



Planning and Development
Department

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
August 9, 2016
7:00 P.M.

Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Oath of Office to Newly Appointed Member

2. Roll Call

3. Approval of June 14, 2016, Planning and Zoning Commission Meeting Minutes

4. **New Business – Board of Adjustment Function:**

Petition VARN2016-00001 – Request for Variance from standards for Religious Institution in Chapter 7 & 9. Hunter Carter, for the Community Church of Mt. Pleasant. Located at 11610 Adames Way (P/O PIN#5681-70-8256).

5. **New Business – Planning Board Function:**

A. Petition RZON2016-00006 – Request to rezone +/- 1 acre from CR to LC. Applicant is Dan Sullivan, Cabarrus Memorial Gardens. Located at 3892 NC Hwy 73E (P/O PIN#5640-98-8658).

B. Petition RZON2016-00007 – Request to rezone +/- 111.8 acres from GI to OI. Applicant is Cabarrus County. Located at 13610 US Hwy 601 (PIN#5544-72-3955).

6. **New Business – Planning Board Function:**

TEXT2016-00003 - Proposed Text Amendment to Zoning Ordinance, Chapter 2, Rules of Construction and Definitions

TEXT2016-00005 – Proposed Text Amendment to Zoning Ordinance, Chapter 5, District Development Standards

TEXT2016-00006 – Proposed Text Amendment to the Zoning Ordinance, Chapter 8, Conditional Uses

TEXT2016-00007 – Proposed Text Amendment to the Zoning Ordinance, Chapter 7, Performance Based Standards and Chapter 3, Permitted Uses

7. Directors Report

8. Legal Update



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Mr. Richard Price, Vice-Chair, called the meeting to order at 7:00 p.m. Members present other than the Vice-Chair were Ms. Mary Blakeney, Mr. Jeffrey Corley, Mr. Adam Dagenhart, Mr. Jeff Griffin, Mr. Dane Laney, Mr. James Litaker, Mr. Chris Pinto, Mr. Aaron Ritchie and Mr. Stephen Wise. Attending from the Planning and Zoning Division were, Mr. Phil Collins, Sr. Planner, Mr. Jason Earliwine, Sr. Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Ms. Arlena Roberts, Clerk to the Board, swore in Mr. Jeffrey Corley, newly appointed Planning and Zoning Commission member.

Roll Call

Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. Adam Dagenhart to **APPROVE** the June 14, 2016 meeting minutes. The Vote was unanimous.

The Chair swore in all persons wishing to speak or to testify during the Public Hearing for VARN2016-00001.

New Business – Board of Adjustment Function:

The Chair introduced Petition VARN2016-00001, Request for Variance from standards for Religious Institution in Chapter 7 & 9. Hunter Carter, for the Community Church of Mt. Pleasant, located at 11610 Adames Way (P/O PIN#5681708256).

Mr. Phillip Collins, Sr. Planner, addressed the Board. The subject property is located at 11610 Adames Way to the east of Dutch Road. The applicant is Community Church of Mt. Pleasant and the owner of the subject property Mr. James Rice.

The site does not have direct access to Dutch Road; it connects to Dutch Road via Adames Way. Section 7-3.41 of the Zoning Ordinance requires that religious institutions in the AO zoning district front on an arterial or collector road and Adames Way is neither. The applicant is proposing relief from this section of the Zoning Ordinance in order to continue use of the subject property as a religious institution.

Chapter 9 of the Zoning Ordinance requires that a landscaped buffer yard of 75 feet in width be placed between institutional uses and residentially zoned and used properties. Driveways are not permitted within the landscaped buffer yard. A section of the driveway from Adames Way to the interior of the property is located within the landscaped buffer yard. The section is approximately 550 feet in length. The applicant is requesting relief of the driveway restriction

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within the buffer yard for this section as well. The applicant has stated that they do plan to meet the landscaping requirements of the buffer yard for this section of the buffer yard.

The subject property is to be subdivided if the variance request is approved and the religious institution is permitted to be on site. The subject property is currently 30.91 acres in size and the applicant intends to purchase 10 acres from the property owner.

The portion of the subject property in question is currently occupied by several buildings. The owners' residence is located in the northeastern portion of the property. A pond is located between the residence and the proposed religious institution.

Residential uses surround the subject property to the north and west. Agricultural uses and vacant property are located to the east and residential and agricultural use are located to the south of the subject property. The subject property is currently zoned AO and is surrounded by AO zoning.

The application states that the site will be served by well and septic. The Cabarrus Health Alliance is aware of the proposed use and stated that churches need an approved means of sewage disposal and if they use a well they will be regulated as a transient non-community public water supply by NCDENR.

The religious institution has been operating on the property for over a year. The subdivision application was submitted in 2015 and that is when it came to staffs attention that the church was out there. The applicant was made aware of the violation and staff and representative of the church met to discuss options to remedy the situation. It was determined at that time that the first step for the institution to come in to compliance with the Zoning Ordinance was a variance request. The applicant will need to submit a site plan for administrative review if the variance is approved.

Staff proposes the following conditions if the variance is approved:

1. The subject property shall be subdivided as proposed on the site plan.

As stated before, the applicant will need to purchase 10 acres from the property owner. The applicant will also need to acquire property owned by Mr. Adames, which is to the west of the subject property as shown on the site plan.

Mr. Collins gave each Board member a copy of the new plans that had a slight change to the property line between the Church and the Adames property. It is just a slight change bend there, everything else is the same; the acreage is the same.

2. An NCDOT driveway Permit, an NCDENR Stormwater permit and a NCDENR Soil and Erosion Control permit shall be included with the plans submitted for site plan review.
3. The width of Adames Way shall be increased from 18 feet to 24 feet.

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4. The applicant shall maintain the appropriate number of landscape plantings for that portion of the buffer yard displaced due to the driveway within that buffer yard area.

Mr. Hunter Carter, 61 Terrytown Street, Concord NC addressed the Board stating that he was in charge of the application and saw it all the way through. He does not have any additional information to present but can answer any questions.

There were no further questions from the Board.

The Chair will go through the stack of cards of those who have signed up to speak. He asked that if someone ahead of you makes your point or says what you were going to say, either for or against, let us know that and we will move along.

Ms. Elizabeth Richardson, 1540 Dutch Road, Mt. Pleasant, NC addressed the Board stating that she and her husband, Michael Pollock, live less than a quarter mile from the parcel in question. Her remarks are not anti-church. She and her husband are devoted Episcopalians and have been for a long time.

She said some of the Board may have known her, thirty years ago, when she was a lawyer with the Hartsell firm. She has retired and is speaking strictly has a private owner. After she retired, they moved to Dutch Road after many years in South Charlotte. We were there when Ballantyne was a farm and the cows mooed and when Highway 485 did not exist yet.

They came out to eastern Cabarrus County, because they were drawn to a quiet area of farmland and a few homes. She likes to walk her dogs on Dutch Road, which is a pretty narrow country road with no shoulder to speak of and Adames Way is a tiny little gravel road. She said quite a change from Charlotte; with impasses and traffic, even on Sundays for instance on Highway 51 from churches with complexes and ball fields. Of course, there is nothing wrong with the churches and their complexes, but those particular ones were in an urban area. They are not off a small gravel road that empties on to a narrow country road. In Charlotte, alternate routes exist in abundance. Around the parcel in question, there are no alternate routes. When congestion comes with growth, we are stuck and the church is growing.

We thought the church was going to be small and its location would be temporary, but apparently that is not the case. Michael and I ask the Board to deny the petition for the variance. She would like to add that whether the petition is granted or denied, she hopes that they can all get along on Dutch Road. She also hopes that they all do the good work to which we are called, but in an appropriate setting.

Ms. Sandra Vollman, 1400 Dutch Road, Mt. Pleasant, NC addressed the Board. She and her husband Craig have lived here since 1989. They moved here from a busy Los Angeles life style. Our home sits on 13 acres of farmland and they raise sheep and cows and they have various other nice little farm animals. Our back pasture is directly adjacent to the property in question. From

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our home, looking out of our sliding glass doors, we can see the proposed building where the church would be.

We are concerned about the effects the church will have on our current lifestyle. There will be a negative impact to our farm due to a growing population of people and traffic and congestion that comes with Sunday services and social activities and other normal things that go with a Parish. We understand that there are proposed ball fields, with lighting and other things that impact just the normal lifestyle.

We do not feel that all of this is compatible with why we moved to be in the country setting. In addition, they have an electric fence that borders their property and they feel as property owners this adds extra liability to them with added population that normally is not in connection with a church and things like that.

Each of us here this evening, she thinks that is opposing this has a common thread. We specifically bought our residential rural property to be away from it all. To be away from the traffic and the noise and the congestion, which we feel that something with a growing population is just going to add to our lifestyle. We have very real concerns of what all of this, with the purchase of ten acres of land is going to look like in five years, ten years and twenty years down the line. How it is going to impact our privacy as property owner and how it is going to impact the value of our home.

As a country property, if we decide that we want to sell, would our property be conducive to farming if there is a parking lot and a church campus right next door. That is a very real concern. They also understand that the proposed right of way would be right next to our property, which they are completely in opposition to.

They feel that there is more suitable properties for a growing church that would not disrupt residential property, our neighborhood and all of us that have moved to the country to be away from it all.

Parking lots were not intended to border pastures, electric fences and playgrounds are not compatible and sheep and cows are not big fans of large gatherings of people and social activities.

She said this may sound a little cliché, but in the words of Joanie Mitchell, “Don’t it always seem to go that you don’t know what you got until it’s gone, they paved paradise to put up a parking lot.”

Respectfully, they are asking that the Board does not let that happen in our residential rural setting and we sincerely thank the Board for your consideration.

Mr. Frank Jetton, 11591 Adames Way Drive, Mt. Pleasant, NC addressed the Board. He is a neighbor of Jim Rice. He bought the property in 1994, and he is a native of Charlotte. He moved into his house in 1996, which was threatened by development, at that time they were going to tear down the house and he moved it eight miles.

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On Tuesday, June 24, 2016, he got a call from someone he believes was with from the church. He spoke with Mr. Rice probably about a month earlier, he came to his back door. Mr. Jetton is at his home on a part time basis. Mr. Rice asked him if he had any problems with a church. It had been there for a whole year and half and he just remembered one day driving out there and then there was a sign up. He did not know that anything was going on because he lives in Charlotte most of the time.

He said on that Tuesday, June 24, 2016, he does not remember who exactly who it was, but he was told there was a neighborhood meeting at either at 5 or 6 o'clock or maybe it was 4. He lives an hour away and there was no way he could make it. On Thursday they called him and asked if he could make it and that there would be a notary.

Basically, he drove up, it is inconvenient for him to leave; he has two jobs, he is a realtor. He got there and Ms. Becky Rice was there at the church. We waited for Mr. Cecil Jenkins' wife, who is a notary. We started talking and basically he asked if he could see what is going on and what he was going to sign. There were a number of papers and everything and being a realtor he should know to do due diligence, but he signed the paper. He does not remember which one he signed, he did not get a copy. He sent an email to Mr. Cecil Jenkins within the three days and told him that he retracted everything because he really needed due diligence.

He really did not know. He called another neighbor and asked what was really going on here. In other words he thinks just the fact that he really did not know what was going on and he may be signed something. He wants to see the church succeed but he just feels that you really need more time.

He said every land is different and that is why he purchased it back in 1994. They have an old farm house and it has a front porch. Basically, he just wants to say that he was just a little disappointed that someone from the church did not reach out; he knows that Mr. Rice did, but he just feels like somebody from the church should have since he is a next-door neighbor.

Mr. David Gentry, 11575 Adames Way, Mt. Pleasant, NC addressed the Board. He lives across the gravel drive from Mr. Jim Rice's property where the Community Church of Mt. Pleasant has been meeting for the past year and a half. He is directly catty cornered from the property in question.

He would like to take a little different approach than folks who have already spoken; take a bit of a chronological approach and he will try to be quick.

He and his wife purchased their home in October 2013, after a long search process looking for just the right place to raise our now three boys. We chose our current home because of its private rural location and secluded nature and partially because it was not on a state maintained road; that was actually important to them. Rather, it was located on a private drive shared only by a few home owners; that is Adames Way.

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While they welcome the privacy that this location offered they were careful to receive clarification by their realtor about the responsibility of maintenance of this shared drive and found that it was to be shared by those home owners who use it for ingress and egress to their property. So, it is a shared maintained gravel drive.

In December 2014, Mr. Rice brought over some tables and chairs that he was graciously letting Mr. Gentry borrow. Mr. Rice shared with Mr. Gentry his plans of starting a church in his barn. They discussed the matter and while Mr. Gentry supported a church in the local community he made it clear that he was not in favor of developing a permanent church site on our shared private drive; Adames Way. In fact Mr. Gentry told Mr. Rice it was his preference that there would be no development; that is why he moved there.

Six month later, as traffic along our drive increased considerably, he took his growing concerns to Mr. Rice and also to Mr. David Snow, the Sr. Pastor, on several occasions. During these conversations, Mr. Gentry openly laid out his concerns regarding increased traffic, the potential for paved roads and parking lots and the associated environmental concerns for their pond, which collects water runoff from the site. The continued development and construction and also their stated, long term plans of adding ball fields down the road and would add who knows, all types of community members and also the overall impact on our property.

It is Mr. Gentry's understanding that the ordinance that they are seeking variance from exists to protect against some of the exact concerns that he brought forward in those meetings. Ordinances that were in affect when they chose to start a church on Mr. Rice's property in January 2015. This is not an unforeseen circumstance.

When he and his wife invested in their home in rural Cabarrus County, they did so carefully, with the intent of staying here for a long time. They were specifically looking for a location that would be protected from future development. They purchased a home covered not only by residential covenants within Dutch Creek Estates, but also with the understanding that the Zoning Ordinances of Cabarrus County would be in effect to protect their investment.

Currently, his understanding is that there are over 200 additional people using Adames Way each week; 200 on a private gravel drive. Not only on Sunday morning or Sunday evening, but every day of the week there are people coming to and from the church. This is a significant change and his understanding is this was never the intended use of Adames Way, nor was it within the foreseeable realm of possibility when they purchased their home. They never dreamed that would be the case. They respectfully ask, that the Board uphold the existing Zoning Ordinances, without variation to protect the neighboring homeowners on and around Adames Way.

Ms. Patrick Gordon, 1640 Dutch Road, Mt. Pleasant, NC addressed the Board. He moved there in 2009. He worked for a mobile home builder, he bought a house fairly cheap and moved it out onto family owned property.

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His concerns are traffic. Last Sunday a guy pulled out about 15 miles per hour and almost hit him. The possibilities of strangers having bad things or something going on in the community that we do not need; burglary or break-ins. We finally got most of the bad weeds out of the neighborhood.

Another big concern is environmental. They have already noticed a lot of the backside of the property has washed away.

He has a family and cows and he plans on growing a small farm. Other than the safety issues, he wants to stay in a rural community. He lived in Mt. Pleasant for five months and he does not want that again. He wants a good family neighborhood where kids can grow in. We have new neighbors across the street that he loves to death.

He does not want this in their community. There are a plenty of other properties in the County, multiple listings on government websites or multiple websites of communities in the neighborhood that they can build, plenty of property they can forecast a bigger place; kind of like Concord First Assembly. This is the wrong place in our neighborhood.

He hopes Board will deny it. Let them buy another piece of property somewhere else where they have more of a safer neighborhood, with traffic. Our roads are not built for that.

Mr. Gary Seymour 1530 Dutch Road, Mt. Pleasant, NC addressed the Board. He and his wife Natalie purchased this piece property back in December 2002. They fully concur with the statement that was presented earlier to the Board by Ms. Elizabeth Richardson. We want to emphasize the concern that they have for the safety and security of our family and for the families in the immediate area. We have already experienced some loss of personal property when three of our vehicles were broken into in November 2015.

Prior to this incident, we had never had an occurrence like this on our property. The increased number of vehicles accessing Adames Way makes it difficult to recognize the people who travel this road. This is alarming and is causing a growing sense of unease within his family. By allowing the church to permanently inhabit this residential property, we feel there is a potential for loss of property value in the inability to successfully sell the property in the future. So this decision could affect the investment that he made over 13 years ago.

Finally, the overall loss of the quality of life that we have grown to enjoy and value will be diminished. Again, we moved to the property to escape traffic, noise and population that will be present when living in close proximity to a permanent business organization, such as this church. Therefore, we would like to make it known that we oppose the variance request being presented here tonight.

Mr. Seymour would like to submit a document signed by land owners of property adjoining the parcel in question and a large number of people who own property in close proximity that oppose the permanent site location.

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He said with one more minute, he would like to make sure he conveys this message clear and direct toward the Zoning Board, Mr. Rice, Pastor Snow and the members of the Community Church of Mt. Pleasant. He wants it to be clear that we are not opposed to the vision that you have set as your church organization but we are opposed the permanent site location where you are choosing to fulfill that vision.

He wants to share just briefly what he has been involved in over the last 19 ½ years with the majority of his working hours, while serving, his talents. A small white barn in the field represents the beginnings of a vision that was planted with one pastor, one staff member, a few key members back in 1955.

This vision grew rapidly, and they exceeded the temporary space that they had allocated quickly. So, they purchased a proper, sound and fully compatible piece of property to flourish. This location was not heavily populated and they were very well received. This intelligent decision has allowed this business to be successful year after year and even during some of the most difficult times while still allowing them to be able to adapt to the every changing times.

This institution over the past years has grown to three separate campuses, up to 25 pastors, 13,000 plus members, daycare, school classes K-12, and too many ministry areas to mention. They also gave a gymnasium, baseball, softball, soccer and football fields for both school sports and recreation to use. This institution was well thought out for all future possibilities, while never limiting themselves in any area.

In closing, we can only bless their vision and pray for their success. We cannot support the site of choice as it appears to us that it is not proper, sound or fully compatible location for their church permanently.

Mr. Jesus Adames, 11550 Adames Way Road, Mt. Pleasant, NC addressed the Board stating that he is speaking on behalf of his father and our family. They have the property adjacent to the church and one of their concerns is the traffic. We bought that property to escape the city life.

He lives in Atlanta now and he enjoys going out to the house just to kind of unplug. It is something that he would like to experience with his kids, because there is nothing like going out there and hearing nothing, just the birds, nature, watching the sunset over the trees; it is just peace.

Our concern is with all the extra traffic and all the extra noise, what did we buy that for? What does he show his kids?

There has been talk about selling some of our land and we decided, with his brother and his sister that they will not be selling any of that. So, the only way in and out of the church now would be Adames Way.

Mr. Steve Gordon, 1616 Dutch Road, Mt. Pleasant, NC addressed the Board. He lives about one quarter of a mile from the location of the church on Adames Way. There is a concern for safety, it is a very busy road and nobody obeys the law there as far as the speed limit.

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On Sunday, he was leaving to go to his church and he backed out and he had pulled off approximately 15 feet, a car whipped by him in a no passing area and passed him. They had to be doing at least 55 miles per hour and it is a 45 mile per hour zone; the traffic has picked up.

The other thing is erosion. When Ms. Richardson moved in the erosion effect had left because the land had been grass and a pasture had been put there. When all the other houses had been built behind him and that is where all these folks live now. At that time all the erosion was washing his drive away. He spoke to several people there and could not get anything done about it. He would put new gravel down and it would wash away. So he is having issues now and he may have more erosion.

What is he going to do? You are going to have septic tank and you are going to have somebody else digging a well. How is that going to affect our wells? Everyone in this area and a 200 to 400 members church, how much water can you use? Is it going to affect his well; who knows? What does he do if his well goes dry? Nobody knows.

He does not have City water and they do not have City water. He does not think it is right for the neighborhood.

Mr. Barry Richards, 2201 St. Johns Chapel Road, Concord, NC addressed the Board. He is a member of the Community Church. He said the variance request for a church in that area is a permitted use. It is his understanding, and he has a Master's Degree in Public Administration, that all the variance requirements for the Board to approve this does exist. That you can go unanimous with this if you would like and he hopes the Board does.

Mr. Cecil Jenkins, 6290 Harbor Drive, Concord, NC addressed the Board. He said there not a lot he can say about the situation. He belongs to the church, it started with about 15 people. We have not done anything to cause any erosions, we have not done any grading and we do not anticipate building any great buildings out there on this property.

If you look at the map before you, all those building are on the property at this time. The building behind us that we are trying to move into is 10,000 square feet. We did not build that building, it already existed. We did not build the lighted field, that is out there. They road horses at night and that is out there on the property. There are also parking lots.

The only thing they want to do is be allowed to worship, move their little church that they have outgrown to the back. He said those are the facts of this case. He does not think they have taken the credibility of causing any problems out there. He does not think they are responsible for the break-ins.

He lives in southeast Cabarrus County off of Miami Church Road and he has break-ins and had his car stolen and there is no church out there. What you have heard tonight are speculations; things that are not really based on facts. We do not know who ran that gentleman off the road the other day or about ran into him. There is no indication or anything showing that it was from our church.

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If you have been on Dutch Road, it has just recently been paved, topped, by the State of North Carolina; they have seen the need to do that road. We are asking that you allow this variance and allow the church to grow and just occupy what is out there now. We do not anticipate building.

Ms. Elizabeth Richardson said her understanding is the only way the variance could be granted would be if the Adames property were sold to use. If she understood Mr. Adames correctly, he said they were not going to sell the property. She asked if that was one of the two requirements not met.

The Chair said that would be a point that the Board will discuss after the Public Hearing.

The Chair closed the Public Hearing.

Mr. Chris Pinto asked Mr. Collins to address the right of way and how that affects everything since that is a private road.

Mr. Collins said one of the conditions that staff suggested was that the approval be made on the condition that the sale would go through and that the property be subdivided to include that. The request is to have the property front on Dutch Road.

If the Board felt that they wanted to approve and redo the conditions or just not except that condition that would be up to the Board to that.

Mr. James Litaker said on a private road like that, is the property deeded on each individual's property all the way on that road, so each individual that borders it, they own that part of the road? He asked how that works.

Mr. Collins understanding is that the entire right of way lays on Mr. Adames' property. There is also a road maintenance agreement that everyone signed, so everybody has responsibility for the road.

Mr. Litaker asked if there were certain rules on the volume of traffic that is allowed on a private drive.

Mr. Collins would have to defer to the property owners. He has not seen the road maintenance agreement. We do not have any specific requirements because that is a private matter.

Mr. Litaker said when he lived out that way, he did not ever have a really good well or a really good septic tank. He is wondering what the average gallon per minute is. He had to have feeder lines and everything and he was on 50 acres.

Mr. Collins said the Health Alliance has been out there. That is something they will have to sure up if the variance is approved. That is something the church would have to do to be able to get water and the property to perc.

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Mr. Pinto said if Mr. Adames granted everybody the right of way, the people who bought the property there from the center line out or whatever, could he deny them the right to the property in the rear?

Mr. Collins said that would be a legal question.

Mr. Koch has not seen the Road Maintenance Agreement; that is a private contract among the various property owners out there. It is his understanding, from talking with the representatives of the applicant, that the Adames property owns the underlying dirt to that right of way, subject to the right of way or the easement rights that each of the property owners along that road would have.

This variance application as he understand it, is predicated on this revised map that would require that certain parts of the Adames property be sold to the church. Namely, the right of way at the southern end of the Adames property; the area in the back that allows them sufficient amount of room for the setbacks. It was his understanding that there was also going to be an agreement to sell the underlying real property upon which Adames Way sits. So, he thinks there was a question to that effect earlier, but that is his understanding of the variance application as it is proposed and presented to the Board this evening.

Mr. Koch supposes it would be within the Boards authority to grant variances that are different from exactly what is proposed. So long as it is not so much different, that any of the notice and publication requirements, would not have given a sufficient amount of notice as to what was being proposed. But, based on what has been put in the Board packet and the revised map that has been presented this evening, the two variances within this application are the ones being proposed.

As Mr. Collins pointed out, if the Board grants the variance as requested, Mr. Koch thinks that one of the conditions would almost need to be that there be a sale of the requisite property, and a closing on that property. So that the church actually takes title to it so that the variances would be fulfilled.

The Chair has a concern. He does not know how long the church has been operating out there. Some say a year or year and a half; a number of months nonetheless. We sort of run into things like that from time to time; not necessarily a church. But, we have run into it a couple of times with the wedding event venues that we have dealt with recently; where it is up and running and operating and then found out to be nonconforming with what is there.

We do not have another zoning district that is more rural than the agricultural open space. He is not saying that that district deserves protection any more than any of the others. But to him, zoning exists for that very purpose of protecting those that are in one district from something that should be or would be better in another district.

He said the fact that the church is growing, although he finds that personally good. He is glad that people are enjoying their church experience there. He said that is not for this Board to discuss; whether the church is successful or not successful. It really is not for this Board to discuss whether

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it is proper for the church to be there through whether it is allowed by right or based on conditions or anything else.

It is this Board's responsibility to take into account that there is a nonconforming use on that property and we have a room full of neighbors here that are opposed to that use. It is his personal thinking, that there are a plenty of places that churches can operate. Personally, he is not in favor of continuing to allow that nonconforming use in the light that the neighbors out there who moved into agricultural open space with the expectation of having agricultural open space. The fact that they are being upset by it. From his point of view, he is not in favor of it.

The Chair said the applicant has requested that each one of the four standards that we have to hold a variance up to be voted on individually. He read the standards:

A variance may only be allowed by the Commission in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all the following findings:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The Chair said the Applicant has asked that the Board considers each one of these individually. He asked if everyone has the standards.

Mr. Koch said it is on page three of the application that is in the Board packet.

Mr. Koch said at this stage of the hearing, if there is no further discussion and if the applicant has requested that you vote separately on each of those elements, that the Board entertain a motion, that they have met the requirements of that particular element or that they have not, for each one.

As you know, typically, in these situations involving variances, the Commission asks him to prepare the findings with reference to each of the elements; in light of the decision that is ultimately reached by the Commission. He will be happy to do in this case as well.

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If the Board wants to vote as to whether they have met the requirements of each of those elements or that they have presented substantial material and competent evidence to support each of those and then take them separately and have separate votes.

The Chair asked if there was any discussion of number one.

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

There being no further discussion Ms. Mary Blakeney **MOTIONED, SECONDED** by Mr. James Litaker to **DENY**. The Vote was unanimous.

Mr. Koch said by Deny, do you mean that the applicant has not met the requirements for that particular element?

The Chair said that it correct.

The Chair asked if there was any discussion of number two.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

There being no further discussion Mr. James Litaker **MOTIONED, SECONDED** by Mr. Dane Laney to **DENY**. The Vote was unanimous.

The Chair asked if there was any discussion of number three.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

There being no further discussion Mr. James Litaker **MOTIONED, SECONDED** by Ms. Mary Blakeney to **DENY**. The Vote was unanimous.

The Chair asked if there was any discussion of number four.

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

There being no further discussion Mr. James Litaker **MOTIONED, SECONDED** by Ms. Mary Blakeney to **DENY**. The Vote was unanimous.

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Mr. Koch said procedurally it would be his suggestion that they take an overall vote on the variances in the application.

The Chair said concerning the first variance request for **Petition VARN2016-00001** – Request for Variance from the standard in Chapter 7 that requires a religious institution with total seating capacity of 350 or less to front on an arterial or collector road. He asked if there was a motion to Approve or Deny the variance request.

There being no further discussion Mr. James Litaker **MOTIONED, SECONDED** by Ms. Mary Blakeney to **DENY, VARN2016-00001** request from the standard in Chapter 7. The Vote was unanimous.

The Chair said concerning the second variance request for **Petition VARN2016-00001** – Request for Variance for driveways to be located in required landscape buffer. He asked if there was a motion to Approve or Deny the variance request.

There being no further discussion Mr. James Litaker **MOTIONED, SECONDED** by Mr. Dane Laney to **DENY, VARN2016-00001** request for variance for driveways to be located in required landscape buffer. The Vote was unanimous.

It was the Consensus of the Board to have Mr. Koch prepare the appropriate Findings consistent with the Boards decision. (See Findings attached)

**CABARRUS COUNTY PLANNING AND ZONING COMMISSION
Sitting as the
CABARRUS COUNTY BOARD OF ADJUSTMENT**

**Variance Application
Hunter Carter on behalf of
Community Church of Mount Pleasant
(James Allen Rice et ux, owners)
VARN 2016-00001**

FINDINGS OF FACT

1. The “Applicant” is Community Church of Mount Pleasant through Hunter Carter, which uses or leases certain buildings and land located at 11610 Adames Way, Mount Pleasant, Cabarrus County, North Carolina (the “Property”).
2. Although the Property bears a Mount Pleasant mailing address, it is located in the unincorporated area of Cabarrus County.
3. The Property is part of PIN 5681-70-8256, which is owned by James Allen Rice and wife.
4. The Property is approximately 30.91 acres in size and is zoned Agricultural Open (“AO”).
5. For over a year the Applicant has been conducting regular religious services in a barn and other structures on the Property.
6. Section 7-3.41 of the Cabarrus County Zoning Ordinance (the “Ordinance”) requires that religious organizations located in the AO zoning district front on an arterial or collector road.
7. Adames Way is a private road that is neither an arterial or collector road. It connects the Property to Dutch Road, which is the closest arterial or collector road. The Applicant in its variance application proposed purchasing a right of way from the Adames family to satisfy this requirement or proceed with a variance of the overall requirement of Section 7-3.41.

8. The Adames family property abuts Dutch Road and is located between the Property and Dutch Road. It apparently has a residential use and is also zoned AO. The proposed right of way was to be 60 feet in width and run along the Adames’ southern boundary from Dutch Road to the Applicant’s Property.

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9. Chapter 9 of the Ordinance requires that a landscaped buffer yard of 75 feet in width be maintained between residentially zoned and used property and institutional uses such as Applicant makes of the Property.

10. Due to the location of the barn where the Applicant conducts its religious services relative to the eastern boundary of the Adames property, the Applicant proposed to purchase a tract sufficient to meet the buffer yard requirement.

11. However, Applicant also requested a variance from this Chapter because approximately 550 feet of its driveway would be in the buffer yard, which is not allowed by the Ordinance. The Applicant proposed meeting the landscaping requirements of the Ordinance by planting elsewhere the same number of trees and shrubs required by the Ordinance for the area on which the driveway would encroach into the buffer yard.

12. On August 9, 2016 the Board of Adjustment (“Board”) conducted a public hearing on this variance application. The Applicant, Hunter Carter and James Rice were present, as were a number of property owners adjacent to the Property. All persons wishing to testify or present to the Board were sworn and were given that opportunity. An opportunity to question or cross examine all witnesses was afforded to all interested persons who were present.

