

Greg Edds, Chairman
Jim Greene, Vice-Chairman
Daniel Lancaster
Judy Klusman
Craig Pierce



Aaron Church, County Manager
Sarah Pack, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners

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MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

August 18, 2025 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

PRESENT:

Greg Edds, Chairman
Jim Greene, Vice-Chairman
Daniel Lancaster, Commissioner
Craig Pierce, Commissioner (exited where noted)
Judy Klusman, Commissioner

County Manager Aaron Church, Clerk to the Board Sarah Pack, County Attorney Jay Dees, and Finance Director Anna Bumgarner were also present.

Call to Order

Chairman Edds called the meeting to order at 6:00 p.m. Chaplain Michael Taylor provided a solemnizing prayer. Chairman Edds lead the Pledge of Allegiance.

Chairman Edds said that Commissioner Mike Caskey is stateside and will back in Rowan County soon.

Consider Additions to the Agenda

Chairman Edds asked for the following items to be added to the agenda:

- Approve a Resolution Declaring Intent to Participate in the C-PACE Program and set a public hearing for September 2, 2025 (Consent Item AA)
- 2nd Amendment – CBH Medical – Inmate Medical Services (Consent Item BB)
- HCCBG Contract Agreement for FY26 (Consent Item CC)

Consider Deletions From the Agenda

There were no deletions from the agenda.

Consider Approval of the Agenda

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve the agenda as amended.

Consider Approval of the Consent Agenda

On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve the Consent Agenda as amended, as follows:

- A. *Consider Approval of the Minutes - 08/04/25 Regular Meeting*

B. Budget Amendments, as follows:

4125- Finance	Appropriate funds to cover roll over Contract 22443	\$11,333
4125- Finance	Appropriate funds to cover change in employment contract for county manager	\$30,179
5100- Health Department	To budget for Elevate Grant for FY26	\$36,511
5100- Health Department	To budget Vital Strategies Grant for FY26	\$166,947
5100- Health Department	To budget Delta Dental Grant for FY26	\$3,046
5100- Health Department	To budget Healthy Rowan Grant for FY26	\$9,180
5100- Health Department	To budget CC4C Grant for FY26	\$86,000
4125- Finance	Appropriate funds to roll purchase order 25000556	\$40,800
4125- Finance	To recognize reserve funds FY25 for Sheriffs Dept (4165)	\$2,120
4125- Finance	To recognize reserve funds FY25 for Animal Services	\$3,500
4125- Finance	To recognize reserve funds FY25 for Cooperative extension	\$12,000
4125- Finance	To budget for EMS Rural Grant FY26	\$11,860
4125- Finance	To budget for Capacity Building Grant FY26	\$28,391
4125- Finance	To recognize reserve funds FY25 for DSS	\$4,179,464
4125- Finance	Appropriate funds to roll over WEP Project 8093	\$1,039,738
4125- Finance	Appropriate funds to roll over WEP Project 8096	\$42,500
4125- Finance	Appropriate funds to roll over WEP Project 8095	\$313,652
Fund 603- Airport	Appropriate funds to roll over Hangar project	\$9,841,600

- C. GRANTS: Approve FY26 LSTA grant application (RPL)
- D. Approval to purchase two undercover vehicles
- E. Health Department: Opioid Settlement - Updated Local Spending Authorization
- F. School Resource Officer (SRO) at Faith Academy 2025-26
- G. Change Order #6 -Holden Building Co. - RCC-Health Department
- H. GRANTS: Request to approve ROCOC Grant Application to SRCF
- I. GRANT: Request to approve FY25 NC-LSTA grant (RPL)
- J. Rowan Transit System Request to Schedule Public Hearing for FY27 GRANT APPLICATION Approval
- K. Health Department Grant Approval: AAPD - Dental Care for Children
- L. Tax Collector's Annual Tax Settlement FY 2025 - Tax Year 2024 and Order to Collect FY26-Tax Year 2025 Taxes
- M. Charters of Freedom Permanent Display at the Rowan Community Center
- N. Sole-Source and Purchase-EPI-Landfill-FY26-30

- O. *FY25 Equitable Sharing Agreement and Certification*
- P. *Second Reading for Z 05-25: Miller Family Farm and Patterson Farms Agricultural Overlay (AO)*
- Q. *June VTS Refunds & July Tax Refunds*
- R. *Schedule Legislative hearing for ZTA 01-25 Accessory Dwelling Units (ADU) for September 2, 2025*
- S. *Authorize the County Manager to Enroll in Northwestern Kellogg School of Management Executive Education Course*
- T. *Policy Exemption-Terrie Hess-Health Department - FY26-30*
- U. *Change Order #2-Mid-Carolina Airport Water & Sewer Extensions-Carolina Siteworks, Inc.*
- V. *Update to Rowan Community Center Rental Contract*
- W. *Establish an Ellis Park Rental Contract for Picnic Shelter and Facility Use*
- X. *Schedule Legislative Hearing for TA 01-25; Planning Staff Initiated Ordinance Amendments, for September 2, 2025*
- Y. *Change Order #6 -KMD Construction, LLC - New Corporate Hangars*
- Z. *RSS 3-8 Grade School Deed of Utility Easement*
- AA. *Approve a Resolution Declaring Intent to Participate in the C-PACE Program and set a public hearing for September 2, 2025 (**Agenda Addition**)*
- BB. *2nd Amendment – CBH Medical – Inmate Medical Services (**Agenda Addition**)*
- CC. *HCCBG Contract Agreement for FY26 (**Agenda Addition**)*

Public Comment Period

Chairman Edds opened the floor for Public Comment and closed it after everyone wishing to speak had done so.

Todd Wilhelm, 1492 Paddock Circle, Rockwell, said he and his wife Mary are having issues with a developer not maintaining a road in the Birtwick Park development.

Public Hearing and Summary Presentation: Project Granite

Scott Shelton, Rowan EDC Vice-President, said founded and based in Concord, Fortius Capital Partners (Fortius) is a commercial real estate development company that develops and operates best-in-class industrial business parks in the Carolinas, specifically in the Charlotte region along the I-85 corridor. Fortius has been active in Rowan County in recent years and successfully redeveloped the site of the former Kannapolis Intimidators Stadium into what is now Lakeshore Business Park. The park, located at Lane Street (Exit 63), is now home to three modern industrial buildings. Two of the buildings are now occupied by Chick-Fil-A Supply and REBEL and have brought new jobs and investment to Rowan County.

Fortius has submitted an offer to purchase 22.94 acres of County-owned land. The 22.94-acre site, identified as Parcel 403-199, is located at the end of Chamandy Drive in the Granite Industrial Park. The company is offering \$466,416 (\$20,332 per acre) for the property. Rowan County tax records currently estimate the total value of the property to be \$726,739 (\$31,680 per acre). If acquired, Fortius plans to construct multiple commercial / industrial buildings on the property. According to the company, these buildings would address a specific need in the Charlotte market for commercial/industrial space that offers outdoor storage, room for equipment

or vehicle maneuvering, and general outdoor functionality to sell or promote the occupant's goods and services. Fortius estimates its project's completion should lead to at least \$9 million of taxable real property improvements to the site . The company also estimates that, assuming there are no significant delays in closing, construction should begin in the late spring of 2026. Construction on all of the buildings will run concurrently.

