



Planning and Development  
Department

## Cabarrus County Government

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Cabarrus County Planning and Zoning Commission Meeting  
March 8, 2016  
7:00 P.M.

Board of Commissioners Meeting Room  
Cabarrus County Governmental Center

### Agenda

1. Roll Call
2. Approval of February 9, 2016, Planning and Zoning Commission Meeting Minutes
3. **New Business – Planning Board Function:**

RZON2016-00002 – Request to rezone +/- 2.95 acres from LDR to OI. Applicant is Covenant Presbyterian Church. Property addresses: 5809, 5835 & 5755 Charlie Walker Road (PIN#: 5603-48-1902, 5603-49-2008 & 5603-49-1214).

RZON2016-00003 – Request to rezone +/-10.1 acres from OI to GC. Applicant is Chris Norman. Property located at 10744 Davidson Highway (PIN#: 4672-60-3752).

4. Directors Report
5. Legal Update



## Cabarrus County Government - Planning and Development

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### Planning and Zoning Commission Minutes March 8, 2016

Ms. Shannon Frye, Chair, called the meeting to order at 7:15 p.m. Members present other than the Chair were Ms. Mary Blakeney, Mr. Adam Dagenhart, Mr. Dane Laney, Mr. James Litaker, Mr. Chris Pinto, Mr. Richard Price and Mr. Aaron Ritchie. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Phil Collins, Sr. Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

#### **Roll Call**

Mr. Aaron Ritchie, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **APPROVE** the February 9, 2016 meeting minutes. The Vote was unanimous.

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

The Chair introduced Petition RZON2016-00002, Request to rezone +/- 2.95 acres from Low Density Residential (LDR) to Office Institutional (OI). The Applicant is Covenant Presbyterian Church. The property addresses: 5809, 5835 & 5755 Charlie Walker Road (PIN#: 5603-48-1902, 5603-49-2008 & 5603-49-1214).

Mr. Phil Collins, Senior Planner, addressed the board presenting Petition RZON2016-00002. The applicant and owner is Covenant Presbyterian Church. The existing zoning is Low Density Residential (LDR) and the applicant is proposing Office Institutional (OI). The subject property is 2.95 acres in size. The subject property is currently occupied by a religious institution. A stream flows along the western boundary of the subject property to the south towards Irish Buffalo Creek. There is floodplain located along the creek and on the subject property. Residential land uses and LDR zoning surround the subject property.

With regard to the existing LDR district, it is intended to permit development with a low density residential community character. This district allows conventional, open space and amenity subdivisions. This district is located where public utilities are available or are envisioned available within the next two to five years.

The district is designed to provide permanent protection for those who want to live in a low density residential environment. The district, while focused on single-family residential development, is designed to allow a wide variety of residential use types.

With regard to the OI District, it is intended 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.

Planning and Zoning Commission

Minutes

March 8, 2016

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

The subject property is located within the boundaries of the Northwest Area Future Land Use Plan and is designated as medium density residential. The medium density district land use classification allows two to four units per acre.

The proposed rezoning is not consistent with the Northwest Area Future Land Use Plan. However, the site currently supports an existing non-conforming church complex that was constructed in 1941 and another part in 1950. The property currently has a residential zoning designation.

Religious Institutions of 351 seats or more are permitted as a Conditional Use in the LDR Zoning and the OI zoning districts and Religious Institutions of 351 seats or less which Covenant is less than 351 seats, are permitted based on standards in the LDR and OI zoning districts.

The proposed zoning change to OI supports the continued use of the property as a religious institution and allows the existing site use and structures to better comply with the ordinance as far as dimensional, impervious and structural coverage requirements.

With regards to impervious area, the amount of impervious coverage on the two developed parcels (church and parking lot/Accessory buildings and parking lot) currently exceed the 20% maximum that is allowed for the LDR zoning district. The OI zoning district allows up to 75% impervious surface, which would obviously negate that problem.

With regards to setbacks; religious institutions are allowed in the LDR and the OI zoning districts based on their ability to meet prescribed supplemental standards found in Section 7-3.41 of the Cabarrus County Zoning Ordinance. The setback doubling standard does not apply to religious institutions located in properties zoned OI. This would meet those setback requirement.

If the rezoning to OI is approved, the applicant understands that all three parcels will need to be combined to create one large tract of land to comply with the OI zoning district development standards listed in Section 5-8, Nonresidential Development Standards.

This is a conventional rezoning request, therefore all uses permitted in the OI zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should

Planning and Zoning Commission

Minutes

March 8, 2016

consider all of the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.

The Chair asked the Board if there were any questions for staff. There being no additional questions for staff, she asked the applicant to come forward.

The Reverend Herbert Hill, 7916 Southway Road, Charlotte, NC, Pastor of Covenant Presbyterian Church, addressed the Board. He said the purpose for rezoning the property is that the church would like to build a shelter on adjacent property for outdoor youth services, outdoor functions and also to serve the community. We are a community church and to draw more people into the church and serve the community as well.

The Chair asked Reverend Hill if he understood that there is a recommendation that you would combine all three parcels to create one single tract of land.

Reverend Hill said yes.

The Chair said we are in receipt of a letter to Reverend Hill's attention from Jesse Hite the Moderator, Presbytery of Charlotte and also a letter that Reverend Hill wrote, in reference to an individual that went to the Planning Office and requested the rezoning be removed from the agenda and Reverend Hill has refuted that.

Reverend Hill said in their church governing by-laws there was a statement about the governing body holding the property in trust. We own the property but the national church wants to make sure that we are using the property for the proper use and if we are not using property for the proper use then they can step in and take any measures. Otherwise, Covenant itself is the owner of the property.

He said the person who came down did not have the understanding and that is why he went to the Presbytery, Reverend Hite, and is why he wrote the letter. He is over our Presbytery, which is a governing body, and they wrote in detail what the governing regulations state.

The Chair said, Reverend Hite's last statement in the letter dated February 26, 2016, states a rezoning of the church property to continue the current or proposed mission of Covenant Presbyterian Church does not require the approval of Presbytery as long as the previously stated conditions of the Book of Order are satisfied.

Reverend Hill said yes. In talking with Reverend Hite, rezoning is up to the church to do and the Presbytery has no jurisdiction over that whatsoever. He said that was the misunderstanding, so we had to get that clarified. That is why we got the notarized letter and everything to clarify those statements.

The Chair said the letter starts out that the Cabarrus County Officials were asking for clarification on the relationship between Covenant Presbyterian Church and the Presbytery of Charlotte. She asked if staff concur that this statement that is provided in this letter is adequate for us to proceed.

Planning and Zoning Commission  
Minutes  
March 8, 2016

Mr. Collins said yes. The letter from the Presbytery is basically saying that Covenant Presbyterian Church has the authority to request the rezoning and that is what the Reverend is signing for as well.

Mr. Richard Price asked why the rezoning is necessary to do what they are wanting to do.

Mr. Collins said they came to us looking to get a permit to build a picnic shelter. That is when we started looking closer into the situation. Right now, if they were to add a picnic shelter, it is adding to the impervious area that is already over what is allowed. So, a rezoning to OI would basically increase their impervious allowance into 75 percent and they would be in conformance with the Zoning Ordinance at that time and also the setbacks.

Right now, it is in violation of the setbacks too because in a residential zoning district, part of the prescribed supplemental standards is that the setbacks are doubled, and with those double setbacks, there is no way that the church could meet those setbacks. So, the rezone to OI would also fix that problem.

Mr. James Litaker asked if this is in what we call the donut hole; in Kannapolis, Cabarrus County.

Mr. Collins is not familiar with the donut hole.

There being no one in favor or in opposition of the rezoning and there being no questions for staff, the Chair closed the Public Hearing.

Mr. Chris Pinto said this is exactly how the Evangelical Lutheran Church that he is affiliated with handles things. He does not see any issue.

The Chair thinks based on the requested zoning district giving them some additional compliance, where they are out of compliance, it is a step forward as well.

There being no further discussion Ms. Mary Blakeney **MOTIONED, SECONDED** by Mr. Aaron Ritchie to **APPROVE**, RZON2016-00002, Request to rezone +/- 2.9 acres from Low Density Residential (LDR) to Office Institutional (OI). The vote was unanimous.

**CONSISTENCY STATEMENT:**

Despite the fact that the proposed rezoning is not consistent with the provisions of the Northwest Area Future Land Use Plan, it is nonetheless reasonable and in the public interest based on the report and presentation of staff. Particularly, with reference to the fact that there is an existing church facility on the property and that at the present time the church does not meet the impervious standards for the existing zoning nor does it meet the setbacks. But, the rezoning will allow it to meet the provisions of the Ordinance relating to both.

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

Planning and Zoning Commission

Minutes

March 8, 2016

The Chair introduced Petition RZON2016-00003, Request to rezone +/- 10.1 acres from Office Institutional (OI) to General Commercial (GC). The Applicant is Mr. Chris Norman and the property is located at 10744 Davidson Highway (Pin#4672-60-3752).

Mr. Phil Collins, Senior Planner, addressed the board presenting Petition RZON2016-00003. The applicant is Mr. Chris Norman and the owner of the subject property is Odell-Black heirs.

The existing zoning is Office Institutional (OI) and the applicant is proposing General Commercial (GC). The site is currently vacant. A stream flows from the center of the property to the east towards Rocky River. There are wetlands and some floodplain located on the north eastern corner of the subject property.

The subject property is surrounded by residential and institutional uses and vacant properties. The subject property is surrounded by OI zoning to the north, CR and LDR zoning to the south and east and Kannapolis C-2 to the west.

The City of Kannapolis will provide utilities to the site upon development. However, the Applicant contends that property can be developed using water and sewer and that utilities are not needed at this time.

Mr. Collins has already gone over the OI District, he will skip over to the 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.

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

The Cabarrus Soil and Water Conservation District did review the request and submitted the following regarding this request. This property is not ideal for future commercial development. It is heavily sloped and the soils are shrink-swell, making construction expensive and difficult. Extensive grading and fill would likely be required, which should be minimized in the Upper Rocky River watershed due to its impaired 303(d) listing under the Clean Water Act.

NCDOT also reviewed the request and provided the following comments regarding the request. The development would be allowed direct access from Hwy 73. The type of development would determine whether or not a right turn deceleration lane would be required. Also, restriping will be necessary. A driveway permit would be required for this site. A 60' of right of way will need to be dedicated to the NCDOT from the centerline. A minimum driveway stem will be required dependent on the type of development.

Planning and Zoning Commission

Minutes

March 8, 2016

Mr. Collins said with these two comments they tried to be as general as possible, because we are not talking about a specific development, we are talking about a zoning district. So, any use allowed in that zoning district would be allowed if it was rezoned; these comments are kind of general.

The subject property is located within the bounds of the Northwest Small Area Plan (NWAP), which designates the subject property as medium density residential. This residential land use classification allows for densities of two to four units per acre.

The subject property is located in close proximity to the Poplar Center of the NC 73 Small Area Land Use & Economic Development Plan (NC 73 Plan). The goal of this area is to create a concentration of jobs and economic center within the region, and to develop a center with a sense of place and signature address and location through the composition of elegant buildings and tree-lined streets. Poplar Center requires a development pattern that is sustainable by design by maintaining a cohesive mixed-use, walkable environment with a concentration and balance of jobs, services and housing.

The subject property is located in a more specialized district known as Special District H. It is a Research & Development District and these district areas may have single-use, one-story, and flex-office buildings as well as mixed-use buildings up to 6 stories tall, as permitted in the Town Center. These optional Research & Development Districts are located in areas that do not hinder the necessary network of streets and can be buffered from adjacent development.

The Plan also specifies the area as being part of Special District 1 (SD1), which is also known as the Research & Development District, which is defined just like the Special District H. But it does go on to say that these districts should conform to the same streetscape standards as other districts.

Pedestrian movement and street character should be continuous and connected to adjacent districts and neighborhoods. Front facades of buildings visible from public roads and open space should be designed in a quality that matches the broader vision for the NC 73 corridor. Backs and/or sides of buildings, not visible from the public realm, may be of a more moderate quality and cost.

The intent is to allow for light industrial uses such as Flex Office and Research and Development (R&D), which are not permitted within the Central Business District. This zone allows for the mixture of uses and specialized product not otherwise allowed in the Central Business District.

The location of Special District 1 is on the north side of NC 73, west of Poplar Tent Road, on the south side of NC 73 southwest of the Central Business District, hidden from view.

The intensity of building heights may range from 1 to 6 stories. Any frontage that is visible from a principal road must have operable doors facing the street.

Planning and Zoning Commission

Minutes

March 8, 2016

Mixture of Uses; Flex Office, Office, Research and Development, Commercial, Residential, educational, lodging, civic uses are allowed.

Building Types Allowed are: office buildings with retail on the ground level – mixed-use, stand-alone office buildings, flex office buildings, mixed-use buildings which have retail and other commercial uses and/or residential uses above, hotel/lodging and civic buildings.

The proposed rezoning is not consistent with the intent of the Northwest Cabarrus Small Area Plan as the property is designated as medium density residential.

The proposed rezoning to General Commercial is consistent with the NC 73 Plan's envisioned type of use for the subject property. However, all of the uses permitted in the Cabarrus County GC zoning district may not be allowed on the subject property since the plan restricts uses and building types that may be developed in the NC 73 Plan Area and in the Research & Development District. The NC 73 Plan also restricts building materials in this specific area.

This is a conventional rezoning request, therefore all uses permitted in the GC zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all of the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.

Mr. Dagenhart said at the time they request water and sewer from Kannapolis will they be required to annex into Kannapolis?

Ms. Susie Morris, Planning and Zoning Manager, said if the applicant was to request water and sewer, that it typically the policy. It is the same as with Harrisburg and Concord; that if a project needs utilities they are required to annex first to receive the utilities and then they develop under that jurisdiction's zoning ordinance and development ordinances.

Mr. Dagenhart said if it is going to be Kannapolis, should Kannapolis not be the one at that time seeing this whenever they decide to move forward; as opposed to us tonight?

Ms. Morris said the applicant contends that they can make the project work using water and sewer. We had extensive conversations with the City of Kannapolis, and there were also several conversations back and forth with the Fire Marshal's office. Again, the type of construction is undetermined at this time. So, if it was determined that based on the type of construction, they would have to have a sprinkler system or whatever comes along with the fire code or the building code, then, they would more than likely have to annex into Kannapolis and then they would be falling under the UDO. They would also still be subject to the 73 Plan with the City of Kannapolis because they are a 73 COP Partner as well.

Mr. Dagenhart said if you look at their application, on the northern portion of the property they have distinguished what they want to do; they are proposing a self-storage.

Planning and Zoning Commission

Minutes

March 8, 2016

Ms. Morris said the applicant has requested a general zoning. So at this point, the Board would have to look at every use that would be available on that property.

Mr. Chris Norman, Applicant, 157 Lilac Mist Loop, Mooresville, NC addressed the Board. He introduced his wife Angela Norman and stated that a couple of the owners are also here tonight, Laura and her brother owners of the parcel; part of the Black family. He distributed a handout to the Board.

He said addressing the water comment, we have had conversations with Kannapolis, specifically on that. He said when we do require water and sewer that would be pursued.

The second part of the application talks about subdividing. The desire would be to subdivide the rear portion of the property, develop it under the Cabarrus County GC zoning, subdivide the front and annex the front into Kannapolis, to allow for other commercial development; such as mixed retail, things that are documented as part of the zone.

