



Commerce Department
Planning Division

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
December 21, 2006
7:00 P.M.
County Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval/Correction of November 16, 2006 Minutes
3. New Business - Planning Board Function:
 - A. Exception to Peach Orchard Estates Preliminary Plat Extension Condition

Request: The applicant is requesting an exception to the subdivision standards established as conditions for Peach Orchard Estates.

Director's Report

Adjournment

Memo

To: Cabarrus County Planning and Zoning Board
From: Kassie G. Watts, Planner
Date: 12/13/2006
Re: Request for Exception to Peach Orchard Estates Preliminary Plat Extension Condition

History of the Peach Orchard Estates Subdivision approval:

- The developer of Peach Orchard Estates petitioned the Planning and Zoning Board in January 2004 for preliminary plat approval. The developer was granted approval for 2 years, thus making the expiration of the approval January 2006.
- In June 2005, Cabarrus County adopted revisions to the subdivision standards and also adopted a new zoning map that changed Peach Orchard Estates from a zoning classification of LDR to a zoning classification of CR. The Peach Orchard Estates preliminary plat approval (under the LDR zoning designation) was still valid at that time.
- In October 2005, the developer petitioned the Planning and Zoning Board for an extension of their preliminary plat approval. This request was made in anticipation of the preliminary plat approval expiring in January 2006. As a result of the countywide rezoning and new subdivision standards adopted in June 2005, the developers of the Peach Orchard Estates subdivision were asked to agree to several conditions proposed by staff. These conditions were an attempt to keep this subdivision in character with the future developments under the new (current) ordinance. As part of the approval of the extension, the developer agreed to the following conditions:
 1. That the developer be granted a one year extension for the development of this project-setting the new expiration date at January 15th, 2007.
 2. That the developer meet the following additional standards for subdivision development:
 - a. Plant street trees in accordance with Subdivision Ordinance Chapter 4, Section 11, Item 10.
 - b. Buffers comply with the planting and tree preservation requirements of Section 5-8, Item D in the Cabarrus County Zoning Ordinance.
 - c. Open Space areas comply with Section 5-8 of the Cabarrus County Zoning Ordinance.

- d. Homes within the development meet the architectural requirements found in Section 5-7, Item E and Section 5-8, Items E and F of the Cabarrus County Zoning Ordinance.
3. That the extension is conditioned upon the Cabarrus County Board of Commissioners reaffirming or renegotiating the terms of the original consent agreement.
 - In December 2005, the developer renegotiated the consent agreement for Peach Orchard Estates in keeping with condition #3 listed above.
 - The developer submitted a final plat application in May 2006. Through the final plat review process, staff discovered that the preliminary plat that was being used would not meet the standards agreed upon by the developer under the October 2005 preliminary plat extension approval.
 - The preliminary plat approval will become void as of January 15th, 2007. The developer is requesting an exception to the subdivision standards and the conditions of approval for the extension in order to record a final plat, to extend the preliminary plat approval for another 2 years.

Attached, please find a letter from Cindy Traywick, Manager of Equal Development, LLC requesting an exception to the subdivision standards established as conditions for Peach Orchard Estates. The request also includes a newly revised preliminary plat that meets a majority of the conditions agreed to. The conditions that cannot be met have been outlined in the letter.

Note: There are two copies of the revised preliminary plat included in your packet. One map has topography shown on it, which is a condition of the subdivision ordinance for preliminary plats; the other map does not have the topography shown on it. Staff had the surveyor remove the topography and make a second map so it would be easier for the Board members to see the changes and exceptions requested by the developer.

December 6, 2006

Cabarrus County Department of Commerce
Attn: Kassie Goodson
P.O. Box 7074
Concord, NC 28026

Dear Kassie:

In October of 2005 an extension was requested for zoning for the Peach Orchard subdivision. These items were granted subject to the developer meeting requirements as outlined in the 10/20/2005 Planning and Zoning Commission Minutes. Upon purchase of the property Equal Development diligently procured all required permits and approvals and developed the property as drawn by Concord Engineering and approved by Governmental authorities. Equal Development agreed to the renegotiation of the consent agreements and significant cost associated with the increases. Equal Development has adopted a selective clearing program on the property thus increasing are grading and clearing cost but allows for significant additional trees and indigenous plants to remain. Equal Development and its sister company Consolidated Construction Services have diligently constructed the property per the construction drawings and approvals received and are currently about 75% complete with the entire project. Recently, Equal Development submitted our first plat for approval and found that some of the requirements for the plat extension had not been addressed due to the significant amount of work completed on the property some of the items outlined in section 5-8 can not be accomplished without significant monetary loss and infrastructure revisions. As a result Equal Development is requesting an exception for the following requirements:


