

Commerce Department
Planning Division

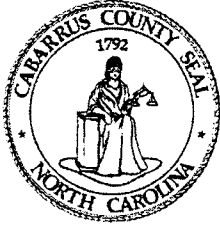
Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
May 21, 2009
7:00 P.M.
Board of Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval of Minutes
3. New Business – Board of Adjustment Function:
 - A. Conditional Use Permit - Case # CUSE2009-00003 – Odell Volunteer Fire & Rescue Inc.

Request: The applicant is requesting a Conditional Use Permit that will allow construction of a new Fire Department.
4. New Business – Planning Board Function:
 - A. Proposed Text Amendment - C2009-02-ZT – Chapter 10, Parking and Loading
5. Directors Report
6. Adjournment



CUSE2009-00003

May 7, 2009

Findings of Fact

Applicant- Odell Volunteer Fire & Rescue Inc.
9051 Davidson Highway
Concord NC 28027

Property Owner- Odell Volunteer Fire & Rescue Inc.
9051 Davidson Highway
Concord NC 28027

Property Location- 4240 Shiloh Church Road
Davidson, NC 28036

PIN- 4673-81-2014

Property Zoning- CR Countryside Residential

Property Size- 15.82 Acres

Request- The applicant is requesting a Conditional Use Permit that will allow the construction of a new Fire Department.

Additional Facts-

Final Decision

Motion	To Grant	To Deny
Vote	For	Against
	_____	_____
Granted		Denied

1. The applicant has provided documentation compliant with Section 8-3, Petitioning for a Conditional Use.
2. The applicant has submitted a complete application which includes the "Findings of Fact" sheet along with a site plan showing the proposed Fire Department.
3. A Public hearing notice has been published in the Independent Tribune on May 8th and 15th, 2009.
4. Adjacent property owners have been notified by US Mail.
5. A sign has been placed on the property stating the time, date, and location of the public hearing.
6. Site plan review and approval will be required subsequent to Board of Adjustment approval to ensure compliance with all applicable development requirements.
7. Additional agencies are part of this review process. Comments from each respective agency are provided for your review.
8. Proposed conditions of approval are shown below.

Nonresidential Development Agency Review Comments and Conditions:

Zoning Review- Approved with Conditions

Site plan review and approval will be required subsequent to Board of Adjustment approval to ensure compliance with all applicable development requirements.

A copy of the Granting order will need to be recorded with the property deed prior to development.

A copy of the approved stormwater permit will need to be recorded with the property deed prior to development.

Jay Lowe

Cabarrus County Zoning Division

5/7/09

Fire Review- Approved with Conditions

No issues notes at this time. Hydrant will be required in the future when public utilities are provided.

Steve Langer

Cabarrus County Fire Marshall

3/27/09

Health Alliance Review- Approved with Conditions

All work should follow approved site plan.

David Troutman

Cabarrus County Health Alliance

4/6/09

Soil-Water Conservation Review- Approved with Conditions

Water body buffer should be shown on site plan.

Dennis Testerman

Cabarrus County Soil and Water Conservation

1/21/2009

Erosion Control Review- Approved

Tony Johnson

Cabarrus County Erosion Control

5/1/09

NCDOT Review- Approved with Conditions

Must comply with NCDOT permit #C-1556

Driveway permit received

Leah Wagner

NCDOT

3/31/09

Stormwater Review- Approved with Conditions

Staff review of the plans and specifications has determined that the project, as proposed, will comply with the stormwater regulations set forth in Title 15A NCAC 2H. 1000 AND SESSION LAW 2006-246.

Mike Randall

NCDENR Division DWQ

3-13-09



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

Application Number <u>CUSE 2009-00003</u>
Date <u>3-19-09</u>

CONDITIONAL USE APPLICATION FORM

Circle Jurisdiction That Applies:

Cabarrus County

Town of Midland

Town of Mt. Pleasant

Town of Harrisburg

The Conditional Use Process:

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

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

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

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

TO THE BOARD OF ADJUSTMENT:

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

Applicant's Name

Odell Volunteer Fire & Rescue Inc.

Property Owner's Name

Odell Volunteer Fire & Rescue Inc.

Applicant's Address

9051 Davidson Hwy.

Property Owner's Address

9051 Davidson Hwy.

Concord, NC 28027

Concord, NC 28027

Applicants Telephone Number

704-788-3004

Parcel Information

Existing Use of Property

Residential

Proposed Use of Property

Fire Department

Existing Zoning

CR

Property Location	<u>4240 Shiloh Church Road</u>
Property Acreage	<u>15.828 acres</u>
Tax Map and Parcel Number (PIN)	<u>4673-81-2014</u>

Land Use of Adjacent Properties

(Provide Plat Map if Available)

NORTH	<u>Residential</u>
SOUTH	<u>Residential</u>
EAST	<u>Residential</u>
WEST	<u>Residential</u>

General Requirements

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

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

The location of a fire department in this area will enhance the public health, safety, and general welfare.

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

The fire department will be located on a minor thoroughfare which will improve response times to the area it serves. The location is not dependent on water supply, waste disposal, etc.

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

The building will have an appearance suitable for a residential district. By fire protection will supply protective services to the surrounding land uses.

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

With the increase in growth in this area, the additional fire department is needed.

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

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

Fire Department

Accessory uses (if any):

N/A

Setback provisions:

Principle Use

Front: 75' Side: 10'/40' Rear: 30'

Accessory Use

Front: N/A Side: _____ Rear: _____

Height provisions:

Principle Use 40'

Accessory Use N/A

Off street parking and loading provisions: (include calculations)

1/employee + 1/3 volunteers/shift + 1/200 sf usable office space
12 employees + 1600 sf office space = 20 spaces min - 50 provided

Sign provisions: (include sketch drawing with dimensions)

Ground mounted sign approximately 32 sf; with Odell Fire and Rescue
located on the face of the building

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

Landscaping and buffers provided in accordance with Chapters
4 and 9 of the Zoning Ordinance

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

We have been working with the NCDOT District Office concerning
access and circulation and have applied for a driveway permit.

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

The site has been designed to comply with all applicable local
and state standards.

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

N/A

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

We have complied with the Thoroughfare Overlay Zone and have reserved the future 120' road r/w.

Compliance with the Flood Damage Prevention Ordinance:

Not applicable to this site, but will comply with the applicable NCDENR regulations.

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

Predefined Standards

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

Required Attachments/Submittals

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

Certification

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

Signature of Applicant

Odell Volunteer Fire & Rescue Inc.
By: Sonnie Seaford

Date 3/18/09

Signature of Owner

Odell Volunteer Fire & Rescue Inc.
By: Sonnie Seaford

Date 3/18/09

STAFF USE ONLY:

Jurisdiction <i>(circle jurisdiction that applies)</i>			
<u>Cabarrus County</u>	<u>Town of Midland</u>	<u>Town of Mt. Pleasant</u>	<u>Town of Harrisburg</u>

Application Fee Collected Yes _____ No _____

Posted Database Yes _____ No _____

Site Plan Attached Yes _____ No _____

Public Hearing Date _____ Notice of Public Hearing Published On _____

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

Signs Posted On _____

Process Record

Record of Decision:

Motion to: Approve _____ Deny _____

Board of Adjustment Recommendation: Approve _____ Deny _____

Action Taken by Board of Adjustment:

Date Notification of Action Mailed to Applicant(s):

Signature of Zoning Official



CUSE2009-00003

Conditional Use Permit
Odell Volunteer Fire and
Rescue
Zoned CR
PIN 4673-81-2014



Subject Property

Cabarrus County shall not be held liable for any errors in these data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cabarrus County Planning Services. 5/2009

