



## Cabarrus County Government

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Cabarrus County Planning and Zoning Commission Meeting  
July 20, 2006  
7:00 P.M.  
County Commissioners Chamber  
Cabarrus County Governmental Center

### Agenda

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

#### A. Rezoning Text Amendment

1. Petition C06- 05(R) – Planning Staff  
Administrative Rezoning

Purpose is to administratively rezone the property from a Mt. Pleasant zoning designation to a Cabarrus County zoning designation.

2. Petition C06- 06(R) – (AO) Agriculture/Open Space/(OI) Office Institutional to (GC-CD) General Commercial Conditional District/(MDR-CD) Medium Density Residential Conditional District

Wayne Brothers  
c/o Keith Wayne  
8819 Columbus St  
Davidson, NC 28036

Request: The applicant is seeking a rezoning for the relocation and expansion of the corporate headquarters and operations center for Wayne Brothers Inc. In addition, the applicant is seeking approval of a mixed use project that will surround the corporate headquarters.



Commerce Department  
Planning Division

## Cabarrus County Government

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### B. Preliminary Subdivision Plat Approval

1. Petition C06-03(S) - Bella Vista – Shea Homes

### C. Proposed Text Amendment for a Nursery Landscape Supply Company in the LC District – Planning Staff

4. Director's Report
5. Adjournment

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

**Petition:** C2006-05 (R) Administrative Rezoning

**Property Owner:** Mount Pleasant – Highway 200, LLC

**Existing Zoning:** Mt. Pleasant RE-Rural Estate (1 unit per acre)

**Proposed Zoning:** Cabarrus County CR-Countryside Residential (1 unit per 2 acres under the Conventional Subdivision option)

**Purpose:** To administratively rezone the property from a Mt. Pleasant zoning designation to a Cabarrus County zoning designation. Per Senate Bill 1376, the annexation of this property was repealed. Therefore, the property needs to be assigned a Cabarrus County Zoning Designation.

**Township:** Number 9 – Georgeville

**Property Location:** NC Highway 200 and Mt. Pleasant Rd.

**PIN#:** 5557-99-0994

**Area:** Approximately 648+/- acres

**Site Description:** The subject property is undeveloped and vacant.

**Zoning History:** The subject property was originally zoned LDR-Low Density Residential. Upon annexation into the Town of Mt. Pleasant in 2004, the property was administratively rezoned to Mt. Pleasant RE-Rural Estate.

**Area Relationships:** North: CR  
South: CR, AO & LI-SU  
West: CR  
East: CR, AO and LI

**Exhibits:**

1. Current Zoning Map-submitted by Staff
2. List of Adjacent Property Owners
3. List of Permitted Uses
4. Future Land Use Map-Eastern Area Plan
5. Copy of Senate Bill 1376

**Comments:**

Cabarrus County Schools – Robert Kluttz: “We would prefer the zoning change to Cabarrus County CR (1 unit per 2 acres). This would potentially reduce the number of units that could be approved in the future for this property.”

**Code Considerations:**

Lands in the CR district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if at all possible. Although the area is capable of handling higher densities of development, development is kept at very low overall densities. Development includes only the standard single family detached dwelling. The site sensitive design concept is carried out through performance based standards on residential development with the technique of "clustering". In general, clustering is an arrangement of physical structures on land with an emphasis on retaining natural areas as open space. It is the primary way in which development can be successfully blended into the rural landscape.

Rationale. This is a land use district created as a direct result of the County's systematic area planning process. As a reaction to the growth of the past decade (as much as 80% in some townships) many residents are anxious to see their areas retain the appeal that inspired the resident to make his/her original investment. This district helps implement a growth management philosophy before the fact rather than after. Even when the area has access to public utilities, the overall density will remain relatively low. In summary, the principle purpose of this district is to provide some land area in the County for a permanent country/rural residential life style.

**Other Considerations:**

Through legislation the Town of Mt. Pleasant deannexed the subject property effective June 30<sup>th</sup>, 2006. The property must be assigned a Cabarrus County zoning designation within 60 days from the effective date of the deannexation.

Through the countywide rezoning in June 2005, properties within this area of the county were rezoned from LDR-Low Density Residential to CR-Countryside Residential. The Eastern Area Plan Future Land Use Map designates this property as LDR-Low Density Residential. However, due to the June 2005 countywide rezoning of all properties in this area, it is now more appropriate for the subject

property to be assigned a CR-Countryside Residential zoning designation like the adjacent properties.

**Conclusion:**

The Eastern Area Land Use Plan and Map support the rezoning of this site to CR.

**Recommendation:**

*The proposed rezoning meets the intent of the residential component of the Eastern Area Plan. Therefore, the Land Use Plan supports approval of Petition C2006-05 (R). The Board should consider the information presented and render a decision accordingly.*



## List of Adjacent Property Owners

HARRIS TILGHMAN M  
FAULKENBURY ANN EVETTE  
5320 ATWATER DRIVE

CONCORD NC 280250000

LAYTON JOHNNY A

7133 MT PLEASANT RD S

CONCORD NC 280250000

PAGE TIMMY DARRELL &  
PAGE CONNIE R/WIFE  
5723 HWY 200

CONCORD NC 280250000

ST MARTINS EVANGELICAL CHURCH

0

ST MARTINS EVANGELICAL CHURCH

0

WACHOVIA BANK NAT'L ASSOC TRST  
MORRISON WILLIAM L REVOC TRUST  
PO BOX 467

CONCORD NC 280260467

SANDERS LINDA  
SANDERS TERRY T/HUSB  
7118 MT PLEASANT ROAD

CONCORD NC 280270000

KRIMMINGER BILLY R

5612 SHOREVIEW DRIVE

CONCORD NC 280250000

BLUME BETTY LEE BROWN

456 DEBRA CR

CONCORD NC 280250000

PORTER MARK STEVEN &  
WF MARGARET F  
5312 ATWATER DRIVE

CONCORD NC 280250000

HARRIS TILGHMAN M  
HARRIS ANN E/WIFE  
5320 ATWATER DRIVE

CONCORD NC 280250000

DIAZ DENNIS S  
DIAZ TAMARA K /WIFE  
6260 HARBOR DRIVE

CONCORD NC 280250000

DIAZ DENNIS S  
DIAZ TAMARA K /WIFE  
6260 HARBOR DRIVE

CONCORD NC 280250000

INGOLD LOY CURTIS & SHERRY M

5306 ATWATER DRIVE  
LAKESHORE ESTATES  
CONCORD NC 280250000

BICKFORD PAMELA L

5302 ATWATER DRIVE

CONCORD NC 280250000

RINEHARDT DORSE B

6503 SWAN DRIVE

CONCORD NC 280250000

ROGERS STEPHEN T  
ROGERS NANCY DORIS Y /WIFE  
5424 MALLARD DRIVE

CONCORD NC 280258203

FOWLER NEWTON O JR & NANCY F

6136 HARBOR DRIVE

CONCORD NC 280250000

SHAFFNER LOU ANN

6100 HARBOR DRIVE

CONCORD NC 280250000

FURR TONY LEE & WIFE  
FURR SHANNON EWING  
5841 SHOREVIEW DRIVE

CONCORD NC 280250000

BELK ROLAND & MARGIE

6901 MT PLEASANT ROAD S

CONCORD NC 280250000

GILLENWATER RICHARD R JR

6825 MT PLEASANT AVE

CONCORD NC 280250000

KRIMMINGER BOBBY J

6570 MT PLEASANT ROAD SOUTH

CONCORD NC 280250000

KRIMMINGER BOBBY JOE  
KRIMMINGER JANE H/WIFE  
6570 MT PLEASANT ROAD

CONCORD NC 280250000

ELLIOTT ERNEST G  
ELLIOTT SHEILA.WIFE  
PO BOX 476

DAWSONVILLE GA 385340000

DRYE HARRY F  
DRYE MINA M/WIFE  
6951 MT PLEASANT RD S

CONCORD NC 280250000

COOK JAMES GRADY &  
COOK BRENDA &  
READLING EVA M & BETTY GALARDI  
C/O 784 BOARDMAN ROAD  
AIKEN SC 298030000

GREENE ZELDA B  
GREENE CHARLES H  
6875 MT PLEASANT ROAD S

CONCORD NC 280250000

GILLENWATER RICHARD R  
GILLENWATER KATHY B  
6851 MT PLEASANT ROAD S

CONCORD NC 280250000

WIDENHOUSE HOMER FRANK

990 GALLEON ST

COCOA FL 329275122

LAYTON DENNIS RAY  
5717 HIGHWAY 200  
CONCORD NC 280250000

MEADOW VIEW FARM INC  
3841 WILLOW GROVE LANE  
CONCORD NC 280250000

KRIMMINGER BILLY R &  
KRIMMINGER VERGIE F. WIFE  
5612 SHOREVIEW DR  
CONCORD NC 280250000

BOST E T III  
4701 HWY 200  
CONCORD NC 280250000

BOST E T III  
4701 HWY 200  
CONCORD NC 280250000

LUONG HIEU HUU  
129 CYPRESS STREET  
CONCORD NC 280250000

GARMON MICKEY W  
7051 WAGONWHEEL LANE  
CONCORD NC 280250000

STANTON OPAL  
5661 HIGHWAY 200  
CONCORD NC 280250000

John R. Boger  
101 Louise Dr. SE  
Concord, NC 28025

Mount Pleasant - Highway 200 LLC  
4521 Sharon Road, Suite 120  
Charlotte, NC 28211

LAKE SHORE ESTATES INC  
5707 SHOREVIEW DRIVE  
CONCORD NC 280258427

LAKE SHORE ESTATES INC  
5707 SHOREVIEW DRIVE  
CONCORD NC 280258427

HITE ALVIN M & PATRICIA J  
6212 HARBOR DRIVE  
CONCORD NC 280250000

BIGGERS FRED A & WF MARGARET F  
247 CHURCH STREET N E  
CONCORD NC 280250000

MAXWELL R A & SANDRA S MAXWELL  
6307 ISLAND VIEW DRIVE  
CONCORD NC 280250000

MOORE BARRY L & WIFE  
MOORE JUNE B  
6160 FARAWAY CIRCLE  
CONCORD NC 280250000

GOLD DOUGLAS J  
GOLD MELISSA H/WIFE  
6309 ISLAND VIEW DRIVE  
CONCORD NC 280250000

OPPER JASON M  
OPPER DAVID RAYMOND-TRSTEE FOR  
OPPER SAMUEL D & JACKSON T  
5410 MCALPINE FARM ROAD  
CHARLOTTE NC 282260000

SIMPSON RICHARD MARSH  
5504 MALLARD DRIVE  
CONCORD NC 280250000

ROGERS STEPHEN T  
ROGERS NANCY DORIS Y /WIFE  
5424 MALLARD DRIVE  
CONCORD NC 280258203

HAYNES JEFFERY L & WIFE  
HAYNES PATRICIA R  
6161 FARAWAY CIRCLE  
CONCORD NC 280250000

SLAGLE LLOYD WAYNE JR  
SLAGLE JUDITH F  
5410 MALLARD DRIVE  
CONCORD NC 280250000

CLINE CLYDE E  
3663 MIAMI CHURCH ROAD  
CONCORD NC 280250000

COOK LEROY C & RHONDA K  
7025 MT PLEASANT RD S  
CONCORD NC 280250000

DRYE HARRY F  
DRYE MINA M/WIFE  
6951 MT PLEASANT RD S  
CONCORD NC 280250000

KLUTTZ JOHN Q III &  
KLUTTZ WILLIAM E &  
KLUTTZ AARON W  
P O BOX 5030  
MIDDLE RIVER MD 212205030

IRVIN E JOHNSTON  
149 LOUISE DR S E  
CONCORD NC 280250000

BARNHARDT GARY LYN SR  
5328 SHOREVIEW DRIVE  
CONCORD NC 280259464

JONES ROBERT KENT  
JONES JUDY Y/WIFE  
6401 HARBOR DRIVE  
CONCORD NC 280250000

PARKER TIMOTHY D  
PARKER GINGER L/WIFE  
5322 SHOREVIEW DR  
CONCORD NC 280259416



KAPADIA MADHUKAR B CO TRUSTEE  
KAPADIA NAINA M CO TRUSTEE  
KAPADIA FAMILY TRUST  
1062 WINNETKA AVE  
CHATSWORTH CA 913110000

COOK JAMES GRADY &  
COOK BRENDA &  
READLING EVA M & BETTY GALARDI  
C/O 784 BOARDMAN ROAD  
AIKEN SC 298030000

LAYTON W BEN

5701 HWY 200

CONCORD NC 280250000

LAYTON W BEN

5701 HWY 200

CONCORD NC 280250000

## USES IN THE COUNTRYSIDE RESIDENTIAL ZONE:

### Permitted

Agriculture excluding livestock  
Agriculture including livestock  
Dairy processing  
Family care home  
Group care facility  
Livestock sales  
Nursery/greenhouse  
Single family detached residential

### Permitted based on Standards (PBS)

Accessory apartment  
Auction house  
Bed & breakfast  
Cemetery  
Civic organization facility  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Gas station  
Home occupation  
Home occupation, rural  
Kennel, private  
Landfill, demolition (one acre or less)  
Mobile home class I  
Mobile office, temporary  
Nursery/daycare  
Public cultural facility  
Religious institution (total seating capacity 350 or less)  
Rest/convalescent home with 10 or fewer beds  
Restaurant excluding drive-thru  
Sawmill  
Stables, commercial

### Conditional Uses

Colleges & universities  
Communications tower  
Elementary & secondary schools  
Multimedia distribution & production complex  
Public service facility

**APPENDIX A - MAP #1  
EASTERN AREA PLAN  
FUTURE LAND USE**



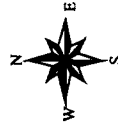
**Legend**

Eastern Area Plan Boundary  
Future Urban Service Boundary



**Future Land Use**

- Commercial
- Neighborhood Commercial
- Future Employment
- Historic Residential
- Mixed Residential
- Suburban Residential
- Town Center
- Industrial
- Office/Service
- Institutional
- Village Mixed Use
- Agriculture/Open Space
- Low Density Residential



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

1

SENATE BILL 1376

Short Title: Mt. Pleasant Deannexation. (Local)

Sponsors: Senator Hartsell.

Referred to: Finance.

May 16, 2006

A BILL TO BE ENTITLED  
AN ACT TO REPEAL A LEGISLATIVE ANNEXATION TO THE TOWN OF MOUNT PLEASANT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4 of S.L. 2004-39 is repealed.

**SECTION 2.** This act shall have no effect upon the validity of any liens of the Town of Mount Pleasant for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the Town of Mount Pleasant.

**SECTION 3.** This act becomes effective June 30, 2006.

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

Petition: C2006-06(R)

Petitioner Information: Wayne Brothers Inc., et al  
c/o Keith Wayne  
8819 Columbus St.  
Davidson, NC 28036

Existing Zoning: A/O – Agriculture/Open Space  
O/I – Office Institutional

Proposed Zoning: GC-CD – General Commercial Conditional District  
MDR-CD – Medium Density Residential Conditional District  
(See attached maps)

Purpose: The petitioner seeks a rezoning for the relocation and expansion of the corporate headquarters and operations center for Wayne Brothers Inc. In addition, the applicant is seeking approval of a mixed use project that will surround the corporate headquarters.

Property Location: The project fronts on Mooresville Hwy, Davidson Rd, Sudbury Rd, and Odell School Rd.

PIN: 4673-66-0905, 4673-56-6269  
4673-56-4277 & 4673-47-9022

Area: +/- 61.58 Acres to GC-CD  
+/- 18.46 Acres to MDR-CD

Site Description: Vacant, Residential, and Recreational (ballfield)

Area Relationships: The subject property is a six-sided property. Four sides are adjacent to A/O zoning and two sides are adjacent to O/I zoning. The adjoining properties to the west are single family homes and are located in Forest Pines subdivision. Forest Pines was developed at a density of 1.83 units per acre. Properties to north, south, and east are also single family residential. The property across Davidson Rd, at the intersection with Mooresville Hwy, is a gas station/convenience store.

Exhibits:

1. Map of the proposed change showing zone boundary
2. Site plan
3. Letter from City of Kannapolis
4. List of uses proposed by developer
5. List of proposed conditions developer is applying to the project
6. Future Land Use maps per adopted and proposed area plans
7. Comments received from reviewing agencies

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

**Staff Review:**

The proposed zoning change would allow limited uses in the GC-CD and MDR-CD zones (see proposed lists). The result would be a development that provides a minimum of three uses which includes residential, office, and retail uses. The applicant is proposing a change in zoning from O/I (Office/Institutional) to MDR-CD (Medium Density Residential-Conditional District) and GC-CD (General Commercial-Conditional District). This proposal is in keeping with the definition of mixed-use.

**Purpose Statements:**

Per the Zoning Ordinance, the primary purpose of the General Commercial (GC) 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 siting on major thoroughfares and requires relatively large-scale 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 zone but care should be taken to assure a buffer between the two.

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

Per the Zoning Ordinance, the Medium Density Residential (MDR) district is intended to permit development with a moderately high density community character. This district allows open space and amenity subdivisions. Residential development options for this zone include a variety of housing types, including townhouses. These zones are located where public utilities either are available or are envisioned available within the next ten years.

Rationale. This district is designed to provide permanent protection for those who want to live in a moderately high density residential environment. The district is designed to provide the principal location for a wide variety of residential types.

Per the Zoning Ordinance, because of the refinement of the Conditional District option, the Planning and Zoning Staff strongly encourage its use. Conditional District rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general category allowing many different uses. A Conditional District is a floating zoning district created only at the request of a property owner, built upon one of the general districts, and developed as set forth in an approved development plan.

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

Requirements of a Conditional District rezoning:

Keeping the proposed actual use in mind, the Petitioner may choose the desired district from any of the general zoning districts (where the proposed use is permitted either outright or conditionally) as set forth within this Ordinance. Upon selection, the requested zoning district will be known by the name of the general zoning district with the suffix "CD" added to delineate its Conditional District status.

2. Land use within the Conditional District. The Petitioner will describe the exact land use proposed for the "CD" District. Such use(s) may be selected from any of the uses, whether permitted by right or conditional, allowed in the general zoning district upon which the "CD" district is based.

3. Development Plan. Along with the application for conditional district status, the Petitioner is requested to furnish a development plan. At a minimum the development plan will address:

- a. General site characteristics – ownership, topography, soils, drainage, vegetation and other physical characteristics.
- b. Transportation patterns – public and private roads, internal and external circulation patterns, and parking.
- c. Land use characteristics – a site plan showing existing and proposed land uses, structures and buildings, i.e., a description of size, area and height. The plan shall show how the site conforms to the development requirements of the Cabarrus County Zoning and Subdivision Ordinances and other applicable ordinances and laws.
- d. Utilities and Infrastructure. How the site will be served by public and/or private utilities and infrastructure and documentation that service to the site is available. If site is to be served by onsite septic then a soils test establishing soil suitability shall be provided.
- e. Relationship of the Proposed Zone Change to the Cabarrus County Land Development Guide, appropriate area plan, or other plan. Specifically, how will the proposed zone change conflict, conform, complement or otherwise effect long range plans for the development of land in the County as well as any other special studies.

APF Comments:

**Schools:** Per comments received, the schools that serve this site are inadequate at this time (see attached comments).

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

**Utilities:** WSACC does not own or operate any existing water lines in the project area. Flow acceptance to projects that discharge wastewater in the interceptor serving this area is granted on a first come, first served basis.

The City of Kannapolis agrees to take over water lines (when their lines are extended to the property) if the developer builds a community system that meets the City's specifications. Per the County Engineer, sewer lines would have to be extended approximately 7000 linear feet to reach the subject property. The approximate cost of water service to area is between \$5-\$8 million. There is no schedule at this time for extension of these lines (see attached).

**Emergency Services:** Per comments received from the Fire Marshall's Office, all future site plans should include locations of fire hydrants.

**NCDOT:** The petitioner will be required to provide an additional 20 feet of right of way along Mooresville Rd and an additional 10 feet on Odell School Rd at the project boundaries. The will also be required to complete several onsite and offsite roadway improvements.

1. Construction of a northbound right turn lane and a southbound left turn lane on Davidson Rd at driveway 1.
2. Construction of a northbound right turn lane on Davidson Rd. at NC3.
3. Construction of an eastbound right turn lane and a westbound left turn lane on NC3 at Davidson Rd.
4. Installation of a traffic signal at intersection of Davidson Rd. and NC3 upon construction of the retail center.
5. Construction of a directional crossover on NC3 at driveway 2.
6. Construction of an eastbound right turn lane on NC3 at driveway 2.
7. Construction of an eastbound right turn lane and a westbound left turn lane on NC3 at Odell School Rd.
8. Construction of a northbound left turn lane and a southbound left turn lane on Odell School Rd. at Sudbury Rd.
9. Construction of a westbound right turn lane on Sudbury Rd. at driveway 3.

The developer/petitioner will be responsible for the installation and completion of these improvements at various stages of the development process (phasing) as agreed to by the developer and NCDOT.

Conformity with Land  
Use Plan:

The subject property lies within the Northwest Plan Area. In the Northwestern Small Area Plan of 1990, the subject property is



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

designated for development under MDR (Medium Density Residential) zoning with densities up to 4.5 units per acre. The area at the intersection of Davidson Rd and Mooresville Hwy is designated for commercial development. The future land use map shows a small circle of commercial surrounding the intersection, with the remainder of the subject property shown as medium density residential.

The updated version (proposed) of the Northwestern Area Plan recommends the subject property be developed as mixed-use. This draft plan was used for guidance in the 2005 zoning update that led to the current O/I zoning. Although in draft form, the mixed use area calls for a mix of residential, commercial, and office uses. The plan states that development of this property should be part of an integrated development plan that may or may not be approved as a Planned Unit Development. Connectivity, architectural and site design, and access management are key components of these proposals.

The proposed rezoning conforms to the proposed future land use plan for this area. In addition, per the newly adopted zoning map (2005), the subject property is zoned O/I and is reserved for office/institutional uses. This action by the County Commissioners shows support for the updated, though not formally adopted, new Northwestern Area Plan. Therefore, more emphasis should be placed on the draft area plan than the old (adopted) plan. The proposed site plan provided by the developer conforms to both plans in several ways. The adopted plan calls for MDR development on a majority of the property with commercial activity at the intersection of Davidson Rd and Mooresville Hwy. The proposed Northwestern Area Plan designates the subject property for mixed-use development, which is defined as three or more income-producing uses. The proposed site plan for the property achieves this goal through a mix of residential, office and retail uses.

**Conclusion:**

No utility service is available to the subject property at this time, nor is there a scheduled availability date.

The request is for a rezoning that includes approximately 61.58 acres of GC-CD and 18.46 acres of MDR-CD. Per the survey submitted by the applicant, the MDR-CD zoning would abut a residential neighborhood developed under the MDR standards set forth in the previous Zoning Ordinance. The developer has provided a 25 foot undisturbed buffer to separate the two neighborhoods so that the new and existing lots would not share rear lot lines. The proposed residential area indicates incremental increases in density so that a transitional area is maintained between the existing residential area and the commercial and retail development. This area will include 30 townhomes and 11 single family detached homes and is proposed to be

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

developed at a density of 2.63 units per acre. The developer has set aside 50% of the residential area as permanent open space. This space will serve both as active recreation areas and remain undisturbed so that proper buffering and separation are maintained. Included in this open space is a large, permanent buffer between the residential area and the most intrusive commercial use currently shown on the site plan (Wayne Bros. Headquarters/contractor storage yard) and tennis courts, picnic shelters, and nature trails.

The proposed retail area includes 11 buildings that total 163,417 total square feet. There are 5 parcels identified for future office development, 2 parcels for future office or commercial support facilities, and 1 parcel for a future police or fire station. The Wayne Brothers Corporate Headquarters facility would total 60,000 square feet.

Per the intent statement in the Zoning Ordinance, the General Commercial zone 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 zone 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. The primary purpose of the Medium Density Residential district is to permit development with a moderately high density community character. Residential development options for this zone include a variety of housing types, including townhouses. A/O zoning surrounds the subject property and is the lowest density zoning district in Cabarrus County. It provides areas for large single family lots, farms, and open space preservation.

**Staff Recommendation:** Both the proposed and adopted future land use plans support approval of this petition. The intent statement of the General Commercial district, however, does not support approval of this petition based on the adjacent zoning on three of the commercial area's six sides. The Board should weigh all the facts and information provided and render a decision accordingly. If the Board decides to approve Petition 2006-06 (R-CD), staff requests that the following conditions be applied:

1. All development must be in accordance with the site plan and building elevations provided by the petitioner. In the event a site or elevation change is necessary, applicant agrees to Planning and Zoning Board review and approval for such changes. (Planning)
2. Residential development shall not commence until public utilities are available to the site. (APFO/Utilities)
3. All residential development will be subject to a preliminary plat approval by the Cabarrus County Planning and Zoning Commission.

