

Cabarrus County Planning and Zoning Commission Meeting
January 19, 2006
7:00 P.M.
County Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval/Correction November Minutes
3. New Business – Planning Board Function:
 - A. Petition C2006-01 (ZT) Side yard Setbacks in Conventional CR
Planning Staff
 - B. Petition C2006-02 (ZT) Commercial Design Standards
Planning Staff
4. Director's Report
5. Adjournment

Memorandum

To: Cabarrus County Planning and Zoning Board
From: Kassie Goodson/Planner
Date: 01/12/2006
Re: Text Amendment C2006-01 (ZT)

This text amendment is in response to a request from a citizen who sought to pull building permits to construct an attached garage onto his home, only to learn that he would not be able to meet the sideyard setbacks in the CR-Countryside Residential District. Under text amendment C2006-01(ZT) the sideyard setbacks in the CR district would change from 20 single and 40 feet total, to 10 feet single and 40 feet total.

Staff recommends *Approval* of text amendment C2006-01(ZT).




PLANNING STAFF REPORT
TO CABARRUS COUNTY PLANNING AND ZONING BOARD
 Thursday January 19th, 2006

Staff Use Only: Approved: _____
 Denied: _____
 Tabled: _____

Petition: C2006-01 (ZT)

Purpose: This text amendment is in response to a citizen's request to build an attached garage onto his home in the Cessna Springs subdivision. The property was rezoned in the June 2005 mass rezoning from Cabarrus County MDR-Medium Density Residential to Cabarrus County CR-Countryside Residential. Under the previous zoning, the sideyard setbacks were 5 (single) and 20 (total), i.e. the principal structure could sit as close as 5 feet to the property line, but the combined total of the sideyard setbacks required was 20 feet. The petitioner sought a building permit to start construction on the attached garage, only to learn that the setbacks would not permit the addition. The petitioner is requesting to amend the sideyard setbacks in the CR-Countryside Residential district from 20 (single) and 40 (total) to 10 (single) and 40 (total). Approval of this amendment will effect the following change:

- Chapter 5 District Development Standards of the Cabarrus County Zoning Ordinance would be amended to read as follows: (changes are indicated in RED)

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

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

Considerations:

Enactment of the proposed text amendment will allow the petitioner to construct an attached garage onto his home that will be in keeping with the existing principal and accessory structures located in the Cessna Springs subdivision. It will also allow for more flexibility in structural placement in the CR district while still retaining the total sideyard setback requirement of 40 feet.

Staff Recommendation:

Planning Staff recommends **APPROVAL** of petition C2006-01 (ZT).

November 14, 2005

To: Cabarrus County Planning and Zoning Board

I recently sought a building permit for an addition to my home. As part of the addition I wanted to build an attached garage that would be ten feet from the side property line. I learned that due to the recent rezoning of the property from MDR to CR the setback had to be at least twenty feet.

In my subdivision, Cessna Springs, there are several homes that have additions that were approved under the old zoning that are ten feet or even less from the property line. I feel that some flexibility under the new zoning would be appropriate. I would suggest a change that would allow a setback of 10 feet on one side as long as the total setback of the two sides is forty feet or more.

I appreciate your consideration in this matter.



Charles C. Newton
7406 Broadleaf Drive
Concord, NC 28027

Memo

To: Cabarrus County Planning and Zoning Board
From: Susie Zakraisek, AICP, Senior Planner
Date: January 10, 2006
Re: Case C2006-02-ZT- Proposed Commercial Design Standards

- Attached you will find information for the proposed Commercial Design Standards for Cabarrus County commercial/retail projects.
- The proposed text that would be added to Chapter 6 to incorporate the design standards into the text of the Zoning Ordinance and the design standards that would become Appendix B are attached for your review.
- The proposed design standards have been adopted by the Town of Harrisburg and the Town of Mount Pleasant.
- Please read over the materials and be prepared to discuss them at the meeting.

ARCHITECTURAL STYLES

Proposed
Appendix B

The following architectural styles are already evident in Cabarrus County. In keeping with the character of the Town, the following architectural styles are appropriate for new and/or expanding developments in the O-I, LC, and GC zoning districts. Additionally, in PUD developments where no architectural and/or design controls are specifically approved by the Planning and Zoning Board, said Commercial Design Standards shall apply. Commercial projects in the LDR, HDR and MDR zoning districts shall also be subject to these standards.

- **Georgian:** The Georgian Style has typically rigid geometry, axial entrances, geometrical proportions, hipped or gabled roofs, and sash windows aligned vertically. Later variations of the Georgian Style include pilasters, offsets in the plane of the building at the corners and midpoints to help decrease the massiveness of the buildings. A five-part composition is often used with the main, middle portion of the building being flanked with minor building elements on the ends. Palladian windows are often used as well as accented window surrounds and water table delineation. Materials are typically brick, split shingles, or wood siding painted in white or pastel colors.
- **Colonial:** The Colonial Style is a traditional style of purity and simplicity, often leading to symmetrical structures. The style typically has steeply pitched hipped or gabled roofs, but the characteristics can be translated into flat roofed structures, if necessary. Flat walls with punched windows, shutters, cupolas, pilasters and dental work are Colonial Style features. Entrances can be a punched opening or more celebrated with a gabled and colonnaded porch. Gothic, pointed arches are acceptable for Colonial Style Architecture. This style typically uses stone, brick, clapboard siding or split shingles for building materials.
- **Classical:** A formal style, encompassing columns, pilasters, pediments over windows and doorways, arched windows and pronounced cornices. These elements may also be integrated with other styles or in site elements, porte-cocheres, screen walls, gazebos, etc. An articulated base to buildings is another classical characteristic. The Greek Revival Era falls underneath this genre of architecture.
- **Federal:** A less ornamental style of architecture used both for residential and in-line for continuous Main Street buildings. This style is typically two or three-story buildings, or brick or siding. The roofs are gabled or flat with simple eave lines always parallel to the street. Punched vertical windows usually have simple accentuated lintels and doors often show hints of classical trim. Gabled ends typically have parapets extended above the roof so buildings can be built close together.

See Appendix B for illustrations of Architectural Styles

GENERAL DESIGN STANDARDS

AMENITY AREA

Projects containing groups of buildings to be devoted primarily to office and/or retail activities shall incorporate amenity areas into the site design. Amenity areas include, but are not limited to, public plazas, courtyards, squares or small parks on the site. Design elements to be included in the amenity areas are seating walls, benches, outdoor dining/gathering areas, decorative fountains or water features, clock towers and/or garden areas. Since the purpose of these amenity areas is to serve as pocket recreational areas and to help foster a sense of community, additional elements shall be considered if the applicant shows that the design meets the intent of this section.

SETBACKS

The setbacks to be established are intended to form a consistent relationship of buildings to the street and sidewalk. This relationship shall form a visually continuous, pedestrian-oriented street front. The best way to maintain this relationship is to have minimal vehicle use between building faces and the street. Front building setbacks shall be between a minimum of ten (10) feet and a maximum of twenty (20) feet to maintain a consistent and uniform streetscape. All other setbacks are established in Chapter 5 of the Cabarrus County Zoning Ordinance. Buildings should be arranged so that they help to frame and define fronting streets (as well as any internal or side streets). Buildings shall not be separated from fronting streets by large expanses of parking. In some instances, the setbacks may be adjusted by the Administrator to address access issues and access road placement. In the event the Administrator grants an adjustment to the required setbacks, additional landscape shall be required. Setbacks adjustment requests shall be handled on a case by case basis.

