



## Cabarrus County Government - Planning and Development

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### **Joint Meeting Cabarrus County Board of Commissioners Cabarrus County Planning and Zoning Commission**

October 5, 2015

Ms. Shannon Frye Chair, called the meeting to order at 6:39 p.m. Members present were Ms. Mary Blakeney, Mr. Adam Dagenhart, Mr. Andrew Deal, Mr. Andrew Graham, Mr. James Litaker, Mr. Chris Pinto, Mr. Richard Price, Mr. Aaron Ritchie and Mr. Steve Wise. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Purpose of this meeting is for the Board of Commissioners and Planning and Zoning Commission to meet each other and to build a relationship. The members of both Boards introduced themselves.

Mr. Michael Downs, County Manager, stated that the Board of Commissioners gets a lot of questions from the public and the Board in turn asks us about when something comes to the Planning Board and when does it come the Board of Commissioners and why is it that some things come to our Board and some things do not. What actually does come to them?

He said Ms. Morris is going to talk a little about that because he knows the Board of Commissioners gets requests to advocate one way or the other on a planning and zoning issue or a conditional use permit. Then they go back and tell the individual who is requesting it that it is not even going to get to them. It is a little difficult situation for them.

He said it will be the nuts and bolts real quick. It will be a review for some of us and a learning experience for others. Those of you who are learning, please ask questions and those of you that already know about it, please feel free to add some commentary.

Ms. Morris asked each Planning and Zoning Member to tell the Board of Commissioners what their regular day job is.

Mr. James Litaker, Chiropractor, Cabarrus Family Medicine and former member of the Kannapolis Planning and Zoning Commission for nine years and on the Cabarrus Planning and Zoning as an Alternate member for two years before being reappointed.

Mr. Steve Wise, Lyles Construction for last five years. He has approximately 30 years in the commercial construction industry.

Mr. Andrew Deal, Mecklenburg County, currently in Air Quality, background is Planning and Development.

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Mr. Richard Price, semi-retired Realtor, prior to that he spent a career with Duke Energy as a Planner in their construction and maintenance department. He represents the Midland area and served on their Board for six years prior to joining this Commission. Vice-Chair, Cabarrus County Planning and Zoning Commission.

Ms. Mary Blakeney, retired from Kannapolis City Schools and has served on many boards and commissions locally and at the state level. Also served on City of Concord Planning and Zoning Board.

Ms. Shannon Frye, City of Charlotte, Planning Manager of the Planning Department and administers the Subdivision Ordinance. She has been there 16 years, worked with the historic district, rezoning, worked with the Zoning Administrator and a variety of planning efforts. She is the Chair for the Cabarrus County Planning and Zoning Commission.

Mr. Chris Pinto, Owner, Manufacturing Company, lives in Goldhill and has a farm there. He started off in County Government 101, member of Sustainability Council. Second Vice-Chair of the Cabarrus County Planning and Zoning Commission.

Mr. Andrew Graham, Owner of a small Real Estate Investment and Brokerage firm in Huntersville. He has been in investment and brokerage for ten years. Alternate member of Cabarrus County Planning and Zoning Commission.

Mr. Adam Dagenhart, City of Concord Engineering Department, a little over 15 years. He works with developers doing plan reviews and permitting. He works with a lot of Developers, Engineers, Architects and NCDOT.

Mr. Aaron Ritchie, Owner of Bench Mark Pressure Washing, he has been Planning and Zoning Board for several years off and on. He has also served on the Harrisburg Planning and Zoning Board and President of the Board of Directors for the Georgeville Fire Department.

Ms. Morris said this gives you an idea of the background of the folks that we have on the Board. She will give a short presentation on what Planning and Zoning is, what do we do, what does the Board do and then what is the Board of Commissioners' role in that process.

What is planning? Planning is what deals with the land. If someone wants to subdivide property, they are going to be looking at the planning side of things.

Zoning deals with how the property is used or developed. With an apartment complex, how many parking spaces does it have, how tall can they be, how much impervious surface can they cover.

Planning deals with the land and long range planning, how it develops. Zoning deals with the actual piece of property and how it comes up out of the ground.

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We have a Zoning Ordinance which is essentially a book of rules. It is adopted by the Board of Commissioners, it is local law once adopted, and it also includes a lot of State Statutes references.

She said what you see here are examples of handicap accessibility, handicap parking and fences. This slide is the floodplain. We are a CRS community, and that is federally mandated rules and regulations that we have to meet, and we go above and beyond what the minimums requirements are for that. It is very important at a time like this when we are having flooding like we are, that those folks can get flood insurance and get a discounted rate.

She showed a Zoning Map of the County. The colored areas are the unincorporated County areas. This is where we have jurisdiction. Anything that you see that is gray is Concord, Kannapolis, Harrisburg or Midland. We have seven different long range planning areas. The Planning Commission is assigned by the area that they live in and we also have some at large representatives.

She showed an example of one of the area plans; this is the Central Area Plan. This is the first plan that we did that was a joint plan with Concord. Out of this plan, not only do we get a new Area Plan for an area that was experiencing growth pressure, but we also developed a utility service boundary area, which serves as a growth boundary.

She said Concord signed an agreement at that time that said that there was an area that they would not extend utilities into beyond fifteen years. The purpose of that was to try to push growth to where the infrastructure is, where the investment is and to not have such sprawl or just running utilities wherever and then not being able to provide services.

Taking all of those documents together, the Zoning Map corresponds to the districts in the books. The Land Use Plan is another layer on top of that that the community has said this is how we think the community should be developed.

The Planning and Zoning Commission, when they are making decisions, are actually taking all three of those documents into account. They are looking at the Ordinance and what it allows and what the standards are. They are looking at the Zoning Map and what is around it, to see whether or not what is proposed is compatible. They are also looking at the Land Use Plan to see what that calls for. Based on all three of those items, then that is how they typically make their decisions.

Our Commission has twelve members that are appointed by the Board of Commissioners. Our Chair is Ms. Shannon Frye, Vice Chair is Mr. Richard Price, and our other leadership position is Mr. Chris Pinto. Positions are assigned by the planning areas. We have seven planning areas, two At-Large and three At-Large Alternates. We also have a subcommittee of the Planning and Zoning Commission, which is our Text Amendment Committee. So, by the time a text amendment gets to the Planning and Zoning Commission, it typically been looked at, reviewed, bounced around multiple times by the Text Amendment Committee, it has been through Legal,

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and then it has been to the Planning and Zoning Commission as well for them to make an overall recommendation to the Board of Commissioners.

Something that is different about our Board is that members of this Board sit as both Planning and Zoning Commission and Board of Adjustment. The City of Kannapolis, and the Town of Harrisburg have different Boards and the City Concord. One group sits as Planning and Zoning Commission, one sits as Board of Adjustment. Ours sit as both, so they really do double duty almost at each meeting.

