



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
October 8, 2019 @ 6:30 P.M.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval of September 10, 2019, Planning and Zoning Commission Meeting Minutes
3. Approval of Findings of Fact and the Granting Order for VARN2019-00003
4. **New Business – Board of Adjustment**
 - A. **PLPR2019-00074** – Request to subdivide property located on south side of Tuckaseegee Road to create additional lot. Applicant is Brandon Roberts. The property is 5932 & 5924 Legacy Lane. (PINS: 4694-92-9499 and 5604-02-3376)
5. Directors Report
6. Legal Update

Planning and Zoning Commission Minutes
September 10, 2019

Mr. Charles Paxton, 2nd Vice Chair, called the meeting to order at 6:35 p.m. Members present, in addition to the Vice Chair, were Mr. Adam Dagenhart, Ms. Holly Grimsley, Mr. David Hudspeth, Mr. James Litaker, Mr. Andrew Nance, Ms. Ingrid Nurse, Mr. Steve Wise and Mr. Jerry Wood. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Boyd Stanley, Senior Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Approval of August 13, 2019 Meeting Minutes

Ms. Holly Grimsley, **MOTIONED, SECONDED** by Mr. Adam Dagenhart, to **APPROVE** the August 13, 2019, meeting minutes. The vote was unanimous.

The Chair said anyone wishing to speak on the Board of Adjustment case needs to complete a blue card and must be sworn in.

The Chair said we will consider the Rules of Procedures. Mr. Litaker **MOTIONED, SECONDED** by Mr. Adam Dagenhart to consider the Rules of Procedures. The vote was unanimous.

The Chair administered the oath.

Board of Adjustment Function:

The Chair introduced Petition VARN2019-00003 – Request for relief from required front and side setback, impervious area and structural coverage standards for the LDR district. The applicants are Brandon and Nancy Russell. The property is located at 15060 Northgreen Drive (PIN#4670-59-7133).

The Chair asked if there were any conflicts of interest or information that needed to be disclosed by any Board member. There being none, the Chair called on Mr. Boyd Stanley, Sr. Planner to present the staff report.

Mr. Boyd Stanley addressed the Board presenting the staff report for VARN2019-00003. He said the variance that is in front of you, is actually a few different request in one. The applicant is Mr.

Tim Medlin, who is a Real Estate Broker, and represents the Russell's in selling their home on 15060 Northgreen Drive.

He said it is a little bit smaller than most lots in the County, it is 11,831 square feet, a little shy of 12,000 square feet. But, in their due diligence, before closing on the house, it came to their attention that there was an encroachment into the front setback.

Once they came and met with us, it became evident that there were not only encroachments in the front setback, but also in the side setback and on the impervious and structural coverage in the current Ordinance.

He said back in 2004, when this house was constructed, it was zoned Medium Density Residential (MDR), now it is zoned Low Density Residential (LDR). It was changed a couple of years after the house was built.

The house was built into the front setback. The setbacks from the side are more restrictive now; the rear is not an issue. We looked a little further and found they were over on their impervious coverage as well.

He said in 2004, they were over on their impervious and structural built upon coverage and built upon area and the front setback. But, there was not a side setback issue at the time. But, there is now since it is LDR.

As stated, the property is on 15060 Northgreen Drive, in the Skybrook community, it is a Huntersville address and the property backs up to the Skybrook golf course.

He said the exhibit in the packet will shed a little more light on what it looked like with the original setbacks from the recorded plat, which shows 30 foot front, 5 foot sides and 25 rear, and that was under the MDR at the time on this recorded plat.

Currently, for the LDR, it is 50 foot front setback, 20 feet on the sides and 30 on the rear. He said that is the difference in that zoning and today's zoning.

Mr. Stanley said the Board is probably asking how it got built in the front setback. We are not sure and that is why we are here. In the exhibits, there is an actual permit, a zoning permit from 2004. As you can see it just kind of throws the setback information on there. There is not a lot of detailed information.

One thing he would like to point out, is that there was a note on the recorded plat, which is hard to see, that basically gave the developer or builder at the time the flexibility to have flexible front setbacks, which it would have been in compliance. What we think is, although this note was never signed and recorded on here and followed through with, it is a note that says that a certain percentage of the houses in this neighborhood could have varying front setbacks.

We think at the time, this is how this error was made. They thought they had that flexibility and they did not.

As I stated, the current LDR setbacks are 50 feet front, 20 feet side and 30 feet rear. As it stands today, the front setback encroaches 23.9 feet into the front setback for the LDR. On one side of the house there is a 9.9 foot encroachment, on the other side a 9 foot encroachment. The rear setback is fine; that is not an issue.

He said the maximum impervious coverage at the time was 20 percent and the structural coverage was 15 percent; that has not changed. But, they are over on the impervious coverage 1,341 square feet and then on the structural coverage by 1232.35 square feet.

What they are asking for tonight is a variance, but under that variance umbrella is for the front setback with the encroachments that he mentioned in the staff report; side setbacks, impervious coverage and structural coverage.

Why is this important and why are they here? It has something to do with the warranty deed and their transaction. They have a buyer for the house, a closing date, they are moving out and they want this to go as smoothly as possible, obviously.

Mr. Stanley said for the record, he is not going through every exhibit unless the Board has specific questions. He said like the zoning that is not really in question, the zoning is what it is. We have a zoning map in here and he showed the recorded plat for the neighborhood, which is a little hard to see.

But it was interesting, once you start doing a little digging on these, you are like, there is a note on there. If only that note had been followed through with 15 years ago then we would not be here tonight.

He asked if there were any specific questions. There is a lot of detailed information in the application, like the findings of facts and all of that. He wants to make sure that he points out that with this variance request, they are not asking to change anything from its current condition. They are not looking to build on to the house or build into the setback. They just want what is there to be in compliance with today's ordinance with the County, so, they can have a clean Warranty Deed or clean title when they close on the property.

The Chair said at the time the builder was granted a permit to build?

Mr. Stanley said yes, both a zoning and building permit.

The Chair said if there are no other questions, the applicant can come forward.

Mr. Tim Medlin, Realtor, Southern Homes of the Carolinas, 9400 Bob Beatty Road, Charlotte, NC, addressed the Board.

He said first of all, working with Mr. Stanley, Ms. Morris and staff has been fantastic. He has lived in this County, raised his children here for ten years and now lives in Charlotte. He said the buyer's agent is John Ratliff, with Allen Tate and he is here tonight also.

Mr. Medlin said without repeating what Mr. Stanley has said, but trying to highlight it. As soon as the house went under contract and as he is faxing Mr. Ratliff the contract back, he saw in the package that there was a survey (that survey there on the screen). So, he thought he would stick it in there for the buyers that they could use this I am sure.

Five minutes later Mr. Ratliff calls and asked if I had looked at the survey and I said no, that I had literally just seen it in the package. He then immediately saw what the problem was and we continued on, no panic or anything like that. He told Mr. Ratliff that they would be here the next morning to meeting with Planning and Zoning to see what we are supposed to do about this and how we could get it rectified.

Basically, what we found out was the house was built into the setback, it did get a CO, it did have a permit and it was built by a major builder. We are not seeking anything except for relief so that we can transfer the deed cleanly and legally and properly for this property.

He said this is the way it should be done in every transaction. Mr. Ratliff caught it, his folks are fine. It has created a hardship for the Russell's that they want to solve. This is there problem as a seller and they want to take care of this problem before we close. The closing attorney is not upset or concerned about it, it is a matter of doing what is right and what is legal.

When we came into the office we found out that not only was it built into the setback with the LDR zoning, which he is familiar with from years ago, working out in the County. Obviously, it created problems on the side and further problems on the front. That is why we are here tonight, to try to clear it up and to make sure there are no clouds on the Title going forward for the buyers. That they do not inherit this problem from the seller, that is not fair to buyer.

He said Mr. and Mrs. Russell had no clue that this was going on when they closed this house. They did not understand it, most people in the lay would not understand it. Most people in the lay would be like he was when he was a member in the lay.

If we are closing it and there is an attorney here and I have a CO and everything is good. That is what attorneys do, they close stuff, legally and rightfully. They had no clue at all why they had a Special Warranty.

Mr. Medlin said the only reason he could think of as a realtor at that time, would be that it had something to do with the Builder's umbrella package or the way their loan came out of that for this lot. It just did not make any sense.

The Russell's stepped up and did the right thing and submitted an application for relief from this and paid \$515.00. We are just trying to clean up the Title so it will transfer cleanly and legally.

The Chair asked if there were any questions from the Board.

The Chair said they currently have a Special Warranty Deed, but when it is transferred, they will have General Warranty Deed?

Mr. Medlin said yes, and that is the offered approach that is approved by the North Carolina Bar for all realtors to use. It is in our language, it is in our contract. He said the buyers are still in and are not threatening to run. They just want to clear it up, obviously, before going to closing and before we went any further in the transaction.

We would like to be able to provide a general warranty deed for the buyers and that eliminates the problem that the sellers inherited when they took possession of this house back in 2004. They are the original owners of the home.

The Chair opened the Public Hearing. There being no one speaking for or against the variance the Chair closed the Public Hearing.

The Chair read the Section 12-20 Application of the Variance Power:

A variance may only be allowed by the Commission in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all the following findings:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the, ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Commission, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial, material, and competent evidence in the record of the proceeding before the Commission.

The Commission may impose reasonable conditions upon the granting of any variance to ensure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

The Chair said we shall discuss the variances before us. We can consider them individually or as a group of one. He asked if there were any comments from the Board, hearing none, the Chair recommended considering them all at one time with an up or down vote.

The Chair said we shall have a discussion about what we have heard tonight and discuss some of the findings of fact that we have heard. He asked if there were any comments.

The Chair said at the time, the applicant was granted a permit and therefore, they had no knowledge that they were not in compliance and therefore it has created an undue hardship on them, therefore in selling the property.

He thinks that would qualify as one of the four findings.

