



## 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: August 5, 2015  
RE: **Z 08-15**

#### **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 08-15**

#### **REQUEST**

Venture Properties VII, LLC is requesting the rezoning of a 2.04 acre parcel owned by Ms. Connie Jenkins referenced as tax parcel 511-012 located at 9315 Stokes Ferry Road from Rural Agricultural (RA) to Commercial Business Industrial (CBI).

#### **ZONING CRITERIA**

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

Plans – This property is located in Area One and lies within the Liberty community node identified by the Eastern Area Land Use Plan. The plan suggests “*Permitted commercial uses that support the existing populations’ need for retail goods and services are encouraged in the community nodes. Examples include but are not limited to, convenience stores, gas stations, and office space, restaurants and retail / service businesses.*” The CBI district permits retail and service opportunities in addition to a wide-range of other uses.

Policies – N/A

##### **2. 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 industrial activities which provide goods and services.*

*This district is typically for more densely developed suburban areas, major transportation corridors, and major cross-roads communities. However this 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.*

This property is located within the Liberty community consisting of Morgan Elementary, Liberty Methodist Church, and Liberty Fire Department, which are located at the crossroads of Stokes Ferry Rd. (major thoroughfare) and St. Matthews Church Rd. / Liberty Rd. (both minor thoroughfares) and joins an existing CBI zone totaling nearly 10 acres. Potential CBI designation is consistent with guidance from both the purpose and intent statement for the district and land use plan recommendations for community nodes. Due to the fact CBI permits a wide-range of allowed uses, it is unknown whether future businesses would provide goods and services for the community, which is also true of the adjacent CBI area.

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

Compatibility of uses – The property currently contains an unoccupied single family dwelling constructed in 1900. Given this request joins an existing CBI zoned area and is within the general vicinity of two other non-residential zoned areas, potential property uses should be compatible. However the adjacent CBI zoned area currently contains abandoned commercial buildings and a church cemetery / parsonage indicating compatibility is based on the potential land uses rather than those existing.

Conditions in the vicinity (see enclosed map) –

**North** – Concentration of residential uses; abandoned commercial building (9380 Stokes Ferry Rd.) within a 9.44 acre CBI zoned area; Lentz gas station and Lentz Power Products (9020 & 9070 Stokes Ferry Rd. respectively) 772’ northwest within a 3.68 acre CBI zone.

**South** – Morgan Elementary; large acreage wooded properties; scatter of residential uses; vacant commercial building (3665 Liberty Rd) .34 mi. south within a 3.85 acre Neighborhood Business (NB) zoned area.

**East** – Liberty Methodist Church; Liberty Fire Department; abandoned commercial building zoned CBI; large acreage wooded properties.

**West** – Cluster of residences.

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

Roads – According to the NCDOT Comprehensive Transportation Plan, this section of Stokes Ferry Rd. has a capacity of 15,100 vehicles per day compared with traffic counts ranging from 5,100 in 2005 to 3,400 in 2013 (taken west of the intersection with St. Matthews Church / Liberty Rds). Without a known property use, traffic count estimation

cannot be determined but potential uses for the property should not significantly impact the overall capacity. Future development could create the need for transportation improvements in the form of a turn lane(s) and could impact traffic movements in the vicinity, especially during peak hours and school drop off / pick up when traffic stacks up along Stokes Ferry and Liberty Rds. Site distance appears adequate to southeast bound traffic but is limited to northwest bound traffic due to vertical curve at the intersection with St. Matthews Ch. / Liberty Rds. NCDOT will determine the necessary requirements through a commercial driveway permit.

Utilities – Future development will be served by an on-site well and septic system permitted through the Rowan County Environmental Health Office.

Schools – N/A.

#### **PROCEDURES**

Since this request could be considered a small-scale rezoning, the Planning Board should develop a **statement of reasonableness** before approving or denying the request to address any claims of spot zoning. This statement should provide the basis for the board’s decision and determine whether the request is reasonable and in the public interest. A **statement of consistency** is also necessary to address the relationship between this request and any applicable county adopted plans prior to making a decision to approve or deny the request. See enclosed checklist as a guide in developing this statement.

#### **STAFF COMMENTS**

Totaling nearly 17 acres in size, this concentration of CBI / NB zoned properties is the largest cluster east of US 52 Hwy. Considering Main St. in Rockwell represents the nearest location for goods and services (with some exceptions) located approximately 6.08 road miles away, this designation could provide additional opportunities in the form of a small trading area for not only Liberty but also the East Rowan area. As with any request, public input is an important component in the process.



