

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
January 18, 2007
7:00 P.M.
County Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval/Correction of December 21, 2006 Minutes
3. New Business - Planning Board Function:
 - A. The Point at St. Andrews Preliminary Plat Extension Request
 - B. Zoning Atlas Amendment – Petition C2007-01 (R)
Petitioner – Alton H. and Rebecca Thigpen
Rezone (OI) Office Institutional to (MDR) Residential
 - C. Zoning Atlas Amendment - Petition C2007-02 (R)
Petitioner – John Thomas Tasselli
Rezone (LDR) Low Density Residential and (LI) Limited Industrial to (LI) Limited Industrial
 - D. Proposed Text Amendments:
 - C2006-05-ZT – Chapter 5 – Minor Subdivision Standards
 - C2007-01-ZT – Chapter 7 – Child Care Home Occupation (Statute Change)
 - C2007-02-ZT – Chapter 3 and Chapter 7 – Retail/Shoppers' Goods in AG/O (charts)
 - C2007-03-ZT – Chapter 11 – Signage Clarification
4. Director's Report

Reminder: APFO joint meeting, Tuesday, January 23, 2006 at the Cabarrus Arena
5. Adjournment

Memo

To: Cabarrus County Planning & Zoning Board
From: Kassie G. Watts/Planner
Date: 01/10/2007
Re: The Pointe at St. Andrews – Preliminary Plat Extension Request

Attached you will find a letter requesting an extension for the approval of The Pointe at St. Andrews preliminary subdivision plat. A copy of the plat map is also enclosed. Per the Cabarrus County Subdivision Ordinance Chapter 3, Section 5, a preliminary plat approval is valid for a period of 24 months from its approval date. In addition, this project is subject to a consent agreement that also expires two years from approval. The plat was originally approved on January 20th, 2005.

Staff recommends that the board determine if the applicant has acted in good faith to develop the project in a timely manner. This might include a discussion of whether the applicant has prepared construction drawings and received any necessary grading, utility, road and other applicable approvals for the project. If the board finds that the developer has acted in good faith to develop the project, staff recommends the following conditions be a part of the extension approval:

1. That the developer be granted two year extension for the development of this project – setting the new expiration date at January 20th, 2009. (Please note the developer requested a two year extension in the letter.)
2. That the extension be conditioned upon the Cabarrus County Board of Commissioners reaffirming or renegotiating the terms of the original consent agreement for The Pointe at St. Andrews.

W. EARL COCHRAN & SON, INC.

191 Eastover Drive, SE
Concord, North Carolina 28025

CONSULTING ENGINEERING

William E. Cochran, Jr., P.E.
Phone: 704-782-1456
Cell: 704-783-5079

January 3, 2007

Ms. Kassie Watts, Planner
Cabarrus County Commerce Department
Post Office Box 707
Concord, North Carolina 28026-0707

Dear Mrs. Watts:

Subject: The Pointe At St. Andrews Subdivision
Request for Extension To Complete Project

The Pointe At St. Andrews Subdivision Preliminary Plan was approved on January 20, 2005 by the Cabarrus County Planning and Zoning Board. The subdivision is located off Flowes Store and Piney Church Road, (Pin No. 5538-52-4084).

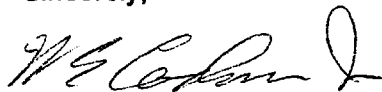
For various reasons the owner, TWLS, Inc., has been unable to complete the project within the allotted two years. First, we had to get a wetland study scheduled and completed. Then I attempted to retire and we had to get another firm to complete the construction plans. The completed plans were submitted to the City of Concord for approval on April 17, 2006 and we still do not have approval.

The owner, TWLS, Inc, has a sizable amount of money invested in this project with property cost, wetland studies and survey and engineering fees.

As an agent for TWLS, Inc., I am requesting a two year extension. Plans are to begin construction as soon as construction plans are approved by the City of Concord.

Thank you for your consideration.

Sincerely,



W. E. Cochran, Jr. PE

cc Mr. Danny Bost

Planning Staff Report
To Cabarrus County Planning and Zoning Commission
November 16, 2006

Staff Use Only:

Approved ___

Denied ___

Tabled ___

Petition: C2007-01 (R) Zoning Atlas Amendment

Property Owner: Alton H. & Rebecca Thigpen
5395 Mooresville Rd.
Kannapolis, NC 28081

Existing Zoning: OI - Office Institutional

Proposed Zoning: MDR – Medium Density Residential

Purpose: Change zoning back to Residential after countywide zoning changed it to OI.

Township: Number 4 – Kannapolis

Property Location: This property is located on Mooresville Road, adjacent to the West Oaks subdivision.

PIN#: Portion of 5603-47-7241

Area: +/- 8.5 acres

Site Description: The subject property is currently vacant.

Zoning History: The property was rezoned during the June 2005 countywide rezoning from MDR- Medium Density Residential to OI- Office Institutional.

Area Relationships: North: LDR
South: Kannapolis - AG
West: OI
East: LDR

Exhibits: 1. Vicinity Map-submitted by staff
2. Adjacent Property Owners
3. List of Permitted Uses
4. Survey of Subject Area
5. Northwest Area Plan Map – Draft
6. Northwest Area Plan Map – 1990
7. Kannapolis Water and Sewer Verification

Comments: NCDOT- Leah Wagner: The Department sees no issues and has no comments regarding the rezoning of the subject parcels from OI to MDR.

Cabarrus County Schools- Robert Kluttz: It is difficult to determine impacts from this rezoning. The elementary and middle schools should see no problem with a change from OI to MDR, but the high schools in the area continue to be over capacity.

City of Kannapolis- Richard Smith: Water and sewer are available to the site. Annexation is possible given the close proximity to the city limits and the availability of services.

Code Considerations:

Per the Cabarrus County Zoning Ordinance, the Medium density residential zoning 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.

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.

Other Considerations:

The subject property was originally a portion of the West Oaks subdivision located directly to the north. At the time of preliminary plat approval in July of 1993, the entire subdivision was zoned MDR (Medium Density Residential.) The last final plat of the West Oaks subdivision was approved and recorded in September of 1994. Per the Cabarrus County Subdivision Ordinance, Chapter 3 Section 5, the final plat shall be submitted within twenty four (24) months following approval of the preliminary plat. If the plat or a section thereof is not submitted within that time limit, or if there is a lapse of more than twenty-four months in the recording of any subsequent section, the plat must be resubmitted as a preliminary plat.

The draft version of the updated Cabarrus County Northwestern Area Plan recommends that the subject property be developed as residential, with a density of 2-4 units per acre. This draft plan was utilized in 2005 when the

Planning Staff Report
To Cabarrus County Planning and Zoning Commission
November 16, 2006

Staff Use Only:

Approved _____

Denied _____

Tabled _____

zoning for the county was updated and the current zoning of OI was assigned. MDR permits 2.5 - 3 units per acre and is compatible with the future land use map.

According to the Northwestern Small Area Plan of 1990, which the subject property was originally approved under, the subject property was originally zoned MDR (Medium Density Residential).

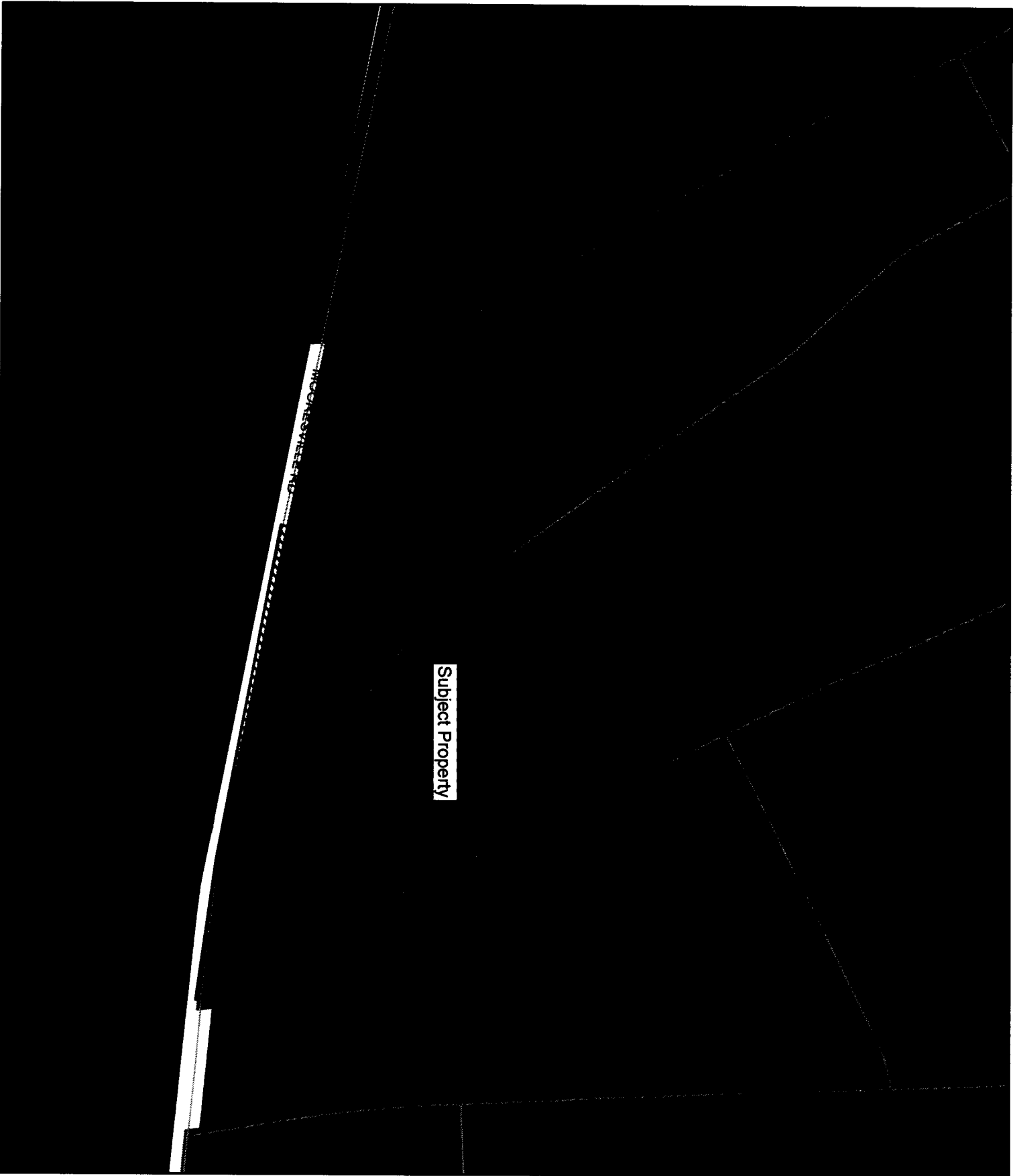
Conclusions:

Staff feels that this rezoning will create continuity within the subdivision. Due to the circumstances of the case regarding the expired preliminary plat, the owner will need to resubmit the plat and adhere to any restrictions that the new zoning designation requires, including lot acreage, density, dimensions, setbacks, etc.

This is a conventional rezoning request and all uses for MDR must be considered in the approval process. Some uses that are permitted may not be suitable for locations near residential properties.

Recommendation:

The draft version of the updated Cabarrus County Northwestern Area Plan recommends the zoning designation of this property be residential with a density of 2-4 units per acre, a zoning designation of MDR would be compatible with that recommendation. The Planning and Zoning Commission should consider all the information presented and render a decision according to the Commission's vision for this area of Cabarrus County.



Subject Property

MOORESVILLE RD

Petition C2007-01 (R)
 Alton H. & Rebecca Thigpen
 Proposed Rezoning
 OI - Office Institutional
 to
 MDR - Medium Density Residential
 Pin # - 5803-47-7241



0 62.5 125 250 Feet

CALVARY BAPTIST CHURCH KAN INC

703 BUCK AVE

KANNAPOLIS NC 280830000

TREXLER GABRIEL AND
LEE ELLA
5480 SOUTH OAKMONT STREET

KANNAPOLIS NC 280810000

BREWTON ADAM D &
BREWTON LAURA E /WIFE
5485 S OAKMONT DR

KANNAPOLIS NC 280816406

CHAPPELL CHRISTOPHER BARRY

5085 MACON STREET

KANNAPOLIS NC 280810000

SMITH MILTON A &
SMITH KERRY L /WIFE
5515 OAKMONT STREET

KANNAPOLIS NC 280810000

SHUPING DANNY RAY

5300 MOORESVILLE ROAD

KANNAPOLIS NC 280818726

CRAINSHAW RANDY C

5430 CHARLIE WALKER RD

KANNAPOLIS NC 280810000

HERBERT BARBARA L (LF EST)

5422 CHARLIE WALKER ROAD

KANNAPOLIS NC 280818406

MOORE RACHEL R

5440 CHARLIE WALKER ROAD

KANNAPOLIS NC 280810000

CRAINSHAW RANDY C &
GOODNIGHT GAYNELL S
5430 CGARKUE WALKER ROAD

KANNAPOLIS NC 280810000

SMITH JUDEA FORTNER

INGRAM LOIS N

5540 CHARLIE WALKER ROAD

KANNAPOLIS NC 280810000

CRAINSHAW RANDY C &
GOODNIGHT GAYNELL S
5430 CGARKUE WALKER ROAD

KANNAPOLIS NC 280810000

OVERCASH RONALD GOLD

PO BOX 5030

CONCORD NC 280275030

BEAVER KERRY DEWAYNE

5450 CHARLIE WALKER ROAD

KANNAPOLIS NC 280810000

VON KLAHR HAROLD
VON KLAHR KAREN/WIFE
5475 OAKMONT ST

KANNAPOLIS NC 280810000

ANDERTON TIMOTHY J &
ANDERTON SHERRY K /WIFE
PO BOX 1507

HUNTERSVILLE NC 280781507

GOODMAN BRONWYN C

1102 NORTHSIDE ST

KANNAPOLIS NC 280810000

MOORE RACHEL R

5440 CHARLIE WALKER ROAD

KANNAPOLIS NC 280810000

USES IN THE MEDIUM DENSITY RESIDENTIAL ZONE:

Permitted Uses

Family care home
Group care facility
Semi-attached house
Single family detached residential

Permitted based on Standards (PBS)

