



Cabarrus County Government

Cabarrus County Planning and Zoning Commission
Tuesday, April 12, 2022 @ 6:30 p.m.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Old Business Board of Adjustment Function:
 - A Petition VARN2022-00001 – Request for relief from the following: Chapter 5, impervious area maximum for non-residential districts, Chapter 7, setbacks for swim clubs, Chapter 9, landscape buffers and parking lot buffers. Evolution Recreation & Aquatics is the applicant. Ethan & Austin Properties is the owner. Address is 11202 Harris Road (PIN: 4670-45-1661).
3. Legal Update
4. Director's Report
5. Adjourn

Exhibit A

Staff Report

Variance: VARN2022-00001

Applicant Information: Evolution Recreation & Aquatics
11202 Harris Road
Huntersville, NC 28078

Owner Information: Ethan & Austin Properties LLC
17501 Huntersville-Concord Road
Huntersville, NC 28078

PIN: 4670-45-1661

Area in Acres: +/- 5.501 acres

Purpose of Request: The purpose of this request is to seek relief from:

Chapter 7, Section 7-3.59.c

The existing facility was approved in 2005 as an Indoor Recreational Facility that was zoned OI-SU. The site was developed using the standards in place at that time. Since the site was originally developed, additional line items have been added to the Use Table of Chapter 3 and defined in Chapter 2, including the line item, Swim Club, Tennis Club, Country Club (Swim Club).

The applicant is proposing to add outdoor amenities and features to the site, which is consistent with the Swim Club line item. The development standards for this type of use requires a 200-foot setback for any accessory buildings, swimming pools, tennis courts, parking areas, or any amenity areas and adjacent residentially used or zoned property.

There are existing encroachments of the primary building and parking areas into the 200-foot setback as the site is currently configured. Proposed improvements and features will also encroach in to the required 200-foot setback. The proposed features include, future parking areas, a playground, swimming pools and a walking trail. (See EX1.0 and EX2.0)

Chapter 9, Table 4 Perimeter Landscape Buffers

The existing facility does not encroach into the required perimeter landscaping buffers. However, the applicant is proposing new outdoor amenities that would encroach into the required perimeter landscape buffers. The encroachments include features such as, reconfigured parking areas, a playground, swimming pools, a 6-foot walking trail and a 7-foot berm. (See EX1.0 and EX2.0)

The applicant is also requesting relief from the required landscaping plantings for the following:

- 164.5 feet of relief from the required landscaping along the southwestern property line where a 6-foot-tall opaque screening fence will be located (7 Shade or 14 Ornamental Trees and 33 shrubs).

- 313.5 feet of relief from the required perimeter parking area along the eastern property line (16 canopy or 32 understory trees and 48 shrubs)

Site Description: The subject property is currently occupied by an indoor recreation facility. The main building is approximately 28,000 square feet in size and sits in the center of the property. Parking areas surround the main building in three sides. An access easement crosses the subject property (through the existing parking lot) on its east side. The access easement provides access to an existing Wireless Telecommunications Tower located to the north of the subject property. A 15-foot utility easement (Charlotte Water) also straddles the eastern property line.

Current Land Uses: Indoor Recreation

Adjacent Land Uses: Residential, Wireless Telecommunications Tower and Vacant

Permitted Uses: Indoor Recreational Facility and Office (only)

Existing Zoning: OI-SU (Office and Institutional – Special Use)

Surrounding Zoning:
 North: LDR (Low Density Residential)
 East: LDR
 South: OI-SU & R-3 (City of Charlotte Single Family)
 West: OI-SU & R (Town of Huntersville Rural Residential)

Signs Posted: 01/19/2022

Newspaper Notification 1: 01/26/2022

Newspaper Notification 2: 02/02/2022

Notification Letters: 01/18/2022

Exhibits

- Exhibit A – Staff Report
- Exhibit B – Application
- Exhibit C – Staff Maps
- Exhibit D – Site Plan
- Exhibit E – Adjacent Property Owner Information
- Exhibit F – Original 2005 Rezoning Request Information
- Exhibit G – Neighborhood Meeting Information

- Exhibit H – Aerial & Street Level Photos

Agency Review Comments

Emergency Services Review:

No comments. (per Justin Brines, Deputy Chief EMS).

Fire Review:

Variance Request Approved. Additional requirements may be required in site plan and building plans. (per Matthew Hopkins, Fire Marshal's Office).

NCDOT Review:

We do not need a driveway permit but do ask that all the plantings currently shown in the sight distance triangles be removed. There should be 10'x70' sight distance triangles shown on the ROW line on both sides of the access. Please show these triangles and remove all the plantings within them. (per Jeff Burleson, NCDOT)

Sherriff's Department Review:

No comments. (per Ray Gilleland, Lieutenant Sherriff).

Cabarrus Health Alliance:

No comments regarding variance encroachments. The pool plans would need to be reviewed and approved prior to construction. (Chrystal Swinger, Cabarrus Health Alliance)

Charlotte Water:

The plans look good to me, if the applicant ends up needing to grade in the Charlotte Water easement, please let me know. (per Nick Stanziale, Interim Division Manager)

Zoning Review:

See staff report (per Phillip Collins, Sr. Planner)

History / Other Information

- The subject property is located on Harris Road adjacent to the Cabarrus County line.
- The subject property is approximately 5.501 acres in size.
- The current development proposal is classified under the Swim Club line item listed in Table 3-8 and the definition in Chapter 2.

SWIM CLUB, TENNIS CLUB, COUNTRY CLUB - A private club that provides one or more of the following: tennis or swimming facilities, indoor or outdoor exercise facilities, recreation rooms, recreational equipment, tennis or swimming lessons, etc. These types of facilities are restricted to use by members and their guests.

Country Clubs may also include golf courses and/or a clubhouse with dining and banquet facilities.

- The subject property was rezoned from Medium Density Residential (MDR) to Office Institutional – Conditional Use (OI-CU) in 2005. The rezoning limited the uses permitted on site to Indoor Recreational Facility and Office Use. The zoning of the subject property is still OI-CU. The site has been used as an indoor recreational facility since it was rezoned. If the variance requests are approved by the Board of Adjustment, the applicant intends to proceed with submitting a rezoning request for OI, which permits a swim club as a by right, PBS, use. The PBS supplemental development standards are as follows:

Swim Club, Tennis Club, Country Club

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

- a. In any residential district, the minimum area shall be one (1) acre.*
 - b. Clubhouses shall meet the primary setbacks for the zoning district.*
 - c. There shall be a 200 foot minimum setback between any accessory buildings, swimming pool, lighted tennis court, parking area or any amenity area and adjacent residentially zoned or used property.*
 - d. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.*
 - e. Outdoor swimming pools shall be protected by a fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.*
- Both Indoor Recreational Facilities and Swim Clubs are permitted based on the ability to comply with supplemental standards found in Chapter 7 of the Ordinance. Indoor Recreational Facilities and Swim Clubs, however, have different development standards. A different setback standard is required due to the change in the use of the property (adding outdoor features) which includes a 200-foot setback between any accessory buildings, swimming pool, parking area or any amenity area and adjacent residentially zoned or used property.
- The applicant is requesting relief from the required 200-foot setback of Section 7-3.59 for the following:
 - Existing facility
 - Existing and proposed parking areas
 - Proposed walking trail
 - Proposed outdoor pools
 - Proposed playground
 - Proposed accessory buildings

- Fire access road
- Harris Road is listed within the Cabarrus-Rowan Metropolitan Planning Organization's (CRMPO) Comprehensive Transportation Plan (CTP). The future right-of-way is listed as 110 feet and the current width of the right of way is around 80 feet. The applicant understands that the appropriate amount of right-of-way to allow for the NCDOT facility to be expanded will need to be dedicated at the time of site plan review.
- The application states that the reasons for seeking a variance are that the site has space limitations, and it is oddly shaped. Further, the application states that there are existing mature evergreen plantings along the adjacent residential property line to the east and the vacant properties to the west and north.
- The applicant contends that if the required 32- and 51-foot buffers are imposed, the proposed improvements would not be possible, and the site would be limited to only providing indoor amenities.
- The applicant is requesting relief from the required buffers as follows:
 - Allow encroachments into the required 51-foot level 2 buffer along the eastern property line:
 - the existing paved parking area encroaches 1 to 7 feet into the required buffer,
 - the proposed dumpster pad encroaches 15 feet into the required buffer,
 - the proposed parking/driveway encroaches 31 feet into the required buffer, and
 - the proposed 6-foot walking trail encroaches 37 feet into the required buffer.
 - Allow for relief from the required landscaping for the perimeter parking lot yard along the eastern property line. This buffer is approximately 313.5 feet in length (16 canopy or 32 understory trees and 48 shrubs). This is also the location of the Charlotte Water easement which limits the planting area.
 - Allow encroachments into the required 51-foot level 2 buffer along the northern property line:
 - the proposed 6-foot walking trail encroaches 20 to 42 feet into the required buffer,
 - the proposed paved parking/driveway encroaches 5 to 15 feet into the required buffer, and
 - the corner of the proposed dumpster pad encroaches 3.3 feet into the required buffer.
 - Allow encroachments into the required 32-foot level 3 buffer along the western property line:
 - the existing parking area encroaches 1 to 14 feet into the required buffer,
 - the proposed 6-foot walking trail encroaches 30 feet into the required buffer, and

- the proposed safety fence encroaches 12 feet into the required buffer
 - Allow encroachments into the required 51-foot level 2 buffer along the southwestern property line:
 - the existing gravel parking area encroaches 1 to 17 feet into the required buffer,
 - the existing paved parking area encroaches 1 to 12 feet into the required buffer,
 - the proposed walking trail encroaches 1 to 30 feet into the required buffer,
 - the proposed opaque screening fence (164.5' length along the splash pool) encroaches 32 feet into the required buffer,
 - the proposed shade structure encroaches 23 feet into the required buffer,
 - the proposed splash pool with deck & slide encroaches 29 feet into the required buffer, and
 - the proposed safety fence encroaches 32 feet into the required buffer.
 - Allow for relief from the required landscaping for the perimeter buffer yard along the southwestern property line which is approximately 164.5 feet in length not be installed. A 6-foot-tall opaque screening fence will be installed in this area in lieu of the landscape (7 shade or 14 ornamental trees and 33 shrubs).
- The application states that with a combination of landscaping and fencing as screening, and safety fencing along the pool area; the safety of the public is maintained. Internal activities will be screened except at the entrance of the facility. The adjacent neighbors will also be screened from the outdoor noise. With new onsite plantings and outdoor amenities, the current aesthetics for the overall site will be greatly improved. Additionally:
 - The application states that existing mature evergreen trees provide buffering to the multi-family development along the eastern side of the property.
 - A berm with screening fence is proposed within the 20-foot buffer along the western property line.
 - A 20-foot buffer is shown at the perimeter of the property on the site plan that contains the required perimeter plantings.
- The applicant understands that the next step in the approval process is to request a rezoning of the subject property. If the rezoning request to OI is successful, the next step would be to move forward with the commercial zoning site plan review and permitting process for a swim club.

Conditions of Approval

Should the Board of Adjustment grant approval of the requested variances, the following conditions should be considered as part of the approval and case record:

- The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.
- The applicant shall submit a site plan, along with the subsequent rezoning request, that is in compliance with the findings/conclusions of this variance request.
- Approved variances must be reflected on site plan submittals moving forward. Any changes thereto would require review and approval from the Board of Adjustment.
- The applicant shall provide 10'x70' sight distance triangles along the ROW line on both sides of the access. These triangles shall be shown on the zoning site plan and no plantings shall be within them.
- The applicant shall provide the pool plans to the Cabarrus Health Alliance for review and approval prior to construction.
- The applicant shall provide plans to Charlotte Water for review and approval prior to construction if grading within the easement (along the eastern property line) is needed.

