



**Town of Cornelius
Planning Board/Board of Adjustment**

**Agenda
October 12, 2020
6:30 PM
Assembly Room**

- 1. Call To Order**
- 2. Determination of Quorum**
- 3. Election Of Chair & Vice Chair**
 - A. Election of Chair & Vice Chair
- 4. Approval of Minutes**
 - A. September 14, 2020 Minutes
- 5. Consideration of Approval**
 - A. REZ 03-20 Cain Center for the Arts
 - B. REZ 04-20 Cottonwood Cell Tower
 - C. TA 02-20 Repeal Ordinance 2018-00685, Parking During Construction
 - D. TA 05-20 Campaign Signs
 - E. TA 06-20 Changeable Copy/Marquee Signs
- 6. Old Business**
- 7. New Business**
- 8. Next Meeting**
- 9. Adjournment**

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 12, 2020

To: Chair Eicher and Planning Board Members


From: Summer Smigelski, Planning Admin.

Action Requested:

Review and approve Minutes

Manager's Recommendation:

ATTACHMENTS:

Name:	Description:	Type:
 PB_Minutes_09142020_Draft_-_Copy.docx	September 14, 2020 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS PLANNING BOARD

Assembly Room
September 14th, 2020
6:30 p.m.

Members Present

Joseph Dean
Danielle Miller
Lee Peterson, Vice Chair
Michael Osborne
Susan Johnson
Edward Marxen, Alternate
Keith Eicher, Chair
Phil Bechtold

Members Absent

Cameron Bearder, Alt.
Hardy McConnell

Staff Present

Summer Smigelski, *Admin. Assistant*
Aaron Tucker, *Planning Director*
Gary Fournier, *Planner*
Catherine McElearney, *Planner*
Becky Partin, *Senior Planner*

VISITORS

See Sign-In Sheets

DETERMINATION OF QUORUM

Chair Eicher called the Planning Board meeting to order at 6:30 pm and noted there was a quorum present.

APPROVAL OF MINUTES

Ms. Johnson made a motion of approval for the August 10th, 2020 Minutes with corrections. Mr. Peterson seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Ms. Johnson made a motion of approval for the August 24th, 2020 Minutes. Mr. Osborne seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

VAR 05-20 Foxcroft Equity LLC 21529 Baltic Drive

Chair Eicher asked for a motion to reconvene the public hearing.

Ms. Johnson made a motion to reconvene the public hearing. Mr. Osborne seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Chair Eicher Reads:

What is a Variance

A variance is a request to deviate from current zoning requirements. If granted, it permits the owner to use his land in a way that is ordinarily not permitted by the zoning ordinance. It is not a change in the zoning law, but a waiver from the requirements of the zoning ordinance.

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases.

The board's discretion is limited. The board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. General witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion.

Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Chair Eicher called forward anyone wishing to testify to be sworn in by the Board Secretary.

Ms. Smigelski swore in applicant's and Town staff.

Chair Eicher asked for board members to disclose if they have been by the property. Ms. Johnson disclosed she has been to the property.

Mr. Fournier: "CHAIRMAN, MEMBERS OF THE BOARD, MY NAME IS GARY FORNIER, FOR THOSE WHO DON'T KNOW. I WILL PRESENT VARIANCE VAR-40520. PROPERTY ADDRESS IS 20152 BALTIC DRIVE HERE IN CORE NEALIOUS. THE APPLICANT IS DAVID MURRAY ON BEHALF OF FOXTROT-- FOX CROFT EQUITY, LLC, 1109 GREENWOOD CLIFF, CHARLOTTE, NORTH CAROLINA, 28204. TAX I.D. IS 001-78117 THE APPLICANT IS SEEKING VARIANCE PER TOWN OF CORE NEALIOUS ORDINANCE 91-00039. THE APPLICANT IS ASKING FOR RELIEF IN A WAY OF AN ENCROACHMENT INTO THE 40-FOOT LAKE NORMAN WATER SHED BUFFER TO ALLOW FOR PLACEMENT OF A DRIVEWAY. STAFF WILL PRESENT TESTIMONY AT THE HEARING THAT COVERS THE

FOLLOW BASIC FACTS AND WILL INTRODUCE THE TOWN EXHIBITS INTO EVIDENCE. THE SUBJECT PROPERTY IS WITHIN THE TOWN OF CORNELIUS ZONING JURISDICTION AND ZONED GENERAL RESIDENTIAL, GR. THE PROPERTY IS SHOWN ON THE ZONING MAP AS EXHIBIT A. THE AERIAL VICINITY MAP AS EXHIBIT B AND THE AERIAL PROPERTY MAP AS EXHIBIT C. HERE'S A ZONING MAP. PROPERTY IS HIGHLIGHTED IN RED. AND THIS IS A VICINITY MAP. AGAIN, THE PROPERTY'S HIGHLIGHTED IN RED. AND HERE'S A CLOSE-UP OF THE PROPERTY. TOWN ORDINANCE 91-00039 WAS ADOPTED BY THE TOWN BOARD ON JANUARY 18th OF 1991 TO AMEND THE ZONING MAP AND ESTABLISH 22 CONDITIONS. PARCEL NUMBER 001-78-117 IS SUBJECT TO THESE CONDITIONS. CONDITION NUMBER 19 STATES THAT, QUOTE, A 40-FOOT SETBACK SHALL BE MAINTAINED FROM LAKE NORMAN FOR ALL SINGLE-FAMILY PARKING AND AMENITY STRUCTURES, END SCOAT. A DRIVEWAY IS CONSIDERED A PARKING STRUCTURE. THIS BUFFER IS DEFINED AS A WATER SHED BUFFER. THEREFORE, IN ACCORDANCE WITH SECTION 16.1, THE PLANNING BOARD SHALL SERVE AS THE WATER SHED REVIEW BOARD. TOWN ORDINANCE 91-00039 IS SHOWN AS EXHIBIT D. AND IT'S SEVERAL-PAGE DOCUMENT. AND THERE IS NUMBER 19. THE SUBJECT PROPERTY IS RECORDED ON A PLAT DATED MARCH 4th, 1997 WITH THE MECKLENBURG COUNTY REGISTER OF DEEDS OFF AND PLAT BOOK AS LOT NUMBER 87. THERE ARE FRONT AND BACK SHOWN ON THE PLAT. IT REFERS TO TOWN ORDINANCE NUMBER 91-00039 IN THE NOTES. THE RECORDED PLAT IS SHOWN AS EXHIBIT E. THERE'S THE LOT. THE PARCEL IN QUESTION. AND THERE'S A NOTE REFERRING TO THE BUFFER. AND THIS IS ZOOMED IN TO THE TOP, LEFT CORNER OF THE PLAT. THE APPLICANT SUBMITTED A TOWN VARIANCE APPLICATION TO SITE PLANS AND THE APPROVAL LETTER FOR VAR-0219, A PROPERTY SURVEY, A TOPOGRAPHICAL MAP AND AN AERIAL PHOTO OF SURROUNDING PARCELS. THE FIRST SITE PLAN SHOWS THE WATER SHED BUFFER ON THIS PARCEL TO BE A TOTAL OF 15,477 SQUARE FEET AND THE DRIVEWAY ENCROACHMENT AS 769 SQUARE FEET. THIS CONSTITUTES A 4.97% ENCROACHMENT AND IS THEREFORE CONSIDERED A MINOR WATER SHED VARIANCE REQUEST PER CHAPTER 2 OF THE TOWN OF CORNELIUS LAND DEVELOPMENT CODE. THE VARIANCE APPLICATION IS SHOWN AS EXHIBIT F. THE TWO SITE PLANS EXHIBITS G AND H. THE APPROVAL LETTER FOR VAR 0219 IS EXHIBIT I. THE PROPERTY SURVEY IS EXHIBIT J, THE TOPOGRAPHICAL MAP AS EXHIBIT K AND THE AERIAL PHOTO OF SURROUNDING PARCELS AS EXHIBIT L. HERE'S VARIANCE APPLICATION. ONE OF THE SITE PLANS. AREA IN THE PINK IS THE PROPOSED ENCROACHMENT. AND HERE'S ANOTHER SITE PLAN. THIS IS THE APPROVAL LETTER FROM THE VARIANCE FROM LAST YEAR. HERE IS A SURVEY OF THE PROPERTY. AND HERE'S A TOPOGRAPHICAL MAP FROM MECKLENBURG COUNTY'S GIS WEBSITE, POLARIS 3G AND FROM POLARIS 3G IS A VICINITY MAP. STAFF VISITED THE PROPERTY AND TOOK TWO PHOTOS SHOWN AS EXHIBITS M AND N. AND THIS IS FROM A CUL DE SAC LOOKING SOUTH. AND THIS IS FROM THE BACK OF THE HELLO, SAILOR LOOKING ACROSS THE BAY. STAFF HAS ALSO PROVIDED A BIRTH'S EYE VIEW OF THE PROPERTY WHICH IS SHOWN AS EXHIBIT O AND THIS IS THE PROPERTY, THE BLUE AREA. AND THAT CONCLUDES MY PRESENTATION.

Chair Eicher: "THANK YOU, GARY. ANY QUESTIONS FOR GARY?"

Mr. Peterson: "YEAH. COULD YOU GO BACK TO WHERE IT SHOWS THE PINK OUTLINE OF ENCROACHMENT? AND SO, IS THAT BLACK LINE IN THE MIDDLE PART, IS THAT WHERE THIS ENCROACHMENT IS, OR IT IS THE WHOLE PIECE THERE?"

Mr. Fournier: "THE WHOLE PINK AREA IS THE ENCROACHMENT AREA. "

Mr. Peterson: "769 SQUARE FEET. THAT'S LESS THAN 5% BASICALLY. "

Mr. Fournier: "CORRECT."

Chair Eicher: "Any questions for Gary? Just to emphasize that in July of 2019, we approved this particular request once before?"

Mr. Fournier: "That is correct."

Chair Eicher: "We will now hear from the applicant. Please state your name and address for the record."

Applicant: "THANK YOU. MY NAME IS DAVID MURRAY. I'M AN ATTORNEY WITH THE ODOM FIRM IN CHARLOTTE. MY ADDRESS IS 1109 GREENWOOD CLIFF, CHARLOTTE, NORTH CAROLINA, 28204. AS GARY STATED, I REPRESENT THE APPLICANT IN THIS MATTER. I REPRESENTED THE-- ONE OF THE INDIVIDUALS THAT IS FOXCROFT EQUITY IS NOW THE SOLE OWNER OF THE PROPERTY. WHEN A PEERED BEFORE YOU LAST TIME. JUST AS A REVIEW HERE, WE'RE SEEKING A 4.4.97% VARIANCE FROM THE WATER SHED BUFFER WHICH IS THE SAME PERCENTAGE WE SOUGHT LAST TIME. BASICALLY, IN SUMMARY, WHAT HAPPENED LAST TIME WAS THERE WAS A BUYER WHO WAS INTERESTED IN PURCHASING THIS PROPERTY. I GOT TO THE END OF DECEMBER WHEN OUR VARIANCE WAS GOING TO EXPIRE IN JANUARY AND PULLED OUT OF THE DEAL. AND LEFT US IN AN AN AWKWARD SITUATION WHERE WE DIDN'T HAVE A BUYER AND OUR VARIANCE WAS EXPIRING AND SO NOW WE HAVE ANOTHER POTENTIAL BUYER AND THAT'S WHY WE'RE BACK IN FRONT OF THIS BOARD. ALTHOUGH THIS TIME MY ADVICE TO THIS CLIENT IS IF THIS BOARD GRANTS THE VARIANCE, THAT WE NEED TO GO AHEAD AND BUILD THIS DRIVEWAY BECAUSE WE DO NOT WANT TO HAVE TO COME BACK IN AND TAKE UP MORE OF ITS TIME. THE ORDINANCE AS I LORD IDENTIFIED HAS A 40-FOOT SETBACK FOR SINGLE-FAMILY PARKING AND AMENITY STRUCTURES. THIS IS THE PLAT THAT WAS APPROVED. EXHIBIT 8, THIS IS THE ORIGINAL PLAT THAT WAS APPROVED. IT SHOWS UNDER EXHIBIT A-- 8A, I ZOOMED IN, BUT THIS SHOWS THE SITE. IT WAS CLEARLY INTENDED TO BE A SITE THAT WOULD BE BUILT UPON AND IT SHOWS THE BUILDABLE AREA AS LOT 57. THERE'S ALSO A NOTE THAT THE WATER SHED ADMINISTRATOR OF THE TOWN OF CORNELIUS DID REVIEW THIS PLAT BEFORE IT WAS RECORDED. IT'S HANDWRITTEN RIGHT THERE ON THE PLAT THAT'S RECORDED. IT APPEARS THERE WAS A FENCE AT ONE POINT IN TIME THAT WAS ON THIS PROPERTY. THAT FENCE DOES NOT EXHIBIT ANYMORE. BUT YOU CAN SEE THE AND YOU CAN SEE RIGHT HERE, THAT WAS PREEXISTING. THAT LOT JETTED IN AND SO EVEN IF THIS LOT LINE WAS FURTHER OVER, IT DOES NOT ELIMINATE THE PROBLEM THAT WE HAVE. THERE IS A BUFFER ENCROACHMENT, WHETHER THAT LOT LINE IS FURTHER OVER OR NOT. SO, THE LOT LINE TO THE ADJACENT PROPERTY TO THE WEST IS REALLY WHAT'S UNIQUE MOST ABOUT THE WAY THAT THIS PROPERTY IS SHAPED. THERE IS A VARIANCE APPROVED IN 2019, WHICH A TACHED AS AN EXHIBIT. I ALSO HAVE, AND I MARKED AS AN EXHIBIT, EXHIBIT-- ATTACHED EXHIBIT NUMBER 9 IF YOU WOULD LIKE TO SEE IT AND MAKE SURE IT GOES INTO EVIDENCE THAT THIS IS THE MINUTES OF THE HEARING BACK IN 2019. IF THERE ARE ANY QUESTIONS ABOUT WHAT WAS DISCUSSED IN 2019, I HAVE THESE MINUTES. THIS IS A PLAN THAT A PROVED IN 2019, AND THERE IS A DIFFERENCE BETWEEN THIS PLAN AND WHAT WE HAVE TODAY, AND THE DIFFERENCE IS RELATED TO-- THIS AREA THAT'S RIGHT THERE AND THE PLAN THAT WE SUBMITTED LAST TIME, OUR BUFFER WAS MEASURED BASICALLY FOLLOWING THE SAME LINE THAT THE COUNTY WHICH IS A 760 LINE THAT COMES ACROSS THIS WAY. HOWEVER, THE PREVIOUS BUYER POINTED OUT TO US THAT IN FACT, ALTHOUGH IT'S DRY LAND THE 760 LINES GOES UP INTO THIS LITTLE AREA RIGHT THERE. THERE'S A POINT THAT MEASURES 760 RIGHT THERE. RIGHT ON THE ADJACENT PROPERTY OWNER, NOT ON THIS PROPERTY AND SO THAT'S WHERE THE DISCREPANCY CAME UP BETWEEN THIS PLAN AND THE EXISTING PLAN THAT WE ARE SEEKING TONIGHT. BASICALLY, WHAT'S HAPPENED IS BECAUSE THAT TINY LITTLE POINT-- IT'S BASICALLY A BLIP ON THE RADAR, BECAUSE THAT TINY LITTLE POINT, THE BUFF HEARS TO BE MEASURED ALL THE WAY UP INTO THE

CORNER OF THE CURVE, AND BEFORE, IT DID NOT APPEAR THAT WAS THE CASE. AGAIN, IF YOU LOOK AT THE COUNTY-- THE COUNTY'S 760 LINE, IT RUNS PARALLEL TO THE LAKE. OUR SURVEYOR, MR. ANDY ZEITWELL, POINTED OUT THAT IT GOES UP AND THERE'S A BLIP. TONIGHT, WE WANT TO MAKE SURE THAT YOU ALL ARE CLEAR AS TO WHY IT IS SHOWING MORE BUFFER IN THE CORNER AS IT DID BEFORE, AND BASICALLY, WE'VE HAD TO SHIFT THE ENCROACHMENT AWAY FROM BASICALLY THE MIDDLE OF THE SITE TO NOW IN THE CORNER OF THE SITE. SO THAT'S WHAT YOU SEE HERE. ONE OTHER REVISION, AND THIS IS REVISION FOR WHAT'S GOING TO HAPPEN NOW. THE PLAN SINCE WE SUBMITTED WE LOOKED AT THE BUFFER AREA AGAIN ON THIS PROPERTY, AND IT APPEARS THAT, IN FACT, THE BUFFER IS 14,744 SQUARE FEET. NOT 15,000 SQUARE FEET. AND THAT REDUCES THE ACTUAL SQUARE FOOTAGE OF ENCROACHMENT FROM 7-- I THINK IT WAS 769 TO 733, WHICH THE PREVIOUS VARIANCE WAS 730 PLUS OR MINUS. SO, IT'S-- THE SAME SQUARE FOOTAGE. WE JUST SHIFTED IT TO THE CORNER. AND SO THAT'S-- THE DIFFERENCE. BECAUSE OF THE INCREASED BUFFER IN THE CORNER, WE CANNOT HAVE A SIDEWALK THAT ENCROACHES INTO THE BUFFER ON THE FRONT OF THIS HOUSE BECAUSE THERE'S JUST TOO MUCH BUFFER IN THAT CORNER BECAUSE THAT ONE LITTLE PINPOINT SPOT IN THE CORNER WHERE ALTHOUGH IT'S DRY LAND, THE ORDINANCE SAYS YOU MEASURE IT FROM THE 760 LINES AND THAT'S THE 760 LINES. AND THIS IS AN AERIAL AND MR. HI WYNN, WITH DPR ASSOCIATES, HE'S OUR ENGINEER, WHO WILL BE COMING UP HERE IN A MINUTE TO TALK WITH ME AND TO TALK WITH YOU, BUT THIS IS AN AERIAL THAT HE PREPARED THAT'S OVERLAID BASED UPON MR. ZEITWELL'S SURVEY, SHOWING WHERE THE BUFFER IS LOCATED 3 HERE'S A ZOOMED-IN VERSION, AND WHAT'S INTERESTING ABOUT THIS IS THE PROPERTY LINE ON THIS PROPERTY DOES NOT REALLY MATCH THE AREA THAT'S OUTSIDE OF THE WATER ON MOST TIMES. SO, MOST OF THE TIME THE WATER IS DOWN HERE AND THERE'S TREES IN BETWEEN THE PROPERTY LINE AND WHERE THE TYPICAL WATER LINE OF LAKE NORMAN IS. IN FACT, ON MR. ZEITWELL'S SURVEY, THERE IS A 30-INCH WIDE TRUNK, MARYING FROM CHEST HEIGHT, 30-INCH WIDE TREE BETWEEN OUR PROPERTY LINE AND THE LAKE AND THERE'S MULTIPLE TREES. SO, THE BUFFER IS ACTUALLY MUCH DEEPER THAN IT APPEARS JUST FROM LOOKING AND SAYING FROM THE 760 LINES INTO OUR PROPERTY, THERE'S ACTUALLY MORE BUFFER THAN JUST 40 FEET. SO, WHEN WE MEASURE THE 40 FEET BACK, IT'S NOT WATER. THERE'S TREES THERE ON THAT SIDE. AND THAT'S IMPORTANT HERE BECAUSE WHEN YOU LOOK AT THIS, THE-- ENCROACHMENT IS MORE INTERNAL THAN IT APPEARS. AND WE POINTED THIS OUT LAST TIME THAT WE HAD A VARIANCE BECAUSE EVEN WHEN THAT AREA IS CLEARED FOR THE DRIVEWAY, THERE'S STILL GOING TO BE A SUBSTANTIAL AMOUNT OF TREE COVER AND SHRUBBERY THAT PROVIDES A BUFFER HERE ONCE THE DRIVEWAY IS BUILT. THIS IS AN AERIAL PICTURE OF THE EXHIBIT 6. THIS IS AN AERIAL OF THE ADJACENT PROPERTIES. I PUT THIS ON HERE BECAUSE IT'S-- BECAUSE THERE'S ANOTHER SITE ON THE ON SIDE THAT HAS A DRIVEWAY THAT IS SOMEWHAT LIKE WHAT WE HAVE HERE. YOU CAN SEE ON THIS PROPERTY THAT I'M HIGHLIGHTING RIGHT HERE, THEY HAVE A DRIVEWAY THAT GOES RIGHT NEXT TO THE HOUSE THAT'S NEXT DOOR ON THE PROPERTY AND THE DRIVEWAY ACTUALLY-- THE PARKING AREA IS BEHIND THAT HOUSE. THAT WOULD NOT BE WHAT HAPPENS HERE IF THE VARIANCE WAS NOT GRANTED AND SOMEONE BUILT A DRIVEWAY ON THIS PROPERTY, THE PARKING AREA WOULD BASICALLY BE NEXT TO THIS HOUSE. BUT IF THE VARIANCE IS GRANTED, WE WILL BE ABLE TO BRING A DRIVEWAY TO BRING IT ALL THE WAY ACROSS AND IN SO THAT THE VEHICLES WILL NOT BE PARKED RIGHT NEXT TO THE HOUSE THAT'S ON THE ADJACENT PROPERTY. SO, I JUST POINT THAT OUT TO YOU A LONG DRIVEWAY IN THIS NEIGHBORHOOD IS NOT UNUSUAL BECAUSE THERE'S ONE UP THE STREET. THE NEIGHBORHOOD COVENANTS JUST POINT OUT THAT PAVED DRIVEWAYS ARE TYPICAL FOR THE NEIGHBORHOOD. VEHICLES SHOULD BE PARKED EITHER ON THE DRIVEWAY OR IN AN ENCLOSED GARAGE. AGAIN, COVENANTS ARE NOT WHAT YOU'RE HERE TO DETERMINE TONIGHT. I'M POINTING OUT IN THE SCOPE OF WHAT WE'RE WORKING WITH AND NOW I WOULD ASK OUR WITNESS, MR. HY NGUYEN TO COME UP AND JOIN ME, PLEASE."

Chair Eicher: "STATE YOUR NAME FOR THE RECORD?"

Witness: "MY NAME IS HY NGUYEN, 420 HAWTHORN LANE, CHARLOTTE, 28204.

Mr. Murray: "CAN YOU TELL THE BOARD YOUR EMPLOYMENT, EDUCATION, AND ANY LICENSES THAT YOU HAVE?"

Mr. Nguyen: "I'M A CIVIL ENGINEER AT DPR ASSOCIATES, LICENSED IN NORTH CAROLINA AND SOUTH CAROLINA. I WENT TO SCHOOL AT UNIVERSITY OF CHARLOTTE AND HAVE BEEN PRACTICING ENGINEERING FOR 20 YEARS."

Mr. Murray: "AT DPR ASSOCIATES WHAT IS YOUR POSITION?"

Mr. Nguyen: "I AM THE PRESIDENT AT DPR ASSOCIATES. "

Mr. Murray: "ON THE PLAN FROM 2019, ANN SCOTT WAS HERE TESTIFYING WITH ME. DID SHE WORK FOR DPR ASSOCIATES?"

Mr. Nguyen: "YES, SHE DID."

Mr. Murray: "SHE'S RETIRED NOW?"

Mr. Nguyen: "CORRECT."

Mr. Murray: "AS PART OF YOUR WORK WITH DPR ASSOCIATES DO YOU DEVELOP PLAN TO MINIMIZE STORMWATER RUNOFF, ENCROACHMENT INTO BUFFER AND ENVIRONMENTAL CONCERNS?"

Mr. Nguyen: "YES."

Mr. Murray: "AS PART OF YOUR WORK, DO YOU PREPARE SITE PLANS IN COMPLIANCE WITH ZONING AND ENVIRONMENTAL REGULATIONS?"

Mr. Nguyen: "YES, SIR."

Mr. Murray: "IN ADDITION TO WORKING ON THIS VARIANCE, DOES DPR ASSOCIATES ALSO DO OTHER TYPES OF WORK IN CORNELIUS, ZONING-RELATED WORK?"

Mr. Nguyen: "OUR FOCUS IS IN CHARLOTTE, MECKLENBURG COUNTY, INCLUDING ALL THE TOWNS AND OTHER COUNTIES SURROUNDING MECKLENBURG COUNTY, YES, SIR."

Mr. Murray: "DO YOU HAVE EXPERIENCE WORKING WITH WATER SHED VARIANCES AND WATER SHED BUFFERS?"

Mr. Nguyen: "YES, SIR. MOST OF OUR PROJECTS INVOLVE DRINKING WATER SHED AND I RECENTLY WORKED ON TWO PROJECTS. ONE IN MOUNT HOLLY, THAT'S NEAR THE LAKE AND ANOTHER ONE IS CHARLOTTE NEAR LAKE WYLIE."

Mr. Murray: "MEMBERS OF THE BOARD, I WOULD LIKE TO TENDER MR. WYNN AS AN EXPERT OF ARCHITECTURE AND LANDSCAPE ARCHITECTURE."

Chair Eicher: "ALL RIGHT."

Mr. Murray: "THANK YOU. CAN YOU TELL THE BOARD-- LET ME GO-- YOU CAN TELL THE BOARD WHAT YOU DID HERE FOR THIS PROJECT?"

Mr. Nguyen: "WE UNDERSTAND THAT THE PARSEEL IS IN A UNIQUE LOCATION IN THE CUL DE SAC AND THE ONLY WAY IS THE PINK AREA AND, SO WE HELP MR. MURRAY AND HIS CLIENT TO COME UP WITH A SITE PLAN IN A WAY THAT CAN SEE THE SITE PLAN THAT SHOWED THE PROXIMATE LOCATION OF THE BUILDING AND THE DRIVEWAY LOCATION IN A MOST SENSIBLE WAY TO ACHIEVE ENCROACHMENT, MORE THAN 5% AND ALSO BE RESPECTFUL TO THE LAKE BUFFER."

Mr. Murray: "THIS SITE PLAN HERE AND SO THE BOARD KNOWS THIS IS THE SITE PLAN LIKE WE SAID THAT WE REVIEWED AGAIN, THAT REDUCES THE BUFFER SO WE'RE LOOKING AT ABOUT 730 SQUARE FEET, WHICH IS STILL 4.97%. THIS PLAN, IS IT BASED UPON MR. ANDY ZEITWELL'S SURVEY?"

Mr. Nguyen: "CORRECT."

Mr. Murray: "ARE YOU FAMILIAR WITH MR. ZEITWELL? YOUR OPINION OF HIM?"

Mr. Nguyen: "YES. HE AND OUR FIRM WORKED TOGETHER FOR MANY, MANY YEARS, PROBABLY OVER 20 OR MORE AND I WORKED WITH HIM AND HIS TEAM FOR MANY YEARS AND HE IS A VERY COMPETENT AND RESPECTFUL SURVEY COMPANY. "

Mr. Murray: "OTHER THAN THE WAY THAT DRIVEWAY IS SHOWN ON THIS PLAN, THERE ANY OTHER WAY TO GET A DRIVEWAY?"

Mr. Nguyen: "NO, SIR."

Mr. Murray: "DOES THE ORDINANCE PREVENT THE DRIVEWAY FROM BEING BUILT ON THE BUFFER WITHOUT A VARIANCE?"

Mr. Nguyen: CORRECT.

Mr. Murray: DO THE OTHER HOUSES ON THE CUL DE SAC HAVE DRIVEWAYS THAT CONNECT THE DRIVEWAY TO GARAGES ON THEIR PROPERTIES?

Mr. Nguyen: YES, SIR.

Mr. Murray: IS IT NORMAL FOR THIS AREA TO HAVE A HOUSE THAT IS NOT CONNECTED BY A DRIVEWAY TO A PUBLIC STREET?

Mr. Nguyen: NO.

Mr. Murray: WOULD CONSTRUCTION VEHICLES OR EMERGENCY VEHICLES BE ABLE TO GET TO THE BUILDABLE AREA ON THE PROPERTY WITHOUT A DRIVEWAY BEING BUILT WITH IN THE BUFFER?

Mr. Nguyen: CORRECT.

Mr. Murray: WITHOUT THE DRIVEWAY.

Mr. Nguyen: THEY CAN'T GET THERE, YES.

Mr. Murray: DOES THE LOCATION OF THE PROPERTY NEXT TO LAKE NORMAN CAUSE THE NEED FOR THE VARIANCE?

Mr. Nguyen: YES.

Mr. Murray: IS THE SIZE AND SHAPE OF THIS LOT UNIQUE TO THE AREA THAT IT'S LOCATED?

Mr. Nguyen: CERTAINLY, YES.

Mr. Murray: DOES THE TOPOGRAPHY PLAY A FACTOR IN THE BUFFER?

Mr. Nguyen: YES, SIR.

Mr. Murray: CAN YOU EXPLAIN THAT? HOW IS THE BUFFER MEASURED? IS IT MEASURED FROM THE 760 TOPOGRAPHICAL LINE?

Mr. Nguyen: CORRECT. THE LABOR IS 40 FEET FROM THE 760 CONTOUR LINE. SO THE 760 CONTOUR LINE IS PROVIDED BY MR. ZEITWELL'S SURVEY AND WE OFFSET IT TO GET 40 FEET.

Mr. Murray: ARE YOU AWARE OF ANYTHING THAT THIS LAND OWNER TO DID TO CAUSE THE NEED FOR THE VARIANCE?

Mr. Nguyen: I AM NOT AWARE.

Mr. Murray: WILL THERE STILL BE BUFFER AREA BETWEEN THE PROPOSED DRIVEWAY AND THE LAKE IF THE DRIVEWAY'S BUILT IN THE SHADED AREA?

Mr. Nguyen: YES, ABSOLUTELY.

Mr. Murray: IS IT YOUR UNDERSTANDING THAT THE INTENT OF THE WATER SHED BUFFER IS TO PRESERVE THE BUFFER CLOSEST TO THE LAKE?

Mr. Nguyen: YES, SIR.

Mr. Murray: THIS PLAN PRESERVES THAT BUFFER?

Mr. Nguyen: YES, I DO BELIEVE SO.

Mr. Murray: LET ME MOVE OVER TO EXHIBIT 2A. ON THE SURVEY OVERLAID WITH THE AERIAL, IS THERE ACTUALLY LAND SHOWN THAT IS BETWEEN THE PROPERTY LINE AND THE WATER LINE? THE AREA THAT'S WHERE THE TREES ARE LOCATED, THAT'S ACTUAL LAND OUTSIDE OF OUR PROPERTY, CORRECT?

Mr. Nguyen: YES.

Mr. Murray: DOES THE COUNTY TYPICALLY REQUIRE CONSTRUCTION REVIEW AND EROSION CONTROL MEASURES LIKE A SILT FENCE WHEN THIS DRIVEWAY IS BUILT?

Mr. Nguyen: I BELIEVE SO. DIFFERENT-- DIFFERENT TOWNS AND DIFFERENT AREAS HAVE SLIGHTLY DEVIATION IN THEIR LAWS BUT TYPICALLY IF YOU DISTURB MORE THAN ONE ACRE, THEN YOU WOULD NEED TO GET A GRADING PERM PIT EROSION CONTROL PERMIT.

Mr. Murray: THAT'S ALL TYPICALLY REVIEWED WHEN THE BUILDING PERMIT IS PULLED?

Mr. Nguyen: CORRECT, YES.

Mr. Murray: IS IT YOUR UNDERSTANDING THAT THE TOWN OR COUNTY MAY REQUIRE REMEDIATION LIKE PLANTING NEW TREES OR BUSHES FOR ANY DISTURBANCE IN THE BUFFER TO MINIMIZE ANY EFFECTS BY THE NEW DRIVEWAY?

Mr. Nguyen: I BELIEVE SO AND AGAIN, THAT IS WHEN THE OWNER POSED THE BUILDING PERMIT AND GOES THROUGH THAT PROCESS.

Mr. Murray: DO YOU BELIEVE AFTER REVIEWING THE SITE AND PREPARING THE PLANS THAT THIS DRIVEWAY WILL CAUSE ANY ENVIRONMENTAL ISSUES ON THE PROPERTY?

Mr. Nguyen: I DON'T BELIEVE SO. AS LONG AS THE CONSTRUCTION IS DONE CORRECTLY, THEN ONE IS COMPLETE AND STABILIZED, SHOULD BE GOOD.

Mr. Murray: THE CONSTRUCTION IS INSPECTED BY THE COUNTY OR THE TOWN, CORRECT?

Mr. Nguyen: I WOULD IMAGINE SO, YES.

Mr. Murray: IS IT-- LET'S SEE. YOU MENTIONED ABOUT A GRADING PERMIT. THIS IS UNDER ONE ACRE SORE A GRADING PERMIT TWO--SO A GRADER PERMIT WOULD NOT BE REQUIRED, CORRECT?

Mr. Nguyen: ANYTHING LESS THAN ONE ACRE, A GRADING PERMIT WOULD NOT BE REQUIRED.

Mr. Murray: IS THERE IN THE CORE FEELIOUS LAND DEVELOPMENT CODE THAT WOULD PREVENT A DRIVEWAY ON THIS PROPERTY OTHER THAN THE WATERSHED ORDINANCE?

Mr. Nguyen: THE WATERSHED ORDINANCE IS THE ONLY ONE I BELIEVE.

Mr. Murray: DOES ANYBODY HAVE ANY QUESTIONS FOR MR. WYNN?

Chair Eicher: "ANY QUESTIONS FOR MR. NGUYEN? THANK YOU, SIR."

Mr. Murray: "MEMBERS OF THE BOARD, THERE'S ONE OTHER THING I WANT TO POINT OUT WHEN WE WERE TALKING ABOUT TOPOGRAPHY. IT'S ON THE SURVEY, BUT THE PROPERTY TO THE NORTHWEST, MISS POWELL'S PROPERTY, IS ABOVE GRADE OF THIS PROPERTY SO IT FALLS DOWN TO THIS PROPERTY SO THAT'S IMPORTANT TO POINT OUT THAT THE-- HER PROPERTY WILL ACTUALLY BE HIGHER THAN THIS DRIVEWAY. SO, IT WON'T BE BELOW. IT'S NOT GOING TO BE LIKE THE DRIVEWAY'S BUILT AND SUDDENLY, THINGS ARE TRICKLING DOWN ON HER PROPERTY. THAT'S NOT THE CASE. HER PROPERTY IS ABOVE THIS PROPERTY AND YOU CAN SEE THE TOPO LINES REVEAL THAT. THE AREA WHERE THE ENCROACHMENT OCCURS IS ABOUT THE 762 TO 763 LEVEL AND IT KIND OF FLATTENS OFF. SO, IF YOU WENT OUT THERE AND WALKED DOWN TO WHERE THIS ENCROACHMENT IS, IT KIND OF LEVELS OFF ON THE PROPERTY. AND I'M NOT SURE IF SOME OF YOU DID WALK DOWN THERE AND DO THAT OR NOT, BUT YOU WOULD HAVE NOTICED THAT. I WOULD RESERVE SOME TIME FOR REBUTTAL IF ANYONE TESTIFIES I WOULD LIKE TO REVIEW FINDING OF FACTS AND CONCLUSIONS OF LAW BASED UPON OUR EXHIBITS. THE CURRENT SLIDE THAT I HAVE UP IS THE STATUTE WHICH IS THE SAME AS THE ZONING ORDINANCE HERE THAT TALKS ABOUT THE STANDARD FOR GRANTING A VARIANCE. THANK YOU. AND WHAT I'VE DONE IS ON THESE PROPOSED FINDINGS I WENT THROUGH, AND OUR EXHIBITS SHOW WHAT MR. WYNN TESTIFIED TO BUT IT'S IMPORTANT TO NOTE THAT A VARIANCE THAT THE BOARD OF ADJUSTMENT SHALL VARY, THE LANGUAGE IS SHALL VARY, ANY PROVISIONS OF THE ORDINANCE UPON A SHOWING OF THE FOLLOWING AND OUR BURDEN IS A BURDEN OF PRODUCTION IN THESE CASES. UNDER THE FIRST FINDING UNNECESSARY HARDSHIP WOULD RESULT FROM 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 LAND OF THE DRIVEWAY, A RESIDENCAL HOUSE WILL NOT BE BUILT. IN ORDER TO GET DRIVEWAY ACCESS TO THIS PROPERTY, WE HAVE TO GO THROUGH THE BUFFER AND FORTUNATELY, WE'RE ABLE TO DO IT UNDER 5% AS I OUTLINED HERE, IF THE WATER SHED ORDINANCE IS STRICT STRICTLY APPLIED, THE PROPOSED DRIVEWAY CANNOT BE BUILT, THE ORIGINAL PLAT SHOWS A BUILDABLE AREA ON THIS PLAT, ON THIS SITE SO IT SHOWS THAT THERE WAS INTENTION OR AT LEAST A THOUGHT THAT A SINGLE FAMILY HOUSE WOULD BE BUILT ON THIS LOT AND NO CONFIGURATION OF THE DRIVEWAY BUILT TO CONNECT TO BALTIC TO THE BUILDABLE AREA CAN BE BUILT TO FULLY AVOID THE BUFFER. SOME PORTION OF THIS DRIVEWAY, THE PORTION CLOSEST TO MISS POWELL'S PROPERTY, IS OUTSIDE OF THE BUFFER. SO, THE VARIANCE IS CLOSER TO THE EAST SIDE OF THE PROPERTY THAN IT IS THE WEST SIDE OF THE PROPERTY. SO, BASED UPON THE FIRST FINDING, THERE IS ABSOLUTELY A HARDSHIP HERE. THE BUFFER CAUSES THE HARDSHIP BASED ON THE INABILITY TO GET A DRIVEWAY TO THE BUILDABLE AREA ON THIS SITE. 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 PUBLIC MAY NOT BE BASIS FOR GRANTING THE VARIANCE. NUMBER ONE, THIS PROPERTY HAS AN EXTREMELY UNIQUE SHAPE. NUMBER TWO, IT'S LOCATED ADJACENT TO LAKE NORMAN, WHICH CAUSES THE WATERSHED RULES TO APPLY AND THE 760-FOOT TOPOGRAPHICAL MEASURE IS WHAT CAUSES THE BUFFER AT 40 FEET ON THIS PROPERTY. THE WIDTH OF THE ARM AS IT NARROWS DOWN ON THIS PROPERTY IS WHAT CAUSES THE INABILITY TO PASS THROUGH THE BUFFER WITHOUT A VARIANCE TO GET A DRIVEWAY. IT'S EXTREMELY NARROW. THE SHAPE OF THIS PROPERTY IS NOT AT ALL NORMAL FOR THE NEIGHBORHOOD. YOU SEE THE PLAT THAT WE USED AS AN EXHIBIT AND THEN THE HARDSHIP, AGAIN, OF NOT HAVING DRIVEWAY ACCESS TO THE BUILDABLE AREA IS NOT PERSONAL BECAUSE ANY POTENTIAL BUYER OR ANY POTENTIAL OWNER OF THIS PROPERTY WOULD HAVE TO DEAL WITH THE EXACT SAME ISSUE. SO, I BELIEVE THAT FINDING OF FACT NUMBER 2 WOULD ALSO BE MET. THE HARDSHIP DID NOT RESULT FROM ACTIONS OF THE APPLICANT. THIS IS SECTION NUMBER 3. THE ACT OF PURCHASING PROPERTY WOULD ACKNOWLEDGE CIRCUMSTANCES EXIST THAT MAY JUSTIFY THE GRANTING OF THE VARIANCE SHALL NOT BE RECORDED AS SELF-REGARDING HARDSHIP. THIS IS NOT THE OWNER WHO SUBDIVIDED THIS PROPERTY. WE TALKED ABOUT THIS IN 2019. THE BOARD ALREADY FOUND THAT SMDA, THE OWNER AT THE TIME, WAS NOT THE OWNER. FOXCROFT WAS NOT THE OWNER, SO THAT'S VERY STRAIGHT FORWARD. ELEMENT THREE HAS BEEN MET AND THEN FINALLY, THE REQUESTED VARIANCE IS CONSISTED WITH THE SPIRIT, PURPOSE AND INTENT OF THE ORDINANCE SUCH THAT PUBLIC SAFETY IS SECURED, AND SUBSTANTIAL JUSTICE IS ACHIEVED. NUMBER ONE, ALTHOUGH THERE'S THE BUFFER OF 40 FEET, THE LAND DEVELOPMENT CODE SPECIFICALLY ALLOWS THIS BOARD TO GRANT UP TO A 5% VARIANCE, SO THE ORDINANCE, ITSELF, ACKNOWLEDGES THAT VARIANCES CAN BE GRANTED FOR UNIQUE SITUATIONS LIKE THIS AND THIS IS ABOUT AS UNIQUE AS IT GETS. THE APPLICANT, AS YOU HEARD MR. WYNN TESTIFY, PREPARED A PLAN SHOWN ENCROACHMENT THAT'S CONSIDERED MINOR UNDER THE DEVELOPMENT CODE. IT IS MINIMAL. WE EVEN MINIMIZED IT FURTHER BASED UPON WHAT WE ORIGINALLY APPLIED FOR HAVING DRIVEWAYS CONNECTED TO HOUSES IS TYPICAL FOR THE NEIGHBORHOOD. A BUFFER REMAIN BETWEEN THE IMPROVED DRIVEWAY AND LAKE NORMAN. MR. ZE TI. WELL'S SURVEY SHOWS THAT THERE'S LARGE, MATURE TREES BETWEEN WHERE THIS DRIVEWAY WILL BE AND THE LAKE. AND THE DENIAL OF ACCESS (INAUDIBLE) WHICH IS A SUBSTANTIAL HARDSHIP TO THE PROPERTY OWNER. PROVIDING A DRIVEWAY, CONSTRUCTION AND EMERGENCY VEHICLES CAN USE TO BETTER ACCESS A SINGLE-FAMILY HOUSE TO BE BUILT ON THE PROPERTY, SECURES PUBLIC SAFETY, AND WE HEARD MR. WYNN TESTIFY, THIS DRIVEWAY WOULD HELP VEHICLES GET TO THIS PROPERTY. THE TOWN AND COUNTY ORDINANCES REQUIRE EROSION CONTROL BUFFER, REMEDIATION. IF THERE'S ANY CONCERNS IN THE BUILDING REVIEW PROCESS, THE COUNTY AND THE TOWN HAS THE ABILITY TO REQUIRE REMEDIATION ON THIS SITE TO APPROVE ANY BUFFER THAT'S DISTURBED. THE PROPERTY ZONED GR, SO IT'S TOTALLY NORMAL THAT A SINGLE FAMILY RESIDENTIAL HOUSE WOULD BE BUILT ON THIS PROPERTY IF A DRIVEWAY IS PROVIDED. SUBSTANGS JUSTICE IS ACHIEVED BY PROVIDING A BUFFER ENCROACHMENT FOR A DRIVEWAY TO ALLOW DEVELOPMENT OF THE PROPERTY AND FINALLY, SUBSTANTIAL JUSTICE IS ACHIEVED SINCE A VARIANCE HAS PREVIOUSLY BEEN GRANTED FOR A DRIVEWAY ON THIS PROPERTY. AND SO, WE BELIEVE THAT ALL FOUR FINDINGS HAVE BEEN MET BASED UPON THE EVIDENCE THAT'S BEEN PRESENTED TO YOU THIS EVENING. IF YOU HAVE ANY FURTHER QUESTIONS FOR ME, I'LL BE HAPPY TO ANSWER OR-- AND I WOULD RESERVE SOME TIME FOR REBUTTAL IF ANYONE TESTIFIES.

Chair Eicher: "THANK YOU, MR. MURRAY. ANY QUESTIONS? WE HAVE TWO PEOPLE WHO WISH TO SPEAK. ANDY ZOUTEWELLE."

Mr. Murray: "ANDY IS ON OUR SIDE AND IF THERE ARE NO QUESTIONS FOR THE SURVEYOR, HE WON'T NEED TO SPEAK."

Chair Eicher: "OKAY. ANETTE POWELL. YOU WERE SWORN IN, MISS POWELL?"

Mr. Powell: "YES."

Ms. Powell: "I AM ALL WIRED UP HERE. COULD YOU PULL UP J9, PLEASE? WHILE HE'S DOING THAT, THERE'S A COUPLE OF THINGS ON THE SURVEY. ONE, MY NAME IS WAS MISSPELLED AND TWO THE NEIGHBORS ON THE OTHER SIDE OF THE PROPERTY, THEY'RE NOT THE RIGHT NEIGHBORS LISTED, AND I HAVE INCLUDED IN MY EMAIL TO THE TOWN THE CORRECT HOMEOWNERS THAT SHOULD BE ON THE SURVEY MAP, AND THIRD, THE SURVEY, ITSELF, DOES NOT LIST A FLOOD LINE, 100-YEAR FLOODLINE OR A FLOOD ZONE. J9, THE ACTUAL MAP, J9, DO YOU KNOW WHAT I'M TALKING ABOUT? YOUR EXHIBIT, YOUR EXHIBIT. THE SURVEY, ITSELF. THE ACTUAL SURVEY. THERE WE GO. CAN YOU MAKE THAT LARGER, PLEASE? BRING THAT UP?"

[INAUDIBLE COMMENTS]

Ms. Powell: "YES, PLEASE. OKAY. THANK YOU. YOU CAN SEE THAT THIS PROPERTY IS GRADIENT, AND I HAVE A PHOTO AND WE CAN PUT UP THE LAST THING OF WHAT IT LOOKS LIKE GOING DOWN, WALKING DOWN HERE. THIS HOME HAS THE POOL RIGHT NEXT TO THE FENCE, WHICH IS A PROPERTY LINE AND IT'S A FAIRLY STEEP GRADE, AND WHEN YOU COME DOWN TO HERE, MY WHOLE PURPOSE OF BEING HERE IS I WANT TO MAKE SURE THAT I'M NOT GOING TO HAVE SOME KIND OF HEADACHE AFTER THIS VARIANCE IS APPROVED BECAUSE AS THE OWNER-- THE LAWYER TESTIFIED, MY PROPERTY IS HIGHER. IT HAS A NATURAL DROP-OFF THAT IS PART OF THE GRADE THAT I JUST SHOWED YOU. NATURE MADE IT THAT WAY. I DO NOT WANT TO HAVE TO DO SOMETHING TO MY PROPERTY BECAUSE THERE'S NOW GOING TO BE RUNOFF FROM MY PROPERTY THAT WAS NATURAL BEFORE BECAUSE THERE'S A DRIVEWAY THERE. I DO NOT WANT TO HAVE PUT UP A RETAINING WALL OR SOMETHING ALONG THOSE LINES TO KNOW FAULT OF MY OWN. THIS IS BECAUSE WHEN I BOUGHT THIS PROPERTY, I WAS TOLD 20 YEARS AGO, THEY COULD NEVER PUT A HOUSE IN THERE UNLESS THEY GOT PART OF MY PROPERTY. ACTUALLY, I HAVE TRIED TO WORK WITH THE OWNER, DAVID SMITH, THAT WE SWAP CORNER OF THAT CRAZY POINT WITH ANOTHER SECTION ON THE OTHER SIDE THAT THEY DON'T NEED THAT'S EXCESS OF THE DRIVEWAY. SO THAT WE CAN STRAIGHTEN UP THE PROPERTY LINES. WE HAD A VERBAL AGREEMENT. HIS ATTORNEY SAID WE HAD A VERBAL AGREEMENT IN 2015, AND THEN THEY DISAPPEARED. SO, I FEEL HE CREATED HIS OWN HARDSHIP BECAUSE HE HASN'T BEEN WILLING TO WALK THAT THROUGH, NEGOTIATE OR FINISH IT OR DO WHATEVER WE NEED TO DO TO MAKE THAT HAPPEN. I WAS GOING TO USE EASEMENTS SO THAT WE COULD-- I WORK WITH THE TOWN AND THE TOWN HAD AGREED TO THIS. THEY SAID IT WAS FINE. SO THAT WE COULD NOT MOVE ANY OF THE SETBACKS, WHICH WAS HIS CONCERN ABOUT LOSING HIS 40-FOOT SETBACK AND MAKING IT GET INTO 50. SO, WE WOULD DO THE PROPERTY LINES AFTER THE HOME WAS BUILT AND THEN WE WOULD HAVE THE SETBACKS AS THEY ARE AND THE HOME WAS ALREADY THERE AND WE JUST DIDN'T GET ANYWHERE. I FIND IT VERY DIFFICULT TO WORK WITH HIM.

AGAIN, I WOULD LIKE TO ASK IF YOU APPROVE THIS VARIANCE, THERE HAVE BEEN NO SOIL TESTS DONE. IT'S MARSHY. I WALKED IT THIS MORNING. IT'S MUSHY IN PARTS, AND I AM NOT SURE WHAT THAT MEANS, BUT I WOULD THINK THAT THE TOWN WOULD NOT WANT TO APPROVE SOMETHING THAT MIGHT COME BACK, AND SOME BUYER WOULD BE THEN HAVING A PROBLEM THAT THEY CAN'T EVEN GET A DRIVEWAY IN. WHAT'S UNDER THERE MIGHT NOT BE AMINABLE. I HAVE SEEN ALL KINDS OF THINGS IN MY NEIGHBORS' THAT HAVE BEEN YOUNG GROUND. THEY HAD TO PUT IN STEEL BEAMS BECAUSE THERE WAS WATER UNDERNEATH AND JUST THE HOUSE IN FRONT OF ME. THIS USED TO BE A QUARRY. SO, THERE USED TO BE A BRIDGE THAT WENT OVER. THERE ARE PROBABLY A LOT OF ROCKS THERE. A SURVEYOR TOLD ME THAT THERE WERE. I WALKED IT THIS MORNING. I DID NOT SEE A LOT OF BOULDERS. I SAW A COUPLE. I DO THINK THAT THERE SHOULD BE A SOIL SAMPLE DONE TO MAKE SURE THAT THIS IS, INDEED, BUILDABLE FOR THE TOWN'S OWN PROTECTION FOR LIABILITY AND I WOULD LIKE TO REQUEST THAT IF THIS VARIANCE DOES GO THROUGH THAT IT'S REQUIRED OF THE BUILDER, THE PROPERTY OWNER, WHOEVER BUYS IT AND WANTS TO PUT IN A DRIVEWAY THAT THEY ACTUALLY PUT IN A RETAINING WALL WITH DRAINAGE ON THEIR SIDE SO THERE'S NOT AN ISSUE BETWEEN OUR TWO PROPERTIES."

Chair Eicher: "MA'AM, YOUR TIME IS UP. THANK YOU."

Ms. Powell: "THANK YOU."

Chair Eicher: "ANYONE ELSE? THANK YOU."

Mr. Murray: "YES. BECAUSE THIS IS QUASIJUDICIAL, I HAVE TO MAKE A COUPLE OF OBJECTIONS BASED UPON MISS POWELL'S TESTIMONY BECAUSE THIS IS A RECORD, QUASI JUDICIAL RECORD AND I OBJECT THAT IS SPECULATIVE, HEARSAY AND IMMATERIAL AND IRRELEVANT AND IT'S NOT SUBSTANTIAL, COMPETENT EVIDENCE. WE'VE HAD THE DISCUSSION ABOUT THE ADJACENT PROPERTY IN 2019, SO I'M NOT GOING TO GO BACK THROUGH THAT WITH THE BOARD. THANK YOU."

Chair Eicher: "Any other questions? Any public comments? At this time, I would like to ask for a motion to close the public hearing."

Ms. Johnson made a motion to close the public hearing. Mr. Dean seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Board Deliberation

Finding #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.

Mr. Bechtold: "I move that finding number one has been met because based on the evidence presented, it has been met."

Ms. Johnson made a motion that Finding of Fact #1 has been met. Mr. Osborne seconded. All in favor, Motion approved."

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Finding #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 public, may not be the basis for granting a variance.

Ms. Miller: "I move that finding two has been met because the conditions are peculiar to the property."

Mr. Osborne made a motion that Finding of Fact #2 has been met. Ms. Johnson seconded. All in favor motion, motion approved."

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Finding #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.

Ms. Johnson: "I move that finding number three has been met because the hardship was not created by the applicant."

Mr. Osborne made a motion Finding of Fact #3 has been met. Ms. Miller seconded. All in favor, Motion approved."

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Finding #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.

Mr. Osborne: "I find that finding number four has also been met and that the requesting variance is consistent with the spirit, purpose, and intent of the ordinance."

