

Commerce Department  
Planning Division

## Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting  
May 15, 2008  
7:00 P.M.  
County Commissioners Chamber  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
  
2. Old Business – Planning Board Function:
  - A. **Proposed Text Amendment:**  
C2008-01-ZT – Chapter 8 – Reception Facilities in Residential Zoning Districts. (Tabled from April 17, 2008 Planning and Zoning Commission meeting)
  
  - B. **Proposed Text Amendment:**  
C2008-03-ZT Chapter 15, Clarify the language of the APFO as it relates to adequate capacity for developments. (Tabled from April 17, 2008 Planning and Zoning Commission meeting)
  
3. New Business – Planning Board Function:
  - A. **Proposed Text Amendment:**  
Atlas  
C2008-02 (R-SU) Reynolds & Sons, Special Use Rezoning – (Request to Table)
  
  - B. Request to consider amending ordinance (add Recreational Therapy Facility)
  
4. Directors Report:
  - A. Central Area Plan Update

# Memo

**To:** Cabarrus County Planning and Zoning Board  
**From:** Jeff Huss, Planner  
**CC:** File  
**Date:** 5/7/08  
**Re:** Proposed Text Amendment to Chapter 8 (C2008-01-ZT)

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- Attached you will find proposed text to address reception facilities in residential zoning, as well as existing text from Cabarrus County Zoning Ordinance. The proposed text is presented as it will appear in the ordinance, and on pages that the text is applicable.
- This amendment is proposed because the Cabarrus County Zoning Ordinance does not currently classify or set standards for Reception Facilities in residentially zoned areas.
- Additions to the text since the 4/17/08 Planning & Zoning Meeting:
  - New Sentence: "New Construction must meet commercial design standards." (Predefined Standards, #3, page 8-45)
  - New text will be added on page 8-45, as the 30<sup>th</sup> conditional use. Subsequent page numbers have been adjusted.
  - "Reception Facilities" will be added to **TABLE THREE: USES & ZONES IN WHICH THEY ARE CONDITIONAL**. Reception Facilities is now #16 in the table, based on alphabetical order. Subsequent uses and the numbering have been adjusted. As was determined in previous P&Z meetings, the use will be allowed in Agricultural Open (AO) and Countryside Residential (CR) zones.
  - "Reception Facilities" has been added as a conditional use to the AO and CR zoning under Conditional Uses in Chapter Three, pages 3-6 and 3-8 respectively.
- Please look over the materials and be prepared to discuss the changes at the meeting.

(E) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines and in the event of change, construed as being the actual.

(F) Boundaries indicated as parallel to or extensions of features indicated in (A) through (E) above shall be construed.

Distances not specifically indicated on the Official Zoning Atlas shall be determined by the scale of the map.

(G) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Atlas, or in other circumstances not covered by (A) through (F) above, the Zoning Administrator shall interpret the district boundaries.

(H) Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the regulations for either portion of the lot may be extended not to exceed one hundred (100) feet beyond the district line into the remaining portion of the lot.

**Section 3-7. Statements regarding the purpose of zoning districts.**

The following subsections more fully describe the essential nature of each zoning district, explain the rationale for its creation and list land uses either permitted (P), permitted based on standards (PBS), or conditional (C).

**AGRICULTURAL DISTRICT:**

Agricultural/open. This district is comprised mostly of lands usually found on the eastern side of the County which, due to physical characteristics such as soil type, topography, etc., should remain agrarian. To a lesser degree, these are also those lands which are conducive to providing recreationally oriented open space. These land areas should remain the

farmland and undeveloped/forested land of the County. Public utilities will not be planned for these areas. Consequently, residential uses that support those working and/or owning the land, home occupations allied with existing residences, and very limited business endeavor are envisioned as complementary to the area. In sum, the primary activity of these lands is agricultural - housing and business are typically related to and supportive of the practice of modern day agriculture. It is not, however, improbable that a small hamlet type settlement might evolve in this zoning district. As to those areas constituting open space, manmade uses must take care to enhance and not detract from the essential character of the area.

Rationale: Cabarrus County, due largely to its proximity to the Charlotte/Mecklenburg metropolitan area, is in a growth mode which will, in all probability, continue. While the issue of farmland preservation may ultimately be more driven by market economics, it still behooves policy makers to prudently attempt some farmland preservation. Less a matter of market economics is the concept of retaining unspoiled, undeveloped lands for future generations to enjoy.

#### **USES IN THE Ag/O ZONE:**

##### Permitted Uses

Agriculture excluding livestock  
Agriculture including livestock  
Bulk grain storage  
Cemetery  
Dairy processing  
Family care home  
Group care facility  
Hatchery  
Livestock sales  
Mobile home class I  
Nursery/greenhouse  
Sawmill  
Single family detached residential  
Stables, commercial

##### Permitted based on Standards (PBS)

## Proposed Text

Accessory apartment  
Auction house  
Bed & breakfast  
Civic organization facility  
Communications towers  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Gas station  
Home occupation  
Home occupation, rural  
Kennel, private  
Landfill, demolition (one acre or less)  
Mobile home class II  
Mobile office, temporary  
Nursery/Daycare  
Public cultural facility  
Recyclable materials drop-off  
Religious institution (total seating capacity 350 or less)  
Repair shop, automobile  
Repair shop, farm machinery  
Repair shop, small engine  
Rest/convalescent home with 10 or less beds  
Restaurant, excluding drive-thru  
Retail sales/shoppers' goods

### Conditional Uses

Airstrip  
Colleges & universities  
Elementary & secondary schools  
Landfill, demolition (more than one acre)  
Landfill, sanitary  
Multimedia production & distribution complex  
Public service facility  
Public use facility  
Race shop/complex  
Reception Facilities  
Recreational facility, outdoor  
Religious institution (total seating capacity 351 or more)  
Religious institution with school  
Rest/convalescent home with more than 10 beds  
Slaughter house/meat packing  
Trade & vocational schools  
Veterinarian/animal hospital/commercial kennel

## RESIDENTIAL DISTRICTS:

**(1) Countryside residential.** Lands in this district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if at all possible. Although the area is capable of handling higher densities of development, development is kept at very low overall densities. Development includes only the standard single family detached dwelling. The site sensitive design concept is carried out through performance based standards on residential development with the technique of "clustering". In general, clustering is an arrangement of physical structures on land with an emphasis on retaining natural areas as open space. It is the primary way in which development can be successfully blended into the rural landscape.

**Rationale.** This is a land use district created as a direct result of the County's systematic area planning process. As a reaction to the growth of the past decade (as much as 80% in some townships) many residents are anxious to see their areas retain the appeal that inspired the resident to make his/her original investment. This district helps implement a growth management philosophy before the fact rather than after. Even when the area has access to public utilities, the overall density will remain relatively low. In summary, the principle purpose of this district is to provide some land area in the County for a permanent country/rural residential life style.

