



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
May 8, 2018 @ 7:00 P.M.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval of March 13, 2018 Planning and Zoning Commission Meeting Minutes
3. New Business – Planning Board Function:
 - A. Petition RZON2018-00001 – Request for Rezoning from LDR to AO, +/- 3.7 acres. Applicant is James Garmon. Located at 2643 Miami Church Road (PIN: 5549-30-4641).
 - B. Petition RZON2018-00002 – Request for Rezoning from AO to OI, +/- 4.216 acres. Applicant is Carlos Moore Architect. Located at 3101 Cline School Road (PIN: 5662-25-1973).
4. Directors Report
5. Legal Update
6. Adjourn

Planning and Zoning Commission Minutes
March 13, 2018

Mr. Chris Pinto, called the meeting to order at 7:05 p.m. Members present Ms. Mary Blakeney, Mr. Adam Dagenhart, Ms. Holly Grimsley, Mr. James Litaker, Mr. Andrew Nance, Mr. Charles Paxton, Mr. Richard Price, and Mr. Brent Rockett. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning, Manager, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Approval of February 13, 2018 Planning and Zoning Commission Meeting Minutes

There being no comments, Mr. James Litaker **MOTIONED, SECONDED** by Ms. Mary Blakeney to **APPROVE** the February 13, 2018, Planning and Zoning Commission meeting minutes.

Approval of Findings of Fact for ARCH2018-00001 – Architectural Design Review for Funeral Home

There being no comments, Mr. James Litaker **MOTIONED, SECONDED** by Mr. Adam Dagenhart to **APPROVE** the Findings of Fact for ARCH2018-00001, Architectural Design Review for a Funeral Home

New Business – Planning Board Function:

The Chair introduced the Proposed Text Changes to the Cabarrus County Development Ordinance:

Proposed Text Amendments TEXT2018-00001 – Chapter 8, Conditional Uses #21 Reception Facilities, Chapter 2, Rules of Construction and Definitions, Chapter 7, Performance Based Standards, #68 Temporary Uses, Chapter 5, District Development Standards, Chapter 15 Subdivision Ordinance, Chapter 3, Establishment of Zones and Appendix B, Commercial Design Standards

Ms. Susie Morris, Planning and Zoning Manager addressed the Board, presenting TEXT2018-00001.

She said what is before the Board this evening is a series of text amendments all included in this same amendment. If there are any that we need to have additional discussion on or anything that the Board would like to send back we can remove those, but right now, it is being presented as one comprehensive package in one amendment case.

Chapter 8, Conditional Uses:

Ms. Morris said another jurisdiction was doing some research and it was brought to our attention that we currently have a typo. The first one is to amend the language where it says section 10-5.3 to just 10-5. It takes it back to the table in Chapter 10.

Chapter 2, Rules of Construction and Definitions:

The second one that is proposed is a definition for agriculture amendment. She said over the summer, the legislature decided to once again amend the definition of agriculture. This time they removed having a farm identification number as a qualifier for a zoning exemption.

This is to clarify that statutory reference. We talked about just using the reference to the statute itself, but it is a lot easier for people to look in the Ordinance and see the definition. So, we are going to amend what it calls out as bona fide farm qualifiers.

Chapter 7, Performance Based on Standards, #68 Temporary Uses:

Ms. Morris said this will remove references to events that include assembly. Those would no longer be handled through the Zoning Ordinance or be determined based on the zoning of the property. They are being moved to our Emergency Management Office and they will be the ones that determine where, when and how those types of uses can occur.

We would also remove the fireworks stand, because that is something that is specifically regulated by our Fire Marshal's office.

We would amend the similar and compatible uses not specified to remove the language that references events that include assembly. We would also amend our temporary tent or other temporary structure use to include a cell on wheels or "COWS" as they are known and clarify that intended use may initiate review and approval by Emergency Management. She said Zoning will no longer have a role in those types of events.

The Chair said do you mean like concerts on farms and things of that nature?

Ms. Morris said correct. It will no longer be based on zoning designation as to where these events take place. Zoning will not have a temporary use permit for those types of uses anymore; everything will be through the Fire Marshal's Office.

Mr. Adam Dagenhart said does that mean that on these wedding facilities they can get a temporary permit through Emergency Management as opposed to us?

Ms. Morris said the conditional use piece is not changing, but if they wanted to put up a tent, the tent permit would only go through the Fire Marshal's Office. She said right now, the way that the language is, it says you can have one of the road or foot races if you are in AO or CR and you can have it for a certain amount of days; that will no longer be the case.

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If I own a piece of property in Cabarrus County and I just want to have one of these type of events, I can go to the Fire Marshal's Office or to Emergency Management and I can apply and find out what I would need to do to have that type of event. It would no longer be based on zoning or bona fide farm classification.

Mr. Dagenhart said who would look at it for traffic? Is the Fire Marshal's office qualified to determine what type of distance is needed or requirements for traffic?

Ms. Morris said it is her understanding that the Fire Marshal's Office will coordinate, similarly to how we currently coordinate these events and will determine what agencies need to be included in that review, for that process.

She said some background on this is apparently, they had some complaints, that zoning was onerous and that we needed to be moved out of the process. Really, what zoning does, is serve as the point of contact and walks everybody through the process. The zoning piece of it is very small; it is setbacks and notification of adjacent property owners. So, that piece of it will be going away and the part that we coordinate right now on behalf of Emergency Management and the Fire Marshal's Office (EMS, Transportation and NCDOT), we will no longer be involved in those events.

Mr. Price said does this mean that the whatever their moniker was, the marijuana people that wanted to have a festival or whatever it was a couple of years ago (Camp Cannabis) can come on in?

Ms. Morris said if they can convince the property owner to let them apply for a permit. She said you know how they wanted to have the overnight camping on the site, they would no longer be subject to what is in the Zoning Ordinance. She said that would be up to the Fire Marshal's Office and Emergency Management.

Mr. Dagenhart said typically the Fire Marshal's Office determines occupancy load based on a structure whether it is permanent or temporary. But, like in the Spartan race, it has 3,000 people and they don't really have tents except for refreshments; are they competent to make those decisions?

Ms. Morris said when it comes to these assembly types of events, currently, depending on the number of people that are expected, they may have to do a crowd manager certification through the State; which is like a one hour class. It is her understanding that those things would still stay in place. The only thing that is changing, is that it would not be regulated by the zoning district anymore. Setbacks and those types of things that we currently regulate, placement of structures out of the setbacks, will not be a part of the process and the review for permitting any more.

Mr. Litaker is not sure that we want to let go of this. He still thinks whether it is a temporary tent or a fully constructed building, we need to have a say so on what, when, and how, the-whole-works. Just because it is a tent is irrelevant. He would not let it go if we do not have too. He said a structure is a structure no matter what it is made out of.

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Mr. Koch thinks this was a recommendation to Planning.

Mr. Litaker said from who?

Ms. Morris said staff has been directed that these events will be moving to the Emergency Management Office and these amendments are needed to accomplish the transfer of those duties.

Mr. Dagenhart said that means that our friend over at the Speedway can pretty much do what he wants, if he plans it in a tent.

Ms. Morris said he would still have to go through the Fire Marshal's Office for the tents and anything that is out there and if it is above whatever that number is, then they would have to coordinate accordingly with the correct agencies. But, it would no longer be based on the zoning classification as to where these different types of uses can go.

Ms. Morris said if there are amendments that the Board wants to be presented differently, she can handle that through a memo. If there are certain ones that the Board recommends to move forward or ones that you do not recommend be approved or considered for final consideration, she typically does a memo similar in structure to what she presents to them (Planning and Zoning Board) to the Board of Commissioners.

Mr. Koch said this has not been considered by the Commission. He said vote on it how you feel about it. If you do not think it is the right thing to do then that is how you should view it. There are other people in other parts of County government that apparently feel differently. He has not been directly involved in those talks, he heard about it through Ms. Morris.

Mr. Litaker does not think we should just roll over and let them tell us what they are going to do. We should fight it to some extent. That is taking away what we are supposed to do.

Mr. Price fails to see the logic behind it; maybe there is logic out there that we are not privy to. He would like to understand why we are being asked to do this. Because on the surface, it makes no sense to him.

Ms. Morris said again, it is to get that zoning component out of it.

Mr. Price said why? There again, he is defaulting back to why? What is the logic behind that? Why do we need to do that?

Ms. Morris guesses because zoning looks like the bad guy in the process.

Mr. Price does not mind appearing to be the bad guy when we are doing the right thing.

The Chair said it will look bad if Camp Cannabis goes to LDR or someplace where there are a lot of families and all of a sudden this thing pops up. Then they will be screaming, where is the zoning?

Mr. Litaker asked how the Fire Marshal felt about it. Has this been thrown in his lap and he will have to figure out what to do or is he agreeing with it?

Ms. Morris said the Emergency Management Office has already taken over the coordination for this year's Spartan Event. We were contacted by Spartan and the Emergency Management Office actually handled the pre-application meeting with them.

Mr. Price asked if in other jurisdictions, is that typically the flow for approval, is to in effect bypass Zoning and go with Emergency Management.

Ms. Morris said it is not when you are talking about temporary use permits. For example, our temporary use permits includes some things as simple as I want to put up a banner at my business, to these things that bring in 12,000 people at a time; like the Spartan Race.

If the Board remembers, the first event that we were contacted about was actually the Tough Mudder in Mt. Pleasant. It ended up being only in Mt. Pleasant's jurisdiction for the most part, but using a process similar to what we used for that process is how these types of events were codified. To make sure that everybody was aware of what needed to happen and how it flowed; here is the pre-application meeting, we need to know what you are doing, how many people you are bringing in and then it kind of worked its way from there. It can be something as simple as coming in and saying I want to put up a sign for my business, how do I do that or it gets into these large scale events where we have worked with the promoters and coordinated the different agencies that need to be at the table.

She said that role is being transferred to the Emergency Management Office, along with the zoning piece taken out of the Ordinance, because we will no longer control where they can and cannot go. If it rises to the level of being an event that includes assembly, then when they contact Emergency Management, she feels confident that they will use a checklist that is somewhat similar to the one that we currently use, where the Fire Marshal's office will be at the table, NCDOT would be at the table if needed, EMS is there, the Health Alliance would there.

So, right now, that zoning permit kind of serves as that overall umbrella to make sure that all those other people are at the table. She feels that they will continue a process that is similar; the end result will be through their office, there would not be a zoning permit issued through our office.

Ms. Morris said if you were to look at the Ordinance, the things that would go away would be:

1. Where it can and cannot go
2. Requirement to notify the adjacent property owner if they are going to be using a private road.
3. Site plan showing the setbacks (they would not have to necessarily maintain those distances off the properties anymore).

Mr. Dagenhart said they would be able to come right up next to your property line and be loud. What if it exceeds the Noise Ordinance?

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Ms. Morris said that would be determined by the Sheriff's office. They are a part of the process now and they do sometimes require the notifications. Depending on what they are doing, they make them notify adjacent property owners and sometimes out farther than that.

Mr. Dagenhart said you can easily be under the decibel sound for the noise ordinance, but if you are three feet off the property line versus one hundred feet, it still makes a huge difference even if you are the same decibel level. Because, by the time it reaches the adjacent property, it is already diffused as opposed to its right on top of them.

Ms. Morris said correct.

Mr. Price said isn't deciding where something can or cannot go, at the very heart of zoning? That is kind of what we do.

Ms. Morris said correct. If the Board remembers, we worked to add those things into the Ordinance back then. She is not sure how many years it has been.

Mr. Price said if there is a problem, why we are not addressing it at the Ordinance level instead of just saying you are irrelevant; your decisions are not needed and we will put it over to another group that does not do that routinely. He feels an end run taking place. He knows Ms. Morris cannot comment on that and he is not asking her too. But, if it walks like a duck and quacks like a duck.

Mr. Paxton said is one of the questions the size of the assembly and what organization is best to handle that situation through zoning or some other organization?

Ms. Morris said no, she does not think it is. She thinks it is related to some people think that if zoning is not in the way, things can happen differently.

Mr. Price said of course; you do not need to be a genius to figure that out.

Ms. Morris said since we started permitting these types of events, we have only learned from the process and each year the events have gotten better. A lot of times, we are not dealing with the same people from the promotions company. There is a lot of re-schooling and retooling that you have to do every year. For the most part we have been able to get through the events with minimal transports, which probably would have happened anyway.

A lot of the things that we are coordinating fall under that assembly type use, which is mostly dictated by the Fire Code. The Health Alliance is not dictated by the Fire Code, but they are a part of it. The tent side of it comes from the Fire Code, which is the Fire Marshal's Office, but for the setback and deciding where it goes.

Mr. Price said that is an integral part of it.

Mr. Dagenhart said but we have setbacks for how close you can put an accessory structure to a property line. You are telling me I have regulations to follow on my property, but this person has land over here and they can do whatever they want under an assembly use?

Mr. Paxton asked if the size of the assembly matters.

Ms. Morris wants to say when it gets to 1,000 people and then for every 200 over that, there are thresholds. She can always get that information from the Fire Marshal's Office. She said if you were having an event at your house and you were only having 50 people, the fire code is probably not going to kick in unless you are going to have a giant tent. If you were having 1,500 people, that is different and then if you were having 5,000 people that is going to be different as well.

