



Commerce Department  
Planning Division

## Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting

November 8, 2011

7:00 P.M.

Board of Commissioners Meeting Room  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
2. Approval October 11, 2011 Minutes
3. New Business – Board of Adjustment Function:

Petition RZON2011-00004 – Request to rezone +/-1.37 acres from CR- Countryside Residential to OI-CU - Office Institutional/Conditional Use, located at 5605 Highway 49 E, Mt. Pleasant (PIN#5650-71-9774). Applicant is Paula Yost.

4. New Business – Design Review Committee – Technical review of site plan and building elevation submitted for Petition RZON2011-00004.
5. Directors Report



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November 8, 2011

Mr. Larry Ensley, Chair, called the meeting to order at 7:05 p.m. Members present, in addition to the Chair, were: Ms. Mary Blakeney, Ms. Brenda Cook, Mr. Eugene Divine, Mr. Danny Fesperman, Ms. Emily Knudson, Mr. James Litaker, Mr. Richard Price and Mr. Aaron Ritchie. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Colleen Nelson, Senior Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

**Roll Call**

Approval of October 11, 2011, Planning and Zoning Commission Minutes.

Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. Richard Price to **APPROVE** the October 11, 2011 minutes. The vote was unanimous.

**New Business –Planning Board Function:**

**The Chair introduced Petition RZON2011-00004 - Request to rezone 1.37 acres from CR – Countryside Residential to OI-CU – Office Institutional/Conditional Use.**

The Chair swore in Ms. Susie Morris, Ms. Colleen Nelson, Ms. Virginia Moore and Paula Yost.

Ms. Colleen Nelson, Senior Planner addressed the Board. She said the applicant is Carlos Moore, Architect, (as Agent for the Owner). The purpose of the Conditional Use Rezoning is that the owner wishes to use the existing home as an attorney's office. It is 1.37 acres located at 5605 Highway 49 N. Mt. Pleasant, NC (PIN#5650-71-9774). The existing zoning is currently Countryside Residential (CR). The proposed zoning is Office Institutional/ Conditional Use (OI-CU).

The site is currently occupied by a vacant home that the owner wishes to use as a business. The property currently uses well and septic. The proposed Conditional Use Rezoning limits the property. The specific uses allowed in the Office Institutional zoning district are restricted to Professional Office less than 30,000 sq. ft., Civic Organization Facility, and Public Cultural Facility. The property is currently surrounded by residential and agricultural properties.

The current zoning district is Countryside Residential. The lands in this district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be



retained. Densities permitted in the Countryside Residential district range from one unit per two acres, if the conventional subdivision option is used to 1 unit per acre if the open space subdivision option is used. The minimum lot size is one acre. Public water and sewer are not permitted in this Countryside Residential.

The proposed Office Institutional District is intended to accommodate relatively low intensity office and institutional uses at intensities complimentary to residential land use. Where appropriate, this district can serve as a transition between residential land use and higher intensity non-residential land uses.

Currently, the property is located in the Eastern Area Land Use Plan and is located in the Suburban Residential District. This district is in the area plan's single-family designation. The district is located both in the Town of Pleasant and the extra-territorial jurisdiction. Housing densities of one to four units per acre are appropriate in the Suburban Residential district. It is recommended that higher densities be permitted in areas with access to existing public utility service. Areas without access to infrastructure should develop at a density of one unit per acre. Developments in the suburban residential district should include parks and open space in accordance with the Livable Communities Blueprint, sidewalks and road connectivity. The district includes portions of the existing Residential Medium Density and Residential Low Density Districts that are in the Town of Mt. Pleasant.

Ms. Nelson said since this is a Conditional Use Rezoning request, two actions are required by the Commission; the rezoning vote and the vote on the Conditional Use permit, including the elevations and site plan in the Architectural Review documents.

The proposed zoning is not consistent with the Eastern Area Land Use Plan designation of Suburban Residential. The Planning and Zoning Commission should review the information and facts presented to determine if the proposed zoning amendment is consistent with the Commission's goal and vision for this area of Cabarrus County.

Should the Board grant approval of the rezoning and consider issuing the Conditional Use Permit, staff requests the following conditions become part of the approval and case record:

1. Site plan review and approval required subsequent to Board of Adjustment approval to ensure compliance with applicable development requirements and conditions. (Zoning)
2. Granting order, stating restrictions and applicable conditions of approval, shall be recorded with the deed for the property. (Zoning)
3. Expansion of project, as well as modifications or changes to approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit. (Zoning)
4. Applicant shall provide copies of all required state, local, and federal permits for the permanent project file prior to zoning permitting. (Zoning)
5. A driveway permit will be required. (NCDOT)

6. The hard surface apron must be extended to the R/W line or 50' from the edge of pavement. (NCDOT)
7. The applicant also proposes the following conditions of approval for consideration
  - a. No outside storage of any kind.
  - b. Additional landscape treatment of the parking area.

Ms. Nelson said any changes due to the Architectural Review will be added as a part of the conditions for the Conditional Use Permit.

There being no questions on the rezoning, Ms. Nelson presented the Design Review Report.

The applicant is seeking deviations from the standards listed in Appendix B as part of the Design Review Committee process as outlined in Chapter 5, District Development standards, Section 5-9, Nonresidential Development Standards.

### **Site Design Standards**

#### **Amenity Area**

The site design standards include an amenity area and it is not applicable for this item.

#### **Setbacks**

The setbacks of the existing structure meets the standards required by the ordinance, front 30', side single 5', side total 20' and the rear 20'.

#### **Connectivity and Sidewalks**

The existing building and the proposed changes do not meet the standards of the ordinance for connectivity and sidewalks. The ordinance requires a minimum of 5 ft. sidewalk and a minimum 6 ft. landscaping buffer between the road and the sidewalk.

The property is located on NC 49, and the applicant contends that the sidewalks along the road would conflict with the rural character of the property. Sidewalks will be provided at the accessible parking area and adjacent to the building to provide accessibility.

#### **Parking Requirements**

It meets the standards required by Ordinance for the number of parking spaces. The ordinance requires one regular space and one handicapped space. The applicant is providing two regular spaces and one handicapped space.

#### **Parking Lot Design**

The standards have not been met for parking lot location. The ordinance requires parking areas shall primarily be located in the rear of the structures. The site plan shows parking lots located in front of the existing building.

The applicant contends that the rear of the structure is unusable for parking because of the location of the septic tank and septic field. They propose including extra vegetation and landscaping in this area for additional screening. The narrative also indicates that the parking will be approximately 10 feet below the street elevation, providing additional screening.

It meets the intent of the Ordinance for Parking lot design. Sidewalks are provided for pedestrian travel from the parking area to the structure. The majority of the parking is naturally screened. The applicant has agreed to provide extra landscaping along the southwest side of the parking area to allow for additional screening.

### **Landscaping**

It meets the standards required by the Ordinance for landscaping. A type two bufferyard is required. This project is also subject to the Thoroughfare Overlay. The applicant has depicted bufferyards and calculations that illustrate the requirement of the Office/Institutional zoning district.

The site is along the NC 49 corridor, and is therefore subject to the Thoroughfare Overlay. The applicant has shown the required bufferyard and its calculations on the site plan; which is a fifteen foot landscaped buffer.

### **Lighting, Loading and Unloading Areas, Loading Docks, Solid Waste Storage Areas**

Lighting, loading and unloading areas, loading docks and solid waste storage areas are not applicable for this particular project.

### **Mechanical Appurtenances**

Mechanical Appurtenances meets the standards required by Ordinance. Any condenser units on the ground shall be located at the rear of the structure and thereby screened.

### **Architectural Design Standards**

#### **Massing and Rhythm**

The existing structure meets the standards required by Ordinance for Massing and Rhythm. The Ordinance requires that horizontal masses not exceed a height-width ratio of 1:3. The height of the existing building is approximately 18', and the width is 42'. The height of the existing structure meets the standards required by the Ordinance. The maximum height allowed is 40 feet and the height is approximately 18'.

The existing structure elevations illustrate that there is a change in the roofline at the porch. The existing porch will be replaced as per the proposed elevations provided.

The applicant states that the windows and existing front entry way facing the driveway will be remodeled to increase the height of the existing roof. The applicant also points out that the structure naturally provides a scale change with the recessed area where the old porch has been enclosed.

**Fenestration**

The existing structures and elevations as illustrated do not meet the fenestration standards required by the Ordinance. The ordinance requires that not less than 50% of the length and 25% of the surface of the primary structures shall be in public entrances or windows.

The applicants' notes state that the existing enclosed porch will be removed; the applicant proposes to increase the number of windows in this section and to provide additional fenestration. Those additions are included in the calculations.

The applicant contends that the addition to the front of the structure will increase the fenestration. The applicant also contends that all openings that are existing shall remain, except the enclosed porch, which will be removed. The applicant proposes to increase the number of windows in this section, and to provide additional fenestration.

The existing structure meets the access standards required by Ordinance. The front door is located adjacent to the parking. The existing structure elevations illustrated meet the standards required by Ordinance.

Blank walls do not exceed 20' in length. All building walls illustrated currently have a change in plane. Windows are either existing or proposed, and all exterior materials shall remain. Any repairs will be done with matching material.

The existing structure meets the material standards required by Ordinance. The brick foundation, horizontal vinyl siding, and asphalt shingles, all meet the requirements.