13. The Applicant through its representatives testified in favor of the variance application. A number of the neighbors (surrounding property owners) testified against the variance application. This testimony in summary form consisted of the following:

- a) This area along Dutch Road is a rural setting, with considerable farmland and few homes.
- b) The Applicant has up to 200 persons for worship on Sundays and activities on other days, generating considerable traffic, particularly on Adames Way, which is a narrow private gravel road.
- c) The Applicant has indicated that it wishes to later construct lighted ball fields on the Property, which would create additional noise and illumination issues in this setting.
- d) Dutch Road is a narrow, two lane road and the increased traffic generated by the Applicant has created recurring safety concerns due to some near-accidents.
- e) There was a concern among the neighbors of a decrease in property values but there was no direct evidence that the grant of these variances and the continued use by the Applicant of the Property would in fact decrease property values.
- f) There was also a concern about erosion caused by the Applicant’s use of the property, but this was not quantified in any way or shown to be causally related to the Applicant’s use of the Property.

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14. In its variance application, the Applicant was presuming that it would be able to purchase approximately 10 acres of land from the Adames family for the right of way to Dutch Road and for sufficient setback to meet the buffer yard setback requirement outside of the driveway.

15. A son of the Adames family testified that the family was no longer willing to sell this 10 acres of their property to the Applicant.

**CONCLUSIONS OF LAW
FOR EACH VARIANCE ELEMENT**

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

1. The Board adopts and incorporates by reference the above Findings of Fact.

2. The Applicant has failed to prove by substantial, material and competent evidence that unnecessary hardship would result from the strict application of the Ordinance.

3. The Applicant is not required to have its religious institution on the Property; it is simply convenient and inexpensive for it to do so. There are other parcels available in the County for such a use.

B. The hardship results from conditions that are peculiar to the Property, such as location, size, or topography. Hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

1. The Board adopts and incorporates by reference the above Findings of Fact.

2. The Applicant has failed to prove by substantial, material and competent evidence that the hardship results from conditions peculiar to the Property.

3. The Ordinance makes allowance for a religious institution in AO zoning, but this Property cannot even begin to meet the Ordinance provisions without the purchase of additional property, which the Applicant is unable to do.

C. The hardship did not result from actions taken by the Applicant or the Property owner. The act of purchasing property with knowledge that circumstances exists that may justify the granting of a variance shall not be regarded as a self-created hardship.

1. The Board adopts and incorporates by reference the above Findings of Fact.

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2. The Applicant has failed to prove by substantial, material and competent evidence that the hardship did not result from actions taken by the Applicant or property owners.

3. The Applicant is not required to have its religious institution on the Property; it is simply convenient and inexpensive for it to do so. There are other parcels available in the County for such a use.

4. The Ordinance makes allowance for a religious institution in AO zoning, but this Property cannot even begin to meet the Ordinance provisions without the purchase of additional property, which the Applicant is unable to do.

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

1. The Board adopts and incorporates by reference the above Findings of Fact.

2. The Applicant has failed to prove by substantial, material and competent evidence that the requested variance is consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

3. The Applicant is not required to have its religious institution on the Property; it is simply convenient and inexpensive for it to do so. There are other parcels available in the County for such a use.

4. The Ordinance makes allowance for a religious institution in AO zoning, but this Property cannot even begin to meet the Ordinance provisions without the purchase of additional property, which the Applicant is unable to do.

5. The intent of the Ordinance relative to religious institutions in AO zoning is to locate them in areas where the number of people attending, with the resultant traffic and noise, will not interfere with the rural character of that district.

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New Business – Planning Board Function:

The Chair introduced Petition RZON2016-00006, Request to rezone +/- 1 acre from CR to LC. Applicant is Dan Sullivan, Cabarrus Memorial Gardens. Located at 3892 NC Hwy 73E (P/O PIN#5640-98-8658).

Mr. Phillip Collins, Sr. Planner, addressed the Board stating that Mr. Sullivan is the owner and applicant.

The front portion of the subject property is currently open and used as a cemetery and there is a small building that has been used as an office for the cemetery. A pond, fed by an intermittent stream, is located on the eastern portion of the subject property. The majority of the subject property is wooded and vacant. Residential uses and vacant properties are located to the south, east and west of the subject property and commercial use is located to the north along Highway 73.

The subject property is currently zoned Limited Commercial (LC) and Countryside Residential (CR). The surrounding properties to the south and east are zoned CR. The properties to the north are zoned LC and the properties to the west of the subject property are zoned Agricultural Open (AO).

The applicant is proposing to rezone a one acre portion of the subject property from CR to LC. The subject property itself is 30.5 acres. The applicant did go through the subdivision process and as you can see that is what they have carved out of that property (he showed the bold line on the site plan).

The intent of the Office/Limited Commercial zoning district is to accommodate relatively small scale commercial and office development at intensities complementary to residential land uses. It is used to provide both the convenience of neighborhood oriented goods and services and the permanent protection of adjacent or intermixed residential areas by permitting only a limited range of commercial activities. The district should be located near municipal boundary lines or areas of commercial growth and may border general commercial districts, light industrial or high density residential/mixed use districts. When bordering residential districts or residential developments, care should be taken to assure natural or manmade buffering and architectural compatibility, so the nonresidential activities are not a nuisance to residential uses.

This proposal is a conventional rezoning request. Therefore, if the Board decides to rezone to LC, any uses permitted in the LC District would be allowed.

The subject property is located within an area recommended for suburban residential development of the Eastern Area Land Use Plan (EALUP). The plan states that suburban residential consists of single-family development at a density of 1 - 4 dwelling units per acre. (Higher densities, 3 to 4 dwelling units per acre when public utilities exist). Developments in the Suburban Residential district should include parks and open space in accordance with the Livable Community Blueprint.

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The request is for a commercial zoning district, but the land use plan recommends that the area be developed with single-family residential uses. Considering that, the request would be in conflict with the land use plan. However, the request is an extension of an existing commercial zone which is located at the intersection of a US Highway and a major arterial road. Commercial uses are typically located around such intersections.

The Vice-Chair said on the map that is up there now, does the applicant own the little pan handle or flag area.

Mr. Collins said yes, all of that which is bold lined, is what they just recently subdivided out. Mr. Collins showed the parcels that the applicant owns on the map.

The Vice-chair said that wholly joins all of that limited commercial, there to the north?

Mr. Collins said yes.

Mr. Adam Dagenhart asked what the proposed use is for that odd shaped piece of property. He cannot image that it is going to be used for grave sites.

Mr. Collins said it is a funeral home.

Mr. Pinto said it's just the odd shaped piece?

Mr. Collins said yes, just that one acre is the funeral home. He said with the pond and everything it is a total of 30 acres.

The Vice-Chair asked if there was a particular reason that that long skinny part that runs behind those houses is that way.

Mr. Dan Sullivan, Cabarrus Memorial Gardens, addressed the Board. He said currently that property is a full cemetery, the buildings are on there. We are putting it into compliance by changing the zoning. Part of the reason is they want to be able to build a new building as opposed to the trailer, eventually. The current zoning will not allow that and we want to be ready to go when that happens.

He said to answer the question about the odd shaped property, the cemetery is required to be the same size as when he started, per the Cemetery Commission rules. We wasted some area by elongating that, but not taking up prime cemetery land. That ate up the extra acre that they had purchased about a half a year ago. So, the cemetery maintains the exact same size it was.

The Vice-Chair supposes that would be useable for something; that little tail piece that runs down through there. In effect, that would de facto act as a buffer.

Mr. Sullivan said they might put a pet cemetery someday, there is something we could, but there are no immediate plans.

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The Vice-Chair asked if there were any questions for the applicant. There being no questions for the applicant the Vice-Chair opened the Public Hearing. There being no one speaking for or against the rezoning request the Vice-Chair closed the Public Hearing.

There being no further discussion, Mr. Aaron Ritchie **MOTIONED, SECONDED** by James Litaker to **APPROVE**, RZON2016-00006, Request to rezone +/- 1 acre from CR to LC. Cabarrus Memorial Gardens. Located at 3892 NC Hwy 73E (P/O PIN#5640-98-8658). The vote was unanimous.

CONSISTENCY STATEMENT:

Even though this proposed rezoning is not consistent with the provisions of the current Eastern Area Land Use Plan, it is nevertheless reasonable and in the public interest, because it is an extension of an existing commercial zone, which is located at the intersection of a US Highway and a major arterial road, which is where such commercial uses are typically located.

Mr. Aaron Ritchie **MOTIONED, SECONDED** by Ms. Mary Blakeney to **APPROVE** the Consistency Statement. The vote was unanimous.

New Business – Planning Board Function:

The Vice-Chair introduced Petition RZON2016-00007 – Request to rezone +/- 111.8 acres from General Industrial (GI) to Office Institutional (OI). Applicant is Cabarrus County. Located at 13610 US Hwy 601 (PIN#5544-72-3955)

Mr. Phillip Collins, Sr. Planner addressed the Board. The subject property is mostly vacant with one storage building and several access drives providing access to the storage building and the interior of the property. There are two ponds located on the southeastern portion of the subject property and Muddy Creek (a perennial stream) borders the property in the east and to the south while it traverses the central portion of the property. Muddy Creek does not feed the ponds. A sanitary sewer easement traverses the property from east to west and a Duke Energy easement, containing power lines, traverses the property from north to south. A Norfolk Southern rail line borders the property to the south.

Residential uses are located to the north, west and east of the subject property and industrial use is located to the south and east. The subject property is currently zoned General Industrial. Properties to the north, east and west of the subject property are zoned Midland Residential and Industrial. Properties to the south of the subject property are zoned GI.

The applicant is proposing to rezone the subject property from GI to OI. The intent of the Office and Institutional District (OI) is to accommodate relatively low intensity office and institutional uses at intensities complementary to residential land use. This district serves as a transitional district between residential land uses and higher intensity non-residential land uses. The proposal is a conventional rezoning request, therefore, if the property is rezoned to OI, any uses permitted within the OI zoning district would be allowed.

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The Midland Area Land Use Plan (plan) recommends industrial uses for the subject property and properties to the south. The plan states that areas recommended for industrial development are reflective of existing industrial development. It further states that these areas provide adequate access to transportation and services complimentary to industrial use.

Areas to the west and north of the subject property are recommended for residential development of medium density. The area to east of the subject property is designated for a mixture of uses and future employment. The areas to the east and northeast of the subject property are specified, in the plan, as an area that would be a preferred location for a Town Hall. It further states that this area would be an appropriate location for a library or other public service surrounded by a pedestrian friendly village. Areas to the east and southeast of the subject property are identified in the Plan as characteristic of large vacant parcels with unique rail access and therefore, reserved for future employment opportunities.

The Midland Area Land Use Plan (MALUP) recommends that the subject property be developed with an industrial use. The applicant intends to develop the subject property as a public park. Public parks are permitted by right in the OI and GI zoning districts. However, the applicant feels that a public park is more accustomed to the OI zoning district. Therefore, the applicant is requesting the OI zoning designation.

The MALUP states that one of its goals is to provide a variety of recreational opportunities including passive and active recreational facilities such as parks, horse riding trails, walking trails, picnic shelters, bicycle routes and greenways. It further recommends that recreational facilities be constructed according to the recommendations of the Livable Communities Blueprint as funding becomes available. The subject property is located within Sub-area 6 of the Livable Communities Blueprint. One of the long-range priorities of the Blueprint is to provide a neighborhood park in the Bethel School area. The Blueprint also proposes a 4.2 mile bike route along the Muddy River that borders along the eastern portion of the subject property.

Mr. Adam Dagenhart asked if it would be served through Bethel School or Bill McGee.

Mr. Jonathan Marshall, Deputy County Manager, Cabarrus County, acting as Applicant for the County. He said it will actually be served through Bethel School and is one of the items he wants to touch on.

Here with Mr. Marshall tonight, is Mr. Kyle Bilafer, Manager, Infrastructure and Assets Management, which builds all of our capital projects, among other things, and Mr. Byron Haigler, Active Living and Parks Department.

Mr. Marshall said one of the most basic questions, as the Board knows, on any rezoning is, what has changed in this area to change this plan, to change the zoning. Why are we requesting that the zoning go from Industrial to Office Institutional? What has occurred in the area and what has occurred with this property that has been changed?

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Without going through all of the history, this was zoned industrial with the idea and it was tied with some property coming off of Wallace Road to the south and it was intended to be developed as a single industrial park with access across the railroad. As Mr. Collins stated, the railroad is owned by Norfolk Southern, it is leased by a short line rail, Aberdeen Carolina and Western Rail Way. There is a crossing in place, but they turned down the use of that crossing to connect this to the Wallace Road Industrial Property. So, it became increasingly difficult to develop this for industrial use.

He said southwest of the property (he showed it on the map) is a 40 acre parcel that the County has sold to a business; Interstate Polymer Group. They are extending Bill McGee Road across the railroad and the railroad has now agreed to that and NCDOT is participating in that crossing.

Prior to that however, the County had purchased this property to build a park and the intent was to come from Wallace Road, but our access would have had to cross the rail and we would have needed an agreement with the railroad to do that.

Again, they denied that access, so we began searching for properties that would allow us access to this larger parcel to develop the park. There was a parcel that was obtained along Bethel School Road, it is approximately 24 acres, and an additional four acres was added to that to have a total of 28 acres. It is in the Midland Zoning District, it is directly adjacent to the residential, so it added two benefits to us:

1. It gave us a new access point that did not have to cross the railroad to develop the property.
2. It is adjacent to the residential development that is occurring along Bethel School Road, Midland Road and ultimately all the way over to Highway 601 and the Town Center site that we can now tie into this park activity and what we are building there.

Mr. Marshall said the changes really were for access primarily, but also the fact that the County was able to obtain some additional property on Bethel School Road that was already appropriately zoned.

As was stated, this property is zoned General Industrial and oddly in our Ordinance we allow parks to be built in that; public uses. We feel Office Institutional is a more appropriate use, considering the residential zoning that surrounds it. There is residential already developed to the west. The properties to the northeast and north of this parcel are available to be developed for residential use. Although, there is substantial floodplain between our property and theirs.

It is not in keeping with the Ordinance as he stated, which shows that for industrial property. But, these changes have occurred over time and he believes as the Board looks at the revised Midland Plan which we certainly hope to have to the Board sometime in the six months. You will see that this will ultimately be shown as a residential or institutional use instead, because it is more appropriate with the development that has occurred over time.

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It is in keeping with the Liveable Community Blueprint, which is a much larger parks and recreation plan for the County that looks at where we have existing recreational uses and where we need recreational uses.

This will be a regional park, it will serve the entire southern part of the county. But the uses that we are proposing there will actually be a service to the entire county. Phase I is actually under construction. It is in the Midland City limits, so we got a zoning permit through the Town of Midland. That includes the parking areas, the main building with the office, bathrooms, there will be a shelter out there for people to use, and a playground facility will be constructed. There is a small pond on the property that a boardwalk will surround and there will be a small fishing pier.

This property will be the extension of the walking and biking trails that are being developed in Phase I and will be developed throughout this parcel. But ultimately, there is a second and third and possibly even a fourth phase, that will include additional trails. A much larger, 7,000 foot approximately, building that will be used for educational and natural purposes. Down near where the rock quarry is, we refer to it as a pond, it is actually a rock quarry that averages somewhere over 80 feet in depth, makes for a natural amphitheater and there is a plan to build an amphitheater site there. He said something that Midland's Annual Festival could move to. In addition, there are a number of other uses including both a combination walking and bike trail but also a specific bike trail with different levels of difficulty.

As far as access, off of Bill McGee Road, that has not been constructed yet; that extension. It is being designed now and will be constructed over the next six to twelve months. The only access that we will take from there is for maintenance purpose. We have a maintenance building that exists on the property just north of the railroad and we use that for access to that and emergency access should we need to get out that way. We do not want regular traffic going back and forth across the railroad there even though the industrial user will be using that.

In summary, the conditions have changed over time. Midland has seen a great deal of residential growth. The industrial use that was once projected for this property was oriented more to the south. By obtaining the property to north, we re-oriented this property and its access to the residential areas and feel that the Office Institutional is in keeping with what has been happening there.

The Vice-Chair opened the Public Hearing, there being no further comments, the Vice-Chair closed the Public Hearing.

The Vice-Chair said being a long, long time resident of that area, everyone that he has spoken to about that park is thinking that it cannot happen a minute too soon; that it is really a good thing. You can certainly count on him being in favor of it.

As it is right now, he has two small grandchildren and when they come to visit they like to take them somewhere. We do not want them just cooped up in the house all the time. The only recreational opportunities for children in that area right now is the little playground at Bethel School. You almost feel like you are trespassing, although he does not guess they are. We take

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them up there and let them slide on the sliding board and that sort of thing. What an asset to the community this is going to be.

There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **APPROVE** RZON2016-00007 – Request to rezone +/- 111.8 acre from General Industrial (GI) to Office Institutional (OI). The vote was unanimous.

CONSISTENCY STATEMENT:

For the reasons stated in the staff report and in the application and in the presentation by the applicant, despite the fact that this proposed rezoning is not consistent with the provisions of the Midland Area Land Use Plan, it is nevertheless, reasonable and in the public interest.

It should also be noted in the consistency statement that it is consistent with the provisions of the Liveable Communities Blueprint for this area.

Mr. Aaron Ritchie **MOTIONED, SECONDED** by Mr. James Litaker to **APPROVE** the Consistency Statement. The vote was unanimous.

The Vice-Chair introduced proposed text amendment to Zoning Ordinance, Text2016-00003, Chapter 2, Rules of Construction and Definitions

Mr. Jason Earliwine, Sr. Planner addressed the Board presenting Text2016-00003. He stated that he is not a member of the Text Amendment Committee (TAC) and he has not been in any of the meetings. If the Board has any questions, you may address them to the TAC members that are sitting on the Board tonight.

Proposed Text Amendment to Zoning Ordinance Text2016-00003 – Chapter 2, Rules of Construction and Definitions.

Mr. Earliwine said the changes are due to the recent adoption of SL2016-111, an additional definition must be added to the Ordinance. This legislation addressed the vesting of multi-phase development and provides a statutory definition for this type of development.

He will go through the page numbers that the Board was given and summarize the changes that were made.

Page 13 – the definition of Livestock was altered.

Page 16 – Multi-phased Development that he just discussed was added.

Page 17 – Nursery, Daycare Center definition was altered

Page 18 and 19 - the definition of a (PUD) Planned Unit Development was removed.

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Page 20 - Solar and Wind farms were added to the public service category

Page 21 - Reception Facilities the words for payment was added.

Page 21 – Paint ball fields were added to the Recreational Facility, Outdoor

Page 22 – the Retail Sales, Neighborhood Market was added

Mr. Richard Koch, Attorney, would like to make a suggestion to make an additional change to the Reception Facilities definition. He thinks the way it is written right now, it would arguably include churches or religious institutions who would host weddings and wedding receptions for payment. Some do not charge others do, others charge for the actual expense of it. We are not trying to capture and regulate what they are already doing. This is an attempt to deal with these other types of facilities that fall outside that purview.

He would suggest that a sentence is added at the end of that definition that would read substantially as follows:

This definition does not include such events as described above which are hosted by religious institution on its property.

He said so we do not cast a net over churches that provide not only weddings but also will host the reception on their property.

Mr. Aaron Ritchie asked about Agri-tourism. We have the state law that has been passed that has the guidelines of a bona fide farm and what they can and cannot do.

Mr. Koch said that is a \$64 dollar question that the Board may have the opportunity to answer next month. There will be an appeal that relates to a bona fide farm that actually has a wedding reception facility that is on the premises.

He does not want to spend any time discussing that since it will be a Board of Adjustment matter for the Board to consider. But, that whole issue is going to be squarely before the Board he thinks as early as next month.

There is a considerable amount of disagreement as to what the State definition of Agri-tourism encompasses. We have actually spent a lot of time at the County level trying to get a definitive answer on that and have been unable to do so from any State department or agency that would have some responsibility for that or have some insight into it. There is a pending request to try to get an opinion from the Attorney General, which may, if that is rendered, provide some insight.

He said if you look at the definition of Agri-tourism, it is very vague and it doesn't really provide much insight as to what the parameters of it are. We have contacted the School of Government and they are not sure either. We are trying to get some clarity on that. It was decided, to try deal

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with it within the context of their being an appeal that would come before this Board. The Board will have an opportunity to decide that next month.

Mr. Koch said we are proceeding with this change, at least for the time being. This does not address Agri-tourism specifically; this just addresses these types of facilities. If it truly is exempt, as Agri-tourism, then this definition would not affect that. What we are trying to do is deal with the case of the Lodge that the Board heard that went to court. Where basically, the language in this definition which originally limited it to only those types of facilities where it says that establishments located in rural Cabarrus County which were meant solely for banquets, receptions and so on.

He said if the Board recalls, the reason it was worded that way originally was nobody contemplated that all of these wedding receptions facilities would pop up on bona fide farms or in other areas. The idea was that they would be standalone facilities that would only be for that purpose. Well, that is why the language was that way; to differentiate it from churches and other places that traditionally would host these in other situations. So, we basically, by attempting to limit it to what we thought would be the types of facilities that would occur in the county. It turned out that other people are using it different ways.

We are attempting to fix that, but also not have this definition prohibit someone who has been doing that like churches for example, that have been providing these kinds of services for years. We are not trying to pick them up for additional regulation, other than what they would already have elsewhere. We are trying to fix it but the whole issue about Agri-tourism really falls outside of this.

Mr. Aaron Ritchie asked if this particular item could be tabled until next month.

Mr. Adam Dagenhart said playing devil's advocate; what is stopping someone like the Lodge from saying it is a church, then using that to work around. Do we need to clarify the definition?

The Vice-Chair asked if there is a definition for religious institution in our Ordinance

Mr. Koch said there is a definition and that is why he used the definition religious institution, because that is a defined term in the Ordinance, in another place.

Ms. Kelly Sifford, Planning and Development Director, addressed the Board. She was going to address this in the Directors Report. The joint meeting that is scheduled with the Board of Commissioners, they have a few topics that they specifically want to talk about. One of the things that they committed to during their election was to have more communication with the development community, with builders, with everyone and doing more feedback. They are scheduling meetings with them and they are going to have the meeting with us. Wedding facilities was on the potential topic list for discussion, so we may want to table that item and bring it back after that meeting as well.

Planning and Zoning Commission
Minutes
August 9, 2016

The Vice-Chair asked if there was a motion to Table the Reception Facilities definition changes for another month.

Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **TABLE** the Reception Facilities changes for Chapter 2 until the September meeting. The vote was unanimous.

Mr. Koch asked if they are just tabling it for the Reception Facilities definition. All of the others proposed changes to that chapter you still want to go ahead and deal with tonight?

The consensus of the Board was yes.

There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Mr. Chris Pinto to **APPROVE, Text2016-00003** – Chapter 2, Rules of Construction and Definitions (with the exception of the Reception Facilities definition). The vote was unanimous.

Proposed Test Amendment to Zoning Ordinance - Text2016-00005, Chapter 5, District Development Standards.

Mr. Earliwine said this a very simple one. Page 5 in Chapter 5, District Development Standards. It is proposed that we change the CR setback to 20 feet from 10 feet.

There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **APPROVE, Text2016-00005** – Chapter 5, District Development Standards. The vote was unanimous.

Proposed Test Amendment to Zoning Ordinance - Text2016-00006, Chapter 8, Conditional Uses

Mr. Earliwine said this maybe one that the Board may want to consider tabling because it is also dealing with Reception Facilities.

Page 15 and 16 Reception Facilities - changing the setbacks, the buffers and temporary tents.

Page 25, 27 and 28 - Repeaters for cell phone companies as part of the overall network to boost cell signals.

Page 21 - Shooting Range, with Outdoor Target Practice - must comply with Cabarrus Code of Ordinance.

The Vice-Chair does not see any reason to table that.

Planning and Zoning Commission
Minutes
August 9, 2016

Mr. Koch thinks since the Board tabled the one part of the Reception Facility, it might make sense just to leave the whole issue open until after the joint meeting. He thinks there is a certain logic to that and he thinks that is why Mr. Earliwine suggested it.

Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Aaron Ritchie to **TABLE** the Reception Facilities changes for Chapter 8, until the September meeting. The vote was unanimous.

Mr. Adam Dagenhart, **MOTIONED, SECONDED** by Mary Blakeney to **APPROVE, Text2016-00006, Chapter 8, Conditional Uses** (with the exception of the Reception Facilities changes). The vote was unanimous.

Proposed Test Amendment to Zoning Ordinance - Text2016-00007, Performance Based Standards and Chapter 3, Permitted Uses

Mr. Earliwine said basically there are some inconsistencies between the definitions and the defined performance standards for neighborhood market and contractor/trade shop (pages 8, 9 and 21).

Adds and defines swimming pools as a permitted accessory use (pages 1, 2 and 3).

Removes temporary sign language that is now addressed in Chapter 11, Signs

Clarifies that internet order business are considered mail order business for Home Occupation permitting (page 12 and 13).

There a few minor changes in bed and breakfast (page 5), talking about the acreage.

Duplex, Commercial Use (page 9), there was a reference to Chapter 5 which was stricken.

Definition of Government Buildings, Storage (page 11 and 12).

Multifamily Residential, (we kind of went over in Chapter 2) was altered and added on (page 16).

There being no further discussion, Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Aaron Ritchie to **APPROVE, Text2016-00007 – Chapter 7, Performance Based Standards and Chapter 3, Permitted Uses**. The vote was unanimous.

Directors Report

Ms. Kelly Sifford, Planning and Development Director, addressed the Board reminding them of the joint meeting with the Board of Commissioners on August 25, 2016. Once the agenda has been set she will forward to the Board. Some of the topics that may discussed are commercial industrial development standards, home occupations, wedding facilities, code reviews and updates, which were are doing now and length of reviews which she is not sure is more of an administrative issue or not. Those are the general topics she was given and once she gets more information she will get it out to the Board.

Planning and Zoning Commission
Minutes
August 9, 2016

This is kind of a thing where they just want to check in and make sure with the development community that we were doing what we needed to do and on your side we were doing what we need to do and trying to make sure we are keeping things moving.

Legal Update

Mr. Koch has no updates unless the Board has questions.

Mr. Adam Dagenhart said that nothing has been done on Old Charlotte Road with the DeComo RV.

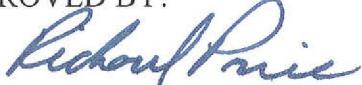
Mr. Koch thanked Mr. Dagenhart for letting him know. He said they have a bench mark to reach at the end of this month. He is glad to know that and he will go by there himself. They must be telling their attorney something different from what is actually occurring. It was his understanding they had actually been moving forward with it.

Mr. Dagenhart said it is not visible from the road if they are.

Mr. Koch said it seems that it would be obvious if they had unless, they are putting everything down in the basement area where the concrete block is. That is the only thing he can think of that you might not be able to see. It was his understanding that they were going to go up from that with the actual home. He will follow up on it.

There being no further discussion, Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 8:45 p.m.

APPROVED BY:

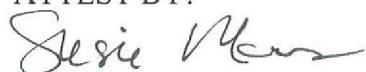


Ms. Richard Price, Vice-Chair

SUBMITTED BY:


Arlena B. Roberts

ATTEST BY:



Susie Morris, Planning and Zoning Manager

PLANNING STAFF REPORT

CABARRUS COUNTY PLANNING AND ZONING COMMISSION

08/09/2016

Staff Use Only:

Approved: _____

Denied: _____

Tabled: _____

Variance: VARN2016-00001

Applicant Information:	Hunter Carter Community Church of Mount Pleasant 11610 Adames Way Mt Pleasant, NC28124
Owner Information:	Rice James Allen & Wife 11600 Adames Way Mt Pleasant, NC28124
PIN#:	p/o 5681-70-8256
Area in Acres:	+- 30.91
Purpose of Request:	<p>The site currently does not have direct access to Dutch Road; it connects to Dutch Road via Adames Way. Section 7-3.41 of the Zoning Ordinance requires that religious institutions in the AO zoning district front on an arterial or collector road and Adames Way is neither an arterial nor is it a collector road. The applicant is proposing relief from this Section of the Zoning Ordinance in order to continue use of the subject property as a religious institution.</p> <p>Chapter 9 of the Zoning Ordinance requires that a landscaped buffer yard of 75 feet in width be placed between institutional uses and residentially zoned and used properties. Driveways are not permitted within the landscaped buffer yard. A section of the driveway from Adames way to the interior of the property is located within the landscaped buffer yard. This section is 550 feet in length. The applicant is requesting relief of the driveway restriction within the buffer yard for this section as well. The applicant has stated that they do plan to meet the landscaping requirements of the buffer yard for this section of the buffer yard (550 feet – 61 trees and 220 shrubs).</p>
Site Description:	The subject property is to be subdivided if the variance request is approved and the religious institution is permitted to be on site. The portion of the subject property in question is occupied by several buildings. A residence is located in the northeastern portion of the property. A pond is located between the residence and the proposed religious institution.

Current Land Uses:	Residential & Religious Institution
Adjacent Land Uses:	North - Residential East - Agricultural & Vacant West - Residential South - Residential & Agricultural
Permitted Uses:	All uses permitted within the Agricultural/Open Space zoning district
Existing Zoning:	AO (Agriculture Open)
Surrounding Zoning:	North: AO (Agriculture Open) East: AO (Agriculture Open) South: AO (Agriculture Open) West: AO (Agriculture Open)
Signs Posted:	07/25/2016
Newspaper Notification:	07/27/2016
Newspaper Notification 2:	08/02/2016
Notification Letters:	07/18/2016

Exhibits

- Exhibit A - Staff Report
- Exhibit B - Application
- Exhibit C - Site Plan
- Exhibit D - Maps
- Exhibit E - Adjacent Property Owner's Letters

Agency Review Comments

- **Cabarrus Health Alliance (CHA) Review:**
Churches need an approved means of sewage disposal and if a well is used it would be regulated as a transient non-community public water supply by the state (CHA would issue the permit like a regular well if a new is drilled, if the existing one is used it would be reviewed/inspected by the Division of Environmental Quality (formerly NC DENR)).