Exhibit B Application



CABARRUS COUNTY VARIANCE APPLICATION

STAFF USE ONLY:

Application/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

INSTRUCTIONS/PROCEDURES:

1. Schedule a pre-application meeting with Staff. During this meeting, Staff will assess the proposed variance request to evaluate options that may be available to you through the zoning ordinance. If it is necessary to proceed with the request, Staff will explain the procedures and requirements, including the thresholds of consideration for variance requests.
2. Submit a complete application to the Planning Division. All applications must include the following:
 - Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
 - A recent survey or legal description of the property.
 - Required number of copies of the proposed site plan (determined at pre-app meeting). At a minimum, the site plan must show the following:
 - The subject property and any adjacent properties.
 - All existing buildings, including setbacks from property lines.
 - All proposed buildings, parking facilities and accessory uses, including setbacks from property lines (if applicable).
 - The location and type of screening and buffering proposed (if applicable).
 - Impervious surface ratio (if applicable).
 - Waterbody buffers (if applicable).
 - Delineation of the proposed variance on the site plan so that the type and nature of the variance the applicant is seeking is clear. (This may be accomplished by submitting two site plans. One to show the requirements of the ordinance and a second to show what the variance request will achieve.)
 - Any additional item(s) that must be illustrated on the plan as determined during the pre-application meeting.
 - Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.

Fees: Residential Variance request = \$500.00 first acre + \$15.00 each additional acre
 Non-residential Variance request = \$600.00 first acre + \$15.00 each additional acre
 (Plus cost of advertising and engineering fees if applicable)

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 p.m. that day.

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

PROCESS SUMMARY:

1. Hold a pre-application meeting with Staff to discuss your request and the variance process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.
3. When the complete application is received, Staff and appropriate agents will review the application and site plan and will make comments on the proposed request.

- Depending on the comments received, the applicant may be required to address the comments and/or revise the site plan prior to proceeding with the variance process.
4. Staff will begin to prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for the variance request.

Meeting Information: Meetings are held the second Tuesday of each month at 6:30 p.m. in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE or an alternative location as announced.

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

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

APPLICANT

Evolution Recreation & Aquatics

NAME

11202 Harris Rd.

ADDRESS

Huntersville, NC 28078

CITY, STATE, ZIP CODE

404-822-8398

PHONE NUMBER

FAX NUMBER

berkowitz.jessica@gmail.com

E-MAIL ADDRESS

Legal Relationship of Applicant to Property Owner

Existing Use of Property

Existing Zoning

Property Location

PROPERTY OWNER

Ethan & Austin Properties LLC

NAME

17501 Huntersville, Concord Rd.

ADDRESS

Huntersville, NC 28078

CITY, STATE, ZIP CODE

954-234-8252

PHONE NUMBER

FAX NUMBER

ibnsb@me.com

E-MAIL ADDRESS

Consultant/Tenant

Swim Club, Indoor Rec. facility

O/I Permitted Based on Std. use

11202 Harris Road, Huntersville
NC 28078

Tax Map and Parcel Identification Number (PIN)

46704516610000

TO THE BOARD OF ADJUSTMENT

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

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

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

Section: _____

Section 7 - 3.59 - Setback Encroachment

Chapter 9, Table 4. Landscaping Buffering Requirement

2. Reason(s) for Seeking a Variance

Per the Section above, the site has space limitations as well as being an odd shaped.
There is already an existing mature evergreen plantings along the adjacent residential
property (east) and vacant lands on the west and north side.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. State law and local ordinance provide strict requirements on standards for granting a variance. Pursuant to G.S. 160D-705(d) and Cabarrus County Development Ordinance § 12-20, the Board must make the following four conclusions before issuing a variance:

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

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

THE RESPONSIBILITY FOR PRESENTING EVIDENCE TO SUPPORT THE VARIANCE REQUEST, AS DESCRIBED DURING THE MEETING AND TO THE BOARD OF ADJUSTMENT, LIES COMPLETELY WITH THE APPLICANT.

FINDING OF FACT CHECKLIST

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

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

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

If the said buffer of 32 feet (west) and 51 feet (three sides) is imposed, the proposed improvement would not work and would limit this property to only providing indoor benefits.

The required width of 15 feet along Harris Road can be met.

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

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

The site has an odd shaped, and on the North and West side (former owner of property) is vacant. the East side has mature evergreen trees that provide buffer to the multifamily. The applicant is proposing to install a berm with screening fence within the 20' proposed setback. Required plantings within the buffer, street and parking lot yards (per Chap. 9 Ordin.) can be met but need variance. The proposed adjacent residential development has a 20' setback.

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

(The hardship must not be caused by the action or inaction of the applicant, such as failure to exercise reasonable due diligence before buying a property or building without a permit.)

The adjacent properties (West and North) are vacant and owned by previous owner. The adjacent proposed residential development has a 20' setback.

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

(If a variance is granted, is the overall "spirit" of the zoning ordinance still intact? While difficult to explain, some types of variance requests are not in accord with the general intent and purpose of the ordinance and therefore must be cautiously reviewed. These often include extending a non-conforming use in scope, a use variance (not allowed), and modifying a dimensional standard to the detriment of a neighborhood or area. Also, does the variance make sense? Will its approval or denial endanger any one? Will the essential character of the area be altered if approved or denied?)

With a combination of landscape and fence as screening, and safety fence along the pool area, the safety of the public is maintained. Internal activities will be screened except at the entrance. the adjacent neighbors will also be screened from the outdoor noise. with on site plantings the current outdoor aesthetics will greatly improved.

POSSIBLE CONDITIONS, SUGGESTED BY THE APPLICANT:

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

Applicant is prepared to install fence and/or landscape along the perimeter to meet the conditions.

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

SIGNATURE OF OWNER:

Jessica Buknowitz

DATE:

2/25/2022

SIGNATURE OF APPLICANT:

Jessica Buknowitz

DATE:

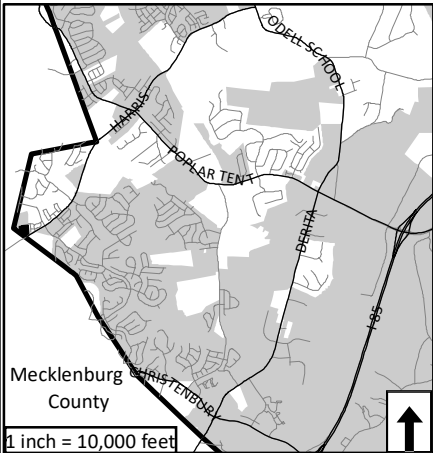
2/25/2022

Exhibit C Staff Maps

Western Planning Area Existing Zoning

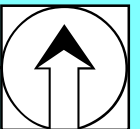
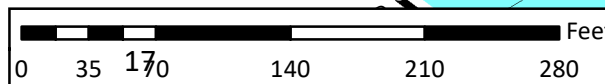
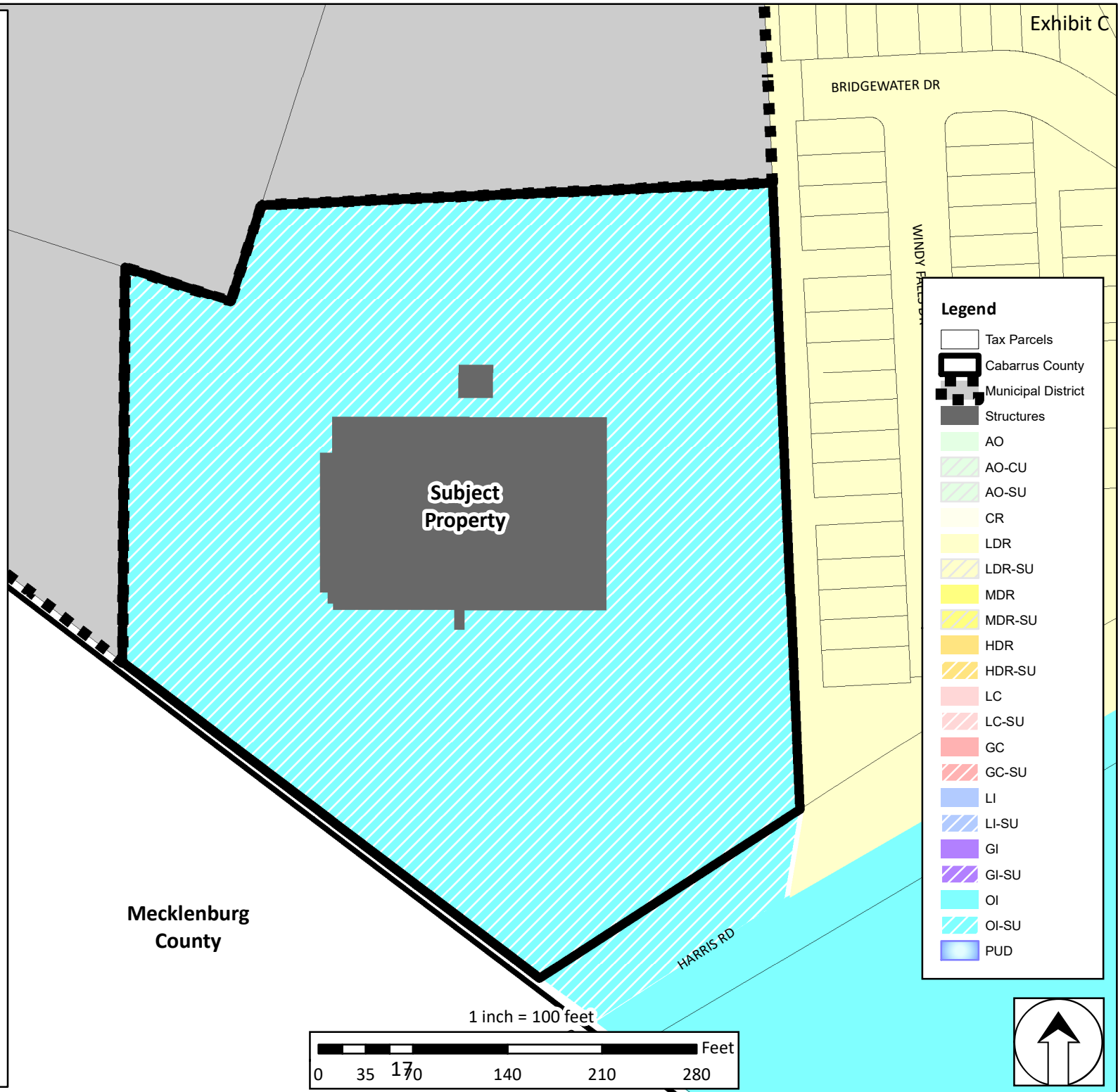


Applicant: Evolution Recreation & Aquatics
 Owner: Ethan & Austin Properties LLC
 Case: VARN2022-00001
 Address: 11202 Harris Road
 Purpose: Relief from setback requirements,
 and landscape buffering requirements
 PIN: 4670-45-1661



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.

