



REZONING PETITION: Z 04-21

REQUEST: RA to CBI-CD

PARCEL ID: 308 198

LOCATION: 3811 Old Mocksville Rd.

ACERAGE: 1.85

CURRENT LAND USE:
Vacant

OWNER: Darrius Massey

APPLICANT: Richard Jackson

BACKGROUND

Richard Jackson., on behalf of his son Darrius Massey, is requesting a rezoning of their 1.85 acre property at 3811 Old Mocksville Rd. from Rural Agricultural (RA) to Commercial Business Industrial with a Conditional District (CBI-CD) to allow the placement of an Event Center. This property can be further identified as parcel 308 198.

When the applicant first came to the Planning Department to inquire about developing the site, they wanted to build a lounge. After initial conversations between staff and the applicant, staff was concerned that a "Lounge" use could be considered a "Drinking Place". Due to the close proximity of Ellis Park the property would not be able to meet the 1,000' separation standard required for a "Drinking Place" in the CBI district. Staff informed the applicant that due to not meeting the separation standards a "Drinking Place" would not be possible at this site and that no ABC

permits would be issued for the use. Further discussion with the applicant led to the determination that an "Event Center" is the use they want to use the property for.

Plans and Policies

This property is located in Area 2 of the Western Area Land Use Plan. The plan encourages including commercial components with residential development to serve proposed and surrounding neighborhoods. Commercial uses in the Western Area Land Use Plan are encouraged at Community or Regional nodes which Ellis Crossroads is not currently recognized

as such. The Land Use Plan recommends Rural Businesses for locations off of roads identified as major/minor thoroughfares other than NC and US Highways. Neighborhood Business (NB) is considered appropriate district for Rural Businesses, however Event Centers can only be permitted as a conditional use in the NB district.

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.

Event centers can be permitted as a conditional use in the RA district with the following conditions:

- Minimum lot size. The minimum lot size shall be five (5) acres.
- Public road frontage. The event center property is required to have at least thirty-five (35) feet of frontage on a publicly maintained road.
- Setbacks. All operational areas with the exception of the driveway shall be a minimum of one hundred (100) feet from property lines.
- Parking. Adequate off-street parking shall be provided for all attendees.
- Lighting. Lighting shall be located and designed to prevent light from directly shining on adjacent residential property.
- Noise. Amplified sound is subject to chapter 14 of the Rowan County Code of Ordinances.

Since the site can not meet the 5 acre minimum lot size requirement it has to be rezoned. In the CBI district event centers are permitted by right and do not need to meet the conditional use criteria required in the RA, RR, and NB districts.

The site falls within Phase II stormwater and may require review from the North Carolina Department of Environmental Quality.

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 Event Center Use.

Event Centers are defined as: an establishment offering use of their facilities and associated grounds for rent or lease to any person or group for the purposes of hosting pre-planned events, which are not open to the general public, including, but not limited to, weddings, corporate events, reunions, and similar functions. Events centers may contain kitchen facilities, subject to Rowan County Environmental Health Division standards, where food is prepared on site or catered and the use of live or recorded music.

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	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
Event Center		Conditional Use	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): Most of old Mocksville Rd north of Ridge Rd. is zoned RA with single family dwellings. About 400' south of the site is Ellis Park. There is a cluster of CBI zoned parcels with a few commercia uses about half a mile south of the site at the intersection of Ridge Rd. and Old Mocksville Rd known as Ellis Crossroads.

Potential impact on facilities such as roads, utilities and schools

Roads: The section of Old Mocksville Rd has a design capacity of 11,000 vehicles per day and as of 2019 it has 1,900 average daily trips. The NC DoT has already approved a driveway permit for the site D091-029-21-00005A.

Utilities: The site will utilize on site well and septic.

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.
- The hours of operation proposed in the site plan are from 10 AM to 2 AM. The board may want to consider limits on hours of operation as a potential condition of approval.

Attachments

- GIS Map
- Site Plan
- Application
- Statement worksheet