**PLANNING STAFF REPORT**

**CABARRUS COUNTY PLANNING AND ZONING BOARD**

July 20, 2006

4. All driveway and access permits are subject to approval by NCDOT. (APFO/NCDOT)
5. Uses shall be in accordance with the approved list of uses submitted as a part of this petition. (Planning)
6. Petitioner must complete/install all roadway improvements in accordance with NCDOT requirements (see page 3 of this report). (APFO/NCDOT)
7. All nonresidential development must comply with Cabarrus County Commercial Design Standards. (Planning)
8. Applicant agrees to submit site plans and elevations for all sites designated as "future." Individual site plan and architectural approval shall be granted by the Planning and Zoning Board. (Planning)

**Cabarrus County  
Application for a Zoning  
Map Amendment**



**Subject Property Information**

1. Street Address CORNER E HWY 3 + DAVIDSON RD, CORNER OF SUDBURK + ODELL SCHOOL R
2. PIN(s) (10 digit #) 467 -347-9022; 467 -356-4277
3. Deed Reference Book \_\_\_\_\_ Page \_\_\_\_\_ 467-356-6269  
467-366-0905
5. Township # \_\_\_\_\_

**Description of Subject Property**

6. Size (square feet or acres) 76 ACRES (APPROX.)
7. Street Frontage (feet) SEE PLAN
8. Current Land Use of Property RECREATION, RESIDENTIAL + NATURAL WOODED
9. Surrounding Land Use North SEE ATTACHED LIST OF ADJACENT  
South PROPERTY OWNERS  
East \_\_\_\_\_  
West \_\_\_\_\_

**Request**

10. Change Zoning From OE ~~RES~~ + A0 To MDR-CD + GC-CD

11. Is this a request for a "Conditional Use" District?  YES  NO  
(If YES, you must also submit an application for a Conditional Use Permit)

12. Purpose for Request \_\_\_\_\_  
FOR THE RELOCATION OF THE CORPORATE HEADQUARTERS  
+ FACILITIES OF WAYNE BROTHERS, INC.

**Cabarrus County  
Application for a Zoning  
Map Amendment**



**Owner/Agent/Applicant Information**

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

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

13. Property Owner

SEE ATTACHED LETTERS

Address

Phone

Fax

Signature

14. Agent (if any)

WGM DESIGN, NC

Address

916 W. FIFTH ST. SUITE 200, CHARLOTTE, NC

Phone

704. 342. 9876

28202

Fax

704. 334. 4246

Signature

*[Handwritten Signature]*

15. Applicant (if any)

KEITH WAYNE

Address

8819 COLUMBUS ST., DAVIDSON, NC 28036

Phone

938.8400

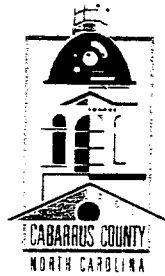
Fax

938.8680

Signature

*[Handwritten Signature]*

**Application for a  
Special Use Permit  
(All Jurisdictions)**



CONDITIONAL USE ONLY  
Case Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Received By: \_\_\_\_\_

Select Jurisdiction: Cabarrus County    Harrisburg    Midland    Mount Pleasant

**Applications for a Conditional Use District must be accompanied by an application for a Zoning Map Amendment.**

1. Please submit twelve (12) copies of a development plan in conformance with Section 13-11 of the Cabarrus County/Midland Zoning Ordinance or Appendix B, Section B-4. of the UDO (all special use applications are encouraged to include a site specific development plan which, if approved, will be binding on the property in question). If approved an additional site plan will be required in order to receive a zoning compliance permit. (For specific requirements please see the form entitled "Site Plan Requirements").
2. Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Section 3-8 of the Cabarrus County/Midland Zoning Ordinance titled "Table of Permitted Uses" or Article 4.6 in the Harrisburg/Mount Pleasant Unified Development Ordinance titled "Use Regulations."

SEE ATTACHMENT  
"ZONING ORDINANCE -  
REQUESTED USES"

3. Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width).

CONDITIONS APPLIED BASED ON TIA  
INCREASED BUFFER WIDTH AS REQUIRED  
SPECIALIZED OUTDOOR LIGHTING AS REQUIRED

**Application for a  
Special Use Permit  
(All Jurisdictions)**



OFFICIAL USE ONLY  
Permit Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Received By: \_\_\_\_\_

**Owner Information**

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested and the Special Use Permit authorized, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for an zoning map amendment.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

Property Owner

SEE ATTACHED LETTERS

Address

\_\_\_\_\_

Phone

\_\_\_\_\_

Fax

\_\_\_\_\_

Signature

\_\_\_\_\_

Zoning Ordinance – Requested Uses

Uses in the Medium Density Residential Zone:

Permitted Uses

Semi-attached house  
Single family detached residential

Permitted based on Standards (PBS)

Bank/financial institution /ATM  
Bed & breakfast  
Home occupation  
Home occupation, rural  
Nursery/daycare  
Public cultural facility  
Townhouses

Conditional Uses

Public service facility  
Public use facility

Uses in the General Commercial Zone:

Permitted Uses

Automotive supplies  
Bank/financial institution/ATM  
Beauty & barber shops  
Bed & breakfast  
Building equipment sales/indoor storage only  
Building equipment sales/outdoor storage  
Car wash  
Catering service  
Civic organization facility  
Contractor's storage yard  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Drugstore  
Dry cleaning/pick-up station  
Gas station  
Hospital/medical facility  
Laundromat



Multimedia production & distribution complex  
Nursery/greenhouse  
Office, professional  
Photographic studio  
Printing and reprographic facility  
Public cultural facility  
Public use facility  
Race shop/complex  
Radio and television studio  
Recreational facility, indoor  
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  
Warehouse, enclosed storage

Permitted based on Standards (PBS)

Communications tower  
Machine welding shop  
Nursery/daycare center  
Recyclable material drop-off  
Restaurant with drive-thru facility

Conditional Uses

Public service facility  
Recreational facility, outdoor  
Retail sales – shopping centers greater than 100,000 square feet  
Trucking and heavy equipment, service

## General Requirements

1. This site is located along existing thoroughfare roads identified as Odell School Road, Mooresville Highway and Davidson Road. This intersection will ultimately link Mooresville, Kannapolis, Davidson and the Community of Odell. It is well located for the proposed uses of a neighborhood shopping center, banks, restaurants, family housing and corporate headquarters which consist of office space with ancillary uses such as warehousing or storage facilities. This mix of uses will support the residential areas surrounding the site, will diminish traffic through the area as area residents will be able to shop, work and live within the development. The uses will therefore improve the public health, safety and general welfare of the surrounding community as well as improving the quality of life for its' residents.

2. The applicant has completed a traffic study with the input from NCDOT. Several intersection improvements, road improvements and signalized intersections may be warranted and the applicant will install these improvements as mandated by NCDOT between now and the year 2017. The transportation facilities will therefore be appropriately located.

The applicant will provide on site water systems including a water tank that will not only serve this development but will be designed to state and county standards in order to transfer the water facilities to the appropriate governmental authority in the future. This transfer will increase the water pressure to surrounding developments, improve fire protection in the area and will ultimately improve the water delivery in this part of the county.

The applicant will donate a site along Davidson Road to accommodate a site for a fire and police protection facility that will greatly improve the public health, safety and general welfare.

The applicant will supply on site storm retention systems that will ensure that there are no off site impacts due to the development. The storm retention system will both control the rate of run-off to the same levels of pre-development rates but will also provide Fore Bays and aquatic plants that will filter the run off in accordance with the NC Department of Environmental and Natural Resources best management practices.

The applicant will participate in the expansion of sanitary sewer lines from the WASAC outfall to this site. As the applicant anticipates an early construction phase of its corporate headquarters as depicted on the site plan, and interim measure of a septic field or holding tanks maybe necessary. The sewer line expansion will be in place prior to construction of any additional facilities.

3. The uses shown will be in harmony with the surrounding property and in keeping with normal development patterns for a site served by a road network that links several municipalities. As there is an adjacent single family neighborhood the development proposes an adjacent similar use before transitioning to a medium density restructure development. This area of residential is proposed as Medium Density Residential Conditional District

(MDR-CD). The next layer of development is proposed to be General Commercial – Conditional District (GC-CD) zoning which by the zoning ordinance is compatible adjacent to medium density housing. The remaining bordering properties are major road networks consisting of Davidson Road, Mooresville Highway and Odell School Road. This development will therefore be the logical extension of the current Office Institutional (OI) zoning to a zoning designation that will allow corporate headquarters, medical office, neighborhood retail, fire and police protection facilities, banks, restaurants and auxiliary support facilities that will enhance the land uses in the surrounding areas. The development will also increase the property values of the surrounding properties which are currently devoid of these support facilities.

4. This plan will comply with the general plans for the physical development of the area as embodied both in the zoning ordinance and in the adopted area development plans. It is crucial to the ongoing growth of the community to provide the type of development depicted on the attached site plan. The county has previously designated this site as the only non-residential site in the northwest quadrant of Cabarrus County and the proposed uses are a single extension of that designation that respect the surrounding property as discussed in the previous paragraph.

MEMORANDUM

To: Cabarrus County Zoning Administration

Date: May 18, 2006

Ref: Re-zoning Application  
Tax Parcel #4673660905

Gentlemen:

I, Anne Wallace Moose, current owner of the above referenced tax parcel, do hereby assent to allow the conditional rezoning request by Keith Wayne and/or Wayne Brothers, Inc.

Sincerely,

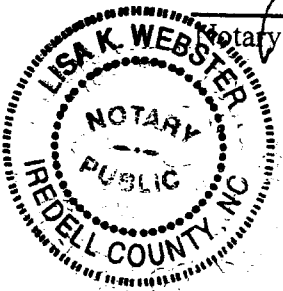
Anne Wallace Moose

*Anne Wallace Moose*

Witnessed By:

*Lisa K. Webster*

Notary Public



MEMORANDUM

To: Cabarrus County Zoning Administration

Date: May 18, 2006

Ref: Re-zoning Application  
Tax Parcel #4673564277 and #4673566269

Gentlemen:

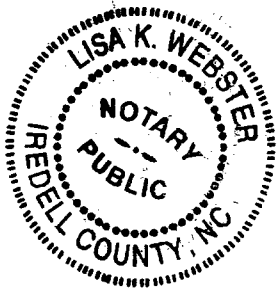
I, Jane Wallace Coley, current owner of the above referenced tax parcel, do hereby assent to allow the conditional rezoning request by Keith Wayne and/or Wayne Brothers, Inc.

Sincerely,

*Jane Wallace Coley*  
Jane Wallace Coley

Witnessed By:

*Lisa K. Webster*  
\_\_\_\_\_  
Notary Public



MEMORANDUM

To: Cabarrus County Zoning Administration

Date: May 18, 2006

Ref: Re-zoning Application  
Tax Parcel #4673479022

Gentlemen:

I, Dave McCoy, as trustee of the J.C. and Marie Wallace Charitable Remainder Trust and current owner of the above referenced tax parcel, do hereby assent to allow the conditional rezoning request by Keith Wayne and/or Wayne Brothers, Inc.

Sincerely,

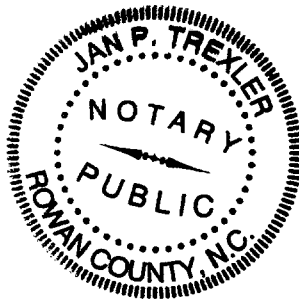
*Dave McCoy*

Dave McCoy

As Trustee of the J.C. and Marie Wallace Charitable Remainder Trust

Witnessed By:

*Jan P. Trexler*  
\_\_\_\_\_  
Notary Public





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

DIVISION OF HIGHWAYS  
June 20, 2006

W. LYNDO TIPPETT  
SECRETARY

Division 10  
District 1 – Cabarrus County

Mr. Adam Novak, PE  
Kimley-Horn and Associates, Inc.  
4651 Charlotte Park Drive, Suite 300  
Charlotte, NC 28217

Subject: Wallace Site TIA

Dear Mr. Novak:

This correspondence follows NCDOT staff review of the TIA for the subject proposed development and our meeting on June 7, 2006. Following are comments including those improvements for which the Developer is responsible.

Davidson Rd. at Sudbury Rd.

We do not recommend any improvements by the Developer at this location.

Davidson Rd. at Driveway #1

- 1) We recommend splitting the entrance into a left turn and right turn lane.
- 2) We concur with a northbound right turn lane on Davidson Rd.
- 3) We concur with a southbound left turn lane on Davidson Rd.

Davidson Rd. at NC 3

- 1) We concur with a northbound right turn lane on Davidson Rd.
- 2) We concur with an eastbound right turn lane on NC 3
- 3) We concur with a westbound left turn lane on NC 3
- 4) We recommend the developer be responsible for the installation of a traffic signal upon the construction of the Town Center Development.

NC 3 at Driveway # 2

- 1) We concur with constructing a directional crossover on NC 3 at this entrance.
- 2) We concur with an eastbound right turn lane on NC 3

NC 3 at Odell School Rd.

- 1) We concur with an eastbound right turn lane on NC 3.
- 2) We recommend constructing a westbound left turn lane on NC 3.
- 3) The developer will not be responsible for potential future signalization.



Odell School Rd. at Sudbury Rd.

We recommend a northbound left turn lane on Odell School Rd. and a corresponding southbound left turn lane to be constructed at this intersection. We do not recommend a traffic signal at this location at this time.

Odell School Rd. at Shiloh Church Rd.

We do not recommend any improvements by the Developer at this location.

Sudbury Rd. at Driveway #3

We concur with a westbound right turn lane on Sudbury Rd.

We will provide final comment upon receipt of the revised copy of the document that will include the aforementioned items as well as recommended phasing of roadway improvements. If you have any questions or comments, please advise.

Sincerely,

D. Ritchie Hearne, PE  
District Engineer

DRH/LPW

cc: Mr. D. R. Hearne, PE, District Engineer  
file



## Adequate Public Facility Worksheet – Schools

Please fill out the following questionnaire regarding the Wayne Brothers Conditional District Rezoning review. This is a mixed use development located off NC Highway 3, Davidson Road, and Odell School Road. Site calculations are based on proposed zoning of medium density residential conditional district for the single family and townhouse portion of this plan. Your response is required by Friday, May 26, 2006 for inclusion in the staff report to the Commission.

Please see the enclosed map and project detail sheet for location and information regarding the proposed development. If you need additional information for this project please contact Chris Moore.

### Questions

1. At present students from the proposed development would attend the following schools:

Elementary - W. R. Odell

Middle - Harris Road

High - Northwest Cabarrus

2. Using the most recent attendance figures, these schools are at what percent of their stated capacity? **Month 8, May 9, 2006.**

Elementary - 128.26%

Middle - 88.13%

High - 103.61%

3. How many students are expected from this development?

**Based on 21 single family homes and 73 townhouses**

Elementary - 23

Middle - 10

High - 9

4. Including previously approved subdivisions these schools will be at what percent of their stated capacity when the proposed development is completed?

Elementary - 214.78% **note: opening the new W.R. Odell replacement school in Aug. 2007 we will gain 310 seats and 800 seats with the opening of the new Charles Boger Elementary School. This should reduce stated capacity to approx. 92%.**

Middle - 117.76%

High - 120.62%

5. The schools currently available in this area can or cannot accommodate the additional students expected from this development? **(if the answer above is "can", please stop here)**
6. If this development cannot be served by existing schools, are any steps planned within the next two years to address this service delivery issue? Yes / No. If yes, please describe the steps that will be taken (use an additional sheet if necessary). Are these changes in an adopted capital improvement plan or has funding been identified?

In the 15 Year Facility Plan in the first funding cycle a new elementary school and a replacement school for W. R. Odell are scheduled to open in the August, 2007.

7. If there are not plans for new school facilities in the next two years, please describe the additional resources required to adequately serve the proposed development (attach an additional sheet if necessary)?

Additional capital funding needed for a new high school (2010), a new middle school (2011), and a new elementary school (2011) in the northwest area.

8. Are the improvements described in question 7 above included in an adopted capital improvement plan or has funding been identified? Yes / No

The new elementary school, new middle school, and new high school mentioned in question 7 have been included in the Revised Critical Facility Projects presented to the BOE on April 27, 2006. **Funding has not been identified.**

*This form was completed by: Robert C. Klutz Date: May 26, 2006*

**Chris Moore**

---

**From:** Steve Langer  
**Sent:** Monday, June 19, 2006 4:05 PM  
**To:** Chris Moore  
**Subject:** Wayne Brothers Rezoning

Chris, Future site plans for each project will need to show utilities such as water main size and hydrant locations.

Thanks,

Steven Langer  
Asst. Fire Marshal  
Cabarrus County  
704-920-2561

**Chris Moore**

---

**From:** Tom Bach [tbach@wsacc.org]  
**Sent:** Wednesday, May 24, 2006 8:22 AM  
**To:** Chris Moore  
**Cc:** Kassie Goodson; Susie Zakraisek; Jan Sellers; Van Rowell  
**Subject:** Wayne Brothers Rezoning Request - City of Kannapolis

Hi Chris,

In regards to the properties located off of Mooresville Road, Sudbury Road and Davidson Road (PIN #4673-66-0905, #4673-56-6296, #4673-56-4277, #4673-47-9022), WSACC has no issues or comments relative to conditional use re-zoning of these properties noted in your memorandum sent to me dated May 19, 2006 (received May 23, 2006).

Relative to any future development project, please be aware that flow acceptance from WSACC is granted in the order received assuming sufficient wastewater treatment and transportation capacity is available or is reasonably expected to be made available. Currently, WSACC is granting flow acceptance to development projects that discharge wastewater to the WSACC interceptor serving this area. However, this e-mail document does not guarantee wastewater flow acceptance for the proposed site. Following approval of final site/civil construction plans, flow acceptance must be requested by the Jurisdiction providing the retail sewer service, in this case the City of Kannapolis.

The closest WSACC gravity sewer interceptor is located south of this site along Rocky River. It should be noted that WSACC does not own or operate any existing water lines (wholesale or retail) serving this area.

If any additional information is needed, please let me know. Thanks!

Tom

Thomas A. Bach, P.E.  
Utility Systems Engineer  
Water & Sewer Authority of Cabarrus County  
P.O. Box 428  
Concord, NC 28026  
Telephone: (704) 786-1783  
Fax: (704) 795-1564  
E-Mail: tbach@wsacc.org

*"Pursuant to the Freedom of Information-Privacy Acts (FOIPA) and North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time."*



CELEBRATING  
KANNAPOLIS  
1906 2006

*People • Pride • Progress*

February 16, 2006

Keith Wayne  
Wayne Brothers, Inc.  
8819 Columbus St.  
Davidson, NC 28036

Re: Water and Sewer Service

Dear Keith,

We enjoyed meeting with you recently at length concerning public utility service to your planned Corporate Headquarters' site and business park. As we understand it, the site is currently in Cabarrus County unincorporated and bound by Mooresville Highway, Davidson Road, Odell School Road and Sudbury Road. We also understand that at the present time, there is no public utility service to or near the site.

With regard to sewer, once the line is extended to your site from the WSACC system, we would be willing and able to be the retail provider for that service. With regard to public water we would like you to know that this service has been included in the City's plans for that area of the County. Our annexation agreement with the City of Concord establishes the area of Cabarrus County north of NC 73 as the Kannapolis growth area. Your site development would assist in being a catalyst for the extension of municipal water to the area. We will be glad to work with you on the design of any well or tank water system to serve you in the interim, so that the City can accept them into their system at a future date.

We look forward to working with you on your exciting project. Please let us know if we can be helpful.

Sincerely,

  
Mike Legg  
City Manager

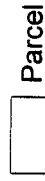
cc: Coleman Keeter, WSACC  
Wilmer Melton, City of Kannapolis

**Wayne Bros. Site  
C2006-06 (R-CD)  
Request to rezone from  
Office/Institutional and  
Agriculture/Open Space  
to General Commercial-  
Conditional District and  
Medium Density Residential-  
Conditional District.  
PINs 4673-66-0905,  
4673-56-6269, 4673-56-4277,  
and 4673-47-9022.**



**Legend**

Centerline



Parcel

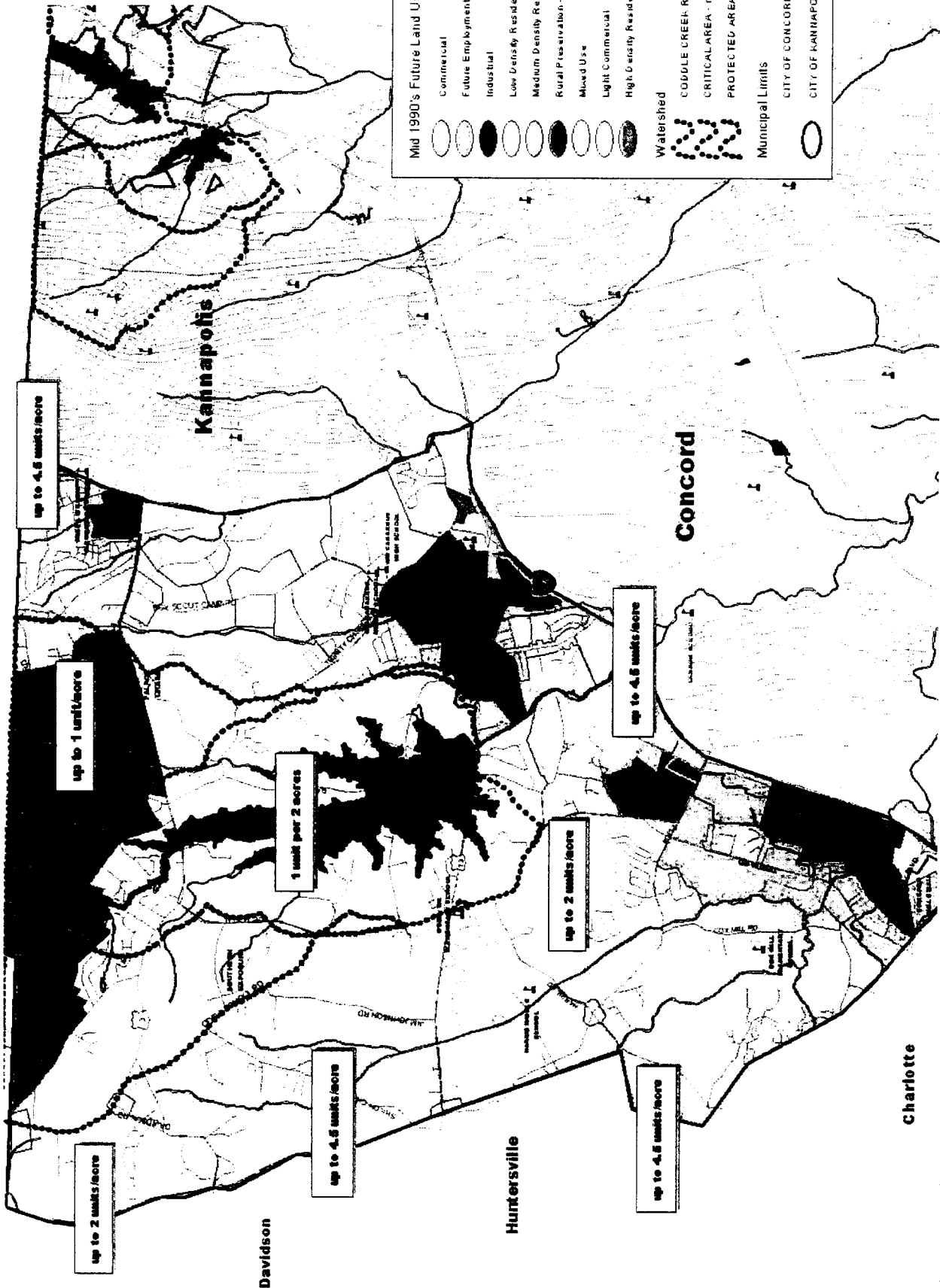


Subject Property

Subdivisions



# Northwest Area Plan



**Mid 1990's Future Land Use**

- Commercial
- Future Employment
- Industrial
- Low Density Residential - up to 2 units/acre
- Medium Density Residential - up to 4.5 units/acre
- Rural Preservation - up to 1.5 units/acre
- Mixed Use
- Light Commercial
- High Density Residential - greater than 6 units/acre

Watershed

CODDLE CREEK RESERVOIR

CRITICAL AREA - no more than 1 unit per 2 acres

PROTECTED AREA - no more than 1 unit/acre

Municipal Limits

CITY OF CONCORD

CITY OF KANNAPOLIS













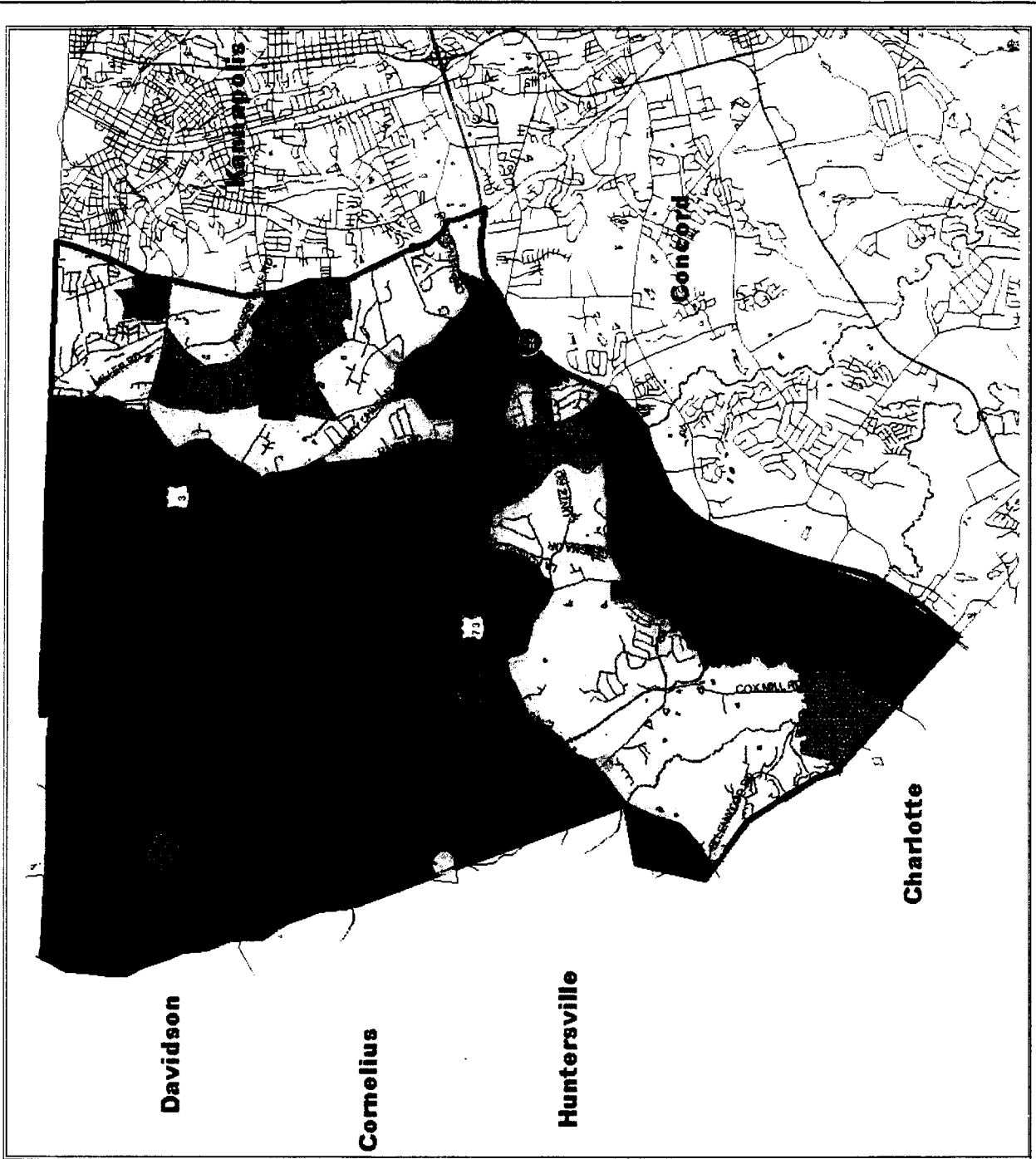
# Northwestern Plan Area Future Land Use

## DRAFT

### Legend

#### Future Land Use Categories

-  1 unit per 2 acre
-  1-3 Units per acre
-  2-4 Units per acre
-  5+ Units per acre
-  Mixed Use
-  Commercial
-  Employment
-  Neighborhood Center







July 20, 2006

To: Members Cabarrus County Planning and Zoning Commission

Re: Re-zoning Petition # C2006-06(R)

Dear Commissioners,

I deeply regret that I can not personally attend tonight's meeting regarding our petition for re-zoning the Wallace Property. I agreed to serve as the 2006 Chairman of the Building Division of Carolinas AGC (Associated General Contractors of America) last year and in doing so am obligated to host and preside over the annual meeting this year in Myrtle Beach, SC. This meeting was unfortunately scheduled over a year ago and happens to be in conflict with the regularly scheduled meeting of your commission. Please excuse my absence and be assured my professional design team along with our corporate facility planning staff members and the capable consultants engaged to prepare the documentation required by the petition are well prepared to present our case.