- **EMS Review: Approved**

No comments

- **Fire Marshal Review:**

The current roadway access to the property is 18 feet wide and has an all-weather driving surface. To meet the fire code the roadway must be 20 feet wide due to its length, and have the ability to support the imposed load of a 75,000 pound truck and have a turnaround or hammerhead. The proposed church site does currently have a turnaround that meets the fire code requirements. The property owner of the church site on Adames Way, has stated that he is willing, and has the ability to widen the existing roadway to meet the fire code requirement.

The current access roadway extends past a very large pond on an adjacent property. The property owners and Fire Department have expressed interest in installing a dry hydrant in the pond and making it a certified water point benefiting all of the property owners along the right away as well as the church. We feel it would be advantageous to the responding Fire Department to utilize the existing roadway accessing the property and the water point if installed for any fires that may occur at 11610 Adames Way or in the area.

- **NCDOT Review: Approved**

No comments

- **Sheriff Review: Approved**

No Comments

- **Soil and Water Conservation Review: Approved**

No Comments

- **Zoning Review: Approved**

No Comments

History / Other Information

1. The application states that the site will be serviced by well and septic. The Cabarrus Health Alliance is aware of the proposed use and stated that churches need an approved means of sewage disposal and if they use a well they would be regulated as a transient non-community public water supply by the state (Cabarrus County will issue the permit for a new well if they drill one, if they use an existing well it would have to be approved by the Division of Environmental Quality (formerly DENR)).
2. The religious institution has been operating on the property for approximately one year. Staff became aware of the institution upon routine zoning inspections. The applicant was

made aware of the violation and staff and representatives of the church met to discuss options. It was determined at that time that the first step for the institution to come in to compliance was a variance request. The applicant will need to submit for site plan for administrative review if the variance is approved.

Conditions of Approval

1. The subject property shall be subdivided as proposed proposed on the site plan. (Zoning)
2. An NODOT driveway Permit, an NCDENR Stormwater permit and a NCDENR Soil and Erosion Control permit shall be included with the plans submitted for site plan review. (Zoning)
3. The width of Adames Way shall be increased from 18 feet to 24 feet. (Fire & Zoning)
4. The applicant shall maintain the appropriate number of landscape plantings for that portion of the buffer yard displaced due to the driveway. (Zoning)

**CABARRUS COUNTY
VARIANCE APPLICATION**



PLANNING DIVISION
Application/Archive: _____
Received By: _____
Date Filed: _____
Amount Paid: _____

Instructions

1. Schedule a pre-application meeting with Staff. During this meeting, Staff will assess the proposed variance request to evaluate options that may be available to you through the zoning ordinance. If it is necessary to proceed with the request, Staff will explain the procedures and requirements, including the thresholds of consideration for Variance requests.
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.
 - 18 folded copies of the proposed site plan. At a minimum, the site plan shall show the following:
 - The subject property and any adjacent properties.
 - All existing buildings, including setbacks from property lines.
 - All proposed buildings, parking facilities and accessory uses, including setbacks from property lines (if applicable).
 - The location and type of screening and buffering proposed (if applicable).
 - Impervious surface ratio (if applicable).
 - Waterbody buffers (if applicable).
 - Delineation of the proposed Variance on the site plan so that type of variance the applicant is seeking is clear. (This may be accomplished by submitting two site plans. One to show the requirements of the ordinance and a second to show what the variance request will achieve.)
 - Any additional item(s) that should be illustrated on the plan as determined during the pre-application meeting.
 - Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.
Fees: Residential Variance request = \$500.00 or Non-residential Variance request = \$600.00
+3% technology fee based on total application fee

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

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

Process Summary:

1. Hold a pre-application meeting with Staff to discuss your request and the variance process.

2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.
3. When the complete application is received, Staff and appropriate agents will review the application and site plan and will make comments on the proposed request.
4. 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 Variance request.

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.

Variance: Variance requests are considered by the Board of Adjustment during a quasi-judicial hearing. This means that anyone wishing to speak regarding the application must be sworn in. The vote requirement for the Variance request to pass is 80% or greater. Additional conditions may be added as part of the Variance approval process.

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

Application Information

Applicant's Name

Hunter Ward Carter

Applicant's Address

61 Terrytown St.
Concord NC 28025

Applicant's Telephone Number

704-791-0864

Property Owner's Name

James Rice

Property Owner's Address

11600 Adames Way
Mt. Pleasant, NC 28124

Property Owner's Telephone Number

704-438-1026

Legal Relationship of Applicant to Property Owner

Tenant

Existing Use of Property

Institutional/Residential

Existing Zoning

AO

Property Location

11610 Adames Way

Tax Map and Parcel Identification Number (PIN)

5681-70-8256

TO THE BOARD OF ADJUSTMENT

I, Hunter Carter, HEREBY PETITION THE BOARD OF ADJUSTMENT FOR A VARIANCE FROM THE LITERAL PROVISIONS OF THE ZONING ORDINANCE. UNDER THE INTERPRETATION GIVEN TO ME BY THE ZONING ADMINISTRATOR, I AM PROHIBITED FROM USING THE AFOREMENTIONED PARCEL OF LAND. I REQUEST A VARIANCE FROM THE FOLLOWING PROVISION(S) OF THE ORDINANCE.

The following information shall be completed by applicant(s) seeking a variance:

1. Variance Request Including Related Zoning Ordinance Section(s)

Section: 7-3.41.b. and Ch. 9 Table 4 (Buffer Requirements)

Request of variance from fronting on an arterial road (Dutch Rd.) to having frontage on Dutch Rd. and from landscaping buffer requirements due to the driveway which stretches about 550 ft.

2. Reason(s) for Seeking a Variance

In order to comply with Cabarrus County Ordinances and to use an existing structure on the property for assembly and worship purposes.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Variance. Direction is received by both state legislation and local ordinance. Under the state enabling act, the Board is required to reach four (4) conclusions as a prerequisite to the issuance of a Variance:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

In order to make its determination, the Board will review the evidence submitted in this application as well as receive public comment during the scheduled public hearing. This application will be entered into the official record of the public hearing.

The responsibility for presenting evidence to support the Variance request, as described during the meeting and to the Board of Adjustment, lies completely with the Applicant.

FINDING OF FACT CHECKLIST

Please provide an explanation to each point in the space provided.

1. The alleged hardships or practical difficulties are unique and singular to the property of the person requesting the variance and are not those suffered in common with other property similarly located.

(The problem must be unique to the property and not a public hardship and must apply to the property, not the property owner).

The use of this property for the purpose of assembly and worship is unique due to location. No other relief for complying with zoning ordinances is available.

2. The alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provisions of the ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.

(This often will be the most difficult area in which to make a determination. The issue, as established by court decisions, deals with the nebulous term of "reasonableness." Generally, if the variance is sought to make a greater profit on this property at the expense of others in the area, this point cannot be met. This item is best reviewed with the concept of, "is the property barred from a reasonable use if the strict terms of the ordinance are adhered to"?)

Assembly for worship is a reasonable use, but if the strict terms of the ordinance are adhered to, then this use is not possible.

3. The variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

(This is a second way to address reasonableness. This is also where the issue of "where did the hardship originate from?" should be addressed. Self-inflicted hardships should be carefully reviewed for reasonableness.)

Substantial interference or injury will not occur on the rights of others if the variance is allowed.

4. The variance is in harmony with and serves the general intent and purpose of the ordinance.

(If a variance is granted, is the overall "spirit" of the zoning ordinance still intact? While difficult to explain, some types of variance are usually not in accord with the general intent and purpose of the ordinance and therefore must be cautiously reviewed. These often include extending a non-conforming use in scope, a use variance (clearly not allowed), and modifying a dimensional standard so as to the detriment of a neighborhood or area.

The second part relates to the question, if granted will the spirit of the adopted plan for proper development of the neighborhood or area be compromised?)

The overall spirit of the zoning ordinance will remain intact as we are in no way effecting or limiting the use of surrounding property.

5. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

(This is the final way to address reasonableness via common sense. Simply put, does the variance make sense? Will its approval or denial endanger any one? Will the essential character of the area be altered if approved or denied?)

Approval of the variance will not endanger anyone nor will the character of the area be altered.
Denial would endanger the existence of this church.

Possible Conditions, suggested by the applicant

If the Board of Adjustment finds that a variance may be in order but the Board still has concerns in granting the variance, reasonable conditions can be imposed to assure that any of the five points will continue to be met and not violated. In your review of the five points, are there any conditions that you believe would clarify the justification of a variance? If so, suggest these conditions in the space below.

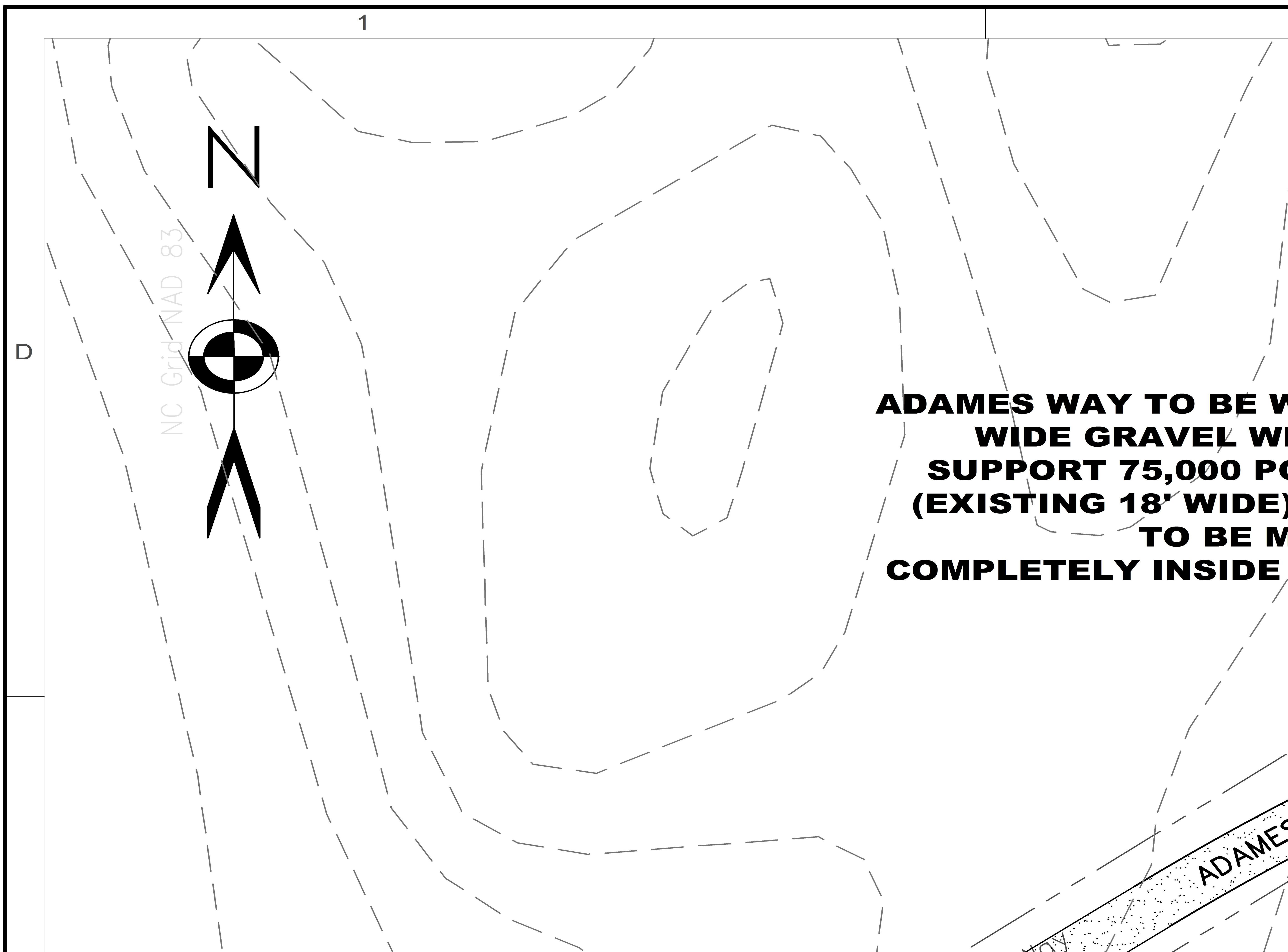
If necessary the church will add the required trees and shrubs to other areas in order to meet requirements which are restricted by the driveway.

I CERTIFY THAT ALL OF THE INFORMATION PRESENTED BY ME IN THIS APPLICATION IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

SIGNATURE OF OWNER:

DATE: 7-17-2016

SIGNATURE OF APPLICANT: Hunt W. Lutw DATE: 07/20/2016



Existing Zoning



Applicant: Community Church of Mt Pleasant
 Owner: James Rice
 Case: VARN2016-00001
 Address: 11610 Adames Way
 Purpose: Relief of street fronting requirement and landscape buffer width
 PIN: p/o 5681-70-8256

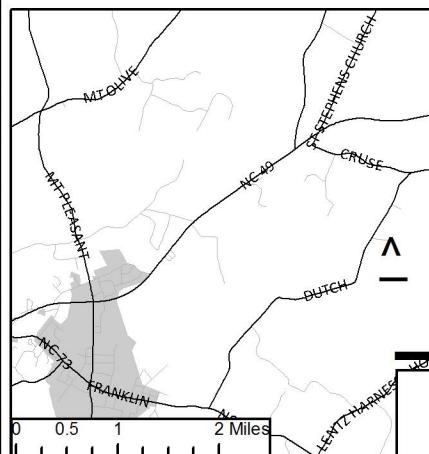
— Ingress/Egress Easement

Parcels

Ponds

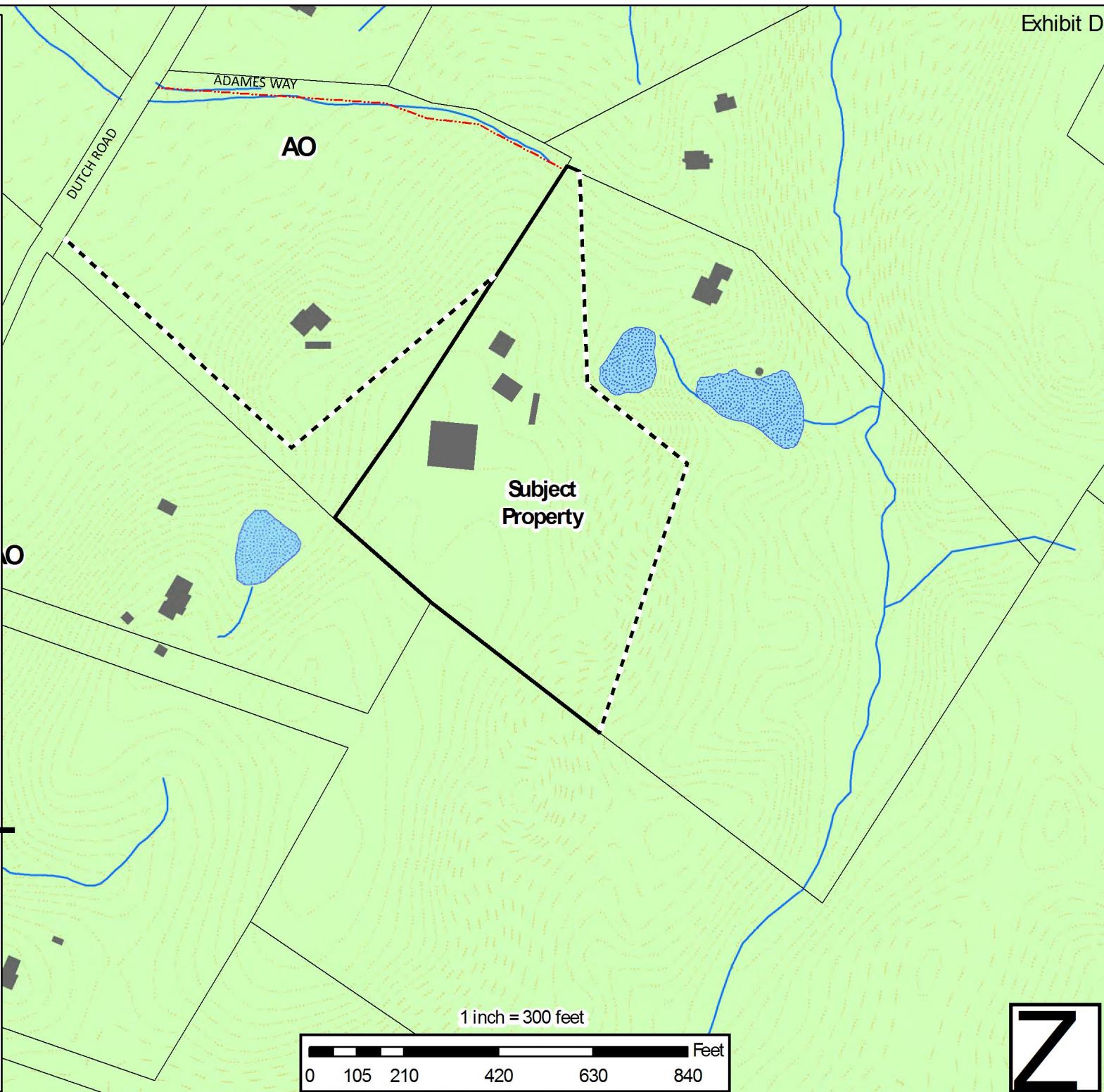
Streams

Structures



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

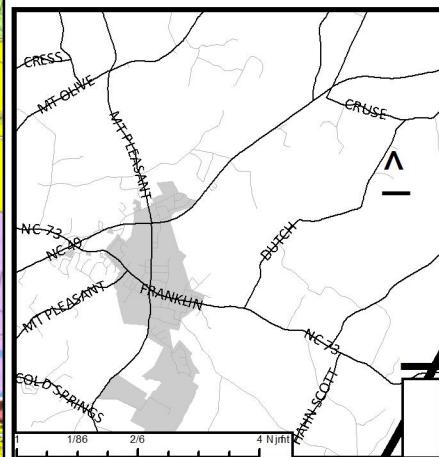
Map Prepared by Cabarrus County Planning & Development - August 2016



Eastern Plan Area Future Land Use

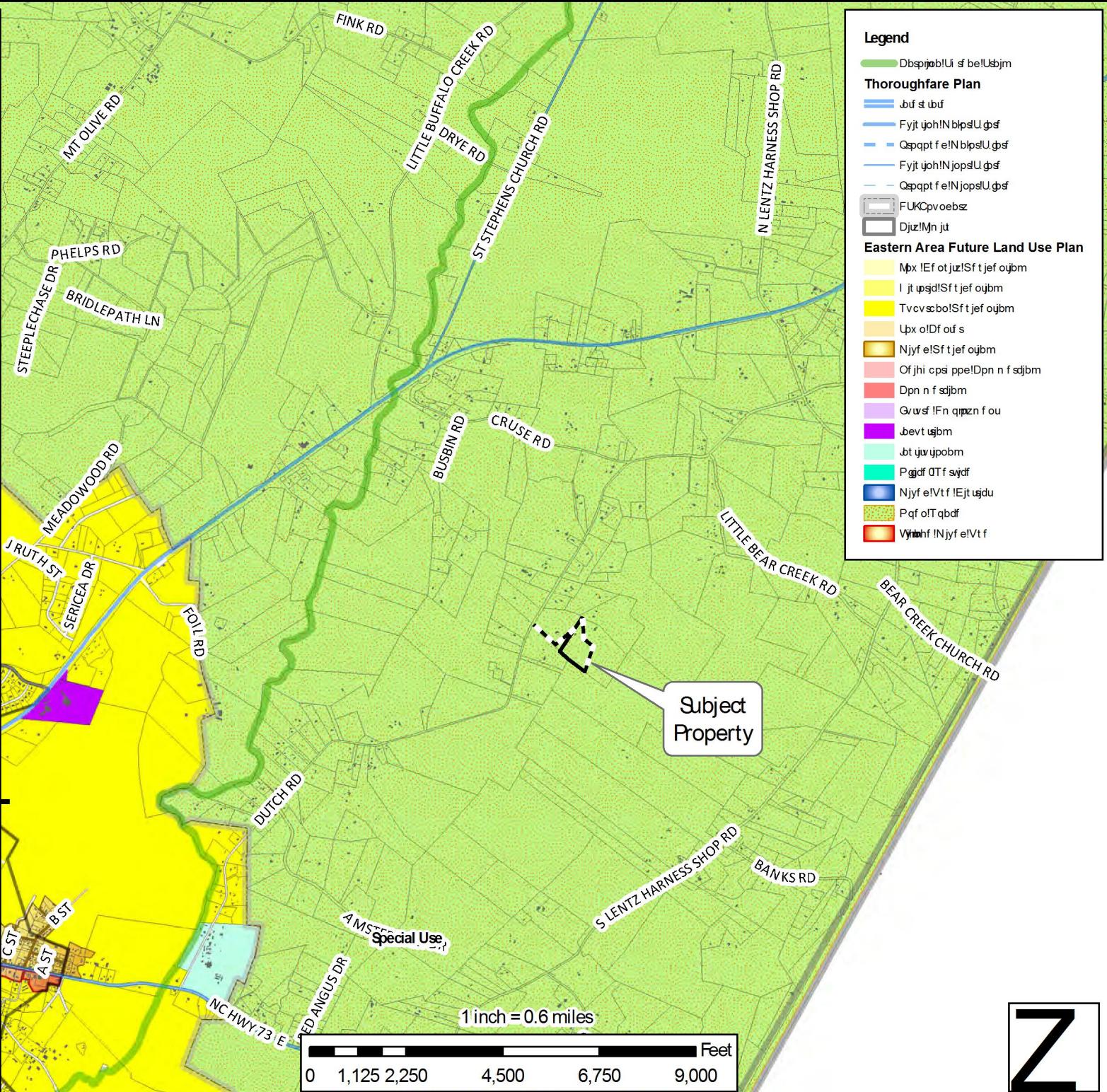


Applicant: Community Church of Mt Pleasant
Owner: James Rice
Case: VARN2016-00001
Address: 11610 Adames Way
Purpose: Relief of street fronting requirement and landscape buffer width
PIN: p/o 5681-70-8256



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Map Prepared by Cabarrus County Planning & Development - August 2016

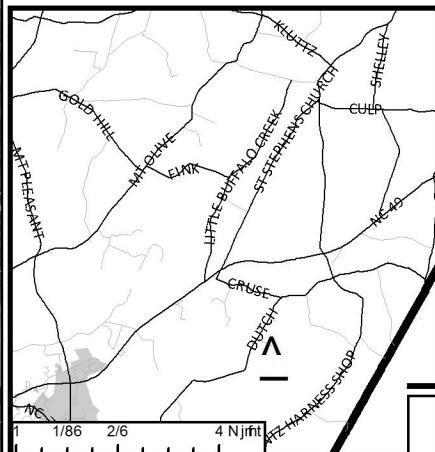


Aerial Map



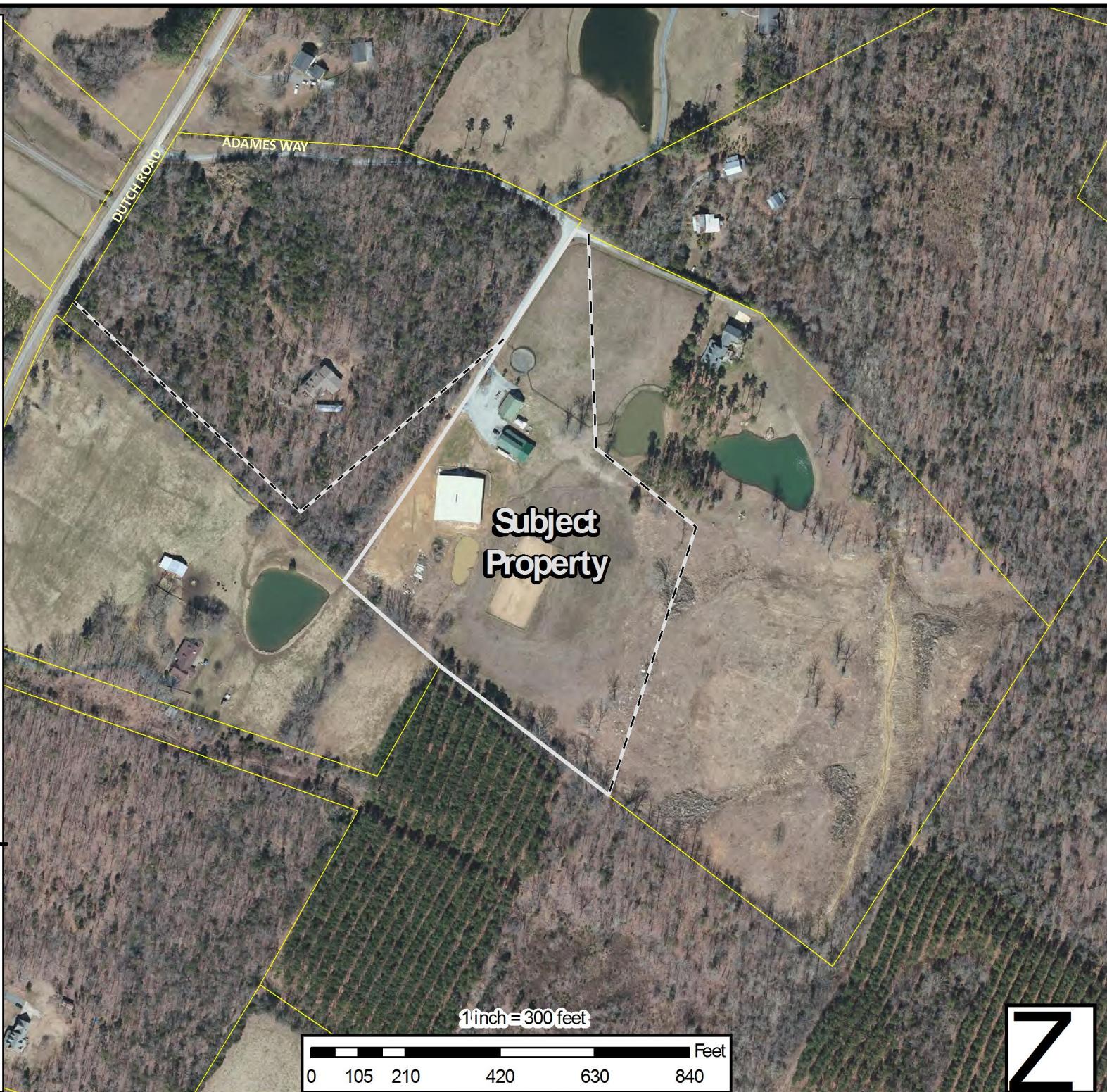
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Purpose: Relief of street fronting requirement and landscape buffer width
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Dbcbsvt !Dpvouz
 Djuz!Mn jt
 Qbsdf rh



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Map Prepared by Cabarrus County Planning & Development - August 2016



AcctName1	MailAddr1	MailCity	MailState	MailZipCod	PIN14
SEYMOUR GARY E & NATALIE F	1530 DUTCH RD	MT PLEASANT	NC	28124	56817019870000
ADAM ES JESUS M	P O BOX 1168	MT PLEASANT	NC	28124	56817024180000
RICE JAMES ALLEN & REBECCA D	11600 ADAMESWAY	MT PLEASANT	NC	28124	56817082560000
GENTRY MARY K & DAVID E	11575 ADAMESWAY	MT PLEASANT	NC	28124	56817180420000
VOLLMAN CRAIG LEE & SANDRA M	1400 DUTCH RD	MT PLEASANT	NC	28124	56806978900000
LATON GARY W	PO BOX 1129	CONCORD	NC	28026	56816152160000
FOIL LEE STEPHEN & ANDREW STEPHEN	1401 DUTCH RD	MT PLEASANT	NC	28124	56815097850000
DRY GERALD O JR & MALINDA A	11888 HWY 49 N	MT PLEASANT	NC	28124	56808886070000
STANCI RICHARD CLARKE & SYLVIA S	1501 DUTCH RD	MT PLEASANT	NC	28124	56816029340000
JETTON FRANK TALIAFERRO & TERRELL GATES	11591 ADAMESWAY DR	MT PLEASANT	NC	28124	56818045680000



Cabarrus County Government – Planning and Development Department

July 18, 2016

Dear Property Owner:

A Variance Application has been filed in our office for property **adjacent** to yours. The properties and specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, August 9, 2016 at 7:00 PM in the 2nd floor Multi-Purpose Room of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

- **Petitioner:** Hunter Carter (Community Church of Mt Pleasant)
- **Petition Number:** VARN2016-00001
- **Property Location:** 11610 Adames Way
- **Parcel ID Number:** p/o 5681-70-8256
- **Existing Zoning:** Agricultural Open Space (AO)
- **Variance Request:** Relief from Supplemental Requirements of Religious Institutions in the AO zoning district

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

Sincerely,

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

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

If reasonable accommodations are needed please contact the ADA Coordinator at (704) 920-2100 at least 48 hours prior to the public hearing.



Cabarrus County Government – Planning and Development Department

July 18, 2016

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

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PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
08/09/2016

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

Petition: RZON2016-00006 Rezoning

Applicant Information: Dan Sullivan, Cabarrus Memorial Gardens
3892 Highway 73 E
Concord, NC28025

Owner Information: Cabarrus Memorial Gardens LLC
3892 HWY 73 E
Concord, NC28025

Existing Zoning: OR(Countryside Residential)

Proposed Zoning: LC(Limited Commercial)

Permitted Uses: Any uses permitted within the LC zoning district would be allowed

PIN#: 5640-98-8658

Area in Acres: +/- 30.5 acres

Site Description: The front portion of the subject property is currently open and used as a cemetery and there is a small building that has been used as an office for the cemetery. A pond, fed by an intermittent stream, is located on the eastern portion of the subject property. The majority of the subject property is wooded and vacant.

Adjacent Land Use: Adjacent land uses consist of:
- residential to the west,
- residential and vacant to the east,
- vacant to the south, and
- commercial to the north.

Surrounding Zoning: North: LC(Limited Commercial)
East: OR(Countryside Residential)
South: OR(Countryside Residential)
West: AO(Agriculture Open)

Utility Service Provider: n/a

Exhibits

- Exhibit A - Staff Report
- Exhibit B – Application
- Exhibit C – Maps
- Exhibit D – Plat
- Exhibit E – List of Permitted Uses
- Exhibit F – Property Owner Information

Intent of Zoning Districts

- The intent of the Countryside Residential zoning district is to help implement a growth management philosophy before the fact, rather than after. The principle purpose of this district is to provide some land area in the County for a permanent country, rural residential life style.
- The intent of the Office/Limited Commercial zoning district is to accommodate relatively small scale commercial and office development at intensities complementary to residential land uses. It is used to provide both the convenience of neighborhood oriented goods and services and the permanent protection of adjacent or intermixed residential areas by permitting only a limited range of commercial activities. The district should be located near municipal boundary lines or areas of commercial growth and may border general commercial districts, light industrial or high density residential/mixed use districts. When bordering residential districts or residential developments, care should be taken to assure natural or manmade buffering and architectural compatibility, so the nonresidential activities are not a nuisance to residential uses.