Mr. Litaker thinks they need to come here and plead their case in front of us. He does not think the Board should just give up and roll over with it because this is wrong. He does not care which way you paint it, you look at it, vary it; whatever. He said what they are doing is trying to pull something over on the citizens of the County in their favor.

The Chair asked if they could break these all out.

Ms. Morris said if you want to split it out and break it out she can handle that in memo form.

There being no further comments, it was the consensus of the Board to break the text amendment out.

Ms. Morris said number five is to amend the language in the table that is related to the Cabarrus Health Alliance. This goes along with Chapter 15.

The Ordinance currently requires that someone has to show that their lot will perc and that it is supportive of a well and a septic system on the individual lot. That has to be done during the platting process.

What this does is it changes that to allow it prior to zoning or building permitting. In the Subdivision Ordinance, it would add the two new certificates that the Board sees starting on Page 4.

It would add a certificate for the property owner to sign if the lots created have not been evaluated. It would also create a certificate for if there were lots evaluated, but not all or lots are evaluated and it was all, for that person to list it out and put the type of system that is supported on that plat.

She said it moves it further down the process, if that is what the person wants to do. Right now, it has to be down as part of the subdivision process. It was put into the Ordinance back in 2005, with the Designing Cabarrus Project.

Mr. Dagenhart said essentially, it is putting the responsibility at the owner's risk, if they want to subdivide property whether or not it will perc, by going through the process first.

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Ms. Morris said it would potentially be on the seller and the buyer, because the buyer will have to be very cognizant of whether or not that property, if it is for sale, whether or not it will perc.

The Board knows as well as she does that there are a lot of areas of the County, where it does not perc or it will not perc with a conventional system. You may have to spend \$20,000 or up to get a system that works.

She said if the person that is subdividing that land wants to go through that process so that the buyer knows in the end and maybe it is more marketable, then they can do that. If they want to push it out then they can, but the building code itself says that before they can apply for a building permit, they have to show that they have water and sewer on the site in some form or fashion. They will not issue a building permit unless someone has a zoning permit. That is why we said prior to zoning or building permitting. One of the other jurisdictions may issue a zoning permit without knowing that they have that on site, but ultimately, the buck stops with the building permit.

Mr. Price said that is the way it has always been. You are not going to get a permit without showing that you either have public utilities or private.

Ms. Morris said building is going to check for that. They actually put a check box on the permit, whether it is private or public, because the inspections would be different.

Ms. Morris said the last one is related to the temporary uses. In Chapter 3, add temporary tents or other temporary structures, including cell on wheels to the text and the table, so that the people will understand that is where if you want to do a COW that is where we are going to permit it.

In the Commercial Design Standards, we need to add a sentence that references Appendix D, Outdoor Lighting Standards. It has come up a couple of times and we feel that if we get that reference in there to go to Appendix B, everyone would be on the same page.

Ms. Morris is happy to answer any questions or any other questions about the temporary use one. She does not have the check list here, but essentially if you look at page two of five, you can see that a lot of those things are related to the event itself and the Fire Marshal's Office or Sheriff's Office or the Health Alliance.

For us it is the parcel boundary, the setbacks and essentially, that first piece which says where it would be allowed to go, which right now, is pretty much restricted to bona fide farms.

She said the site at the Speedway that was mentioned is GC zoning. The other sites where we have the races that come in; Spartan Race is in AO and the Cattle Barren Ball is either in AO or CR, bona fide farm, horse venue.

We had a new one last fall which was called Bone Frog. It was on the same site as the Spartan Race, so again in AO, bona fide farm. We had the color festival one time and they did not come back.

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Ms. Morris said based off of that preliminary list, that is how it is decided who needs to be at the table moving forward and who reviews the project. She said it is on page two at the beginning.

The Chair said we can take all of these individually and make a motion to approve the text as presented or not.

There being no further discussion Mr. Richard Price, **MOTIONED, SECONDED** by Mr. James Litaker to recommend **Approval** of Chapter 8, Conditional Uses #21 Reception Facilities – proposed change to correct typo related to handicapped parking reference in Chapter 10, to the Board of Commissioners. The vote was unanimous.

There being no further discussion Mr. Adam Dagenhart, **MOTIONED, SECONDED** by Mr. James Litaker to recommend **Approval** of Chapter 2, Rules of Construction and Definitions – proposed change to add statutory reference to definition of agriculture and amend bona fide farm definition to reflect statutory change to the Board of Commissioners. The vote was unanimous.

There being no further discussion Mr. James Litaker, **MOTIONED, SECONDED** by Ms. Mary Blakeney to recommend **Approval** of Chapter 7, Performance Based Standards #68 Temporary Uses, but for the parts of the amendments that remove Temporary Uses that include assembly. Remove fireworks stand, amend temporary tent or other temporary structure use to include cell on wheels (COWS) and clarify that intended use may initiate review and approval by Emergency Management to the Board of Commissioners. The vote was unanimous.

There being no further discussion, Mr. James Litaker, **MOTIONED, SECONDED** by Mr. Adam Dagenhart to recommend **APPROVAL** of Chapter 5, District Development Standards, to amend language requiring Cabarrus Health Alliance approval prior to the approval of the subdivision to prior to the approval of any zoning or building permits in the Open Space Design table. The vote was unanimous.

There being no further discussion Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. James Litaker to recommend **Approval** of Chapter 15, Subdivision Ordinance – to amend ordinance to add two new certificates that address soil suitability analysis and Chapter 3, Establishment of Zones, to remove references in text an table to events special events and activities and temporary amusement enterprise, clarify temporary tent or other structures definition, to include cell on wheels and add to text and permitted use table, Appendix B, Commercial Design Standards, add reference in lighting standards for Appendix D, Outdoor lighting standards. The vote was unanimous.

Mr. Koch said when this is on the Board of Commissioners agenda, it may be good if one or more of the Planning Commission members would come and speak about that. He said you can certainly submit your input in other ways, but it seems that the Commission felt strongly about that one, you might want to make the Board of Commissioners aware.

Directors Report

Ms. Morris reminded the Board of the upcoming training on May 1, 2018, from 1:00 to 4:00 at the CCOG. Mr. Pinto and Mr. Wise are signed up and registration is still open if anyone else is interested.

There will be an Advisory Committee meeting for the Harrisburg Land Use Plan on March 21, 2018, and a public meeting is tentatively scheduled for April 19, 2018. That will be the final draft that will go out, along with the recommendations, before we start making formal presentations to you and the Board of Commissioners, with anticipated adoption probably in June or July.

The 73 Corridor is going to be a hot topic over the next six months. The STI came back and that project is now funded, potentially for right-of-away acquisition starting in 2019 or 2020, with construction set for 2022. That project has been expedited.

They are currently showing three different options that will go out to the public. When we get more information about that meeting, we will forward that on to the Board. One of the options stays the course of the current 73, one swings down below the fingers of Coddle Creek and the other one takes a dip at Odell and comes around and comes back up past the reservoir. There are three options out there and they are currently looking at the environmental assessment side of that to see if one of those rises to the top.

There are some concerns that we do not lose capacity with the reservoir, not only from the County side, but with the City's IBT. We had a meeting yesterday and the consultants are still at the 20,000 foot level and they do not have all of those details worked out quite yet.

Ms. Morris said if you got the text amendment information, you are on the official Text Amendment Committee.

Right now, we may or may not have a case moving forward next month. She asked that the Board members please allow a 24 hour advance notice if they cannot attend a meeting.

Legal Update

Mr. Koch said we have not done anything more on the Little case. The last time he looked, the trailer was still out of site. We have not heard from him about the money, but we have not had a chance to file a motion about it.

The WSACC variance that the Board approved, we have gotten that resolved. The draft of that document has gone through probably 15 iterations in the meantime.

He said part of it has to do with the fact that you may remember that there is a conservation easement on the property with the Land Trust. Dealing with them has created some additional issues, not because they are being contentious, it is just that they kind of seemingly just are pretty benign about their involvement in those things.

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In connection with all of this, the John Bunyan Green heirs want to have the property logged. We are trying to deal with that and make sure it does not affect the easement in this area. There have been some minor complications that have resulted in there being a lot of different drafts. Each one of them have maybe a couple three changes. It is going to get done, it is just taking more time and he would have thought that it would be wrapped up by now.

We are getting ready to issue another set of violations on Carter Towing for new issues out there. The stalking or harassment charge that was brought by Mr. Carter against his neighbor, that trial got moved to May.

Mr. Koch said on the Shelly case we are waiting for the appeal period to run. If he did not file a Petition for Discretionary Review, then we are going to go ahead and file a Motion for Summary Judgment and try to bring the rest of that case to an end; at least as it relate to the County.

The Board may have seen where Mr. Shelly filed for the State Senate seat, not that it has anything to do with our case, but he is a candidate for Paul Newton's seat.

There being no further discussion, Mr. James Litaker, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **ADJOURN** the meeting. The vote was unanimous.

The official meeting ended at 7:50 p.m. After the meeting adjourned, the Board was shown two training modules from the School of Government on Planning Board and Board of Adjustment functions.

APPROVED BY:

Mr. Chris Pinto, Chair

SUBMITTED BY:

Arlena B. Roberts

ATTEST BY:

Susie Morris, Planning and Zoning Manager

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
05/08/2018

Staff Use Only:
Approved: _____
Denied: _____
Tabled _____

Petition: RZON2018-00001 Rezoning

Applicant Information: James Garmon
114 Louise Drive, SE
Concord, NC 28025

Owner Information: James Garmon
114 Louise Drive, SE
Concord, NC 28025

Existing Zoning: LDR (Low Density Residential)

Proposed Zoning: AO (Agricultural/Open Space)

Permitted Uses: All uses permitted in the AO (Agricultural/Open Space) zoning district would be permitted on the subject property.

Parcel ID Number: 5549-30-4641

Property Address: 2643 Miami Church Road

Area in Acres: ± 3.698

Site Description: The subject parcel is mostly vacant but does support a building that appears to have been built around 1975. Cold Water Creek borders the subject property to the north and east. There is a considerable amount of floodplain located on the subject property. The property is subject to the Waterbody Buffer Zone in Chapter 4 (WBZ) and The Flood Damage Prevention Ordinance (Chapter 15).

Adjacent Land Use: Residential and Vacant

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

Utility Service Provider: The applicant states that the subject property will be served by well and septic. If development of the property requires utilities, the City of Concord would be the utility provider.

Exhibits

EXHIBIT A – Staff Report
EXHIBIT B – Application
EXHIBIT C – Survey
EXHIBIT D – Property Maps
EXHIBIT E – Adjacent Property Owner & Property Owner Letters
EXHIBIT F – List of Permitted Uses
EXHIBIT G – Zoning Sign

Intent of Zoning Districts

EXISTING DISTRICT: LOW DENSITY RESIDENTIAL DISTRICT (LDR)

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.

PROPOSED DISTRICT: AGRICULTURAL OPEN (AO)

This district is comprised mostly of lands usually found on the eastern side of the County which, due to physical characteristics such as soil type, topography, etc., should remain agrarian. To a lesser degree, these are also those lands which are conducive to providing recreationally oriented open space. These land areas should remain the farmland and undeveloped/forested land of the County. Public utilities will not be planned for these areas. Consequently, residential uses that support those working and/or owning the land, home occupations allied with existing residences, and very limited business endeavors are envisioned as complementary to the area. In sum, the primary activity of these lands is agricultural - housing and business are typically related to, and supportive of, the practice of modern day agriculture. It is not, however, improbable that a small hamlet type settlement might evolve in this zoning district. As to those areas constituting open space, manmade uses must take care to enhance and not detract from the essential character of the area.

RATIONALE

Cabarrus County, due largely to its proximity to the Charlotte-Mecklenburg metropolitan area, is in a growth mode which will, in all probability, continue. While the issue of farmland preservation may ultimately be more driven by market economics, it still behooves policy makers to prudently

attempt farmland preservation. Less a matter of market economics is the concept of retaining unspoiled, undeveloped lands for future generations to enjoy.

Agency Review Comments

Planning Review:

See Staff Report. Phillip Collins, Senior Planner Cabarrus County

NCDOT Review:

No Comments. Leah Wagner – Field Services Engineer, NCDOT

Fire Marshal Review:

No Fire Issues with Rezoning. Any building up fits will require permits. Fire apparatus access is required to meet current codes.

EMS Review:

No comments. James Lentz, Cabarrus EMS

Sherriff Review:

No Comments. Ray Gilleland, Cabarrus Sherriff's Office

Soil & Water Conservation Review:

A small part of the property (18%) is somewhat suitable for planting lawns or landscape plants in the Enon soil. The additional 81.6% of land is undrained and flood prone. None of the soil is rated well for building. I have attached the soil surveys rated for building and lawn/landscape/golf fairways. *Tammi Remsburg, Resource Conservation Specialist*

Storm Water Review:

No comments. Rick Riddle, Storm Water Engineer, NCDEQ

Soil & Erosion Control Review:

The North Carolina Sedimentation Pollution Control Act (G.S. 113A-57 (4)) requires that all persons disturbing an area of one or more acres of land must obtain an approval of a soil erosion control plan prior to the commencement of the land disturbing activity. In your correspondence the property located on 2643 Miami Church Road has a total area of 3.47 acres.

