



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. Approval of BOA Findings of Facts, Conclusion of Law and Decision for APPL2021-00001, Connie Arstark, 3233 Hahn Scott Road, Mt. Pleasant, NC
5. 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).
6. 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).
7. Legal Update
8. Director's Report
9. Adjourn



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Planning and Zoning Commission Minutes

July 12, 2022

Mr. Adam Dagenhart, Chair, called the meeting to order at 6:31 p.m. Members present, in addition to the Chair, were Mr. Jeff Corley, Mr. Kevin Crutchfield, Ms. Holly Grimsley, Mr. David Hudspeth, 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. Arlena Roberts, Clerk to the Board, and Mr. David Goldberg, Deputy County Attorney.

Roll Call

Approval of Minutes

Approval of June 14, 2022, Planning and Zoning Commission Meeting Minutes.

Ms. Holly Grimsley asked to abstain from the vote because she was not at the meeting.

Mr. Kevin Crutchfield also asked to abstain from the vote.

Mr. David Hudspeth said he read the minutes but was not at the meeting.

Mr. David Goldberg, Deputy County Attorney, said it is permissible for the members to vote on the minutes if they were not at the meeting.

There being no corrections or additions to the minutes, Mr. Jeff Corley **MOTIONED, SECONDED** by Ms. Ingrid Nurse to **APPROVE** the June 14, 2022, meeting minutes. The vote was unanimous.

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.

There being no corrections or additions to the Granting Order or Findings of Fact, Ms. Ingrid Nurse **MOTIONED, SECONDED** by Ms. Holly Grimsley to **APPROVE** the Granting Order with Finding of Facts for VARN2022-0001. The vote was unanimous.

Approval of BOA Findings of Facts, Conclusion of Law, and Decision for APPL2021-00001, Connie Arstark, 3233 Hahn Scott Road, Mt. Pleasant, NC.

Ms. Holly Grimsley would like to abstain from this vote.

Mr. Goldberg recommend that Mr. Steve Wise be allowed to vote on the BOA Findings of Facts, Conclusion of Law, and Decision for APPL2021-00001, during the recusal of Ms. Holly Grimsley since he was at the meeting.

Mr. Kevin Crutchfield would like to go on the record that he cannot support the BOA Findings of Fact for several reasons. He cannot support that the property does not qualify as a bona fide farm. There are other things associated with the perennial creek and the plan is not supported by what he has looked into.

He wants to go on record that he does not agree with this, he thinks there have been some changes in the North Carolina Farm Act that just got passed into law that alters the conclusions on whether or not it is a bona fide farm, and those should be considered. He also thinks, that due to the whole discussion about the perennial creek, there should be a site visit by the entire Board out there to the location to view this property and determine that we are making the right decision. What he does not want to do as a citizen of this county is to treat one of my other citizens unfairly and he thinks what he sees of the findings of fact, it does that. It appears to him there are several issues with that, and he does not support what we are doing here, and he thinks we all should somewhat be ashamed if we do not do what we are supposed to do to get the right answer.

There being no corrections or additions to the BOA Findings of Facts, Conclusion of Law, and Decision for APPL2021-00001, Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Andrew Nance to **APPROVE** BOA Findings of Facts, Conclusion of Law, and Decision.
The vote was 8 to 1.

New Business Planning Board Function:

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).

The Chair called on Mr. Phil Collins to present the Staff report.

Mr. Phillip Collins, Planner addressed the Board presenting the Staff report for RZON2022-00003.

He said the subject property is approximately five and a half acres and 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

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to the north of the subject property. A 15-foot utility easement (Charlotte Water) also straddles the eastern property line. Adjacent land uses consist of residential and vacant properties. Also, a wireless telecommunications tower, as mentioned before, is located on the property to the north. Properties surrounding the subject property to the north and west are zoned Town of Huntersville Rural Residential. Properties to the east of the subject property are zoned LDR, and properties to the south are zoned OI and Charlotte Single Family Residential. The subject property is currently served by Mecklenburg public water and sewer.

It is the intent of the office and institutional district 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.

This district is used to provide for low intensity office and institutional uses that can be complementary to adjacent residential land use. This district features employment options and essential services which require a moderate number of average daily trips. These uses will have a minimum impact on the surrounding area because these trips will generally occur during regular business hours, thus, not competing with residential traffic at peak hours. 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.

The intent of the conditional district that is currently on the property is to eliminate certain uses that would be permitted within the Conventional OI district. This conditional district restricts the permitted uses of the subject property to Indoor Recreational Facility and Office.

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.

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.

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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.

The Chair asked if there were any questions for Mr. Collins. There being none, the Chair asked the Applicant if they would like to say anything. The Applicant said no from the audience. The Chair asked if there were any questions for the Applicant, there was none.

The Chair said we need to adopt the Rules of Procedure.

Mr. Charles Paxton, **MOTIONED, SECONDED** by Mr. Andrew Nance to adopt the Rules of Procedures. The vote was unanimous.

The Chair opened the Public Hearing. There being no one to speak for or against the rezoning request the Chair closed Public Hearing. The Chair said the Board needs to discuss the proposed request and come up with a motion to approve or deny the case.

Mr. Jeff Corley has a question for Mr. Goldberg. He said the variances were very specific if he remembers that correctly, specific encroachments for specific things, in specific areas. So, with the straight rezoning, you could not take an encroachment for one thing and turn it into an encroachment for something else. That would be a brand-new variance that would be required, is that correct.

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Mr. Goldberg said that is correct. If they want to use the variance that has been granted, they must follow the site plan as submitted and approved. If they want to make any changes to that, then they would have to come back for approval. What he wants to be clear about is, if they were to propose a completely new use that did not require a variance, but was compatible with the new rezoning, then they would not need that variance anymore, it could be anything.

Mr. Corley thinks this project would provide an opportunity to significantly upgrade the landscaping and the esthetics of the site. He also feels that it will allow for better compliance with the ordinance, to be classified as a swim club versus an indoor recreational classification, it will just continue the same use, just outdoors as well. He feels that is very complementary and is a good use, that zoning district, to step down from the surrounding zonings.

The Chair asked if anyone else had anything to add.

The Chair said as Mr. Corley said it is not detrimental, there are several other swim clubs within the area. The zoning would be in line with the actual use.

There being no further discussion, Mr. Jeff Corley **MOTIONED, SECONDED** by Ms. Ingrid Nurse, to **APPROVE** the rezoning based on the transitional district in between uses. The use is recreational use in the area, is also present. It would not be detrimental to the neighborhood, as it would enhance the area by making upgrades to the site, including landscaping. It would provide better compliance as a swim club versus the old indoor recreational classification, and it would allow the site to continue to be used for the same use, just outdoors as well as indoors. The vote was unanimous.

Consistency Statement:

Mr. Jeff Corley said this rezoning is reasonable and in the public interest, based upon the continued use as a recreational facility, the use as a transition district between uses. The project will enhance the area with upgrades to the site including landscaping. It would put them in better compliance with the current ordinance using the swim club definition as opposed to the old indoor recreation classification. The use would not change, they would just be providing the same use through a new outdoor amenity.

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

New Business Board of Adjustment Function:

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.

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The Chair introduced Petition VARN2022-00002 – Request for variance from the separation distance of tower from property lines or residential structures and the landscaping requirement for a Wireless Telecommunications towers facility. The applicant is Cabarrus County, and the address is 4300 Gold Hill Road East (PIN: 6603-12-8036).

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

Mr. Phillip Collins, Sr. Planner, addressed the Board presenting the staff report for VARN2022-00002. The subject property is 13.62 acres in size and is currently vacant and wooded. An intermittent stream crosses the northwestern corner of the subject property. Adjacent land uses consist of residential, agricultural, and vacant properties. The subject property is surrounded by property zoned AO on all sides.

The purpose of this request is to seek relief from Chapter 8, Section 8-4.34 Table 1 and Chapter 8, Section 8-4.34.8.c of the Development Ordinance.

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 from the compound to any property lines.

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 in this case and not the centerline, which is the property line.

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 the 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 18 feet (Staff report says 15 but that is a typo, it is 18 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.

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.

Mr. Collins said they have submitted a sealed letter and he will submit that for the record.

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

Mr. Hudspeth asked if there was a power line that crosses that property.

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Mr. Collins thinks it is in the middle, the applicant can clarify that.

The Chair thinks what you are alluding to is if the tower fails will it clip the lines. He said yes, possibly.

Mr. Corley said that fall radius would essentially prevent anything from going within that fall radius on this property?

Mr. Collins said right, except the driveway. The driveway to site goes through it obviously.

There being no further questions or comments from Staff the Chair called on the Applicant.

Mr. Kyle Bilafer, Applicant (Cabarrus County) 2732 Stonewood View, Kannapolis, NC, addressed the Board. Travis McGhee and some folks from Motorola are also here. He said briefly about the project, obviously it is a 305-foot tower at 4300 Goldhill Road East in Northeastern Cabarrus County. The Cabarrus County radio system has coverage deficiencies in that part of the County largely because of the topography, from the low-lying areas around the rivers and the creeks and the ridges that run along Little Buffalo Creek and Stephens Church Road.

This location at Gold Hill Road at its heights will provide coverage to public safety in this part of the County. After reviewing the project with Zoning, it was discovered that the designs exceeded the setbacks on the east and west property by 15 feet, all of which Mr. Collins told you.

This is primarily for public safety. There has been comments about cell phone services going on there, that is not what we are bringing up for you. He said that would be an independent carrier that would bring that up and do all of those studies on that. This is primarily for the 305-foot tower that includes the lightning rod. Motorola is the Contractor that has gone through the General Statute for design build. It was not bid out single prime to Motorola, there was an RFG for North Carolina General Statute for design build as the construction delivery method, which Motorola submitted on and has been contracted to handle both the design and build.

The Chair asked if there were any questions for the applicant.

The Chair opened the Public Hearing. He said there are representative from Motorola who do not wish to speak at this time unless the Board has questions.

Mr. John Gomez, 5030 Gold Hill Road addressed the Board, he lives down the road from this project. He said the Board might remember him from the meeting about the rezoning on the Quarry, which is also right next to him. At that time, that was already on the books before the neighbors knew about it.

This meeting here about this tower, the initial meeting about a month or so ago, we were told that

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it was only going to be for 911. So, now you are saying it is also going to be used for other carriers.

There is cell phone tower not a quarter mile from where this one is proposed to be built. There is one already in existence, and it has been there for he does not know how many years. That is the first thing.

He said the second thing is, if Motorola already has the ideas and the plans and they have already been given permission to do this then it seems to him that the Board has already decided that it is going to happen.

Like he said, there is already a cell tower not a quarter mile from where this is proposed, you already have Motorola doing the design specs for it. The fall zone, again if you are going to do a variance for a fall zone, maybe like this gentleman over here wanted you to go look at the one on Hahn Scott Road, maybe you all should take a look at these places before you vote on them.

This variance, he guesses Cabarrus County is asking for variances to build this, or not build that or to be exempt. It seems to him that the County would be more willing to be compliant to any kind of laws, whether they are environmental laws. Because it is his understanding that any towers of any kind have regulations that they need to comply for under environmental issues. He may have been misinformed, but he spoke with a company that builds these towers and they told him that under environmental regulations, that is what this vegetation issue is about.

He knows that that is all a wooded area, and if you all live in town, maybe all that part of County is woods to you. Well, there are a lot of people who live out there and a lot of people that are building out there and a lot of people with kids out there.

We may not get all the news right away and you just put that sign up a month or so ago at the earliest, he would guess. This is already the second meeting on it and not all the neighbors know about it.

Another question that he had on the building site that he had the plans on, the elevation on that goes from 700 feet, which is the highest point in that area. His house is down the road, and it is almost at 700, and the neighbor right beside there, their house is on that other ridge which is about 700 feet. At the first meeting they said that the cell tower would not be visible to my neighbor. Well, if the highest point is 700 feet and my neighbor who lives on there, this cell phone tower is going to be 300 feet and it is going to be built within that 700-to-500-foot elevation, they are going to see it; that is 1,000 feet, 800 feet.

So, really you need to let people know if it is going to be seen or not. If it is going to be seen, he has seen other towers where they put pine branches on it, trying to make it look like a pine tree. You see them on the interstate and in different places. It seems to him you already have it planned out, you already have somebody working on plans to build it, to construct it. You already have plans for that contractor.

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We would like to have some input as to what is going to happen, because he knows that you people decided that a 300-foot rezoning is not a big deal to you. Unless you live in town, maybe in town a big cell phone tower next to you don't make any difference. Most of the people out his way, we moved out there for a reason, because we like it out there. We don't think there is anything wrong with having 911, but if there is an existing tower not even 400 yards to one beside one, then why do you need another one? Is it just because Cabarrus County wants to get into the cell phone communication business or what?

Again, the variance about the landscaping, he does not know if Cabarrus County is the one asking for it or the construction people are asking for it, the fall zone. Again, he has talked with some people that work on these tower constructions and it would be nice if we knew exactly what type of design construction these people are working on, is it the lattice type of construction or is it the old spindle tower construction. These are things we as neighbors would like to know, for safety, just for information.

Like the Quarry told us, last year or when ever it was, they want to be good neighbors. All of us here are voting tax payers and we would like to know.

The Chair asked Mr. Kyle Bilafer if he would like to respond. He thinks there is some clarification that you can provide.

The Chair said as Mr. Bilafer is coming up, he wants to state that this is the first meeting that the Planning and Zoning Commission has had about this case.

Mr. Kyle Bilafer addressed the Board stating that he would like to talk about the Fall Zone first.

The Chair said maybe start with the type of pole, that it is not a monopole versus a lattice pole.

Mr. David Colclough, 4810 Brock Drive, Hurdle Mills, NC., addressed the Board. He said it is a self-supporting lattice tower. The structure is 300 feet, and it will have a five-foot lightning rod for the maximum height of 305 feet, as indicated in the variance request. It is not a spindle type, it is a lattice.

Mr. Bilafer said to address some of the other comments that we have already designed it and put it out to bid. We had to do an initial design when we were looking at the property. Obviously, the County made a significant financial acquisition in that property.

He said yes, we were figuring out that we could put it on it and since then, we have entered the design build contract. Yes, Motorola has done, with their designer, preliminary designs but those are not the final designs. He said the first meeting that we had was a neighborhood meeting, we have not been in front of this Board at any point. At least he has not been, and he does not think the project has.

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The Chair thinks the gentleman is confused, when you say Motorola, and he is thinking cell. Can you explain that it is not just radio, he is assuming that it is for County cell phone, radios.

Mr. Travis McGhee, 10079 Fox Trotter Lane, Midland, NC., addressed the Board. He said originally, we had gone back and forth on whether or not this project was going to have co-locates at some point later down the road, at his point, it is not. Today, it is going to be a Public Safety 911 communications tower, meant for law enforcement, fire departments and EMS. It will allow microwaves for point-to-point communication with other towers, and with radio antennas that the radios inside the patrol cars and the radios that officers carry communicate with. As of today, there will not be any cell carriers co-locating on the tower.

The Chair said will it be correct to state that cell companies, the one's that build these towers, not necessarily just an average construction company, it is their area of expertise he assumes.

Mr. McGhee said some do, they do have a tower that is 1200 feet away, probably Verizon. He said cell carriers like to co-locate, it saves them the expense of having to add later down the road another communications tower. So, since one is already going to be there, and you could put two other carriers on it later down the road, is where the idea came from that at some point that might be the purpose of the tower, but we have stepped away from that. He said that would be for a carrier to come before the Board requesting to be put on the tower, but today it is just going to be for public safety.

Mr. David Hudspeth asked if there is a reason that you could not be on that other tower.

Mr. McGhee said the monopole that is 1500 feet away? We have to have two microwave paths to get to Kannapolis and then back to Mount Pleasant and that pole will not support the equipment that we need to put on it.

Mr. Hudspeth said that is what we needed to know so you can answer his question. The reason for this tower is because the other one is not adequate.

The Chair said structurally not adequate or not tall enough or both?

Mr. McGhee said Mr. Colclough would be better off answering this question.

Mr. Colclough asked what type of pole it was.

Mr. McGhee said it is a monopole.

Mr. Colclough said the maximum height for a monopole is 250 feet, most of them run around 200 feet these days. We have a microwave plan to be at 270 feet, an another one at 185. The 185 theoretically, would go on a monopole, but for the 270, the pole is not tall enough. Also, a tower owned by another entity or carrier is going to charge rent. The County would be on a long-term rent situation and cell carriers that are in that same situation of leasing space, their arrays

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are in one elevation, let's say. The County has antennas that are 17 feet long in two places, transmit and receive, plus two dishes, so the rent would be fairly steep long term.

Mr. Hudspeth said, the microwaves require line of site, right?

Mr. Colclough said yes sir.

Mr. Hudspeth said the reason for the difference in the two heights on the microwave, he assumes is that one is facing one direction and one is facing another direction and so, the line of site would be different based on the other towers you are trying to reach.

Mr. Colclough said that is correct, we could not lower the higher dish down to a lower elevation because we would not have the line of site or the path, we would not have it.

Mr. Charles Paxton said what about the question about 500 feet and the 800 feet at the highest point, what is your answer to that?

Mr. McGhee recalls him (Mr. Gomez) talking about the elevation on the property. He thinks he was referring to how much of the tower we are actually going to see. He is not sure where on the plans what elevation we are building at, but ultimately, we are going to be, depending on the height of the trees, 150 feet above the tree line.

The Chair said he does not see on the plan where it gives the ground elevation unless he is just missing it. He asked if anyone else sees it.

Mr. Colclough said the survey has the elevations. (Mr. Collins showed the diagram on the overhead) He said 725 ground elevation is the general area of the tower.

The Chair said for clarification for the gentleman, the tower you are talking about is similar to the one at Frank Liske Park, not as tall.

Mr. McGhee said the one at Mount Pleasant High School would be its best reference.

Mr. Kevin Crutchfield said, the tree line out there is 150 feet tall?

Mr. McGhee is not sure on the exact height of the trees, because it has been there, the age of it, it could be 100 or 150 feet he does not know the exact height of the trees.

Mr. Crutchfield said the statement about it not being visible from his home is not true?

Mr. Colclough would not say that it is not true. He will say that it depends, he does not know where his house is, but if you are close to a tree line it is going to hide a taller object behind it. If you are miles away, you will be able to see the tower for sure, if you have a line of sight. If you are on a high ground, you will be able to see a tower above the tree line from a distance. But if

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you are the adjoining property, he may very well be able to see it, but he may not, it depends where on the property he is and how close he is to the tower. As you get closer, it is going to be harder to see it above trees.

Mr. Crutchfield said correct, but that is all based on how far back the tower is from the edge of the tree line. You mentioned you had a bunch of neighborhood meetings.

Mr. McGhee said we had one.

Mr. Crutchfield asked if it was well attended.

Mr. McGhee said we had one resident show up and it was the adjoining property to the south.

The Chair asked if it was William and Anna Hielscher?

Mr. McGhee said that is correct. Her concern at that point was cellular carriers being on the tower, which we are not doing at this point.

Mr. Crutchfield said when you do cellular tower carriers on that, eventually when that happens is that a revenue stream for the County if you are going to lease space.

Mr. McGhee said yes, it can be if we lease the space.

Mr. Charles Paxton said you keep saying at this point, at some point, are you going to change that around or are you going to leave that option open or are you going to close that option at some point?

Mr. McGhee said we have not been approached by any carrier to co-locate. But, if they did, at that point it would be their responsibility to come in front of the Board and request it.

Mr. Paxton said you would not oppose that?

Mr. McGhee said not if they approached us, and they came in front of the Board.

The Chair asked if they currently had any towers with carriers co-locating?

Mr. McGhee said Mount Pleasant.

Mr. Bilafer said, we lease land to a cell phone provider at the Cabarrus County School Transportation Department. He said you would have to ask yourself in a lot of those cases, if the juice is worth the squeeze, in terms of the carrier because they do have a lot of subcontractors that are coming, and we are liable. There are Certificate of Insurance checks, there are different types of security checks, specifically with the tower that is at the school site. They have to do

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structural integrity checks for any type of equipment that they put on it and obviously as they update their equipment.

So, if somebody were to approach us, the County's stance would be looking at what the financial value is versus the type of effort we have to put into managing it.

Mr. Jeff Corley said the physical tower if it was built just as 911 versus co-locate, same tower little different? Explain to him what, maybe some attachments, some brackets.

Mr. Colclough said it is the same tower, the same tower structure. That is one of his pet peeves. We are building a radio tower, we are not building a cellular tower, although it can be used for a cellular if the County so choose. He likes to call it a radio tower because that is what we are using for emergency communication, but it is the same tower.

The Chair thinks the plan shows that if they did add that in the future it would be at a lower elevation than anything the County had equipment wise.

Mr. Bilafer said most likely, yes.

Mr. Chris Pinto asked if the tower would have a light.

Mr. McGhee said it will be a white light during the day and a red light at night.

Mr. Colclough said as required by the FAA it is a medium intensity.

Mr. Pinto asked how it lined up with the airpark runway in Gold Hill?

Mr. Colclough has not seen the FAA study. He has seen the result of the study, but he has not seen the FAA flight path paperwork.

Mr. Pinto said and how it lines up?

Mr. Colclough said he has not, no.

Mr. McGhee said it is to the south of it. He thinks the flight path runs east and west, but we are south of the property, and they found that there would be no obstruction.

The Chair said so you do have FAA approval?

Mr. McGhee said we do.

Ms. Ingrid Nurse asked if it something that we should see first? Since it is something that he (Mr. Gomez) mentioned.

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The Chair said the only problem he sees with that is how do you see something that does not exist? The only thing that we would be able to see would be the vegetation.

Mr. Corley asked Mr. Goldberg if we denied the one variance that is specifically required just for the co-locate, right. The setback requirement is just to allow the co-locate, if he is reading that correctly, and if we denied that they still potentially could come back and ask for that again if they had a co-locate tenant that wanted to be on there.

Mr. Goldberg said essentially, there are certain structural requirements that are required to allow for the possibility of collocation. This is why we are having this discussion, even though there is not a plan to collocate at this time. The discussion is do we want to allow for that possibility in the future.

Mr. Collins said that is correct.

The Chair said his understanding is if the collocate was not on the plan, then the variance was not required, based upon the emergency use only.

Mr. Collins said in that case it is just site plan review.

The Chair said and then it would be just the landscape requirement.

Mr. Collins said right.

The Chair said but do remember that if they do choose in the future to collocate, that carrier has to come back before this Board.

Mr. Collins said this is just seeing if it is even a possibility.

The Chair said if we approve, we will still see something in the future.

Mr. Collins said you would see a Special Use Permit first.

The Chair said at that time we could deny the Special Use even though we approve the variances.

Mr. Goldberg said yes, you would be able to, there are very different standards for why that would be approved or not approved, and you have a little bit more flexibility on that front because you are in the world of a Special Use Permit.

Mr. Crutchfield said in reference to collocating, it requires a Special Use Permit? Is that what you are saying?

Mr. Goldberg said collocation in that since it changes the character of the tower from being an

emergency facility to a commercial facility. An emergency facility does not require a Special Use Permit but commercial does.

Mr. Corley said it makes it possible, but does not allow it, yet.

Mr. Goldberg said right.

The Chair asked if there were any questions or concerns. There being none he closed the Public Hearing.

The Chair read the following:

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 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 we have two variance requests, one is to allow a carrier to collocate in the future and the other is the landscape buffer around the compound.

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Mr. Paxton said this collocate thing kind of bothers him. Either you are going to do it, or you are not going to do it. You are leaving open the possibility to do it he guesses. Right?

The Chair said that is what they state, yes.

Mr. Paxton said and that is why, because they can?

Mr. Corley said to him, every time we have seen one of these, we ask about towers in the area that can be used rather than a new tower. He understands this one, needs to be taller so we cannot really use a tower that is existing. But his hope would be that if we did allow this, that potentially long term will prevent another tower from needing to be out there for another carrier. He thinks that provides opportunities to make sure we do not go through this again with another monopole in somebody's backyard.

He thinks from an emergency communication stand point, there is plenty of merit to a tower being there. He shares that anxiety with the collocate but he thinks at the end of the day the tower can be there so why not put everything on it you can to avoid having to build something else right down the road again.

The Chair said the tower is 305, with the setback it is required 355, but unless the tower shoots up and then falls, he does not think it is going to fall outside. It is going to be contained within what they have as far as what they can meet for setbacks. He thinks it is reasonable.

Mr. Hudspeth said in the packet there is a reference to a design feature that allows this thing to break away in the middle, could the applicant address that?

The Chair asked Mr. Colclough to address that.

Mr. Colclough said he can start, but we also have a Structural Engineer from our Delta Oaks Engineering firm here as well and can address that. He said the tower manufacturer, Valmont Industries, has sent them sealed letter that says that the tower would basically break or fall somewhere at the midpoint and bend over like a foldable tape instead of toppling like a tree.

Mr. Michael Lassiter, Delta Oaks Group, 4904 Professional Court, Raleigh, NC., addressed the Board. He is addressing Mr. Hudspeth question.

Mr. Hudspeth said we had it in the packet, maybe you can explain it so we can understand it better.

Mr. Lassiter said the design for the tower shows the highest stress point is about 160 feet off the ground, not at the base of the tower. So, to Mr. Lassiter's point, it would perhaps fall like a folding ruler, rather than a broom.

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Mr. Hudspeth said how much wind if you had a hurricane, or a tornado what would it take to make it collapse?

Mr. Lassiter said the tower is designed for 119 MPH. Hugo came through here about 33 years ago. He is not a meteorologist, but the local newspaper said it was about 80 MPH gusts. Some more information to add here is that it is being designed for higher class probably, then the tower down the road, meaning that it is going to be designed for a higher safety factor.

The Chair asked if there are any guys on this tower?

Mr. Lassiter said no, this is a self-supporting lattice structure, has we defined it in the TIA Standard which is our design code for towers.

The Chair reminded the Board that before they make a motion, that we have to check off those four items under the Section 12.20 (Variance of Power) whether we vote for or against.

Mr. Paxton asked the Chair to read the first variance request again.

The Chair said the first one would be an encroachment of 15 and 18 feet into the setback.

Mr. Crutchfield said if we pass this, then this land can be used for nothing else, is that correct?

The Chair does not believe so because it is not a special use.

Mr. Crutchfield said you cannot go in and harvest the trees off of it secondarily, because it would destroy the buffer, am I right?