Agency Review Comments

- Planning: No comments
- NODOT: No comments
- Fire Marshal: We have no fire code related concerns for either of the below rezoning request.

Land Use Plan Analysis

The subject property is within an area recommended for suburban residential development of the Eastern Area Land Use Plan (EALUP). The plan states that suburban residential consists of single-family development at a density of 1 - 4 dwelling units per acre. The higher densities, 3 to 4 dwelling units per acre, are possible where public utilities exist. 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, garages that are recessed, detached, or oriented toward the side yard, and bike paths/lanes.

Conclusions

The request is for a commercial zoning district, but the land use plan recommends that the area be developed with single-family residential uses. The request would be in conflict of the land use plan. However the request is an extension of an existing commercial zone which is located at the intersection of a US Highway and a major arterial road. Commercial uses are typically located around such intersections.

**CABARRUS COUNTY
REZONING
APPLICATION**



Instructions

1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a zoning map amendment request.
2. Submit a complete application for an amendment to the official zoning map 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.
- Any additional documents essential for the application to be considered complete. (Determined as part of the pre-application meeting)

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

Fees: Residential rezoning request less than 5 acres = \$400
 Residential rezoning request greater than 5 acres = \$400 + \$5 per acre over 5 acres
 Non-residential rezoning request = \$550 + \$5/acre ~ 55.5
 +3% technology fee based on total application fee $- 16.65$ $= 571.65$

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

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

Process Summary:

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

Staff will review your complete application, 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 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.

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. 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.

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 3892 NC Hwy 73E CONCORD NC 28025
PIN(s) (10 digit #) 5640-98-86-58--0000
Deed Reference Book 9887 Page 0229
Township # 8

Description of Subject Property

Size (square feet or acres) 0.985 AC
Street Frontage (feet) 60' R/W
Current Land Use of Property CEMETERY
Surrounding Land Use North _____
South _____
East _____
West _____

Request

Change Zoning From CR To LC

Purpose for Request CONVERT TO CONFIRMING USE

Utility Service

Water Supply Well or Service Provider _____
Wastewater Treatment Septic Tank(s) or Service Provider _____

Property Owner/Agent/Applicant Information

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of proving its need rests with the below named petitioner(s).

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

Property Owner

DAN SULLIVAN

Address

5513 COLD CREEK FARMS RD. CONCORD NC 28025

Phone

704- 4 793-1600

Fax

—

Signature

Dan W. Sullivan

E-mail Address

DMMEMORIALS @ GMAIL.COM

Agent (if any)

Address

Phone

Fax

Signature

E-mail Address

Applicant (if any)

Address

Phone

Fax

Signature

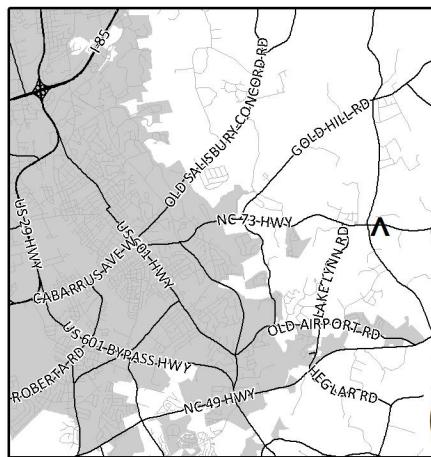
E-mail Address

Zoning Map

Exhibit C



Applicant: Dan Sullivan
Owner: Cabarrus Memorial Gardens LLC
Case: RZON2016-00006
Address: 3892 NCHwy 73 E
Purpose: Rezoning from CR to LC
p/o PIN: 5640-98-8658



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

Map Prepared by Cabarrus County Planning & Development August, 2016

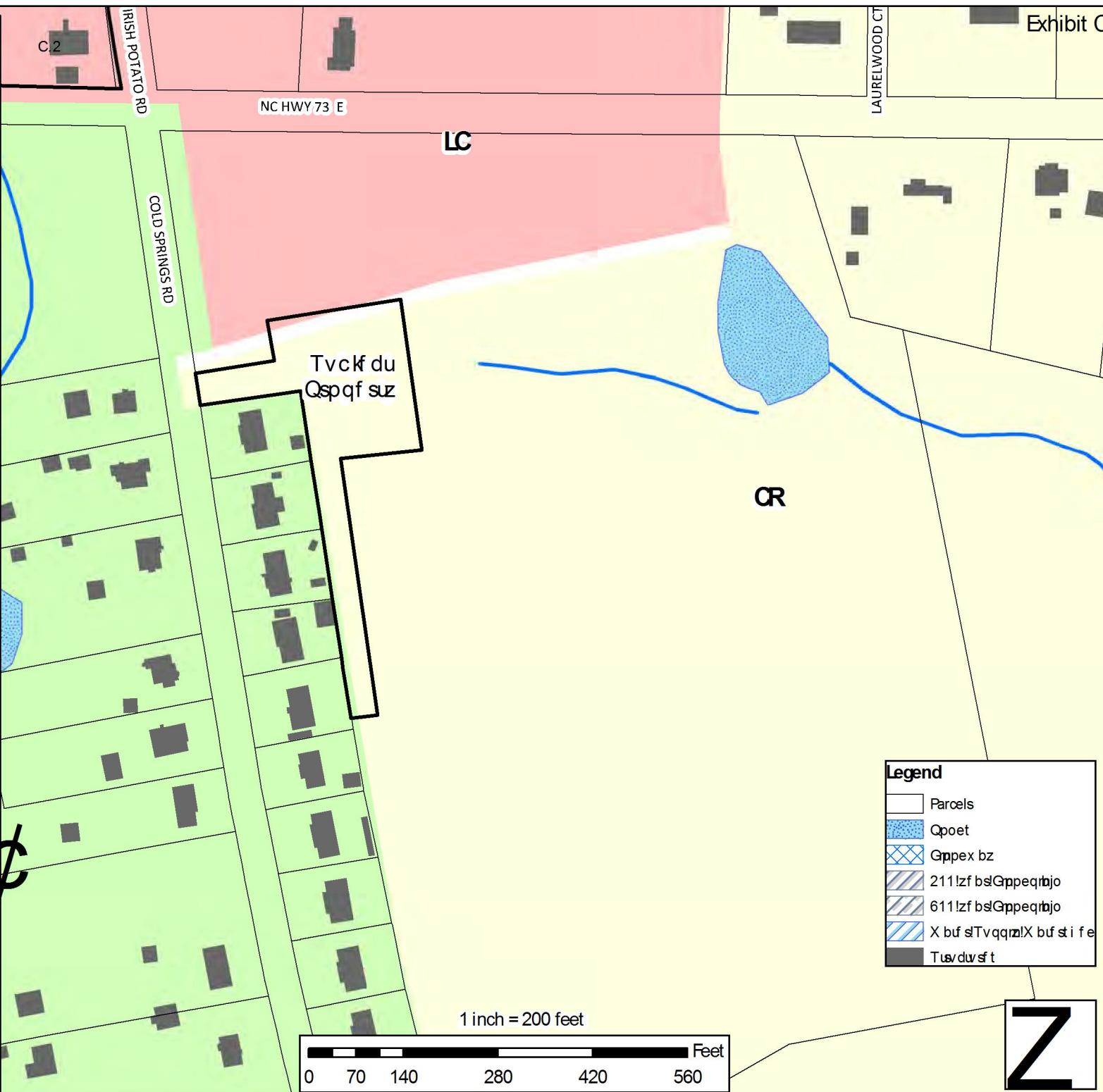


Exhibit C

Aerial Map

Exhibit C

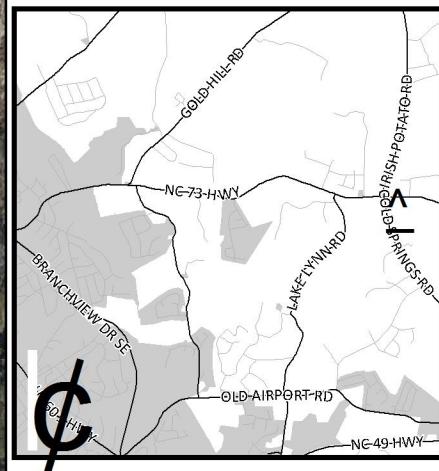


Applicant: Dan Sullivan
Owner: Cabarrus Memorial Gardens LLC
Case: RZON2016-00006
Address: 3892 NCHwy 73 E
Purpose: Rezoning from CR to LC
p/o PIN: 5640-98-8658

Parcels

Dbcbssvt !Dpvovz

Djuz!Mn jt



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

Map Prepared by Cabarrus County Planning & Development August, 2014

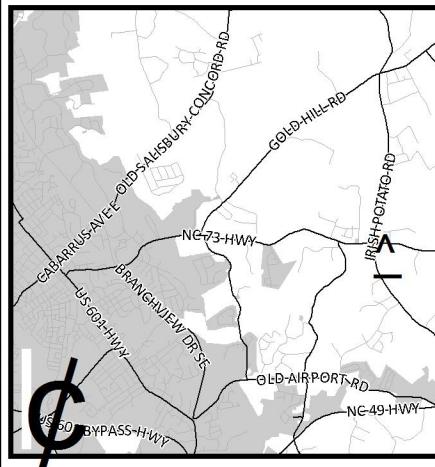


Future Land Use Map

Exhibit C

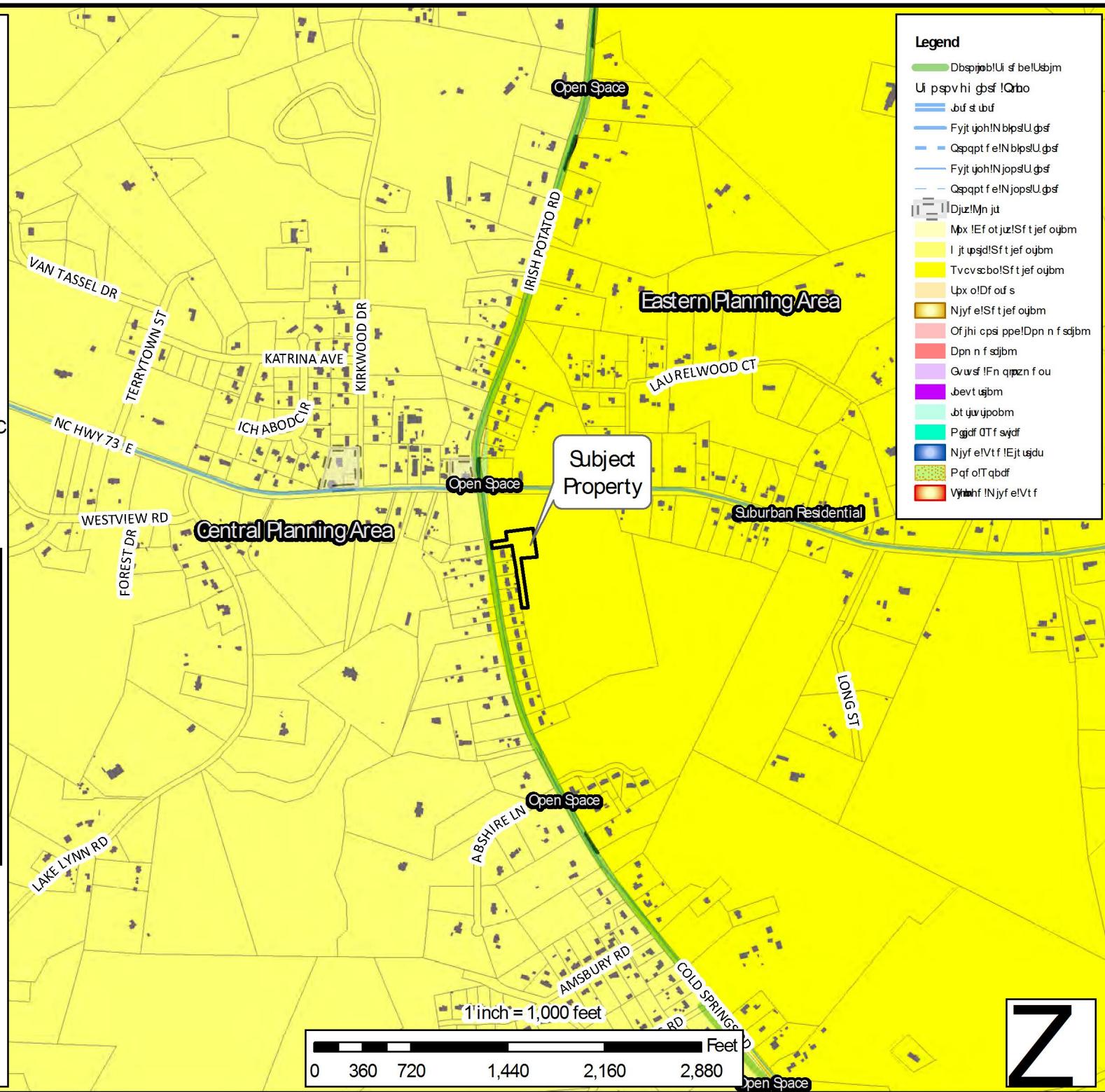


Applicant: Dan Sullivan
 Owner: Cabarrus Memorial Gardens LLC
 Case: RZON2016-00006
 Address: 3892 NCHwy 73 E
 Purpose: Rezoning from CR to LC
 p/o PIN: 5640-98-8658



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

Map Prepared by Cabarrus County Planning & Development August, 2016



Property subject to recorded or unrecorded R/Ws, easements, agreements, restrictions. The boundary description prepared from this survey is the surveyors opinion of the location of boundary lines of the property based on monuments found in field and is not to be construed as a certification of the quality of title or location of title to the property. A full title investigation is recommended.

Area by coordinates			
EIR = Existing  iron rod	EIP = Existing  iron pipe	EN = Existing Nail	ECM = Existing Concrete Monument
SIR = 1/2" iron rod set	CP = Computed Point	S.T. = Sight Triangle	OUL = Overhead Utility Lines
SSR = Sanitary Sewer R/W or Easement	PSDE = Public Storm Drainage Easement	EMH = Existing Manhole	UB = Utility Box
			EMN = Existing Magnetic Nail

Boundary Surveyed

Boundary by deed/plat

Setback line (SBL)

Street r/w

Fence

Easement

Exhibit D

CERTIFICATE OF APPROVAL BY SUBDIVISION ADMINISTRATOR

I, Susie Morris, SUBDIVISION ADMINISTRATOR OF CABARRUS COUNTY HEREBY APPROVE THIS FINAL
PLAT OF SUBDIVISION ENTITLED "CABARRUS MEMORIAL GARDENS" ON THE 20th DAY OF July 2016.
Susie Morris (by: PEC) (SUBDIVISION ADMINISTRATOR)

Review Officer Certification:

I, Greg Bell, REVIEW OFFICER OF CARPENTER COUNTY CERTIFY THAT THE MAP WHICH THIS
CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Greg Bell (PDG) (REVIEW OFFICER) 07/20/2016 (DATE)

OWNERS CERTIFICATE:
I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED
HEREON & THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT,
ESTABLISHED MINIMUM BUILDING LINES, & DEDICATE ALL ROADS, ALLEYS, WALLS, PARKS &
OTHER SITES TO THE PUBLIC USE EXCEPT AS NOTED. FURTHER, I (WE) CERTIFY THE LAND
AS SHOWN HEREON IS WITHIN THE JURISDICTION OF CATAWBA COUNTY.
John W. [Signature] (OWNER) 7/19/16 (DATE)

NEW LOT BEING CREATED (1.000 Acre)

CR SPECIFICATIONS:

BUILDING TO BE REMOVED.

SETBACKS:
FRONT = 50'
SIDE = 10' / 40'
REAR = 30'

1936
POTOMAC
RIVER

NLC-73

COLD SPRINGS RD

WILMINGTON

MAP
(1935)

N-7-33-0041

MB. 13-41 Feb 1966

CABARET MEMORIAL GARDENS
5646-98-2C58
DB 524-603
ZONE CR & LC
3892 Hwy 73 EAST
CONCORD NC 28025

5.7-33-00E.	346.93'	SIR
	CP	
N.	334.99'	
ZONE AD		
SUE RUSLING Sect 9 E - 3745 DS 248-24 ZONE AD	R=5579.58' ARC = 116.89' CHORD = 116.89' N 8-02-27 W.	SIR
ZAZZLE SPOR Sect 10-98-324 DS 669-273 ZONE AD		William Hevener Sect 10-98-3585 DS 9995-232

COLD SPRINGS ROAD
(50' PUBLIC R/W)

R/41

MINOR SUBDIVISION:

PROPERTY OF
CABARRUS MEMORIAL GARDENS
PHYSICAL SURVEY OF

COMMERCIAL DISTRICTS:

OFFICE/ LIMITED COMMERCIAL

This district is intended to accommodate relatively small scale commercial and office development at intensities complementary to residential land uses.

RATIONALE

This district is used to provide both the convenience of neighborhood oriented goods and services and the permanent protection of adjacent or intermixed residential areas by permitting only a limited range of commercial activities. The district should be located near municipal boundary lines or areas of commercial growth and may border general commercial districts, light industrial or high density residential/mixed use districts. When bordering residential districts or residential developments, care should be taken to assure natural or manmade buffering and architectural compatibility, so the nonresidential activities are not a nuisance to residential uses.

USES IN THE OFFICE/ LIMITED COMMERCIAL ZONE:

LC Permitted (P) Uses

Arcade, Game Room	Drug store	Hospitals, Ambulatory Surgical Care Center
Automobile Parts, Tires, Accessories	Dry Cleaning Pick Up Station	Hotels, Motels, Inns
Banquet Hall	Equipment Sales and Service	Laundromat
Barber, Beauty, Tanning, Nail or Skin Care Salon	Family care home	Locksmith
Car Wash, Detail Service	Farm Supply Sales	Mobile Home Retail Sales
Catering Service	Farmer's Market	Movie Theater
Civic Organization Facility	Flea Market, Indoor Vendors Only	Nursery, Greenhouse
College, University	Funeral Home	Office, Professional, Less Than 30,000 Square Feet
Convenience Store with Petroleum Sales	Group care facility	Parking Lot, Parking Garage, Commercial or Private
Convenience Store without Petroleum Sales	Gunsmith	Pawn Shop
	Health Club, Fitness Center	

LC Permitted (P) Uses Continued

Pet shop, Grooming, Enclosed	Capacity of 351 or More	Taxidermy Studio, No Outdoor Processing
Photographic studio	Restaurant, Excluding Drive-Thru	Towing Service, No Vehicle Storage Lot, Office Only, Storage of Tow Truck, Car Haulers Permitted On Site
Printing and Reprographic Studio	Retail Sales- Shopping Centers 10,000 - 50,000 Square Feet	Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less
Public cultural facility	Retail Sales- Shopping Centers 10,000 Square Feet and Less	
Public use facility	Tattoo Studio	

LC Permitted Based on Standards (PBS) Uses

Accessory Dwelling Unit	Community Garden, Accessory Use	Dumpsters, Commercial Waste Containers, Temporary Use
Accessory Building	Communications Tower, 911	
Auction, Estate or Asset Liquidation, Temporary Use	Communications Tower	Duplex, Commercial Use, Individual Lots
Automated Teller Machine as Accessory	Contractor or Trade Shop	Event, Tent or Temporary Structure, Temporary Use
Automobile Rental	Contractor Office, Construction Equipment Storage, Temporary Use	FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use
Automobile Sales, New and Used	Country Club with Golf Course	
Bank, Financial Institution, Automated Teller Machine	Day Camp, Summer Camp, Civic Group Camp Facility	Fireworks Stand, Temporary Use
Bed and Breakfast		For Profit Temporary Sign, Temporary Use

Cabarrus County Zoning Ordinance
Chapter 3-Establishment of Zoning Districts

LC Permitted Based on Standards (PBS) Uses Continued

Golf Course, Public or Private	Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business	Includes Christmas Trees and Pumpkins, Temporary Use
Government Buildings, Storage Only	Real Estate Office in Construction Trailer or Modular Unit, Commercial /Mixed Use Projects, Temporary Use	Self-Service Storage Facility
Home Occupation, General	Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use	Shooting Range, Indoor
Ice Production, Dispensing, Accessory to Convenience Store	Real Estate Office in Model Home, Temporary Use	Sports and Recreation Instruction or Camp
Itinerant Merchant, Temporary Use, Existing Business	Recreational Facility, Indoor	Storage Building Sales, with Display Area
Landfill, Demolition-Less Than One Acre	Recreational Trail, Greenway, or Blueway Connector	Swim Club, Tennis Club, Country Club
Mobile Personal Storage Unit, Renovation, Temporary Use	Recyclable Materials Drop Off	Temporary Amusement Enterprise, Temporary Use
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use	Repair Garage, Automobile	Temporary Construction Sign, Temporary Use
Moving Van, Truck or Trailer Rental	Repair Shop, Small Engine	Temporary Dwelling for Large Construction Projects, Temporary Use
Moving Van, Truck or Trailer Rental, Accessory to Self-Storage Facility	Restaurant with Drive-Thru Facility	Townhouses
Motorcycle Sales, New and Used	Scientific Research and Development	Trail Head, Accessory Use
Multifamily Residential	Seasonal Sale of Agriculture Products,	Trail Head, Primary Use Site
Nursery, Daycare Center		Wireless Telecommunications Services, Co-location

LC Conditional (C) Uses

Animal Hospital	Recreational Facility, Outdoor	Wireless Telecommunications Services
Animal Shelter	Trade and Vocational Schools	
Kennel, Commercial		
Public Service Facility	Veterinarian	

GENERAL COMMERCIAL DISTRICT

The primary purpose of this district is to provide locations for large scale commercial activities. This level of commercial activity usually draws clientele regionally as well as from nearby neighborhoods, requires siting on major thoroughfares, and requires relatively large-scale off street parking areas. The district will accommodate a wide variety of office, retail and lodging land uses. General commercial may border the other less intense commercial district or either of the two industrial districts. A general commercial district may border a higher density residential district, but care should be taken to ensure appropriate buffers between the two.

RATIONALE

This district is intended to provide the principal location for large scale commercial and office development in Cabarrus County.

USES IN THE GENERAL COMMERCIAL DISTRICT:

GC Permitted (P) Uses

Arcade, Game Room	Building Contractor Supply	Drug store
Auction House	Car Wash, Detail Service	Dry Cleaning Pick Up Station
Automobile Parts, Tires, Accessories	Catering Service	Dry Cleaning, Laundry Plant
Automobile Rental	Civic Organization Facility	Equipment Sales and Service
Automobile Sales, New and Used	College, University	Equipment Sales and Service with Outdoor Storage
Banquet Hall	Convenience Store with Petroleum Sales	Farm Supply Sales
Barber, Beauty, Tanning, Nail or Skin Care Salon	Convenience Store without Petroleum Sales	Farm Supply Sales with Outdoor Storage
Boat Works and Sales, with Sales Lot	Contractor's Storage Yard	
	Drive In Theater	

Acct Name1	Mail Addr1	Mail City	Mail State	Mail Zip Cod	PIN14
CONNELL LORA H	351 COLD SPRINGS RD	CONCORD	NC	28025	56409841440000
YOST DON	5050 WNDMILL RD	ROCKWELL	NC	28138	56409842340000
PROPST BROS DISTS INC	829 DAVIDSON DR	CONCORD	NC	28025	56409905350000
BURRIS LARRY HOUSTON AND NORMA BEAVER CO-TRSTES	4115 HWY 73 E	CONCORD	NC	28025	56500915540000
DORTON JOHNNY E & THOMAS PENNY C	321 COLD SPRINGS RD	CONCORD	NC	28025	56409844050000
JACKSON ALBERT C JR	211 COLD SPRINGS ROAD	CONCORD	NC	28025	56409839220000
PATTERSON GEORGE L III	331 COLD SPRINGS RD S	CONCORD	NC	28025	56409843140000
PAVEY NORMAN KEITH & BARBARA ANNE	431 COLD SPRINGS RD	CONCORD	NC	28025	56409767310000
HOLLOPETER RALPH W II & JANET P	200 COLD SPRINGS ROAD	CONCORD	NC	28025	56409808240000
BROWN SHARON & RINEHARDT PAMELA ELAINE	8531 HAYDENSWAY	CONCORD	NC	28025	56409838340000
LAY OF THE LAND OF NC INC	119 OAK DRIVE	NEW LONDON	NC	28127	56409967940000
SPOOR ZAZLE WEDDLE	301 COLD SPRINGS RD	CONCORD	NC	28025	56409836640000
SPOOR ZAZLE WEDDLE	301 COLD SPRINGS RD	CONCORD	NC	28025	56409836640000
RIVERS KEVIN WILSON	178 COLD SPRINGS RD	CONCORD	NC	28025	56409809770000
HULETT WILLIAM HAROLD	311 COLD SPRINGS RD	CONCORD	NC	28025	56409835850000
RUSHING SUE HATLEY	231 COLD SPRINGS RD	CONCORD	NC	28025	56409837450000
FREEMAN PHYLLIS ANN BEAVER	4150 HWY 73 E	CONCORD	NC	28025	56500932060000
SNIDER CHRISTOPHER L & PENNY	411 COLD SPRINGS RD	CONCORD	NC	28025	56409749960000
BRIGHAM JAMES E & SUSAN M	421 COLD SPRINGS ROAD	CONCORD	NC	28025	56409758330000
BRIGHAM JAMES E	421 COLD SPRINGS ROAD	CONCORD	NC	28025	56409758330000
WHITMAN DEMPSEY ANN	401 COLD SPRINGS RD	CONCORD	NC	28025	56409840750000
FRANCES MEDLIN FAM FARMS I LLC	PO BOX 703	CONCORD	NC	28026	56409902560000
WOODRIDGE PARK INC A NC CORP	417 AUTUMN DR	HARRISBURG	NC	28075	56409925760000
HOME REALTY CO	928 SMAIN ST	KANNAPOLIS	NC	28081	56500861320000
CABARRUS MEMORIAL GARDENS LLC	3892 HWY 73 E	CONCORD	NC	28025	56409886580000



Cabarrus County Government – Planning and Development Department

July 18, 2016

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The properties and specifics of the rezoning are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, August 9, 2016 at 7:00 PM in the 2nd floor Multi-Purpose Room 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.

Petitioner	<u>Dan Sullivan (Cabarrus Memorial Garden, LLC)</u>
Petition Number	<u>RZON2016-00006</u>
Property Location	<u>3892 NC Highway 73 E</u>
Parcel ID Number	<u>p/o 5640-98-8658</u>
Existing Zoning	<u>Countryside Residential (CR)</u>
Proposed Zoning Map Change	<u>Office/Limited Commercial (LC)</u>

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

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Collins".

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



Cabarrus County Government – Planning and Development Department

July 18, 2016

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, August 9, 2016 at 7:00 PM in the 2nd floor Multi-Purpose Room 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 request, I encourage you to attend this meeting.

Petitioner	Dan Sullivan (Cabarrus Memorial Gardens, LLC)
Petition Number	RZON2016-00006
Property Location	3892 NC Highway 73 E
Parcel ID Number	p/o 5640-98-8658
Existing Zoning	Countryside Residential (CR)
Proposed Zoning Map Change	Office/Limited Commercial (LC)

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

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Collins".

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

PLANNING STAFF REPORT
 CABARRUS COUNTY PLANNING AND ZONING COMMISSION
 08/09/2016

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

Petition: RZON2016-00007 Rezoning

Applicant Information: Jonathan B Marshall, Cabarrus County
 PO Box 707
 Concord, NC280260707

Owner Information: Cabarrus County
 P O BOX 707
 Concord, NC28026

Existing Zoning: GI (General Industrial)

Proposed Zoning: OI (Office Institutional)

Permitted Uses: Any use permitted within the OI zoning district would be allowed if this rezoning request is approved.

PIN#: 5544-72-3955

Area in Acres: +/- 111.8 acres

Site Description: The subject property is mostly vacant with one storage building and several access drives providing access to the storage building and the interior of the property. There are two ponds located on the southeastern portion of the property and Muddy Creek (a perennial stream) borders the property in the east and to the south while it traverses the central portion of the property. Muddy Creek does not feed the ponds. A sanitary sewer easement traverses the property from east to west and a Duke Energy easement, containing power lines, traverses the property from north to south. A Norfolk Southern rail line borders the property to the south.

Adjacent Land Use: Adjacent land uses consist of:

- residential to the west and north
- residential and industrial to the east, and
- industrial to the south.

Surrounding Zoning:

- North: SFR (Midland Single Family Residential)

- East: SFR (Midland Single Family Residential), IND (Midland Industrial) and R/OMT (Midland Residential)
- South: GI (General Industrial)
- West: SFR (Midland Single Family Residential)

Utility Service Provider: City of Concord

Exhibits

- Exhibit A - Staff Report
- Exhibit B – Application
- Exhibit C – Maps
- Exhibit D – Plat
- Exhibit E - List of Permitted Uses

Intent of Zoning Districts

The intent of the General Industrial (GI) zoning district is to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. Certain land uses will be permitted only upon issuance of a conditional use permit. GI districts are compatible neighbors with the light industrial and general commercial districts. Care should be taken to site this district on major roadways or near other forms of transportation, such as rail lines, airports, etc.

The intent of the Office and Institutional District (OI) is to accommodate relatively low intensity office and institutional uses at intensities complementary to residential land use. This district serves as a transitional district between residential land uses and higher intensity non-residential land uses.

Agency Review Comments

- Planning: No comments
- NCDOT: No comments
- Fire Marshal: No comments

Land Use Plan Analysis

The Midland Area Land Use Plan (plan) recommends industrial uses for the subject property and properties to the south. The plan states that areas recommended for industrial development are reflective of existing industrial development. It further states that these areas provide adequate access to transportation and services complimentary to industrial use.