He believes that GC accomplishes that. When you look at some of the special uses within the districts; talking about flex use. The environmental conversation or comments he came back on the plan with the theoretical design that we could do with a self-storage. We could do an over-under walkout basement style, so that you are not having to grade and make it fully level to make it useable from other solid single storage type of use.

We believe from an impact perspective, it helps minimize the impact on the land itself because we are actually using the slope. This plan has 60 feet of slope from the west to the east, from the high side that we share with the Catholic School all the way down to the floodplain. So, you have a natural berm that you share with the Catholic School that you are going to end up being set off of and developing behind. Then going downhill towards the flood area, we would be able to put in a couple steps to make use of that natural slope and minimize the larger disruption that could come. Today it is already commercial OI. So, you could build a pretty significant building.

The impermeability surfaces are the same between the two zones. The setbacks are actually increased, so you are actually conserving more in the bigger picture with the GC zoning. You also have the widening of Highway 73 that is on the plan and has been obviously for a long time, but seems to be getting closer and closer.

He said a couple of other things to call out are to the north, and he does not think it showed in a lot of the zoning documentation. But, there is a registered DNER landfill to the north of it, currently, about five acres. The parcel to the north and east, the floodplain area, is really not developable at all. In his opinion, it will never really be developed.

To the west, the school is currently marketing an outparcel in partnership with one of the remaining households along Highway 73 for redevelopment into a C-2 jurisdiction (part of the documentation he handed out). So, they themselves are already trying to remarket some of their property on the road front.

Planning and Zoning Commission  
Minutes  
March 8, 2016

He said the owners have had this property since the 1940's, it has been in the family. They are struggling and have struggled to sell it since 2007, under the current setup and obviously marked their conditions playing to that. The neighboring lots to the east previously during that same time period 2007/2008 have marketed themselves as a bundle packaged deal for redevelopment. That kind of fell apart as the market declined.

We have spent some time with them recently discussing plans and land boundaries and the expressed some renewed interest in repackaging and trying to sell and move. Currently, there are eight lots there, three of them are resided in and the other five are vacant or abandoned, of those eight lots on that east side.

He said just some numbers from the county line, which is just to the west of Shiloh Church, at that intersection you have McDonald's and Fifth Third Bank. Basically, between this parcel and the county line, there are 106 acres already zoned as C-2, which is the equivalent of a County GC zoning. There is the 10 acre Harris Teeter intersection development, CVS and all of that kind of stuff. Of that road frontage, all the way to this parcel, only 300 feet of it is not currently a C-2 or General Commercial type of zoning and 200 feet of those 300 feet are currently being marketed in partnership by the school. That would leave only 100 feet of noncommercial property between the county line and this parcel.

Mr. Norman said the school has already purchased one of those lots off that other side street, there are about 9 lots left on that side. Then to the east, you go straight into the floodplain of the Rocky River, so there really is no more development to the east because of the floodplain until you go down basically half a mile down Highway 73 there is another ten acres currently being marketed as commercial, a quarter mile past that is another ten acres already zoned commercial. Then a quarter mile past that you run into the Odell School intersection area where there is 113 acres that are currently the cross between C-2 in Kannapolis, C-2 in Concord, LC in Cabarrus County.

He said that whole district or that whole stretch is well mixed with some commercial property, some higher density commercial as well as residential neighborhoods being filled in. It is a growth corridor between the two.

He said from a self-storage prospective, the desire to put it on the rear two-thirds of the property and then put a nice front facing retail development. He thinks it blends well with the intent of the zone, the intent of the plan and making it a good neighbor for everybody.

The Chair thinks Mr. Norman kind of described sort of what is envisioned for this area and you have sort of acknowledged the challenges of the site. The challenge for her with this general request is based on what those existing challenges are and contemplating a general zoning request that would open up pretty much a gamut of all of those allowed uses. When you are so implicit that you want to do office storage and this plan is so implicit to certain design standards with respect to elevations, access and doors that it seems more appropriate to be a conditional plan that implicitly shows compliance with what that plan envisions and where these buildings would be.

Planning and Zoning Commission

Minutes

March 8, 2016

Mr. Gary Knox, 17709 Spinakers Reach, Cornelius, NC, Commercial Real Estate Broker for the past thirty years. He is representing the Odell-Black Heirs, who have been working with him for an extended period of time, to find closure so to speak, with a quest which is to find a suitable use and more importantly a prudent buyer or transaction.

He understands following his remarks this evening, there will be someone from the Catholic Diocese who will have a message for you. Then you will close the public hearing subject to anyone else speaking. What he asks in the Boards consideration, is that while Mr. Norman is the purchaser, Mr. Knox represents the owners of record, which he believes would also be the co-applicant. We would ask for a thirty day deferral in lieu of a vote to deny if that is where the Board is. We would like the applicant, developer, purchaser to have that thirty day window to commit to come back and follow what the Board may be asking for. His election to get a site specific plan before you or not and then we will see where we are from a business perspective with Mr. Norman. But recognizing that a vote to deny, if Mr. Norman walks away, the owners of record still have that and could not come back for a rezoning for one year unless the staff or zoning administrator recommends there is a significant change; is that correct. He would rather not be in that Catch-22, he would rather at the end of the public hearing you reach some conclusion and it looks there is a consensus to deny he would ask for a deferral on behalf of the property owner for thirty days.

There being no comments in favor of the petition, the Chair asked if there were any opposition to the petition.

Mr. George Cobb, 1123 S. Church Street, Charlotte, NC presented to the Board a letter from Mr. Richard A. Lucey, Diocesan Attorney for Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte as well as the Diocese.

Mr. Cobb said he will not add anything to the letter from Mr. Lucy, but will answer any questions.

The Chair asked if there were questions.

The Chair has a question for staff. Based on the request to hold this open, if the Board were to oblige that request to keep it open and not take a vote as was requested; to get a gauge of whether we are opposed or against. It would be our request, based on the issues that were presented in this letter, as well as the concerns that have been expressed and the sellers request to do that, that we leave it open for them to come back with his plan and if that means she leaves the hearing open to allow that to be presented. She asked if that is the appropriate way to proceed.

Ms. Morris said with the property owners' representative asking for this to be held open another thirty days, the conditional use rezoning process if that is what we are talking about, that is a very different process. It requires a site plan, it requires that it be sent out to all of the different departments; that it be turned back around. That is not going to happen within thirty days. That would not be this same petition, it would be a different petition.

The other issue that comes along with this, which we have had conversations with the applicant and they are aware. Because we are a part of the 73 Council of Planning, this plan if it does go a

Planning and Zoning Commission

Minutes

March 8, 2016

conditional use route, that plan has to be sent out to that group also for comments. She does not believe this is something that staff could accomplish within thirty days. The request before the Board is for a straight rezoning, which is what you are considering. For that request to change to a conditional use, that is a completely different ballgame, because it is a shorter list of things, it's the plan and everything that comes along with it. She said it is a process and as representing staff in that process, we cannot have anything like that back to the Board within thirty days. The applicant would have to hire someone to do the plans. It has to be full on site plan review plus architectural plans; elevations.

The Chair said with that said and the duration needed to complete the review that you are describing of a plan that also needs to be prepared, then we leave it open for them to come back and determine do they want to proceed with the request to do a general rezoning?

Ms. Morris believes the applicant is actually Mr. Norman. She understands that we also have a property owner. She thinks it would probably be Mr. Norman's decision as to whether or not it gets held open or if he wants to go that route.

She said again, they are two very different processes. A conditional use rezoning in itself takes time because you have to have someone draw the plans, staff has to review the plans and it has to go out to the 73 Council. We send it out for at least ten days, to get comments back, and then their design team would have to have the opportunity to react to those comments as well.

The Chair said the limitation on a vote for them to then come back and file a rezoning, going to a conditional plan being a significant change, would it be the full twelve months or would that constitute them being able to come in prior to twelve months?

Ms. Morris said our Ordinance says if someone files a rezoning they cannot come back with the very same rezoning in twelve months. So, if we are considering GC this evening, and it gets turned down, they cannot come back with a general GC until after one year. If the plan is a substantial change and if it is somehow a more strict zoning designation, like a conditional use, where there is a much shorter list that would be considered a significant change and they would be allowed to proceed with that within that year time.

Mr. Price said obviously, we have a potential buyer of the property that is desiring that the property be rezoned to general commercial. But, we also have the owners of record and there representative; so we have this sort of triangle, where we have a person that is associated with the owners that is asking for the rezoning, but we have the owners that are asking for a delay of thirty days at least. He is kind of confused as to where we are here.

Mr. Richard Koch, County Attorney, addressed the Board stating that it is very common in these rezonings that come before the Board, to have someone who either has an option on the property, or some other sort of condition or contingent interest in the property, that is actually applying for the rezoning because their contract with the owner typically is conditioned upon there being a

Planning and Zoning Commission

Minutes

March 8, 2016

successful rezoning of the property and they want to know that that can be accomplished before they actually complete the sale.

He does not know that we have ever had this situation come up before, where we have an owner of the property who is requesting that it be continued for a period of time and we have an applicant who appears to want to press forward with the decision tonight. He thinks that we have taken the position in the past, that even though the owner may not necessarily sign the application for the rezoning, we take into account and try to be aware and satisfied that they in fact want a rezoning to take place.

Typically, the County does not see the contract between the parties. That is not part of the application, it is something between potential seller and potential buyer. But, where you have a situation where you have the actual record owner of the property appearing before you and asking that the matter be delayed for a period of time, despite the fact that they are not technically the applicant on this rezoning application, he thinks is something the Board has to take into account because your decision tonight will affect their rights with reference to their property. So, he thinks we have tried to avoid that situation by making sure that everybody who comes before the Board who has an interest in the property is on the same page with reference to the application.

Here tonight it appears that they are not, at least for the time being. If you were to not consider the request of the owner and proceed this evening, and deny the application then it does have that ramification of them being prevented from applying again for a year. Because that would apply to the owner, it would not just apply to this applicant, unless they came back with something substantially different.

Mr. Koch said this is a unique situation, and he cannot recall that it has occurred, at least not to where the matter got to this point before the Board, to where you had two parties with an interest in the property who are not supporting each other for a decision tonight.

Ms. Morris said the applicant has asked for five minutes to confer with the owner.

The Chair called for a five minute recess. After the recess the meeting reconvened.

Mr. Norman said part of the prior conversations and comments were under the assumption that a conditional use rezoning was not a substantial change; previous communications was indicating that. So, with what Ms. Morris was saying, about coming back with a conditional rezoning, even if it is GC conditional use, would be considered a substantial change. That is where the mixed signals are coming from because it was on one hand understanding that we should be able to come back that way, versus it is a one year delay for any rezoning application. So that is where you got some of the mixed comments.

He address the letter from the Mr. Richard A. Lucey, Diocesan Attorney for Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte as well as the Diocese. Because he received it the same time as the Board.

Planning and Zoning Commission

Minutes

March 8, 2016

Mr. Norman said we met with them last week and last week they were not as negative about it. He said in reference to their last bullet point, they themselves are C-2 with no conditions. They also purchased the land next to the Harris Teeter lot which is ten acres; the same size and is already built, obviously. But one comment that was made in our meeting with them, was that they think of things in decades; long term, things that are going outlast them.

So, even if that corner redevelops, even if our parcel develops, they themselves could also have other activities going on on their parcel. So, he would see the concern about all GC uses is valid obviously. He would just highlight that. They highlighted that similar concern; but they themselves operate under a general rezoning of C-2, which could and does. They are marketing; their signs says convenience store at their front driveway. He understands obviously the concerns, but at the same time they themselves enjoy the liberty of having their land unencumbered.

Mr. Norman thinks at this point they are comfortable with a straight vote, understanding that we can come back whenever plans are ready. To come back with a conditional conversation.

The Chair said Mr. Knox is the representative of the seller. She asked him if what has been presented in terms of that request is acceptable.

Mr. Knox does not know that it is necessary for him to address any of the points in the dioceses letter because we are not questioning that; but there is a business point or two. He said but being satisfied, that a subsequent application for rezoning, with some significant change beyond what you have here tonight is possible, plausible, by determination. Whatever that significant change is within a year, then if Mr. Norman would like for you to proceed with the decision tonight we will go with that.

Ms. Morris said to be sure that everyone is on the same page, we will read everything from the Ordinance so that it is on the record.

The Ordinance reads as follows:

*An application for an amendment that has been denied in whole or in part or has been approved for a more restrictive classification then requested shall not again be processed for consideration by the County for a one year period. The Commissioners after considering the advice of the Planning and Zoning Commission and finding substantial changes and conditions or circumstances bearing on the application may waive the one year period. This restriction shall not apply to any amendment or partition submitted by the Planning and Zoning Commission, Planning Staff, or the County Board of Commissioners.*

Ms. Morris said, essentially, again, a straight GC zoning designation would not work. If this were to be denied this evening they would have to come back with a conditional use rezoning or have to ask for a lesser zoning designation. Based on comments though, it sounds like the Board might be more comfortable with the conditional use option, so that the plans are there and everything is there and available for everybody to see as far as plans and compliance with the Land Use Plan

Planning and Zoning Commission  
Minutes  
March 8, 2016

and 73 Plan. But again, it has to be a substantial change, a shorter list, a conditional use where they are filing the plans. There has to be a substantial change.

The Chair asked Mr. Cobb if he had a rebuttal to Mr. Norman's remarks.

Mr. Cobb said it might be helpful to know is title, he is Director of Planning and Research for the Diocese. He was not aware of the C-2 zoning of the school, as staff will tell you. He said the reason you got the letter from the Attorney of the Diocese tonight, is because we asked for a delay of thirty days and we only got a two weeks notice. We asked for a delay of thirty days and the petitioner refused. We asked for resubmission for conditional, the petitioner refused.

The only question he will ask the Board is this, if we were a public school, would this even be debated right now? Or would you be asking for a conditional rezoning?

Madame Chair, what you are thinking out loud early today is precisely what the staff said. We are not going anywhere, we have sunk millions into the site, we have a major investment in the high school and we want to protect that investment; that is it.

Mr. Norman said they did not ask for a delay. We also have the property owner and Mr. Knox here and all of us were in that same meeting last week. As far as he knows, they did not make a request for us to withdraw our petition or refile. All they indicated was that they were concerned and thought they were entitled to buffer between mixed zones. We have two other witnesses here and he does not appreciate the accusations of that.

There being no further comments the Chair closed the Public Hearing.

The Chair said we heard a lot about this petition and their options to go forward. She asked if there was any discussion among the Board prior to taking a motion.

Mr. Aaron Ritchie thinks if this was a conditional use rezoning it would be a whole lot less harsh. We would know more. We do not have to know everything that is going in there, but the list would be shorter and the neighbors would be more in favor of this. He thinks if it were a conditional use rezoning, instead of a broad straight rezoning, this may have come out just a little different.

Mr. Richard Price agrees with Mr. Ritchie that the general commercial district has a lot of uses available. If we open the door, there is nothing to stop it from coming in there. These real estate transactions sometimes lose speed, the wheels come off and once it is zoned general commercial, it is zoned general commercial and the next person down the line may have different intentions than the petitioner and decide to put a machine shop in there instead of something more in the way of flex office and even the storage that has been casually mentioned as being a possibility on the rear of the property.

From his perspective, a straight rezoning to general commercial just leaves the door a little too far open for his comfort.