Ms. Nelson said these three items do not meet the standards of the Ordinance and the applicant is asking for an exception: sidewalks, parking location and fenestration.

Ms. Virginia Moore, Architect with Carlos Moore Architects, addressed the Board stating she is representing Paula and Eddie Yost.

She will address first the conditional use rezoning and then go through each item where she is requesting some deviations from Appendix B, Commercial Design Standards in the Ordinance.

She said everything surrounding this property has been in this family for a minimum of four generations. This structure was built in the early 1900's. The intent is to leave most of the structure intact, exactly where it is, where the windows were placed in the early 1900's. What they would like to do is redesign the area where they have the enclosed porch so it is more appropriate with the remainder of the house. The specific area that we will remodel or repair will meet the design criteria of the Ordinance in that area.

She said the structure has been vacant for approximately 15 years; family members use it as storage. They would like to limit the use and instead of going for a straight rezoning, we self-imposed conditions on it, so it would only be for cultural organizations, civic

organizations or a professional office. The parcel is only 1.37 acres and the size limits what the owner would be able to do in the future.

Ms. Moore shows pictures of the existing site. One image she shows is the view standing on Highway 49 looking back to the property. She said there is approximately a 10 foot drop off and there is natural screening vegetation. The parking lot would be directly behind the vegetation and they are proposing to add more screening in that area.

The first item where we are asking for a deviation is on putting in a sidewalk along Highway 49, you can see by the picture there is an extended apron on Highway 49 and it goes downhill there. It is there position that a limited amount of sidewalk on Highway 49 is not in keeping with that whole streetscape in that area.

The second item we are asking for deviation is the location of the parking. The Ordinance states that it would be in the back of the structure. She shows a view of the current driveway with a telephone pole and a large tree behind it. This is the only area that we could try to get in the parking and the existing septic tank happens to be adjacent to the back side of the porch. This limits us in excavating in that area for parking; the drain field is directly behind, that, which limits that entire area. There is already a natural area directly in front of the porch where they propose to put the parking.

The third deviation is for fenestration. She shows a picture of the back side of the structure. Their intention is not to touch this part of the building back, as far as adding any windows. She is pretty sure it is balloon frame and they do not want to interfere with the existing structural system; other than making sure that the floor loading meets the change of use occupancy. It is their intent to make any openings inside the building meet the accessibility code, but as far as roofing, exterior, skin; the intent is not to touch the exterior from that point on. Their intention is to remove the entire addition of the old porch and to reconstruct it. (She showed the elevations)

Ms. Moore thinks everything else met the Ordinance except for those three items. We are asking the Board to approve the rezoning for conditional use with their self-imposed conditions and allow for the minor deviations in the Ordinance.

The Chair reminded the Board in regards to the sidewalk; we had this issue with the Tack Shop on Highway 73 and in that case the Board felt that it was nonconforming to put a sidewalk there in that case and he feels strongly about the same thing here.

The Chair asked if there were any comments from the Town of Mt. Pleasant regarding their ETJ or any feedback from any property owners nearby.

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board stating that Mt. Pleasant's ETJ area does not extend out that far, it is in their Utility Service Boundary Area. Because the applicant is not requesting utilities it was allowed to proceed under the County Ordinance. We spoke to Mt. Pleasant and provided them with information about

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the case and never heard anything else back from them, so we assume that they were okay with it.

She said there was one call, but the gentleman was not for or against the rezoning; he was just interested in attending the meeting.

Mr. Rich Koch, County Attorney, addressed the Board stating that there was a similar situation with exceptions to the Architectural Standards that came up with the Wallace Tack Shop. He thinks this is the first time we have had a Conditional Use Rezoning with some requests for exceptions to the Architectural Standards. He said because of that, there will be three things the Board will need to consider.

The first is the rezoning itself, which is a legislative function. You will decide if you wish to rezone this property to the requested zoning or not. Because it is a Conditional Use Rezoning, we do one hearing and separate out the different parts of the process for the Board to separately consider.

He said that vote under our Ordinance and Special Legislation, if you agree to rezone it, in order for it to be final and not go to the County Commissioners; it will need an affirmative vote of 7 of the 9 members of the Commission. We will also need to have a Consistency Statement as is required for any rezoning.

The next thing to consider is the exceptions that have been requested from the Architectural Standards. The Board can vote on all three at once or take them separately; it is their choice. If you agree to allow the exceptions it would be an affirmative vote of the majority.

He said that part sort of folds into the approval of the site plan and the conditions with reference to the Conditional Use Permit. He said that is the Board of Adjustment function, technically, that required that we take sworn testimony. Under that, by statute, it will take the affirmative vote of 8 of 9 of the Board; greater than 80% for it to be approved. If there is a vote to do that, you would want to include the conditions that are contained in the staff report and that have been mentioned in the course of the testimony and any others that the Board wishes to impose; we can deal with that separately.

Mr. Koch said there have been Conditional Use Rezoning before but we have never had one combined with exceptions to the design review. He said it is new territory but most of it is familiar.

Mr. Aaron Ritchie does not see where it is going to affect Highway 49; we currently have businesses there.

There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. Richard Price to **APPROVE** Petition RZON2011- 0004 Rezoning – from Countryside Residential (CR) to Office/ Institutional (OI). The vote was unanimous.



**Consistency Statement** – Although the proposed rezoning is not consistent with the Eastern Area Land Use Plan and because the property is along Highway 49 and is intended to be used for business use consistent with other like uses, it is reasonable and in the public interest.

There being no further discussion, Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Larry Ensley to **APPROVE** the Consistency Statement. The vote was unanimous.

The Chair said the building was built in the 1919, and being of historic nature he **MOTIONED, SECONDED** by Mr. Aaron Ritchie to **APPROVE** the following exceptions to the Architectural Design Standards requested by the applicant:

1. Connectivity and Sidewalks – Applicant contends that the sidewalks along the road would conflict with the rural character of the property. Sidewalks will be provided at the accessible parking area and adjacent to the building to provide accessibility.
2. Parking Requirements – Applicant contends that the rear of the structure is unusable for parking because of the location of the septic tank and septic field. The applicant proposes extra vegetation and landscaping in this area for additional screening. Parking will be located approximately 10 feet below the street elevation allowing for more screening.
3. Fenestration - Applicant will remove the existing porch. The applicant proposes to increase the number of window in this section and to provide additional fenestration. The applicant contends that the addition to the front of the structure will increase the fenestration and that all existing openings will remain.

**The vote was unanimous.**

It was a consensus of the Board to allow Mr. Koch to prepare the Findings for the deviations to the Architectural Design Standards to be approved at the next meeting.

There being no further discussion, Mr. Richard Price, **MOTIONED, SECONDED** by Mr. Aaron Ritchie to **APPROVE** the Conditional Use Permit for Petition - RZON2011-00004 with the following recommendations by staff:

1. Site plan review and approval required subsequent to Board of Adjustment approval to ensure compliance with applicable development requirements and conditions.
2. Granting order, stating restrictions and applicable conditions of approval, shall be recorded with the deed for the property.
3. Expansion of project, as well as modifications or changes to approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit.

4. Applicant shall provide copies of all required state, local, and federal permits for the permanent project file prior to zoning permitting.
5. A driveway permit will be required.
6. The hard surface apron must be extended to the R/W line, or 50' from the edge of pavement.
7. The applicant also proposes the following conditions of approval for consideration
  - a. No outside storage of any kind.
  - b. Additional landscape treatment of the parking area.
8. Site plan approved by Design Review Committee with deviations from: connectivity, sidewalks, parking requirements and fenestration (see Findings of Fact).

**The vote was unanimous.**

It was the consensus of the Board to allow Mr. Koch to prepare the Findings for the Conditional Use Permit to be approved at the next meeting.

### **Director Report**

Ms. Morris said the Board did not get anything back this month on the Text Amendments because she is still working with the Sheriff's office on how they want to proceed with the outdoor shooting ranges. It seems that there is an industry standard. There are no real standards in the building code, in NFPA, or the mechanical code. The things we talked about, the big fans and the different things for ventilation, apparently, were specific to that particular place. There is not a lot of guidance on this. The NRA does have some guidelines and they also do training classes for people that are interested in starting ranges. She said that may end up being our reference document. She is currently working with a Deputy who is acting as a go between with the language and different things, between the County and the NRA to get us some of that information. She is waiting on a call back from the NRA.

Ms. Morris said Chapter 3 is almost complete. When you get your package the next time, hopefully it will be all of those chapters, then we can make a formal recommendation to the Board of Commissioners to adopt those particular updated chapters.

We have been asked to have our Sustainable Local Economy group look at our text amendments, to make sure that appropriate uses are in there. She said kind of like when we went through the list to see if there were any uses that were missing or any opportunities we may be missing in the County. She believes that at some point they will be giving it a once over, as well as the changes to the applications that we made. She thinks they are more interested in the process, and if someone comes here to start business, how hard is it for them to get from Point A to Point B. She thinks they will be looking more at the applications and process itself instead of the technical aspects of the Ordinance.

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She hopes to have it back to the Board next month or by January 2012, so we can make a recommendation to the Board of Commissioners and at least get the new chapters adopted.

Ms. Morris said there still has been no response on the APFO case. The Small case was postponed and will be back on the docket November 28, 2011.

Ms. Morris is still looking for a volunteer for the Text Amendment Committee.

There being no further discussion, Mr. Eugene Divine, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:47 p.m.

