

## Cabarrus County Government

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Cabarrus County Planning and Zoning Commission Meeting  
June 19, 2008  
7:00 P.M.  
County Commissioners Chamber  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
2. Approval/Correction of Minutes (April 17, 2008 and May 15, 2008)
3. New Business – Planning Board Function:
  - A. **Petition C2008-02 (R-SU) Zoning Map Amendment** –  
Request to rezone approximately 35.11 from LI-SU to LI-SU (amendment of existing LI-SU rezoning and special use permit). Applicant is Mr. Bobby Reynolds. Property owner is Mr. William Smith. Subject property is located at 251 Highway 24/27. PIN 5524-98-2226
  - B. **Petition C2008-03(R) Zoning Map Amendment** –  
Request to rezone approximately 1.14 acres from OI to LC. Applicant is Johnny Benton. Subject property is located off Old Camden Road. PIN 5534-09-4150
4. Old Business
  - A. **Proposed Text Amendment:**  
C2008-04-ZT – Proposed addition of language to address Recreational Therapy Centers. Staff requests case be tabled to continue subject matter research. *Tabled*
  - B. **Directors Report**
    - Central Area Plan Update
    - Expiration of Appointments on Planning and Zoning Commission
  - C. **Adjournment**

Approved  
Date  
Text

**PLANNING STAFF REPORT**  
**CABARRUS COUNTY PLANNING AND ZONING BOARD**  
June 19, 2008

**Petition:** C2008-02 (R-SU) Zoning Atlas Amendment

**Applicant:** Bobby Reynolds  
P.O. Box 23034  
Charlotte, NC 28227

**Property Owner:** William Dale Smith  
215 East Brief Road  
Midland, NC 28107

**Existing Zoning:** LI-SU (Limited Industrial – Special Use)

**Proposed Zoning:** LI-SU (Limited Industrial – Special Use)

**Township:** 1 - Harrisburg

**PIN#:** 5524-98-2226

**Area:** 35.11 acres

**Site Description:** Located at 251 Highway 24/27; the subject property is currently used by a grading company: WD Smith Grading, Inc. The petitioner wishes to amend the existing special use permit approved in October 2005, by adding all remaining LI (Limited Industrial) uses except: landfill and metal recycling/salvaging uses. The petitioner seeks to add a repair shop (for company vehicles only) to the existing grading company. The repair shop is not permitted under the current special use permit.

**Zoning History:** Prior to the 2005 rezoning, which changed the property to the present zoning of LI-SU, the property was a recreation facility (golf/driving range) and was zoned OI (Office/Institutional).

**Adjacent Zoning:** North: OI (Office/Institutional)  
South: OI (Office/Institutional)  
East: OI (Office/Institutional)  
West: GC-SU (General Commercial – Special Use) & OI (Office/Institutional)

**Adjacent Land Uses:** North: Residential/Farmland  
South: Landscape Company  
Southeast: Residential/Wooded & Some Farmland  
Souhwest: Residential/Wooded

East: Office/Warehouse – Real Estate Company  
West: Mini-Warehouse/Storage Company

- Infrastructure:** This property is served by a private well and septic system.
- Exhibits:**
1. Site Plan-submitted by applicant
  2. List of Permitted Uses – submitted by Staff
  3. List of Proposed Uses For Property (If Approved) – submitted by Staff
  4. Current Zoning Map-submitted by Staff
  5. Future Land Use Map-submitted by Staff
  6. Aerial Map – submitted by Staff
  7. List of Adjacent Property Owners – submitted by Staff
- Intent of Zoning:** The LI district provides for both large and small scale industrial and office development. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which do not generate high levels of noise, soot, odors and other potential nuisances/pollutants for impacting adjoining properties. It is typically located in areas of the county with infrastructure: higher volume roadways, water and sewer, etc. Limited industrial zones may border higher density residential zones only when an effective buffer exists, for example a natural structural feature: a sharp break in topography, strips of vegetation, or traffic arteries. In no case would a limited industrial zone be located so as to result in industrial/commercial traffic penetrating a residential neighborhood.
- Midland Ara Plan Considerations:** The Midland Area Plan calls for this property to be Future Employment district – an area reserved for future employment growth. These areas are reserved for the development of industrial, research, large office, and warehouse/distribution uses.
- Other Considerations:** There is an intermittent stream that runs through the middle of the parcel. The River Stream Overlay Zone (RSOZ) is required and is shown on the plan. There are two existing buildings (along with parking) on the site.
- Comments:**
- NCDOT – Leah Wagner**
- No comments at the time, however NCDOT will be required to review any future expansion/building construction. Future expansion may make an additional turn lane necessary.
- Cabarrus County Fire Marshal – Steven Langer**

- No comment.

**WSACC – Tom Bach**

- No comment.
- Even though this commercial site is located in the existing Utility Service Area of the Town of Midland, the City of Concord is the retail provider of water and sewer services. Consideration should be given to insuring that the proposed water lines serving this particular development will be designed to City of Concord requirements.
- This commercial site includes a privately owned wastewater collection/treatment system, the WSACC Capital Recovery Fee (CRF) is required for each service to the site 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.

**Cabarrus County Health Alliance – David Troutman**

- No comment except: the existing facility is served by septic tank. A septic inspection is required before any building permits are issued for any new construction.

**Cabarrus County Engineer – Jeff Moody**

- No comment.

**Cabarrus County Soil & Water Conservation District- Dennis Testerman**

- The intermittent stream (Far Branch) requires an RSOZ buffer.
- The location of the topsoil spoil area appears to encroach into the stream buffer.
- A plat re-submittal will be required showing streams, updated features, etc, before final comments.

**Cabarrus County Soil & Erosion Control – Thomas Smith**

- If the size of the project is greater than one acre, an erosion and sedimentation control plan must be submitted, prior to any land disturbing activities.

Staff Analysis:

Since this is a special use rezoning, two separate actions are required by the commission.

**Consideration of Rezoning:**

The proposed zoning is consistent with the Midland Area Plan and is similar to the existing zoning on the subject property. The proposed use is consistent with the Midland Area Plan and is similar to the existing use on the subject property. Since this is a Special Use rezoning, only the uses proposed as part of the application will be permitted on the subject property. The Planning and Zoning Commission should review the information and facts presented to determine if the proposed zoning amendment is consistent with the Commission's goals and vision for this area of southeastern Cabarrus County.

**Consideration of Special Use Permit and Permitted Uses:** Should the Planning Commission grant approval of the rezoning request, Staff requests that the following conditions be applied as part of the site plan approval:

1. The property shall comply with the submitted site plan. (PLANNING)
2. Any future development shall be subject to approval by NCDOT. As a condition of approval of further development, road improvements may be required. (NCDOT)
3. The subject property is limited to all uses in the Limited Industrial District excluding landfill or metal recycling/salvaging uses. (PLANNING)
4. Outdoor storage of vehicles for repair will not be permitted, except in the designated paved parking area. (PLANNING)
5. The River Stream Overlay District shall remain undisturbed. (PLANNING)
6. There will be no storage of vehicles or dumping permitted in the RSOZ located on the subject property. (PLANNING)
7. Site Plan Review is required for all proposed buildings. (PLANNING).
8. Should the applicant wish to amend the existing site plan submitted as part of this case, Planning and Zoning Commission approval will be required to amend the Special Use Permit. (PLANNING).