CONNECTIVITY AND SIDEWALKS

Sidewalks shall serve as the secondary mode of transportation to the use of roads and shall link residential and commercial developments, common areas, and parking areas. If a proposed development includes multiple buildings in the site design, then an overall connectivity plan shall be provided for the development. Sidewalks shall be a minimum of five feet wide and shall have a minimum six-foot landscaped buffer area between the road and the sidewalk itself. Sidewalks shall remain as unobstructed as possible by items such as plantings or trash receptacles.

PARKING REQUIREMENTS

Parking areas shall balance the needs of both the automobile and the pedestrian. Off street parking areas shall be designed to minimize breaks in the pedestrian environment and the visual continuity of the streetscape. Additionally, no more than two rows of parking may be permitted on the side of the structure. Off street parking shall be required and determined per Chapter 10. Parking areas shall primarily be located to the rear of the proposed structures to minimize visibility. In the event that a proposed development includes multiple structures, parking areas may be permitted in "front" of the internal buildings. In no case, however, shall large expanses of parking be permitted between any street and structure.



PARKING LOT DESIGN

Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the buildings. This may be achieved in smaller lots by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking areas should channel pedestrians from the car to the perimeter of the lot. A paving material that is different in color and/or texture from that of vehicular areas shall delineate these pedestrian travel ways and shall be clearly marked. Small posts or bollards incorporating lights may also serve the same purpose. Parking lots shall be adequately screened from public view and shall include landscaping and buffering per Chapter 9 of the Cabarrus County Zoning Ordinance.

LANDSCAPING

A Landscaping plan shall be submitted in accordance with Chapter 9 of the Cabarrus County Zoning Ordinance. In the event that the strict interpretation of Chapter 9 would limit the use and/or design of a site (such as in the case of upgrades to existing facilities) the Administrator shall have the authority to approve a modified landscape plan if the plan is determined to be in keeping with the overall intent of Chapter 9 and these design guidelines.

LIGHTING

Lighting for all non-residential uses shall provide proper lighting for security purposes while not diminishing the quality of any surrounding residential uses.

- All light fixtures (freestanding, flood, wall pack, or any other form of light fixture) shall be provided with full cut-off fixtures, visors, or any other suitable directional control to direct light either downward or directly on the appropriate building.
- No light fixture shall create any glare or spillover lighting effects on any residential properties or streets.
- Freestanding light fixtures along all public street systems and internal street systems shall not exceed nineteen feet in total mounted height and shall consist of a decorative fixture that shields the source of light away from neighboring properties.
- Lighting located within parking lots may not exceed thirty-three feet in total mounted height. Parking lot lighting shall consist of a fixture that shields the source of light away from neighboring properties and direct the illumination to the ground's surface.
- Lighting installations should include timers, dimmers, and /or sensors to reduce overall energy consumption and unnecessary lighting.
- Lighting levels for canopies and awnings of commercial facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the businesses. Lighting fixtures mounted on canopies shall be recessed so that the light's lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained. Canopies shall be constructed of non-light-emitting material.

LOADING/UNLOADING AREAS AND LOADING DOCKS

Loading and unloading areas shall be installed per Chapter 10. Loading/unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and shall be screened from the view of any street and/or any residentially developed or residentially zoned property. Additionally, loading/unloading spaces shall be located

such that interference with traffic on streets and or internal driveways is minimized. In the event that a loading dock is necessary to support the proposed use, the dock shall be located to the rear of the structure and shall not be visible from any street and/or residentially developed or residentially zoned property.

SOLID WASTE STORAGE AREAS

Solid waste containers shall be confined to an enclosed area that is screened on all sides. Solid waste storage areas shall be located to the rear or side of the structure. These areas shall be designed to compliment the structure and should be constructed from materials that match the building. Solid waste storage areas shall not be located in any applicable planting yard and shall be screened from any street and/or any residentially developed or residentially zoned property.

MECHANICAL APPURTENANCES

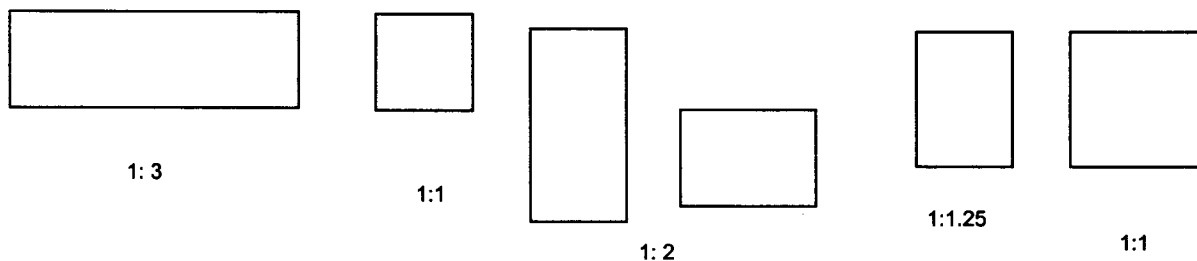
All rooftop mechanical and electrical equipment shall be completely screened from view from all public streets and adjacent properties. All screening walls/parapets shall be constructed and designed of materials compatible to that of the primarily structure and shall be incorporated into the design of the structure. Metal screening walls shall not be permitted. To the greatest extent possible, mechanical appurtenances shall be located within the structure. Appurtenances such as heating and air conditioning equipment, coolers, etc. shall be screened entirely from public view and shall be designed and finished to match adjacent building materials. In addition to design elements, landscape materials shall be incorporated to provide additional screening and/or softening of equipment areas.

ARCHITECTURAL DESIGN STANDARDS

MASSING AND RHYTHM

To insure a consistent scale and compatible character of each and every building, massing and rhythm shall be considered in the site design. A single large dominant building mass shall be avoided in new buildings and, to the extent reasonable feasible, in development projects involving changes to the mass of existing buildings. Horizontal masses shall not exceed a height-width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements. Changes in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and not merely for cosmetic purposes. All buildings shall incorporate the aspects outlined in this document to insure that no single building, here forth, shall be constructed counteractive to the goals established for the commercial design standards.

Figure 4



Examples of appropriate width to height ratios.

HEIGHT

Building height shall be regulated in accordance with Chapter 5, Dimensional Requirements.

SCALE AND ROOFLINE

The goal for scale is to be reiterated in regard to height. The scale of buildings should be such that the street edges are defined and relate to the human proportions. This scale can be achieved through the use of architectural detailing on the first floor of buildings so that larger buildings are broken up into smaller units, by maintaining height limits, by using large picture windows along front facades and by using plantings around the buildings. A range of roof forms is acceptable as long as they are compatible with the architectural character, scale, and height of surrounding buildings. Mansard roofs are not permitted.

FENESTRATION

Fenestration includes the structural openings to buildings, including doors and windows. All buildings shall have their principle entrance opening to a street, square, plaza, or sidewalk to create an invitation to the pedestrian.

Access from the public sidewalk, street right-of-way or driveway to the principle structure shall be provided through an improved surface. The first floor of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors. These openings should be arranged so that the uses are visible and/or accessible to the street. This accessibility should not be on less than fifty percent (50%) of the length of the first floor street frontage. Additionally, not less than fifty percent (50%) of the length and twenty-five percent (25%) of the surface of the primary structure(s) shall be in public entrances or windows. No more than fifty (50) percent of the surface of the building shall be windows. Reflective glass is prohibited. Where tinted windows are used, they shall remain transparent.

ACCESS

Structures should be sited so that the primary access is from the street front sidewalk leading to the parking area. In the event that a structure is located on a State Numbered Highway, the Administrator may permit the primary access to be located facing the parking area. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access which may be provided. Doors shall be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. An entryway shall not be less than one (1) square foot for each 1,000 square feet of floor area, and in all cases, shall not be less than fifteen (15) square feet.