Ms. Johnson made a motion that Finding of Fact #4 has been met. Mr. Dean seconded. All in favor, motion approved."

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Mr. Peterson made a motion to approve VAR 05-20. Mr. Dean seconded. All in favor motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

TA 03-20 Major/Minor Subdivisions

Mr. Herron Presented TA 03-20 to the board. The Town has been working closely with stakeholders over the last year with regard to subdivision approval process. There has been strong concern for years that Cornelius requires Town Board approval of all subdivisions greater than 4 lots. The Town is committed to the protection of existing neighborhoods and residents, but also has one of the most stringent and quality driven ordinances for new subdivision standards. In response to this concern, the Land Development Code Advisory Board and staff recommend allowing subdivisions of more than 4 lots, but less than 25 lots, by right as long as all other Land Development Code requirements are met. This will be known as a Major-Standard Subdivision. The current threshold between major and minor subdivisions will remain at 4 lots.

The specific changes to the Code include:

Proposed Major-Standard Subdivision Definition:

A Major-Standard Subdivision produces more than four (4) lots but less than 25 lots, and meets all other requirements of the Code (setbacks, lot size, buffers, street cross sections, etc.). Special Use Permits (SUP) are not allowed with Major-Standard subdivisions. Major-Standard Subdivisions are allowed by right in all zoning districts.

Proposed Major-Conditional Subdivision Definition:

A Major-Conditional Subdivision produces more than four (4) lots and propose some deviation or modification from the Code such as setbacks, lot size, buffers, street cross sections, etc., or produces 25 or more lots. All Major-Conditional subdivisions shall utilize the Conditional Zoning (CZ) process.

Proposed Minor Subdivision Definition:

A minor subdivision produces four (4) or fewer lots. Minor subdivisions do not require improvements such as sidewalk, lighting, landscaping, buffers, storm water improvements, etc.

In addition to providing the standardized method for general development, the amendment would also be an added benefit for economic development. Many potential economic development projects express concern regarding the timing of conditional zoning review for standard subdivisions that meet all Code requirements.

The above changes are proposed to be reflected in Chapters 2, 5, 12, and 18.

LDCAB has recommended the changes noted.

Ms. Johnson made a motion to recommend approval of TA 03-20. Mr. Dean seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Mr. Osborne made a motion to approve the consistency statement. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

TA 01-20 Brewery Buffers

Ms. Partin Presented TA 01-20 to the board. The Land Development Code Advisory Board and Staff are recommending a change to the Land Development Code to remove the Type A buffer requirement for microbreweries and large breweries, as specified in Chapter 6 (Uses Permitted with Conditions). According to the requirement, a Type A buffer is required for these uses when adjacent to residential. Adjacent includes the front yard, even across a street.

Chapter 9, Environmental Protection, requires a Type A buffer in the "rear and/or side transition yard between existing residential zoning and all proposed uses and developments". This requirement is still in place and will continue to protect residential zoned properties to the rear and side.

Also recommended is the deletion of the "Restaurant, Brewpub" definition and use specified in Chapters 2, 5, and 6. This is an unnecessary use as such businesses can utilize the brewery (micro or large) or restaurant use categories.

After discussion the board made a motion to recommend approval

Ms. Miller made a motion recommend approval of TA 01-20. Mr. Osborne seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Ms. Johnson made a motion to approve the consistency statement. Mr. Osborne seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Built Upon Area Averaging Certificate Applications

Ms. McElearney presented:

- BUA #1 - 17336 Connor Quay Court
- BUA #2 - 18819 Flat Shoals

After discussion the board made a motion to approve the present BUA applications.

Mr. Dean made a motion to approve the requested BUA's. Ms. Johnson seconded. All in favor, motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Land Use Plan Update

Mr. Tucker started off the 2020 Land Use Plan update with the Planning Board.

- It is common after a five-year period, to revisit and re-evaluate target areas.
- Town of Cornelius CMP recommends Land Use Plan be updated every 5 years.
- Work with neighboring Towns at common boundaries.
- Arts District

The Planning Board has been exploring recommendations to create the Cornelius Arts District and support the Cain Center for the Arts. It has been determined that in order to fully support the and promote the success of the Cain Center, a new way of thinking about land use should be considered. The primary land use issue revolves around increased density and additional roof tops to support the Cain Center and the new restaurants and breweries that would like to locate in the new Arts District.

The Land Use Plan Timeline:

- 9 Month Process
- Multiple Public Input Opportunities

The board will continue the Land Use Plan Update discussion during a later meeting

NEXT MEETING

Monday, October 12th, 2020

ADJOURNMENT

Ms. Johnson made a motion to adjourn the meeting at 8:22 p.m. Mr. Osborne second. All in favor and motion approved.

In Favor: Mr. Dean, Mr. Peterson, Ms. Johnson,
Mr. Eicher, Mr. Bechtold, Ms. Miller,
Mr. Osborne

Opposed: None

Respectfully Submitted:

Keith Eicher
Chairman

Date

Summer Smigelski
Secretary

Date

DRAFT

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: October 12, 2020

To: Planning Board Members
From: Aaron Tucker, Planning Director












Action Requested:

The Town of Cornelius has initiated the process to rezone 1.7 acres of Town-owned property from Town Center Zoning to Conditional Zoning to construct a 30,000 square foot, performing and visual arts center with a 400-seat theatre. The existing buildings on the site will be demolished.

Manager's Recommendation:

Staff recommends approval with conditions.

ATTACHMENTS:

Name:	Description:	Type:
 LD_Application_Cain_Arts_CZ_061020.pdf	Application	Backup Material
 Cain_Center_Zoning.pdf	Zoning Map	Backup Material
 Cain_Center_LU.pdf	Future Land Use Map	Backup Material
 Cain_Center_Vicinity.pdf	Vicinity Map	Backup Material
 Cain_Center_Property.pdf	Property Map	Backup Material
 REZ_03-20_Staff_Report_PB.pdf	Staff Report	Backup Material
 Cain_Arts_Site_Plans_042020.pdf	Site Plan	Backup Material
 Cain_Arts_Illustrative_Site_Plan.pdf	Color Site Plan	Backup Material
 Elevations.pdf	Elevations	Backup Material
 2018-08-02_Cornelius_Arts_Technical_Memorandum.pdf	Traffic Study	Backup Material
 PB_Consistency_Statement_REZ_03-20.pdf	Consistency Statement	Backup Material

TOWN OF CORNELIUS

Planning Department

PO Box 399 | Cornelius, NC 28031 | Phone: 704-896-2461 | Fax: 704-896-2462

LAND DEVELOPMENT APPLICATION FORM

Staff Only:

Date Rec'd: _____

Rec'd by: _____

Case #: _____

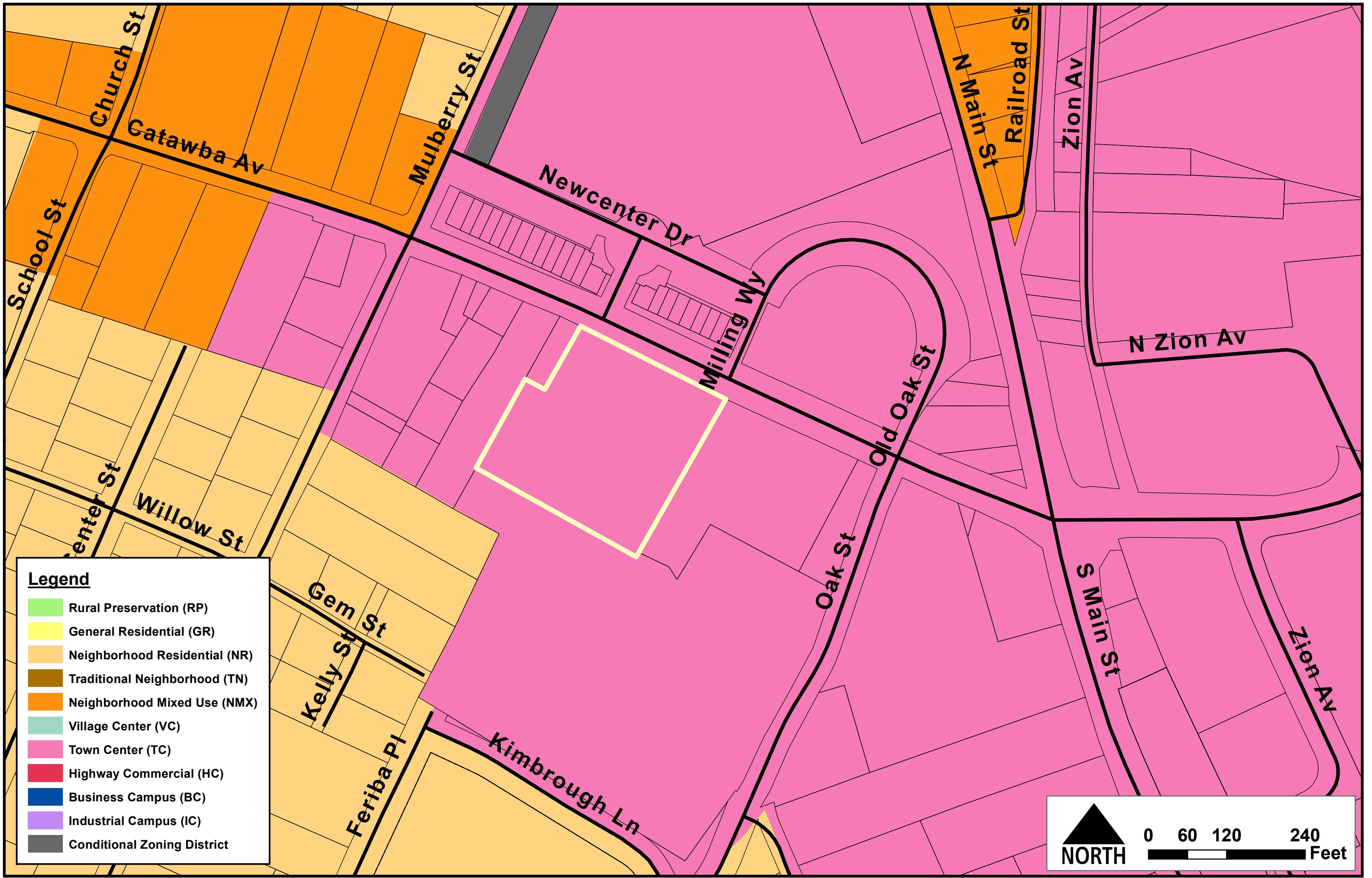
1. Application Type	✓	Fee	✓	Fee
• Sketch Plan/Plat (Major Sub):	<input type="checkbox"/>		• Conditional Zoning (CZ)	<input checked="" type="checkbox"/> n/a
• Preliminary Plat (Major Sub):	<input type="checkbox"/>		• Special Use Permit (SUP)	<input type="checkbox"/>
• Final Plat (Major Sub):	<input type="checkbox"/>		• Major Architectural Variation	<input type="checkbox"/>
• Construction Documents:	<input type="checkbox"/>		• Minor Architectural Variation	<input type="checkbox"/>
• General Rezoning	<input type="checkbox"/>		• Other: _____	<input type="checkbox"/>
Fee Total:				n/a

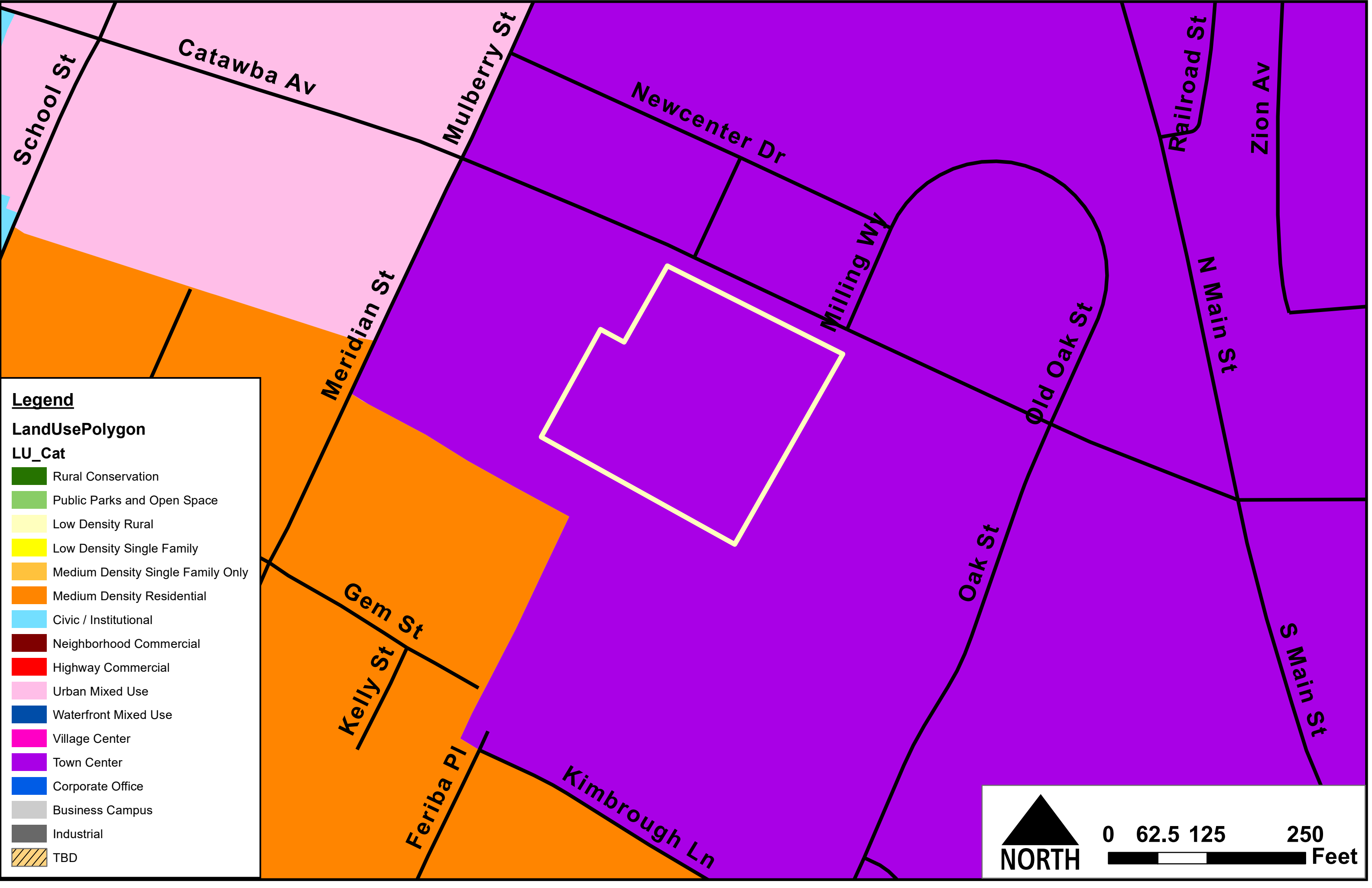
2. Project Information
 Date of Application: 04/20/20 Name of Project: Cain Center for the Arts
 Location: 21348 Catawba Avenue Property Size (acres): 1.685 # of Units/Lots: n/a
 Current Zoning: TC Proposed Zoning: CZ - Cain Center for the Arts
 Current Land Use: Commercial Proposed Land Use: Civic/Institutional
 Tax Parcel Number(s): 005-212-12

3. Contact Information	
Town of Cornelius Owner, Applicant, or Developer 21445 Catawba Ave, PO Box 399 Address Cornelius, NC 28031 City, State Zip 704-892-6031 x172 Telephone _____ Fax _____ Signature _____ Print Name <u>Andrew Grant</u> Date _____ Email - <u>agrانت@cornelius.org</u>	Stanley D. Lindsey and Associates Agent(s) (Engineer, Architect, Etc.) 1347 Harding Place, Suite 201 Address Charlotte, NC 28204 City, State Zip 704-333-3122 Telephone _____ Fax _____ Signature <u>[Signature]</u> Print Name <u>Jason Seaman</u> Date <u>6.10.2020</u> Email - <u>jseaman@sdlal.com</u>

4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:

<input checked="" type="checkbox"/> <u>Signed "Original" application</u> <input type="checkbox"/> <u>Project Fee(s)</u> – See Fee Schedule <input type="checkbox"/> <u>Written Summary/Description of Request</u> can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ's, must also describe any variations proposed from the Land Development Code <input checked="" type="checkbox"/> <u>Property Survey</u> (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features. <input checked="" type="checkbox"/> <u>Site/sketch plan</u> (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots	<input checked="" type="checkbox"/> <u>Illustrative (color) site/sketch plan</u> for presentation purposes with same layers as described above <input type="checkbox"/> <u>Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist</u> may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS). <input type="checkbox"/> <u>Charlotte Water Capacity Assurance Review Application</u> Provide copy with application, and send original to CW. <input checked="" type="checkbox"/> <u>Illustrative (color) elevations</u> for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples <input checked="" type="checkbox"/> <u>Digital Files</u> of all items listed above
---	---







Mulberry St

Meridian St

Gem St

Kelly St

Newcenter Dr

Catawba Av

Oak St

Old Oak St

N Main St

Railroad St

Zion Av

N Zion Av

Zion Av

Town Hall

Cashion's



0 45 90 180 Feet



Newcenter Dr

Meridian St

Catawba Av

Old Oak St

Zion Av

N Main St

W S

Oak St

Gem St



NORTH





REZ 03-20
Cain Center for the Arts

Conditional Zoning Request

Planning Board Meeting
October 12, 2020

APPLICANT: Town of Cornelius
21445 Catawba Avenue
Cornelius, NC 28031

AGENT: Andrew Grant, Town Manager
21445 Catawba Avenue
Cornelius, NC 28031

PROPERTY LOCATION: Property is located directly west of the Cornelius Police Station.
21348 Catawba Avenue. PID#: 00521212

PROPERTY SIZE: 1.685 acres

CURRENT LAND USE: Warehouse

PROPOSED LAND USE: Civic, 400 Seat Performing and Visual Arts Center

EXISTING ZONING: Town Center (TC)

PROPOSED ZONING: Conditional Zoning (CZ) – Cain Center for the Arts

EXISTING CONDITIONS:

1. Description of Adjoining Zoning and Land Uses –

This parcel per the Town of Cornelius Land Development Code is zoned as Town Center (TC). All surrounding parcels are also zoned TC.

Surrounding properties include to the north live – work townhomes and Cornelius Town Hall. The Cornelius Police Department is located to the east. Properties to the south include a mix of office and retail uses.

This parcel per the Town of Cornelius Land Use Plan is designated as Town Center (TC). All surrounding properties are also identified as TC in the Land Use Plan.

2. Topography – The property slopes downward a total of 14 vertical feet from Catawba Avenue to the Oak Street Mill. The property is not within the Lake Norman Watershed and outside of the FEMA Flood Zone.

3. Vegetation – Little to no vegetation exists on the property.

4. Infrastructure – The property will have driveway access adjacent to the Cornelius Police Department. On-street parking will be provided along the frontage of Catawba Avenue that will also serve as a drop-off and pick-up location during events. According to the Traffic Study conducted by Kimley Horn in 2018, there is adequate public parking within the vicinity of the proposed Arts Center. The Traffic Study also recommended coordination with local law enforcement to implement ingress and egress traffic plans during large events.

STAFF COMMENTS:

1. Project Overview – The applicant is proposing a 30,000 square foot, performing and visual arts center with a 400-seat theatre. The proposed building is also known as the Cain Center for the Arts. The existing buildings on the site will be demolished.
2. History – The Town purchased the property in 2017. Also in 2017, the Town entered into an agreement with the Cain Center for the Arts for fundraising and design of the facility. Fundraising commenced in 2018 and construction drawings have been completed in 2020.
3. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6, 2014, designates this property as Town Center (TC). The Land Use Plan designates Town Center area as the hub for civic, cultural, and governmental activities for the entire Cornelius community. The Cain Center for the Arts is a use that is consistent with the Town Center land use category.
4. Pre-Development Review Committee – The sketch plan was presented to the PDRC July 28, 2020. Positive feedback was received.
5. Community Meeting – The applicant held the required community meeting through an online format on September 9, 2020, at 6:00 p.m. Comments were received from the public regarding the proposed Arts District as well as general questions about traffic and parking.
6. Town Board Public Hearing #1 – The project was presented to the Town Board on September 21, 2020.
7. Architectural Review Board – The project was presented to the ARB on September 25, 2020. The applicant received feedback on how to visually improve the south façade. The Board recommended approval.
8. Transportation Advisory Board – The project was presented to the TAB on October 6, 2020.

STAFF RECOMMENDATION:

Staff recommends approval of the project subject to the following conditions:

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.

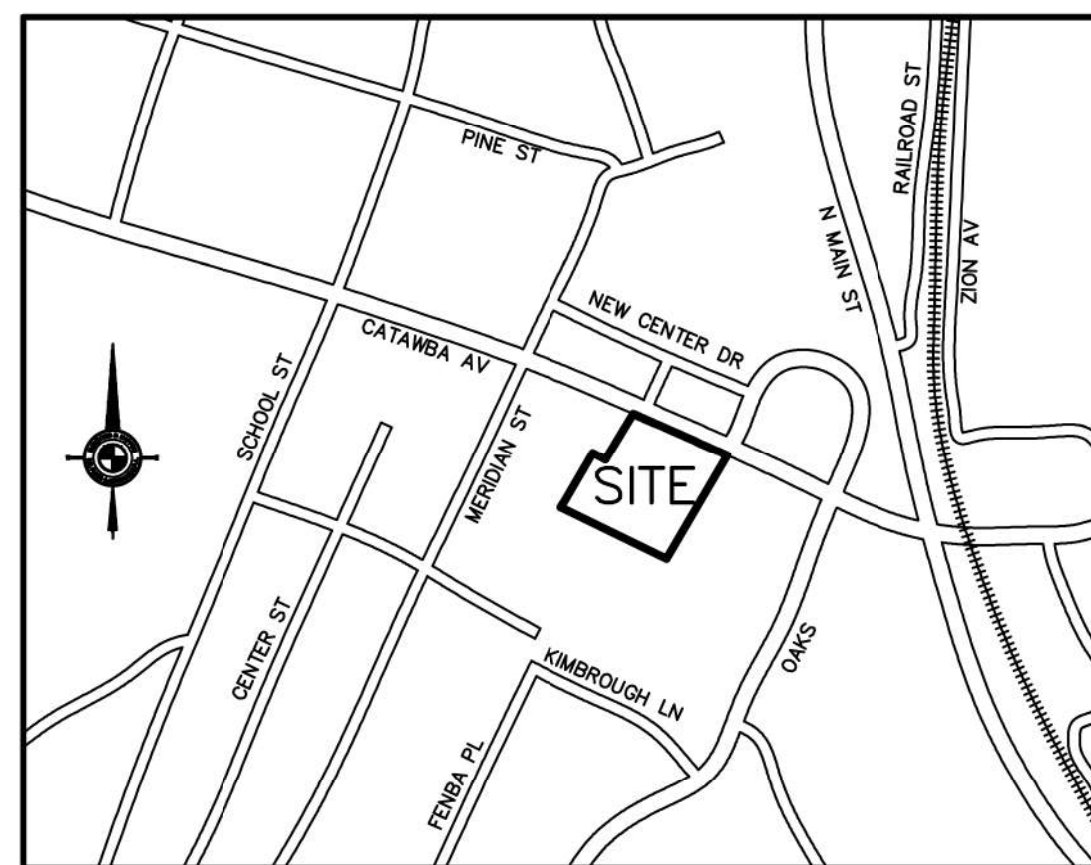
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. Changeable copy wall and ground mounted signage shall be allowed. The final design of any changeable copy signage shall be approved by the Planning Director.
5. Allowed uses for this site include civic, event and activity center, community center, visual and performing arts center, offices, classrooms, and other uses similar in nature.

CAIN
CENTER
FOR THE ARTSTOWN OF CORNELIUS
CAIN CENTER FOR
THE ARTS

21348 Catawba Ave, Cornelius, NC 28031

Andrew Grant
704.892.6031 x 172NOT FOR
CONSTRUCTION

copyright 2020, C DESIGN INC.

VICINITY MAP
NOT TO SCALE

NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
2. ALL CORNERS MONUMENTED AS SHOWN.
3. NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
4. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
5. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
6. ELEVATIONS BASED ON N.G.S. MONUMENT "CORNELIUS", ELEVATION = 836.20 FEET, NAVD 88.
7. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
8. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.

ZONING-CORNELIUS:

ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: TCMINIMUM SETBACK: NONE
MINIMUM SIDE YARD: NONE
MINIMUM REAR YARD: NONE
MAXIMUM BUILDING HEIGHT: NONE

FOR FURTHER INFORMATION CONTACT THE TOWN OF CORNELIUS PLANNING DEPARTMENT AT 704-896-2461.

GPS CERTIFICATION:

- I, CHARLES E. BELL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
- (1) CLASS OF SURVEY: (CLASS, A1=10,000)
 - (2) POSITIONAL ACCURACY: N=0.00425; E=0.0149; VERT.=0.00825
 - (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC.
 - (4) DATES OF SURVEY: 09-16-2017
 - (5) DATUM/EPOCH: NAD83/2011/NAVDS88
 - (6) PUBLISHED/FIXED-CONTROL USE: MONUMENT "CORNELIUS"
 - (7) GEOID MODEL: GEOID12B(CONUS)
 - (8) COMBINED GRID FACTOR(S): 0.99984518
 - (9) UNITS: US SURVEY FEET

POSSIBLE ENCROACHMENTS

- 4 BUILDING AND CONCRETE

TOTAL AREA
80,613 SQ. FT. OR 1.8506 ACREBOUNDARY & TOPOGRAPHIC SURVEY PREPARED FOR:
TOWN OF CORNELIUS
OF:
21328 CATAWBA AVENUE
CITY OF CORNELIUS, MECKLENBURG COUNTY, NC
DEED REFERENCE: 31494-205
TAX PARCEL NO: 005-212-12

R.B. PHARR & ASSOCIATES, P.A.

SURVEYING & MAPPING

420 HAWTHORNE LANE, CHARLOTTE, N.C. 28204 TEL: (704) 376-2186
LICENSE NO. C-1471

REVISIONS	DATE	FILE NO.
CREW: GW/PH	DRAWN: DJ	REVISED:
SCALE: 1" = 30'	DATE: SEP 25, 2017	FILE NO. XX-4538
		JOB NO. 87454

PLOTTED: 10/3/2017
G:\87\4\87454\DWG\87454.DWG

GRAPHIC SCALE (1" = 20'-0")



C1.00

UTILITIES-CORNELIUS:

POWER
DUKE POWER ENERGY
1-800-777-9898
ELECTRICITIES
(704) 948-0550
ENERGY UNITED
(704) 892-0278

TELEPHONE
BELL SOUTH TELECOMMUNICATIONS
1-888-757-6500

WATER & SEWER
CHAR-MECK. UTILITY DEPT. (CMUD)
(704) 336-2564 WATER
(704) 337-6064 SEWER

GAS
PIEDMONT NATURAL GAS CO.
1-800-752-7504

CABLE TELEVISION
TIME WARNER CABLE
1-800-892-2253

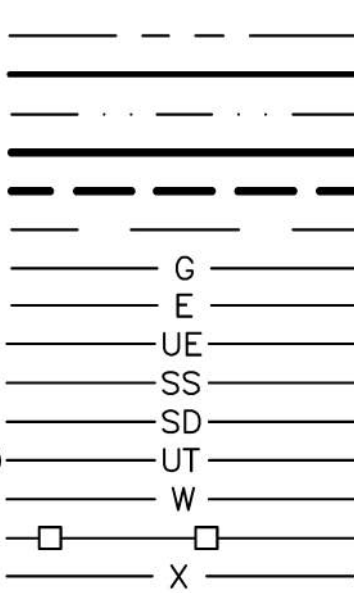
GERALD M. POTTS
D.B. 8845, PG. 556
PIN: 005-212-14Know what's below.
Call before you dig.MIRIAM SMITH WHISNANT &
LILYAN S. HUNTER
D.B. 3620, PG. 192
PIN: 005-212-15

LEGEND:

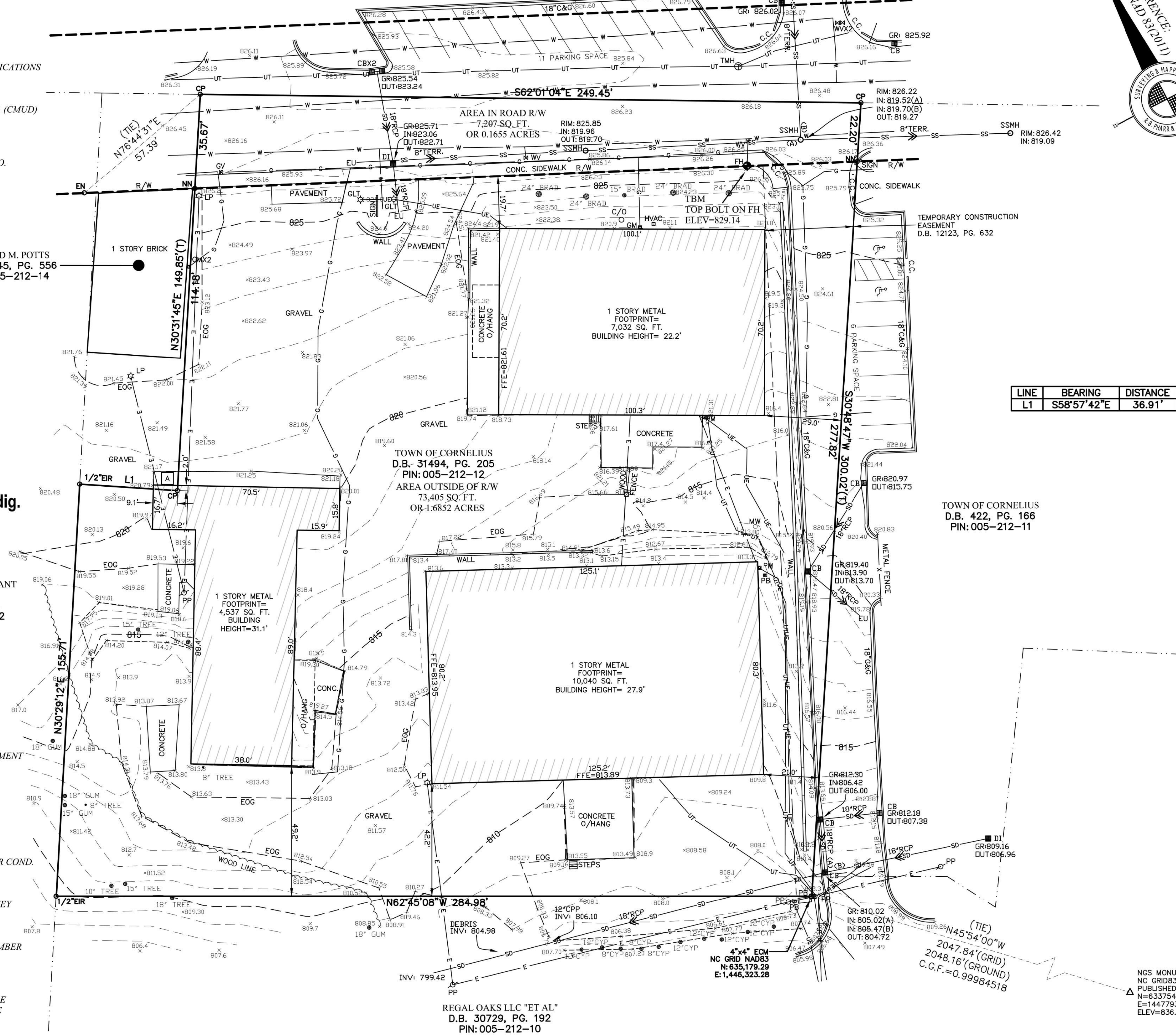
C&G - CURB & GUTTER
CB - CATCH BASIN
C.C. - CURB CUT
CP - CALCULATED POINT
C.G.F. - COMBINED GRID FACTOR
C/O - CLEAN OUT
CYP - CYPRESSUS TREE
DB - DEED BOOK
DI - DROP INLET
ECM - EXISTING CONCRETE MONUMENT
EIR - EXISTING IRON ROD
EOG - EDGE OF GRAVEL
EU - END UNKNOWN
FH - FIRE HYDRANT
FFE - FINISH FLOOR ELEVATION
GDP - GUARD POST
GLT - GROUND LIGHT
GM - GAS METER
GV - GAS VALVE
HVAC - HEATING, VENTILATION, AIR COND.
LP - LIGHT POLE
MB - MAP BOOK
MW - MONITORING WELL
N.G.S. - NATIONAL GEODETIC SURVEY
NN - NEW NAIL
O/HANG - OVERHANG
PB - POWER BOX
PIN - PARCEL IDENTIFICATION NUMBER
PM - POWER METER
PP - POWER POLE
PG - PAGE
R/W - RIGHT-OF-WAY
RCP - REINFORCED CONCRETE PIPE
SSMH - SANITARY SEWER MANHOLE
TBM - TEMPORARY BENCHMARK
TERR - TERRACOTTA PIPE
TMH - TELEPHONE MANHOLE
WV - WATER VALVE

LINE LEGEND:

EASEMENT
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)
SETBACK
GAS LINE
POWER LINE
POWER LINE (UNDERGROUND)
SANITARY SEWER PIPE
STORM DRAIN PIPE
TELEPHONE LINE (UNDERGROUND)
WATER LINE
WOOD FENCE
CHAIN LINK FENCE



EAST CATAWBA AVENUE

60' PUBLIC R/W
M.B. 33, PG. 155TOWN OF CORNELIUS
D.B. 422, PG. 166
PIN: 005-212-11REGAL OAKS LLC "ET AL"
D.B. 30729, PG. 192
PIN: 005-212-10

FLOOD CERTIFICATION

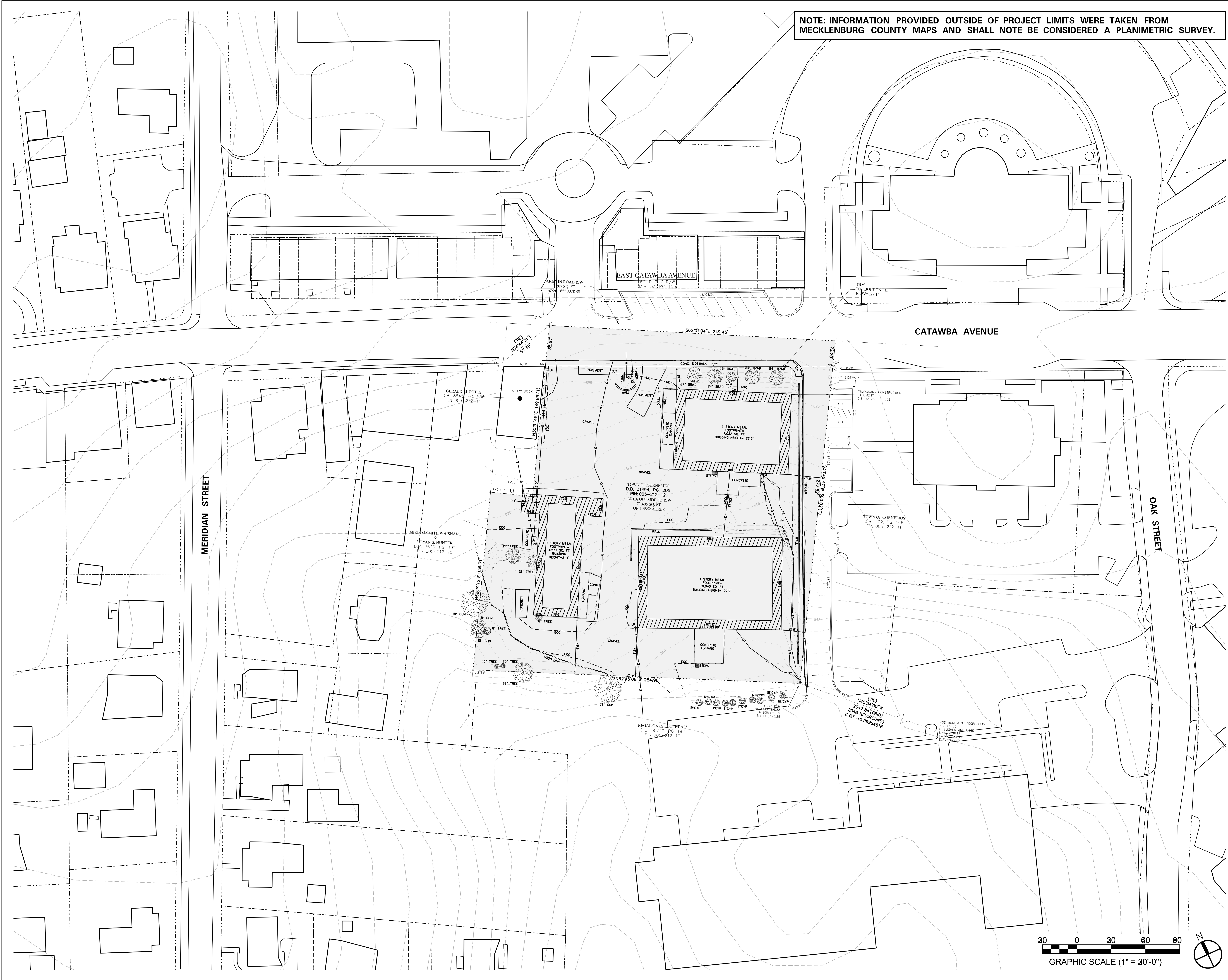
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED SEPTEMBER 2, 2015

MAP NUMBER: 9710464300K; ZONE "X"

THIS IS TO CERTIFY THAT ON THE 25TH DAY OF SEPTEMBER 20 17 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED





NOTE: INFORMATION PROVIDED OUTSIDE OF PROJECT LIMITS WERE TAKEN FROM MECKLENBURG COUNTY MAPS AND SHALL NOT BE CONSIDERED A PLANIMETRIC SURVEY.

CDESIGN

C DESIGN INC.
704.333.0093
www.cdesigninc.com

steinberg
hart

holzman moss bottino
architecture

90 Broad Street
Suite 1803
New York, NY 10004
t 212.465.0808
www.holzmanmossbottino.com

CAIN
CENTER
FOR
THE ARTS

TOWN OF CORNELIUS
CAIN CENTER FOR
THE ARTS
21348 Catawba Ave, Cornelius, NC 28031

Andrew Grant
704.892.6031 x 172

1966

SDI

STRUCTURAL
ENGINEERS

STANLEY D. LINDSEY
AND ASSOCIATES, LTD

1347 HARDING PLACE
SUITE 201
CHARLOTTE, NC 28204
WWW.SDLAL.COM

PROJECT No. 17305.00
COA No. C-3332

T 704.333.3122

NOT FOR
CONSTRUCTION

copyright 2020, C DESIGN INC.

PROJECT NUMBER
DATE

0604-0422
04.17.2020

ADDITIONAL EXISTING
CONDITIONS PLAN

C1.01

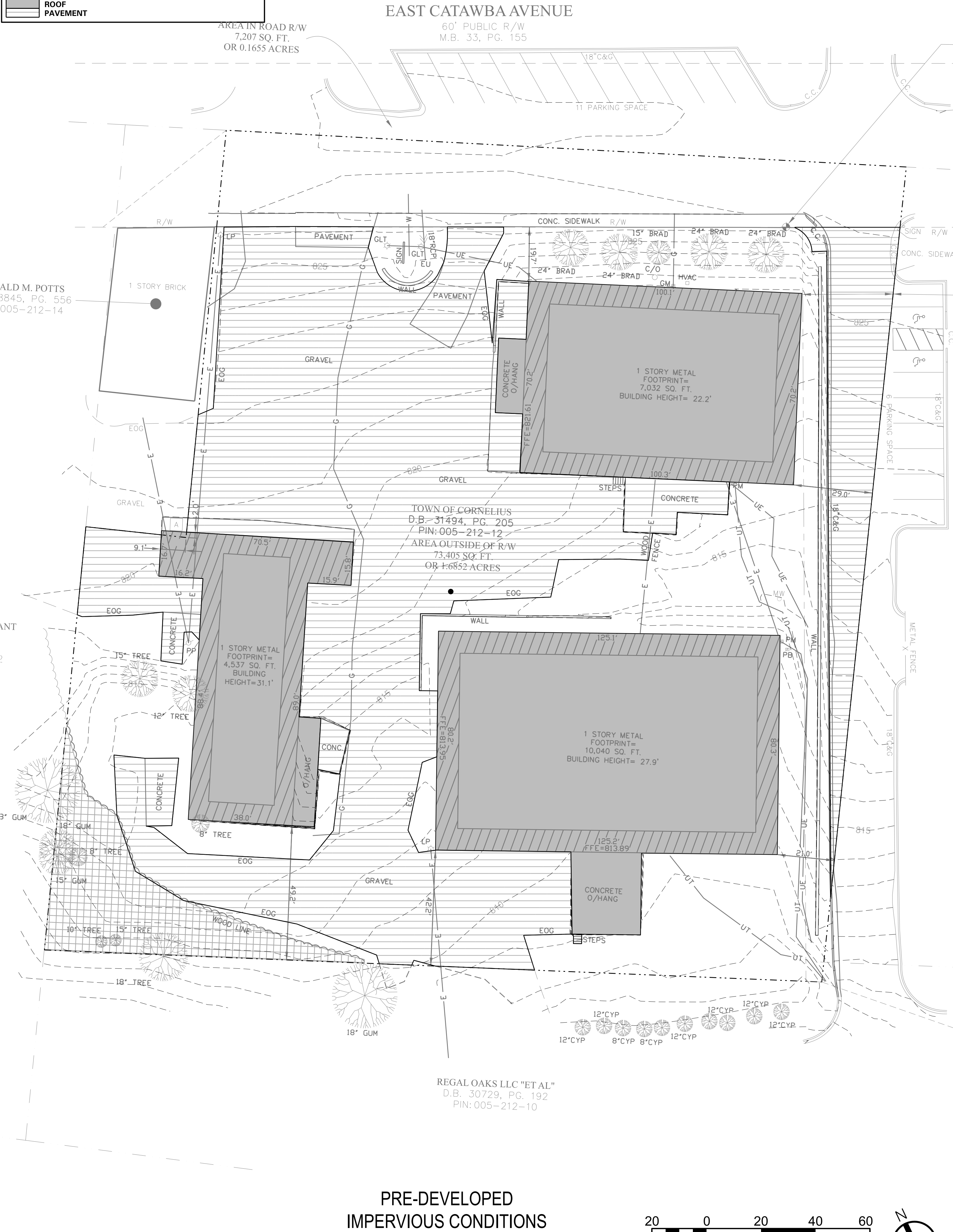
DRAWING FILE: P:\2017\2017\21 Cornelius Arts Center\CADD Files\cainC101.dgn
PLOTTED ON: 20APR2020 10:21

DRAINAGE AREAS

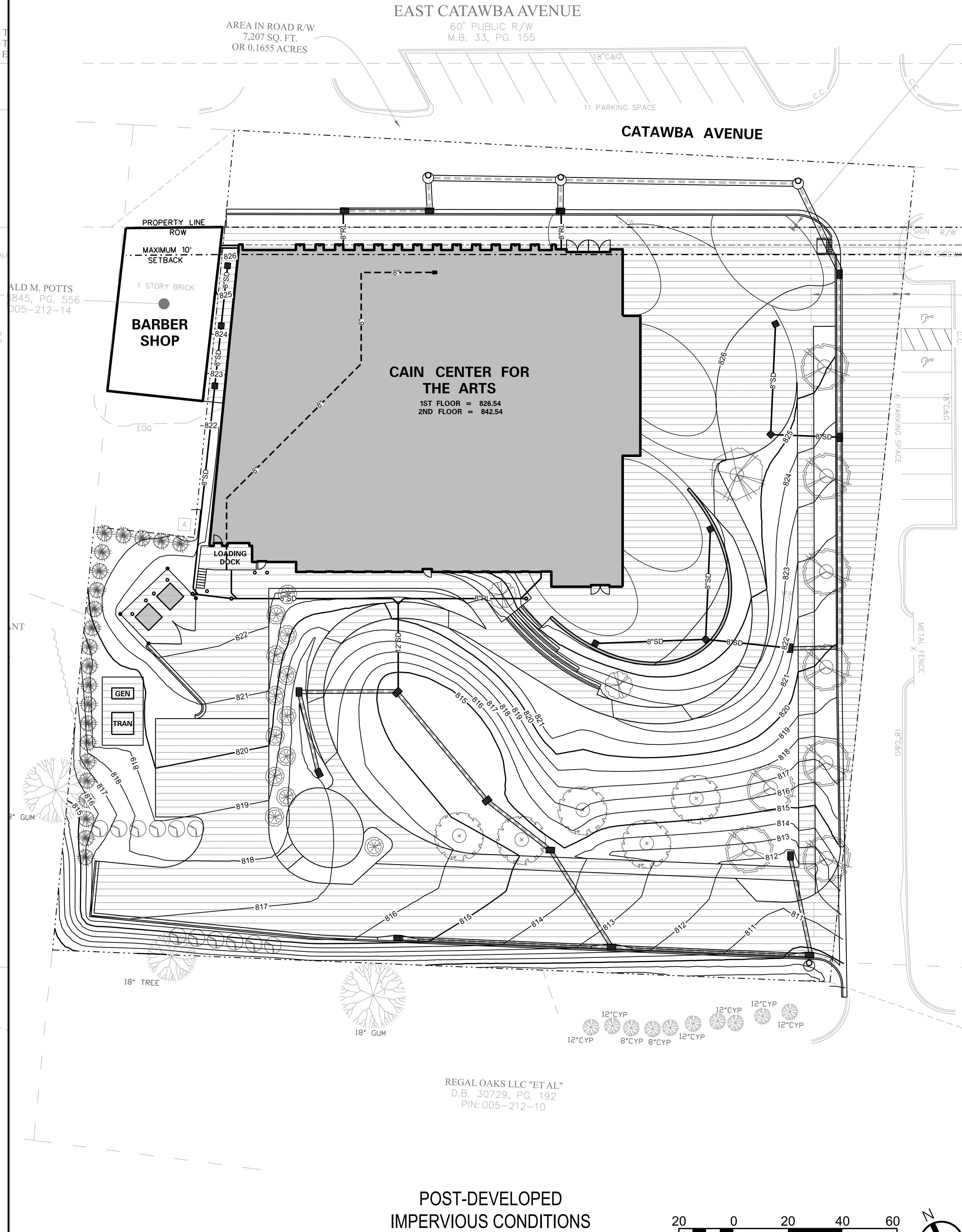
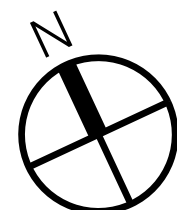
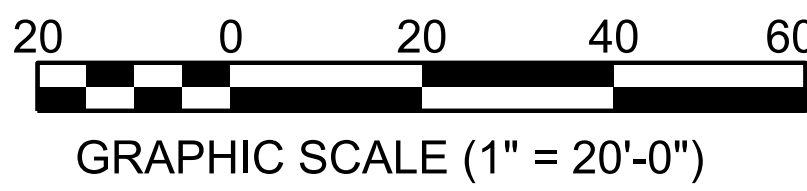
AREA TYPE	SOIL HYD. GROUP	AREA (ACRES)	
		PRE-DEV	POST-DEV
		DA 1	DA 1
WOODS	"B"	0.065	0.000
GRASS	"B"	0.417	0.571
TOTAL PERVIOUS		0.482	0.571
ROOF		0.527	0.404
PAVEMENT		0.676	0.710
TOTAL IMPERVIOUS		1.203	1.114
TOTAL AREA		1.685	1.685
IMPERVIOUS %		71.395%	66.113%

* RUNOFF CURVE NUMBERS TAKEN FROM TABLE 2-12 OF THE CHARLOTTE MECKLENBURG STORMWATER DESIGN MANUAL FOR SPECIFIC HYDROLOGIC SOILS GROUP.

