



## Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting  
December 18, 2008  
7:00 P.M.  
County Commissioners Chamber  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
2. Approval/Correction of November 20, 2008 Minutes
3. New Business – Board of Adjustment:

- A. Conditional Use Application - Case# CUSE2008-00008  
Duke Energy Corporation

Request: The applicant is seeking permission to a construct a Public Service Facility (Electrical substation) on properties owned by Richard A. and Jodi Shue located at 5619 Barrier Road and Mr. Earl L. and Debbie Rahme, located at 5701 Barrier Road.

- B. Conditional Use Application - Case# CUSE2008-00009  
Cabarrus County Schools *Cabarrus*

Request: The applicant is seeking permission to allow construction of an Elementary School on property owned by Archie and Mary Ellen Barringer, located at 3845 Abilene Road, Concord NC

4. Directors Report
5. Adjournment



CABARRUS COUNTY  
Post Office Box 707  
Concord, North Carolina 28026

Application Number Case # Cuse2008-00008

COUNTY OF CABARRUS  
STATE OF NORTH CAROLINA

ORDER GRANTING A CONDITIONAL USE PERMIT

The Board of Adjustment for the County of Cabarrus, having held a public hearing on December 18, 2008, to consider application number CUSE2008-00008, submitted by Duke Energy Corporation, a request for a conditional use permit to construct a Public Service Facility (electrical substation) on 5619 Barrier Road, Concord, NC., and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

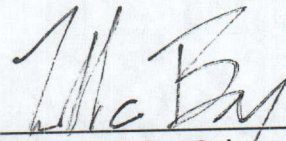
1. The Board makes and adopts the Findings of Fact contained in the attached Exhibit 1 labeled Findings of Fact.
2. It is the Board's CONCLUSION that the proposed use does satisfy the first General Standard listed in Section 8.3 of the Cabarrus County Zoning Ordinance ("Ordinance"); namely, that the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



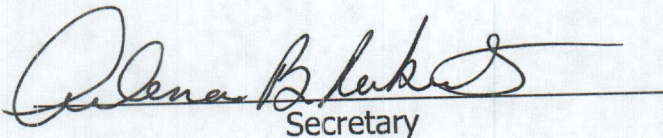
6. It is the Board's CONCLUSION that the proposed use does satisfy the specific standards listed in the Ordinance for this use.

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

Ordered this 19th day of December 2008.



Chairman of the Cabarrus County  
Planning and Zoning Commission

  
Secretary

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



**Exhibit 1**  
**FINDINGS OF FACT**  
**APPLICATION Case #CUSE2008-00008**

1. The Board adopts as its own findings the responses of the applicant under the general and specific requirements section of the application.
2. The applicant's proposed facility also promotes the public welfare in that it will provide more dependable electrical service for residents in that area of Cabarrus County.
3. The applicant's proposed facility will be on a sufficiently large parcel of land that the facility will be significantly screened from surrounding parcels and will maintain the rural character of the area.



**CASE #: CUSE 2008-00008**  
**APPLICANT: DUKE ENERGY CORP**  
**DATE: DECEMBER 19, 2008**  
**EXHIBIT: I**

**FINDINGS OF FACT**

**Final Decision**

Application: CUSE2008-00008

Motion	To Grant	To Deny
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Applicant: Duke Energy Corp.  
526 S. Church Street  
Charlotte, N.C. 28202

Vote	For	Against
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Granted	Denied
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Owners: Richard & Jodi Shue  
3005 Rimer Road  
Concord, N.C. 28025

Earl & Debbie Rahme  
5701 Barrier Road  
Concord, N.C. 28025

Zoning: A/O (Agricultural/Open)

Location: 5619 Barrier Road  
Concord, N.C. 28025

Size: 13.69 acres

PIN: 5653-75-9177 & 5653-85-6009

Request: The applicant is seeking permission to construct a new Electrical substation.

**Advertisement Information:**

A. Sign: Requested December 4, 2008

B. Newspaper: To be in the Independent Tribune on December 4<sup>th</sup>, 2008  
& December 11<sup>th</sup>, 2008.

C. Adjacent Property Letters: Mailed December 3, 2008



Additional Facts:

1. The applicant has submitted a complete application form and the information required by the Cabarrus County Zoning Ordinance for a Conditional Use Permit.
2. The adjacent property owners have been notified by mail. The letter and a list of those contacted are included in the packets.
3. The notice of public hearing was published on December 4<sup>th</sup> & 11<sup>th</sup> of 2008 in the Independent Tribune.
4. A zoning public hearing sign has been placed on the property advertising the time and place of the public hearing.
5. The applicant is seeking permission to construct a new electrical substation.
6. Project has been reviewed by NCDOT , the N.C. Division of Water Quality (the stormwater permitting unit) and the Cabarrus County Fire Marshall's office. All comments related to the plans have been addressed.
7. Site plan is in compliance with Zoning Ordinance.



CASE #: CUSE 2008-00008  
APPLICANT: DUKE ENERGY CORP  
DATE: DECEMBER 19, 2008  
EXHIBIT: 2



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

Application Number

Date

**CONDITIONAL USE APPLICATION FORM**

Circle Jurisdiction That Applies:

Cabarrus County Town of Midland Town of Mt. Pleasant Town of Harrisburg

**The Conditional Use Process:**

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

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

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

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

**TO THE BOARD OF ADJUSTMENT:**

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

Applicant's Name

Randy Veltri – Duke Energy Corp.

Property Owner's Name

Duke Energy Carolinas LLC

Applicant's Address

526 S. Church St. Mailcode: EC09Q)

Property Owner's Address

526 S. Church St.

Charlotte, NC 28202

Charlotte, NC 28202

Applicants Telephone Number 704-382-2741

**Parcel Information**

Existing Use of Property

Vacant

Proposed Use of Property

Public Service Facility (Electrical Substation)

Existing Zoning

AO



Property Location Barrier Road – 560' from Rimer Road intersection

Property Acreage 12.0 acres

Tax Map and Parcel Number (PIN) 5653-75-9177

### **Land Use of Adjacent Properties**

(Provide Plat Map if Available)

NORTH Vacant

SOUTH Barrier Road

EAST Residence

WEST Residence

### **General Requirements**

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

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

The Kluttz Substation will have a 7' high chain link fence with an additional 1' of three strands of barbed wire. The substation will meet the National Electrical Safety Code.

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

There not be a need for any transportation facilities, water supply, waste disposal, or fire and police protection. The substation will provide large vehicle unobstructive large vehicle access if required.

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

The substation fence will be located approximately 600' from Barrier Road and 120' from the nearest property line, with the nearest residence approximately 450' from the substation fence. The substation will virtually be screen with existing vegetation from adjoining residence. Duke Energy will meet or exceed the buffer requirements.

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

Duke Energy will meet or exceed the Zoning Ordinance requirements for a Public Service Facility.



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

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

NA

Accessory uses (if any):

NA

Setback provisions:

Principle Use

Front: 75 Side: 30 Rear: 30

Accessory Use

Front: NA Side: NA Rear: NA

Height provisions:

Principle Use NA Accessory Use NA

Off street parking and loading provisions: (include calculations)

NA

Sign provisions: (include sketch drawing with dimensions)

NA

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

Duke Energy will meet or exceed the required Level 2, 75' wide buffer.

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

After construction the frequency of vehicles entering the substation will be on average once a week.

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

Duke Energy will comply with the approved NC DENR Erosion Control Plan for land disturbing activities.