- a) 50' Buffer-
End of Glowing Star Drive 150' east and west direction from the center line of the Cal De Sac for a total of 300'. Lots 93-106 and lots 80 and 81 at Rising Star Drive, Lots 65 and 66 Cranganmore Court, Lot 34 John Bostar Lane, Lots 35, 36 ,37 and 51 Macallano Drive.
Equal Development is requesting a 25' buffer in these areas
- b) 50' Buffer- 108-111 Rising Star Drive
Equal Development is requesting a 35' to 40' buffer in these areas
- c) 50' Buffer- 28-31 John Bostar Lane
Equal Development is requesting a 10' buffer in these areas
- d) 50' Buffer- The constructed pump station
Equal Development is requesting a 25' buffer in this area

With the acceptance of exceptions requested Equal Development will provide the following trail easements to provide pedestrian access to the proposed pool amenity area. The trails will be at the following locations:

- a) Between lots 52 and 53 at the rear of lots 35-37, lots 53-60, 73-118. These trails will vary in construction materials depending on topography and scenic observations.

With the above exception Equal Development will comply with all items in section 5-8 of the Cabarrus County Zoning Ordinance. In addition the other items concerning Streets trees in the Subdivision Ordinance Chapter 4, section 11, item 10 will be met. Architectural requirements have been met; the required protective berm has been constructed along with additional basins to add further protection. The River Stream overlay will be provided as a conservation easement. Thank you in advance for your favorable consideration.

Sincerely,



Cindy Traywick
Manager

Schools Voluntary Mitigation Payment Study

Cabarrus County, North Carolina



Presentation to:
Cabarrus County
Board of Commissioners

December 18, 2006

TischlerBise
Fiscal, Economic & Planning Consultants

Presentation Overview

- Introduction
- Process for the Study
- Growth Trends
- Student Generation Rates
- Levels of Service
- Voluntary Mitigation Payment Amounts
- Q & A

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Cabarrus County, North Carolina ♦ 2

Introduction

- TischlerBise
 - Impact Fees/One-Time Payments (over 600);
 - Fiscal Impact Evaluations (over 500);
 - Infrastructure Needs / Revenue Strategies;
- Voluntary Mitigation Payment analysis in conjunction with APFO update
 - Both Cabarrus County and Kannapolis City Schools included

Voluntary Mitigation Payments

- One element of the mitigation measures per the APFO
- Represent new growth's fair share of capital facility needs
- Based on **capital** needs only (not operating)

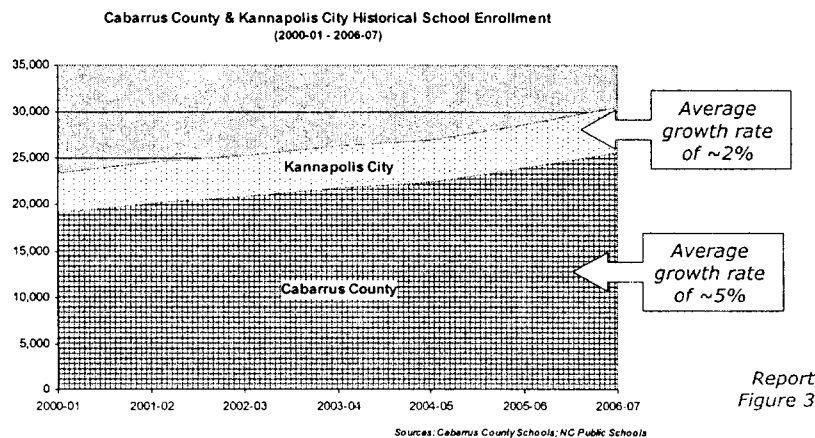
Process for Study

- Reviewed enrollment projections / student generation rates
- Determined levels of service, capital costs, and demand from growth
- Evaluated inclusion of credits
- Determined maximum feasible VMP amounts
- Staff review
- Presentations to the Public
- Decision by elected officials

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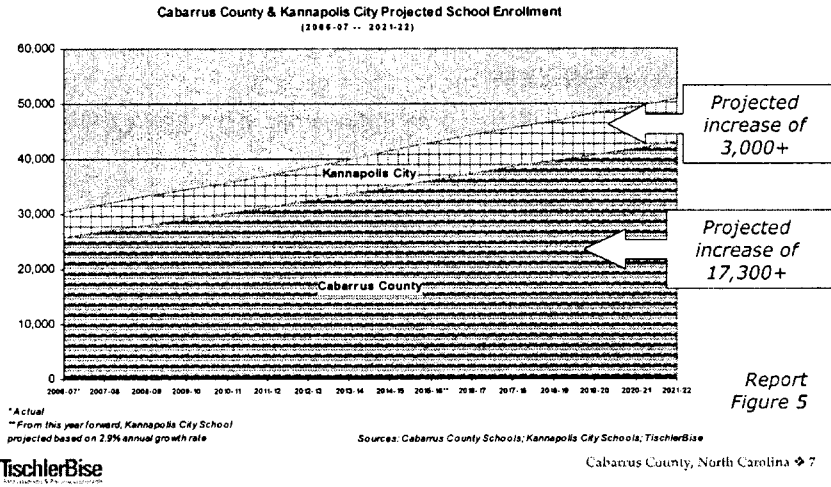
Growth Trends



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Growth Trends



Student Generation Rates

Public School Students Per Housing Unit (2006)

| | Type of School | | | TOTAL |
|------------------------|----------------|--------|-------|-------|
| | Elementary | Middle | High | |
| Single-Family Detached | 0.318 | 0.139 | 0.124 | 0.581 |
| Townhouse | 0.165 | 0.057 | 0.082 | 0.304 |
| Multifamily/Other | 0.150 | 0.055 | 0.072 | 0.277 |

Sources: Cabarrus County; TischlerBise

Report Figure 6

TischlerBise
WILSON, N.C.