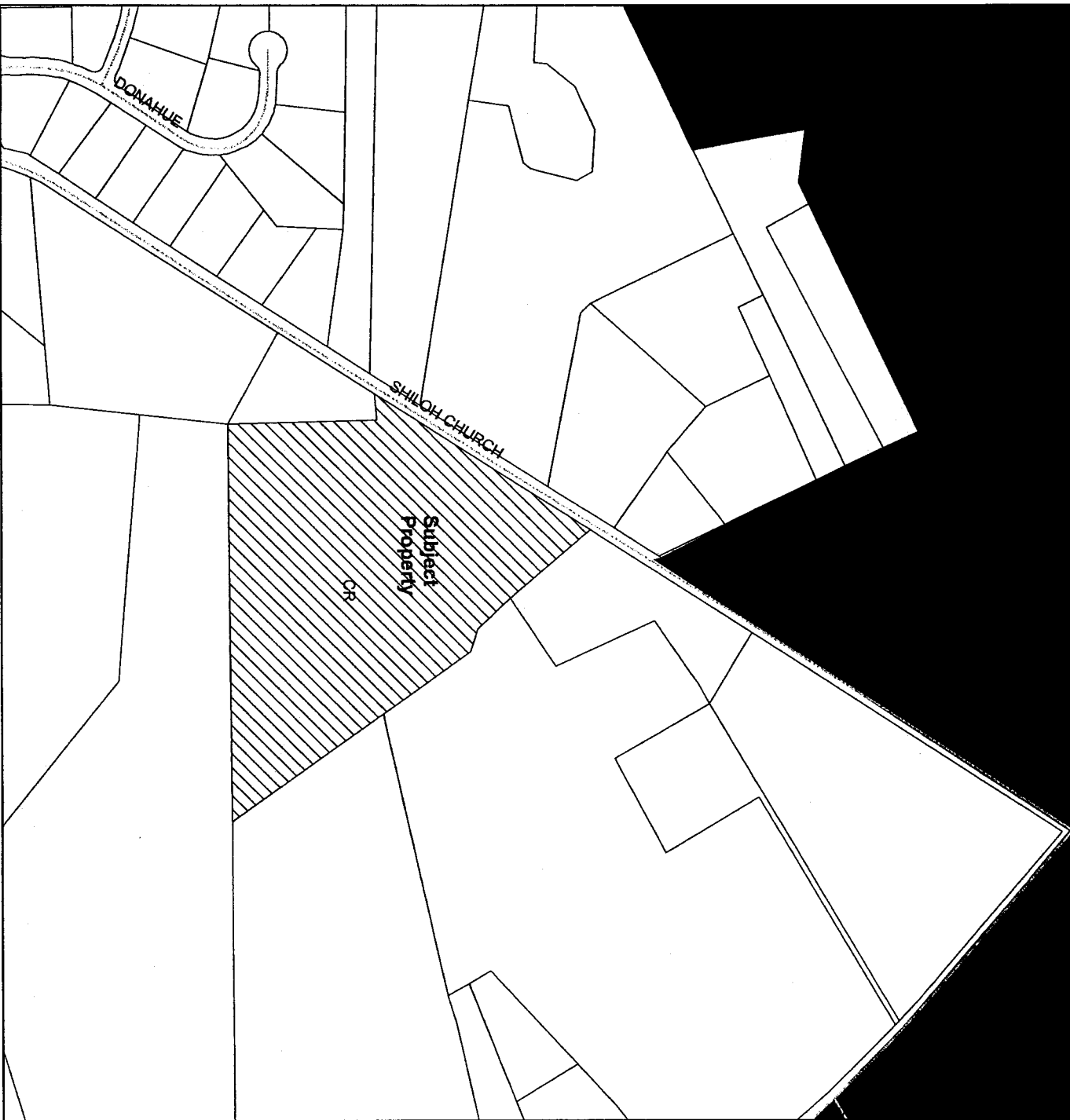


1 inch equals 400 feet



CUSE2009-00003

Conditional Use Permit
Odell Volunteer Fire and
Rescue
Zoned CR
PIN 4673-81-2014

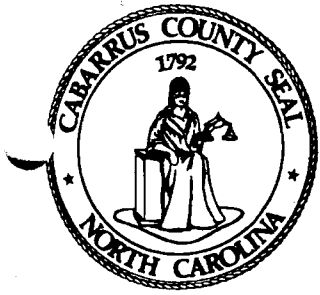


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Map Prepared by Cabarrus County Planning Services. 5/2009



1 inch equals 400 feet



May 1, 2009

Dear Adjacent Property Owners:

This letter is to inform you that Odell Volunteer Fire & Rescue, Inc. has petitioned the Cabarrus County Board of Adjustment for a conditional use permit. If granted, the petitioner would construct a new Fire Department on the property located at 4240 Shiloh Church Road, Davidson, N.C. 28036 (PIN#4673-81-2014).

There will be a public meeting to discuss this matter on May 21, 2009. The meeting will take place at the Cabarrus County Governmental center (2nd floor), located at 65 Church Street, Concord, N.C. 28026 and will begin at 7:00 p.m.

The application is on file at the Cabarrus County Zoning office for your convenience. Please contact Jay Lowe (Zoning Inspector) at 704/920-2140 if you have any questions.

Thank you,

Jay Lowe
Zoning Officer

JL/mpf

CUSE2009-00003
ADJACENT PROPERTY OWNER'S LIST
ODELL VOLUNTEER FIRE & RESCUE

Odell Volunteer Fire Dept.
5685 Alexander Road
Concord, N.C. 28027
4673-81-2014

T & N Obsolete Auto
Parts & Body Shop
4345 Shiloh Church Road
Davidson, N.C. 28036
4673-71-8701

Benson John R. & Mary G.
4153 Odell School Road
Concord, N.C. 28025
4673-91-4099

Whipple David L, Tommy J. Jr., Timothy
& Dana
4225 Shiloh Church Road
Davidson, N.C. 28036
4673-71-4418

Brown Tricia L
4150 Shiloh Church Road
Davidson, N.C. 28036
. 4673-70-7825

Whipple Nancy B., Milem, Phyllis B.,
Sides, Janice
4350 Shiloh Church Rd.
Davidson, N.C. 2803
4673-81-3618

McCraven Jack S.
5221 Sheriden Drive
Concord, N.C. 28027
4673-61-9169

Woodard Edward V.
4161 Shiloh Church Rd.
Davidson, N.C. 28036
4673-71-0042

Shepherd Woodrow H.
4453 Odell School Road
Concord, N.C. 28025
4673-91-0791

Sherrill Troy W. Jr. & John N.
Kendall Elizabeth S.
3901 Jim Johnson Road
Concord, N.C. 28027
4673-90-2572

Small Harold L Jr.
4040 Shiloh Church Road
Davidson, N.C. 28036
4673-70-5498



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

April 24, 2009

Lonnie W. Seaford
Odell Volunteer Fire & Rescue
9501 Davidson Hwy.
Concord, North Carolina 28027

Subject: Stormwater Permit No. SW3090401
Odell Volunteer Fire & Rescue
Low Density Stormwater Project
Cabarrus County

Dear Mr. Seaford:

The Stormwater Permitting Unit received a complete Stormwater Management Permit Application for the Shiloh Church Road Odell Volunteer Fire & Rescue on April 15, 2009. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000 and Session Law 2006-246. We are forwarding Permit No. SW3090401, dated April 24, 2009, for the construction, operation and maintenance of the subject project.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein, and does not supercede any other agency permit that may be required.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty (30) days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC 27611-7447. Unless such demands are made this permit shall be final and binding.