Accessory apartment
Agriculture including livestock
Bank/financial institution/ATM
Bed & breakfast
Convenience store without petroleum sales
Home occupation
Home occupation, rural
Landfill, demolition (one acre or less)
Mobile office, temporary
Nursery/daycare
Public cultural facility
Religious institution (with total seating capacity 350 or less)
Rest/convalescent home with 10 beds or less
Restaurant, excluding drive-thru
Townhouses

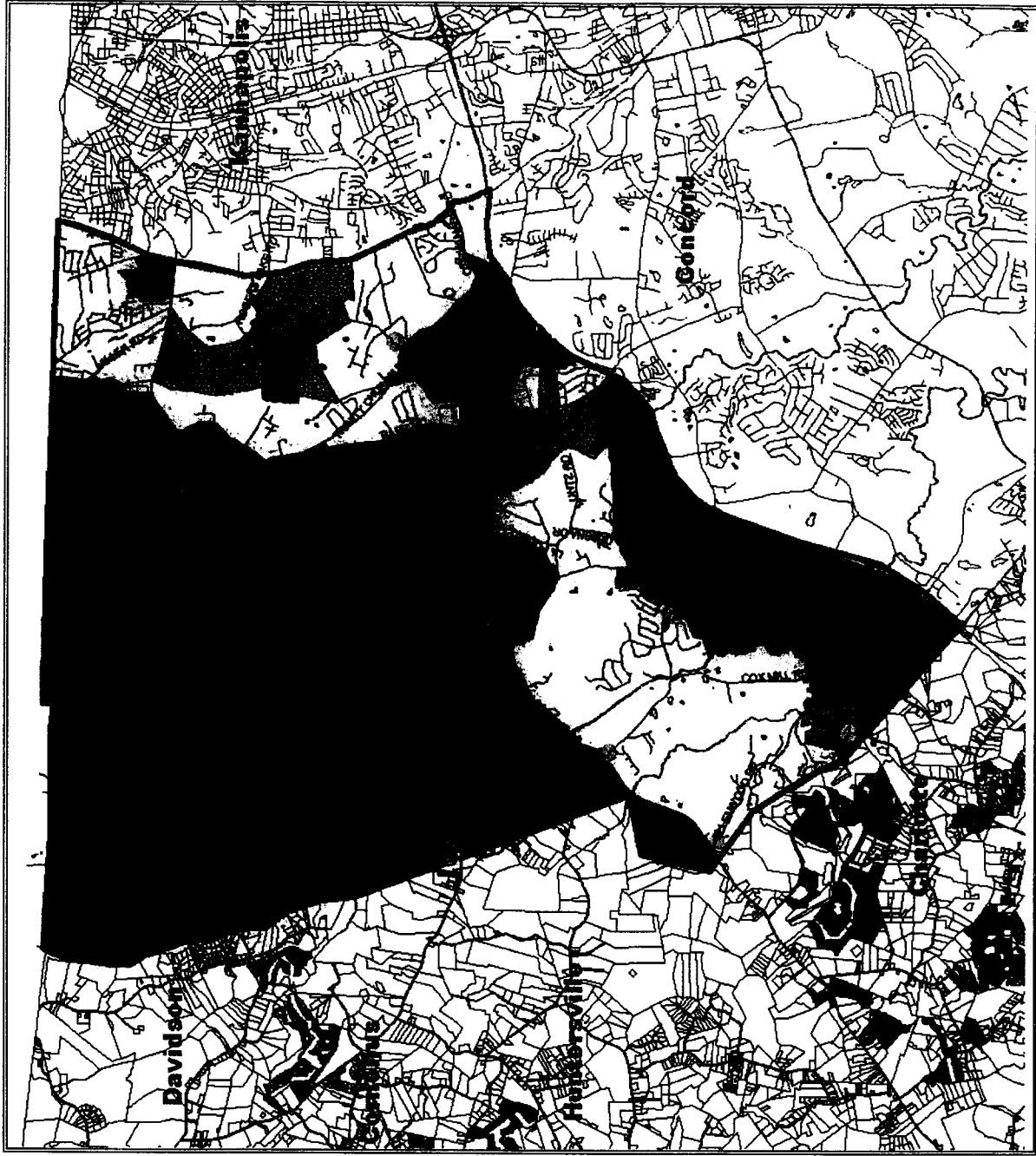
Conditional Uses

Colleges & universities
Elementary & secondary schools
Public service facility
Public use facility
Recreational facility, outdoor
Religious institution (with total seating capacity 351 or more)
Religious institution including school
Rest/convalescent home with more than 10 beds
Restaurant with drive-thru facility



Northwestern Plan Area Future Land Use

DRAFT



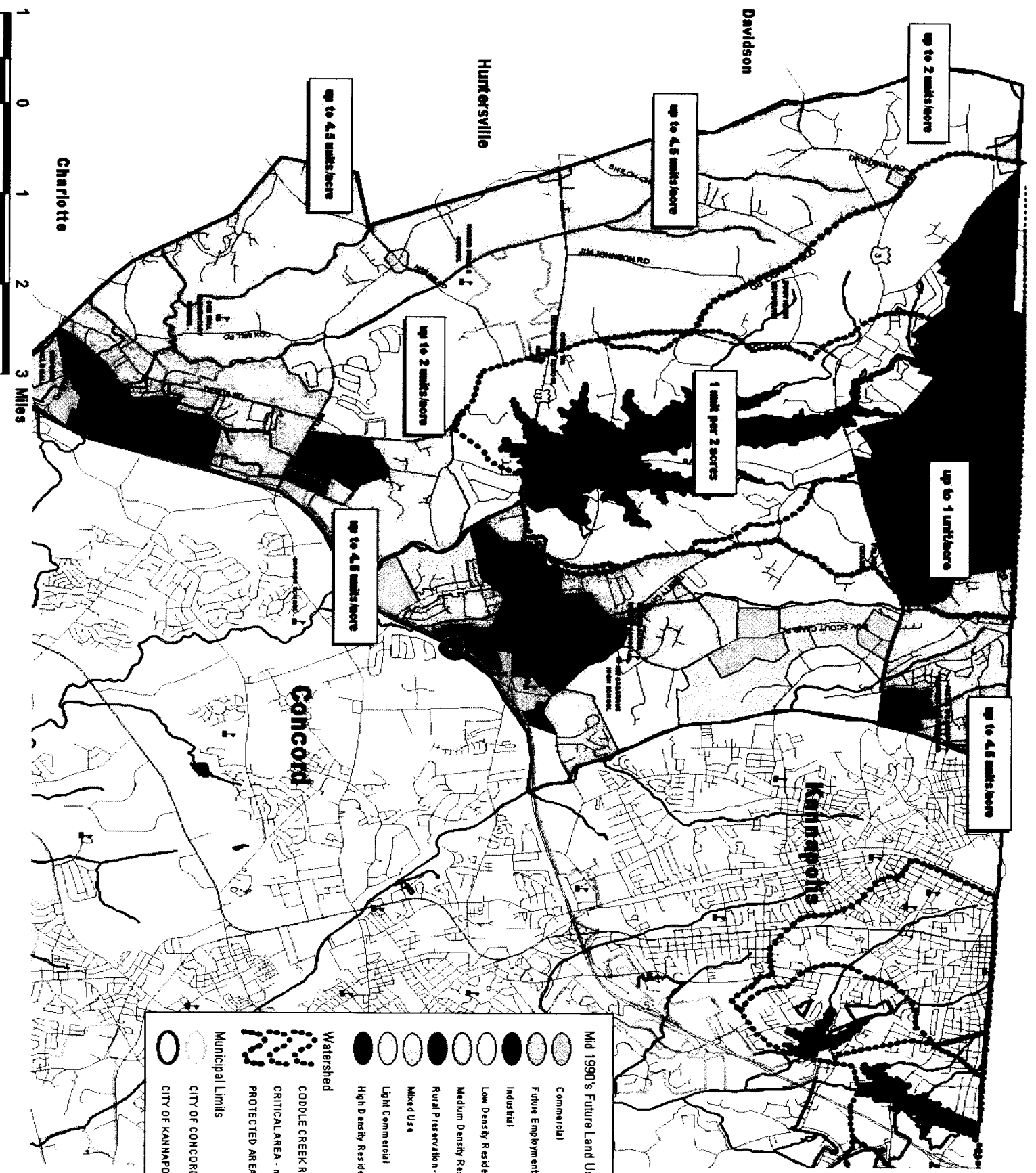
Legend

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



Northwest Area Plan



Mild 1990's Future Land Use

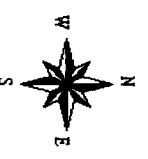
- Commercial
- Future Employment
- Industrial
- Low Density Residential - up to 2 units/acre
- Medium Density Residential - up to 4.5 units/acre
- Rural Preservation - up to 1.5 units/acre
- Mixed Use
- Light Commercial
- High Density Residential - greater than 5 units/acre

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 KANHANAPOLIS



WATER & SEWER VERIFICATION

General Information:

Permit #: _____ Date: 1/10/07 PIN #: _____

Zoning/Proposed Use: Residential

Location/Address: West Oaks Subdivision

Subdivision & Lot #: all lots

Applicant: Rebecca Thigpin Contact #: _____

Backflow Preventer:

N/A _____ Existing _____ Required _____ Upgrade _____

Comments: _____

Water & Sewer Availability:

Water Available: yes x no _____

Sewer Available: yes x no _____

Comments: this area is served by the City of Kannapolis

Paved Parking Requirements:

Pavement Width:

Greater Than 20' (more than 20' = 2 paved parking spaces)

20' or less (20' wide or less = 3 paved parking spaces)

Site cleared for Zoning Permit: yes _____ no _____

For questions regarding this form, please contact Keats Dellinger with Public Works Department at 704-920-4200.

Planning Department Contact: _____

Note – No statement contained herein should be construed as a representation of the feasibility of service to the subject property. Engineering evaluations, including but not limited to: elevations, pressure, and flow capacity should be conducted to determine if the property can be served by water and/or sewer. Detailed plans for existing facilities are available for review at the City Public Works Department located at 1401 Bethpage Road. Any extensions of utility lines necessary to service the subject property must be completed by the applicant and/or property owner.

January 18, 2007

Chairman of the Planning and Zoning Commission
Cabarrus County Department of Commerce
Cabarrus County Government Center
P.O. Box 707
Concord, NC 28026

**Subject: Christenbury Farms Inc.
Petition; C2007-02(R)**

Dear Chairman and Members of the Commission:

This letter is to request an amendment to the pending rezoning request for the above subject petition. The subject parcel which is identified as PIN # 4589-37-8441 is currently zoned LDR (Low Density Residential) and LI (Limited Industrial). The amended request is to rezone the parcel from LDR and LI to OI (Office Institutional).

The request is based on recent conversations with a potential purchaser, our consultant CESI and City of Concord Planning Staff. It is felt that the OI district would better serve the intent of the NW Area Plan, allow for mixed commercial and institutional uses, limit objectionable industrial uses which would have been allowed by right in the LI zone and provides a better transitional zoning between more intense retail uses and residential zoning which adjoins portions of the property.

Please accept this request to rezone the subject parcel to OI (Office Institutional).

Sincerely,



Ken Christenbury
Christenbury Farms, Inc.
3801 Beard Road
Concord NC 28027



January 18, 2007

Chairman of the Planning and Zoning Commission
Cabarrus County Department of Commerce
Cabarrus County Government Center
P.O. Box 707
Concord, NC 28026

**Subject: Christenbury Farms Inc. Rezoning
Petition; C2007-02(R)**

Dear Chairman and Members of the Commission:

The City of Concord's 2004 adopted Land Use Plan, shows most of the subject area as a Mixed Use District. Our Land Use Plan would support the request for the OI zoning. Also, the City would prefer that the majority of the property be developed as a unified master plan with office, commercial, live work, and other similar mixed uses emphasizing pedestrian connectivity and attractive streetscapes, rather than lot-by-lot development. If you have any questions, please feel free to contact me at (704)920-5155 or e-mail at fritschk@ci.concord.nc.us.

Sincerely,

A handwritten signature in black ink that reads "Karl A. Fritschen". The signature is fluid and cursive.

Karl A. Fritschen, ASLA, RLA, AICP
Development Review Administrator

cc: Margaret Pearson, 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



**Additional information supplemental to the Staff Report for the
Cabarrus County Planning and Zoning Board
January 18th, 2007**

The following information is in response to the Petitioner's request to ask for a less intense zoning designation on the subject property. The Petitioner is now requesting the subject property be rezoned to O/I Office/Institutional district.

Below you will find a statement describing the intent of the OI district and a list of the uses permitted in that district. These uses are listed by Permitted Use, Permitted Based on Standards and Conditional Use.

OFFICE/INSTITUTIONAL DISTRICTS:

Office/Institutional. This district is intended to accommodate relatively low intensity office and institutional uses at an intensity complementary to residential land use. Where appropriate, this district can serve as a transition between residential land use and higher intensity non-residential land use.

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

Uses in the Office/ Institutional Zone:

Permitted Uses

Bank/financial institution/ATM
Civic organization facility
Colleges & universities
Funeral home
Group care facility
Hospitals/medical facilities
Office, professional less than 30,000 square feet
Office, professional greater than 30,000 square feet or more
Parking lot, commercial or private

Printing & reprographic facility
Public cultural facility
Public use facility

Permitted based on Standards (PBS)

Catering service
Home occupation
Mobile office, temporary
Nursery/daycare center
Recreational facility, indoor
Recyclable materials drop-off
Religious institution (with a total seating capacity of 350 or less)
Rest/convalescent home (10 beds or less)

Conditional Uses

Communications tower
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)

Considerations:

1. The Northwest Area Plan Map Draft and the City of Concord Land Use Plan support the development of the subject property as a Mixed Use Development.
2. Upon annexation into the City of Concord, a comparable zoning district would be assigned. (The City of Concord UDO contains an O/I zoning designation that is similar to the Cabarrus County O/I zoning designation.)
3. The rezoning of this property to O/I as opposed to LI would allow for a transitional zone between the commercial uses to the south and the residential uses to the north of the subject property.
4. Due to the size of the subject property, +/-88.6 acres, spot zoning would not be a concern.
5. Residential uses are not permitted in the Cabarrus County O/I zone, therefore the impact on schools would be null. However, the City of Concord allows multiple residential uses in the O/I zone, therefore the impact on schools would be a possibility upon annexation.
6. The O/I zoning district would be more appropriate adjacent to residential uses. Although the rezoning request is not a Conditional Use Rezoning, it offers a higher level of protection to adjacent properties by limiting the intensity of uses permitted on the subject property.
7. The City of Concord has indicated they are supportive of the request to rezone the subject property to O/I. (See attached letter)

Planning Staff Report
to Cabarrus County Planning and Zoning Board
January 18, 2007

Petition: C2007-02(R) Zoning Atlas Amendment

Property Owner: Christenbury Farms, Inc.
c/o Ken Christenbury
3801 Beard Road
Concord, NC 28027

Existing Zoning: LDR – Low Density Residential & LI – Limited Industrial

Proposed Zoning: LI – Limited Industrial

Purpose: To construct future development that is consistent with the Future Land Use Plan. The City of Concord has requested that the subject property be rezoned to a district that permits commercial uses.

