



## Rowan County Planning and Development Department

402 North Main Street, Suite 204 • Salisbury, N.C. 28144-4341  
Planning: 704-216-8588 Fax: 704-638-3130

### MEMORANDUM

TO: Chairman Jones and Rowan County Planning Board Members  
FROM: Shane Stewart, Senior Planner  
DATE: September 16, 2015  
RE: **Z 09-15**

#### **SUGGESTED PLANNING BOARD ACTION**

- 1.** Receive staff report
- 2.** Petitioner comments
- 3.** Conduct courtesy hearing
- 4.** Close hearing and discuss
- 5.** Develop statement
- 6.** Approve / Deny / Table **Z 09-15**

#### **REQUEST**

On behalf of the Nesbit and Leab families, Millie Nesbit is requesting the rezoning of a 1.8 acre portion of the family's 18.5 acre property referenced as tax parcel 270-017 located at Leab Ln. and Old US 70 Hwy. from Manufactured Home Park (MHP) to Rural Agricultural (RA). The family wishes to eliminate the Leab Mobile Home Park and its associated four (4) spaces but retain the manufactured home at 125 Leab Ln. (see map).

*REMINDER: While the board may not consider potential claims of future property uses, staff references this as the applicant's stated purpose of the request for clarification purposes only, rather than a basis for making the decision.*

#### **ZONING CRITERIA**

##### **1. Relationship and conformity with any plans and policies.**

Plans – This property is located in Area 1 of the Western Area Land Use Plan, which does not provide a specific recommendation regarding this request.

Policies – N/A

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

**Rural Agricultural, 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.

This property was zoned MHP during the countywide zoning process to identify the Leab Mobile Home Park as a conforming use. With the exception of land south of the railroad track, the majority of properties in the vicinity are zoned RA. The requested RA zone is most appropriate for this property and matches the districts stated purpose and intent.

**3. Compatibility of all uses within the proposed district classification with other properties and conditions in the vicinity.**

Compatibility of uses – In addition to the three (3) occupied manufactured home spaces, the property also contains two (2) single-family dwellings, an abandoned commercial building, and a small barn. Manufactured home parks are not permitted in the RA district making the park non-conforming until the units are removed. If the rezoning is granted, allowable uses within this 1.8 acre area will be the same as those within the general vicinity.

For comparison purposes, the below table of use excerpt provides a very generalized comparison between the MHP and RA districts. A more detailed comparison may be found in section 21-113 of the Zoning Ordinance.

Land Use Category	MHP	RA
Residential	Permitted	Permitted
Agriculture	Permitted	Permitted
Mining	N/A	N/A
Construction	N/A	Permitted with SR
Manufacturing	N/A	Many permitted with SR
Transportation, Communications, etc.	N/A	Some permitted with SR
Wholesale and Retail Trade	N/A	Most permitted with SR
Finance, Insurance, etc.	N/A	Permitted with SR
Services	N/A	Most permitted with SR
Public Administration	N/A	Some permitted with SR

Note: N/A indicates Not Allowed; Permitted with SR means permitted subject compliance with a defined list of special requirements.

Conditions in the vicinity (see enclosed map) –

**North** – Concentration of residences; Large wooded parcels.

**South** – Norfolk-Southern Railroad; Southern States feed mill; Hay fields.

**East** – Barber Junction (railroad intersection); Myers Forest Products; Scatter of residential uses; Agricultural land.

**West** – Concentration of residences; Cleveland ETJ (R-15 zoning) 985’ west of site.

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

Roads – Old US 70 Hwy. is classified as a minor thoroughfare with an estimated capacity of 10,500 vehicles per day according to the NCDOT Comprehensive Transportation Plan compared to a traffic count of 1,000 vehicles in 2013. Since the estimated capacity is largely based on pavement width and speed limit, it should only be used as basic information regarding the volume to capacity ratio rather than the single measure in assessing the road’s operational capability. Regardless, rezoning this portion of property to RA will have minimal impact on Old US 70 Hwy.

Utilities – N/A

Schools – Minimal. Both the RA and MHP districts have similar residential density allowances.

