



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting

July 14, 2010

7:00 P.M.

Board of Commissioners Chamber
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. New Business – Planning Board Function:
 - A. Petition RZON2010-00001 - Zoning Atlas Amendment, Petitioner - Larry Carter.
The property is located at 1480 Zion Church Road (PIN#5539-01-2956)

Request: The applicant is requesting to rezone this property, approximately 4.32 acres, from Office Institutional (OI) to Low Density Residential (LDR).
3. Directors Report:
Harrisburg Land Use Plan Update
Electronic Gaming
Long Range Planning – Ordinance
Historic Downtown Overlay
4. Adjournment

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
07/14/2010

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

Petition: RZON2010-00001 Rezoning

Applicant Information: Larry Carter
3710 Zion Church Road
Concord, NC 28025

Owner Information: Larry Carter
3710 Zion Church Road
Concord, NC 28025

Existing Zoning: OI (Office/Institutional)

Proposed Zoning: LDR (Low Density Residential)

Permitted Uses: Attached

PIN#: 5539012956

Area in Acres: 4.32

Site Description: The subject property is currently vacant.

Zoning History: The subject property was rezoned during the 2005 county-wide rezoning from HDR- High Density Residential to OI- Office/Institutional.

Adjacent Land Use: The subject property is adjacent to single family residential, multi-family residential, and vacant properties.

Surrounding Zoning: North: LDR (Low Density Residential)
East: MDR (Medium Density Residential)
South: MDR (Medium Density Residential)
West: LDR (Low Density Residential) & OI (Office/Institutional)

Utility Service Provider: The subject property is located within the City of Concord Service Area and the Utility Service Boundary established as part of the Central Area Land Use Plan. The applicant however, is not requesting utilities for the subject property at this time.

Exhibits

1. Zoning Map- Submitted by Staff
2. Land Use Map- Submitted by Staff
3. Aerial Map- Submitted by Staff
4. Soil and Water Conservation District Review- Submitted by Staff
5. City of Concord Review Letter- Submitted by Staff

PLANNING STAFF REPORT

CABARRUS COUNTY PLANNING AND ZONING COMMISSION

07/14/2010

Staff Use Only:

Approved:

Denied:

Tabled

6. List of Permitted Uses in OI- Submitted by Staff
7. List of Permitted Uses in LDR- Submitted by Staff
8. List of Adjacent Property Owners- Submitted by Staff

Submitted by: Colleen Nelson, Senior Planner

Intent of Zoning Districts

Existing- Office/Institutional: This district is intended to accommodate relatively low intensity office and institutional uses at intensities complementary to residential land use. Where appropriate, this district can serve as a transition between residential land use and higher intensity nonresidential land use. Single family detached residential is not a permitted use in the Office/Institutional district.

Proposed- Low Density Residential: This district is intended to permit development with a low density residential community character. This district allows conventional, open space and amenity subdivisions. These zones are located where public utilities either are available or are envisioned to be available within the next two to five years. Densities permitted in the LDR Zoning District are one unit per two acres or up to two units per acre if the amenity design option is used for the subdivision. Minor subdivisions are permitted in the LDR zoning district. Governmental water and sewer are optional in the LDR zoning district for conventional subdivisions, but required for open space and amenity design option subdivision options.

Agency Review Comments

Fire Review : No Comments

NCDOT Review : No Comments

APFO Review : *Prior to any major development of the site, Cabarrus County APFO review will be required for school adequacy.*

