



REZONING PETITION: Z 01-21

REQUEST: RA to CBI-CD

PARCEL ID: 140 242

LOCATION: 1000 block Old Beatty Ford Rd.

ACERAGE: 3.84

CURRENT LAND USE:
Vacant

OWNER: K Town Homes

APPLICANT: Raymond McMillan Jr., K Town Homes

BACKGROUND

Raymond McMillan Jr., on behalf of K Town Homes, is requesting a rezoning of their 3.84 acre property at approximately the 1000 block of Old Beatty Ford Rd. from Rural Agricultural (RA) to Commercial Business Industrial with a Conditional District (CBI-CD) to allow the placement of a mini-warehouse storage facility. This property can be further identified as parcel 140 242.

Relationship with any plans and policies

This property is located in Area 3 of the Eastern Area Land Use Plan, and is located within the I-85, US 29 Corridor Overlay. The I-85, US 29 Corridor Overlay encourages commercial and industrial uses. The property falls close to a recognized regional node which extends one mile out from the new interchange of Old Beatty Ford Rd and I-85.

The property is also identified in the I-85 South Corridor Plan. The plan calls for the new alignment of Old Beatty Ford Rd to serve as frontage for commercial and mixed use developments as well as some industry. The plan recommends considering design guidelines for commercial development which include things such as architectural standards, screening, landscaping, and signs.

Z 04-20 was a rezoning request from RA to CBI-CD for the use of a water well drilling contractor business located across the street from this request. Z 04-20 was approved by the Board of Commissioners on November 16 2020 with no additional requirements other than the design presented on the site plan.

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 Cold Water Creek water supply watershed which is a WS-IV. At 39.2% built upon area the proposed development is above the maximum built upon area of 36% of the lot, and will require getting a Special Non-Residential Intensity Allocation (SNIA) permit from the board of commissioners. Currently the Cold Water Creek water supply watershed has 488.54 remaining acres that can be removed through the SNIA permit process. Watershed IVs have the option to use high density standards instead of using the SNIA permit process; however, this application does not meet one of the three criteria that would compel them to utilize the high density standards.

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 Mini-warehouse storage (4225).

MAJOR GROUP	INDUSTRY GROUP	RA	CBI-CD
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	Mini-Warehouses
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% Some: 50-25% Not Permitted: 25-

Source: Section 21-113 Table of Uses

Conditions within the vicinity (see enclosed map): Area around the intersection of Old Beatty Ford Rd and Bostian Rd is mostly zoned RA with one CBI-CD zoned lot for a well drilling contractor business. Most the other uses in the area are residential aside from the Landis Church of God and the Kannapolis Lodge both located off of Bositan Rd.

Potential impact on facilities such as roads, utilities and schools

Roads: The new section of Old Beatty Ford Rd. that the site accesses from does not have traffic count data available yet. The NC DOT has already issued a driveway permit 20-030-RD for the proposed use.

Utilities: N/A

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 shown 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
- Application
- Statement worksheet