## USES IN THE COUNTRYSIDE RESIDENTIAL ZONE:

### Permitted

Agriculture excluding livestock  
Agriculture including livestock  
Dairy processing  
Family care home  
Group care facility  
Livestock sales  
Nursery/greenhouse  
Single family detached residential

Proposed Text

Permitted based on Standards (PBS)

Accessory apartment  
Auction house  
Bed & breakfast  
Cemetery  
Civic organization facility  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Gas station  
Home occupation  
Home occupation, rural  
Kennel, private  
Landfill, demolition (one acre or less)  
Mobile home class I  
Mobile office, temporary  
Nursery/daycare  
Public cultural facility  
Religious institution (total seating capacity 350 or less)  
Rest/convalescent home with 10 or fewer beds  
Restaurant excluding drive-thru  
Sawmill  
Stables, commercial

Conditional Uses

Colleges & universities  
Communications tower  
Elementary & secondary schools  
Multimedia distribution & production complex  
Public service facility  
Public use facility  
Reception Facility  
Recreational facility, outdoor  
Religious institution (total seating capacity 351 or more)  
Religious institution with school  
Rest/convalescent home with more than 10 beds  
Slaughter house/meat packing  
Veterinarian/animal hospital/commercial kennel

(2) Low density residential. This district is intended to permit development with a low density residential community character. This district allows conventional, open space and amenity subdivisions. These zones are located

- sited to the rear of the building,
- within the setbacks required of the building's underlying zone; and,
- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

a) Fencing. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

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### **30. RECEPTION FACILITIES**

#### **Zones in which conditional:**

Agricultural Open and Countryside Residential

#### **Additional information required with petition:**

1) A complete description of the facility including but not limited to:

- types of events, days and hours of operation
- site plan showing layout of all buildings, parking areas, landscape, buffers, etc.
- projected number of users per weekday and weekend days, with the maximum number expected at any one event.
- total number of seats
- types of accessory uses, if any, envisioned on the site (includes any accessory structures)
- total number of employees, both full-time and part-time.
- any and all other relevant information that will help describe the facility
- building elevations

2) A traffic study based on ITE (Institute of Transportation Engineering) rates or other comparable source analyzing the proposed site's impact on the existing road network. Proposed roadway improvements serving the site should also be detailed.

#### **Predefined standards:**

- 1) Site Size. The site shall contain at least five acres.
- 2) Access. The parcel must have frontage on a major or minor



thoroughfare.

- 3) Structure. A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. New construction must meet commercial design standards.
- 4) Setbacks. All structures, viewing areas, and seating areas shall be set back at least one hundred (100) feet from any street or boundary line.
- 5) Lighting. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.
- 6) Noise Control. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the conditional use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- 7) Buffer. In the event the facility abuts residential property, level one buffering must be implemented. See Chapter Nine, Landscaping and Buffer Requirements.
- 8) Access. The parcel must have frontage on a major or minor thoroughfare. Proposed access points must be approved by NCDOT.
- 9) Parking. The facility must provide two parking spaces for the owner/operator, plus one for every four persons in attendance, for the duration of the reception event. Service providers (caterers, etc.) should be included in this calculation. The parking area must be grassed (no impervious). However, handicap accessible parking is required to be an improved/hard surface and to meet requirements of the North Carolina State Accessibility Code and Section 10-5.3. of this ordinance. No on-street parking is permitted.
- 10) Meals. Other than as part of the reception events, no meals shall be served to the general public on the site.

Proposed Text

11) Accessory uses. The following accessory uses may be permitted as incidental to and limited to the patrons of the principal use:

- playground
- bathroom facilities
- aesthetic (gazebo, barn, etc.) features

12) Signage. Signs for Reception Facilities shall meet the requirements of Chapter Eleven (Standards for Permanent Signage in Residential Districts) of the Cabarrus County Subdivision and Zoning Ordinance:

- One detached sign per premises, located outside of street right-of-way and site distance triangle. Maximum sign area – sixteen feet, maximum sign height – four feet
- One attached sign per premises (as a substitute for a ground/detached sign). Maximum sign area – five feet





Proposed Text

*(Zone abbreviations: Ag/op - Agricultural/open; CR - Countryside residential; LDR & MDR - either low or medium density residential; HD/M - High density/mixed use residential; OF/LC - Office/limited commercial; Gen C -General commercial; Lim I - Limited industrial; and, Gen I - General industrial.)*

(E) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines and in the event of change, construed as being the actual.

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## Existing Text

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### USES IN THE Ag/O ZONE:

#### Permitted Uses

Agriculture excluding livestock  
Agriculture including livestock  
Bulk grain storage  
Cemetery  
Dairy processing  
Family care home  
Group care facility  
Hatchery  
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Mobile home class I  
Nursery/greenhouse  
Sawmill  
Single family detached residential  
Stables, commercial

#### Permitted based on Standards (PBS)

## Existing Text

Accessory apartment  
Auction house  
Bed & breakfast  
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Communications towers  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Gas station  
Home occupation  
Home occupation, rural  
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Landfill, demolition (one acre or less)  
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Repair shop, farm machinery  
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Retail sales/shoppers' goods

## Conditional Uses

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Elementary & secondary schools  
Landfill, demolition (more than one acre)  
Landfill, sanitary  
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Public service facility  
Public use facility  
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**Rationale.** This is a land use district created as a direct result of the County's systematic area planning process. As a reaction to the growth of the past decade (as much as 80% in some townships) many residents are anxious to see their areas retain the appeal that inspired the resident to make his/her original investment. This district helps implement a growth management philosophy before the fact rather than after. Even when the area has access to public utilities, the overall density will remain relatively low. In summary, the principle purpose of this district is to provide some land area in the County for a permanent country/rural residential life style.

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Stables, commercial

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Elementary & secondary schools  
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Veterinarian/animal hospital/commercial kennel

(2) Low density residential. This district is intended to permit development with a low density residential community character. This district allows conventional, open space and amenity subdivisions. These zones are located where public utilities either are available or are envisioned available within the next two to five years.