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

NA

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

NA

Compliance with the Flood Damage Prevention Ordinance:

NA

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

#### Predefined Standards

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

#### Required Attachments/Submittals

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

#### Certification

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

Signature of Applicant

Randy M. Vetter

Date 11.5.08

Signature of Owner's

Richard A. Shue

Date 11-4-08

Signature of Owner's

Jodi Sifford Shue

Date 11/4/08



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

NA

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

NA

Compliance with the Flood Damage Prevention Ordinance:

NA

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

#### Predefined Standards

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

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2. Scaled site plan containing all requested information above on legal or ledger sized paper. Larger sized copies will be accepted if copies for each Board Member is provided for distribution.

#### Certification

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

Signature of Applicant

[Signature]

Date

11-5-08

Signature of Owner's

[Signature]

Date

11-4-08

Signature of Owner's

Debbie S. Rakne

Date

11-4-08



## **STAFF USE ONLY:**

### **Jurisdiction**

(circle jurisdiction that applies)

**Cabarrus County** , Town of Midland Town of Mt. Pleasant Town of Harrisburg

Application Fee Collected Yes \_\_\_\_\_ No \_\_\_\_\_

Posted Database Yes \_\_\_\_\_ No \_\_\_\_\_

Site Plan Attached Yes \_\_\_\_\_ No \_\_\_\_\_

Public Hearing Date Notice of Public Hearing Published On  
\_\_\_\_\_

Notices to Applicant(s) and Adjoining Property Owners Mailed On  
\_\_\_\_\_

Signs Posted On  
\_\_\_\_\_

### **Process Record**

Record of Decision:

Motion to: Approve \_\_\_\_\_ Deny \_\_\_\_\_  
\_\_\_\_\_

Board of Adjustment Recommendation: Approve \_\_\_\_\_ Deny \_\_\_\_\_

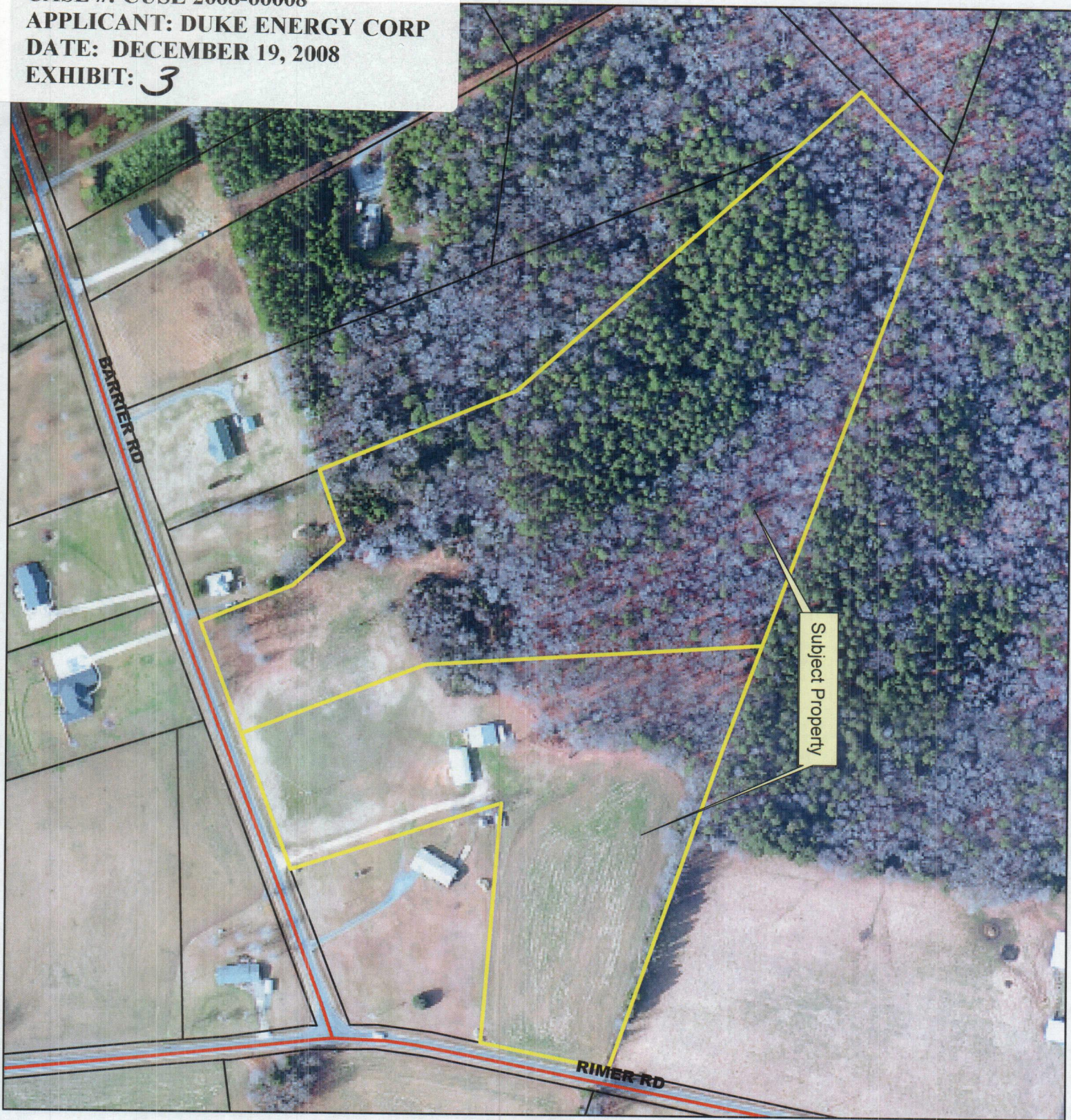
Action Taken by Board of Adjustment:  
\_\_\_\_\_

Date Notification of Action Mailed to Applicant(s):  
\_\_\_\_\_

**Signature of Zoning Official**  
\_\_\_\_\_



CASE #: CUSE 2008-00008  
 APPLICANT: DUKE ENERGY CORP  
 DATE: DECEMBER 19, 2008  
 EXHIBIT: 3



Applicant: Duke Energy Corp.  
 Petition: CUSE2008- 00008  
 Zoning: AO  
 Parcel ID#: 5653-75-9177  
 &  
 5653-85-6009

