



Cabarrus County Government

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

Agenda

1. Roll Call
2. Approval of June 14, 2022, meeting minutes.
3. Approval of the Granting Order with Finding of Facts for VARN2022-0001, 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.
4. New Business Planning Board Function:
 - A. RZON2022-00003 – Request to rezone from Office/Institutional Conditional Use (OI-CU) to Office/Institutional (OI). Applicant is Evolution Recreation & Aquatics and Owner is Ethan & Austin Properties. Address is 11202 Harris Road (PIN: 4670-45-1661).
5. New Business Board of Adjustment Function:
 - A. VARN2022-00002 – Request for variance from the separation distance of tower from property lines or residential structures and the landscaping requirements for a Wireless Telecommunications Towers facility. Applicant is Cabarrus County. Address is 4300 Gold Hill Road East (PIN: 6603-12-8036).
6. Legal Update
7. Director's Report
8. Adjourn

Planning and Zoning Commission Minutes

June 14, 2022

Mr. Adam Dagenhart, Chair, called the meeting to order at 6:34 p.m. Members present, in addition to the Chair, were Mr. Jeff Corley, Mr. Andrew Nance, Ms. Ingrid Nurse, Mr. Charles Paxton, Mr. Chris Pinto, and Mr. Stephen Wise. Attending from the Planning and Zoning Division were, Mr. Phillip Collins, Sr. Planner, Ms. Sandy Howell, Planner, Ms. Arlena Roberts, Clerk to the Board, Mr. Richard Koch, County Attorney and Mr. David Goldberg, Deputy County Attorney.

Roll Call

Approval of Minutes

Approval of March 8, 2022, Planning and Zoning Commission Meeting Minutes

There being no corrections or additions to the minutes, Mr. Andrew Nance **MOTIONED, SECONDED** by Ms. Ingrid Nurse to **APPROVE** the March 8, 2022, meeting minutes. The vote was unanimous.

Approval of March 30, 2022, Planning and Zoning Commission Special Meeting Minutes

There being no corrections or additions to the minutes, Mr. Stephen Wise **MOTIONED, SECONDED** by Mr. Andrew Nance to **APPROVE** the March 30, 2022, meeting minutes. The vote was unanimous.

Approval of April 12, 2022, Planning and Zoning Commission Meeting Minutes

There being no corrections or additions to the minutes, Ms. Ingrid Nurse **MOTIONED, SECONDED** by Mr. Stephen Wise to **APPROVE** the April 12, 2022, meeting minutes. The vote was unanimous.

New Business:

The Chair introduced RZON2022-00001 – Request to rezone from Countryside Residential (CR) district to Office/Institutional (OI) district. Owner/Applicant is Gilwood Presbyterian Church. Address is 2993 Odell School Road. (PIN: 4682-34-5893-0000).

The Chair asked if any Board member had a conflict of interest, or any information related to the

case that needs to be disclosed at this time. There being none, he called on Ms. Sandy Howell to present the Staff report.

Ms. Sandy Howell, Planner, addressed the Board presenting the staff report. The subject property is currently occupied by Gilwood Presbyterian Church. The church has occupied the site since 1887.

To the north, east and west is residential, and to the south it is vacant. It does not have anything around it except for residential, it is all surrounded by CR. They have their own private well and septic.

The proposed rezoning is not consistent with the Northwest Cabarrus Area Plan. However, the subject property supports an existing religious institution which was constructed prior to county zoning.

The front portion of the property is located within the Coddle Creek WS-II watershed protected area. There are two requirements from the Ordinance concerning watersheds:

- All other residential and non-residential development shall not exceed twelve (12%) percent built-upon area for the site in addition to meeting the applicable minimum lot size, density, and zoning district requirements.
- Lots that were developed prior to the adoption of the watershed regulations, December 20, 1993, are considered grandfathered. In no case, however, shall the overall built-upon area for a property exceed the impervious or structural coverage allowed for the underlying zoning district.

Prior to 1993, they had coverage of 18,805 square feet within the watershed area. They have only added a little over 6,000 since then. So that brings them to the coverage of 14.79 percent. If they do not get rezoned, they only have 5.21 available in CR. If they rezone to OI, they will have 65.21 percent available to build upon within that watershed area. The rezoning will allow them to expand up to the 75 percent that is allowed in OI.

For both CR and OI zoning, the design standards for religious institutions with less than 351 seats have to front an arterial or collector road, which they do. They are on Odell School Road. The required setbacks of each zone shall be doubled in the residential districts. Right now, they already meet that standard.

The OI zoning district serves as a transitional district between residential and commercial districts. It is also the more appropriate district for institutional uses like a church.

The proposed zoning change to OI would provide greater flexibility for future use of the site, including allowing additional impervious area and additional signage to be permitted on the site.

Planning and Zoning Commission
Minutes
June 14, 2022

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

Ms. Howell would be happy to answer any questions and Mr. Matt Love is also here for comments or questions.

Mr. Matt Love, Session Member for Gilwood Presbyterian Church, and Representative for the Board of Trustees for the church property at 2293 Odell School Road, Concord, NC., addressed the Board.

He said we want to rezone because, eventually, we are going to upgrade our sign from a conventional outdated sign to an electronic sign. It was brought to our attention that to do that, we needed to be in Office Institutional.

The Chair opened the Public Hearing. There being no one to speak for or against the request, the Chair closed the Public Hearing.

The Chair asked if there were any questions for Applicant or Staff before we discuss it. There being none, the Chair opened the floor for discussion. He reminded the Board that they would need to establish findings to support the decision either way. He opened the floor for discussion.

Mr. Jeff Corley feels the church has existed since before the zoning was adopted on the property. Office Institutional (OI) is a more appropriate use for institutions such as a church. It has historically been used as a church campus and will allow them more flexibility on the site in the future.

Mr. Paxton said why it is not consistent with the Land Use Plan, he does believe it is in the public interest because when and if they do increase the signage, it certainly would be easier to enter and exit the parking lot. It would be beneficial to the public and it would decrease accidents in that area.

The Chair said the rezoning to OI will allow the church to have more flexibility with any future plans.

The Chair asked if there were any more discussion or if there was a motion.

Mr. Jeff Corley, **MOTIONED, SECONDED** by Mr. Charles Paxton to **APPROVE** RZON2022-00001 – Request to rezone from Countryside Residential (CR) district to Office/Institutional (OI) district. Owner/Applicant is Gilwood Presbyterian Church. Address is 2293 Odell School Road. (PIN: 4682-34-5893-0000). The vote was unanimous.

Consistency Statement:

Mr. Jeff Corley said the rezoning is reasonable and in the public interest based on the existing

use of the property having existed before the zoning was adopted, as well as the OI being a more appropriate zoning based on the use of the property as a church. Historically this has been used as a church and this will allow them more flexibility in the future to develop their campus under a more appropriate zoning. Even though it is not consistent with the Land Use Plan, it is a permitted use in the CR district and in the proposed OI district with OI being more appropriate for Institutional.

Mr. Stephen Wise, **MOTIONED, SECONDED** by Mr. Andrew Nance to **APPROVE** the Consistency Statement. The vote was unanimous.

The Chair introduced RZON2022-00002 – Request to rezone from Agriculture Open Space (AO) district to Office/Institutional (OI) district. The Owner/Applicant is Cross of Christ. Address is 4500 Rimer Road (PIN:5653-92-4591).

The Chair asked if any Board member had a conflict of interest, or any information related to the case that needs to be disclosed at this time? There being none, he called on Ms. Sandy Howell to present the Staff report.

Ms. Sandy Howell, Planner, addressed the Board presenting the staff report. The subject property is currently occupied by the Cross of Christ Lutheran Church. The church has occupied the site since 1882, well before zoning was originally adopted.

She said this one is a little bit different. To the north is agricultural, to the east and west is residential and to the south it is commercial. There is also a fire department nearby and Cruse's Meat. The surrounding zoning is all AO.

The proposed rezoning is not consistent with the Eastern Area Plan. However, the subject property supports an existing religious institution which was constructed prior to county zoning. The property currently has a residential zoning designation. Rezoning from AO to OI would bring the site into better compliance with the ordinance. There are two standards:

- Front on an arterial or collector road.

She said it does do this, it fronts on Rimer Road which is a major thoroughfare.

- The required setbacks of each zone shall be doubled in residential districts.

Currently the site does not conform to the double setback requirement. Rezoning to OI will bring the site into compliance.

The current impervious coverage is currently over the maximum for AO zoning. Rezoning to OI will bring the site into compliance and enable the applicant to expand.

The subject property is located within the Dutch Buffalo WS-II watershed protected area and it is 100 percent covered.

She said there are two excerpts from the Ordinance concerning watersheds.

- Residential and non-residential development shall not exceed twelve (12%) percent.
- Lots that were developed prior to the adoption of the watershed regulations on December 20, 1993, are considered grandfathered lots. In no case, however, shall the overall built-upon area for a property exceed the impervious or structural coverage allowed for the underlying zoning district.

She said this one is a little bit different as well for AO because it allows 15 percent. Right now, their coverage is 24 percent, but prior to 1993, they had 109,719 square feet. They have only added about 275 square feet since 1993. Almost all of the impervious coverage was developed prior to December 1993.

Rezoning would allow the current institutional use to expand up to 75 percent impervious coverage in the OI district. The OI zoning district serves as a transitional district between residential and commercial districts. It is also the more appropriate district for institutional uses, like churches.

The proposed zoning change to OI would provide greater flexibility for future use of the site, including allowing additional impervious area and additional signage to be permitted on the site.

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 Chair asked if there were any questions for Staff. There being none he called on the applicant.

Mr. James Bailey, 6000 Emanuel Road, Rockwell, NC., addressed the Board. The request is for a change in the signage. It is actually going to sit in the same footprint that our current sign does. We are going to move it over to digital signage.

He said one of the things, if you are familiar with the Rimer community, is that there is not a lot up there. So, our site is often used for community events, and we think this will be a better service to the community to change the signage out. As it currently stands, it is an old sign and that is the request tonight.

The Chair asked if there were any questions for Staff or the Applicant. There being none he opened the Public hearing. There being no one to speak for or against, he closed the Public Hearing.

The Chair said the Board needs to discuss the proposed request and come up with our motion to approve or deny and to establish our findings and consistency statement. He opened the floor for discussion.

Mr. Paxton would support a motion that we approve this rezoning. He thinks it is in the public interest even though it is not consistent with the Area Plan because it is obviously a gathering place for the community. Anytime something is easily identifiable and convenient would be a desirable situation.

Mr. Corley said the church has obviously existed on this property for a long, long time. He believes since the 1800's, which was clearly before we were implementing zoning in this county. There are some improvements to bring it into better compliance under OI and he believes it is important and it will provide them more flexibility for improvements on the site under the OI designation.

Mr. Stephen Wise agrees with both of those statements. It is a great community out in that area and a sign like that is a great enhancement. He has a project in that area, so he knows, and he agrees with that 100 percent for a church.

The Chair said there is a motion on the floor to approve the rezoning, based upon the fact that it existed prior to zoning, it is a church and fits the requested rezoning and brings it into better compliance and it is transitional.

Mr. Jeff Corley, **MOTIONED, SECONDED** by Mr. Stephen Wise to **APPROVE** RZON2022-00002 – Request to rezone from Agriculture Open Space (A0) district to Office/Institutional (OI) district. The vote was unanimous.

Consistency Statement:

Mr. Jeff Corley said the rezoning is reasonable and in the public interest even though it does not meet the Eastern Area Plan. The use of this property is consistent with the requested OI. The church use has existed since before zoning was adopted. The change to OI brings better compliance with the Ordinance and will allow the continued use on the property as well as allowing for more flexibility to continue that use into the future.

Mr. Jeff Corley, **MOTIONED, SECONDED** by Mr. Paxton to **APPROVE** the consistency statement. The vote was unanimous.

Old Business Board of Adjustment Function:

Mr. Corley said, he was not present at the last meeting when this case was first presented.

He read an Affidavit that he has signed stating that he has fully prepared to participate in the discussion and vote on this matter. He has studied and reviewed the material concerning this

application contained in the agenda packet and has listened to the recording of the Commission meeting of April 12, 2022, relating to this application. Because of his preparation, he feels that he is qualified to consider and vote on this application. (See signed Affidavit attached)

The Chair said since this is a continuation of our last meeting, the rules of procedure were established, and the same rules apply that were read at the last meeting. He said if there are any questions about the rules, we can certainly go over them. He asked if there was a motion to adopt the rules as said previously.

Mr. Charles Paxton, **MOTIONED, SECONDED** by Mr. Jeff Corley to adopt the rules of procedures. The vote was unanimous.

The Chair introduced 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. Applicant is Evolution Recreation and Aquatics is the Applicant. Ethan and Austin Properties is the owner. Address is 11202 Harris Road (PIN: 4670-45-1661)

The Chair asked if there were any Board members that have any conflicts of interest, or any information related to the case that needs to be disclosed at this time.

The Chair said anyone wishing to speak on this case or testify during the public hearing for this case must be sworn in. If you wish to speak, we need to have a completed blue card. Provide it to the Clerk.

The Chair asked anyone wishing to speak to or testify, to stand and he administered the oath.

The Chair called on Mr. Phillip Collins to present staff report.

Mr. Phillip Collins, Sr. Planner, addressed the Board presenting the staff report for VARN2022-00001. He said the purpose of this request as stated before is to seek relief from Chapter 7 and Chapter 9, more specifically Chapter 7, Section 7-3.59.c.

The existing facility was approved in 2005, as an indoor recreational facility and it was zoned OI-CU at the time. The site was developed using the standards in place at the 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.

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 Site Plan included in the packet)

The applicant is also seeking for relief from the required perimeter landscape buffer in Chapter 9, Table 4.

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, pool decking and a six-foot walking trail.

The applicant is also requesting relief from the required eight-foot-wide perimeter parking area buffer in Chapter 9 Section 9.5, for the six-foot walking trail.

The subject property is currently occupied by an indoor recreation facility. The main building is approximately 28,000 square feet in size. He said you see in the site plan that it clarifies that it is actually 27,850 square feet and it sits in the center of the property. Parking areas surround the main building on 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 from Charlotte Water also straddles the eastern property line.

The subject property is surrounded by residential uses and a wireless telecommunication tower to the north.

The subject property is currently zoned Office Institutional-Conditional Use (OI-CU). The zoning district is restricted to indoor recreational facilities and office uses only.

The subject property is currently surrounded by LDR zoning to the east, Huntersville Rural Residential to the north and west, OI and City of Charlotte Single Family to the south.

The current development proposal is classified under the Swim Club line item listed in Table 3-8 and the definition in Chapter 2 (Definition provided in the Staff Report).

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 by right, based on certain standards.

He placed those standards right underneath that statement. More specifically, applicable here, is

Section 7-3.59, that says that 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.

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 as shown on the proposed site plan: (he showed it on the screen) basically anything outside of this they are asking variances for and that includes

- Existing facility
- Existing and proposed parking areas
- Proposed walking trail
- Proposed outdoor pools
- Proposed playground
- Proposed accessory buildings
- Proposed picnic area
- 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 it is the owner's intention to develop the open and available land surrounding the existing structure on the property. The rules for buffering have changed and surrounding properties have developed since the time the property was initially developed. Requirements have increased, making development of the remainder of the property extremely difficult, if not impossible.

The application states that if the variance is not granted, the property will be limited to the existing structure and parking area. The setback/buffering rules limit the property to indoor use only, leaving large areas that could be used to amenitize the site vacant.

The application states that the site is of a unique shape and was developed prior to the imposition of more restrictive setback and buffering requirements.

The applicant contends that granting the variance will not cause any threat to the surrounding

community. The use and proposed outdoor pool expansion are community-centered uses. The applicant has proposed reductions in the required width of the perimeter buffer of Table 4. (see page EX1.0 on the site plan)

- 12 feet along the eastern property line
- 22 feet along the eastern portion of the northern property line

Mr. Collins said what is listed on the site plan says 23 feet, and it says 22. He will let the applicant clear that up. He is not sure what the actual encroachment is, it is either going to be 22 or 23 along the eastern portion of the northern property line. (he showed on the site plan)

They will also be requesting:

- 16 feet along the western portion of the northern property line,
- 6 feet along the northern portion of the western property line, and
- 12 feet along the southwestern property line.

The applicant further contends that these reductions are reasonable and provide more buffering to the site than what exists today and what was required when the property was initially developed. The proposed site additions and amenities will be screened, and the outdoor pool areas will be fenced.

The applicant contends that if the required 51-foot buffers are imposed, the proposed improvements would not be possible, and the site will be limited to only providing indoor amenities. Therefore, the applicant is requesting relief from Table 9-4.

Allow relief from the eight-foot width requirement of the parking area perimeter landscape buffer of Section 9-5 for encroachments by the walking path. Encroachments include:

- encroachments of approximately six and a half and eight feet into the buffer of the northeastern portion of the parking area,
- an encroachment of approximately five feet into the buffer of the southeastern portion of the parking area, and
- an encroachment of approximately eight feet into the buffer of the southwestern portion of the parking area.

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.

Planning and Zoning Commission
Minutes
June 14, 2022
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 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 of grading within the easement (along the eastern property line) is needed.

Mr. Collins wants to mention that at the last meeting the parking requirements came up. He did look that up and they are required between 103 and 196 parking spaces. They are proposing 120, so they are within the range.

The Chair asked if there were any questions for Mr. Collins.

Mr. Corley is trying to reconcile the way this site plan is presented specifically on EX1.0. Just so he is clear, we are not reducing the buffer width, we are allowing specific encroachments into the buffers, is that correct?

Mr. Collins said that is right. He thinks the applicant was kind of looking at it as, we are proposing to stay this far away from the property line. But yes, it is encroachments into it.

Mr. Paxton said at the previous meeting, the Board had some concerns. Have they been addressed from that plan to this plan?

Mr. Collins said yes, they have pulled a lot of stuff in. There was a wall on the southeastern side. He said he looked at their presentation and they will go through all of the changes.

The Chair asked if there were any questions for Staff. There being none he called on the applicant.

Planning and Zoning Commission

Minutes

June 14, 2022

Mr. David Murray, Attorney, 1901 Roxborough Road, Suite 120, Charlotte, NC 28211., addressed the Board. He appreciates the Board having him here tonight. He represents the owner and the applicant. Like Mr. Corley, he was not at the last hearing, and he also listened to the recording to try to catch up so that he could come here and talk intelligently tonight about what this plan is.

He said it has been ten years since he has had a zoning case in Cabarrus County. He has been practicing for 14 years, he does eminent domain and land use. Thanks for having me back, it has been a decade, but he is glad to be back again.

As we have already covered, there are three variances here that we are requesting tonight from the setbacks, the landscape buffer, and the perimeter parking buffer area.

He wants to appreciate and recognize Staff. He appreciates your presentation, and we would adopt that into our presentation also.

He said prior to construction, the setbacks and buffers were less, and a lot of what has happened at this property is there has been development by Huntersville that has grown up next to it, and so that is what has triggered a lot of these new increased buffers and setbacks that would be applied to this property under the outdoor uses that we are proposing today.

He said this is a picture of the Plat, this is our Exhibit 1. This is actually the Plat from 2005, showing the buffers that existed on this property prior to construction of the swimming facility. On the western side he believes it is about 32 feet, on the northern and eastern side it was about 16 feet. When this property went through rezoning for the development that exist today, those were the buffers that applied.

So, you can see the building, because it was only proposed as an indoor facility, was put right dead center in the middle of the property, and although as we will get into it, it appears that there were some future plans to use it for outdoor. At the time that this was built, it was just an indoor facility.

So, just touched on under the old code is when this was developed. In 2012, he believes that Mr. Collins confirmed with us that the current use that we are looking at for the outdoor uses along with indoor is swim club, tennis club and country club. That is kind of the best thing that we fit under. He does not think we are going to be confused as country club but that is the closest under the Zoning Ordinance that we fit. With that comes the 200-foot setback in the increased buffers.

My clients purchased this property in 2016. When they purchased the property, they were actually provided a prospectus about this property and at that time the owners that sold the property advertised this as a great place to have outdoor uses and outdoor pools.

Planning and Zoning Commission

Minutes

June 14, 2022

At the hearing in April, Ms. Henson testified, as shown on the slide here that she worked at this location since February 2008. She said she worked for the Billings and was aware of the Billings goals and plans to build an outdoor facility. The Billings are the previous owners of this facility.

The next exhibit is Exhibit 3, this is actually the Prospectus that they received, that his clients that are now seeking the variance received. It says that there is no outdoor pool at the present time, but there is room on the premises to build one. So, there was a lot of outdoor space and there is as it exists today a lot of outdoor space which is why we are here.

On another page: great opportunities for this development, build an outdoor pool, there is ample room on the premises to build an outdoor pool which would be a huge revenue booster. So, when this property was sold to my clients, they were expecting and anticipating, that in the future they might expand and have an outdoor pool use.

And so, now we get here for the necessity of this Variance request, and that is a couple reasons: the Cabarrus County use rules have changed, buffer and setbacks requirements have also changed for outdoor recreation type uses as we have talked about, and the surrounding development approved by the Town of Huntersville has grown up around this property which triggers some increased buffers under the County code. Covid as testified by Mr. Minier at the last meeting, Covid has changed things. So, an indoor facility relying 100 percent on an indoor facility is tough. So, to have outdoor uses is a benefit to the community as well as the operator of the location. Then, the unique shape of the property, coupled with the existing fact that the building is plopped right in the middle of the site, makes trying to fit outdoor uses into this site more difficult and that is why we are here for a Variance.

He said at the previous hearing, which was in April, there were a lot of question from this Board that were unanswered and so part of his job here tonight is to answer those questions and that is where we are going to start.

He said this is the previous plan (showed the plan). As you can see in the previous plan, the pool was on the western side of the building. There was berm that would be used for some outdoor seating. On the southwestern side there was basically no planting along a splashpad in an outdoor area. The eastern side was used primarily for parking. There were concerns and there were questions from this Board.

When he was retained, the first thing that he did was listen to the hearing and make a list of those concerns and talked to his property owners and say how are we going to rework this site, because it needs to be reworked. Variances are for the least amount of allowance under the Ordinance, not that we expand as far as possible and eliminate the buffers. We need to incorporate and keep as much of the buffer as possible. We are going to have to squeeze the site, and so that is what we have done.

Planning and Zoning Commission

Minutes

June 14, 2022

He said the updated Plan, which is in the Board materials, increases those planting areas and pulls any of the accessory structures completely out of the buffer areas. So, in the prior plan, these accessory structures are physically within the buffer and in the updated plan those structures have been moved to the western side of the building and the pool has been shifted to the northern side of the building. Basically, everything has moved clockwise a bit on this site. Parking has shifted over clockwise, it shifted downwards, more towards the front. So, the parking is on the eastern side, in the front of the site. As opposed to having some of the accessory uses on the front of the site, we now have those on the western part of the site and on the rear part of the site. So, the building itself provides a bit of physical screen there from some of those other uses, the accessory uses that are going to be placed outside.

The other piece of the puzzle that was really important for this type of use was the walking path. The walking path in the previous plan was right along the property line, especially on the western side, which he does not believe that rezoning has been approved by Huntersville yet.

However, there is a rezoning, and you can see it shown on our plan to reflect some higher density single family development, (the Skybrook next phase) next to this property, and so, there was some concern about having this walking trail right along that property line and as you can see it ran close to the property line on the eastern side also.

In the updated plan, the walking trail has been moved internally, and so yes, there is some area where the walking trail does go into the buffer on the southwestern side, a little bit on this northern edge here, because of the easement into the cell phone tower and then also on the eastern side. However, the physical planting buffer requirements will be met under this plan. So, there is no impact to those physical planting requirements because of a walking trail. That has now been pulled internally, it is behind. Once all of this is planted and it grows up, you will not be able to see it, and so that flows a lot better when we are trying to keep the buffer established and the plant areas establish, having the walking trail behind is even better for the operation of this site.

One other thing that you will notice, is the request for encroachment or reduction of the buffer on the due west side of this property is gone. Because the buffer is fully complied with on the western side of this property now, which is where there is going to be some new single-family houses under Huntersville ETJ he thinks, he is not sure where their city limits are on that side. So, there is no reduction on this side of the property in our updated request.

One of the other questions, and he thinks Mr. Collins has already dealt with it, was about parking. That question was unanswered at the previous hearing, now it has been answered. This site data chart is actually on the plan that has been submitted for approval this evening, and 103 spaces would be required, and we are providing 120. That is to allow some additional space for employees during shifts so that we do not have employees taking up too much of our parking on the site.

Planning and Zoning Commission

Minutes

June 14, 2022

The second question was about drainage. He said Mr. Wong is here tonight, he testified at the hearing, and so we can adopt his testimony from the last hearing also. Mr. Wong confirmed with me today and I have put this on the plan, that he has spoken with NCDNR, and no underground detention is needed on this site because the impervious is less than 24 percent, so it is considered low density by NCDNR. There would be no outstanding drainage question of how that could affect the development and orientation of uses and improvements of this site.

Those appear to be two of the main questions the Board had, and this chart is also on our plan. Those are two major updates, in addition to the physical and layout updates to our plan that we have.

He said with regard to the 200-foot setback, obviously would be very impressive to this property.

It would totally prohibit any new use or development of this property and so there really is not much else to say about that. The setback is very extreme if it is applied to this property.

With regard to the perimeter landscape buffers, what we focused on based upon comments from this Board was getting any of the accessory use structures out of the buffer. So, they are all gone, there are no accessory use structures within the buffer.

(Shows the buffer on plan)

He said one of the unique things about this site that goes to the hardships, is that it has nonparallel property lines, and even this property line slants in just a little bit on the east compared to the west. The rear property line slants in towards the building. So, the building was built almost on a north, south, east, west, coordinate but it does not line up with the rear property line, and so the rear property line shifts in a little bit. By shifting the pool to the rear, we do not have any issue with the pool actually being in the buffer, but the pool deck area to give enough space, a small portion of the pool deck area that is paved will be within that buffer area.

Then on the northeastern corner, to get the walking trail around the end of the parking, the buffer juts out just a little bit more and so it is 23 feet in that area. It actually, kind of jogs out a little bit in the northeastern corner and then comes back in as it goes true north. This area right here, why you see a gap in the buffer, is because that is the cell tower easement. There would not be any planting there because that has to be kept open and provide access to the cell phone tower. Then again, the walking trail has been shifted to the back of the planting buffer on the eastern side.

He said these encroachments into the buffer are all paved. They are all at grade and so physically, there are no building structures within the buffer now, unlike in the previous plan. These are just at grade, paved areas for walking. There is maybe one or two parking spaces maybe, in this northern area with the connector to the cell tower and then a portion of the pool deck. There would also be some fence, but the fence is really for safety purposes because the fence surrounds the pool and outdoor areas which would be required by code to have fencing around the pool areas. So, with regard to the buffer reduction, it is all at grade paving areas, no more structures.

He said and then with regard to the perimeter parking area buffer, we kind of have this unique situation where we have buffers up against buffers or we have a buffer against parking, and then we have an additional buffer at the property line. So, it is almost like we have double levels of buffers because of parking. Parking is going to be screened and it is going to be buffered by the existing perimeter buffer. Just in case he did not say it before, we are going to meet the standard for planting within the buffers even if there are encroachments. You can see on this plan the buffer plantings shown here are the buffer plantings that would be required under code. So, even if there is some encroachment from this walking trail, it does not impact our ability to meet the planting standards and planting requirements under the ordinance.

As you can see here, we are going to meet all on the eastern portion of this site. We are going to meet all of the planting requirements for the 51-foot buffer, but we have this unique situation where we also having parking. The parking also requires an additional eight-foot buffer which we can meet the planting for that also. But, in order to shift the walking trail back from the property line and beyond the planting area, the walking trail best location is to be adjacent to the parking and that does impact some of the buffer planting. However, we will be able to compromise in other areas, beyond the walking trail we can include more plantings.

The planting requirements can be met, but this is the area that he notes in his comments where we have this unique double buffer situation, where we have buffer up against buffer. In the front here, we have buffer up against buffer and on the side, we have buffer against buffer, so there is no place where there is going to be an open obvious gap where there would not be buffering along the parking buffer and the perimeter buffer. They are going to back up to each other and provide really kind of a double buffer for this site.

Mr. Murray said when he gets into variance cases, he always like to review the variance standards, come straight out of statute. He also prepared a proposed finding and conclusion for the Board that he would like to pass up.

On the variance standards here, it is important to recognize what the statute says, and it says the Board of Adjustment shall vary any of portions of the Zoning Ordinance upon a showing of all of the following. So, the first step is showing of evidence on unnecessary hardship. The second is a showing of evidence on conditions peculiar to the property; meaning things related to the land. Third is that it is not a self-created hardship, so it is not a result of actions taken by the applicant or the property owner. However, buying property with knowledge that in the future you may need a variance cannot be held against an applicant.

Finally, is really kind of what we call the balancing test, which is that it is consistent with the intent of the Ordinance such that public safety is secured and substantial justice is achieved. So, it is the balancing between reducing the requirements of the Ordinance versus the property owners right to free use of their property. As zoning ordinances are in derogation of the free use of property, the last step is that balancing test.

Planning and Zoning Commission

Minutes

June 14, 2022

He said for the unnecessary hardship piece of the puzzle, the 200-foot setback would totally eliminate any development on this site if it is applied. The buffer requirements have increased on the site more than what they would have been at the time that this was developed. This site was developed when it was just an indoor facility. He thinks his clients would agree, and he would agree, that if you were starting from scratch, you might be able to organize this site a little bit differently and have maybe the building a little bit closer and have everything organized a little bit differently. But the existing physical limitations on the site, with the building being in the middle of the site, with the unique lot lines, and the unique lot shape, all are parts of and create the unnecessary hardship on this site, and then also the portion about the unique circumstances with the double buffer with parking and perimeter buffer.

The hardship runs with the land. This is not personal to this applicant, anyone who purchases this

property and owns this property that wants to make use of the outdoor areas is going to have to come before this Board for a variance. The hardship is directly related to the unique shape of the lot, the location given that there are residential uses adjacent to this site that caused increase buffers and setbacks, the size of the lot because the required setback almost totally covers the lot, as well as the current zoning use setback and buffer requirements just were not in existence when this site was originally developed.

No self-created hardship, the applicants did not create a hardship here. We did not do something without a permit and come back and asking for forgiveness. This is the first step in the puzzle to do this the right way, is to get the variance. They are just seeking to make the reasonable highest and best use of the existing facility, which is to use those unused outdoor areas.

The last step is the securing public safety and substantial justice portion. The intent of the ordinance here, by having buffers and screening, is to screen residential uses and we are meeting those standards. The reason for the setback reduction, as he has said, is obvious since nothing outdoor can be developed with that in place. The buffer reduction or encroachment is only to allow certain paved at grade uses to be within that buffer, structures are out.

The most intensive outdoor structure, the Olympic pool, is positioned to the rear. We have looked at the Huntersville proposed plan, and he believes it shows common area to the north of this property. He thinks someone on this Board actually asked about shifting it to the rear. That is closest to the least intensive residential use that is proposed for adjacent uses to this site.

Finally, for safety questions and concerns, having a fence around the pool area is solely for safety purposes, and to meet code. He said Mr. Minier pointed this out to him, that right now, because there are no walking trails, people use the parking lots for walking areas. So, having this walking trail increases safety by not having people walking in the parking lots. Now, they will have an actual trail to walk around instead of going in areas where people are parking and driving.

Planning and Zoning Commission

Minutes

June 14, 2022

In conclusion, Mr. Murray submits to the Board that they have presented evidence and met the standards under the code and under the statute for granting these variances that have been requested. He is happy to answer any questions the Board may have. Mr. Wong is our Landscape Architect, and he is here to answer any questions about site orientation. Again, we would request that you would grant the variance. If you have any recommendations, suggestions, or any questions, he is happy to answer those at this time.

He said the only thing he does because this is Quasi-Judicial, is typically have his landowner or applicant come up and testify on the record that they are adopting his presentation as if it were their own. He does not know if there is any opposition tonight, but typically he has that put on the record. He asked Mr. Minier to come forward.

Mr. Mark Minier, 11202 Harris Road, Huntersville, NC 28078, addressed the Board.

Mr. Murray said to Mr. Minier, you have reviewed the power point, the application that has been submitted and you have heard my testimony and presentation. Can you confirm to the Board that you fully adopt that as if it were your own?

Mr. Minier said I do.

Mr. Murray said if there are any questions, he will be happy to answer.

The Chair asked if there were any questions for the applicant. He does have a question on the landscaping. Obviously, there is existing landscape and there is proposed. When you talk about meeting the standard, are you going to increase what is there? Because what is there is pretty much not anything, it has been there 15 years or more.

Mr. Auggie Wong, CES Group Engineers, 3525 Whitehall Park Drive, Charlotte, NC addressed the Board stating that if you look at the plan, on the western side there is a field of trees, existing trees, it is part of the southwestern side, there is few existing, so we are going to keep some of that. There is a few on the eastern side of the property and that is about it. What you see there is what we will provide based on the code and also what the buffer requires for that area.

Mr. Jeff Corley said for clarification, the parking perimeter landscape buffer, the landscaping requirements i.e., the actual vegetation will still be met. That is correct?

Mr. Wong said yes, we will still meet that. Because of the way the trail goes we would have to make sure that it fits on the side where we plant those.

Mr. Stephen Wise said can we revisit the water situation one more time. He knows that on that one page that the underground retention is not required. But, what about above ground, there is no kind of retention system shown here that he could tell.

Mr. Wong said he spoke with Mr. Jim Farkas, NCDNR, in charge of this area. I talked with him, and we had several discussions and he looked at the code. Mr. Wong believes it is in your packet that included some of the discussion that we had.

He said based on the calculation, if you are below 24 percent, it is considered low density, above that it is high density. High density requires a lot more detention ponds and things like that. In a low density, you have a vegetative swell, but you still have to make sure that the flow goes to the vegetative swell, but you will not have a detention pond.

The Chair said he is confused. He said in your presentation you said 7.55 acres but, on your plan, you are showing 5.5 acres. He said go to page 19 in your packet.

Mr. Corley said the math is more of the question. So, we have taken the difference of proposed and existing, and we are adding a quarter of acre. He asked if that was correct.

The Chair thinks so.

Mr. Corley said it does not jive. How in the world are we at 7 percent impervious percentage? He said help him understand how that is even close to possible.

Mr. Wong said so, if you look at the calculation, the proposed impervious is 2.44 acres, existing impervious is 2.19, so that gives you 0.25 acres. Take that amount, divide by 3.31, which is the total acres minus the impervious. That is the calculation that NCDNR used to calculate whether it is a low density or whether it is a high density. We discussed that with Mr. Farkas, and we gave him the numbers and he said yes, your calculation is correct, you are in the low density, you are below 24 percent. So, the threshold is 24 percent.

The Chair said are you saying it is below 24 percent of the new impervious or 24 percent of the total impervious?

Mr. Wong said the total impervious.

The Chair said because you are already over 24 percent impervious for the entire site before you do anything, that is the confusing part. Your existing impervious is 41.6 percent.

Mr. Wong said they do not consider a swimming pool as impervious. According to Mr. Farkas, it is a holding. So, all you do is look at the other areas. You are increasing a little bit.

The Chair said the County Resident Stormwater expert is not here.

Mr. Murray said this does still have to go through plan review, and so those drainage issues would have to be dealt with.

Planning and Zoning Commission

Minutes

June 14, 2022

Mr. Corley said future processes will. His concern is that really no underground would assumingly be there.

Mr. Murray said it would have to be considered being underground.