Planning and Zoning Commission  
Minutes  
March 8, 2016

APPROVED BY:



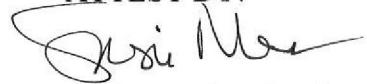
Mr. Richard Price, Vice Chair

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:



Susie Morris, Planning and Zoning Manager

**PLANNING STAFF REPORT**  
**CABARRUS COUNTY PLANNING AND ZONING COMMISSION**  
 02/09/2016

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

**Petition: RZON2016-00002 Rezoning**

Applicant Information:	Covenant Presbyterian Church 5835 Charlie Walker Road Kannapolis, NC 28081
Owner Information:	Covenant Presbyterian Church 5835 Charlie Walker Road Kannapolis, NC 28081
Existing Zoning:	LDR (Low Density Residential)
Proposed Zoning:	OI (Office Institutional)
Permitted Uses:	All uses allowed within the LDR district are currently permitted on the subject property. If the Planning and Zoning Commission were to approve this request, all uses permitted within the OI district would be allowed.
PIN#:	5603-49-2008, 5603-48-1902 and 5603-49-1214
Area in Acres:	+/- 2.95 ac
Site Description:	The site is currently occupied by a religious institution. A stream flows along the western boundary of the subject property to the south towards Irish Buffalo Creek. There is floodplain located along the creek and on the subject property.
Adjacent Land Use:	North: Residential East: Residential South: Residential West: Residential
Surrounding Zoning:	North: LDR (Low Density Residential) East: LDR (Low Density Residential) South: LDR (Low Density Residential) West: LDR (Low Density Residential)
Utility Service Provider:	City of Kannapolis is the utility provider for the site.

## Exhibits

- Exhibit A: Staff Report
- Exhibit B: Application
- Exhibit C: Maps
- Exhibit D: Non-Conformities Calculations
- Exhibit E: Letter to Adjacent Property Owners
- Exhibit F: Property Photos
- Exhibit G: List of permitted uses – LDR
- Exhibit H: List of permitted uses – OI

## Intent of Zoning Districts

### **EXISTING DISTRICT: LOW DENSITY RESIDENTIAL DISTRICT**

This district is intended to permit development with a low density residential community character. This district allows conventional, open space and amenity subdivisions. This district is located where public utilities are available or are envisioned available within the next two to five years.

#### **RATIONALE**

This district is designed to provide permanent protection for those who want to live in a low density residential environment. The district, while focused on single-family residential development, is designed to allow a wide variety of residential types.

### **PROPOSED DISTRICT: OFFICE/INSTITUTIONAL**

This district is intended 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.

#### **RATIONALE**

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

## Agency Review Comments

### **Soil-Water Conservation Review: Comments**

*If office buildings are constructed on this property in the future, slope and floodplain should be considered in regards to building placement. An adequate stream buffer should be allowed for the stream running along the western edge of the property, which will help mitigate the runoff that will occur from subsequent grading.*

### **NCDOT Review: No Comments**

### **Schools Review: No Comments**

*We are not opposed to granting the rezoning request for RZON2016-00002 from LDR to OI.*

### **Planning Review: No Comments**

### **Fire Review: No Comments**

*No fire code related issue for rezoning request.*

### **EMS Review: No Comments**

### **Sheriff Review: No Comments**

## Land Use Plan Analysis

The subject property is located within the boundaries of the Northwest Area Future Land Use Plan and is designated as medium density residential uses. The medium density district land use classification allows two to four units per acre.

## Conclusions

The proposed rezoning is not consistent with the Northwest Area Future Land Use Plan. However, the site currently supports an existing non-conforming church complex that was constructed in 1941 and 1950. The property currently has a residential zoning designation.

Religious Institutions of 351 seats or more are permitted as a Conditional Use in the LDR Zoning and the OI zoning districts and Religious Institutions of 351 seats or less are permitted based on standards in the LDR and OI zoning districts.

The proposed zoning change to OI supports the continued use of the property as a religious institution and allows the existing site use and structures to better comply with the ordinance as far as dimensional, impervious and structural coverage requirements.

Impervious Area:

- The amount of impervious coverage on the two developed parcels (church and parking lot/accessory buildings and parking lot) currently exceed the 20% maximum that is allowed for the LDR zoning district (see Exhibit D).
- The OI zoning district allows up to 75% impervious surface.

Setbacks:

- Religious Institutions are allowed in the LDR and OI zoning districts based on their ability to meet prescribed supplemental standards found in Section 7-3.41 of the Cabarrus County Zoning Ordinance (see Exhibit D).
- This setback doubling standard does not apply to religious institutions located on properties zoned OI.

If the rezoning to OI is approved, the applicant understands that all three parcels will need to be combined to create one large tract of land to comply with the OI zoning district development standards listed in Section 5-8, Nonresidential Development Standards.

This is a conventional rezoning request, therefore all uses permitted in the OI zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all of the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.

# CABARRUS COUNTY REZONING APPLICATION



Planning  
Commission  
Public  
Notice Form

## 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	<u>5755, 5809 &amp; 5835 Charlie Walker Road</u>	
PIN(s) (10 digit #)	<u>5603--48--1902</u>	<u>5603—49- 2008 &amp; 5603-49-1214</u>
Deed Reference	<u>Book 957 &amp; 7 8 8</u>	<u>Page 314 &amp; 332</u>
Township #	<u>4</u>	

**Description of Subject Property**

Size (square feet or acres)	<u>2.95 acres</u>
Street Frontage (feet)	<u>308</u>
Current Land Use of Property	<u>Religious Institution</u>
Surrounding Land Use	<u>North Residential</u>
	<u>South Residential</u>
	<u>East Residential</u>
	<u>West Residential</u>

**Request**

Change Zoning:      **FROM**    LDR      **To** OI

Purpose for Request:

The purpose for the shelter is for worship and to influence those in the community without a church home. Covenant Presbyterian Church is the only church in the community, since we have not been able to persuade more of those not associated with a church to come inside. we now look to show them what can be accomplish outside the doors of the church. The following are just some of the programs we intend to use the shelter for. Sunrise/Easter Services. Cookouts. Fund Raiser. Morning Worship Services, Out Door Funeral if requested, Teen Nights, and any other services that conform to the church polices.

**Utility Service**

Water Supply	Well or	Service Provider:	Kannapolis City Water
Wastewater Treatment	Septic Tank(s) or <input checked="" type="checkbox"/>	Service Provider:	<u>Kannapolis City</u>

### 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

Covenant Presbyterian Church

Address

5835 Charlie Walker Rd

Phone

704-932-7522

Fax

704-932-7522

Signature

Rev. Blaetzel, Pastor

E-mail Address

WWW.COVENANTPRESBYTERIAN-ICANNAPOOLIS.ORG

Agent (if any)

N/A

Address

Phone

Fax

Signature

E-mail Address

Applicant (if any)

N/A

Address

Phone

Fax

Signature

E-mail Address

### **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

Covenant Presbyterian Church

Address

5835 Charlie Walker Rd Kannapolis, NC

Phone

704-932-7522

Fax

704-932-7522

Signature

Johnny R Johnson

E-mail Address

www.covenantpresbyterian-kannapolis.org

Agent (if any)

N/A

Address

\_\_\_\_\_

Phone

\_\_\_\_\_

Fax

\_\_\_\_\_

Signature

\_\_\_\_\_

E-mail Address

\_\_\_\_\_

Applicant (if any)

N/A

Address

\_\_\_\_\_

Phone

\_\_\_\_\_

Fax

\_\_\_\_\_

Signature

\_\_\_\_\_

E-mail Address

\_\_\_\_\_



portsaintlucie.co

LAFIVE'S CONSTRUCTION COMPANY



*Presbytery of Charlotte*  
2831 N. Sharon Amity Road, Suite A  
Charlotte, NC 28205-6605  
704-535-9999 Fax: 704-537-3476  
[www.presbyofcharlotte.org](http://www.presbyofcharlotte.org)

February 26, 2016

Rev. Herbert Hill  
Covenant Presbyterian Church  
5835 Charlie Walker Road  
Kannapolis, NC 28081

RE: Rezoning Request

Dear Rev. Hill,

As we discussed, It is my understanding that Cabarrus County Officials are asking for a clarification on the relationship between Covenant Presbyterian Church and the Presbytery of Charlotte as it relates to church property.

The Constitution of the Presbyterian Church (U.S.A.), Book of Order gives to the local church governing body the powers to receive, hold, encumber, manage and transfer property, real or personal for the congregation. It further states that properties of the Presbyterian Church and its councils and entities, and of its congregations, are a tool for the accomplishment of the mission of Jesus Christ in the world. Properties are therefore, held in trust for the use and benefit of the Presbyterian Church (U.S.A.) with the qualification that if the property should be used in a manner contrary to the Book of Order, the property shall be held, used, applied, transferred, or sold as provided by the Presbytery.

The Book of Order also requires that congregations wishing to sell, mortgage or otherwise encumber any of its real property or acquire property with an encumbrance must obtain the permission of Presbytery. There are also limitations on the leasing of church owned property without Presbytery approval.

A rezoning of church property to continue the current or proposed mission of Covenant Presbyterian Church does not require the approval of Presbytery as long as the previously stated conditions of the Book of Order are satisfied.

Please contact me if there are questions.

Very Truly Yours,  
Presbytery of Charlotte, Council Administrative Subcommittee

Jesse G. Hite, Jr.  
Moderator

Presbytery of Charlotte, Council Administrative Subcommittee

Jesse G. Hite

Moderator

Mecklenburg County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Jesse G. Hite, Jr., as Moderator of Presbytery of Charlotte, Council Administrative Subcommittee.

Date: February 26, 2016



Janet D. Gaddis

Janet D. Gaddis, Notary Public

My commission expires: June 5, 2016



**Covenant Presbyterian Church (USA)**

**5835 Charlie Walker Road**

**Kannapolis, North Carolina 28081**

**Reverend Herbert Hill Sr., Pastor**

Dear Sir:

The Session of Covenant Presbyterian Church which is the governing body of the church voted on January 5, 2016 to pay the fee and move forward with the rezoning process. The individual (Co-Chairperson of the Board of Trustees) who came to your office on February 22, 2016 was not authorized to remove the item from the agenda.

I telephoned the Presbytery of Charlotte on February 22, 2016 and spoke with Tamara Williams, Stated Clerk of the Charlotte Presbytery (980) 207-5212, who referred me to Jesse Hite at First Presbyterian Church (704) 332-5123, the chairperson of the Presbytery Committee of Property and Finance. He stated that the church did not need approval from the Presbytery to rezone the property, because it is being used for the mission of the church.

As Moderator of the Session, I request the rezoning item be left on the agenda for the March 8<sup>th</sup> meeting. If you have any further questions please telephone me at 704-519-6898. I hope this clears up the misunderstanding and we are able to move forward with the process. Thank you for your assistance and understanding.

Yours in Christ,

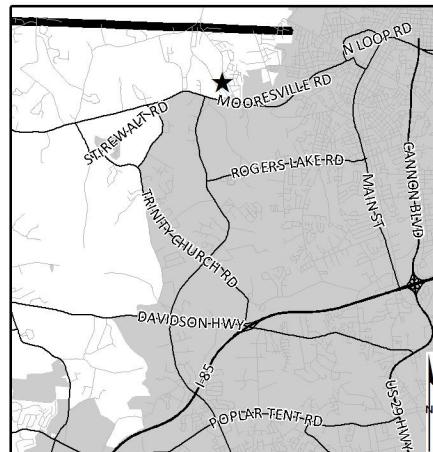
Rev. Herbert Hill Sr.  
Pastor and Moderator of the Session  
Covenant Presbyterian Church.

## Zoning Map

### Exhibit C

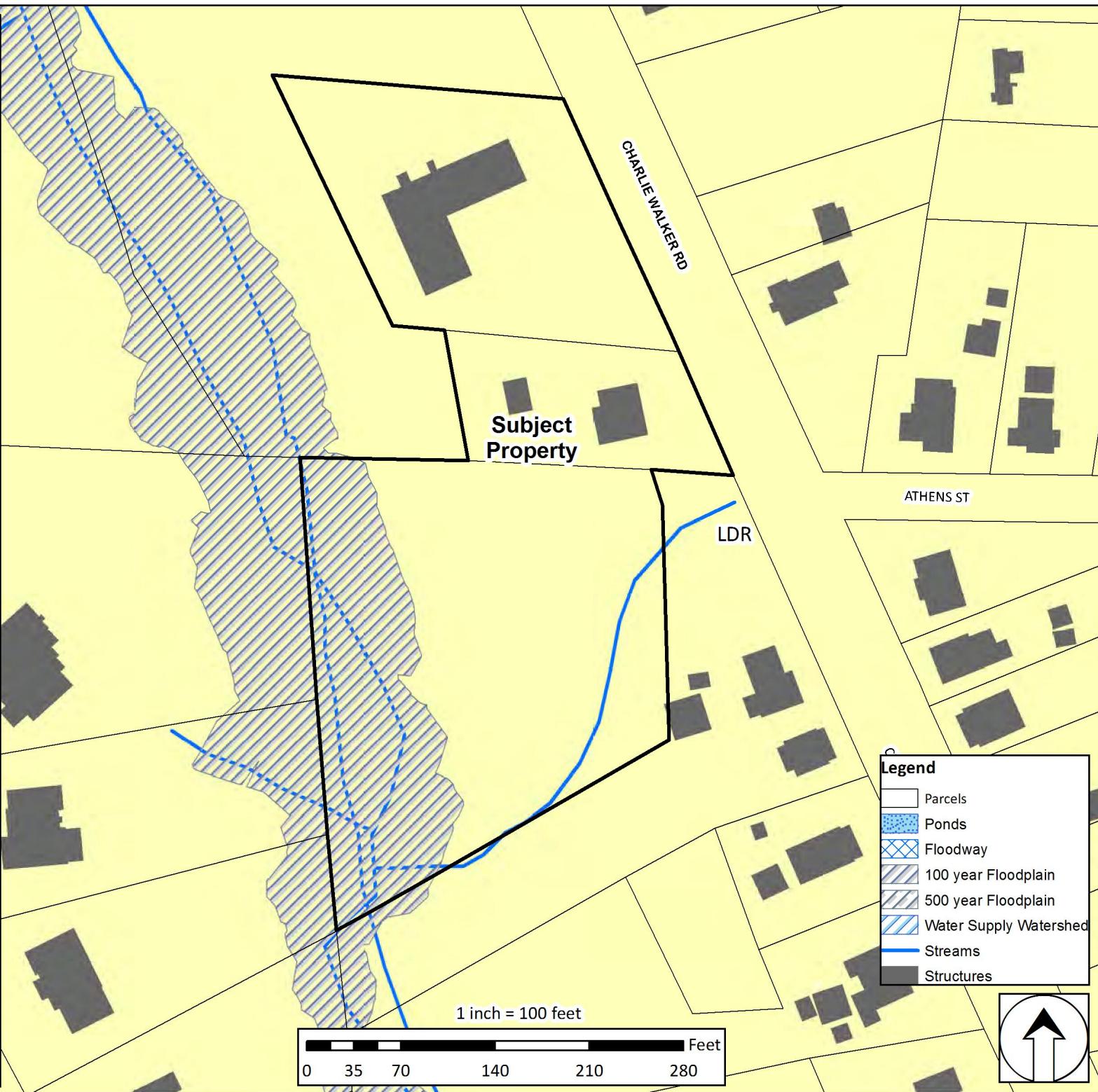


Applicant/Owner: Covenant  
Presbyterian Church  
Case: RZON2016-00002  
Address: 5809 Charlle Walker Road  
Purpose: Rezoning from LDR to OI  
PINs: 5603-48-1902, 5603-49-2008 &  
5603-49-1214



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 February, 2016



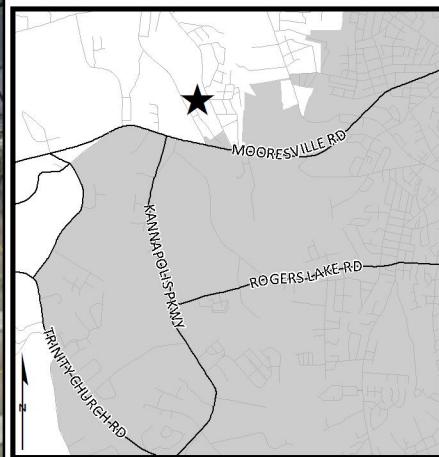
## Aerial Map

### Exhibit C



Applicant/Owner: Covenant  
Presbyterian Church  
Case: RZON2016-00002  
Address: 5809 Charlle Walker Road  
Purpose: Rezoning from LDR to OI  
PINs: 5603-48-1902, 5603-49-2008 &  
5603-49-1214

Legend:  
Parcels (white)  
Cabarrus County (yellow)  
City Limits (yellow dashed)



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.