The types of decisions; the first type that they look at is Legislative decisions. Cabarrus County has special legislation that allows our Planning and Zoning Commission to actually have the final say so on decisions. For example, in the Town of Harrisburg there Planning and Zoning Commission is only a recommendations Board. They make a recommendation to the Town Council, the Town Council then makes the final decision

In 1993, Cabarrus County went to Raleigh and asked for special legislation to allow the Planning and Zoning Commission to have that type of authority, so this is something that is different. Along with this, we also have something that is called expedited voting. If a rezoning comes to the Board and they receive a 75 percent vote, that is considered and expedited vote and unless someone appeals that or if they do not get a 75 percent vote, the Planning and Zoning Commissions' decision is a final decision.

She said the only way that the Board of Commissioners would become involved with anything that is considered a legislative action (rezoning, general rezoning or conditional rezoning), is if someone actually appealed that decision. If it were a split vote and they did not get the 75 percent, but it still passed or it still failed, then it could also potentially go to the Board of Commissioners.

Quasi-Judicial matters are a more formal procedure. If someone has to get a conditional use permit, or if they are appealing a decision that we have made as staff, it goes to the Board of Adjustment and is a much more formal procedure. It is just like going to court, you have to be sworn in and your testimony in those cases is supposed to be based on fact and not opinion.

We have had a couple of cases where it has taken two to three hours because they are putting on expert testimony and they are trying to have their experts put into evidence as an expert. There are some statutory things that come along with this, as far as who you consider and expert, who you do not.

Some of our Board members attended a training two or three months ago on the Statute changes on what you consider that testimony to be, who is an expert and who do you qualify when it comes to these types of cases.

For a Variance case, you actually have to have what is considered a high vote; which is an 80 percent vote. There were some statute changes that came down two years ago. The other types

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of cases you only have to have a simple majority. Everything goes through the same procedure, but depending on what type of case it is in the end, then you end up with a different vote.

For any of these types of cases, it goes to the Planning and Zoning Commission acting as Board of Adjustment. If someone did not like this type of decision, the appeal would be directly to Superior Court; it would never make it to the Board of Commissioners. The only thing that the Board of Commissioners potentially would see is a regular rezoning that either did not get the expedited vote or was a split vote or somebody challenged it and appealed it. The appeal would come to the Board of Commissioners and if they still did not like that decision, then it would go to Superior Court. There is a big difference in how these cases are handled and the appeals process.

Ms. Morris said some current overall County trends; development pressure continues mostly to the west, the City of Concord, City of Kannapolis and the Town of Harrisburg. We have the Utility Agreements in place with Concord and Harrisburg. One part of Harrisburg's is going to expire on December 31<sup>st</sup>. She does not think they will renew it because they have already had development interest in that area and has already approved one development with that particular part of it being delayed.

We are also seeing a lot of residential, commercial and speculative development up and down Derita Road in the Poplar Tent area, and a lot of new construction at Concord Mills and Christenbury Corners; which at the end of Concord Mills Boulevard. All of that is starting to develop and pick up.

Harrisburg is also seeing some development. If you have been through the Town Center lately, or if you have been down Highway 49, they are getting some new grocery stores, a Verizon store, a corporate store has decided to locate in Harrisburg and a Dunkin Donuts; a lot is happening in Harrisburg.

Current projects, to let you know what we are seeing between single family and multi-family projects. Harrisburg within the last six months has put 960 new residential single family lots on the books. They have also put 175 age restricted lots on the books. Kannapolis has 444 single family and 237 multi-family. Concord has 369 single family and 620 multi-family, these are in that Poplar Tent, Weddington Road area. Mt. Pleasant has their first large scale multi-family project which is a 64 unit project along Skyland Drive.

We are also seeing a lot of activity with projects that were inactive. People are coming back and picking those up. They bought them from the bank or just sat on it why the economy was down. A lot of those projects though, as they are coming back, are asking for additional density; a lot of that is going on with Concord and Kannapolis. The hot spots right now are kind of on the edge of the County; Christenbury Corners, Afton Ridge and George Liles and Poplar Tent.

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The current trends for Unincorporated County, which are the items that our Planning and Zoning Commission looks at. We have had a lot of interest in wedding facilities right now. The trend is to go out to the farm, out to the barn, out into the county and have your wedding.

We still have a lot of interest in the runs; the Tough Mudder and the Spartans Race, and we had a Color Festival in Midland. There is still a lot of interest in those types of obstacle races and mud races.

Cell Towers have been a hot topic because everybody is trying to get to the 4G and now the 5G is already coming. Hopefully they can use the towers that are already in place, but we will see depending on how high they will need to be.

Ms. Morris showed a picture of the new Google Building over in Newton. She said most of you have probably seen in the newspaper or heard about our first Solar Farm here off of Bethel Extension Road. It is not going to be as big as this project but it will have about 35 acres covered in panels when it is done. It is our first Solar Farm and we will see how the standards that you all adopted relates to that and works out actually on the ground.

Mr. Mike Downs, County Manager, asked Ms. Morris to talk about the process for ordinance changes, text amendments, new ordinances and small area plans.

Ms. Morris said text amendments start out with the Text Amendment Committee then they move to the Planning and Zoning Commission and then on to the Board of Commissioners. That is a legislative action, so it only requires a simple majority vote to pass.

When we look at land use plans, and we have been working with the Town of Midland getting ready to co-adopt the plan that they adopted a few years ago. Right now the County has a plan that is older and Midland has a plan that is newer and we would like to proceed to co-adopting their plan. When we go through that process, it is a legislative process and will simple majority vote will be required. Planning and Zoning would make a recommendation on that and that would go to the Board of Commissioners for a final recommendation.

Land Use Plans are different from the Ordinance in that the Land Use Plan serves as a guide. It is not actually local law like the Ordinance.

She said Mt. Pleasant has also made a plan for part of their utility service area, it actually lowers densities. We will probably look at that area as well as to go ahead and co-adopt their plan because both of those plans need updating. They had public input on it and have gone through the process, so it will be more of a co-adoption process rather than us going out and starting a new process.

Mr. Jonathan Marshall, Deputy County Manager, said we had our summit the other day, the Board of Commissioners and other elected officials and one the things that came up is that the

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Town of Harrisburg is interested in an area where Caldwell Road would extend along the Mecklenburg County line, up to Highway 29. That is another area that we are looking at where would do a joint plan with Harrisburg and Concord, which would ultimately come the Planning Board and the Commissioners.

Ms. Morris said that is that Epic project area at the County line. Preserve at Grayson was the first name on it and then it was changed to Epic. It will be that area of the Speedway and is a very large stakeholder in that area.

Mr. Downs said some communities do a countywide comprehensive plan. We (Staff, Boards) previously chose to go the smaller area plan. He asked what the advantage is of the way we have done it and how has that worked along with the cities at these blurred jurisdictional lines?

Ms. Morris said from a planning stand point, it is easier to do the smaller area plans because you can concentrate on that area. It is also easier to have public participation when you are in the smaller areas versus having everyone countywide come out.

The City of Concord has their own plan and the City of Kannapolis has their own plan. Eventually, those would probably be put together. WSACC actually went through a long range planning process, which we participated in, and they took everybody's plan and put them together to see twenty years out and thirty years out what is going to happen with utilities. So, we do have an overall comprehensive plan once you put the pieces together, but those pieces to have a large plan, it is easier to have a smaller one when you start having an area that has changes and turn over just like Harrisburg.