Mr. Goldberg said right. The variance is being granted, especially on the landscape side, on the condition that that remains at its current state, and that it be restored even as one of the conditions in the event that it is destroyed. If you grant the variance on the landscaping, then it would have to continue to comply with the site plan as provided.

The Chair said and at any point it did not, the applicant would be required to meet, he assumes the current landscape buffer at that time not at time of approval?

Mr. Goldberg said that would be correct. At that point, they would no longer be meeting the conditions of the variance and they would have to come into compliance with the Ordinance.

The Chair said remember that we have to check off those four items, whether we approve or deny.

Mr. Jeff Corley thinks with the existing vegetation, he thinks it would be unreasonable. He thinks in certain situations you would be clearing good established buffer to plant five Crepe Myrtles

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and two Holly trees. He thinks it is reasonable that we allow the use of existing. He thinks the intent of the ordinance is clearly met, if not exceeded by using that existing vegetation.

The Chair said number three, we can go ahead and mark off. The applicant is not taking any action, hardship. Like Mr. Corley said, they are not clearing property to build this project so, that one we can check off.

Mr. Goldberg would give them credit for number one as well on that - unnecessary hardship would result from the strict application of the ordinance. He said that was the one you were really talking about there, and then to you can talk about the peculiarity of the property versus a general requirement.

The Chair said number four we have already established from NCDOT, FAA and the Structural Engineer about public safety; it is not an issue. So, we can mark that one off.

The Chair asked if there were a motion.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Kevin Crutchfield to **APPROVE** the variance request for the relief from the four-foot-wide buffer around the tower compound. The vote was unanimous.

Mr. Goldberg said if it would be helpful, one of the ways you could approach this is to go through the four factors and have a discussion on those and you will see where everyone stands.

The Chair is going to go start with number four, public safety. Like he said earlier, NCDOT is okay with it, FAA has already signed off.

Mr. Crutchfield said for public safety he assumes there will be some kind of fence or something around this tower to prevent kids from climbing in?

The Chair said there is a fence. He is assuming it is more that if the structure falls, it is not going to hit anything. Which obviously, it is not going to because there are no existing structures and as Mr. Collins stated earlier, no proposed structures would be allowed outside of what they need for the operation of the tower, as well as the Structural Engineer stated that it will basically fold on itself.

Mr. Hudspeth said as it relates to public safety, it appears this is for public safety, it is necessary for public safety.

The Chair said that is correct, that is a double whammy.

The Chair said continuing down the list, number 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge

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that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Mr. Corley said you have to build a tower to improve public safety communication and you have to find a spot that works with topography, and you have to find a site that is available. There are a lot of challenges in siting this and he thinks providing this variance for this setback will allow for a more flexible use of the tower that otherwise that would be allowed anyway without a variance.

It was the consensus of the Board.

The Chair said number 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 Chair thinks that that was covered under number 3 as well. He asked if any one felt any different. No one felt different.

The Chair said moving on to number 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.

He said this is kind of tricky because it can be used for emergency services but the cohabitate part that kind of throws him.

Mr. Corley said from a siting standpoint these rules were going to follow that tower wherever it would end up going, right. Very few options, very limited geographical area, the height they need, the elevation they need, the availability of property to acquire to do this project he thinks potentially, has made it very, very hard to fully comply and still accomplish what this county needs to do.

Someone spoke but it was inaudible.

The Chair thinks what you are trying to say is it would take a larger piece of property and still have the same topography and elevation.

Mr. Hudspeth said they would have to make the tower shorter, or they would have to get another piece of property or buy more property.

The Chair said which a shorter tower does not work.

Mr. Hudspeth said there is a road on one side so they cannot by that side. He does not know about the other.

Mr. Goldberg said if you could just be clear about it, in the sense of there is a hardship by this being imposed and that hardship is unnecessary because of the strict application. He just wants to make clear that it is not that you believe that there is any deprivation of any use. That is not necessary to show. Essentially, it is a balancing test, that there is a hardship that could come with a bigger property or reducing is not exceeded by any kind of risk that are in the ordinance that they are trying to prevent.

The Chair said correct, he thinks that is what everybody was saying. He asked if the Board agreed. It was the consensus of the Board.

The Chair asked if there was a motion to approve or deny this request.

Mr. Andrew Nance **MOTIONED, SECONDED** by Mr. Charles Paxton to **APPROVE** the variance request for the setbacks with the conditions recommendations by Staff. The vote was unanimous.

The Chair said he would also like to add with the items that we just discussed as well.

The Chair said we probably need to do a third vote to add conditions recommended by Staff to the first vote.

Mr. Goldberg said technically, it would have been best if we had done those conditions as part of the first vote. Because we dumped them together. You could repeat the first vote with landscaping and add the conditions by Staff.

The Chair said let's do that, we will just repeat the first vote. The Chair asked Mr. Corley to restate his motion on the landscaping.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Kevin Crutchfield to **APPROVE** the variance request for relief from the four-foot-wide buffer around the compound (landscaping) with the conditions recommended by Staff. The vote was unanimous.

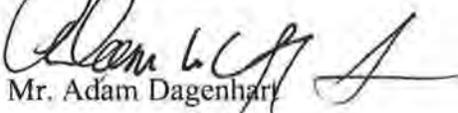
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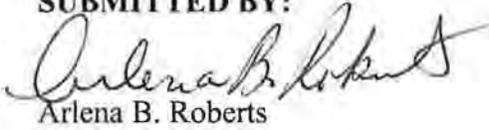
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There being no further discussion, Mr. Kevin Crutchfield **MOTIONED, SECONDED** by Holly Grimsley to adjourn the meeting at 7:51 p.m. The vote was unanimous.

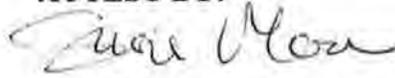
APPROVED BY:


Mr. Adam Dagenhart

SUBMITTED BY:


Arlena B. Roberts

ATTEST BY:


Susie Morris, Planning and Zoning Manager

Memo

To: Cabarrus County
Kyle Bilafer
P O Box 707
Concord NC 28025

Cc: Phil Collins, Sr Planner, Travis McGhee, Network Engineer, Sherriff Office

From: Lynn Roberts, Clerk to the Planning and Zoning Commission

Date: September 14, 2022

Re: Granting Order for Variance VARN2022-00002

Attached please find the recorded Granting Order for Variance, VARN2022-00001.

On July 12, 2022, the Board of Adjustment granted two variances for the property located at 4300 Goldhill Road East., Concord NC. (PIN:6603128036)

A condition of approval for your proposed project is that the Granting Order, stating restrictions and applicable conditions of approval, must be recorded with the deed to the property so that it appears during a due diligence search. The Granting Order has been submitted to the Register of Deeds Office for recordation and is attached.

If you have any questions, please call our office at 704-920-2141.

SCANNED AND RETURNED

STATE OF NORTH CAROLINA)
)
COUNTY OF CABARRUS)
)
)
IN RE: Cabarrus County, North Carolina)
Variance Application)
)
)
Subject Property:)
4300 Goldhill Road East, NC, 28071 (PIN)
6603-12-8036)
)

CABARRUS COUNTY PLANNING AND
ZONING COMMISSION
FILE NUMBER: VARN2022-00002

ORDER GRANTING VARIANCE

THIS MATTER came before the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, on July 12, 2022, on the application of Cabarrus County, North Carolina (County) for two variances for property located at 4300 Goldhill Road East., Concord, NC 28025 (PIN 6603128036) (Subject Property).

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

A full complement of nine board members was present to hear this variance application. All of the witnesses were duly sworn, and documents were received in evidence. There was one witness in opposition to the variance application.

FINDINGS OF FACT

After hearing and receiving the evidence, the Board makes the following Findings of Fact:

1. The Subject Property is in the Agricultural/Open Space (AO) zoning district and is 13.62 acres in size. The property is currently vacant and wooded. An intermittent stream crosses the northwestern corner of the subject property
2. Cabarrus County proposes to build a 305-ft self-supporting communications tower on the property for the purposes of providing public safety communications.
3. Pursuant to Section 8-4.34, Table 1 of the Cabarrus County Development Ordinance (CCDO), the tower must be located a minimum of the tower height plus 50' from any property line or residential structure.
4. The proposed communications tower is 337 feet from the right of way of Gold Hill Road East and 340 feet from the rear property line. As such, the proposed communication tower would not comply with Section 8-4.34, Table 1 of the Cabarrus County Development Ordinance (CCDO).

5. Pursuant to Section 8-4.34.8.c of the CCDO, the landscaping for tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property and from any road right-of-way. The standard buffer shall consist of a landscaped area at least four (4) feet wide outside the perimeter of the compound.
6. The Subject Property is heavily wooded and would provide buffering that would meet or exceed the effective standards in Section 8-4.34.8.c of the CCDO.
7. On May 10, 2022, the County submitted a Variance Application to the Cabarrus County Planning Division. The application requests the relief from Section 8-4.34, Table 1 and Section 8-4.34.8.c of the CCDO.
8. The application requested relief from the tower height plus 50 feet from the compound to property lines and public rights-of-way and the standard buffer requirement for the landscape outside the perimeter of the compound.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. The application for variance is properly before the Board.
2. The County provided substantial, material, and competent evidence to the official record to support the variance application.
3. Regarding the variance of Section 8-4.34, Table 1—
 - a. Unnecessary hardship would result from the strict application of the Ordinance because it would prevent the County from the possibility of allowing other wireless service providers from co-locating their equipment on the proposed tower, which would prevent the County from benefiting from the resulting income and would prevent neighboring residents from benefiting from enhanced wireless coverage.
 - b. The 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
 - c. The hardship did not result from actions taken by the applicant or the property owner because the inherent attributes of the property have created the hardship.

- d. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved because public safety would be enhanced by the addition of additional public safety communication coverage and capacity. Further, the intrusion into the setbacks would be de minimis and would not pose a material threat to public safety because the tower's design would prevent it from falling on any habituated area.

4. Regarding Section 8-4.34.8.c of the CCDO—

- a. Unnecessary hardship would result from the strict application of the Ordinance because it would require the undertaking of landscaping activities that are not necessary 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.
- b. The hardship results from conditions that are peculiar to the property because of the property's existing foliage and other natural features.
- c. The hardship did not result from actions taken by the applicant or the property owner because the inherent attributes of the property have created the hardship.
- d. The requested variance is consistent with the spirit, purpose, and intent of the, Ordinance, such that public safety is secured, and substantial justice is achieved because the current landscape provides superior screening from view of the tower compound and site components inside. Standard immature commercial landscaping, while sufficient in cases where no existing forest and understory exist is a good method, that is this case, commercial landscaping would be less than preferable.

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 variance consistent with the site plan presented at the hearing, pursuant to section 12-20 of the Cabarrus County Development Ordinance. 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 13 day of September, 2022, *nunc pro tunc* to July 12, 2022.


Adam Dagenhart

Chair, Cabarrus County Planning and Zoning Commission
Sitting as the Board of Adjustment

ATTEST:


Arlena Roberts,

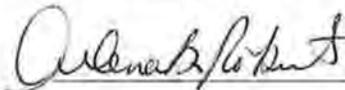
Clerk to the Cabarrus County Planning and Zoning Commission

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, Arlena B. Roberts, a Notary Public in and for the said State and County do hereby certify that Adam Dagenhart, as Chair of the Cabarrus County Planning and Zoning Commission, sitting as the 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 13 day of September 2022.

Arlena B. Roberts

, Notary Public



My Commission Expires: March 21, 2027

EXHIBIT A
CONDITIONS

1. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed of the property.
2. 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.
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. Applicant shall submit a fall zone letter, signed by a Professional Engineer and sealed by a structural engineer licensed in the State of North Carolina.



**Cabarrus County
Register of Deeds**

P.O. Box 707
Concord, NC 28026
(704)920-2112

Wayne Nixon, Register of Deeds

Received By:
Tammy M Fisher

Receipt For : PLANNING & DEVELOPMENT

Instrument Type : ORDER
Instrument # : 27596
Book/Page : 16203 / 0033-00037 Pages : 5
1st Grantor : CABARRUS COUNTY PLANNING AND ZONING COMMISSION
Description: ORDER GRANTING VARIANCE

Receipt # : 2022-581246
Date : 09/14/2022 10:31am
Document : 1 of 1

Description	Qty	Unit Cost	Extended
Miscellaneous document - first 15 pages	1	26.00	26.00
		Document 1	26.00
		Grand Total	26.00
		Voucher	-26.00
		Balance	0.00

Planning and Development
Cabarrus County
Fee Transfer for Recording Documents

Order Granting a Variance. VARN2022-00002 – Cabarrus County for Wireless
Telecommunications Tower at 4300 Gold Hill Road Ease (PIN:6603-12-8036)

Amount: \$26.00

Date: 09-14-22

Account number to be paid from: 38092110-9820-TECH

Authorized Signature: _____

A handwritten signature in black ink, appearing to be "D. W. [unclear]", written over a horizontal line.

This instrument has been pre-audited in the manner required
by the Local Government Budget and Fiscal Control Act

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 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.

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:

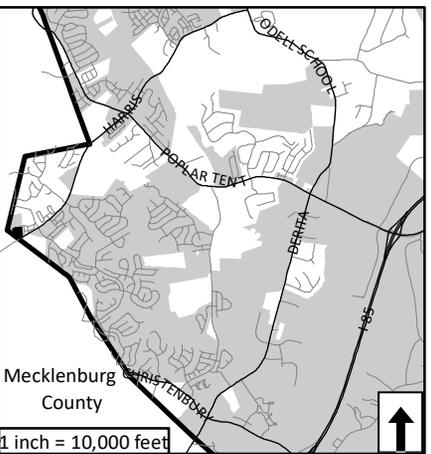
Water Supply ___ Well or ___ Service Provider _____

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

Western Planning Area Existing Zoning

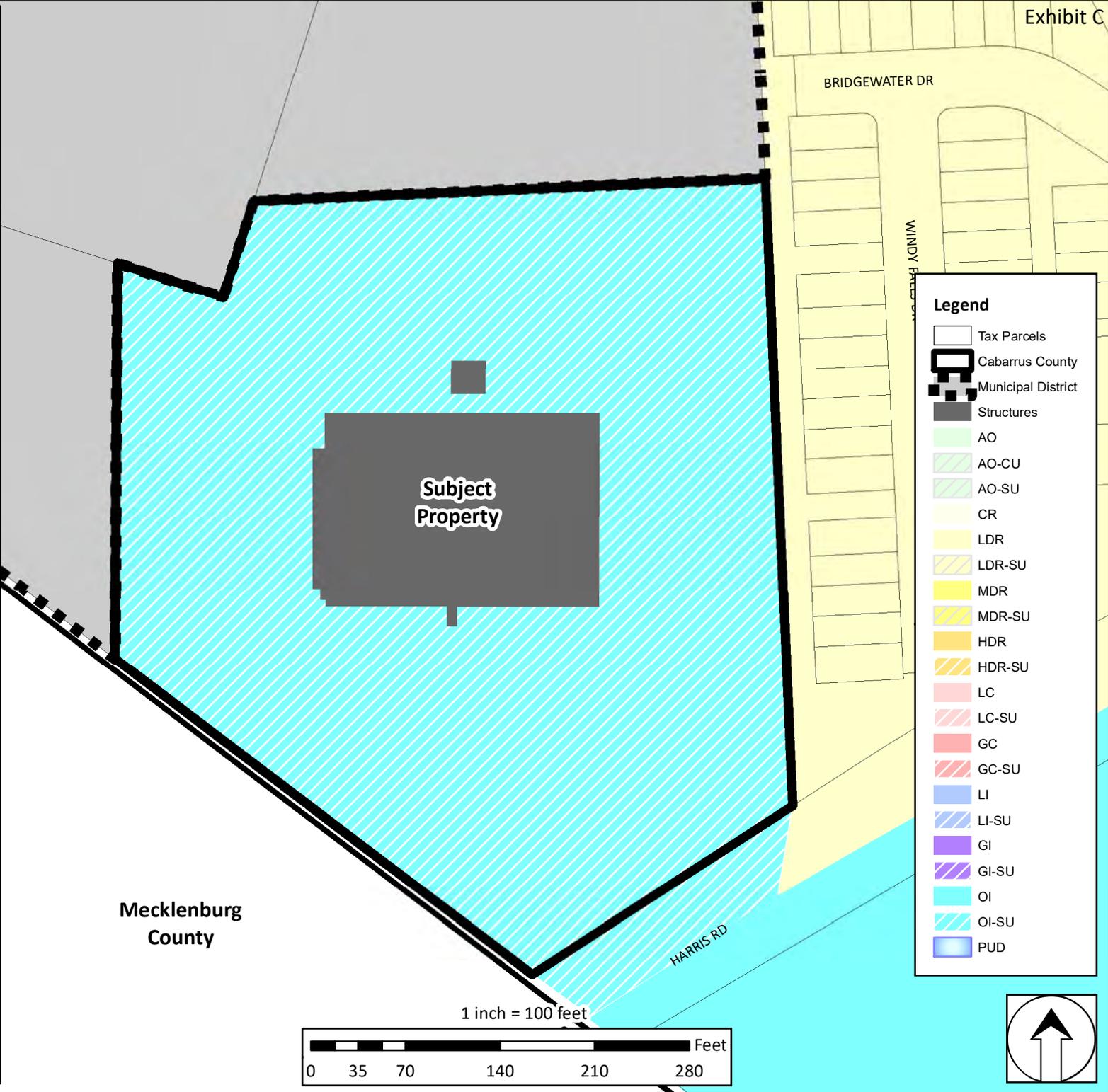


Applicant: Evolution Recreation & Aquatics
Owner: Ethan & Austin Properties LLC
Case: RZON2022-00003
Address: 11202 Harris Road
Purpose: Request to rezone from OI-CU to OI
PIN: 4670-45-1661



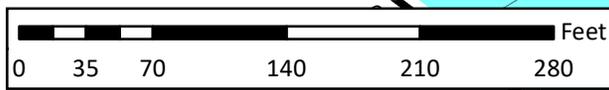
Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data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

Map Prepared by Cabarrus County Planning & Development - July 2022



Legend

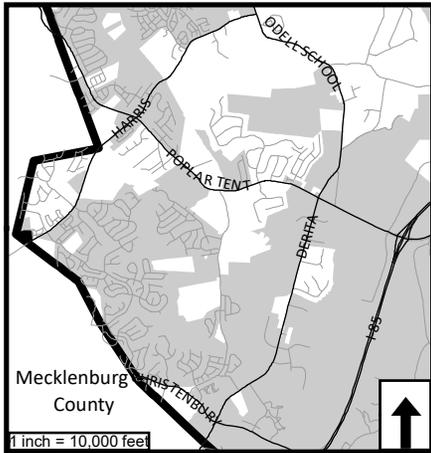
- Tax Parcels
- Cabarrus County
- Municipal District
- Structures
- AO
- AO-CU
- AO-SU
- CR
- LDR
- LDR-SU
- MDR
- MDR-SU
- HDR
- HDR-SU
- LC
- LC-SU
- GC
- GC-SU
- LI
- LI-SU
- GI
- GI-SU
- OI
- OI-SU
- PUD



**Western Planning Area
Future Land Use**



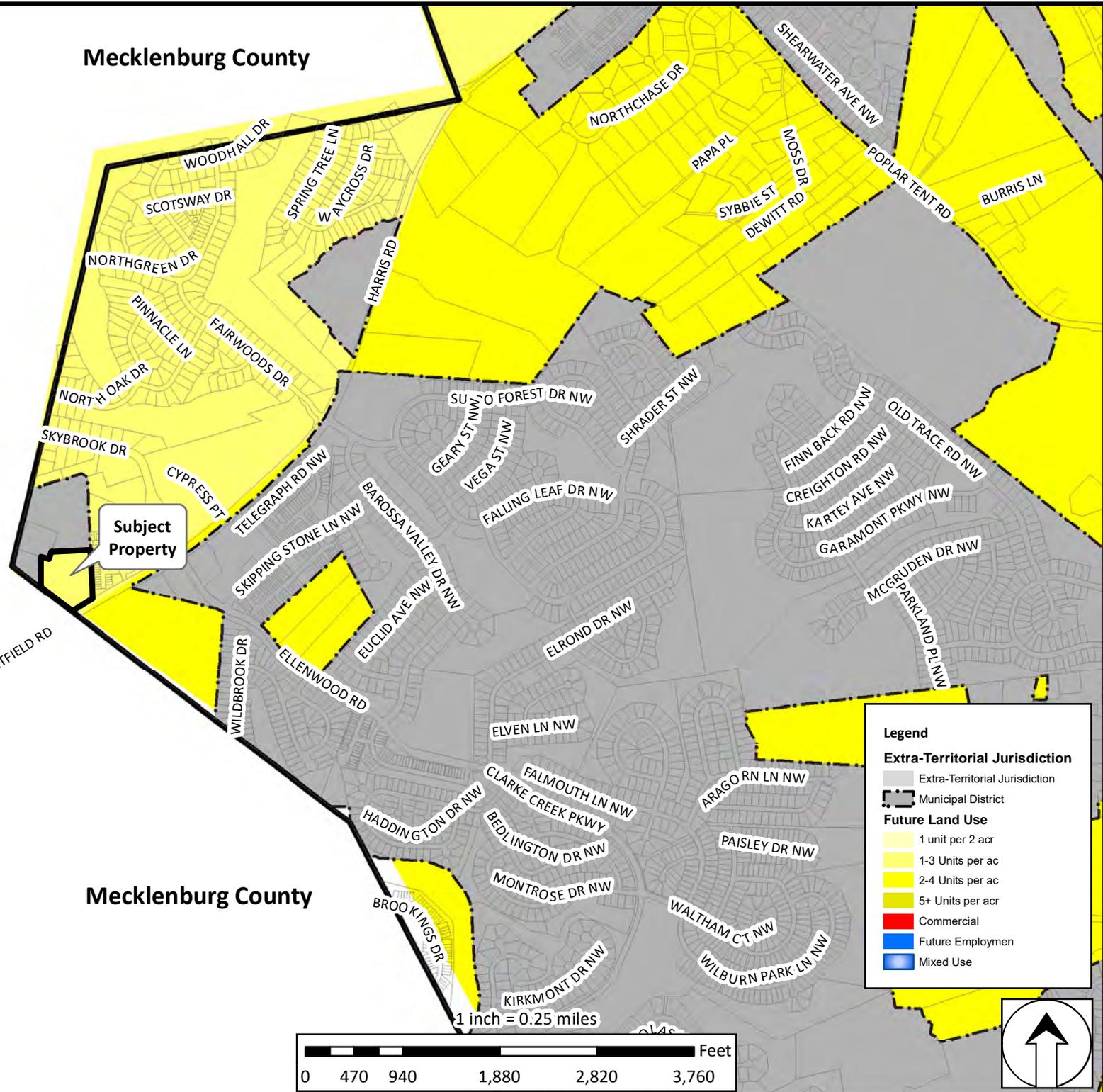
Applicant: Evolution Recreation & Aquatics
 Owner: Ethan & Austin Properties LLC
 Case: RZON2022-00003
 Address: 11202 Harris Road
 Purpose: Request to rezone from OI-CU to OI
 PIN: 4670-45-1661



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

Mecklenburg County



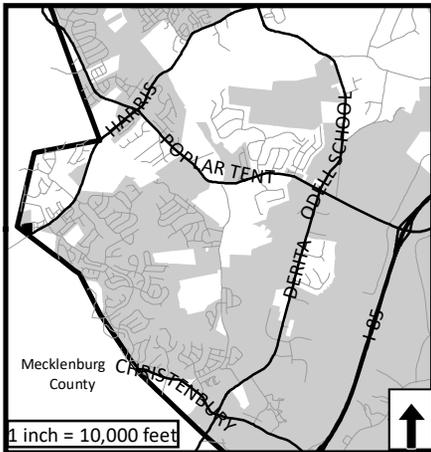
Mecklenburg County

**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



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.

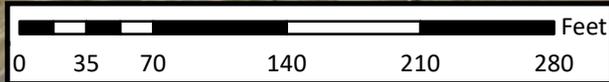
Map Prepared by Cabarrus County Planning & Development - July 2022



**Mecklenburg
County**

**Subject
Property**

1 inch = 100 feet



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,

JRH

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* _____ (SEAL)
 Print/Type Name & Title: **Steven G. Billings, Manager** Print/Type Name: _____

By: _____ (SEAL)
 Print/Type Name & Title: _____ 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

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 cursive script that reads "Phillip Collins".

