



Planning and Development  
Department

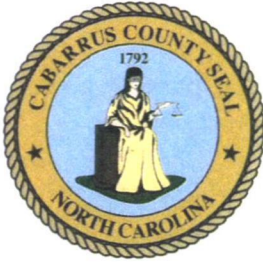
## Cabarrus County Government

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Cabarrus County Planning and Zoning Commission  
Tuesday, July 11<sup>th</sup>, 2023 @ 6:30 p.m.  
Board of Commissioners Meeting Room  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
2. Approval of June 13th, 2023, PZ Meeting Minutes
3. New Business Planning Board Function:
4. RZON2023-00003 – Request to rezone property from Low Density Residential (LDR) district to Office / Institutional (OI) district. Clermont Freewill Baptist Church is the owner of the subject property and the applicant of this request. The addresses associated with the subject property are 4688, 4686 & 4666 Rainbow Dr (PIN: 5604-72-0762, -0813 & 1319).
5. Legal Update
6. Director's Report
7. Adjourn



## Cabarrus County Government – Planning and Development

Planning and Zoning Commission Minutes  
July 11<sup>th</sup>, 2023

Mr. Charles Paxton, Chair, called the meeting to order at 6:31 p.m. Members present, in addition to the Chair, were Mr. Jeff Corley, Mr. Chris Pinto, Mr. Brent Rockett, Ms. Holly Girmsley, Mr. Stephen Wise, Mr. David Hudspeth, and Ms. Ingrid Nurse. Attending from the Planning and Zoning Department were, Mr. Phil Collins, Senior Planner, Ms. Susie Morris, Planning Director, Ms. Kendall Bolton, Clerk to the Board, and Mr. Richard Koch, County Attorney.

### **Roll Call**

### **Approval of Minutes**

Approval of June 13<sup>th</sup>, 2023, Planning and Zoning Commission Meeting Minutes.

There being no corrections or additions to the minutes, Mr. Jeff Corley **MOTIONED, SECOND** by Ms. Ingrid Nurse to **APPROVE** the June 11, 2023, meeting minutes. The vote was unanimous.

The Chair asked, is there anyone who would like to speak tonight on the rezoning?

Ms. Morris said, the two gentlemen in the back are here representing the church. I do not think you will have anyone for public comment.

The Chair said, so we will not need the rules.

Mr. Koch confirmed we will not need to read the rules.

### **New Business Planning Board Function:**

RZON2023-00003 – Request to rezone property from Low Density Residential (LDR) district to Office / Institutional (OI) district. Clermont Freewill Baptist Church is the owner of the subject property and the applicant of this request. The addresses associated with the subject property are 4688, 4686 & 4666 Rainbow Dr (PIN: 5604-72-0762, -0813 & -1319).

The Chair called on Mr. Collins to present the staff report.

Mr. Collins said thank you, the subject properties are currently occupied by a religious institution. The church has occupied and used the site since well before zoning was originally adopted. There are three parcels that make up the subject property. The northernmost parcel is

occupied by the parsonage. The middle parcel is occupied by the main building, parking, and an accessory building. The southernmost parcel is mostly vacant, except for a small shelter.

Adjacent land uses consist of residential and vacant properties. The subject property is surrounded by properties that are zoned LDR. With regards to the proposed zoning district, the development ordinance states that the OI district is used to provide for low intensity office and institutional uses that can be complimentary to adjacent residential land use.

This district features employment options and essential services which require a moderate number of average daily trips. These uses will have a minimal impact on the surrounding area because these trips will generally occur during regular business hours, thus, not competing with residential traffic at peak hours. This district should be located adjacent to residential districts or in areas where its use would serve as a transition between residential land uses and higher intensity non-residential land uses. Higher intensity non-residential land uses may include commercial districts, light industrial, or mixed-use districts. When bordering residential districts or residential developments, care should be taken to assure natural or manmade buffering and architectural compatibility so that the nonresidential activities are not a nuisance to residential use.

With regard to the land use plan. The subject property is located within the boundaries of the Northwest Cabarrus Land Use Plan. The Plan recommends that the area be developed with medium density residential uses. The Plan further recommends development at a density of two to four dwelling units per acre for the area. Although the recommendation of the Plan is for residential uses, the subject property is currently developed with an institutional use, which has occupied the property since before zoning was implemented in Cabarrus County. The rationale of the OI district states that it is intended for low intensity office and institutional uses that can be complementary to adjacent residential land use.

In conclusion, the proposed rezoning is not consistent with the Northwest Area Plan. However, the subject property supports an existing religious institution, comprised of multiple parcels and structures, which was constructed prior to county zoning and adoption of the land use plan.

The subject property currently has an LDR residential zoning designation. Religious institutions are permitted based on the standards of section 7.3-42. This includes the doubling of the setbacks, and the use must front on an arterial or collector road.

The subject property consists of three parcels and the religious institution currently occupies all three. As the facility is currently zoned and developed, there are non-conforming site design characteristics. On 4686 Rainbow Drive, (showing exhibit on screen) existing parking lot encroaches into required landscape buffer and thoroughfare yard. (showing markings on map in red). Existing accessory building encroaches into required perimeter landscape buffer (showing markings on map in red). Existing accessory building encroaches into required rear

setback (showing markings on map in red). Existing impervious area exceeds 20% maximum of the LDR district, you can see on the first page which summarizes all those numbers.

4666 Rainbow Drive, it is very small (showing on map) the encroachment of existing shelter into 75' front setback. Also, the accessory structure is the only structure on the lot, that is not permitted by the ordinance either.

The proposed zoning change from LDR, which is a residential designation, would provide greater flexibility in site design and use of the property as the facility grows. All three parcels are included in the proposed rezoning to OI. The applicant intends to combine the properties into one lot in the future. If the properties are successfully rezoned and the lots combined, under the current Development Ordinance, non-conforming site characteristics will continue to exist. See last page, Exhibit H.

Encroachment into the required perimeter landscape buffer of a portion of the parsonage, the well house, and a portion of outbuilding one, which is on the northern side. Encroachment of the rear corner of the existing main church building into the new 41' perimeter landscape buffer. That is a very small encroachment area. Increased encroachments of the existing accessory building and parking lot into the new 41' perimeter landscape buffer. That is being increased because the buffer is determined by the size of the lot. Existing parking lot encroachment into the required thoroughfare yard. That is along the front (showing on map). The red markings are where that encroachment takes place, that can be addressed at any time in the future if they want to do any more improvements to the property. Reduced encroachment of the accessory building into the 20' rear setback. This is still an encroachment, but it is reduced because you go to OI and the setbacks are reduced.

Although, there will still be non-conforming site characteristics, the facility could be more easily expanded in the future if rezoned to OI since the OI district is intended for institutional uses, such as religious facilities. Should the applicant decide to expand the use of the site, variances would most likely be needed to accommodate new development. The OI zoning district serves as a transitional district between residential and commercial districts. It is also the more appropriate district for institutional uses, like churches and schools.

This is a conventional rezoning request; therefore, all uses permitted in the OI zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.

The Chair asked if there were any questions for Mr. Collins.

Mr. Corley asked Mr. Collins, the variance discussion, if we made this change there are still some non-conformities. What would trigger the need for them to resolve those?

Mr. Collins said, if they come in for an expansion, for instance to expand the building, they would have to go through the variance process and bring the site into compliance.

Mr. Corley said, thank you.

The Chair asked if there were any other questions, there being none, the Chair opened the public hearing.

Duane Mann, 9015 Mann Road Kannapolis NC, 28081 said, I am for this rezoning, all we are looking to do is to put a sign out front.

Leonard Ewing, 1113 Mountain Street Kannapolis NC, 28081 said, you better believe I am for this rezoning.

The Chair then closed the public hearing. At this time, we will discuss the rezoning.

Mr. Corley said, the land use plan has residential uses. It is currently developed as an institutional use. The OI district is much more appropriate and is complimentary to the surrounding residential uses. It will allow them to continue to use their site as it is currently being used today, with the operational church preexisting to the zoning that was placed on the property. It will provide greater flexibility for signage, impervious areas, setbacks, buffering, etc. as the facility continues to grow.

The Chair said, obviously this use was in place before the zoning was instituted so I think that is a point of their need. It will have a minimal impact upon the surrounding area, that is a positive statement. It will provide flexibility if they want to develop the site in the future. I think those are some of the positives with this rezoning.

The Chair asked if there were any other comments. There being none, he asked if anyone would like to make a motion?

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Brett Rocket to **APPROVE** the rezoning request from LDR to OI based on the reasons mentioned by the Board. Vote was unanimous.

#### **Consistency statement**

Mr. Koch said, based on the staff report, the staff's presentation, and what we have heard from the applicant, this rezoning, even though it is not consistent with the Northwest Area Land Use Plan, is still reasonable and in the public interest based on the reason stated by the board members in favor of the rezoning.

Mr. Brent Rockett **MOTIONED, SECOND** by Ms. Ingrid Nurse to **APPROVE** the consistency statement. Vote was unanimous.

## Legal update

Mr. Koch said, there has been some movement on the matter involving Flowes Store Road next to the fire house. I believe Susie has some more on that.

Ms. Morris said, we are actually going to court tomorrow. We did the mediation and there is a settlement agreement, but Mr. Radford did not uphold his part of the agreement. A Show Cause Order was filed so we will be going to court tomorrow at 2pm to see what the Judge says. They did not come back and ask for additional time. If you all remember, that was the reason that case was pursued the way that it was in court, so that we would have that Order and would have something to point back to, to say you complied with it or you did not. Noncompliance is considered Contempt of Court. It will be up to the judge tomorrow to determine weather or not they think that they made an effort or did not make an effort. Stay tuned on that one.

