

Commerce Department
Planning Division

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
June 21, 2007
7:00 P.M.
County Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval/Correction of May 17, 2007 Minutes
3. New Business - Planning Board Function:
 - A. Preliminary Plat Approval - Petition C2007-04 (S)
Rustic Canyon - Amenity Residential Subdivision
Shea Homes, LLC
3436 Toringdon Way, Suite 100
Charlotte, NC 28277
 - B. Update to Text Amendment - C2007-06-ZT- Amenity Subdivision Standards and Anti-Monotony Standards
4. Directors Report:
 - A. Revised Rules and Procedures (Second Reading)
5. Adjournment

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
Thursday, June 21, 2007

Petition: C2007-04 (S) Preliminary Plat Approval

Subdivision Name: Rustic Canyon

Subdivision Type: Amenity Residential Subdivision

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

Zoning: LDR – Low Density Residential

Township: Number 10 - Midland

Property Location: Along Zion Church Road

PIN#: 5527-88-5125, 5527-98-2161, 5537-07-4142, 5527-85-2944, 5537-26-4666, 5537-26-0991, 5537-16-7886, 5537-16-6559, 5537-16-8236, 5537-25-7611

Proposed Number of Lots: 735

Area in Acres: +/- 488.14 acres

Site Description: The proposed site is currently vacant and wooded. A large portion of this site is the location of the previously approved Bella Vista subdivision.

Adjacent Land Uses: The surrounding properties are vacant, wooded, or residential in nature. The properties to the north and west are mostly vacant and wooded at this time. However, there is a proposed subdivision (Hawks Ridge) to the north, which is labeled on the included area map. There is also a property owned by Cabarrus Disposal that is/was a dump (also labeled on the area map). The properties to the south across Rocky River are part of 2 subdivisions. The subdivision to the southwest is The Mills, a proposed mixed use development located in the City of Concord. The subdivision to the southeast is the recently-approved Roycroft subdivision. The property to the east of the open space area on the east side of Zion Church Road is single family residential.

Surrounding Zoning: The properties to the west, north, and east are zoned Cabarrus County LDR – Low Density Residential. The property to the south

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
Thursday, June 21, 2007

is City of Concord PUD – Planned Unit Development and Cabarrus County LDR.

Infrastructure: The City of Concord will be the service provider for the site. Utility service has been requested and approved (see intent to serve letter from City of Concord) for the proposed project.

Exhibits:

1. Site Map
2. Preliminary Plat
3. Letter requesting subdivision exception to the maximum block length (see Cabarrus County Zoning Ordinance Section 5-7, E.1.2).
4. Intent to serve letter from City of Concord
5. School Adequacy Worksheet
6. Comments Received

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

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

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

- Common Open Space Required: 40% (+/- 195.26 acres)
- Common Open Space Provided: 40.01% (+/- 195.91 acres, including 23.55 acres located across Zion Church Road)
- Active Open Space Required: 9.19 acres
- Active Open Space Provided: 17.98 acres

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CABARRUS COUNTY PLANNING AND ZONING COMMISSION

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

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

NCDOT- Leah Wagner:

- The proposed driveway access locations are permissible.
- The developer is responsible for constructing a two-way left turn lane on Zion Church Road along the property's frontage between Carmela Drive and Timber Rock Drive.
- The developer shall also construct southbound exclusive right turn lanes at each entrance location.
- A right turn lane with appropriate storage will be required on Zion Church Road at the intersection with Flowes Store Road.
- A right turn lane shall also be constructed on Central Heights Drive at the intersection with Zion Church Road.

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

City of Concord Engineering Department - Sue Hyde: The developer is requesting both municipal water and sewer services. Currently water is not available to the site, but the City has completed designs to serve the development. The waterline will need to be installed and funded by the developer. The City of Concord is also interested in discussing the installation of a fire station and a regional lift station for the sewer system on this property.

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

Staff Analysis:

Staff finds that the proposed subdivision meets all the development standards of the Cabarrus County Subdivision Ordinance and the Cabarrus County Zoning Ordinance except for the maximum block length requirement found in Chapter 5, Section 5-7.E.1.a of the Zoning Ordinance. This section sets the maximum block length at 1,000 feet for

PLANNING STAFF REPORT
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amenity subdivisions. The petitioner is requesting an exception to this requirement for Sanctuary Drive (internal street) due to topographical and environmental challenges associated with the property. As designed, Sanctuary Drive is between 1,400 and 1,500 feet in uninterrupted length between Rustic Canyon Boulevard and Summerhill Court.

Staff Recommendation:

Should the Planning Commission grant approval of the subdivision with the exception, staff requests that the following conditions be applied:

1. Developer shall enter into a Consent Agreement with the Cabarrus County Board of Commissioners to address school adequacy. (Schools/APFO)
2. Developer shall be limited to 80 permits prior to the completion of all off-site roadway improvements. (APFO/NC DOT)
3. Developer shall be responsible for acquiring necessary right of way and completing an exclusive right turn lane on southbound Zion Church Road at the intersection with Flowes Store Road and a right turn lane on Central Heights Drive at the intersection with Zion Church Road. (NCDOT/APFO)
4. Developer shall install both right and left turn lanes at all entrances, including a center turn lane between the Timber Rock Drive and Carmela Drive entrances. (NCDOT/APFO)
5. The developer agrees to pay Capital Recovery Fees that are collected on behalf of WSACC. (WSACC/APFO)
6. Prior to any permit for construction being issued, the developer agrees to enter into a developer agreement with the City of Concord and obtain utility construction plan approval. (CONCORD/APFO)
7. Developer agrees to fund and install all necessary water and sewer lines to serve the property. (CONCORD/APFO)
8. Developer shall meet anti-monotony and architectural standards and shall submit sample elevations of proposed homes prior to the start of the final platting process. In addition, applicant will work with Planning & Zoning Services to provide an architectural inventory for permitting purposes. (PLANNING)
9. Developer shall dedicate and convey a public greenway easement along Rocky River to the City of Concord and/or Cabarrus County Park and Recreation Department upon their request. (CONCORD/COUNTY RECREATION)

SHEA FAMILY OF COMPANIES
CELEBRATING 125 YEARS

SheaHomes

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**RUSTIC CANYON
MANAGEMENT PLAN
FOR
OPEN SPACE AND OTHER COMMON AREAS
May 2007**

Shea Homes desires to insure the attractiveness of its Subdivisions, to prevent any future impairment thereof, to prevent nuisances and enhance the value of all properties within its Subdivisions. Shea Homes also desires to provide for the construction, maintenance and upkeep of any Common Areas within its Subdivisions for the common use and benefit of all Owners. ("Owners" shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to any Lot within the Subdivision).

This Management Plan has been prepared to allocate responsibility and guidelines for the maintenance and operation of open space and other common areas, including provisions for ongoing maintenance and for long-term capital improvements of Shea Homes' communities within Cabarrus County.

OWNERSHIP

A Neighborhood Association has been formed to which will be delegated and assigned, among other duties, the powers of owning, maintaining and administering the Common Areas. The Association Board of Directors appoints a community management association to manage the property and who would administer a landscape agreement for the maintenance and upkeep of the Open Space and Common Areas.

OPEN SPACE/COMMON AREA USE

The Open Space/Common Areas in Shea Homes' communities will be used as follows:

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Charlotte, North Carolina 28277

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1. Conservation of land in its natural state
2. Passive recreation – trails, picnic areas, community gardens and lawn areas
3. Easements for drainage and public utilities
4. Active open space

Active open space areas are accessible to all residents. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.

MAINTENANCE

The Commons Areas shall be maintained as more particularly described below:

1. Maintenance of the Entrance Monument(s) shall include maintenance, repair and reconstruction, when necessary of the Entrance Monument(s), signing, irrigation, planters and lighting located within the Entrance Monument Easement(s) and Landscape Easement Areas(s), and providing and paying for landscaping and utility charges for irrigating and lighting the monuments and signage located thereon.
2. The Amenity Area(s) and all other Common Areas (and all associated improvements) shall be kept clean and free from debris and maintained in an orderly condition consistent with their intended use, including any repair and replacement of any landscaping, utilities, or improvements located thereon.

The landscape maintenance agreement would include the following:

Turf Care:

- Mowing, edging, trimming
- Weed control
- Aeration
- Overseeding
- Fertilization
- Lime Application

Shrub Care:

- Pruning and trimming
- Fertilization
- Insect and disease control inspection
- Shrub bed weed control

Tree Care:

- Pruning and trimming
- Fertilization
- Insect and disease control inspection

General Maintenance:

- Leaf removal
- Litter & debris pickup
- Dead heading
- Pruning
- Insect and disease control inspection
- Seasonal Color
- Monthly irrigation/lighting check-up
- Winterization/Summerization
- Pine needles in beds and natural areas

PASSIVE OPEN SPACE

The maintenance of passive open space is limited to removal of litter, dead tree and plant materials and brush; weeding and mowing will be done on an as-needed basis. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

Shea Homes, LLC will, with a Wetlands Consultant representative of its choice, annually walk and inspect all passive open space areas and shall take all reasonable efforts to manage and maintain said passive open space areas to the original standard of the creek or natural area upon acceptance of the property at sale to Shea Homes. Upon turnover to the Rustic Canyon Homeowners Association for management, the Homeowners Association shall contact the Cabarrus County Soil and Water Conservancy to discuss conveying all necessary easements to the Conservancy.

ACTIVE OPEN SPACE

Developer shall convey public greenway land along Rocky River to the City of Concord and/or Cabarrus County Parks and Recreation Department upon their request. The proposed greenway dedicated shall occur within the existing 100' of WSACC utility easement.

All other common open space shall be owned and maintained by the future Rustic Canyon Homeowners Association in accordance with the Management Plan for Open Space and Other Common Areas dated May 2007 prepared by Shea Homes, LLC.

FAILURE TO MAINTAIN OPEN SPACE

Cabarrus County ("the County") may assume responsibility for maintenance of open space should the Neighborhood Association fail to maintain all or any portion in reasonable order and condition. The County may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Neighborhood Association, or to the individual property owners that make up the Neighborhood Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

COSTS FOR MAINTENANCE/OPERATION/INSURANCE

A Reserve Fund is established by the Neighborhood Association to provide for the periodic maintenance, repair, reconstruction and replacement of the Common Areas and any improvements located on such Common Areas. The Reserve Fund shall be collected and maintained out of the Annual Assessment collected from the Owners. The Neighborhood Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities shall be borne by the Neighborhood Association.

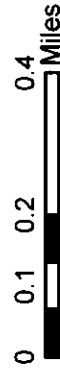
This Management Plan was prepared by Shea Homes, LLC Land Acquisition and Development Department in May, 2007.

C2007-04 (S)
Rustic Canyon
Preliminary Plat





Applicant:
Shea Homes

Parcel ID Numbers
5527-88-5125, 5527-98-2161
5537-07-4142, 5527-85-2944
5537-25-7611, 5537-16-8236
5537-16-6559, 5537-16-7886
5537-26-0991, 5537-26-4666