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

CASPER COUNTY
Z
RZDN2022-00003
FOR DETAILS CALL
704-920-2141

NO
TRUCK
TURN
AROUND

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, Chrystal
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 Shanthy
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: 4670466000000

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) Jaligam, 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) Lockett, 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

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

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

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

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

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

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

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

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

45) Talton, Joseph
Talton, Lindsey

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



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		
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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		
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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		
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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



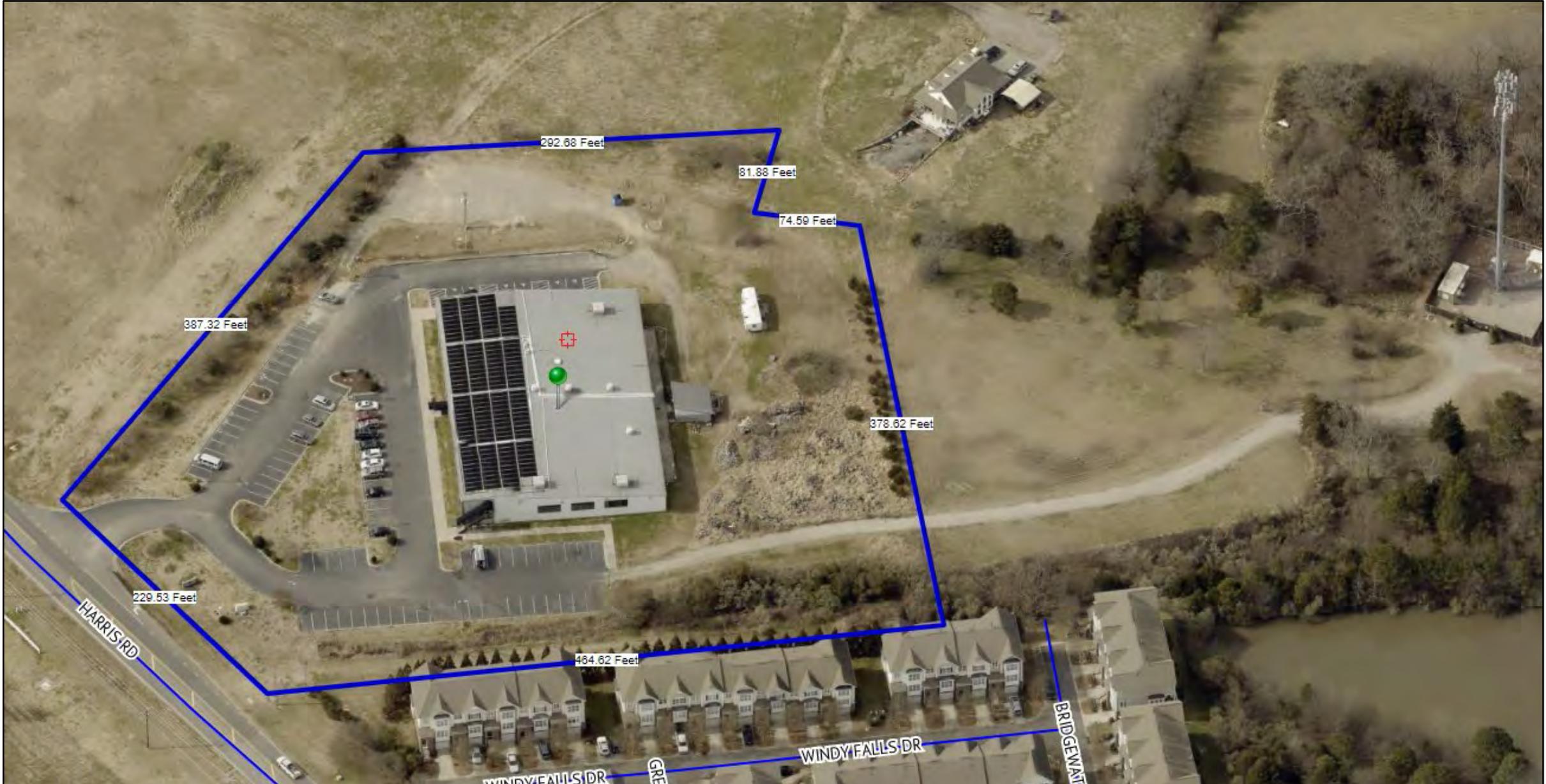
Overhead view of subject property, looking east



Overhead view of subject property, looking south



Overhead view of subject property, looking west



Source: Cabarrus County Pictometry

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.

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

Staff Use Only: Approved: ___
Denied: ___
Tabled: ___

Site Considerations:

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

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

Site Plan Considerations:

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

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

Conclusion:

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

**Planning Staff
Recommendation:**

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

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

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

Cabarrus County Application for a Zoning Map Amendment



OFFICIAL USE ONLY
Person Number: _____
Checked By: _____
Reviewed By: _____
Approval Date: _____

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**



100 BELLA GRANDE WAY
CARRINGTON
CARRINGTON
CARRINGTON
CARRINGTON

COS-05-(R)

Approved - 9-0

Subject Property Information

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

Description of Subject Property

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

Request

- 10. Change Zoning From RESIDENTIAL MDR To ~~HD/M~~ ~~HD~~ ~~MDR~~ ~~CU~~ ~~OT~~ - CU
- 11. Is this a request for a "Conditional Use" District? YES ~~NO~~ *yes - mya*
 (If YES, you must also submit an application for a Conditional Use Permit) *m. Booga Booga*
- 12. Purpose for Request REZONING PROPERTY TO ALLOW INDOOR
RECREATIONAL FACILITY

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



CO5-05(R)

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**



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 Design LLC)
Steven G. Billings

Address

14647 Eastfield Rd
Huntersville, NC 28078

Phone

(704) 875-9495

Fax

(704) 947-2687

Signature

Myra W Billings

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



COUNTY PLANNING DEPARTMENT
PLANNING SERVICES
1000 EAST WILSON AVENUE
CHARLOTTE, NC 28202
(704) 326-1000

Owner/Agent/Applicant Information

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

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

13. Property Owner MYRA'S DREAM LLC (Myra W. Billings, owner)
Address 14677 EASTFIELD RD. HUNTERSVILLE NC 28075
Phone (704) 875-9495 / (704) 201-4287
Fax (704) 947-9687
Signature *Myra W. Billings*
14. Agent (if any) YARBROUGH-WILLIAMS & HOULE, INC.
Address P.O. BOX 7007 CHARLOTTE, NC 28241
Phone (704) 556-1990 EXT. 105
Fax (704) 556-0505
Signature *J. Williams*
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 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 REVERSED 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
18 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 OF 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)
-54 LINEAR FEET
-54 SHRUBS
-16 TREES

EAST BUFFERYARD: *(SEE NORTH & EAST BUFFERYARD NOTE)
-518 LINEAR FEET
-52 SHRUBS
-16 TREES

WEST BUFFERYARD:
-730 LINEAR FEET
-150 SHRUBS
-45 TREES

SOUTH THROUGH-FARE 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

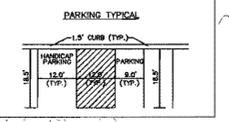
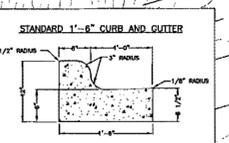
CHAPTER 7 SECTION 7.4.29 RECREATION FACILITY INDOOR
A) BUFFERYARD ABUTTING RESIDENTIALLY USED PROPERTY MUST PROVIDE SCREENING AT LEVEL 3

TABLE FOUR BUFFERYARD LEVELS

ACREAGE LESS THAN	.5	1.5	2	2.5	3	3.5	4	4.5	5	5.5	6	6.5	7	7.5	8	8.5	9	9.5	10 OR MORE ACRES		
BUFFERYARD #1 WIDTH OF YARD	43'	46'	49'	52'	55'	58'	61'	64'	67'	70'	73'	76'	79'	82'	85'	88'	91'	94'	97'	100'	
*TREES PER 100'	9 TREES	10 TREES										11 TREES									12 TREES
*SHRUBS PER 100'	60 SHRUBS	70 SHRUBS										80 SHRUBS									90 SHRUBS
BUFFERYARD #2 WIDTH OF YARD	25'	27'	30'	33'	36'	39'	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
*SHRUBS PER 100'	40 SHRUBS	45 SHRUBS										50 SHRUBS									55 SHRUBS
BUFFERYARD #3 WIDTH OF YARD	12'	14'	16'	18'	20'	22'	24'	26'	28'	30'	32'	34'	36'	38'	40'	42'	44'	46'	48'	50'	
*TREES PER 100'	3 TREES	4 TREES										5 TREES									6 TREES
*SHRUBS PER 100'	20 SHRUBS	25 SHRUBS										30 SHRUBS									35 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 (OPAOUE) VEGETATIVE HEDGE IF USED WILL REDUCE THE BUFFERYARD WIDTH BY ONE 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 ONE HALF. THE RESULTING BERM MUST BE SOWN WITH PESCUE 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 PESCUE GRASS AND MAINTAINED.



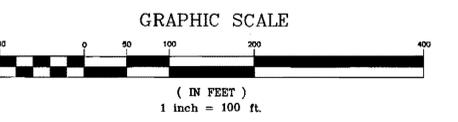
IMPERVIOUS AREA
PARKING LOT - 53,213 SQ.FT.
SIDEWALK - 3,170 SQ.FT.
BUILDING - 28,539 SQ.FT.
TOTAL - 84,922 SQ.FT.

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

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 3=605,503.2833 E=1,474,644.0084 AND BEING LOCATED S44-40-18W 374.16' 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 556-59-05W 182.09' TO A POINT IN THE CENTERLINE, SAID POINT ALSO BEING IN THE CABARRUS & MECKLENBURG COUNTY LINE. THENCE FOLLOWING SAID COUNTY LINE N52-46-44W 53.13' TO AN IRON SET IN THE RIGHT OF WAY LINE OF HARRIS ROAD (A.K.A. EASTFIELD ROAD IN MECKLENBURG COUNTY), CONTINUING WITH CABARRUS & MECKLENBURG COUNTY LINE ALSO BEING A COMMON LINE WITH MYRA'S DREAM, LLC. (DEED:3067-102) N52-46-44W 386.19' TO AN IRON SET THENCE LEAVING COUNTY LINE AND FOLLOWING THE EASTERN MARGIN OF AN INGRESS & EGRESS EASEMENT (DEED:765-117) N00-21-27E 289.13' TO AN IRON SET IN THE SOUTHERN PROPERTY LINE OF STEVEN G. & MYRA BILLINGS (DEED:765-115). THENCE TWO CALLS WITH THE BILLINGS PROPERTY (DEED:765-115) (1) S72-00-41E 82.35 TO AN IRON REBAR FOUND (2) N17-47-01E 74.63' TO AN IRON SET IN THE BILLINGS LINE AND BEING A COMMON CORNER WITH MYRA'S DREAM, LLC. (DEED:3067-102). THENCE WITH MYRA'S DREAM, LLC. LINE N87-30-16E 377.39' TO AN IRON SET IN THE LINE OF JORDAN HOLDINGS, LLC. (DEED:3753-232). THENCE S02-29-44E 460.16' TO THE POINT AND PLACE OF BEGINNING CONTAINING 5.501 ACRES AS SHOWN ON A SURVEY PREPARED BY YARBROUGH-WILLIAMS & HOULE, INC. DATED: APRIL 20, 2005.

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

APPROVED
DATE: 4/20/05
COMPLICATE



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

SHEET TITLE
REZONING SITE PLAN
5.501 ACRES TOTAL

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

YARBROUGH-WILLIAMS & HOULE, INC.
Planning & Surveying & Engineering
701 Middle Oak Court, Charlotte, NC 28209
704.556.1900 704.556.0506(fax)

PROJECT NO.
SCALE: 1"=100'
DATE: 4/20/05
DRAWN BY: JUN
CHECKED BY: JEW
BRWING: JEL
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/Accel# _____
 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

Cabarrus Co Variance Application (3 Additional Pages.)

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.

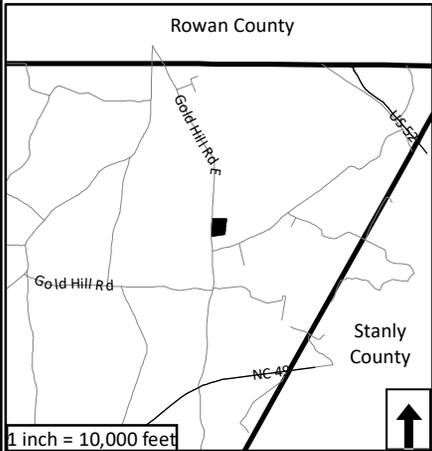
1) In return for relief from the separation requirement from the compound and surrounding property lines, the applicant shall submit a fall zone letter, signed by a Professional Engineer and sealed by a structural engineer licensed in the State of NC.

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

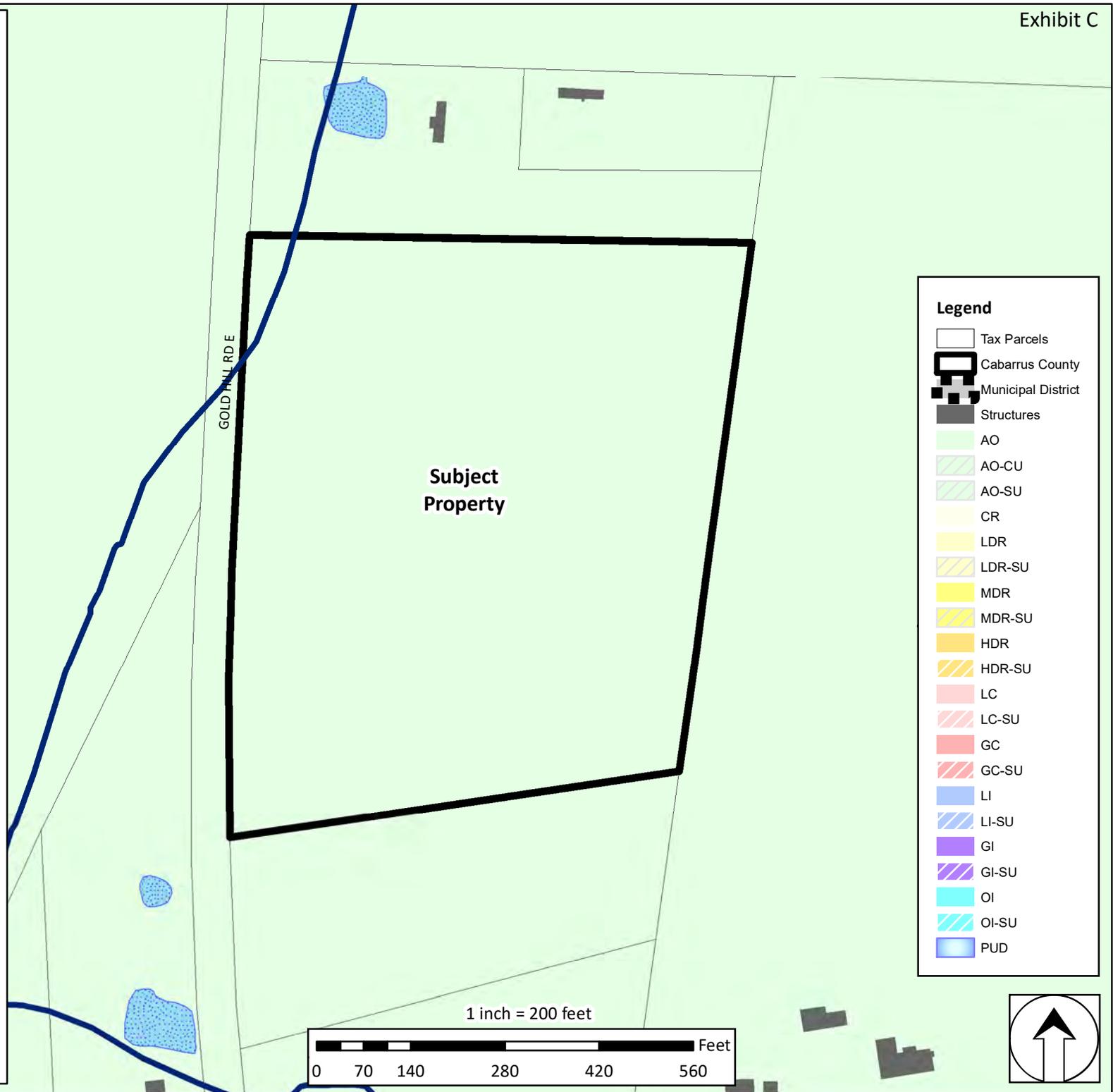


Applicant: Cabarrus County
Owner: Cabarrus County
Case: VARN2022-00002
Address: 4300 Gold Hill Rd East
Purpose: Relief from setback and landscaping requirements for WTC Towers
PIN: 6603-12-8036



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



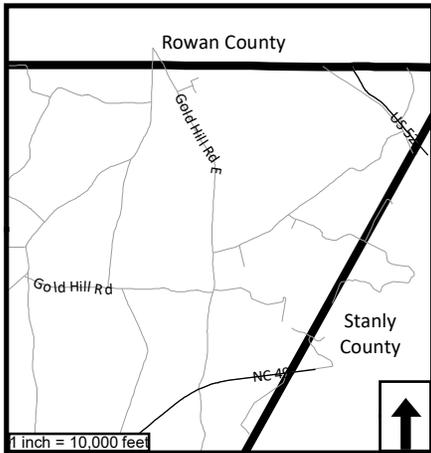
Legend

- 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

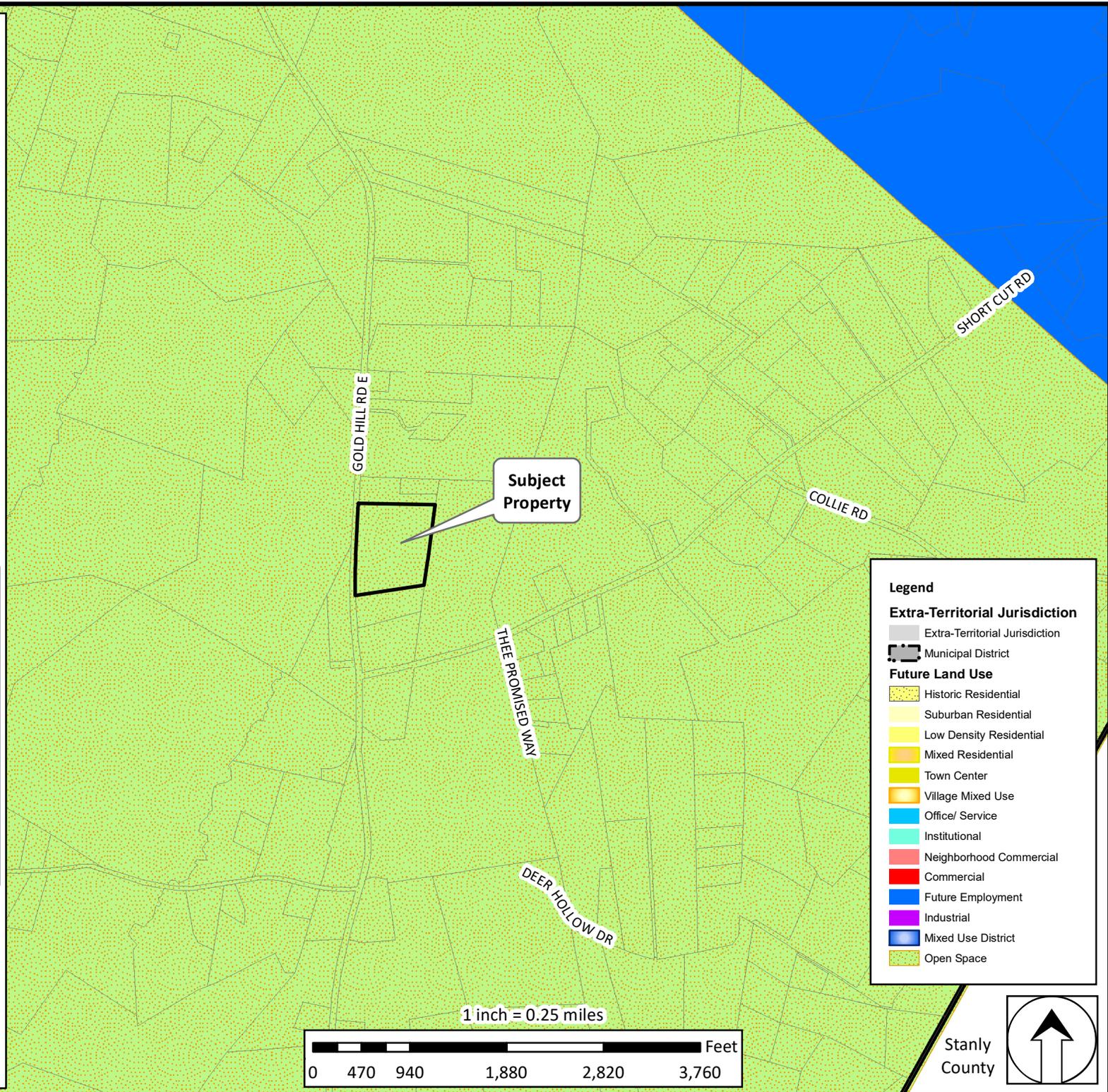


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Map Prepared by Cabarrus County Planning & Development - July 2022



Legend

Extra-Territorial Jurisdiction

- Extra-Territorial Jurisdiction
- Municipal District

Future Land Use

- Historic Residential
- Suburban Residential
- Low Density Residential
- Mixed Residential
- Town Center
- Village Mixed Use
- Office/ Service
- Institutional
- Neighborhood Commercial
- Commercial
- Future Employment
- Industrial
- Mixed Use District
- Open Space

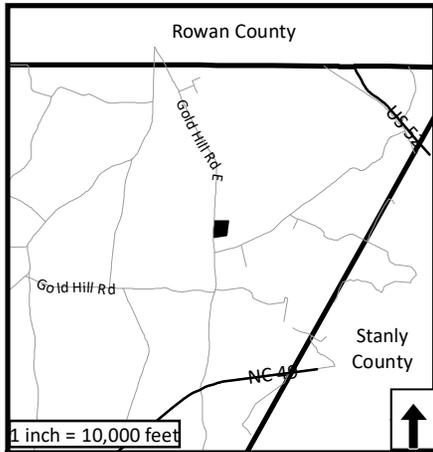


Eastern Planning Area Aerial Map



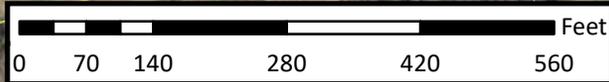
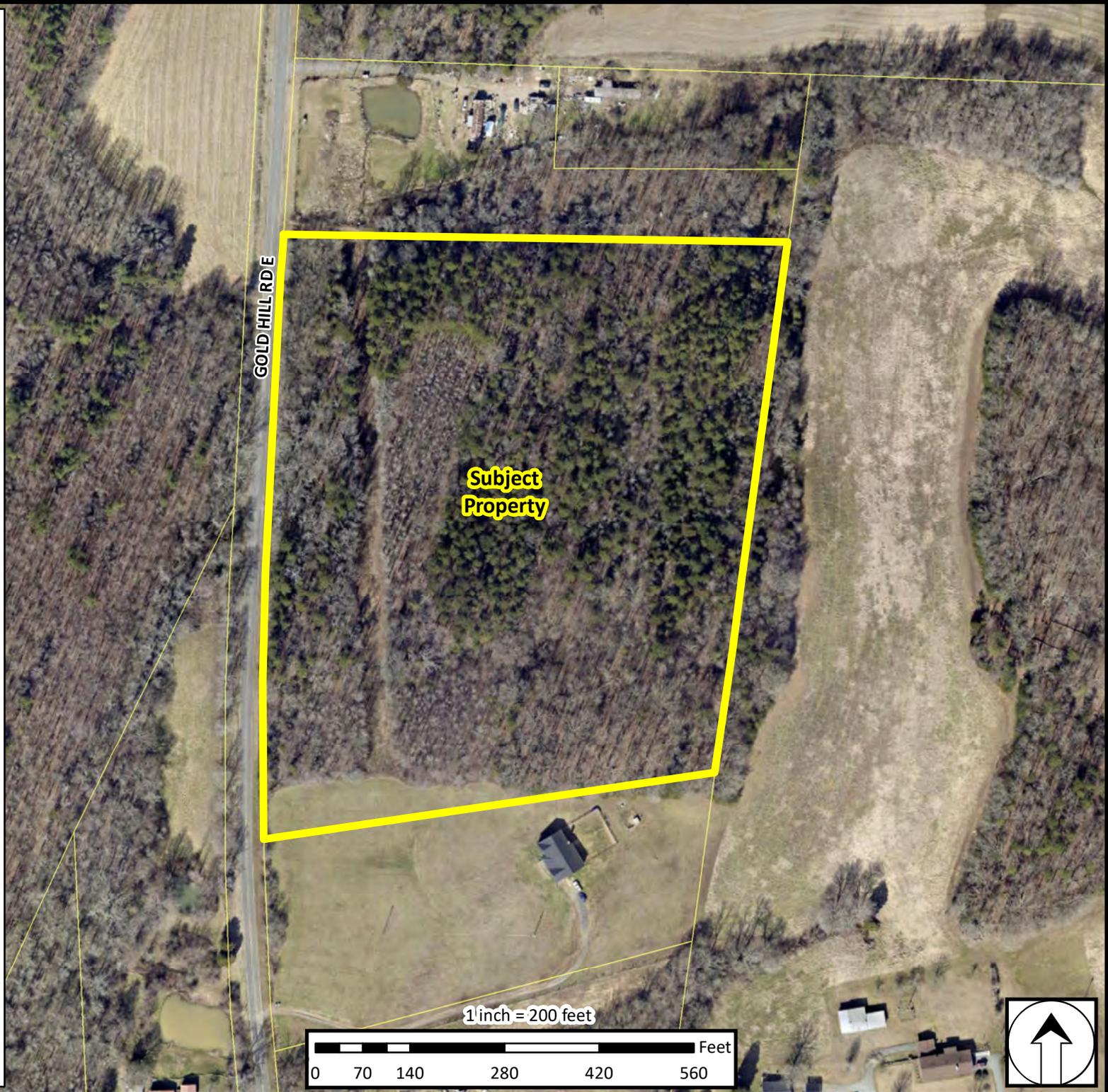
Applicant: Cabarrus County
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 Case: VARN2022-00002
 Address: 4300 Gold Hill Rd East
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- Cabarrus County
- Municipal District
- Tax Parcels



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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

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

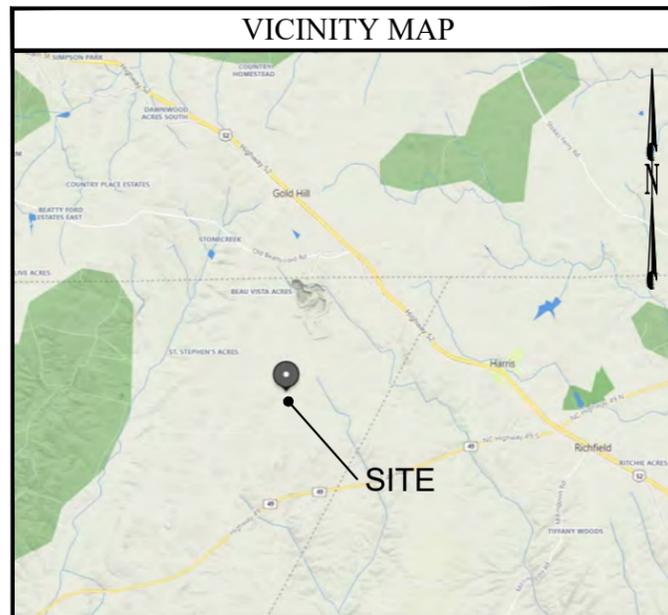
CODE COMPLIANCE	
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING:	
1. UNIFORM 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
www.nc811.org

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 REQUIRED NO 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	-	-
-	-	-	-
-	-	-	-



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.

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. 05/10/22
NORTH CAROLINA LICENSE NO. 044187

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	

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. REPRODUCTION OR CAUSING TO BE REPRODUCED THE WHOLE OR ANY PART OF THESE DRAWINGS WITHOUT THE PERMISSION OF THE DELTA OAKS GROUP, PLLC IS PROHIBITED.

