



Commerce Department  
Planning Division

## **Cabarrus County Government**

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Cabarrus County Planning and Zoning Commission Meeting  
November 20, 2008  
7:00 P.M.  
County Commissioners Chamber  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
2. Approval/Correction of October 16, 2008 Minutes
3. Old Business – Planning Board Function:
  - A. Petition C2008-01(S) - Subdivision Preliminary Plat Approval - Park Creek - Phase III, Section A & B
  - B. Petition C2008-04 (R) - Central Area Land Use Plan Rezoning Implementation
4. New Business – Planning Board Function:
  - A. Proposed Text Amendment C2008-05ZT, Parking Standards
5. Directors Report
6. Adjournment



Staff Use Only:  
Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

**PLANNING STAFF REPORT**  
**CABARRUS COUNTY PLANNING AND ZONING COMMISSION**  
Thursday, November 20, 2008

**Petition:** **C2008-01 (S) Preliminary Plat Approval**

**Subdivision Name:** Park Creek - Phase III, Section A & B

**Subdivision Type:** Section A: Conventional Residential Subdivision  
Section B: Open Space Subdivision

**Owner Information:** Michael Allison  
986 Odell School Rd.  
Concord, NC 28027

**Applicant Information:** Keith Wayne  
195 Erwin Woods Dr.  
Kannapolis, NC 28081

**Zoning:** AO – Agricultural/Open Space  
Prior to the July 2005 county-wide rezoning, the property was zoned Low Density Residential (LDR).

**Township:** Number 3 - Odell

**Property Location:** The subject property is located directly west of existing Park Creek Subdivision.

**PIN#:** 4694-12-1281

**Proposed Lots:** Section A: 13  
Section B: 25

**Proposed Density:** Section A: 0.296 units per acre  
Section B: 0.485 units per acre

**Area in Acres:** Section A: 43.85 acres  
Section B: 51.59 acres  
Total: +/- 95.44 acres

**Site Description:** The subject property is currently vacant and wooded.

**Adjacent Land Uses:** The surrounding properties to the North, South, East, and West have been developed as single family residential uses or



agricultural uses. The property to the west is the first phase of the Park Creek Subdivision.

Surrounding Zoning:

North: RA – Rural Agricultural (Rowan County)  
South: AO – Agricultural/Open Space  
East: AO – Agricultural/Open Space  
West: AO- Agricultural/Open Space

Infrastructure:

Each lot will be served by a private well & septic system.

Exhibits:

1. Zoning Map – submitted by Staff
2. Preliminary Plat – submitted by Applicant
3. School Adequacy Worksheet – submitted by Robert Kluttz
4. Letter from Health Alliance – Mark Thompson
5. Comments from Cabarrus Soil and Water Conservation District  
– Dennis Testerman
6. Comments from Rowan County Planning Services  
– Shane Stewart
7. Memos from NCDOT – submitted by Staff
8. Aerial Map – submitted by Staff
9. Watershed Map – submitted by Staff
10. Open Space Management Plan – submitted by Applicant

Intent of Zoning:

Agricultural/Open Space- This district is comprised mostly of lands usually found on the eastern side of the County which, due to physical characteristics such as soil type, topography, etc., should remain agrarian. To a lesser degree, these are also those lands which are conducive to providing recreationally oriented open space. These land areas should remain the farmland and undeveloped/forested land of the County. Public utilities will not be planned for these areas. Consequently, residential uses that support those working and/or owning the land, home occupations allied with existing residences, and very limited business endeavors are envisioned as complementary to the area. In sum, the primary activity of these lands is agricultural - housing and business are typically related to and supportive of the practice of modern day agricultural. It is not, however, improbable that a small hamlet type settlement might evolve in this zoning district. As to those areas constituting open space, manmade uses must take care to enhance and not detract from the essential character of the area.

Code Considerations:

The AO- Agricultural/Open Space district is the residential zoning district with the lowest permitted density. The developers of the Park Creek Phase III Subdivision are proposing a conventional subdivision (Section A on the plat) on the western portion of the



property and an Open Space subdivision (Section B on the plat) for the eastern portion of the property. The dividing line between the two different subdivisions is the perennial stream: Park Creek. Conventional subdivisions are not required to provide open space.

Development standards for conventional subdivisions are:

- Principal Setbacks:
  - Front - 50 feet
  - Front (minor collector) – 75 feet
  - Side (single) - 20 feet
  - Side (total) - 40 feet
  - Rear - 30 feet
- Minimum average lot width- 150 feet
- Maximum building height- 40'
- Maximum impermeable surface- 15% (Because Park Creek Phase III is in the Coddle Creek Watershed Protected Area, it will be allowed only 12% impermeable surface.)
- Maximum structural coverage- 10%
- Density (maximum units/acre)- 0.33

Development standards for open space subdivisions are:

- Principal Setbacks:
  - Front- 50 feet
  - Front (minor collector) – 75 feet
  - Side (single) - 20 feet
  - Side (total) - 40 feet
  - Rear- 30 feet
- Minimum required open space- 40%
- Minimum average lot width- 150 feet
- Maximum building height- 40'
- Maximum impermeable surface- 15% (Because Park Creek Phase III is in the Coddle Creek Watershed Protected Area, it will be allowed only 12% impermeable surface.)
- Maximum structural coverage- 10%
- Density (maximum units/acre)- 0.50

Lot 8, a portion of Lot 9, and a majority of the proposed cul-de-sac are located entirely in Rowan County and do not fall under Cabarrus County Jurisdiction. Consequently, these items must be approved by Rowan County Planning Services. Additionally, there is proposed open space located in Rowan County, that will also need to be approved by Rowan County Planning.



Land Use Considerations:

The draft version of the updated Cabarrus County Northwestern Area Plan map recommends that the subject property be developed as residential, with a density of 1 unit per 2 acres. This draft map was utilized in 2005 when the zoning for the county was updated and the current zoning of AO was assigned. The area in the draft map that recommends 1 unit per 2 acres contains both the critical and protected watershed zones for Lake Howell. It is proposed that conservation subdivision techniques be required for major subdivisions. This would allow residential projects to develop on smaller lots while preserving significant undisturbed open space to protect water quality in Lake Howell.

Extensive buffering is required on and around the intermittent and perennial streams on the property. All buffer areas shall remain undisturbed. When agricultural soil disturbing activities such as plowing, grading, ditching, excavating, placement of fill material, or similar activities must occur near the buffer zones, they shall conform to all State and Federal regulations so that they meet the buffers as required. Park Creek Phase Three meets all the buffering requirements of Cabarrus County's River Stream Overlay Zone.

The intent of an open space subdivision is to provide a development alternative to a conventional subdivision. An open space subdivision involves placing a cluster of homesites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional subdivision to promote environmentally sensitive, more efficient use of the land and provide additional common open space. Forty percent of a development must be open space. The subdivision design for Section B shows the required open space.

The proposed subdivision does not meet the overall residential component of the draft Northwestern Area Plan. The eastern portion exceeds the intensity of residential development specified in the plan for the parcels under consideration. The conventional subdivision component proposed provides one lot for every three acres. The proposed acreage for the conventional subdivision is 43.85 acres with 13 units proposed, for a density of 0.296 units per acre. The open space component provides the one acre minimum required lot size in the protected watershed. The proposed acreage for the open space component is 51.59 acres with 25 units proposed, for a density of 0.485 units per acre. The proposed acreage for Park Creek Phase Three is 95.44 acres with 38 units proposed, for a density of 0.398 units per acre overall.

Adequate Public Facilities:

**Cabarrus County Schools- Robert Kluttz:**



- On April 21, 2008, the Cabarrus County Board of Commissioners approved issuing the reservation of capacity certificate to Park Creek LLC, for the Park Creek Subdivision. The certificate was issued for 45 lots and will expire a year from the date of issuance, April 21, 2009. Schools that serve this area are inadequate at this time. Please see attached school adequacy worksheet for details.

**Soil and Erosion Control- Thomas Smith:**

- The applicant will be required to resubmit soil and erosion plans before commencing any land disturbing activities.

**NCDOT- Leah Wagner:**

- NCDOT must receive confirmation from Pleasant Grove Church as to their preferred means of access.
- It will be necessary for the existing portion of Pleasant Grove Road between Tuckaseegee and Fox Tail Lane to be abandoned from NCDOT maintenance upon acceptance of the new road.
- NCDOT reserves the right to modify comments pending subsequent plan submittal and review.

**Cabarrus County Fire Marshal – Steve Langer:**

- Phase III, Map A must be completed first as to provide a second access to the subdivision.

**WSACC- Tom Bach:**

- No specific comments, since the development will be served by wells & septic service.

**Cabarrus County Emergency Services – David Hampton**

- No comments

**Cabarrus County Sheriffs Department – Ray Gilleland**

- No comments

**Cabarrus County Soil Conservation – Dennis Testerman**

- See attached – (Comments from Cabarrus Soil and Water Conservation District)

**Alley, Williams, Carmen, & King – Jeff Moody**

- No comments

**Cabarrus County Health Department – Mark Thompson**

- No comments



Staff Analysis:

Staff finds that the proposed subdivision meets the development standards of the Cabarrus County Subdivision Ordinance and the Cabarrus County Zoning Ordinance.

Should the Planning Commission grant approval of the subdivision, staff requests that the following conditions be applied as part of the approval:

1. The developer shall enter into a Adequate Public Facilities Agreement with the Cabarrus County Board of Commissioners to address school adequacy. (Schools/APFO)
2. The developer must obtain an NCDOT driveway permit and must post a performance bond to cover roadway improvements. The driveway permit will not be issued until all right of ways are in place. (NCDOT/APFO)
3. Developer agrees to secure any necessary permits required by Federal or State law prior to disturbing any wetlands on the site. (CABARRUS SOIL AND WATER CONSERVATION DISTRICT)
4. All lots must be served internally. (NCDOT)
5. Permits for the disturbance of streams and other wetlands must be requested from the North Carolina Division of Water Quality and U.S. Army Corps of Engineers prior to any impacts. (CABARRUS SOIL AND WATER CONSERVATION DISTRICT)
6. NCDOT must receive confirmation from Pleasant Grove Church as to their preferred means of access. It will be necessary for the existing portion of Pleasant Grove Road between Tuckaseegee and Fox Tail Lane to be abandoned from NCDOT maintenance upon acceptance of the new road. NCDOT reserves the right to modify comments pending subsequent plan submittal and review. (NCDOT)
7. North Carolina form GW-30 must be filled with the Groundwater Section of the N.C. Department of Environment and Natural Resources when abandoning a well. (CABARRUS SOIL AND WATER CONSERVATION DISTRICT)
8. On-site wastewater system associated with abandoned homestead is required to be decommissioned according to procedures recommended by Cabarrus Health Alliance. (CABARRUS SOIL AND WATER CONSERVATION DISTRICT)



Staff Use Only:

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Tabled: \_\_\_\_\_

10. The part of the project located in Rowan County shall be approved by Rowan County prior to any final plats being processed by Cabarrus County. (Planning)

11. Trails should be located 60' back from the stream banks. (Planning)









# Rowan County

## Park Creek Phase III

Petition: C2008-01(S)  
Petitioner: Keith Wayne  
Zoning: AO  
Conventional Subdivision  
& Open Space Subdivision  
Proposed lots: 39  
Approximately +/- 97.83 acres

### Legend

-  Park Creek Phase III
-  Local Roads
-  Subdivisions
-  Parcel
-  Agricultural/Open Space Zoning
-  Cabarrus County Boundary

Feet  
0 275 550 1,100



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. This data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map prepared by Cabarrus County Planning Services, September 2008.