Township: Number 2 – Poplar Tent

Property Location: Property is located at 2700 Derita Road, between Derita Road and Christenbury Road, on the future Christenbury Parkway.

PIN#: 4589-37-8441

Area: +/- 88.6 acres

Site Description: The subject property is currently vacant.

Zoning History: The property was rezoned during the June 2005 Countywide rezoning from MDR-Medium Density Residential and LI – Limited Industrial to LDR – Low Density Residential and LI- Limited Industrial.

Area Relationship: North: LDR & City of Concord PUD
South: LI
East: LI
West: LDR

Exhibits: 1. Vicinity Map – submitted by staff
2. Adjacent Property Owners
3. List of Permitted Uses in LI
4. Northwest Area Plan – Future Land Use Map – 1990

5. Northwest Area Plan – Future Land Use Map – Draft
6. Western Area Plan - 1992
7. City of Concord - Land Use Plan Map - 2004
8. Memo from WSACC-Tom Bach

Comments:

Cabarrus County Schools – Robert Kluttz: Since this rezoning request does not involve residential growth, and road improvements are planned in the area, we would not anticipate an impact on our schools.

Cabarrus County Emergency Services – Bobby Smith: No issues/comments from Fire/Emergency Management concerning the proposed rezoning.

Cabarrus County Erosion Control – Thomas Smith: 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.

WSACC – Tom Bach: See attached memo.

NCDOT – Shawn Riggs: An NCDOT Access Permit will be required. A detailed site plan and Traffic Impact Study will be required in part of the Access Permit process. No direct access to Derita Road will be allowed.

Code Considerations:

Per the Cabarrus County Zoning Ordinance, lands in the LI district provide for both large and small scale industrial and office development. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which do not generate high levels of noise, soot, odors and other potential nuisances/pollutants for impacting adjoining properties. It is typically located in areas of the county with infrastructure, i.e., higher volume roadways, water and sewer. Light industrial zones may border higher density residential zones only when an effective buffer exists, for example, a natural structural feature such as a sharp break in topography, strips of vegetation or traffic arteries. In no case, would a limited industrial zone be located so as to result in industrial/commercial traffic penetrating a residential neighborhood.

This district provides a location for light industrial land uses such as assembly operations, storage and warehousing facilities, offices and other light manufacturing operations.

Other Considerations:

Northwest Area Plan Map – 1990: The Northwestern Area Plan Map designates this area to be Medium Density Residential. The density for MDR in 1990 was up to four and one half units per acre.

Northwest Area Plan Map – Draft: The newest draft of the Northwestern Area Plan Map designates this area to be Mixed Use.

Western Area Plan – 1992: The Western Area Plan Future Land Use Map designates this area to be Medium Density Residential. Under this plan, MDR is defined as one to four units per acre.

City of Concord Land Use Plan – 2004: The City of Concord Land Use Plan designates this area to be a Mixed Use District. The plan defines Mixed Use as a district located at major intersections, primarily along existing or planned transit routes. They consist of a variety of uses, even including some light industrial in some places. The goal of the Mixed Use District is to provide activity centers that contain a wide variety of land use types which may include varying degrees of retail uses, office uses, recreational facilities, civic opportunities, education and/or child care centers, religious institutions, places of assembly and medical uses.

Conclusions:

The Northwest Area Plan Map Draft and the City of Concord Land Use Plan support the development of the subject property as a Mixed Use development.

The owner of the subject property has been discussing the possibility of annexation with the City of Concord. It has been conveyed to staff that the City of Concord would like for this property to be rezoned to a zoning designation that would accommodate commercial uses. If this rezoning petition is approved by the Cabarrus County Planning and Zoning Board, the City of Concord would more than likely rezone it to I-1, the equivalent of the LI Cabarrus County zoning designation upon annexation.

The owner of the subject property is asking for a straight rezoning in order to allow for a wide variety of uses to be permitted on the subject property.

Looking at the current zoning designation (LI) to the south and general development trends in the area, it appears that a Mixed Use District is already starting to develop. The Concord Mills Boulevard corridor area has (and is) developing with commercial uses, with some residential uses also located in the vicinity of the project. (Christenbury Village, Bexley at Concord Mills, The Village at Mill Creek)

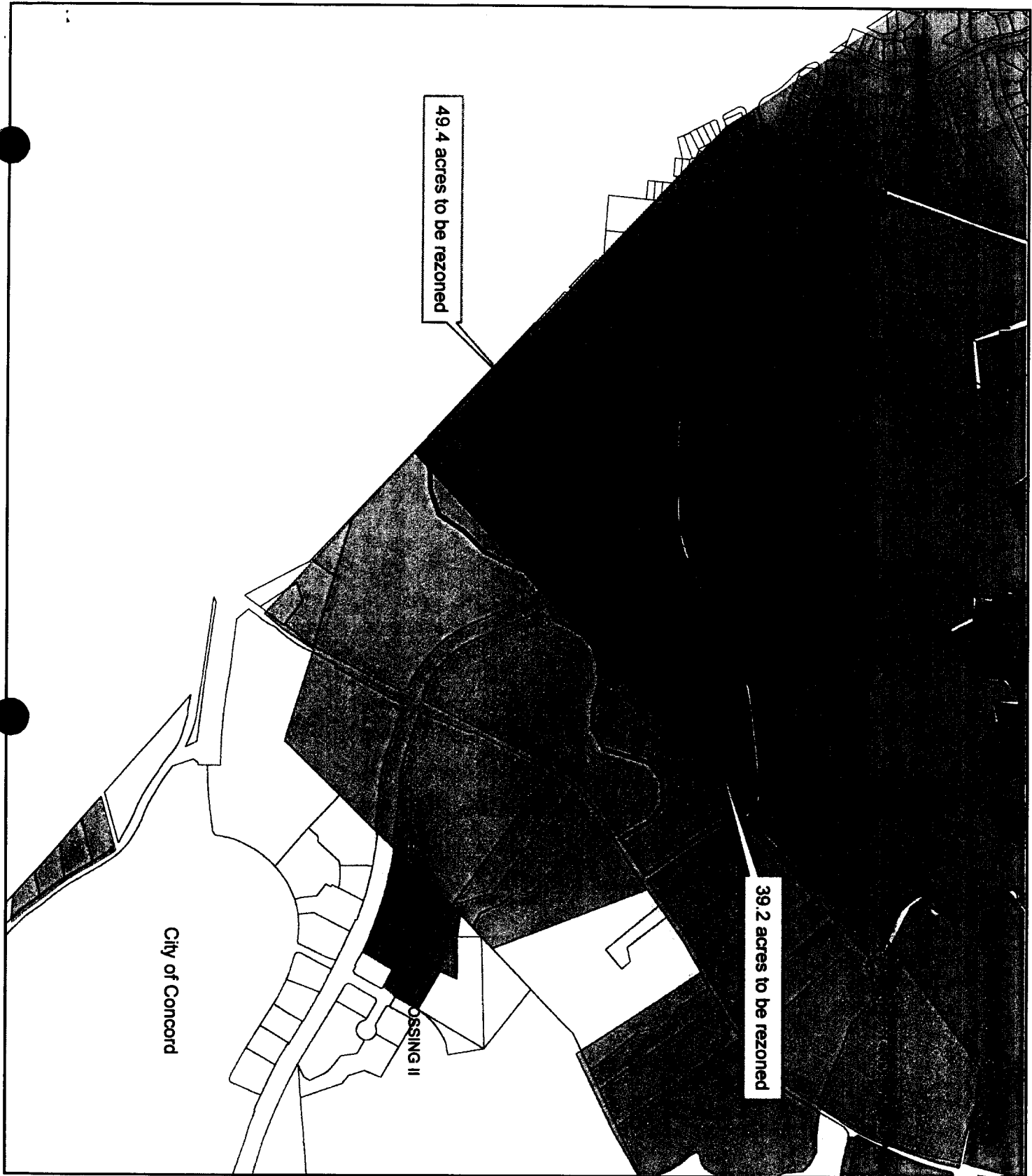
The City of Concord is currently considering the annexation of 58 acres zoned Cabarrus County LI directly to the south of the subject property. According to City of Concord staff, these 58 acres are slated to develop as commercial uses.

This rezoning could be considered an extension of an existing LI zoning district. Under the Countywide Zoning Atlas Amendment, adopted in June 2005, the general consensus was that residential densities in this area of the county should not be increased due to school overcrowding and traffic congestion issues. Although the 1990 Northwestern Area Plan and the 1992 Western Area Plan designate this area as residential, as a result of development trends in the area, it may be more appropriate for the area to develop as commercial. The City of Concord's vision of this area, in addition to the newest draft of the Northwestern Area Plan, supports the subject property being rezoned. The property directly to the north is zoned for Mixed Use and is currently developing as the Christenbury Village subdivision. In consideration of the residential areas to the north and west, and depending on the annexation and administrative rezoning of properties to the south, it is more appropriate to zone this property to a Conditional Use LI zoning district. Due to the level of uncertainty that is a result of the straight rezoning request with no site plan or list of permitted uses, the straight rezoning option offers no protection to surrounding uses.

Recommendation:

The proposed rezoning does not meet the intent of the adopted land use plans as currently written. The Northwestern Area Plan Map Draft has not been adopted, but is used by staff as an indicator of what should develop in the NW area of the County. The rezoning of this property is consistent with the Mixed Use District component, but would not be appropriate without a conditional use rezoning

application to limit the uses permitted on the site. Since the proposed rezoning request is not compatible with all elements of the Land Use Plans, the Board should consider the information presented and decide whether or not amending the subject property's zoning classification to LI is appropriate as it relates to the Planning and Zoning Board's vision for this area of Cabarrus County.



Rezoning Request
C2007-02(R)
LDR & LI to LI
Petitioner Tom Tasselli
PIN# 4589-37-8441

List of Adjacent Property Owners

CHRISTENBURY LAND INVESTMENTS

A NC LIMITED LIABILITY CO
910 SOUTH BLVD SUITE 200
CHARLOTTE NC 282030000

CLARKE CREEK LAND CO LLC NCLLC

1910 SOUTH BLVD SUITE 200
CHARLOTTE NC 282030000

FREEMAN WILLIAM D
FREEMAN LINDA H/WIFE
940 ALLISON MEWS PLACE NW

CONCORD NC 280279017

BONDS DONALD RAY

276 GREENBAY ROAD
MOORESVILLE NC 281170000

FREEMAN WILLIAM D
FREEMAN LINDA H/WIFE
940 ALLISON MEWS PLACE NW

CONCORD NC 280279017

POE DORIS W

C/O PAM GALAGAN
6220 MEADOWVIEW DRIVE
DAVIDSON NC 280360000

CLARKE CREEK LAND CO LLC NCLLC

1910 SOUTH BLVD SUITE 200
CHARLOTTE NC 282030000

CHRISTENBURY DARICE S

9707 CHRISTENBURY ROAD
CONCORD NC 280270000

CLARKE CREEK LAND CO LLC NCLLC

1910 SOUTH BLVD SUITE 200
CHARLOTTE NC 282030000

CHRISTENBURY LAND INVESTMENTS

A NC LIMITED LIABILITY CO
1910 SOUTH BLVD SUITE 200
CHARLOTTE NC 282030000

BONDS DONALD RAY
BONDS RUTH R
276 GREENBAY ROAD

MOORESVILLE NC 281170000

CHRISTENBURY LAND INVESTMENTS

A NC LIMITED LIABILITY CO
1910 SOUTH BLVD SUITE 200
CHARLOTTE NC 282030000

CLARKE CREEK LAND CO LLC NCLLC

1910 SOUTH BLVD SUITE 200
CHARLOTTE NC 282030000

WMCI CHARLOTTE VI LLC A VA LLC

C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

POE ANTHONY CRAIG & WF
POE EVA MICHELLE
9466 AUTUMN CIRCLE

DAVIDSON NC 280360000

POE ANTHONY CRAIG & WF
POE EVA MICHELLE
9466 AUTUMN CIRCLE

DAVIDSON NC 280360000

BONDS DONALD RAY
BONDS RUTH R
276 GREENBAY ROAD

MOORESVILLE NC 281170000

POPE RONALD O

2580 DERITA RD
CONCORD NC 280270000

CHRISTENBURY KENNETH
CHRISTENBURY GRACE LORAIN/WF
3801 BEARD ROAD

CONCORD NC 280270000

CHRISTENBURY KENNETH
CHRISTENBURY GRACE LORAIN/WF
3801 BEARD ROAD

CONCORD NC 280270000

WMCI CHARLOTTE VI LLC A VA LLC

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GLEN ALLEN VA 230600000

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GLEN ALLEN VA 230600000

WMCI CHARLOTTE VI LLC A VA LLC

C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

ODELL SCH HWY INVESTMNT TRADER

C/O J BARTON HOOPER
1518 E 3RD ST #200
CHARLOTTE NC 282040000

WMCI CHARLOTTE VI LLC A VA LLC

C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

WMCI CHARLOTTE VI LLC A VA LLC

C/O WEINSTEIN PROPERTIES
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3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