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

AERIAL IMAGE



NOTES
 1. 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.
 2. 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.

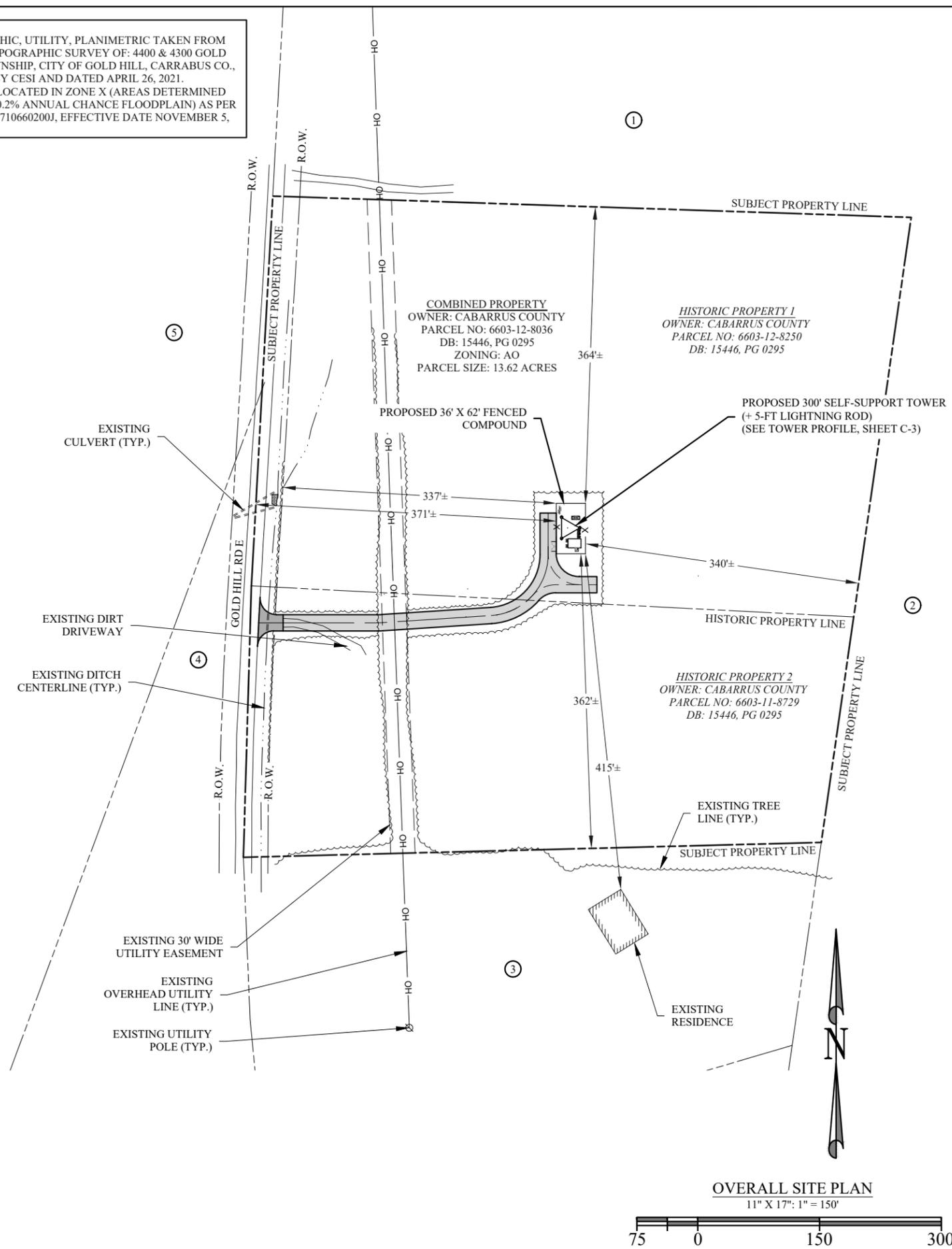
ADJOINING PROPERTY OWNERS:

#	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



PREPARED FOR:

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

PREPARED BY:

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



BRANDON J. WALLER, P.E. 05/10/22
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DRAWN BY: JL
 CHECKED BY: BJW
 APP'VD: BJW
 PROJECT NO: 21-11152

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05/10/22	FOR CONSTRUCTION	0	JL

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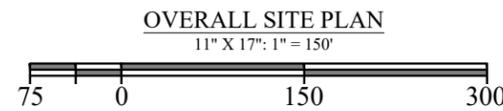
SITE NAME:
 NORTHEAST COMMUNICATIONS TOWER

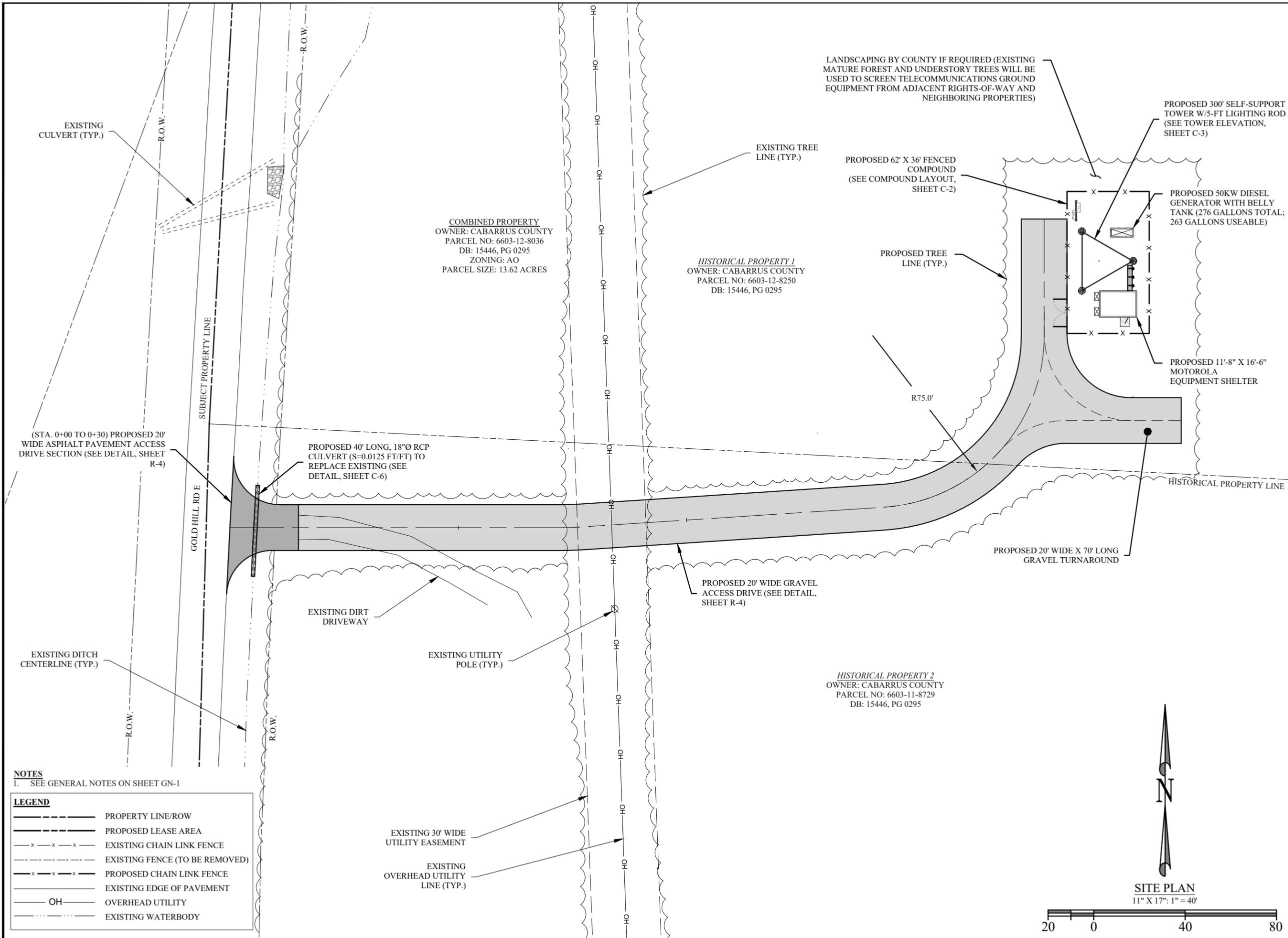
SITE ADDRESS:
 4350 GOLD HILL RD E
 GOLD HILL, NC 28071

SITE ID:
 TBD

SHEET TITLE
 OVERALL SITE PLAN

SHEET NUMBER
 C-1.1





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 MOTOROLA SOLUTIONS, INC.
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 LEXINGTON, SC 29072

PREPARED BY:



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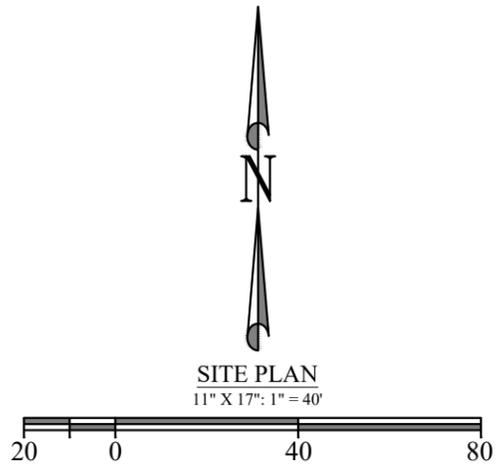
SHEET TITLE
 SITE PLAN

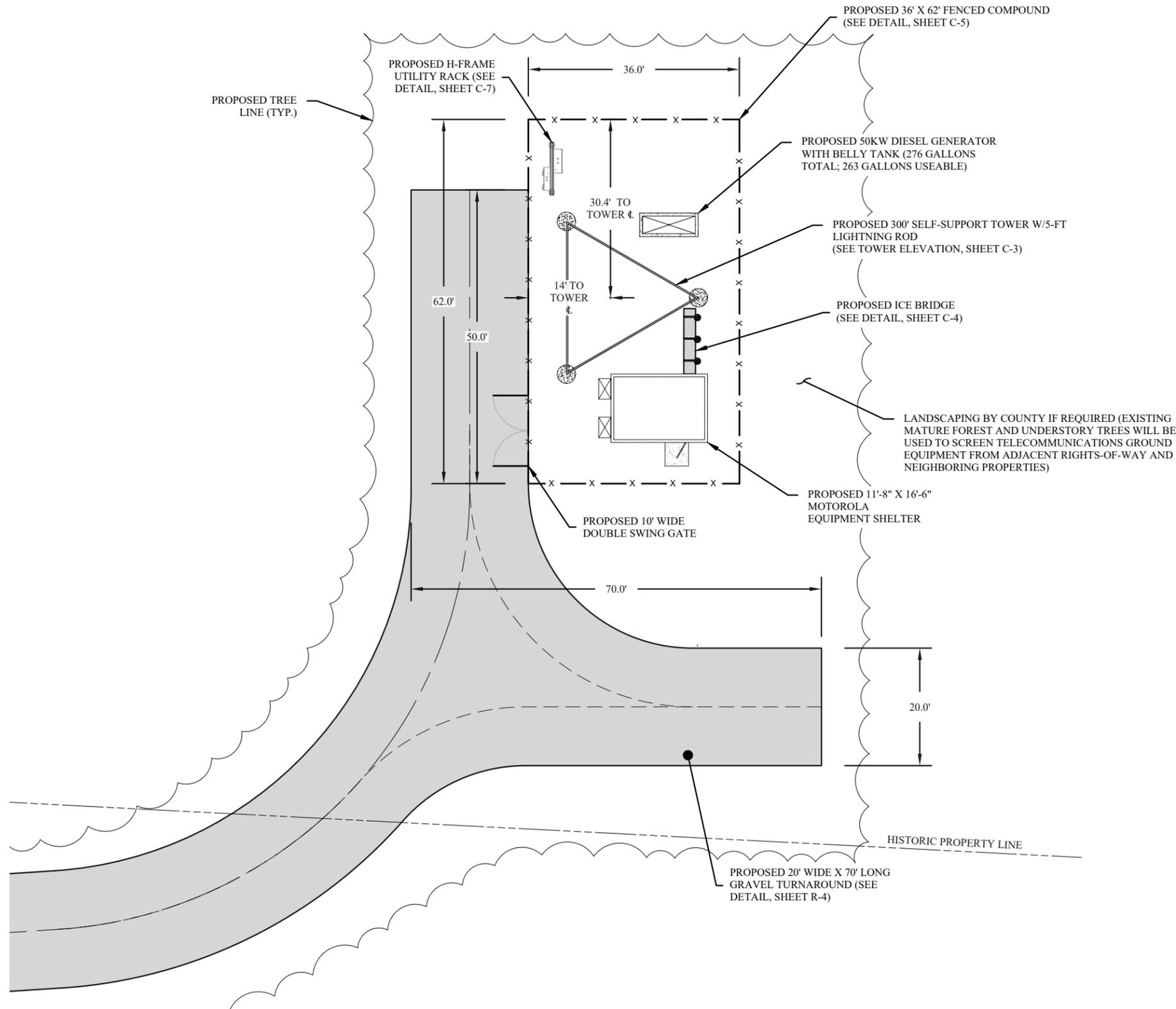
SHEET NUMBER
 C-1.2

NOTES
 1. SEE GENERAL NOTES ON SHEET GN-1

LEGEND

- PROPERTY LINE/ROW
- PROPOSED LEASE AREA
- x-x-x-x- EXISTING CHAIN LINK FENCE
- x-x-x-x-x- EXISTING FENCE (TO BE REMOVED)
- x-x-x-x- PROPOSED CHAIN LINK FENCE
- EXISTING EDGE OF PAVEMENT
- OH——— OVERHEAD UTILITY
- EXISTING WATERBODY
- EXISTING 30' WIDE UTILITY EASEMENT
- EXISTING OVERHEAD UTILITY LINE (TYP.)





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 MOTOROLA SOLUTIONS, INC.
 100 INNOVATION PLACE
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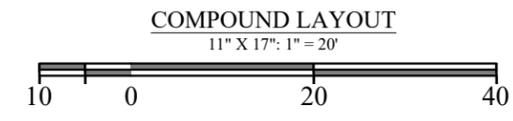
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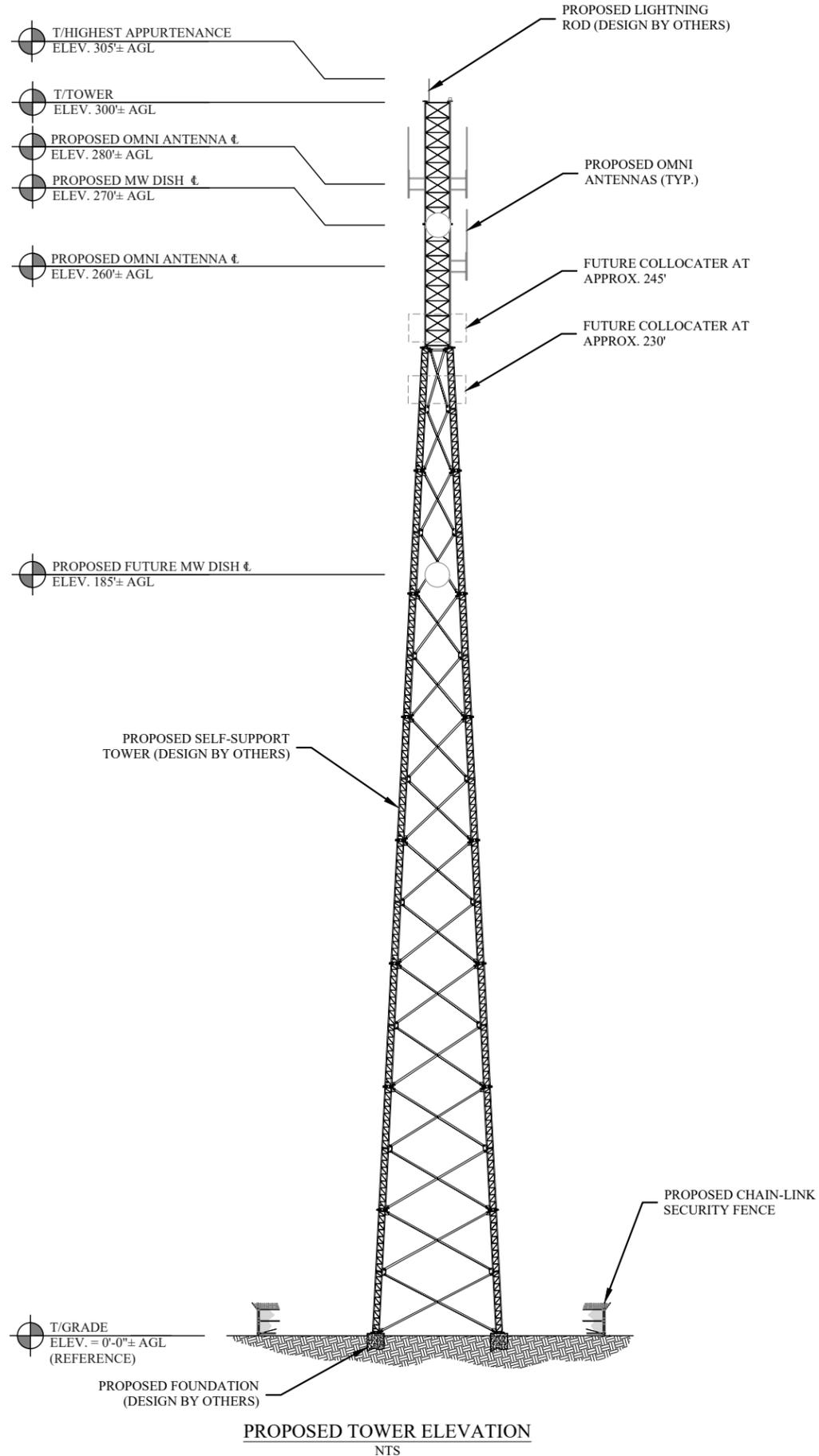
SITE ID:
 TBD

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.



PROPOSED TOWER ELEVATION
NTS

PREPARED FOR:

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

PREPARED BY:

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4904 PROFESSIONAL COURT
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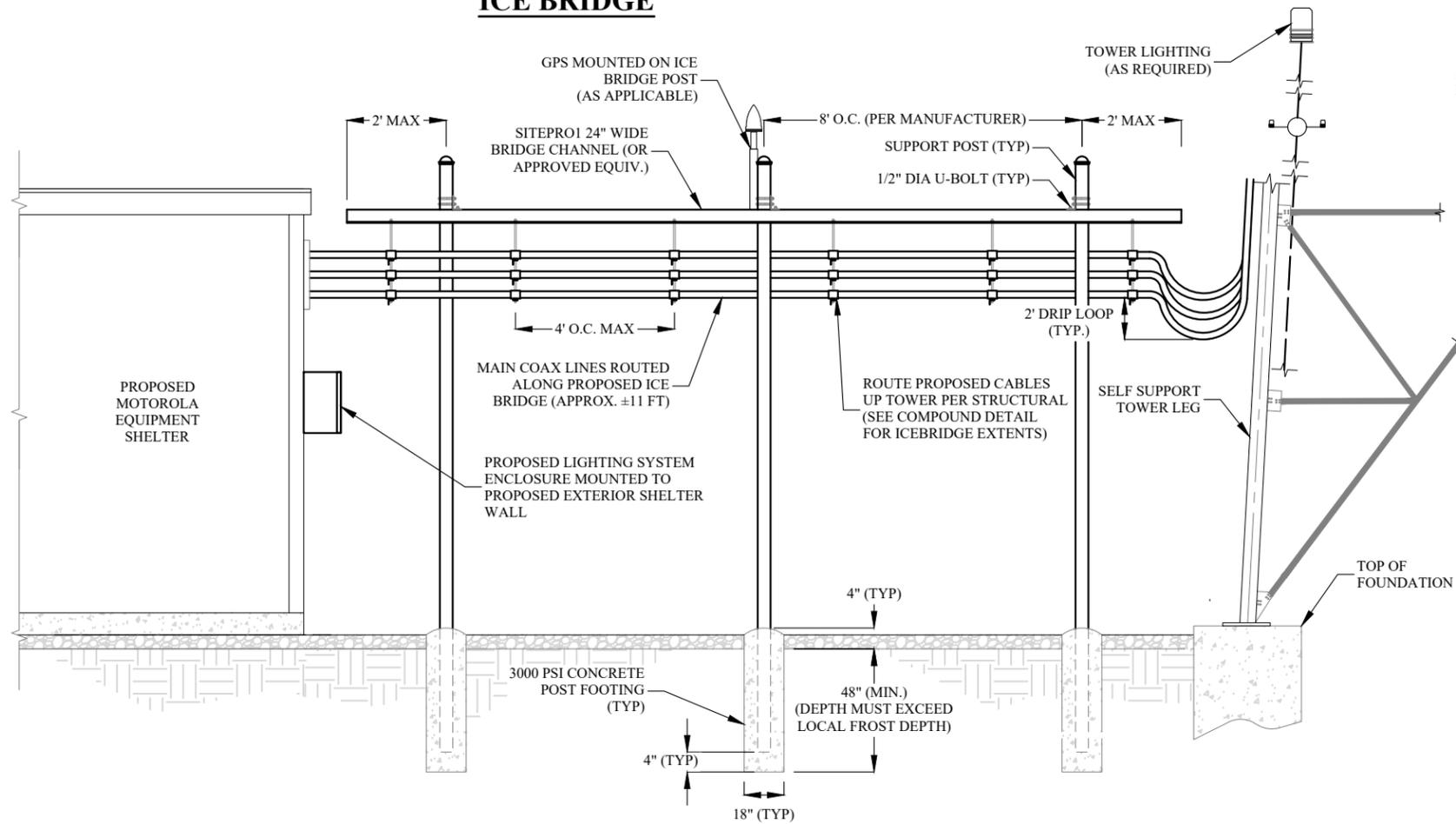
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GOLD HILL, NC 28071

SITE ID:
TBD

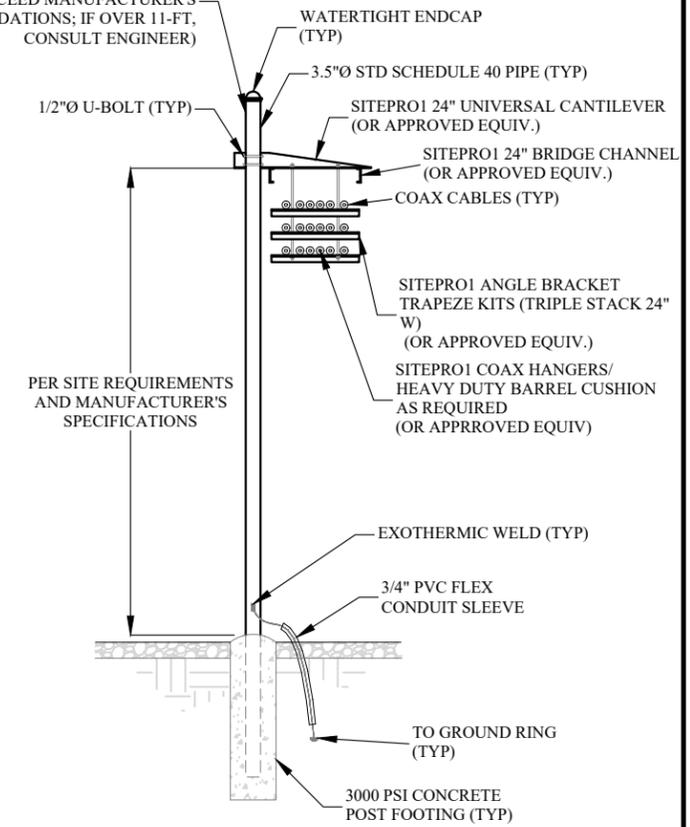
SHEET TITLE
TOWER ELEVATION

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)



PREPARED FOR:



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PROJECT NO: 21-11152

SUBMITTALS

DATE	DESCRIPTION	REV	ISSUED BY
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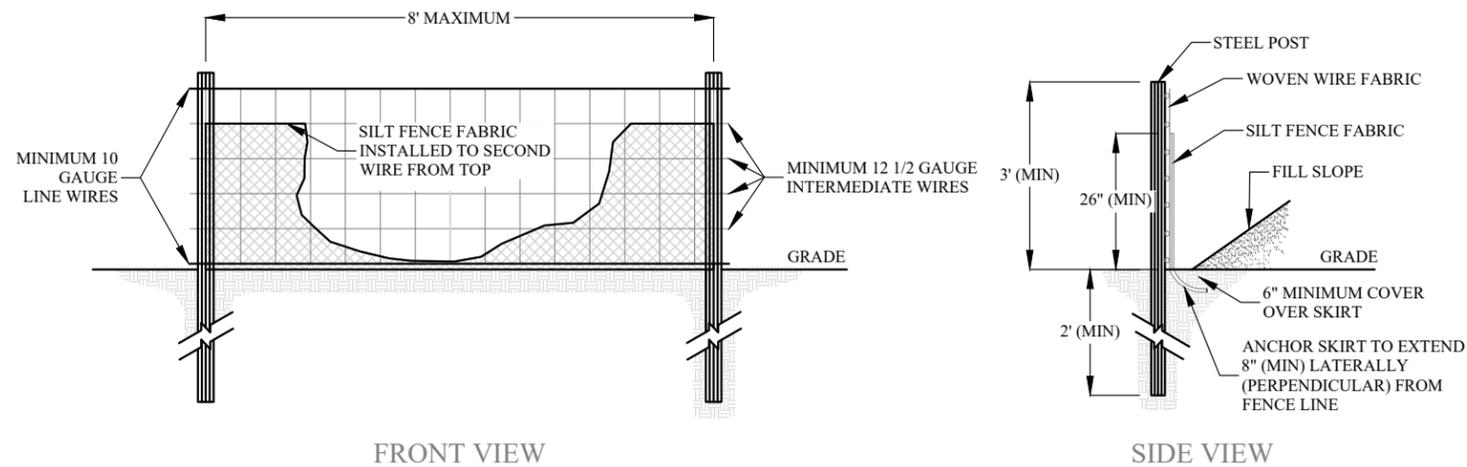
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GOLD HILL, NC 28071