I trust our petition will be heard in careful deliberations as we have attempted to meet each legitimate concern of the neighborhood as well as all of the planning staff's recommendations to us in order that we meet the full intent of your Northwest Area Land Use Plan and the essence of the values your commission seeks to provide to the people of Cabarrus County. I encourage you to approve our petition and help us in our efforts to develop this parcel in keeping with the standards of quality which we seek to instill in each project we involve ourselves with.

I wish to thank you in advance for your consideration in this matter and also the supportive nature with which your staff has attempted to serve our needs.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'D. Keith Wayne', is written over a horizontal line. The signature is fluid and cursive in style.

D. Keith Wayne  
President  
Wayne Brothers, Inc.

July 17, 2006

Mr. James C. Wallace  
Marie W Wallace  
5321 Odell School Rd.  
Davidson, NC 28036

About this time last year we learned that a portion of our property had been rezoned. After much thought we decided to offer to sell it to Keith Wayne of Wayne Brothers, Inc. We had been approached by Keith at an earlier time. He asked us if we would consider selling a portion of the rezoned property. He stated that the business had outgrown its present facility and a larger area was needed.

Contact was made and Keith Wayne responded by making an offer to purchase the property enclosed by Highway 3, Odell School Road, Sudbury Road and Davidson Road. This was the most difficult decision to make due to the fact that this property has been in the Wallace family for five generations.

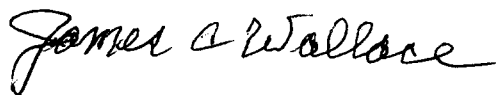
We would like you to know that we favor the rezoning of this property as has been proposed. We feel the development plan as submitted by Wayne Brothers, Inc. would make this area an asset to the community and to Cabarrus County. We care about the community and feel this plan will help provide a balance of growth for the betterment of the area.

It is our hope that this area will be a viable one as years go by.

Thank you very much for your interest as you consider our request.

Sincerely,

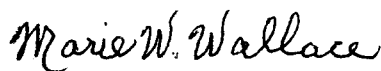
James C. Wallace



Jane Coley



Marie W. Wallace



Ann Moose



**July 20, 2006**

**Cabarrus County Planning and Zoning  
Post Office Box 707  
Concord, North Carolina 28026-0707**

**RE: Rezoning – Wallace Property From O1 to Conditional Use  
Cabarrus Tax Parcel 4673-47-9022**

**Dear Commissioners:**

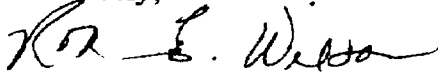
**I am writing to support the subject zoning for several reasons:**

- 1. This proposed rezoning is consistent with the Northwest Land Use Plan which had community input and support before its acceptance.**
- 2. Wayne Brothers has an excellent reputation for quality work and development.**
- 3. An employment center such as Mr. Wayne proposes would benefit our area with jobs for the community.**

**Mr. Wayne is a lifelong resident of the community and has a vested interest in the quality of life of his friends and neighbors.**

**I support the requested zoning of this property.**

**Sincerely,**



**Ron E. Wilson**

**Trustee of property at: 11084 Mooresville Road  
Davidson, NC 28036**



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

DIVISION OF HIGHWAYS

July 20, 2006

W. LYNDO TIPPETT  
SECRETARY

Division 10  
District 1 - Cabarrus County

Mr. Adam Novak, PE  
Kimley-Horn and Associates, Inc.  
4651 Charlotte Park Drive, Suite 300  
Charlotte, NC 28217

Subject: TIA for Proposed Wayne Brothers Development - Wallace Site

Dear Mr. Novak:

Appropriate NCDOT Staff have reviewed the Traffic Impact Analysis for the subject proposed development between NC 3, Odell School Road and Davidson Road. We concur with the findings and recommendations as stated in the scaled document dated June 15, 2006 and subsequent ammendment dated July 3, 2006.

Site plans, roadway-widcning plans as well as the driveway permit application will need to be submitted to this office for review and approval. The developer will be responsible for the acquisition of any and all rights of way necessary for the construction of roadway improvements prior to issuance of the driveway permit. Additionally, the developer is responsible for the design and installation of the proposed traffic signal at NC 3 and Davidson Road that requires a separate agreement with NCDOT. Information relative to the signal agrcement can be obtained from Mr. David Naylor, PE, Division Traffic Engineer at 704-982-0101.

If additional information is needed, please advise.

Sincerely,

A handwritten signature in black ink that reads "Leah P. Wagner".

Leah P. Wagner  
Transportation Technician V

CC: Mr. David Naylor, PE, Division Traffic Engineer  
Ms. Susie Zakraisek., Planning Manager, Cabarrus County  
File





July 19, 2006

Mr. Larry Griffin, Chairman  
Cabarrus County Planning and Zoning Commission

Chairman Griffin:

As President and CEO of the Cabarrus Regional Chamber of Commerce and the Cabarrus Economic Development Corporation, I am writing to express support for the current conditional rezoning application submitted by Keith Wayne for the "Wallace" Site. Our economic development team has worked with the Wayne Brothers Company for nearly a year on this project.

With approximately 300 employees Wayne Brothers is one of Cabarrus County's largest employers. From a business retention and expansion standpoint, we have worked with the company to retain those jobs within Cabarrus County. We have reviewed a series of plans submitted by the developer to County staff. Our understanding is that the most current development plan conforms to land use plans, current and anticipated. We have also reviewed ingress and egress issues as well as weight loads, traffic patterns and signalization requirements—all of which appear to have been appropriately addressed by the developer.

In a rapidly developing region, like Cabarrus County, we all have to find ways to balance residential, commercial and industrial development. If we don't find ways to create new jobs and retain existing jobs in Cabarrus County, then the residential tax rates will continue to grow to the point where we will have priced ourselves out of business. This mixed use proposal may be an example of how to achieve a balance.

I appreciate the high standards that the commission has established for new developments within Cabarrus County and appreciate the seriousness with which you approach these issues. Any consideration you and the commission would give to this application is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Cox", written in a cursive style.

John S. Cox  
President and CEO

**Alan F. Goodman**  
**13000 Mooresville Road**  
**Davidson, North Carolina 28036-9542**

July 10, 2006

Cabarrus County Planning and Zoning  
Post Office Box 707  
Concord, North Carolina 28026-0707

Re: Rezoning – Wallace Property between Mooresville  
Road, Sudbury Road and Davidson Road

Dear Sirs:

I fully support the rezoning of the above referenced property for the following reasons:

- 1) A “local” employment center will benefit our community by providing jobs and reducing the travel requirements to get to places of employment.
- 2) The owner of Wayne Brothers, Keith Wayne, is known for the quality of his residential development projects such as Park Creek.
- 3) Wayne Brothers has a reputation for producing first quality work in its construction projects and currently provides beneficial employment for over 35 construction / office professionals at their home office as well as 200 plus construction craftsmen employed at work sites across the Southeastern United States.
- 4) Allowing the proposed rezoning would seem consistent with the current Northwest Land Use Plan which has had considerable community input and also with the recent rezoning of this tract to O/I. It was understood that in order to provide for neighborhood services and employment opportunities land parcels would have to be set aside for the very type of uses proposed by the applicant. This parcel is one of but a very few whereby it would be possible to accommodate such a significant investment in a non-residential development for the Northwest Cabarrus Area, due in part to the watershed restrictions in the surrounding area.

It certainly seems reasonable to accommodate the additional space needs of a growing, successful, first class company such as Wayne Brothers that is currently located only a few miles from the proposed site.

Realistically, we are fortunate that Keith Wayne, a lifelong resident of this community with a proven track record, is interested in developing the property. We could easily be “victimized” by a developer with no vested interest in the quality of life in the community, driven solely by profits and a proponent of minimum standards.

As a lifelong resident of Cabarrus County, living 1.1 miles north of this tract of land, I am extremely comfortable and actually pleased with the proposed use of the property.

I urge the Planning Board to act promptly and approve the rezoning request as submitted in order to assure the investment of our valued corporate citizen in our community.

Please call me at 704 425-2525 if you have questions.

Sincerely,

Alan F. Goodman

**Chris Moore**

**From:** Alex Rankin [AlexRankin@concordengineering.com]  
**Sent:** Tuesday, July 11, 2006 8:19 AM  
**To:** Chris Moore  
**Subject:** [heur] Cabarrus Tax Parcel 4673-47-9022 Rezoning from OI to Conditional Use

11Jul06

Cabarrus County Planning Commission  
65 Church Street, SE  
P.O. Box 707  
Concord, NC 28026

Attn: Chris Moore

RE: Cabarrus Tax Parcel 4673-47-9022 Rezoning from OI to Conditional Use

Dear Commissioners:

I am writing to support the proposed rezoning from OI to Conditional Use for Tax Parcel 4673-47-9022 (and any other parcels necessarily included in the petition) being made on the basis of the Site Plan submitted by Wayne Brothers. The proposed Site Plan and the Conditional Use rezoning is in conformance with the Northwestern Land Use Plan. The Northwestern Land Use Plan has been reviewed a number of times by many citizens of the Odell, Bethpage, Shiloh and Coddle Creek communities and has found significant support among those groups. The Site Plan provides for a mixture of retail, residential, and business creating an opportunity for commercial and employment support for the growing residential communities in Northwestern Cabarrus and Northeastern Mecklenburg. This will help shorten trips from homes to shopping and from homes to work, providing some relief from growing traffic congestion.

The proposed Site Plan provides for the relocation of Wayne Brothers corporate offices to a location on the interior of this site. Wayne Brothers is a construction company started by Keith Wayne and his brother in the early 80's. Through hard work the business has grown and is a substantial employer in Cabarrus County. They have outgrown their existing facility, located about 3 miles away, and this proposed location will give them better access and still be near their historic center of gravity. Due to the nature of a construction company they need a storage yard for equipment and materials that are being staged between jobs. By locating their office in the interior of the property the storage yard is farthest from existing neighbors and is where it can be substantially screened. Because of the necessity of the storage yard ancillary to the corporate office the petition requests GC Conditional Use.

As a resident of this part of Cabarrus County and based on the Site Plan as presented I support the requested rezoning.



Sincerely,  
Alex Rankin  
3795 Rankin Road  
Concord, NC 28027

**Chris Moore**

**From:** BENTON RANDALL [benton\_randall@sbcglobal.net]  
**Sent:** Sunday, July 09, 2006 5:49 PM  
**To:** Chris Moore  
**Subject:** RE: Public Hearing - Petition Number C2006-06 (R-CD)

Cabarrus County Planning Services  
PO Box 707  
Concord, NC 28026  
P: 704-920-2181  
F: 704-920-2144

Mr Moore. Please acknowledge receipt of my comments. Thank You.  
Comments follow:

July 09, 2006

Randall G. Benton  
731 Bel Arbor  
Derby KS 67037-7301  
Phone: (316)788-6013

Mr. Chris Moore  
Cabarrus County Planning Services

Dear Sir,

I received the Cabarrus County Planning Services notice for a Public Hearing on the proposed rezoning, Petition Number C2006-06 (R-CD). I currently reside in Kansas but own part of our family farm at the intersection of Davidson Rd and NC 3. Intended use for this land is continued farming and my future residence. This farm has been in our family for some 50 years.

I have considered the proposed change and have the following comments/concerns:

I DO NOT support the Proposed Zoning Designation of General

Commercial, Conditional (GC-CD) and Medium Density Residential-Conditional (MDR-CD). This designation would not be conducive to the existing farm and residential community or the existing of Agricultural/Open Space and Office/Institutional. Proposal would effectively build a town/commercial district across from my farm/residential property, and I am very concerned about the negative effect such a change will have on desirability of this area for farm and residential use. I believe the additional noise, pollution, trash and especially the traffic (already problems) would destroy rather than preserve the area's agricultural and country home atmosphere. Proposed changes to the existing traffic pattern support my concern; accessibility by farm equipment or a residential driveway would be severely hampered by turn lane restrictions, additional traffic, and light (s).

General Commercial Conditional activities would reduce or destroy the value of our property for residential use and severely complicate agricultural activity.

Zoning, to include existing zoning, allows property owners and prospective buyers stability to areas of interest. My recommendation would be for the Petitioner (Wayne Bros. Inc) to locate property with Existing Zoning which matches their needs/desires. In addition to those items already eliminated from this GC-CD Zoning Petition, I would suggest adding car wash, covered storage, and contractor storage yard to the elimination list as a minimum.

I appreciate the opportunity to comment and trust these comments will be appropriately considered and made a part of the official comments.

Sincerely,

Signed//July 9, 2006

RANDALL G. BENTON

**July 20, 2006  
Planning and Zoning Commission Meeting**

**Rezoning Text Amendment  
Petition C06-06(R)  
(AO) Agriculture Open Space/ (OI) Office Institutional to (GC-CD)  
General Commercial Conditional District/ (MDR) Medium Density  
Residential Conditional District**

**Wayne Brothers  
c/o Keith Wayne**

**Presentation Material**

**(See file)**

# Memo

**To:** Cabarrus County Planning & Zoning Commission

**From:** Chris Moore, Planner

**CC:** File

**Date:** 7/10/2006

**Re:** Existence of Public Rights of Way

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On several of the plans, there is a line depicting existing right of way. The Land Records Department indicates that there is not an existing right of way along NC 3. NCDOT has not confirmed this at this point. The future right of way that is labeled is included in the thoroughfare plan compiled by the Cabarrus-Rowan Metropolitan Planning Organization.

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
Thursday, July 20<sup>th</sup>, 2006

**Petition:** **C2006-03 (S) Preliminary Plat Approval**

Subdivision Name: Bella Vista

Subdivision Type: Amenity Residential Subdivision

Applicant Information: Shea Homes  
3436 Toringdon Way, Suite 100  
Charlotte, NC 28277

Zoning: LDR – Low Density Residential

Township: Number 10 - Midland

Property Location: Along Zion Church Rd.

PIN#: 5527-86-7137, 5527-98-2161

Proposed Lots: 497

Area in Acres: +/- 328.941 acres

Site Description: The proposed site is currently vacant and wooded.

Adjacent Land Uses: The surrounding properties are vacant, wooded, or residential in nature. The properties to the north and east are vacant and wooded. The property to the south across Rocky River is a proposed mixed use development that falls within Concord's planning jurisdiction. The property to the east is single family residential.

Surrounding Zoning: The properties to the west, north, and east are zoned Cabarrus County LDR – Low Density Residential. The property to the south is City of Concord RM-2 Conditional Use.

Infrastructure: The City of Concord is the service provider for the site. Utility service has been requested (see intent to serve letter from City of Concord).

Exhibits:

1. Site Map
2. Preliminary Plat
3. Letter requesting subdivision exception to the maximum block length (see Cabarrus County subdivision requirements section 7).

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
Thursday, July 20<sup>th</sup>, 2006

4. Intent to serve letter from City of Concord
5. School Adequacy Worksheet
6. Comments Received

Code Considerations: The LDR – Low Density Residential district has the following development standards:

- Principal Setbacks  
Front- 25 feet (15 feet on corner lots)  
Side- 5 feet  
Rear- 20 feet
- Accessory use setbacks are the same as principal setbacks
- Minimum average lot width- 60 feet
- Maximum building height- 40'
- Maximum impermeable surface- 35%
- Maximum structural coverage- 30%
- Minimum lot size: 10,000 square feet

This subdivision is designed using the amenity subdivision option, which allows clustering within the neighborhood provided the developer preserves at least 40% of the subject property as open space. Open space must include all areas within the 100 Year Floodplain and the River Stream Overlay Zone.

- Common Open Space Required: 40% (+/- 131.58 acres)
- Common Open Space Provided: 40% (+/- 131.9 acres, including 23.55 acres across Zion Church Rd. from the development)
- Active Open Space Required: 6.21 acres
- Active Open Space Provided: 13.83 acres

Adequate Public Facilities: **Cabarrus County Schools- Robert Kluttz:** Schools that serve this area are inadequate at this time. Please see attached school adequacy worksheet for details.

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

**NCDOT- Shawn Riggs:** The proposed driveway access locations are permissible. Both right and left turn lanes with appropriate storage will be required at both entrances "A" and "B" as part of the access permitting process. In addition, a right turn lane with appropriate

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
Thursday, July 20<sup>th</sup>, 2006

storage will be required on Zion Church Rd at the intersection with Flowes Store Rd.

**WSACC- Tom Bach:** Wastewater flow acceptance will not be considered until approval of final site/civil construction plans by the City of Concord. The City of Concord must request the flow acceptance on behalf of the developer. The WSACC Capital Recovery Fee is required for each service to the development if sewer service is granted. The CRP is collected at the time of building permitting and is separate from any connection or tap fees required by the City of Concord.

**City of Concord Engineering Department - Sue Hyde:** The developer is requesting both municipal water and sewer services. Currently water is not available to the site, but the City has completed designs to serve the development. The waterline will need to be installed and funded by the developer. (see letter from Concord)

**Cabarrus County Fire Marshall's Office- Steve Langer:** The applicant will be required to submit plans showing utilities prior to construction.

Staff Analysis:

Staff finds that the proposed subdivision meets all the development standards of the Cabarrus County Subdivision Ordinance and the Cabarrus County Zoning Ordinance except for the maximum block length requirement. The petitioner has supplied a letter requesting an exception to this requirement for Sanctuary Drive (internal street) due to topographical challenges associated with the property.

Staff Recommendation:

Pending approval of the exception to the block length restrictions, staff recommends *Approval* of the Bella Vista subdivision. Should the Planning Commission grant approval of the subdivision, staff requests that they apply the following conditions:

1. The developer shall enter into a consent agreement with the Cabarrus County Board of Commissioners to address school adequacy. (Schools/APFO)
2. The developer shall complete all off-site roadway improvements prior to commencing final platting. The developer will be fully responsible for acquiring necessary right of way and completing an exclusive right turn lane on southbound Zion Church Rd at the intersection with Flowes Store Rd. (NCDOT/APFO)
3. The developer shall install both right and left turn lanes at both entrances "A" and "B" prior to the final platting of more than 80 lots. (NCDOT/APFO)



PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
Thursday, July 20<sup>th</sup>, 2006

4. The developer agrees to pay Capital Recovery Fees that are collected on behalf of WSACC. (WSACC/APFO)
5. Prior to any permit for construction being issued, the developer agrees to enter into a developer agreement with the City of Concord and obtain utility construction plan approval. (CONCORD/APFO)
6. The developer agrees to fund and install all necessary water and sewer lines to serve the property. (CONCORD/APFO)
7. Developer agrees to meet anti-monotony and architectural standards and shall submit sample elevations of proposed homes prior to the start of the final platting process. In addition, applicant will work with Planning & Zoning Services to provide an architectural inventory for permitting purposes. (PLANNING)

**CABARRUS COUNTY  
PRELIMINARY SUBDIVISION  
APPROVAL APPLICATION**



**INSTRUCTIONS:**

1. Complete sketch plan review with planning staff.
2. Complete this application and the attached checklist as accurately as possible (print or type information).
3. Return both forms with ten (10) copies of your preliminary plat.
4. Attach an application fee of \$450 for subdivisions of less than 50 lots, or \$450 plus \$5 per lot (for each lot over 50) for subdivisions with greater 50 lots. *These amounts reflect a fee increase effective 7/1/2003*
5. If you have any questions, please call the Cabarrus County Planning Services Division at (704) 920-2141.
6. Incomplete applications will be returned to the applicant and will not be processed.

Proposed Subdivision Name: Bella Vista

Project Type:  Residential  Commercial  Industrial  Mobile Home

PIN(s): 5527 -- 86 -- 7137 (10 digit parcel identification number)  
5527 -- 98 -- 2161

Existing Zoning: LDR Area in Acres: 329 +/-

Will the project be completed in phases?  YES  NO If yes, Number of Phases: 3

Number of Lots: Total 497 Phase 1 7-200 Phase 2 7-148 Phase 3 7-149

Existing Roads Providing Access to Subdivision: Zion Church Rd.