Soil & Water Conservation District: *See Attached*

City of Concord Review: *See Attached*

Land Use Plan

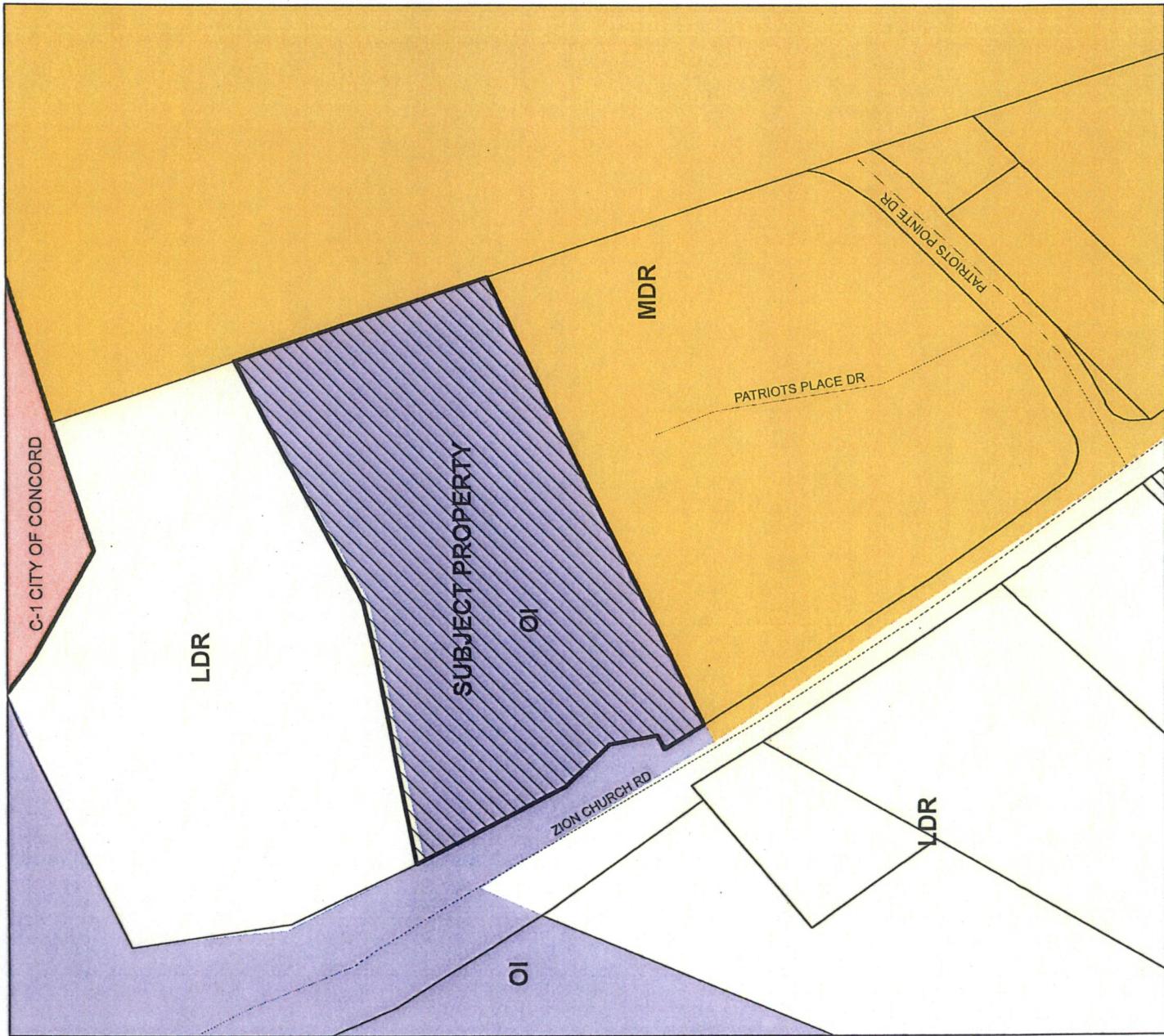
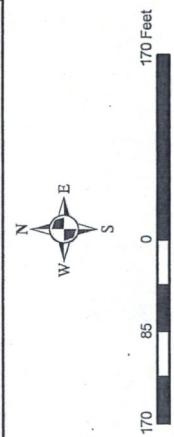
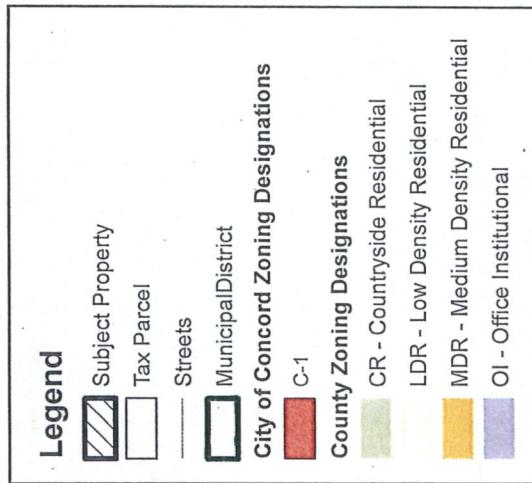
The Central Area Land Use Plan, adopted in August 2008, designates this property, as well as adjacent properties, as Low Density Residential. The plan states that Low Density Residential is intended to allow low to moderate density residential accommodating community development. The area is to be predominantly used for single-family residential with density up to 2 units per acre, or up to 3 units per acre provided additional development standards are met.

Staff Analysis

The rezoning as proposed is consistent with the Central Area Land use plan. The rezoning is a conventional rezoning request. Therefore, no conditions may be attached to the rezoning request. All uses permitted in the LDR district would be permitted on the subject property.



Zoning Map
Applicant: Larry Carter
Case: RZON2010-00001
Existing Zoning: OI - Office / Institutional
Proposed Zoning: LDR - Low Density Residential
Parcel ID#: 5539-01-2956

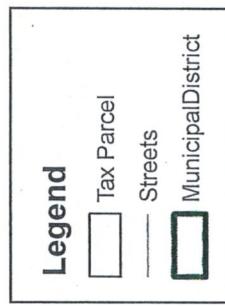


Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data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

Map Prepared by Cabarrus County Planning Services,
July 2010.