## Adequate Public Facility Worksheet - Schools

Please fill out the following questionnaire regarding the **Park Creek Phase III subdivision preliminary plat**. This project is identified as pin # 4694-12-1281 and is located off Plum Road. Your response is required by Wednesday, May 28, 2008 for inclusion in the staff report to the Cabarrus County Planning and Zoning Commission.

Please see the enclosed proposed site plan for location and information regarding the proposed development. If you need additional information for this project please contact **Colleen Nelson at 704-920-2149 or email at canelson@cabarruscounty.us.**

### **Questions**

1. At present students from the proposed development would attend the following schools:

Elementary - Boger

Middle - Northwest Cabarrus

High - Northwest Cabarrus

2. Using the most recent attendance figures, these schools are at what percent of their stated capacity? **Month 7, April 11, 2008.**

Elementary - 78.14%

Middle - 108.12%

High - 118.63%

3. How many students are expected from this development?

**Based on 39 lots**

Elementary - 12

Middle - 5

High - 5



The impact on these schools will be at what percent of their stated capacity when the proposed development is completed?

**Note:** this does not include other subdivisions that have already been approved for these attendance areas.

Elementary -	<u>79.63%</u>
Middle -	<u>108.71%</u>
High -	<u>118.98%</u>

4. Including previously approved subdivisions these schools will be at what percent of their stated capacity when the proposed development is completed?

Elementary -	<u>132.05%</u>
Middle -	<u>138.00%</u>
High -	<u>170.00%</u>

5. The schools currently available in this area can or cannot accommodate the additional students expected from this development? (if the answer above is "can", please stop here)
6. If this development cannot be served by existing schools, are any steps planned within the next two years to address this service delivery issue? Yes / No. If yes, please describe the steps that will be taken (use an additional sheet if necessary). Are these changes in an adopted capital improvement plan or has funding been identified?

Note: In the 15-Year Facilities Plan, Cox Mill High School is projected to open in 2009 in the western part of the county to relieve Northwest Cabarrus and Jay M. Robinson. In the Capital Improvement Plan revised in January 2008, a new middle school is proposed in 2010 in the south central part of the county that would relieve Northwest Cabarrus and Harris Road. A 200 seat addition is proposed for 2010 to relieve Boger. An addition/renovation at NMCMS in 2012 would add an additional 175 seats.

7. If there are not plans for new school facilities in the next two years, please describe the additional resources required to adequately serve the proposed development (attach an additional sheet if necessary)?



Additional capital funding is needed by 2010 for a new middle school in the south central part of the county. An addition at Boger is needed in 2010 to address the growth from already approved subdivisions/apartments in its attendance area. An addition at NWCMS in 2012 is needed to address the projected growth in its attendance area.

8. Are the improvements described in question 7 above included in an adopted capital improvement plan or has funding been identified? Yes / No

The Boger and NWCMS additions and a new middle school mentioned in question 7 have been included in the Capital Improvement Plan revised January 2008.. **Funding has not been identified for the Boger and NWCMS additions and a new middle school, nor has land been secured for the middle school.**

*This form was completed by: Robert C. Kluttz Date: May 27, 2008*

The Capital Improvement Plan addresses the capacity issue in the western part of the county where we are experiencing rapid growth as follows:

Cox Mill High School – (1500 seats – 1200 to NW & 300 to JMR) we would expect this new school to draw students from the west side of Lake Howell/Coddle Creek from the current Northwest Cabarrus attendance area. Approximately two thirds of the approved lots in the current Subdivision Inventory are located west of Lake Howell. Therefore, with the opening of the new high school we would expect the capacity at Northwest Cabarrus to be reduced to approximately eighty to ninety per cent. This will ultimately be determined by how the boundary is created and how much relief we can give Jay M. Robinson High School.

This percentage was determined by adding the capacity at Cox Mill High School and Northwest Cabarrus, then dividing by the number of students projected from the approved lots in the Subdivision Inventory. With redistricting the potential impact could drop the per cent of capacity to 85.67%.

South Central Middle School (1200 seats – 200 to NWM & 1000 to Harris Road)– we would expect this new school to draw 200 students from Northwest Cabarrus Middle School further reducing the per cent of capacity to 113.06%. The remainder of the students utilizing the 1200 seats is projected to come from Harris Road Middle School.



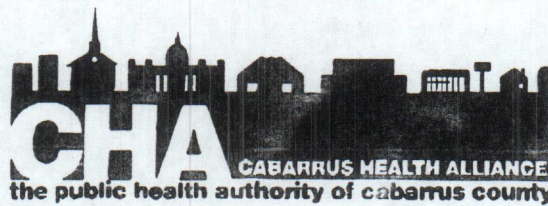
Charles E. Boger (200 seat addition to Boger in 2010) – a two hundred seat addition would bring the capacity to less than 110%. Any additional subdivision approvals by either the county or City of Kannapolis would alter this plan.

The 200 seat addition at Boger will increase the capacity to 1005. If this addition occurs within the next 5 years of the plan the capacity at Boger should be at 105.78%.

Northwest Cabarrus Middle School (175 seat addition to NWM in 2012) – this would increase the capacity to 1025 seats and would reduce the per cent of capacity to 94.93%.

Boundaries have not been created nor approved by the BOE at this time for the above mentioned projects. Therefore, it is very difficult to determine accurate figures for each individual school that will be impacted by the mentioned projects. The figures mentioned were derived by using the March Subdivision Inventory and determining the impact on the elementary, middle, and high school by each approved project.





September 11, 2008

Wayne Brothers Inc.  
c/o Mr. Carl Anderson  
8819 Columbus Street  
Davidson, NC 28036

Dear Mr. Anderson:

On September 11, 2008 an evaluation was completed on the revised plat of Park Creek Subdivision phase 3 sections A & B. It appears that, with the utilization of off-site areas, lots 1-7 and 9-39 should have areas for ground absorption sewage disposal systems.

It should be noted that some of the lots will be restricted to the size of the residence, the number of bedrooms, the location of the structures etc.

Lot 8 was not evaluated due to the fact that it is in Rowan County.

This letter is for informational purposes only and does not guarantee a permit will be issued on each individual lot.

If I can be of any further assistance please feel free to contact me at 704-920-1266.

Sincerely,

Mark D. Thompson, R.S.  
Environmental Health Specialist

mdt



**Cabarrus Soil and Water Conservation District  
715 Cabarrus Avenue, West  
Concord, N. C. 28027-6214  
(704) 920-3300**

**MEMORANDUM**

**TO:** Colleen Nelson, Senior Planner, Cabarrus County Planning and Zoning Services

**THROUGH:** Ned Y. Hudson, Chair                      Darrell Furr, Vice-Chair  
Board of Supervisors                      Watershed Improvement Commission

**FROM:** Dennis Testerman, Resource Conservation Specialist

**COPIES:** ☐ Susie Morris, Cabarrus County Commerce Department—Planning  
☐ Thomas Smith, Cabarrus County Commerce Department— Environmental Protection  
☐ Tony Johnson, Cabarrus County Commerce Department— Environmental Protection  
☐ Robbie Foxx, Cabarrus County Commerce Department—Zoning  
☐ Jay Lowe, Cabarrus County Commerce Department—Zoning  
☐ Peggy Finley, NCDENR, DWQ—Aquifer Protection Sect./Groundwater, Mooresville Regional Office  
☐ Alan Johnson, NCDENR, Div. of Water Quality, Mooresville Regional Office  
☐ Cyndi Karoly, NCDENR, Div. of Water Quality, Wetlands Unit, Raleigh  
☐ Robin Dolin, NCDENR, Ecosystem Enhancement Program  
☐ Ron Linville, NCDENR, Wildlife Resources Commission-Habitat Conservation Prog., W-S Reg. Office  
☐ Ray Furr, Water and Sewer Authority of Cabarrus County  
☐ Steve Lund, US Army Corps of Engineers, Asheville Regulatory Field Office  
☐ Nancy White, USDA-FSA, Cabarrus-Mecklenburg Service Center Office  
☐ Shawn Smith, USDA-NRCS, Dallas Field Office

**NAME OF PLAN:** Park Creek S/D Phase 2                      **PLAN TYPE:** Residential                      **JURISDICTION:** County

**LOCATION:** Tuckaseegee and Pleasant Grove Roads                      **ZONING:** AO

**OWNER:** Michael Allison, 986 Odell School Rd., Concord, NC 28027

**DEVELOPER:** Park Creek, LLC, 195 Erwin Woods Dr., Kannapolis, NC 28081; 704-933-7275

**DESIGN CONSULTANT:** David Tibbals, Keck & Wood, 10800 Sikes Place, Ste 360, Charlotte, NC 28227; 704-200-2060

**DATE SUBMITTED:** 5/16/08; Rev. 8/6/08 (Ph. 2 ESC Plan 6/28/05)                      **DATE REVIEWED:** 6/12/08 (Ph. 2 ESC Plan 6/30/05)

**PARCEL #:** 4694121281                      **TRACT#:** 90319                      **ACRES:** 97.8 (101.6)

**USGS TOPO QUAD MAP:** Enochville                      **LATITUDE/LONGITUDE:**

**RECEIVING WATERS:** Park Creek                      **WATERSHED:** HU 03040105020040 (NR-1 )

**PERENNIAL OR INTERMITTENT STREAMS PRESENT:** ☒ Yes                      ☐ No

**SOIL TYPE(S):** Cecil sandy clay loam (CcB2, Chewacla sandy loam (Ch), Pacolet sandy loam (PaF)

**HYDRIC SOILS:** ☒ Yes \* as possible inclusions in Chewacla                      ☐ No

**THE FOLLOWING CHECKED ITEMS ARE MISSING FROM OUR COPY OF THE PLAN—PLEASE SUBMIT:**

- |                                                        |                                                                                      |
|--------------------------------------------------------|--------------------------------------------------------------------------------------|
| <input type="checkbox"/> Location Map                  | <input checked="" type="checkbox"/> Open space covenant document                     |
| <input checked="" type="checkbox"/> Legend *incomplete | <input checked="" type="checkbox"/> River Stream Overlay Zone *on tributary          |
| <input type="checkbox"/> Start & Completion Dates      | <input checked="" type="checkbox"/> Environmental reviews                            |
| <input checked="" type="checkbox"/> Soil Type(s)       | <input checked="" type="checkbox"/> 401/404 wetland permits                          |
| <input type="checkbox"/> Floodplain boundaries         | <input checked="" type="checkbox"/> Location of existing structures and <u>trees</u> |