If you have any questions, or need additional information concerning this matter, please contact Mike Randall at (919) 807-6374, or mike.randall@ncmail.net.

Sincerely,

for Coleen H. Sullins

cc: R. Dale Fink, P.E., PLS NorthEast Engineering, P.A.
Mooresville Regional Office
Central Files
SPU Files

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

STATE STORMWATER MANAGEMENT PERMIT

LOW DENSITY DEVELOPMENT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO
ODELL VOLUNTEER FIRE AND RESCUE
SHILOH CURCH ROAD, CABARRUS COUNTY

FOR THE

construction, operation and maintenance of a 18.7% low density subdivision in compliance with the provisions of 15A NCAC 2H .1000 and S.L. 2006-246 (hereafter referred to as the "stormwater rules") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this permit.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

I. DESIGN STANDARDS

1. This permit covers the construction of 68,394 square feet of built-upon area.
2. The overall tract built-upon area percentage for the project must be maintained at 18.7%, as required by Session Law 2006-246 of the stormwater rules.
3. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
4. The only runoff conveyance systems allowed will be vegetated conveyances such as swales with minimum side slopes of 3:1 (H:V) as defined in the stormwater rules and approved by the Division.
5. No piping is allowed except that minimum amount necessary to direct runoff beneath an impervious surface such as a road or to provide access.
6. All roof drains must terminate at least 30 foot from the mean high water mark.
7. The built-upon areas associated with this project shall be located at least 30 feet landward of all perennial and intermittent streams.
8. Level Spreaders are required at the end of any swale prior to discharging to a jurisdictional wetland or any surface water.

II. SCHEDULE OF COMPLIANCE

1. The permittee is responsible for verifying that the proposed built-upon area does not exceed the allowable built-upon area.
2. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
3. This project may not be sold or subdivided in whole or in part without first receiving a permit modification from the Division.
4. The following deed restrictions must be recorded with the Office of the Register of Deeds:
 - a. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW3090401, as issued by the Division of Water Quality under the stormwater rules.
 - b. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
 - c. These covenants are to run with the land and be binding on all persons and parties claiming under them.
 - d. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality.
 - e. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division of Water Quality.
 - f. This project is permitted for a maximum of 68,394 square feet of built-upon area. Construction of additional built-upon area in excess of this amount will require a permit modification.
 - g. This project may not be sold or subdivided, in whole or in part, without first receiving a permit modification from the Division.
 - h. Construction of additional impervious areas such that low-density requirements are no longer met will require a permit modification prior to construction. An engineered system will be required to collect and treat the runoff from all built-upon area associated with the project, including that area permitted under the low density option.
 - i. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with this development, except for average driveway crossings, is strictly prohibited by any persons.
 - j. The built-upon areas shall be located a minimum of 30 feet landward of all perennial and intermittent surface waters.
5. A copy of the recorded restrictions must be received in this Office within 30 days of the date of sale.
6. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the permitted development, except for average driveway crossings, is strictly prohibited by any persons.

7. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to the approved plans, regardless of size.
 - b. Project name change.
 - c. Transfer of ownership.
 - d. Redesign or addition to the approved amount of built-upon area.
 - e. Further subdivision, acquisition, or sale of the project area in whole or in part. The project area is defined as all property owned by the permittee, for which Sedimentation and Erosion Control Plan approval was sought.
 - f. Filling in, altering or piping any vegetative conveyance shown on the approved plan.
8. Swales and other vegetated conveyances shall be constructed in their entirety, vegetated, and be operational for their intended use prior to the construction of any built-upon surface.
9. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
10. The permittee shall at all times provide the operation and maintenance necessary to operate the permitted stormwater management systems at optimum efficiency to include:
 - a. Inspections
 - b. Sediment removal.
 - c. Mowing, and re-vegetating of the side slopes.
 - d. Immediate repair of eroded areas.
 - e. Maintenance of side slopes in accordance with approved plans and specifications.
11. Within 30 days of completion of the project, the permittee shall certify in writing that the project has been constructed in accordance with the approved plans.
12. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

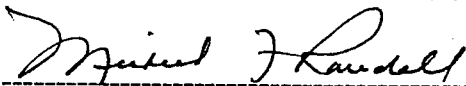
III. GENERAL CONDITIONS

1. This permit is not transferable to any person or entity except after notice to and approval by the Director. The Director may require modification or revocation and re-issuance of the permit to change the name and incorporate such other requirements as may be necessary. In the event of a name or ownership change, a completed Name/Ownership Change form, signed by both parties, must be submitted to the Division of Water Quality accompanied by the supporting documentation as listed on page 2 of the form. The approval of this request will be considered on its merits, and may or may not be approved.
2. The permittee is responsible for compliance with all permit conditions until the Director approves a transfer of ownership. Neither the sale of the project nor the transfer of common areas to a third party, such as a homeowner's association, constitutes an approved transfer of the stormwater permit.

3. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division of Water Quality, in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.
4. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Session Law 2006-246, Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et. al.
5. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those as may be required by the Division, such as the construction of additional or replacement stormwater management systems.
6. The permittee grants permission to DENR Staff to enter the property during normal business hours, for the purpose of inspecting all components of the stormwater management facility.
7. The permit issued shall continue in force and effect until revoked or terminated. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and re-issuance, or termination does not stay any permit condition.
8. Unless specified elsewhere, permanent seeding requirements for the swales must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.
9. Approved plans and specifications for this project are incorporated by reference and are enforceable parts of the permit.
10. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other government agencies (local, state and federal), which have jurisdiction.
11. The permittee shall notify the Division in writing of any name, ownership or mailing address changes at least 30 days prior to making such changes.

Permit issued this the 24th day of April, 2009.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



for Colleen H. Sullins, Director
Division of Water Quality
By Authority of the Environmental Management Commission

Memo

To: Cabarrus County Planning and Zoning Commission
From: Susie Morris, AICP, Planning and Zoning Manager
CC: File
Date: May 14, 2009
Re: Proposed Text Amendment C2009-02-ZT, Parking Standards

- Attached you will find proposed changes to Chapter 10, Parking and Loading of the Cabarrus County Zoning Ordinance.
- The purpose of these changes is to add flexibility to the ordinance regarding materials, design of parking areas and number of spaces required.
- Proposed changes are in red.
- Please read over the materials and be prepared to discuss the proposed text at the meeting.

Chapter Ten Parking & Loading

Section 10-1. Purpose.

The intent of these regulations is twofold: one, to assure the adequacy and safety of parking and loading in all land use situations, and secondly, to assure that parking for multiple vehicles is accomplished on lots that are both aesthetically pleasing and conducive to both good erosion and run-off control practices.

Section 10-2. Compliance.

The regulations for parking and loading as set forth in this Chapter are to be complied with when any structure or building is hereafter erected, structurally altered or placed on a lot or if there is a change of use on a lot. Failure to comply will result in a denial of a zoning compliance permit.

Section 10-3. How to use this Chapter.

PART I. OFF-STREET PARKING REQUIREMENTS: General and specific design standards, Table of Parking Space Requirements, Satellite Parking, Miscellaneous Parking Requirements.	Sections 10-4 to 10-11.
PART II. OFF-STREET LOADING REQUIREMENTS: Access, Minimum Requirements.	Sections 10-12 to 10-16.

PART I. OFF-STREET PARKING REQUIREMENTS

Section 10-4. General design standards.