Aerial Map
Applicant: Larry Carter
Case: RZON2010-00001
Existing Zoning: OI - Office / Institutional
Proposed Zoning: LDR - Low Density Residential
Parcel ID#: 5539-01-2956



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Map Prepared by Cabarrus County Planning Services,
July 2010.



Land Use Map

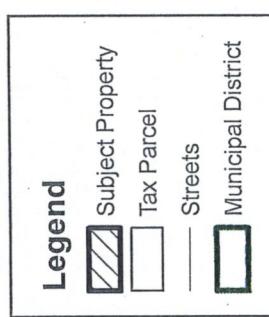
Applicant: Larry Carter

Case: RZON2010-00001

Existing Zoning: OI - Office / Institutional

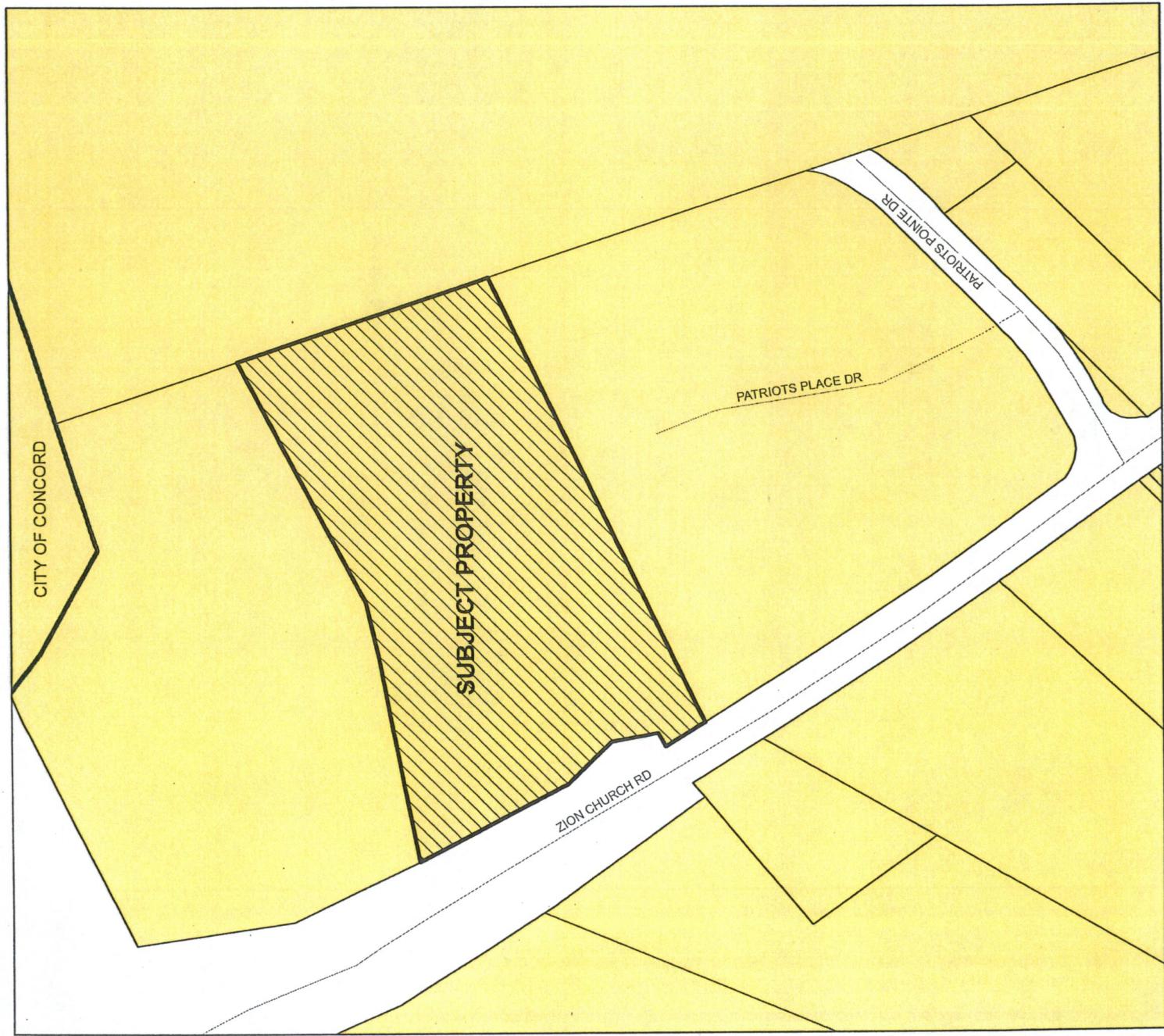
Proposed Zoning: LDR - Low Density Residential

Parcel ID#: 5539-01-2956



Land Use Designation

Low Density Residential



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Map Prepared by Cabarrus County Planning Services,
July 2010.