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of Planning & Development  
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www.rowancountync.gov

Case # Z 08-15  
Date Filed 07.30.15  
Received By SAS  
Amount Paid \$ 200<sup>00</sup>

Office Use Only

**REZONING APPLICATION**

**OWNERSHIP INFORMATION:**

Name: Connie Ribelin Jenkins  
Signature: Connie Ribelin Jenkins  
Phone: (703) 455-2547 Email: \_\_\_\_\_  
Address: 107 Kelly Point Ct. APEX, NC 27502-0000

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

Name: Venture Properties VII, LLC  
Signature: \_\_\_\_\_  
Phone: 336-667-8000 Email: shea@vpdevelopment.com  
Address: P.O. Box 843 Wilkesboro, NC 28697

**PROPERTY DETAILS:**

Tax Parcel(s): 511 012 Size (sq.ft. or acres): \_\_\_\_\_  
Property Location: 9315 Stokes Ferry Rd.  
Current Land Use: Residential  
Date Acquired: \_\_\_\_\_ Deed Reference: Book 2E Page 315

Surrounding Land Use: North Street  
South Government Building (Zone RA)  
East Church (Zone RA)  
West Residential

Existing Zoning RA Requested Zoning CB1

COUNTY OF ROWAN  
STATE OF NORTH CAROLINA

AFFIDAVIT OF OWNER

To be completed if  
a second party  
will represent case

I (We), Connie Ribelin Jenkins, 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): Connie Ribelin Jenkins

Date: 01/22/2015

Name of Applicant / Agent: Venture Properties VII, LLC

Address: P.O. Box 843 Wilkesboro, NC 28697

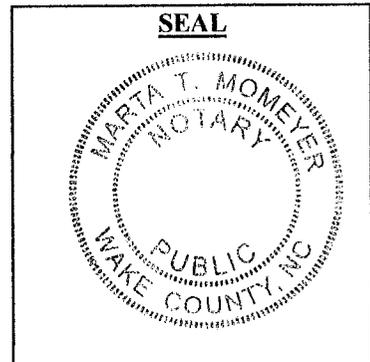
Phone Number: 336-667-8000

**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.**

I, Marta T. Momeyer, a Notary Public for said County and State, do hereby certify that Connie Ribelin Jenkins personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

My commission expires Oct. 26, 2015.

Marta T. Momeyer Wake Co, NC



OFFICIAL USE ONLY

- 1. Signature of Rezoning Coordinator: [Signature]
- 2. Planning Board Courtesy Hearing: 08/24/15
- 3. Notifications Mailed: 08/05/15
- 4. Property Posted: 08/04/15
- 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..."*

**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 of the Staff**

<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- \_\_\_\_\_ - 15 request [is] or [ is not consistent] with the [Eastern] or [Western] Rowan Land Use Plan based on the following:

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

**ROWAN COUNTY PLANNING BOARD  
REASONABLENESS WORKSHEET**

**REASONABLENESS DETERMINATION:** *"Explain why the decision is reasonable and in the public interest"*

**REFERENCE SOURCES**

*\*NOTE: Reasonableness statements should focus on spot zoning claims.*

\_\_\_\_\_ acres

**Size of the tract**  
Relationship to adjacent or surrounding properties

**Zoning Application and Background / Request portion of Staff Report**

**YES      NO**

**Compatibility with Land Use Plan**

Refer to  
Consistency section

**YES      NO**

**Compatibility with Future Land Use Map**

Reference Map in Staff Report

Page 1 of ERLUP  
and Page 38 of  
WRLUP

**YES      NO**

**Benefits and Detriments**

Is there a benefit to the owner at the expense of the neighbors or community?

General summary from Staff Report and comments from courtsey hearing

**Relationship of Uses**

Proposed Uses compared to existing uses

Item #3 of the Staff Report  
Inset of zoning map;  
Section 21-113 Table of Uses

**Suggested Statement**

In accordance with Section 21-362(j) of the Rowan County Zoning Ordinance and after due consideration advises the Z- \_\_\_\_\_ - 15 request [is] or [ is not consistent] with the [Eastern] or [Western] public interest based on the following:

**1** \_\_\_\_\_

\_\_\_\_\_

**2** \_\_\_\_\_

\_\_\_\_\_

**3** \_\_\_\_\_

\_\_\_\_\_