

Commerce Department
Planning Division

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
February 15, 2007
7:00 P.M.
County Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval/Correction of January 18, 2006 Minutes
3. Old Business - Planning Board Function:
 - A. Zoning Atlas Amendment - Petition C2007-02 (R)
Petitioner – John Thomas Tasselli
Rezone (LDR) Low Density Residential and (LI) Limited Industrial to (OI) Office Institutional
4. New Business – Planning Board Function:
 - A. Preliminary Plat Approval - Petition C2007-01 (S) - Beckenham
Charles F. McDonald
4575 Highway 49 S
Concord, NC 28025
5. Director's Report
6. Adjournment

Planning Staff Report
Cabarrus County Planning and Zoning Board
February 15th, 2007

Petition: C2007-02(R) Zoning Atlas Amendment

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

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

Proposed Zoning: O/I – Office/Institutional

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

Township: Number 2 – Poplar Tent

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

PIN#: 4589-37-8441

Area: +/- 88.6 acres

Site Description: The subject property is currently vacant.

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

Area Relationship: North: LDR-Low Density Residential & City of Concord PUD-Planned Unit Development
South: LI- Light Industrial
East: LI- Light Industrial
West: LDR- Low Density Residential

Exhibits: 1. Vicinity Map – submitted by staff
2. Adjacent Property Owners
3. List of Permitted Uses in O/I

4. Northwest Area Plan – Future Land Use Map – 1990
5. Northwest Area Plan – Future Land Use Map – Draft
6. Western Area Plan - 1992
7. City of Concord - Land Use Plan Map - 2004
8. Memo from WSACC-Tom Bach
9. Letter from Karl Fritschen-Development Administrator for the City of Concord
10. Letter from Ken Christenbury-Petitioner

Comments:

Cabarrus County Schools – Robert Kluttz: Since the property in question is proposed to be zoned O/I (Office/Institutional) we would anticipate minimal impact on our school system. In fact, with future road improvements planned for this area, we would expect easier access to Cox Mill Elementary School from the southern end of Cox Mill Road at the proposed Christenbury Parkway.

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

Cabarrus County Erosion Control – Thomas Smith: Neither the owner nor the developer has contacted this office in reference to the project noted above. The size of the project is greater than one acre. An erosion and sedimentation control plan must be submitted to this office for review and approval prior to the commencement of any land disturbing activities.

WSACC – Tom Bach: See attached memo.

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

City of Concord Engineering Department-Adam Dagenhart: The Engineering Department staff has reviewed Petition C2007-02(R) and the City of Concord reserves the right to provide technical comments once the property is annexed into the City of Concord.

Code Considerations:

Per the Cabarrus County Zoning Ordinance, lands in the O/I district are intended to accommodate relatively low intensity office and institutional uses at an intensity

complementary to residential land uses. Where appropriate, the O/I district can serve as a transition between residential land uses and higher intensity non-residential land uses.

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

Other Considerations:

Northwest Area Plan Map – 1990: The Northwestern Area Plan Map designates this area to be Medium Density Residential. The density for MDR in 1990 was up to four and one half (4.5) units per acre.

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

Western Area Plan – 1992: The Western Area Plan Future Land Use Map designates this area as Medium Density Residential. Under this plan, MDR is defined as one (1) to four (4) units per acre.

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

Conclusions:

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

The owner of the subject property has been discussing the possibility of annexation with the City of Concord. It has been conveyed to County staff that the City of Concord would like for this property to be rezoned to a zoning designation that would accommodate commercial uses. If this rezoning petition is approved by the Cabarrus County Planning and Zoning Board, the City of Concord would more than likely rezone the subject property to O-I. The approximate timing of annexation for these properties has not yet been determined. The agent for this petition has indicated that annexation will be requested within the next 1 to 3 years. It should be noted that the City of Concord O-I zoning designation permits multiple residential uses; therefore impact on schools would be a possibility upon annexation and should be considered as part of any development requests with the City of Concord.

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

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

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

This rezoning request could be considered as establishing a transitional zone between the residential uses to the north of the subject property and the industrial zoning designations to the south. Under the Countywide Zoning Atlas Amendment, adopted in June 2005, the general consensus was that residential densities in this area should not be increased due to school overcrowding and traffic congestion issues.

Although the 1990 Northwestern Area Plan and the 1992 Western Area Plan designate this area as residential, as a result of development trends in the area, it may be more appropriate for the area to develop as commercial. The City of Concord's vision of this area, in addition to the newest draft of the Northwestern Area Plan, supports the subject property being rezoned for mixed use development. The property directly to the north is zoned for Mixed Use and is currently developing as the Christenbury Village subdivision. In consideration of the residential areas to the north and west, and depending on the annexation and administrative rezoning of properties to the south, it maybe more appropriate to zone this property to a Conditional Use O/I zoning district. Due to the level of uncertainty that results from a conventional rezoning request with no site plan or list of permitted uses required, the conventional rezoning option offers no protection to surrounding uses. (existing or proposed) The intensity of uses permitted by right in the O/I district would, however, be significantly less noxious than the uses currently permitted by right in the LI zoning district.

Due to the size of the subject property, +/- 88.6 acres, spot zoning should not be a concern.

The Petitioner originally submitted a conventional rezoning request for LI, Limited Industrial. However, based on recent conversations with a potential purchaser, the City of Concord Planning Staff and the petitioner's consultant, CESI, the request was modified to O/I. The consensus was that the O/I zoning district would better serve the intent of the NW Area Plan, allow for mixed commercial and institutional uses, limit objectionable industrial uses and serve as a better transitional zone between the residential and commercial uses.

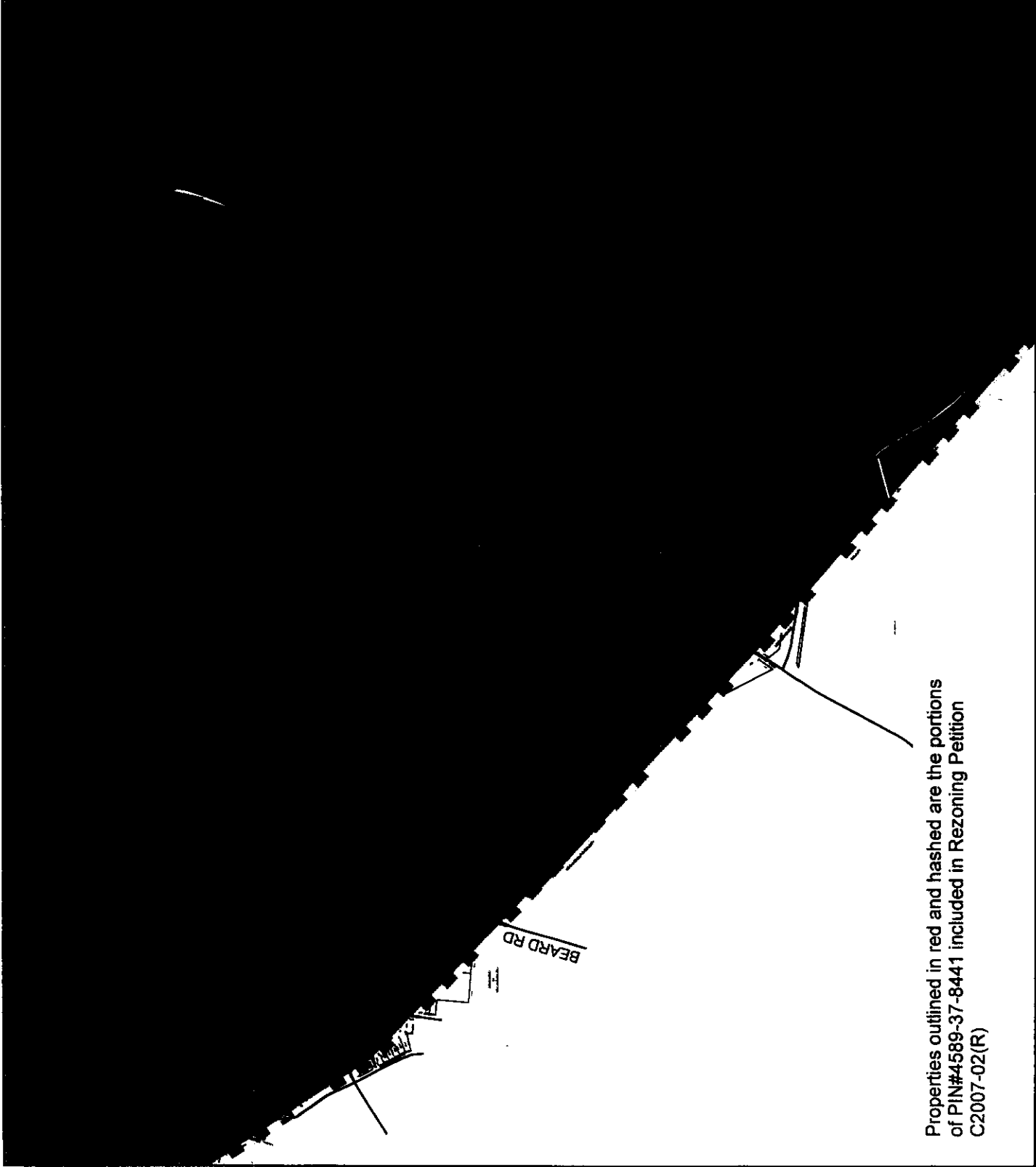
Recommendation:

The proposed rezoning does not meet the intent of the adopted land use plans as currently written. The Northwestern Area Plan Draft Map has not been adopted, but is used by staff as an indicator of what should develop in the NW area of the County. The rezoning of this property is consistent with the proposed Mixed Use District component, but may not be appropriate without a conditional use rezoning application to limit the uses permitted on the site. Since the proposed rezoning request is not compatible with all elements of the Land Use Plans, the Board should consider the information presented and decide whether or not amending the subject property's zoning classification to O/I

is appropriate as it relates to the Planning and Zoning Board's vision for this area of Cabarrus County.



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



Properties outlined in red and hashed are the portions of PIN#4589-37-8441 included in Rezoning Petition C2007-02(R)

List of Adjacent Property Owners

CHRISTENBURY LAND INVESTMENTS

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

WMCI CHARLOTTE VI LLC A VA LLC

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

WMCI CHARLOTTE VI LLC A VA LLC

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

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

CHRISTENBURY KENNETH
CHRISBENBURY GRACE LORAIN/WF
3801 BEARD ROAD

CONCORD NC 280270000

CHRISTENBURY KENNETH
CHRISBENBURY GRACE LORAIN/WF
3801 BEARD ROAD

CONCORD NC 280270000

CHRISTENBURY FARMS INC

C/O KEN CHRISTENBURY
3801 BEARD RD
CONCORD NC 280270000

CHRISTENBURY FARMS INC

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CHRISTENBURY FARMS INC

C/O KEN CHRISTENBURY
3801 BEARD RD
CONCORD NC 280270000

CHRISTENBURY DARICE S

9707 CHRISTENBURY ROAD
CONCORD NC 280270000

WMCI CHARLOTTE VI LLC A VA LLC

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

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WMCI CHARLOTTE VI LLC A VA LLC

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

ODELL SCH HWY INVESTMNT TRADER

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

WMCI CHARLOTTE VI LLC A VA LLC

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

WMCI CHARLOTTE VI LLC A VA LLC

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

FREEMAN WILLIAM D

FREEMAN LINDA H/WIFE
940 ALLISON MEWS PLACE NW
CONCORD NC 280279017

CHRISTENBURY LAND INVESTMENTS

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

CGD CONCORD LLC A GEORGIA LLC

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

FREEMAN WILLIAM D

FREEMAN LINDA H/WIFE
940 ALLISON MEWS PLACE NW
CONCORD NC 280279017

FREEMAN WILLIAM D

FREEMAN LINDA H/WIFE
940 ALLISON MEWS PLACE NW
CONCORD NC 280279017

POE DORIS W

C/O PAM GALAGAN
6220 MEADOWVIEW DRIVE
DAVIDSON NC 280360000

BONDS DONALD RAY

BONDS RUTH R
276 GREENBAY ROAD
MOORESVILLE NC 281170000

LUNCEFORD TOMMY EARL

LUNCEFORD MARY C/WIFE
6300 HAWK NEST DR
CONCORD NC 280270000

FREEMAN WILLIAM D
FREEMAN LINDA H/WIFE
940 ALLISON MEWS PLACE NW
CONCORD NC 280279017

CONCORD STATION LLC A GA LLC
1447 PEACHTREE ST. SUITE 525
ATLANTA GA 303090000

BONDS DONALD RAY
BONDS RUTH R
276 GREENBAY ROAD
MOORESVILLE NC 281170000

LUNCEFORD TOMMY EARL
LUNCEFORD MARY C/WIFE
6300 HAWK NEST DR
CONCORD NC 280270000

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

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

CARSON WALTER O
CARSON LOUISE L
3050 DERITA ROAD
CONCORD NC 280270000

WMCI CHARLOTTE VI LLC A VA LLC
C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

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

WMCI CHARLOTTE VI LLC A VA LLC
C/O WEINSTEIN PROPERTIES
3951-A STILLMAN PARKWAY
GLEN ALLEN VA 230600000

MILL CREEK APTS LLC A NC LLC
C/O DAVID DRYE COMPANY
175 DAVIDSON HIGHWAY
CONCORD NC 280270000

POE ANTHONY CRAIG & WF
POE EVA MICHELLE
9466 AUTUMN CIRCLE
DAVIDSON NC 280360000

POE ANTHONY CRAIG & WF
POE EVA MICHELLE
9466 AUTUMN CIRCLE
DAVIDSON NC 280360000

COLEMAN PHYLLIS P
COLEMAN FELTON G/HUSBAND
9020 CHRISTENBURY RD
CONCORD NC 280270000

CRESCENT RESOURCES LLC/GA LLC
400 S TRYON ST - SUITE 1300
CHARLOTTE NC 282020000

List of Uses in the Office/ Institutional Zone:

Permitted Uses

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

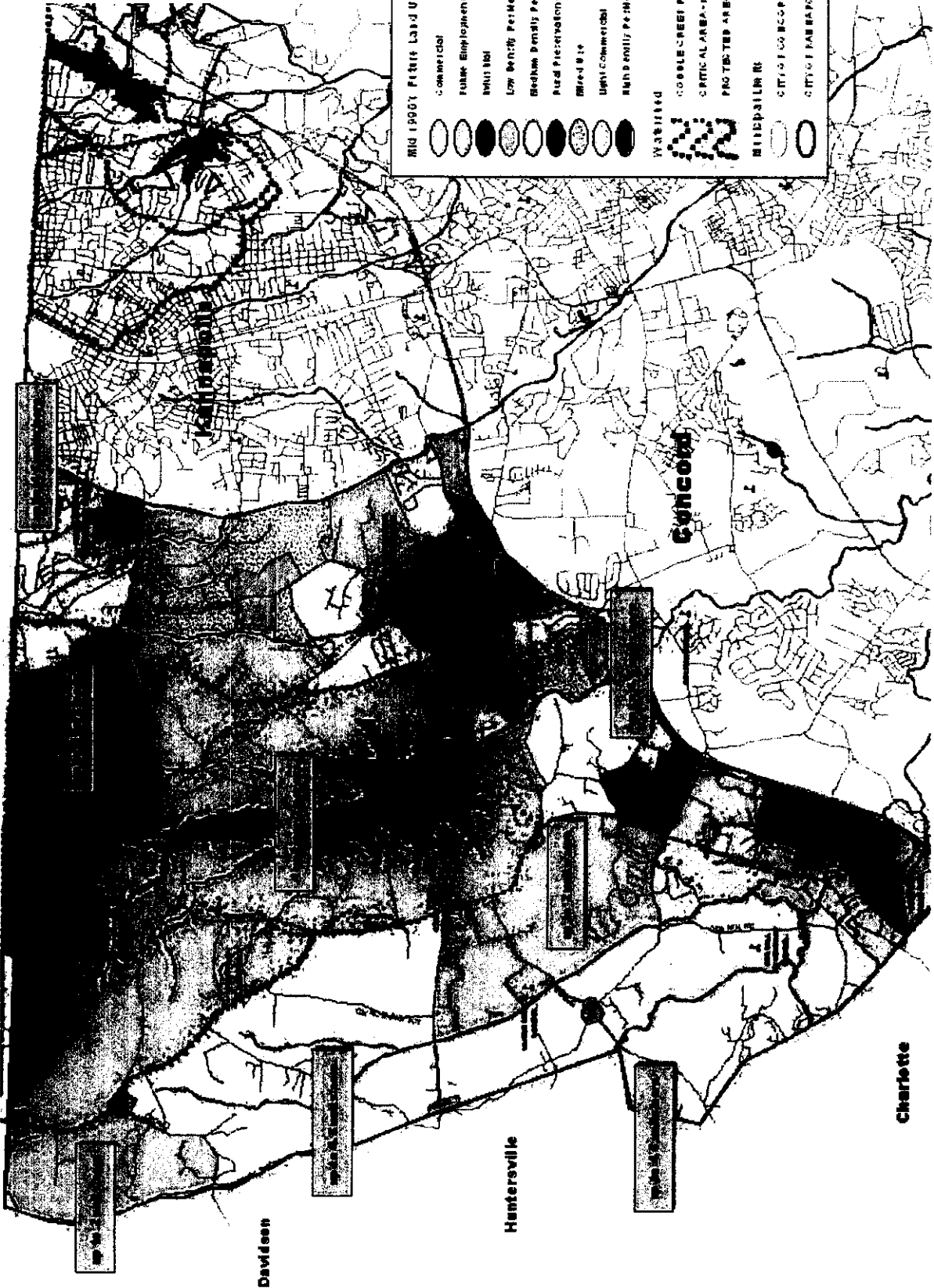
Permitted based on Standards (PBS)