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

MEMORANDUM

TO: Colleen Nelson, Cabarrus County Commerce Department

THROUGH: Bob Ritchie, Chairman
Board of Supervisors Darrell Furr, Chairman
Watershed Improvement Commission

FROM: Dennis Testerman, Resource Conservation Specialist

COPIES: Susie Morris, Cabarrus County Commerce Department—Planning
Robbie Foxx, Cabarrus County Commerce Department—Zoning
Jay Lowe, Cabarrus County Commerce Department—Zoning
Alan Johnson, NCDENR, Div. of Water Quality, Mooresville Regional Office
Cyndi Karoly, NCDENR, Div. of Water Quality, Wetlands Unit, Raleigh
Steve Lund, US Army Corps of Engineers, Asheville Regulatory Field Office

NAME OF PLAN: Carter Rezoning **PLAN TYPE:** Rezoning **JURISDICTION:** County

LOCATION: 3605 Zion Church Road **ZONING:** OI to proposed LDR

OWNER: Larry & Nancy Carter, 3710 Zion Church Road, Concord NC 28025

DATE SUBMITTED: 6/21/2010 **DATE REVIEWED:** 6/29/2010

PARCEL #: 5529-91-8565 **TRACT#:** **ACRES:** 4

USGS TOPO QUAD MAP: Concord **LATITUDE/LONGITUDE:** 35 22' 64" N 80 34' 58" W

RECEIVING WATERS: UT to Irish Buffalo Creek **WATERSHED:** HU 03040105020040 (IB-2)

PERENNIAL OR INTERMITTENT STREAMS PRESENT: Yes

SOIL TYPE(S): CuB2 Cullen clay loam, CuD2 Cullen clay loam, EnB Enon sandy loam, PoF Poindexter loam

HYDRIC SOILS: No

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

| | |
|--------------------------|---|
| Location Map | Legend |
| Start & Completion Dates | Environmental reviews |
| Soil Type(s) | Location of existing structures and trees |

ONSITE INSPECTION: No

PLAN COMMENTS:

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 | Dwellings without basements | Dwellings with basements | Small commercial buildings | Local Streets and Roads | Shallow Excavations | Lawns and landscaping | Septic tank absorption fields | Paths and trails |
|---------------------------------|---|--|---|--|--|---|---|--|
| | Rating Class and Limiting Features - Value | Rating Class and Limiting Features - Value | Rating Class and Limiting Features - Value | Rating Class and Limiting Features - Value | Rating Class and Limiting Features - Value | Rating Class and Limiting Features - Value | Rating Class and Limiting Features - Value | Rating Class and Limiting Features - Value |
| CuB2: Cullen, moderately eroded | Somewhat limited Shrink-swell 0.50 | Somewhat limited Shrink-swell 0.50 | Somewhat limited Shrink-swell 0.50 Slope 0.13 | Somewhat limited Shrink-swell 0.50 Low strength 0.10 | Very limited Too clayey 1.00 Cutbanks cave 0.10 | Not limited | Somewhat limited Slow water movement 0.50 | Not Limited |
| CuD2: Cullen, moderately eroded | Somewhat limited Slope 0.63 Shrink-swell 0.50 | Somewhat limited Slope 0.63 Shrink-swell 0.50 | Very limited Slope 1.00 Shrink-swell 0.50 | Somewhat limited Too clayey 1.00 Shrink-swell 0.50 Low strength 0.10 | Very limited Too clayey 1.00 Slope 0.63 Cutbanks cave 0.10 | Somewhat limited Slope 0.63 | Somewhat limited Slow water movement 0.50 | Not Limited |
| EnB: Enon | Very limited Shrink-swell 1.00 | Not limited | Very limited Shrink-swell 1.00 Slope 0.13 | Very limited Shrink-swell 1.00 Low strength 1.00 | Somewhat limited Too clayey 0.50 Cutbanks cave 0.10 | Not limited | Very limited Slow water movement 1.00 | Somewhat Limited Too sandy 0.01 |
| PoF: Poindexter | Very limited Too steep 1.00 | Very limited Too steep 1.00 Depth to hard bedrock 0.96 Depth to soft bedrock 0.95 | Very limited Slope 1.00 | Very limited Too steep 1.00 Depth to hard bedrock 0.96 Depth to soft bedrock 0.95 Cutbanks cave 0.10 | Very limited Too steep 1.00 Depth to bedrock 0.95 Droughty 0.05 | Very limited Too steep 1.00 Depth to bedrock 1.00 | Very Limited Too steep 1.00 Depth to bedrock 1.00 | Not Limited |

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.