COLEMAN PHYLLIS P
COLEMAN FELTON G/HUSBAND
9020 CHRISTENBURY RD

CONCORD NC 280270000

WMCI CHARLOTTE VI LLC A VA LLC

C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

WMCI CHARLOTTE VI LLC A VA LLC

C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

CHRISTENBURY LAND INVESTMENTS

A NC LIMITED LIABILITY CO
1910 SOUTH BLVD SUITE 200
CHARLOTTE NC 282030000

CGD CONCORD LLC A GEORGIA LLC

C/O COLLINS/GOODMAN DEVELOPMNT
1447 PEACHTREE ST NE SUITE 5
ATLANTA GA 303090000

WMCI CHARLOTTE VI LLC A VA LLC

C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

WMCI CHARLOTTE VI LLC A VA LLC

C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

MILL CREEK APTS LLC A NC LLC

C/O DAVID DRYE COMPANY
175 DAVIDSON HIGHWAY
CONCORD NC 280270000

List of Permitted Uses

Permitted Uses

Automobile rental
Automobile supplies
Bank/financial institution/ATM
Boat works and sales
Bottling works
Building equipment sales/indoor storage
Building equipment sales/open storage
Bulk grain storage
Bus terminal
Car wash
Catering service
Contractor's storage yard
Convenience store with petroleum sales
Convenience store without petroleum sales
Dairy processing
Dry cleaning/laundry plant
Farm machinery repair
Freezer/ice plant
Gas station
Hatchery
Hotels, motels, & inns
Machine welding shop
Manufacturing/processing
Multimedia production & distribution complex
Nursery/greenhouse
Office, professional
Parking lot, commercial or private
Printing and reprographic facilities
Public use facility
Race shop/complex
Radio and TV studios
Railroad station and storage yard
Recreational facility, indoor
Repair garage, automobile
Repair shop, farm machinery
Repair shop, small engine
Restaurant, excluding drive-thru
Sawmill
Slaughter house/meat packing
Tire recapping
Warehouse, enclosed

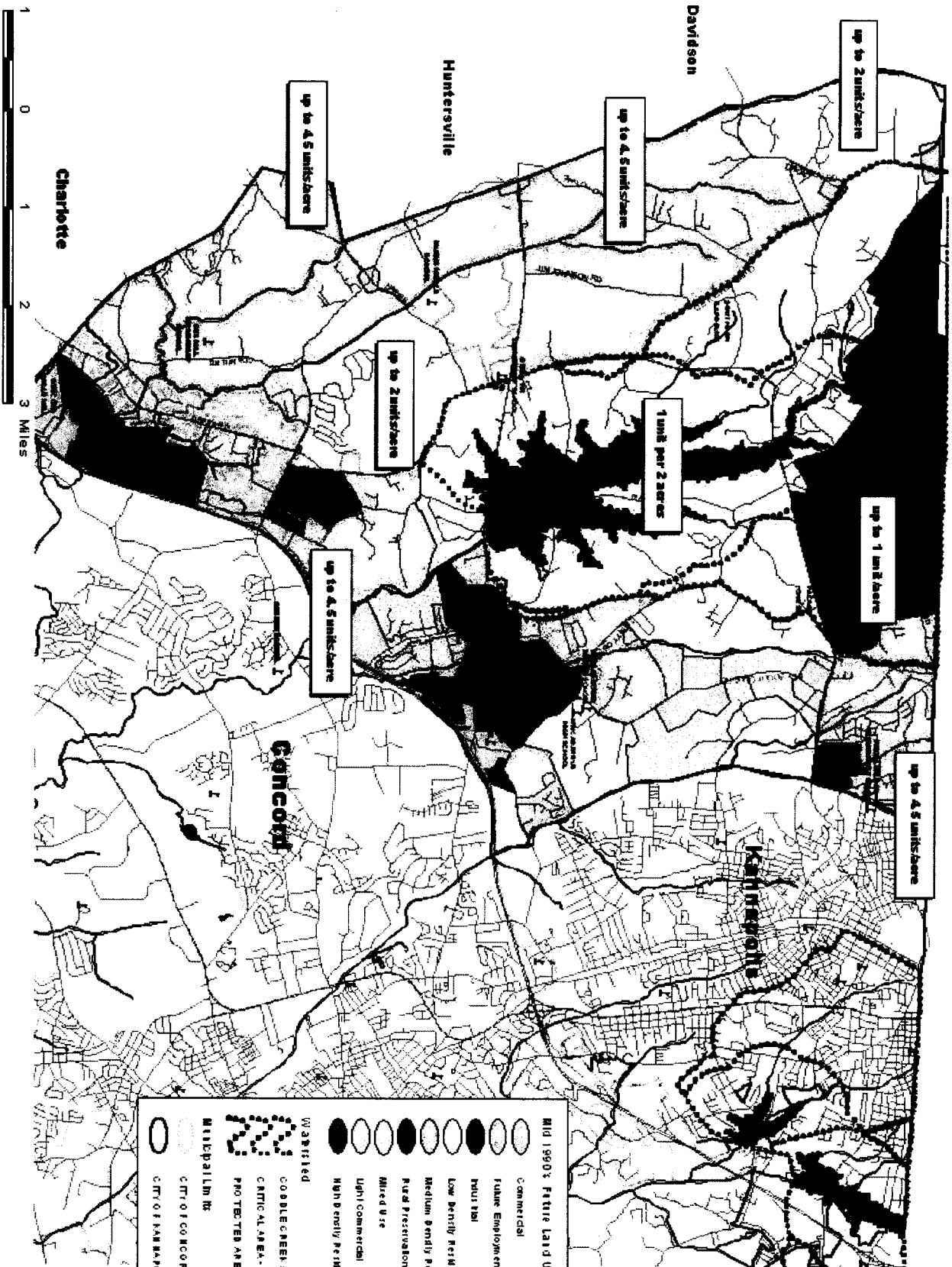
Permitted based on Standards (PBS)

Accessory apartment
Communications tower
Landfill, demolition (one acre or less)
Mobile office,, temporary
Recyclable materials drop-off
Restaurant with drive-thru facility
Self-storage facilities
Warehouse, open storage

Conditional Uses

Airport, commercial
Airstrip
Coliseum/stadium
Landfill, demolition (more than one acre)
Landfill, sanitary
Mobile Home, Class I
Nursery/daycare center
Race track, animal & mechanical
Recreational facility, outdoor
Single-family detached residential
Trade & vocational school
Trucking and heavy equipment, sales & service
Truck stop/truck terminal
Veterinarian/animal hospital/commercial kennel

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 5 units/acre

WATERBODIES

- COBBLE CREEK RESERVOIR
- CRITICAL AREA - no more than 1 unit per 2 acres
- PROTECTED AREA - no more than 1 unit/acre