## USES IN THE LIMITED INDUSTRIAL ZONE:

### Permitted Uses

Automobile rental  
Automobile supplies  
Bank/financial institution/ATM  
Boat works and sales  
Bottling works  
Building equipment sales/indoor storage  
Building equipment sales/open storage  
Bulk grain storage  
Bus terminal  
Car wash  
Catering service  
Contractor's storage yard  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Dairy processing  
Dry cleaning/laundry plant  
Farm machinery repair  
Freezer/ice plant  
Gas station  
Hatchery  
Hotels, motels, & inns  
Machine welding shop  
Manufacturing/processing  
Multimedia production & distribution complex  
Nursery/greenhouse  
Office, professional  
Parking lot, commercial or private  
Printing and reprographic facilities  
Public use facility  
Race shop/complex  
Radio and TV studios  
Railroad station and storage yard  
Recreational facility, indoor  
Repair garage, automobile  
Repair shop, farm machinery  
Repair shop, small engine  
Restaurant, excluding drive-thru  
Sawmill  
Slaughter house/meat packing  
Tire recapping  
Warehouse, enclosed

Permitted based on Standards (PBS)

Accessory apartment  
Communications tower  
Landfill, demolition (one acre or less)  
Mobile office,, temporary  
Recyclable materials drop-off  
Restaurant with drive-thru facility  
Self-storage facilities  
Warehouse, open storage

Conditional Uses

Airport, commercial  
Airstrip  
Coliseum/stadium  
Landfill, demolition (more than one acre)  
Landfill, sanitary  
Mobile Home, Class I  
Nursery/daycare center  
Race track, animal & mechanical  
Recreational facility, outdoor  
Single-family detached residential  
Trade & vocational school  
Trucking and heavy equipment, sales & service  
Truck stop/truck terminal  
Veterinarian/animal hospital/commercial kennel

**USES PROPOSED AT THE WD SMITH PROPERTY (IF REZONING IS APPROVED):**

Permitted Uses

Automobile rental  
Automobile supplies  
Bank/financial institution/ATM  
Boat works and sales  
Bottling works  
Building equipment sales/indoor storage  
Building equipment sales/open storage  
Bulk grain storage  
Bus terminal  
Car wash  
Catering service  
Contractor's storage yard  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Dairy processing  
Dry cleaning/laundry plant  
Farm machinery repair  
Freezer/ice plant  
Gas station  
Hatchery  
Hotels, motels, & inns  
Machine welding shop  
Manufacturing/processing  
Multimedia production & distribution complex  
Nursery/greenhouse  
Office, professional  
Parking lot, commercial or private  
Printing and reprographic facilities  
Public use facility  
Race shop/complex  
Radio and TV studios  
Railroad station and storage yard  
Recreational facility, indoor  
Repair garage, automobile  
Repair shop, farm machinery  
Repair shop, small engine  
Restaurant, excluding drive-thru  
Sawmill  
Slaughter house/meat packing  
Tire recapping  
Warehouse, enclosed

Permitted based on Standards (PBS)



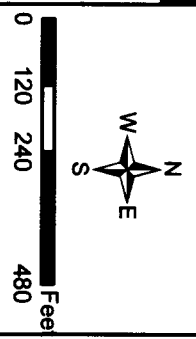
Accessory apartment  
Communications tower  
Mobile office, temporary  
Restaurant with drive-thru facility  
Self-storage facilities  
Warehouse, open storage

Conditional Uses

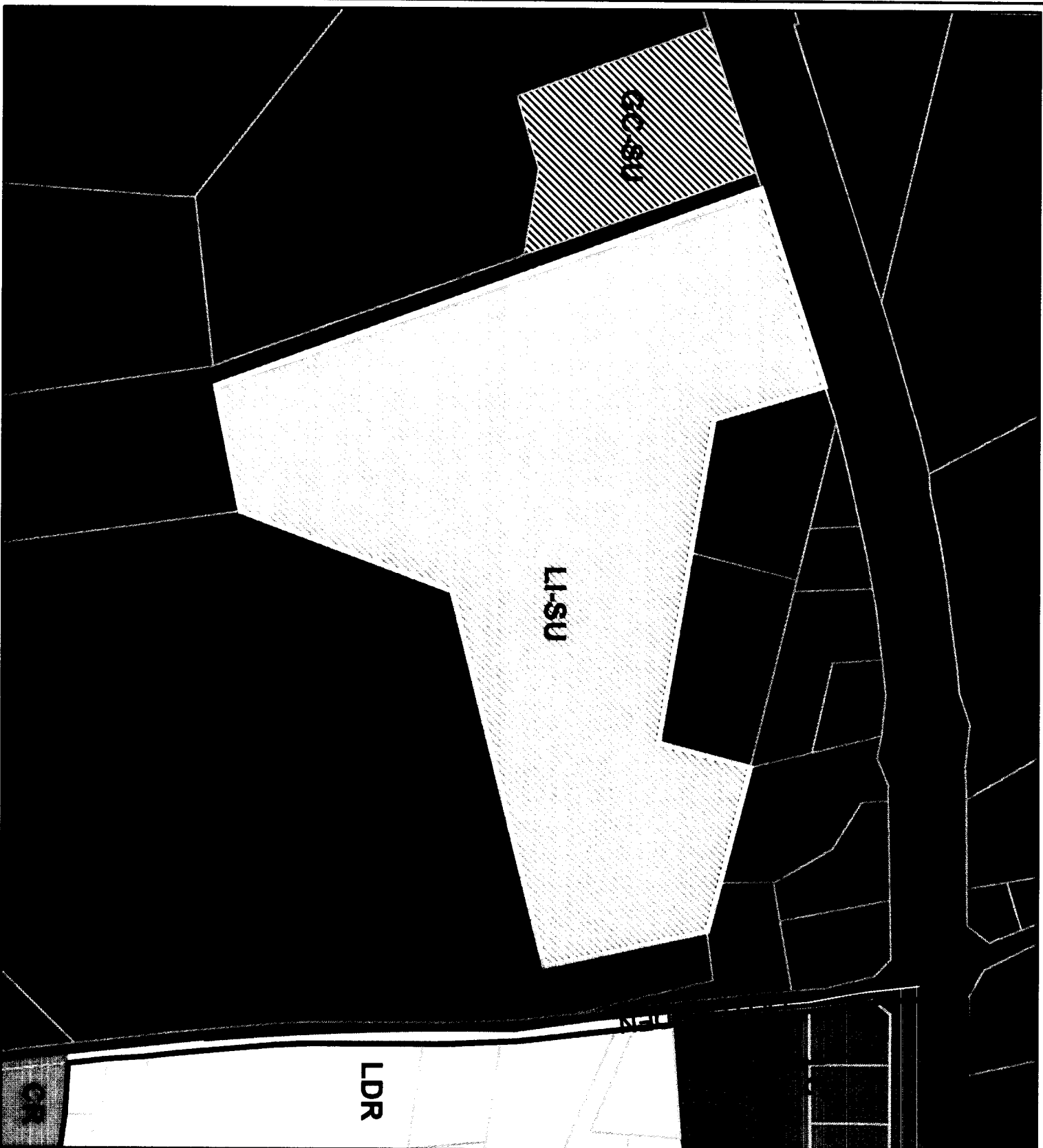
Airport, commercial  
Airstrip  
Coliseum/stadium  
Mobile Home, Class I  
Nursery/daycare center  
Race track, animal & mechanical  
Recreational facility, outdoor  
Single-family detached residential  
Trade & vocational school  
Trucking and heavy equipment, sales & service  
Truck stop/truck terminal  
Veterinarian/animal hospital/commercial kennel