**Legend**  
 Subject Properties

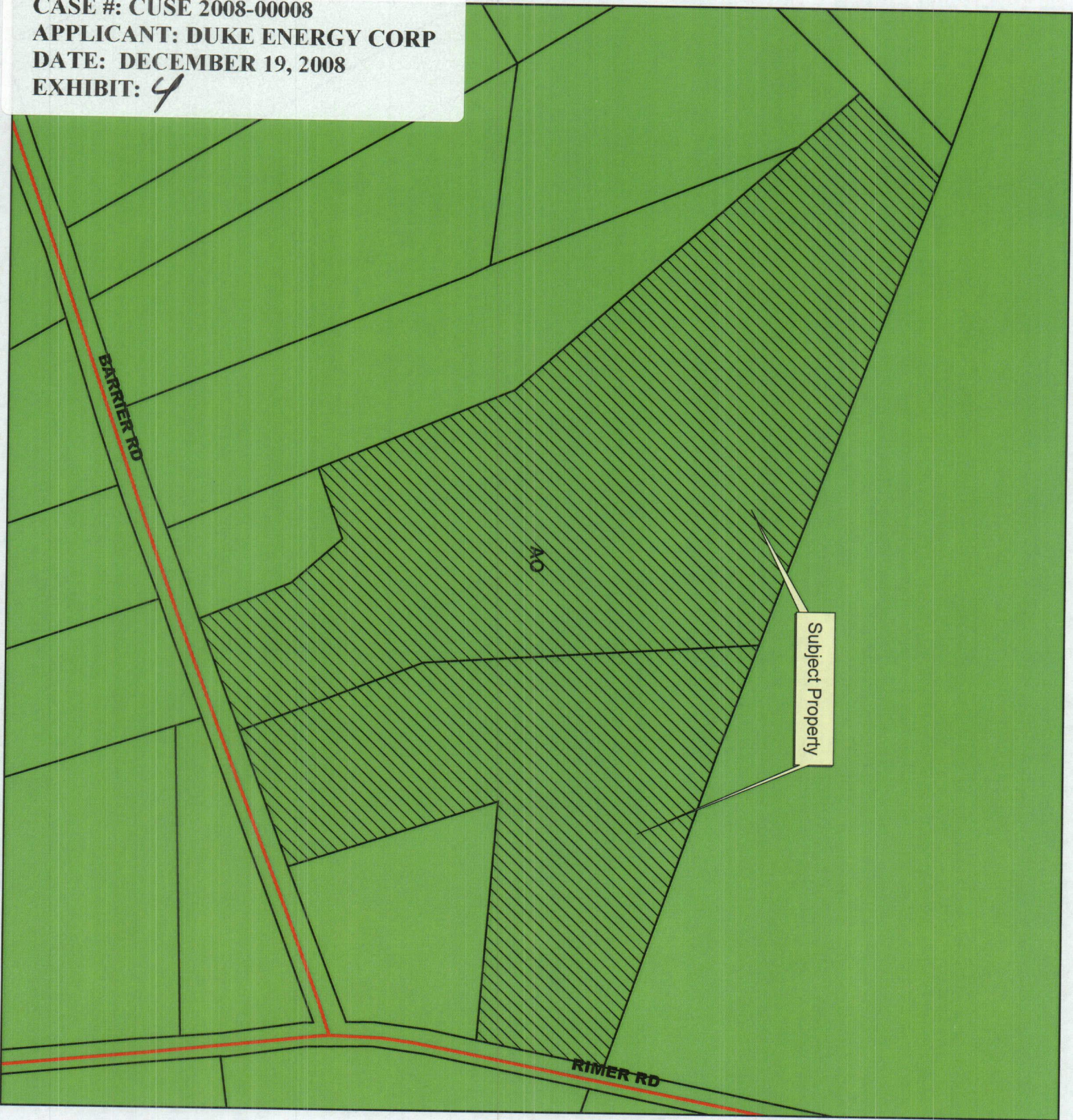


0 70 140 280  
 Feet

Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. The data is provided as a general reference only. Primary sources from which the data were compiled must be consulted for verification of information contained within the data. Map Prepared by Cabarrus County Planning Services, December 2008.



**CASE #: CUSE 2008-00008**  
**APPLICANT: DUKE ENERGY CORP**  
**DATE: DECEMBER 19, 2008**  
**EXHIBIT: 4**



**Applicant: Duke Energy Corp.**  
**Petition: CUSE2008- 00008**  
**Zoning: AO**  
**Parcel ID#: 5653-75-9177**  
**&**  
**5653-85-6009**

**Legend**

Subject Properties



Cabarrus County shall not be held liable for any errors or omissions in this map. The County is not responsible for any errors or omissions in this map, and the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal description of land. The sources from which these data were compiled are not responsible for the accuracy of the information contained within the data.

Map Prepared by Cabarrus County Planning Services, December, 2008.





Commerce Department  
Zoning Division

**CASE #: CUSE 2008-00008**  
**APPLICANT: DUKE ENERGY CORP**  
**DATE: DECEMBER 19, 2008**  
**EXHIBIT: 5**

December 3, 2008

Dear Adjacent Property Owner:

This letter is to inform you that Duke Energy has petitioned the Cabarrus County Board of Adjustment for a Conditional Use Permit. If granted, Duke Energy would be allowed to construct a Public Service Facility (Electrical Substation) on the property owned by Richard A. and Jodie Shue and described as 5619 Barrier Road (PIN#5653-75-9177). Also, there would be a trunk line that would extend across the northern part of the property owned by Earl L. and Debbie Rahme and described as 5701 Barrier Road (PIN#5653-85-6009).

The Cabarrus County Planning and Zoning Board will hold a public meeting to discuss this matter. The meeting will be held on December 18, 2008 at 7:00 p.m. The meeting will be held at the Governmental Center located at 65 Church Street, Concord, N.C. 28026 (2<sup>nd</sup> floor).

If you have any questions, please feel free to contact the Cabarrus County Zoning office (Jay Lowe) at 704/920-2140. Also, there is a complete application on file in the Zoning office for your review.

Sincerely,

Jay Lowe  
Senior Zoning Inspector

JL/mpf



ADJACENT PROPERTY OWNER LIST –  
CUSE 2008-00008 DUKE ENERGY

**OWNERS:**

RAHME EARL LEE & DEBBIE 5653-84-6798  
5701 Barrier Road 5653-85-6009  
Concord, N.C. 28025

SHUE RICHARD A & JODI E 5653-75-9177  
3005 Rimer Road  
Concord, N.C. 28025

**ADJACENT PROPERTY OWNERS:**

BONDS CHAD E. 5653-84-3254  
5602 Barrier Road  
Concord, N.C. 28025

BUCKWELL RANDAL B. 5653-74-8716  
5525 Barrier Road  
Concord, N.C. 28025

BUCKWELL RANDY 5653-75-3168  
5525 Barrier Road  
Concord, N.C. 28025

CRUSE MAX E SR & RUTH B 5653-65-4355  
4701 Rimer Road  
Concord, N.C. 28025

HOLCOMB JEREMY D. 5653-84-1156  
And DIANA  
5500 Barrier Road  
Concord, N.C. 28025

KING JULIE S. 5653-84-6489  
4901 Rimer Road  
Concord, N.C. 28025

MCKENZIE ANN LLEWELLYN 5653-74-0715  
500 Druid Hill Avenue  
Baltimore, MD 21201-1902

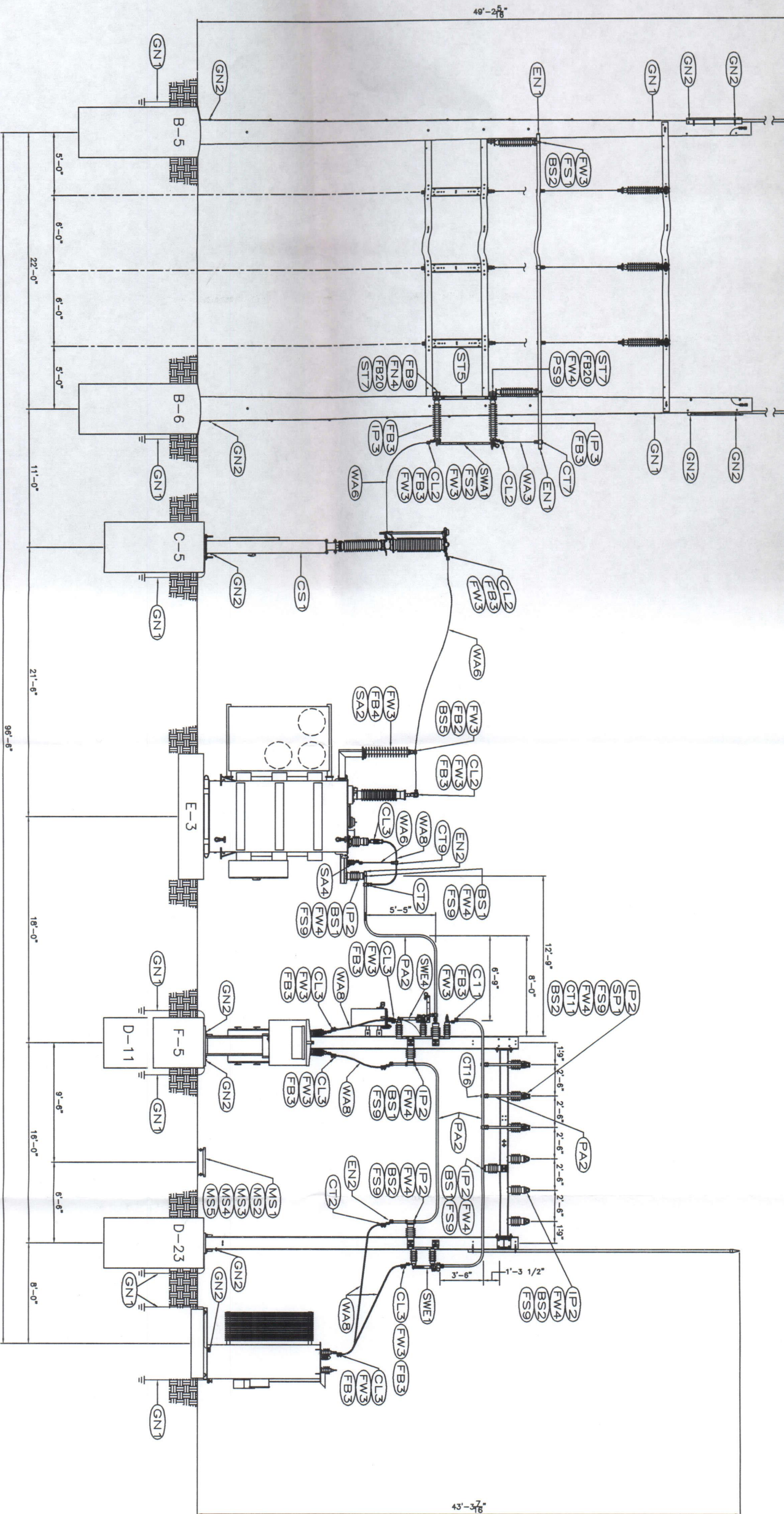
RAHME DEBBIE S. 5653-84-5260  
5701 Barrier Road  
Concord, N.C. 28025