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

Conditional Uses

Communications tower
Elementary and secondary schools
Public service facility
Recreational facility, outdoor
Religious institution (with a total seating capacity of 351 or more)
Religious institution with school
Rest/convalescent home (more than 10 beds)
Trade & vocational schools
Wireless telecommunication services (WTS)

Northwest Area Plan



MID 1990s Future Land Use

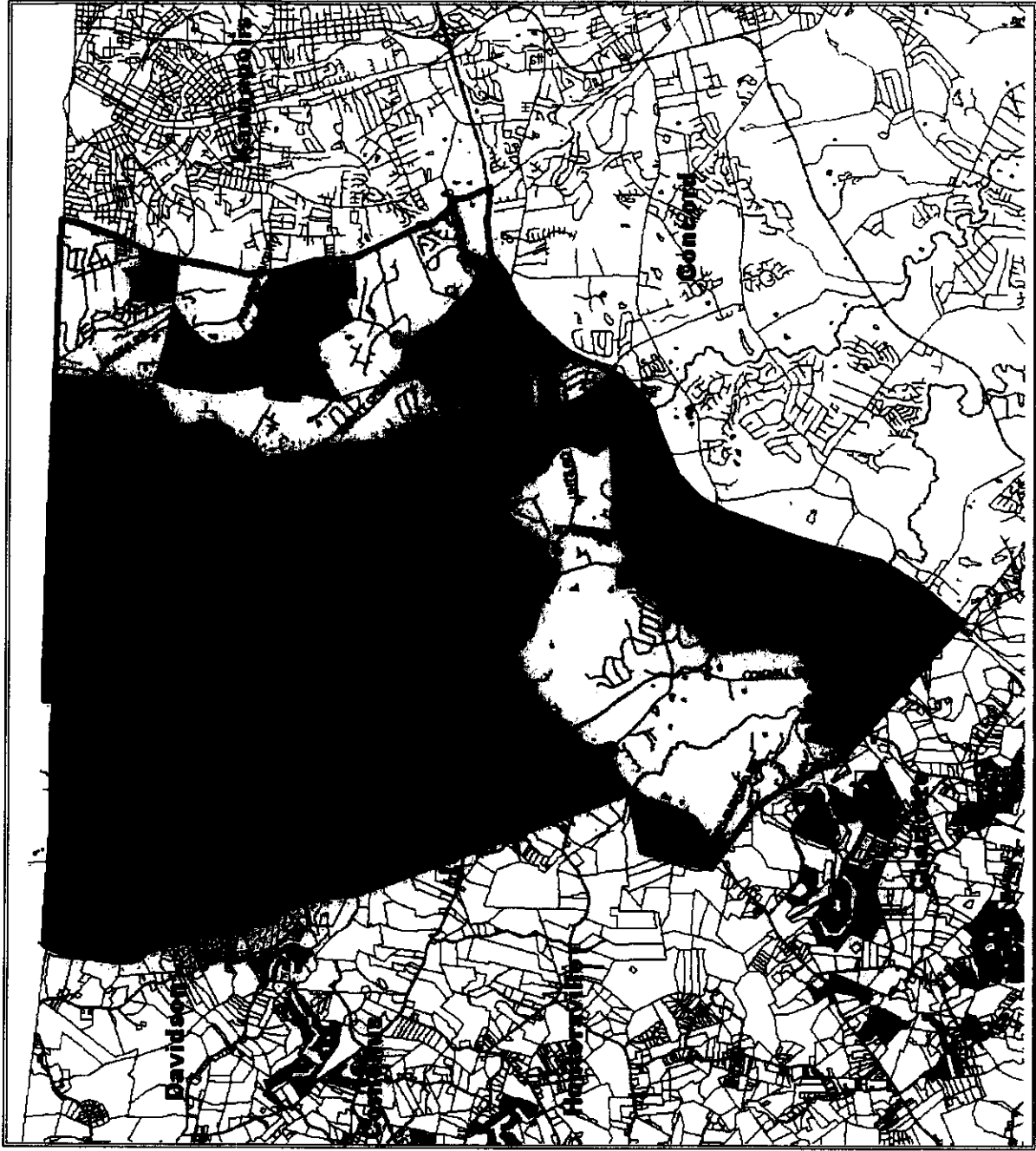
- Commercial
- Future Employment
- High Density Residential - up to 2 units/acre
- Low Density Residential - up to 1.5 units/acre
- Medium Density Residential - up to 1.5 units/acre
- Open Space
- Office
- Light Commercial
- Medium Density Residential - electric/multi-unit/acre
- Unimproved
- GOOGLE-CREEK PEBBLE W/ IP
- CENTRAL AREA - no more than 1 unit per 2 acres
- PROTECTED AREA - no more than 1 unit/acre
- MIDBALLON BK
- CITY OF CONCORD
- CITY OF RAINBOWS