The proposed project location is within the municipal limits of the Town of Granite Quarry. The company will work with Town staff to navigate the appropriate review and permitting process. There appear to be no components of the proposed project that appear outside the normal scope of operations for these types of facilities.

Fortius is not seeking any tax incentives from the County for this project. They only ask that the County sell the property to them for their offered price of \$466,416. Normally, requests to purchase County-owned property are subject to the upset bid process. Based on the potential impact of this project, the Rowan EDC requests that the Board of Commissioners consider conveyance of this property for economic development purposes utilizing North Carolina General Statute 158-7.1(d) which eliminates the upset bid process requirement and allows for private negotiation.

Representatives from Fortius estimate that, once the property is acquired, construction on the new facilities should begin in the late spring of 2026. The evolving nature of County tax rates, assessed value of the installed equipment, and construction timelines require certain assumptions in order to develop a functioning model. To establish a baseline, the following constants were applied:

- The County tax rate is fixed at the current rate of .58
- Total taxable investment in real property improvements is \$9 million
- Construction is completed by December 31, 2026

In application, it is unlikely that all assumptions will hold constant. The model provides general trends of expected revenues and expenditures. Incorporating the above framework, it is projected that the County will collect \$522,000 in total property tax revenue over a ten-year period.

This project appears to have a lengthy list of benefits and no apparent liabilities. This site in Summit Corporate Center currently generates no tax revenue for the County. A purchase of this site by Fortius would generate \$466,416 in immediate revenue for the County. Fortius would then invest at least \$9 million in the construction of new industrial facilities on the site, which will generate approximately \$52,200 in real property tax revenue for the County each year. Fortius intends to lease or sell these buildings to companies who will create jobs, as well as add equipment that will generate additional personal property tax revenue for the County.

County Attorney Jay Dees explained details of the potential agreement.

Chairman Edds shared the history of the site and how the proposed agreement came about. He also shared benefits for the county.

At 6:20 p.m. Chairman Edds opened the public hearing and closed it after no one wished to speak.

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve the sale of Parcel 403-199 to Fortius Partners for \$466,416.

Consider FSW 03-25: Tammy Jordan

Shane Stewart, Assistant Planning and Development Director, said Tammy Jordan is requesting a Family Subdivision Waiver to convey Tax Parcel 644-169, located in the 400 block of Pleasant Cove Road, to her aunt, Emory Deal. According to the last will and testament of Ronald Ernest Jordan filed August 19, 2015, his real property located at 425 Pleasant Cove Road (one (1) parcel of land totaling 1.57 +/- acres) was to be conveyed to his daughter Tamelia Jordan Patterson (hereinafter, Tammy Jordan) for her natural life, then to her son Christopher Carter. On November 14, 2017, a deed was recorded for conveyance to Ms. Jordan and Mr. Carter but included a division of land that was not directed by the will, creating one (1) new parcel and one (1) residual parcel identified as Tax Parcel 644-114 (.55 acres) and 644-169 (1.02 acres).

Since the will did not direct a division of land, the division by deed could not be considered exempt per section 22-6(f) of the Rowan County Subdivision Ordinance (ordinance) and should have been subject to the ordinance. Based on ordinance requirements, the only type division that could be have been considered would be a family subdivision for conveyance to a member of Ms. Jordan's immediately family defined as an individual's grandparents, parents, sibling, children, and grandchildren, which includes step, half, and in-law relationships and whether natural or legal. In September of 2020, Ms. Jordan discussed with staff the option of a Family Subdivision Waiver per section 22-54 whereby the Board of Commissioners (BOC) could approve conveyance to a family member outside the definition of immediate family. Ms. Jordan initially planned to convey the lot to her cousin, Justin Gullede, but circumstances changed and the waiver request was never processed.

In July of 2025, Ms. Jordan and her aunt Emory Deal met with planning staff regarding the above referenced parcels and the next steps in the development process. According to Ms. Jordan, she was of the understanding her attorney satisfied the ordinance requirements in her conveyance of parcel 644-169 to Ms. Deal on January 17, 2025 (Deed Book 1455 Page 419). Planning staff informed Ms. Jordan she will need to resume her efforts in securing a waiver from the BOC and submit a subdivision plat consistent with ordinance requirements.

As provided in Section 22-54, the BOC may authorize a waiver from the family subdivision requirements when, in its opinion, undue hardship may result from strict compliance. In granting any waiver, the BOC shall consider the following:

1. Nature of the proposed subdivision. Except where the division of land would qualify as a "minor, special exception", all new lot divisions must provide sufficient frontage on a state-maintained road unless the conveyance is between member of immediate family. This limitation ensures future lots will have adequate access or have a cooperative approach for road maintenance among family members. To satisfy ordinance

requirements, this waiver is the initial step of many to obtain compliance. The property will require a land survey to:

- Identify and monument new and existing property corners;
- Designate the required twenty (20) foot access easement through parcel 644-114 to provide access to parcel 644-169; and
- Adjust the common lot line to ensure parcel 644-114 maintains a 20,000 sf lot (.46 acres) outside the easement acreage. Ms. Deal's deed references a ten (10) foot access easement, which, much like the division itself, fails to meet ordinance standards.

Previous investigation suggest access from the adjacent private road Lighthouse Way was not an option.

2. Existing use of the land in the vicinity. Pleasant Cove subdivision contain a mixture of manufactured and site-built housing totaling thirty-four (34) dwelling units located a small cove of High Rock Lake. Lake View and Lake Pointe subdivisions boarder the west and east sides of the neighborhood respectively.
3. The number of persons to reside or work in the proposed subdivision. The request is to "validate" (1) additional lot, which was created in 2017. Parcel 644-114 is currently developed with a single-wide manufactured home addressed as 425 Pleasant Cove Rd. Waiver approval would allow staff to permit one (1) new dwelling unit on the parcel – subject to the requirements noted in item #1 and typical development standards (Environmental Health and Building Inspection permits.)
4. Probable effect of the proposed subdivision upon traffic conditions in the vicinity. Pleasant Cove Road is an approximate fourteen (14) foot wide private road with a gravel surface .37 miles in length that dead-ends at the 500 block. Traffic engineers commonly apply a measurement of ten (10) trips per day for traffic generation by one (1) single family dwelling, which should not create traffic problems.

Section 22-54 further indicates "The waiver shall be granted only when it has been determined that such waiver shall not be detrimental to the county and the areas surrounding the subdivision". Planning staff mailed notice on August 4th to seven (7) property owners within 100 feet of the subject properties and posted a sign on the property on August 6th .

Planning staff have no objection to the waiver request but, if approved, the following conditions should be applied:

1. Submit final plat consistent with the Subdivision Ordinance;
2. Establish a twenty (20) foot easement on parcel 644-114 to serve parcel 644-169; and
3. Adjust the common lot line between subject parcels to meet minimum lot size requirements outside the access easement area.

At 6:27 p.m. Chairman Edds opened the public hearing and closed it after no one wished to speak.