DRAINAGE AREA LEGEND



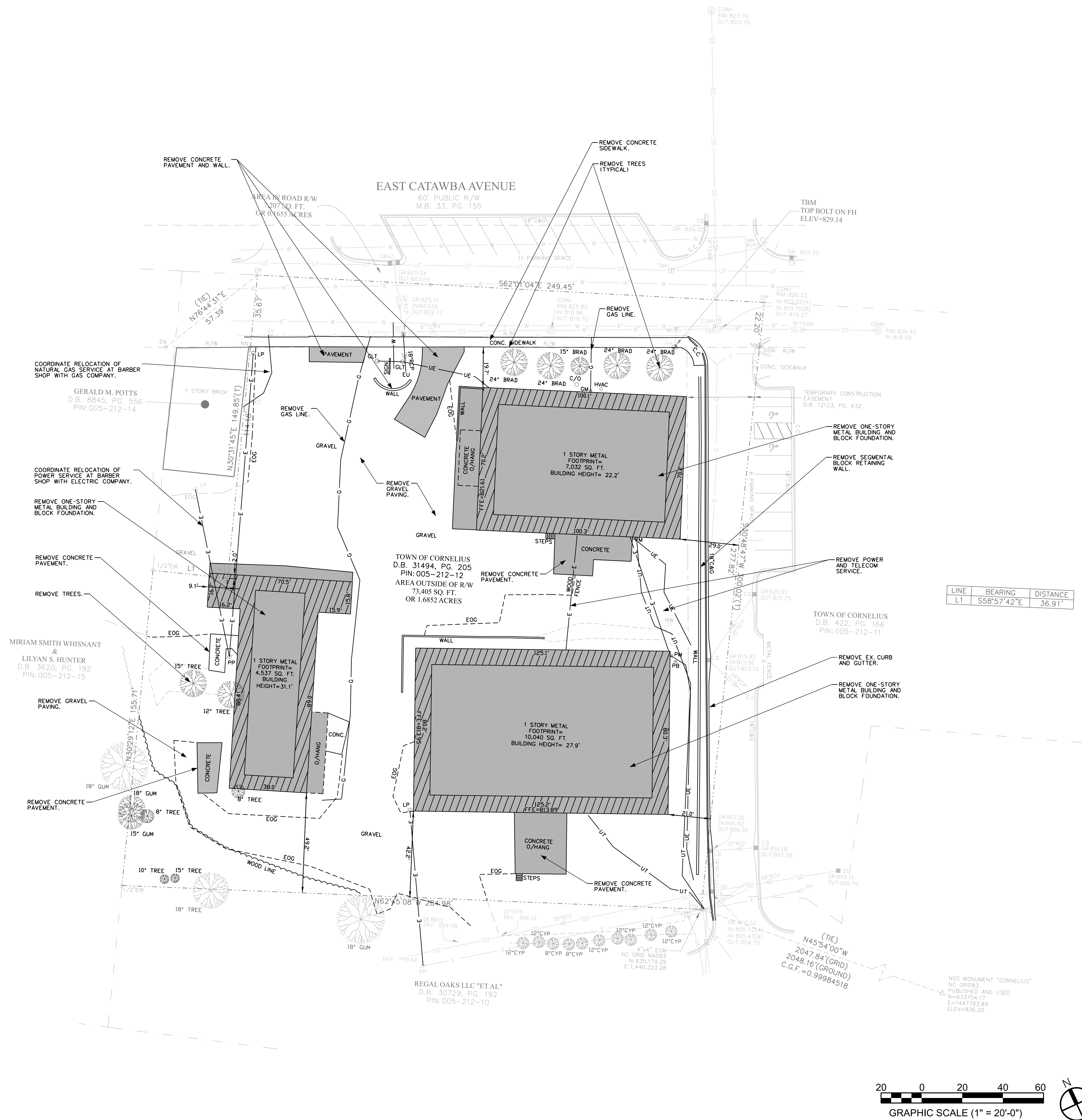
PRE-DEVELOPED IMPERVIOUS CONDITIONS



POST-DEVELOPED IMPERVIOUS CONDITIONS



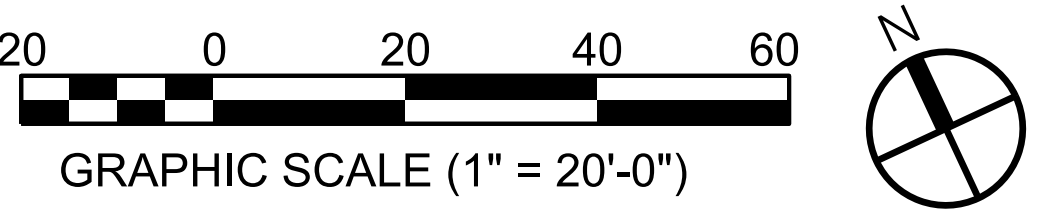
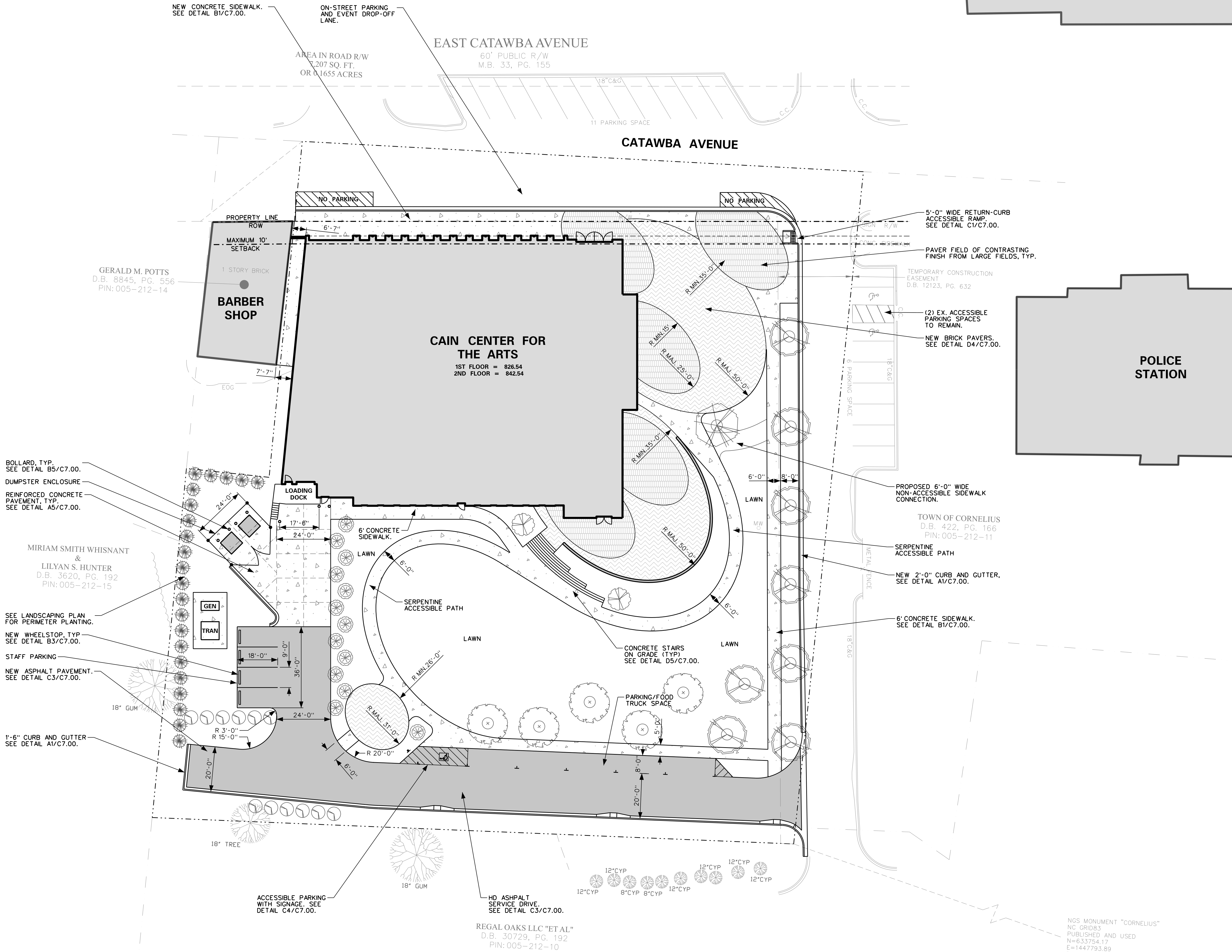
1. FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO THE BEGINNING OF DEMOLITION AND/OR CONSTRUCTION.
2. MATCH EXISTING UTILITIES TO EXISTING UTILITY PLAN LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO THE BEGINNING OF DEMOLITION AND/OR CONSTRUCTION VIA THE USE OF TEST PITS OR SOFT DIGS.
3. MATCH ALL EXISTING UTILITIES AND CONSTRUCTION TO REMAIN DURING ALL CONSTRUCTION ACTIVITIES.
4. ALL EXISTING SURFACES TO REMAIN OR NEW WORK, THAT IS DAMAGED DURING DEMOLITION OF EXISTING UTILITIES SHALL BE REPAIRED TO MATCH EXISTING ADJACENT SURFACES.
5. BEFORE YOU BEGIN WORK, CALL THE NO-CALL-CALL AT 811 AND COORDINATE LOCATION OF ALL UTILITIES.
6. NO SOIL DISTURBANCE OR COMPACTION, STOCK PILING OF SOIL OR OTHER CONSTRUCTION OF ANY TYPE, INCLUDING BUT NOT LIMITED TO, SHALL BE ALLOWED TO MATCH EXISTING UTILITIES ALLOWED WITHIN THE CRITICAL ROOT ZONE OF PROTECTED TREES, NO WORK SHALL BEGIN UNTIL TREE PROTECTION BARRICADES HAVE BEEN INSTALLED, BARRICADES TO REMAIN IN PLACE UNTIL ALL DEVELOPMENT OF THE PROJECT IS COMPLETED.
7. STORM DRAINAGE STRUCTURES AND SANITARY SEWER MANHOLE COORDINATES ARE LOCATED AT CENTER OF GRATE OR MANHOLE, ALL LINEAR FOOTAGE OF ALL UTILITY PIPES SHALL BE APPROXIMATELY 10% GREATER THAN ACTUAL LENGTHS. DIMENSIONS PROVIDED ARE HORIZONTAL MEASUREMENTS FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE, PIPE LENGTHS THAT TERMINATE WITH A FLARED END SECTION INCLUDE THE LENGTH OF THE FLARED END.
8. CONTRACTOR SHALL NOTIFY AND COOPERATE WITH ALL UTILITY COMPANIES OR FIRMS HAVING FACILITIES ON OR ADJACENT TO THE WORK SITE BEFORE DISTURBING, ALTERING, OR RELOCATING ANY EXISTING UTILITY. CONTRACTOR TO SAVED FACILITIES, CONTRACTOR SHALL RAISE OR LOWER TOPS OF EXISTING MANHOLES, DRAINAGE GRATES, VALVE BOXES, ETC., TO MATCH EXISTING GRADES. CONTRACTOR SHALL BE RESPONSIBLE FOR MATCHING FINISH GRADE WITH ANY NEW SURFACE STRUCTURE OR SURFACE ACCESS SERVING THEIR INSTALLED FACILITIES.
9. ALL EXISTING UTILITIES SHALL BE PROTECTED AND NOT TO BE REMOVED OR INSTALLATIONS NOT COVERED UNDER THESE CIVIL PLANS (ELECTRIC, TELEPHONE, GAS, STEAM, CABLE, ETC.) AND ALLOW FOR THEIR OPERATIONS AND CONSTRUCTION TO BE PERFORMED, ALL PLANNED AND EXISTING UTILITIES ROUTINGS AND DEPTHS SHALL BE COORDINATED PRIOR TO ANY INSTALLATIONS.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH NCDOT, NCEC, AND LOCAL ORDINANCES. EXISTING UTILITIES ROUTINGS AND DEPTHS SHALL BE COORDINATED PRIOR TO ANY INSTALLATION SHALL BE HELD.
11. RIM ELEVATIONS GIVEN ON THESE PLANS ARE APPROXIMATE AND ARE FOR INFORMATIONAL, RIM ELEVATIONS ONLY, ACTUAL RIM ELEVATIONS SHALL BE ADJUSTED BY CONTRACTOR TO MATCH FIELD CONDITIONS, THE TOP 12" OF ALL NEW CONCRETE STRUCTURES SHALL BE BRICK OR CONCRETE ON OR OFF THE GROUND, CONTRACTOR SHALL BE RESPONSIBLE FOR MATCHING AS NECESSARY, STRUCTURES SHALL BE ADJUSTABLE +/- 12" FROM THE RIM ELEVATION PROVIDED AT NO ADDITIONAL COST TO THE OWNER.
12. ALL NEW SHA-CON SHALL BE IN ACCORDANCE WITH OSHA TRAINING STANDARDS, PART 1926 SUBPART P AS AMENDED.
13. ALL LANE OR ROAD CLOSURES THAT ARE REQUIRED SHALL FOLLOW THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS FOR TRAFFIC CONTROL MEASURES (MUTCD).



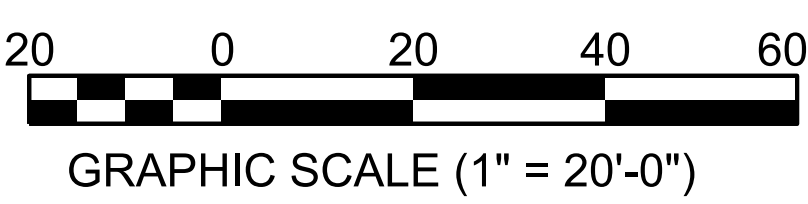
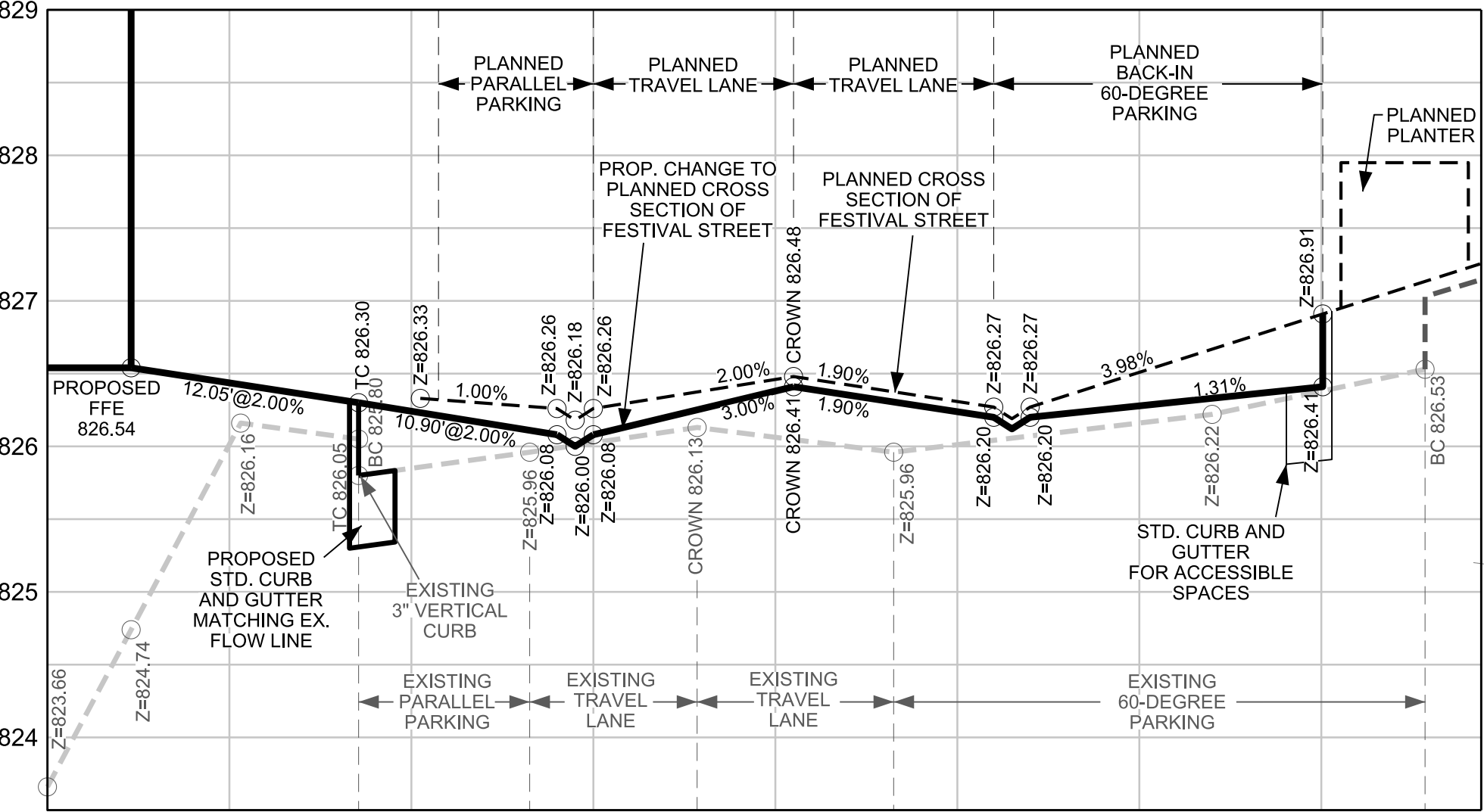
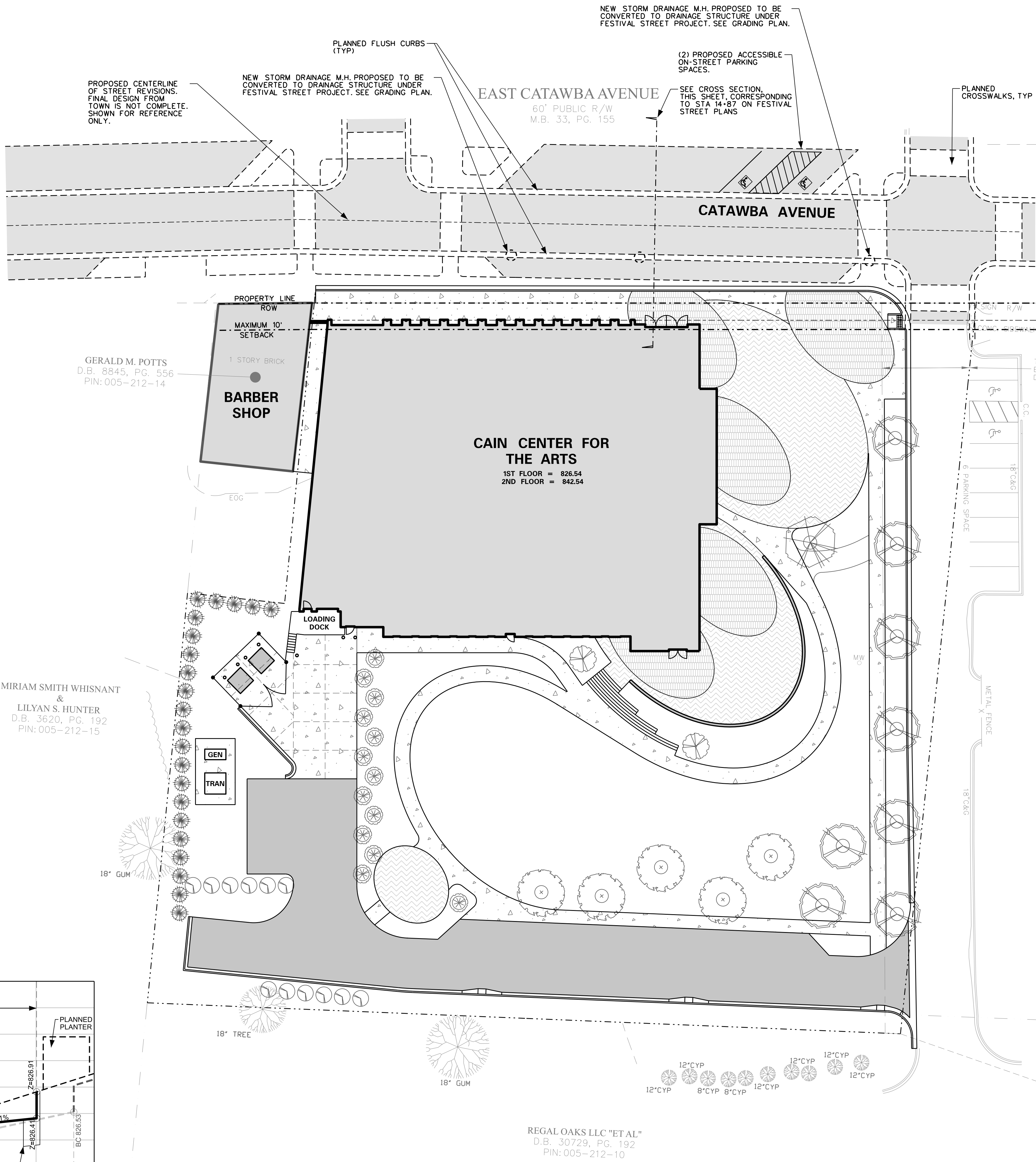
C2.00

SITE DEVELOPMENT DATA	
TAX ID NUMBER(s)	00521212
ADDRESS	21348 CATAWBA AVE., CORNELIUS 28031
ZONING	TC (TOWN CENTER)
PROPOSED USE	INSTITUTIONAL
BUILDING AREA	26,637 SF
SETBACKS	
FRONT YARD (STREET SETBACK)	10 FEET MAXIMUM
2ND, 3RD STORY ENCROACHMENT	5 FEET
SIDEYARD	NONE
REAR YARD	NONE
MINIMUM HEIGHT	26 FEET
MAXIMUM BUILDING HEIGHT	4 STORIES
TOTAL LOT AREA (OUTSIDE R/W)	1.685 ACRES (73,405 SF)
LOT AREA IN R/W	0.1655 ACRES (72,07 SF)
PROJECT AREA	1.658 ACRES (72,238 SF)
DISTURBED AREA	1.658 ACRES (72,238 SF)
PARKING	
AUTO PARKING REQUIRED	NONE
BICYCLE PARKING	
LONG TERM REQUIRED	
SHORT TERM REQUIRED	4
TOTAL PROVIDED	4
BUFFERS	
REQUIRED	
SOIL TYPE	CuB, Cecil Urban, Hydrologic Group "B"
IMPERVIOUS AREAS	
EXISTING	52,403 SF
TOTAL DEVELOPED+REDEV.	48,564 SF

- LAYOUT NOTES:
- ALL EXPANSION JOINTS ARE TO BE SEALED. REFER TO SPECIFICATIONS.
 - ALL DIMENSIONS ARE TO FACE OF CURB OR TO FINISHED FACE OF BUILDING UNLESS OTHERWISE NOTED.
 - ALL CURB RADI SHALL BE 2'-6" UNLESS OTHERWISE NOTED.
 - IN ORDER TO ENSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURB.
 - ANY BUILDING DIMENSIONS SHOWN ARE NOMINAL. CONSULT ARCHITECTURAL PLANS BEFORE ACTUAL FIELD STAKING.
 - ALL SIDEWALKS, RAMPS AND ACCESSIBLE ROUTES SHALL HAVE A 1.5% MAXIMUM CROSS SLOPE. IN NO INSTANCE SHALL THE CROSS SLOPE EXCEED 2.0%. WORK WITH EXCESSIVE CROSS SLOPES SHALL BE REMOVED AND REINSTALLED AT NO ADDITIONAL COST TO THE OWNER.
 - MAXIMUM ELEVATION CHANGE AT HANDICAP ACCESSIBLE DOORS SHALL NOT EXCEED 1/2". NO PAVEMENT STRIPING SHALL OCCUR UNTIL AFTER PAVING HAS CURED 30 DAYS.
 - ALL HANDICAP PARKING SPACES AND ACCESS AISLES SHALL MAINTAIN A MAXIMUM SLOPE OF 1/4" PER 1' IN ANY DIRECTION PER THE NC ACCESSIBILITY CODE. CONTRACTOR IS RESPONSIBLE FOR ACHIEVING POSITIVE DRAINAGE. FLAT AREAS OR AREAS OF EXCESSIVE SLOPE SHALL BE REMOVED AND REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.



NOTE: THIS PLAN IS INTENDED TO SHOW THE ANTICIPATED INTERFACE WITH THE PROPOSED FESTIVAL STREET PROJECT IN THE FUTURE CONDITION. ALL INFORMATION SHOWN ON THIS PLAN IS TAKEN FROM PRELIMINARY DOCUMENTS PROVIDED BY THE TOWN OF CORNELIUS AND SHALL BE CONSIDERED FOR REFERENCE ONLY.

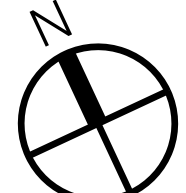
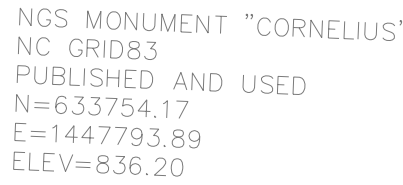


2. ALL WATER AND SEWER WORK TO BE PERFORMED IN ACCORDANCE WITH NC DEQ AND CHARLOTTE WATER'S STANDARDS AND SPECIFICATIONS.
3. ALL SEWER LATERALS SHALL BE CONSTRUCTED TO REMAIN AT LEAST 18" ABOVE BOTTOM OF WATER MAIN +18" ABOVE TOP OF SEWER IN A SEPARATE TRENCH. WHEN THESE SEPARATIONS CANNOT BE MAINTAINED, THE SEWER LINE SHALL BE CONSTRUCTED OF FERROUS MATERIAL. THE SEWER LINE SHALL BE CONSTRUCTED OF FERROUS MATERIALS WITH JOINTS EQUIVALENT TO WATER MAIN STANDARDS FOR A MINIMUM LATERAL DISTANCE OF 10 FT ON EACH SIDE OF THE CROSSING.
3. REQUIRED SEWER SEPARATION WITH OTHER UTILITIES: SEWER BELOW UTILITY: 24" CLEAR WITH UTILITY ABOVE SEWER: 12" CLEAR. CLEARANCES MEASURED AS NOTED FOR WATER CONFLICTS. WHEN THESE SEPARATIONS CANNOT BE MAINTAINED, THE SEWER LINE SHALL BE CONSTRUCTED OF FERROUS MATERIAL.
4. ALL NOISE AND VIBRATION SHALL BE MINIMIZED. UNAPPROVED BYPASS PIPING, HYDRANTS, FIRE DETECTION CONNECTION POINTS, OR OTHER WATER-USING APPURTENANCES CONNECTED ON THE SUPPLY SIDE OF ANY BACKFLOW PREVENTERS.
5. EACH UTILITY AND EQUIPMENT IDENTIFIED TESTER IN SERVICE.
6. REFER TO LANDSCAPE PLANS FOR ALL PROPOSED SCENING OF ABOVE GROUND BACKFLOW PREVENTERS.
7. ALL SANITARY SEWER LATERALS SHALL MAINTAIN A MIN. COVER OF 36" WITH CLEANOUTS AT 40' MAXIMUM SPACING. ALL CLEANOUTS SHALL BE 18" DIA. WITH BRASS CAST IRON COVERS. BE TRAFFIC BEARING CLEANOUTS. CLEANOUTS WITHIN UNIT PAVES AREAS SHALL HAVE BRASS CAPS. SEE DETAIL A3/C8.00.
8. ALL SEWER LATERALS SHALL BE BEDDED IN ACCORDANCE WITH DETAIL A2/C8.00.
9. ALL SEWER SERVICE LINES EXTENDED TO BUILDINGS SHALL TERMINATE WITH A CLEANOUT 5' FROM THE FACE OF THE BUILDING. THE PLUMBING CONTRACTOR SHALL NAME THE CONNECTIONS.
10. DASHED WATER AND SEWER LINES REPRESENT LINES AND CONNECTIONS TO BE INSTALLED BY THE WATER AND SEWER CONTRACTOR.
11. ALL BENDS AND INTERSECTIONS IN WATER LINES SHALL HAVE CONCRETE BLOCKING.

2018 NC GAS CODE, SECTION 404.17.3 TRACER: AN INSULATED COPPER TRACER WIRE OR OTHER APPROVED CONDUCTOR SHALL BE INSTALLED ADJACENT TO UNDERGROUND NONMETALLIC PIPING. ACCESS SHALL BE PROVIDED TO THE TRACER WIRE OR THE TRACER WIRE SHALL TERMINATE ABOVEGROUND AT THE END OF THE NONMETALLIC PIPING. THE TRACER WIRE SIZE SHALL NOT BE LESS THAN 18AWG AND THE INSULATION TYPE SUITABLE FOR DIRECT BURY.

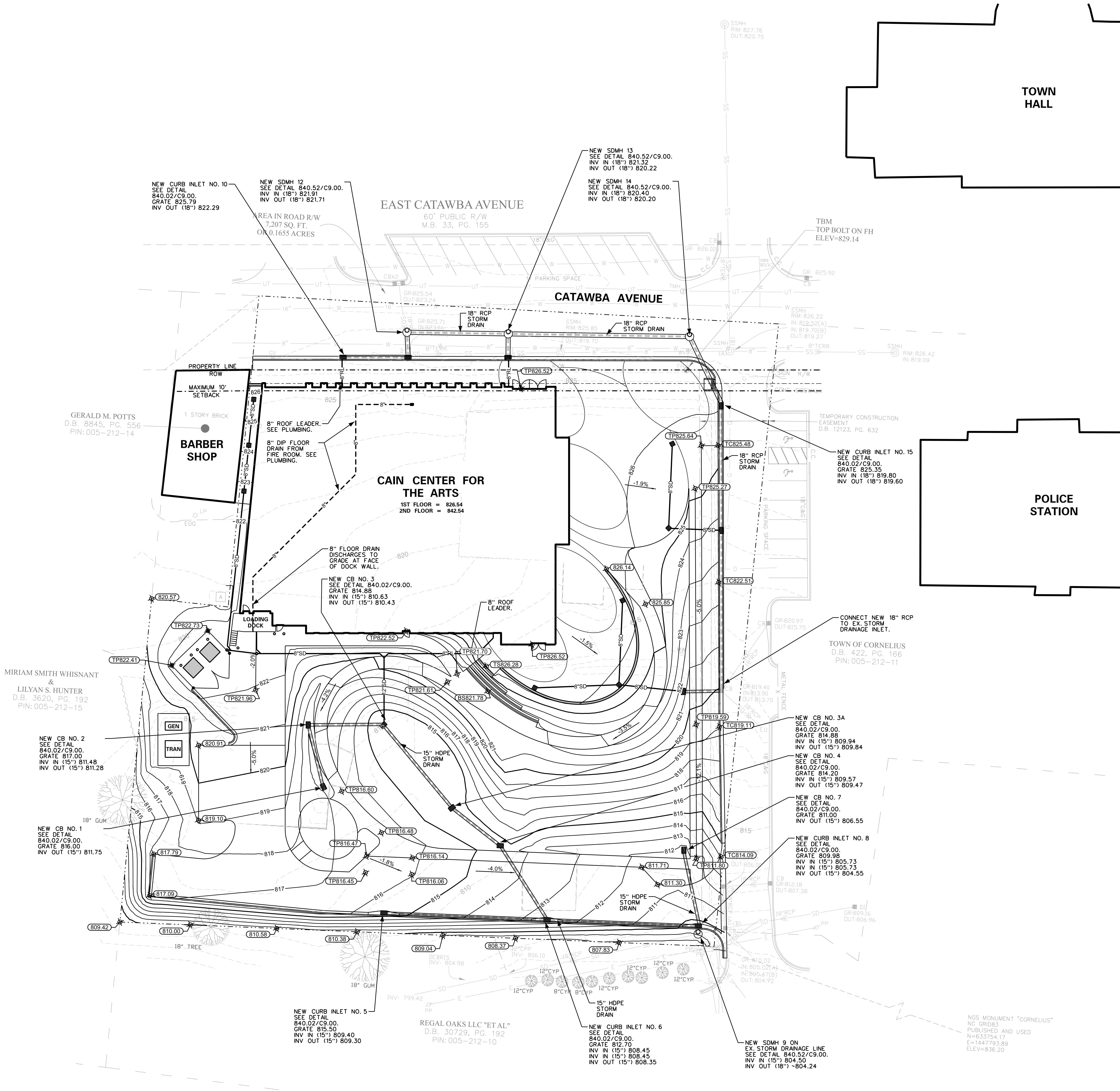
- 2012 NCPCE, SECTION 306.2.4 TRACER WIRE: FOR PLASTIC SEWER PIPING, AN INSULATED COPPER TRACER WIRE OR OTHER APPROVED CONDUCTOR SHALL BE INSTALLED ADJACENT TO AND OVER THE FULL LENGTH OF THE PIPING. ACCESS SHALL BE PROVIDED TO THE TRACER WIRE OR THE TRACER WIRE SHALL TERMINATE AT THE CLEANOUT BETWEEN THE BUILDING DRAIN AND THE BUILDING SEWER. THE TRACER WIRE SIZE SHALL NOT BE LESS THAN 14 AWG AND THE INSULATION TYPE SHALL BE LISTED FOR DIRECT BURIAL.
15. ALL NEW WATER VALVES SHALL BE CLOCKWISE TO CLOSE.

SHEET SHALL BE THREE FEET. PVC LINES BENEATH VEHICULAR DRIVES, ROADS, PARKING, ETC. SHALL HAVE A MINIMUM BURIAL DEPTH OF 4'.



GRADING AND DRAINAGE NOTES:

1. CONTRACTOR SHALL TAKE CARE TO MAKE SMOOTH FLOWING TRANSITIONS AT NEW AND EXISTING ASPHALT TIES. SLOPE BETWEEN FIXED SPOT ELEVATIONS SHALL BE CONSTANT UNLESS OTHERWISE SPECIFIED.
2. ALL MATERIAL TYPES OF ALL PROPOSED STORM DRAINAGE PIPE SHALL BE PROPERLY BEDDED PER DETAIL A2/C9.00.
3. ALL CONTOURS AND SPOT ELEVATIONS REFLECT FINISHED GRADES TO TOP OF PAVEMENT OR TOP OF SOIL IN PLANTING/GRASS AREAS. REFER TO PAVEMENT CROSS SECTION DETAILS TO ESTABLISH CORRECT SUBBASE ELEVATION.
4. NEW EARTHWORK SHALL BE BLENDED SMOOTHLY TO THE TIE INTO EXISTING GRADE.
5. ALL NEW PAVEMENT AREAS SHALL HAVE POSITIVE DRAINAGE SUCH THAT ALL RUNOFF WILL DRAIN ACROSS PAVEMENT TO NEW OR EXISTING DRAINAGE FEATURES OR SHEET FLOW OVERLAND.
6. REFER TO STRUCTURAL AND ARCHITECTURAL DRAWINGS FOR BUILDING AND RETAINING WALL FOUNDATION DRAIN LOCATIONS, PIPE SIZES, AND MATERIALS. REFER TO CIVIL PLANS FOR EXTENSION OF FOUNDATION DRAIN LINES FROM WALL TO OUTFALL LOCATION. ALL FOUNDATION DRAIN LINES WHICH CONNECT TO THE PROPOSED STORMWATER SYSTEM RATHER THAN DISCHARGING TO GRADE SHALL HAVE A BACKWATER VALVE AT THE TIE-IN LOCATION. A TERMINAL TYPE BACKWATER VALVE SHALL BE INSTALLED AT CATCH BASINS AND MANHOLES. SEE DETAIL A4/C9.00.
7. ANY PROPOSED GRASSED (SEED OR SODDED), MULCHED OR PLANTING AREA SHALL BE LEFT 4" BELOW FINISHED GRADES SHOWN. THE FINAL 4" IN ALL DISTURBED AREAS SHALL BE A 4" LAYER OF TOPSOIL BEFORE PLACING THE TOPSOIL. THE TOP 6" OF THE SUBGRADE SHALL BE UNCOMPACTED WITH ALL STONE AND CONSTRUCTION DEBRIS REMOVED. WORK THE FIRST 2" OF TOPSOIL INTO THE TOP 4" OF LOOSENEED SUBGRADE BEFORE SPREADING THE FINAL 2" OF TOPSOIL. IF TOPSOIL SECTION IS INDICATED AS OTHER THAN 4" ON LANDSCAPE PLANS, FOLLOW LANDSCAPE PLANS.
8. ALL DRAINAGE STRUCTURES SHALL BE GROUTED TO THE INVERT OF THE OUTFLOW PIPE TO ELIMINATE ANY SUMP CONDITION. ALL PIPE PENETRATIONS SHALL BE FLUSH WITH THE STRUCTURE WALL AND GROUTED.
9. DRAINAGE STRUCTURE ORIENTATION SHALL BE AS SHOWN ON THE DRAWINGS. GRATES ARE TYPICALLY SHOWN SET SQUARE TO THE ADJACENT WALK EDGE, BUILDING FACE, OR CURB LINE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESETTING THE DRAINAGE STRUCTURE AT NO ADDITIONAL COST TO THE OWNER IF SHOWN ORIENTATIONS ARE NOT OBTAINED.
10. PER SECTION 28-175(E) OF CITY CODE AND SECTION 10.0 OF THE POST CONSTRUCTION CONTROLS ADMINISTRATIVE MANUAL, ALL REQUIRED NATURAL AREAS AND/OR POST CONSTRUCTION CONTROLS EASEMENTS (PCEs) MUST BE RECORDED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
11. ALL ROOF LEADERS TO BE EITHER SCH. 40 PVC, SMOOTH WALL HDPE, OR DUCTILE IRON PIPE. ALL ROOF LEADERS SHALL HAVE A 1% MINIMUM SLOPE AND MAINTAIN A 24" MINIMUM COVER. REFER TO DETAIL A1/C9.00 FOR CLEANOUTS. ALL ROOF LEADERS SHALL CONNECT TO MAIN LINES WITH WYE FITTINGS.
12. STORM DRAINAGE PIPING: IF NOTED AS OPTIONAL, THE CONTRACTOR MAY PROVIDE EITHER CLASS III RCP OR SMOOTH WALL HDPE. INSTALL HDPE AS PER MANUFACTURER'S RECOMMENDATIONS. BEDDING SHALL BE PER DETAIL A2/C9.00 FOR ALL STORM DRAINAGE PIPE. ALL PIPE DEEPER THAN 42" SHALL BE CLASS III RCP. IF NOT NOTED AS OPTIONAL, CONTRACTOR MUST PROVIDE THE MATERIAL CALLED OUT ON THE PLANS.
13. ALL SLOPES 6:1 AND GREATER AND ALL GRASSED CHANNELS AND SWALES SHALL BE STABILIZED WITH TEMPORARY EROSION CONTROL SYNTHETIC LINER. SEE DETAIL D3/C9.00 FOR INSTALLATION. ADDITIONALLY, A 6" DIAMETER STRAW WATTLE SHALL BE STOKED ALONG THE CONTOUR OF THE SLOPE BEGINNING AT THE TOP OF SLOPE AND VERTICALLY SPACED AS REQUIRED.
14. DRAINAGE GRATES ARE TO BE PROTECTED DURING CONSTRUCTION. CONTRACTOR SHALL PREVENT CONCRETE SPLASH, PAINT, OR OTHER DAMAGE FROM OCCURRING OR RESTORE/REPLACE AT COMPLETION OF PROJECT.
15. TIE AND GW ELEVATIONS PROVIDED REFER ONLY TO THE GRADE ELEVATION AT THE WALL. REFER TO ARCH. AND STRUCT. PLANS OR SEGMENTAL WALL SHOP DRAWINGS FOR TOTAL WALL HEIGHT ABOVE GRADE FOR PARAPETS, CAPS, SEAT WALL AND SCREEN WALL SECTIONS.
16. ALL SPOT ELEVATIONS SHOWN WITHIN PAVED AREAS (ON CIVIL PLANS) AND ALONG CURBS REPRESENT TOP OF PAVEMENT (TP) OR BOTTOM OF CURB (BC) UNLESS OTHERWISE INDICATED.



CATAWBA AVENUE



BARBER
SHOP

CAIN CENTER FOR
THE ARTS

PLAZA
4,700 SF

PLAZA
3,000 SF

EVENT LAWN
5,500 SF

LOADING
DOCK

GEN

TRAN

Paver Plaza

Large Maturing
Evergreen Tree

Small maturing/
ornamental
flowering trees

Large Maturing
Shade Trees

20' wide access
drive

Medium
Evergreen
Screening shrubs

Dumpster
Enclosure

Large Evergreen
Screening shrubs

Medium
Evergreen
Screening Shrubs

Equipment pads

Staff Parking

Medium
Evergreen
Screening shrubs











CORNELIUS ARTS CENTER FACILITY

Traffic Assessment Technical Memorandum

Cornelius, NC

Prepared for:



Prepared by:

Kimley»Horn

August 2018



TECHNICAL MEMORANDUM

To: Andrew Grant
Town of Cornelius

From: Joe Wilson, P.E.
Kimley-Horn and Associates, Inc.

Date: August 2, 2018

Subject: Cornelius Arts Center Facility – Event Traffic Study
Cornelius, North Carolina

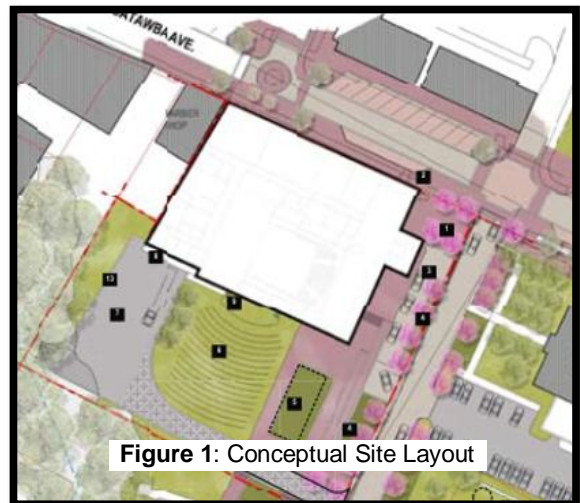
Kimley-Horn has been tasked with developing a traffic management plan for events taking place at the new Cornelius Arts Center located at the southwest corner of Catawba Avenue and Milling Way in Cornelius, NC. The primary objectives of the study are:

- To estimate trip generation and distribution for the proposed facility, particularly during event traffic to and from the 450-seat theater.
- To complete a review of the current traffic conditions on Catawba Avenue.
- To determine the potential traffic impacts of the proposed facility.
- To document potential alternatives to mitigate the traffic generated by the site.
- To develop a conceptual traffic management overview for event traffic.

The analysis contained herein is based on the information provided by the Town of Cornelius and C Design Inc. Based on input from the Town, the client intends to develop approximately 1.85 acres (Parcel ID 00521212) of land at 21336 Catawba Avenue in Cornelius, North Carolina. The 50,000 SF (square-foot) facility is planned to consist of three (3) 875 SF educational classrooms, one (1) 1,500 SF rehearsal room, an art gallery, and a 450-seat live theater.

Due to challenges/concerns with traffic impacts on the area by the proposed facility, the client has requested Kimley-Horn complete a review of the current traffic conditions, document potential alternatives to mitigate the traffic generated by the site and a conceptual traffic management overview for event traffic. For the purposes of this Technical Memorandum, the development is assumed to be completed (built-out) in 2019.

A conceptual site layout and study area/site location can be seen in **Figure 1** and **Figure 2**, respectively.



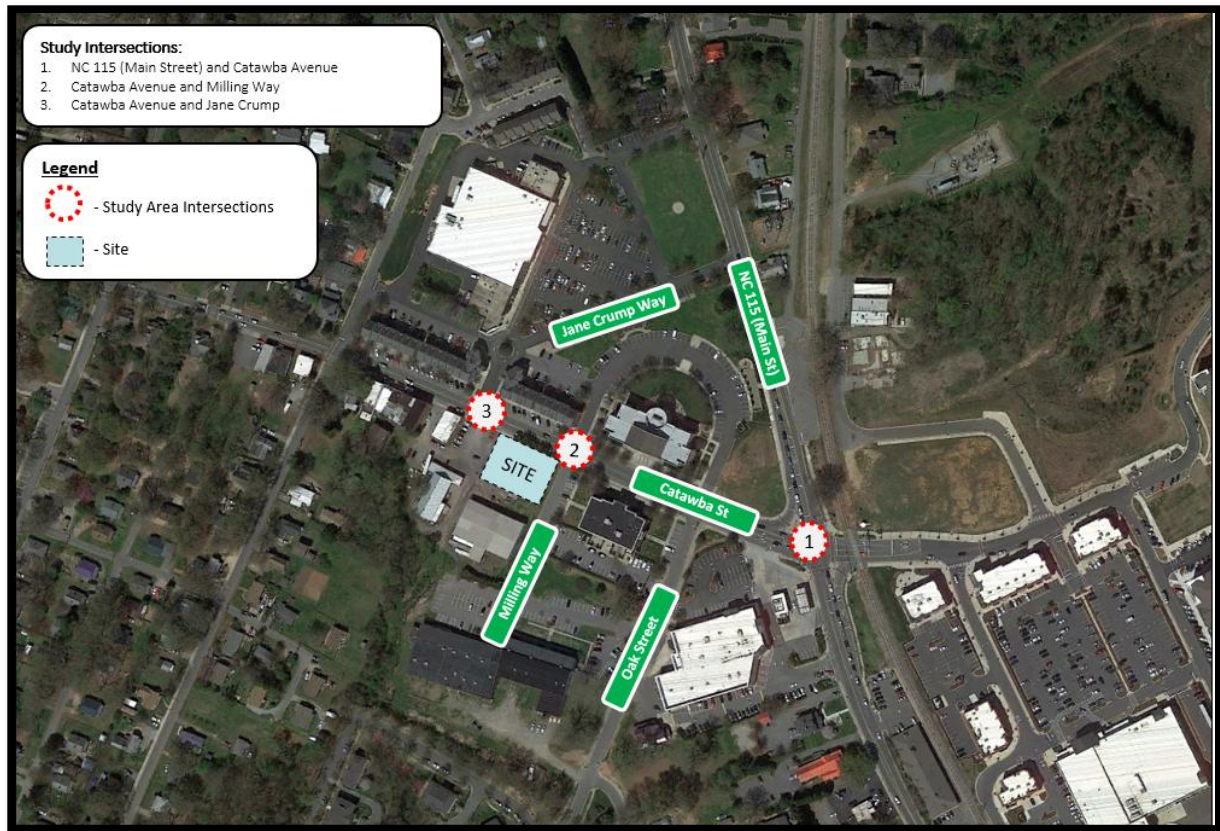


Figure 2: Study Area/Site Location

EXISTING AND BACKGROUND VOLUME DEVELOPMENT

Existing Volumes

PM (4:00-8:00 PM) intersection turning-movement, heavy-vehicle, pedestrian and bicycle counts were performed by National Data & Surveying Services on Wednesday, May 23, 2018, at the following intersections:

1. NC 115 (Main Street) and Catawba Avenue
2. Catawba Avenue and Milling Way
3. Catawba Avenue and Jane Crump

Volume balancing was performed between study area intersections to account for differences in the peak hours between intersections. Peak-hour intersection turning-movement count data is provided in the **Appendix**.

For the purposes of this study, volumes for two hours were reviewed and analyzed. First is the PM peak hour, which in this case is the hour at each intersection with the highest total traffic volumes. The second hour analyzed is the heaviest hour in which event traffic would be applied, which occurs from 7-8PM in this case. The events will likely be released after 9PM and traffic is typically much lower at this time. However, volumes from 7-8PM were used as a conservative estimate of non-site trips during egress as well as ingress.

Figure 3 illustrates the 2018 existing PM peak-hour and Event-hour traffic volumes.

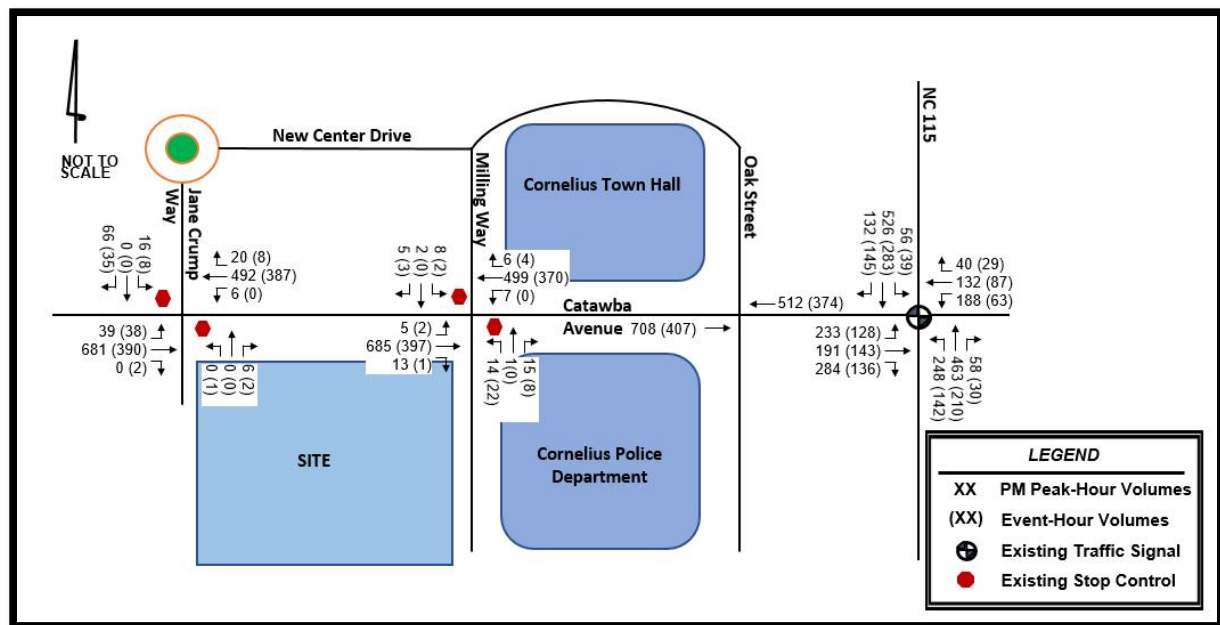


Figure 3: Existing PM Peak-Hour and Event Hour Traffic Volumes

Although there is an existing driveway access on the south leg of Jane Crump Way, there will be no access at this location when the Cornelius Arts Center is built; therefore, all future year build volumes will include zero inbound and outbound trips at this driveway.

Historical Background Growth Traffic

Projected background (non-project) traffic is defined as the expected growth or change in traffic volumes on the surrounding roadway network between the year the existing counts were collected (2018) and the expected build-out year (2019) absent the construction and opening of the proposed project. This includes both non-specific general growth based on historical increase in local traffic volumes (historical background growth), along with specific growth and/or change in traffic volumes caused by either approved, but not yet fully-constructed, off-site developments and/or planned transportation projects specifically identified within the vicinity of the proposed facility.

Historical background growth is the increase in existing traffic volumes due to usage increases and non-specific growth throughout the area, and accounts for growth that is independent of specific off-site developments or planned transportation projects. Historical background growth traffic is calculated using an annual growth rate, which is applied to the existing traffic volumes up to the future horizon years. Based on historical growth rates in the Town of Cornelius, an annual growth rate of two percent (2%) was applied to the 2018 existing traffic volumes to calculate base 2019 background traffic volumes. No approved facility traffic was applied to the study area.

Figure 4 shows the 2019 background PM peak-hour and Event hour traffic volumes, respectively, that include the historical growth traffic and approved development trips.

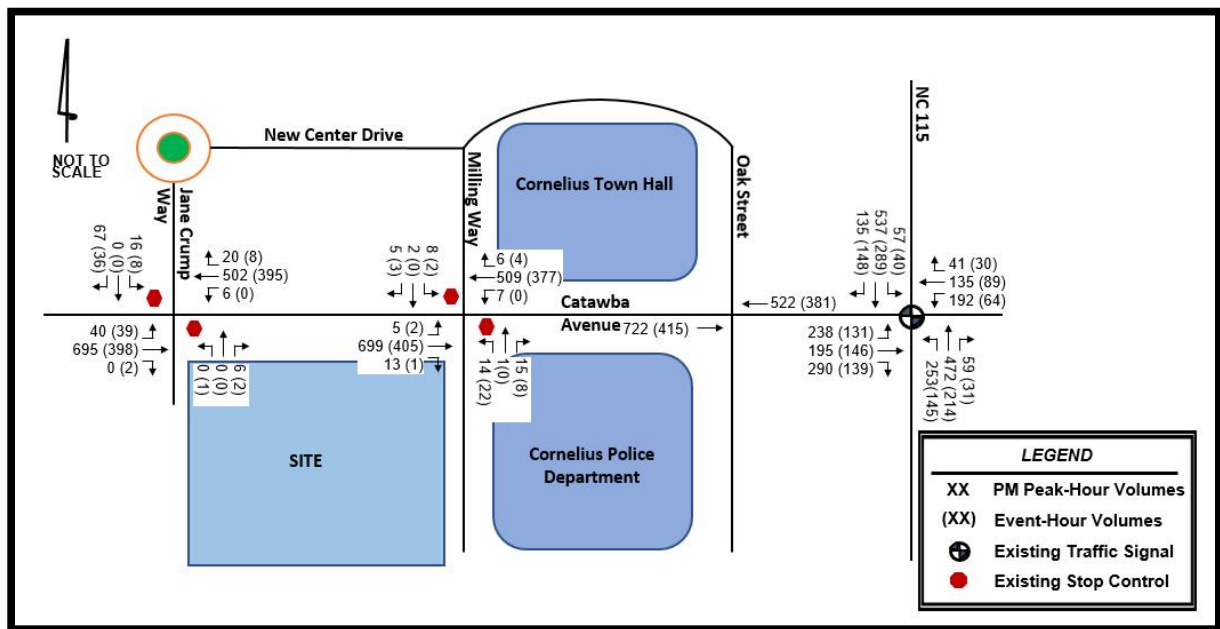


Figure 4: Background PM Peak-Hour and Event-Hour Traffic Volumes

PARKING AND SITE ACCESS CONSIDERATIONS

It should be noted that at the time of scoping, the Town requested that potential locations for the building be evaluated based on the lot size and building footprint. However, upon solicitation of information post-contracting, the architect provided building location and placement based on large amounts of coordination and planning. Because of the level of planning already in place, this study instead will use the information provided by the architect to deliver adequate drop-off and pick-up spacing within the study area and determine the best way to utilize the limited space available.

Based on the site plan provided on June 6, 2018, the proposed facility will be accessed via a single access point on Milling Way, that will loop around to a single exit point approximately 100 to 200 feet

south of the entry point. This access point will serve as a drop-off/pick-up location for the facility, and parking will be prohibited within this area; therefore, for the purposes of this study, most vehicles will not use this access, because instead of being dropped-off/picked-up, they will park at a surrounding off-site parking facility and safely walk to the Cornelius Arts Center.

The circulation pattern was studied for the traffic using this access for drop-off and pick-up. Typically, it is ideal to be able to keep all site traffic queues constrained within the site driveways to avoid spill out onto any public roads. However, given the limitations of the site, only approximately 4-8 cars will be able to be constrained within the site given the current layout.

Several alternatives were considered in order to circulate traffic using off-site public and private roadways. The three alternatives with the details referencing their impact and influence on the surrounding areas are outlined below.

Alternative 1

As shown in **Figure 5**, Circulation Alternative 1 begins with vehicles entering Milling Way from Catawba Avenue. Access onto Milling Way will not be restricted, so vehicles will be able to enter from either the East or West from Catawba Avenue. The vehicles will enter Milling Way and then immediately turn right into the Cornelius Arts Center entrance. After the front vehicle pulls up to the southern-most point in front of the Center, vehicles will stop in a row and passengers will exit/enter their vehicles as appropriate. Then, the vehicles will exit the drop-off/pick-up zone by turning left back onto Milling Way and then right onto Catawba. Northbound left-turning movements onto Catawba will be restricted during event time.

The major benefits to this alternative are the circulation pattern does not encroach on any additional property, and the alternative allows for drop-off on the appropriate side of the road. However, there are many issues with this alternative that should be addressed if Alternative 1 is selected. First, to exit the drop-off/pick-up area, two sharp left-turns are required – a southbound left-turn followed by an immediate eastbound left-turn, which creates an exaggerated U-turning movement. This maneuver is not ideal and requires a wide turning radius for vehicles. Additionally, this will create additional congestion on Milling Way, which will cause conflicts for entering and exiting vehicles. Drivers wishing to utilize the designated handicapped parking spaces, located on the east side of Milling Way, will have to compete with vehicles exiting the site.