- 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—Zoning, Robbie Foxx, 704-920-2138
Cabarrus County Commerce Department—Zoning, Jay Lowe, 704-920-2140
Cabarrus SWCD & Watershed Improvement Commission, Dennis Testerman, 704-920-3303

REFERENCES:

“Avoiding Tree Damage During Construction.” Consumer Information Program Fact Sheet. International Society of Arboriculture. [<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>]

“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>]

“Protecting Urban Soil Quality: Examples for Landscape Codes and Specifications.” [<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>]

“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>]

“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/SQI/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]

“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]

“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]

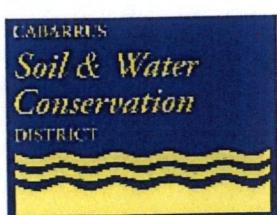
“Urban Soil Primer.” USDA, Natural Resources Conservation Service.
[[http://soils.usda.gov/use/urban/downloads/primer\(screen\).pdf](http://soils.usda.gov/use/urban/downloads/primer(screen).pdf)]

Carter Rezoning



Legend

| | | | | |
|-------------|----------|------------|------|------|
| YadkinHydro | Wetlands | FloodPlain | ZONE | X |
| | | | A | X500 |
| | | | AE | |





66 Union Street South, PO Box 308, Concord, NC 28026 - www.ci.concord.nc.us

June 2, 2010

Re: PIN # 5539-01-2956 (Gene Carter Property)

Ms. Susie Morris, AICP, CZO
Planning and Zoning Manager
Cabarrus County Zoning Department
PO Box 707
Concord, NC 28026

Dear Susie:

Per our conversation, this letter serves to inform Cabarrus County that the City of Concord has no objection or comment relative to a potential rezoning request of the above referenced property from O-I to residential. It is our understanding that the owner is seeking the rezoning due to concerns about the nonresidential tax valuation of the subject property.

However; should the owner seek development permits, the City would reserve the right to evaluate the property at that time in accordance with the appropriate settlement agreement and City/County policy.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin E. Ashley".

Kevin E. Ashley, AICP
Senior Planner

Cc: Margaret Pearson
Gene Carter

Permitted Uses: OI – Office Institutional

Permitted Uses

Bank/financial institution/ATM
Civic organization facility
Colleges & universities
Funeral home
Group care facility
Hospitals/medical facilities
Office, professional less than 30,000 square feet
Office, professional greater than 30,000 square feet or more
Parking lot, commercial or private
Printing & reprographic facility
Public cultural facility
Public use facility

Permitted based on Standards (PBS)

Catering service
Home occupation
Mobile office, temporary
Nursery/daycare center
Recreational facility, indoor
Recyclable materials drop-off
Religious institution (with a total seating capacity of 350 or less)
Rest/convalescent home (10 beds or less)

Conditional Uses

Communications tower
Elementary and secondary schools
Public service facility
Recreational facility, outdoor
Religious institution (with a total seating capacity of 351 or more)
Religious institution with school
Rest/convalescent home (more than 10 beds)
Trade & vocational schools
Wireless telecommunication services (WTS)

Permitted Uses: LDR – Low Density Residential

Permitted

Agriculture, excluding livestock
Family care home
Group care facility
Nursery/Greenhouse
Semi-attached house
Single family detached residential

Permitted Based on Standards (PBS)

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

Conditional

Colleges & universities
Elementary & secondary schools
Public service facility
Public use facility
Recreational facility, outdoor
Religious institution (total seating capacity 351 or more)
Religious institution including school
Rest/convalescent home with more than 10 beds

Adjacent Property Owners:

Larry & Nancy Carter
3710 Zion Church Road
Concord NC 28025

David McClure
3730 Zion Church Road
Concord NC 28025

Charlie & Donald Medley
3605 Zion Church Road
Concord NC 28025

Patriots Pointe At Colonial Hills LTD Partnership
1002 West 23rd St. Suite 400
Panama City FL 32405