APPROVED BY:



Todd Berg, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Morris  
Planning and Zoning Manager

**FINDINGS OF FACT  
CONDITIONAL USE PERMIT  
PORTION OF CONDITIONAL USE REZONING  
APPLICANT: PAULA YOST  
5605 HIGHWAY 49 EAST  
MT. PLEASANT  
RZON 2011-00004**

**FINDINGS OF FACT**

1. The use as proposed is not detrimental to the public health, safety or general welfare.
  - a) *The Applicant proposes to convert the existing small uninhabited early 1900's house into a law office, which use will have no adverse impact on the public health, safety or general welfare.*
  - b) *The proposed use adds no new additional burden to the property that would affect the public adversely.*
2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.
  - a) *The proposed law office will use a rollout container for waste disposal.*
  - b) *The property contains an operating well and septic system and City of Concord water is available to the property.*
  - c) *All other public facilities, which are not specifically required for this additional use, are located nearby.*
3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.
  - a) *The house on the property will essentially retain the look of a residence but will be updated on the outside.*
  - b) *The proposed use is consistent with the uses immediately adjacent to the property.*
4. The use as proposed will comply with the general plans for the physical development of the County as embodied in the Zoning Ordinance or in the area development plans that have been adopted.
  - a) *The proposed benign use of this parcel will allow the parcel to be productive, yet still retain the essentially rural character of this part of the County, which*

*character is consistent with the general plans for the development of the County.*

b) *The proposed use is consistent with the uses immediately adjacent to the property.*

**FINDINGS OF FACT  
DEVIATIONS FROM COUNTY DESIGN REVIEW STANDARDS  
CONDITIONAL USE REZONING  
APPLICANT: PAULA YOST  
5605 HIGHWAY 49 E., MT. PLEASANT  
CASE RZON 2011-00004**

**A. GENERAL FINDINGS**

1. This property is an approximate 1.37 acre tract in a location that is essentially rural in character.
2. The existing improvements to the property consists of an early 1900's era house that is no longer occupied. The proposed use consists of a conversion of this structure to a law office while retaining the essential exterior design components of the house. Thus, the house will still retain the character of the original residence even though used for offices.

**B. CONNECTIVITY AND SIDEWALKS**

1. The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
2. The Ordinance requires a minimum 5 foot sidewalk.
3. Because of the rural character of the area, there are no other sidewalks and a sidewalk near the road would not connect to anything.
4. The plans call for sidewalks adjacent to the parking area and the building.

**C. FENESTRATION**

1. The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
2. The Ordinance requires that not less than 50% of the length and 25% of the surface of the structure be in public entrances or windows.
3. The Applicant is utilizing the original fenestration openings from the residence except for a subsequently enclosed porch, which is being reworked with a design consistent with the original design of the house.



**D. PARKING**

1. The above General Findings of Fact are incorporated by reference as Findings regarding this issue.
2. Although the Ordinance requires parking in the rear to screen from the road, the rear of the structure is unusable for parking because of the location of the septic tank and septic field there.
3. The location of the proposed parking is logical based on the position of the structure relative to the road and the fact that the parking will be naturally screened due to the parking area being located ten (10) feet below the grade of the road.
4. The applicant plans to install extra vegetation and landscaping to further screen the parking from the road.

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

**CONCLUSIONS**

The deviations sought by the Applicant from the District Development Standards in Chapter 5 of the Cabarrus County Zoning Ordinance are APPROVED, because such deviations meet the following requirements of the Ordinance permitting such deviations:

1. The deviation for architectural design is compatible in relation to the surrounding neighborhood.
2. The deviation in site design is compatible with the context of the surrounding neighborhood.

## Proposed Regional Blueprinting Workshop

(5 minutes)	Introductions	
(20 minutes)	Overview of Blueprinting: Power Point	Centralina Staff
(35 minutes)	Hands-On Blueprinting Exercise	All
(15 minutes)	Report-Out and Feedback	All
	<ul style="list-style-type: none"><li>• What scenario did we create, and how?</li><li>• What would we want to KNOW about the impacts of the scenario we created?</li><li>• What information do we wish we had had, that we didn't have?</li></ul>	

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
11/08/11

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

**Petition: RZON2011-00004 Rezoning**

Applicant Information: Carlos Moore, Architect, P.A. (as Agent for Owner)  
222 Church St. N  
Concord, NC 28025

Owner Information: Paul Eddie Yost/Paula Yost  
5605 N Hwy 49  
Mt. Pleasant, NC 28124

Existing Zoning: CR (Countryside Residential)

Proposed Zoning: OI-CU (Office/Institutional- Conditional Use)

Permitted Uses: The proposed rezoning limits the property to specific uses allowed in the Office/Institutional Zoning district. These uses are Professional Office of 30,000 sq ft. or less, Civic Organization Facility, and Public Cultural Facility.

PIN#: 5650719774

Area: 1.37 Acres

Site Description: The site is currently occupied by a vacant home that will be used to house the business.

Adjacent Land Use: Residential and Agricultural

Surrounding Zoning: North: CR (Countryside Residential)  
East: CR (Countryside Residential)  
South: CR (Countryside Residential)  
West: CR (Countryside Residential)

Utility Service Provider: The property is currently being served by well and septic. In comments from the City of Concord, it was expressed that if the applicant wishes to connect to city water, the plans would need to be reviewed again. (See Attached)

CASE # RZON2011-00004  
APPLICANT: PAULA YOST  
DATE: NOVEMBER 8, 2011  
EXHIBIT: 1

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
11/08/11

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

**Exhibits**

1. *Conditional Use Rezoning Application Form*
2. *Aerial Map*
3. *Zoning Map*
4. *Land Use Map*
5. *List of Adjacent Property Owners*
6. *Adjacent Property Owner Letter*
7. *Site Plan*
8. *Commercial Design Standard proposal*
9. *Design Review Report*
10. *Utility Comments-City of Concord*
11. *Soil and Water Conservation Comments-Dennis Testerman*
12. *List of uses for CR district*
13. *List of uses for OI district*

**Intent of Zoning Districts**

**Existing-** Countryside Residential: Lands in this district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if at all possible. Although the area is capable of handling higher densities of development, development is kept at very low overall densities. Development includes only the standard single family detached dwelling. The site sensitive design concept is carried out through performance based standards on residential development with the technique of "clustering". In general, clustering is an arrangement of physical structures on land with an emphasis on retaining natural areas as open space. It is the primary way in which development can be successfully blended into the rural landscape. Densities permitted in the CR district range from 1 unit per 2 acres if the Conventional Subdivision option is used to 1 unit per acre if the Open Space design option is used. The minimum lot size is one acre. The minimum lot size for minor subdivisions is one acre. Public water and sewer are not permitted in this zoning district.

**Proposed-** Office/Institutional: This district is intended to accommodate relatively low intensity office and institutional uses at an intensity complementary to residential land use. Where appropriate, this district can serve as a transition between residential land use and higher intensity non-residential land use.

**Agency Review Comments**

**Schools Review : No Comments**

*School review not required, proposal is a nonresidential rezoning.*

**Fire Review : Steven Langer, Fire Marshal**

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CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
11/08/11

Staff Use Only:

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

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

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

*No issues with the rezoning request. If the rezoning is approved, and the property is used as a business, there will need to be inspections done by Building Inspections Department and the Fire Marshal's office to look at the change of use, and ensure that the structure meets life safety code requirements for its use.*

**Transportation Review : Leah Wagner, NCDOT**

- 1.) *Driveway Permit required.*
- 2.) *The hard surface apron must be extended to the R/W line or 50' from the edge of pavement.*
- 3.) *Any change in use other than the specified use will require a new review by NCDOT and/or new driveway permits.*

**EMS Review : No Comments**

**Sheriff Review : No Comments**

**Health Alliance Review: No Comments**

**Soil-Water Conservation Review : Dennis Testerman, Soil and Water Conservation**  
*(See Attached)*

**Stormwater Review : No Comments**

*Stormwater permits will be required if the project includes a total disturbed area of more than one acre.*

**Erosion Review : No Comments**

*Erosion control plans will be required if the project includes a total disturbed area of more than one acre.*

**Utility Review : Kevin Ashley, City of Concord**

*Property currently uses well and septic. City of Concord has no objection to the rezoning, but if it is determined that they need city water, the city would like to review again.*

**Land Use Plan Analysis**

The Eastern Area Plan designates this parcel and the surrounding parcels, as Suburban Residential. This district is the area plan's single-family designation. The district is located both in the Town of Mount Pleasant and the extra-territorial jurisdiction. Housing densities of one to four units per acre are appropriate in the Suburban Residential district. It is recommended that the higher densities (three and four units per acre) be permitted in areas with access to existing public utility service. Areas without access to existing public utility infrastructure should develop at a density of one unit per acre. Once public investment in utility services is made then these area may also develop at two to four units per acre. Developments in the suburban residential district should include park and open space in accordance with the Livable Community Blueprint, sidewalks, road connectivity with the existing and planned road network,

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
11/08/11

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

garages that are recessed, detached, or oriented toward the side yard, and bike paths/lanes. This district includes portions of the existing Residential-Medium Density (RM-1), and Residential-Low Density districts (RL).

**Staff Recommendations**

Since this is a Conditional Use Rezoning request, two actions are required by the Commission.

**Consideration of Rezoning**

The proposed zoning is not consistent with the Eastern Land Use plan designation of Suburban Residential.

