



## Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting  
February 21, 2008  
7:00 P.M.  
County Commissioners Chamber  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
2. Approval/Correction of December 20, 2007 Minutes
3. New Business –Board of Adjustment Function:
  - A. Conditional Use Application 811-C  
Cabarrus County Parks and Recreation – Camp Spencer  
3155 Foxford Road (also known as 3155 Rimer Road)  
Concord, NC 28025

Request: The applicant is seeking permission to a construct a new bathhouse, two cabins and parking facility on the property located at Camp Spencer.

4. New Business – Planning Board Function:
  - A. Request for the Planning and Zoning Commission to consider amending the ordinance to classify or set standards for a reception facility.
5. Directors Report
6. Adjournment

ASE # 811-C

APPLICANT: CABARRUS COUNTY PARKS  
RECREATION DEPARTMENT

DATE: February 21, 2008

EXHIBIT # 1

CABARRUS COUNTY  
Post Office Box 707  
Concord, North Carolina 28026

Application Number C-811

COUNTY OF CABARRUS  
STATE OF NORTH CAROLINA

ORDER GRANTING A CONDITIONAL USE PERMIT

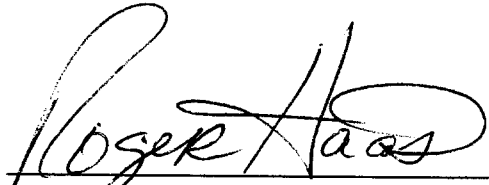
The Board of Adjustment for the County of Cabarrus, having held a public hearing on February 21, 2008, to consider application number C-811, submitted by Cabarrus County Parks and Recreation Department, a request for a conditional use permit to construct a new bath house, two cabins and a parking facility on the property located at Camp Spencer, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

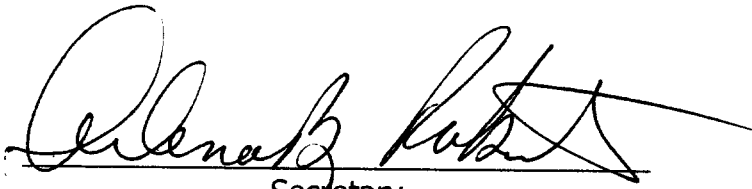
1. The Board makes and adopts the Findings of Fact contained in the attached Exhibit 1 labeled Findings of Fact.
2. It is the Board's CONCLUSION that the proposed use does satisfy the first General Standard listed in Section 8.3 of the Cabarrus County Zoning Ordinance ("Ordinance"); namely, that the use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.
3. It is the Board's CONCLUSION that the proposed use does satisfy the second General Standard listed in the Ordinance; namely, that the use will maintain or enhance the value of contiguous property.
4. It is the Board's Conclusion that the proposed use does satisfy the third General Standard listed in the Ordinance; namely, the use assumes the adequacy of sewage disposal facilities, solid waste and water, police, fire and rescue, equal protection, schools, transportation systems (in and around the site) and other public facilities.
5. It is the Board's CONCLUSION that the proposed use does satisfy the fourth General Standard listed in the Ordinance; namely, the use is in compliance with the general plans for the physical developments of the County as embodied in the Ordinance or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

6. It is the Board's CONCLUSION that the proposed use does satisfy the specific standards listed in the Ordinance for this use.

Therefore, because the Board concludes that all of the general and specific conditions precedent to the issuance of a CONDITIONAL USE PERMIT has been satisfied, it is ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT be GRANTED, subject to the conditions contained in the staff report, if any, and Finding of Fact. The applicant shall fully comply with all the applicable, specific requirements in the Ordinance and must develop the property in accordance with the site plan submitted and approved. If any of the conditions shall be held invalid, this permit shall become void and of no effect.

Ordered this 21st day of February 2008.

  
Chairman of the Cabarrus County  
Planning and Zoning Commission

  
Secretary

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Cabarrus County within thirty (30) days after the date of this order. See Section 12-25 of the Ordinance.

## **Exhibit 1**

### **FINDINGS OF FACT APPLICATION 811-C**

1. The use as proposed is not detrimental to the public health, safety or general welfare.

The construction of a new bath house and cabins at Camp Spencer, as designed, will create conditions for pool and cabin users that are newer, cleaner and in compliance with current regulatory codes. This will enhance the overall public health and welfare.

2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.

The new bath house is adjacent to the existing pool and parking, and the cabins are located next to existing cabins, so location in relation to existing infrastructure is appropriate and not adversely affected.

3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.

The new bath house and cabins are located entirely within Camp Spencer with adequate buffers and are consistent with the existing facilities at the park, which form part of the neighborhood character. There is no evidence that surrounding land values will be adversely affected.

4. The use as proposed will comply with the general plans for the physical development of the County or Town, as embodied in the Zoning Ordinance for in the area development plans that have been adopted.

These proposed new facilities have been part of Camp Spencer's original Master Plan.

## FINDINGS OF FACT

### Final Decision

Application: 811-C

Motion To Grant To Deny

Applicant: Cabarrus County Parks &  
Recreation Department  
2323 Concord Lake Road  
Concord, N.C. 28026

Vote For Against

Owner: Concord Community Boys Club  
P.O. Box 1405  
Concord, N.C. 28026

Granted Denied

Zoning: A/O (Agricultural Open)

Location: 3155 Foxford Road (also known as 3155 Rimer Rd)  
Concord, N.C. 28026

Size: +/- 50.14 Acres

PIN: 5652-66-1952 & 5652-56-3192

Request: The applicant is seeking permission to construct a new bath house  
(approximately 1080 sq. ft), two cabins and a parking facility.

Application Information:

Advertisement Information:

A. Sign: Requested 1/25/08

B. Newspaper: To be in the Independent Tribune and the Cabarrus Neighbors on  
Thursday, February 7 & 14<sup>th</sup>, 2008

C. Adjacent Property Letters: Mailed February 4, 2008

CASE # C-811

APPLICANT: CABARRUS COUNTY PARKS  
& RECREATION DEPARTMENT

DATE: February 21, 2008

EXHIBIT # 2

Page Two

Additional Facts:

1. The applicant has submitted a complete application form and the information required by the Cabarrus County Zoning Ordinance for a Conditional Use Permit.
2. The adjacent property owners have been notified by mail. The letter and a list of those contacted are included in the packets.
3. The notice of public hearing was published on February 7 & 14, 2008 in the Cabarrus Neighbors and the Independent Tribune.
4. A zoning public hearing sign has been placed on the property advertising the time and place of the public hearing.
5. The applicant is seeking permission to construct a new bath house (approximately 1080 sq. ft), two cabins and a parking facility on the grounds of Camp Spencer.
6. The Project has been reviewed by NCDOT, the Cabarrus County Engineer and the Cabarrus County Fire Marshall. All comments related to the plan have been addressed.