Zoned LDR - Low
Density Residential



Legend

-  Streams
-  StreetCenterline
-  Subject Property
-  Subdivisions

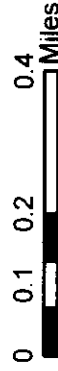


C2007-04 (S)
Rustic Canyon
Preliminary Plat

Applicant:
Shea Homes

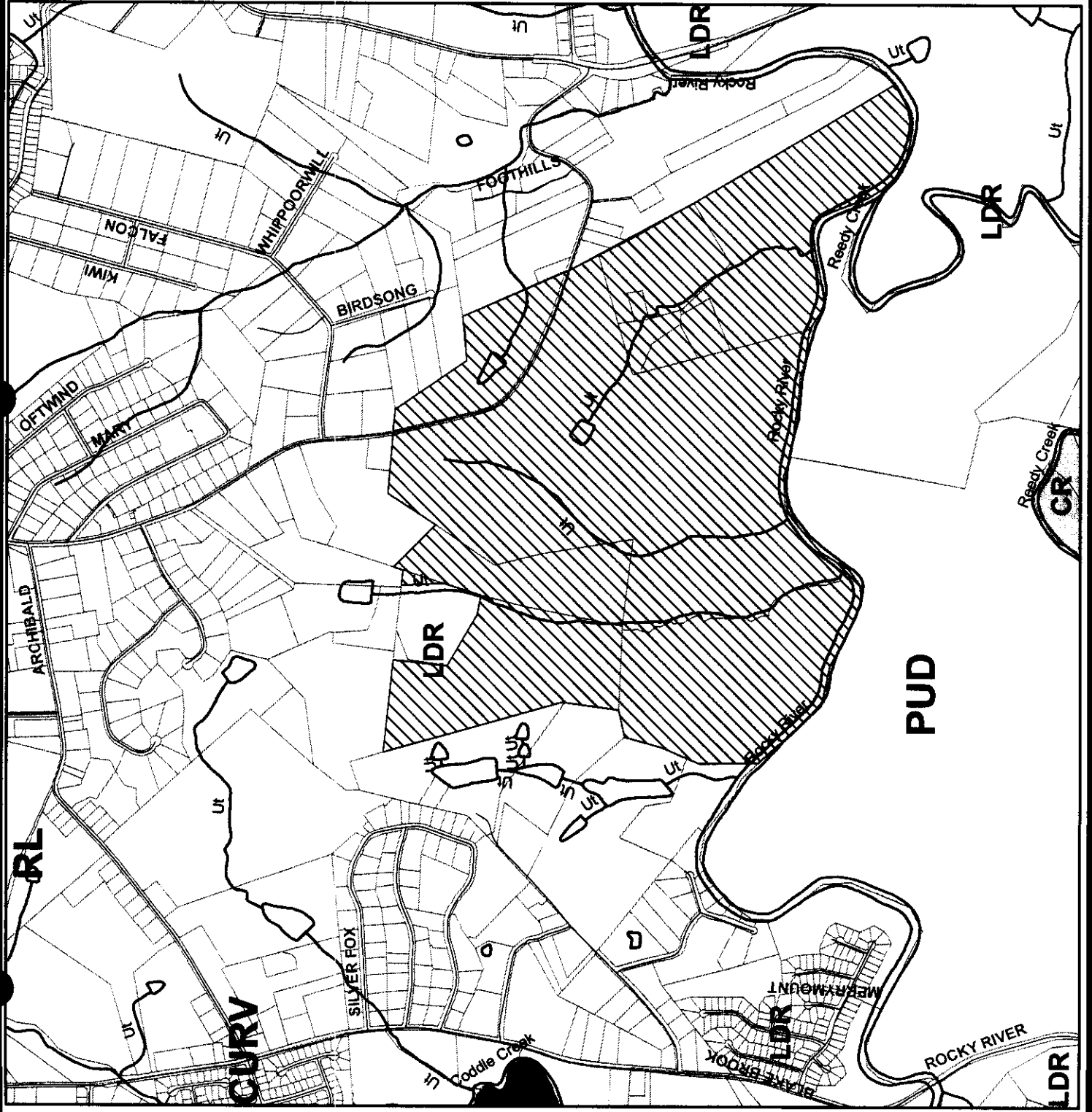
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Zoned LDR - Low
Density Residential



Legend

- Streams
- StreetCenterline
- Subject Property





June 8, 2007

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

RE: Rustic Canyon

Dear Chris:

We have just submitted a revised Preliminary Plat, dated 6/7/07, for the Rustic Canyon subdivision per your latest review comments. As you know, this plan was originally accepted and approved under the subdivision name of Bella Vista.

One of your comments dealt with maximum residential block lengths. Cabarrus County Zoning Ordinance, Sec. 5-7, E 1.2 requires that blocks be limited to 600 foot in length unless a mid-block pedestrian connection is provided, in which case the block length may extend to 1,000 feet.

Shea Homes is requesting that the maximum block length be extended 1,600 feet for Sanctuary Drive between Rustic Canyon Boulevard and Summerhill Court. This block section is bounded on both sides by steep slopes in excess of 20 percent slope and intermittent/perennial streams, making a shorter block length unfeasible without extensive environmental impacts. Three (3) mid-block pedestrian connections have been provided in keeping with the intent of this ordinance.

Turnbull Sigmon Design, our planning consultant, has informed me that this request is considered an "exception" to the Ordinance. We understand that Cabarrus County Planning Department staff will present this request before the Planning and Zoning Committee on June 21, 2007.

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Chris Moore
June 8, 2007
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Please be assured that Shea Homes fully intends to abide by the Cabarrus County regulations in place for this subdivision. If you have any questions about this request or need additional information, please let me know.

Very truly yours,

SHEA HOMES, LLC



Michael P. Shea
Land Acquisition & Development Manager

/swh



July 11, 1006

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

Ref.: WSD Letter Cabarrus County Property #5527.86.7137

Dear Mr. Michael Shea:

The City of Concord has reviewed your submittal (preliminary application) on the above-mentioned property and Council decided to not require annexation at this time. Any development plans need to be initiated with Cabarrus County. If your plans require public water and sewer line extensions, you must comply with Section 62 of the City of Concord Code of Ordinances and the City of Concord would be the water supplier. If extensions are not planned, then the next procedure will be to apply for water services through our Customer Service Department, which is located in the Municipal Building at 26 Union Street South, Concord.

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

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

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

Sincerely,
City of Concord

Sue B. Hyde, PE
Director of Engineering

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

SBH/pmc



Engineering Department
Alfred M. Brown Operations Center

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Adequate Public Facility Worksheet – Schools

Please fill out the following questionnaire regarding the **Bella Vista (Rustic Canyon)** project. This preliminary plat is up for review. This subdivision is located off Zion Church Road and will consist of 747 lots an increase of 250 from our previous review that consisted of 497 lots. The property is currently zoned as a Cabarrus County LDR Amenity Subdivision. The maximum number of lots permitted under this zoning is 2 d.u./ac. Your response is required by **Friday, March 9** for inclusion in the staff report to the Commission.

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

Questions

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

Elementary - Rocky River

Middle - C. C. Griffin

High - Central Cabarrus

2. Using the most recent attendance figures, these schools are at what percent of their stated capacity? **Month 5, February 7, 2007.**

Elementary - 107.04%

Middle - 119.64%

High - 135.02% (98.19% in Aug. 2007 with opening of Hickory Ridge HS. Hickory Ridge will open with grades 9-11).

3. How many students are expected from this development?

Based on 747 lots

Elementary - 218

Middle - 101

High - 110

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

Elementary - 169.95 %

Middle - *183.55 %

High - *131.10% (after Hickory Ridge opens)
***this includes Miles Little PUD & Saddlebrook that are pending**

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

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

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

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

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

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

The three schools mentioned in question 7 have been included in the Revised 15-Year Facility Plan presented to BOE on February 22, 2007. **A source of funding has not been identified nor has land been secured for these schools.**

This form was completed by: Robert C. Klutz Date: February 26, 2007

Chris Moore

From: Thomas Bach [TBach@WSACC.org]
Sent: Monday, April 23, 2007 11:39 AM
To: Chris Moore
Cc: Coleman Keeter; Jan Sellers; Mark Lomax; Van Rowell; fowlerm@ci.concord.nc.us; moores@ci.concord.nc.us; hydes@ci.concord.nc.us
Subject: Revised Preliminary Plat Review For Rustic Canyon Subdivision - Shea Homes

Hi Chris,

This is in response to your request for comments outlined in a memorandum dated April 20, 2007, regarding the revised preliminary plat review for the proposed Rustic Canyon (formerly Bella Vista) subdivision development, which is located along Zion Church Road near the intersection with Flowes Store Road.

For most of this proposed subdivision development, the existing topography on the site drains towards Rocky River where there is an existing 30" gravity sewer interceptor line owned and operated by WSACC. **It should be noted that Mark Lomax with WSACC must review and approve all direct service connections to this existing gravity sewer interceptor line that are submitted by the developer's engineer. In addition, extreme care should be taken by the contractor when installing the proposed gravity sewer line for the subdivision development over the existing 48" force main owned and operated by WSACC. We also wanted to note that a number of proposed lots shown on the preliminary plat fall near and/or adjacent to the limits of the existing WSACC 100' right of way for both the 30" gravity sewer interceptor and 48" force main. Under no circumstances will WSACC allow either fill and/or the proposed lot limits to be within this 100' right of way.**

For water service availability to this subdivision development, the developer will have to contact the City of Concord's Development Services Department to determine where existing water lines are located along or near Zion Church Road. The developer will also be required to complete an application in accordance with the City of Concord's Code of Ordinance (Chapter 62) in order to obtain water service to the site.

Information provided with the preliminary plat does not give projected water demand, even though the preliminary plat shows approximately 735 new lots (488.14 acres) are included in this subdivision development. This information will be helpful in determining the adequacy of the existing water line infrastructure.

The followings comments are provided for your information and consideration:

- The proposed development is located in the existing utility service area of the City of Concord. Consideration should be given to insuring that the proposed water/sewer lines will be designed to City of Concord requirements.
- If the developer proposes to install sewer infrastructure for this site in coordination with the City of Concord, actual wastewater "flow acceptance" will not be considered by WSACC until approval of final site/civil construction plans by the applicable Jurisdiction (City of Concord). 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!

6/12/2007

EXECUTIVE SUMMARY

This Traffic Impact Analysis (TIA) is being provided as an update to the June 2006 Jones Property TIA. Shea Homes has acquired an additional parcel(s) of land and is proposing to add additional homes and a third driveway entrance. Therefore an update to the TIA is required by NCDOT. NCDOT has approved that all previous study information could be utilized.

Shea Homes is proposing a residential development which now contains a total of 750 single-family homes to be located on Zion Church Road (SR 1152) north of the Rocky River and south of Archibald Road in southwest Cabarrus County, NC. For this study, full buildout of the development is assumed to take place by 2012.

According to the current site plan, the property will now utilize three full movement access locations along Zion Church Road (SR 1152) between Archibald Road and Flowes Store Road. Proposed Access "A" will serve around 40% of the homes and Proposed Accesses "B" & "C", will each serve around 30% of the homes.

This report documents the Level of Service (LOS) designations of the highest forecasted traffic conditions for the planned development. A baseline analysis of the existing year 2007 conditions during the morning and afternoon peak hours was performed. This was followed by an analysis of forecasted 2012 conditions under No-Build and Build scenarios during the same peak periods and the forecasted 2022 Projected Analysis scenario as required by the City of Concord Unified Development Ordinance.

The area of influence of the study site as discussed with NCDOT and the City of Concord staff includes the following seven intersections:

1. Zion Church Road (SR 1152) & Central Heights Drive (SR 1156-1254) (unsignalized)
2. Zion Church Road (SR 1152) & Archibald Road (unsignalized)
3. Zion Church Road (SR 1152) & Flowes Store Road (SR 1132) (unsignalized)
4. Albemarle Road (NC 24-27) & Flowes Store Road (SR 1132) (unsignalized)
5. Zion Church Road (SR 1152) & Proposed Access "A"
6. Zion Church Road (SR 1152) & Proposed Access "B"
7. Zion Church Road (SR 1152) & Proposed Access "C"



NB Flowes Store Rd at Zion Church Rd

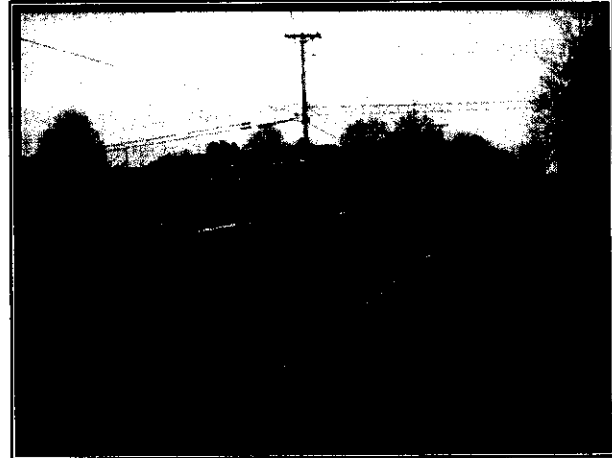
As currently proposed, the site has a potential buildout that would generate 535 morning peak hour trips and 657 afternoon peak hour trips. *This is 176 more trips in the morning peak hour and 203 more trips in the afternoon peak hour than the June 2006 TIA.*

Three approved, but not yet constructed off-site developments are also included in this study as offsite traffic generators and were identified by the NCDOT and City of Concord staff. These developments are expected to generate 6,850 new daily trips, 534 new morning peak hour trips and 690 new afternoon peak hour trips.

Currently, three of the four existing intersections operate at an acceptable LOS "D" or better and under capacity during both morning and afternoon peak hours. The unsignalized intersection of NC 24-27 and Flowes Store Road/Old Camden Road operates at an LOS "F" during both the morning and afternoon peak hours. Typically, a LOS "D" or better is considered acceptable and an intersection is operating at capacity at a volume-to-capacity (v/c) ratio of 1.00.

In 2012, under the No Build conditions with the addition of the offsite traffic added to the growth of the background volumes, two of the four intersections within the area of influence fail to operate at an acceptable LOS during the critical peak periods. However, improvements are recommended at three of the four intersections due to significant increases in the delay. These improvements should be the responsibility of the NCDOT, the City of Concord, and/or other offsite developers.

Under the 2012 Build scenario, with the addition of the proposed development and the recommended improvements by others, one improvement beyond what was required in the July 2006 TIA will be required along with the previous recommended improvement of an eastbound left turn lane on Zion Church Road at Flowes Store Road remains as the mitigation for this intersection.