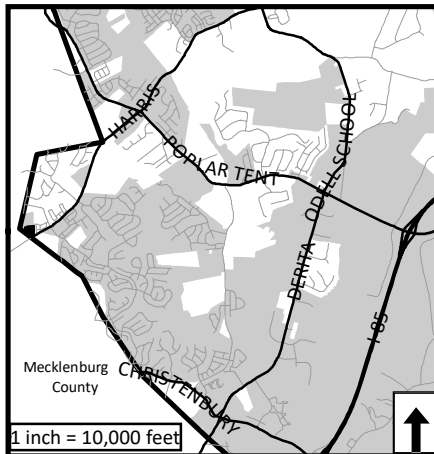
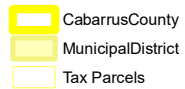
Map Prepared by Cabarrus County Planning & Development - April 2022



Western Planning Area Aerial Map

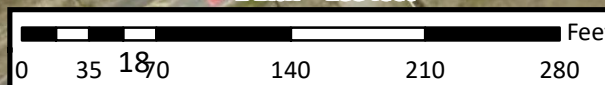


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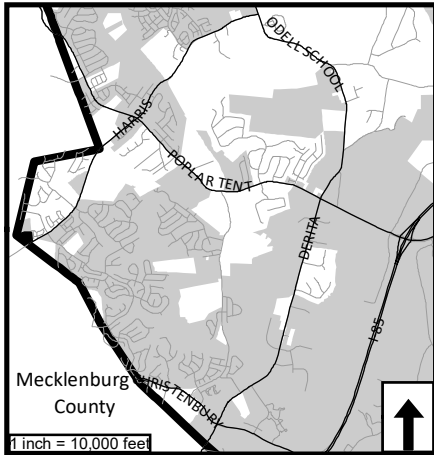
Map Prepared by Cabarrus County Planning & Development - April 2022



Western Planning Area Future Land Use



Applicant: Evolution Recreation & Aquatics
 Owner: Ethan & Austin Properties LLC
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Map Prepared by Cabarrus County Planning & Development - April 2022

Mecklenburg County

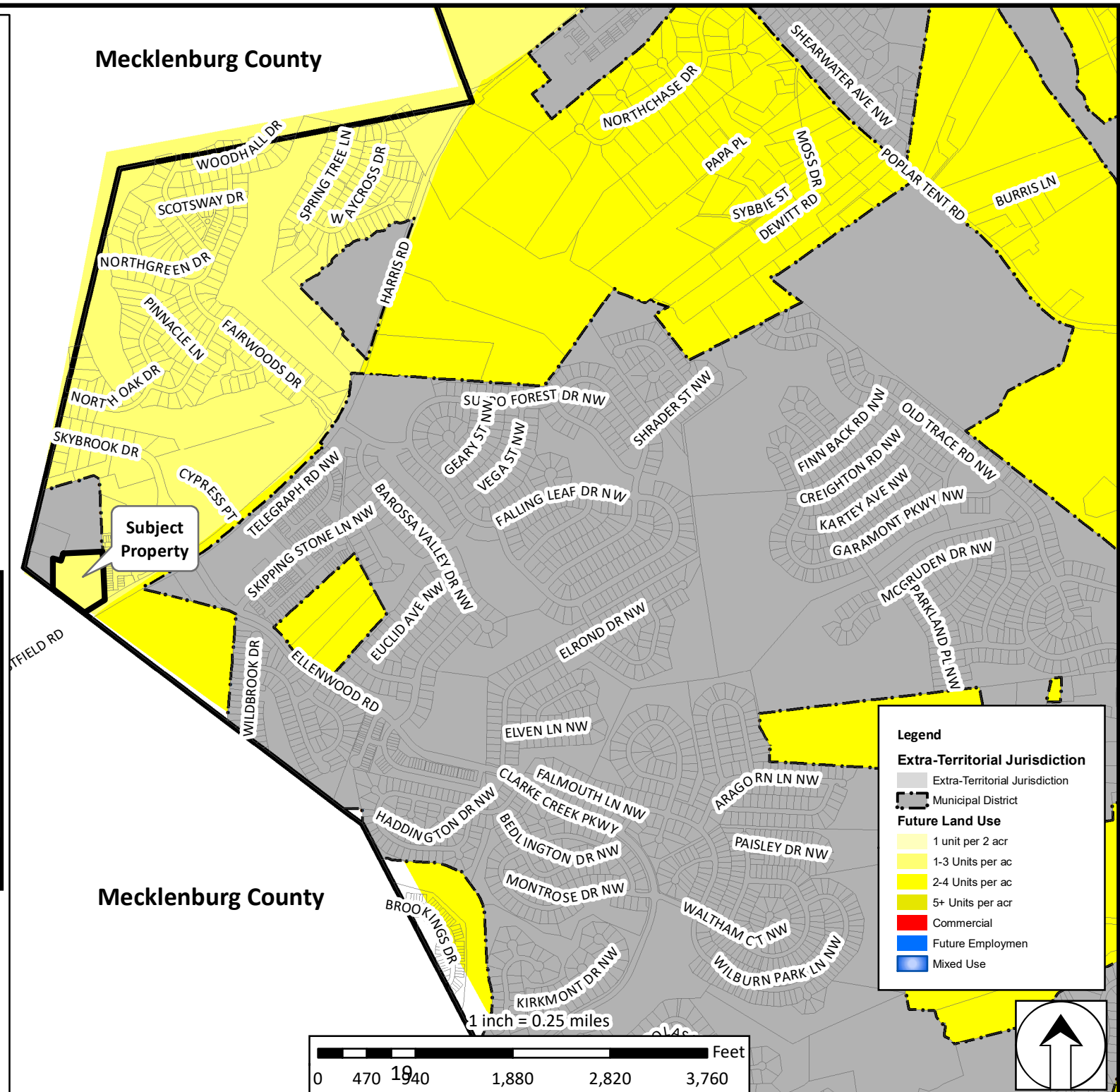
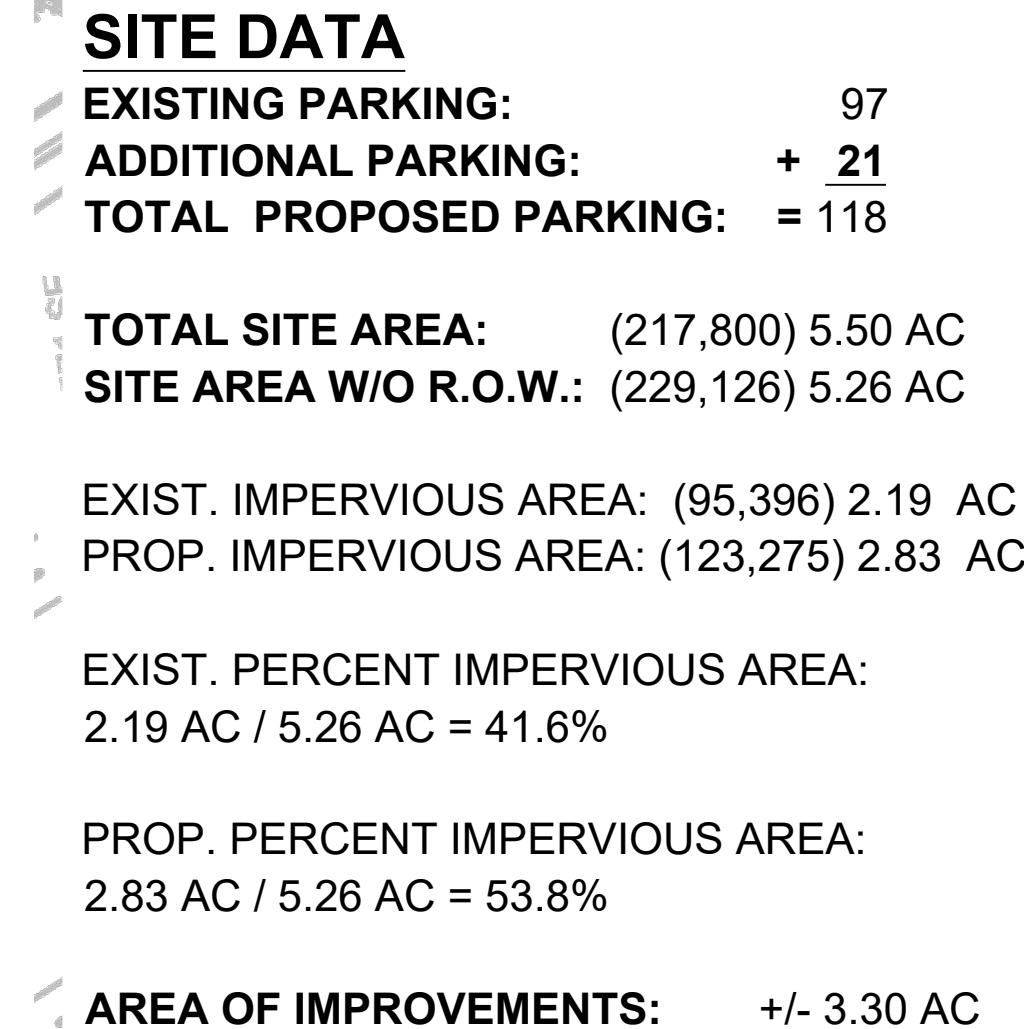
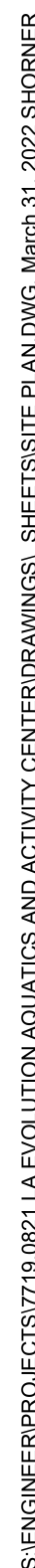


Exhibit D Site Plan



CEG
GROUP

**ENGINEERS
PLANNERS
SURVEYORS
SCIENTISTS**



CEG Group Engineers, LLP

NC FIRM LICENSE #F-1240
274 N. Hwy. 16, SUITE 300
DENVER, CO 80207
T 704.489.1500

www.ceg-group.net



ANGELO ARCHITECTS PLLC

ARCHITECTURAL DESIGN & CONSULTING SERVICES

**2126 PLANTATION CENTER DRIVE,
SUITE A, MATTHEWS, NC 28105**

www.angeloarchitects.com 704.544.8100

<i>SUBMITTALS</i>	
DATE:	PURPOSE:
1/25/22	INITIAL SUBMITTAL
2/23/22	ADDRESSED COMMENTS
3/25/22	ADDRESSED COMMENTS

OWNER / DEVELOPER
ETHAN & AUSTIN PROPERTIES, LLC
17501 HUNTERSVILLE, CONCORD RD.
HUNTERSVILLE, NC 28078
954-234-6252

PROJECT DESCRIPTION:

EVOLUTION RECREATION
AQUATICS
HUNTERSVILLE, NC
JANUARY 11, 2022

PROJECT NO:		7719.0821	
DRAWING REVISIONS			
NO:	REVISION DESC.	DATE:	
-	-	-	
-	-	-	
-	-	-	
-	-	-	
-	-	-	
-	-	-	
-	-	-	
DRAWN BY: SNH		REVISED BY: SNH	
CHECKED BY: ACW		ISSUED BY: ACW	
DRAWING TITLE:			

CONCEPTUAL PLAN WITH ORDINANCE REQUIREMENTS

DRAWING NUMBER:
EX1.0



SITE DATA

EXISTING PARKING: 97
ADDITIONAL PARKING: + 21
TOTAL PROPOSED PARKING: = 118

TOTAL SITE AREA: (217,800) 5.50 AC
SITE AREA W/O R.O.W.: (229,126) 5.26 AC

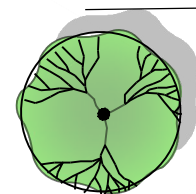
EXIST. IMPERVIOUS AREA: (95,396) 2.19 AC
PROP. IMPERVIOUS AREA: (123,275) 2.83 AC

EXIST. PERCENT IMPERVIOUS AREA:
2.19 AC / 5.26 AC = 41.6%

PROP. PERCENT IMPERVIOUS AREA:
2.83 AC / 5.26 AC = 53.8%

AREA OF IMPROVEMENTS: +/- 3.30 AC

KEY

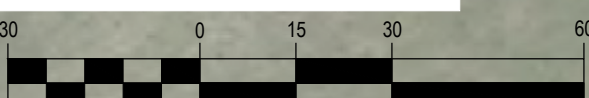


CANOPY TREE

UNDERSTORY TREE

EVERGREEN SHRUB

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



ENGINEERS
PLANNERS
SURVEYORS
SCIENTISTS

CES Group Engineers, LLP
NC FIRM LICENSE #F-1240
274 N. Hwy. 16, SUITE 300
DENVER, NC 28037
T 704.480.1500
www.ces-group.net



ANGELO ARCHITECTS
ARCHITECTURAL, DESIGN & CONSTRUCTION SERVICES
2225 PLANTATION CENTER DRIVE, SUITE A1, MATTHEWS, NC 28105
www.angelosarchitects.com TEL 704.844.8147

SEAL:

SUBMITTALS	
DATE:	PURPOSE:
1/25/22	INITIAL SUBMITTAL
2/23/22	ADDRESSED COMMENTS
3/25/22	ADDRESSED COMMENTS

OWNER / DEVELOPER
ETHAN & AUSTIN PROPERTIES, LLC
17501 HUNTERSVILLE, CONCORD RD.
HUNTERSVILLE, NC 28078
954-234-8252

EVOLUTION RECREATION & AQUATICS
HUNTERSVILLE, NC

PROJECT NO:
7719.0821

DRAWING REVISIONS	
NO.	REVISION DESC.