On motion of Pierce, seconded by Lancaster, the Board voted 5-0 to approve FSW 03-25 with the following conditions:

1. *Submit final plat consistent with the Subdivision Ordinance;*
2. *Establish a twenty (20) foot easement on parcel 644-114 to serve parcel 644-169; and*
3. *Adjust the common lot line between subject parcels to meet minimum lot size requirements outside the access easement area.*

Legislative Hearing for Z 11-24: Jeremy Good

Aaron Poplin, Planning Technician, said Jeremy Good is petitioning to rezone a seven (7) acre portion of county tax parcel 451-058 from Rural Agricultural (RA) to Commercial Business Industrial with a Conditional District (CBI-CD) to allow for automobile towing with storage. This property is located at 1124 Majolica Rd.

Parcel 451-058 is a 21 acre tract with a double wide manufactured home, an approximately 7,500 Sq Ft commercial building, and six (6) smaller storage buildings. The property was within the city of Salisbury's Extra Territorial Jurisdiction (ETJ) until 1999 when it was relinquished from the ETJ and the County zoned it RA. In 2001 a permit for a 3,700 Sq Ft metal fabrication shop was issued for a home occupation to former owner Lee Bame. The property was sold in 2008 to Mark Childers who moved his auto repair business into the shop. Sometime between 2014 and 2018 an addition was built onto the shop without permits. This addition brought the shop to its current size of approximately 7,500 Sq Ft. In December of 2023 Mark Childers sold the property to the current owner Jeremy Good.

After Jeremy Good purchased the property, he worked with Planning Staff to permit a Rural Home Occupation (RHO) for an auto mechanic shop, used car sales, and towing operation. Site plan review for the RHO was never completed and permits were never issued to operate the business. In late January 2024 Planning Staff received a complaint that multiple junked cars had been moved onto the property. A site inspection ensued and Planning Staff observed well over one hundred (100) cars had been moved onto the property, many of which appeared to be junked motor vehicles. A sign on the property at Majolica Rd had been updated for two new businesses, "LeBlues Towing and Recovery" and "Salisbury Discount Auto Parts." After investigation Planning staff determined that a business had begun operation without receiving zoning approval and issued a subsequent Notice of Violation.

Planning staff met with Jeremy Good in February of 2024 to discuss Zoning Ordinance compliance. Based on descriptions given at the meeting, the business operations include Automobile Repair (SIC 753), Automobile Retail Sales (SIC 5511), Automobile Wrecker Service (SIC 7549), Automobile Dead Storage (SIC 4226), and Motor Vehicle Parts, Used – outdoor [salvage yard] (SIC 5015). While auto repair, sales, and wrecker services may be permitted in the RA district as an RHO, Automobile Dead Storage and Motor Vehicle Parts, Used – outdoor, require IND district designation in addition to Special Use Permit (SUP). Regardless to achieve zoning compliance, all uses need to receive zoning approval. Jeremy Good opted to petition for a rezoning of the seven (7) acre business operational area on parcel 451-058 from RA to IND as the first step in getting the zoning approval for the uses on site.

At the July 2024 Planning Board Meeting, the board voted to deny request Z 11-24 to rezone a seven (7) acre portion of county tax parcel 451-058 from Rural Agricultural (RA) to Industrial (IND). During deliberations, there was discussion among board members suggesting the IND

district is inappropriate for the subject property, but the proposed use - automobile towing with dead storage - may be appropriate. Some members expressed interest in having a process to evaluate the merits of a specific requested use(s) without having to consider the other uses allowed in the IND district – hence a conditional district rezoning. The Z 11-24 rezoning request was placed on the Board of Commissioners’ consent agenda to schedule the legislative hearing for their August 19th meeting, but the Commission elected not to schedule a hearing due in part to the aforementioned Planning Board concern. Their action delayed a decision regarding Z 11-24 until a zoning text amendment can be considered.

Staff drafted text amendment ZTA 03-24 which defined Automobile Towing with Storage and give the option for it to be considered through a Conditional District Rezoning process or with a Special Use Permit in the IND district. ZTA 03-24 was approved by the Planning Board at their September 2024 meeting. The Board of Commissioners approved ZTA 03-24 at their second November 2024 meeting and ratified it with a second reading at their December 2024 meeting. After ZTA 03-24 was adopted, staff informed Jeremy Good that he could amend his rezoning request Z 11-24 to request a CBI-CD district for automobile towing with storage.

Request Z 11- 24 has now been amended to a CD rezoning request for automotive towing with storage. Used auto parts is not an allowed use with this rezoning request and cannot be requested in this rezoning. The property has continued to be in violation of the zoning ordinance since February of 2024. A stay on enforcement action has been in effect since the applicant started the initial rezoning request. The business has been in operation the entire time during the stay on enforcement. Mr. Poplin shared photographs and maps of the site.

This property is located in area two of the Western Area Land Use Plan. The plan encourages medium density residential development in the area. Traditional and conservation subdivisions are both encouraged. The Rowan-Cabarrus MPO Thoroughfare map identifies Majolica Road as a minor thoroughfare. Rural Business located inside a Neighborhood Business Zoning District are generally considered appropriate along minor thoroughfares. This request is not for a Rural Business or requesting Neighborhood Business zoning. The Western Area Land Use Plan identifies the US 29 and US 70 industrial corridors as areas that may be appropriate for heavy impact uses. This property is not located in either of these corridors.

The requested CBI-CD district only allows for one use, Automobile towing with storage. Automobile towing with storage is defined as a facility which provides both automotive towing service and accessory outdoor storage of towed vehicles kept within an operational area until either being returned to the owner or moved to another site to be sold, repaired, or scrapped. Automobile towing with storage has the following conditional district standards.

1. Screening. The Operational area must be in accordance with section 21-215(1), consisting of an opaque fence required by section 21-215(1)(b)(2) and, unless an alternative screening measure is approved as part of a conditional district, section 21-215(1)(b)(1).
2. Operational Area. All towed vehicles and any defined as junked motor vehicles shall be kept within the fenced operational area. Such vehicles may be stored for a maximum of six (6) months.

The submitted site plan shows the entire operational area enclosed with both a 6' wooden fence and rows of Leland Cypress planted at 5' on center to comply with the screening requirements. The board may request alternate screening; however, all screening must include a 6' opaque fence and a 20' vegetative buffer. Some sections of the buffer area have the fence in front of the screening trees. This is due in part to the applicant building a fence near the property line, without consulting Planning staff, prior to the development of the CD standards. The Board may want to consider requiring all screening trees be located on the outside of the fence.

Mr. Poplin described the conditions within the vicinity. The predominant land use fronting Majolica Road is single family residential, many of which are manufactured homes. The eastern road side is inside the city limits of Salisbury and the western side in the County's jurisdiction. There are a few non-residential uses on Majolica Road including the Rowan County Wildlife Shooting Range (650 Majolica Rd. approximately 1,400' north of the request) and the Old Carolina Brick Company brick manufacturing (475 Majolica Rd approximately 2,600' north of the request). The Colonial pipeline crosses diagonally through many of the properties from the southwest, including the one in this rezoning. The properties adjacent to the request are as follows:

- North: 31.09 Acre parcel inside the city limits of Salisbury with a 94 home subdivision planned. This property is zoned General Residential 3 (GR3). GR3 is one of Salisbury's residential zoning districts that allow for single family dwellings at 3 units per acre.
- South: Oakland Meadows a 79 lot manufactured home park.
- East: 10 lot mobile home subdivision in the city limits of Salisbury zoned GR3.
- West: Large wooded lots.