**ONSITE INSPECTION:** ☐ Yes                      ☒ No



## PLAN COMMENTS:

- ❑ Pre-submittal meeting between developer and/or designer and reviewers is highly recommended, preferably onsite.
- ❑ Waterbody buffer zone on Park Creek is indicated as required by the Subdivision/Zoning Ordinance and permit CESAW-CO88-N-013-0061 issued under Section 404 of the U. S. Clean Water Act (33 U.S.C. 1413) by the US Army Corps of Engineers.  
**Buffer on tributary is not indicated.** Buffer should extend outside the 100-year floodplain to filter pollutants from stormwater runoff during 100-year flood events.
- ❑ Lots 9-15, 22-23 and 27-29 should not be platted into the waterbody buffer zone. Buffer on lots 27-29 should be included in open space and protected by a conservation easement.
- ❑ Unless developer has prior authorization from appropriate federal and state authorities to impact jurisdictional waters or wetlands, the proposed project will be in violation federal and/or state law. Permits for disturbance of streams and other wetlands must be requested from N. C. Division of Water Quality and U. S. Army Corps of Engineers prior to any impacts. Please submit documentation to planners and Cabarrus Soil and Water Conservation District.
- ❑ A conservation easement on some or all open space is requested by Cabarrus Soil and Water Conservation District as part of the countywide open space initiative supported by the City of Concord. See brochure "This Land is Our Land. . . A Guide for Preserving Your Land for Generations to Come. " 24.2 acres of open space is indicated. All open space is in the Class II Water Supply Watershed area and should be conserved for water quality. Primary open space should prioritize waterbody buffers and also prime farmland soils for conservation easements. Open space should be maximized by taking advantage of conservation subdivision design elements in open space amenity subdivision option in county ordinance. Open space management plan should be compiled in consultation with Cabarrus Soil and Water Conservation District.
- ❑ This project is within a hydrological unit (HU) included in the North Carolina Ecosystem Enhancement Program's (EEP) Upper Rocky River Watershed Plan area. Recommendations in the plan document were made by the local stakeholders in consultation with EEP staff and the project consultants. This stakeholders group included Cabarrus County staff. Every effort should be made to use recommended best management practices to prevent water quality impairment. Use of low impact development practices are recommended, including 1) Wet Stormwater Detention Ponds; 2) Bio-Retention Areas; 3) Reinforced Grass Swales; and 4) Level Spreaders in conjunction with Riparian Buffers.
- ❑ The erosion and sedimentation control plan for this site should be followed closely once it has been submitted and approved. Proposed detention pond indicated at the back of lots 16, 19 and 20 cannot be located inside the waterbody buffer zone.
- ❑ Cumulative and secondary impacts associated with this proposed development are not known and should be assessed prior to final plan approval.
- ❑ The following prime farmland soils will be removed from production: CcB2 and Ch. Farmland Conversion Impact Rating form (AD-1006) must be filed if federal funds are involved. Redesign of plan to provide for more open space protection of these soils is encouraged.
- ❑ The following soil is classified as important state farmland soil and will be removed from production: CcD2.
- ❑ The information in this table indicates the dominant soil condition, but does not eliminate the need for onsite investigation. The numbers in the value column range from 0.01 to 1.00. The larger the value, the greater the potential limitation. Limiting features in this report are limited to the top 5 limitations. Additional limitations may exist.

Map Symbol	Soil Name	Pct of Map Unit	Dwellings without Basements	Local Roads and Streets	Lawns and Landscaping	Dwellings with Basements
			Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value	Rating Class and Limiting Features - Value
CcB2	Cecil	80	Not limited	Somewhat limited Low strength - 0	Not limited	Not limited
CcD2	Cecil	80	Somewhat limited Slope - 0.63	Somewhat limited Slope - 0.63 Low strength - 0	Somewhat limited Slope - 0.63	Somewhat limited Slope - 0.63
Ch	Chewacla	80	Very limited Flooding - 1 Depth to saturated zone - 1	Very limited Flooding - 1 Depth to saturated zone - 0.94	Very limited Flooding - 1 Depth to saturated zone - 0.94	Very limited Flooding - 1 Depth to saturated zone - 1
PaF	Pacolet	75	Very limited Slope - 1	Very limited Slope - 1 Low strength - 0	Very limited Slope - 1	Very limited Slope - 1

Disclaimer: Small areas of contrasting soils with different interpretations may not be shown on the soil maps due to the scale of the mapping. Soil surveys seldom contain detailed site specific information. This data set is not designed for use as primary regulatory tools in permitting or siting decisions, but may be used as a reference source. These data and their interpretations are intended for planning purposes only. This is public information and may be interpreted by organizations, agencies, units of government and others based on needs; however, these entities are responsible for the appropriate use and application of these data. Digital data files are periodically updated. Reports are dated and users are responsible for obtaining the latest version of the data.

- ❑ Lots 5-23 appear to be on soil type PaF, which has slopes ranging from 15-35%. Grading of these lots will present a real erosion control challenge on the slopes above waterways that are within the WSII water supply watershed on Coddle Creek.
- ❑ Development of site will remove existing forestland from production, result in loss of environmental services from forest land cover, and accelerate the rate of loss of green infrastructure in the county.



- ❑ Private well was likely associated with existing/abandoned homestead on Lot 36. NC form GW-30 must be filed with the Groundwater Section of the N.C. Dept. of Environment and Natural Resources when abandoning a well.
- ❑ On-site wastewater system associated with abandoned homestead is required to be decommissioned according to procedures recommended by Cabarrus Health Alliance (see attachment).
- ❑ Underground utilities including, but not limited, communications, electricity, natural gas and/or petroleum, wastewater and water may exist on site. Verify status before disturbing site by observation and by calling the NC One Call Center, 1-800-632-4949. Unmarked graves, underground mine shafts and historic Native American sites are not uncommon in Cabarrus County. Construction crews should be vigilant for the presence of these cultural and historical sites. Construction must be halted and appropriate authorities notified when any of these sites are uncovered.
- ❑ Additional field visits by Cabarrus SWCD and/or its conservation partners may be required, including but not limited to sedimentation and erosion control plan review.

**Please provide copies of approval notice and any revisions to this plan to the Cabarrus Soil and Water Conservation District.**

#### **CONTACT(S):**

Cabarrus County, Commerce Department, Susie Morris, 704-920-2858  
 Cabarrus County Commerce Department—Environmental Protection, Thomas Smith, 704-920-2411  
 Cabarrus County Commerce Department—Environmental Protection, Tony Johnson, 704-920-2835  
 Cabarrus County Commerce Department—Zoning, Robbie Foxx, 704-920-2138  
 Cabarrus County Commerce Department—Zoning, Jay Lowe, 704-920-2140  
 Cabarrus Health Alliance, Environmental Health, David Troutman, 704-920-1207  
 Cabarrus SWCD & Watershed Improvement Commission, Dennis Testerman, 704-920-3303  
 NC DENR Div. of Forest Resources, Robert Ward, 704-782-6371  
 NCDENR-Mooresville Regional Office, Groundwater Section, Peggy Finley, 704-663-1699  
 NCDENR, Div. of Water Quality, Mooresville Reg. Office, Alan Johnson, 704-663-1699  
 NCDENR, Div. of Water Quality, Raleigh, Cyndi Karoly, 919-733-9721  
 NCDENR, Ecosystem Enhancement Program, Robin Dolin, 919-715-5836  
 NCDENR, Wildlife Resources Commission-Habitat Conservation Prog., W-S Reg. Office, Ron Linville, 336-769-9453  
 Water and Sewer Authority of Cabarrus County, Ray Furr, 704-788-4164 x 11  
 U. S. Army Corps of Engineers, Asheville Regulatory Field Office, Steve Lund, 828-271-7980 x223  
 USDA-FSA, Cabarrus-Mecklenburg Service Center Office, Nancy White, 704-782-2107  
 USDA-NRCS, Concord Field Office, Shawn Smith, 704-788-2107

#### **REFERENCES:**

- “Avoiding Tree Damage During Construction.” Consumer Information Program Fact Sheet. International Society of Arboriculture.  
[\[http://www.isa-arbor.com/consumer/avoiding.html\]](http://www.isa-arbor.com/consumer/avoiding.html)
- “Conservation-Based Subdivision Design: Protecting Water Quality and Scenic Resources in NC Mountains.” Conservation Trust for North Carolina. 1997
- “Erosion and Sedimentation on Construction Sites.” Soil Quality—Urban Technical Note No. 1. USDA, NRCS.  
[\[http://www.statlab.iastate.edu/survey/SQI/pdf/u01d.pdf\]](http://www.statlab.iastate.edu/survey/SQI/pdf/u01d.pdf)
- “401 Water Quality Certification Program – The Basics.” N.C. DENR. Div. of Water Quality, Wetlands Section.  
[\[http://h2o.enr.state.nc.us/ncwetlands/basic401.html\]](http://h2o.enr.state.nc.us/ncwetlands/basic401.html)
- “North Carolina Ecosystem Enhancement Program’s Upper Rocky River Watershed Plan.”  
[\[http://www.nceep.net/services/lwps/Clarke\\_Creek/Upper\\_Rocky.pdf\]](http://www.nceep.net/services/lwps/Clarke_Creek/Upper_Rocky.pdf)
- “Protecting Urban Soil Quality: Examples for Landscape Codes and Specifications.” [\[http://soils.usda.gov/sqi/files/UrbanSQ.pdf\]](http://soils.usda.gov/sqi/files/UrbanSQ.pdf)
- “Recognizing Wetlands.” Informational Pamphlet. US Army Corps of Engineers  
[\[http://www.usace.army.mil/inet/functions/cw/cecwo/reg/rw-bro.htm\]](http://www.usace.army.mil/inet/functions/cw/cecwo/reg/rw-bro.htm)
- “Seeding Specifications.” Sect. 6.10 & 6.11 in Erosion and Sediment Control Planning and Design Manual. N. C. NRCD.
- “Soil Sampling for Home Lawns & Gardens.” N.C. Dept. of Agriculture & Consumer Services.  
[\[http://www.ncagr.com/agronomi/samhome.htm\]](http://www.ncagr.com/agronomi/samhome.htm)