Existing Text

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- sited to the rear of the building,
- within the setbacks required of the building's underlying zone; and,
- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

- i) Fencing. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

Existing Text

**TABLE THREE: USES & ZONES IN WHICH THEY ARE CONDITIONAL.** Conditional uses are read vertically on the left; zones are read across and to the right and marked with an asterisk (\*) when conditional. (Zone abbreviations: *Ag/op - Agricultural/open; CR - Countryside residential; LDR & MDR - either low or medium density residential; HD/M - High density/mixed use residential; OF/LC - Office/limited commercial; Gen C -General commercial; Lim I - Limited industrial; and, Gen I - General industrial.*)

**ZONES:**

CONDITIONAL USE:	Ag/op	CR	LDR	MDR	HD/M	O/I	OF/LC	GEN C	LIM I	GEN I
1. Adult use								*		
2. Airport, commercial								*	*	*
3. Airstrip	*							*	*	*
4. Coliseum/stadium								*	*	*
5. College/university	*	*	*	*	*			*	*	*
6. Communications tower	*	*				*				
7. Elementary, secondary schools	*	*	*	*	*	*				
8. Extraction of earth products										
9. Landfill, sanitary & demolition landfills of one or more acres	*								*	*
10. Multimedia production and distribution complex	*	*							*	*
11. Nursery/daycare										
12. Public service facility	*	*	*	*	*	*	*	*	*	*
13. Public use facility	*	*	*	*	*	*	*	*	*	*
14. Race complex	*									

Existing Text

CONDITIONAL USE:	Ag/op	CR	LDR	MDR	HD/M	O/I	OF/LC	GEN C	LIM I	GEN I
15. Race track, animal/mechanical									*	*
16. Recreational facility, outdoor	*	*	*	*	*	*	*	*	*	*
17. Religious institution (351 seats or more)	*	*	*	*	*	*				
18. Religious institution with school	*	*	*	*	*	*				
19. Rest/convalescent home (10 or more beds)	*	*	*	*	*	*				
20. Restaurant with drive-thru facility				*	*					
21. Retail sales, shopping centers of 100,000 square feet or more.								*		
22. Slaughterhouse/meat packing	*	*								
23. Trade/Vocational schools						*	*	*	*	*
24. Truck stop/truck terminal										
25. Trucking & heavy equipment, sales & service								*	*	*
26. Trucking & heavy equipment, sales & service								*	*	*
27. Veterinarian/animal hospital/commercial kennel	*	*					*	*	*	*

Existing Text

CONDITIONAL USE:	Ag/op	CR	LDR	MDR	HD/M	O/I	OF/LC	GEN C	LIM I	GEN I
28. Wireless Telecommunications Services	*	*	*	*	*	*	*	*	*	*

*(Zone abbreviations: Ag/op - Agricultural/open; CR - Countryside residential; LDR & MDR - either low or medium density residential; HD/M - High density/mixed use residential; OF/LC - Office/limited commercial; Gen C -General commercial; Lim I - Limited industrial; and, Gen I - General industrial.)*

# Memo

**To:** Cabarrus County Planning and Zoning Commission  
**From:** Jeff M. Huss, Planner  
**Date:** 5/8/2008  
**Re:** C2008-02 (R\_SU) Reynolds & Sons, Special Use Rezoning

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- An application for a Conditional Use Rezoning has been filed in our office by Reynolds & Sons Construction Company, on behalf of William Dale Smith Grading. The petitioner wishes to amend the conditions of an existing special use permit.
- The petitioner is asking that this case be tabled until the regularly scheduled June Planning & Zoning Meeting, in order to work with staff to decide the most appropriate route for processing the applicant's request.

# Reynolds

**& SONS Construction Company**

P.O. BOX 23034

CHARLOTTE, NC 28227-0272

(704) 545-4526 FAX (704) 545-4700

May 7, 2008

Colleen Nelson  
Cabarrus County  
Commerce Department  
Planning Division

Dear Colleen:

This letter is a formal request by the applicant, Bobby Reynolds, agent for the owner of the property defined as PIN # 5524-98-2226, William Dale Smith, for the Cabarrus County Planning and Zoning commission to table case # C2008-02(R-SU) for the May 2008 meeting. I ask that the case be tabled in lieu of a completed review of the site plan that has been submitted and addressed again at the June 2008 meeting.

Sincerely,

REYNOLDS & SONS CONSTRUCTION COMPANY



Bobby Reynolds  
President



# Memo

**To:** Cabarrus County Planning and Zoning Board  
**From:** Jeff Huss, Planner  
**CC:** File  
**Date:** 5/8/08  
**Re:** Request to consider amending ordinance

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- Attached you will find a letter from Christine Cronin, Executive Director of Wings of Eagles Ranch (WOER) – Therapeutic Horseback Riding Center, located at 4800 Faith Trails. Along with a short synopsis of WOER's present contributions to the community, the letter addresses WOER's plans for a multi-purpose therapy center and how the facility can benefit the special needs community of this region.
- The reason for this proposal is that the ordinance does not properly classify, or set standards for a Recreational Therapist Center (rural setting).
- Please look over the Cronin's letter and be prepared to discuss the request.

# ← WINGS OF EAGLES RANCH →

## Therapeutic Horseback Riding Center

May 6, 2008

Jeff Huss, Planner  
Cabarrus County Commerce Department  
65 Church Street SE  
Concord, NC 28026

Dear Jeff and the Planning and Zoning Department:

Wings of Eagles Ranch a non-profit (501)(c)(3) Therapeutic Horseback Riding Center. We are looking to create a therapy center which utilizes a multipurpose facility. In addition to therapeutic horseback riding, this new facility will allow us to provide a location for area healthcare professionals to conduct related therapies for their clients, such as Occupational Therapy, Physical Therapy and Speech-Language Pathology. This will better serve not only our riders and their families but also improve onsite training capabilities for our volunteers and staff. The building will not only be a fully functional therapy room, but will also serve as a training facility for the WOER staff, volunteers and parents, who will be able to participate in the development of their child's therapy program onsite. Conferences and training sessions, providing ongoing education to the staff and families will be available on a regular basis. Parents will also be able to fellowship together while they wait during therapy sessions. Additional fundraising events to benefit WOER will be conducted at this multipurpose building. The summer program will also utilize this facility for various classes, such as art, music, cooking and nature instruction, as well as any needed therapy for individuals who are participating during camp. This multipurpose building and ultimately this new program is the start of a new and wonderful outreach to the special needs community.

Wings of Eagles Ranch has served the community for 9 years, working with children and adults who have physical and learning disabilities. We provide therapeutic horseback riding for individuals with these disabilities: Cerebral Palsy, Autism, MS, Spina Bifida, Down syndrome, Traumatic Brain Injuries, Stroke patients, Neuropathy and other disorders. Most sessions have a waiting list for riders. However, being able to introduce additional therapy options which could be conducted simultaneously at WOER would greatly increase both the population being served and in turn, the revenue created by additional clients.

Thank you for your time.

Sincerely,

Christine Cronin, Executive Director  
Wings of Eagles Ranch

4800 Faith Trails + Concord, North Carolina + 28025  
(704) 784-3147 + [www.wingsofeaglesranch.org](http://www.wingsofeaglesranch.org)  
A non-profit Equestrian Therapy Center for persons with Special Needs  
Serving Cabarrus County and surrounding areas since 1999

The Cabarrus County Building Industry Association (CCBIA) asked me to provide their feedback to the draft revision to the Cabarrus County Adequate Public Facilities Ordinance (APFO).

Last month, the association was grateful you tabled the proposal to allow 5 to 15 lots be built per year in certain areas of the county. Since your last meeting, CCBIA reviewed the ordinance – specifically linking lot restrictions in certain areas of the county to the current rate of \$8,617 – to determine whether they could support it or provide an alternate recommendation.

In short, CCBIA does not support the proposed revision to the Cabarrus County APFO (bullet points listed below are the main reasons for non-support.)