Northwestern Plan Area Future Land Use

DRAFT



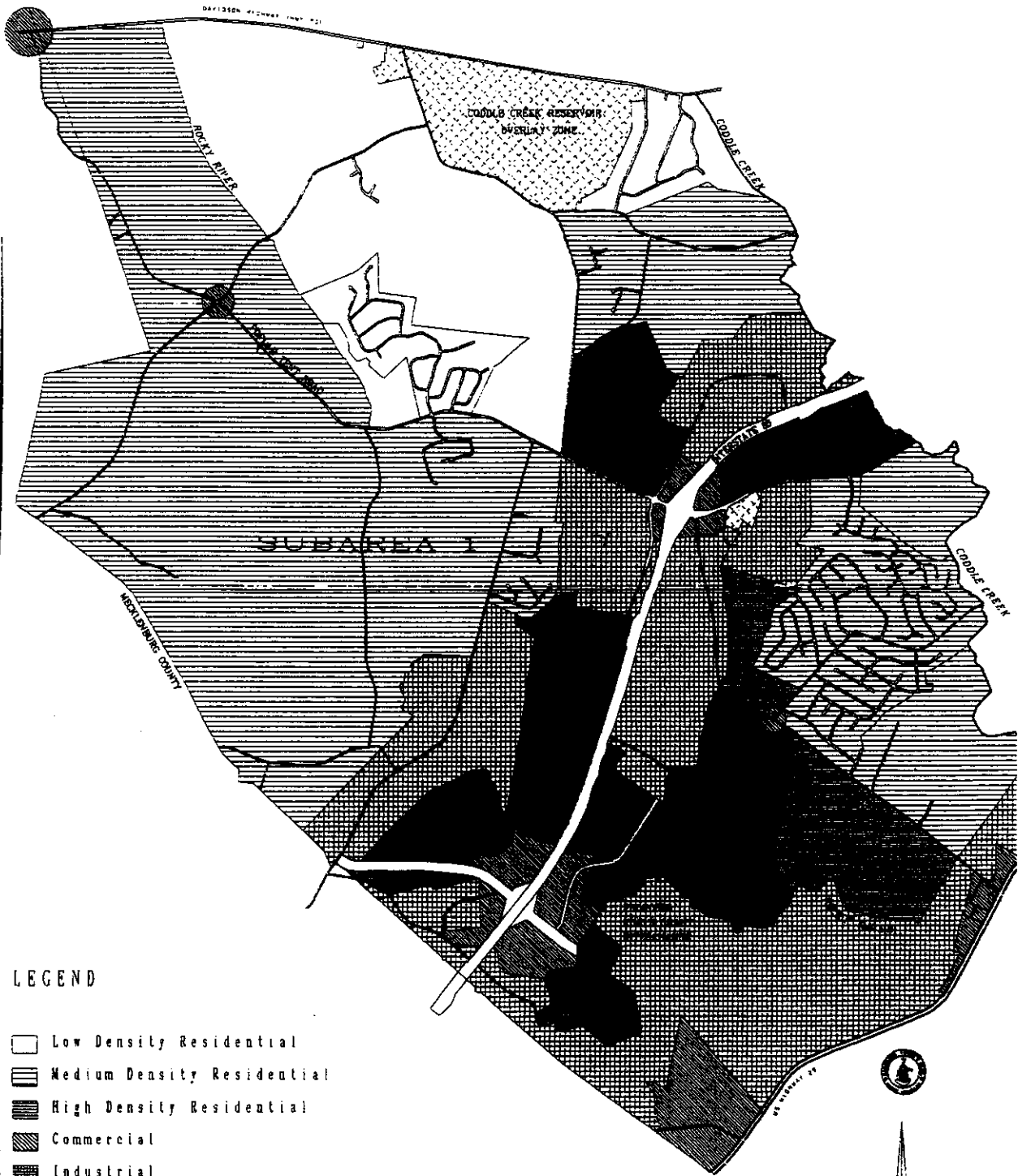
Legend

Future Land Use Categories

-  1 unit per 2 acre
-  1-3 Units per acre
-  2-4 Units per acre
-  5+ Units per acre
-  Mixed Use
-  Commercial
-  Employment
-  Neighborhood Center



FUTURE LAND USE Subarea One



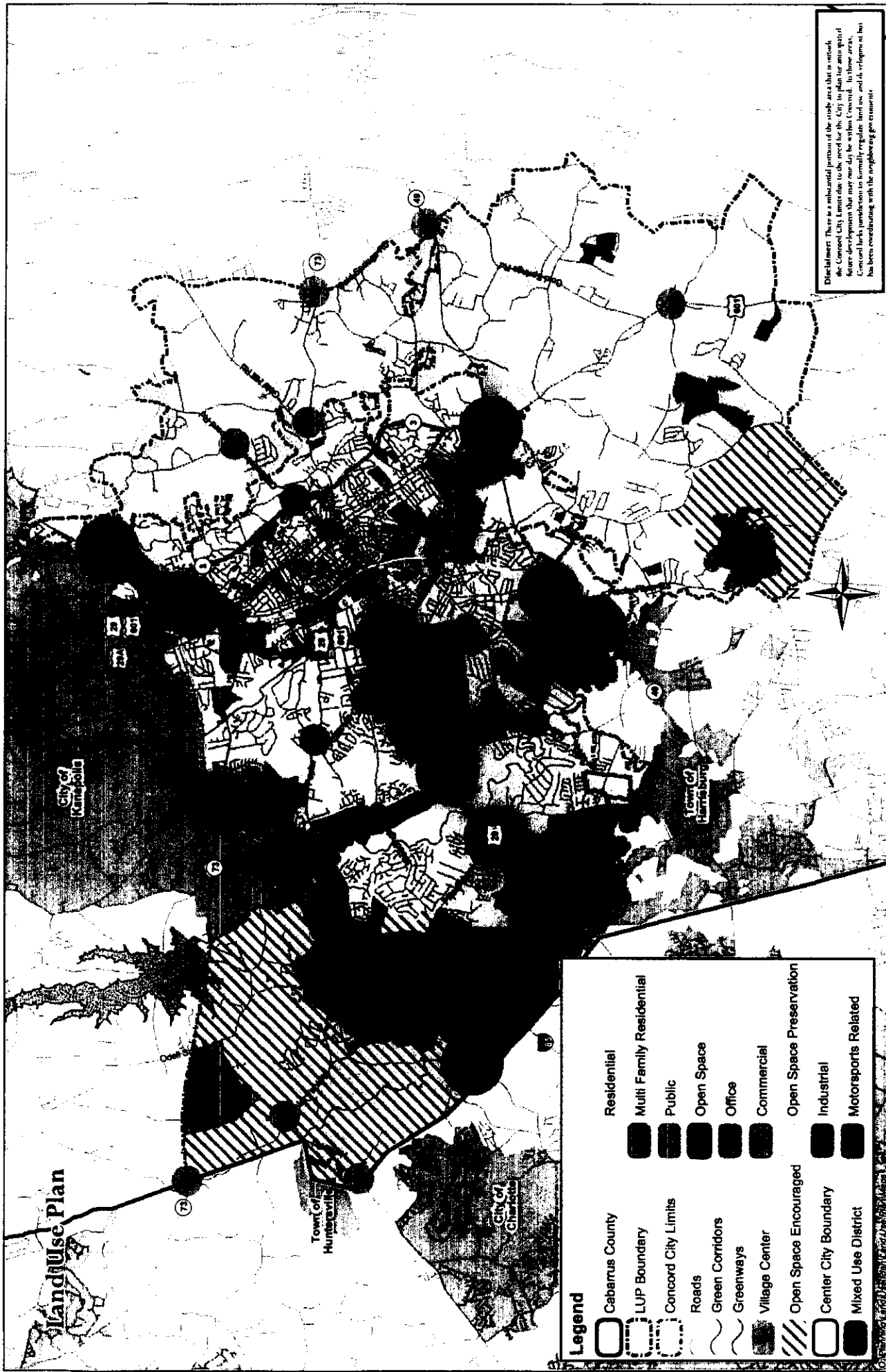
LEGEND

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



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

City of Concord Land Use Plan



Kassie Goodson

From: Thomas Bach [TBach@WSACC.org]
Sent: Wednesday, January 31, 2007 3:43 PM
To: Kassie Goodson
Cc: Jan Sellers; Mark Lomax; Van Rowell; moores@ci.concord.nc.us
Subject: [heur] Conditional Use Re-zoning Request Off Christenbury Parkway Near Derita Road - Concord

Hi Kassie,

This is in response to your request for comments outlined in your memorandum to me dated January 24, 2007, regarding the conditional use re-zoning for a parcel (PIN #4589-37-8441 – 88.6 acres) along Christenbury Parkway near Derita Road.

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

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

Information provided with the re-zoning request does not give projected water demand. This information will be helpful in determining the adequacy of the existing water line infrastructure in this area.

The followings comments are provided for your information and consideration:

- The proposed site is located in the existing utility service area of the City of Concord. Consideration should be given to insuring that the proposed water/sewer lines will be designed to City of Concord requirements.
- If the developer proposes to install sewer infrastructure for this site in coordination with the City of Concord, actual wastewater "flow acceptance" will not be considered by WSACC until approval of final site/civil construction plans by the applicable Jurisdiction. Flow acceptance must be requested by the Jurisdiction providing the retail sewer service. In addition, flow acceptance is granted in the order that they are received, provided that sufficient wastewater treatment and transportation capacity is available or is reasonably expected to be available.
- Please note that the WSACC Capital Recovery Fee (CRF) is required for each service to the development if sewer service is requested. The fee is collected at the time the building permit is issued, and is separate and not a part of any connection or tap fees required by the Jurisdictional retail sewer provider.