The Chair said the applicant is assuming if they have to do detention to get the variance approved, it is at their own risk that their site may have to change. But then you are stuck with the variance and if you need to change it you are back here again, and it may not be favorable.

Mr. Murray said right, but he thinks we would have to be underground.

Mr. Wong said if we need to, we can be underground but like he said, we discussed it with Mr. Farkas, and obviously we can always go back and look at the numbers. But based on the calculations that we gave him, we are under tht 24 percent which is a vegetative swell.

The Chair said to put you on the spot, in the event that you have to do anything like that, would it

be within the buffer? Do you have any idea where you might have to propose that? He knows you said underground but, if you are going to do a vegetative swell, he does not know where you are going to put that.

Mr. Wong said we would have to figure where it is the lowest point. In this particular case, it is at the northern area of the property.

Mr. Corley said thinks theoretically, he could probably do vegetative conveyances within the buffer.

Mr. Murray said that is correct.

The Chair asked if there were any questions for the applicant. There being none he opened the Public Hearing. There being no one to speak for or against the Public Hearing he closed the Public Hearing. He asked if there were any questions for the applicant or staff before we begin discussion.

Mr. Corley said to Mr. Collins, the future right of way, you stated that they are aware of that possibility but there is nothing site plan driven to address.

Mr. Collins believes they included that in site plan. He asked the applicant in the audience and the applicant said yes from the audience.

Mr. Corley said so any vegetation that is existing or proposed is outside that?

Planning and Zoning Commission
Minutes
June 14, 2022
Mr. Collins said yes.

Mr. Chris Pinto is wondering which way the lay of land was, it goes from the street back?

The Chair assumes that is correct, from the road to the back toward the cell tower.

Mr. Pinto said so, if they were to have to have something underground it would be under the pool deck and it would go out the back?

The Chair said or the parking.

Mr. Pinto said throwing everything else out, if they had to put the retention underneath that would be the place to go.

The Chair said unless the County's Ordinance allows the swell in the vegetative buffer.

Mr. Pinto thinks it is a pretty good plan to deal with the overflow of water. The said you don't know what's going to come off those other houses and how everything is going to flow to

them, they could be handling more water than they are producing.

The Chair read the Section 12-20 Application of the Variance of Power:

Section 12-20 Application of the variance power

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

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

All of these findings of fact shall be made in the indicated order by the Commission, which is not empowered to grant a variance without an affirmative finding of fact on all four categories

Planning and Zoning Commission

Minutes

June 14, 2022

above. Each finding of fact shall be supported by substantial, material, and competent evidence in the record of the proceeding before the Commission.

The Commission may impose reasonable conditions upon the granting of any variance to ensure that the public health, safety, and general welfare shall be protected, and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

The Chair said the Board will need to go through these and he thinks the easiest way is to go through them separately, instead of all together because they are each unique. Due to the current number on the Board, a Variance requires 80 percent, which tonight would be six of seven. We can add conditions of approval, we can request trade-offs, we can approve some but not all of the request and we can approve without any type of trade-offs. He opened the floor for discussion.

Mr. Jeff Corley said one more question for Mr. Collins. He said from a practical standpoint, we are being asked to approve variances for a project that today cannot be built, right?

Mr. Collins said right.

Mr. Corley said if we approve these variances and the project does not get rezoned or falls apart,

those variances are going to continue in perpetuity for the specific use?

Mr. Collins said yes, for the specific use.

Mr. Corley said that is extremely helpful, thank you.

The Chair commended the Applicant for making changes per some of the comments you received. The plan is a lot closer to meeting the intent of the Ordinance. We will see if anyone has any issues or comments.

Mr. Paxton said do you want to go through the four now or have more discussion?

The Chair said it is however we want to do it.

Mr. Corley suggests, unless our Legal folks think differently, it is laid out in our materials to specifically go one setback variance at a time, but his thought would be, unless there are specific discussions from Board members on specific ones that they have issues with, if that does not exist, it may be easier as Mr. Paxton said, to go through the four items on all of them at once rather than breaking up each individual variances. Is there a problem with doing it that way?

Mr. Richard Koch, County Attorney said you can do it either way.

The Chair said the only thing he may see with that is a snag that everything may not come through.

Planning and Zoning Commission
Minutes
June 14, 2022
Mr. Corley said either way.

The Chair said we can try it.

The Chair said Item 1 is for the relief from the 200-foot setback requirement of Section 7.3.59.

Mr. Corley thinks the evidence does show that that 200-foot setback would cover nearly the entire property, and pretty much prohibit any reasonable use.

The Chair with that said, the variance if approved, would stick with the swim club. He thinks that protects the property around it and it would be limited to the swim club. He does not think there would be any issue. He said they cannot use the property for anything else, other than what is there.

The Chair asked if everyone concurred, the consensus of the Board concurred.

The Chair said the hardships result from conditions that are peculiar to the property, such as size, location, or topography.

Mr. Corley thinks the evidence does show that there has been a lot of contributing factors, with changing in zoning, changing in ordinances, specifically across county line changes in zoning, which the applicant really had no control over, that have contributed to the requirements of that 200-foot setback.

The Chair asked if anyone had anything else. There being none he asked if all were in agreeance. They all were in agreeance.

The Chair said the hardship resulting from actions taken by the applicant or the property owner. He said the applicant alluded to this in his presentation, and Legal gave him a head nod that purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as self-created. He thinks that one is pretty cut and dry.

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

Mr. Corley said the applicant has stated that they are still going to meet the actual landscape planting requirements. They are working around an existing building that is not exactly square to the site, he thinks had presented some challenges. He thinks they have made a general bona fide effort to comply with the ordinance, with a few exceptions.

The Chair said noted that the applicant noted that all the accessory structures had been moved outside the buffer in attempt to try to pull everything tighter to the center.

Planning and Zoning Commission

Minutes

June 14, 2022

The Chair asked if they were all in agreeance. The consensus of the Board was yes. He asked if there were a motion to approve the relief from the 200-foot setback requirement.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Charles Paxton to **APPROVE** the variance request for the relief from the 200-foot setback requirement. The vote was unanimous.

The Chair said Item 2 is landscape buffer requirements – perimeter and landscape and parking lot landscape trail encroachments.

He this one we might need to break down a little bit because it is quite extensive. Probably for clarity for Staff we probably should do it per the property line. Let's start off with the Eastern property, which would be the right side along the easement with Charlotte Water.

The applicant has requested encroachments into 51-foot level 2 buffer, the parking area encroaches 7 feet into the buffer and the walking trails encroaches 12 feet into the buffer.

The Chair said going back to those four items:

The unnecessary hardship would result in strict application of the ordinance.

He said as far as the parking, he thinks we are really talking minimal, they cannot really move it over any more. The walking trail, he is okay with that encroaching. He liked that they pulled it back from the property line to help facilitate a larger landscape area, as opposed to chopping it all up.

Mr. Corley said, just to add for the record, the parking standards layout, sizing of traffic lanes, sizing of parking spaces, and when you are working with a peculiar, shaped lot, with an existing building already in the middle, the need to expand parking. He really does not see a vision how meeting those geometric standards, how they could physically put the spaces they are needing and wanting and still squeeze it in that upper corner.

The Chair said that probably ties to number two, size, topography, location. We have already established number 3 about knowledge of the property when they purchased it, existing circumstance. He said number 4, granting variance is consistent with the spirit, purpose, and intent. He thinks they have already established that.

He said the thing that keeps through him off is the plan says requested buffer and we are asking for an encroachment. He would like to clean that language up. He would rather say encroachment because he would rather keep the buffer and just allow encroachments.

The Chair said the northern property line, six-foot walking trail encroaches 23 feet, proposed paved parking encroaches 17 feet which includes the two parking spaces and the drive on the easement for the cell tower and the deck for the pool encroaches 17 feet into the required buffer.

Planning and Zoning Commission

Minutes

June 14, 2022

Mr. Corley said his brain really wants to get that pool deck out of there. But really when he compares it to the previous site plan, he thinks it is a tremendous improvement getting those buildings and accessory structures out of the buffer. He thinks there is substantial progress that was made by this Board and the Applicant. He is supportive of that, given where we started.

The Chair asked if there were questions or comments on the northern property. There being none he moved on to discuss the western property.

The western property the proposed decking near the splash pad encroaches in six feet into the required buffer.

Mr. Corley thinks this is a situation where this unique lot lines, when you offset all of those angled lot lines you end up with really a significant encroachment into the site. The fact that they have been able to design this with a very minimal encroachment, he thinks is good.

The other thing that he takes note of is the gravel lot to the east. He knows we are not really talking about the east yet, but there is a significant amount of space that is used today that will be transitioned from gravel to buffer. He thinks it is a significant improvement on that site.

There being no more comments or questions the Chair moved to the southwestern property line.

The proposed walking trail encroaches twelve feet into the required buffer and the proposed parking encroaches six feet into the required buffer.

The Chair said it is the same situation we had on the eastern side. There really is nowhere for them to move anything to meet anything.

Mr. Corley thinks some of the encroachment there is geometric in nature. He thinks they made some of those radiuses as tight as they could make it. Again, working around an existing driveway that we know is not likely to be allowed to move. You have an existing building that is unlikely to move. He thinks again, they have done a very good job at minimizing the potential impact.

The Chair said next we have the parking area buffer encroachments. There are encroachments of approximately six and a half and eight feet into the buffer of the northeastern portion of the parking area. He said that again is because the property is not parallel to the opposite side, it kind of slants in. The southeastern portion is five feet into the buffer of the parking area. Again, the existing conditions and the lay of the property. The southwestern portion is an eight feet encroachment.

The Chair asked if anyone had anything to add or anything they would like to see. Please remember this will go back for a rezoning and we still have the site plan. The applicant has stated that they will meet the required landscape buffers. They are just asking for a change on the parking buffer.

Planning and Zoning Commission

Minutes

June 14, 2022

We have stated that there will be encroachment into the buffer, not reduction of buffer on landscaping. We have also stated that the pool deck and the splash pad deck would encroach very minimal. There is no other way to work around it.

The Chair asked if there were any discussion on Item #2. We need to vote on landscape buffer relief requirement. The parking and buffer encroachments along with the walking trail encroachments. He asked if there were a motion.

Mr. Corley said will make a motion and he will read just for clarity. He knows that it has come up that we are allowing encroachments and not reduction in the buffer.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Charles Paxton to **APPROVE** the request for relief from the perimeter landscape buffer with requirements to allow encroachments into the perimeter landscape buffer as outlined in the Staff report and shown on the site plan and to allow parking lot landscape buffer encroachments as discussed in the Staff report and shown on the site plan. The vote was unanimous.

Mr. Koch said the document that was handed out by Mr. Murray, that the Board received a copy of had a bunch of findings of fact that he was giving you that he thought was based on the evidence. He asked if anyone have any problem with any of those that was listed in there? You

kind of covered a lot of them in your discussion and in your vote. Since they are laid out in that order he wanted to see if there were any members of the Commission that found that they were not accurate or supported by your decision.

The Chair asked everyone to glance over those to make sure there were no issues. There were no comments about the document submitted by Mr. Murray.

Mr. David Goldberg reminded the Board to look at the conditions that are being recommended by Staff and if you wanted those included as well.

The Chair asked if there was a motion to approve the conditions recommended by staff in the report. The Chair read the following conditions recommended by Staff.

- 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.

Planning and Zoning Commission

Minutes

June 14, 2022

- 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 of grading within the easement (along the eastern property line) is needed.

Mr. Koch said just say that the approval of these variances is conditioned based on these conditions, they are a part of the approval.

Mr. Charles Paxton **MOTIONED, SECONDED** by Mr. Jeff Corley, to **APPROVE** the variances based on the conditions recommended by Staff. The vote was unanimous.

Legal Update

Mr. David Goldberg addressed the Board giving a follow up and a status update on the previous Arstark case. Today you approved the minutes for that and then we are going to be using that. Because of the nature of the case, because of what we predict to happen going forward, we will be spending a lot of time helping you work on the Findings of Fact and Conclusions of Law in a much more granular way than you would normally be accustomed to, so that is how that is proceeding. He would expect to see those in the July meeting.

With that said, Mr. Pinto if you want to mention what you have seen, or he can tell a little bit. Essentially, there has been an incident where Ms. Arstark has been contacting the spouse of one of the members of the Board, and the spouse's employer and saying rather derogatory remarks on that regard. If you have had similar experiences do not hesitate to reach out to us.

We are looking at all of our options to discourage that as much as possible. You all do not get paid nearly enough to have to deal with that. But as always if you are contacted by any party involved, especially in a Quasi-Judicial proceeding like an Appeal. Please notify Ms. Morris, me, or Mr. Koch as soon as possible and we can work through options and next steps and take appropriate actions. If you see things on social media or anything like that.

He said this case is on going in the sense that we still have to vote on the Findings and Conclusions, and they say it is going to go to court, and the court may send it back here for further work for some reason. So, it is not done until it is done. He just wants to make the Board aware of that.

The Chair said what is the status, is there a Stop Work order?

Mr. Goldberg said right now, we are in a holding pattern. The decision is not official until the Board approves the Findings and Conclusion order. At that point there is a 30-day clock to appeal and that is when it is kind of off to the races.

Planning and Zoning Commission

Minutes

June 14, 2022

Usually, the Granting Orders are pretty straight forward. We can start to work on that the moment we walk out of here. The volume of information, how important the testimony was. We really wanted to wait for the minutes. The minutes took an appropriate amount of time. He said if there are any issues, please do not hesitate to reach out. He said refrain from discussing this because it is not done yet.

Mr. Stephen Wise asked when he thinks it will go to court.

Mr. Goldberg said we will come back in July, and hopefully we will have that Order ready for the Board to review and vote on. She will have 30 days to file in Superior Court for an Appeal. We will start moving on it pretty quickly. It is not de novo, it is a review of your decision, so it is a paper review. They will have to do a lot of work on the front end to find a reason why the Board decision should not be upheld, based on the record presented. There should not be any new evidence, testimony, a jury, or anything like that. It is a paper review. We are going to try to keep that moving as quickly as humanly possible.

Mr. Charles Paxton asked what would lead to it coming back to the Board.

Mr. Goldberg said it can be a situation where if the Judge found that the decision was not adequately supported. If they thought you did not consider certain evidence that was on the record. If he looked at it and said well, this is a humongous defense right here and you did not

say a thing about it, whether it is in oral testimony or some evidence of the record or if it were the Findings of Fact.

He said the way to look at it is the Findings of Fact and Conclusion of the Law are like the safe guard. That is as if something was just completely skipped over, we can make sure that that is considered, and made very clear that it was considered at one point. That is when they could kick back and say okay, you should reconsider your decision based on, maybe a different ruling of the law perhaps. I think you read the Ordinance wrong, redo your decision based on of my reading of the Ordinance. Or it could be I do not think you considered these facts properly. But all in all, it would be highly differential toward, especially your fact finding, that will be questioned. The Judge does have the ability to interpret the law and tell you how to interpret the law and you have may have to adjust your decision based off of that. He said you can do that back and forth ten times if it is necessary.

Mr. Koch said even if there is evidence to support both sides, which there was it in that case. The Judge cannot substitute his judgment you had for the facts. If it something in the rule of law, they can look at it differently, but not on the facts. The facts have been decided by this Board. Just because there might have been some fact that favored her, they cannot just decide to change on that issue.

Mr. Goldberg said you were the ones in here hearing the testimony and weighing the creditability of the witnesses and evaluating the record. The Judge is going to be highly differential, he has

Planning and Zoning Commission

Minutes

June 14, 2022

too. But when it comes to interpretation of the law, Judges get to decided what the law is and can tell you what the law is, so that could change it sometimes. If there were procedural defects of some sort, they could send it back and have us fix the procedural defects. It is very rare where the Judge would kind of come back and say the appeal is reversed. Most of the time it is going to be at least a chance to recover. That is why he says this is still a very active case in that regard, and we expect that to go on for some quite some time.

Mr. Goldberg introduced his intern, Michael Whitfield.

No Directors Report

There being no further discussion, Mr. Stephen Wise **MOTIONED, SECONDED** by Mr. Andrew Nance to adjourn the meeting at 8:34 p.m. The vote was unanimous.

APPROVED BY:

Mr. Adam Dagenhart

SUBMITTED BY:

Arlena B. Roberts

ATTEST BY:

Susie Morris, Planning and Zoning Manager

Prepared by: Richard M. Koch,
Cabarrus County Attorney

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

CABARRUS COUNTY PLANNING
AND ZONING COMMISSION
BOARD OF ADJUSTMENT
VARN 2022-00001
PIN 4670-45-1661

In re

EVOLUTION RECREATION & AQUATICS)	ORDER GRANTING
VARIANCES APPLICATION)	VARIANCE
<hr/>		

THIS MATTER came before the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, on April 12, 2022 and June 14, 2022 on the application of Evolution Recreation & Aquatics and Ethan & Austin Properties LLC (Owner) (collectively “Evolution”) for three variances on the “Property” of Evolution located at 11202 Harris Road, Huntersville, Cabarrus County, North Carolina and designated PIN 4670-45-1661.

Notice was given to Evolution and to adjacent property owners as required by law.

Six Board members were able to hear this variance application on April 12, 2022. On June 14, 2022, seven Board members heard the balance of the case. A public hearing was held on both dates. All of the witnesses were duly sworn and documents were received in evidence. There was one witness in opposition to the variance application on April 12, 2022 but none on June 14, 2022.

After hearing and receiving the evidence, the Board makes the following

FINDINGS OF FACT

1. The Property is in the Office Institutional-Special Use (OI-SU) zoning district and is approximately 5.501 acres in size.
2. The existing use 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.
3. Under the current Cabarrus County Development Ordinance (CCDO), the current use would be considered swim club, tennis club, country club (“Swim Club”).
4. Evolution proposes to add outdoor amenities and features to the Property that are an extension of the current Swim Club use. Proposed improvements and features include additional parking areas, playground, swimming pools and a walking trail.
5. Per CCDO section 7-3(59) (c), there must be a 200-foot setback from any accessory structure, swimming pool, tennis court, parking area or any amenity area and any adjacent residentially-zoned property.
6. Chapter 9, Table 4 of the CCDO requires perimeter landscape buffers for properties according to their acreage and classification, in this case, 51 feet.
7. Chapter 9, Section 9-5 of the CCDO requires a perimeter parking buffer area.
8. Prior to construction of the swimming facility on the Property, the setbacks and buffers were substantially less than those that would be required for an outdoor facility today.
9. As development has come to the Property and surrounded it under Huntersville zoning, the buffers and setbacks have increased.
10. At the time of development of the Property, the current zoning use, setback and buffer requirements were not in place and could not have been contemplated by anyone developing this Property.
11. The witness in opposition to the application at the April 12, 2022 hearing was the attorney for the former owners of the Property who also own the adjacent residentially-zoned property. When they sold this Property to the present owners, they advertised it is capable of being developed for outdoor activities, including a swimming pool, and such former owners had contemplated building such a facility themselves on the Property.

12. Based on comments made by Board members at the April 12, 2022 hearing, Evolution reworked its site plan and variance requests for the June 14, 2022 hearing and hired a lawyer to present their revised requests.
13. The 200-foot setback nearly covers the entire Property as shown on the plan. The parking buffer is effectively a double buffer for the parking area that can be achieved in a location not immediately adjacent to the parking.
14. The hardship with reference to this Property is not personal to Evolution or any applicant. The Property has a unique shape with slanting lot lines.
15. The intent of the CCDO is to provide for organized development and in this case to buffer and screen residential uses.
16. The setback reduction is needed to allow new development since nothing can be developed with it in place.
17. The buffer reduction is only to allow certain paved areas to exist within the required buffer areas, such as walking paths. The buffers are not reduced to allow accessory buildings.
18. The most intensive outdoor structure, the Olympic pool, is positioned to the rear of the existing building adjacent to the proposed open space which will be furthest from the surrounding residential development.
19. Planting buffers along the most heavily dense residential uses on the west and east sides of the Property remains intact except for the walking trail positioned at the back of the buffering.
20. The fencing around the pool areas is for safety reasons and is required by code.
21. Evolution's revised plan reduced the impact on the buffers, rearranged the accessory uses, rearranged parking spaces and removed accessory structures from the buffer. It also identified the parking counts and provided the drainage/impervious calculations.
22. The requested 3 variances are 1) relief from the 200-foot setback, 2) relief from the 51-foot perimeter landscape buffer and 3) relief from the perimeter parking area buffer, pursuant to the revised site plan.

Based on the foregoing Findings of Fact, the Board makes the following

CONCLUSIONS OF LAW

1. This matter is properly before the Board, and the Board adopts and incorporates by reference the above Findings of Fact.
2. Evolution provided substantial, material and competent evidence to support each of the three variance requests.
3. Unnecessary hardship would result from the strict application of the CCDO. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the Property.
4. 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.
5. 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.
6. The requested variances are consistent with the spirit, purpose, and intent of the CCDO, such that public safety is secured, and substantial justice is achieved.

Based on the foregoing Findings of Fact and Conclusions of Law, the Cabarrus County Planning and Zoning Commission sitting as the Board of Adjustment hereby grants the three variances consistent with the site plan presented at the June 14, 2022 hearing. The votes by the Board on each variance were unanimous. The special conditions for approval of the variance are attached as Exhibit A and incorporated by reference. This variance Order shall run with the land with reference to the Property and shall be recorded in the Cabarrus County Public Registry.

This ____ day of July, 2022, *nunc pro tunc* to June 14, 2022.

Adam Dagenhart
Chair
Cabarrus County Board of Adjustment

ATTEST:

Arlena Roberts,
Clerk to the Board of Adjustment

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, a Notary Public in and for the said State and County do hereby certify that Adam Dagenhart as Chair of the Cabarrus County Board of Adjustment personally appeared before me this day and acknowledged the due execution of the foregoing Order.

Witness my hand and notarial seal,
this ____ day of July, 2022.

Notary Public

My Commission Expires: _____

**EXHIBIT A
CONDITIONS**

1. The Applicant must record the granting order, stating restrictions applicable conditions of approval, with the deed of the Property.
2. The Applicant must submit a site plan, along with the subsequent rezoning request, that complies with this granting order.
3. Approved variances must be reflected on site plan submittals moving forward. Any changes thereto would require review and approval from the Board of Adjustment.
4. The Applicant must provide the pool plans to the Cabarrus Health Alliance for review and approval prior to construction.
5. The Applicant must provide plans to Charlotte Water for review and approval prior to construction if grading within the easement (along the eastern property line) is needed.

PLANNING STAFF REPORT
 CABARRUS COUNTY PLANNING AND ZONING COMMISSION
 7/12/2022

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

Petition: RZON2022-00003 Rezoning

Applicant Information:	Evolution Recreation & Aquatics 11202 Harris Road Huntersville, NC 28078
Owner Information:	Ethan & Austin Properties LLC 17501 Huntersville-Concord Road Huntersville, NC 28078
Existing Zoning:	OI-CU (Office/Institutional – Conditional Use)
Proposed Zoning:	OI (Office Institutional)
Existing Permitted Uses:	Indoor Recreational Facilities and Office uses are the only uses currently permitted on the subject property.
Proposed Uses:	All uses permitted in OI zoning district.
Parcel ID Numbers:	4670-45-1661
Property Addresses:	11202 Harris Road
Area in Acres:	± 5.5 ac
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 on 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.
Adjacent Land Uses:	Residential, Wireless Telecommunications Tower and Vacant
Surrounding Zoning:	North: R (Town of Huntersville Rural Residential) East: LDR South: OI & R-3 (City of Charlotte Single Family) West: R (Town of Huntersville Rural Residential)
Utility Service Provider:	The subject property is served by Mecklenburg public water and sewer.

Exhibits

EXHIBIT A – Staff Report
EXHIBIT B – Application
EXHIBIT C – Staff Maps
EXHIBIT D – Property Deed
EXHIBIT E – Adjacent Property Owner Information
EXHIBIT F – Neighborhood Meeting Information
EXHIBIT G – Use Comparison Table
EXHIBIT H – Property Views
EXHIBIT I – Original Request Information

Intent of Zoning Districts

PROPOSED DISTRICT: OFFICE/INSTITUTIONAL (OI)

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 church business hours, thus, not competing with residential traffic at peak hours. 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.

EXISTING DISTRICT: OFFICE/INSTITUTIONAL – CONDITIONAL USE (OI-CU)

This conditional district restricts the permitted uses of the subject property to Indoor Recreational Facility and Office.

Agency Review Comments

Planning Review:

Staff Report, Phillip Collins, Senior Planner, Cabarrus County

NCDOT Review:

No comments, *Marc Morgan, NCDOT*

Fire Marshal Review:

No comments, Jacob Thompson, County Fire Marshal

EMS Review:

No comments, Justin Brines, Cabarrus County EMS Director

Sheriff's Office Review:

No comments, Ray Gilleland, Cabarrus County Sheriff's Lieutenant

Health Alliance Review:

No comments, Chrystal Swinger, Cabarrus Health Alliance

Land Use Plan Analysis

The subject property is located within the boundary of the Western Area Land Use Plan (Plan) and is planned for Medium Density Residential uses. More specifically, the Plan recommends a density of one to three dwelling units per acre.

Although the recommendation of the Plan is for residential uses, the subject property is developed with an indoor recreational facility. The subject property was rezoned from Medium Density Residential (MDR) to OI-CU in 2005 to permit the current use. Rezoning the property would permit all uses within the OI district. The rationale of the OI district states that the OI district is for low intensity office and institutional uses that can be complementary to adjacent residential land use.

Conclusions

- The proposed rezoning is not consistent with the Western Area Plan. However, the subject property currently supports an existing recreational use which is complimentary to the adjacent residential properties. Rezoning from OI-CU to OI would increase the permitted uses of the subject property to include all permitted uses within the OI district.
- In advance of submitting a rezoning request, the applicant submitted a site plan to the BOA requesting variances from three sections of the Cabarrus County Development Ordinance that apply to the proposed use of swim club. The site plan shows how the property owner intends to convert the site from an indoor recreational facility only to a swim club with outdoor water features and other amenities.
 - The variance requests were approved by the Board of Adjustment at its regular meeting on June 14, 2022 in anticipation of the potential new use of the site.
 - Should the rezoning request be approved, the applicant understands that the site will need to be developed in accordance with the plan approved by the BOA at its regular meeting on June 12, 2022.
 - Although a site plan and variance requests were submitted and approved for the site, the proposed rezoning request is a conventional request. If approved, any uses allowed in the OI district would be permitted on the subject property.

- The OI zoning district serves as a transitional district between residential and commercial districts. It is also the more appropriate district for institutional and recreational uses located near residential areas, such as swim clubs, country clubs, tennis clubs, parks, churches, and schools.

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 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/Accela#: _____

Reviewed by: _____

Date: _____

Amount Paid: _____

INSTRUCTIONS/PROCEDURES:

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 1 acre or less = \$400.00
 Residential rezoning request greater than 1 acre = \$400.00 *plus* \$15 per acre
 Non-residential rezoning request = \$650.00 *plus* \$15 acre
 (Plus, cost of advertising and engineering fees if applicable)
 (if a 3rd submittal is required, an additional review fee will be assessed)

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 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 6:30 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 11202 Harris Road, Huntersville, NC 28708

PIN(s) (10 digit #) 4670 -- 45 -- 1661 ; -- --

Deed Reference Book 11939 Page 240

Township # 3

DESCRIPTION OF SUBJECT PROPERTY:

Size (square feet or acres) 5.50 acres

Street Frontage (feet) 218 LF

Current Land Use of Property Indoor Recreation

Surrounding Land Use North LDR - (low Density Residential)

 South OI-SU & R-3 (City of Charlotte Single Family)

 East LDR

 West OI-SU & R (Town of Huntersville Rural Residential)

REQUEST:

Change Zoning From OI-SU To OI

Purpose for Request:

The purpose of this request is to replace the existing conditional zoning that only permits Indoor

Recreational and Office uses on the property with conventional OI that would permit all uses within the

OI district including Swim Clubs.

LAND USE PLAN CONSISTENCY STATEMENT

Describe how the proposed rezoning meets the land use plan(s) for the subject parcel(s):

While the Western Area Plan calls for this area to be developed as a medium density residential area (1-3 dwelling units per acre), the use is existing and currently a recreational use. Although the proposed zoning designation is not totally consistent with the Land Use Plan, the current use and proposed zoning serves the surrounding area and can be considered compatible.

UTILITY SERVICE:

Water Supply ___ Well or ___ Service Provider _____

Wastewater Treatment ___ Septic Tank(s) or ___ Service Provider _____

PROPERTY OWNER/AGENT/APPLICANT INFORMATION:

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

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

PROPERTY OWNER**AGENT/APPLICANT**Ethan & Austin Properties LLC

NAME

Evolution Recreation & Aquatics

NAME

17501 Huntersville-Concord Road

ADDRESS

11202 Harris Road

ADDRESS

Huntersville, NC 28078

CITY, STATE, ZIP CODE

Huntersville, NC 28078

CITY, STATE, ZIP CODE

954-234-8252

PHONE NUMBER

404-822-8398

PHONE NUMBER

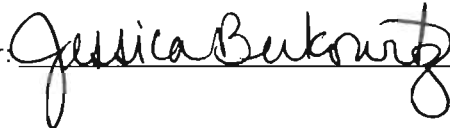
FAX NUMBER
FAX NUMBERibnsb@me.com

E-MAIL ADDRESS

berkowitz.jessica@gmail.com

E-MAIL ADDRESS

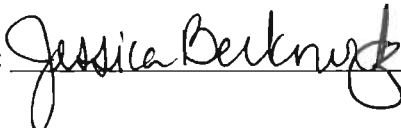
Signature of Property Owner:



Date:

6/14/2022

Signature of Property Agent/Applicant:



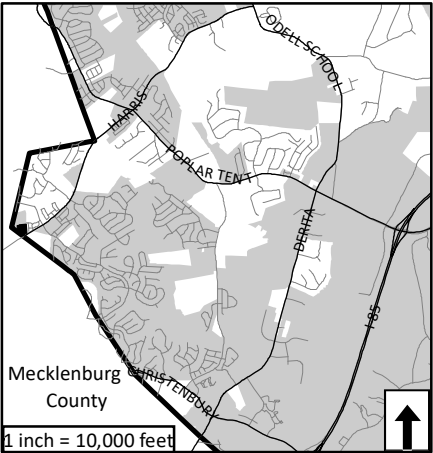
Date:

6/14/2022

Western Planning Area
Existing Zoning

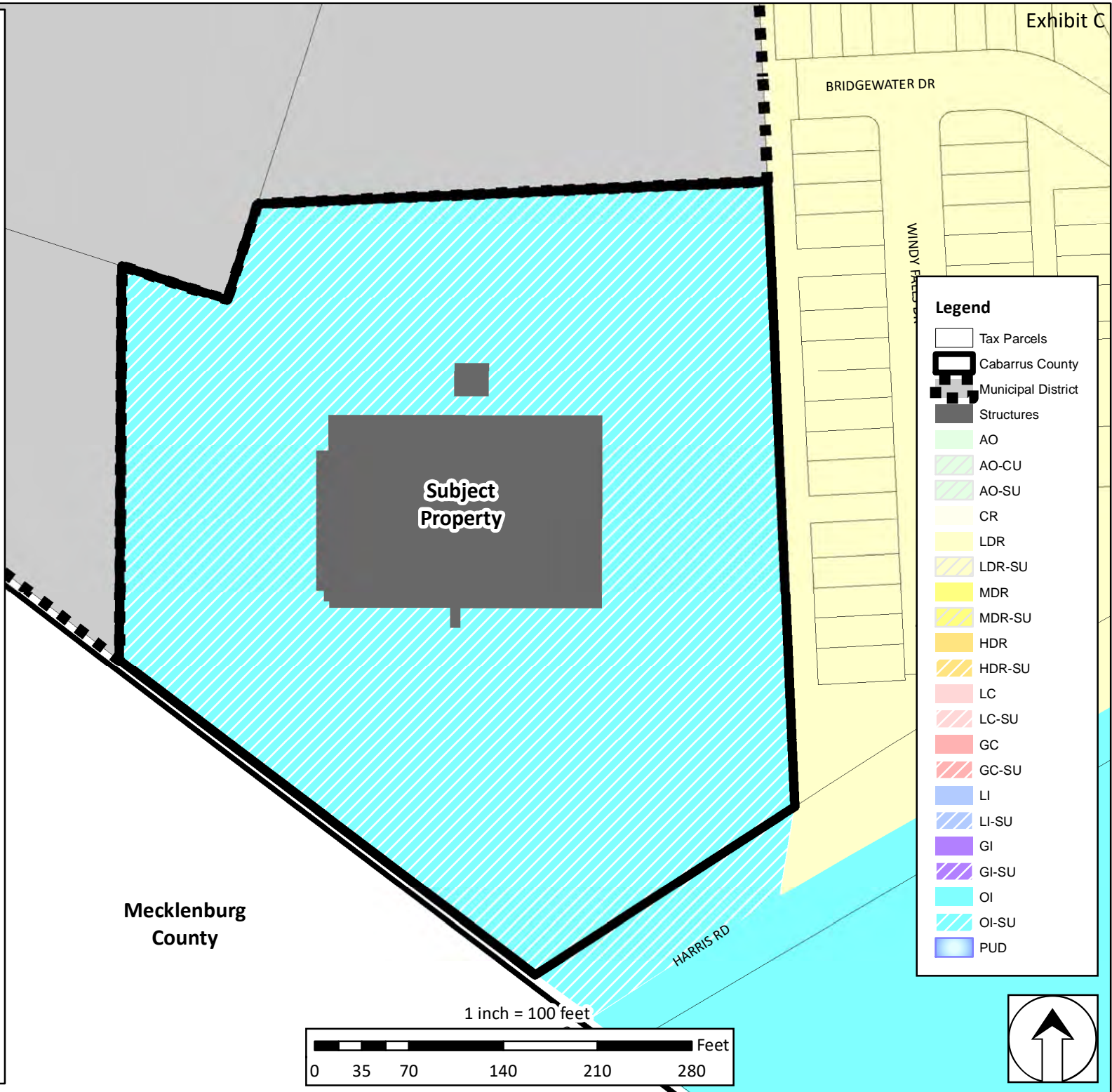


Applicant: Evolution Recreation & Aquatics
Owner: Ethan & Austin Properties LLC
Case: RZON2022-00003
Address: 11202 Harris Road
Purpose: Request to rezone from OI-CU to OI
PIN: 4670-45-1661



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 - July 2022



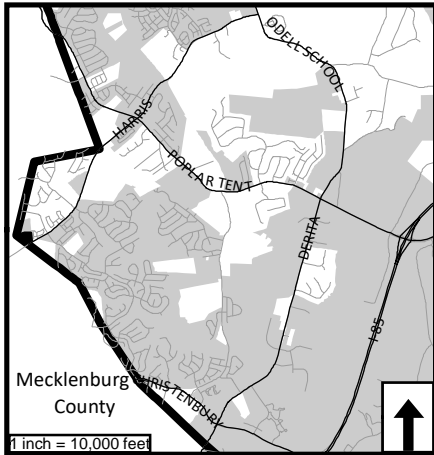
Legend

- Tax Parcels
- Cabarrus County
- Municipal District
- Structures
- AO
- AO-CU
- AO-SU
- CR
- LDR
- LDR-SU
- MDR
- MDR-SU
- HDR
- HDR-SU
- LC
- LC-SU
- GC
- GC-SU
- LI
- LI-SU
- GI
- GI-SU
- OI
- OI-SU
- PUD