ARTICULATION

In order to add architectural interest and variety and to avoid the effect of a single long or massive wall with no relation to human scale proportions, the following standards shall apply:

- No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding twenty (20) feet.
- All building walls must include at least two of the following:
 - change in plane,
 - change in texture or masonry pattern, or
 - windows.
- Include an equivalent aspect that subdivides the wall into human scale proportions such as an articulated base with a height no more than ten (10) feet.
- In the event that actual doors and windows are not feasible because of the nature of the use of the building, side or rear walls that face walkways may include false windows and door openings defined by the following:
 - frames,
 - sills,
 - lintels, or
 - proportioned modulations of the wall.
- All sides, including the rear, of the building shall include materials and design characteristics consistent with those on the front.
- Use of inferior or lesser quality materials on side or rear walls is prohibited.



In the event that canopies, awnings or other similar appurtenances are used, the following standards shall apply:

- Such appurtenances shall be constructed of materials designed to complement the streetscape and the structure.
- Any appurtenance may extend from the building up to eighty (80%) percent of the width of the sidewalk area or nine feet, whichever is less.
- In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of street lights or street signs.
- A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.

MATERIALS

All buildings shall be constructed of quality materials. These materials include brick, either plain or painted, horizontal siding, wood shingle, stone, or concrete-based stucco. All trim materials shall be stone, cast stone, cast concrete, or painted wood. It is recommended that the primary structure be neutral in color, i.e. light grays, browns, beiges, whites or earth tones. The trim may be of various contrasting colors to that of the primary structure.

Where any sloped roofs are utilized, they shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles (with natural texture and color), ribbed metal, wood shakes or shingles. Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures, shall be compatible with the architectural character of the adjacent area and structures through compliance with the following guidelines:

- all buildings, including gasoline pump canopies, shall utilize a consistent architectural style;
- differing buildings, businesses, or activities within the same development may be distinguished by variations within this architectural style;
- Sides and backs of buildings shall be as visually attractive as the front through the design of roof lines, architectural detailing, and landscaping features.

FLEXIBILITY IN ADMINISTRATION

Because these standards cannot cover every possible scenario that may arise, the Planning Administrator is authorized to make determinations on development applications that may vary from the written standards so long as the determination meets the purpose and intent of the Commercial Design Standards.

APPENDIX A

DEFINITIONS

Articulation The detailing of a structure or building, i.e. brick patterning or ornamental work.

Clapboard A long, narrow board that overlapped to cover the outer walls of frame buildings.

Colonnaded (Porch) A series of columns situated at regular intervals to uphold a roof structure and create a breezeway or porch.

Cornice A horizontal molded projection that crowns and complete the wall structure and visually connects the wall to the roof structure.

Facade The principle, vertical surface of a building which is set along the frontage line. The elevation of a facade is the vertical surface area and is subject to visual definition by building height, setbacks, and transition lines.

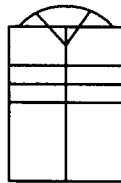
Fenestration The entryways and windows of a building.

Gable (Roof) A “gable” maybe any one of three things: a triangular wall section at the ends of a pitched roof bounded by the two roof slopes and the ridge pole; the ends of a pitched roof building with a gable in the roof section; or an ornamental triangular architectural section.

Lintel The horizontal beam forming the upper member of a door or window frame and supporting part of the structure above it.

Massing A unified composition of two-dimensional or three dimensional shapes or volumes, especially one that has or gives the impression of weight, density, or bulk.

Palladian Windows A window encompassing an arch above the primary window structure; or an arch window set above a primary window structure. See example below.



Parapet A low protective railing or wall along the edge of a roof or balcony.

Pediment An arch or triangle shape architectural feature, usually placed above windows or doors. These features may be seen further embellished with molding details or carvings of wood.

Pilaster A supporting column or pillar with a capital and base.

Porte-Cocheres A porch roof projecting over a driveway at the entrance to a building.

Rhythm Movement, characterized by a pattern repetition or alternation of formal elements or motifs in the same or modified form.

Setback A line prescribed for the full width of the facade above which the façade sets back. The location of a recess line is determined by the desired height to width ratio of the fronting space, or by a desired compatibility with existing buildings.