Mr. Poplin described the potential impact on facilities. Majolica Rd has a capacity of 11,300 AADT. As of 2022 AADT is 2,000 on Majolica Rd. Without a specific use the impact on utilities cannot be determined. SRU has a water line going down Majolica Road. The Colonial Pipeline crosses diagonally through the rezoning area. Planning Staff contacted Colonial Pipeline about the cars parked in their right of way. Colonial Pipeline indicated that cars parked in the right of way would not be an issue, but heavy equipment such as an excavator would be.

The Planning Board conducted a courtesy hearing for Z 11-24 at their June 2025 meeting. The Planning Board asked the applicant questions about the general operations of the business from how long the cars would be on site, what kind of licensing requirements there are, and approximately how many cars would be on site at one time. The applicant informed the Board that there are no specific license requirements to run a towing operation. He said that there would typically be between 200-250 cars on site at any given time, and that cars remain on site around 5-6 months before he can get the title and remove them. The Board also asked if the applicant would be willing to move the screening trees to the outside of the required fence and the applicant said he would be willing to do that.

One person spoke in opposition during the courtesy hearing. Daniel Pieris, the manager of the adjoining manufactured home park Oakland Meadows, spoke to the cars being on site longer than 6 months. He also mentions that there was a fire on the applicant's property that spread over to the manufactured home park. He also shared photos with the Board of the fire damage. The

Board talked about how they would like to ensure that the towing operation could be a good neighbor for the adjoining property owners.

The Planning Board approved the rezoning and adopted the following statement:
Z 11-24 is not consistent with the West Area 2 Land Use Plan, but reasonable/appropriate based on the following:

- The existing business is compatible with the surrounding area and the overall public good is being served.
- The applicant agrees to follow all buffer standards.
- The use complies with the CBI - Conditional District overlay requirements.
- The applicant agrees there will be a remediation plan should he go out of business in the future to remove any remaining junk motor vehicles.

Mr. Poplin noted the following comments from staff:

- If the Board finds this use to be appropriate extra scrutiny should be applied to the statement to justify the location of this use against the recommendations of the land use plan.
- The Board will want to get assurances from the applicant on how they will be able to guarantee vehicles are stored on site no longer than six (6) months.
- The Board may want to consider the difficulty of enforcement of the six (6) month vehicle storage maximum when making a decision to approve/deny the application or when developing conditions.
- This is a conditional district rezoning request. The Board may require mutually agreed upon conditions with the applicant to mitigate adverse impacts on adjoining properties.
- The property is still in violation of the Zoning Ordinance. Enforcement action on the violation is suspended while the rezoning request is being processed.

Commissioner Klusman asked for clarification regarding the operational area. She shared concerns that the business may “spill out” beyond the anticipated operational area in the future. She asked what the consequences of violations are. Mr. Poplin said the current violation is on hold during the rezoning process. Applying for rezoning is the applicant’s way of working towards compliance. Commissioner Klusman asked if fire suppression is required or if a fire is in place since there has already been a fire on the property and Mr. Poplin said no.

John Autry, Mr. Good’s business partner said the fire was a natural disaster; some power lines were too close to some trees. The electricity arced to the tree and caught a tree on fire. Having these cars on site is no different than cars parked in a parking lot and poses no greater risk.

Commissioner Klusman asked for clarification regarding the process of vehicle intake. Mr. Autry said usually cars are on site for six months or less. There are no intentions of expansion beyond the operational area.

At 6:55 p.m. Chairman Edds opened the public hearing and closed it after everyone wishing to speak had done so.

John Scarbrough, 141 Union St., Concord, represents opposition to the rezoning. He passed out copies of a petition (Attachment A) and satellite images of the site showing the change from 2021 to 2024 (Attachments B and C, respectively). His practice focuses on land use and zoning laws. He is representing Oaklyn Meadows LLC, the mobile home community next to the site. He said the satellite images show the increase of vehicles stored on the property. The petition is signed by residents of Oaklyn Meadows. Mr. Scarbrough read excerpts from his submitted letter (Attachment D) opposing the rezoning. He referenced the Staff Report's (Attachment E) Consistency and Reasonableness Statement. He explained how spot zoning (in reference to the site) is inconsistent and unreasonable with the West Area 2 Land Use Plan. He is concerned that this site will be exempted from Spot Zoning. Harm for the neighbors should be mitigated as much as possible. There is no substantial benefit to the neighbors or surrounding community. The conditions are not sufficient to mitigate harm. He requested the rezoning be denied.

Commissioner Klusman asked how long the mobile home park had been there. Owner Dan Perez said the mobile home community has been there since the 70s but his company took it over in 2011.

Mr. Atry asked if it was possible to table this matter until Mr. Good could be in attendance. Chairman Edds said it is possible to recess.

At 7:12 p.m. on motion of Edds, seconded by Pierce, the Board voted 5-0 to recess Z 11-24 until the September 2, 2025, meeting.

At 7:12 p.m. Commissioner Pierce exited the meeting.

Update on RCC Main Concourse Design

Craig Powers, Director of Engineering and Environmental Services, introduced Phillip Steele, Managing Principal, and Darian Walker, Project Architect, of ADW Architects. The presentation will exclude the JC Penneys building.

Mr. Walker explained the signage ordinance and showed a site plan pointing out signage locations. The materials used will reflect the same materials used in the building. He showed an example of directional signage. He also showed a rendering of the monument sign that will be at the road frontage. There will also be digital signage next to the monument sign. Mr. Steele said the signs will be large so that occupants of passing vehicles will be able to recognize the branding. Mr. Walker displayed the wayfinding signage.

Mr. Walker shared the inspiration behind the design of the Main Concourse of the Rowan Community Center. There will be an area of "well-being" that plays off of existing design. The biggest impact is in the center of the concourse and has two elevated architectural elements which will be removed and replaced with a natural area of well-being to be used as a common area. He showed meeting, lounging, dining, and kiosk areas. The idea is to leave the area open but grouped. Natural elements will be used to "bring the outdoors in."

Mr. Walker shared cost estimates, with a total project cost equaling \$6,573,589.

Update on RCC Storage Building

Darian Walker, Project Architect, ADW Architects, said the storage building is located behind the Rowan Community Center and will be the main storage area. He described the design of the building and its relation to other features behind the RCC. It is a pre-manufactured building; he showed renderings of the building. The total cost of this project is estimated to be \$676,306.

Vice-Chairman Greene asked for clarification regarding building size. Mr. Walker said the building will be roughly 2800 sf. The building is 40' by 72'.

County Manager Aaron Church said no decisions are being requested; these are simply updates for the Board's feedback. In the future, a decision will be requested from the Board.

Vice-Chairman Greene asked who would use this building and Director of Engineering and Environmental Services Craig Powers said the maintenance team and agricultural staff will use it. Parks and Recreation Director Nick Aceves said lawn equipment would occupy one bay, but Cooperative Extension would need roughly 2/3 of the building.

Chairman Edds asked if staff handle the landscaping and Mr. Aceves said there is a contract for landscaping services one day per week, but staff do handle landscaping as needed. Chairman Edds asked where lawn equipment is currently stored and Mr. Church said it is stored in a room in the RCC. Chairman Edds asked what kind of equipment the agricultural staff will have and Mr. Aceves said there is a tractor, truck, trailer, and Vice-Chairman Greene said there is a Soil and Water drill.

