



Rowan County Planning and Development Department

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MEMORANDUM

TO: Chairman Jones and the Rowan County Planning Board
FROM: Franklin Gover, Planner
DATE: August 26th, 2016
RE: **PCUR 04-16 CBI-CUD** to allow for a wedding chapel/ events center

SUGGESTED PLANNING BOARD ACTION

- 1.** Set quasi-judicial hearing for September 19th, 2016 for **PCUR 04-16**

BACKGROUND & REQUEST

Darrell Reavis is requesting that his property located at 7725 Stokes Ferry Rd, further referenced as Rowan County Tax Parcel 631 085, be rezoned from *Rural Agricultural (RA)* to *Commercial, Business, Industrial with a Conditional Use District (CBI-CUD)* to allow for a wedding chapel and events center. The events center will accommodate weddings and corporate events in two covered structures with restrooms and areas for catering and preparation. The applicant states that the business will run from March to mid-November with. Events will be within the hours of 10 am to 11 pm.

The Planning Department refers to this use as an events center and not a wedding chapel because of the owners plans for corporate events that would not be permitted with a wedding chapel use. The subject parcel is 31.2 acres total and is currently in farm use. The rezoning area will be the rear 18 acres. According to the Rowan County Tax Assessors Office there are no existing structures, however, there is an abandon barn near the front of the parcel.

ZONING CRITERIA

1. Relationship and conformity with any plans and policies.

Plans - According to the Eastern Rowan Land Use Plan this property

is located within Area One, the land area south of Bringle Ferry Rd, east of Union Church Rd. and Barger Rd, and paralleling the northeast side of US 52. Area One is the least developed area of the Eastern Rowan Land Use Plan with limited commercial and industrial uses, near the US 52 Industrial and Commercial Corridor and the Liberty node. The plan recognizes instances of existing rural commercial and industrial uses along recognized thoroughfares. The land use plan recommends Neighborhood Business (NB) districts along these identified thoroughfares. The rezoning site is consistent with the plan as an instance of rural commercial along a recognized thoroughfare in an area with lower population density and limited potential conflicts with neighboring residential uses.

Note: This parcel is not located within a watershed area.

Policies – The applicant has provided a site-specific plan for this request which provides the option to add mutually agreed upon conditions to ensure compatibility.

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 site is located along Stokes Ferry Rd, a recognized thoroughfare, approximately two miles west of the Liberty community node. The closest CBI zoned parcel is the convenience store, approximately one and a half miles to the east near the Liberty Rd intersection.

Given the low population density in the vicinity the proposed events center should not create significant conflicts with neighboring residential uses. Given the typical uses of an events center, noise has the greatest potential to become a nuisance. Traffic could be an impact on days with events. Neighbors can expect an increase in cars before and after events.

Mutually agreed upon conditions may be used to help mitigate potential issues related to noise. A conditional use district provides a process to help increase compatibility when new development and uses are proposed. The Conditional Use District process seeks to minimize the impacts from the broad applications of commercial zoning on the surrounding residential uses, address concerns of compatibility and allows for further conditions to address identified concerns. When compared to the plan recommended NB district a CBI-CUD use will function similarly due to limitations on use and applied conditions.

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

Compatibility of uses –

This site is located within a large RA area. The requested wedding chapel use is allowed in the RA district with special requirements which can not be met, necessitating a change in zoning districts. The closest residence is over 500 feet away from the location of the proposed structures. Rowan County’s screening and buffering requirements are only applicable when there are residences within 200’ of the operational area and proposed structures.

Conditions in the vicinity (see map) –

The surrounding area is primarily agricultural fields and large wooded tract. There are some residences in the area located on large parcels with one small cluster of homes to the east along Stokes Ferry Rd.

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

Roads – Information provided by NCDOT’s Comprehensive Transportation Plan (CTP) estimates a carrying capacity of 15,100 average vehicles per day. The most recent traffic count estimates from 2012 tallied 3,900 average daily trips along Stokes Ferry Rd, measured west of Agner Rd. Stokes Ferry Rd is a recognized thoroughfare.

Utilities – Uses on this site will utilize private water and sewer, subject to verification from the Rowan County Environmental Health Office.