Mr. Corley said, obviously the final site cleanup is a big problem, there was a deed restriction, or something put on there?

Ms. Morris said, correct. They had 10 days to tear down the unsafe structure and then 45 days from that date to clean up the entire site, including the demoed structure. There are two additional buildings out there, storage buildings, and a manufactured home. Nothing had to happen with those, it was strictly cleaning up the demoed building and all of the piles of wood that were out there.

As soon as the 22<sup>nd</sup> hit, our attorney started communicating with their attorney again. We also have a 3<sup>rd</sup> party attorney with this, they were also a part of the mediation. Even before the time was up, they were contacting our attorney saying they aren't doing anything, what is the county going to do about it. The covenant came out of the private litigation piece, the other things came out of the County case. There is only one settlement agreement and all of the parties signed that agreement.

Mr. Koch said, probably some of you know Gaillard road, he is the neighbor that is involved in that. He did tear down that one building, the unsafe building, right?

Ms. Morris said, yes.

Mr. Koch said, he just didn't do the rest of it. When you go to court on a Show Cause, a judge actually has two options with holding someone in contempt. They can hold them in criminal contempt or civil contempt. They are different in the way they operate. In a case like this, they would not hold him in criminal contempt, probably be more civil contempt. Either way, there is

an option to put him in jail under either one. It will be interesting to see what the judge decides.

**Director's report**

Ms. Morris said, if we contacted you that you were eligible for reappointment and you agreed to reappointment, those will be submitted for the August meeting. We have three people, Mr. Pinto, Ms. Nurse, and Mr. Rockett. We are fortunate that they have all agreed to be reappointed. Hopefully the Board of Commissioners will make those reappointments and we can continue on with our business.

There was a lot of legislation with this session dealing with Planning, Zoning, and Development. We will be getting the text amendment committee back for those of you who may not remember that is a committee you are on, that is Mr. Corley, Mr. Dagenhart, Mr. Pinto, and Mr. Paxton. We will be reaching out and asking for comments like we typically do for that process. If any of you are unable to do that at this time, just let me know and I can approach someone else to fill that slot for you.

There being no further discussion, Ms. Grimsley **MOTIONED, SECONDED** by Mr. Stephen Wise to adjourn the meeting at 6:59 p.m. The vote was unanimous.

**APPROVED BY:**



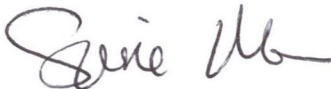
Mr. Charles Paxton, Vice-Chair acting as Chair

**SUBMITTED BY:**



Kendall Bolton, Clerk to the Board

**ATTEST BY:**



Susie Morris, Planning Director

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
7/11/2023

Staff Use Only:  
Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

**Petition: RZON2023-00003 Rezoning**

Applicant Information: Clermont Freewill Baptist Church  
4686 Rainbow Drive  
Kannapolis, NC 28081

Owner Information: Clermont Freewill Baptist Church  
4686 Rainbow Drive  
Kannapolis, NC 28081

Existing Zoning: LDR (Low Density Residential)

Proposed Zoning: OI (Office/Institutional)

Permitted Uses: Any use permitted within the LDR district is permitted on the subject property.

Proposed Uses: All uses allowed in OI zoning district.

Parcel ID Numbers: 5604-72-0762, 5604-72-0813 & 5604-72-1319

Property Addresses: 4688, 4686 & 4666 Rainbow Drive

Area in Acres: ± 3.46 ac (all parcels combined)

Site Description: The subject properties are currently occupied by a religious institution (Clermont Free Will Baptist Church). The church has occupied and used the site since well before zoning was originally adopted. There are three parcels that make up the subject property. The northernmost parcel, 4688 Rainbow Drive, is occupied by the parsonage. The middle parcel, 4686 Rainbow Drive, is occupied by the main building, parking, and an accessory building. The southernmost parcel, 4666 Rainbow Drive, is mostly vacant, except for a small shelter.

Adjacent Land Use: North: Residential & Vacant  
East: Residential & Vacant  
South: Residential  
West: Residential & Vacant

Surrounding Zoning: North: LDR (Low Density Residential)  
East: LDR (Low Density Residential)  
South: LDR (Low Density Residential)  
West: LDR (Low Density Residential)



Utility Service Provider: Currently, the subject property is served by Kannapolis water and private septic.

### Exhibits

EXHIBIT A – Staff Report  
EXHIBIT B – Application  
EXHIBIT C – Property Deeds  
EXHIBIT D – Property Maps  
EXHIBIT E – Adjacent Property Owner & Property Owner Letters  
EXHIBIT F – Neighborhood Meeting Information  
EXHIBIT G – Use Comparison Table  
EXHIBIT H – Site Design Information

### Intent of Zoning Districts

#### **PROPOSED DISTRICT: OFFICE/INSTITUTIONAL (OI)**

This district is intended to accommodate relatively low intensity office and institutional uses at intensities complementary to residential land use. This district serves as a transitional district between residential land uses and higher intensity non-residential land uses.

#### **RATIONALE**

This district is used to provide for low intensity office and institutional uses that can be complementary to adjacent residential land use. This district features employment options and essential services which require a moderate number of average daily trips. These uses will have a minimum impact on the surrounding area because these trips will generally occur during regular church business hours, thus, not competing with residential traffic at peak hours. This district should be located adjacent to residential districts or in areas where its use would serve as a transition between residential land uses and higher intensity non-residential land uses. Higher intensity non-residential land uses may include commercial districts, light industrial or mixed-use districts. When bordering residential districts or residential developments, care should be taken to assure natural or manmade buffering and architectural compatibility so that the nonresidential activities are not a nuisance to residential use.

#### **EXISTING DISTRICT: LOW DENSITY RESIDENTIAL**

This district is intended to permit development with a low-density residential community character. This district allows conventional, open space and amenity subdivisions. This district is located where public utilities are available or are envisioned available within the next two to five years.

## **RATIONALE**

This district is designed to provide permanent protection for those who want to live in a low-density residential environment. The district, while focused on single-family residential development, is designed to allow a wide variety of residential types.

### **Agency Review Comments**

#### **Planning Review:**

*Staff Report, Phillip Collins, Senior Planner, Cabarrus County*

#### **NCDOT Review:**

*No comments received. NCDOT review will be required for future development of site.*

#### **Fire Marshal Review:**

*We are fine with the proposal, Jacob Thompson, County Fire Marshal*

#### **EMS Review:**

*No comments. Justin Brines, Cabarrus County EMS Director*

#### **Sheriff's Office Review:**

*No comments. Travis McGee, Cabarrus County Sheriff's Lieutenant*

#### **Health Alliance Review:**

*No comments. Chrystal Swinger, Cabarrus Health Alliance*

#### **Cabarrus Soil & Water Conservation:**

*No comments. Tammi Remsburg, Resource Conservation Coordinator*

### **Land Use Plan Analysis**

The subject property is in the Northwest Cabarrus Land Use Plan (Plan) area. The Plan recommends that the area be developed with medium density residential uses. The Plan further recommends development at a density of two to four dwelling units per acre for this area.

Although the recommendation of the Plan is for residential uses, the subject property is currently developed with an institutional use, Clermont Freewill Baptist Church, which has occupied the property since before zoning was implemented in Cabarrus County. The rationale of the OI district states that it is intended for low intensity office and institutional uses that can be complementary to adjacent residential land use.

### **Conclusions**

- The subject property is in the Northwest Area Land Use Plan (plan) area. The plan recommends this area be developed with medium density residential uses. The proposed rezoning is not

consistent with the Northwest Area Plan (Plan). However, the subject property supports an existing religious institution, comprised of multiple parcels and structures, which was constructed prior to county zoning and adoption of the land use plan.

- The subject property currently has an LDR residential zoning designation. Religious institutions are permitted based on standards if certain site design requirements are met. Section 7.3-42 of the Development Ordinance states:

42. Religious Institution with Total Seating Capacity 350 or Less

*Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts*

- *The required setbacks of each zone shall be doubled in residential districts.*
- *The use must front on an arterial or collector road.*

- The subject property consists of three parcels and the religious institution currently occupies all three. As the facility is currently zoned and developed, there are non-conforming site design characteristics:
  - 4686 Rainbow Drive
    - Existing parking lot encroaches into the required perimeter landscape buffer and thoroughfare yard
    - Existing accessory building encroaches into required perimeter landscape buffer
    - Existing accessory building encroaches into required rear setback
    - Existing impervious area exceeds 20% maximum of the LDR district
  - 4666 Rainbow Drive
    - Encroachment of existing shelter into 75' front setback
    - Accessory structure is the only structure on the lot (no primary structure)
- The proposed zoning change from LDR, which is a residential designation, to OI, which is an office and institutional designation, would provide greater flexibility in site design (signage, impervious area, reduced setbacks, buffering etc.) and use of the property as the facility grows.
- All three parcels are included in the proposed rezoning to OI. The applicant intends to combine the properties in to one lot in the future. If properties are successfully rezoned and the lots combined, under the current Development Ordinance, non-conforming site characteristics will continue to exist:
  - Encroachment into the required perimeter landscape buffer of a portion of the Parsonage, the well house, and a portion of outbuilding 1.
  - Encroachment of the rear corner of the existing main church building into the new 41' perimeter landscape buffer
  - Increased encroachments of the existing accessory building and parking lot into the new 41' perimeter landscape buffer
  - Existing parking lot encroachment into the required thoroughfare yard
  - Reduced encroachment of the accessory building into the 20' rear setback

- Although, there will still be non-conforming site characteristics, the facility could be more easily expanded in the future if rezoned to OI since the OI district is intended for institutional uses, such as religious facilities. Should the applicant decide to expand the use of the site, variances would most likely be needed to accommodate new development.
- The OI zoning district serves as a transitional district between residential and commercial districts. It is also the more appropriate district for institutional uses, like churches and schools.