CABARRUS COUNTY  
PO BOX 707  
CONCORD, NC 28025  
704-920-2137  
www.co.cabarrus.nc.us

Application Number

Date

**CONDITIONAL USE APPLICATION FORM**

Circle Jurisdiction That Applies:

Cabarrus County

Town of Midland

Town of Mt. Pleasant

Town of Harrisburg

**The Conditional Use Process:**

A conditional use is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties nor will it be contrary to the public interest.

In order to apply for a conditional use a completed application along with the application fee is required to be turned in to the Zoning Office, 30 days prior to the scheduled public hearing. In order for the Board of Adjustment to grant approval of the conditional use, the applicant must provide the requested information in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any conditional use to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Zoning Ordinance.

If there are additional questions concerning this process, please call the Zoning Office at (704) 920-2137.

**TO THE BOARD OF ADJUSTMENT:**

I, HEREBY PETITION THE BOARD OF ADJUSTMENT TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO ISSUE A CONDITIONAL USE PERMIT FOR THE USE OF THE PROPERTY AS DESCRIBED BELOW.

Applicant's Name

Cabarrus County Parks

Applicant's Address

P O Box 707

Concord NC 28026

Applicants Telephone Number  
704-920-3360

Property Owner's Name

Cabarrus County Boy's & Girl's Club

Property Owner's Address

PO Box 1405

Concord NC 28026

**Parcel Information**

Existing Use of Property

Public Park

Proposed Use of Property

Same with Pool Bathhouse

Existing Zoning

A O

CASE # C-811

APPLICANT: CABARRUS COUNTY PARKS  
& RECREATION DEPARTMENT

DATE: February 21, 2008

EXHIBIT # 3

Property Location

3155 Rimer Road

Property Acreage

49.56

Tax Map and Parcel Number (PIN)

5652-66-1952 and 5652-56-3192

**Land Use of Adjacent Properties**

(Provide Plat Map if Available)

NORTH

Residential/Business

SOUTH

Residential

EAST

Residential

WEST

Residential

**General Requirements**

1. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans, where applicable, how the proposed use satisfies these requirements.

The Board must find that the uses(s) as proposed "are not detrimental to the public health, safety or general welfare."

New bathhouse will enhance the health, safety and welfare of  
pool users.

The Board must find that the use(s) as proposed "are appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc."

New bathhouse will be adjacent to existing pool and parking.  
New cabins are located next to existing cabins.

The Board must find that the use(s) as proposed "will not violate neighborhood character nor adversely affect surrounding land uses."

Bathhouse and cabins are located within the Park with adequate  
buffer areas.

The Board must find that the use(s) as proposed "will comply with the general plans for the physical development of the County or Town, as embodied in the Zoning Ordinance or in the area development plans that have been adopted."

Facilities are included on the Park's original master plan.



2. The Zoning Ordinance also imposes SPECIFIC REQUIREMENTS on the use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Board, the proposed use(s) will comply with specific requirements concerning the following:

Nature of use (type, number of units, and/or area):

Pool bathhouse - 1 -	sq. feet
Camping cabins - 2 - 280	sq. feet each

Accessory uses (if any):

Setback provisions:

Principle Use

Front: \_\_\_\_\_ Side: \_\_\_\_\_ Rear: \_\_\_\_\_

Accessory Use

Front: \_\_\_\_\_ Side: \_\_\_\_\_ Rear: \_\_\_\_\_

Height provisions:

Principle Use \_\_\_\_\_ Accessory Use \_\_\_\_\_

Off street parking and loading provisions: (include calculations)

Included on site plan and drawings.

Sign provisions: (include sketch drawing with dimensions)

No new signs - existing signs only.

Provisions for screening landscaping and buffering: (if required add to site plan)

Included in site plans.

Provisions for vehicular circulation and access to streets: (provide NCDOT permit if necessary)

Provided for in plans.

Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm waters, prevent erosion, subdue dust:

Included in site plans.

An adequate amount and safe location of play areas for children and other recreational uses according to the concentration of residential property:

Existing play areas and play ground already located in the Park.

Compliance with overlay zones including but not limited to the Thoroughfare Overlay and the River/Stream Overlay Zones:

Park in compliance.

Compliance with the Flood Damage Prevention Ordinance:

Park in compliance.

Other requirements may be requested by the applicant or specified by the Board for protection of the public health, safety, welfare, and convenience:

#### **Predefined Standards**

Each individual Conditional Use listed in the Zoning Ordinance may have specific standards imposed. Refer to the Conditional Use section of the Zoning Ordinance for these requirements. Each standard should be addressed in the site plan submitted along with this application.

#### **Required Attachments/Submittals**

1. Printout of names and addresses of all immediately adjacent property owner, including any directly across the street.
2. Scaled site plan containing all requested information above on legal or ledger sized paper. Larger sized copies will be accepted if copies for each Board Member is provided for distribution.

#### **Certification**

I hereby confirm that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are to the Zoning Department.