Mr. Jerry Wood thinks it is interesting that there is a note that allows the developer to differ for about half of the lots from the required setbacks in the ordinance, but there is no definition or clarification of which lots are where. So now, he does not think that it would be fair to hold these people responsible for somebody else's lack of detail or their mistake.

Ms. Morris said if the Board remembers, this is a Board of Adjustment case so we need some findings for the record before you actually make a motion and those findings need to be supportive of that motion in case it is appealed. She said so that a judge understands why you made the decision that you made based on the record

Mr. David Hudspeth asked why the zoning changed from MDR to LDR.

Ms. Morris believes that it was part of the whole mass rezoning that the County did in 2005, with the Designing Cabarrus Project. We have had some difficulties with other properties in that particular area to where they had a different zoning designation prior to that change. There are a lot of nonconforming properties in that area.

Mr. Hudspeth is trying to understand the plat. He said did it meet all the requirements for MDR at the time?

Ms. Morris said to clarify about the plat. The County used to have a cluster development option, think of it as our current open space option. She said to get smaller lots the developer gave up more open space. But also as part of that, that note that is on that plat, they were allowed to pick 50 percent of the lots, they could pick whatever the setbacks were.

As you saw in the staff report, that really was not properly documented because as you see on the plat, the developer indicated that the recorded setbacks on that plat were going to be the 30 feet

in the front and whatever the side setbacks that were shown. She said that is shown for all of those lots.

There really is no record of what that developer was doing. It was somewhat on the honor system and all of the permits that were issued for that development have the standard what is expected setbacks on them. There was that flexibility built in but they did not show that on the plats, they did not come back and show it on the plot plans, they consistently used that 30 feet and those MDR setbacks.

She said to answer your question, it would have been compliant with MDR at the time, but based on having those flexible setbacks, they could go down to a 3 foot setback if they wanted too as long as they still met the fire code before different construction codes came into play.

The way that zoning permitting was done back then, there was not a good way to track it and staff at that time did not put notes in there to say if they were exercising the flexible option or not for that particular lot.

Mr. Hudspeth said it looks like the hardship was created by the change in zoning and the flexibility that was given to the developer.

Ms. Morris said if you look at this particular exhibit that is up in front of you right now, which is the as built survey for that particular house, it does not even meet the MDR standards that were in place at the time.

Mr. Hudspeth said he was looking at the front set back and it sits inside of it on the plat.

Ms. Morris said that is correct. That is not something that our ordinance would allow. We have certain things that can encroach, that is a covered porch so that would not have been allowed to be an encroachment. You see that the corner of the house is actually pegged at 26.1, so they were already over the 30 with the actual house plus the additional encroachment.

Mr. Wood asked if there had been any properties in close proximity that have had sales go on with a precedent that has already been set with a similar situation? Is there anything we have that presents a case law on this already for us or a precedent to follow?

Mr. Koch does not think we have had any out there. He asked Ms. Morris and she said no. He said on the other lots, we do not know what the setbacks were on them. Based on what Ms. Morris just said, they may have been behind the 30 feet that they show on the plat or they could have been over like this one. We do not know and he is not sure that any other lots were involved but these.

Mr. Wood did not know if this maybe had come up before in this neighborhood, prior to him coming on this Board.

Ms. Morris said it has not.

The Chair said one reason that we can grant a variance is that the hardship did not result from the actions taken by the applicant or the property owner. Obviously, when they purchased the house they thought they were compliant and now we have a peculiar situation which makes them vulnerable. He thinks he could support granting a variance. We will have that discussion among the members.

The Chair asked if there were any more comments. There being no comments the Chair asked if the Board would consider grouping all of the variance requests under one motion and proceed forward. It was the consensus of the Board to have one motion for all six of variances.

Mr. James Litaker **MOTIONED, SECONDED** by Ms. Holly Grimsley to **APPROVE** VARN2019-00003, Request for relief from required front and side setback, impervious area and structural coverage standards for the LDR District. The vote was unanimous.

Mr. Wood is anticipating that as some of these lots that are very close to this lot, he is going to bet this the builder did that to line up the fronts of all of them and this was the first case. We may see this again.

Mr. Koch said we could. We have not had any up until this point and these people apparently bought this house and have lived in it. He does not know how many of these there could be. We will have to deal with them as they come up.

The Chair thinks it might have come up as the result of the Special Warranty Deed versus the General Warranty Deed; that raised a red flag. There may be others out there that have Special Warranty Deeds.

Mr. Koch does not know how they could have gotten Title insurance on this. You can get it with a Special Warranty Deed but when you have six problems with your setbacks, no Title insurance company is going to issue a policy on that. They could not get Title insurance and he is sure that was the basic problem. What they did was went ahead and transferred it from what he understood and they did it with a Special Warranty Deed which basically says that these people did nothing themselves to impair the Title. It did not take into account the Builder who had Title before them.

When you give a Special Warranty Deed you are saying, I have done nothing to hurt the Title myself. When you give a General Warranty Deed you are saying I did nothing wrong and neither did anybody previous to me in the chain of Title; that was the issue.

He thinks what it really came down to was that they could not get Title insurance because no Title insurance company would insure this and every lender would require Title insurance and most owners do too if they know what they should be doing. He thinks that is probably what it really was, not really so much about the deeds. That really did not make a difference, it just allowed them to go ahead and transfer Title.

There probably was not a loan involved that allowed them to do that and he was not going to ask him about the details and it really does not matter. He thinks that is probably what it came down too, is that they could not get Title insurance. He said with this they will be able to get it.

He thinks it was better to do the variances all together because if you granted five of them and not six and would not have really helped them.

Directors Report:

Ms. Susie Morris provided a couple of updates. At the last meeting she told the Board that she was going to send the next Census meeting invitation and they should have received it in an email. The next meeting is Tuesday, October 22, 2019, and it is going to be at the Cabarrus Arena from 2:30 to 4:30 p.m. If you can attend that would be great.

We need more people to brain storm for the different types of outreach that we need for the County. The Census people have a booth set up at the fair, so if you go to the fair, she has heard that they are in the same room with where our politicians and aspiring politicians typically are, so their table is setup there, stop by and see them.

If you have not responded, she would appreciate it if you would go ahead and respond. At the next meeting we are going to take the information that we gathered at the meeting on the 14th and try to find the common challenges across all of the different groups. We will work through that and then we will go into the working groups again to try to hone in on certain things that maybe beneficial as far as targets and things that we can do for those particular groups.

The reason she needs the Board to respond is because we be providing some refreshments at that meeting and the Arena will need final numbers. It will be in the Cabarrus Room, which is the first building at the arena.

She introduced Mr. Boyd Stanley, Sr. Planner. He comes to us from Concord by way of Pulte Homes. He has a unique perspective in that he has been in government for a long time, plus he has been on the development side. He has a four year degree and a Master's degree in Public Administration.

We are working on the Zoning Enforcement position, hopefully, we will have that filled within the next 60 days.

No Legal Update

There being no further discussion, Mr. Jerry Wood, Jr. **MOTIONED, SECONDED** by Mr. James Litaker to **ADJOURN**. The vote was unanimous. The meeting ended at 7:00 p.m.

APPROVED BY:

Planning and Zoning Commission Minutes
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Mr. Charles Paxton, 2nd Vice Chair

SUBMITTED BY:

Arlena B. Roberts

ATTEST BY:

Susie Morris, Planning and Zoning Manager

DRAFT

Planning and Zoning Commission Minutes
September 10, 2019

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

CABARRUS COUNTY PLANNING
AND ZONING COMMISSION
BOARD OF ADJUSTMENT
VARN 2019-00003

In re

BRANDON and NANCY RUSSELL)
VARIANCE APPLICATION)

ORDER GRANTING
VARIANCES

THIS MATTER came before the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, on September 10, 2019 on the application of Brandon and Nancy Russell for five variances on the "Property" of the Russells located at 15060 Northgreen Drive, Cabarrus County, North Carolina and designated PIN 4670-59-7133.

Notice was given to the Russells and to adjacent property owners as required by law.

A full complement of nine Board members were present to hear this variance application. All of the witnesses were duly sworn and documents were received in evidence. There were no witnesses in opposition to the variance application.

After hearing and receiving the evidence, the Board unanimously makes the attached findings of facts for the standards required for variances in the ordinance, which are incorporated by reference.

Based on these findings of facts, which are supported by substantial, material and competent evidence in the record, the Cabarrus County Planning and Zoning Commission sitting as the Board of Adjustment hereby grants the following variances:

1. 26.1 feet on the front, which is a 23.9-foot encroachment into the required 50-foot setback.
2. 10.1 feet on the south side, which is a 9.9-foot encroachment into the required 20-foot side setback.

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3. 11.0 feet on the north side, which is a 9-foot encroachment into the required 20-foot setback.

4. Current impervious coverage is 31.34% or 3,707.84 SF, which is approximately 1,341 SF over the 20% impervious requirement.

5. Current structural coverage is 25.42% or 3,007 SF, which is approximately 1,232.35 over the 15% structural coverage requirement.

The special conditions of approval are attached and incorporated by reference. This Variance Order shall run with the land with reference to the Property and shall be recorded in the Cabarrus County Public Registry.

This _____ day of October, 2019, *nunc pro tunc* to September 10, 2019.

Charles Paxton
Sitting as Chair
Cabarrus County Board of Adjustment

ATTEST:

Arlena Roberts
Clerk to the Board of Adjustment

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____ a Notary Public in and for said County and State, do hereby certify that Chuck Paxton, Sitting as Chair of the Cabarrus County Board of Adjustment, personally appeared before me this day and acknowledged the due execution of the foregoing Order.

Witness my hand and notarial seal, this _____ day of October 2019.

Notary Public

My commission expires: _____

CONDITIONS OF APPROVAL

VARN2019-00003

Brandon and Nancy Russell

1. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the Property.