This is a conventional rezoning request; therefore, all uses permitted in the OI zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.



## CABARRUS COUNTY REZONING APPLICATION

STAFF USE ONLY:

Application/Accela#: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

### INSTRUCTIONS/PROCEDURES:

1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a zoning map amendment request.
2. Submit a complete application for an amendment to the official zoning map to the Planning Division. All applications must include the following:
  - Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
  - A recent survey or legal description of the property or area of the property to be considered for rezoning.
  - Neighborhood meeting documentation (minutes and list of attendees).
  - Any additional documents essential for the application to be considered complete. (Determined as part of the pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.
  - Fees: Residential rezoning request 1 acre or less = \$400.00
  - Residential rezoning request greater than 1 acre = \$400.00 plus \$15 per acre
  - Non-residential rezoning request = \$650.00 plus \$15 acre
  - (Plus, cost of advertising and engineering fees if applicable)
  - (if a 3<sup>rd</sup> submittal is required, an additional review fee will be assessed)

The deadline for submittal is always the same day as the Planning and Zoning Commission Meeting which is the second Tuesday of the month. Applications must be submitted before 2:00 PM that day for consideration on the next available agenda.

**Incomplete applications will be returned to the applicant and will not be processed.**

### PROCESS SUMMARY:

1. Hold a pre-application meeting with Staff to discuss your rezoning request and the map amendment process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.

Staff will review your complete application, prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for rezoning.

**Meeting Information:** Meetings are held the second Tuesday of each month at 6:30 PM in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE.

**Expedited Vote:** A vote of  $\frac{3}{4}$  or more of the members of the Planning and Zoning Commission is considered an Expedited Vote and will constitute a final decision. If approval or denial of a rezoning request is by a vote of less than  $\frac{3}{4}$  of the members, or if an appeal of the decision is filed within 15 days

of the date of the decision, the application will automatically be forwarded to the Board of Commissioners for final consideration at a *de novo* hearing.

**Questions:** Any questions related to rezoning your property or to the rezoning process may be directed to the Planning Division at 704-920-2141, between 8 AM and 5 PM, Monday through Friday.

**SUBJECT PROPERTY INFORMATION:**

Street Address 4682-4688-4686 - Rainbow Dr Kann NC \* 28081  
PIN(s) (10 digit #) \_\_\_\_\_ ; \_\_\_\_\_  
Deed Reference Book 780 Page 0200-  
688 225-  
Township # 4 795 344-  
(FOUR)

**DESCRIPTION OF SUBJECT PROPERTY:**

Size (square feet or acres) 3.2  
Street Frontage (feet) \_\_\_\_\_  
Current Land Use of Property Church  
Surrounding Land Use North \_\_\_\_\_  
South \_\_\_\_\_  
East \_\_\_\_\_  
West \_\_\_\_\_

**REQUEST:**

Change Zoning From Residential To O.I.

Purpose for Request:

Enlarging Church Sign & Upgrading of Building

**LAND USE PLAN CONSISTENCY STATEMENT**

Describe how the proposed rezoning meets the land use plan(s) for the subject parcel(s):

Looking to Expand Church Sign

**UTILITY SERVICE:**

Water Supply \_\_\_ Well or  Service Provider Kans. City  
Wastewater Treatment  Septic Tank(s) or \_\_\_ Service Provider \_\_\_\_\_

Is Applicant the designated Point Of Contact for comments and for billing? Yes  No \_\_\_\_\_

If no, provide POC name, email, phone and address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY OWNER/AGENT/APPLICANT INFORMATION:**

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of proving its need rests with the below named petitioner(s).

I do hereby certify that the information that I have provided for this application is, to the best of my knowledge, true and correct.

**PROPERTY OWNER**

**AGENT/APPLICANT**

Clermont FWB Church  
NAME

Duane Mann / Leonard Ewing  
NAME

4686 Rainbow Drive  
ADDRESS

9015 Mann Rd  
ADDRESS

Kannapolis, NC, 28081  
CITY, STATE, ZIP CODE

Kannapolis, NC, 28081  
CITY, STATE, ZIP CODE

704-699-9890 (Duane Mann)  
PHONE NUMBER

704-699-9890  
PHONE NUMBER

FAX NUMBER

FAX NUMBER

ClermontFWBChurch@yahoo.com  
E-MAIL ADDRESS

hermother2000@yahoo.com  
E-MAIL ADDRESS

Signature of Property Owner: Jacqueline Clark Date: 5/29/23

Signature of Property Agent/Applicant: Leonard Ewing Date: 5/29/23



Deed Book 421  
Page 746  
4686 Rainbow Drive

BOOK 421 PAGE 746

05130  
Deed

Drawn By:  
ALEXANDER & BROWN  
Attorneys At Law  
KANNAPOLIS, N. C.

FILED  
BOOK 421 PAGE 746

MAY 10 2 20 PM '72

JAMES O. BONDS  
REGISTER OF DEEDS  
CABARRUS CO., N. C.

File/Mail to:

THIS DEED Made this the 2nd day of May, 1972, by

Bernard L. Dayvault and wife, Sarah M. Dayvault

of Cabarrus County, State of North Carolina, part 108 of the first part, to

Trustees of Clermont Freewill Baptist Church

of Cabarrus County, State of North Carolina, part 108 of the second part:

WITNESSETH that the said part 108 of the first part, in consideration of Ten Dollars and Other Valuable Considerations to them paid by the said parties of the second part, the receipt of which is hereby acknowledged, has/have bargained and sold, and by these presents does/do bargain, sell and convey unto the said part 108 of the second part and their heirs and assigns a tract of land in the County of Cabarrus and State of North Carolina, in Number Four Township, and bounded as follows:

Lying about three miles west of the town of Kannapolis, N. C., and being a part of the LOCK D. BOST PROPERTY on the east side of the Old Bethpage Road (now Rainbow Drive), adjoining the lands of Mullis and others and more particularly described as follows:

Beginning at an iron stake in the east edge of the Old Bethpage Road (now Rainbow Drive), corner of Mullis, and runs thence with the line of Mullis N. 72-58 E. 245.2 feet to a stake, corner of Mullis in the old line; thence with the old line N. 3-0 E. 157.2 feet to a stake in the old line, a new corner; thence a new line S. 64-58 W. 309.2 feet to a stake in the East edge of the Old Bethpage Road (now Rainbow Drive), a new corner; thence with the east edge of the Old Bethpage Road (now Rainbow Drive) S. 20 E. 103.7 feet to the beginning, containing 0.73 acres, more or less.

For back title, see Deed Book 230 at page 258; see also Deed Book 211 at page 226 and Deed Book 409 at page 184.

STATE OF NORTH CAROLINA  
CABARRUS COUNTY  
1972  
12 00  
16633

Deed Book 780  
Page 200  
4688 Rainbow Drive

BOOK 780 PAGE 200  
 03760  
 NORTH CAROLINA  
 FEB 14 '91  
 RB. 10727  
 Real Estate Excise Tax  
 42.00  
 1368

FILED  
 BOOK 780 PAGE 200  
 FEB 14 3 06 PM '91  
 CHARLES B. ROSS  
 REGISTER OF DEEDS  
 CABARRUS CO., N.C.

Excise Tax 42.00

Recording Time, Book and Page

Tax Lot No. 4/10/9.00 Parcel Identifier No.  
 Verified by County on the day of 19  
 by

Mall after recording to CRITZ, BLACK & ROGERS, P.A., PO Box 745, Concord, NC 28026-0745

This instrument was prepared by CRITZ, BLACK & ROGERS, P.A. File No. 7872-C  
 Brief description for the Index

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 14th day of February, 1991, by and between

GRANTOR	GRANTEE
DENNIS RAY JOPLIN (SINGLE)	CLERMONT FREEWILL BAPTIST CHURCH, BY AND THROUGH ITS TRUSTEES, BOBBY KEITH BLACK, NORRIS WAYNE WYATT, AND ELMORE PITTMAN
	4686 Rainbow Drive Kannapolis, North Carolina 28081

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of \_\_\_\_\_ Number Four Township,

Cabarrus County, North Carolina and more particularly described as follows:

Lying and being in No. 4 Township, Cabarrus County, North Carolina, on the east side of Rainbow Drive, adjoining the property of Clermont Freewill Baptist Church [hereinafter sometimes referred to as "Clermont" (Deed Book 421, Page 746)], and Charles White Hair (Deed Book 244, Page 131), and being more particularly described as follows:

BEGINNING at a No. 5 rebar located on the east side of Rainbow Drive, a corner of Clermont Freewill Baptist Church, and runs thence with the east side of Rainbow Drive, N. 15-30-13 W. 144.95 feet to a 1-inch iron pipe, another corner of Clermont; thence with a line of Clermont, N. 74-51-00 E. 318.90 feet to a 2-inch iron pipe in the line of Hair, a corner of Clermont; thence with the line of Hair, S. 06-08-06 E. 114.39 feet to a 1-inch iron pipe, another corner of Clermont; thence with a line of Clermont, S. 68-46-10 W. 301.78 feet to the point of BEGINNING, containing 0.913 acres, as surveyed by Samuel L. King, Jr., R.L.S., February 7, 1991, a copy of said survey being attached hereto and incorporated fully herein by reference.