North Zion Church Road at Central Heights Drive

In 2022, under the Projected Analysis scenario, additional improvements will be required at three of the existing intersections. The improvements should be considered the responsibility of the NCDOT, the City of Concord, and/or other offsite developers and not the responsibility of the developer.

The results of the capacity analysis indicate that the site traffic in addition to the offsite traffic and the growth in the background traffic will require roadway improvements to the existing street network by 2012. The required improvements for good access management and corresponding responsibility are discussed below:

Developer Required Improvements by NCDOT/Cabarrus County:

In analyzing the intersections within the study area, the following improvements have been required by NCDOT and Cabarrus County. *This update resulted in one additional offsite improvement other than what was previously required from the July 2006 TIA.* (Note: Storage lengths are based on the 2022 projected analysis):

Zion Church Road

- Construct a two-way, left turn lane on Zion Church Road along the property's frontage with a 150' of storage at Proposed Access "C" with a 15:1 bay taper and a 45:1 through lane taper following Proposed Access "A".

(1) Zion Church Road (SR 1152) and Flowes Store Road (SR 1132)

- Construct an eastbound left turn lane on Zion Church Road with a minimum 200' of storage with a 15:1 bay taper and a 45:1 through lane taper.

(2) Zion Church Road (SR 1152) and Central Heights Drive (SR 1156-1254)

- **Construct an eastbound right turn lane on Central Heights Drive with a minimum 100' of storage with a 20:1 bay taper.**

(5) Zion Church Road (SR 1152) and Proposed Access "A"

- Construct the westbound approach on Proposed Access "A" to include two exiting lanes, which shall terminate as exclusive left and right turn lanes. This driveway connection shall also be approved by NCDOT and concur with the latest edition of the NCDOT Policy on Street and Driveway Access to North Carolina Highways.
- Construct an exclusive southbound right turn lane on Zion Church Road with 100' of storage and a 20:1 bay taper.

(6) Zion Church Road (SR 1152) and Proposed Access "B"

- Construct the westbound approach on Proposed Access "B" to include two exiting lanes, which shall terminate as exclusive left and right turn lanes. This driveway connection shall also be approved by NCDOT and concur with the latest edition of the NCDOT Policy on Street and Driveway Access to North Carolina Highways.
- Construct an exclusive southbound right turn lane on Zion Church Road with 100' of storage and a 20:1 bay taper.

(7) Zion Church Road (SR 1152) and Proposed Access "C"

- **Construct the westbound approach on Proposed Access "C" to include two exiting lanes, which shall terminate as exclusive left and right turn lanes. This driveway connection shall also be approved by NCDOT and concur with the latest edition of the NCDOT Policy on Street and Driveway Access to North Carolina Highways.**
- **Construct an exclusive southbound right turn lane on Zion Church Road with 100' of storage and a 20:1 bay taper.**

Improvements by Others:

The results of the traffic study reveal that the following specific improvements are needed at the intersections within the study area. The need for these roadway improvements is directly attributable to the current and expected increase in background and offsite traffic. Therefore, these improvements should be the responsibility of the NCDOT, the City of Concord, and/or other offsite developers as normal access management and should not be considered the responsibility of the developer. (Note: Storage lengths are based on the 2012 projected analysis):

(1) Zion Church Road (SR 1152) and Flowes Store Road (SR 1132)

- Construct a northbound left turn lane on Flowes Store Road with 150' of storage and a 15:1 bay taper with 45:1 through lane taper(s).
- Construct a southbound right turn lane on Flowes Store Road with 100' of storage and a 20:1 bay taper.

(2) Zion Church Road (SR 1152) and Central Heights Drive (SR 1156-1254)

- Construct exclusive east/westbound left turn lanes on Central Heights Drive each with a minimum 150' of storage with a 15: 1 bay taper and a 45:1 through lane taper.
- Construct an exclusive southbound left turn lane on Zion Church Road with a minimum 150' of storage with a 15: 1 bay taper and a 45:1 through lane taper.
- Construct an exclusive northbound left turn lane on Zion Church Road with a minimum 250' of storage with a 15: 1 bay taper and a 45:1 through lane taper.
- Install a traffic signal upon meeting appropriate NCDOT traffic signal warrants and approvals.

(3) NC 24-27 & Flowes Store Road / Old Camden Road

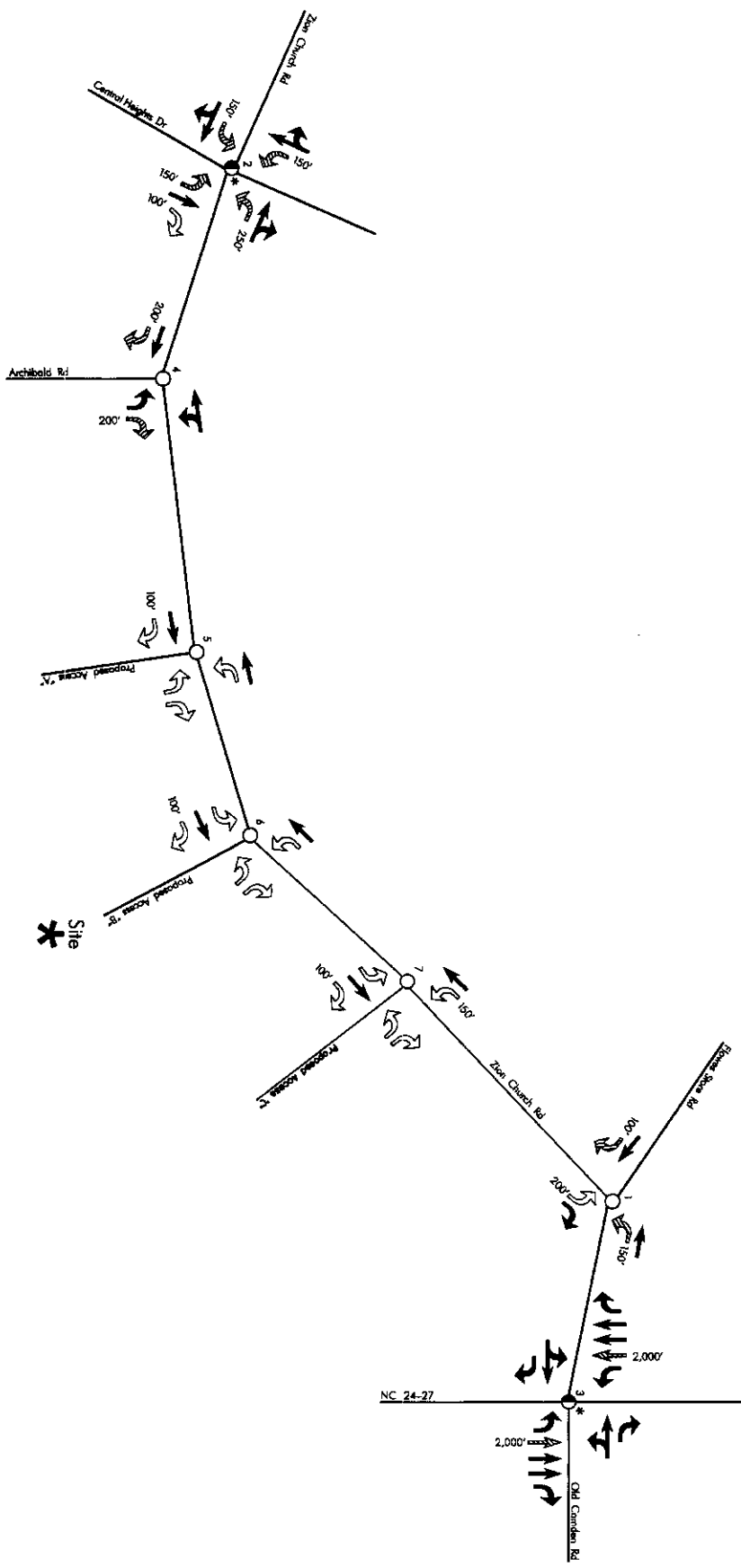
- Construct an additional east/westbound through lane on NC 24-27 from a point approximately 2,000' west of the intersection to a point approximately 2,000' east of the intersection with 45:1 beginning and ending taper(s). (Note: This improvement is recommended in the year 2022.)
- Install a traffic signal upon meeting appropriate NCDOT traffic signal warrants and approvals.

(4) Zion Church Road (SR 1152) and Archibald Road

- Construct a southbound right turn lane on Zion Church Road with a minimum 200' of storage with a 20:1 bay taper.
- Construct an eastbound right turn lane on Archibald Road with a minimum 200' of storage with a 20:1 bay taper.



- LEGEND**
- Stop Sign Control
 - ◐ Proposed Signal
 - ◑ Existing Laneage
 - ⇨ Developer Responsibility
 - ⇩ Others Responsibility
 - * Others Responsibility



NOT TO SCALE

PROPOSED TEXT

A. *Special standards for amenity subdivisions.*

1. *Subdivision design.*

a. *Block elements.*

No block shall be longer than 600 feet in length unless a mid-block pedestrian and bicycle connection is provided, in which case the block may extend up to 1,000 feet. A single-loaded street (houses on only one side) shall not be restricted in length, provided that mid-block pedestrian and bicycle connections are made at the rate of one for every 600 feet in length.

b. *Residential collector streets.*

All residential collector streets shall be designed as parkways.

2. *Site and building elements.*

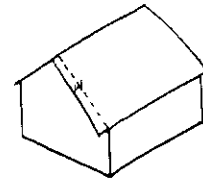
All housing types shall comply with the following standards.

a. *Roof overhang.*

i. Eaves shall extend beyond the exterior face.

ii. Gable end rakes shall overhang beyond the exterior face.

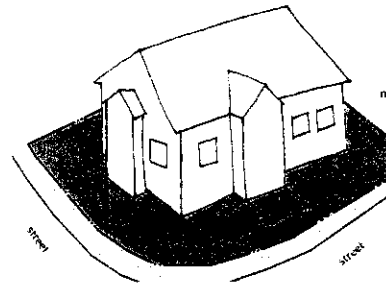
iii. Eaves and rakes on smaller accessory buildings and dormers shall overhang and shall be architecturally consistent with the primary structure.



b. *Additional standards for corner lots.*

i. *Side wall articulation.*

The street facing side wall of the home shall include projections, recesses and fenestration.



c. *Front yard fences.*

Front yard fences, including fences on corner lots, shall not exceed four feet in height. Such fences shall also be subject to the provisions of Section 6-8.

d. *Front yard trees.*

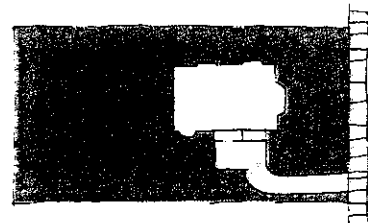
i. One canopy tree shall be provided for each 1,000 square feet of area in the required front yard. For the purpose of calculating required trees, any fraction shall require an additional tree

PROPOSED TEXT

(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.

- ii. One additional front yard tree shall be required in any front (corner) yard.
- iii. Any existing tree in the required front yard area over 6 caliper inches shall be credited for one required tree to be planted.

- e. *Side Load Garages* Orient the garage door perpendicular to the street and provide an integrated architectural treatment such as columns and a trellis, eyebrow roof, decorative masonry or other materials to provide articulation and to visually diminish the impact of the garage doors.






- f. *Covenants, Conditions and Restrictions*

As part of the preliminary plat application process, the applicant shall provide a copy of the Covenants, Conditions and Restrictions for the proposed subdivision and shall demonstrate that the elements included in this section are incorporated into the established design standards for construction for the subdivision. Said Covenants, Conditions and Restrictions shall be recorded prior to any permits being issued for the proposed subdivision.

- g. *Sample Elevations*

As part of the preliminary plat application process, the applicant shall provide example elevations to accompany the established Covenants, Conditions and Restrictions for the proposed subdivision and shall show that the standards established in this section are in compliance with the established standards.

PROPOSED TEXT

		
<i>Large Trees</i>	<i>Small Trees</i>	<i>Shrubs</i>
3 per 100 linear feet 2" caliper minimum 50% evergreen	6 per 100 linear feet 1" caliper minimum	22 per 100 linear feet 24" height minimum 50% evergreen

e. *Credit for Existing Vegetation*

Credit shall be given for existing vegetation within the required buffer area that meets the planting requirements above.

f. *Trails within Required Buffers*

Trails may be incorporated into required buffer areas provided adequate width (minimum 15 feet) is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of open space for the development.

E. *Anti-Monotony.*

1. *Applicability.*

- a. No building permit shall be issued for any new home that has been determined to be similar in appearance to any home near the proposed home in accordance with the review criteria below.
- b. The following homes or projects shall be exempt from the provisions of this section.
 - i. Any subdivision with lots of one acre or more;
 - ii. Any home for which a building permit was approved before June 20, 2005, including a home being remodeled, reconstructed or replaced after damage by fire, windstorm or other casualty; and
 - iii. Any multifamily units, including apartments.