MUNICIPALITY

- CITY OF CONCORD
- CITY OF HARRAVOLD



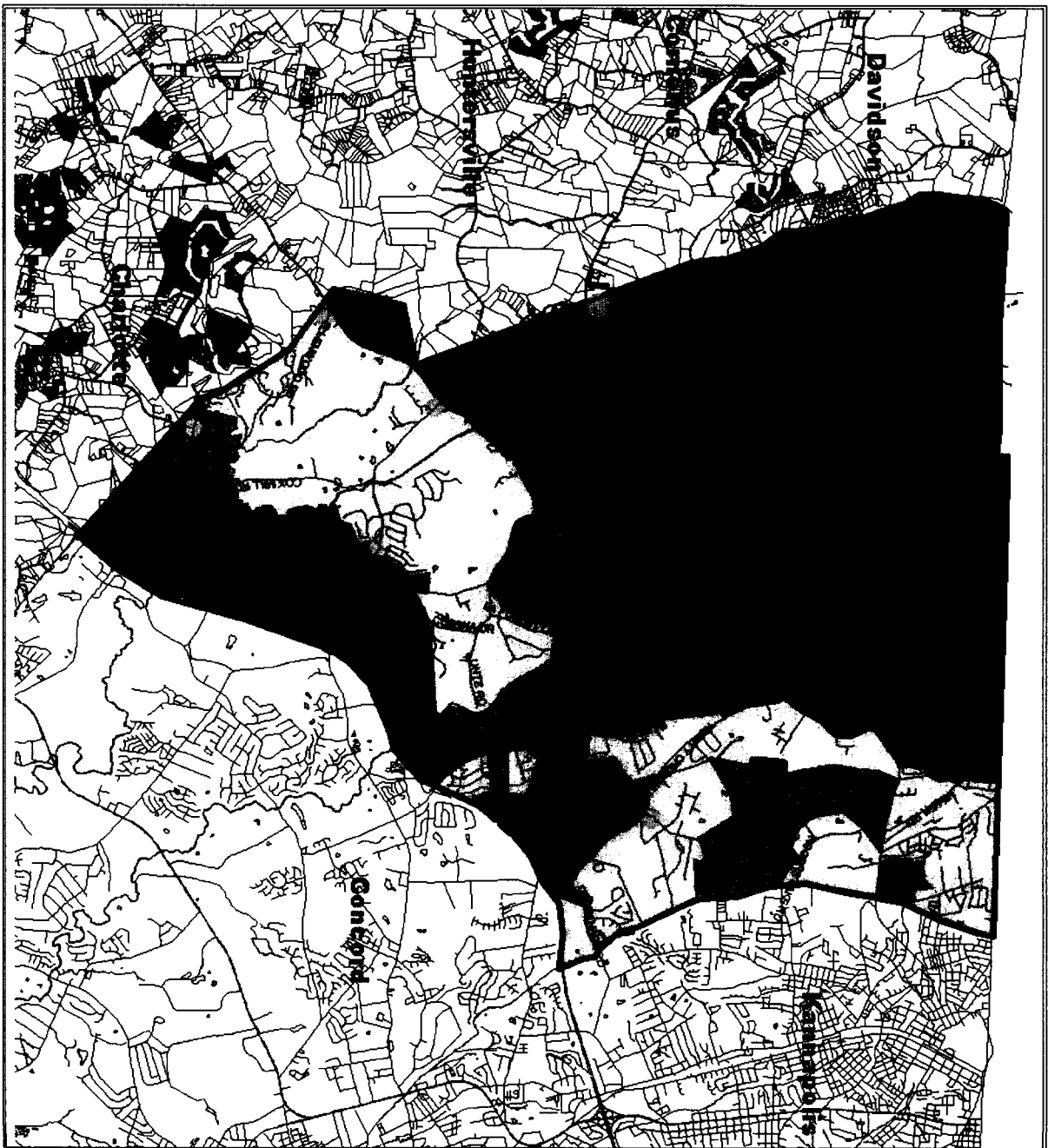
Northwestern Plan Area Future Land Use

DRAFT

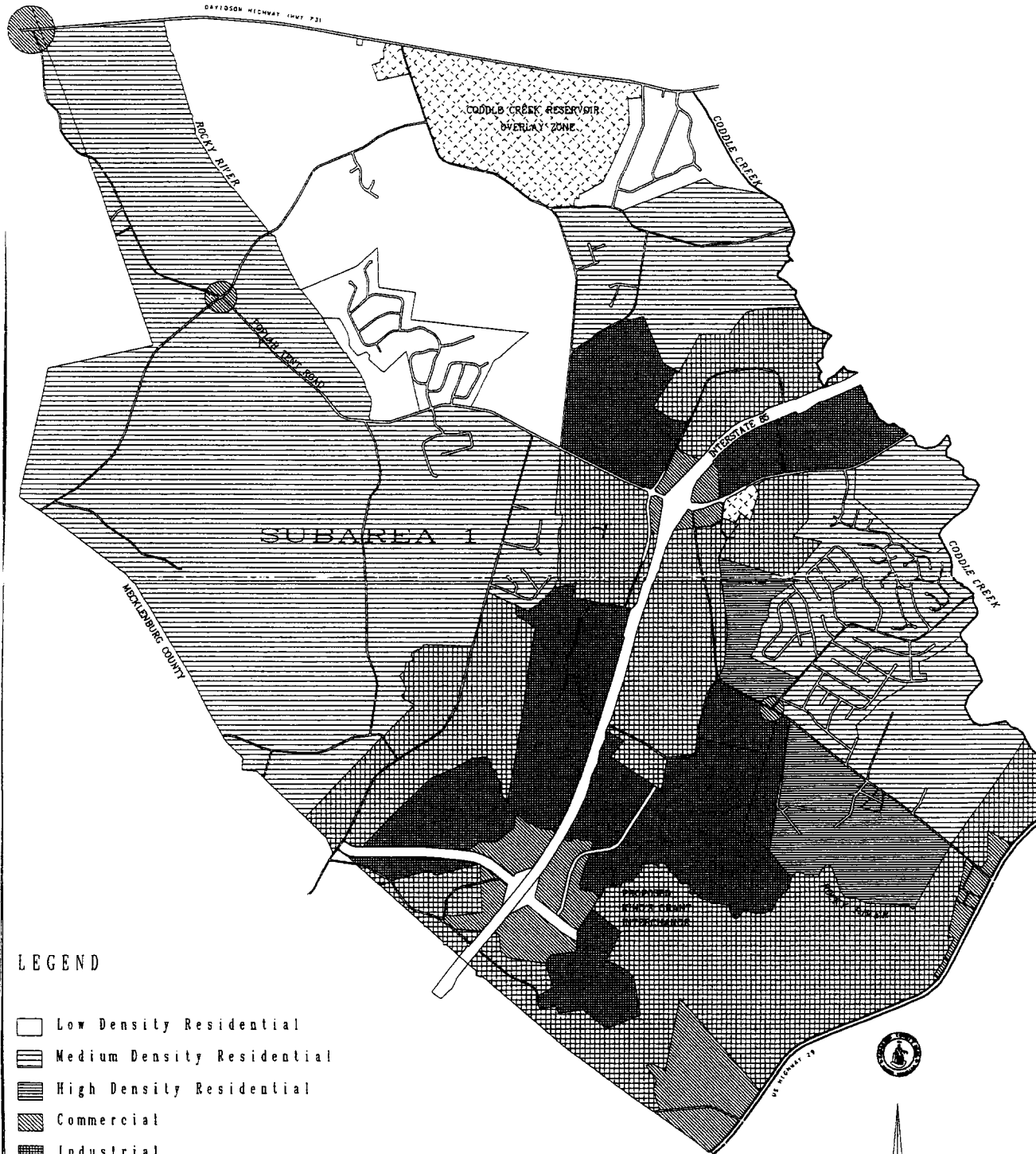
Legend

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

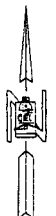


FUTURE LAND USE Subarea One



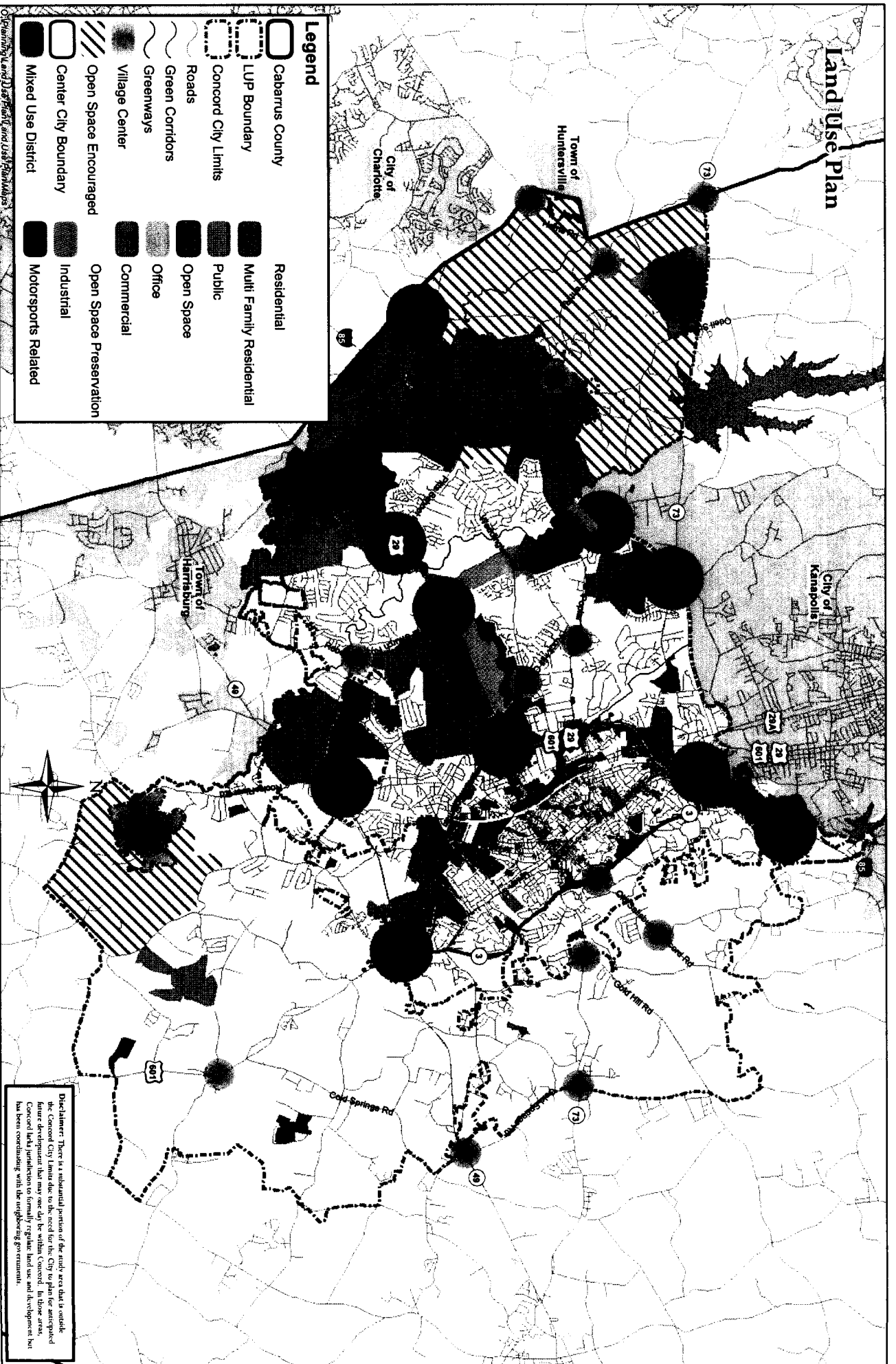
LEGEND

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Future Employment
- Institutional
- Recreational



1 inch = 3000 feet
Date of Map: 10/22/92

City of Concord Land Use Plan



Kassie Goodson

From: Thomas Bach [TBach@WSACC.org]
Sent: Friday, January 05, 2007 9:52 AM
To: Kassie Goodson
Cc: Jan Sellers; Mark Lomax; Van Rowell; moores@ci.concord.nc.us
Subject: [heur] Conditional Use Re-zoning Request Off Christenbury Parkway Near Derita Road - Concord

Hi Kassie,

This is in response to your request for comments outlined in your memorandum to me dated December 28, 2006, regarding the conditional use re-zoning for a parcel (PIN #4589-37-8441 – 88.6 acres) along Christenbury Parkway near Derita Road.

The existing topography on the site drains south towards an unnamed tributary off of Rocky River, but there are currently no existing gravity sewer lines along this tributary. It should be noted that any gravity sewer lines that are built in the future along the tributary to serve this and other sites would be owned and operated by WSACC.

For water service availability to this site, the developer will have to contact the City of Concord's Development Services Department to determine where existing water lines are located along Christenbury Parkway and Derita 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 re-zoning request does not give projected water demand. This information will be helpful in determining the adequacy of the existing water line infrastructure in this area.

The followings comments are provided for your information and consideration:

- The proposed site 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, Ext. 28

01/05/2007

Memo

To: Cabarrus County Planning and Zoning Board
From: Susie Zakraisek, AICP, Planning and Zoning Manager
CC: File
Date: 1/05/2007
Re: Proposed Text Amendment to Chapter 5 (C2006-05-ZT)

- Attached you will find proposed text for minor subdivision standards. The Ordinance currently does not contain any standards for minor subdivisions.
- You will be asked to provide a recommendation to the County Commissioners regarding the proposed change.
- Please look over the materials and be prepared to discuss these items at the meeting.

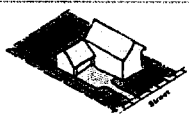
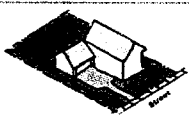
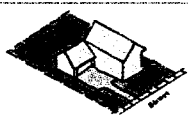
Section 5-5. Conventional subdivision standards.

A. Applicability.

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

B. Dimensional standards.

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

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

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

C. 1. Exception for minor subdivisions.

In the AO, CR, LDR, MDR and HDR Districts, applicants meeting the standards for a minor subdivision as defined by the subdivision ordinance may create no more than one conventional minor subdivision out of each parent tract existing as of June 20, 2005 with lots at least one acre in size, provided that each lot meets any minimum area requirements for public health purposes.

2. Minor Subdivision Dimensional Standards

Subdivisions that are classified as minor subdivisions in the AO, CR, and LDR zoning districts shall be subject to the tract requirements listed for public water and sewer, the minimum average lot width listed in lot dimensions, the setbacks, height and lot coverage standards in Section 5-5, Conventional Subdivision Standards, Section B,

CABARRUS COUNTY ZONING ORDINANCE

Dimensional Standards. NOTE: Density standards in table shall not apply. Minimum lot size shall be one acre (43,560 SF) as stated above.

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

D. *Tree planting required.*

1. *Front yard trees.*

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

Section 5-6. Open space subdivision standards.

A. *Intent.*

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

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

Memo

To: Cabarrus County Planning and Zoning Board
From: Susie Zakraisek, AICP, Planning and Zoning Manager
CC: File
Date: 1/05/2007
Re: Proposed Text Amendment to Chapter 7 (C2007-01-ZT)

- The Cabarrus County Zoning Ordinance needs to be amended to reflect a change in the State Statutes regarding family child care homes as home occupations. The State now permits up to eight children to be part of a family home daycare.
- Attached you will find the proposed text to address the changes in the GS §110-86.
- You will be asked to provide a recommendation to the County Commissioners regarding the proposed change.
- Please look over the materials and be prepared to discuss the change at the meeting.

CABARRUS COUNTY ZONING ORDINANCE

15. Gas station

Zones permitting based on standards:

*Agricultural/open, countryside residential, low density residential.

STANDARDS:

Gas stations must comply with the same standards as convenience stores with petroleum sales. See number 12 above.

16. Home occupation

Zones permitting based on standards:

*Agricultural/open, countryside residential, low-density residential, medium density residential, high density residential, mixed use, office/institutional, office, limited commercial.

STANDARDS:

a) List of Home Occupations: The following lists those occupations, which may be conducted at home. The purpose of the list is to function both as a guide and also to illustrate the spirit and intent of what is a legitimate home occupation. Essentially, the home occupation is conceived of as being reasonably permitted in a residential setting because *it does not compromise the residential character of the area*. A reasonable home occupation would not generate conspicuous traffic, would not visually call unusual attention to the home nor would it ever generate nonresidential level noise.

- Accounting, bookkeeping
- Appraisal
- Architecture
- Legal services
- Real estate sales
- Insurance sales
- * • Daycare with five children or less
- Drafting services
- Tailoring (dressmaking, alterations, etc.) services
- Engineering
- Financial planning & investment services

- Fine arts studio (creation of individual works only, no mass production)
- Interior decoration (no studio permitted)
- Mail order business (order taking only, no stock in trade)
- Musical instruction, voice or instrument
- Pet shop/grooming (enclosed)
- Photo laboratory (no studio work)
- Planning
- Tutoring
- One chair beauty and/or barber shop
- Office work
- Similar, low impact endeavor

b) Activity inside. The use must be conducted entirely within the interior of the residence, must be clearly incidental and secondary to residential occupancy, and may not change the residential character of the dwelling.

c) Maximum size. The use of the dwelling for a home occupation may not exceed up to 25% of one floor of the principal building.

d) Employees. Residents of the dwelling may be engaged in the home occupation with no more than one nonresident assistant employed.

e) Accessory buildings. These buildings are not to be used for home occupation purposes.

f) Type of activity. No activity can take place as a home occupation, which involves any outdoor storage.

g) Signage. Maximum allowable signage is four square feet. Must also meet any applicable requirements within Chapter Eleven, Signage.

h) Parking. All parking needs brought about by the operation of the home occupation must be met through an off street parking arrangement.

17. Home occupation, rural

Zones permitting based on standards:

*Agricultural/open, countryside residential, low-density residential, medium density residential.

CABARRUS COUNTY ZONING ORDINANCE

STANDARDS:

a) List of rural home occupations: The following lists those occupations, which may be conducted as a rural home occupation (RHO). The rural home occupation differs from the home occupation in that it is not required to be conducted within the residence proper, but may be in another building accessory to the residence. Slightly more intense uses may occur within the RHO since it is sited within less densely settled areas.

- Accounting, bookkeeping
- Appraisal
- Architecture
- *Auto repair work - permitted as PBS in Ag/open only.*
- Building contractor's storage yard including electrical, plumbing, & mechanical
- Legal services
- Real estate sales
- Insurance sales
- * • Daycare with five children or less
- Drafting services
- Tailoring (dressmaking, alterations, etc.) services
- Engineering
- Financial planning & investment services
- Fine arts studio
- Interior decoration
- Mail order business
- Musical instruction, voice or instrument
- Photo laboratory/studio
- Planning
- Tutoring
- One chair beauty and/or barber shop
- Office work
- Similar, low impact endeavor

b) Location. The rural home occupation may be carried out in no more than one building separate from the primary residence.

c) Outside storage. All outside storage areas including dumpsters must be:

- sited to the rear of the building,
- within the setbacks required of the building's underlying zone, and,

CABARRUS COUNTY ZONING ORDINANCE

15. Gas station

Zones permitting based on standards:

*Agricultural/open, countryside residential, low density residential.

STANDARDS:

Gas stations must comply with the same standards as convenience stores with petroleum sales. See number 12 above.

16. Home occupation

Zones permitting based on standards:

*Agricultural/open, countryside residential, low-density residential, medium density residential, high density residential, mixed use, office/institutional, office, limited commercial.

STANDARDS:

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- Accounting, bookkeeping
- Appraisal
- Architecture
- Legal services
- Real estate sales
- Insurance sales
- * • Daycare with eight children or less (See GS §110-86)
- Drafting services
- Tailoring (dressmaking, alterations, etc.) services
- Engineering
- Financial planning & investment services

- Fine arts studio (creation of individual works only, no mass production)
- Interior decoration (no studio permitted)
- Mail order business (order taking only, no stock in trade)
- Musical instruction, voice or instrument
- Pet shop/grooming (enclosed)
- Photo laboratory (no studio work)
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- Tutoring
- One chair beauty and/or barber shop
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- Similar, low impact endeavor

b) Activity inside. The use must be conducted entirely within the interior of the residence, must be clearly incidental and secondary to residential occupancy, and may not change the residential character of the dwelling.

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d) Employees. Residents of the dwelling may be engaged in the home occupation with no more than one nonresident assistant employed.

e) Accessory buildings. These buildings are not to be used for home occupation purposes.

f) Type of activity. No activity can take place as a home occupation, which involves any outdoor storage.

g) Signage. Maximum allowable signage is four square feet. Must also meet any applicable requirements within Chapter Eleven, Signage.

h) Parking. All parking needs brought about by the operation of the home occupation must be met through an off street parking arrangement.

17. Home occupation, rural

Zones permitting based on standards:

*Agricultural/open, countryside residential, low-density residential, medium density residential.

CABARRUS COUNTY ZONING ORDINANCE

STANDARDS:

a) List of rural home occupations: The following lists those occupations, which may be conducted as a rural home occupation (RHO). The rural home occupation differs from the home occupation in that it is not required to be conducted within the residence proper, but may be in another building accessory to the residence. Slightly more intense uses may occur within the RHO since it is sited within less densely settled areas.

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- Architecture
- *Auto repair work - permitted as PBS in Ag/open only.*
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- Similar, low impact endeavor

b) Location. The rural home occupation may be carried out in no more than one building separate from the primary residence.

c) Outside storage. All outside storage areas including dumpsters must be:

- sited to the rear of the building,
- within the setbacks required of the building's underlying zone, and,

§ 110-86. Definitions.

Unless the context or subject matter otherwise requires, the terms or phrases used in this Article shall be defined as follows:

- (1) Commission. – The Child Care Commission created under this Article.
- (2) Child care. – A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:
 - a. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
 - b. Recreational programs operated for less than four consecutive months in a year;
 - c. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
 - d. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
 - d1. Drop-in or short-term care provided by an employer for its part-time employees where (i) the child is provided care not to exceed two and one-half hours during that day, (ii) the parents are on the premises, and (iii) there are no more than 25 children in any one group in any one room;
 - e. Public schools;
 - f. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
 - g. Bible schools conducted during vacation periods;
 - h. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
 - i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
 - j. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.
- (2a) Child care administrator. – A person who is responsible for the operation of a child care facility and is on-site on a regular basis.
- (3) Child care facility. – Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.
 - a. A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age

children receiving child care.