SITE ID:
TBD

SHEET TITLE
CIVIL DETAILS

SHEET NUMBER
C-4

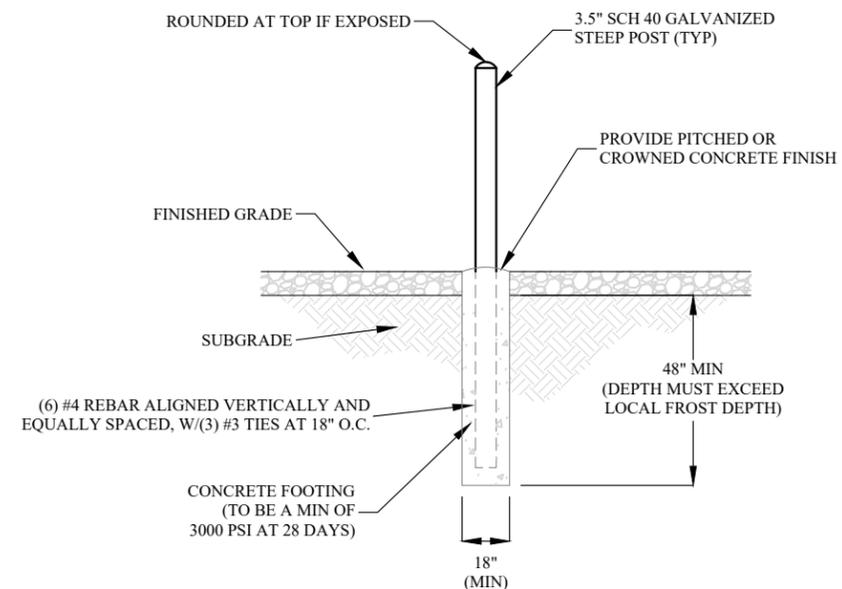
TEMPORARY SILT FENCE



NOTE:

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

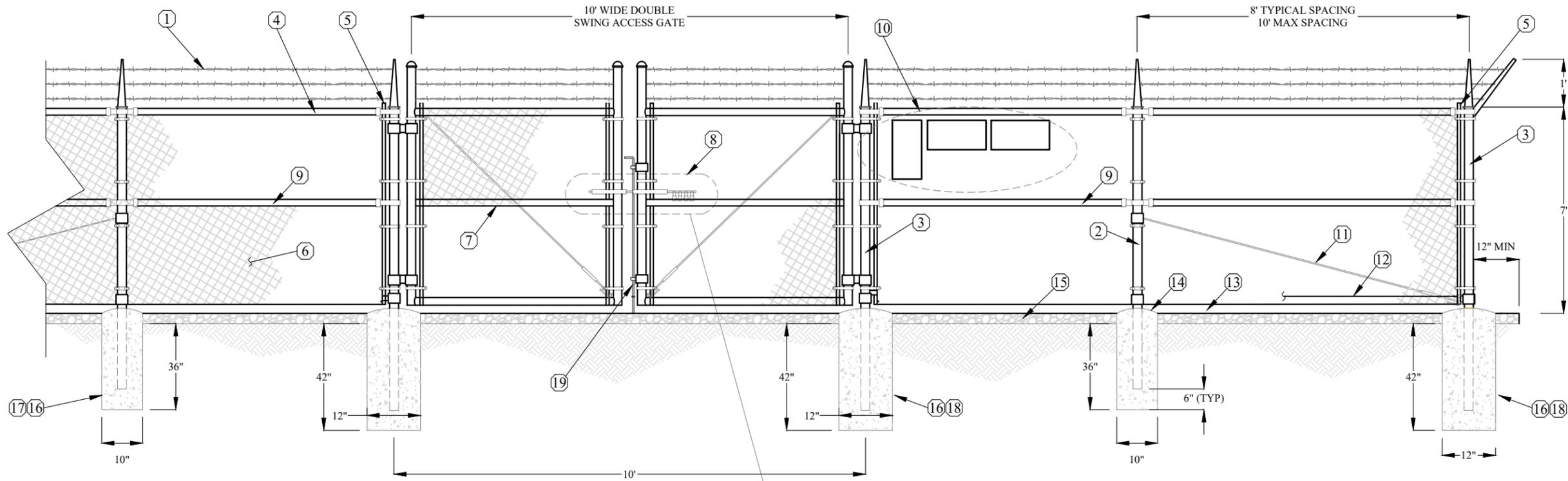
ICE BRIDGE POST/BOLLARD



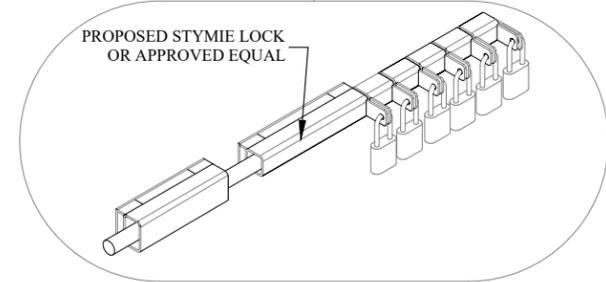
NOTES:

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

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

SITE I.D.#: XXXXXXXX
FCC#: XXXXXXXX
LEASING (XXX) XXX - XXXX
EMERGENCY (XXX) XXX - XXXX

18" x 24" ALUMINUM

CAUTION

18" x 12" ALUMINUM

NO TRESPASSING!
AUTHORIZED ENTRY ONLY

WARNING
ANTENNAS MAY BE ACTIVE

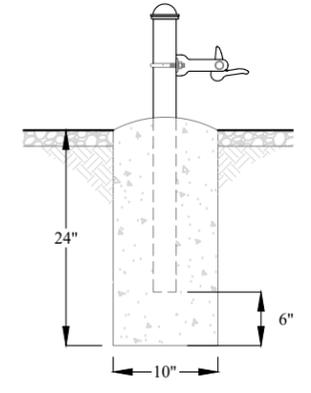
18" x 24" ALUMINUM

NOTICE

DO NOT CLIMB TOWER WITHOUT OWNERS WRITTEN AUTHORIZATION

18" x 12" ALUMINUM

GATE KEEPER



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

PREPARED BY:

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



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

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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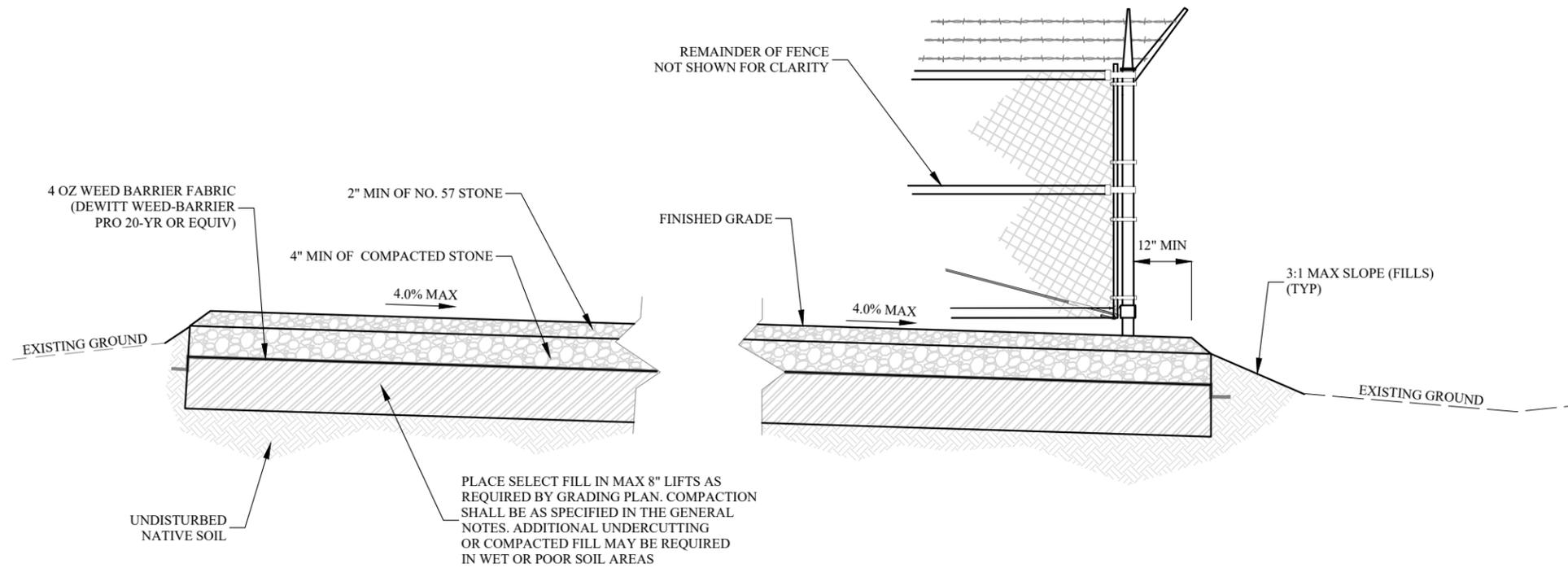
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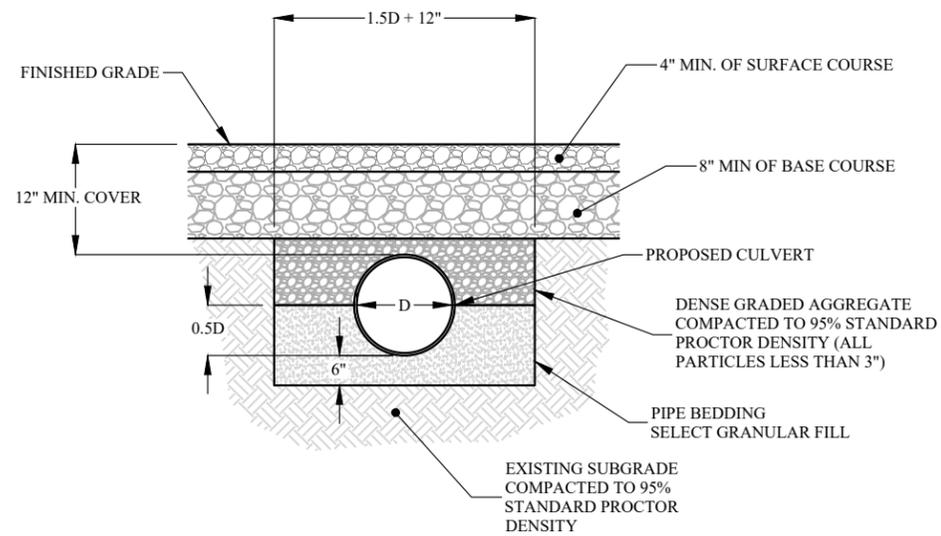
SHEET TITLE
CIVIL DETAILS

SHEET NUMBER
C-5

COMPOUND SECTION



CULVERT TRENCH DETAIL (TRAFFIC AREAS)

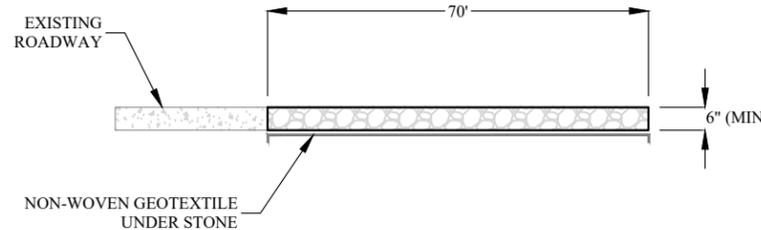


NOTES:
BEDDING ZONE SHOULD BE FREE OF DEBRIS. PLACE BEDDING MATERIAL AT MIN. 6" THICKNESS.

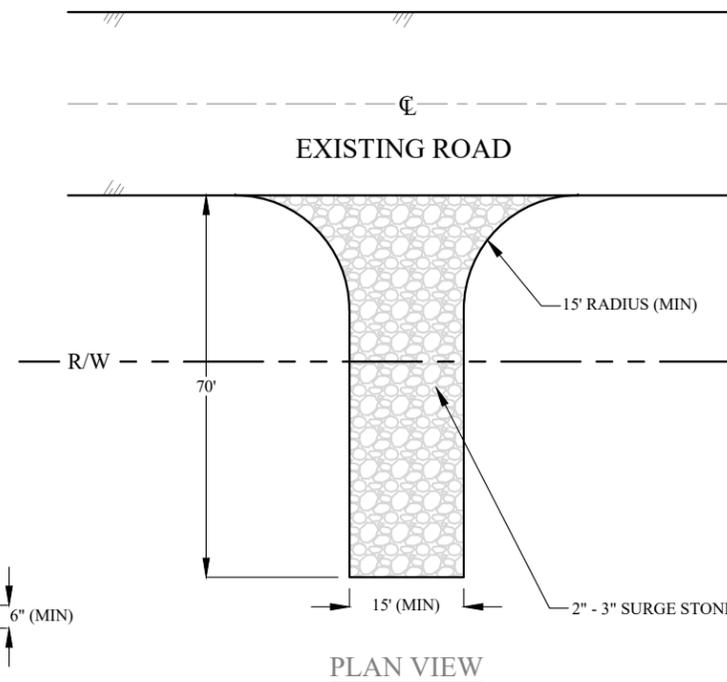
CONSTRUCTION ENTRANCE

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
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4904 PROFESSIONAL COURT
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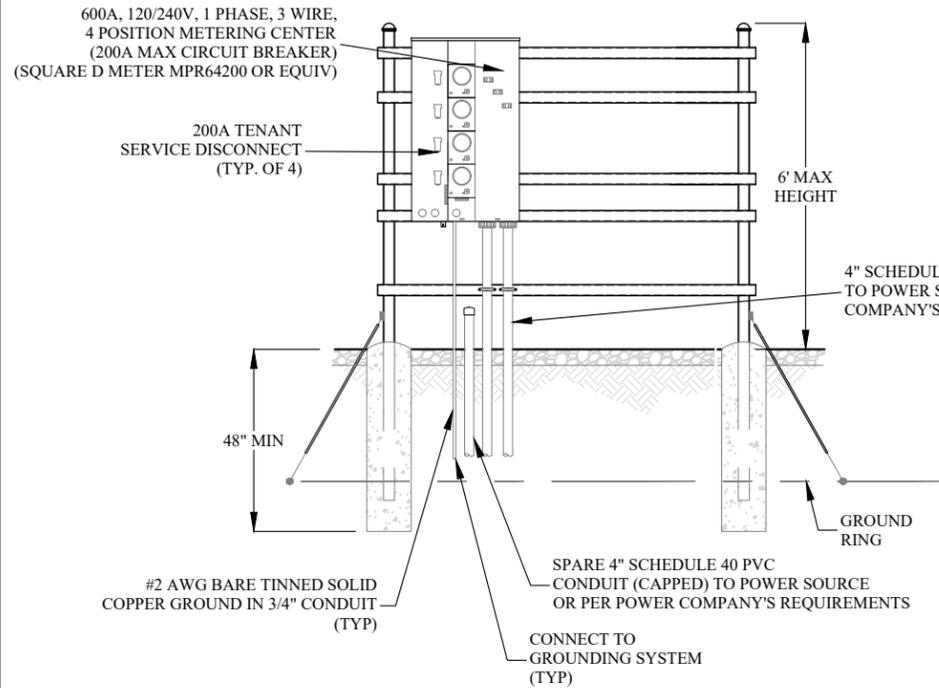
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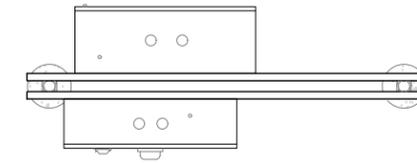
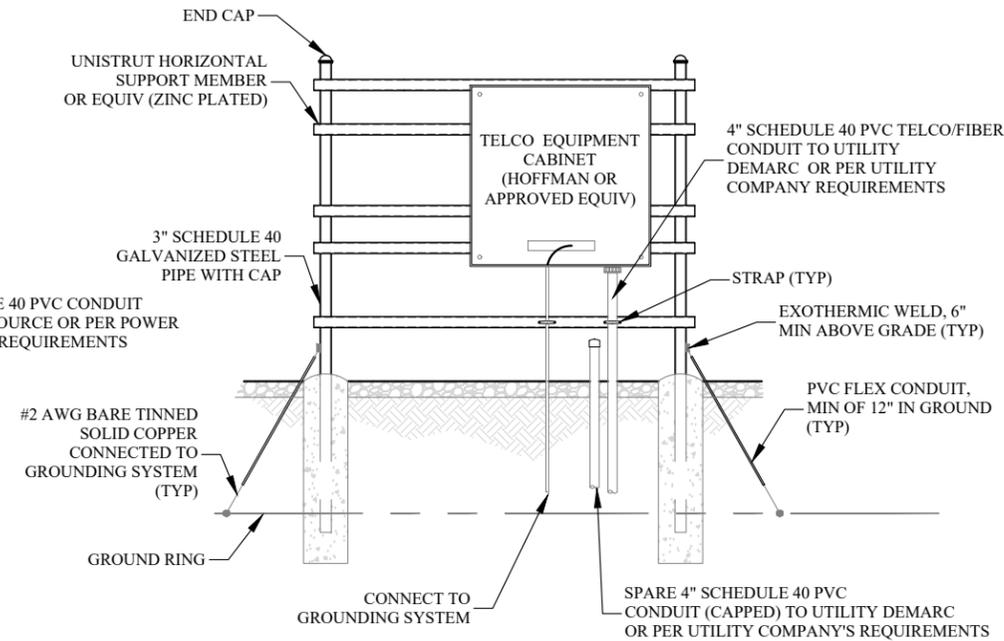
SHEET NUMBER
C-6

H-FRAME UTILITY RACK

FRONT VIEW



REAR VIEW



PLAN VIEW

- NOTES:**
- 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.
 - CONTRACTOR TO MAINTAIN 3'-0" MINIMUM CLEARANCE FROM METERING CENTER TO NEAREST OBSTRUCTION
 - 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.)
 - ELECTRIC SERVICE: 240/120V, 1Ø, 3W, 600A UNDERGROUND SERVICE TO POLE RISER
 - USE COPPER STRANDED, 600V, TYPE THW/THWN, WITH CROSS-LINKED POLYETHYLENE INSULATION FOR #8 AWG AND LARGER WIRE
 - 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
 - GROUNDING CONDUCTOR SHALL BE #2 AWG SOLID BARE TINNED COPPER UNLESS OTHERWISE NOTED
 - 4" PVC CONDUIT INSTALLED 30" (MIN) BELOW GRADE FOR INCOMING SERVICE BY TELEPHONE COMPANY. PROVIDE PULL STRING - 200 LB TEST POLYETHYLENE CORD

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PHONE: (919) 342-8247



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NORTH CAROLINA LICENSE NO. 044187

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CHECKED BY: BJW
APPV'D: BJW
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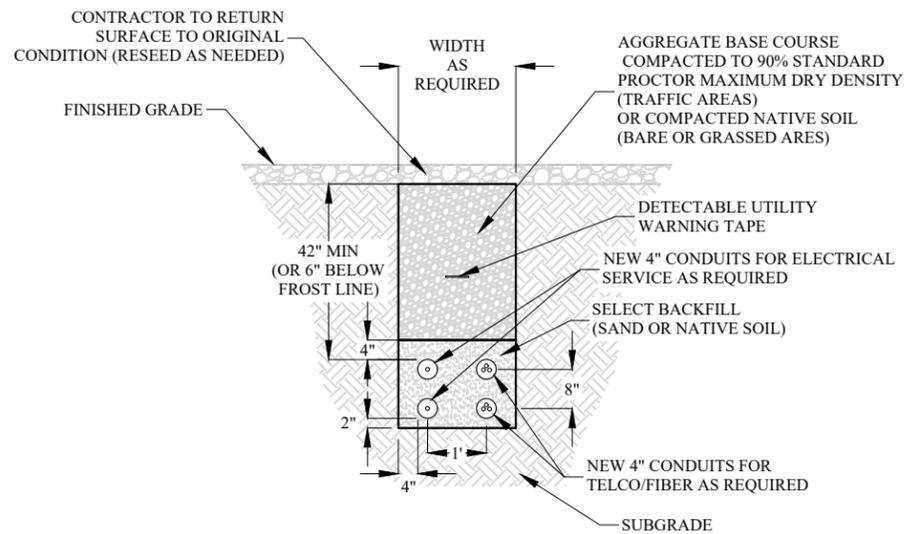
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SHEET TITLE
CIVIL DETAILS

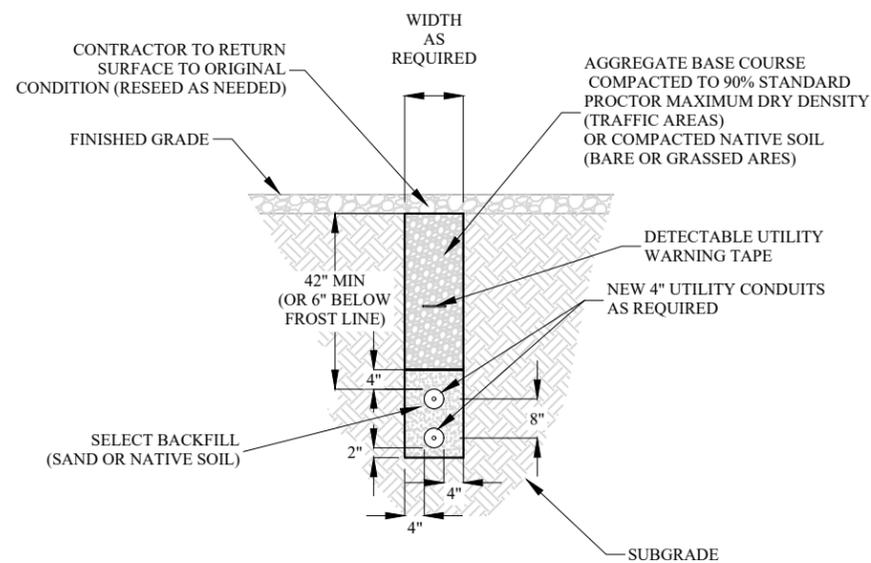
SHEET NUMBER
C-7

JOINT UTILITY TRENCH



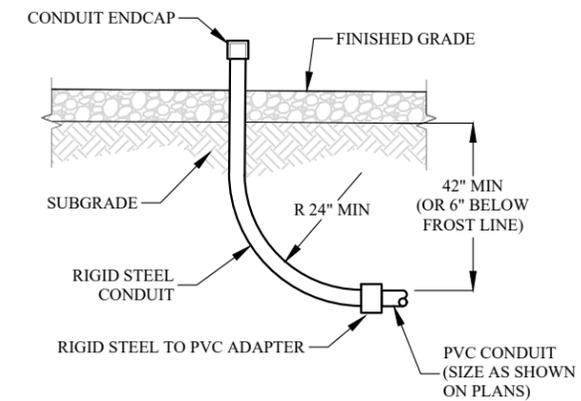
- NOTES:**
- CONDUIT TYPE, SIZE, QUANTITY, AND SEPARATION TO BE VERIFIED WITH LOCAL UTILITY PROVIDER REQUIREMENTS.

SINGLE UTILITY TRENCH

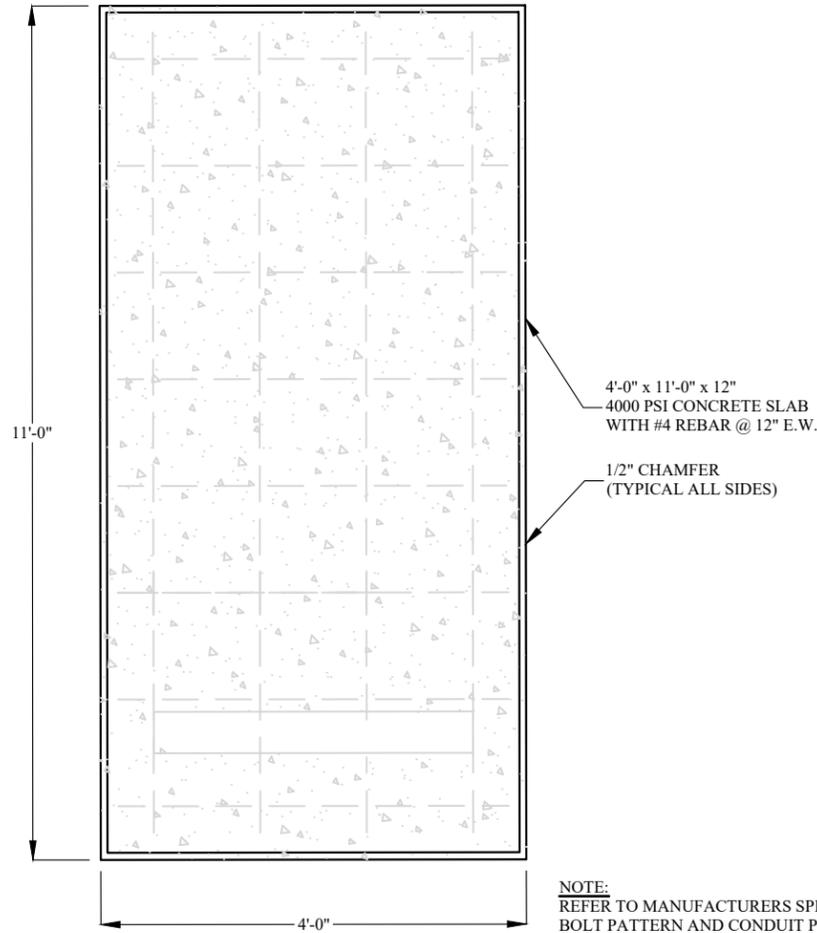


- NOTES:**
- CONDUIT TYPE, SIZE, QUANTITY, AND SEPARATION TO BE VERIFIED WITH LOCAL UTILITY PROVIDER REQUIREMENTS.