# WD Smith Rezoning

PIN: 5524-98-2226  
 Owner: WD Smith  
 Total Acreage: 35.11  
 Existing Zoning:  
 Cabarrus LI-SU  
 Proposed Zoning:  
 Cabarrus LI-SU



Legend	
	Subject Property
	Town of Midland
	CR
	LDR
	OI
	LC
	GC-SU
	LI-SU
	Secondary Roads

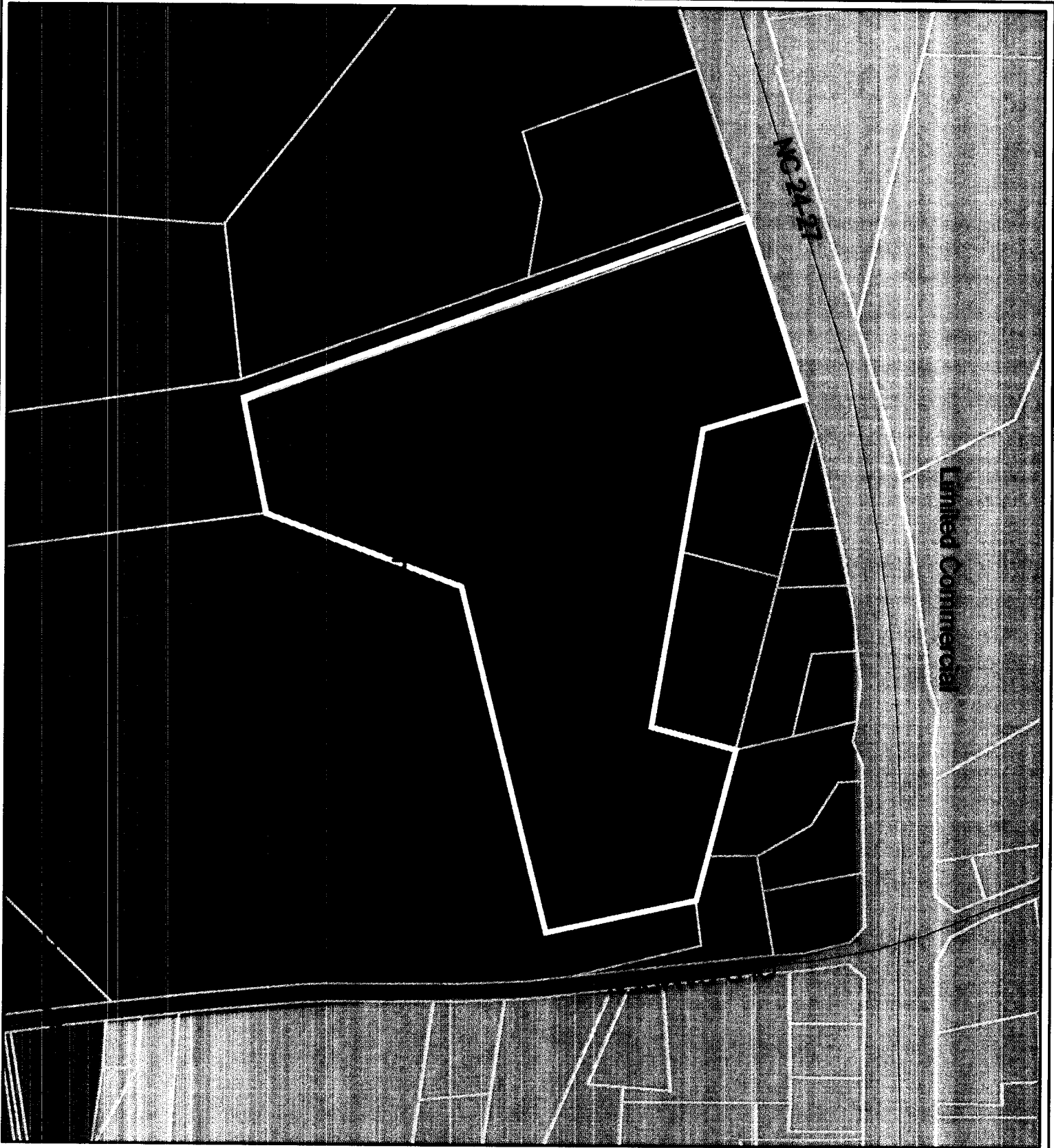


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Map Prepared by Cabarrus County Planning Services, May 2006

United Commercial

MC 24-91



# WD Smith Rezoning

PIN: 5524-98-2226

Owner: WD Smith

Total Acreage: 35.11

Existing Zoning:

Cabarrus LI-SU

Proposed Zoning:

Cabarrus LI-SU



0 120 240 480 Feet

## Midland Future Land Use Map

### Legend

Secondary Roads

Subject Property

### Midland Future Land Use

#### Land Use

Future Employment

Unlimited Commercial

Medium Density Residential



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Map Prepared by Cabarrus County Planning Services, May 2008



# WD Smith Rezoning

PIN: 5524-98-2226  
 Owner: WD Smith  
 Total Acreage: 35.11  
 Existing Zoning:  
 Cabarrus LI-SU  
 Proposed Zoning:  
 Cabarrus LI-SU



## Aerial Map

- Legend**
- Subject Property
  - Secondary Roads



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 Map Prepared by Cabarrus County Planning Services, May 2008

Adjacent Property Owners - WD Smith Rezoning

1. 5524-98-2863  
Steven Scott Real Estate Company North Carolina LLC  
C/O Troy Disser  
P.O. Box 525  
Midland, NC 28107
2. 5524-98-7723  
Tammy R. Brown & Dwayne D. Purkey  
1503 East Main Street  
Albemarle, NC 28001
3. 5524-96-2486  
Daniel G. Watson & Shanda F. Watson  
P.O. Box 213  
Midland, NC 28107
4. 5524-97-8018  
William E. Price  
4875 Sherwood Forest Drive  
Delray Beach, FL 33445
5. 5524-87-3928  
Deloria P. Rowell, William N. Purser, & Carol S. Purser  
1216 Rock Hill Church Road  
Matthews, NC 28104
6. 5524-88-2560  
Larry Wallace Engines, LLC  
P.O. Box 338  
Harrisburg, NC 28075
7. 5524-89-2069  
Beatrice F. Biggers  
376 Highway 24-27 West  
Midland, NC 28107
8. 5524-89-5464  
Jane B. Roberts  
250 Highway 24-27 West  
Midland, NC 28107
9. 5524-88-5667  
William D. Smith & Sheila Smith  
215 East Brief Road  
Midland, NC 28107
10. 55344-08-4854  
Jennifer Thompson  
300 Highway 49 South  
Concord, NC 28025
11. 5534-09-0024  
Kelly Thompson  
41 Albemarle Road West  
Midland, NC 28107
12. 5524-99-6060  
Oscar G. Coleman  
13400 Lois Drive  
Midland, NC 28107