The Planning and Zoning Commission should review the information and facts presented to determine if the proposed zoning amendment is consistent with the Commission's goals and vision for this area of Cabarrus County.

**Conditions of Approval**

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

1. Site plan review and approval required subsequent to Board of Adjustment approval to ensure compliance with applicable development requirements and conditions. (Zoning)
2. Granting order, stating restrictions and applicable conditions of approval, shall be recorded with the deed for the property. (Zoning)
3. Expansion of project, as well as modifications or changes to approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit. (Zoning)
4. Applicant shall provide copies of all required state, local, and federal permits for the permanent project file prior to zoning permitting. (Zoning)
5. A driveway permit will be required. (NCDOT)
6. The hard surface apron must be extended to the R/W line, or 50' from the edge of pavement. (NCDOT)
7. The applicant also proposes the following conditions of approval for consideration
  - a. No outside storage of any kind.
  - b. Additional landscape treatment of the parking area.





## Aerial Map

Petitioner: Carlos Moore  
(As Agent for Owner)

Owner: Paul Eddie Yost/Paula Yost

Petition : RZON2011-00004

Existing Zoning: CR  
(Countryside Residential)

Proposed Zoning: OI - CU  
(Office/Institutional) Conditional Use

Parcel ID# 5650-71-9774

### Legend

- Subject Property
- Streets
- Tax Parcel
- City of Concord



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,  
November 2011.

Subject Property





## Zoning Map

Petitioner: Carlos Moore  
(As Agent for Owner)

Owner: Paul Eddie Yost/Paula Yost





Petition : RZON2011-00004

Existing Zoning: CR  
(Countryside Residential)

Proposed Zoning: OI - CU  
(Office/Institutional) Conditional Use

Parcel ID# 5650-71-9774

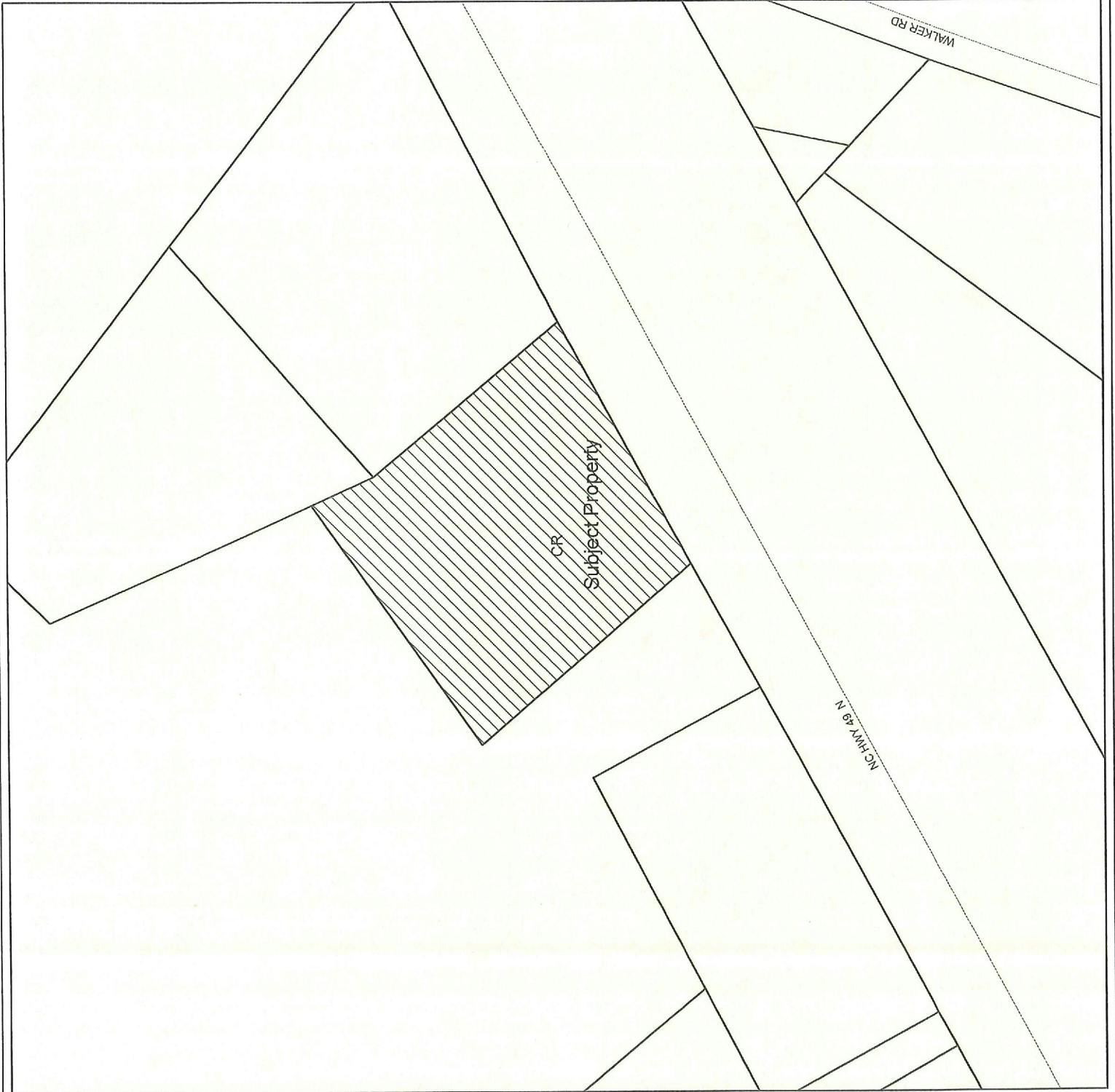
### Legend

-  Subject Property
-  Streets
-  Tax Parcel
-  CR- Countryside Residential



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,  
November, 2011.







## Land Use Map

Petitioner: Carlos Moore  
(As Agent for Owner)

Owner: Paul Eddie Yost/Paula Yost

Petition : RZON2011-00004

Existing Zoning: CR  
(Countryside Residential)

Proposed Zoning: OI - CU  
(Office/Institutional) Conditional Use

Parcel ID# 5650-71-9774

### Legend

- Subject Property
- Streets
- Tax Parcel
- Suburban Residential



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 for these data were aerial photography, ground survey data, and information contained within the data.

Map Prepared by Cabarrus County Planning Services,  
November 2011.

Subject Property

WALKER RD

NC HWY 49 N

## **Zoning Districts**

### **Countryside Residential**

**Intent:** Lands in this district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if at all possible. Although the area is capable of handling higher densities of development, development is kept at very low overall densities. Development includes only the standard single family detached dwelling. The site sensitive design concept is carried out through performance based standards on residential development with the technique of "clustering". In general, clustering is an arrangement of physical structures on land with an emphasis on retaining natural areas as open space. It is the primary way in which development can be successfully blended into the rural landscape. Densities permitted in the CR district range from 1 unit per 2 acres if the Conventional Subdivision option is used to 1 unit per acre if the Open Space design option is used. The minimum lot size is one acre. The minimum lot size for minor subdivisions is one acre. Public water and sewer are not permitted in this zoning district.

**Rationale:** This is a land use district created as a direct result of the County's systematic area planning process. As a reaction to the growth of the past decade (as much as 80% in some townships) many residents are anxious to see their areas retain the appeal that inspired the resident to make his/her original investment. This district helps implement a growth management philosophy before the fact rather than after. Even when the area has access to public utilities, the overall density will remain relatively low. In summary, the principle purpose of this district is to provide some land area in the County for a permanent country/rural residential life style.

#### **Permitted**

**Uses:**

- Agriculture excluding livestock
- Agriculture including livestock
- Dairy processing
- Family care home
- Group care facility
- Livestock sales
- Nursery/greenhouse
- Single family detached residential

**Permitted****based on**

**Standards:** Accessory apartment  
Auction house  
Bed & breakfast  
Cemetery  
Civic organization facility  
Convenience store with petroleum sales  
Convenience store without petroleum sales  
Ethanol Fuel Production (Residential, Private Use Only)  
Gas station  
Home occupation  
Home occupation, rural  
Kennel, private  
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 or fewer beds  
Restaurant excluding drive-thru  
Sawmill  
Stables, commercial

**Conditional**

**Uses:** Colleges & universities  
Communications tower  
Elementary & secondary schools  
Multimedia distribution & production complex  
Public service facility  
Public use facility  
Reception Facilities  
Recreational facility, outdoor  
Recreational Therapy Facility (Rural Setting)  
Religious institution (total seating capacity 351 or more)  
Religious institution with school  
Rest/convalescent home with more than 10 beds  
Slaughter house/meat packing  
Veterinarian/animal hospital/commercial kennel

## **Zoning Districts**

### **Office/Institutional Districts**

#### **Intent:**

This district is intended to accommodate relatively low intensity office and institutional uses at an intensity complementary to residential land use. Where appropriate, this district can serve as a transition between residential land use and higher intensity non-residential land use.

#### **Rationale:**

This district is used to provide for low intensity office and institutional uses than can be complementary to adjacent residential land use. This district features employment options and essential services which require a moderate number of average daily trips. These uses will have a minimum impact on the surrounding area because these trips will generally occur during regular business hours, thus, not competing with residential traffic at peak hours and weekends. This district should be located adjacent to residential zones or in areas where its use would serve as a transition between residential land use and higher intensity non-residential land use. Higher intensity non-residential land use may include commercial zones, light industrial or mixed use zones. When bordering residential zones, care should be taken to assure natural or manmade buffering and/or architectural compatibility so that the nonresidential activities are not a nuisance to residential use.