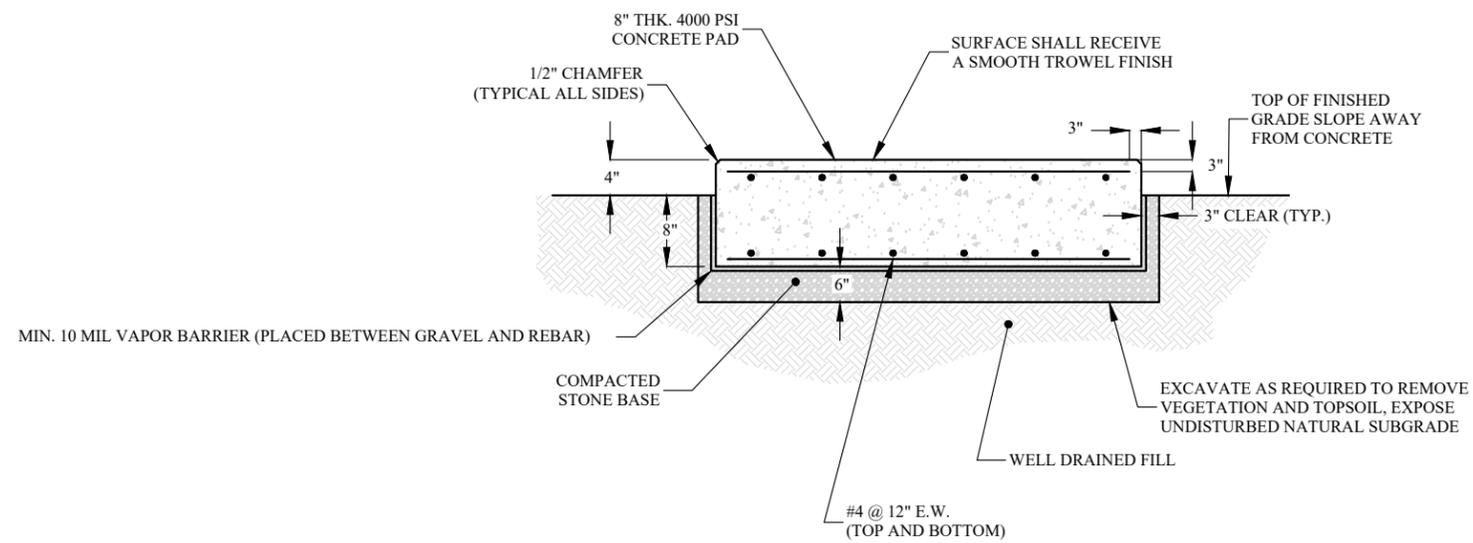
CONDUIT STUB-UP



GENERATOR CONCRETE PAD



NOTE:
REFER TO MANUFACTURERS SPECIFICATIONS FOR ANCHOR BOLT PATTERN AND CONDUIT PENETRATION LOCATIONS



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MOTOROLA SOLUTIONS, INC.
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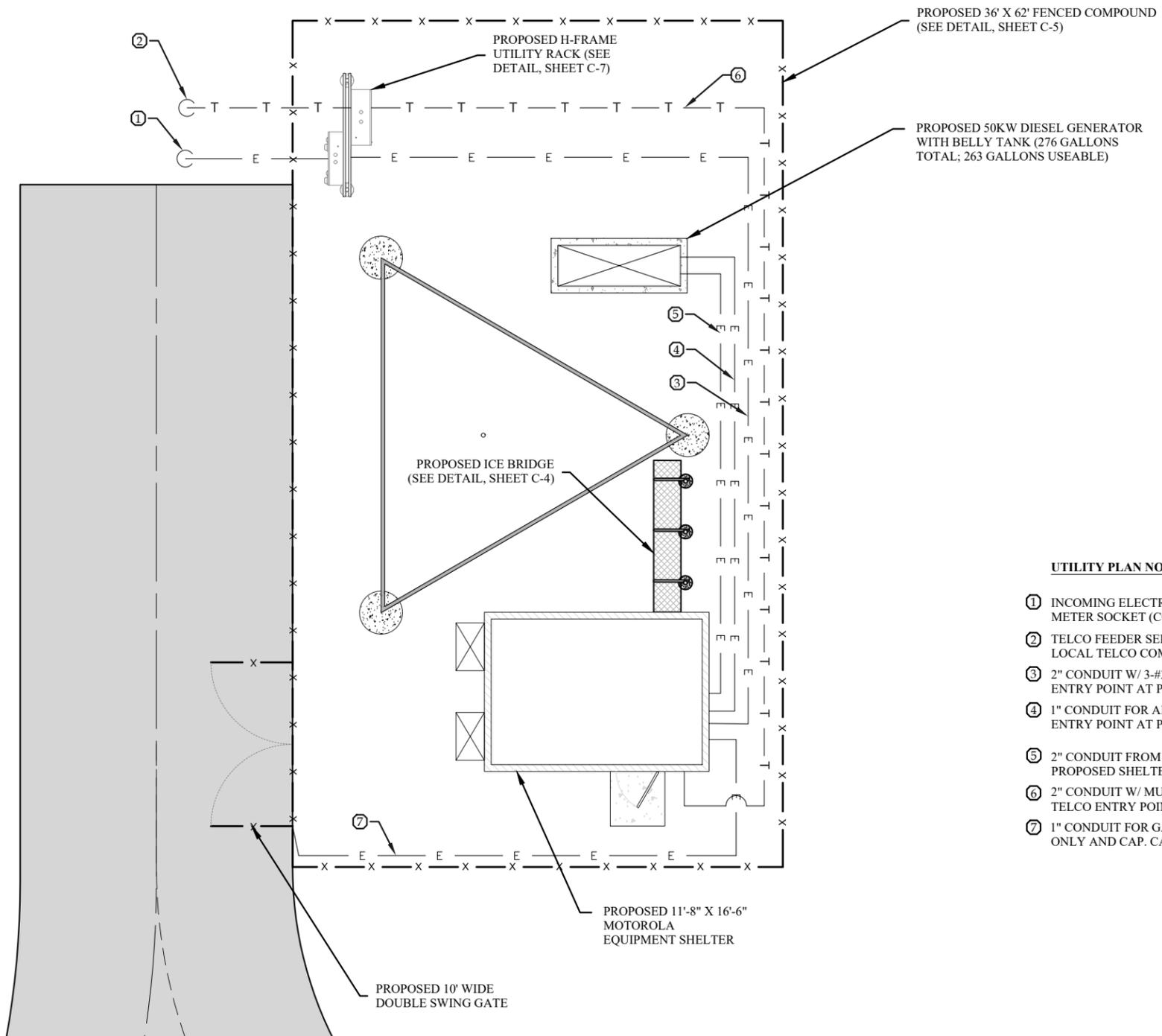
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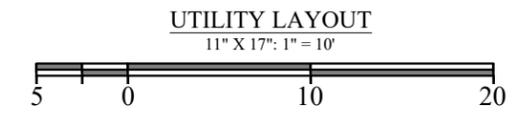
SHEET TITLE
CIVIL DETAILS

SHEET NUMBER
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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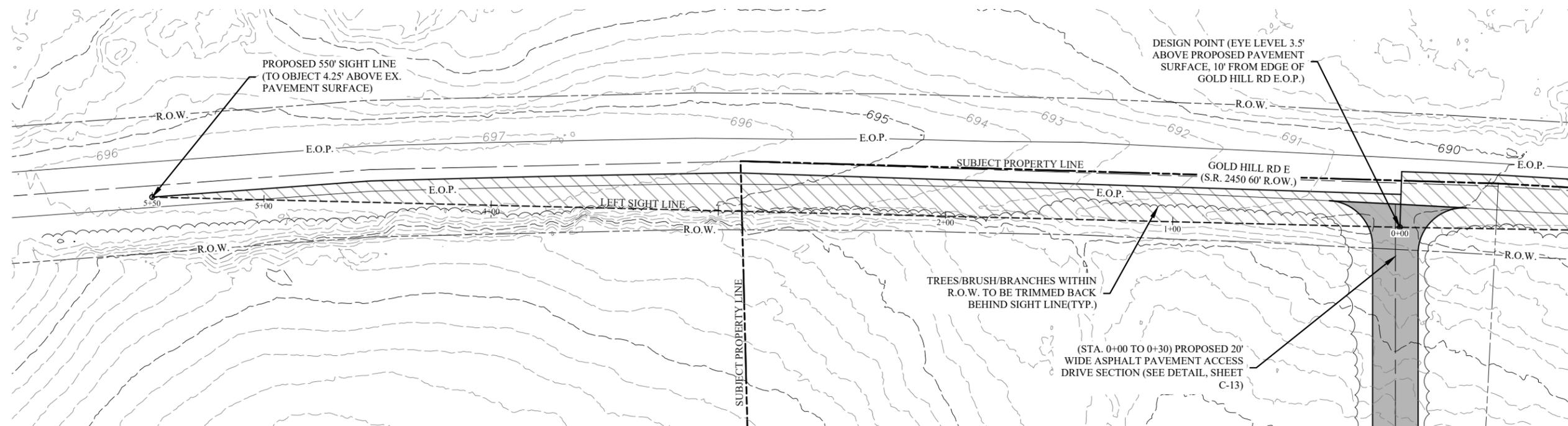
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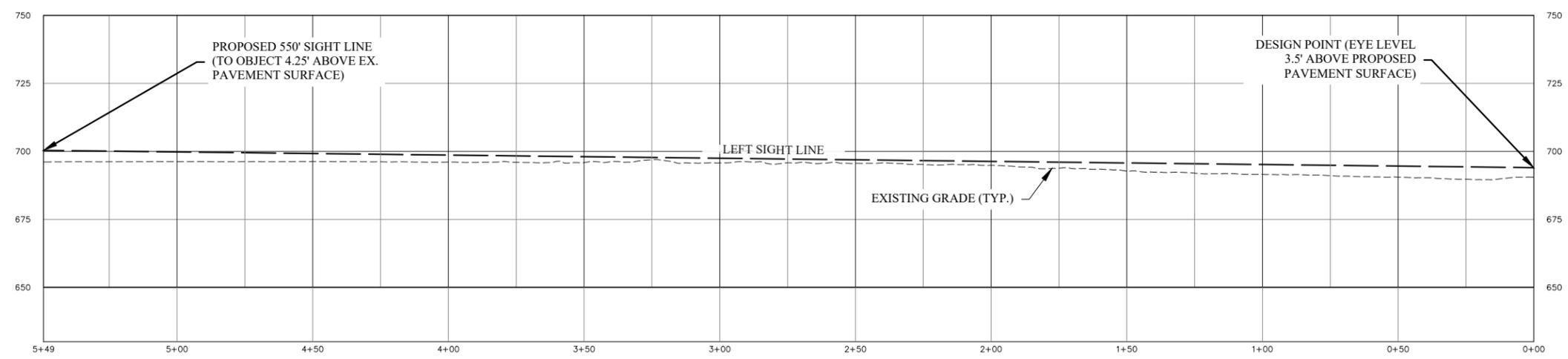
SITE ID:
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SHEET TITLE
UTILITY LAYOUT

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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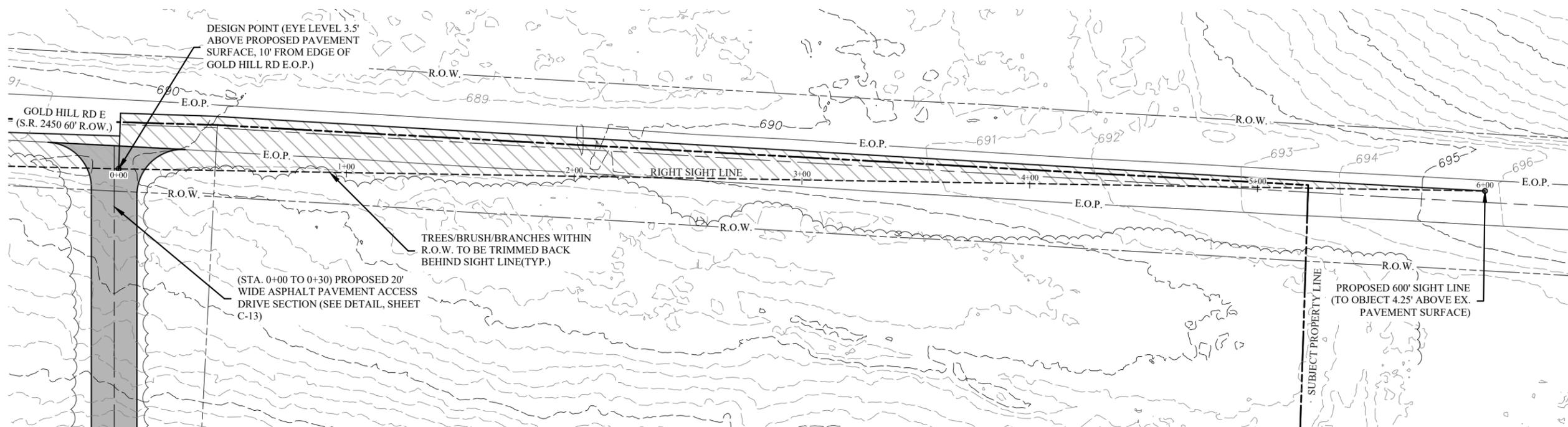
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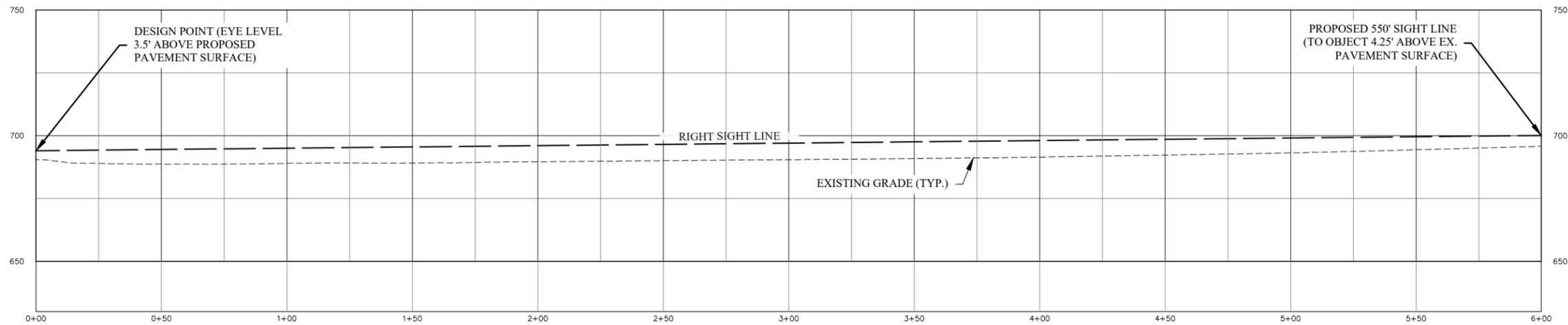
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SHEET TITLE
NCDOT LEFT SIGHT LINE PLAN & PROFILE

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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SHEET TITLE
NCDOT RIGHT SIGHT LINE PLAN & PROFILE

SHEET NUMBER
R-2



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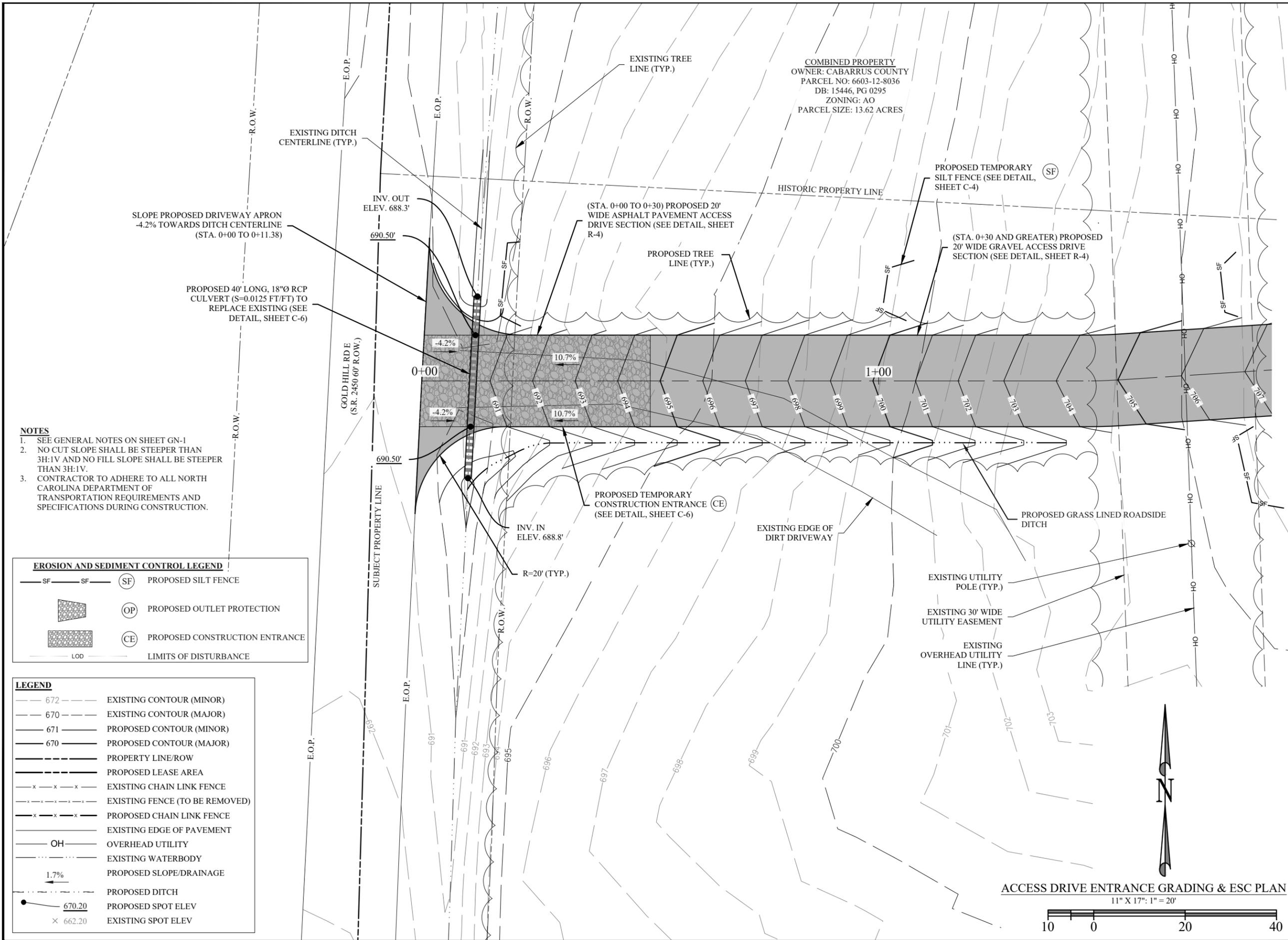
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SITE ID:
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SHEET TITLE
 ACCESS DRIVE ENTRANCE GRADING & ESC PLAN

SHEET NUMBER
 R-3



- NOTES**
- SEE GENERAL NOTES ON SHEET GN-1
 - NO CUT SLOPE SHALL BE STEEPER THAN 3H:1V AND NO FILL SLOPE SHALL BE STEEPER THAN 3H:1V.
 - CONTRACTOR TO ADHERE TO ALL NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REQUIREMENTS AND SPECIFICATIONS DURING CONSTRUCTION.

EROSION AND SEDIMENT CONTROL LEGEND

- SF — SF — (SF) PROPOSED SILT FENCE
- (OP) PROPOSED OUTLET PROTECTION
- (CE) PROPOSED CONSTRUCTION ENTRANCE
- LOD ——— LIMITS OF DISTURBANCE

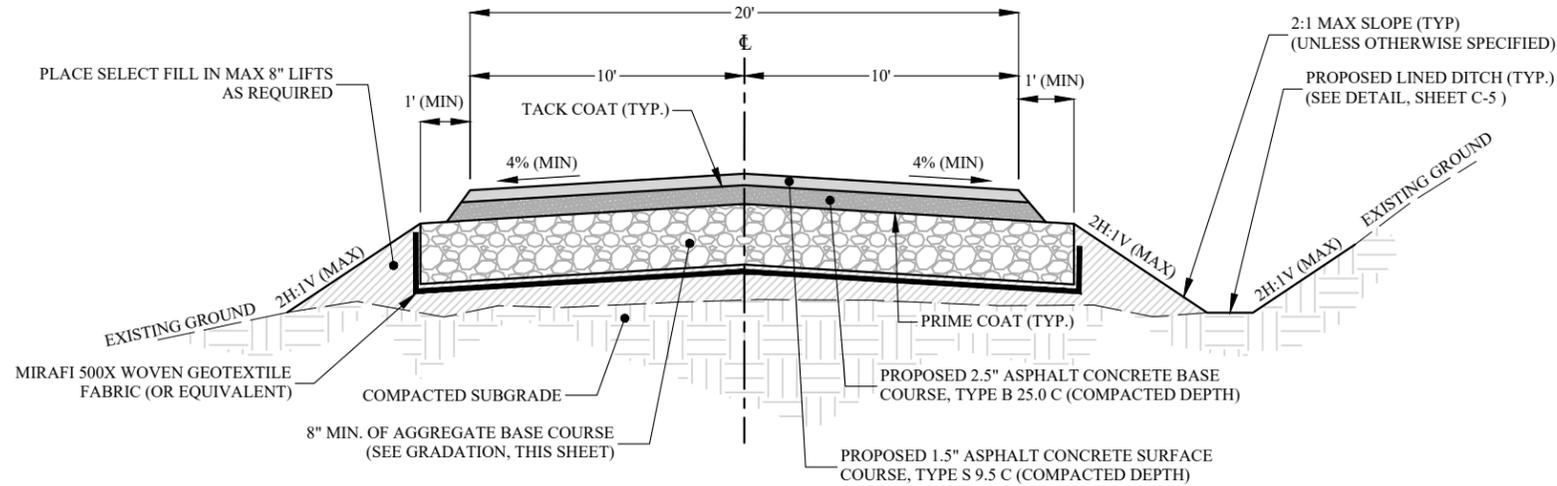
LEGEND

- 672 --- EXISTING CONTOUR (MINOR)
- 670 --- EXISTING CONTOUR (MAJOR)
- 671 --- PROPOSED CONTOUR (MINOR)
- 670 --- PROPOSED CONTOUR (MAJOR)
- PROPERTY LINE/ROW
- PROPOSED LEASE AREA
- x-x-x- EXISTING CHAIN LINK FENCE
- x-x-x- EXISTING FENCE (TO BE REMOVED)
- x-x-x- PROPOSED CHAIN LINK FENCE
- EXISTING EDGE OF PAVEMENT
- OH ----- OVERHEAD UTILITY
- EXISTING WATERBODY
- PROPOSED SLOPE/DRAINAGE
- PROPOSED DITCH
- 670.20 PROPOSED SPOT ELEV
- × 662.20 EXISTING SPOT ELEV

ACCESS DRIVE ENTRANCE GRADING & ESC PLAN
 11" X 17": 1" = 20'



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



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):

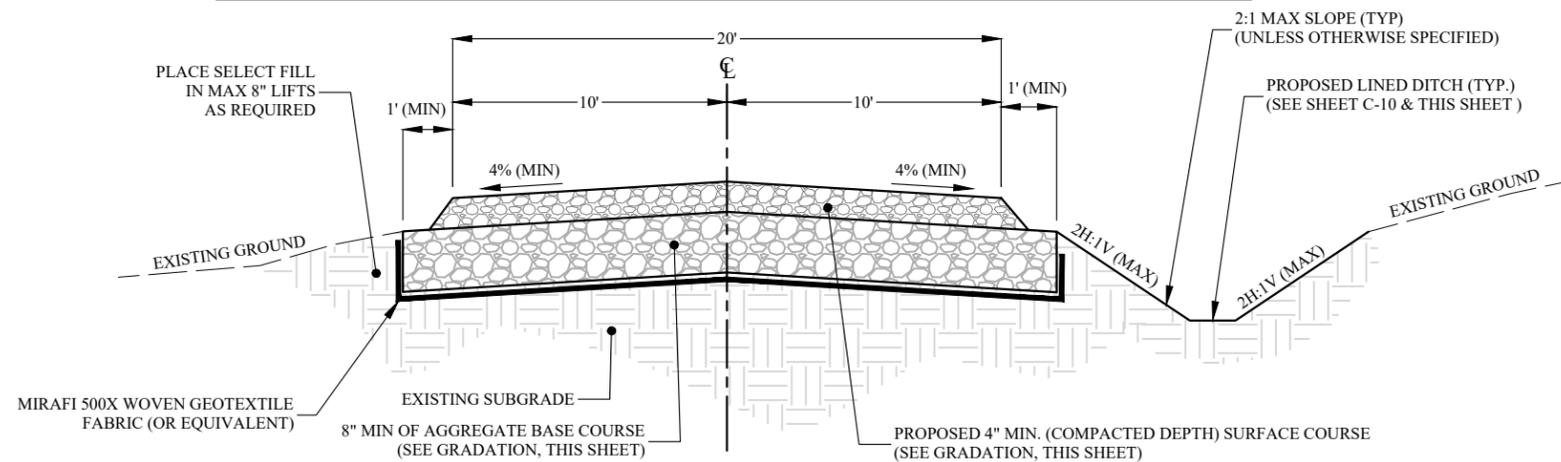
BEARING CAPACITY (PSF)	TOTAL AGGREGATE THICKNESS (IN)
1000	16
1500	12
2000	8

*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.