For years, the local building industry has worked with officials to facilitate quality growth in Cabarrus County. Discussions related specifically to the APFO have resulted in local government checking-the-box to say they have consulted the building industry and then moving forward with this legally questionable tax on new housing. The Cabarrus County APFO has increased from \$500 in 1998 to a current rate of \$8,617 per lot – a 1,623% tax increase on a single industry.

Cabarrus County officials continually state the APFO is a critical tool for the county to fund school construction. Financial numbers do not back-up their claims regarding school construction. For example, projected APFO revenues will account for less than 3% of the Cabarrus County Public Schools 5 year Capital Improvement Plan. And, APFO funds were collected for six or seven years before money was allocated to school construction projects.

After much deliberation, CCBIA has chosen to join a recently filed lawsuit against Cabarrus County. The purpose of the lawsuit is to challenge the overall authority of Cabarrus officials to impose the county's APFO on a countywide basis including incorporated areas of the county where the municipalities have not adopted the county's APFO.

Faced with a high and annually increasing APFO tax and now with a proposal to restrict the amount of lots built per year – CCBIA believes it is critical to have a neutral third-party decision from the courts to determine the legality of the county's APFO.

Thank you for your time.

Jim Scarbrough  
Ferguson, Scarbrough, Hayes, Hawkins and DeMay PA  
Concord, North Carolina  
(704) 788-3211

### **CCBIA Reasons for Non-Support to Specific Proposal to Limit Lots in Certain Areas:**

- CCBIA is not aware of counties in North Carolina that restrict the number of lots that can be built per year. The lot restriction proposal was authored by someone who is not from North Carolina and the version of the APFO you approved in 2007 was approved by only one stakeholder – not the entire APFO stakeholder group that was formed by Cabarrus County.
- The annually increasing Cabarrus County AFPO, coupled with a restriction of lots built per year, is not feasible for the building industry. The APFO is eliminating local jobs and hurting the local businesses that rely on the housing industry. A study conducted in 2000 by Dr. John Connaughton (Director, Economics at Belk School of Business at UNC-Charlotte) concluded that for every 100 new home built in Cabarrus County, 253 jobs are generated and 85 of those are non-homebuilding related jobs (i.e., automotive, retail, food, etc.).
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## Susie Morris

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**From:** Susie Morris  
**Sent:** Thursday, May 15, 2008 12:42 PM  
**To:** Iris Barnhardt; billcannon@ctc.net; rgf0202@aol.com; arlorrs@yahoo.com; allen1101@carolina.rr.com; tim sherman; Emmitt Black; Dale.cline@concordstandard.com; faggartk@ci.concord.nc.us; klp@carolina.rr.com; lamcook@yahoo.com  
**Cc:** Susie Morris  
**Subject:** Draft Map Presented on Tuesday/Meeting Updates for Central Area Plan  
**Attachments:** hybriddraftmapone.pdf; Susie Zakraisek.vcf



hybriddraftmapone.pdf (1 MB)

Good afternoon-

The **Advisory Committee** meeting originally scheduled for May 22nd has been moved to **Tuesday, May 20th from 5-7 PM** in the Multi-Purpose Room at the County. (This is a working meeting and is AC meeting #5 on the original schedule.)

The public open house session (Community Meeting # 3) has been extended to **10 AM-8 PM on Thursday the 22nd** to allow additional time for the public to attend. This is a drop in session only. (No formal presentation-individual or small group discussions at different map stations)

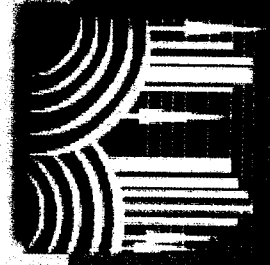
The joint meeting of elected officials and Planning and Zoning Boards is scheduled for **Thursday, May 29th from 5-7:30 PM**. Location TBD. It was originally scheduled for the Rotunda Area at the Government Center (and may still be held in the Rotunda Area), but due to public participation, we are trying to secure another venue that will hold more people. I will let you know ASAP if the venue is going to be changed.

If you have any questions, let me know.  
Susie

*Susie A. Zakraisek Morris, AICP , CZO  
Planning and Zoning Manager  
Cabarrus County Commerce Department  
704.920.2858 (phone)  
704.920.2227 (fax)*



Susie Zakraisek.vcf  
(4 KB)