WEAST ALBERT G. 5653-76-6087  
And DOROTHY K.  
5125 Rimer Road  
Concord, N.C. 28025

WEAST JOHN ALAN & CATHY 5653-95-3254  
5120 Rimer Road  
Concord, N.C. 28025

WINES RICHARD L.  
And Andrea S. 5653-94-4733  
4742 Rimer Road  
Concord, N.C. 28025





SECTION D-D  
E401

DES/SCO:	DATE:	NAME:
ENG:	DATE:	NAME:
DATE:	DATE:	NAME:

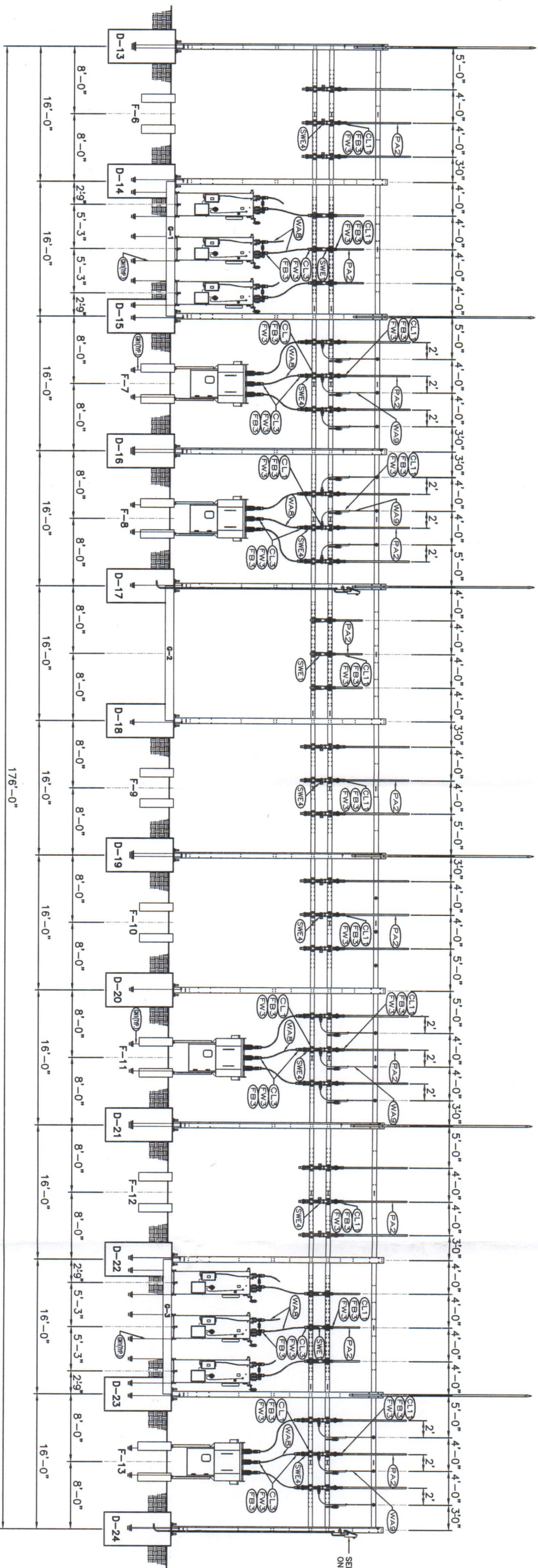


ELECTRICAL ARRANGEMENT - SECTION V  
100 - 24 - 12.5 KV SUBSTATION  
CABARRUS COUNTY, N.C.