Off-street parking shall be developed and arranged so that:

1. Vehicles may exit such areas without backing onto a public street;
2. Sanitation, emergency and other public service vehicles can use them without backing unreasonable distances or making other hazardous turning moves;
3. Vehicles can be moved without the necessity of moving other vehicles (attendant parking situations and single-family dwellings exempt);

CABARRUS COUNTY ZONING ORDINANCE

4. Vehicles cannot extend beyond the perimeter of a parking area onto adjacent properties or public rights-of-way, nor shall they extend over sidewalks or tend to bump against or damage walls, vegetation, or other structures;
5. Adjacent parking lots connect with each other to eliminate the need to use abutting streets for cross movement; and
6. Lighting sources are shielded or arranged as to not produce glare on rights-of-way nor be a nuisance to neighboring residential properties.

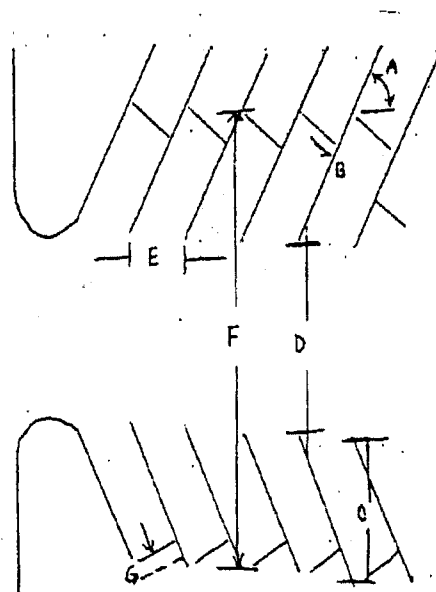
Section 10-5. Specific design standards for off-street parking.

1. Dimensions of the standard space - Automobile parking spaces for standard and vehicles shall adhere to the following design standards:

A	B	C	D	E	F*	G
45	9.0'	18'	12.0' (One Way)	9.0	51	2.0'/4.0'
60	9.0'	18'	18.0' (One Way)	9.0	58	2.0'/4.0'
90	9.0'	18'	24.0' (Two Way)	9.0'	60	2.0'/4.0'

* Additional width may be required where the aisle serves as a principal vehicular access to on-site uses or structures or serves two-way traffic. All travel ways must meet emergency access standards.

- A. Parking Angle
- B. Stall Width
- C. Stall Depth
- D. Aisle Width between stall lines
- E. Stall Width parallel to aisle
- F. Module Width
- G. Bumper Overhang



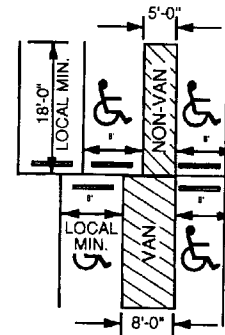
2. Dimensions of the compact space - Automobile parking spaces for compact cars shall adhere to the following:

A	B	C	D*	E	F	G
45	8.0'	16.0'	N/A	9.0'	N/A	1.5/3.0'
60	8.0'	16.0'	N/A	9.0'	N/A	1.5/3.0'
90	8.0'	16.0'	N/A	9.0'	N/A	1.5/3.0'

* Additional width may be required where the aisle serves as a principal vehicular access to on-site uses or structures or serves two-way traffic. All travel ways must meet emergency access standards.

3. Handicapped accessible - all parking lots or facilities must provide handicap spaces as a part of its required number of spaces. See the table below for the number of handicap spaces required for the number of regular parking spaces. Handicapped parking spaces shall be a minimum of 13 feet by 18 feet for a single non-van space (8 feet in width in addition to a 5 foot access aisle); a minimum of 16 feet by 18 feet for a single van space (8 feet in width in addition to an 8 foot access aisle); or 24 feet by 18 feet for a double van space, or a non-van and van double space (8 feet in width for each space with an 8 foot access aisle between spaces). Parking spaces for handicapped or disabled persons shall comply with Chapter 4 of the N.C. Accessibility Code. Handicap spaces shall be sited so as to be the closest spaces to either the building served by the facility or the collection of buildings served.

<i>Number of Spaces</i>	<i>Accessible Required</i>	Handicapped Parking Dimensions
1 to 25	1	See North Carolina Accessibility Code
26 to 50	2	
51 to 75	3	
76 to 100	4	
101 to 150	5	
151 to 200	6	
201 to 300	7	
301 to 400	8	
401 to 500	9	
501 or over	2% of total	



4. Required Setbacks for Off-Street Parking and Loading Areas - No parking shall be located within the buffer yards as required in Chapter 11 of this ordinance. If a buffer yard is not required, no parking shall be located within ten (10) feet of a side or rear property line or within ten (10) feet of the front base setback line. Corner lots shall be measured as to have two front base setback lines. These ten (10) feet

CABARRUS COUNTY ZONING ORDINANCE

areas must be appropriately landscaped as required by this Ordinance. This does not apply to single or two family dwellings.

5. Off-street parking surfaces - Parking lots of four spaces or more must be paved with concrete, asphalt, permeable pavers or permeable pavement.

Paving Exceptions:

Overflow Parking - Overflow parking areas, event parking areas and/or low-traffic storage yards shall use turf or gravel. Overflow parking areas shall be defined as off-street parking in excess of the maximum number of spaces required by this Ordinance which is designed not to be used more than ten (10) times per calendar year. A low-traffic storage yard means a storage area generating less than 30 ADT (average daily trips).

Exemption for Assembly-Paving of parking areas and access ways for assembly uses (sports facilities, fairgrounds, race tracks, parks, etc.) may be waived if evidence is presented to the Administrator that these spaces will not be used on a daily basis. Parking areas for which paving is waived shall maintain a turf or gravel surface. All parking areas for which paving is waived shall meet the minimum requirements of the North Carolina State Building Code for Accessibility and for Fire Prevention. All parking lots shall be constructed with proper drainage and stormwater systems.

6. Ratio of compact to standard spaces - Parking areas of more than 100 spaces may have up to twenty (20%) percent of the spaces designed to accommodate compact vehicles. These areas shall be designated with signs for compact vehicles.

7. Siting of off-street parking - All off-street parking must be located within three hundred (300) feet from the main entrance of the building(s) it serves. An exception to this rule is satellite parking described in Section 10-8.

Section 10-6. Table of required parking spaces by use.

The following table sets for the numbers of parking spaces necessary to safely accommodate vehicles anticipated by use.

Table 10-6 Off-street Vehicular Parking Space Requirements

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
Residential		
Accessory Dwellings	1 per unit	n/a
Duplex (Two units per lot)	2 per unit	n/a
Family Care Home	2 per parcel	n/a
Multi-Family (3 or more units) and attached Single-Family	1.5 per unit	2.5 per unit
Single Family, detached (includes manufactured and modular homes)	2 per parcel	n/a
Institutional and Civic		
Auditorium/Public Assembly	1 per 6 seats or 1 per 50 sf GFA (if no seats)	1 per 4 seats or 1 per 30 sf GFA (if no seats)
Botanical Garden and Nature Preserves	n/a	1 per 125 sf GFA of bldg.
Campground	1 per 6 camp sites, plus 4 per laundry & shower facility	n/a
Child Care Center	1 per 375 sf GFA	1.5 per 375 sf GFA
Civic, Social and Fraternal Organizations	1 per 250 sf GFA	1 per 200 sf GFA
Emergency Service Facilities	1 per employee + 1 per 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	n/a
Golf Course	4 per hole	6 per hole
Golf Driving Range	1 per 2 tees	1 per tee
Governments Buildings	1 per 300 sf GFA	1 per 125 sf GFA
Hospital	1 per 400 sf GFA	1 per 100 sf GFA
Museums and Art Galleries	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA
Park, public	1 per 4 seats	1 per seat
Religious Institutions	1 per 8 seats	1 per 1.5 seats
Residential Care Facilities and Group Homes	0.3 per room	1 per room
Schools - Business, Trade and/or other Vocational	1 per 200 sf GFA	1 per 150 sf GFA
Schools - Elementary and Secondary	1 per classroom	2 per classroom
Schools - University or College	1 per 4 students	1 per 2 students