Signature of Applicant



Date 1-30-08

Signature of Owner



Date 1/30/08

# Selected Property

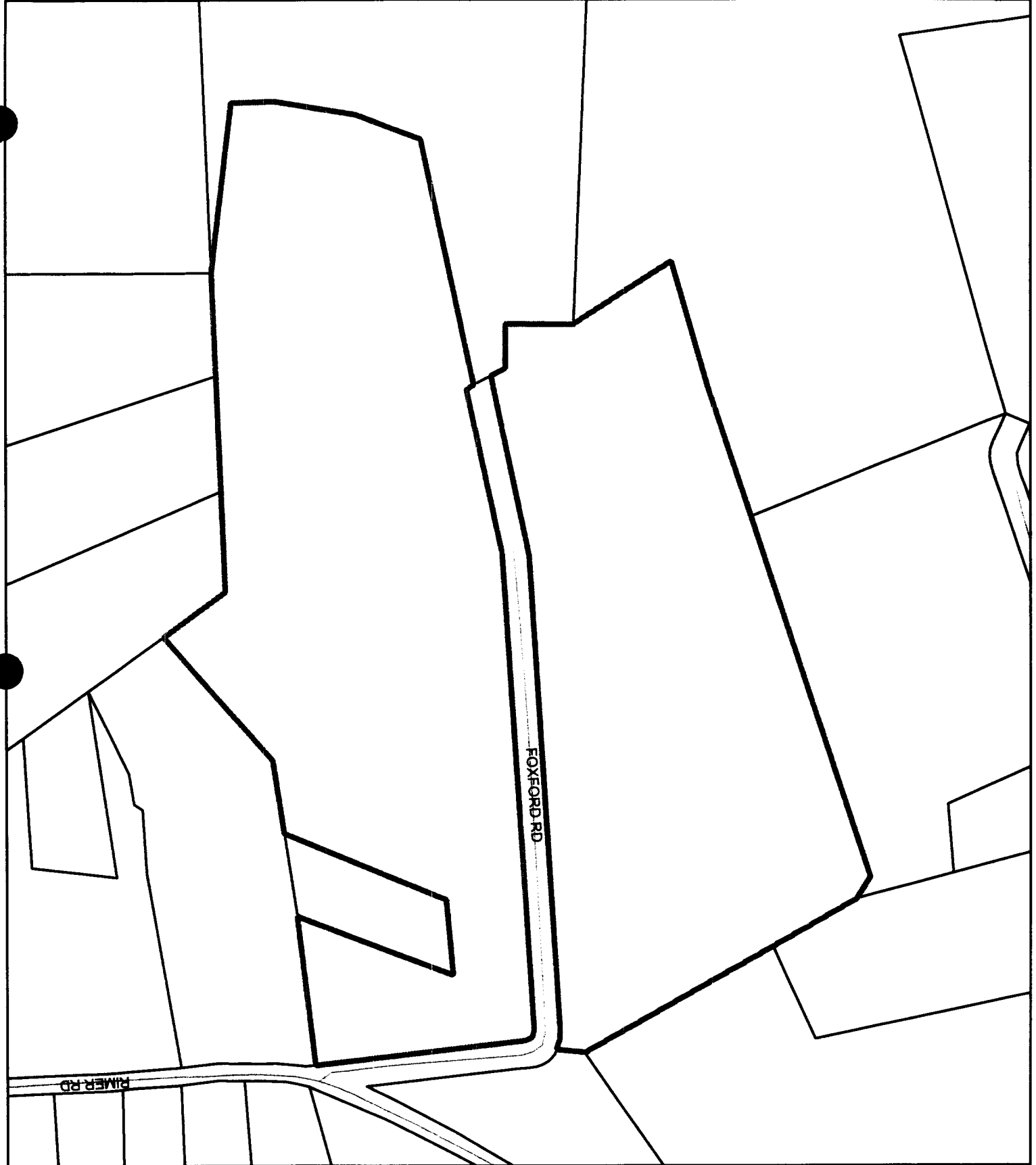
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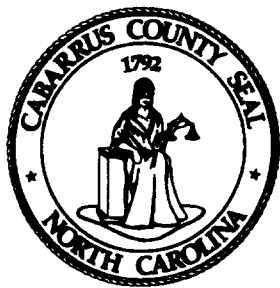
☐ Tax Parcel



Caltrans County and not be held liable for any errors in these data. This includes errors of commission, omission, and positional accuracy of the data. These data cannot be construed to be a legal document. Property features from these data shall not be used for any purpose other than the information contained within the data.

Map Produced by Caltrans County Planning Services





February 4, 2008

Dear Adjacent Property Owners:

This letter is to inform you that the Cabarrus County Parks & Recreation Department has petitioned the Cabarrus County Board of Adjustment for a conditional use permit. If granted, the petitioner would construct a new bathhouse, two cabins and a parking facility on the property located at Camp Spencer. The property's address is 3155 Rimer Road, Concord, N.C. 28025.

There will be a public meeting to discuss this matter on February 21, 2008. The meeting will take place at the Cabarrus County Governmental Center (2<sup>nd</sup> floor), located at 65 Church Street, Concord, N.C. 28026 and will begin at 7:00 p.m.

The application is on file at the Cabarrus County Zoning office for your convenience. Please contact Jay Lowe (Zoning Inspector) at 704-920-2140 if you have any questions.

Thank you,

Jay Lowe  
Zoning Officer

JL/mpf

CASE # C-811  
APPLICANT: CABARRUS COUNTY PARKS  
& RECREATION DEPARTMENT  
DATE: February 21, 2008  
EXHIBIT # 5

**CASE #811 Cabarrus County Parks & Rec**  
**Adjacent Property Owner's List**

Concord Community Boy's Club  
P.O. Box 1405  
Concord, N.C. 28026  
5652-66-1952 & 5652-56-3192

Automotive Recovery Services Inc. D/B/A Adesa Impact/ An IN Corp  
13085 Hamilton Crossing Boulevard-500  
Carmel, IN 46032  
5652-37-6977 & 5652-57-4786

Patsy Sifford Brown  
5260 Merle Road  
Concord N.C. 28025  
5652-67-4810

Larry W. & Brenda s. Furr  
3401 Rimer Road  
Concord, N.C. 28025  
5652-67-9139

James B. & Janet O. Jordan  
4939 Gold Hill Road  
Concord, N.C. 28025  
5652-46-2268 & 5652-44-5766

Dwight T. & Jill G. Love  
3307 Rimer Road  
Concord, N.C. 28025  
5652-66-8588

Dennis & Pamela Orr  
5075 Gold Hill Road  
Concord, NC 28025  
5652-55-2303

Nancy M. Ritchie  
1550 Penninger Road  
Concord, NC 28025  
5652-65-0028

George C. Goodman  
3121 Rimer Road  
Concord, NC 28025  
5652-66-4118

Barbara E. Hill  
P.O. Box 354  
Mt. Pleasant, NC 28124  
5652-76-0202

Ruby C. Bingham  
3131 Rimer Road  
Concord, NC 28025  
5652-65-3870

Timmie & Angela Rushing  
3200 Rimer Road  
Concord, NC 28025  
5652-65-9924

Bryan & Eileen Moose  
5111 Gold Hill Road  
Concord, NC 28025  
5652-55-5309

# Memo

**To:** Cabarrus County Planning and Zoning Board  
**From:** Jeff Huss, Planner  
**CC:** File  
**Date:** 1/29/08  
**Re:** Request to consider amending ordinance

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- Attached you will find a letter from Ray and Kim Hanson stating their desire to open a reception facility at 5125 Hamby Branch Road - zoned CR (Countryside Residential). The letter addresses the Hanson's plans for a reception facility, the lack of historic homes open to the public in Cabarrus County, and the benefits to the county that the Hanson's and other reception facilities would provide.
- The reason for this proposal is that the ordinance does not properly classify, or set standards for a reception facility.
- Please look over the Hanson's letter and be prepared to discuss the request.