DRAWN BY: SNH REVISD BY:
CHECKED BY: ACW ISSUED BY:
DRAWING TITLE:

**CONCEPTUAL
PLAN WITH
VARIANCE
REQUEST**

DRAWING NUMBER:

EX2.0



SEAL:

SUBMITTALS	
DATE:	PURPOSE:
1/25/22	INITIAL SUBMITTAL
2/23/22	ADDRESSED COMMENTS
3/25/22	ADDRESSED COMMENTS

OWNER / DEVELOPER

OWNER / DEVELOPER
ETHAN & AUSTIN PROPERTIES, LLC
7501 HUNTERSVILLE, CONCORD RD.
HUNTERSVILLE, NC 28078

934-Z34-023Z

PROJECT DESCRIPTION:
**EVOLUTION RECREATION &
AQUATICS**
HUNTERSVILLE, NC

PROJECT NO:

NO: 7719.0821

[illegible]

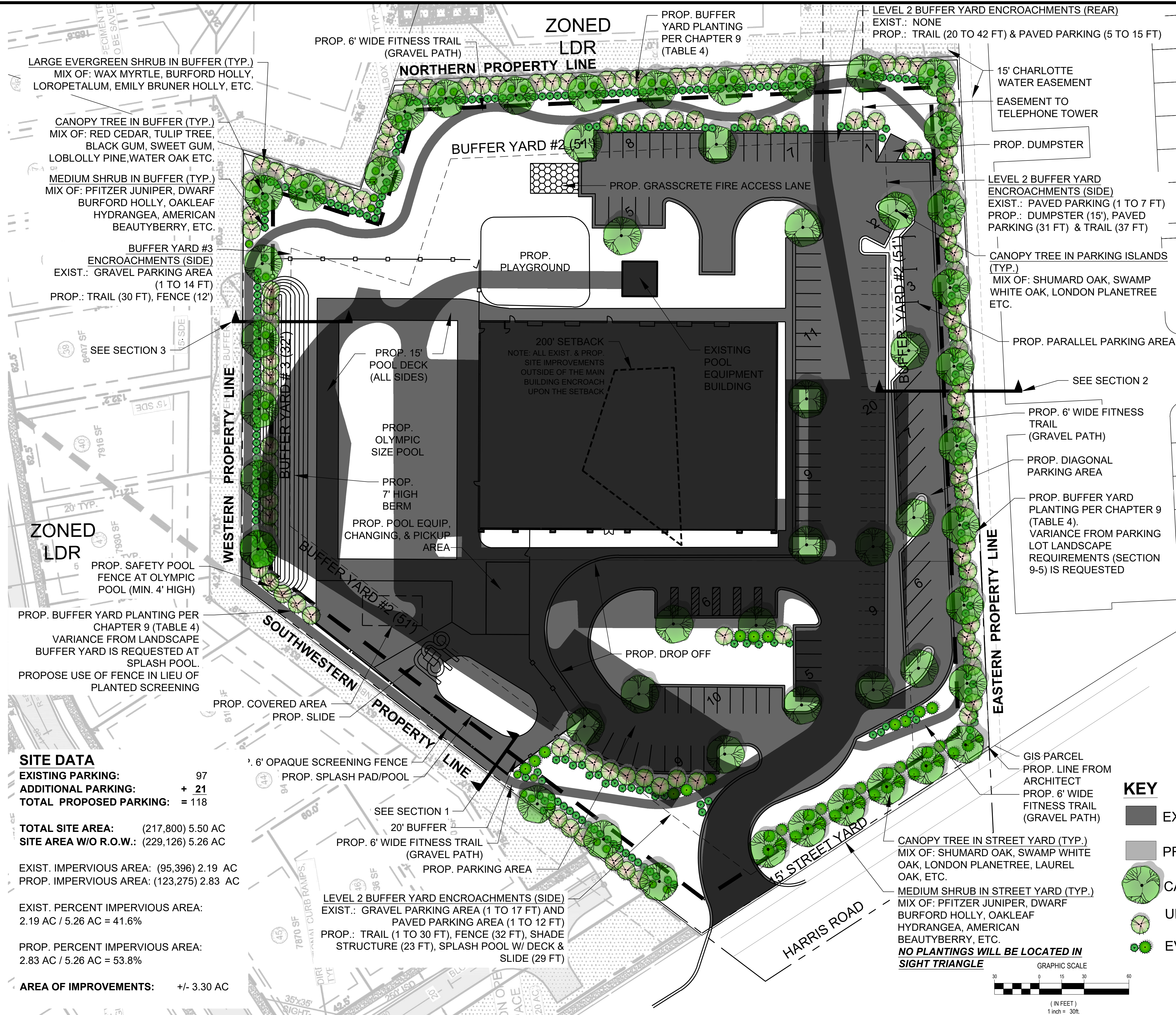
DRAWN BY:	SNH	REVISED BY:	__
CHECKED BY:	ACW	ISSUED BY:	__

CONCEPTUAL PLAN
WITH VARIANCE
REQUEST
(WITHOUT IMAGE)

DRAWING NUMBER:

EX3.0






SUBMITTALS	
DATE:	PURPOSE:
1/25/22	INITIAL SUBMITTAL
2/23/22	ADDRESSED COMMENTS
3/25/22	ADDRESSED COMMENTS

**EVOLUTION RECREATION &
AQUATICS**
HUNTERSVILLE, NC

[illegible]


EXISTING AND
PROPOSED
IMPERVIOUS AREAS

EX4.0



CES
 ENGINEERS
 PLANNERS
 SURVEYORS
 SCIENTISTS

CES Group Engineers, LLP
 NC FIRM LICENSE #F-1540
 27 DORRIN, NC 28037
 T 704.489.1000
www.ces-engineers.com



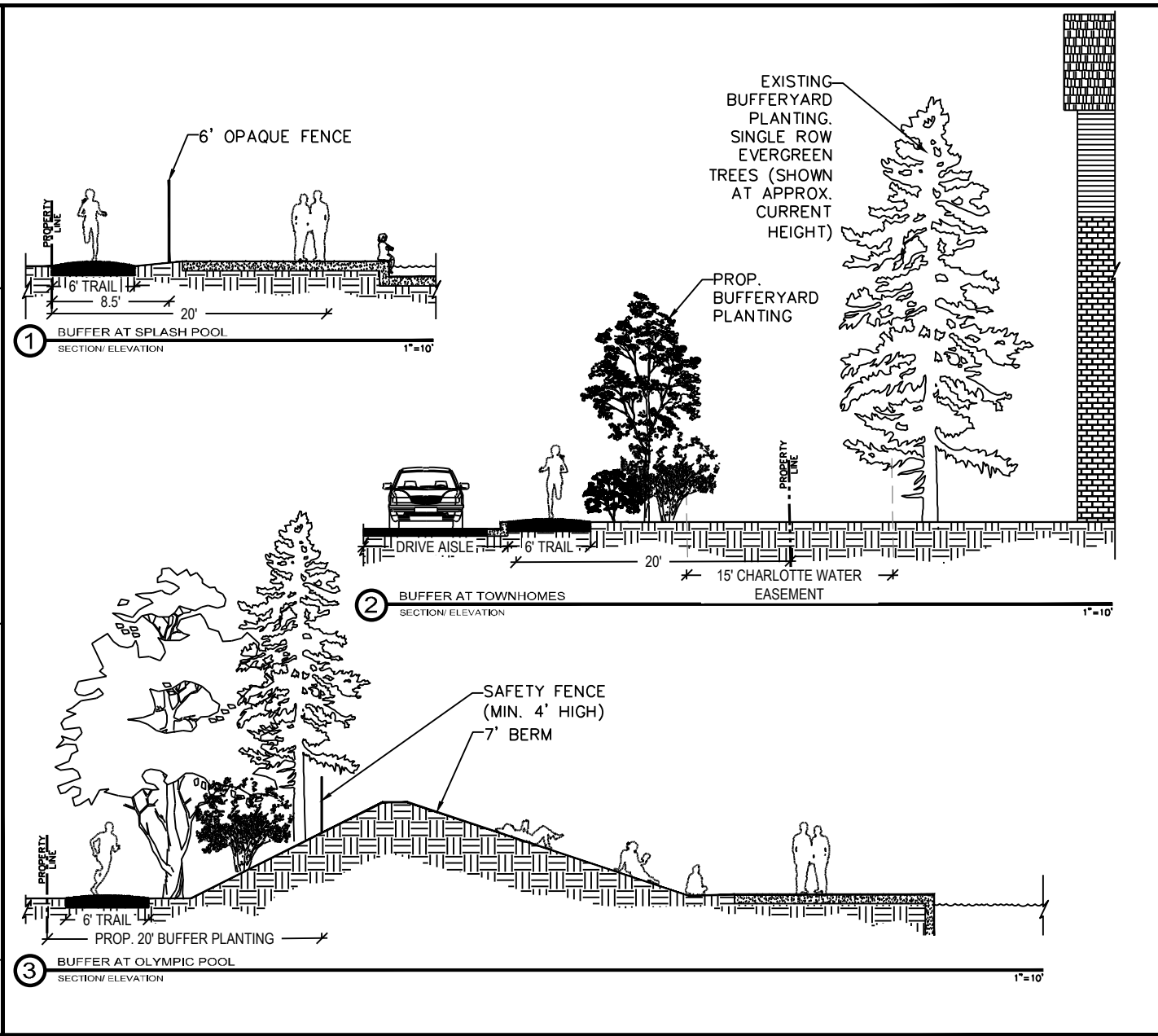
ANGELO ARCHITECTS
 ARCHITECTS, INTERIORS & EXTERIOR DESIGN
 2701 N. PARKWAY, SUITE 200
 DORRIN, NC 28037
 TEL 704.489.1000
www.angeloarchitects.com

EVOLUTION RECREATION & AQUATICS
 HUNTERSVILLE, NC

BUFFERS WITH VARIANCE
 Date: JAN. 11, 2022

REVISIONS		
Date	Description	Approved

Sheet: 1 of 1





VIEW 1 - Olympic pool, Splash Pad & Cabana area

"These Rendering are conceptual only, refer to civil drawings and other information for specific locations of landscaping, fencing, and other site improvements".



