

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting

April 20, 2006

7:00 P.M.

County Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval/Correction March 2006 Minutes
3. New Business – Planning Board Function:

A. Petition C2006-03(R)
Donald Misenheimer
20283 Ridgecrest Road
Oakboro, NC 28129

Request: Administrative Rezoning – NC Highway 24/27 Grey
Commercial Park - Office Industrial (OI) to General Commercial
(GC)

B. Petition C2006-01(S)
R.J. Long Industrial Park - Preliminary Plat Approval
Planning Staff

4. Director's Report
5. Adjournment

**PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING BOARD
April 20th, 2006**

Petition: C2006-03 (R) Administrative Rezoning

Property Owner: Donald Misenheimer
20283 Ridgecrest Rd.
Oakboro, NC 28129

Richard Efird
12245 Grey Commercial Drive
Midland, NC 28107

Existing Zoning: O-I Office Institutional

Proposed Zoning: GC General Commercial

Purpose: To bring the site, approximately 6.28 acres, into better compliance with the Cabarrus County Zoning Ordinance.

Township: Number 10 – Midland

Property Location: NC Highway 24/27 and Grey Commercial Drive

PIN#: 5524-68-1459, 5524-68-2357, 5524-68-3281, 5524-68-1089, 5524-68-0265, 5524-58-9377, 5524-58-8582, 5524-68-0605.

Area: Approximately 6.28 acres

Site Description: The subject properties are developed as commercial buildings, currently occupied by various commercial businesses.

Zoning History: The Grey Commercial Park subdivision was submitted by Mr. Donald Misenheimer in March of 1989. This subdivision was reviewed by the Cabarrus County Planning and Zoning Board and was approved in April of 1989. At the time the subdivision was approved, the majority of the 6.28 acres was zoned C-4, Highway Business District. A portion of Lot 8 and all of Lot 1 were zoned ARR – Agricultural/Rural Residential. In 1992, Mr. Misenheimer filed a rezoning petition on the portion

of the properties zoned ARR, in an effort to make the entire site consistent. When Cabarrus County adopted a new zoning ordinance in 1993, the property was rezoned to GC through a countywide zoning atlas amendment. The property remained GC until June of 2005 when Cabarrus County underwent another countywide zoning atlas amendment. At that time, the entire subdivision was rezoned to OI- Office Institutional.

Area Relationships:

North: CR/O-I
South: O-I
West: LI-SU
East: O-I

Exhibits:

1. Current Zoning Map-submitted by Staff
2. List of Adjacent Property Owners
3. List of Permitted Uses
4. Future Land Use Map-Midland Area Plan

Comments:

NCDOT-Shawn Riggs: Since there are no modifications/additions to the development, the department has no comments or concerns on the rezoning of the subject parcels in order for them to meet zoning compliance.

Cabarrus County Schools – Robert Klutz: We have reviewed the proposed rezoning petition C2006-03 for 8 parcels in a commercial park located on NC Highway 24/27. We would not anticipate any impact to our schools as a result of this administrative rezoning being done by county staff.

Town of Midland – Nancy Boyden, Town Clerk: The Town of Midland has a standing request that the county zoning remain in accordance with the adopted land use plan.

Code Considerations:

The primary purpose of the General Commercial zone is to provide locations for large scale commercial activities. This level of commercial activity usually draws clientele regionally as well as from nearby neighborhoods, requires sitting on major thoroughfares and requires relatively largescale off street parking. The zone will accommodate a wide variety of office, retail and

lodging land uses. General commercial may border the other less intense commercial zone or either of the two industrial zones. A general commercial zone may border a higher density residential zoned but care should be taken to assure a buffer between the two.

This district is intended to provide the principal location for large scale commercial development in Cabarrus County.

Other Considerations:

The Future Land Use Plan for the Midland Area designates this property as commercial. The property is located on a major thoroughfare where commercial uses are intended to be. The property was originally presented as a commercial park. If the existing uses were to cease, only identical uses would be able to move into the structures and operate per Section 14-6 of the Cabarrus County Zoning Ordinance. The only uses permitted currently in the district are those listed in the O-I zoning designation. O-I uses are generally low intensity office uses and institutional uses not typically found located in a general commercial park. The current uses of existing facilities on the sites include a marble company, a screen printing shop, and a machine/repair shop.

Conclusion:


The Midland Area Land Use Plan and Map support the commercial development of this site. The subject property was zoned GC and has been developed as a commercial park. The change to O-I zoning in 2005 has rendered several of the existing uses in the park non-conforming.

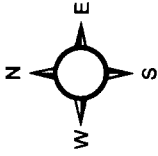
Recommendation:

The proposed rezoning meets the commercial component of the Midland Area Plan. Therefore, the Land Use Plan supports approval of Petition C2006-03(R). The Board should consider the information presented and render a decision accordingly.

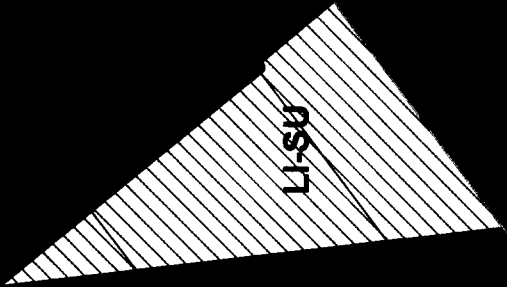


Vicinity & Zoning Map
Petition C2006-03(R)

Legend
Town Limits
 **Town of Midland**



Properties to be Rezoned
Highlighted in Black



List of Adjacent Property Owners

BBD Enterprises LLC
810 NC Hwy 24/27
Midland, NC 28107
PIN# 5524-57-9978

Sarah Morrison
683 Williamsburg Ct.
Concord, NC 28025
PIN# 5524-48-5443

Todd & Laura Flowe
7122 Essington Dr.
Charlotte, NC 28270
PIN# 5524-59-5295

Anderson/Griffin Properties
3322 Old Camden Road
Monroe, NC 28110
5524-68-4551

Little Properties/Midland LLC
10700 Sam Black Rd.
Midland, NC 28107
PIN# 5524-77-2354