Cabarrus County, North Carolina ♦ 8

Levels of Service / Costs

- School Construction

| School Construction | CABARRUS COUNTY | | | KANNAPOLIS CITY | | |
|--|-------------------------|--------------------|--------------------|-------------------------|--------------------|--------------------|
| | Elementary (Gr. K-5) | Middle (Gr 6-8) | High (Gr. 9-12) | Elementary (Gr. K-5) | Middle (Gr 6-8) | High (Gr. 9-12) |
| Capacity (Students) (100% Capacity) | 700 | 1200 | 1500 | 500 | 1000 | 1250 |
| Adequate Capacity (Students) (110% Capacity) | 770 | 1320 | 1650 | 550 | 1100 | 1375 |
| Square Feet | 91,830 | 152,000 | 221,570 | 65,593 | 126,667 | 184,642 |
| Estimated Construction Cost | \$15,276,000 | \$27,809,000 | \$43,358,000 | \$10,911,429 | \$23,174,167 | \$36,131,667 |
| Cost / Square Foot | \$166 | \$183 | \$196 | \$166 | \$183 | \$196 |
| Cost / Student (@ 100%) | \$21,823 | \$23,174 | \$28,905 | \$21,823 | \$23,174 | \$28,905 |
| Cost / Student (@ 110%) | \$19,839 | \$21,067 | \$26,278 | \$19,839 | \$21,067 | \$26,278 |

Source: Cabarrus County Schools; Kannapolis City Schools

Report Figure 10

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Cabarrus County, North Carolina ♦ 9

Levels of Service / Costs

- Land

| Land | COUNTYWIDE AVERAGE | | |
|-------------------------|-------------------------|--------------------|--------------------|
| | Elementary (Gr. K-5) | Middle (Gr 6-8) | High (Gr. 9-12) |
| Acreage Required | 17.5 | 37.5 | 70 |
| Ac/Student (@100%) | 0.029 | 0.033 | 0.023 |
| Ac/Student (@110%) | 0.027 | 0.030 | 0.042 |
| Cost Per Acre (average) | \$75,000 | \$75,000 | \$50,000 |
| Total Cost | \$1,312,500 | \$2,812,500 | \$3,500,000 |
| Cost / Student (@ 100%) | \$2,196 | \$2,500 | \$2,333 |
| Cost / Student (@ 110%) | \$1,997 | \$2,273 | \$2,121 |

Source: Cabarrus County Schools; Kannapolis City Schools

Excerpt from
Report Figure 11

TischlerBise

Cabarrus County, North Carolina ♦ 10

Levels of Service / Costs

- Support Facilities & Buses

| | SF | Cost/SF | Total Cost |
|---|-----------------|-----------------|---------------------------|
| County Administrative Offices | 40,000 | \$120 | \$4,800,000 |
| City Administrative Offices | 12,250 | \$155 | \$1,898,750 |
| Total | 52,250 | \$128 | \$6,698,750 |
| Current Total (City + County) Enrollment | | | 30,497 |
| Cost/Student | | | \$220 |
| Planned Bus Garage | | | Total Cost \$7,000,000 |
| Projected Enrollment: City and County (2016-17) | | | 44,232 |
| Cost/Student | | | \$158 |
| | Number of Units | Cost/Bus | Total Cost |
| County Buses | 205 | \$67,000 | \$13,735,000 |
| City Buses | 35 | \$67,000 | \$2,345,000 |
| Total | 240 | \$67,000 | \$16,080,000 |
| Current Total (City + County) Enrollment | | | 30,497 |
| Cost/Student | | | \$527 |

Report
Figures 12
& 13

Source: Cabarrus County Schools; Kannapolis City Schools

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Cabarrus County, North Carolina ♦ 11

Input Variables

| Public School Students Per Housing Unit (2006) | Type of School | | | TOTAL |
|--|-----------------|-----------------|-----------------|-------|
| | Elementary | Middle | High | |
| Single-Family Detached | 0.318 | 0.139 | 0.124 | 0.581 |
| Townhouse | 0.165 | 0.057 | 0.082 | 0.304 |
| Multifamily/Other | 0.150 | 0.055 | 0.072 | 0.277 |
| Cost Factors | Elementary | Middle | High | |
| School Construction Cost Per Student | \$19,839 | \$21,067 | \$26,278 | |
| Land Cost Per Student | \$1,997 | \$2,273 | \$2,121 | |
| Support Facilities Cost Per Student | \$378 | \$378 | \$378 | |
| Bus Cost Per Student | \$527 | \$527 | \$527 | |
| Consultant Study Cost Per Student | \$10 | \$10 | \$10 | |
| Total Capital Cost Per Student | \$22,751 | \$24,255 | \$29,314 | |
| Principal Payment Credit Per Student | (\$3,113) | (\$3,113) | (\$3,113) | |
| Net Capital Cost Per Student | \$19,638 | \$21,142 | \$26,201 | |