**PLANNING STAFF REPORT**  
**TO CABARRUS COUNTY PLANNING AND ZONING BOARD**  
June 19, 2008

**Petition:** **C2008-03(R) Zoning Atlas Amendment**

**Applicant:** Johnny Moffatt Benton  
10975 Robert Bost Road  
Midland, NC 28107

**Existing Zoning:** OI – Office/Institutional

**Proposed Zoning:** LC – Limited Commercial

**Township:** Number 1 – Midland

**PIN#:** 5534-09-4150

**Area:** +/- 1.14 acres

**Site Description:** The subject property is currently used as a sales and service business for recreational vehicles.

**Zoning History:** In 2005, the subject property was rezoned from LC – Limited Commercial to OI – Office/Institutional.

**Surrounding Zoning:** North: OI – Office/Institutional  
South: OI – Office/Institutional  
East: LC – Limited Commercial  
West: OI – Office/Institutional

**Adjacent Land Uses:** With the exception of a glass repair business directly east, the subject property is surrounded by vacant property.

**Infrastructure:** This property is served by public water and private septic.

**Exhibits:** 1. Zoning Map – Submitted by Staff  
2. Site L Map – Submitted by Staff  
3. List of Permitted Uses in OI – Submitted by Staff  
4. List of Permitted Uses in LC – Submitted by Staff  
5. List of Adjacent Property Owners – Submitted by Staff

**Intent of Zoning:** Office/Institutional: The intent of office/institutional zoning is to accommodate relatively low intensity office and institutional uses at a level complementary to residential land use. Where appropriate, this district can serve as a

transition between residential land use and higher intensity non-residential land use.

Limited Commercial: The intent of limited commercial zoning is to accommodate relatively small scale commercial and office development at an intensity complementary to residential land use. This district should be located near municipal boundary lines or areas of commercial growth and may border general commercial zones, light industrial or high density residential mixed use zones.

**Additional Considerations:** The subject property is west of the Midland municipal boundary and fronts NC 24-27. The Hwy 24-27 corridor is largely zoned LC – Limited Commercial, which is reflective of the existing commercial uses in Midland.

A recreational vehicle repair and sales business currently operates on the subject property as an existing use. However, this use is not permitted in the OI - Office/Institutional zoning district. It is permitted based on standards in the LC - Limited Commercial zoning district.

According to the Midland Proposed Future Land Use Plan, this property lies within a Future Employment district. Future Employment district areas are reserved for the development of industrial, research, large office, and warehouse/distribution uses. This designation allows for some flexibility to account for market demand. On a limited basis, this district may be used for the development of mixed use residential and employment developments.

According to the *Strategic Plan for Economic Development* by Leak-Goforth, the subject property lies just outside a proposed site for development, identified as Site L. According to the study, this site has the potential to become a large-scale rail-served distribution park. It also suggests zoning of the site should be changed to LI – Limited Industrial or GI – General Industrial to accommodate such development.

**Staff Analysis:**

The proposed rezoning is a conventional rezoning request. Therefore, no conditions may be attached to the rezoning request. All uses permitted in the LC district would be permitted on the subject property.

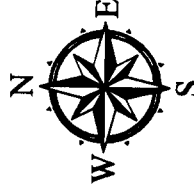
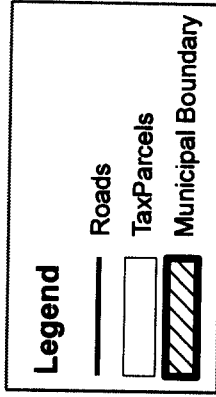
Therefore, the Planning and Zoning Commission should review the information and facts presented to determine if the proposed zoning map amendment is consistent with the Commission's goals and vision for this area of Cabarrus County.