CABARRUS COUNTY ZONING ORDINANCE

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
All other Institutional Uses	1 per 300 sf GFA of bldg.	1 per 125 sf GFA of bldg.
Table 10-6 Off-street Vehicular Parking Space Requirements		
Professional Office/Business Services		
Offices, General	1 per 1,000 sf GFA	1 per 200 sf GFA
Banks (with drive-through)	1 per 200 sf GFA, plus sufficient stacking spaces to accommodate any drive-through lane(s)	1 per 150 sf GFA, plus sufficient stacking spaces to accommodate any drive-through lane(s)
Banks (without drive-through facilities)	1 per 250 sf GFA	1 per 140 sf GFA
Funeral Home and Services	1 per 4 seats	1 per 2 seats
Personal Services (Dry Cleaners, etc.)	1 per 500 sf GFA	1 per 215 sf GFA
Personal Care Services (Hair, skin, etc.)		
All other Professional Office/Business Service uses	1 per 300 sf GFA	1 per 150 sf GFA

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
Retail Trade		
Amusement Arcade	1 per game table, video game or other amusement device	n/a
Amusement Park	1 per 600 sf of outdoor recreation area	1 per 500 sf of outdoor recreation area
Automobile Sales, New and Used (see § 5.6)	1.5 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site	1 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site
Automobile Repair/Body Shop	1 per 500 sf GFA including all service areas, plus 1 per employee	1 per 375 sf GFA including all service areas, plus 1 per employee
Bed and Breakfast Inns (see § 5.7)	1 per guest bedroom, plus 2 for owner/operator	n/a
Bowling Centers	2 per lane	4 per lane
Building Material Supply/Greenhouses/Nurseries/Lawn & Garden Supply	1.5 per 375 sf GFA of sales or service building area	1 per 375 sf GFA of sales or service building area
Car Wash (as a principal use), Truck Stops, and/or Travel Plaza	1 per 500 sf GFA including wash bays/tunnels	1 per 375 sf GFA including wash bays/tunnels

◆ Chapter Ten Parking & Loading

Land Use	and retail areas	and retail areas
Table 10-6 Off-street Vehicular Parking Space Requirements		
	Min. Vehicle Spaces	Max. Vehicle Spaces
Retail Trade (cont.)		
Convenience Store	6 per 1,000 GFA, plus sufficient stacking area to accommodate 2 vehicles per each side of pump island	10 per 1,000 GFA, plus sufficient stacking area to accommodate 2 vehicles per each side of pump island
General Merchandise Stores (less than 25,000 sf GFA)	1 per 300 sf GFA	1 per 200 sf GFA
Grocery/Food Stores	1 per 300 sf GFA	1 per 200 sf GFA
Health Clubs and Fitness Centers	1.5 per 1,000 sf GFA	10 per 1,000 GFA
Hotels, Motels and Extended Stay Facilities	1 per room plus 1 per 800 sf of public meeting area and restaurant space	1 per room plus 1 per 400 sf of public meeting area and restaurant space
Manufactured Home Sales	1 per 100 sf GFA of office area, plus 1 per every 2 employees	n/a
Miniature Golf	1 per hole	2 per hole
Mini-warehousing/Self-storage Leasing (see § 5.15)	1 for every 200 rental spaces (2 required)	n/a
Motion Picture Theater	1 per 6 seats	1 per 4 seats
Motion Picture Theater, drive-in	1 for each viewing space the facility is designed to accommodate	1 for each viewing space the facility is designed to accommodate
Restaurants (with drive-through service and/or carry-out)	1 per every 3 seating accommodation plus sufficient stacking area to accommodate any drive-through lane(s)	1 per 50 sf GFA, plus sufficient stacking area to accommodate any drive-through lane(s)
Restaurants (dine-in only)	1 per every 3 seating accommodation	1 per 50 sf GFA
Shopping Centers/Superstores (25,000-400,000 sf GFA)	1 per 250 sf GFA	1 per 150 sf GFA
Shopping Centers/Superstores (400,001-600,000 sf GFA)	1 per 225 sf GFA	1 per 150 sf GFA
Shopping Centers/Superstores (over 600,000 sf GFA)	1 per 200 sf GFA	1 per 150 sf GFA

CABARRUS COUNTY ZONING ORDINANCE

	1 per 300 sf GFA	1 per 150 sf GFA
All other Retail uses		
Table 10-6 Off-street Vehicular Parking Space Requirements		
Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
WholesaleTrade uses, Manufacturing and Industrial uses		
Contractor's office	1 per 600 sf GFA	n/a
Junk/Salvage Yard	1 per 2 employees at peak shift, plus 1 per 5,000 sf of land area devoted to material storage, plus 1 for each company vehicle at peak shift	n/a
Manufacturing uses	2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift	n/a
Mining and Extractive Uses	1 per employee at max. shift, plus 1 per each company vehicle at peak shift	n/a
Wholesale sales and all other Industrial Uses	1 per 400 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	n/a
Transportation, Warehousing and Utility uses		
Air, Rail or Bus Terminal	1 per employee, plus spaces required to satisfy projected peak parking	n/a

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
Table 10-6 Off-street Vehicular Parking Space Requirements		
Transportation, Warehousing and Utility uses (cont.)		
Communications Tower/Antenna	none (see § 5.21)	n/a
Truck Terminal	1 per employee at peak shift, plus 1 per each company vehicle at peak shift	n/a
Warehouse and Storage	1 per 400 sf GFA of sales and office area, plus 1 per each company vehicle at peak shift or 2 per 3 employees at peak shift, plus 1 per each company vehicle at peak shift (use whichever is greater)	n/a
Utility uses	1 per employee at peak shift, plus 1 per each company vehicle at peak shift	n/a

Section 10-7. Administrative flexibility as to parking spaces required.

Because the preceding table cannot cover every possible situation that may arise, the Zoning Administrator is authorized to determine parking requirements in those situations by using the table and similar uses as a guide.

Modifications to Required Number of Spaces. In unusual circumstances, the standard parking requirement may not be appropriate. The Administrator shall have the authority to vary the parking requirement, either upward or downward by up to 10 percent, if one or more of the following circumstances exists:

- Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use.
- The parking demand varies throughout the day in relation to parking supply.
- The nature of operational aspects of the use warrants unique parking arrangements.

Section 10-8. Satellite parking.

1. If the number of parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These spaces are known as "satellite" parking spaces.

2. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of the principal building housing the use associated with such parking. Satellite parking spaces intended for employee use may be located within any reasonable distance.

3. A developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

4. Persons who obtain satellite parking spaces in accordance with this section shall be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this article.

Section 10-9. Required parking spaces not mutually claimed.

While one parking facility may fulfill the parking requirements for differing entities, the required space assigned to one use may not be claimed by another. See mitigating circumstances below in Section 10-10.

Section 10-10. Shared parking facilities.

To the extent developments wish to make joint use of the same parking spaces operated at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

Section 10-11. Miscellaneous parking requirements.

1. No storage of vehicles in active spaces:

Vehicle parking in connection with residential uses must be actively used by residents, i.e., no storage of vehicles in active parking spaces.