Proposed Road Names: **Please complete and submit the Street Name Review and Confirmation form.**

Contacts:	Property Owner/Developer	Surveyor/Engineer
Name	<u>Shea Homes, LLC</u> <u>Michael P. Shea</u>	<u>Sandra Turnbull</u> <u>Turnbull Sigman Design Group</u>
Address	<u>3436 Toringdon Way, Ste 100</u>	<u>1001 Morehead Square Dr., #530</u>
City/State/Zip	<u>Charlotte, NC 28277</u>	<u>Charlotte, NC 28203</u>
Phone Number	<u>704/319-5000</u>	<u>704/529-6500</u>

Water Supply:  Well(s) or  Service Provider: Municipal - Concord

Wastewater Treatment:  Septic Tank(s) or  Service Provider: Municipal - Concord


**For a public service provider, please attach a will serve letter to this application.**

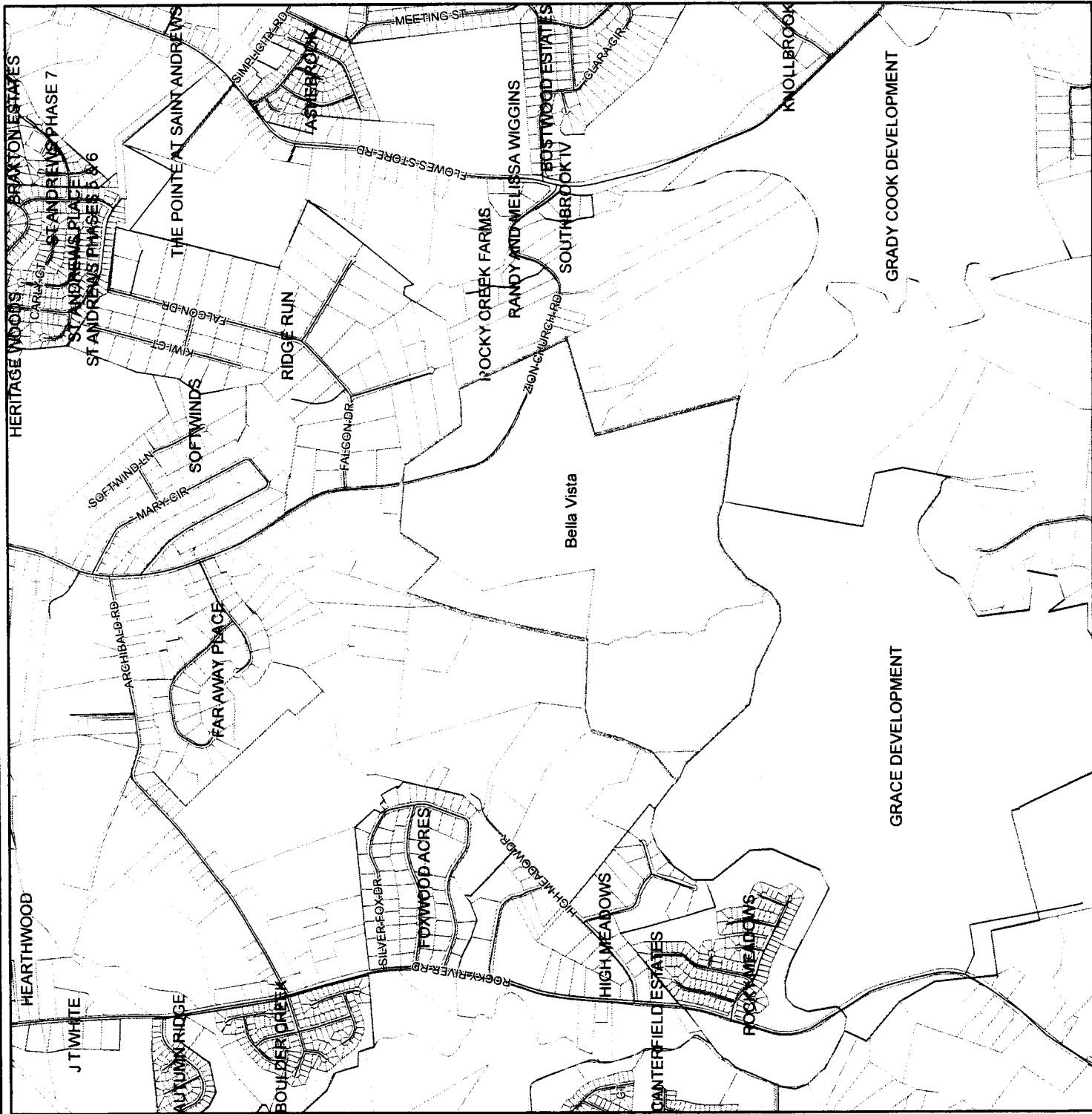
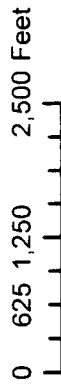
Signature of Owner/Developer: Michael P. Shea Date: 3/15/06

# C2006-03 (S) Bella Vista Subdivision Proposed Site and Area Map



## Legend

-  Street Centerline
-  Parcel
-  Subdivisions



SHEA FAMILY OF COMPANIES  
CELEBRATING 125 YEARS

**SheaHomes**

*Caring since 1881*

June 16, 2006

Chris Moore  
Cabarrus County Planning Department  
65 Church Street SE, Suite 280  
Concord, NC 28026-0707

RE: Bella Vista (aka: Jones Tract)

Dear Chris:

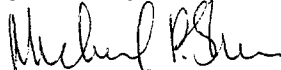
We have just submitted a revised Preliminary Plat, dated 6/15/06, for the Bella Vista subdivision per your latest review comments. One of your comments dealt with maximum residential block lengths. Cabarrus County Zoning Ordinance, Sec. 5-7, E 1.2 requires that blocks be limited to 600 ft. in length unless a mid-block pedestrian connection is provided, in which case the block length may extend to 1,000 feet.

Shea Homes is requesting that the maximum block length be extended to 1,600 ft. for Sanctuary Drive between Bella Vista Blvd. and Summerhill Ct. This block section is bounded on both sides by steep slopes in excess of 20 percent slope and intermittent/perennial streams, making a shorter block length unfeasible without extensive environmental impacts. Three mid-block pedestrian connections have been provided in keeping with the intent of this ordinance.

Turnbull Sigmon Design, our planning consultant, has informed me that this request is considered an "exception" to the Ordinance. We understand that Cabarrus County Planning Department staff will weigh the merits of this request and render an opinion before the Planning and Zoning Committee on July 20, 2006. If you have any questions about this request or need additional information, please let me know.

Very truly yours,

SHEA HOMES, LLC



Michael P. Shea  
Land Acquisition & Development Manager

/swh

3436 Toringdon Way, Suite 100  
Charlotte, North Carolina 28277

704.319.5000 T  
704.543.6327 F

[www.SheaHomes.com](http://www.SheaHomes.com)



July 11, 1006

Michael P. Shea  
Shea Homes, LLC  
3436 Torington Way  
Charlotte, NC 28079

Ref.: WSD Letter Cabarrus County Property #5527.86.7137

Dear Mr. Michael Shea:

The City of Concord has reviewed your submittal (preliminary application) on the above-mentioned property and Council decided to not require annexation at this time. Any development plans need to be initiated with Cabarrus County. If your plans require public water and sewer 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.

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

Sue B. Hyde, PE  
Director of Engineering

cc: Chris Moore, Cabarrus County Development Office  
Henry Waldroup, City of Concord Water Resources Director  
Mark Fowler, City of Concord Wastewater Resources Director  
Helen Broadway, City of Concord Customer Service  
Margaret Pearson, City of Concord, Development Services

SBH/pmc



*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 • 1DD 1-800-735-8262 • [www.concordnc.us](http://www.concordnc.us)



## Adequate Public Facility Worksheet – Schools

Please fill out the following questionnaire regarding the **Bella Vista** project. This preliminary plat is up for review. This subdivision is located off Zion Church Road and will consist of 497 new lots. The property is currently zoned as a Cabarrus County LDR Amenity Subdivision. The maximum number of lots permitted under this zoning is 2 d.u./ac. Your response is required by Thursday, April 20, 2006 for inclusion in the staff report to the Commission.

Please see the enclosed map and project detail sheet for location and information regarding the proposed development. If you need additional information for this project please contact **Chris Moore**.

### **Questions**

1. At present students from the proposed development would attend the following schools:

Elementary - Rocky River

Middle - C. C. Griffin

High - Central Cabarrus

2. Using the most recent attendance figures, these schools are at what percent of their stated capacity? **Month 6, March 3, 2006.**

Elementary - 98.87%

Middle - 111.63%

High - 124.31%

3. How many students are expected from this development?

#### **Based on 497 lots**

Elementary - 145

Middle - 67

High - 73

4. Including previously approved subdivisions these schools will be at what percent of their stated capacity when the proposed development is completed?

Elementary - 183.11 %

Middle - 167.54 %

High - 193.06 %

5. The schools currently available in this area can or cannot accommodate the additional students expected from this development? **(if the answer above is "can", please stop here)**
6. If this development cannot be served by existing schools, are any steps planned within the next two years to address this service delivery issue? Yes / No. If yes, please describe the steps that will be taken (use an additional sheet if necessary). Are these changes in an adopted capital improvement plan or has funding been identified?

Note Hickory Ridge High School projected to open in August 2007 will provide relief at Central Cabarrus High School. Funding for this school was approved in the 2004 School Bond.

15-Year Facility Plan includes a new elementary school in 2008 southeast of Rocky River Elementary and another one 2009 south of Harrisburg but funding has not been identified. These schools would relieve A. T. Allen, Harrisburg, and Rocky River. A new middle school is included in the plan for 2008 south of NC Highway 49 that would relieve C. C. Griffin but funding has not been identified.

7. If there are not plans for new school facilities in the next two years, please describe the additional resources required to adequately serve the proposed development (attach an additional sheet if necessary)?

Additional capital funding needed for new elementary schools and a new middle school.

8. Are the improvements described in question 7 above included in an adopted capital improvement plan or has funding been identified? Yes / No

The three schools mentioned in question 7 have been included in the Revised 15-Year Facility Plan presented to BOE on Aug. 25, 2005. **Funding has not been identified.**

This form was completed by: Robert C. Klutz Date: April 12, 2006



April 18, 2006

Mr. Chris Moore, Planner  
Cabarrus County Commerce Department  
Cabarrus County Governmental Center  
65 Church Street  
P.O. Box 707  
Concord, NC 28026-0707

RE: Bella Vista Subdivision (City case #1145)

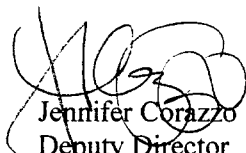
Dear Mr. Moore:

Per a Cabarrus County request, the City of Concord has reviewed the Preliminary Plat for Bella Vista Subdivision in accordance with applicable City of Concord ordinances and makes the below listed comments.

- Indicate how the proposed development will get water. There is no water available to the site, but the City has a design completed that would serve the development. The waterline will need to be installed and funded by the developer.
- Note 13 is not accurate, there is no water available, please change note to reflect.
- All off-street sanitary sewer easements shall be a minimum of 30-feet and possibly more depending on the depth of the sewer line. Please show all easements.
- Lots 94 through 97 are not served by proposed sanitary sewer, please show how lots are intending to be served.
- Please review the sanitary sewer lines around Dry Creek Court, Black Wolf Lane, and Sanctuary Drive -- it appears that this is a loop.

The City respectfully requests prior to any permit for construction being issued that the developer be required to enter into a developer agreement with the City and obtain utility construction plan approval.

Sincerely,

  
Jennifer Corazzo  
Deputy Director  
Development Services

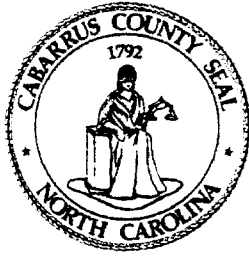


*Development Services Department*

City of Concord › 66 Union Street South › P.O. Box 308 › Concord, North Carolina 28026  
(704) 920-5152 › Fax (704) 795-0983 › TDD 1-800-735-8262 › [www.ci.concord.nc.us](http://www.ci.concord.nc.us)







Commerce Department  
Environmental Protection Division

Cabarrus County Government

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April 7, 2006

Commerce Department

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

Re: **Bella Vista Subdivision**  
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:** Tom Bach [tbach@wsacc.org]  
**Sent:** Thursday, June 01, 2006 11:36 AM  
**To:** Chris Moore  
**Cc:** Sherri Moore; Jan Sellers; Mark Lomax; Van Rowell  
**Subject:** Preliminary Plat Review For Bella Vista Subdivision

Hi Chris,

This is in response to your request for comments outlined in a memorandum dated May 25, 2006, regarding the preliminary plat review for the proposed Bella Vista subdivision development.

Our previous comments regarding this proposed subdivision are shown in the e-mail message below that was sent to you on April 7, 2006. The only comment that needs to be added to this preliminary plat (as well as final design plans) would be that all requests for direct service connection to existing gravity sewer interceptor lines owned by WSACC must be made through Mark Lomax at (704) 786-1783. The preliminary plat shows approximately three direct service connections to the existing 30" gravity sewer interceptor line along Rocky River.

Please let me know if you have any questions regarding this information.

Thanks!

Tom

Thomas A. Bach, P.E.  
Utility Systems Engineer  
Water & Sewer Authority of Cabarrus County  
P.O. Box 428  
Concord, NC 28026  
Telephone: (704) 786-1783  
Fax: (704) 795-1564  
E-Mail: tbach@wsacc.org

*"Pursuant to the Freedom of Information-Privacy Acts (FOIPA) and North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time."*

---

**From:** Tom Bach [mailto:tbach@wsacc.org]  
**Sent:** Friday, April 07, 2006 10:02 AM  
**To:** Chris Moore (cwmoore@cabarruscounty.us)  
**Cc:** Sherri Moore (moores@ci.concord.nc.us); 'Jan Sellers'; 'Mark Lomax'; 'Van Rowell'  
**Subject:** Preliminary Plat Review For Bella Vista Subdivision

Hi Chris,

This is in response to your request for comments outlined in a memorandum dated April 3, 2006, regarding the preliminary plat review for the proposed Bella Vista subdivision development.

06/05/2006

For most of this proposed subdivision development, the existing topography on the site drains towards Rocky River where there is an existing 30" gravity sewer interceptor line owned and operated by WSACC. It should be noted that Mark Lomax with WSACC must review and approve all direct service connections to this existing gravity sewer interceptor line that are submitted by the developer's engineer. For water service availability to this subdivision development, the developer will have to contact the City of Concord's Development Services Department to determine where existing water lines are located along or near Zion Church Road. The developer will also be required to complete an application in accordance with the City of Concord's Code of Ordinance (Chapter 62) in order to obtain water service to the site.

Information provided with the preliminary plat does not give projected water demand, even though the preliminary plat shows approximately 497 new lots are included in this subdivision development. This information will be helpful in determining the adequacy of the existing water line infrastructure.

The followings comments are provided for your information and consideration:

- The proposed development is located in the existing utility service area of the City of Concord. Consideration should be given to insuring that the proposed water/sewer lines will be designed to City of Concord requirements.
- If the developer proposes to install sewer infrastructure for this site in coordination with the City of Concord, actual wastewater "flow acceptance" will not be considered by WSACC until approval of final site/civil construction plans by the applicable Jurisdiction. Flow acceptance must be requested by the Jurisdiction providing the retail sewer service. In addition, flow acceptance is granted in the order that they are received, provided that sufficient wastewater treatment and transportation capacity is available or is reasonably expected to be available.
- Please note that the WSACC Capital Recovery Fee (CRF) is required for each service to the development if sewer service is requested. The fee is collected at the time the building permit is issued, and is separate and not a part of any connection or tap fees required by the Jurisdictional retail sewer provider.

Please let me know if you have any questions regarding this information.

Thanks!

Tom

Thomas A. Bach, P.E.  
Utility Systems Engineer  
Water & Sewer Authority of Cabarrus County  
P.O. Box 428  
Concord, NC 28026  
Telephone: (704) 786-1783  
Fax: (704) 795-1564  
E-Mail: [tbach@wsacc.org](mailto:tbach@wsacc.org)

*"Pursuant to the Freedom of Information-Privacy Acts (FOIPA) and North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time."*

## Chris Moore

---

**From:** Sue Hyde [hydes@ci.concord.nc.us]  
**Sent:** Tuesday, June 13, 2006 9:37 PM  
**To:** Chris Moore  
**Subject:** RE: Bella Vista

It can be a condition of approval. We will not issue authorization to construct for any of the utility lines until it is signed.

>>> Chris Moore <CWMoore@cabarruscounty.us> >>>  
Thank you very much! Do you need that agreement to be signed before the subdivision is approved or do you prefer that it be a condition of approval? Thanks!

Chris

-----Original Message-----  
From: Sue Hyde [mailto:HydeS@ci.concord.nc.us]  
Sent: Monday, June 12, 2006 3:53 PM  
To: Chris Moore  
Cc: Jennifer Corazzo; Adam Dagenhart  
Subject: Re: Bella Vista

Chris -

It appears that all our comments have been addressed. Developer will have to enter into a developers agreement with us for the extension of utilities. Thanks Sue

>>> Chris Moore <CWMoore@cabarruscounty.us> 6/12/2006 1:17 pm >>>  
Sue,

Sorry to keep bothering you about this project. If you haven't received this plat yet, I would be happy to bring you a copy. Just let me know!  
Thanks!

Chris Moore

Planner

Cabarrus County Planning Services

PO Box 707

Concord, NC 28026

P: 704-920-2181

F: 704-920-2144

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**DISCLAIMER:**

**Chris Moore**

**From:** Shawn P. Riggs [spriggs@dot.state.nc.us]  
**Sent:** Wednesday, May 31, 2006 3:27 PM  
**To:** Chris Moore  
**Cc:** Leah Porch Wagner; Ritchie Hearne  
**Subject:** Re: Bella Vista (Jones Property) TIA

Prior to preliminary plat approval of the subject subdivision, the following must be received and review by the Department of Transportation:

- The final copy of the TIA, sealed by a professional engineer. To my understanding there was discrepancies with the previously submitted copy.
- The roadway improvement plans based off of the comments from the review of the TIA. These comments are listed below in a previous email.

These comments are preliminary and subject to change pending upon further review of subsequent submittals. If you have any questions or concerns, please feel to contact me.

Shawn Riggs  
Assistant District Engineer

"Shawn P. Riggs" wrote:

After a review of the submitted TIA for the subject subdivision performed by the appropriate staff agencies within the Department of Transportation , the Department has the following comments:

- Both right and left turn lanes with appropriate storage will be required on Zion Church Road (SR 1152) at both entrances "A" and "B" of the proposed Bella Vista Subdivision.
- A left turn lane with appropriate storage is required on Zion Church Road (SR 1152) at the intersection of Flowes Store Road (SR 1132)

The above improvements shall be the responsibility of the developer and are required in part of the access permit approval process. If you should have any questions or require additional information, please advise.

Shawn Riggs  
Assistant District Engineer

**Chris Moore**

---

**From:** Steve Langer  
**Sent:** Tuesday, June 06, 2006 8:48 AM  
**To:** Chris Moore  
**Subject:** Bella Vista

Reference: preliminary plat review

Hydrants should be placed no more than 500 feet apart. If at all possible place hydrant at or near intersections if they will meet the distance requirements.

Thanks,

Steven M. Langer  
Asst. Fire Marshal  
Cabarrus County  
704-920-2561

# Memo

**To:** Cabarrus County Planning and Zoning Commission  
**From:** Susie Zakraisek, Planning and Zoning Manager  
**CC:** File  
**Date:** 06/15/2006  
**Re:** Proposed Text Amendment

---

- Attached you will find a letter from Mr. Ronald Alley.
- Mr. Alley is requesting that the Commission consider a text amendment to the Cabarrus County Zoning Ordinance to permit a Nursery/Greenhouse in the Limited Commercial District (LC).
- Mr. Alley has stated that he would like to expand his current business to include landscape material sales. The business is located on PIN 5640-99-6779, which is currently zoned LC. When he tried to obtain a permit for the new use, he was informed that it was not a permitted use for the current zoning district.
- Nurseries/Greenhouses are currently permitted in the AG (Agricultural/Open Space), CR (Countryside Residential), GC (General Commercial), LI (Light Industrial) and GI (General Industrial) zoning districts by right and in the LDR (Low Density Residential) zoning district based on standards.
- Please read the enclosed information and be prepared to discuss the proposal at the meeting.
- Pending the discussion and the Commission's decision, if the Commission decides that a text amendment is appropriate, a public hearing will be held at a later date.



3901 Highway 73 East  
Concord, N.C. 28025

Office (704) 782-1176  
Fax (704) 795-0984

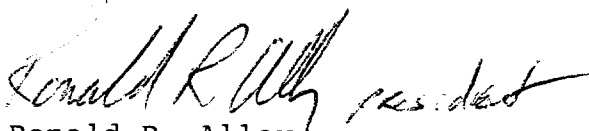
June 13, 2006

Cabarrus County Planning and Zoning  
Concord, North Carolina

To Whom It May Concern;

I would like to request a line item addition to my existing zoning (LC), to include the sale of landscape products and nursery items. This property is located at the intersection of Highway 73 E. and Irish Potato Road (PIN 5640-99-6779).

Sincerely,

  
Ronald R. Alley  
Ridgewood Homes, Inc.



## CABARRUS COUNTY ZONING ORDINANCE

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Elementary and secondary schools  
Public service facility  
Recreational facility, outdoor  
Religious institution (with a total seating capacity of 351 or more)  
Religious institution with school  
Rest/ convalescent home (more than 10 beds)  
Trade & vocational schools  
Wireless telecommunication services (WTS)

### COMMERCIAL DISTRICTS.

**(1) Office/limited commercial.** This district is intended to accommodate relatively small scale commercial and office development at an intensity complementary to residential land use.

Rationale. This district is used to provide both convenience oriented goods and services and for the permanent protection of adjacent or intermixed residential areas by permitting only a limited range of commercial activities. The district should be located near municipal boundary lines or areas of commercial growth and may border general commercial zones, light industrial, or high density residential mixed use zones. When bordering residential zones, care should be take to assure natural or manmade buffering so that the nonresidential activities are not a nuisance to residential use.

### USES IN THE OFFICE/LIMITED COMMERCIAL ZONE:

#### Permitted Uses

Automobile supplies  
Bank/ financial institution/ ATM  
Barber & beauty shops  
Car wash  
Civic organization facility  
Colleges & universities  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Drug store  
Dry cleaning/ pick up station  
Family care home  
Funeral home

Group care facility  
Hospitals/medical facilities  
Hotels, motels, inns  
Laundromat  
Locksmith/gunsmith  
Mobile home retail sales  
Movie theater  
Office, professional  
Parking lot, commercial or private  
Pet shop/grooming (enclosed)  
Photographic studio  
Public cultural facility  
Public use facility  
Religious institution (with a total seating capacity of 350 or less)  
Religious institution (with a total seating capacity of 351 or more)  
Restaurant, excluding drive-thru  
Retail sales - shopping centers 10,000 - 50,000 square feet  
Retail sales - shopping centers 10,000 square feet and less  
Single family residential detached  
Taxi stand

Permitted based on Standards (PBS)

Accessory apartment  
Automobile rental  
Automobile sales/new, used  
Bed & breakfast  
Catering service  
Contractor and trade shops  
Home occupation  
Landfill, demolition (one acre or less)  
Mobile office, temporary  
Multifamily residential  
Nursery/daycare center  
Printing & reprographic facility  
Recreational facility, indoor  
Recyclable materials drop-off  
Repair garage, auto  
Repair shop, small engine  
Restaurant with drive-thru facility  
Self-service storage facilities  
Townhouses

Conditional Uses

Public service facility

## CABARRUS COUNTY ZONING ORDINANCE

---

Recreational facility, outdoor  
Trade & vocational schools  
Veterinarian/ animal hospital/commercial kennel

**(2) General commercial.** The primary purpose of this 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 siting on major thoroughfares and requires relatively large-scale 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 zone but care should be taken to assure a buffer between the two.

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

### USES IN THE GENERAL COMMERCIAL ZONE:

#### 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


**U.S. Census Bureau**

## 2002 NAICS Definitions

### 444220 Nursery, Garden Center, and Farm Supply Stores

This industry comprises establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

**Cross-References.** Establishments primarily engaged in--

- Retailing nursery and garden products via electronic home shopping, mail-order, or direct sale--are classified in Subsector 454, Nonstore Retailers;
- Providing landscaping services--are classified in Industry 561730, Landscaping Services; and
- Growing and retailing nursery stock--are classified in U.S. Industry 111421, Nursery and Tree Production.

Go to: No change 1997 to 2002    2002 NAICS to 1987 SIC    1997 Economic Census    Bridge Between 1997 NAICS and SIC

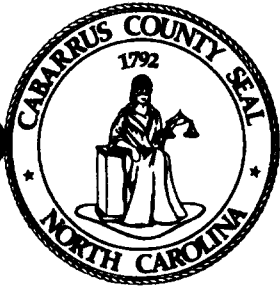
2002 NAICS	1997 NAICS	1987 SIC	Corresponding Index Entries
444220	444220	5191	Farm supply stores
444220	444220	5191	Feed stores (except pet)
444220	444220	5261	Garden centers
444220	444220	5261	Lawn supply stores
444220	444220	5261	Nursery and garden centers without tree production

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U S C E N S U S B U R E A U

*Helping You Make Informed Decisions*

Page Last Modified: May 05, 2003



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

Mr. Larry Griffin, Chairman called the meeting to order at 7:05 p.m. Members present in addition to the Chair were Mr. Todd Berg, Ms. Brenda Cook, Ms. Karen Daugherty, Mr. Eugene Divine, Mr. Danny Fesperman, Mr. Roger Haas, Mr. Thomas Porter, Mr. Ian Prince and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were Ms. Susie Zakraisek, Planning and Zoning Manager, Ms. Kassie Watts, Planner, Mr. Chris Moore, Planner and Ms. Arlena Roberts, Clerk to the Board.

There being no corrections to the June 15, 2006 Minutes, Mr. Fesperman **MOTIONED, SECOND** by Mr. Porter to approve the minutes as mailed. The vote was unanimous.

New Business – Planning Board Function

The Chair introduced the first item on the Agenda.

**Rezoning Map Amendment – Petition C2006-05 (R)**

- 1. Administratively rezone property from a Mt. Pleasant zoning designation to a Cabarrus County zoning designation. Per Senate Bill 1376, the annexation of this property was repealed. Therefore, the property needs to be assigned a Cabarrus County Zoning Designation.**

Ms. Brenda Cook asked to recuse herself from this being a present property owner.

The Chair asked if everyone understood that Brenda has asked to be recused because she is a property owner of the property that is being considered. Mr. Fesperman **MOTIONED, SECOND** by Karen Daugherty that Brenda Cook be recused. The vote was unanimous. The Chair asked Mr. Eugene Divine to replace Brenda Cook on the Board for this item on the agenda. The public hearing was opened.