- "This Land is Our Land. . . A Guide to Preserving Your Land for Generations to Come." [<http://www.cabarruscounty.us/Easements/>]
- "Topsoiling Specifications." Sect. 6.04 in Erosion and Sediment Control Planning and Design Manual. N. C. NRCD.
- "Urban Soil Compaction." Soil Quality—Urban Technical Note No. 2. USDA, Natural Resources Conservation Service. [<http://www.statlab.iastate.edu/survey/SQL/pdf/u02d.pdf>]
- "Well Abandonment." Brochure. N.C. DENR. Div. of Water Quality, Groundwater Section. [<http://h2o.enr.state.nc.us/documents/Bro-WellAbandon.pdf>]
- "Well Decommissioning." Field Office Tech. Guide, USDA, Natural Resources Conservation Service. [[http://h2o.enr.state.nc.us/aps/gpu/documents/Well\\_decom.pdf](http://h2o.enr.state.nc.us/aps/gpu/documents/Well_decom.pdf)]
- "Yadkin-Pee Dee River Basinwide Water Quality Plan." N.C. DENR. Div. of Water Quality—Planning Sect., Basinwide Planning Prog. 2003. [[http://h2o.enr.state.nc.us/basinwide/yadkin/YadkinPD\\_wq\\_dt\\_management\\_plan0103.htm](http://h2o.enr.state.nc.us/basinwide/yadkin/YadkinPD_wq_dt_management_plan0103.htm)]
- "Watershed Management Plans & Recommendations: Lower Yadkin / Upper Rocky River Basin Local Watershed Planning (Phase Two). NCDENR, Ecosystem Enhancement Program. 2004. [[http://www.ces.ncsu.edu/depts/agecon/WECO/rocky\\_river/URR2\\_WMP.pdf](http://www.ces.ncsu.edu/depts/agecon/WECO/rocky_river/URR2_WMP.pdf)]



Jeff Huss

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**From:** Stewart, Shane A. [Shane.Stewart@rowancountync.gov]  
**Sent:** Wednesday, September 10, 2008 1:20 PM  
**To:** Jeff Huss  
**Subject:** RE: Park Creek Subdivision  
**Attachments:** Park Creek Table 12.puf

Jeff

As I indicated previously, the main concern our office would have is in regard to the flood plain information. The surveyor should identify the BFE to the 1/10 ft accuracy and the non-encroachment width as depicted on table 12 (see attached). Our community ID number is 370351 while the panel number is 4694 based on the preliminary issuance date of May 30, 2007. Should the surveyor need any additional info, direct them to [www.ncfloodmaps.com](http://www.ncfloodmaps.com). If the streets are intended to be offered to the local NCDOT and an HOA will be set up for the responsibility of the common areas, we are fine with the project.

Thanks for the heads-up.

Shane A. Stewart  
Senior Planner  
Rowan County Department of  
Planning & Development  
402 N Main St  
Salisbury, NC 28144  
Phone 704.216.8588  
Fax 704.638.3130  
Email [Shane.Stewart@rowancountync.gov](mailto:Shane.Stewart@rowancountync.gov)  
Web <http://www.rowancountync.gov>

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**From:** Jeff Huss [mailto:JMHuss@cabarruscounty.us]  
**Sent:** Wednesday, September 10, 2008 10:44 AM  
**To:** Stewart, Shane A.  
**Subject:** Park Creek Subdivision

Shane,

I have attached the PDFs for you to review. I attached all four sheets, just in case, but the lot in question is on 2 & 4. Preciate your help. Let me know if you need anything. Thanks.

**Jeff Huss**  
**Planner**  
**Cabarrus County Commerce Department**  
**65 Church Street SE**  
**Concord, NC 28026**  
**704.920.2204**

DISCLAIMER:

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Table 12—Limited Detailed Flood Hazard Data

Cross Section <sup>1</sup>	Stream Station <sup>2</sup>	Flood Discharge (cfs)	1% Annual Chance Water-Surface Elevation (feet NAVD 88)	Non-Encroachment Width <sup>3</sup> (feet)
<b>NORTH SECOND CREEK (continued)</b>				
539	53,853	8,593	668.8	285 / 168
544	54,406	8,593	669.6	69 / 270
550	55,000	8,593	670.5	289 / 160
555	55,500	8,593	671.0	307 / 150
560	56,000	8,593	671.5	296 / 168
565	56,500	8,593	671.8	161 / 152
567	56,716	8,593	672.0	48 / 127
<b>PARK CREEK</b>				
092	9,191	1,920	678.5	109 / 12
096	9,629	1,920	679.9	105 / 21
099	9,925	1,920	681.2	11 / 58
105	10,501	1,785	684.0	23 / 100
111	11,129	1,785	686.0	25 / 31
116	11,629	1,785	688.9	22 / 49
121	12,129	1,785	691.6	53 / 72
126	12,612	1,785	693.7	57 / 60
131	13,129	1,785	695.6	11 / 54
136	13,629	1,507	698.4	19 / 140
141	14,129	1,507	699.6	13 / 117
144	14,385	1,507	701.0	27 / 72
148	14,750	1,507	702.7	111 / 28
152	15,222	1,507	705.8	45 / 9
156	15,629	1,507	708.6	10 / 85
159	15,902	1,507	709.7	21 / 42
161	16,120	1,507	714.9	8 / 27
163	16,313	1,507	722.0	20 / 22
166	16,629	1,507	732.2	25 / 12
168	16,849	1,366	738.2	14 / 23
172	17,171	1,366	742.1	23 / 34
180	18,039	1,366	747.7	14 / 119
184	18,380	1,366	749.4	45 / 70
186	18,634	1,366	750.5	9 / 83
188	18,845	1,366	751.2	14 / 54
192	19,152	1,366	753.7	18 / 68
196	19,634	1,198	755.6	42 / 69
199	19,880	1,198	756.2	32 / 35
201	20,089	1,198	756.8	20 / 70
204	20,359	1,198	758.0	11 / 60
206	20,618	1,198	759.7	6 / 106
211	21,139	1,198	761.8	13 / 34
217	21,680	1,198	764.9	30 / 12
221	22,137	1,198	767.6	176 / 9
226	22,640	1,198	769.8	96 / 8



Jeff Huss

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**From:** Childress, Brian L [bchildress@ncdot.gov]  
**Sent:** Wednesday, September 10, 2008 2:54 PM  
**To:** Jeff Huss  
**Subject:** RE: Park Creek Subdivision

Jeff,

I talked with my supervisor Chris Corriher and the District office for Cabarrus Co. can review the plans but if they wants to look at the plans let me know .

Brian

---

**From:** Jeff Huss [mailto:JMHuss@cabarruscounty.us]  
**Sent:** Wednesday, September 10, 2008 2:31 PM  
**To:** Childress, Brian L  
**Subject:** Park Creek Subdivision

Mr. Childress,

I have attached PDF versions for your review. Let me know if you have any questions. Thanks.

**Jeff Huss**  
**Planner**  
**Cabarrus County Commerce Department**  
**65 Church Street SE**  
**Concord, NC 28026**  
**704.920.2204**

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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.



## Jeff Huss

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**From:** Stewart, Shane A. [Shane.Stewart@rowancountync.gov]  
**Sent:** Thursday, November 06, 2008 9:12 AM  
**To:** Carl Anderson  
**Cc:** Jeff Huss  
**Subject:** RE: Park Creek  
**Attachments:** Park Creek Subdivision

Carl

Based on sheets 2 & 4 of the attached email from Jeff Huss, only lot 8 will be in Rowan County and a small portion of 9. As stated previously, this will be reviewed administratively and will not require Planning Board or Board of Commissioner action. We need to make certain the proposed restrictions cover the streets, buffers, and open space maintenance. Roads should be designed to DOT standards or a close standard thereto. Additional information is needed on the flood plain (e.g. BFE to the 1/10 of a foot, show non-encroachment width, and acreage therein). The acreage within each county should also be shown on lot 9.

For final approval, we would like to see the engineer's testing data on the final street construction to ensure it was built to the proper standard (our local DOT office provides a review of private roads). Once all improvements have been completed or bonded, the plat may be recorded.

For permit on lot 8, we will need to see a proposed home location with elevations compared to the flood plain location with elevations all to the 1/10 ft accuracy. After a permit is issued, we will need to see an as-built condition of the foundation level of the home to ensure the construction followed the proposed layout.

This is a general list of comments I have on the plan. Since we are only dealing with one lot, we're not that concerned with the plan. We may be able to speak with Jeff and get a sense of the necessary documentation mentioned above as they are likely concerned about seeing the same.

Let me know if you have any further questions.

Shane A. Stewart  
Senior Planner  
Rowan County Department of  
Planning & Development  
402 N Main St  
Salisbury, NC 28144  
Phone 704.216.8588  
Fax 704.638.3130  
Email [Shane.Stewart@rowancountync.gov](mailto:Shane.Stewart@rowancountync.gov)  
Web <http://www.rowancountync.gov>

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**From:** Carl Anderson [mailto:carla@waynebros.com]  
**Sent:** Thursday, November 06, 2008 7:51 AM  
**To:** Stewart, Shane A.  
**Subject:** Park Creek

Shane,



We had spoken previously regarding the 2+ acre piece associated with a parcel being considered for preliminary plat approval in Cabarrus County. At this time, we are back on the schedule for that approval to take place November 20, 2008.

I wanted to follow up to outline and verify the basics of our past conversations. Due to the size of the parcel, it was determined that the review necessary would be merely administrative, and by that I mean not require a full formal review by the Rowan County Planning and Zoning Board, but be handled by the staff. We discussed the need to verify and finalize the portion of the parcel that will be truly considered Rowan County, as it appeared that one lot would have only a portion of it's property across the county line, and would most likely be considered a Cabarrus lot, while one full lot, and some open space and buffer areas will clearly remain solely in Rowan County. These calculations and designations will be finalized at the final plat approval, and be verified with both Cabarrus County and Rowan County and a copy of the entire plat will be recorded in both counties.

I want to thank you for your efforts in working with us on this project, and ask if you could prepare a letter from your department stating these items for our records, or at a minimum reply to this e-mail acknowledging such, or as necessary providing the correct information. The reasons for this revolve around our current economy, and the affects it is having on the construction and housing markets at this time. Though we intend to move forward to obtain our approvals and entitlements on the parcel, we understand that this provides us a two year window to construct and record a plat, and do not have a definitive time table on when this work will begin. It will be in our best interest to document our conversations in case personnel changes are made between now and then within your department.