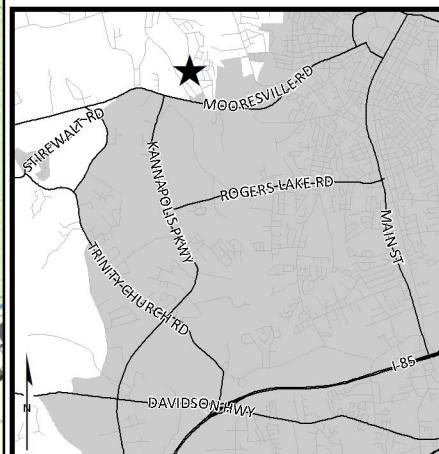
Map Prepared by Cabarrus County Planning & Development February, 2016



## Future Land Use Map Exhibit C

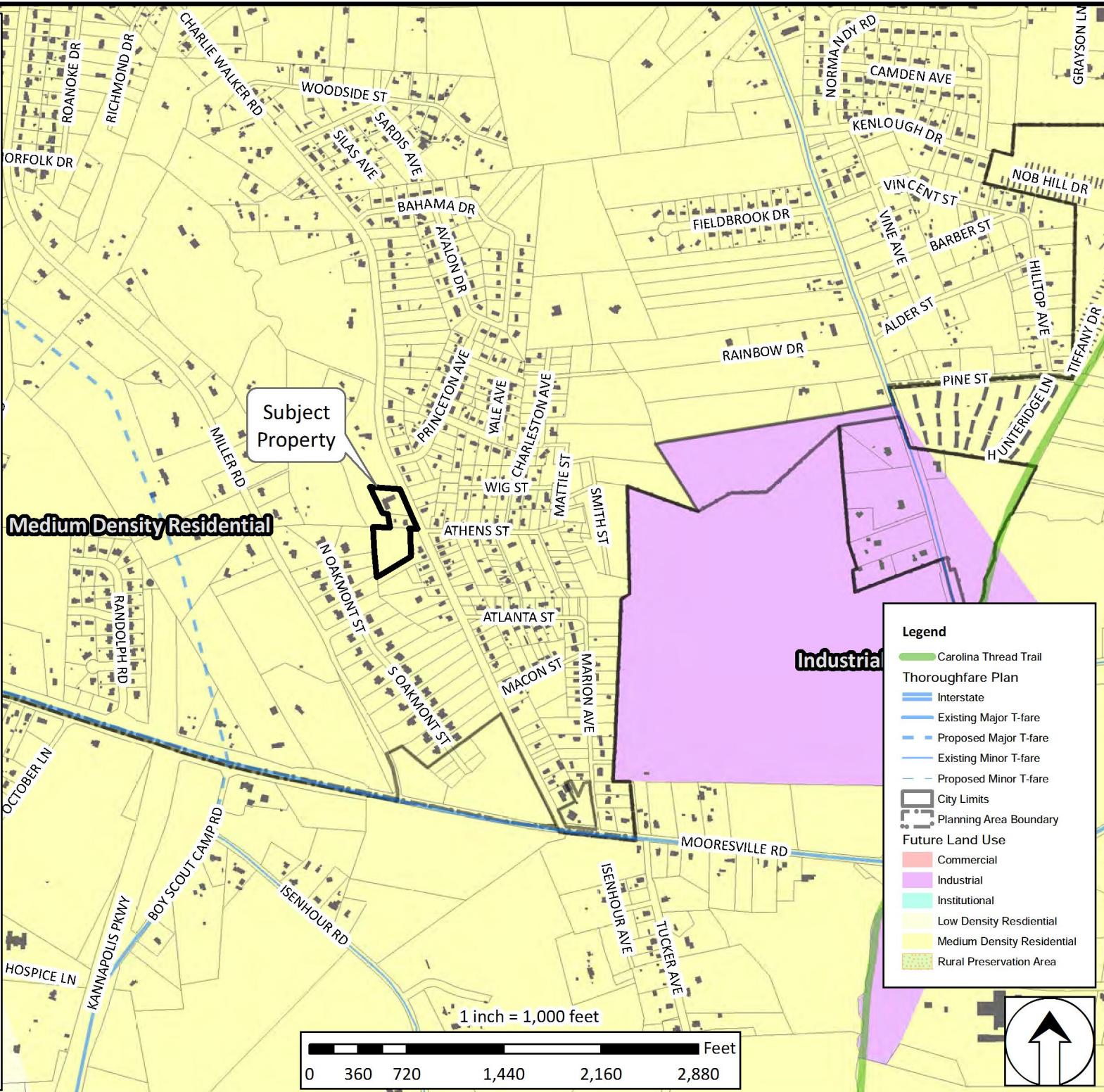


Applicant/Owner: Covenant  
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Case: RZON2016-00002  
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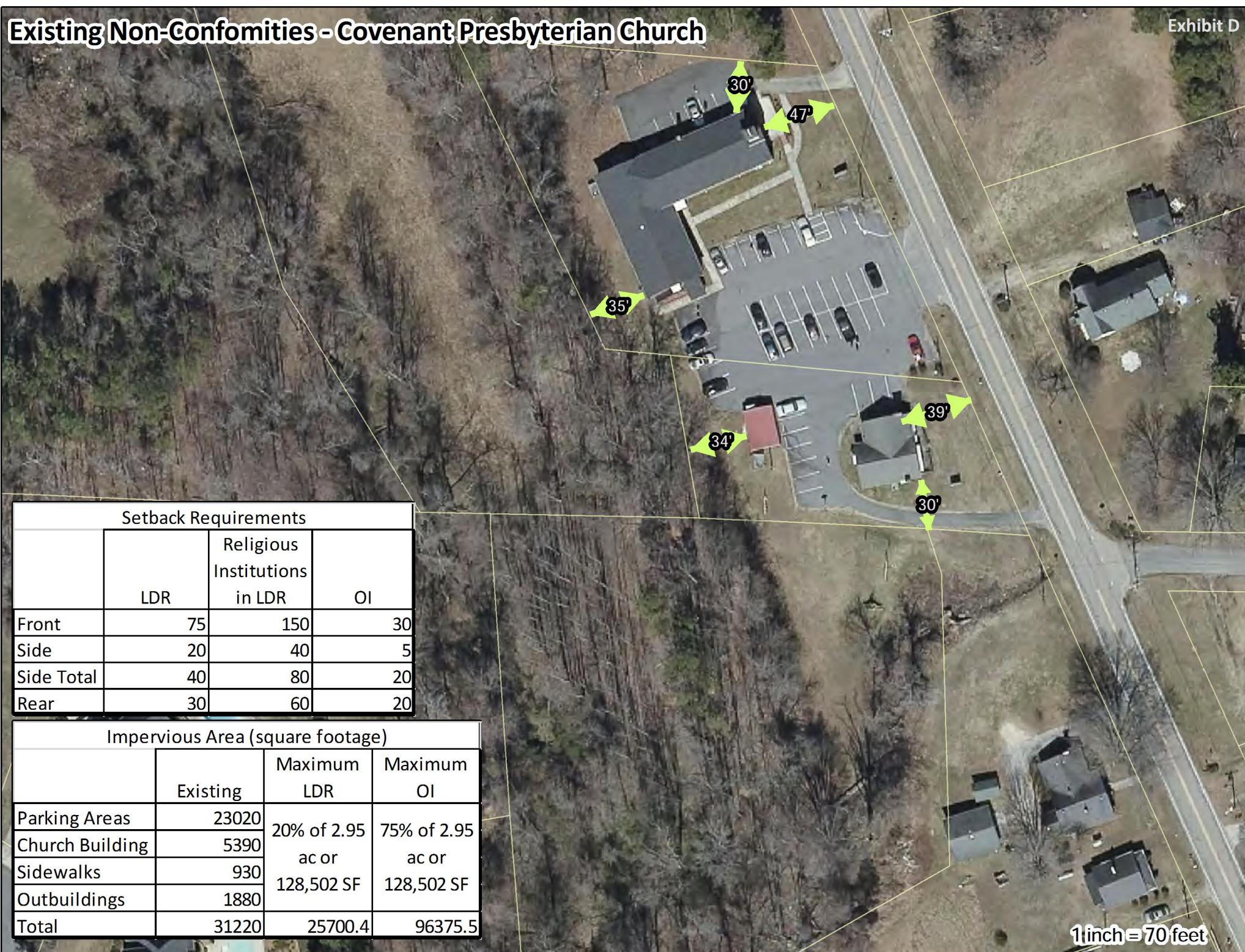
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Map Prepared by Cabarrus County Planning & Development February, 2016



# Existing Non-Conformities - Covenant Presbyterian Church

Exhibit D





**Cabarrus County Government – Planning and Development Department**

---

February 22, 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, March 8, 2016 at 7:00 PM in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning, I encourage you to attend this meeting.

Petitioner	Covenant Presbyterian Church
Petition Number	RZON2016-00002
Property Location	5809, 5835 & 5755 Charlie Walker Road
Parcel ID Numbers	5603-48-1902, 5603-49-2008 & 5603-49-1214
Existing Zoning	Low Density Residential (LDR)
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

---

February 22, 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, March 8, 2016 at 7:00 PM in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning request, I encourage you to attend this meeting.

<b>Petitioner</b>	<b>Covenant Presbyterian Church</b>
<b>Petition Number</b>	<b>RZON2016-00002</b>
<b>Property Location</b>	<b>5809, 5835 &amp; 5755 Charlie Walker Road</b>
<b>Parcel ID Numbers</b>	<b>5603-48-1902, 5603-49-2008 &amp; 5603-49-1214</b>
<b>Existing Zoning</b>	<b>Low Density Residential (LDR)</b>
<b>Proposed Zoning Map Change</b>	<b>Office/Institutional (OI)</b>

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

Subject Properties							
PIN14	AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
56034920080000	COVENANT PRESBYTERIAN CHURCH		5835 CHARLIE WALKER RD		KANNAPOLIS	NC	28081
56034912140000	COVENANT PRESBYTERIAN CHURCH		5835 CHARLIE WALKER RD		KANNAPOLIS	NC	28081
56034819020000	COVENANT PRESBYTERIAN CHURCH		5835 CHARLIE WALKER RD		KANNAPOLIS	NC	28081

Adjoining Properties							
PIN14	AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
56033887760000	GIBSON DONNA	GIBSON CHARLES HSB	5710 N OAKMONT ST		KANNAPOLIS	NC	28081
56034849760000	WITHERS PATRICE N		5734 CHARLIE WALKER RD		KANNAPOLIS	NC	28081
56034924500000	STEELE VINCENT LEE &		CYNTHIA SHERRILL STEELE	5826 CHARLIE WALKER RD	KANNAPOLIS	NC	28081
56033895360000	HANSEN CHAD E	HANSEN JAMIE C WF	5680 N OAKMONT ST		KANNAPOLIS	NC	28081
56033886860000	ROWE RICHARD J	ROWE CHRISTINA C/WIFE	5700 NORTH OAKMONT STREET		KANNAPOLIS	NC	28081
56034931820000	COVENANT PRESBYTERIAN CHURCH		5835 CHARLIE WALKER RD		KANNAPOLIS	NC	28081
56034933400000	COVENANT PRESBYTERIAN CHURCH		5835 CHARLIE WALKER RD		KANNAPOLIS	NC	28081
56034932630000	COVENANT PRESBYTERIAN CHURCH		5835 CHARLIE WALKER RD		KANNAPOLIS	NC	28081
56034827150000	CANNON CORINE LF EST		C/O JOHN WESLEY CANNON	2333 CARVED TREE LN	CHARLOTTE	NC	28262
56033889310000	FURR JEREMY D	FURR TABITHA MORGAN WF	5750 N OAKMONT DR		KANNAPOLIS	NC	28081
56033995250000	GRiffin TIMOTHY CHARLES	GRiffin LAURA C	5913 CHARLIE WALKER		KANNAPOLIS	NC	28081

**Photos of Covenant Presbyterian Church**



Figure 1. View from the north (looking south)



Figure 2. View from the east (looking west)



Figure 3. View from the south (looking north)



Figure 4. View from the west (looking east)



Figure 5. Street View (from Charlie Walker Road)



Figure 6. Street View (from Charlie Walker Road)

Cabarrus County Zoning Ordinance  
Chapter 3-Establishment of Zones

**CR Conditional (C) Uses Continued**

Religious Institution with Total Seating Capacity 351 or More	Shooting Range with Outdoor Target Practice	Wireless Telecommunications Services
Religious Institution with School	Slaughter House, Meat Packing	
Rest Home, Convalescent Home with More Than 10 Beds	Sports and Recreation Instruction or Camp Veterinarian	

**LOW DENSITY RESIDENTIAL DISTRICT**

This district is intended to permit development with a low density residential community character. This district allows conventional, open space and amenity subdivisions. This district is located where public utilities are available or are envisioned available within the next two to five years.

**RATIONALE**

This district is designed to provide permanent protection for those who want to live in a low density residential environment. The district, while focused on single-family residential development, is designed to allow a wide variety of residential types.