Uses in the GC Zoning District

Permitted Uses

Auction house
Automobile rental
Automobile sales/new, used
Automobile supplies
Bank/financial institution/ATM
Barber and beauty shops
Bed & breakfast
Boat works and sales
Building equipment sales/indoor storage only
Building equipment sales/outdoor storage
Bus terminal
Car wash
Catering service
Civic organization facility
Colleges & universities
Contractor's storage yard
Convenience store with petroleum sales
Convenience store without petroleum sales
Drive-in theater
Drugstore
Dry cleaning/laundry plant
Dry cleaning/pick-up station
Freezer/ice plant
Funeral home
Gas station
Hospital/medical facility
Hotels, motels & inns
Laundromat
Locksmith/gunsmith
Mobile home retail sales
Movie theater
Multimedia production & distribution complex
Nursery/greenhouse
Office, professional
Parking lot, commercial or private
Pet shop/pet grooming (enclosed)
Photographic studio
Printing and reprographic facility
Public cultural facility
Public use facility
Race shop/complex
Radio and television studio

Recreational facility, indoor
Religious institution (with a total seating capacity of 350 or less)
Religious institution (with a total seating capacity of 351 or more)
Repair garage, automobile
Repair shop, small engine
Restaurant, excluding drive-thru
Retail sales - shopping centers 10,000 - 50,000 square feet
Retail sales - shopping centers 10,000 square feet and less
Retail sales - shopping centers 50,000 - 100,000 square feet
Taxi stand
Warehouse, enclosed storage

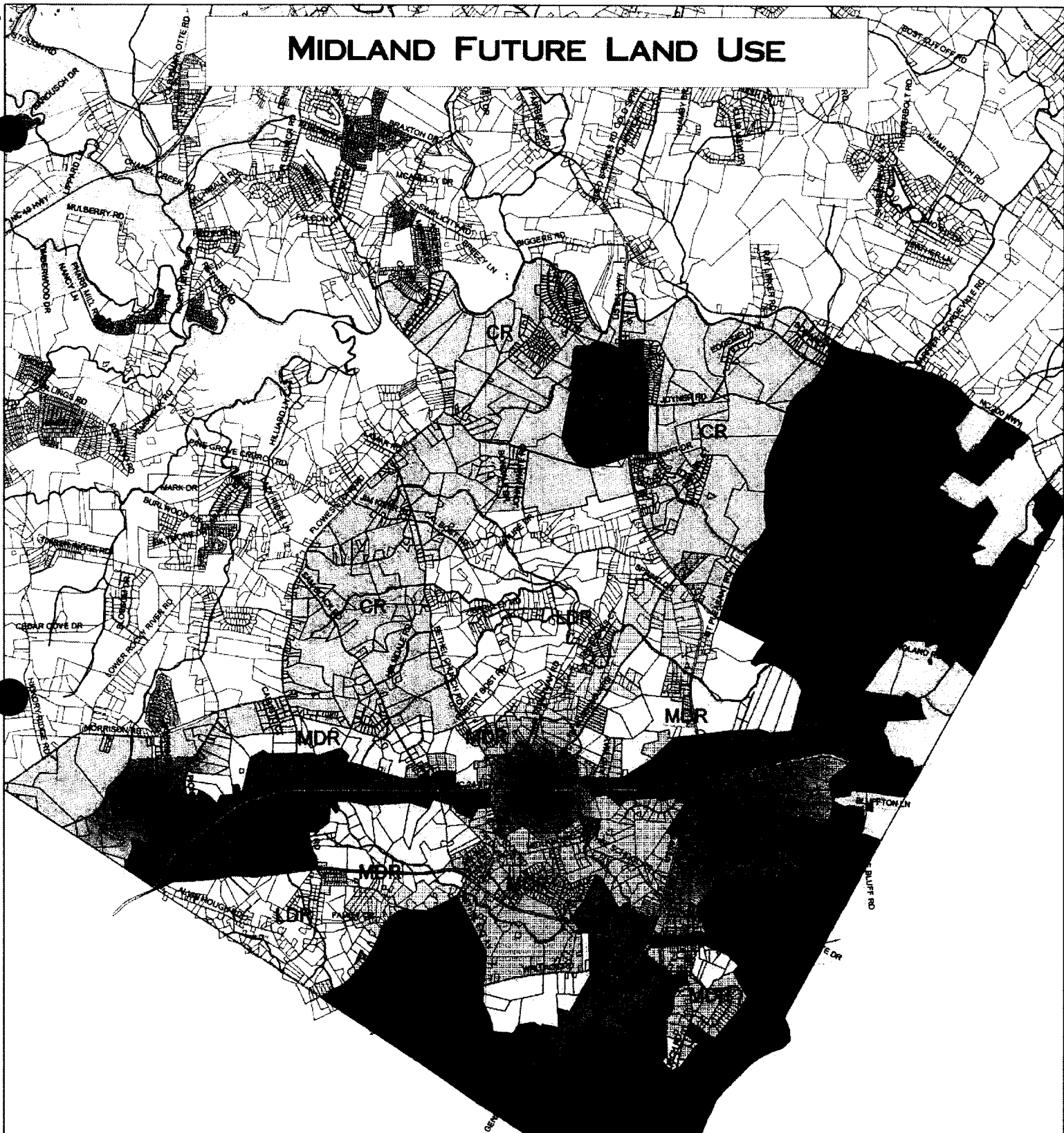
Permitted based on Standards (PBS)

Accessory apartment
Communications tower
Landfill, demolition (one acre or less)
Machine welding shop
Mobile office, temporary
Nursery/daycare center
Recyclable materials drop-off
Restaurant with drive-thru facility
Self-service storage facilities