Thank you again for your assistance and cooperation. I look forward to hearing from you, and hopefully working with you soon to complete this project.

Regards,

**Carl Anderson**

Development Manager

Park Creek LLC

195 Ervin Woods Dr.

Kannapolis, NC 28081

Office 704-933-7275

Fax 704-933-0815

Cell 704-320-7649

[www.parkcreek.com](http://www.parkcreek.com)



**Colleen Nelson**

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**From:** Wagner, Leah P [lwagner@ncdot.gov]  
**Sent:** Monday, June 02, 2008 11:50 AM  
**To:** Colleen Nelson  
**Cc:** Wagner, Leah P  
**Subject:** RE: Park Creek Comments

Colleen,

In concept, the plat is fine; however, there are a few items that are going to have to be addressed:

- Show 10'x70' sight distance triangles.
- Remove "terminate intersection per meeting w/ NCDOT".
- Remove "new access to Pleasant Grove Baptist Church".
- Show "street turnout" for access to existing Pleasant Grove Road - to the homes that currently utilize the existing road. Include sight distance triangles at this intersection location.
- NCDOT must receive confirmation from the Church as to their preferred means of access.
- Is Fox Tail Lane to be public between Pleasant Grove Road and Tuckaseegee Road in light of replacing Pleasant Grove Road access to homes??? If it is the intent of this street to be maintained by NCDOT, a complete set of construction plans must be submitted for review.
- It will be necessary for the existing portion of Pleasant Grove Road between Tuckaseegee and Fox Tail Lane to be abandoned from NCDOT maintenance upon acceptance of the new road.

NCDOT reserves the right to modify comments pending subsequent plan submittal and review.  
Thanks, Leah

---

**From:** Colleen Nelson [mailto:CANelson@cabarruscounty.us]  
**Sent:** Monday, June 02, 2008 8:24 AM  
**To:** Wagner, Leah P; Dennis Testerman  
**Subject:** Park Creek Comments  
**Importance:** High

This plat's comments were due last week. I need to have the comments to the applicant ASAP so that they can revise the plat and have copies to me by Thursday. Please let me know the status on this project.

Thank you.

*Colleen Nelson, Senior Planner*

*Cabarrus County*

*Commerce Department*

*Planning Division*

*Phone- 704-920-2149*

*Fax- 704-920-2227*

6/2/2008



# Park Creek Phase III

Petition: C2008-01(S)  
 Petitioner: Keith Wayne  
 Zoning: AO  
 Conventional Subdivision  
 & Open Space Subdivision  
 Proposed lots: 39  
 Approximately +/- 97.83 acres



- Legend**
- Park Creek Phase III
  - Subdivisions
  - Parcel
  - Cabarrus County Boundary

0 270 540 1,080 Feet



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. This data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

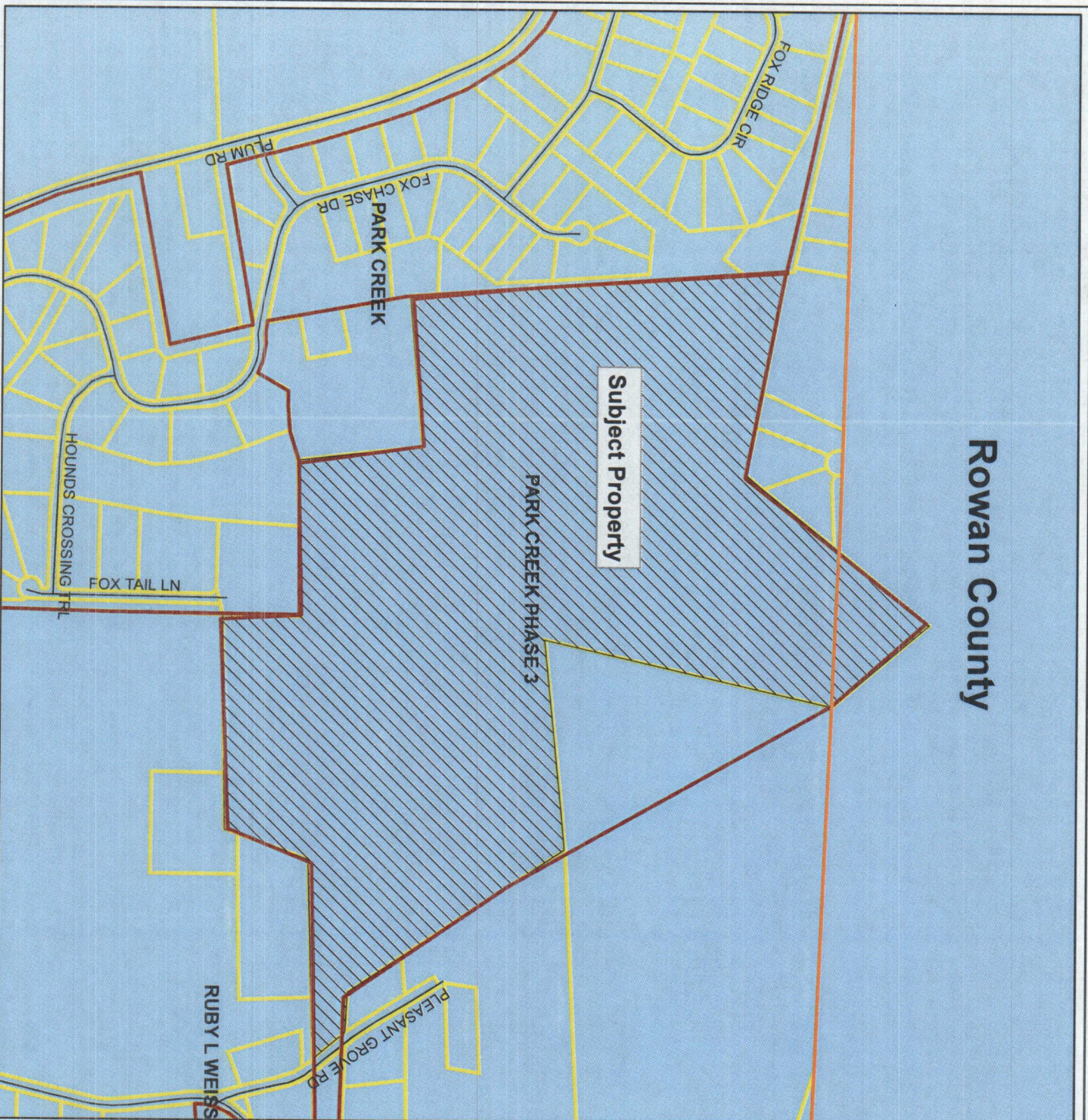
Map prepared by Cabarrus County Planning Services, September 2008.



# Rowan County

## Park Creek Phase III

Petition: C2008-01(S)  
 Petitioner: Keith Wayne  
 Zoning: AO  
 Conventional Subdivision  
 & Open Space Subdivision  
 Proposed lots: 39  
 Approximately +/- 97.83 acres



Subject Property

PARK CREEK PHASE 3

0 275 550 1,100 Feet

- Legend**
- Subdivisions
  - Park Creek Phase III
  - Local Roads
  - Parcel
  - Watershed - Protected Area
  - Cabarrus County Boundary



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. This data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map prepared by Cabarrus County Planning Services, September 2008.





## Open Space Management Plan for Park Creek Subdivision

### Overview:

Park Creek, LLC intends to insure the natural beauty of the Park Creek Subdivision, to prevent future impairment, enhance the value of the subdivision, and intends to prevent nuisances affecting properties within the development. Park Creek, LLC also desires to provide for the construction, maintenance and upkeep of any open space/common areas within the subdivision.

The following management plan is created to allocate responsibility and form the guidelines for the maintenance and operation of the open space/common areas, including a provision for natural resource conservation, ongoing maintenance and for the long term capital improvements of the Park Creek Subdivision.

The Park Creek Home Owners Association was formed in July, 1998 for the purpose of delegating and assigning the various duties necessary to accomplish the above mission. These duties include the powers of owning, maintaining and administering the open space/common areas. The association Board of Directors will appoint a community management group or association to manage the property and will administer landscape agreements for the maintenance and upkeep of the open spaces/common areas.

### Use of Open Space

The OPEN SPACE / COMMON AREAS will be;

1. Active & Passive recreation areas as identified on the plat plan(s).
2. Conservation of land in its natural state where possible.
3. Trails and recreation areas noted on the plat plan. All active OPEN SPACE / COMMON AREAS will be accessible to all residents. Maintenance is limited to ensuring that no hazards, nuisances or unhealthy conditions exist.
4. Easements for public utilities and drainage. Easements may also be provided to allow for access to stream management and restoration purposes to be provided by Cabarrus County, The Cabarrus County Soil & Water Conservation District, the State of North Carolina or other state or county authorized agencies.

### Maintenance of the OPEN SPACE / COMMON AREAS

All OPEN SPACE / COMMON AREAS will be kept clean and free of garbage, debris and maintained in an orderly condition consistent with their intended use, including any repair and replacement of landscaping, utilities or improvements.



The landscape maintenance agreement will include the following:

Turf Care will include mowing, edging, trimming; weed control, aeration, over seeding, fertilization & other necessary applications.

Shrub care will include trimming, pruning, fertilization, insect & disease control, and weed control.

Tree care will include trimming, pruning, fertilization, and insect & disease control.

General maintenance including leaf removal, debris pick up, pruning, inspections, irrigation & lighting checks, and pine needle/mulch additions.

RSOZ & Buffers will remain undisturbed, apart from public trail for residences, approved utility extensions, temporary stream crossing or other utilitarian impacts necessary for the development of the subdivision. When land disturbing activities such as plowing, grading, ditching excavation, placement of fill material, or similar activities occur, they shall conform to State & Federal regulations and shall be in accordance with Chapter 4, Part II of the Cabarrus County Zoning Ordinance entitled River/River Stream Overlay Zone (RSOZ).

Maintenance of passive open space is limited to removal of litter, dead trees and plant materials and brush; weeding and mowing will be done on an as needed basis. Natural water courses are to be maintained as free-flowing and generally devoid of significant debris. It is understood that healthy, ecologically functional streams include woody debris. Stream channels shall be maintained so as not to alter floodplain levels unless approved by Cabarrus County, and other applicable jurisdictions with agency authority.