Being the same property described in Deed Book 688, Page 225, Cabarrus County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 688, Page 225, Cabarrus County Registry.

A map showing the above described property is recorded in Plat Book page TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Restrictions recorded in Deed Book 688, Page 225, Cabarrus County Registry.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name) Dennis Ray Joplin (SEAL) Dennis Ray Joplin By: (SEAL) President ATTEST: (SEAL) Secretary (Corporate Seal) (SEAL)



NORTH CAROLINA, Cabarrus County. I, a Notary Public of the County and State aforesaid, certify that Dennis Ray Joplin Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14th day of February, 1981. My commission expires: 8/4/91 Mary B. Rossman Notary Public

SEAL-STAMP NORTH CAROLINA, County. I, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he is Secretary of a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal, this day of 19. My commission expires: Notary Public

The foregoing certificate of Mary B. Rossman, Notary Public of Cabarrus County, is so certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. CHARLES B. ROSS REGISTER OF DEEDS Cabarrus COUNTY By: [Signature] Deputy Assistant - Register of Deeds

BOOK 780 PAGE 202

THIS IS TO CERTIFY THAT ON THE 7TH DAY OF FEB., 1991 I, SURVEYED THE PROPERTY SHOWN ON THIS PLAT. AND THAT THE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON. THIS PROPERTY DOES NOT LIE IN A DESIGNATED FLOOD PLAIN AREA.

PLAT PREPARED BY:  
KING ENGINEERING  
P. O. BOX 904  
CONCORD, NC 28026-0904  
PHONE 704 - 788 - 5484

*Samuel L. King, Jr.*  
REGISTERED LAND SURVEYOR

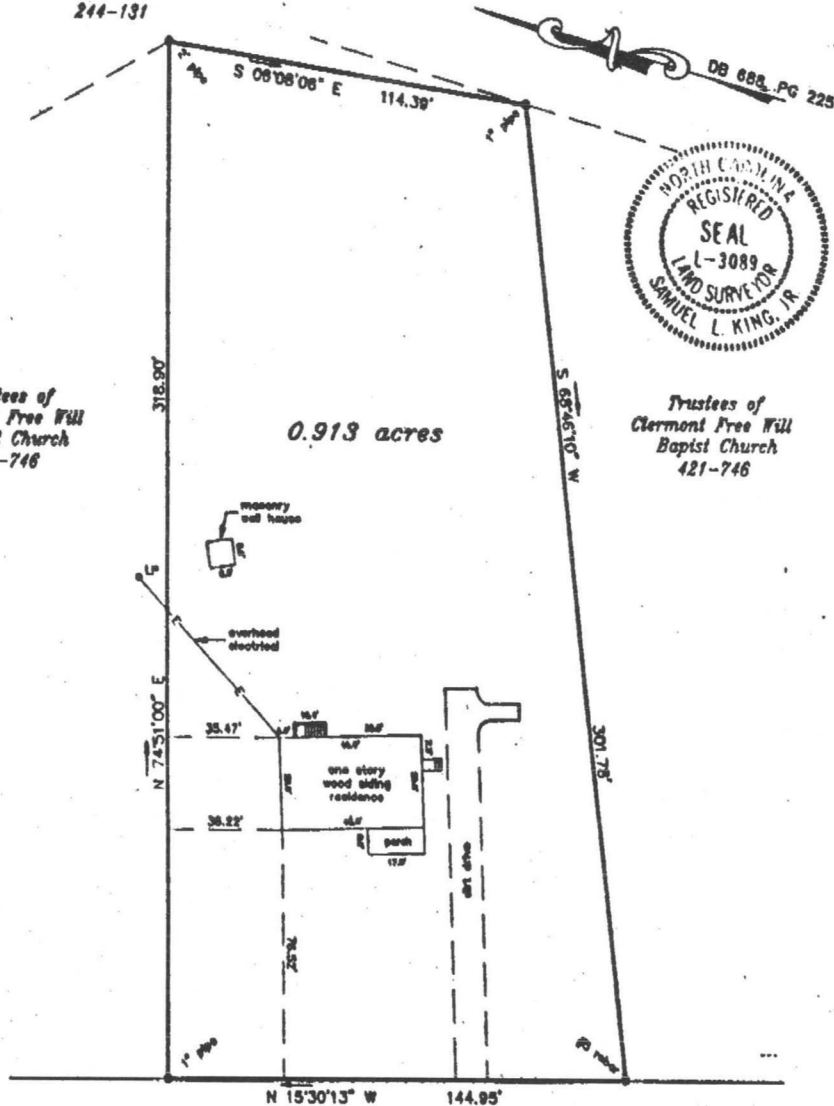
*Charles White Hair*  
244-131



Trustees of  
Clermont Free Will  
Baptist Church  
421-746

0.913 acres

Trustees of  
Clermont Free Will  
Baptist Church  
421-746



RAINBOW DRIVE 60' R/W

PHYSICAL SURVEY OF 0.913 ACRE LOT LOCATED AT 4886 RAINBOW DRIVE  
IN NUMBER 4 TWP., CABARRUS COUNTY, NORTH CAROLINA

SCALE: 1"=40'

THE PROPERTY OF: *Trustees of Clermont Free Will Baptist Church*

DEED REFERENCE RECORDED IN DEED BOOK 688 , PAGE 225

JOB NUMBER 91324

Deed Book 795  
Page 344  
4666 Rainbow Drive



BOOK FILED PAGE  
 JUN 20 10 18 AM '91  
 REG. CLERK  
 REC'D

Excise Tax 21

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. \_\_\_\_\_  
 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 by \_\_\_\_\_

Mail after recording to Brice J. Willeford, Jr., Attorney at Law  
 Post Office Box 47, Kannapolis, North Carolina 28082-0047  
 This instrument was prepared by Brice J. Willeford, Jr., Attorney at Law  
 Brief description for the Index 1.464 acres e/s of Rainbow Drive

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 14th day of June, 1991, by and between

GRANTOR

GRANTEE

MARIE M. WALKER and husband,  
 CHARLES B. WALKER

Route 7, Box 637-D  
 Salisbury, North Carolina 28146

BOBBY KEITH BLACK, NORRIS W. WYATT,  
 and JAMES ELMORE PITTMAN,  
 Acting as Trustees of Clermont FreeWill  
 Baptist Church, and their successors,  
 office, and assigns,  
 2682 Rainbow Drive  
 Kannapolis, North Carolina 28081

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of \_\_\_\_\_ Number Four Township,

Cabarrus County, North Carolina and more particularly described as follows:

Lying in No. 4 Township, Cabarrus County, North Carolina, on the east side of Rainbow Drive, adjoining Clermont FreeWill Baptist Church on the north side and Private Acres Subdivision on the east side, said following description being taken from a boundary survey entitled "The Property of Lois Mullis (Widow)" and being designated as a 1.464 acre tract, said boundary survey being prepared by Zackie L. Moore, Registered Land Surveyor dated December 22, 1990, and being more particularly described as follows:  
 BEGINNING at an existing iron pin in the eastern edge of Rainbow Drive, in the line of or a corner of the property of Clermont FreeWill Baptist Church (Deed Book 421, Page 746), and runs thence with the southern boundary of said church property N. 72-41 E. for a distance of 246.02 feet to an existing iron pin in the line of Lot No. 7 of Private Acres Subdivision; thence, with the western boundary of Private Acres Subdivision (Map Book 12, Page 35) S. 3-39-15 W. for a distance of 153.03 feet to an existing iron pin; thence continuing with the line of Private Acres Subdivision S. 3-20 W. for a distance of 303.66 feet to an existing iron pin, a corner of Lots 2 and 3 of Private Acres Subdivision; thence S. 83-45 W. for a distance of 56.5 feet to a new iron pin near the eastern edge of Rainbow Drive; thence with the eastern edge of Rainbow Drive N. 21-15-45 W. for a distance of 417.19 feet to the Point of Beginning, containing 1.464 acres, more or less, and being subject to the encroachment, if any, of Rainbow Drive upon the subject property;

For back reference, see Deed Book 169, Page 124, 216, and 226, in the Cabarrus County Registry.



The property hereinabove described was acquired by Grantor by instrument recorded in \_\_\_\_\_

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_  
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

1. Unpaid Cabarrus County ad valorem property taxes and any right-of-way or easement of record;
2. Water agreement recorded in Deed Book 506, Page 37;
3. Encroachment of Rainbow Drive upon subject property.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

\_\_\_\_\_  
(Corporate Name)

BY: \_\_\_\_\_  
President

ATTEST: \_\_\_\_\_  
Secretary (Corporate Seal)

USE BLACK INK ONLY

*Marie M Walker* (SEAL)  
Marie M. Walker

*Charles B. Walker* (SEAL)  
Charles B. Walker

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

REAL-STAMP NORTH CAROLINA, Cabarrus County.

I, a Notary Public of the County and State aforesaid, certify that  
Marie M. Walker and husband, Charles B. Walker Grantor,  
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my  
hand and official stamp of seal, this 14th day of June, 1991.

