



## Rowan County Planning and Development Department

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

### MEMORANDUM

TO: Chairman Edds and the Rowan County Board of Commissioners  
FROM: Franklin Gover, Planner  
DATE: August 26<sup>th</sup>, 2016  
RE: **Z 07-16**

#### **SUGGESTED BOARD OF COMMISSIONERS ACTION**

- 1.** Receive staff report
- 2.** Petitioner comments
- 3.** Conduct courtesy hearing
- 4.** Close hearing and discuss
- 5.** Develop statements
- 6.** Approve / Deny / Table **Z 07-16**

#### **REQUEST and BACKGROUND**

Jerry Murph is requesting that Rowan County Tax Parcel 244 023 and a portion of Tax Parcel 244 199 located in the 900 block of N. Enochville Ave, be rezoned from *Rural Agricultural (RA)* to *Neighborhood Business (NB)*. Parcel 244 199 is 1.79 acres with 287 feet of frontage along N. Enochville Ave. Parcel 023 is .3 acres. The Planning Board recommends against rezoning the entirety of parcel 244 199 to NB (See GIS map).

Planning staff recommends including parcel 244 231 in this request. Parcel 231 is .15 acres. Planning Staff has reached out to the owner twice via first class mail explaining the request and offering the chance to join at no charge. The total area for the rezoning is approximately 1.6 acres.

#### **ZONING CRITERIA**

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

Plans - According to the Western Rowan Land Use Plan this property is located within Area Two, areas adjacent to Salisbury, Spencer, China Grove and Landis. The Western Land Use Plan recommends Neighborhood Business district for locating new businesses along minor thoroughfares. Enochville Ave, a recognized minor

thoroughfare, between Cannon Farm Rd and the Rowan/Cabarrus County line acts as a smaller community node with instances of *Commercial, Business, Industrial (CBI)* zoning along the corridor.

Note: This parcel is located within a Watershed III area (Yadkin – Irish Buffalo Creek).

Policies – N/A

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

*Neighborhood Business, NB. This district is designed for retail, limited small manufacturing facilities and service oriented business centers which serve small trading areas. As a result the list of allowed uses is more limited than those in the CBI district. The development standards for these business areas are designed to promote sound, permanent business development and to protect abutting and surrounding residential areas from undesirable aspects of nearby commercial development. This district is also designed to provide opportunities for potential development within the NB district. Areas zoned NB shall be so located as to conveniently serve the community population. The establishment and subsequent development of this district shall not create or expand problems associated with traffic volumes or circulation. As the district is established to provide for small neighborhood oriented business areas limitations on gross floor area is established. Limitations on total impervious surface are established to minimize the adverse impacts of this type of development on adjacent residential areas. Generally, the NB district shall be two (2) acres or larger. However a lot of record, smaller than two (2) acres may be considered for rezoning to NB if the owner of the lot does not own adjacent property which may be included in the rezoning request.*

The subject parcel is located along N. Enochville Ave which serves as a smaller community node for the Enochville area. The parcel has potential for commercial development being located near the intersection of Cannon Farm Rd, and having frontage along N. Enochville Ave. When compared with the *CBI* district, the *NB* district’s limitations on total impervious coverage and building size will help mitigate potential impacts to neighboring residences.

Currently, parcel 244 199 is vacant with the exception of one derelict warehouse building. Parcels 244 023 and 244 231 have existing commercial structures. These structures will be non-conforming once rezoned. Upon rezoning, the existing structures may not be expanded due to criteria in Section 21-65 (4 & 5): The maximum building size shall not exceed 10% of the total zone lot area and the maximum impervious surface shall not exceed 65% of the lot, parcels 244 023 and 244 231 exceed the allowable impervious coverage area.

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

Compatibility of uses –

The rezoning area is compatible with the NB district based on location and existing development. The NB district lists many uses as Special Requirement (SR) uses. Uses listed in 21-113 Table of Uses as “SR” shall comply with section 21-65. The table below is an abbreviated comparison of the existing RA district and the proposed NB district. For a more detailed list reference Section 21-113 Permitted Table of Uses.

<b>Land Use Category</b>	<b>RA</b>	<b>NB</b>
Residential	Most Permitted	Some Permitted
Agriculture and Forestry	Most Permitted	Most Permitted
Mining	Most Not Permitted	Not Permitted
Construction	SR	Some SR
Manufacturing	Some SR	Few SR
Transportation, Gas and Electric Services	Some SR Some C	Some SR Few C
Wholesale Trade	Few SR	Most Not Permitted
Retail trade	SR	SR
Finance, Insurance, and Real Estate	SR	SR
Service Uses	Some SR Some C	Some SR Few C
Public Administration	Most Not Permitted	Few Permitted
Unclassified Uses	Some Conditional	Few SR

Conditions in the vicinity (see map) –

The rezoning area includes a vacant parcel and two parcels with existing commercial buildings. According to the Rowan County Tax Assessors Office the buildings are identified as retail stores built in 1947 and 1954. The surrounding area includes Enochville Elementary School, residential uses, a convenience store, and open fields.

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

Roads – Traffic count information collected in 2012 suggests that vehicles make an average of 7,400 trips along North Enochville Ave, just south of Cannon Farm Rd compared to an estimated capacity of between 11,800 according to NCDOT’s draft Comprehensive Transportation Plan (CTP). Even though a specific use to estimate the number of new trips added is unknown, capacity should not be an issue based on the above figures.

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

Schools – N/A

## **PROCEDURES**

Staff recommends that the Board of Commissioners adopt a statement of reasonableness before deciding to approve or deny this 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 recommended statements below)

## **JULY 25<sup>th</sup>, PLANNING BOARD MEETING**

The applicant spoke in favor of the request. No one spoke in opposition.

The Planning Board voted unanimously (6-0) to recommend approval based on the following statements:

### Statement of Consistency:

1. *"Z-07-16 is consistent with the Western Area Land Use Plan based on the West Rowan Area 2 recommending Neighborhood Business zoning along major thoroughfares."*
2. *"Z-07-16 is also consistent because Neighborhood Business zoning helps reduce impervious coverage and mitigates the impact on the neighboring parcels."*

Motion made by Darlene Blount and seconded by Mike Agee. Motion passed unanimously.

### Statement of Reasonableness:

1. *"Z-07-16 is reasonable based on the property being located on a minor thoroughfare close to other commercial uses along Enochville Av."*

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

### Approval

Motion to approve the request, with amended re-zoning area, was made by Joe Coladarci and seconded by Darlene Blount. The motion passed unanimously.

#### **STAFF COMMENTS**

1. Staff recommends including Rowan County Tax Parcel 244 231 in this request. Planning staff has reached out to the owner of parcel 244 231 via first class mail.
2. The existing structures are nonconforming. Uses permitted within the *NB* district are more conforming and compatible with the area, however, the requirements of Section 21-65 will not be met, specifically criteria numbers 4 and 5.
3. The Special Requirement criteria listed in section 21-65 help limit impacts on the surrounding area
4. The portion of Enochville Ave between Cannon Farm Rd and the Rowan/Cabarrus County line acts as a smaller community node for the Enochville area

#### **ACTION OF THE BOARD OF COMMISSIONERS**

1. Motion to adopt a statement of consistency
2. Motion to adopt a statement of reasonableness
3. Motion to approve/deny/table the request to rezone Tax Parcels 244 199, 244 023, and 244 231

#### **ATTACHMENTS**

1. Applications
2. GIS Maps