Harrisburg has a lot going on right now, their plan works, but if they started to see new interest in the area, maybe for industrial or heavy type users, they really do not have those in the land use plan right now. That might be something they go back and look at. It is easier to drill down and do them in smaller chunks.

Mr. Downs said if the County Commissioners wanted the Planning Board to consider something, whatever it is, what is the process? How does it ultimately get to the Planning Board to review it and then get feedback back to the County Commissioners?

Ms. Morris said typically, it either comes through the County Manager or it comes through staff. If we see something that we are having a lot of recurring issues with, we will start working on that. Same thing with the Commissioners, if they saw something that they thought needed to be changed, they would provide staff with direction and we would start working on it and working it through that particular process.

Mr. Downs said from the Planning Boards' perspective, how would you like to receive information or feedback from the Board of Commissioners or do you care?

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Ms. Shannon Frye, Chairman, Planning and Zoning Commission, thinks based on what was said at the beginning about relationships and what Ms. Morris just spoke to about the small building to the larger. She thinks back to that communication and that ability to say this is working well or what is not working, that that two way path leads to solutions or new ideas. She would think that if you all see something at that level, that in her mind is the countywide level, and we have representation here that is really looking at the land use planning piece of that, if that would translate to something that could be brought to Ms. Morris.

Ms. Morris does a Director update at the end of each of our meetings and Ms. Frye could see that being at least a place in that meeting to have that type of conversation or that information shared, where we can digest it and maybe have an opportunity to say here is our collective perspective and bring that back. She certainly thinks they have a standing forum in that business meeting to have a place at the end to here that type of feedback or commentary.

Ms. Morris said that is normally where we share what happened. The last round of Text Amendments, she went back and let them know that the Commissioners had a lot of discussion about the Home Occupation piece and that it was changed, just so they are aware. Kind of that two way street, so that they know as it works up the ladder, does it stay the same, does it change, or does it come back.

Sometimes at the actual planning meeting they will start working through something and decide this is not going down the right path and the Planning Board will direct it back to staff for us to go back and do more research or take a look at it.

Mr. Downs said feel free to add to it, he is trying to prompt this meeting. We have a very progressively business oriented board that supports businesses. Some are home occupations, just because of the economy more people cannot afford to put a shingle up in a commercial zoning, so they want to work out of their house or out of their garage.

How is the board looking at this through staff and your own opinions? How are you looking at a growing community that we need to continue to support business but we are also growing a lot in population? How do you protect the residential part and still allow some of these start-up commercial businesses that need to start up in their houses then maybe move to a commercial zoning. How do you balance that out? He thinks that was some of the angst with our board when the text amendments were coming through was that they thought that it may be still too restrictive and having to relax that. He asked if the Planning Board has talked any more about that since it has come back your way.

Ms. Morris said we have not.

Mr. Downs said that is probably one thing he thinks our Board will toss back to you. He knows Ms. Frye, being from Charlotte, you have tackled this quite a bit over the years.



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Ms. Frye said when you said that question about rapid growth and using your zoning ordinance has a tool to regulate but also using your zoning ordinance as a tool to implement division or desired outcomes.

She thinks back to those challenges of growth and what happened with the economy and the down turn there. One thing, at least from her perspective, compared to Charlotte, is that she did see staff coming and saying we are going to take the zoning ordinance and we are going to update it to current land use, trying to be moderate to an ordinance that might not be current, matching what proposed businesses or concepts are; to even get the terminology relevant. It seems to her that staff is being proactive and making those adjustments to the ordinance.

She thinks, as you alluded too, if this is a business minded Board, if there are gaps or perceived shortcomings of that, she thinks back to that conversation and feedback. So that one, staff can understand, how do we start to make those adjustments and proposed changes to that ordinance that will be complimentary? Because, to your point about rapid growth and the growth getting out in front of the toolbox, that is a hard, time consuming effort.

Mr. Aaron Ritchie said we had a lot of discussion about the home occupation. One person said eight visits per day. I said, what if six family members come by, then can only two customers come by? He thinks we need to work on that, because he is of the opinion, and he may be the only one, that if a person buys a piece of property and they are paying taxes on it, then they should have fairly liberal rights as to what they can do with that property, unless they are not trashing the neighborhood but they are being a nuisance so to speak.

He said you have to give people just a little bit of rights. When it gets out of hand the neighbors will start complaining. He thinks they need to have some kind of rights, they bought the place or buying it and paying taxes. He does not see any problem with starting a business up, a daycare or whatever. As long as it is not a detriment to the neighbors or the neighborhood. He is inclined to vote for; don't be so strict on the neighbors, they are citizens they are paying taxes on what they are doing.

Mr. James Litaker said in Kannapolis where we had that problem, all of a sudden we had all these mill homes come up for sale. Then you have investment people come in and buys a couple of small mill homes and then they would want to have them changed over to commercial. But then they saw the taxes on commercial versus residential and then you would have somebody that would do that and then they would have a small home business. Well, then the neighbor would sit there and complain that they were running a business out of his home and paying residential taxes.

He said it then came up before us, well if anything, like under 220 to 250 thousand it was costing the city more to supply services for that building and or business then what you were getting out of it. So there was a big controversy on residential business, what could be residential, parking and all. We had to sit down and go through a proposal that if anybody wanted to turn a residential property into commercial, these are the things that need to look at before they did that.

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He said some of these poor people had no clue, they were just being sold property. They would come in and were adamant about wanting to purchase so they could sell it for a higher price. Well, their property tax rose three or four times and they could not afford it.

We had this one guy who just wanted to have one to do a computer repair business there. It was one of the small mill homes, probably 700 or 800 square feet. By the time he got it commercial ready to be able to do that, he could not afford it.

Mr. Litaker said to do that we need to have some guidelines to let people know before they invest in the property. Do the zoning and get it commercial approved and all of that; can you actually afford to run that small business out of there and not live there too. We had that happen over and over again. It was really sad to sit down there and go to break and say you need to look at this thing a little different and withdraw or walkaway, because can you really afford it, well no they could not. They could not afford not to live there and to work there own a small business and bring it up to standard. Because most of the small mill homes are not handicap accessible, they are fires traps on top of that and there is no parking. They wanted to park on the street. It was an argument nightmare and it put a lot of people in a very awkward position.

He thinks you need to have rules written up, that if you buy this and convert it into a property, these are the things that have to happen before hand, and this is the cost. So they need to make a decision, is it worth converting this over.

We had a lot of people complain that, well, he is running a business, and why is he paying the same amount of taxes I am when I have a business over here and I have another house and paying taxes on that is different. He said it is something to look at and maybe home businesses needs to pay higher taxes then what a residential does, but not as much as a full commercial building.

Mr. Aaron Ritchie said if we could come up with a compromise or something. It is just like a daycare, having eight babies. There are going to be eight cars in the morning and eight cars there in evening. There will not be any cars there all during the day. He thinks we need to make a compromise.