DRAFT

FINDINGS OF FACT
VARN2019-00003
Brandon and Nancy Russell
15060 Northgreen Drive
PIN 4670-59-7133

1 Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

a) This property was purchased by the applicants in 2004 from the builder. The dimensions of the structure have not changed since it was built. It has been their residence since they purchased it. They were not aware that the house exceeded the setback, impervious and structural coverage standards until they tried to sell the house.

b) The original zoning for this lot in Skybrook was MDR, and the plat for the subdivision had a note allowing 50% of the lots to exercise a flexible setback option, although it is unclear whether this lot was developed pursuant to that standard.

c) The present zoning for the property is LDR, which requires a 50-foot front setback, 20 feet on each side and a 30-foot rear setback. It also requires a maximum impervious percentage of 20% and a maximum structural coverage of 15%.

d) Permits were issued by the County for the construction of this house, but the house was not constructed within the building envelope shown on the plat. The size of the lot is .2716 acre.

2 The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

a) See Findings of Fact from #1 above, which are incorporated by reference.

3 The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

a) See Findings of Fact from #1 above, which are incorporated by reference.

4. The requested variance is consistent with the spirit, purpose and intent of
 - a) See Findings of Fact from #1 above, which are incorporated by reference.

DRAFT

PLANNING STAFF REPORT
 CABARRUS COUNTY PLANNING AND ZONING COMMISSION

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

Petition: PLPR2019-00074 Preliminary Plat Approval

Subdivision Name: Roberts Family Subdivision

Subdivision Type: Major Subdivision (Conventional Design Option)

Applicant Information: Brandon Roberts
 5932 Legacy Lane
 Kannapolis, NC 28081

Zoning: Agricultural / Open Space

Township: Township Four

Property Location: 5932 & 5924 Legacy Lane

PIN#: 4694-92-9499 & 5604-02-3376

Proposed Number of Lots: 1

Area in Acres: +/- 15.96 acres

Site Description: The site currently is used for residential purposes (house and detached garage).

The subject property lies within the Protected Area of the Coddle Creek Watershed. The minimum square footage required for lots in the protected area is one acre.

Adjacent Land Uses: North - Tuckaseegee Road & Residential
 South - Residential
 East - Residential
 West - Residential

Surrounding Zoning: North – AO (Agricultural/Open Space) & LDR-SU Low Density Residential - Special Use
 East – AO (Agricultural/Open Space)
 South – AO (Agricultural/Open Space)
 West – AO (Agricultural/Open Space)

Utility Service Provider: No governmental services available. Site will be served by well & septic.

Exhibits

- Exhibit A - Staff Report
- Exhibit B - Application
- Exhibit C - Plat
- Exhibit D - Staff Maps
- Exhibit E – NCDOT Driveway Permit
- Exhibit F - NCDEQ Correspondence
- Exhibit G - Adjoining Property Owner Information
- Exhibit H - Zoning Signs
- Exhibit I - Ordinance

Code Considerations

The Agricultural / Open Space zoning district has the following development standards:

- Minimum Front Yard Setback (local road): 50'
- Maximum Front Yard Setback (minor collector): 75'
- Minimum Side Yard Setback: 20'
- Minimum Side Accessory Setback: 20'
- Minimum Rear Yard Setback: 30'
- Minimum Rear Accessory Setback: 5'
- Maximum Impermeable Surface: 15%
- Maximum Structural Coverage: 10%
- Maximum Building Height: 40'
- Maximum Accessory Height: 40'

Agency Review Comments

- **NCDOT Review: Approved**
NCDOT is still fine with this proposal (per Marc Morgan)
- **NCDEQ Review: Approved**
I do not have any comments at this time. (per Chris Graybeal)
- **EMS Review: Approved**
Cabarrus County EMS has no issues (per Justin Brines)
- **Sherriff Review: Approved**
Cabarrus County Sherriff is still good with this proposal and has no further comments (per Ray Gilleland)

- **Fire Marshal Review: Approved**

No code related issues at this time. Should this property or another property be subdivided at a point where more than two homes will share the same access to the homes, access shall meet the requirements established in chapter 5 of the NC Fire Prevention Code. (per Matthew Hopkins)

- **E-911 / Addressing Review: Approved**

No comments (per Brandy Webster, Addressing Coordinator)

- **Cabarrus Health Alliance Review: Approved**

See SE2019-00155

- **Planning Review: Approved**

Staff Analysis

- The site is currently used for residential purposes.
- The parcel being reconfigured is part of a minor subdivision that was processed in November of 2017. Five parcels were created from the overall parent tract at that time. The minor subdivision is known as the Petrea property (PLPR2019-00069). The Cabarrus County Development Ordinance allows one minor subdivision per parent tract as it exists on June 20, 2005 (See Section 5-5.C of the Cabarrus County Development Ordinance)
- The current proposal brings the number of lots created from the original 2005 parent tract configuration to six total. Therefore, the proposal to create the additional lot is considered a major subdivision and has to be processed accordingly.
- The applicant is proposing to split a total of four acres off the rear portion of the current +/- 15 acre tract that is accessed from Legacy Lane.
 - The purpose of the proposed subdivision is to create one new three acre tract (Lot 1C) adjacent to Tuckaseegee Road and to sell one acre to an adjacent neighbor.
 - The plat shows the new lot being created, the one acre tract (Lot 1B) being combined with the adjoining property to the west (Lot 1B) owned by Wayne Anderson and a shift in the lot line for Lot 2A.
- Although the lots are identified as lots 1A, 1B, 2A and 2C, the end result of the reconfigurations is only one new lot.
- The new three acre tract will front on Tuckaseegee Road and will take access from Tuckaseegee. The applicant has secured a driveway permit from the NCDOT.

- The subject property lies within the Protected Area of the Coddle Creek Watershed. The minimum square footage required for lots in the protected area is one acre.
- The proposed lot is approximately 3 acres in size, which is the minimum required for new conventional lots in the AO zoning district. Because the applicant is using the conventional design standards for development, open space is not required.
- A staff review finds that the proposed subdivision meets the development standards of the Cabarrus County Subdivision Ordinance and the Cabarrus County Zoning Ordinance for Conventional Design Standards.

Conditions of Approval

- Should this property or another property be subdivided at a point where more than two homes will share the same access to the homes, access shall meet the requirements established in chapter 5 of the NC Fire Prevention Code. (Fire Marshal)
- The applicant shall comply with the standards established by NCDOT in Driveway Permit Number C-1825, including required 10 x 70 site triangle easements. (NCDOT)



PRELIMINARY PLAT APPLICATION

STAFF USE ONLY:

Application/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

INSTRUCTIONS/PROCEDURES:

1. Complete and submit the Preliminary Plat Application.
2. Provide a copy of approved Street Name Review and Confirmation form.
3. Complete and submit a copy of the preliminary plat check list (type or print).
4. Submit 10 copies of your preliminary plat.
5. Submit any additional information or documents for your application to be considered complete. This will be determined at the pre-application meeting.
6. Submit the application fee-\$450 for subdivisions of less than 50 lots, or \$500 plus \$5 per lot (for each lot over 50) for subdivisions with greater than 50 lots + a 3% technology fee.

Staff and appropriate agents will review your complete preliminary plat application and comments will be forwarded to you (approximately 30 days). You will need to address the comments in writing, revise the preliminary plat accordingly and resubmit the revised preliminary plat showing that comments are addressed and errors corrected. Please note that if a third submittal is required, an additional review fee will be collected.

7. Once advised that the plat is correct and ready to be presented to the Planning and Zoning Commission, you will need to submit hard copies along with electronic files. (Staff will advise of number required)
8. When the copies of the plan are received, Staff will begin to prepare a staff report and schedule a meeting date.

Meeting Information: The Cabarrus County Planning and Zoning Commission meets on the second Tuesday of the month at 6:30 PM at the Cabarrus County Governmental Center, located in downtown Concord at 65 Church Street.

Deadline Information: Complete applications must be turned in prior to 2:00 PM the second Tuesday of the month to meet the deadline.

Questions: If there are additional questions concerning this process, please call the Planning and Development Department at (704) 920-2141, Monday through Friday, 8:00 am to 5:00 pm.

Your signature on this form indicates that you understand all the requirements for the submission of a preliminary plat and the requirements to construct the project if approved.

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

Proposed Subdivision Name: Roberts Family Subdivision
 (Proposed name must be approved by 911 Coordinator)

Location: South side of Tuckasee Rd

Project Type: Residential Commercial Industrial Mobile Home

PIN(s): 4694-92-9499 (10 digit parcel identification number)

~~4694-92-9499~~ *A*

5604-02-3376

Existing Zoning: AO Area in Acres: 15.95

Will the project be completed in phases? YES NO If yes, Number of Phases: _____

Number of Lots: Total for project 1 Phase 1 _____ Phase 2 _____ Phase 3 _____
Phase 4 _____ Phase 5 _____

Existing Roads Providing Access to Subdivision: N/A

*Water Supply: Well(s) or _____ Service Provider: _____

*Wastewater Treatment: Septic Tank(s) or _____ Service Provider: _____

** If using well and septic, please provide applicable documentation from the Cabarrus County Health Alliance. For a public service provider, please attach Intent to Serve letter to this application.*