#### **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:** 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)

OWNER	MAILADDR2	CITY	STATE	ZIPCODE
LIPPARD DORIS W	156 OLD MOUNTAIN ROAD	STATESVILLE	NC	286770000
YOST PAUL EDDIE	1352 COLD SPRINGS ROAD	CONCORD	NC	280250000
WALKER GEORGE DAVID	5641 HIGHWAY 49 NORTH	MT PLEASANT	NC	281249716
ASHBY JAMES E	12745 BANKS ROAD	MT PLEASANT	NC	281240000
WALKER MARGARET AND	5641 HWY 49 NORTH	MT PLEASANT	NC	281240000
WALKER GEORGE HENRY & KAY F	5475 HWY 49-E	MT PLEASANT	NC	281240000



October 17, 2011

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The specifics of the petition are listed below.

The Cabarrus County Planning and Zoning Board will consider this petition at their meeting on Tuesday, November 8, 2011 at 7:00 PM in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning, I encourage you to attend this meeting.

<b><u>Petitioner</u></b>	<u>Carlos Moore, Architect, P.A. (as Agent)</u>
<b><u>Petition Number</u></b>	<u>RZON2011-00004 Zoning Map Amendment</u>
<b><u>Property Location</u></b>	<u>5605 Highway 49 East, Mt. Pleasant</u>
<b><u>Parcel ID Number</u></b>	<u>5650-71-9774</u>
<b><u>Existing Zoning</u></b>	<u>CR- Countryside Residential</u>
<b><u>Proposed Zoning Map Change</u></b>	<u>OI- CU- Office/Institutional- Conditional Use</u>

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning Services at (704) 920-2141.

Sincerely,

Colleen Nelson, Senior Planner  
Cabarrus County Planning Services  
Canelson@cabarruscounty.us

## Colleen Nelson

---

**From:** Kevin Ashley [ashleyk@concordnc.gov]  
**Sent:** Monday, September 26, 2011 3:34 PM  
**To:** Colleen Nelson  
**Subject:** RE: Rezoning Request - 5605 Hwy 49 E

Thanks. No objection from the City, but if it is determined that they need City water, we would like to reserve the right to review it again.

Kevin E. Ashley, AICP  
Planning & Development Manager  
Planning and Neighborhood Development Department  
(704) 920-5149

>>> Colleen Nelson <[CANelson@cabarruscounty.us](mailto:CANelson@cabarruscounty.us)> 9/26/2011 3:08 PM >>>  
They haven't indicated that they would need to hook onto city water, but the zoning would allow utilities. Currently, the property is under well and septic.

-----Original Message-----

From: Kevin Ashley [mailto:ashleyk@concordnc.gov]  
Sent: Friday, September 23, 2011 1:14 PM  
To: Colleen Nelson  
Subject: Rezoning Request - 5605 Hwy 49 E

Colleen-

I'm taking a look at the proposed rezoning that you sent out for comments - I see where they are using septic. Will they be using a well for their water supply?

Thanks!

Kevin E. Ashley, AICP  
Planning & Development Manager  
Planning and Neighborhood Development Department  
(704) 920-5149

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review by anyone at any time.

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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.

## Colleen Nelson

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**From:** Dennis Testerman  
**Sent:** Wednesday, October 26, 2011 8:44 AM  
**To:** Colleen Nelson  
**Subject:** RE: Rezoning on 49

Colleen,

Our main concern with this proposed rezoning is that we continue to work on a land protection initiative along Adams Creek upstream and downstream of NC 49. We have already seen the adverse effect on our land protection efforts from the conditional rezoning of the parcel on the NE corner of NC 49 and Adams Creek from agricultural to conditional use for a farm equipment business and more recently for an auto repair/U-Haul rental business. Each rezoning in the area from residential to commercial or institutional uses that are not directly related to agriculture further threaten the future viability of agriculture in this area—as well as open space protection—by fostering sprawl along NC 49, land fragmentation and land valuation increases. We see our land protection/open space initiative in this area as a way to provide a transition buffer between the Arena site and the City of Concord to the west and the Town of Mt. Pleasant to the east.

Our concerns above are probably better addressed in the next area plan update.

Dennis

---

**From:** Colleen Nelson  
**Sent:** Tuesday, October 11, 2011 3:44 PM  
**To:** Dennis Testerman  
**Subject:** Rezoning on 49

Have you been able to get your comments together for the Rezoning that I sent you information for last month? It was located on 49, they wanted to go from CR to OI-CU. Please get the comments to me as soon as you can. Thanks ☺

**CABARRUS COUNTY  
CONDITIONAL USE REZONING  
APPLICATION**



STAFF USE ONLY:

Application/Accela#: R20N2011-00004

Received By: Colleen Nelson

Date Filed: 9/13/11

Amount Paid: \$628.30

**Instructions**

- ✓ 1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a conditional use rezoning request.
2. Submit a complete application to the Planning Division. All applications must include the following:
- ✓ Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
  - ✓ A recent survey or legal description of the property or area of the property to be considered for rezoning.
  - ✓ 15 folded copies of the proposed site plan.
  - ✓ Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)
- OK ✓ 3. Submit cash, check, or money order made payable to Cabarrus County.
- Fees: Conditional Use Rezoning \$600.00 + \$5.00 per acre  
+3% technology fee based on total application fee
- $600 + 10 = 610 + 3\% = \$628.30$

The deadline for submittal is always the same day as the Planning and Zoning Commission Meeting which is the second Tuesday of the month. Applications must be submitted before 5:00 PM that day for consideration on the next available agenda.

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

**Process Summary:**

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

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

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

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

The Conditional Use Rezoning process includes two separate votes:

1. The Commission will consider the proposed rezoning to determine if it is appropriate.
2. The Commission will consider issuing the Conditional Use Permit and approving the site plan.

**Expedited Vote:** A vote of  $\frac{3}{4}$  or more of the members of the Planning and Zoning Commission is considered an Expedited Vote and will constitute a final decision for the rezoning portion of the case. If approval or denial of a rezoning request is by a vote of less than  $\frac{3}{4}$  of the members, or if an appeal of the decision is filed within 15 days of the date of the decision, the application will automatically be forwarded to the Board of Commissioners for final consideration at a *de novo* hearing.

**Conditional Use Permit:** The Conditional Use Permit will be considered as a second step in the conditional use rezoning process. The vote requirement for the CUP to pass is 80% or greater. Additional conditions may be added as part of the Conditional Use Permit approval process.

**Questions:** Any questions related to rezoning your property or to the rezoning process may be directed to the Planning Division at 704-920-2141, between 8 AM and 5 PM, Monday through Friday.

**Subject Property Information**

Street Address 5605 Hwy 49 E Mt. Pleasant  
PIN(s) (10 digit #) 5650 -- 71 -- 9724; -- --  
Deed Reference Book 3149 Page 0189

**Description of Subject Property**

Size (square feet or acres) 1.37  
Street Frontage (feet) 324.7'  
Current Land Use of Property existing vacant residential structure.  
Surrounding Land Use North Ag  
South Vacant + Ag  
East Residential  
West Ag

**Request**

Change Zoning From CR To O-I CU  
Purpose for Request to convert existing structure into a  
Law Office.

**Utility Service**



Water Supply Exist Well or Service Provider \_\_\_\_\_

Wastewater Treatment Exist Septic Tank(s) or Service Provider \_\_\_\_\_

**Proposed Land Use(s)**

Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from the Table of Permitted Uses in the Cabarrus County Zoning Ordinance and shall correspond to the Zoning District requested. (Additional sheet may be attached if needed)

Professional Office  
civic organization  
cultural organization  
public cultural facility VMW  
16.21.2011

**Conditions of Approval**

Please list any specific conditions that you would be willing to impose as part of this application (Example: no outside storage permitted on-site, increased buffer width, etc).

No outside storage of any kind  
additional landscaping @ parking area

**Property Owner/Agent/Applicant Information**

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested and the Conditional Use Permit authorized, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the Development Plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval of the CU District, substantial construction has not begun, the property in question may be changed to another zoning designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.



I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

Property Owner Paul Eddie Yost / Paula Yost  
Address 5605 N Hwy 49 E Mt. Pleasant  
Phone 704-280-3624  
Fax -  
Signature Paul Eddie Yost (um)  
E-mail Address pyost@vt.edu

Agent (if any) / Applicant Carlos Moore Architect P.A.  
Address 222 Church St. N Concord NC 28025  
Phone 704-788-8333  
Fax 704-782-0487  
Signature V-j M  
E-mail Address vmoore@cmoorearch.com

Applicant (if any) ↑  
Address   
Phone   
Fax   
Signature   
E-mail Address

**Design Review Report**  
**Yost & Mobley, PLLC Rezoning**

Application: Yost & Mobley, PLLC Rezoning  
RZON2011-00004

Applicant: Carlos Moore Arch. P.A.  
222 Church St. N.  
Concord, NC 28025

Property Owner: Paul Eddie Yost/Paula Yost  
5605 N. Hwy 49  
Mt. Pleasant, NC 28124

Zoning: Current: CR (Countryside Residential)  
Proposed: O/I (Office/Institutional)

Location: 5605 N. Highway 49, Mt. Pleasant

Size: 1.37 Acres

PIN: 5650719774

Staff Report by: Colleen Nelson, Senior Planner

Final Decision

Motion	To Grant	To Deny
Vote	For	Against
Granted		Denied

**Application Summary:**

Applicant is seeking deviations from the standards listed in Appendix B as part of the Design Review Committee review process as outlined in Chapter 5, District Development standards, Section 5-9, Nonresidential Development Standards. (See attached)

**Staff Review:**

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

***Site Design Standards***

**Amenity Area**

Not applicable, there is only one building on site.