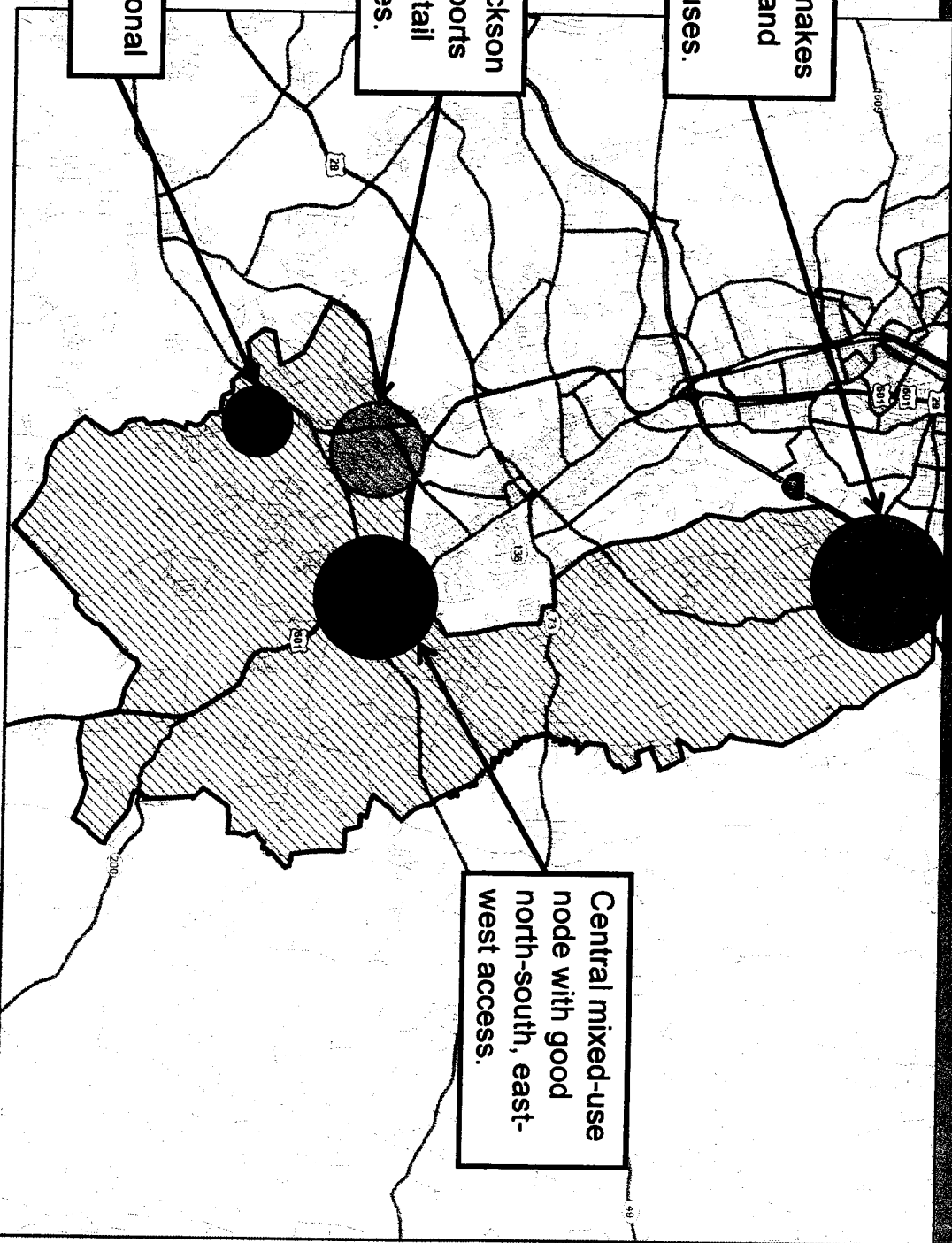


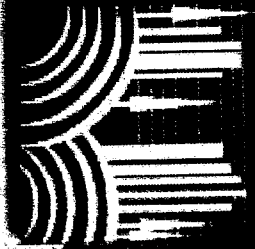
**L-85 access makes retail, office, and industrial all supportable uses.**

**Stonewall Jackson location supports residential, retail and office uses.**

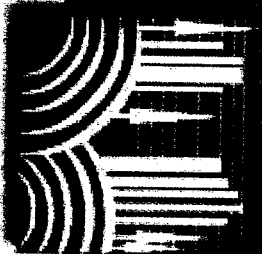
**Entitled, regional retail site**

**Central mixed-use node with good north-south, east-west access.**





- Industrial uses generally chase access:
  - Rail
  - Four-lane highways
  - Interstates
- In the 16-county Charlotte Regional Partnership (CRP) area, the average industrial park is 230 acres in size.
- More than 50% of the available industrial park acres in the CRP area are located within three miles of an interstate.
- I-85's Lane Street interchange will be a major attraction for industrial uses.
- Stonewall Jackson has hurdles associated with industrial development: site topography, no rail access, and interstate access is more than five miles away.



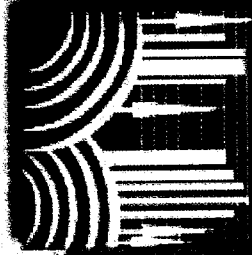
**New Office Square Footage Delivery Forecast  
Study Area, 2008-2030**

	0	200,000 - 250,000	200,000 - 250,000	250,000 - 400,000	400,000 - 500,000
Multi-Tenant	0	40,000	60,000	40,000	60,000
Professional/Retail	0	40,000	60,000	80,000	120,000

Source: Warren & Associates, ESRI, Cabarrus County Planning Department

- Currently no office space found within the Study Area.
- Corporate office market will not decentralize from Mecklenburg County enough to impact the Study Area.
- The NCRC will likely impact the study area—the prepared impact analysis projects 8,602 jobs to Cabarrus County by 2020, and 12,780 by 2030.
- Household growth will bring 40,000-60,000 square feet of professional or “retail” office space per decade.
- Can't forecast for relocations or 'drop-ins'.





- Aston Properties will likely develop their proposed 800,000 square feet Super Target site by 2020.
- The Mills development is currently stalled, retail development will require the attraction of a major anchor.
- Two additional neighborhood centers between 75,000-100,000 could be supported by 2030.

**Entitled Retail Centers  
Study Area, April 2008**

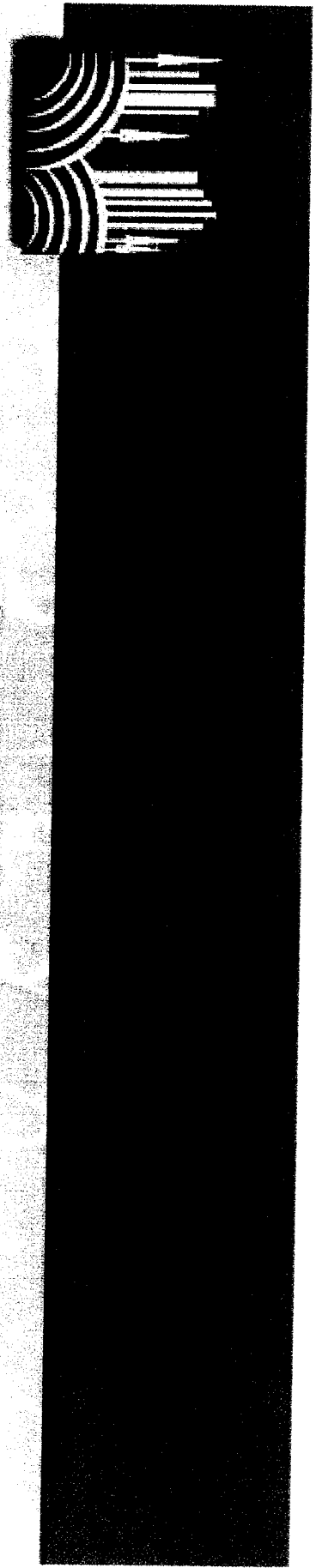
Aston Properties	NC Highway 49	800,000
The Mills at Rocky River	Rocky River Rd.	565,000

Source: W & A, Cabarrus County Planning Department

**Retail Square Footage Delivery Forecast  
Study Area, 2008-2030**

Neighborhood	0 - 75,000	75,000 - 125,000	125,000 - 150,000	150,000 - 175,000	175,000 - 275,000
Regional/Community	0	0	0	0	0

Source: Warren & Associates, ESRI, Cabarrus County Planning Department



**Aggregate Housing Units by Type**  
**Study Area: 2008-2030**

Single-Family Detached	9,034	9,686	13,288	13,786	17,608	18,108
Single-Family Attached	10	10	110	210	310	410
Apartments	228	228	478	528	728	828