PROPERTY OWNER

Brandon Shane Roberts
Michael Dennis Early

NAME
5932 Legacy Lane Kannapolis NC 28081

ADDRESS

Kannapolis NC 28081

CITY, STATE, ZIP CODE

(704) 400-3300

PHONE NUMBER

N/A

FAX NUMBER

brandon@onsby.com

E-MAIL ADDRESS

DEVELOPER/SURVEYOR/ENGINEER

Brandon Roberts

NAME
5932 Legacy Lane

ADDRESS

Kannapolis, NC 28081

CITY, STATE, ZIP CODE

(704) 400-3300

PHONE NUMBER

N/A

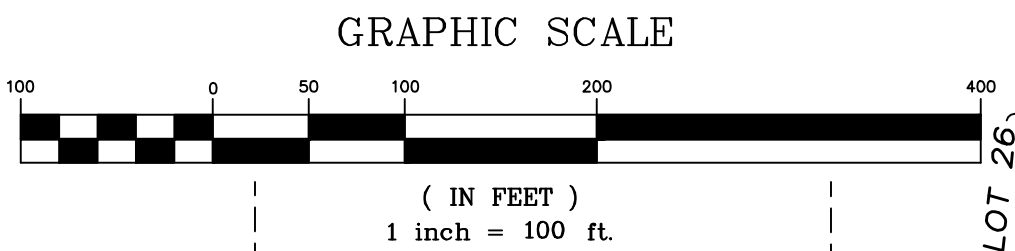
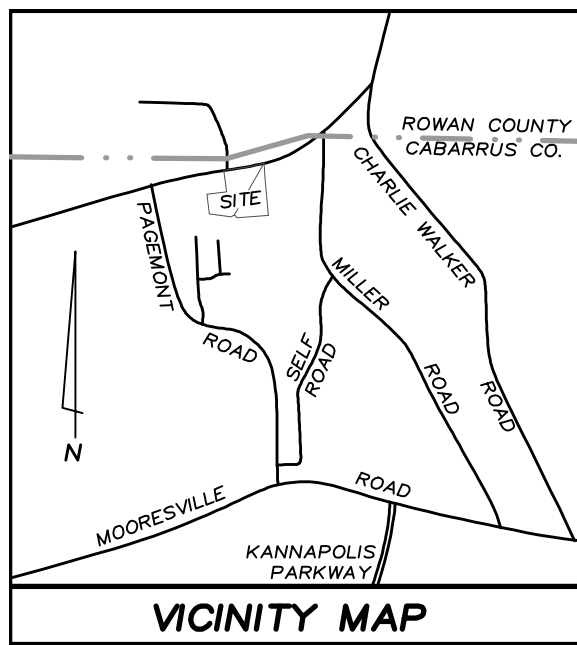
FAX NUMBER

brandon@onsby.com

E-MAIL ADDRESS

Signature of Property Owner: [Signature] Date: 9/3/19

Signature of Developer/Surveyor/Engineer: [Signature] Date: 9/3/19



SYMBOL LEGEND table with symbols for POWER POLE (P.P.), ELECTRIC LINE, N.I.R. NEW IRON REBAR, E.I.P. EXISTING IRON PIPE, E.I.R. EXISTING IRON REBAR, FENCE, E.I. ROD EXISTING IRON ROD, and CENTERLINE.

SETBACKS and ACREAGES table. SETBACKS: FRONT YARD (LOCAL) - 50', (MINOR COLLECTOR) - 75', SIDE YARD - 20', REAR YARD - 30'. ACREAGES: LOT 1B (TOTAL 1.00, WITHIN R/W -0.08, OUTSIDE R/W -0.92), LOT 1C (TOTAL 3.00, WITHIN R/W -0.38, OUTSIDE R/W -2.62), LOT 2A (TOTAL 3.87, WITHIN R/W -0.60, OUTSIDE R/W -3.27).

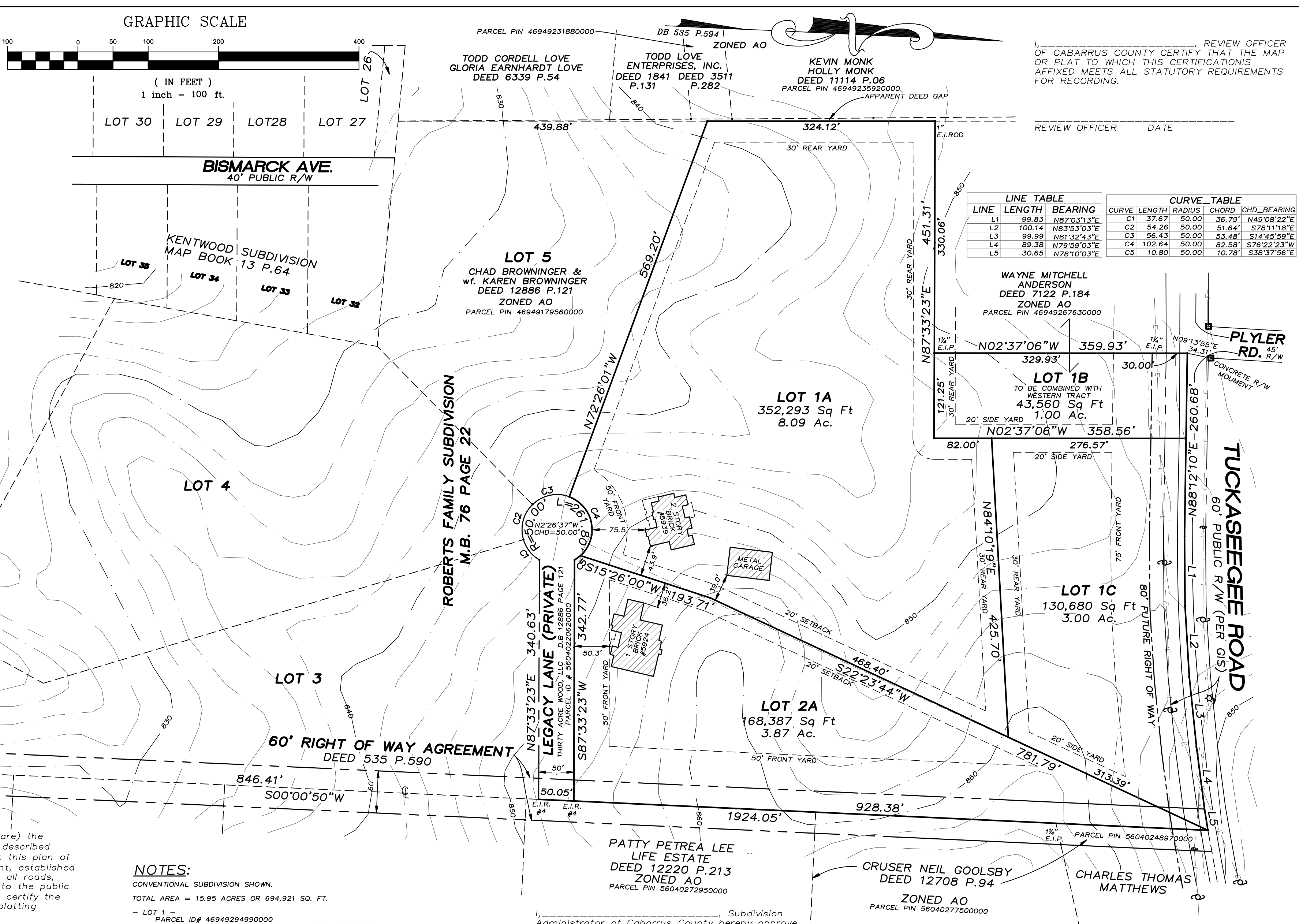
I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my (our) free consent, established minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to the public use except as noted. Further, I (We) certify the land as shown hereon is within the platting jurisdiction of Cabarrus County.

Owners _____ Date _____
Owners _____ Date _____

SOIL SUITABILITY ANALYSIS CERTIFICATE (EVALUATION PERFORMED)
I understand that all of the lots created by this plat must be evaluated by the Cabarrus Health Alliance for soil suitability. The following lots on this plat have been evaluated by the Cabarrus Health Alliance as part of the subdivision review process and the results are as follows:
LOT 1C: APPROVED FOR A CONVENTIONAL SYSTEM.

Owners _____ Date _____

NOTES:
CONVENTIONAL SUBDIVISION SHOWN.
TOTAL AREA = 15.95 ACRES OR 694,921 SQ. FT.
- LOT 1 - PARCEL ID# 46949294990000 BRANDON SHANE ROBERTS & wf. AMY EARLY ROBERTS 5932 LEGACY LANE, KANNAPOLIS NC 28081 D.B. 12931 PAGE 289
- LOT 2 - PARCEL ID# 56040233760000 MICHAEL DENNIS EARLY & wf. SUSAN MARY EARLY 5924 LEGACY LANE, KANNAPOLIS NC 28081 D.B. 12967 PAGE 342
ZONING CODE FOR SUBJECT PROPERTY & SURROUNDING PROPERTY IS AO.
OTHER EASEMENTS OR RIGHT OF WAYS MAY EXIST WHICH MAY NOT BE SHOWN.
PROPERTY SHOWN DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA PER FEMA FIRM PANEL #3710560400K, DATED 6/16/09.
NEW IRON REBAR #4 SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF CABARRUS COUNTY WHICH HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
NO NCGS MONUMENT WITHIN 2000'
ONE NEW LOT CREATED.
ONLY IMPROVEMENTS SHOWN ARE STRUCTURES.
PROPERTY LIES WITHIN THE PROTECTED AREA OF THE CODDLE CREEK WATERSHED.
APPROVAL BY THE SUBDIVISION ADMINISTRATOR IS CONDITIONED UPON THE PLAT BEING REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS WITHIN THIRTY (30) DAYS OF SUCH APPROVAL AND RECEIPT OF RECORD PRESENTED TO THE PLANNING DEPARTMENT.
TOPOGRAPHY SHOWN PROVIDED BY CABARRUS COUNTY, CONTOUR INTERVAL IS TWO FOOT, DATUM IS "NAVD1988".



LINE TABLE and CURVE TABLE. LINE TABLE columns: LINE, LENGTH, BEARING. CURVE TABLE columns: CURVE, LENGTH, RADIUS, CHORD, CHD BEARING.

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

REVIEW OFFICER _____ DATE _____

I, _____, Subdivision Administrator of Cabarrus County hereby approve the final plat of the subdivision entitled _____ on the _____ day of _____ month, of the _____ year.

CERTIFICATION:
I, JOHN A. CHRISTIAN II, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 535, PAGE 594, OF THE PUBLIC REGISTRY FOR MECKLENBURG COUNTY); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN M.B. _____, PAGE _____; THAT THE RATIO OF PRECISION IS 1:10,000+;
ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS SIGNATURE, REGISTRATION NUMBER AND MY ORIGINAL SEAL THIS 30TH DAY OF SEPTEMBER, A.D., 2019.