Areas to the west and north of the subject property are recommended for residential

development of medium density. The area to east of the subject property is designated for a mixture of uses and future employment. The areas to the east and northeast of the subject property are specified, in the plan, as an area that would be a preferred location for a Town Hall. It further states that this area would be an appropriate location for a library or other public service surrounded by a pedestrian friendly village. Areas to the east and southeast of the subject property are identified in the Plan as characteristic of large vacant parcels with unique rail access and therefore, reserved for future employment opportunities.

Conclusions

The Midland Area Land Use Plan (MALUP) recommends that the subject property be developed with an industrial use. The applicant intends to develop the subject property as a public park. Public parks are permitted by right in the OI and GI zoning districts. However, the applicant feels that a public park is more accustomed to the OI zoning district. Therefore, the applicant is requesting the OI zoning designation.

The MALUP states that one of its goals is to provide a variety of recreational opportunities including passive and active recreational facilities such as parks, horse riding trails, walking trails, picnic shelters, bicycle routes and greenways. It further recommends that recreational facilities be constructed according to the recommendations of the Livable Communities Blueprint as funding becomes available. The subject property is located within Sub-area 6 of the Livable Communities Blueprint. One of the long-range priorities of the Blueprint is to provide a neighborhood park in the Bethel School area. The Blueprint also proposes a 4.2 mile bike route along the Muddy River that borders along the eastern portion of the subject property.

**CABARRUS COUNTY
REZONING
APPLICATION**



STYLING
Application/Access# _____
Received By: _____
Date Filed: _____
Amount Paid: _____

Instructions

1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a zoning map amendment request.
2. Submit a complete application for an amendment to the official zoning map 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.
 - Any additional documents essential for the application to be considered complete. (Determined as part of the pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.

Fees:

 - Residential rezoning request less than 5 acres = \$400
 - Residential rezoning request greater than 5 acres = \$400 + \$5 per acre over 5 acres
 - Non-residential rezoning request = \$550 + \$5/acre
 - +3% technology fee based on total application fee
4. The deadline for submittal is always the same day as the Planning and Zoning Commission Meeting which is the second Tuesday of the month. Applications must be submitted before 2:00 PM that day for consideration on the next available agenda.

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

Process Summary:

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

Staff will review your complete application, 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 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.

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. 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.

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 12900 Bethel School Road Midland
PIN(s) (10 digit #) 5544 - 72 - 3955 ; _____ - _____
Deed Reference Book 8528 Page 0313
Township # 10

Description of Subject Property

Size (square feet or acres) 111.8
Street Frontage (feet) 929' (on Bethel School Road in Midland zoning jurisdiction)
Current Land Use of Property pasture land
Surrounding Land Use North residential
South industrial
East residential and vacant / forested
West residential

Request

Change Zoning From GI To O-I

Purpose for Request To develop the property as a regional public park. The first phase is currently under construction based on a zoning permit from the Town of Midland.

Utility Service

Water Supply Well or Service Provider Concord
Wastewater Treatment Septic Tank(s) or Service Provider Concord

Property Owner/Agent/Applicant Information

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of proving its need rests with the below named petitioner(s).

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

Property Owner

Cabarrus County

Address

P.O. Box 707 Concord

Phone

704 920-2145

Fax

Signature

JB Marshall

E-mail Address

jbmarshall@cabarruscounty.us

Agent (if any)

Address

Phone

Fax

Signature

E-mail Address

Applicant (if any)

Address

Phone

Fax

Signature

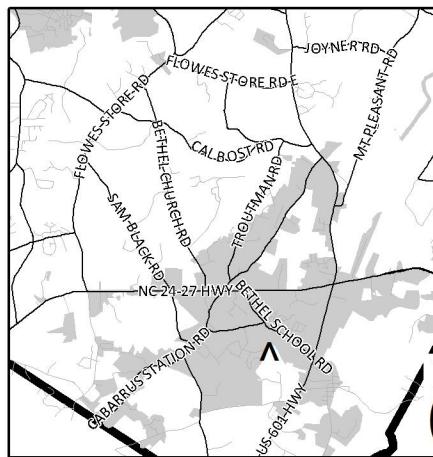
E-mail Address

Zoning Map

Exhibit C

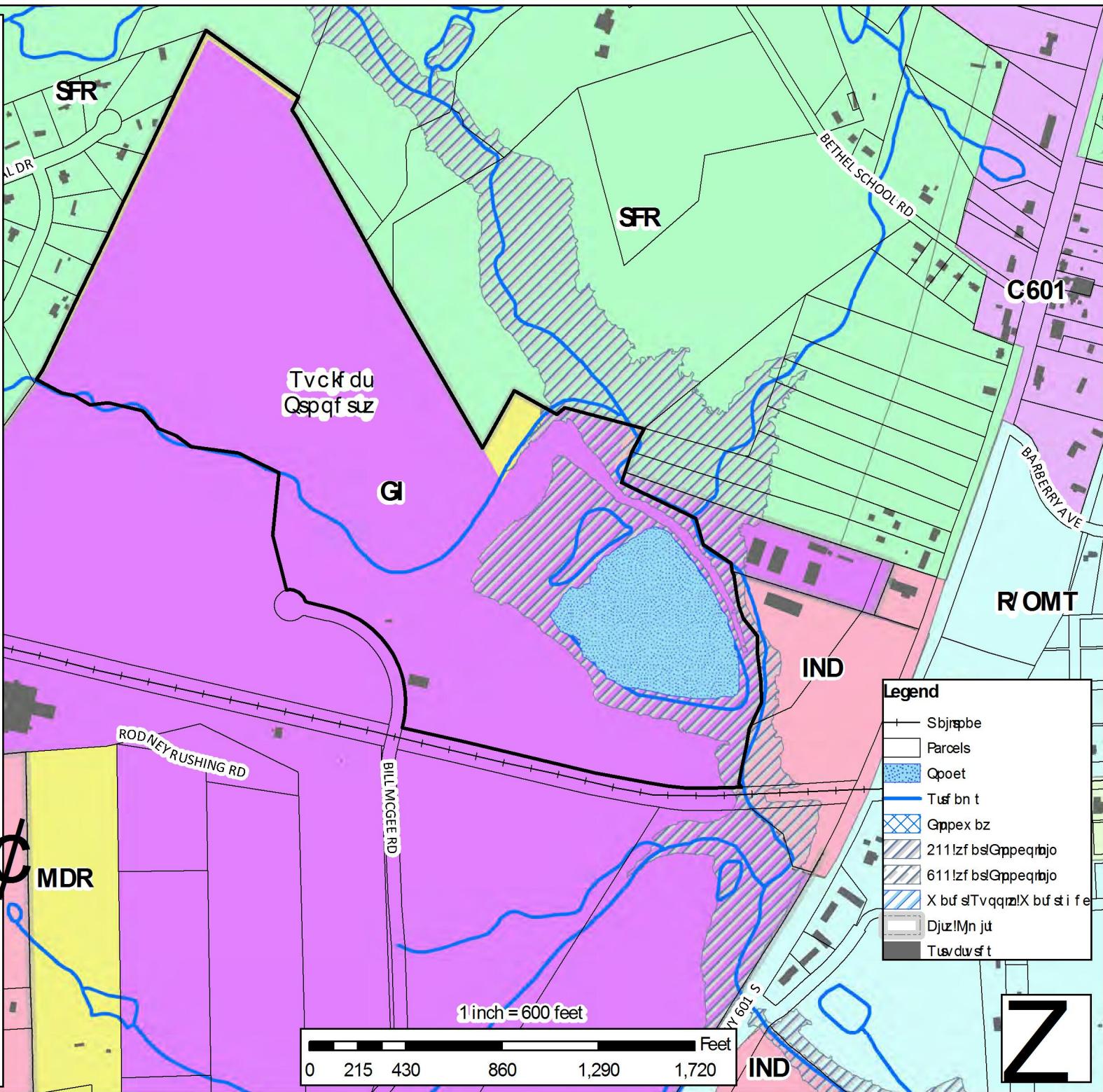


Applicant: Jonathan Marshall
Owner: Cabarrus County
Case: RZON2016-00007
Address: 13610 USHwy 601
Purpose: Rezoning from GI to O-I
PIN: 5544-72-3955



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

Map Prepared by Cabarrus County Planning & Development August, 2016



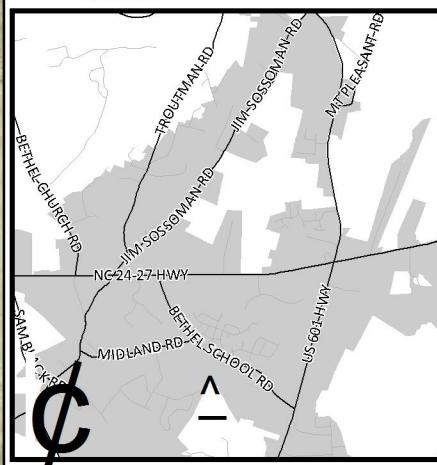
Aerial Map

Exhibit C



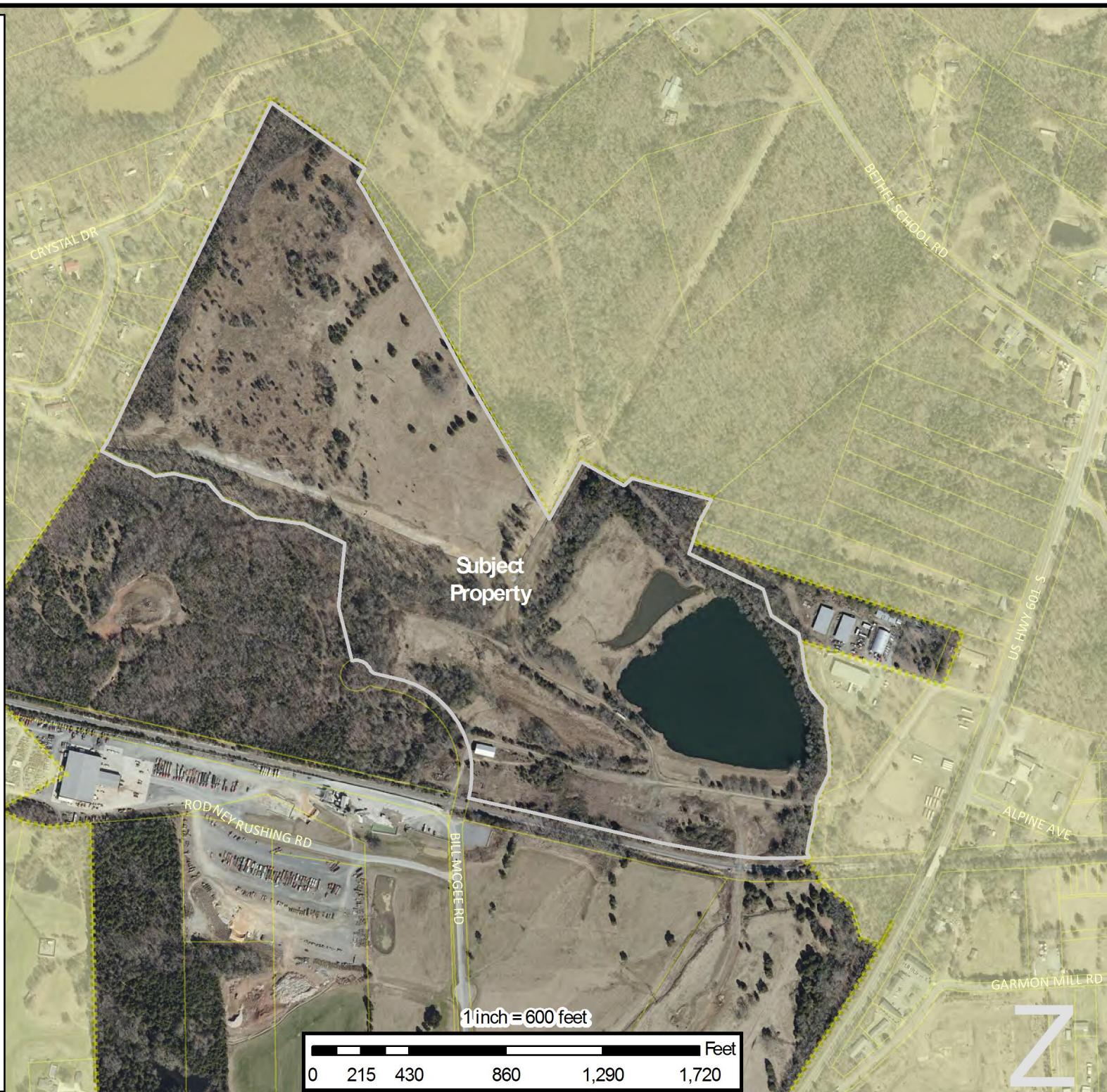
Applicant: Jonathan Marshall
Owner: Cabarrus County
Case: RZON2016-00007
Address: 13610 USHwy 601
Purpose: Rezoning from GI to O-I
PIN: 5544-72-3955

- Parcels
- Dbcbsv!Dpvovz
- Djuz!Mn jt



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Map Prepared by Cabarrus County Planning & Development August, 2014

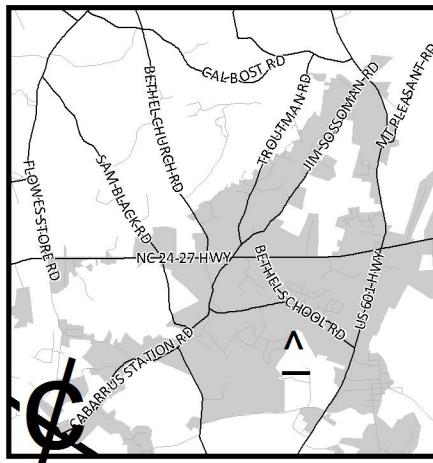


Future Land Use Map

Exhibit C

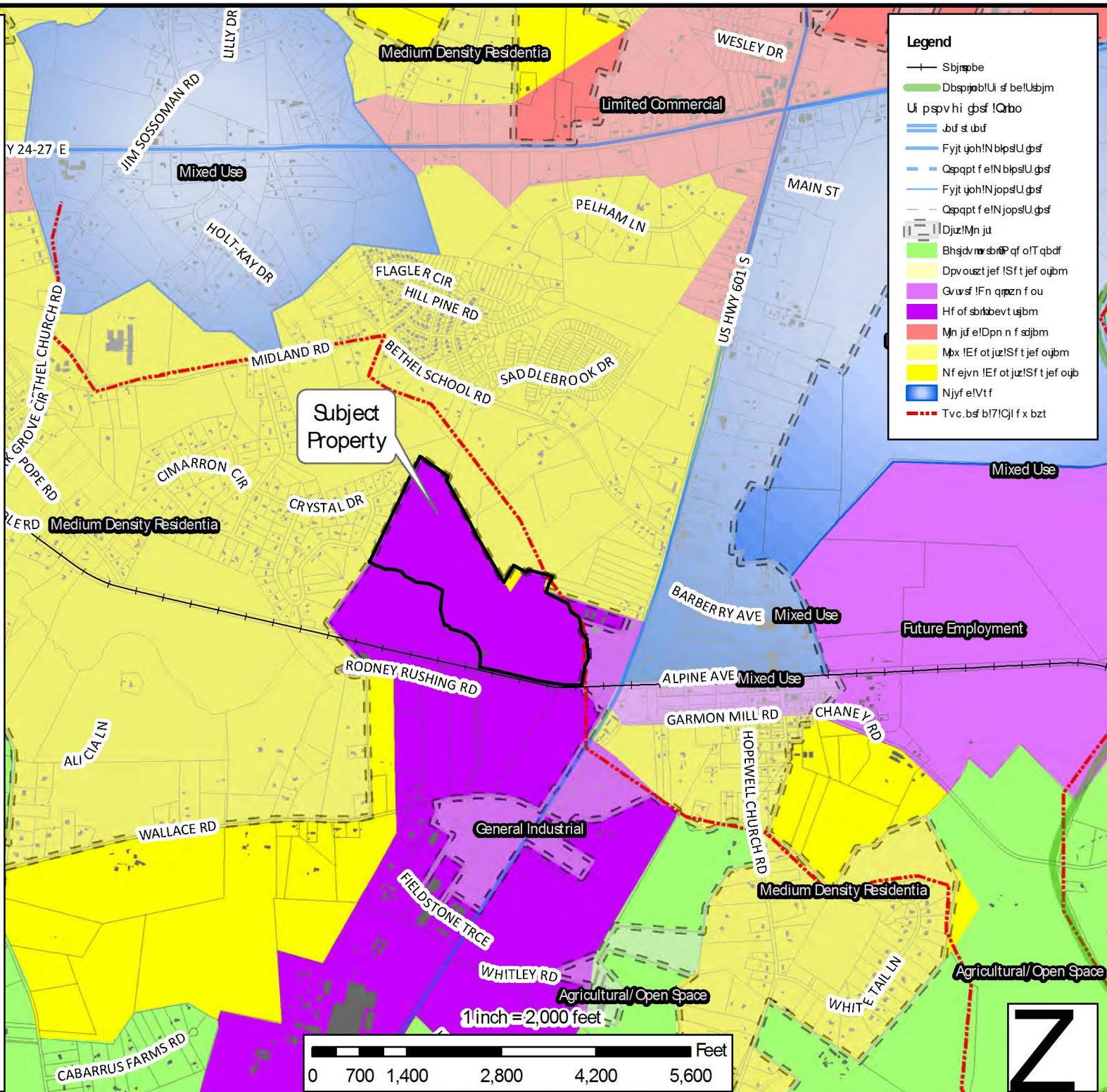


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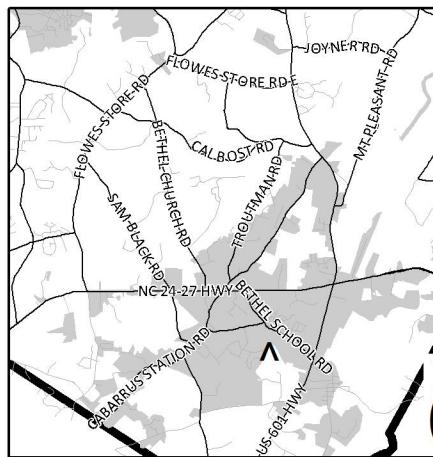


Zoning Map

Exhibit C

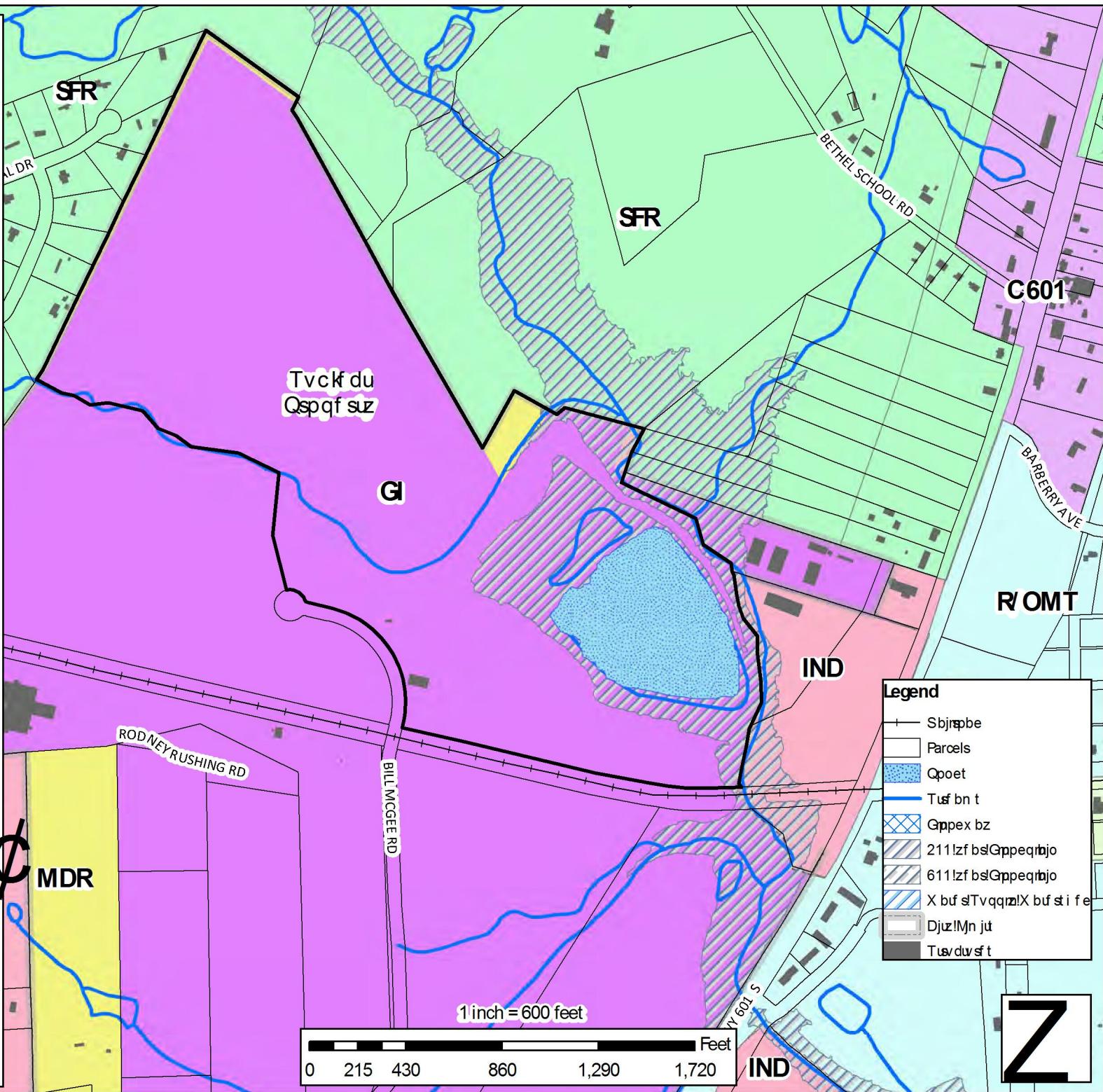


Applicant: Jonathan Marshall
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Map Prepared by Cabarrus County Planning & Development August, 2016



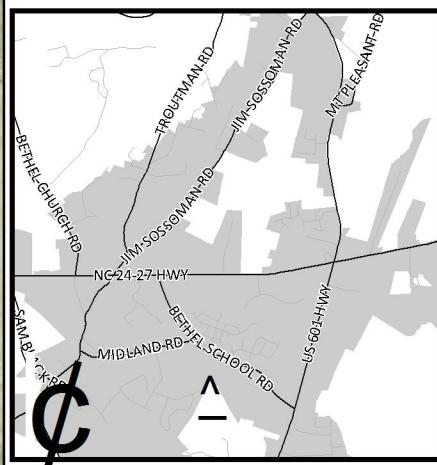
Aerial Map

Exhibit C



Applicant: Jonathan Marshall
Owner: Cabarrus County
Case: RZON2016-00007
Address: 13610 USHwy 601
Purpose: Rezoning from GI to O-I
PIN: 5544-72-3955

- Parcels
- Dbcbsv!Dpvovz
- Djuz!Mn jt



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Map Prepared by Cabarrus County Planning & Development August, 2014

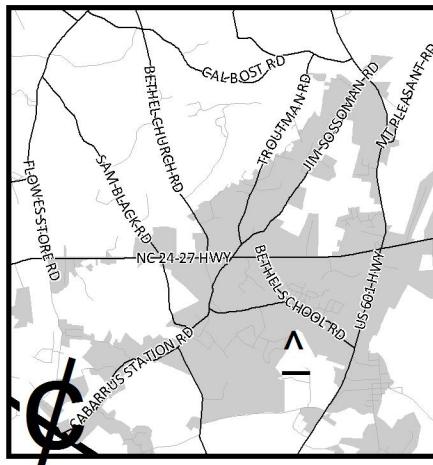


Future Land Use Map

Exhibit C

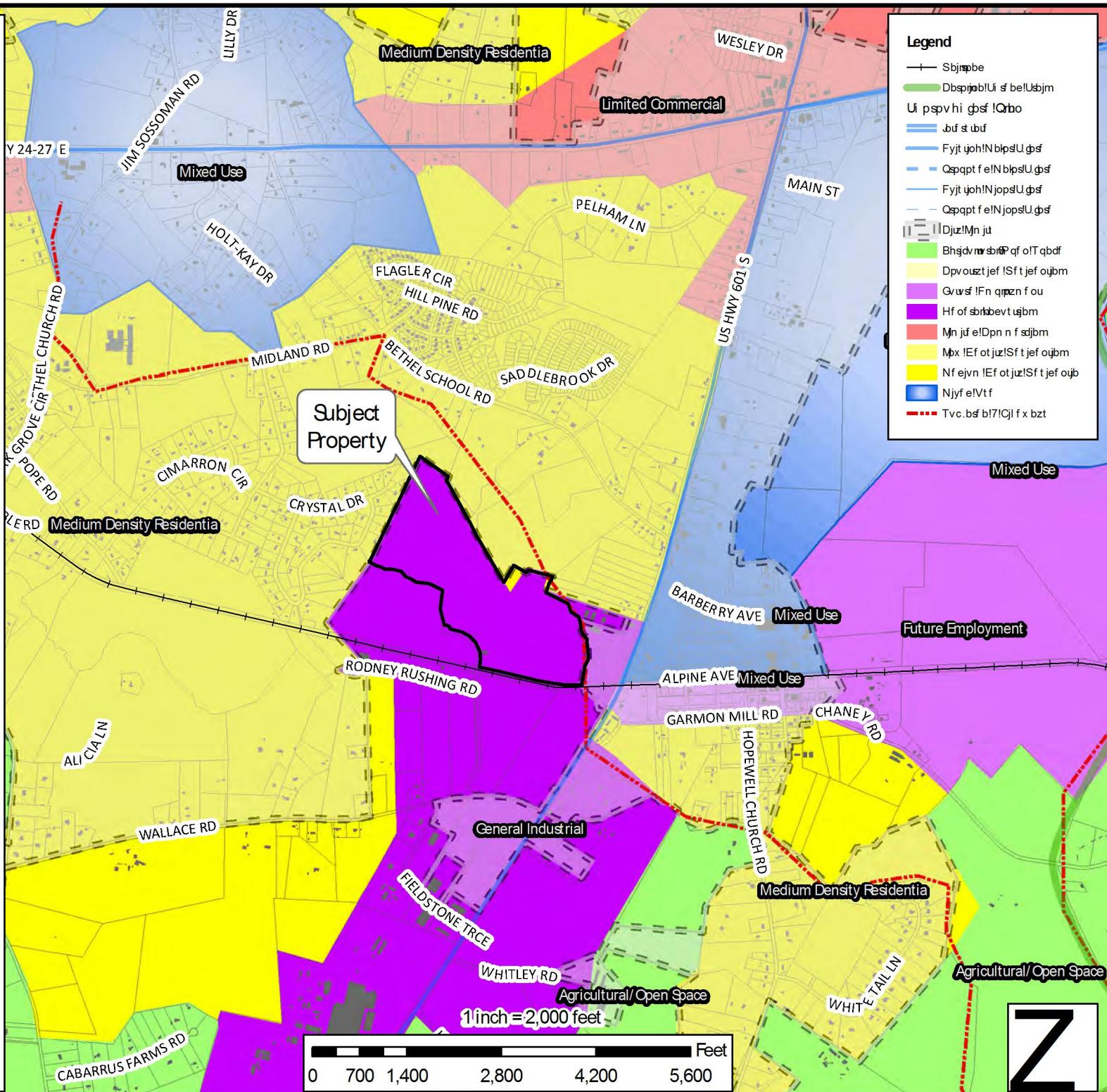


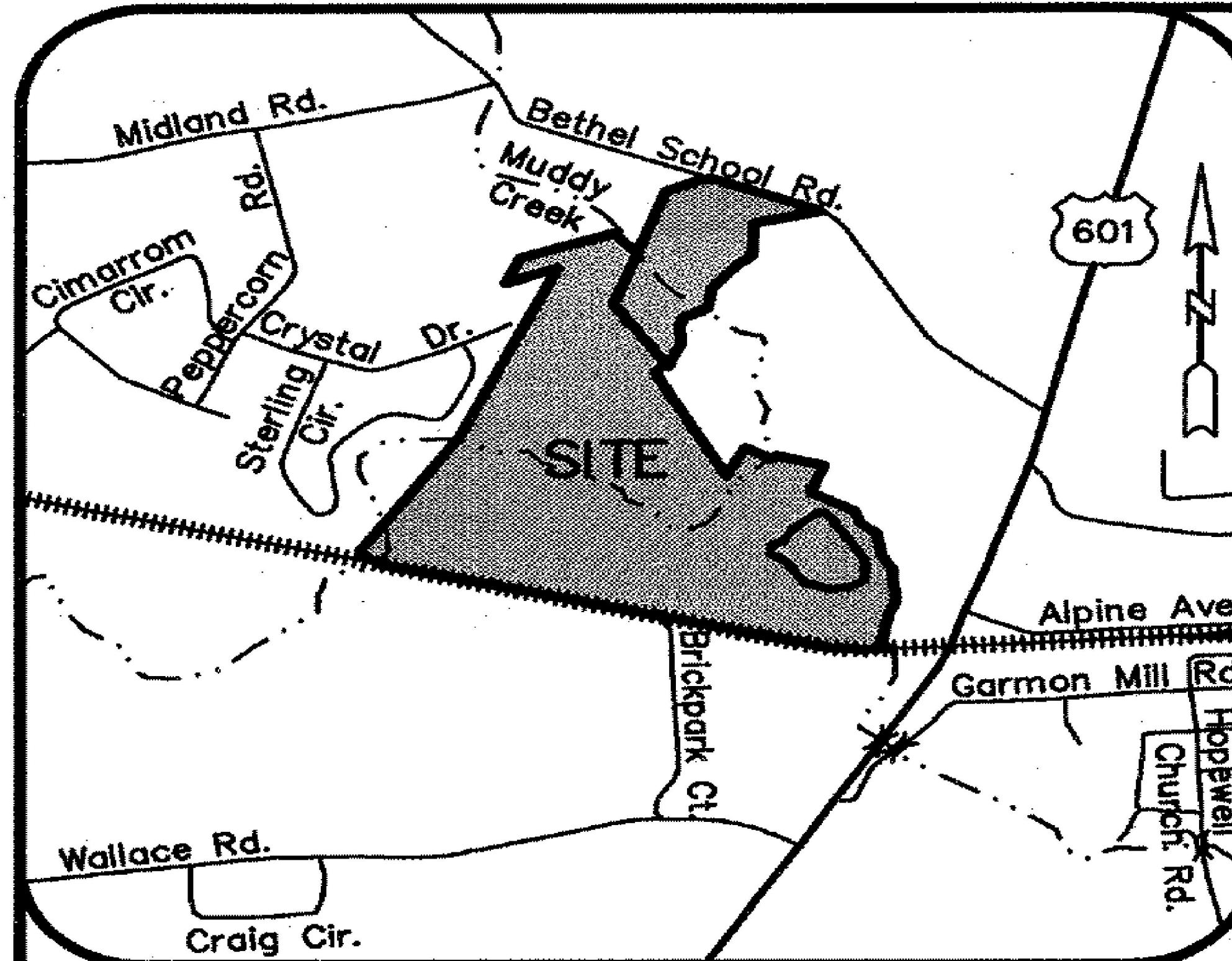
Applicant: Jonathan Marshall
 Owner: Cabarrus County
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 Address: 13610 USHwy 601
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Map Prepared by Cabarrus County Planning & Development August, 2016





VICINITY MAP
NOT TO SCALE

PLAT CERTIFICATION

I, JAMES E. CRADDOCK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN DEED BOOKS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM DEEDS OR MAPS REFERENCED HEREON; THAT THE RATIO OF PRECISION IS 1:10,500; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); AND THE FOLLOWING:

- C.(1) THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND, DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
- BASIS OF NC GRID ~ NAD 83(2011) WAS DERIVED FROM NCGS NETWORK RTK ON MARCH 26, 27 & 30, 2015. THIS WAS A CLASS AA SURVEY (POSITIONAL TOLERANCE < 0.05') USING FIXED CONTROL STATIONS "CONCORD CORS ARP" (N= 595,611.29'; E= 1,533,753.95'; EL= 606.34') AND "NC49" (N= 571,106.61'; E= 1,483,837.61', EL= 787.94'); AND GEOID MODEL GEOID12A.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 21st DAY OF AUGUST, A.D. 2015.