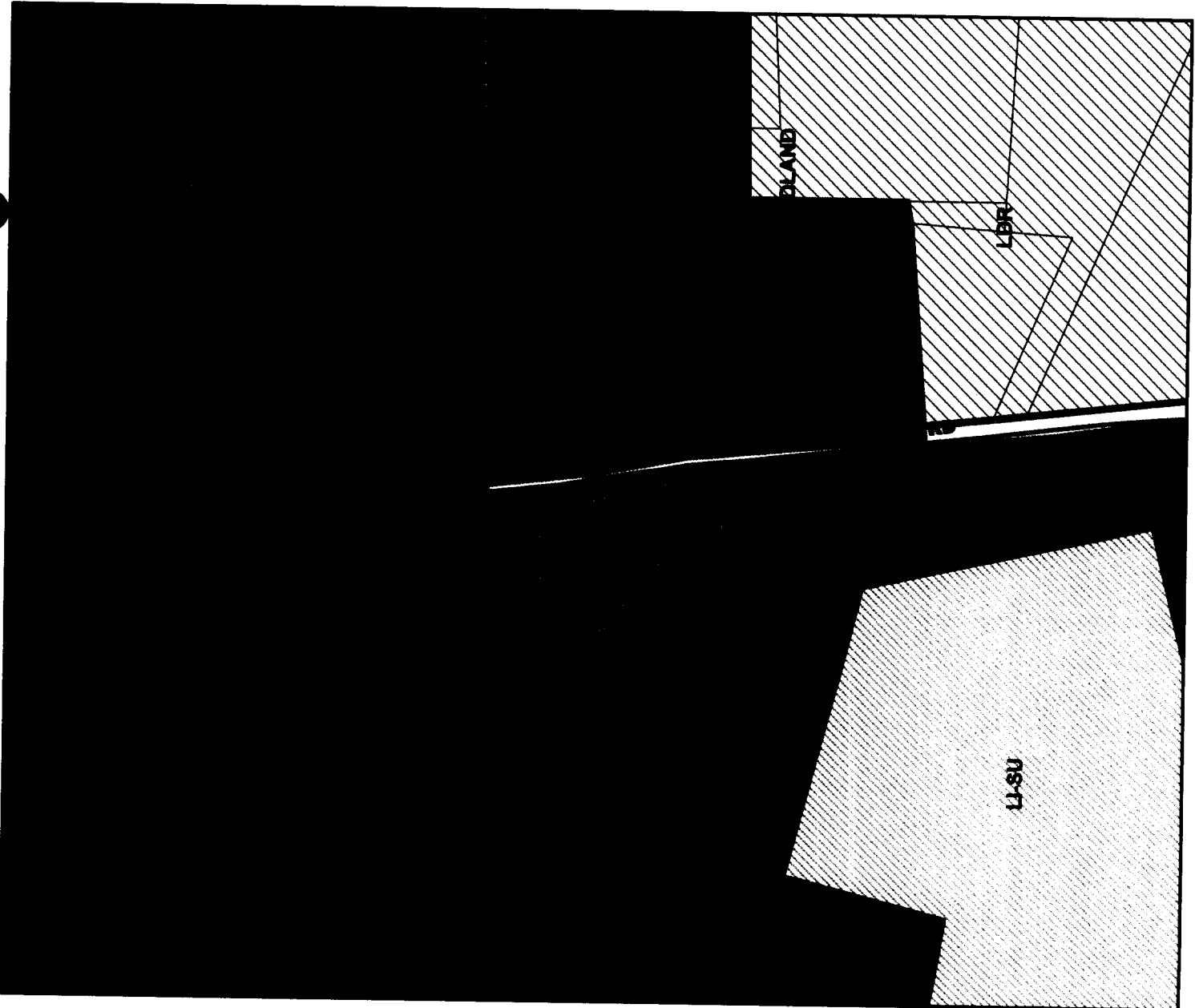
Applicant: J.M. Benton

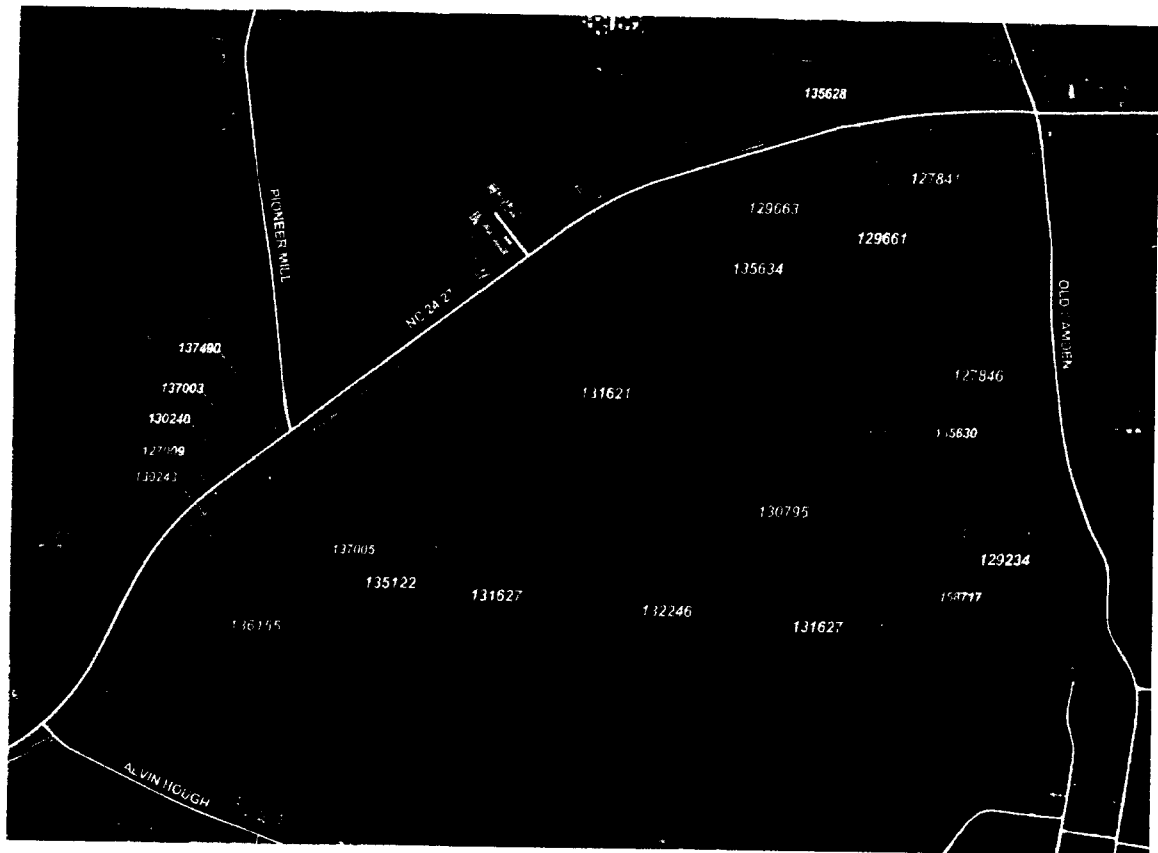
Petition: C2008-03(R) Zoning Map Amendment  
Existing Zoning: OI-Office Institutional  
Proposed Zoning: LC-Limited Commercial  
Parcel ID#: 5534-09-4150



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Map Prepared by Cabarrus County Planning Services, June 2008.





***Site L - NC24-27/Midland Area/County Line***

- Location: South side of NC 24-27; County line to Flowes Store Road; distance to I-485 interchange B approximately three miles
- Size: 700 acres
- Character: Comparatively flat open rural land
- Jurisdiction: Cabarrus County
- Zoning: LC (limited commercial);  
North side of NC24-27 zoned GC (general commercial)
- Potential: Large-scale rail-served distribution park
- Other: Rail served (Aberdeen Carolina & Western);  
Designated FE (future employment) on Midland area land use plan;  
Zoning should be changed to LI (limited industrial) or GI (general industrial)

## **Permitted Uses with Office/Institutional (OI) (Existing Zoning)**

### **Permitted**

Bank/financial institution/ATM  
Civic organization facility  
Colleges & universities  
Funeral home  
Group care facility  
Hospitals/medical facilities  
Office/professional (less than 30,000 sq. ft.)  
Office/professional (more than 30,000 sq. ft.)  
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 (total seating capacity 350 or less)  
Rest/convalescent home (10 beds or less)

### **Conditional**

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

## Permitted Uses with Limited Commercial (LC) (Proposed Zoning)

### Permitted

Automobile supplies  
Bank/financial institution/ATM  
Barber & beauty shops  
Car wash  
Civic organization facility  
Colleges & universities  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Drug store  
Dry cleaning/pick up station  
Family care home  
Funeral home  
Group care facility  
Hospitals/medical facilities  
Hotels, motels, inns  
Laundromat  
Locksmith/gunsmith

Mobile home retail sales  
Movie Theater  
Nursery/Greenhouse  
Office, professional  
Parking lot, commercial or private  
Pet shop/grooming (enclosed)  
Photographic studio  
Public cultural facility  
Public use facility  
Religious institution (350 or less)  
Religious institution (351 or more)  
Restaurant, excluding drive-thru  
Retail sales (10,000 sq. ft. or less)  
Retail sales (10,000 – 50,000 sq. ft.)  
Single family residential detached  
Taxi stand

### Permitted Based on Standards (PBS)

Accessory apartment  
Automobile rental  
Automobile sales, new and used  
Bed & breakfast  
Catering service  
Contractor and trade shops  
Home occupation  
Landfill, demolition (one acre or less)  
Mobile office, temporary  
Multi-family residential

Nursery/daycare center  
Printing & reprographic facility  
Recreational facility, indoor  
Recyclable materials drop-off  
Repair garage, auto  
Repair garage, small engine  
Restaurant, including drive-thru  
Self-service storage facilities  
Townhouses

### Conditional

Public service facility  
Recreational facility, outdoor  
Trade & vocational schools  
Veterinarian/animal hospital/commercial kennel

## Adjacent & Surrounding Property Owners

PIN# 5534-08-4854  
Jennifer Leah Thompson  
Whitney C. Griffin  
300 Hwy 49 South  
Concord, NC 28025

PIN# 5534-09-3630  
Vance M. Wood  
12100 Flowes Store Road  
Midland, NC 28107

PIN# 5534-09-2099  
Marshall Scott Thompson  
P.O. Box 157  
Midland, NC 28107-0157

PIN# 5535-01-9030  
Mary Lee C. Abernathy  
125 Hwy 24-27 East  
Midland, NC 28107