Western Planning Area Future Land Use



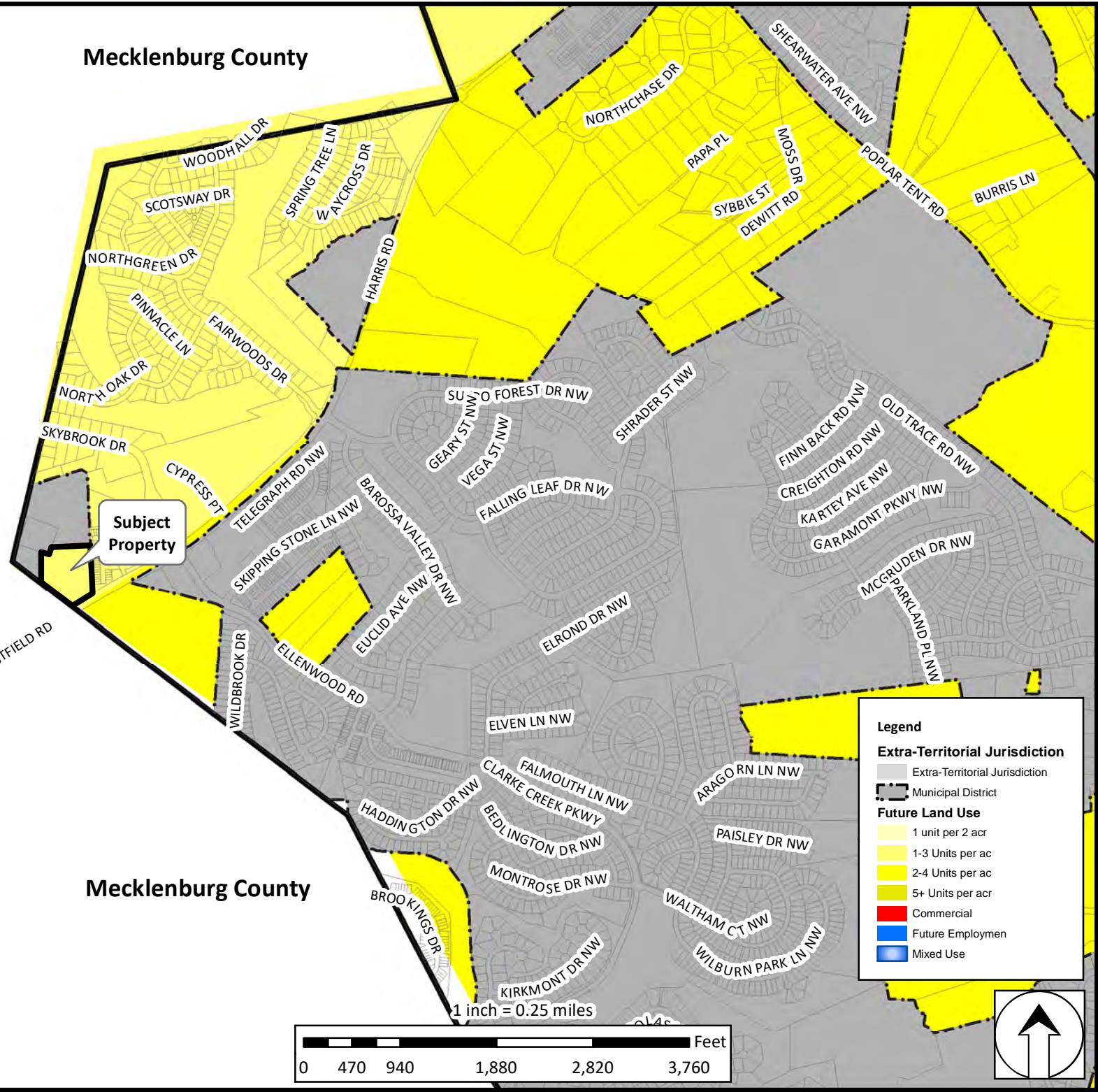
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Map Prepared by Cabarrus County Planning & Development - July 2022

Mecklenburg County

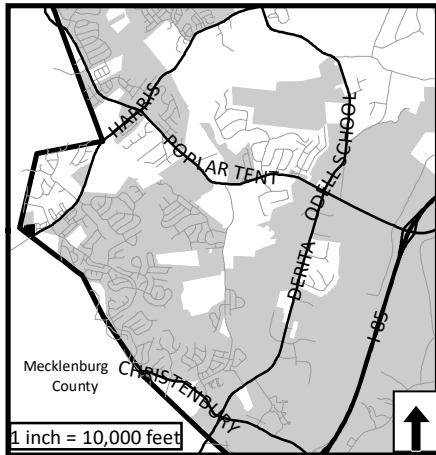


Western Planning Area Aerial Map



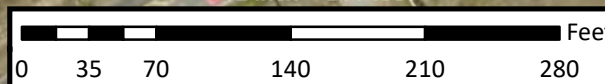
Applicant: Evolution Recreation & Aquatics
 Owner: Ethan & Austin Properties LLC
 Case: RZON2022-00003
 Address: 11202 Harris Road
 Purpose: Request to rezone from OI-CU to OI
 PIN: 4670-45-1661

- Cabarrus County
- Municipal District
- Tax Parcels



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Map Prepared by Cabarrus County Planning & Development - July 2022



FILED
 CABARRUS COUNTY NC
 WAYNE NIXON
REGISTER OF DEEDS
 FILED May 26, 2016
 AT 01:16 pm
 BOOK 11939
 START PAGE 0240
 END PAGE 0241
 INSTRUMENT # 12792
 EXCISE TAX \$6,400.00
 EBV

GENERAL WARRANTY DEED

Excise Tax: **\$6,400.00**

Tax Parcel No. **4670 45 1661 0000 TMP 03018 0015.400000** Verified by _____ County
 on the ____ day of _____, 20____ By: _____

✓ Mail/Box to: **James R. Hood Jr. PC, 421 South Sharon Amity Road, Suite C, Charlotte, NC 28211**

This instrument was prepared by: **James R. Hood Jr., Attorney at Law**

Brief description for the Index: **Tract A, Plat Book 49, Page 79, 5.501 acres, Number 3 Twp.; 11202 Harris Road, Huntersville, NC 28078**

THIS DEED, made this the **25th** day of **May, 2016**, by and between

GRANTOR: Coach's Dream, LLC, a North Carolina limited liability company
 whose mailing address is **14647 Eastfield Road, Huntersville, NC 28078-6638**
 (herein referred to as **Grantor**) and

GRANTEE: Ethan and Austin Properties, LLC, a Georgia limited liability company
 whose mailing address is **9975 Bankside Drive, Roswell, GA 30076** (herein referred to as **Grantee**)
 and

WITNESSETH:

For valuable consideration from Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby gives, grants, bargains, sells and conveys unto Grantee in fee simple, subject to the Exceptions and Reservations hereinafter provided, if any, the following described property located in **Number 3 Township**, County of **Cabarrus**, State of North Carolina, more particularly described as follows:

BEING all of "Tract A" as shown on a minor subdivision plat thereof entitled "Record Plat of Tract A - 5.501 Acres, Coach's Dream, LLC Property" as prepared by Joseph S. Whaley, Jr., LS, of Yarbrough-Williams & Houle, Inc., dated 11/01/2005 and recorded in Plat Book 48, Page 79 in the office of the Register of Deeds for Cabarrus County, North Carolina.

Said property having been previously conveyed to Grantor by North Carolina General Warranty Deed from Myra's Dream, LLC, Grantor, to Coach's Dream, LLC, Grantee, dated February 1, 2006, and recorded February 2, 2006, at 8:28 a.m. in Book 6524, Page 125 of the Cabarrus County Register of Deeds.

All or a portion of the property herein conveyed ____ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinabove provided, if any.

And Grantor hereby warrants that Grantor is seized of the premises in fee and has the right to convey same in fee simple,

2/26

that title is marketable and is free and clear of encumbrances other than as set forth herein, and that Grantor will forever warrant and defend the title against the lawful claims of all persons or entities whomsoever.

This conveyance is made subject to the following Exceptions and Reservations:

1. **Easements, rights-of-way and restrictions of public record.**
2. **The lien of real property ad valorem taxes for 2016 and subsequent years, not yet due and payable.**

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Coach's Dream, LLC

(Entity Name)

By: *Steven G. Billings*
Print/Type Name & Title: **Steven G. Billings, Manager**

(SEAL)

Print/Type Name: _____

By: _____
Print/Type Name & Title: _____

(SEAL)

Print/Type Name: _____

State of North Carolina
County of Mecklenburg

(Official/Notarial Seal)

I, *Karen Doenges*, Notary Public,
certify that **Steven G. Billings**, proven by satisfactory evidence, personally came
before me this day and acknowledged that he is **Manager of Coach's Dream,**
LLC, a North Carolina limited liability company, and that he, as **Manager**, being
authorized to do so, executed the foregoing **General Warranty Deed** on behalf
of the company.

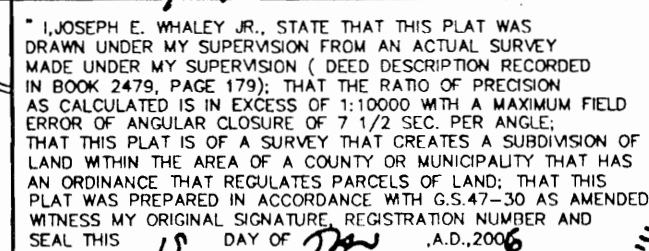
Date: 05-25-2016

Karen Doenges Notary Public
Notary's Printed or Typed Name

My Commission Expires:

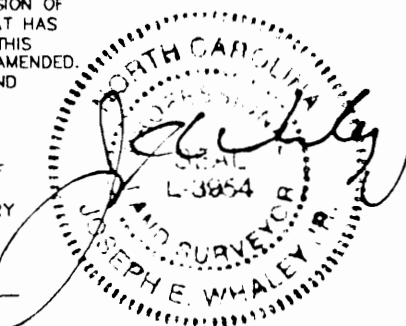
KAREN DOENGES
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires Aug. 28, 2018

Book 48 pg 70



I Jonathan Marshall, REVIEW OFFICER OF CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Jonathan Marshall
REVIEW OFFICER
By: Cohen
Nelson



NOW OR FORMERLY
MYRA'S DREAM, LLC.
11101 HARRIS RD.
HUNTERSVILLE NC, 28078
DEED: 3067-102
MDR ZONING
TAX ID# 4670-45-1944

**NOW OR FORMERLY
MVC, LLC.
DEED: 2479-170
ZONING: MDR
TAX ID# 4670-46-7279**

GPS MONUMENT
NC GRID (NAD 83
COORDINATES
N: 609,603.069
E: 1,477,569.901

LEGEND _____
AC. - ACRE
MB: - MAP BOOK
SDE - STORM DRAINAGE EASEMENT
R/W - RIGHT-OF-WAY
SAN. SEW. R/W - SANITARY SEWER R/W

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.

AREAS WERE CALCULATED BY DMD METHOD.

ALL RIGHTS-OF-WAY SHOWN SHALL BE PUBLIC AND DEDICATED RIGHTS-OF-WAY.

DISTANCES SHOWN ARE GROUND DISTANCES.
TO CONVERT TO GRID DISTANCES APPLY THE
COMBINED GRID FACTOR OF 0.9998495.

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.

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.

OFFICE REGISTER OF DEEDS
CARARRUS COUNTY, N.C.

Filed for Registration on the
26th day of January 2006
 at 10 o'clock AM
 and registered in Record Book
 No. 48 Page 79
Diana B. Cum
 Register of Deeds
 Deputy

THE UNDERSIGNED MANAGER OF COACH'S DREAM , LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY SO IDENTIFIED AND SHOWN HEREON, WHICH PROPERTY IS LOCATED IN THE SUBDIVISION JURISDICTION OF CABARRUS COUNTY, AND HEREBY SUBMITS THIS PLAN OF SUBDIVISION WITH ITS FREE CONSENT AND ESTABLISHES MINIMUM BUILDING SETBACK LINES AS SHOWN HEREON AND DEDICATE TO PUBLIC USE AND BENEFIT ALL AREAS SHOWN ON THIS PLAT AS STREETS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT THE OWNER WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY CABARRUS COUNTY, AND FURTHER THAT THE OWNER WILL CORRECT ANY DEFECTS OR OMISSIONS OR IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER A CERTIFICATE OF APPROVAL HAS BEEN EXECUTED BY THE COUNTY, OR AFTER A FINAL CERTIFICATE OF APPROVAL HAS BEEN EXECUTED OR AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS, WHICHEVER OCCURS LATER.

MYRA'S DREAM, LLC

BY: /s/ JOHN WOODLEY WALLACE, MANAGER

STATE OF NORTH CAROLINA
COUNTY OF ~~CABARRUS~~ MECKLENBURG

I, Barbara Howie Lemco, a NOTARY PUBLIC IN AND FOR THE COUNTY AND
STATE AFORESAID, CERTIFY THAT JOHN WOOLEY WALLACE, MANAGER OF COACH'S DREAM, LLC A NC
LIMITED LIABILITY COMPANY, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE
DUE EXECUTION OF THE FOREGOING CERTIFICATION AS A MANAGER OF AND ON BEHALF OF SAID LIMITED
PARTNERSHIP.

Barbara Howe Lembo
NOTARY PUBLIC

My commission expires: 4-30-2010

NOW OR FORMERLY
MYRA'S DREAM, LLC.
11101 HARRIS RD.
HUNTERVILLE NC, 28078
DEED: 3067-102
MDR ZONING
TAX ID# 021-111-16

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

SHEET TITLE

RECORD PLAT OF TRACT A - 5.501 ACRES

PROJECT
COACH'S DREAM, LLC PROPERTY
TOWNSHIP NO. 3, CABARRUS COUNTY, N.C.
OWNER: MYRA'S DREAM, LLC



YARBROUGH-WILLIAMS & HOULE, INC.
Planning • Surveying • Engineering
 730 Windsor Oak Court (28273) P.O. Box 7007 (28241)
 Charlotte, North Carolina
 704.558.1990 704.558.0505(fax)

PROJECT NO.	
SCALE	1"=60'
DATE	11/01/05
DRAWN BY	YWH
CHECKED BY	JEW
ZONED	MDR
DRAWING NO.	

SHT 1 OF 1 SHTS

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
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 & 14324 EASTFIELD RD	HUNTERSVILLE	NC	28078
4670-35-8966	STEVEN & MYRA BILLINGS	14647 EASTFIELD RD	HUNTERSVILLE	NC	28078
4670-55-1040, 02924103B & 02924103A	WOODLEY WALLACE FARMS LLC A NORTH CAROLINA LLC	14842, 14410, 14708 & 14704 EASTFIELD RD	HUNTERSVILLE	NC	28078
Subject Property					
4670-45-1661	ETHAN AND AUSTIN PROPERTIES LLC	17501 HUNTERSVILLE CONCORD RD	HUNTERSVILLE	NC	28078



Cabarrus County Government – Planning and Development Department

June 20, 2022

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, July 20, 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 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning request, I encourage you to attend this meeting.

Petitioner	Evolution Recreation & Aquatics
Petition Number	RZON2022-00003
Property Location	11202 Harris Road
Parcel ID Number	4670-45-1661
Existing Zoning	Office/Institutional – Conditional District (OI-CU)
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 cursive script that reads "Phillip Collins".

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



Cabarrus County Government – Planning and Development Department

June 20, 2022

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, July 14, 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 28025. 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	Evolution Recreation & Aquatics
Petition Number	RZON2022-00003
Property Location	11202 Harris Road
Parcel ID Number	4670-45-1661
Existing Zoning	Office/Institutional – Conditional District (OI-CU)
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



Jun 22, 2022 at 2:48:37 PM
11202 Harris Rd
Huntersville NC 28078
United States

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



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.

PERMITTED USE TABLE		
"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use		
	OI	OI-CU
RESIDENTIAL USES		
Family Care Home		
Group Care Facility	P	
Manufactured Home, Single Section or Multi-Section	Permitted in Residential Districts, Manufactured Home Overlay District	
Manufactured Home Park (8-4, 14)	Required – see Chapter 4	
NOTE: All manufactured homes subject to installation requirements outlined in Chapter 4		
Multifamily Residential (7-3, 33)		
Semi-Attached House		
Single Family Detached Residential		
Single Family Detached Residential (8-4, 29)		
Manufactured Home, Single Section (8-4, 29)		
Townhouses (7-3, 62)		
AGRICULTURAL USES		
Agriculture, Including Livestock (7-3,2A)		
Agriculture, Female Chickens, Limited Number, Less Than 5 Acres (7-3, 2B)		
Agriculture Excluding Livestock		
Agritourism, Accessory to Agriculture		
Barn, Greenhouse, as Primary Structure (7-3, 7)		
Bulk Grain Storage		
Dairy Processing		
Hatchery		
Livestock Sales		
Nursery, Greenhouse		
Scientific Research and Development, Accessory to Agriculture (7-3, 52)		
ACCESSORY USES		
Accessory Dwelling Unit (7-3,1)		
Accessory Building (7-3, 1)	PBS	
Airstrip (8-4, 3)		
Automated Teller Machine (7-3, 6, b)	PBS	
Community Garden, as Accessory Use (7-3, 13)	PBS	
Ethanol Fuel Production, Residential District, Private Use Only (7-3, 20)		

PERMITTED USE TABLE		
"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use		
	OI	OI-CU
Home Occupation, General (7-3, 27)		
Home Occupation, Rural (7-3, 28)		
Ice Production, Dispensing, Accessory to Convenience Store (7-3, 30)		
Ice Production, Dispensing, Accessory to Gas Station (7-3, 29)		
Kennel, Private (7-3, 31)		
Moving Van, Truck or Trailer Rental, Accessory to Self-Storage (7-3, 34, 53)		
Swimming Pool, Accessory to Single Family Residential (7-3,1)		
Towing Service, Accessory to Automobile Repair (7-3, 60, a-c)		
Towing Service, Accessory to Salvage Yard (7-3, 59, a-c)		
Trail Head, Accessory (7-3, 63)	PBS	
Wind Energy Facility, Accessory Use, On-Site Use Only (7-3, 66)		
COMMERCIAL, RETAIL AND OFFICE USES		
Adult Business (8-4, 1)		
Amusement, Outdoor (8-4, 4)		
Animal Hospital (8-4, 39)		
Arcade, Game Room		
Auction House (7-3, 3)		
Automobile Parts, Tires, Accessories		
Automobile Rental (7-3, 4)		
Automobile Sales, New and Used (7-3, 5)		
Bank, Financial Institution, Automated Teller Machine (7-3, 6)	PBS	-
Banquet Hall	P	-
Barber, Beauty, Tanning, Nail or Skin Care Salon	P	
Bed and Breakfast (7-3, 8)		
Boat Works and Sales, with Sales Lot		
Building and Contractor Supply, No Outdoor Storage		
Building and Contractor Supply with Outdoor Storage		
Car Wash, Detail Service		
Catering Service (7-3, 9)	PBS	
Contractor or Trade Shops (7-3, 17)		
Contractor's Storage Yard		
Convenience Store with Petroleum Sales (7-3, 14)		
Convenience Store without Petroleum Sales (7-3, 15)		
Country Club with Golf Course (7-3, 16)	PBS	

PERMITTED USE TABLE		
"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use		
	OI	OI-CU
Crematorium	P	
Day Camp, Summer Camp, Civic Group Camp Facility (8-4, 10)		
Day Camp, Summer Camp, Civic Group Camp Facility (7-3, 18)		
Drive-In Theater		
Drug Store		
Dry-Cleaning, Laundry Plant		
Dry-Cleaning Pick-Up Station		
Duplex, Commercial Use, Individual Lots (7-3, 19)	PBS	
Equipment Sales and Service		
Equipment Sales with Outdoor Storage Area		
Farmer's Market	P	
Farm Supply Sales, No Outdoor Storage		
Farm Supply Sales with Outdoor Storage Area		
Flea Market, Indoor Vendors Only		
Funeral Home	P	
Gas Service Station (7-3,23)		
Golf Course, Public or Private (7-3, 24)	PBS	
Gunsmith		
Health Club or Fitness Center		
Hotels, Motels, and Inns		
Kennel, Commercial (8-4, 37)		
Laundromat		
Locksmith		
Manufactured Home Retail Sales		
Motorcycle, ATV, Other Motor Vehicle Dealers, New and Used (7-3, 5)		
Movie Theater		
Moving Van, Truck or Trailer Rental (7-3, 34)		
Nursery, Daycare Center (7-3, 35)	PBS	
Nursery, Daycare Center (8-4, 16)		
Office Professional, 5,000 Square Feet or Less (7-3, 36)		
Office professional, 30,000 Square Feet or Less	P	P
Office professional, 30,000 Square Feet or More		
Parking Lot, Parking Garage, Commercial or Private	P	
Pawn Shop (NCGS Chapter 91A)		
Permanent Temporary Event Facility (7-3, 37)		
Pet Shop, Grooming, Enclosed Facility		
Printing and Reprographic Facility	P	

PERMITTED USE TABLE		
"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use		
	OI	OI-CU
Race Shop, Race Team Complex (8-4, 19)		
Race Shop, Race Team Complex		
Radio and Television Studio		
Reception Facilities (8-4, 21)		
Recreational Facility, Indoor (7-3, 39)	PBS	PBS
Recreational Facility, Outdoor (8-4, 22)	SU	
Recreational Therapy Facility, Rural Setting (8-4, 23)		
Recreational Vehicle Sales, With Outdoor Storage or Sales Lot		
Recyclable Materials Drop Off (7-3, 41)	PBS	
Repair Garage, Automobile (7-3, 43)		
Repair Shop, Farm Machinery (7-3, 44)		
Repair Shop, Small Engine (7-3, 45)		
Restaurant, Excluding Drive-thru (7-3, 47)		
Restaurant with Drive-Thru Facility (7-3, 48)		
Restaurant with Drive-Thru Facility (8-4, 27)		
Retail Sales, Neighborhood Market 1,000 Square Feet or Less (7-3, 49)		
Retail Sales, Shopping Centers, 10,000 Square Feet and Less		
Retail Sales, Shopping Centers, 10,000 – 50,000 Square Feet		
Retail Sales, Shopping Centers, 50,000 – 100,000 Square Feet		
Retail Sales, Shopping Centers, 100,000 Square Feet or More (8-4, 28)		
Reupholstery, Furniture Repair		
Sawmill (7-3, 51)		
Scientific Research and Development (7-3, 53)	PBS	
Self-Service Storage Facilities (7-3, 54)	-	
Shooting Range, Indoor (7-3, 55)		
Shooting Range, with Outdoor Target Practice (8-4, 30)		
Signs, Off-Premises	See Chapter Eleven, Table Six for Regulations	
Signs, On-Premises		
Sports and Recreation Instruction or Camp (8-4, 31)		
Sports and Recreation Instruction or Camp (7-3, 56)		
Stables, Commercial (7-3, 58)		
Storage Building Sales, with Display Area (7-3, 57)		
Swim Club, Tennis Club, Country Club (7-3, 59)	PBS	
Tattoo Studio		
Taxidermy Studio, No Outdoor Processing		

PERMITTED USE TABLE		
"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use		
	OI	OI-CU
Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales (7-3, 61)		
Towing Service, with Salvage (7-3, 60)		
Towing Service, No Towed Vehicle Storage Lot, Office Only, Storage of Tow Trucks, Car Haulers Permitted On-Site		
Veterinarian (8-4, 37)		
Wellness Retreat, Wellness Spa (8-4, 38)		
Wireless Telecommunications Services (8-4, 36)	SU	
Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less (8-4, 36)	P	
Wireless Telecommunications Services – Co-location (7-3, 67)	PBS	
INSTITUTIONAL, CIVIC AND PUBLIC USES		
Animal Shelter (8-4, 37)		
Cemetery (7-3, 10)		
Civic Organization Facility (7-3,11)	P	
Coliseum, Stadium (8-4, 5)		
College, University (8-4, 6)		
College, University	P	
Communications Tower, 911 Communications Tower (7-3, 12)		
Communications Tower, 911 Communications Tower (8-4, 7)	SU	
Convention Center Facility (8-4, 8)	SU	
Correctional Facility (8-4, 9)		
Elementary, Middle and High Schools (8-4,11)	SU	
Government, Excluding Correctional Facilities		
Government Buildings, Storage Only (7-3, 25)		
Government Buildings, Storage Only with Outdoor Storage Area (7-3, 26)		
Hospital, Ambulatory Surgical Care Facility	P	
Public Cultural Facility (7-3, 38)	P	
Public Service Facility (8-4, 17)	SU	
Public Use Facility (8-4, 18)		
Public Use Facility	P	
Recreational Trail, Greenway or Blueway, Connector (7-3, 40)	PBS	
Recreational Trail, Greenway or Blueway as Part of Public Use Facility	See Public Use Facility and Appendix C	
Religious Institution with Total Seating Capacity 351 or More (8-4, 24)	SU	

PERMITTED USE TABLE		
"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use		
	OI	OI-CU
Religious Institution with Total Seating Capacity 351 or More		
Religious Institution with Total Seating Capacity 350 or Less (7-3, 42)	PBS	
Religious Institution with Total Seating Capacity 350 or less		
Religious Institution with School (8-4, 25)	SU	
Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less (7-3, 46)	PBS	
Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds (8-4, 26)	SU	
Trade and Vocational Schools (8-4, 33)	SU	
Trail Head, Primary Use Site (7-3, 64)	PBS	
INDUSTRIAL		
Asphalt or Concrete Plant		
Bottling Works		
Cast Concrete Production, Distribution, Storage		
Chemical Manufacturing		
Ethanol Fuel Production, Small Plant (7-3, 21)		
Ethanol Fuel Production, Medium Plant (7-3, 22)		
Extraction of Earth Products, Mining (8-4, 12)		
Fabrication		
Foundry, Ironworks and Steel Mills		
Freezer, Ice Plant		
Landfill, Demolition, Less Than One Acre (7-3, 32)		
Landfill, Demolition, One Acre or More (8-4, 13)		
Landfill, Sanitary (8-4, 13)		
Machine Shop		
Manufacturing		
Metal Works, Metal Processing, Fabrication		
Multimedia Production and Distribution Complex (8-4, 15)		
Multimedia Production and Distribution Complex		
Race Track, Animal, Automobile or Other (8-4, 20)		
Salvage Yard (7-3, 50)		
Slaughter House, Meat Packing (8-4, 32)		
Slaughter House, Meat Packing		
Tire Recapping		
Trucking Equipment, Heavy Equipment, Sales and Service with Sales Lot		

PERMITTED USE TABLE		
"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use		
	OI	OI-CU
Public Utilities	See Public Service Facility, (8-4, 17)	
Warehouse, Enclosed Storage		
Warehouse with Outside Storage (7-3, 65)		
Warehouse, Volatile Materials		
Welding Shop		
TEMPORARY USES		
See Chapter 7 Section 7-3, #68 for Specific Standards Related to Temporary Uses and Zoning Districts Where Permitted		
Auction, Estate or Asset Liquidation	PBS	
Auction, Livestock		
Contractor Office, Construction Equipment Storage	PBS Accessory to Active Construction Project, Refer to Text	
Dumpsters, Commercial Waste Containers	PBS	
FEMA Trailers, Natural Disaster or Significant Weather Event	PBS	
Itinerant Merchants at Existing Business		
Mobile Personal Storage Unit, Vacate or Occupy Premise	PBS	
Mobile Personal Storage Unit, Renovation	PBS	
Promotional Activities Involving the Display of Goods or Merchandise	PBS, Existing Business, Refer to Text	
Real Estate Office in a Construction Trailer or Temporary Modular Unit, Commercial/Mixed Use Projects	PBS, Active Mixed Use/Commercial Use Project Sites, Refer to Text	
Real Estate Office in a Construction Trailer or Temporary Modular Unit, Residential Projects	PBS, Active Residential Projects, Refer to Text	
Real Estate Office in Model Home	PBS, Accessory to Construction of New Residential Project, Refer to Text	

PERMITTED USE TABLE		
"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use		
	OI	OI-CU
Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins	PBS	
Similar and Compatible Uses Not Specified	PBS, As Determined by Administrator	
Temporary Dwelling for Large Construction Projects	PBS, Active Construction Sites, Refer to Text	
Temporary Health Care Structure		
Temporary Residence in Mobile Home During Construction of New Home, Same Site		
Temporary Signs	See Chapter Eleven, Signage	
Temporary Tent or Temporary Structure, Including Cell on Wheels	PBS	
TRANSPORTATION RELATED		
Airport, Commercial (8-4, 2)		
Airstrip (8-4,3)	See Accessory Use	
Rail Storage Yard		
Storage Lot, Logistics and Freight		
Taxi Service, Dispatch and Storage		
Tour Bus Company, Travel Agency with On-Site Bus Storage		
Trucking Company, Heavy Equipment Company, Dispatch Facility With Storage		
Truck Stop, Truck Terminal		

Overhead view of subject property, looking north



Overhead view of subject property, looking east



Overhead view of subject property, looking south

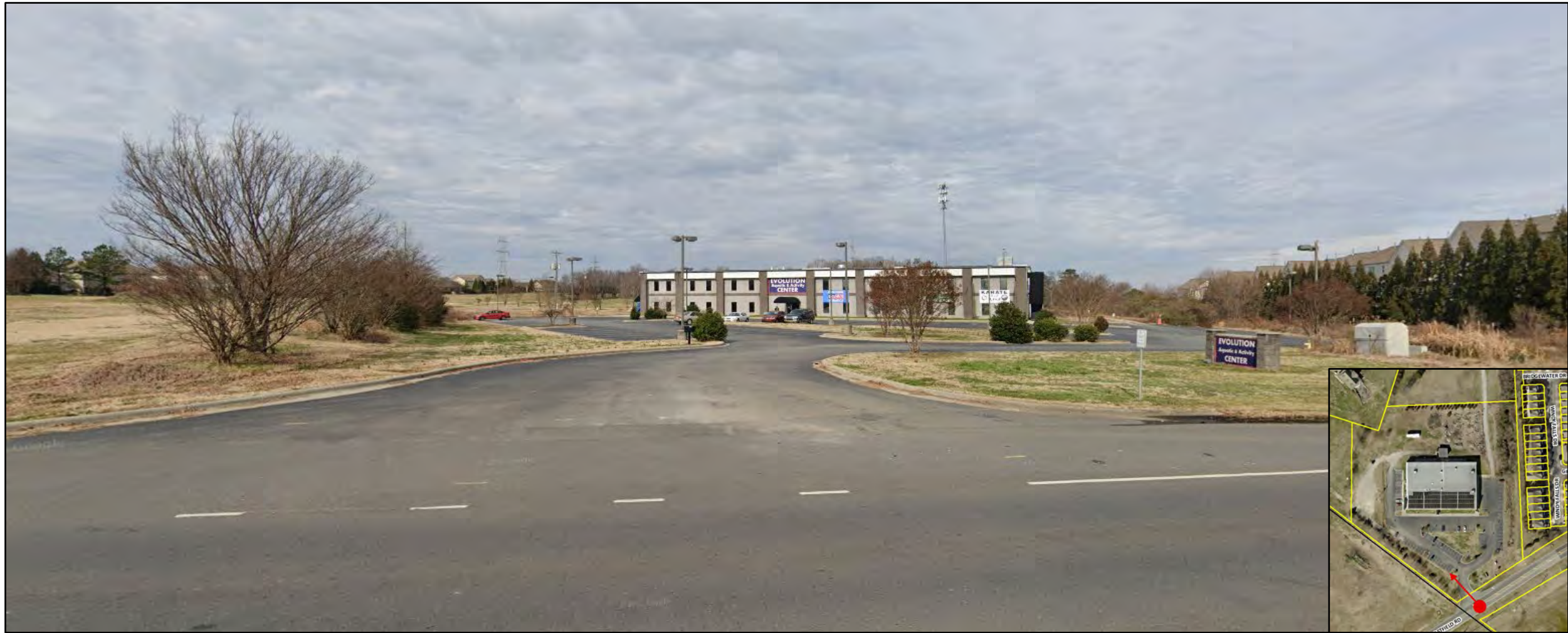


Source: Cabarrus County Pictometry

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



Source: Google Maps

PLANNING STAFF REPORT
TO CABARRUS COUNTY PLANNING AND ZONING BOARD
6-16-05

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

Petition: C2005-05 (R)

Petitioner(s) Yarbrough-Williams & Houle, Inc.
Agent Information: 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: 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 REPORT
TO CABARRUS COUNTY PLANNING AND ZONING BOARD
6-16-05

Staff Use Only: Approved: ____
Denied: ____
Tabled: ____

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: 605-05-161

Date Filed: _____

Received By: _____

Amount Paid: _____

Approved - 90

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

11. Is this a request for a "Conditional Use" District? YES ~~NO~~ *yes - m. Boep*
(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 of Filing _____
Filing Fee _____

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

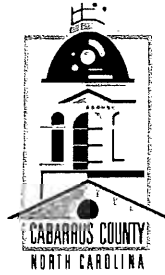
1. Please submit twelve (12) copies of a development plan in conformance with Section 13-11 of the Cabarrus County Zoning Ordinance. (all conditional use applications are encouraged to include a site specific development plan which, if approved, will be binding on the property in question):
2. Please 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

Parish Number: _____

Date Filed: _____

Revised 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 14647 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 *[Signature]*

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 0.9998495.

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
+16 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

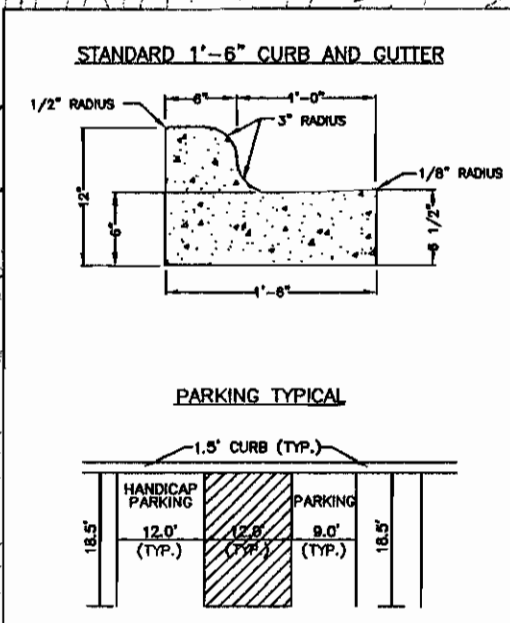
ACREAGE LESS THAN	.5	1	1.5	2	2.5	3	3.5	4	4.5	5	5.5	6	6.5	7	7.5	8	8.5	9	9.5	10 OR MORE ACRES
BUFFERYARD #1 ² WIDTH OF YARD	43'	46'	49'	52'	55'	58'	61'	64'	67'	70'	73'	76'	79'	82'	85'	88'	91'	94'	97'	100'
*TREES PER 100'	9 TREES	10 TREES										11 TREES								
*SHRUBS PER 100'	60 SHRUBS	60 SHRUBS										60 SHRUBS								
BUFFERYARD #2 ² WIDTH OF YARD	25'	27'	30'	33'	36'	38'	41'	43'	46'	49'	51'	54'	57'	59'	62'	65'	67'	70'	72'	75'
*TREES PER 100'	6 TREES	7 TREES			8 TREES			9 TREES			10 TREES			11 TREES						
*SHRUBS PER 100'	40 SHRUBS	40 SHRUBS			40 SHRUBS			40 SHRUBS			40 SHRUBS			40 SHRUBS						
BUFFERYARD #3 ² 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
*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

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 SHRUBBERY 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.
BUI.DING - 28,539 SQ.FT.
TOTAL - 84,922 SQ.FT.