- * b. A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.
- (4) Repealed by Session Laws 1997-506, s. 3.
 - (4a) Department. – Department of Health and Human Services.
 - (5) Repealed by Session Laws 1975, c. 879, s. 15.
 - (5a) Lead teacher. – An individual who is responsible for planning and implementing the daily program of activities for a group of children in a child care facility.
 - (6) License. – A permit issued by the Secretary to any child care facility which meets the statutory standards established under this Article.
 - (7) Operator. – Includes the owner, director or other person having primary responsibility for operation of a child care facility subject to licensing.
 - (8) Secretary. – The Secretary of the Department of Health and Human Services. (1971, c. 803, s. 1; 1975, c. 879, s. 15; 1977, c. 4, ss. 1-3; 1983, c. 46, s. 1; c. 297, ss. 1, 2; 1983 (Reg. Sess., 1984), c. 1034, s. 78; 1985, c. 589, s. 36; c. 757, s. 155(c); 1987, c. 788, s. 2; 1989, c. 234; 1991, c. 273, s. 1; 1991 (Reg. Sess., 1992), c. 904, ss. 1, 2; c. 1024, s. 1; c. 1030, s. 51.12; 1997-443, ss. 11A.118 (a), 11A.122; 1997-506, s. 3; 2005-416, s.1.)

*This document (also available in PDF and RTF formats) is not an official document.
Please read the caveats on the main NC Statutes page for more information.*

Memo

To: Cabarrus County Planning and Zoning Board
From: Susie Zakraisek, AICP, Planning and Zoning Manager
CC: File
Date: 1/05/2007
Re: Proposed Text Amendment to Chapter 3 and 7 (C2007-02-ZT)

- Attached you will find proposed text to address an inconsistency in the Zoning Ordinance between text and a chart. The charts in Chapter 3 and 7 need to be amended to reflect the text for Retail/Shoppers' Goods in the AG/O zoning district.
- You will be asked to provide a recommendation to the County Commissioners regarding the proposed change.
- Please look over the materials and be prepared to discuss the change at the meeting.

Existing

CABARRUS COUNTY ZONING ORDINANCE

ZONE:	Ag/op	CR	LDR	MDR	HD/M	O/I	OF/LC	GENC	LIMI	GENI
USE:										
37) Photographic studio							P	P		
38) Printing and reprographic facility						P	PBS	P	P	P
39) Race shop/complex	C							P	P	P
40) Radio and television studio								P	P	
41) Recreational facility/indoor					PBS	PBS	PBS	P	P	
42) Recreational facility/outdoor	C	C	C	C	C	C	C	C	C	C
43) Recyclable materials drop off	PBS					PBS	PBS	PBS	PBS	PBS
44) Repair garage/automobile	PBS						PBS	P	P	
45) Repair shop/farm machinery	PBS								P	P
46) Repair shop/small engine	PBS						PBS	P	P	
47) Restaurant excluding drive-thru	PBS	PBS	PBS	PBS	PBS		P	P	P	P
48) Restaurant with drive-thru facility				C	C		PBS	PBS	PBS	PBS
49) Retail sales, shopping centers/10,000 square feet and less.					P		P	P		
50) Retail sales, shopping centers/10,000 - 50,000 square feet							P	P		
51) Retail sales, shopping centers/50,000 - 100,000 square feet								P		
52) Retail sales, shopping centers/greater than 100,00 square feet								C		
53) Self-service storage facilities					PBS		PBS	PBS	PBS	PBS

ZONE:	Ag/op	CR	LDR	MDR	HD/M	O/I	OF/LC	GEN C	LIMI	GEN I
USE:										
54) Signs, off-premise	(See Chapter Eleven, Table Six for specific regulations)						P	P		P
55) Signs, on-premise	P	P	P	P	P		P	P	P	P
56) Stables/commercial	P	PBS	PBS							
57) Trucking and heavy equipment, sales and service								C	C	P
58) Truck stop/truck terminal								C	C	P
59) Veterinarian/animal hospital/commercial kennel	C	C					C	C	C	
60) Wireless Telecommunications Services	PBS/C	PBS/C	PBS/C	PBS/C	PBS/C	C	PBS/C	PBS/C	PBS/C	PBS/C

Zone abbreviations: Ag/op - Agricultural/open; CR - Countryside residential; LDR & MDR - either low or medium density residential; HD/M - High density/mixed use residential; OF/LC - Office/limited commercial; O/I - Office/institutional; Gen C - General commercial; Lim I - Limited industrial; and Gen I - General industrial)

CABARRUS COUNTY ZONING ORDINANCE

PBS (Permitted based on standards) USES:	Ag/O	CR	LDR	MDR	HD/M	OF/LC	GEN C	LIM I	GEN I
25. Nursery/daycare	*	*	*	*	*	*	*		
26. Office, professional					*				
27. Printing & reprographic facilities						*			
28. Public cultural facility	*	*	*	*	*				
29. Recreational facility, indoor					*	*			
30. Recyclable materials drop-off	*					*	*	*	*
31. Religions institution (total seating capacity 350 or less)	*	*	*	*	*	*			
32. Repair garage, automobile	*					*			
33. Repair shop, farm machinery	*								
34. Repair shop, small engine	*					*			
35. Rest/convalescent home with 25 beds or less	*	*	*	*	*				
Zone abbreviations: Ag/op – Agricultural/open; CR - Countryside residential; LDR & MDR - either low or medium density residential; HD/M - High density/mixed use residential; OF/LC - Office/limited commercial; Gen C -General commercial; Lim I - Limited industrial; and, Gen I - General industrial.									
36. Restaurant excluding drive-thru	*	*	*	*	*				
37. Restaurant with drive-thru facility						*	*	*	*
38. Retail sales/shoppers goods	*				*	*			
39. Salvage yard									*

✱

Proposed

CABARRUS COUNTY ZONING ORDINANCE

ZONE:	Ag/op	CR	LDR	MDR	HD/M	O/I	OF/LC	GEN C	LIMI	GEN I
USE:										
37) Photographic studio							P	P		
38) Printing and reprographic facility						P	PBS	P	P	P
39) Race shop/complex	C							P	P	P
40) Radio and television studio								P	P	P
41) Recreational facility/indoor					PBS	PBS	PBS	P	P	
42) Recreational facility/outdoor	C	C	C	C	C	C	C	C	C	C
43) Recyclable materials drop off	PBS					PBS	PBS	PBS	PBS	PBS
44) Repair garage/automobile	PBS						PBS	P	P	
45) Repair shop/farm machinery	PBS								P	P
46) Repair shop/small engine	PBS						PBS	P	P	
47) Restaurant excluding drive-thru	PBS	PBS	PBS	PBS	PBS		P	P	P	P
48) Restaurant with drive-thru facility				C	C		PBS	PBS	PBS	PBS
49) Retail Sales/Shoppers' Goods	PBS									
50) Retail sales, shopping centers/10,000 square feet and less.					P		P	P		
51) Retail sales, shopping centers/10,000 - 50,000 square feet							P	P		
52) Retail sales, shopping centers/50,000 - 100,000 square feet								P		
53) Retail sales, shopping centers/greater than 100,00 square feet								C		
54) Self-service storage facilities					PBS		PBS	PBS	PBS	PBS

◆ Chapter Three Establishment of Zones

ZONE:	Ag/op	CR	LDR	MDR	HD/M	O/I	OF/LC	GEN C	LIMI	GEN I
USE:										
55) Signs, off-premise	(See Chapter Eleven, Table Six for specific regulations)						P	P		P
56) Signs, on-premise	P	P	P	P	P		P	P	P	P
57) Stables/commercial	P	PBS	PBS							
58) Trucking and heavy equipment, sales and service								C	C	P
59) Truck stop/truck terminal								C	C	P
60) Veterinarian/animal hospital/commercial kennel	C	C					C	C	C	
61) Wireless Telecommunications Services	PBS/C	PBS/C	PBS/C	PBS/C	PBS/C	C	PBS/C	PBS/C	PBS/C	PBS/C

Zone abbreviations: Ag/op - Agricultural/open; CR - Countryside residential; LDR & MDR - either low or medium density residential; HD/M - High density/mixed use residential; OF/LC - Office/limited commercial; O/I - Office/institutional; Gen C - General commercial; Lim I - Limited industrial; and Gen I - General industrial)

CABARRUS COUNTY ZONING ORDINANCE

PBS (Permitted based on standards) USES:	Ag/O	CR	LDR	MDR	HD/M	OF/LC	GEN C	LIM I	GEN I
25. Nursery/daycare	*	*	*	*	*	*	*		
26. Office, professional					*				
27. Printing & reprographic facilities						*			
28. Public cultural facility	*	*	*	*	*				
29. Recreational facility, indoor					*	*			
30. Recyclable materials drop-off	*					*	*	*	*
31. Religions institution (total seating capacity 350 or less)	*	*	*	*	*	*			
32. Repair garage, automobile	*					*			
33. Repair shop, farm machinery	*								
34. Repair shop, small engine	*					*			
35. Rest/convalescent home with 25 beds or less	*	*	*	*	*				

Zone abbreviations: Ag/op – Agricultural/open; CR - Countryside residential; LDR & MDR - either low or medium density residential; HD/M - High density/mixed use residential; OF/LC - Office/limited commercial; Gen C -General commercial; Lim I - Limited industrial; and, Gen I - General industrial.

36. Restaurant excluding drive-thru	*	*	*	*	*				
37. Restaurant with drive-thru facility						*	*	*	*
38. Retail sales/shoppers' goods	*								
39. Salvage yard									*



Memo

To: Cabarrus County Planning and Zoning Board
From: Susie Zakraisek, AICP, Planning and Zoning Manager
CC: File
Date: 1/05/2007
Re: Proposed Text Amendment to Chapter 11(C2007-03-ZT)

- Attached you will find proposed text to address an inconsistency in the Zoning Ordinance between text and a chart regarding signage standards.
- You will be asked to provide a recommendation to the County Commissioners regarding the proposed change.
- Please look over the materials and be prepared to discuss the change at the meeting.

Existing

States (not to exceed 6' x 10') displayed in connection with a commercial activity.

- Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body.
- Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- On-premise signs directing and guiding traffic on private property, not exceeding 2 square feet each. Examples are "Enter", "Exit", etc.
- Subdivision sale signs, not exceeding 32 square feet in area and limited to 2 single-faced signs or 1 double-faced sign at each point of ingress/egress, giving the name of residential subdivision, multiple family housing development, or mobile home court, the pricing information and name, address, and phone number of sales agent/developer. Such signage must be removed when certificates of occupancy have been issued for 95% of the subdivision's units.

Lighted or unlighted on premise signage for noncommercial, nonprofit type organizations including but not limited to churches, civic organizations, etc., in number and size as follows:

-secondary signs in an amount equal to the same number of abutting streets, not to exceed six (6) square feet per sign and to be placed one per street. REMOVE HIGHLIGHTED TEXT

Real estate signage as follows:

Temporary on-site real estate signage for all real estate:		
• Lot or tract size	• Maximum sign face area square footage for all signs:	• Placement:
2 acres or less	4 square feet	Discretion of user
2 - 10 acres	16 square feet	No more than one sign per abutting street

3. Removal of temporary signs. Unless specified otherwise, all temporary signs must be removed within ten (10) days from the date the purpose of the sign ceased to exist.

.. Signs for home occupations and rural home occupations as follows:

1. Home occupation - one nonilluminated sign not to exceed four (4) square feet, either affixed to a building or freestanding.

2. Rural home occupation - total nonilluminated signage not to exceed eight (8) square feet, either affixed to a building or freestanding.

PART III. SIGNS REQUIRING A PERMIT.

Section 11-5. On-premise signage.

- On-premise signage is allowed in the various zoning districts of Cabarrus County as set forth in Table Seven, "**Regulations for on-premise signage by zoning district - number & maximum size**", located at the end of this Chapter. It may be either freestanding signage or attached to principal and accessory buildings. When attached, it is considered a part of the structure and is subject to the height and setback regulations governing the building.

- Permanent signs for residential subdivisions, multiple family housing developments, or mobile home courts giving name only not exceeding 32 square feet preferably in the form of a ground sign at the primary point of egress/ingress.

- Lighted or unlighted on premise signage for noncommercial, nonprofit type organizations including but not limited to churches, civic organizations, etc., in number and size as follows:

- one (1) primary sign not to exceed fifty (50) square feet. REMOVE HIGHLIGHTED TEXT

Section 11-6. Off-premise signage.

Off premise signs within the County shall be allowed only when the following conditions are met:

- PERMANENT OFF PREMISE DIRECTIONAL SIGNS
 1. Permanent off premise directional signs shall be limited to nonprofit organizations such as religious institutions, civic organizations, and schools.
 2. Prior to the issuance of a zoning compliance permit for an off premise sign, a NCDOT permit must be issued by the District Engineer's office, 716 West

Please see Table Six, "Regulations for on-premise signage by zoning district - number & maximum size", at the end of this Chapter.

PART V. HOW TO OBTAIN A PERMIT.

Section 11-8. Procedure for obtaining a sign permit.

Sign permits are obtained from the office of the Zoning Administrator and run with the life of the sign. Additionally, all signs require a building permit from the County Inspections Division of the Planning & Zoning Department. And, those signs which are illuminated also require an electrical permit, also available from the Inspections Department. The applicant must bring a drawing of the sign showing size and location.

PART VI. MISCELLANEOUS REGULATIONS RELATING TO ALL SIGNAGE.

Section 11-9. Separate regulations relating to signage.

•Height

On-premise signs shall follow the height limitations of the underlying zoning district's regulation for accessory structures. REMOVE HIGHLIGHTED TEXT

• Illumination

No flashing or intermittent illumination shall be used on an advertising sign or structure. Time and temperature units and electronic/digital message signs are excluded. All illuminated signs or structures shall be placed so as to prevent the light rays or illumination therefrom being cast directly upon any residential dwelling or road right-of-way.

•Imitative traffic signs.

No sign shall be illuminated, constructed, or displayed in any manner which simulates official traffic or public notice signs or signals.

• Restrictions on direct illumination, banners, streamers, etc.

No source of illumination on a sign, such as floodlights, spotlights, unshielded bulbs, etc., shall be directly visible from any public right-of-way, from any residential district or from adjacent premises.