#### **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 of reasonableness is not necessary since all surrounding properties are zoned RA. See enclosed checklist as a guide in developing this statement.

#### **STAFF COMMENTS**

This request meets the purpose and intent of the RA district and will result in a uniform zoned area for properties north of the railroad.



Rowan County Department of  
Planning & Development  
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Case # Z 09-15  
Date Filed 8/31/15  
Received By SAS  
Amount Paid \$ 200.00

Office Use Only

**REZONING APPLICATION**

**OWNERSHIP INFORMATION:**

Name: Millie Leab Nesbit Et. AL  
Signature: Millie Leab Nesbit  
Phone: 704-278-0022 Email: mlnesbit@msn.com  
Address: P O Box 448, Woodleaf, NC 27054

**APPLICANT / AGENT INFORMATION (Complete affidavit on back if other than owner):**

Name: Same  
Signature: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_

**PROPERTY DETAILS:**

Tax Parcel(s): 270 017 Size (sq.ft. or acres): Apx. 1.8 AC portion  
Property Location: 2385 Old US 70 Hwy Cleveland, NC  
Current Land Use: mobile home park  
Date Acquired: July 24, 2015 Deed Reference: Book 1257 Page 404

Surrounding Land Use: North residential  
South pasture  
East residential  
West residential

Existing Zoning mobile home park Requested Zoning residential / agriculture

**AFFADAVIT OF OWNER**

To be completed if a second party will represent case

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: \_\_\_\_\_

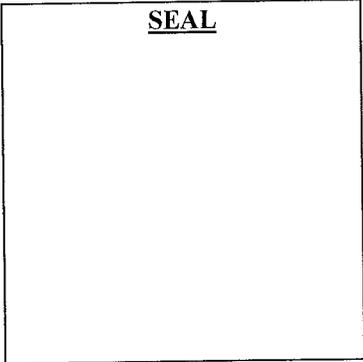
Phone Number: \_\_\_\_\_

**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:       *[Signature]*       2. Planning Board
- Courtesy Hearing: 09/28/15 3. Notifications Mailed: 09/16/15 4. Property Posted:
- 09/17/15 5. Planning Board Action: Approved \_\_\_\_\_ Denied \_\_\_\_\_ 6. Board of Commissioners
- Public Hearing:    /   /    7. Notifications Mailed:    /   /    8. Property Posted:
- /   /    9. Dates Advertised: 1<sup>st</sup>    /   /    2<sup>nd</sup>    /   /    10. BOC Action: Approved
- Denied     11. Date Applicant Notified:    /   /

## ROWAN COUNTY PLANNING BOARD CONSISTENCY WORKSHEET

**CONSISTENCY QUESTION:** *"Is the proposed amendment consistent with any adopted plan and reasonable and in the public interest"*

**REFERENCE  
SOURCES**

*\* NOTE: Consistency statements are applicable to both map and text amendments.*

<b>YES</b>	<b>NO</b>		<b>Is the request consistent with Land Use Plan?</b>
<input type="checkbox"/>	<input type="checkbox"/>	<i>Example:</i>	_____
<input type="checkbox"/>	<input type="checkbox"/>	<i>Example:</i>	_____

**Item #1 of the  
Staff Report**

<b>YES</b>	<b>NO</b>	<b>N/A</b>	<b>Is the request consistent with any other adopted plans?</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

**If applicable,  
refer to Item #4**

<b>YES</b>	<b>NO</b>	<b>Is the request consistent with the requested zoning district?</b>
<input type="checkbox"/>	<input type="checkbox"/>	_____

**Item #2 of the  
Staff Report**

**Suggested Statement**

In accordance with Section 21-361(b) of the Rowan County Zoning Ordinance, the Planning Board advises the Z 09-15 request [is] or [is not consistent] with \_\_\_\_\_ the [Eastern] or [Western] Rowan Land Use Plan based on the following:

- 1 \_\_\_\_\_  
\_\_\_\_\_
- 2 \_\_\_\_\_  
\_\_\_\_\_
- 3 \_\_\_\_\_  
\_\_\_\_\_