KLUTTZ RETAIL

SCALE:	SCALE:	SCALE:	SCALE:
1/8" = 1'-0"	1/8" = 1'-0"	1/8" = 1'-0"	1/8" = 1'-0"
1	1	1	1
1	1	1	1
1	1	1	1
1	1	1	1





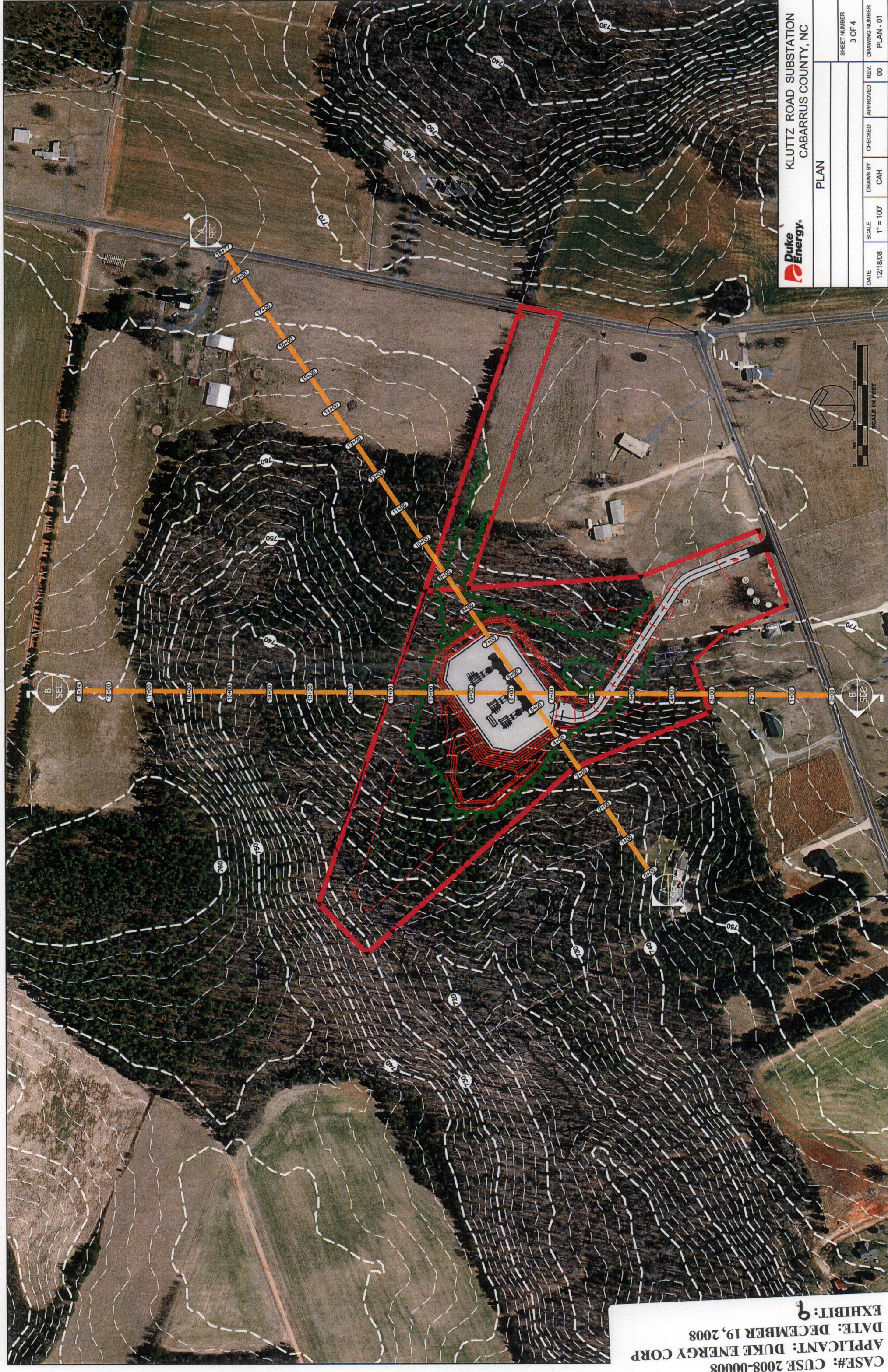
SECTION P-P  
EA01


TITLE: <b>ELECTRICAL ARRANGEMENT - SECTION P-P</b> 100 - 24 - 12.5 KV SUBSTATION CABARRUS COUNTY, N.C.		FILENAME: kluttz-1.dwg	
LOCATION: <b>KLUTTZ ROAD RETAIL</b>		SCALE: 1"=12'-0"	
DATE: _____ NAME: _____		SCALE: 1"=12'-0"	
THIS DRAWING OR BUILDING OF MATERIAL IS CONFIDENTIAL, AND MAY NOT BE LOANED, REPRODUCED OR COPIED, EITHER WHOLLY OR IN PART, OR MADE PUBLIC IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF DUKES ENERGY CORPORATION.		PRELIMINARY <input type="checkbox"/> AS BUILT	
DATE: _____ NAME: _____		SCALE: 1"=12'-0"	

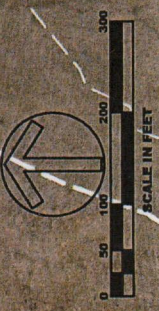
A B C D E F G H J K L M N P R S T

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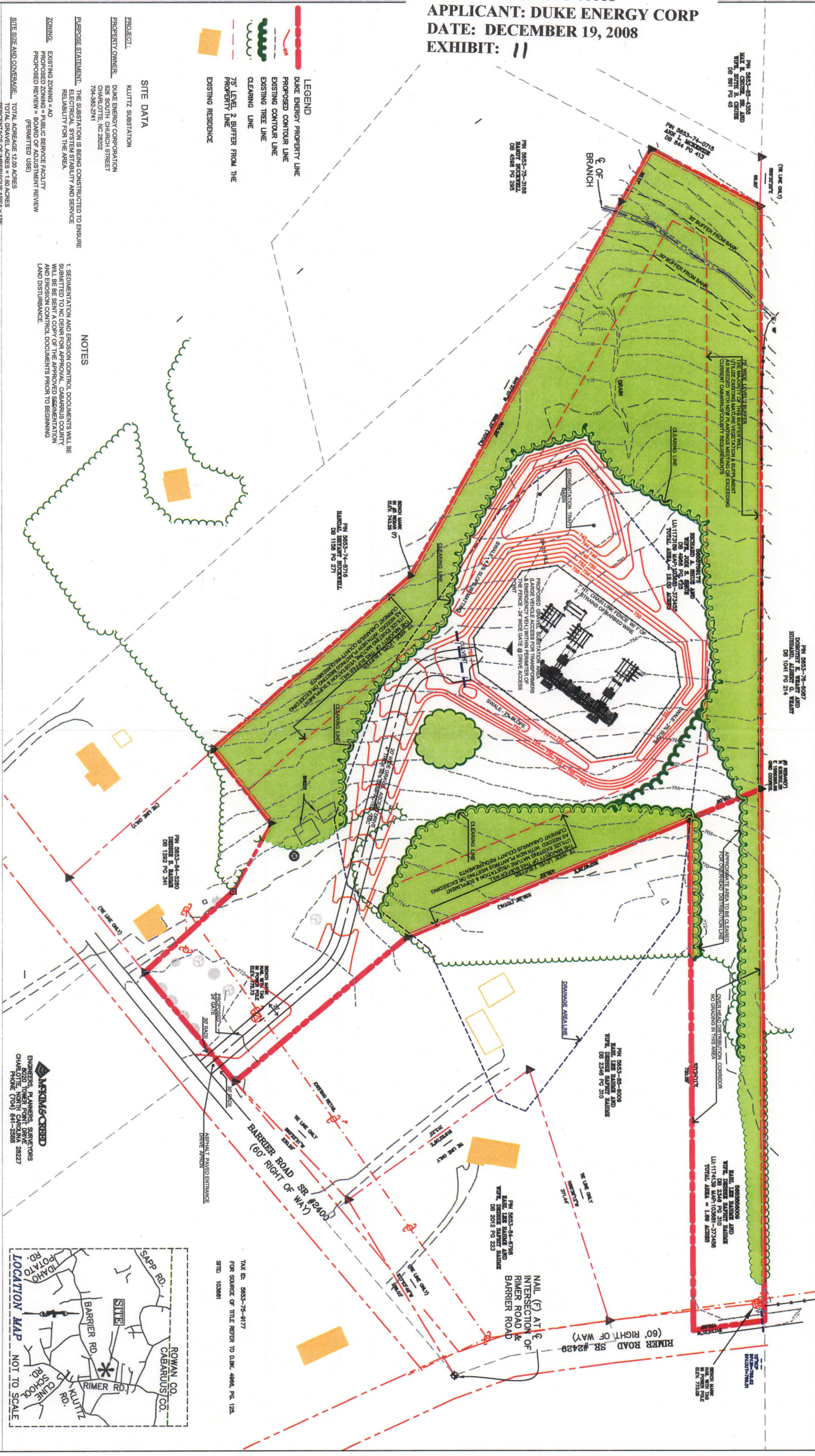


		KLUTTZ ROAD SUBSTATION CABARRUS COUNTY, NC			
PLAN					
DATE		SCALE	DRAWN BY	CHECKED	APPROVED
12/18/08		1" = 100'	CAH		00
SHEET NUMBER			REV.		
3 OF 4			DRAWING NUMBER		
			PLAN - 01		



CASE#: CUSE 2008-00008  
APPLICANT: DUKE ENERGY CORP  
DATE: DECEMBER 19, 2008  
EXHIBIT: 9





- LEGEND**
- DUKE ENERGY PROPERTY LINE
  - PROPOSED CONTOUR LINE
  - EXISTING CONTOUR LINE
  - EXISTING TREE LINE
  - CLEARING LINE
  - 75' LEVEL 2 BUFFER FROM THE PROPERTY LINE
  - EXISTING RESIDENCE

**SITE DATA**

PROJECT: KLUTITZ SUBSTATION  
PROPERTY OWNER: DUKE ENERGY CORPORATION  
526 SOUTH CHURCH STREET  
CHARLOTTE, NC 28202  
704-382-2741

**PURPOSE STATEMENT:** THE SUBSTATION IS BEING CONSTRUCTED TO ENSURE ELECTRICAL SYSTEM STABILITY AND SERVICE RELIABILITY FOR THE AREA.

