



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting

January 10, 2017 @ 7:00 P.M.

Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval of December 13, 2016, Planning and Zoning Commission Meeting Minutes
3. Approval of Findings of Fact for **CUSE 2016-00001**
4. Approval of Findings of Fact for **VARN2016-00005**
5. **New Business – Planning Board acting as Design Review Committee:**
ARCH2016-00001 Architectural Design Review for Reception Facility
6. **New Business – Board of Adjustment:**

Petition CUSE2016-00004 – Request for Conditional Use Permit for a reception facility.
Agent is Virginia Moore on behalf of Patricia and Mark Honeycutt. Located at 5540
Rockwell Road (PIN: 5673-97-1701)

Directors Report

Legal Update



Cabarrus County Government

Planning and Zoning Commission Minutes

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Ms. Shannon Frye, Chair, called the meeting to order at 7:00 p.m. Members present in addition to the Chair, were Ms. Mary Blakeney, Mr. Jeffrey Corley, Mr. Adam Dagenhart, 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, Mr. Phillip Collins, Sr. Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. James Litaker to **APPROVE** the draft December 13, 2016, meeting minutes, contingent upon final staff and legal review and approval and to allow the Chair to approve the Findings of Fact for **CUSE2016-00001** and **VARN2016-00005** prior to the next meeting if they are ready. The Vote was unanimous.

The Chair asked all persons speaking for any of the Board of Adjustment cases or who plan to testify during the public hearings to stand to be sworn in and to complete a blue card. The Chair administered the oath.

New Business – Planning Board Acting as Design review Committee

The Chair introduced ARCH2016- 00001, Architectural Design Review for a reception facility.

Mr. Phillip Collins, Sr. Planner, addressed the Board presenting the staff report.

The Applicant is Ms. Ginger Moore, Carlos J. Moore Architects, representing Patricia Honeycutt. The current zoning of the property is Agriculture Open (AO). The subject property is currently occupied by a vacant barn located in the center of the property. The barn is accessed by a gravel driveway extending to Rockwell Road. The rear portion of the subject property is wooded and an intermittent stream runs along the rear property line from south to north. The subject property is approximately 4.42 acres in size.

The applicant is requesting approval of a conditional use permit in order to operate a reception facility on the subject property.

Per Chapter 8, of the Development Ordinance, the design standards of Appendix B shall apply to all new construction associated with reception facilities and per Chapter 5, all applications for commercial development approval in residential zoning districts and subject to the standards established in Appendix B shall be approved by the Cabarrus County Planning and Zoning Board, sitting as the Design Review Committee.

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The site plan submitted meets the requirements of the AO zoning district. However, there are supplemental setback requirements for reception facilities found in Chapter 8 of the Development Ordinance. It requires all structures, viewing areas and seating areas to be set back at least 100 feet from all property lines.

The property is 200 feet wide and therefore all existing and proposed facilities are within this required setback. However, the Board of Adjustment granted a variance for these encroachments at its November meeting.

The proposed parking area does not appear to meet the parking standards of Appendix B, as the site plan shows the parking area between Rockwell Road and the front of the existing barn.

The Development Ordinance states that parking areas shall be primarily located to the rear or side of the proposed structures to minimize visibility of vehicles. The applicant has proposed the correct number of parking spaces.

The applicant has submitted a landscape plan that meets the landscaping requirements of the Development Ordinance.

Variances were granted for the rear portions of the northern and southern property lines and the entirety of the eastern property line as there is heavy existing vegetation in these areas. The applicant was granted relief from the required tree plantings and they will supplement the additional shrubbery where needed in these sections of the required buffer yards.

The applicant contends that lighting shall be directional or down lighting directed. No wall packs or glare to surrounding neighbors are planned.

The site plan states that there are three existing light poles on the subject property and that exterior lighting shall be shielded to light only the facility. Lighting is subject to Appendix D, Outdoor Lighting Standards.

The Ordinance states that loading/unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and shall be screened from the view of any street and or any residentially developed/zoned property. The Ordinance further states that loading/unloading spaces shall be located such that interference with traffic on internal driveways is minimized.

The applicant's narrative states that loading can be done at the end of the fire truck access drive.

Mr. Collins said before he gets into the architectural design standards, it should be noted that the applicant is proposing to use temporary bathroom facilities and a temporary tent that cannot meet the design requirements of Appendix B.

The Board of Adjustment granted a variance for these facilities for relief from these requirements back in November. The applicant has stated that construction of the proposed permanent

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bathroom facility will begin subsequent to this process and will eliminate the need for the temporary bathroom facilities.

With regards to the roof line standards, the proposed bathroom facility is shown with a roof that is similar in design and material to the existing barn. The proposed roof material is tin metal panel roofing. The Ordinance states that roofs shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles, ribbed metal, wood shakes or shingles.

With regards to fenestration and articulation standards, the proposed elevations for the new restroom facility include transparent windows, changes in plane and changes in material on the west side of the building which is visible from Rockwell Road. The design also includes these features on the north, south and east elevations.

With regards to proposed materials, the applicant is proposing a mixture of materials which includes stacked stone and vertical board and batten wood siding for the primary structure. Wood decking, wood deck piers and painted metal will be used for the deck that wraps around the front of the structure and serves as access to the facility. Tin metal panels are proposed for the roof to match the existing roof on the barn. Appendix B states that where any sloped roofs are utilized, they shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles ribbed metal, wood shakes or shingles. Forms and finish materials of accessory structures, shall be compatible with the architectural character of the adjacent area and structures and shall utilize a consistent architectural style in keeping with the design of the primary structure.

There being no questions for staff the Chair asked the applicant to come forward.

Ms. Ginger Moore, Carlos Moore Architects, 222 Church Street, North, Concord, NC addressed the board stating that the County has done a great job in the presentation and the plan review. She does not feel that there is anything that she can add to what they have stated other than we feel that we have met the spirit of the Ordinance and ask for approval.

The Chair said there being no additional comments or questions for the applicant or for staff, the Board will discuss the proposed elevations and the information received and determine whether or not the proposed structures meet the intent of the Ordinance.

The Chair said as a reminder, it was the temporary tent that did not meet the design standards which was approved but had to be moved.

Mr. Collins showed the site plan. He showed the tent area and the landscape buffer boundary. He said they moved it out of the landscape buffer.

The Chair said the temporary bathroom was not required to meet the design standards, but we have not granted any variance or exception for the new bathroom that will be provided?

Mr. Collins said that is why we are hearing this architectural review.

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The Chair said we will look at those standards with this package?

Mr. Collins said yes.

The Chair said in our packet is the actual excerpt from the Ordinance which really guides what our considerations are as the Design Review Committee of the Planning Commission. The highlights are as follows:

When reviewing applications for commercial development permitted in residential zoning districts, the Design Review Committee shall review the project in relation not only to Appendix B but also the following criteria:

- Architectural design of neighboring residential buildings
- Setbacks in relation to existing buildings and residential development
- Compatibility with neighborhood character, context and scale

As part of the formal review process, the Design Review Committee may approve deviations from the standards listed in Appendix B when the Design Review Committee determines one or more of the following are applicable to the proposed project:

- To provide for architectural design compatibility in relation to the existing neighborhood or structures where appropriate
- To provide for adjusted setbacks in relation to existing buildings or residential development where appropriate
- To request changes in architectural character or site design when the project is not compatible with the context of the surrounding neighborhood
- To request changes in scale where appropriate

The Chair said we have seen in this packet the north elevation, the south elevation, the east elevation and the west elevation as it relates to the materials on the side and the roof.

In order to basically, provide a motion in favor of approving these design standards, we are going to need to articulate some findings specific to what has been presented, in order to take that motion forward.

The Chair said specific to the role that we have right now as the Design Review Committee, are we doing these findings specific to each of these areas of the ordinance or can we do a general statement?

Ms. Morris said a general statement is fine.

Mr. Jeff Corley said the present design does provide an architectural design compatible with the existing neighborhood and structures.

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Mr. Chris Pinto said the proposed use does provide for the public health and safety because it provides ADA bathrooms in a permanent structure. He said the south side has the windows facing the tent and the back side would go towards the field where the ramps are. He asked why it is elevated.

Ms. Moore said it sits on a crawl space.

Mr. Pinto said for fall or something?

Ms. Moore said yes.

Mr. Pinto does not know why they did not make it higher and do concrete. He feels it also goes with the public health and safety because they are providing the ramps for ADA which is a big thing for him; one day we may all be in a wheel chair.

There being no questions or comments, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **APPROVE** the ARCH2016-00001, Architectural Design Review for Proposed Reception Facility. The Vote was unanimous.

New Business Board of Adjustment Function:

The Chair introduced Petition CUSE2016-0004 – Request for Conditional Use Permit for a reception facility. Agent is Virginia Moore, Carlos Moore Architects, on behalf of Patricia and Mark Honeycutt. Located at 5540 Rockwell Road. PIN: 5673-97-1701

The Chair asked all persons speaking or testifying in this case to stand to be sworn. The Chair administered the oath.

Mr. Phillip Collins, Sr. Planner, addressed the Board presenting the staff report. The applicant is proposing to use the subject property as a reception facility. Reception facilities are permitted as a conditional use in the AO zoning district and include additional performance standards for the use. The current land use is an unpermitted reception facility.

The subject property is surrounded by single family residential, silviculture and agricultural uses and some vacant property to the east. Surrounding properties are zoned AO as well.

The subject property has historically been used for agricultural purposes, until recently when the applicant began holding weddings on the premises. Staff became aware of the reception facility when an easement plat for the septic was submitted. The applicant was made aware that the facility was not permitted and the applicant should meet with staff to discuss options. It was determined at that time that the first step for the facility to come in to compliance was a variance request, followed by a conditional use permit request to be reviewed by the Board of Adjustment and final approval of a site plan. The Board of Adjustment reviewed the variance request at its November 8, 2016 meeting.

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The applicant requested variances for:

- Relief from the size requirements for reception facilities,
- Relief from the setback requirements for reception facilities
- Partial relief from the landscaping/buffering requirements for reception facilities
- Relief from Appendix B, non-residential design standards, for proposed buildings.

The Board of Adjustment approved all of the requested variances, except for the request for relief from Appendix B, for the bathroom facility. The Board conditioned the approval based on the relocation of the temporary tent out of the required landscape buffer.

At the November meeting, the Board of Adjustment discussed the location for the septic area and the drain line locations. These locations have been finalized by the applicant and the Cabarrus Health Alliance. The locations are shown on the Conditional Use Permit site plan.

The Board also discussed the potential for movement of property lines to meet the size requirements for reception Facilities. The conditional use permit application states that due to the financing of the property, property lines cannot be moved.

The site plan submitted reflects the variances that were granted at the November meeting of the Board of Adjustment.

Should the Board of Adjustment grant approval of the Conditional Use Permit, Staff requests the following conditions become a part of the approval and case record:

- Site plan review and approval is required subsequent to Board of Adjustment approval of the Conditional Use Permit to ensure compliance with all applicable development requirements and conditions.
- The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.
- The applicant shall procure any and all applicable federal, state, and local permits prior to commencement of the project.
- Expansion of the project, as well as modifications or changes to the approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit.
- The applicant is proposing that existing landscaping will be used to meet the buffer requirements. In the event the buffer does not meet the intent of the Ordinance, or qualify for a waiver, the applicant agrees to install the buffer as required by the Ordinance.

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- The applicant shall procure all applicable per event permits from the Cabarrus County Fire Marshal's Office, Cabarrus County Sheriff's Office and NC Department of Public Safety - Alcohol Law Enforcement as required for temporary tents, noise and for alcohol on site.
- Temporary tent shall require a permit. Tent shall not be erected for a period of more than 180 days within a 12 month period.
- Signage must be permitted separately and must be in compliance with Chapter 11.
- The applicant shall extend the length of the concrete apron to 25 feet at the driveway.
- The applicant shall record a deed of easement for the off-site wastewater disposal system at the Register of Deeds.

Mr. Collins said staff would like to add another condition that is not in the report.

- The applicant shall use the elevations that were approved with ARCH2016-00001.

There being no questions for staff, the Chair asked the applicant to come forward.

Ms. Ginger Moore, Carlos Moore Architects, 222 Church Street North, Concord, NC addressed the Board. The only thing she would like to add is about noise. It seems like noise always becomes an issue and somebody always has to have a comment regarding that which is a fairly reasonable comment.

The applicant proposes to meet all the current ordinances with that. At one point they submitted their hours of operation and they have no issues with any of the conditions. We are asking again for the Board's approval of the conditional use permit.

The Chair said with respect to hours, in the past we have asserted that the music would end by 10:00 p.m. and the event would end at 11:00 p.m. The Chair asked if that was agreeable.

Ms. Moore yes, which is what they have done before.

There being no questions for staff or the applicant, the Chair opened the Public Hearing. There being no one speaking in favor, or opposed to the request, the Chair closed the Public Hearing.

The Chair asked if there were any findings that the Board wanted to articulate at this time.

Mr. Aaron Ritchie said the fact that it is permitted in this district.

The Chair said the new structure will meet the design standards and the site is accessible for emergency vehicles. The proposed use adequately fits into the characteristics of the surrounding

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land and does not affect the neighborhood and additional buffers are shown surrounding the facility.

There is adequate water supply in place and the applicant will install a septic tank. There will also be a fire truck drive turn around drive in place.