**LOW DENSITY RESIDENTIAL USES**

**LDR Permitted (P) Uses**

Agriculture Excluding Livestock	Manufactured Home, In Manufactured Home Overlay District Only- See Chapter 4	Single Family Detached Residential
Agritourism, Accessory to Agriculture	Nursery, Greenhouse	Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less
Family Care Home	Semi-Attached House	
Group Care Facility		

**LDR Permitted Based on Standards (PBS) Uses**

Accessory Dwelling Unit	Country Club with Golf Course	Mobile Personal Storage Unit, Renovation, Temporary Use
Accessory Building	Dumpsters, Commercial Waste Containers, Temporary Use	Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use
Agriculture-Female Chickens, Limited Number, Less than 5 Acres	Ethanol Fuel Production, Residential District, Private Use Only, Accessory Use	Nursery, Daycare Center
Agriculture, Including Livestock	FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use	Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business
Auction, Estate or Asset Liquidation, Temporary Use	For Profit Temporary Sign, Temporary Use	Public Cultural Facility
Auction, Livestock, Temporary Use	Gas station	Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use
Automated Teller Machine, as Accessory	Golf Course, Public or Private	Real Estate Office in Construction Trailer or Modular Unit, Residential Projects, Temporary Use
Bank, Financial Institution, Automated Teller Machine	Home Occupation, General	Real Estate Office in Model Home, Temporary Use
Barn, Greenhouse as Primary Structure	Home Occupation, Rural	Recreational Trail, Greenway, or Blueway Connector
Bed and Breakfast	Ice Production, Dispensing, Accessory to Convenience Store	Religious Institution with Total Seating Capacity 350 or Less
Cemetery	Ice Production, Dispensing, Accessory to Gas Stations	Rest Home, Convalescent Home with 10 Beds or Less
Civic Organization Facility	Itinerant Merchant, Temporary Use	
Community Garden, Accessory Use	Landfill, Demolition-Less Than One Acre	
Contractor Office, Construction Equipment Storage, Temporary Use		
Convenience Store with Petroleum Sales		
Convenience Store without Petroleum Sales		

### **LDR Permitted Based on Standards (PBS) Uses**

Restaurant, Excluding Drive-Thru	Temporary Construction Sign, Temporary Use	Trail Head, Accessory Use
Scientific Research and Development, Accessory to Agriculture	Temporary Dwelling for Large Construction Projects, Temporary Use	Trail Head, Primary Use
Stables, Commercial	Temporary Residence in Mobile Home During	Wind Energy Facility, Accessory Use, On Site Use Only
Swim Club, Tennis Club, Country Club	Construction of New Home on Same Site, Temporary Use	Wireless Telecommunications Services, Co-location
Temporary Agricultural Sign, Seasonal Sales on Site, Temporary Use		

### **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	Rest Home, Convalescent Home	
Public Use Facility		

### **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**

This district is designed to provide permanent protection for those who want to live in a moderately high density residential environment. The district is designed to provide the principal location for a wide variety of residential types.

**Cabarrus County Zoning Ordinance**  
**Chapter 3-Establishment of Zoning Districts**

**OFFICE/INSTITUTIONAL DISTRICT:**

**OFFICE/INSTITUTIONAL**

This district is intended 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.

**RATIONALE**

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

**OFFICE/INSTITUTIONAL USES**

**OI Permitted (P) Uses**

Banquet Hall	Group Care Facility	Printing and Reprographic Facility
Barber, Beauty, Tanning, Nail or Skin Care Salon	Hospital, Ambulatory Surgical Care Facility	Public Cultural Facility
Civic Organization Facility	Office, Professional Less Than 30,000 Square Feet	Public Use Facility
College, University	Parking Lot, Parking Garage, Commercial or Private	Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less
Farmer's Market		
Funeral Home		

**OI Permitted Based on Standards (PBS) Uses**

Accessory Building	Automated Teller Machine as Accessory	Catering Service
Auction, Estate or Asset Liquidation, Temporary Use	Bank, Financial Institution, Automated Teller Machine	Community Garden, Accessory Use

### **OI Permitted based on Standards (PBS) Uses Continued**

Contractor Office, Construction Equipment Storage, Temporary Use	Nursery, Daycare Center  Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business	Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins, Temporary Use
Country Club with Golf Course	Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use	Scientific Research and Development
Dumpsters, Commercial Waste Containers, Temporary Use	Recreational Facility, Indoor	Swim Club, Tennis Club, Country Club
Duplex, Commercial Use, Individual Lots	Recreational Trail, Greenway, or Blueway Connector	Temporary Amusement Enterprise, Temporary Use
Event, Tent or Temporary Structure, Temporary Use	Recyclable Materials Drop Off	Temporary Construction Sign, Temporary Use
FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use	Religious Institution with Total Seating Capacity of 350 or Less	Temporary Dwelling for Large Construction Projects, Temporary Use
For Profit Temporary Sign, Temporary Use	Rest Home, Convalescent Home with 10 Beds or Less	Trail Head, Accessory Use
Golf Course, Public or Private		Trail Head, Primary Use Site
Mobile Personal Storage Unit, Renovation, Temporary Use		Wireless Telecommunications Services, Co-location
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use		

### **OI Conditional (C) Uses**

Communications Tower, 911 Communications Tower	Recreational Facility, Outdoor	Rest Home, Convalescent Home with More Than 10 Beds
Convention Center Facility	Religious Institution with Total Seating Capacity of 351 or More	Trade and Vocational Schools
Elementary, Middle and High Schools	Religious Institution with School	Wireless Telecommunication Services
Public Service Facility		

**PLANNING STAFF REPORT**  
**CABARRUS COUNTY PLANNING AND ZONING COMMISSION**  
02/26/2016

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

**Petition: RZON2016-00003 Rezoning**

Applicant Information:	Chris Norman PO Box 2379 Davidson, NC 28036
Owner Information:	Black Odell Heir C/o Laura A Black-White 4030 Double Creek Crossing Drive, 113 Charlotte, NC 28269
Existing Zoning:	OI (Office Institutional)
Proposed Zoning:	GC (General Commercial)
Permitted Uses:	All uses allowed within the OI zoning district are currently permitted on the subject property.
PIN#:	4672-60-3752
Area in Acres:	+/- 10.1 ac
Site Description:	The site is currently vacant. A stream flows from the center of the property to the east towards Rocky River. There are wetlands and some floodplain located on the north eastern corner of the subject property.
Adjacent Land Use:	North: Vacant East: Residential/Vacant South: Residential West: Institutional (Catholic School Campus)
Surrounding Zoning:	North: OI (Office Institutional) East: CR (Countryside Residential) South: LDR (Low Density Residential) West: C-2 (Kannapolis General Commercial)
Utility Service Provider:	City of Kannapolis is the utility provider. Applicant contends that property can be developed using water and sewer and that utilities are not needed at this time.

## Exhibits

Exhibit A: Staff Report  
Exhibit B: Application  
Exhibit C: Maps  
Exhibit D: Photos  
Exhibit E: NC Highway 73 Corridor Plan  
Exhibit F: Letters to Property Owners  
Exhibit G: List of permitted OI Uses  
Exhibit H: List of permitted GC Uses

## Intent of Zoning Districts

### **EXISTING DISTRICT: OFFICE/INSTITUTIONAL**

This district is intended 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.

#### Rationale

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

### **PROPOSED DISTRICT: 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.

### Agency Review Comments

#### Planning Review: No Comments

#### Fire Review: No Comments

*Steven Langer-Fire Marshal – No fire code related issue pertaining to the rezoning request from OI to GC*

#### Soil-Water Conservation Review: Comments

*Erin Lineberger-Soil & Water Conservation – This property is not ideal for future commercial development. It is heavily sloped and the soils are shrink-swell, making construction expensive and difficult (see attached soils map). Extensive grading and fill would likely be required, which should be minimized in the Upper Rocky River watershed due to its impaired 303(d) listing under the Clean Water Act.*

#### EMS Review: No Comments

*Jimmy Lentz-EMS – This request will not have an impact on EMS services.*

#### Sheriff Review: No Comments

#### Schools Review: No Comments

*Robert Kluttz-Cabarrus County Schools - Since the request does not impact our schools by adding lots to the subdivision inventory, Cabarrus County Schools is not opposed to granting the rezoning request for RZON2016-00003 from OI to GC.*

#### NCDOT Review:

Michael Mariano-NCDOT – NCDOT has the following comments regarding the Davidson Highway Rezoning request:

- The development will be allowed direct access from Hwy 73. Depending on the type of development will determine whether or not a right turn deceleration lane will be required. Also, restriping will necessary.
- A D/W permit will be required for this site.
- 60' of right of way will need to be dedicated to the NCDOT from the centerline.
- A minimum driveway stem will be required dependent on the type of development.

## Land Use Plan Analysis

### **Cabarrus County Northwest Area Plan:**

The subject property is located within the bounds of the Northwest Small Area Plan (NWAP), which designates the subject property as medium density residential. This residential land use classification allows for densities of two to four units per acre.

### **NC 73 Small Area Land Use & Economic Development Plan:**

The subject property is located in close proximity to the Poplar Center of the NC 73 Small Area Land Use & Economic Development Plan (NC 73 Plan). The goal of this area is to create a concentration of jobs and economic center within the region, and to develop a center with a sense of place and signature address and location through the composition of elegant buildings and tree-lined streets. Poplar Center requires a development pattern that is sustainable by design by maintaining a cohesive mixed-use, walkable environment with a concentration and balance of jobs, services and housing.

The subject property is located in Special District H

- Research & Development District areas may have single-use, one-story, and flex-office buildings as well as mixed-use buildings up to 6 stories tall, as permitted in the Town Center. These optional Research & Development Districts are located in areas that do not hinder the necessary network of streets and can be buffered from adjacent development.

The subject property is located in Special District 1 (SD1) - Research & Development District

Research & Development District areas may have single-use, one-story, and flex-office buildings as well as mixed-use buildings up to 6 stories tall, as permitted in the Town Center. These optional Research & Development Districts are located in areas that do not hinder the necessary network of streets and can be buffered from adjacent development. However, these districts, too, should conform to the same streetscape standards as other districts. Pedestrian movement and street character should be continuous and connected to adjacent districts and neighborhoods.

Front facades of buildings visible from public roads and open space should be designed in a quality that matches the broader vision for the NC 73 corridor. Backs and/or sides of buildings, not visible from the public realm, may be of a more moderate quality and cost.

- Intent: To allow for light industrial uses such as Flex Office and Research and Development (R&D), which are not permitted within the Central Business District. This zone allows for the mixture of uses and specialized product not otherwise allowed in the Central Business District.

- Location: Special District 1 is located on the north side of NC 73 west of Poplar Tent Road, on the south side of NC 73 southwest of the Central Business District, hidden from view.
- Intensity: Building heights may range from 1 to 6 stories.
- Frontage Requirements: Any frontage that is visible from a principal road must have operable doors facing the street.
- Mixture of Uses:  
Flex Office, Office, Research and Development, Commercial, Residential, educational, lodging, civic uses are allowed.
- Building Types Allowed:
  - Office Buildings with retail on the ground level – Mixed-use
  - Stand-alone office buildings
  - Flex Office buildings
  - Mixed-use buildings which have retail and other commercial uses and/or residential uses above
  - Hotel/lodging
  - Civic buildings

## Conclusions

The proposed rezoning is not consistent with the intent of the Northwest Cabarrus Small Area Plan as the property is designated as medium density residential.

The proposed rezoning to General Commercial (GC) is consistent with the NC 73 Plan's envisioned type of use for the subject property. However, all of the uses permitted in the Cabarrus County GC zoning district may not be allowed on the subject property since the plan restricts uses and building types that may be developed in the NC 73 Plan Area and in the Research & Development District. The NC 73 Plan also restricts building materials in this specific area.

This is a conventional rezoning request, therefore all uses permitted in the GC zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all of the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.

# CABARRUS COUNTY REZONING APPLICATION



STAFF USE ONLY

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. *May 1, 2015 - Phil Collins*
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. *618*  
 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 10744 Davidson Hwy, Huntersville, NC  
PIN(s) (10 digit #) 4672 -- 60 -- 3752 ; \_\_\_\_\_ -- \_\_\_\_\_  
Deed Reference Book 165 Page 422  
Township # 3, Odell

### **Description of Subject Property**

Size (square feet or acres) 10.1 acres  
Street Frontage (feet) 465 ft. on Davidson Hwy  
Current Land Use of Property OI - Office / Institutional  
Surrounding Land Use North OI - Vacant  
South LDR  
East OI - Vacant, CR  
West Kannapolis C-2 (Equivalent to Cabarrus GC)

### **Request**

Change Zoning From OI To GC - General Commercial

Purpose for Request  
To allow for the development of self-storage primarily on the northern half of the property with minimal roadfrontage for an office and parking.  
Our secondary purpose is to subdivide the remaining road frontage land to allow for other commercial development.

### **Utility Service**

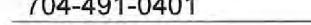
Water Supply X Well or        Service Provider \_\_\_\_\_  
Wastewater Treatment X Septic Tank(s) or        Service Provider \_\_\_\_\_

**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	Black Odell Heir, c/o Laura Black-White
Address	4030 Double Creek Crossing Dr, #113, Charlotte, NC 2826
Phone	704-596-6660
Fax	
Signature	 2/5/16
E-mail Address	lblackwhite@bellsouth.net

Agent (if any)	Chris Norman
Address	PO Box 2379, Davidson, NC, 28036
Phone	704-491-0401
Fax	
Signature	 2/9/16
E-mail Address	chris_norman@yahoo.com

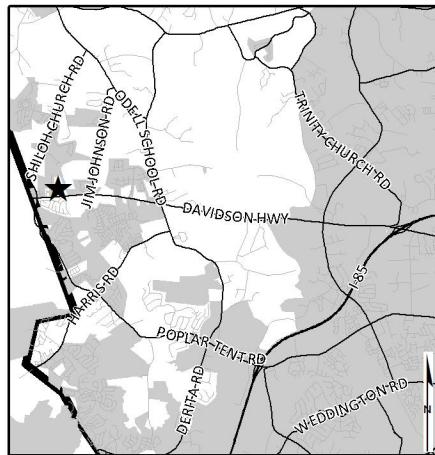
Applicant (if any)	<hr/>
Address	<hr/>
Phone	<hr/>
Fax	<hr/>
Signature	<hr/>
E-mail Address	<hr/>