Report Figure 15

TischlerBise

Cabarrus County, North Carolina ♦ 12

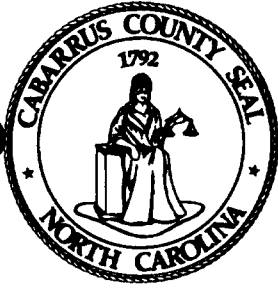
Maximum Voluntary Mitigation Payment Amounts

| MAXIMUM SUPPORTABLE VOLUNTARY MITIGATION PAYMENT | | | | |
|--|-------------------|---------------|-------------|--------------|
| <i>Per Housing Unit</i> | <i>Elementary</i> | <i>Middle</i> | <i>High</i> | <i>TOTAL</i> |
| Single-Family Detached | \$6,240 | \$2,947 | \$3,238 | \$12,425 |
| Townhouse | \$3,231 | \$1,204 | \$2,155 | \$6,590 |
| Multifamily/Other | \$2,942 | \$1,159 | \$1,887 | \$5,988 |

Report Figure 16

Conclusion

- Discussion
- Questions?



Planning and Zoning Commission Minutes
December 21, 2006
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. Leonard Lancaster, Mr. Thomas Porter, Jr., and Mr. Ian Prince. Attending from the Planning and Zoning Division were Ms. Susie Zakraisek, Planning and Zoning Manager, Ms. Kassie Watts, Planner, Ms. Arlena Roberts, Clerk to the Board, and Mr. Richard Koch, County Attorney.

Roll Call

Approval of Minutes

Mr. Fesperman asked if Mr. Haas was the Chair at the November meeting, the minutes had Mr. Haas as Vice Chair.

The Chair said yes he was Chair.

Mr. Fesperman, **MOTIONED, SECONDED** by Ms. Cook, to **APPROVE** the November 16, 2006, minutes with the correction of Roger Haas as Chairman instead of Vice Chairman. The vote was unanimous.

Planning Board Function:

Exception to Peach Orchard Estates Preliminary Plat Extension Conditions.

Ms. Kassie Watts, Planner, addressed the board stating that this is a request for an exception to the Peach Orchard Estates Preliminary Plat Extension Conditions. She said Marion Sandlin with Concord Engineering and Surveying Inc. (CESI). and Mark Frye from Equal Development are here to speak for Peach Orchard Estates.

Ms. Watts said the original developer of Peach Orchard Estates Subdivision, petitioned the Planning and Zoning Board in January 2004, for preliminary plat approval. The developer was granted approval for 2 years, making the expiration of the approval January 2006. In June 2005, the County adopted the revisions to the subdivision standards and also adopted a new zoning map that changed Peach Orchard Estates from a zoning classification of LDR (Low Density Residential), to a zoning classification of CR (Countryside Residential). She said the Peach Orchard Preliminary Estate Plat approval was still valid at that time under the LDR zoning designation. In October 2005, the developer petitioned the Planning and Zoning Board for an extension of their preliminary plat approval because their 2 years was going to be running out the following January and the request was made in anticipation of that preliminary plat approval expiring the

following year, January 2006. She said as a result of the county wide rezoning and the new subdivision standards adopted in June 2005, the developers of the Peach Orchard Estates Subdivision were asked to agree to several conditions that were proposed by staff. These conditions were an attempt to keep this subdivision in character with future developments under the new (current) ordinance we have now. As part of the approval of the extension, the developer agreed to the following conditions:

1. The developer be granted a one year extension for the development of this project-setting the new expiration date at January 15, 2007.
2. The developer meets the following additional standards for subdivision development.
 - a. Plant street trees in accordance with Subdivision Ordinance Chapter 4, Section 11, Item 10.
 - b. Buffers comply with the planting and tree preservation requirement of Section 5-8, Item D in the Cabarrus County Zoning Ordinance.
 - c. Open Space areas comply with Section 5-8 of the Cabarrus County Zoning Ordinance.
 - d. Homes within the develop meet the architectural requirements found in Section 5-7, Item E and Section 5-8, Items E and F of the Cabarrus County Zoning Ordinance.
3. The Extension is conditioned upon the Cabarrus County Board of Commissioners reaffirming or renegotiating the terms of the original consent agreement.