My commission expires: 11/3/91 *Linda B. Harward* Notary Public

REAL-STAMP NORTH CAROLINA, \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
personally came before me this day and acknowledged that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of  
\_\_\_\_\_ a North Carolina corporation, and that by authority duly  
given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_  
President, sealed with its corporate seal and attested by \_\_\_\_\_ as its Secretary.  
Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires: \_\_\_\_\_ Notary Public

The foregoing Certificate(s) of *Linda B. Harward, a Notary Public of Cabarrus County, N.C.*

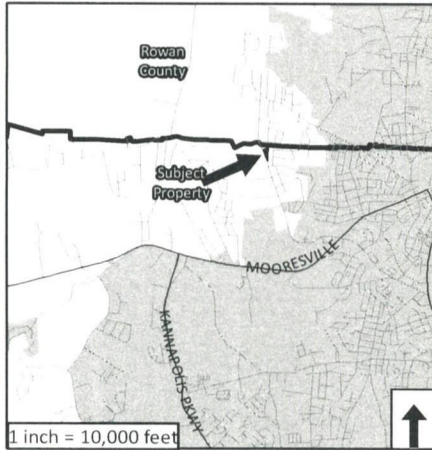
is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. CHARLES B. ROSE

REGISTER OF DEEDS REGISTER OF DEEDS FOR CABARRUS COUNTY  
By *Linda E. Miller* Deputy Notarial - Register of Deeds 6-26-1991

# Northwestern Planning Area Existing Zoning

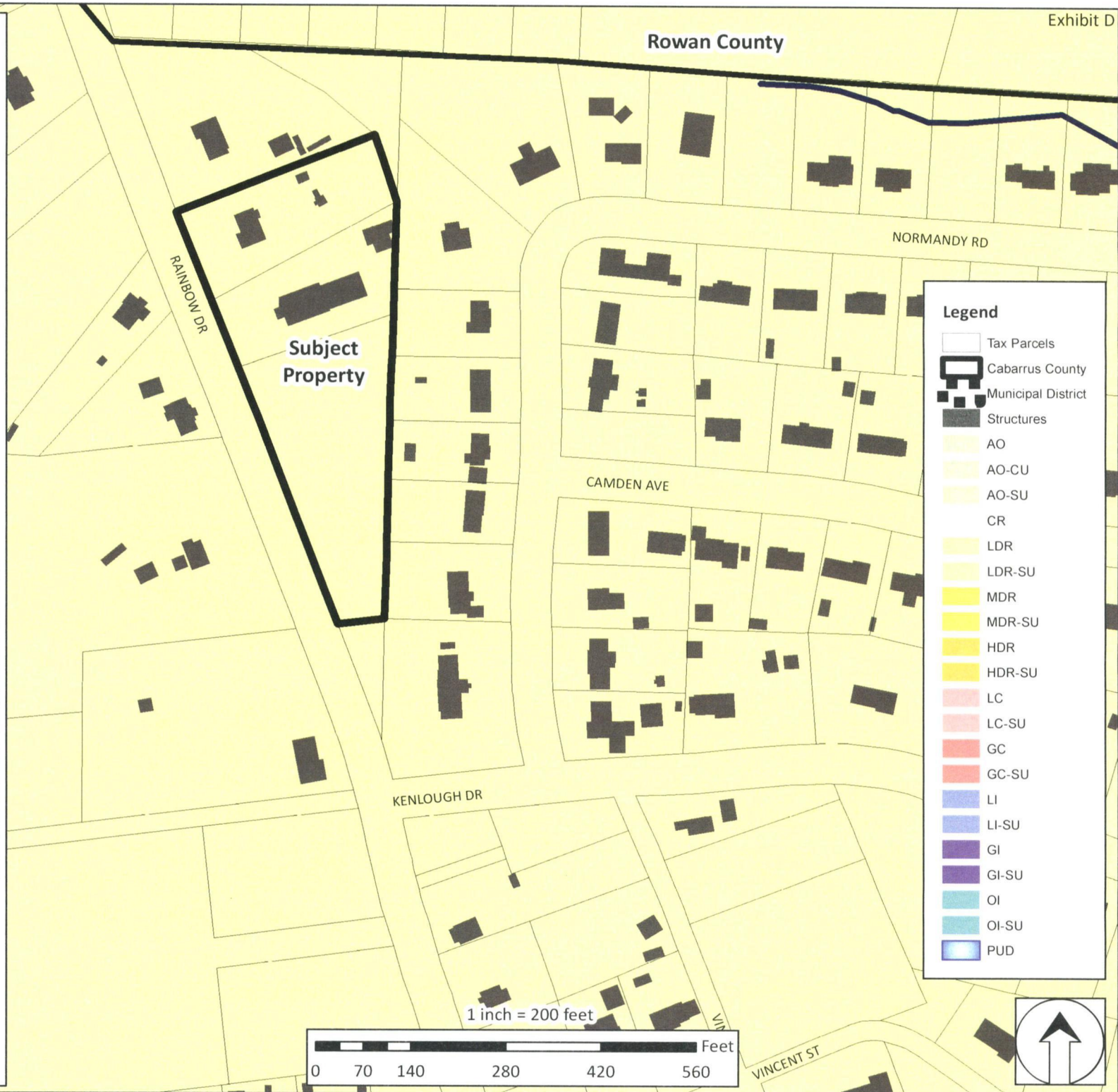


Applicant: Clermont FWB Church  
Owner: Clermont FWB Church  
Case: RZON2023-00003  
Address: 4688, 4686 & 4666  
Rainbow Drive  
Purpose: Rezone from LDR to OI  
PINs: 5604-72-0762, 5604-72-0813  
& 5604-72-1319



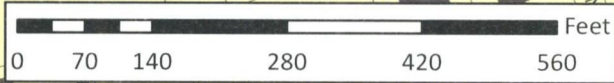
Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cabarrus County Planning & Development - July 2023



**Legend**

- Tax Parcels
- Cabarrus County
- Municipal District
- Structures
- AO
- AO-CU
- AO-SU
- CR
- LDR
- LDR-SU
- MDR
- MDR-SU
- HDR
- HDR-SU
- LC
- LC-SU
- GC
- GC-SU
- LI
- LI-SU
- GI
- GI-SU
- OI
- OI-SU
- PUD

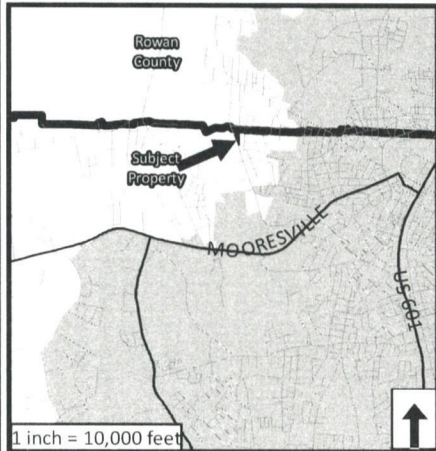


# Northwestern Planning Area Aerial Map



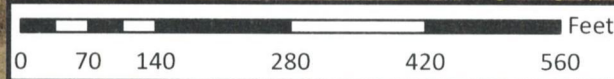
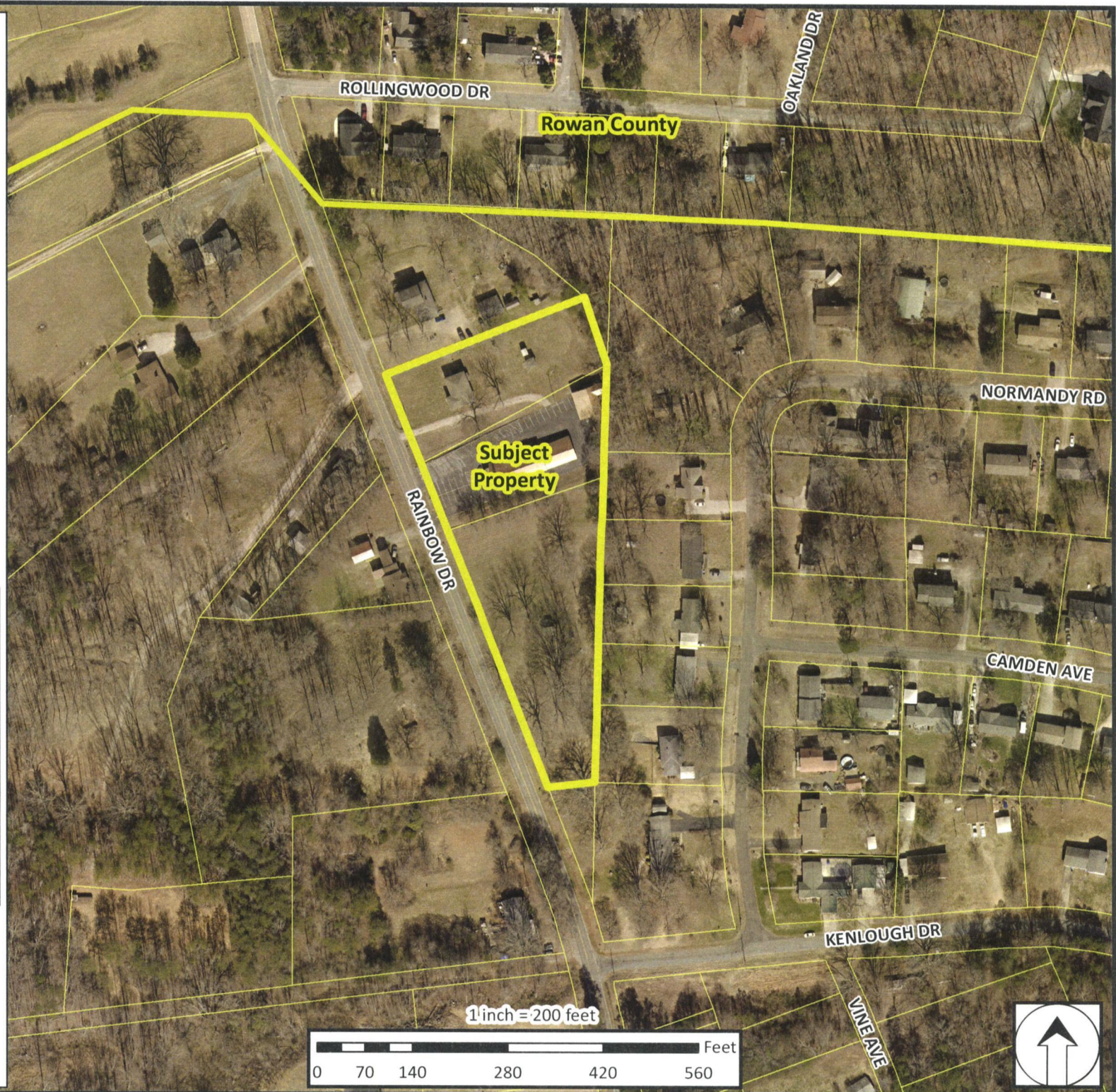
Applicant: Clermont FWB Church  
Owner: Clermont FWB Church  
Case: RZON2023-00003  
Address: 4688, 4686 & 4666  
Rainbow Drive  
Purpose: Rezone from LDR to OI  
PINs: 5604-72-0762, 5604-72-0813  
& 5604-72-1319