## Zoning Map

## Exhibit C

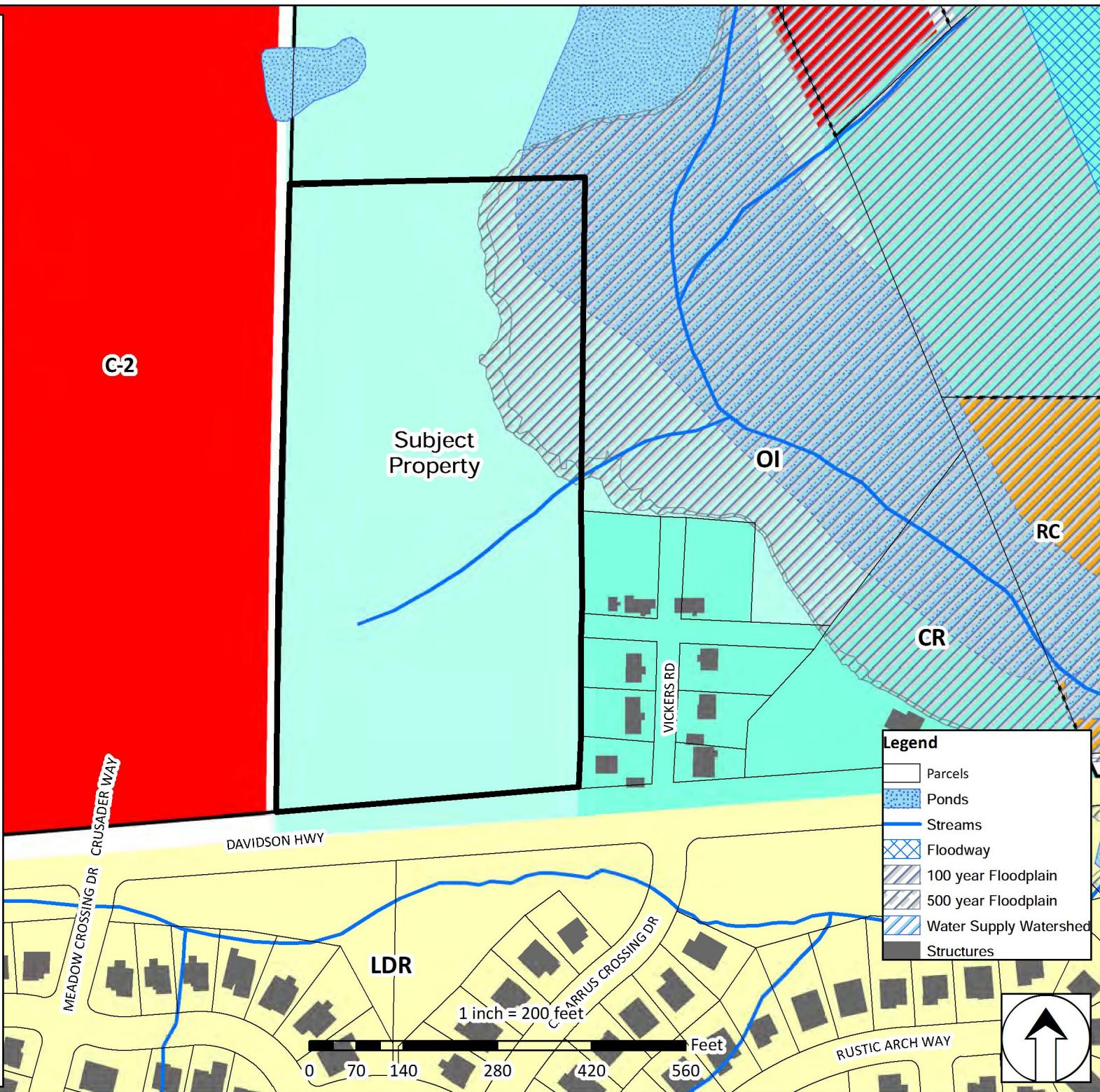


Applicant: Chris Norman  
Owner: Odell Black Heirs  
Case: RZON2016-00003  
Address: 10744 Davidson Highway  
Purpose: Rezoning from OI to GC  
PIN: 4672-60-3752



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 February, 2016



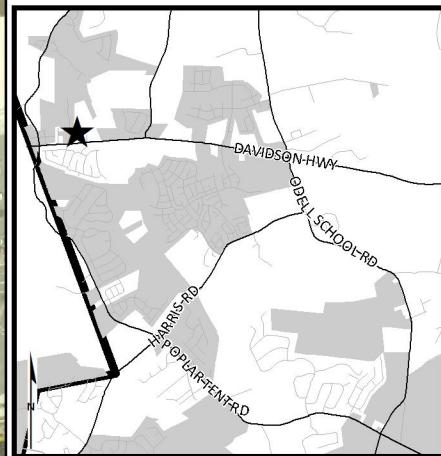
## Aerial Map

Exhibit C



Applicant: Chris Norman  
Owner: Black Odell Heirs  
Case: RZON2016-00003  
Address: 10744 Davidson Highway  
Purpose: Rezoning from OI to GC  
PIN: 4672-60-3752

- Parcels
- Cabarrus County
- City Limits



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Map Prepared by Cabarrus County Planning & Development February, 2014

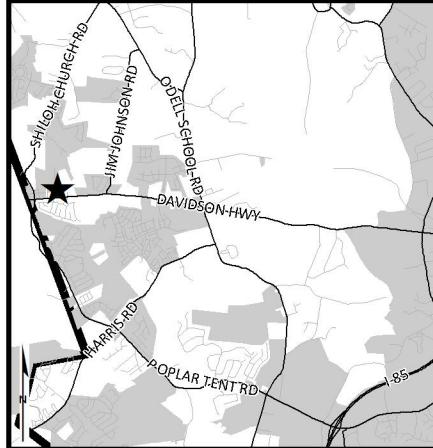


## Future Land Use Map

Exhibit C

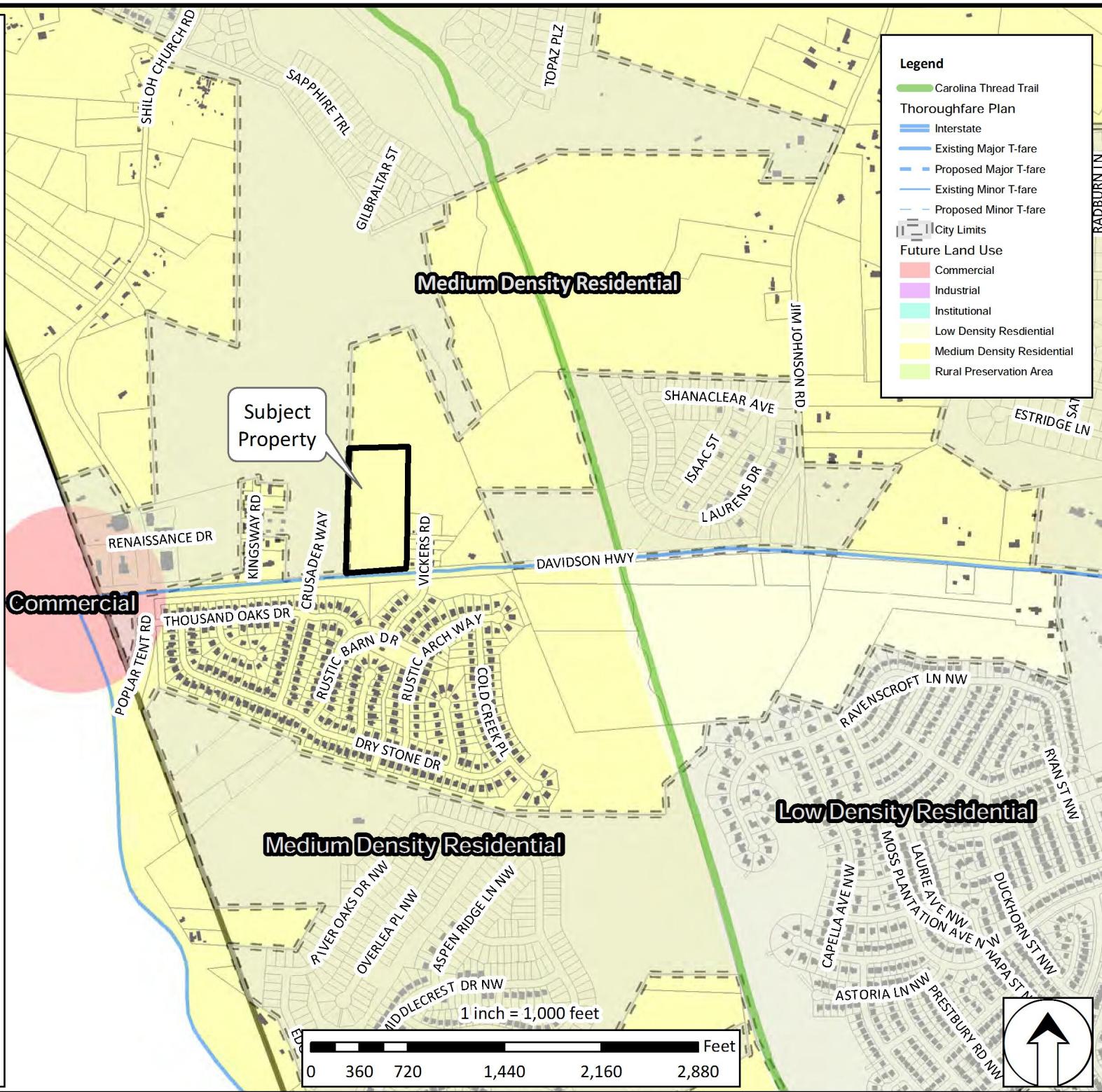


Applicant: Chris Norman  
 Owner: Black Odell Heirs  
 Case: RZON2016-00003  
 Address: 10744 Davidson Highway  
 Purpose: Rezoning from OI to GC  
 PIN: 4672-60-3752



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 February, 2016



**Photos of Black-Odell Heirs property**



Figure 1. View from the north (looking south)



Figure 2. View from the east (looking west)



Figure 3. View from the south (looking north)

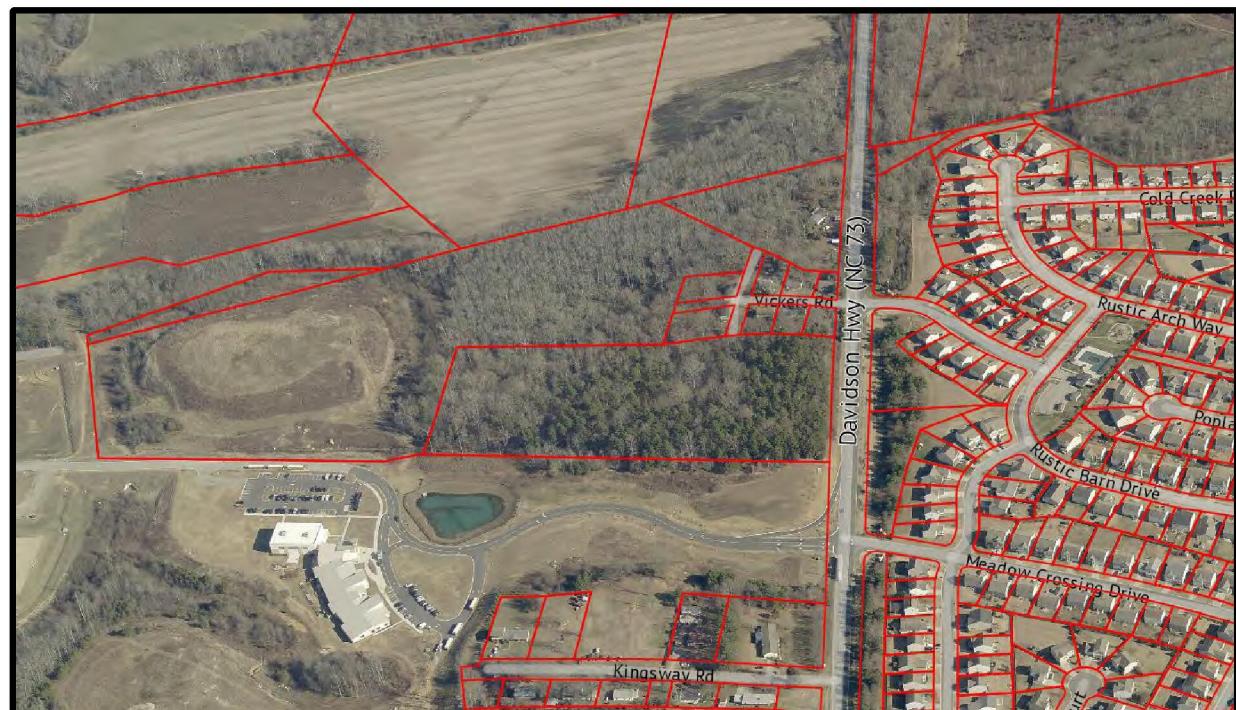


Figure 4. View from the west (looking east)



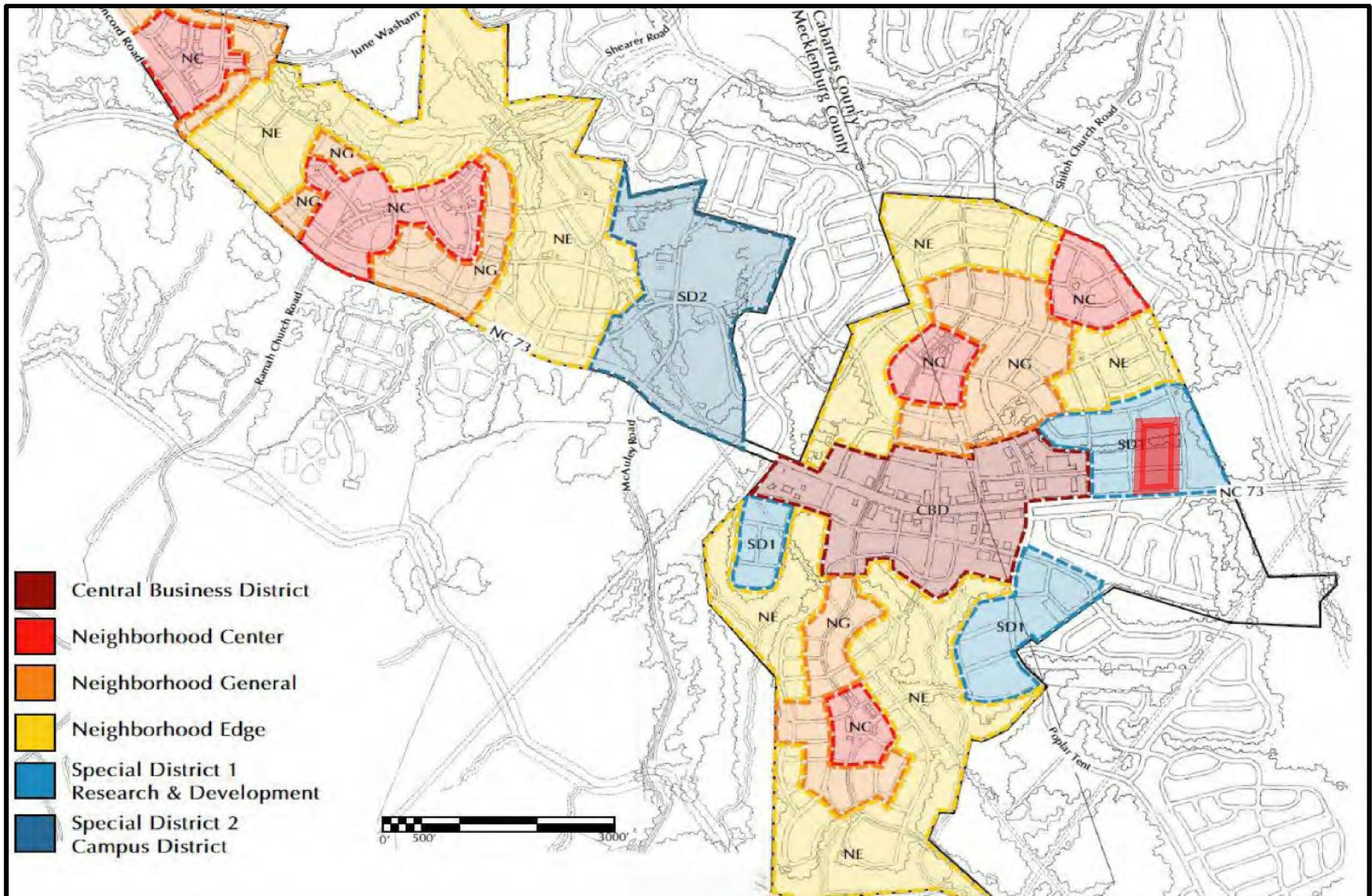
Figure 5. Street View (from Davidson Hwy)