THE ORCHARD HOUSE  
5125 Hamby Branch Rd.  
Concord, NC 28025  
704-721-0748

To: Planning & Zoning Services

We would like to start a family business-reception facility, which would provide a historical event venue for Cabarrus County. Our estate is located at 5125 Hamby Branch Road and is zoned Countryside Residential. It consists of 13+ acres, a historical home, a small pond, and primary gardens. The home was built around 1853 for William H. Orchard, the manager of the adjacent Phoenix Gold Mine. After serving in the War Between the States, Captain Orchard was elected to the North Carolina Assembly in 1878. The house has been pictured in "The Historic Architecture of Cabarrus County North Carolina" and also mentioned in the book "Gold Mining in North Carolina". Many pictures of the home were featured in "The Concord Tribune" April 5, 1970.

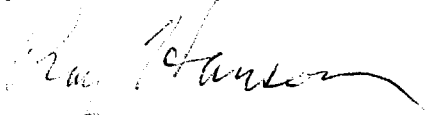
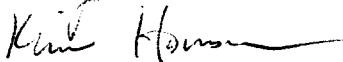
We believe our unique event venue will benefit Cabarrus County in many ways. This would be one of the few historic homes preserved and open to the public. There is a great need in this area for more venues for corporate events as well as weddings....our reception facility would hold up to 300. This venue will bring more revenue and create business for the community through various vendors...i.e....catering, flowers, cakes...etc. Also this would create opportunities for other reception facilities to be established in the county.

Through this venue, we would be preserving a piece of the rich history of Cabarrus County.

Thank you for considering our proposal for establishing this unique event venue for Cabarrus County.

Respectfully,

Ray and Kim Hanson



## **5.26 RECEPTION FACILITIES.**

### **5.26.1 LOCATION.**

Reception Facilities shall only be established in accordance with Table 4.6-1 (see Article 4) subject to the following location limitations:

**5.26.1.1. Lot Size.** The lot shall be a minimum size of five acres.

**5.26.1.2. Access.** The parcel must have frontage on a major or minor thoroughfare.

### **5.26.2 STRUCTURE.**

A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance.

### **5.26.3. APPROVAL CRITERIA.**

**5.26.3.1. Off-Street Parking.** Two parking spaces for owner/operator, plus one for every four seats. Parking must be temporary parking on grass and or driveway. No on-street parking is permitted.

**5.26.3.2. Room Rental.** No long-term rental of rooms shall be permitted. The maximum length of stay shall be thirty (30) days.

**5.26.3.3. Guest Rooms.** All guestrooms shall be located within the principal structure.

**5.26.3.4. Meals.** Other than to members of the reception, no meals shall be served to the general public unless expressly approved as part of the conditional Use Permit or site plan application.

**5.26.3.5. Accessory Structures.** Accessory Uses of the Reception Facility are subject to the standards set forth in Section 5.2.1. of the Mt Pleasant Unified Development Ordinance.

**5.26.3.6. Area Regulations.** Area regulations for applicable setbacks, building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located.

**5.26.3.7. Lighting.** Outdoor lights must be shielded to direct light and glare only onto the facilities' premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.

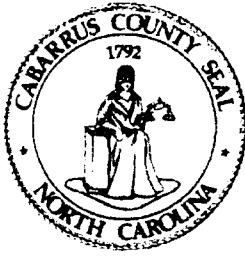
**5.26.3.8. Signage.** Signs for Reception Facilities shall meet the requirements of the Sign Regulations in Article 12 of the Mt Pleasant Unified Development Ordinance and the requirements set forth below.

**5.26.3.8.1.** Signage shall be limited to one ground sign per establishment.

**5.26.3.8.2.** Monument signs identifying the reception facilities shall not exceed eight (8) square feet in area nor shall they exceed five (5) feet in height. If such signs shall be illuminated, they shall be externally illuminated.

**5.26.3.8.3.** No additional advertising signs shall be permitted on the property.

**5.26.3.69. Noise Control.** All activities and event occurring on the property of the reception center shall meet the required noise control ordinance as stated in Section 91.01 of the Town of Mt Pleasant Code of Ordinances.



## **Cabarrus County Government**

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Planning and Zoning Commission Minutes  
February 21, 2008  
7:00 P.M.

Mr. Roger Haas, Chairman, called the meeting to order at 7:00 p.m. Members present, in addition to the Chair, were Mr. Todd Berg, Ms. Brenda Cook, Mr. Eugene Divine, Mr. Larry Ensley, Mr. Danny Fesperman, Mr. Ted Kluttz, Mr. Ian Prince, Mr. Barry Shoemaker and Mr. Dennis Yates. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Jeff Huss, Planner, Ms. Arlena Roberts, Clerk to the Board, Mr. Jay Lowe, Zoning Officer and Mr. Richard Koch, County Attorney.

### **Roll Call**

### **Approval of Minutes**

Mr. Barry Shoemaker, **MOTIONED, SECONDED** by Mr. Todd Berg, to **APPROVE** the December 20, 2007, meeting minutes with the correction that Mr. Ian Prince was present at the meeting. The vote was unanimous.

### **New Business – Board of Adjustment Function:**

The Chair introduced **Conditional Use Application 811-C**

**1. Applicant:** Cabarrus County Parks & Recreation Department

**Request:** Permission to construct a new bathhouse, two cabins and a parking facility on property located at Camp Spencer.

The Chair swore in Ms. Susie Morris, Planning and Zoning Manager, Mr. Jay Lowe, Zoning Officer, Ms. Barbara Walker, and Mr. Randy Daniels.