Conditional Uses

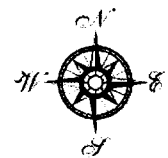
Adult use
Airport, commercial
Airstrip
Coliseum/stadium
Mobile Home, Class I
Public service facility
Recreational facility, outdoor
Retail sales - shopping centers greater than 100,000 square feet
Single-family detached residential
Trade and vocational schools
Truck stop/truck terminal
Trucking and heavy equipment, sales & service
Veterinarian/animal hospital/commercial kennel

MIDLAND FUTURE LAND USE



Legend

- | | |
|--|--|
|  Agricultural/Open Space |  Future Employment |
|  Countryside Residential |  General Industrial |
|  Low Density Residential |  Limited Commercial |
|  Medium Density Residential |  Mixed Use |
|  Midland Town Limits | |
|  Railroad | |



7,800 Feet

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
Thursday, April 20th, 2006

Petition: C2006-01 (S) Preliminary Plat Approval

Subdivision Name: RJ Long Industrial Park

Subdivision Type: Industrial Subdivision

Applicant Information: Donald Misenheimer
20283 Ridgecrest Rd
Oakboro, NC 28129

Zoning: LI-SU - Case #2000-09(R)

Township: Number 10 - Midland

Property Location: Along NC Hwy 24/27

PIN#: 5535-20-3780

Proposed Lots: 11

Area in Acres: 29.59

Site Description: The site is currently vacant and wooded.

Adjacent Land Uses: Surrounding properties are vacant, wooded, or residential in nature.

Surrounding Zoning: LC-Light Commercial along NC 24/27, and CR-Countryside Residential to sides and rear.

Infrastructure: Public water service will be provided through the City of Concord. Septic tanks will provide wastewater collection. Petitioner will build an interior road as indicated on preliminary plans.

Exhibits: 1. Site Map – showing general area
2. Preliminary Plat
3. List of permitted uses, per the special use rezoning
4. Service Availability Letter
5. Comments Received

Code Considerations: The LI-SU district is a light industrial-special use zoning district. Development standards are:

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
Thursday, April 20th, 2006

- Principal Setbacks
Front- 50 feet
Side- 10 feet minimum, 30 feet total
Rear- 20 feet
- Accessory Use Setbacks are same as principal
- Minimum average lot width- 120 feet
- Maximum building height- principal structure 60'/accessory structure 30'
- Maximum impermeable surface- 60%
- Maximum structural coverage- 40%

Adequate Public Facilities: **Cabarrus County Schools- Robert Kluttz:** Since the property is nonresidential, there will be no impact on the school system.

Soil and Erosion Control- Thomas Smith: The applicant will be required to submit soil and erosion plans before commencing any land-disturbing activities.

NCDOT- Ritchie Hearne: Driveway access location is permissible. A right turn lane with 150 feet storage and 240 feet taper will be required as part of the access permit process. Minimum asphalt pavement width for RJ Long Drive is 32 feet. Curb and gutter needs to be standard NCDOT 2'6" curb (NCDOT Standard 848.03). See attached memo for additional standards and requirements.

WSACC- Tom Bach: Wastewater collection will be septic systems, so capital recovery fee does not apply.

City of Concord Engineering Department - Sue Hyde: The petitioner is within the Midland service area. However, at this time the City of Concord would be the service provider. The petitioner is responsible for extension of all necessary utility lines.

Cabarrus County Fire Marshall's Office- Steve Langer: Applicant will be required to submit plan showing utilities prior to construction.

Staff Analysis: Staff finds that the proposed subdivision meets all the development standards of the Cabarrus County Subdivision Ordinance.

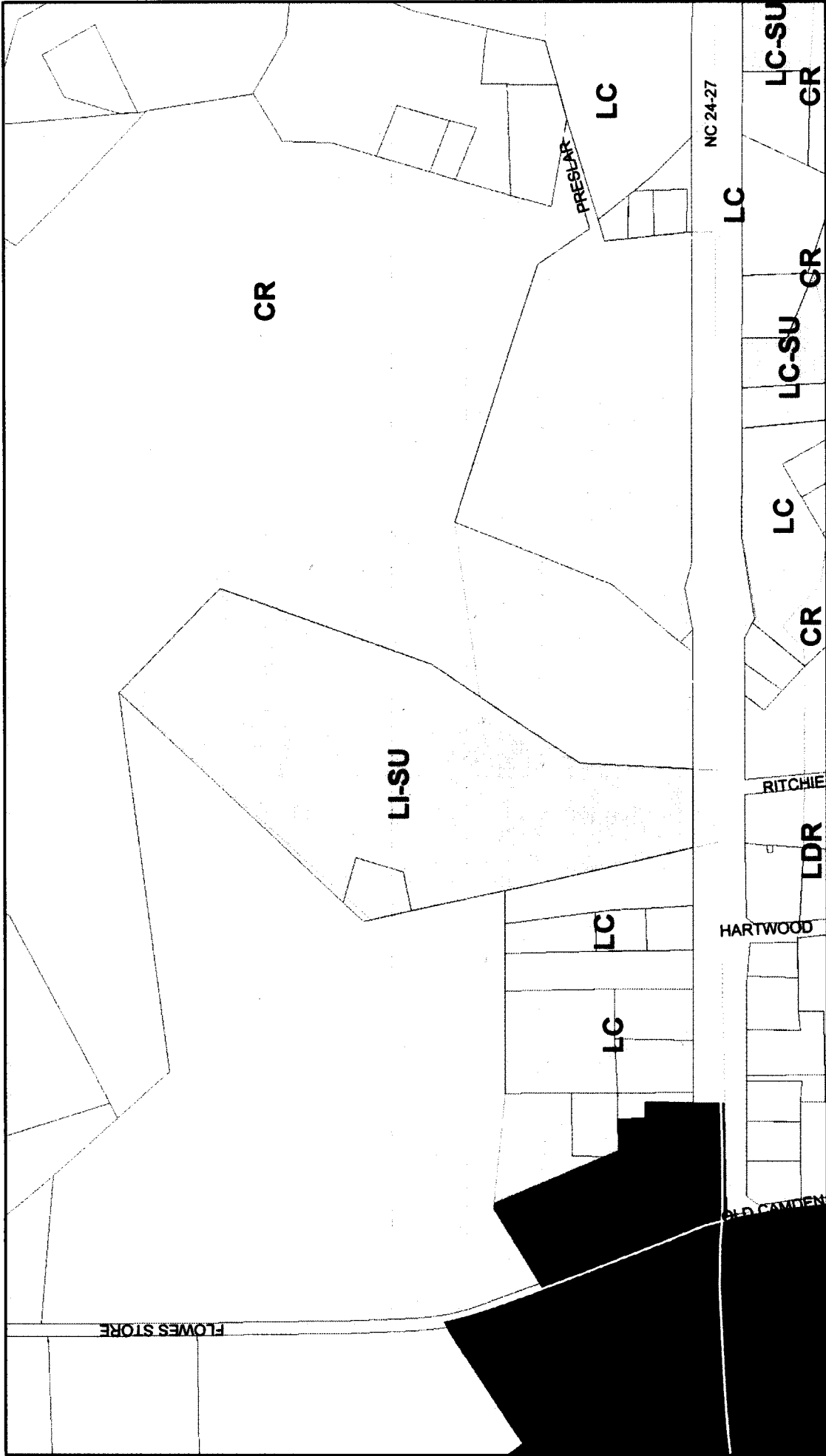
Staff Recommendation: Staff recommends *Approval* of the RJ Long Industrial Park. It is recommended that the Planning Commission grant approval of the subdivision with the following conditions:

1. The developer shall meet all requirements for road improvements and construction standards as set forth in the comments received

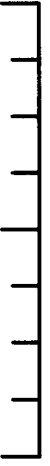
PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
Thursday, April 20th, 2006

- from NCDOT. This should include upgrading the current proposed street cross-section to reflect standard 2'6" standard curb and gutter.
2. The developer shall meet all requirements set forth by the City of Concord for the extension of water lines, including, but not limited to, pipe size, placement location, and payment of necessary impact fees.

RJ Long Industrial Park Site



0 320 640 1,280 Feet



Chris Moore

From: Ritchie Hearne [RHearne@dot.state.nc.us]
Sent: Friday, April 07, 2006 12:12 PM
To: Chris Moore; Leah Porch Wagner; Shawn P. Riggs
Subject: RJ Long Industrial Park west of Midland

Following is NCDOT's comments for the subject development:

Driveway access is permissible at the location shown on NC 24-27. A right turn lane with 150 feet storage and 240 feet taper will be required as part of the access permit process.

It is my understanding that the corner lot is (will) be acquired by the Midland Volunteer Fire Dept. VFD will need to coordinate its layout and entrance with NCDOT through a separate access permit.

Minimum asphalt pavement width for R. J. Long Drive is 32 feet.
Curb and gutter needs to be standard NCDOT 2'-6" curb. Road width from back of curb to back of curb will be 37 feet.

Pavement structure will be as follows:

- 1.5" S9.5B Surface Course
- 2.5" I19.0B Intermediate Course
- 10" Aggregate Base Course

Driveways to R. J. Long Drive need to be drop curb type turnouts (NCDOT Standard 848.03).

If additional information is needed, please advise.

Ritchie Hearne
District Engineer



Commerce Department
Environmental Protection Division

Cabarrus County Government

March 21, 2006

Commerce Department

Mr. Chris Moore, Planner
Cabarrus County Commerce Department
P.O. Box 707
Concord NC 28026-0707

Re: **RJ Long Industrial Park**
Preliminary Plat

Dear Mr. Moore:

Neither the owner nor the developer has contacted this office in reference to the project noted above. The size of the project is greater than one acre. An erosion and sedimentation control plan must be submitted to this office for review and approval prior to the commencement of any land disturbing activities.

Please contact me if you have any questions

Sincerely,

Thomas Smith
Erosion Control Inspector

TS/ljc

Chris Moore

From: Steve Langer
Sent: Friday, March 24, 2006 1:29 PM
To: Chris Moore
Subject: RE: RJ Long Site Plat

For this area it would not be an issue because there are hydrants. But if there was an area like this that did not then we would have to look closer at what could be built. Meaning if you had someone that wanted to build a building that would require a sprinkler system then they would have to put an on-site water tanks.

hope that helps.

From: Chris Moore
Sent: Friday, March 24, 2006 1:11 PM
To: Steve Langer
Subject: RE: RJ Long Site Plat

If the subdivision is on wells and septic tanks, what info do you need to see concerning hydrants or water access for fire trucks? FYI – there is going to be a Midland Fire Station on the front lot...

Chris Moore

From: Steve Langer
Sent: Friday, March 24, 2006 1:08 PM
To: Chris Moore
Subject: RJ Long Site Plat

Site plat submitted for review. (Approved as shown)

Site plans will need to be submitted showing utilities prior to any construction.



alley, williams, carmen & king, inc.
Consulting Engineers

April 4, 2006

02533

Mr. Chris Moore
Cabarrus County Planning Services Division
P.O. Box 707
Concord, NC 28026-0707

Re: NC 24-27 Industrial Park
Preliminary Subdivision Review

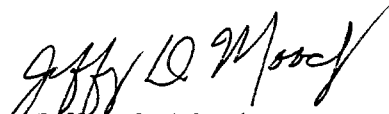
Dear Mr. Moore:

I have reviewed the preliminary subdivision plans for the proposed subdivision listed above. Listed below are the comments concerning the review.