APPENDIX B

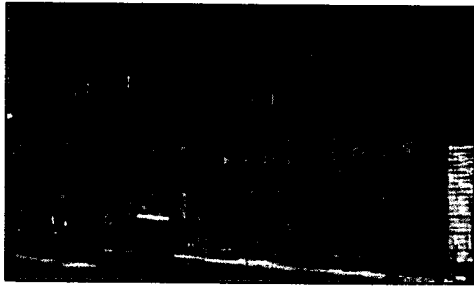
Classical: Residential



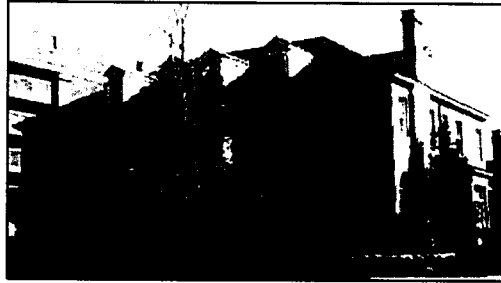
Classical: Commercial



Georgian: Residential



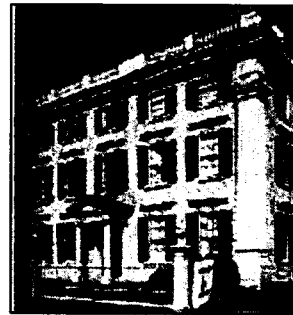
Georgian: Commercial



Federal: Residential



Federal: Commercial



Colonial: Residential

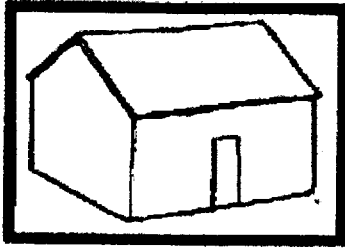


Colonial: Commercial

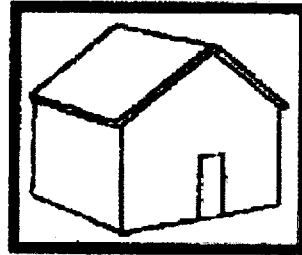


APPENDIX C

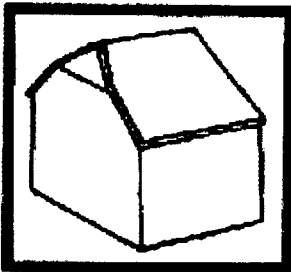
Side Gabled



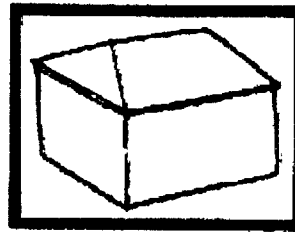
Front Gabled



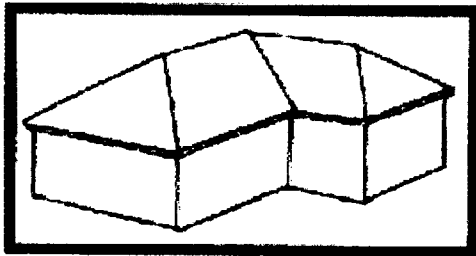
Hipped-Gabled



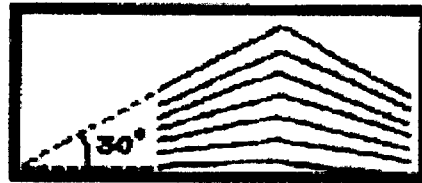
Simple Hipped



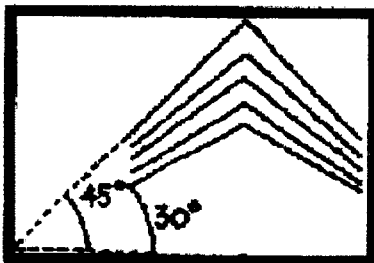
Cross-Hipped



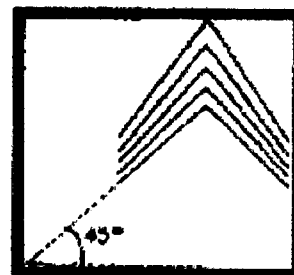
Low Slope – Less than 30°



Moderate Slope – 30 to 45°



Steep Slope – More than 45°

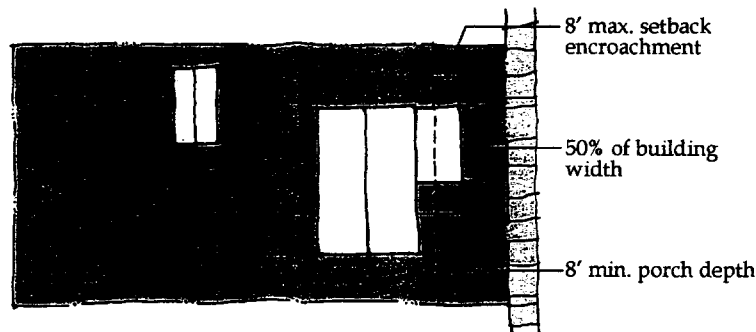


CABARRUS COUNTY ZONING ORDINANCE

Section 6-15. Yard encroachments.

The following features may encroach into a required building setback:

- Chimneys, overhanging roof, eave, gutter, cornice, or other architectural feature, not to exceed two feet;
- Bay windows, not to exceed three feet;
- Heating and cooling units, not to exceed three feet, but in no case closer than five feet to any property line;
- Uncovered, unenclosed decks and terraces, but in no case closer than five feet to any property line;
- Unenclosed fire escapes, not to exceed six feet; and
- Covered, unenclosed porches in a required front yard, not to exceed eight feet.



The applicable Building Code may require fire-resistant construction for elements located less than 10 feet apart. In no case shall an encroachment be permitted into an easement area.

Section 6.16 Commercial Design Standards

The following standards shall apply to new and/or expanding developments in the O-I, LC, and GC zoning districts. Additionally, in PUD developments where no architectural and/or design controls are specifically approved by the Planning and Zoning Board, said Commercial Design Standards shall apply. Commercial projects in the LDR, HDR and MDR zoning districts shall also be subject to these standards.

APPLICABILITY

The Commercial Design Standards are intended to be used for all commercial developments located within the jurisdiction of Cabarrus County.

PURPOSE

- The purpose of these design standards is to establish a general set of principles and specific recommendations to serve as a guide for new development and/or renovations of commercial properties

PERMITTED USES

- 11.3.3.1 Permitted uses shall be governed by Chapter 3, Establishment of Zoning Districts.

REVIEW CRITERIA

- The following criteria shall be considered by planning staff in reviewing development proposals:
 - lot coverage, defined as the percentage of lot area covered by primary structures;
 - setback, defined as the distance from the lot lines to the building(s);
 - building height;
 - spacing of buildings, defined as the distance between adjacent buildings;
 - exterior building materials;
 - proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
 - surface textures;
 - roof shapes, forms and materials;
 - use of local or regional architectural traditions;
 - general form and proportions of buildings and structures, and relationship of any additions to the main structure;
 - expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
 - orientation of the building to the street;
 - scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;

CABARRUS COUNTY ZONING ORDINANCE

- proportion of width to height of the total building facade;
- appurtenant fixtures and other features such as lighting;
- walls—physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- ground cover or paving;
- maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
- lighting;
- color; and
- effect of trees and other landscape elements.

APPEAL OF DECISION

- An aggrieved party may appeal a decision of the Planning Administrator in writing within 30 days of a decision. All appeals shall be heard by the Cabarrus County Board of Adjustment.

ENFORCEMENT

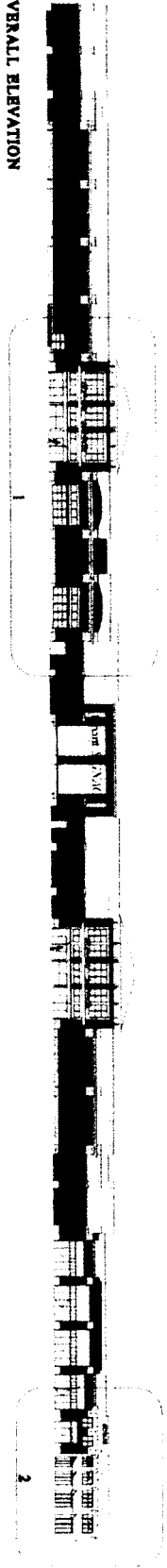
- Any violation of a permit issued under this Article shall be enforced through the provisions of the Cabarrus County Zoning Ordinance.

FLEXIBILITY IN ADMINISTRATION

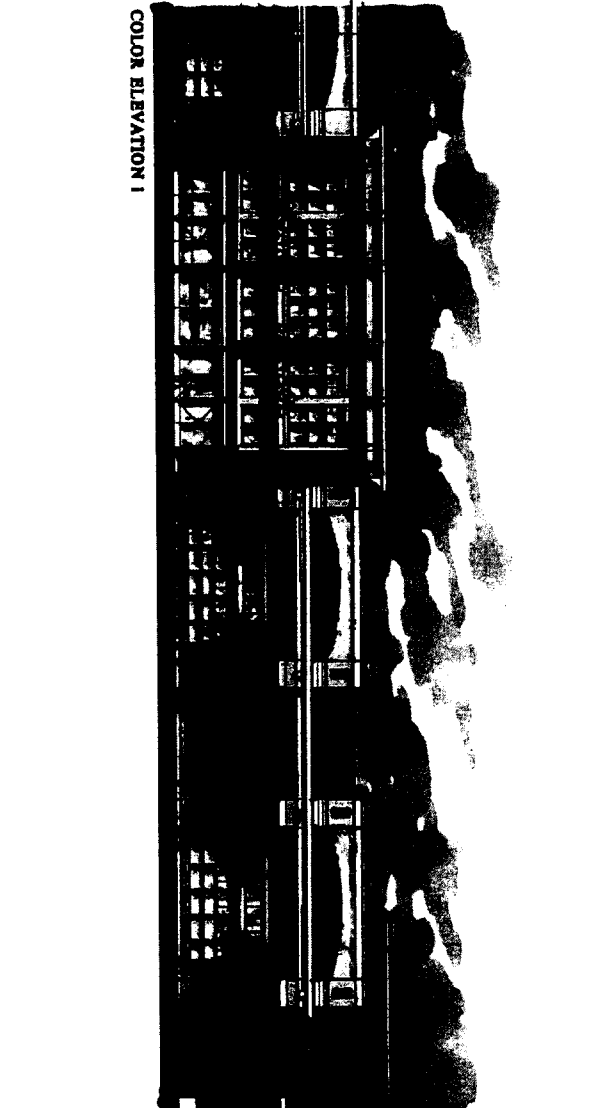
- Because these standards cannot cover every possible scenario that may arise, the Planning Administrator is authorized to make determinations on development applications that may vary from the written standards so long as the determination meets the purpose and intent of the Commercial Design Standards.