- If the area disturbed for equipment access, stockpiles, haul roads and spoil areas is to be less than one acre, then an approved sediment and erosion control plan is not required for this activity.*
- If the total disturbed area(s) is greater than one-acre, an erosion and sediment control plan must be submitted to us and approved before any land disturbing activity.*

Please note that measures to retain sediment must be installed and maintained during the life of the project and permanent ground surface stabilization must be provided at the end of the activity. Ousmane Sidibe – Regional Engineer, NCDEQ

Land Use Plan Analysis

The Central Area Land Use Plan designates this area as Low Density Residential (LDR). The LDR designated area is intended to allow low to moderate density residential accommodating community development. Predominant uses include single-family residential at densities of up to 2 units per acre, or up to 3 units per acre if additional development standards are met. The following are characteristics of the LDR district:

- Significant hardwood trees and some naturally vegetated areas are preserved
- Neighborhoods organize around a focal point, such as an informal park around a stream and other natural features
- Clustering is a common approach to development design
- Architecture and landscape are balanced
- Typically, two-lane roads (curb and gutter may be present) are primary form of access, but collector street network connects two-lane roads to area highways

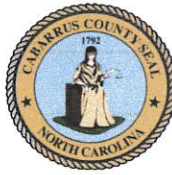
Conclusions

- The proposed zoning change to Agriculture Open Space from Low Density Residential would be a change to a less intense zoning district.
- The subject property is mostly vacant but does support a building that appears to have been built around 1975, which was prior to the adoption of the Cabarrus County Development Ordinance.
- The building located on the property has historically been used for non-residential purposes, mainly equipment storage.
- Cold Water Creek borders the subject property to the north and east.
- There is a considerable amount of floodplain located on the subject property which places constraints on development of the site.
- Due to the stream and the significant floodplain, the property is subject to the Waterbody Buffer Zone in Chapter 4 (WBZ) and the Flood Damage Prevention Ordinance (Chapter 15).
- The AO zoning district allows limited commercial uses as part of the district.
- If the proposed rezoning request is approved, the applicant intends to seek approval of a Contractor or Trade Shop (Landscape) on the subject property.

- If the request is approved, the applicant understands that submittal for commercial site plan review and compliance with the Cabarrus County Development Ordinance for a Contractor or Trade Shop would be required.

This is a conventional rezoning request, therefore all uses permitted in the AO zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all of 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/Access#: RZON 2018-00001Received By: PECDate Filed: 3-27-18Amount Paid: \$412

Instructions

- ✓ 1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a zoning map amendment request. STAFF FACILITATOR: Susie Morris DATE: 3.22.18
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.
 - 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 less than 5 acres = \$400
 - Residential rezoning request greater than 5 acres = \$400 + \$5 per acre over 5 acres
 - Non-residential rezoning request = \$550 + \$5/acre
 - +3% technology fee based on total application fee
4. 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 Zoning Map Amendment 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 7:00 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 2643 Miami Church Rd
PIN(s) (10 digit #) 5549 -- 30 -- 4641.0000
Deed Reference Book 9059 Page 0125
Township # 11

Description of Subject Property

Size (square feet or acres) 3.7 Acres
Street Frontage (feet) 848 Feet
Current Land Use of Property Storage
Surrounding Land Use North residential
South "
East "
West "

Request

Change Zoning From Residential To Agriculture/open

Purpose for Request This building has been on this property with power and used as storage for many decades. We have been upfitting it for the same continued used, but it needs to be rezoned in order to have the power turned back on.

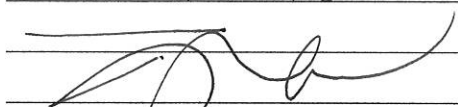
Utility Service

Water Supply Well or Service Provider
Wastewater Treatment Septic Tank(s) or Service Provider

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 James E Harmon
Address 114 Louise Drive
Phone 704.791.5075
Fax _____
Signature 
E-mail Address fieldofdreamsnc@yahoo.com

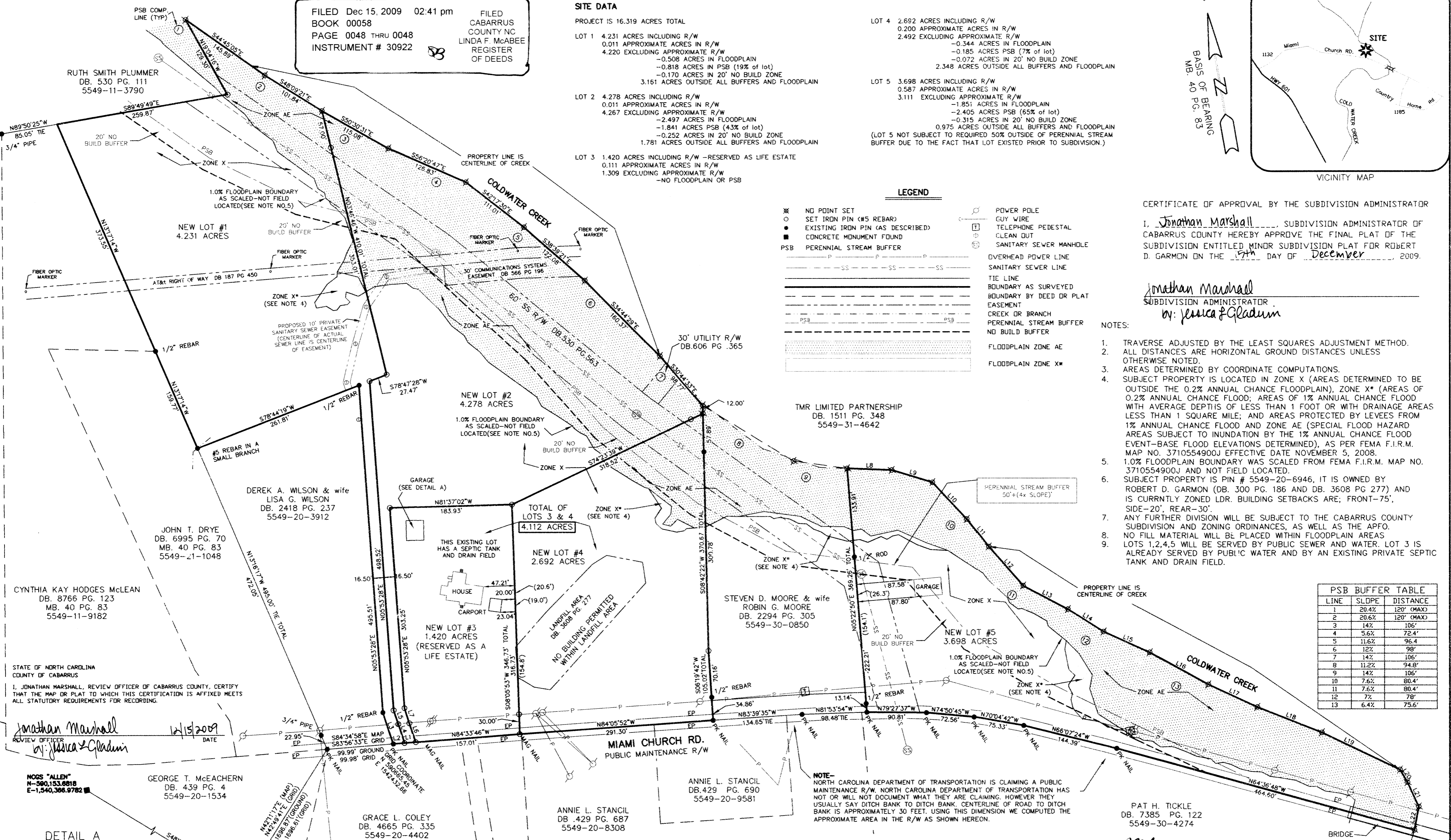
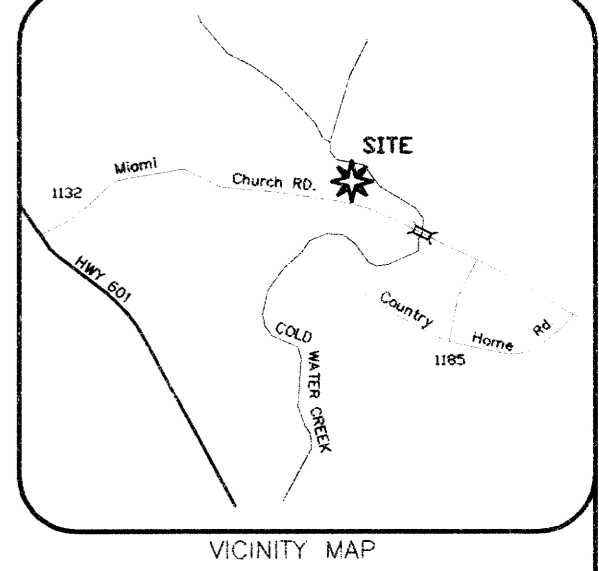
Agent (if any) _____
Address _____
Phone _____
Fax _____
Signature _____
E-mail Address _____

Applicant (if any) _____
Address _____
Phone _____
Fax _____
Signature _____
E-mail Address _____

FILED Dec 15, 2009 02:41 pm
BOOK 00058
PAGE 0048 THRU 0048
INSTRUMENT # 30922

SITE DATA
PROJECT IS 16.319 ACRES TOTAL
LOT 1 4.231 ACRES INCLUDING R/W
0.011 APPROXIMATE ACRES IN R/W
4.220 EXCLUDING APPROXIMATE R/W
-0.508 ACRES IN FLOODPLAIN
-0.818 ACRES IN PSB (19% of lot)
-0.170 ACRES IN 20' NO BUILD ZONE
3.161 ACRES OUTSIDE ALL BUFFERS AND FLOODPLAIN
LOT 2 4.278 ACRES INCLUDING R/W
0.011 APPROXIMATE ACRES IN R/W
4.267 EXCLUDING APPROXIMATE R/W
-2.497 ACRES IN FLOODPLAIN
-1.841 ACRES PSB (43% of lot)
-0.252 ACRES IN 20' NO BUILD ZONE
1.781 ACRES OUTSIDE ALL BUFFERS AND FLOODPLAIN
LOT 3 1.420 ACRES INCLUDING R/W -RESERVED AS LIFE ESTATE
0.111 APPROXIMATE ACRES IN R/W
1.309 EXCLUDING APPROXIMATE R/W
-NO FLOODPLAIN OR PSB
LOT 4 2.692 ACRES INCLUDING R/W
0.200 APPROXIMATE ACRES IN R/W
2.492 EXCLUDING APPROXIMATE R/W
-0.344 ACRES IN FLOODPLAIN
-0.185 ACRES PSB (7% of lot)
-0.072 ACRES IN 20' NO BUILD ZONE
2.348 ACRES OUTSIDE ALL BUFFERS AND FLOODPLAIN
LOT 5 3.698 ACRES INCLUDING R/W
0.587 APPROXIMATE ACRES IN R/W
3.111 EXCLUDING APPROXIMATE R/W
-1.851 ACRES IN FLOODPLAIN
-2.405 ACRES PSB (65% of lot)
-0.315 ACRES IN 20' NO BUILD ZONE
0.975 ACRES OUTSIDE ALL BUFFERS AND FLOODPLAIN
(LOT 5 NOT SUBJECT TO REQUIRED 50% OUTSIDE OF PERENNIAL STREAM BUFFER DUE TO THE FACT THAT LOT EXISTED PRIOR TO SUBDIVISION.)

LEGEND
ND POINT SET
SET IRON PIN (#5 REBAR)
EXISTING IRON PIN (AS DESCRIBED)
CONCRETE MONUMENT FOUND
PERENNIAL STREAM BUFFER
POWER POLE
GUY WIRE
TELEPHONE PEDESTAL
CLEAN OUT
SANITARY SEWER MANHOLE
OVERHEAD POWER LINE
SANITARY SEWER LINE
TIE LINE
BOUNDARY AS SURVEYED
BOUNDARY BY DEED OR PLAT
EASEMENT
CREEK OR BRANCH
PERENNIAL STREAM BUFFER
NO BUILD BUFFER
FLOODPLAIN ZONE AE
FLOODPLAIN ZONE X*



CERTIFICATE OF APPROVAL BY THE SUBDIVISION ADMINISTRATOR
I, Jonathan Marshall, SUBDIVISION ADMINISTRATOR OF CABARRUS COUNTY HEREBY APPROVE THE FINAL PLAT OF THE SUBDIVISION ENTITLED MINOR SUBDIVISION PLAT FOR ROBERT D. GARMON ON THE 12th DAY OF December, 2009.