#### **Failure to Maintain OPEN SPACE / COMMON AREAS**

Cabarrus County and or Cabarrus Soil and Water Conservation District may assume responsibility for maintenance of open space should the HOA fail to maintain all or any portion in reasonable order and condition. The county may enter the premises and take corrective action including the provision of extended maintenance. The cost of such maintenance may be charged to the HOA, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

#### **Costs for Maintenance/ Operation/ Insurance**

A reserve fund is to be established by the HOA to provide for the periodic maintenance, repair, and reconstruction of the OPEN SPACE / COMMON AREAS and any improvements located on such areas. The reserve fund shall be collected and maintained out of the annual assessment collected from the owners. The HOA shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the OPEN SPACE / COMMON AREAS shall be borne by the HOA. The HOA shall not be responsible for the costs associated with stream and wildlife habitat management, restoration, and or/invasive species control unless specifically agreed to by the HOA and under a separate agreement.



**PLANNING STAFF REPORT**  
**CABARRUS COUNTY PLANNING AND ZONING BOARD**  
September 18, 2008

**Petition:** **C2008-04 (R) Zoning Atlas Amendment-Central Area Land Use Plan Implementation Rezoning**

**Applicant:** Administrative Rezoning

**Property Owner:** Multiple Property Owners

**Existing Zoning:** LDR, CR, MDR, HDR, GI, LC, OI

**Proposed Zoning:** AO, LI, OI, LDR, CR

**PIN#:** Multiple PIN Numbers

**Area:** +/- 24,548 acres

**Description:** Properties in this area must incur zoning changes in order for densities to correspond to the densities in the adopted plan. The properties subject to zoning changes will be subject to changes to less dense zoning classifications.

**Zoning History:** Zoning designations currently in place were a result of the mass rezoning that took place in 2005 in order to direct growth to areas where infrastructure supports growth.

**Infrastructure:** Subject properties are served by well and septic systems or by the City of Concord public utility system.

**Exhibits:**

1. Central Area Plan Map Including Density Descriptions
2. Maps Corresponding to Staff Report
  - Land Use
  - Existing Zoning
  - Proposed Zoning

**Submitted by:** Susie Morris, AICP, CZO, Planning and Zoning Manager

**Discussion of Areas:**

Area 1-Agricultural/Rural Area North of Highway 73

This area starts at Highway 73 and extends north to Rowan County. This area is roughly defined by Cold Water Creek to the west and Irish Potato Road to the east. The Central Area Plan calls



densities up to 2 units per acre, or up to 3 units per acre provided additional development standards are met.

Properties in this area are currently zoned Low Density Residential (LDR), Countryside Residential (CR), Office Institutional (OI) and Limited Commercial (LC). Parcels in this general area will be rezoned to the Countryside Residential (CR) and Agricultural Open Space (AO) zoning designations to coincide with the permitted densities in the Land Use Plan.

#### Area 4-Area South of Highway 200 and East of the Utility Service Boundary

This area is roughly defined as the area east of the Utility Service Boundary and south of Highway 200.

This area is designated as Rural Residential by the Central Area Land Use Plan. The Land Use Plan states that this area is comprised mostly of lands determined to remain agrarian in the future. Residential uses may be allowed but only to support agrarian purposes and are not the predominant use. Therefore, residential uses are provided only at the very lowest densities. Predominant uses are agricultural and single-family residential. Densities are 1 unit per 3 acres or up to 1 unit per 2 acres provided additional development standards are met.

Existing zoning in this area is Countryside Residential (CR). Proposed zoning in this area is Agricultural Open Space (AO). These densities permitted in this zoning designation are consistent with the densities proposed in the area plan.

#### Area 5-Area West of the Utility Service Boundary Line

This area is the remaining area of the Planning Area located to the west of the Utility Service Boundary (USB) line as defined in the Land Use Plan and as part of the Amended Agreement entered into by the City of Concord and Cabarrus County.

Existing zoning designations in this area varied and include Low Density Residential (LDR), High Density Residential (HDR), Office Institutional (OI) and General Industrial (GI). Proposed zoning designations for this area are Light Industrial (LI), Low Density Residential (LDR), Office Institutional (OI) and Countryside Residential (CR) in order to have properties zoned consistently with the densities set forth in the Central Area Land Use Plan.

#### Intent of Proposed Zoning Districts:

##### Agricultural/Open Space

This district is comprised mostly of lands usually found on the eastern side of the County which, due to physical characteristics such as soil type, topography, etc., should remain agrarian or very low density. To a lesser degree, these are also those lands which are conducive to providing recreationally oriented open space. These land areas should remain the farmland and undeveloped/forested land of the County. Public utilities will not be planned for these areas. Consequently, residential uses that support those working and/or owning the land, home occupations allied with existing residences, and very limited business endeavor are envisioned as



Staff Analysis:

This is a conventional rezoning request. All uses permitted in the AO, CR, LI, OI and MDR zoning designations would be permitted on the subject properties if rezoned.

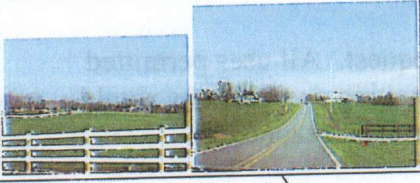
Consideration of Proposed  
Rezoning:

The proposed zoning changes are consistent with the adopted Central Area Land Use Plan and are in keeping with the intent of the zoning ordinance for the AO, CR, LI, OI and MDR zoning districts as defined in the Cabarrus County Zoning Ordinance.



### Rural Residential

Comprised mostly of lands determined to remain agrarian in the future. Residential uses may be allowed but only to support agrarian purposes and are not the predominant use. Therefore, residential uses are provided only at the very lowest densities. Predominant Use(s): agricultural and single-family residential. Density up to 1 unit per 3 acres, or up to 1 unit per 2 acres provided additional development standards are met.



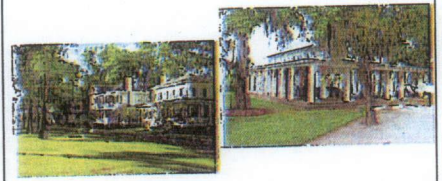
### Very Low Density Residential

Intended to remain predominantly rural in character, while allowing residential uses to occur at very low to low densities. Predominant Use(s): single-family residential. Density up to 1 unit per 2 acres, or up to 2 units per acre provided additional development standards are met.



### Low Density Residential

Intended to allow low to moderate density residential accommodating community development. Predominant Use(s): single-family residential. Density up to 2 units per acre, or up to 3 units per acre provided additional development standards are met.



### Medium Density Residential

Intended to allow moderately high density residential accommodating community development. Predominant Use(s): single-family residential. Density up to 3 units per acre, or up to 4 units per acre provided additional development standards are met. Units may be attached in the form of townhouses and/or duplexes.



### Industrial

Intended to provide small-scale industrial and office uses. Predominant Use(s): existing industrial and clean, light industrial and multi-tenant (flex space).



### Mixed-Use

Accommodates development that combines two or more compatible uses to create pedestrian-friendly, higher density development where it is supported by infrastructure. Predominant Use(s): retail, office, multi-tenant (flex space), single-family detached and attached residential and multi-family residential.



### Open Space/Recreation

Existing parks serving the area, including some outside of the study area.



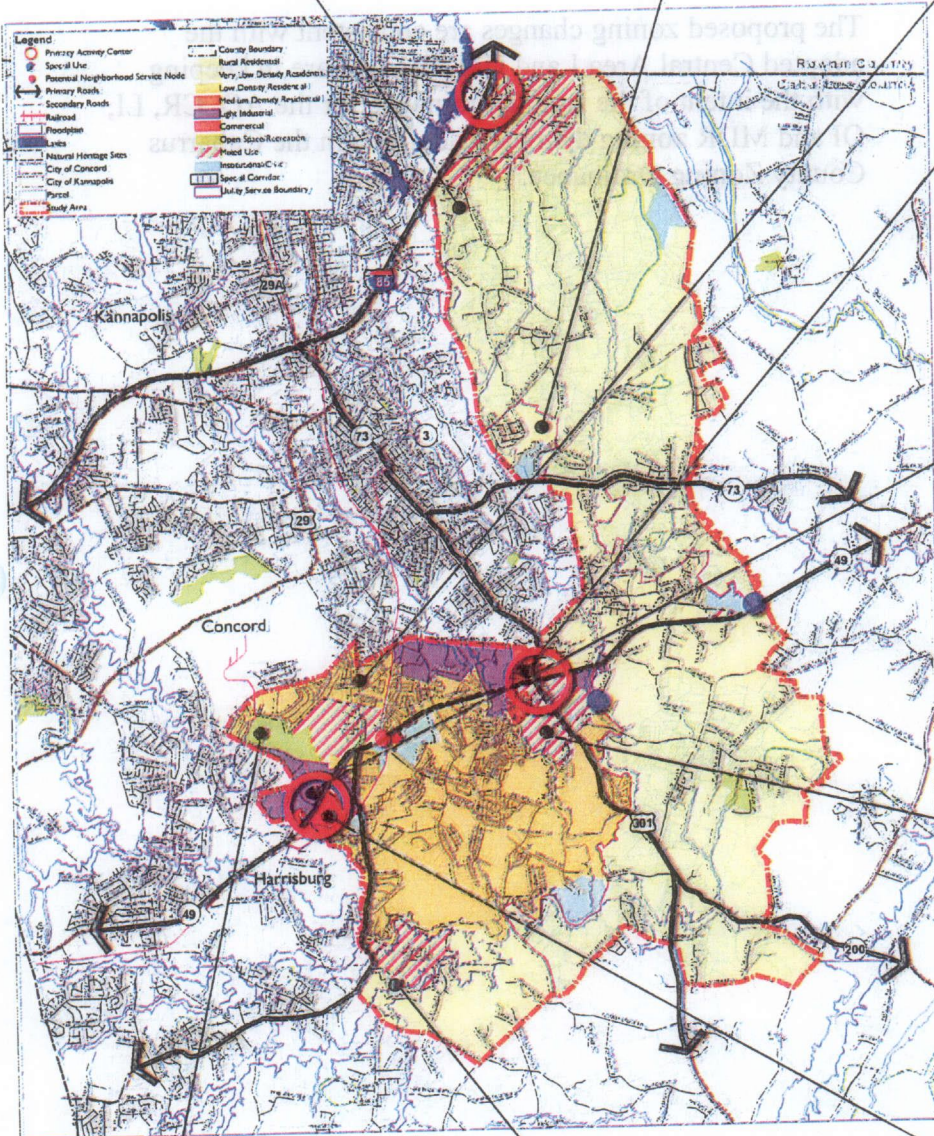
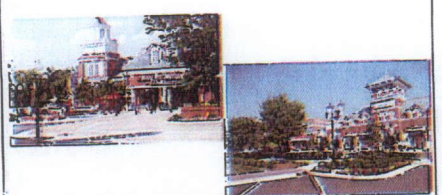
### Institutional/Civic

Recognizes areas where a public use is appropriate to serve the needs of the overall community. Predominant Use(s): schools, libraries, churches, public safety facilities.