2. *Lots to be reviewed.*

- a. Differences shall be reviewed for two lots on either side of the proposed home on the same side of the street.

PROPOSED TEXT

- b. Where lots are interrupted by an intervening street, parkland or similar feature of at least 50 feet in width, no review shall be necessary.
- c. The proposed home shall be considered different from any vacant lot for which no building permit has been issued without requiring further documentation.

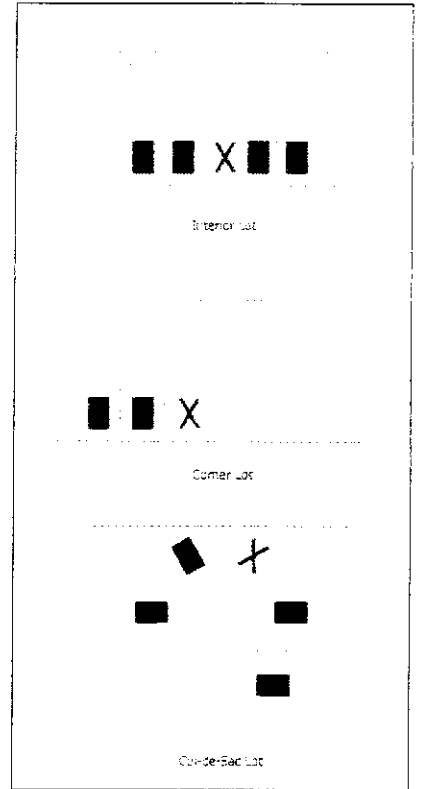
3. **Review criteria.**

In determining whether a proposed home is similar in appearance, the following elements shall be considered. At least one of the elements of the proposed home must differ from each existing or permitted home.

- a. Number of stories;
- b. Garage location;
- c. Articulation of front façade.

4. **Review procedure.**

- a. Applicant shall provide a copy of the Covenants, Conditions and Restrictions for the proposed subdivision as part of the preliminary plat review process. The Covenants, Conditions and Restrictions shall incorporate the standards established in this section related to anti-monotony.
- b. A subdivision or phase of a subdivision may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat.
- c. The County shall review the submitted documentation and make a determination. Where the County finds that a home for which a building permit is being requested is similar in appearance based on the standards above, the permit shall be denied.



F. **Garage location.**

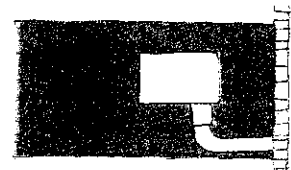
1. **Applicability.**

On lots of less than one acre, garage placement shall match one of the following garage standards.

2. **Garage Standards**

a. **Side-loaded garage.**

- i. Orient the garage door perpendicular to the street.



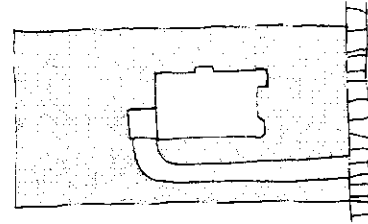
PROPOSED TEXT

b. *Rear yard garage (alley or front loaded).*

Locate the garage behind the rear of the principal building.

c. *Front-loaded garage.*

Orient the garage toward the street, provided the following conditions are met.



- i. Position garage door at least four feet behind the primary front wall plane of the building front; or
- ii. Position the garage door flush with or forward of the front of the building and provide an integrated architectural treatment such as columns and a trellis, eyebrow roof, **decorative masonry or other materials to provide articulation and** to visually diminish the impact of the garage doors. No individual garage door may exceed 12 feet in width when applying this alternative and a maximum of two garage doors shall be allowed.

G. *Accessory structures.*

1. *Height.*

An accessory structure shall not exceed the height of the principal structure.

2. *Setbacks.*

Accessory structures up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setback shall be no less than five feet.

Memo

To: Cabarrus County Planning and Zoning Commission
From: Susie Zakraisek, AICP, Planning and Zoning Manager
CC: File
Date: June 12, 2007
Re: Update to Text Amendment C2007-06-ZT-Amenity Subdivision Standards and Anti-Monotony Standards

Attached you will find proposed changes to Chapter 5 of the Cabarrus County Zoning Ordinance. The proposed changes are the result of a meeting of the Architectural Review Committee that was appointed at the last Planning and Zoning Commission meeting.

These proposed changes relate to the administration of the architectural standards that were adopted as part of the ordinance update that occurred in June of 2005.

Staff will discuss the proposed changes that the Committee is recommending at the meeting.

Please look over the materials and be prepared to discuss the proposed text and to make a recommendation to the Board of Commissioners regarding the changes.

EXISTING TEXT

A. *Special standards for amenity subdivisions.*

1. *Subdivision design.*

a. *Block elements.*

No block shall be longer than 600 feet in length unless a mid-block pedestrian and bicycle connection is provided, in which case the block may extend up to 1,000 feet. A single-loaded street (houses on only one side) shall not be restricted in length, provided that mid-block pedestrian and bicycle connections are made at the rate of one for every 600 feet in length.

b. *Residential collector streets.*

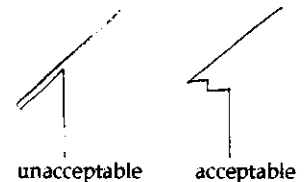
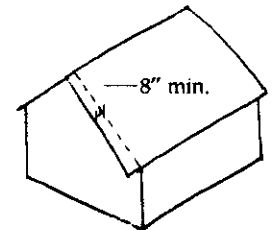
All residential collector streets shall be designed as parkways.

2. *Site and building elements.*

All housing types shall comply with the following standards.

a. *Roof overhang.*

- i. Eaves shall extend no less than 12 inches beyond the supporting walls.
- ii. Gable end rakes shall overhang at least eight inches.
- iii. Eaves and rakes on smaller accessory buildings and dormers shall overhang at least eight inches.
- iv. Soffits shall be placed perpendicular to the building wall, not sloping in plane with the roof (except for gable end rakes).
- v. Applied mansard roofs shall not be permitted.



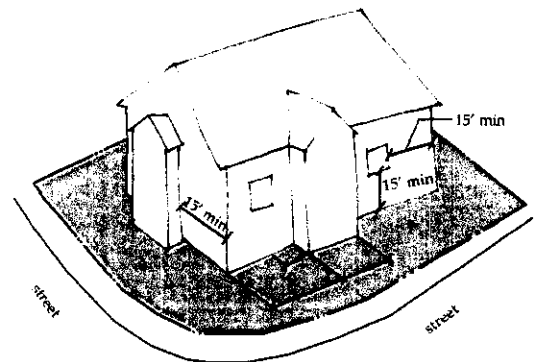
b. *Additional standards for corner lots.*

i. *Side wall articulation.*

The street facing side wall of the home shall not run unbroken (unarticulated) for a distance greater than 24 linear feet. All wall offsets shall be a minimum of two feet in depth and three feet in width.

ii. *Blank wall area.*

Blank wall areas shall not exceed 15 feet in vertical direction and 15 feet in the



EXISTING TEXT

horizontal direction along the street facing side façade.

c. ***Front yard fences.***

Front yard fences, including fences on corner lots, shall not exceed four feet in height. Such fences shall also be subject to the provisions of Section 6-8.

d. ***Front yard trees.***

i. 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.

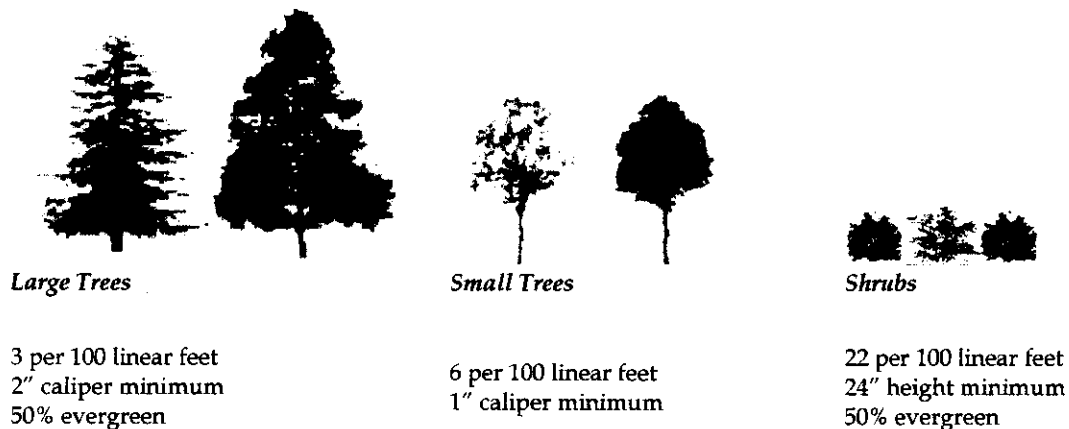
ii. One additional front yard tree shall be required in any front (corner) yard.

iii. Any existing tree in the required front yard area over 6 caliper inches shall be credited for one required tree to be planted.

e. ***Alternative Compliance.***

Where an applicant chooses not to meet the amenity requirements of this section based on an alternative design, the County staff may approve such alternative provided that the design meets or exceeds the intent of the standards of this section.

EXISTING TEXT



e. *Credit for Existing Vegetation*

Credit shall be given for existing vegetation within the required buffer area that meets the planting requirements above.

f. *Trails within Required Buffers*

Trails may be incorporated into required buffer areas provided adequate width (minimum 15 feet) is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of open space for the development.

E. *Anti-Monotony.*

1. *Applicability.*

- a. No building permit shall be issued for any new home that has been determined to be similar in appearance to any home near the proposed home in accordance with the review criteria below.
- b. The following homes or projects shall be exempt from the provisions of this section.
 - i. Any subdivision with lots of one acre or more;
 - ii. Any home for which a building permit was approved before June 20, 2005, including a home being remodeled, reconstructed or replaced after damage by fire, windstorm or other casualty; and
 - iii. Any multifamily units, including apartments.

2. *Lots to be reviewed.*

- a. Differences shall be reviewed for two lots on either side of the proposed home on the same side of the street.

EXISTING TEXT

- b. Where lots are interrupted by an intervening street, parkland or similar feature of at least 50 feet in width, no review shall be necessary.
- c. The proposed home shall be considered different from any vacant lot for which no building permit has been issued without requiring further documentation.

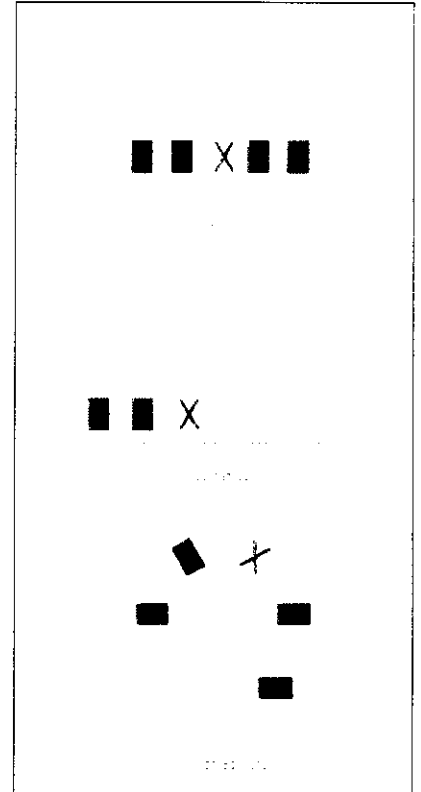
3. *Review criteria.*

In determining whether a proposed home is similar in appearance, the following elements shall be considered. At least one of the elements of the proposed home must differ from each existing or permitted home.

- a. Number of stories;
- b. Garage location;
- c. Roof type; and
- d. Articulation of front façade.

4. *Review procedure.*

- a. A subdivision or phase of a subdivision may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat. Such documentation is not required to be recorded as part of the plat.
- b. Acceptable documentation may include photographs of any existing structures in question (no building elevations are required).
- c. The County shall review the submitted documentation and make a determination. Where the County finds that a home for which a building permit is being requested is similar in appearance based on the standards above, the permit shall be denied.



F. *Garage location.*

1. *Applicability.*

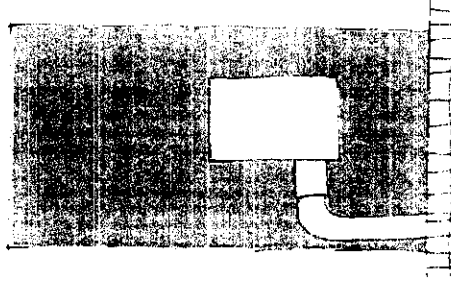
On lots of less than one acre, garage placement shall match one of the following garage standards.