- Cabarrus County
- Municipal District
- Tax Parcels



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

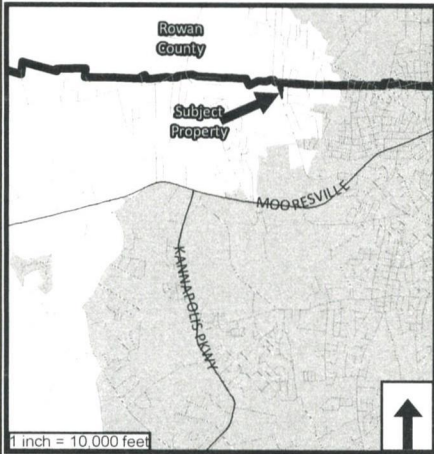
Map Prepared by Cabarrus County Planning & Development - July 2023



Northwestern Planning Area  
Future Land Use

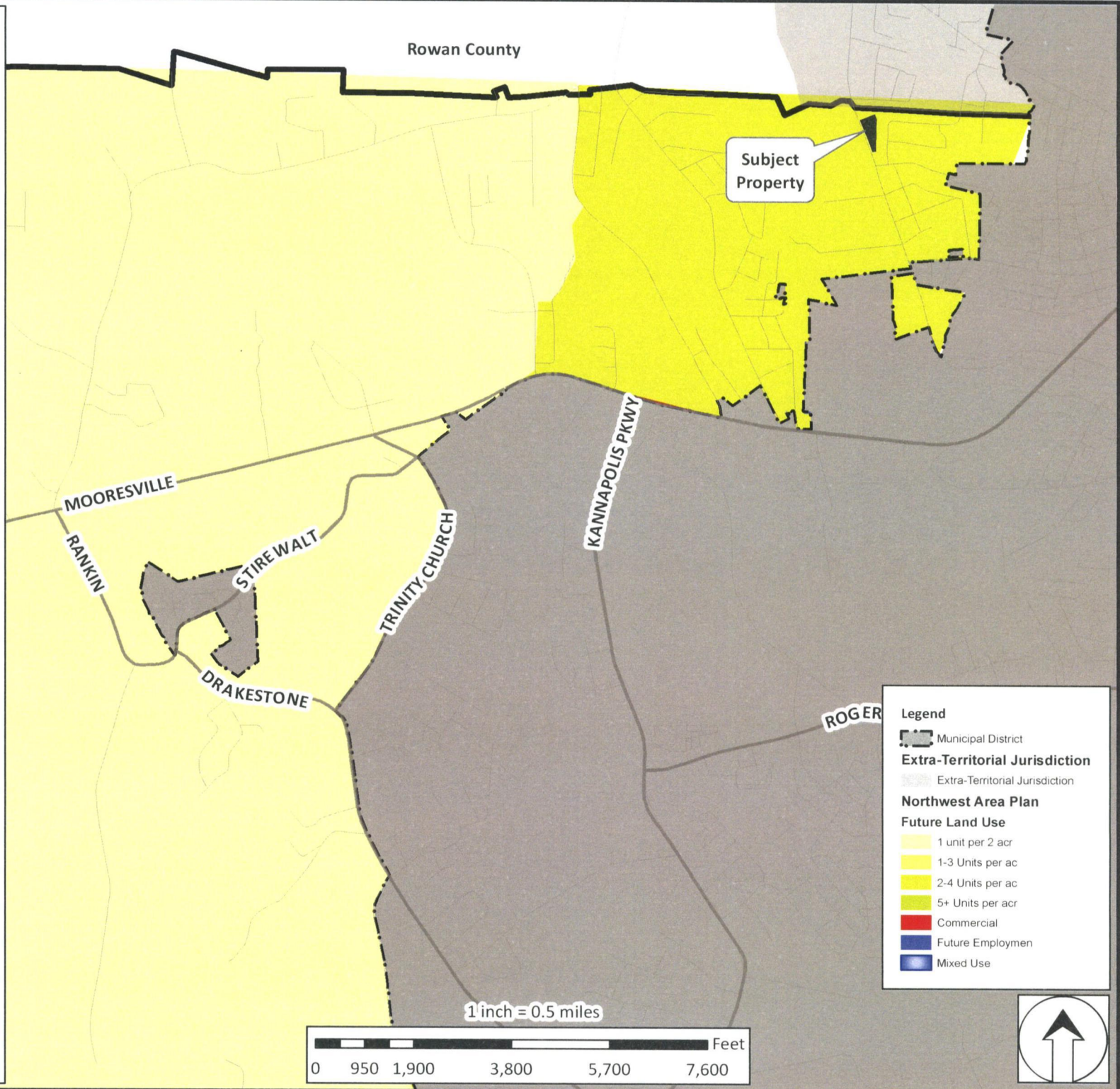


Applicant: Clermont FWB Church  
 Owner: Clermont FWB Church  
 Case: RZON2023-00003  
 Address: 4688, 4686 & 4666  
 Rainbow Drive  
 Purpose: Rezone from LDR to OI  
 PINs: 5604-72-0762, 5604-72-0813  
 & 5604-72-1319



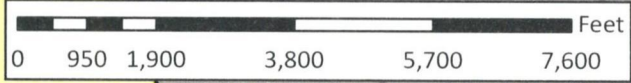
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Map Prepared by Cabarrus County Planning & Development - July 2023



**Legend**

- Municipal District
- Extra-Territorial Jurisdiction**
- Extra-Territorial Jurisdiction
- Northwest Area Plan**
- Future Land Use**
- 1 unit per 2 ac
- 1-3 Units per ac
- 2-4 Units per ac
- 5+ Units per ac
- Commercial
- Future Employers
- Mixed Use





**Cabarrus County Government – Planning and Development Department**

---

June 19, 2023

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, July 11, 2023 at 6:30 PM in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S Concord, NC 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning, I encourage you to attend this meeting.

<b>Petitioner</b>	<b>Clermont Free Will Baptist Church</b>
<b>Petition Number</b>	<b>RZON2023-00003</b>
<b>Property Location</b>	<b>4688, 4686 &amp; 4682 Rainbow Drive</b>
<b>Parcel ID Number</b>	<b>5604-72-0762, -0813 &amp; -1319</b>
<b>Existing Zoning</b>	<b>Low Density Residential (LDR)</b>
<b>Proposed Zoning Map Change</b>	<b>Office/Institutional (OI)</b>

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at 704.920.2181.

Sincerely,

Phillip Collins, AICP  
 Senior Planner  
 Cabarrus County Planning and Development  
 704.920.2181



**Cabarrus County Government – Planning and Development Department**

---

June 19, 2023

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, July 11, 2023 at 6:30 PM in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S Concord, NC 28025. A Public Hearing will be conducted, and public input will be allowed during that time. If you have any comments about the rezoning request, I encourage you to attend this meeting.

<b>Petitioner</b>	<b>Clermont Free Will Baptist Church</b>
<b>Petition Number</b>	<b>RZON2023-00003</b>
<b>Property Location</b>	<b>4688, 4686 &amp; 4682 Rainbow Drive</b>
<b>Parcel ID Number</b>	<b>5604-72-0762, -0813 &amp; -1319</b>
<b>Existing Zoning</b>	<b>Low Density Residential (LDR)</b>
<b>Proposed Zoning Map Change</b>	<b>Office/Institutional (OI)</b>

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at 704.920.2149.

Sincerely,

A handwritten signature in cursive script that reads "Phillip Collins".