Mr. Litaker said there could be compromise, but the thing is the people have to realize that they are jumping into an investment that they cannot afford and never break even. That is what is happening to a lot of these people.

Mr. Ritchie said we cannot tax them out of business.

Mr. Litaker said even the garbage is a different rate for business than it is for residential. There needs to be a happy medium so that it is productive for them to be cost effective and that is not in place now and people really get upset about that.

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Mr. Litaker said like these wedding venues. We had one that wanted to put it in the middle of a residential section; he thinks it was five or six acres. Then by the time we sit down and tell them this is the amount of cars you can have and this is the noise ordinance and the hours they can operate; they say, well I cannot do that. You cannot have but so many people on the property and out there too. When you fit the guidelines for the property there, it is not cost effective for a lot them and we need those guideline up front before they buy the property.

Mr. Downs said what about the commercial development. He does not know what Charlotte/Mecklenburg and Concord is doing now. He said development standards and parking standards, buffers, and landscaping. Those extra costs on top of building the building and starting the business. Some of that could be the difference whether someone could afford to open their business or not open their business. We have had some discussions on that to, as to when is enough enough? He understands there are statewide and national and international standards that we typically use as planners, but are they still relevant?

He asked what their thoughts are there; are you looking at that in Charlotte or in Concord or as a Board. He knows Mr. Pinto was on the Sustainability Council and that was some of the stuff that you guys were tackling too.

Mr. Chris Pinto said we looked at that in our text amendments and made some adjustments to that. As far as the Commission, businesses and buildings being built in the County, it is tough when you do not have water and sewer. He thinks water and sewer drive everything. He does not know if in the County, whether that is going to be in front of us in the County, not in the communities, are going to be presented with projects like that, that are going to have the big 200 thousand square foot Pepsi plant in Harrisburg or something of that nature.

He said the small people, we just went over that about two months ago. You are not going to have a small car wash because it is not going to have the water. You are not going to have a small strip mall because there is no water or sewer; it has to be septic only. So that is a tough thing for the County to get around.

Mr. Downs said most of the cities are going to have to handle most of it but there are some businesses that are allowed in the County. There are restaurants, convenience stores and those types of things. When is enough enough? You need a buffer from that residential adjacent property but do you need 100 trees or will 30 trees work.

Mr. Pinto said you can go out to Cruse Meats and look at that, granted that was kind of a co-county situation. It has like 80 bushes all together in one thing. It kind of gets to the point of being a little ridiculous. But you have to have something in between, whether it is line of sight taken into consideration a hill. We just went through that where a hill was a natural barrier where cars could park down below. You could not see it from the road, so there was really no point in planting trees down a driveway or down the side of property.

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Mr. Richard Price said it was a very large piece tract of land to start and it was a long way off and it just did not make sense to impose the landscape buffer if you could not see the parking anyway.

Mr. Richard Koch said plus they were farming those areas too; they were hay fields.

Mr. Downs said from both Boards perspective, is that something that you would prefer to deal with on a Variance basis verses scripted in an Ordinance.

Mr. Price thinks the Board has done pretty well with it. Sort of case by case as it has comes up; we have duked it out. We have sent people back to bring us more information and that sort of thing. Up till now, it seems to be working okay. He does not know that we need to fix something that is not broken at this point.

Mr. Downs is just asking if that is the way you would prefer it to come to you verses something that the staff could administratively do without having to pay \$500 dollars to come see you.

Mr. Price said that would be his preference, he cannot speak for the Board.

Mr. Downs said staff administratively?

Mr. Price said no, that it would come to the Board.

Ms. Frye does not think that staff has the authority based on how what Ms. Morris was saying is legislative to grant those types of administrative deviations. She has listened to what Mr. Ritchie and Mr. Litaker have said. She thinks zoning exists for public safety, health and welfare; there is that big giant umbrella and back to individual property rights and having a set of minimum standards that sort of set that template that everyone abides by. But back to buffers and screening and some of those things that exist for perimeter protection or for the benefit of those who surround that. It is not all to, at the end of the day, favor the person developing getting the permit, it is a balance of the development fitting in to; whether that be the existing character or the framework of what you are trying to determine or maintain.

She thinks these instances that we were just referring to, it is an appropriate forum to look at what is specifically unique about that piece of property that might make it such that they can apply for a variance. So if there is truly a hardship, verses compromising or setting the bar even lower than maybe what it is, to get maybe less buffer, less tree, because over a 25 or 50 years span of time that canopy is just preserving that and is just part of your maintained environment.

She said it is a balance, it is economic development verses values for the community. That is a challenge but going into the zoning ordinance to try to do less to encourage more is just mindfulness of what the regulations provide for.

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Mr. Koch said if you look back at these different wedding venues that the Planning and Zoning Board have dealt with over the last six months or year, it seems like every single one of them, and we have had about six them and every single one of them has been unique. Where it would be difficult seemingly to craft an ordinance that would have accommodated all them. Because we have had several where there were a half a dozen separate variances to try to assist these people to do what they were trying to do with their property. But we have gone from the one case Mr. Price was talking about, 170 acre tract that is active farm land but they had one little section in the back that is kind of in a secluded area that already has its own natural buffer and screening but not along the perimeter of the property. Yet the farming operation crosses the boundary. There is a neighbor that farms their own tract and then farms part of this property that they wanted to leave in farm use. So, in order to accommodate all the issues, there were a number of different variances on that one that were unique to that situation.

Then we had the other one where they split the tract but for the wedding venue for the backdrop to contemplate this pond that was on another tract that they owned. So we dealt with some buffer issues on that one.

Mr. Price said plus we had septic issues.

Mr. Koch said yes and then there is one that the Board turned down that was the neighborhood, where it was a large tract. An ideal situation typically for a wedding venue, given that property itself, it is just that it was stuck in the back of residential subdivision and it was not large enough to separate the wedding venue activities from the neighbors, in terms of traffic and particularly noise.

Mr. Andrew Graham said that property had one way in and one way out and it was on the back of the property. So people leaving the wedding at midnight, who had been hollering going down the road out have to go through the whole residential neighborhood to get out.

Ms. Morris said that actually was not something the Planning and Zoning Commission turned down as a request. We issued a violation because they were having this wedding facility and did not have the proper permits in place. They appealed that decision and the Planning and Zoning Commission, acting as the Board of Adjustment, upheld the decision, that yes, it was operating as a wedding reception facility. That is actually moving forward, they have decided to move forward with appealing that to Superior Court.

Mr. Koch said that one also had the issue about home occupation. They wanted to consider this wedding venue a home occupation. But all of these people coming in and out and of course we had a lot of neighbors show up for that one.

The point being, and there have been some others too, but each one of them has had its own issues. We have had to deal with it not only in the context of ultimately getting a conditional use permit but allowing them variances for these deviations that they needed from the underlying ordinance to be able to operate it or construct or use in the fashion that they wanted to. A

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number of cases also had existing buildings that were in the setbacks. There is just a lot of those issues that come up with these. The point being, it is kind of hard to synthesize all of that into an ordinance that would accommodate it without all of these decisions that need to be made by the Commission.