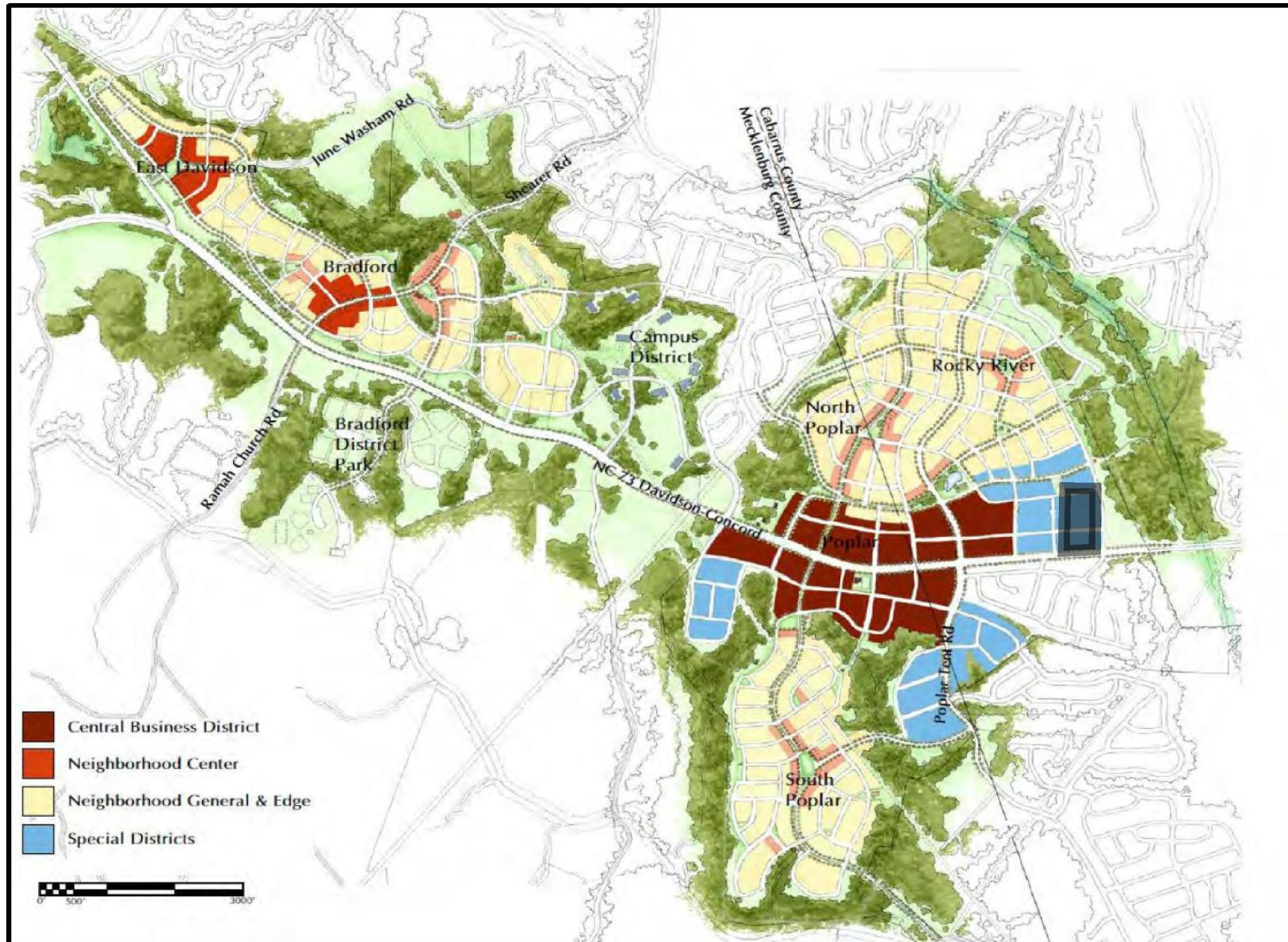
Figure 6. Street View (from Davidson Hwy)

# NC 73 Small Area Land Use & Economic Development Plan

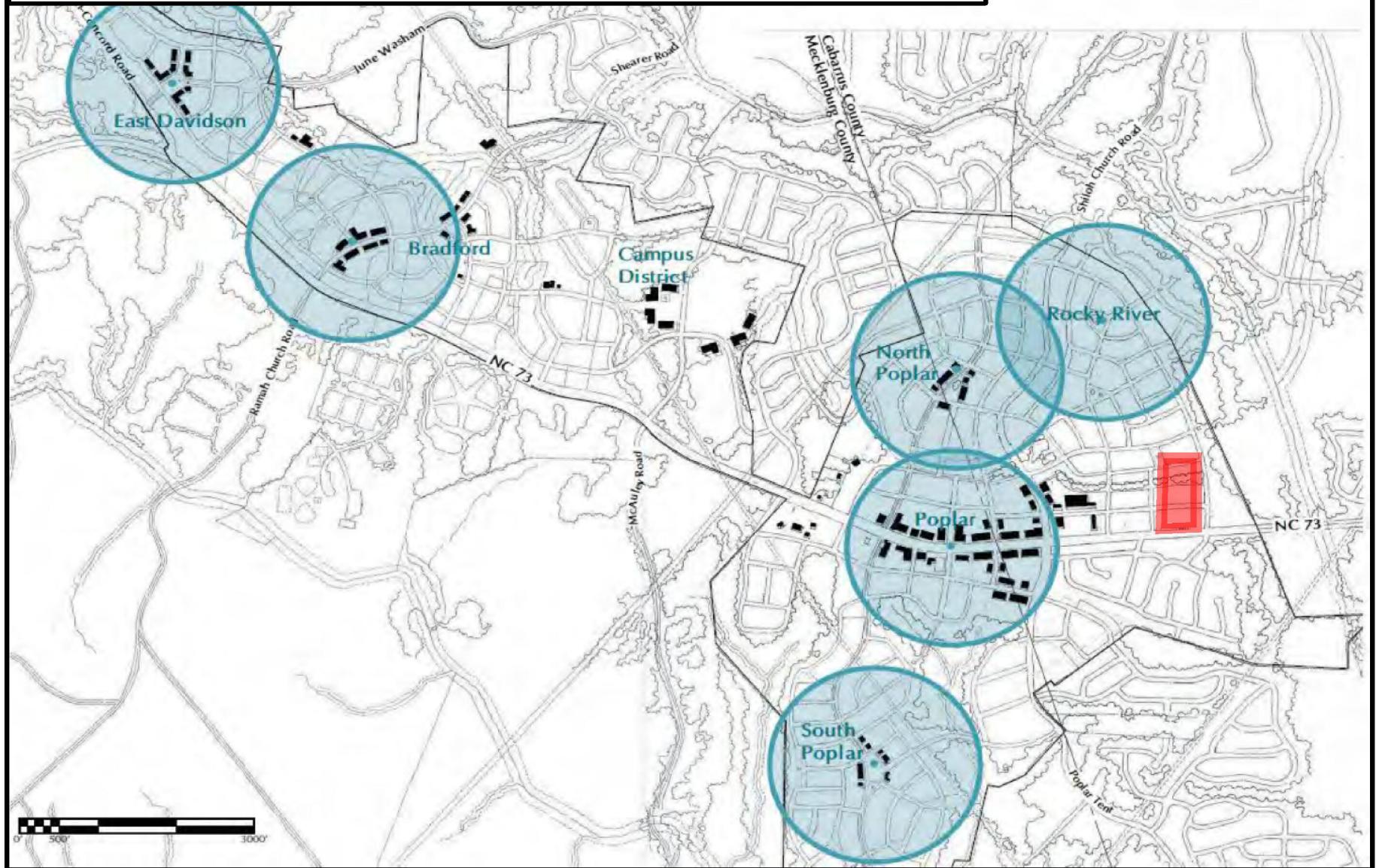
Exhibit E



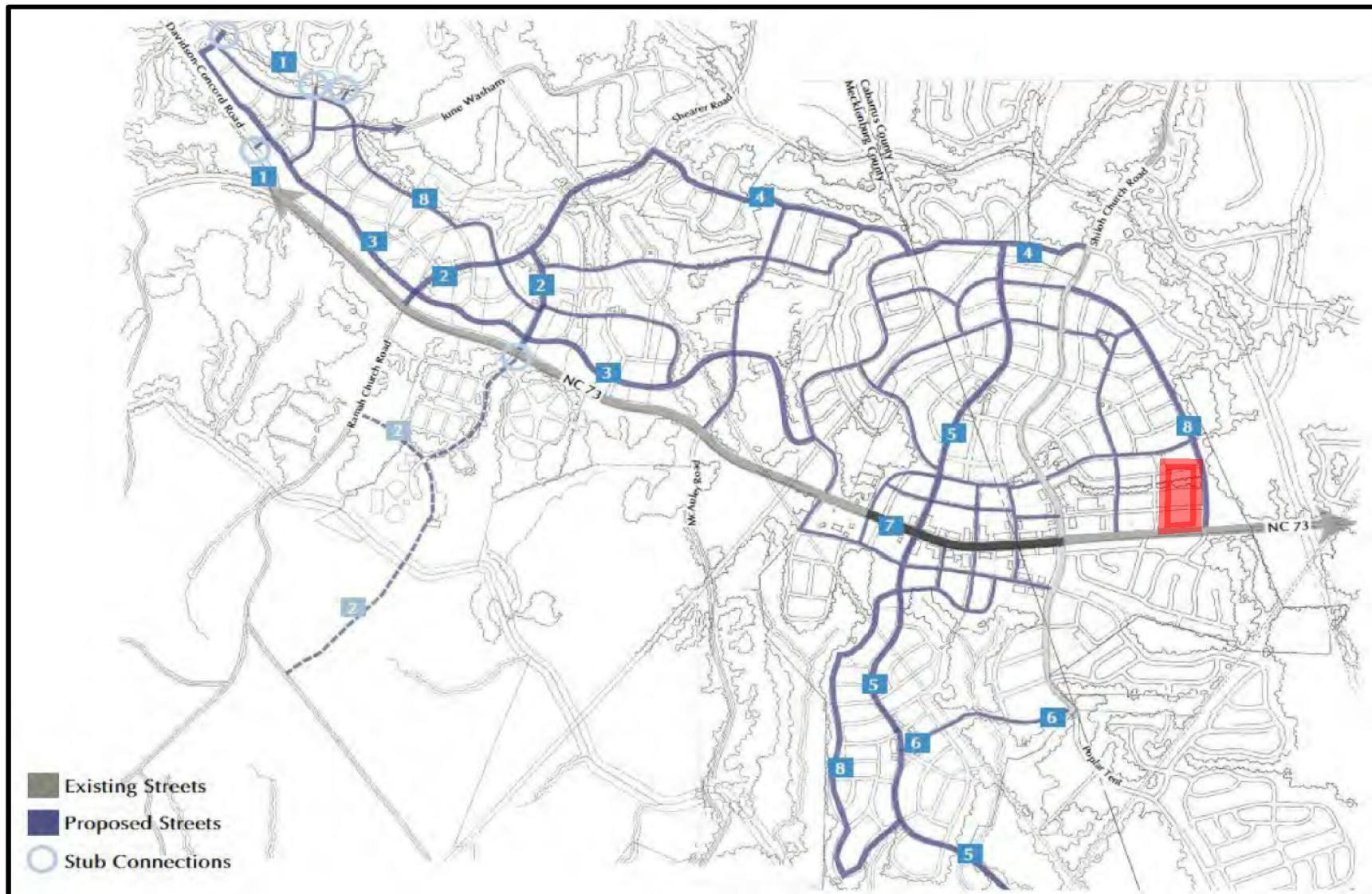
## NC 73 Small Area Land Use & Economic Development Plan



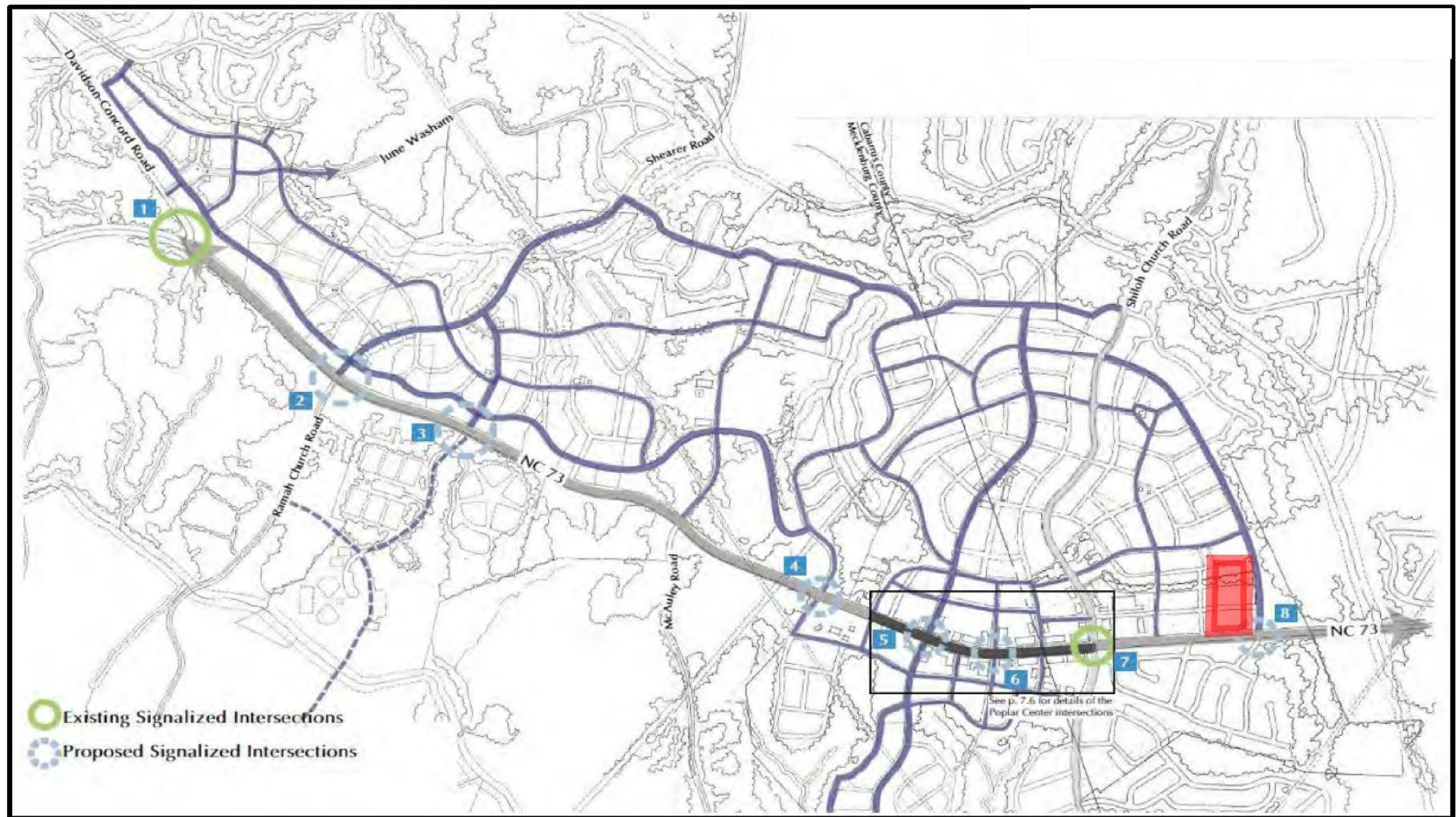
## NC 73 Small Area Land Use & Economic Development – Key Centers