Mr. Pinto said the proposed use adequately fits into the characteristics of the surrounding area, especially, with the bathroom, it is kind of designed like the existing barn. It does not affect the neighborhood in general at all. They seem to have made an effort to abide by some of the buffers even with the narrow piece.

There being no further discussion, Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Aaron Ritchie with the conditions recommended by staff in the staff report and the additional conditions added tonight (The applicant shall use the elevations that were approved with ARCH2016-00001 and the music would be turned off by 10:00 p.m. and the event would end at 11:00 p.m.).

It was the consensus of the Board to have Mr. Koch prepare the specific Findings of Fact. (See attached)

Legal Update

Mr. Koch said in the Shelley case we are still in the process of finalizing the record on appeal for the appeal that he took of the dismissal of his cross claims against the County. As soon as that record is settled, then we will be filing a motion to dismiss which should take care of the appeal.

In our case with Mr. Phillip Little, we actually have prepared a Motion for Contempt and a Show Cause Order, because the over the road trailer with the sign on the side of it is still in a place, where it can be viewed from both public rights of way. That has been prepared and will be filed this week or the beginning of next week.

As far as the DeComo case is concerned, they have made some more progress on that house. He said not as much as Mr. Finney her husband, had indicated, about ten days ago, that they would do by this point. He knows that some of the work has been inside.

Mr. Koch said he went down by there last week. He asked Mr. Dagenhart if he had been by there.

Mr. Dagenhart said he went last week and saw no change to the exterior.

Mr. Koch said he did not see any change either. Mr. Finney had said by the date of this meeting that they would have all of the siding on it; that did not happen, unless it went up during the snow.

Mr. Koch said given that his deadline expired at the end of the year, we will be filing a motion to them as well and hopefully that will speed up the process.

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He asked Ms. Morris if she received a check from them for part of their fines.

Ms. Morris said no.

Mr. Koch said Mr. Finney said would send it to him but he has not received it. Sometimes people will bring it by here.

Mr. Price asked what property this was in reference too.

Mr. Koch said the property on Old Charlotte Road; the people that were living in the RV. They continue to live in the RV on the property. That is the essence of the violation, but the fix was for them to complete their home. They have made progress, they had seven months since the order was signed back at the end of May. The deadline was the end of the year and they have not complied. We will be filing to hopefully move that along.

Directors Report:

Ms. Morris said there will be a Public meeting on the preliminary FEMA flood maps on January 19, 2016, from 4:00 to 6:00 p.m. here in the Multipurpose Room. If the Board or anyone the Board may know, has property that has floodplain on it, Cabarrus County is hosting the meeting. There should be representatives from other jurisdictions there to answer questions and for people to be able to enter comments.

The maps this year are strictly digital maps, so there are no paper maps for people to come in and look and write out comments. We have established a survey monkey website where people can go in and enter their comments online if they are not able to be here. Once we receive the official notice from FEMA there will be 90 days for people to finalize those comments.

Also, those of you who are in construction or real estate, if you had any clients that submitted anything to FEMA, you may want to follow up on that. The last time the maps were revised was 2008. There is some lag time, but theoretically, any changes that have happened from 2008 probably to 2014 or 2015, she does not know how far it would capture into 2016, because it usually takes them a while to update the map. It is always between three and five years behind when you get the new maps.

Mr. Griffin has resigned from the Board effective immediately. If you know of anyone in the Harrisburg area, we will be looking for someone to take that spot.

We will be doing some training tonight. We are going to close the official meeting and then walk through the training.

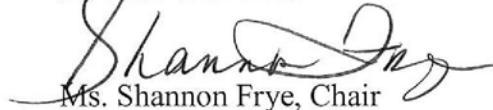
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There being no further discussion, the Chair, **MOTIONED, SECONDED** by Mr. Aaron Ritchie to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:53 p.m.

APPROVED BY:



Shannon Frye

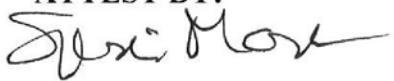
Ms. Shannon Frye, Chair

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:



Susie Morris

Susie Morris, Planning and Zoning Manager

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CABARRUS COUNTY PLANNING AND ZONING COMMISSION
DESIGN REVIEW COMMITTEE
PETITION ARCH 2016-00001
PATRICIA HONEYCUTT (Ginger Moore – Applicant)

FINDINGS OF FACT

1. General Findings

- a) This property is a 4 acre tract located at 5560 Rockwell Road in a Agricultural Open (AP) zoning district. The area is essentially rural in character. The applicant proposes to use this property as a reception facility with a country/rustic/historic/farm aura.
- b) There is currently an old vacant barn located on the property. The applicant proposes to construct a bathroom facility as an accessory structure and utilize the old barn and a temporary tent for events.
- c) Staff has reviewed the plans and presented a report. The applicant also provided additional and supplemental information to the Committee concerning the requirements of Appendix B of the Cabarrus County Zoning Ordinance.
- d) The applicant obtained multiple variances for issues arising from the size and configuration of the property in Case No. VAR 2016-00004, and is seeking a conditional use permit for this facility.

2. Setbacks

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The required setbacks, if not met outright, have been addressed through approved variances.

3. Connectivity and Sidewalks

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) There are no sidewalks along the roads in this area, which is consistent with the rural character of the area.

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4. Parking Requirements and Design

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The parking area contains the required number of spaces, but is located between Rockwell Road and the barn, instead of behind the barn.

5. Landscaping

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The landscaping requirements, if not met outright, have been addressed through approved variances.
- c) Staff noted no objections to the proposed landscaping plan.

6. Lighting

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) Security and other lighting will be directed downward and shielded from adjacent properties.
- c) Staff noted no objections to the lighting plan.

7. Loading and Unloading, Waste Storage and Mechanical Appurtenances

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) Providers' equipment, products and services will be able to load and unload from the end of the fire truck access drive behind the barn.

8. Massing and Rhythm, Height, Scale and Roofline

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The existing barn has a roof clad with tin metal panels. The rest of this structure is constructed with wood.
- c) The bathroom facility will have a tin roof to match the existing barn. It has been designed to generally replicate the design idioms of the barn.

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9. Fenestration

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The barn is old, contains no windows as such and will be used with its original exterior design.
- c) The bathroom facility has transparent windows on all sides.

10. Access

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) Access is from Rockwell Road, a State-maintained road.

11. Articulation

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The exterior walls of the bathroom facility will be stacked stone and vertical board and batten wood, with a wooden deck that wraps around the building and provides access.

12. Materials

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The roof materials and colors for the bathroom facility are consistent with that of the barn.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission as the Design Review Committee reaches the following

CONCLUSIONS

- 1. The foregoing Findings of Fact are incorporated as Conclusions to the extent that they represent conclusions concerning compliance with the standards of Appendix B of the Ordinance and deviations from the standards.

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2. The deviations from the standards as proposed are compatible with general architectural design of the existing building and the context and scale of the site and of the overall neighborhood.

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CONDITIONAL USE PERMIT APPLICATION

Patricia Honeycutt

5560 Rockwell Road, Rockwell

CUSE 2016-00004

FINDINGS OF FACT

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

a) The Planning and Zoning Commission sitting as the Board of Adjustment made findings of fact and conclusions of law with respect to this applicant's property regarding four variances that were approved in VARN 2016-00004. The findings of fact and conclusions of law are incorporated by reference.

b) The application and the testimony and exhibits at the hearing provide no indication or evidence of problems regarding this requirement with this proposed use or with the facility layout and use of the structures.

c) Reception facilities have become popular and are in demand in the County.

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

a) The Planning and Zoning Commission sitting as the Board of Adjustment made findings of fact and conclusions of law with respect to this applicant's property regarding four variances that were approved in VARN 2016-00004. The findings of fact and conclusions of law are incorporated by reference.

b) The application and the testimony and exhibits at the hearing provide no indication or evidence of problems regarding this requirement with this proposed use or with the facility layout and use of the structures.

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

a) The Planning and Zoning Commission sitting as the Board of Adjustment made findings of fact and conclusions of law with respect to this applicant's property regarding four variances that were approved in VARN 2016-00004. The findings of fact and conclusions of law are incorporated by reference.

b) The application and the testimony and exhibits at the hearing provide no indication or evidence of problems regarding this requirement with this proposed use or with the facility layout and use of the structures.

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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.

a) The Planning and Zoning Commission sitting as the Board of Adjustment made findings of fact and conclusions of law with respect to this applicant's property regarding four variances that were approved in VARN 2016-00004. The findings of fact and conclusions of law are incorporated by reference.

b) The application and the testimony and exhibits at the hearing provide no indication or evidence of problems regarding this requirement with this proposed use or with the facility layout and use of the structures.

c) Reception facilities have become popular and are in demand in the County.

CONDITIONS OF APPROVAL

1. Site plan review and approval is required subsequent to Board of Adjustment approval of the Conditional Use Permit to ensure compliance with all applicable development requirements and conditions. (Zoning)

2. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property. (Zoning)

3. The applicant shall procure any and all applicable federal, state and local permits prior to commencement of project. (Zoning)

4. Expansion of the project, as well as modifications or changes to approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit. (Zoning)

5. The applicant is proposing that existing landscaping will be used to meet the buffer requirements. In the event the buffer does not meet the intent of the Ordinance, or qualify for waiver, the applicant agrees to install the buffer as required by the Ordinance. (Zoning)

6. The applicant shall procure all applicable per event permits from the Cabarrus County Fire Marshal's Office, Cabarrus County Sheriff's Office and NC Department of Public Safety – Alcohol Law Enforcement as required for temporary tents, noise and for alcohol on site. (Zoning)

7. Temporary tent shall require a permit. Tent shall not be erected for a period of more than 180 days within a 12 month period. (Fire Marshal)

8. Signage must be permitted separately and must be in compliance with Chapter 11. (Zoning)

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9. The applicant shall extend the length of the concrete apron to 25 feet. (NCDOT)
10. The applicant shall record a deed of easement for the off-site wastewater disposal system at the Register of Deeds. (Cabarrus Health Alliance)
11. The applicant shall use elevations from design review approval.
12. For any event at the applicant's facility, all music must end no later than 10:00 pm and the event must end by 11:00 pm.

Memo

To: Ms. Ginger Moore, Carlos Moore Architects P.A.
Cc: Phillip Collins, Sr. Planner, Patricia Honeycutt
From: Lynn Roberts, Clerk to the Planning and Zoning Commission
Date: March 2, 2017
Re: Granting Order for Conditional Use Permit CUSE2016-00004

Attached please find the recorded Granting Order for Conditional Use Permit CUSE2016-00004, Patricia Honeycutt, approved at the January 10, 2017, Planning and Zoning Commission.

A condition of approval for your proposed project is that the Granting Order, stating restrictions and applicable conditions of approval, must be recorded with the deed to the property so that it appears during a due diligence search. The Granting Order has been submitted to the Register of Deeds Office for recordation. A bill from Cabarrus County Finance will be forwarded to the address you provided for the fees associated with recording documents with the Register of Deeds.

If you have any questions, please call our office at 704-920-2141.

FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS
FILED Mar 02, 2017
AT 09:57 am
BOOK 12381
START PAGE 0036
END PAGE 0044
INSTRUMENT # 05257
EXCISE TAX \$0.00
BJW

Prepared by and Return to:
Richard M. Koch
Cabarrus County Attorney
ROD Box 74

Application Number CUSE 2016-00004

COUNTY OF CABARRUS
STATE OF NORTH CAROLINA

ORDER GRANTING A CONDITIONAL USE PERMIT

The Board of Adjustment for the County of Cabarrus, having held a public hearing on January 10, 2017, to consider application number CUSE 2016-00004, submitted by Ginger Moore acting as Agent for Patricia Honeycutt and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. The Board makes and adopts the Findings of Fact contained in the attached Exhibit 1 labeled Findings of Fact.
2. It is the Board's CONCLUSION that the proposed use does satisfy the first General Standard listed in Section 8.3 of the Cabarrus County Zoning Ordinance ("Ordinance"); namely, that the use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.
3. It is the Board's CONCLUSION that the proposed use does satisfy the second General Standard listed in the Ordinance; namely, that the use will maintain or enhance the value of contiguous property.
4. It is the Board's CONCLUSION that the proposed use does satisfy the third General Standard listed in the Ordinance; namely, the use does not adversely affect the adequacy of sewage disposal facilities, solid waste and water, police, fire and rescue, equal

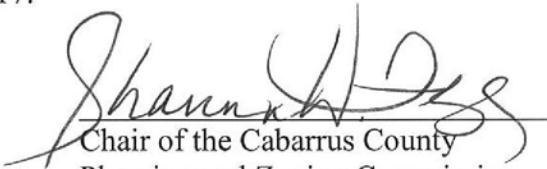
2019.

protection, schools, transportation systems (in and around the site) and other public facilities.

5. It is the Board's CONCLUSION that the proposed use does satisfy the fourth General Standard listed in the Ordinance; namely, the use is in compliance with the general plans for the physical developments of the County as embodied in the Ordinance or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.
6. It is the Board's CONCLUSION that the proposed use does satisfy the specific standards listed in the Ordinance for this use.

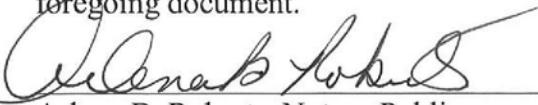
Therefore, because the Board concludes that all of the general and specific conditions precedent to the issuance of a CONDITIONAL USE PERMIT have been satisfied, it is ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT be GRANTED, subject to the conditions contained in the attached Exhibit 2 labeled Conditions of Approval, and the Findings of Fact and Conclusions of Law. The applicant shall fully comply with all the applicable, specific requirements in the Ordinance and must develop the property in accordance with the site plan submitted and approved. If any of the conditions shall be held invalid, this permit shall become void and of no effect.