HARRISBURG RETAIL

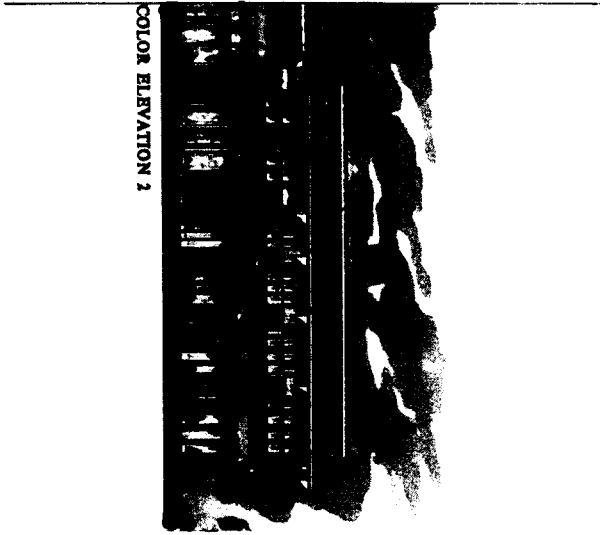
OVERALL ELEVATION



COLOR ELEVATION 1



COLOR ELEVATION 2



ELEVATION COLOR STUDIES

Harrisburg, North Carolina • 218 Project #8837 • 11.21.08

ROBERT JOHNSON
ARCHITECTS



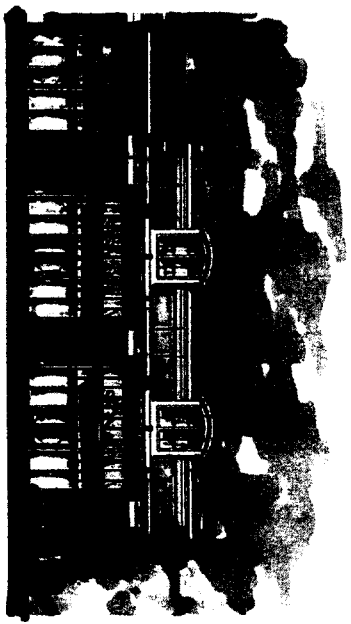
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HARRISBURG RETAIL

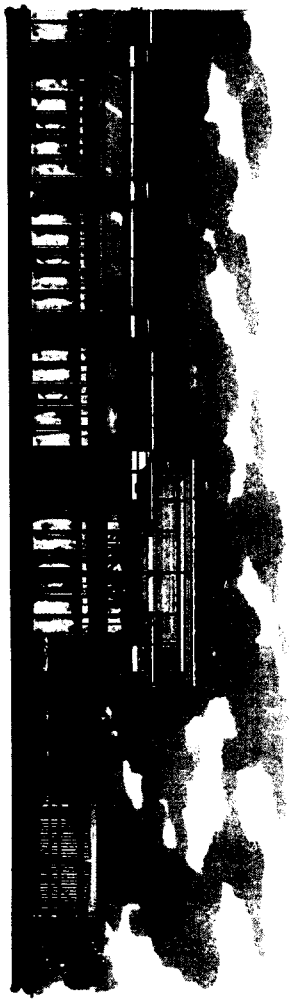
OVERALL ELEVATION



COLOR ELEVATION 1



COLOR ELEVATION 2



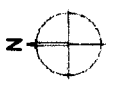
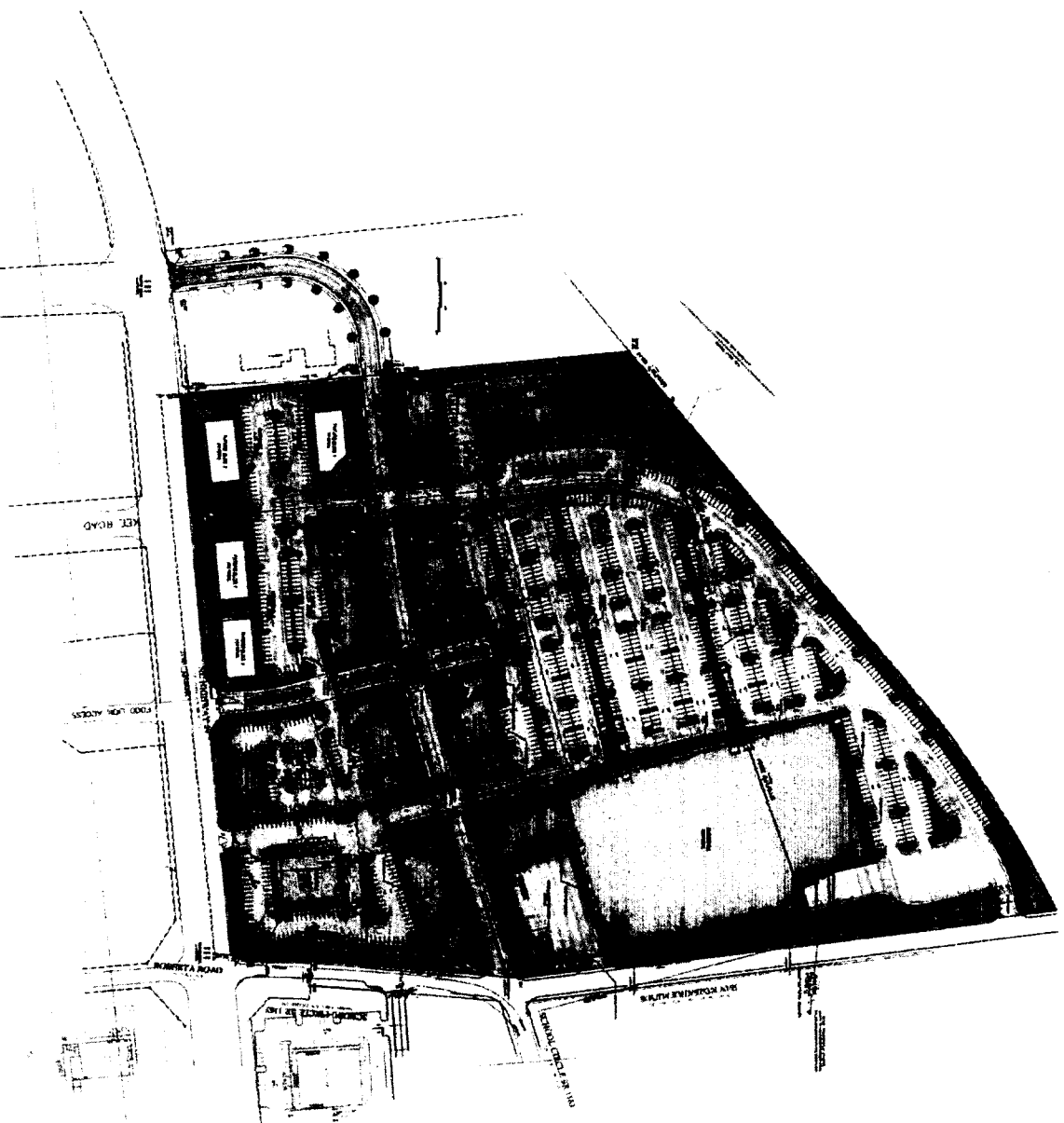
ELEVATION COLOR STUDIES

Harrisburg, North Carolina · 215 Project #4677 · 11.21.08



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Illustrative Site Plan
SCALE: 1" = 100'



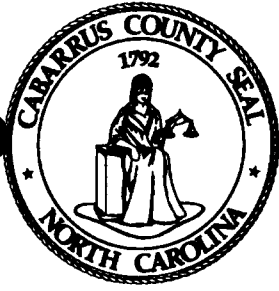
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RETAIL SITE PLAN
 SHEET NUMBER



Planning and Zoning Commission Minutes
January 19, 2006
7:00 P.M.