• Prohibited locations for signs

Except where specifically permitted by this Ordinance, signage, inclusive of the supports, frames and embellishments thereto, shall not be located within the public

**Standards for Permanent Signage in
Residential Districts (AO, CR, LDR, MDR, HDR, PUD)**

Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
Ground Signs* Apartments, Condominiums, Residential Subdivisions, and Manuf. Home Parks	2 per entrance	16 sf	6 ft.	Outside of street right-of-way and site triangle
Home Occupation	not permitted	n/a	n/a	n/a
Group Care Facilities, Rooming or Boarding Houses, Bed and Breakfast Inns, and Similar Uses	1 per premises	16 sf	4 ft.	Outside of street right-of-way and site triangle
Churches, Schools, Community Centers, Public Bldgs., and Similar Uses	1 per premises	16 sf	4 ft.	Outside of street right-of-way and site triangle
Other Uses	1 per premises	16 sf	4 ft.	Outside of street right-of-way and site triangle

Certain types of signs do not require a sign permit, however, these signs are still subject to all other regulations contained within this Ordinance unless specifically stated otherwise. No permits are required for the following:

- “ Signs placed by the North Carolina Department of Transportation.
- “ Incidental signs.
- “ Non-illuminated signs not exceeding two per lot nor 2 square feet in area per sign of a noncommercial nature and bearing only property identification numbers and names, post office box numbers and names of occupants of the premises.
- “ Flags and insignia and signs of any government, when displayed in connection with a noncommercial activity. One flag of the United States (not to exceed 6' x 10') displayed in connection with a commercial activity.
- “ Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body.
- “ Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- “ On-premise signs directing and guiding traffic on private property, not exceeding 2 square feet each. Examples are "Enter", "Exit", etc.
- “ Subdivision sale signs, not exceeding 32 square feet in area and limited to 2 single-faced signs or 1 double-faced sign at each point of ingress/egress, giving the name of residential subdivision, multiple family housing development, or mobile home court, the pricing information and name, address, and phone number of sales agent/developer. Such signage must be removed when certificates of occupancy have been issued for 95% of the subdivision's units.

Real estate signage as follows:

CABARRUS COUNTY ZONING ORDINANCE

natural form.

“ Temporary signs. On-site temporary signs used to promote any event of a temporal nature are allowed in any nonresidential zoning district.

1. Temporary construction signs. One per site not exceeding 32 square feet in area. May contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape-architect, contractor and subcontractor. Such signs shall not be erected prior to preliminary plat approval when the development comes under Cabarrus County Subdivision Regulations. When the project is not under such regulation, the letting of contracts will be the point in time at which such signs may be posted.

2. Temporary agricultural signs. If on-premise, do not require a sign permit. They are, however, subject to area requirements as follows: The sign may not exceed sixteen (16) square feet, nor exceed six (6) feet in height, nor be illuminated. These signs are to be erected no sooner than one (1) week prior to the beginning of the harvest season and must be removed immediately upon the end of the harvest season.

3. Removal of temporary signs. Unless specified otherwise, all temporary signs must be removed within ten (10) days from the date the purpose of the sign ceased to exist.

“ Signs for home occupations and rural home occupations as follows:

1. Home occupation - one nonilluminated sign not to exceed four (4) square feet, either affixed to a building or freestanding.

2. Rural home occupation - total nonilluminated signage not to exceed eight (8) square feet, either affixed to a building or freestanding.

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zoning district - number & maximum size", located at the end of this Chapter. It may be either freestanding signage or attached to principal and accessory buildings. When attached, it is considered a part of the structure and is subject to the height and setback regulations governing the building.

Section 11-6. Off-premise signage.

Off premise signs within the County shall be allowed only when the following conditions are met:

- PERMANENT OFF PREMISE DIRECTIONAL SIGNS
 1. Permanent off premise directional signs shall be limited to nonprofit organizations such as religious institutions, civic organizations, and schools.
 2. Prior to the issuance of a zoning compliance permit for an off premise sign, a NCDOT permit must be issued by the District Engineer's office, 716 West Main Street, Albemarle, NC 28001 OFFICE PHONE - 704-982-0105.
 3. A location site plan shall be required to ensure sign placement will not encroach in the NCDOT right of way and sight distance triangle.
 - a. The site plan shall be drawn to scale showing the property dimensions as well as the NCDOT right of way.
 4. Where two or more organizations operate from the same building or site, a total of two (2) off premise directional signs shall be allowed.
 5. Signs shall not exceed six (6) square feet in size.
 6. Signs shall not exceed four (4) feet in height measured from the top of natural grade to the uppermost part of the sign.
 7. Sign shall not be lighted.
 8. Sign may bear the name of the organization and/or its logo, and a directional arrow only.
 9. Permanent off premise directional signs are to be constructed of rigid, durable material (masonry, metal, or wood that is primed and painted) that will not rust, fade, rot or be become structurally unstable.
 - a. Off premise signs shall receive routine maintenance including, but not limited to, painting, cleaning, and replacement of damaged components, to remain in good

CABARRUS COUNTY ZONING ORDINANCE

- repair.
- b. Should signs fall into disrepair, the sign applicant shall be found in violation of the standard listed above and subject to the penalties set forth in Section 12-27 of this Ordinance.
10. All components of the sign, including the sign face, stakes, posts, frames or any other supporting element must be removed from the property upon permanent cessation of the business operation.

Permanent off-premise signage not related to nonprofit, noncommercial organizations and not following the guidelines listed above is prohibited.

PART IV. TABLE OF SIGN REQUIREMENTS.

Section 11-7. Regulations.

Please see **Table Six, "Regulations for on-premise signage by zoning district - number & maximum size"**, at the end of this Chapter.

PART V. HOW TO OBTAIN A PERMIT.

Section 11-8. Procedure for obtaining a sign permit.

Sign permits are obtained from the office of the Zoning Administrator and run with the life of the sign. Additionally, all signs require a building permit from the County Inspections Division of the Planning & Zoning Department. And, those signs which are illuminated also require an electrical permit, also available from the Inspections Department. The applicant must bring a drawing of the sign showing size and location.

PART VI. MISCELLANEOUS REGULATIONS RELATING TO ALL SIGNAGE.

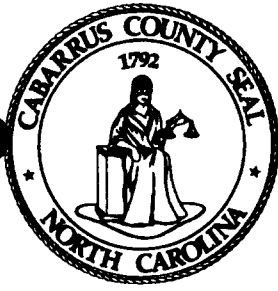
Section 11-9. Separate regulations relating to signage.

• Illumination

No flashing or intermittent illumination shall be used on an advertising sign or structure. Time and temperature units and electronic/digital message signs are

**Standards for Permanent Signage in
Residential Districts (AO, CR, LDR, MDR, HDR, PUD)**

Sign Type	Number Allowed	Max. Sign Area	Max. Height	Sign Location
<u>Ground Signs*</u> Apartments, Condominiums, Residential Subdivisions, and Manuf. Home Parks	2 per entrance	16 sf	6 ft.	Outside of street right-of-way and site triangle
Home Occupation	not permitted	n/a	n/a	n/a
Group Care Facilities, Rooming or Boarding Houses, Bed and Breakfast Inns, and Similar Uses	1 per premises	16 sf	4 ft.	Outside of street right-of-way and site triangle
Churches, Schools, Community Centers, Public Bldgs., and Similar Uses	1 per street frontage	16 sf	4 ft.	Outside of street right-of-way and site triangle
Other Uses	1 per premises	16 sf	4 ft.	Outside of street right-of-way and site triangle



Planning and Zoning Commission Minutes
January 18, 2007
7:00 P.M.

Mr. Roger Haas, Chairman, called the meeting to order at 7:00 p.m. Members present, in addition to the Chair, were Mr. Todd Berg, Ms. Brenda Cook, Mr. Larry Ensley, Mr. Danny Fesperman, Mr. Larry Griffin, Mr. Ted Kluttz, Mr. Leonard Lancaster, Mr. Thomas Porter Jr., Mr. Ian Prince, and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were Ms. Susie Zakraisek, Planning and Zoning Manager, Ms. Kassie Watts, Planner, Ms. Colleen Nelson, Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Approval of Minutes

Mr. Fesperman, **MOTIONED, SECONDED** by Mr. Berg, to **APPROVE** the December 21, 2006 meeting minutes. The vote was unanimous.

New Business - Planning Board Function:

The Chair introduced The Point at St. Andrews Preliminary Plat Extension Request.

Ms. Kassie Watts, Planner, addressed the board stating this is a preliminary plat extension request for subdivision, The Pointe at St. Andrews, located at Flowe Store Road and Piney Church Road. It is f a part of St. Andrews, but was purchased as a separate subdivision. She said the developer submitted a letter requesting an extension for the preliminary plat subdivision. She said the developer had some things hold them up as far as them being able to final plat within a two year time period, and that is why they are requesting the extension. Staff recommends the following conditions be a part of the extension approval:

1. The developer be granted a two year extension for the development of this project setting the new expiration date at January 20, 2009. (The developer requested a 2 year extension in their letter).
2. That the extension be conditioned upon the Cabarrus County Board of Commissioners reaffirming or renegotiating the terms of the original consent agreement for The Pointe at St. Andrews.

Ms. Watts said that the developer has a consent agreement for the subdivision and it is written at \$4,034 per lot, payable at building permitting. She said if it were to be renegotiated it would be the same fee \$4,034, payable at final platting, which is the way

the Board of Commissioners do it now. She said Mr. Bill Cochran and Mr. Danny Bost were both here tonight if the board had any questions.

Mr. Bill Cochran, Consulting Engineer, W. Earl Cochran & Son, Inc., 191 Eastover Drive, Concord, NC, addressed the board. Mr. Cochran said the preliminary plat was approved 2 years ago. He said they had a few problems getting erosion control approval, there was one wetland site being disputed; it has been approved by the state. He said NCDOT had a road that they were joining; there were some problems to work out. He said there have been some changes, the road was located on a 100 foot right of way, they located on one part and NCDOT wanted it located on another. He said the plans were almost complete; he had to redo the plans because of a new format with the City of Concord. They have wetland and erosion control approval; they should have City approval within the next week. He said NCDOT is again looking at the street; it is his understanding they are fine with it, or will be; it has been done the way they asked us to do it. He anticipates approval within the next week or two.

Mr. Fesperman asked if the City had the plan since April 17, 2006.

Mr. Cochran said yes.

Mr. Fesperman asked if Mr. Cochran was caught with new formatting or system.

Mr. Cochran said they turned in plans prior to April 17, 2006, the plan and profile location on the drawing was different than the way it normally had been done. He said there was a change in the process, in the manner in which things were submitted and they had to make those changes. He said there were some communication problems; they have worked at getting it ready and he thinks they are in pretty good shape now.

Mr. Danny Bost, 783 Williamsburg Drive, Concord, NC, addressed the board, also requesting the extension. He said the subdivision would have been completed a long time ago if the plans had been reviewed and approved by the City for water and sewer; it has been a major hold up.

Mr. Prince asked why they were requesting a two year extension.

Mr. Bost said because Bill Cochran suggested it would be 2 years. Mr. Bost said if he could get the plans approved, he would start tomorrow and it would be done in 3 or 4 months.

Mr. Haas asked what approvals for the project was missing, and if he had utility approval.

Mr. Bost said no, he does not have any approvals. He is waiting on approval from the city and from the state as far as NCDOT approving the road. He said everything has been turned in.

There being no further discussion, Mr. Fesperman **MOTIONED, SECONDED** by Mr. Lancaster, to approve The Pointe at St. Andrews - Preliminary Extension Request with the following staff recommendations: that the expiration date be January 20, 2009, and that the extension be conditioned upon the Cabarrus County Board of Commissioners reaffirming or renegotiating the terms of the original consent agreement. The vote was unanimous.

The Chair introduced Petition C2007-01(R) - Zoning Atlas Amendment.

Applicant: Alton H. & Rebecca Thigpen
5395 Mooresville Road
Kannapolis, NC 28081

Request: Rezone from Office Institutional (OI) to Medium Density Residential (MDR) (Change zoning back to Residential after countywide zoning changed it to OI)

Ms. Colleen Nelson, Senior Planner, addressed the board stating the Petition is C2007-01 (R) – Zoning Atlas Amendment. The applicant is Alton H. and Rebecca Thigpen. She said the existing zoning is Office Institutional (OI) and the proposed zoning is Medium Density Residential (MDR). The purpose of the rezoning is to change the zoning back to residential after a county wide rezoning changed it to Office Institutional (OI) in 2005. The property is located on Mooresville Road adjacent to the West Oaks subdivision. The surrounding zoning to the north is Low Density Residential (LDR), to the south is Kannapolis, Agricultural (AG), to the west is Office Institutional (OI) and to the east is Low Density Residential (LDR).

Ms. Nelson said there were no comments from NCDOT. She said Cabarrus County Schools – Robert Kluttz said, it is difficult to determine impact on the schools because there is no plan. The elementary and middle schools should see no problem with a change from Office Institutional (OI) to Medium Density Residential (MDR), but the high schools still remain in core capacity. The City of Kannapolis – Richard Smith said, water is available to the site and annexation is possible given the close proximity to the city limits.

Ms. Nelson said code considerations: per the Cabarrus County Zoning Ordinance, the Medium Density Residential (MDR) zoning 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 with the next 10 years. This district is designed to provide permanent protection for those who want to live in moderately high density residential environments. The district is designed to provide the principal location for a wide variety of residential types.

Ms. Nelson said the subject property was originally a portion of the West Oaks subdivision located directly to the north. At the time of preliminary plat approval in July of 1993, the entire subdivision was zoned Medium Density Residential (MDR). The last final plat of the West Oaks subdivision was approved and recorded in September of 1994. Per the Cabarrus County Subdivision Ordinance, Chapter 3 Section 5, the final plat shall be submitted within twenty-four (24) months following approval of the preliminary plat. If the plat, or a section thereof, is not submitted within the time limit or if there is a lapse of more than twenty-four (24) months in the recording of any subsequent section, the plat must be resubmitted as a preliminary plat.

Ms. Nelson said this particular portion was not developed within twenty-four (24) months of the preliminary plat approval or the last final plat approval, therefore it has to be resubmitted as preliminary plat.

Ms. Nelson said the draft version of the updated Cabarrus County Northwestern Area Plan recommends that the subject property be developed as residential, with a density of 2-4 units per acre. The draft plan was utilized in 2005 when the zoning for the county was updated and the current zoning of Office Institutional (OI) was assigned. She said Medium Density Residential (MDR) permits 2.5 -3 units per acre, and is compatible with the future land use map. According to the Northwestern Small Area Plan of 1990, which the subject property was originally approved under, the subject property was originally zoned Medium Density Residential (MDR).