PROFESSIONAL LAND SURVEYOR
LIC. NO. 3039
JAMES E. CRADDOCK
LAND SURVEYOR
NORTH CAROLINA
PROFESSIONAL LAND SURVEYOR

LICENSE NO. L-3039

PARCEL ID. NUMBER	ADJACENT PROPERTY OWNER(S)	DEED BOOK, PAGE NO.	ZONED
P.I.N. 5544-42-8481	ALFRED E. SMITH & wife, BERTIE F. SMITH	DB. 521, PG. 306	SFR
P.I.N. 5544-52-2855	BERTIE LOU F. SMITH	DB. 1141, PG. 307	SFR
P.I.N. 5544-53-7585	JOHN DAVID ASHE	DB. 1547, PG. 124 DB. 1543, PG. 74	SFR
P.I.N. 5544-53-8658	LUIS REYNALDO SANCHEZ PEREZ & wife, NORMA VERONICA VILLANUEVA MORALES	DB. 10922, PG. 1	SFR
P.I.N. 5544-53-9801	SAMMY J. KEPLEY	DB. 3245, PG. 49	SFR
P.I.N. 5544-53-9966	SAMMY J. KEPLEY	DB. 3245, PG. 49	SFR
P.I.N. 5544-64-0196	VICTOR ALAN MORRIS	DB. 9883, PG. 74	SFR
P.I.N. 5544-64-1391	[NOW OR FORMERLY] BOBBY D. McLAURIN	DB. 567, PG. 788	SFR
P.I.N. 5544-64-2563	DAVID E. FRANSSEN	DB. 3259, PG. 103	SFR
P.I.N. 5544-64-0448	ISMAEL VALDESPINO ORTEGO & YESENIA MORAN MENDOZA	DB. 11218, PG. 19	SFR
P.I.N. 5544-91-6017	WILLIAM ERSKINE BROOKS, JR.	DB. 1221, PG. 327	IND

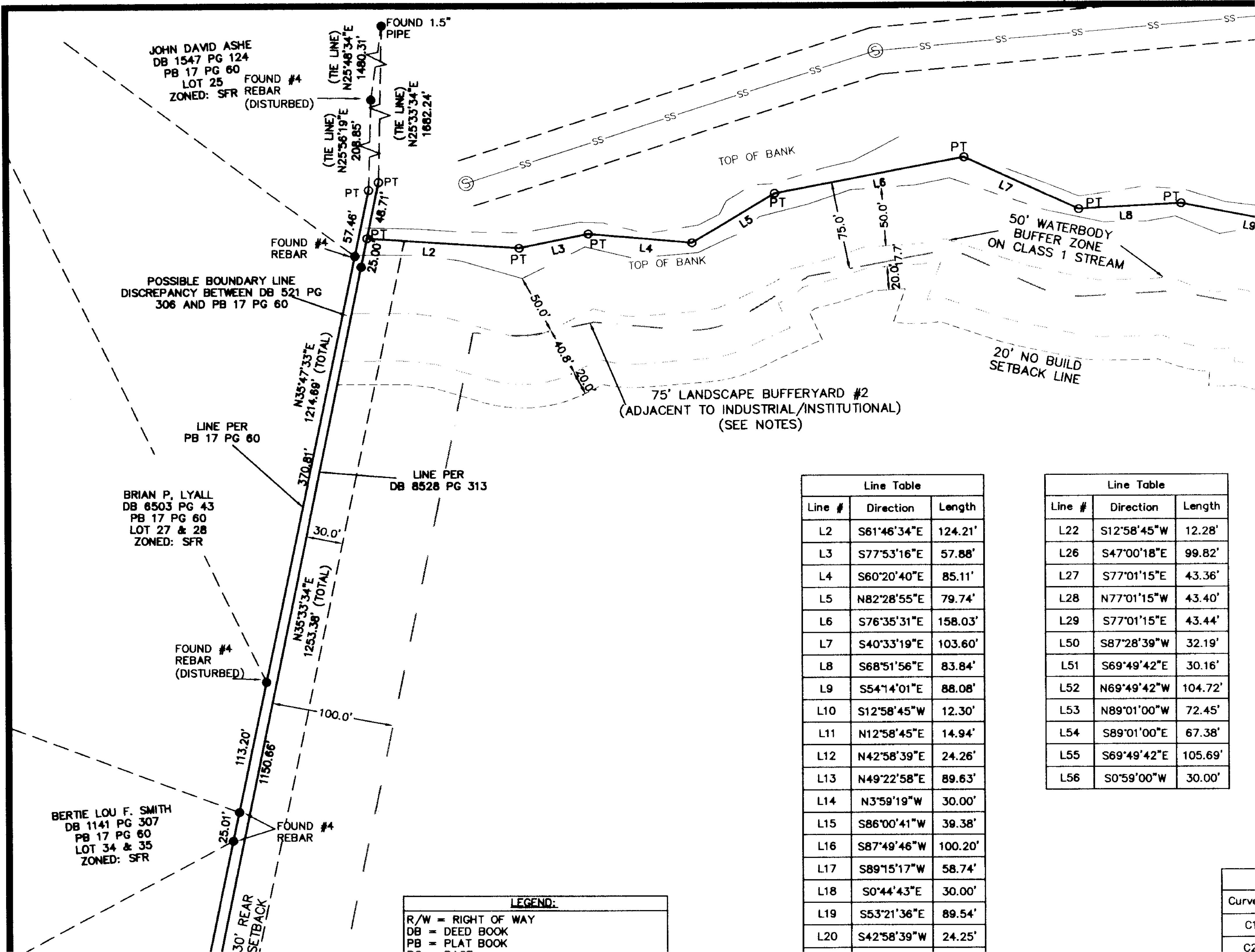
NOTES:

1. TRAVERSE ADJUSTED BY LEAST SQUARES ADJUSTMENT METHOD;
AVERAGE RAW ERROR OF CLOSURE 1:10,500.
2. AREA COMPUTED BY COORDINATE COMPUTATIONS.
3. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
4. SUBJECT PROPERTIES LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AS PER F.I.R.M. MAP NUMBER 3710554400J, EFFECTIVE DATE NOVEMBER 5, 2008.
5. BASIS OF NC GRID ~ NAD 83(2011) WAS DERIVED FROM NCGS NETWORK RTK ON MARCH 26, 27 & 30, 2015. THIS WAS A CLASS AA SURVEY (POSITIONAL TOLERANCE < 0.05') USING FIXED CONTROL STATIONS "CONCORD CORS ARP" (N= 595,611.29'; E= 1,533,753.95'; EL= 606.34') AND "NC49" (N= 571,106.61'; E= 1,483,837.61', EL= 787.94'); AND GEOID MODEL GEOID12A.

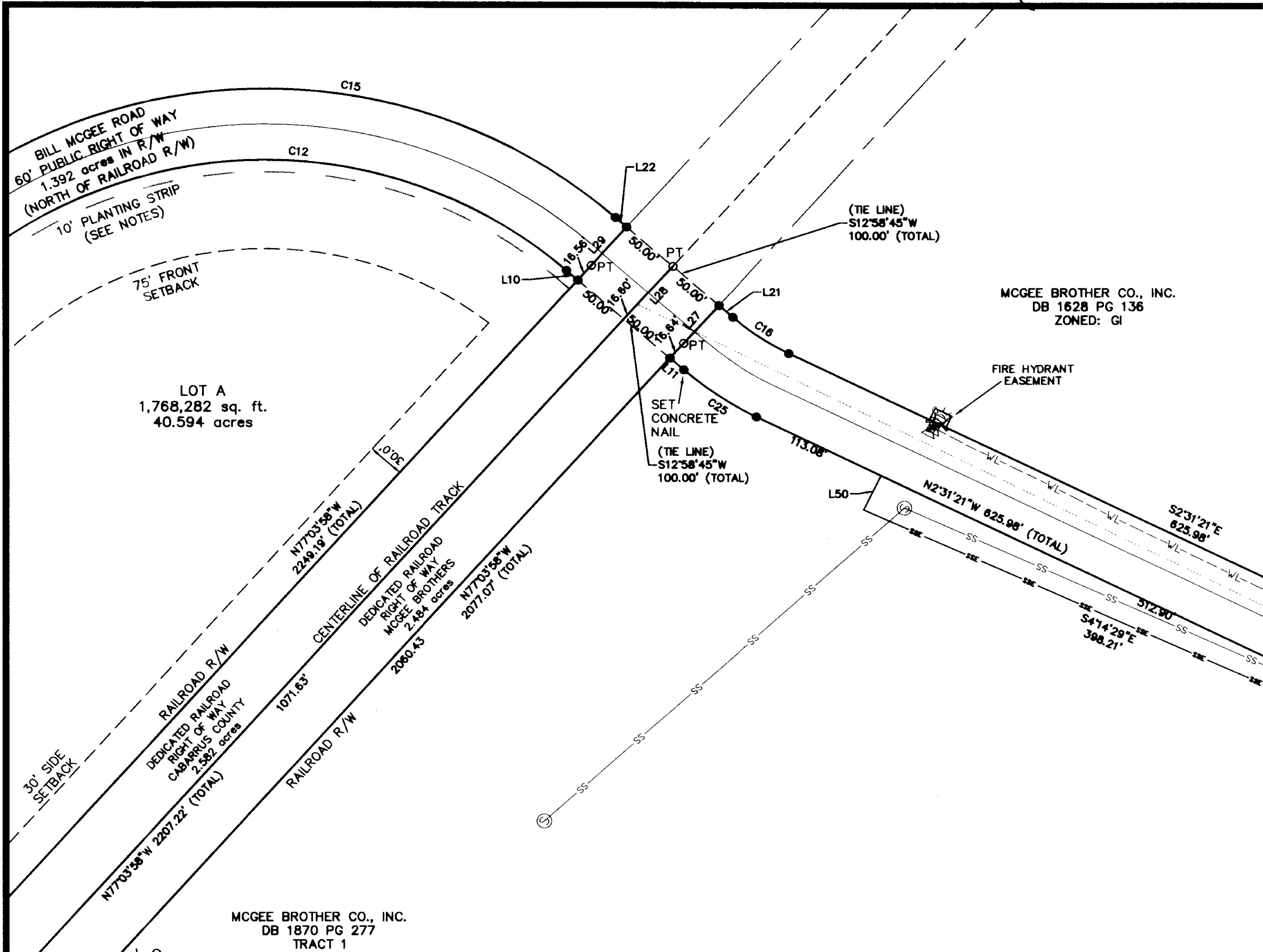
NO POINT FOUND
(POINT COMPUTED BY
INTERSECTING 'BEST FIT' LINES.
'BEST FIT' LINES CALCULATED
USING EXISTING IRONS.)

123°W 1685.94'
117°E 1682.18'

Recorded 5/9/16 @ 12:24 pm BK 71 PG 1 Inst# 11037 (now)



Recorded 5/9/16 @ 12:24 pm BK 71 PG 2 Inst# 11038 (new)



Recorded 5/9/16 @ 12:24pm BK 70 PG 118 inst # 11036 now

NOTES:

THE PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY.

SET #4 REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

AREAS COMPUTED BY COORDINATE METHOD.

UNADJUSTED RATIO OF PRECISION: 1:77,011

SUBJECT TRACT ADDRESS: 13722 BILL MCGEE RD

SUBJECT TAX PARCEL: 55447207390000

SUBJECT TRACT DEED REFERENCE: DB 8528 PG 313

THE NCGS COORDINATES WERE ESTABLISHED BY USING A LEICA SYSTEM 500 GPS, STATIC OBSERVATIONS PROCESSED BY ONLINE POSITIONING USER SERVICE (OPUS)

SUBJECT TRACT ZONED: GI (GENERAL INDUSTRIAL)

ZONING REQUIREMENTS:

BUILDING
MINIMUM SETBACK FRONT=75'
MINIMUM SETBACK SIDE=30'
MINIMUM SETBACK REAR=30'
MAXIMUM BUILDING HEIGHT=60'

LEGEND:

R/W = RIGHT OF WAY	
DB = DEED BOOK	
PB = PLAT BOOK	
PG = PAGE	
NCGS = NORTH CAROLINA GEODETIC SURVEY	
CF = COMBINED GRID FACTOR	
SSMH = SANITARY SEWER MANHOLE	
Q = UTILITY POLE	
○ = LIGHT POLE	
△ = NCGS MONUMENT	
● = MONUMENTATION	

(S) = SANITARY SEWER MANHOLE
(SC) = SEWER CLEAN OUT
(WV) = WATER VALVE
(WM) = WATER METER
(FH) = FIRE HYDRANT
(GV) = GAS VALVE
—WL—WL—WL—WL— = WATER LINE
—SS— = SEWER LINE

LANDSCAPE BUFFERS AND PLANTING STRIP REQUIREMENTS ARE ESTABLISHED FROM THE CABARRUS COUNTY ZONING ORDINANCE. THE REQUIREMENTS ARE NOT PROPOSED TO CREATE ANY ADDITIONAL RESTRICTIONS IN AND OF THEMSELVES WHICH WOULD CONFLICT WITH SAID ZONING CRITERIA.

PRELIMINARY PLAT APPROVAL 4/11/16

BILL MCGEE ROAD = 2840 LINEAR FT

JOHN DAVID ASHE
DB 1547 PG 124
PB 17 PG 60
LOT 25
ZONED: SFR

FOUND
REBAR

POSSIBLE BOUNDARY
LINE DISCREPANCY

COUNTY OF CABARRUS, NORTH CAROLINA
PARCEL ID 55447207390000

DB 8528 PG 313

PARCEL 1

ZONED: GI

DEED = ± 156.4 acres

LOT A = ± 40.6 acres

RAILROAD NORTH OF TRACK = ± 2.6 acres

NEW ROAD R/W = ± 1.4 acres

REMAINING = ± 111.8 acres

NCGS MONUMENT "MIDLAND"
NCGS GRID COORDS
NAD 83/2011
N=543,051.34
E=1,550,103.10
CF=0.99985313

THE MINIMUM BUILDING SETBACK LINE AND YARDS, AS SHOWN ON THIS PLAT, ARE ONLY INTENDED TO REFLECT THOSE SETBACKS AND YARDS IMPOSED BY THE ZONING CRITERIA FOR THIS PROJECT AND ARE NOT PROPOSED TO CREATE ANY ADDITIONAL RESTRICTIONS IN AND OF THEMSELVES WHICH WOULD CONFLICT WITH SAID ZONING CRITERIA.

SANITARY SEWER AND
PEDESTRIAN EASEMENT
DB 11020 PG 170

(TE LINE)
N80°27'49"E
135°01'45" (GND)
135°30' (GROUND)

TOP OF BANK
S82°28'30"E
212.48'
S64°22'43"E
200.93' 25.00'
S83.13' 85.46' 08" W
(TOTAL)
238.13'

LOT A
1,768,282 sq. ft.
40.594 acres

SET #4 REBAR
NCGS GRID COORDS
NAD 83/2011
N=542,496.16
E=1,546,798.40
CF=0.99985313

NOTE
(SEE SHEET 2)

Line Table		
Line #	Direction	Length
L2	S61°46'34"E	124.21'
L3	S77°53'16"E	57.88'
L4	S60°20'40"E	85.11'
L5	N82°28'55"E	79.74'

Line Table		
Line #	Direction	Length
L22	S12°58'45"W	12.28'
L26	S47°00'18"E	99.82'
L27	S77°01'15"E	43.36'
L28	N77°01'15"W	43.40'

Curve #
C1
C2
C3
C4
C10
C11
C12
C13
C14
C15

Cabarrus County Zoning Ordinance
Chapter 3-Establishment of Zoning Districts

OFFICE/ INSTITUTIONAL DISTRICT:

OFFICE/ INSTITUTIONAL!!

Ui jt !ejt usjduljt !jouf oef e!up!bddpn n pebuf !sf rbuwf n!px !jouf ot juz!pgjdf !boe!jot juv upobrvtf t !
 bujouf ot juft !dpn qrhn f oubsz!up!sf t jef oujbrhboe!vtf !!Ui jt !ejt usjdul t f swf t !bt !b!usbot jupobrh
 ejt usjdul cf ux f fo!sf t jef oujbrhboe!vtf t !boe!i jhi f s!jouf ot juz!opo. sf t jef oujbrhboe!vtf t /

RATIONALE

Ui jt !ejt usjduljt !vtf e!up!qspwjef !gost!px !jouf ot juz!pgjdf !boe!jot juv upobrvtf t !u buldbo!cf !
 dpn qrhn f oubsz!up!bekdf ou!sf t jef oujbrhboe!vtf !!Ui jt !ejt usjdul f buwst t !fn qrpzn f ou!pqujpot !
 boe!ftt fojbrtf swjdf t !x i jdi !sf r vjsf !b!n pef sbuf !ovn cf s!pgbwf sbhf !ebjrz!usjqt !!Ui ft f !vtf t !
 x jnti bwf !b!n jojn vn !jn qbdulpo!ui f !t vsspvoejoh!bsf b!cf dbvtf !ui f t f !usjqt !x jn!hf of sbm!
 pdvsvlevsjoh!sf hvrbs!cvtfott !i pvst -!ui vt -!opuldpn qf joh!x ju !sf t jef oujbrhboe!vtf t !
 bsf bt !x i f sf !jut !vtf !x pvr!t f swf !bt !b!usbot jupo!cf ux f fo!sf t jef oujbrhboe!vtf t !boe!i jhi f s!
 jouf ot juz!opo. sf t jef oujbrhboe!vtf t !!! jhi f s!jouf ot juz!opo. sf t jef oujbrhboe!vtf t !n bz!jodmef !
 dpn n f sdjbrt ejt usjdt -!jhi uljoevt usjbrt!psn jyf e!vtf lejt usjdt /!X i f o!cpsef sjoh!sf t jef oujbrh
 ejt usjdt !ps!sf t jef oujbrt!w!mpqn f out -!dbsf !t i pvr!cf !ul f o!up!btt vsf !lobwsbrt!psn bon bef !
 cvg!sjoh!boe!bsdi juf duv sbrt!dpn qbujcjrjuz!t p!ui bulu f !oposf t jef oujbrt!bdjw!juf t !bsf !opulb!
 ovjt bodf !up!sf t jef oujbrt!vtf /

OFFICE/ INSTITUTIONAL USES

OI Permitted (P) Uses

Cbor vf ull brm	Hspvq!Dbsf !Gbdjrz!!	Qsjojoh!boe!Sf qspbsq i jd! Gbdjrz!
Cbscf s-!Cf bvuz-!Uboojoh-! Objrtps!Tl jo!Dbsf !Tbpo!	I pt qjubm!Bn cvrbupsz! TvhjdbrtDbsf !Gbdjrz!	Qvcjrd!Dvnav sbt!Gbdjrz!!
Djwd!Pshboj{ bujpo!Gbdjrz!	Pgjdf -!Qspgf tt jpobrtM tt !	Qvcjrd!Vtf !Gbdjrz!!
Dpmfhf -!Vojwf st juz!	Ui bo!41-111!Tr vbsf !Gf ul	X jsf rft t !
Farmer's Masl f ul	Qbsl joh!Mpu!Qbsl joh! Hbsbhf -!Dpn n f sdjbrt!ps!	Uf rfdpn n vojdbujpot !
Qvof sbrt!pn f !	Qsjwbuf !	Tf swjdf t -!Tuf bni ! Bouf oobf -!76!Gf ulps!Mtt !

OI Permitted Based on Standards (PBS) Uses

Bddft t psz!Cvjzjoh!	Bvupn buf e!Uf mfs!N bdi jof ! bt !Bddft t psz!	!Dbuf sjoh!Tf swjdf !
Bvdjpo-!Ft ubuf !ps!Bt t f ul Mr vjebujpo-!Uf n qpsbsz! Vtf !	Cbol -!Gobodjbrh Jot juv upo-!Bvupn buf e! Uf mfs!N bdi jof !	Dpn n vojuz!Hbsef o-! Bddft t psz!Vtf !

OI Permitted based on Standards (PBS) Uses Continued

Dpousbdups!Pggdf -!
Dpot usvdupo!Fr vjqn f ou!
Tupsbhf -!Uf n qpsbsz!Vtf !

Dpvousz!Dmc!x ju !Hprg
Dpvst f !

Evn qt uf st -!Dpn n f sdjbm
X bt uf !Dpoubjof st -!
Uf n qpsbsz!Vtf !

Evqrhy -!Dpn n f sdjbrf!Vtf -!
JoejwjevbrtMput !

Fwf ou -!Uf ou!ps!Uf n qpsbsz!
Tusvdupsf -!Uf n qpsbsz!Vtf !

GFNB!Usbjrst -!Obwsbrh
Ejt bt uf s!ps!Tjhojgdbou!
X f bui f s!Fwf ou -!
Uf n qpsbsz!Vtf !

Qps!Qspgj!Uf n qpsbsz!
Tjho -!Uf n qpsbsz!Vtf !!

Hprg!Dpvst f -!Qvcrjd!ps!
Qsjwbuf !

Npcjrh!Qf st pobrhTupsbhf !
Voju -!Sf opwbjpo -!
Uf n qpsbsz!Vtf !

Npcjrh!Qf st pobrhTupsbhf !
Voju -!Wbdbuf !ps!Pddvqz!
Qsf n jt f t -!Uf n qpsbsz!Vtf !

Ovst f sz -!Ebzdbsf !Df ouf s!
Qspn pujpobrhBdijwujf !
Jowprwioh!u f !Ejt qrbz!pg!
Hppet !ps!Nf sdi boejt f -!
Uf n qpsbsz!Vtf !bu!Fyjt ujoh!
Cvtjoftt!

Sf brtFt ubuf !Pggdf !jo!
Dpot usvdupo!Usbjrst!ps!
Npevrbs!Voju -!Dpn n f sdjbrh
ps Njyf e!Vtf !Qspkf dut -!
Uf n qpsbsz!Vtf !

Sf dsf bujpoobrhGbdjrhuz -!
Joepps!

Sf dsf bujpoobrhUsbjrst
Hsf f ox bz -!ps!Cmf x bz!
Dpoof dups!

Sf dzdrbcrh!Nbuf sjbrh!Espq!
Pgg

Sf rjhjpvf !Jot ujwujpo!x ju !
UpbrhTf bujoh!Dbqbdjuz!pg
461!ps!Mtt!

Sf tull pn f -!Dpowbrft df ou!
I pn f !x ju !21!Cf et !ps!
Mtt!

Tf bt pobrhTbrh!pg!
Bhsjdvavsf !Qspevdut -!
Jodmef t !Di sjt un bt !Usf f t !
boe!Qv n qj jot -!Uf n qpsbsz!
Vtf !

Tdjf oujgd!Sf t f bsd i !boe!
Ef wf rpqn f ou!

Tx jn -!Dmc -!Uf oojt !Dmc -!
Dpvousz!Dmc !

Uf n qpsbsz!Bn vtf n f ou!
Fouf sqsjt f -!Uf n qpsbsz!
Vtf !

Uf n qpsbsz!Dpot usvdupo!
Tjho -!Uf n qpsbsz!Vtf !!

Uf n qpsbsz!Ex f rjoh!gsp!
Mshf !Dpot usvdupo!
Qspkf dut -!Uf n qpsbsz!Vtf !

Usbjrst f be -!Bddft t psz!Vtf !
Usbjrst f be -!Qsjn bsz!Vtf !
Tjuf !

X jsf rft t !
Uf rfdpn n vojdbujpot !
Tf swjdf t -!Dp. rpdjpo!

OI Conditional (C) Uses

Dpn n vojdbujpot !Upx f s -! 22!
Dpn n vojdbujpot !Upx f s!

Dpowf oujpo!Df ouf s!Gbdjrhuz -!
Frhn f oubsz -!Njeerh!boe!I jhi !
Tdi pprh!

Qvcrjd!Tf swjdf !Gbdjrhuz -!

Sf dsf bujpoobrhGbdjrhuz -!
Pvuepps!

Sf rjhjpvf !Jot ujwujpo!x ju !
UpbrhTf bujoh!Dbqbdjuz!pg
462!ps!Npsf!

Sf rjhjpvf !Jot ujwujpo!x ju !
Tdi pprh

Sf tull pn f -!Dpowbrft df ou!
I pn f !x ju !Npsf !Ui bo!21!
Cf et !

Usbef !boe!Wbdbujpo
Tdi pprh!

X jsf rft t !Uf rfdpn n vojdbujpo!
Tf swjdf t !!

Name	Address	City	State	Zip	PIN
ANDERSON/GRIFFIN PROPERTIES	3322 OLD CAMDEN ROAD	MONROE	NC	28110	55449205880000
					55449205880000
ASHE JOHN DAVID	13572 STERLING CIR	MIDLAND	NC	28107	55445375850000
BROOKS WILLIAM ERSKINE JR	3995 GARMON MILL ROAD, PO BOX 372	MIDLAND	NC	28107	55449160170000
BROOME GAIL W & ROBINSON WILLIAM G TRUST	2525 KNOBWOOD RD	CHARLOTTE	NC	28211	55448336370000
CABARRUS COUNTY	PO BOX 707	CONCORD	NC	28026	55448044240000
CJM JLLC A NC LLC, C/O CHARLES S JONES	PO BOX 23226	CHARLOTTE	NC	28227	55449200750000
FLEENER DON ET UXOR & MARCIA	12800 BETHEL SCHOOL RD	MIDLAND	NC	28107	55447504030000
FRANSSEN DAVID E	3201 CRYSTAL DRIVE	MIDLAND	NC	28107	55446425630000
FURRANNIEE	3200 CRYSTAL DR	MIDLAND	NC	28107	55446413910000
INTERTAPE POLYMER CORP	100 PARAMOUNT DR STE 300	SRASOTA	FL	34232	55446213790000
JONES CHARLES S & WIFE MARLENE P	PO BOX 23226	CHARLOTTE	NC	28227	55449147090000
JOYNER WESLEY JAMES	12576 BARRIER STORE ROAD	LOCUST	NC	28097	55448521160000
KEPLEY SAMMY J	13590 STERLING CIRCLE	MIDLAND	NC	28107	55445398010000
LYALL BRIAN P	13568 STERLING CIRCLE	MIDLAND	NC	28107	55445362070000
MCGEE BROTHERS COMPANY INC	4608 CARRICKER ROAD	MONROE	NC	28110	55447067900000
MILEHAM JERRY L	PO BOX 245	MIDLAND	NC	28107	55449216690000
MORRIS VICTOR ALAN	3112 CRYSTAL DR	MIDLAND	NC	28107	55446401960000
ORTEGO ISMAEL VALDESPINO & MENDOZA YESENIA MORAN	3113 CRYSTAL DR	MIDLAND	NC	28107	55446404480000
PEREZ LUIS REYNALDO SANCHEZ & MORALES NORMA V VILLANUEVA	13582 STERLING CIR	MIDLAND	NC	28107	55445386580000
PIGG KATHRYN H	PO BOX 471	MIDLAND	NC	28107	55448416880000
SADDLEBROOK HOME OWNERS ASSOC	2649 BREKONRIDGE CENTRE DR	MONROE	NC	28110	55447596170000
					55448524280000
					55448576810000
SUTHER JOHN M & BONNIE M	140 PLANTATION POINTE LOOP 204	MOORESVILLE	NC	28117	55448371800000
THOMPSON FLAVIA B	PO BOX 88	MIDLAND	NC	28107	55446542080000
WALLACE R L CONSTRUCTION CO	PO BOX 259	MIDLAND	NC	28107	55448294270000
WALLACE ROBERT L & DONNA F	9750 HERBERT FLOWER RD	CHARLOTTE	NC	28227	55447513480000
WGH NORTH CAROLINA LLC, A DELAWARE LLC	200 BELLEVUE PKWY STE 210	WILMINGTON	DE	19809	55447556970000
WRAY BILLY JOE	PO BOX 322	MIDLAND	NC	28107	55448534910000
					55448534910000

Subject Property					
CABARRUS COUNTY	PO BOX 707	CONCORD	NC	28026	55447239550000



Cabarrus County Government – Planning and Development Department

July 18, 2016

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, August 9, 2016 at 7:00 PM in the 2nd floor Multi-Purpose Room 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 request, I encourage you to attend this meeting.

Petitioner	Cabarrus County
Petition Number	RZON2016-00007
Property Location	13610 US Highway 601
Parcel ID Number	5544-72-3955
Existing Zoning	General Industrial (GI)
Proposed Zoning Map Change	Office/Institutional (OI)

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

Sincerely,

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

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



Cabarrus County Government – Planning and Development Department

July 18, 2016

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The properties and specifics of the rezoning are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, August 9, 2016 at 7:00 PM in the 2nd floor Multi-Purpose Room 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.