Tony Freeze
2906 Montford Ave NW
Concord NC 28025

Pacajero Realty, LLC
1220 S Kings Drive
Charlotte NC 28027

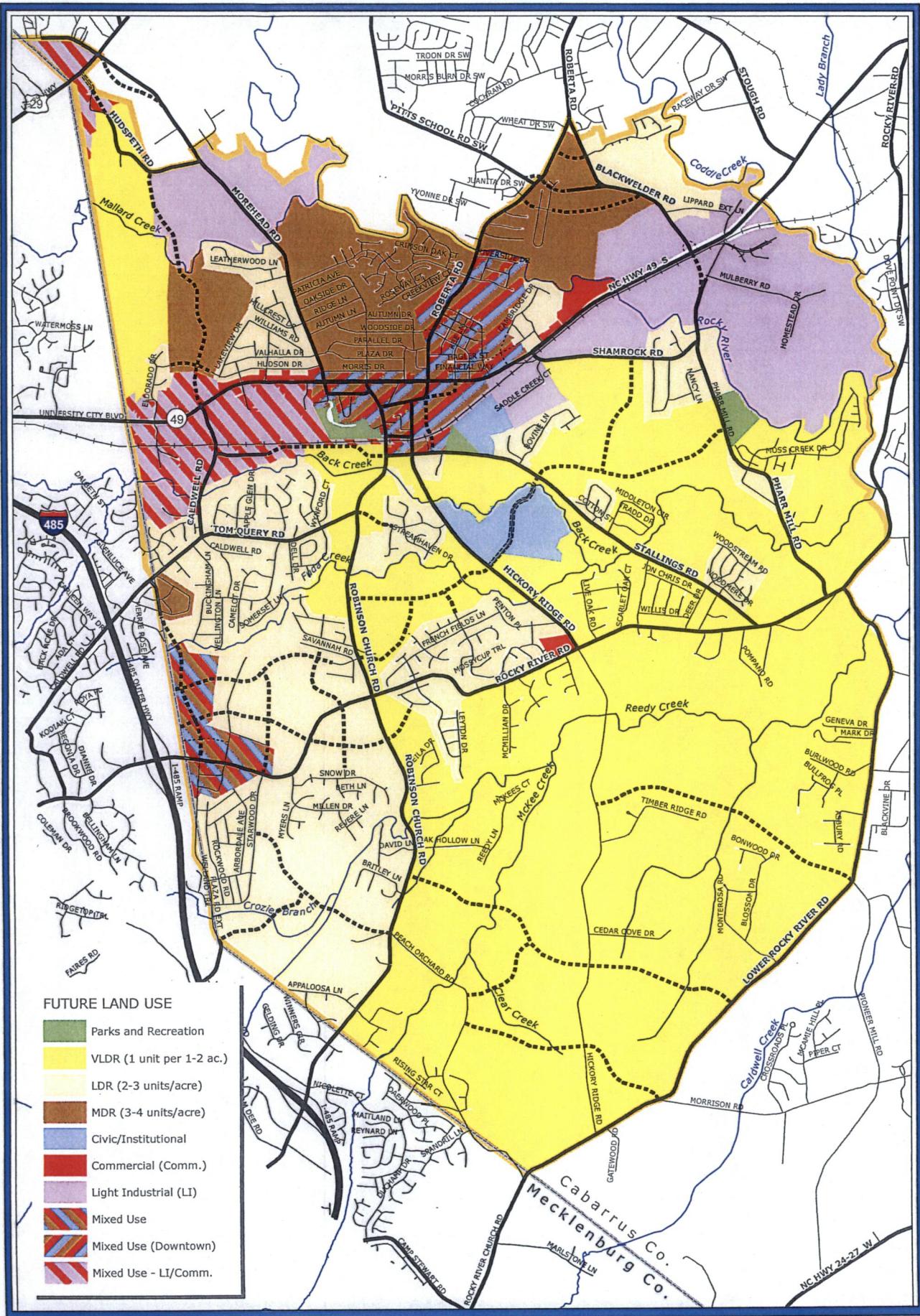


FIGURE 9: HARRISBURG
AREA LAND USE MAP
HARRISBURG AREA LAND USE PLAN
June 30 DRAFT

ADDITIONAL LEGEND ITEMS

CONCEPTUAL NETWORK

NETWORK

■ ■ ■ ■ ■ Collector

----- Local

----- Ramps

-----: T-fare or

County
Boundary
Harrisburg
Planning A

Data Sources:
Cabarrus County GIS, Mecklenburg County GIS
N:_2008\1008319\GIS\FLUM 63010.mxd



Cabarrus County Government – Commerce Department - Planning Division

Planning and Zoning Commission Minutes

July 14, 2010

7:03 P.M.

Mr. Larry Griffin, 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. Ted Kluttz, Ms. Amy Ma 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, and Mr. Richard Koch, County Attorney.

Roll Call

Planning Board Function:

The Chair introduced Petition RZON2010-00001 - Zoning Atlas Amendment - Request to rezone 4.32 acres from Office Institutional (OI) to Low Density Residential (LDR)

Ms. Colleen Nelson, Senior Planner, addressed the Board stating this is Petition RZON2010-00001, (PIN#5539012956). This is a request for rezoning from Office Institutional (OI) to Low Density Residential (LDR). The applicant is Mr. Larry Carter and the property is located at 3605 Zion Church Road, Concord, NC. The property is 4.32 acres located along Zion Church Road.

Ms. Nelson said the property is currently zoned Office Institutional (OI). Office Institutional (OI) is intended to accommodate relatively low intensity office institutional uses and intensities complimentary to residential uses; such as churches and schools. It is typically used as buffer area between commercial and non-commercial uses. The proposed use is Low Density Residential (LDR) and this district is intended to permit development with a low density residential community character. North of the property is Low Density Residential (LDR), to the South and East is Medium Density Residential (MDR) and to the West is Low Density Residential (LDR) and Office Institutional (OI).