Mr. Powers said this site presents some location challenges.

Commissioner Klusman stepped away from the meeting at 7:36 p.m.

Mr. Church requested feedback from the Board over the next couple months. He asked if any special maintenance was required for the felt panel décor and Mr. Walker said there is no more maintenance than normally would be required.

Commissioner Klusman rejoined the meeting at 7:38 p.m.

Mr. Walker described the scope of work, including HVAC replacement and upsizing. Cost estimates include furniture and fixtures as part of the owner's soft costs.

RSS Surplus Property

Dr. Jamie Durant, Chief Operations Officer with Rowan Salisbury Schools (RSS), said previously, the Board of Education declared the property located at 305 S. Zion Street, Landis surplus. General Statute requires that the Board of Education offer this property to the Board of Commissioners prior to disposal.

This property was presented at the February 1, 2021, Commissioner meeting for approval; however, the item was tabled during that meeting, and we are now requesting the Commissioners to declare the property surplus.

Chairman Edds clarified that this is County’s right of first refusal and Dr. Durant confirmed. There are currently two interested parties.

Vice-Chairman Greene asked the size of the site and Dr. Durant said the building is 29,000 sf sitting on .93 acre.

County Attorney Jay Dees explained the process if the County doesn’t declare the property as surplus. The property could be sold through upset bid process or private sale for economic development. Chairman Edds questioned acquisition cost.

On motion of Edds, seconded by Lancaster, the Board voted 4-0 to table this issue until the September 2, 2025, meeting.

Financial Report

Finance Director Anna Bumgarner presented the financial reports. She compared annual cumulative expenditures, with FY 2026 equaling \$13,567,988 in July. Annual cumulative revenue is at \$1,460,145. The annual cumulative property tax was \$117,192,392 in June.

Chairman Edds asked with the next revaluation will be and Ms. Bumgarner said it will be 2028. Chairman Edds asked if property values change between revaluations and Ms. Bumgarner said they should not. Chairman Edds questioned tax rates and whether they change. Mr. Church said the Fire Tax has changed.

In April, the annual cumulative sales tax was \$36,884,162. Ms. Bumgarner compared monthly sales taxes from 2022 to 2025.

The County has decided to be conservative in the purchase of investments and at this time will no longer be investing in commercial paper. Currently the County has 14.84% invested in Treasury Bill, Notes or Government Agencies, 83.78% of its total portfolio in North Carolina Capital Management Trust (NCCMT) and the remaining 1.37% in money market instruments. With the change in the market the County's investment portfolio has decreased by 22 basis points from June 30, 2024, to June 30, 2025. Year-to-date interest earnings total \$12,523,484 as rates begun to trend down. The chart below shows that on Treasuries and agencies we are getting average yield of 3.63%.

Total Portfolio as of March 31, 2025:

Investment Portfolio	Investment Amount	Weighted Average Yield to Maturity	Average Maturity (Days)
US Treasury & Government Agency Securities	\$ 36,133,485	3.63%	166.06
NCCMT	\$ 203,933,660	4.20%	1

Money Market Instruments	\$ 3,340,303	2.15%	1
Total Portfolio	\$ 243,407,448		

Interest earned through June 30, 2025, is mainly from NCCMT and Truist Bank it totals \$9,676,338. This interest is received monthly. Interest earned on Treasuries and Agencies is \$2,847,146 through June 30, 2025, and is only received on maturity date. Total interest earned since July 1, 2024 is \$12,525,484, before the Market-to-Market adjustment.

NCCMT's has a short-term focus in its portfolio, and as such the NCCMT yield leads, Treasury and Agency issues when rates are rising and lags when rates are falling.

Closed Session

On motion of Edds, seconded by Greene, the Board voted 4-0 to enter into closed session pursuant to NCGS 143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on July 21, 2025, as described by NCGS 143-318.10(e), and pursuant to NCGS 143-318.11(a)(6), for personnel.

Resume Open Session

At 8:27 p.m. Open Session resumed.

Chairman Edds said there was a stipend that was agreed upon for Alyssa Harris as she pursues her PhD. The word “stipend” will be revised to “tuition reimbursement.”

On motion of Edds, seconded by Klusman, the Board voted 4-0 to change the word “stipend” to the words “tuition reimbursement” in the contract for Alyssa Harris that was approved on 4/7/25.

Adjournment

At 8:29 p.m., on motion of Greene, seconded by Lancaster, the Board voted 4-0 to adjourn.

Sarah Pack, CMC, NCCCC
Clerk to the Board

Petition to Oppose Rezoning for the Salvage Yard Near Oakland Meadows:

We, the residents of Oakland Meadows and the surrounding community, respectfully request that the County Commission deny the rezoning request for the salvage yard located north of our neighborhood.

This industrial operation poses serious risks to our homes and families, including:

- Fire hazards, as seen in a March incident that threatened homes
- Environmental dangers from hazardous leaks and long-term auto storage
- Increased noise, pests, and pollution
- Negative impact on our safety, health, and property values

We stand united in opposing the continuation of this industrial business so close to our residential community. We urge the County Commission to protect our neighborhood and reject this rezoning.

	NAME/NOMBRE	PHONE NUMBER	ADDRESS
1)	Kevin Cabrera	980-234-0442	121 Hubert Ln
2)	Kyo Aguirre Ruiz	704)640-0539	123 Hubert Ln
3)	Jose Gonzalez	704 223 33 78	121 Hubert Ln
4)	Brawlio Cruz D.	704-388-6014	137 Hubert Ln
5)	Eliasama Cruz	704-273-7879	152 hubert Ln
6)	Sonia Harris	704-575-1170	113 Hubert Ln.
7)	Mirtala Olivia Lopez	704 798 69 48.	136 Hubert Ln.
8)	Iedy Zacarias	919 221 85 07	1015 Hubert Ln
9)	Kareel K. Blyden	980 330 38 53	1014 Hounde Run DR
10)	Jane Adams	980-234-3623	115 Ferrell Ln
11)	Peter Brown	704.202.4739	11 Kottopping Ln.
12)	[Signature]	336 469-9398	139 FERRELL LANE

Petition to Oppose Rezoning for the Salvage Yard Near Oakland Meadows:

	NAME/NOMBRE	PHONE NUMBER	ADDRESS
34)	Lisandra Taveras	919-240-8020	332 Ferrell
35)	Dan Pieris	704-640-9908	126 Hubert
36)	Fantasia Humphreys	828-469-9673	1024 HoundsRun
37)	Deznee McCormick	704-475-6852	394 Ferrell Ln
38)	Teresa Horton	704 742 0973	395 Ferrell Ln
39)	Jennifer Flores	336-470-0800	388 Ferrell Ln
40)	Erica Mejia	704 431-5965	374 ferrell Ln
41)	Travis School	704 239-6566	357 Ferrell Ln
42)	Sonia Zywenki	704-638-6331	351 Ferrell Ln.
43)	Tommy Morrow	704-985-6963	317 Ferrell Ln
44)	Hannah Wales	704-798-8222	306 Ferrell Ln.
45)	Mariah Leach	704-232-8323	295 Ferrell Lane
46)	Rommel Sumana	704 252 6964	271 Ferrell Lane
47)	Sandy Drye	704-431-6241	1013 Howell Rd
48)	Robin Drye	704-431-6241	1013 Howell Rd,
49)	Matthew Jones	336-944-7174	231 Ferrell Ln
50)			
51)			
52)			
53)			
54)			