Ms. Kassie Goodson-Watts- Planner, addressed the Board stating that the existing property owner is Mt. Pleasant – Highway 200, LLC, the existing zoning is Mt. Pleasant RE-Rural Estate (1 unit per acre) and the proposed zoning is Cabarrus County CR-Countryside Residential (1 unit per 2 acres under the Conventional Subdivision option). The purpose of this administrative rezoning is to rezone the property from a Mt. Pleasant Zoning designation to a Cabarrus County Zoning designation. Per Senate Bill 1376, the annexation of this property was repealed. Therefore, the property needs to be assigned a Cabarrus County Zoning Designation. It is in the Number 9 Township – Georgeville and located on NC Highway 200 and Mt. Pleasant Road. It is a very large piece of property, 646 acres approximately and it is currently undeveloped and vacant. The subject

property was originally zoned LDR-Low Density Residential, prior to the annexation into the Town of Mt. Pleasant. Upon the repeal of that annexation, the property was zoned RE. Once it was taken in it was 1 unit to the acre but following the repeal of that annexation the property must be rezoned to a Cabarrus County zoning designation within 60 days of its effective date which was June 30<sup>th</sup>. She said we have 60 days from that date to put some sort of Cabarrus County zoning designation on the property.

Ms. Goodson-Watts said on the current zoning map you can see that the area in which the property is located was down zoned last year in 2006 through the mass county wide rezoning to the CR district.

Ms. Goodson-Watts said through legislation, the Town of Mt. Pleasant deannexed the subject property effective June 30, 2006. The property must be assigned a Cabarrus County zoning designation with 60 days. Through the countywide rezoning in June 2005, properties within this area of the county were rezoned from LDR-Low Density Residential to CR-Countryside Residential. The Eastern Area Plan Future Land Use Map designates this property as LDR. However due to the June 2005 countywide rezoning of all properties in this area, it is now more appropriate for the subject property to be assigned CR-Countryside Residential zoning designation like the adjacent properties. The Eastern Area land Use Plan and Map support the rezoning of this site to CR.

Ms. Goodson-Watts said staff recommendation is the proposed rezoning meets the intent of the residential component of the Eastern Area Plan. Therefore, the Land Use Plan supports approval of Petition C2006-05(R). The Board should consider the information presented and render a decision accordingly.

Ms. Goodson-Watts said included in the packets were list of adjacent property owners and a list of permitted uses. She said there were a few phone calls about this rezoning, most of the property owners were pleased with the idea of rezoning it to CR. She said she did not receive any negative phone calls.

There were no questions and no discussion. No one came forward to speak further about this matter. The public hearing was closed. The Chair asked for a motion.

Mr. Porter **MOTIONED, SECONDED** by Mr. Prince to approve Petition C2006-05 (R) as presented. The vote was unanimous.

The Chair introduced the second item on the agenda Petition C2006-06(R), (AO) Agriculture/Open Space/(OI) Office Institutional to (GC-CD) General Commercial Conditional District/(MDR-CD) Medium Density Residential Conditional District.

2. Applicant: Keith Wayne

Request: Rezoning for the relocation and expansion of the corporate headquarters and operations center for Wayne Brothers Inc. The applicant is also seeking approval of a mixed use project that will surround the corporate headquarters.

Mr. Chris Moore, Planner, addressed the Board presenting Petition C2006-06 (R). He handed out additional information stating that the top sheet is a letter from Keith Wayne; the second two are from the property owners and under the stapled stack is a letter from Department of Transportation finalizing the preliminary findings that were included in the staff report. The board should have received, and the last stapled packet is a group of letters in support and in opposition to this petition that were received by his office from surrounding property owners who could not be in attendance tonight.

Mr. Moore said the Petitioner seeks a rezoning for the relocation and expansion of the corporate headquarters and operations center for Wayne Brothers Inc. In addition, the applicant is seeking approval of a mixed used project that will surround the corporate headquarters. The project fronts on Mooresville Hwy, Davidson Road, Sudbury Road, and Odell School Road. The request is for approximately 61.58 acres to be rezoned to a (GC-CD) General Commercial Conditional District and 18.46 acres to be rezoned to (MDR-CD) Medium Density Residential Conditional District. This area is currently vacant, residential, and recreational in nature. The subject property is a six-sided property. Four sides are adjacent to A/O Agriculture Open Space zoning and two sides are adjacent to O/I Office Institutional zoning. The adjoining properties to the west are single family homes and are located in Forest Pines subdivision. Forest Pines was developed at a density of 1.83 units per acre. Properties to north, south and east are also single family residential. The property across Davidson Road, at the intersection with Mooresville Highway, is a gas station/convenience store.

Mr. Moore said the proposed zoning change would allow limited uses in the (GC-CD) General Commercial Conditional District and (MDR-CD) Medium Density Residential Conditional District zones as listed in the use list provided by the petitioner. The result would be a development that provides a minimum of three uses which includes residential, office, and retail uses. The applicant is proposing a change in zoning from (O/I) Office Institutional and (AO) Agriculture Open Space to a (MDR-CD) Medium Density Residential-Conditional District and (GC-CD) General Commercial Conditional District. This proposal is in keeping with the definition of mixed-use.

He said per the Zoning the Ordinance, because of the refinement of the conditional district option, planning and zoning staff strongly encourage its use. Conditional District rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general category allowing many different uses. Conditional District is a floating zoning district created only at the request of the property owner, built upon one of the general districts, and developed as set forth in an approved development plan.

Mr. Moore stated some of the requirements of the Conditional District rezoning option:

1. Keeping the proposed actual use in mind, the Petitioner may use the desired district from any of the general zoning districts as set forth within the zoning ordinance. Upon selection, the requested zoning district will be known by the name of the general zoning district with the suffix "CD" added to delineate its Conditional District status.
2. The Petitioner will describe the exact land use proposed for the "CD" District. Such uses maybe selected from any of the uses, whether permitted by right or conditional, allowed in the general zoning district upon which the "CD" district is based.

Mr. Moore said if you look at the use list they are broken down into permitted based on standards and conditional use. He said if approved those uses would all be permitted by right and broken down that way in a petition for simplicity sake so you could compare what was eliminated to what was originally allowed in a conventional district.

3. Along with an application for conditional district status, the Petitioner is requested to furnish a development plan. At a minimum the development plan will address: General site characteristics, Transportation patterns, Land Use characteristics, Utilities and Infrastructure and Relationship of the Proposed Zone Change to the Cabarrus County Land Development Guide, appropriate area plan, or other plan.

Mr. Moore said per comments received from the school district, the schools that serve this site are inadequate at this time. When the residential district comes back for a preliminary subdivision review, however, those criteria will be reviewed again for adequacy so we will not be asking them to enter into a consent agreement at this time.

He said as far as the utilities are concerned WSACC does not own or operate any existing water lines in the project area. Flow acceptance of projects that discharge wastewater in the interceptor serving this area is granted on a first come, first served basis. In addition, the City of Kannapolis agrees to take over the water lines (when their lines are extended to the property) if the developer builds a community system that meets the City's specifications. Per the City Engineer, sewer lines would have to be extended approximately 7000 linear feet to reach the subject property. The approximate cost of water service to area is between \$5 -\$8 million. There is no schedule at this time for extension of these lines.

Mr. Moore said the subject property lies with the Northwest Plan Area. In the Northwest Small Area Plan of 1990, the majority of the subject property is designated for development under (MDR) Medium Density Residential zoning with densities up to 4.5 units per acre. The area at the intersection of Davidson Road and Mooresville Highway is designated for commercial development. The future land use map shows a small circle of commercial surrounding the intersection with remainder of the subject property shown as medium density residential.



The updated version (proposed) of the Northwest Area Plan recommends the subject property be developed as mixed-use. This draft plan was used for guidance in the 2005 zoning update that led to the current (OI) Office Institutional zoning. Although in draft form, the mixed use area calls for a mix of residential, commercial, and office uses. The plan states that the development of this property should be part of an integrated development plan that may or may not be approved as a Planned Unit Development. Connectivity, architectural and site design, and access management are key components of these proposals.

The proposed rezoning conforms to the proposed future land use plan for this area. In addition, per the newly adopted zoning map, the subject property is zoned OI and is reserved for office/institutional uses. This action by the County Commissioners shows support for the updated, though not formally adopted, new Northwest Area Plan. Therefore, more emphasis should be placed on the draft area plan than the old plan. The proposed site plan provided by the developer conforms to both plans in several ways. The adopted plan calls for (MDR) Medium Density Residential on majority of the property with commercial activity at the intersection of Davidson Road and Mooresville Highway. The proposed Northwest Area Plan designates the subject property for mixed use development, which is defined as three or more income-producing uses. The proposed site plan for the property achieves this goal through a mix of residential, office and retail uses.

Mr. Moore said there is no utility service available to the subject property at this time, nor is there a scheduled availability date.

Mr. Moore said the request is for a rezoning that includes approximately 61.58 acres of GC-CD and 18.46 acres of MDR-CD. Per the survey submitted by the applicant, the MDR-CD zoning would abut the residential neighborhood developed under the MDR standards set forth in the previous Zoning Ordinance. The developer has provided a 25 foot undisturbed buffer to separate the two neighborhoods so that the new and existing lots would not share rear lot lines. The proposed residential area indicates incremental increases in density so that a transitional area is maintained between the existing residential area and the commercial and retail development. The area will include 30 townhomes and 11 single family detached homes and is proposed to be developed at a density of 2.63 units per acre. The developer has set aside 50% of the residential area as permanent open space. This space will serve both as active recreational areas and remain undisturbed so that proper buffering and separation are maintained. Included in this open space is a large, permanent buffer between the residential area and the most intrusive commercial use currently shown on the site plan, which would be the Wayne Brothers Corporate Headquarters.

The proposed retail area includes 11 buildings that total 163,417 total square feet. There are five parcels identified for future office development, 2 parcels for future office or commercial support facilities, and 1 parcel for a future police or fire station. The Wayne Brothers Corporate Headquarters facility would total 60,000 square feet.

Mr. Moore said per the intent statement in the Zoning Ordinance, the General Commercial zone may border on the other less intense commercial zone or either of the two industrial zones. A general commercial zone may border a high density residential zone but care should be taken to assure a buffer between the two. This district is intended to provide the principal location for a large scale commercial development. The primary purpose of the Medium Density Residential district is to permit development with a moderately high density community character. Residential development options for this zone include a variety of housing types, including townhouses. A/O Agriculture Open Space zoning surrounds the subject property and is the lowest density zoning district in Cabarrus County. It provides areas for large single family lots, farms and open space preservation.

Mr. Moore said in conclusion, both the proposed and adopted future land use plans support approval of this petition. The intent statement of the General Commercial district, however, does not support approval of this petition based on the adjacent zoning on three of the commercial area's six sides. The Board should weigh all the facts and information provided and render a decision accordingly. He said if the board decides to approve Petition 2006-06(R-CD), staff requests that the following conditions be applied:

1. All development must be in accordance with the site plan and building elevations provided by the petitioner. In the event a site or elevation change is necessary, applicant agrees to Planning and Zoning Board review and approval for such changes. (Planning)
2. Residential development shall not commence until public utilities are available to the site. (APFO/Utilities)
3. All residential development will be subject to a preliminary plat approval by the Cabarrus County Planning and Zoning Commission.
4. All driveway and access permits are subject to approval by NCDOT. (APFO/NCDOT)
5. Uses shall be in accordance with the approved list of uses submitted as a part of this petition. (Planning)
6. Petitioner must complete/install all roadway improvements in accordance with NCDOT requirements (see page 3 of this report (APFO/NCDOT)
7. All nonresidential development must comply with Cabarrus County Commercial Design Standards. (Planning)
8. Applicant agrees to submit site plans and elevations for all sites designated as "future." Individual site plan and architectural approval shall be granted by the Planning and Zoning Board. (Planning)

The Chair asked if there were any questions for staff.

Mr. Berg said he wanted to be clear on the school capacity. He asked Mr. Moore if he said that this application would not trigger the consent agreement until they came back with the residential plat.

Mr. Moore said that is correct, at the time the petitioner decides to come back with the preliminary plat application another school review will be done and at that time it may or may not trigger a consent agreement.

Ms. Daugherty said part of what Mr. Moore said earlier was that conditional district is encouraged because it provides the greatest certainty of land use decision, and then later it says according to the zoning ordinance petitioner will describe the exact land use proposed for the CD district. She said when she looks at the site plan, 8 of the 12 parcels, 2/3 is listed as general commercial with CD but only one of them has an actual description and that is the Wayne Headquarters. She asked how are the ones that are listed as future office qualify for CD rezoning?

Mr. Moore said that is permitted when the petitioner does not know exactly who or what will occupy those properties. He said buildings on those sites would come back to the board for review and approval at such time as they are built.

Ms. Daugherty said they added MDR and they took out the GI how is this actually any different than them asking for GC rezoning because that is pretty much what everything is other than that little bit of MDR.

Mr. Moore asked Ms. Daugherty to repeat that.

Ms. Daugherty said the original request for rezoning was for General Commercial/General Industrial. She said they dropped the General Industrial they added MDR and tacked CD on the end. She said nothing is described exactly. She is confused as to how this is any different, this is still 2/3 the general commercial rezoning.

Mr. Moore said that the differences are basically that a conditional rezoning does not require a site plan, doesn't allow for any conditions to be added, it does not allow any use that is in those zones to be built on to be undertaken unless proposed on that site. He said with a conditional district, the petitioner has gone through and eliminated several of them are intrusive uses. He said they have provided site plan with probably 3/4 of the property with the specific use that will be there.

Ms. Daugherty said because Parcel A says grocery store retail, how do we know grocery store retail is what is going to be there? She said theoretically couldn't it be any use that is on that GC list, like another contractor storage building?

Mr. Moore said no, the site plan is what is built, if it calls for a grocery store that use is designated as a grocery store.

Ms. Daugherty said that building has to be a grocery store?

Mr. Moore said correct, that is the building that has to be built unless they came back and amended there site plan which means they would have to come through the board for rezoning approval.

Ms. Daugherty said in the Zoning Ordinance it states that MDRs are located where public utilities are available or envisioned available within the next 10 years. She said you recommended that no residential development be applied until public utilities are available. She said this may be speculation, but how likely is that to occur in that time frame and where will they come from.

Mr. Moore said he does not have an improvement schedule from the city of Kannapolis or from the Water and Sewer authority. He said those plans are triggered by the amount of development in an area.

Mr. Prince asked who authored the four points under general requirements in our package.

Mr. Moore said the petitioner did.

The Chair said before we move on to the next part of this hearing the board needs to adopt rules for the hearing in terms of speakers. It has been proposed that we provide 45 minutes for each side divided anyway that they choose not limited to 3 minutes. Question and answer time will not be counted against the 45 minutes nor will the time to change speakers and if at the end of the 45 minutes there are still people who have turned in cards who have not had the opportunity to speak, the commission can consider allowing those people to speak. He said given the number of speakers that we have on each side 7 for and 8 against; he does not see any reason why the 45 minutes will not be adequate under these circumstances. He said the commission needs to vote to adopt these rules for tonight for this hearing.

Mr. Fesperman **MOTIONED, SECONDED** by Mr. Haas, to accept the rules. The vote was unanimous. The rules were adopted.

The Chair said that we all would appreciate it if we behave with a degree of decorum that becomes adults. He certainly understands exuberance and support for people's opinions but please make tonight acceptable to all of us. He said we will start with the petitioner and the petitioner will be on the clock for the pros.

Mr. Bill Monroe stated that he was asked by Keith Wayne to represent Keith Wayne because he could not attend the meeting due to a previous engagement. He was also asked to read a letter from Mr. Keith Wayne. Mr. Monroe stated there was also a letter from the current property owner stating that he represented them as well. (Letters attached to minutes)

Mr. Monroe presented a power point presentation. He stated that Mr. Wayne would like to stay in Cabarrus County; it has been his home his entire life and he has been looking for a site to accommodate his desire to stay here. He said if we look at what is happening around this particular site, the site is in the middle and as we pan out to Lake Norman to the west, to the City of Kannapolis to the East, we note that many connections are being

made between Interstate 77 and Interstate 85, some existing and some plan to be improved. He said the future Exit 32 will serve Lowe's and has been funded. He said the routing from that point into the county has virtually been established with the help from one property owner establishing that road. The site is middle point between the Lowe's development and the amazing growth around Lake Norman and what is expected to be fairly major growth with the Murdock Biotech Center which is to the east in Kannapolis. He said the main highway between these being Highway 3 is major thoroughfare as defined by the Board of Commissioners as his Odell School Road a major thoroughfare as is Davidson Road a major thoroughfare. He said this is a picture of what is happening around this particular site. Again coming to the Northwest Plan area that has been drafted he is not sure if it has been adopted the site is again shown and the site has been designated mixed use.

Mr. Monroe said for clarification where Wayne Brothers is currently, they are part of the Coddle Creek Water Shed, the mixed use site is not a part of that water shed. He said Wayne Brothers cannot expand their facilities anymore on their current site since the Watershed ordinance has been adopted. They can no longer expand at that site, so they virtually have to find a location and move and picked the only property in the entire area that seem to be zoned with this type of business in mind. It is currently zoned (OI) Office Institutional, it is show on your map as a mixed use development. The existing site is bordered by Davidson to your left and Mooresville Highway to the top right and Odell School on the right, Sudbury to the bottom and a residential area to the bottom left. He said within the site are streams, they have engaged a wetlands consultant SNEC to document all jurisdictional wetlands and jurisdictional streams, they have been documented and are being protected with buffers in the site plan. He said they have completed soil testing of the site and it is suitable for development; they have completed phase I environmental and there is no contamination on the site, the site has been surveyed so they are familiar with the topography of it at this point and time.

Mr. Monroe said currently on the property are 2 houses owned by the Wallace family members. He said one house will be relocated across Sudbury Road where that family member will continue to reside, the other structure which is a trailer will be demolished at this point and time. He said on the conceptual site plan they have worked with staff to try and come up with a zoning designation and a design for the site plan that meets all of the regulations.

Mr. Monroe said he would lead the board through the plan to be sure there are no questions. He said on the residential side as staff has said they will border 2 single family, but will establish a common area with a 25 ft buffer just to be good neighbors basically. Going inwards toward the site we transition from single family to town homes at densities that are allowed by the medium density residential designation. There is 50% open space required within that development type and they have set aside that amount of open space in the plan that is why you see so much green area. He said on the right hand side of this area are the streams; the dark forested areas are the buffers around the streams. This area will be served by a storm pretension basin, it will be designed to the best management practices, take care of not only the rain run off but take care of water

quality standards before any water is discharged of the site into the creek system. He said two sites have been set aside within the medium density residential and they expect these sites to be something like a bank and something like a fire station or fire station /police station and they are set aside for those designations.

(Mr. Monroe showed a rendering of what it would look like.) Mr. Monroe said they would be brick town homes, 2 to 3 stories; 1500 to 2500 sq. ft. is what is drawn and what is planned. He said as your staff has mentioned this is what will have to be built and a part of this condition.

Mr. Monroe said moving up to the retail area; they are following the mixed use and sort of conditional neighborhood planning to put the buildings close to the street to create a nice street front. He said your designation request that it be 10 feet from the road as much as possible. Those buildings will then screen the large parking lot behind that. The biggest box on the map is the grocery store and that is where they intend to have a grocery store. He said they would follow all the standards for landscaping and all other requirements that are required by the code. Again he has drawn what these facilities would look like, nice brick and pre-cast facilities, show all the fenestrations that are required by the ordinance, certain amount of glass is required on the different sides. He has even designed the internal areas where stores would be located. He said this corner is pretty well pinned down as is the residential area on exactly what would be built there which he thinks is the intent of the conditional district in the ordinance.

Mr. Monroe said as they come to the Wayne Brothers site itself, they do know what is going to happen on this site. He said under the current zoning they could actually begin with the office building, which is allowed under OI zoning. He said what they need the rezoning for is to bring the other parts of Mr. Wayne's business to the site which is a contractor storage yard. He said the contractor storage yard is why they picked General Commercial because that is the least intrusive zoning category you have that allows a contractor storage yard. He said that is why General Commercial was established for this site.

Mr. Monroe said the creeks completely surround this property; there will be 100 foot forever tree buffers that are buffering the creek that will completely hide this property from any view, from any exterior road or any adjacent neighbor and that buffering will go a long ways to taking care of any concerns of lights spillage, any concerns of noise because they have placed all those internal in the site and will maintain those buffers because again as a part of the condition they have to be buffers and they will be set aside for that by deed restrictions forever.

He said the elevations of this building is still underway, they stacked the other parts of the building which some people might find objectionable down the road and down the hill, so again it can be buffered absolutely as well as possible. It will be a light colored building and since Wayne Brothers is in the concrete business it will probably have some different concrete textures on the building, glass development, extensive natural light and

follow as many green lead base principals as possible. They hope to certify this building as an environmentally friendly green building through the leed certification process.

Mr. Monroe said as we look at the rest of the site and questions come up, they do not know what they are going to do with that site. They think that in this location, in this growth corridor what is appropriate for the site is businesses similar to Wayne Brothers. However, it could be a dentist office, a doctors' office, an insurance company; it could be many different uses that will allow an employment base to occur in this part of the county, so frankly people would not have to drive to other parts of the county or city. They feel the employment base part of this partition with the residential, with the retail, meets the designations that you are looking for in your mixed use zoning.

He said in that regard they have to zoning types, MDR-CD and the proposed GC-CD, and that is how that breaks up visually. He said as they went into those descriptions out of your ordinance, the Medium Density Residential is intended to permit the value of a moderately high density community character. If you are going medium density, it sure is nice to be able to walk to the grocery store, walk to the store, walk to you office even, so they are providing he thinks the connectivity of the ordinance to strike the deal with in many different areas and will be providing the permanent protection for those residents in that area.

He said as we go to General Commercial the primary purpose of the zoning is to provide locations for large scale commercial activities; that is the shopping center. He said this level of commercial activity usually draws clientele regionally as well as from nearby neighborhoods. They think this would draw people from the east and from the west as there is no service base existing up in that part of the county now for shopping, for grocery stores and for drug stores.

He said it requires citing on major thoroughfares and requires relatively large scale off street parking. He said they have large off street parking, it is screened by the buildings and landscaping, and all of the roads that surround them on 3 sides are major thoroughfares so again they meet that intent. The zoning will accommodate a wide variety of office, retail and lodging land uses, and again their plan is specifically looking at those uses.

Mr. Monroe said General Commercial may border the other less intensive commercial zones or either of the two industrial zones. A General Commercial may border a higher density residential zone but care should be taken to assure a buffer between the two. He said the last sentence they comply with. The one thing they need to discuss is the sentence General Commercial may border the other less intensive commercial zones or either of the two industrial zones. He said in this part of the county everything around them is designated AO, so those zones do not exist nor does he think the residents want those zones to exist in this area.

He said the district is intended to provide the principle location for large scale commercial development in Cabarrus County. He thinks that rationale is met with their plan on the site.

Mr. Monroe shows a list of uses and indicates what is being eliminated from the zoning ordinance. He said they are all what they would consider to be obnoxious uses that Wayne Brothers does not want working next to them and if their employees are living in the village here they should not want those uses next to them. Mr. Monroe also shows a list of uses they would like to remain. He said again that is a condition of this application so all of those will be removed if the board approves this. He said the same thing as they go into the other allowed uses by petition, again they are eliminating quite a few there and as they go into the zoning ordinances conditional uses again they are eliminating many of those. Any of those conditional uses on the right hand side would have to come back before the board if they happen and he is not sure that they would.

He said what is driving this is on the first list you see contractors storage yard, that is why they are general commercial zoning but he thinks they have buffered it exceedingly well so that they are not providing any problems to anybody.

Mr. Monroe said going into the traffic analysis their consultants have worked extensively with NCDOT. He said the state roads are Davidson Road, Mooresville Road, and Odell School Road, they completely control what happens to those roads, the intersections of those roads and how you get in and out of sites off of those roads. He said they have designated those 3 entry points into the site and you see Phase I & II, Phase III & IV listed, those are the phases of development and those traffic improvements will be made by Wayne Brothers when those phases are developed. He said Phase I is the Wayne Brothers headquarters building, Phase II is the 42 residential units, those cannot occur until public utilities are brought to the site and they fully understand that and that is why that is a condition of staffs recommendation. Phase III would be the remaining office development, Phase IV would be the retail center its self and they have worked with DOT to schedule the improvements as well as the turn lanes. He said all these improvements can be made within either the existing right of ways or taking land from the Wayne Brothers property to allow expansion of the roads.

Mr. Monroe said one interesting thing they found out during is this is Mooresville Road is currently a 60 foot right of way of the NCDOT list it will go to 100 foot right of way. He said they will be setting aside that right of way on their side of the road to accommodate that. He said other roads will be increasing in right of ways from 40 to 60 feet, but Highway 3 is going to 100 foot right of way by DOT standards.

Mr. Monroe said they think they are following the primary purpose of General Commercial, the purpose of Medium Density Residential and they think as a Conditional District they are doing something the Board would want them to do to protect the land and have this developed forever. He said the City of Kannapolis has agreed to take over the water lines and has designated a site across the street from us as a water tower site.



He said that might end up being on our property and something we construct in order to speed up the time frame for water to come to the site.