# NC 73 Small Area Land Use & Economic Development Plan – Important Regional Alignments & Connections

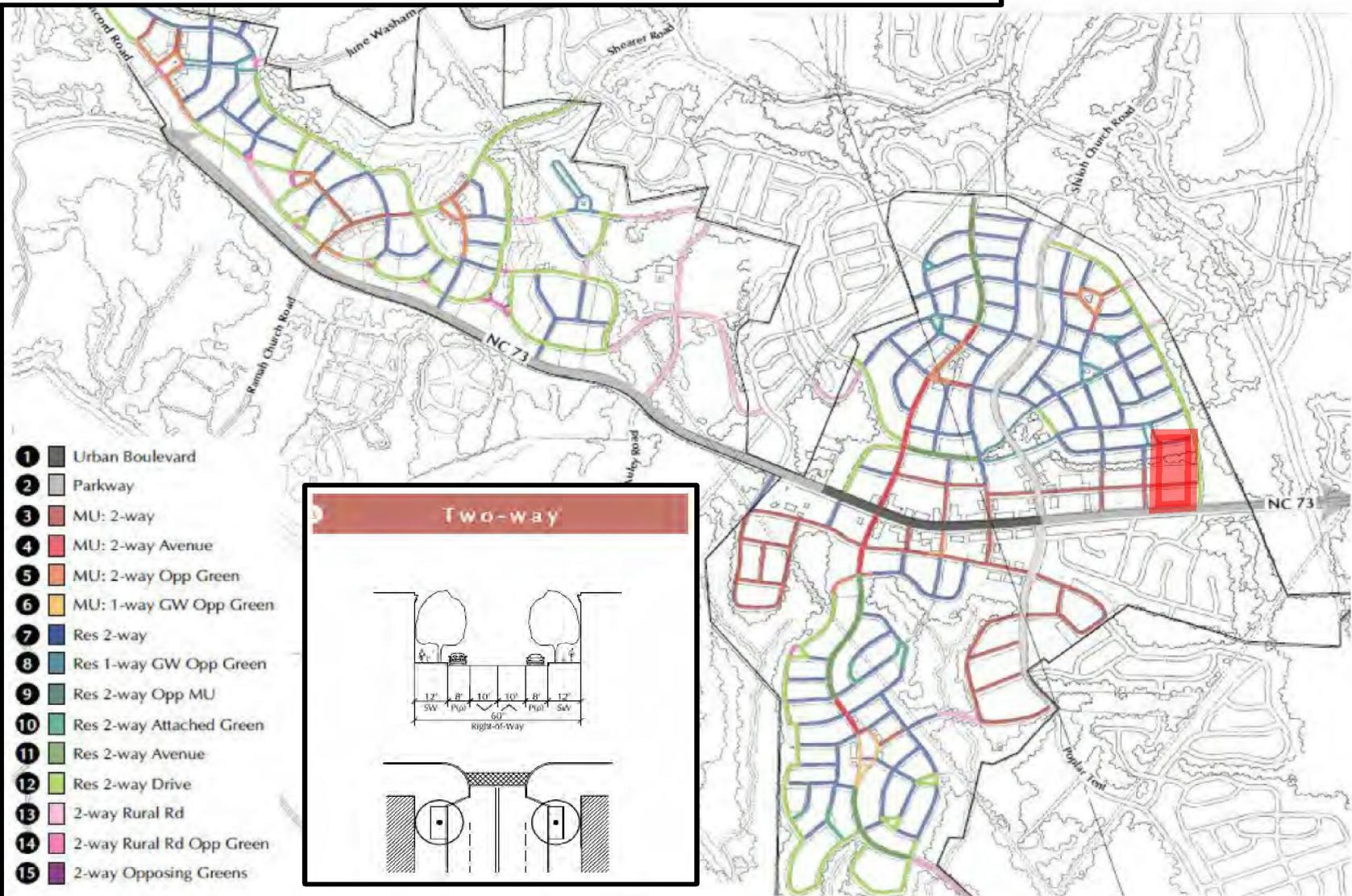


# NC 73 Small Area Land Use & Economic Development Plan – Access Management Along NC 73



# NC 73 Small Area Land Use & Economic Development –

## Street Type Diagram





**Cabarrus County Government – Planning and Development Department**

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February 22, 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, March 8, 2016 at 7:00 PM in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning request, I encourage you to attend this meeting.

<b>Petitioner</b>	<b>Chris Norman</b>
<b>Petition Number</b>	<b>RZON2016-00003</b>
<b>Property Location</b>	<b>10744 Davidson Highway</b>
<b>Parcel ID Number</b>	<b>4672-60-3752</b>
<b>Existing Zoning</b>	<b>Office/Institutional (OI)</b>
<b>Proposed Zoning Map Change</b>	<b>General Commercial (GC)</b>

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 E. Collins".

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



## Cabarrus County Government – Planning and Development Department

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February 22, 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, March 8, 2016 at 7:00 PM in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning, I encourage you to attend this meeting.

<b>Petitioner</b>	<b>Chris Norman</b>
<b>Petition Number</b>	<b>RZON2016-00003</b>
<b>Property Location</b>	<b>10744 Davidson Highway</b>
<b>Parcel ID Number</b>	<b>4672-60-3752</b>
<b>Existing Zoning</b>	<b>Office/Institutional (OI)</b>
<b>Proposed Zoning Map Change</b>	<b>General Commercial (GC)</b>

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

Subject Property							
PIN14	AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
46726037520000	BLACK ODELL HEIR		C/O LAURA A BLACK-WHITE	4030 DOUBLE CRK CROSSING DR113	CHARLOTTE	NC	28269

Adjoining Properties							
PIN14	AcctName1	AcctName2	MailAddr1	MailAddr2	MailCity	MailState	MailZipCod
46726064610000	CARSON MARY H & BARBARA CARSON		2081 VICKERS ST		HUNTERSVILLE	NC	28078
46726066720000	BENITEZ JUAN GALARZA	SOTO MARIA DEL CARMEN C WF	PO BOX 2421		HUNTERSVILLE	NC	28070
46726064670000	STURGUS LAVON M		C/O TONYETTAD BELTON	196 HURON CT	WINSTON SALEM	NC	27103
46726063630000	WASHINGTON GREGORY & KENNETH N	MOODY JAMES & JERRY & DONALD	&JOYCE RICE & IDELLA WHITE	5930 CHARLESTON AVENUE	KANNAPOLIS	NC	28081
46727001290000	CABARRUS CROSSING HOMEOWNERS	ASSOCIATION INC/NC NON-PROFIT	STE 200	575 DAVIDSON GATEWAY DR	DAVIDSON	NC	28036
46726163260000	OVERCASH RONALD GOLD	OVERCASH RONALD GOLD ESTATE OF	PO BOX 5030		CONCORD	NC	28027
46725198160000	JUGIS PETER J - BISHOP	ROMAN CATHOLIC DIOCESE OF	CHARLOTTE & HIS SUCCESSORS	1123 S CHURCH ST	CHARLOTTE	NC	28203
46726021530000	CABARRUS CROSSING HOMEOWNERS	ASSOC INC A NC NON PROFIT CORP	2000 E LAMAR BLVD STE 710		ARLINGTON	TX	76006

**Cabarrus County Zoning Ordinance**  
**Chapter 3-Establishment of Zoning Districts**

**OFFICE/INSTITUTIONAL DISTRICT:**

**OFFICE/INSTITUTIONAL**

This district is intended 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.

**RATIONALE**

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

**OFFICE/INSTITUTIONAL USES**

**OI Permitted (P) Uses**

Banquet Hall	Group Care Facility	Printing and Reprographic Facility
Barber, Beauty, Tanning, Nail or Skin Care Salon	Hospital, Ambulatory Surgical Care Facility	Public Cultural Facility
Civic Organization Facility	Office, Professional Less Than 30,000 Square Feet	Public Use Facility
College, University	Parking Lot, Parking Garage, Commercial or Private	Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less
Farmer's Market		
Funeral Home		

**OI Permitted Based on Standards (PBS) Uses**

Accessory Building	Automated Teller Machine as Accessory	Catering Service
Auction, Estate or Asset Liquidation, Temporary Use	Bank, Financial Institution, Automated Teller Machine	Community Garden, Accessory Use

### **OI Permitted based on Standards (PBS) Uses Continued**

Contractor Office, Construction Equipment Storage, Temporary Use	Nursery, Daycare Center  Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business	Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins, Temporary Use
Country Club with Golf Course	Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use	Scientific Research and Development
Dumpsters, Commercial Waste Containers, Temporary Use	Recreational Facility, Indoor	Swim Club, Tennis Club, Country Club
Duplex, Commercial Use, Individual Lots	Recreational Trail, Greenway, or Blueway Connector	Temporary Amusement Enterprise, Temporary Use
Event, Tent or Temporary Structure, Temporary Use	Recyclable Materials Drop Off	Temporary Construction Sign, Temporary Use
FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use	Religious Institution with Total Seating Capacity of 350 or Less	Temporary Dwelling for Large Construction Projects, Temporary Use
For Profit Temporary Sign, Temporary Use	Rest Home, Convalescent Home with 10 Beds or Less	Trail Head, Accessory Use
Golf Course, Public or Private		Trail Head, Primary Use Site
Mobile Personal Storage Unit, Renovation, Temporary Use		Wireless Telecommunications Services, Co-location
Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use		

### **OI Conditional (C) Uses**

Communications Tower, 911 Communications Tower	Recreational Facility, Outdoor	Rest Home, Convalescent Home with More Than 10 Beds
Convention Center Facility	Religious Institution with Total Seating Capacity of 351 or More	Trade and Vocational Schools
Elementary, Middle and High Schools	Religious Institution with School	Wireless Telecommunication Services
Public Service Facility		

Cabarrus County Zoning Ordinance  
Chapter 3-Establishment of Zones

**LC Conditional (C) Uses**

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

Cabarrus County Zoning Ordinance  
Chapter 3-Establishment of Zoning Districts

**GC Permitted (P) Uses Continued**

Farmer's Market	Parking Lot, Parking Garage, Commercial or Private	Retail Sales-Shopping Centers 10,000 Square Feet and Less
Flea Market, Indoor Vendors Only	Pawn Shop	Retail Sales-Shopping Centers 10,000 - 50,000 Square Feet
Freezer, Ice Plant	Pet Shop, Grooming, Enclosed	Retail Sales-Shopping Centers 50,000-100,000 Square Feet and Less
Funeral Home	Photographic Studio	Tattoo Studio
Gas Station	Printing and Reprographic Studio	Taxi Service, Dispatch and Taxi Storage
Gunsmith	Public Cultural facility	Taxidermy Studio, No Outdoor Processing
Health Club, Fitness Center	Public Use facility	Tour Bus Company, Travel Agency with On Site Bus Storage
Hospitals, Ambulatory Surgical Care Center	Race Shop, Race Team Complex	Towing Service, No Towed Vehicle Storage Lot, Office Only, Storage of Tow Trucks and Car Haulers Permitted On Site
Hotels, Motels, Inns	Radio and Television Studio	Trucking Equipment, Heavy Equipment, Sales and Service with Sales Lot
Laundromat	Recreational Facility, Indoor	Warehouse, Enclosed Storage
Locksmith	Recreational Vehicle Sales and Service with Outdoor Storage or Sales Lot	Welding Shop
Machine Shop	Religious Institution with Total Seating Capacity of 350 or Less	Wireless Telecommunications, Stealth Antennae, 65 Feet or Less
Mobile home retail sales	Religious Institution with Total Seating Capacity of 351 or More	
Motorcycle Sales, New and Used	Repair Garage, Automobile	
Movie Theater	Repair Shop, Small Engine	
Multimedia Production and Distribution Complex	Restaurant, Excluding Drive-Thru	
Nursery, Greenhouse		
Office, Professional, Less Than 30,000 Square Feet		
Office, Professional, 30,000 Square Feet or More		

## **GC Permitted Based on Standards (PBS) Uses**

Accessory Dwelling Unit	Fireworks Stand, Temporary Use	Promotional Activities Involving the Display of Goods or Merchandise, Temporary Use at Existing Business
Accessory Building	For Profit Temporary Sign, Temporary Use	Real Estate Office in Construction Trailer or Modular Unit, Commercial or Mixed Use Projects, Temporary Use
Auction, Estate or Asset Liquidation, Temporary Use	Golf Course, Public or Private	Recreational Trail, Greenway, or Blueway Connector
Automated Teller Machine as Accessory	Government Buildings, Storage Only	Recyclable Materials Drop Off
Bank, Financial Institution, Automated Teller Machine	Government Buildings, Storage Only, Outdoor	Restaurant with Drive-Thru Facility
Community Garden, Accessory Use	Ice Production, Dispensing, Accessory to Convenience Store	Scientific Research and Development
Communications Tower, 911 Communications Tower	Ice Production, Dispensing, Accessory to Gas Station	Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins, Temporary Use
Contractor Office, Construction Equipment Storage, Temporary Use	Itinerant Merchant, Temporary Use, Existing Business	Self-Service Storage Facility
Country Club with Golf Course	Landfill, Demolition- Less Than One Acre	Shooting Range, Indoor
Day Camp, Summer Camp, Civic Group Camp Facility	Mobile Personal Storage Unit, Renovation, Temporary Use	Sports and Recreation Instruction or Camp
Dumpsters, Commercial Waste Containers, Temporary Use	Mobile Personal Storage Unit, Vacate or Occupy Premises, Temporary Use	Storage Building Sales, with Display Area
Duplex, Commercial, Individual Lot	Moving Van, Truck or Trailer Rental, Accessory to Self-Storage Facility	Swim Club, Tennis Club, Country Club
Event, Tent or Temporary Structure, Temporary Use	Moving Van, Truck or Trailer Rental	
FEMA Trailers, Natural Disaster or Significant Weather Event, Temporary Use	Nursery, Daycare Center	

Cabarrus County Zoning Ordinance  
Chapter 3-Establishment of Zoning Districts

**GC Permitted Based on Standards (PBS) Uses Continued**

Temporary Amusement Enterprise, Temporary Use	Towing Service, Accessory to Automobile Repair	Trail Head, Primary Use Site
Temporary Construction Sign, Temporary Use	Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales	Wireless Telecommunications Services, Co-location
Temporary Dwelling for Large Construction Projects, Temporary Use	Trail Head, Accessory Use	

**GC Conditional (C) Uses**

Adult use	Kennel, Commercial	Trade and Vocational Schools
Airport, Commercial	Manufactured Home, Single Section	Truck Stop, Truck Terminal
Airstrip, as Accessory Use	Public Service Facility	Trucking Company, Heavy Equipment Dispatch Facility with Storage
Amusement, Outdoor	Recreational Facility, Outdoor	Veterinarian
Animal Hospital	Retail Sales - Shopping Centers Greater Than 100,000 Square Feet	Wireless Telecommunications Services
Animal Shelter	Single-Family Detached Residential	

**INDUSTRIAL DISTRICTS:**

**LIMITED INDUSTRIAL**

This district provides for both large and small scale industrial and office development. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which do not generate high levels of noise, soot, odors or other potential nuisances/pollutants for impacting adjoining properties. It is typically located in areas of the county with infrastructure available, including higher volume roadways, water and sewer. Light industrial districts may border the higher density residential districts only when an effective buffer exists. For example, a natural structural feature such as a sharp break in topography, strips of vegetation or traffic arteries. In no case, would a limited industrial district be located where the result is industrial or commercial traffic penetrating a residential neighborhood.