Ms. Nelson said staff feels that this zoning will create continuity within the West Oaks subdivision. Due to the circumstances of the case regarding the expired preliminary plat, the owner will need to resubmit the plat to adhere to any restrictions that the new zoning designation requires, including lot acreage, density, dimensions, etc. This is a conventional rezoning request, therefore there cannot be any conditions placed on it.

Ms. Nelson said the draft version of the updated Cabarrus County Northwestern Area Plan recommends the zoning designation of the property be residential with a density of 2-4 units per acre, a zoning designation of Medium Density Residential (MDR) would be compatible with that recommendation. She said the Planning and Zoning Board Commission should consider all the information presented and render a decision according to the Commission's vision for this area of a Cabarrus County.

Mr. Lancaster said all the plans recommend that this be residential, he does not understand how it got zoned Office Institutional (OI). He said we are running into this every meeting.

Ms. Zakraisek said it is on a major thoroughfare, it is at an intersection, it makes sense for that area to develop as mixed use, and that is why the Office Institutional (OI) zoning district was put into place when the zoning assessment was done. She said it was discussed with the folks at the neighborhood meeting back when the rezoning was done and that is why it was placed in that type of zoning designation.

Ms. Rebecca Thigpen, 5395 Mooresville Road, Kannapolis, NC, addressed the board. She said the portion of West Oaks they are asking to be changed back to Medium Density Residential (MDR) was Phase III when the original development was done. She said the reason they have not sold any of the lots is because they would have to pay taxes on each lot when they are recorded, they were trying to save money on taxes and decided to do Phase I and II and to leave Phase III. She said Phase III has sewer and water lines, the streets have been curbed and guttered and gas is there. She said there is no direct entrance onto Mooresville Road, there are right of ways that come up to the back of the property, there is no street entrance into Mooresville Road.

The Chair asked if Ms. Thigpen was planning for this to become a part of the West Oaks Subdivision.

Ms. Thigpen said yes.

There being no further discussion, Mr. Berg, **MOTIONED, SECONDED** by Mr. Griffin to **APPROVE**, Petition C2007-01 (R) Zoning Atlas Amendment – Rezone from Office Institutional (OI) to Medium Density Residential (MDR). The vote was unanimous.

Mr. Griffin, **MOTIONED, SECONDED** by Mr. Shoemaker, that Petition C2007-01 (R) Zoning Atlas Amendment is consistent with the Land Use Plan and is reasonable and in the public interest. The vote was unanimous.

The Chair introduced Petition C2007-02 (R) Zoning Atlas Amendment – Request to Rezone Low Density Residential (LDR) and Limited Industrial (LI) to Limited Industrial (LI)

Mr. Richard Koch, Cabarrus County Attorney, addressed the board stating the board was given a letter from the applicant requesting a change to the rezoning request. The amended request is to rezone the parcel from Low Density Residential (LDR) and Limited Industrial (LI) to Office Institutional (OI). Mr. Koch recommends that the board consider tabling this item until next month and having it re-advertised. He said typically if there is a substantial change in the rezoning as it is proposed to be amended from what was advertised, then it would need to be re-advertised. He said if you look at the list of permitted uses for the amended application as compared to the original, there are some uses that are contained in the original, that are not in the amended. He said the fact that there are different permitted uses in one of the zoning classifications compared to the amended, he recommends, because of that reason and the way it was advertised, that it be tabled until the next meeting and re-advertised with the amended zoning classification.

Mr. Berg asked if it would be tabled or would it come back as a new application.

Mr. Koch said procedurally it is being tabled, because it is not being considered tonight but was on the agenda. However, you would table it with instructions that it be re-advertised with the amended zoning classifications.

The Chair said we are looking for a motion to table consideration of this item to allow time for proper advertising.

Mr. Griffin, **MOTIONED, SECONDED** by Mr. Berg to **TABLE** Petition C2007-02 (R) until the next Planning and Zoning Board meeting to allow time to re-advertise with the amended zoning classification. The vote was unanimous.

Ms. Zakraisek, Planning and Zoning Manager, addressed the Board presenting several proposed text amendments.

Proposed Text Amendment to Chapter 5 (C2006-05-ZT) Minor Subdivision Standards

Ms. Zakraisek said when the new standards were adopted in the Cabarrus County ordinance last year; no standards were adopted for minor subdivisions. She said staff has been applying conventional subdivisions standards but the conventional subdivisions standards only exist for 3 zoning districts. She said if you look at the text, you will see that you did not get any old text because there isn't any old text, you just have the new text that has been proposed. She said under the minor subdivisions standards there are specific things that subdivisions would be subject too; that would include the requirement for public water and sewer, if it is permitted or not permitted, the minimum average lot width listed in the lot dimensions, the setbacks and the height and lot coverage standards. She said that would be for AO, CR and LDR and the same set of standards would apply for MDR and HDR, but the table used for that is Table 5-6, which is the Open Space Subdivision standard. She said this puts in writing what is currently being done, so that if some one picks up the ordinance and wants to know what the standards are for a minor subdivision the standards will be there, right now they are not. She said the only mention of a minor subdivision is in C1, which is the only text that exists at this time.

Mr. Shoemaker said, you talk about minimum lot size being 1 acre, and then in the next paragraph you say it again for MDR and HDR, the same verbiage; he asked Ms. Zakraisek to clarify that.

Ms. Zakraisek said, in C-1 it says for a Minor Subdivision, as long as you have no more than 1 conventional minor subdivision, which would be less than 5 tracts out of that subdivision. She said the exception pretty much exempts you from going through the subdivision process, you still have to meet the standards but you do not have to go through full blown subdivision review with NCDOT and WSACC and all of those folks. She said with 5 or less, it can be done in-house administratively. She said, they can walk in and walk out the same day if they have what they need on a plat. She said what it talks about, and what we have to be mindful of, is that in Cabarrus County, if you are going to put in a well and a septic system it typically requires a minimum of 1 acre. She said that is where the 1 acre comes from, so they are exempt in the fact that they do not have to meet the acreage requirement, they do not have to have 3 acres or 2 acres for the lot, they can go down to the 1 acre because it is a minor, but would have to meet the minimum standards established by the Health Department. She said if the Health Department says

they have to have 1.5 acres to have the well and septic, then they would have to have 1.5 acres not 1, it is a minimum of 1 acre.

There being no further discussion Mr. Prince **MOTIONED, SECONDED** by Mr. Shoemaker to recommend the Proposed Text Amendment to Chapter 5 (C2006-05 ZT) as presented for approval to the County Commissioners. The vote was unanimous.

Proposed Text Amendment to Chapter 7 (C2007-01-ZT) Child Care Home Occupation (Statute Change)

Ms. Zakraisek said this change took place a while ago. She said the state statutes regarding family child care homes or home day care now permits up to 8 children to be part of a family home daycare. She said our ordinance references 5 children or less; now they can have 8 children or less. She said any preschool or school age children in the home would be included in this number and the state regulates that. She said we need to get our language consistent with the state statute; the change will be 5 children or less to 8 children or less. She said it also needs to have the general statute reference so that if someone wanted to look and see what those requirements are, they could. She said the state statute is not going to be added (the last pages), just the reference.

There being no further discussion, Mr. Shoemaker **MOTIONED, SECONDED** by Mr. Porter, to recommend the Proposed Text Amendment to Chapter 7 (C2007-01 ZT) as presented for approval to the County Commissioners. The vote was unanimous

Proposed Text Amendment to Chapter 3 and Chapter 7 (C2007-02-ZT) Retail/Shoppers' Goods in AG/O (charts)

Ms. Zakraisek said this is a text amendment to Chapter 3 and Chapter 7. She said both chapters have to be amended because one deals with the list and the other deals with the permitted use chart. She said the AG/O Zoning District in the list allows for Retail/Shoppers' Goods, but did not allow for that in the chart, so we have to amend the chart in Chapter 3, to add that use in. She said the Retail/Shoppers' Goods is only to be permitted in the AG/O, so we had to amend the list and the chart. She said it is a clarification of omitted information, to make sure that the lists are consistent with the chart.

There being no further discussion, Mr. Berg **MOTIONED, SECONDED** by Mr. Prince, to recommend the Proposed Text Amendment to Chapter 3 and Chapter 7 (C2007-02 ZT) as presented for approval to the County Commissioners. The vote was unanimous

Proposed Text Amendment to Chapter 11 (C2007-03-ZT) Signage Clarification

Ms. Zakraisek said this amendment involves a couple of changes. She said in 2005, there were some changes made to the signage text chapter in the county ordinance. She said there was conflicting information between the non profits, the churches; the chart was

referencing one set of standards and the text referencing a separate set of standards. She said we have been using the chart because that was the last text amendment that this board voted on and that the Board of Commissioners voted on. She said there is one change, if you look in the existing language and then look in the proposed language you will see that we took out that language and the one proposed change that was in the chart is for churches, schools, community centers and public buildings and similar uses. She said there was something talking about additional signage that they could have that was temporary (wooden signs and things like that); which now are not consistent with the chart, there is no secondary signage, there is just primary signage and it is permitted based on frontage, the building or the parking, things of that nature. She said because there is no secondary street frontage for the churches and the nonprofits, it used to say 1 per premise, so they only got 1 sign. She said we suggested amending it to 1 per street frontage instead. She said if you had a school that happened to be on a corner lot you would look at potentially doing 1 per entrance, like it has for apartments or condos. She said typically because the schools are back off the road it really did not make since to have the sign at the entrance, it made more since to permit them to have it at their frontage; a lot of the time you cannot put the sign at the entrance because it will end up being an off-premise sign because they do not own the property in front of them, they are just accessing off the main road.

Ms. Zakraisek said we are suggesting that for those types of uses there would be 1 per street frontage instead of 1 per premise. She said according to enforcement officers that typically do plan review, it is more common for churches to come in and have dual frontage and be located on corners, which would make more sense than 1 sign per premise. She said secondary signage is no longer part of the ordinance, this was in a sense a trade off, so that if they did have dual frontage they could have 1 sign on each side of the property, or if they have frontage on 3 sides they could have 3 signs.

Mr. Prince asked if both signs would be permitted to the maximum size, there would be no major or minor.

Ms. Zakraisek said right, it did have primary and secondary signs, in amending and going to the chart, the chart does not address primary and secondary on the property. She said it addresses what types of signs you can have instead. She said you would have a ground sign, a wall sign, a canopy sign; you pick which one you want. She said this would be ground signs only.

There being no further discussion, Mr. Griffin **MOTIONED, SECONDED** by Mr. Berg, to recommend the Proposed Text Amendment to Chapter 11 (C2007-03 ZT) as presented for approval to the County Commissioners. The vote was unanimous.

Directors Report

Ms. Zakraisek reminded the board about the APFO meeting on Tuesday, January 23, 2007, at the expo center. She said she has not seen the agenda and does not know if there will be a public participation part or not. She said there are the new text and new student

generation rates, as well as the amount that is determined from that meeting, whether it stays at 50 percent or goes to 60 or 70 or whatever it is; we are scheduled to take that to the Board of Commissioners in February. She said if something comes out of this meeting and it requires changes to the text or more discussion as far as policy or percentages or how much the commission wants to collect, then it may be delayed; right now we are hopefully on schedule to take it in February. She said any projects turned in until this change happens would be vested under the current amount. She said some people have gotten hold of the power point presentation that she gave the board last month. She thinks there is some misinformation or it is being misinterpreted. She said people think the amount the county is going to be asking for from people is the \$26,000 per student because it is listed in one of the charts. She said on the off chance of someone asking you about that, you can let them know that the \$12,000 is the maximum amount that can be supported and out of that, the board will choose a certain percentage that they want to have the developers mitigate for.

Ms. Zakraisek said the Smiths went to the Board of Commissioners and asked them to refund their money for their rezoning. She said it will be discussed at the Board of Commissioners meeting this month, January 22, 2007. She is not sure which way that will go; it could be good and it could be bad. She said in a sense, any body who gets a rezoning approved could then ask for a refund. She said the board asked staff to come up with a policy or to make suggestions to them. She said our suggestion is going to be that they do not create a policy that is administered by staff, that it continues to be handled in the same manor as it is now, which is on a case by case basis (by the Board of Commissioners).

Mr. Porter stated that he will be out of town on January 23, 2007 for the APFO meeting. He asked if could email the Board of Commission about his feelings on the amount of the APFO.

Ms. Zakraisek thinks that would be fine, she said it is a public meeting and if you are unable to attend, she thinks they would welcome the input.

Ms. Zakraisek said she has not seen the agenda and she is not aware if there will be time allotted for public participation. She said discussing the APFO text is one part and discussion of the Tischler Study is another part of it.

The Chair assumes that with Kannapolis being invited, the question would be about approvals of subdivisions by municipalities when the county has to provide the funding for the schools and how they mesh together. To his knowledge there have never been in Kannapolis, any of the charts that have the percentages of over crowding and those types of things, those are never considered, to his knowledge, in any of the considerations of subdivisions within the municipalities, even though the county is the ones responsible for us. He assumes with all the boards attending that will be a point of discussion as well.

Ms. Zakraisek said the Unified Development Ordinance contains an adequate public facilities ordinance which covers schools, fire, and transportation; there are a lot of things

that are covered. However, she believes that some of the jurisdictions sometimes look at it like they do not deal with that part of it; they are not the ones supplying money for that part of it and that it does not directly impact them. She thinks that some of the jurisdictions are now sending their subdivisions to the schools; we have requested that they do that.

She said we keep a spread sheet on Kannapolis and activity in Kannapolis and their subdivisions. She said we are trying to work with Kannapolis so that we will be up on what they are doing. She said there was one subdivision we had to take to the Board of Commissioners that Kannapolis had final platted everything and it had no consent agreement. She said it was a miscommunication, we did not have it; hopefully they are getting more staff. She thinks some of the CMR staff is being assigned to Kannapolis, especially in light of everything that is happening with the Biotechnology center, and hopefully they will have more staff that we can work with and better communications.

There being no further discussion, Mr. Griffin, **MOTIONED, SECONDED** by Mr. Prince to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:52p.m.

APPROVED BY:



Todd Berg, Vice-Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Zakraisek
Planning and Zoning Manager