**Setbacks**

Setbacks of existing structure meets the standards required by the ordinance (See letter #2, SP1). Setbacks for Office/Institutional zoning are:

Front: 30'  
Side (single): 5'  
Side (total): 20'  
Rear: 20'

**Connectivity and Sidewalks**

Does not meet standards required by the Ordinance. The ordinance requires a minimum 5 ft. sidewalk and a minimum 6 ft. landscaping buffer between the road and the sidewalk.

Applicant contends that sidewalks along the road would conflict with the rural character of the property. Sidewalks will be provided at the accessible parking area and adjacent to the building to provide user accessibility. (See letter #3, SP1)

**Parking Requirements**

Meets standards required by Ordinance for number of parking spaces. The ordinance requires one regular space and one handicapped space. The applicant has provided two regular spaces and one handicapped space.

The standards have not been met for parking lot location. The ordinance states that the parking areas shall primarily be located to the rear of the structures to minimize visibility. The site plan shows parking located in front of the existing building. (See SP1)

The applicant contends that the rear of the structure is unusable for parking because of the location of the septic tank and septic field. They propose including extra vegetation and landscaping in this area for additional screening. The narrative also indicates that the parking will be approximately 10 feet below the street elevation, providing additional screening. (See letter #4, SP1)

**Parking Lot Design**

Meets the intent of the Ordinance

Sidewalks are provided for pedestrian travel from the parking area to the structure. They are provided at the accessible parking area and adjacent to the building to provide user accessibility. (See letter #3, SP1)

The majority of the parking is naturally screened, meeting the intent of the ordinance. The applicant has agreed to provide extra landscaping along the southwest side of the parking area to allow for additional screening. (See letter #4, SP1)

**Landscaping**

Meets standards required by Ordinance for landscaping. A type two bufferyard is required. This project is also subject to the Thoroughfare Overlay.

The applicant has thoroughly depicted bufferyards and calculations that illustrate the bufferyards and the requirements based on Office/Institutional zoning requirements. The applicant contends that the trees at the end of the drive will remain as well as all heavy vegetation. (See SP1)

The site is along the NC 49 corridor, and is therefore subject to the Thoroughfare Overlay. The applicant has shown the required bufferyard and its calculations on the site plan (a fifteen foot landscaped setback). (See SP1)

**Lighting**

Not Applicable

The applicant contends that no new lighting is planned, and thereby, the use will not be intrusive to the surrounding neighbors and will not create any additional light pollution. (See letter # 7)

**Loading and Unloading Areas**

Not Applicable

**Loading Docks**

Not Applicable

**Solid Waste Storage Areas**

Not Applicable.

Roll out containers will be used. There are no dumpsters on site. (See letter #9, SP1)

**Mechanical Appurtenances**

Meets standards required by Ordinance.

Any condenser units on the ground shall be located at the rear of the structure and thereby screened. (See letter #10)

***Architectural Design Standards*****Massing and Rhythm**

The existing structure meets the standards required by Ordinance for Massing and Rhythm. The Ordinance requires that horizontal masses not exceed a height-width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements. The height of the building is +/- 18', and the width is +/- 42'. (See A-1)

**Height**

The existing structure meets the standards required by the Ordinance. The Ordinance allows a maximum height of 40 feet for the principal structure. Staff has measured the existing structure at +/- 18'.

The applicant states that the existing structure is approximately 8' with a gabled roof. The west side of the structure is 17' high. (See letter #2 (pg. 2), A-1, A-2)

**Scale and Roofline**

The existing structure elevations illustrate that there is a change in the roofline at the porch. The shingles that will be used on the remodeled façade will match those of the existing structure.

The applicant states that the windows and existing front entry way facing the driveway will be remodeled to increase the height of the existing roof. The applicant also points out that the

structure naturally provides a scale change with the recessed area where the old porch has been enclosed. (See letter #3 (pg.3), A-2)

### Fenestration

The existing structures and elevations as illustrated do not meet the standards required by the Ordinance. The ordinance requires that not less than 50% of the length and 25% of the surface of the primary structures shall be in public entrances or windows. The fenestration for the existing structure is as follows:

Diagram Number	Side	Req. LF %	Total LF	LF req	LF shown	% LF shown	Req. SF	Total SF	SF req	SF shown	%SF shown
D A-2 (top)	North	50%	42.0	21	8.0	19%	25%	330.0	82.5	32.0	10%
E A-2 (bottom)	South	50%	42.0	21	10.0	24%	25%	330.0	82.5	50.0	15%
F A-2	Front	50%	24.5	12.25	12.0	49%	25%	275.0	68.75	66.0	24%
G A-1	Rear	50%	29.0	14.5	7.0	24%	25%	370.0	92.5	40.0	11%
H A-2	Front (alt)	50%	24.5	12.25	12	49%	25%	275.0	68.75	66.0	24

Note: Calculations are based on proposed front elevations when porch is replaced.

The applicant contends that the addition to the front of the structure will increase the fenestration. These changes are illustrated on the elevations provided. The applicant also contends that all openings that are existing shall remain, except the enclosed porch, which will be removed. The applicant proposes to increase the number of windows in this section, and to provide additional fenestration. (See letter #4 (pg.3), A-2)

### Access

Meets standards required by Ordinance.

The front door is located adjacent to the parking. (See letter #5 (pg.3), SP1)

### Articulation

Elevations illustrated meet the standards required by Ordinance

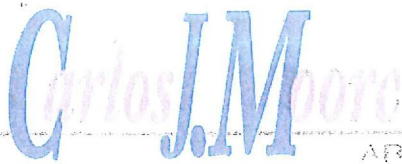
The applicant has shown on the site plan and elevations illustrated, that both on the existing structure, the proposed entryway, and the proposed changes meet the standards required by the ordinance.

Blank walls do not exceed 20' in length. All building walls illustrated currently have a change in plane. Windows are either existing or proposed, and all exterior materials shall remain. (Asphalt shingles, vinyl siding, brick foundation). Any repairs to the siding will be done with matching material. (See letter #6 (pg.3), A-2)

### Materials

Meets standards required by Ordinance. The materials on the existing building include brick foundation, horizontal vinyl siding, and asphalt shingles. (See SP1)

Any new shingles shall match existing. (See letter #3 (pg.3), A-1, A-2)



ARCHITECT, P.A.

Established 1987

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September 13, 2011 *Revised October 21, 2011*

Cabarrus County Planning & Zoning Department  
PO Box 707  
Concord, NC 28026

RE: Yost & Mobley, PLLC  
Conditional use rezoning from CR to O-I CU  
PIN 5650-71-9774  
5605 Hwy 49 E  
Mt. Pleasant, NC

Colleen,

Attached is the application for The Conditional Use Rezoning, 15 copies of the proposed site plan sheet SP-1, and a sketch render of the proposed remodeled entry to the existing structure.

With regards to our conversation on Monday, September 12, 2011 we offer the following information relating to the Commercial Design Standards set forth in the Cabarrus County Zoning Ordinance, Appendix B:

- 1.) Amenity Area:
  - a. Existing pasture and picturesque viewshed.
- 2.) Setbacks:
  - a. The structure is existing and currently meets the required setbacks.
- 3.) Sidewalks along Hwy 49.
  - a. Currently the site plan does not provide a sidewalk along this road. The site is rural in nature and a sidewalk would be in conflict with it's rural natural surroundings. Sidewalks are provided at the accessible parking area and adjacent to the building to provide user accessibility.
- 4.) Parking requirements / design:
  - a. The intent of the ordinance is for the parking to be screened from the street view and therefore usually located in the rear of the structure. In this instance, at the rear of the structure the existing septic tank and drainfield are there. We proposed to locate the required parking off of the front existing driveway and situated just beyond the existing heavy vegetation therefore the majority of the parking is naturally screened meeting the intent of the ordinance. Also the parking would be located approximately 10 feet below the street elevation. We show providing extra landscaping in this area on the southwest side of the parking for additional screening.



5.) Parking design:

- a. See above item # 4.

6.) Landscaping:

- a. Landscape plan per ordinance relating to bufferyards and parking lot yards is shown on site plan.
- b. Tree preservation - The trees at the edge of drive, most specifically along the property edge, will remain. All existing heavy vegetation shall remain.

7.) Site lighting:

- a. There is no site lighting planned and thereby would not be intrusive to the surrounding neighbors and will not create any additional light pollution in this rural setting.

8.) Loading Space:

- a. No loading space required.

9.) Solid Waste Storage:

- a. Owner shall use roll out garbage containers.

10.) Mechanical equipment:

- a. There is no roof top equipment and the condenser units on the ground shall be located at the rear of the structure and thereby screened.

ARCHITECTURAL DESIGN STANDARDS:

1.) Massing & Rhythm:

- a. The structure is an existing house built in the early 1900's.