PIN# 5534-09-0024  
Ann Kelly Thompson Edwards  
41 Albemarle Road West  
Midland, NC 28107

PIN# 5534-09-8494  
H&R Mullis Machine Inc.  
3520 Fieldstone Trail  
Midland, NC 28107

PIN# 5524-97-8018  
William E. Price  
4875 Sherwood Forest Drive  
Delray Beach, FL 33445-3887

PIN# 5534-08-8786  
Wellon C. Morrison  
12257 Old Camden Road  
Midland, NC 28107

PIN# 5524-98-2226  
William Dale Smith, Jr.  
Wife, Sheila H. Smith  
215 E. Brief Road  
Midland, NC 28107

PIN# 5534-08-8546  
Ethel Lynn McMurray  
12333 Old Camden Road  
Midland, NC 28107

PIN# 5534-09-3481  
PIN# 5534-09-6099  
Charlotte Printing Company, Inc.  
P.O. Box 25285  
Charlotte, NC 28229-5285

PIN# 5534-09-6099  
PIN# 5534-09-7074  
PIN# 5534-19-0130  
George Long & Wife, Anne  
124 Hwy 27  
Midland, NC 28107

PIN# 5534-09-1570  
Niles Henry Robinson  
Wife, Dorothy Robinson  
4820 Hadrian Way  
Charlotte, NC 28211-3074

PIN# 5524-99-0900  
Benjamin H. Flowe, Jr.  
John L. & Sally Ann Flowe  
13720 Canal Vista Court  
Potomac, MD 20854-1024

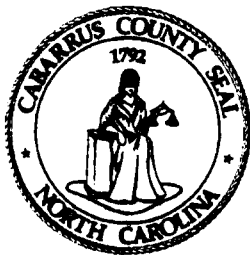
# Memo

**To:** Cabarrus County Planning and Zoning Commission  
**From:** Jeff M. Huss, Planner  
**Date:** 6/12/2008  
**Re:** C2008-04-ZT Recreational Therapist Center – Text Amendment

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- At the May 15th Planning and Zoning Commission Meeting, the Board unanimously approved a Planning Staff request to consider amending the ordinance to include Recreational Therapist Center text.
- In order to continue research on this text amendment, Planning Staff asks that this case be tabled until the regularly scheduled July Planning & Zoning Meeting.

*Tabled until  
July  
meeting*



## Cabarrus County Government

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Planning and Zoning Commission Minutes  
June 19, 2008  
7:00 P.M.

Mr. Roger Haas, Chairman, called the meeting to order at 7:00 p.m. Members present, in addition to the Chair, were Ms. Brenda Cook, Mr. Eugene Divine, Mr. Larry Ensley, Mr. Danny Fesperman, Mr. Ted Kluttz, Mr. Tommy Porter, and Mr. Barry Shoemaker and Mr. Dennis Yates. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Jessica Gladwin, Planner, Ms. Colleen Nelson, Senior Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

### Roll Call

### Approval of Minutes

April 17, 2008 minutes Approved.

Approval of May 22, 2008 minutes with the correction that Mr. Fesperman voted against Petition 2008-03 ZT, Chapter 15, clarifying the language of the APFO as it relates to adequate capacity for developments, making the vote 8 to 1.

### New Business – Planning Board Function:

The Chair swore in Ms. Colleen Nelson, Ms. Susie Morris, Mr. Bobby Reynolds, and Mr. Johnny Benton.

Ms. Colleen Nelson, Senior Planner, addressed the Board stating that this is Petition C2008-02 (R-SU), a Zoning Map Amendment. The applicant is Mr. Bobby Reynolds and the property owner is Mr. William Dale Smith. The existing zoning is LI-SU (Limited Industrial – Special Use) and the proposed rezoning is LI-SU (Limited Industrial – Special Use).

Ms. Nelson said the property was rezoned in 2005, to allow certain uses on the property; the property owner would like to add to that list.

The PIN number is 5524-98-2226; it is 35.11 acres, located at 251 Highway 24/27. The subject property is currently being used by a grading company. Before 2005, it was a golf driving range and zoned OI (Office Institutional). The petitioner wishes to amend the existing special use permit approved in October 2005, by adding all remaining limited industrial uses, except landfill and metal recycling/salvaging uses. The Petitioner would like to add a repair shop to the property, which is not in the current list of uses. Currently, the property is surrounded by OI (Office Institutional) zoning and the land uses are mostly residential and wooded properties; to the south of the property is a landscape company.

The LI (Limited Industrial) district provides for both large and small scale industrial and office development. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which do not generate high levels of noise, soot, odors and other potential nuisances/pollutants, for impacting adjoining properties. It is typically located in areas of the county with infrastructure: higher volume roadways, water and sewer, etc. Limited Industrial zones may border higher density residential zones only when an effective buffer exists, for example a natural structural feature: a sharp break in topography, strips of vegetation, or traffic arteries. In no case would a Limited Industrial zone be located so as to result in industrial/commercial traffic penetrating a residential neighborhood.

The Midland Area Plan area plan calls for this property to be Future Employment in this district – an area reserved for future employment growth. These areas are reserved for the development of industrial, research, large office, and warehouse/distribution uses.

There is an intermittent stream that runs through the middle of the parcel. The River Stream Overlay Zone (RSOZ) is required and is shown on the plan. There are two existing buildings (along with parking) on the site.

Ms. Nelson said the owner of the property has been interested in splitting the property and putting another use on it; a repair shop. He would also like to rezone the entire property to allow for possible splitting of the property in the future.

There are no comments from NCDOT at this time, but they will be required to review any future changes, because this is a special use any changes to the site plan will have to be reviewed.

There are no comments from WSACC because the property currently has well and septic.

The Health Alliance requires any new construction to have a septic inspection.

The City of Concord is the retail provider of the water and sewer service and should be considered if water lines are extended to the property.

Soil and Water Conservation District, Mr. Dennis Testerman, points out that the intermittent stream does require a buffer and that the location of the topsoil spoil area appears to encroach into the stream buffer.

Ms. Nelson said that will be changed per the considerations for this special use permit. A plat re-submittal will be required showing any streams or updated features, before any final comments.

Soil Erosion, Mr. Thomas Smith, reports that the project is greater than one acre, and an erosion and sedimentation control plan must be submitted, prior to any land disturbing activities.



Ms. Nelson states that since this is a Special Use Rezoning, two separate actions are required by the commission. The proposed re-zoning is consistent with the Midland Area Plan and is similar to the existing zoning on the subject property. The proposed use is consistent with the Midland Area Plan and is similar to the existing use on the subject property. Since this is a Special Use Rezoning, only the uses proposed as part of the application will be permitted on the subject property. The Planning and Zoning Commission should review the information and facts presented to determine if the proposed zoning amendment is consistent with the Commission's goals and vision for this area of southeastern Cabarrus County.

Should the Planning Commission grant approval of the rezoning request, Staff requests that the following conditions be applied as part of the site plan approval:

1. The property shall comply with the submitted site plan.
2. Any future development shall be subject to approval by NCDOT. As a condition of approval of further development, road improvements may be required.
3. The subject property is limited to all uses in the Limited Industrial District excluding landfill or metal recycling/salvaging uses.
4. Outdoor storage of vehicles for repair will not be permitted, except in the designated paved parking area
5. The River Stream Overlay District shall remain undisturbed.
6. There will be no storage of vehicles or dumping permitted in the RSOZ located on the subject property.
7. Site Plan Review is required for all proposed buildings.
8. Should the applicant wish to amend the existing site plan submitted as part of this case, Planning and Zoning Commission approval will be required to amend the Special Use Permit.