EXISTING TEXT

2. *Garage Standards*

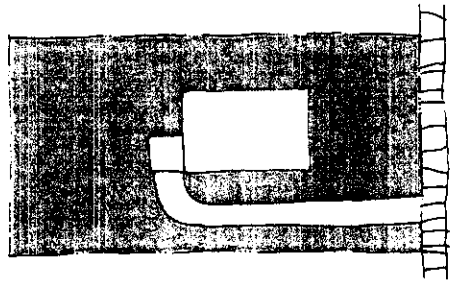
a. *Side-loaded garage.*

Orient the garage door perpendicular to the street.



b. *Rear yard garage (alley or front loaded).*

Locate the garage behind the rear of the principal building.



c. *Front-loaded garage.*

Orient the garage toward the street, provided the following conditions are met.

- i. Position garage door at least four feet behind the primary front wall plane of the building front; or
- ii. Position the garage door flush with or forward of the front of the building and provide an integrated architectural treatment such as columns and a trellis or eyebrow roof to visually diminish the impact of the garage doors. No individual garage door may exceed 12 feet in width when applying this alternative, and a maximum of two garage doors shall be allowed.

G. *Accessory structures.*

1. *Height.*

An accessory structure shall not exceed the height of the principal structure.

2. *Setbacks.*

- a. Accessory structures up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setback shall be no less than five feet.

EXISTING TEXT

- b. Accessory structures greater than 15 feet in height shall meet the setback requirements of the principal structure.
- 3. ***Additional requirements.***
For additional requirements see Section 7-4.1, Accessory building and apartments.

PROPOSED TEXT

A. *Special standards for amenity subdivisions.*

1. *Subdivision design.*

a. *Block elements.*

No block shall be longer than 600 feet in length unless a mid-block pedestrian and bicycle connection is provided, in which case the block may extend up to 1,000 feet. A single-loaded street (houses on only one side) shall not be restricted in length, provided that mid-block pedestrian and bicycle connections are made at the rate of one for every 600 feet in length.

b. *Residential collector streets.*

All residential collector streets shall be designed as parkways.

2. *Site and building elements.*

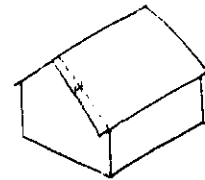
All housing types shall comply with the following standards.

a. *Roof overhang.*

i. Eaves shall extend beyond the exterior face.

ii. Gable end rakes shall overhang beyond the exterior face.

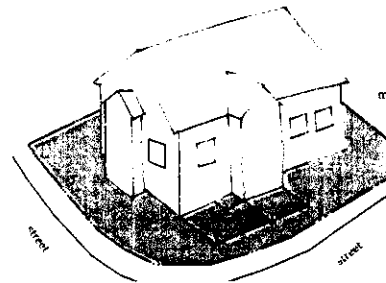
iii. Eaves and rakes on smaller accessory buildings and dormers shall overhang and shall be architecturally consistent with the primary structure.



b. *Additional standards for corner lots.*

i. *Side wall articulation.*

The street facing side wall of the home shall include projections, recesses and fenestration.



c. *Front yard fences.*

Front yard fences, including fences on corner lots, shall not exceed four feet in height. Such fences shall also be subject to the provisions of Section 6-8.

d. *Front yard trees.*

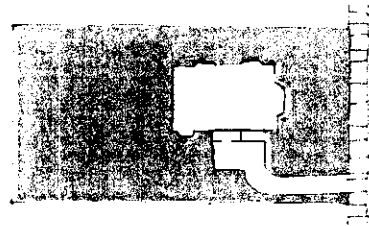
i. One canopy tree shall be provided for each 1,000 square feet of area in the required front yard. For the purpose of calculating required trees, any fraction shall require an additional tree

PROPOSED TEXT

(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.

- ii. One additional front yard tree shall be required in any front (corner) yard.
- iii. Any existing tree in the required front yard area over 6 caliper inches shall be credited for one required tree to be planted.

- e. *Side Load Garages* Orient the garage door perpendicular to the street and provide an integrated architectural treatment such as columns and a trellis, eyebrow roof, decorative masonry or other materials to provide articulation and to visually diminish the impact of the garage doors.



- f. *Covenants, Conditions and Restrictions*

As part of the preliminary plat application process, the applicant shall provide a copy of the Covenants, Conditions and Restrictions for the proposed subdivision and shall demonstrate that the elements included in this section are incorporated into the established design standards for construction for the subdivision. Said Covenants, Conditions and Restrictions shall be recorded prior to any permits being issued for the proposed subdivision.

- g. *Sample Elevations*

As part of the preliminary plat application process, the applicant shall provide example elevations to accompany the established Covenants, Conditions and Restrictions for the proposed subdivision and shall show that the standards established in this section are in compliance with the established standards.

Section 5-2. Residential development standards (all subdivisions).

A. *Open space.*

1. *Applicability.*

Open space is an integral part of both the open space subdivision and the amenity subdivision. The minimum protected open space for each subdivision type by district is set forth in **Error! Reference source not found.** and **Error! Reference source not found.**. Once this minimum open space requirement has been met, no additional open space shall be required on the site, except where otherwise required by state or federal law.

2. *Primary open space.*

The following are considered primary open space areas and are shall be included within the open space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and is counter to the purposes of this chapter:




- a. The 100-year floodplain;
- b. Stream buffer areas required by the County along each side of all perennial and intermittent streams;
- c. Slopes above 25 percent of at least 10,000 square feet contiguous area;
- d. Jurisdictional wetlands under federal law (Section 404) that meet the definition applied by the Army Corps of Engineers;
- e. Habitat for federally-listed endangered or threatened species;
- f. Archaeological sites, cemeteries and burial grounds;
- g. State-designated Natural Heritage Sites;
- h. Existing healthy native forests of at least 10 contiguous acres in size that are subject to a forestry management plan approved by the NC Division of Forestry; and
- i. Agricultural lands of at least 20 contiguous acres located in the Rural Tier containing at least 25 percent prime farmland soils or other soils of statewide importance.

3. *Secondary open space.*

The following are considered secondary open space areas and shall be included within the required open space to the maximum extent feasible.

- a. Important historic sites;
- b. Existing healthy, native forests of at least one acre contiguous area;
- c. Individual existing healthy trees greater than 12 inches DBH;
- d. Other significant natural features and scenic viewsheds such as ridge lines, hedge rows, field borders, meadows, fields, peaks and rock

PROPOSED TEXT

		
<i>Large Trees</i>	<i>Small Trees</i>	<i>Shrubs</i>
3 per 100 linear feet 2" caliper minimum 50% evergreen	6 per 100 linear feet 1" caliper minimum	22 per 100 linear feet 24" height minimum 50% evergreen

e. *Credit for Existing Vegetation*

Credit shall be given for existing vegetation within the required buffer area that meets the planting requirements above.

f. *Trails within Required Buffers*

Trails may be incorporated into required buffer areas provided adequate width (minimum 15 feet) is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of open space for the development.

E. *Anti-Monotony.*

1. *Applicability.*

- a. No building permit shall be issued for any new home that has been determined to be similar in appearance to any home near the proposed home in accordance with the review criteria below.
- b. The following homes or projects shall be exempt from the provisions of this section.
 - i. Any subdivision with lots of one acre or more;
 - ii. Any home for which a building permit was approved before June 20, 2005, including a home being remodeled, reconstructed or replaced after damage by fire, windstorm or other casualty; and

2. *Lots to be reviewed.*

- a. Differences shall be reviewed for two lots on either side of the proposed home on the same side of the street.
- b. Where lots are interrupted by an intervening street, parkland or similar feature of at least 50 feet in width, no review shall be necessary.

PROPOSED TEXT

- c. The proposed home shall be considered different from any vacant lot for which no building permit has been issued without requiring further documentation.

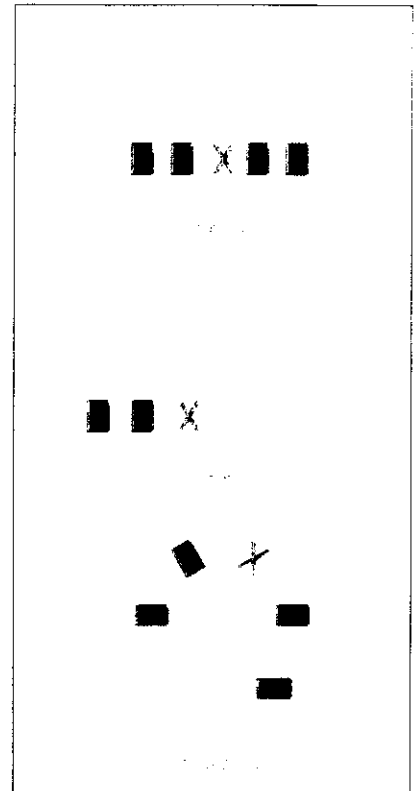
3. *Review criteria.*

In determining whether a proposed home is similar in appearance, the following elements shall be considered. At least one of the elements of the proposed home must differ from each existing or permitted home.

- a. Number of stories;
- b. Garage location;
- c. Articulation of front façade.

4. *Review procedure.*

- a. Applicant shall provide a copy of the Covenants, Conditions and Restrictions for the proposed subdivision at part of the preliminary plat review process that addresses the standards established in this section related to anti-monotony.
- b. A subdivision or phase of a subdivision may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat.
- c. The County shall review the submitted documentation and make a determination. Where the County finds that a home for which a building permit is being requested is similar in appearance based on the standards above, the permit shall be denied.



F. *Garage location.*

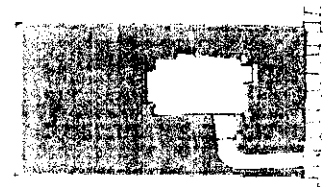
1. *Applicability.*

On lots of less than one acre, garage placement shall match one of the following garage standards.

2. *Garage Standards*

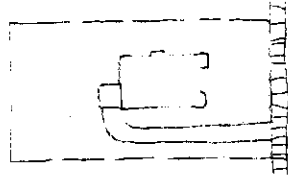
a. *Side-loaded garage.*

- i. Orient the garage door perpendicular to the street.



PROPOSED TEXT

b. *Rear yard garage (alley or front loaded).*

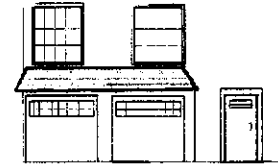


Locate the garage behind the rear of the principal building.

c. *Front-loaded garage.*

Orient the garage toward the street, provided the following conditions are met.

- i. Position garage door at least four feet behind the primary front wall plane of the building front; or
- ii. Position the garage door flush with or forward of the front of the building and provide an integrated architectural treatment such as columns and a trellis, eyebrow roof, decorative masonry or other materials to provide articulation and to visually diminish the impact of the garage doors. No individual garage door may exceed 12 feet in width when applying this alternative and a maximum of two garage doors shall be allowed.



G. *Accessory structures.*

1. *Height.*

An accessory structure shall not exceed the height of the principal structure.

2. *Setbacks.*

Accessory structures up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setback shall be no less than five feet.

Memo

To: Cabarrus County Planning and Zoning Commission
From: Susie Zakraisek, AICP, Planning and Zoning Manager
CC: File
Date: April 17, 2007
Re: Rules and Procedures

At the April 16, 2007 meeting of the Board of Commissioners, the Commissioners considered the recommendations from the Planning and Zoning Commission for a policy regarding refunds. Attached you will find revised Rules and Procedures to reflect the policy change.

This will be the first reading to add the language to the Rules and Procedures

The second reading and vote to amend the Rules and Procedures will occur at the following Planning and Zoning Commission meeting.

PLANNING AND ZONING COMMISSION RULES AND PROCEDURES

ORGANIZATIONAL MEETING

On the date and at the time of the first regular meeting in September of each year, the newly appointed members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Commission shall elect a Chair and a Vice Chair from among the regular members. The Director of Planning and Zoning shall preside during the election process for Chair.

A simple majority of those present shall be necessary to elect the Chair or Vice Chair. The Chair's term of office shall be one year and until a successor is elected. Likewise, the Vice Chair shall be selected in the same manner and for the same term.

DUTIES OF CHAIR AND VICE CHAIR

The Chair shall in an orderly fashion preside at all meetings, which includes conducting all scheduled business and public hearings, deciding all points of order and procedure, appointing all standing and ad hoc committees, administer oaths to witnesses, and soliciting public comments at each meeting. The Chair may take part in deliberations and vote on all issues.

Additionally, the Chair is expected to present Planning and Zoning Commission recommendations to the Cabarrus County Board of Commissioners. Said presentations are to reflect the vote of the Board and the character of the decision-making process that was used by the Board. The Chair may, with the voting approval of the other members, appoint a parliamentarian.

The Vice Chair shall serve in the absence of the Chair and may serve as parliamentarian. Should both the chair and vice chair be vacant for a meeting, the Chair shall designate a regular member to preside.