Mr. Monroe said Wayne Brothers has developed other property, Park Creek being one, where they have already erected a water tower. He said they are in the water business understands how to monitor it, manage it, maintain it, make sure it is safe as they are taking care of that current neighborhood and therefore have the ability to do the same thing here. He said WSACC has agreed that there is capacity for sewer; there will be a cross country track that extends 7000 linear feet that is actually more and again that is something that Wayne Brothers will eventually have to do to get sewer service to the site. He said in the interim, their office portion, their corporate headquarters portion can be on septic can be on tanks in the interim measures and proceed. The rest of the development could not until those sorts of things come to the site.

He said again where they are is the mixed use block by the northwest area plan, and again very critical, Keith has to move his business because he exceeding the watershed requirements that are now in affect for Coddle Creek. He said those requirements were not in affect when development of that site came into affect so he effectively has to move and would like to stay in the area. He said Mr. Wayne's trucks are familiar with these roads and are already using Highway 3, Davidson Road, Odell School Road to get to their work places everyday, so they would like to stay in the same general area for their employees and they are familiar with the area.

Mr. Monroe stated the top ten reasons why they want the Board to vote favorable on this petition:

1. They conform with the 1990 Northwestern Area Plan
2. They conform with the updated and proposed 2005 Northwestern Area Plan
3. The site is a historical commercial cross road.

Mr. Monroe said what he means by that is that the gas station and grocery store across the street that is in AO zoned land has been there Keith's whole life which is some 50 years. He said they could not find out exactly how long it has been there but it has been there a long long time. He said it is grandfathered by the current zoning but it has served that area quite well for many many many years. He said that usually sets up as a land use planner an idea and he thinks that the Board recognized that when it made it a mixed use area that it is a traditional commercial corridor and can serve this area of Cabarrus County quite well in the future.

4. Development of major thoroughfares

Mr. Monroe said again a condition of General Commercial and a condition for this type of development. He said the major thoroughfare designation is a Cabarrus County designation because NCDOT leaves that up to you to designate.

5. Perform with the mix use standards for Cabarrus County.

6. Utilize the conditional district zoning option.

Mr. Monroe said they feel that helps you go from the notion of General Commercial as a stand alone designation in this part of the county because we are making a conditional district we are limiting the notion of general commercial trying to purify it as much as possible for this site and he feels like it gives you some option to consider this petition including what it says in the ordinance. He said the other thing he would like to point out is with major thoroughfares all around you, what happens in many planning jurisdictions that they have worked with throughout the southeast is that the major thoroughfare provides a huge border buffer problem for residents. He said if you go to 100 foot right of ways and 60 foot right of ways the land on the other side of those roads frankly is buffered; it is buffered unfortunately by traffic maybe for those residents but it is completely buffered by major thoroughfare roads. He said again they think that may be some leeway if you choose to vote favorably for this petition.

7. Preserving and protecting all the streams, all the wetlands, they are designated they are recorded, all the natural areas, through buffers and open space requirements.

Mr. Monroe said that is on your plan and that is the way it has to be followed for the development of the site.

8. Conformed with commercial design standards.

Mr. Monroe said you know what the buildings are going to look like right up front with no surprise down the road. We think they are well designed buildings and we think they are something the community will be proud of.

9. Traffic impact analysis and improvements.

Mr. Monroe said they have been approved by NCDOT and that the fourth letter in your packet is Leah Wagner's approval of that and we have agreed to all of her conditions to install those improvements so no public agency has to that.

10. Keeping jobs and business in Cabarrus County.

Mr. Monroe said that is the main thing for Keith and other people in this room, otherwise he is forced to go somewhere else. This area is his home; he is from Odell and wants to stay in northwest Cabarrus County area. He has removed from earlier petitions what we heard from the neighbors, what they violently objected to, they are not in the conditional district, those are gone. He thinks we have done a good job working with the site and working with preserving trees to make sure that the contractor storage yard is completely buffered from everybody around the site. Again we ask that you favorably look at this and we will be happy to answer any questions that you may have.

The Chair asked if there were questions for the petitioner.

Ms. Daugherty said you made a statement that the existing office could be built on the current zoning but you needed GC for the storage yard.

Mr. Monroe said yes for the storage yard.

Ms. Daugherty asked if the plans could have been more feasible if left the OI for the future corporate office facilities, if they could be built under OI and then only ask for GC for 1 parcel.

Mr. Monroe said we are sort of following staffs' recommendation to do it this way to make it a conditional district of GC. He said if we went straight OI then we could sort of put in a use in OI and they really want a conditional district.

Ms. Daugherty asked what a Conditional District gives you that OI does not.

Mr. Monroe said absolutely nothing; it's taken out all the uses. He said if you look at the use list we have pretty much made it OI, we were advised by staff that we should designate the whole thing as one conditional district. He said that is why we purified that list of uses to try and make it OI basically.

Ms. Daugherty said if you look at the Zoning Ordinance it tells you that OI is a suitable transition between residential uses and so maybe it would have been more appropriate to leave that there.

Mr. Monroe said one thing they noticed when they read the ordinance under OI designation they could by right without any parking decks just surface parking put about 750,000 square feet of office space on this site. He thinks what they are actually doing is a betterment in their minds by actually reducing the amount of square footage that would go on the site and adding a residential component to try and make a village sort of setting. He said that is where they ended up and he thinks they purified the GC list as best they know how and would be glad to take any other suggestions that the Board has off that list. He said we are basically giving you an OI but maintaining an overall conditional district which protects your interest and the neighborhoods.

Ms. Daugherty said obviously there are several highway improvements that were noted in the plan that need to be made. She asked Mr. Monroe if he said that they had obtained all the right of ways for this.

Mr. Monroe said the improvements can either be made within the existing DOT right of way or within their property. He said they do not need to apply right of way. He said if they did have to buy right of way that would be their burden to do.

Ms. Daugherty said the application states that you will participate in the expansion of sewer line from the property to the WSACC interceptor. She asked if they have obtained this right of way.

Mr. Monroe said those are currently being negotiated they are not completed.

Ms. Daugherty asked what if you cannot get this.

Mr. Monroe said by the conditional district designation, for instance residential could not be built so that would stay vacant land until the utilities came. The retail from a practical matter is too large to build without sewer so that would stay vacant until the sewer was available as vacant land. He said the practical matter is no more development would occur until sewer gets to the site.

Ms. Daugherty said the application stated that an early construction phase was anticipated for the corporate headquarters and she thinks he said that soil suitability testing had already been done in the case that an interim septic field was needed. She asked if that was correct and if every thing is acceptable.

Mr. Monroe said they do not have state approval on a septic system yet so he cannot answer that it is acceptable but since everything around it is on septic it appears that it would be acceptable.

Ms. Daugherty said basically without sewer lines the whole area will not be developed.

Mr. Monroe said without it Wayne Brothers will be on an island in the middle of the site.

The Chair asked if there were other questions.

Mr. Prince asked Mr. Monroe if they were anticipating pursuing LEED certification.

Mr. Monroe said that is correct.

Mr. Prince asked if that would be the first LEED certified building in the county.

Mr. Monroe said he did not have any idea.

Mr. Prince said it would be. He asked if they are pursuing a bronze, silver or gold.

Mr. Monroe said it has not been established. He said using a concrete product you get innovative points for things like putting slag in the mix instead of cement and some technical things like that. He said they have to work through how many points they can achieve with the building type that they are doing, but he thinks with a lot of the day lighting techniques they are doing, the way they are siting the building, he knows they will get enough points to get to the entry level he does not know how far past that they will get. He said getting past the entry level deals with some very complex mechanical

systems whether we are doing geothermal wells or whether we are doing solar and we frankly do not know if they can do those yet.

Mr. Prince said using some of those sustainable design practices you can also take care of your grey water on site, your storm water and your waste water and then you would not have to worry about a septic field. He asked if they were willing to make LEED certification part of their conditions.

Mr. Monroe said he would have to talk with Keith about that or they have representatives here that they talk too; they would like to confer and come back to you.

Mr. Prince said on the improvements that you are working out with NCDOT, it says in here that it will be phased out through 2017 based on needs. He asked who establishes those needs and where are the triggers on the road improvements.

Mr. Monroe said you cannot proceed to that phase unless you make that improvement and that is dictated by NCDOT and they control you because you have to get a driveway permit from them and they will not give you a drive permit unless you are making the improvements.

Mr. Prince said obviously you cannot do any of the other development as far as the commercial or the residential until you receive utilities at the site, so that leaves it open-ended.

Mr. Monroe said it leaves it as vacant property until it gets there.

Mr. Prince said one of the strengths of your proposal is that MDR is used as primarily the buffer zone.

Mr. Monroe said correct, where they actually touch existing single family they used that designation to sort of help as an appropriate buffer.

Mr. Prince asked Mr. Monroe if he thought about a time limit as to how long they would leave that before they actually developed it.

Mr. Monroe said the initial problem is getting water to the site which is what staff has made a condition, so the entry level is when do they get water to take care of that. He said he does not have an answer of when that will occur. He said it will not be within the next 2 or 3 years from all the projections they see.

Mr. Prince asked what Mr. Monroe's best guess was.

Mr. Monroe said he could not guess because he might be held to it. He said he has no idea, he thinks it is several years off. He thinks they can safely say that they will file for the certification and follow environmental desired practices. He thinks they could make that a condition that they will file for it, since they do not count the points he cannot

guarantee that it will be certified but they will file environmental designed friendly practices and will be glad to say that they will file for the certifications.

The Chair asked if there were any further questions.

Mr. Haas read all the names of those persons speaking in favor of the petition. Mr. Austin Williams, Mr. Sean DeLapp, Mr. Jeff Lipscomb, Mr. Jimmy Champion, Mr. Jerry Saunders, Mr. Adam Novak.

Mr. Austin Williams addressed the board stating that he is with the retail group Crosland, a well known local commercial, residential and apartment developer in Charlotte. He said they have been in business since 1937 building homes. He is currently responsible for the pursuit of new shopping center development in the Carolinas, also in the Southeast, down in central Florida. He is speaking in support of the project given, and based on, its merits with the retail portion. He said as you look at this site, or really any site and evaluate it for neighborhood shopping center, by neighborhood shopping center in the industry typically they are referring to the grocery anchored center which provides the benefit for the shops and the other uses that can happen at that center. He said it is consistent with the design on the plan. He said they generally have to evaluate the market as well as the location of the project, from a market perspective not focus on the site but focus on the general area. A grocery store typically serves a 3 mile radius area from the site and can be modified based on traffic patterns and natural boundaries but typically it is a 3 mile radius. As we look at what exists in that 3 mile radius for this site there is about 6000 people in 2005, the last copy of demographics he had. The characteristics of that population is very positive for an upscale grocery store, the average income is about \$94,000 per year per households, the home values are \$270,000 average home value and a very high education level. The large households of 2.8 people per household is indicative of families, they make many shopping trips to cook at home on are regular basis. He said the 6000 people in a 3 mile radius is about 75% of what is typically required to trigger interest from a grocery store so right now the people are not there. He said in the last year there were about 250 to 260 single family new homes built and closed in the 3 mile area so the growth is coming. He said the ability for a grocery store to succeed there and thrive in that environment is probably along the lines of the time it will require to get the sewer there; which is several years.

Mr. Williams said the location itself is at a very strong intersection and has the benefit of traffic on 2 major thoroughfares and it really does serve Davidson, Kannapolis and Southern Mooresville areas. He said the north side of Highway 3 is really handicapped against commercial development being that it is in the watershed. He does not know specifically what the watershed requirement there limits but generally you expect a 50% impervious requirement which is not very conducive to commercial and he guess is why the county designated the south side of Highway 3 a mixed use area. He said another advantage to the site that he sees is there is pent-up demand in Davidson, there is typically and historically and for the foreseeable future not been very much retail allowed in Davidson. He said Cabarrus County would have the benefit of shoppers crossing from

Mecklenburg County and also given its proximity to Iredell County into Cabarrus County to spend their dollars.

Mr. Williams said Highway 3 will be even more significant arterial in the future given the connectivity with the new Exit 32, I 77 for the Lowe's campus. He said he was in a meeting this morning with Chris Bower, the transportation engineer for Mooresville, and Tim Brown relative to figuring out an alignment for the East/West connector across 115 over to Shears Road and eventually to Coddle Creek Highway. He said their intent is to create an East/West connection to get folks from Mooresville over to the Kannapolis area.

He said in conclusion just looking at the site and relative to the corridor there are no competitive grocery stores existing on that corridor, there are none that are zoned, no competitive retail sites exists and it meets all the merits that he would expect for a successful grocery store and shopping environment to serve a neighborhood market.

The Chair asked if there were any questions.

Ms. Daugherty asked how does that fact that there is a grocery store going in on Odell into the area that is annexed by Kannapolis impacts the need for a grocery store there.

Mr. Williams asked if she was referring to the Lowes Food.

Ms. Daugherty said actually that is 2 grocery stores. She forgot that Lowes Food was going in on Poplar Tent and 73, and then there a Food Lion she believes is going in about 1/4 of a mile on Odell.

Mr. Williams said that site was under contract with Crosland until last week and they dropped the contract because Food Lion is not going to build there, they felt that the market was a little more up scale then what there store will serve and they have until December to choose whether they want to build a store there or not. He said Food Lion has indicated they will not and Crosland passed on the opportunity.

The Chair asked if there were any further questions.

Mr. Jerry Saunders, Sr. Executive Economic Development for Cabarrus County, addressed the Board stating he was there representing Cabarrus Economic Development Corporation and the Cabarrus Regional Chamber of Commerce. He said in your packets there is a letter from John Cox who is President and CEO of the Cabarrus Regional Chamber of Commerce and President and CEO of Cabarrus Economic Development. He said Wayne Brothers has been a valuable community partner for over 20 years and have been know for at least 20 years for their quality. The company provides almost 300 jobs to this county, making it one of the county's largest employers.

Mr. Saunders said the Economic Development Corporation has worked with the company for over a year now as part of our business and retention outreach and our staff has read

the various iterations of the project. They have talked with the Wayne Brothers planners, and with the county staff, and we would like to applaud the high standards that the county has set for new development that create a sustainable community, a community that provides jobs for its citizens while providing places for families to recreate, to worship, to have access to educational opportunities is probably the most important goal for this county. They have reviewed the plans and their understanding is the plans conform to Cabarrus County's Land Use Plan both current and anticipated, ingress and egress issues, weight loads, traffic patterns and signalization issues have been fully studied, considered and addressed. He said the Cabarrus County Chamber of Commerce and Economic Development Corporation think, that this plan will be an asset to the community and they think that in conjunction with the North Carolina Research Campus being in the city of Kannapolis and its relationship to Highway 3 corridor as well as South Iredell and Mooresville that this will be a natural conduit for what they see as future development along that corridor.

Mr. Saunders said the building design and use of the quality building materials, the fact that it is going to be a green building, the mix use of assets, industrial, retail and housing he thinks has demonstrated thoughtfulness of purpose and a willingness to listen to community concerns. He said the plan of this development demonstrates that Keith Wayne and the Wayne Brothers continue to strive to be good neighbors that they always have, to be excellent citizens and be valued community partners.

Mr. Saunders said the Cabarrus Regional Chamber of Commerce and Cabarrus Economic Development Corporation give their support to this current conditional rezoning application submitted by Keith Wayne for this site.

Mr. Jeff Lipscomb addressed the board stating that he was there to speak on behalf of the family that owns the property. He said they have been in deliberations on their estate plan for 3 years. During that time they had the 2005 change with this board which resulted in a zoning change on the property. He said what they have endeavored to do is; they have had to go back from ground zero, they have had to dissolve an LLC, they have had to create a trust and have had to move forward. He said in this shuffle of huge business and development and rezoning and everything he thinks that the individual has been lost. He said these people pay taxes just like everybody else in the room does. He knows for the 3 years that he has worked with him in the addition to the time that these people have worked on the purchasers' side, they have endeavored to comply with everything this county has put forth. He thinks in your deliberation whether you should consider this or not he thinks that you should remember that these people pay taxes as well and that we have in know way tried to skirt, try to smooze over or try to cheapen or to denigrate this community. He said no one will live closer to this than the people who are selling the property, nobody. This property has been in their family for 4 generations and he wants you to understand that their heritage is here, their reputation is here and they are going to live right beside of it. He can certainly tell you that nobody in this room has made more of an effort to make sure that there is not an eyesore in this property than we have.



The Chair asked if there were any questions. There being no questions, the Chair asked Mr. Haas to call the names of those wishing to speak against the petition.

Mr. Haas read the following names: Fred Wally, Doug Drake, Betty Lipe, Daniel Grundman, Matt Bieneman, Colin Nowlin, Timothy White and W.E. Morrison. Mr. Haas said these were the names on the cards that were turned in speaking against the petition.

Mr. Fred Wally addressed the board stating that he is a resident of Cabarrus County and lives adjacent to this property up for rezoning. He would like to thank the Board for allowing the citizens of the Coddle Creek community to speak in opposition of this rezoning petition.

Mr. Wally said that Mr. Wayne has presented documents to the Board that indicate that this is something the community needs. He finds that statement hard to believe in the light of the number of people who have stated that they want this property maintain under its current zoning, which is Office Institutional. He asked the members of the audience who oppose the petition to raise their hands. He said they plan to show facts that establish that this rezoning should be denied based on the rules of the Cabarrus County Zoning Ordinance. He said he would make the first presentation and then other residents of their community who also oppose this rezoning. He thanked the board again for allowing them to speak.

Mr. Wally said the first thing they would like to do is give the Board an overview of the properties that surround the Wallace site. The property that is being petitioned for rezoning is currently zoned Office Institutional. This property was assigned this zoning designation when Cabarrus County rezoned the entire northwestern portion of the county in 2005. The Cabarrus County Planning Department made the decision that an Office Institutional zoning was required on this parcel to put it in line with the draft plan use plan for northwestern Cabarrus County. This parcel is the only large plot of land in the area that has an OI zoning. He was concerned about that initially when he saw it then rezoned.

Mr. Wally called the planning staff in 2005 to inquire why this parcel was being zoned to OI and was told by Mr. Jonathan Marshall that it was being set aside to support things that would be needed in our community in the future as our area grew. He said Mr. Marshall used things like schools, libraries, doctor offices, and other professional office uses. Mr. Wally said the point here is that it was not intended for this parcel to be developed as a General Commercial project under the draft plan use plan. He thinks that the board needs to know what surrounds this parcel in order to make a wise decision on this rezoning petition. He said along Davidson Road are single family homes in the Forest Pine Subdivision, this area is zoned Agricultural Open Space. This rezoning would allow General Commercial and Medium Density Residential to come up against these folks. The MDR property would have only a 25 foot wooded buffer for separation. The homes that are across Davidson Road from this project will have no separation between them and General Commercial development. The properties that are across

from Mooresville Road in this development are zoned Agricultural Open Space and there are only two homes across Mooresville Road from this project. He said most if not all of this property is in farmland production. He said some of this land will wind up facing general commercial property with no buffer; the rest will face general commercial property with a minimal wooded buffer. He said please keep in mind that Agricultural Open Space is the most restricted residential zoning in Cabarrus County. He said it make no since for AO property to abut General Commercial property, the Cabarrus County Zoning Ordinance supports this fact.

Mr. Wally said the property that touches this parcel at the Mooresville Road/Odell School Road intersection is zoned Office Institutional. This property has been in active farmland usage for years. He said the owner of the property is here tonight and he had requested that the parcel be assigned an AO zoning but his request was denied in 2005. The owner plans to keep this parcel in farmland production.

Mr. Wally said the property across Sudbury Road from this project is zoned AO also and as he stated before that the Cabarrus County Zoning Ordinance does not allow General Commercial to abut Agricultural Open Space.

Mr. Wally said the next thing he would like to address is the Conditional District rezoning which is the category that this rezoning petition was applied on. He said this petition is for a Conditional District Rezoning and Chapter 13 of the Cabarrus County Zoning Ordinance states the rules for this type of rezoning. Certain requirements or made of the petitioner in order to apply for a Conditional District Rezoning. He said Section 13-10 states "along with the application for a Conditional District Status, the petitioners requested to furnish a development plan, at a minimum the development plan will address." He said when you go to Part D, it says "if the site is to be served by on site septic then a soil test establishing soil suitability shall be provided".

Mr. Wally said the zoning packet that he received for this hearing did not have any soil test data in it. He said that Mr. Wayne's own data states that the Wayne Brothers Corporate facility, garage and warehouse will all be served by either septic or holding tanks. He said since this petition does not include a soil study he contends that it is incomplete and this petition of rezoning should be denied. He also contend, that this rezoning petition does not state a definitive use for a large segment of the property as required by Section 13-11, sub part 2 of the Cabarrus County Zoning Ordinance, where it states "the petitioner will describe the exact land use proposed for the CD district."

He said to state that parcels will be used for future office/corporate facilities or future commercial support facilities is too ambiguous to meet the requirements of a petition under the Conditional District Rezoning. He said only the parcels that show the type and size of buildings that will be put on it should be allowed a Conditional District Rezoning, this petition as it is presented now does not meet the standards for Conditional District Rezoning and should be denied.

Mr. Wally said the next thing he would like to talk about is the requirements for General Commercial Zoning. He said 3-16 of the Cabarrus County Zoning Ordinance makes several statements that show that this property should not be rezoned to General Commercial. He said the zoning ordinance states "the primary purpose of this zoning is to provide locations for large scale commercial activities, this level of commercial activity usually draws clientele regionally as well as from near by neighborhoods, requires siting of major thoroughfares and requires relatively large scale off street parking. This zone will accommodate a wide variety of office, retail and lodging land use. General Commercial may border the other less intense commercial zone or either of the two industrial zones. A General Commercial may border a higher density residential zone but care should be taken to assure a buffer between the two."

Mr. Wally said this project would put General Commercial property in an area that has no major thoroughfares irregardless of what you were told tonight, the people out here that live in the community can tell you that Mooresville Road, Davidson Road, and Odell School Road are not major thoroughfares. He said the roads in this area are secondary farm roads; they are already severely over crowded and cannot support any additional traffic flow without creating more traffic congestion and the probability of additional accidents. He said the Zoning Ordinance states plainly that a GC property must be sited on a major thoroughfare, as there is none in this area, this rezoning petition should be denied. He said the Cabarrus County Zoning Ordinance also states that GC property should not border residential property unless this property is of a high density and only then if sufficient borders are put in place. This property that is up for rezoning is surrounded by Agricultural Open Space properties. AO properties are the least dense, most restrictive residential zoning in Cabarrus County. He said to allow GC property to border Agricultural Open Space property would be a violation of the County's Zoning Ordinance.

Mr. Wally said the Planning Staff report prepared by Mr. Chris Moore states this when it says "the intense statement of the General Commercial District however, does not support approval of this petition based on the adjacent zoning on three of the commercial areas six sides", he said therefore this rezoning petition should be denied.

Mr. Wally said the next component they would like to speak about is the Medium Density Residential development. He said after looking at the Northwestern Cabarrus Draft Land Use Plan the county planning staff decided to rezone all property that will abut the proposed Medium Density Residential component of this project as Agricultural Open Space. He contends that to site medium density residential property in this area is a violation of the intent of the Northwestern Area Draft Land Use Plan. He said to allow MDR property to abut AO property will result in a decrease in property values to the residents who are now in the Agricultural Open Space area. He said one of the primary reasons that the general statutes of the state of North Carolina allow counties to enact zoning is for the purpose of preserving the value of existing properties; this proposed rezoning would not do that.

He is sure that you will here the same comments from others that live in the area who are going to speak tonight. He said the general statute of the state of North Carolina plainly states that zoning should protect the value of property so the only conclusion to be made is that this rezoning petition should be denied. He said this MDR development will put additional strain on the schools in this area, which are already way over capacity. The increase traffic flow from this development will also further tax secondary roads which are beyond capacity now. There are no plans for these roads to be improved by the NCDOT in the foreseeable future. He said these are two more reasons why this rezoning should be denied.

Mr. Wally would like to speak now about the highway improvements that are going to be required by DOT for this project. He said the NCDOT has stated that many improvements will be required to the secondary roads surrounding the property that is up for rezoning.

Mr. Wally said what we will show now is the Wayne Brothers Corporate Headquarters and development map that you received. He said it shows improvements along Mooresville Road all occurring within an existing right of way. He said a road widening will also be required at Davidson Road where the Wayne Brothers main drive comes out although it is not shown on the map. He said when you go to the Wayne Brother's survey map, it states that the boundary information came from the survey title, boundary survey property J C. Wallace and wife Marie dated December 28, 2005. He said the next item is the boundary survey; the boundary survey of December 28, 2005, states in note six that "Pyramid Land Surveying contacted NCDOT at the Albemarle district, their records show no right of way on record and is limited to area maintained." Mr. Wally said they have come to the Register of Deed office and have searched deeds of these properties, we have gone back to before the year 1900 and they can find no right of way agreements that have been given to the state, there are none. He said this means the Wayne Brothers Corporate Headquarters and development map is wrong there are no road right of ways. He said Leah Wagner of NC DOT, the same person that wrote the reports that you are reading tonight confirmed this to me in a telephone call on July 18, 2006, he does not know where the contingent of Mr. Monroe's that there is a 60 foot right of way out there comes from, the DOT does not know about it, there is nothing on the record showing that there is any right of way on Mooresville Road.