Please let me know if you have any questions regarding this information.

Thanks!

Tom

Thomas A. Bach, P.E.
Utility Systems Engineer
Water & Sewer Authority of Cabarrus County
P.O. Box 428
Concord, NC 28026
Telephone: (704) 786-1783, Ext. 28

02/01/2007



January 18, 2007

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

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

Dear Chairman and Members of the Commission:

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

Sincerely,

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

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

cc: Margaret Pearson, Director, Development Services



Development Services Department

City of Concord • 66 Union Street South • P.O. Box 308 • Concord, North Carolina 28026
(704) 920-5152 • Fax (704) 795-0983 • TDD 1-800-735-8262 • www.ci.concord.nc.us



January 18, 2007

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

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

Dear Chairman and Members of the Commission:

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

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

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

Sincerely,



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

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
February 15, 2007

Petition: C2007-01 (S) Preliminary Plat Approval

Subdivision Name: Beckenham

Subdivision Type: Conventional Residential Subdivision

Applicant Information: Charles F. McDonald
4575 Hwy 49 S
Concord, NC 28025

Zoning: LDR (Low Density Residential)

Township: Number 9 - Georgeville

Property Location: Located at 2875 Cold Springs Rd S.

PIN#: 5559-55-4748, 5559-55-8952

Proposed Lots: 20

Area in Acres: +/- 11.84 acres

Site Description: The proposed site is currently occupied with a single-family residence and is also wooded.

Adjacent Land Uses: The surrounding properties are vacant, wooded, or residential in nature. The properties to the north, south, and east are part of the approved Fieldstone subdivision. The property to the west is vacant and wooded with a single family home.

Surrounding Zoning: The properties surrounding the subject parcels are all zoned LDR (Low Density Residential).

Infrastructure: Heater Utilities will provide the water. Sewer service will be provided by the Town of Mt. Pleasant. (see intent to serve letters)

Zoning History: This property was part of County special use rezoning petition number C97-15. The remaining property included in this rezoning was developed as the Fieldstone subdivision. This rezoning calls for a maximum density of 2.0 units per acre with a sewer system, as proposed with the proposed development. It also requires a minimum lot size of 20,000 square feet.

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
February 15, 2007

Exhibits:

1. Site Map
2. Preliminary Plat
3. Intent to serve letter from Heater Utilities.
4. Intent to serve letter from Mount Pleasant
5. School Adequacy Worksheet
6. Letter from applicant

Code Considerations:

The LDR Setbacks for a conventional subdivision are as follows:

- Principal Setbacks
Front – 50 ft
Side – 20 ft
Rear – 30 ft
- Accessory use setbacks – same as principal structure except that they may be located no closer to the road than the principal structure
- Minimum average lot width – 150 ft
- Maximum building height – 40 ft
- Maximum impermeable surface – 20%
- Maximum structural coverage – 15%
- Minimum lot size – 2 acres

The subject property, however, has been determined to have vested rights by the County Attorney. As a result, the property can be developed using the MDR standards established in the original rezoning, which are:

- Principal Setbacks
Front- 35 ft
Street side on corner lots – 30 ft
Side- minimum 5 feet / total 20 ft
Rear- 30 ft
- Accessory use setbacks are the same as principal setbacks
- Minimum average lot width- 70 ft
- Maximum building height- 40 ft / 20 ft (principal/accessory)
- Maximum impermeable surface- 40%
- Maximum structural coverage- 30%
- Minimum lot size (based on rezoning approval) - 20,000 sq. ft.

Adequate Public Facilities:

Cabarrus County Schools- Robert Kluttz: Schools that serve this area are not adequate at this time. The adequacy review includes subdivisions that have received approval since the initial review was conducted. Therefore, this project will cause school

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
February 15, 2007

inadequacy. Please see attached school adequacy worksheet for details.

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

NCDOT- Shawn Riggs: No turn lanes are required. All lots are to be served internally. Any drainage structures or facilities located outside the recorded public right-of-way are to be located inside a permanent easement or other legal instrument to guarantee permanence of the facility and future maintenance responsibility by a note on the preliminary plat.

WSACC- Tom Bach: The proposed development is located in the future utility service area of the Town of Mt. Pleasant. Consideration should be given to ensuring that the proposed water/sewer lines will be designed to Town of Mt. Pleasant requirements. Actual wastewater "flow acceptance" will not be considered by WSACC until approval of final site/civil construction plans by the applicable jurisdiction. The WSACC Capital Recovery Fee is required for each service to the development. The CRP is collected at the time of building permitting and is separate from any connection or tap fees required by the Town of Mount Pleasant.

Cabarrus County Engineering Review – Jeff Moody: Comment regarding the street cross-section – current standards are 28' back of curb to back of curb rather than 26'. 26' has been used as a standard throughout the Fieldstone development. The street width is not consistent with the current standards, but is consistent with the standards at the time that zoning is determined to have been vested.

Cabarrus County Fire Marshal's Office- Steve Langer: All comments have been satisfied.

Staff Analysis:

Staff finds that the proposed subdivision meets the development standards of the Cabarrus County Subdivision Ordinance and the Cabarrus County Zoning Ordinance at the time that vesting of the zoning designation was established. There are several conflicts with the current zoning and subdivision ordinances and the development does not meet current zoning and subdivision standards.

Staff Recommendation:

Should the Planning Commission grant approval of the subdivision, staff requests that they apply the following conditions:

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
February 15, 2007

1. The developer shall enter into a consent agreement with the Cabarrus County Board of Commissioners to address school adequacy. (Schools/APFO)
2. The developer agrees to pay Capital Recovery Fees that are collected on behalf of WSACC. (WSACC/APFO)
3. Prior to any permit for construction being issued, the developer agrees to have construction documents reviewed by the Town of Mt. Pleasant for utility construction plan approval. (MT. PLEASANT/APFO)
4. The developer agrees to fund and install all necessary water and sewer lines to serve the property. (COUNTY/APFO)
5. NC form GW-30 must be filed with the Groundwater Section of the NCDENR when abandoning an existing well. (SWCD)



October 16, 2006

VIA EMAIL: dmcdonald@vnet.net

Mr. Charles F. McDonald
McDonald Homes, Inc.

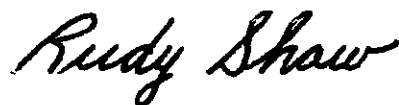
Re: Water Capacity Availability for
23 Lots Adjoining Fieldstone Subdivision

Dear Mr. McDonald:

This letter is to advise you that, with the approval and addition of the new well in Fieldstone Subdivision, the water system serving Fieldstone Subdivision has sufficient water production and storage to serve the additional 23 lots proposed in your new development.

Should you have any questions or if I may be able to help you further please contact me at 919.467.8712, Est. 64.

Sincerely,



Rudy Shaw
Director of Corporate Development

RS/psd



Frazier Engineering, P.A.

February 7, 2007

Matt Weiss
Northeast Engineering, P.A.
PO Box 931
Concord, NC 28026-0931

Re: Beckenham Subdivision

Mr. Weiss:

The Town of Mount Pleasant (Town) will provide retail sewer service to the Beckenham Subdivision if and when constructed. This is within an area where the Town currently provides retail sewer service.

Please note that this is not a flow acceptance letter. Flow acceptance is granted to the Town by the Water and Sewer Authority of Cabarrus County (WSACC). The Town will request flow acceptance from WSACC for this project when design plans have been submitted and approved.

If you have any questions, please call me at (704) 822-8444.

Sincerely,
FRAZIER ENGINEERING, P.A.

Mark E. Lambert, P.E.

cc: Troy Barnhardt/Town of Mount Pleasant
Chris Moore/Cabarrus County

Adequate Public Facility Worksheet – Schools

Please fill out the following questionnaire concerning the Beckenham Subdivision. This preliminary plan will consist of 20 residential single-family detached units and is located on Cold Springs Road. Your response is required by Wednesday, November 1, 2006 for inclusion in the staff report to the Commission.