Source: Warren & Associates, ESRI, Calbarus County Planning Department

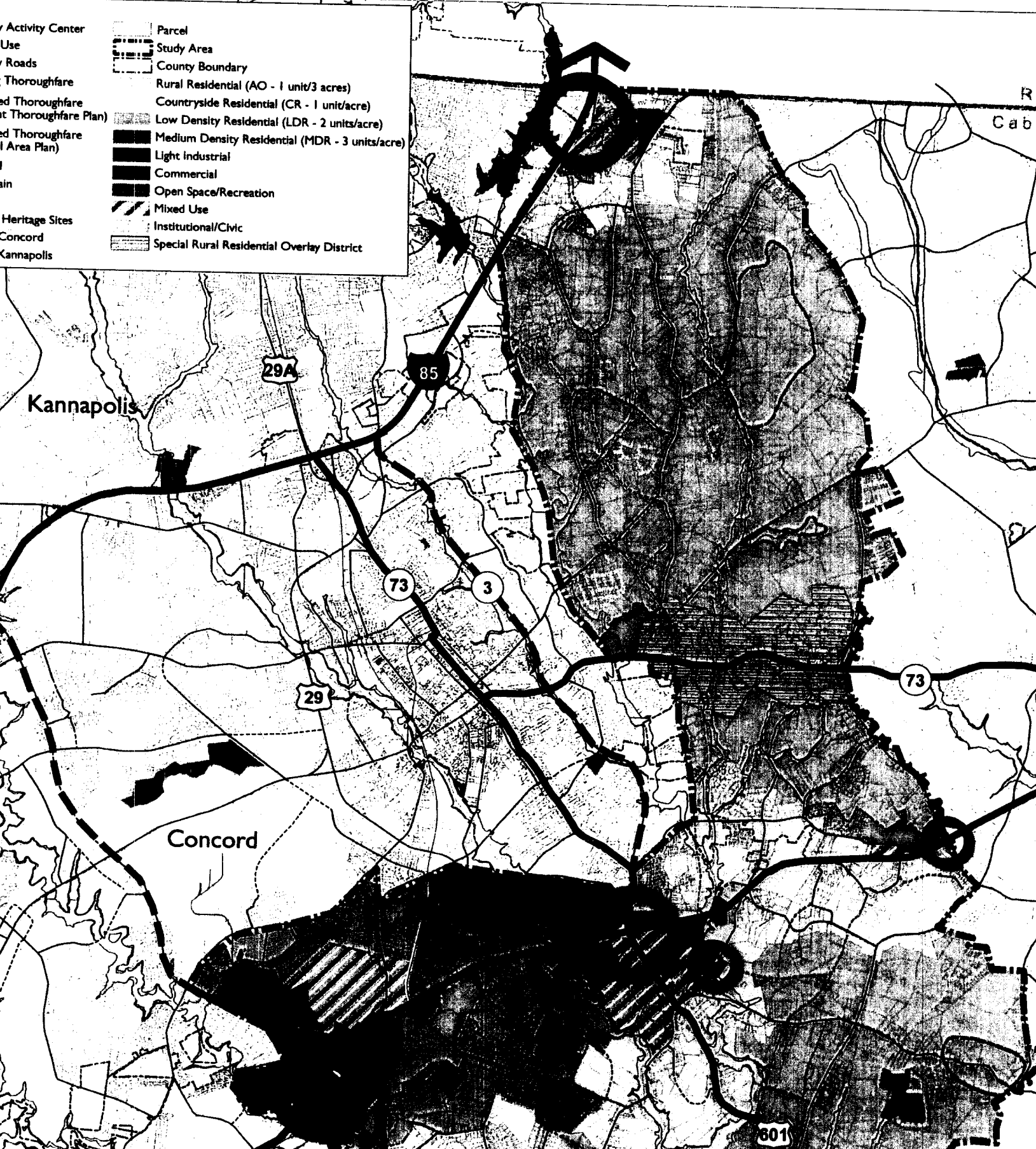
**Share of Housing Units by Type**  
**Study Area: 2008-2030**

Single-Family Detached	97.4%	94.5%	2.9%
Single-Family Attached	0.1%	1.6%	1.5%
Apartments	2.5%	3.9%	1.4%

Source: ESRI, Warren & Associates

- Single-family, detached homes are projected to increase by between 8,574 to 9,074 units from 2008 to 2030.
- The study area is expected to add one community each decade of single-family, attached homes and apartments.
- The mix of housing types will vary only slightly during the analysis period.

Activity Center Use	Parcel
Roads	Study Area
Thoroughfare	County Boundary
Thoroughfare	Rural Residential (AO - 1 unit/3 acres)
Thoroughfare	Countryside Residential (CR - 1 unit/acre)
Thoroughfare	Low Density Residential (LDR - 2 units/acre)
Thoroughfare	Medium Density Residential (MDR - 3 units/acre)
Thoroughfare	Light Industrial
Thoroughfare	Commercial
Thoroughfare	Open Space/Recreation
Thoroughfare	Mixed Use
Thoroughfare	Institutional/Civic
Thoroughfare	Special Rural Residential Overlay District

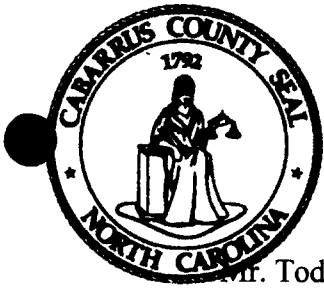


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Planning and Zoning Commission Minutes

May 15, 2008

7:00 P.M.

Mr. Todd Berg, Vice-Chairman, called the meeting to order at 7:03 p.m. Members present, in addition to the Vice-Chair, were 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 and Mr. Dennis Yates. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Jeff Huss, Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

**Roll Call**

**New Business – Planning Board Function:**

The Chair said the Agenda Item under New Business, Item 3A, Proposed Atlas Amendment, will be moved to the first item on the Agenda.

Mr. Jeff Huss, Planner, addressed the Board stating this is Proposed Atlas Amendment Petition C2008-02 (R-SU) Reynolds & Sons, Special Use Rezoning. He said the property is located at 251 Highway 24/27, it is currently zoned Limited Industrial Special Use (LI-SU). The property currently has a special use permit to allow the grading company. The applicant would like to add a garage to be able to work on their own vehicles. The property is approximately 35.11 acres, PIN#5524-98-2226.

He said the applicant is proposing a special use rezoning from Limited Industrial Special Use (LI-SU) to Limited Industrial Special Use (LI-SU), to change their conditional use permit to allow uses that are already allowed in the Limited Industrial District with the exception of landfills and any type of metal recycling, junk yard, that type use. He said as of right now, the application is incomplete.

He said the Board received a copy of a letter from Reynolds & Sons Construction Company asking to table this petition until the next Planning and Zoning Commission meeting in June 2008.

There being no further discussion, Mr. Fesperman, **MOTIONED, SECONDED** by Mr. Griffin to **TABLE** the Proposed Atlas Amendment C2008-02 (R-SU) until the next meeting. The vote was unanimous.

**Old Business – Planning Board Function:**

The Chair introduced the next item on the Agenda, Proposed Text Amendment C2008-01-ZT Chapter 8 – Reception Facilities in Residential Zoning Districts, tabled from the April 17, 2008 Planning and Zoning Commission meeting.

Mr. Jeff Huss, Planner, addressed the Board. He said the board received the existing text and the proposed text. He said the changes from the last meeting are highlighted and they are:

He said the proposed text in Section 3-7, Uses in the Agricultural Open Space Zone under Conditional Uses we added Reception Facilities: under Uses in the Countryside Residential Zone – Conditional Uses, we added Reception Facilities; under Predefined Standards under Item# 3 – Structure, we added New construction must meet commercial design standards. In Table Three: Uses and Zones in which they are conditional we added #16 Reception Facilities was added to Agriculture Open Space and Countryside Residential. He said these are the changes that were made.