### Commercial

Intended to maintain existing areas for small-scale commercial development while accommodating future large scale commercial uses. Predominant Use(s): Retail.





## Susie Morris

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**From:** Christy Shi [christy.shi@gmail.com]  
**Sent:** Thursday, November 20, 2008 3:06 PM  
**To:** Susie Morris  
**Cc:** Dennis Testerman; Brian Little; garnie; Ariel Dixon; Brent Barbee; Trish Cramer; Karen Owens; jason.owens@thrivent.com; Debbie Bost  
**Subject:** Support for Tonight's Downzoning Vote

Hi Susie,

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Town of Davidson resident  
Town of Davidson Planning Board member  
Town of Davidson Sustainability Task Force chair  
Davidson College Sustainability Council member  
Know Your Farms, LLC owner

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To: Susie Morris  
Cc: Dennis Testerman; Brian Little; Gannet; Angel D. Owens; Jason Owens@thivent.com; David Shi  
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# Memo

**To:** Cabarrus County Planning and Zoning Commission  
**From:** Susie Morris, AICP, Planning and Zoning Manager  
**CC:** File  
**Date:** November 20, 2008  
**Re:** Proposed Text Amendment C2008-05-ZT, Parking Standards

---

Staff is requesting that proposed Text Amendment Case C2008-05-ZT be withdrawn.



# Memo

**To:** Cabarrus County Planning and Zoning Commission  
**From:** Susie Morris, AICP, Planning and Zoning Manager  
**CC:** File  
**Date:** November 13, 2008  
**Re:** Proposed Text Amendment C2008-05-ZT, Parking Standards

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- Attached you will find proposed changes to Chapter 10, Parking and Loading of the Cabarrus County Zoning Ordinance.
- The purpose of these changes is to add flexibility in parking lot design standards and materials when projects are located next to environmentally fragile areas, streams or wetlands.
- Applicants would be required to file a Conditional Use Permit and the Board of Adjustment would approve the alternate design for the project.
- Please read over the materials and be prepared to discuss the proposed text at the meeting.



## CABARRUS COUNTY ZONING ORDINANCE

within ten (10) feet of a side or rear property line or within ten (10) feet of the front base setback line. Corner lots shall be measured as to have two front base setback lines. These ten (10) feet areas must be appropriately landscaped as required by this Ordinance. This does not apply to single or two family dwellings.

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

Where proposed projects are located next to environmentally fragile areas, wetlands or streams (on the same parcel or adjacent parcels) applicants may propose the use of alternate materials, such as permeable pavers, and alternate parking lot design for parking areas, such as the use of rain gardens for landscape islands.

Applicants shall provide, and the Planning and Zoning Board of Adjustment may approve, as part of a conditional use permit application, a parking area site plan detailing the following:

- Proposed parking lot overall design
- Proposed materials to be used for parking lot
- Proposed design for driveway or street connections to NCDOT maintained roads or municipal streets.
- Proposed handicapped parking areas
- Proposed materials for handicapped parking areas

Exception: Event parking (i.e. Race Tracks, Special Events, Event Overflow Parking Areas) -

Requirements for event parking:

1. gravel travel ways,
2. sown in grass, and,
3. dust free.

6. Ratio of compact to standard spaces - Parking areas of more than twenty (20) spaces may have up to forty (40%) percent of the spaces designed to accommodate compact vehicles. These areas shall be designated with signs for compact vehicles.

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





## Cabarrus Soil and Water Conservation District

715 Cabarrus Avenue West • Concord, North Carolina 28027

Phone: (704) 920-3300 • Fax: (704) 795-6432

**TO:** Todd Berg, Chairman, Cabarrus County Planning & Zoning Commission  
**FROM:** Ned Hudson, Chairman, Cabarrus S&W Conservation District  
**DATE:** November 5, 2008  
**SUBJECT:** Central Area Plan Rezoning Recommendations  
**COPIES:** John Day, County Manager; Mike Downs, Deputy County Manager; Jonathan Marshall, Commerce Department Director; Susie Morris, Planning and Zoning Manager; Jay White, Chairman, Board of Commissioners

Congratulations on your recent election as Chairman of the Cabarrus County Planning and Zoning Commission. The other members of the Cabarrus Soil and Water Conservation District board and I look forward to continuing to work closely with you, your colleagues and the planning staff.

Our board and staff were grateful for the opportunity to participate in the recent Central Area planning process and make recommendations to the project consultants. Some of our members and staff live in the target area and will be affected by whatever changes to the current zoning are adopted. At our regularly monthly meeting on November 4, 2008, our board adopted a motion of support for proposed changes to the current Central Area Plan zoning designations that are currently under consideration by your Commission. Some of our board and staff members plan to attend your November meeting and are willing to publicly express our support for the proposed Central Area rezoning if we are given the opportunity.

Our board joined other public officials in taking an active role in the 2007 countywide Growth Summit. Open space was identified as an important factor for the quality of life in our county the 2007 Growth Summit. During our strategic planning retreat last fall, our board identified farmland preservation and land use/conservation easements as two of our top four priority areas of concern.

We appreciate your ongoing cooperation in our conservation initiatives, including the use of permanent easements to protect target properties. In our role as the lead organization in Cabarrus County on conservation easements, we held a well-attended meeting in 2006 at New Gilead United Church of Christ for agricultural landowners in the Central Area.

Our District board and staff would like to collaborate with your Commission and the planning staff in a more proactive approach to conserving natural resources. As we review of plans submitted for approval to the Commission, our board and staff identify needed changes in individual project plans, area plans and planning and zoning ordinances. In particular, we would like to see more incentives for protection of open space and integration of conservation subdivision design into land use planning. Attached is a the official policy statement of the state Association of Soil & Water Conservation Districts is the basis for our local role in the county—and municipal—planning and zoning process.

In spite of open space measures provided for in revisions to the county planning ordinances a few years ago, we continue to lose farmland and open space to urban sprawl. These revised ordinances still do not provide adequate support for implementation of key conservation provisions contained in supporting planning documents, including the Livable Communities Blueprint and the Inventory of Significant Natural Areas of Cabarrus County, North Carolina.

We look forward to playing whatever role is appropriate at your November meeting, including publicly expressing our support for the Central Area Plan rezoning. Our District board and staff also look forward to working with you and your staff as we explore new options and tools for conserving the natural resources in our community.

*Yours for Life*



## **North Carolina Association of Soil & Water Conservation Districts Selected Policy Statements on Land Use Planning**

- The Association supports district involvement, where appropriate, in creating and implementing Local Ordinances that protect important natural resources; these local ordinances include, but are not limited to, Erosion and Sediment Control ordinances, Low Impact Development ordinances, Stormwater ordinances, Steep Slope ordinances, and Water Conservation ordinances. **2008**
- The Association endorses, in principle, the following eight-point statement prepared and adopted by the Hugh Hammond Bennett Chapter of the Soil and Water Conservation Society. When the Association becomes involved with land-use planning and policy, it and local Districts should consider the following principles:
  - Land-use policies and effective land-use plans must be based on careful analysis of the following considerations: the needs and desires of people for productive soil, clean water, quality vegetation and aesthetic facilities, the capabilities, limitations, and potentials of the land as shown by soil surveys and other land studies.
  - Land-use policies and plans must be reviewed periodically to determine changes that will alter the use of land so it meets people's needs and desires.
  - To the maximum extent practical, landowners should continue to exercise their inherent right to use their land and associated resources in any way they desire. Landowners, however, should recognize that exercising this right also carries a greater responsibility, that they must consider the overall impact of their decision on the public and the environment.
  - Land-use policies and plans should recognize the importance of the property tax structure and its influence on land use. They should also include provisions for considering adjustments in tax value of land, including fair and equitable assessments of land use for agricultural, wildlife, recreational, aesthetic, or other uses, which are of significant interest and importance to the public.
  - Fundamental changes in land use, especially the conversion of important agricultural lands to nonagricultural uses should be made only after adequately studying the long-term and short-term effects (ecological, economic, and social) on people and environment.
  - Some uses of land (such as, but not limited to, gravel pits, surface mines, highways, and construction borrow pits) tend to destroy or greatly alter the land's usefulness and appearance. When these are completed, they should be followed by necessary reclamation measures--including replacement of topsoil where feasible--which will fully protect the land and return it to a useful condition.
  - Land in public ownership, insofar as possible, should be made accessible to fill the public need for recreational, aesthetic, and other environmental enjoyment. Such lands should be managed to maintain the most logical balance between public uses and adequate protection of the soil, water, plant, and animal resources.
  - All citizens should be provided with adequate information to acquaint them with the potentials and opportunities basic to proper land use. To be effective, land-use policies and plans evolve through citizen understanding and participation. Educational efforts should be geared to the entire population, emphasizing groups most likely to respond to such efforts. **2006**



- The Association recognizes the need for land use planning, but opposes any state or federal land use planning act that fails to delegate authority in such planning to local officials. The Association recommends that the Districts become one of the main agents to develop and implement local land use plans. Districts should work to ensure adequate representation with local work groups including; Parks & Recreation and Planning & Zoning so that good conservation practices may be implemented and maintained. Promotion of greenways, open spaces, buffers, and other green land use practices are encouraged. Actions of all officials should include adequate public hearings. **2007**
- The Association encourages Districts to promote soil and water conservation BMP's with contractors, real estate developers, lending institutions, government agencies, and local citizens. To do this, Districts need to provide technical assistance so that their clients will become aware of the importance of conserving all rural, suburban and urban land. **2007**
- The Association supports the policies for the State of North Carolina to conserve and/or protect our prime, unique, state, and locally significant farmland, prime forestland, wildlife habitat, and natural heritage survey sites (hereinafter referred to as important farm and forestlands) and endorses agriculture districting and farmland preservation in North Carolina. **2007**
- Any taker of important farm or forest land must prove an overriding public need exists--without a reasonable or prudent alternative--before public funds could be invested for roads, streets, water or sewer facilities, and similar items. In addition, this public need must be proven if actions taken were to decrease the productivity or adversely affect the remaining or adjacent farm and forestland. **2007**
- The Association supports the N.C. Sedimentation Pollution Control Act of 1973, including the review process required by local ordinances for erosion control plans by District Supervisors, NRCS staff, and District staff. Each District is encouraged to work on erosion and sedimentation problems to maintain agriculture's exemption from the Act. This will be done by providing education on and promoting the use of Best Management Practices to prevent sediment runoff. Each District is encouraged to support local sedimentation and erosion control programs. **2006**
- The Association will continue to support the Commission, the NC Agriculture Cost Share Program for Nonpoint Source Pollution Control, and the Community Conservation Assistance Program. **2007**
- The Association supports a program promoting estate planning by the state's farm families. Tax reduction through the transfer of conservation easements should also be considered. Districts and the Association should also work to maintain the existing exemption under the federal estate tax statutes at its current level or higher.