He said this is an important point, because what it means is that the improvements required by the NCDOT can only occur through affective property owners granting a right of way to Mr. Wayne. Mr. Wally said he spoke with all of affective property owners and they all refuse to do so. He said they are all here tonight; he asked them to stand and he asked if any of the gentlemen would be willing to sell a right of way or give a right of way to Mr. Wayne for this improvement. (The gentlemen who stood and are not willing to give or sell a right of way to Mr. Wayne are: Boyce M. Morrison, SR, W.E. Morrison, Sr., and William E. Morrison, JR., Lavon Benton, Fred Wally, and Colin Nowlin).

Mr. Wally said that what this means is that the improvement required by the NCDOT can only occur if the affective property owners grant a right of way to Mr. Wayne. He

said as you have seen no one is willing to that. He said this means that if this rezoning is approved, Mr. Wayne will either have to find some governmental body to condemn the property on his behalf or he will have to abandon the project. He said it should be noted that 4 of these properties that might be condemned are in agriculture production and 2 of the properties in the Cabarrus County Voluntary Agricultural District. He finds something inherently wrong with the notion that private land owners can have property condemned for the sole benefit of developers' bottom line.

Mr. Wally said on the sewer right of way, Mr. Wayne will also be required to obtain what they were told is a 7000 foot long sewer line right of way for this project. He said they just heard that it may be in excess of 7000 feet. He said it is our understanding that Mr. Wayne has been unsuccessful to date in obtaining this right of way; this right of will probably also pass through property in agricultural production so the potential is just for more condemnation of farmland.

Mr. Wally said in summary, he would like to thank the Board for their attention. He said there are more facts that he could present to give the board additional reasons for denying this rezoning petition, but he knows the time is limited and there are other folks who would like to speak. He would like to close by reading some of the excerpts from the North Carolina General Statutes, NCGS 153A-341; he said this statute states the purpose for county zoning boards to exist. He said the statute states that zoning regulation shall be designed in such a way as to: prevent the over crowding of the land, avoid undo concentration of population and lessen congestion on the streets. He said this rezoning will cause all of these problems to occur not make them go away. He said the general statute also states that "the regulation shall be made with reasonable considerations among other things the character of the district and its peculiar suitability for particular uses and with the view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county."

Mr. Wally said if the Board desires to follow these regulations then you will have to deny this rezoning petition.

The Chair asked if there were questions for Mr. Wally.

Mr. Haas called Betty Lipe.

Ms. Betty Lipe, resident, stated that to her there were too many variables in this plan that you have been presented tonight for the rezoning. She said to her it would be like buying a pig in a poke, there are too many variables there and that is all she needed to say and that Fred did a good job.

Mr. Daniel Grundman, resident, stated that he prefers not to have this rezoning approved and in his opinion there are lots of good reasons why it should be a pretty easy decision not to approve it. He thinks the county's perspective on this should be that approval of a rezoning such as this would be losing control of their plan. He said there is a lot of uncertainty, there are a lot of pretty buildings and a grocery store that no one has

committed to building, parcels of land that are just white space designated commercial. He said Mr. Wayne may want to expand there; somebody is going to have to come in there, so we have no control over that. He does not think this matches up with the plan for that part of the county and he certainly believes that you certainly will lose control over this parcel. He said what happens when the next rezoning for an adjacent parcel comes up and now you have lost control of that; you really could have blown the whole plan. He said a decision tonight could set the seeds for destruction of the Northwest Plan. He asked the board to consider these things when considering the rezoning.

Mr. Matt Beninman, resident, addressed the board stating he would like to start with the single family and town homes proposed, 30 town homes on 2550 foot lots. He said is this what Cabarrus County wants or what are you trying to attract to Cabarrus County with this small housing. He said it seems to be enough problems in other parts of the county and to add to out here where we are. He said there are 12 homes they have proposed on 2.8 acres lots. He said 90% of the houses currently in this area are on ½ acre lots or more. He does not understand why we would want to add low income housing to this area. He said his home and the homes of the majority of the people in here will suffer great loss in value and is not what any of us want. They would like to help create a neighborhood that is desirable for everyone. He does not believe that you can take some one's word that grocery stores, offices, office buildings and profit retail will be built in these areas on this property. He said the water situation, he and his neighbors are on a community well and they understand that Mr. Wayne is going to want to build a well, when our well is sucked dry who will come in and take care of this, is the county is going to take of this is our little community going to have pay for this? He is sure that Mr. Wayne is not going to address this because it has not been addressed. He said the buffer zone, he was promised a 100 foot buffer with an 8 foot wall, what he received was a 25 foot buffer with no wall.

Mr. Beninman said that Mr. Wayne's pack of lies raises many concerns not only for him but for everyone in this room, we would rather not live in the land of broken promises. He would like to thank Mr. Wayne for the amount of integrity or there lack of he has given our community, he hopes that you ask the questions to Wayne Brothers that are raised tonight. He believes this board is fair and will make the decision based on the facts and not a mirage that has been dreamed up by Mr. Wayne.

Mr. Colin Nowlin, resident, addressed the board stating that he lives across from the proposed driveway on Davidson Road. He is against this rezoning because AO and GC do not mix and with the current land use plan, it would be in direct violation with the current zoning ordinance. He said it is also a fact that the proposed plan is incorrect and vague information. He said one example is the turn lanes on Davidson Road he is not clear as to where the road will lie when completed, the omission of one lane whether it be a left turn lane south bound on Davidson Road or right hand turn lane on north bound on Davidson Road or a by pass lane. He finds himself pretty much saying he does not even know as it is incomplete and he is left to speculate or guess; regardless one is missing.

Mr. Nowlin said another reason it is wrong it describes right of ways that do not exist leaving the potential to mislead one by giving the assumption of saying right of way issues is not an issue, all road improvements can be constructed inside the existing right of way; when this is clearly not the case. Mr. Nowlin said this is a failure on the part of the petitioner, he did not supply all of the facts needed to make a decisive decision in this matter. Mr. Nowlin said it took him 2 hours to figure out that there is no deed of right of way in front of his house. He said this is probably one of the most important pieces of information a developer should acquire early in their planning stages and just to see it overlooked and also proceeding to show that a future and larger right of way which proves to some degree that they were aware of this issue. He is troubled with the competency of the parties directly involved with this process; as far as the sewer right of way, he is not sure that they even have a sewer right of way. He said it frustrates him to a point that if there was a run way needed on his behalf for these turn lanes he would refuse it.

Mr. Nowlin said he does not know how this board and its citizens can evaluate the plan that is vague and wrong. He said now the petitioner is requesting to change the zoning on proposed residential parcels from OI to GC. Mr. Nowlin said what is wrong with this is he only needs GC for his headquarters; he does not need it for anything else and that leaves us with a balance of approximately 60 acres with the desire to have it all zoned GC without stating his intentions whatsoever. Mr. Nowlin said our land use plan plainly states he is required to show a plan. He said IO on this parcel is what the growth plan deemed as compatible in this area we should not even consider changing it from what it is currently. He said Mr. Monroe in a statement earlier said that this pretty much pinned down what was going in the retail component, but Mr. Monroe later stated when he came to the headquarters he knew exactly what was going to go there, but he was only pretty sure that it was going to be pinned down to retail.

Mr. Nowlin said he did not find a positive recommendation for approval in the staff report and this tells him that they did not have all the facts to support a decision that is right by people; facts which in this case are the responsibility of the applicant. He said it is bad enough that the roads are over crowded as it is, but to squeeze this commercial venture into our front yard, literally, it can only get worst. He said it would give him no buffer and expose us to trucks coming and going, headlights in his windows, back up alarms 24/7, and he does not see where this will benefit him. He said it is not what envisioned our future growth plan to look like, so there is no deal here for him.

Mr. Nowlin said he does not feel that there has been complete disclosure of the facts of how this project will impact him as it is completed, this project is not right for the area and the applicant should focus on a more appropriate corridors which will cater to their needs better than here.

Mr. Timothy White, resident, addressed the board stating that several months ago he sat here and listened to Mr. Wayne passionately petition for the rezoning of his property, he talked to us about the ability for his business to continue, it was critical for his strategic

business plan, and it all hinged on his ability to get this property rezoned to what he needed at that time several months ago.

Mr. White said in the face of opposition, those plans seemed to have changed and now we are talking about something that really looks entirely different. Now we are talking about grocery stores, tree lined streets and bunnies hopping around. He said as a concerned neighbor he is still not sure what about Mr. Wayne's strategic business plan has really changed that now can accommodate something that looks so entirely different. He said we talk about grocery stores; Mr. Wayne is in the concrete business, so in light of that it really is not clear what the plans are for the majority of this property, what is clear is there will be a concrete business right in the middle of our neighborhood. Mr. White said because of that he cannot buy what is being sold here tonight and he ask that the board not buy it either.

Mr. W.E. Morrison addressed the board; he spoke about how the fore fathers of the area fought during the civil war and the Second World War to protect their property and their way of life. He said we do not have to leave our homes now the enemy is within us. He said Mr. Wayne is a good businessman; he removed the concrete manufacturing plant from his rezoning proposal. He hopes the concrete processing manufacturing plant will never be permitted, be banned from the site. He does not believe for one minute Mr. Wayne wants to be in the retail commercial business or the residential business. He said Mr. Wayne is looking ahead to the day when he can get his concrete plant approved on this site.

Mr. Morrison said he is totally opposed to Mr. Wayne's overall rezoning request, the proposal is too complex to be approved in one public meeting. He said each section of Mr. Wayne's proposal deserves to be merited, approved on its on merit. Mr. Morrison said the zoning on the section Mr. Wayne currently has he has no plans to build and he hopes that will not be changed leaving the zoning as it is now. He said there are too many issues in this proposal to be approved in one meeting and he would hope that Mr. Wayne gets possession of this beautiful property that he would build it in such an appealing way that it would be a place where people would want to stop and relax in a reflective park setting with the stores set back facing the street, not with a brick wall compound appearance as close to street as the law allows. He said that would take us back to the massive textile plant walls that have almost disappeared. He said make it compliment the neighborhood.

Mr. Morrison said he is not against change but this request is just too large to be approved in one meeting even though Mr. Wayne has previously stated he needs to be in his new facility by May 2007. He said there is only one way he sees that all issues can be resolved in this plan and that is to reject it.

The Chair informed Mr. Monroe that there was 10 minutes left if he wanted to respond.

Mr. Monroe said several comments were made which deserve clarification. He said they have a survey from the Isaacs Group which is a current recent survey in the package that



is different from the survey that was mentioned. He said NCDOT records are abysmal at best, but NCDOT has stated to them that they have 60 foot right of ways on Mooresville, otherwise they would not be maintaining the state road. He said they have 40 foot right of ways on Davidson and Odell School otherwise they would not be maintaining those roads. He said the state is very careful of protecting their interest, the Isaacs Group has had major difficulties going through their records but has identified the right of ways that we need to make the improvements. Mr. Monroe said he has been to the DOT office in Raleigh not only on this project they are planning the 800 acres for Belmont Abbey Monastery and they have the same issues there tracking down the proper right of ways when the federal highway went through there. He said their records are abysmal and they state very clearly that if it is a state road they have a right of way and there is no question in their minds about that at the Raleigh level. He said he has not asked Leah that specifically but your protection on that matter irregardless is this plan and your protection in that matter irregardless is we cannot get a driveway easement approved; we cannot access the site without making the turn lanes that we have to make. He said that is a Conditional District, that is why you are protected with this plan that the staff has led us through very carefully.

Mr. Monroe said this is an area in transition, you know that Lowe's is building the \$150 million addition; you know David Murdock has put up his estate of \$1 billion to build a biotech center. He said this area is changing, this is the main connector between those two areas and this site is at what he calls the historic crossroads since there has always been a commercial store on the corner. He said it is the logical place to do what you did and what the commissioners approved which was to make it a mixed used development after you designated OI after it was agricultural. He said it has already transitioned twice in recent years and he thinks what they have presented is a plan with so many conditions on it that you and everyone in this room are totally protected. He said absolutely nothing can be built on those vacant parcels without your permission; without your full review of the site plan, the architectural details of it, nothing can be built on those vacant parcels without your approval. He said that is the beauty of your Conditional District, it gives you total control and allows you to protect the neighbors in that total control.

Mr. Monroe said however we were not successful in our application because of the sewer situation; we can put in a septic tank if the soil perks. He said everybody in this room has a septic tank so obviously the soil in this general region perks. He said should that not, they do have the advantage/opportunity to put in a tank and have the sewer hauled off at great expense. He said they had the opportunity to go into environmental design issues and collect grey water and we use it for irrigation, we use it for mechanical systems, and never need a sewer. He said that is the beauty of the new LEED's for the language out there in the world but those standards have been around for quite a long time. He said there are urinals that don't even flush any more, there are things like that you can utilize that protect the environment and frankly you have no discharge.

Mr. Monroe said your Conditional District says you will not do more unless you have utilities there and so it is a mute point almost in that we have to get utilities there or it stays as vacant property, because that plan is all that can be built on that land without

coming back to the board and nothing can be built on the vacant parcels without coming back to the board.

Mr. Monroe said that Keith Wayne has been as EDC and Chamber of Commerce noted to you a good if not great corporate citizen for 20 years. He has employed many people in this region, he has grown his company nothing to a very viable business today and would love not to have to leave Cabarrus County, he would like to stay here and continue to grow that business, continue to provide jobs for people. He cannot do it in the Coddle Reservoir this site affords him that opportunity.

Mr. Monroe thinks staff very clearly said in their staff recommendation that both the proposed and adopted future land use plans support approval of this petition. He said staff says if the Board decides to approve the petition there are several points they would like the board to include and all 8 points are perfectly acceptable to us and would be glad to include them as a part of the application. He said staff also states that the board should weigh all the facts and information and provided and render a decision accordingly. He said there is a gray area on what we could craft out of the ordinance in terms of the zoning category of General Commercial but we have buffered that to the neighbors that are immediately adjacent to the property, one with a residential development, up on the Morrison tract depending upon the size of the parcel they are 40 to 60 acre buffers, that's again in your plan. He said on the other 3 sides a road is there; across Sudbury the family has already told you tonight that they are fine with it, they are very comfortable with the plan, and they are going to live right across Sudbury from the project.

Mr. Monroe said across Davidson you already have one commercial business going but they think with the improvements that will be made to those roads in time and it may not be made by DOT but will be made by other developers that come in and do residential developments will be making improvements to those roads but they will create a significant buffer to what is happening on the other side of the road.

Mr. Monroe said they think that the General Commercial CD as crafted very diligently with staff, the site plan as crafted very diligently with staff, building elevations, architectural standards, landscaping, and environmental protection. He said staff has worked very well with them and basically endorses this plan. He said we hope you see that and hope that you will vote favorably for it.

Ms. Daugherty said earlier she asked Mr. Monroe if soil suitability test had been done for a septic and you said yes.

Mr. Monroe said soil testing had been done

She said you have not done suitability for septic testing?

Mr. Monroe said that is correct. He said soil testing has been done, they know the soil type we have not done what is called a perk test. He said they can take care of the sewer without a septic tank and he thinks that is allowed by the ordinance.

The Chair asked if there were any further questions.

Mr. Wally said Mr. Monroe has mentioned that the property owners have the right to sell their property and we fully agree with that. He said they should have the same rights that he has and should fall under the same restrictions that he does. He said if he chooses to sell his property he has to sell it under the zoning designation that it has, I am free to sell it just as the family who owns this property is free to sell. We are not saying they cannot sell, we are saying the zoning that Mr. Wayne proposes in this rezoning petition is totally inconsistent with what is in our area now. We cannot move, we cannot pick our houses and land up and go somewhere else. He said the only variable in this equation is the fact that you folks in your wisdom can go ahead and give them a project that will be compatible; transitional to what is already there. He contends once again that a GC project which really is a business park, and if you look at the letter from the Town of Kannapolis to Mr. Wayne it makes reference to that, it calls it a business park. He said that is not compatible to what we have out there.

Mr. Wally said there is a big question about the right of way issue on these highways. He said this is the WGM Design map; we notified the planning staff a week ago that this map was in error but was told it is not a legal map as far as the survey, so it was not required to be changed. He said two things you need to know on this map it talks about a future right of way and an existing right of way. He said it makes for a very pretty picture because it shows that all the turn outs and turn lanes can be put within an existing right of way. He said this is not a legal survey map, keep that in mind.

Mr. Wally said Mr. Monroe referenced the survey done by Isaac's; the maps that he has are the maps that he purchased for the package, if there is something updated and there has been some minor change he apologizes. He said these are the latest maps that he has and he thinks they are the current maps. He said the Isaac's map plainly says here in the notes that boundary information is from the survey titled Boundary Survey Property of J. C. Wallace and wife Marie dated December 28, 2005.

Mr. Wally said here is that survey map that Mr. J. C. Wallace owner of the property had commissioned in December 2005, once again he reference you back to note number 6 Pyramid Land Surveying contacted NCDOT at Albemarle District, there record shows no right of way on record and is limited to area maintain.

The Chair asked Mr. Wally what he thinks limited right of way limited to area means.

Mr. Wally said he asked that question to Leah Wagner, she said they consider limited to area maintain as ditch to ditch.

The Chair said so the state is saying that they consider the right of way limited to what they maintain.

Mr. Wally said just what they maintain and in this particular case on Mooresville Road, Davidson Road and Odell School Road they are claiming that they only have rights of maintenance on the paved portion of the road, the little lip of the road, the sun poke, and the ditch.

The Chair said in effect what they mow.

Mr. Wally said they do not take into account what they mow. He said Leah Wagner told him that they contend they own ditch to ditch.

The Chair said they mow ditch to ditch, so the state does have a right of way.

Mr. Wally said yes they do but they do not have a right of way of this size. He said these are showing 60 foot right of ways with a future right of way of 100 foot. He said DOT does not make any claim to a 30, 40, 50 or 60 foot right of way. He said on the survey map the surveyor makes reference once again that the right of way limited to area maintain.

The Chair asked if the Wallace's owned any of part of the land next to the road.

Mr. Wally said the Wallace's own the property on the other side of the road. He said what they do show on the Isaac map; they have evidently dedicated some property on their side of the road for a right of way and that is what Leah Wagner told him. He said they are dedicating some form of right of way but he does not know if that has actually been deeded over in the right of way agreement to NCDOT or not. He said they were told that was a right of way that the Wallace family was going to deed over. He said they do not have the right to deed property on the other side of the road because that belongs to other land owners.

Mr. Wally said they came in last week and had someone from the Register of Deeds Office help them research the deeds to back before 1900 and there are no right of ways on record. He said they went to another book where they record the NCDOT or at that time it was called NC Highway Department Right of Ways, they went back to 1936 that is when the book began and they found one right of way on Odell School Road for a 20 foot section and it is nowhere in this area; it is way on down the road closer to Odell School and Highway 73 and was deeded in 1961. He said he called Mr. Ritchie Heame and was referred to Leah Wagner because she is the person most involved in this study and wrote the reports that you have. He said Leah stated to him by phone that after looking at their records, they are in full agreement with what we are contending or what we say and what the survey map says when the surveyor says he contacted NCDOT in Albemarle where she is located by the way. He said there is no right of ways and they contend that they can use property ditch to ditch. He said there is not sufficient right of ways to put these turn lanes, bypass lanes, any of this stuff in with out purchasing right of ways from the existing property owners. He said none of these property owners are willing to sell or give or trade land for a right of way, we are that adamant, we do not want this project and will not do anything to help this project proceed as it is right now.

Mr. Wally said our contingent is that this land should maintain itself as OI property that is the usage that the planning staff determined was most in line with the Draft Plan Use Plan. He said if staff thought it was best served as being GC property he is sure they would have gone ahead and zoned it GC, they did not they zoned it OI. He said it is transitional usage that gives you a business function but at the same time works well with AO property and keep in mind this property is surrounded by Agricultural Open Space property with the exception of the small triangle that is OI. He said the small triangle that Mr. Morrison owns is in farmland production and he anticipates that it will stay that way. We feel that what Mr. Monroe is telling you is totally incorrect; there is no 60, 50, or 40 foot right of way; Davidson Road, Mooresville Road, and Odell School Road with one exception have no right of ways and the NCDOT maintains that they own right of ways ditch to ditch and that is it. He said that will not allow any of these improvements to be made.

The Chair called for a 10 minute recess. After the recess the Chair said he received a late request from someone to speak and asked Mr. Wally if he had any objection to Mr. Doran speaking against the proposal.

Mr. Wally said no.

Mr. Doran addressed the Board stating that there has been a lot of talk about thoroughfares and the roads, how we are going to handle it? He said you are talking about Odell School Road, Davidson Road, and Mooresville Highway, what happens when there is a lot of traffic? He said the people are going to take the woods and they will come down Shiloh Church and Jim Johnson. He asked do you know what it is like to be behind a gross vehicle weight truck of anything bigger than medium duty, anything over 26000 pounds, there is no room. He asked do you know how many times he has had trucks and cars lock there brakes up as his kids were waiting for the bus on Shiloh Church Road right there at Kings View Drive. He said it is not safe and we are not ready for this. He agrees that it does not fit and there are too many incomplete things.

He said the store is a historical site. He asked if anyone ever stop to get a soda, ever have them say hi since it has changed ownership, to have them actually say thank you for your patronage. He does not go there anymore, he will not patronize somebody that does not have the common respect and courtesy that he likes to give because you treat people the way they treat you.

Mr. Doran said please vote no for this. He said there are a lot of safety issues out there and we need to address those first and foremost, get the infrastructure in then move forward.

Ms. Lipe said we have heard from the school board that they are going to put in 3 new schools in the northwest district by 2011, that is what will be needed; they do not have the funding or anything. She said this is already zoned for Office Institutional, that is school zoning right there; wouldn't it be nice if they could get this 75 acres instead of

going and condemning somebody's property that does not want to sell. She said if this is approved this land will not be available in the future.

Mr. Wally asked if Mr. Lavon Benton could speak, he is a property owner who lives adjacent to the property, his expertise is in septic systems and has been in that business for over 40 years and he would like to speak with the board and explain some of the problems with some of the systems proposed tonight.

Mr. Benton addressed the board stating that he lives across the street from this and he has been in the grading, landscaping and septic tank business for 40 years. He is speaking mainly on the septic systems, when you put up a building of that capacity of any kind and you put that water under ground it is going to go into you streams. He said it runs underground and it will take a tremendous amount of drain field to handle this. He said if you go with an innovated system it will take all of the property to do it. He said they can put in a big pump tank and pump it out every so often but if they put in a septic tank it will take a lot of room that they do not have designated. He said water travels underground, where is it going to go? He said he put in a lot of the systems in the homes around there; talking about perking, land changes so fast it is unreal.

Mr. Benton said he put in one down the street and had to put in 600 feet per house and had to put sand and all this other stuff in it because it had no place to go. He said 600 feet is a lot for a regular home, just think what it would be for 60,000 sq. ft. public building of that nature; how many square feet of a septic system will they have to have.

Mr. Monroe said to clarify a couple of things on DOT, when you do a traffic impact analysis you start with a meeting with NCDOT, they tell you which intersections to study and why, you then go do that work, you turn in a report to them and they tell you what movements you have to make. He said that is in your packet and they have worked continuously with DOT from start to finish on this project. He thinks that Mr. Wally just clarified that the state in fact as he said earlier, if they maintain it they control it. He said if the records are little fuzzy they have the right of eminent domain at any time to care of the fuzziness, all of the improvements we have in our TIA's can happen within the existing areas they maintain or within our property. He said we will give them the additional right of way and we will make the movements in our property.

Mr. Monroe said they will have to do a traffic signal at Davidson and Highway 3; we will have to work to configure those poles to work within the area that are maintained. He said we obviously do not intend on buying land from the adjacent owner. He said those are the facts and he thinks Mr. Wally just confirmed, if they maintain it they do in fact control it and they treat that as a right of way, whether that is in the deeds or not. He said as the last gentleman confirmed we can build a facility there, worst case is we can pump it out of a tank and never enter anything into the ground water and take special precautions to haul it off site.

Mr. Wally said he would like to address the highway issue once again. He measured from the edge of the road to the outside of the ditch, which is what the DOT claims they

maintain as a right of way. He said it is 4 feet 8 inches, how in the world can any body sit in a bypass lane or turn lane that is 4 feet 8 inches is beyond him. He said there are no cars that small; it is going to take something in the range of 20 feet or more to put a bypass lane or turn lane in these areas. He said Mr. Monroe is correct, the property owner is willing to give right of ways, it is to his advantage to do so but property owners such as himself and the other gentlemen who stood up tonight are not willing too and should not be forced too. He said it is not fair for us to have to loose our property just so a developer can make more money; it is totally unfair.

Mr. William E. Morrison asked if the board had been out to visit the property and if they were familiar with the lay of the land.

The Board members all said they had visited the property.

The Chair closed the public comments.

Mr. Haas said he had some questions for staff for clarification. He said there was some discussion about soil test and studies what is required when a petitioner submits and when are they required, those types of things. He asked if DOT does the designations of major thorough fares and is Highway 3 one of them. He asked what the requirements for buffers in this petition are. He asked if the county staff suggested that this petition have multifamily use so that it would make it more compatible to the land use plan.