Petitioner	Cabarrus County
Petition Number	RZON2016-00007
Property Location	13610 US Highway 601
Parcel ID Number	5544-72-3955
Existing Zoning	General Industrial (GI)
Proposed Zoning Map Change	Office/Institutional (OI)

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

Sincerely,

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

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

Memo

To: Cabarrus County Planning and Zoning Commission
From: Susie Morris, AICP, CZO, Planning and Zoning Manager
CC: File
Date: 8/2/2016
Re: Proposed Text Amendment to Zoning Ordinance (TEXT2016-00003)

- Attached you will find additional proposed changes to Chapter 2, Rules of Construction and Definitions.
- Due to the recent adoption of SL2016-111, an additional definition must be added to the ordinance. This legislation addressed the vesting of multi-phase development and provides a statutory definition for this type of development.
- The change requested by the Board to add "for payment" to the definition of reception facility has been added.
- Adult daycare has also been added to the definition of daycare.
- These minor changes from when the Commission considered the text initially in June are highlighted in yellow.
- Please be prepared to discuss the proposed changes to the ordinance and to make a recommendation to the Board of Commissioners regarding the proposed changes. (The Text Amendment Committee and Legal have reviewed)

2. Is partially dismantled or wrecked; or
3. Cannot be self-propelled or moved in a manner in which it originally was intended to move; or
4. Is more than five years old and appears to have no resale value except as a source of parts or scrap.

KENNEL, COMMERCIAL - A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot.

KENNEL, PRIVATE - Considered to exist when five or more dogs over six (6) months of age are kept as pets and/or for hunting, dog shows, exhibitions, or field and obedience trials.

LAND DISTURBING ACTIVITY - Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LANDFILL, DEMOLITION - A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid waste meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land using only soil is not construed to be such a landfill. Demolition landfills are presumed to be an adjunct to an ongoing construction process and, as such, are to be reclaimed at the termination of construction.

LANDFILL, SANITARY - Any disposal facility or part of a disposal facility where waste is placed in or on land, whether publicly or privately owned, and holding a permit from the State of North Carolina.

LANDLOCKED PARCEL - A parcel of land without access of record.

LANDOWNER - Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner.

LANDSCAPE ARCHITECT - A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina.

LANDSCAPE CONTRACTOR - Within the meaning of this Ordinance, any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board.

LAUNDROMAT - A commercial establishment where clothes can be washed and dried using coin-operated machines.

LIVESTOCK - Shall include, but not be limited to, equine animals such as **horses and donkeys**, bovine animals **such as cattle, bison, buffalo, water buffalo, yak, antelopes, sheep, goats, llamas, alpacas, poultry, such as chickens, quail, ducks, geese or turkeys, ostriches, emus, pheasants fowl**, rabbits, and swine, **such as domesticated pigs, hogs or potbelly pigs**. These types of animals are typically housed on a farm. Poultry Exception: See Chapter 7, Agriculture-Female Chickens (Limited Number)

LIVESTOCK SALES - Any business where the primary purpose is to buy livestock for the purpose of resale or auction.

Cabarrus County Zoning Ordinance

Chapter 2-Rules of Construction and Definitions

foundation. Without limiting the generality of the foregoing, a modular home may consist of two or more sections transported to the site on a chassis or steel frame, or a series of panels or room sections transported to the site and erected, assembled, or joined there.

MOTEL - A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients.

MOTOR HOME - A large motor vehicle, usually with facilities for sleeping and eating, used for recreational activities such as camping

MOTOR VEHICLE - Any machine designed or intended to travel over land, water, or air by self-propulsion or while attached to a self-propelled vehicle.

MOTORCYCLE SALES, NEW OR USED - Establishments primarily engaged in the retail sales of new or used motorcycles.

MOTORSPORTS COMPLEX - A facility consisting of a racetrack, seating, concession areas, suites, and parking facilities, with accessory offices, residences, and/or retail facilities, and which is utilized primarily for the hosting of automobile racing events.

MOVIE THEATER - A motion-picture theater.

MOVING VAN, TRUCK OR TRAILER RENTAL - Establishments primarily engaged in renting moving vans, trucks or trailers. These types of facilities may be permitted as a standalone use or as accessory use at self-storage facilities.

MULTIFAMILY RESIDENTIAL - A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities. May be stacked or located side by side.

MULTI-PHASED DEVELOPMENT - A development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

MULTIMEDIA PRODUCTION AND DISTRIBUTION COMPLEX - A facility, the principal use of which is to create varying forms of educational or entertainment products including but not limited to films, videos, and records. The facility also encompasses all allied accessory uses spanning both the construction and media production fields.

NAIL SALON - Establishments primarily engaged in providing nail services, such as manicures and pedicures.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure that was lawfully developed, and legally existed prior to any change in the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance.

NONCONFORMING LOT - A lot which was lawfully created prior to the adoption of this Ordinance but which does not conform to the dimensional requirements for lots in its zoning district as set forth in this Ordinance.

NONCONFORMING USE - A use of land that:

1. Legally existed before its current zoning or land use category designation; and
2. Has been maintained continuously since the time the applicable regulations governing the land changed; and
3. Because of subsequent changes, does not conform to the provisions of this Ordinance now governing such land.

NURSERY - A place where plants are raised, acquired, and maintained for transplanting or sale.

NURSERY, DAYCARE CENTER - An individual, agency, or organization providing pre-school instruction or care on a regular basis for more than five children who are not related by blood or marriage to, and who are not the legal wards or foster children of the supervising adult.
Includes adult daycare facilities that provide adult care services and activities when the adult's primary care giver is at work.

OFFICE, PROFESSIONAL - A place where a particular kind of business is transacted or a service is supplied, excluding retailing, further described as follows:

1. A place in which a function, such as consulting, record keeping or clerical work, is performed, or
2. A place in which a professional person (e.g., a physician or lawyer) renders his or her professional service.

OPEN SPACE - Any portion of a parcel or area of land or water which is open and unobstructed from the ground to the sky including areas maintained in a natural and undisturbed character.

OPEN SPACE, COMMON - Open space within or related to a development or subdivision, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

ORDINANCE - Unless otherwise specified, refers to the Cabarrus County Zoning Ordinance.

OUTDOOR STORAGE - An area provided for the storage of materials or equipment that is not located inside a building.

OWNER - Any person, agent, firm or corporation having a legal or equitable interest in the property.

PARK - Provides recreational opportunities and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. A park may also include areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

PARKING GARAGE - An attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee.

Cabarrus County Zoning Ordinance

Chapter 2-Rules of Construction and Definitions

PUBLIC SERVICE FACILITY - The use of land, buildings, or structures by a public utility, railroad, or governmental agency. Includes, but is not limited to:

1. Water treatment plants or pumping stations
2. Sewage treatment plants or pumping stations
3. Non-nuclear power stations and substations
4. Telephone exchanges
5. Bus and railroad terminals or stations
6. Alternative power generation facilities, including solar fields, **solar farms and wind farms**
7. Natural gas facilities
8. Other similar public service structures

Land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials are not considered public service facilities. See Government Buildings, Storage Only.

PUBLIC USE FACILITY - The use of land, buildings, or structures by a governmental agency to provide protective, administrative, social, or recreational services directly to the general public. Includes:

1. Police, fire and emergency medical services stations
2. Emergency services sub-stations
3. Community centers
4. Public parks
5. Other public facilities providing any of the above services.

Land, buildings or structures devoted solely to the storage and maintenance of equipment and materials are not considered public use facilities.

QUARRY - See EXTRACTION OF EARTH PRODUCTS

RACE TRACK, ANIMAL - A facility consisting of a dirt track used primarily for the sport of animal racing, such as dogs or horses. The race track may include seating, concession areas and parking facilities, but does not include accessory offices, residences, or retail facilities.

RACE TRACK, AUTOMOBILE - A facility consisting of a paved or dirt roadway used primarily for the sport of automobile racing. The race track may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

RACETRACK, OTHER - A facility consisting of tracks or courses used for go-karts, motorcycles, BMX bicycles, All-Terrain Vehicles (ATVs), etc. The race track may include seating, concession areas and parking facilities, but does not include accessory offices, residences, or retail facilities.

REAR SETBACK - The minimum horizontal distance between any building and the rear property line.

RACE SHOP - A facility used for the production, testing, and repair of competitively raced motor vehicles inclusive of offices and warehousing of vehicles and souvenirs.

RACE TEAM COMPLEX - A facility used for the production, testing, and repair of competitively raced motor vehicles inclusive of offices, warehousing of vehicles and souvenirs. Race Team complexes may include multiple buildings for multiple teams or separate fabrication, chassis construction, or painting facilities.

RADIO AND TELEVISION STUDIO - A facility for the production of films and/or the production and broadcast of television and radio programs.

RAIL STATION, RAIL TERMINAL - A railway facility where trains regularly stop to load or unload passengers or freight.

RAIL STORAGE YARD - A complex series of railroad tracks for storing, sorting, or loading or unloading, railroad cars or locomotives.

RECEPTION FACILITIES - Establishments located in rural Cabarrus County, which host meant solely for banquets, wedding receptions, private events, parties, etc. for payment. Events are by reservation only, with food and beverage brought on site or prepared in an approved kitchen located on the site. A reception facility shall not be operated as a restaurant with entertainment or as a bed and breakfast.

RECREATIONAL FACILITY, INDOOR - An establishment providing amusement, entertainment or recreation indoors typically for an admission charge. Types of indoor recreational facilities include but are not limited to:

- a. Dance halls
- b. Live theater
- c. Bands, orchestra and other musical entertainment
- d. Bowling alleys
- e. Billiard and pool establishments
- f. Membership sports and recreation clubs
- g. Indoor swimming pools
- h. Skating rinks
- i. Indoor kart racing

RECREATIONAL FACILITY, OUTDOOR - An establishment providing amusement, entertainment or recreation outdoors, typically for an admission charge or membership fee. Types of outdoor recreational facilities include but are not limited to:

- a. Ball field, ball field complex
- b. Soccer field, soccer field complex
- c. Miniature golf
- d. Outdoor Adventure Facilities, including zip lines, ropes courses and rock climbing walls
- e. Amphitheater
- f. Campground
- g. Non-competitive kart racing
- h. Radio controlled race car or truck course
- i. Radio controlled airplane flying fields
- j. Paint ball fields

RECREATIONAL THERAPY FACILITY, RURAL SETTING - A facility that provides recreational therapy to individuals with a wide range of cognitive, physical and emotional disabilities.

Cabarrus County Zoning Ordinance

Chapter 2-Rules of Construction and Definitions

Recreational therapy is the provision of services to an individual to restore and rehabilitate using recreational techniques, in order to improve functioning and independence, as well as reduce or eliminate the effects of illness or disability and promote well-being.

RECREATIONAL VEHICLE - A vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: travel trailers, truck campers, camping trailers, and motor homes.

RECYCLABLE MATERIALS DROP OFF - A bin or container-like device situated for the receipt and temporary storage of recyclable materials which is not enclosed within a building or structure.

REGISTERED LAND SURVEYOR - A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

RELIGIOUS INSTITUTION - Any of a broad range of denominations organized primarily for the purpose of providing weekly religious services, Sunday school and occasional evening religious events.

RELIGIOUS INSTITUTION WITH SCHOOL - Any of a broad range of denominations organized primarily for the purpose of providing weekly religious services, Sunday school, occasional evening religious events, and standard secular teaching at both the elementary and secondary levels on weekdays, similar to that offered by the North Carolina Department of Education.

REPAIR GARAGE, AUTOMOTIVE - A facility which is used for the temporary storage, repair and servicing of automobiles and pick-up trucks, typically with two axles and four wheel spaces, and other similar small-scale vehicles.

REPAIR SHOP, FARM MACHINERY - A facility used for the repair and servicing of farm related machinery, including but not limited to tractors, combines and front end loaders.

REPAIR SHOP, SMALL ENGINE - A facility used for the repair and servicing of small engines, such as lawn mowers, lawn tractors, chain saws, trimmers, etc.

REQUIRED SETBACK - The distance required between a building or other structure and the property line.

RESTAURANT, EXCLUDING DRIVE THROUGH - An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor seating area.

RESTAURANT WITH DRIVE-THRU FACILITY - An establishment serving food and beverages, where service takes place within an enclosed building, in accessory outdoor seating areas, or through a vehicular pickup window.

RETAIL SALES, NEIGHBORHOOD MARKET - Small scale retail stores intended to serve the surrounding neighborhood. These types of markets typically sell bread, milk, snack foods, drinks and other basic grocery items and do not exceed 1000 square feet.

Memo

To: Cabarrus County Planning and Zoning Commission
From: Susie Morris, AICP, CZO, Planning and Zoning Manager
CC: File
Date: 8/2/2016
Re: Proposed Text Amendment to Zoning Ordinance (TEXT2016-00005)

- Attached you will find a proposed change to the setback table in Chapter 5, District Development Standards.
- The single side setback for the CR district needs to be changed from 10' to 20' in the table.
- Proposed changes are in red. Items to be deleted are in strikethrough text.
- Please be prepared to discuss the proposed changes to the ordinance and to make a recommendation to the Board of Commissioners regarding the proposed changes. (The Text Amendment Committee and Legal have reviewed).

Section 5-5 Conventional subdivision standards

A. Applicability

A conventional subdivision is permitted in the AO, CR, and LDR districts. Applicants shall comply with all other provisions of this ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Dimensional standards

Applicants using the conventional subdivision option shall meet the following standards.

	AO	CR	LDR
	<i>Single-Family Detached</i>	<i>Single-Family Detached</i>	<i>Single-Family Detached</i>
CONVENTIONAL SUBDIVISION			
Tract			
Density (maximum units/acre)	0.33	0.50	0.50
Public water and sewer	not permitted*	not permitted*	optional
Lot Dimensions (minimum)			
Lot area (acres)	3	2	2
Average lot width (feet)	150	150	150
Principal (minimum feet)			
Front yard (minor collector)	75	75	75
Front yard (local road)	50	50	50
Side yard (single)	20	10	20
Side yard (total)	40	40	40
Rear yard	30	30	30
Height (maximum feet)	40	40	40
Lot Coverage (maximum)			
Impermeable surface	15%	20%	20%
Structural coverage	10%	15%	15%

* Governmental water may be provided to individual lots in these areas for public health reasons.

C. Minor Subdivisions

In the AO, CR, LDR, MDR and HDR Districts, applicants meeting the standards for a minor subdivision as defined by the subdivision ordinance may create no more than one conventional minor subdivision out of each parent tract existing as of June 20, 2005 with lots at least one acre in size, provided that each lot meets any minimum area requirements for public health purposes. The property may be further divided. However, any additional divisions shall be deemed major subdivisions and shall be processed as such and subject to all ordinances and policies related to major subdivisions.

Minor subdivision dimensional standards

Subdivisions that are classified as minor subdivisions in the AO, CR, and LDR zoning districts shall be subject to the tract requirements listed for public water and sewer, the minimum average lot width listed in lot dimensions, the setbacks, height and lot

Memo

To: Cabarrus County Planning and Zoning Commission
From: Susie Morris, AICP, CZO, Planning and Zoning Manager
CC: File
Date: 8/3/2016
Re: Proposed Text Amendment to Zoning Ordinance (TEXT2016-00006)

- Attached you will find a proposed change to Chapter 8, Conditional Uses.
- The proposed changes address the following:
 - Concerns raised related to Reception Facilities.
 - The use of repeaters by cell phone companies as part of the overall network to boost cell signals.
 - Shooting Range, with Outdoor Target Practice – Must comply with Cabarrus Code of Ordinance
- Proposed changes are in red. Items to be deleted are in strikethrough text.
- Please be prepared to discuss the proposed changes to the ordinance and to make a recommendation to the Board of Commissioners regarding the proposed changes. (The Text Amendment Committee and Legal have reviewed)

- g. The following accessory uses may be permitted as incidental to, and limited to the patrons of, the principal use:
- o Refreshment stands or booths
 - o Souvenir stands or booths

21. Reception Facilities

Agricultural Open and Countryside Residential districts

- a. A complete description of the facility including but not limited to:
- 1. Types of events, days and hours of operation
 - 2. Projected number of users per weekday and weekend days, with the maximum number expected at any one event
 - 3. Total number of seats
 - 4. Types of accessory uses, if any, envisioned on the site (includes any accessory structures)
 - 5. Total number of employees, both full-time and part-time.
 - 6. Any and all other relevant information that will help describe the facility
 - 7. Building elevations
- b. The site shall contain at least ~~five~~^{ten} acres.
- c. A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. New construction must meet commercial design standards.
- d. All structures, viewing areas, and seating areas shall be set back at least one ~~two~~^{two} hundred (~~100~~²⁰⁰) feet from any street or property line.
- a. When a site contains existing vegetation that will remain undisturbed and creates complete visual separation and serves to abate noise levels, the Board of Adjustment may reduce the required setbacks of 200 feet to no less than 100 feet.
 - i. If the applicant proposes to use this provision, following shall be provided as part of the application:
 - 1. Tree survey showing existing vegetation
 - 2. Landscape plan that provides supplemental plantings as needed to fill gaps that may exist
 - b. When the applicant demonstrates to the Board of Adjustment that the existing vegetation meets the intent of the buffer requirement this area may be used to satisfy the buffer requirement of standard "h" of this section.

e. Where waterbodies exist on or near the property, additional setbacks may be required. See Chapter 4, Waterbody Buffer Zone.

f. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises but may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.

g. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the conditional use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.

- h. In the event the facility abuts residentially used or zoned property, Level Two buffering must be implemented. See Chapter 9, Landscaping and Buffer Requirements.
- i. The parcel must have frontage on, or have direct access to, a NCDOT maintained road or a privately maintained paved street. Proposed access points on NCDOT roads must be approved by NCDOT. In the event that a privately maintained street is used to gain entry to the site, the applicant shall provide documentation from the private road owner(s) that access to the site for events is permitted.
- j. The facility must provide two parking spaces for the owner/operator, plus one for every four persons in attendance at events. Service providers (staff, caterers, etc.) should be included in this calculation at a rate of one for each employee or contracted staff member. The parking area shall remain grassed (no impervious coverage). However, handicap accessible parking is required to be an improved/hard, stable surface and to meet requirements of the North Carolina State Accessibility Code and Section 10-5.3 of this Ordinance. No on-street parking is permitted.
- k. Other than as part of the reception events, no meals shall be served to the general public on the site.
- l. The following accessory uses may be permitted as incidental to the facility and limited to the patrons of the principal use:
 - o Playground
 - o Bathroom facilities
 - o Aesthetic (gazebo, barn, etc.) features
 - o Amenity areas, gardens
 - o **Temporary tents, allowed for no longer than 180 consecutive days. Tents may not exceed the square footage of the primary structure and must be shown on the site plan. Must procure all necessary permits from Cabarrus County Fire Marshal's Office.**
- m. Signs for Reception Facilities shall meet the requirements of Chapter 11 (Standards for Permanent Signage in Residential Districts) of the Cabarrus County Zoning Ordinance

22. Recreational Facility, Outdoor

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential, Office/Institutional, Office/Limited Commercial, General Commercial, Limited Industrial and General Industrial districts.

A complete description of the facility including but not limited to:

- o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
- a. The site shall contain a minimum of five acres.
 - b. All structures, viewing and seating areas shall be set back at least one hundred and fifty feet (150) from any street or property line.
 - c. The following accessory uses may be permitted as incidental to, and limited to the patrons of, the principal use:
 - o Playground
 - o Refreshment stands or booths, and/or
 - o Souvenir stands or booths.

- f. The entire property shall be posted every 100 feet at the property line with signage indicating there is a shooting range located on the property.
 - g. Elevations for the range area, from shooter to target, shall be constructed to prevent rounds from being fired over the berm, and shall be shown on the site plan.
 - h. The complete layout of each range, including, shooting stations or firing lines, target areas, shot-fall zones, backstops, and berms, shall be shown on the site development plan.
 - i. The development plan shall also identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based on evidence and address the design effectiveness of berms, overhead baffles or other safety barriers to contain projectiles to the Safety Fan area.
 - j. Shots fired on site, whether on range or in air, shall be contained entirely on the site. Clay pieces associated with in air target practice shall also be contained entirely on the site.
 - k. All local, state and federal permits shall be issued prior to zoning permitting.
 - l. The owner/operator of the range shall be required to carry liability insurance with a minimum policy limit of \$3,000,000.00 per occurrence. Such insurance shall name Cabarrus County as an additional insured and shall contain a provision that the insurance may not be cancelled or modified except upon 30 days prior written notice to the County. Such policy shall provide coverage that holds the County and its elected and appointed officials and its employees harmless from and against all claims, demands, losses and expenses of any kind or nature, including the costs of defense and attorney fees, in favor of any person, arising from the ownership, operation or existence of the range.
 - m. Ranges shall be designed in accordance with industry standards as described in *The National Rifle Association (NRA) Range Source Book*.
 - n. Ranges shall use Best Management Practices for Lead Management. See *EPA Best Management Practices for Lead at Outdoor Shooting Ranges (EPA-902-B-01-001)*.
 - o. Must comply with Chapter 46, Section 46-2, Use of Firearms, of the Cabarrus County Code of Ordinances.
31. Sports and Recreation Instruction or Camps
- Agriculture/Open and Countryside Residential districts
- a. A complete description of the facility including but not limited to:
 - o Hours and days of operation
 - o Total number of employees, both full-time and part-time
 - o Projected number of users per weekday and weekend days
 - o Types of accessory uses, if any, envisioned on the site
 - o Any and all other relevant information that will help describe the facility
 - b. Site shall be a minimum of six (6) acres in the AO district and four (4) acres in the CR district
 - c. Practice areas, fields and parking areas must be a minimum of five hundred feet (500) from any adjacent property line.
 - d. Where adjacent to residentially zoned or used property, a Level Two Buffer yard shall be installed.

REPEATER-A small receiver/relay transmitter of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

SATELLITE DISH ANTENNA OR SATELLITE DISH- A parabolic antenna designed to receive electromagnetic transmissions from a satellite.

SEARCH RING. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

SUBSTANTIAL MODIFICATION- The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the County to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

- a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

TOWER- Any ground-mounted, pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, to which a telecommunications antenna is attached or affixed.

TOWER, LATTICE- Three- or -four-legged steel girded structures typically supporting multiple communications users and services generally ranging from 60 to 200 feet in height.

TOWER, MONOPOLE- Single pole design, approximately three feet in diameter at the base narrowing to approximately one and a half feet at the top, generally ranging from 25 to 150 feet in height.

UTILITY POLE- A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

WATER TOWER- A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

to provide proprietary, confidential or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies.

Section 5 Aesthetics

- Towers shall either maintain a galvanized steel finish or be painted a neutral color to blend in with the surrounding area and to reduce visual obtrusiveness.
- The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings located adjacent to the tower or antenna site.
- If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure. This is in order to make the antenna, and related equipment, as visually unobtrusive as possible.
- LIGHTS- No tower or antenna shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the FAA, FCC or the County. This restriction against lights shall not apply to towers which have been combined with light standards for illumination of ball field, parking lots, playgrounds, or other similar public uses. If lighting is required, the lighting sources and design shall be designed to create the minimum practicable penetration of areas outside the boundaries of the Lot or Parcel.
- STATE OR FEDERAL REQUIREMENTS- All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- BUILDING CODES, SAFETY STANDARDS- To ensure the structural integrity of towers and antennas, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code.
- FALL ZONE- Towers shall be designed so that in the event of a structural failure, the tower falls on the subject parcel or within the leased area of the subject parcel. No tower or antenna shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any tower or antenna, shall be designed to withstand the maximum forces expected from wind and ice when the tower is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the State of North Carolina in a report describing the tower structure, specifying the number and type of antennas it is designed to

accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.

- ESSENTIAL SERVICES- Wireless telecommunications towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- SIGNS- Signs on a tower, or on any portion of the premises leased for wireless communication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited. All signs shall comply with the requirements of Chapter 11, Signage.

Section 6 Permit Requirements

No wireless telecommunications tower, antennae, or substantial modification shall be erected or established unless and until a Zoning Clearance Permit has been issued pursuant to this Ordinance.

- A Stealth Antenna or Repeater which does not exceed sixty-five (65) feet in height is permitted as of right and does not require a conditional use permit.
- Repeaters shall either maintain a galvanized steel finish or be painted a neutral color to blend in with the surrounding area and/or structure and to reduce visual obtrusiveness. Where a pole frame is used, the frame shall be similar and compatible with existing light poles and fixtures in the area.
 - a. Where repeaters are proposed to be located in a public or private right-of-way, encroachment agreements shall be submitted as part of the site plan review application package.

In addition to procedures, standards and criteria set forth in this Ordinance, Conditional Use Permits for towers, antennas, and substantial modifications shall be issued in accordance with the following provisions:

- Towers or antennas sixty-five (65) feet or more from the average ground level shall require a conditional use permit. This applies to mounted antennas, referring to the total height from the base of the building or other structure to the top of the antennas.
- Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of North Carolina.
- In addition to any other information required pursuant to this Ordinance, applications for conditional use permits for towers shall include the following information:
 - a. A site plan consistent with the procedures of this Ordinance which clearly indicates the location, type, and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning (including when adjacent to other zoning jurisdictions); adjacent roadways; proposed means of access; setbacks from property lines elevation drawings of the proposed tower and any other structures; and other information deemed by the Administrator to be necessary to assess compliance with this Section.
 - b. The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
 - c. The availability of suitable existing towers, other structures, or alternative technology.

Memo

To: Cabarrus County Planning and Zoning Commission
From: Susie Morris, AICP, CZO, Planning and Zoning Manager
CC: File
Date: 8/3/2016
Re: Proposed Text Amendment to Zoning Ordinance (TEXT2016-00007)

- Attached you will find a proposed change to the setback table in Chapter 7, Performance Based Standards and Chapter 3, Permitted Uses for consistency with the proposed changes in Chapter 7.
- The proposed changes address the following:
 - Inconsistencies between definitions and the defined performance standards for neighborhood market and contractor/trade shop.
 - Adds and defines swimming pools as a permitted accessory use.
 - Removes temporary sign language that is now addressed in Chapter 11, Signs.
 - Clarifies that internet order business are considered mail order businesses for Home Occupation permitting.
- Proposed changes are in red. Items to be deleted are in strikethrough text.
- Please be prepared to discuss the proposed changes to the ordinance and to make a recommendation to the Board of Commissioners regarding the proposed changes. (The Text Amendment Committee and Legal have reviewed)

Section 7-1 Introduction

The purpose of this Chapter is to describe those uses, which may be approved administratively by Planning and Zoning staff, known as "performance based standards" (PBS) uses. Performance based standards uses are those which can be made compatible within a given zoning district as long as pre-established standards are met which will control for any potential negative effects of the use. PBS uses provide landowners with more flexibility in using their property yet still affords protection to neighboring landowners.

Section 7-2 How to use this chapter

The uses based on performance standards are listed below. At the beginning of each section is a statement showing which zoning districts allow the performance based standards uses. The standards that must be met to permit the use are then listed. THE "PBS" STANDARDS ARE IN ADDITION TO THE REGULAR DEVELOPMENT STANDARDS THAT ALL DEVELOPMENT IS OBLIGATED TO COMPLY WITH UNDER THE TERMS OF THIS ORDINANCE, INCLUDING ZONING SITE PLAN REVIEW WHERE APPLICABLE.

Section 7-3 USES PERMITTED BASED ON STANDARDS (PBS)

1. Accessory Building, and Accessory Dwelling Unit and Swimming Pools Accessory to Single Family Residential

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Limited Commercial, General Commercial and Limited Industrial districts

- a. Residential accessory dwelling units in the AO, CR, LDR, MDR and HDR districts shall not exceed fifty (50) percent of the square footage of the ~~livable area of the primary structure of the base floor area~~ or 1,100 square feet of ~~gross floor area~~, whichever is less. Accessory dwelling units located as part of a commercial or industrial building shall not exceed 800 square feet.
- b. In residential districts, the accessory dwelling unit shall be sited to the rear of the primary structure or to the side as a secondary option. If sited as part of a commercial or industrial building, the accessory dwelling unit shall be incorporated into the overall building design.
- c. Accessory dwelling units shall meet the principal building setbacks listed in Chapter 5 for the zoning district.
- d. The accessory dwelling unit height shall not exceed the height of the principal structure.
- e. Manufactured homes may not be used as an accessory dwelling unit.
- f. Adequate off-street parking must be provided for any vehicles owned by occupants of the accessory unit. All parking shall be screened from public rights-of-way either by buffer yard or by the mass created by the house/accessory dwelling unit.
- g. Only one accessory dwelling unit per parcel is permitted.

Accessory Building

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

Accessory building on lots less than 2 acres

- a. The total square footage for all accessory building footprints on a lot shall not exceed 3 percent of the total lot area. Exception – all lots shall be permitted at least 600 square feet of accessory buildings.
- b. Accessory buildings shall not be located closer to an adjacent road than the principal structure. Exception – Double frontage lots may place an accessory building to the rear of the principal structure so long as the principal building setback is met along the property lines adjacent to the street.
- c. Accessory buildings up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setback shall be no less than five (5) feet. Buildings greater than 15 feet in height shall meet the principal building setbacks listed in Chapter 5.
- d. Accessory buildings shall be subject to all other dimensional, impermeable and structural coverage requirements listed in Chapter 5.

Accessory buildings on lots 2 acres or greater

- a. The total square footage for all accessory building footprints on a lot shall not exceed 2 percent of the total area. Exception – all lots shall be permitted at least 2,600 square feet of accessory buildings.
- b. Accessory buildings shall not be located closer to an adjacent road than the principal structure or shall be located at least 100 feet from a road, whichever is less. Exception – double frontage lots may place an accessory building to the rear of the principal structure so long as the principal building setback is met along the property lines adjacent to the street.
- c. Accessory buildings up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setbacks shall be no less than five (5) feet. Accessory structures greater than fifteen (15) feet in height shall meet the setback requirements of the principal structure.
- d. Accessory buildings shall be subject to all other dimensional, impermeable and structural coverage requirements listed in Chapter 5.

Swimming Pool, Accessory to Single Family Residential

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use

- a. The swimming pool must be located inside of the primary setbacks.

- b. Concrete or wood decking surrounding the pool may encroach into the primary setbacks, but shall in no case be located closer than ten (10) feet from the property line.

2-A. Agriculture Including Livestock

Low Density Residential, Medium Density Residential districts

- a. Minimum Lot Size:
 - o Low Density Residential - five acres
 - o Medium Density Residential - five acres
- b. Any building housing livestock shall be at least 150 feet from both the nearest building with human inhabitants and the nearest property line.