## Susie Morris

---

**From:** Christy Shi [christy.shi@gmail.com]  
**Sent:** Thursday, November 20, 2008 3:06 PM  
**To:** Susie Morris  
**Cc:** Dennis Testerman; Brian Little; garnie; Ariel Dixon; Brent Barbee; Trish Cramer; Karen Owens; jason.owens@thrivent.com; Debbie Bost  
**Subject:** Support for Tonight's Downzoning Vote

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Town of Davidson resident

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Dennis Testerman; Brian Little; gams; And  
Owens, Jason owens@tdvnc.com, Davidson  
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**From:** Susie Morris, AICP, Planning and Zoning Manager  
**CC:** File  
**Date:** November 20, 2008  
**Re:** Proposed Text Amendment C2008-05-ZT, Parking Standards

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Staff is requesting that proposed Text Amendment Case C2008-05-ZT be withdrawn.





Planning and Zoning Commission Minutes  
November 20, 2008  
7:00 P.M.

Mr. Todd Berg, Chair, called the meeting to order at 7:03 p.m. Members present, in addition to the Chair, were, Mr. David Baucom, Ms. Brenda Cook, Mr. Eugene Divine, Mr. Larry Ensley, Mr. Danny Fesperman, Mr. Larry Griffin, Mr. Tommy Porter, Mr. Ian Prince and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Arlena Roberts, Clerk to the Board, Mr. Richard Koch, County Attorney.

**Roll Call**

**Approval of Minutes**

Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Larry Griffin to **APPROVE** the October 16, 2008, meeting minutes with correction to page 6, last paragraph (change word from consent to consistent). The vote was unanimous.

**Old Business – Planning Board Function:**

**The Chair introduced the Petition C2008-01(S) –Preliminary Plat Approval – Park Creek, Phase III, Section A and B**

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board. She said this case came before the Board two months ago. She said the applicant asked for it to be tabled until further notice so that they could address some issues, one of them being part of the subdivision being located in Rowan County. She said the applicant has been able to work with Rowan and that parcel has been established as a Rowan County parcel and given a Rowan County PIN number. She said they have also been given the okay for the design that they were proposing, they will not have to redesign and pull that cul-de-sac back into Cabarrus County. The applicant has gotten the assurance that they need in order to move forward with the project.

She said the condition that was discussed at that particular meeting regarding trail placement has been added as the last condition. They will maintain the new standard which is to keep any trails 60 feet from the top of the bank, it will be consistent with any type of Eco-Enhancement Projects (EEP) or anything like that if there happens to be a stream restoration project on Park Creek at any time. She said the applicant and agents are here this evening if the Board has any questions.

The Chair said the staff report notes that the plan does not meet the Northwest Area Plan; he asked Ms Morris to elaborate on that.



proposing the one acre lots which is permitted in the area that they are in. She said the overall density equals out to be .398, but the density that is proposed for the open space component is .485. She said it is still less than that, but it is not necessarily the one unit per two acres because they are not two acre lots. She said the overall density is less than what the land use plan would ask for.

Mr. Porter said his only comment is the school inadequacy in the area listed by Mr. Robert Kluttz.

There being no further discussion, Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Barry Shoemaker to **Approve** Petition C2008-01(S) Preliminary Plat, Park Creek, Phase III, Section A and B with the 11 conditions listed in the staff report. The vote was 8 to 1 with Mr. Tommy Porter voting against.

**The Chair introduced the next item Petition C2008-04 (R) - Central Area Land Use Plan Rezoning**

Mr. Koch said as he understands it Ms. Brenda Cook owns some property in the affected area; he asked Ms. Cook if she asks to be recused from deliberation and consideration of this matter.

Ms. Cook said that is correct.

Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Griffin to recuse Ms. Brenda Cook and to have Mr. Eugene Divine replace Ms. Cook on the Board. The vote was unanimous.

Ms. Morris addressed the Board stating that the staff report and maps that were presented at the September 2008, Planning and Zoning Commission meeting were included in the board packets. She said if the Board remembers, last February, consultants were hired to help facilitate a land use planning process between Cabarrus County, the City of Concord and Kannapolis. She said between March and August of 2008, a series of public meetings and input sessions were held that included opportunities for citizens to participate in the land use planning process and a draft document was formulated, presented to the public, went to the Planning and Zoning Board for a recommendation and then on to the Board of Commissioners. She said that plan was adopted on August 18, 2008. She said on September 18, 2008, the Planning and Zoning Board was presented with the overall implementation zoning case for the project. The zoning proposed in that particular case were to implement the densities described in the plan in order to have those densities consistent with our zoning designations.

Ms. Morris said if the Board remembers, we are only proposing down zoning, we were not proposing any up zonings. She said at that meeting the Board tabled it for sixty days. She said at the last Board of Commissioners meeting they were given an update of the process and outlined what the next steps would be.



Ms. Morris said the staff report was divided into different areas; there were five different areas that we talked about, starting with the area near Lane Street and then the area continuing down to Highway 73 then between 73 and Highway 49, between Highway 49 and Highway 601, and Highway 601 and 200 and then the area within the utility service boundary line that was established by the City of Concord. We talked about the different zonings that were proposed and how they were to be implemented and as far as the densities, how they were consistent with the plan. She said the zonings that were proposed as part of that staff report are consistent with the Central Area Land Use Plan that was adopted. Any of those zoning designations that are approved, any uses in that district would be permitted by right and the proposed zoning changes that we talked about at that meeting are in keeping with the spirit and intent of the ordinance and with the Central Land Use Area Plan.

The Chair said we have spent a great deal of time in the last 60 days analyzing the Central Area Plan and the proposed rezoning. He asked if any Board member had any thing they wanted to talk about.

Mr. Prince said this plan, as you know, has been a couple of years coming from the City and the County. It is a culmination of a lot of time, money and effort that has been put forward to try to figure out how we want to handle the growth and development within the County. The plan has been adopted, and like all plans, this one is not perfect. He does not think it is statistically possible to come up with a perfect plan. We have 2,500 property holders involved in this and there is absolutely no way that you will be able to satisfy 2,500 people. Our Council has outlined for us that we have three options; we can either approve this rezoning in its entirety, we can deny this rezoning in its entirety or we can start to pick this thing apart. He would caution the Board that picking this apart he believes would result in a breach of that contract that we have established already and this thing will end up back in the court. He does not think that is anybody's intent. He said to deny this rezoning he believes is tantamount to sacrificing the forest for the sake of the trees.

Mr. Prince thinks the job here as a Board is to do long term planning, and try to guide the county that supports the majority of the people within the county. He said there is always going to be people that are not going to agree with what we are doing or with what the County Commissioners are doing. He thinks approving this rezoning is going to be the best results of our efforts in the past three months in looking at this, and the past two years of what the County and City have been working on.

There being no further discussion, Mr. Prince, **MOTIONED, SECONDED** by Mr. Ensley to **APPROVE Petition C2008-04 (R) - Central Area Land Use Plan Rezoning**, as proposed. The vote was 6 to 3 with Mr. Fesperman, Mr. Griffin and Mr. Shoemaker, opposed.

The Chair said it is not a super majority and the petition will move onto the Board of Commissioners.



Mr. Koch proposed the following Consistency Statement:

Petition C2008-04 (R) - Central Area Land Use Plan Rezoning relating to all of the parcels contained within that petition is consistent with the Central Area Land Use Plan as adopted and is reasonable and in the public interest.

There being no further discussion, Mr. Prince, **MOTIONED, SECONDED** by Mr. Baucom to **APPROVE** the Consistency Statement as read by Council. The vote was unanimous.

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

The Chair said the Board received a memo at the beginning of the meeting from staff asking that the proposed Text Amendment Case C2008-05ZT be withdrawn for further study. He asked Ms. Morris to elaborate on it.

Ms. Morris said the way that this text amendment was proposed, it was allowing essentially for exceptions or best management practices to be used near streams or wetlands. We have been asked to actually look at implementing those types of standards throughout the County. We will need some additional time to research to try to figure out what the best materials are out there. She said some folks have some differing opinions on permeable pavers and different types of items; as far as maintenance and cost, initial cost up front versus maintenance. We will probably not bring this back until sometime after the first of the year and it will probably be a much more detailed list of permitted materials as well as some suggestions on design throughout the County to encourage less impervious area.

She said there is also a state statute that is changing, it will be coming in April, where it says that you are allowed 80 percent pervious on any coverage and then the remainder has to be designed to those standards. She said we will be a little bit ahead of the curve if we just go ahead and handle all of that at one time. She said early January or February the Board should see it back.

There being no further discussion, it was the consensus of the Board to accept the withdrawal of the proposed Text Amendment Case C2008-05ZT.

#### **Directors Report**

Ms. Morris said on the NC-3 update – the Centralina Council of Government (COG) is working on getting some language together this month (November). They have asked to have November as a working language drafting month. She said hopefully, in December, they will have that draft ready. She thinks they are anticipating potentially a public meeting in early December; get that to the folks and get their reactions to those different plans, as well as to the standards that have been identified or proposed at this point in that plan. She said once the draft plan is finalized, then it would come back to the Planning



and Zoning Commission for recommendation and then sent on to the Board of Commissioners with the recommendation.

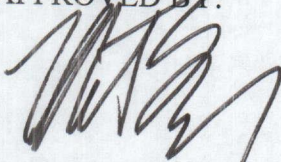
**Public Comment**

Mr. Jerry Newton addressed the Board. He respectfully asks the Board to reconsider their earlier vote. He said you did hear from your staff, she started that information as to things happening in August. He said for the sake of the record, which he would like to make sure it is in the record, that she did not indicate that the Inter-Local Agreement that has been referenced and repeatedly cited was a document that was adopted by the City of Concord and Cabarrus County on June 25, 2008. He said, North Carolina does not allow something called preordained zoning; where you set in place before you actually have a documented order that you will adopt that, and you will in turn adopt a yet unknown zoning regulation, yet, that is what you have been asked to do. He said preordained zoning does not exist; is not legal. He respectfully asks the Board to reconsider their earlier vote.

There being no further discussion, Mr. Tommy Porter, **MOTIONED, SECONDED** by Mr. Ian Prince to **Adjourn** the meeting. The vote was unanimous. The meeting ended at 7:24 p.m.

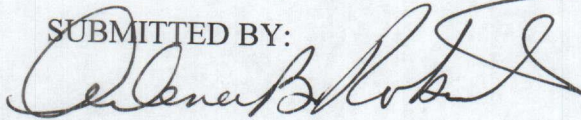


APPROVED BY:



Todd Berg, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Morris  
Planning and Zoning Manager