



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
September 9, 2014
7:00 P.M.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Oath of Office to Newly Appointed and Reappointed Board Members
2. Selection of Chair and Vice-Chair, also appoint a member to be Chair of the Board in the absence of the Chair and Vice-Chair
3. Roll Call
4. Approval May 13, 2014 Minutes
5. New Business – Planning Board Function:
 - A. Cabarrus County Zoning Ordinance
Proposed Text Changes – Chapter 7
6. Directors Report
7. Legal Update



Cabarrus County Government - Planning and Development

Planning and Zoning Commission Minutes
September 09, 2014

Ms. Susie Morris, Planning and Zoning, Manager, called the meeting to order at 7:03 p.m. Members present were Ms. Mary Blakeney, Mr. Andrew Deal, Ms. Shannon Frye, Mr. Andrew Graham, Mr. Jeff Griffin, Mr. Ted Kluttz, Mr. James Litaker, Mr. Chris Pinto, Mr. Richard Price, Mr. Jonathan Rett and Mr. Aaron Ritchie. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Phillip Collins, Sr. Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

The Oath of Office was administered to reappointed members Ms. Shannon Frye, Mr. Andrew Graham, Mr. James Litaker, Mr. Chris Pinto and Mr. Aaron Ritchie, and to newly appointed member Mr. Jeff Griffin.

Mr. Richard Price nominated Ms. Shannon Frye as the Chair of the Planning and Zoning Commission. There being no other nominations, Ms. Frye was appointed by Acclamation.

There being no nominations, Mr. Richard Price volunteered to be the Vice-Chair of the Planning and Zoning Commission. There being no other nominations, Mr. Price was appointed by Acclamation.

Mr. Aaron Ritchie nominated Mr. Chris Pinto as the Chair of the Planning and Zoning Commission in the absence of both the Chair and Vice-Chair of the Planning and Zoning Commission. There being no other nominations, Mr. Pinto was appointed by Acclamation.

Roll Call

Approval of the May 13, 2014, Planning and Zoning Commission Minutes

Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. James Litaker to **APPROVE** the May 13, 2014, minutes. The vote was unanimous.

New Business – Planning Board Function:

Cabarrus County Zoning Ordinance – Proposed Text Change to Chapter 7 of the Cabarrus County Zoning Ordinance.

Ms. Susie Morris, Planning Manager, addressed the Board stating this is a Proposed Text Amendment to Chapter 7. We had some citizens that were looking at potentially having

a commercial stable. It is based on performance standards. One of our standards was incorrectly worded as to what it meant and what the interpretation was.

This is a request for an amendment to clarify that any building housing animals would be located 300 feet from the property line. The way it is written could be interpreted that it cannot be located on residential zoned property. This is a recommendation for clarification.

The Chair asked if there were any questions or comments.

Mr. Chris Pinto doesn't understand; 5 acres and a stable? When he thinks of a commercial stable, he thinks of a farm, whether it is 100 acres or whatever. So really the five acres and 300 foot, the minimum site needs to be 10 acres. If you had a 600 x 600 tract you could not put a barn on it with 300 feet from the property line. He does not know what you can do about that, but it just does not make any sense to him. The minimum width he thinks would be 650 by whatever. You can have an eleven acre tract that could only be 300 feet wide and you would not be able to have a barn on it.

Ms. Morris said this would be only if they were trying to have the commercial business.

Mr. Pinto said right, and what you will be doing is driving people underground. Because there are going to be people that are going to do it and not tell you that they are building a commercial stable.

The Chair said it is her understanding that all that is being changed is the "residentially zoned". So, to her, that takes any property that would be surrounding these tracts residentially zoned, moving it to the broadness of the zoning of the property.

Mr. Pinto said you cannot put a barn on a five acre tract and have 300 feet from either side.

Ms. Morris said five acres is the minimum. The people that were inquiring about this did not have any trouble meeting the setbacks. She thinks they may have had 11 acres. This language is in the Ordinance and has been in there. The past Boards were interested in making sure that existing neighbors were not impacted by new uses coming in next to them.

We can look at changing it if you have any suggestions of what it would be; it does require that they keep the 100 foot buffer. She said some of you were on the Board when we were going through some of those amendments and some of those adjustments that happened to account for those kinds of things.

Mr. Pinto said if you can take 20 feet away around a whole 5 acre tract it reduces it by a 3/4 of acre. He said the fence will be there and they will not be able to use the lot.

Mr. Price said they can use it.