VIEW 3 - Splash Pool Area



VIEW 2 - Olympic pool & Playground



VIEW 4 - Olympic Pool & Cabana Area

Exhibit E

Surrounding Property Owner Information

4670-45-1661 ETHAN AND AUSTIN PROPERTIES LLC 17501 HUNTERSVILLE CONCORD RD HUNTERSVILLE, NC 28078		
4670-55-1040, 02924103B & 02924103A WOODLEY WALLACE FARMS LLC 14842 EASTFIELD RD HUNTERSVILLE, NC 28078	4670-35-8966 STEVEN & MYRA BILLINGS 14647 EASTFIELD RD HUNTERSVILLE, NC 28078	4670-45-6640 SKYBROOK SIGNATURE TOWNHOMES OWNERS ASSOC PO BOX 481349 CHARLOTTE, NC 28269
4670-46-0288 & 02111116 MYRA'S DREAM LLC A NC LLC 14647 EASTFIELD RD HUNTERSVILLE, NC 28078		

January 18, 2022

Dear Property Owner:

A Variance Application has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, February 8, 2022 at 6:30 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

- | | |
|----------------------------|---|
| • Petitioner | Evolution Recreation & Aquatics |
| • Petition Number | VARN2022-00001 |
| • Property Location | 11202 Harris Road |
| • Parcel ID Number | 4670-45-1661 |
| • Existing Zoning | Office & Institutional Special Use (OI-SU) |
| • Variance Request | Relief from the requirements of; Chapter 5
Section 5-8, Chapter 7 Section 7-3.59.c &
Chapter 9 Table 4 |

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,



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

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

January 18, 2022

Dear Property Owner:

A Variance Application has been filed in our office for property **adjacent** to yours. The property and specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, February 8, 2022 at 6:30 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

- | | |
|----------------------------|---|
| • Petitioner | Evolution Recreation & Aquatics |
| • Petition Number | VARN2022-00001 |
| • Property Location | 11202 Harris Road |
| • Parcel ID Number | 4670-45-1661 |
| • Existing Zoning | Office & Institutional Special Use (OI-SU) |
| • Variance Request | Relief from the requirements of; Chapter 5
Section 5-8, Chapter 7 Section 7-3.59.c &
Chapter 9 Table 4 |

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,



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

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

Jan 19, 2022 at 8:54:06 AM
Cabarrus County



Jan 19, 2022 at 8:53:21 AM
Huntersville, NC 28078



Exhibit F
Original Request Information

Petition: C2005-05 (R)

Petitioner(s) Agent Information:	Yarbrough-Williams & Houle, Inc. PO Box 7007 Charlotte, NC 28241
Property Owner Information:	Myra's Dream LLC (Myra W. Billings) 14647 Eastfield Rd. Huntersville, NC 28075
Existing Zoning:	MDR – Medium Density Residential
Proposed Zoning:	OI-CU – Office Institutional Conditional Use
Purpose:	The petitioner is seeking a zoning change to permit an indoor recreational facility.
Property Location:	14647 Eastfield Road
PIN:	4670-45-1944 (Portion of – See attached site Plan.)
Area:	5.519 Acres
Site Description:	The subject property is vacant.
Zoning History:	The subject property is currently zoned MDR, Medium Density Residential. The current zoning classification does not allow indoor recreational facilities as a permitted use.
Area Relationships	North: Residential (MDR-Medium Density Residential) South: Residential (MDR-Medium Density Residential) East: Residential/Skybrook Subdivision Swim Club (MDR-Medium Density Residential) West: Residential (MDR-Medium Density Residential)
Exhibits:	<ol style="list-style-type: none"> 1 Staff report 2. Current Zoning Map – submitted by staff 3. Subject Property Map – submitted by staff 4. Letter to adjacent property owners
Code Considerations:	Per the proposed text change to add the O-I Zone to the Cabarrus County Zoning Ordinance, the O-I district is intended to accommodate relatively low intensity office and institutional uses at an intensity complementary to residential land use. When appropriate, this district can serve as a transition between residential land use and higher intensity non-residential uses.

Site Considerations:

The subject parcel is located in close proximity to individual properties zoned MDR (Medium Density Residential), Skybrook Subdivision and O/I (Office/Institutional) zoned property, contingent subsequent zoning map amendments. The adjacent property uses are primarily residential in nature along with a parcel used by Skybrook Subdivision as their amenity site. The Skybrook amenity site has a pool, cabana, and other outdoor recreational type facilities on the lot.

Per the Draft Northwest Area Plan, the subject property is classified as mixed use. The proposed indoor recreational facility is consistent with appropriate uses allowed in the mixed use area. The proposed indoor recreational facility may be considered complementary to the adjacent and area property owners. The OI-CU zoning designation for the subject property would create a transitional area between single family residential uses and other potentially more intense uses.

Site Plan Considerations:

The applicant has provided a site plan for staff to review. A preliminary review of the site plan shows the following:

- The proposed lot is 5.501 Acres.
- The proposed structure meets the minimum setback requirements for the O-I CU Zoning District.
- The proposed plan shows the required 15' buffer yard along Eastfield Road.
- The proposed plan shows a level 3 buffer yard around the perimeter of the property. The buffer yard has been reduced on the North and East property line by the installation of a six foot berm and vegetation. This meets the screening requirement for an institutional use adjacent to residential property.
- The site plan has been reviewed by the Cabarrus County Zoning Office and is compliant with all development standards per Cabarrus County Zoning Ordinance contingent the rezoning of this parcel.

Conclusion:

The petitioner has requested a rezoning from MDR to O-I CU. Per the Cabarrus County Zoning Ordinance, the proposed rezoning request is in keeping with the intent of the O-I Zone to allow uses that may be complementary to residential uses.

**Planning Staff
Recommendation:**

Should the Board consider approval of the rezoning, Planning staff recommends that the following conditions be applied:

- 1. The subject property shall be required to secure a driveway permit issued by the NCDOT.*
- 2. The proposed project shall meet all of the Performance Based Standards set forth in Chapter Seven of the Cabarrus County Zoning Ordinance for Indoor Recreational Facilities.*
- 3. The proposed project shall be subject to a final site development plan review and approval as stated in Chapter 12, Section 12-8, Site Development Plan.*
- 4. The subject property must acquire all applicable state, local, and federal permits prior to the subject property being developed.*
- 5. Approval of this petition shall be contingent the approval of the O-I Text Amendment by the Cabarrus County Board of Commissioners (public hearing to be held June 20th, 2005).*

April 21, 2005
May 19, 2005
June 16, 2005

Cabarrus County Application for a Zoning Map Amendment



OFFICIAL USE ONLY:

Petition Number: _____
Date Filed: _____
Received By: _____
Amount Paid: _____

The following steps are required in order for your application to be considered complete.
Incomplete applications will be returned to the applicant and will not be processed.

1. Schedule a pre-application meeting with staff.
2. Submit a completed application for an amendment to the official zoning map. All applications must include:
 - A list of all adjacent property owners (include owner name, address, and Parcel Identification Number).
 - A recent survey or legal description of the property or area to be rezoned.
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/acre
Non-residential rezoning request = \$500 + \$5/acre

The Rezoning Process:

Month 1: Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process. Submit a Zoning Map Amendment application to Cabarrus County Planning Services. **All applications must be submitted by the third Thursday of the month to have a public hearing set for the following month.** During this month planning staff will review your application, prepare a staff report to the board, and notify all adjacent property owners.

Month 2: After your application is submitted and reviewed by staff, your request will be forwarded to the Cabarrus County Planning and Zoning Commission. Commission meetings are held on the third Thursday of every month at 7:00 p.m. At this meeting the Commission will hold a public hearing and may vote on your request. Commission meetings are held at the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street.

A vote of $\frac{3}{4}$ of the Commission will constitute a final decision unless the decision of Planning and Zoning Commission is appealed to the Cabarrus County Board of Commissioners within 15 days. If appealed, the case will be scheduled for the next available Board of Commissioners meeting.

Questions: Contact Cabarrus County Planning Services Division, with any questions regarding rezonings in Cabarrus County. Planning Services can be contacted at 704-920-2141.

County Offices are open from 8am to 5pm Monday through Friday.

**Cabarrus County
Application for a Zoning
Map Amendment**



OFFICIAL USE ONLY:

Petition Number: 605-05-121

Date Filed: _____

Received By: _____

Amount Paid: _____

Approved - 9-0

Subject Property Information

1. Street Address 14677 EASTFIELD RD. HUNTERSVILLE NC 28078
2. PIN(s) (10 digit #) 4670-- 45 -- 1944 ; -- -- --
3. Deed Reference Book 3067 Page 102
5. Township # _____

Description of Subject Property

6. Size (square feet or acres) 5.519 ACRES (240,407 SF)
7. Street Frontage (feet) 218.39 LF
8. Current Land Use of Property RESIDENTIAL
9. Surrounding Land Use
 North MDR RESIDENTIAL
 South MDR RESIDENTIAL
 East MDR RESIDENTIAL/ SWIM CLUB
 West MDR RESIDENTIAL

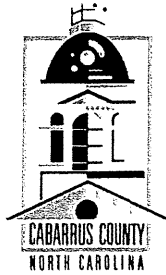
Request

10. Change Zoning From RESIDENTIAL MDR To ~~HD/M~~ HD/M *OI - CU*

11. Is this a request for a "Conditional Use" District? YES ~~NO~~ *yes - m. B. Bieps*
 (If YES, you must also submit an application for a Conditional Use Permit)

12. Purpose for Request REZONING PROPERTY TO ALLOW INDOOR
RECREATIONAL FACILITY
- _____

**Cabarrus County
Application for a
Conditional Use Permit**



Application Number: CO5-05(R)
Date Filed: _____
Submitted by: _____

Applications for a Conditional Use Permit/District must be accompanied by an application for a Zoning Map Amendment.

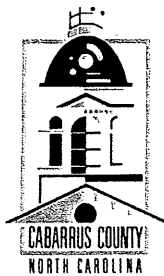
1. Please submit twelve (12) copies of a development plan in conformance with Section 13-11 of the Cabarrus County Zoning Ordinance. (all conditional use applications are encouraged to include a site specific development plan which, if approved, will be binding on the property in question):
2. Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Section 3-8 of the Cabarrus County Zoning Ordinance titled "Table of Permitted Uses."

indoor Recreational facility
office use

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

See Site Plan.

**Cabarrus County
Application for a
Conditional Use Permit**



OFFICIAL USE ONLY:

Petition Number: _____
Date Filed: _____
Received By: _____

Owner Information

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

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for an zoning map amendment.

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

Property Owner

Myra W. Billings (Myra's Dream)
Steven G. Billings LLC

Address

14647 Eastfield Rd
Huntersville, NC 28078

Phone

(704) 825-9495

Fax

(704) 947-9687

Signature

Myra W Billings

**Cabarrus County
Application for a Zoning
Map Amendment**



OFFICIAL USE ONLY:

Petition Number: _____
Date Filed: _____
Received By: _____
Amount Paid: _____

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 providing its need rests with the below named petitioner.