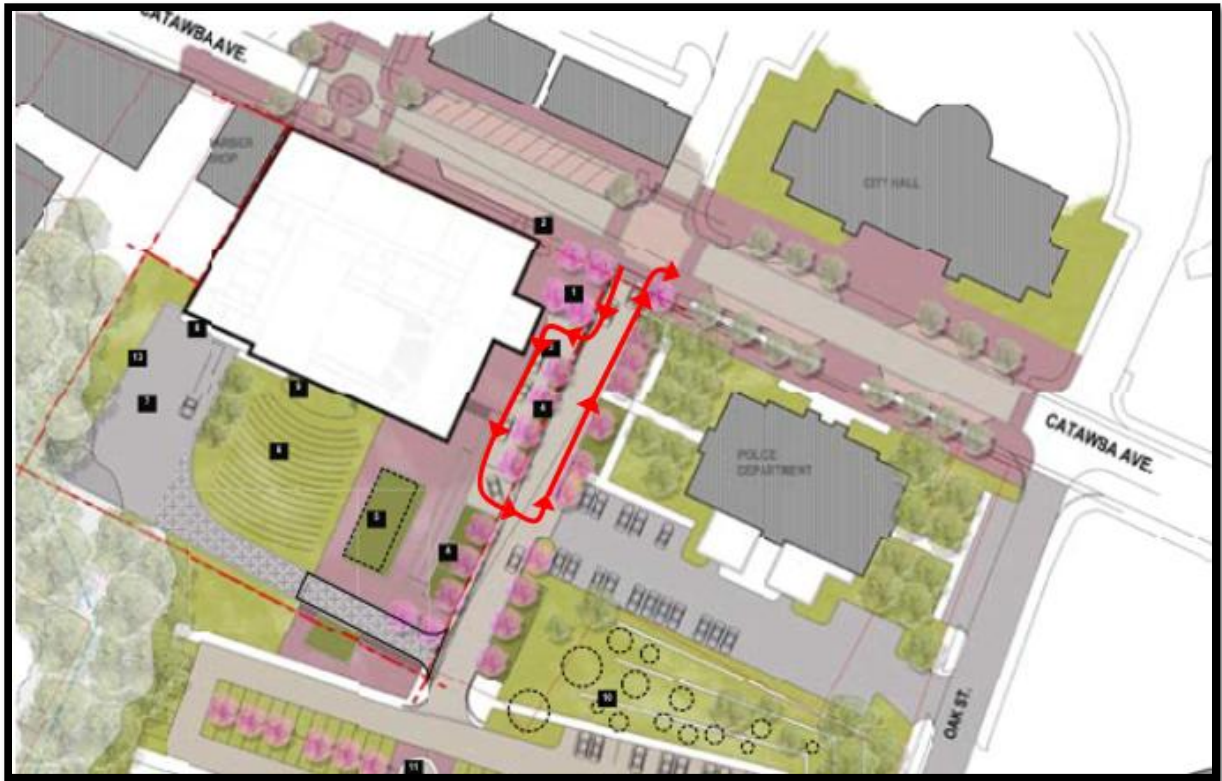


Figure 5: Circulation Alternative 1

Alternative 2

Circulation Alternative 2 begins the same as Alternative 1, with vehicles entering Milling Way from Catawba Avenue. Access onto Milling Way will not be restricted, so vehicles will be able to enter from either the East or West from Catawba Avenue. The vehicles will enter Milling Way and then immediately turn right into the Cornelius Arts entrance. After the front vehicle pulls up to the southernmost point in front of the Center, vehicles will stop in a row and passengers will exit/enter as appropriate. As shown in **Figure 6**, instead of exiting in a U-Turn Maneuver as in Alternative 1, the vehicles will travel eastbound through the gated lot for the Cornelius Police Department (CPD) and then out onto Oak Street. Vehicles will be able to turn either left or right onto Oak Street. If taking Oak Street to Catawba Avenue, a right-out only movement will be permitted onto Catawba Street to avoid interference with other site traffic traveling westbound on Catawba Avenue.

The major benefits to this alternative are that the circulation pattern avoids forcing drivers into a sharp turning maneuver and it disperses traffic to Oak Street, eliminating a bottle neck at Milling Way. It also allows for drop-off on the appropriate side of the road, as in Alternative 1. Also, moving traffic south on Oak Street has the potential to relieve Catawba Avenue of all the event traffic.

This alternative would require coordination and cooperation with the Cornelius Police Department. Police Department employees and officers would still be able to access the lot through the east entrance into the parking lot, where ingress and egress lanes are separated by a concrete median and two bollards. The parking lot is wide enough to allow for a single lane of event outbound traffic without major interference to Police Department operations. The traffic would need to be monitored to ensure continuous flow and prevent attendees from using the CPD lot as parking for the event.

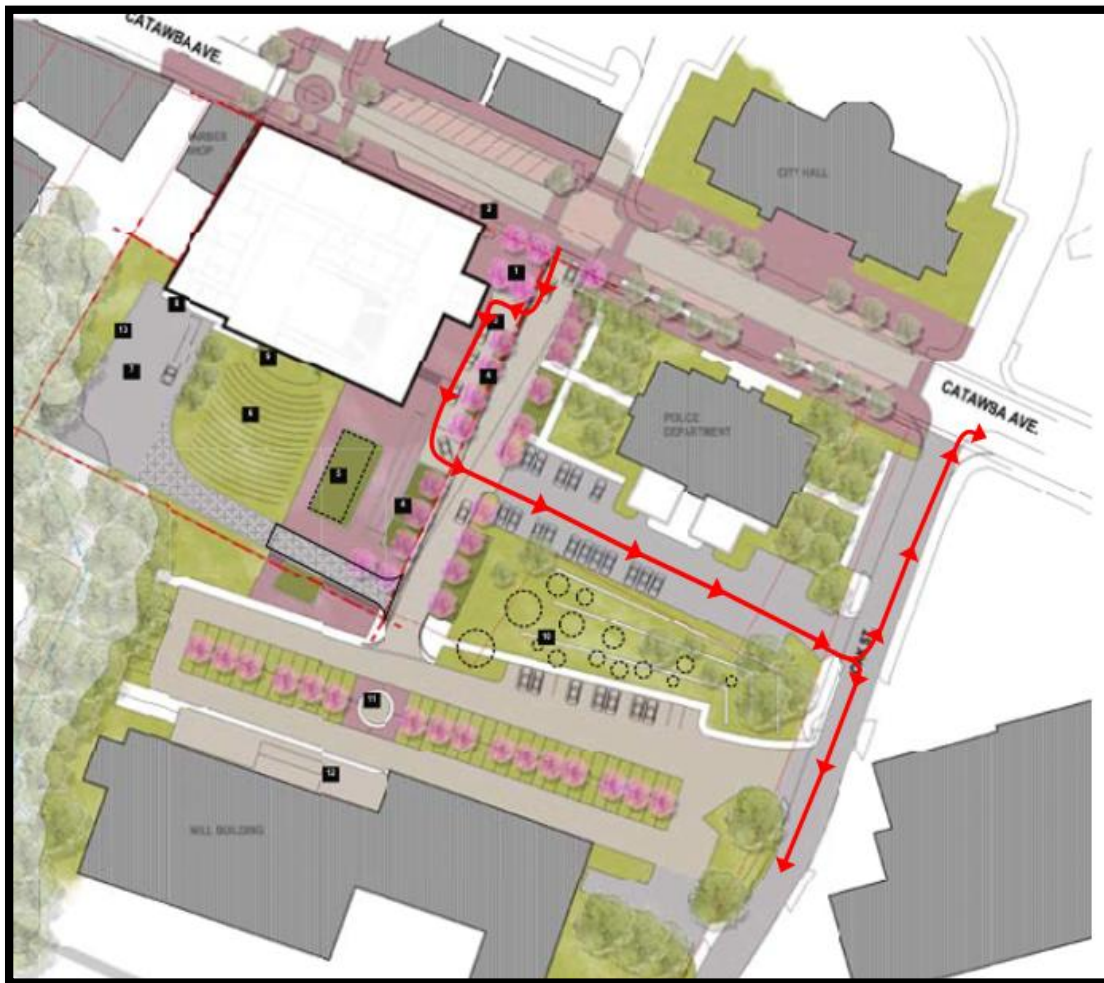


Figure 6: Circulation Alternative 2

Alternative 3

Circulation Alternative 3 begins the same as Alternative 1 and 2, with vehicles entering Milling Way from Catawba Avenue. Access onto Milling Way will not be restricted, so vehicles will be able to enter

from either the East or West from Catawba Avenue. The vehicles will enter Milling Way and then immediately turn right into the Cornelius Arts entrance. After the front vehicle pulls up to the southernmost point in front of the center, vehicles will stop in a row and passengers will exit/enter as appropriate. As shown in **Figure 7**, instead of exiting to the left like Alternative 1, or through the CPD lot like Alternative 2, the vehicles will turn right onto Milling Way, southbound toward the parking lot for The Shops at Oak Street Mill Village. Once reaching the lot, the vehicles will travel east toward Oak Street, where they can either head north to Catawba Avenue or south to Hickory Street. If taking Oak Street to Catawba Street, a right-out only movement will be permitted onto Catawba Avenue to avoid interference with other site traffic traveling westbound on Catawba Avenue.

The major benefits to this alternative are that the circulation pattern avoids forcing drivers into a sharp turning maneuver and it disperses traffic to Oak Street, eliminating a bottle neck at Milling Way. It also allows for drop-off on the appropriate side of the road, as in the other alternatives, and avoids any interference with the CPD facility, unlike Alternative 2. Although the lot that would carry through traffic from the site is privately owned, it appears that most, if not all, of the businesses close prior to any drop-off/pick-up for event traffic. Also, moving traffic south on Oak Street has the potential to relieve Catawba Avenue of some event traffic.

Because the lot is private, coordination with the property owner would likely be required prior to any implementation of this circulation plan. Additionally, because multiple tenants occupy the space, it is recommended that it is verified that lease agreements and/or tenant rights are reviewed to ensure no encroachment of rights.

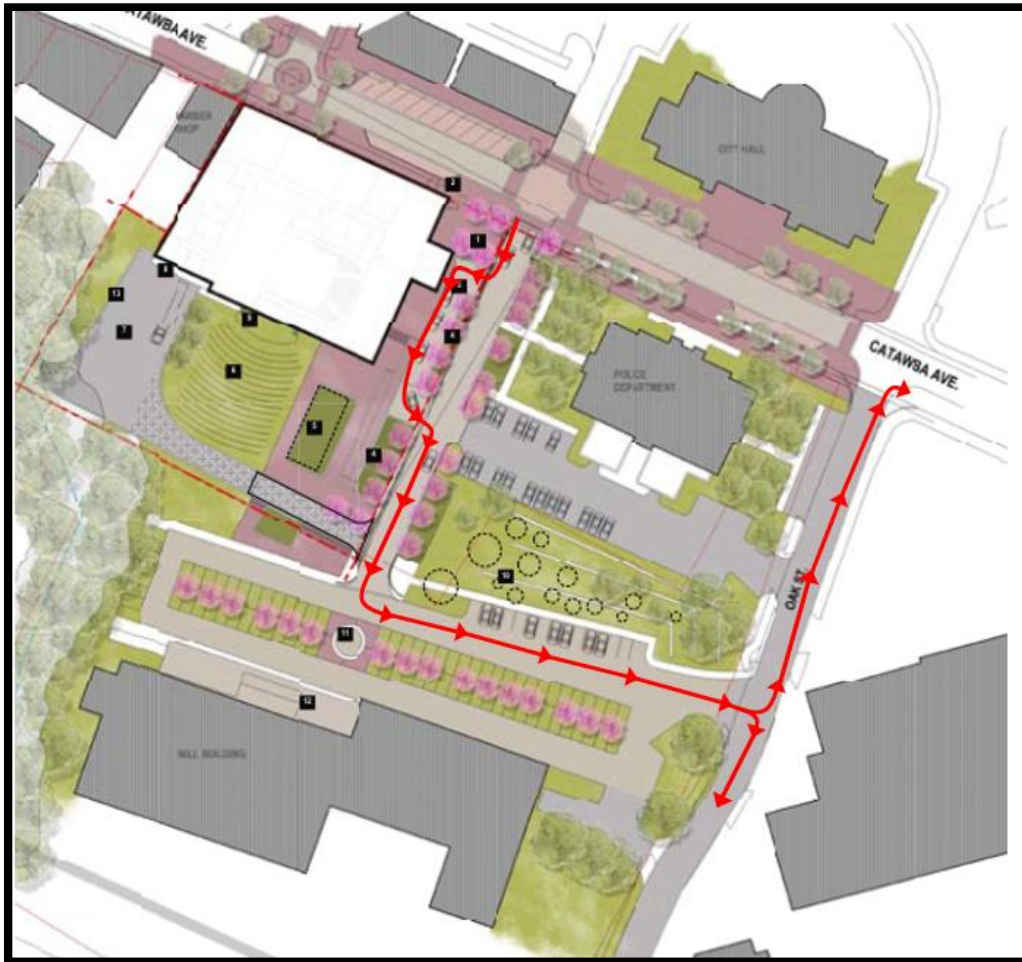


Figure 7: Circulation Alternative 3

It is important to note that on Milling Way from the Cornelius Police Department driveway to The Shops at Oak Street Mill Village parking lot the grade is steep, and should be considered for regrading. Whether this alternative is selected or not, pedestrians will likely attempt to walk to the Cornelius Arts Center from the south on Milling Way. **Figure 8** illustrates the slope of Milling Way to the south of the proposed entrance into the Arts Center.



Figure 8: Milling Way Grade from The Shops at Oak Street Mill Village

With all three alternatives, there are important aspects to consider. For example, all alternatives involve turning immediately onto the Cornelius Art Center's property once accessing Milling Way from Catawba Avenue. Because the distance between the Art Center entrance and Catawba Avenue is less than 100 feet, this could cause a potential spillback onto Catawba Avenue. In order to avoid conflicts on Catawba Avenue, it is recommended that adequate parallel parking spaces on Catawba, immediately to the west of Milling Way, be used to accommodate the queueing of vehicles during drop-off, as shown in



Figure 9: Parallel Spaces on Catawba Avenue for Queueing

Figure 9. It is important to note that this segment of Catawba Avenue will not be accessible for queueing vehicles during pick-up immediately after the event, due to the implementation of a dead zone for pedestrian safety and efficient egress. The dead zone area and concept will be explained further in the Event Planning Considerations section.

Parking Alternatives



Figure 10: Proposed Handicapped Parking for Center

Because no public parking is provided on site, alternatives were considered for Handicapped parking first, as these spaces should be as close to the site as practical. Due to the Cornelius Police Department's close proximity to the facility, it is recommended that the 9 parking spaces immediately across Milling Way from the Cornelius Art's Center be designated as handicapped parking during events; these spots are shown in **Figure 10**. It is recommended that a marked crosswalk be added on Milling Way from the CPD parking spaces to the facility and that all existing and new sidewalk utilized to access parking be constructed and/or retrofitted to meet current ADA requirements.

Because there was adequate public parking available and no agreements have been solidified with private property owners, only existing public parking options were considered. **Table 1** below shows the available public parking lots, number of spaces, walking distance to the facility, and the occupancy/availability of spots based on our site visit and engineering judgment.

Table 1 - Available Parking Considered					
Lot	Lot Name	# of Spaces	Walking Distance (miles)	Avail. (%)	Usable Spaces
A	School Parking Lot A	28	0.25	95%	27
B	School Parking Lot B	19	0.25	95%	18
C	School Parking Lot C	16	0.25	95%	15
D	School Parking Lot D	25	0.25	95%	24
E	School Parking Lot E	59	0.25	95%	56
F	Cornelius Library	30	0.25	80%	24
G	North Side of Catawba Street - West of Washam St	4	0.25	25%	1
H	North Side of Catawba Street - East of Washam St	8	0.25	25%	2
I	South Side of Catawba Street - West of Church St	8	0.25	25%	2
J	North Side of Catawba Street - Mulbery St to Jane Crump Way	19	0.1	25%	5
K	South Side of Catawba Street - Mulbery St to Jane Crump Way	10	0.08	25%	3
L	North Side of Catawba Street - Jane Crump Way to Milling Way	11	0.08	25%	3
M	West side of Police Station (Outside of Gated Area)*	9	0.02	100%	9
N	New Center Drive (Townhomes) - West Lot	22	0.2	30%	7
O	New Center Drive (Townhomes) - East Lot	21	0.2	30%	6
P	Town Hall Parking Lot	76	0.08	80%	61
Q	Northwest Corner of Oak Street and Kimbrough Lane	21	0.15	25%	5
TOTAL					268

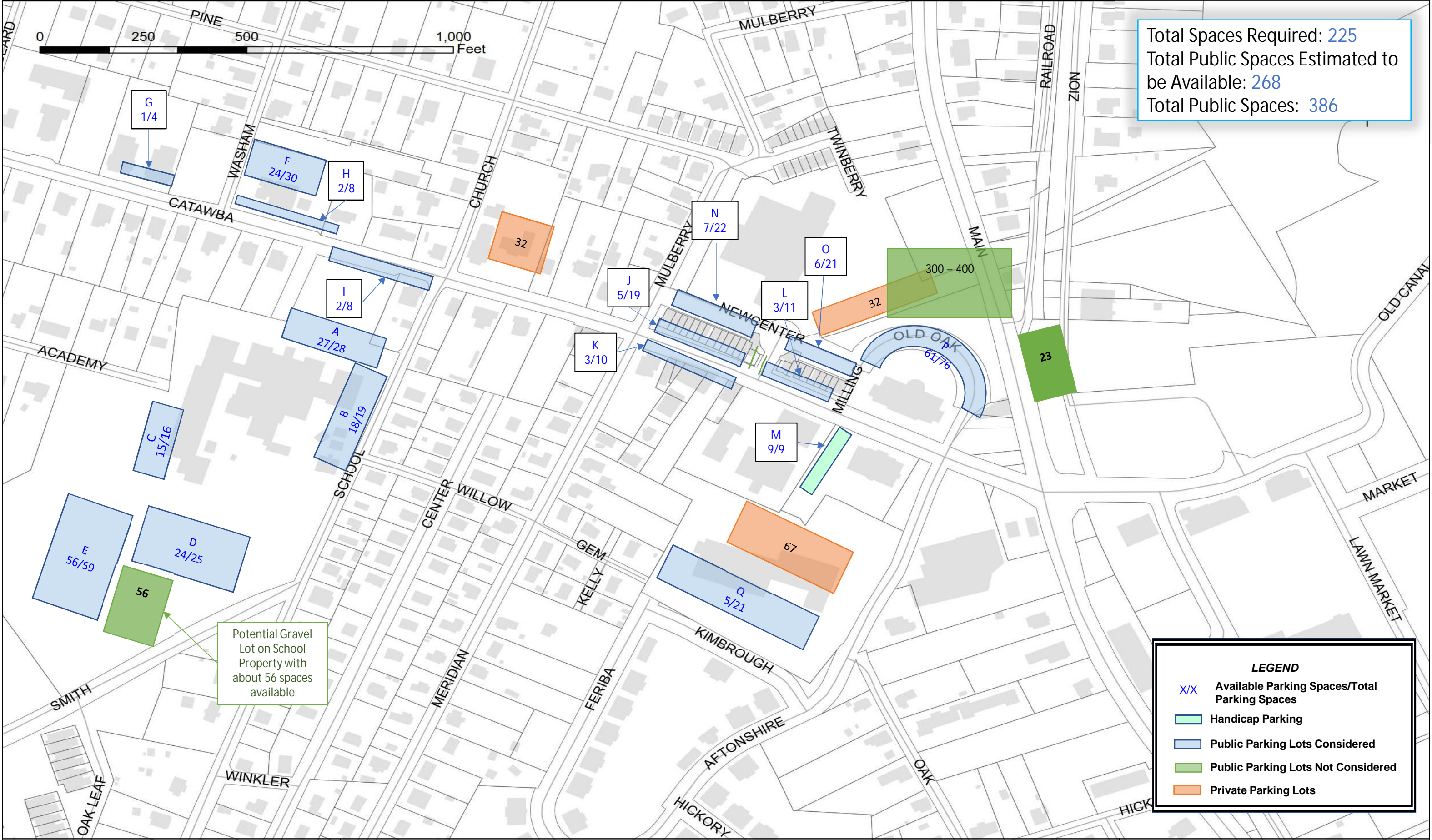
* Spaces required to be open for handicapped parking during events

Although these were the only lots considered during analysis, it is important to note that other parking lots are or will be available for use when the Cornelius Arts Center hold events. These other lots, and the reason they were not used in our analysis, are outlined in **Table 2** below.

Table 2 - Lots Within Downtown Cornelius Not Considered		
Lot	# of Spaces	Reason Not Considered
Parking Structure North of Town Hall	300-400	Parking structure not installed yet. Once constructed, it is assumed most attendees will not need to park any further west than Mulberry Street
Park and Ride Lot	23	Adequate parking is provided on the west side of NC 115. Pedestrian crossing at NC 115 was a concern
Spots on Jane Crump Way Adjacent to Town Hall Lot	32	These spots are a part of the Food Lion Lot and are not town-owned property.
Parking at The Shops At Oak Street Mill Village	67	This lot is private and no known agreements have been made with the businesses at this location to use their lot.
Cornelius Presbyterian Church	32	This lot is private and no known agreement has been made with the Church to use their lot.

Although the Park and Ride lot across NC 115 was not considered as a potential lot for attendees, it should be considered as the main parking lot for Cornelius Arts Center event staff; it is recommended that a shuttle be used to take employees to and from the lot.

The parking facilities are shown in **Figure 11** attached.



SITE TRAFFIC VOLUME DEVELOPMENT

Site traffic developed for this study is defined as the vehicle trips expected to be generated and added to the study area by construction of the proposed facility, and considers the distribution and assignment of that traffic throughout the surrounding network.

Trip Generation

Typically, the traffic generation potential of a proposed facility is determined using the trip generation rates published in *Trip Generation* (Institute of Transportation Engineers, Tenth Edition, 2017) for all land uses. However, Trip Generation does not have adequate data for facilities of this nature. Therefore, Kimley-Horn contacted two local municipalities with similar populations and facility capacity to determine an appropriate trip generation for the Cornelius Arts Center. The calculated trip generation potential is shown in **Table 3** below.

Table 3: Trip Generation		
	Inbound Trips	Outbound Trips
<i>Before Event</i>	225	11
<i>After Event</i>	11	225

The project team spoke with Diana Young, the Executive Director of the Concord Downtown Development Commission, Noelle Scott, President and CEO of the Cabarrus County Arts Council, and Wendy Brindle, PE, Engineering Director at the City of Salisbury. Our communications validated that 2 attendees per vehicle is the standard trip generation for a facility of this nature within the surrounding region.

Site Distribution and Assignment

The proposed facility's trips were assigned to the surrounding network based on existing peak-hour turning movements, surrounding land uses, locations of similar land uses, and population densities in the area. The following site traffic distribution was established for the inbound trips for the Arts Center:

- 40% from the west on Catawba Avenue
- 15% from the north on NC 115
- 10% from the east on Catawba Avenue
- 35% from the south on NC 115

The following site traffic distribution was established for the outbound trips for the Arts Center:

- 61% to the west on Catawba Avenue
- 9% to the north on NC 115
- 7% to the east on Catawba Avenue
- 23% to the south on NC 115

The reason for different distributions is that attendees will be coming from where they live when they arrive and will be forced to exit a given direction based on where they parked when they exit.

Typically, once the site distribution is determined, an assignment is applied to the network based on the vehicular site access points. The site plan provided on June 6, 2018 indicates that the proposed facility will be accessed via a single one-way access point on Milling Way, that exits at a single point approximately 100 to 200 feet south of the entrance. This access point will serve as a drop-off/pick-up location for the facility, and parking will be prohibited within the area; therefore, for the purposes of this study, most vehicles will not use this access, but will park at surrounding off-site parking facilities and safely walk to the Cornelius Arts Center. The trip distribution and assignment, based on the available parking facilities, are shown for ingress and egress in **Figure 12** and **Figure 13**, respectively.

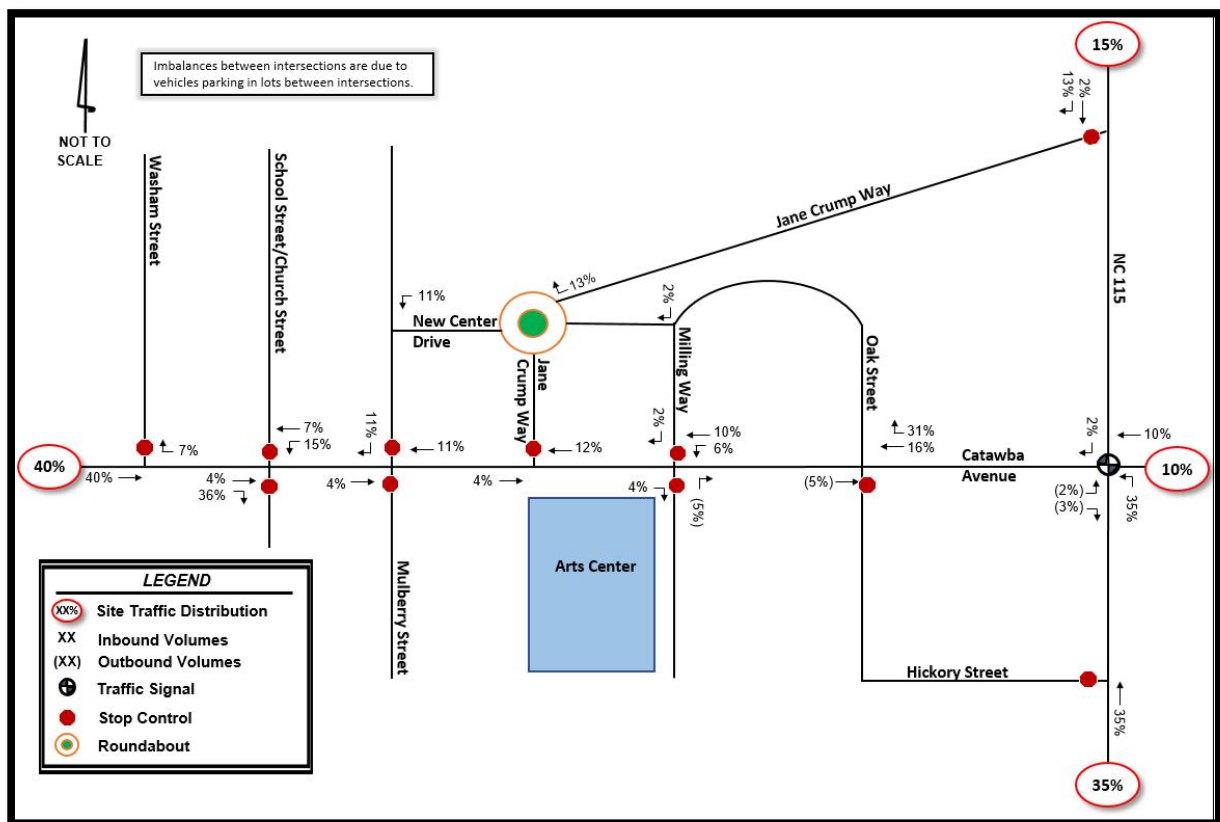


Figure 12: Ingress Site Distribution and Assignment

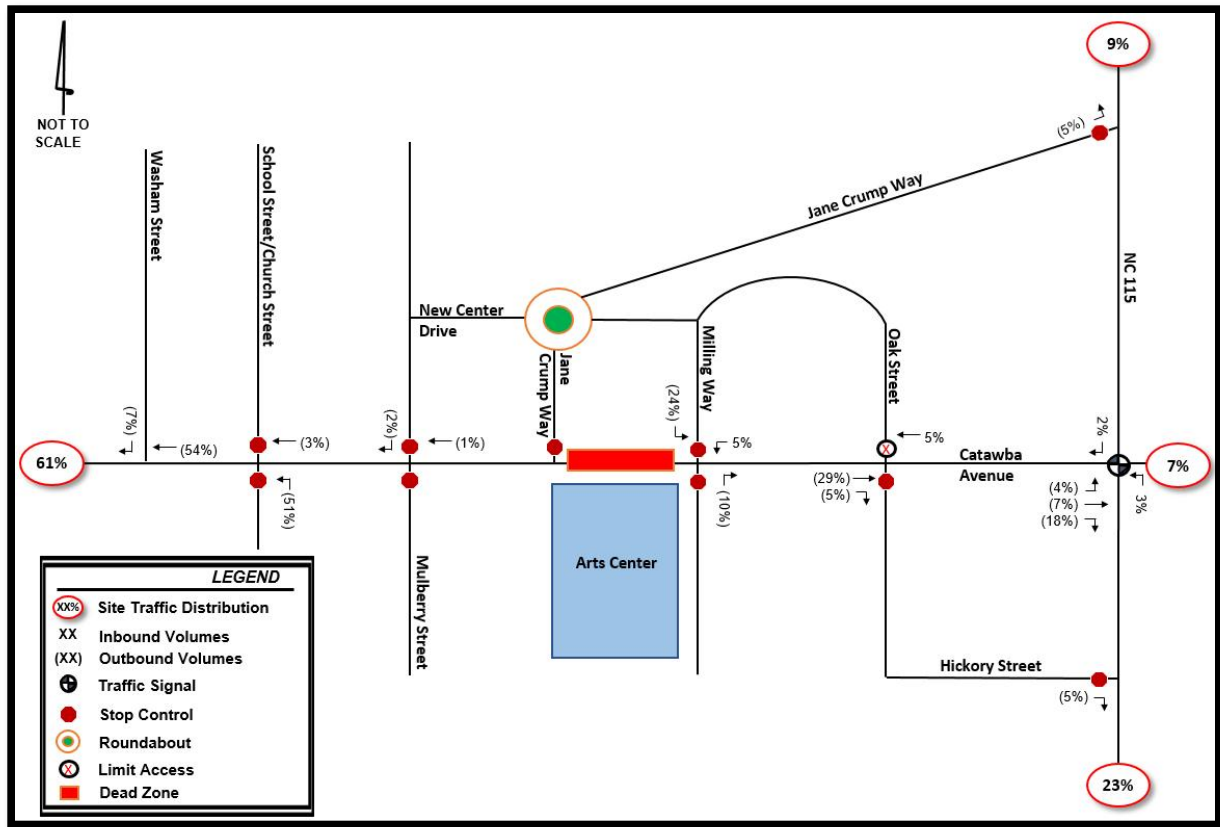


Figure 13: Egress Site Distribution and Assignment

2019 Event Build Out and PM Peak-Hour Volumes

The 2019 build-out traffic volumes include the assignment of the projected site traffic generation added to the 2019 background traffic volumes. **Figure 14** and **Figure 15** show the projected 2019 build-out traffic volumes for the Event Hour for ingress and egress, respectively. **Figure 16** and **Figure 17** show comparison between the PM Peak Hour volumes with no site trips applied and the final build out volumes for the Event Hour for ingress and egress, respectively. It should be noted that a positive difference indicates the PM peak-hour volumes are greater than the event hour traffic volumes and a negative difference indicates the event hour volumes are greater than the PM peak-hour traffic volumes.

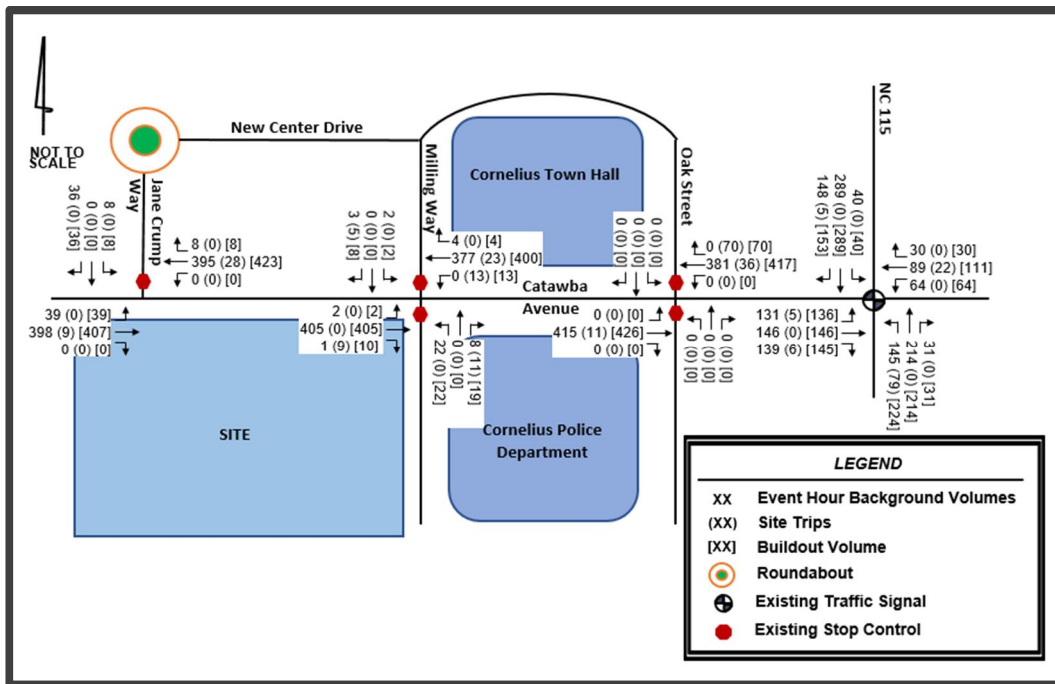


Figure 14: Event Hour Volumes with Ingress Site Trips

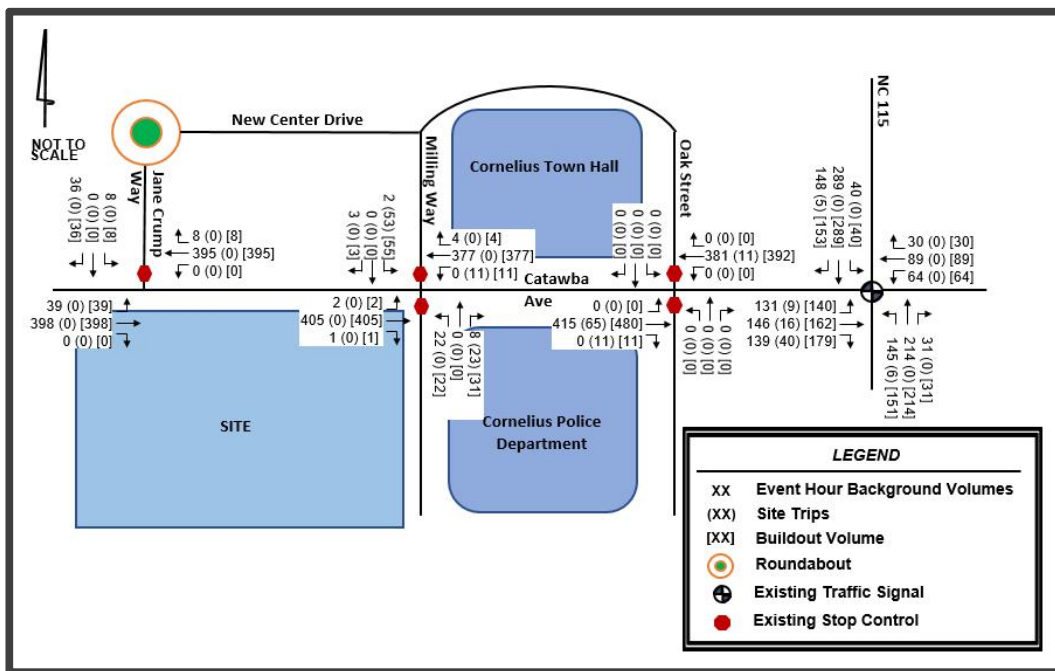


Figure 15: Event Hour Volumes with Egress Site Trips

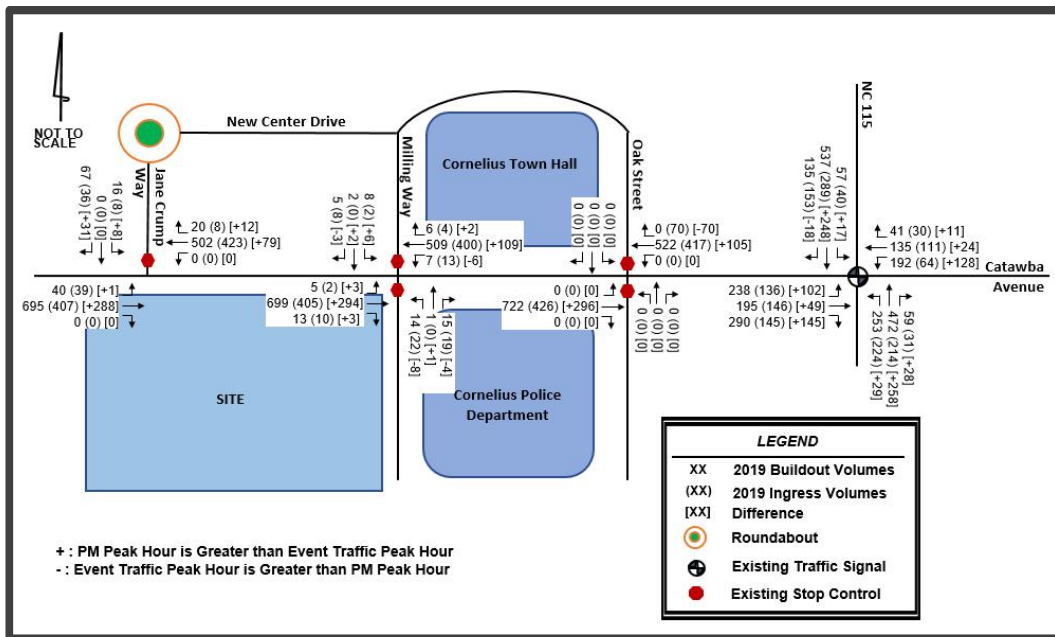


Figure 16: PM Peak Hour and Event Hour Comparison (Ingress)

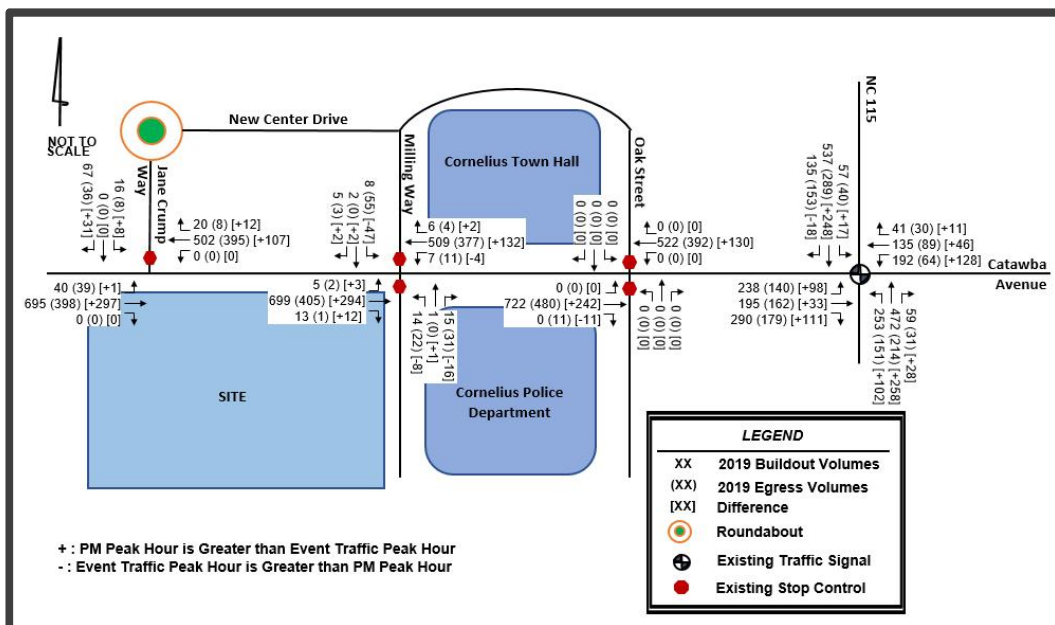


Figure 17: PM Peak Hour and Event Hour Comparison (Egress)

Overall, during the Ingress and Egress Event Hours, traffic volumes are approximately 33% less than the volume during the highest daily PM hour of traffic routinely experienced at the study intersections. Because egress from the facility will be a concentrated exit, there may be a period that the Town prefers to manually advance or flash the traffic signals at School Street, Smith Circle, and NC 115 at Catawba Avenue for a short duration to expedite the exit of traffic.

With the current level of analysis, turn lanes do not appear necessary to accommodate event traffic. Additional analysis will be required in order to determine if turn lanes are warranted at Oak Street and Milling Way on Catawba Avenue.

PEDESTRIAN CONSIDERATIONS

Kimley-Horn performed a review of existing pedestrian facilities from the proposed parking locations to the Arts Center location. The following components were assessed in order to determine the adequacy of the pedestrian facilities currently in place:

1. Sidewalk
2. Crosswalks/Main Pedestrian Crossing Locations
3. ADA Compliance
4. Lighting

A review of the pedestrian facilities can be seen in **Figure 18** attached. As shown, after an assessment of existing sidewalk, it was concluded that, except for the northeast corner of Mulberry Street and Catawba Avenue, there is adequate presence of sidewalk provided for pedestrians to and from all of the identified parking facilities.

There are several locations in which the sidewalks and ramps do not comply with ADA guidelines, and it is recommended that updates are made at these locations to meet compliance. For the most part, it appears that the transition points from roadway to sidewalk include ramps, as required, however, further analysis is recommended to determine if all of the ramps meet the width and slope requirements required. The crosswalk at Town Hall, which should serve as a major crossing point for pedestrians traveling to the Cornelius Arts Center, does not have a ramp from the sidewalk to the drop-off area in front of the crosswalk as shown in **Figure 19**. A ramp should be constructed on both sides of the crosswalk at this location to aid in the safe travel of pedestrians.

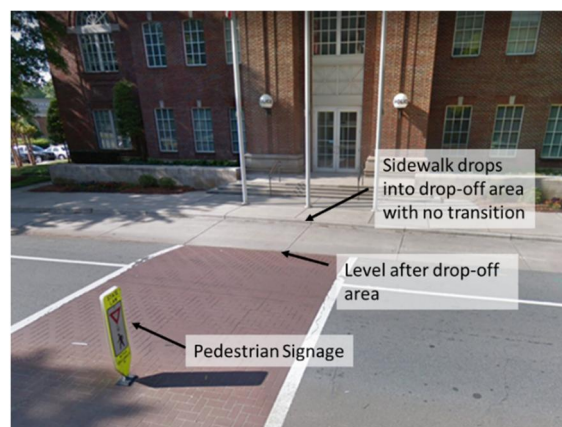
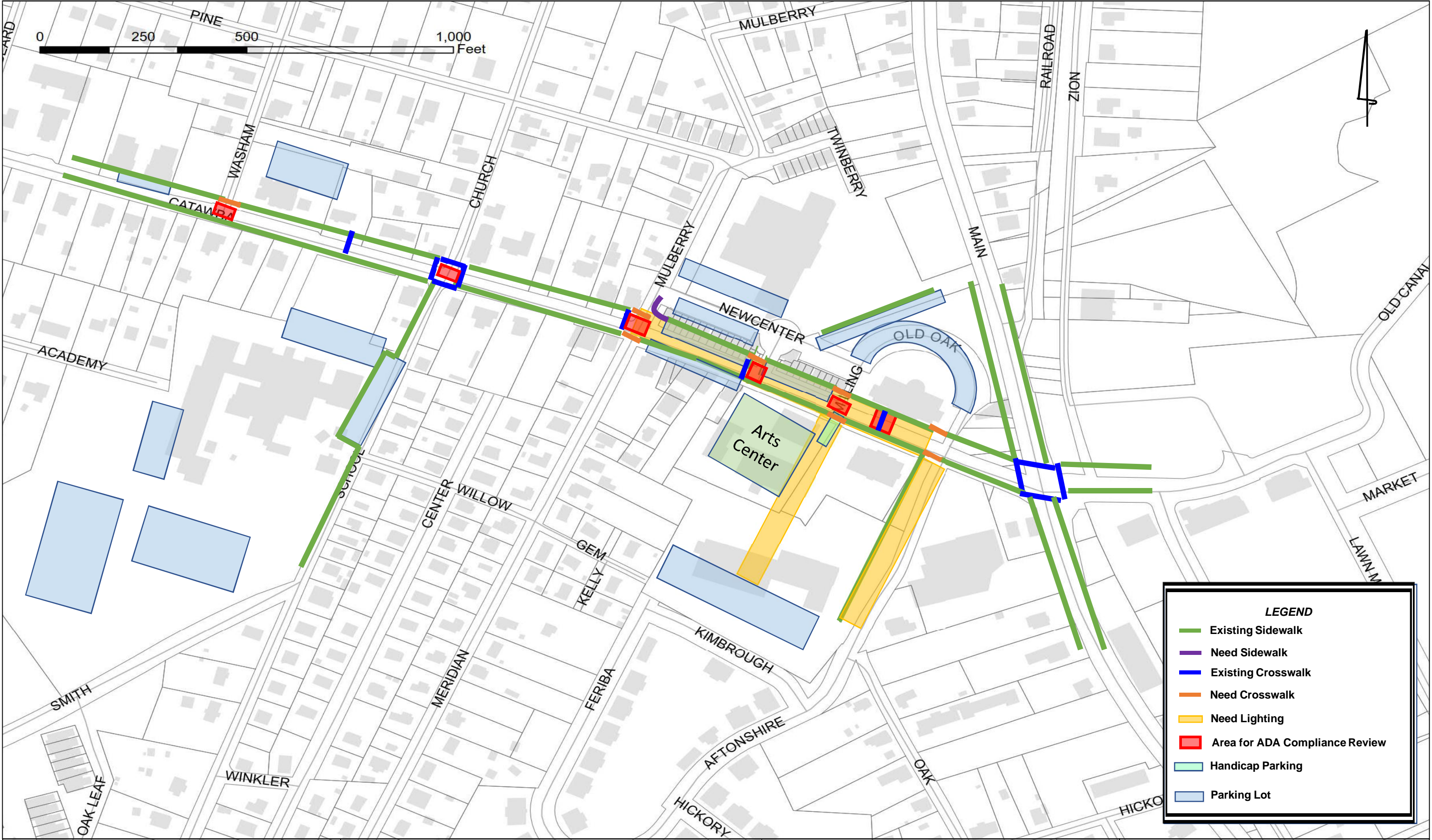


Figure 19: Pedestrian crossing at Catawba Avenue in front of Town Hall

It also appears that most ramp locations at crosswalks do not have a “detectable warning” area, which consist of a small series of truncating domes to aid the visually impaired. We recommend that these be installed at the ramps to retrofit the existing facilities to meet ADA standards.



It was observed that the sidewalk has several locations with depressed or raised surfaces that should be addressed prior to holding events, as they pose tripping hazards for pedestrians. Examples of tripping hazards can be seen in **Figure 20** and **Figure 21**.



Figure 20 and Figure 21: Tripping Hazards on Catawba Avenue Sidewalks (Typical)

Main pedestrian crossing locations have also been identified on **Figure 18**. The addition of crosswalks should be considered at the locations denoted in orange.

It is recommended that the space on Catawba Avenue from Jane Crump Way to Milling Way be blocked off during egress to create a dead zone for safe pedestrian crossing while everyone is exiting during a very short window. This “dead zone” is shown in a later figure showing egress.

Finally, a review of the lighting was performed to determine if pedestrians would have a lighted path to each parking lot. On Catawba Avenue, there appears to be adequate lighting from NC 115 (Main Street) to Oak Street, and again from Mulberry Street to Smith Circle, with light poles from 50' to 150' apart on both sides of the street. Between Oak Street and Mulberry Street, however, adequate lighting is not provided and should be installed prior to the first event. Similarly, there is not adequate parking lighting provided on School Street, which should be addressed prior to the opening of the Center.

Lighting should be installed on Catawba Avenue between Oak Street and Mulberry Street, and on Milling Way from Catawba Avenue to the private lot at The Shops At Oak Street Mill Village. It should also be coordinated with the Cornelius Elementary School to ensure their parking lot lights would be available to be turned on during event times.

EVENT PLANNING CONSIDERATIONS

Ingress and Egress Planning

After reviewing the traffic volumes for the event and parking facilities for the Cornelius Arts Center, ingress and egress plans were developed for the Arts Center for pre- and post-event. Due to the large number of close parking facilities, shuttle services were considered unnecessary for traffic to and from the events. Therefore, all traffic mapping shown includes vehicular traffic, although there is a designated bus space shown for any after school programs or for when large events requiring buses take place. **Figure 22** shows the ingress plan for the site and **Figure 23** shows the egress. It is important to note that ingress and egress are treated differently for multiple reasons, as outlined below:

- Ingress typically lasts a longer duration than egress.
- Pedestrians move in much larger numbers during egress than ingress.
- While safety is more of a priority in ingress, often the need to leave swiftly outweighs safety during egress.

The terms used throughout the ingress and egress plans are outlined below:

- **Cornelius Traffic officer:** Police officers who will direct traffic on the roadway. Typically, if any traffic is being redirected on a public road, a traffic officer must be used in lieu of a member of staff that has been trained to simply direct traffic, but is not technically an officer.
- **Traffic ambassador:** Staff or volunteer instructed by the event coordinators on how to safely and efficiently direct event traffic adhering to the event management plan.
- **Parking attendant:** Staff or volunteer instructed directing site traffic into the appropriate parking facilities and relocating as needed as cars arrive to ensure everyone is parking in available public parking designated on the event management plan
- **Dead Zone:** Roadway area or segment that will not allow the flow of vehicular traffic during a short duration of time (typically 10-15 minutes, as needed) to allow for safe pedestrian egress. It will also restrict specific turning movements for exiting vehicles, resulting in fewer vehicular conflict points, which leads to faster egress.

Temporary signage shall be placed where noted in order to reiterate the instructions of the Traffic Officers or other staff.

The inventory of staff and traffic control devices are outlined in **Table 4** below. These quantities are subject to change with the evolution of event experience.

Table 4: Inventory		
Person/Item	Ingress Quantity	Egress Quantity
Cornelius Traffic Officer	2	3
Traffic Ambassador	4	2
Parking Attendant	5	0
Event Traffic Sign with Arrow	8	0
No Parking After 5PM Sign	3	0
Radios	12	6
No Right-Turn Sign	0	2
No Left-Turn Sign	0	3

Instructions for Event

The following instructions are recommended to be sent out to the Cornelius Arts Center attendees with their tickets, and posted on the events web page:

If you are dropping off OR handicapped, we recommend proceeding to the front of the Building on Catawba Street where you will be directed to the drop off location/handicapped parking. If you are coming from I-77 take exit 28.

If you are coming from the west on Catawba Avenue, I-77 or US 21, proceed east on E Catawba Avenue, and turn right at School Street and follow the direction of the traffic ambassador. (If you are coming from I-77 take exit 28.)

If you are coming from the north on NC 115 (Davidson), we recommend turning right at Jane Crump Way, and follow the parking attendant's instructions.

If you are coming from the east on Catawba Avenue, we recommend proceeding straight through the NC 115 intersection and turning right at Town Hall; and follow the officer's instructions.

If you are coming from the south on NC 115 (Huntersville), we recommend left on Catawba Street, and taking an immediate right onto New Center Drive or an immediate left on Oak Street. Follow the parking attendant's instructions.

Impacts on Surrounding Area

The Cornelius Arts Center is expected to bring more business to Downtown Cornelius and provide exposure to its small businesses and restaurants. With the events, attendees shall be encouraged to arrive to downtown early to eat local, which will indirectly aid in alleviating traffic concerns before the events. The Arts Center also will bring culture and beauty to downtown, while offering employment and educational opportunities. For example, it will provide classes for home school students, so they can get exposure to group schooling, while being given the ability to learn about art. Additionally, public school students will be provided an opportunity to visit through field trips to enhance their cultural knowledge and experience.

Some parking lots will be affected by the new Center, but luckily, parking will be affected during short windows at off peak hours for most surrounding buildings and businesses. The shared parking with the townhomes north of Catawba Avenue and west of Milling Way may be most affected, and alternative parking can be provided if this becomes an issue.