Please see the enclosed map and project detail sheet for location and information regarding the proposed development. If you need additional information for this project please contact Jana M. Finn, Senior Planner at jmfinn@cabarruscounty.us.

Questions

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

Elementary - W. M. Irvin

Middle - Mt. Pleasant

High - Mt. Pleasant

2. Using the most recent attendance figures, these schools are at what percent of their stated capacity? 1st month enrollment **September 25, 2006.**

Elementary - 94.25%

Middle - 98.86%

High - 94.48%

3. How many students are expected from this development?

Based on 20 single-family homes

Elementary - 6

Middle - 3

High - 3

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

Elementary - 116.50

Middle - 119.86%

High - 109.62%

5. The schools currently available in this area **can or cannot** accommodate the additional students expected from this development? **(if the answer above is "can", please stop here).**

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

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

Additional capital funding needed for renovations at Mt. Pleasant Middle School and an addition to Mt. Pleasant High School.

8. Are the improvements described in question 7 above included in an adopted capital improvement plan or has funding been identified? Yes / No
They will be included in the Revised 15 Year Facility Plan.

This form was completed by: Robert C. Klutz Date: October 26, 2006

HARTSELL & WILLIAMS, PA
Attorneys at Law

CONCORD OFFICE:

FLETCHER L. HARTSELL, JR.
SAMUEL F. DAVIS, JR.
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708 McLAIN ROAD
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KANNAPOLIS OFFICE:

THOMAS M. GRADY
J. MERRITT WHITE, III
H. JAY WHITE, SR.
JAMES D. CONCEPCION

ESTABLISHED 1896
LUTHER T. HARTSELL (1870-1961)
LUTHER T. HARTSELL, JR. (1902-1961)
JOHN HUGH WILLIAMS (1913-1995)

January 19, 2007

Cabarrus County Planning & Zoning Board
P. O. Box 707
Concord, North Carolina 28026-0707

RE: Applicant: McDonald Homes, Inc.
Proposed Beckenham Subdivision

Dear Chairman and Members of the Board:

The proposed plats that are being submitted are in accordance with MDR-SU development standards established for this property in 1997. The property is now zoned LDR. However, after extensive conferences with the planning staff and the County attorney, it has been established that the property has common-law vested rights to be developed in accordance with the MDR-SU zoning.

Water will be provided from the existing water system providing service to Cold Springs and Fieldstone Subdivisions. The operator is Heater Utilities, Inc., a division of Aqua America, a publicly held utility company. Sanitary sewer service will be provided by the Town of Mt. Pleasant. Both of these systems have the capacity to serve Beckenham Subdivision.

Your favorable consideration of the proposed plat is requested.

Very truly yours,



Samuel F. Davis, Jr.
Attorney for McDonald Homes, Inc.

SFDjr/jaf

C2007-01 (R)

Area Map
Beckenham Preliminary
Subdivision Plat

Petitioner:
Charles F. McDonald

PIN 5559-55-4748,
5559-55-8952



Legend

- Street Centerline
- Tax Parcel
- Subject Property



C2007-01 (R)

Current Zoning Map

**Beckenham Preliminary
Subdivision Plat**

**Petitioner:
Charles F. McDonald**

**PIN 5559-55-4748,
5559-55-8952**



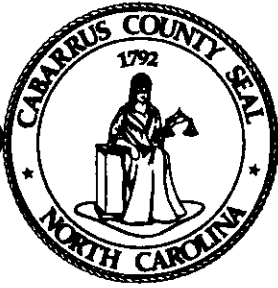
Legend

— StreetCenterline

□ TaxParcel

▨ Subject Property





Planning and Zoning Commission Minutes
February 15, 2007
7:00 P.M.

Mr. Todd Berg, Vice-Chairman, called the meeting to order at 7:00 p.m. Members present, in addition to the Vice-Chair, were Ms. Brenda Cook, Mr. Eugene Divine, Mr. Danny Fesperman, Mr. Larry Griffin, Mr. Ted Kluttz, 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, Mr. Chris Moore, Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Approval of Minutes

Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Larry Griffin, to **APPROVE** the January 18, 2007 meeting minutes. The vote was unanimous.

Old Business - Planning Board Function:

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

Ms. Kassie Watts, Planner, addressed the board stating this is Petition C2007-02 (R) and was tabled from last month's meeting. She said the petitioner opted to amend the petition.

Ms. Watts said the property owner is Ken Christenbury, Christenbury Farms, Inc. The existing zoning is (LDR) Low Density Residential & (LI) Limited Industrial and the proposed rezoning is (OI) Office Institutional. The purpose is to construct future development that is consistent with the Future Land Use Plan. The City of Concord has requested that the subject property be rezoned to a district that permits commercial uses. It is located between Derita Road and Christenbury Road, on the future Christenbury Parkway. It is approximately 88.6 acres and is currently vacant.

Ms. Watts said during the June 2005 County wide rezoning, the property was rezoned from (MDR) Medium Density Residential and (LI) Limited Industrial to (LDR) Low Density Residential. She said there is Low Density Residential and a PUD (Planned Unit Development) to the north, the PUD is the Christenbury Village subdivision in the City of Concord. She said to the south and east it is zoned (LI) Light Industrial, to the west (LDR) Low Density Residential.

Ms. Watts said comments from Robert Kluttz, Cabarrus County Schools, indicated that since the property would be proposed to be zoned (OI) Office Institutional it would have minimal impact on the school system. She said with the future road improvements planned for this area, they would expect easier access to Cox Mill Elementary School from the southern end of Cox Mill Road at the proposed Christenbury Parkway.

She said NCDOT will require an Access Permit, a detailed site plan and Traffic Impact Study, and that no direct access to Derita Road be allowed. She said the City of Concord has reserved the right to provide technical comments once the property has been annexed in the city.

Ms. Watts said the (OI) Office Institutional district is intended to accommodate relatively low intensity office and institutional uses complementary to residential land uses. She said where appropriate, the (OI) Office Institutional district can serve as a transition between residential land uses and higher intensity non-residential land uses. She said the intent statement goes on to talk about essential services, employment options, and the minimal impact due to the business hours that this area will be developing under would not compete with the residential traffic at peak hours.

She said other considerations are the Northwest Area Plan Maps, the one from 1990 and the draft. She said the one from 1990 indicates that the area should be (MDR) Medium Density Residential, at that time the density was 1 to 4.5 units per acre. She said the newest draft of the Northwest Area Plan designates it as Mixed-Use and the Western Area Plan map from 1992 designates it as (MDR) Medium Density Residential, and the City of Concord's Land Use Plan 2004 designates it as Mixed-Use. She said you have two that support residential in that area and two that do not.

Ms. Watts said staff has drafted these conclusions; the Northwest Area Plan Map Draft and the City of Concord's Land Use Plan support the development of the subject property as Mixed-Use. She said at the time this staff report was written the owner had not withdrawn their application for annexation, as of today, the application for annexation for the southern properties that are mentioned in the staff report have been withdrawn. She said the applicant had an application in with the City of Concord to annex those four properties. Since that time, February 8, 2007, they submitted a letter withdrawing their annexation application due to some site issues. She said the property to the south is zoned (LI) Limited Industrial, this would be an (OI) Office Institutional district next to the (LI) Limited Industrial and it would be in the county. She said we talked about the (OI) Office Institutional district and that if it were taken into the City of Concord under (OI) Office Institutional, that there are residential land uses in (OI) Office Institutional and the board should consider that the county ordinances do not allow residential uses in the (OI) Office Institutional but the City of Concord ordinance does.