Mr. Price said a lot of that is pure and simply being driven by wedding fashion. What is in vogue now is going to the old cow barn and having your wedding there and we all know that those buildings were meant for agriculture and cow barns. It is hard to make those things fit in to a structure of what can be written down; just by the nature of it. It will change over time, probably ten years down the road everybody will be going back to formal church weddings and that sort of thing. But right now, everybody wants to go out in the country and go as far back on the property as they can go and get into some old rickety building and that is where they want to get married. He said that is what we are dealing with and we are dealing with it every month.

Ms. Honeycutt asked how many of the 6 cases the Planning and Zoning Commission were able to work out.

Mr. Price said all but the one that is going to Superior Court

Ms. Morris said that was not a case that came to the Commission as a conditional use permit or variance. That was strictly an appeal case.

Ms. Honeycutt said she is sitting here listening to this and she would much prefer that instead of having an ordinance that everything had to fit in that you had the flexibility to let common sense be the judge.

Mr. Price said as Mr. Ritchie said about the home occupation, they are not there that long. They are there on Saturday, show up on Saturday afternoon and we set 10:00 p.m. as the time the music is to be done, that we try to be fair with and they are gone. As long as you are not annoying the neighbors, and we have had a couple of neighbors that have showed up and said the music is a little loud. We try to accommodate them, but the fact of the matter is as long as you are not annoying the neighbors, we are not going to get in your way on doing what you want to do.

Mr. Ritchie said you cannot legislate stupidity.

Mr. Downs said the State has; the State says you can do anything you want out there if it is a barn building and there are no regulations. So they have legislated themselves right out. So a lot of the stuff, some of these could even be considered exempt.

Mr. Ritchie said if it is a bona fide you can build buildings or do whatever. If it has electricity you have to get that inspected, but you do not have to get the building inspected. He has a bona fide farm and he can build a barn if he wants to, any way he wants to, as long as he does not have electricity. If he gets electricity he will have to get that inspected.

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Mr. Morris said then you have this building that did not meet codes and did not have to have an inspection and now you are going to have parties in it.

Ms. Morris said that changed it that is agriculture related. If it is related to the farm or the operation of the farm then it is exempt.

Mr. Koch said the definition of Agritourism, depending on who you talk to, is either very broad or much narrower. There are some that take the position that anything you do on the farm is Agritourism, aside from the basic farming operations, whatever kind those maybe, but anything else whether it be a wedding venue, any other kind of use.

He said there was case in Harnett County that put in an indoor shooting range and was claiming that was Agritourism because it was on the farm. That case went to the Court of Appeals and the Court of Appeals considered the appeal premature and dismissed it and sent it back to the Trial Court. We were hoping to get some guidance on a state wide basis from the result in that case. But unfortunately it has been delayed. It is still very much an open question as to how broad the term is. You cannot really tell that much from reading the statutory definition of it.

Mr. Wise said one thing that is on his radar is that a lot of the older buildings are being bought up and used for small shops, but they are not really doing very much work on the outside for appearance he thinks for the County; especially on this side of town. They are changing tires in the parking lot and taking out motors and that kind of stuff. It is kind of a city county joint venture to maybe kind of clean up buildings.

We get hundreds of phone calls for us to come and look at work and they do want to spend any money. We give them ideas and they tell us they are not going to spend that kind of money. Other than handicap parking and spaces that the Ordinance requires, maybe do some esthetics to keep our town looking good.

Mr. Price said it can get shabby pretty quickly.

Mr. Wise said it can; Concord and Kannapolis together, we could get diverging diamonds; that is the gateway to Kannapolis. On Highway 29, there a lot of shoddy buildings that people or buying and putting businesses in but really are not doing much improvement.

Mr. Dagenhart said what we run across is people redeveloping existing property but unless they do more than 10 percent change to that building lot of the total lot we cannot hold them to any current standards. So therefore, they can do just like Mr. Wise says, but once they hit that 10 percent then we can make them come in and do curb and gutter, sidewalk, storm water, landscaping and then we can put the whole Ordinance out; but until they do that we cannot do it.

Mr. Morris said so we are discouraging them from doing anything because they do not want to hit that magic number.

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Mr. Dagenhart said honestly, there have not been that many that have hit the 10 percent. People are being proactive enough that they are going out and finding properties with their intended use, so they do not have to spend that money like Mr. Wise is talking about.

Mr. Wise said a prime example is the Spur Station, it drives him crazy. He has spent no money, but he is up their changing motors and changing tires everyday out on Church Street. When people build a nice garage and keep it concealed space and you have this guy doing automotive work really on the street.

Ms. Blakeney said on the sidewalk almost.

Mr. Wise said yes on the sidewalk. We have visitors come into town and they see that. Is that what they want to see about Concord? He is sure Charlotte has the same issues, probably on a bigger scale.

Ms. Morris said that gets back to Mr. Litakers point. Those are the discussions that we have with people when they are talking about home occupations. They want to have the customers come and they are not always aware that they have to have the handicap parking or the handicap accessible restrooms. Those things that come along, not with the Zoning Ordinance, but with the Building Ordinance and the ADA Ordinance. So we try to have those conversations with them so that they know. Then at that point it does become, very much so, a business decision for them to decide can I move forward with making these changes to accommodate a business, do I maybe need to look at a rental space instead. If it is truly a residential property, sometimes that can get very complicated.

Mr. Graham said in his experience, what he has seen with folks wanting to do a home occupation is that they have no clue of what it takes to actually make it a commercial space. They just think they will move in here and start a business and have no idea about what they have to do. Once you start educating them on all of the things that they are going to have to do, that is when they change their mind.

He said the people that are buying the property are buying it thinking they can do it and have no idea that no you cannot necessarily do that unless you do ABCXYZ first. It is too late then they have already bought it.

Mr. Litaker said talking about pet peeves and this is a little bit off the subject and he does not want to be beat up to bad. But he has concealed carry and he does have hand guns. He knows people that in their home they have stored 10,000 rounds of ammunition, and in Residential we have nothing pretty much that we can do about that. If it is Commercial, then we can regulate how it is stored.

We have residential neighborhoods where houses are 20 or 30 feet apart. What happens when that house goes up or catches on fire and we are sending in our fireman and our policemen and our EMTs and they have no clue what they are walking into. He has a problem with that and



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these people miss the point of you are taking my guns away, allowing my right to carry arms. That is not the issue, the issue is what happens to our firemen, policemen and EMTs when they go into that house to try to help somebody, put it out and then the ammunition goes off. He has seen what Brass does in a campfire before as a kid being stupid; it goes off.

He would love for us to somehow, if it is no more than voluntarily, bring it up or maybe in our recommendations to neighborhoods on the home owner association or something. That at least the police and firemen know what they are going into. They place cards on businesses with chemicals.

He has seen people walk into their garage and they have four or five propane tanks sitting in there and it is not marked. To him, that is scary and he would love for us to be able to do something, if it is no more than just asking people to volunteer to do what is recommended for storage or not to have more than a certain amount in a home, however.

Ms. Blakeney said in some subdivisions you do not have 20 or 30 feet between houses.