DUTIES AND RESPONSIBILITIES OF MEMBERSHIP

Members shall be appointed by the Board of County Commissioners according to law. Members may be appointed to successive terms without limitations.

Regular members may be removed by the Board of County Commissioners for good cause, including but not limited to, failure to attend at least two-thirds of the regularly scheduled monthly meetings of the calendar year. Alternate

members may be removed for good cause, including but not limited to, repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures.

If a regular planning and zoning member moves outside of the area in which he or she represents or an alternate moves outside of Cabarrus County, that shall constitute a resignation from the commission, effective upon the date a replacement is appointed by the Board of County Commissioners.

Planning and Zoning Commission members shall be adequately prepared to act on a particular case in front of them at the meeting. This involves reading the meeting packet in advance, carefully listening to evidence and testimony and reports presented at the meetings, and carefully deliberating the issues.

Members are encouraged to review issues with the knowledgeable Planning, Zoning and Building Inspection Department personnel. Members are encouraged to visit all sites under review in advance. Members are cautioned not to discuss the merits or flaws of that issue with any potentially related party prior to the hearing or meeting in which the pertinent information is to be presented. Furthermore, members shall not express individual opinions on the proper judgment of any case in which the decision is quasi-judicial in nature. A member shall not intentionally attend an outside meeting (i.e., a non-Cabarrus County Planning and Zoning Commission meeting) to discuss scheduled agenda items unless all other members have been invited, or it is disclosed to the Chair or the Director of Planning and Zoning, and Building Inspection.

PRESIDING OFFICER WHEN CHAIR IS IN ACTIVE DEBATE

The Chair shall preside at meetings of the Commission unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she shall designate another Commission member to preside over the debate. The Chair shall resume presiding as soon as action on the matter is concluded.

ACTION BY THE COMMISSION

The Commission shall proceed by motion. Any member may make a motion.

SECOND REQUIRED

A motion shall require a second.

ONE MOTION AT A TIME

A member may make only one motion at a time.

SUBSTANTIVE MOTIONS

A substantive motion is out of order while another substantive motion is pending.

ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

VOTING BY WRITTEN BALLOT

The Commission may choose by majority to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Commission shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

DEBATE

The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to the following general principles:

- (a) The introducer (the member who makes the motion) is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

PROCEDURAL MOTIONS

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

In order of priority (if applicable), the procedural motions are:

- (1) **To Adjourn.** The motion may be made only at the conclusion of action of a pending substantive matter; it cannot interrupt deliberation of a pending matter.

- (2) **To Recess to a Time and Place Certain.** The motion shall state the time and place when the meeting shall reconvene and no further notice need be given of a recessed session of a properly called meeting.
- (3) **To Take a Brief Recess.** This motion is in order at any time. The Chair may call a brief recess without a motion or vote.
- (4) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
- (5) **To Suspend the Rules.** The motion requires for adoption a vote equal to two-thirds of the actual membership of the Commission. The Commission may not suspend provisions of the rules that State requirements impose by law on the Commission.
- (6) **To Divide a Complex Motion and Consider it by Paragraph.** This motion is debatable.
- (7) **To Defer Consideration.** A substantive motion the consideration of which is deferred expires after one hundred (100) days have elapsed following the day of deferral unless a motion to revive consideration is adopted. This motion is similar to, but differs from, a motion to lay on the table.
- (8) **Call of the Previous Question.** The motion is not in order until there have been at least twenty (20) minutes of debate, and every member has had opportunity to speak once.
- (9) **To Postpone to a Certain Time or Day.** This motion is appropriate prior to consideration of a matter when more information is necessary or more time is needed. It differs from a recess after consideration has begun and differs from a motion to defer consideration.
- (10) **To Refer to a Committee.** Sixty (60) days or more after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Commission, whether or not the committee has reported the matter to the Commission.
- (11) **To Amend.** An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption

of the amended motion has the same effect as rejection of the original motion.

A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(12)**To Revive Consideration.** The motion is in order at any time within the one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which the consideration has been deferred expires after one hundred (100) days have elapsed following the deferral unless a motion to revive consideration is adopted.

(13)**To Reconsider.** The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through a recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting. In the event a motion is reconsidered and the meeting at which the evidence is heard is recessed to a time and place certain, the Commission shall be reconvened by the same members who heard the evidence at the previous meeting.

(14)**To Rescind or Repeal.** The motion is not in order if rescission or repeal of an action is forbidden by law.

WITHDRAWAL OF MOTION

A motion may be withdrawn by the introducer at any time before a vote.

DUTY TO VOTE

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interests or official conduct. In all other cases, a failure to vote by a member who is physically present in the Commission chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

If, prior to a meeting, a member knows or believes that there may be a conflict of interest, bias, or prejudice, the member shall inform the Chair or the Director who shall arrange for an alternate member to attend the meeting in the member's place for the particular issue or for the entire meeting at the direction of the recused member. By timely informing the Chair or the Director of a potential conflict, prior to a meeting so that an alternate member can be present, a member may recuse (excuse because of interest or prejudice) himself or herself without a majority vote of the Commission.

If a member knows or believes that there may be a conflict of interest, bias, or prejudice, a declaration of that possible conflict shall be made and the Commission shall determine whether or not a conflict in fact exists. Any person in attendance may also issue a challenge of existence of a conflict of interest. Should this occur, the Chair shall immediately review the allegations by hearing sworn testimony and competent evidence. The Commission shall then make a final determination as to the existence of a conflict of interest, bias, or prejudice by a majority vote.

A member may be excused from voting on a particular issue by a majority vote if there is a conflict of interest, bias, or prejudice. The member shall state the conflict and refrain from any and all deliberations. At the discretion of the Chair, the member may be asked to leave the room until the issue has been voted upon. A member may be allowed to withdraw from the remainder of a meeting for any good and sufficient reason, and with the majority vote of the remaining members present. In any matter in which a member is excused or recused and an applicant is necessarily prejudiced or requests that the matter be recessed to a time and place certain, said matter shall be recessed to a time and place certain, and the excused member shall be replaced by an alternate member for that meeting.

FINALITY OF ACTIONS

Unless otherwise stated in the Cabarrus County Zoning Ordinance or according to law, all actions of the Planning and Zoning Commission become final with the approval of the minutes in which the meeting was held or through the issuance of a zoning permit obtained in good faith and reliance on a commission action.

QUORUM

Five members of the Commission shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

MEETINGS

Regular business meetings of the Cabarrus County Planning and Zoning Commission shall be held on the third Thursday of each month at 7:00 p.m. in the Commissioners Room of the Cabarrus County Governmental Center. In the event that this date falls on a holiday, the meeting is to be scheduled on the second Thursday of that month. On rare occasions, there may be a need to hold additional meetings. When this occurs, the meeting will be scheduled by the Chair and termed (1) an emergency meeting if an unexpected circumstance has arisen which requires immediate consideration by the Commission, (2) a special meeting, or (3) a continued meeting.

All meetings shall be conducted upon prior public notice in accordance with the requirements of the open meetings laws pursuant to N.C.G.S. 143-318.12 and in accordance with the notice and advertising requirements of the Zoning Ordinance.

By a majority vote of the Commission, the Commission may move into closed executive session to discuss any proper purpose defined by N.C.G.S. 143-318-11 including but not limited to litigation, industrial/business located or expansion, specific personnel matters, state and/or federally required confidential information, and investigations. Before entering into closed executive session, the general nature of the business to be discussed must be stated. The Commission may not discuss matters in closed executive session which were not of the nature announced to the public prior to moving into the closed executive session. An executive session shall include only Planning and Zoning Commission members, the Commission secretary, the Commission attorney, the Director of Planning, Zoning, and Building Inspection, and anyone specifically invited by the Commission who are necessary or appropriate to conduct the business of the executive session.

PUBLIC HEARINGS

The Chair may apply rules (subject to a contrary majority vote of the Commission) appropriate to the proper conduct of a public hearing. The Commission must provide a reasonable amount of time for a petitioner to introduce all the evidence required by the ordinance to approve an application. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made for those

excluded from the hall to listen to the hearing); and (d) provide for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the Open Meetings Law applicable to Commission meetings shall also apply to public hearings at which a majority of the Commission is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of the Rule concerning Recessed Meetings shall be followed in continuing a hearing at which a majority of the Commission is present.

At the time appointed for the hearing, the Chair or his or her designee shall call the meeting to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

QUORUM AT PUBLIC HEARINGS

A quorum of the Commission shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Commission meeting without further advertisement.

MINUTES

Full and accurate minutes of the Commission proceedings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule. The results of each vote shall be recorded in the minutes, and on the request of any member of the Commission, the "aye's" and "no's" upon any question shall be taken.

Full and accurate minutes shall be kept of all actions taken during executive sessions. Minutes and other records of an executive session may be withheld from public inspection so long as public inspection would frustrate the purpose of the executive session.

REFERENCE TO ROBERT'S RULES OF ORDER

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Commission shall refer to Robert's Rules of Order, Revised, to answer unresolved procedural questions.

AMENDMENTS

These Rules and Procedures may be amended at any time by an affirmative vote of at least seven of the members. Any amendments shall be presented in writing at a regular or special meeting before the meeting in which the vote is taken.

REFUNDS

It is the policy of the Planning and Zoning Commission that refunds shall not be given for Planning and Zoning Commission and Board of Adjustment items that have been noticed properly or that have been processed (or are being processed) by staff. In the event that noticing is challenged, evidence shall be presented to the Planning and Zoning Commission heard on a case by case basis.

PLANNING AND ZONING COMMISSION RULES AND PROCEDURES

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WITHDRAWAL OF MOTION

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DUTY TO VOTE

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FINALITY OF ACTIONS

Unless otherwise stated in the Cabarrus County Zoning Ordinance or according to law, all actions of the Planning and Zoning Commission become final with the approval of the minutes in which the meeting was held or through the issuance of a zoning permit obtained in good faith and reliance on a commission action.

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MEETINGS

Regular business meetings of the Cabarrus County Planning and Zoning Commission shall be held on the third Thursday of each month at 7:00 p.m. in the Commissioners Room of the Cabarrus County Governmental Center. In the event that this date falls on a holiday, the meeting is to be scheduled on the second Thursday of that month. On rare occasions, there may be a need to hold additional meetings. When this occurs, the meeting will be scheduled by the Chair and termed (1) an emergency meeting if an unexpected circumstance has arisen which requires immediate consideration by the Commission, (2) a special meeting, or (3) a continued meeting.

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PUBLIC HEARINGS

The Chair may apply rules (subject to a contrary majority vote of the Commission) appropriate to the proper conduct of a public hearing. The Commission must provide a reasonable amount of time for a petitioner to introduce all the evidence required by the ordinance to approve an application. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made for those

excluded from the hall to listen to the hearing); and (d) provide for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the Open Meetings Law applicable to Commission meetings shall also apply to public hearings at which a majority of the Commission is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of the Rule concerning Recessed Meetings shall be followed in continuing a hearing at which a majority of the Commission is present.

At the time appointed for the hearing, the Chair or his or her designee shall call the meeting to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

QUORUM AT PUBLIC HEARINGS

A quorum of the Commission shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Commission meeting without further advertisement.

MINUTES

Full and accurate minutes of the Commission proceedings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule. The results of each vote shall be recorded in the minutes, and on the request of any member of the Commission, the "aye's" and "no's" upon any question shall be taken.

Full and accurate minutes shall be kept of all actions taken during executive sessions. Minutes and other records of an executive session may be withheld from public inspection so long as public inspection would frustrate the purpose of the executive session.

REFERENCE TO ROBERT'S RULES OF ORDER

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Commission shall refer to Robert's Rules of Order, Revised, to answer unresolved procedural questions.

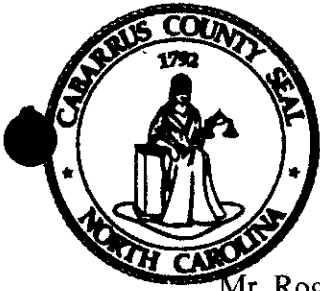
AMENDMENTS

These Rules and Procedures may be amended at any time by an affirmative vote of at least seven of the members. Any amendments shall be presented in writing at a regular or special meeting before the meeting in which the vote is taken.

REFUNDS

It is the policy of the Commerce Department and the Planning and Zoning Commission that refunds of fees paid for Planning and Zoning Commission and Board Adjustment matters shall not be given if these matters have been properly noticed and properly processed by staff.

Appeal of this policy shall be heard by the Planning and Zoning Commission.



Planning and Zoning Commission Minutes
June 21, 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, Mr. Eugene Divine, Mr. Larry Ensley, Mr. Danny Fesperman, Mr. Larry Griffin, Mr. Ted Kluttz, Mr. Lanny 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, Mr. Chris Moore, Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Approval of Minutes

Mr. Todd Berg, **MOTIONED, SECONDED** by Mr. Barry Shoemaker, to **APPROVE** the May 17, 2007, meeting minutes with corrections to page 9, item number 4 to read as:

The total square footage for the permanent school facility at build out be less than 181,000 sq. ft. The vote was unanimous.

