobsites at the end of the work day. The NC DOT has already issued a driveway permit 20-031-RD for the proposed business.

Utilities: The property would use water from SRU and a on site septic system.

Schools: N/A

## Decision making and procedures

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 [sec. 21-362 (j)]. A statement analyzing the reasonableness of the decision is also necessary. See enclosed checklist as a guide in developing these statements.

A statement of reasonableness is necessary to substantiate a small-scale zoning decision and ensure the decision is “reasonable”. While spot zoning in North Carolina is considered legal, it must be determined as reasonable based on a number of factors including the following established by the courts:

- Size and nature of the tract;
- Compatibility with existing plans;
- The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community; and
- The relationship between the newly allowed uses in a spot rezoning and the previously allowed uses.

## Staff Comments

- Only the use show in the site plan should be considered when making a decision.
- The Board can consider adding mutually agreed upon conditions to the request.

## Attachments

- GIS Map
- Site Plan
- Site Plan Additional Info
- Application
- Statement worksheet