



Rowan County Planning and Development Department

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MEMORANDUM

TO: Chairman Edds and Rowan County Board of Commissioners
FROM: Shane Stewart, Assistant Planning Director
DATE: September 21, 2016
RE: **Z 10-16**

SUGGESTED BOARD OF COMMISSIONERS ACTION

Receive staff report Petitioner comments Conduct public hearing Close hearing & discuss statement of consistency & reasonableness Motion to Approve / Deny / Table **Z 10-16**

REQUEST

Vernon Powell is requesting the rezoning of a portion of an 81.8 acre parcel owned by Jerry Trevey, James Epting, and Andrea Powell referenced as Tax Parcel 052-096 located at Long Ferry Road and an unnamed interstate service road near Interstate 85 from 85-ED-1 to 85-ED-2 and Commercial, Business, Industrial (CBI) [see enclosed map]. Planning Staff recently met with Rowan Works staff regarding a potential development opportunity at this location which would require 85-ED-2 zoning designation and a conditional use permit.

Rezoning the area south of the service road 85-ED-2 would leave two (2) portions of adjacent parcels – .16 acres of Tax Parcel 052-093 and .35 acres of Tax Parcel 052-095 – zoned 85-ED-1. As such, Planning Staff provided mailed notice to the property owners indicating these areas would be included within this request. As per sec. 21-362(d), the Board of Commissioners, Planning Board, or property owners and their agents are able to initiate a rezoning. Staff requests the Board of Commissioners include these areas with the recommendation for Z 10-16.

ZONING CRITERIA

1. Relationship and conformity with any plans and policies.

Plans – This property is located within Area 2 and, more importantly, the Commercial and Industrial Corridor along Interstate 85 as identified by the East Rowan Land Use Plan. In general, the plan encourages commercial, industrial, and mixed uses within one (1) mile of the interstate and would support both the existing and proposed zoning designations.

Policies – N/A.

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

The 85 ED districts “...are hereby established to preserve, encourage and enhance the economic development opportunities in areas adjacent and near I-85 in accordance to plans adopted by the county board of commissioners. It is recognized that I-85 is uniquely important the future of the county because of the great potential for development of all types that exist along this corridor. Development within these districts shall be of types which maximize the economic benefits to the county while minimizing the potential impacts.

The district are designed to accommodate, as appropriate, uses such as manufacturing, distribution, retail, service industries, corporate parks. Certain individual uses may be allowed as uses by right in some districts, while other more intensive uses may require a higher level of review and approval by the county. The districts encourage and allow more creative design of land development than may be provided on other general zoning districts. This flexibility is provided for planned unit developments.”

85-ED-1. The purpose of the 85-ED-1 district is to encourage the location of "high capital investment/high wage/low employment/clean" industries. Certain industries shall be allowed as permitted uses standards provided to protect adjacent neighborhoods. Other heavy industries may be allowed as conditional uses. If part of a larger master plan limited accessory and ancillary retail and service uses may be allowed.

85-ED-2. In areas where existing conditions such as surrounding development, access etc. may make the area less marketable for uses listed exclusively in the 85-ED-1 district then the 85-ED-2 district may be appropriate. The primary additions to this district are distribution and wholesaling operations.

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.

Between 2000-2003, properties along I-85 were evaluated for inclusion within newly established economic development zones (85-ED-1 through 4) to provide additional non-residential district options. A transition from 85-ED-1 to 85-ED-2 is somewhat a “lateral” move as the 85-ED-2 district permit all uses allowed in 85-ED-1 in addition to distribution and wholesale trade as conditional uses.

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

Compatibility of uses – The below table provides a generalized list of land use categories permitted in the 85-ED-1, 85-ED-2, and CBI districts. A more detailed list may be found in sections 21-34 & 113 of the Zoning Ordinance.

| Land Use | 85-ED-1 | 85-ED-2 | CBI |
|----------------------|----------------|--------------------|----------------|
| Residential | Not allowed | Not allowed | Permitted |
| Construction | Not allowed | Not allowed | Permitted |
| Manufacturing | Most permitted | Most permitted | Most permitted |
| Transp., Comm., etc. | Not allowed | Not allowed | Permitted |
| Wholesale Trade | Not allowed | Permitted with CUP | Permitted |
| Retail Trade | Not allowed | Not allowed | Permitted |
| Fin., Insur., etc. | Not allowed | Not allowed | Permitted |
| Services | Not allowed | Not allowed | Most permitted |

Conditions in the vicinity (see enclosed map) –

North – Rushco Market gas station at 1190 Long Ferry Rd. (LFR), Duke Energy substation (1220 LFR), and properties along Willow Creek Dr. (interstate service road) zoned 85-ED-2 by the county and *Interstate Business (IB)* and *Manufacturing and Industrial (I)* by the Town of Spencer.

South – Town Creek and its associated floodplain and the ALDI distribution facility at 1985 Old Union Ch. Rd.

East – Mobi Lodge (1400 Block LFR), a 37 space manufactured home park zoned 85-ED-1, Sharp Transit (1355 LFR), Salisbury-Rowan Utilities (SRU) water tower, concentration of residential uses, and large undeveloped properties.

West – Salisbury wastewater treatment plant at the end of Heiligtown Rd., *IB* and 85-ED-2 zoned areas by the Town of Spencer and East Spencer respectively, and three (3) businesses along Montclair Dr. (interstate service road).

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

Roads – This parcel has 1,172 ft. of frontage on the unnamed frontage road and 501 ft. on Long Ferry Rd., which is classified as a major thoroughfare. Surprisingly, the NCDOT Comprehensive Transportation Plan does not contain a design capacity for this portion of Long Ferry Road. Average daily traffic count from 2013 suggests 4,700 vehicle trips along this section of Long Ferry Road (historical high of 5,400 in 2009).

Utilities – Public water is available along Long Ferry Road extending from the adjacent water tower to the Town of East Spencer. Sewer is available at the wastewater treatment facility on the west side of I-85.

Schools – Both 85-ED-1 and 2 do not permit residential uses; CBI does permit residential use but is an unlikely land use choice.

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 Board of Commissioners 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)]. Staff recommends also providing a statement analyzing the reasonableness of the decision.

STAFF COMMENTS

The “Trevey” site contains a number of important infrastructure features and excellent interstate visibility necessary to attract a variety of economic development opportunities. A district change to 85-ED-2 affords additional distribution and wholesale trade options for the main part of the property (subject to issuance of a conditional use permit) while the CBI area provides a more appropriate designation for the corner lot. The two (2) portions of adjacent properties staff recommended to include within this request would ensure a consistent zoning map for the county jurisdictional area.

SEPTEMBER 26, 2016 PLANNING BOARD MEETING

Based on the advanced scheduling of the October 3rd Public Hearing, the Planning Board meeting has yet to occur before preparation of this memo. As such, the results of this meeting and the subsequent statement formulation will be delivered at the public hearing.