2. Restriction on large vehicle parking:

Vehicles of a commercial or industrial nature with more than two axles including but not limited to tractor trailers, cargo trucks and other heavy equipment are prohibited from parking on a regular basis in the Low Density Residential (LDR), Medium Density Residential (MDR) and High Density/Mixed Use Residential HDR Zones. Farm equipment and motorhomes are exempt from this restriction when parked on the owner's property. This restriction shall not apply to non-residential uses that are Permitted, Permitted Based on Standards, or issued a Conditional Use in these districts.

PART II. OFF-STREET LOADING REQUIREMENTS

Every industrial and commercial structure shall provide space for off-street loading.

Section 10-12. Off-street loading space in addition to off-street parking space.

Requirements for off-street loading spaces are separate from off-street parking. Space designated for compliance with one cannot be claimed for the other and vice versa.

CABARRUS COUNTY ZONING ORDINANCE

Section 10-13. Off-street loading space defined.

An off-street loading space must have a minimum of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet.

Section 10-14. Access to off-street loading space.

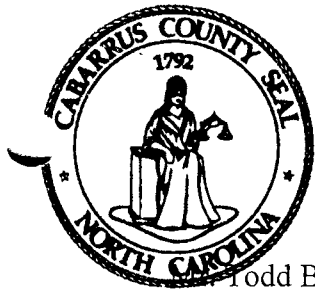
All loading spaces shall be designed so as to be used by means of one continuous maneuver. Backing motions into streets or rights-of-ways is not permitted.

Section 10-15. Minimum off-street loading requirements.

Each use shall provide at least one (1) space for each loading/unloading access point.

Section 10-16. Administrative flexibility as to loading requirements.

The Zoning Administrator shall make a determination in the case of uses not listed in the schedule above, of the minimum required off-street loading spaces. In reaching the determination, the Zoning Administrator shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attached to the proposed use and studies of the loading requirements of such uses in other jurisdictions.



Planning and Zoning Commission Minutes
May 21, 2009
7:00 P.M.

Todd Berg, Chair, called the meeting to order at 7:00 p.m. Members present in addition to the Chair were, Mr. David Baucom, Ms. Brenda Cook, Mr. Larry Ensley, Mr. Danny Fesperman, Mr. Ted Kluttz, Mr. Tommy Porter, and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Jay Lowe, Ms. Lyndsay Hayes, Deputy Clerk to the Board of Commissioners, substituting for Arlena Roberts, Clerk to the Planning and Zoning Commission, and Mr. Richard Koch, County Attorney.

Roll Call

Approval of Minutes

Mr. Koch said these are actually draft minutes; and suggests that a motion is entertained to approve with the proviso that if there are any typos that need to be corrected by staff, that they would be allowed to do that without having to bring them back to the Board.

Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Larry Ensley to **APPROVE** the April 16, 2009, draft meeting minutes, and to allow staff to make any typo corrections without having to bring them back to the Board for approval. The vote was unanimous.

Mr. Koch said if it turns out that there is something of substance, we will bring it back to the Board to get it corrected. He said the reason they are still in draft form is because at the request of the Board of Commissioners, when they were first drafted, they wanted to have those in their packets because they are going to consider these rezonings on Thursday, May 28, 2009. He said in an effort to get those to them timely, they were left in this form.

New Business –Board of Adjustment Function:

The Chair, introduced Conditional Use Permit Case #CUSE2009-00003 – Odell Volunteer Fire and Rescue, Inc.

The Chair said we will need to swear in any persons speaking on this case, we are one board member down which has some implications and he will let Mr. Koch explain.

Mr. Koch told the applicant that, under state law for a Board of Adjustment matter of this type for a conditional use permit, for the application to be approved, it is required that you have the ascent of 80% of the board; four out of five on a five member board. In this case we have a nine member board, so you would need eight out of nine. He said there are only eight members present tonight, but because of the way the statute is drawn, they still have to have that 4/5ths; so it still ends up being eight members would have to approve the application. So, in this case it would have to be unanimous, eight out of

eight. Typically, what we do in this situation is give the applicant the option of understanding that to be the case and give you the option to either agree to proceed with the application this evening, understanding that you have to have eight out of eight or putting it off a month; when presumably we would have nine members here. He said it is the applicant's option; we like to explain and give you the option to go forward tonight with the Board we have this evening, or put it off a month.

Mr. Lonnie Seaford stated that he would like to go forward tonight.

The Chair swore in the following: Ms. Susie Morris, Mr. Jay Lowe, Mr. Dale Fink, Mr. James Fulton, Mr. Ray Gilleland, Mr. Daniel Brown, Jr. and Mr. Lonnie Seaford.

Mr. Jay Lowe, Senior Zoning Officer addressed the Board stating that the application is CUSE2009-00003, Conditional Use Permit. The applicant is the Odell Volunteer Fire and Rescue, Inc. of Concord, NC; they are also the property owners at this time. The property location is at 4240 Shiloh Church Road, Davidson, NC. The property zoning is Countryside Residential (CR); the size of the property in question is 15.82 acres. The applicant is requesting a Conditional Use Permit that will allow the construction of a new fire department. Mr. Lowe wants to emphasize that on page A1 of the site plan, there are different offices within this facility. The primary use is a fire department; there is a small office for the Sherriff to stop by to do some faxes, phone calls, things of that nature; along with a few other uses like a conference room inside the building.

The applicant has provided documentation compliant with Section 8-3, Petitioning for a Conditional Use. The applicant has submitted a complete application which includes the "Findings of Fact" sheet along with a site plan showing the proposed Fire Department. A Public hearing notice has been published in the Independent Tribune on May 8th and 15th, 2009. The adjacent property owners have been notified by US Mail. Mr. Lowe said the applicant indicated to him before the hearing that they held a community meeting out in the area and they received no opposition from that community meeting. He said as a matter of fact they emphasized that most of the folks in the area could not wait for them to get started on this project. He said a sign has been placed on the property stating the time, date, and location of the public hearing. A site plan review and approval will be required subsequent to Board of Adjustment approval to ensure compliance with all applicable development requirements. Additional agencies are part of this review process and comments from each respective agency are provided for your review.

Mr. Lowe said the proposed conditions of approval are listed in the staff report and include a Zoning Review, Fire Review, Health Alliance Review, etc. He emphasized a couple of points under the zoning review:

- a. A copy of the Granting order will need to be recorded with the property deed prior to development.
- b. A copy of the approved stormwater permit will need to be recorded with the property deed prior to development.

Mr. Lowe thinks everything else is pretty much self explanatory and would be glad to go over any of it with the Board. The applicant is here to answer any questions.

Mr. Lonnie Seaford, 5685 Alexander Road, Concord, NC, President of the Board of Directors of the Odell Volunteer Fire and Rescue, Inc. He said they are requesting approval of this conditional use permit at 4240 Shiloh Church Road. He said several years ago they started trying to find a location for a new fire station. They soon realized that most of the Odell fire district resides in the Lake Howell Watershed. He said the Lake Howell Watershed has very severe restrictions relative to public use or any commercial development. It soon came to their realization that it was not practical to try to put a station within that area. They tried to select a site location that would be good for them and would meet all of the different regulations. During that process they were also encouraged by the County Fire Marshall's office to see if they could locate the proposed station in an area that would provide coverage to the western part of Cabarrus County. He said currently, fire coverage for the area up next to the Rowan County area comes from a Rowan fire station.