Jonathan Marshall
SUBDIVISION ADMINISTRATOR
by: Jessica & Gladum

- NOTES:
- TRAVERSE ADJUSTED BY THE LEAST SQUARES ADJUSTMENT METHOD.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 - AREAS DETERMINED BY COORDINATE COMPUTATIONS.
 - SUBJECT PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), ZONE X* (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AND ZONE AE (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT-BASE FLOOD ELEVATIONS DETERMINED), AS PER FEMA F.I.R.M. MAP NO. 3710554900J EFFECTIVE DATE NOVEMBER 5, 2008.
 - 1.0% FLOODPLAIN BOUNDARY WAS SCALED FROM FEMA F.I.R.M. MAP NO. 3710554900J AND NOT FIELD LOCATED.
 - SUBJECT PROPERTY IS PIN # 5549-20-6946, IT IS OWNED BY ROBERT D. GARMON (DB. 300 PG. 186 AND DB. 3608 PG 277) AND IS CURRENTLY ZONED LDR. BUILDING SETBACKS ARE: FRONT-75', SIDE-20', REAR-30'.
 - ANY FURTHER DIVISION WILL BE SUBJECT TO THE CABARRUS COUNTY SUBDIVISION AND ZONING ORDINANCES, AS WELL AS THE APFO.
 - NO FILL MATERIAL WILL BE PLACED WITHIN FLOODPLAIN AREAS.
 - LOTS 1,2,4,5 WILL BE SERVED BY PUBLIC SEWER AND WATER. LOT 3 IS ALREADY SERVED BY PUBLIC WATER AND BY AN EXISTING PRIVATE SEPTIC TANK AND DRAIN FIELD.

PSB BUFFER TABLE

LINE	SLOPE	DISTANCE
1	20.4%	120' (MAX)
2	20.6%	120' (MAX)
3	14%	106'
4	5.6%	72.4'
5	11.6%	96.4'
6	12%	98'
7	14%	106'
8	11.2%	94.8'
9	14%	106'
10	7.6%	80.4'
11	7.6%	80.4'
12	7%	78'
13	6.4%	75.6'

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS
I, JONATHAN MARSHALL, REVIEW OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Jonathan Marshall
REVIEW OFFICER
DATE: 12/15/2009
by: Jessica & Gladum



CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING LINES, AND DEDICATE ALL ROADS, ALLEYS, WALKS, PARKS, AND OTHER SITES TO THE PUBLIC USE EXCEPT AS NOTED. FURTHER I CERTIFY THE LAND AS SHOWN HEREON IS WITHIN THE PLATTING JURISDICTION OF CABARRUS COUNTY.

12-14-09
DATE
POA for Robert D. Garmon and Wilby B. Garmon
OWNER/DEVELOPER

- REFERENCES:
- DEEDS AND MAPS AS SHOWN.
 - SURVEY OF THE ESTATE OF MYRTLE G. HODGES BY RODRICK A. SUTTON; DATED AUGUST 5, 2002; RECORDED IN THE CABARRUS CO. REGISTER OF DEEDS IN MAP BOOK 40, PAGE 83.
 - DEBRIS SITE LOCATION SURVEY BY MICHAEL J. KENNY; DATED DECEMBER 28, 2001 RECORDED AS AN ATTACHMENT IN DB 3608 PG 277 IN THE CABARRUS CO. REGISTER OF DEEDS.

PLAT CERTIFICATION
I, MARION L. SANDLIN, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEEDS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEEDS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:26,161; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; AND THAT

- A. THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- B. THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- C. ANY OF THE FOLLOWING:
1. THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
2. THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE, OR
3. THAT THE SURVEY IS A CONTROL SURVEY.
- D. THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- E. THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (c) THROUGH (e) ABOVE.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 20TH DAY OF JULY, A.D., 2009.

LINE TABLE

LINE	LENGTH	BEARING
L1	17.02'	N84°17'14"W
L2	17.02'	N84°17'14"W
L3	49.98'	N08°26'14"W
L4	30.00'	N08°26'14"W
L5	22.06'	N08°26'14"W
L6	30.00'	N08°26'14"W
L7	24.15'	N08°26'14"W
L8	68.02'	S77°54'48"E
L9	64.65'	S63°16'22"E
L10	76.05'	S33°11'46"E
L11	52.94'	S28°02'34"E
L12	78.60'	S31°20'04"E
L13	76.92'	S52°29'14"E
L14	62.93'	S47°25'48"E
L15	75.53'	S55°29'52"E
L16	99.60'	S51°04'31"E
L17	81.62'	S53°16'55"E
L18	105.06'	S58°28'12"E
L19	130.61'	S54°31'43"E
L20	22.22'	S20°37'45"E
L21	40.63'	S14°46'58"E
L22	35.93'	S20°39'08"W

PAT H. TICKLE
DB. 7385 PG. 122
5549-30-4274

12-4-2009 REVISED AS PER COMMENTS.

MINOR SUBDIVISION PLAT FOR:
ROBERT D. GARMON
NO.11 TOWNSHIP, CABARRUS CO., NORTH CAROLINA

FOR OWNER:
ROBERT D. GARMON
2501 MIAMI CHURCH RD.
CONCORD, NC 28025

DATE: 7-20-2009
SCALE: 1" = 100'
JOB NO.: 080408.000
ACAD.: WS-GARMON

COMPUTED BY: RCW
DRAWN BY: RCW
CHECKED BY: MLS
LAND DEVELOPMENT SERVICES
N.C. LICENSE NO. C-0263
45 SPRING STREET SW CONCORD (704) 786-5404
CONCORD, NC 28025 FAX (704) 786-7454
© CESI 2009

Existing Zoning

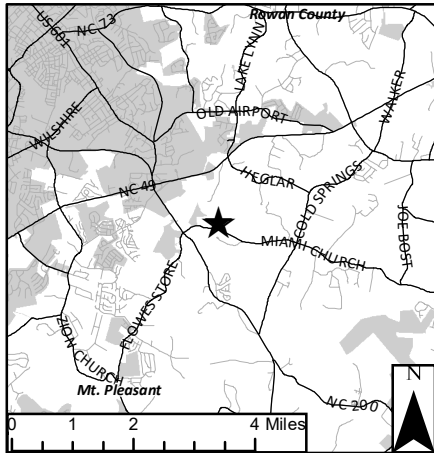
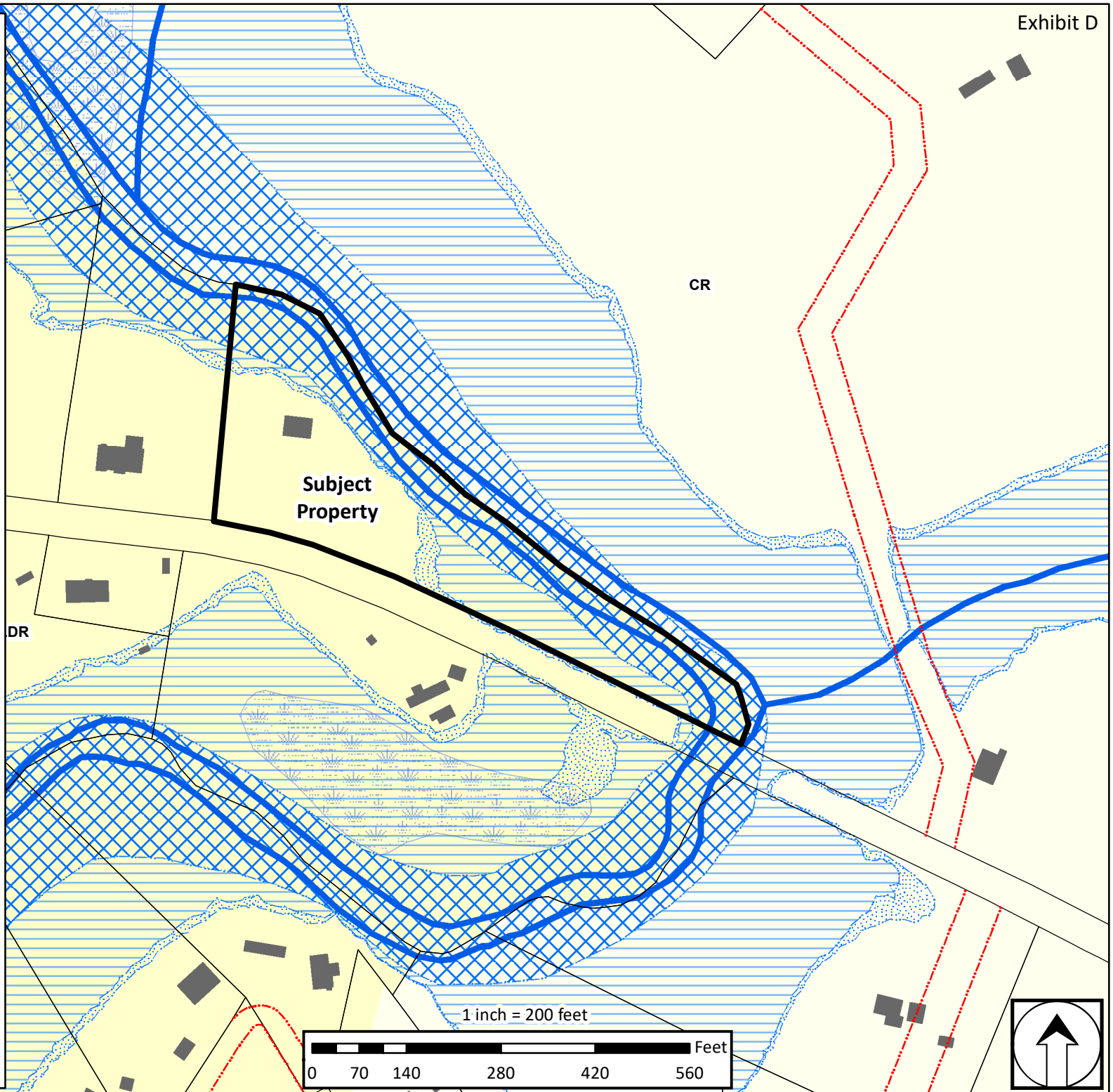


Applicant: James Garmon
 Owner: James Garmon
 Case: RZON2018-00001
 Address: 2643 Miami Church Road
 PIN: 5549-30-4641
 Current Zoning: LDR
 Proposed Zoning: AO

--- Ingress/Egress Easement

- Parcels
- Municipal District
- Structures 2010
- Waterbodies

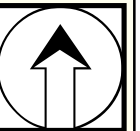
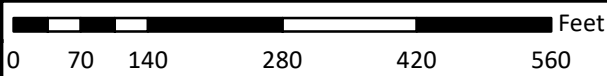
- Wetlands**
- Wetlands
 - Flood Way
 - 100 Year Flood Plain
 - 500 Year Flood Plain



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 - April 2018

1 inch = 200 feet

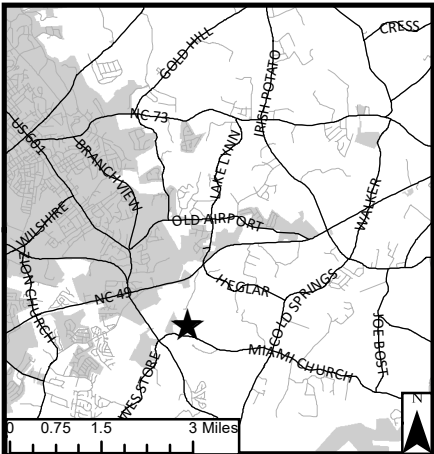


Aerial Map



Applicant: James Garmon
Owner: James Garmon
Case: RZON2018-00001
Address: 2643 Miami Church Road
PIN: 5549-30-4641

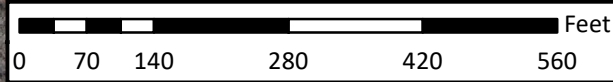
- Cabarrus County
- Municipal District
- Parcels



Subject Property

MIAMI CHURCH RD

1 inch = 200 feet



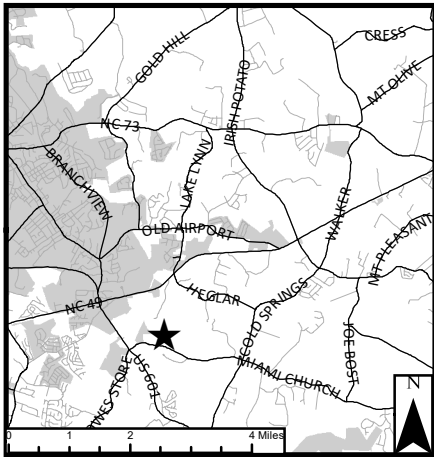
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Map Prepared by Cabarrus County Planning & Development - April 2018