Mr. Moore said there is no multifamily included in this project. He said town homes are single family but are attached and share 2 walls. He said multifamily is like a condo or an apartment building. He said as kind of a stepping or buffering, he did suggest that might be one route that they could take. He said the 25 foot buffer is required; it is a minimum of 25 feet between residential developments following the county's guidelines. He said as far as thoroughfares are concerned, NC3 is a major thoroughfare, Odell School is a thoroughfare and Davidson Road maybe, he will have to check on that. He said it does border on 2 thoroughfares.

Mr. Moore said Chapter 13, Part II, Section 11, Article 3, Subsection D - Utilities and Infrastructure, was included in the staff report it states: How the site will be served by public and/or private utilities and infrastructure and documentation that service to the site is available. If site is to be served by onsite septic then a soils test establish soil suitability shall be provided.

Mr. Haas asked when that occurs in the process.

Mr. Moore said in the middle. He said at this point the applicant has not established that onsite septic would be used at the site.

Ms. Daugherty asked if we have actually established how the site will be served by public and/or private utilities and infrastructure and documentation that service to the site is available.

Mr. Moore said that is taken care of in the conditions if you were to approve the petition. He said development would not occur until service is available.

Ms. Daugherty asked if it included all of that.

Mr. Moore said the development of the residential would not commence until any public utilities are available.

Ms. Daugherty asked if we have established that service to the other sites is available.

Mr. Moore said that is part of the conditions of approval.

Ms. Daugherty said we have talked a lot about the holding tank but have we actually said this is how they are getting there water and documented that it is this, that this is how they are going to take care of their sewer and documented that it is this.

Mr. Moore said no.

The Chair as he understood the petition the residential, retail business and other construction on this site would be predicated on the availability of water and sewer

Mr. Moore said correct.

The Chair asked if they could build the headquarters if they met code and could do that off of a well or however it could be done and a septic tank or holding tank

Mr. Moore said yes.

The Chair said unless they get adequate water facilities and adequate sewer facilities the rest of the construction could not take place.

Ms. Daugherty asked if the development plan is incomplete at this time.

Mr. Moore said no.

Ms. Daugherty asked if it did not have to meet those criteria.

The Chair thinks the question is does the development plan meet the requirements for the Conditional District application.

Ms. Zakraisek said they are currently in the process of doing the testing and that it can be made a condition; the development cannot happen without utilities. She said they will have to have water and sewer; you cannot occupy a building without them. She said even if it is rezoned, if they do not get water and sewer, the project will not happen. She said



the rezoning is irrelevant if they cannot get utilities, the project will not be developed until utilities get there from somewhere.

Ms. Daugherty said wouldn't it have made sense if they had come with the best plan in tact saying yes we are going to have a septic system, we have sewer suitability test or yes we are going to have holding tanks here, here and here.

Ms. Zakraisek said that may be the fault of the applicant for not addressing that in their presentation but they cannot develop a site with out having adequate utilities available. She said you have the letter saying the utilities could come from Kannapolis but it may be several years, we have an intent to serve letter if it is developed in a proper way and then turned over to the city if they decide to take over that part of the utilities or they have the option to go with a private system. She said you can make that a condition that that information needs to be provided to us if you are uncomfortable with that right now; that they would have to provide us with a complete soil study or what ever you think they need to provide to us that we can then provide to you; you could offer that as a condition of there approval.

Mr. Haas said from staffs recommendation it says the northwest area plan and the future land use plan supports approval. He said the intent statement of the General Commercial District does not support approval. He asked which carries the most weight, the land use plan or does the intent statement of various zoning districts carry more weight?

Mr. Moore does not think that is staffs decision to make that is something the board needs to decide. He said there are two future land use plans that support it, one proposed and one adopted.

Ms. Zakraisek said the land use plan is a general guide for development there is nothing that says you have to stay with the land use plan, it is a guide. She said your ordinance is local law, there is a difference and you need to decide between the tools that you have, is it compatible, does the land use plan need to be changed, does the ordinance need to be changed? She said is it compatible are there elements in there that make it compatible or are there elements that make it so that is not compatible; you have to take both those tools together and look at them to come to your overall decision. She said that is a decision that the board would make; it is up to you all to decide whether or not it is appropriate, whether you think it meets the intent of the land use plan and whether you think it meets the overall intent of the zoning ordinance.

Mr. Haas asked does the intent statement change in any way if it is a general commercial conditional use district or is it just stating that here is the general intent of what a commercial district is suppose to be.

Ms. Zakraisek said the intent statement that you have is specifically for the zoning district, when you add a conditional district zoning designation to that it does take on a little bit of a different form because now they are restricting the uses, showing you a site plan and also offering up conditions that may mitigate some of that but we do not have a

specific conditional district intent statement for each district. She said initially what we gave you in the staff report it talks about the intent of the conditional district itself and then take that together with the overall intent statement of a GC District and combines them to see if they are meeting the overall intent of the two of those together.

Mr. Prince asked if a road constitutes a buffer.

Ms. Zakraisek said if we are doing a protest petition in a town there is a 100 foot buffer that is required if that 100 foot buffer includes right of way we have to across the street and then measure that buffer. She said that is what the new current state statute change says, if you are doing something in the municipality. She said whether it counts as a buffer she does not know. She said as a courtesy, it is not required we send out letters to adjacent property owners and include any body across the street because they will be impacted to some extent by development. She said again that will be a judgment call by the board based on the plan.

Mr. Prince asked if the applicant could designate an additional buffer on their property between the GC, CD and the AO.

Ms. Zakraisek said if that is how they design the plan, yes they could. She said one thing you need to keep in mind is your design standards call for your buildings to be set at between 10 and 20 feet adjacent to a road right of way as close to the road as possible. She does not know if with some of that plan if a 100 buffer would be feasible and still be able to meet our ordinance.

The Chair asked if there were any more questions.

Mr. Haas said when we make motions we make the motion in the positive and then you either except or deny the motion based on the positive. He asked if that is true or does it not have to be that way?

Mr. Koch said the motion you want to make is to either approve or deny the application. He said you will have one vote on this for the entire thing; it is not a separated vote on this one. He said it does follow our special legislation here in Cabarrus County that deals with rezoning, so if the motion is made to approve the application and the number of votes in favor of it is either 7 or greater then it is deemed approved unless it is appealed to the County Commission. He said if the number of votes is less than 7 in favor then it automatically goes to the County Commission, unless it is 2 or less. He said in other words, if it is 7 either for it or against it then will have to be appealed; if it is anywhere in between then it will automatically go to the Board of Commissioners for a new hearing.

There being no further comments Mr. Haas **MOTIONED, SECONDED** by Mr. Fesperman to approve the proposed zoning as submitted including all of the conditions as outlined by staff and two additional conditions:

1. All development must be in accordance with the site plan and building elevations provided by the petitioner. In the event a site or elevation change is necessary, applicant agrees to Planning and Zoning Board review and approval for such changes. (Planning)
2. Residential development shall not commence until public utilities are available to the site. (APFO/Utilities)
3. All residential development will be subject to a preliminary plat approval by the Cabarrus County Planning and Zoning Commission. (Planning)
4. All driveway and access permits are subject to approval by NCDOT. (APFO/NCDOT)
5. Uses shall be in accordance with the approved list of uses submitted as a part of this petition. (Planning)
6. Petitioner must complete/install all roadway improvements in accordance with NCDOT requirements. (NCDOT/APFO)
7. All nonresidential development must comply with Cabarrus County Commercial Design Standards. (Planning)
8. Applicant agrees to submit site plans and elevations for all sites designated as "future." Individual site plan and architectural approval shall be granted by the Planning and Zoning Board. (Planning)
9. Applicant agrees to design and construct the development utilizing sustainable design practices. (Planning & Zoning Board)
10. Applicant will submit a completed application for LEED certification for the headquarters project. (Planning & Zoning Board)

The vote was 5 to 4 to **Approve** Petition C06-06(R). Mr. Berg, Ms. Cook, Mr. Fesperman, Mr. Haas and Mr. Prince in favor of approval. Mr. Griffin, Ms. Daugherty, Mr. Porter and Mr. Shoemaker in favor of denial.

Mr. Haas **MOTIONED, SECONDED** by Fesperman that the application is consistent with the northwest area plan and that it is reasonable and in the public interest. The vote was 5 to 4. Mr. Berg, Ms. Cook, Mr. Fesperman, Mr. Haas and Mr. Prince agree with the consistency statement and Mr. Griffin, Ms. Daugherty, Mr. Porter and Mr. Shoemaker do not agree with the consistency statement.

The Chair introduced the next item on the Agenda, Preliminary Subdivision Plat Approval - Petition C06-03(S) Bella Vista – Shea Homes.

Mr. Chris Moore, Planner, addressed the board presenting Petition C06-03(S) Preliminary Plat Approval for the Bella Vista Subdivision. He said it is developed under the Amenity Residential Subdivision Development Standards set forth in Chapter 5 of the Cabarrus County Zoning Ordinance.

Mr. Moore said the applicant is Shea Homes, the zoning is LDR-Low Density Residential, and it is in the Number 10 Township – Midland. The property is located along Zion Church Road. He said they are proposing 497 lots on +/-328.941 acres. The proposed site is currently vacant and wooded. The surrounding properties are vacant,

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10. Applicant will submit a completed application for LEED certification for the headquarters project. (Planning & Zoning Board)

The vote was 5 to 4 to **Approve** Petition C06-05(R). Mr. Berg, Ms. Cook, Mr. Fesperman, Mr. Haas and Mr. Prince in favor of approval. Mr. Griffin, Ms. Daugherty, Mr. Porter and Mr. Shoemaker in favor of denial.

Mr. Haas **MOTIONED, SECONDED** by Fesperman that the application is consistent with the northwest area plan and that it is reasonable and in the public interest. The vote was 5 to 4. Mr. Berg, Ms. Cook, Mr. Fesperman, Mr. Haas and Mr. Prince agree with the consistency statement and Mr. Griffin, Ms. Daugherty, Mr. Porter and Mr. Shoemaker do not agree with the consistency statement.

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Mr. Moore said the applicant is Shea Homes, the zoning is LDR-Low Density Residential, and it is in the Number 10 Township – Midland. The property is located along Zion Church Road. He said they are proposing 497 lots on +/-328.941 acres. The proposed site is currently vacant and wooded. The surrounding properties are vacant,

wooded or residential in nature. The properties to the north and east are vacant and wooded. The property to the South across Rocky River is a proposed mixed use development that falls within Concord's planning jurisdiction. The property to the east is single family residential. The properties to the west, north and east are zoned Cabarrus County LDR – Low Density Residential. The property to the south is City of Concord RM-2 Conditional Use, which is the site of the mixed use development.

Mr. Moore said the City of Concord is the service provider for this site. Utility service has been requested. He said there is an intent to serve letter provided by the City of Concord in your packet.

Mr. Moore said the LDR- Low Density Residential district has the following development standards:

Principal Setbacks are 25 feet on the front, 5 feet on each the side and 20 feet to the rear.

Mr. Moore said this subdivision is design using the amenity subdivision option which allows clustering within the neighborhood provided the developer preserves at least 40% of the subject property as open space. Open space must include all areas within the 100 year Flood Plain and the River Stream Overlay Zone. He said they are required to provide 40% of the overall tract to the Common Open Space, and they have provided 40%, including 23.55 acres across Zion Church Road from the development and is part of the overall site. He said they are required to provide 6.21 acres of active open space and they have provided 13.83 acres.

Mr. Moore said the report from the Cabarrus County School district shows that the schools serve this area is inadequate at this time. He said from DOT the proposed driveway access locations are permissible. He said the applicant will have to construct right and left turn lanes with appropriate storage at both entrances "A" and "B" as part of the access permitting process. In addition a right turn lane with appropriate storage will be required on Zion Church Road at the intersection with Flowes Store Road. He said essentially at that intersection you will have a dead left, because Zion Church dead ends there and a dedicated right.

Mr. Moore said from WSACC, wastewater flow acceptance will not be considered until approval of final site/civil construction plans by the City of Concord. The City must request the flow acceptance on the behalf of the developer. The WSACC Capital Recovery Fee is required for each service to the development if sewer service is granted. He said the Capital Recovery Fee is collected at the time of building permitting and is separate from any connection or tap fees required by the City of Concord.

Mr. Moore said from the City of Concord Engineering Department, the developer is requesting both municipal water and sewer services. He said currently water is not available to the site, but the City has completed designs to serve the development. The water line will need to be installed and funded by the developer.

Mr. Moore said from the Fire Marshall's office, the applicant will be required to submit plans showing utilities prior to construction with locations of fire hydrants.

Mr. Moore said staff finds that the proposed subdivision meets all the development standards of the Cabarrus County Subdivision Ordinance and the Cabarrus County Zoning Ordinance except for the maximum block length requirement. He said the petitioner has supplied a letter requesting an exception to this requirement for Sanctuary Drive which is an internal street, due to topographical challenges associated with the property.

He said pending approval of the exception to the block length restrictions; staff recommends Approval of the Bella Vista subdivision. He said should the Planning Commission grant approval of the subdivision, staff requests that they apply the following options:

1. The developer shall enter into a consent agreement with the Cabarrus County Board of Commissioners to address school adequacy.
2. The developer shall complete all offsite roadway improvements prior to commencing final platting. The developer will be fully responsible for acquiring necessary right of way and completing an exclusive right turn lane on southbound Zion Church Road at the intersection with Flowes Store Road.
3. The developer shall install both right and left turn lanes at both entrances "A" and "B" prior to the final platting of more than 80 lots.
4. The developer agrees to pay Capital Recovery Fees that are collected on behalf of the Water and Sewer Authority of Cabarrus County.
5. Prior to any permit for construction being issued the developer agrees to enter into a developer agreement with the City of Concord and obtain utility construction plan approval.
6. The developer agrees to fund and install all necessary water and sewer lines to serve the property.
7. The developer agrees to anti-monotony architectural standards and shall submit sample elevations of proposed homes prior to the start of the final platting process. He said in addition, the applicant will work with the Planning and Zoning Services to provide an architectural inventory for permitting purposes.

Mr. Moore said a staff member on the petitioners' behalf is here if you have any questions.

Mr. Fesperman asked Mr. Shea what if we do not give you the exception for the minimum block length requirement. He asked if Mr. Shea was going to change the road cuts or loose lots.

Mr. Michael Shea with Shea Homes addressed the board stating that the property falls on Rocky River and it is incredibly steep with lots of topography and that is part of the block length request. He said they want to stay out of the river stream overlay zones and essentially stay out of the environmental sensitive areas. Mr. Shea said it is just one particular street in the whole neighborhood.

Mr. Fesperman said it is a good plan.

Mr. Prince said there is a requirement on the amenities space of 6.8 acres. He asked what the acreage is on the piece north of Zion Church Road.

Mr. Shea said 25 acres and they anticipate leaving it pretty much the way it is. They want to cut a walking trail and put in some work out stations, some type of shade structure that kids could wait for school buses.

Mr. Prince asked where the 13.83 acres comes into play.

Mr. Shea said we have 4.0 acres for the neighborhood swim club, 1.8 acres as a playground area south of the swim club.

Mr. Shea knows they have over 40 % open space it is hard for him to interpret what the ordinance designates as low impact and active open space. He said we do have it on the plan.

Mr. Prince said he remembers reading that it was included.

Mr. Moore said there is a greenway trail along Rocky River that is included in the active open space.

Mr. Robb Tripp, Turnbull Sigmon Design presented a map showing the open space areas.

Mr. Moore said if you look at the area map, the walking trail goes along the entire south property line along the Rocky River.

Mr. Fesperman asked if that is part of the active open space.

Mr. Moore said yes, it is an improved greenway system that would eventually hook into the City greenway that will run along Rocky River.

Mr. Fesperman asked if Mr. Shea applied for annexation with the City and if they turned him down.

Mr. Shea said yes. He said the City said they were not accepting properties over on this section of the county right now. He believes the only one they accepted was Pitt and Turner and they did that quite some time ago. He said application may not have been official we may not have officially filled it out; he thinks they just met the county officials and discussed it.

The Chair asked for further questions.

Mr. Prince said you will make no improvements on the north side for 25 acres, then it is controlled by deed and you can never build on it.

Mr. Shea said yes, it will be an open space that is required and they do not plan on building on it.

Mr. Prince said he knows you do not plan on it but is it locked out?

Mr. Moore said yes, if this were to be approved that would be open space in perpetuity.

Mr. Shea said he would be willing to answer any questions in regard to the product or the type off amenity or the type of neighborhood they would like to build.

Mr. Fesperman asked what the price point is in there.

Mr. Shea said this has 3 different price points but right now the average price point on all their homes including multi-families is over \$320,000. He said this was 2005 pricing; we do not anticipate these homes starting until well into the 2007's.

Mr. Fesperman asked what the minimum square footage is.

Mr. Shea said right now it is 2100 square feet and they go up to about 5300 square feet. He said a large amount of these homes will have basements, often times 3 cars garage side loads, sunrooms. He said they find Cabarrus County an attractive place to build

Mr. Fesperman said Shea is an excellent builder, you have a very professional plan and all the people you have doing the work for you are very very good, the plan looks good. He said Shea delivers a very good product.

Mr. Shea said on the 329 acres they are building 1.5 homes per acre because we try to build a community that they feel will compliment the area and the existing neighbors.

The Chair asked if there were any more questions.

Ms. Daugherty said remember that funding has not been identified in the capital improvement plan or any of the schools needed to ensure adequacy and the consent agreement does not address the actually question of adequate facilities.



Mr. Haas said he was thinking the same thing, if we take all the subdivisions that are already in line in this area the elementary is going to be 183% and there is no funding for an elementary school that is included at the time. He said he would hate for these folks not to get there place in line but when do we reach the point that we say we need another school right now for all of the previously approved subdivisions and it is not even funded. He said we have to assume that it will be over capacity by the time the funding actually arrives and the school is built.

Ms. Zarkraisek said we met 2 weeks ago with the Grace development that is coming into Concord on the Pitenger Property where C.C. Griffith is. She said the schools are currently in negotiation for an elementary school on that property so we may see some relief within 5 years for an elementary.

Ms. Daugherty asked if it were funding or just talking about a site.

Ms. Zakraisek said they are talking about a developer donating the property but as far as the school itself she believes that it would be scheduled to come on line when they do the next 5 year plan.

Ms. Daugherty said so they do not have funding for it in the current capital improvement plan.

Ms. Zakraisek said right, the developer is not going to build the school but only provide property. She said in that particular area we might see a little bit of relief within the next 5 years. She said for your information we are working with the schools to do some site analysis and finding sites for them for high schools, elementary and middle schools as well as a pre-k.

Mr. Fesperman asked if the roof tops for homes that is paid in \$4100.00

The Chair said \$4,034 and is currently being reviewed.

Mr. Haas asked if there has ever been in consideration of putting price points into the proposal itself.

Ms. Zakraisek said that is illegal to do, we do not discuss price points or square footage.

Mr. Koch said his understanding of the law is that you do not discuss price points or square footage.

The Chair asked if there were any further discussion

Mr. Berg said if though the schools are not adequate in the area the AFPO does have provisions for the developer helping to advance the capacity.

There being no further discussion Mr. Berg **MOTIONED, SECONDED** by Fesperman to approve the exception to the block length requirement. The vote was 7 to 2 to approve the exception to the block requirement. Mr. Berg, Ms. Cook, Mr. Fesperman, Mr. Haas, Mr. Prince, Mr. Griffin, and Mr. Shoemaker voting in favor and Mr. Porter and Ms. Daugherty voting to deny. Exception to Block Length Requirement **Approved**.

There being no further discussion Mr. Berg **MOTIONED, SECONDED BY** Mr. Haas to approve Petition C06-03 (S) Preliminary Subdivision Plat with the following conditions:

1. The developer shall enter into a consent agreement with the Cabarrus County Board of Commissioners to address school adequacy.
2. The developer shall complete all offsite roadway improvements prior to commencing final plating. The developer will be fully responsible for acquiring necessary right of way and completing an exclusive right turn lane on southbound Zion Church Road at the intersection with Flowes Store Road.
3. The developer shall install both right and left turn lanes at both entrances "A" and "B" prior to the final platting of more than 80 lots.
4. The developer agrees to pay Capital Recovery Fees that are collected on behalf of the Water and Sewer Authority of Cabarrus County.
5. Prior to any permit for construction being issued the developer agrees to enter into a developer agreement with the City of Concord and obtain utility construction plan approval.
6. The developer agrees to fund and install all necessary water and sewer lines to serve the property.
7. The developer agrees to anti-monotony architectural standards and shall submit sample elevations of proposed homes prior to the start of the final platting process. He said in addition, the applicant will work with the Planning and Zoning Services to provide an architectural inventory for permitting purposes.

The vote was 7 to 2 to approve Petition C06-03-(S) Preliminary Subdivision Plat. Mr. Berg, Ms. Cook, Mr. Fesperman, Mr. Haas, Mr. Prince, Mr. Griffin, and Mr. Shoemaker voting in favor and Mr. Porter and Ms. Daugherty voting to deny. **Petition C06-03(S) Approved.**

The Chair introduced the next item on the Agenda, Proposed Test Amendment for a Nursery Landscape Supply Company in the LC District.

Ms. Zakraisek, Planning Manager, addressed the Board stating that Mr. Ronald Alley has a mobile home sales company and when he came in to pull a permit for landscape material sales he found out he could not get a permit do that. He approached staff and asked what would be the best way to be able to do it, would he need to ask for a rezoning or a text amendment. She said as for nurseries or greenhouses they are currently permitted in AG (Agricultural /Open Space), CR (Countryside Residential), GC (General Industrial, LI (Light Industrial) and GI (General Industrial) by right and then in LDR (Low Density Residential) based on standards. She said if you look in our ordinance, there are no standards so it goes back to being permitted by right.

Ms. Zakraisek said Mr. Alley could not be here tonight because he had to go out of town. She said Mr. Alley is asking for the Board to consider whether or not it would be appropriate for a nursery or a green house to be added to the Limited Commercial District, if it is a compatible use and if that is something you would want to consider. She thinks Mr. Alley understands fully that if the Board did not want to consider that as a permitted use he would have to cease the business that he currently has on the property. She said we told him that we would bring it to the board to see if you thought it was an appropriate use for the zoning district.

The Chair asked if it was Limited Commercial.

Ms. Zakraisek said yes.

The Chair said it is allowed everywhere but in the Limited Commercial

Ms. Daugherty said it is allowed everywhere but MDR, HDR, and LC.

Ms. Zakraisek said he asking if the Board thinks it is appropriate for it to be added. She said you can think about and let her know next month or if you have a feel for it this evening you can let her know which way to go with it. She said if you decided that you would like to do something with it then we can bring the text back to you at the next meeting and advertise it; nothing was advertised for this meeting for a text amendment so you cannot act on it.

Ms. Daugherty said it is LDR based on standards would Limited Commercial be something deemed more appropriate for it to be based on standards.

Ms. Zakraisek said if you look at it with the LDR it says that it is based on standards, we went through every ordinance that we have had and there has never been any standards established for it. She said essentially it is permitted by right. She said if that is something she needs to clean up and if the Board decides they would like to move forward with we can do that too.

Ms Zakraisek said if you would like to move forward with it the Board would need to make a motion to that effect.

Mr. Berg **MOTIONED, SECONDED** by Mr. Fesperman to have staff move forward to clean up and prepare a text amendment for a Nursery Landscape Supply Company in the LC District. The vote was unanimous.

#### Directors Report

Ms. Zakraisek said last month we had to use email. Ms. Zakraisek asked Ms. Cook for her correct email address and Mr. Prince if his work email was the correct one to use. She said if we have something that comes up like that again it is easier to send an email.

She said that was the amenities subdivision we have been talking about for several months, so now you have an idea what one looks like. She and Chris spent Friday morning with Mr. Shea over at the other development he was talking about, Winding Walk; if you are interesting in seeing the type of product that will be going on those lots check out Winding Walk across from Skybrook. She said they are looking at putting in some of the same product and they called us on site because they are already questioning some of the architectural standards. She believes they told us they would have to revise 90 plans, come up with some new ones or just figure out how to make it work. One of the things we are hearing, which we heard in our last meeting when we met about the architectural standards, is that in order for them to go to the double doors, to make it where it actually can work, they have to expand the building, the garage if it is attached to the house and all of that.

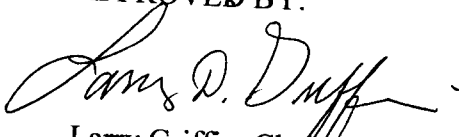
She said the other person had asked her about a text amendment or what we thought the Board would think. She told them she did not think the Board would be up for any text amendments since you just adopted that, which is the same thing we told Mike Shea that if he wanted to fight that battle then he could fight that battle.

Ms. Zakraisek said the other thing they are all asking about is variations, how much does it have to be, if you look at those standards it really does not have to be a lot. She said if you want to see what they are going to mimic, you can stop by Winding Walk.

Ms. Zakraisek introduced Ms. Jana Finn the new Sr. Planner for the County.

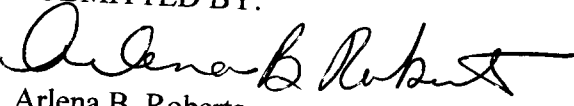
There being no further discussion Mr. Berg **MOTIONED, SECOND** by Mr. Porter to adjourn the meeting. The vote was unanimous. The meeting adjourned at 10:48 p.m.

APPROVED BY:



Larry Griffin, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Zakraisek  
Planning and Zoning Manager