Mr. Litaker said he knows and what happens when one of our firemen go in there and they get hurt or killed and people standing outside the yellow line and it starts going off; a projectile is a projectile. He would like to be able to do something about that and he is on the side of wanting the right to own and bear arms, but he does not want to see any of our firemen, police or EMTs in there either. He feels guilty about that and he is asking the Board of Commissioners to do something about.

Mr. Morris asked if Mr. Litaker has had any conversations with any of the members of North Carolina General Assembly about that.

Mr. Litaker said no he has not; is that where we need to start?

Mr. Downs said that probably is a Sheriff question too. He believes there are some regulations on the quantities that you can store.

Ms. Morris said we have talked with the Sheriff and the Fire Marshal and there is really nothing.

Mr. Downs said if you go over a certain amount then you are considered a dealer then you can regulate it. At the very least they should be required to register.

Mr. Litaker would love to put that in the Ordinance somehow or at least educate the public on it somehow, some way, shape or form. He will spearhead it, just tell him what he needs to do. It really bugs him in more ways than one. Every time you turn around, there is another raffle, raffling off guns.

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You hear of a new shooting in Charlotte every day; another mass shooting or something. But it is okay to store 10,000 rounds of ammunition in your home. Because you are protecting yourself? He does not think so, that is just insecurity.

Mr. Downs wishes they would quit storing it, because it takes six months for our law enforcement to get their ammunition; everybody is buying it all up.

Ms. Mynatt said this is a total change of conversation, and it may be one that is so large of a concept that we need to have a meeting about it. She has always been concerned about the beauty of this county and the fact that it is rapidly disappearing with this proliferation of subdivisions that we are seeing in the western part of the county. She remembers being really active in the eastern land plan. She thinks that is what drove a lot of that.

Her question is what does the Commission have or what is our role, if we have one even, in influencing that type of regulations and developments? She was in a subdivision on the western side the other day, a 3300 square foot house and they want to put 50 feet between them and the next house. There is no place to plant a tree that is going to grow up to be a beautiful tree; you could plant a little Bradford Pear maybe. Where does that appear somewhere, do we even have it or are developers able to just come. She knows we have regulations but where are those regulations coming from, who is creating them, who is monitoring them, what are the crime numbers for subdivisions, do we have anything jurisdiction at all?

Mr. Downs said you have jurisdiction in the unincorporated areas and the State has actually reduced our ability to have some of those development standards anyway.

Mr. Marshall said some of those residential design standards that you just removed from the Ordinance came about as a process. We worked with the different cities to try and jointly do some design standards. You can look at some ways that you can preserve the character, still have the development, but preserve the character and impose some of those or put into place some of those standards. Really, we did it more like a carrot approach, to say that if you do these things then you can increase the density. There are tradeoffs, you have houses closer together, but you start to preserve more of the existing wooded areas and get more design standards of the homes.

Again, from the State's standpoint. they removed some of that ability with residential development. We talked with Concord the other day and they think that they can still keep some of the residential design standards in place as long as they are offering it in a voluntary fashion. So, if you want more density, then you have to use these design standards; kind of in defiance a little bit of what the legislation was; it will be an interesting challenge.

Mr. Downs said or what is it, nothing permitted by right, it is all conditional use or special use?

Ms. Morris said in our Ordinance it is different than the City Ordinances because we have conventional subdivisions where you can build a two acre lot or a three acres lot and you do not

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have to provide open space. To get anything smaller than that you ask for 40 percent open space. But we also have standards where you cannot use the floodplain for open space. You do have to have treescapes. Everybody's ordinance is a little bit different, our ordinance still does a good job with that. Where some of the cities ordinances may not have the types of buffering treescape areas that we have and that may be what you are seeing. That would be the City of Concord or Kannapolis in that western area.

Mr. Price said it is such a balancing act that your ordinance has to master and that your developers have to deal with. That if you start getting over restrictive, the developers and the builders have to raise their price point of what they are putting on the ground. Then you end up with what happened, and is still happening in some degree, in Western Union County, Weddington and those places like that where your community is not inclusive. The average person cannot afford those houses. You go into beautiful neighborhoods but people cannot afford to live there. You get that elite few that can afford that, so with the price and just buying developable land, what you have to pay for that to keep that inclusive, to where you have a broad range of housing available for everyone, then you have to allow that density. Because the developers are not even going to do it if they cannot make any money.

He said it is a balancing act, and it has been a balancing act, ever since we started seeing developmental growth, residential developmental growth, and it has been going on now for 30 years. He does not have an answer for it and he thinks the county and the municipalities in the county have done a pretty good job of it. You have those places that generally speaking we still tend to segregate economic classes of people but essentially have a place.

Mr. Ritchie said the county has to have such big lots because they have to have septic systems and wells, municipalities have water and sewer so they can do what they want.

Mr. Price said generally speaking Cabarrus County does not perk.

Mr. Graham said most of the developers want City water and City sewer anyway, and if that is not available, a lot of them will not even consider. They cannot build houses that are not 15 feet apart in the county because it is just well and septic.

Ms. Mynatt just cannot get the concept that they are strictly having a problem building houses price wise. If someone can buy a 400 or 500 thousand dollar house, there is no need in her opinion to strip that land. They could have bought a piece of land that maintains some trees. Maybe in time it will look alright but she does not see it.

Mr. Litaker said where a lot of the problem he thinks has come in and in Kannapolis, and he has researched this and it bugged him too. He is from here and grew up here, by the time it is said and done, these developers are coming in and are developing and self-financing these homes for two or three years and then they package them on grids through the State Investment Trust and packaging them to another mortgage broker. Well these people can lower or raise their standards of who qualifies for a lot of these homes. A lot of these people are preying on them because them

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because they can sell them a home cheaper than they can rent. But you cannot park two cars in garage and if they have a third car for a kid they cannot stay there. They are inflating the prices of these homes with the pretense that in three years the values are going to reach that point and it is heading right down the same road of what the mortgage companies did to us seven or ten years ago. If somebody goes out of that home they can resell and that is why they say they do not have foreclosures and stuff because they are reselling the same home until they can package it and send it off and the people do not qualify. You go to get traditional mortgage versus one of theirs, you can get one of those but they cannot get a conventional mortgage. That is how they are selling them like that and where we are going. He said you have to have the bigger lots to stop that, you have to have the minimum standard and go from there. He has seen that happen to some people, they get caught right up into the same situation we had seven to ten years ago; buy high sell higher, moving from one house to a larger to a larger until it all starts falling apart.

Ms. Mynatt said getting back to the affordability, she would like to have things affordable for everybody. She can understand where a subdivision with lower price house could have stricter standards, smaller lots, etc., so that the price of the house could stay down and you can skim beautiful designs for that. We have examples of really well done situations like that. But then when you get a couple of hundred acres and they are putting in three hundred or four hundred thousand dollar houses, and they have made absolutely no effort to maintain the beauty of that piece of property. There are no beautiful oak trees and stuff and now those people who are buying that house could have afforded to buy a bigger piece of property or the builder makes less money. If he makes less money than that is just too bad because she thinks they are making money on that anyhow.