Central Plan Area Future Land Use

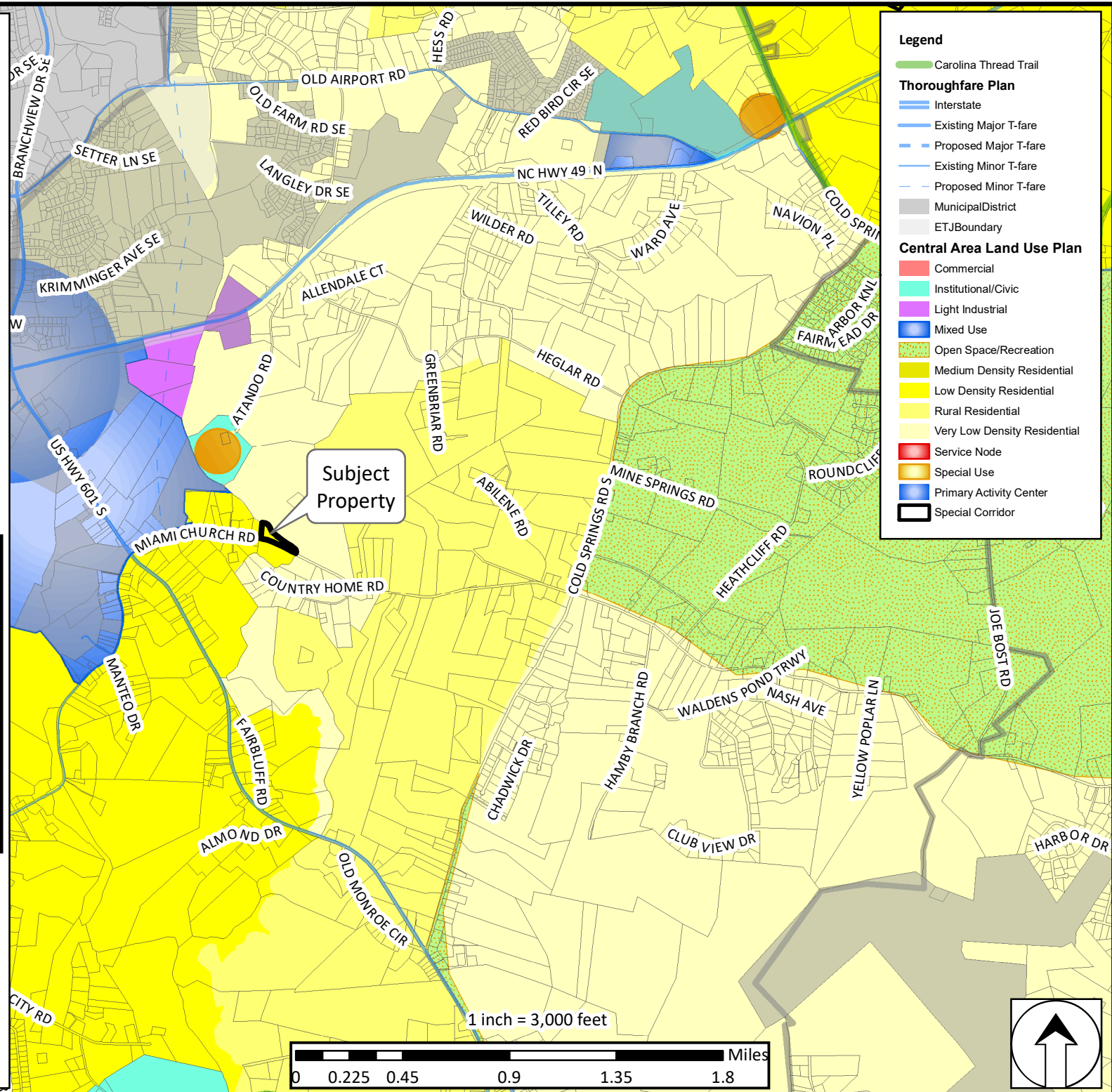


Applicant: James Garmon
 Owner: James Garmon
 Case: RZON2018-00001
 Address: 2643 Miami Church Road
 PIN: 5549-30-4641



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Map Prepared by Cabarrus County Planning & Development - April 2018



PIN	Property Owner	Address	City	State	Zip
5549-30-4641	James G Garmon	114 Louise Dr, SE	Concord	NC	28025
5549-20-9581	Annie L Stancil	2550 Miami Church Rd	Concord	NC	28025
5549-30-4274	Pat H Tickle	2750 Miami Church Rd	Concord	NC	28025
5549-31-4642	TMR Limited Partnership	2775 Miami Church Rd	Concord	NC	28025
5549-30-0850	Steven D Moore & Robin Garmon	2551 Miami Church Rd	Concord	NC	28025



Cabarrus County Government – Planning and Development Department

April 17, 2018

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, May 8, 2018 at 7:00 PM in the 2nd floor Multi-Purpose Room of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. 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.

Petitioner	Cabarrus County
Petition Number	RZON2018-00001
Property Location	2643 Miami Church Road
Parcel ID Number	5549-30-4641
Existing Zoning	Low Density Residential (LDR)
Proposed Zoning Map Change	Agricultural/Open Space (AO)

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,

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

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



Cabarrus County Government – Planning and Development Department

April 17, 2018

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The properties and specifics of the rezoning are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, May 8, 2018 at 7:00 PM in the 2nd floor Multi-Purpose Room of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. 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.

Petitioner	Cabarrus County
Petition Number	RZON2018-00001
Property Location	2643 Miami Church Road
Parcel ID Number	5549-30-4641
Existing Zoning	Low Density Residential (LDR)
Proposed Zoning Map Change	Agricultural/Open Space (AO)

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Sincerely,

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

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

Rezoning from LDR to AO
"P" - Permitted, "C" – Conditional, "PBS" – Permitted Based on Standards

	LDR	AO
RESIDENTIAL USES		
Family Care Home	P	P
Group Care Facility	P	P
Manufactured Home, Single Section or Mobile Home, Multi-Section	P	P
Manufactured Home Park (8-4, 14)	P	P
Semi-Attached House	P	
Single Family Detached Residential	P	P
AGRICULTURAL USES		
Agriculture, Including Livestock (7-3,2A)	PBS	P
Agriculture, Female Chickens, Limited Number, Less Than 5 Acres (7-3, 2B)	PBS	
Agriculture Excluding Livestock	P	P
Agritourism, Accessory to Agriculture	P	P
Barn, Greenhouse, as Primary Structure (7-3, 7)	PBS	PBS
Bulk Grain Storage		P
Dairy Processing		P
Hatchery		P
Livestock Sales		P
Nursery, Greenhouse	P	P
Scientific Research and Development, Accessory to Agriculture (7-3, 52)	PBS	PBS
ACCESSORY USES		
Accessory Dwelling Unit (7-3,1)	PBS	PBS
Accessory Building, Lot Less Than 2 Acres (7-3, 1)	PBS	PBS
Accessory Building, Lot 2 Acres or Greater (7-3, 1)	PBS	PBS
Airstrip (8-4, 3)		C
Automated Teller Machine (7-3, 6, b)	PBS	
Community Garden, as Accessory Use (7-3, 13)	PBS	PBS
Ethanol Fuel Production, Residential District, Private Use Only (7-3, 20)	PBS	PBS
Home Occupation, General (7-3, 27)	PBS	PBS
Home Occupation, Rural (7-3, 28)	PBS	PBS
Ice Production, Dispensing, Accessory to Convenience Store (7-3, 30)	PBS	PBS
Ice Production, Dispensing, Accessory to Gas Station (7-3, 29)	PBS	PBS
Kennel, Private (7-3, 31)		PBS
Swimming Pool, Accessory to Single Family Residential (7-3,1)	PBS	PBS
Towing Service, Accessory to Automobile Repair (7-3, 60, a-c)		PBS
Trail Head, Accessory (7-3, 63)	PBS	PBS
Wind Energy Facility, Accessory Use, On Site Use Only (7-3, 66)	PBS	PBS
COMMERCIAL, RETAIL AND OFFICE USES		
Animal Hospital (8-4, 39)		C
Auction House (7-3, 3)		PBS
Bank, Financial Institution, Automated Teller Machine (7-3, 6)	PBS	
Bed and Breakfast (7-3, 8)	PBS	PBS
Contractor or Trade Shops (7-3, 17)		PBS
Convenience Store with Petroleum Sales (7-3, 14)	PBS	PBS
Convenience Store without Petroleum Sales (7-3, 15)	PBS	PBS
Country Club with Golf Course (7-3, 16)	PBS	PBS
Day Camp, Summer Camp, Civic Group Camp Facility (8-4, 10)		C
Gas Station (7-3,23)	PBS	PBS
Golf Course, Public or Private (7-3, 24)	PBS	PBS
Kennel, Commercial (8-4, 37)		C
Nursery, Daycare Center (7-3, 35)	PBS	PBS
Race Shop, Race Team Complex (8-4, 19)		C
Reception Facilities (8-4, 21)		C
Recreational Facility, Outdoor (8-4, 22)	C	C
Recreational Therapy Facility, Rural Setting (8-4, 23)		C
Recyclable Materials Drop Off (7-3, 41)		PBS
Repair Garage, Automobile (7-3, 43)		PBS
Repair Shop, Farm Machinery (7-3, 44)		PBS
Repair Shop, Small Engine (7-3, 45)		PBS
Restaurant, Excluding Drive-thru (7-3, 47)	PBS	PBS

Rezoning from LDR to AO

“P” - Permitted, “C” – Conditional, “PBS” – Permitted Based on Standards

	LDR	AO
Retail Sales, Neighborhood Market 1,000 Square Feet or Less (7-3, 49)		PBS
Sawmill (7-3, 51)		PBS
Shooting Range, with Outdoor Target Practice (8-4, 30)		C
Sports and Recreation Instruction or Camp (8-4, 31)		C
Stables, Commercial (7-3, 58)	PBS	P
Swim Club, Tennis Club, Country Club (7-3, 59)	PBS	PBS
Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales (7-3, 61)		PBS
Veterinarian (8-4, 37)		C
Wireless Telecommunications Services (8-4, 36)	C	C
Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less (8-4, 36)	P	P
Wireless Telecommunications Services – Co-location (7-3, 67)	PBS	PBS
INSTITUTIONAL, CIVIC AND PUBLIC USES		
Animal Shelter (8-4, 37)		C
Cemetery (7-3, 10)	PBS	PBS
Civic Organization Facility (7-3,11)	PBS	PBS
College, University (8-4, 6)	C	C
Communications Tower, 911 Communications Tower (7-3, 12)		PBS
Communications Tower, 911 Communications Tower (8-4, 7)	C	
Correctional Facility (8-4, 9)		C
Elementary, Middle and High Schools (8-4,11)	C	C
Government, Excluding Correctional Facilities	C	C
Public Cultural Facility (7-3, 38)	PBS	PBS
Public Service Facility (8-4, 17)	C	C
Public Use Facility (8-4, 18)	C	C
Recreational Trail, Greenway or Blueway, Connector (7-3, 40)	PBS	PBS
Recreational Trail, Greenway or Blueway as Part of Public Use Facility	C	C
Religious Institution with Total Seating Capacity 351 or More (8-4, 24)	C	C
Religious Institution with Total Seating Capacity 350 or Less (7-3, 42)	PBS	PBS
Religious Institution with School (8-4, 25)	C	C
Rest Home, Convalescent Home with 10 Beds or Less (7-3, 46)	PBS	PBS
Rest Home, Convalescent Home with More Than 10 Beds (8-4, 26)	C	C
Trade and Vocational Schools (8-4, 33)		C
Trail Head, Primary Use Site (7-3, 64)	PBS	PBS
INDUSTRIAL		
Landfill, Demolition, Less Than One Acre (7-3, 32)	PBS	PBS
Landfill, Demolition, One Acre or More (8-4, 13)		C
Landfill, Sanitary (8-4, 13)		C
Multimedia Production and Distribution Complex (8-4, 15)		C
Slaughter House, Meat Packing (8-4, 32)		C
Public Utilities	C	C
TEMPORARY USES		
Auction, Estate or Asset Liquidation	PBS	PBS
Auction, Livestock	PBS	PBS
Contractor Office, Construction Equipment Storage	PBS	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
Promotional Activities Involving the Display of Goods or Merchandise	PBS	PBS
Real Estate Office in a Construction Trailer or Temporary Modular Unit, Commercial/Mixed Use Projects	PBS	PBS
Real Estate Office in a Construction Trailer or Temporary Modular Unit, Residential Projects	PBS	PBS
Real Estate Office in Model Home	PBS	PBS
Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins		
Similar and Compatible Uses Not Specified	PBS	PBS
Special Events and Activities	PBS	PBS
Temporary Amusement Enterprise		
Temporary Dwelling for Large Construction Projects	PBS	PBS

Rezoning from LDR to AO

"P" - Permitted, "C" – Conditional, "PBS" – Permitted Based on Standards

	LDR	AO
Temporary Residence in Mobile Home During Construction of New Home, Same Site	PBS	PBS
Temporary Signs	PBS	PBS
TRANSPORTATION RELATED		
Airstrip (8-4,3)	C	C



18/04/2018 4:48 pm

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
5/8/2018

Staff Use Only:
Approved: _____
Denied: _____
Tabled _____

Petition: RZON2018-00002 Rezoning

Applicant Information: Virginia Moore
Carlos Moore Architect, PA
222 Church St N
Concord, NC 28025

Owner Information: Victory Revival Crusades, Inc.

Existing Zoning: AO (Agricultural/Open Space)

Proposed Zoning: OI (Office/Institutional)

Permitted Uses: All uses permitted in the OI (Office/Institutional) zoning district would be permitted on the subject property.

Parcel ID Number: 5662-25-1973

Property Address: 3101 Cline School Road

Area in Acres: ± 4.1

Site Description: The site has historically been used as a school and as a religious institution. The site currently supports structures used as part of a religious institution and a mobile home. The subject property is located in the protected area of the Dutch Buffalo Creek Watershed and is subject to the Watershed Overlay Zone described in Chapter 4 of the Cabarrus County Development Ordinance.

Adjacent Land Use: Residential and Vacant

Surrounding Zoning: AO (Agricultural/Open Space)

Utility Service Provider: The application states that the subject property will be served by well and septic. Governmental utilities are currently not available in the area where the subject property is located.