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

13. Property Owner

MYRA'S DREAM LLC *(Myra W. Billings, owner)*
Address 14677 EASTFIELD RD. HUNTERSVILLE NC 28075
Phone (704) 875-9495 / (704) 201-4287
Fax (704) 947-9687
Signature *Myra W. Billings*

14. Agent (if any)

YARBROUGH-WILLIAMS & HOULE, INC.
Address P.O. BOX 7007 CHARLOTTE, NC 28241
Phone (704) 556-1990 EXT. 105
Fax (704) 556-0505
Signature *Jeffrey*

15. Applicant (if any)

Address _____
Phone _____
Fax _____
Signature _____

NOTES

THIS PROPERTY SUBJECT TO ALL OTHER RIGHTS-OF-WAY AND EASEMENTS OF RECORD NOT OBSERVED IN THE FIELD WHICH WOULD BE DISCLOSED BY A FULL TITLE SEARCH.

PER NCDOT IN ALBEMARLE THE RIGHT-OF-WAY OF ALLEN HARRIS ROAD ALSO KNOWN AS EASTFIELD ROAD, IS THAT WHICH IS MAINTAINED BY THE STATE FROM BACK OF DITCH TO BACK OF DITCH, AN ASSUMED RIGHT-OF-WAY OF 100' IS SHOWN FOR PICTORIAL PURPOSES ONLY.

AREAS CALCULATED BY COORDINATE METHOD.

DISTANCES SHOWN ARE GROUND DISTANCES. TO CONVERT TO GRID DISTANCES APPLY THE COMBINED GRID FACTOR OF 0.9999485.

THIS SURVEY IS NOT INTENDED TO MEET GS 47-30 REQUIREMENTS. THIS SURVEY WAS PREPARED PER THE STANDARDS OF PRACTICE FOR LAND SURVEYORS IN NORTH CAROLINA WITH AN ERROR OF CLOSURE IN EXCESS OF 1:10,000.

AT THE TIME OF THIS SURVEY THE OFFICE OF NORTH CAROLINA GEODETIC SURVEY HAS NOT SET THE REVISED MONUMENTS DEPICTING THE COUNTY LINE BETWEEN MECKLENBURG AND CABARRUS COUNTY.

15' THOROUGHFARE BUFFER NOTE

FIFTEEN(15) FOOT LANDSCAPE SETBACK SHALL CONTAIN A MIXTURE OF THE FOLLOWING: ONE TREE WHICH WILL REACH A LEVEL OF SIX(6) FEET WITHIN THREE(3) YEARS EVERY THIRTY(30) LINEAR FEET OF FRONTAGE, LOW LEVEL SHRUBS, DECORATIVE TREES (MINIATURE TREES IF LOCATED UNDER POWER LINES), AND GRASS.

PARKING NOTE:

PARKING REQUIRED (MIN 1.5/1000 SF)= 42 SPACES

(MAX 10/1000 SF)= 279 SPACES

PARKING PROVIDED

89 SPACES

±6 HANDICAPPED SPACES

95 TOTAL PARKING SPACES

LANDSCAPING NOTE:

USE THE APPROVED LANDSCAPING PLANT LIST FOR CABARRUS COUNTY AS SHOWN ON PART V SECT. 9.14

BUFFER TREES

ALL SHRUBS AND TREES FOR PLANTING WITHIN BUFFERS MUST BE ON THE APPROVED PLANT LIST FOUND IN PART V. COMPARABLE SUBSTITUTES MAY BE APPROVED BY THE ZONING ADMINISTRATOR.

A) TREES. AT LEAST FORTY PERCENT OF REQUIRED TREES WITHIN A BUFFER MUST BE LARGE MATURING TREES WITH A MINIMUM CALIPER OF 2 1/2" MEASURED 6" ABOVE GROUND AT THE TIME OF PLANTING; SMALL MATURING TREES MUST HAVE A MINIMUM CALIPER OF 1 1/2" MEASURED 6". TWENTY-FIVE PERCENT OF THE TREES IN THE BUFFER MUST BE EVERGREEN.

B) SHRUBS. MUST BE EVERGREEN AND AT LEAST 2 1/2 FEET TALL WHEN PLANTED WITH AN AVERAGE HEIGHT OF 5 OF 6 FEET EXPECTED AS NORMAL GROWTH OVER A FOUR YEAR PERIOD. TWENTY-FIVE PERCENT OF SHRUBS MAY VARY FROM THE ABOVE AS FOLLOWS:

-MAY BE DECIDUOUS

-MAY BE TWO FEET TALL WHEN PLANTED PROVIDED THREE TO FOUR FEET GROWTH IS ANTICIPATED OVER A FOUR YEAR PERIOD

-IF PLANTED ON A BERM MAY BE OF A LESSER HEIGHT PROVIDED THAT COMBINED HEIGHT OF THE BERM AND PLANTINGS IS AT LEAST 6 FEET AFTER FOUR YEARS.

TREE AND SHRUB REQUIREMENTS:

NORTH BUFFERYARD: *(SEE NORTH & EAST BUFFERYARD NOTE)

-534 LINEAR FEET

-54 SHRUBS

-16 TREES

EAST BUFFERYARD: *(SEE NORTH & EAST BUFFERYARD NOTE)

-518 LINEAR FEET

-52 SHRUBS

-16 TREES

WEST BUFFERYARD:

-750 LINEAR FEET

-150 SHRUBS

-45 TREES

SOUTH THOROUGHFARE BUFFERYARD:

-230 LINEAR FEET (8 TREES) *(SEE NOTE ABOVE)

-ONE TREE WHICH WILL REACH A LEVEL OF SIX(6) FEET WITHIN THREE(3) YEARS EVERY THIRTY(30) LINEAR FEET OF FRONTAGE

SIGNAGE NOTE:

ENTRANCE SIGNAGE & BUILDING SIGNAGE ARE NOT TO EXCEED 50 SQ.FT. TOTAL

INTERIOR LANDSCAPING

TREES
REQUIRED AT A RATE OF ONE PER SIXTEEN PARKING SPACES. AT LEAST FORTY PERCENT OF REQUIRED TREES MUST BE LARGE MATURING TREES WITH A MINIMUM CALIPER OF 2 1/2" MEASURED 6" ABOVE GROUND AT THE TIME OF PLANTING; SMALL MATURING TREES MUST HAVE A MINIMUM CALIPER OF 1 1/2" MEASURED 6". TWENTY-FIVE PERCENT OF THE TREES THROUGHOUT THE PARKING LOT MUST BE EVERGREEN.

SHRUBS
REQUIRED AT A RATE OF THREE PER SIXTEEN SPACES. MUST BE EVERGREEN AND AT LEAST 2 1/2' TALL WHEN PLANTED WITH AN AVERAGE HEIGHT OF 5 TO 6 FEET EXPECTED AS NORMAL GROWTH OVER A FOUR YEAR PERIOD. TWENTY-FIVE PERCENT OF SHRUBS MAY VARY FROM THE ABOVE AS FOLLOWS:

*MAY BE DECIDUOUS, OR,
*MAY BE TWO FEET TALL WHEN PLANTED PROVIDED THREE TO FOUR FEET OF GROWTH IS ANTICIPATED OVER A FOUR YEAR PERIOD.

INTERIOR LANDSCAPING TREE AND SHRUB REQUIREMENTS:

TREES:

-1 TREE PER 16 PARKING SPACES

95 PARKING SPACES = 6 TREES REQUIRED

SHRUBS:

-3 SHRUBS PER 16 PARKING SPACES

95 PARKING SPACES = 18 SHRUBS REQUIRED

CHAPTER 7 SECTION 7.4.29 RECREATION FACILITY INDOOR

A) BUFFERYARD ABUTTING RESIDENTIALLY USED PROPERTY MUST PROVIDE SCREENING AT LEVEL 3

TABLE FOUR BUFFERYARD LEVELS

ACREAGE LESS THAN	.5	1	1.5	2	2.5	3	3.5	4	4.5	5	5.5	6	6.5	7	7.5	8	8.5	9	9.5	10 OR MORE ACRES
BUFFERYARD #1 WIDTH OF YARD	43'	46'	49'	52'	55'	58'	61'	64'	67'	70'	73'	76'	79'	82'	85'	88'	91'	94'	97'	100'
*TREES PER 100'	9 TREES	10 TREES	11 TREES	12 TREES	13 TREES	14 TREES	15 TREES	16 TREES	17 TREES	18 TREES	19 TREES	20 TREES	21 TREES	22 TREES	23 TREES	24 TREES	25 TREES	26 TREES	27 TREES	28 TREES
*SHRUBS PER 100'	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS	60 SHRUBS
BUFFERYARD #2 WIDTH OF YARD	25'	27'	30'	33'	36'	39'	42'	45'	48'	51'	54'	57'	60'	63'	66'	69'	72'	75'	78'	81'
*TREES PER 100'	6 TREES	7 TREES	8 TREES	9 TREES	10 TREES	11 TREES	12 TREES	13 TREES	14 TREES	15 TREES	16 TREES	17 TREES	18 TREES	19 TREES	20 TREES	21 TREES	22 TREES	23 TREES	24 TREES	25 TREES
*SHRUBS PER 100'	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS	40 SHRUBS
BUFFERYARD #3 WIDTH OF YARD	12'	14'	16'	18'	20'	22'	24'	26'	28'	30'	32'	34'	36'	38'	40'	42'	44'	46'	48'	50'
*TREES PER 100'	3 TREES	4 TREES	5 TREES	6 TREES	7 TREES	8 TREES	9 TREES	10 TREES	11 TREES	12 TREES	13 TREES	14 TREES	15 TREES	16 TREES	17 TREES	18 TREES	19 TREES	20 TREES	21 TREES	22 TREES
*SHRUBS PER 100'	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS	20 SHRUBS

EXCEPTIONS:

1) THE MINIMUM WIDTH OF A BUFFER MAY BE REDUCED BY 25 PERCENT IF A FENCE OR WALL IS CONSTRUCTED.

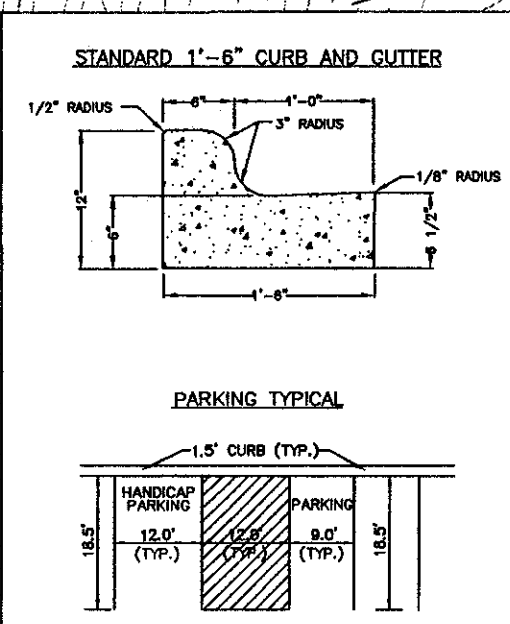
2) SHRUBS ARE NOT REQUIRED IF A FENCE OR WALL IS CONSTRUCTED.

3) AN EVERGREEN (OPAQUE) VEGETATIVE HEDGE IF USED WILL REDUCE THE BUFFERYARD WIDTH BY ON HALF AND ELIMINATE THE NEED FOR REQUIRED SHRUBS AND/OR TREES.

4) A BERM WITH A MINIMUM HEIGHT OF SIX FEET WILL REDUCE THE BUFFERYARD WIDTH BY ONE HALF AND THE OTHERWISE REQUIRED PLANTING MATERIALS BY ON HALF. THE RESULTING BERM MUST BE SOWN WITH FESCUE GRASS AND MAINTAINED.