- The proposed industrial street cross-section, pavement width and right-of-way width will need to be approved by NCDOT. I feel that the cross-section is adequate. However, I recommend that the ABC base stone should extend under the curb and gutter. I recommend the use of standard 2-6" standard curb and gutter. This will define driveway entrances to the various lots within the development and prevent vehicular traffic from driving over the curb. Will sidewalks be required along the street? If so will there be a planting strip to separate the pedestrian and vehicular traffic? The street right-of-way may need to be widened to accommodate the sidewalk and planting strip.
- Water, Sewer, and storm drainage can be addressed once construction plans are submitted for approval. Drainage easements may be required on the lots once we have reviewed the construction plans.
- The access to NC 24-27 will require an NCDOT driveway permit.

Call me at 704-938-1515 for any questions regarding these comments.

Sincerely,


Jeffery D. Moody, PE



April 6, 2006

Donald E. Misenheimer
20283 Ridgecrest Road
Oakboro, NC 28129-9589

Ref.: WSD Letter Cabarrus County Property #5535.20.3773

Dear Mr. Misenheimer:

The City of Concord has reviewed your submittal (preliminary application) on the above-mentioned property and since this property is within the Midland service area district you will not be required to submit an annexation petition. Any development plans need to be initiated with Cabarrus County. If your plans require public water line extensions, you must comply with Section 62 of the City of Concord Code of Ordinances and the City of Concord would be the water supplier. If extensions are not planned, then the next procedure will be to apply for water services through our Customer Service Department, which is located in the Municipal Building at 26 Union Street South, Concord. However, we would like to make you aware that since this property is within the Midland service area district, the account could possibly be transferred over to Midland sometime in the near future. Concord and Midland are currently in negotiations on this and if it should occur you will be informed of any changes. City of Concord sanitary sewer service is not available to this property at this time.

The City will not extend utilities except in compliance with Section 62 of the City code, including compliance with all City regulations and ordinances governing development.

This letter is not a contract, nor does it establish any property rights in City services.

If we can be of further assistance, feel free to call with your questions.

Sincerely,
City of Concord

A handwritten signature in black ink that reads "Sue B. Hyde".

Sue B. Hyde, PE
Director of Engineering

cc: Cabarrus County Development Office
Henry Waldroup City of Concord Water Resources
Meche Foster, City of Concord Customer Service
Helen Broadway, City of Concord Customer Service



Engineering Department
Alfred M. Brown Operations Center
City of Concord • 850 Warren C. Coleman Blvd. • P.O. Box 308 • Concord, North Carolina 28026
(704) 920-5425 • Fax (704) 786-4521 • TDD 1-800-735-8262 • www.ci.concord.nc.us



Case #2000-09(R) – Limited Industrial – Special Use

Permitted Uses

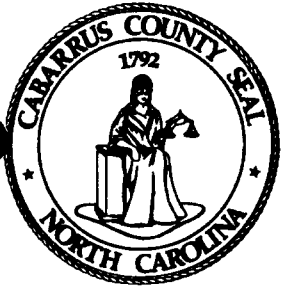
Automobile rental
Automobile supplies
Bank/financial institution/ATM
Boat works and sales
Bottling works
Building equipment sales/indoor storage
Building equipment sales/open storage
Car wash
Catering service
Contractor's storage yard
Convenience store with petroleum sales
Convenience store without petroleum sales
Dry cleaning/laundry plant
Machine welding shop
Manufacturing/processing
Multimedia production & distribution complex
Nursery/greenhouse
Office, professional
Parking lot, commercial or private
Printing and reprographic facilities
Public use facility
Race shop/complex
Recreational facility, indoor
Repair garage, automobile
Repair shop, farm machinery
Repair shop, small engine
Restaurant, excluding drive-thru
Warehouse, enclosed

Permitted based on Standards (PBS)

Communications tower
Mobile office, temporary
Recyclable materials drop-off
Restaurant with drive-thru facility
Warehouse, open storage

Conditional Uses

Nursery/daycare center
Recreational facility, outdoor
Trade & vocational school
Trucking and heavy equipment, sales & service



Planning and Zoning Commission Minutes
April 20, 2006
7:00 P.M.

Mr. Larry Griffin, Chairman called the meeting to order at 7: 00 p.m. Members present in addition to the Chair were Mr. Todd C. Berg, Mr. Danny Fesperman, Mr. Roger Haas, Mr. Leonard Lancaster, Mr. Thomas Porter, Jr., Mr. Ian Prince, and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were Ms. Susie Zakraisek, Planning and Zoning Manager, Ms. Kassie Goodson, Planner, Mr. Chris Moore, Planner, Ms. Arlena Roberts, Clerk to the Board. Also attending was Mr. Richard Koch, Attorney for the Planning and Zoning Commission.

There being no corrections to the March 16, 2006 Minutes, Mr. Fesperman **MOTIONED, SECOND** by Mr. Shoemaker to approve the minutes as mailed. The vote was unanimous.

New Business

Planning Board Function:

The Chair introduced the first item on the Agenda, Petition C2006-03(R)

- 1. Applicant: Donald Misenheimer & Richard Efirm**
Request: Administrative Rezoning – NC Highway 24/27 Grey Commercial Park – Office Institutional (OI) to General Commercial (GC)

This was a request to the Cabarrus County Planning and Zoning Commission to bring the site, approximately 6.28 acres, into better compliance with the Cabarrus County Zoning Ordinance.

Ms. Kassie Goodson, Planner, addressed the Board stating that the petition is administrative and that the property owners are Mr. Donald Misenheimer and Mr. Richard Efirm. She stated that the existing zoning on the property is OI Office Institutional and the proposed zoning is GC General Commercial. She stated that the property is located in the Midland Township on NC Highway 24/27 and Grey Commercial Drive. The subject properties are developed as commercial buildings, currently occupied by various commercial businesses.