Ms. Watts said in December 2005, the developer agreed to renegotiate the consent agreement for Peach Orchard Estates, the developer submitted a final application in May 2006. She said through the final plat review process, staff discovered that the preliminary plat that was being used would not meet the standards, the conditions that were agreed upon by the developer under the 2005 Preliminary Plat Extension Approval. She said the Preliminary Plat Approval will become void as of January 15, 2007, if they have not recorded a final plat. The developer is requesting an exception to the subdivision standards and the conditions of approval for the extension in order to record a final plat to extend the preliminary plat approval for another 2 years.

Ms. Watts said included in the Board's packets was a letter from Cindy Traywick, Manager of Equal Development, requesting an exception to the subdivision standards established as conditions for Peach Orchard Estates. Ms Watts said the request also included a newly revised preliminary plat that meets a majority of the conditions agreed to with the extension. Ms. Watts said the conditions that cannot be met have been outlined in the letter as a,b,c and d.

She said they are asking for exceptions on the lots where they have outlined it for the buffer and the open space standard. She said the open space has to be a minimum of 50 feet wide and they also have to meet the 50 foot buffer, so they are asking for an exception on the lots that they listed and they list what they are asking for: a) they are asking for a 25 foot buffer, b) they are asking a 35-45 foot buffer and c) they are requesting a 10 foot buffer on lots 28-31 and d) the last one is a pump station lot that they are asking a 25 foot buffer on. She said they propose to provide some trail easements in the subdivision and they outline where those would be and what lots they would be connecting those too (see Plat in Planning Office).

Ms. Watts said the developer is here this evening, along with Marion Sandlin, of Concord Engineering and Surveying Inc. (CESI).

The Chair said he has three completed cards of those who would like to speak. He said if anyone else would like to speak, please complete a card.

Mr. Prince asked if the final plat was submitted to her (Kassie) in May.

Ms. Watts said yes. She said staff was reviewing the final plat and it went on for several months. She said she reviewed it originally and the developer was still getting together their letter of credit. She said staff had been sending comments back and forth with the surveyor. She went on maternity leave and another planner, Chris Moore was reviewing the plat. She said the plat that she was reviewing was the plat that had never been altered to meet the conditions of the extension. She said when Mr. Moore received the plat, he realized the conditions had not been met.

Mr. Prince asked when she received it.

Ms. Watts said in September or October.

Mr. Lancaster asked what amount the consent agreement was for.

Ms. Watts said the original consent agreement was for \$1008, but when it was renegotiated, it went up to the \$4034. She said that consent agreement will expire with the preliminary plat approval if it is not granted.

Mr. Marion Sandlin, Concord Engineering and Surveying Inc. (CESI), addressed the Board, stating he has been involved in this project since January 2004, when Hayden McMahan first bought the property, at that time it was zoned LDR (Low Density Residential). He said this subdivision was designed to LDR standards. He said this project straddled the line of Mecklenburg and Cabarrus County and they could not get approval from both counties because it straddled the line, which is why in October 2005 they came to ask for an extension. He said in the process he had conversations back and forth with the staff. He said these rules were new to them and did not realize really what they were agreeing too, did not realize they would have to redesign the subdivision. He said they had all of the construction plans approved, and all the permits approved to build

this job. So last year, when they got the extension, Equal Development bought the land from Mr. McMahon thinking that they had a project to go build. He said they did build it and the project is 75% complete, the roads are built, everything is built. He said they submitted the plat in May and they found out last month (November), that the plat did not meet compliance with the conditions. He said they are fine with that, his clients have agreed and they have gone through every lot and agree to adjust most lots to fit the 50 foot width. He said there are certain lots in this subdivision that they cannot build on and the roads are already built. He said they are willing to put in the trees, the trails and to do everything they are supposed to do. They are asking for an exception to widths of the buffers because they do not quite meet them. He said in most cases there is still 25 feet because that is what was required of this plat when it was originally extended. He said a year ago when he asked for the extension of this plat, he did not realize that they had to redesign the sight and the project was started. He said they did not know there was a problem until they went to record the final plat and it was discovered that they did not have 50 feet for the open space. He said if you take 50 foot off the open spaces, then some of the lots will not work. All of the lots they are asking for exceptions for would be unusable lots in this subdivision and they would not have enough buildable space on the lots. He said they are leaving enough buffers in there and have tried to save trees on the back of the lots, everywhere they could.

Mr. Sandlin said rather than ask for an exception to the whole subdivision, they have revised certain lots to meet the 50 foot buffer. They revised every where they could to meet the 50 foot open space and 50 foot buffers. He said they are asking for the exception because the lots will be unusable. There will be roads built with no place to put a lot. He does not understand how something could be 75% built before a problem is found.

Mr. Fesperman said Mr. Sandlin was the engineer on record and asked if Mr. Sandlin's firm should have caught this?

Mr. Sandlin said they designed this preliminary to the old standards, which was LDR (Low Density Residential) and it is currently CR (Countryside Residential). He said last year in October (2005), when they asked for the extension of the plat, he thought that was what they were doing, asking for an extension of the plat. He had some conversations with staff and maybe he misinterpreted it, that is when they went back and looked, maybe we misinterpreted but, he inquired with staff, he even had some emails from staff that said it required a conservation easement, a maintenance plan for the open space, and a homeowners association, and that is what he thought he was doing.