Mr. Jay Lowe, Senior Zoning Officer addressed the board, stating this is Conditional Use Application 811-C, the applicant is Cabarrus County Parks and Recreation Department. The owner of the property is Concord Community Boys Club. The property is currently zoned A/O Agricultural Open, the property is located at 3155 Foxford Road (also know as 3155 Rimer Road). He said Foxford Road is a Department of Transportation road, but it is normally referenced as Rimer Road since most of Foxford Road is within the park. The size of the park is 50.14 acres. A sign advertising the public hearing was placed on the property on January 25, 2008. The applicant submitted a complete application form and the information required by the Cabarrus County Zoning Ordinance for a Conditional Use. The adjacent property owners were notified by mail. The letter and a list of those contacted were included in the board packets. There has been no opposition to this case. The notice of the public hearing was published on February 7th and February 14<sup>th</sup>, 2008, in the Cabarrus Neighbors and the Independent Tribune. The applicant is seeking permission to construct a new bath house, two cabins, and a parking facility on the

grounds at Camp Spencer. The bath house will be approximately 1,080 square feet; the cabins are about 280 square feet each. The project has been reviewed by NCDOT, the Cabarrus County Engineer, and the Cabarrus County Fire Marshall. All comments related to the plan were addressed.

Mr. Randy Daniels, 6680 Erinbrook Drive, Concord, NC, stated he would be happy to answer any questions the Board may have.

The Chair asked if any one had any question about the design. There were no questions.

There being no further discussion, Mr. Todd Berg **MOTIONED, SECONDED** by Mr. Danny Fesperman to **Approve** Conditional Use Application 811-C. The vote was unanimous.

It was the consensus of the Board that Mr. Rich Koch, County Attorney, prepare the Findings of Fact. (see attached)

#### **New Business – Planning Board Function:**

The Chair introduced a request for the Planning and Zoning Commission to consider amending the Zoning Ordinance to classify or set standards for a Reception Facility.

Mr. Jeff Huss, Planner, addressed the Board presenting a proposal for reception facilities to be added to the Cabarrus County Zoning and Subdivision Ordinance. He said the reason for the request is because the ordinance does not specifically address Reception Facilities and a request from Ray and Kim Hanson to open a Reception Facility at 5125 Hamby Branch Road. The property is currently zoned CR - Countryside Residential.

Mr. and Mrs. Ray Hanson, 5125 Hamby Branch Road, Concord, NC, addressed the Board. Mr. Hanson said, this started when their daughter got married and they were looking for a Reception Facility and there was a shortage of them in the Concord area. His wife and two daughters had a brainstorm to have a Reception Facility to take care of the people in the Concord area. He said they have 13 acres and would like to have a Reception Facility for weddings and events like that. He said the house they purchased was built in 1853, is a historic site, and it has the original floors.

Ms. Hanson said they would like to amend the CR-Countryside Residential zoning so they can have this business.

Mr. Berg asked how they would handle parking.

Mr. Hanson said Mr. Mark Lunsford, the previous owner, cleared two large areas for parking. He said there are two very large open areas that right now are grass, but could easily have gravel or asphalt on them.

Mr. Prince asked if there was a tent on the property and if they intend to hold the receptions there.

Mr. Hanson said yes, it is a large tent, 40 ft. x 100 ft. and it will hold 300 people.

Ms. Hanson believes it would be a benefit to the county because there is a lack of this kind of facility, there are hotels and ballrooms, but sometimes people want a unique setting for a wedding and reception; we would be able to offer that to the community.

Mr. Yates asked what the Hanson's perception was of how often it would be used; will it be a summer time event or all year?

Ms. Hanson said it would probably be a nine month period that they would have most of their business, they were thinking around two per month. She said there are no houses around them, they are very isolated.

Mr. Yates asked how they would handle water and sewer.

Ms. Hanson said at first, they are planning to use whirl restrooms and later on build a bathroom facility. They eventually plan to have another septic and another well.

Mr. Yates asked if the food was catered in or on site.

Ms. Hanson said it would be catered in. They plan to be just a venue and not provide anything else. She said that is why it opens doors for a lot more business in the community.

Mr. Berg asked if 300 was the maximum that the tent could hold.

Ms. Hanson said yes.

The Chair asked if there were any other zoning designations that would apply to this or are we only considering here CR Countryside Residential and no other zoning designations at this time.

Mr. Huss said the Board could consider other zoning designations. It is currently zoned CR Countryside Residential. Mr. Huss reminded the Board it would be a county wide zoning change, and not limited to the Hanson's property.

The Chair asked if staff would bring back recommendations as to what would be included in the ordinance and what the specific requirements would be to meet the ordinance standards.

Mr. Huss said yes, there is language in the Mt. Pleasant UDO that addresses reception facilities and we can do further research. He has done some research; the UDO is very thorough and it stands up to about anything that he has seen.

The Chair asked if there was any other reception facility currently in the County.

Ms. Susie Morris, Planning and Zoning Manager addressed the Board stating that there is Saratoga Springs out toward Mt. Pleasant that has been there for a long time. She said we are not just concentrating on the applicant, the Board needs to decide if it is appropriate to do as a text amendment, then we need to begin those types of discussions; whether you think it would be appropriate, as well as if you would like to see any standards or have it be a conditional use. Remember we have the recreation overlay but this probably does not need to go there, because based on discussions with our attorney, we need to revisit the recreation overlay.

She said if it is added in, it would be a line item. If the Board is willing to consider this we have the language from the UDO (Unified Development Ordinance) here if you want to have the discussion. She thinks the Board needs to make a motion whether to consider it or not first.

The Chair asked if there were any questions.

Mr. Barry Shoemaker asked if the motion would be to consider this as a possibility. We would not be changing anything; we would be making a motion to consider this and then based on public hearing we would make the final decision.

Ms. Morris said that is correct, to consider it then we could start the discussion this evening, get some feed back from the Board, go back and draft some text, then bring back to the board potentially next month.

The Chair said it would be a motion to consider amending the ordinance that would classify and set the standards for the reception facility.

Mr. Shoemaker **MOTIONED, SECONDED** by Mr. Ensley to consider amending the ordinance to classify and set standards for a reception facility. The vote was unanimous.

The Chair asked Mr. Huss to pass out the Mt. Pleasant UDO.

Mr. Prince asked if this particular case could be addressed with a conditional use.