Ordered this 14 day of February, 2017.

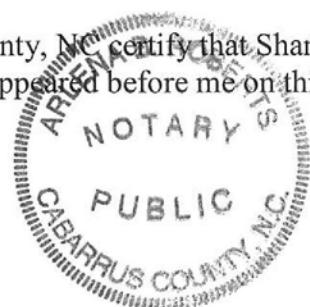


Shannon Frye
Chair of the Cabarrus County
Planning and Zoning Commission
Sitting as the Board of Adjustment

I Arlena B. Roberts, Notary for Cabarrus County, NC, certify that Shannon Frye, Chair, of the Cabarrus Planning and Zoning Commission appeared before me on this day and signed the foregoing document.



Arlena B. Roberts, Notary Public
My Commission expires March 21, 2017



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

CONDITIONAL USE PERMIT APPLICATION
Patricia Honeycutt
5560 Rockwell Road, Rockwell
CUSE 2016-00004

FINDINGS OF FACT

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

a) The Planning and Zoning Commission sitting as the Board of Adjustment made findings of fact and conclusions of law with respect to this applicant's property regarding four variances that were approved in VARN 2016-00004. The findings of fact and conclusions of law are incorporated by reference.

b) The application and the testimony and exhibits at the hearing provide no indication or evidence of problems regarding this requirement with this proposed use or with the facility layout and use of the structures.

c) Reception facilities have become popular and are in demand in the County.

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

a) The Planning and Zoning Commission sitting as the Board of Adjustment made findings of fact and conclusions of law with respect to this applicant's property regarding four variances that were approved in VARN 2016-00004. The findings of fact and conclusions of law are incorporated by reference.

b) The application and the testimony and exhibits at the hearing provide no indication or evidence of problems regarding this requirement with this proposed use or with the facility layout and use of the structures.

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

a) The Planning and Zoning Commission sitting as the Board of Adjustment made findings of fact and conclusions of law with respect to this applicant's property regarding four variances that were approved in VARN 2016-00004. The findings of fact and conclusions of law are incorporated by reference.

b) The application and the testimony and exhibits at the hearing provide no indication or evidence of problems regarding this requirement with this proposed use or with the facility layout and use of the structures.

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.

a) The Planning and Zoning Commission sitting as the Board of Adjustment made findings of fact and conclusions of law with respect to this applicant's property regarding four variances that were approved in VARN 2016-00004. The findings of fact and conclusions of law are incorporated by reference.

b) The application and the testimony and exhibits at the hearing provide no indication or evidence of problems regarding this requirement with this proposed use or with the facility layout and use of the structures.

c) Reception facilities have become popular and are in demand in the County.

CONDITIONS OF APPROVAL

1. Site plan review and approval is required subsequent to Board of Adjustment approval of the Conditional Use Permit to ensure compliance with all applicable development requirements and conditions. (Zoning)
2. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property. (Zoning)
3. The applicant shall procure any and all applicable federal, state and local permits prior to commencement of project. (Zoning)
4. Expansion of the project, as well as modifications or changes to approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit. (Zoning)
5. The applicant is proposing that existing landscaping will be used to meet the buffer requirements. In the event the buffer does not meet the intent of the Ordinance, or qualify for waiver, the applicant agrees to install the buffer as required by the Ordinance. (Zoning)
6. The applicant shall procure all applicable per event permits from the Cabarrus County Fire Marshal's Office, Cabarrus County Sheriff's Office and NC Department of Public Safety – Alcohol Law Enforcement as required for temporary tents, noise and for alcohol on site. (Zoning)
7. Temporary tent shall require a permit. Tent shall not be erected for a period of more than 180 days within a 12 month period. (Fire Marshal)
8. Signage must be permitted separately and must be in compliance with Chapter 11. (Zoning)
9. The applicant shall extend the length of the concrete apron to 25 feet. (NCDOT)
10. The applicant shall record a deed of easement for the off-site wastewater disposal system at the Register of Deeds. (Cabarrus Health Alliance)
11. The applicant shall use elevations from design review approval.
12. For any event at the applicant's facility, all music must end no later than 10:00 pm and the event must end by 11:00 pm.

CABARRUS COUNTY PLANNING AND ZONING COMMISSION
DESIGN REVIEW COMMITTEE
PETITION ARCH 2016-00001
PATRICIA HONEYCUTT (Ginger Moore – Applicant)

FINDINGS OF FACT

1. General Findings

- a) This property is a 4 acre tract located at 5560 Rockwell Road in a Agricultural Open (AP) zoning district. The area is essentially rural in character. The applicant proposes to use this property as a reception facility with a country/rustic/historic/farm aura.
- b) There is currently an old vacant barn located on the property. The applicant proposes to construct a bathroom facility as an accessory structure and utilize the old barn and a temporary tent for events.
- c) Staff has reviewed the plans and presented a report. The applicant also provided additional and supplemental information to the Committee concerning the requirements of Appendix B of the Cabarrus County Zoning Ordinance.
- d) The applicant obtained multiple variances for issues arising from the size and configuration of the property in Case No. VAR 2016-00004, and is seeking a conditional use permit for this facility.

2. Setbacks

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The required setbacks, if not met outright, have been addressed through approved variances.

3. Connectivity and Sidewalks

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) There are no sidewalks along the roads in this area, which is consistent with the rural character of the area.

4. Parking Requirements and Design

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The parking area contains the required number of spaces, but is located between Rockwell Road and the barn, instead of behind the barn.

5. Landscaping

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The landscaping requirements, if not met outright, have been addressed through approved variances.
- c) Staff noted no objections to the proposed landscaping plan.

6. Lighting

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) Security and other lighting will be directed downward and shielded from adjacent properties.
- c) Staff noted no objections to the lighting plan.

7. Loading and Unloading, Waste Storage and Mechanical Appurtenances

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) Providers' equipment, products and services will be able to load and unload from the end of the fire truck access drive behind the barn.

8. Massing and Rhythm, Height, Scale and Roofline

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The existing barn has a roof clad with tin metal panels. The rest of this structure is constructed with wood.
- c) The bathroom facility will have a tin roof to match the existing barn. It has been designed to generally replicate the design idioms of the barn.

9. Fenestration

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The barn is old, contains no windows as such and will be used with its original exterior design.
- c) The bathroom facility has transparent windows on all sides.

10. Access

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) Access is from Rockwell Road, a State-maintained road.

11. Articulation

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The exterior walls of the bathroom facility will be stacked stone and vertical board and batten wood, with a wooden deck that wraps around the building and provides access.

12. Materials

- a) The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
- b) The roof materials and colors for the bathroom facility are consistent with that of the barn.

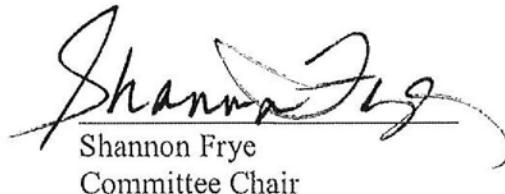
Based on the foregoing Findings of Fact, the Planning and Zoning Commission as the Design Review Committee reaches the following

CONCLUSIONS

1. The foregoing Findings of Fact are incorporated as Conclusions to the extent that they represent conclusions concerning compliance with the standards of Appendix B of the Ordinance and deviations from the standards.

2. The deviations from the standards as proposed are compatible with general architectural design of the existing building and the context and scale of the site and of the overall neighborhood.

This 14th day of February, 2017, as approved by the Committee on January 10, 2017.



Shannon Frye
Committee Chair



**Cabarrus County
Register of Deeds
P.O. Box 707
Concord, NC 28026
(704)920-2112**

Received By:
Jewel Williamson

Receipt For : CABARRUS COUNTY - ZONING DIVISION

Instrument Type : ORDER Receipt # : 2017-336632
Instrument # : 05257 Date : 03/02/2017 09:57am
Book/Page : 12381 / 0036-00044 Pages : 9 Document : 1 of 1
1st Grantor : THE BOARD OF ADJUSTMENT FOR THE COUNTY OF CABARRUS
1st Grantee : GINGER MOORE AGT
Description: ORDER GRANTING A CONDITIONAL USE PERMIT

Description	Qty	Unit Cost	Extended
Miscellaneous document - first 15 pages	1	26.00	26.00
		Document 1	26.00
		Grand Total	26.00
		Voucher	-26.00
		Balance	0.00

Account# 00163230-6606

Recording fee for Granting Order for Conditional Use Permit CUSE2016-00004,
Patricia Honeycutt

\$26.00

Bill to:

Carlos Moore Architects
Attention: Ginger Moore
222 Church Street
Concord NC 28025

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only: _____
Approved: _____
Denied: _____
Tabled: _____

Petition: ARCH2016-00001
Design Review Standards Staff Report

Applicant Information: Ginger Moore
Carlos J. Moore, Architect
222 Church Street
Concord, NC 28025

Zoning: Agriculture Open

Site Description: Mostly vacant and wooded with an older barn structure

PIN#: 5673-97-1701

Owner: Patricia Honeycutt
5560 Rockwell Road
Rockwell, NC 28138

Acreage: +/- 4.42 ac

Purpose: The applicant is requesting approval of a conditional use permit in order to operate a reception facility on the subject property. Per Section 8-4.21.c of the Development Ordinance, the design standards of Appendix B shall apply to all new construction associated with reception facilities and per Section 5-8 all applications for commercial development approval in residential zoning districts and subject to the standards established in Appendix B shall be approved by the Cabarrus County Planning and Zoning Board, sitting as the design Review Committee.

Staff Report by: Phillip Collins

A review of the plans, as submitted, finds the following:

Site Design Standards

Setback Information

Front Corner Lot:	--	Side Yard:	20-40'
Front Minor Collector:	75'	Side Yard Accessory:	20-40'
Front Local Road:	50'	Rear Yard:	30'
		Rear Yard Accessory:	5'

There are supplemental setback requirements for reception facilities found in Section 8-4.21.d of the Development Ordinance. All structures, viewing areas and seating areas are to be setback at least 100 feet from all property lines. The property is 200 feet wide and therefore all existing and proposed facilities are within this required setback. However, the Board of Adjustment granted a variance for these encroachments at its November meeting.

Amenity Area This standard is not applicable since the proposed use is not a group of buildings devoted to retail and/or office.

Connectivity and Sidewalks There are no sidewalks proposed for this facility as it is located in a rural, residential area.

Parking Requirements The Development Ordinance states that parking areas shall be primarily located to the rear or side of the proposed structures to minimize visibility of vehicles.

The proposed parking area does not meet this standard of Appendix B as the site plan shows the parking area between Rockwell Road and the front of the existing barn.

The applicant has proposed the correct number of parking spaces.

Parking Lot Design Parking lot is grass except for the fire truck drive access. Handicap accessible parking is provided beside the existing barn and in close proximity to the new toilet building.

Landscaping The applicant has submitted a landscape plan that meets the landscaping requirements of the Development Ordinance, as required.

Variances were granted for the rear portions of the northern and

southern property lines and the entirety of the eastern property line as there is heavy existing vegetation in these areas. The applicant was granted relief from the required tree plantings and they will supplement with additional shrubbery where needed in these sections of the required buffer yards.

Lighting

The applicant contends that lighting shall be directional or down lighting directed. No wall packs or glare to surrounding neighbors are planned.

The site plan (Exhibit C) states that there are three existing light poles on the subject property and that exterior lighting shall be shielded to light only the facility. Lighting is subject to Appendix D, Outdoor Lighting Standards.

Loading/Unloading Areas

The Ordinance states that loading/unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and shall be screened from the view of any street and or any residentially developed/zoned property. The Ordinance further states that loading/unloading spaces shall be located such that interference with traffic on internal driveways is minimized.

The applicant's narrative states that loading can be done at the end of the fire truck access drive.

Loading Docks

Not applicable for proposed use.

Solid Waste Storage Areas

The narrative states that the owner will use roll out garbage cans. Dumpsters are not proposed at this time.

Mechanical Appurtenances

The Ordinance states that mechanical equipment shall be screened from public streets and adjacent properties. It also states that landscape materials shall be incorporated to provide additional screening and/or softening of equipment areas located on the ground.

The applicant states that any equipment will be screened or positioned behind the existing barn.

Architectural Design Standards

Massing and Rhythm

n/a

Height The proposed height of the bathroom facility is approximately twelve feet which is below the height requirement of 40 feet as outlined in Chapters 5 and 7.

Scale and Roofline Appendix B states that where any sloped roofs are utilized, they shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles (with natural texture and color), ribbed metal, wood shakes or shingles

The proposed bathroom facility is shown with a roof that is similar in design and material to the existing barn. The roof material that is proposed is tin metal panel roofing. (Exhibit C)

The applicant is also proposing to use temporary bathroom facilities that cannot meet the design requirements of Appendix B of the Development Ordinance. A variance was granted for these facilities for relief from these requirements. The applicant further states that the construction process of the permanent bathroom facility will begin once the conditional use permit process is completed (if the CUP is approved). Once constructed, the permanent bathroom facility will eliminate the need for the temporary facilities.

The applicant is also proposing to use a temporary tent that cannot meet the design requirements of Appendix B of the Development Ordinance. A variance was granted for this facility so it does not need to be meet the requirements of Appendix B.