She stated that the zoning history on this property is the Grey Commercial Park subdivision was submitted by Mr. Donald Misenheimer in March of 1989, this subdivision was reviewed by the Cabarrus County Planning and Zoning board and was approved in April of 1989. At the time the subdivision was approved, the majority of the 6.28 acres was zoned C-4, which was the Highway Business District, commercial district at that time before we had adopted the zoning designations that we have now with

general commercial and light commercial. A portion of Lot 8 and all of Lot 1 were zoned ARR- Agricultural/Rural Residential. In 1992, Mr. Misenheimer filed a rezoning petition on those portions of the properties zoned ARR, in an effort to make the entire site consistent and his rezoning request was granted. When Cabarrus County adopted a new zoning ordinance in 1993, the property was rezoned to GC General Commercial through a countywide zoning atlas amendment. The property remained GC until June of 2005 when Cabarrus County underwent another countywide zoning atlas amendment. At that time, the entire subdivision was rezoned to OI-Office Institutional through that county wide zoning atlas amendment.

Ms. Goodson stated that she included in the packet a list of adjacent property owners, a list of permitted uses, and the future land use map for the Midland area plan. The rezoning request was sent out to NCDOT, Cabarrus County Schools and the Town of Midland for comment. She said NCDOT had no comment or concerns on the rezoning and Cabarrus County School system did not anticipate any impact to the schools. The Town of Midland has a standing request that the county zoning remain in accordance with the adopted land use plan and that is included in the staff report along with the code considerations of the General Commercial district which are in the zoning ordinance. She said the other considerations are the future land use plan for the Midland area which designates this property as commercial. The property is located on a major thoroughfare where commercial uses are intended to be located. The property was originally presented as a commercial park. If the existing uses were to cease, only identical uses would be able to move into the structures and operate per Section 14-6 of the Cabarrus County Zoning Ordinance which talks about non-conforming uses. The only uses permitted currently in the district are those listed in the OI Office Institutional zoning designation. OI Office Institutional uses are generally low intensity office uses and institutional uses not typically found located in a general commercial park. The current uses of existing facilities on the site include a marble company, a screen printing shop and a machine/repair shop.

Ms. Goodson stated in conclusion that the Midland Area Land Use Plan and Map support the commercial development of this site. The subject property was zoned GC General Commercial and has been developed as a commercial park. The change to OI Office Institutional zoning in 2005 has rendered several of the existing uses in the park non-conforming. She said the proposed rezoning meets the commercial component of the Midland Area Plan. Therefore, the Land Use Plan supports approval of Petition C2006-03(R). The Board should consider the information presented and render a decision accordingly.

The Chair asked if there were questions for the staff.

Mr. Haas asked why the county would rezone a piece of property that was designated as general commercial and developed that way and then decided when they did a change to change it to Office Institutional even though everything in there was general commercial to begin with.

Ms Goodson said she believes it was an oversight.

The Chair asked if anyone had any questions for Mr. Misenheimer.

Mr. Donald Misenheimer stated that he was owner of most of this property and has developed it over the past 15 years or so. He said Mr. Patterson is also an owner; and has the property on the front which has a ten or eleven thousand square foot industrial building there and operates a company called Power Products that does electrical testing.

Mr. Misenheimer said that Mr. Eford has a 24,000 foot factory that does marble granite and employs 40 or so people. He thinks the whole project employs 80 to 100 people and is a pretty neat little project; everyone seems to get along and work well together.

The Chair opened the public hearing. No speakers, public hearing closed.

Mr. Haas made a MOTION, SECOND by Mr. Fesperman to approve Petition C2006-03 (R) Administrative Rezoning OI Office Institutional to General Commercial.

There being no further comments the **MOTION** passed unanimously.

Petition 2006-03 (R) Administrative Rezoning **Approved.**

Ms. Goodson asked if the Chair wanted to do the consistency statement now.

The Chair said yes.

Mr. Koch stated that they needed to have a finding or conclusion that the rezoning is consistent with the applicable area plan and that it is reasonable and in the public interest.

The Chair said that staff found that the petition is consistent with the Midland Area Use Plan. He asked for Motion that it is consistent with the land use plan.

Mr. Berg **MOTIONED, SECOND** by Mr. Shoemaker that Petition 2006-03 (R) is consistent with the Midland Area Use Plan. The vote was unanimous.

The Chair asked if there were a consensus that Petition 2006-03 (R) is reasonable and in the public interest. The consensus was unanimous. The two findings were adopted by consensus.

The Chair introduced the second item on the Agenda C2006-01 (S), R.J. Long Industrial Park – Preliminary Plat Approval.

2. Applicant: Donald Misenheimer

Request: Preliminary Plat Approval of R. J. Long Industrial Park

Mr. Chris Moore, Planner, addressed the Board stating that this is a petition for a Preliminary Plat approval of R.J. Long Industrial Park. It is an Industrial Subdivision and the applicant is Donald Misenheimer. The property is currently zoned Light Industrial – Special Use (LI-SU) that was designated with Case #2000-09 (R) in 2000 and it is in the Number 10 Township in Midland outside of the city limits, located on Highway 24/27.

Mr. Moore said that Mr. Misenheimer is proposing 11 lots on 29.59 acres. The site is currently vacant and wooded and the surrounding properties are vacant, wooded or residential in nature. The surrounding zoning of the property is LC-Light Commercial along 24/27 and CR Countryside Residential to the sides and rear. He said that Mr. Misenheimer has a letter from the City of Concord agreeing to serve him with public water, sewage will be collected with septic tanks and not have public sewer. The petitioner will build an interior road as indicated on the plan. If approved this plan would have to develop following the Light Industrial Special Use.

Mr. Moore said they would have to meet all development standards listed in the staff report. They would have to meet all setbacks front, side and rear; meet minimum average lot widths, which the plan does and hold his buildings and impermeable surface under 60%.