Exhibits

EXHIBIT A – Staff Report
EXHIBIT B – Application

- EXHIBIT C – Survey
- EXHIBIT D – Property Maps
- EXHIBIT E – Adjacent Property Owner & Property Owner Letters
- EXHIBIT F – List of Permitted Uses
- EXHIBIT G – Zoning Sign

Intent of Zoning Districts

EXISTING DISTRICT: AGRICULTURAL OPEN (AO)

This district is comprised mostly of lands usually found on the eastern side of the County which, due to physical characteristics such as soil type, topography, etc., should remain agrarian. To a lesser degree, these are also those lands which are conducive to providing recreationally oriented open space. These land areas should remain the farmland and undeveloped/forested land of the County. Public utilities will not be planned for these areas. Consequently, residential uses that support those working and/or owning the land, home occupations allied with existing residences, and very limited business endeavors are envisioned as complementary to the area. In sum, the primary activity of these lands is agricultural - housing and business are typically related to, and supportive of, the practice of modern day agriculture. It is not, however, improbable that a small hamlet type settlement might evolve in this zoning district. As to those areas constituting open space, manmade uses must take care to enhance and not detract from the essential character of the area.

RATIONALE

Cabarrus County, due largely to its proximity to the Charlotte-Mecklenburg metropolitan area, is in a growth mode which will, in all probability, continue. While the issue of farmland preservation may ultimately be more driven by market economics, it still behooves policy makers to prudently attempt farmland preservation. Less a matter of market economics is the concept of retaining unspoiled, undeveloped lands for future generations to enjoy.

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 business hours, thus, not competing with residential traffic at peak hours or on weekends. 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.

Agency Review Comments

Planning Review:

Staff Report, Phillip Collins, Senior Planner Cabarrus County

NCDOT Review:

- 1. NCDOT requests review of the site plan to offer input regarding access.*
- 2. NCDOT reserves the right to limit or modify access to provide safe ingress/egress.*

Leah Wagner, NCDOT District Engineer

Fire Marshal Review:

No comments, Matthew Hopkins, County Fire Marshal

EMS Review:

No comments. James Lentz, Cabarrus County EMS Director

Sheriff's Office Review:

No comments. Ray Gilleland, Cabarrus County Sheriff's Lieutenant

Soil and Water Review:

The soil and water conservation district office does not express any major concerns or issues with this proposed request. The area is prone to high shrink-swell tendencies, which the applicant might want to be considered when designing the replacement building. Tammi Remsburg, Cabarrus County Resource Conservation Manager

Land Use Plan Analysis

The subject property is located in the Eastern Planning Area. The Eastern Area Plan designates the subject property as Agriculture Open Space. This area permits development while protecting open space and agricultural land resources. This district is intended to remain agrarian in nature and the primary uses are agricultural and single-family residential, with densities of up to one unit per 3 acres or up to one unit per two acres, provided additional standards are met. The plan recommends different strategies to meet these goals, such as clustering development and promoting voluntary agricultural districts.

Conclusions

- The site is currently used as a religious institution and has been for several years.

- Prior to 2016, the religious institution was comprised of two structures on the site that were used by the congregation. One of the buildings, an old school, was destroyed by fire in 2016.
- The Agriculture Open Space (AO) and the Office Institutional (OI) districts both allow religious institutions as a Conditional Use (C) or as a Permitted Based on Standards (PBS) depending on the seating capacity of the proposed facility.
- The applicant intends to build a new structure on the site to replace the structure was destroyed by the fire.
- The site currently has several existing non-conformities related to the zoning district, including building setback encroachments, required landscape buffer encroachments and impervious area overages.
- The proposed rezoning to the OI zoning district would bring the site into better compliance with the Cabarrus County Development Ordinance.
- The subject property is located in the protected area of the Dutch Buffalo Creek Watershed and is subject to the Watershed Overlay Zone described in Chapter 4 of the Cabarrus County Development Ordinance. The Overlay restricts the overall development of the site to 12% built-upon area.
- If the request is approved, the applicant understands that submittal for commercial site plan review and compliance with the Cabarrus County Development Ordinance for a Religious Institution (with total seating capacity of 350 or less) would be required.

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 of 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#: RZON2018-00002Received By: PELDate Filed: 4-10-18Amount Paid: 588,23

Instructions

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.
 - 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 less than 5 acres = \$400
 - Residential rezoning request greater than 5 acres = \$400 + \$5 per acre over 5 acres
 - Non-residential rezoning request = \$550 + \$5/acre
 - +3% technology fee based on total application fee
4. 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 Zoning Map Amendment 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 7:00 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 3101 Cline School Rd Concord NC 28025
PIN(s) (10 digit #) 5662-- 25-- 1973; -- --
Deed Reference Book 438 Page 71
Township # 6

Description of Subject Property

Size (square feet or acres) 4,216 AC
Street Frontage (feet) 343.63' / 118.98' / 339.13'
Current Land Use of Property Church
Surrounding Land Use North Pastors Pasonage - AO Residential
South AO / vacant / residential
East AO / vacant / residential
West AO / residential

Request

Change Zoning From AO To OI

Purpose for Request to rebuild church after fire.

Utility Service

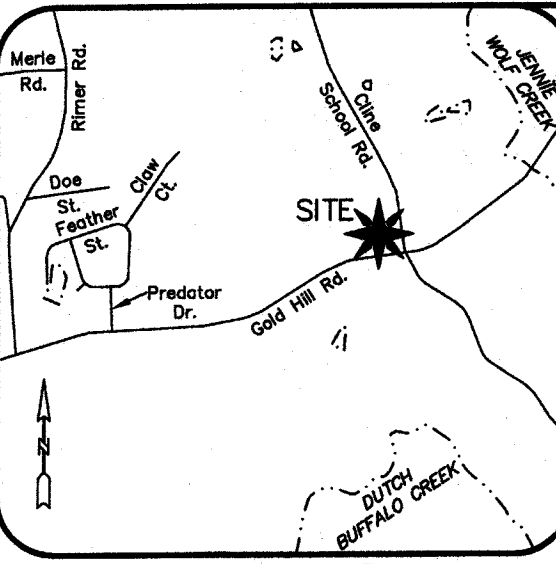
Water Supply Well or Service Provider _____
Wastewater Treatment Septic Tank(s) or Service Provider _____

Property Owner/Agent/Applicant Information

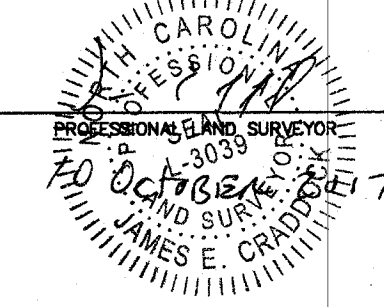
It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of proving its need rests with the below named petitioner(s).

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	<u>Victory Revival Crusades Inc</u>
Address	<u>3101/3105 Cline School Rd Concord NC 28025</u>
Phone	<u>704-786-6504</u>
Fax	<u>-</u>
Signature	<u>Rev. Daris Posey</u>
E-mail Address	<u>brendagposey@yahoo.com</u>
Agent (if any)	<u>NA</u>
Address	<u></u>
Phone	<u></u>
Fax	<u></u>
Signature	<u></u>
E-mail Address	<u></u>
Applicant (if any)	<u>Carlos Moore Architect PA</u>
Address	<u>222 Church St N Concord NC 28025</u>
Phone	<u>704-788-8333</u>
Fax	<u>704-782-0487</u>
Signature	<u>UJM</u>
E-mail Address	<u>Umoore@cmoorearch.com</u>



I, JAMES E. CRADDOCK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN DEED BOOKS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM DEEDS OR MAPS REFERENCED HEREON; THAT THE RATIO OF PRECISION IS 1:52,253; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND, DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET; THAT THIS TOPOGRAPHIC SURVEY WAS PERFORMED TO MEET NATIONAL MAP ACCURACY STANDARDS AS APPLICABLE; THAT THE ORIGINAL DATA WAS OBTAINED 09/21/2017 - 10/10/2017; ALL COORDINATES ARE BASED ON LOCALIZED NAD 83(2011); VERTICAL DATUM IS 1988; BASIS OF NC GRID ~ NAD 83(2011), EPOCH 2010.00 & NAVD 1988 ELEVATIONS WERE DERIVED FROM NGS NETWORK RTN ON SEPTEMBER 26, 2017. THIS WAS A CLASS A SURVEY (POSITIONAL TOLERANCE < 0.10); GEOID MODEL GEOID12B AND UNIT OF MEASUREMENT IS U.S. SURVEY FEET.
WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 10th DAY OF OCTOBER, 2017 A.D.



JOHNNY FRANKLIN CLINE
P.I.N. 5662-16-0381
DB. 694, PG. 103

IMPERVIOUS AREA TABLE*

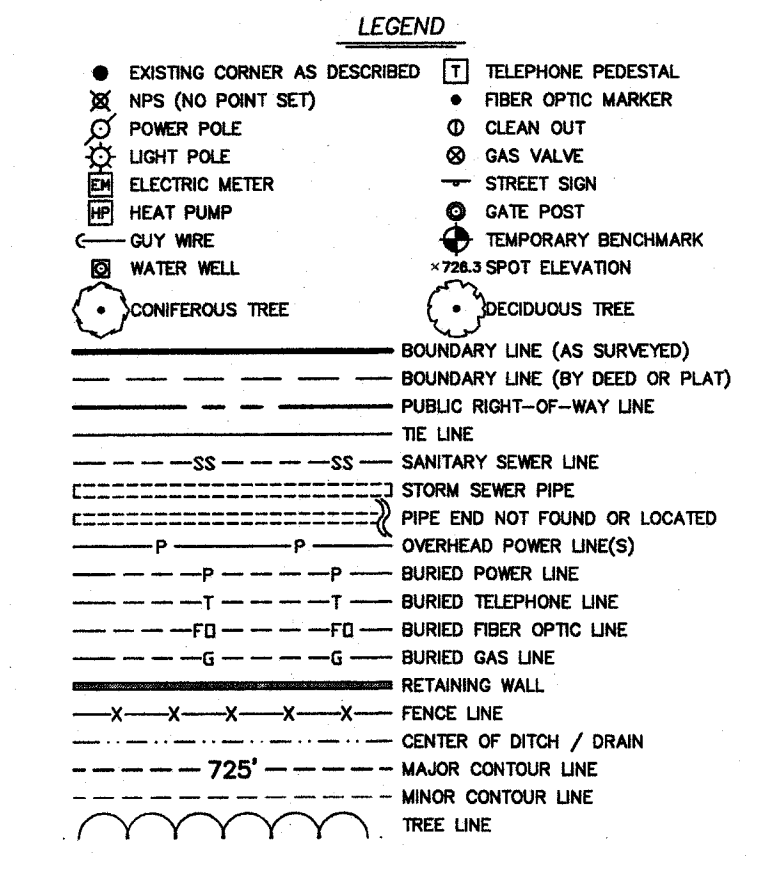
ASPHALT SURFACE:	6,686 SQ. FT.
CONCRETE SURFACE:	5,240 SQ. FT.
GRAVEL SURFACES:	7,375 SQ. FT.
METAL BUILDING:	7,253 SQ. FT.
MOBILE HOME:	563 SQ. FT.
TOTAL:	27,217 SQ. FT.

*OUTSIDE OF ROAD RIGHT-OF-WAY;
SEE ROAD RIGHT-OF-WAY NOTE.

BUILDING SETBACK LINE TABLE

CABARRUS COUNTY ZONING (AO):	
FRONT (MINOR COLLECTOR)-	75'
FRONT (LOCAL ROAD)-	50'
SIDE YARD (SINGLE)-	20'
SIDE YARD (TOTAL)-	40'
REAR-	30'

- NOTES:
1. TRANSVERSE ADJUSTED BY LEAST SQUARES ADJUSTMENT METHOD; RAW ERROR OF CLOSURE 1:52,253.
 2. AREAS COMPUTED BY COORDINATE COMPUTATIONS.
 3. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 4. SUBJECT PROPERTY LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PER F.I.E.M. MAP NUMBER 371000000, EFFECTIVE DATE NOVEMBER 5, 2008.
 5. BASIS OF NC GRID ~ NAD 83(2011), EPOCH 2010.00 AND NAVD 1988 ELEVATIONS WERE DERIVED FROM NGS NETWORK RTN ON SEPTEMBER 27, 2017. THIS WAS A CLASS A SURVEY (POSITIONAL TOLERANCE < 0.10); GEOID MODEL GEOID12B AND UNIT OF MEASUREMENT IS U.S. SURVEY FEET.
 6. CONTOUR INTERVAL IS ONE (1) FOOT.
 7. PROPERTY IS ZONED "AO" (CABARRUS COUNTY).
 8. SOURCE OF UNDERGROUND UTILITY MARKING IS ALLIED ASSOCIATES, P.A. (336)769-2377; THE UTILITY MARKINGS ARE TO BE WITHIN +/- 2' (FEET) OF THE ACTUAL UTILITY BEING MARKED; CES IS RESPONSIBLE FOR THE LOCATION OF THE UTILITY MARKING AND NOT THE ACTUAL LOCATION OF THE UTILITIES BEING MARKED; THERE MAY BE MORE UNDERGROUND UTILITIES THAN THOSE SHOWN; BEFORE DOING ANY DIGGING, CALL NC ONE-CALL (1-800-832-4849).
 9. THIS MAP DOES NOT CONFORM TO CES 47-39 AS AMENDED.
 10. THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
- REFERENCES:
1. ALL DEEDS AND MAPS SHOWN HEREON.
 2. CABARRUS COUNTY ON-LINE G.I.S. TAX MAP.
 3. UNRECORDED MAP TITLED "CONVEYANCE PLAT SURVEY PROPERTY OF: VICTORY REVAL CRUSADES, INC.", BY CES, DATED JULY 4, 2001, CES JOB NO. 010511.000.