Mr. Sandlin said when he came before the Board the last time, he stressed that the plans (construction drawings) were already approved; he did not have any idea he had to go back and redesign the whole subdivision, he said that is what it would have taken (to meet the conditions). He was asked to do an extension to the plat, to make this happen we would have to redesign everything and the developer would have had to start from scratch again and there is no way you can do that in a year. Any one involved in designing and getting plan approvals and all that kind of stuff would tell you, you just

cannot do it; nobody ever suspected that, and he did not think it was a problem, until this situation came up about the widths.

Mr. Fesperman asked about the Mecklenburg County side.

Mr. Sandlin said the Mecklenburg County side is approved, they do not require a 50 foot buffer or 50 foot open spaces.

Mr. Berg asked if that is why Lots 25, 26, and 27 do not have the buffer like Lots 28, 29 and 30.

Mr. Sandlin said Lots 1 through 27 are all in Mecklenburg County, they just happen to be on the preliminary because they (CESI) do preliminaries for both counties (Cabarrus County and Mecklenburg County) at the same time. He said that is basically where they are and why they are asking for an exception. He said this project is built; they have gone back to some of the lots and added buffers that were not there before and are willing to put in trails. The developer wants it to look good too and they want to have a buffer and they want it to be screened off the other property and they want to do what they are supposed to do. He said they have met the 50 foot requirement on all of the lots that they can and will loose the other lots if the exception is not granted.

Mr. Berg asked if they are complying with all the contingency requirements with the exception of the 50 foot open space width on these 25 lots you have listed; everything else you are complying with?

Mr. Sandlin said that is correct. He said staff has worked with them through this problem.

The Chair asked if there were any questions.

Ms. Watts said the meeting minutes were available if anyone wanted a copy.

Mr. Fesperman said looking at Phase 2 and 3, he asked if there was only one way to come out of this back part toward the road.

Ms. Watts said yes.

Mr. Fesperman said there are a lot of homes in there and he is surprised that during the original planning we would grant this. If you have any type of emergency and there is only one way in and one way out, particularly in a heavy intersection that this is going to draw from this project. He is amazed that this would be acceptable; it is a very dangerous situation in that section. He said if there is an accident, medical or fire, they will not be able to get in and out on that side in those two phases, this is a concern he wanted to bring up to the planning staff.

Ms. Watts said, as a result of issues like that, issues that we have had with some of the subdivisions that were approved prior to the revisions that were made, is why our subdivision standards are a lot more in-depth than they use to be. She said the cluster options under the old ordinance were pretty basic and there were not a lot of requirements. She said we did not have any of the street tree/open space type requirements; it just had to be 30 %, it was minimal. She said all of that is different now; the connectivity issue was not something the developer had to agree to change, that was not something requested by staff at that time.

Mr. Fesperman asked if the intersection has a stop light, Phase I at Peach Orchard.

Ms. Watts said no, she does not believe there is.

Mr. Fesperman said that is going to be a very dangerous intersection, it is heavily traveled now, once this is build in on both sides, he is sure they will have to put a stop light there.

Ms. Watts said NCDOT does get the opportunity to make comments on all the final plats.

Mr. Berg said when the extension was granted, he thinks, there were some neighbors speaking in opposition. He asked if there were any opposition to this.

Ms. Watts said no, she did not receive any calls, pro or con.

Mr. Fesperman asked what type of material they are going to use for the trail.

Ms. Watts said it has to be ADA compliant, so it would have to be some kind of solid surface. She said the County has trail standards, but they have not been officially adopted. She said Mr. Sandlin has a copy of those and they are going to build them accordingly. She said there are different tier levels and they are going look at them to see what would be best. She said there are quite a few options out there for the trails.

Mr. Sandlin said NCDOT reviewed this and, at the intersections, they are requiring a turn lane, so that will help with the traffic. He said as for the trails, the developer has the trail standards that the county has not adopted yet, Tier 1 and Tier 2; they are looking to build the trails to those standards.

Mr. Fesperman asked if they had the water run off planned.

Mr. Sandlin said all of the engineering plans have been approved. He said the project is 75% to 80% complete.

Mr. Porter said you are asking for Item C, a 50 foot buffer to be reduced to a 10 foot buffer for Lots 28-31.

Mr. Sandlin said if you look at those particular Lots 28-31, on the old plat, there was no buffer on those lots, they added a 10 foot buffer so there would be some buffer in-between.

Mr. Porter said, on the original plat, you had referred earlier that most of them were 25 foot buffers.

Mr. Sandlin said originally this was designed and approved under the old zoning and no open space was required at that particular spot at the time of approval. He said they have added a 10 foot buffer in there, so there would be some type of buffer, they added all that they could.

There being no further discussion, Mr. Berg, **MOTIONED, SECONDED** by Mr. Lancaster to **APPROVE** the Exception to Peach Orchard Estates Preliminary Plat Extension Conditions. The vote was 7 to 1, with Mr. Prince voting against.