**ZONING:** EXISTING ZONING = AO  
PROPOSED ZONING = PUBLIC SERVICE FACILITY  
PROPOSED REVIEW = BOARD OF ADJUTMENT REVIEW (PERMITTED USE)

**SITE SIZE AND COVERAGE:** TOTAL ACRES = 12.00 ACRES  
TOTAL GRAVEL ACRES = 1.50 ACRES  
PERCENTAGE OF OPEN SPACE = 87%

**BUFFER/ADJOINING:** ADJOINING ZONING = AO  
REQUIRE 75' WIDE LEVEL 2 PLANTED BUFFER

**WATERSHED:** WATERSHED  
PROPERTY IS NOT WITHIN A DESIGNATED WATER SUPPLY

**TOTAL DRAINAGE AREA:** 7.01 ACRES  
**OFFSITE DRAINAGE AREA:** 1.71 ACRES  
**SOILS:** C82 / C82

**NOTES**

1. SEDIMENTATION AND EROSION CONTROL DOCUMENTS WILL BE SUBMITTED TO NC DEWR FOR APPROVAL. CABARRUS COUNTY WILL BE SENT A COPY OF THE APPROVED SEDIMENTATION AND EROSION CONTROL DOCUMENTS PRIOR TO BEGINNING LAND DISTURBANCE.

**SITE PLAN**  
SCALE 1" = 60'

No.	DATE	DESCRIPTION OF ISSUE OR REVISION	DR.	CK.	APP.	
0	11/05/08	ISSUED TO CABARRUS COUNTY FOR A CON. USE PERMIT				
0	10/24/08	ISSUED TO CABARRUS COUNTY FOR A CON. USE PERMIT				
0	10/23/08	ISSUED FOR NCDOT DRIVEWAY PERMIT				
0	10/14/08	ISSUED FOR STORMWATER PERMIT				

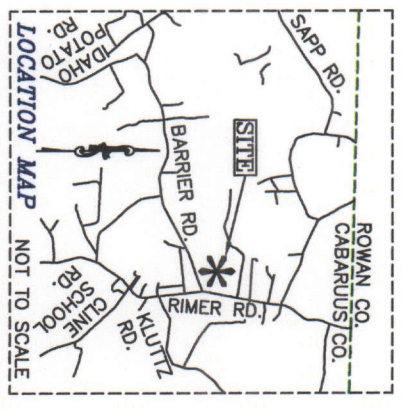
<input type="checkbox"/> PRELIMINARY
<input checked="" type="checkbox"/> FOR APPROVAL
<input type="checkbox"/> CONSTRUCTION
<input type="checkbox"/> AS BUILT

THIS DRAWING OR BILL OF MATERIALS IS TO BE USED ONLY FOR THE PROJECT AND SITE SHOWN HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING OR BILL OF MATERIALS WITHOUT THE WRITTEN CONSENT OF DUKE ENERGY CORPORATION IS PROHIBITED.

DATE	SCALE	DRAWN BY	CHECKED	APPROVED	REV.	DRAWING NUMBER
09/12/08	1" = 60'	RNV	LF		00	SP - 01

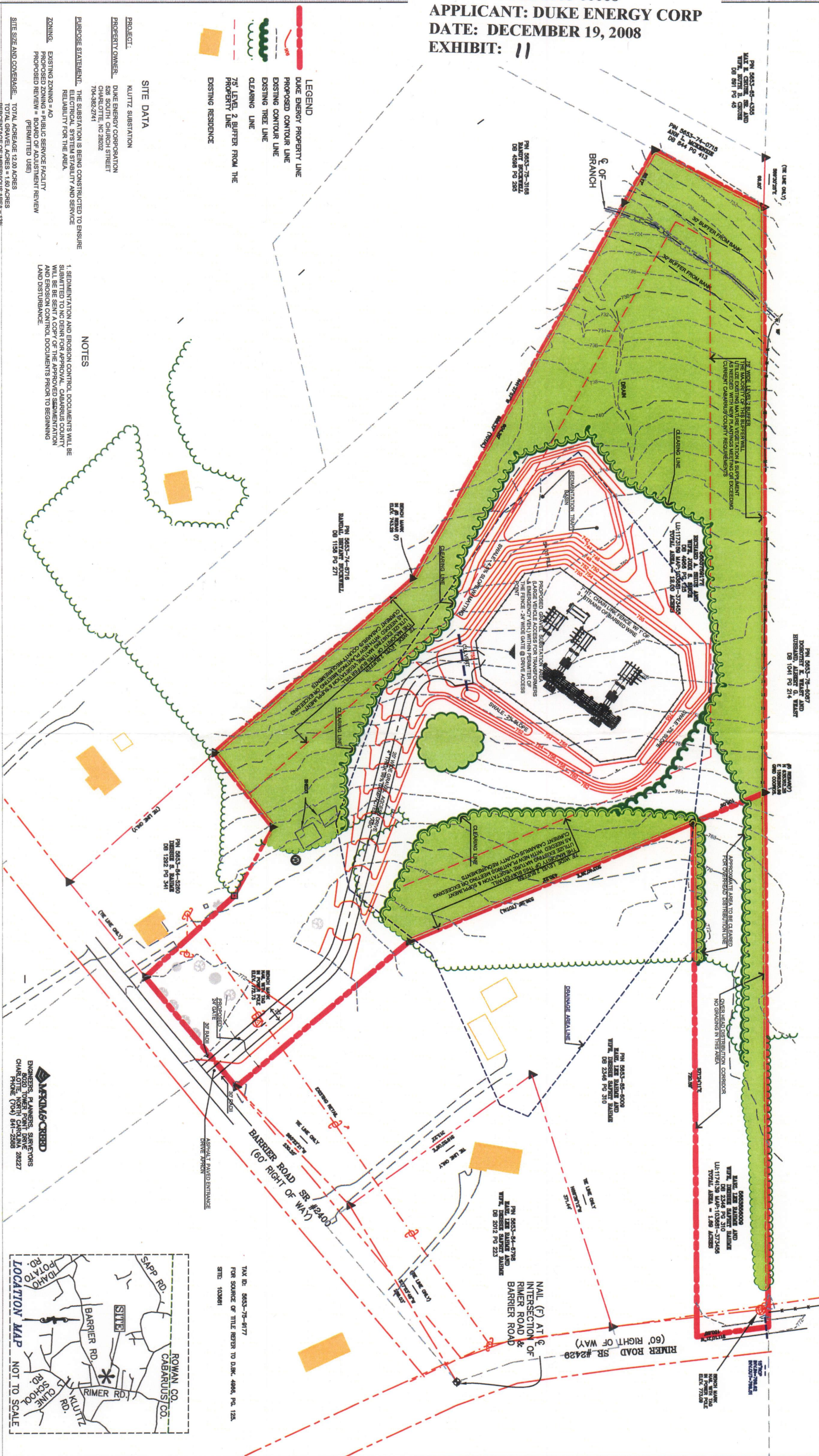
**Duke Energy**

**KLUTITZ ROAD SUBSTATION**  
CABARRUS COUNTY, NC



TAX ID: 5653-75-9177  
FOR SOURCE OF TITLE REFER TO D.B.K. 4866, PG. 125.  
SITE: 102861





- LEGEND**
- DUKE ENERGY PROPERTY LINE
  - PROPOSED CONTOUR LINE
  - EXISTING CONTOUR LINE
  - EXISTING TREE LINE
  - CLEARING LINE
  - 75' LEVEL 2 BUFFER FROM THE PROPERTY LINE
  - EXISTING RESIDENCE

**SITE DATA**

PROJECT: KLUTTZ SUBSTATION  
PROPERTY OWNER: DUKE ENERGY CORPORATION  
526 SOUTH CHURCH STREET  
CHARLOTTE, NC 28202  
704-382-2741

**PURPOSE STATEMENT:** THE SUBSTATION IS BEING CONSTRUCTED TO ENSURE ELECTRICAL SYSTEM STABILITY AND SERVICE RELIABILITY FOR THE AREA.