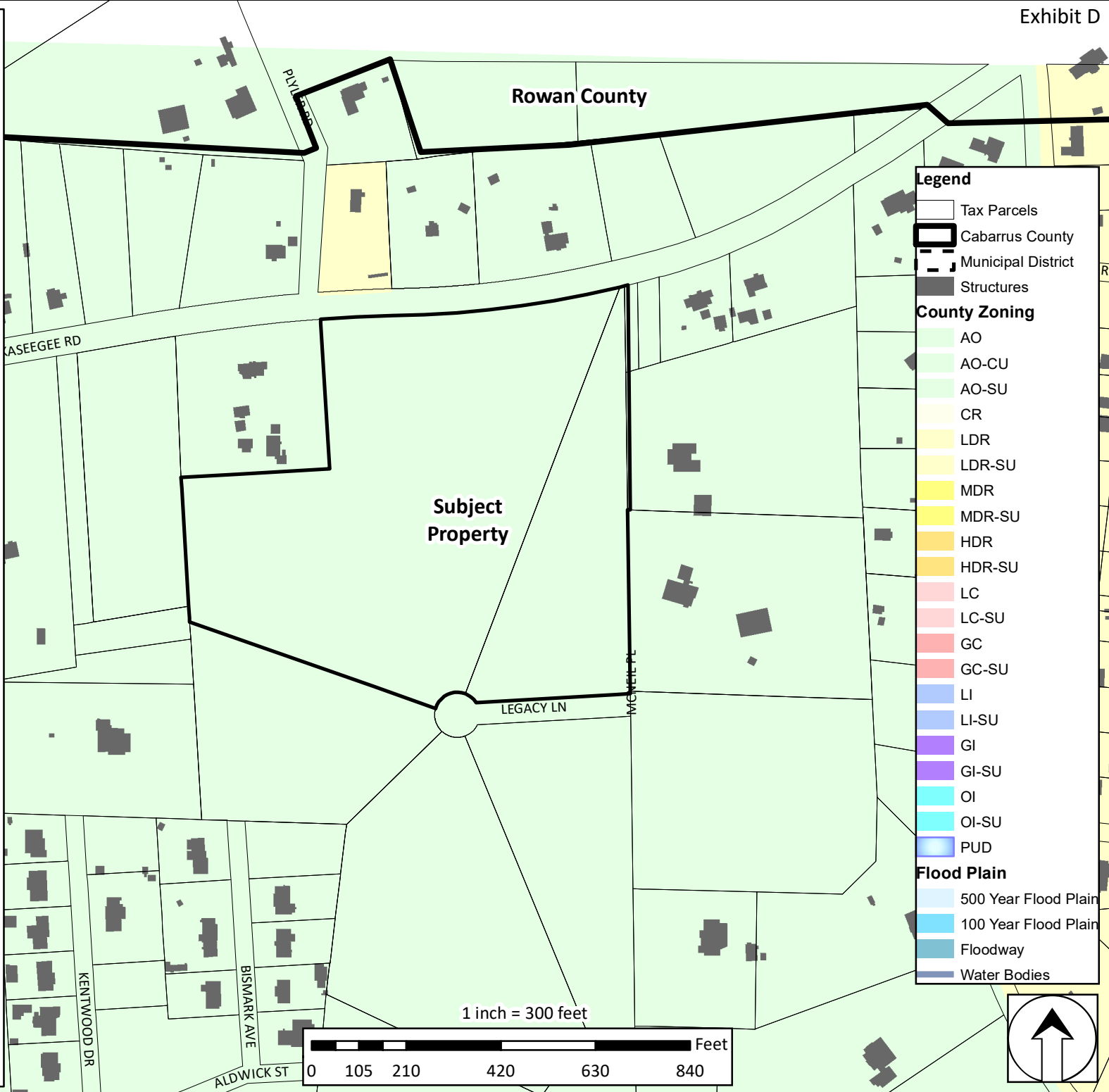
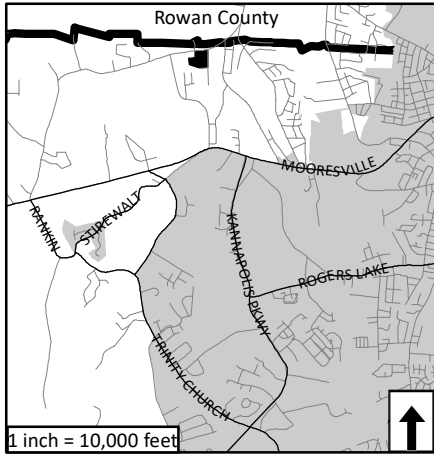
Table with columns: DWN, FB, JRC, EDC, CHECKED BY, FILE NAME, JAC II, TUCK5939, DATE, SCALE, AUGUST 9, 2019, 1"=100', FILE, 17-10-29

PRELIMINARY PLAT FOR ROBERTS FAMILY SUBDIVISION, LOTS 1 + 2. Includes seal for JOHN A. CHRISTIAN II, LAND SURVEYOR, and contact info for JACK R. CHRISTIAN & ASSOCIATES -SURVEYING-.

Existing Zoning



Applicant: Brandon Roberts
 Owner: Brandon Roberts & Michael Early
 Case: PLPR2019-00074
 Address: 5932 & 5924 Legacy Lane & 5939 Tuckaseegee Road
 Purpose: Major Subdivision
 PINs: 4694-92-9499 & 5604-02-3376



Legend

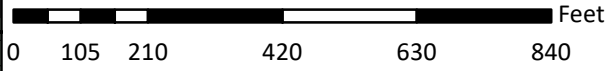
- Tax Parcels
- Cabarrus County
- Municipal District
- Structures

County Zoning

- AO
- AO-CU
- AO-SU
- CR
- LDR
- LDR-SU
- MDR
- MDR-SU
- HDR
- HDR-SU
- LC
- LC-SU
- GC
- GC-SU
- LI
- LI-SU
- GI
- GI-SU
- OI
- OI-SU
- PUD

Flood Plain

- 500 Year Flood Plain
- 100 Year Flood Plain
- Floodway
- Water Bodies



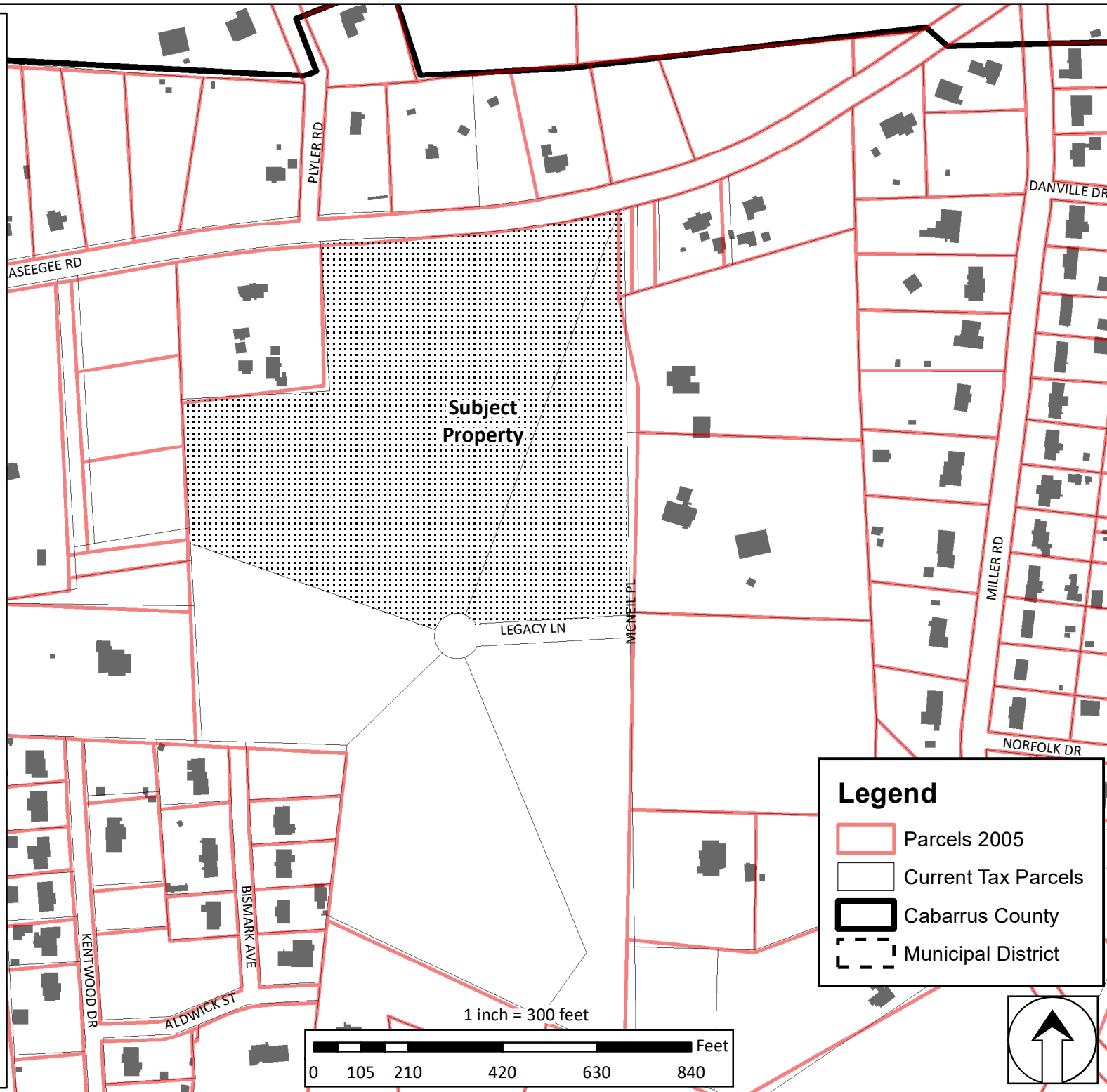
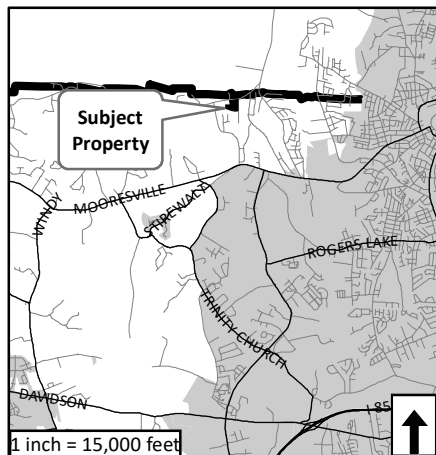
Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data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