Mr. Seaford said this location would allow them to provide coverage all the way up to the Rowan County line and most of their territory. They found this particular site and it is located just on the west side of Odell School Road on the end of Shiloh Church Road. They found this location by chance; they had been looking and it became available for public sale and they purchased the site in August 2008. They have been working to develop plans and move forward with the process; which they have. He said here tonight are Mr. Jim Fulton with Lorentz Architect and Mr. Dale Fink with North East Engineering, if the Board has any questions. They have proceeded through that process; and during that process they had a meeting with all the adjacent property owners, and had a very positive response. He said the property owners were relieved to know that it was a fire station going there. When the property was purchased, there were all types of rumors going around, so they were very supportive of us putting a fire station in that area.

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

Mr. Shoemaker asked if this was their only fire department and if they relocated off of Highway 73.

Mr. Seaford said they currently have a station which is located at the corner of Odell School Road and Highway 73, and that is really what started them looking. He said if you are familiar with that area, future plans call for Highway 73 to be widened and the station sits very near to the road and that area, in a busy time period, is almost impossible to get a truck in and out of there. They actually started this process three or four years ago, trying to find a future location that would serve the fire district and would not sit at that location. He said Concord has continued to annex this area and they are closely approaching the Highway 73 corridor as it goes through there. He said with their station currently sitting on that border, it limits how far they can go west. He said the reasons they chose this area is because they thought they could get outside of the Lake Howell

Watershed and could locate in an area that would allow them to serve the western part of the district.

Mr. Daniel A. Brown, Jr. 9925 Hunters Trace Drive, Concord, NC, addressed the Board. He is on the building committee and they have been going through a huge process talking with different contractors throughout the area. They have chosen a general contractor from Star, NC. He said a lot of the subs are from Cabarrus County and they will be using a lot of Cabarrus County subcontractors to do the work. The fire department is going to be right at 10,000 square feet and it is going to be an all brick building.

They have been working a long time and have talked with different contractors and hopefully have chosen the best contractor for their site. They tried to use people that are from Cabarrus County and the surrounding area.

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

Mr. Ray Gilleland, 9750 Autumn Circle, Davidson, NC, addressed the Board. He is speaking in favor of the Cabarrus County Sherriff's Office and Sherriff Riley. Currently, where the fire station is located on Davidson Highway and Odell School Road, they have so graciously given the Sherriff's Office a room there to provide a patrol office in that zone 24 hours a day, 365 days per year; a place to go to fax in reports or get on the computer and do reports to send to the office. He said it allows that officer to remain in that zone and they do not have to travel into Concord to the Sherriff's office to turn in a report.

Mr. Gilleland said with the current technology, they have moved to MCT computers in the car. The officers can now go to this new fire station and basically do the same thing; do reports there or in case we have snow or ice we encourage the patrol officers to stay off the road, from causing a wreck or having a wreck and that way it gives them a safe place, neutral, in that zone that they can go.

He said again on behalf of Sherriff Riley they are here to speak in favor of the Conditional Use Permit.

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

Mr. James Fulton, Lorentz Architecture, 101 Cabarrus Avenue East, Concord, NC, addressed the Board. He said they have been working with the fire department on their station. He does not have anything particular to say, but would be happy to answer any questions the Board may have. It is their feeling that the fire station will be a tremendous asset to the County and benefits not only the folks in the immediate neighborhood but the surrounding areas they serve.

Mr. Fesperman asked if they have enough additional land there to be able to expand this station or will this be the site size that you have to work with period.

Mr. Fulton said that is a question for the site civil engineer. He believes that there is room for expanding.

From the audience the site Civil Engineer, Mr. Dale Fink said that was correct.

Mr. Berg asked Mr. Fulton to speak briefly about the exterior materials that will be used.

Mr. Fulton said the exterior materials are brick veneer. The building is going to be bricked on all sides except for the rear of the building opposite the road; that is going to have a metal panel on it. The roof is going to be a standing seam metal roof and the fire department has some samples of that. It is going to be a dark green color, and they are still trying to work out some of the trim colors on the building. The scale and the material of the building he thinks it is going to be a very sort of sedate building. It sits up from the road and the office area that faces the road is one story, sort of a long and low roof with a projecting entrance.

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

Mr. Shoemaker did not see anything on the drawings about how they are going to control the runoff off of the pavement; because there is a pond down below and he was just wondering.

The Chair said that is a question for the engineer, Mr. Fink.

Mr. Dale Fink, North East Engineers, 41 Edgewood Avenue, Concord, NC, addressed the Board. He said the site under the current zoning is allowed 20% total impervious; right now they sit at about a little less than 12%, so they do have land to be able to expand.

To answer Mr. Shoemaker's question, he said the existing pond is within a water body buffer and it will not be used to contain storm water runoff. They are actually taking everything and having it sheet flow and then put it into grass swells and have that leave the sight along Shiloh Church Road. They have a low density permit from the state of North Carolina for the BMP to cover that; which he believes is one of the stipulations that Mr. Lowe talked about; the deed restrictions that are associated with that would need to be recorded.

Mr. Lowe said part of the ordinance requirements talks about when a building is involved and will be located in a residentially zoned district, which this is; it shall have an appearance suitable for a residential district. He knew that was in the ordinance and he spoke with Mr. Fink and had him add on page A3 the materials that this building would be made out of and per testimony tonight it is going to be brick. He emphasized that he does not think staff is comfortable making a decision that would indicate whether it is suitable or not for a residential district. He will leave that up to the Board to think about and decide; the elevations are listed, front, side and rear.

Mr. Fesperman said a lot of the time the residents are concerned about the sirens, particular if it is close to a residential area.

Mr. Seaford said a siren is sometimes a big deal, however most sirens that are up today are because many years ago most of our volunteer departments were staffed by the guy who was in the field or the guy who was working down the street. Today all of their communication is by two-way radio and there will not be a siren at this location. That is something they talked to the residents about and they had no problem with that. He said all communication is by two-way radio, no siren will be located at this location.

Mr. Fesperman said that is very good.

Mr. Seaford does not know why any station today would need one; he thinks everyone within the county operates with a two-way radio.

The Chair would like to point out that if someone makes a motion they need to be clear about the other uses that are going to be included; the Sherriff's office and he thinks maybe in the future EMS or that sort of thing within the internal plan. Obviously, if there are any additions or if any thing comes later that would have to come back.

Mr. Shoemaker said there is a list of stipulations from the Department of Environmental and Natural Resources; (on page 2 of the State Stormwater Management Permit) a large list of restrictions; Schedule of Compliance, Item Number 4, A through J. He asked Mr. Lowe if these are restrictions that need to be included in the motion.

Mr. Lowe said they have to follow that and that is what should be recorded as part of the deed restrictions before development could begin. He said that was issued from the state and the applicant knows they have to follow those guidelines.

Mr. Shoemaker asked if that should be included in the motion or is it understood.

Mr. Lowe said that is understood and he referred to Mr. Koch.

Mr. Koch said the general conditions have to comply with the conditions in the permit and a copy of that permit will be recorded along with the granting order.

There being no further discussion, Mr. Barry Shoemaker, **MOTIONED, SECONDED** by Mr. Ted Kluttz, to **Approve Conditional Use Permit Case # CUSE2009-00003**, with the conditions listed in the staff report to include a Sheriffs office and possibly an EMS office within the location. The vote was unanimous.

Mr. Koch will do the findings of fact and submit at the next meeting for approval. (See attached findings of fact.)