2.) Height:

- a. The structure is existing and bearing heights are approximately 8' with a gabled roof. The West side of the structure is approximately 17' high.



3.) Scale & Roofline:

- a. The Structure is existing. The windows and existing front entry way facing the driveway will be remodeled to increase the height of the existing roof in this area. The structure also naturally provides a scale change with the recessed area where the old porch has been enclosed.

4.) Fenestration:

- a. All openings are existing and shall remain, except at the entry area (old enclosed porch.) We proposed to increase the amount of windows in this section and provide additional fenestration to meet the intent of the commercial design standards.

5.) Access:

- a. The front door is located adjacent to the parking.

6.) Articulation:

- a. Blank walls do not exceed 20' in length.
- b. All building walls currently have a change in plane due to the enclosed porch and include multiple windows.
- c. Scale – existing
- d. Windows – existing
- e. Exterior material is existing and shall remain. Any siding in need of repair shall be repaired with matching material.

7.) Materials:

- a. Materials are existing
- b. New shingles shall match existing.

Thank you for reviewing the project and should you have any further questions please let me know. Thanks.

Sincerely,



Virginia L. Moore  
Carlos Moore Architect PA

Attachments: site photographs





View from driveway to existing front porch area that will be reconstructed.

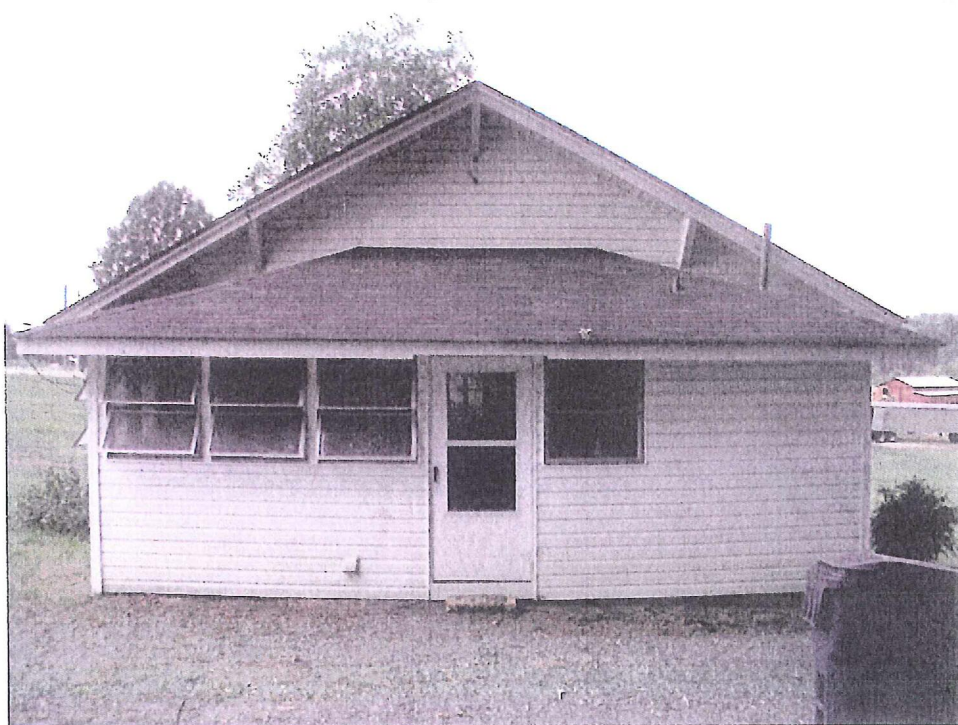




View towards Hwy 49.



Existing materials are vinyl siding with a brick foundation.  
All proposed materials shall match existing.



Existing entry. (To be removed.)

PART II. NONRESIDENTIAL DISTRICTS.

Section 5-9. Nonresidential development standards.

A. *Dimensional standards.*

Nonresidential development shall meet the following standards.

	OI	LC	GC	LI	GI
<i>Lot Dimensions</i> (minimum)					
Lot area (square feet)	10,000	10,000	1 acre	1 acre	1 acre
Lot width (feet)	50	50	120	120	200
<i>Principal</i> (minimum feet)					
Front yard	30	30	40	50	75
Side yard (single)	5	5	10	10	30
Side yard (total)	20	20	30	30	30
Rear yard	20	20	20	20	30
<i>Accessory</i> (minimum feet)					
Front yard	30	30	same as principal	same as principal	same as principal
Side yard (single)	5	5			
Side yard (total)	20	20			
Rear yard	5	5			
<i>Height</i> (maximum feet)					
Principal	40	40	60	60	60
Accessory	20	20	30	30	30
<i>Lot Coverage</i> (maximum)					
Impermeable surface	75%	75%	75%	70%	60%
Structural coverage	50%	50%	50%	50%	40%

B. *Residential development in nonresidential districts.*

All residential development in nonresidential districts shall meet the standards of the HDR District.

C. *Commercial design standards.*

*Applicability*

The Commercial Design Standards are intended to be used for all commercial developments located within the jurisdiction of Cabarrus County.

*Purpose*

The purpose of these design standards is to establish a general set of principles and specific recommendations to serve as a guide for new development and/or renovations of commercial properties.

*Permitted Uses*

11.3.3.1 Permitted uses shall be governed by Chapter 3, Establishment of Zoning Districts.



*Section 1-Appendix B Design Standards (See Appendix B)*

1. *The Commercial Design Standards listed in Appendix B shall apply to all new or expanding commercial and office developments in the O-I, LC, and GC zoning districts (See Chapter 3, Table of Permitted Uses-Commercial Uses). The minimum standards of Appendix B shall be incorporated and used in PUD districts.*
2. *The design standards of Appendix B shall apply to the following commercial uses listed in Chapter 3, Table of Permitted Uses-Commercial Uses when permitted in the AO, CR, LDR, MDR or HDR zoning districts:*
  - Bank/financial institution/ATM
  - Convenience stores with or without petroleum sales
  - Gas stations
  - Restaurants with or without drive thrus
  - Retail sales/shoppers' goods
  - Retail sales, shopping centers/10,000 SF and less
  - Nursery/Daycare

*Section 2-General Design Standards*

All other Commercial and office uses as listed in Chapter 3, Table of Permitted Uses-Commercial Uses, permitted in the AO, CR, LDR, HDR and MDR zoning districts shall be subject to the following standards. (See Chapter 3, Table of Permitted Uses-Commercial Uses)

*Review Criteria*

The following criteria shall be considered by staff in reviewing development proposals in addition to the standards established for major and minor site plan review:

*Setbacks*

Setbacks shall be determined by the zoning district and any additional standards in Chapter 4, Chapter 7, or Chapter 8 related to the proposed use. In the event there are discrepancies between the standards established for the zoning district and setbacks established in Chapter 4, Chapters 7 or Chapter 8, the stricter of the two shall apply.

*Connectivity and Sidewalks*

Sidewalks shall serve as the secondary mode of transportation and shall link residential and commercial developments, common areas and parking areas. Sidewalks shall be a minimum of five feet wide and shall have a minimum six-foot landscaped buffer area between the road and the sidewalk itself.

*Parking*

Off street parking shall be required and determined per Chapter 10.

*Parking lot design*

Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the buildings and shall include designated walkways. Parking lots shall be adequately screened from public view and shall include landscaping and buffering per Chapter 9 of the Cabarrus County Zoning Ordinance.

*Landscape*

A Landscaping plan shall be submitted in accordance with Chapter 9 of the Cabarrus County Zoning Ordinance.

*Loading/Unloading Areas and Loading Docks*

Loading and unloading areas shall be installed per Chapter 10. Loading/unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and shall be screened from the view of any street or any residentially developed or residentially zoned property. Loading docks shall be located to the rear of the structure and shall not be visible from any street right-of-way or residentially developed or residentially zoned property.

*Solid Waste Storage*

Solid waste containers shall be confined to an enclosed area that is screened on all sides. Solid waste storage areas shall be located to the rear or side of the structure. These areas shall be designed to compliment the structure and should be constructed from materials that match the building. Solid waste storage areas shall not be located in any planting yard and shall be screened from any street and/or any residentially developed or residentially zoned property.

*Mechanical Equipment*

All rooftop mechanical and electrical equipment shall be completely screened from view from all streets and adjacent properties. All screening walls/parapets shall be constructed and designed of materials compatible to that of the primarily structure and shall be incorporated into the design of the structure. Metal screening walls shall not be permitted. To the greatest extent possible, mechanical appurtenances shall be located within the structure. Appurtenances such as heating and air conditioning equipment, coolers, etc. shall be screened entirely from public view and shall be designed and finished to match adjacent building materials. In addition to design elements, landscape materials shall be incorporated to provide additional screening and/or softening of equipment areas.

*Height*

Building height shall be regulated in accordance with Chapter 5, Dimensional Requirements.

*Building Materials*

All buildings shall be constructed of quality materials. These materials include brick, either plain or painted, split faced block either plain or painted, horizontal

siding, wood, wood shingle, architectural metal, stone or concrete-based stucco. Corrugated metal may be used as an accent material only.

*Design Review Committee*

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

Projects subject to the standards established in Chapter 5, Section 5-9, C-1 shall be subject to administrative site plan review only.