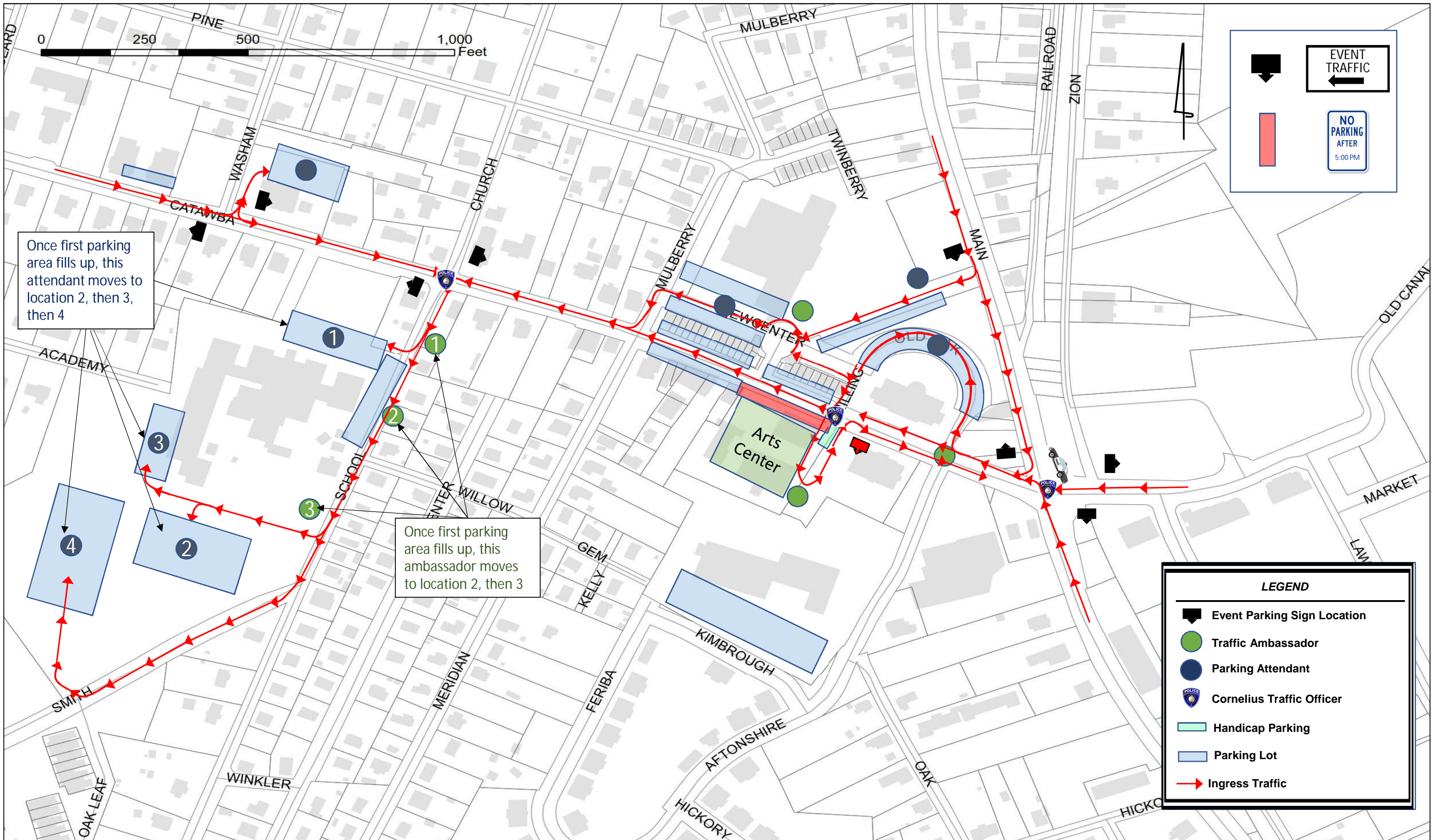
It is recommended that the Town should make a plan for handling on-street vendors and establish a position/policy for handling vendors during events. Additionally, the Town should speak with local businesses in advance of the events in order to facilitate coordination between theater events and the businesses.

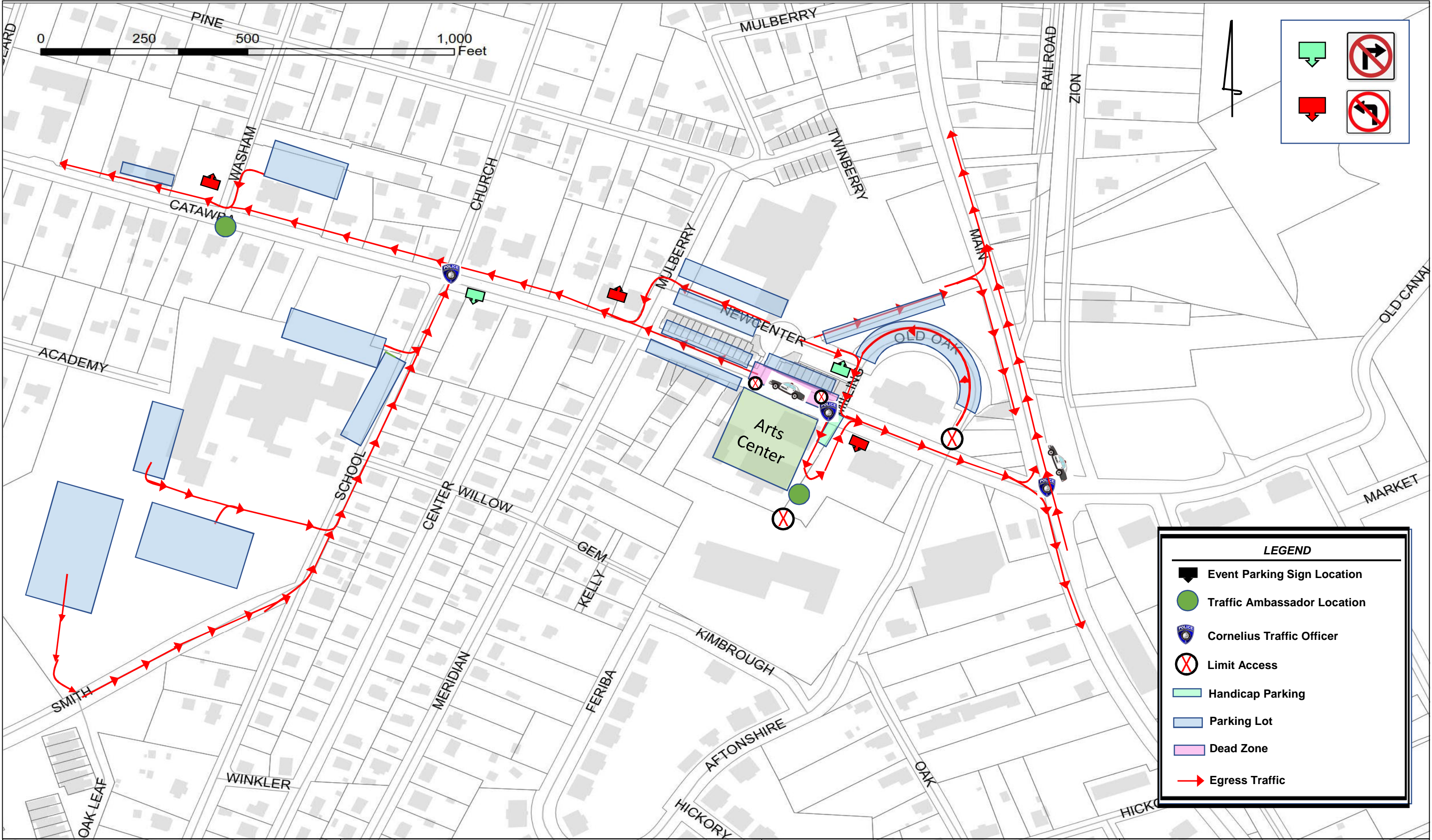
We would like to note that there will likely be attendees that will walk, park, and distribute themselves among the neighborhoods, but all estimates for parking and volumes were based on assuming that all parking would occur in available public lots. It is also important to note that as soon as the parking structure north of Town Hall is constructed, almost all traffic will be able to park no further west than Mulberry Street.

Other Considerations

Valet should be considered as a potential option for event patrons. It is recommended that the Town coordinate with a third-party service that provides valet. All coordination with private lots for valet parking could go through the Town or could be a service of the entity providing valet. The Rite-Aid facility should be considered as a potential parking location for Valet.

Radios should be used during event ingress and egress for coordination among the Cornelius Traffic Officers, Traffic Ambassadors, Parking Attendants, and the event coordinator or designee.





CONCLUSIONS

The research performed for the Cornelius Arts Center has determined that traffic for the Center will be able to get to and from the public parking lots around downtown Cornelius, NC, adequate parking will be available during event time, and pedestrians will be able to travel to and from the Center from the lots, given compliance with the following recommendations:

- The ingress and egress plans should be followed on the day of events.
- Instructions for entry and exit should be sent out with tickets and posted on the event page's website in order to prepare attendees for the direction of the event staff and signs.
- A drop-off/pick-up circulation pattern should be selected based on the alternatives provided and properly vetted prior to the first event.
- The parking spaces on the west side of the Cornelius Police Department shall be used as handicapped parking during event times.
- All new and old sidewalk shall be installed and/or retrofitted to meet ADA Standards. While some areas of concern have been identified in the attached exhibits, field conditions should be more thoroughly reviewed by the municipality for compliance.
- Lighting should be installed on Catawba Avenue between Oak Street and Mulberry Street, and on Milling Way from Catawba Avenue to the private lot at The Shops at Oak Street Mill Village.
- A temporary tower light should be utilized at the intersection of Catawba Ave and School St.
- Temporary signage should be placed where noted on the ingress and egress plans in order to reiterate the instructions of the Traffic Officers or other staff.
- The space on Catawba Avenue from Jane Crump Way to Milling Way should be blocked off during egress to create a dead zone for safe pedestrian crossing while patrons are exiting in a very short window of time.
- Adequate parallel parking spaces on Catawba Avenue, immediately to the west of Milling Way, should be used to accommodate the queueing of vehicles during drop-off.
- Parking shall be prevented by 5pm on the nights of events at Town Hall, Cornelius Elementary School, the Cornelius Library, and the parallel parking spaces on Catawba immediately to the west of Milling Way to provide for event parking and event drop-off queueing.
- Clear identification for Jane Crump Way should be provided at NC 115 in the form of street identification blades.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Joe Wilson, PE

Attachment: **One-Page Summary Sheet**

CORNELIUS ARTS CENTER

Traffic Summary

Kimley-Horn performed a traffic study and concluded the following for the Cornelius Arts Center:

- Traffic will be able to get to and from the public parking lots around downtown Cornelius, NC during event time
- Adequate parking will be available during event time given the existing public facilities
- Pedestrians will be able to travel safely to and from the Center and lots during ingress and egress

Traffic Analysis

- Typical PM peak hour traffic volume within study area: 6,484 vehicles at all intersections (vehicles at more than one intersection counted twice)
- Projected ingress event hour volumes: 4,297 vehicles
- Projected egress event hour volumes: 4,284 vehicles
- Both event hours are expected to have approximately 33% less total traffic volume than the typical PM peak hour
- To help on exit, the Cornelius Police Department (CPD) may advance or flash the signal at the following intersections on Catawba Avenue:
 - NC 115
 - School Street
 - Smith Circle

Parking Availability

- Projected parking needs for center: 225 spaces
- Public parking spaces located within 0.25 miles walking distance from the center: 386 spaces
- Public parking spaces conservatively estimated to be available for attendee use during event times: 268 spaces
 - The public parking spaces are spaces currently owned by the Town of Cornelius, Charlotte-Mecklenburg Schools, and Mecklenburg County
 - All spaces considered required no pedestrian crossing NC 115

Please note that this does not include any onsite parking or private parking to be used for valet.

Additionally, a potential parking structure that currently is under consideration could add a significant amount of event parking.

Ingress and Egress

We developed ingress and egress maps and plans to aid in the entrance and exit of the facility during event times. Given the plans and the project traffic volumes, attendees can safely walk to their cars before and after events, and vehicles can safely and seamlessly exit Catawba Avenue.

We incorporated provisions for drop-off and pick-up into event planning documentation.



REASONABLENESS AND CONSISTENCY OF PROPOSED ZONING MAP AMENDMENTS

REZ 03-20 Cain Center for the Arts

Town of Cornelius, applicant, initiated the process to rezone and amend the property located at 21348 Catawba Avenue (PID 00521212), which consists of 1.685 acres, to *Conditional Zoning District* as shown on *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*.

The Land Use Plan adopted by the Town Board on January 6, 2014, designates this property as Town Center (TC). The Planning Board considers the proposed plan and use to be reasonable and in the public's interest because the TC area is designated as the hub for civic, cultural, and governmental activities for the entire Cornelius community.

Keith Eicher, Planning Board Chair

October 12, 2020

Exhibit A



Exhibit B

Conditions of REZ 03-20

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. Changeable copy wall and ground mounted signage shall be allowed. The final design of any changeable copy signage shall be approved by the Planning Director.
5. Allowed uses for this site include civic, event and activity center, community center, visual and performing arts center, offices, classrooms, and other uses similar in nature.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 12, 2020

To: Chairman and Board Members

From: Catherine McElearney, Planner














Action Requested:

The applicant is proposing removal of an existing 115' stealth communications tower in an equipment compound and the installation of a new 199' standard monopole tower, also within the compound.

Manager's Recommendation:

Staff recommends approval with conditions.

ATTACHMENTS:

Name:	Description:	Type:
 Cottonwood_Site_Revised_Application.pdf	Application	Backup Material
 Cottonwood_Cell_Tower_Zoning.pdf	Zoning Map	Backup Material
 Cottonwood_Cell_Tower_LU.pdf	Current Land Use	Backup Material
 Cottonwood_Cell_Tower_Vicinity.pdf	Vicinity Map	Backup Material
 Cottonwood_Cell_Tower_Property.pdf	Property Map	Backup Material
 REZ_04-20_Staff_Report_PB.pdf	Staff Report	Backup Material
 Cottonwood_Construction_Rev2_05-04-20.pdf	Site Plan	Backup Material
 Revised_Images.pdf	Photo Simulations	Backup Material
 AT_T_Coverage_Map.pdf	AT&T Coverage Map	Backup Material
 T-Mobile_Coverage_Map.pdf	T-Mobile Coverage Map	Backup Material
 Verizon_Coverage_Map.pdf	Verizon Coverage Map	Backup Material
 Fall_Zone_Letter.pdf	Fall Zone Letter	Backup Material
 PB_Consistency_Statement_REZ_04-20.pdf	Consistency Statement	Backup Material



TOWN OF CORNELIUS

Planning Department

PO Box 399 | Cornelius, NC 28031 | Phone: 704-896-2461 | Fax: 704-896-2462

LAND DEVELOPMENT APPLICATION FORM

Staff Only:

Date Rec'd: _____

Rec'd by: _____

Case #: _____

1. Application Type	✓	Fee	✓	Fee
• Sketch Plan/Plat (Major Sub):	<input type="checkbox"/>	_____	• Conditional Zoning (CZ)	<input checked="" type="checkbox"/> \$1,250.00
• Preliminary Plat (Major Sub):	<input type="checkbox"/>	_____	• Special Use Permit (SUP)	<input type="checkbox"/> _____
• Final Plat (Major Sub):	<input type="checkbox"/>	_____	• Major Architectural Variation	<input type="checkbox"/> _____
• Construction Documents:	<input type="checkbox"/>	_____	• Minor Architectural Variation	<input type="checkbox"/> _____
• General Rezoning	<input type="checkbox"/>	_____	• Other: _____	<input type="checkbox"/> _____

Fee Total: _____

2. Project Information

Date of Application: May 6, 2020 Name of Project: Cottonwood Cell Tower Replacement
Location: 19328 Lake Norman Cove Rd. Property Size (acres): 9.370 # of Units/Lots: _____
Current Zoning: VC Proposed Zoning: CZ
Current Land Use: Elect. Substation/Cell Tower Proposed Land Use: Electrical Substation/ Cell Tower
Tax Parcel Number(s): 00147107

3. Contact Information

PeakNet

Owner, Applicant, or Developer
9887 4th Street North, Suite 100

Address

St. Petersburg, FL 33702

City, State Zip

813-843-1605

Telephone

Fax

Signature Christopher Bernardo Print Name Christopher Bernardo Date 5/6/2020Email - cbernardo@peaknet.com

Williams Mullen - Thomas H. Johnson, Jr. (Agent)

Agent(s) (Engineer, Architect, Etc.)

301 Fayetteville Street, Suite 1700

Address

Raleigh, NC 27601

City, State Zip

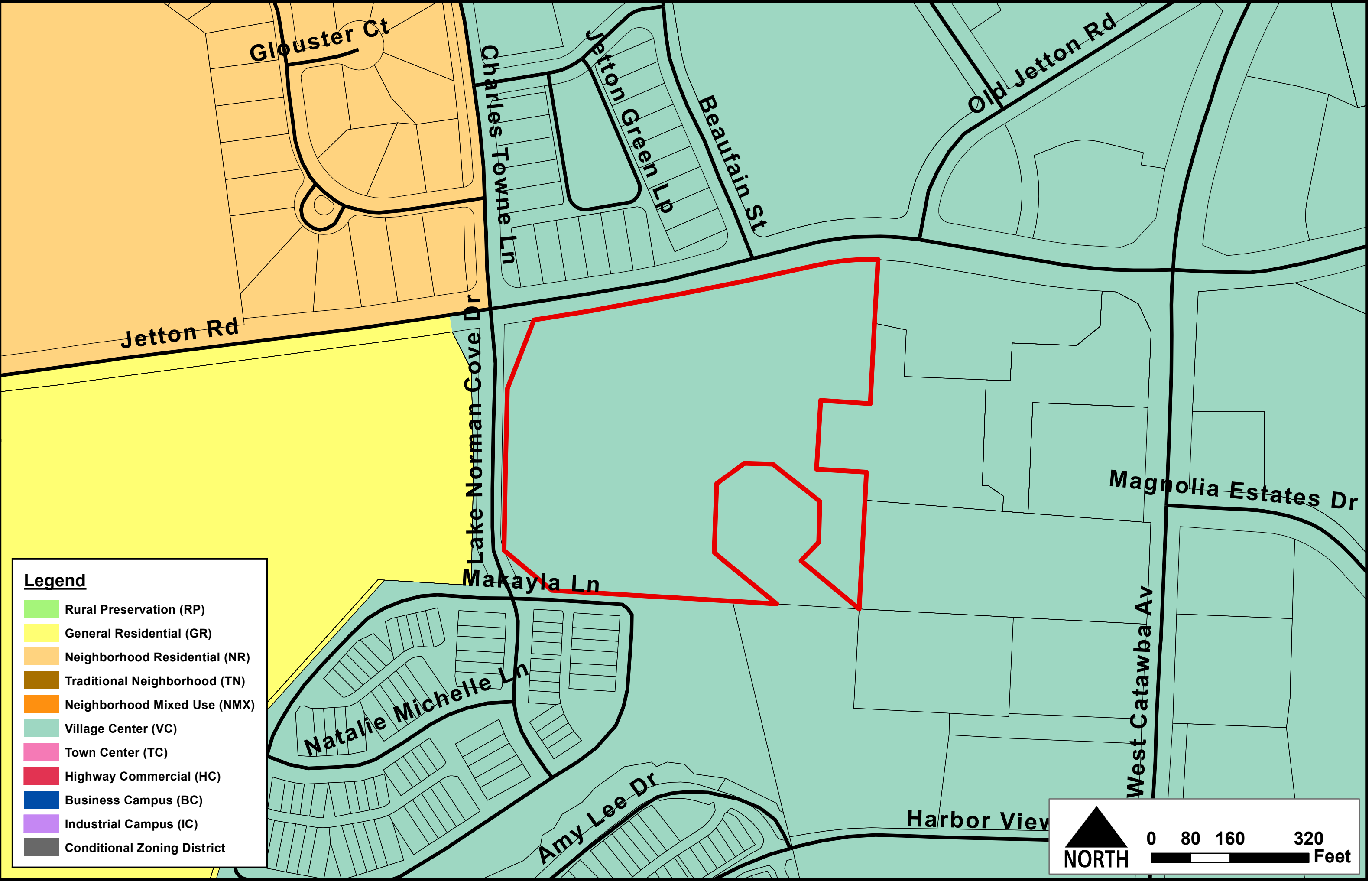
910-616-3100

Telephone

Fax

Signature Thomas H. Johnson Jr. Print Name Thomas H. Johnson Jr. Date 5/6/2020Email - tjohnson@williamsmullen.com**4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:**

- ☒ **Signed "Original" application**
- ☒ **Project Fee(s)** - See Fee Schedule
- ☒ **Written Summary/Description of Request** can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ's, must also describe any variations proposed from the Land Development Code
- ☒ **Property Survey** (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features.
- ☒ **Site/sketch plan** (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots
- ☒ **Illustrative (color) site/sketch plan** for presentation purposes with same layers as described above
- ☐ **Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist** may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS).
- ☐ **Charlotte Water Capacity Assurance Review Application** Provide copy with application, and send original to CW.
- ☒ **Illustrative (color) elevations** for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples
- ☒ **Digital Files** of all items listed above

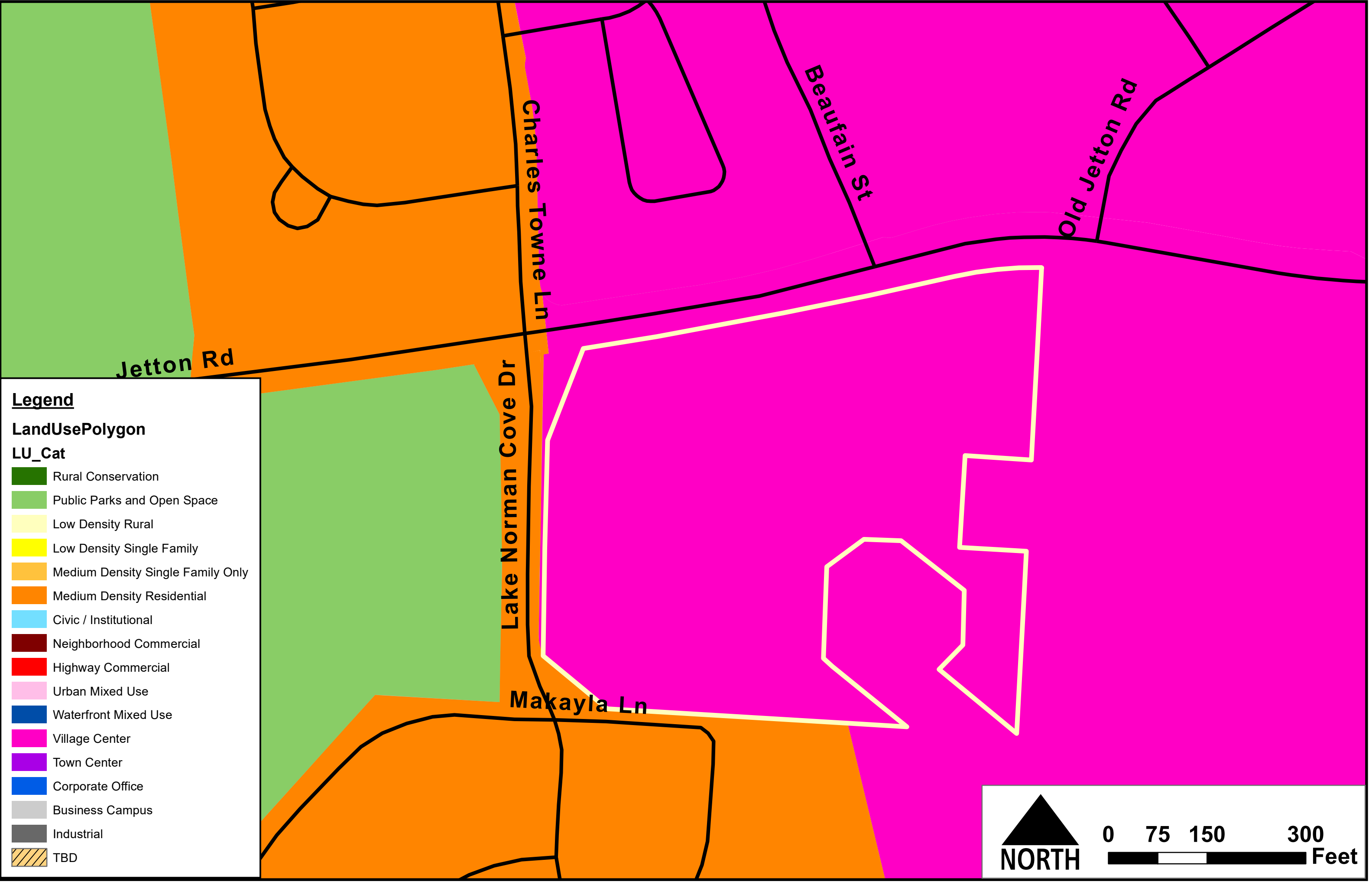


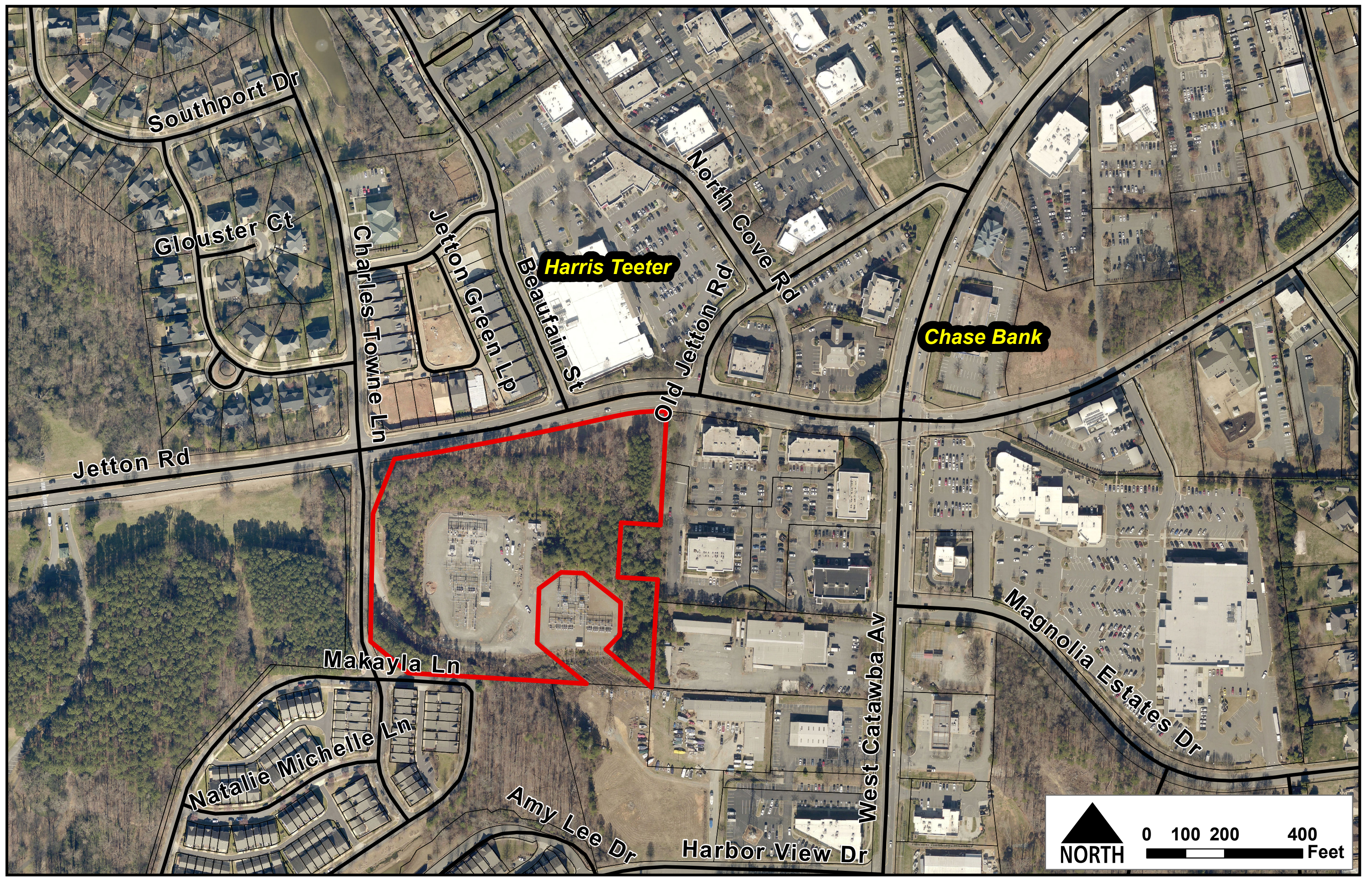
Legend

- Rural Preservation (RP)
- General Residential (GR)
- Neighborhood Residential (NR)
- Traditional Neighborhood (TN)
- Neighborhood Mixed Use (NMX)
- Village Center (VC)
- Town Center (TC)
- Highway Commercial (HC)
- Business Campus (BC)
- Industrial Campus (IC)
- Conditional Zoning District

NORTH

0 80 160 320 Feet





Southport Dr

Glouster Ct

Charles Towne Ln

Jetton Green Ln

Beaufain St

Harris Teeter

North Cove Rd

Chase Bank

Magnolia Estates Dr

West Catawba Av


Harbor View Dr

Amy Lee Dr

Natalie Michelle Ln


Makayla Ln

Jetton Rd



NORTH

0 100 200 400



Feet




Jetton Rd

Lake Norman Cove Dr


Makayla Ln

Natalie Michelle Ln



NORTH

0 50 100 200



Feet



REZ 04-20
Cottonwood Cell Tower
Conditional Zoning Request

Planning Board Meeting
October 12, 2020

APPLICANT: PeakNet
9887 4th Street North, Suite 100
St. Petersburg, FL 33702

AGENT: Williams Mullen
301 Fayetteville Street, Suite 1700
Raleigh, NC 27601

PROPERTY LOCATION: Southwestern quadrant of West Catawba Avenue (SR 5544) at Jetton Road (SR 2151). Parcel is bound by Lake Norman Cove Drive to the west and by Jetton Road to the north.
PID#: 00147107

PROPERTY SIZE: 9.37 acres

CURRENT LAND USE: Utility (Electrical Substation/Cell Tower)

PROPOSED LAND USE: Utility (Electrical Substation/Cell Tower)

EXISTING ZONING: Village Center (VC)

PROPOSED ZONING: Conditional Zoning (CZ)

EXISTING CONDITIONS:

1. Description of Adjoining Zoning and Land Uses –

This parcel per the Town of Cornelius Land Development Code is zoned as Village Center (VC). Surrounding parcels are zoned as Village Center (VC) to the north, east, and south; Neighborhood Residential (NR) to the northwest tip; and General Residential to the west (Jetton Park).

Surrounding properties include to the north Jetton Place, formerly known as Jetton Cove at Charles Towne, and Jetton Village; to the south Lake Norman at Jetton Cove; to the south/southeast undeveloped properties; to the west Jetton Park; and to the east commercial properties along Jetton and West Catawba Avenue.

This parcel per the Town of Cornelius Land Use Plan is designated as Village Center (VC). Surrounding parcels are identified as Village Center to the north, east, and south; Medium Density Residential to the northwest and southwest tips; and Public Parks and Open Space to the west (Jetton Park).

2. Topography – The property has sloping terrain on all sides with an approximately 25 foot decline from Jetton to the utility pads, approximately a 15-20 foot decline from Lake Norman Cove Drive to the pads, and approximately a 10 foot drop from the pads to the southern parcels. While within the Lake Norman Watershed, it is outside of the FEMA Flood Zone.
3. Vegetation – Heavy vegetation surrounds the utility substation and present cell tower, predominantly to the north along Jetton Road.
4. Infrastructure – This property has driveway access to Lake Norman Cove Drive and additional road frontage along Jetton Road. This is an active Duke Power substation with an existing cell tower that is operational.

STAFF COMMENTS:

1. Project Overview – The applicant is proposing removal of an existing 115’ stealth communications tower in an equipment compound and the installation of a new 199’ standard monopole tower, also within the compound.
2. History – Crescent Land & Timber deeded the property to Duke Power Company in 1988. The substation on this acreage began operations in 1988. The power lines to the substation were completed in 1989. The existing cell tower was built in 2008.
3. Land Use Plan Consistency – The Land Use Plan adopted by the Town Board on January 6, 2014, designates this property as Village Center (VC). However, this parcel contained utilities prior to the development of the area and prior to the adoption of the current Land Use Plan. Additionally, this parcel was developed for utilities prior to the 1991 West Highway 73 Area I annexation by the Town. The use as utilities is consistent with the Land Use Plan as it supports the Village Center uses.
4. Pre-Development Review Committee – The sketch plan was presented to the PDRC on May 28, 2019. The feedback was generally positive.
5. Community Meeting – The applicant held the required community meeting through an online format on July 7, 2020, at 2:00 p.m. Six persons logged in with most observing. Comments centered around visibility and impact on the community.
6. Town Board Public Hearing #1 – The project was presented to the Town Board on August 17, 2020.

STAFF RECOMMENDATION:

Staff recommends approval of the project subject to the following conditions:

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.

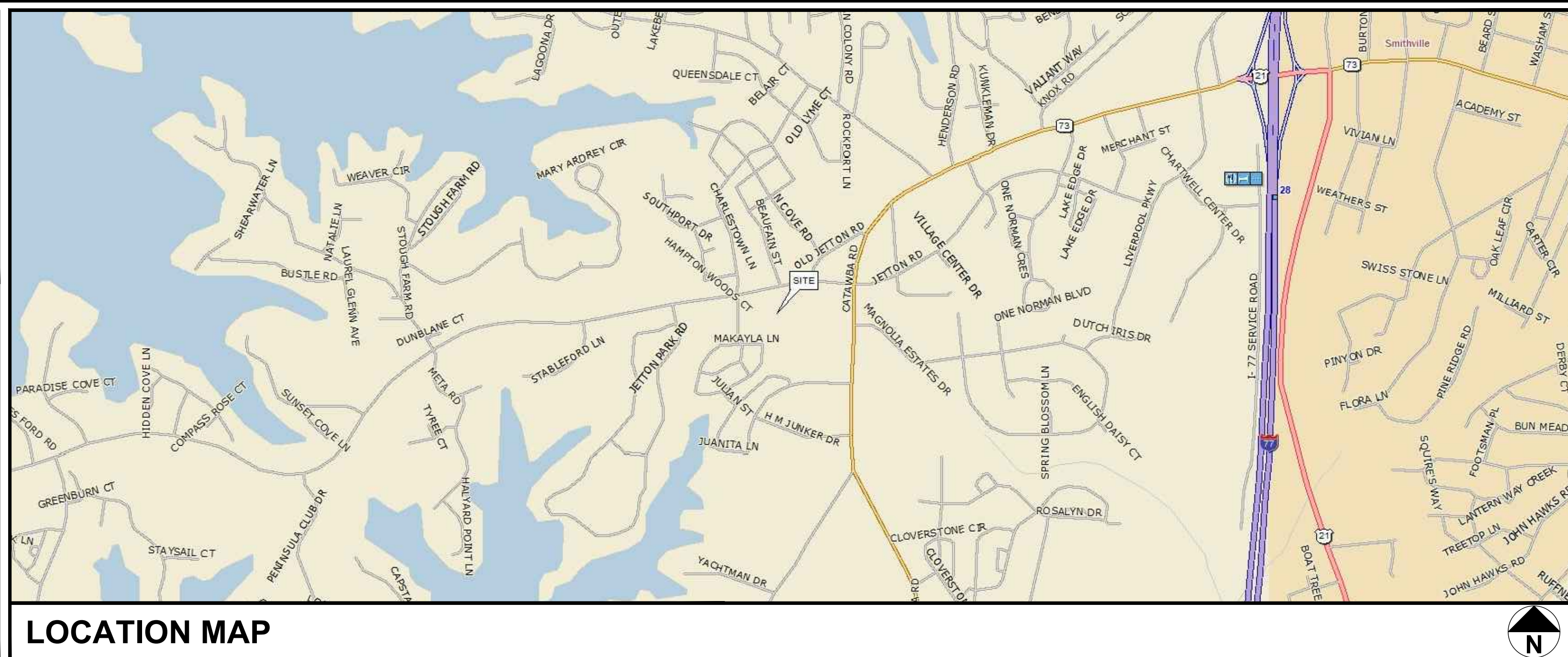
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. Allowed uses on the site include Class 1 Essential Services.

SITE DEVELOPER/APPLICANT:



PEAKNET SITE NAME: COTTONWOOD

**19320 LAKE NORMAN COVE ROAD
CORNELIUS, NC 28031
(MECKLENBURG COUNTY)**



LOCATION MAP

EXISTING TOWER:	LATITUDE	N 35° 28' 33.38" (NAD '83)	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: <div><div>1. NORTH CAROLINA BUILDING CODE (2018 EDITION)</div><div>2. NORTH CAROLINA CODE COUNCIL ANSI/TIA-222-G-08</div><div>3. 2017 NCEC (NEC 2017 & ADDENDUM)</div><div>4. LOCAL BUILDING CODE</div><div>5. CITY/COUNTY ORDINANCES</div></div>
	LONGITUDE	W 80° 53' 40.51" (NAD '83)	
	GROUND ELEV. (AMSL)	= 805.06'± (NAVD '88)	
PROPOSED TOWER:	LATITUDE	N 35° 28' 33.30" (NAD '83)	
	LONGITUDE	W 80° 53' 40.71" (NAD '83)	
	GROUND ELEV. (AMSL)	= 805.06'± (NAVD '88)	

TOWER COORDINATES

SITE NAME:	COTTONWOOD	JURISDICTION:	MECKLENBURG COUNTY	POWER COMPANY:	DUKE ENERGY
PROJECT DESCRIPTION:	TELECOM WIRELESS TELECOMMUNICATIONS FACILITY TOWER UPGRADE	AREA OF DISTURBANCE:	2,500 ± S.F. (0.057 ACRES)	CONTACT:	CUSTOMER SERVICE
SITE ADDRESS:	19320 LAKE NORMAN COVE RD. CORNELIUS, NC 28031 (MECKLENBURG COUNTY)	PRESENT OCCUPANCY TYPE:	TELECOMMUNICATIONS	PHONE:	(919) 508-5400
TOWER TYPE:	195' MONOPOLE	CURRENT ZONING:	VC	METER # NEAR SITE:	UNKNOWN
		PARCEL ID:	00147107	TELEPHONE COMPANY:	AT&T
		DEED #:	05922-713	CONTACT:	CUSTOMER SERVICE
				PHONE:	(800) 770-4484
				PHONE # NEAR SITE:	(919) 787-4528
				PEDESTAL # NEAR SITE:	UNKNOWN

PROJECT INFORMATION

UTILITY INFORMATION

SITE PROJECT MANAGER:
NAME: PEAKNET
ADDRESS: 9607 4TH STREET NORTH, SUITE 100
CITY, STATE, ZIP: SAINT PETERSBURG, FL 33702
CONTACT: TIM SCOTT
PHONE: (919) 413-5324

SITE APPLICANT:
NAME: PEAKNET
ADDRESS: 9607 4TH STREET NORTH, SUITE 100
CITY, STATE, ZIP: SAINT PETERSBURG, FL 33702
CONTACT: TIM SCOTT
PHONE: (919) 413-5324

SURVEYOR:
NAME: TOWER ENGINEERING PROFESSIONALS
ADDRESS: 326 TRYON ROAD
CITY, STATE, ZIP: RALEIGH, NC 27603
CONTACT: TIMOTHY L. FISH, P.L.S.
PHONE: (919) 661-6351

CIVIL ENGINEER:
NAME: TOWER ENGINEERING PROFESSIONALS
ADDRESS: 326 TRYON ROAD
CITY, STATE, ZIP: RALEIGH, NC 27603
CONTACT: JEREMY K. WOOSTER, P.E.
PHONE: (919) 661-6351

ELECTRICAL ENGINEER:
NAME: TOWER ENGINEERING PROFESSIONALS
ADDRESS: 326 TRYON ROAD
CITY, STATE, ZIP: RALEIGH, NC 27603
CONTACT: SAM A. TURKAL, P.E.
PHONE: (919) 661-6351

PROPERTY OWNER:
NAME: DUKE ENERGY PROGRESS, LLC
ADDRESS: 550 S TRYON STREET DEC22A
CITY, STATE, ZIP: CHARLOTTE, NC 28202
CONTACT: CUSTOMER SERVICE
PHONE: (919) 508-5400

[illegible]

SHEET INDEX

ITEM DESCRIPTION	CONTRACTOR
PERFORM SITE CLEARING AND INSTALL ACCESS DRIVE	PEAKNET
INSTALL SILT FENCE AND PERFORM SITE GRADING	PEAKNET
INSTALL TOWER & TOWER FOUNDATION	PEAKNET
INSTALL SERVICE RACK	PEAKNET
INSTALL FENCE EQUIPMENT	PEAKNET
INSTALL TOWER AND SITE GROUND SYSTEM	PEAKNET
INSTALL CONCRETE PAD AND EQUIPMENT CABINETS	PEAKNET
INSTALL UTILITY CONDUITS FROM EQUIP. CABINET TO SERVICE RACK	PEAKNET
INSTALL ANTENNA MOUNTS, COAX LINES, AND ANTENNAS	PEAKNET
INSTALL ICE BRIDGE FROM EQUIPMENT CABINET TO TOWER	PEAKNET
INSTALL GROUND SYSTEM FOR EQUIPMENT CABINET AND ANTENNAS	PEAKNET

CONTACT INFORMATION

CONTRACTOR SCOPE OF WORK

DRIVING DIRECTIONS

FROM CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT FOLLOW SIGNS TOWARD INNER I-485. TAKE A LEFT ON WILKINSON BLVD AND THEN TURN LEFT ONTO INNER I-485 RAMP. MERGE ONTO I-485 AND FOLLOW SIGNS FOR I-485 INNER N STATESVILLE. AFTER 11 MILES USE THE RIGHT TWO LANES TO TAKE EXIT 23A-B TOWARDS STATESVILLE. MERGE ONTO I-77 N. TAKE EXIT 28 TO MERGE ONTO US-21 S CATAWBA AVE. AFTER 1.2 MILES TURN RIGHT ONTO JETTON ROAD. AFTER THE SHOPPING CENTER TAKE THE FIRST LEFT ONTO LAKE NORMAN COVE DR. TAKE THE FIRST LEFT ONTO THE GRAVEL ACCESS ROAD AND FOLLOW UNTIL YOU REACH THE ELECTRIC SUBSTATIONS. PROCEED BETWEEN AND THE SITE WILL BE STRAIGHT AHEAD.

1. ALL REFERENCES MADE TO OWNER IN THESE DOCUMENTS SHALL BE CONSIDERED PT ACCESS NETWORKS OR ITS DESIGNATED REPRESENTATIVE.
 2. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY, THAT HE IS KNOWLEDGEABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED AND PROPERLY REGISTERED TO DO THIS WORK IN THE STATE OF NORTH CAROLINA.
 3. THE STRUCTURE SHALL BE DESIGNED IN ACCORDANCE WITH ANSI/TIA-222-G-2-2005. THIS CONFORMS TO THE REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE, 2018 EDITION.
 4. WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE NORTH CAROLINA BUILDING CODE, 2018 EDITION.
 5. UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, OR IN THE SPECIFICATIONS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREIN, AND TO THE PROCEDURES TO BE USED ON THIS PROJECT.
 6. ALL HARDWARE ASSEMBLY MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED EXACTLY AND SHALL SUPERSEDE ANY CONFLICTING NOTES ENCLOSED HEREIN.
 7. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE TO INSURE THE SAFETY OF THE STRUCTURE AND IT'S COMPONENT PARTS DURING ERECTION AND/OR FIELD MODIFICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF TEMPORARY BRACING, GUYS OR TE DOWNS THAT MAY BE NECESSARY. SUCH MATERIAL SHALL BE REMOVED AND SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER THE COMPLETION OF THE PROJECT.
 8. ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING ANY MATERIALS ORDERING, FABRICATION OR CONSTRUCTION. THE CONTRACTOR SHALL NOT SCALE CONTRACT DRAWINGS IN LIEU OF FIELD VERIFICATION. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND THE OWNER'S ENGINEER. THE DISCREPANCIES MUST BE RESOLVED BEFORE THE CONTRACTOR IS TO PROCEED WITH THE WORK. THE CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY THE OWNER AND/OR THE ENGINEER SHALL NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE PROCEDURES.
 9. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY THE OWNER AND ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR INSURING THAT THIS PROJECT AND RELATED WORK COMPLIES WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK. RENTAL CHARGES, SAFETY, PROTECTION AND MAINTENANCE OF RENTED EQUIPMENT SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
 11. ACCESS TO THE PROPOSED WORK SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE INTENDED CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIALS ACCESS, WITH THE AT&T PROJECT MANAGER.
 12. BILL OF MATERIALS AND PART NUMBERS LISTED ON CONSTRUCTION DRAWINGS ARE INTENDED TO AID CONTRACTOR/OWNER. CONTRACTOR/OWNER SHALL VERIFY PARTS AND QUANTITIES WITH MANUFACTURER PRIOR TO BIDDING AND/OR ORDERING MATERIALS.
 13. ALL PERMITS THAT MUST BE OBTAINED ARE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR WILL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.
 14. 24 HOURS PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, THE CONTRACTOR MUST NOTIFY THE APPLICABLE JURISDICTIONAL (STATE, COUNTY OR CITY) ENGINEER.
 15. THE CONTRACTOR SHALL REWORK (DRY, SCARIFY, ETC.) ALL MATERIAL NOT SUITABLE FOR SUBGRADE IN ITS PRESENT STATE. AFTER REWORKING, IF THE MATERIAL REMAINS UNSUITABLE, THE CONTRACTOR SHALL UNDERCUT THIS MATERIAL AND REPLACE WITH APPROVED MATERIAL. ALL SUBGRADES SHALL BE PROPOOFROOLLED WITH A FULLY LOADED TANDEM AXLE DUMP TRUCK PRIOR TO PAVING. ANY SOFT MATERIAL SHALL BE REWORKED OR REPLACED.
 16. THE CONTRACTOR IS REQUIRED TO MAINTAIN ALL PIPES, DITCHES, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL WORK IS ACCEPTED BY THE OWNER. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO MAINTAIN DRAINAGE STRUCTURE IN OPERABLE CONDITION.
 17. THE OWNER SHALL HAVE A SET OF APPROVED PLANS AVAILABLE AT THE SITE AT ALL TIMES WHILE WORK IS BEING PERFORMED. A DESIGNATED RESPONSIBLE EMPLOYEE SHALL BE AVAILABLE FOR CONTACT BY GOVERNING AGENCY INSPECTORS.
 18. ANY BUILDINGS ON THIS SITE ARE INTENDED TO SHELTER EQUIPMENT WHICH WILL ONLY BE PERIODICALLY MAINTAINED AND ARE NOT INTENDED FOR HUMAN OCCUPANCY.
 19. TEMPORARY FACILITIES FOR PROTECTION OF TOOLS AND EQUIPMENT SHALL CONFORM TO LOCAL REGULATIONS AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
 20. THE CONTRACTOR AND ITS SUBCONTRACTORS SHALL CARRY LIABILITY INSURANCE IN THE AMOUNTS AND FORM IN ACCORDANCE WITH AT&T SPECIFICATIONS. CERTIFICATES DEMONSTRATING PROOF OF COVERAGE SHALL BE PROVIDED TO AT&T PRIOR TO THE START OF THE WORK ON THE PROJECT.
 21. THE CONTRACTOR SHALL CONTACT ALL APPLICABLE UTILITY SERVICES TO VERIFY LOCATIONS OF EXISTING UTILITIES AND REQUIREMENTS FOR NEW UTILITY CONNECTIONS PRIOR TO EXCAVATING.
 22. THE CONTRACTOR SHALL MAINTAIN THE JOB CLEAR OF TRASH AND DEBRIS. ALL WASTE MATERIALS SHALL BE REMOVED FROM THE SITE PRIOR TO SUBSTANTIAL COMPLETION AND PRIOR TO FINAL ACCEPTANCE. THE CONTRACTOR SHALL FURNISH ONE 55 GALLON BARREL, AND TRASH BAGS, AND SHALL REMOVE TRASH, DEBRIS, ETC., ON A DAILY BASIS.
 23. THE CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH ALL CONDITIONS PRIOR TO SUBMITTING HIS PROPOSAL. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS WITH THOSE AT THE SITE. ANY VARIATION WHICH REQUIRES PHYSICAL CHANGE SHALL BE BROUGHT TO THE ATTENTION OF THE PEAKNET PROJECT ENGINEER FOR FACILITIES/CONSTRUCTION.
 24. THE CONTRACTOR SHALL GUARANTEE THE WORK PERFORMED ON THE PROJECT BY THE CONTRACTOR AND ANY OR ALL OF THE SUBCONTRACTORS WHO PERFORMED WORK FOR THE CONTRACTOR ON THIS PROJECT. THE GUARANTEE SHALL BE FOR A FULL YEAR FOLLOWING ISSUANCE OF THE FINAL PAYMENT OF RETAINAGE. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE YEAR FROM ACCEPTANCE DATE.

GENERAL NOTES

DEED ACREAGE:	9.37± ACRES
TOTAL PROPOSED DISTURBED AREA:	2,500± S.F. (0.057 AC)
EXISTING TOTAL IMPERVIOUS AREA:	141,815± S.F. (3.26 AC)
EXISTING TOTAL PERVIOUS AREA:	266,343± S.F. (6.11)
PROPOSED TOTAL IMPERVIOUS AREA:	141,815± S.F. (3.26 AC)
PROPOSED TOTAL PERVIOUS AREA:	266,343± S.F. (6.11)
INCREASE IN IMPERVIOUS AREA:	0± S.F. (0.00 AC)

LAND DISTURBANCE SUMMARY

ANS PREPARED FOR:

PeakNet



PEAKNET
9887 FOURTH STREET, STE. 100
ST. PETERSBURG, FL 33702

TOWER ENGINEERING PROFESSIONALS
326 TRYON ROAD
RALEIGH, NC 27603
OFFICE: (919) 661-6351
FAX: (919) 661-6350
N.C. LICENSE # C-1704


	2	05-04-20	CONSTRUCTION
	1	12-13-19	CONSTRUCTION
	0	12-11-19	PRELIMINARY
	REV	DATE	ISSUED FOR:

INFORMATION:

EAKNET SITE NAME:
COTTONWOOD

19320 LAKE NORMAN COVE ROAD
CORNELIUS, NC 28031
(MECKLENBURG COUNTY)

SEAL:



The seal is circular with a dashed outer border. Inside the border, the words "NORTH CAROLINA" are at the top and "ENGINEER" is at the bottom. In the center, it says "SEAL" and "048394". The name "JEREMY K. WOOSTER" is written along the bottom inner edge. A blue ink signature is written over the seal.