Mr. Price said the builders are.

Ms. Mynatt thinks we are being taken advantage of.

Mr. Price said there were a lot of builders in 2006, 2007 and 2008, that got caught out there with a lot of money that belonged to them, that when the music stopped, they did not have a chair to sit down in and they are no longer with us. The ones that we are seeing now are new crop entrepreneurial developers that are coming and he hopes they do not learn the same lesson. Generally speaking, they want to get in there and make the money fast and get off of that property.

Mr. Graham said the old ones are doing that too, they just bankrupted and start under a new name.

Mr. Dagenhart thinks as long as you have supply and demand, people are willing to buy those houses, the builders are going to keep building them.

Ms. Mynatt said that goes back to her original question. What kind of influence can we as residents, local officials and zoning and planning have on what they are going to produce? Do we have no influence?

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Mr. Dagenhart thinks you do have influence, but then it comes down to what type of backlash, community level, and political backlash are those officials, whether they are elected or appointed are they willing to take on.

Ms. Mynatt said you will get it from the developers but you will not get it from the current residents. She said that is what she hears people say is that they are just ruining the county from the people that live here. Who do we owe our allegiance too, people who come in to make money or the fellow who already lives here.

Mr. Graham said the City is mainly the ones who are doing that not he County.

Mr. Pinto said a lot of the counties up north buy the permanent development rights from the farmers; instead of targeting hundred acre tracts in particular areas of development, buying from the developer. They tried it in Davidson but it failed because it would only give them tenure from the development rights.

The County of Kent Michigan has been building for 20 years, Morris County New Jersey has been doing it for over 25. They preserve these farms, instead of having a tract of land with two hundred acres where they put in a quarter acre lots like we are talking about and having 300 to 400 homes with 1.8 kids, which is an elementary school, you do not have the police and fire, and you do not have the infrastructure cross. They are buying that upfront in raw land and leaving the farmer on it and then allowing in the contracts maybe the farmer would have another house built for his daughter or his son or whatever. But, that is how the northern cities and northern towns are controlling development and that is why you see some of the migration coming down as well. Kent has a good program up in Grand Rapids and Morris County is probably the top in one New Jersey at present.

Ms. Mynatt asked if Mr. Pinto was advocating that.

Mr. Pinto said he is just bringing it up, he is not advocating; there is nothing political about it.

Ms. Mynatt said that is the wrong terminology. What you are saying is that is an alternative.

Mr. Pinto said it would be an alternative, because you would save on the back side. There is upfront cost of buying the land raw. The problem sometimes counties have is they do not do any investment. If you invested in the front, you would not have the cost in the back and if you are conservative you try to eliminate the cost of government right? The cost of deputies, police, fire and everything else that is tied with it. The most conservative counties in New Jersey and Michigan are the ones doing it.

Ms. Kelly Sifford said the dovetail signs are the soil and water, it has not been kind to them.

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Mr. Pinto said yes soil and water; you are running out of water, they just ran the big water line down Highway 49 from the Yadkin. But that is one thing you would be able to control in the munies because you can target farms in the munies, whether it is in Harrisburg or whether it is in Concord or Kannapolis; hundred acres tracts, approach these people and try to buy the development rights.

Ms. Mynatt said that has to be in the municipalities.

He said right now you do not have any control on what goes on in the municipalities and you cannot control the houses that are developed, this Board can't. So, that would be one weapon that you would have as a county board to address it. He thinks the people she was talking to would probably be in favor of that.

Mr. Downs does not think we can purchase development rights that way in North Carolina.

Mr. Pinto said in North Carolina they have the Farmland Preservation.

Mr. Downs said Farmland Preservation, but that is not really purchasing development rights, it is just purchasing the farms and that is what we are doing.

Mr. Marshall said Mr. Testerman was presenting tonight, that is essentially, we are purchasing by putting a conservation easement and they are agreeing not to develop.

Mr. Downs said but we are not allowing them to have development rights to go build somewhere else.

Mr. Marshall said we are not transferring.

Ms. Sifford said you are just buying the rights.

Mr. Morris said those are perpetual right?

Ms. Sifford said correct, the ones we have done have been.

Mr. Pinto said you do not have development in the county in the residential side anyway, you have it in the muni side. That is where you would be able to go in and target some of these tracts and purchase them for raw land price. You already have the tax appraisal cards.

Mr. Morris said that is what we are prohibited from doing from the State.

Mr. Downs said we can buy the land we just cannot buy land and sell the development rights to somebody else.

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Mr. Marshall said you can do it for the purpose of development rights, but you cannot do transfers.

Mr. Downs said what Mr. Pinto is saying is you are purchasing the development rights just by owning the property and never developing it.

Ms. Sifford said you could put perpetual easements on it just the way we have been doing it with Soil and Water.

Mr. Downs said we need to buy those farms in the City so we could have school sites too.

Mr. Pinto read in the paper that the school board chair stated that the one in Odell is already over capacity and has not even been built yet.

Mr. Downs said we just added another wing before it was built.

Mr. Pinto said you have to get in front of it.

Mr. Marshall said a lot of this goes back to what we talked about, why we do long range plans with the cities. Because these are the types of discussions you can have much more specifically when you do these long range plans; what type of development you want to see is very specific to an area.

We went through this cycle where the County got out of the utility business and transferred that to all of the cities. Then we had cities wanting different development standards and denying water and sewer. So we went through these court cases and reached these settlement agreements and then ultimately, now, we are in the situation that if you want water and sewer you have to request annexation to get that. So that is where really it is even more important to work with the cities and have these discussions with their planning boards and ours and their elected officials and ours, about how an area should develop, and bring it together.

Mr. Litaker has always wondered why you could not make your storm water runoff more expensive, more restricted and like the things you are talking about, if you do this this will bring that cost down. We need the environmental, the green. Just had a thing showing concrete absorbing how many gallons a minute to all the different trees you could plant and different pervious materials. If we could make that ratio a lot more expensive, that if you do not do it, it will cost you per month. But if you do this stuff in the greens, around your home and your roof and all the different things, using the gray water collection systems and all of that, could that be a good balance to bring in good value to homes and see the esthetic visual that we are looking for and still have a lot of preservation of our resources, especially like water. There would be a happy balance, but the more yard you have the less it is going to cost you per month.

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Mr. Downs asked if there was anything from the Planning Board perspective that is regulated or prohibited or allowed through the State that you would like the elected officials to advocate on our behalf to make it better here in the County or to get you more tools.

Mr. Price cannot think of anything.

Ms. Blakeney thinks the discussion that we have already had lends some further thought to the process as to how complicated it can be to put it into place; but as far as something new she does not think there is anything.

Mr. Wise said when you all see civil drawings come in for permits, are they doing a good job are they following the County guidelines or do you have to go back and forth?

Ms. Morris said do you mean building and zoning?

Mr. Wise said yes, when a developer comes in with a set of drawings.

Ms. Morris said it is a constant back and forth. It is kind of like sometimes they just throw something at it and see what sticks to the wall.