**ZONING:** EXISTING ZONING = AO  
PROPOSED ZONING = PUBLIC SERVICE FACILITY  
PROPOSED REVIEW = BOARD OF ADJUSTMENT REVIEW (PERMITTED USE)

**SITE SIZE AND COVERAGE:** TOTAL ACRES = 12.00 ACRES  
TOTAL GRAVEL ACRES = 1.50 ACRES  
PERCENTAGE OF OPEN SPACE = 87%

**BUFFER/ADJOINING:** ADJOINING ZONING = AO  
REQUIRE 75' WIDE LEVEL 2 PLANTED BUFFER

**WATERSHED:** WATERSHED  
PROPERTY IS NOT WITHIN A DESIGNATED WATER SUPPLY

**TOTAL DRAINAGE AREA:** 7.01 ACRES  
**OFFSITE DRAINAGE AREA:** 1.71 ACRES

**SOILS:** C82 / C82

**NOTES**

1. SEDIMENTATION AND EROSION CONTROL DOCUMENTS WILL BE SUBMITTED TO NC DENR FOR APPROVAL. CABARRUS COUNTY WILL BE SENT A COPY OF THE APPROVED SEDIMENTATION AND EROSION CONTROL DOCUMENTS PRIOR TO BEGINNING LAND DISTURBANCE.

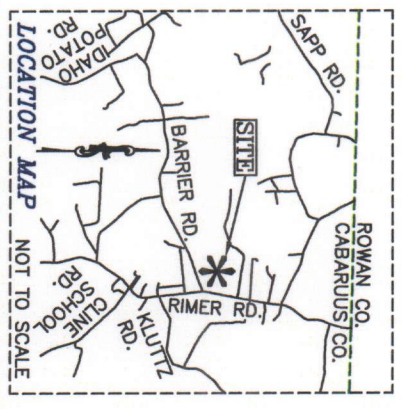
**SITE PLAN**  
SCALE 1" = 60'

No.	DATE	DESCRIPTION OF ISSUE OR REVISION	DR.	CK.	APP.
1	11/05/08	ISSUED TO CABARRUS COUNTY FOR A CON. USE PERMIT			
2	10/24/08	ISSUED TO CABARRUS COUNTY FOR A CON. USE PERMIT			
3	10/23/08	ISSUED FOR NCDOT DRIVEWAY PERMIT			
4	10/14/08	ISSUED FOR STORMWATER PERMIT			

☐ PRELIMINARY  
☒ FOR APPROVAL  
☐ CONSTRUCTION  
☐ AS BUILT



**MAKING CREED**  
ENGINEERS, PLANNERS, SURVEYORS  
8020 TOWER POINT DRIVE  
CHARLOTTE, NORTH CAROLINA 28227  
PHONE (704) 541-2550



TAX ID: 5653-75-9177  
FOR SOURCE OF TITLE REFER TO D.B.K. 4866, PG. 125.  
SITE: 102861



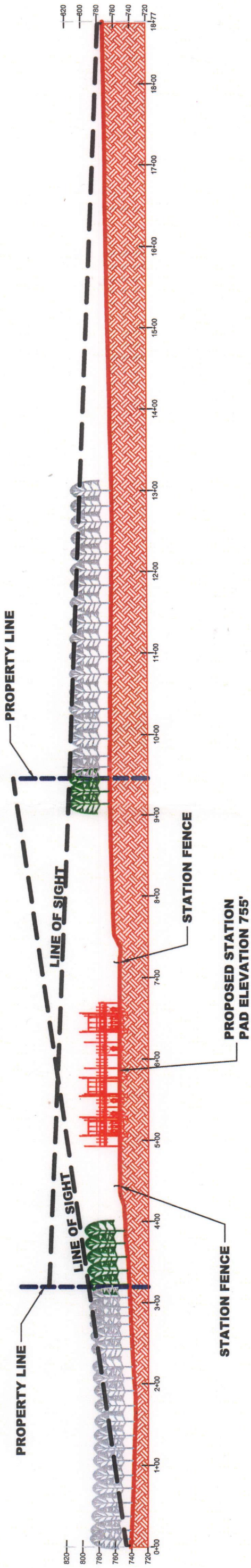
**KLUTTZ ROAD SUBSTATION**  
CABARRUS COUNTY, NC

DATE	SCALE	DRAWN BY	CHECKED	APPROVED	REV.	DRAWING NUMBER
09/12/08	1" = 60'	RNV	LF		00	SP - 01

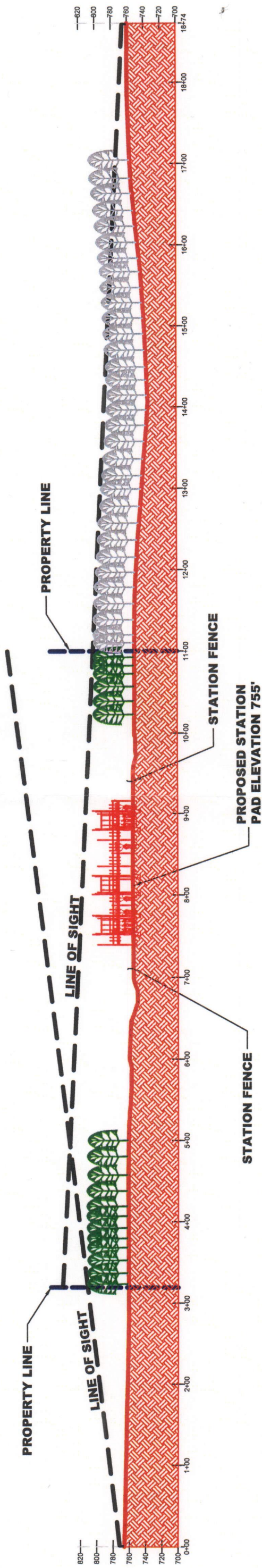



CASE#: CUSE 2008-00008  
APPLICANT: DUKE ENERGY CORP  
DATE: DECEMBER 19, 2008  
EXHIBIT: 10

## SECTION A



## SECTION B



		KLUTTZ ROAD SUBSTATION			
		CABARRUS COUNTY, NC			
		SECTIONS			
		SHEET NUMBER			
		4 OF 4			
DATE	SCALE	DRAWN BY	CHECKED	APPROVED	REV.
12/18/08	1" = 60'	CAH			00
				DRAWING NUMBER	
				SECTIONS - 01	





Planning and Zoning Commission Minutes  
December 18, 2008  
7:00 P.M.

Mr. Todd Berg, Chair, called the meeting to order at 7:03p.m. Members present, in addition to the Chair, were, Ms. Brenda Cook, Mr. Eugene Divine, Mr. Larry Ensley, Mr. Danny Fesperman, Mr. Larry Griffin, Mr. Ted Kluttz, Mr. Tommy Porter, Mr. Ian Prince and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were, Mr. Jay Lowe, Zoning Officer, Ms. Arlena Roberts, Clerk to the Board, and Mr. Richard Koch, County Attorney.

**Roll Call**

**Approval of Minutes**

Mr. Larry Griffin, **MOTIONED, SECONDED** by Mr. Barry Shoemaker to **APPROVE** the November 20, 2008, meeting minutes. The vote was unanimous.

Mr. Larry Griffin, **MOTIONED, SECONDED** by Mr. Prince to move Conditional Use Application Case# CUSE 2008-00009 to the first item under new business. The vote was unanimous.