Map Prepared by Cabarrus County Planning & Development - October 2019

**Northwestern Planning Area
2005 Parcels**



Applicant: Brandon Roberts
 Owner: Brandon Roberts &
 Michael Early
 Case: PLPR2019-00074
 Address: 5932 & 5924 Legacy
 Lane & 5939 Tuckaseegee Road
 Purpose: Major Subdivision
 PINs: 4694-92-9499 &
 5604-02-3376

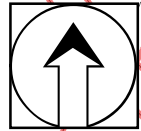
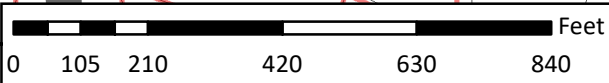


Legend

- Parcels 2005
- Current Tax Parcels
- Cabarrus County
- Municipal District

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 - October 2019

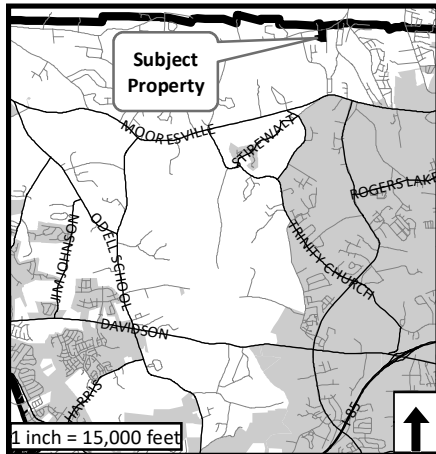


**Northwestern Planning Area
Aerial Map**



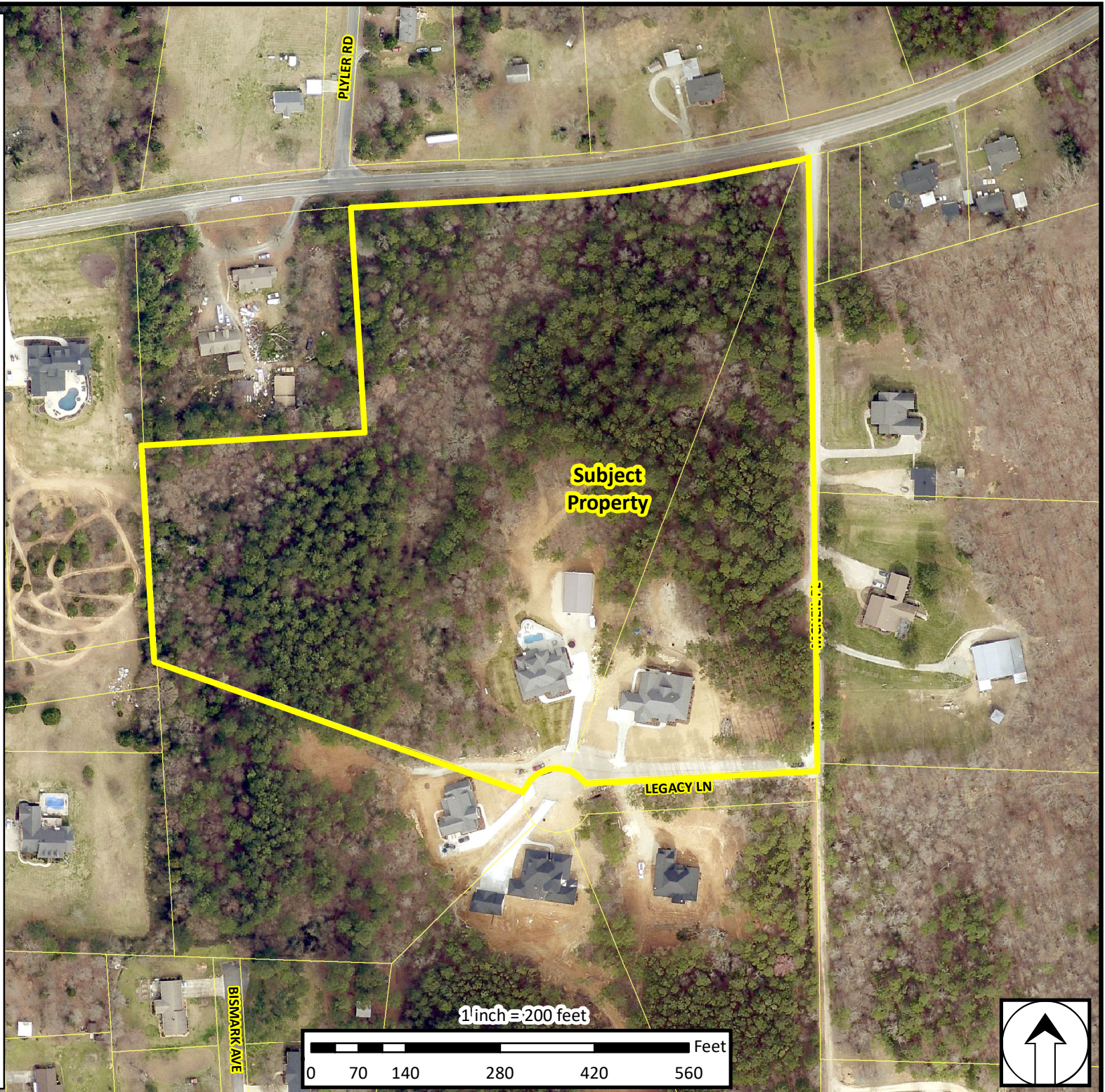
Applicant: Brandon Roberts
 Owner: Brandon Roberts &
 Michael Early
 Case: PLPR2019-00074
 Address: 5932 & 5924 Legacy
 Lane & 5939 Tuckaseegee Road
 Purpose: Major Subdivision
 PINs: 4694-92-9499 &
 5604-02-3376

- Cabarrus County
- Municipal District
- Tax Parcels



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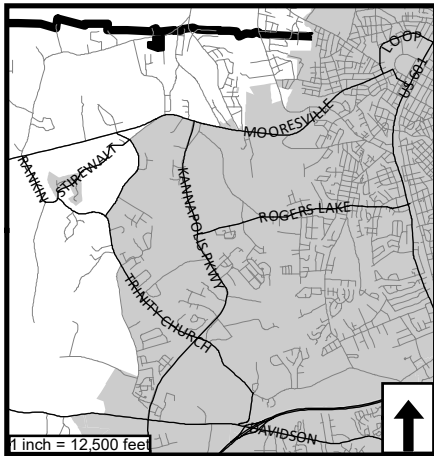
Map Prepared by Cabarrus County Planning & Development - October 2019



Northwestern Planning Area Future Land Use

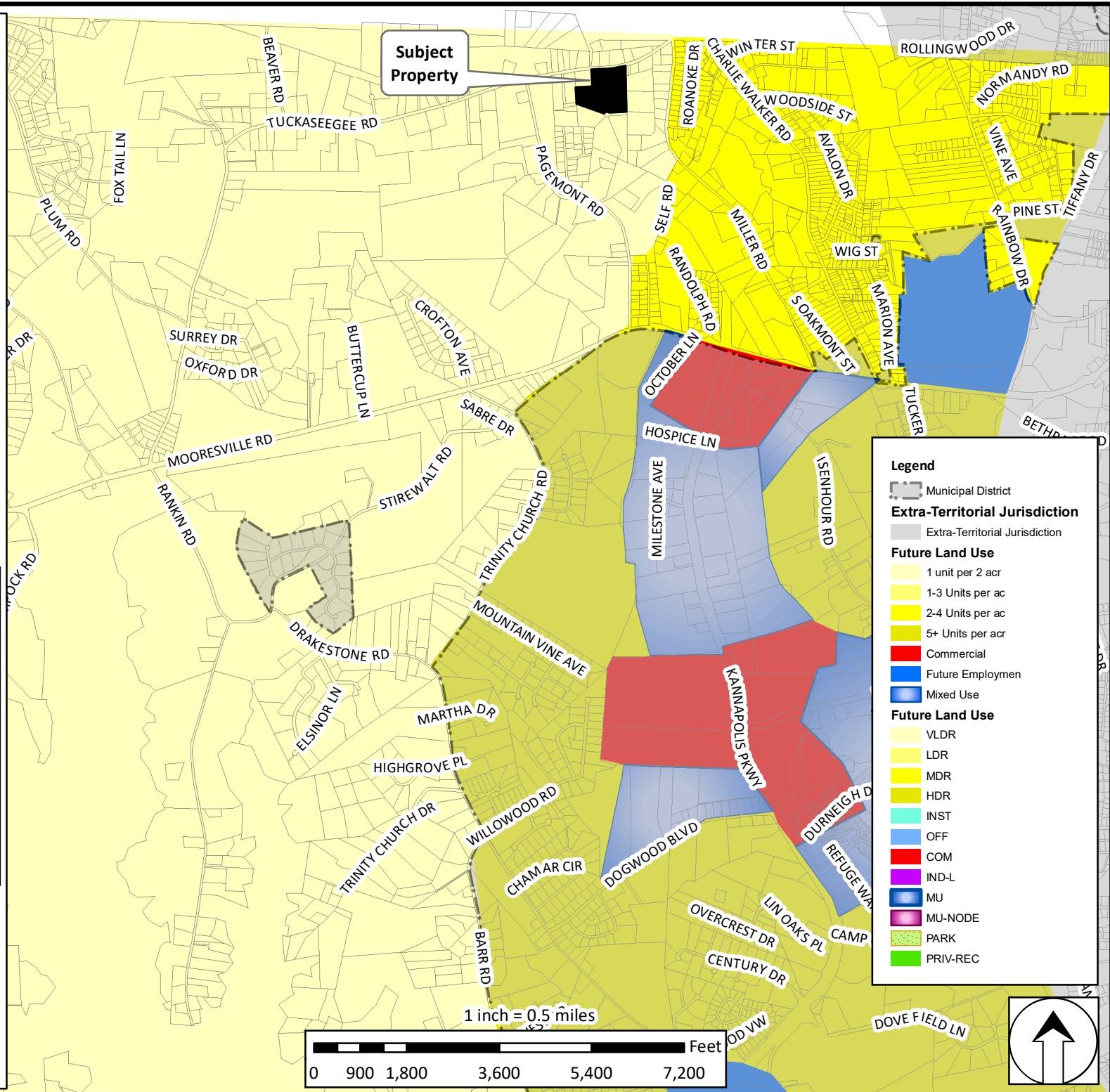


Applicant: Brandon Roberts
 Owner: Brandon Roberts & Michael Early
 Case: PLPR2019-00074
 Address: 5932 & 5924 Legacy Lane & 5939 Tuckaseegee Road
 Purpose: Major Subdivision
 PINs: 4694-92-9499 & 5604-02-3376