LARRY W. CLINE & wife, FAYE C. CLINE
P.I.N. 5662-26-4497
DB. 619, PG. 611

WALTER G. POSEY & wife, BRENDA G. POSEY
P.I.N. 5662-26-1270
DB. 3404, PG. 5

JOHNNY FRANKLIN CLINE & wife, JANET HAMBY CLINE
P.I.N. 5662-15-7963
DB. 486, PG. 539

LINDA SUTHER HERRING & husband, WILLIAM MIKE HERRING
P.I.N. 5662-25-6990
DB. 415, PG. 127

RHONDA S. DRAKE
P.I.N. 5662-25-3438
DB. 1659, PG. 163

L. R. SUTHER & wife, MADELYN D. SUTHER
P.I.N. 5662-15-2128
DB. 710, PG. 44

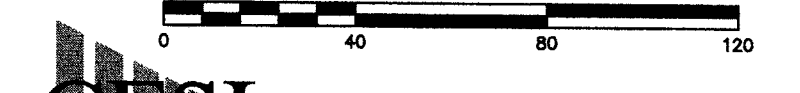
PUBLIC ROAD RIGHT-OF-WAY NOTE:
GOLD HILL ROAD (SR 2408) & CLINE SCHOOL ROAD (SR 2427) HAVE A PUBLIC MAINTENANCE RIGHT-OF-WAY ONLY; A SET WIDTH HAS NOT BEEN ESTABLISHED. THE N.C.D.O.T. CLAIMS THAT THE WIDTH WOULD APPROXIMATELY BE FROM OUTSIDE, TOP OF BANK OF DITCH TO OUTSIDE, TOP OF BANK OF DITCH OR WHATEVER IS NECESSARY TO MAINTAIN THE ROAD, DITCHES, SLOPES, ETC. THE MAINTENANCE WIDTH MEASURED FROM THE ROAD CENTERLINE ON THE NORTH SIDE OF GOLD HILL ROAD IS APPROXIMATELY 25'+/-, THE MAINTENANCE WIDTH MEASURED FROM THE ROAD CENTERLINE ON THE WEST SIDE OF CLINE SCHOOL ROAD TAPERS WITH THE WIDEST END BEING NEAR THE INTERSECTION (28'+/-) AND THE NARROWEST END BEING AT THE NORTHERN PROPERTY LINE (18'+/-).

BOUNDARY & TOPOGRAPHIC SURVEY OF:
3105 CLINE SCHOOL ROAD
NO. 6 TOWNSHIP, CABARRUS COUNTY, NORTH CAROLINA

FOR CLIENT:
VICTORY REVAL CRUSADES, INC.
3101 CLINE SCHOOL ROAD
CONCORD, NC 28025

DATE: OCTOBER 10, 2017
REVISED:
SCALE: 1" = 40'
JOB NO.: 170437.000

COMPUTED BY: JRB
DRAWN BY: JRB
CHECKED BY: JEC






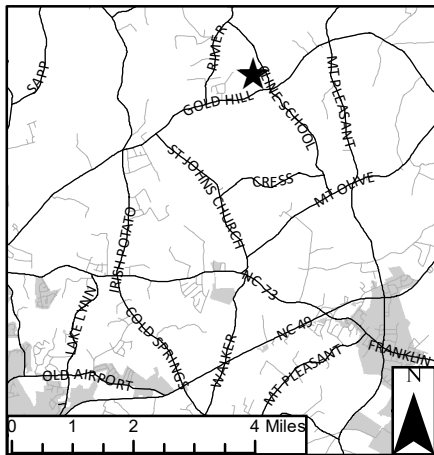
CIVIL - GEOTECHNICAL - SURVEYING
N.C. FIRM LICENSE NO. C-0263
45 SPRING STREET SW CONCORD (704) 786-5404
CONCORD, NC 28025 FAX (704) 786-7454
ACAD FILE: 170437.DWG
© CES 2017

Existing Zoning



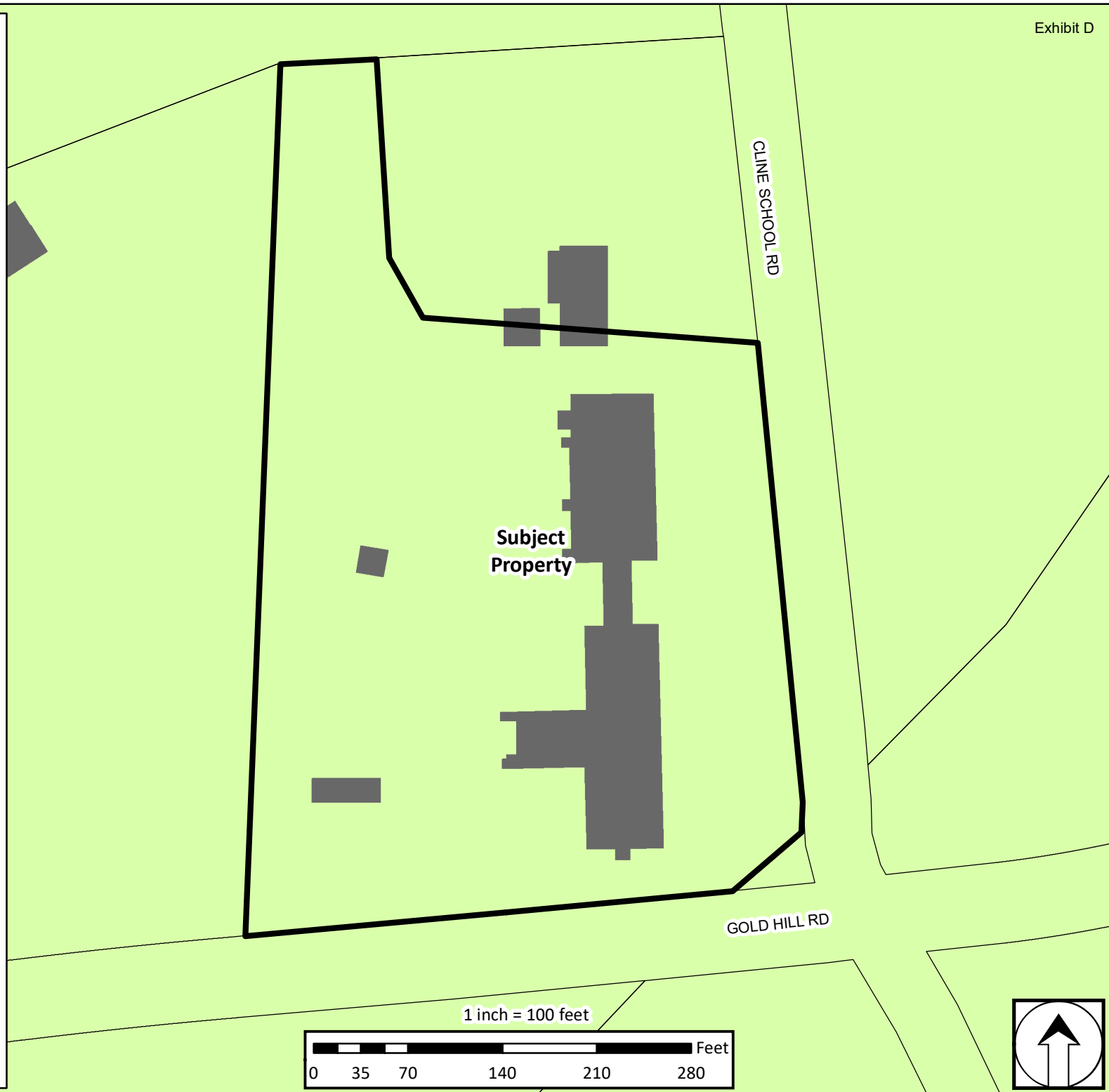
Applicant: Virginia Moore
Owner: Victory Revival Crusade
Case: RZON2018-00002
Address: 3101 Cline School Road
PIN: 5662-25-1973
Current Zoning: AO
Proposed Zoning: OI

-  Parcels
-  Municipal District
-  Structures 2010



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 - April 2018

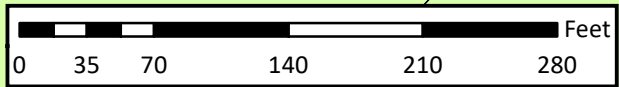


Subject Property

CLINE SCHOOL RD

GOLD HILL RD

1 inch = 100 feet

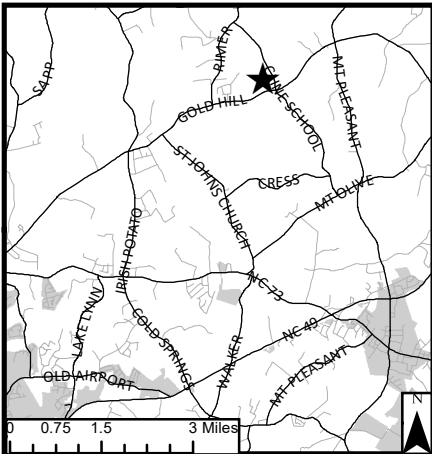


Aerial Map



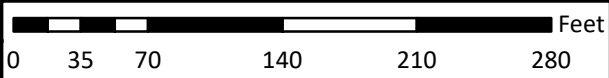
Applicant: Virginia Moore
Owner: Victory Revival Crusade
Case: RZON2018-00002
Address: 3101 Cline School Road
PIN: 5662-25-1973

- Cabarrus County
- Municipal District
- Parcels



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Map Prepared by Cabarrus County Planning & Development - April 2018

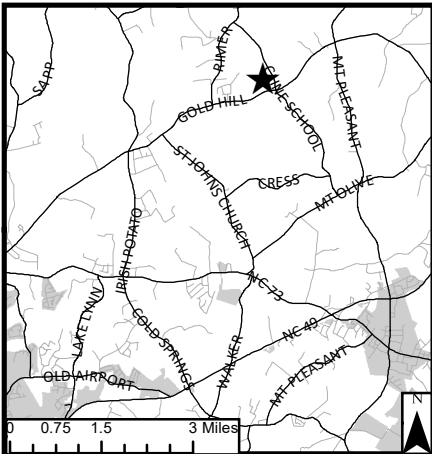


Aerial Map (2015)



Applicant: Virginia Moore
Owner: Victory Revival Crusade
Case: RZON2018-00002
Address: 3101 Cline School Road
PIN: 5662-25-1973

- Cabarrus County
- Municipal District
- Parcels



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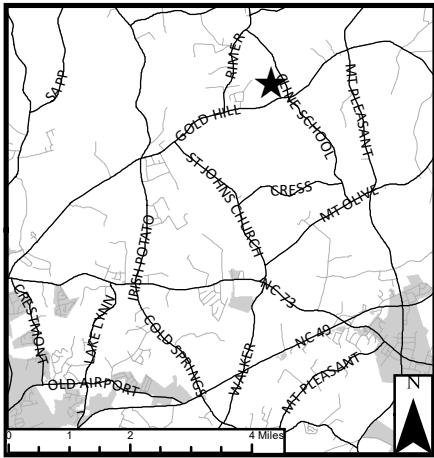
Map Prepared by Cabarrus County Planning & Development - April 2018