Mr. Larry Griffin, Chairman, called the meeting to order at 7:00 p.m. Members present in addition to the Chair were Mr. Todd C. Berg, Ms. Brenda E. Cook, Mr. John Cuff, Ms. Karen D. Daugherty, Mr. Danny Fesperman, Mr. Roger Haas, Mr. Thomas Porter, Jr., Mr. Ian Prince, and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were Ms. Susie Zakraisek, Sr. Planner, Ms. Kassie Goodson, Planner, Ms. Arlena Roberts. Also attending was Mr. Richard Koch, Attorney for the Planning and Zoning Commission.

There being no corrections to the November 17, 2005 minutes, Mr. Haas **MOTIONED, SECONDED** by Mr. Berg to approve the minutes. The vote was unanimous.

New Business

Planning Board Function:

The chair introduced the first item on the agenda, Petition C2006-01(ZT) Side yard Setbacks in Conventional CR

1. Applicant: Mr. Charles Newton

Request: To amend the side yard setback in the CR-Countryside Residential district from 20 (single) and 40 (total) to 10 (single) and 40 (total)

This was a request to the Cabarrus County Planning and Zoning Commission from Mr. Charles Newton, 7406 Broadleaf Drive, Concord. Mr. Newton sought to pull building permits to construct an attached garage onto his home, only to learn that he would not be able to meet the side yard setbacks in the CR Countryside Residential District.

Ms. Kassie Goodson, Planner, addressed the board stating that Mr. Newton has requested to build an attached garage on his home in the Cessna Springs subdivision. She said that during the mass rezoning in June 2005 his zoning was changed from MDR-Medium Density Residential to CR Countryside Residential. With the previous zoning in that area, the side yard set backs were five (5') per single and 20' for total, i.e. the principal structure could sit as close as five (5') feet to the property line, but the combined total of the side yard setbacks required was 20' feet. Ms. Goodson said that when Mr. Newton went to pull a building permit to start construction on the attached garage he was told that he could not build his garage on his property because the setbacks would not allow it. She said that Mr. Newton has requested that we amend the side yard setbacks in the CR-Country Residential district from 20' (single) and 40' (total) to 10' (single) and 40' (total). She said you would still be retaining a total side yard set back requirement of 40 feet, but you would be allowing a little more flexibility in the structural placement on the lot. She said that in this case, staff recommends approval of Petition C2006-01(ZT).

Ms. Goodson stated that Mr. Newton was present if the Board had questions for him.

There was discussion by the board and staff.

A **MOTION** was made by Mr. Shoemaker and **SECONDED** by Mr. Fesperman to approve Petition C2006-01(ZT) as presented. The vote was unanimous.

Petition C2006-01(ZT) Approved

The Chair introduced the second item on the Agenda, C2006-02 (ZT) Proposed Commercial Design Standards.

2. Applicant: Cabarrus County Planning Staff
Request: Proposed Commercial Design Standards

This is a request for the Proposed Commercial Design Standards for Cabarrus County commercial/retail projects.

Ms. Susie Zakraisek, Senior Planner, addressed the board presenting Petition C2006-02 (ZT). She stated that the proposed commercial design standards have been adopted by some of the other towns and they are a part of the Unified Development Ordinance (UDO). She said the unified development ordinance initially had a shopping center/ superstore standard in it and in addition to that it also had a highway 49 overlay. These standards take both of the sections in the UDO and combine them together. She said when working together with the other jurisdictions there was an indication that maybe the county needed to do something. She said that staff was instructed to present it to the board and see what their feeling is on it, do we need some design standards, are these standards appropriate and where do we need to go with it. There are two separate sections to it, one would be to go in and add some text to the Zoning Ordinance in Chapter 5 that is reserved for the Commercial Design Standards. The other section would be the addition of an Appendix that would become Appendix B in the Unified Development Ordinance and would go at the end of the appendices. She said that way it is in the ordinance it has become codified and anyone doing a project will know where it is, they will have all the information and it is not a separate document. Everything is there together and if there are any amendments or changes, we can do that through the amendment process and through the formal process so that there would not be separate versions of it (the standards) floating around.

Ms. Zakraisek presented the proposed commercial design standards and showed some examples that went through Harrisburg. She stated that she was asked about the Architectural styles. She said in some of the other ordinances, before you get to the architectural styles, they set up some short term goals, some long term goals and talked about the history or back ground of the town and then went in and set up those goals and then started talking about the existing architectural styles. She said these styles do exist within Cabarrus County. However, they are not the only styles that exist or the only styles we would approve. She said if that (the styles) is something that the board feels should be removed, staff could do that so that it does not give the wrong impression. She said one of the other jurisdictions decided that as a short term goal to create

their own architectural design review committee. The Planning and Zoning Board sits as architectural design review. She said that is an option if the board wants to handle it that way. She said that means that any commercial projects received would work with staff, and staff would get them to a certain point then they would come to the board sitting as the architectural review board. She said the board would have the option to form a committee that would meet separately or with the applicant then you would come back and bring findings back to the Planning and Zoning Board as a whole when you are considering the overall project. She said probably what you will see is that if it is a larger project it will probably come to the board either as a conditional use rezoning or as a conditional district.

Ms. Zakraisek presented to the Board the Proposed General Design Standards which include the amenity area, setbacks, connectivity and sidewalks, parking requirements, parking lot design, landscaping, lighting, loading/unloading areas and docks, solid waste storage areas and mechanical appurtenances. She also presented to the Board the Proposed Architectural Design Standards which include massing and rhythm, height, scale and roofline, fenestration, access, articulation, and materials.

Ms. Zakraisek said there are at two questions that need to be answered, how does the board want to handle the architectural review and if we do allow the flexibility for the access road how much flexibility do we allow so that we are fair and consistent with every project.

The Chair asked if there were any questions.

Mr. Shoemaker asked if someone came to us with a 42,000 square foot development, as shown here, how would you get to the GC or the LC zoning. Would it already be zone that way are would they have to get it changed to do that?

Ms. Zakraisek said that most of them would probably end up being conditional uses. She said for retail sales/shopping centers of 100,000 square feet or more they are going to be conditional use, they would have to come before the board at the very minimum for a conditional use permit but from the staff perspective we would encourage them to do a conditional use rezoning and take out some of those uses that may be inappropriate for a retail center, to eliminate some of those uses or use the conditional district which has not gone before the Board of Commissioners yet. If we get to the point that we do the Conditional District then we would have that option also but right now at a minimum they would come before the Board for a conditional use permit and be encouraged by staff to do a conditional use rezoning. She said when they do that you will have a site plan, renderings and pretty much what you need to determine if that project is appropriate for that area.

The Chair said rezoning is like a legislative function you do not have to give a reason why you turn it down or approve it.

Mr. Koch said generally that is true, you cannot be arbitrary or capricious in your determination, but they are pretty limited standards so your discretion is pretty broad in rezoning.

Mr. Koch said with the changes in some of the laws that relate to rezoning you have to make a finding each time that you do a rezoning that it is compatible and consistent. He said it is not specific findings of fact but more a general statement as to whether it is consistent and compatible. He said the compatibility consistency relates to any land use plan that is appropriate to that particular property. He said we may need to get something put together so that the board can see that with more specificity, but that is generally what it is.

The Chair asked what Concord and Kannapolis does.

Ms. Zakraisek said to her knowledge Kannapolis is still using the shopping center standards that were originally apart of the UDO. She said it is her understanding that Concord is trying to work on some new mixed used type standards, but she believes that they are still using something similar but potentially slightly modified of the original shopping center standard that was adopted.

Mr. Shoemaker asked if the real impact would be to people who purchase a piece of property as a half acre up to an acre and what type of building they would construct on that piece of property and if the bigger developments would be a completely different manner.

Ms. Zakraisek said yes that is correct. It would have some financial impact, but what we have seen is that when the projects are coming in, they are typically close to what we are asking for and it maybe that they stepped it up a notch or two to get to where the standards are.

The Chair asked if there were other questions.