Mr. Yates asked if the driveway proposed between the applicant and neighbor exists or if it were new, a 30 foot stone driveway.

Mr. Bobby Reynolds, 11401 Lawyers Road, Charlotte, NC, addressed the Board. He said the driveway is in existence, and serves the property to the rear. He said they are amending the LI (Limited Industrial) to allow all the conditions and to allow some flexibility on the use of the property. He said nothing will change, it will still be a grading theme, but with more flexibility.

Mr. Shoemaker said one of the conditions states that outdoor storage of vehicles for repair will not be permitted, except in the designated parking area. He asked if the applicant had a parking area that would be used.

Mr. Reynolds said right now no, they will use what is there now.

Mr. Shoemaker asked if the buildings on the site plan are repair facilities.

Mr. Reynolds said they are repair facilities.

Mr. Yates asked if the 100 x 100 ft building exists now.

Mr. Reynolds said yes, it is a repair shop for a grading company.

There being no further discussion, Mr. Porter, **MOTIONED, SECONDED** by Mr. Ensley to **Approve** Petition C2008-02 (R-SU) Zoning Map Amendment with the permitted uses, the conditional uses, and the exceptions listed in the staff report. The vote was unanimous.

There being no further discussion, Mr. Shoemaker **MOTIONED, SECONDED** by Mr. Ensley to **Approve** the Special Use permit and Permitted Uses and the conditions listed in the staff report as part of the site plan. The Vote was unanimous.

### **CONSISTENCY STATEMENT**

Mr. Koch presented the following:

The application is consistent with the Midland Area Plan and is reasonable and in the public interest in that the proposed rezoning is similar or an extension of the existing zoning and the property is in an area of the Midland Area Plan earmarked for future employment.

There being no further discussion, Mr. Ensley **MOTIONED, SECONDED** by Mr. Shoemaker to **Approve** the Consistency Statement. The vote was unanimous.

### **FINDINGS OF FACT (see attached)**

Ms. Jessica Gladwin, Planner, addressed the Board stating that this Petition C2008-03R Zoning Map Amendment. The applicant and owner is Johnny Moffatt Benton of Midland. The property is currently zoned OI (Office Institutional), the applicant is proposing a rezoning to LC (Limited Commercial). The property is approximately 1.14 acres, and is currently used as a sales and service business for recreational vehicles. The property was rezoned in 2005 from LC (Limited Commercial) to OI (Office Institutional). She said with exception of properties directly east, the subject property is surrounded by OI (Office Institutional) properties. The property is served by public water and private septic. With the exception of a glass repair business on the corner of Highway 24/27 and Old Camden, the surrounding property is vacant,

The property is west of the Midland Municipal District on Highway 24/27 and Old Camden Road. The Highway 24/27 corridor is largely zoned LC (Limited Commercial), which is reflective of the existing commercial uses in Midland. The recreational vehicle repair and sales business currently on the property is an existing use, but this use is not permitted in the OI (Office Institutional) zoning district. It is permitted based on standards in the LC (Limited Commercial) zoning district.

According to the Midland Proposed Future Land Use Plan, this property lies within a Future Employment district. Future Employment District areas are reserved for the development of industrial, research, large office, and warehouse/distribution uses.

The subject property lies just outside a proposed site for development, identified as Site L in the Leak-Goforth Strategic Plan for Economic Development. According to the study, this site has the potential to become a large-scale rail-served distribution park. It also suggests zoning of this site should be changed to LI (Limited Industrial) or GI (General Industrial) to accommodate future development.

The proposed rezoning is a conventional rezoning request. Therefore, no conditions may be attached to the rezoning request. All uses permitted in the LC (Limited Commercial) district would be permitted on the subject property.

Therefore, the Planning and Zoning Commission should review the information and facts presented to determine if this proposed rezoning would be consistent with the Commissions' goals and vision for this area of Cabarrus County.

Mr. Divine asked if the large scale rail-served distribution park on Site L was just a possibility.

Ms. Gladwin said it was just a possibility that was in the study.

Mr. Glenn Benton, 6851 Log Cabin Trail, Midland, NC, addressed the Board. He said the property is up for sale and they had some potential buyers for it. He wants the rezoning to help sell the property.

There being no further discussion, the Chair **MOTIONED, SECONDED** by Mr. Porter to **Approve** Petition C2008-03 R Zoning Atlas Amendment. The vote was 8 to 1 with Mr. Ensley opposed.

#### **CONSISTENCY STATEMENT**

Mr. Koch presented the following:

This rezoning is consistent with the Midland Proposed Future Land Use Plan and is an area reserved for future employment and is reasonable and in the public interest.

There being no further discussion, Mr. Ensley **MOTIONED, SECONDED** by Mr. Yates, to **Approve** the Consistency Statement. The vote was unanimous.

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

Proposed Text Amendment: C2008-04 ZT – Recreation Therapist Center

In order to continue research on this text amendment, Planning Staff asks that this case be tabled until the regularly scheduled July Planning and Zoning meeting.

Ms. Morris said staff was having some difficulty finding standards on how people classify these types of uses when they are expanded to farms and into a rural setting. She

said that is why it is taking longer than anticipated and hopes to have something to bring to the Board next month.

There being no further discussion, Mr. Shoemaker, **MOTIONED, SECONDED** by Mr. Ensley to Table C2008-04 ZT, Recreation Therapist Center - Text Amendment until the regular scheduled July Planning and Zoning Meeting. The vote was unanimous.

**Directors Report:**

Ms. Morris, Planning and Zoning Manager, addressed the Board with an update on the Central Area Plan. She presented three maps that were presented to the Board of Commissioner's on June 16, 2008. One map is the existing zoning map; one is the proposed Central Area Land Use Plan, and one map shows the proposed densities. She said the densities have remained the same. What we are proposing is if this is the map that is adopted, there would be rezoning only for down zonings. She said the maps are the proposed draft plan and the zoning map. She said the areas we are talking about where we would be looking at down zoning, would be the areas of LDR (Low Density Residential) if adopted. She said we are proposing that anywhere there would be an up zoning, we would not do those administratively. She said the only thing we would be bringing to the Planning and Zoning Commission would be the proposed down zonings, where the densities that currently exists are more than what is proposed in the plan.

She said if someone came in from Highway 601 and wanted to do something at a higher density, they would have to ask for a rezoning in order to be able to get those densities. She said in the southwestern quadrant area, the City of Concord has said they would extend utilities. She said in order to get the densities that would be permitted in that particular area they are going to need utilities, and it is not something that necessarily can be served by well and septic; especially when you start looking at some of the soil types. She said right now that is the proposed game plan.

Ms Morris said if you look at the land use map, there is a very thin purple line, and it represents the area where Concord would agree to extend utilities; anywhere beyond that particular area the County and the City would have to agree on that area being annexed. She said if they are going to annex the property in, they would have to stay within the densities established in the Land Use Plan.