Ms. Watts said looking at the current zoning designation the (LI) Limited Industrial to the south and the general development trends in the area, it appears that a Mixed-Use District is already starting to develop. She said the Derita Road/Concord Mills Boulevard corridor area is developing with commercial uses and some residential uses. She said the

rezoning request could be considered as establishing a transitional zone between the residential land uses to the north and the industrial zoning designations to the south. She said when the county wide rezoning was done in 2005, the general consensus was that residential densities should not be increased due to school overcrowding and traffic congestion issues. She said the 1990 Northwestern Area Plan and the 1992 Western Area Plan designated it as residential, it may be more appropriate to develop as commercial, especially with the City of Concord's vision for that area. She said the newest draft of the Northwestern Area Plan (has not been adopted yet) would support that this be rezoned to Mixed-Use. She said it may be more appropriate to consider a conditional use zoning district since the conventional rezoning request would offer no protection to the uses around it, both existing and proposed. She said spot zoning would not be a concern because of the property size.

Ms. Watts said the petitioner originally submitted a conventional rezoning request for (LI) Limited Industrial. She said based on recent conversations with the potential purchaser, the City of Concord's Planning Staff and the applicant's consultant, Mr. Tom Tasselli, of Concord Engineering, the applicant has decided it would be better to modify the petition to (OI) Office Institutional, that it would better serve the intent of the Northwestern Area Plan by allowing for the mixed commercial and institutional uses, limiting the objectionable industrial uses and serving as a better transitional zone between the residential and commercial uses.

Ms. Watts said the staff recommendation is that the proposed rezoning does not meet the intent of the adopted land use plan as currently written. The Northwestern Area Plan Map draft has not been adopted, but is used by staff as an indicator of what should develop in the Northwest Area of the County. The rezoning of this property is consistent with the proposed Mixed-Use Development component, but may not be appropriate without a conditional use rezoning application to limit the uses that would be permitted on the site. She said since the proposed rezoning request is not compatible with all elements of the Land Use Plans, the Board should consider the information presented and decide whether or not amending the subject property's zoning classification to (OI) Office Institutional is appropriate as it relates to the Planning and Zoning Board's vision for this area of Cabarrus County. She said attached to the staff report were the maps for those 4 areas plans and the letter from Mr. Tom Bach, WSACC, which talks about there being no sewer on the site and that the applicant will have to work with WSACC and the City of Concord to get that issue worked out. She said there is also a letter from Karl Fritschen, City of Concord, supporting the request for the (OI) Office Institutional zone as it relates to their vision for that area, and a letter from Mr. Ken Christenbury, property owner, asking for the petition to be amended to (OI) Office Institutional.

Mr. Tom Tasselli, Concord Engineering, 45 Spring Street, Concord, NC, addressed the Board. He said he is an agent for Mr. Christenbury, Christenbury Farms. He said the purpose of their request as indicated, is to request a zoning to (OI) Office Institutional, which would more closely align this tract with the City of Concord's Land Use Plan. He said the adjoining 95 acre parcel was subject for annexation, they intend to resubmit an annexation request by the end of March which would make annexation effective

sometime in June, with the zoning assigned in July before the Planning Commission and the City of Concord. He said they withdrew the petition due to some problems with development, specifically working with WSACC trying to get the utility and infrastructure questions resolved. They are still in negotiation, but anticipate that no later than the end of March they will be filing the annexation request and moving on as planned. He said as Ms. Watts mentioned, the land uses in both the city and the county under the (OI) Office Institutional district would support the medical professional offices and banking type uses that are envisioned for this, it would be a campus type development that they are looking to provide transition there. He said, as Ms. Watts stated, the City ordinance does allow for multi-family structures, that is not the intent at this time although there is not a master plan, that type of use would also require a conditional use in the City so they would be subject to supplemental regulations as well as a conditional use permit to any type of multifamily out there. He said it is currently envisioned as an office/medical combination campus type development on that remaining 88 acres. Mr. Tasselli said the property is currently in transition, they envision this Mixed-Use as being a benefit to the both the city and to the county.

The Vice-Chair asked if there were any questions.

Mr. Paul Christenbury, Christenbury Farms, 3801 Beard Road, Concord, NC addressed the Board. He wanted to follow up on Mr. Tasselli's comments on the direction of what seems to be moving in that area with the (OI) Office Institutional zoning. In discussions with several of the county staff, that seems to be the direction that they were requesting we move forward with. He said they have followed those guidelines along with creating a transition from the Concord Mills area, the four corners and the 92 acres that was spoken of along with this. He said the (OI) Office Institutional zoning allows a transition between a heavier retail commercial to residential, as it is right now it is zoned Residential (LDR Low Density Residential), which means more houses out there. He said that is not what he thinks the vision is for County, the City, or Christenbury Farms. He said it is the Farms position to go to the (OI) Office Institutional zoning which allows for more job growth and business development in that area that is sorely needed.

The Vice-Chair opened the public hearing. No one came forward to speak further about this matter. The public hearing was closed.

Mr. Griffin asked why staff was talking about making this a conditional use (OI) Office Institutional zoning. He said when he looks at what is allowed, permitted based on standards, there is nothing there that personally he would not want to see out there.

Ms. Goodson said the reason we normally recommend a conditional use is because it gives a greater level of certainty as to what will actually go on the site, it gives you more control; it gives you the site plans to know exactly how it will be laid out. She said it tends to give a greater level of comfort to adjacent property owners and the Board. She said it seems to be pretty typical now days; we do not see many conventional rezoning requests but that certainly is still an option.

Mr. Paul Christenbury said the reason the petition is strictly for (OI) Office Institutional zoning, is because there is some potential for purchase of the property, it fits within the (OI) Office Institutional zoning. He said understanding the process, that before any site plans are approved they still have to come back through and go through a conditional use permit process to actually begin construction. He said anything out there is going to eventually be annexed into the City of Concord and would have to follow within the site plan requirements for submission at that time. He said the current zoning requirements at that time would certainly be in addition to the (OI) Office Institutional zoning; in other words, by that time, once a plan is submitted, it will have to meet the County guidelines and also the City specific conditional use zoning guidelines for the approval. He said at this time they are not prepared to present a specific zoning plan and therefore did not request specific conditional use zoning because it would be premature at this point.

Mr. Lancaster said the fact that this would take an 86 acre tract off a residential problem area seems to be a good thing. He spoke with Mr. Christenbury several times about this, there is a bunch of residential areas out there with no services, banks and those types of things and this could possibly be a good thing for this area.

There being no further discussion, Mr. Griffin made a **MOTION**, which was **SECONDED** by Mr. Lancaster, to **Approve** Petition C2007-02 (R). Mr. Prince moved to amend the motion to include the consistency statement in the motion. Mr. Prince restated the **MOTION** to include the consistency statement, which amendment was agreed to by Mr. Griffin and Mr. Lancaster as follows: **Approve** the rezoning as requested, that it is consistent with the Future Land Use Plan and the Mixed-Use District component and does not create any detrimental effect to the adjoining properties and that it is reasonable and in the public interest. The vote was unanimous in favor of the amended motion.

New Business - Planning Board Function:

The Vice-Chair introduced the next item on the Agenda, Petition C2007-01 (S) – Preliminary Plat Approval

Mr. Chris Moore, Planner, addressed the Board stating this is a Preliminary Subdivision Plat Approval for Beckenham. He said it is a conventional residential subdivision consisting of 20 lots, it is currently zoned (LDR) Low Density Residential, but through various discussions over the last few months it was determined by Mr. Koch, County Attorney, that the applicant has vested rights for an (MDR-SU) Medium Density Residential Special Use zoning per 1997 case C97-15. Mr. Moore said that rezoning calls for maximum density of 2 units per acre with a sewer system as is proposed with this development; it also requires a minimum lot size of 20,000 square feet. He said the surrounding properties are vacant, wooded, or residential in nature; it is surrounded on three sides by the current Field Stone Subdivision and the future phase of the Field Stone subdivision. The (LDR) Low Density Residential setbacks for conventional zoning are different than the (MDR) Medium Density Residential standards in 1997.

Mr. Moore said per Robert Kluttz, Cabarrus County Schools, the schools are not over crowded at this point, however this development would cause it to be inadequate to serve the children by this development and other developments that have been previously approved.

Mr. Moore said one of the differences is the street cross section shown on the preliminary plat, it is 26 ft from back of curb to back of curb. He said that was the standard at the time that the rezoning was approved, currently the standards call for 28 ft from back to back. He said at this time county regulations do not allow private water and sewer systems, at the time the rezoning was approved those were permitted and if this is approved they will be served by Heater Utilities.