The Chair asked to be recused from the Conditional Use Application Case# CUSE 2008-00009, because his firm does business with the school system and could potentially be considered a conflict of interest.

Mr. Larry Griffin, **MOTIONED, SECONDED** by Mr. Ensley to recuse Mr. Berg from the Conditional Use Application Case# CUSE 2008-00009. The vote was Unanimous.

Mr. Ian Prince, Vice-Chair, introduced the Conditional Use Application Case# CUSE 2008-00009, Cabarrus County Schools. He said in the interim of our receiving the application, the Applicant has asked that the Board table this motion. The applicant would like more time to put more information together on their application.

Mr. Larry Griffin, **MOTIONED, SECONDED** by Mr. Shoemaker to Table Conditional Use Application Case# CUSE 2008-00009, Cabarrus County Schools until the January 15, 2009 Planning and Zoning Commission meeting. The vote was unanimous.

The Vice-Chair said there are a lot of people here and he wanted to mention that the reason we are not polling the public hearing tonight is because all of the facts are not in. He said this will be a quasi-judicial meeting; it will be conducted as a court jury trial would be conducted. He said all of the information needs to be before all of the Board members. He reminds the Board members that they are not to discuss this case outside of this room.



Mr. Jay Lowe, Zoning Officer, informed everyone that Mr. Sam Masters, with Cabarrus County Schools, will be holding a neighborhood meeting on January 8, 2009, at 6:30 p.m. at the existing A.T. Allen School. Mr. Lowe asked the attendees to spread the word about the meeting; he said a notice will also be sent out about the meeting from the existing school. Mr. Lowe said, hopefully, Mr. Masters will be able to answer any questions that you may have at that time.

Mr. Lowe informed the Planning and Zoning Commission that they are not allowed to attend the neighborhood meeting on January 8, 2009. He said there probably will not be any staff from the Cabarrus County Zoning Department there either.

The Vice Chair said we appreciate the attendance of those interested in this case.

Mr. Berg resumed the position of the Chairman.

**New Business – Board of Adjustment:**

The Chair swore in Mr. Jay Lowe, Mr. Randy Veltri, Mr. Tim Huie, and Mr. William Kennedy, Jr.

**The Chair introduced the Conditional Use Application – Case #CUSE2008-00008, Duke Energy Corporation**

Mr. Jay Lowe, Zoning Officer, addressed the Board stating this is Case #CUSE2008-00008; the applicant is Duke Energy Corporation of Charlotte, NC. He said the owners of the property are Richard and Jodi Shue and Earl and Debbi Rahme. The zoning of the property in question is Agriculture Open (AO); the location of the property is 5619 Barrier Road, Concord, NC and the size of the property is 13.69 acres.

He said the applicant has submitted a complete application form and the information required by the Cabarrus County Zoning Ordinance for a Conditional Use. He said the adjacent property owners have been notified by mail and the letter and the list of those contacted were included in the Board packet. He said no opposition has been received at this point. He said there have been some inquiries and at least one of the people who inquired was fairly happy with the situation because they have had some power outages in that area.

Mr. Lowe said the notice of the public hearing was published on December 4, 2008 and December 11, of 2008 in the Independent Tribune. He said a zoning public hearing sign was placed on the property advertising the time and place of this public hearing.

He said the applicant is seeking permission to construct a new electrical substation. The project has been reviewed by NCDOT, the North Carolina Division of Water Quality, which is the storm water permitting unit, and the Cabarrus County Fire Marshall's office. He said all comments related to the plans have been addressed and the site plan is in compliance with the Zoning Ordinance.



Mr. Randy Veltri, Manager, Siting, Duke Energy, and his associates are here tonight and can answer any specific questions.

Mr. Lowe said the property is fairly wooded; the substation will be approximately in the middle of the property and there is a trunk line (overhead power lines) that will go through the area back out to Rimer Road. He said they did a pretty good job in choosing this property; in the fact that they are going to keep most of the natural buffers up. He said they are simply clearing out the necessary land that they need to in order to build this project.

The Chair asked if there were any questions for Mr. Lowe.

Mr. Randy Veltri, Manager, Siting, Duke Energy, addressed the Board. He said with him are Mr. Tim Huie, and Mr. William Kennedy, Jr. He said this is a substation facility that will supply greater reliability to the whole area. He said the gray area on the plan is the gravel area for the access drive and for the substation itself. He said the substation is laid out for the ultimate footprint for the substation and initially all of that will not be developed but it will be graded to what is shown on the map. He said the actual infrastructure will be done probably in phases within that block. We try to plan for the ultimate growth in the area and the gray box shows that ultimate footprint. He said there is a fence that will be around the substation, along with an access road coming off of Barrier Road; the distance is 660 feet or so from Barrier Road back to the substation fence. The area is mostly wooded where the substation will be located and it sits real low below the road in addition to the distance off the road. The actual land disturbance or grading of that major parcel, which is 10 acres, will be about 6 acres of grading. The actual gray area for the gravel is about 1.6 acres of the total 10 acres.

He said the additional strip going off to the east to Rimer Road is 1.69 acres and would be utilized for future distribution circuits that would exit out to Rimer Road. He said most of the existing vegetation will be left and most of it is pretty mature, deciduous evergreen material 40 to 60 feet tall. He said the main tract is 12 acres and then the 1.69 acres for the corridor going out to Rimer Road.

Mr. Veltri described his exhibits. He said basically there are two cross sections cutting through the substation site. The first one is AA, and it basically goes all the way from Rimer Road all the way to an existing house west of the substation site and it is reflective in the top cross section. He said what this illustrates is that with the vegetation that we are keeping on this site, regardless of the existing vegetation between our property line and the end points, virtually the substation will be screened. The other cross section cuts through perpendicular, 90 degrees from there, and the existing vegetation and greenery also shows that your vantage points, regardless of the existing vegetation, will virtually be screening the substation.

The Chair asked if there were any questions.



Mr. Fesperman asked Mr. Veltri when he is planning to start.

Mr. Veltri said the grading of the substation lot will most likely start in 2010.

The Chair said he sees that the applicant is planning to use the existing vegetation as much as possible for the screening, but notes that on the drawing the applicant would also be committed to supplementing that if necessary. He asked Mr. Lowe if that would be done with an inspection, or how would it be handled.

Mr. Lowe said yes, before the facility can be used, a final inspection would be done by one of the Zoning Officers to be sure it is done according to the site plan. He said if the applicant takes out more than he should, he would be required to replant it.

The Chair asked if Mr. Kennedy or Mr. Huie had any additional comments. They did not.

Mr. Veltri thanked Mr. Lowe for his help. He said Mr. Lowe was very helpful in guiding them through the process and getting all the application information.

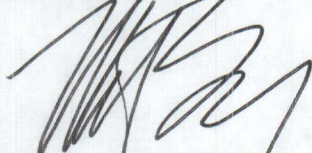
There being no further discussion, Mr. Larry Griffin, **MOTIONED, SECONDED** by Mr. Ted Klutz, to **Approve** Conditional Use Application Case# CUSE2008-00008, Duke Energy Corporation. The vote was unanimous.

#### **No Directors Report**

There being no further discussion, Mr. Larry Griffin, **MOTIONED, SECONDED** by Mr. Danny Fesperman to **Adjourn** the meeting. The vote was unanimous. The meeting ended at 7:21 p.m.

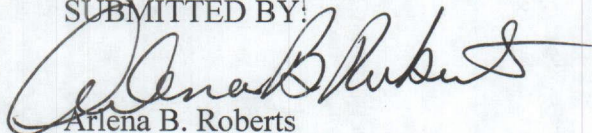


APPROVED BY:



Todd Berg, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Morris  
Planning and Zoning Manager