NORTH & EAST BUFFERYARD NOTE

THE NORTH & EAST BUFFERYARD HAS BEEN REDUCED BY THE INSTALLATION OF A BERM WITH A MINIMUM HEIGHT OF SIX FEET AND WILL REDUCE THE BUFFERYARD WIDTH BY ONE HALF AND THE OTHERWISE REQUIRED PLANTING MATERIALS BY ONE HALF. THE RESULTING BERM MUST BE SOWN WITH FESCUE GRASS AND MAINTAINED.



IMPERVIOUS AREA
PARKING LOT - 53,213 SQ.FT.
SIDEWALK - 3,170 SQ.FT.
BUILDING - 28,539 SQ.FT.
TOTAL - 84,922 SQ.FT.

NOW OR FORMERLY
MVC, LLC.
DEED: 1259-114
ZONING: OPS

WE 686.1

WE 686.1

WE 686.1

WE 686.1

WE 686.1

WE 686.1

WE 686.1

WE 686.1

WE 686.1

WE 686.1

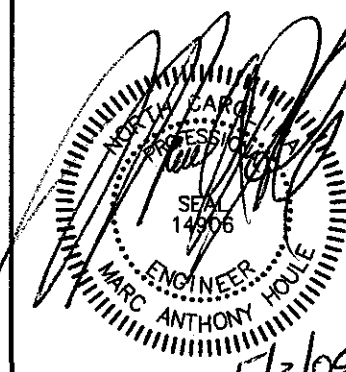
WE 686.1

WE 686.1

LEGAL DESCRIPTION
BEGINNING AT AN IRON REBAR FOUND IN THE NORTHERN RIGHT OF WAY LINE OF HARRIS ROAD(S.R.#1449), SAID IRON HAVING N.C. GRID COORDINATES (NAD 83) OF N=605,503.2833 E=1,474,644.0084 AND BEING LOCATED S44-40-18W 3714.16' FROM A NORTH CAROLINA GEODETIC CONTROL MONUMENT "MD18 FFH" SAID MONUMENT HAVING N.C. GRID COORDINATES (NAD 83) OF N=608,052.493 E=1,477,032.572. THENCE S02-29-44E 58.04' TO A POINT IN THE CENTERLINE OF HARRIS ROAD(S.R.#1449). THENCE FOLLOWING THE CENTERLINE OF HARRIS ROAD S56-59-05W 182.09' TO A POINT IN THE CENTERLINE, SAID POINT ALSO BEING IN THE CABARRUS & MECKLENBURG COUNTY LINE. THENCE FOLLOWING SAID COUNTY LINE N52-46-44W 53.13' TO AN IRON SET IN THE RIGHT OF WAY LINE OF HARRIS ROAD (A.K.A EASTFIELD ROAD IN MECKLENBURG COUNTY), CONTINUING WITH CABARRUS & MECKLENBURG COUNTY LINE ALSO BEING A COMMON LINE WITH MYRA'S DREAM, LLC.(DEED:3067-102) N52-46-44W 386.19' TO AN IRON SET. THENCE LEAVING COUNTY LINE AND FOLLOWING THE EASTERN MARGIN OF A INGRESS & EGRESS EASEMENT (DEED:765-117) N00-21-27E 289.13' TO AN IRON SET IN THE SOUTHERN PROPERTY LINE OF STEVEN G. & MYRA BILLINGS(DEED:765-115). THENCE TWO CALLS WITH THE BILLINGS PROPERTY(DEED:765-115) (1) S72-00-41E 82.35 TO AN IRON REBAR FOUND (2) N17-47-01E 74.63' TO AN IRON SET IN THE BILLINGS LINE AND BEING A COMMON CORNER WITH MYRA'S DREAM, LLC.(DEED:3067-102). THENCE WITH MYRA'S DREAM, LLC. LINE N87-30-16E 377.39' TO AN IRON SET IN THE LINE OF JORDAN HOLDINGS, LLC.(DEED:3753-232). THENCE S02-29-44E 460.16' TO THE POINT AND PLACE OF BEGINNING CONTAINING 5.501 ACRES AS SHOWN ON A SURVEY PREPARED BY YARBROUGH-WILLIAMS & HOULE, INC. DATED: APRIL 20, 2005.

NOW OR FORMERLY
JOHN WOOLEY WALLACE, SR
14832 HARRIS RD.
HUNTERVILLE, NC, 28078
DEED: 3737-816
ZONING: MDR

OWNER INFORMATION:
MYRA'S DREAM, LLC.
14324 EASTFIELD ROAD
HUNTERVILLE, NC 28078
PHONE:# 704-201-4287



SHEET TITLE

REZONING SITE PLAN
5.501 ACRES TOTAL

PROJECT
NORTH MECKLENBURG AQUATIC CENTER
TOWNSHIP #2, CABARRUS COUNTY
FOR: MYRA BILLINGS



YARBROUGH-WILLIAMS & HOULE, INC.
Planning & Surveying & Engineering
730 Windsor Oak Court Charlotte, NC 28273
704.558.1990 704.558.0505(fax)

PROJECT NO.

SCALE

1"=100'

DATE

4/20/05

DRAWN BY

JUN

CHECKED BY

JEV

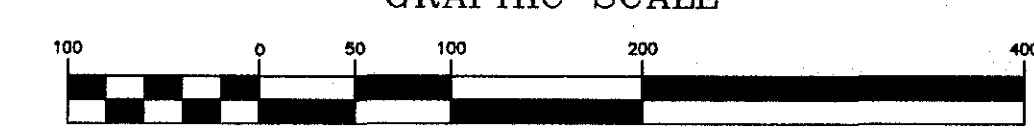
BRAVING NO.

140-71

SHT 1 OF 1 SHTS

APPROVED
DATE 4/16/05
DUPLICATE

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.

THIS PLAN IS A FINAL DESIGN-NOT
RELEASED FOR CONSTRUCTION
UNLESS INITIALLED/DATED AS APPROVED:
APPROVED: INITIALS DATE

Exhibit G

Neighborhood Meeting Information



Meeting Minutes

Applicant: **Evolution Recreation & Aquatics**
 11202 Harris Road,
 Huntersville, NC 28078

Prepared by: Augustine Wong, PLA
 CES Group Engineers, LLP

Date: January 7, 2022

Due to public gathering restrictions resulting from Covid-19, an alternative method to reach adjacent properties and residents were conducted. A door-to-door meeting with each property owner with social distancing imposed.

- A site plan, description of the proposed improvement along with contact information to provide input was provided.
- This information was either left at their door (when occupant was not available) or handed to the occupants.
- A brief overview of the improvements and contact information to submit comments were provided.

The following are comments from the door-to-door meetings.

- 1) Will it increase my HOA fees? – Windy Falls Drive Townhome
- 2) Opening of car door during early morning in parking lot? – Windy Falls Drive Townhome
- 3) I have no opposition to the setback variance and fully support it – Raina Berry, 852 Skybrook Falls Drive (via text on 1/7/2022)

End of Minutes.

Greetings.

My name is Augustine Wong, PLA, a landscape architect with CES Group Engineers in Denver, North Carolina.

CES Group Engineers is assisting Evolution Recreation & Aquatics (Ethan & Austin Properties, LLC) at 11202 Harris Road, Huntersville, NC 28078 with site expansion of their current indoor swimming pool and playground to include outdoor swimming pool, splash pad, changing room and parking lot. This facility has been providing swimming lessons and aquatic safety classes to the community especially to children and seniors for many years and the expanded fitness, and competitive swimming facility will enhance their current services.

Due to land restriction, they are seeking a setback variance of 20 feet from the County which will include a combination of plantings and/or fence on top of a berm to achieve the landscape screening requirement.

If you have comments to support or against this setback variance, please let us know as soon as you are able. Comments can be sent to awong@ces-group.net; or to leave a text or voice message at 803.448.5815

We appreciate your input and thank you for your time.

Name of Business:

Evolution Recreation & Aquatics
11202 Harris Rd
Huntersville NC 28078

Cullen, Terina
878 Windy Falls Dr
Huntersville, NC 28708
PIN: 46704546650000

Property Owner:

Ethan & Austin Properties LLC
17501 Huntersville-Concord Rd.
Huntersville, NC 28078

7) Alsop, Michael
874 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704546670000

Immediate Residential Neighbors:

- 1) Godwin, Jeffery
Godwin, Latrise
898 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704545710000
- 2) Sethurahman Sivasamy
Sethurahman, Sumithra
894 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704545740000
- 3) SN NC LLLC
890 Windy Falls DR
Huntersville, NC 28078
Mailing address: 8390 E Via De Ventura
Ste F110
Scottsdale, AZ 85258
PIN: 4670454660000
- 4) Raam Naveen
Krishnegowda Anita
886 Windy Falls Dr
Huntersville, NC 28078
PIN: 4670454680000
- 5) Underwood, Clarence
Underwood, Renee
882 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704546600000
- 6) Cullen, John

- 8) White, Kenneth Corey
White, Melissa Erin
10414 Summercrest Court
Charlotte, NC 28267
PIN: 46704547600000
- 9) Prince, Adam
Prince, Margaret
866 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704547620000
- 10) BSMN LLC
862 Windy Falls Dr
Huntersville, NC 28708
Mailing: 10114 Edgecliff Road
Huntersville, NC 28078
PIN: 46704547640000
- 11) Bakong, Chrystel
858 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704547560000
- 12) Pagunuran, Gilbert
Pagunuran, Gina
854 Windy Falls Dr
Huntersville, NC 28078
Mailing address: 2210 Donnington Lane
NW, Concord, NC 28027
PIN: 46704547590000
- 13) Sethurahman, Muralitharan
Aramugadurai Geetha

850 Windy Falls Dr
Huntersville, NC 28078

Mailing address: 6010 Pipers Glen
Suwanee, GA 30024
PIN: 46704548530000

14) Grogan, Terrence
846 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704548560000

15) Kankipati, Nitvanand
Kankipati, Kavitha
842 Windy Falls Dr
Huntersville, NC 28078
Mailing address: 17323 Hampton Trace
Rd, Huntersville, NC 28078
PIN: 46704548580000

16) Salley, John
838 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704549500000

17) Woodley Wallace Farms, LLC
A NC LLC
Mailing address: 14842 Eastfield Rd
Huntersville, NC 28078
Physical address: 11201 Harris Rd
Huntersville, NC 28078
PIN: 46705510400000

18) Skybrook Signature Townhomes
Owners Association
852 Windy Falls Dr
Huntersville, NC 28078
Mailing address: PO Box 481349
Charlotte, NC 28269
PIN: 46704566400000

19) Frahm, Andrew D
Frahm, Leigh A
11214 Bridgewater Dr

Huntersville, NC 28078

Mailing address: 9412 Owls Nest Dr
Raleigh, NC 27613
PIN: 46704549290000

20) Carr, Monalita
11210 Bridgewater Dr
Huntersville, NC 28078
PIN: 46704549490000

21) Vecchio, Johnathan
Vecchio, Debra
11206 Bridgewater Dr
Huntersville, NC 28078
PIN: 46704640600000

22) Brown, Cecilia
11202 Bridgewater Dr
Huntersville, NC 28078
PIN: 46704640900000

23) HPA JV Borrower 2019-1 ATH
11198 Bridgewater Dr
Huntersville, NC 28078
Mailing address: 120 S Riverside Plz
Suite 2000
Chicago, IL 60605
PIN: 46704650200000

24) Whiteside, Megan
11194 Bridgewater Dr
Huntersville, NC 28078
PIN: 46704650500000