Mr. Shoemaker asked, related to the land use out on Poplar Tent Road where it connects to 73 as you put that together would this dove tail into what you are going to be putting together with the land use plan as far as mix commercial is concerned.

Ms. Zakraisek said yes, that is the route they are trying to go to is to make the buildings closer to the street, parking to the rear, better streetscape, so this would fall in line with that.

Mr. Shoemaker asked if that it is where we would be headed with a plan like that.

Ms. Zakraisek said yes, that is her understanding and that is where that plan is headed and then that will be where the small area plans will be headed to get some of the commercial or mix use type development around those nodes.

The Chair said as he recalls, there were three discussions that went on when this was presented before (to the previous board). He said one of the considerations was that Kannapolis and Concord did not have anything like this. Kannapolis and Concord are by far the largest two cities in the county and they have not adopted anything like this. He said that does not mean that you could not do this or that it may not be desirable and it may provoke Kannapolis and Concord to adopt something similar.

The Chair said the second thing was the effects on small businesses. He said they may want to build out on a thorough fare out in the county instead of in the city. He said there were people on the board who thought this could increase the cost of building 25% to 50% or more. He said the third thought was that in the last four and a half years we have addressed in the county one commercial development and that was out on 73 where Poplar Tent comes in here. He said a lot of these things were achieved in that particular commercial development and were required as conditions for their approval, it was mostly done with jaw boning between the staff and the developer. He said one thing that Rodger (Lentz) indicated was that he was looking for a little more authority for requirements instead of having to jaw bone each one. He said most of the developments are in the city limits and most of these activities would ask for voluntary annexation.

The Chair stated that he thought this was an early accurate description of the considerations and based on those it was left hanging, nobody was enthusiastic about it. He said we have so many strip malls around in the cities mostly, and areas that are not very nice looking and it is his thought we do not propagate those kind of things in the future. He said he is not sure how much role the county will have to play in that because most of that is going on is inside city limits. He said that does not mean if you get one opportunity that it would not be nice to have something that really looks good, and the development out on Poplar Tent Road is going too. He said in his personal opinion, this would be consistent with the development ordinance that was put in place for development.

The Chair asked if there were any more questions.

Mr. Haas said he does not think it would be a point of the cities not matching what the county does. He said the only gripe he has ever seen between the cities and the counties is more residential and if the county is not up to the standard of the cities and then they have to take them into the limits then there is always a problem. He said he cannot see a city opposing a county that would have stricter standards than they had, that if you took it in you would have an improvement over what your own standards are. He said he does not see that as being a problem.

Mr. Haas asked if the architectural styles were recommendations but are not all encompassing, that you could approve other styles beside these or if this also applies to expanding and if one that exist does not match these four his expansion could be consistent with what he already has.

Ms. Zakraisek said that is correct, with the smaller towns they add goals and objectives and all of those kinds of things and then laid out what was already there. She said we can take that part out, take out the small pictures at the end and have the actual crux of the text as to what needs to be done. She said these are the styles that are evident throughout the county. She said if the board chooses, we could take out that language and take out the pictures.

Mr. Haas said that it strikes him as saying this is what you have to do when you have these four mentioned and the pictures of the four when in evidence you can actually do more than that. He thinks it would be less confusing if it were not included in the ordinance. He asked what the current front building setbacks are in the UDO for commercial.

Ms. Zakraisek said it is a minimum of ten feet and they go however they want too.

Mr. Haas asked if there was a maximum.

Ms. Zakraisek said no, that when the UDO was originally adopted there were some maximums in it but she thinks that they have disappeared over the years. She said by using the 10' and the 20' we are trying to get the streetscape and pedestrian feel, and in some areas, help to slow the traffic down because the buildings are closer to the road.

The Chair said there are areas where the landscape is absolutely not conducive to that; where the road is considerable higher than the lots around it. He said it would be some what difficult to have buildings built that close; you would be looking at the roofs.

Ms. Zakraisek said there is a potential for some of that.

Mr. Shoemaker asked if there was discussion in here that cover bringing a building up to the level of street.

Ms. Zakraisek said no.

Mr. Haas said in his opinion the administrator should be the architectural review board and make the determination whether they meet the standards or not because staff worked with them on the application process. He said they would probably feel more comfortable working with staff and staff could make sure that they are meeting the standards as they go through the process. He said staff or the administrator would make the determination if they meet the intent of the standards or not and then bring the recommendation to the board saying that they meet the intent of the standards.

Ms. Zakraisek said if the board decides to keep it with the administrative review, staff would point out the things that do not meet the standards and then it would be up to the board if you think it is a good enough quality development and whether they are trying to meet the intent. She said then it would be up to the board whether they approve or disapprove. She said staff could handle things like that and allow the board to give the final say with out having to meet with the architects.

Ms. Daugherty said she agrees more with this treatment than giving the zoning administrator complete discretion. She thinks it is appropriate that they handle the person in terms of working with the architect and that sort of thing, but in her opinion, it is more important that more than one person make an ultimate decision when it is something that affects the whole community. She said it would be something where staff would come to us with recommendations and they assist us in making a decision. She said in a sense, they actually hold our hands and we act as the review board.

Ms. Zakraisek said in Harrisburg, with the Town Center, their board sits as a design review board and staff goes through and makes a list of what meets the standards and what does not meet standards and that way, the board has a cheat sheet to walk them through it.

She said with these you will see them more as conditional uses; whether the building meets or does not meet the standards or if the applicant is trying to meet the intent of the ordinance. She said it is up to the Board to decide if they are meeting it or not.

Mr. Shoemaker asked if you maintain the existing four architectural styles and someone came in with other types of styles in a business development different from these how would that be handled? Would that have to come to the board after staff has said they meet the intent but they are offering up a completely different architectural styling?

Ms. Zakraisek said we can take the language out so that it is not a stumbling block or we could potentially add in some other language. She said it says under the flexibility in administration that the standards cannot cover every situation, but the administrator can work with them and ultimately in the end the Board would have the final decision.

Mr. Berg said he thinks it would be less confusing to take the styles out, he thinks there are enough descriptions about materials and scales, the history of styles does not really add anything.

Ms. Zakraisek asked if they preferred that she take out that language and the Appendix B and rework the first paragraph to say which zoning district it applies.

The Chair asked if in order to do what you are trying to do here is listing the example architectures necessary.

Ms. Zakraisek said from a staff perspective the answer is no.

The Chair said if it is not necessary to achieve what you are trying to achieve then you do not need it, if the board is going to recommend this one way or another it is up to the commissioners.

Ms. Daugherty asked about the maximum setbacks

Ms. Zakraisek said the language that was added specifically for the county is; in the event the administrator grants an adjustment to the required setbacks, additional landscape shall be required and setbacks adjustment requests shall be handled on a case by case basis and also where it says in some instances the setbacks may be adjusted by the Administrator to address access issues and access road placement.

The Chair said he would like to see a little room for some common sense to be applied. He said if you have a fairly significant track of land next to a highway and the land does not suit locating a building the way this is he personally would like to see some sort of provision that setbacks could be negotiated based on the land its self.

Ms. Zakraisek said knowing that you are trying to maintain the streetscape and keeping it at a pedestrian scale is there a maximum that you would want to set it or maybe we would want to set it as policy?

The Chair said something that says in effect that if the topography supports it, then the maximum setbacks are going to be 50 feet or something like that, however if this is in a commercially zoned area and because of the topography with the highways/roads and that does not seem reasonable then that could be negotiated. He said if the topography supports it then it is a matter of judgment and he personally does not have a problem with that. He said he would like to see folks have a little latitude in terms of applying common sense, it is the Planning and Zoning Commission and the County Commissioners ultimately who have to approve it.