We are trying to coordinate the best way to have this happen, because the rezoning is based on the Land Use Plan. She said the Planning and Zoning Commission provides a recommendation on the Land Use Plan, but will have final authority on the rezonings.

We were looking at the plan coming to the Planning and Zoning Commission, (at least the map) possibly in July, and then on to the Board of Commissioners in August for final consideration and adoption. She said it may be a two step process, where we bring the map to you first then we have you adopt the text following that, so that we can refine the text and work on the text.

Ms. Morris said the City Council and the Board of Commissioners will be meeting on June 25, 2008, to hash out the finalities about the agreement and hopefully vote on it; as well as making any amendments or changes on the map as far as the utility service boundary area. She said the agreement time period was only until the June 29, 2008. We hope to have that in place so at least we will have the policy in place and then follow with these other tools.

Ms. Morris said there will be an open house on Tuesday, July 15, 2008, from 4:30 p.m. to 6:30 p.m. She said it would be for whatever the final map is; and that is what will be presented during the open house.

Ms. Morris asked the Board if we had to amend the schedule, how many of them would be available to meet on Thursday, July 24, 2008 instead of the regular meeting night July 17th. She will let the Board know if the meeting is rescheduled for July 24, 2008.

The Board indicated that they would be available to meet on July 24, 2008 if needed.

Mr. Koch stated that the local agreement between the County and the City of Concord has been drafted and sent over to the City for review. He said they are going to adopt it on June 25, 2008 in some form, they have to and they need to do it before June 29, 2008, which is the reason for the joint special meeting on June 25, 2008.

He said anything on that line and anything to the west of it Concord can extend utilities and anything to the east of it they cannot unless the County agrees.

Mr. Yates said or vice versa, the City and County both would have to agree, it could not be either/or, both would have to agree.

Mr. Koch said that is correct, the City controls utilities.

Mr. Yates asked if the County says no then Concord can't in essence.

Mr. Koch said that is correct. He said the City can still annex it if they want too, if it is a voluntary annexation. He said they do not have to provide services; but, unless the County agrees, there will be no extension of utilities past the Utility Service Boundary (USB).

Mr. Yates said having dabbled in development a couple of times; it is horrifically difficult, beyond comprehension and he thinks Ms. Mynatt is learning that the hard way to coordinate between any municipality and the County or vice versa or together. He applauds very much that there is trying to be some sense of unification and simplicity or pre-coordination between the municipalities and he wishes the other municipalities in the County would follow suit in days to come forward.

Mr. Yates asked if any project that has been put before this Board to date has been in limbo, no action has been taken by anyone.

Ms. Morris said we do not have any projects in the hopper in this area.

Mr. Yates asked if any one had, would they be subjected to the new rules and new conditions that we would ultimately pass.

Ms. Morris said unless someone is vested under State Statutes or Common Law Vested Rights, then yes, they would be subject to the new plan.

Mr. Ensley said hypothetically, if any area that Concord annexes, they would reduce the density level at that time. He asked if they could annex it and go back to there zoning board and change the density.

Ms. Morris said as part of the agreement, she think it says that they have to adhere to those densities, once it is in the city limits, per the agreement, she thinks they are bound to that.

Mr. Koch said that is correct. He said it is an attempt to jointly manage the growth in that area and to jointly have it zoned consistent. He said they are obliged to do the same thing in the City in this area as the County, relative to the plan, unless both agree to change.

Mr. Ensley asked if the County still had some jurisdiction.

Mr. Koch said yes.

Ms. Morris said there are a few Board members whose term will expire at the end of August. They are: Roger Haas – Kannapolis, Tommy Porter – Eastern Area and Barry Shoemaker for the Northwest Area and Eugene Divine for the Harrisburg Area as an alternate. She asked those persons to let her know if they would like to remain on the Board. She said unless their information has changed, they will not have to fill out an application.

Ms. Morris said the County is facing a legal challenge on the Adequate Public Facilities Ordinance. We are working on that and at this point we have been served with all of those; they are relatively case specific. We are looking at certain things related to each one of those particular developments, but also as a part of that, there is a more broad brush issue. That issue is whether or not the County can actually apply the Adequate Public Facilities Ordinance within the Towns and Cities. She said we do have a special legislation that says that we can do that. It is going to depend on the scope and how the judge looks at those cases; whether he looks at it as specific to that case or the more broad view.

Mr. Koch said the hearing on all the motions in the case, including the motion to escrow funds, is scheduled for July 21, 2008; a Superior Court hearing in Cabarrus County and it is for all 3 of the law suits. We are going to try and administer them, certainly in the pre-trial stage collectively.

Mr. Koch said there is a pending motion by the Cabarrus County Building Industry Association to intervene in one of the lawsuits. He said if you recall, Jim Scarborough was here last month and submitted that sheet on the matter that had been tabled. It turns out that all of that had nothing to do with what was before this Board, but they have asked to be made a party to challenge the legality of the Adequate Public Facilities Ordinance.

Ms. Morris said if you decide that you would like to get back on the Board, let her know. She is passing it on to the County Managers office and they should make appointments, hopefully in July. You would be sworn in August and in September pick a Chair and a Vice-Chair.

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

**FINDINGS OF FACT  
SPECIAL USE REZONING  
C2008-02 (R-SU)  
APPLICANT: BOBBY REYNOLDS**

1. The change from the existing zoning of LI-SU (limited industrial – special use) to the proposed zoning of LI-SU involves no zoning classification change but does allow more but not all of the uses permissible in LI zoning.
2. The proposed zoning is consistent with the Midland Area Plan, which calls for this property to be in the future employment district, an area reserved for employment growth.
3. The property is currently being used by a grading company, which is seeking the rezoning in part to be able to repair the company's vehicles on site, which is not presently allowed under the existing zoning.
4. The applicant has agreed to all the conditions recommended by staff in the staff report, which conditions are incorporated into this rezoning.
5. The rezoning and the permitted uses will not adversely impact the public safety, health or welfare.
6. The property as rezoned is compatible with the surrounding zoning and land uses.



APPROVED BY:

A handwritten signature in black ink that reads "Roger Haas". The signature is written in a cursive, flowing style with a large loop at the end.

Roger Haas, Chairman

SUBMITTED BY:

Arlena B. Roberts

ATTEST BY:

Susie Morris  
Planning and Zoning Manager

## Susie Morris

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**From:** Susie Morris  
**Sent:** Thursday, June 12, 2008 4:48 PM  
**To:** Kay Honeycutt; Lori Hinson; Angela Poplin  
**Cc:** John Day  
**Subject:** Planning and Zoning Commission

There are four Planning and Zoning Commission members that have terms expiring on 8/31/2008:

Thomas Porter-Eastern Area  
Roger Haas-Kannapolis  
Barry Shoemaker-Northwest  
Eugene Divine (alt)-Harrisburg Area

No one has served six years yet on the new board, so they would all be eligible for re-appointment if they are willing to serve again. I will find out this week if they are interested in reappointment. If so, do you want new applications filled out?

*Susie A. Zakraisek Morris, AICP, CZO*  
*Planning and Zoning Manager*  
*Cabarrus County Commerce Department*  
*704.920.2858 (phone)*  
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<< File: Susie Zakraisek.vcf >>