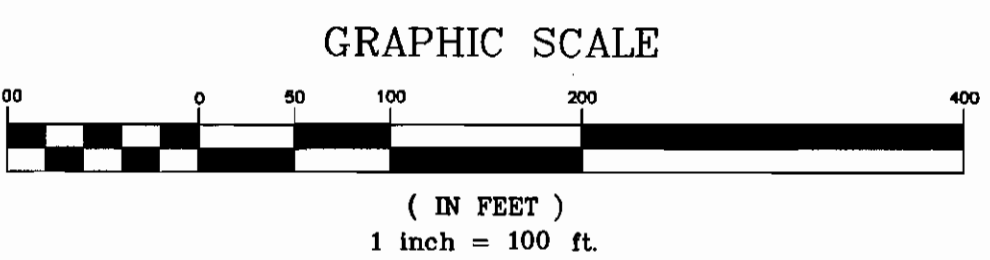
NOW OR FORMERLY
MVC, LLC
DEED: 12597-214
ZONING: OPS

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 FPH" 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 192.09' 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 92.35 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.

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

[Signature]
5/2/05

APPROVED
DATE 4/16/05
DUPLICATE



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

SHEET TITLE REZONING SITE PLAN 5.501 ACRES TOTAL		PROJECT NO. SCALE 1"=100' DATE 4/20/05
PROJECT NORTH MECKLENBURG AQUATIC CENTER TOWNSHIP #2, CABARRUS COUNTY FOR: MYRA BILLINGS		DRAWN BY JUN CHECKED BY JEW
 YARBROUGH-WILLIAMS & HOULE, INC. Planning • Surveying • Engineering 730 Windsor Oak Court Charlotte, NC 28203 704.556.1900 704.556.0500(fax)		DRAWING NO. 140-71 SHT 1 OF 1 SHTS

PLANNING STAFF REPORT
 CABARRUS COUNTY PLANNING AND ZONING COMMISSION
 7/12/2022

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

Variance: VARN2022-00002

Applicant Information: Cabarrus County
 PO Box 707
 Concord, NC 28026-0707

Owner Information: Cabarrus County
 PO Box 707
 Concord, NC 28026-0707

PIN: 6603-12-8036

Area in Acres: +/- 13.62 acres

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

- Chapter 8, Section 8-4.34 Table 1 – Due to the width of the property and the proposed height of the tower (305 feet), the required separation distance (355 feet) of the compound from the road right-of-way to the west and the property line to the east cannot be met.
- Chapter 8, Section 8-4.34.8.c – The applicant requests relief from the landscaping requirements for Wireless Telecommunications (WTC) Facilities. The site is heavily wooded, and clearing will be minimal.

Site Description: The property is currently vacant and wooded. An intermittent stream crosses the northwestern corner of the subject property.

Current Land Use: Vacant

Adjacent Land Uses: Residential, Agricultural and Vacant

Permitted Uses: All uses permitted within the Agricultural/Open Space district

Existing Zoning: Agricultural / Open Space (AO)

Surrounding Zoning: North: AO
 East: AO
 South: AO
 West: AO

Signs Posted: 06/23/2022

Newspaper Notification 1: 06/29/2022

Newspaper Notification 2: 07/06/2022

Notification Letters: 06/20/2022

Exhibits

- Exhibit A – Staff Report
- Exhibit B – Application
- Exhibit C – Staff Maps
- Exhibit D – Site Plan
- Exhibit E – Adjacent Property Owner Information
- Exhibit F – Neighborhood Meeting Information
- Exhibit G – Structural Analysis
- Exhibit H – Parcel Information
- Exhibit I – Site Photos

Agency Review Comments

Emergency Services Review:

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

Fire Review:

No comments. (per Jacob Thompson, Fire Marshal).

NCDOT Review:

I think we are fine with the proposed variance. We too look at fall radius when it comes to these cell towers and most of the time there are no issues. We understand the constraints in this location and will be willing to issue DW permit. (per Marc Morgan, NCDOT)

Sherriff's Department Review:

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

Cabarrus Health Alliance:

Approved. (Chrystal Swinger, Cabarrus Health Alliance)

Zoning Review:

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

History / Other Information

- The subject property is located on Gold Hill Road East.
- The subject property is approximately 13.62 acres in size.
- The subject property is vacant and wooded.
- The subject property originally consisted of two parcels. These parcels were purchased by the County. A deed was recorded on August 27, 2021 which included the two parcels and confirmed new ownership. The two parcels were combined in February of this year.
- The application states that the proposed 305-ft self-supporting tower will operate primarily as a 911 Communications Tower and secondarily as an opportunity for commercial carriers to collocate on the tower.
- The applicant intends to make use of the surrounding mature forest and understory trees as the required landscaping. The application states that the site is well away from the right of way of Gold Hill Road East and due to the surrounding vegetation, the compound will not be visible from the roadway or neighboring properties. Only the portions of the site for the compound area and driveway will be cleared, leaving most of the site untouched.
 - Therefore, the applicant is requesting relief from the landscaping requirement of Section 8-4.34.8.c.
 - The applicant contends that unnecessary hardship results from the strict application of the ordinance because of the abundance of existing mature forest and understory trees that can reasonably be expected to block the view of the tower from the public road and neighboring properties, even during the fall and winter seasons with no leaves on most trees and shrubbery.
 - The applicant contends that hardship results from conditions that are peculiar to the property in that the size of the property and the abundance of mature trees and understory trees are more than sufficient that the tower compound will not be seen from the public road and neighboring properties.
 - The applicant contends that hardship did not result from actions taken by the applicant or the property owner because strict adherence to the ordinance would require installation of landscaping when there is more than sufficient existing forest and understory trees to create the landscape buffer necessary to meet the requirements of the ordinance.

- The applicant is requesting relief from the separation requirement of Table 1 Section 8-4.34, which requires the tower height plus 50 feet from the compound to property lines and public rights-of-way.
 - The proposed tower is 305 feet in height which would require a separation distance of 355 feet.
 - The compound is 337 feet from the right of way of Gold Hill Road East and 340 feet from the rear property line.
 - The applicant contends that unnecessary hardship results from the strict application of the ordinance because setbacks are typically imposed to avoid potential harm to the public. The proposed tower would land upon its on property in the event of a fall and the tower compound is set back a greater distance from the property lines than its height.
 - The applicant contends that hardship results from conditions that are peculiar to the property because of the shape of the property and the inability to meet the required setbacks, while achieving a tower height necessary for the proper radio frequency distribution to achieve optimum signal service for E911 services.
 - The applicant further contends that additional hardship was realized as due diligence research revealed that the setback is measured from the right-of-way line (property line extends to centerline of road) in this case.
 - The applicant contends that hardship did not result from actions taken by the applicant or the property owner because the applicant originally started this process as a 911 Communications Tower solely for the purpose of emergency communications, but as the process progressed, the possibility of having commercial collocates was added.
 - Had the tower remained a 911 Communications Tower only, the tower would not have to be set back from property lines if a fall zone letter from a PE certifying that the tower would not fall onto any neighboring properties was submitted.
 - The applicant was not aware that the setback ordinances would become an issue when siting a tower that is a maximum height of 305 feet during the selection and eventual purchase of two adjoining parcels that when combined, would total 13.63 acres. The applicant firmly believed that a parcel of 13.63 acres would

certainly be large enough to site the tower and compound and meet any setback ordinances related to same.

- The applicant contends that the variance requests for setback reductions and to use existing landscape to meet the buffer requirements are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved as follows:
 - It is firmly believed that granting the variance would enhance the public's safety and wellbeing due to better 911 emergency communications between 911 dispatch operators and first responders in this part of the County.
 - The applicant believes allowing the variance would cause no danger to the public while traveling the adjacent public road or to the adjacent property owners or tenants and that the spirit of the ordinance is being met because the setbacks are only not being met in two of the four cardinal directions (to the East by 15 feet and to the West by 15 feet). North and South comply with the ordinance.
 - The surrounding mature forest and understory trees provides superior screening of view for the tower compound and site components inside. The Applicant further believes that standard immature commercial landscaping, while sufficient in cases where no existing forest and understory vegetation exist is a good method, but in this case would be less than preferable.
- The applicant understands that the next step in the approval process is to request a Special Use Permit for the construction of the WTC Tower.

Conditions of Approval

Should the Board of Adjustment grant approval of the 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 Special Use Permit request that complies with the findings and 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.
- In return for relief from the separation requirement from the compound and surrounding property lines, applicant shall submit a fall zone letter, signed by a Professional Engineer and sealed by a structural engineer licensed in the State of NC.

- Applicant agrees that in the event the natural buffer area is destroyed by blight, a natural disaster or significant weather event, and the compound becomes visible from the road right-of-way or adjacent properties, the required compound buffer area shall be installed.



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

Cabarrus County

NAME

PO Box 707

ADDRESS

Concord, NC 28026-0707

CITY, STATE, ZIP CODE

704-920-3206

PHONE NUMBER

704-920-3213

FAX NUMBER

kdbilafer@cabarruscounty.us

E-MAIL ADDRESS

Legal Relationship of Applicant to Property Owner

Existing Use of Property

Existing Zoning

Property Location

PROPERTY OWNER

Cabarrus County

NAME

PO Box 707

ADDRESS

Concord, NC 28026-0707

CITY, STATE, ZIP CODE

704-920-3206

PHONE NUMBER

704-920-3213

FAX NUMBER

kdbilafer@cabarruscounty.us

E-MAIL ADDRESS

Same entity

Not in use. Wooded

AO

4300 Gold Hill Rd E. Gold Hill NC 28071

Tax Map and Parcel Identification Number (PIN)

6603128036.0000000000

TO THE BOARD OF ADJUSTMENT

I, Kyle Bilafer for Cabarrus County, 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: Chapter 8, Section 34, Table 1

Chapter 8, Section 8, item c.

2. Reason(s) for Seeking a Variance

Due to space constraints, please see the additional pages added to this application, with written answers to all questions.

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"?)

Due to space constraints, please see additional pages

- 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).

Due to space constraints, please see additional pages.

- 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.)

Due to space constraints, please see additional pages

-
-
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?)

Due to space constraints, please see additional pages

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.

Please see additional pages for answer to this question.

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

SIGNATURE OF OWNER:

DATE:

5-9-22

SIGNATURE OF APPLICANT:

DATE:

5-9-22

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

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

- Chapter 8, Section 34, Table 1. (Setbacks)
- Chapter 8, Section 8, Item C. (Landscaping)

2. Reason(s) for Seeking a Variance:

Re: Chapter 8, Section 34, Table 1 (Setbacks): The proposed 305-ft self-supporting tower, which shall operate primarily as a 911 Communications Tower for the county, and secondarily as an opportunity for commercial carriers to collocate on the existing tower as a Communications Tower, does not meet the required setbacks for Communication Tower. The ordinance states: "The tower compound shall be located a minimum of the tower height plus 50' from any property line or residential structure.

Re: Chapter 8, Section 8, Item C (Landscaping): The Applicant makes request for variance to use the surrounding mature forest and understory trees as required landscaping. The site is well away from the roadway right of way and well away from neighboring property's as shown in the Site Plan drawing set. Due to the surrounding mature forest and understory, the tower compound will not be visible from the roadway or neighboring properties and their residences.

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"?)

Re: Chapter 8, Section 34, Table 1. (Setbacks): The applicant believes that the ordinance creates an unnecessary hardship by requiring excessive setbacks to a structure that is intended to serve the greater good by providing E911 communication services to the general public and residents of Cabarrus County. Typically, setbacks are specified to avoid potential harm to the general public and/or adjacent property/infrastructure. The tower, as proposed, would "land upon its on property in the event of a fall" and meets all required setbacks to adjacent infrastructure. Further, the tower is located greater than a 1:1 (tower height) setback ratio to all adjacent property lines and rights-of-way.

Re: Chapter 8, Section 8, Item C (Landscaping) The Applicant believes the strict application of the ordinance is unreasonable due to the abundance of existing mature forest and understory trees that can reasonably be expected to block all view from the public road and its right of way and the neighboring property and its residences even during the fall and winter seasons with no leaves on most trees and bushes.

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).

Re: Chapter 8, Section 34, Table 1. (Setbacks) The Applicant believes the hardship results from the shape of the property and the inability to meet the required setbacks while achieving a tower height necessary for the proper radio frequency distribution to achieve optimum signal service for E911 services. Additional hardship was realized as due diligence research revealed a larger parcel (property lines were noted as extending to the centerline of an adjacent road) than is applicable to the computation of setback distance (right of way).

Re: Chapter 8, Section 8, Item C. (Landscaping) The Applicant believes the size of the property and the abundance of mature trees and understory trees are more than sufficient that the tower compound and the communication shelter and other site components will not be seen from the public road and right of way, nor from the neighboring properties and the residences there.

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.)

Re: Chapter 8, Section 34, Table 1. (Setbacks) The Applicant originally started to process of installing a new tower as 911 Communication Tower solely for the purpose of emergency communications, but as the process progressed the possibility of having commercial collocates was added. Had the tower remained a 911 Communication Tower only, the tower would not have to be setback from property lines if a fall zone letter from a PE certifying that the tower would not fall onto any neighboring properties was submitted. Also, The Applicant was not cognizant that the setback ordinances would become an issue when siting one (1) tower that is a maximum height of 305 ft. tall during the selection and eventual purchase of two adjoining parcels that when combined, would total 13.63 acres. The Applicant firmly believed that a parcel of 13.63 acres would certainly be large enough to site the tower and compound and meet any setback ordinance related to same.

Re: Chapter 8, Section 8, Item C. (Landscaping) The Applicant believes that a hardship is created if strict adherence to the ordinance is followed. The Applicant believes there is more than sufficient existing

forest and understory trees to create the “landscape” necessary to meet the requirements of the ordinance.

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?)

Re: Chapter 8, Section 34, Table 1. (Setbacks) It is firmly believed by the Applicant that allowing the requested variance to gain approval that the public’s safety and well being will be enhanced due to better 911 emergency communications between 911 dispatch operator and first responders in this part of the County. Also, the Applicant believes allowing the variance would cause no danger to the public while traveling the adjacent public road or to the adjacent property owners or tenants. The Applicant also believes that the spirit of the ordinance is being met because the setbacks are only exceeded in two of the four cardinal directions: to the East by 15 ft. and to the West by 15 ft. The North and South are in compliance with the ordinance.

Re: Chapter 8, Section 8, Item C. (Landscaping) The Applicant believes surrounding mature forest and understory trees meets the spirit of the ordinance due to its ability to provide superior screening from view of the tower compound and site components inside. The Applicant believes that standard immature commercial landscaping, while sufficient in cases where no existing forest and understory exist is a good method, that in this case, commercial landscaping would be less than preferable.

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.

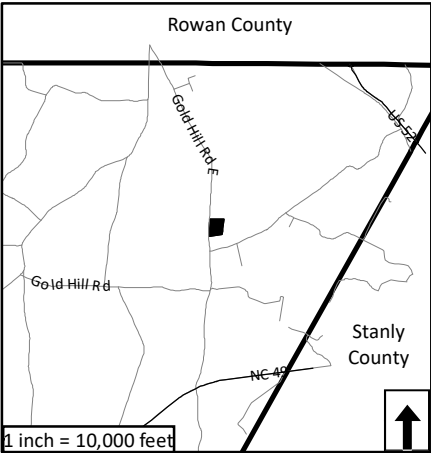
1) In return for relief from the separation requirement from the compound and surrounding property lines, the applicant shall submit a fall zone letter, signed by a Professional Engineer and sealed by a structural engineer licensed in the State of NC.

Note: This ends the 3 additional pages added to the County Variance Application. Please refer to the actual application for other information and signatures.

Eastern Planning Area
Existing Zoning

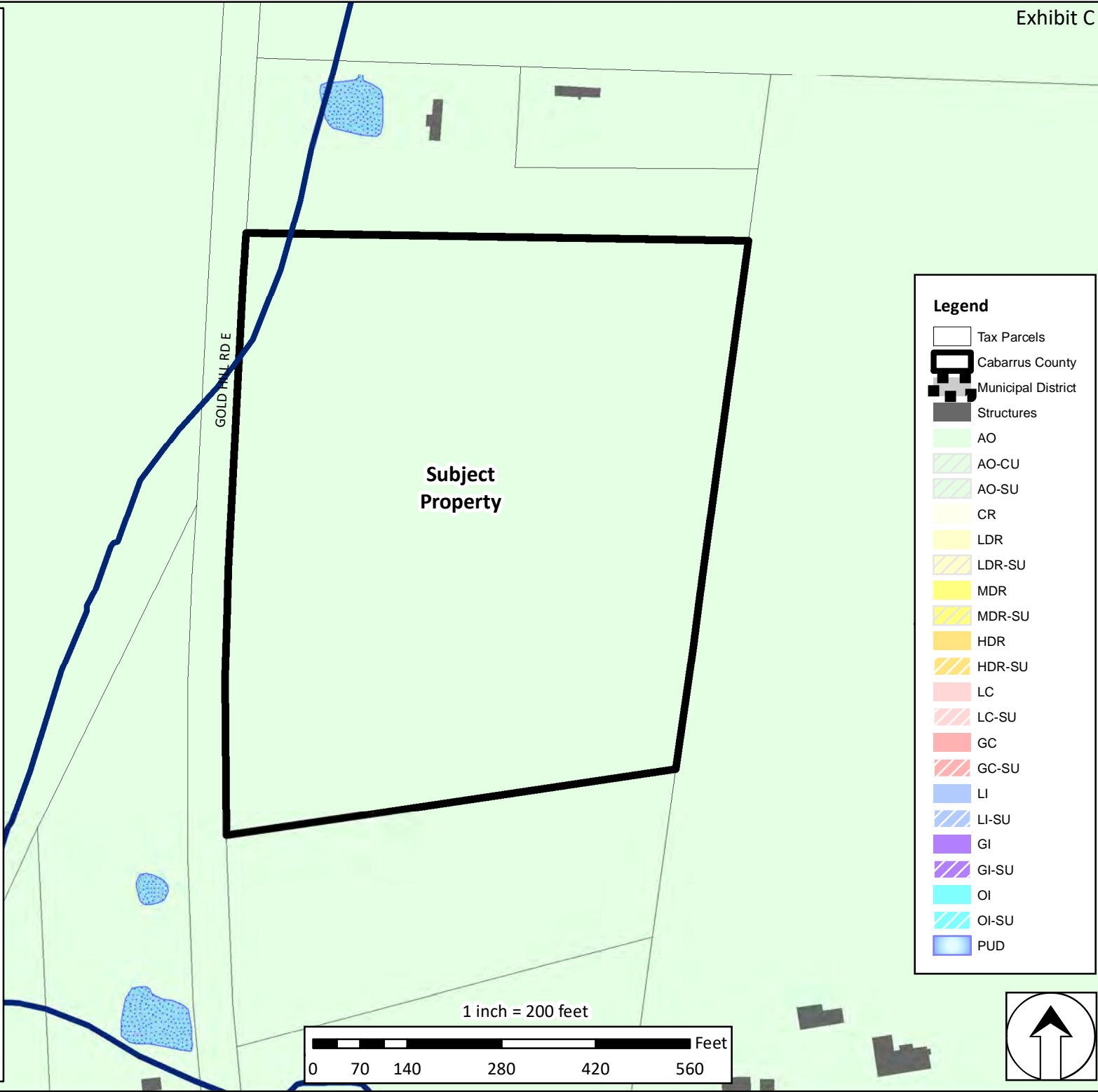


Applicant: Cabarrus County
Owner: Cabarrus County
Case: VARN2022-00002
Address: 4300 Gold Hill Rd East
Purpose: Relief from setback and landscaping requirements for WTC Towers
PIN: 6603-12-8036



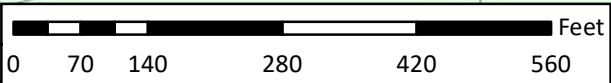
Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data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

Map Prepared by Cabarrus County Planning & Development - July 2022



Legend

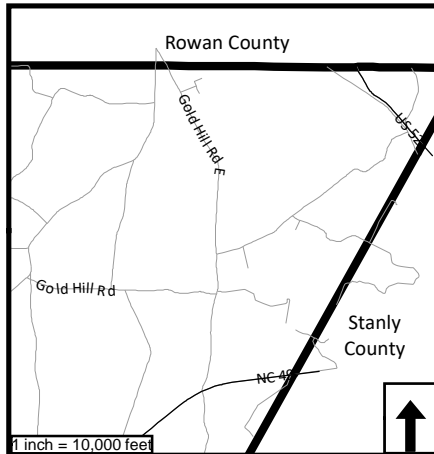
- Tax Parcels
- Cabarrus County
- Municipal District
- Structures
- AO
- AO-CU
- AO-SU
- CR
- LDR
- LDR-SU
- MDR
- MDR-SU
- HDR
- HDR-SU
- LC
- LC-SU
- GC
- GC-SU
- LI
- LI-SU
- GI
- GI-SU
- OI
- OI-SU
- PUD



Eastern Planning Area Future Land Use

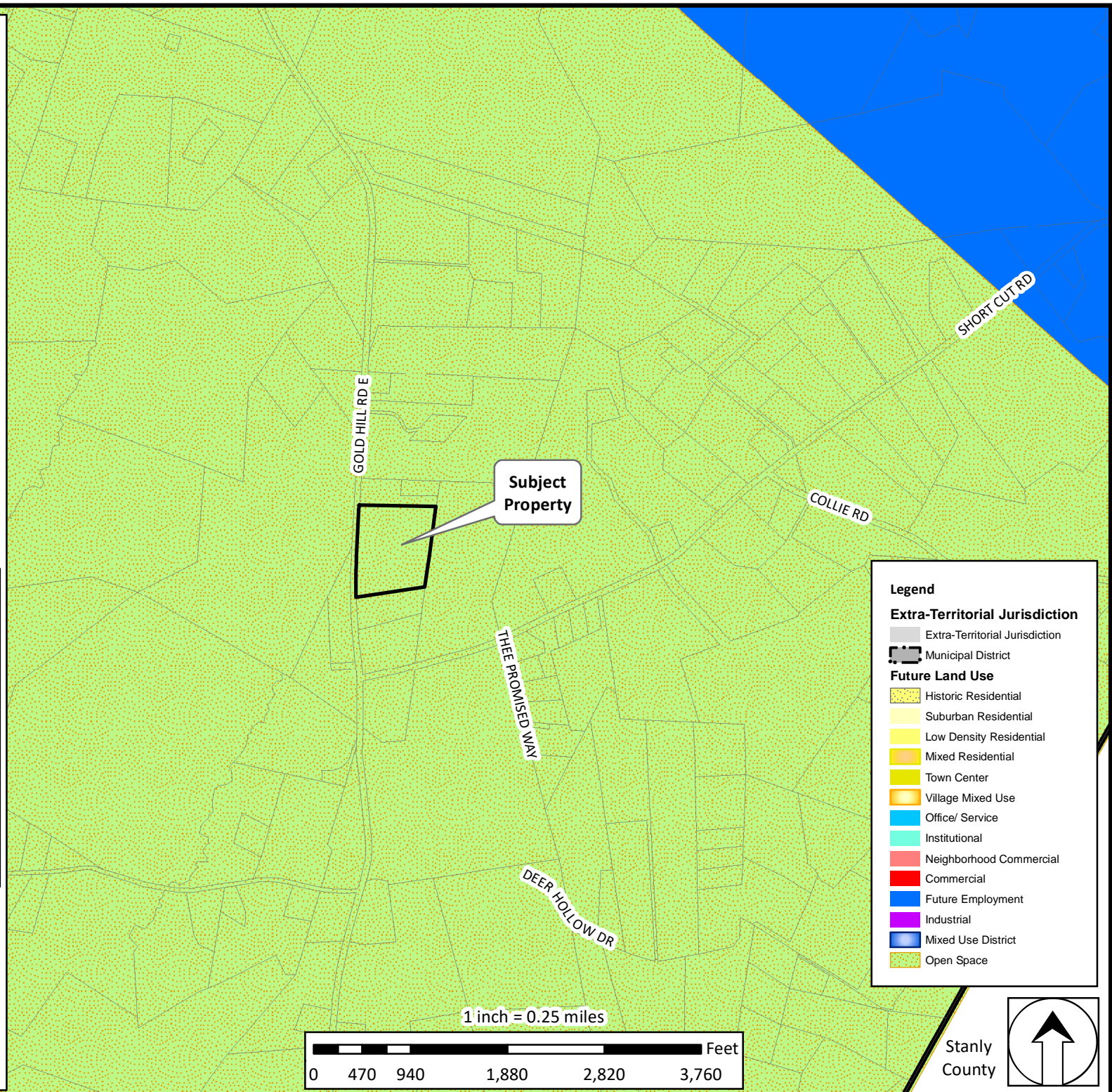


Applicant: Cabarrus County
 Owner: Cabarrus County
 Case: VARN2022-00002
 Address: 4300 Gold Hill Rd East
 Purpose: Relief from setback and landscaping requirements for WTC Towers
 PIN: 6603-12-8036



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.

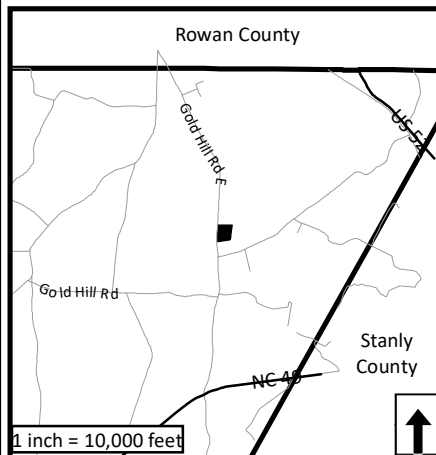
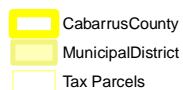
Map Prepared by Cabarrus County Planning & Development - July 2022



Eastern Planning Area Aerial Map

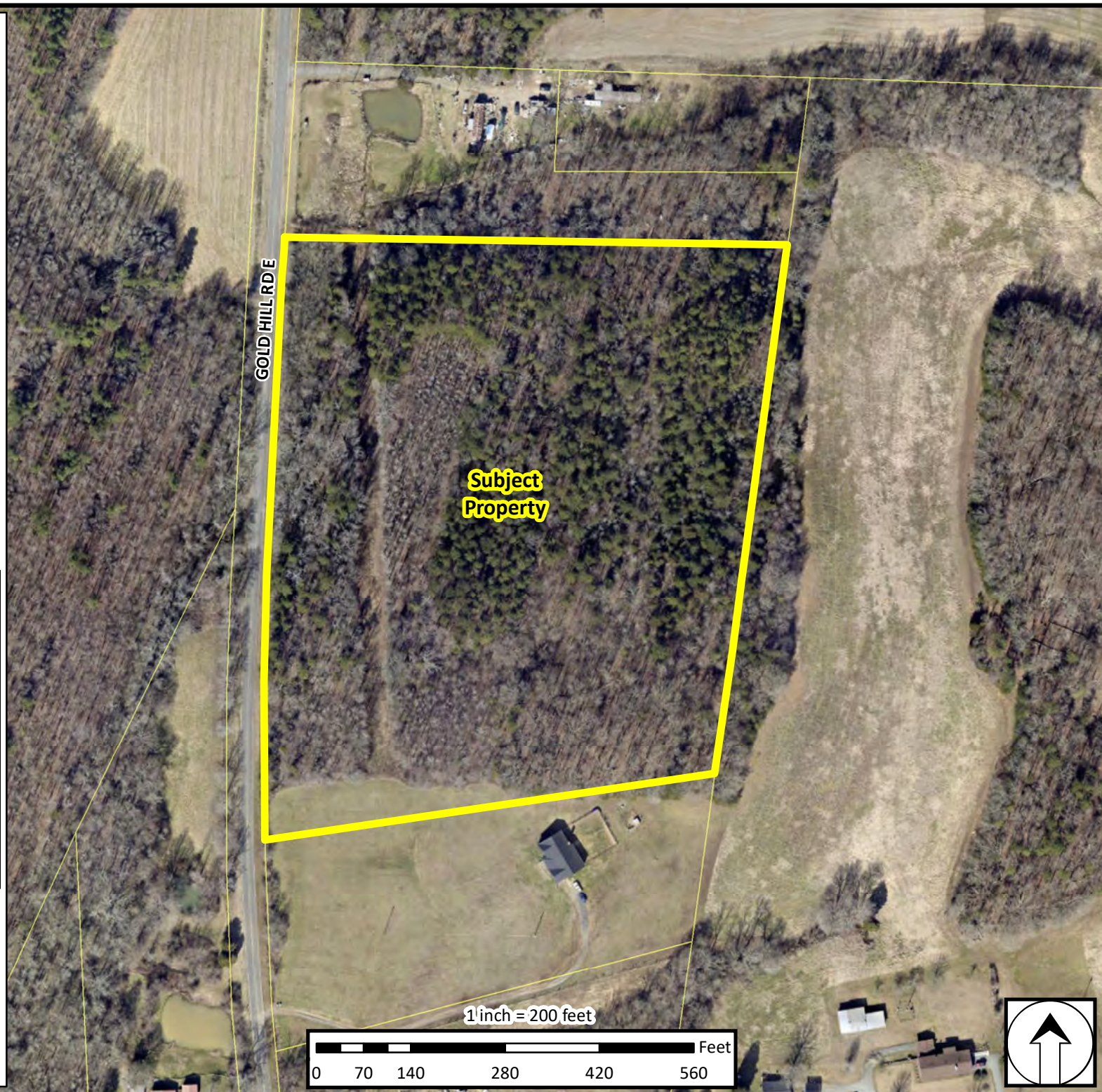


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Map Prepared by Cabarrus County Planning & Development - July 2022



SITE OVERVIEW	
TYPE OF OCCUPANCY:	TELECOMMUNICATIONS FACILITY
PROJECT TYPE:	NEW SITE BUILD
TOWER TYPE:	SELF-SUPPORT TOWER
TOWER HEIGHT:	300-FT±
TOWER LATITUDE:	35° 28' 45.60" N (35.479333°)
TOWER LONGITUDE:	80° 20' 14.87" W (-80.337464°)
ZONING JURISDICTION:	CABARRUS COUNTY
COUNTY:	CABARRUS
PARCEL ID:	6603-12-8036
ZONING:	AO
GROUND ELEV:	728.7 ASML (NAVD88)
DISTURBED AREA:	~25,800 SF (0.59 ACRES)
POWER COMPANY:	DUKE ENERGY
WATERSHED DISTRICT:	NOT WITHIN A WATERSHED DISTRICT

PROJECT CONTACT DIRECTORY	
APPLICANT/ LAND OWNER:	CABARRUS COUNTY PO BOX 707 CONCORD, NC 28026 (704) 920-3206
DEVELOPER:	MOTOROLA SOLUTIONS, INC 100 INNOVATION PLACE LEXINGTON, SC 29072
SITE ENGINEER:	DELTA OAKS GROUP 4904 PROFESSIONAL COURT RALEIGH, NC 27609 CONTACT: BRANDON WALLER, PE (919) 342-8247
JURISDICTION:	CABARRUS COUNTY PLANNING AND DEVELOPMENT 65 CHURCH STREET SOUTH, CONCORD, NC 28025 CONTACT: KELLY SIFFORD (704) 920-2141

CODE COMPLIANCE	
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING:	
1. UNIFORM CONSTRUCTION CODE (UCC)	6. NORTH CAROLINA BUILDING CODE 2018
2. ANSI/TIA/EIA-222-G	7. 2018 INTERNATIONAL BUILDING CODE
3. 2017 NATIONAL ELECTRICAL CODE	8. 2018 INTERNATIONAL FIRE CODE
4. LOCAL BUILDING CODE	9. 2018 INTERNATIONAL PLUMBING CODE
5. CITY/COUNTY ORDINANCES	10. 2018 INTERNATIONAL MECHANICAL CODE



NORTH CAROLINA 811
1-800-632-4949 OR CALL 811
72 HOURS BEFORE YOU DIG

GENERAL NOTES
<ul style="list-style-type: none">THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, THEREFORE HANDICAP ACCESS IS NOT REQUIRED.A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE APPROX. ONE TRIP PER MONTH.THE PROJECT WILL NOT RESULT IN A SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE.NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIREDNO NEW COMMERCIAL SIGNAGE IS REQUIRED.

SHEET INDEX			
SHEET NO.	DESCRIPTION	SHEET NO.	DESCRIPTION
T-1	TITLE SHEET	—	—
C-1.1	OVERALL SITE PLAN	—	—
C-1.2	SITE PLAN	—	—
C-2	COMPOUND LAYOUT	—	—
C-3	TOWER ELEVATION	—	—
C-4	CIVIL DETAILS	—	—
C-5	CIVIL DETAILS	—	—
C-6	CIVIL DETAILS	—	—
C-7	CIVIL DETAILS	—	—
C-8	CIVIL DETAILS	—	—
E-1	UTILITY LAYOUT	—	—
R-1	NCDOT LEFT SIGHT LINE PLAN/PROFILE	—	—
R-2	NCDOT RIGHT SIGHT LINE PLAN/PROFILE	—	—
R-3	ACCESS DRIVE ENTRANCE GRADING PLAN	—	—
R-4	TYPICAL ACCESS DRIVE SECTIONS	—	—
GN-1	GENERAL NOTES	—	—
—	—	—	—
—	—	—	—

ZONING DRAWINGS (NEW SITE BUILD) PROPOSED 300-FT SELF-SUPPORT TOWER



**MOTOROLA
SOLUTIONS**

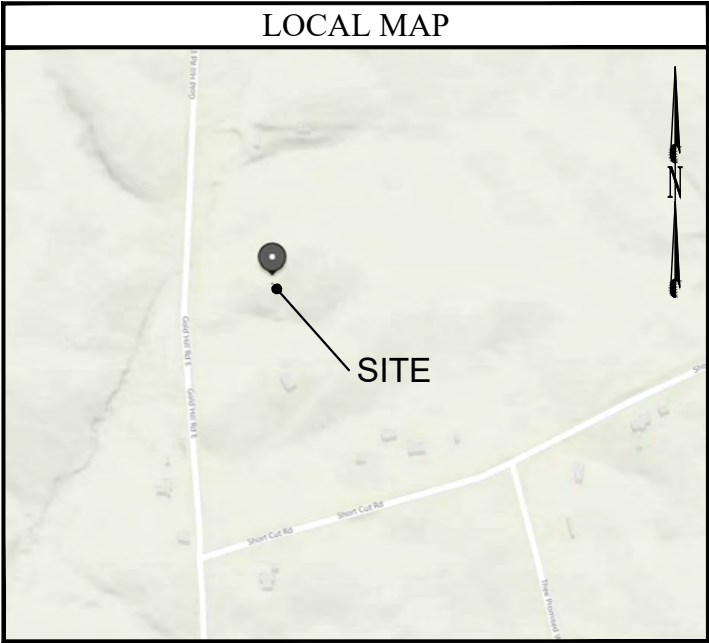
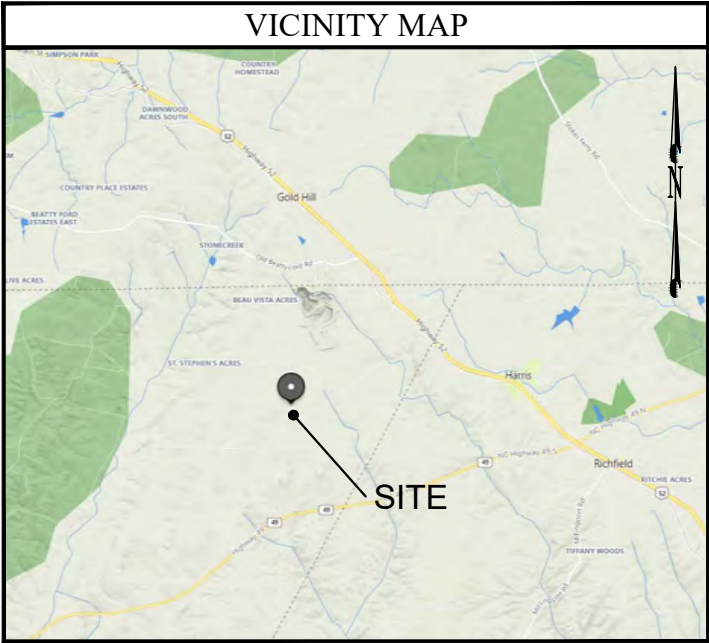
MOTOROLA SOLUTIONS, INC
100 INNOVATION PLACE
LEXINGTON, SC 29072

SITE ID
TBD

SITE NAME
NORTHEAST COMMUNICATIONS TOWER

SITE COORDINATES
35° 28' 45.60" N, 80° 20' 14.87" W

SITE ADDRESS
4350 GOLD HILL RD E
GOLD HILL, NC 28071



DIRECTIONS
FROM CABARRUS COUNTY OFFICES (65 CHURCH ST S CONCORD, NC 28025):
HEAD SOUTHEAST ON NC-73 / CHURCH ST S TOWARD CORBAN AVE SE. TURN LEFT TO STAY ON NC-73 / CORBAN AVE SE. TURN LEFT ONTO ROAD TOWARD ASHEBORO / NC-49 NORTH. TAKE THE RAMP ON THE LEFT FOR NC-49 / NC HIGHWAY 49 N. TURN LEFT ONTO GOLD HILL RD E. ARRIVE AT GOLD HILL RD E ON THE RIGHT.