Phillip Collins, AICP  
Senior Planner  
Cabarrus County Planning and Development  
704.920.2181



5604-62-9938

5604-73-1042

5604-62-1122

5604-72-2779

5604-72-0813

5604-72-2677

5604-72-0762

5604-72-2670

5604-62-7655

5604-72-1319

5604-72-2479

5604-62-8253

CAMDEN AVE

5604-62-7350

5604-72-2379

NORMANDY RD

5604-72-2277

5604-72-2177

KENLOUGH DR

5604-62-8076

5604-72-1147

VINE AVE


VINCENT ST  
1 inch = 200 feet

PROPERTY OWNER						
PIN	NAME	PHYSICAL ADDRESS	MAILING ADDRESS	CITY	STATE	ZIP
5604-72-0762	CLERMONT FREEWILL BAPTIST CH	4686 RAINBOW DR	4682 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-1319	CLERMONT FREEWILL BAPTIST CH	4666 RAINBOW DR	4682 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-0813	CLERMONT FREEWILL BAPTIST CH	4688 RAINBOW DR	4682 RAINBOW DR	KANNAPOLIS	NC	28081

SURROUNDING PROPERTIES						
PIN	NAME	PHYSICAL ADDRESS	MAILING ADDRESS	CITY	STATE	ZIP
5604-72-2177	ALLEEN WILLIS PENCE TRUSTEE	4646 RAINBOW DR	4646 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-2670	NEXJEN HOLDINGS LLC	1932 NORMANDY RD	355 COUNTRY RIDGE RD	ROCKWELL	NC	28138
5604-62-7655	MAXIMO MONTER	4687 RAINBOW DR	401 BLACKHAWK DR	KANNAPOLIS	NC	28081
5604-72-2677	BAF ASSETS 5 LLC	1930 NORMANDY RD	5001 PLAZA ON THE LK STE 200	AUSTIN	TX	78746
5604-62-9938	MEE VANG	4690 RAINBOW DR	4690 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-2379	KAROLE NORTHRUP	2000 NORMANDY RD	2000 NORMANDY RD	KANNAPOLIS	NC	28081
5604-72-2277	ANNIE PARKER	2002 NORMANDY RD	2002 NORMANDY RD	KANNAPOLIS	NC	28081
5604-72-2779	RODNEY PULLIAM	1928 NORMANDY RD	1926 NORMANDY RD	KANNAPOLIS	NC	28081
5604-62-7350	MAXIMO MONTER	4671 RAINBOW DR	4667 RAINBOW DR	KANNAPOLIS	NC	28081
5604-62-8523	LOGAN & LINDAY CAUSEY	4681 RAINBOW DR	4681 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-2479	CURTIS EDWARDS	1934 NORMANDY RD	1934 NORMANDY RD	KANNAPOLIS	NC	28081
5604-62-1122	JOHN & ALEXANDER ESPOSITO	4693 RAINBOW DR	809 CAROLYN LN	CHARLOTTE	NC	28213
5604-62-8076	RICHARD & BARBARA BEST	4655 RAINBOW DR	4645 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-1147	UNKNOWN TWP 4 MAP 10 PARCEL 18	4648 RAINBOW DR				
5604-73-1042	UNKNOWN OWNER(4-10-2.00)	4700 RAINBOW DR				



6/22/23, 8:51 AM  
Kannapolis

**CABARRUS COUNTY**  
**ZONING**  
  
**NOTICE**  
RZON2023-00003  
FOR DETAILS CALL  
704 - 920 - 2141



*Clermont Free Will Baptist Church*

Parsonage  
4686 Rainbow Drive  
(704) 932-7905

4682 Rainbow Drive  
Kannapolis, North Carolina 28081



*Miracle Church*

**REZONING OF CLERMONT FWB CHURCH**

**TO WHOM IT MAY CONCERN;**

**We the people of Clermont FWB Church are looking to rezone our property from residential to O.I.(Occupational Institutional), which means the same as schools, fire depts. etc. This is being done in order for expansion of our church(sign). If you have questions or concerns Cabarrus County wil be holding a meeting on July 11th, 2023 @ 630pm @ Cabarrus County Governmental Center located on 65 Church St. SE, in Concord NC.**

**Respectfully,**

**Pastor Leon Simmons**

*Pastor Leon Simmons*

PROPERTY OWNER						
PIN	NAME	PHYSICAL ADDRESS	MAILING ADDRESS	CITY	STATE	ZIP
5604-72-0762	CLERMONT FREEWILL BAPTIST CH	4686 RAINBOW DR	4682 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-1319	CLERMONT FREEWILL BAPTIST CH	4666 RAINBOW DR	4682 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-0813	CLERMONT FREEWILL BAPTIST CH	4688 RAINBOW DR	4682 RAINBOW DR	KANNAPOLIS	NC	28081

SURROUNDING PROPERTIES						
PIN	NAME	PHYSICAL ADDRESS	MAILING ADDRESS	CITY	STATE	ZIP
5604-72-2177	ALLEEN WILLIS PENCE TRUSTEE	4646 RAINBOW DR	4646 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-2670	NEXJEN HOLDINGS LLC	1932 NORMANDY RD	355 COUNTRY RIDGE RD	ROCKWELL	NC	28138
5604-62-7655	MAXIMO MONTER	4687 RAINBOW DR	401 BLACKHAWK DR	KANNAPOLIS	NC	28081
5604-72-2677	BAF ASSETS 5 LLC	1930 NORMANDY RD	5001 PLAZA ON THE LK STE 200	AUSTIN	TX	78746
5604-62-9938	MEE VANG	4690 RAINBOW DR	4690 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-2379	KAROLE NORTHRUP	2000 NORMANDY RD	2000 NORMANDY RD	KANNAPOLIS	NC	28081
5604-72-2277	ANNIE PARKER	2002 NORMANDY RD	2002 NORMANDY RD	KANNAPOLIS	NC	28081
5604-72-2779	RODNEY PULLIAM	1928 NORMANDY RD	1926 NORMANDY RD	KANNAPOLIS	NC	28081
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5604-62-1122	JOHN & ALEXANDER ESPOSITO	4693 RAINBOW DR	809 CAROLYN LN	CHARLOTTE	NC	28213
5604-62-8076	RICHARD & BARBARA BEST	4655 RAINBOW DR	4645 RAINBOW DR	KANNAPOLIS	NC	28081
5604-72-1147	UNKNOWN TWP 4 MAP 10 PARCEL 18	4648 RAINBOW DR				
5604-73-1042	UNKNOWN OWNER(4-10-2.00)	4700 RAINBOW DR				

**From:** [Jackie Milem](#)  
**To:** [Phillip Collins](#)  
**Subject:** Re: Seating Capacity  
**Date:** Monday, July 3, 2023 10:55:11 AM  
**Attachments:** [image001.png](#)

---

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

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No sir. The only question or concerns were "Will this affect our taxes"... So yeah, they're on board.

Jackie

[Sent from Yahoo Mail for iPhone](#)

On Monday, July 3, 2023, 9:36 AM, Phillip Collins <[PECollins@cabarruscounty.us](mailto:PECollins@cabarruscounty.us)> wrote:

Thanks Jackie. Were there any questions/concerns from the folks Duane visited and who got the letters?

**From:** Jackie Milem <[henmother2000@yahoo.com](mailto:henmother2000@yahoo.com)>  
**Sent:** Monday, July 3, 2023 9:04 AM  
**To:** Phillip Collins <[PECollins@cabarruscounty.us](mailto:PECollins@cabarruscounty.us)>  
**Subject:** Re: Seating Capacity

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Hey Phil,

So the first round of letters were hand delivered by Duane Mann and when the date was changed we typed letters to inform the people of the NEW meeting date. Duane showed you these letters and mailed each one per your "ok".

We are rezoning in order to modernize our church sign as well as our facilities.

Hope this is helpful.

Have a great day!

Sincerely,

Jackie Milem (secretary Clermont FWB Church)

[Sent from Yahoo Mail for iPhone](#)

On Friday, June 30, 2023, 11:44 AM, Phillip Collins <[PECollins@cabarruscounty.us](mailto:PECollins@cabarruscounty.us)>

<b>PERMITTED USE TABLE ("P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use )</b>		
<b>RESIDENTIAL USES</b>	<b>LDR</b>	<b>OI</b>
Family Care Home	P	
Group Care Facility		P
Semi-Attached House	P	
Single Family Detached Residential	P	
<b>AGRICULTURAL USES</b>	<b>LDR</b>	<b>OI</b>
Agriculture, Including Livestock	PBS	
Agriculture, Female Chickens, Limited Number, Less Than 5 Acres	PBS	
Agriculture Excluding Livestock	P	
Agritourism, Accessory to Agriculture	P	
Barn, Greenhouse, as Primary Structure	PBS	
Nursery, Greenhouse	P	
Scientific Research and Development, Accessory to Agriculture	PBS	
<b>ACCESSORY USES</b>	<b>LDR</b>	<b>OI</b>
Accessory Dwelling Unit	PBS	
Accessory Building	PBS	PBS
Automated Teller Machine	PBS	PBS
Community Garden, as Accessory Use	PBS	PBS
Ethanol Fuel Production, Residential District, Private Use Only	PBS	
Home Occupation, General	PBS	
Home Occupation, Rural	PBS	
Ice Production, Dispensing, Accessory to Convenience Store	PBS	
Ice Production, Dispensing, Accessory to Gas Station	PBS	
Swimming Pool, Accessory to Single Family Residential	PBS	
Trail Head, Accessory	PBS	PBS
Wind Energy Facility, Accessory Use, On-Site Use Only	PBS	
Bank, Financial Institution, Automated Teller Machine	PBS	PBS
Banquet Hall		P
<b>COMMERCIAL, RETAIL AND OFFICE USES</b>	<b>LDR</b>	<b>OI</b>
Barber, Beauty, Tanning, Nail or Skin Care Salon		P
Bed and Breakfast	PBS	
Catering Service		PBS
Convenience Store with Petroleum Sales	PBS	
Convenience Store without Petroleum Sales	PBS	
Country Club with Golf Course	PBS	PBS
Crematorium		P
Duplex, Commercial Use, Individual Lots		PBS
Farmer's Market		P
Funeral Home		P
Gas Service Station	PBS	
Golf Course, Public or Private	PBS	PBS
Nursery, Daycare Center	PBS	PBS
Office professional, 30,000 Square Feet or Less		P
Parking Lot, Parking Garage, Commercial or Private		P
Printing and Reprographic Facility		P
Recreational Facility, Indoor		PBS
Recreational Facility, Outdoor	SU	SU
Recyclable Materials Drop Off		PBS
Restaurant, Excluding Drive-thru	PBS	