Fenestration Appendix B states that fenestration includes the structural openings to buildings, such as doors and windows. The first floor of all buildings, including structured parking, must be designed to encourage and to complement pedestrian-scale interest and activity by the use of transparent windows and doors on all building walls facing any street right of way or any proposed street right of way. Reflective glass is prohibited.

The proposed elevation for the new restroom facility includes transparent windows on the west side of the building which is visible from Rockwell Road. The design also includes windows on the north, south, and east elevations. (See A2, A3 and applicant narrative for detailed information)

The applicant is also proposing to use a temporary tent structure and a temporary bathroom that cannot meet the design

requirements of Appendix B of the Development Ordinance. A variance was granted for these facilities so they did not need to be meet the requirements of Appendix B.

Access

The Applicant is proposing to access the site with an existing driveway. The driveway will be widened to 24 feet in order to meet the dimensional standard for two way traffic and to support emergency vehicle access.

Articulation

Appendix B states that in order to add architectural interest and variety and to avoid the effect of a single long or massive wall with no relation to human scale proportions, the following standards shall apply.

All building walls facing any street right of way or any proposed street right of way must include at least two of the following:

- change in plane
- change in materials
- change in texture or masonry pattern
- windows
- other features as deemed appropriate and approved by the Design Review Committee

The applicant is proposing to use a temporary tent and to construct a new bathroom facility.

The applicant is proposing to use a temporary tent structure and temporary bathrooms that cannot meet the design requirements of Appendix B of the Development Ordinance. A variance was granted for these facilities so they did not need to be meet the requirements of Appendix B.

The elevations for the proposed new bathroom facility includes changes in plane, changes in materials and windows on the west elevation, which will be visible from the road. It also includes these same features on the proposed east, south and north elevations. (Exhibits B & C)

Materials

Appendix B states that all buildings shall be constructed of quality materials. These materials include brick, either plain or painted, horizontal siding, wood shingle, stone, split faced block plain or painted, concrete-based stucco or architectural metal. All trim materials shall be stone, cast stone, cast concrete, or painted wood.

Corrugated metal may be used only when it is not visible from the street right of way or any proposed street right of way.

Where any sloped roofs are utilized, they shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles (with natural texture and color), ribbed metal, wood shakes or shingles. Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures, shall be compatible with the architectural character of the adjacent area and structures and shall utilize a consistent architectural style in keeping with the design of the primary structure.

The applicant is proposing a mixture of materials for the proposed new bathroom facility. These materials include, stacked stone and vertical board and batten wood siding for the primary structure. Wood decking, wood deck piers and painted metal will be used for the deck that wraps around the front of the structure and serves as access to the facility. Tin metal panels are proposed for the roof to match the existing roof on the barn.

The applicant was granted a variance to use a temporary tent and temporary bathroom facility which do not meet this standard.

CONDITIONAL USE PERMIT APPLICATION



Instructions

1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a Conditional Use Permit request.

Date of Pre-Application Meeting: July 14, 2016 Staff Facilitator(s): _____

2. Submit a complete application to the Planning Division. All applications must include the following:

- Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
- A recent survey or legal description of the property.
- 15 folded copies of the proposed site plan.
- Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)

3. Submit cash, check, or money order made payable to Cabarrus County.

Fees: Conditional Use Permit \$550.00 +\$5.00 per acre
+3% technology fee based on total application fee

The deadline for submittal is always the same day as the Planning and Zoning Commission Meeting which is the second Tuesday of the month. Applications must be submitted before 2:00 PM that day for consideration on the next available agenda.

Incomplete applications will be returned to the applicant and will not be processed.

Process Summary:

1. Hold a pre-application meeting with Staff to discuss your Conditional Use Permit request and the Conditional Use Permit process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.

Staff and appropriate agents will review your complete application and site plan and comments will be forwarded to you. You will need to address the comments in writing, revise the site plan accordingly and resubmit a site plan showing that all comments are addressed and errors corrected.

3. Once advised that the site plan is correct and ready to be presented to the Board of Adjustment, you will need to submit 18 folded copies of the plan.
4. When the copies of the plan are received, Staff will begin to prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for the Conditional Use Permit.

Meeting Information: Meetings are held the second Tuesday of each month at 7:00 PM in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE.

Conditional Use Permit: Conditional Use Permits are considered by the Board of Adjustment during a quasi-judicial hearing. This means that anyone wishing to speak regarding the application must be sworn in. The vote requirement for the Conditional Use Permit to pass is a simple majority. Additional conditions may be added as part of the Conditional Use Permit approval process.

Questions: Any questions related to the Conditional Use Permit process may be directed to the Planning Division at 704-920-2141, between 8 AM and 5 PM, Monday through Friday.

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	Property Owner's Name
Carlos J. Moore Architects	Patricia & Mark Honeycutt
C/O Patricia Honeycutt	
Applicant's Address	Property Owner's Address
222 Church St	5540 Rockwell Road
Concord, NC 28025	Rockwell, NC 28183
Applicant's Telephone Number	Property Owner's Telephone Number
704.788.8333	

Parcel Information

Existing Use of Property	Vacant Lot
Proposed Use of Property	Reception Facility
Existing Zoning	AO
Property Location	5540 Rockwell Rd. Rockwell, NC 28183
Property Acreage	4.26
Parcel Number (PIN)	5673971701

Land Use of Adjacent Properties

NORTH: Agricultural/Residential

SOUTH: Agricultural/Residential

EAST: Agricultural/Residential

WEST: Agricultural/Residential

General Requirements

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 (when applicable) how the proposed use satisfies these requirements.

1. The Board must find that the use(s) as proposed “are not detrimental to the public health, safety or general welfare.”

This proposed use is not detrimental to the public healthy, safety or general welfare. The new permanent structure will meet commercial design standards and the site shall be accessible for emergency vehicles.

2. 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.”

Adequate water supply exists via a well that is currently in place and a septic tank that is to be installed, see site plan for location. Waste water drain pipes will run on to the adjacent property per soil scientist, Wendell Overby. The Health Alliance has already approved of this location. Due to financing issues property lines cannot be moved to accommodate the sceptic system. There will also be a fire truck turn around drive in place.

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

The proposed use adequately fits into the characteristics of the surrounding land and does not affect the neighborhood. Additional buffers are shown surrounding the facility.

4. 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.”

The development on the site will comply with the essence of the ordinance.

Specific Requirements

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):

Reception Facility: New toilet building = 448 SF

Accessory uses (if any): N/A

Setback provisions:

Principle Use

Front: 100' Side yard Single: 100' Side yard Total: 100' Rear: 100'

Accessory Use

Front: N/A Side yard Single: N/A Side yard Total: N/A Rear: N/A

Height provisions: Principle Use: 20' Accessory Use: N/A

Off street parking and loading provisions: (include calculations)

Off street parking is located in front of the exiting barn with 44 spaces meeting the reception facility required calculations.

Sign provisions: (include sketch drawing with dimensions)

There is 1 non illuminated sign that is 10 square feet and 5'-11" tall. This sign meets the ordinance in chapter 11 table 11-1. See attached photo.

Provisions for screening landscaping and buffering: (show on site plan)

A Level 2 46' buffer yard with trees and shrubs along an existing heavy vegetation with additional shrubs on the east side of the property.

Provisions for vehicular circulation and access to streets: (provide NCDOT permit and/or TIA)

NC DOT driveway permit has been submitted.

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

Minimal grading is expected and erosion shall be minimized.

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

Most of the site is open between the buffer yards.

Compliance with applicable overlay zones: (see Chapter 4 of Zoning Ordinance)

N/A

Compliance with the Flood Damage Prevention Ordinance: (see County Code Chapter 38)

N/A

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

N/A

Predefined Standards

Each individual Conditional Use listed in the Zoning Ordinance may have specific standards imposed. Refer to Chapter 8, 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.

Certification

I hereby confirm that the information contained herein and herewith is true and correct and that this application shall not be scheduled for official consideration until all of the required contents have been submitted to the Planning and Development Department.

Signature of Applicant


Date 12.13.16
Gto Carlos J. Moore Architects

Signature of Owner

Patricia Honyett Date 10/28/16

NEW BUILDINGS FOR: GLENSTON PINES 5540 ROCKWELL, NC



VICINITY MAP

INDEX OF DRAWINGS

CVR COVER SHEET
G-1 GENERAL NOTES
G-2 ACCESSIBILITY DETAILS & NOTES

SITE

SP-1 SURVEY PLAN
SP-2 SITE PLAN

ARCHITECTURAL

A-1 FLOOR PLANS
A-2 BUILDING ELEVATIONS
A-3 SIDE ELEVATIONS

<p>NOTICE: ALL FEDERAL, STATE, LOCAL CODES, ORDINANCES AND REGULATIONS SHALL BE CONSIDERED AS A PART OF PLANS AND SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PREFERENCE OVER ANYTHING SHOWN, DESCRIBED OR IMPLIED WHERE VARIANCES OCCUR.</p> <p>THESE DRAWINGS ARE DIAGRAMMATIC, NOT INCLUDING ALL CONDITIONS AND DETAILS, AND ARE INTENDED TO BE USED BY EXPERIENCED MECHANICS. EACH DRAWING IS COMPLEMENTARY TO THE OTHERS. ALL CONDITIONS AND DIMENSIONS MUST BE VERIFIED BY THE CONTRACTORS PRIOR TO INSTALLATION WORK PERFORMED NOT IN COMPLIANCE WITH THE INTENT OF THESE DOCUMENTS ARE THE RESPONSIBILITY OF THE PERSONS PERFORMING THE WORK. LIMIT OF LIABILITY IS THE AMOUNT OF FEE CHARGED.</p> <p>THIS DRAWING AND THE INFORMATION THEREON IS THE PROPERTY OF CARLOS MOORE ARCHITECT PA ANY REPRODUCTION, ALTERATION, OR USE FOR OTHER THAN THE INTENDED PROJECT, WITHOUT WRITTEN CONSENT OF CARLOS MOORE ARCHITECT PA IS STRICTLY FORBIDDEN. © COPYRIGHT 2015 CARLOS MOORE ARCHITECT PA</p>	
	
<p>EST. 1987</p> <p>CARLOS J. MOORE, P.A. REGISTERED ARCHITECT</p> <p>51212</p> <p>51212</p> <p>222 CHURCH ST. N CONCORD, NC 28025</p> <p>T-704.788.8333 F-704.782.0487</p> <p>www.cmoorearch.com</p>	
<p>PROJECT TITLE: NEW BUILDING FOR: GRAY STONE PINES 5540 ROCKWELL RD., ROCKWELL, NC</p> <p>COVER SHEET</p>	
<p>REVISIONS:</p>	
<p>TODAY'S DATE: 11.2.16</p>	
<p>SCHEMATIC DESIGN APPR:</p>	
<p>ORIGINAL SEAL DATE: XXXXXX</p>	
<p>DRAWING NUMBER: 160804</p>	
<p>DRAWN BY: AHL</p>	
<p>PROJECT MGR: AHL</p>	
<p>CHECKED BY: V. MOORE</p>	
<p>SHEET</p>	
	
<p>TOTAL SHEETS, 1 OF 1</p>	

I, STEVEN L. DRAKE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME; DEED DESCRIPTION IN DEED BOOK 9658 PAGE 1; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM DEEDS OF REFERENCE RECORDED IN THE CABARRUS COUNTY, NC REGISTER OF DEEDS; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 12TH DAY OF SEPTEMBER, 2016.

STEVEN L. DRAKE PLS
LICENSE NUMBER: L-4962

N/F
PATRICIA GAIL HONEYCUTT
DEED BOOK 2082 PAGE 305
ZONED AO

N/F
SELENA ANDREA USSERY
DEED BOOK 2015 PAGE 106
ZONER A9

GRAPHIC SCALE

A horizontal line with a series of small, evenly spaced tick marks, representing a scale bar.