Petition to Oppose Rezoning for the Salvage Yard Near Oakland Meadows:

	NAME/NOMBRE	PHONE NUMBER	ADDRESS
13)	Larry Burnett	(870) 530-5944	151 Ferrell Ln
14)	Eddie Fuller	(704) 603-4647	1020 Howell
15)	Portia Young	(704) 232-3428	1018 Howell Rd
16)	Dennis Yates	704-712-8957	161 Ferrell Ln.
17)	Richard	704 798 8176	495 Ferrell Ln
18)	Lynne Miller	704-963-4259	173 Ferrell Ln
19)	Shirley Duncan	704-636-8765	1012 Higgins Way
20)	Esther Martinez	704-619-9246	1200 Majolica Rd
21)	Fidel Carracho	704-223-9943	153 Hubert Ln.
22)	Colleen Bruce	336-4080-247	125 Ferrell Lane
23)	Janelle Van Antwerp	704-418-3291	181 Ferrell Ln
24)	Virginia Beamer	704-636-4592	200 Ferrell Ln.
25)	Karen Blum	704-433-3849	218 ferrell
26)	Nidia Hichos	(551) 333-4067	245 Ferrell Ln. Salisbury NC
27)	Tony Rivera	929 436 9275	259 FERRELL LANE SALISBURY
28)	Jonathan Morgan	704 305 0146	1012 Higgins way
29)	Risa Miller	704-267-7290	1029 Higgins Way
30)	Millisa Sierawski	704-232-2418	286 Ferrell Ln
31)	Yagaira Gonzalez	704 880 2747	284 Ferrell Ln
32)	Dulce Gonzalez	704 898 3553	284 Ferrell Ln
33)	Jermichael Byron	704-636-6445	284 Ferrell Ln

Petition to Oppose Rezoning for the Salvage Yard Near Oakland Meadows:

NAME/NOMBRE

PHONE NUMBER

ADDRESS

		186 Ferrell
		196 Ferrell
		207 Ferrell
		815 Ferrell
		225 Ferrell
		221 Ferrell
Lily & M Jones	980-234-8208	231 Ferrell
		1012 Higgins
		261 Ferrell
		281 Ferrell
		385 Ferrell
		333 Ferrell
		325 Ferrell
		303 Ferrell
		270 Ferrell
		✓ 1013 Howell Rd
		1023 Howell Rd
		1055 Howell
		117 Hubert
		118 Hubert

File Edit View Add Tools Help



1124 Majolica Road, Salisbury, NC



Historical Imagery < Jan 23, 2021 >



2005 2006 2008 2009 2010 2013 2014 2015 2016 2017



Google 100% [Data attribution](#) older-1/23/2021

File Edit View Add Tools Help



1124 Majolica Road, Salisbury, NC



Historical Imagery < Mar 29, 2024 >



2005 2006 2008 2009 2010 2013 2014 2015 2016 2017



Google 100% [Data attribution](#) older-3/29/2024

SCARBROUGH & SCARBROUGH PLLC
ATTORNEYS AT LAW

JOHN F. SCARBROUGH
jfs@sandslegal.net

August 11, 2025

Rowan County Board of Commissioners
c/o Sarah Pack, Board Clerk
130 West Innes Street
Salisbury, NC 28144-3325
Sarah.Pack@rowancountync.gov

Re: Rezoning Petition Z 11-24

Dear Chairman Edds and Commissioners of Rowan County,

I represent Oakland Meadows NC LLC. I am writing to you concerning Rezoning Petition Z 11-24, which is scheduled for public hearing at your August 18, 2025 Board meeting. I previously sent a version of this letter to your County Attorney, who encouraged me to send the letter directly to the Board through the Board's Clerk, Ms. Sarah Pack.

My client owns approximately 36.55 acres in Rowan County which has been developed as a manufactured home community. The property that is the subject of the proposed rezoning is owned by Jeremy Good and located directly north of my client's manufactured home park. According to the staff report online, Mr. Good is requesting a rezoning from the County's Rural Agricultural District (RA) to "Commercial Business Industrial with a Conditional District (CBI-CD) to allow for automobile towing with storage."

My client vigorously opposes Mr. Good's application for rezoning, as well as the current state of Mr. Good's property, on which there are situated over 100 junked motor vehicles. According to the staff report on the rezoning, Mr. Good received a notice of zoning violation from the County sometime in early 2024 for the current use of his property. Nevertheless, Mr. Good is requesting a rezoning which will allow him to increase the number of cars stored on his property to 200-250 cars at one time. The purpose of this letter is to urge you not to approve this rezoning, and to outline my client's position that an approval of Mr. Good's application for rezoning would constitute unlawful "spot zoning."

The North Carolina Supreme Court has defined "spot zoning" as follows:

A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the small tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called 'spot zoning.'

TEL. 704-782-3112 | FAX 704-782-3116
141 Union Street South, Concord, NC 28025

Blades v. City of Raleigh, 280 N.C. 531, 549, 187 S.E.2d 35, 45 (1972) (emphasis added).

An approval of Mr. Good’s application would fall squarely within this definition. Mr. Good is asking you to rezone a small tract of land—seven acres—under his single ownership. The surrounding area is uniformly comprised of residential zoning districts, including my client’s manufactured home park and a planned 94-lot subdivision adjoining Mr. Good’s property to the north. As the staff report recognizes, “[t]he predominant land use fronting Majolica Road is single family residential...” In addition, Mr. Good’s property is included in Area Two of the County’s Western Area Land Use Plan. The purpose of the Area Two classification is to “[e]ncourage medium density residential development in this area.” ROWAN COUNTY LAND USE PLAN—AREAS WEST OF I-85, p.41. A rezoning of Mr. Good’s property from RA to CBI-CD would not be consistent with the County’s Land Use Plan.¹

It is also clear that the sole purpose of Mr. Good’s rezoning request is to “relieve” him and his property from the County’s zoning restrictions for residential districts. Blades at 549. The property is already in violation of the County’s ordinance and a notice of violation has been pending for over a year.

Since this rezoning would undoubtedly constitute spot zoning, the normal presumption of validity accorded to legislative rezonings would not apply; instead, the Board would need to make a “clear showing” of a reasonable basis for the spot zoning. See David W. Owens, Land Use Law in North Carolina, p. 197 (4th ed.). My client does not believe this is possible under these circumstances. As described by the North Carolina Supreme Court:

[T]he zoning authority must demonstrate that the change was reasonable in light of its effect on all involved. Thus, for purposes of spot zoning, a ‘reasonable basis’ is established when a zoning authority ‘clearly shows’ that the potential benefits to the property owner, his neighbors and/or the surrounding community outweigh the potential detriments to those neighbors and/or the surrounding community as a whole. In the context of this case, we note that an assessment of the zoning’s impact on neighbors and the surrounding community must include an evaluation of areas that are: (1) beyond the control of the entity making the zoning decision, and (2) under the control of a different zoning authority.