Directors Report

Ms. Zakraisek, Planning and Zoning Manager, addressed the Board, stating that there was an article in the Independent Tribune today (December 21, 2006) by Eric Deines. On Monday night the update of the voluntary mitigation payment draft report was presented to the Board of Commissioners and you have been given a copy. She said the most important part of this is the projected growth for the school district which is approximately 17,300 students by the year 2021; for Kannapolis it is approximately 3,000+ students. She said the information is on page 4. She said the student generation rates have been updated, so the numbers that we see from the schools when considering preliminary plats, that number of students may be shifting slightly towards a higher number. You can see that a single family detached now generates approximately .58 students, a town house is .3 and a multi-family or other, which essentially included condos, is .27. She said based on that information and the collection of information on page 5, the consultant looked at school construction costs, looked at land cost, and then also looked at support facilities and buses; took those variables. She said the total capital cost per student on page 6, if you look at it, the total numbers were actually 22,751 for elementary, 24,255 for middle school and 29,314 for high school, so that is actually the generation, the amount overall. They included a credit so that people were not paying twice; the county already has debt, so essentially that is put in the calculation to keep people from double payment. If they have a new house and they pay taxes, the credit is built in, which gives you the net capital cost per student, then based on that capital cost the generation rates were used to get the maximum supportable voluntary mitigation payment that is on page 7. She said you will see that the total maximum for a single family detached unit is \$12,425.00, a town house is \$6,590.00 and the multi-family or other equals \$5,988.00.

Ms. Zakraisek said based on those numbers, if the board chooses to go to a policy that was 100% of the actual capital cost, it could be that 12,000 number, and that could be what we see in the consent agreements. She said the Board has not decided on the policy,

the current policy is 50%, if it stays at 50%, it would only be an increase of probably somewhere around \$2,500.00.

Ms. Zakraisek said if any one asks you about this, it is not jumping from \$4000 to the \$12,000, it is going from the \$8,000 to the \$12,000. She said over our 10 year span, \$4,000 is not really that much of an increase in cost per seat per student. She said this should give you the information that you need to answer questions. She said there is going to be a joint meeting of the commissioners, hopefully with both of the school boards sometime in January where they will discuss options as far as policy; whether they want the 50%, the 100% or 75%, or somewhere in the middle, or look at starting then increasing incrementally over a couple of years. She said this study is recommended to be looked at each year, to recalculate the student generation rate and use the construction manual that they use versus using the CPI to do the indexing, so it is strictly based on construction standards and we would use that to adjust the numbers once the new student generation rate is calculated. She said it is in the overall report and they would use that as the reference point to do the adjustments.

Mr. Berg said you alluded to the joint meeting with the commissioners and the school boards, the newspaper article also said, he believes it was Commissioner Mynatt, that suggested that planning boards and maybe some city staff be involved as well.

Ms. Zakraisek said Ms. Mynatt would like for the other councils to come, or the other planning and zoning boards so they can understand the impact they are having when they approve subdivisions and then they get to the county level and we have to negotiate the consent agreement. She said if the Board is interested in attending, she will notify them once the meeting is scheduled.

Ms. Zakraisek said the new APFO (Adequate Public Facilities Ordinance) will be presented in January, if adopted, it will come back to us as a text amendment for the Zoning Ordinance, probably in February or March. She said it is an entire new chapter with more detailed language on schools; how it is calculated and will probably include recreation. She does not know, at this point, if there will be appropriate language for the fire or the sheriffs department, but it may have EMS and recreation. She said we are still working on that, with a goal set for it to be presented at the January meeting. She said in addition to the study being accepted, they will be considering new language that she thinks will come back to the Planning and Zoning Board in text amendment form or they may move ahead with it since they have the final say so on text amendments. She said you all have already seen the draft version; they (the Board of Commissioners) wanted some changes to that. She said you have seen it one time, in December of last year.

Mr. Lancaster asked if there were any subdivisions coming before the Planning and Zoning Board soon, prior to a possible new amount being in effect.

Ms. Zakraisek thinks there are four cases in the hopper for next month.

Mr. Lancaster asked if Ms. Zakraisek felt it would be appropriate for those to be tabled until a new amount is established.

Ms. Zakraisek thinks that would be up to the Board. She thinks that they would be vested under whatever the policy was at that particular time. She said if they get it turned in before the change and are unable to get there preliminary plat approved prior to the change, they would be vested at that date.

Mr. Koch said that is the way we have typically done it.

Mr. Lancaster said the last time it was rumored that the amount was going to go up; we had a flood of subdivisions come on board.

Ms. Zakraisek showed slides of elevations submitted for Peach Orchard Estates. She said these are what our ordinance is getting us at this time. She said as you can see with the new regulations, the face of the house has to be set back she believes 6 feet or greater, so you can see that it is recessed. She said if they wanted to do a garage that is front forward facing, it would have to be flush or if they choose for that to be in front, they have to go with the double doors and also incorporate some type of architectural element above the doors or an eyebrow roof, so the main focus cannot be the garage itself. She said they have incorporated in some of these additional architectural elements, but they still have not gotten any elevations approved for corner lots. Every elevation that they turned in did not meet the criteria for a side or corner lot elevation, so they have had to go back and redesign all of those.