Ms. Daugherty asked if it allows for an adjustment to address particular issues, if you set a maximum at 25' or 30' does the remainder of that paragraph leave enough leeway in terms of if you say the topography is not appropriate for this and you can make an adjustment for that accordingly.

Ms. Zakraisek said she thinks it could, she said is there a limit or do we leave it between the 10' and 20' and then each one is handled on a case by case basis and the board would see it or with that case by case basis do you establish some type of a limit and say this is what we are trying to accomplish, we are trying to get the streetscape. She said if we let four buildings back up to forty feet, then we have defeated the purpose of having the setbacks.

Mr. Berg said it seems like the 10 to 20 feet would cover the majority of the cases and the last two sentences give you enough wiggle room to deal with the ones that do not fit within that 10 to 20.

Ms. Zakraisek asked the board if they had a preference for the maximum, as far as what that wiggle room is, do we let them go back to 70 and bring it to you knowing that it does not meet it.

The Chair said maybe, in some cases where the topography almost demands it.

Ms. Zakraisek said ok, we can keep it the way that it is but she thought she would throw it out there if there was some idea.

The Chair said as long as there is wiggle room in there he does not have a problem with it.

Mr. Berg said he did not see concrete block listed as included or excluded under materials and it has been the material of choice for a lot of developments. He asked if we wanted to specifically exclude that and if it has been an issue with any of the projects in Harrisburg.

Ms. Zakraisek said with Harrisburg it has not. She said they have had some people trying to use some split face. She said if that is something you definitely would not want as a building material then you would want to add it to say specifically that is not something that to be used.

Mr. Shoemaker asked if as an exterior not as a supporting building material.

Mr. Berg said yes as an exterior veneer.

Ms. Zakraisek said maybe we just add flat base block.

The Chair said here you can provide some legality where it says that these are examples or these are approved; however as building materials change we will consider other things in good taste. He said he is always looking for a little wiggle room for people to not have to change the law to make a decent decision.

Ms. Daugherty said she thinks that the inclusion of wiggle room reinforces the need for a multi-party review board to make a decision on wiggle room versus the zoning administrator.

Mr. Prince asked if a situation could arise where it would not come back before the board if the applicant is not after a conditional use rezoning or if they are in one of these existing zonings and it is a small development, they would just follow this to the letter with staffs interpretations on the wiggle room and it would go through and the board would never see it.

Ms. Zakraisek said that is correct.

Mr. Berg said unless we establish Planning and Zoning Board as the review board.

Ms. Zakraisek said that is correct.

The Chair said we have a couple of ways that we can go, somebody can make a motion on the exhausted discussion or we can ask the staff to take our inputs go back make these small revisions and bring back to us at the next meeting.

Mr. Shoemaker asked how many commercial properties for the county are reviewed on a monthly basis.

Ms. Zakraisek said she had not reviewed any projects for the county; it has mainly been Harrisburg and Mt. Pleasant.

The Chair said that almost all of them are in the city limits.

Mr. Shoemaker said setting us up as an architectural review board does not look like it would be a taxing situation at least not right now.

Ms. Zakraisek said she thinks that there are different ways that it could be handled. She said if some folks have an interest and would like to be on a review board you could establish it as a separate board. She said at some point we could get everybody together to meet with the applicant, or maybe get the project to a certain point or send everything out to the board for review or everybody could sit as architectural review and you would switch gears and put your other hat on. She said you would be looking at the rezoning, you would be looking at the conditional use permit and then as a part of the conditional use permit you would go one step further also sitting as architectural review or design review.

Mr. Koch said he thinks you could do it any of those ways but the trouble you may run into by having the whole boards sit as the review board is that you will have perhaps nine different

opinions on what to do and that might be a little unwieldy to manage in a meeting situation. He thinks perhaps appointing a committee utilizing the expertise of some of those on the board that are very familiar with those kinds of issues might be an efficient way to do it. He said it would have to be a committee of less than a quorum of the board otherwise it becomes a public meeting when ever they meet. He said if you do not have that many applications to come around then it will not be that big of a deal. He thinks trying to deal with those kinds of issues with the board as a whole you get into some subjective comments then it is hard to corral everyone to reach a consensus.

The Chair said ultimately the Planning and Zoning Commission will have to approve it or not, then it can go to the County Commissioners or a court.

Mr. Shoemaker asked what risk it puts on the board as far as being a semi quasi judicial group and then we are down there in the trenches helping the developer decide how to do or what to do with his architectural renderings, do we now get to close to them and create conflicts of interest in that process?

Mr. Koch said he thinks it does create that potential.

Mr. Shoemaker asked if you are meeting as a non quorum group or a subgroup you are no longer really representing the board anymore or are you?

Mr. Koch said he thinks that you are operating in an official capacity but you are not speaking for the whole board. He said if it is going to come back to the whole board for final approval you are just a committee that is actually dealing with a specific task of trying to help work through the variations in the ordinance as they relate to that particular project.

Mr. Shoemaker said using that scenario then everything would still come back to us for review no matter what the project is.

Ms. Zakraisek said the architectural review board would not sit as a separate stamping kind of entity everything would still have to come back to the entire board.

She said the way it is handled in Harrisburg is they would come in and work with staff; they get to point where they meet the Town Center guidelines then P & Z goes through their meeting and at the end of the meeting they shift gears and they sit as architectural review. She said that is any project that goes through the Town Center.

After discussion, the Chair asked the Board what they would like to do. He asked if they wanted to ask the staff to put together something specific and bring it back to the board or if they wanted to vote on it.

Mr. Berg said the only changes that he heard discussed were to delete the architectural styles, he thinks after we debated some of the other points we decided they were ok as is.

Mr. Shoemaker made a **Motion** to approve Petition C2006-02(ZT) Commercial Design Standards with the deletion of the Architectural styles and that we set this commission here as the Architectural Review Board and recommend to the Board of Commissioners to introduce this into the ordinance. **Seconded** by Mr. Berg.

The Chair asked if there was any other discussion.

Mr. Prince asked if by this motion making this commission architectural overseer, does that requires every project in here to come before us whether it is a 20,000 square foot or 100,000 square foot, whether they are rezoning or not. He asked if he understood that correctly.

The Chair said whether it is conditional use or not.

Ms. Zakraisek said we have language in the Mt. Pleasant ordinance that she would use as the model, it essentially says that any project that is subject to these standards, the standards are zoning based, has to go to the Planning and Zoning Commission for architectural review. She said it would be adding a little bit of language to Chapter 5.5-8.

Mr. Shoemaker asked if we decided that we no longer wanted to do this a couple of years from now because it did get too busy, how would we go about passing that back to staff.

Ms. Zakraisek said just a simple text amendment to take that language out. She said that you all would make recommendation then it would go to the County Commissioners. She said if we get into this and find that there are things potentially that are not working for the County or that may need to be tweaked, we will bring that back to the Board and ask for your opinion and help and recommendation on that also.

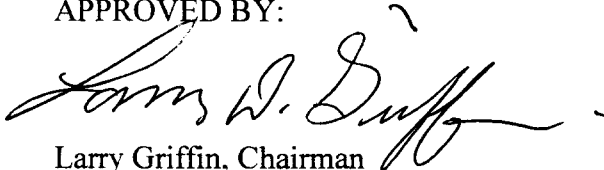
There being no further comments the **Motioned** passed unanimously.

Petition C2006- (ZT) Commercial Design Standards approved.

No Director Report

There being no further business Mr. Fesperman **Motioned** and was **Seconded** by Mr. Shoemaker to adjourn the meeting. The vote was unanimous. The meeting adjourned at 8:25 p.m.

APPROVED BY:



Larry Griffin, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Zakraisek
Planning and Zoning Manager