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

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

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

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

*Appeal of Design Review*

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

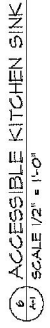
An aggrieved party may appeal a decision of the Planning and Zoning Board, sitting as the Design Review Committee, in writing within 30 days of a decision. All appeals of Design Review Committee (Planning and Zoning Board) decisions shall be heard by the Cabarrus County Board of Commissioners.

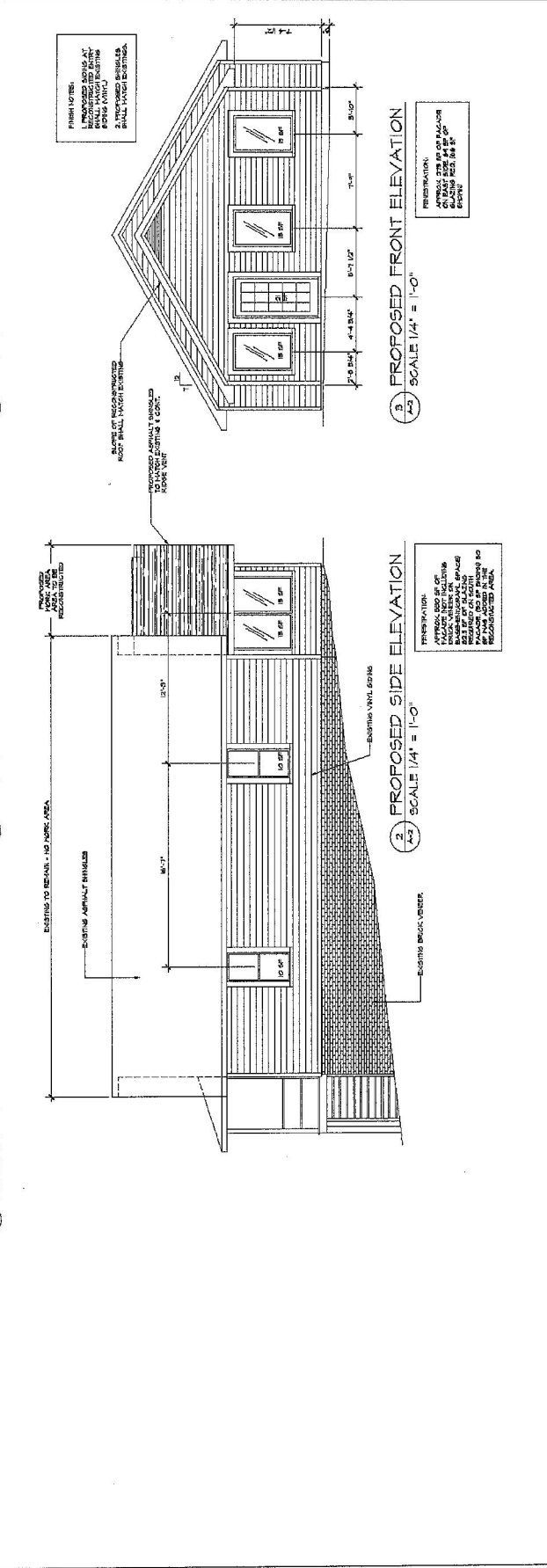
*Enforcement*

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













CASE # RZON2011-00004  
APPLICANT: PAULA YOST  
DATE: NOVEMBER 8, 2011  
EXHIBIT: 3













































## Summary

- Applicant is seeking deviations from the standards listed in Appendix B as part of the Design Review process.
- Outlined in District development standards, Section 5-9, Non Residential Design standards.

## *Site Design Standards*

- *Amenity Area*
  - Not applicable
- *Setbacks*
  - Meets Standards of the Ordinance
    - Front: 30'
    - Side (Single): 5'
    - Side (Total): 20'
    - Rear: 20'

## *Site Design Standards*

- *Connectivity and Sidewalks*
  - Does not meet standards of Ordinance
    - Ordinance requires a minimum 5ft. Sidewalk and a minimum 6ft. landscaping buffer between the road and sidewalk
    - *Applicant contends that sidewalks along the road would conflict with the rural character of the property. Sidewalks will be provided at the accessible parking area and adjacent to the building to provide accessibility.*



## Site Design Standards

### • *Parking Requirements*

- Meets standards of the Ordinance for number of parking spaces.
  - Requires one (1) regular and one (1) handicapped
  - Provides two (2) regular and one (1) handicapped
- Ordinance Standards have not been met for location of parking.
  - Ordinance requires parking areas shall primarily be located to the rear of the structures. Site plan shows parking located at the front of the existing building.
  - *Applicant contends that the rear of the structure is unusable for parking because of the location of the septic tank and septic field. They propose extra vegetation and landscaping in this area for additional screening. The narrative also indicates that parking will be located approximately 10 feet below the street elevation allowing for more screening.*

## Site Design Standards

### • *Parking Lot Design*

- Meets the intent of the Ordinance
- Sidewalks are provided for pedestrian travel from the parking area to the structure.
- The majority of the parking is naturally screened, and the applicant has agreed to provide extra landscaping along the southwest side of the parking area to allow for additional screening.

## ***Site Design Standards***

### ***• Landscaping***

- Meets standards required by Ordinance
  - Type two (2) bufferyard required
  - Thoroughfare Overlay also applies
- Applicant has depicted bufferyards and calculations that illustrate the required by the Office/Institutional zoning district
- The site is along the NC 49 corridor and is therefore subject to the Thoroughfare Overlay. The applicant has shown the required bufferyard and its calculations on the site plan (a fifteen foot landscaped setback)

## ***Site Design Standards***

### ***• Lighting***

- Not applicable

### ***• Loading and Unloading Areas***

- Not applicable

### ***• Loading Docks***

- Not applicable

### ***• Solid Waste Storage Areas***

- Not applicable

### ***• Mechanical Appurtenances***

- Meets standards required by Ordinance
- Any condenser units on the ground shall be located at the rear of the structure and thereby screened.



## Architectural Design Standards

### • Massing and Rhythm

- Existing structure meets standards required by Ordinance
  - Required that horizontal masses shall not exceed height-width ratio of 1.3
  - Height of existing building is +/- 18', width is +/- 42'

### • Height

- Existing structure meets standards required by Ordinance
  - Maximum height allowed: 40'
  - Height of structure: +/- 18'

### • Scale and Roofline

- The existing structure elevations illustrate that there is a change in the roofline at the porch.
- The existing porch will be replaced as per the proposed elevations provided.
- Applicant states that the windows and existing front entry way facing the driveway will be remodeled to increase the height of the existing roof. Also that the structure naturally provides a scale change with the recessed area where the old porch has been enclosed.

## Architectural Design Standards

### • Fenestration

- Does not meet the standards required by Ordinance

Diagram Number	Side	Req LF %	Total LF	LF Req.	LF shown	% LF shown	Req. SF	Total SF	SF Req.	SF shown	%SF shown
2 A-2 (top)	North	50%	42.0	21	8.0	19%	25%	330.0	82.5	32.0	10%
2 A-2 (bottom)	South	50%	42.0	21	10.0	24%	25%	330.0	82.5	50.0	15%
3 A-2	Front	50%	24.5	12.25	12.0	49%	25%	275.0	68.75	66.0	24%
1 A-1	Rear	50%	29.0	14.5	7.0	24%	25%	370.0	92.5	40.0	11%
1 A-2	Front (alt)	50%	24.5	12.25	12	49%	25%	275.0	68.75	66.0	24%

- Existing enclosed porch will be removed. The applicant proposes to increase the number of windows in this section, and to provide additional fenestration.
- The applicant contends that the addition to the front of the structure will increase the fenestration. Also, all openings that are existing shall remain.

## Architectural Design Standards

### • Access

- Existing structure meets standards required by Ordinance
- Front Door is located adjacent to the parking.

### • Articulation

- Existing structure elevations meet standards required by Ordinance
- Blank walls do not exceed 20' in length
- All building walls illustrated have a change in plane
- Windows are either existing or proposed, and all exterior materials shall remain
- Any repairs done, will be completed using matching materials

### • Materials

- Existing structure meets standards required by Ordinance
- Back foundation, horizontal vinyl siding, and asphalt shingles.

## Conclusions

### Connectivity and Sidewalks

- Does not meet standards of Ordinance
- Ordinance requires a minimum 6ft. Sidewalk and a minimum 6ft. landscaping buffer between the road and sidewalk
- *Applicant contends that sidewalks along the road would conflict with the rural character of the property. Sidewalks will be provided at the accessible parking area and adjacent to the building to provide accessibility.*

### Parking Requirements

- Ordinance Standards have not been met for location of parking.
- Ordinance requires parking areas shall primarily be located to the rear of the structures. Site plan shows parking located at the front of the existing building
- *Applicant contends that the rear of the structure is unusable for parking because of the location of the septic tank and septic field. They propose extra vegetation and landscaping in this area for additional screening. The narrative also indicates that parking will be located approximately 10 feet below the street elevation allowing for more screening.*

### Fenestration

- Does not meet the standards required by Ordinance
- *Existing enclosed porch will be removed. The applicant proposes to increase the number of windows in this section, and to provide additional fenestration.*
- *The applicant contends that the addition to the front of the structure will increase the fenestration. Also, all openings that are existing shall remain.*



## *Findings of Fact*

- *The use as proposed is not detrimental to the public health, safety, or general welfare.*
- *The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.*
- *The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.*
- *The use as proposed will comply with the general plans for the physical development of the County as embodied in the Zoning Ordinance or in the area development plans that have been adopted.*