Schools – N/A

Conditional Use Evaluation Criteria

As provided in Section 21-59, the applicant has provided the following responses to the evaluation criteria in “quotations” followed by underlined staff comments:

- 1. **Adequate transportation access to the site exists.** “[NC]DOT has approved the entrance site and there will be a gravel road leading into the parking lot. The road into the venue will be adequate for all traffic entering and leaving the venue”. Staff comment: This parcel is served by an existing gravel driveway. The applicant has an approved commercial driveway permit from the NCDOT.*

- 2. **The use will not significantly detract from the character of the surrounding area.** “The venue will be situated at the back of the property and not visible from either adjoining properties. The venue will be nicely landscaped and kept up”. Staff comment: With the closest residence being over 500 feet away from the*

parking area there is no required screening. With the existing trees lining the property lines the operational area of the wedding venue may not be visible to neighboring residences.

3. ***Hazardous safety conditions will not result.*** *“The property is level and no hazardous conditions will result from the venue”.* Staff comment: The events center use would not create any hazards. A commercial driveway permit has been issued by the NCDOT. All structures are subject to applicable building and inspections requirements. Water supply and sewage disposal systems are subject to Environmental Health approval.

4. ***The use will not generate significant noise, odor, glare, or dust.*** *“The venue will be at the back of the property so no noise should reach the surrounding properties. All events will end by 11:00 pm and will not violate noise ordinances. The road will be gravel so no dust should occur. All trash will be removed daily so no odor will exist”.* Staff comment: The events center should not generate odor, glare, or dust. The Rowan County Noise Ordinance for amplified sound still applies and is enforced by the Rowan County Sheriffs Office. Concerns over noise should be addressed in conditions.

5. ***Excessive traffic or parking problems will not result.*** *“There should be no excessive traffic due to the fact the area is not heavily populated. The parking lot will have adequate parking for guests and employees”.* Staff comment: Section 21-166 of the Rowan County Zoning Ordinance requires a minimum of 21 parking spaces. The applicant identifies an 80’ by 400’ gravel parking area, which exceeds the minimum requirements for parking. Grass parking areas may be used for overflow parking when needed as long as the minimum required parking area is gravel. Traffic will increase before and after events.

6. ***The use will not create significant visual impacts for adjoining properties or passersby.*** *“The venue will be located at the rear of the property so the adjoining properties will not be able to view the venue. The buildings will not be visible from the road and will not impact the view of passersby.”* Staff comment: See comment #2 above. The operational area for the business is located to the rear of the 31 acre parcel and is not visible from Stokes Ferry Rd. The applicant indicates events will end by 11:00 pm.

PROCEDURES

Staff recommends that the Board of Commissioners develop a statement of reasonableness before deciding to approve or deny 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 recommendation to approve or deny the request.

The Board of Commissioners must also adopt facts supporting the below findings of fact based on the above six (6) evaluation criteria:

- 1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;*
- 2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and*
- 3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.*

See enclosed checklist to guide decision. Planning staff will provide example findings for consideration at the hearing.

AUGUST 22, 2016 PLANNING BOARD MEETING

The applicants spoke on behalf of the request, describing their plans for the wedding venue/events center. Adjoining neighbors, Jim Martin and Jeff Poole, spoke in opposition of the request citing increased traffic, noise, and the possibility of venue guest trespassing.

Reasonableness:

“PCUR-04-16 is reasonable based on the CBI-CUD limiting the rezoning to specifically a wedding venue and event center with a submitted site plan and hours of operation. It is also reasonable because the closest residences are more than 500 feet from the site and are screened by existing forest.”

Motion made by Pete Bogle and seconded by Jack Fisher. Motion passed unanimously.

Consistency:

“PCUR-04-16 is consistent with the Eastern Rowan Land Use Plan based on it be located on a major thoroughfare, and that the site is limited by the CBI-CUD district to just a wedding venue and event center. PCUR-04-16 is also consistent based on the driveway permit issued by NCDOT.”

Motion made by Pete Bogle and seconded by Mike Agee. Motion passed unanimously.

Approval:

Motion to approve the request was made by Jack Fisher and seconded by Darlene Blount. The motion passed unanimously.

The **conditions** recommended with this rezoning are as follows:

- Appropriate screening on the property
- Owner supervision during events on the site

STAFF COMMENTS

1. There are no residences within 500 feet of the operational area
2. Staff recommends rezoning only the portion of the property containing the business operations
3. Given the nature of the use traffic will increase before and after events

ACTION OF THE BOARD OF COMMISSIONERS

1. Motion to adopt a statement of reasonableness
2. Motion to adopt a statement of consistency
3. Motion to approve/deny/table the request to rezone Tax Parcel 631 085
4. Motion to adopt findings of facts (Three individual motions)
5. Motion to approve/deny conditional use permit

ATTACHMENTS

1. Application
2. Vicinity and Zoning Maps
3. Site Plan