25) Subramaniam, Sudhakar
Kannan Shanthi
11190 Bridgewater Dr
Huntersville, NC 29078
Mailing address: 10119 Legolas Ln,
Charlotte, NC 28269
PIN: 46704650700000

26) Darren Kemp, William

11186 Bridgewater Dr.
Huntersville, NC 28078
PIN: 46704660000000

Wysowski, Richard
857 Windy Falls Dr
Huntersville, NC 28078

27) Shuck, Matthew William
833 Windy Falls Dr
Huntersville, NC 28078
Mailing address: Unit 101 Phoenix, AZ
85048
PIN: 46704559610000

Mailing address: 967 Upland Dr
Elmira, NY 14905
PIN: 46704557670000

28) Dawson, Sean
837 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704558690000

34) Hasan, Cheryl
883 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704556730000

29) Sharma, Ankit
Sharma, Garima
841 Windy Falls Dr
Huntersville, NC 28078
Mailing address: 10331 Lemmon Ave
NW, Concord, NC 28027
PIN: 46704558660000

35) Goetz, Vicki Ann'
887 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704556700000

30) Kasu Batsirai, Neliah
845 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704558640000

36) Sprangler, Tiffany
891 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704555780000

31) Jalgam, Sandhya Rani
Dornala, Shiva Kumar
849 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704558620000

37) Zotkin, Mikhail
Zotkin, Oxana
895 Windy Falls Dr
Huntersville, NC 28078
PIN: 46704555750000

32) White, Kenneth
White, Melissa
853 Windy Falls Dr
Huntersville, NC 28078
Mailing address: 10414 Summercrest Ct
Charlotte, NC 28269
PIN: 46704538600000

38) Gettinger, Zachary
Hopkins, Emily
112000 Green Spring Dr
Huntersville, NC 28078
PIN: 46704557520000

33) Wysowski, Janice

39) Luckett, Janice
11196 Green Spring Dr
Huntersville, NC 28078
PIN: 46704557820000

40) Price, William
11192 Green Spring Dr
Huntersville, NC 28078

Mailing address: 24044 Buckingham
Way PT, Charlotte, FL 33980
PIN: 46704567020000

848 Skybrook Falls Dr
Huntersville, NC 28078

Mailing address: 4401 Brookwood Dr
Charlotte, NC 28078
PIN: 46704568400000

41) Allen, Nicole
11188 Green Spring Dr
Huntersville, NC 28078
PIN: 46704567220000

46) Delgrasso, Christine
844 Skybrook Falls Dr
Huntersville, NC 28078
Mailing address: 608 N Oak Dr
Huntersville, NC 28078
PIN: 46704568430000

42) Aurilia, Christy
Aurilia, Cheryl
11184 Green Spring Dr
Huntersville, NC 28078
Mailing address: 9894 Legolas Ln
Charlotte, NC 28269
PIN: 46704567520000

47) Golden, Michael
840 Skybrook Falls Dr
Huntersville, NC 28078
PIN: 46704568550000

43) Hoose, Robert
11180 Green Spring Dr
Huntersville, NC 28078
PIN: 46704567720000

48) Billings, Steven
Billings, Myra
14647 Eastfield Rd
Huntersville, NC 28078
PIN: 46703589660000

44) Berry, Raina
852 Skybrook Falls Dr
Huntersville, NC 28078
PIN: 46704567580000

49) Myra's Dream
14647 Eastfield Rd
Huntersville, NC 28078
PIN: 46704602880000

45) Talton, Joseph
Talton, Lindsey

Evolution Recreation & Aquatics

11202 Harris Road,
Huntersville, NC 28078

Comments received so far from door-to-door meeting with the immediate neighbors.

- 1) Will it increase my HOA fees? – Windy Falls Drive Townhome
- 2) Opening of car door during early morning in parking lot? – Windy Falls Drive Townhome
- 3) I have no opposition to the setback variance and fully support it – Raina Berry, 852 Skybrook Falls Drive

Exhibit H

Property Views

Overhead view of subject property, looking north



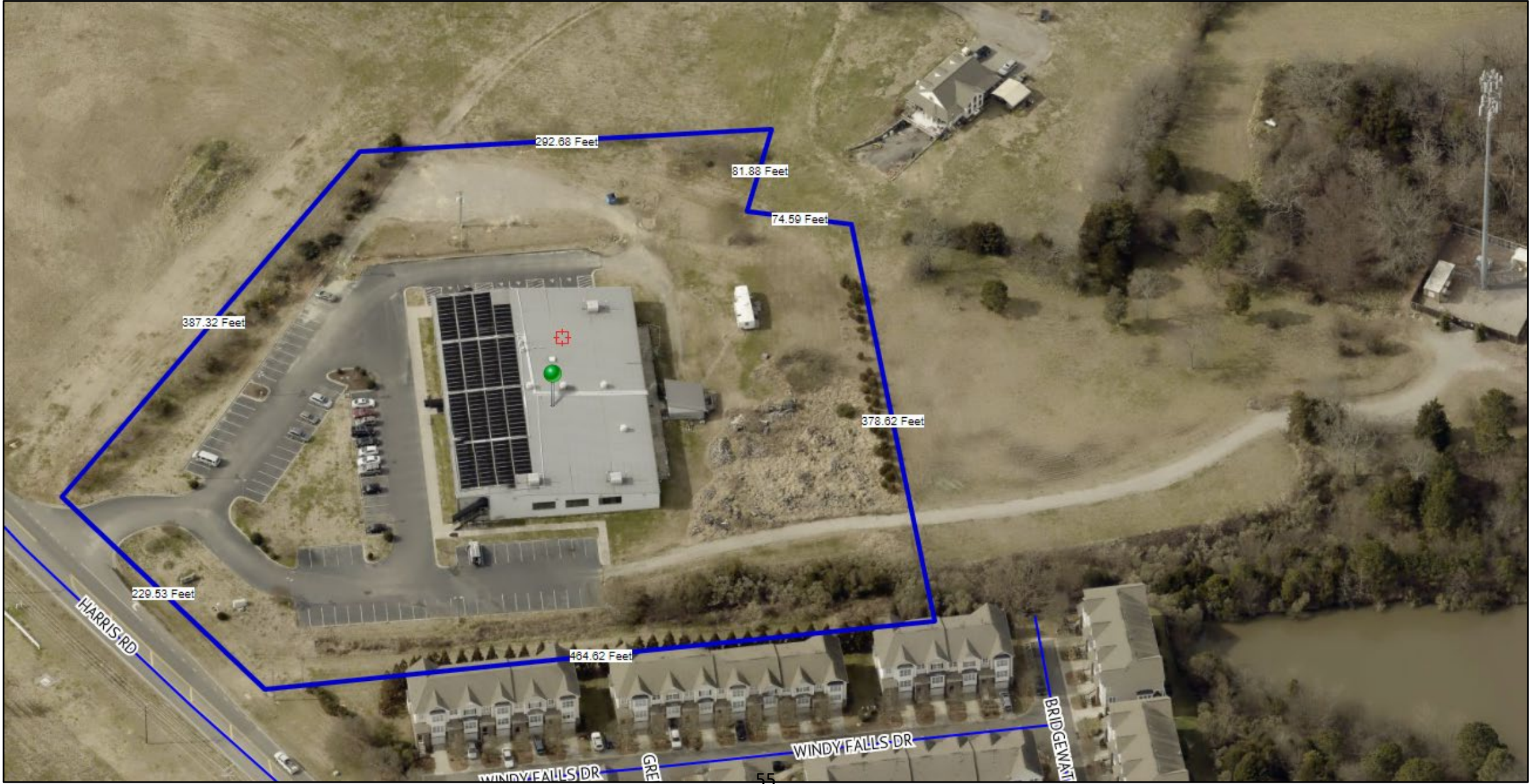
Overhead view of subject property, looking east



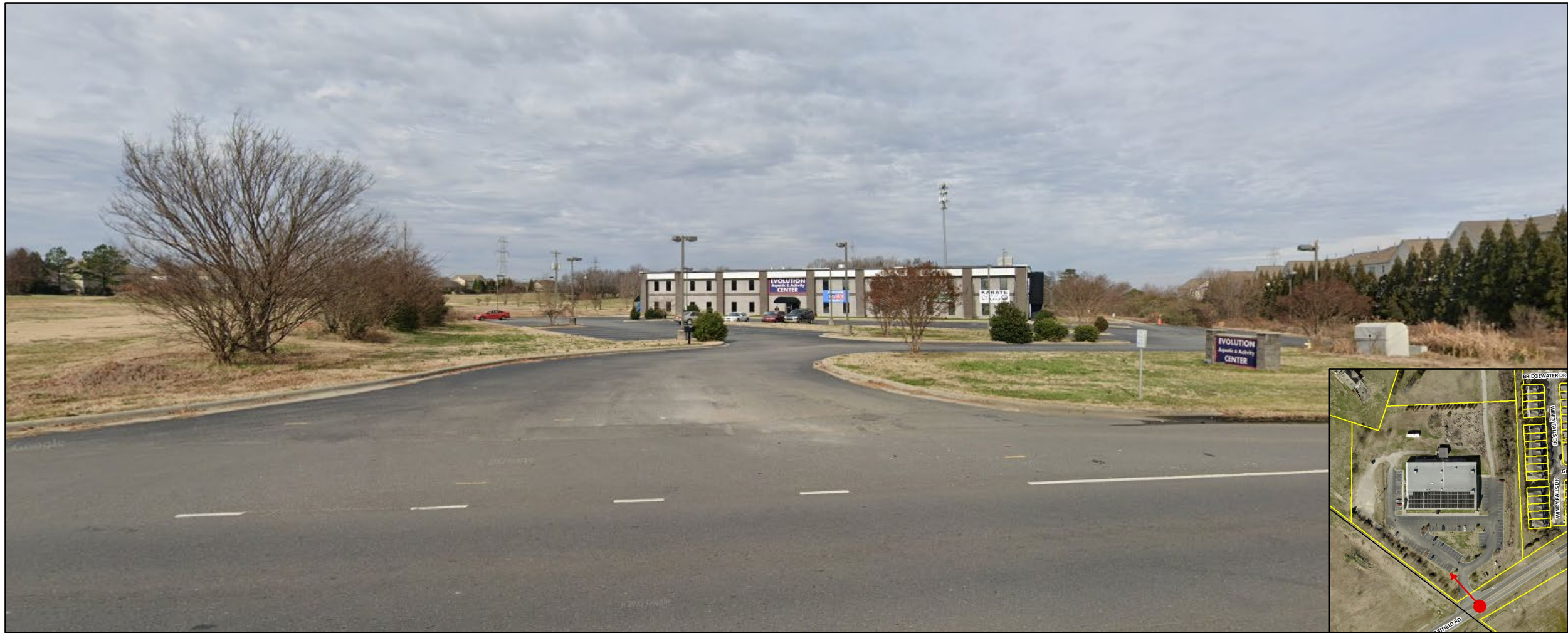
Overhead view of subject property, looking south



Overhead view of subject property, looking west



Northwesterly street level view of subject property (Entrance)

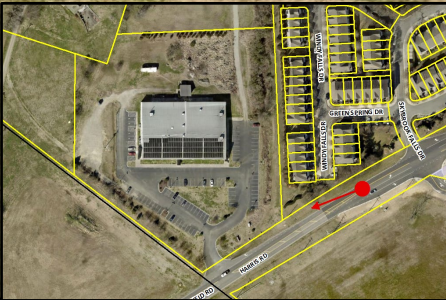


Source: Google Maps

Northeasterly street level view of subject property



Southwesterly street level view of subject property



Source: Google Maps

Northerly street level view of subject property, along eastern property line