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Map Prepared by Cabarrus County Planning & Development - October 2019





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

August 29, 2019

Division 10
District 1 – Cabarrus County

Brandon Roberts
5932 Legacy Ln
Kannapolis, NC 28081

Subject: Driveway Permit No. C-1825 – Roberts Family Subdiv. - single parcel
Location: SR-1616 (Tuckaseegee Rd)

Dear Mr. Roberts:

Enclosed is an executed copy of the subject Driveway Entrance Permit, which has been reviewed by the appropriate staff agencies within the Division of Highways. The permit covers the following:

- Construction of one (1) 15 foot (15') full movement gravel driveway for a single residential parcel within a subdivided parcel of land. This site is located approx. 0.23 miles southwest of Miller Rd, on the south side of Tuckaseegee Rd.

This approval is subject to the attached Special Provisions and approved plans as noted.

Sincerely,

Marc P. Morgan, PE
District Engineer

/jab
Attachments
Cc: File

SPECIAL PROVISIONS

1. Notify the District Office at 704-983-4360 prior to construction to set up a pre-construction meeting.
2. Notify owners of conflicting utilities to provide for adjustments prior to the onset of construction. Any utility that may, upon completion of the roadway widening, create a safety hazard to the traveling public, will be relocated at the expense of the developer.
3. A copy of the approved street entrance permit is to be kept on the job site during working hours.
4. Working hours shall be from 9:00 a.m. to 4:00 p.m. Monday-Friday with all lanes open to traffic by 4:00 p.m. No work shall be performed on weekends or holidays. No lane closures will be allowed during NASCAR/major race events if determined to be in that nearby area. Other special events may require work to temporarily cease at the discretion of the District Engineer. NCDOT has authority to alter the time restrictions if deemed necessary.
5. Complete restoration including fertilizing, seeding and mulching of all areas disturbed during construction will follow within a maximum of thirty (30) working days of the initial disturbing activity in accordance with NCDOT specifications. See attached seeding schedule.
6. During construction operations no material is to be left on the pavement and at the end of each work day, the roadway is to be cleaned.
7. Any damages caused to the roadway, bridges, culverts or storm drains due to the construction of this entrance will be repaired at the discretion of the engineer in charge.
8. All OSHA rules and regulations shall be adhered to as pertain to this operation.
9. Contact Mr. Tony Tagliaferri, PE, Division Traffic Engineer, at 704-983-4400 at least 48 hours prior to construction if any work is to be done within 500 feet of any traffic signals. The developer is responsible for entering into a developer agreement with NCDOT for modifications to the traffic signal, installation of pedestrian signal and crossing. The developer agreement will cover the costs of signal plan review and inspection. Any damage to any signal related equipment will be repaired by NCDOT at the expense of the developer.
10. The Division Engineer, or representative thereof, reserves the right to stop any work for non-compliance with the terms of this contract.
11. All roadway signs removed due to this construction are to be re-installed as soon as possible.
12. During non-working hours, equipment is to be parked off the right of way.
13. The Department of Transportation does not guarantee the right of way on this road nor will it be responsible for any claims or damages brought by any property owner. The developer is responsible for obtaining any rights of way necessary in which to construct required roadway improvements.
14. All work shall be constructed in accordance with the attached plans and typicals.

15. The pavement structure for the roadway widening shall be as follows utilizing Superpave: 6" AC Base Course, Type B25.0C (in 2 lifts of 3" each with the first lift extending 6" behind the back of the curb), 2.5" AC Binder Course, Type I19.0C & 1.5" AC Surface Course Type S9.5C. 1.5". Widening shall be performed as indicated in the approved plans unless otherwise specified by NCDOT inspector. Prior to constructing the widening, a clean pavement edge shall be established by saw cutting along the white edge line. The existing roadway shall be resurfaced with the surface course of the new pavement structure or as otherwise directed by the NCDOT inspector.
16. The Department of Transportation reserves the right to require compensation for any vegetation located within the right of way that is disturbed or destroyed due to this construction. Removal of vegetation within the right of way must be approved in writing prior.
17. Strict compliance with the **"POLICY ON STREET AND DRIVEWAY ACCESS TO NORTH CAROLINA HIGHWAYS"** manual shall be required.
18. Backfill shall achieve 95% density in accordance with AASHTO T99 as modified by the NCDOT.
19. Any work requiring equipment or personnel within 5' of the edge of the travel lane (10' on a divided highway) shall require a lane closure with appropriate taper.
20. The installation of all required traffic signs and striping, including raised pavement markers, must meet current NCDOT specifications and is the responsibility of the permit applicant. Pavement striping shall be thermoplastic. A pavement marking plan is required to be submitted with roadway widening plans. Related information may be obtained from the Division Traffic Engineer's Office at 704-983-4400.
21. The Developer shall correct any drainage problems, on-site or off-site, created or made apparent by the construction of these improvements.
22. Any future development or change in use from that which is specified herein will require additional review and may require modifications to and/or additional roadway improvements.
23. NCDOT does not maintain sidewalk; however, sidewalk placed within NCDOT right of way must be installed to meet current ADA specifications.
24. An encroachment agreement from NCDOT is required for any utility installation, including irrigation, that is proposed within NCDOT right of way. This driveway permit does not approve the installation of any utilities. Utilities shall be placed prior to any roadway widening or paving.
25. NCDOT does not allow canopy trees to be planted within the right of way or within the clear recovery area. Any trees that are deemed potentially hazardous to the traveling public will be relocated/removed at the owner's expense. Any shrubs planted w/in the right of way shall not exceed 24" in height so as not to interfere with the line of sight. Tree canopies that are within sight triangles, that are blocking sight distance, or overhanging over sidewalk shall be removed or limbed up to meet current NCDOT and ADA specifications at the owner's expense.
26. The Developer is responsible for maintaining the Line of Sight Easement.
27. The Developer is required to have third-party testing unless otherwise directed, in writing, by the District Engineer.

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Driveway Permit No.	Date of Application <u>8/28/19</u>	
County: <u>Cabarrus</u>		
Development Name: <u>Roberts Family Subdivision</u>		

LOCATION OF PROPERTY:

Route/Road: 5939 Tuckasegee Rd

Exact Distance 0.5 (Miles) N S (E)
W
 Feet

From the Intersection of Route No. Pagament Rd and Route No. East Toward Miller Rd

Property Will Be Used For: Residential Subdivision Commercial Educational
 Facilities TND Emergency Services Other

Property: is is not within City Zoning Area.

AGREEMENT

- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
- I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.
- I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.
- I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
- I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.
- I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
- I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".
- I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.
- I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
- I agree to provide during construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
- I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.
- I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.
- I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.
- The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.
- I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.

2004-01 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation TEB 65-04rev. 61-03419

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)

COMPANY

Brandon Roberts

NAME

WITNESS

Amy Roberts

SIGNATURE

[Signature]

SIGNATURE

[Signature]

ADDRESS

5932 Legacy Lane

ADDRESS

5932 Legacy Ln

Phone No.

(704) 400-3300

Kannapolis NC 28081

AUTHORIZED AGENT

COMPANY

NAME

WITNESS

SIGNATURE

SIGNATURE

ADDRESS

ADDRESS

Phone No.

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

[Signature]

SIGNATURE

8-29-19

DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE

TITLE

DATE

APPLICATION APPROVED BY DISTRICT ENGINEER

[Signature]

SIGNATURE

8/30/19

DATE

INSPECTION BY NCDOT

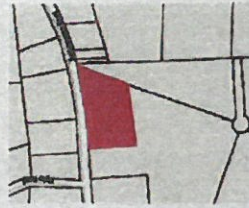
SIGNATURE

TITLE

DATE

COMMENTS:

See Attached site map for details



Miller Rd



PRIVATE DRIVE (McNeil Place)

TUCKASEEGEE RD.

383' 9"

220' 0" Smooth
High Density Polyethylene pipe
min. (5' 11")

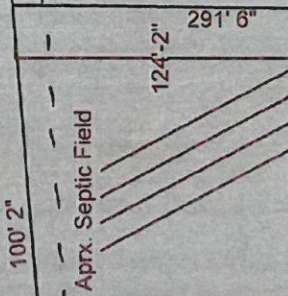
15' wide Driveway

15' Driveway

Well

104' 7"

81' 6"



100' 2"

124' 2"

291' 6"

Combined size = 3.08 AC.

150' 0"

291' 6"

99' 10"

Drainage Ditch line

151' 7"

290' 4"



Pagamont Rd

APPROVED FOR CONSTRUCTION
[Signature]
10/1/07

From: [Brandon Roberts](#)
To: [Graybeal, Christopher E](#)
Cc: [Khan, Zahid](#); [Phillip Collins](#)
Subject: Re: [External] Brandon Roberts - Property split approval
Date: Monday, August 19, 2019 5:09:47 PM

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

Sounds great Chris. And yes - that's correct. We are only separating the lot for the survey and not disturbing any soil at all.