Ms. Morris said if you would like to make it a conditional use that's fine, but can some one do a conditional use and ask for a use that is not permitted in the zoning ordinance, no. She said if you would like for them to do a conditional use permit and go through that particular process, where you would receive a site plan and they could show you the layout of the property, that is fine, that would be the discussion we would need to have.

Mr. Yates asked if this was in the Mt. Pleasant UDO.

Mr. Huss said yes, it is Section 5.26 which specifically addresses the reception facility, where as the Cabarrus County ordinance does not. He said conditional use or permitted by right/permitted by standards would be something the Board would need to consider.

Mr. Yates asked if what ever standard is set it will be applicable for the entire county.

Mr. Huss said that is correct.

Mr. Yates thinks it is wonderful that the applicant is considering opening and preserving a historic structure. He said if this were in another area and there were adjacent neighbors, 300 folks on a consistent basis for 9 months of the year becomes almost a kind of commercial enterprise all by itself. He said with the parking on the grass and unimproved parking you would have to start wondering how often after rain storms you start contaminating road systems and all of those kinds of things. He said it may be fine for you out in the country but it may or may not be the appropriate thing to do for someone else in another part of the county where the density might be more.

The Chair said we are looking for general discussion, not specifics at this time. He assumes staff will construct something for us and bring it back before the Board.

Mr. Huss said one thing staff does need feed back on is if this should be conditional or permitted by standards and which zoning districts you think would be feasible.

Ms. Morris said if you want to look at the Mt Pleasant UDO language we can model something after it, it talks about off street parking, and room rental. If this is something the board would like to take home and think about and come back later that is fine. She said staff cannot draft language until there is initial feed back from the Board. She said if you want to look at this and let staff know if this looks like something that might be acceptable, or even go down through the criteria. She said it would help staff instead of having to create something from scratch when there is something we can start with.

Mr. Berg asked if using this as a starting point what zoning districts do they permit this use in?

Ms. Morris believes it's allowed in residential zoning districts

Mr. Berg said all residential districts? We are not going to act on it tonight so we can all take the time to look at that. He thinks that is one way to address Dennis's concern, if we limit it to AO Agriculture Open or CR Countryside Residential or something.

Mr. Huss said while waiting on Ms. Morris to return, we can go over some conditions. He said the Mt. Pleasant UDO requires a minimum lot size of five acres, the reception facilities are permitted in the AG-Agriculture, RE-Rural Estate and RL-Residential Low Density, the RL - Residential Low Density would be similar to CR-Countryside Residential.

The Chair asked what the comparable designations are.

Mr. Huss said CR Countryside Residential and AO-Agricultural Open.

Mr. Berg said he would be inclined to limit it to CR Countryside Residential and AO-Agricultural Open.

The Chair asked if it were the general consensus of the Board to make it CR Countryside Residential or Agriculture Open. It is the consensus of the Board.

Mr. Huss asked if the minimum lot size of 5 acres was okay.

Mr. Berg said that seems reasonable. He said one thing they do not do here is limit the maximum total capacity. In other words you could have a 5 acre lot size and hold a reception for 1,000 people or 5,000 people and fill the whole thing up with parking. He thinks there should be a limit to the total attendance for capacity.

Mr. Yates said or provide so many cars or vehicles impact per acre or something like that; he thinks that is an issue also.

Mr. Berg suggests parking one for every four seats and then with a maximum number of spaces of whatever.

Mr. Huss thinks the remaining regulations, the room rentals, the guest rooms, and the meals are all pretty standard and do not need a lot of changes.

The Chair asked the applicant if they had intentions of having room rentals.

Ms. Hanson said no. She said at some later date they may not live in the historic home and they have talked about using it for the bridal suite, allowing the bride and groom to stay there on the premises.

The Chair said under the meals section it says; other than members of the reception, no meals will be served, but if you were to have room rental or guest rooms and you could have it up to 30 days, but you could not serve food to any of them, no breakfast no anything, or if it is the father of the bride and he is staying there is he considered a member of the reception so you could feed him?

Mr. Huss said the intent here with the meals is basically so you do not have people showing up for lunch or dinner something like that.

Ms. Morris said the Board would need to decide whether you want them to be able to operate as sort of a quasi bed and breakfast. She told the Board to remember that this could be somebody building a completely new structure, not limited to historic houses. So if somebody comes to the Board and wants to build a reception facility, do you want

folks to be allowed to stay there, spend the night there and eat there because it will be more like a hotel.

The Chair does not consider this to be a reception facility if you are going to have room rental and meals that could be served; you are a bed and breakfast. He assumes we have standard criteria for a bed and breakfast in the ordinance.

Ms. Morris said that is where sometimes these are a little commingled and we need to draw that line.

The Chair sees a reception facility as just that, a place where you have a reception, not a place where people come to spend the night or are served breakfast the next morning, even if they are a part of the reception. He said it seems you stepped over too a place that is more of a bed and breakfast than just a reception facility.

Ms. Morris said that is what we need to hear from the Board, and then we can come back with some language that might be more appropriate. She said this is something to get the discussion started. She said if you are not comfortable with guest rooms or people spending the night there that is fine.

Mr. Yates said when he takes this for face value he hears that there is a "temporary structure" called a tent or a pavilion but the perception is it is going to stay permanently as a structure.

Mr. Huss said that would be addressed in the accessory structures and also up for discussion. He believes in this particular case it is a foundation not necessarily an actual tent that is permanent.

Mr. Yates asked the applicant if it were a permanent structure.

Mr. Hanson said in the field by the house they had a cement pad poured and had the tent put up, so the tent can come down. He said the tent makers that they purchased it from have one in Disney World that has been up for almost 20 years, it is a real nice tent. He said it could be considered a permanent structure sitting on a cement pad. He said it is a white tent and it has four main poles and 24 poles that go around the outside of it.

Mr. Yates asked the applicant if it was his intent to leave the tent up 12 months of the year.

Mr. Hanson said yes.

The Chair asked what function the home played in the reception facilities.

Ms. Hanson said they could do bridesmaids luncheon using the home either inside or outside. She said that is where the bride would dress.



Mr. Hanson said it is a small house, 1800 square feet so as long as they are living there, there is not a lot of room in the house. He said it is going to be a long time before they even consider the bed and breakfast idea because it is their house.