New Business - Planning Board Function:

The Chair introduced Petition C2007-04 (S) – Preliminary Plat Approval – Rustic Canyon, Amenity Residential Subdivision

Mr. Chris Moore, Planner, addressed the board stating that this is Petition C2007-04(S), a Preliminary Plat submittal for Rustic Canyon, which has been designed for an amenity residential subdivision. The applicant is Shea Homes, LLC of Charlotte, NC. The property is currently zoned (LDR) Low Density Residential, it is located on Zion Church Road in the Midland Township. He said the applicant is proposing 735 lots over roughly 488 acres; the site is currently vacant and wooded. He said this is also the site of a subdivision the Board saw late last year called Bella Vista; the developer has added several parcels to the project, so it is being re-presented as one whole unit rather than bringing it back as a separate project. The surrounding properties are vacant, wooded or residential in nature. The subdivision to the southwest is the Mills, a proposed mixed use development located in the City of Concord. The subdivision to the southeast is the recently approved Roycroft subdivision. There is a proposed subdivision (Hawk's Ridge) to the north. He said included in the Board packet is the site map, zoning map, and the Open Space Management Plan. He said there is also a letter from Shea Homes regarding an exception request. He said there is one street on the plat, Sanctuary Drive, between Rustic Canyon Blvd and Summerhill Court, because of topography and stream issues, they cannot make that block any shorter than 1600 feet; the maximum allowable block length is 1000 feet per the amenity subdivision standards, so they are asking for an exception.

Mr. Moore said also included in the packet is the Adequate Public Facilities worksheet for the schools, an executive summary from the traffic impact analysis conducted by Kubilins Transportation Group, a sheet detailing the various road improvements off-site and on-site that the developer will be required to perform by NCDOT, and a map laying out the locations for those improvements.

He said the developer is in discussions with the City of Concord regarding two other projects on this site; one is a Regional Lift Station for a waste water line; the other is a fire station.

He said the subdivision plat as submitted does meet all of the standards in the zoning ordinance and the subdivision ordinance with the exception of the block length requirement. He said this will require two votes; the first to approve or deny the exception, and the second vote to approve or deny the subdivision.

Mr. Moore said if the Board chooses to approve the exception and the subdivision, staff requests that the following conditions be applied:

1. The Developer shall enter into a Consent Agreement with the Cabarrus County Board of Commissioners to address school adequacy.
2. The Developer shall be limited to 80 permits prior to the completion of all off-site roadway improvements. (Request of NCDOT)
3. The Developer shall be responsible for acquiring necessary right of way and completing an exclusive right turn lane on southbound Zion Church Road at the intersection with Flowe Store Road and a right turn lane on Central Heights Drive at the intersection with Zion Church Road.
4. The Developer shall install both right and left turn lanes at all entrances, including a center turn lane between Timer Rock Drive and Carmela Drive entrances.
5. The Developer agrees to pay Capital Recovery Fees that are collected on behalf of WSACC.
6. Prior to any permit for construction being issued, the developer agrees to enter into a developer agreement with the City of Concord and obtain utility construction plan approval.
7. The Developer agrees to fund and install all necessary water and sewer lines to serve the property.
8. The Developer shall meet anti-monotony and architectural standards and shall submit sample elevations of proposed homes prior to the start of the final platting process. In addition, applicant will work with Planning and Zoning Services to provide an architectural inventory for permitting purposes.

9. The Developer shall dedicate and convey a public greenway easement along Rocky River to the City of Concord and/or Cabarrus County Park and Recreation Department upon their request.

Mr. Moore said he would be happy answer any questions the Board might have, and that the Developer and Engineer are present to answer questions also.

Mr. Moore said the County Attorney has requested that an additional condition be added.

10. The Developer agrees to execute an agreement to indemnify the County and/or the City of Concord for any costs associated with defense of any litigation over non-ADA compliant trails and the cost associated with making such trails ADA compliant, should the County and/or the City be required to make the trails ADA compliant.

Mr. Lancaster asked what the Adequate Public Facility Fee would be for this subdivision.

Mr. Moore said it would be at the old amount because it was submitted prior to the adoption of the new fees.

Mr. Porter said it has been indicated that they have added additional lots to the old subdivision; he asked if the additional lots would come in at the new figures.

Ms Susie Zakraisek, Planning and Zoning Manager, addressed the Board. She said the vesting of the Preliminary Plat happens when a complete application for a Preliminary Plat is received. She said it is not based on the date that the Zoning Commission approves the Preliminary Plat; it is actually based on when they submit a complete application package to staff. She said in this case, the original subdivision was under the \$4034.00, the revision of the plat, including the new lots, is also under the \$4034.00, the overall subdivision in total will be at the \$4034.00 amount.

Mr. Fesperman said this situation with the traffic impact analysis, it says improvements by others and it says the needs for these road way improvements is directly attributable to the current and expected increase in background and off set traffic, there fore these improvements should be the responsibility of NCDOT, the City of Concord and/or other off-site developers as normal assess management and should not be considered the responsibility of the developer. He said NCDOT has no money, this side of the state and are tough to deal with on this, they try to put some things back on to the developer and/or other people on the road; they are not into condemning the right of way. He said this is going to be a tough situation on traffic to begin with and a challenge for the Developer. He said it is saying here that the City is going to be taken out of a lot of this and NCDOT and the City is going to pay for a lot of these changes.

Mr. Moore said the Department of Transportation reviews and approves all the transportation impact analyses and they submit revisions to the traffic engineers, and these are the results of the discussions between the traffic engineers and the Department

of Transportation. He said in the end, the improvements that are recommended for the developer are directly related to the project, the ones that are completed by others may be partially attributable to this development but they are also attributable to normal traffic increases and traffic increases caused by other developments.

Ms. Zakraisek said if you look at the comments from NCDOT, the TIA (Traffic Impact Analysis) is simply what the developer submits to NCDOT, and is essentially their starting point of negotiations; they do the scope first and determine what they are going to look at. She said the Developer or their Traffic Engineer suggests things in the TIA, and then NCDOT decides out of that what they agree with and what they do not. She said the specifics that NCDOT is requiring are listed in the staff report, the Board was given the executive summary from the TIA so that the Board could see what the overall scope and picture is of what is happening in that area, but then there are the specific things that NCDOT has said actually needs to happen.

Mr. Lancaster asked what the exact number of additional lots was.

Mr. Moore said 247 lots, the Bella Vista Preliminary plat was approved with 488 lots. He said it is roughly a 50% increase.

The Chair asked if there were any questions.

Mr. Michael Shea, representative for the builder/developer addressed the Board. He said they have done their best to accommodate both the County and the City with all of their requests. He said they are in negotiations with the County to donate 5 acres for police, fire, teen center, and substation. They have also offered the site to the Cabarrus County Schools. He said they have a 25 acre parcel on the other side of the road which they decided to leave as open space. He said they discussed with the County whether or not they would want to build a school their and the county chose not too.

He believes the variance they are asking for on Sanctuary Drive was approved the first time the plat was recorded.

He showed a book he put together that shows some of the things their organization is doing or has done since coming to town. He said they were the 2007 Builder of the year. He said the book shows some of the things they have done with regards to schools. He said they are a very school oriented builder and have donated 2 computer rooms, held book drives for over 10,000 books for the local schools, made over 200 visits with employees to local schools. He said they started a national program of read with your child for 15 minutes a day and all of this is documented in the binder.

Mr. Shea said they consider themselves an asset to the area and they believe Cabarrus County is a wonderful place to do business. He said they are very family oriented, he does not think this neighborhood will have quite the impact on traffic and schools. He said everyone sees 750 homes but the build out is 11 years. He said they do things to try and create a lot of value within the community; they generally build bigger upper end

homes. He said they feel the price point will be \$380,000 to \$650,000 and there is about 1.4 homes per acre, if you take total acreage and divide it by the amount of lots. He said they feel like this could be a flagship neighborhood for both greenway and open space, and all sort of amenities that could make a semi-resort style lifestyle. He showed pictures of an amenity center they built off Harris Road. He said they feel this community will have even a much more grandiose amenity center with probably day care, fitness and all sort of activities; they are doubling the budget for this particular community. He said they want to be considered an asset to the neighborhood, to the community, to support schools, support local business and try to be viewed as something that is good in the area and not a detriment. He said this particular site has a lot of very old hard woods on it and they want to try and preserve as much of the hard woods as possible. They are not mass clearing hardly any of the site and are looking to preserve trees and create all sorts of nature trails and extensive extreme walking trails, it has a lot of slope and topography to it.

Mr. Fesperman asked if they were putting in the greenway trails.

Mr. Shea said yes, they intend to do so. He said they would like to put them over the 100 foot WSACC right of way; but in this community they ran over a sewer line and the back truck backed over it and mashed the trail pretty good so they are still trying to figure it out but they intend on having about a 12 foot walking trail, hopefully big enough to accommodate bikes and things when the County takes it over.

Mr. Fesperman asked what type of surface it would have.

Mr. Shea said asphalt.

Mr. Berg said he had questions about the river stream overlay, there are some notes on the drawings that basically say you use maximum distances required, so at the intermittent stream you use the 75 feet and 120 feet at the perennial?

Mr. Robert Frost, Engineer, with Turnbull Sigmom and Design addressed the board, saying yes.

Mr. Berg said there were a couple of areas that were indicated as wetlands on the drawings with respect to the intermittent streams, who made the determination of the wetlands?

Mr. Frost said they had a certified wetland consultant.

Mr. Shea believes all of that has been verified with the Army Corps of Engineers.

Mr. Frost said that is correct.

The Chair asked there were any questions.

Mr. Porter said he commends the developer on their subdivision, as far as trying to be good neighbors. However with the adequate public facilities in the County, we have a new high school that will open up and if you include the previously approved subdivisions, it will be at 131% capacity when these are built up. He understands we are talking about an 11 year build out on this, but it seems like we are still playing catch up with all the schools, the roads and other public services in the county. He wonders if it is responsible to continue to approve subdivisions when the adequate public facilities are not in place yet.

The Chair said what is even more alarming, is that we are at 135% now before the opening; we will actually improve by 4 % when we open the new high school, when we count all the previous subdivisions that have been approved, we are never going to catch up at that rate.

There being no further discussions Mr. Larry Griffin, **MOTIONED, SECONDED** by Mr. Berg, to **APPROVE** the **Exception** to the Subdivision Ordinance for the maximum block length of 1,000 feet to allow the 1600 foot block length for Sanctuary Drive. The vote was 8 to 1, with Mr. Porter voting against.

Mr. Lancaster said he guesses the prior subdivision is a done deal. He said if we do not approve the additional lots, the prior subdivision still goes and if we do not approve the additional lots you will move on with what has already been approved?

Mr. Shea said yes.

The Chair said the next item for consideration is the approval of the Preliminary Plat.

Mr. Berg **MOTIONED, SECONDED** by Mr. Griffin, to **APPROVE** **Petition C2007-4 (S) Preliminary Plat** contingent upon the 10 recommendations that were read into the record. The vote was 7 – 2 with Mr. Lancaster and Mr. Porter voting against.

The Chair introduced the next item on the Agenda, **Update of Proposed Text Amendment C2007-06-ZT – Amenity Subdivision Standards and Anti-Monotony Standards**

Ms. Zakraisek addressed the Board stating that the text they were given is the result of the Architectural Review Committee meeting. She said the committee decided that there were some changes that could be made. She said for example in A-2, Eaves shall extend beyond the exterior face; we kind of left it at that instead of having a certain amount listed. She said a lot of this is trying to get us to the point where we need to be without staff having to actually measure each particular plan. She said this is what they looked at on the proposed text as far as the amenity subdivisions. She said you will also see, for example on the corner lot side, the side wall articulation before said that you had to do something that was 2 feet x 3 feet at least and it could not go more than 24 feet; now it says that the side facing wall has to include projections, recesses and fenestration, which hopefully gets us articulation, changes in that wall and windows and doors.

Ms. Zakraisek said for the amenity subdivisions we also added the text, and the text is still there for decorative masonry or other materials to be provided for the articulation on the side of the garage for a corner lot and for a side load period; that was something that we did not have before. She said the Covenants, Conditions and Restrictions (CCR) and the sample elevations are something new. She said the group decided, based on our attorney's opinion, that we could enforce the standards by Covenants, Conditions and Restrictions (CCR). She said, essentially when it comes to the Board as a preliminary plat application, they would have to have a copy of the CCR to present to staff showing that those elements are included; they would also have to have some sample elevations to provide to the Board as a part of that package. She said the Board will see the sample elevations, and we will have the CCR, and then the two of those together will hopefully make them more self policing. She said we would have the ability to go out and look them over once they are building and keep tabs on it and make sure that they are there, but this way each plan that comes into the County does not have to be reviewed by staff. She said that is the route we took on amenity subdivisions.