437.3125

ROCKWELL ROAD S.R. 2437

FOUND #4 REBAR

FOUND #4 REBAR

FOUND #4 REBAR

FOUND RRS

FOUND RRS

FOUND RRS

FOUND 5/8" EIR

FOUND RRS

FOUND RRS

FOUND RRS

FOUND 5/8" EIR BY RRS

WELL HOUSE

WET WEATHER DITCH CENTERLINE

87.6'

82.9'

780'

960.94'

N87°38'13"W

40'X30.6' BARN

192.484 SQ. FT., 4.42 ACRES +/-

ZONED AO

PATRICIA GAIL HONEYCUTT

MARK A. HONEYCUTT

DEED BOOK 9658 PAGE 1

PIN 5673971701

30' BUFFER

961.16' TOTAL

(130.44')

(159.71')

(88.42')

(126.51')

(213.11')

(99.50')

(35.98')

(79.36')

N/F

DOUGLAS E. LYERLY

KAREN S. LYERLY

DEED BOOK 2436 PAGE 117

ZONED AO

BOUNDARY
5540 ROCKWE
DEED BOOK 96

16 TOWNSHIP, CARRI

NOTES

- 1) THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RIGHT OF WAYS, AGREEMENTS OR RESTRICTIVE COVENANTS OF RECORD PRIOR TO DATE OF THIS SURVEY.
- 2) BOUNDARY INFORMATION BASED ON DEED BOOK PAGE (AS SHOWN ON PLAT) AND THOSE SHOWN ON PLAT AS RECORDED IN THE CABARRUS COUNTY REGISTER OF DEEDS.
- 3) NORTH BASED ON MAP BOOK 14 PAGE 51 AS RECORDED IN THE CABARRUS COUNTY REGISTER OF DEEDS.
- 4) THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE, CLOSE OR DEDICATE A STREET.
- 5) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY INFORMATION DISCLOSED IN A COMPLETE AND THOROUGH TITLE SEARCH.
- 6) THIS PARCEL DOES NOT LIE IN A FLOOD PLAIN. FEMA MAP 37035C0055D

LEGEND

N/F = NOW OR FORMERLY
CP = COMPUTED POINT
R/W = RIGHT OF WAY
SQ. FT. = SQUARE FEET
NIP = NEW IRON PIN SET
SMN = SET MAG NAIL
EIP = EXISTING IRON PIPE
EIR = EXISTING IRON ROD
PKN = "PK" NAIL
SNBY = SET NAIL BY
ENBY = EXISTING NAIL BY
EOP = EDGE OF PAVEMENT
CCM = CONCRETE MONUMENT
UP = UTILITY POLE
LP = LAMP POST

BOUNDARY SURVEY
5540 ROCKWELL ROAD
DEED BOOK 9658 PAGE 1
#6 TOWNSHIP, CABARRUS COUNTY, NC

ON MARK
LAND SURVEYING

1525 BEAGLE CLUB ROAD
SALISBURY, NC 28146
704.346.4700

704.746.4799 F-1256

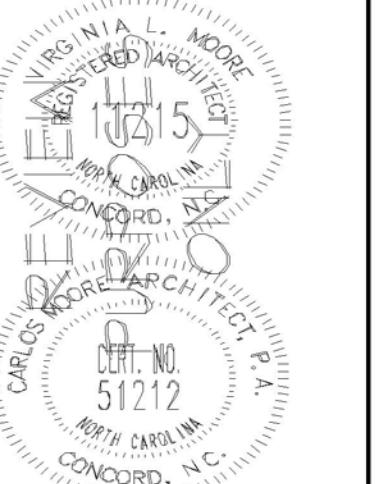
SURVEY FOR:
PATRICIA GAIL HONEYCUTT
MARK A. HONEYCUTT
5560 ROCKWELL RD.
ROCKWELL, NC 28138

PARCEL PIN:
5673971701

ALF

E:
FEDERAL, STATE, LOCAL CODES, ORDINANCES AND
REGULATIONS SHALL BE CONSIDERED AS PART OF PLANS
SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE
PRIORITY OVER ANYTHING SHOWN DESCRIBED OR
STATED WHERE VARIANCES OCCUR.

THE DRAWINGS ARE DIAGRAMMATIC, NOT INDICATING ALL
CONDITIONS AND DETAILS, AND ARE INTENDED TO BE USED
BY EXPERIENCED MECHANICS. EACH DRAWING IS
SUPPLEMENTARY TO THE OTHERS. ALL CONDITIONS AND
DETAILS MUST BE VERIFIED BY THE CONTRACTORS
PRIOR TO INSTALLATION WORK PERFORMED NOT IN
COMPLIANCE WITH THE INTENT OF THESE DOCUMENTS ARE
THE RESPONSIBILITY OF THE PERSONS PERFORMING THE



SURVEY PLAN

GREY
5540

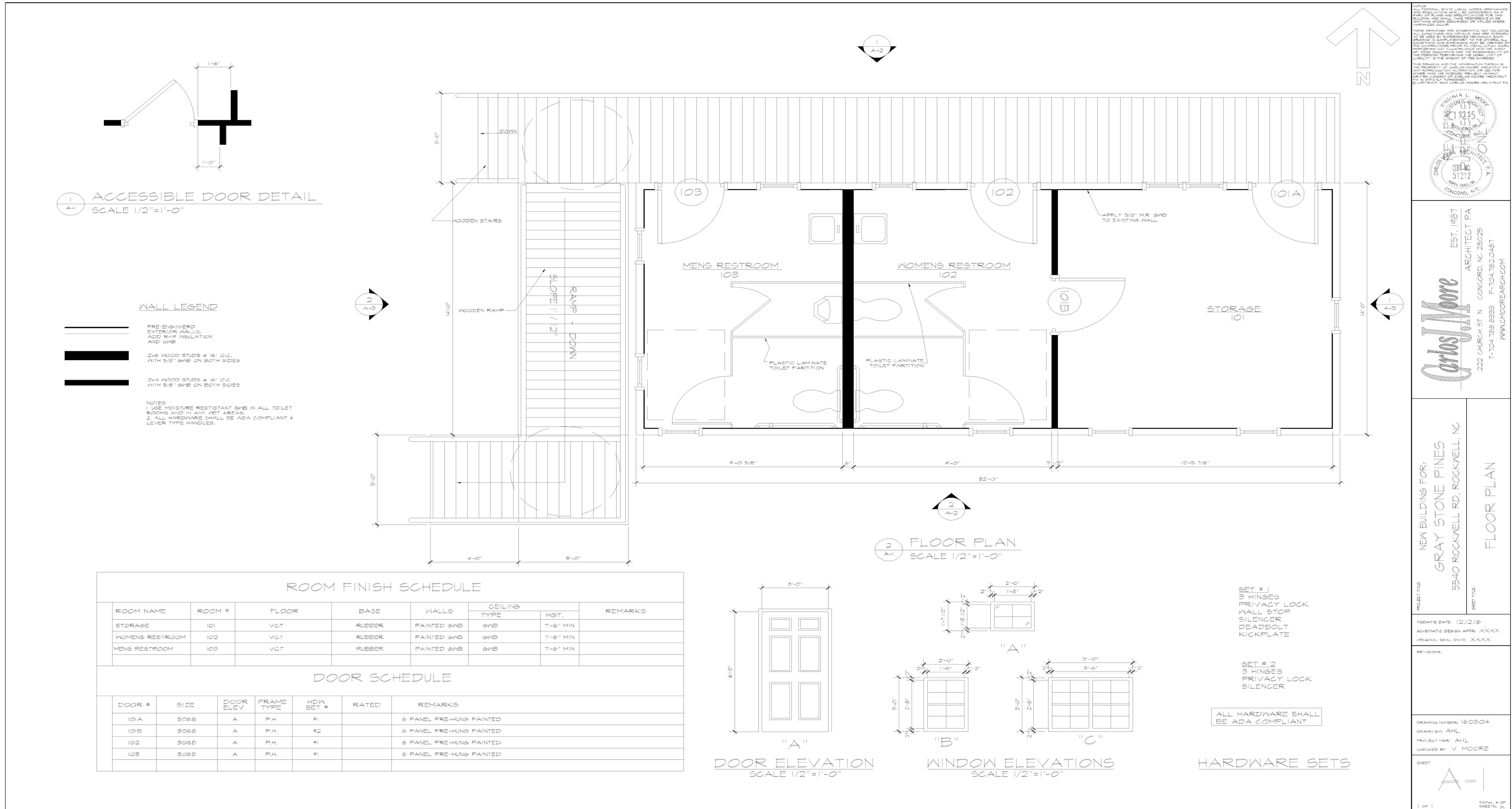
DATE 09.27.2016
STATIC DESIGN APPR: XXXX

Journal of Oral Rehabilitation 2003 30: 1031–1038

1

NG NUMBER: 160804
BY: AHL
CT MGR: AHL

ED BY C. MOORE



CABARRUS COUNTY DEVELOPMENT ORDINANCE
CHAPTER 5- DISTRICT DEVELOPMENT STANDARDS

- Bank/financial institution/ATM
- Convenience stores with or without petroleum sales
- Gas stations
- Restaurants with or without drive thrus
- Retail sales/shoppers' goods
- Retail sales, shopping centers/10,000 SF and less
- Nursery/Daycare

Design Review Committee

All applications for commercial development approval in residential zoning districts and subject to the standards established in Appendix B shall be approved by the Cabarrus County Planning and Zoning Board, sitting as the Design Review Committee, based upon the design guidelines in effect at the time of review.

When reviewing applications for commercial development permitted in residential zoning districts, the Design Review Committee shall review the project in relation not only to Appendix B but also the following criteria:

- Architectural design of neighboring residential buildings
- Setbacks in relation to existing buildings and residential development
- Compatibility with neighborhood character, context and scale

As part of the formal review process, the Design Review Committee may approve deviations from the standards listed in Appendix B when the Design Review Committee determines one or more of the following are applicable to the proposed project:

- To provide for architectural design compatibility in relation to the existing neighborhood or structures where appropriate
- To provide for adjusted setbacks in relation to existing buildings or residential development where appropriate
- To request changes in architectural character or site design when the project is not compatible with the context of the surrounding neighborhood
- To request changes in scale where appropriate

Appeal of Design Review

An aggrieved party may appeal a decision of the Planning Administrator in writing within 30 days of a decision. All appeals shall be heard by the Cabarrus County Board of Adjustment.

An aggrieved party may appeal a decision of the Planning and Zoning Board, sitting as the Design Review Committee, in writing within 30 days of a decision. All appeals of Design Review Committee (Planning and Zoning Board) decisions shall be heard by the Cabarrus County Board of Commissioners.

Enforcement

Any violation of a permit issued under this section shall be enforced through the provisions of the Cabarrus County Zoning Ordinance.

PLANNING STAFF REPORT

CABARRUS COUNTY PLANNING AND ZONING COMMISSION

01/10/2017

Staff Use Only: Approved: Denied: Tabled

Conditional Use Permit: CUSE2016-00004

Applicant Information: Ginger Moore
Carlos J. Moore, Architect
222 Church Street
Concord, NC 28025

Owner Information: Patricia Honeycutt
5560 Rockwell Road
Rockwell, NC 28138

PIN#: 5673-97-1701

Area in Acres: +/- 4.42 ac

Purpose of Request: The applicant is proposing to use the subject property as a reception facility. Reception facilities are permitted as a conditional use in the AO zoning district and include additional performance standards for the use.

Site Description: The subject property is currently occupied by a vacant barn located in the center of the property. The barn is accessed by a gravel driveway extending to Rockwell Road. The rear portion of the subject property is wooded and an intermittent stream runs along the rear property line from south to north.

Current Land Uses: Reception Facility

Adjacent Land Uses:

- North – Single Family Residential
- East – Single Family Residential, Silviculture & Vacant
- South – Silviculture
- West – Agriculture

Permitted Uses: All uses permitted within the Agriculture Open Space zoning district are allowed on the subject property

Existing Zoning: AO (Agriculture Open)

Surrounding Zoning: North: AO (Agriculture Open)
 East: AO (Agriculture Open)
 South: AO (Agriculture Open)
 West: AO (Agriculture Open)

Signs Posted: 12/22/2016

Newspaper Notification: 12/28/2016

Newspaper Notification 2: 01/04/2017

Notification Letters: 12/21/2016

Exhibits

- Exhibit A – Staff Report
- Exhibit B – Application
- Exhibit C – Additional Information from the Applicant
- Exhibit D – Site Plan
- Exhibit E – Property Maps
- Exhibit F – Adjacent Parcel Letter & List
- Exhibit G – Conditional Use Permit Signs
- Exhibit H – Site Photos
- Exhibit I – Variance Granting Order

Agency Review Comments

Sheriff Review: Approved

Fire Review: Approved with Comments

Temporary tent shall require a permit. Tent shall not be erected for a period of more than 180 days within a 12 month period.

Zoning Review: Approved

Erosion Review: Approved with Comments

The North Carolina Sedimentation Pollution Control Act (G.S. 113A-57 (4)) requires that all persons disturbing an area of one or more acres of land must obtain an approval of a soil erosion control plan prior to the commencement of the land disturbing activity. From the information on the site plan of transmittal and discussion by Carlos Moore office on the phone, as stated that total acreage disturbed or uncovered would be less than an acre. If the area disturbed for equipment access, stockpiles, haul roads and spoil areas is to be less than one acre, then an approved sediment and erosion control plan is not required for this activity. If the total disturbed area(s) is greater than one-acre, an erosion and sediment control plan must be submitted to us

and approved before any land disturbing activity. Please note that measures to retain sediment must be installed and maintained during the life of the project and permanent ground surface stabilization must be provided at the end of the activity.

Soil-Water Conservation Review: Approved

EMS Review: Approved

Health Review: Approved with Comments

The site is currently supplied water from an existing well. The Cabarrus Health Alliance, Environmental Health Section, has been working with a private consultant for the design of a wastewater disposal system that will be off site. There is no permit issued at this time. The offsite system area will require a properly recorded deed of easement.

NCDOT Review: Approved

History / Other Information

1. The subject property is currently zoned AO and has historically been used for agricultural purposes, until recently when the applicant began holding weddings on the premises. A barn is located on the subject property. Staff became aware of the reception facility when an easement plat for the septic was submitted. The applicant was made aware that the facility was not permitted and the applicant should meet with staff to discuss options. It was determined at that time that the first step for the facility to come in to compliance was a variance request, followed by a conditional use permit request to be reviewed by the Board of Adjustment and final approval of a site plan. The Board of Adjustment reviewed the variance request at its November 8, 2016 meeting. The applicant requested variances for:
 - Relief from the size requirements for reception facilities,
 - Relief from the setback requirements for reception facilities (for existing and proposed buildings),
 - Partial relief from the landscaping/buffering requirements for reception facilities (where there is existing vegetation), and
 - Relief from Appendix B, non-residential design standards, for proposed buildings.

The Board of Adjustment approved all of the requested variances, except for the request for relief from Appendix B, non-residential design standards, for the bathroom facility. The Board conditioned the approval based on the relocation of the temporary tent out of the required landscape buffer.