Mr. Prince said one thing to consider is that anyone in AO-Agriculture Open and CR-Countryside Residential could throw up a tent, stick out a sign and put a candle on the corner and start having receptions. He said if it were included and applicable in AO-Agriculture Open and CR but only with a conditional use then at least there is some control of that, and in this instance it might be a logical marriage, in other situations it might not be appropriate for you to throw up a tent.

Mr. Berg said if it were a conditional use they would have to present a site plan and stick with that forever and ever.

Ms. Morris said bed and breakfasts are permitted in AG-Agricultural, CR-Countryside Residential, LDR-Low Density Residential, MDR-Medium Density Residential and OF/LC-Office Limited Commercial. She said if they wanted to get a permit for a bed and breakfast and also a permit for a reception facility, the two of them together would be a possibility, because if it is permitted in that zoning district even if they will have two different uses, we have to allow each of them; they can permit it as two different uses and use them together. She said it already allows for a bed and breakfast to be permitted in AO-Agriculture Open, CR-Countryside Residential and LDR- Low Density Residential which are two and three potential districts that the board is talking about. She said for this reception facility there really is not any where that that fits in. She said it either is a hotel or it is somewhere else. We need to be talking in broad stroke brushes not in specifics related to this particular property because if you amend the ordinance it will be an amendment for all properties in AO-Agriculture Open or all properties in CR-Countryside Residential, so you do have to consider all of those areas not just one specific area or one specific property.

Mr. Huss wanted to add that his interpretation of this language for the room rental is that it is not a bed and breakfast or it's not even an over night stay, it's that someone could rent a space and possibly have another use, like a retail, out of the house. He said that is what this language is for; it limits you at the time that you can set up, so you would not have more than one primary use from that house. He said another way you can look at it is as a over night stay, but he looks at it as multiple rooms in a house which you can have multiple receptions at a house depending on the size; basically you do not want them to start camping out and making it a continuing use and basically skirting some of the ordinance requirements by doing that.

Mr. Shoemaker said when you start putting up tent structures and things like that they need to adhere to the accessory structures requirements. He said by having that then you force it to come before the board, you force the hand in making sure the structure will meet all of the codes. He said it also makes us aware of what is going on in the community and he agrees with Mr. Berg about submitting site plans; you then get to

understand how big the parking area is and how much of the site is involved so that someone would not take up 90% percent of the site with parking.

Mr. Yates said his biggest problem with this is that we are taking a temporary structure called a tent and really turning it in lieu of or in place of a building that meets certain codes and has bathrooms and all those kinds of things. He thinks from a common since stand point, most folks could understand some family having a wedding with a tent for some period of time and he thinks everyone accommodates that; but the concern he would have, being in the country is one thing, but being adjacent to a major thoroughfare and someone happens to have six acres of land that the tent stays up twelve months out of a year for years and years is a different intent to him than permanent buildings, permanent structure and a temporary use or an occasional use.

The Chair asked staff to address permanent versus temporary when making the standards.

Ms. Morris said that is something the Board would need to consider; do you want a tent popping up on every five acre or larger tract just because they think that they can have wedding receptions because they are out in the country. She said do you want the permanent structures; do you want it to be more like a gazebo type structure or something that would be a frame structure? She said those tents have to be checked by the Fire Marshall's office every time they put them up and take them down. They have to get permits and things like that, so they are similar to a temporary structure, but once they are up she cannot swear to the fact that they do continue to do periodic inspections.

She said when they have the races the tents are up for about two weeks, they check them initially then they come back down. Again, that would be something the Board would need to consider, whether you would want them to be permanent type structures or if they could use tents, if they can, is there a certain duration until it has to be a permanent structure? She said if you put something like that in there the Board would need to think about it from an enforcement stand point; ten or twenty of these pop up and you have to go out there and make sure that they are being constructed like they are suppose to.

Mr. Shoemaker asked if there were language in the current policy for accessory structures such as tents that do have that type of information in it. He said there is no need to rewrite the book if you are already referencing this policy.

Ms. Morris said the County Ordinance does not really address temporary uses like other ordinance do, we do not issue temporary use permits. We are going to some new software where we are going to lean towards that.

Mr. Shoemaker asked if it addresses proper rest room facilities and things like that when you do these or is there something else in there that deals with that type of thing.

Ms. Morris said typically the building code is going to dictate what you will have to have with that, and if you are not talking about a permanent structure, she assumes under the commercial code that they have to follow they would allow things like the tractor trailers

to be rolled in which is similar to what you see at Speed Street or like what you see they are doing at the races now, instead of bringing in the individual units they just bring these trailers in and then some way that trailer either has to get water or it has the self containing units and then they roll it back off.

Ms. Morris said the Board will need to make that decision, if somebody applies for a reception facility, does it need to be a permanent facility or do they need to have some type of permanency there? She said in this particular case there is a house there and they could use the house and then if they put up the tents and then take the tents down that is up to them, they get it permitted.

Ms. Morris said what she is hearing from the Board is some concern over coverage on the property, whether it is parking or excessive building, even if you have five acres are you going to four of that five acres covered.

Mr. Shoemaker said it sounds like they are doing the proper thing, but someone else might want to have this and they will go the minimalist approach and provide no facilities for people and then they do what ever they want to do, then they leave there tents up and the wind damages them and they don't take care of those types of things. He said that is what we have to guard against, to make sure we have done the due diligence to keep people abreast of the right kinds of behaviors we want.

Ms. Morris said that is where if you set some type of standards to be used and if you do it as a conditional use, you will get a site plan and you will also then be able to attach conditions to it. She said if you do it permitted based on standards, then that would simply be an administrative review based on what the criteria is that you set forth in the ordinance.

Mr. Berg said another thing to think about here is what they are proposing and what he has seen mostly is that these are related to historic properties and he thinks that may be treated completely different than if it were a non-historic property or if somebody just had 10 acres out in the country. That being said, he is leaning more and more towards a conditional use and to look at it on a case by case basis. He said if it is a historic property and the house is sort of a back drop, he thinks he would feel better about the temporary tent than the grand toilet that you can just hook up and tow away versus building some concrete block structure for toilets and a pole barn for dining or reception or whatever.

Mr. Prince thinks a tent with a concrete floor is not temporary. He said there are plenty of fabric structures around the world that have been up for 20 to 30 years, it is just a type of building. He said by pouring a slab and doing all of that it is permanent; it is not going any where. He said doing a site plan and submitting those sorts of things he thinks would not be that far out of reach.