Mr. Marshall said or if it is a product of how busy things are right now. We had a discussion with the Board of Commissioners tonight about trying to retain inspection professionals in Construction Standards. He was talking with some folks in surrounding counties and one of the questions that came up was do you find engineering and architectural companies using you as quality control; unfortunately the answer is yes, because things are moving so quickly.

Mr. Wise said it is all the way through construction end of it they are still changes being made sometimes. We hear a lot complaints about cost of water quality and he does not dare talk about it, he says what it is, is what it is. But the landscape and the water quality prevention systems is expensive for people and all the good land is gone. So it is a lot of mass dirt movement these days. The George Lyles Parkway is a prime piece of property getting ready to just explode to Highway 29.

Ms. Morris said a one of the things that a lot of people do not know is that here in Unincorporated Cabarrus County, we are actually tipped in by the State for Phase II Post-construction Stormwater Permitting. So if someone submits plans here, they have to go through review with the State and that really ends up driving how their project can develop. A lot of people think it is just unincorporated county so that is not something they are subject too; but we actually are and been since July 1, 2007, when we were tipped in to the State.

Mr. Price said you can look at what South Carolina is dealing with right now; it can happen. He does not know that an event like what they have experienced, you could probably throw the impervious ratios and all of that stuff out the window; it is still going to flood. But, nevertheless, you can make some impact by getting out ahead of it.



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Mr. Dagenhart said maybe we need to get a tighter definition of Agritourism as we start seeing a lot more of these.

Mr. Downs has already asked the Board of the Managers' Association, because they are always asking for topics. What is Agritourism and how can we regulate it if we do not understand it. He does not think that anyone knows that true definition. We have already started fishing that way so that we can educate ourselves so that we can go to the elected officials and tell them what we are asking for.

Mr. Morris said this discussion has been very helpful to him because a lot of times the way he gets approached by people is when they cannot do something they want to do. He hears comments like those people in planning and zoning make the rules to cause these problems. He always tell them that those people in planning and zoning are enforcing the rules that have been made by others and that is not always the answer they want to hear.

He said this meeting has helped him understand better the process and hopefully better able to answer those questions. He always tell them it is bigger than Ms. Morris; there are a whole lot of us involved in the process.

Mr. Koch said when it comes to a legislative matter, like a rezoning, because it is a legislative function and because most of those do end at the Planning and Zoning level rather than coming to the Board of Commissioners. It has been years he thinks that we have had one come to the Board of Commissioners. He said Keith Wayne's project was the last one and that has been a while ago.

Mr. Koch said the Board of Commissioners can talk to the Planning Board members about it if they have a constituent that has talked with them about it; whether it be the applicant or even a neighbor or what not. You are permitted to talk to the Board members outside of the meeting in advance. But what you cannot talk with them about it when it comes to a Board of Adjustment function, since those are Quasi-Judicial.

The only thing that this Planning Board sitting as a Board of Adjustment can consider is what they actually hear as evidence in the hearing. They are not supposed to have any discussions among themselves outside of that hearing. They can only deliberate collectively after they have heard all of the evidence so, they cannot take any outside input on those matters and that would be Variances, Conditional Use Permits, Staff interpretations, those kind of things. He said if somebody is talking to Board of Commissioners about a setback issue or a cell tower or a wedding venue, you cannot discuss that with the Planning Board.

He said the Board of Commissioners can discuss them because you are not making the decision, but you cannot talk with any of the Planning Board members about that. They can only consider what they hear in the course of the hearing. The other matters like rezoning, since they are legislative in nature, that is a discussion that you can have in advance.

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Ms. Sifford said if you are not sure please feel free to call us and ask and we will advise you on whether it is Board of Adjustment or not. We will let you know that so that you do not over step and do anything that you should not.

Mr. Litaker asked if as Planning and Zoning members, were they are allowed to attend public meeting hearing where they are talking about a subject.

Mr. Koch said absolutely.

Mr. Litaker said in Kannapolis they were told not to. He always thought it would be nice to go, especially if you had an interest in it, just to go listen; he knows not to speak. He said just to have an interest to hear what is being said and they advised us not too.

Mr. Price asked if he was talking about like a neighborhood association.

Mr. Litaker said like when you had the meeting about the Odell School development. There was a community meeting about it.

Mr. Dagenhart thinks he is talking about rezoning and you are required to hold public meeting for surrounding neighborhoods.

Mr. Litaker asked if the Planning Board Members are allowed to be there to listen.

Mr. Koch does not think there is any prohibition against it. He can see why people might think that it would be better if you just waited until it came before you. But it is still a legislative function or a rezoning.

Ms. Morris said if it was something that would be Board of Adjustment and you attend it, then you would want to let the rest of the Board know what you heard because you may have some type of evidence in your head that they are not aware of.

Mr. Marshall said do you think you are all starting to understand everything about Planning and Zoning? He said one of the things the Legislature did not get to in this session because they are busy with everything else, is a complete rewrite of the Planning and Zoning Statutes. It has been done, the North Carolina Bar put together a committee that helped to rewrite that along with some other folks. There is a very lengthy bill that completely rewrites the enabling statutes that were once set up for planning and zoning laws.

We look forward to that, he asked Mr. Downs if he thought it would be done in short session.

Mr. Downs does not know, he thinks there is a push to get it done.

Mr. Ritchie asked if it was for every county.

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Mr. Marshall said yes it is State Law.

Mr. Downs said it is enabling acts and everything else.

Mr. Marshall said there are drafts of it out there.

Mr. Koch said supposedly it is to reorganize it and make it easier for a lay person to access those statutes and figure out what you can or cannot do; that is the extensive reason for it. I guess we will see if it just really does that or if it gets into more substantive and policy type issues.

Mr. Price said there is a wolf in there somewhere.

Mr. Marshall said you may have heard that in cities they have protest petitions on rezonings, so that whole protest petition issue came up along with that. It kind of took a life of its own.

Mr. Koch said they got the boot so protest petitions are now gone.

Mr. Downs promised the Chair that we would keep this to two hours and we are over two hours but we do not want to cut anybody off, is there anything important that we left out. He asked if this meeting was beneficial to both Boards.

Mr. Price enjoyed it.

Mr. Litaker would like for both Boards to meet maybe twice a year. Just to hear what you are wanting from us or recommendations. A lot of times he is sitting there looking, is this good for the County or not? Not that you have to read between the lines, you just want to make sure that you are going in the right direction for what County Commissioners are really thinking to do.

Mr. Morris really appreciates what the Planning and Zoning Commission does. He really likes the idea that these things do not come to us and we need to support you in the decisions that you make, to keep it that way.

He thinks it would be great for the two Boards to get together on some regular basis. Certainly, more than we have in the past for sure. He thanked the Planning Commission for their time to attend this meeting.

There being no further discussion, Mr. Aaron Ritchie MOTIONED, SECONDED by the Chair to adjourn. The meeting ended at 8:08 p.m.

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There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. Mary Blakeney to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:41 p.m.

APPROVED BY:



Ms. Shannon Frye, Chair

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:



Susie Morris, Planning and Zoning Manager