Mr. Moore said all of the Fire Marshall's comments have been satisfied. The Soil and Erosion Control Department will need to see plans before the developer commences any land disturbing activities.

Mr. Moore said the staff review found that the preliminary plat does meet the development standards of the Cabarrus County Subdivision Ordinance the Cabarrus County Zoning Ordinance and the conditions of the (MDR-SU) Medium Density Residential Special Use petition at the time that vesting of the zoning designation was established. He said there are several conflicts with the current zoning and subdivision ordinances and the development does not meet current zoning subdivision standards.

Mr. Griffin said if it is truly vested under the zoning at the time it was approved previously, what relevance does the current ordinances have?

Mr. Moore said staff tries to provide you with as much information as possible in order to make a decision.

Mr. Griffin said it is either vested or it is not.

Mr. Berg said it has been determined that it is vested.

Mr. Koch said he was trying to find a particular document that would speak to that issue. He said it appears to be a fill in area from what would have been originally proposed. He said there was a map that is not in the packet that was submitted in connection with the 1997 case, it is somewhat unclear as to whether it was to be included or not. There was some documentation provided that tended to clear that up and that is why he made the determination that it was in fact vested. He said he does not have a copy of that map here. He and Sam Davis met and went over this; they went back over the 1997 case in view of what they were proposing here. He said the map that was submitted then was equivocal on whether it was included or not but there was some documentation that was submitted in addition to it that caused him to believe that it was in fact vested.

Ms. Zakraisek said for clarification, it was only vested for the zoning designation; it was not vested for a subdivision. She said they are trying to come in and ask for the

subdivision, it does have the (LDR) Low Density Residential zoning designation. She said it is important that staff point that out because they did not file a subdivision plat at that time. She said they are asking for what Mr. Koch is going to walk you through which will become some exceptions to the ordinance in order for the subdivision to have it.

Mr. Moore said if the Board decides to approve this development tonight staff requests that the following conditions be applied:

1. The developer shall enter into a consent agreement with the Cabarrus County Board of Commissioners to address school adequacy. (Schools/APFO)
2. The developer agrees to pay Capital Recovery Fees that are collected on behalf of (WSACC) Water and Sewer Authority of Cabarrus County. (WSACC/APFO)
3. Prior to any permit for construction being issued, the developer agrees to have construction documents reviewed by the Town of Mt. Pleasant for utility construction plan approval. (MT Pleasant/APFO)
4. The developer agrees to fund and install all necessary water and sewer lines to serve the property. (County/APFO)
5. NC form GW-30 must be filed with the Groundwater Section of the (NCDENR) North Carolina Department of Environment and Natural Resources when abandoning an existing well. (SWCD)

Mr. Moore said he will answer any questions and there are probably a few legal questions that Mr. Koch will need to address and that the petitioner is also here.

The Vice-Chair asked if there were any questions.

Mr. Lancaster asked if this is approved, is it consistent with Field Stone Subdivision.

Mr. Moore said yes, it is consistent with Field Stone.

Mr. Koch said the applicant could address that more specifically but that is his understanding.

Mr. David McDonald, applicant, 830 Walker Road, Mt. Pleasant, NC. He said they did not realize that the zoning had been changed on this parcel until fairly recently. He said it was part of a larger tract that was zoned in 2000. He did not have any other comments but would be happy to answer any questions.

The Vice-Chair asked if any one wanted to speak

Mr. Koch said it is a little bit confusing given what has transpired from the 1997 application. He said if the Board is inclined to approve this, you will need to do 3 votes essentially and they can be in any order. He said if you are going to consider approving it with the conditions that staff has recommended, then you would have a vote on the exceptions from the existing ordinance as it relates to the street and also to the utilities. He thinks that Mr. Moore laid out what the differences are in his staff report. He said you can see particularly with the utilities, it deals with the fact that the ordinance now says government utilities and that technically would not include a private utilities service such as Heater. He said it does not technically fall under the definition of government; it is a public utility but not a government utility. He said whether the ordinance was intended to be that restrictive is unknown but that is the exception that relates to that.

Mr. Griffin said we have two exceptions; one is width of the roads and the other is utilities, the water in particular. He said they are proposing to use government sewer services.

Mr. Porter said his concerns on new subdivisions are the adequate public facilities concerning the schools. He said knowing the history of this piece of land, that it is already surrounded pretty much by the Field Stone Subdivision, he does not see where it would be fair to somewhat hold them hostage with a piece of property that would really be suitable for anything other than what they are asking for. He said being a small tract with 20 homes, even though it has an impact on the schools it will be much more of a minimal impact than many of the larger subdivisions that come before us.

Mr. Berg said they would still have to work out a consent agreement with Board of Commissioners.

There being no further discussion, Mr. Griffin **MOTIONED, SECONDED** by Mr. Kluttz to **APPROVE** Petition C2007-01 (S) with the 5 conditions recommended by staff. The vote was unanimous.

Mr. Lancaster **MOTIONED, SECONDED** by Ms. Cook to **APPROVE** the 2 exceptions for Petition C2007-01(S) the road width exception and the private utilities exception. The vote was unanimous.

Directors Report

Ms. Zakraisek, Planning and Zoning Manager, addressed the board. She explained the (APA) American Planning Association brochure that was sent to the board members. She said the board could join the APA as planning board members.

Ms. Zakraisek wants to follow up on the APFO meeting held at the Cabarrus Arena in January. She said Grace Mynatt talked about potentially forming a gold medal committee to further study options for the APFO for schools. She said we received some information from the builder group on what they were proposing, which was essentially a sales tax in order to cover the costs of the schools. She said we have not heard anything

else from our commissioners as to direction; whether we are forming a committee or whether we are moving forward; it is not on the agenda for Monday. She said we are trying to figure out which direction we are going, hopefully within the next month or two we will have that direction or they will have voted on it.

Ms. Zakraisek said the text amendments that the Planning and Zoning Board approved will be considered by the Board of Commissioners on January 19, 2007.

Ms. Zakraisek said Peach Orchard Estates submitted another round of architectural elevations, they included corner elevations. She said some were approvable and some were not, we are still working on that and that project is still on hold until all of that is taken care of as well as some other issues they need to address.

Ms. Zakraisek said the Town of Harrisburg is involved in litigation based on big box development. She said it does not have anything to do with their planning and zoning commission; it has more to do with their town council not affirming a decision that the planning and zoning board makes. She said we have some of those same requirements in our ordinance and depending on how the judge rules we may have to amend our ordinance as appropriate or keep what we have in place.

Mr. Griffin asked when the Planning and Zoning Board sent their recommendations for the APFO to the Board of Commissioners.

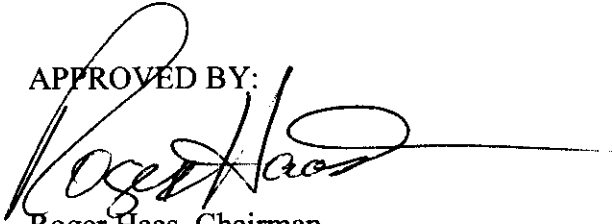
Ms. Zakraisek said it was in December 2005. She said we did the study and Jonathan Marshall has been working with Mark White on an actual APFO that includes recreation, fire, police and schools. She said transportation is handled through the text amendments that we did to have traffic studies done to put the burden back on the developer as far as improvements that are required. She does not think you will see an additional transportation element in the APFO but all of the other ones are under consideration as well as a recreation component.

Mr. Griffin asked if the updated northwest area plan had been sent to the Board of Commissioners for approval.

Ms. Zakraisek said it has not. She said that plan currently exists in that form only. She said as soon as we can get the text drafted and as soon as Concord becomes static on their land use plan, we can coordinate the two of those because a large component of that particular plan is going to include Concord's land use plan which they are currently updating.

There being no further discussion, Mr. Fesperman, **MOTIONED, SECONDED** by Mr. Griffin to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:47 p.m.

APPROVED BY:



Roger Haas, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Zakraisek
Planning and Zoning Manager