Exhibit D

PREPARED FOR:



**MOTOROLA
SOLUTIONS**

MOTOROLA SOLUTIONS, INC.
100 INNOVATION PLACE
LEXINGTON, SC 29072

PREPARED BY:



**DELTA OAKS
GROUP**

DELTA OAKS GROUP
4904 PROFESSIONAL COURT
RALEIGH, NC 27609
PHONE: (919) 342-8247



BRANDON J. WALLER, P.E.
NORTH CAROLINA LICENSE NO. 044187

05/10/22

DRAWN BY: JL

CHECKED BY: BJW

APPV'D: BJW

PROJECT NO: 21-11152

SUBMITTALS			
DATE	DESCRIPTION	REV	ISSUED BY
05/09/22	PRELIMINARY	A	BJW
05/10/22	FOR CONSTRUCTION	0	JL

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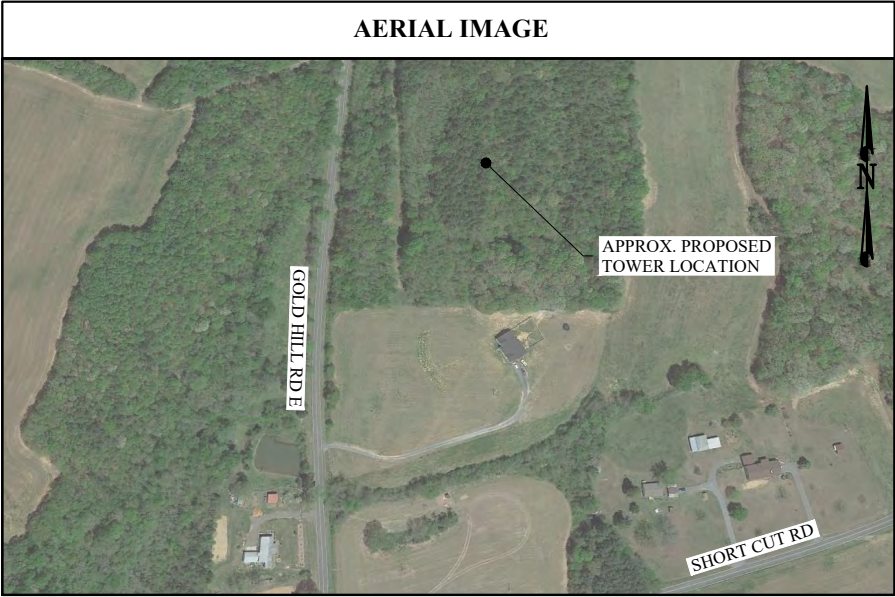
SITE NAME:
NORTHEAST COMMUNICATIONS TOWER

SITE ADDRESS:
4350 GOLD HILL RD E
GOLD HILL, NC 28071

SITE ID:
TBD

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1



ADJOINING PROPERTY OWNERS:

#	OWNER NAME	PARCEL NUMBER / DEED BOOK & PAGE
①	DOYLE G. AND MARGIE L. SMITH	6603-12-8573 / DB 1425 PG 8
②	CLARA N. SMITH	6603-21-5825 / DB 6478 PG 122
③	WILLIAM HIELSCHER AND ANNA E. HIELSCHER	6603-11-7489 / DB 13490 PG 290
④	HOMER CRAIG SMITH AND WINSOME A. SMITH	6603-11-3316 / DB 504 PG 394
⑤	KATHERINE B. HONEYCUTT	6603-02-7240 / DB 905 PG 53

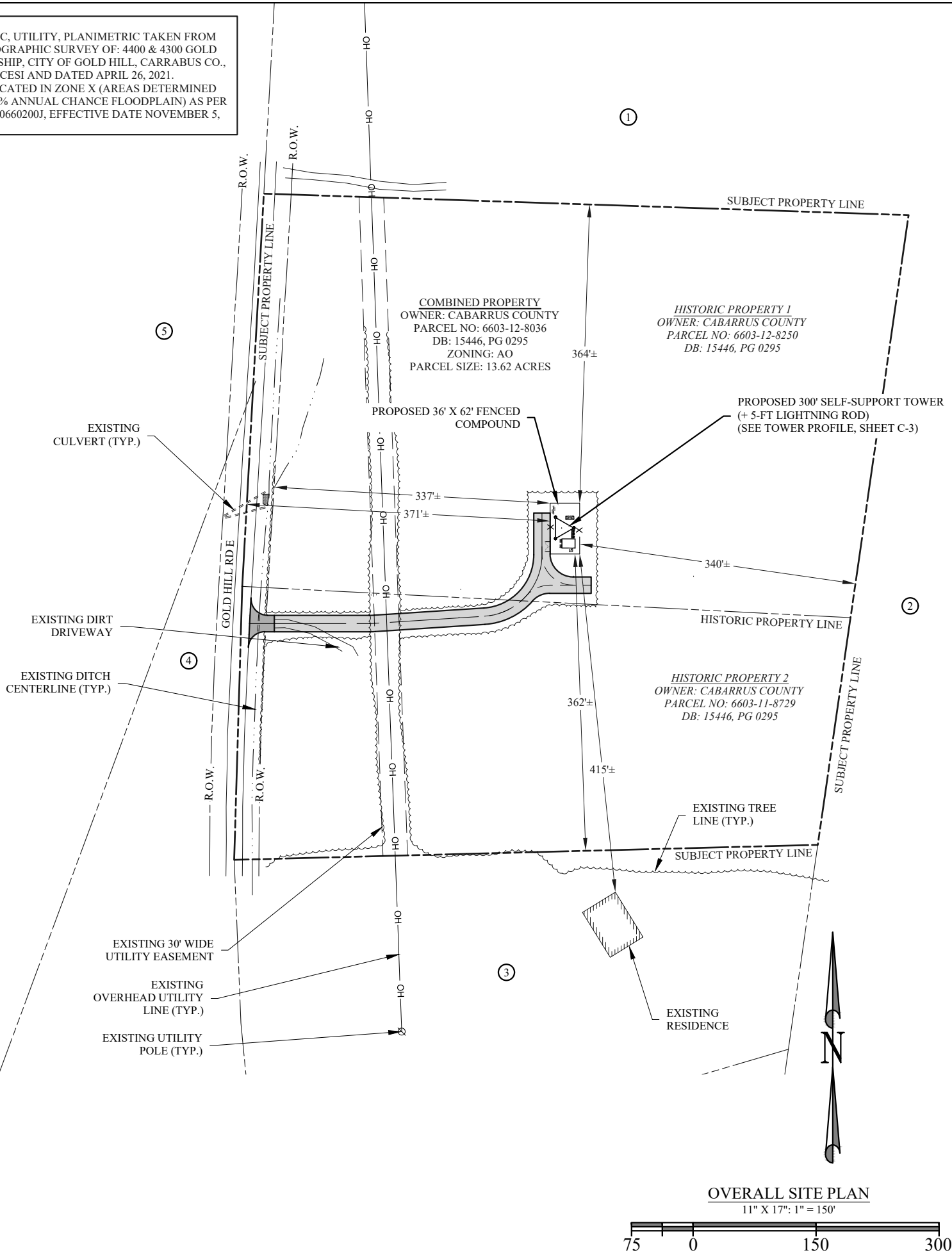
TABLE NOTES:

- PROPERTY OWNER AND PARCEL INFORMATION AS OBTAINED FROM CARRABUS COUNTY GIS.

SITE DATA TABLE	
PROJECT AREA:	~25,800 SF (0.59) ACRES
TOTAL DISTURBED AREA:	~25,800 SF (0.59) ACRES
COMPOUND DISTURBED AREA:	~5800 SF
ACCESS ROAD DISTURBED AREA:	~20,000 SF
PARCEL AREA:	13.62 ACRES
ZONING:	AO (AGRICULTURAL OPEN SPACE)
PROPOSED USE:	300-FT SELF-SUPPORT TOWER TELECOMMUNICATIONS FACILITY
BUILDING FOOTPRINT:	~193-FT (SHELTER FOOTPRINT)
PARKING REQUIRED:	N/A
WATERSHED AREA:	SITE NOT WITHIN A WATERSHED DISTRICT

NOTES

- EXISTING TOPOGRAPHIC, UTILITY, PLANIMETRIC TAKEN FROM "BOUNDARY AND TOPOGRAPHIC SURVEY OF: 4400 & 4300 GOLD HILL RD E. NO. 7 TOWNSHIP, CITY OF GOLD HILL, CARRABUS CO., NORTH CAROLINA" BY CESI AND DATED APRIL 26, 2021.
- SUBJECT PROPERTY LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PER FIRM MAP NUMBER 3710660200J, EFFECTIVE DATE NOVEMBER 5, 2008.



PREPARED FOR:



PREPARED BY:



BRANDON J. WALLER, P.E. 05/10/22
NORTH CAROLINA LICENSE NO. 044187

DRAWN BY:	JL
CHECKED BY:	BJW
APPV'D:	BJW
PROJECT NO:	21-11152

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05/10/22	FOR CONSTRUCTION	0	JL

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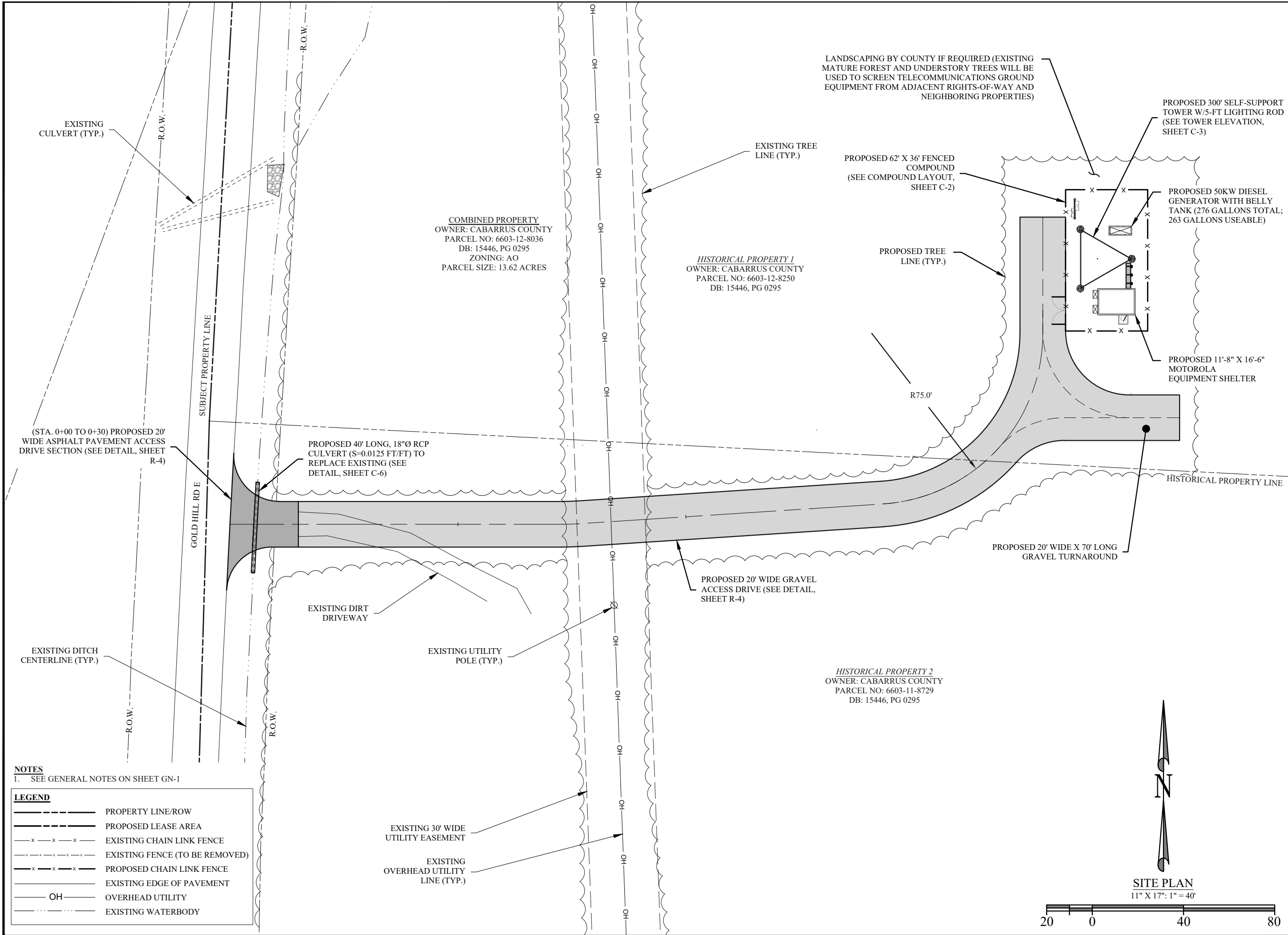
SITE NAME:
NORTHEAST COMMUNICATIONS TOWER

SITE ADDRESS:
4350 GOLD HILL RD E
GOLD HILL, NC 28071

SITE ID:
TBD

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
C-1.1



PREPARED FOR:



MOTOROLA SOLUTIONS

MOTOROLA SOLUTIONS, INC.
100 INNOVATION PLACE
LEXINGTON, SC 29072

PREPARED BY:



DELTA OAKS GROUP
4904 PROFESSIONAL COURT
RALEIGH, NC 27609
PHONE: (919) 342-8247



BRANDON J. WALLER, P.E. 05/10/22
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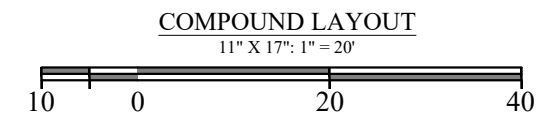
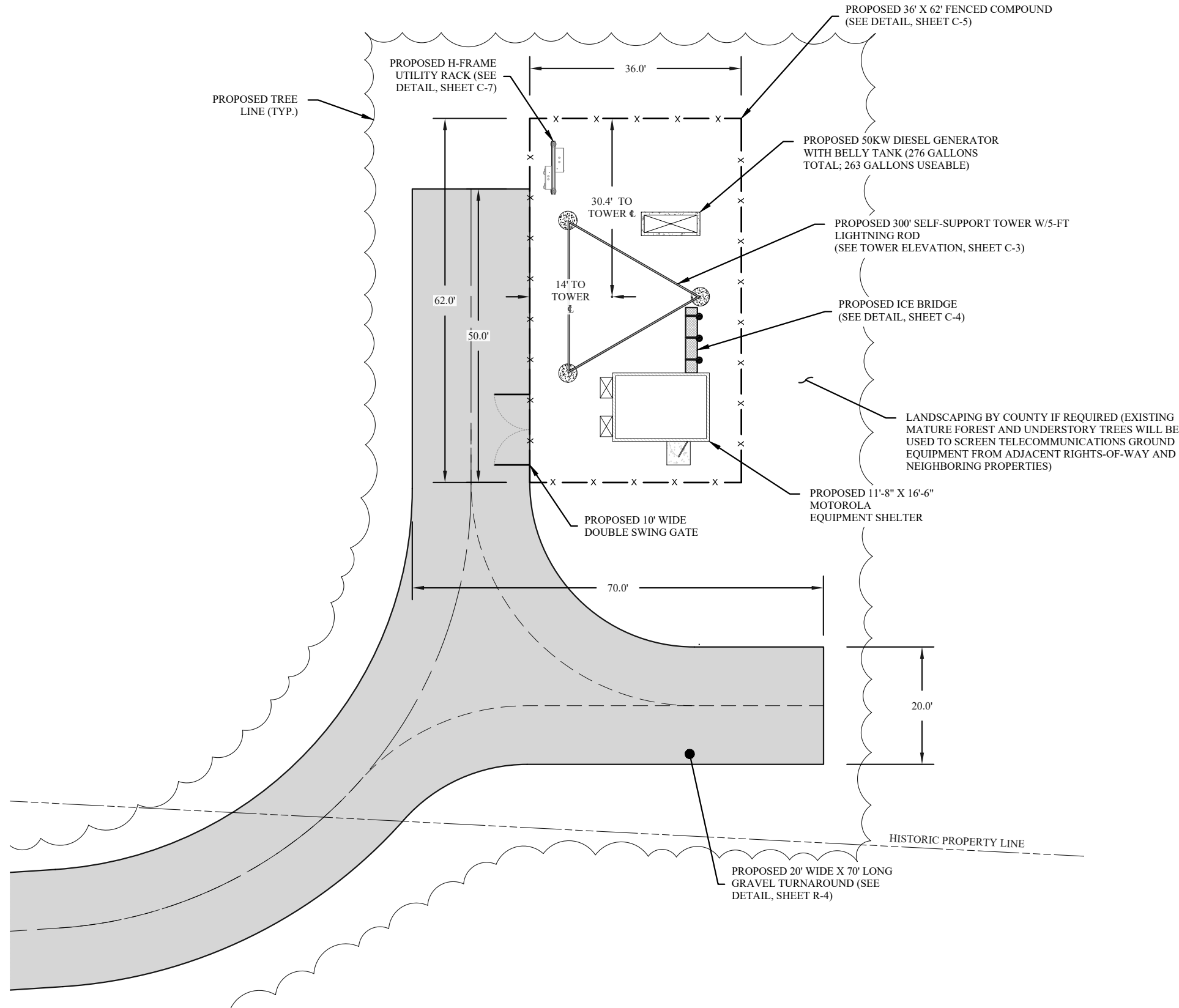
SITE NAME:
NORTHEAST COMMUNICATIONS TOWER

SITE ADDRESS:
4350 GOLD HILL RD E
GOLD HILL, NC 28071

SITE ID:
TBD

SHEET TITLE
SITE PLAN

SHEET NUMBER
C-1.2



PREPARED FOR:



MOTOROLA SOLUTIONS
 MOTOROLA SOLUTIONS, INC.
 100 INNOVATION PLACE
 LEXINGTON, SC 29072

PREPARED BY:



DELTA OAKS GROUP
 4904 PROFESSIONAL COURT
 RALEIGH, NC 27609
 PHONE: (919) 342-8247



BRANDON J. WALLER, P.E. 05/10/22
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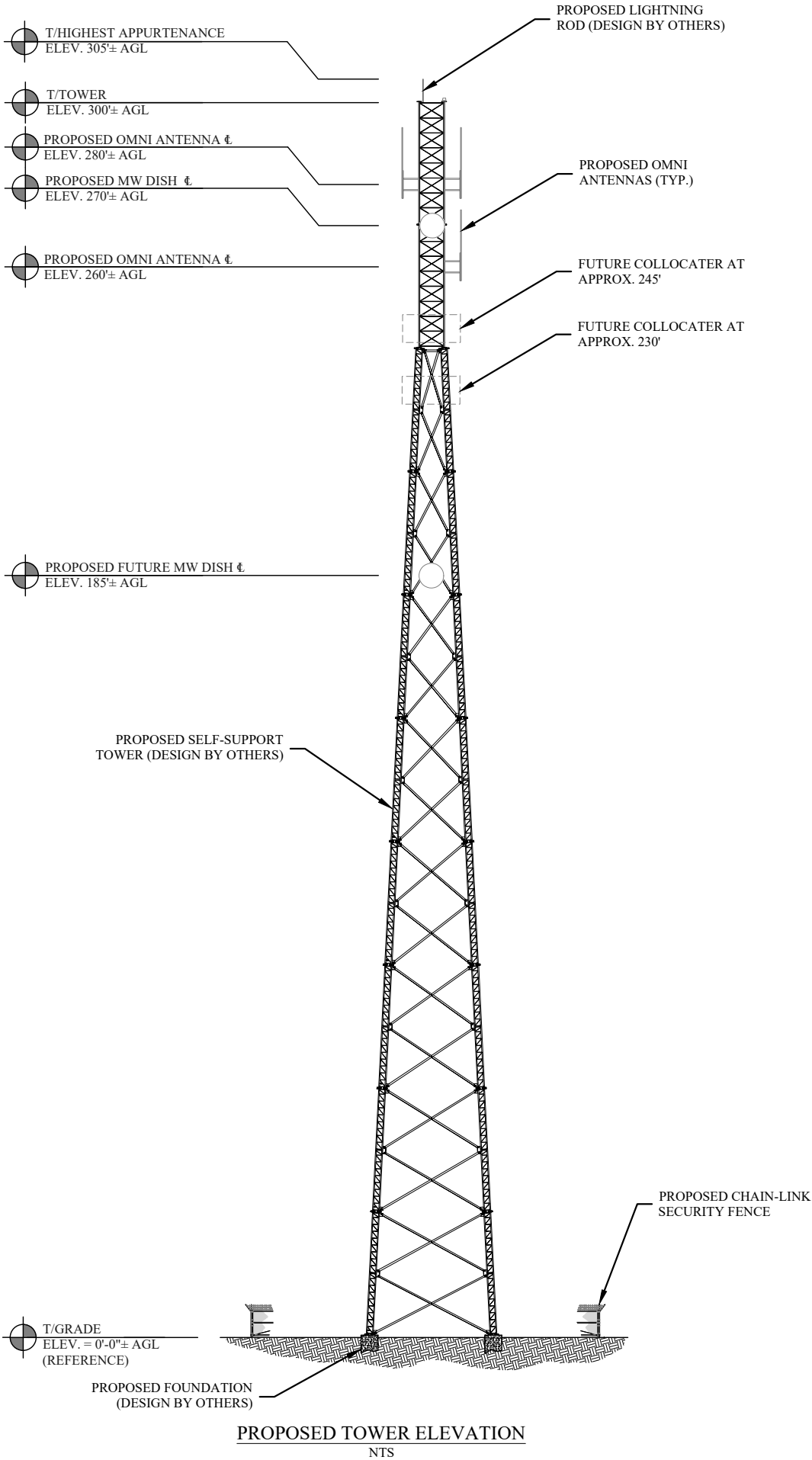
SITE ADDRESS:
 4350 GOLD HILL RD E
 GOLD HILL, NC 28071

SITE ID:
 TBD

SHEET TITLE
 COMPOUND LAYOUT

SHEET NUMBER
 C-2

- NOTES:**
1. TOWER/ANTENNA MOUNT DESIGNS BY OTHERS. NO WORK SHALL COMMENCE WITHOUT AN APPROVED TOWER/ANTENNA MOUNT STRUCTURAL ANALYSIS REPORT SIGNED AND SEALED BY A LICENSED PROFESSIONAL ENGINEER UNDER SEPARATE COVER.
 2. ALL PROPOSED CABLES SHALL BE ROUTED IN ACCORDANCE WITH THE APPROVED STRUCTURAL ANALYSIS.
 3. THIS ELEVATION IS FOR SCHEMATIC PURPOSES ONLY. DO NOT USE FOR DIMENSIONS.



PREPARED FOR:



PREPARED BY:



BRANDON J. WALLER, P.E.
NORTH CAROLINA LICENSE NO. 044187
05/10/22

DRAWN BY: JL
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APPV'D: BJW
PROJECT NO: 21-11152

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COMMUNICATIONS TOWER

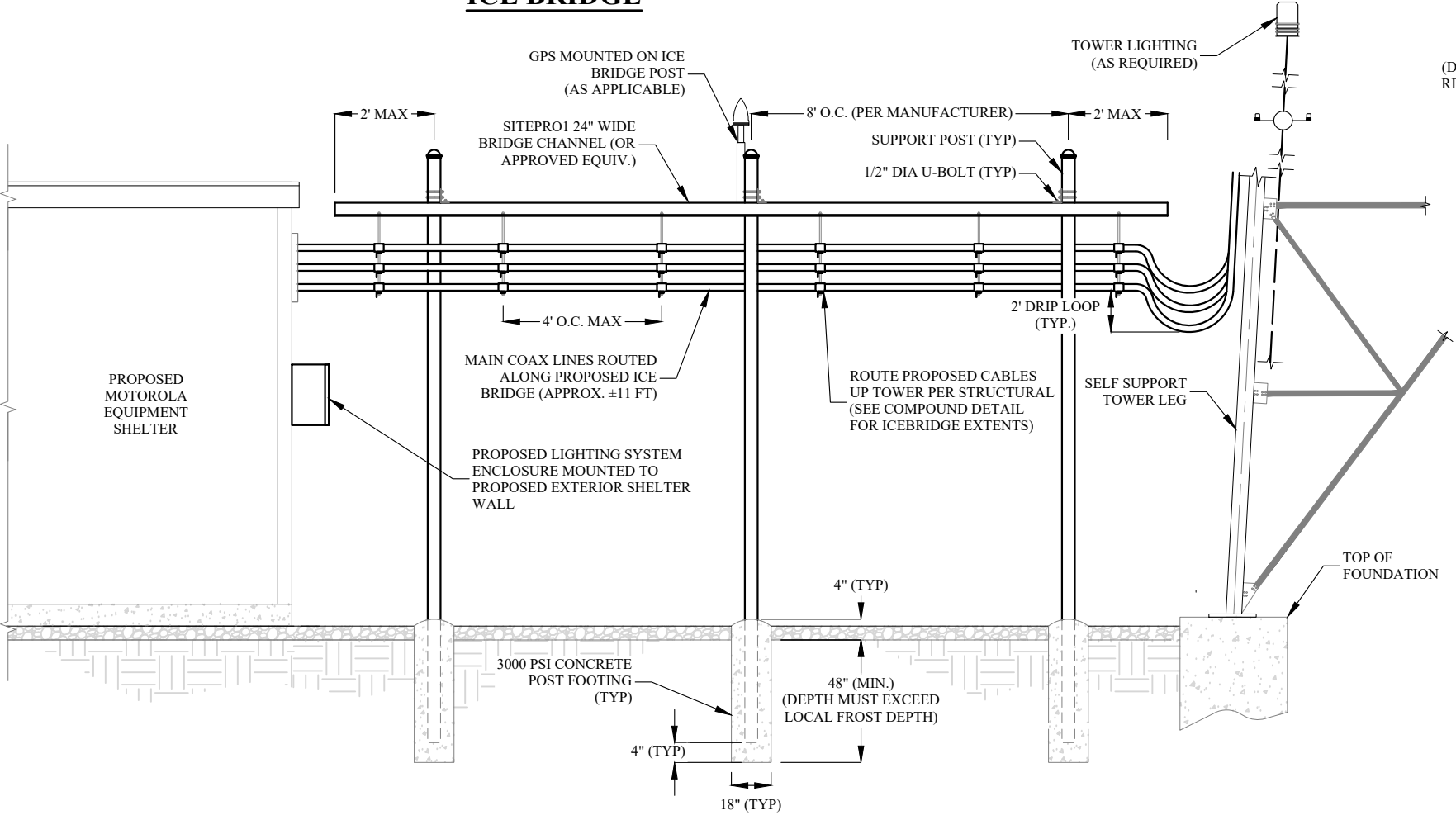
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4350 GOLD HILL RD E
GOLD HILL, NC 28071

SITE ID:
TBD

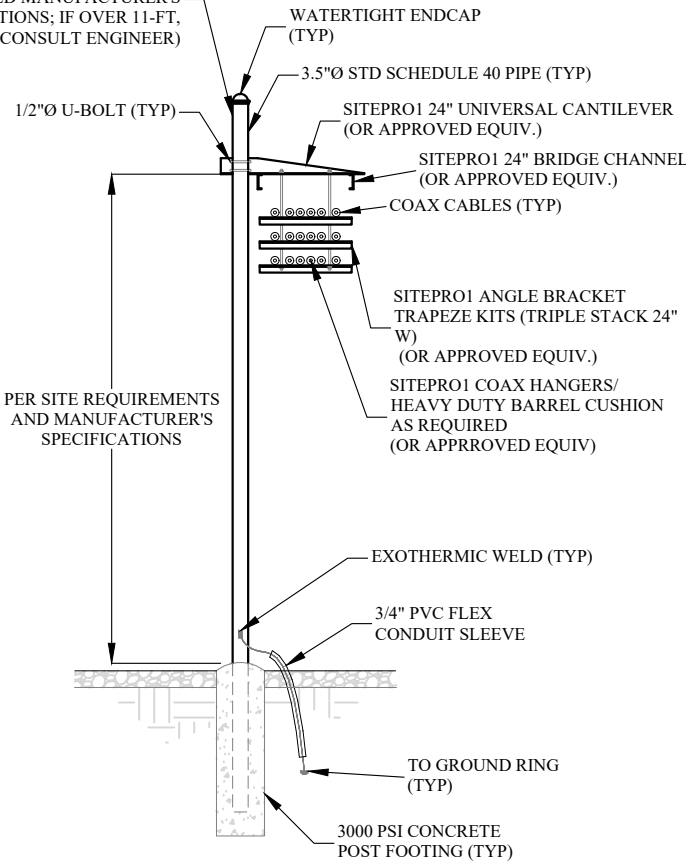
SHEET TITLE
TOWER ELEVATION

SHEET NUMBER
C-3

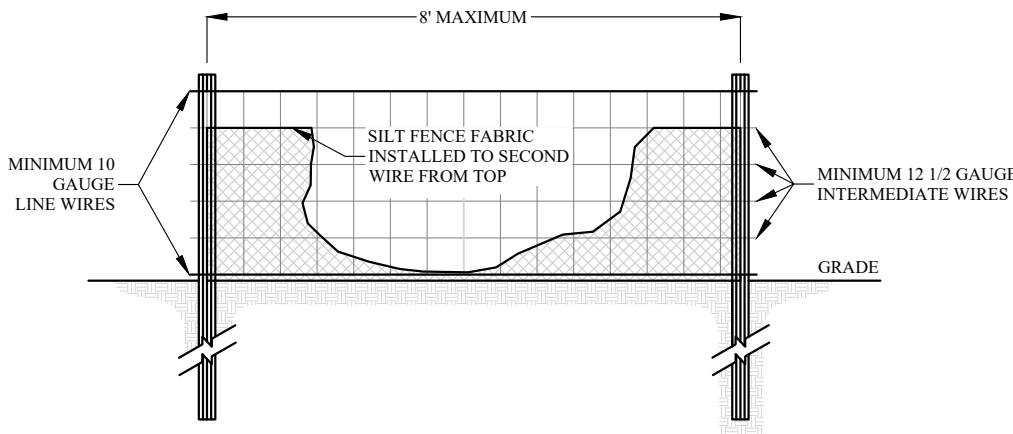
ICE BRIDGE



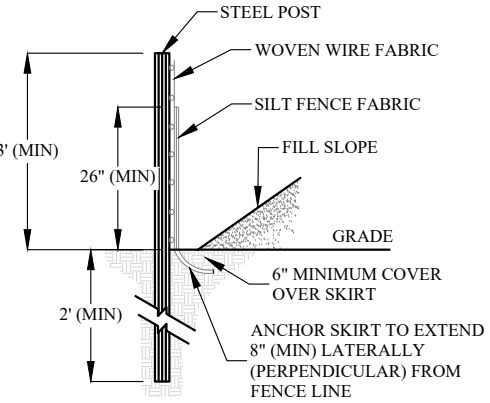
MODIFY HEIGHT AS NECESSARY TO MEET SITE REQUIREMENTS (DO NOT EXCEED MANUFACTURER'S RECOMMENDATIONS; IF OVER 11-FT, CONSULT ENGINEER)



TEMPORARY SILT FENCE



FRONT VIEW

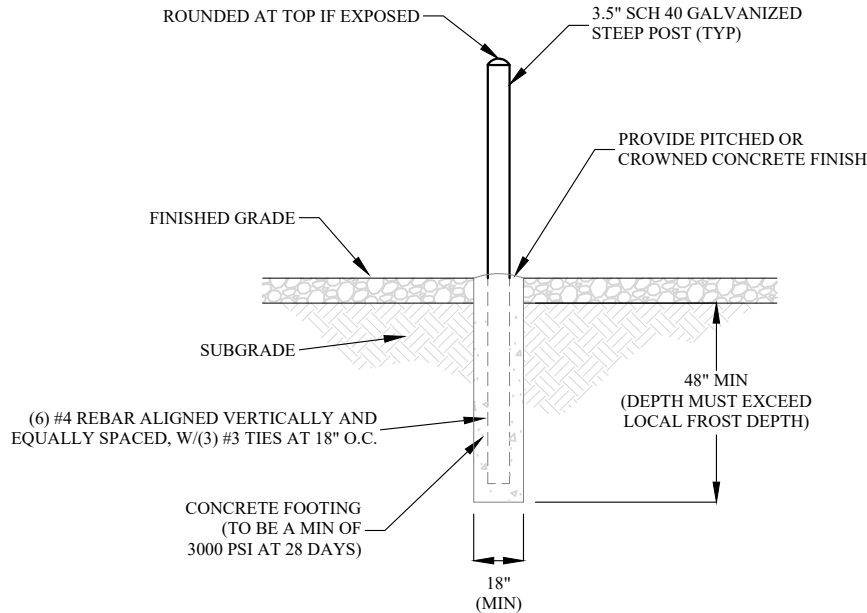


SIDE VIEW

NOTE:

- 1. USE SILT FENCE ONLY WHEN DRAINAGE AREA DOES NOT EXCEED 1/4 ACRE AND NEVER IN AREAS OF CONCENTRATED FLOW.