Mr. Moore said as far as the adequate public facilities are concerned the property is non residential so there will be no impact on schools. He said the Soil and Erosion Control Department has asked that the applicant submit soil and erosion plans before commencing any land disturbing activities. He said NCDOT has permitted the driveway access location and they have also requested a right turn lane with 150 feet of storage and a 240 feet taper be required as part of the access permit process. NCDOT also asked that curb and gutter meet NCDOT Standard 848.03.

Mr. Moore said that WSACC has stated that wastewater collection will be septic systems so the capital recovery fee does not apply. He said that the City of Concord Engineering Department commented that the petitioner is within the Midland service area so at some point his service may be transferred to the town of Midland if that sale ever is completed; sale of the water line is completed but at the current time the City of Concord would be the service provider and the petitioner is responsible for extension of all necessary utility lines. He said the County Fire Marshall's Office has requested that the applicant be required to submit a plan showing utilities prior to construction including locations of fire hydrants.

Mr. Moore said that staff finds that the proposed subdivision meets all the development standards of the Cabarrus County Subdivision Ordinance and recommends **Approval** of the R. J. Long Industrial Park with the following conditions:

1. The developer shall meet all requirements for road improvements and construction standards as set forth in the comments received from NCDOT. This should include upgrading the current proposed street cross-section to reflect standard 2'6" curb and gutter.

2. The developer shall meet all requirements set forth by the City of Concord for the extension of water lines, including, but not limited to, pipe size, placement location, and payment of necessary impact fees.

Mr. Moore said attached to the back of the staff report is an area map showing the site. He said the site is pink and in the point of the elbow there is a county owned tract of land that is not include in this. He said it is currently an emergency services cell tower site. He also included a list of permitted uses as required by the special use rezoning that was approved in 2000.

Mr. Moore said that the applicant is in attendance tonight to answer any questions that the board may have.

The Chair asked if there were any questions.

Mr. Haas asked if side walks were required as a part of this subdivision.

Mr. Moore said that sidewalks are not required in an industrial subdivision. He said developers are required to follow the standard NCDOT industrial street cross section which does not include side walks.

Mr. Shoemaker asked if industrial subdivisions require storm water/sewer runoffs.

Mr. Moore said he believes so.

Ms. Susie Zakraisek, Planning Manager, addressed the Board stating that Cabarrus County does not enforce storm water runoff measures; essentially they would use the practices of soil and erosion control to keep the water off the neighbor's property. She said at the present time the county does not have its own water enforcement program; it is enforced through the municipalities.

Mr. Shoemaker said he sees some of the things on here are a car wash, bottling works and several different types of things, several of these things in this limited industrial could have a lot of water involved. He asked how you would control that.

Ms. Zakraisek said she believes that with the engineering design and depending on what it is and what it will be; septic systems for each site in there could potentially be treated. She said the applicant could probably answer better than she could.

Mr. Misenheimer said he is not sure how to answer that, we submitted a plan to soil and erosion and did some stumping and grubbing mainly taking out some of the new growth stumps such as that and put in diversion ditches and stuff that would control any run offs, catch basins such as that. He said they have been inspected a couple of times, and have gone beyond what was required. He said the inspector asked for a silk fence and during one of the inspections he asked about a drainage ditch, the inspector said he liked that better because it would collect the water in the ditch and run it into a catch basin with a

riser. He does not see a storm ditch being a problem; generally he tries to stay away from high use water users. He tries to pick people that will not cause a problem and that way you will not have a problem down the road. He said he selects the people that go in; he probably would not put a car wash or a bottling company or any of those things in there.

Mr. Shoemaker said he noticed on the plan that there were several lots that did not have perk fields.

Mr. Misenheimer said when they started two years ago doing the soil analysis they hired Thompson Engineering who had a soil scientist that come in because some of the soil was not good. Mr. Misenheimer said when he bought the land that was one of the stipulations because some of the land would not meet the septic systems. He said they hired Bill Marlin out of Charlotte to come in, he did an initial spot check and told them there were soils that were good for that. He said as we got a little further along Mr. Thompson came in did an intense cross section checking on 34 acres and located the best suitable soils. Mr. Thompson used GPS to check it, put it on a mount and they mapped the sections that were good. Mr. Misenheimer said he went to the Health Alliance and they came out and did their testing. He said because Mr. Thompson had done such a good job of finding the suitable soils and classifying it; the Health Alliance wanted Thompson to design the systems and actual runs.

Mr. Misenheimer said everybody worked well together and found the best soils and got a good number of sites. He went to Piedmont Design in Mooresville and with their computer they laid out the lots, the setbacks, parking spaces, sidewalks, flower beds and the natural areas. He said they laid all those things out and then he told us how much land we had left to build on, then he cut the ends off and we come down with the lot sizes then he put the size of buildings that we could work in there and then we submitted it to the county who said that was far too much. He said we had to go back and redo it and put lot lines in.

Mr. Misenheimer said we have what we think is real unique and a good park that will employ a lot of people, be good for the community and is a pretty project. He said the county has purchased an acre of the property for a communication tower, and the Midland Fire District has a contract to purchase approximately two acres on the front to put a new fire station and EMS station.

Ms. Zakraisek said as far as the septic suitability; if you look at the preliminary plat it does have to be signed off by the health department and she is assuming that with the areas that they have they will find the best way to engineer the system and there will probably end up being some shared easements and things like that but the plat does have to be signed off by the health department saying that we are not creating lots that would not be suitable.

Mr. Shoemaker said he just happened to see several lots that did not have any perking soil so he was wondering either they were going to have to use low pressure systems or

they are going to have to share these perk fields across boundaries and he just wanted to get clarification.

Mr. Misenheimer said the original design he is not exactly sure was few less lots, but the planning department asked if he mind if they put a couple more lines in; it is easier to take them out then to go back and redo them, so he went in and lots 1 and 2 are suppose to be one lot and that split two sections of buildings there that they designed and he thinks it gives them a little more flexibility and he thinks lots 5 and 6 also were ones that were subdivided.