Mr. Fesperman said it is interesting to see front loaded garages, in the area we are developing in the garage cannot show, it has to be toward the rear totally, there is no front loaded at all anywhere. He said we are still being lenient here (in Cabarrus County).

Ms. Zakraisek said they still have the option of also doing the front load, if they do use the front load, they have to go to double doors; they have the option of doing side loads which can be one door, but cannot exceed 16 feet, but if they choose to do front forward then they do have to go to the double doors and this is where we are getting a lot of complaints from developers, that they were having to go back and adjust all of their garages and the bonus rooms on the top to accommodate the double doors. She said they fixed it, initially they gave us some static, but after she told them what the Board reaction was they fixed the plan.

She showed more slides with different architectural elements, trying to get the focus away from the garage and using different building materials.

Mr. Haas noticed that none of them have glass, he asked if that was part of the standard or in this particular case none was submitted.

Ms. Zakraisek said it is not a requirement. She said when we went to Winding Walk to look at some of what Shea Homes was building, we suggested that they use the

decorative doors to give it more of an appeal. She said they have not come back to us with any elevations yet.

Ms. Zakraisek said on some of these, when they turned in the plans, it was difficult to tell, so that is why they brought in the elevations. She said if you notice, every single one of these is a forward facing garage and they went with the double doors. She said you may see that become the trend in the neighborhoods.

Mr. Lancaster said the lots we just approved are not big enough for side load garages.

Ms. Zakraisek said yes, and these are the elevations that will be on those lots. She said most of the side elevations are where the problems are for the corner lots, they have very few windows and no articulation on the side, in addition to that, on the side loaded lots they have to do articulation on the rear of the house and again you can see there are hardly any windows on the side.

She said there is one elevation she is struggling with and the element she is struggling with is the garage feature.

Mr. Berg asked why that one did not have to have the double doors.

Ms. Zakraisek said it will be required to have the double doors; this was to show her in a color elevation what the roof looked like.

Mr. Haas said the garage door looked more like a detached garage door; it stands out because of the roof line.

Ms. Zakraisek said right, technically she guess they might meet the ordinance but they do not really have an eyebrow feature or something that detracts necessarily from the garage, it pulls your attention more to the garage. She said these houses have been built, she thinks, in Gaston County and it may require a field trip. She said having looked at the elevations plus looking at the color renderings, she is not sure how she feels about it so any suggestions or whether you think they are meeting the intent would be appreciated.

Mr. Berg thinks what helped the others was a window or windows over the garages doors, which really helped to kind of blend that in with the rest of the façade and here it is just a big roof.

Ms. Zakraisek was wondering if it would be appropriate to ask them to incorporate a dormer into the roof but she does not know architecturally if that is possible.

Mr. Lancaster said you could but it would have to be a fake one.

Ms. Zakraisek said or something to break that up. She is totally open for suggestions if anyone has any.

Mr. Lancaster said remember he is a builder, you are making that call on your judgment and not out of a book, how do you tell someone you do not like that you can not build that.

Ms. Zakraisek said it is pretty clear as far as the standards are concerned, if you take the standards at face value there is no eyebrow roof, there is no architectural feature that breaks it up. It goes from the garage to the roof.

Mr. Lancaster thinks you would need to have the document, not subjective to opinion at all. He said the document needs to be readable where a builder can do what ever the document says.

Ms. Zakraisek said right, that is why she is asking for the board's help. She said the Ordinance says "front loaded garage, orient the garage toward the street provided the following conditions are met: position garage door at least 4 feet behind the primary front wall plain of the building front or 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 a 2 garage door shall be allowed."

Mr. Prince said this elevation does not accomplish any of that and it is not your job to redesign it.

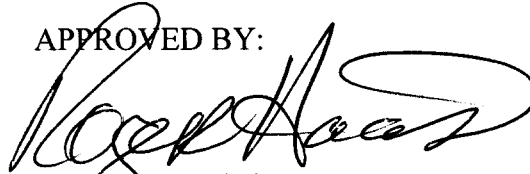
Mr. Zakraisek said as far as the elevations, this is what they submitted, whether or not they are willing to change it, she is not sure. In her opinion, it does not meet the criteria and she can make that interpretation and if the Board is of the same opinion than the Board can make that interpretation.

Mr. Berg said he agrees that it does not meet the part about the eyebrow, canopy or the architectural features. He would support her there.

Ms. Zakraisek said these are the first ones to come through, so she wants to make sure everyone is on the same page.

There being no further discussion, Mr. Fesperman, **MOTIONED, SECONDED** by Mr. Prince to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:48 p.m.

APPROVED BY:



Roger Haas, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Zakraisek
Planning and Zoning Manager