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Mr. Pinto said its pasture so they cannot have a fence or runs. Some people's farms are set up where their animals are out on pasture. Some stables keep their horses inside, so they have little runs so they don't need it. But, when you take away the perimeter of somebody's property, it's not useable. He thinks the bigger barns can get away with some of that, but the little barns cannot.

Mr. Ritchie does not see that it matters if the fence comes up to the property line.

Ms. Morris said the intent was to try to create some distance between the property line and where that was happening. So if they had a pasture and the run coming out from the barn, they would have the 20 foot setback from the property line. But, again, they will have to have the 100 feet around the property between the corrals, the manure piles and things like that.

Mr. Ritchie asked if that is adjacent or abuts to the 20 feet or is it inside the 100 feet.

Ms. Morris said it would be inside the 100 feet. The maximum would be 300 feet if it is a building that has animals in it. Then you are looking at 100 feet between the corral and the manure pile or where they are spreading manure and any surface water or well. She said the 100 feet is required by the Health Alliance.

Ms. Morris said it does not apply to residential it only applies to commercial. She said we can change it to reflect however the Board wants to address it.

Mr. Pinto thinks if someone comes in and says they want a commercial stable but they don't have the tract to support it, they inquire and find out these regulations, they are going to do it anyway. It is not going to stop anyone from building a barn on a property not designated as commercial; they're just going to use it. If you make the rules, people will go around it.

Ms. Morris asked if there were any suggestions.

Mr. Pinto said to him 100 feet seems kind of long from a property line for a farm. He asked how wide the buffers were for industrial.

Ms. Morris said when you get to 10 acres it would be 75 feet.

The Chair asked if there was a consensus on the 20 foot setbacks from the property line in the first bullet which states no activity area, including pastures or runs, shall be located closer than 20 feet to any property line.

She said in the property line there is the first 20 feet, then there is a 100 foot vegetative strip around it where the other items have to be enclosed. She asked if there was any discussion on the 20 feet that was already in the Ordinance for commercial stables.

The analogy that she heard is that there is a vegetative strip which is analogous to a buffer that is 75 feet in the other district but is 100 feet here.

Ms. Morris said it could be 100 feet on 10 or more acres depending on the tract and the use that is proposed. It would be a minimum of five; it could be more than five. But that is what they would have to have as a minimum if they wanted to propose a site. If they have the five acres then they qualify in CR or LDR; these are the two districts that require a two acre minimum lot. Essentially, they would have to have 2.5 times what is required of the minimum lot in that district to have a stable.

Mr. Ritchie thinks 100 feet is excessive on a five acre tract.

The Chair said if 100 feet is excessive on a five acre tract, then what does the Board recommend.

Mr. Ritchie said this will affect people where Mr. Pinto and I live out in the country.

Ms. Morris said it would not because that is Agriculture Open (AO) and this is for Countryside Residential (CR) and Low Density Residential (LDR). CR is closer to the city limits and LDR is what typically abuts the city limits. She said in AO, it is permitted by right.

Mr. Ritchie still thinks 100 foot is a bit much.

Mr. Price asked if it would be feasible to have it be graduated; where five to seven acres is 50 feet or whatever. Then once you get to 10 acres its 100 and it's 100 from there up.

Ms. Morris said we can do that if that is what the Board wants but she will have to have some direction. At this point, people have submitted and it has worked.

Mr. Price said there is not going to be a steady line of people coming in wanting to open and operate commercial stables. Most of them, if they do, are probably operating with more than five acres. He said they will have a very limited operation on five acres.

The Chair suggested that the Board go ahead with the recommendation to change the property line from residentially zoned. She said Mr. Ritchie described the geography that this will be applicable to is more inward.

Ms. Morris said she can show it on the map.

The Chair said that would help them focus on what is applicable and where. Then if we need to further discuss any recommendations to the dimensions then we can do that.

Ms. Morris displayed the zoning map, stating that the area in dark green is the AO district where there are no regulations when it comes to this. The lighter green area is the CR district where it would apply and the yellow area is LDR district where it would apply.

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She said the further you get out from the city limits, the bigger the lots get and no regulations.

Mr. Litaker said in that area we are really trying to restrict and keep it from happening.

Ms. Morris said you get a lot closer together, you get smaller parcels and that is why the parcel has to be at least twice that minimum lot size. We also allow the minor subdivisions, which a lot of people do in that area; which would be one acre of land.

Mt. Griffin asked if Ms. Morris mentioned that some of the language in B-3 was from the Health Department.

Ms. Morris thinks the 100 feet from the well came from them because they try to keep separation distances from wells and property lines and wells and potential contaminates.