Good Neighbors of S. Davidson v. Town of Denton, 355 N.C. 254, 258, 559 S.E.2d 768, 771-72 (2002) (emphasis added).

The Supreme Court’s “benefits versus detriments” test cannot be satisfied for Mr. Good’s proposed rezoning. The key question is “who benefits from this rezoning?” A spot zoning amendment which greatly benefits the owner but has no real and substantial benefit to the community (or has an accompanying detriment) is invalid. At the hearing before the planning

¹ “Plan consistency is not mandatory in North Carolina, but the plan’s significance is heightened in spot-zoning cases.” David W. Owens, Land Use Law in North Carolina, p 197, n 22 (4th ed.).

board, no one spoke in favor of the rezoning except Mr. Good. My client spoke in opposition, pointing out that the junked motor vehicles were stored on the property for much longer than six months at a time. My client also described a fire which had started on Mr. Good's property and spread to the manufactured home park before being extinguished. I believe I am safe in predicting that no one who owns property in the surrounding area is clamoring for more junked motor vehicles on Mr. Good's property. The proposed rezoning does not benefit anyone except Mr. Good and therefore would constitute unlawful spot zoning if approved.

My client respectfully asks that the Board deny this rezoning request and that the notice of violation against Mr. Good's property be enforced. My client and I will be present at the August 18th public hearing and we will be glad to answer any questions you might have on this subject. With kind regards, I am

Very Truly Yours,

A handwritten signature in black ink that reads "John Scarbrough". The signature is written in a cursive, flowing style.

John Scarbrough

cc: Jay Dees
Eli Hardin

DEPARTMENT OF PLANNING & DEVELOPMENT
DATE: 08/06/2025
STAFF CONTACT: AARON POPLIN



REZONING PETITION: Z 11-24

REQUEST: RA to CBI-CD

PARCEL ID: 451 058

LOCATION: 1124 Majolica Rd

ACERAGE: 7 acres requested out of 21 acre parcel.

CURRENT LAND USE: Towing, Dead Storage of Automobiles, and Used Auto Parts.

OWNER: Jeremy Good

APPLICANT: Jeremy Good

Request

Jeremy Good is petitioning to rezone a seven (7) acre portion of county tax parcel 451-058 from Rural Agricultural (RA) to Commercial Business Industrial with a Conditional District (CBI-CD) to allow for automobile towing with storage. This property is located at 1124 Majolica Rd.

Background before the first courtesy hearing of Z 11-24

Parcel 451-058 is a 21 acre tract with a double wide manufactured home, an approximately 7,500 Sq Ft commercial building, and six (6) smaller storage buildings. The property was within the city of Salisbury's Extra Territorial Jurisdiction (ETJ) until 1999 when it was relinquished from the ETJ and the County zoned it RA.

In 2001 a permit for a 3,700 Sq Ft metal fabrication shop was issued for a home occupation to former owner Lee Bame. The property was sold in 2008 to Mark Childers who moved his auto repair business into the shop. Sometime between 2014 and 2018 an addition was built onto the shop without permits. This addition brought the shop to its current size of approximately 7,500 Sq Ft. In December of 2023 Mark Childers sold the property to the current owner Jeremy Good.

After Jeremy Good purchased the property, he worked with Planning Staff to permit a Rural Home Occupation (RHO) for an auto mechanic shop, used car sales, and towing operation. Site

plan review for the RHO was never completed and permits were never issued to operate the business. In late January 2024 Planning Staff received a complaint that multiple junked cars had been moved onto the property.

A site inspection ensued and Planning Staff observed well over one hundred (100) cars had been moved onto the property, many of which appeared to be junked motor vehicles. A sign on the property at Majolica Rd had been updated for two new businesses, “LeBlues Towing and Recovery” and “Salisbury Discount Auto Parts.” After investigation Planning staff determined that a business had begun operation without receiving zoning approval and issued a subsequent Notice of Violation.

Planning staff met with Jeremy Good in February of 2024 to discuss Zoning Ordinance compliance. Based on descriptions given at the meeting, the business operations include Automobile Repair (SIC 753), Automobile Retail Sales (SIC 5511), Automobile Wrecker Service (SIC 7549), Automobile Dead Storage (SIC 4226), and Motor Vehicle Parts, Used – outdoor [salvage yard] (SIC 5015). While auto repair, sales, and wrecker services may be permitted in the RA district as an RHO, Automobile Dead Storage and Motor Vehicle Parts, Used – outdoor, require IND district designation in addition to Special Use Permit (SUP). Regardless to achieve zoning compliance, all uses need to receive zoning approval.

Jeremy Good opted to petition for a rezoning of the seven (7) acre business operational area on parcel 451-058 from RA to IND as the first step in getting the zoning approval for the uses on site.

Background after the first courtesy hearing of Z 11-24

At the July 2024 Planning Board Meeting, the board voted to deny request Z 11-24 to rezone a seven (7) acre portion of county tax parcel 451-058 from Rural Agricultural (RA) to Industrial (IND). During deliberations, there was discussion among board members suggesting the IND district is inappropriate for the subject property, but the proposed use - automobile towing with dead storage - may be appropriate. Some members expressed interest in having a process to evaluate the merits of a specific requested use(s) without having to consider the other uses allowed in the IND district – hence a conditional district rezoning.

The Z 11-24 rezoning request was placed on the Board of Commissioners’ consent agenda to schedule the legislative hearing for their August 19th meeting, but the Commission elected not to schedule a hearing due in part to the aforementioned Planning Board concern. Their action delayed a decision regarding Z 11-24 until a zoning text amendment can be considered.

Staff drafted text amendment ZTA 03-24 which defined Automobile Towing with Storage and give the option for it to be considered through a Conditional District Rezoning process or with a Special Use Permit in the IND district. ZTA 03-24 was approved by the Planning Board at their September 2024 meeting. The Board of Commissioners approved ZTA 03-24 at their second November 2024 meeting and ratified it with a second reading at their December 2024 meeting.

After ZTA 03-24 was adopted, staff informed Jeremy Good that he could amend his rezoning request Z 11-24 to request a CBI-CD district for automobile towing with storage. Request Z 11-24 has now been amended to a CD rezoning request for automotive towing with storage. Used auto parts is not an allowed use with this rezoning request and cannot be requested in this rezoning.

The property has continued to be in violation of the zoning ordinance since February of 2024. A stay on enforcement action has been in effect since the applicant started the initial rezoning request. The business has been in operation the entire time during the stay on enforcement.

Relationship with any plans and policies

This property is located in area two of the Western Area Land Use Plan. The plan encourages medium density residential development in the area. Traditional and conservation subdivisions are both encouraged.

The Rowan-Cabarrus MPO Thoroughfare map identifies Majolica Road as a minor thoroughfare. Rural Business located inside a Neighborhood Business Zoning District are generally considered appropriate along minor thoroughfares. This request is not for a Rural Business or requesting Neighborhood Business zoning.

The Western Area Land Use Plan identifies the US 29 and US 70 industrial corridors as areas that may be appropriate for heavy impact uses. This property is not located in either of these corridors.