**Eastern Plan Area
Future Land Use**

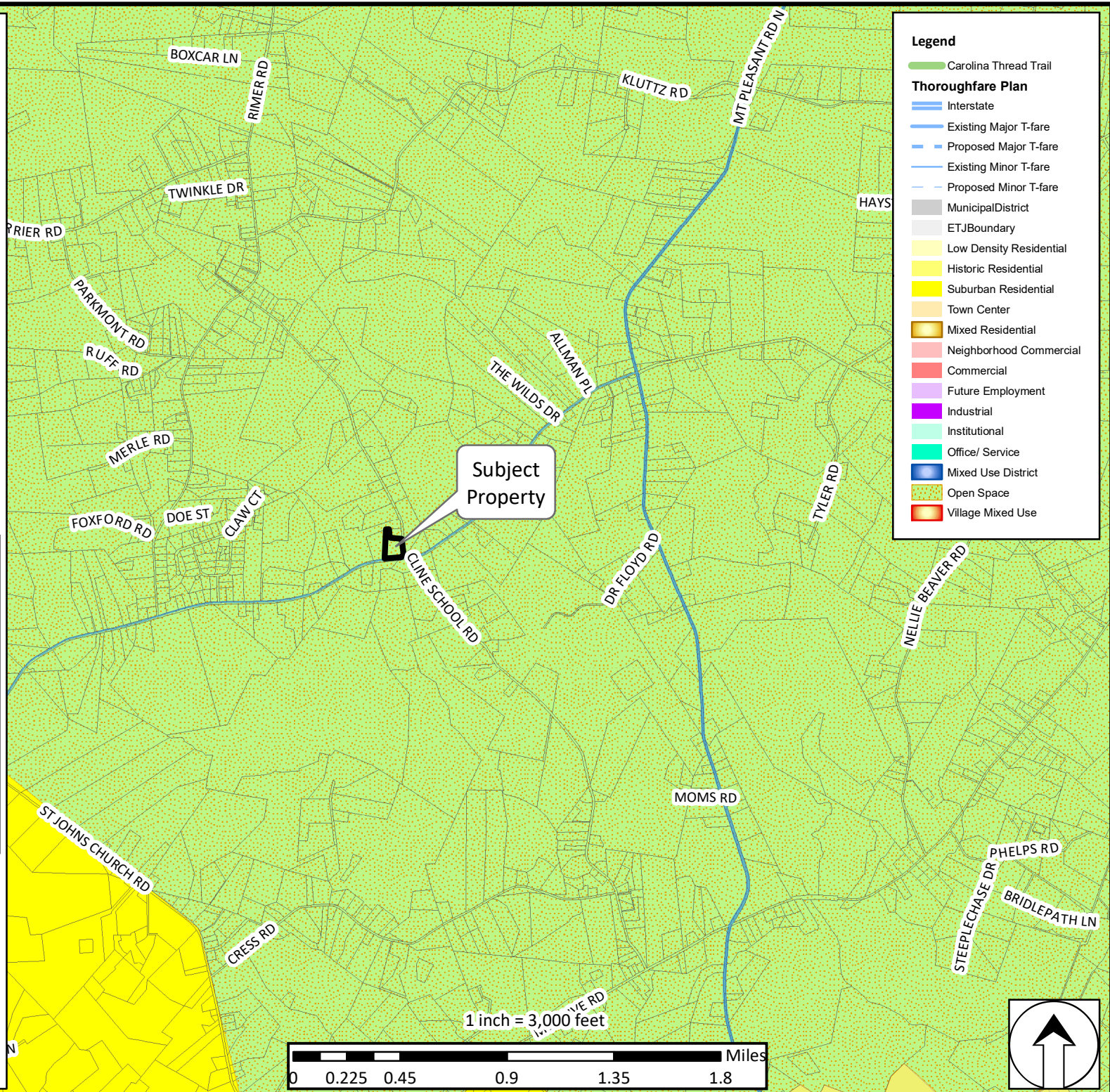


Applicant: Virginia Moore
 Owner: Victory Revival Crusade
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 Address: 3101 Cline School Road
 PIN: 5662-25-1973



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 - April 2018



PIN	Property Owner	Address	City	State	Zip
5662-25-1973	Victory Revival Crusades Inc	3101 Cline School Road	CONCORD	NC	28025
5662-25-3438	Rhonda S Drake	6420 Gold Hill Road	CONCORD	NC	28025
5662-15-2128	Louis R & Madelyn D Suther	6200 Gold Hill Road	CONCORD	NC	28025
5662-16-0381 & 5662-15-7963	Johnny F Cline	6345 Gold Hill Road	CONCORD	NC	28025
5662-25-6990	Linda S & William M Herring	6517 Gold Hill Road	CONCORD	NC	28025
5662-26-4497	Larry W & Faye C Cline	3400 Cline School Road	CONCORD	NC	28025
5662-26-1270	Walter G & Brenda R Posey	3171 Cline School Road	CONCORD	NC	28025



Cabarrus County Government – Planning and Development Department

April 17, 2018

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, May 8, 2018 at 7:00 PM in the 2nd floor Multi-Purpose Room of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. 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.

Petitioner	Cabarrus County
Petition Number	RZON2018-00002
Property Location	3101 Cline School Road
Parcel ID Number	5662-25-1973
Existing Zoning	Agriculture/Open Space (AO)
Proposed Zoning Map Change	Office/Institutional (OI)

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,

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

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



Cabarrus County Government – Planning and Development Department

April 17, 2018

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The properties and specifics of the rezoning are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, May 8, 2018 at 7:00 PM in the 2nd floor Multi-Purpose Room of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. 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.

Petitioner	Cabarrus County
Petition Number	RZON2018-00002
Property Location	3101 Cline School Road
Parcel ID Number	5662-25-1973
Existing Zoning	Agriculture/Open Space (AO)
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Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development
704.920.2181

Rezoning from AO to OI
“P” - Permitted, “C” – Conditional, “PBS” – Permitted Based on Standards

	AO	OI
RESIDENTIAL USES		
Family Care Home	P	
Group Care Facility	P	P
Manufactured Home, Single Section or Mobile Home, Multi-Section	P	
Manufactured Home Park (8-4, 14)	P	
Single Family Detached Residential	P	
AGRICULTURAL USES		
Agriculture, Including Livestock (7-3,2A)	P	
Agriculture Excluding Livestock	P	
Agritourism, Accessory to Agriculture	P	
Barn, Greenhouse, as Primary Structure (7-3, 7)	PBS	
Bulk Grain Storage	P	
Dairy Processing	P	
Hatchery	P	
Livestock Sales	P	
Nursery, Greenhouse	P	
Scientific Research and Development, Accessory to Agriculture (7-3, 52)	PBS	
ACCESSORY USES		
Accessory Dwelling Unit (7-3,1)	PBS	
Accessory Building, Lot Less Than 2 Acres (7-3, 1)	PBS	PBS
Accessory Building, Lot 2 Acres or Greater (7-3, 1)	PBS	PBS
Airstrip (8-4, 3)	C	
Automated Teller Machine (7-3, 6, b)		PBS
Community Garden, as Accessory Use (7-3, 13)	PBS	PBS
Ethanol Fuel Production, Residential District, Private Use Only (7-3, 20)	PBS	
Home Occupation, General (7-3, 27)	PBS	
Home Occupation, Rural (7-3, 28)	PBS	
Ice Production, Dispensing, Accessory to Convenience Store (7-3, 30)	PBS	
Ice Production, Dispensing, Accessory to Gas Station (7-3, 29)	PBS	
Kennel, Private (7-3, 31)	PBS	
Swimming Pool, Accessory to Single Family Residential (7-3,1)	PBS	
Towing Service, Accessory to Automobile Repair (7-3, 60, a-c)	PBS	
Towing Service, Accessory to Salvage Yard (7-3, 59, a-c)		
Trail Head, Accessory (7-3, 63)	PBS	PBS
Wind Energy Facility, Accessory Use, On Site Use Only (7-3, 66)	PBS	
COMMERCIAL, RETAIL AND OFFICE USES		
Animal Hospital (8-4, 39)	C	
Auction House (7-3, 3)	PBS	
Bank, Financial Institution, Automated Teller Machine (7-3, 6)		PBS
Banquet Hall		P
Barber, Beauty, Tanning, Nail or Skin Care Salon		P
Bed and Breakfast (7-3, 8)	PBS	
Catering Service (7-3, 9)		PBS
Contractor or Trade Shops (7-3, 17)	PBS	
Convenience Store with Petroleum Sales (7-3, 14)	PBS	
Convenience Store without Petroleum Sales (7-3, 15)	PBS	
Country Club with Golf Course (7-3, 16)	PBS	PBS
Day Camp, Summer Camp, Civic Group Camp Facility (8-4, 10)	C	
Duplex, Commercial Use, Individual Lots (7-3, 19)		PBS
Farmer's Market		P
Funeral Home		P
Gas Station (7-3,23)	PBS	
Golf Course, Public or Private (7-3, 24)	PBS	PBS
Kennel, Commercial (8-4, 37)	C	
Nursery, Daycare Center (7-3, 35)	PBS	PBS
COMMERCIAL, RETAIL AND OFFICE USES (Continued)		
Office professional, 30,000 Square Feet or Less		P
Parking Lot, Parking Garage, Commercial or Private		P
Printing and Reprographic Facility		P
Race Shop, Race Team Complex (8-4, 19)	C	
Reception Facilities (8-4, 21)	C	
Recreational Facility, Indoor (7-3, 39)		PBS
Recreational Facility, Outdoor (8-4, 22)	C	C
Recreational Therapy Facility, Rural Setting (8-4, 23)	C	

Rezoning from AO to OI
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Recyclable Materials Drop Off (7-3, 41)	PBS	PBS
Repair Garage, Automobile (7-3, 43)	PBS	
Repair Shop, Farm Machinery (7-3, 44)	PBS	
Repair Shop, Small Engine (7-3, 45)	PBS	
Restaurant, Excluding Drive-thru (7-3, 47)	PBS	
Retail Sales, Neighborhood Market 1,000 Square Feet or Less (7-3, 49)	PBS	
Sawmill (7-3, 51)	PBS	
Scientific Research and Development (7-3, 53)		PBS
Shooting Range, with Outdoor Target Practice (8-4, 30)	C	
Sports and Recreation Instruction or Camp (8-4, 31)	C	
Stables, Commercial (7-3, 58)	P	
Swim Club, Tennis Club, Country Club (7-3, 59)	PBS	PBS
Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales (7-3, 61)	PBS	
Veterinarian (8-4, 37)	C	
Wireless Telecommunications Services (8-4, 36)	C	C
Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less (8-4, 36)	P	P
Wireless Telecommunications Services – Co-location (7-3, 67)	PBS	PBS
INSTITUTIONAL, CIVIC AND PUBLIC USES		
Animal Shelter (8-4, 37)	C	
Cemetery (7-3, 10)	PBS	
Civic Organization Facility (7-3,11)	PBS	P
Coliseum, Stadium (8-4, 5)		
College, University (8-4, 6)	C	
College, University		P
Communications Tower, 911 Communications Tower (7-3, 12)	PBS	
Communications Tower, 911 Communications Tower (8-4, 7)		C
Convention Center Facility (8-4, 8)		C
Correctional Facility (8-4, 9)	C	
Elementary, Middle and High Schools (8-4,11)	C	C
Government, Excluding Correctional Facilities (See Public Service Facility, Public Use Facility or Public Cultural Facility)	C	C
Hospital, Ambulatory Surgical Care Facility		P
Public Cultural Facility (7-3, 38)	PBS	P
Public Service Facility (8-4, 17)	C	C
Public Use Facility (8-4, 18)	C	
Public Use Facility		P
Recreational Trail, Greenway or Blueway, Connector (7-3, 40)	PBS	PBS
Recreational Trail, Greenway or Blueway as Part of Public Use Facility	PBS	PBS
Religious Institution with Total Seating Capacity 351 or More (8-4, 24)	C	C
Religious Institution with Total Seating Capacity 350 or Less (7-3, 42)	PBS	PBS
Religious Institution with School (8-4, 25)	C	C
Rest Home, Convalescent Home with 10 Beds or Less (7-3, 46)	PBS	PBS
Rest Home, Convalescent Home with More Than 10 Beds (8-4, 26)	C	C
Trade and Vocational Schools (8-4, 33)	C	C
Trail Head, Primary Use Site (7-3, 64)	PBS	PBS
INDUSTRIAL		
Landfill, Demolition, Less Than One Acre (7-3, 32)	PBS	
Landfill, Demolition, One Acre or More (8-4, 13)	C	
Landfill, Sanitary (8-4, 13)	C	
Multimedia Production and Distribution Complex (8-4, 15)	C	
Slaughter House, Meat Packing (8-4, 32)	C	
Public Utilities	C	C
TEMPORARY USES		
Auction, Estate or Asset Liquidation	PBS	PBS
Auction, Livestock	PBS	
Contractor Office, Construction Equipment Storage	PBS	PBS
Dumpsters, Commercial Waste Containers	PBS	PBS
Events, Tent or Temporary Structure		PBS
FEMA Trailers, Natural Disaster or Significant Weather Event	PBS	PBS
Mobile Personal Storage Unit, Vacate or Occupy Premise	PBS	PBS
Mobile Personal Storage Unit, Renovation	PBS	PBS
Promotional Activities Involving the Display of Goods or Merchandise	PBS	PBS
Real Estate Office in a Construction Trailer or Temporary Modular Unit, Commercial/Mixed Use Projects	PBS	PBS
Real Estate Office in a Construction Trailer or Temporary Modular Unit, Residential Projects	PBS	PBS
Real Estate Office in Model Home	PBS	PBS
Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins		PBS

Rezoning from AO to OI
"P" - Permitted, "C" – Conditional, "PBS" – Permitted Based on Standards

Similar and Compatible Uses Not Specified	PBS	PBS
Special Events and Activities	PBS	PBS
Temporary Amusement Enterprise		PBS
Temporary Dwelling for Large Construction Projects	PBS	PBS
Temporary Residence in Mobile Home During Construction of New Home, Same Site	PBS	
Temporary Signs	PBS	PBS
TRANSPORTATION RELATED		
Airstrip (8-4,3) See Accessory Use	C	C

CABARRUS COUNTY
ZONING



NOTICE
RZON2018—00002
FOR DETAILS CALL
704 - 920 - 2141

18/04/2018 12:03 pm

CABARRUS COUNTY
ZONING



NOTICE
RZON2018—00002
FOR DETAILS CALL
704 - 920 - 2141

18/04/2018 12:09 pm