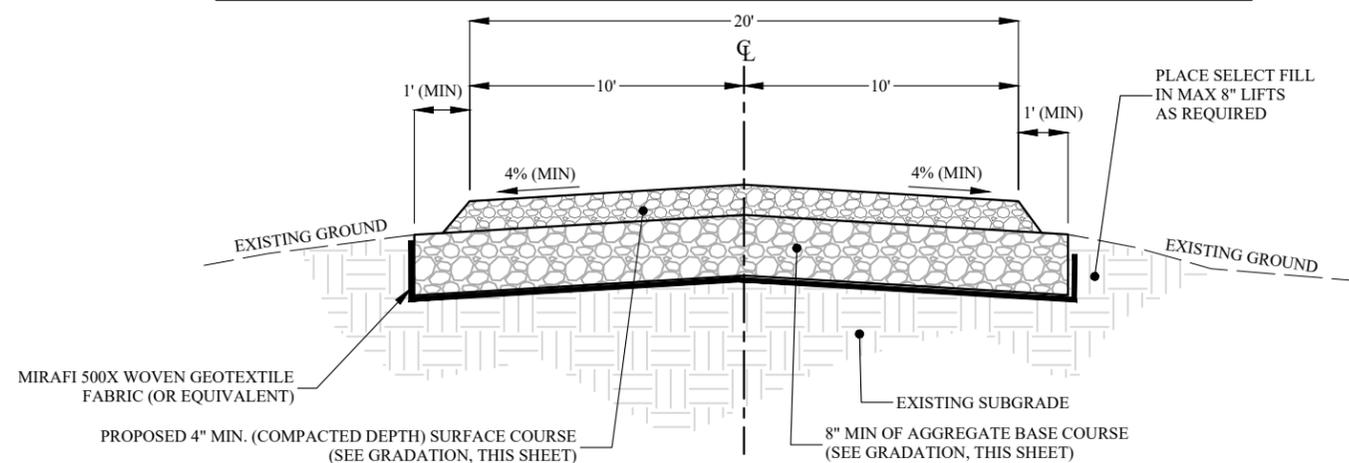
2. IF POOR OR WET SOILS ARE PRESENT BELOW BASE COURSE, CONTRACTOR TO INSTALL 6" MIN. WELL-GRADED GRAVEL/SAND SUB-BASE TO FACILITATE ADEQUATE DRAINAGE AND STABILITY.
3. CONSULT GEOTECHNICAL REPORT (AS AVAILABLE) FOR ANTICIPATED SOIL CONDITIONS.
4. AGGREGATE LAYER GRADATIONS SHALL BE AS FOLLOWS:

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

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



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



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
NORTH CAROLINA LICENSE NO. 044187

DRAWN BY: JL
CHECKED BY: BJW
APPVD: 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
R-4

GENERAL NOTES

- THE SCOPE OF WORK DEPICTED IN THIS PLANSET MUST BE COMPLETED UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE SUBSTANTIAL EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS PROJECT, THE CONTRACTOR IS CONFIRMING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY TO COMPLETE THE WORK, THAT HE IS KNOWLEDGEABLE OF THE SCOPE OF WORK TO BE PERFORMED AND THAT HE IS LICENSED AND PROPERLY REGISTERED TO DO THIS WORK IN THE STATE AND/OR COUNTY IN WHICH IT IS TO BE PERFORMED.
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST VERSION OF THE LOCAL AND NATIONAL BUILDING CODE, WHICHEVER IS MORE STRINGENT.
- SHOP DRAWINGS AND/OR MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS REGARDING ANY HARDWARE, INFRASTRUCTURE, OR MATERIALS SPECIFIED HEREIN SHALL BE FOLLOWED EXACTLY AND SHALL SUPERCEDE ANY CONFLICTING INFORMATION CONTAINED HEREIN.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS NOT PROVIDED BY OWNER. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH PERMITS AS ISSUED AND ANY AND ALL APPLICABLE STATE, COUNTY, AND LOCAL CODES.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING TOPOGRAPHY, DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS ARE AS INDICATED ON THESE DRAWINGS. ADDITIONALLY, THE CONTRACTOR SHALL ESTABLISH THE LOCATION OF UNDERGROUND AND OVERHEAD UTILITIES AND SERVICES. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND OWNER'S ENGINEER FOR RESOLUTION AND/OR MODIFICATION PRIOR TO COMMENCEMENT OF THE WORK.
- EXISTING IMPROVEMENTS DAMAGED OR DESTROYED AS A RESULT OF CONSTRUCTION OPERATIONS SHALL BE REPLACED OR RESTORED TO THEIR ORIGINAL CONDITION OR BETTER, AND TO THE SATISFACTION OF THE OWNER OF THE IMPROVEMENTS
- THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL INSPECTIONS, CERTIFICATIONS, AND/OR ANY OTHER REQUIREMENTS WHICH MUST BE MET TO FULFILL THE SCOPE OF WORK AS REPRESENTED IN THIS PLAN SET, OBTAIN A CERTIFICATE OF OCCUPANCY, OR OTHERWISE ALLOW FOR THE FULL INTENDED USE OF THE PROPOSED FACILITY
- THESE PLANS/DRAWINGS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES, OBSERVATION VISITS TO THE SITE BY THE OWNER AND/OR ENGINEER SHALL NOT INCLUDE INSPECTION OF THE CONSTRUCTION PROCEDURES AND DOES NOT ALLEVIATE CONTRACTOR FROM THE FOREGOING. ENGINEER AND/OR OWNER DISCLAIM ANY ROLE IN THE CONSTRUCTION MEANS AND/OR METHODS ASSOCIATED WITH THE PROJECT AS SET FORTH IN THESE PLANS.
- IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE AND IMPLEMENT BOTH THE ERECTION PROCEDURE AND SEQUENCE TO ENSURE THE SAFETY OF THE STRUCTURE, ALL SURROUNDING INFRASTRUCTURE, WORKSPACE, EMPLOYEES, AND PUBLIC DURING ERECTION AND/OR MODIFICATIONS. THIS INCLUDES BUT IS NOT LIMITED TO TEMPORARY BRACING, GUYS, TIE DOWNS, OR OTHER SUPPORTS THAT MAY BE NECESSARY DURING CONSTRUCTION.
- ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD QUALITY, FREE FROM DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ANY AND ALL SUBSTITUTION MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY THE OWNER AND ENGINEER PRIOR TO INSTALLATION.
- IF DEVIATIONS FROM THE DRAWINGS OR SPECIFICATIONS ARE DEEMED NECESSARY BY THE CONTRACTOR, DETAILS OF SUCH DEVIATION AND REASONS THEREOF SHALL BE SUBMITTED TO THE OWNER AND ENGINEER FOR REVIEW. NO DEVIATIONS FROM THE CONTRACT DOCUMENTS SHALL BE MADE WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE OWNER AND/OR ENGINEER
- THE CONTRACTOR MUST, AT ALL TIMES, KEEP THE PREMISES FREE FROM ACCUMULATIONS OF WASTE MATERIALS OR RUBBISH CAUSED BY HIM, HIS EMPLOYEES, OR HIS WORK. ALL DEBRIS SHALL BE REMOVED FROM THE PROJECT SITE ON A DAILY BASIS
- CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS (INCLUDING THE GENERAL PUBLIC) AND PROPERTY (INCLUDING ADJOINING PROPERTIES). THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY, AND HOLD THE OWNER AND DESIGN PROFESSIONAL HARMLESS OF ANY AND ALL LIABILITY REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR DESIGN PROFESSIONAL.

GENERAL NOTES (CONT.)

- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL WORK ASSOCIATED WITH THIS PROJECT COMPLIES WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL SAFETY CODES AND OTHER REGULATIONS GOVERNING THE WORK.
- ACCESS TO THE PROPOSED SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER OR THE OWNER'S REPRESENTATIVE REGARDING ALL CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIAL ACCESS.

EXISTING INFRASTRUCTURE

- 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.
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES IN THE AREA OF ANY PROPOSED CONSTRUCTION OR PROPOSED DISTURBANCE DUE TO CONSTRUCTION. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL ON HIS INITIATIVE AND AT NO EXTRA COSTS LOCATE ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATION SHALL ACCRUE TO THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE, OTHER OBSTRUCTIONS OR FROM ANY DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES AND IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. CONTACT ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON THE PLANS OR IF THERE APPEARS TO BE A CONFLICT BETWEEN EXISTING AND PROPOSED UTILITY LOCATIONS.

UTILITIES

- CONTRACTOR SHALL COORDINATE WITH THE OWNER REGARDING THE REQUIREMENTS AND LIMITS OF CLEARANCE FOR OVERHEAD AND/OR UNDERGROUND ELECTRICAL SERVICE
- ALL UNDERGROUND UTILITIES SHALL BE INSTALLED AND TESTED SATISFACTORILY PRIOR TO COMMENCING ANY PAVING ACTIVITY WHERE SUCH UTILITIES ARE WITHIN THE LIMITS OF PAVEMENT
- UNLESS OTHERWISE SPECIFIED HEREIN, MINIMUM COVER FOR CONDUITS SHALL BE 36-INCHES

GRADING

- CONTRACTOR IS TO CONTACT NORTH CAROLINA 811 AT 1-800-632-4949 FOR UNDERGROUND UTILITY LOCATION 72 HOURS PRIOR TO ANY GROUND DISTURBANCE.
- ALL CONSTRUCTION AREAS ARE TO BE CLEARED, GRUBBED AND STRIPPED OF TOPSOIL, ORGANICS AND UNSUITABLE MATERIALS PRIOR TO GRADING AND IN ACCORDANCE WITH THE RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL REPORT.
- EXCAVATIONS SHOULD BE SLOPED OR SHORED IN ACCORDANCE AND COMPLIANCE WITH OSHA 29 CFR PART 1926, EXCAVATION TRENCH SAFETY STANDARDS AS WELL AS LOCAL, STATE AND FEDERAL REGULATIONS.
- ALL FILL PLACEMENT INCLUDING SUITABILITY OF FILL MATERIALS AND COMPACTION OF MATERIALS SHOULD BE CONDUCTED IN ACCORDANCE WITH THE RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL REPORT. IN THE ABSENCE OF FILL SPECIFICATIONS, THE FOLLOWING MINIMUM REQUIREMENTS SHOULD BE ADHERED TO:
 - FILL LIFT THICKNESS SHOULD NOT EXCEED 8 INCHES LOOSE WHEN COMPACTED WITH HEAVY COMPACTION EQUIPMENT OR 4 INCHES LOOSE WHEN COMPACTED WITH HAND OPERATED TAMPERS.
 - FILL MATERIALS SHOULD NOT BE PLACED ON SATURATED OR FROZEN SURFACES OR SURFACES THAT CONTAIN ORGANIC MATERIAL, MUD, SNOW, ICE, OR FROST
 - FILL MATERIALS SHALL BE FREE OF FROZEN PARTICLES, BRUSH, ROOTS, SOD, OR OTHER OBJECTIONABLE MATERIALS THAT WOULD PREVENT THE CONSTRUCTION AND/OR COMPACTION OF SATISFACTORY FILLS. THIS INCLUDES SOFT, MUCKY, OR HIGHLY COMPRESSIBLE MATERIALS
 - ALL FILLS SHOULD BE COMPACTED AS REQUIRED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE, OR OTHER RELATED PROBLEMS. ALL FILL AREAS WITHIN BUILDINGS OR OTHER STRUCTURES, TRAVEL/ACCESS ROUTES, PARKING AREAS AND EXTENDING 5-FT (MINIMUM) OUTSIDE OF THOSE AREAS' FOOTPRINT, SHOULD BE COMPACTED TO +/- 95% OF MAXIMUM DRY DENSITY OF THE MATEIRAL AS OBTAINED BY THE STANDARD PROCTOR METHOD.

GRADING (CONT.)

- THE CONTRACTOR SHALL REWORK ALL MATERIALS NOT SUITABLE FOR USE IN THEIR PRESENT STATE DUE TO MOISTURE CONTENT VARIATION. IF THE MATERIAL REMAINS UNSUITABLE AFTER INITIAL REWORKING, THE CONTRACTOR SHALL REMOVE AND REPLACE WITH NEW MATERIAL IN ACCORDANCE WITH THE GEOTECHNICAL REPORT RECOMMENDATIONS.
- IN THE ABSENCE OF A GEOTECHNICAL REPORT A GEOTECHNICAL ENGINEER SHOULD BE RETAINED TO PROVIDE SITE SPECIFIC RECOMMENDATIONS/OVERSIGHT.
- DELTA OAKS GROUP MAKES NO CLAIMS TO THE SUITABILITY OF ANY ON-SITE MATERIALS FOR USE AS FILL TO SUPPORT ANY PROPOSED INFRASTRUCTURE.
- SPOT ELEVATIONS REPRESENT FINISHED GRADE UNLESS OTHERWISE NOTED.
- ALL TEMPORARY AND FINISHED GRADES MUST MAINTAIN ADEQUATE SURFACE DRAINAGE SO THAT RUN-OFF IS DIRECTED TO DEDICATED OFF-SITE AREAS OR TO ON-SITE COLLECTION POINTS SUCH AS SWALES, CATCH BASINS, DROP INLETS, CULVERTS, STORMWATER BMP'S, ETC. TO PREVENT SURFACE PONDING, STANDING WATER, OR EXTENDED PERIODS OF SOIL SATURATION.

EROSION AND SEDIMENT CONTROL

- THE DENUDED AREA IS ~25,800 SQUARE FEET.
- THE RECEIVING WATERCOURSE IS THE BIG BEAR CREEK.
- THE PROPOSED TOWER COMPOUND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE PER FIRM #3710660200J WITH EFFECTIVE DATE NOVEMBER 5, 2008.
- CUT AND FILL SLOPES SHOULD BE STABILIZED WITHIN 15 DAYS DURING ANY PHASE OF GRADING
- STREETS ADJACENT TO THE PROJECT SHALL BE KEPT CLEAN AT ALL TIMES FROM SEDIMENT OR OTHER CONSTRUCTION GENERATED MATERIAL OR A WASH STATION WILL BE REQUIRED
- THE CONTRACTOR SHALL COMPLY WITH ALL GOVERNING REGULATIONS REGARDING EROSION AND SEDIMENT CONTROL FOR THE AGENCY HAVING JURISDICTION OVER CLEARING AND GRADING PROCEDURES. UTILIZE BEST MANAGEMENT PRACTICES (BMP'S) DESCRIBED IN THE GOVERNING AGENCY'S OR APPLICABLE STATE'S CODE IN ORDER TO BOTH PREVENT/MINIMIZE CONCENTRATED FLOWS THROUGH OR ACROSS UNSTABILIZED/DENUDED AREAS AND PREVENT/MINIMIZE SEDIMENT LADEN STORMWATER RUNOFF FROM LEAVING THE CONSTRUCTION SITE. SPECIFIC BMP EXAMPLES INCLUDE SILT FENCE, CONSTRUCTION ENTRANCE(S), PERIMETER DIVERSION SWALES, INLET PROTECTION, AND OTHER APPLICABLE MEASURES.
- CONTRACTOR AND/OR OWNER SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL DEVICES SPECIFIED HEREIN AND ANY ADDITIONAL CONTROLS THAT MAY BECOME NECESSARY IN ORDER TO ENSURE THE PROTECTION OF ADJACENT PROPERTIES AND WATERWAYS. ALL TEMPORARY DEVICES SHALL BE APPROPRIATELY MAINTAINED UNTIL ALL EARTH DISTURBING ACTIVITIES HAVE CEASED AND THE PROJECT IS STABILIZED AND APPROVED.
- EROSION CONTROL MEASURES SHALL BE CHECKED DAILY AND IMMEDIATELY FOLLOWING ANY RAINFALL EVENTS. ANY NOTED DEFICIENCIES WILL BE CORRECTED IMMEDIATELY (NO LATER THAN THE END OF EACH DAY). IMMEDIATELY UPON THE DISCOVERY OF UNFORESEEN CIRCUMSTANCES THAT POSE THE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION, THE CONTRACTOR SHALL IMPLEMENT APPROPRIATE BMP'S TO MINIMIZE THE POTENTIAL FOR EROSION AND SEDIMENTATION.
- ALL DENUDED CUT/FILL SLOPES STEEPER THAN OR EQUAL TO 2:1 SHALL BE PROTECTED WITH NORTH AMERICAN GREEN SC125 OR EQUIVALENT UNLESS ALTERNATIVE SLOPE PROTECTION MEASURES ARE APPROVED
- ALL CONSTRUCTION TRAFFIC SHALL ENTER AND EXIT THE SITE VIA THE CONSTRUCTION ENTRANCES

MOTOROLA CONSTRUCTION REQUIREMENTS

- AWARDED CONTRACTOR WILL BE REQUIRED TO SIGN AND RETURN A COPY OF AN AWARD LETTER FOR MOTOROLA'S FILE.
- CONTRACTOR WILL BE REQUIRED TO PROVIDE PROOF OF LICENSE TO PERFORM WORK IN JURISDICTION AT TIME OF BID AWARD.
- CONTRACTOR WILL PROVIDE A CONSTRUCTION SCHEDULE PRIOR TO CONSTRUCTION STARTING AND WILL PROVIDE UPDATE/CHANGES (WITH EXPLANATIONS) TO THAT SCHEDULE WHEN/IF ITEMS ARE DELAYED OR PUSHED OUT.
- CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONCRETE COMPRESSIVE TESTING AND REQUIRED TO SUBMIT FINAL TEST RESULTS WITH CLOSE OUT BOOK.
- CONTRACTOR WILL BE RESPONSIBLE TO PROVIDE MOTOROLA PROJECT MANAGERS WITH PHOTOS OF THE MAJOR CONSTRUCTION MILESTONES AS THEY OCCUR.
- CONTRACTOR WILL BE RESPONSIBLE TO ASSIST IN COORDINATING AND OBTAINING PRIMARY POWER TO THE SITE PRIOR TO TOWER ERECTION, AS WELL AS TELCO SERVICE BEFORE PROJECT COMPLETION. (ON SITE VISITS WITH UTILITY COMPANY REPRESENTATIVES AS NECESSARY, ETC.)
- CONTRACTOR WILL HAVE A REPRESENTATIVE ON A WEEKLY CONFERENCE CALL TO PROVIDE MOTOROLA WITH SITE SPECIFIC UPDATES. CURRENTLY, THIS CONFERENCE CALL IS HELD EACH AND EVERY THURSDAY AT 4PM (EASTERN TIME).
- CONTRACTOR SHOULD BE PREPARED FOR RANDOM MOTOROLA SAFETY INSPECTIONS AT ALL TIMES.
- CONTRACTOR IS EXPECTED TO MAINTAIN PROPER WORKING CONDITIONS AND PROCEDURES PER OSHA STANDARDS AT ALL TIMES.
- CONTRACTOR WILL BE REQUIRED TO OBTAIN THE NECESSARY ELECTRICAL PERMITS AND INSPECTIONS AS REQUIRED BY JURISDICTION.
- CONTRACTOR IS EXPECTED TO CLOSE-OUT THE JOB SITE AS QUICKLY AS POSSIBLE (OBTAINING A CERTIFICATE OF OCCUPANCY AND GETTING MOTOROLA'S REGIONAL SITE MANAGER'S SIGN-OFF/CHECKLIST APPROVAL ON THE SITE).
- CONTRACTOR WILL PROVIDE A COMPLETED TOWER HEIGHT VERIFICATION FORM AND TAPE DROP WITHIN 24 HOURS OF REACHING OVERALL HEIGHT.
- CONTRACTOR WILL UTILIZE ALL OF THE MOTOROLA PROVIDED DOCUMENTATION INCLUDING BUT NOT LIMITED TO: TOWER CONSTRUCTION ACCEPTANCE CHECKLIST, CONSTRUCTION SCHEDULE, CONSTRUCTION CLOSE-OUT LIST & TOWER HEIGHT HEIGHT VERIFICATION.
- CONTRACTOR IS RESPONSIBLE FOR GROUND MEG TESTING.
- CONTRACTOR IS RESPONSIBLE FOR ALL GRADING AND FILL COMPACTION TESTING REQUIRED AS SET FORTH IN THE GEO TECHNOLOGICAL REPORT PROVIDED BY OWNER.

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
 NORTH CAROLINA LICENSE NO. 044187

DRAWN BY:	JL
CHECKED BY:	BJW
APPVD:	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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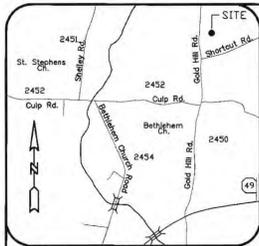
SITE NAME:
 NORTHEAST COMMUNICATIONS TOWER

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

SITE ID:
 TBD

SHEET TITLE
 GENERAL NOTES

SHEET NUMBER
 GN-1



VICINITY MAP
NOT TO SCALE

LEGEND

- EP (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
- THE LINE
- OVERHEAD POWER LINE
- FENCE LINE
- CENTER OF DITCH / DRAIN
- EASEMENT LINE
- MINOR CONTOUR LINE
- MAJOR CONTOUR LINE
- SD — SD — STORM DRAIN

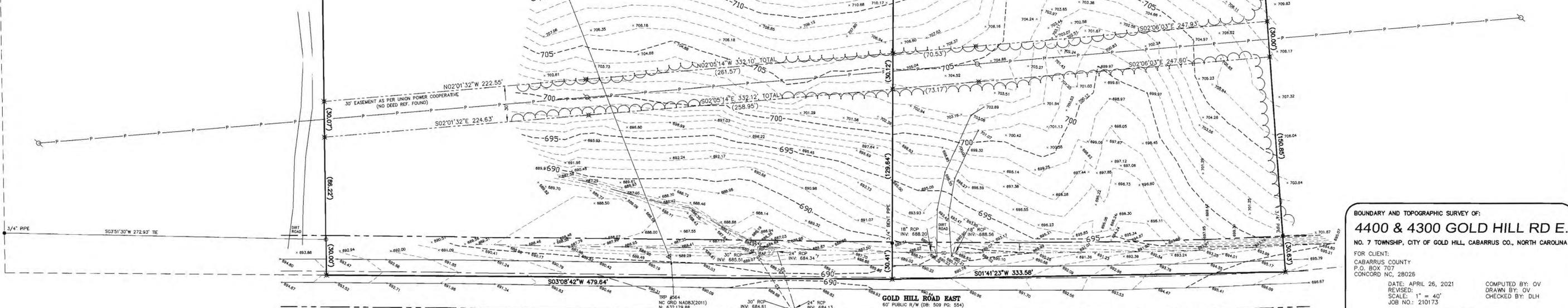
- NOTES:
1. TRAVERSE ADJUSTED BY LEAST SQUARES ADJUSTMENT METHOD.
 2. NC GRID NAD 83 (2011) EPOCH 2010.00 BASIS OF BEARING AND NAVD 88 ELEVATIONS DERIVED FROM NCGS NETWORK RTK ON MAY 04, 2020 (HORIZONTAL POSITIONAL ACCURACY = 0.09', VERTICAL ACCURACY = 0.1') USING GEOID MODEL GEOID18, PROJECT LOCALIZED HOLDING CONTROL PT #564 (N=632,179.86', E=1,601,483.60'), AND USING A COMBINED GRID FACTOR OF 0.999952784. UNITS ARE US SURVEY FEET.
 3. AREA COMPUTED BY COORDINATE COMPUTATIONS.
 4. ALL DISTANCES SHOWN ARE HORIZONTAL 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 3710660200L, EFFECTIVE DATE NOVEMBER 9, 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 LORCH-EBRO, 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 SHOW 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 1:18,306; 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 26TH DAY OF APRIL, 2021.

DAVID L. HAYWOOD, JR. PLS



KATHERINE B HONEYCUTT
PIN: 6603-02-7240
DB: 905 PG: 53

TRP #564
NC GRID NAD83(2011)
N: 632,179.86'
E: 1,601,483.60'
CGF: 0.999952784

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

HOMER CRAIG SMITH and
wife, WANSOME 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:
SCALE: 1" = 40'
JOB NO.: 210173

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

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
ACAD FILE: BOUNDARY.DWG
© CBSI 2021

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 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
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



CABARRUS COUNTY
ZONING
NOTICE
VARN2022-00002
FOR DETAILS CALL
704-920-2141

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.

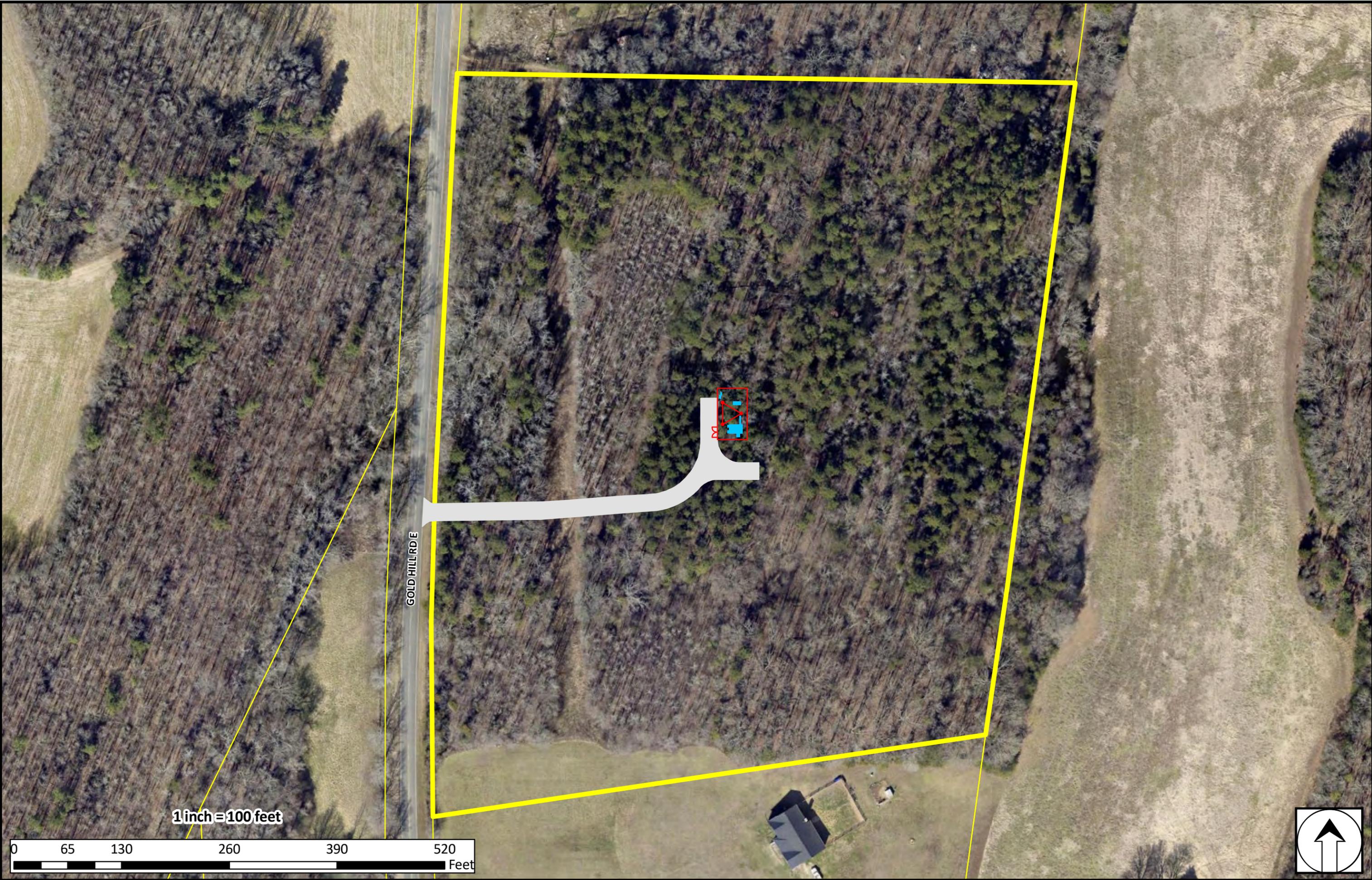
The purpose of the variance request is to allow Cabarrus County to encroach into the required setbacks of a WTC Tower. WTC towers are required to be tower height plus 50 feet from the fenced compound to the property line. The proposed tower is 305 feet in height and the compound is situated on the property 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,

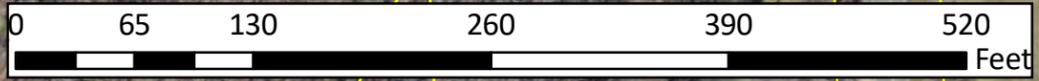
A handwritten signature in cursive script that reads "Phillip Collins".