ICE BRIDGE POST/BOLLARD



NOTES:

- 1. PIER REINFORCING USED FOR UTILITY RACKS AND ICE BRIDGE POSTS
- 2. MAINTAIN 3" MINIMUM REBAR COVER IN ALL DIRECTIONS

PREPARED FOR:

MOTOROLA SOLUTIONS
MOTOROLA SOLUTIONS, INC.
100 INNOVATION PLACE
LEXINGTON, SC 29072

PREPARED BY:

DELTA OAKS GROUP
DELTA OAKS GROUP
4904 PROFESSIONAL COURT
RALEIGH, NC 27609
PHONE: (919) 342-8247



BRANDON J. WALLER, P.E.
NORTH CAROLINA LICENSE NO. 044187
05/10/22

DRAWN BY:	JL
CHECKED BY:	BJW
APPV'D:	BJW
PROJECT NO:	21-11152

SUBMITTALS				
DATE	DESCRIPTION	REV	ISSUED BY	
05/09/22	PRELIMINARY	A	BJW	
05/10/22	FOR CONSTRUCTION	0	JL	

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SITE NAME:
NORTHEAST COMMUNICATIONS TOWER

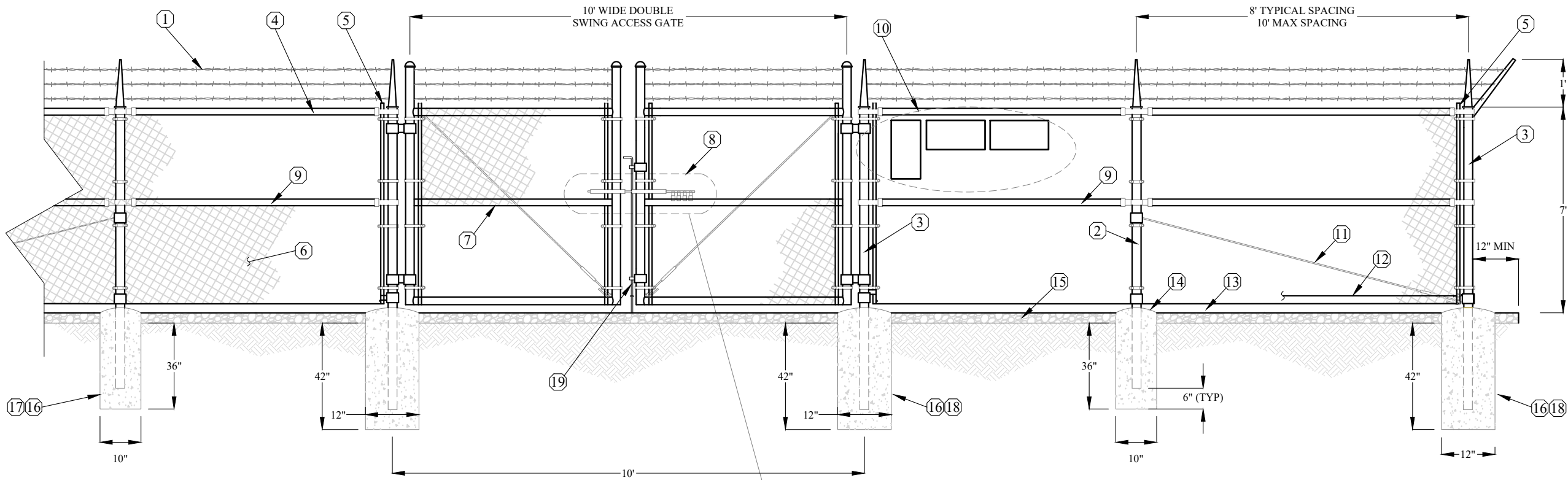
SITE ADDRESS:
4350 GOLD HILL RD E
GOLD HILL, NC 28071

SITE ID:
TBD

SHEET TITLE
CIVIL DETAILS

SHEET NUMBER
C-4

COMPOUND FENCE

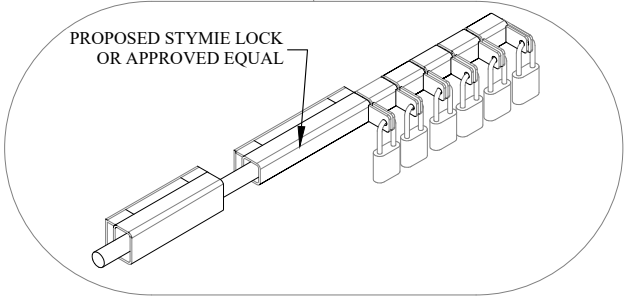


KEYNOTES:

- 1 3 STRANDS OF DOUBLE 12 1/2 GAUGE TWISTED STRAND WIRE, WITH 4 POINT 14 GAUGE BARBS SPACED 5" O.C.
- 2 2-1/2" NOMINAL GALVANIZED STEEL, SCHEDULE 40 INTERMEDIARY LINE POSTS (PER ASTM-F1083). LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 10' O.C.
- 3 3" O.D. GALVANIZED STEEL SCHEDULE 40 CORNER AND GATE POSTS (PER ASTM-F1083). IF GATE LEAF WIDTH GREATER THAN OR EQUAL TO 10-FT OR IF FENCE FABRIC EXTENDED OVER 6-FT AND GATE LEAF WIDTH OVER 6-FT, GATE POST SHALL BE 4" O.D. GALVANIZED STEEL SCHEDULE 40 (PER ASTM-F1083).
- 4 1-5/8" O.D. SCHEDULE 40 ROUND TOP/BRACE RAIL (PER ASTM-F1083)
- 5 STRETCHER BAR TO EXTEND FULL HEIGHT OF FENCE FABRIC; NOT LESS THAN 3/16" X 3/4" CROSS SECTION; PLACE ON ALL GATES AND POSTS
- 6 9 GAUGE 2" x 2" FENCE FABRIC (TO CONFORM TO ASTM-A392)
- 7 GATE FRAME BRACE
- 8 STYMIE LOCK OR OTHER APPROVED MULTI-TENANT LOCKING DEVICE (MINIMUM OF FOUR (4) COLLARS TO BE PROVIDED)
- 9 1-5/8" DIAMETER POST BRACE (AS REQUIRED)
- 10 GATE SIGNS (SEE DETAIL, THIS SHEET)
- 11 3/8" DIAGONAL BRACE ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD
- 12 9 GAUGE ALUMINUM TIE WIRE. PROVIDE HOG RING FABRIC TIES SPACED 12" O.C. FOR POSTS AND GATES AND 24" O.C. FOR RAILS AND WIRE.
- 13 MAINTAIN A 1" MAXIMUM CLEARANCE FROM FINISHED GRADE
- 14 PROVIDE CROWNED/PITCHED FINISH FOR FENCE POST PIER FOUNDATIONS
- 15 COMPOUND SECTION AND MATERIALS (SEE DETAIL, SHEET C-5)
- CONCRETE PIER FOUNDATION: TO ACHIEVE A MINIMUM STRENGTH OF 3000 PSI AT 28 DAYS. CONCRETE DEPTH TO BE AS SPECIFIED HEREIN, AS SPECIFIED BY MANUFACTURER, OR A MINIMUM OF 6" BELOW FROST LINE; WHICHEVER IS GREATER
- 16 LINE POST CONCRETE PIER FOUNDATION
- 17 CORNER/GATE POST CONCRETE PIER FOUNDATION
- 18 COMMERCIAL GRADE DROP ROD AND CENTERSTOP (HOOVER FENCE OR EQUIV)

NOTES:

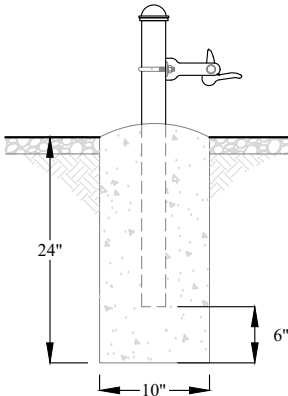
1. FENCE DESIGN AND INSTALLATION NOTES ARE INDUSTRY STANDARDS AND/OR MINIMUM REQUIREMENTS AND ARE FOR GENERAL GUIDANCE ONLY. REFER TO MANUFACTURER'S RECOMMENDATIONS OF THE SPECIFIED PRODUCT AND APPLICABLE GOVERNING CODES FOR FULL INSTALLATION DETAILS. IN THE EVENT OF DISCREPANCIES, MANUFACTURER'S RECOMMENDATIONS OR APPLICABLE CODE SHALL GOVERN, WHICHEVER IS MORE STRINGENT.
2. ALL FENCING TO BE INSTALLED PER ASTM F-567. ALL SWING GATES TO BE INSTALLED PER ASTM F-900.
3. BARBED WIRE PERMIT REQUIRED SHALL BE COMPLETED IF LOCAL ORDINANCE REQUIRES.
4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALVANIZED (HOT DIP, ASTM A120 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDINGS SHALL BE COATED WITH (3) COATS OF GOLD GALV. (OR EQUAL). ALL OPEN POSTS SHALL HAVE END-CAPS.
5. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC USING GALVANIZED HOG-RING WIRE.
6. ALL SIGNS AND SIGN PLACEMENT SHALL ADHERE TO THE REQUIREMENTS OF OSHA 1910.145 AND 1910.200 AND ALL APPLICABLE FCC CODES
7. DROP ROD AND CENTERSTOP REQUIRED FOR GATE. GENERAL CONTRACTOR RESPONSIBLE FOR GATE LOCK.



GATE SIGNS



GATE KEEPER



PREPARED FOR:



PREPARED BY:



BRANDON J. WALLER, P.E.
NORTH CAROLINA LICENSE NO. 044187
05/10/22

DRAWN BY:	JL
CHECKED BY:	BJW
APPV'D:	BJW
PROJECT NO:	21-11152

SUBMITTALS				
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SITE NAME:
NORTHEAST
COMMUNICATIONS TOWER

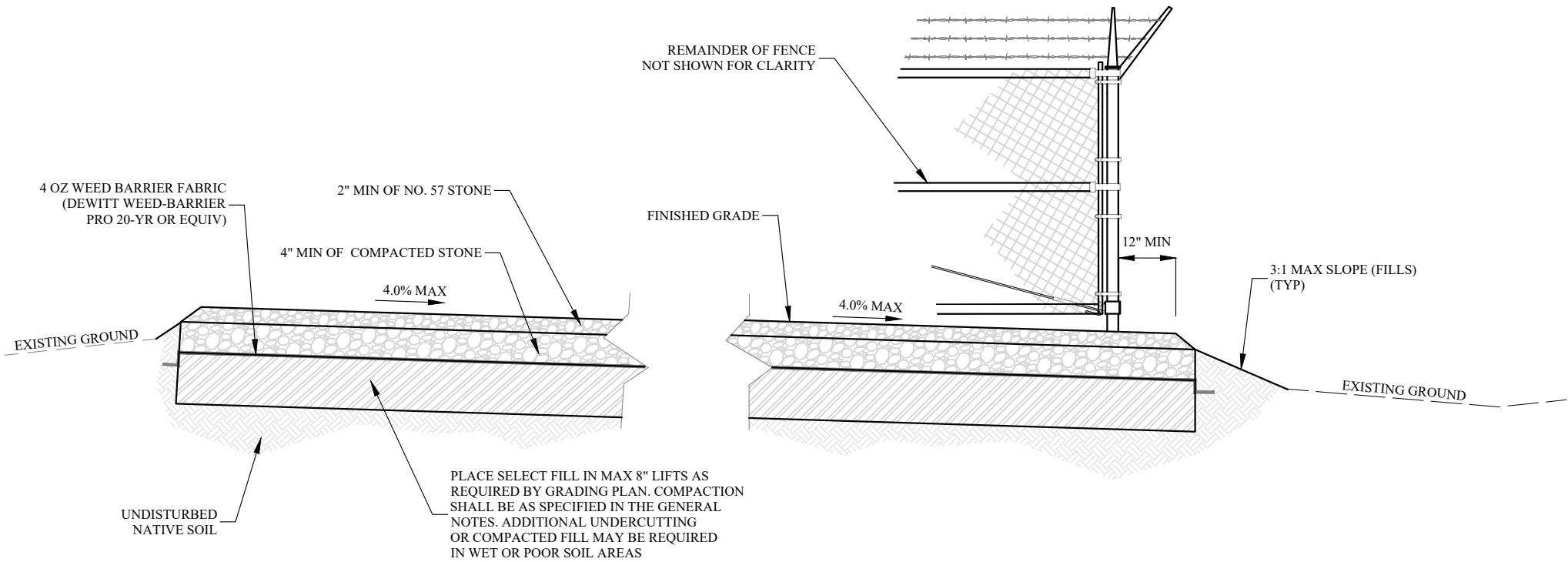
SITE ADDRESS:
4350 GOLD HILL RD E
GOLD HILL, NC 28071

SITE ID:
TBD

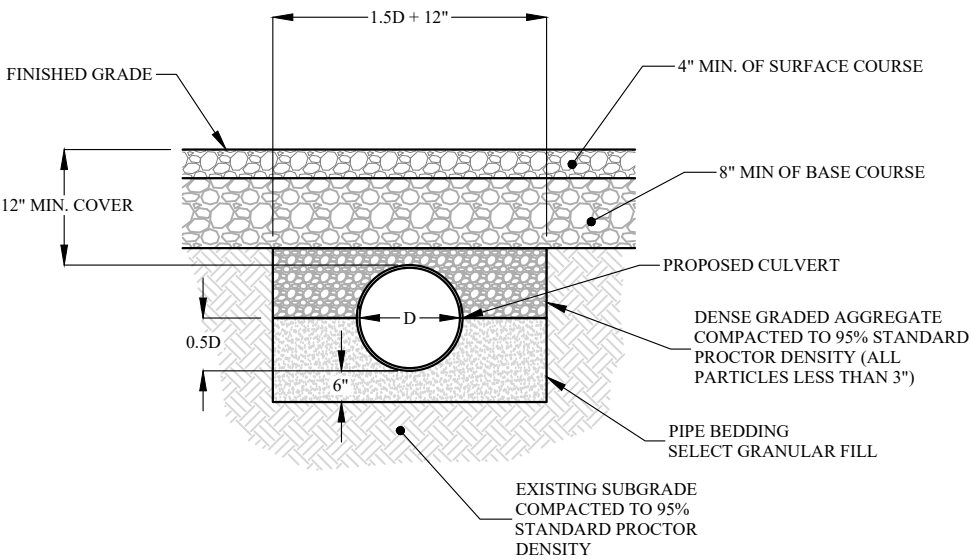
SHEET TITLE
CIVIL DETAILS

SHEET NUMBER
C-5

COMPOUND SECTION



CULVERT TRENCH DETAIL (TRAFFIC AREAS)

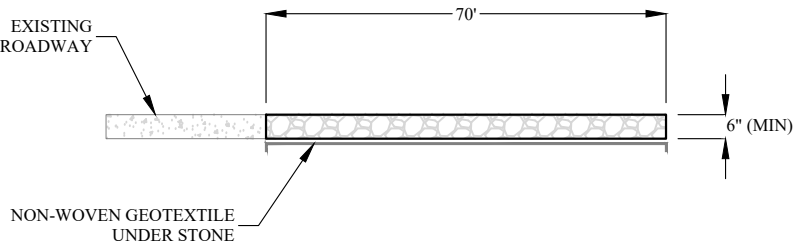


NOTES:
BEDDING ZONE SHOULD BE FREE OF DEBRIS. PLACE BEDDING MATERIAL AT MIN. 6" THICKNESS.

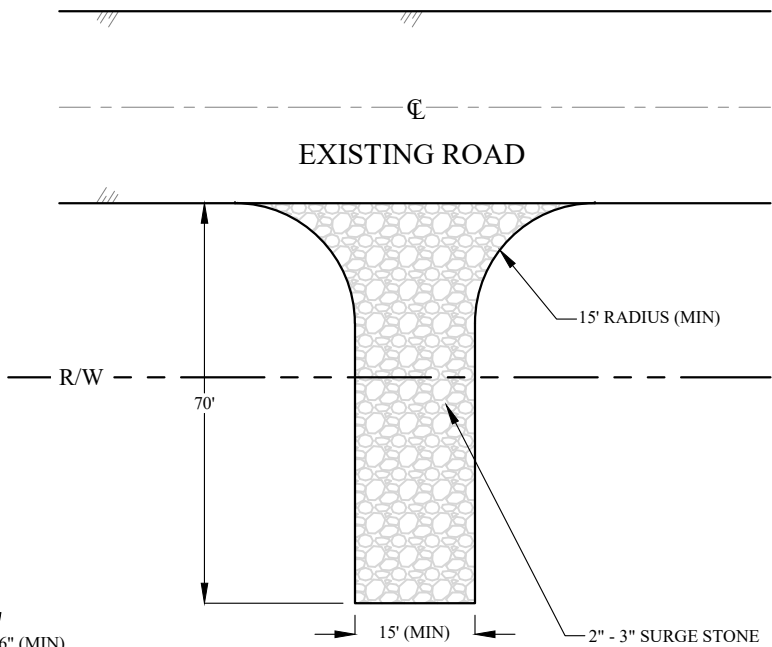
CONSTRUCTION ENTRANCE

NOTES

- TURNING RADIUS TO BE INCREASED AS REQUIRED TO ACCOMMODATE CONSTRUCTION TRAFFIC
- CONSTRUCTION TRAFFIC SHOULD ENTER AND LEAVE SITE AT CONSTRUCTION ENTRANCES ONLY (UTILIZE SILT FENCE OR OTHER BARRIER TO ENCOURAGE USE OF CONSTRUCTION ENTRANCE)
- MATERIAL TRACKED ONTO THE ADJACENT ROADWAY MUST BE CLEANED IMMEDIATELY
- CONSTRUCTION ENTRANCE MUST BE MAINTAINED IN GOOD WORKING CONDITION AT ALL TIMES. FAILURE OF THE CONSTRUCTION ENTRANCE TO REMOVE SEDIMENT FROM CONSTRUCTION TRAFFIC PRIOR TO LEAVING THE SITE MAY NECESSITATE A WASHING STATION.



CROSS SECTION



PLAN VIEW

PREPARED FOR:



MOTOROLA
SOLUTIONS

MOTOROLA SOLUTIONS, INC.
100 INNOVATION PLACE
LEXINGTON, SC 29072

PREPARED BY:



DELTA OAKS GROUP
4904 PROFESSIONAL COURT
RALEIGH, NC 27609
PHONE: (919) 342-8247



BRANDON J. WALLER, P.E.
NORTH CAROLINA LICENSE NO. 044187

05/10/22

DRAWN BY: JL

CHECKED BY: BJW

APPV'D: BJW

PROJECT NO: 21-11152

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05/10/22	FOR CONSTRUCTION	0	JL

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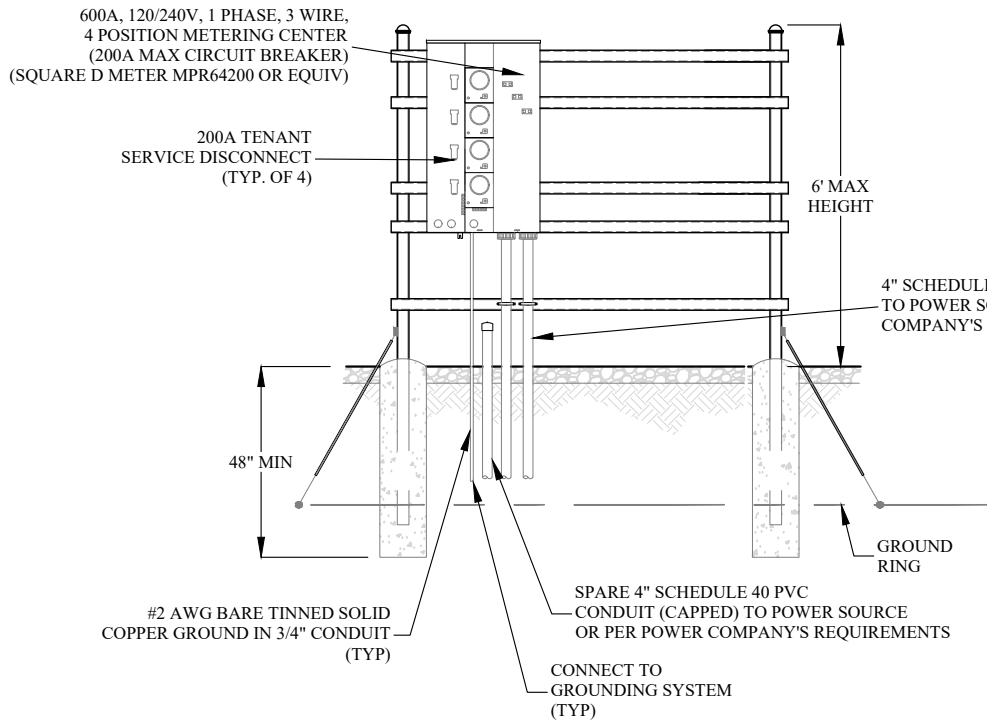
SHEET TITLE
CIVIL DETAILS

SHEET NUMBER

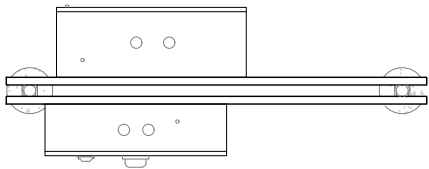
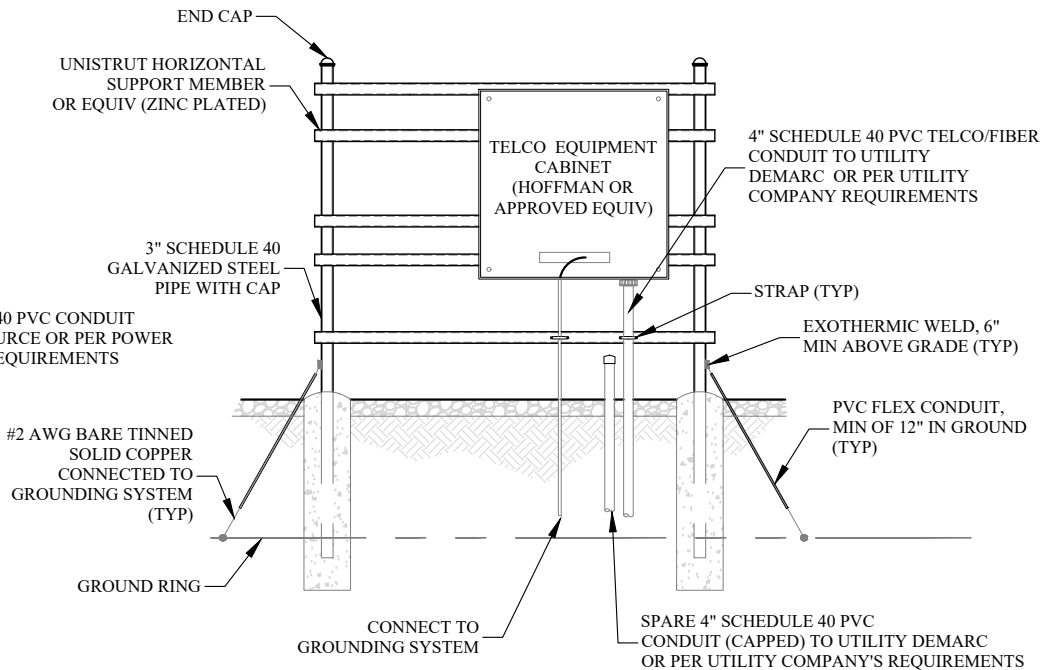
C-6

H-FRAME UTILITY RACK

FRONT VIEW



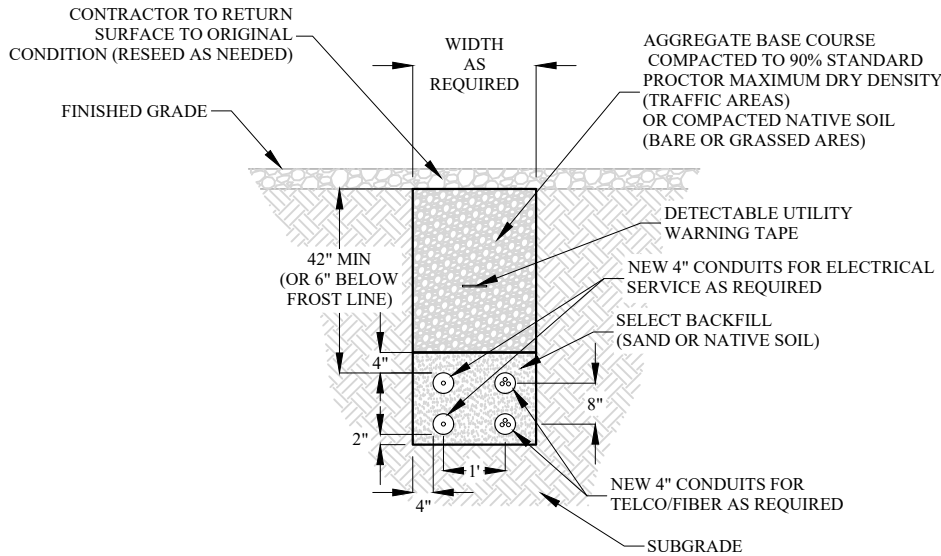
REAR VIEW



PLAN VIEW

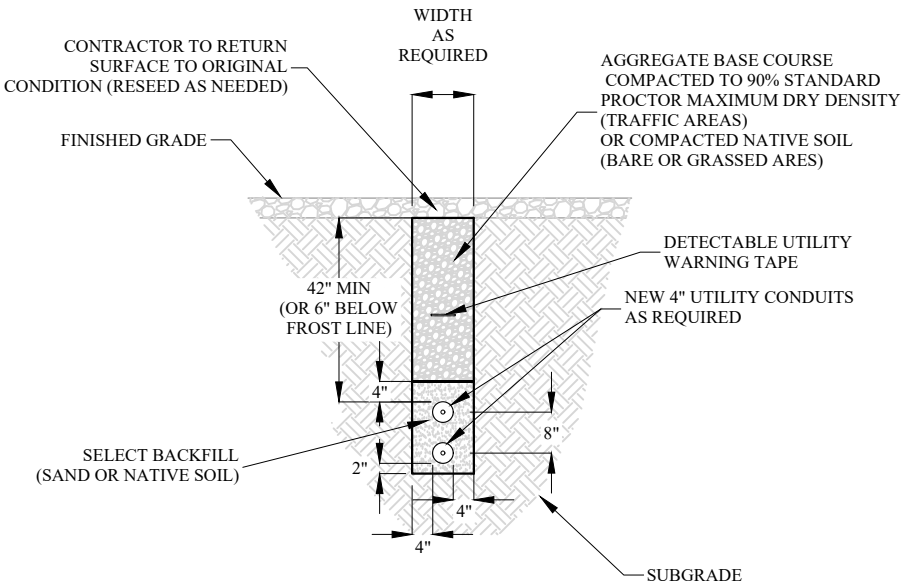
- NOTES:
1. EXACT LAYOUT AND COMPONENTS OF UTILITY RACK MAY CHANGE BASED ON OWNER/TENANT REQUIREMENTS. CONTRACTOR TO COORDINATE WITH OWNER PRIOR TO BID REGARDING POTENTIAL MODIFICATIONS.
 2. CONTRACTOR TO MAINTAIN 3'-0" MINIMUM CLEARANCE FROM METERING CENTER TO NEAREST OBSTRUCTION
 3. CONCRETE PIER FOUNDATION TO ACHIEVE A MINIMUM STRENGTH OF 3000 PSI AT 28 DAYS. CONCRETE DEPTH TO BE A MINIMUM OF 6" BELOW FROST LINE (48" MINIMUM, TYP.)
 4. ELECTRIC SERVICE: 240/120V, 1Ø, 3W, 600A UNDERGROUND SERVICE TO POLE RISER
 5. USE COPPER STRANDED, 600V, TYPE THW/THWN, WITH CROSS-LINKED POLYETHYLENE INSULATION FOR #8 AWG AND LARGER WIRE
 6. UNDERGROUND CONDUITS SHALL BE SCHEDULE 40 PVC (MEET UL STANDARDS G51 AND NEMA TC2-1990) EXPOSED GALVANIZED STEEL. ALL CONDUIT BENDS SHALL BE A MIN. OF 24" RADIUS OR AS SPECIFIED BY THE LATEST EDITION OF THE NEC, WHICHEVER IS GREATER
 7. GROUNDING CONDUCTOR SHALL BE #2 AWG SOLID BARE TINNED COPPER UNLESS OTHERWISE NOTED
 8. 4" PVC CONDUIT INSTALLED 30" (MIN) BELOW GRADE FOR INCOMING SERVICE BY TELEPHONE COMPANY. PROVIDE PULL STRING - 200 LB TEST POLYETHYLENE CORD

JOINT UTILITY TRENCH



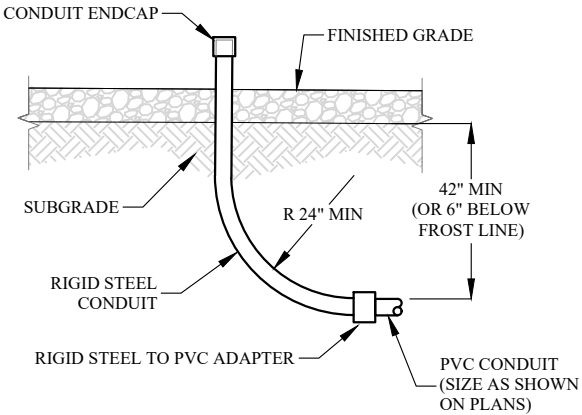
- NOTES:
1. CONDUIT TYPE, SIZE, QUANTITY, AND SEPARATION TO BE VERIFIED WITH LOCAL UTILITY PROVIDER REQUIREMENTS.

SINGLE UTILITY TRENCH



- NOTES:
1. CONDUIT TYPE, SIZE, QUANTITY, AND SEPARATION TO BE VERIFIED WITH LOCAL UTILITY PROVIDER REQUIREMENTS.

CONDUIT STUB-UP



PREPARED FOR:



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4904 PROFESSIONAL COURT
RALEIGH, NC 27609
PHONE: (919) 342-8247



BRANDON J. WALLER, P.E.
NORTH CAROLINA LICENSE NO. 044187

05/10/22

DRAWN BY: JL
CHECKED BY: BJW
APPVD: BJW
PROJECT NO: 21-11152

SUBMITTALS

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05/10/22	FOR CONSTRUCTION	0	JL

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4350 GOLD HILL RD E
GOLD HILL, NC 28071

SITE ID:

TBD

SHEET TITLE
CIVIL DETAILS

SHEET NUMBER

C-7

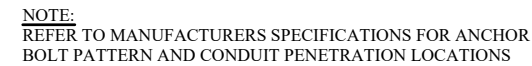
11'-0"

4'-0"

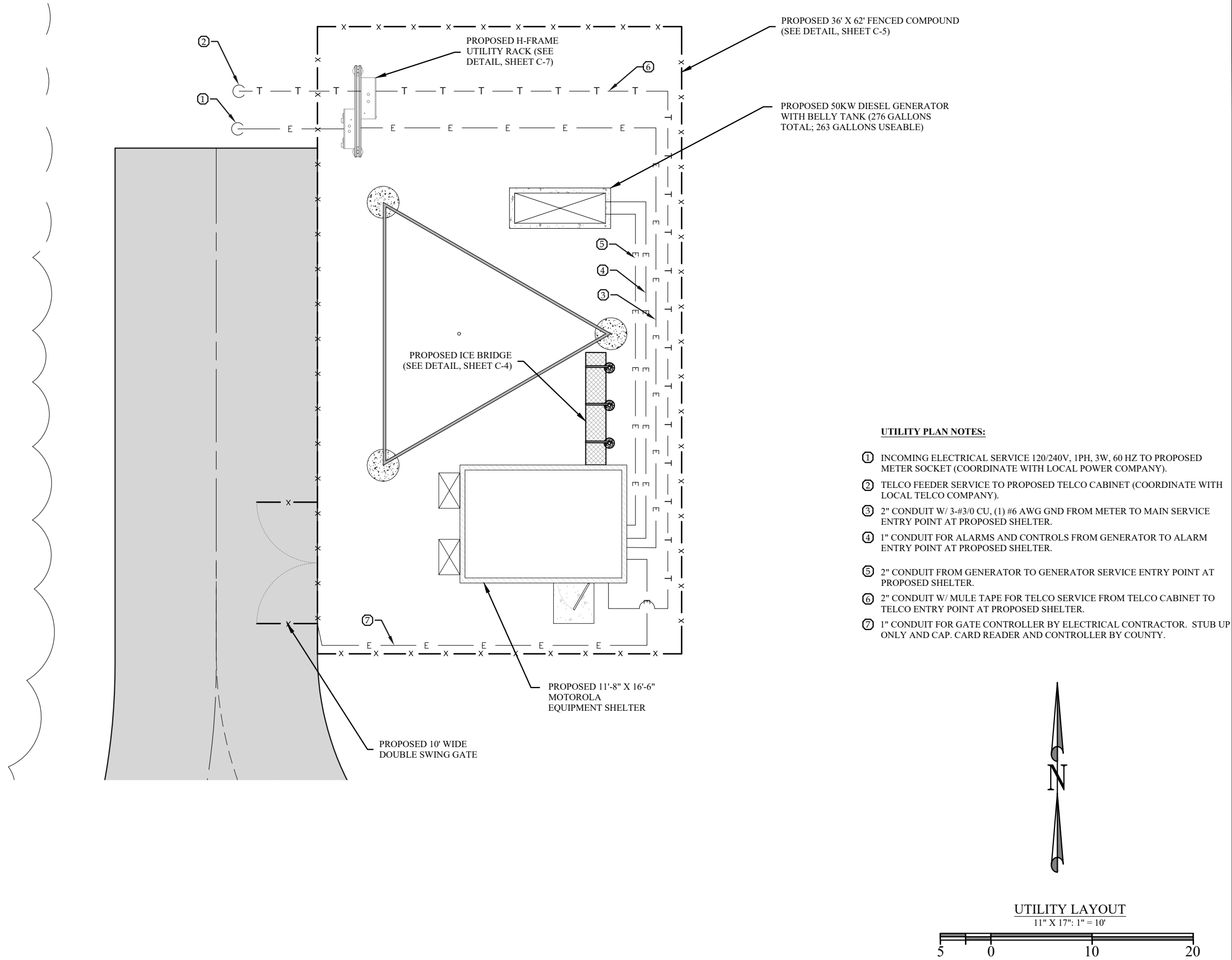
4'-0" x 11'-0" x 12"
4000 PSI CONCRETE SLAB
WITH #4 REBAR @ 12" E.W.

1/2" CHAMFER
(TYPICAL ALL SIDES)

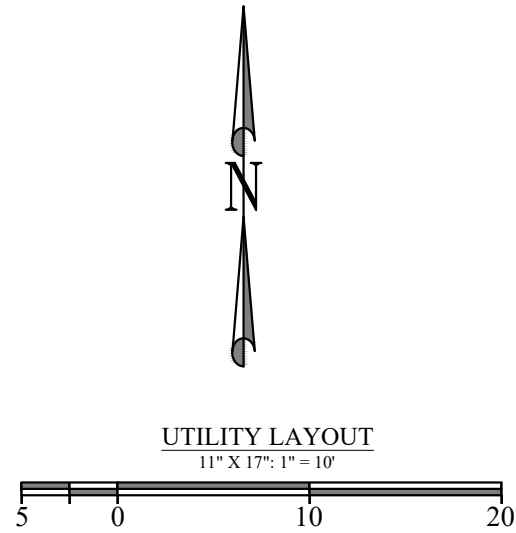
NOTE:
REFER TO MANUFACTURERS SPECIFICATIONS FOR
BOLT PATTERN AND CONDUIT SIZES



C-8



- UTILITY PLAN NOTES:**
- ① INCOMING ELECTRICAL SERVICE 120/240V, 1PH, 3W, 60 HZ TO PROPOSED METER SOCKET (COORDINATE WITH LOCAL POWER COMPANY).
 - ② TELCO FEEDER SERVICE TO PROPOSED TELCO CABINET (COORDINATE WITH LOCAL TELCO COMPANY).
 - ③ 2" CONDUIT W/ 3-#3/0 CU, (1) #6 AWG GND FROM METER TO MAIN SERVICE ENTRY POINT AT PROPOSED SHELTER.
 - ④ 1" CONDUIT FOR ALARMS AND CONTROLS FROM GENERATOR TO ALARM ENTRY POINT AT PROPOSED SHELTER.
 - ⑤ 2" CONDUIT FROM GENERATOR TO GENERATOR SERVICE ENTRY POINT AT PROPOSED SHELTER.
 - ⑥ 2" CONDUIT W/ MULE TAPE FOR TELCO SERVICE FROM TELCO CABINET TO TELCO ENTRY POINT AT PROPOSED SHELTER.
 - ⑦ 1" CONDUIT FOR GATE CONTROLLER BY ELECTRICAL CONTRACTOR. STUB UP ONLY AND CAP. CARD READER AND CONTROLLER BY COUNTY.