Ms. Nelson said the property is currently located within the City of Concord Service Area. The applicant is not requesting utilities on the property at this time. The property is currently vacant.

Ms. Nelson said the Central Area Land Use Plan, adopted in 2008, designates this property as Low Density Residential (LDR). This area is to be used for single family residential with density up to two units per acre, provided additional development standards are met.

The applicant stated on the application that he wished to be rezoned to Low Density Residential (LDR) based on the fact that most of his neighbors are residentially zoned and his home property is across the street.

The rezoning, as proposed, is consistent with the Central Area Land Use Plan. The rezoning is a conventional rezoning request; therefore, no conditions may be attached to the rezoning request and all land uses permitted in Low Density Residential (LDR) will be permitted on the subject property.

Mr. Larry Gene Carter, applicant, addressed the Board stating that Ms. Nelson did an outstanding job in her presentation. He said all of his neighbors are zoned Low Density Residential (LDR) or Medium Density Residential (MDR) and he would like to have his property rezoned back to Low Density Residential (LDR); as well as for a tax relief.

Mr. Shoemaker asked how long it has been zoned Office Institutional (OI).

Ms. Nelson said since 2005.

The Chair said the mass rezoning changed it to Office Institutional (OI) from Low Density Residential (LDR) and in 2008 it was kept that way, but the land use plan recommended Low Density Residential (LDR).

There being no further discussion, Mr. Barry Shoemaker, **MOTIONED, SECONDED** by Mr. Ted Kluttz to **Approve** Petition RZON2010-00001 - Zoning Atlas Amendment. The vote was unanimous.

Consistency Statement:

The proposed rezoning is consistent with the Central Area Land Use Plan and is reasonable and in the public interest.

There being no further discussion Ms. Amy Ma, **MOTIONED, SECONDED** by Mr. Larry Ensley to **Approve** the consistency statement. The vote was unanimous.

Mr. Larry Carter thanked staff for being so helpful to him during this process.

Directors Report

Ms. Susie Morris, Planning and Zoning Manager addressed the Board stating that since last August we have been working on the Harrisburg Area Land Use Plan Update. We are at the point now where that process is starting to draw to a close and hopefully the document will come before this Board in September or October for consideration and a recommendation.

Ms. Morris presented a draft of the Harrisburg Area Land Use Map. She stated that the area above Highway 49 is an older part of Harrisburg and is pretty much already

established. The area towards the Mecklenburg County line in the yellow area is where the Preserve at Greyson (or Epic project) that was approved by the Town. The purple area is light industrial, some of the Speedway area is encompassed over on Morehead and then over along Mulberry and Shamrock; those are existing industrial parks. She said south of Highway 49, is another mixed use industrial area; which is the area where the Woods Brothers Racing and a trailer manufacturing place are located. She said heading south, most of this property has a residential classification with densities that are four units per acre and if you look at those areas which are the brown color, most of those areas are already developed. The highest density that is going to come out of this plan would be potentially three units per acre.

Ms. Morris said there has been incredible public participation, 150 people showed up for each of the meetings that were held at the schools. There will be an Open House on July 27, 2010, from 3:30-6:30 p.m. at the Harrisburg Library; this will be a drop in session. On July 29, 2010, from 6:00-7:30 p.m. there will be a final presentation to the Elected and Appointed Officials, to get you up to speed on the plan that will be coming to the Board for consideration; to walk through and give a summary of some of the recommendations and the map. She said this plan recognizes existing conditions and then looks at the future conditions that would be compatible to the existing conditions. She said right now where you have a two to three unit break or density; you will see it is surrounded by one unit per one to two acres because that is what the community said.

We are moving through a concurrent process, to try again to have the end result of an Inter-local Agreement between Cabarrus County and Harrisburg. She said that area would be three different sections, essentially going from Robinson Church Road over to Lower Rocky River Road and then up to Rocky River Road. We would have three different areas in the overall Inter-local Agreement. Starting with two to three years where the Town has some existing services close by; extending five to seven years in the middle section and hopefully 10 to 12 years for the area that would be Hickory Ridge and east toward Lower Rocky River. That area is not currently served by utilities and we are hoping they will agree not to do that for a while. Harrisburg finished a Water and Sewer Master Plan, a 2030 Plan, and it does not call for utilities to be there any time soon.

Ms. Morris said this is the draft map and the Board will be getting the draft text tomorrow. She asked the Board to feel free to provide any comments on the text. We have about a week to turn it around.