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



GOLD HILL RD E

1 inch = 100 feet



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,

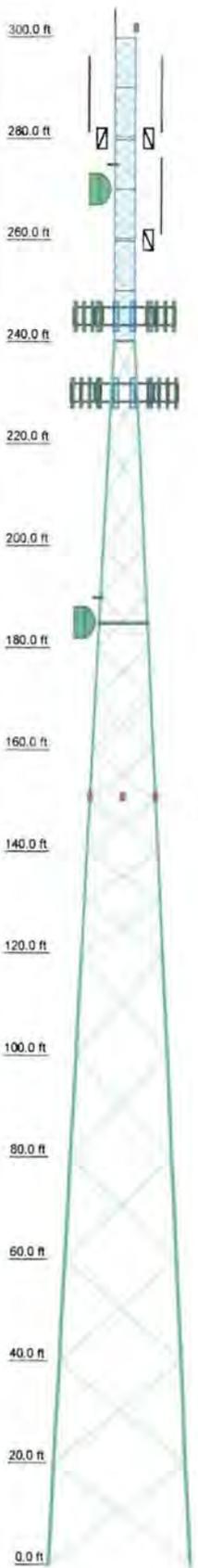
A handwritten signature in green ink that reads "Joseph Jacobs".

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	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	102	101
Legs	I	H	G	F	E	D	C	B	A										SR 1 1/4
Leg Grade																			SR 3/4
Diagonals	J																		
Diagonal Grade																			
Top Girts																			SR 7/8
Mid Girts																			SR 7/8
Bottom Girts																			SR 7/8
Horizontal																			SR 3/4
Face Width (ft)	25	26	24	20	18	16	14	12	10	10	8	8	8	8	8	8	8	8	
# Panels (ft)	47	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	
Weight (K)	47	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	



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	#122G-58 - 1.25" - 1.00" conn. (Pirod 194434)	F	#122G-58 -2.00" - 0.875" conn. (Pirod 195639)
B	#122G-58 - 1.50" - 1.00" conn. (Pirod 194651)	G	#122G-58 -2.25" - 0.875" conn. (Pirod 195960)
C	#122G-58 - 1.75" - 1.00" conn.-TR1-(Pirod 195213)	H	#122G-58 -2.25"-0.875 -DB-0.500"-HP- (Pirod 196946)
D	#122G-58 - 1.75" - 1.00" conn. (Pirod 195217)	I	#122G-58 BASE - 2.50" - 0.875" conn.-TR4-(Piro 281171)
E	#122G-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

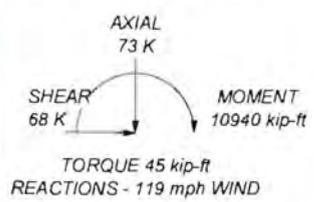
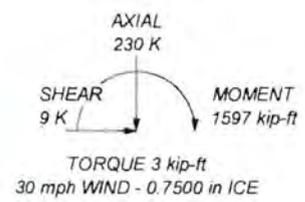
1. Tower is located in Cabarrus County, North Carolina.
2. Tower designed for Exposure C to the TIA-222-G Standard.
3. Tower designed for a 119 mph basic wind in accordance with the TIA-222-G Standard.
4. Tower is also designed for a 30 mph basic wind with 0.75 in ice. Ice is considered to increase in thickness with height.
5. Deflections are based upon a 60 mph wind.
6. Tower Risk Category III and IV.
7. Topographic Category 1 with Crest Height of 0.00 ft
8. Tower was designed with a theoretical zero fall zone radius at ground level.
9. 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



<p>valmont STRUCTURES</p> <p>Valmont Industries, Inc. - Global Telecom</p>	1545 Pidco Drive	Job: Quotation 533760-05		
	Plymouth, IN	Project: U-28 x 300' - Northeastern - Cabarrus		
	Phone: (574) 936-4221	Client: Motorola Solutions	Drawn by: TF	App'd:
	FAX: (574) 936-8458	Code: TIA-222-G	Date: 05/09/22	Scale:
		Path: c:\TEMP\TempRISAT\paw\Work\717006\533760-05.dwg		Dwg N:

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	66031280360000
OBJECTID	47439
SHEET	6603
BLOCK	12
ParcelNum	8036
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)

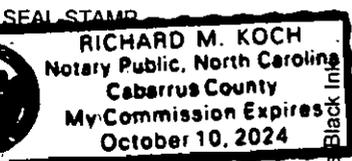
USE BLACK INK ONLY

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 _____ Grantor,
Tracy W. Talley and wife, Carol C. Talley

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.

REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant - Register of Deeds

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

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:

- | | | |
|-------------------------------------|-------------------------------------|---|
| 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: PSD 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



GOLD HILL ROAD

(1087)

MARY JANE WALKER PROBATE DE 1904

(1123)

SR 2451

45' R/W

PIN: 6603220654

Deeded Acreage: 1.3

PIN: 6603234185

Deeded Acreage: 31.704

809.

PIN: 6603128573
Deeded Acreage: 3.28

3.28 A

8573

1.30 A

0654

368.24

1

232.64

150.051

151.01

786.11

07-004 - 0002.90

PIN: 6603128250
Deeded Acreage: 8.51

8.51 A

8250

Before

479.46

495.46

2

724.69

07-004 - 0002.10

PIN: 6603118729
Deeded Acreage: 5.11

5.11 A

8729

PIN: 6603215825
Deeded Acreage: 24.5

24.5A

5825

647.74

333.44

280

3

711.82

PIN: 6603117489
Deeded Acreage: 5.26

5.26 A

7489

PIN: 6603327547
Deeded Acreage: 69.51

PIN: 6603113316
Deeded Acreage: 4.99

5.0A

3316

251.85

4

PIN: 6603102728
Deeded Acreage: 8.36

638.41

673.53

PIN: 6603117193
Deeded Acreage: 6.19

377.52

6603027240
HONEYCUTT KATHERINE B
07-004 -0001 00

6603102728

SMITLEY GENE
VANWATTA BRUCE
07-004 -0002 00

SMITH HOMER C
07-000 -0002 70

SR 2450

(1087)

MARY JOAN WILEY PROPERTY PUBLIC

GOLD HILL ROAD

(1123)

437.54

255.33

647.74

232.64

6603234185

CCA RESIDENTIAL #1 LLC

07-002 -0014 00

810.85

45' R/W

SMITH MARGIE L
07-004 -0002 60

6603128573

788.84

SMITH MARGIE L
07-004 -0002 11

368.24

1

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

673.53

4

CONEJO URIEL HERNANDEZ
MORALES FANY LIZETH MARTINEZ
07-004 -0002 30

6603117193

5

490.15

251.85

775.46

After

(871)

(895)

6602292791

317.52

6603310190

205.55

240.17

THEE PRK

330.84
250.02

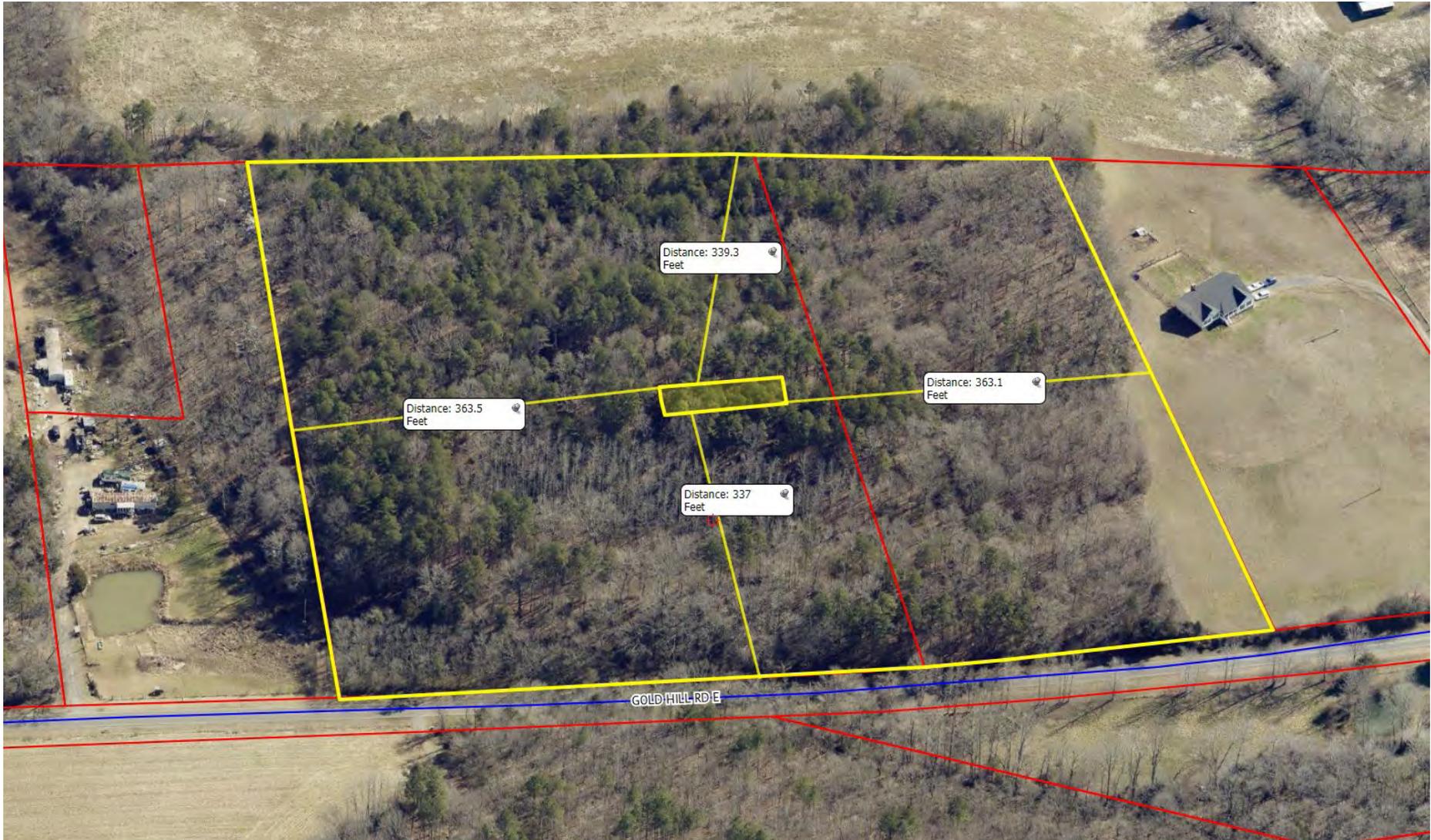
6603327547

LEFLER WALTER J JR
LEFLER PAMELA D WF
07-004 -0005 10

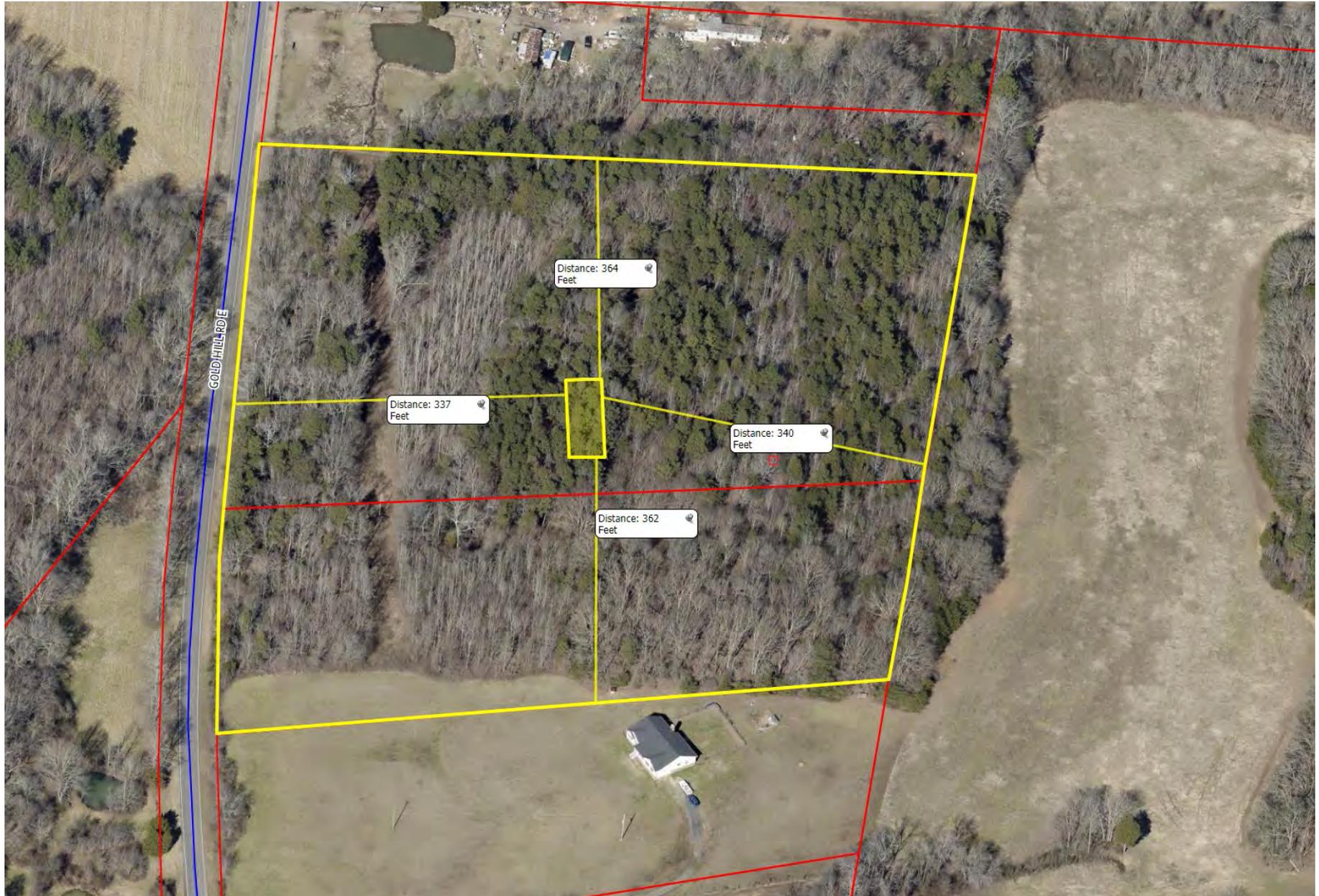
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170.1

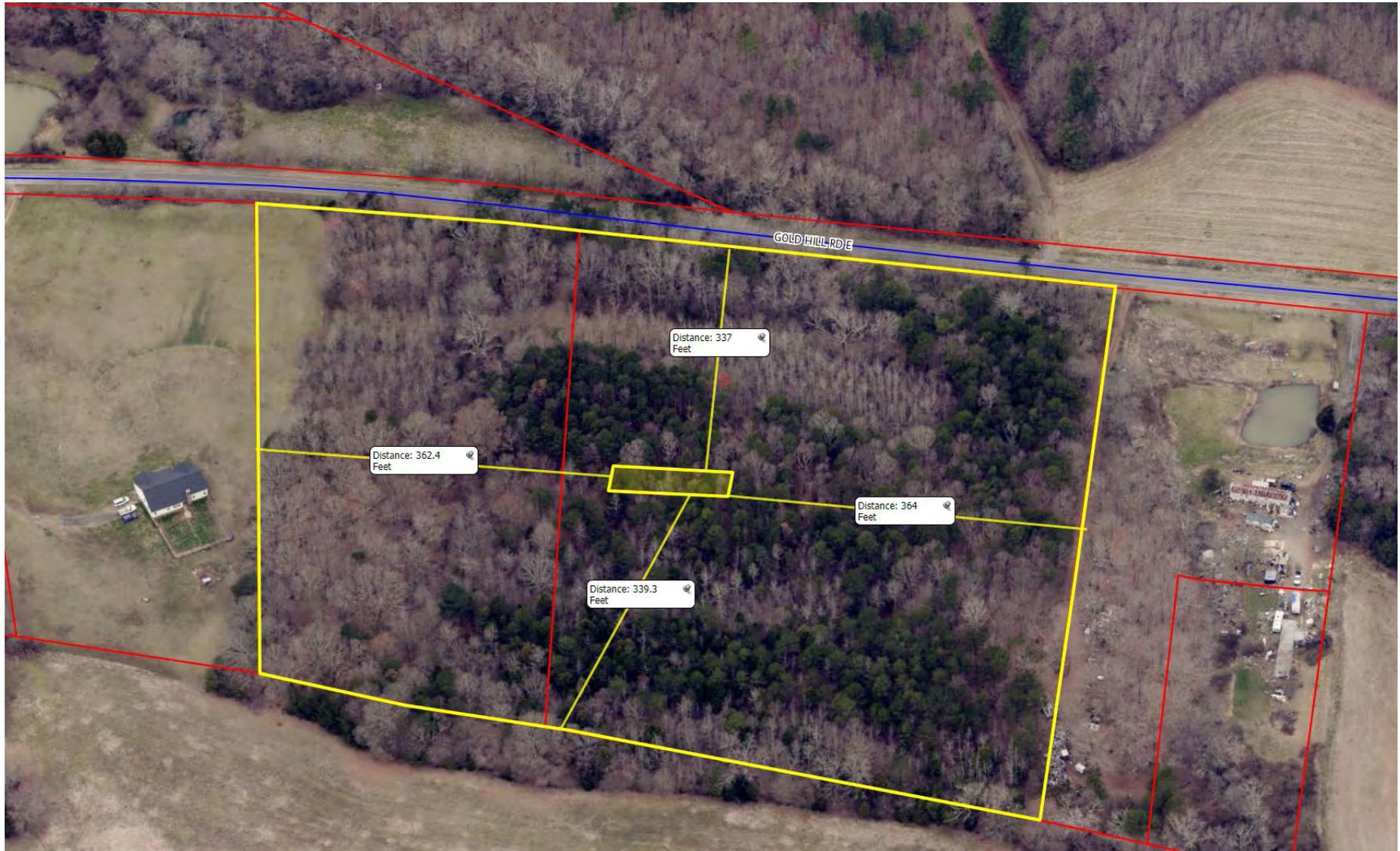
View of subject property, looking east



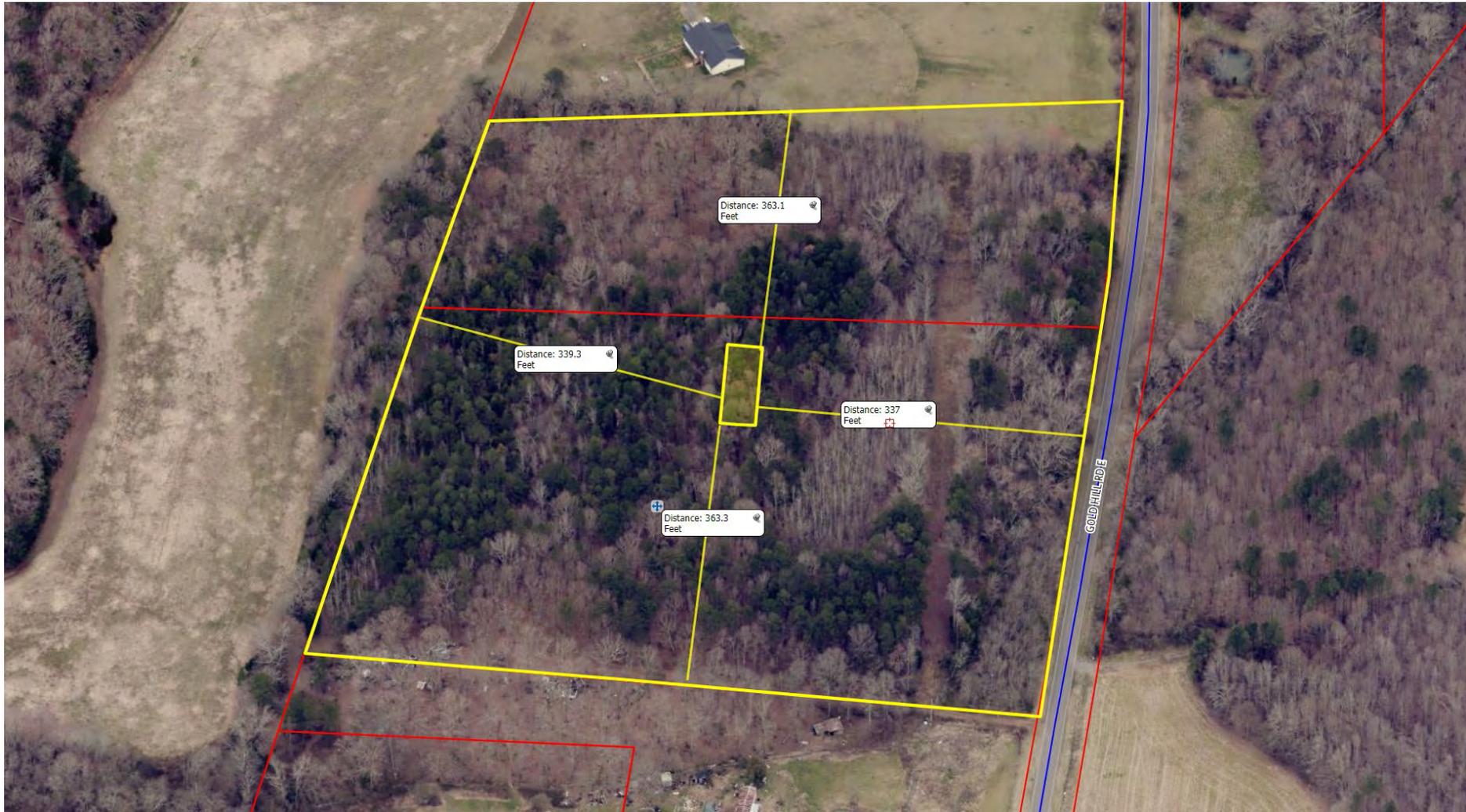
View of subject property, looking north



View of subject property, looking west



View of subject property, looking south



Streetside view of subject property,
approaching from the south



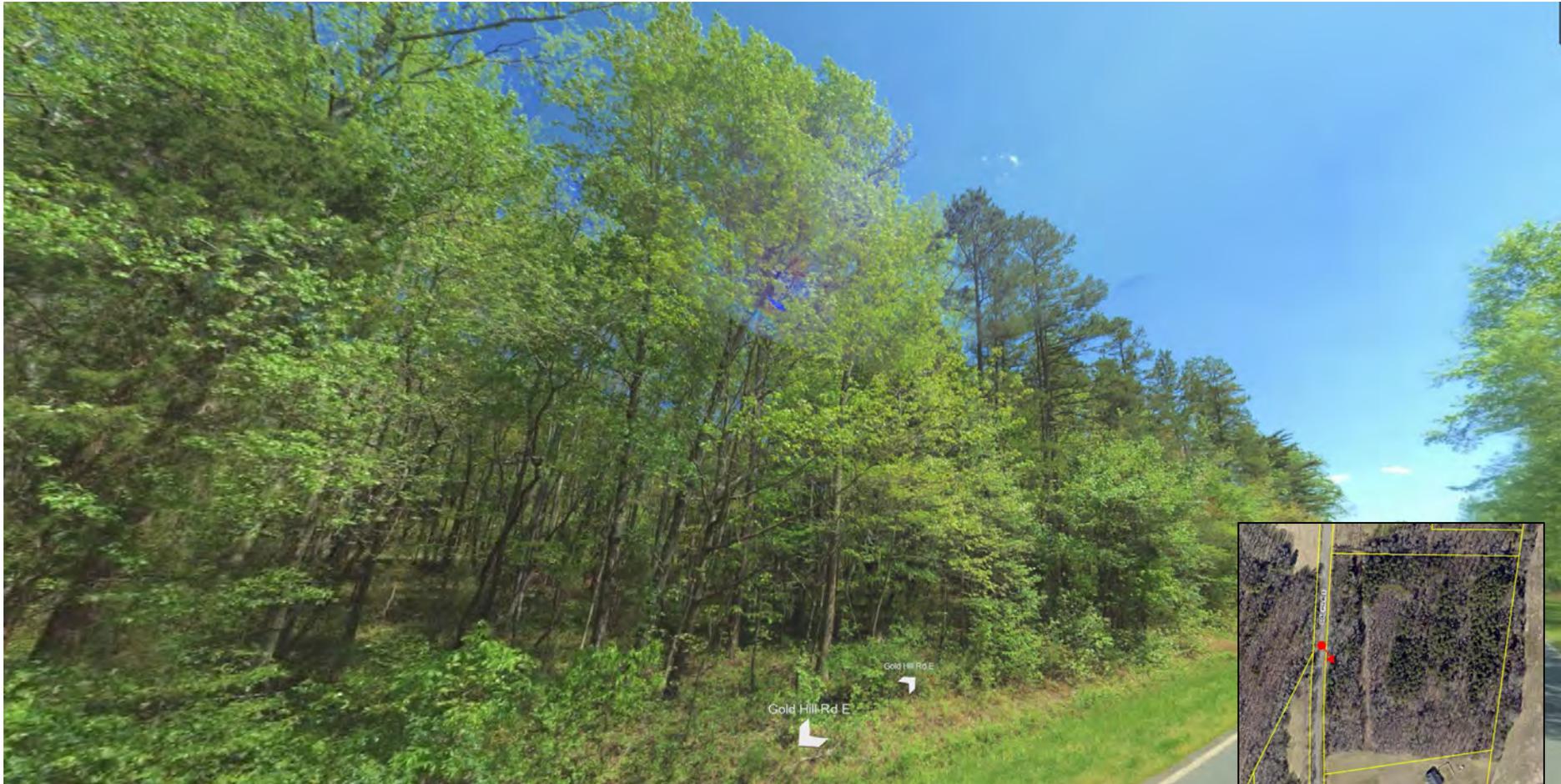
Streetside view of subject property,
approaching from the south



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