2. At the November meeting, the Board of Adjustment discussed the location for the septic area and the drain line locations. These locations have been finalized by the applicant

and the Cabarrus Health Alliance. The locations are shown on the Conditional Use Permit site plan.

3. The Board also discussed the potential for movement of property lines to meet the size requirements for reception Facilities. The conditional use permit application states that due to the financing of the property, property lines cannot be moved.
4. The site plan submitted reflects the variances that were granted at the November meeting of the Board of Adjustment.

Conditions of Approval

Should the Board of Adjustment grant approval of the Conditional Use Permit, Staff requests the following conditions become a part of the approval and case record:

- Site plan review and approval is required subsequent to Board of Adjustment approval of the Conditional Use Permit to ensure compliance with all applicable development requirements and conditions. (Zoning)
- The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property. (Zoning)
- The applicant shall procure any and all applicable federal, state, and local permits prior to commencement of project. (Zoning)
- Expansion of the project, as well as modifications or changes to approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit. (Zoning)
- The applicant is proposing that existing landscaping will be used to meet the buffer requirements. In the event the buffer does not meet the intent of the Ordinance, or qualify for waiver, the applicant agrees to install the buffer as required by the Ordinance. (Zoning)
- The applicant shall procure all applicable per event permits from the Cabarrus County Fire Marshal's Office, Cabarrus County Sheriff's Office and NC Department of Public Safety - Alcohol Law Enforcement as required for temporary tents, noise and for alcohol on site. (Zoning)
- Temporary tent shall require a permit. Tent shall not be erected for a period of more than 180 days within a 12 month period. (Fire Marshal)
- Signage must be permitted separately and must be in compliance with Chapter 11. (Zoning)

- The applicant shall extend the length of the concrete apron to 25 feet. (NCDOT)
- The applicant shall record a deed of easement for the off-site wastewater disposal system at the Register of Deeds. (Cabarrus Health Alliance)

CONDITIONAL USE PERMIT APPLICATION



Instructions

1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a Conditional Use Permit request.

Date of Pre-Application Meeting: July 14, 2016 Staff Facilitator(s): _____

2. Submit a complete application to the Planning Division. All applications must include the following:

- Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
- A recent survey or legal description of the property.
- 15 folded copies of the proposed site plan.
- Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)

3. Submit cash, check, or money order made payable to Cabarrus County.

Fees: Conditional Use Permit \$550.00 +\$5.00 per acre
+3% technology fee based on total application fee

The deadline for submittal is always the same day as the Planning and Zoning Commission Meeting which is the second Tuesday of the month. Applications must be submitted before 2:00 PM that day for consideration on the next available agenda.

Incomplete applications will be returned to the applicant and will not be processed.

Process Summary:

1. Hold a pre-application meeting with Staff to discuss your Conditional Use Permit request and the Conditional Use Permit process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.

Staff and appropriate agents will review your complete application and site plan and comments will be forwarded to you. You will need to address the comments in writing, revise the site plan accordingly and resubmit a site plan showing that all comments are addressed and errors corrected.

3. Once advised that the site plan is correct and ready to be presented to the Board of Adjustment, you will need to submit 18 folded copies of the plan.
4. When the copies of the plan are received, Staff will begin to prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for the Conditional Use Permit.

Meeting Information: Meetings are held the second Tuesday of each month at 7:00 PM in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE.

Conditional Use Permit: Conditional Use Permits are considered by the Board of Adjustment during a quasi-judicial hearing. This means that anyone wishing to speak regarding the application must be sworn in. The vote requirement for the Conditional Use Permit to pass is a simple majority. Additional conditions may be added as part of the Conditional Use Permit approval process.

Questions: Any questions related to the Conditional Use Permit process may be directed to the Planning Division at 704-920-2141, between 8 AM and 5 PM, Monday through Friday.

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	Property Owner's Name
Carlos J. Moore Architects	Patricia & Mark Honeycutt
C/O Patricia Honeycutt	
Applicant's Address	Property Owner's Address
222 Church St	5540 Rockwell Road
Concord, NC 28025	Rockwell, NC 28183
Applicant's Telephone Number	Property Owner's Telephone Number
704.788.8333	

Parcel Information

Existing Use of Property	Vacant Lot
Proposed Use of Property	Reception Facility
Existing Zoning	AO
Property Location	5540 Rockwell Rd. Rockwell, NC 28183
Property Acreage	4.26
Parcel Number (PIN)	5673971701

Land Use of Adjacent Properties

NORTH: Agricultural/Residential

SOUTH: Agricultural/Residential

EAST: Agricultural/Residential

WEST: Agricultural/Residential

General Requirements

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 (when applicable) how the proposed use satisfies these requirements.

1. The Board must find that the use(s) as proposed “are not detrimental to the public health, safety or general welfare.”

This proposed use is not detrimental to the public healthy, safety or general welfare. The new permanent structure will meet commercial design standards and the site shall be accessible for emergency vehicles.

2. 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.”

Adequate water supply exists via a well that is currently in place and a septic tank that is to be installed, see site plan for location. Waste water drain pipes will run on to the adjacent property per soil scientist, Wendell Overby. The Health Alliance has already approved of this location. Due to financing issues property lines cannot be moved to accommodate the sceptic system. There will also be a fire truck turn around drive in place.

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

The proposed use adequately fits into the characteristics of the surrounding land and does not affect the neighborhood. Additional buffers are shown surrounding the facility.

4. 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.”

The development on the site will comply with the essence of the ordinance.

Specific Requirements

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):

Reception Facility: New toilet building = 448 SF

Accessory uses (if any): N/A

Setback provisions:

Principle Use

Front: 100' Side yard Single: 100' Side yard Total: 100' Rear: 100'

Accessory Use

Front: N/A Side yard Single: N/A Side yard Total: N/A Rear: N/A

Height provisions: Principle Use: 20' Accessory Use: N/A

Off street parking and loading provisions: (include calculations)

Off street parking is located in front of the exiting barn with 44 spaces meeting the reception facility required calculations.

Sign provisions: (include sketch drawing with dimensions)

There is 1 non illuminated sign that is 10 square feet and 5'-11" tall. This sign meets the ordinance in chapter 11 table 11-1. See attached photo.

Provisions for screening landscaping and buffering: (show on site plan)

A Level 2 46' buffer yard with trees and shrubs along an existing heavy vegetation with additional shrubs on the east side of the property.

Provisions for vehicular circulation and access to streets: (provide NCDOT permit and/or TIA)

NC DOT driveway permit has been submitted.

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

Minimal grading is expected and erosion shall be minimized.

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

Most of the site is open between the buffer yards.

Compliance with applicable overlay zones: (see Chapter 4 of Zoning Ordinance)

N/A

Compliance with the Flood Damage Prevention Ordinance: (see County Code Chapter 38)

N/A

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

N/A

Predefined Standards

Each individual Conditional Use listed in the Zoning Ordinance may have specific standards imposed. Refer to Chapter 8, 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.

Certification

I hereby confirm that the information contained herein and herewith is true and correct and that this application shall not be scheduled for official consideration until all of the required contents have been submitted to the Planning and Development Department.

Signature of Applicant


Date 12.13.16
Gto Carlos J. Moore Architects

Signature of Owner

Patricia Honyett Date 10/28/16

Gray Stone Pines Reception Facility
5540 Rockwell Road
Rockwell, NC

Appendix B – Commercial Design Standards

1. Amenity Area
 - a. An area is outside the existing barn and also around and under the temporary tent.
2. Setbacks
 - a. The existing building, temporary tent and new toilet building encroaches into the setback guidelines. A variance was granted at the November 2016 meeting.
3. Parking Requirements
 - a. Off street parking is shown in front of the existing barn. The number of spaces meets the Reception Facility requirements.
4. Parking Lot Design
 - a. Parking Lot is grassed except for the fire truck drive access. Accessible parking is beside the existing barn and close proximity to the new toilet building.
5. Landscaping
 - a. Intent is to meet code as much as possible. A variance was approved at the November 2016 meeting for relief of additional trees where a heavy tree line is existing.
6. Lighting
 - a. Lighting shall be directional or down lighting directed. No wall packs or glare to surrounding neighbors are planned.
7. Loading / Unloading Areas
 - a. Loading can be done at the end of the lengthy fire truck access drive.
8. Solid Waste Store Area
 - a. Owner shall use roll out garbage cans.
9. Mechanical Equipment
 - a. Any equipment shall be screened or positioned behind the barn.

Architectural Design Standards:

1. Height
 - a. All buildings are less than the height allowed.
2. Roofline
 - a. The new building will have the same roofline as the existing barn.
3. Fenestration
 - a. There are (2) 1'-6" x 2'-0" windows on the west side of the new toilet building, which is the side of the building that faces the street right of way. The North side of the building has (3) 3'-0" x 6'-8" 6 panel doors, and (4) 2'-0" x 3'-0" windows. The east side of the building has (1) 2'-0" x 3'-0" window. The South side of the building has (4) 2'-0" x 3'-0" windows.
4. Articulation
 - a. The proposed new toilet building shall keep with the essence of the same materials used on the existing barn. Vertical board and batten wood siding will cover much of the building. Stacked stone will be installed starting at grade level and continuing up under each window. A wood trim cap will separate the stacked stone and the start of the wood siding. The roof will be a tin metal roof again keeping with the same style as the existing building. See attached elevation plans for additional details.

Gray Stone Pines Reception Facility
Existing Barn





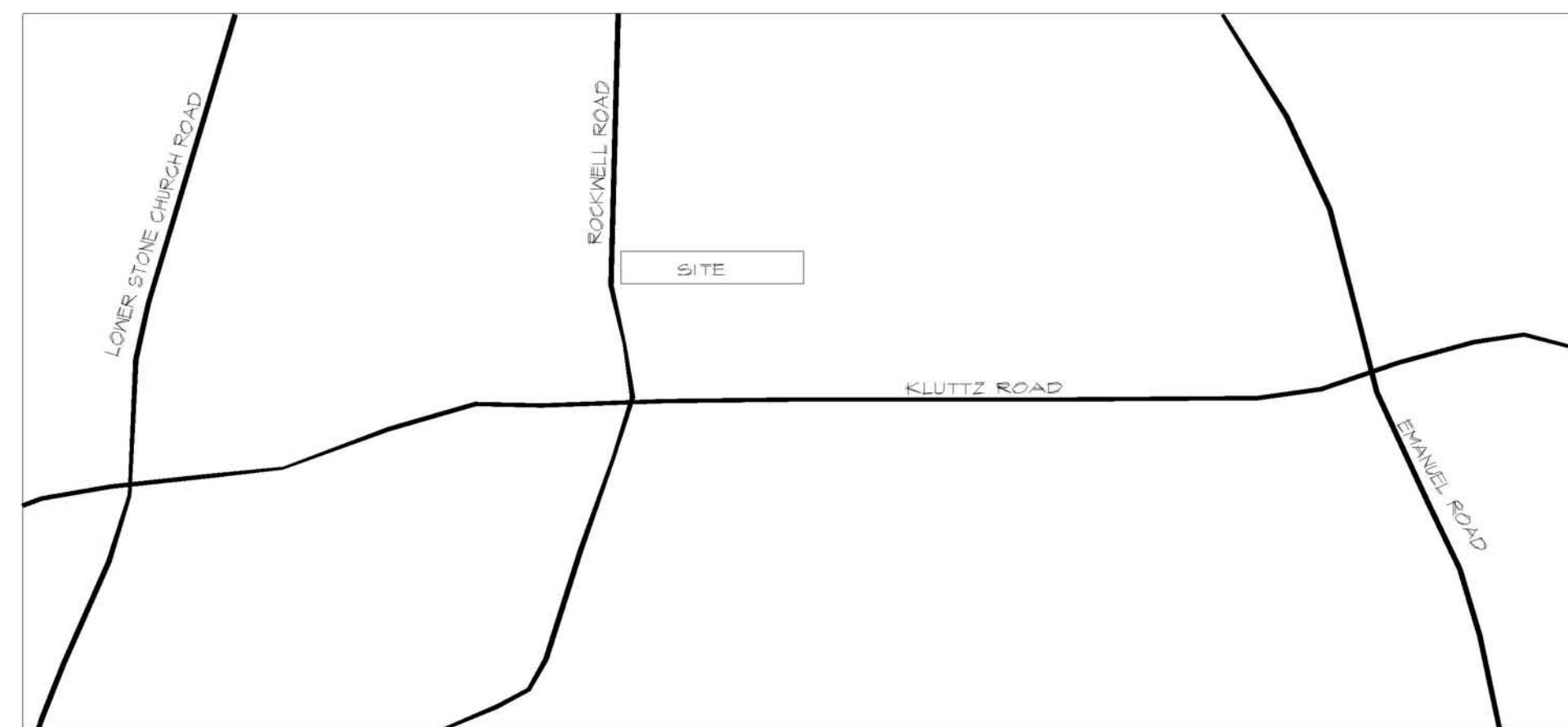
Gray Stone Pines Reception Facility
Proposed Toilet Building Location



Gray Stone Pines Reception Facility
Existing Sign



NEW BUILDINGS FOR: GARSTON PINES 5540 ROCKWELL, INC.