2-B. Agriculture-Female Chickens (limited number)-Less than 5 acres

Low Density Residential, Medium Density Residential districts

All lots that are utilized as single family detached residential will be permitted up to the following number of female chickens:

Number of Female Chickens Permitted:

<1 acre-5
1 acre-10
2-5 acres-15

- a. Female chickens are for egg production only;
- b. The chicken house and run must be fully enclosed and the hens kept within it at all times. All chicken houses must be properly maintained in a safe, clean and sanitary condition that poses no health threat to the chickens or citizens and does not create a public nuisance. Runs must be well drained so that there will be no accumulation of moisture.
- c. The chicken house must be used for female chickens only and must be well ventilated. Houses shall be located a minimum of 25 feet from any property line. Run areas must be located a minimum of 25 feet from any property line and 50 feet from any stream.
- d. All feed and other items associated with the keeping of chickens shall be stored properly and protected from rodents;
- e. Waste products generated from the raising of chickens shall be disposed of properly. If on-site composting is performed, compost storage areas shall be located a minimum of 25' from any property line and 50' from any stream. (**See below for additional composting information.) If on-site composting is not used, all chicken related waste must be double bagged before being placed in on-site roll out trash bins.

- a. The outdoor display area may not exceed 60,000 square feet.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
6. Bank, Financial Institution, Automated Teller Machine (ATM), Freestanding Automated Teller Machine (ATM) as Accessory

Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. The use must front on either arterial or collector roads (major or minor, in each case).
- b. ATMs, Freestanding ATMs as accessory use permitted in LDR, MDR, HDR, OI, LC, and GC districts.
 - o The facility's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
 - o Shall be located so that internal circulation for primary use is not disturbed.
 - o Materials shall be compatible with design and building materials of the primary structure(s) on the site.

7. Barn, Greenhouse, As Primary Structure

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential districts

- a. Permitted only when agriculture, as defined in Chapter 2, Rules of Construction and Definitions, is the primary use of the parcel.
- b. May not be used as a dwelling unit.
- c. Must meet setbacks of zoning district for primary structure.

8. Bed and Breakfast

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Limited Commercial districts

- a. The site must contain at least 10 acres.
- b. Any area to be used as a party, ~~for guest~~ receptions or garden, for parking or other guest amenity areas ~~such as gardens, patios or outdoor guest reception areas~~ shall be located a minimum of ~~100~~ ~~200~~ feet from the property line of any residentially zoned or used property.

- c. Must provide at a minimum one parking space per guest bedroom and one parking space for each two employees.
- d. The facility must provide a level three buffer yard as described in Chapter Nine, Landscaping & Buffer Requirements on all sides of the parking lot which abut public rights-of-way.

9. Catering Service

Office/Institutional district

- a. The maximum total square footage shall not exceed 5,000 square feet for all enclosed structures.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

10. Cemetery

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. The cemetery shall be sited so as to be within the primary setbacks required for buildings in the district.
- b. A boundary plat depicting the property to be used for interment shall be recorded with the office of the Register of Deeds and a copy provided to the Planning and Development Department.
- c. A Level Two buffer shall be provided when the adjacent property is residentially zoned or used. See Chapter 9, Landscaping and Buffering.

11. Civic Organization Facility

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. Parking areas shall be located a minimum of 50 ~~100~~ feet from the property line of any property that is residentially used or zoned.

- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

15. Convenience Store without Petroleum Sales

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. The store must be located within 300 feet of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
- c. The maximum square footage shall not exceed 2,000 square feet.
- d. 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.

16. Country Club with Golf Course

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. Clubhouses shall meet the primary setbacks for the zoning district.
- b. There shall be a 100 foot minimum setback between any accessory buildings, swimming pool, lighted tennis court or any amenity area and adjacent residentially zoned or used property.
- c. Parking areas shall be located a minimum of 100 feet from any residentially zoned or used property.
- d. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.
- e. Outdoor swimming pools shall be protected by a fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

17. Contractor or Trade Shops

Agricultural/Open, Office/Limited Commercial districts

- a. The maximum square footage shall not exceed 10,000 square feet for all enclosed structures in the Office/Limited Commercial district and 5,000 square feet in the Agricultural/Open district.
- b. The maximum outdoor storage area may not exceed 10,000 square feet;
- c. All outside storage areas including dumpster areas must be:

- sited behind the rear wall of the building;
- within the required setbacks of the zoning district that the use is located in, and outside any required buffer yard;
- enclosed with a fence that is at least 6 feet high;
- screened from adjacent properties, and from public and private rights-of-way with a Level Two buffer yard;
- d. No storage of large construction vehicles is permitted (large construction vehicles means any vehicle with a gross weight in excess of 10,000 lbs.)
- e. Outside storage areas shall be located at least 50 feet from adjacent property lines.
- f. In the Agricultural/Open district only, uses shall only be permitted on major thoroughfares. In addition, such use may not be located in any watershed protection area.
- g. Uses shall meet all applicable landscaping standards in Chapter 9. When occupying an existing structure, landscaping shall be upgraded to meet requirements of Chapter 9, Landscaping and Buffering.
- h. The minimum property size shall be (3) three acres ~~in the AO zone. only~~).

18. Day Camp, Summer Camp, Civic Group Camp Facility

Office/Limited Commercial, General Commercial 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. Play areas, sports fields and parking areas must be a minimum of five hundred feet (500) from any adjacent residentially zoned or used property line.

19. Duplex, Commercial Use on Individual Lots

Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. The lot size shall be at least 150% of the minimum lot area for the zoning district.
- b. Setbacks must meet the principal structure setbacks for zoning district. ~~For setbacks, See Chapter 5, Section 5-9, A, Non-Residential Development Standards.~~
- c. Only one duplex shall be permitted per parcel.

20. Ethanol Fuel Production, Residential District, Private Use Only

Agriculture/Open Space, Countryside Residential, Low Density Residential, Medium Density Residential districts

- a. The minimum lot size to have such an operation is three (3) acres.
- b. The still and/or storage containers shall be placed:
 - A minimum of sixty (60) feet from any dwelling unit

- c. Compliance with all applicable building codes required.

23. Gas Station

Agricultural/Open, Countryside Residential, Low Density Residential districts

- a. The store must be located within 300 feet of the centerline of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover from adjacent residential properties.
- c. The maximum square footage shall not exceed 2,000 square feet for all enclosed structures.
- d. The total number of gasoline pumps shall not exceed two multi-product dispensers. In the event older pumping equipment is used, the total number shall not exceed a number capable of fueling four vehicles simultaneously.
- e. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

24. Golf Course, Public or Private

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. Clubhouses shall meet the primary setbacks for the zoning district.
- b. There shall be a 100 foot minimum setback between any accessory buildings or parking areas and adjacent residentially zoned or used property.
- c. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.

25. Government Buildings, Storage Only

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

- a. Parking areas shall be located a minimum of 25 ~~50~~ feet from any residentially zoned or used property.
- b. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

26. Government Buildings, Storage Only, with Outdoor Storage Area

General Commercial, Light Industrial, General Industrial districts

- a. Outside storage areas shall be located a minimum of 50 feet from any residentially zoned or used property.
- b. Parking areas shall be located a minimum of 25 ~~50~~ feet from any residentially zoned or used property.
- c. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

27. Home Occupation, General

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/ Limited Commercial districts

The following lists those occupations, which may be conducted at home in the AO, CR, LDR, MDR, HDR and LC districts or in townhomes in the MDR, HDR or LC districts. The purpose of the list is to function both as a guide and also to illustrate the spirit and intent of what is a legitimate home occupation. Essentially, the home occupation is conceived of as being reasonably permitted in a residential setting because it does not compromise the residential character of the area. A reasonable home occupation would not generate conspicuous traffic, would not visually call unusual attention to the home nor would it ever generate nonresidential level noise.

Accounting, Bookkeeping	Dressmaking, Alteration Services, Tailoring	Musical Instruction, Voice or Instrument
Appraisal	Engineering	Pet Grooming (Enclosed)
Architecture	Financial Planning and Investment Services	Photo Laboratory (no studio work)
Computer Repair/Programming	Fine Arts Studio (creation of individual works only, no mass production)	Planning
Legal Services	Interior Decoration (no studio permitted)	Tutoring
Real Estate Sales	Mail Order Business or On-line Order Business , order taking only, no stock in trade	One Chair Beauty or Barber Shop
Insurance Sales		Office Work
Daycare with Eight Children or Less (See NCGS §110-86)		Similar, Low Impact Endeavor
Drafting Services		

- a. The use must be conducted entirely within the interior of the residence, must be clearly incidental and secondary to residential occupancy, and may not change the residential character of the dwelling.
- b. The use of the dwelling for a Home Occupation may not exceed up to 25% of one floor of the principal building.

- c. Residents of the dwelling may be engaged in the home occupation with no more than one nonresident assistant employed.
- d. No activity can take place as a home occupation which involves any outdoor storage.
- e. All parking needs brought about by the operation of the home occupation must be met through an off street parking arrangement, including customer parking.
- f. Home Occupations which allow clients or customers to visit the business may be subject to Accessibility Standards. Applicants should contact Building Standards for requirements prior to applying for the Home Occupation Permit.

28. Home Occupation, Rural

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential districts

The following lists those occupations, which may be conducted as a rural home occupation (RHO). The Rural Home Occupation differs from the home occupation in that it is not required to be conducted within the residence proper, but may be conducted in another building accessory to the residence. Slightly more intense uses may occur within the RHO since it is sited within less densely settled areas.

Accounting, Bookkeeping	Real Estate Sales	Mail Order Business or On-line Order Business
Appraisal	Insurance Sales	Musical Instruction, Voice or Instrument
Architecture	Daycare with Eight Children or Less (See NCGS §110-86)	Photo Laboratory or Studio
Auto Repair Work - Permitted as PBS in Agriculture/Open only.	Drafting Services	Planning
Building Contractor's Storage Yard Including Electrical, Plumbing, & Mechanical	Dressmaking, Alteration Services, Tailoring	Tutoring
Computer Repair/Programming	Engineering	One Chair Beauty or Barber Shop
Landscape Contractor	Financial Planning and Investment Services	Office Work
Legal Services	Fine Arts Studio	Similar, Low Impact Endeavor
	Interior Decoration	

- a. The Rural Home Occupation may be carried out in no more than one building separate from the primary residence.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,

The permit requires the submission of the following information at the time it is applied for:

- a. A survey showing the exact location of the proposed demolition landfill within the entire project must be submitted.
- b. A statement detailing all contents of the landfill
- c. A statement detailing the plans for reclaiming the landfill at the end of its use.
- d. A statement describing plans for future building, if any, on the landfill site.
- e. A boundary survey showing the location of the demolition landfill must be recorded with the Cabarrus County Register of Deeds.
- f. A description of the controls to be employed to assure the refuse stays on the site and that dust, debris, material scraps, etc. do not travel to or impact adjacent properties or right-of-ways in any way.

33. Multifamily Residential

High Density Residential/Mixed Use, Office/Limited Commercial districts

Multifamily residential developments shall follow the density and dimensional standards listed below:

Density (maximum units/acre)	3	Accessory (minimum feet)	
Area (minimum acres)	5	Front yard	30
Open space (minimum)	50%	Side yard (single)	10
Governmental water and sewer	required	Side yard (total)	20
Principal (minimum feet)		Rear yard	10
Front yard	30	Height (maximum)	
Side yard (single)	10	Principal (maximum feet)	40
Side yard (total)	20	Accessory (maximum feet)	20
Rear yard	20		
Lot Coverage (maximum)			
Impervious surface	45%		
Structural coverage	35%		

When located adjacent to property that is developed as single family residential or property that is zoned residentially, a Level Two buffer shall be provided. See Chapter 9, Landscaping and Buffer Requirements.

34. Moving Van, Truck or Trailer Rental

Office/Limited Commercial, General Commercial, Limited Industrial districts

- a. The outdoor display area may not exceed 60,000 square feet.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and

- b. Adequate stacking shall be provided in drive-thru lanes so that traffic is contained on site and does not interfere with circulation internally or on any adjacent road or street right-of-way.
- c. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- d. In the event the restaurant locates adjacent to any residentially zoned or used property, it must be physically sited at least 100 feet from the lot line of the residential property and parking areas must be located a minimum of 50 feet from the property line.

48. Retail Sales, Neighborhood Market, 5,000 1,000 Square Feet or Less

Agricultural/Open district

- a. The store must be located within 500 feet of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
- c. The maximum square footage for the building shall not exceed 5,000 1,000 square feet.
- d. All outside storage shall not be permitted with the exception of areas for dumpsters:
 - o Dumpsters shall be sited to the rear of the building and made unnoticeable from both adjacent properties and public rights-of-way through the installation of fencing and/or vegetative screening.
- e. In the event the neighborhood market locates adjacent to any residentially zoned or used property, all buildings must be sited at least 50 feet from the lot line of the residential property and parking areas must be located a minimum of 50 feet from the property line.

49. Salvage Yard

General Industrial district

- a. Materials may not be vertically stacked so as to be visible to the passing motorist.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 150 feet from the property line.

- a. Interior travel lanes, which serve storage units, are required to have a parking lane with a minimum width of 10 feet for loading/unloading purposes.
- b. One parking space is required for every 100 storage units with a minimum of three spaces required for the facility office.
- c. One-way interior travel lanes must have a minimum width of 15 feet in addition to the 10 foot wide parking lane. All two-way interior travel lanes serving storage units must have two (2) 12-foot wide travel lanes and be provided with a 10 foot wide parking lane.
- d. The height of the storage buildings shall be governed by the maximum height permitted for the zoning district. See Chapter 5 for dimensional requirements.
- e. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.
- f. Minimum and maximum lot sizes.

Office/Limited Commercial:

- o Minimum lot size - one acre
- o Maximum lot size - three acres

General Commercial:

- o Minimum lot size - one acre
- o Maximum lot size - ~~none-five~~ acres

Limited Industrial:

- o Minimum lot size - one acre
- o Maximum lot size - ~~five-ten~~ acres

- g. All Self Service Storage Facilities are subject to the buffering and landscaping set forth in Chapter Nine of this Ordinance.
- h. A minimum six foot fence is required about the perimeter of the development. Portions of the fence, which face arterial or residential streets, must be solid or semisolid and pleasingly decorative.
- i. No outside storage is permitted in the Office/Limited Commercial district.
- j. In the Limited Industrial district, up to 20% of the site may be used for outdoor storage. All outdoor storage areas must be made unnoticeable through the installation of fencing or vegetative screening. When located adjacent to residentially zoned or used property or street right-of-ways, additional screening and/or landscape measures may be required.

54. Shooting Range, Indoor

Office/Limited Commercial, General Commercial and Light Industrial districts

- a. Facility design shall be such that it absorbs or dissipates noise from the firing of weapons and/or any mechanical equipment.
- b. The facility shall be located a minimum of 150 feet from the property line of any residentially used or residentially zoned property.

Mobile Personal Storage Unit, Renovation

One personal mobile storage unit permitted per parcel in any zoning district. The unit may be stored on site for up to 90 days to allow for temporary storage during renovation or remodeling projects. In no case shall this type of unit be permitted or used for permanent storage on a site.

Dumpsters, Commercial Waste Containers

One commercial waste container or dumpster permitted per parcel in any zoning district. The unit may remain on site for a maximum of 90 days to allow for remodeling, construction or debris removal projects. At no time shall debris be permitted to accumulate beyond the container rim. In no case shall this type of unit be permitted or used for permanent waste disposal on a site.

TEMPORARY SIGNS

See Chapter 11, Signage.

Temporary Construction Sign

~~One sign permitted per site not exceeding 32 square feet in area per face. Such signs shall not be erected prior to preliminary plat approval when the development is subject to Cabarrus County Subdivision Regulations. When the project is not under such regulation, the letting of contracts will be the point in time at which such signs may be posted. Signs shall be located outside of the right of way and any applicable sight triangle(s). The sign shall be removed within 14 days of the issuance of a Certificate of Occupancy for commercial projects or the final sale for residential projects.~~

For Profit Temporary Signs

~~One sign permitted per business not to exceed 16 square feet to advertise sales, special events, grand openings, store closings, etc. Sign shall not be illuminated and shall be mounted flush against the building wall. The permit may be issued for a maximum of 15 days and may be issued up to four times a year. Sign shall be removed on the expiration date of the permit.~~

Temporary Agricultural Sign, Seasonal Sales on Site;

~~A temporary agricultural sign does not require a sign permit. However, the sign must meet the following standards:~~

- ~~o Shall not exceed sixteen (16) square feet~~
- ~~o Shall not exceed four (4) feet in height~~
- ~~o Shall not be illuminated~~

~~The sign shall be erected no sooner than one (1) week prior to the beginning of the harvest season and must be removed immediately upon the end of the harvest season.~~

AO Permitted based on Standards (PBS) Uses Continued

FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use	Real Estate Office in Construction Trailer or Modular Unit, Commercial/Mixed Use Projects, Temporary Use	Scientific Research and Development, Accessory to Agriculture
For Profit Temporary Sign, Temporary Use	Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use	Swim Club, Tennis Club, Country Club
Gas station	Real Estate Office in Model Home, Temporary Use	Swimming Pool, Accessory to Single Family Residential
Golf Course, Public or Private	Recyclable Materials Drop Off	Temporary Agricultural Sign, Seasonal Sales on Site, Temporary Use
Home Occupation, General	Recreational Trail, Greenway, or Blueway Connector	Temporary Construction Sign, Temporary Use
Home Occupation, Rural	Religious Institution with Total Seating Capacity 350 or Less	Temporary Dwelling for Large Construction Projects, Temporary Use
Ice Production, Dispensing, Accessory to Convenience Store	Repair Garage, Automobile	Temporary Residence in Mobile Home during Construction of New Home on Same Site, Temporary Use
Ice Production, Dispensing, Accessory to Gas Stations	Repair Shop, Farm Machinery	Towing Service, Accessory to Automobile Repair
Kennel, Private	Repair Shop, Small Engine	Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales
Landfill, Demolition-Less Than One Acre	Rest Home, Convalescent Home with 10 Beds or Less	Trail Head, Accessory
Mobile Personal Storage Unit, Renovation, Temporary Use	Restaurant, Excluding Drive-Thru	Trail Head, Primary Use Site
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use	Retail Sales, Neighborhood Market 5,000 1,000 Square Feet or Less	Wind Energy Facility, Accessory Use, On Site Use Only
Nursery, Daycare Center	Sawmill	Wireless Telecommunications Services, Co-location
Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business		
Public Cultural Facility		

CR Permitted Based on Standards (PBS) Uses Continued

Nursery, Daycare Center	Religious Institution with Total Seating Capacity 350 or Less	Temporary Construction Sign, Temporary Use
Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business	Rest Home, Convalescent Home with 10 Beds or Less	Temporary Dwelling for Large Construction Projects, Temporary Use
Public Cultural Facility	Restaurant, Excluding Drive-Thru	Temporary Residence in Mobile Home during Construction of New Home on Same Site, Temporary Use
Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use	Sawmill	Trail Head, Accessory Use
Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use	Scientific Research and Development, Accessory to Agriculture	Trail Head, Primary Use Site
Real Estate Office in Model Home, Temporary Use	Stables, Commercial	Wind Energy Facility, Accessory Use, On Site Use Only
Recreational Trail, Greenway, or Blueway Connector	Swim Club, Tennis Club, Country Club	Wireless Telecommunications Services, Co-location
	Swimming Pool, Accessory to Single Family Residential	
	Temporary Agricultural Sign, Seasonal Sales on Site, Temporary Use	

CR Conditional (C) Uses

Animal Hospital	Day Camp, Summer Camp, Civic Group Camp Facility	Public Service Facility
Animal Shelter	Elementary, Middle and High Schools	Public Use Facility
College, University	Kennel, Commercial	Reception Facilities
Communications Tower, 911 Communications Tower	Multimedia Distribution & Production Complex	Recreational Facility, Outdoor
		Recreational Therapy Facility, Rural Setting

Religious Institution
with Total Seating
Capacity 350 or Less

Rest Home,
Convalescent Home
with 10 Beds or Less

LDR Permitted Based on Standards (PBS) Uses

Restaurant, Excluding
Drive-Thru

Temporary Agricultural
Sign, Seasonal Sales on
Site, Temporary Use

Construction of New Home
on Same Site, Temporary
Use

Scientific Research and
Development,
Accessory to
Agriculture

Temporary
Construction Sign,
Temporary Use

Trail Head, Accessory
Use

Stables, Commercial

Temporary Dwelling for
Large Construction
Projects, Temporary
Use

Trail Head, Primary Use
Wind Energy Facility,
Accessory Use, On Site
Use Only

Swim Club, Tennis
Club, Country Club

Temporary Residence in
Mobile Home During

Wireless
Telecommunications
Services, Co-location

**Swimming Pool,
Accessory to Single
Family Residential**

LDR Conditional (C) Uses

College, University

Recreational Facility,
Outdoor

with More Than 10
Beds

Communications
Tower, 911
Communications Tower

Religious Institution
with Total Seating
Capacity 351 or More

Wireless
Telecommunications
Services

Elementary, Middle and
High Schools

Religious Institution
with School

Public Service Facility
Public Use Facility

Rest Home,
Convalescent Home

MEDIUM DENSITY RESIDENTIAL

This district is intended to permit development with a moderately high density community character. This district allows open space and amenity subdivisions. Residential development options for this district include a variety of housing types, including townhouses. This district is located where public utilities are available.

RATIONALE

Mobile Personal Storage Unit, Renovation, Temporary Use	Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use Nursery, Daycare Center	Promotional Activities Involving the Display of Goods or Merchandise,
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MDR Permitted Based on Standards (PBS) Uses Continued

Temporary Use at Existing Business	Religious Institution with Total Seating Capacity 350 or Less	Temporary Construction Sign, Temporary Use
Public Cultural Facility	Rest Home, Convalescent Home with 10 Beds or Less	Temporary Dwelling for Large Construction Projects, Temporary Use
Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use	Restaurant, Excluding Drive-Thru	Temporary Residence in Mobile Home during Construction of New Home on Same Site, Temporary Use
Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use	Scientific Research and Development, Accessory to Agriculture	Townhouses
Real Estate Office in Model Home, Temporary Use	Swim Club, Tennis Club, Country Club	Trail Head, Accessory Use
Recreational Trail, Greenway, or Blueway Connector	<i>Swimming Pool, Accessory to Single Family Residential</i>	Trail Head, Primary Use
	Temporary Agricultural Sign, Seasonal Sales on Site, Temporary Use	Wind Energy Facility, Accessory Use, On Site Use Only
		Wireless Telecommunications Services, Co-location

MDR Conditional (C) Uses

College, University	Recreational Facility, Outdoor	Rest Home, Convalescent Home with More Than 10 Beds
Communications Tower, 911 Communications Tower	Religious Institution with Total Seating Capacity 351 or More	Restaurant with Drive-Thru Facility
Elementary, Middle and High Schools	Religious Institution with School	Wireless Telecommunications Services
Public Service Facility		
Public Use Facility		

Golf Course, Public or Private	Itinerant Merchant, Temporary Use, Existing Business	Ice Production, Dispensing, Accessory to Convenience Store
Home Occupation, General		

HDR Permitted Based on Standards (PBS) Uses Continued

Landfill, Demolition-Less Than One Acre	Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use	Swim Club, Tennis Club, Country Club
Mobile Personal Storage Unit, Renovation, Temporary Use	Real Estate Office in Model Home, Temporary Use	<i>Swimming Pool, Accessory to Single Family Residential</i>
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use	Recreational Facility, Indoor	Temporary Agricultural Sign, Seasonal Sales on Site, Temporary Use
Multifamily Residential	Recreational Trail, Greenway, or Blueway Connector	Temporary Construction Sign, Temporary Use
Nursery, Daycare Center	Religious Institution with Total Seating Capacity 350 or Less	Temporary Dwelling for Large Construction Projects, Temporary Use
Office, Professional Less Than 5,000 SF	Rest Home, Convalescent Home with 10 Beds or Less	Temporary Residence in Mobile Home during Construction of New Home on Same Site, Temporary Use
Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business	Restaurant, Excluding Drive-Thru	Townhouses
Public Cultural Facility	Scientific Research and Development, Accessory to Agriculture	Trail Head, Accessory Use
Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use		Trail Head, Primary Use
		Wireless Telecommunications Services, Co-location

HDR Conditional (C) Uses

College, University	Elementary, Middle and High Schools	Recreational Facility, Outdoor
Communications Tower, 911 Communications Tower	Public Service Facility	

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE										
"P" - Permitted, "C" - Conditional, "PBS" - Permitted Based on Standards										
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI
ACCESSORY USES										
Accessory Dwelling Unit (7-3,1)	PBS	PBS	PBS	PBS	PBS		PBS	PBS	PBS	
Accessory Building, Lot Less Than 2 Acres (7-3, 1)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Accessory Building, Lot 2 Acres or Greater (7-3, 1)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Airstrip (8-4, 3)	C							C	C	C
Automated Teller Machine (7-3, 6, b)			PBS	PBS	PBS	PBS	PBS	PBS	PBS	
Community Garden, as Accessory Use (7-3, 13)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	
Ethanol Fuel Production, Residential District, Private Use Only (7-3, 20)	PBS	PBS	PBS	PBS						
Home Occupation, General (7-3, 27)	PBS	PBS	PBS	PBS	PBS		PBS			
Home Occupation, Rural (7-3, 28)	PBS	PBS	PBS	PBS						
Ice Production, Dispensing, Accessory to Convenience Store (7-3, 30)	PBS	PBS	PBS	PBS	PBS		PBS	PBS	PBS	PBS
Ice Production, Dispensing, Accessory to Gas Station (7-3, 29)	PBS	PBS	PBS					PBS	PBS	PBS
Kennel, Private (7-3, 31)	PBS	PBS								
Moving Van, Truck or Trailer Rental, Accessory to Self Storage (7-3, 34, 53)								PBS	PBS	PBS
Swimming Pool, Accessory to Single Family Residential (7-3,1)	PBS	PBS	PBS	PBS	PBS					
Towing Service, Accessory to Automobile Repair (7-3, 60, a-c)	PBS							PBS	PBS	
Towing Service, Accessory to Salvage Yard (7-3, 59, a-c)										PBS
Trail Head, Accessory (7-3, 62)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS
Wind Energy Facility, Accessory Use, On Site Use Only (7-3, 65)	PBS	PBS	PBS	PBS						

Section 3-8 TABLE OF PERMITTED USES

PERMITTED USE TABLE											
"P" - Permitted, "C" - Conditional, "PBS" - Permitted Based on Standards											
	AO	CR	LDR	MDR	HDR	OI	LC	GC	LI	GI	
COMMERCIAL, RETAIL AND OFFICE USES (Continued)											
Office professional, 30,000 Square Feet or Less							P	P	P	P	P
Office professional, 30,000 Square Feet or More									P	P	P
Parking Lot, Parking Garage, Commercial or Private							P	P	P	P	P
Pawn Shop (NCGS Chapter 91A)							P		P		
Pet Shop, Grooming, Enclosed Facility						P	P	P			
Photographic Studio							P	P			
Printing and Reprographic Facility							P	P	P	P	P
Race Shop, Race Team Complex (8-4, 19)	C										
Race Shop, Race Team Complex									P	P	P
Radio and Television Studio									P	P	P
Reception Facilities (8-4, 21)	C	C									
Recreational Facility, Indoor (7-3, 38)						PBS	PBS	PBS	P	P	
Recreational Facility, Outdoor (8-4, 22)	C	C	C	C	C	C	C	C	C	C	C
Recreational Therapy Facility, Rural Setting (8-4, 23)	C	C									
Recreational Vehicle Sales, With Outdoor Storage or Sales Lot									P	P	P
Recyclable Materials Drop Off (7-3, 40)	PBS						PBS	PBS	PBS	PBS	PBS
Repair Garage, Automobile (7-3, 42)	PBS							PBS	P	P	
Repair Shop, Farm Machinery (7-3, 43)	PBS								P	P	
Repair Shop, Small Engine (7-3, 44)	PBS							PBS	P	P	
Restaurant, Excluding Drive-thru (7-3, 46)	PBS	PBS	PBS	PBS	PBS		P	P	P	P	P
Restaurant with Drive-Thru Facility (7-3, 47)								PBS	PBS	PBS	PBS
Restaurant with Drive-Thru Facility (8-4, 27)						C	C				
Retail Sales, Neighborhood Market-5,000 1,000 Square Feet or Less (7-3, 48)	PBS										
Retail Sales, Shopping Centers, 10,000 Square Feet and Less						P		P	P		
Retail Sales, Shopping Centers, 10,000 - 50,000 Square Feet								P	P		
Retail Sales, Shopping Centers, 50,000 - 100,000 Square Feet								P			
Retail Sales, Shopping Centers, 100,000 Square Feet or More (8-4, 28)									C		
Sawmill (7-3, 50)	PBS	PBS							P	P	
Scientific Research and Development (7-3, 52)							PBS	PBS	PBS	PBS	
Self-Service Storage Facilities (7-3, 53)							PBS	PBS	PBS		
Shooting Range, Indoor (7-3, 54)							PBS	PBS	PBS		
Shooting Range, with Outdoor Target Practice (8-4, 30)	C	C							C	C	
Signs, Off-Premise											
Signs, On-Premise							See Chapter Eleven, Table Six for Regulations				
Sports and Recreation Instruction or Camp (8-4, 31)	C	C									
Sports and Recreation Instruction or Camp (7-3, 55)							PBS	PBS	PBS	PBS	
Stables, Commercial (7-3, 57)	P	PBS	PBS								
Storage Building Sales, with Display Area (7-3, 55)							PBS	PBS	PBS		
Swim Club, Tennis Club, Country Club (7-3, 58)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS			
Tattoo Studio							P	P			
Taxidermy Studio, No Outdoor Processing							P	P	P		
Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales (7-3, 60)	PBS							PBS	P	P	
Towing Service, with Salvage (7-3, 59)										PBS	
Towing Service, No Towed Vehicle Storage Lot, Office Only, Storage of Tow Trucks, Car Haulers Permitted On Site								P	P	P	P
Veterinarian (8-4, 37)	C	C						C	C	C	
Wireless Telecommunications Services (8-4, 36)	C	C	C	C	C	C	C	C	C	C	C
Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less (8-4, 36)	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunications Services - Co-locations (7-3, 66)	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS	PBS