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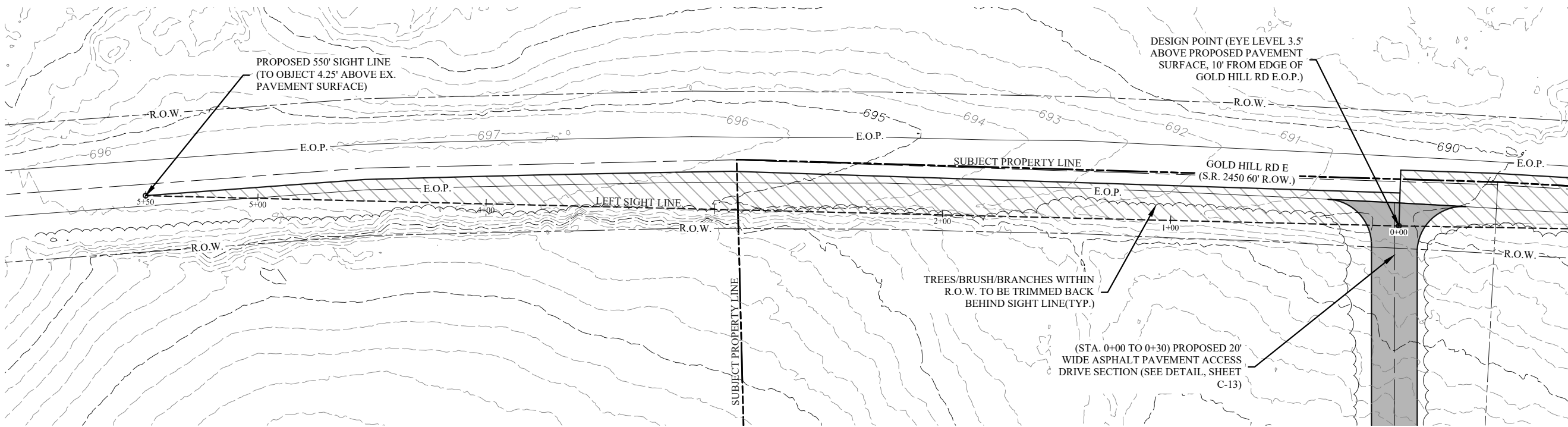
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GOLD HILL, NC 28071

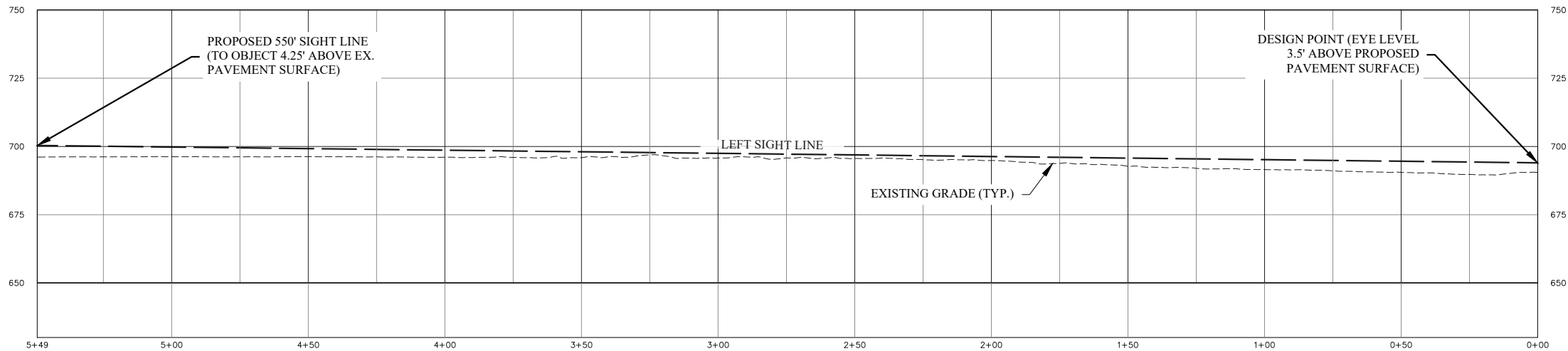
SITE ID:
TBD

SHEET TITLE
UTILITY LAYOUT

SHEET NUMBER
E-1



LEFT SIGHT LINE PLAN
11" X 17": 1" = 50'



LEFT SIGHT LINE PROFILE
11" X 17": 1" = 50'

- NOTES**
- SEE GENERAL NOTES ON SHEET GN-1
 - EXISTING UTILITY, PLANIMETRIC TAKEN FROM "BOUNDARY AND TOPOGRAPHIC SURVEY OF: 4400 & 4300 GOLD HILL RD E. NO. 7 TOWNSHIP, CITY OF GOLD HILL, CARRABUS CO., NORTH CAROLINA" BY CESI AND DATED APRIL 26, 2021.
 - TOPOGRAPHIC INFORMATION TAKEN FROM USGS 2016 LIDAR.



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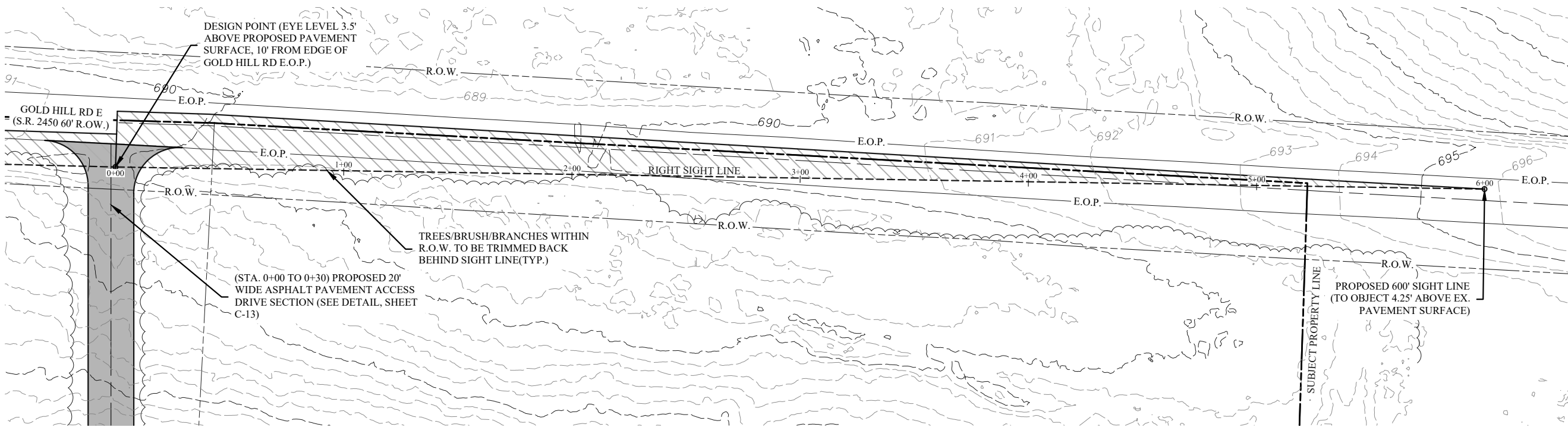
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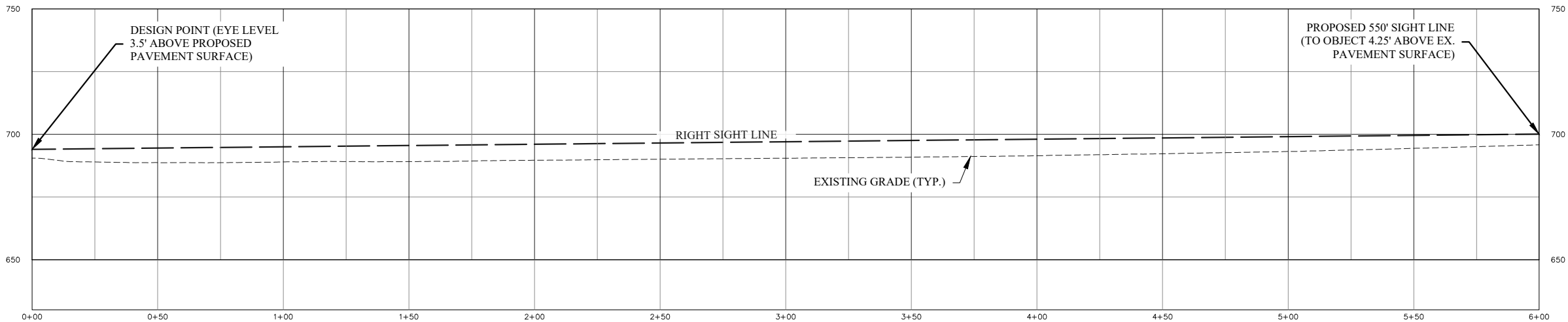
SITE ID:
TBD

SHEET TITLE
NCDOT LEFT SIGHT LINE
PLAN & PROFILE

SHEET NUMBER
R-1



RIGHT SIGHT LINE PLAN
11" X 17": 1" = 50'



RIGHT SIGHT LINE PROFILE
11" X 17": 1" = 50'

- NOTES**
- SEE GENERAL NOTES ON SHEET GN-1
 - EXISTING UTILITY, PLANIMETRIC TAKEN FROM "BOUNDARY AND TOPOGRAPHIC SURVEY OF: 4400 & 4300 GOLD HILL RD E. NO. 7 TOWNSHIP, CITY OF GOLD HILL, CARRABUS CO., NORTH CAROLINA" BY CESI AND DATED APRIL 26, 2021.
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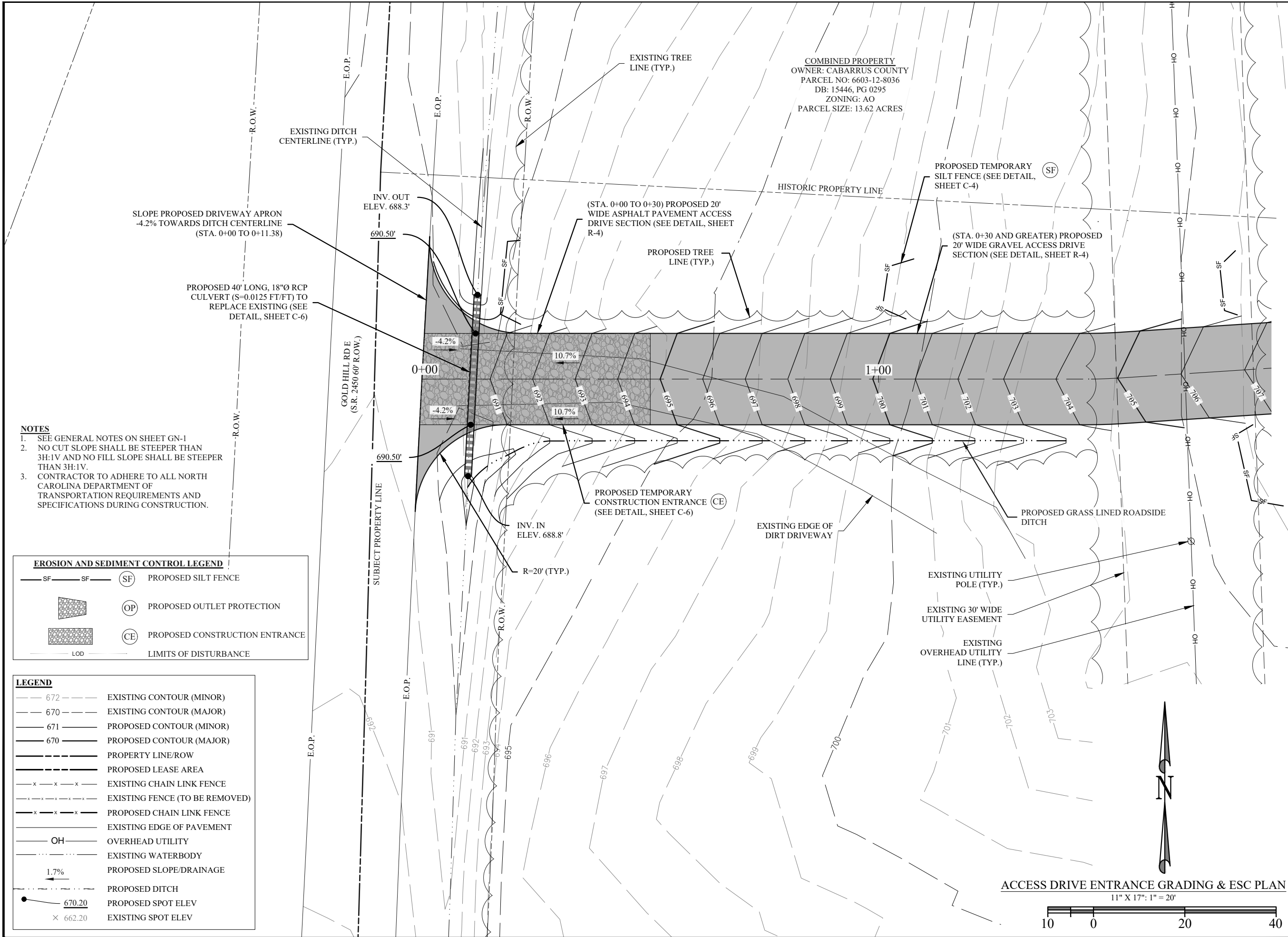
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SITE ID:
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SHEET TITLE
NCDOT RIGHT SIGHT LINE
PLAN & PROFILE

SHEET NUMBER
R-2



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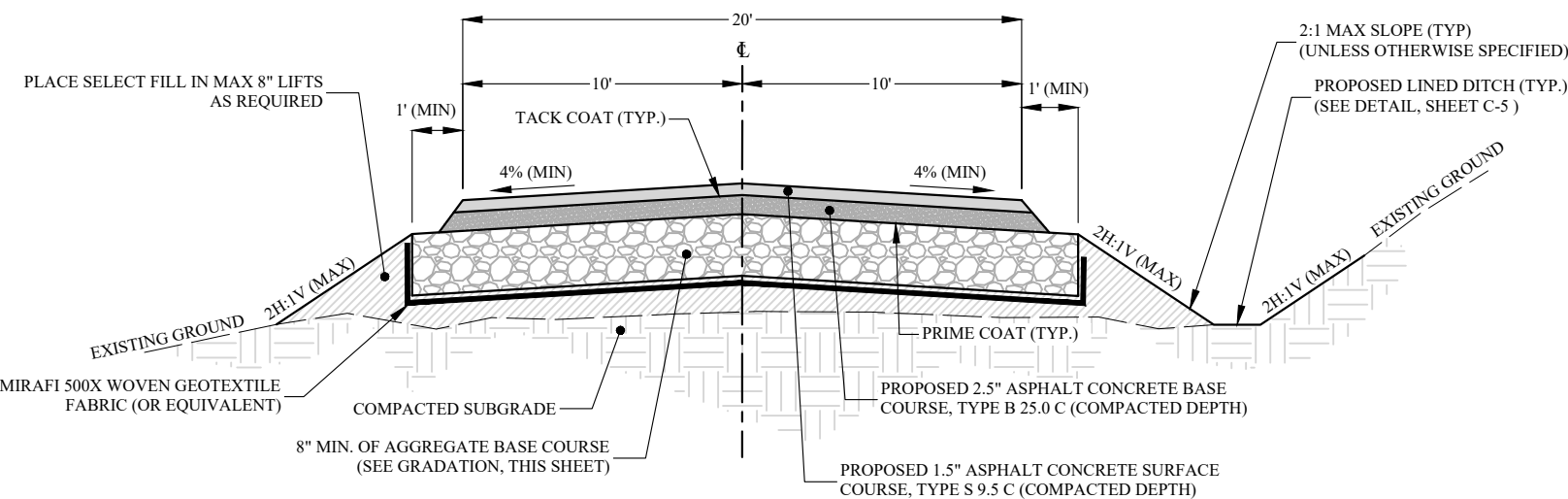
SITE ID:
TBD

SHEET TITLE
ACCESS DRIVE ENTRANCE
GRADING & ESC PLAN

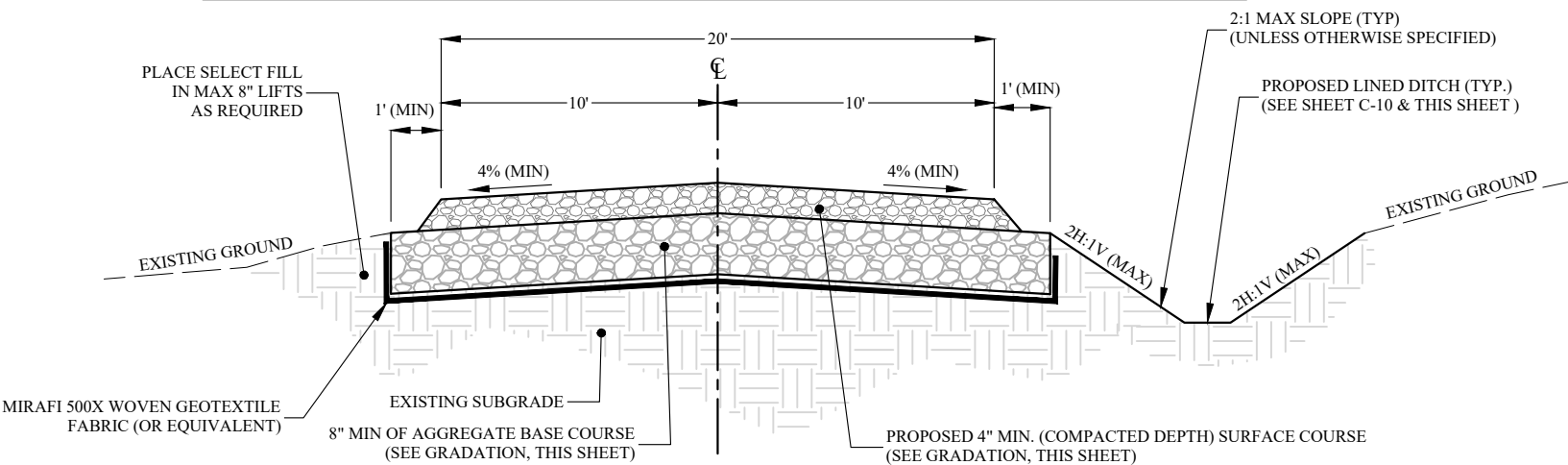
SHEET NUMBER

R-3

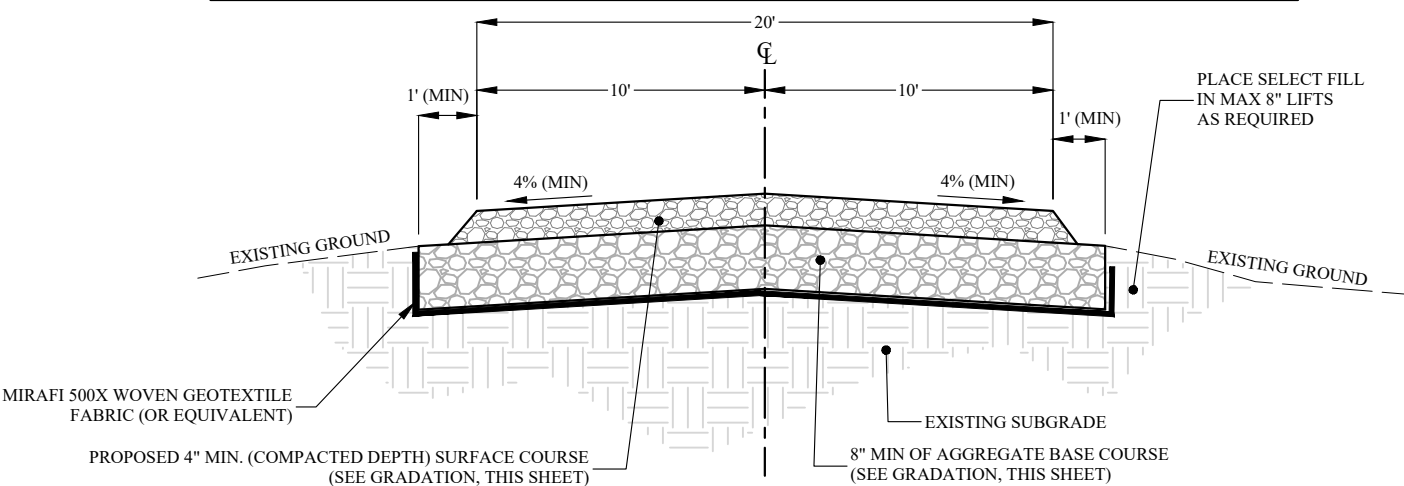
TYPICAL NORMAL CROWN ASPHALT ACCESS ROAD SECTION (STA. 0+00 TO 0+30)



TYPICAL GRAVEL ACCESS ROAD SECTION (STA. 0+30 TO 1+25)



TYPICAL GRAVEL ACCESS ROAD SECTION (STA. 1+25 TO 4+16)



NOTES (FOR FULL DEPTH RECONSTRUCTION OF GRAVEL ACCESS DRIVE)

1. REMOVE ALL TOPSOIL, ORGANIC MATERIAL, AND WET OR POOR SOILS ALONG ACCESS DRIVE. CONTRACTOR TO REVIEW SITE CONDITIONS AND CONSULT GEOTECHNICAL REPORT FOR ANTICIPATED DEPTH OF SOILS THAT WILL REQUIRE REMOVAL (IF AVAILABLE). IF POOR SOILS ARE ENCOUNTERED AT A DEPTH OF MORE THAN 12", CONTACT CONSTRUCTION MANAGER FOR GUIDANCE.
2. SUBGRADE TO BE COMPACTED TO 95% STANDARD PROCTOR AND VERIFIED BY PROOF-ROLL AND/OR GEOTECHNICAL PROFESSIONAL OBSERVATION AND/OR TESTING.
3. CONSULT GRADING PLAN OR SITE PLAN FOR FINAL SITE GRADES.

ROADBED, GRAVEL COURSE, AND SUBGRADE REQUIREMENTS

1. THICKNESS OF GRAVEL DRIVE BASE COURSE TO BE DETERMINED BASED ON THE EXISTING SOIL BEARING CAPACITY (PER UFC DESIGN RECOMMENDATIONS):

BEARING CAPACITY (PSF)	TOTAL AGGREGATE THICKNESS (IN)
1000	16
1500	12
2000	8

- *A HIGH PERFORMANCE, WOVEN GEOTEXTILE FABRIC MAY BE USED TO REPLACE UP TO 50%, OR 6" OF AGGREGATE THICKNESS, WHICHEVER IS LESS (MIRAFI HP 270 OR EQUIVALENT). FOR SITES WITH POOR SOILS, THE EQUIVALENT AGGREGATE THICKNESS SHOULD BE DETERMINED FROM THE GEOTECHNICAL REPORT OR FROM SITE SPECIFIC CALCULATIONS.
2. IF POOR OR WET SOILS ARE PRESENT BELOW BASE COURSE, CONTRACTOR TO INSTALL 6" MIN. WELL-GRADED GRAVEL/SAND SUB-BASE TO FACILITATE ADEQUATE DRAINAGE AND STABILITY.
 3. CONSULT GEOTECHNICAL REPORT (AS AVAILABLE) FOR ANTICIPATED SOIL CONDITIONS.
 4. AGGREGATE LAYER GRADATIONS SHALL BE AS FOLLOWS:

REQUIREMENT SIEVE	AGGREGATE BASE COURSE % PASSING	GRAVEL SURFACE COURSE % PASSING
2.5"	-	-
2"	100	-
1.5"	-	-
1"	-	-
3/4"	52-85	100
1/2"	-	-
3/8"	36-70	-
No. 4	24-50	50-78
No. 8	16-38	37-67
No. 16	10-30	-
No. 40	-	15-35
No. 200	0-10	4-15
PLASTICITY INDEX	0-6	4-12

PREPARED FOR:



PREPARED BY:



BRANDON J. WALLER, P.E.
NORTH CAROLINA LICENSE NO. 044187

05/10/22

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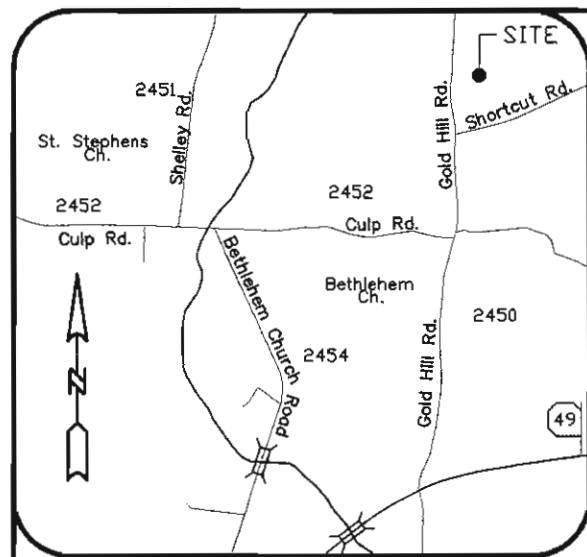
SITE ID:

TBD

SHEET TITLE
CIVIL DETAILS

SHEET NUMBER

R-4



VICINITY MAP
NOT TO SCALE

LEGEND

- EIP (AS DESCRIBED)
- SIP (#5 REBAR)
- ⊗ NPS (NO POINT SET)
- POWER POLE
- TELEPHONE PEDESTAL
- BOUNDARY LINE (AS SURVEYED)
- BOUNDARY LINE (BY DEED OR PLAT)
- RIGHT-OF-WAY LINE
- TIE LINE
- OVERHEAD POWER LINE
- FENCE LINE
- CENTER OF DITCH / DRAIN
- EASEMENT LINE
- MINOR CONTOUR LINE
- MAJOR CONTOUR LINE
- SD — SD — STORM DRAIN

NOTES:

1. TRAVERSE ADJUSTED BY LEAST SQUARES ADJUSTMENT METHOD.
2. NC GRID NAD 83 (2011) EPOCH 2010.00 BASIS OF BEARING AND NAVD 88 ELEVATIONS DERIVED FROM NCOS NETWORK RTK ON MAY 04, 2020 (HORIZONTAL POSITIONAL ACCURACY = 0.09", VERTICAL ACCURACY = 0.17") USING GEOID MODEL GEOID18, PROJECT LOCALIZED HOLDING CONTROL PT. #564 (N=632,179.88', E=1,601,483.60'), AND USING A COMBINED GRID FACTOR OF 0.9998522784. UNITS ARE US SURVEY FEET.
3. AREA COMPUTED BY COORDINATE COMPUTATIONS.
4. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. SUBJECT PROPERTY LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PER F.I.R.M. MAP NUMBER 371060200L, EFFECTIVE DATE NOVEMBER 5, 2008.
6. THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
7. NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS SURVEY.
8. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT; ADDITIONAL EASEMENTS AND RIGHT OF WAYS OF RECORD NOT SHOWN HEREON MAY EXIST.
9. POWER LINE EASEMENT DETERMINED THROUGH EMAIL COMMUNICATION WITH CARRIE LORENZ-EDRO, SENIOR UTILITY FORESTER WITH UNION POWER COOPERATIVE. AS PER EMAIL, THE EASEMENT ON THESE PARTICULAR LOTS IS 30' WIDE, 15' ON EITHER SIDE OF POLES.

REFERENCES:

1. A RECORDED MAP TITLED "DIVISION OF MARY JANE WILEY PROPERTY", BY HARRIS AND LEWIS REGISTERED LAND SURVEYORS, DATED DECEMBER 19, 1974, AND RECORDED DECEMBER 20, 1974, WITH THE CABARRUS COUNTY REGISTER OF DEEDS IN MAP BOOK 15 PAGE 54.
2. A RECORDED MAP TITLED "MINOR SUBDIVISION PLAT OF: VANHOY PROPERTY" DATED MARCH 6, 2017, AND RECORDED WITH THE CABARRUS COUNTY REGISTER OF DEEDS IN MAP BOOK 73 PAGE 23.
3. ALL DEEDS AND MAPS SHOWN HEREON.
4. CABARRUS COUNTY GIS AND REGISTER OF DEEDS.

I, DAVID L. HAYWOOD, JR. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION (DEED RECORDED IN DB:530 PG. 277 AND DB: 535 PG.380); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION FOUND IN DEEDS AS SHOWN; THAT THE RATIO OF PRECISION IS 1:156,306; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95% CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC SURVEY TO THE ACCURACY OF CLASS AA AND THE VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS C STANDARD; AND THAT THE ORIGINAL DATA WAS OBTAINED BETWEEN MARCH 11, 2021 AND MARCH 30TH, 2021; THAT THE SURVEY TOPOGRAPHIC SURVEY WAS PERFORMED TO MEET NATIONAL MAP ACCURACY STANDARDS AS APPLICABLE; THAT THE CONTOURS SHOWN AS BROKEN LINES MAY NOT MEET THE STATED STANDARD; AND ALL COORDINATES ARE BASED ON NC GRID-NAD 83(2011) GEOID 18, AND ALL ELEVATIONS ARE BASED ON NAVD 88.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 11TH DAY OF APRIL, 2021.

DAVID L. HAYWOOD, JR. PLS



CLARA N. SMITH, TRUSTEE OF THE
CLARA N. SMITH TRUST
PIN: 6603-21-5823
DB: 6478 PG. 122

BASIS OF BEARING
N.C. GRID ~ NAD 83(2011)
EPOCH 2010.00

TRACY W. TALLEY and wife,
CAROL C. TALLEY
PIN: 6603-12-8250
DB: 530 PG. 277
MB: 15 PG. 54
AREA: 8.540 ACRES

TRACY W. TALLEY and wife,
CAROL C. TALLEY
PIN: 6603-11-8729
DB: 535 PG. 380
MB: 15 PG. 54
AREA: 5.097 ACRES

WILLIAM HELSCHER and wife,
ANNA E. HELSCHER
PIN: 6603-11-7489
DB: 15490 PG. 290
MB: 15 PG. 54

KATHERINE B HONEYCUTT
PIN: 6603-02-7240
DB: 505 PG. 53

TRP #564
NC GRID NAD83(2011)
N: 632,179.88
E: 1,601,483.60
GCF: 0.9998522784

GOLD HILL ROAD EAST
60' PUBLIC R/W (DB: 509 PG. 554)

HOMER CRAIG SMITH and
WIFE, MUSKIE A. SMITH
PIN: 6603-11-3316
DB: 504 PG. 394

BOUNDARY AND TOPOGRAPHIC SURVEY OF:
4400 & 4300 GOLD HILL RD E.
NO. 7 TOWNSHIP, CITY OF GOLD HILL, CABARRUS CO., NORTH CAROLINA

FOR CLIENT:
CABARRUS COUNTY
P.O. BOX 707
CONCORD NC, 28026

DATE: APRIL 26, 2021
REVISED: 1" = 40'
JOB NO.: 210173

COMPUTED BY: OV
DRAWN BY: OV
CHECKED BY: DLH

SCALE IN FEET
0 40 80 120



CIVIL - GEOTECHNICAL - SURVEYING
N.C. FIRM LICENSE NO. C-0263
45 SPRING STREET SW CONCORD (704) 786-5404
CONCORD, NC 28025 FAX (704) 786-7454
© CBSI 2021 ACAD FILE: BOUNDARY.DWG

Surrounding Property Owners

6603-02-7240 KATHERINE B HONEYCUTT 75 SNOWBELL CV OAKLAND, TN 28060	6603-11-7489 WILLIAM & ANNA HIELSCHER 4200 GOLD HILL RD E GOLD HILL, NC 28071	6603-12-8573 MARGIE SMITH 4500 GOLD HILL RD E GOLD HILL, NC 28071
6603-11-3316 HOMER SMITH 4201 GOLD HILL RD E GOLD HILL, NC 28071	6603-21-5825 CLARA N SMITH TRUSTEE 14445 SHORT CUT RD GOLD HILL, NC 28071	

Property Owner

6603-12-8036
CABARRUS COUNTY
PO BOX 707
CONCORD, NC 28026



Cabarrus County Government – Planning and Development Department

June 20, 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, July 12, 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	Cabarrus County
• Petition Number	VARN2022-00002
• Property Location	4300 Gold Hill Rd E
• Parcel ID Number	6603-12-8036
• Existing Zoning	Agricultural / Open Space (AO)
• Variance Request	Relief from the requirements of; Chapter 8, Section 34, Table 1 and Chapter 8, Section 34.8.c

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 cursive script that reads "Phillip Collins".

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

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



Cabarrus County Government – Planning and Development Department

June 20, 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, July 12, 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 | Cabarrus County |
| • Petition Number | VARN2022-00002 |
| • Property Location | 4300 Gold Hill Rd E |
| • Parcel ID Number | 6603-12-8036 |
| • Existing Zoning | Agricultural / Open Space (AO) |
| • Variance Request | Relief from the requirements of; Chapter 8
Section 34 Table 1 and Chapter 8 Section
34.8.c |

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

Sincerely,

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

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

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

CABARRUS COUNTY
ZONING

NOTICE

VARN2022-00002

FOR DETAILS CALL
704-920-2141

Jun 22, 2022 at 1:49:04 PM
4100-4456 Gold Hill Rd E
Gold Hill NC 28071
United States



Jun 22, 2022 at 1:57:24 PM
4100-4456 Gold Hill Rd E
Gold Hill NC 28071
United States

Surrounding Property Owners (Neighborhood Meeting)

6603-02-7240 KATHERINE B HONEYCUTT 75 SNOWBELL CV OAKLAND, TN 28060	6603-11-7489 WILLIAM & ANNA HIELSCHER 4200 GOLD HILL RD E GOLD HILL, NC 28071	6603-12-8573 MARGIE SMITH 4500 GOLD HILL RD E GOLD HILL, NC 28071
6603-11-3316 HOMER SMITH 4201 GOLD HILL RD E GOLD HILL, NC 28071	6603-21-5825 CLARA N SMITH TRUSTEE 14445 SHORT CUT RD GOLD HILL, NC 28071	

Property Owner

6603-12-8036
CABARRUS COUNTY
PO BOX 707
CONCORD, NC 28026



Cabarrus County Government – Planning and Development Department

May 23, 2022

Dear Property Owner:

Cabarrus County is preparing an application to appear before the Cabarrus County Planning & Zoning Commission to request Variance and Special Use Permit (SUP). The purpose of this request is to construct a Wireless Telecommunications (WTC) Tower on its property located at 4300 Gold Hill Road East, which is adjacent to (or within close proximity to) your property. One of the requirements is that the applicant (Cabarrus County) hold a neighborhood meeting for property owners adjacent to the subject property to provide information about the proposal and for interested citizens to ask questions. The neighborhood meeting will be held on Tuesday, May 31, from 5:00 pm to 7:00 pm. The meeting will be at Northeast Volunteer Fire Department located at 1580 Lentz Harness Shop Road. The meeting will be drop-in style and staff will be available.