Ms. Zakraisek said the second part of that is the anti-monotony; as far as the review criteria, the roof was taken out because somebody could have the same elevation and only do architectural shingles and then keep regular 20 year shingles next to it and that was considered enough of a change for them to be able to build next to each other. She said that did not really seem to be appropriate so that was taken out; the number of stories, the garage location and the articulation of the front façade remain as criteria. She said as a part of that, at the preliminary plat review process (this would be for any subdivisions that are not amenity type subdivisions); they would have to provide that information as well, saying that they were going to meet the anti-monotony standards. She said we would be looking at the review criteria and looking for them to say that within two lots to the right and two lots to left they would not provide the same elevation.

She said, hopefully that will allow us to get to the point where we need to be. She said the other change that is added was a drawing, she cleaned up the other drawing to make them consistent with what we were showing and then she added an additional drawing to try to show with a front load garage what we were trying to achieve. She said hopefully this will give them a better representation of what we are looking for if they do the flush doors; to have the eyebrow roof or decorative masonry or other material. She said those were the overall changes and some changes to the drawings to take them from being a box to add some articulation so that it is a better picture of what we are looking for instead of just that square foot print.

Ms. Zakraisek thanked the members of the Board who participated on the review committee. She said we accomplished this in one meeting, they had very good ideas. She said they batted around a lot of different ideas and then kind of agreed on these things as a collective whole and Mr. Koch gave it his blessing.

Mr. Griffin said Mr. Berg pointed out at the review meeting that there were four basic approaches that could be taken on this: do nothing, throw them out entirely, make them

more general, and play with the numbers. He said after we beat each other up for a couple of hours, we decided that a workable approach that would take a lot of the work load off of the staff and open up opportunities for architectures that would look just fine was to make them more general. He thought it was a good way to put our options in front of us and hone in on something.

Ms. Zakraisek said when they come in for permitting we will still have to figure out a way to coordinate that because staff will have to check behind them. She said the Peach Orchard plans are coming in and they are providing all of the information that we need right on the plot plan to be able to do that. She said hopefully as we work with the other developers we can use Peach Orchard's plan as an example to show them that this is all of information that we need. She said there is a board in the office that each elevation is put on to keep up with it to make sure that those elevations do not end up beside each other. She said it seems to be working fairly well, it was something new for the zoning staff but they do not seem to be having any problems with it now that they understand we are looking two to the left and two to the right and they are actually putting on the plans two lots to the left and two lots to the right to show staff what is there. She said if everyone is as cooperative as they are she thinks it will be a much smoother process.

Mr. Fesperman asked if losing Harrisburg and then hiring their own planning director was going to alleviate some of the work load here.

Ms. Zakraisek said yes and no. She said it will eliminate some of the current planning that we are doing but in place of that we will be doing a lot more long range planning for the county.

The Chair said one of our determinations was to try and create less work load for the staff without sacrificing any quality of anything that we were trying to achieve. He asked if Ms. Zakraisek thought that had been achieved.

Ms. Zakraisek thinks it will. She said we will have to get the developers trained as far as what they need to do during the approval process, then from that we can do occasional field checks just to make sure that if they presented an elevation to us that it is being built. She said we would hope that houses do have overhangs, and they do have eaves and if they have that in the covenants and restrictions, then hopefully they will have a homeowners association to go along with that. She said as Mr. Fesperman talked about, having an architectural review committee, where if they were doing additions or anything like that that it would count and they would look at it to make sure that it was similar to the primary structure. She said as long as we can keep an eye on the primary structures to make sure of what they submit. She said they are going to have to submit sample elevations but the committee as a collective whole decided not to put a number on that. She thinks we will get more rather than less from them because they will want to show the Board and will be proud of what they are going to build; unless it is a situation where it is going to be entirely custom built and done on a per lot basis with people buying them. She thinks if it is a track builder or a production builder then more than likely we

will have that information up front and if the Board wants to see additional elevations then you can request them.

She thinks it will work and she thinks it will lessen some of the work load. She said we will still have to deal with the anti-monotony side of it, from the permitting part, but as far as having to review every plan for a six inch dormer and overhang and eaves and all of that, it would definitely be taken care of with this amendment.

The Chair said we appreciate those who served on the committee, the additional time and effort they put into this.

There being no further discussion, Mr. Fesperman **MOTIONED, SECONDED** by Mr. Prince to recommend the Proposed Text Amendment C2007-06ZT Amenity Subdivision Standards and Anti-Monotony Standards as presented for approval to the County Commissioners. The vote was unanimous.

Directors Report:

Revised Rules and Procedures – Second Reading

Ms. Zakraisek said last month we looked at the rules and procedures, they were amended to include the policy on not issuing refunds. She said this would be the second reading to add the language to the Rules and Procedures to reflect the policy change.

Mr. Fesperman said on page 1 of 9, it says members shall be appointed by the Board of County Commissioners according to law. Members may be appointed to successive terms without limitations. He asked if that has always been the County policy.

Mr. Lancaster said at one time there were limits. He said when he first got on the board several years ago there were people who had to come off because their time was up.

Mr. Fesperman thinks it replenishes the Board.

Ms. Zakraisek said this is the document that we have had for as long as she has been here, she does not know if it was different in the past.

The Chair said he is not sure if it is written policy.

Mr. Porter said it is his understanding that for all county boards it was a 2 year term limit unless the County Commissioners decided to take an exception. He said on Watershed Improvement Commission it was that way. He thought it was that way for all county appointed boards.

Mr. Koch said that is a policy, two terms on both boards; you cannot serve on two boards at the same time but they can wave that policy.

Mr. Fesperman asked the Chair what the Planning and Zoning policy was in Kannapolis.

The Chair said there is no term limit.

There being no further discussion, Mr. Griffin, **MOTIONED, SECONDED** by Mr. Fesperman to **APPROVE** the Rules and Procedures to reflect the policy change as presented. The vote was unanimous.

Ms. Zakraisek said the following members on the Planning and Zoning Commission terms will be expiring August 31, 2007, Mr. Larry Griffin (Harrisburg), Mr. Ian Prince (At Large), Mr. Danny Fesperman (Central), and Mr. Larry Ensley (Alternate At-Large). She said if any of these members are interested in remaining on the Commission, let her know and she would let Kay Honeycutt, the Clerk to the Board of Commissioner's know.

Ms. Zakraisek said on Monday night the Board of Commissioners re-upped the Adequate Public Facilities Ordinance, but they only adopted the resolution; they still have not adopted the text from 2005. She said we are still in the process of trying to work through that and the changes, to get them to adopt that text. She said the resolution, what is part of that, is the student generation rates, the percent that is considered level of service for capacity and also the percent that they actually collect on the voluntary mitigation maximum payment amount. She said on Monday night the Board of Commissioners voted to keep the level of service at 110%. She said anything on the write-ups over 110% is still considered over capacity, even if there are two that are under and one that is over; everything will still be considered over and they would still have to enter into a Consent Agreement.

Ms. Zakraisek said a subdivision went before the Board of Commissioners on Monday, with a consent agreement. She said there were 8 lots, the school said that those particular eight lots were not going to have an impact on the schools, but the elementary schools was over so they still had to enter into a Consent Agreement, so anything that you see on the write-ups over 110% will require them to enter into a Consent Agreement.

She said there was a lot of discussion about the amount; there were a lot of folks who thought it should go to 100%, some thought that maybe it should stay at the 50%, and they ended up at 65%. She said the TishlerBise study said that the amount was \$12,425 for a single family; the amount for a single family unit will be \$8,076 per unit. For a town home the TishlerBise study said that it was \$6,590 per unit, the voluntary mitigation payment for a town home will be \$4,283. For multi-family or other which was multi-family condos, apartments, the TishlerBise study came back with \$5,988 and the amount that will be collected will be \$3,892. She said as a part of that, Commissioner Juba talked about how in the budget John Day had several items that he discussed as far as growth management strategies. Ms. Juba named some of those off at the meeting as far as additional strategies that the County needs to be looking at or taking to try to manage growth; focus growth into the cities, get the cities on board to understand that the counties have to pay for the schools, the City children attend the county schools so everybody needs to work together.

Ms. Zakraisek said it would not surprise her if some potential changes come down the road or if the Board of Commissioners start discussing different policies, different ways to try and mitigate new development. She would be happy to answer any questions about the voluntary mitigation payment, it is not an adequate public facility fee; it is a voluntary mitigation payment.

Mr. Fesperman asked if these fees have been challenged by any developers.

Mr. Koch said not in this county on this type of payment. He said that is why it is capped with a document called a consent agreement, it is something that is agreed upon between the developer and the County to advance school adequacy at this time, as oppose to waiting until there is adequacy before development can proceed. He said that is the structure that the document takes. He said there have been challenges to fees in other counties; he thinks there is some litigation in Union County right now. He said there was a case in Durham County that has been thrown around a lot, as being the precedent to challenge our scheme of things here. He said that was a straight impact fee over there, it is not the same thing. He said Currituck was the original case that determined that adequate public facilities ordinance was legal and it was one sentence, kind of like what we have presently until we adopt a new one.

Ms. Zakraisek said the UDO's all have APFO in them, it deals with transportation, schools, and another element but our text that we are looking at right now would only be for schools and then at a later time we will come back to add recreation and EMS. She believes there is going to be a growth summit with the mayors and managers trying to get everyone together to focus on the county as a whole instead of one jurisdiction here and one jurisdiction there.

Mr. Fesperman asked if the County finally approved the UDO.

Ms. Zakraisek said no, we still have a zoning ordinance, Midland has a zoning ordinance that is very similar to the County's ordinance but they are in the process of doing a rewrite on their residential that we are working on with them. She said Harrisburg and Mt. Pleasant have the UDO and both of their UDO's are closer to the original adoption of the UDO than either Concord or Kannapolis.

Ms. Zakraisek said the two text amendments passed with the Board of Commissioners. She said if there are any mass rezonings we will be notifying anybody affected by it, which would include anybody in the rezoning and anybody adjacent to it. She said they also passed the street design standards; now that they have passed them for the zoning ordinance she hopes to have the information back to the Planning and Zoning Commission next month to do that very same amendment for the subdivision ordinance. She said we will be looking at the architectural standards going to the Board of Commissioners and some general clean up that still need to be done in some of that. She said with the interbasin transfer there are some conditions that Concord has agreed too that apply County wide; luckily we are a bit ahead of the curve on that because one of those conditions was that any jurisdictions receiving water or that Cabarrus County in

general would have the river stream overlay and it would apply to perennial and intermittents. She said a text amendment will need to be done because you can and no longer use the USGS maps to reference the intermittent or perennial streams, they now have to be delineated in the field by a qualified professional. She said that will be something different the Board will be seeing coming in with the cases, the wetland reports and the delineation reports and the maps associated with that.

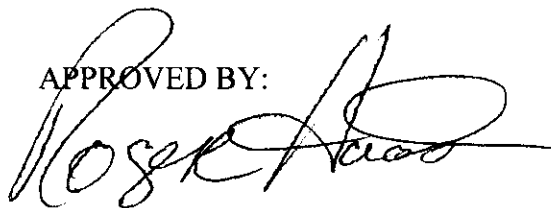
She said the other item that is a part of that is Midland and Mt. Pleasant because they receive water from Concord; as well as any developments that are going to be in the county that will receive water but will not actually be annexed into the towns until later they will have to meet Phase II storm water requirements even if they are not a Phase II storm water community. She said there will be some elements out of that that they will have to meet. She said if we have any that come through they will look a lot different then what you see now because they will have to do the catch basin and the retention ponds. She has not seen any plans for that yet but it is more low impact type development. She thinks the consultant that is working with Kannapolis and Concord through the IBT is trying to have the cities to where we are not having these situations, so that if they are going to be in the city they just go ahead and annex them in and not stay in the county so that we do not have our folks trying to do a storm water review because we do not have an engineering department. She said that is something we will have to work through; all of the county plans now have to go through the state for storm water. She said there are a lot of changes and processes we are trying to work our way through.

The Chair asked if there was a county storm water fee.

Ms. Zakraisek said not now. She said we are not required to go to the Phase II. She is not exactly sure what all of that entails. She knows now that as a part of that we are supposed to send commercial site plans and subdivisions off to the State, but they do not have the staff right now to look at our plans. She does not know if we will be imposing some type of a fee to handle those types of reviews. She said we do not have that right now but Concord does and she does not know if Midland and Mt. Pleasant will try to have one maybe to help with their cost of administering the IBT. She said more to come on that.

There being no further discussion, Mr. Griffin, **MOTIONED, SECONDED** by Mr. Porter to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 8:00 p.m.

APPROVED BY:



Roger Haas, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Zakraisek
Planning and Zoning Manager