There being no further discussion, Mr. Shoemaker, **MOTIONED, SECONDED** by Mr. Ensley to recommend **Approval** of C2008-01 ZT, Reception Facilities in Residential Zoning Districts to the Board of Commissioners. The vote was unanimous.

The Chair introduced the next item on the Agenda, Proposed Text Amendment C2008-03-ZT Chapter 15– Clarification of the language of the APFO as it relates to adequate capacity for developments. Tabled from the April 17, 2008 Planning and Zoning Commission meeting.

Ms. Morris, Planning and Zoning Manager addressed the board stating this item was tabled at last month's meeting to allow the Building Industry to make comments. We are not proposing any additional changes at this time; the language stands as it was presented to the Board at the April 17, 2008 meeting. She said there is a representative here this evening to speak on the Building Industry behalf.

Mr. Jim Scarborough, Attorney, representing the Building Industry Association, read a written statement from the Association's Board of Directors. (See attached statement)

The Chair asked Ms. Morris to remind the Board of what exactly this text amendment does.

Ms. Morris said the Ordinance was silent to what would happen if there was inadequate capacity at the 5 year testing level. She thinks there have been 6 projects that have gone through under our current Adequate Public Facilities Ordinance. What we are doing, is simply trying to codify the process that was used to help them through the Adequate Public Facilities Ordinance. She said since it was silent on the 2 year and 5 year level, the Commissioners decided that they would like to allow some building permits or some lots to be platted in the event that there was no capacity. She said the applicant would have a couple of choices:

1. They can delay there development and wait until the capacity is adequate.
2. They can volunteer to pay a voluntary mitigation payment and be allotted a certain amount of platted lots or building permits.

She said if it is tied to apartments or condos, there still is a maximum capacity for those students. There is still going to be over capacity, so what they have said is we understand that we are still over capacity, but we will allow you a certain percentage. They have said they will allow 10% of the development or up to a certain number of units to be developed. We are tweaking it to actually codify the process that we have been using, it is not a major change to the Adequate Public Facilities Ordinance that we currently have in place; it is simply explaining what happens when that situation arises.

Mr. Koch said part of the reason that we are codifying that part of Ordinance is because there have been some legal challenges to similar ordinances in other places in which they contend that without allowing a developer to at least develop some part of their property that it consists of a de-facto moratorium, which would be illegal, or it consists of an economic taking which could be considered illegal as well. He said not because of Mr. Scarborough's lawsuit, but because of some perceived need to address some of those issues, we have done this tweaking to the Ordinance.

There being no further discussion, Mr. Shoemaker, **MOTIONED, SECONDED** by Mr. Porter to recommend **Approval** of C2008-03 ZT, Clarification of the Adequate Public Facilities Ordinance to the Board of Commissioners. The vote 8 to 1 with Danny Fesperman voting against.

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

Request to consider Amending Ordinance to add Recreation Therapy Facility.

Mr. Jeff Huss, Planner, addressed the Board. He said in the Board packet is a letter from Christine Cronin, Executive Director of Wings of Eagles Ranch (WOER), a Therapeutic Horseback Riding Center, located at 4800 Faith Trails. He said they are looking to create a therapy center which utilizes a multipurpose facility. He said the reason for this proposal is that the ordinance does not properly classify or set standards for a Recreational Therapist Center in a rural setting.

The Chair asked if at this point we are being asked to decide if we want to pursue amending the ordinance.

Mr. Huss said that is correct. He said he would go through the text and then present something to the board at the next meeting.

Mr. Shoemaker said at this point this is a request from Ms. Cronin to build this facility.

Mr. Huss said yes. He said there is a ranch, but there is no multipurpose facility like she wants, which would be an indoor facility.

The Chair asked if it would be added as a permitted use or conditional use.

Mr. Huss said as conditional use.

Mr. Prince asked if there were any other language in regards to therapist centers in non-rural settings. He asked what Mr. Huss would be pulling from to create this.

Mr. Huss has not decided where he would be pulling from to create this. He said therapeutic centers are in the Office Institutional zoning. He said as far as new text, he has not tackled that yet. He said there is a federal code book to describe occupations and he would be starting there.

Mr. Shoemaker has had personal experience with the ranch and he knows what they do out there. He thinks there is probably a need for this type of activity. He said this is our first test and on the surface it seems as if they are trying to do it properly before they get started. He thinks staff should be turned loose to look at this.

There being no further discussion, Mr. Shoemaker, **MOTIONED, SECONDED** by Mr. Prince to **Approve** the request to consider amending the ordinance to allow a Recreational Therapist Center. The vote was unanimous.

#### **Directors Report:**

Ms. Morris, Planning and Zoning Manager addressed the Board. She gave the Board a draft copy of the Central Area Plan that was presented to the advisory committee on Tuesday, May 13, 2008, and a copy of the information presented by Warren and Associates, a market study component to this land use plan and the schedule for the next three meetings.

She said the next advisory committee meeting will be Tuesday, May 20<sup>th</sup>, the next open house session will be Thursday, May 22<sup>nd</sup> 10:00 am to 8:00 pm, the joint meeting of elected officials and planning and zoning boards will be Thursday, May 29<sup>th</sup>, 5:00 pm to 7:30 pm. She said it was originally planned for the rotunda of the Governmental Center but because of the amount of public participation it will be held at the Cabarrus Arena.

She gave a brief overview of the map. She said both the City of Concord and the City of Kannapolis are taking part in this planning process; it spurred from amending the agreement of the lawsuit between the City and the County. She said the area along 73 where there are hatch marks, the advisory committee did not like that idea so she would expect that when the consultants come back on Tuesday for the next advisory committee meeting that will probably be disappeared. She said they were proposing that people be allowed a density bonus if they provided a view shed along that corridor. She said the advisory committee liked the part about the view shed but did not like the part about the density bonus and she thinks that will be taken out of the plan.

She said there are two small circle areas; the one located near the arena is a special purpose area which is essentially to lure some hotels and to allow some flexibility around the arena; hotel or a restaurant or some kind of special service that would be related to the arena. The other small circle is the proposed working farm, the Atondo Road site. They

are proposing a working farm to be located there and she believes Cabarrus County would be the owner of that farm.

She said the large circles are what are considered an activity area, you would expect to see a mix of uses there, maybe some higher density residential along with some neighborhood shopping, walkable, interior parking and those types of things. The striped area is mixed use and the other striped area is the Jackson Training School site which the state has some plans for and next to that is the park. The next larger activity center that you see, the large chunk of commercial, is the project that was already been approved by the City of Concord, which is the Target and Home Depot Shopping Center project outside the city limits of Harrisburg. They put some industrial around there and the advisory committee had some concerns about it initially but then decided that it does make sense for that to be industrial even though there are houses currently located there and because of the rail spur and also the rail line.