VICINITY MAP

INDEX OF DRAWINGS

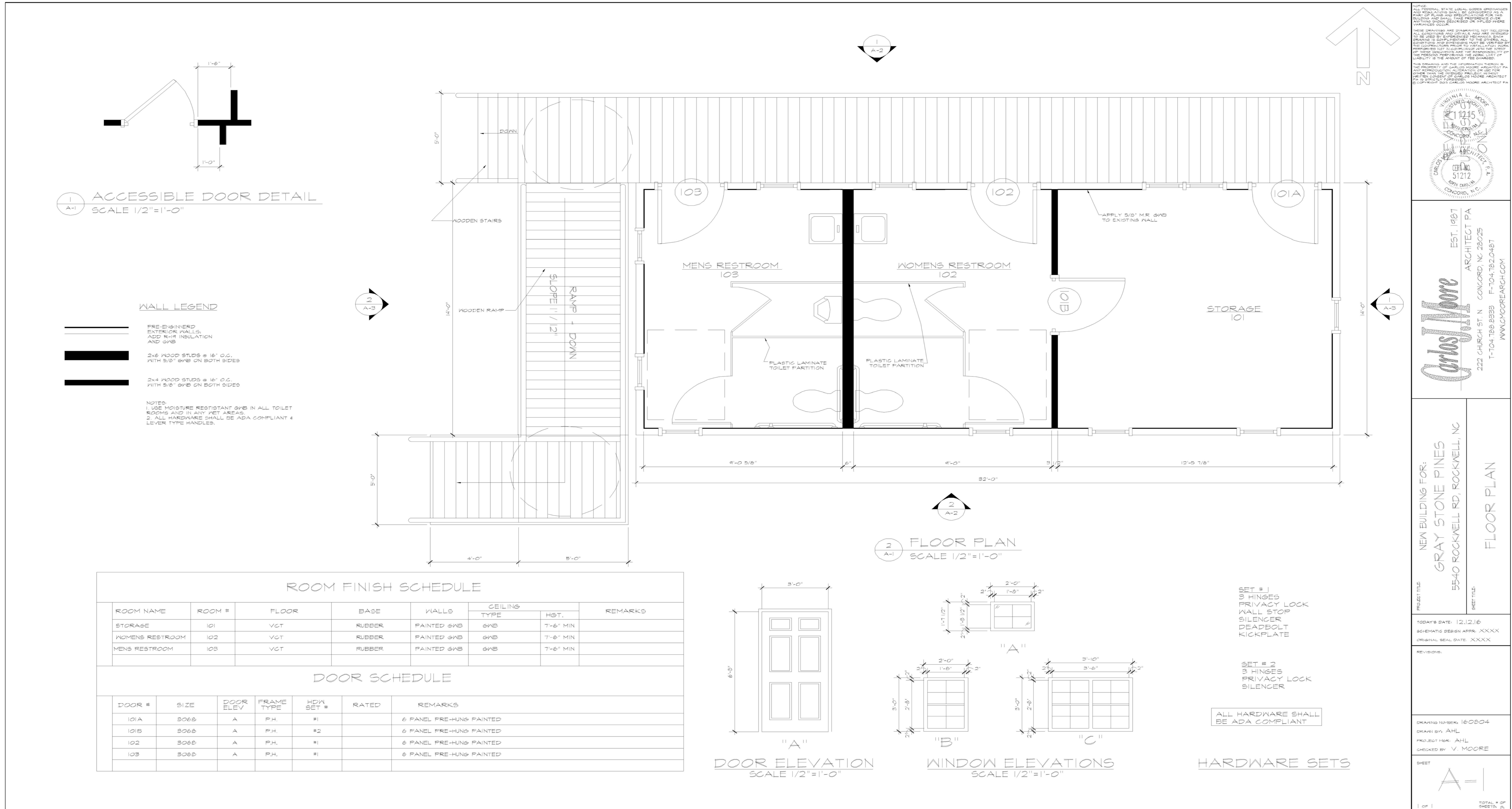
CVR COVER SHEET
G-1 GENERAL NOTES
G-2 ACCESSIBILITY DETAILS & NOTES

SITE

SP-1 SURVEY PLAN
SP-2 SITE PLAN

ARCHITECTURAL

A-1 FLOOR PLANS
A-2 BUILDING ELEVATIONS
A-3 SIDE ELEVATIONS



NOTICE:
FEDERAL, STATE, LOCAL CODES, ORDINANCES
AND REGULATIONS SHALL BE CONSIDERED AS A
PART OF PLANS AND SPECIFICATIONS FOR THIS
BUILDING AND SHALL TAKE PREFERENCE OVER
ANYTHING SHOWN DESCRIBED OR IMPLIED WHERE
CONFLICTS OCCUR.
THE DRAWINGS ARE DIAGRAMS, NOT INCLUDING

5 DRAWING AND THE INFORMATION THEREON IS
6 PROPERTY OF CARLOS MOORE ARCHITECT PA
7 REPRODUCTION, ALTERATION, OR USE FOR
8 OTHER THAN THE INTENDED PROJECT, WITHOUT
9 WRITTEN CONSENT OF CARLOS MOORE ARCHITECT
10 IS STRICTLY FORBIDDEN.
11 COPYRIGHT 2015 CARLOS MOORE ARCHITECT PA

<p>NEW BUILDING FOR: GRAY STONE PINES 5540 ROCKWELL RD, ROCKWELL, NC</p>	<p>ELEVATIONS</p>
<p>SHEET TITLE: </p>	

DRAWING NUMBER:	160804
DRAWN BY:	AHL
PROJECT MGR:	AHL
CHECKED BY:	V. MOORE
SHEET	
	
TOTAL # OF	

WOOD TRIM

TIN METAL ROOF PANELS

HOLLOW PAINTED METAL DOOR

2'-0" HIGHWOOD GUARDRAIL
WITH 2" WOOD PICKETS. 4"
MAX SPACING BETWEEN PICKETS.
PAINTED

1/4" SLIPPALE
METAL HANDRAIL
PAINTED

3'-0"

2'-0"

1'-8"

18" MIN CLEAR CRAWL SPACE

STACKED STONE

VERTICAL
BOARD & BATTEN
WOOD SIDING

WOODEN DECK
PIERS

GRADE

WOOD PICKETS
SHALL NOT BE ABLE
TO PASS A 4" SPHERE
THRU.

NORTH ELEVATION

1
A-2

SCALE 1/2"=1'-0"

TIN METAL ROOF PANELS

RIDGE VENT

VERTICAL BOARD & BATTEN WOOD SIDING

LEAVES EIGHT

2'-10" HIGH WOOD GUARDRAIL WITH 2" WOOD PICKETS. 4" MAX SPACING BETWEEN PICKETS. PAINTED

1 1/4" GRIPPABLE METAL HANDRAIL. PAINTED.

GRADE

RECESS RIM BOARD INTO GRADE

WOOD TRIM

18" MIN CLEAR CRAWL SPACE

STACKED STONE

1'-0"

1'-6"

2

SOUTH ELEVATION

A-2

SCALE 1/2"=1'-0"

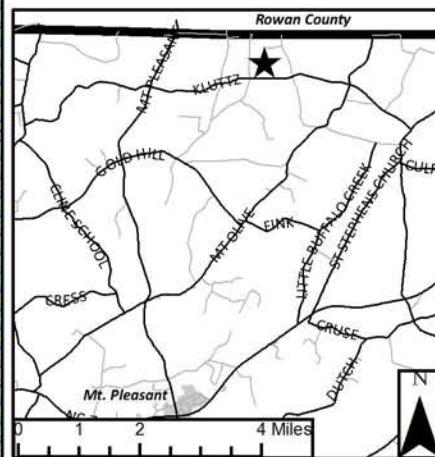
Existing Zoning



Applicant: Carlos J. Moore, Architect
Owner: Patricia & Mark Honeycutt
Case: CUSE2016-00004
Address: 5540 Rockwell Road
Purpose: Reception Facility
PIN: 5673-97-1701

----- Ingress/Egress Easement

- Parcels
- Ponds
- Streams
- Structures



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. 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 & Development - December 2016

Exhibit E

ROCKWELL RD

Subject
Property

1 inch = 200 feet

0 70 140 280 420 560
Feet

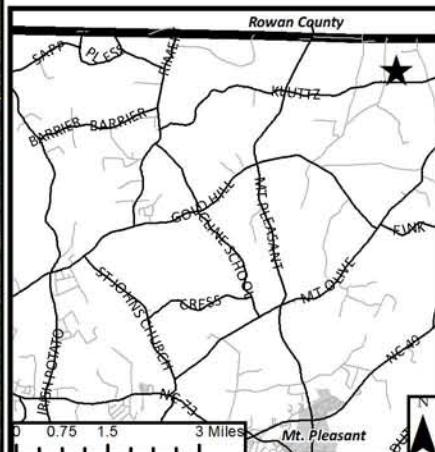


Aerial Map



Applicant: Carlos J. Moore, Architect
Owner: Patricia & Mark Honeycutt
Case: CUSE2016-00004
Address: 5540 Rockwell Road
Purpose: Reception Facility
PIN: 5673-97-1701

Cabarrus County
 City Limits
 Parcels



Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. 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.

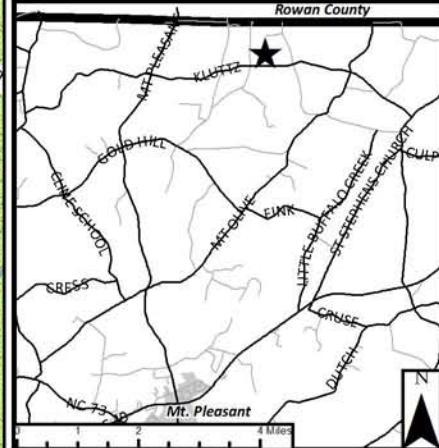
Map Prepared by Cabarrus County Planning & Development - December 2016



**Eastern Plan Area
Future Land Use**



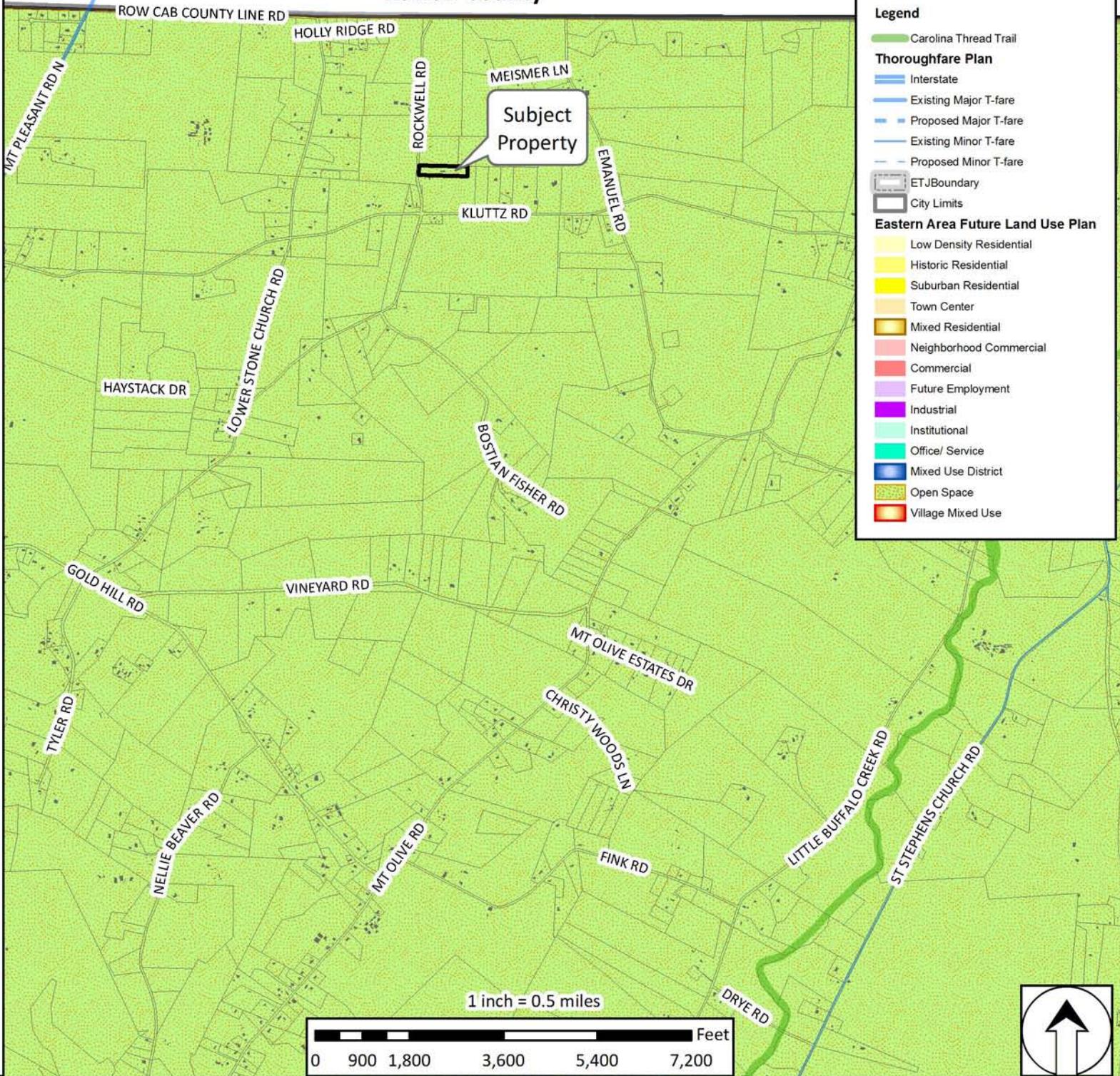
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Map Prepared by Cabarrus County Planning & Development - December 2016

Rowan County



List of Adjoining Properties

Patricia Honeycutt PIN 5673980131
5540 Rockwell Road
Rockwell, NC 28138

Selena Ussery PIN 5673987067
5576 Rockwell Raod
Rockwell, NC 28138

Douglas and Karen Lyerly PIN 5673971236
5950 Lowerstone Church Road
Rockwell, NC 28138

Ralph Eudy PIN 5673880152
5890 Emmanuel Road
Rockwell, NC 28138



Cabarrus County Government – Planning and Development Department

December 21, 2016

Dear Property Owner:

A Conditional Use Permit Application has been filed in our office for property **adjacent** to yours. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, January 10, 2017 at 7:00 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this request, I encourage you to attend this meeting.