May 4, 2021

SHEET TITLE:	
TITLE SHEET	
SHEET NUMBER:	REVISION:
T-1	2

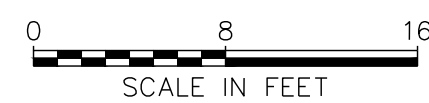
2018 NC Administrative Code and Policies

2018 NC Administrative Code and Policies2018 NC Administrative Code and Policies2018 NC Administrative Code and Policies2018 NC Administrative Code and Policies18 NC Administrative Code and Policies2018 NC Administrative Code and Policies2018 NC Administrative Code and Policies2018 NC Administrative Code and Policies2018 NC Administrative Code and Policies

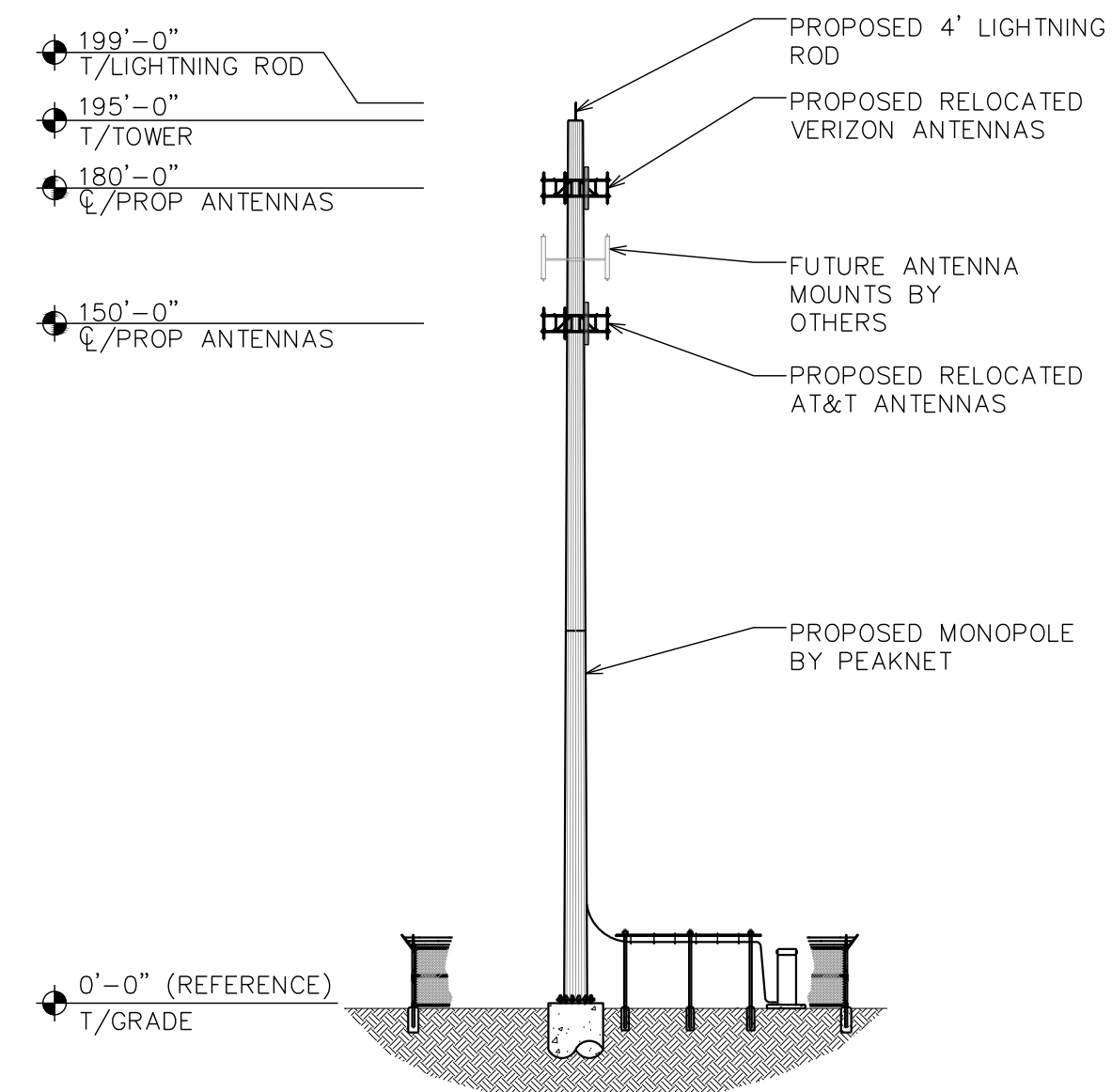
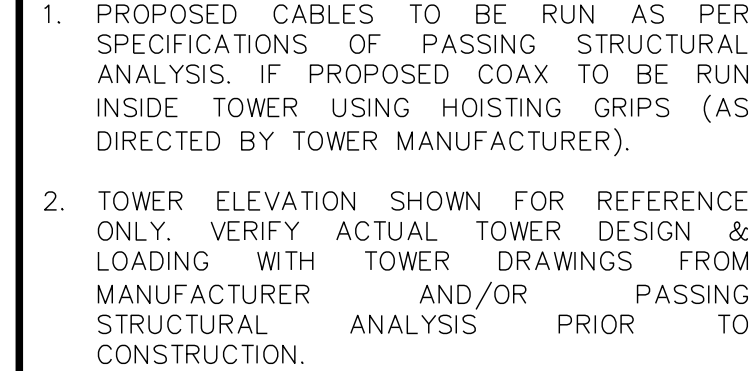
1. THE BASIS OF THE MERIDIANS AND COORDINATES FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE, COORDINATE SYSTEM, NORTH AMERICAN DATUM (NAD 83/2011) BASED ON DIFFERENTIAL GPS OBSERVATIONS PERFORMED ON MAY 13, 2019.
2. ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.
3. THE PROPERTY IS LOCATED IN FLOOD ZONE "X", AREA DETERMINED TO BE OUTSIDE 0.2% CHANCE OF ANNUAL FLOOD BASED UPON FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 3710463300J, EFFECTIVE MARCH 7, 2009.

EXISTING EQUIPMENT SHELTER BY OTHERS (TYP)
 EXISTING TELCO HANDHOLE
 EXISTING MONOPOLE TOWER TO BE REMOVED
 EXISTING CHAIN LINK FENCED COMPOUND
 PROPOSED 2' WIDE ICE BRIDGE (TYP OF 2)
 PROPOSED 195' MONOPOLE TOWER
 EXISTING FIBER HANDHOLE TO BE TEMPORARILY RELOCATED FOR CONSTRUCTION
 EXISTING ACCESS GATE
 EXISTING DUKENET VAULT
 EXISTING TRANSFORMER
 EXISTING ICE BRIDGE SECTION TO BE REMOVED (TYP)
 EXISTING 20'x25' LEASE AREA
 EXISTING CONCRETE PAD BY OTHERS (TYP)
 PROPOSED 25'x25' PAD & PIER CONCRETE FOUNDATION BY SABRE
 EXISTING CABINETS BY OTHERS (TYP)
 EXISTING ICE BRIDGE SECTION TO REMAIN (TYP)
 EXISTING EQUIPMENT RACK TO BE TEMPORARILY RELOCATED FOR CONSTRUCTION
 PROPOSED NEW LOCATION OF FIBER HANDHOLE
 EXISTING 30' WIDE INGRESS/EGRESS & UTILITY EASEMENT
 EXISTING VEGETATION SURROUNDING THE EXISTING FENCE TOWER COMPOUND SHALL BE PRESERVED AND NOT DISTURBED. REFER TO PHOTO RENDERINGS FOR AERIAL DEPICTION OF EXISTING VEGETATION.

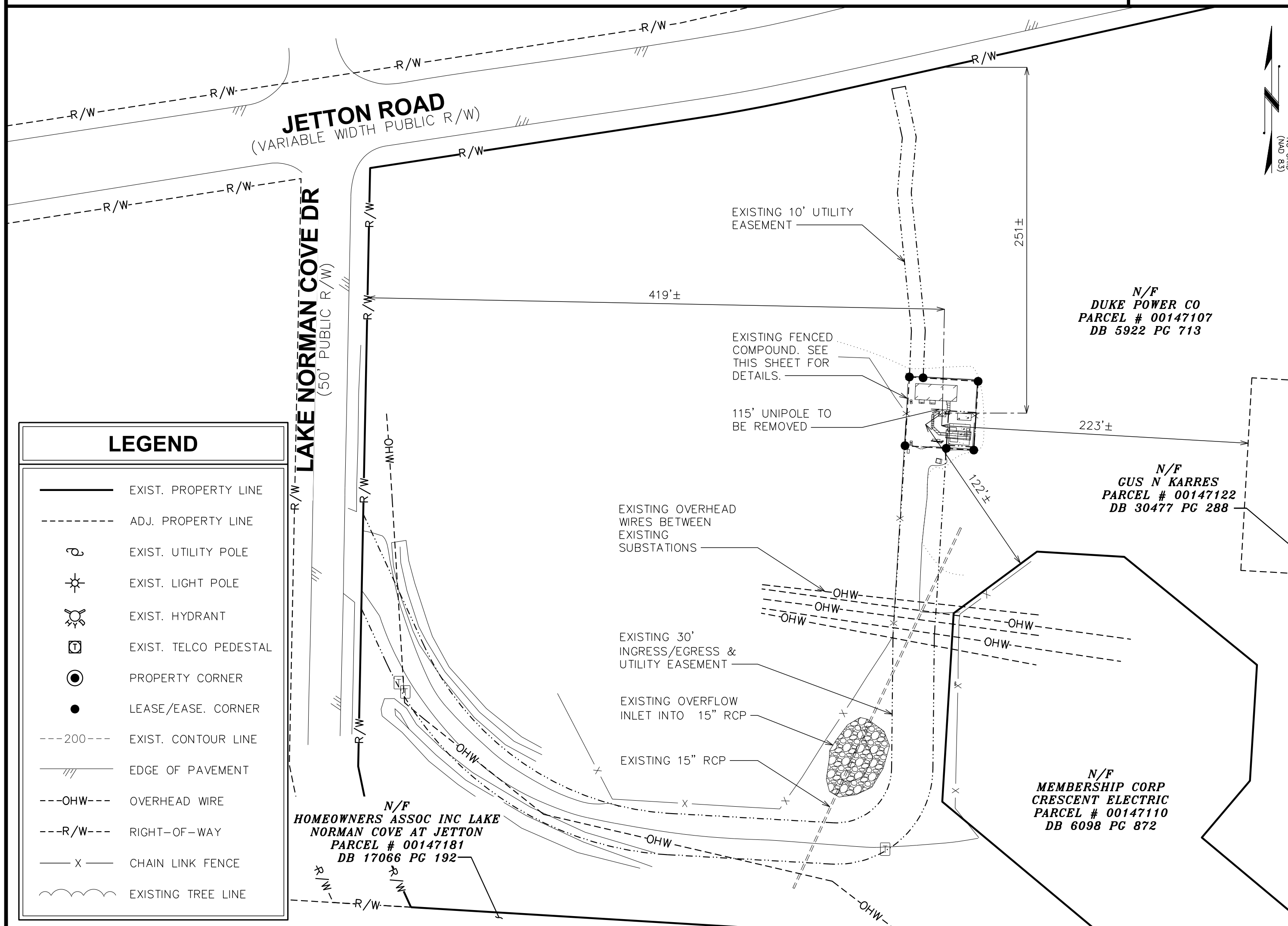
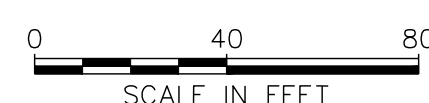
SCALE: $\frac{1}{8}" = 1'-0"$



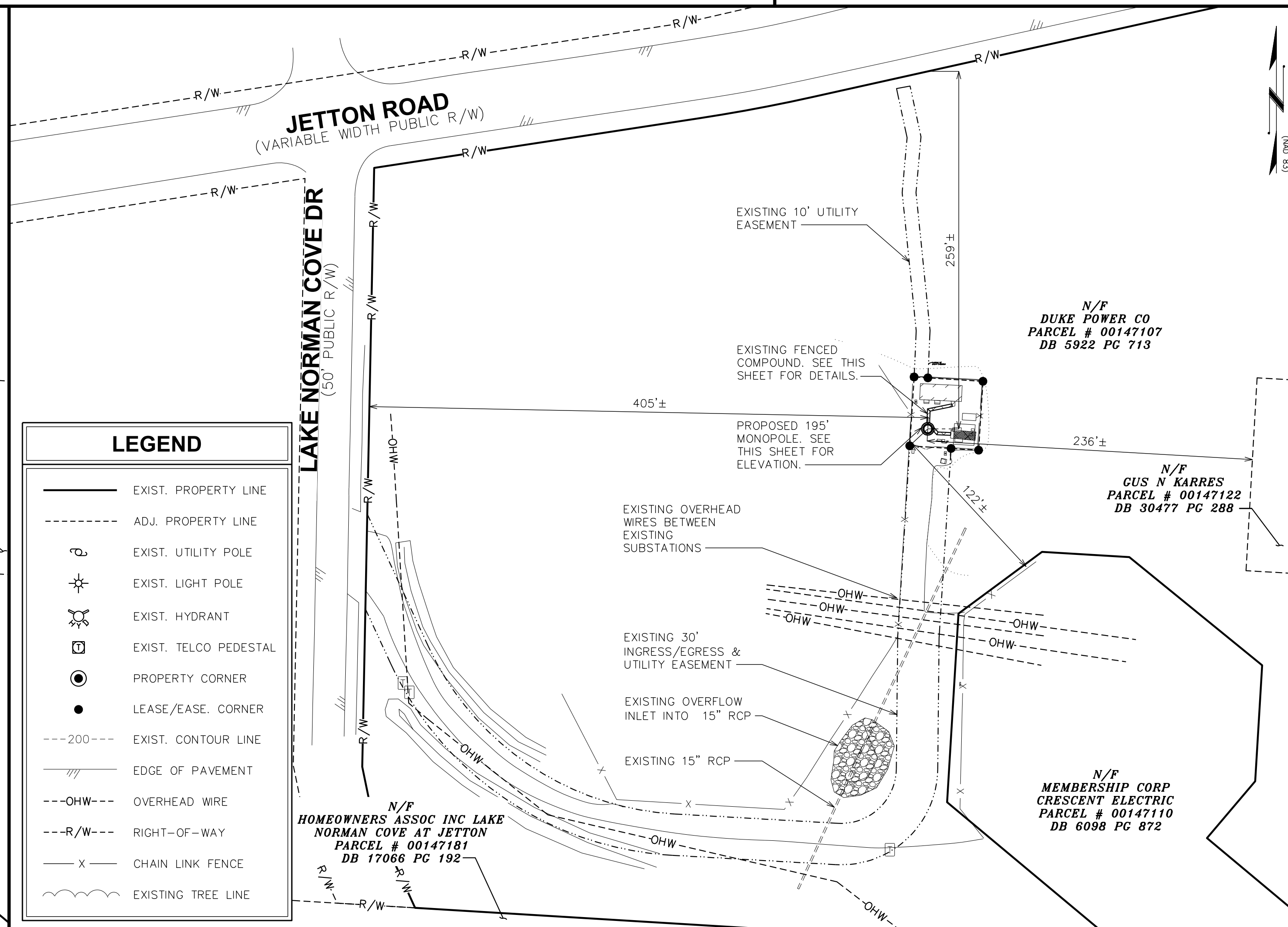
SCALE: NTS



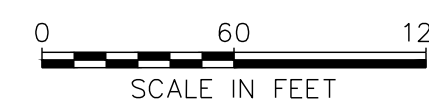
SCALE: 1" = 40'



SCALE: 1" = 60'



SCALE: 1" = 60'



PEAKNET
9887 FOURTH STREET, STE. 100
ST. PETERSBURG, FL 33702

PLANS PREPARED FOR:

TOWER ENGINEERING PROFESSIONALS

326 TRYON ROAD
RALEIGH, NC 27603

OFFICE: (919) 661-6351
FAX: (919) 661-6350

NIC LICENSE # C 1794

PLANS PREPARED BY:

[illegible]


PROJECT INFORMATION:

PEAKNET SITE NAME:
COTTONWOOD

19320 LAKE NORMAN COVE ROAD
CORNELIUS, NC 28031
(MECKLENBURG COUNTY)

§

SEAL:



SEAL
048394
ENGINEER
JEREMY K. WOOSTER

May 4, 202

SHEET TITLE:

**SITE PLAN,
COMPOUND DETAIL &
TOWER ELEVATION.**

REVISION:

SET NUMBER:
C-1

ELECTRICAL NOTES:

SCOPE:

1. PROVIDE LABOR, MATERIALS, INSPECTION, AND TESTING TO PROVIDE CODE COMPLIANCE FOR ELECTRIC, TELEPHONE, AND GROUNDING/LIGHTNING SYSTEMS.

CODES:

1. THE INSTALLATION SHALL COMPLY WITH APPLICABLE LAWS AND CODES. THESE INCLUDE BUT ARE NOT LIMITED TO THE LATEST ADOPTED EDITIONS OF:
- A. THE NATIONAL ELECTRICAL SAFETY CODE
 - B. THE NATIONAL ELECTRIC CODE – NFPA-70
 - C. REGULATIONS OF THE SERVING UTILITY COMPANY
 - D. LOCAL AND STATE AMENDMENTS
 - E. THE INTERNATIONAL ELECTRIC CODE – IEC (WHERE APPLICABLE)
2. PERMITS REQUIRED SHALL BE OBTAINED BY THE CONTRACTOR.
3. AFTER COMPLETION AND FINAL INSPECTION OF THE WORK, THE OWNER SHALL BE FURNISHED A CERTIFICATE OF COMPLETION AND APPROVAL.

TESTING:

1. UPON COMPLETION OF THE INSTALLATION, OPERATE AND ADJUST THE EQUIPMENT AND SYSTEMS TO MEET SPECIFIED PERFORMANCE REQUIREMENTS. THE TESTING SHALL BE DONE BY QUALIFIED PERSONNEL.

GUARANTEE:

1. IN ADDITION TO THE GUARANTEE OF THE EQUIPMENT BY THE MANUFACTURER, EACH PIECE OF EQUIPMENT SPECIFIED HEREIN SHALL ALSO BE GUARANTEED FOR DEFECTS OF MATERIAL OR WORKMANSHIP OCCURRING DURING A PERIOD OF ONE (1) YEAR FROM FINAL ACCEPTANCE OF THE WORK BY THE OWNER AND WITHOUT EXPENSE TO THE OWNER.
2. THE WARRANTEE CERTIFICATES & GUARANTEES FURNISHED BY THE MANUFACTURERS SHALL BE TURNED OVER TO THE OWNER.

UTILITY CO-ORDINATION:

1. CONTRACTOR SHALL COORDINATE WORK WITH THE POWER AND TELEPHONE COMPANIES AND SHALL COMPLY WITH THE SERVICE REQUIREMENTS OF EACH UTILITY COMPANY.

EXAMINATION OF SITE:

1. PRIOR TO BEGINNING WORK, THE CONTRACTOR SHALL VISIT THE SITE OF THE JOB AND SHALL BECOME FAMILIAR WITH THE CONDITIONS AFFECTING THE PROPOSED ELECTRICAL INSTALLATION AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. FAILURE TO COMPLY WITH THE INTENT OF THIS SECTION WILL IN NO WAY RELIEVE THE CONTRACTOR OF PERFORMING THE WORK NECESSARY FOR A COMPLETE AND WORKING SYSTEM OR SYSTEMS.

CUTTING, PATCHING AND EXCAVATION:

1. COORDINATION OF SLEEVES, CHASES, ETC., BETWEEN SUBCONTRACTORS WILL BE REQUIRED PRIOR TO THE CONSTRUCTION OF ANY PORTION OF THE WORK. CUTTING AND PATCHING OF WALLS, PARTITIONS, FLOORS, AND CHASES IN CONCRETE, WOOD, STEEL OR MASONRY SHALL BE DONE AS PROVIDED ON THE DRAWINGS.
2. NECESSARY EXCAVATIONS AND BACKFILLING INCIDENTAL TO THE ELECTRICAL WORK SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWING.
3. SEAL PENETRATIONS THROUGH RATED WALLS, FLOORS, ETC., WITH APPROVED METHOD AS LISTED BY UL.

RACEWAYS / CONDUITS GENERAL:

1. CONDUCTORS SHALL BE INSTALLED IN LISTED RACEWAYS. CONDUIT SHALL BE RIGID STEEL, EMT, SCH40 PVC, OR SCH80PVC AS INDICATED ON THE DRAWINGS. THE RACEWAY SYSTEM SHALL BE COMPLETE COMPLETE BEFORE INSTALLING CONDUCTORS.
2. EXTERIOR RACEWAYS AND GROUNDING SLEEVES SHALL BE SEALED AT POINTS OF ENTRANCE AND EXIT. THE RACEWAY SYSTEM SHALL BE BONDED PER NEC.

EXTERIOR CONDUIT:

1. EXPOSED CONDUIT SHALL BE NEATLY INSTALLED AND RUN PARALLEL OR PERPENDICULAR TO STRUCTURAL ELEMENTS. SUPPORTS AND MOUNTING HARDWARE SHALL BE HOT DIPPED GALVANIZED STEEL.
2. WHERE INSTALLED ON EXTERIOR STRUCTURES OR EXPOSED TO DAMAGE, THE CONDUIT SHALL BE RIGID STEEL.
3. UNDERGROUND CONDUITS SHALL BE RIGID STEEL, SCH40 PVC, OR SCH80 PVC AS INDICATED ON THE DRAWINGS.
4. BURIAL DEPTH OF CONDUITS SHALL BE AS REQUIRED BY CODE FOR EACH SPECIFIC CONDUIT TYPE AND APPLICATION, BUT SHALL NOT BE LESS THAN THE FROST DEPTH AT THE SITE.
5. CONDUIT ROUTES ARE SCHEMATIC. CONTRACTOR SHALL FIELD VERIFY ROUTES BEFORE BID. COORDINATE ROUTE WITH WIRELESS CARRIER AND/OR BUILDING OWNER.

INTERIOR CONDUIT:

1. CONCEALED CONDUIT IN WALLS OR INTERIOR SPACES ABOVE GRADE MAY BE EMT OR PVC.
2. CONDUIT RUNS SHALL USE APPROVED COUPLINGS AND CONNECTORS. PROVIDE INSULATED BUSHING FOR ALL CONDUIT TERMINATIONS. CONDUIT RUNS IN A WET LOCATION SHALL HAVE WATERPROOF FITTINGS.
3. PROVIDE SUPPORTS FOR CONDUITS IN ACCORDANCE WITH NEC REQUIREMENTS. CONDUITS SHALL BE SIZED AS REQUIRED BY NEC.

EQUIPMENT:

1. DISCONNECT SWITCHES SHALL BE SERVICE ENTRANCE RATED, HEAVY DUTY TYPE.
2. CONTRACTOR SHALL VERIFY MAXIMUM AVAILABLE FAULT CURRENT AND COORDINATE INSTALLATION WITH THE LOCAL UTILITY BEFORE STARTING WORK. CONTRACTOR WILL VERIFY THAT EXISTING CIRCUIT BREAKERS ARE RATED FOR MORE THAN AVAILABLE FAULT CURRENT AND REPLACE AS NECESSARY.
3. NEW CIRCUIT BREAKERS SHALL BE RATED TO WITHSTAND THE MAXIMUM AVAILABLE FAULT CURRENT AS DETERMINED BY THE LOCAL UTILITY.

CONDUCTORS:

1. FURNISH AND INSTALL CONDUCTORS SPECIFIED IN THE DRAWINGS. CONDUCTORS SHALL BE COPPER AND SHALL HAVE TYPE THWN (MIN) (75° C) INSULATION, RATED FOR 600 VOLTS.
2. THE USE OF ALUMINUM CONDUCTORS SHALL BE LIMITED TO THE SERVICE FEEDERS INSTALLED BY THE UTILITY.
3. CONDUCTORS SHALL BE PROVIDED AND INSTALLED AS FOLLOWS:
- A. MINIMUM WIRE SIZE SHALL BE #12 AWG.
 - B. CONDUCTORS SIZE #8 AND LARGER SHALL BE STRANDED. CONDUCTORS SIZED #10 AND #12 MAY BE SOLID OR STRANDED.
 - C. CONNECTION FOR #10 AWG #12 AWG SHALL BE BY TWISTING TIGHT AND INSTALLING INSULATED PRESSURE OR WIRE NUT CONNECTIONS.
 - D. CONNECTION FOR #8 AWG AND LARGER SHALL BE BY USE OF STEEL CRIMP-ON SLEEVES WITH NYLON INSULATOR.
3. CONDUCTORS SHALL BE COLOR CODED IN ACCORDANCE WITH NEC STANDARDS.

UL COMPLIANCE:

1. ELECTRICAL MATERIALS, DEVICES, CONDUCTORS, APPLIANCES, AND EQUIPMENT SHALL BE LABELED/LISTED BY UL OR ACCEPTED BY JURISDICTION (I.E., LOCAL COUNTY OR STATE) APPROVED THIRD PARTY TESTING AGENCY.

GROUNDING:

1. ELECTRICAL NEUTRALS, RACEWAYS AND NON-CURRENT CARRYING PARTS OF ELECTRICAL EQUIPMENT AND ASSOCIATED ENCLOSURES SHALL BE GROUNDED IN ACCORDANCE WITH NEC ARTICLE 250. THIS SHALL INCLUDE NEUTRAL CONDUCTORS, CONDUITS, SUPPORTS, CABINETS, BOXES, GROUND BUSSES, ETC. THE NEUTRAL CONDUCTOR FOR EACH SYSTEM SHALL BE GROUNDED AT A SINGLE POINT.
2. PROVIDE GROUND CONDUCTOR IN RACEWAYS PER NEC.
3. PROVIDE BONDING AND GROUND TO MEET NFPA 780 – "LIGHTNING PROTECTION" AS A MINIMUM.
4. PROVIDE GROUNDING SYSTEM AS INDICATED ON THE DRAWINGS, AS REQUIRED BY THE NATIONAL ELECTRIC CODE, RADIO EQUIPMENT MANUFACTURERS, AND MOTOROLA R56 (AS APPLICABLE).

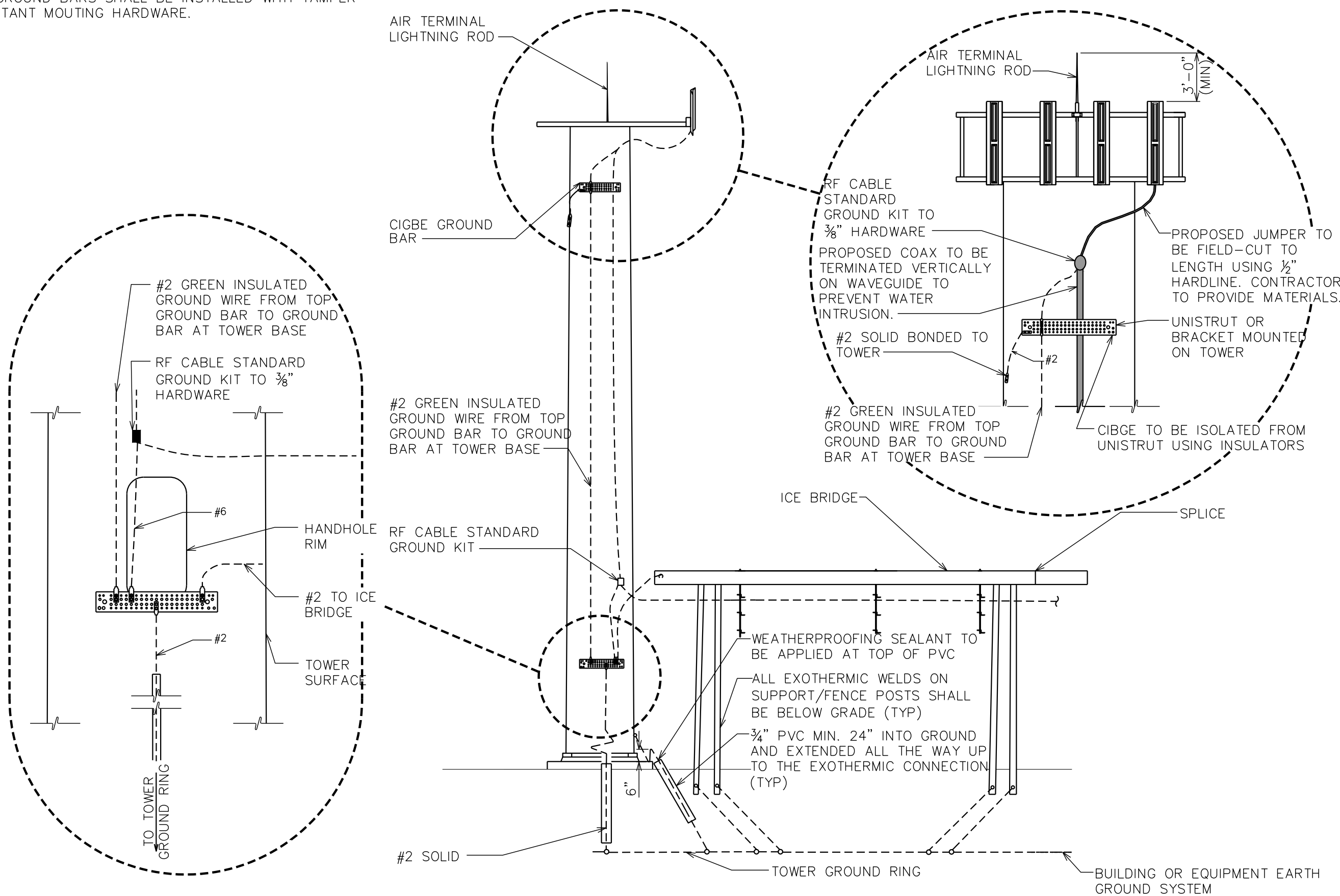
ABBREVIATIONS AND LEGEND

A	– AMPERE	PNLBD	– PANELBOARD
AFG	– ABOVE FINISHED GRADE	PVC	– RIGID NON-METALLIC CONDUIT
ATS	– AUTOMATIC TRANSFER SWITCH	RGS	– RIGID GALVANIZED STEEL CONDUIT
AWG	– AMERICAN WIRE GAUGE	SW	– SWITCH
BCW	– BARE COPPER WIRE	TGB	– TOWER GROUND BAR
BFG	– BELOW FINISHED GRADE	UL	– UNDERWRITERS LABORATORIES
BKR	– BREAKER	V	– VOLTAGE
C	– CONDUIT	W	– WATTS
CKT	– CIRCUIT	XFMR	– TRANSFORMER
DISC	– DISCONNECT	XMTR	– TRANSMITTER
EGR	– EXTERNAL GROUND RING		
EMT	– ELECTRIC METALLIC TUBING		
FSC	– FLEXIBLE STEEL CONDUIT		
GEN	– GENERATOR		
GPS	– GLOBAL POSITIONING SYSTEM		
GRD	– GROUND		
IGB	– ISOLATED GROUND BAR		
IGR	– INTERIOR GROUND RING (HALO)		
KW	– KILOWATTS		
NEC	– NATIONAL ELECTRIC CODE		
PCS	– PERSONAL COMMUNICATION SYSTEM		
PH	– PHASE		
PNL	– PANEL		

---	E	---	UNDERGROUND ELECTRICAL CONDUIT
---	T	---	UNDERGROUND TELEPHONE CONDUIT
			KILOWATT-HOUR METER
---		---	UNDERGROUND BONDING AND GROUNDING CONDUCTOR.
			GROUND ROD
Ø			CADWELD
⊠			GROUND ROD WITH INSPECTION WELL

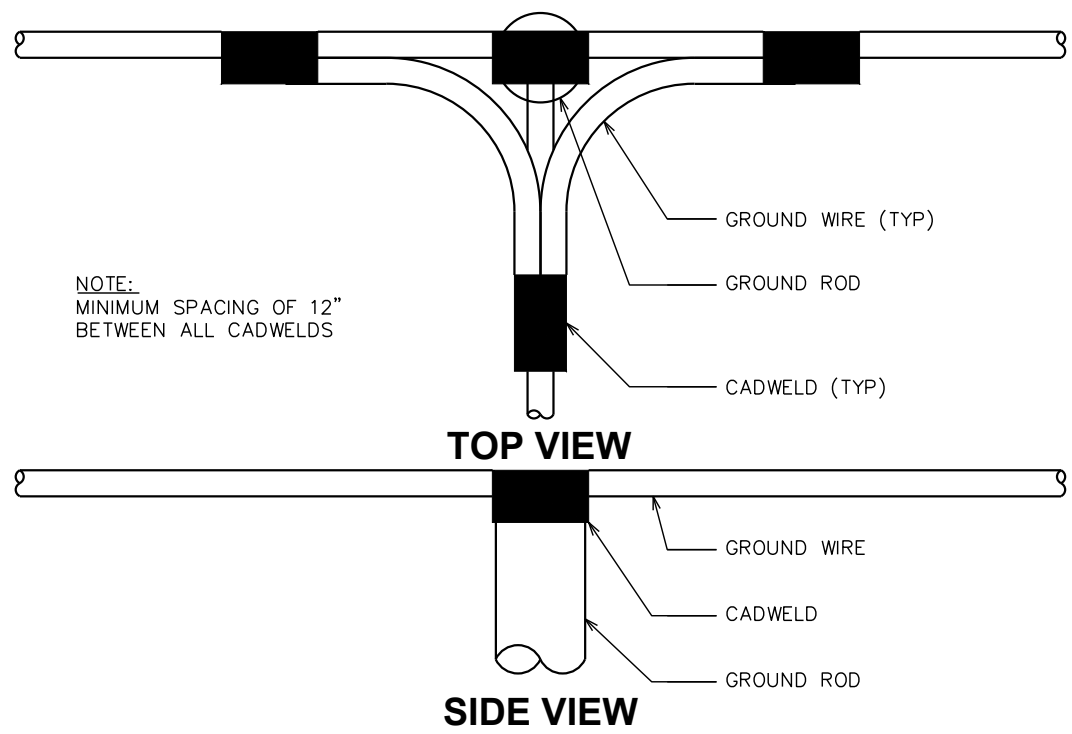
NOTES:

1. MINIMUM BEND RADIUS OF #2 SOLID CONDUCTOR IS 12".
2. ALL GROUND BARS SHALL BE INSTALLED WITH TAMPER RESISTANT MOUNTING HARDWARE.



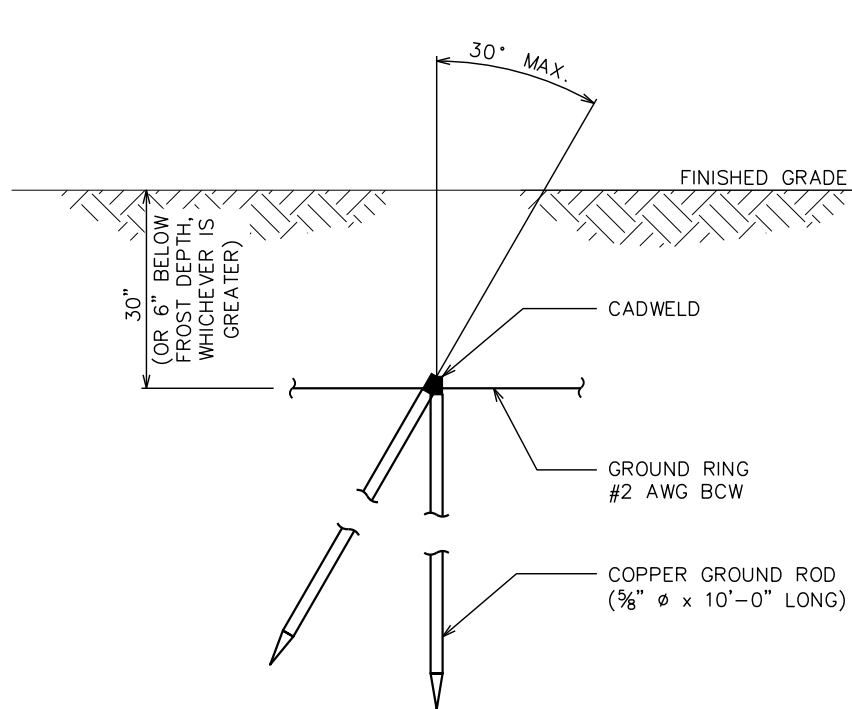
ICE BRIDGE, COAX, STANCHION, AND TOWER GROUNDING DETAIL

SCALE: N.T.S.



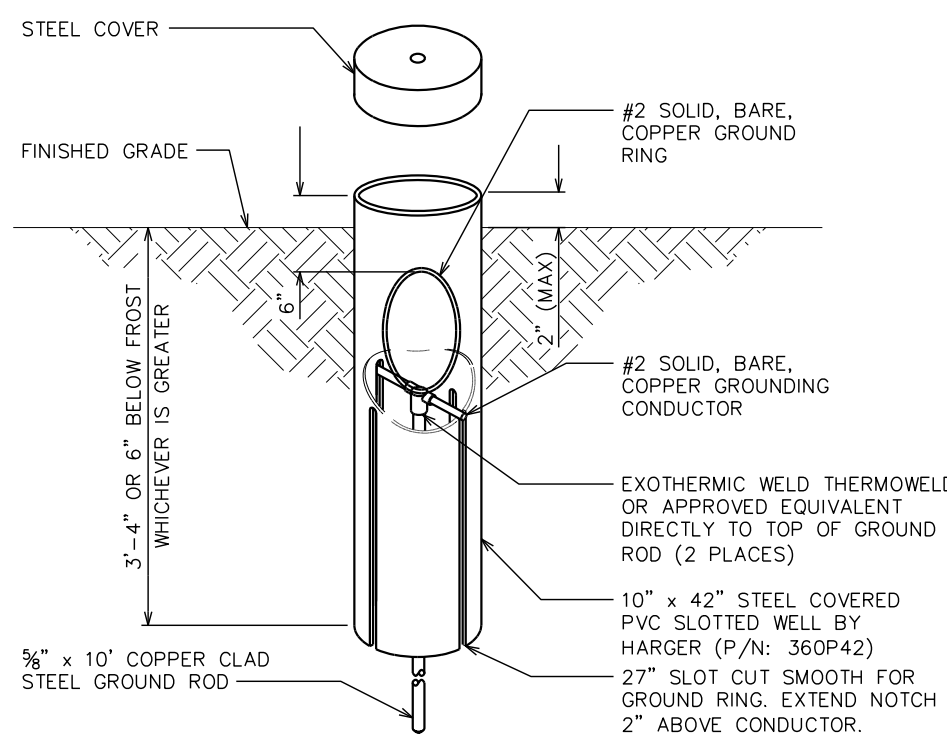
CADWELD GROUNDING DETAILS

SCALE: N.T.S.



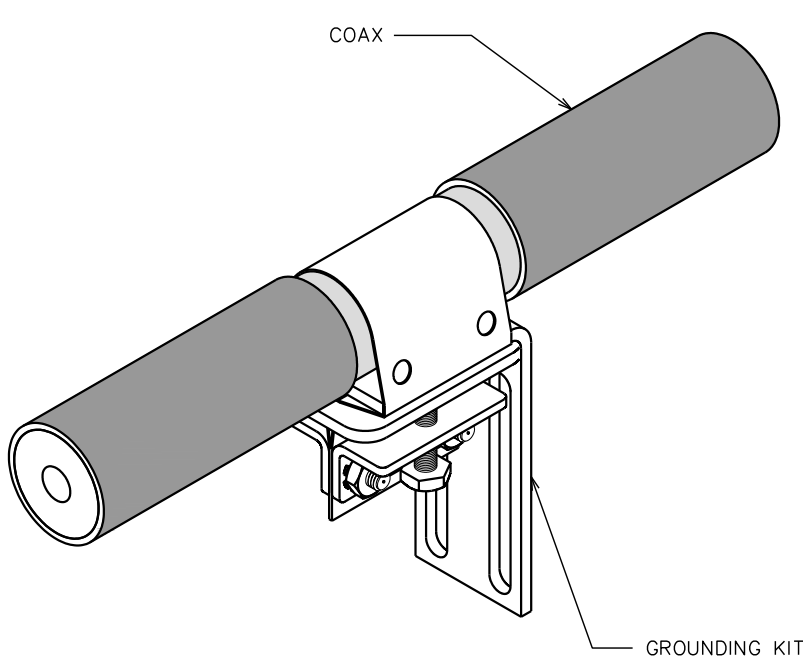
COPPER-CLAD STEEL GROUND ROD

SCALE: N.T.S.



GROUND ROD W/ INSPECTION WELL

SCALE: N.T.S.



INTERIOR CABLE SHEILD

SCALE: N.T.S.

DRAWING NOTES

1. PROPOSED TOWER GROUND RING
2. PROPOSED 3/8"x10" COPPER GROUND ROD (TYP)
3. PROPOSED ICE BRIDGE GROUND RING CONNECTING TO EXISTING EQUIPMENT GROUND RING.
4. EXISTING EQUIPMENT GROUND RING. CONTRACTOR TO VERIFY EXISTANCE & LOCATION.
5. PROPOSED 3/8"x10" COPPER GROUND ROD WITH INSPECTION WELL (TYP)
6. GROUND LEAD FROM TOWER GROUND RING TO TOWER STEEL (TYP OF 3)
7. TOWER GROUND BAR (TYP OF 2)

LEGEND

- CADWELD
- ⊠ GROUND ROD
- ⊠ GROUND ROD W/ INSPECTION WELL
- LUG FOR EQUIPMENT GROUNDING
- GROUND RING
- GROUND BAR

GROUNDING NOTES:

1. CONTRACTOR SHALL VERIFY THAT GROUNDING ELECTRODES SHALL BE CONNECTED IN A RING USING #2 AWG BARE, TINNED COPPER WIRE. THE TOP OF THE GROUND RODS AND THE RING CONDUCTOR SHALL BE 30" BELOW FINISHED GRADE. GROUNDING ELECTRODES SHALL BE DRIVEN ON 10'-0" CENTERS (PROVIDE AND INSTALL AS REQUIRED. REQUIRED PER PLAN BELOW.)
2. BONDING OF THE GROUNDED CONDUCTOR (NEUTRAL) AND THE GROUNDING CONDUCTOR SHALL BE AT THE SERVICE DISCONNECTING MEANS. BONDING JUMPER SHALL BE INSTALLED PER N.E.C. ARTICLE 250.30.
3. GROUND RING CONNECTION CONDUCTORS SHALL BE OF EQUAL LENGTH, MATERIAL, AND BONDING TECHNIQUE.
4. CONTRACTOR SHALL ENSURE GROUND RING IS WITHIN 12 TO 36 INCHES OF THE EQUIPMENT PAD. PROVIDE AND INSTALL GROUNDING CONNECTIONS SHOWN BELOW AS NEEDED PER EXISTING SITE GROUNDING SYSTEM. CONTRACTOR SHALL VERIFY ALL EXISTING SITE GROUNDING CONDITIONS BEFORE STARTING WORK OR PURCHASING EQUIPMENT.
5. BOND GROUND BAR TO EXTERNAL GROUND RING WITH (1) RUN OF #2 BARE, TINNED, SOLID COPPER CONDUCTOR IN PVC. CONNECT BAR END WITH 2-HOLE LUG, AND "CADWELD" THE OTHER END TO THE EXTERNAL GROUND ROD.
6. ALL GROUND CONDUCTORS MUST GO DOWN.

COMPOUND GROUNDING PLAN

N.T.S.

PLANS PREPARED FOR:

PEAKNET PROFESSIONALS
328 TRYON ROAD
RALEIGH, NC 27603
OFFICE: (919) 661-6351
FAX: (919) 661-6350

N.C. LICENSE # C-1794

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
328 TRYON ROAD
RALEIGH, NC 27603
OFFICE: (919) 661-6351
FAX: (919) 661-6350

CONSTRUCTION
PRELIMINARY
ISSUED FOR:
DATE

REV

DRAWN BY: T.J.V. CHECKED BY: J.K.W.

PROJECT INFORMATION:

PEAKNET SITE NAME:
COTTONWOOD

19320 LAKE NORMAN COVE ROAD
CORNELIUS, NC 28031
(MECKLENBURG COUNTY)

SEAL:

SEAL
048860
ENGINEER
SAMUEL A. TURNER

SHEET TITLE:

ELECTRICAL NOTES & GROUNDING DETAILS

SHEET NUMBER:
E-1

REVISION:
1

TEP #
720573

December 13, 2019

PHOTO PRESENTATION

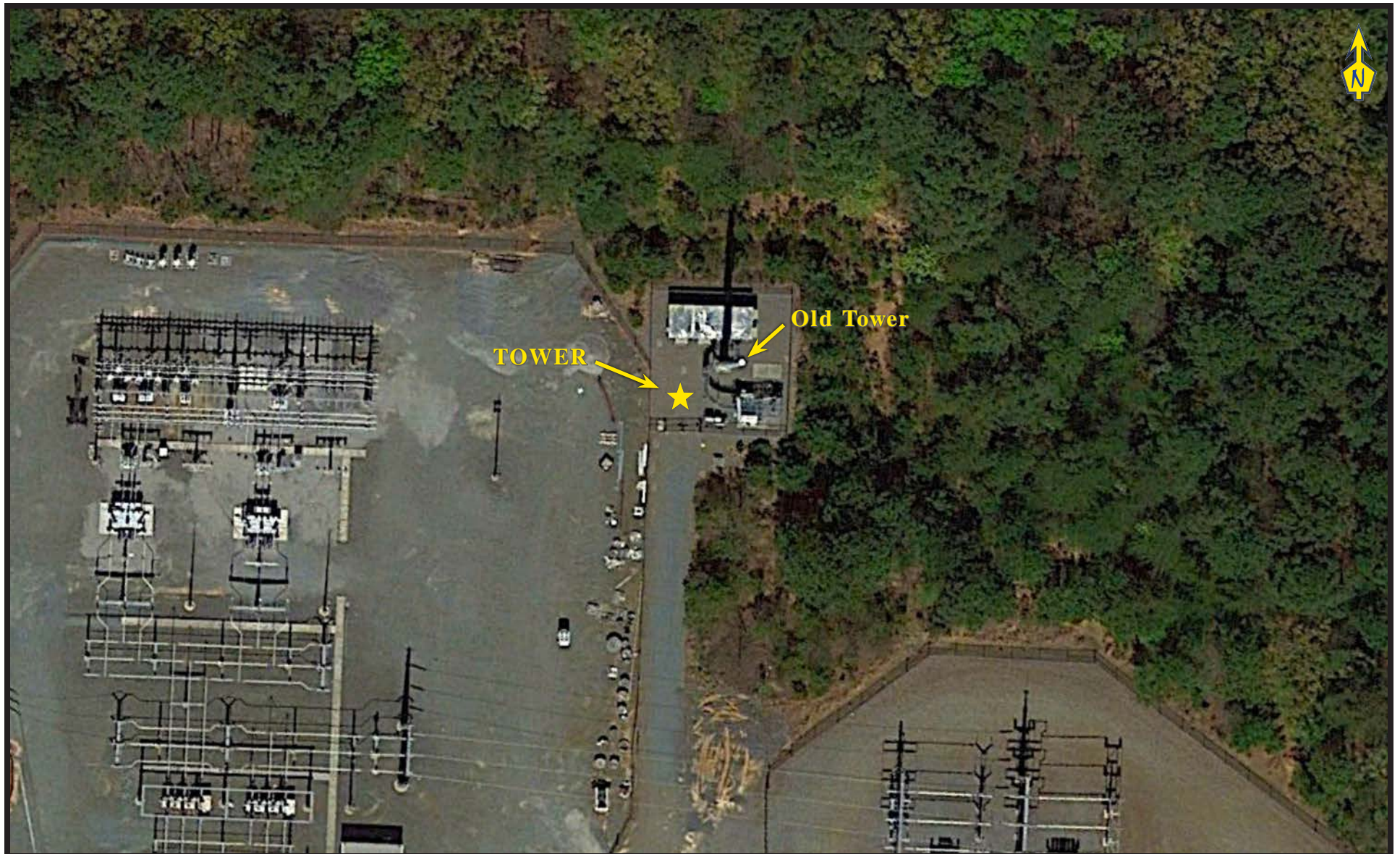
PeakNet

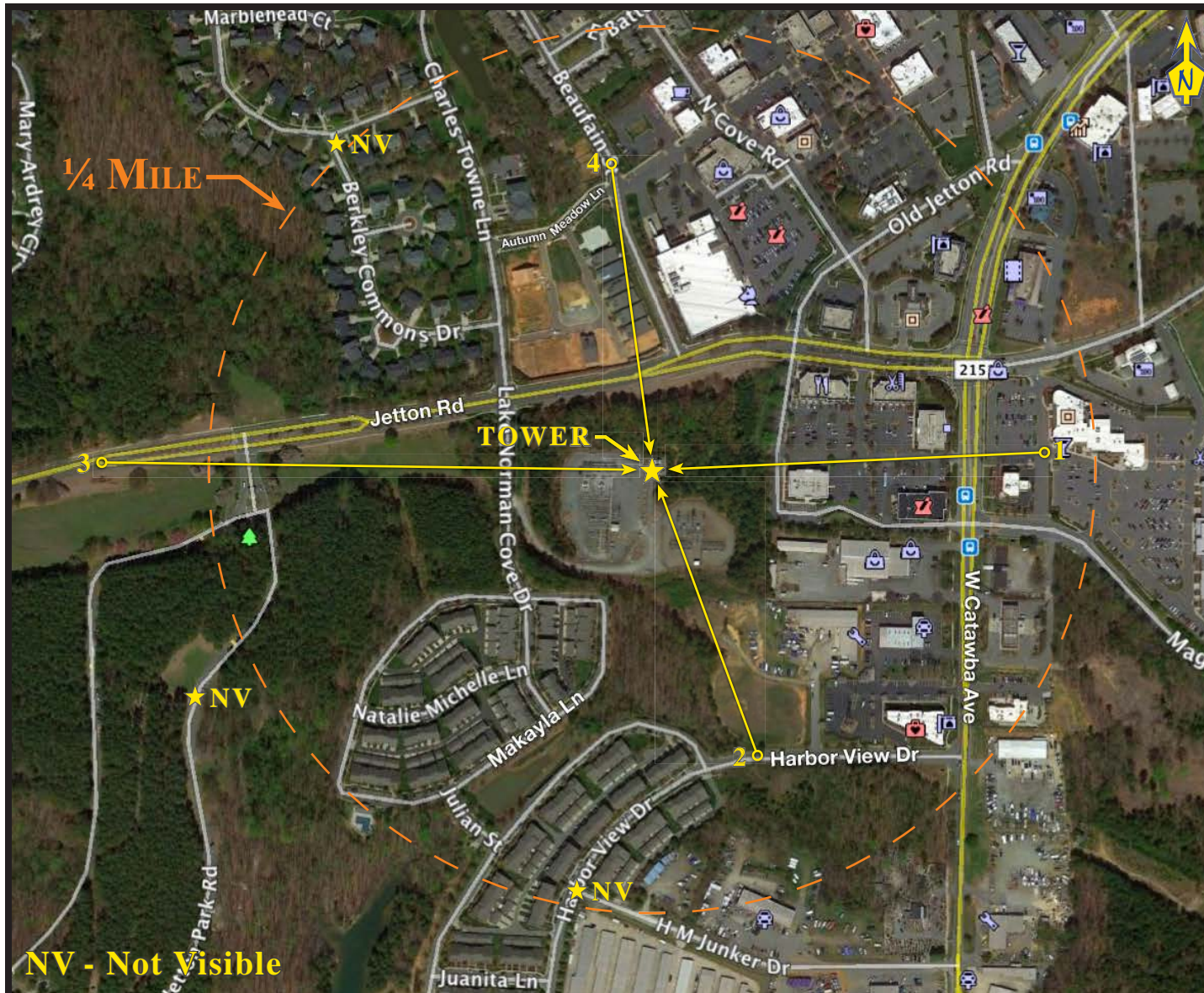
Wireless Communications Facility Documentation

The proposed 199.0' AGL Telecommunications Facility is to be located at or near 19320 Lake Norman Cove Rd, Cornelius, NC 28031. Mecklenburg County. The site coordinates are N 35° 28' 33.30" W 80° 53' 40.71". The site elevation is 805.06 feet AMSL.

The monopole style tower as simulated is at One Hundred and Ninety Five Feet (195 feet in height/altitude) plus a 4 foot lightning rod above ground at the centerline of the proposed tower facility location.