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 to medium industrial activities which support both the local and/or regional economies. The CBI district is generally appropriate in areas identified by an adopted land use plan that recommend "highway business" along identified NC and US highways; community/regional/potential development nodes; commercial corridors; and existing commercial areas. Areas served by public water/sewer represent significant public investment

to foster tax base growth and employment opportunities for the citizens, which could be served through CBI designation. The CBI 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.

Compatibility of Uses:

MAJOR GROUP	RA	CBI-CD
Residential	Permitted	Not Permitted
Construction	Permitted with SR	Not Permitted
Manufacturing	Some Permitted with SR	Not Permitted
Transp., Com., Elec. / Gas, & Sanitary Svc.	Some Permitted with SR	Not Permitted
Wholesale Trade	Most Permitted with SR	Not Permitted
Retail Trade	Permitted with SR	Not Permitted
Finance, Ins., & Real Est.	Permitted with SR	Not Permitted
Services	Most Permitted with SR	Not Permitted
Pt. Automobile towing with storage	Not Permitted	Permitted
Public Admin.	Not Permitted	Not Permitted

Generalized Groupings: Permitted: 100-75% Most: 75-50% Some: 50-25% Not Permitted: 25-0%
 Source: Section 21-113 Table of Uses

The requested CBI-CD district only allows for one use, Automobile towing with storage. Automobile towing with storage is defined as a facility which provides both automotive towing service and accessory outdoor storage of towed vehicles kept within an operational area until either being returned to the owner or moved to another site to be sold, repaired, or scrapped.

Automobile towing with storage has the following conditional district standards.

1. Screening. The Operational area must be in accordance with section 21-215(1), consisting of an opaque fence required by section 21-215(1)(b)(2) and, unless an alternative screening measure is approved as part of a conditional district, section 21-215(1)(b)(1).
2. Operational Area. All towed vehicles and any defined as junked motor vehicles shall be kept within the fenced operational area. Such vehicles may be stored for a maximum of six (6) months.

The submitted site plan shows the entire operational area enclosed with both a 6' wooden fence and rows of Leland Cypress planted at 5' on center to comply with the screening requirements. The board may request alternate screening; however, all screening must include a 6' opaque fence and a 20' vegetative buffer. Some sections of the buffer area have the fence in front of the screening trees. This is due in part to the applicant building a fence near the property line, without consulting planning staff, prior to the development of the CD standards. The Board may want to consider requiring all screening trees be located on the outside of the fence.

Conditions within the vicinity (see enclosed map): The predominant land use fronting Majolica Road is single family residential, many of which are manufactured homes. The eastern road side is inside the city limits of Salisbury and the western side in the County's jurisdiction. There are a few non-residential uses on Majolica Road including the Rowan County Wildlife Shooting Range (650 Majolica Rd. approximately 1,400' north of the request) and the Old Carolina Brick Company brick manufacturing (475 Majolica Rd approximately 2,600' north of the request). The Colonial pipeline crosses diagonally through many of the properties from the southwest, including the one in this rezoning. The properties adjacent to the request are as follows:

North: 31.09 Acre parcel inside the city limits of Salisbury with a 94 home subdivision planned. This property is zoned General Residential 3 (GR3). GR3 is one of Salisbury's residential zoning districts that allow for single family dwellings at 3 units per acre.

South: Oakland Meadows a 79 lot manufactured home park.

East: 10 lot mobile home subdivision in the city limits of Salisbury zoned GR3.

West: Large wooded lots.

Potential impact on facilities such as roads, utilities and schools

Roads: Majolica Rd has a capacity of 11,300 AADT. As of 2022 AADT is 2,000 on Majolica Rd.

Utilities: Without a specific use the impact on utilities cannot be determined. SRU has a water line going down Majolica Road.

The Colonial Pipeline crosses diagonally through the rezoning area. Planning Staff contacted Colonial Pipeline about the cars parked in their right of way. Colonial Pipeline indicated that cars parked in the right of way would not be an issue, but heavy equipment such as an excavator would be.

Schools: N/A

June Planning Board Meeting

The Planning Board conducted a courtesy hearing for Z 11-24 at their June 2025 meeting. The Planning Board asked the applicant questions about the general operations of the business from how long the cars would be on site, what kind of licensing requirements there are, and approximately how many cars would be on site at one time. The applicant informed the Board that there are no specific license requirements to run a towing operation. He said that there would typically be between 200-250 cars on site at any given time, and that cars remain on site around 5-6 months before he can get the title and remove them. The Board also asked if the applicant would be willing to move the screening trees to the outside of the required fence and the applicant said he would be willing to do that.

One person spoke in opposition during the courtesy hearing. Daniel Pieris, the manager of the adjoining manufactured home park Oakland Meadows, spoke to the cars being on site longer than 6 months. He also mentions that there was a fire on the applicant's property that spread over to the manufactured home park. He also shared photos with the Board of the fire damage.

The Board talked about how they would like to ensure that the towing operation could be a good neighbor for the adjoining property owners.

The Planning Board approved the rezoning and adopted the following statement

Z 11-24 is not consistent with the West Area 2 Land Use Plan, but reasonable/appropriate based on the following:

- **The existing business is compatible with the surrounding area and the overall public good is being served.**
- **The applicant agrees to follow all buffer standards.**
- **The use complies with the CBI - Conditional District overlay requirements.**
- **The applicant agrees there will be a remediation plan should he go out of business in the future to remove any remaining junk motor vehicles.**

Decision making and procedures

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 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)]. A statement analyzing the reasonableness of the decision is also necessary. See enclosed checklist as a guide in developing these statements.

GS 160D-605(b) requires a statement of reasonableness in all rezonings. While spot zoning in North Carolina is considered legal, it must be determined as reasonable based on a number of factors including the following established GS 160D-605(b):

1. the size, physical conditions, and other attributes of the area proposed to be rezoned;
 - *In general the smaller the lot the more likely the rezoning will be invalid. The size of the lot should be contextualized by the development in the vicinity. What is considered large in an urban setting may be considered small in a rural setting.*
 - *Spot zonings are generally considered reasonable when they fit into an existing land use plan.*
2. the benefits and detriments to the landowners, the neighbors, and the surrounding community;
 - Spot zoning that is beneficial to the community may be considered reasonable. Benefits should be substantial for the surrounding community and not just generally beneficial.
3. the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
 - Spot zoning may be considered reasonable when the allowed uses in the new zoning district are not radically different from the current allowed uses.
 - Conditions required in a conditional district rezoning that mitigate harm to neighbors may be used as justification for the rezoning.
4. why the action taken is in the public interest; and
5. any changed conditions warranting the amendment.
 - Significant changes in an area such as expansion of infrastructure may be used as justification that a request is reasonable.

Staff Comments

- If the Board finds this use to be appropriate extra scrutiny should be applied to the statement to justify the location of this use against the recommendations of the land use plan.
- The Board will want to get assurances from the applicant on how they will be able to guarantee vehicles are stored on site no longer than six (6) months.

- The Board may want to consider the difficulty of enforcement of the six (6) month vehicle storage maximum when making a decision to approve/deny the application or when developing conditions.
- This is a conditional district rezoning request. The Board may require mutually agreed upon conditions with the applicant to mitigate adverse impacts on adjoining properties.
- The property is still in violation of the Zoning Ordinance. Enforcement action on the violation is suspended while the rezoning request is being processed.

Attachments

- GIS Map
- Site plan
- Statement worksheet
- Application