She said what is before the Board is all traditional standards. The 100 feet is the distance between the runs, or corrals and the well. The distance we are talking about from the property line for structures only, is 300 feet. The distance that we are talking about for the runs or the activity areas is 20 feet.

The Chair said what you showed us is the discrepancy with the zoning and the property lines.

Ms. Morris said right; the ones that have come in have been able to meet it. We were trying to clarify it because the last one we had the people actually wanted to build their living quarters over top of the stables. This is not necessarily contemplated to be a home occupation type thing, so they were still going through the commercial process but wanted to build on top of the stable.

So, the question kind of came up there; that they could not meet the 100 foot setback and that it is residentially zoned. So, we were trying to clarify it. It is okay if they have it on their property, but to have the animals then its 300 feet off and if they want to live over top of a stable, that is up to them as long as they meet building code for a commercial stable then that is fine.

Ms. Morris said most of the ones we have out there are older, 20 plus years. This one is really the first new one that we have been approached about in years.

Ms. Morris asked if the Board wanted to think about it or table it for a month.

Mr. Griffin asked if someone owned the adjacent property would the property line rule still come in to play or would they have to merge and form one parcel.

Ms. Morris said they would have to meet the setback or put them together so that the outer property line would be the one that is recognized.

There being no further discussion, Mr. Ted Kluttz **Motioned, Second** by Ms. Mary Blakeney to recommend approval to the Board of Commissioners. The vote was 8 to 1 with Mr. Chris Pinto voting against.

Director Report

Ms. Morris stated that Mr. Eugene Divine resigned from the Board due to health issues. The new member appointed to complete that term, representing Harrisburg, is Mr. Jeff Griffin. We have also submitted an alternate member to the Board of Commissioners to be appointed this month; which will put us back to a full Board.

We also have a new staff person, Mr. Phillip Collins. Mr. Collins has a degree in geography from UNCC. He has about 15 years of experience and has worked for the cities of Concord and Statesville.

Currently, the second planning position will not be filled.

Ms. Morris said the Connect Project is moving along and she continues to attend the meetings. They are supposed to be done by December. She does not know if the Board will be asked to give a formal recommendation on anything that has to do with that particular plan because they are coming up with a new tool box for the different communities to use.

She said it is not really a long range plan at this point. They put everything together and are supposed to be getting us some of the end product to review. She does not think the Board will be asked to make any kind of formal recommendation to the Board of Commissioners.

No Legal Updates

There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. Richard Price to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7:36 p.m.


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APPROVED BY:

A handwritten signature in black ink, appearing to read "Shannon Frye".

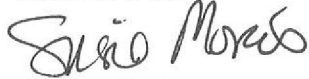
Shannon Frye, Chairman

SUBMITTED BY:

A handwritten signature in blue ink, appearing to read "Arlena B. Roberts".

Arlena B. Roberts

ATTEST BY:

A handwritten signature in black ink, appearing to read "Susie Morris".

Susie Morris
Planning and Zoning Manager

Memo

To: Planning and Zoning Commission
From: Susie Morris, AICP, CZO, Planning and Zoning Manager
CC: File
Date: 9/3/2014
Re: Proposed Text Amendments to Zoning Ordinance

- Please look over proposed text changes to Chapter 7 to clarify setbacks for commercial stables.
- Additions are in red text.
- Please be prepared to make a formal recommendation on these items to the Board of Commissioners.

55. Sports and Recreation Instruction or Camps

Office/Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

- a. A complete description of the facility including but not limited to:
 - Hours & days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of users per weekday and weekend days
 - Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. Practice areas, fields and parking areas must be a minimum of five hundred feet (500) from any adjacent residentially used or zoned property line.
- c. Where adjacent to residentially zoned or used property, a level two (2) buffer yard shall be installed.

56. Storage Building Sales, with Display Area

Office/Limited Commercial, General Commercial and Light Industrial districts

- a. Display Area shall not exceed 40,000 square feet.
- b. Buildings shall be arranged so that sight triangles are unobstructed.

57. Stables, Commercial

Countryside Residential and Low Density Residential districts

- a. The proposed site must be at least five (5) acres.
- b. The following setbacks are required in addition to those of the zoning district:
 - No activity area, including pastures or runs, shall be located closer than 20 feet to any property line.
 - Any building housing animals shall be located a minimum of 300 feet from any residentially-zoned property line.
 - A vegetative strip at least 100 feet wide shall be maintained between any corrals, manure piles or manure application areas and any surface water or well in order to minimize runoff, prevent erosion and promote nitrogen absorption.
- c. All outside storage areas including dumpsters must be:
 - sited to the rear of the building,
 - within the setbacks required of the building's underlying zone, and
 - made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.