Ms. Zakraisek said this particular project has kind of had to work backward because of the soils and because of the buildings that they wanted to build. She said they had to first site the buildings, do a site plan and then come back and actually show where they needed to put the lot lines in. She said there was anticipation that maybe he needed to pick up an additional lot, so some of the lots are there because he said he might want the extra lots. She said it is easier to shift lot lines around or to take a lot line out then it is to go back and add one in and then have to come back to the planning board. She said essentially she believes with his engineering staff that he has as well as his soil scientist and in placing the buildings like he said they did a complete plan with landscape, buffered streets and everything on it and then went back and created the preliminary plat from that.

Mr. Misenheimer said another thing he thinks is unique about the Cabarrus County Communications Tower is that he originally set out a right of way that some what follows the road that they thought was going to be there but in the process of that we put language in the deed that he could move that where it need to be and still give them access but it was not tied to a particular spot. He is not sure about the flag lot, they said that if I were to deed that 15 feet rather than 30 feet right of way over there that the County would actually own that and that would eliminate a little bit of confusion. He talked with Mike Downs and the staff and we kind of agreed on that in the office one day that as we get all the road in and everything that would be the simplest thing to do. He said that is something he agreed to verbally, he said they want to clean it up and make it functional for everybody.

Mr. Lancaster said that you mentioned that high water uses are allowed. He said there probably will not be any high water uses because it is not practical on a septic tank. He said if you did have a car wash you would have to have a recycling system and a bunch of really in depth stuff, so that probably would not be an issue.

The Chair asked if there were anymore questions.

Mr. Prince **MOTIONED, SECOND** by Mr. Berg to approve Petition C2006-01(S) R. J. Long Industrial Park as presented, with conditions that the developer shall meet the requirements of the road improvements as set forth by NCDOT and the developer shall meet the requirements set forth by the City of Concord for water extension lines.

There being no further comments the **MOTION** was passed unanimously.

Petition 2006-01 (S) R. J. Long Industrial Park – Preliminary Plat Approval; **Approved.**

The Chair said there has been a lot of discussion about development going on in the county and he has had a little trouble visualizing where it is and how much it is. He said these are all subdivisions that have been approved that are not yet built out and he is making this available to the board for their information. He said this is for you to peruse at your convenience. He said it helps him to see what is going on in the county.

Director's Report:

Ms. Susie Zakraisek, Planning Manager, addressed the board stating that what you have in front of you is a tool that staff has been using with the County Commissioners to keep them up dated on how many lots are out there and how many buildable lots are still available. She said this spread sheet is what we use for adequate public facilities and for school assessment, to know how much we have coming in. She said we are asked a lot by the commissioners how much we have collected, how much do we have to collect, and how the money is coming in. She said this tool has all of the subdivisions listed on it, older subdivision probably will not be on this if we are through collecting the adequate public facility assessment. She said you can see that this is inclusive; it has Cabarrus County, Concord, Harrisburg, Kannapolis, Midland and Mt. Pleasant. She said the numbers at the bottom gives you the approved total, so you can see that there were 16,284 lots out there, a pending total at the time that this was done was 1, 556, sketch plan total at the time was 990 then subdivisions that have been vested through one means or another was 2,787 for a total of 21,617 lots that have been approved. She said if you look at the build out you will see and this is going to correspond with the consent agreements the commissioners now are requesting that the applicant establish a build out schedule. If they come in with 100 lots and they think it is going to take them approximately three years to build it then what most people are doing is dividing that number over three and they may request 35 – 35 – 30 over the years, but that is something that the commissioners are requiring, even requiring some of them to push the start date out to 2007. She said that's what this is and the map that you have has what is listed on this particular sheet mapped out for you, as you can see in some areas you have more clusters together where there are new subdivisions that have been approved that are subject to the adequate public facilities. She said it is a tool to help you see where the growth is and let you know subdivisions that are there, how many lots there are, where they are and what we are working with right now since a lot of these you do not see because they are in other jurisdictions. She said it is information and a tool for you to have, and probably every six months or so we could update it if you like, the spreadsheet we are updating constantly but as far the mapping we could do that too.

Mr. Fesperman asked if we were still sitting on the Preserve at Grayson Ridge in Harrisburg.

Ms. Zakraisek said it is her understanding that it went into receivership and she is not quite sure what the status of it is now, supposedly the Speedway and some of the property owners out there have gotten back the property they had or are acquiring different property but at this point we do not have anybody that is actively pursuing the completion of that project or even the start of that project because no permits were ever pulled for that project.

Mr. Lancaster said that could be a long time getting fixed.

Ms. Zakraisek said if someone is willing to buy that project they will a lot of environmental issues to deal with.

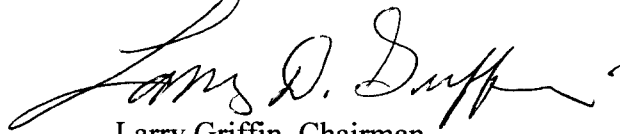
Ms. Zakraisek said next month we will have potentially two subdivisions coming before you, one is off of Zion Church Road and the other one is four miles outside of Midland on 601, that particular one is a smaller subdivision but these will be the first two larger scale subdivisions that you will see coming through under the new design regulations. She said the largest one of the two is an amenity subdivision.

There being no more business the Chair asked for motion to adjourn.

Mr. Fesperman MOTIONED, SECOND by Mr. Porter to adjourn the meeting.

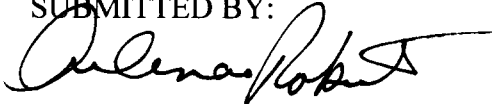
The vote was unanimous. The meeting adjourned at 7:43 p.m.

APPROVED BY:



Larry Griffin, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Zakraisek
Planning and Zoning Manager