



REZONING PETITION: Z 06-20

Request: Rezone 21.07 AC
MHP portion to RA

Parcel ID: 055-007

Location: 5900 Block
Wildwood Rd

Lot size: 68.9 AC

Owner / Applicant:
Nengtou Vue

Watershed: None

Floodplain: Portion in AE
zone (Crane Creek)

Existing Improvements:
Vacant

BACKGROUND On January 26, 1990, property owner Raymond Everhardt registered the Oakview Trailer Court as an existing 64 space manufactured home park in response to the Mobile Home Park Ordinance requirements adopted on December 15, 1989. According to departmental records, on July 1, 1996, Mr. Everhardt was cited for an exhaustive list of violations with the Health Department (well, septic, animal services), Environmental Services (planning, building codes, solid waste), and the North Carolina Department of Environment and Natural Resources (now DEQ) due to water quality. Staff is uncertain of the event timeline thereafter but, according to aerial imagery, most of the manufactured homes were removed by March of 2002 and completely removed sometime in 2003 based on Tax Assessor records.

Section 21-137(a) of the Zoning Ordinance indicates an abandoned manufactured home park may only be re-established as a conforming use. Current property owner Nengtou Vue is not interested in establishing a park.

Mr. Vue is requesting the rezoning of an approximate 21.07 acre portion of his 68.9 acre parcel located at the 5900 Block of Wildwood Rd., **REQUEST** further referenced as tax parcel 055-007, from Manufactured Home Park (MHP) to Rural Agricultural (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.

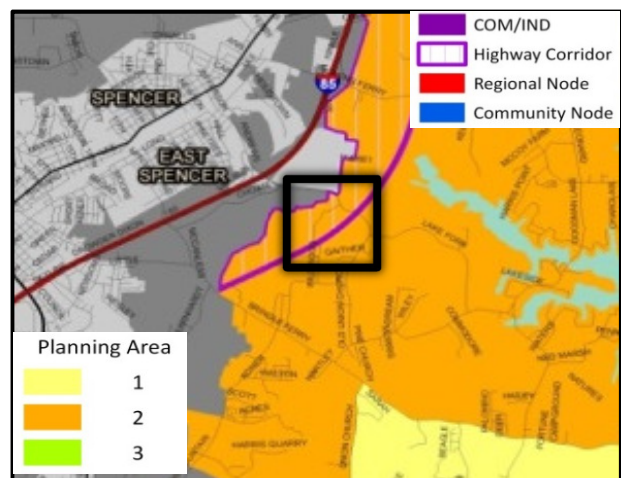
CONFORMITY WITH ADOPTED PLANS / POLICIES

Eastern Area LUP

- Located in Area 2 (land adjacent to municipalities and High Rock lake)
- Medium density residential development is encouraged.
- Located in Highway Corridor Overlay for I-85.

CONDITIONS IN THE VICINITY

See Enclosed Map –



North

- Crane Creek and associated floodplain area.
- Residences along Old Union Church within an 85-ED-2 zoning district by East Spencer.
- Aldi distribution located approximately .28 miles north.

South

- Relatively large wooded tracts with a limited number of residences.

East

- Large wooded tracts.
- Dog kennel and related uses at 2230 Old Union Church Rd.

West

- o Very large wooded tracts.

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

Wildwood Rd. –

- o Classified as a local road (SR 2204).
- o No Annual Average Daily Traffic (AADT) count collected by NCDOT.
- o No capacity information from the Comprehensive Transportation Plan (CTP).

POTENTIAL IMPACT ON UTILITIES

Any development would most likely rely on individual well and septic systems. Nearest public water and sewer is located at Aldi distribution at 1985 Old Union Church Road due north of the subject property.

POTENTIAL IMPACT ON SCHOOLS

The current MHP area could accommodate approximately thirty-six (36) lots if rezoned to RA based on staff’s estimation subject to the soil suitability for septic systems, which appear questionable based on the soil map.

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 of reasonableness is not necessary since all surrounding properties are zoned RA. **See enclosed worksheet for statement development.**

PUBLIC NOTICE November 9th – Letters mailed to twelve (12) adjacent property owners (within 100 feet of subject property).

November 10th – Sign posted on property.

November 13th – Request posted on Planning Department website.



STAFF COMMENTS While the MHP district is considered a general zoning district, it is specialized in that it is almost exclusively applied to manufactured home parks. Rural Agricultural provides the owner more flexibility, aligns with his intended uses, and matches the surrounding property designations south of Crane Creek.



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Case # Z 06-20
 Date Filed 10-19-20
 Received By SAS
 Amount Paid \$ 300 cash

Office Use Only

Energy Z-014804-2020

REZONING APPLICATION

OWNERSHIP INFORMATION:

Name: NENGTON VUE
 Signature: [Signature]
 Phone: (704) 239-8739 Email: _____
 Address: 5870 WILD WOOD DRIVE SALISBURY NC 28146

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

Name: Same as owner
 Signature: [Signature]
 Phone: (704) 239-8739 Email: _____
 Address: 710 N Salisbury Ave Spencer NC 2759

PROPERTY DETAILS:

Tax Parcel(s): 055-007 Size (sq.ft. or acres): 65-80 ACRES
 Property Location: 5870 WILD WOOD DRIVE
 Current Land Use: Vacant
 Date Acquired: 10-1-2020 Deed Reference: Book _____ Page _____

REQUEST DETAILS:

Existing Zoning District MHP 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: _____

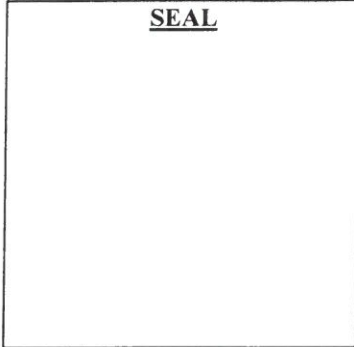
Phone Number: _____

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: 11 / 23 / 20
- 3. Notifications Mailed: 11 / 9 / 20
- 4. Property Posted: 11 / 10 / 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:"*

- "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).