New Business – Planning Board Function:

**The Chair introduced C2009-02-ZT – Proposed Text Amendment – Chapter 10
Parking Standards**

Ms. Susie Morris, Planning and Zoning Manager addressed the Board stating that this is a proposed text amendment to Chapter 10; that the entire chapter be removed and replaced with the language in the staff report. The changes are highlighted in red; some of the sections for example, the tables were borrowed from the UDO and never updated when the UDO got updated. She said some of the dimensions do not make sense; this is kind of cleaning up some of that. Also adding in on page 10-3, a new figure for people to be able to see how to design handicap spaces and also gives some instruction on that.

She said if the Board remembers, back in November or December, we started working on the text amendment to allow alternate materials. This board passed that, but the Board of Commissioners asked us to expand on it and that is what is in front of you. She said we are putting a little bit of flexibility into the ordinance to allow folks to use permeable pavers or permeable pavement and there is also permeable asphalt. She said if we have a park and they get to the maximum amount of parking and they put it in and pave it like they are suppose too, but they still need additional parking, the exemption for assembly would allow them to do that; once they have gotten to that maximum. She said there is a minimum and maximum in the ordinance. They will still be held to the impervious ratios so they cannot exceed that, but it would allow them to put down some extra gravel or turf parking if they needed it.

She said ratio of compact spaces was changed, for 100 spaces they can have up to 20 percent. If any of you have been in parking areas where they use the compact spaces, most of the vehicles now do not fit those spaces. In Section 10-7, a section was added that will allow modifications to required number of spaces. They can either go up or down by 10 percent and we will be able to do that administratively, anything else they would have to look for a variance. The Building Inspections Department looked this over and wanted us to add the following as the 4th bullet:

- In no case, however, may the accessible standards be altered.

She said we cannot vary anything on accessible parking, just the other required parking.

Ms. Morris said backing motions was added to Section 10-14, because we did not have anything that specifically prohibited that, and that is something we need so we do not have conflicting traffic patterns with the semis backing out into the middle of street.

She said because of the amount of changes, we are asking that the current Chapter 10 be removed and replaced with this text.

Mr. Larry Ensley said in Section 10-3 Handicap accessible, in the current zoning ordinance it says handicap parking spaces must be a minimum of 12 feet and this says shall be; is there any real difference for why we went from a must to shall.

Ms. Morris said they shall be the minimum, but if they wanted to, they can go above that, but they cannot go below it because this comes straight from the building code. She said there is some flexibility at the local level; for example if we wanted to say that all parking spaces had to be instead of 9 x 18 which is typical; if we wanted to say they had to be 10 x 20 we could do that. She said it is consistent with the building code.

Mr. Shoemaker said on Section 10-5, number 5 - Paving Exceptions; when you talked about overflow parking, that it shall not be used more than ten times per calendar year; is that something that is going to be measured and how enforceable it is?

Ms. Morris said it would be something maybe like if you had a race track and they only had a couple of big events per year; the exemption for assembly would be the one that would more than likely be the one people would use more often because that would allow them based on those types of uses to have the additional parking. She said on the exemption for assembly, it may be that we need to just add in the same statement that if they are asking for the parking in excess of the maximum number; that may clarify it. She would be happy to do that if the Board would like for it to be added in; it is a little confusing, potentially the way it is written.

Mr. Shoemaker thinks anything that would force them to give an estimate; at least you would have something to go on.

Ms. Morris said she would be happy to tighten that language up before it goes to the Board of Commissioners. She can either bring it back to the board or if they are okay with her making the changes, she can make the changes and forward to the Board of Commissioners.

There being no further discussion, Mr. Barry Shoemaker, **MOTIONED, SECONDED** by Mr. Larry Ensley, to recommend **Approval** of the Proposed Text Amendment C2009-02 ZT, to the Board of Commissioners, with changes to Section 10-5 (Exemption for Assembly) to be made by Ms. Morris and with the request from the Building Codes office to add to Section 10-7 (Modifications to required number of spaces) a fourth bullet to read: In no case, however, may the accessible standards be altered. The vote was unanimous.

Directors Report

Ms. Susie Morris, Planning and Zoning Manger addressed the Board stating that on Monday night the Board of Commissioners appointed Ms. Amy Ma as an alternate to the Planning and Zoning Commission. She is an attorney and also a professor at CPCC. She was not able to join us this evening but hopefully she will join us for the June meeting and be sworn in. We are now back up to three alternates which will help over the summer

if anybody needs to take a vacation. Ms. Ma will be representing the Harrisburg area and is where she resides.

Ms. Morris said the rezonings will be going to the Board of Commissioners on Thursday, May 28, 2009, at 3:30 p.m. if anyone is interested in attending. Out of the motions you made that night, 15 of the 17 cases are moving on to the Board of Commissioners. The Board of Commissioners received a copy of our minutes from that meeting so they know what the people talked about. It is a de novo hearing so it is a brand new hearing, starting from the beginning.

Ms. Morris said at the June 2009, Board of Commissioner meeting, we will be taking a contract to the Board of Commissioners, hopefully for approval to start the Harrisburg Area Land Use Plan update. She said the Planning and Zoning Commission will be involved in that and the schedule is a little bit different this time as far as participation from elected boards and appointed boards. She said you maybe asked to do a little bit more this time then what you were asked to do the last time. She thinks there are a total of three or four meetings that you will be asked to attend. A time as not been set for those meetings yet, but her guess is they will happen over the course of the year. They have not sat down and worked out a schedule yet.

She said the APF litigation, the first part was appealed, and they will be arguing motions on June 1st, just in case you see something in the newspaper, you will know it is the continuing case, not anything different

Mr. Koch said there was an order entered by the Judge last year requiring that any Adequate Public Facilities Ordinance fees be escrowed; the County resisted that motion. The Judge entered the order; we appealed it and there were oral arguments in the Court of Appeals earlier this month and have not been decided yet. He said the substantive issues concerning the legality of the Adequate Public Facilities Ordinance and its applicability within the different municipalities will be argued June 1, 2009. He said either way it comes out, it will dispose of all three cases. He said depending on how it comes out, the whole case will then in all likelihood go to the Court of Appeals. We are to the point where at least at the trial level it is going to be decided; but in all likelihood it is going to go up the appellant ladder. It is still far from being fully determined, but it is moving forward.

Ms. Morris asked the Board members whose terms are ending to please let her know by the next meeting if they would like to remain on the board.

There being no further discussion, Mr. Larry Ensley, **MOTIONED, SECONDED** by Mr. Barry Shoemaker to **Adjourn** the meeting. The vote was unanimous. The meeting ended at 7:44 p.m.

FINDINGS OF FACT

1. The use as proposed is not detrimental to the public health, safety or general welfare.

A fire department station for provision of fire services is required for the public health, safety and welfare.

2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.

The location proposed will provide more efficient coverage for a larger area of the northwest part of Cabarrus County.

3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.

Having a fire department station nearby is generally considered advantageous to the surrounding property. There will be no general siren summoning the firefighters. The building has been designed and will be built with brick and a standing seam metal roof which is compatible with the nearby residential construction.

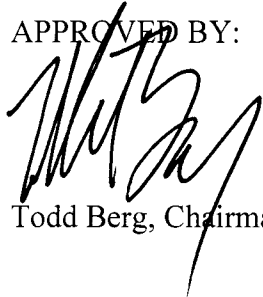
4. The use as proposed will comply with the general plans for the physical development of the County as embodied in the Zoning Ordinance or in the area development plans that have been adopted.

As this area of the County has experienced substantial population growth and development, a larger and more centrally located fire department station was envisioned and is needed.

Planning and Zoning Commission Minutes
May 21, 2009

11 ahr

APPROVED BY:



Todd Berg, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Morris
Planning and Zoning Manager