Ms. Morris stated again that the Open House will be on July 27th, from 3:30 to 6:30 p.m., 10 to 15 minutes tops for the Board to look at the maps and give an opinion. She said on the July 29th is when the consultants will debrief us on the open house, any major issues that came out of that, and then present the final document to the Board to review as a body that makes a recommendation for the plan to move forward.

Ms. Ma asked about the one spot of conspicuous commercial on Rocky River and Hickory Ridge. She assumes it is currently commercial.

Ms. Morris said that property is part of Magnolia Springs and it is a vested project. They were approved 8 to 10 years ago. It is recognized as an already vested project.

Ms. Ma asked if it is vested and not started or started.

Ms. Morris said vested but not started.

Ms. Ma asked if it would be inappropriate to turn that into something that will be grandfathered so they cannot expand it. She said you are not supposed to have spot zoning and when you look at it, here is a little spot of red in the middle of what is residential.

Ms. Morris said this is the land use; they already have commercial zoning in place. It is C1 or C2, but it is a conditional use and they already have an approved site plan but they have not begun construction yet. She said because it was a conditional use it runs with the property, so it does not have an expiration date on it and we had to recognize it.

Ms. Ma said the one unit per one to two acres, where it is all yellow as you come down Robinson Church into Peach Orchard and all that; there is higher density back there. She asked if this is just not recognizing the other small pockets of higher density. She thinks Bradfield Farms is in both Mecklenburg County and Cabarrus County and they are on small lots.

Ms. Morris said a lot of this property is still vacant.

The Chair said Peach Orchard Road is where Bradfield Farms is located; off of Robinson Church Road.

Mr. Divine said Hawthorne is there also and it is higher density.

Ms Morris said it is a RM1 or RM2 so it still fits into those densities.

Ms. Morris said we will again be adopting this plan which will amend our land use areas so that they will be consistent. She showed on the map the area in the Harrisburg Service Area and also their annexation area. She said our land use areas right now do not exactly match up with who is the utility provider.

The Chair said and the agreements between them and Midland.

Ms. Morris said the eastern boundary is a little different. She said the City of Concord has some utilities here, so that will be handled as part of the Midland Area Plan when that plan is updated.

Ms. Morris hopes to see the Board on July 27th and July 29th.

Ms. Morris said we were bringing to the Board a text amendment to look at Electronic Gaming. She had multiple conversations with the Sheriff's department on what do we

do, how do we handled these, because everybody else tightened their regulations and started looking at the county. She said the legislature came in and actually banned them.

She said we probably have some gaming establishments in unincorporated Cabarrus County as accessory uses to other existing uses. She said effective December 1, 2010; the sweepstakes places that you see around will no longer be permitted. We will not bring that particular text amendment to you. She said during those conversations with the Sheriff's office, we figured out there are some loop holes that need to be fixed. She said in the next couple of months there will be some different text amendments to handle things like bars, night clubs, dance clubs and more adult oriented uses versus adult businesses, to try to get something in place.

She said most of the time they look for density, we have pockets in the county where the density is there; and it may not be the county but there may be available space in the county.

Ms. Morris said the budget was adopted last month, and the Planning Division was not given any money this year for a land use plan. She said what we will be looking at this year, and probably into next year, is our Ordinance to see if there are things we need to change, revamping and updating it.

Ms. Morris said last year legislation came through and extended all of the permits that folks had in subdivisions and their consent agreements in relation to those approvals. The legislature made a change this year and amended the Act of 2009, clarified it and along with that extended it for one more year. It says you don't have to extend it, but you can.

In September, Ms. Morris and Mr. Koch will be presenting the legislation to the Board of Commissioners to see how they want to proceed; whether they want to give it one extra year or if they want to keep it where it is, because it is not required that we do it. We will also try to get information from the cities and towns to see what direction they are headed in. She said based on this, if the Board tells us to move forward with doing those extensions, then those projects that we have we are going to end up being carried on the books for an additional year.

Ms. Morris said they are trying to place a historic overlay on the downtown area. There has not been a lot of response from business owners about their opinion on that. She said if the Board knows anyone who is a business owner in the downtown area who may have an opinion on it, there is a Historic Commission meeting tomorrow to get input on whether or not folks think they should apply a historic overlay to the downtown area. She said it would be just a local overlay. When talking with their staff, they indicated that they had not heard back from anyone, so at this point they are not sure what the Historic Commission will be doing.

Our Commissioners decided that they were not necessarily opposed to the historic overlay; right now it includes the library and the historic court house. They are not really

in favor of it being applied to the library, but they thought it was appropriate for the historic court house.

The Chair, Mr. Larry Griffin, stated that this would probably be his last meeting after too many years on this Board. He has learned a tremendous amount about this county and he has enjoyed it.

There being no further discussion, Mr. Ted Kluttz, **MOTIONED, SECONDED** by Mr. Amy Ma to **Adjourn** the meeting. The vote was unanimous. The meeting ended at 7:29 p.m.