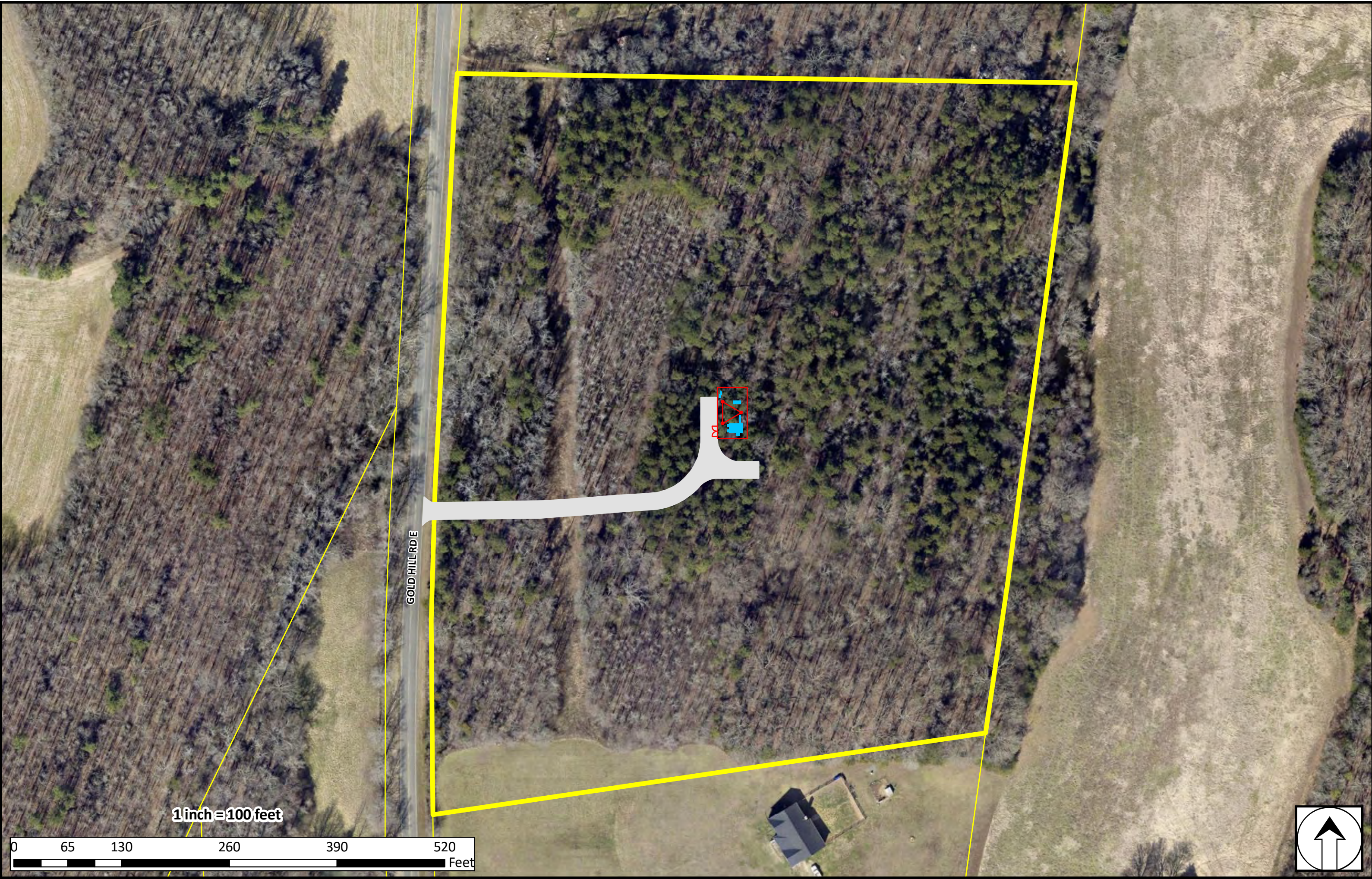
The purpose of the variance request is to allow Cabarrus County to encroach into the required setbacks of a WTC Tower. WTC towers are required to be tower height plus 50 feet from the fenced compound to the property line. The proposed tower is 305 feet in height and the compound is situated on the property where it would be within 337 feet of the front property line and 340 feet of the rear property line. Also, if the variance request is successful, it will be followed by the proposed SUP. In Cabarrus County, WTC Towers are permitted in all zoning districts with the approval of a SUP.

We anticipate presenting these requests to the Planning and Zoning Commission at its regular meeting in July. If you have any further questions regarding this application, or the process, please contact me at Cabarrus County Planning and Development at the contact information below.

Sincerely,

A handwritten signature in cursive script that reads "Phillip Collins".

Phillip Collins, AICP
Senior Planner
Cabarrus County Planning and Development
704.920.2181 / pecollins@cabarruscounty.us



GOLD HILL RD E

1 inch = 100 feet

0 65 130 260 390 520 Feet



[illegible]

Neighborhood Meeting Minutes

4300 Gold Hill Road East

May 31, 2022

On Tuesday May 31, Cabarrus County Staff held a meeting for adjacent property owners. The purpose of the meeting was to provide information about the County's request for a variance and special use permit to construct a Wireless Telecommunications (WTC) Tower. The meeting was held from 5:00 p.m. to 7:00 p.m. and was a drop-in format. Staff members from Planning & Development, the Sheriff's Department and the County Manager's Office were in attendance to answer questions related to the proposed variance and special use request. Five copies of the attached letter and map were sent out. One property owner attended the meeting. The purpose of the request was explained to the attendee. The attendee expressed concern over whether the tower would have 5G technology and what the potential for harmful radiation would be. It was explained to the attendee that Cabarrus County is constructing this tower initially as a public safety tower using equipment that will operate within the 800 MHz frequency range, far lower than those for cell carrier 5G technology. Staff further explained that the kind of technology that would potentially create the health hazard are devices like X-Ray machines that operate at much higher frequencies. It is not clear at this point when and if private co-locators will place technology on the tower and that Cabarrus County will evaluate at that point any available information regarding the safety of 5G. The effects of radiation from WTC Towers with 5G technology is currently being studied by many groups, but some such as the CDC and FDA deem it as safe, however it is still a relatively new technology.

The attendee also questioned the potential effects of the tower on real estate values for surrounding properties. It was explained that no one at the meeting was qualified to speak about the effects of the tower on surrounding property values, therefore, staff refrained from making any statements about the effect of the tower on surrounding property values.



05/10/2022

Motorola

Attn: To Whom It May Concern

SUBJECT: Valmont File # 533760-05
Model U-28.0 X 300' Self Supporting Tower
Site Name: Northeastern-Cabarrus, NC

This letter is intended to give insight into the structural reliability of a 300-foot self-supporting tower located at Northeastern-Cabarrus, NC.

This tower is designed to 119 MPH Ultimate Wind Speed (no ice) per ASCE 7-16; 30 MPH .75" per ANSI/TIA-222-G with Risk Category III, Exposure Category C, Topographical Category 1, and a Crest height of 0 feet.

In general, this type of tower has a theoretical failure point at the tower midpoint or above. The predicted mode of wind induced failure would be buckling of the tower legs at or above the tower midpoint with the top sections of the tower folding over on to the intact base sections. The result, if it were to collapse, could be a theoretical "zero fall zone" at ground level.

We trust the above and the attached will be helpful to you. If you should need anything else, please let us know at your convenience.

Sincerely,

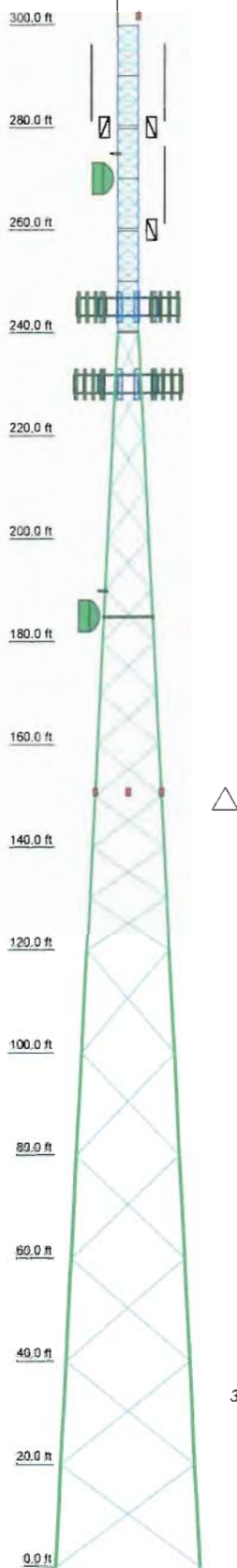
A handwritten signature in green ink that reads "Joseph Jacobs".

Joseph Jacobs | Senior Engineer
Valmont Structures | 1545 Pidco Drive | Plymouth, IN 46563 USA
Phone +1 (574) 936-4221, ext. 5366
Joseph.Jacobs@valmont.com | valmont.com



May 10, 2022

Section	T19	T18	T17	T16	T15	T14	T13	T12	T11	T10	T9	T8	T7	T6	T5	T4	T3	T2	T1
Legs	I	H	G	F	E	D	C	B	A										SR 1 1/4
Leg Grade																			SR 1 3/4
Diagonals	J																		SR 3/4
Diagonal Grade																			SR 7/8
Top Girts																			SR 7/8
Mid Girts																			SR 7/8
Bottom Girts																			SR 7/8
Horizontal																			SR 3/4
Face Width (ft)	26	24	22	20	18	16	14	12	10	8	6								
# Panels @ (ft)	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	
Weight (K)	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	



DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
Beacon	300	30,000 sq.in. (208.3 sq.ft. EPA)	245
1/2" x 5' lightning rod	300	30,000 sq.in. (208.3 sq.ft. EPA)	230
CC807-11	280	6' Dish Ice Shield	190
CC807-11	280	SP1 R5 (Includes 4.5"x72" Pipe)	185
SP1 PSA6	280	2-1/2" x 8' Sch. 40	185
SP1 PSA6	280	2-1/2" x 8' Sch. 40	185
6' Dish Ice Shield	275	SB6-W60D	185
SP1 R5 (Includes 4.5"x72" Pipe)	270	OB light	150
SB6-W60D	270	OB light	150
CC807-11	260	OB light	150
SP1 PSA6	260		

SYMBOL LIST

MARK	SIZE	MARK	SIZE
A	#12ZG-58 - 1.25" - 1.00" conn. (Pirod 194434)	F	#12ZG-58 - 2.00" - 0.875" conn. (Pirod 195639)
B	#12ZG-58 - 1.50" - 1.00" conn. (Pirod 194651)	G	#12ZG-58 - 2.25" - 0.875" conn. (Pirod 195960)
C	#12ZG-58 - 1.75" - 1.00" conn.-TR1-(Pirod 195213)	H	#12ZG-58 - 2.25" - 0.875" - DB-0.500" - HP- (Pirod 196946)
D	#12ZG-58 - 1.75" - 1.00" conn. (Pirod 195217)	I	#12ZG-58 BASE - 2.50" - 0.875" conn.-TR4-(Pirod 281171)
E	#12ZG-58 - 2.00" - 0.875" conn.-TR3-(Pirod 195637)	J	2L3 1/2x3 1/2x1/4

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-58	58 ksi	75 ksi	A572-50	50 ksi	65 ksi

TOWER DESIGN NOTES

- Tower is located in Cabarrus County, North Carolina.
- Tower designed for Exposure C to the TIA-222-G Standard.
- Tower designed for a 119 mph basic wind in accordance with the TIA-222-G Standard.
- Tower is also designed for a 30 mph basic wind with 0.75 in ice. Ice is considered to increase in thickness with height.
- Deflections are based upon a 60 mph wind.
- Tower Risk Category III and IV.
- Topographic Category 1 with Crest Height of 0.00 ft
- Tower was designed with a theoretical zero fall zone radius at ground level.
- TOWER RATING: 91.4%

ALL REACTIONS
ARE FACTORED

MAX. CORNER REACTIONS AT BASE:

DOWN: 475 K

SHEAR: 45 K

UPLIFT: -425 K

SHEAR: 40 K

AXIAL
230 K
SHEAR
9 K
MOMENT
1597 kip-ft
TORQUE 3 kip-ft
30 mph WIND - 0.7500 in ICE

AXIAL
73 K
SHEAR
68 K
MOMENT
10940 kip-ft
TORQUE 45 kip-ft
REACTIONS - 119 mph WIND

valmont STRUCTURES		1545 Pidco Drive Plymouth, IN		Job Quotation 533760-05	
Valmont Industries, Inc. - Global Telecom		Phone: (574) 936-4221		Project U-28 x 300' - Northeastern - Cabarrus	
FAX: (574) 936-6458		Date: 05/09/22		Client Motorola Solutions	
		Scale:		Drawn by: TF	
		Dwg No:		App'd:	

Properties have been combined and new Parcel Identification Number has been assigned. You will need this number for the application.



TaxParcels - MARY JANE WILEY

OBJECTID_1	33676495
PIN14	660312803600000
OBJECTID	47439
SHEET	6603
BLOCK	12
ParcelNum	9036
CODE	CO
PIN	6603128036.00000000
OLDPIN	6603128250.00000000



SCANNED AND RETURNED

FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS
FILED Aug 27, 2021
AT 02:53 pm
BOOK 15446
START PAGE 0295
END PAGE 0297
INSTRUMENT # 36670
EXCISE TAX \$278.00
TMF

Excise Tax 278.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. 6603-12-8250 & 6603-11-8729
Verified by _____ County on the _____ day of _____
by _____

Mail after recording to Grantee

This instrument was prepared by Richard M. Koch

Brief description for the Index 4300 & 4400 Gold Hill Road, East

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this _____ day of August, 2021, by and between

GRANTOR

GRANTEE

TRACY W. TALLEY and wife, CAROL C. TALLEY

CABARRUS COUNTY
(a body politic and political subdivision of the State of
North Carolina)
P.O. Box 707
Concord, North Carolina 28026

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.q. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that

certain lot or parcel of land situated in the City of _____, No. 7 Township, Cabarrus County, North Carolina and more particularly described as follows:

See legal description attached as Exhibit A.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 530, Page 277 and Book 535, Page 380.

A map showing the above described property is recorded in Plat Book 15 page 54.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

- 1. All easements, rights of way and restrictions of record.
- 2. Ad valorem taxes for Cabarrus County.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)
By: _____

President
ATTEST: _____

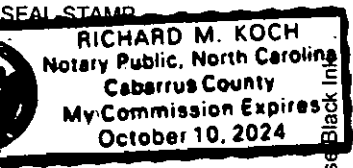
Corporate Seal)

USE BLACK INK ONLY

Tracy W. Talley (SEAL)
TRACY W. TALLEY
Carol C. Talley (SEAL)
CAROL C. TALLEY

(SEAL)

(SEAL)



NORTH CAROLINA Cabarrus County.
I, a Notary Public of the County and State aforesaid, certify that _____
Tracy W. Talley and wife, Carol C. Talley Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this 27 day of August, 2021.
My commission expires: October 10, 2024 Richard M. Koch Notary Public

SEAL-STAMP NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____
personally came before me this day and acknowledged that _____ he is _____ Secretary of
_____ a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
President, sealed with its corporate seal and attested by _____ as its _____ Secretary.
Witness my hand and official stamp or seal, this _____ day of _____, _____.
My commission expires: _____ Notary Public

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

EXHIBIT A

Tract 1 – 4400 Gold Hill Road, East

LYING AND BEING in No. 7 Township, Cabarrus County, North Carolina, and being Lot No. 2 in the DIVISION OF MARY JANE WILEY PROPERTY as surveyed and platted by Harris and Lewis RLS on the 19th of December, 1974 and a copy of said plat being on file in Office of Register of Deeds for Cabarrus County, N.C. in Map Book No. 15, page 54 and described by metes and bounds as follows:

BEGINNING at a point in the center of SR 2450, front corner of Lots Nos. 2 and 3 and runs thence with center of said road N. 03-49-30 E. 479.46 feet to an iron stake, front corner of Lots Nos. 1 and 2; thence with the dividing line of lots Nos. 1 and 2 S. 85-47 E. 788.84 feet to an iron stake, rear corner of Lots Nos. 1 and 2 in the line of Paul A. Smith; thence with the line of Paul A. Smith S. 10-28-50 W. 495.46 feet to an iron stake, rear corner of Lots Nos. 2 and 3; thence N. 84-46-10 W. 724.69 feet to the point of BEGINNING, containing 8.51 acres, more or less.

Tract 2 – 4300 Gold Hill Road, East

LYING AND BEING in No. 7 Township, Cabarrus County, North Carolina, and being Lot No. 3 in the DIVISION OF THE MARY JANE WILEY PROPERTY according to a survey and map dated December 19, 1974, and recorded in Map Book No. 15, page 54, Cabarrus County Registry, and more particularly described as follows:

BEGINNING at a point in the center line of the Gold Hill Road (S. R. 2450), front corner of Lots Nos. 2 and 3, and runs thence with the dividing line of said lots, S. 84-46-10 E. 724.69 feet to an iron stake, back corner of said lots in the line of Paul A. Smith; thence with his line, S. 10-28-50 W. 280 feet to an iron stake, rear corner of Lots Nos. 3 and 4; thence with the dividing line of said lots, N. 89-09-45 W. 711.82 feet to a point in the center of said road; thence with the center of said road, N. 3-49-30 E. 303.44 feet to a point; thence continuing N. 5-25-15 E. 30 feet to a point of BEGINNING, containing 5.11 acres, and subject to the right-of-way of said road, and being a part of that property conveyed by J. H. Wiley (widower) to Mary Jane Wiley by deed dated June 16, 1969, and recorded in Deed Book No. 440, page 111, Cabarrus County Registry.



Cabarrus County Tax Assessor

Parcel Combination Form

Page 1 of 1

Neighborhood #: 17002

2022

Land Records Department Information

Owner(s): CABARRUS COUNTY

Physical Address: 4300/4350 GOLD HILL RD

Combined by ☒ Deed or ☐ Plat, Book 15446_ Page 295. 08/27/2021

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are all parcels on the same X deed or plat?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are they described as one tract or X multiple tracts?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are they all contiguous?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does a Municipal Boundary (City Limit) cross the parcel(s)?

If yes, Acres in _____ Acres out _____

PINS to Combine Real ID

Book/Page Number Acres

6603 12 8250	07-004 -0002.90	KEEP	8.51 AC
6603 11 8729	07-004 -0002.10	RETIRE	5.11 AC

New PIN: 6603 12 8036__

New Real ID: __07-004 -0002.90__

Description: LOTS 2 & 3 MARY JANE WILEY PROPERTY __

New Acres: 13.62 AC

Mapped By: PDGore

Date: 02/07/2022

Approved By: _____ Date: _____

Real Estate Department Information

City or Fire District: 2022

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are parcel(s) part of Present Use Value / Deferment?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are there any exemptions?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there buildings/improvements involved that are to be moved?

Data Entry By: RSD

Date: 2-8-22

Approved By: _____ Date: _____

IMPORTANT NOTES OR COMMENTS:

— Parcels combined by request of Jonathan Marshall.

I authorize Cabarrus County Land Records to combine the above referenced parcels into one Taxable parcel (subject to verification).

PROCESSED

Signature

Date

Phone #

FEB 07 2022

PATRICIA GORE
LAND RECORDS

Greg Belk

From: Jonathan Marshall
Sent: Monday, February 7, 2022 3:21 PM
To: Greg Belk
Subject: RE: Gold Hill Road east property

Yes, I am requesting that the parcels be combined as that was the intent all along.

Thanks for the help.

From: Greg Belk <GDBelk@cabarruscounty.us>
Sent: Monday, February 7, 2022 3:10 PM
To: Jonathan Marshall <JBMarshall@cabarruscounty.us>
Subject: RE: Gold Hill Road east property

The deed simply described two tracts (referenced as Lts 2 & 3 of Plat Book 15, Page 54), and Land Records conveyed ownership of the two existing parcels.
Since both tracts are described on one deed, they can be combined.
By this email, are you requesting a parcel combination?

If a combination is not specifically stated within the deed, the process is to include emails in the internal documentation should questions arise....who requested, date, etc.

Greg D. Belk - CMS
Land Records Manager

Tax Administration – Land Records
Cabarrus County
65 Church St. S., Concord, NC 28025
P.O. Box 707, Concord, NC 28026
O: 704-920-2127
F: 704-920-2897
www.cabarruscounty.us



From: Jonathan Marshall <JBMarshall@cabarruscounty.us>
Sent: Monday, February 7, 2022 2:01 PM
To: Greg Belk <GDBelk@cabarruscounty.us>
Subject: Gold Hill Road east property

Greg,
When the County purchased the Talley property off Gold Hill Road east (15446/295), Rich noted Tracts 1 & 2 but on a single deed. Susie has told us we need to combine the parcels but it seems to me that the deed Rich prepared did that. Do we need to do anything else?
Thanks, Jonathan

Jonathan B. Marshall, AICP

Deputy County Manager

County Manager's Office

Cabarrus County

65 Church St. S., Concord NC 28025

P.O. Box 707, Concord NC 28026-0707

O: 704-920-2145

M: 704-490-6070

F: 704-920-2820

www.cabarruscounty.us



CABARRUS COUNTY

America Thrives Here

GOLD HILL ROAD

(1087)

(1123)

SR 245

PIN: 6603027240
Deeded Acreage: 80

PIN: 6603113316
Deeded Acreage: 4.99

PIN: 6603102728
Deeded Acreage: 8.36

5.0A

3316

638.4

647.74

MARY JANE WILEY PROPERTY PB 1554

45' R/W
PIN: 6603220654
Deeded Acreage: 1.3

PIN: 6603128573
Deeded Acreage: 3.28

3.28 A

8573

1.30 A

0654

368.24

1

786.11

07-004-0002.90

PIN: 6603128250
Deeded Acreage: 8.51

8.51 A

8250

2

724.69

07-004-0002.10

PIN: 6603118729
Deeded Acreage: 5.11

5.11 A

8729

3

333.44

711.82

PIN: 6603117489
Deeded Acreage: 5.26

5.26 A

7489

4

422.05

673.53

PIN: 6603117193
Deeded Acreage: 6.19

PIN: 6603234185
Deeded Acreage: 31.704

809.

151.01

495.46

Before

PIN: 6603215825
Deeded Acreage: 24.5

24.5A

5825

PIN: 6603327547
Deeded Acreage: 69.51

371.52

6603027240
HONEYCUTT KATHERINE B
07-004 -0001.00

6603102728
SMITLEY GENE
VANNA TA BRUCE
07-004 -0002.00

SMITH HOMER C
07-004 -0002.70
SR 2450

(1087)

MARY ANN VALEY PROPERTY PB 15-4
812.90

GOLD HILL ROAD

232.64

788.84

422.05

437.54

647.74

638.42

255.33

490.15

251.85

371.52

300.04

205.55

170.1

330.84

250.02

240.17

THE PRK

(871)

(895)

6603234185

CCA RESIDENTIAL #1 LLC

07-002 -0014.00

45' R/W

810.85

809.47

SMITH MARGIE L
07-004 -0002.60

SMITH MARGIE L
07-004 -0002.11

6603128573

CABARRUS COUNTY

07-004 -0002.90

6603128036

2

CABARRUS COUNTY

07-004 -0002.10

3

711.82

HIELSCHER WILLIAM
HIELSCHER ANNA E WF
07-004 -0002.13

6603117489

4

CONEJO URIEL HERNANDEZ
MORALES FANY LIZETH MARTINEZ
07-004 -0002.30

6603117193

5

6603215825

SMITH CLARA N TRUSTEE

07-004 -0003.00

After

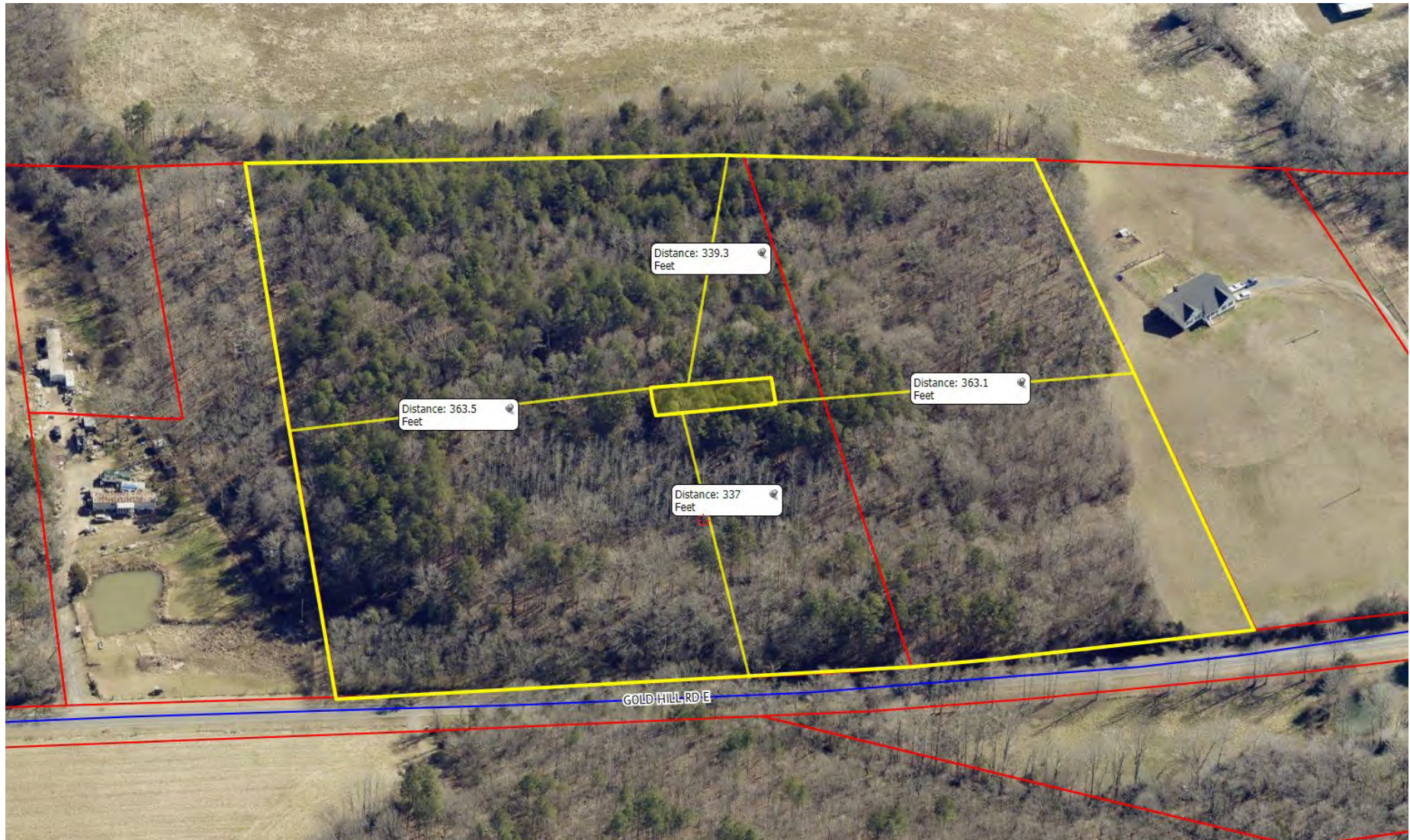
LEFLER WALTER J JR
LEFLER PAMELA D WF
07-004 -0005.10

6603327547

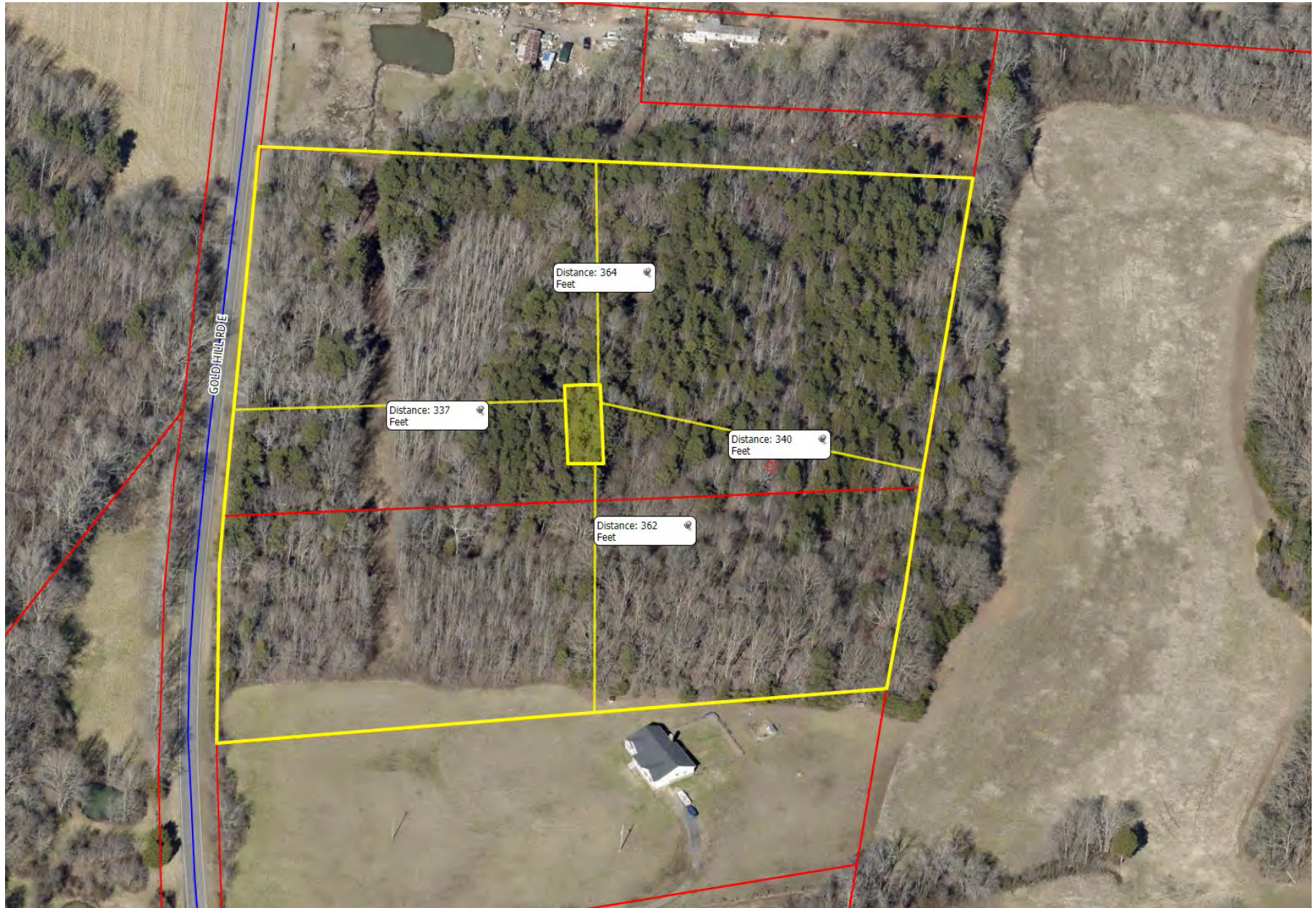
6603310190

6602292791

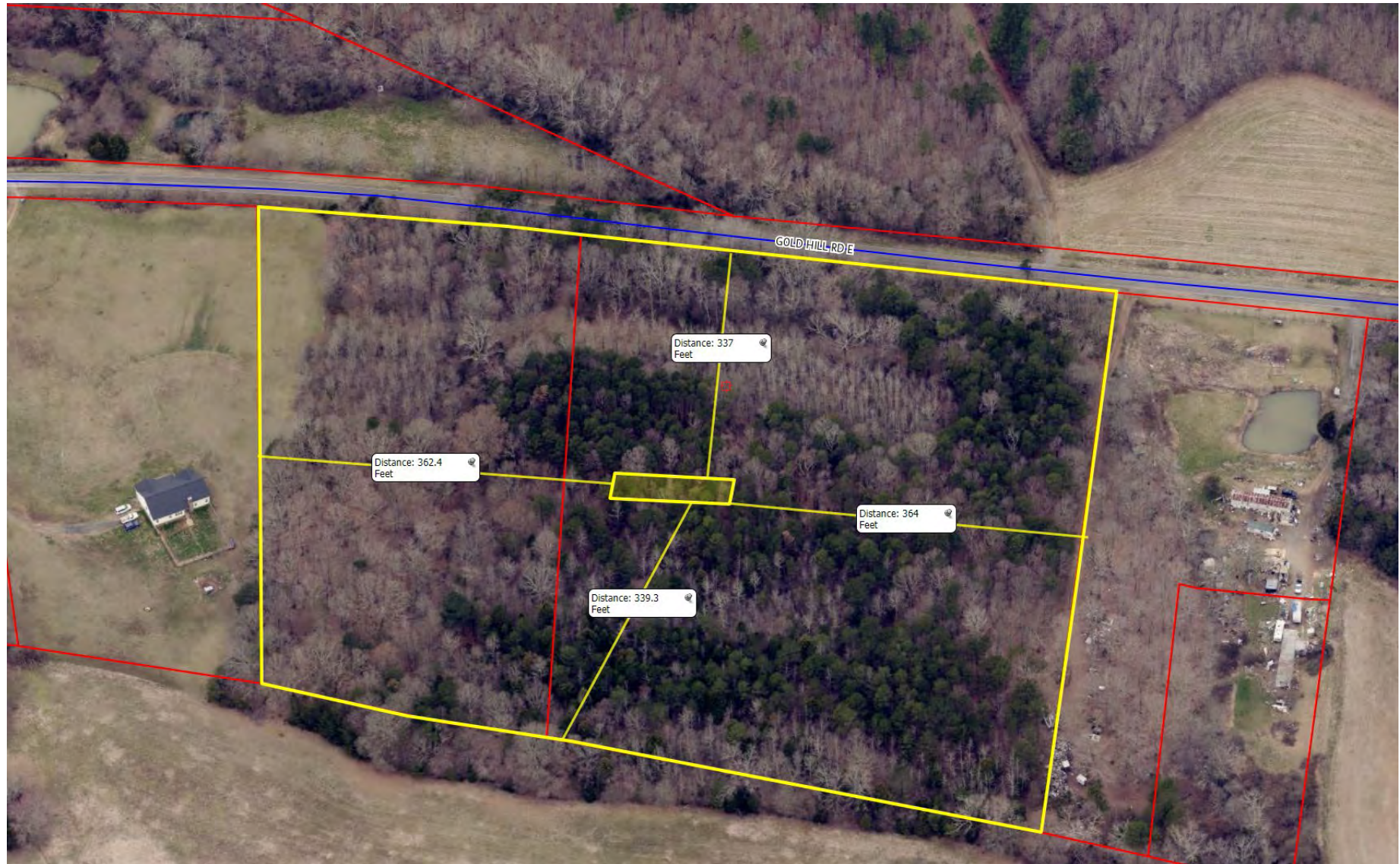
View of subject property, looking east



View of subject property, looking north



View of subject property, looking west



View of subject property, looking south



Streetside view of subject property,
approaching from the south



Streetside view of subject property,
approaching from the south



Streetside view of subject property,
approaching from the south



Streetside view of subject property,
approaching from the north



Streetside view of subject property,
approaching from the north



Streetside view of subject property,
approaching from the north