Phil - does this email suffice for the board approval?

Brandon Roberts

Owner/President

Old North State Building Group, Inc.

704-400-3300

Brandon@onsbg.com

On Aug 19, 2019, at 4:28 PM, Graybeal, Christopher E <christopher.graybeal@ncdenr.gov> wrote:

Brandon,

If you are simply dividing the lots by survey and no land disturbing activities such as grading, grubbing or clearing of an acre or more will occur then you do not need an approved erosion plan from Land quality.

Best regards,

Christopher E. Graybeal
Assistant Regional Engineer
Land Quality Division
Division of Energy, Mineral, and Land Resources
North Carolina Department of Environmental Quality
Phone: (704) 663-1699 x2147
Fax: (704) 663-6040

Email: christopher.graybeal@ncdenr.gov

Physical and Mailing Address: 610 E. Center Ave. Suite 301
Mooresville, NC 28115

<image001.png>

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties

From: Khan, Zahid

Sent: Monday, August 19, 2019 4:02 PM

To: Brandon Roberts <brandon@onsbg.com>; Graybeal, Christopher E <christopher.graybeal@ncdenr.gov>

Subject: RE: [External] Brandon Roberts - Property spilt approval

Chris,

Please response. Thanks

From: Brandon Roberts [<mailto:brandon@onsbg.com>]

Sent: Monday, August 19, 2019 12:23 PM

To: Khan, Zahid <zahid.khan@ncdenr.gov>

Subject: [External] Brandon Roberts - Property spilt approval

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report_spam@nc.gov

Zahid

I'm working with Phil Collins at Cabarrus County Zoning and Planning to separate 3 acres on the back side of my property located at:

5932 Legacy Lane
Kannapolis NC 28081
Lot #1

The plot in the below map is circled to show which piece I'm separating (Lot 1C). This property is connected to Tuckaseegee Rd frontage so no additional street needs added.

Property address is:
5939 Tuckaseegee Rd
Kannapolis NC 28081

Cabarrus County Zoning and Planning needs your approval for this to move forward via letter or email saying this is ok for me to split off. No clearing or grading will be involved to do this.

Please let me know if there is anything else you need from me regarding this. Im not really sure the procedures here but Phil at Cabarrus County said it should be a simple approval process - so I'm reaching out to get this.

Thanks so much!

Brandon Roberts

Owner/President

Old North State Building Group, Inc.

704-400-3300

Brandon@onsbg.com



Cabarrus County Government – Planning and Development Department

September 24, 2019

Dear Property Owner:

A Conditional Use Permit Application has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, October 8, 2019 at 6:30 PM in the 2nd floor Commissioner's Chambers 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 this request, I encourage you to attend this meeting.

- **Petitioner:** **Brandon Roberts**
- **Petition Number:** **PLPR2019-00074**
- **Property Location:** **5932 & 5924 Legacy Lane & 5939 Tuckaseegee Road**
- **Parcel ID Number:** **5604-02-3376 & 4694-92-9499**
- **Existing Zoning:** **Agricultural / Open Space (AO)**
- **Request:** **Subdivision of the subject properties**

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

Sincerely,

Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development



Cabarrus County Government – Planning and Development Department

September 24, 2019

Dear Property Owner:

A Conditional Use Permit Application has been filed in our office for property **adjacent** to yours. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, October 8, 2019 at 6:30 PM in the 2nd floor Commissioner's Chambers 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 this request, I encourage you to attend this meeting.

- **Petitioner:** Brandon Roberts
- **Petition Number:** PLPR2019-00074
- **Property Location:** 5932 & 5924 Legacy Lane & 5939 Tuckaseegee Road
- **Parcel ID Number:** 5604-02-3376 & 4694-92-9499
- **Existing Zoning:** Agricultural / Open Space (AO)
- **Request:** Subdivision of the subject properties

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

PIN14	NAME	ADDRESS	
PROPERTY OWNERS			
4694929499	BRANDON & AMY ROBERTS	6174 FOX CHASE DR	DAVIDSON, NC 28036
5604023376	MICHAEL & SUSAN EARLY	5924 LEGACY LN	KANNAPOLIS, NC 28081

SURROUNDING PROPERTY OWNERS			
4694917956	CHAD & KAREN BROWNINGER	5941 LEGACY LN	KANNAPOLIS, NC 28081
4694923188	TODD LOVE ENTERPRISES INC TODD LOVE	C/O 6233 KENTWOOD DRIVE	KANNAPOLIS, NC 28081
4694923592	KEVIN & HOLLY MONK	366 GEORGE W LILES PKWY	CONCORD, NC 28027
4694926763	ANDERSON WAYNE M	6047 TUCKASEEGEE RD	KANNAPOLIS, NC 28081
4694936170	PLYLER WILLIAM HAROLD	6545 PLYLER ROAD	KANNAPOLIS, NC 28081
4694938099	BENTON MATTHEW DYLAN	6032 TUCKASEEGEE RD	KANNAPOLIS, NC 28081
5604011504	MICHAEL & MANDY CORBIN	5933 LEGACY LN	KANNAPOLIS, NC 28081
5604013683	THIRTY ACRE WOOD LLC	6174 FOX CHASE DR	DAVIDSON, NC 28036
5604017881 & 5604027295	LEE PATTY PETREA TRUSTEE	6426 MCNEIL PL	KANNAPOLIS, NC 28081
5604025838	CHARLES THOMAS MATTHEWS ESTATE C/O DIAN HARDAGE MATTHEWS	5705 NORFOLK DR	KANNAPOLIS, NC 28081
5604027750	GOOLSBY CRUSER NEIL	6474 MCNEIL PL	KANNAPOLIS, NC 28081
5604030161, 5604032193 & 5604035116	JASON ALEXANDER TARLTON	3805 CHIMNEY RIDGE PL APT 201	DURHAM, NC 27713

CABARRUS COUNTY
ZONING

NOTICE
PLPR2019-00074
FOR DETAILS CALL
704-920-2141



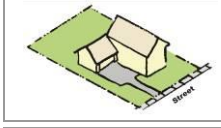
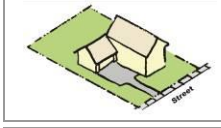

Section 5-5 Conventional subdivision standards

A. Applicability

A conventional subdivision is permitted in the AO, CR, and LDR districts. Applicants shall comply with all other provisions of this ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Dimensional standards

Applicants using the conventional subdivision option shall meet the following standards.

	AO <i>Single-Family Detached</i>	CR <i>Single-Family Detached</i>	LDR <i>Single-Family Detached</i>
CONVENTIONAL SUBDIVISION			
Tract			
Density (maximum units/acre)	0.33	0.50	0.50
Public water and sewer	not permitted*	not permitted*	optional
Lot Dimensions (minimum)			
Lot area (acres)	3	2	2
Average lot width (feet)	150	150	150
Principal (minimum feet)			
Front yard (minor collector)	75	75	75
Front yard (local road)	50	50	50
Side yard (single)	20	20	20
Side yard (total)	40	40	40
Rear yard	30	30	30
Height (maximum feet)	40	40	40
Lot Coverage (maximum)			
Impermeable surface	15%	20%	20%
Structural coverage	10%	15%	15%

* Governmental water may be provided to individual lots in these areas for public health reasons.

C. Minor Subdivisions

In the AO, CR, LDR, MDR and HDR Districts, applicants meeting the standards for a minor subdivision as defined by the subdivision ordinance may create no more than one conventional minor subdivision out of each parent tract existing as of June 20, 2005 with lots at least one acre in size, provided that each lot meets any minimum area requirements for public health purposes. The property may be further divided. However, any additional divisions shall be deemed major subdivisions and shall be processed as such and subject to all ordinances and policies related to major subdivisions.

Minor subdivision dimensional standards

Subdivisions that are classified as minor subdivisions in the AO, CR, and LDR zoning districts shall be subject to the tract requirements listed for public water and sewer, the minimum average lot width listed in lot dimensions, the setbacks, height and lot

coverage standards in Section 5-5, Conventional Subdivision Standards, Section B, Dimensional Standards. NOTE: Density standards in table shall not apply. Minimum lot size shall be one acre (43,560 SF) as stated above.

Subdivisions in the MDR and HDR zoning districts shall be subject to the tract requirements as listed for governmental water and sewer, the lot dimension minimum average lot width listed in the lot dimensions, the setbacks, height and lot coverage standards established in Section 5-6, Open Space Subdivision Standards, Section D, Dimensional Standards. NOTE: Density standards in table shall not apply. Minimum lot size shall be one acre (43,560 SF) as stated above.

D. Tree planting required

1. Front yard trees

- a. One canopy tree shall be provided for each 1,000 square feet of area in the required front yard for each lot. For the purpose of calculating required trees, any fraction shall require an additional tree (always round up). Portions of the required front yard covered by allowed encroachments such as front porches (see section 6-15) shall be deleted from the calculation. The tree shall have a minimum size of 2½-inch caliper. Two ornamental trees may be substituted for one canopy tree in a front yard.
- b. One additional front yard tree shall be required for corner lots.
- c. Existing healthy trees in the required front yard area over 6 caliper inches shall be credited toward meeting the front yard tree requirement.

Section 5-6 Open space subdivision standards

A. Intent

The intent of an open space subdivision is to provide a development alternative to a conventional subdivision. An open space subdivision involves placing a cluster of home-sites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional subdivision to promote environmentally sensitive, more efficient use of the land and provide additional common open space. Other purposes of an open space subdivision include the following:

- To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- To preserve important historic and archaeological sites.
- To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- To promote interconnected greenways and corridors throughout the community.
- To create contiguous greenspace within and adjacent to the development site.
- To protect scenic views.
- To protect prime agricultural land and retain farming as an economic activity.