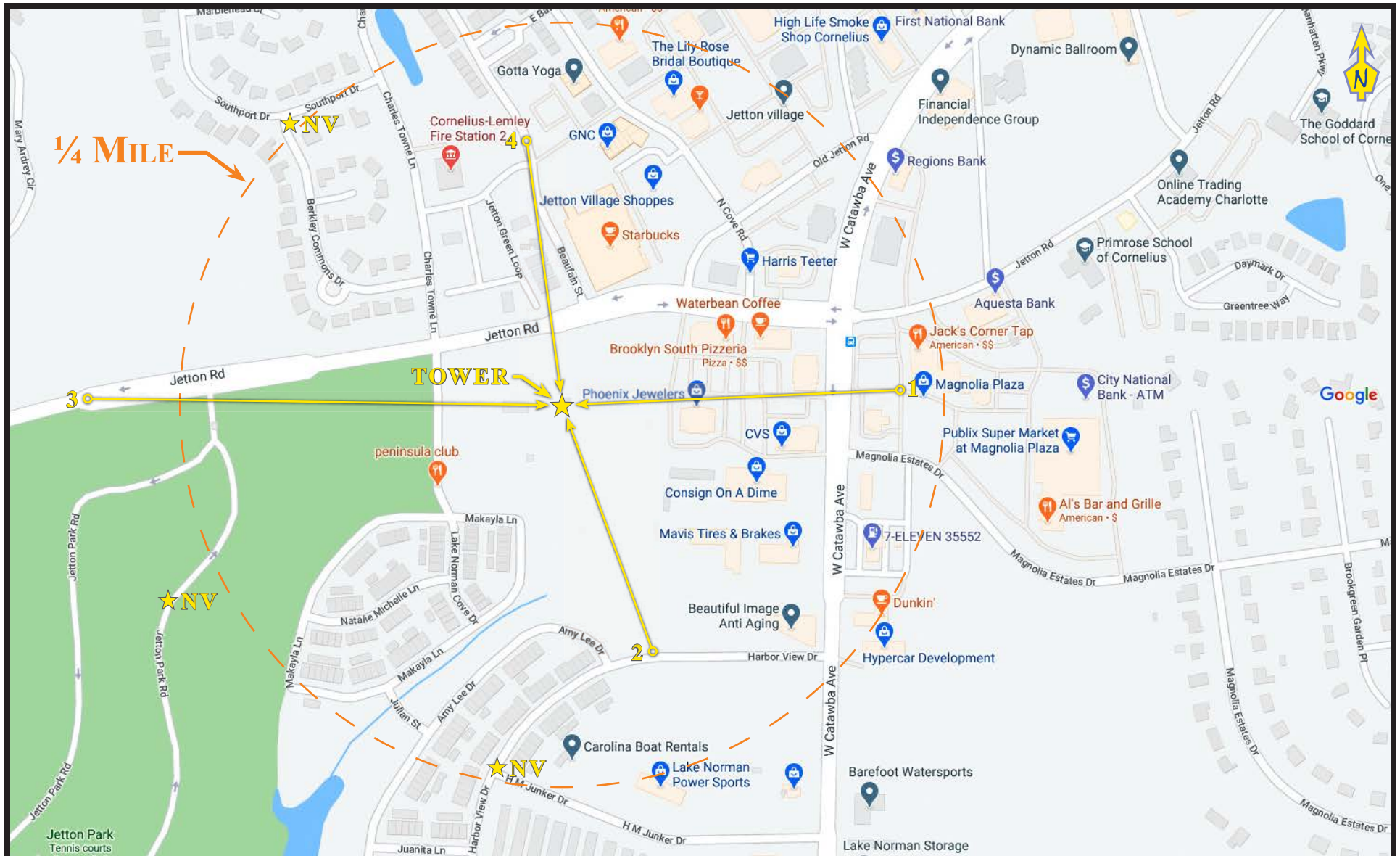
**GRAHAM HERRING COMMERCIAL REAL ESTATE GRAPHIC SERVICES
PROVIDING PROFESSIONAL SPECIALTY SERVICES TO THE TELECOMMUNICATIONS INDUSTRY**





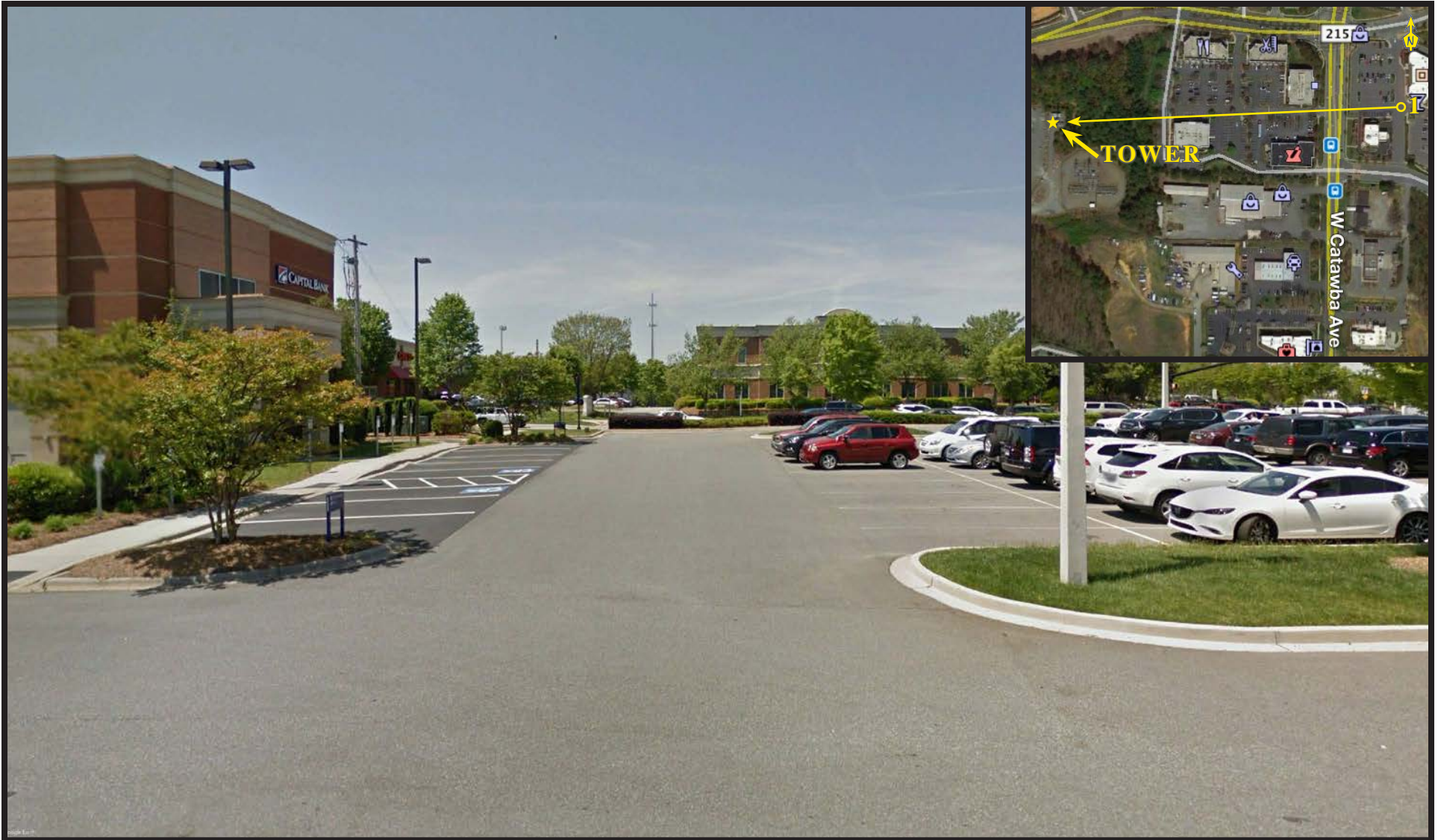
- 1 - Looking west by southwest towards site from Magnolia Plaza shopping mall in front of Sweet Magnolia.
(1,167ft, 0.22mi)
- 2 - Looking north by northwest towards site from Harbor View Dr across power substation.
(894ft, 0.17mi)
- 3 - Looking east towards site from Jetton Rd just west of park entrance. (1,641ft, 0.31mi)
- 4 - Looking south by southeast towards site from Beaufain St at Autumn Meadow Ln.
(917ft, 0.17mi)

NV = Not Visible

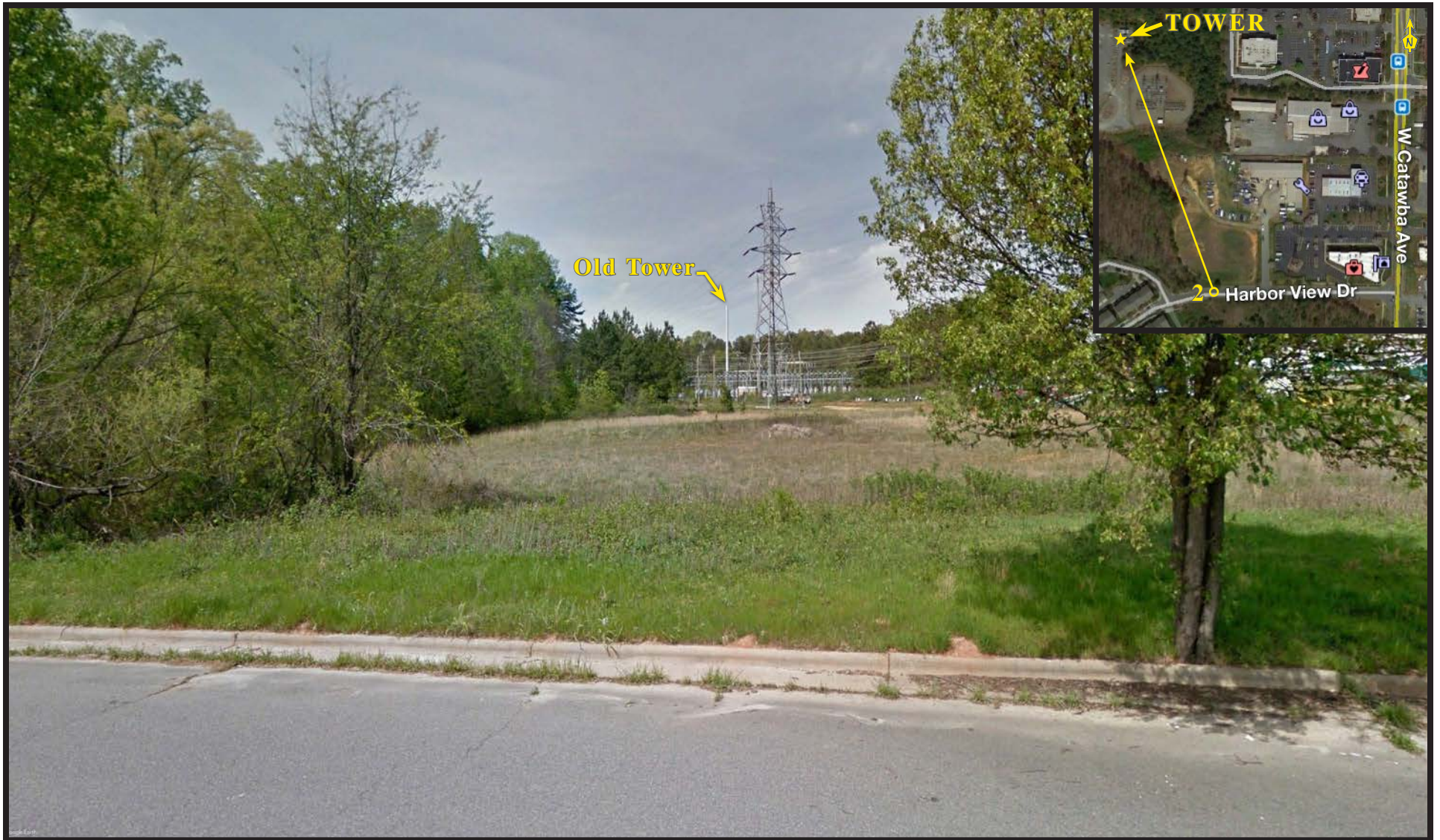




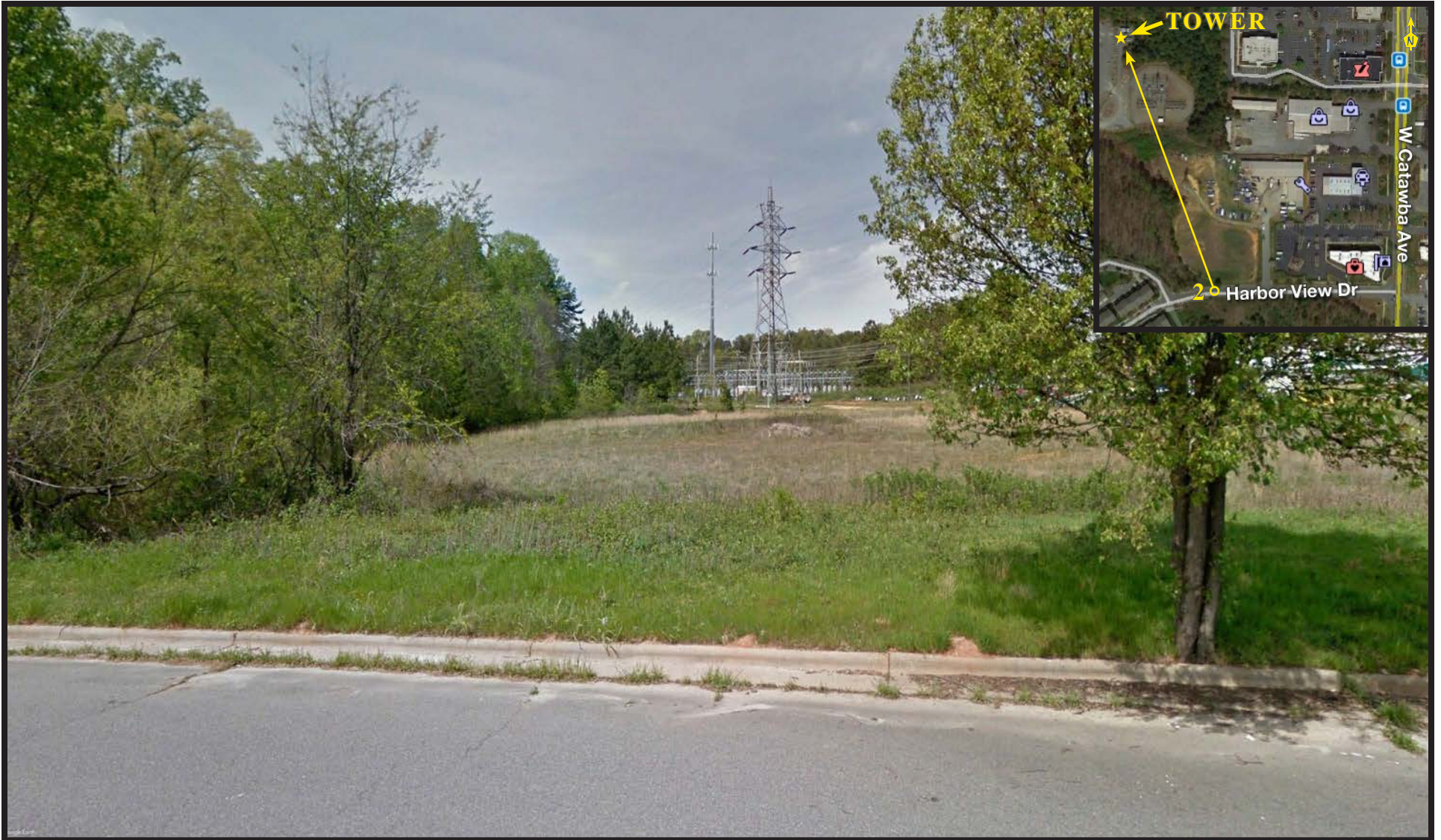
VIEW FROM LOCATION 1



SIMULATED VIEW FROM LOCATION 1



VIEW FROM LOCATION 2



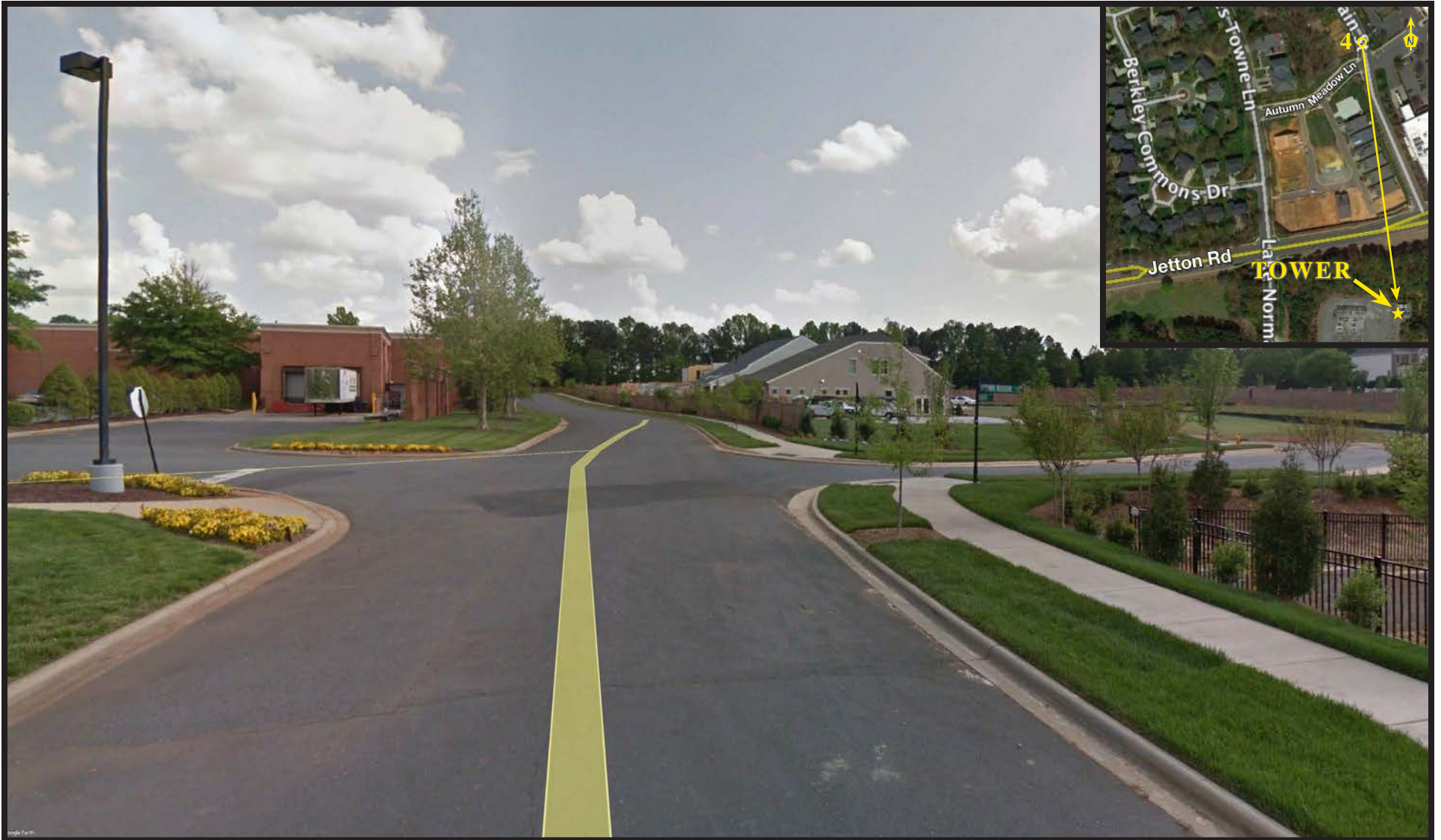
SIMULATED VIEW FROM LOCATION 2



VIEW FROM LOCATION 3



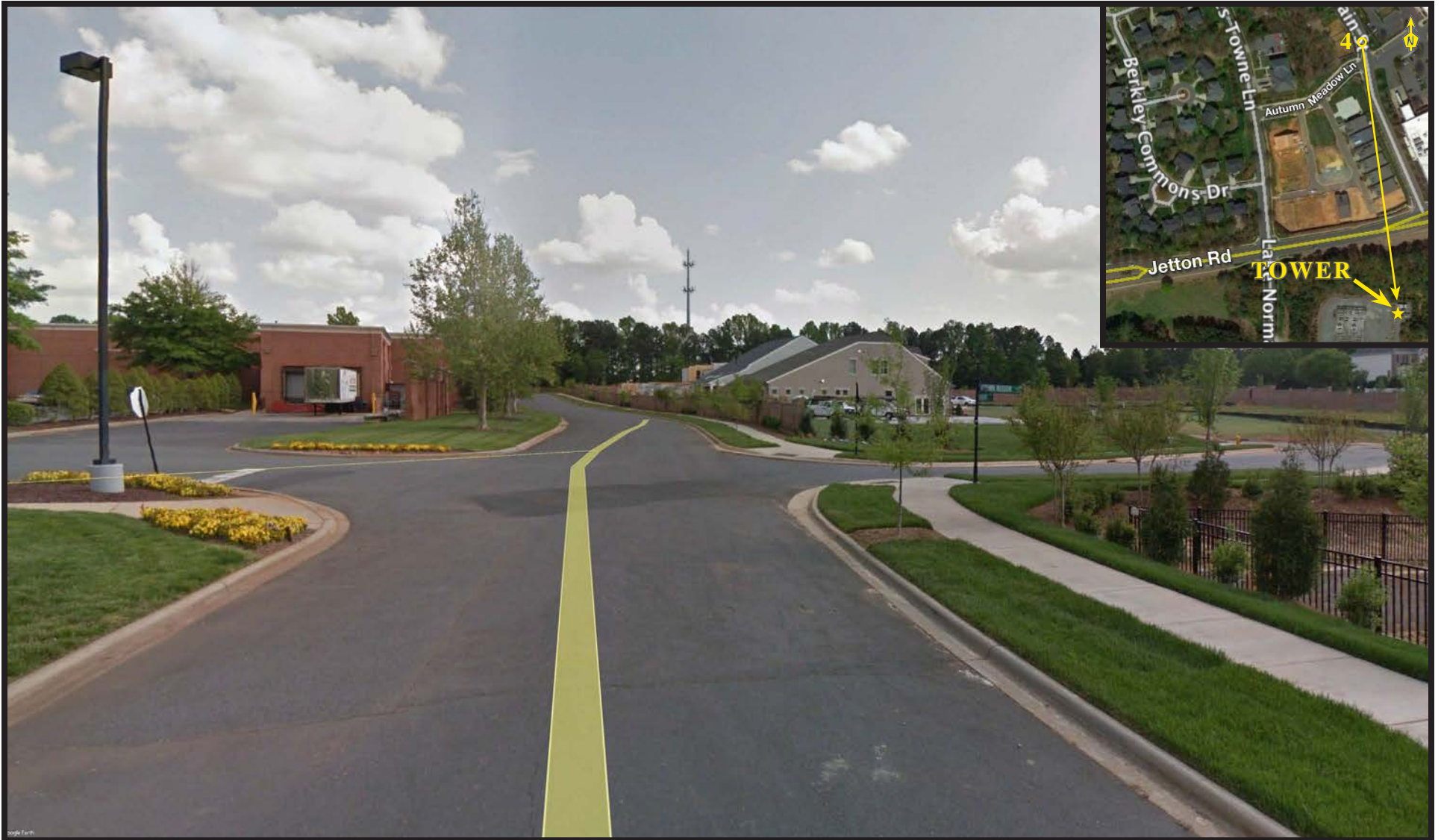
SIMULATED VIEW FROM LOCATION 3



VIEW FROM LOCATION 4



COTTONWOOD
19320 LAKE NORMAN COVE RD
CORNELIUS, NC



SIMULATED VIEW FROM LOCATION 4

PHOTO PRESENTATION

PeakNet

Wireless Communications Facility Documentation

The proposed 175.0' AGL Telecommunications Facility is to be located at or near 19320 Lake Norman Cove Rd, Cornelius, NC 28031. Mecklenburg County. The site coordinates are N 35° 28' 33.30" W 80° 53' 40.71". The site elevation is 805.06 feet AMSL.

The monopole style tower as simulated is at One Hundred and Seventy-Five Feet (175 feet in height/altitude) plus a 4 foot lightning rod above ground at the centerline of the proposed tower facility location.

Camera positions 1, 4, 10 and 14 also show tower simulations at One Hundred and Ninety-Five Feet (195 feet in height/altitude) plus a 4 foot lightning rod above ground at the centerline of the proposed tower facility location.

GRAHAM HERRING COMMERCIAL REAL ESTATE GRAPHIC SERVICES
PROVIDING PROFESSIONAL SPECIALTY SERVICES TO THE TELECOMMUNICATIONS INDUSTRY





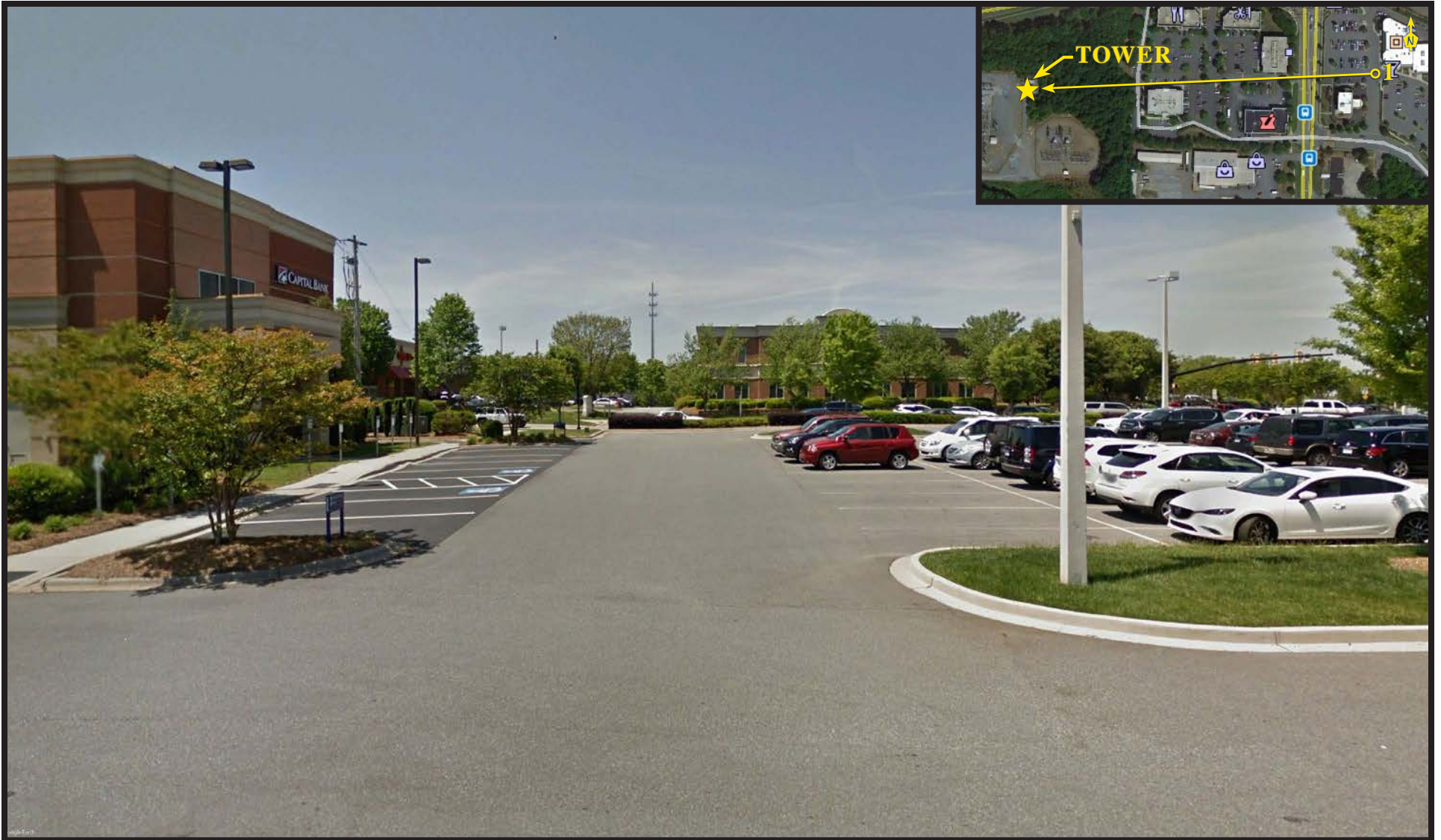
- 1 - Looking west by southwest towards site from Magnolia Plaza shopping mall in front of Sweet Magnolia. (1,167ft, 0.22mi)
- 2 - Looking northwest towards site from Harbor View Dr across power substation. (1,164ft, 0.22mi)
- 3 - Looking north by northwest towards site from driveway to Marine Machine. (897ft, 0.17mi)
- 4 - Looking north by northwest towards site from Harbor View Dr. (904ft, 0.17mi)
- 5 - **No View.** Looking north by northwest towards site across Harbor View Dr at Amy Lee Dr. (995ft, 0.19mi)
- 7 - Looking north by northeast towards site from Amy Lee Dr south of Julian St. (1,289ft, 0.24mi)
- 9 - **No View.** Looking northeast towards site from Makayla Ln at Lake Norman Cove Dr. (546ft, 0.10mi)
- 10 - Looking east towards site from Jetton Rd at the Peninsula markers. (1,641ft, 0.31mi)
- 11 - Looking east by southeast towards site from Berkey Common Dr. (914ft, 0.17mi)
- 12 - Looking east by southeast towards site from Charles Towne Ln at Jetton Rd. (530ft, 0.10mi)
- 13 - Looking south by southeast towards site from Jetton Green Loop. (740ft, 0.14mi)
- 14 - Looking south by southeast towards site from Beaufain St . (917ft, 0.17mi)

NV = Not Visible

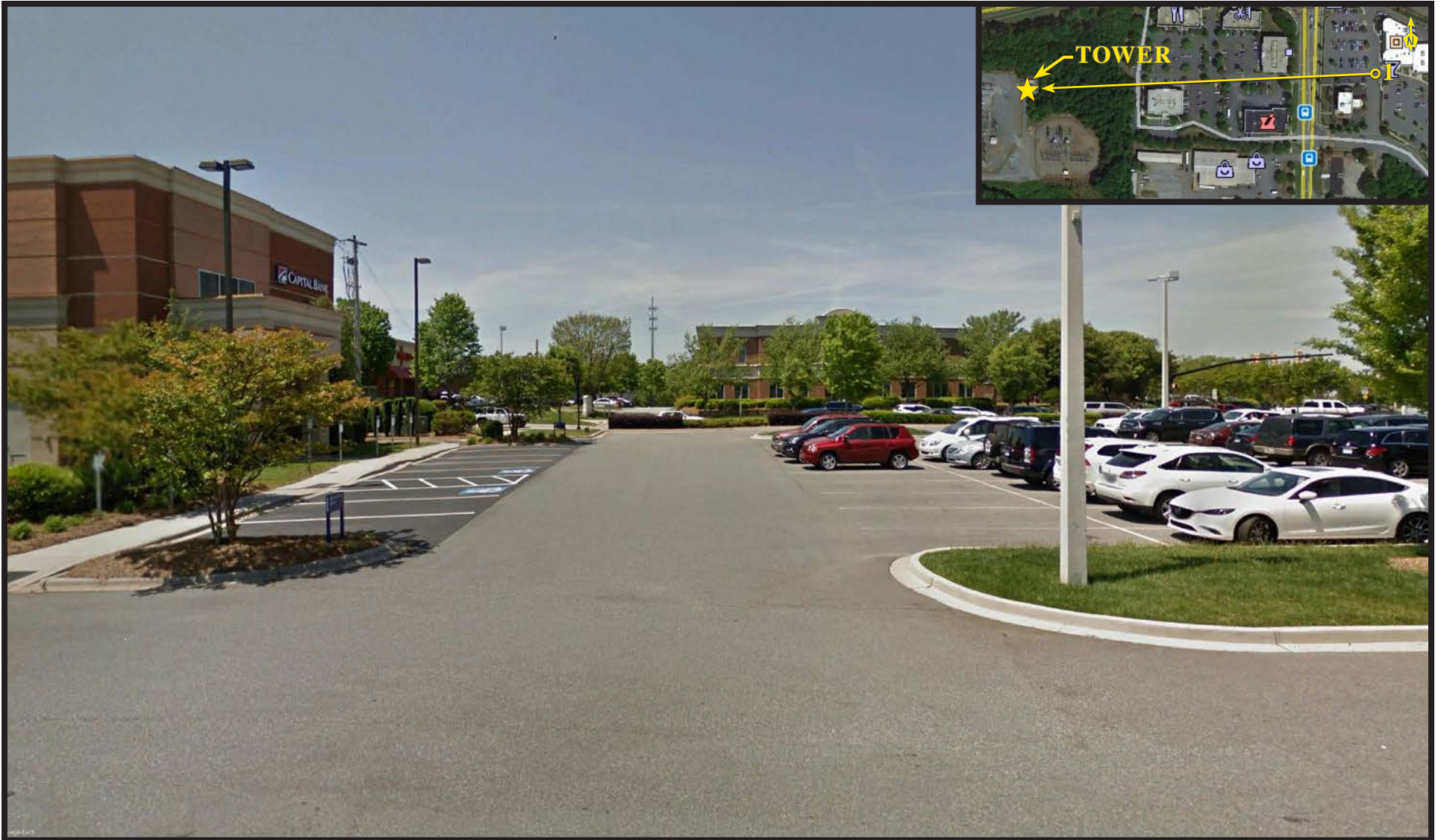




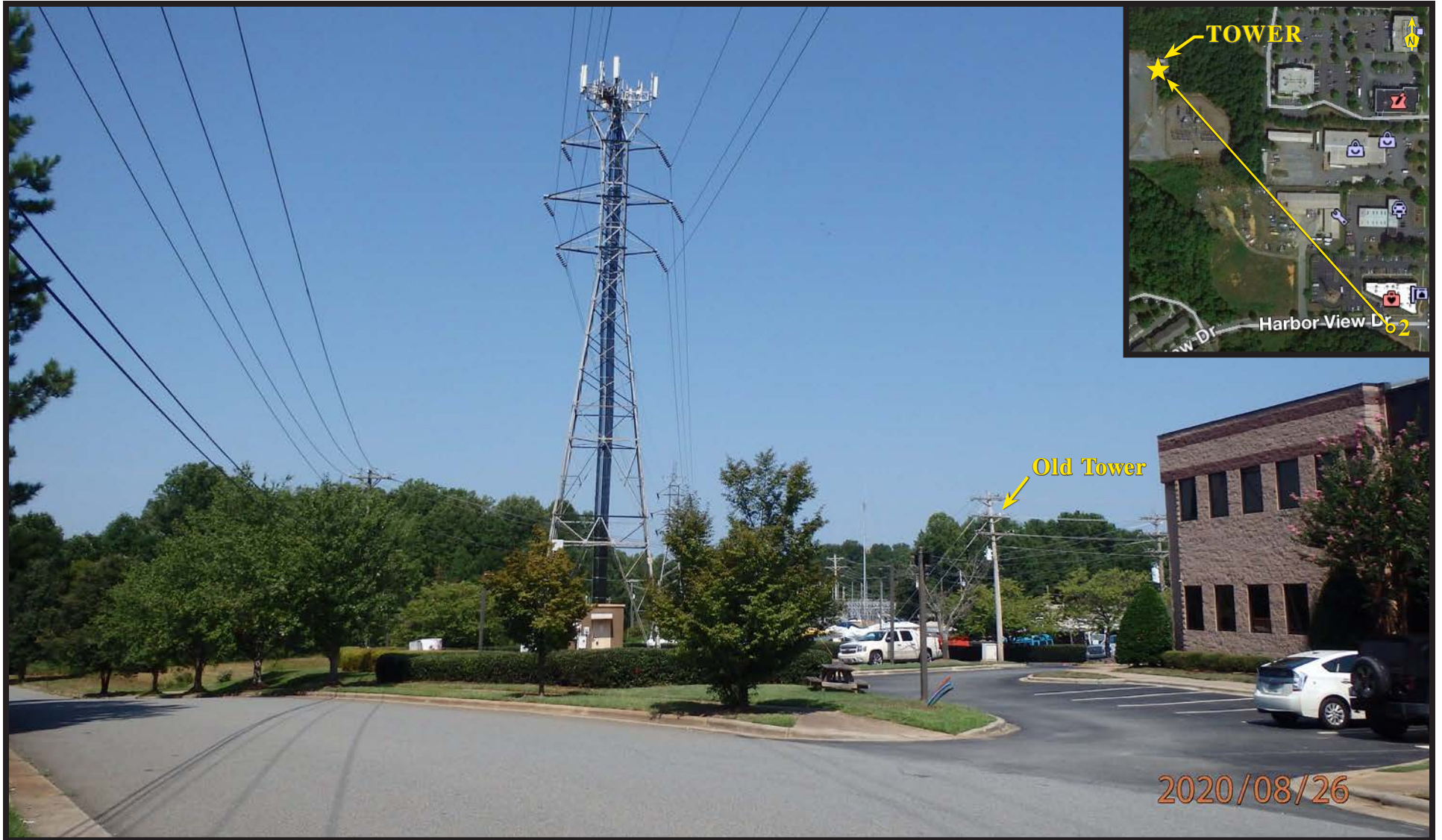
VIEW FROM LOCATION 1



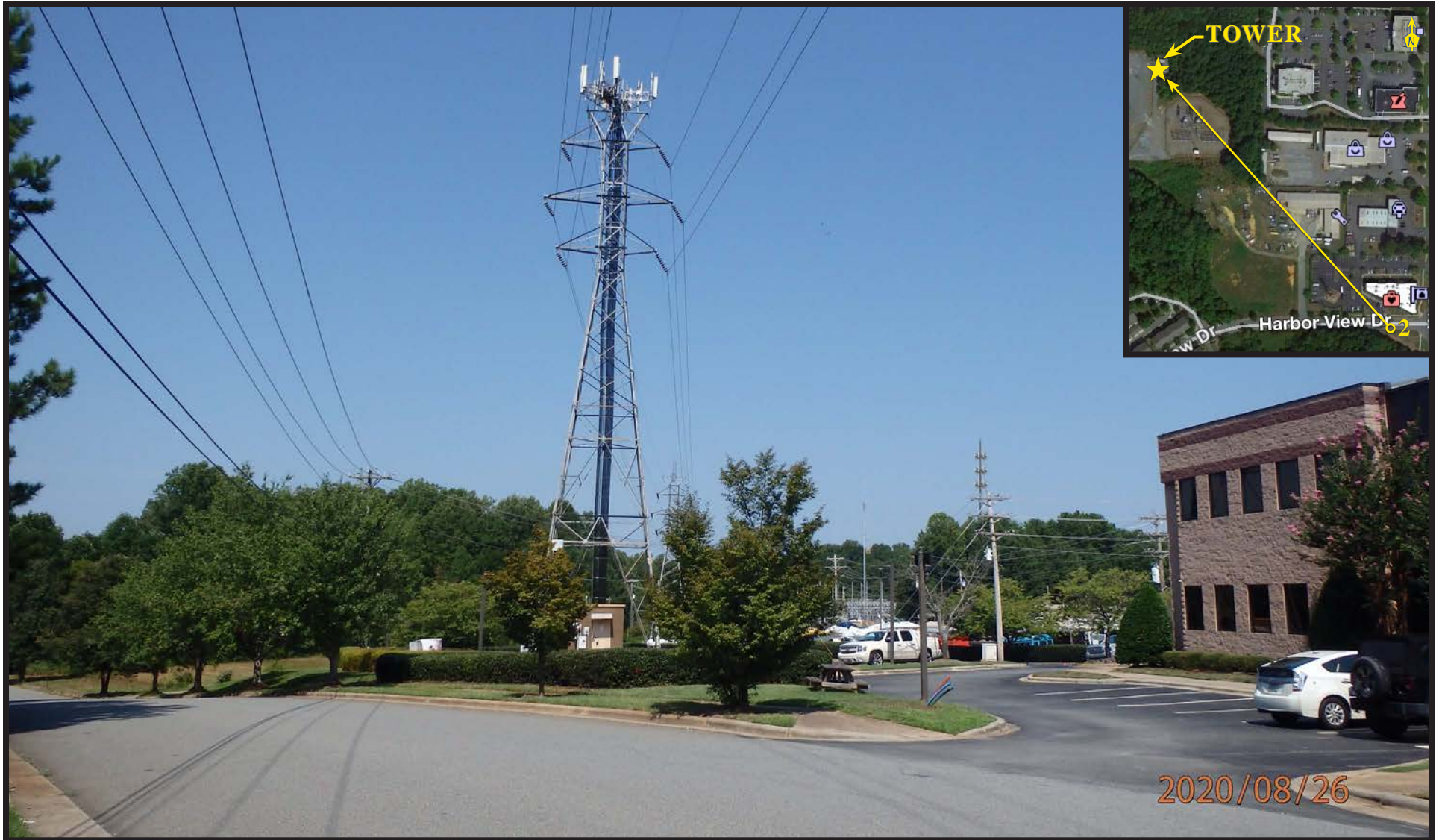
SIMULATED VIEW FROM LOCATION 1 [195 FT]



SIMULATED VIEW FROM LOCATION 1 [175 FT]



VIEW FROM LOCATION 2



SIMULATED VIEW FROM LOCATION 2



VIEW FROM LOCATION 3



SIMULATED VIEW FROM LOCATION 3



VIEW FROM LOCATION 4



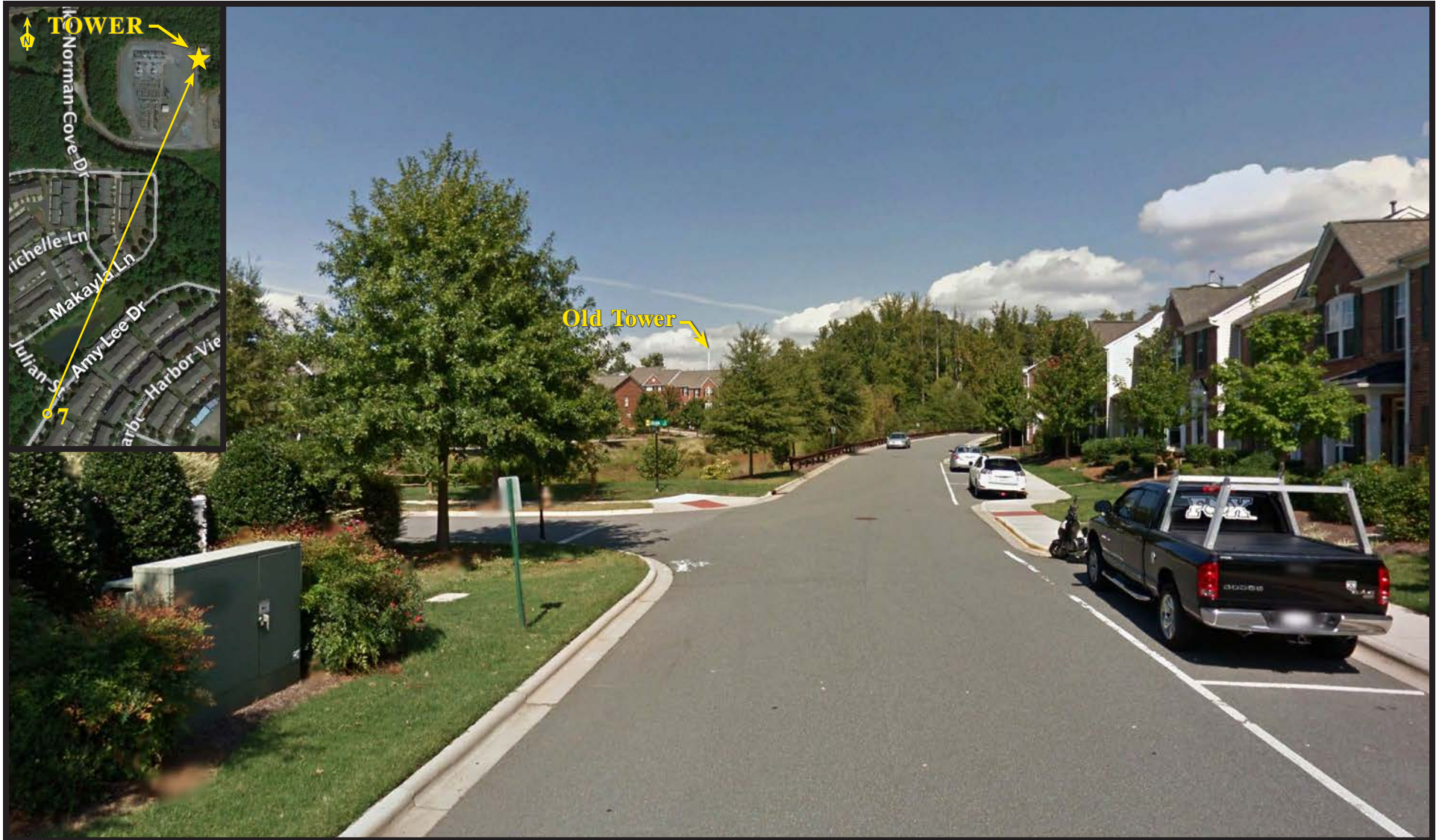
SIMULATED VIEW FROM LOCATION 4 [195 FT]



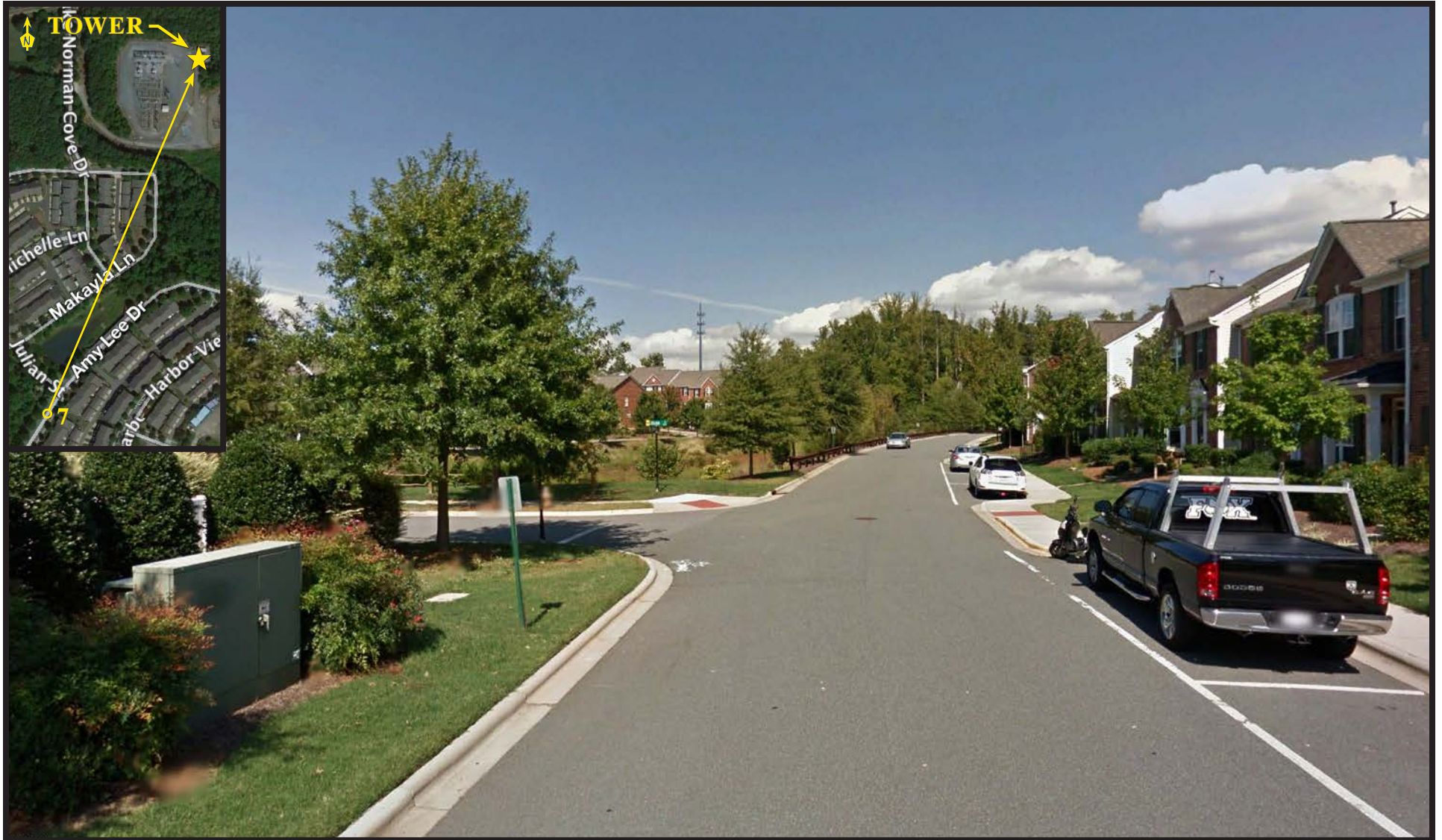
SIMULATED VIEW FROM LOCATION 4 [175 FT]