She said as you travel south, the amoeba looking special use is the Mills at Rocky River; that plan is also vested with the City of Concord. She said it is a mixed use plan and is where we were trying to get an elementary school site. We are not sure if that is going to happen or not, that project has had some financial difficulties. She said there is also a proposed school site, Central Cabarrus School along highway 49, and then the larger blue piece of property toward the south is the treatment plant.

She said this gets you oriented to this plan. She said a lot of it is proposed to be 1 unit per 3 acres and based on what the consultants are saying, it sounds as if they are going to use the County Ordinance as the model and not the City's. She said if we go with this plan, we probably will be looking at some mass rezoning again.

She said this is where the plan is right now, the advisory committee will be meeting on Tuesday, May 20th. She believes that the overlay is going to come off the plan and that the industrial area may shrink a little bit toward the west. She said they have not had the discussion yet on the thoroughfares, some of the thoroughfares are off of the MPO plan as well as the City of Concord's Transportation Plan. She said there are actually two (plans) floating around out there. She said some of them are proposed from Steven Stansberry who is doing the traffic analysis for this plan. She said some are going to be new roads that are not on any of those plans that may need to be proposed. She said maybe if the density stays lower, some of the ones to the north and to the southeast will come off, some of them may stay but that is a decision that the advisory committee really has not had a chance to talk about yet. She said the consultants were trying to work with them to get the overall concept finalized and then on Tuesday go into densities and transportation and then hopefully get that finalized in order to go to the general public on Thursday.

She said hopefully the Board can attend the meeting on May 22<sup>nd</sup> and give your input for the first round draft; if not, definitely please try to attend on May 29<sup>th</sup> for the joint meetings between Concord, Kannapolis and the County. She said everybody will have



there say so that night. She does not think anybody will vote on it that night. She thinks what we are looking for is if this is what we need to be moving forward with.

She said there has been very good public participation and if you just count the numbers we have had over 400 people attend our public input session. She said the meeting on May 22<sup>nd</sup> will be here at the Governmental Center in the Rotunda. It is not a formal meeting; it is a drop in session from 10:00 a.m. to 8:00 p.m. She said there will be an opportunity to make comments and talk with the consultant one on one or in small groups.

Ms. Morris said the APFO text will be going to the Board of Commissioners on Monday, May 19<sup>th</sup>, along with the River Stream Overlay Text Amendment and the Minor Subdivision Text.

The Chair asked for a motion to recess the meeting until the May 29, 2008, joint session meeting at the Cabarrus Arena at 5:00 p.m.

There being no further discussion, Mr. Prince MOTIONED, SECONDED by Mr. Yates to Recess the meeting until we reconvene for the joint session on May 29, 2008, at the Cabarrus Arena at 5:00 p.m. The vote was unanimous. The meeting recessed at 7:30 p.m.

The Cabarrus County Building Industry Association (CCBIA) asked me to provide their feedback to the draft revision to the Cabarrus County Adequate Public Facilities Ordinance (APFO).

Last month, the association was grateful you tabled the proposal to allow 5 to 15 lots be built per year in certain areas of the county. Since your last meeting, CCBIA reviewed the ordinance – specifically linking lot restrictions in certain areas of the county to the current rate of \$8,617 – to determine whether they could support it or provide an alternate recommendation.

In short, CCBIA does not support the proposed revision to the Cabarrus County APFO (bullet points listed below are the main reasons for non-support.)

For years, the local building industry has worked with officials to facilitate quality growth in Cabarrus County. Discussions related specifically to the APFO have resulted in local government checking-the-box to say they have consulted the building industry and then moving forward with this legally questionable tax on new housing. The Cabarrus County APFO has increased from \$500 in 1998 to a current rate of \$8,617 per lot – a 1,623% tax increase on a single industry.

Cabarrus County officials continually state the APFO is a critical tool for the county to fund school construction. Financial numbers do not back-up their claims regarding school construction. For example, projected APFO revenues will account for less than 3% of the Cabarrus County Public Schools 5 year Capital Improvement Plan. And, APFO funds were collected for six or seven years before money was allocated to school construction projects.

After much deliberation, CCBIA has chosen to join a recently filed lawsuit against Cabarrus County. The purpose of the lawsuit is to challenge the overall authority of Cabarrus officials to impose the county's APFO on a countywide basis including incorporated areas of the county where the municipalities have not adopted the county's APFO.

Faced with a high and annually increasing APFO tax and now with a proposal to restrict the amount of lots built per year – CCBIA believes it is critical to have a neutral third-party decision from the courts to determine the legality of the county's APFO.

Thank you for your time.

Jim Scarbrough  
Ferguson, Scarbrough, Hayes, Hawkins and DeMay PA  
Concord, North Carolina  
(704) 788-3211

### **CCBIA Reasons for Non-Support to Specific Proposal to Limit Lots in Certain Areas:**

- CCBIA is not aware of counties in North Carolina that restrict the number of lots that can be built per year. The lot restriction proposal was authored by someone who is not from North Carolina and the version of the APFO you approved in 2007 was approved by only one stakeholder – not the entire APFO stakeholder group that was formed by Cabarrus County.
- The annually increasing Cabarrus County APFO, coupled with a restriction of lots built per year, is not feasible for the building industry. The APFO is eliminating local jobs and hurting the local businesses that rely on the housing industry. A study conducted in 2000 by Dr. John Connaughton (Director, Economics at Belk School of Business at UNC-Charlotte) concluded that for every 100 new home built in Cabarrus County, 253 jobs are generated and 85 of those are non-homebuilding related jobs (i.e., automotive, retail, food, etc.).
- The Cabarrus County APFO and school capacity determinations are based on a public school capital improvement plan that frequently changes. Small shifts in numbers have large fiscal consequences to the building industry. Example: If a development generates 30 students and it is only five over capacity, the developer still pays the full impact fee of \$258,510.
- The Cabarrus County APFO continues to be a more complex and confusing document to developers and local officials. Example: The Charlotte Observer reported that the developer of a Concord apartment complex was asked to restrict his construction to 11 units per year – how do you build just 11 apartment units per year within one overall building?
- Catawba, Chatham, and Orange Counties have all received tangible authority from the General Assembly to charge impact fees on new housing to help defray the cost of schools and other capital improvements. Cabarrus County has never received this authority from the General Assembly.
- Cabarrus County cites its general zoning authority as a basis for charging the school fee. However, this was the same argument rejected by our appellate courts in the 2006 Durham County decision. According to the Court of Appeals, building schools is governmental service to the public and local government cannot charge a fee for such a basic service unless clear and specific authority has been delegated by the General Assembly.

APPROVED BY:

A handwritten signature in cursive script that reads "Roger Haas".

Roger Haas, Chairman

SUBMITTED BY:

A handwritten signature in cursive script that reads "Arlena B. Roberts".

Arlena B. Roberts

ATTEST BY:

Susie Morris  
Planning and Zoning Manager