<b>COMMERCIAL, RETAIL AND OFFICE USES</b>	<b>LDR</b> → <b>OI</b>	
Scientific Research and Development		PBS
Stables, Commercial	PBS	
Swim Club, Tennis Club, Country Club	PBS	PBS
Wireless Telecommunications Services	SU	SU
Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less	P	P
Wireless Telecommunications Services – Co-location	PBS	PBS
<b>INSTITUTIONAL, CIVIC AND PUBLIC USES</b>	<b>LDR</b> → <b>OI</b>	
Cemetery	PBS	
Civic Organization Facility	PBS	P
College, University	SU	
College, University		P
Communications Tower, 911 Communications Tower	SU	SU
Convention Center Facility		SU
Elementary, Middle and High Schools	SU	SU
Hospital, Ambulatory Surgical Care Facility		P
Public Cultural Facility	PBS	P
Public Service Facility	SU	SU
Public Use Facility	SU	
Public Use Facility		P
Recreational Trail, Greenway or Blueway, Connector	PBS	PBS
Religious Institution with Total Seating Capacity 351 or More	SU	SU
Religious Institution with Total Seating Capacity 350 or Less	PBS	PBS
Religious Institution with School	SU	SU
Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less	PBS	PBS
Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds	SU	SU
Trade and Vocational Schools		SU
Trail Head, Primary Use Site	PBS	PBS
<b>INDUSTRIAL</b>	<b>LDR</b> → <b>OI</b>	
Landfill, Demolition, Less Than One Acre	PBS	
Public Utilities (See Public Service Facility)	SU	SU
<b>TEMPORARY USES</b>	<b>LDR</b> → <b>OI</b>	
Auction, Estate or Asset Liquidation	PBS	PBS
Auction, Livestock	PBS	
Dumpsters, Commercial Waste Containers	PBS	PBS
FEMA Trailers, Natural Disaster or Significant Weather Event	PBS	PBS
Itinerant Merchants at Existing Business	PBS	
Mobile Personal Storage Unit, Vacate or Occupy Premise	PBS	PBS
Mobile Personal Storage Unit, Renovation	PBS	PBS
Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins		PBS
Temporary Health Care Structure	PBS	
Temporary Residence in Mobile Home During Construction of New Home, Same Site	PBS	
Temporary Tent or Temporary Structure, Including Cell on Wheels		PBS

PIN	Existing Impervious Area	Lot Area		LDR (threshold)		OI (threshold)	
		Acres	Square Feet	%	Square Feet	%	Square Feet
5604-72-0813 / 4688 Rainbow Dr	4,310.62	0.88	38,332.80	40	15,333.10	75	28,749.60
5604-72-0762 / 4686 Rainbow Dr	<b>25,557.34</b>	0.81	35,283.60	40	<b>14,113.40</b>	75	26,462.70
5604-72-1319 / 4666 Rainbow Dr	259.31	1.49	64,904.40	20	12,980.90	75	48,678.30
Total	<b>30,127.27</b>	3.18	138,520.80	20	<b>27,704.16</b>	75	103,891.00



Structure		SF
5604-72-0813 / 4688 Rainbow Dr		4,310.62
1a	House	1,785.27
2a	Well House	37.31
3a	Outbuilding 1	86.81
4a	Outbuilding 2	254.29
5a	Driveway	2,146.94
5604-72-0762 / 4686 Rainbow Dr		25,557.34
1b	Main Building	5,722.58
2b	Outbuilding 3	1,682.32
3b	Parking Lot	18,152.44
5604-72-1319 / 4666 Rainbow Dr		259.31
1c	Shelter	259.31

1 inch = 100 feet



Existing Setback Requirements		Required Landscape Buffer			Required Street Yard		
		Yard / Length / Width	Required Trees	Required Shrubs	Length / Width	Required Trees	Required Shrubs
5604-72-0813 4688 Rainbow Dr	LDR (adjusted)	None			None		
Front	25						
Side	5						
Rear	20						
5604-72-0762 4686 Rainbow Dr	LDR (adjusted /doubled)	Type 2			Thoroughfare Yard		
Front	50	North / 309.2' / 27'	13	62	103.7' / 15'	4	32
Side	10	East / 157.2' / 27'	7	32			
Rear	40	South / 246.02' / 27'	10	50			
5604-72-1319 4666 Rainbow Dr	LDR	None			None		
Front	75						
Side	20						
Rear	30						



Required Setbacks:  
Front - 25'  
Side - 5'  
Rear - 20'

Required Setbacks (doubled):  
Front - 50'  
Side - 10'  
Rear - 40'

Required Buffers:  
Perimeter (Adjacent to Residential) - 27'  
Front (along Rainbow Dr) - 15'

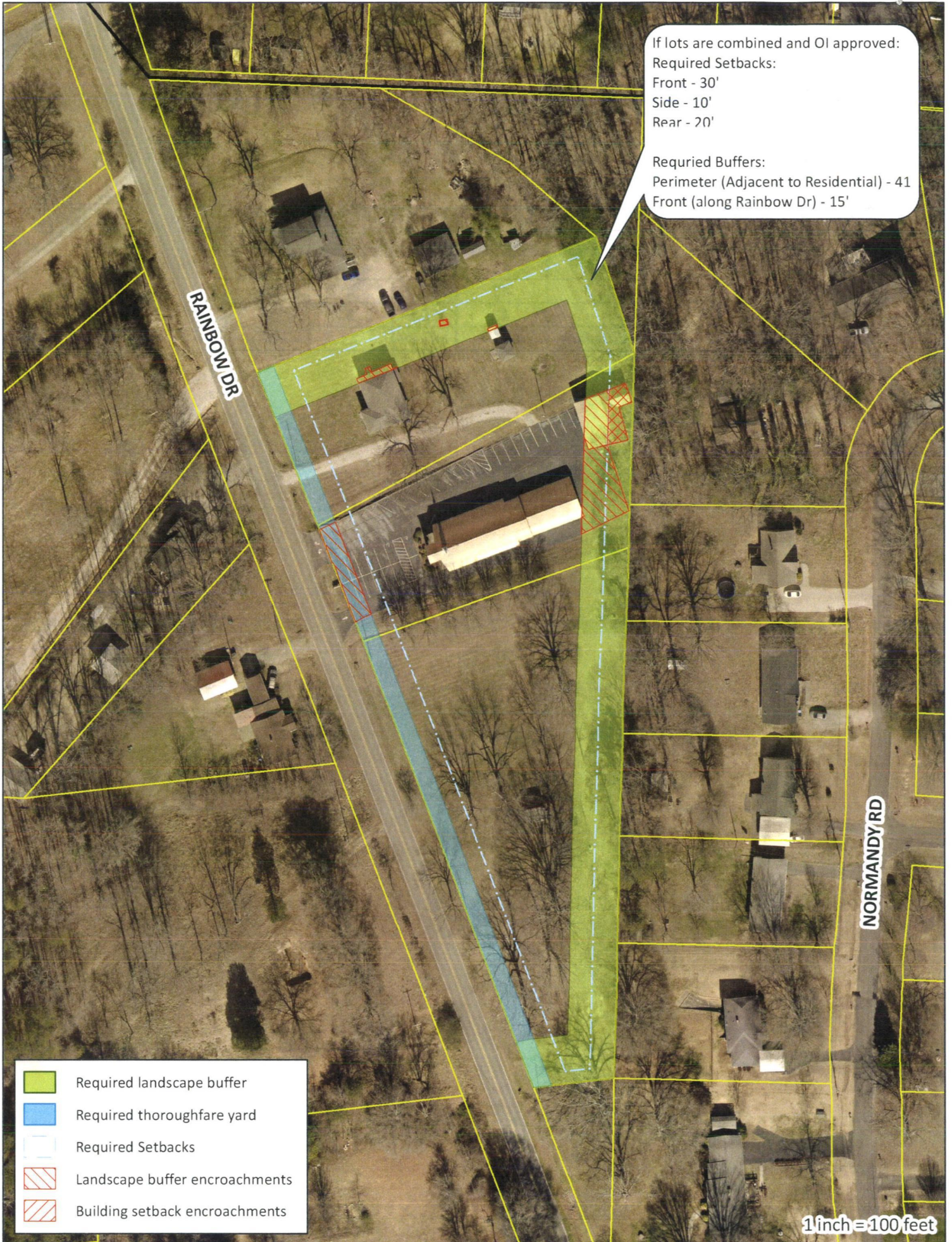
Required Setbacks:  
Front - 75'  
Side - 20'  
Rear - 30'

- Required landscape buffer
- Required thoroughfare yard
- Required Setbacks
- Landscape buffer encroachments
- Building setback encroachments

1 inch = 100 feet






Proposed Setback Requirements (OI)	
4688, 4686 & 4666 Rainbow Dr (combined)	
Front	30
Side	10
Rear	20

Required Landscaping / Buffering	Yard Type	Required Width	Length	Required Trees	Required Shrubs
North property line	2	41	319.1	13	64
East property line	2	41	726.89	30	146
South property line	2	41	56.5	3	12
West property line	Thoroughfare	15	665.89	23	200



If lots are combined and OI approved:  
Required Setbacks:  
Front - 30'  
Side - 10'  
Rear - 20'

Required Buffers:  
Perimeter (Adjacent to Residential) - 41'  
Front (along Rainbow Dr) - 15'

-  Required landscape buffer
-  Required thoroughfare yard
-  Required Setbacks
-  Landscape buffer encroachments
-  Building setback encroachments

1 inch = 100 feet