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## Rowan County Planning and Development Department

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### MEMORANDUM

TO: Chairman Edds and the Rowan County Board of Commissioners  
FROM: Franklin Gover, Planner  
DATE: November 10, 2016  
RE: **Z 11-16**

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

**1.** Receive staff report **2.** Petitioner comments **3.** Conduct public hearing  
**4.** Close hearing and discuss **5.** Develop statements **6.** Approve / Deny / Table **Z 11-16**

#### **REQUEST and BACKGROUND**

In 1999 the Rowan County Board of Commissioners unanimously approved a rezoning from Rural Agricultural (RA) to Commercial Business Industrial (CBI) with a Conditional Use District (CUD) to establish a 5,000 sq. ft. wholesale produce and distribution facility. The request was approved with two conditions: 1) the warehouse use is limited to produce storage and distribution only and 2) hours of operation are limited to 5:00 AM to 10:00 PM. A 5,000 sq. ft. expansion was proposed in 2004, but subsequently withdrawn. Then in 2006 the Board of Commissioners approved a 10,000 sq. ft. expansion, however, no permits were issued and the expansion never occurred. Upon researching this request Planning Staff observed several unpermitted expansions, while the expansion were not approved through the correct processes they do not appear to create any violations.

Cynthia Cruz, on behalf of Pablo Velazquez, is requesting an amendment to the existing CBI CUD on Rowan County tax parcel 815 033, located at 1710 Campbell Rd, for a 2,576 sq. ft. expansion to the existing structure for dry storage. Velazquez Produce collects bulk shipments of produce from local and regional producers and repackages the products for resale. This request includes the reorganization of the gravel parking lot to accommodate commercial vehicles and employee parking, and improvements to the

driveway entrance to gain compliance with the NCDOT issued driveway permit. No screening is required, however in a previous decision a condition of approval required the dumpster area relocated to the rear of the property with a 6' opaque screen. The applicant has since volunteered to relocate the dumpster. Since the October Planning Board meeting the applicant has requested to include a metal carport to the site plan.

In September 2016, ZTA 01-16 was approved introducing the Conditional Zoning process, which replaces the Parallel Conditional Use Rezoning process. Pre-existing CBI-CUD districts, including the CUD on the subject parcel, are changed to CD districts. The previously approved site plan, limitations and conditions are incorporated without change into the new district.

An amendment to the CBI-CD district and approved site plan is required whenever an expansion or modification of greater than ten percent of the approved structure size is proposed. It is also worth noting the property and business owner, Pablo Velazquez, lives on an adjoining parcel. Minor changes to the site plan may occur between the date of this request and the public hearing date.

**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 One, areas primarily north of NC 152 that are not adjacent to any of the municipalities. The Western Land Use Plan recommends Neighborhood Business (NB) district for locating new or expanding existing rural businesses. CBI-CD is often used as an alternative to NB zoning when special requirements can not be met.

Note: This parcel is located within the Yadkin River Watershed IV PA area.

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.*

While the NB district is recommended for rural businesses by the Western Rowan Land Use Plan, wholesale trade is not permitted in the NB district. The CBI-CD district allows for reasonable conditions to be placed on the use. In the previous decisions, the Board of

Commissioners have placed conditions on the hours of operations, relocation of dumpsters, and driveway improvements to limit adverse effects on neighboring properties.

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

#### Compatibility of uses –

The only allowed use within this conditional district is the wholesale trade of produce. The business has existed in this location since 1999. Given the limited use and conditions imposed, previous board decisions deemed the wholesale trade of produce compatible with the surrounding area. The Board of Commissioners may work with the applicant to include new and previously agreed upon conditions, such as relocation of the dumpster and evergreen screening.

#### Conditions in the vicinity (see map) –

The Velazquez Produce site includes approximately 10,500 sq. ft. of warehousing facilities, and a manufactured home used as an office. The parcels on either side of parcel 815 033 are vacant. The parcel to the rear of the produce business contains Mr. Velaquez's residence. The closest residence is 400 feet north along Campbell Rd. Looking to the south of the rezoning site there are residences, the Spring Meadow development, and approximately .8 of a mile south is the Rowan County Landfill. The Woodleaf Speedway is just under a mile away along Potneck Rd.

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

Roads – The NCDOT Division 9 local office has reviewed and approved an updated driveway permit which require the existing gravel area be narrowed and contained to 50' of access along Campbell Rd. Traffic count information collected in 2012 suggests that vehicles make an average of 350 trips along Campbell Rd, measured at the rezoning site.

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 Commissioner 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. The Applicant and Board of Commissioners may work together to developed mutually agreed upon conditions.

## **PLANNING BOARD MEETING OCTOBER 24, 2016**

No one spoke for or against the request. A motion to approve Z-11-16 was made by Mike Agee and seconded by Joe Coladarci. The motion passed unanimously (6-0) based on the following statements and recommended statements:

Reasonableness:

“Z-11-16 is reasonable based on the request being an expansion of the current wholesale trade use that was previously approved.”

Consistency:

“Z-11-16 is consistent based on the request following the current land use of whole sale trade with the warehouse being limited to produce storage and distribution only.”

Recommended Conditions:

1. The use to remain warehouse produce storage (previously approved)
2. The hours of operation to stay within 5:00 AM to 10:00 PM (previously approved)
3. The dumpster is relocated behind the building
4. Get building permits on all of the additions to the property

## **STAFF COMMENTS**

1. The proposed changes include a 2,576 sq. ft. building expansion for dry storage
2. The driveway will be improved to limit access to 50 feet in width. NCDOT has reviewed the proposed driveway improvements
3. The Board of Commissioners may include new and previously agreed upon conditions, such as relocation of the dumpster and evergreen screening.

4. Staff suggests including a condition stating that all future expansions will be properly permitted and inspected by Rowan County Building and Inspections Department.
5. Minor changes in the site plan may occur between this request and the public hearing date

### **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 recommend approval/denial/table the request to amend the conditional district on Tax Parcel 815 033 with(out) conditions

### **ATTACHMENTS**

1. Application
2. GIS Maps
3. Site Plan