Mr. Shoemaker said when you start dealing with facilities, he guesses that when they would come to a conditional use, they would also then look at what they are doing facility wise, because of the parking the events would not exceed a certain number of

people or attendance level; which then would help dictate something around the proper facilities to allow for bathrooms and things like that, what they should supply on a temporary basis. He thinks that helps the Board make sure that people who are responsible are doing these events and we are not getting half baked kind of things going on.

The Chair asked if there were any more comments. He asked staff if they had enough information to work with to temporarily construct something as far as what the standards would be and then we will all come back together to discuss. He asked if that was agreeable with everyone.

Every one agreed.

Mr. Shoemaker asked Mr. Huss about his experience in Charlotte where he saw temporary facility type of things going on.

Mr. Huss said they were more temporary sales events; you would have furniture trucks show up or fire works or something like that. He said the way they would handle it was, it would be 12, five day permits and they could be consecutive but the parcel would have to be vacated within 60 days so there would be no other temporary use. You would always have to have a permanent structure so it would be accessory to that permanent structure. He said these were much smaller tents except for maybe the furniture, and nothing like five acres. He said these were more like a nuisance regulation because they sprung up in so many places.

The Chair said the ordinance does not say the residential structure has to be on the five acres. It says if it is used as a facility you cannot alter it so that it doesn't have a residential appearance. He said to have a reception facility you do not necessarily have to have a residential building on that acreage.

Mr. Huss said no, it does not specify that you have to have a residential building on the acreage.

The Chair said there could be a home there and you could put a tent there or there could be nothing there and you could put a tent there.

Mr. Huss said that is right.

Mr. Shoemaker said it could be a 5 acre lot with parking on it.

Mr. Huss said if that were the case they would not be able to have a home occupation. They would have to go with a regular business license.

There being no further discussion the Chair asked staff to take what was discussed and to put it in some semblance of order and to bring it back before Board.

### **Directors Report**

Ms. Morris addressed the Board. She reminded the Board of the Planning Training being held on March 6, 2008, provided by Mr. Bill Duston, Centralina Council of Governments at the Kannapolis Train Station.

Ms. Morris said there was an article in the newspaper talking about a Land Use Plan getting underway. A while back she gave the Board a copy of an amended agreement with the City of Concord in Sub Area 1, we are actually in progress. A RFQ (Request for Qualifications) was sent out, responses received and a consulting group was chosen. They partnered this group; Kimberly Horne, Land Design, Code Studio and Warren and Associates. She said Code Studio consists of some of the folks that helped us back in 2005. Two of the gentlemen came and helped us with the public work sessions. They have split off from the company that they were with and started their own company but they will still be involved and hopefully that will help; Land Design was also involved. She said it will be a full fledged Land Use Plan, Small Area Plan for Sub Area 1 and it will also include some of the area outside of it to try and figure out what we need to do with it; how do we need to grow, where do the utility extensions need to go since that is Concord's Municipal Service District-MSD area.

She said there will be some stakeholders groups set up, if anyone has any interest in that or knows anybody that is and lives out that way (Sub Area 1) and you think may be interested or willing to participate let Ms. Morris know. She said there will be some public meetings open to the general public and we will be sending out notifications.

Mr. Shoemaker asked if this was out on Highway 73.

Ms. Morris said yes, toward Mt. Pleasant.

Mr. Shoemaker asked, east toward Mt. Pleasant on the edge of Concord.

Ms. Morris said yes, if you know anyone out there who owns a large tract of land let us know. She said if the Board remembers a text amendment was done that requires that anybody doing a rezoning were to be notified. She is not saying this is going to lead to a rezoning, but anybody in that study area will be notified. She said anybody beyond that towards Mt. Pleasant that the Board thinks will be interested or have good input let her know and she will pass those names along to the consults. She said there was a kick off meeting with them on Monday and so that will be full speed ahead because that needs to be done by May. She said mark your calendar in pencil for some time during May (probably late May). We are going to try to have a joint meeting with both Planning and Zoning Boards, City Council and the Board of Commissioners, to let you know what the plan is, what the results were and to tweak it or to get your input before it is final.

She said it will come to the Planning and Zoning Commission for endorsement, then on to the Board of Commissioners and it may involve a special meeting. She said if any of

the Planning and Zoning Commission was interested in participating, there will be public meetings. She said we are working in conjunction with the City of Concord but the County staff is taking the lead on it.

There being no further business, Mr. Fesperman **MOTIONED, SECONDED** by Mr. Shoemaker to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 8:02 p.m.

**FINDINGS OF FACT  
APPLICATION 811-C**

1. The use as proposed is not detrimental to the public health, safety or general welfare.

The construction of a new bath house and cabins at Camp Spencer, as designed, will create conditions for pool and cabin users that are newer, cleaner and in compliance with current regulatory codes. This will enhance the overall public health and welfare.

2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.

The new bath house is adjacent to the existing pool and parking, and the cabins are located next to existing cabins, so location in relation to existing infrastructure is appropriate and not adversely affected.

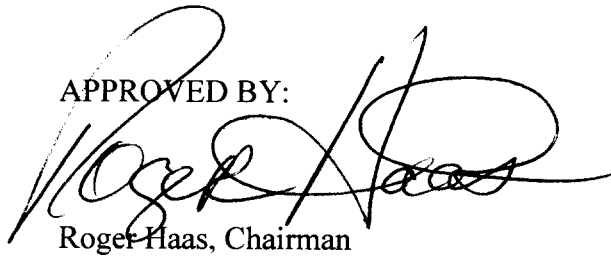
3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.

The new bath house and cabins are located entirely within Camp Spencer with adequate buffers and are consistent with the existing facilities at the park, which form part of the neighborhood character. There is no evidence that surrounding land values will be adversely affected.

4. The use as proposed will comply with the general plans for the physical development of the County or Town, as embodied in the Zoning Ordinance for in the area development plans that have been adopted.

These proposed new facilities have been part of Camp Spencer's original Master Plan.

APPROVED BY:

A handwritten signature in black ink, appearing to read "Roger Haas", written over the printed name.

Roger Haas, Chairman

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Arlena B. Roberts", written over the printed name.

Arlena B. Roberts

ATTEST BY:

Susie Morris  
Planning and Zoning Manager