• Petitioner:	Carlos Moore Architect, PA (agent for owners Patricia & Mark Honeycutt)
• Petition Location:	CUSE2016-00004
• Property Location:	5540 Rockwell Road
• Parcel ID Number:	5673-97-1701
• Existing Zoning:	Agricultural Open (AO)
• Conditional Use Permit Request:	Wedding Reception Facility

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at 704.920.2181.

Sincerely,

A handwritten signature in black ink that reads "Phillip Collins".

Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development
704.920.2181



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• Parcel ID Number:	5673-97-1701
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Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development
704.920.2181

**CABARRUS COUNTY
ZONING**

NOTICE
Pet # CUSE2016-00004
FOR DETAILS CALL
704 - 920 - 2141

12/21/2016



View of Subject Property from the west

Landscape Buffer
Variance Area

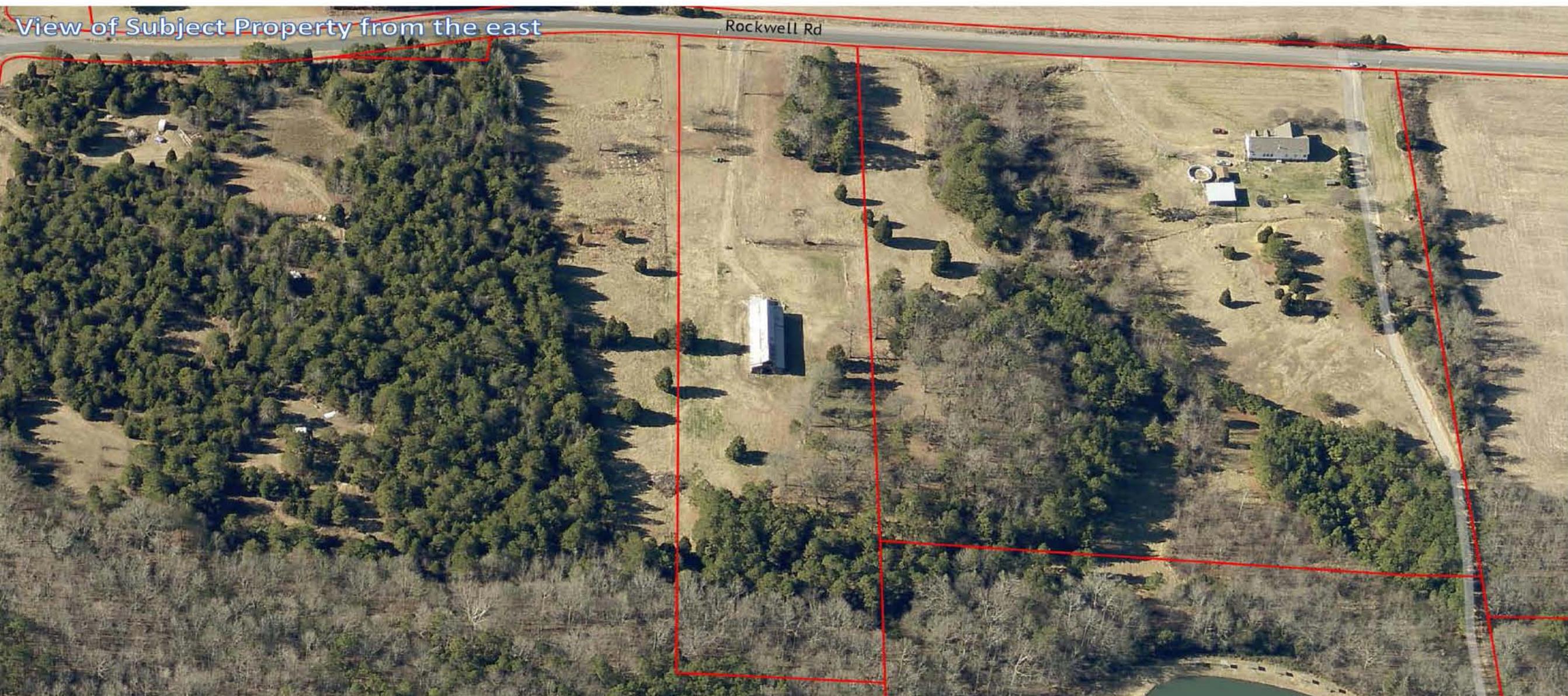


View of existing barn from the west



View of Subject Property from the south





STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

CABARRUS COUNTY PLANNING
AND ZONING COMMISSION
BOARD OF ADJUSTMENT
VARN 2016-00003

In re

PATRICIA HONEYCUTT)	ORDER GENERALLY
VARIANCE APPLICATION)	GRANTING VARIANCES
)	

THIS MATTER came before the Cabarrus County Board of Adjustment at its regular monthly meeting on November 8, 2016 on the application of Ginger Moore of Carlos Moore Architect, P.A. in behalf of Patricia Honeycutt ("Honeycutt") for four variances on the "Property" of Honeycutt located at 5540 Rockwell Road, Rockwell, Cabarrus County, North Carolina and designated PIN 5673-97-1701.

Notice was given to Honeycutt and to adjacent property owners as required by law.

A full complement of nine members of the Board of Adjustment, including alternates, were present at the start of the hearing. All of the witnesses were duly sworn and documents were received in evidence. After hearing and receiving the evidence, the Board makes the following

FINDINGS OF FACT

1. Honeycutt and husband Mark are the owners of the Property. It is approximately 4.42 acres in size. The Property is zoned Agricultural Open ("AO").

2. Honeycutt is proposing to continue to use the Property as a reception facility. Reception facilities are permitted as a conditional use in the AO zoning district and are subject to performance standards. If the variances from the Cabarrus County Development Ordinance (the

“Ordinance”) are approved, Honeycutt intends to return to the Board of Adjustment to apply for a conditional use permit.

3. The purposes of these variance requests are:

- a) relief from the size requirements for reception facilities (Variance No. 1);
- b) relief from the required setbacks for reception facilities (Variance No. 2);
- c) relief from the landscaping/buffering requirements for reception facilities (Variance No. 3); and
- d) relief from Appendix B, Non-Residential Design Standards of the Ordinance (Variance No. 4).

4. Variance No. 1: Size Requirements for Reception Facilities. The Property is +/- 4.42 acres in size. Reception facilities are required to be at least five acres in size. Honeycutt is requesting relief from Section 8-4.21.b of the Ordinance.

5. Variance No. 2: Setback Requirements for Reception Facilities. Honeycutt is proposing to use an existing barn, a new bathroom facility (to the rear of the existing barn), temporary bathrooms and a temporary tent as part of a reception facility on the Property.

6. The Property is approximately 200 feet in width. The existing and proposed structures do not meet the required 100-foot setback for reception facilities as required in Section 8-4.21.d of the Ordinance. Honeycutt is requesting relief from this provision. As shown on the site plan:

- a) The existing barn encroaches 12.4 feet into the required setback along the northern Property line;
- b) The existing barn encroaches 17.1 feet into the required setback along the southern Property line;
- c) The proposed bathroom facility encroaches 36.87 feet into the required setback along the northern Property line;
- d) The proposed area for the tent encroaches 72.3 feet into the required setback along the northern Property line; and
- e) The temporary bathrooms encroach 51.58 feet into the required setback along the northern Property line.

7. Variance No. 3: Landscaping/Buffering Requirements for Reception Facilities. Honeycutt is requesting relief from Section 8-4.21.g of the Ordinance, which requires reception facilities to meet the requirements of a Level Two buffer yard as defined in Chapter 9 of the Ordinance. Currently, the back half of the northern, southern and the entirety of the eastern Property lines are heavily vegetated. Honeycutt is requesting relief from the requirement of six trees per one hundred feet along these sections of the Property boundaries. Honeycutt proposes to supplement with shrubbery where needed. This request would equate to relief from planting 54 trees along these portions of the Property boundaries. The proposed tent area encroaches 18.34 feet

into the required Level Two 46-foot wide landscape buffer (approximately 1,065 square feet). Honeycutt is also seeking relief from this.

8. Variance No. 4: Non-Residential Design Standards. Section 8-4.21.c of the Ordinance requires that all new construction associated with reception facilities meet the commercial design standards of Appendix B of the Ordinance. The applicant is requesting relief from this section of the Ordinance for the following:

- a) Use of a temporary tent which cannot meet the design guidelines;
- b) The temporary bathroom facility which does not meet the design guidelines; and
- c) Proposed new bathroom facility that will not meet the design guidelines.

9. The Property is currently occupied by a vacant barn located in the center of the Property. The barn is accessed by a gravel driveway extending to Rockwell Road. The rear portion of the Property is wooded and an intermittent stream runs along the rear Property line from south to north.

10. Staff became aware of the existing unapproved reception facility on the Property when an easement plat for the septic was submitted. Honeycutt was informed that the facility was not permitted and that Honeycutt should meet with staff to discuss options. It was determined during the meeting on July 14, 2016 that the first step for the facility to attempt to comply with the Ordinance was a variance request.

11. Honeycutt understands that the project will be subject to conditional use permit review with the Board of Adjustment and site plan review if the variances are approved.

12. The application states that the site will be serviced by well and septic. The Cabarrus Health Alliance is aware of the proposed use and stated that the facility currently uses porta johns/chemical toilets for restrooms. The site was evaluated for a bathroom facility and found to be suitable for location of a septic system off site. Honeycutt understands that a permanent bathroom facility must be included as part of the Conditional Use Permit Application.

13. A strict application of the Ordinance would create practical difficulties and unnecessary hardship relative to Honeycutt's proposed use of the Property as a wedding and reception facility for the following reasons:

- a) The barn already exists on the Property and has been in its present location for many years.
- b) There exist heavy to moderate tree lines along the perimeter of the Property such that there already exists a substantial buffer from adjacent properties.
- c) In order to make reasonable use of the parcel proposed for the wedding and reception facility, the septic field needs to be located off site. The adjacent property on that side of the proposed parcel is also owned by Honeycutt and used as part of their residence parcel. There is

sufficient space on that parcel for the septic field.

14. These practical difficulties and hardships result from conditions peculiar to the Property.

- a) The Property is approximately 4.42 acres and is a rectangle that is not wide enough to meet the setbacks for the barn.
- b) Although Honeycutt owns the adjacent parcel the property line cannot be adjusted due to existing mortgage financing on the adjacent parcel.

15. These practical difficulties and hardships did not result from any action taken by Honeycutt.

16. The requested variances are consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

- a) The variances collectively do not adversely impact adjacent property owners.
- b) No property owner adjacent to this property has expressed any objection to this application for the variances.

Based on the foregoing Findings of Fact, the Board makes the following

CONCLUSIONS OF LAW

1. The foregoing Findings of Fact are incorporated by reference as Conclusions of Law so as to give full effect to the provisions of this Order Granting a Variance.

2. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the Property.

3. The hardship results from conditions that are peculiar to the Property, such as location, size, or topography.

4. The requested variances are consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

5. Granting the variances, except for the proposed new bathroom facility variance, in this situation is consistent with the spirit, purpose and intent of the Ordinance.

Based on the foregoing Findings of Fact and Conclusions of Law, the Cabarrus County Board of Adjustment hereby grants the variances, except for the proposed new bathroom facility variance, consistent with and limited to the variances requested in the application. The following

conditions of approval have been imposed:

- a) A conditional use permit review and approval by the Board of Adjustment is required subsequent to approval of the variances.
- b) Site plan review and approval is required subsequent to conditional use permit approval to ensure compliance with all applicable development requirements and conditions.
- c) Honeycutt shall procure any and all applicable federal, state and local permits prior to commencement of the project.
- d) Honeycutt shall install landscaping as stated in the application with future road construction to mitigate the approved variances.
- e) Honeycutt shall extend the length of the concrete apron to 25 feet.
- f) Honeycutt shall procure appropriate permits from the Fire Marshal's Office for the temporary tent, as allowed by variance approval. If the duration of the use of the tent exceeds what is considered a temporary use, Honeycutt shall proceed with commercial site plan review for the tent to be permitted as a permanent structure.

This Order shall run with the land with reference to the Property and shall be recorded by Honeycutt in the Cabarrus County Public Registry.

This ____ day of December, 2016, *nunc pro tunc* to November 8, 2016.

Shannon Frye, Chair
Cabarrus County Board of Adjustment

ATTEST:

Arlena Roberts,
Clerk to the Board of Adjustment

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, a Notary Public in and for the said State and County do hereby certify that Shannon Frye as Chair of the Cabarrus County Board of Adjustment personally appeared before me this day and acknowledged the due execution of the foregoing Order.

Witness my hand and notarial seal,
this ____ day of December, 2016.

Notary Public
My Commission Expires: _____