VIEW FROM LOCATION 5



VIEW FROM LOCATION 7



SIMULATED VIEW FROM LOCATION 7



VIEW FROM LOCATION 9



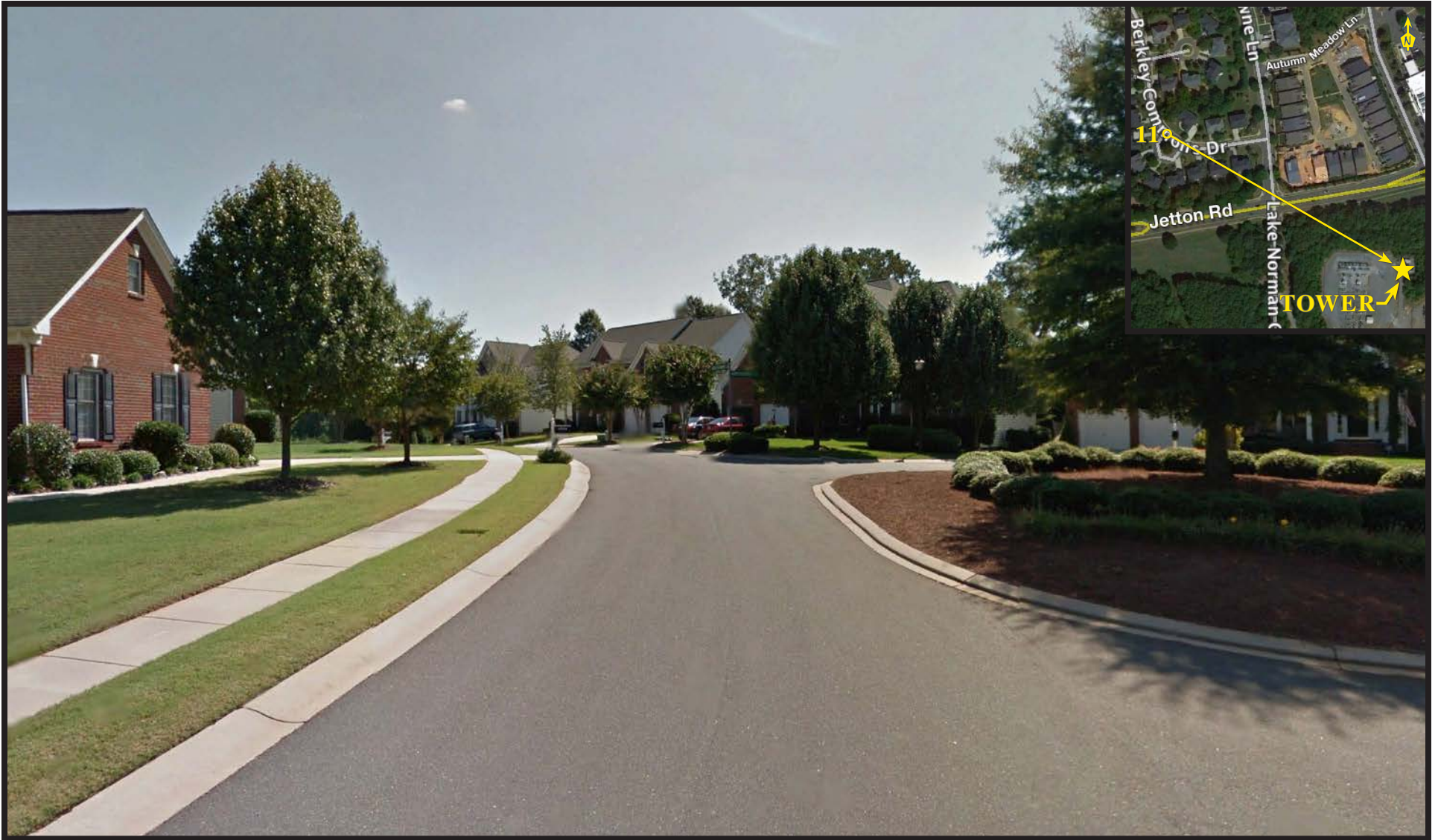
VIEW FROM LOCATION 10



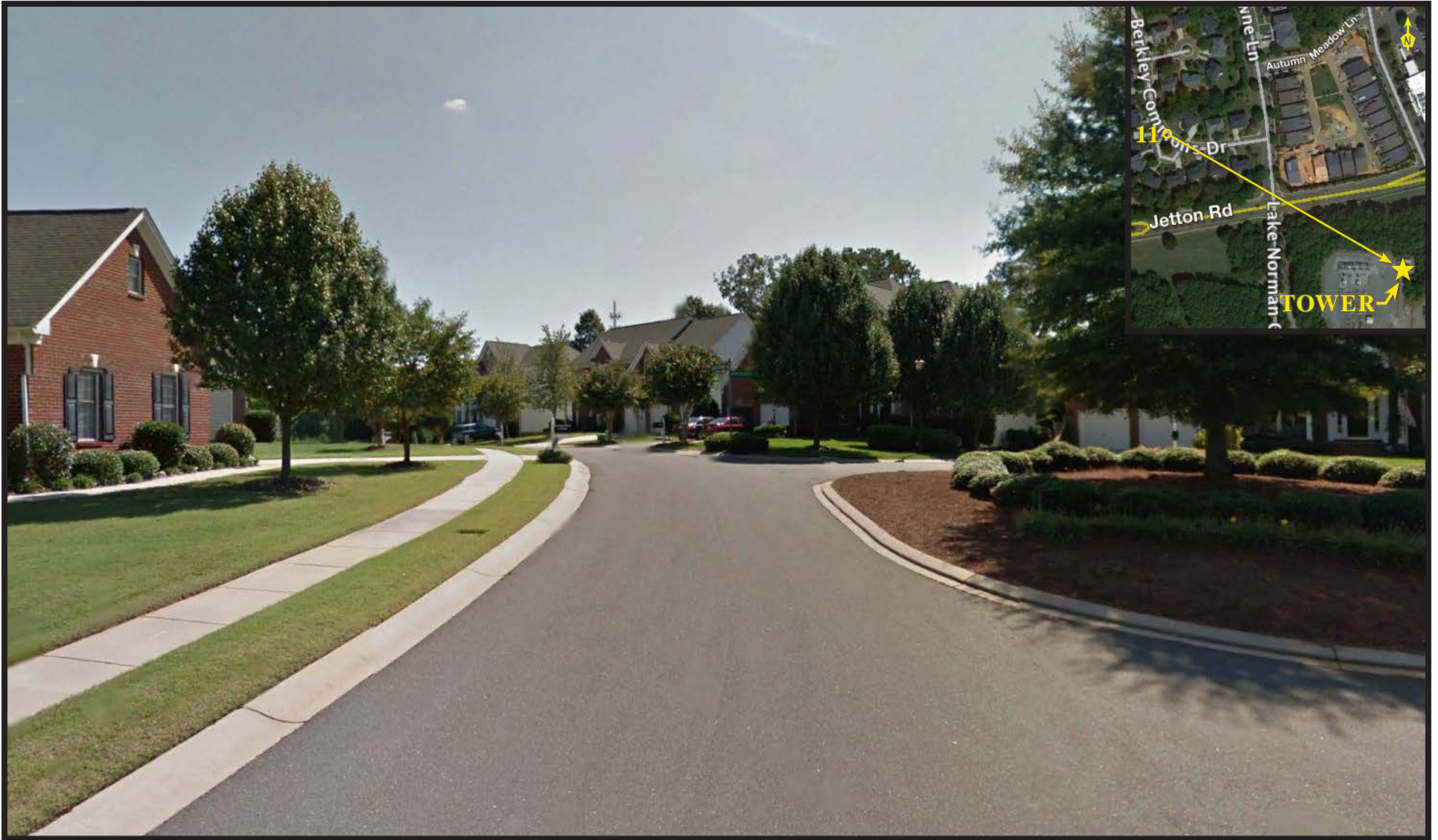
SIMULATED VIEW FROM LOCATION 10 [195 FT]



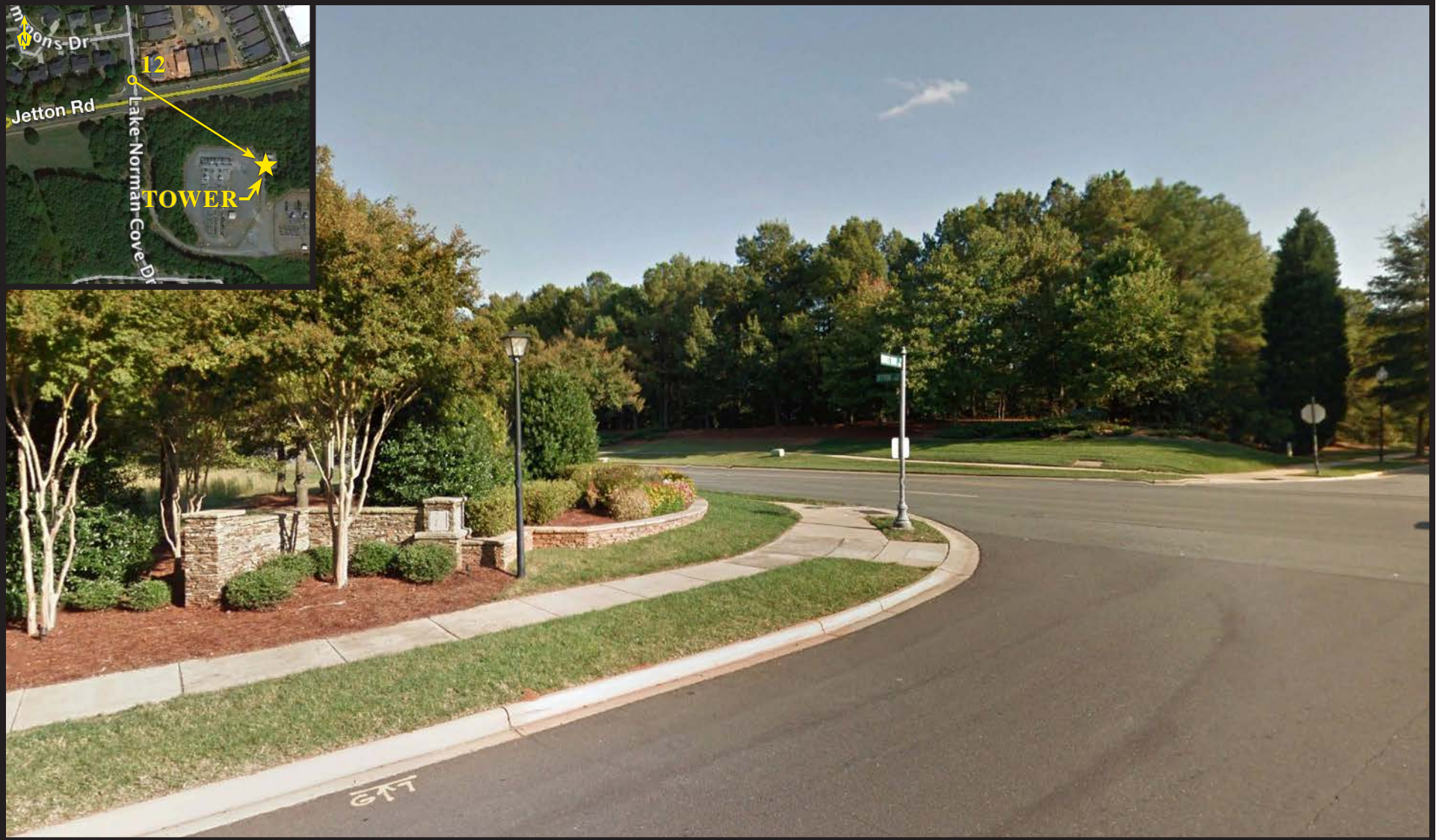
SIMULATED VIEW FROM LOCATION 10 [175 FT]



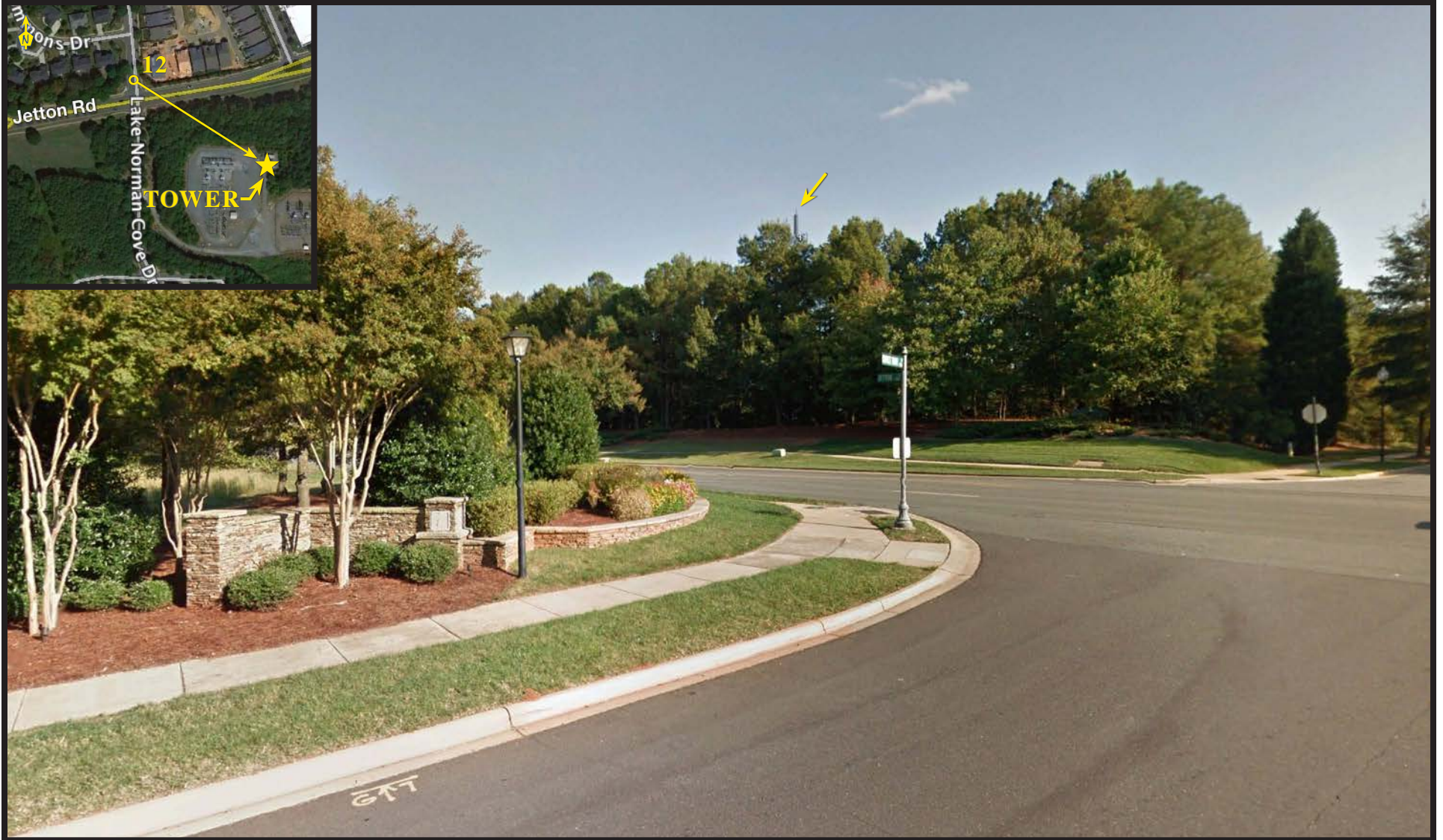
VIEW FROM LOCATION 11



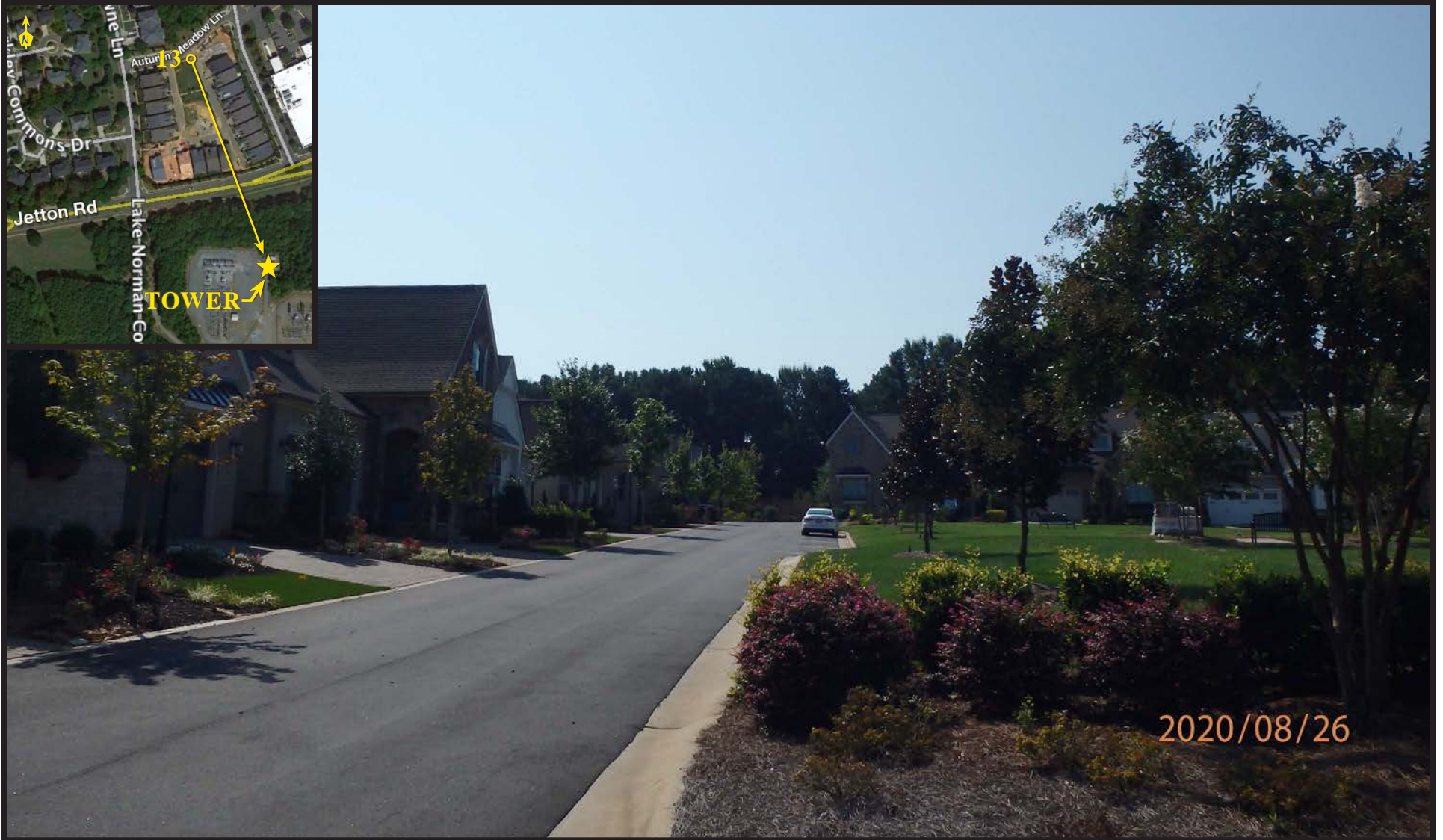
SIMULATED VIEW FROM LOCATION 11



VIEW FROM LOCATION 12



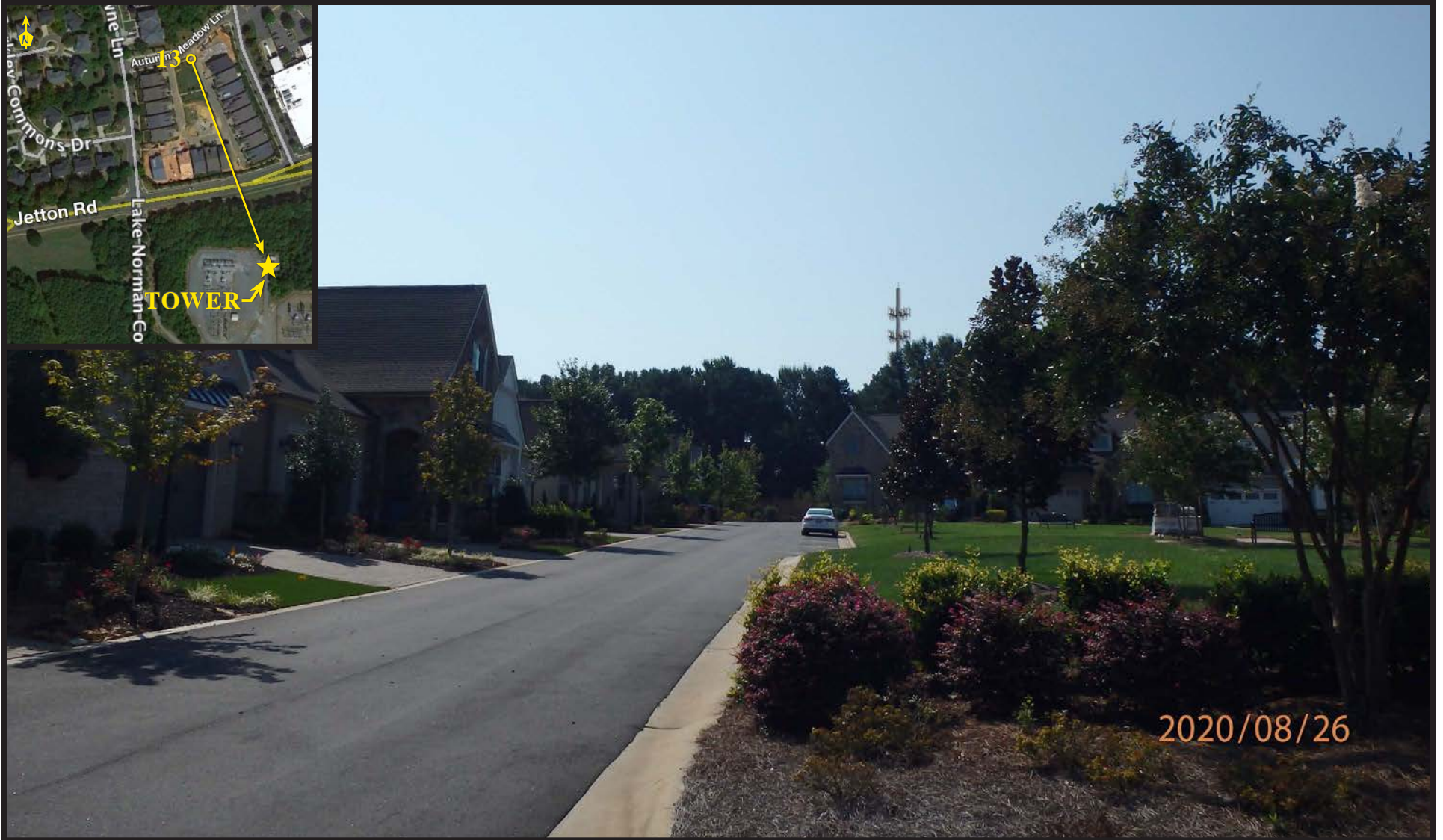
SIMULATED VIEW FROM LOCATION 12



VIEW FROM LOCATION 13



COTTONWOOD
19320 LAKE NORMAN COVE RD
CORNELIUS, NC



SIMULATED VIEW FROM LOCATION 13



COTTONWOOD
19320 LAKE NORMAN COVE RD
CORNELIUS, NC



VIEW FROM LOCATION 14



COTTONWOOD
19320 LAKE NORMAN COVE RD
CORNELIUS, NC



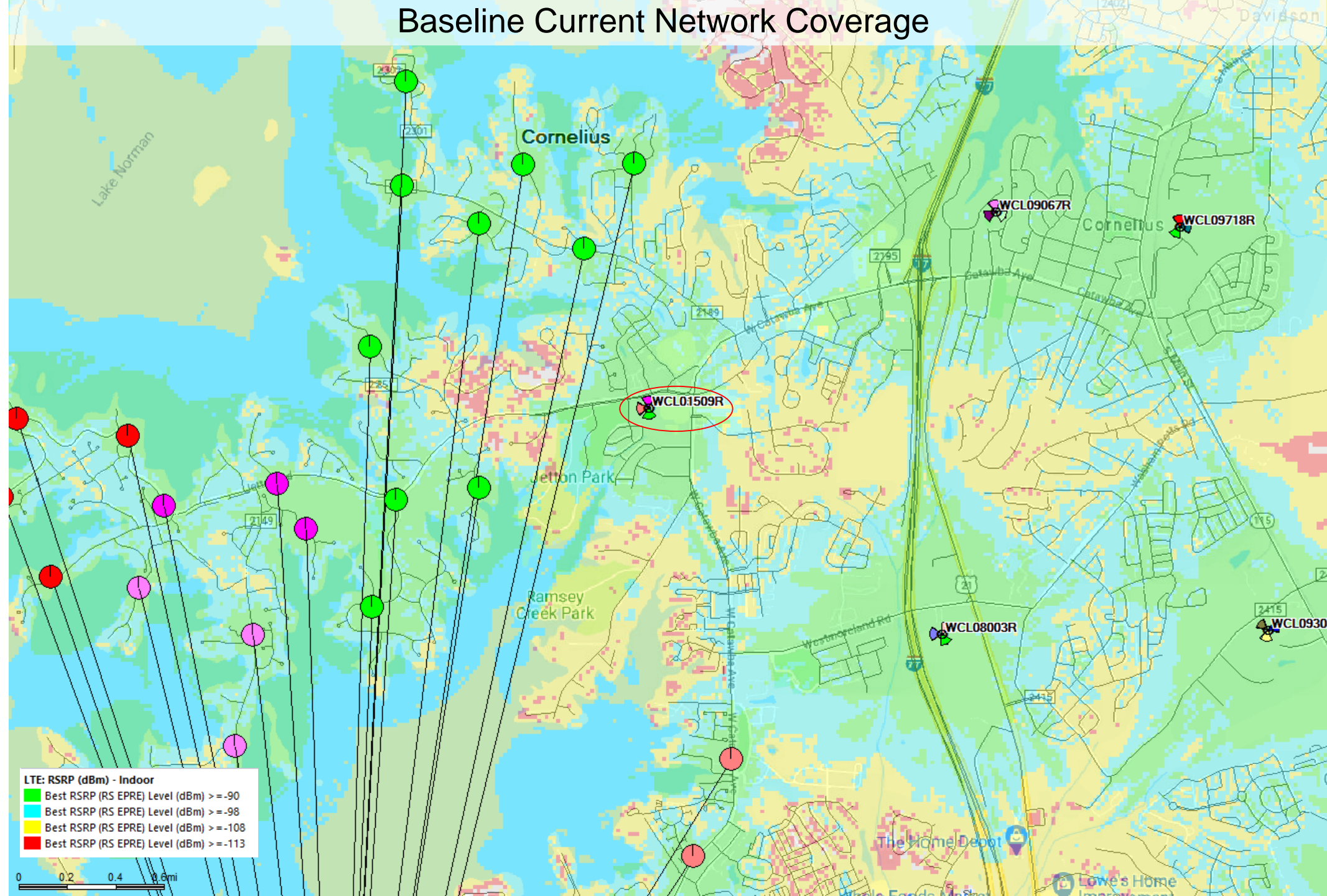
SIMULATED VIEW FROM LOCATION 14 [195 FT]



SIMULATED VIEW FROM LOCATION 14 [175 FT]

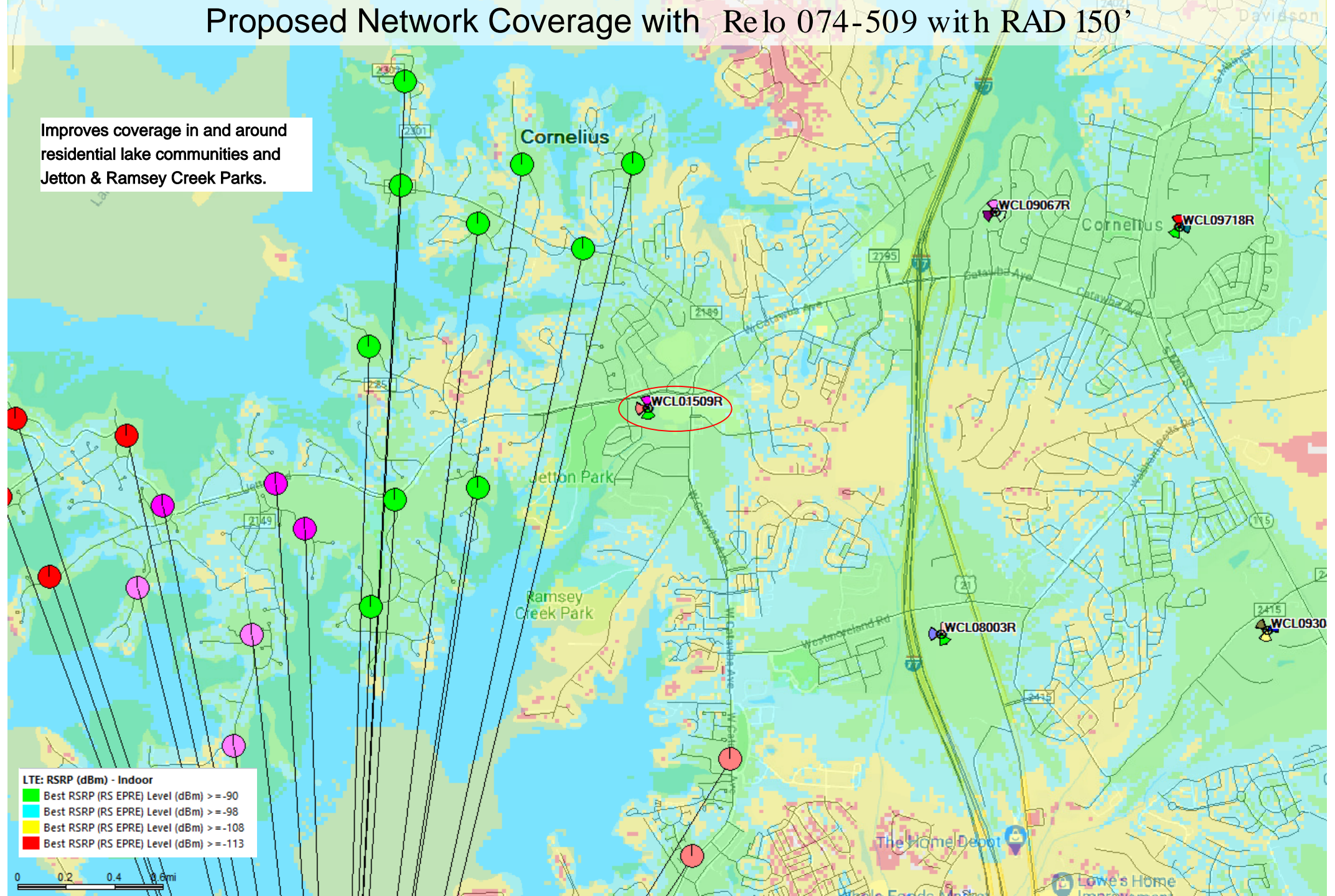
074-509 NSB Coverage Plots

Baseline Current Network Coverage



Proposed Network Coverage with Relo 074-509 with RAD 150'

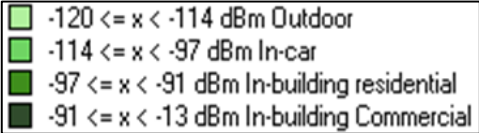
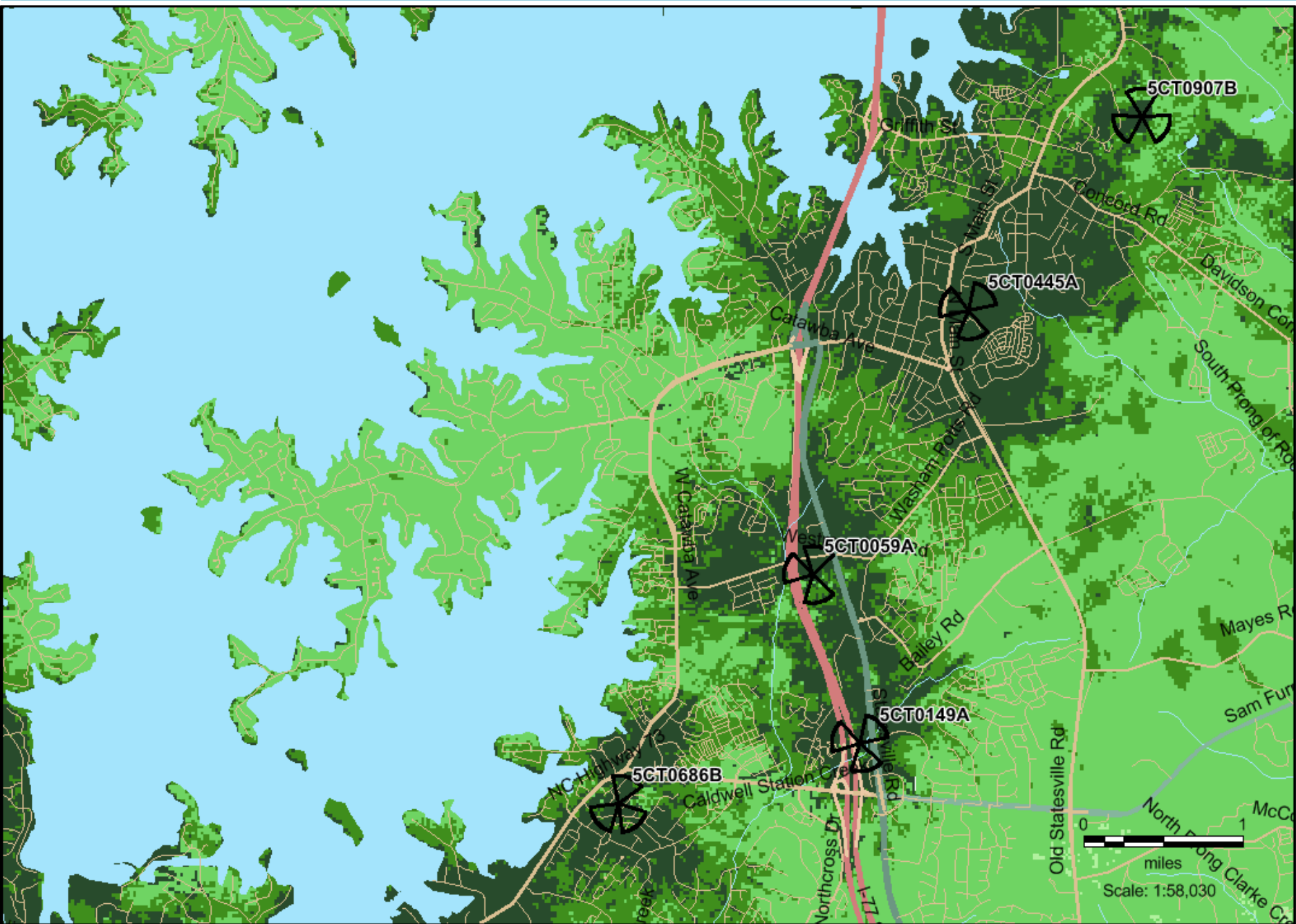
Improves coverage in and around residential lake communities and Jetton & Ramsey Creek Parks.



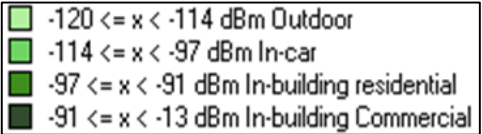
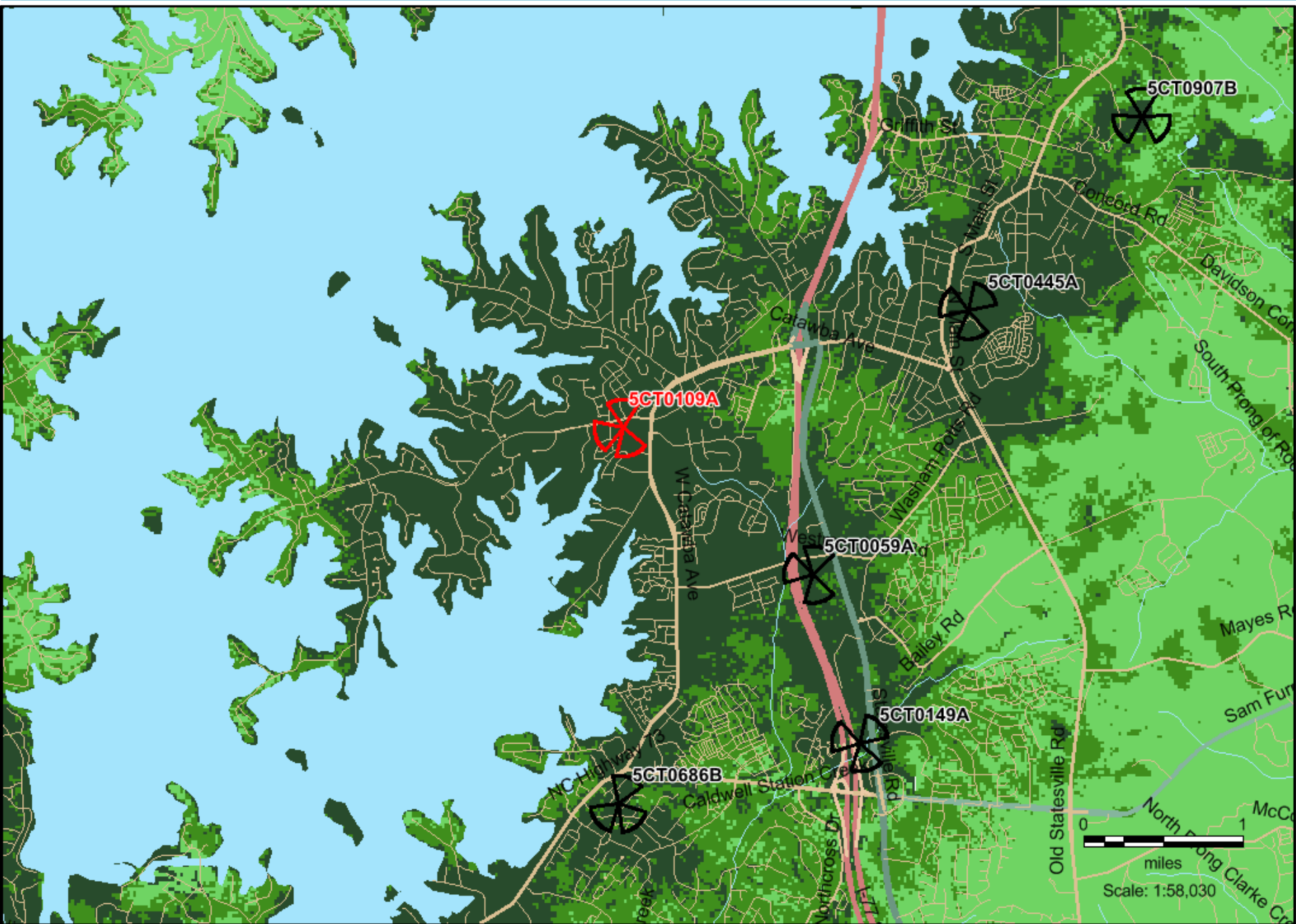


5CT0109A COVERAGE ANALYSIS

EXISTING COVERAGE WITHOUT 5CT0109A



COVERAGE WITH 5CT0109A AT NEW LOCATION WITH L600 and L700



Azimuth

0-160-250

RAD

195 FT

Site PENINSULA

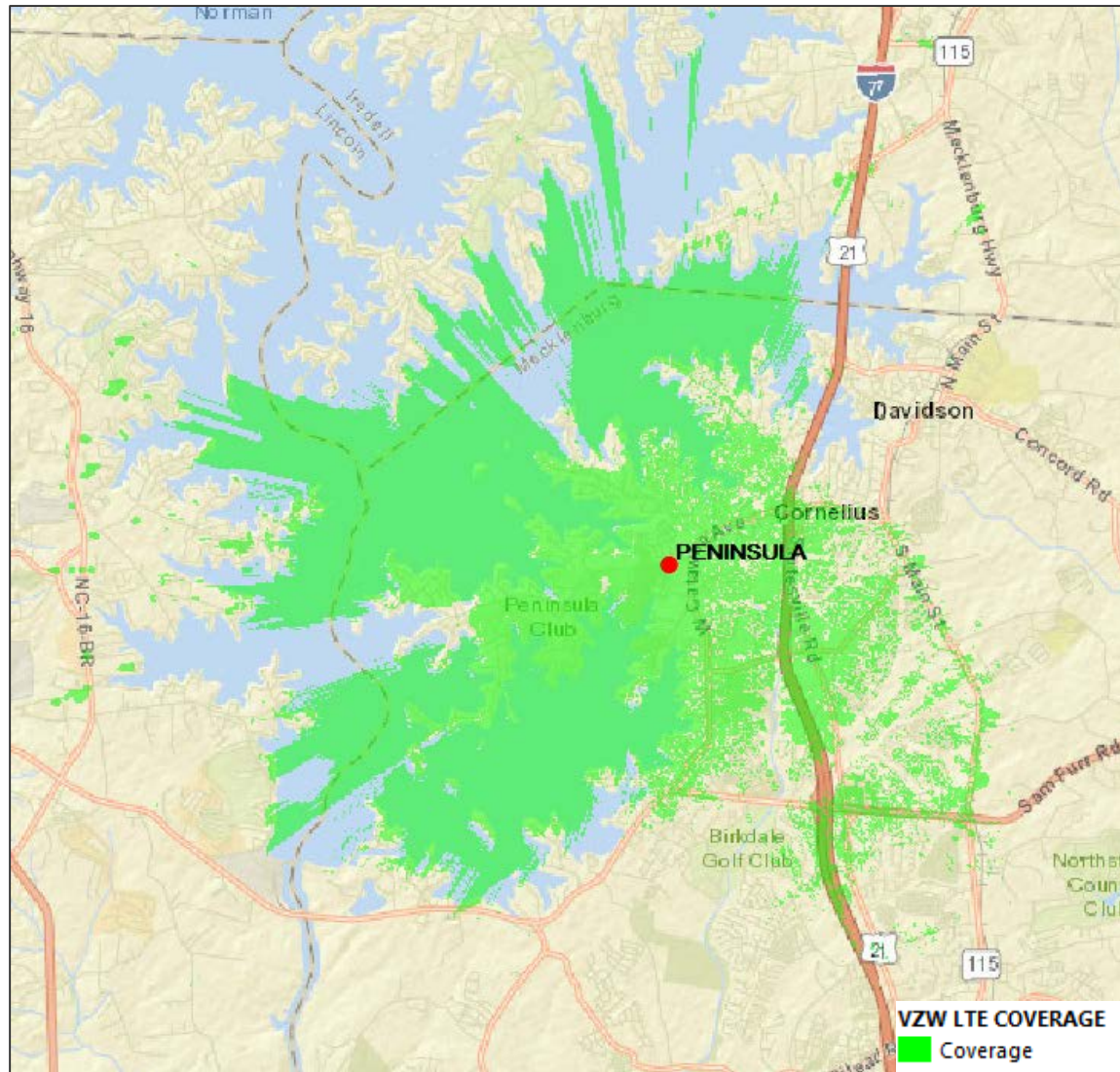
09/04/2020

RF Team

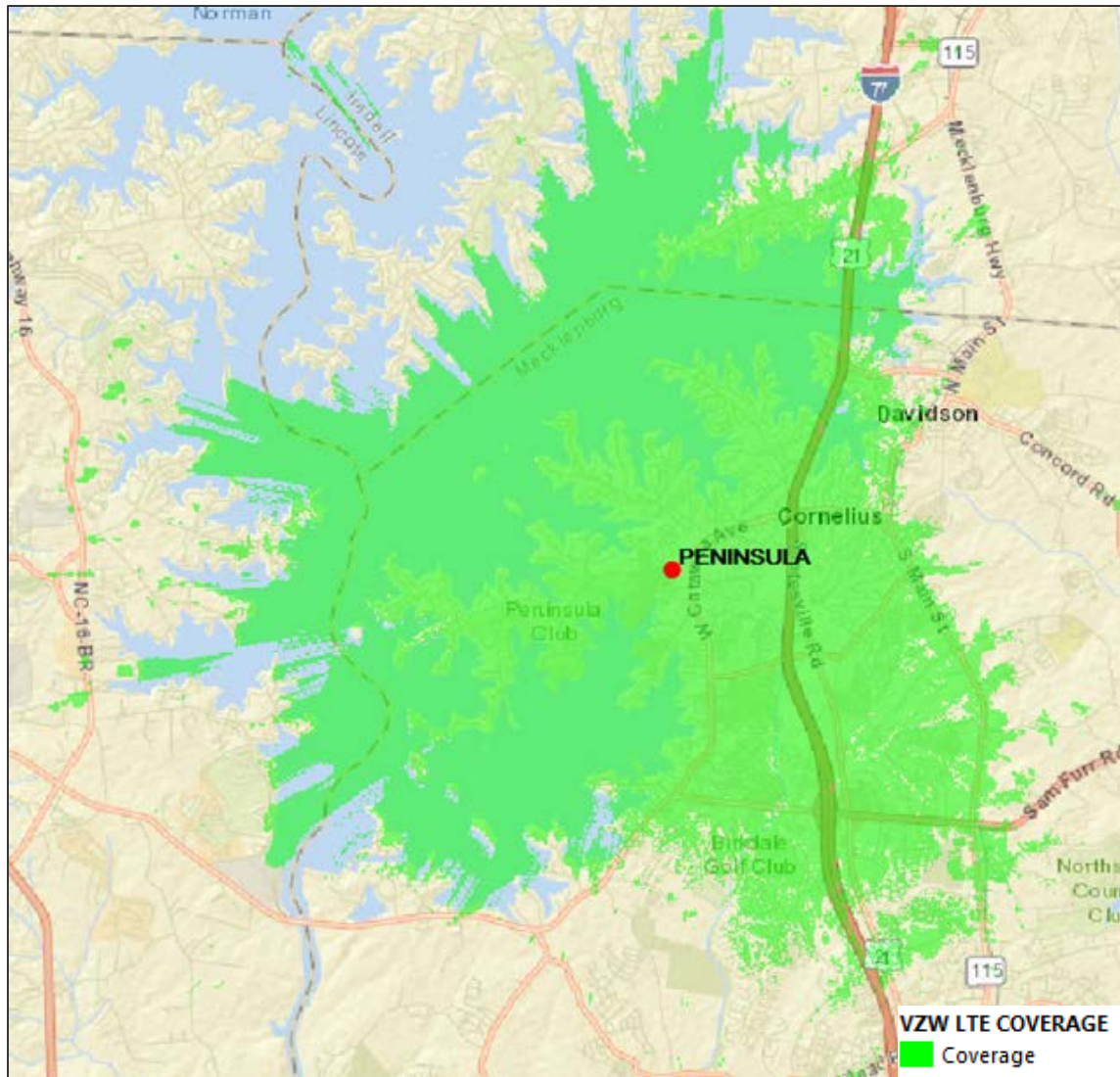


Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

Existing VZW 4G LTE Coverage from Site Peninsula @ 109ft



Proposed VZW 4G LTE Coverage from Site Peninsula @ 180ft



VZW 180' Rad Center Request Confirmation

- **VZW would need a minimum Rad Center of 180' at Site Peninsula to provide reliable coverage within the area.**
- **Coverage Plot of Site Peninsula at 180' Rad Center is provided for reference.**



Thank You



REASONABLENESS AND CONSISTENCY OF PROPOSED ZONING MAP AMENDMENTS

REZ 04-20 Cottonwood Cell Tower

PeakNet, applicant, initiated the process to rezone and amend the property located at Southwestern quadrant of West Catawba Avenue (SR 5544) at Jetton Road (SR 2151) and is bound by Lake Norman Cove Drive to the west and by Jetton Road to the north (PID 00147107), which consists of 9.37 acres, to *Conditional Zoning District* as shown on *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*.

The Land Use Plan adopted by the Town Board on January 6, 2014, designates this property as Village Center (VC). However, this parcel contained utilities prior to the development of the area and prior to the adoption of the current Land Use Plan. Additionally, this parcel was developed for utilities prior to the 1991 West Highway 73 Area I annexation by the Town. The Planning Board considers the proposed plan and use to be reasonable and in the public's interest because these utilities support the surrounding Village Center uses.

Keith Eicher, Planning Board Chair

October 12, 2020

Exhibit A

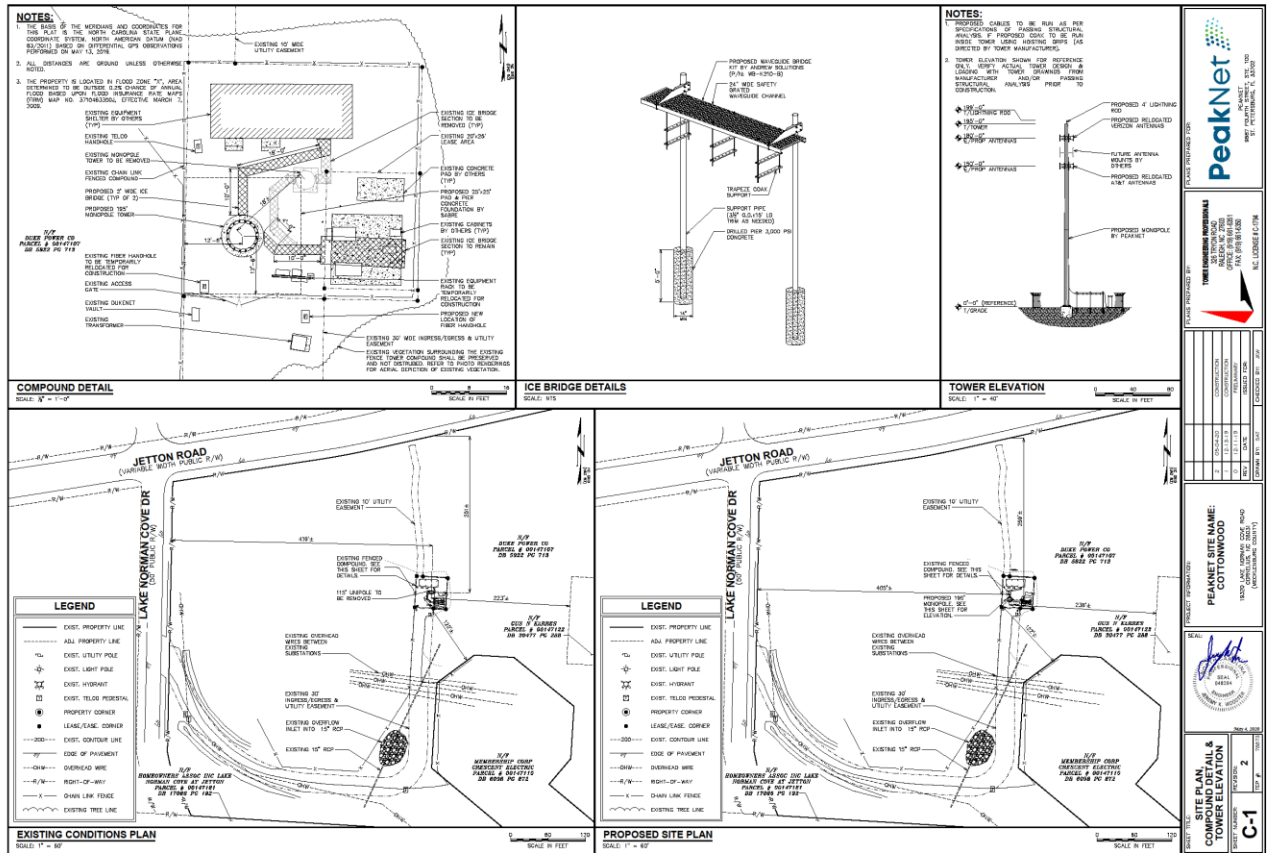


Exhibit B

Conditions of REZ 04-20

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. Allowed uses on the site include Class 1 Essential Services.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: October 12, 2020

To: Planning Board Chair and Board Members

From: Aaron Tucker

Planning Director

Action Requested:

On July 16, 2018 the Town adopted Ordinance 2018-00685 to modify Section 5.4.4 of the Land Development Code, Temporary Structures/Uses. Item E was added to allow temporary parking as a principal or accessory use, specifically for civic uses during construction. To be consistent with parking area and/or facility as a principal use in the Chapter 5 Use Table, LDCAB and staff recommend repealing Ordinance 2018-00685.

Manager's Recommendation:

Recommend approval to the Town Board.

ATTACHMENTS:

Name:	Description:	Type:
ORD TA 02-20 Repeal Ord. 2018-00685 Ch 5 Temporary Uses.pdf	ORD TA 02-20 Repeal Ordinance 2018-00685	Ordinance
PB Consistency Statement TA 02-20 Repeal Ord. 2018-00685.docx	PB Consistency Statement TA 02-20	Backup Material
ORD 2018-00685 TA 03-18 Chapter 5 Parking Areas for Civic Uses.pdf	ORD 2018-00685	Backup Material

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS
LAND DEVELOPMENT CODE**

WHEREAS, the Town Board of Commissioners on March 19, 2018 adopted an ordinance which regulates the classification and use of property within its zoning jurisdiction, including its extra-territorial jurisdiction; and,

WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

WHEREAS, the Planning Board of the Town of Cornelius has recommended that the Town Board of Commissioners amend the Cornelius Land Development Code; and

WHEREAS, a public hearing on the amendment has been held by the Town Board of Commissioners on _____.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that the following chapters of the Land Development Code be amended: AMEND Chapter 5: Zoning & Use Regulations (See Exhibit A).

Adopted this _____ day of _____, 2020.

Woody Washam, Jr., Mayor

ATTEST:

Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Exhibit A

TA 02-20: TEMPORARY STRUCTURES/USES

DELETE Section 5.4.4 E in Chapter 5, Zoning & Use Regulations:

5.4.4: Temporary Structures/Uses

Temporary structures and uses shall be permitted in compliance with the provisions of this Code and all other codes, ordinances, and regulations of the Town of Cornelius. The Planning Department may issue a Temporary Use Permit for one (1) year only. At the end of one (1) year, the petitioner must file for another extension of one (1) year with the Planning Department. At that time, the petitioner must show that construction or plans for construction are proceeding in a diligent manner. The petitioner is allowed a maximum of two (2) extensions. The following temporary structures and uses shall be permitted:

- A. CONSTRUCTION TRAILERS AND MOBILE SALES OFFICES - Construction trailers may be permitted on all non-residential construction developments and residential developments with five (5) or more dwelling units. Construction trailers and mobile residential neighborhood sales offices shall not be permitted on the lot more than thirty (30) days after the completion of the development or upon issuance of the final Certificate of Occupancy.
- B. TEMPORARY MANUFACTURED HOME USE – Manufactured homes may be allowed as a temporary use in a zoning district in which such use is not permitted if a disaster occurs which results in the destruction or damage of an occupied single-family dwelling unit greater than sixty percent (60%) of its current tax value. In this instance, a manufactured home may be placed on the lot containing the dwelling unit that was destroyed or damaged to give the occupants a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. Such use is subject to the following conditions:
 - 1. The manufactured home shall not be placed in the front yard and shall be located no closer than fifteen feet (15') to another principal residential structure on another lot and no closer than ten feet (10') to any lot line.
 - 2. The Planning Department shall have the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of nine (9) months. Such permit may be renewed on a one-time only basis [for a period not to exceed nine (9) months] by the Planning Director if it is determined upon information submitted by the applicant that:
 - a. Construction of a new dwelling unit is proceeding with diligence; and,
 - b. The granting of this permit will not materially endanger the public, health, welfare or safety; and,
 - c. The location of the manufactured home on the site does not have a significant negative or adverse impact on the value of adjacent properties.
- C. TEMPORARY CLASSROOMS AND OFFICES – Manufactured homes may be used for temporary classroom space as a temporary use granted by the Planning Department, providing that the following conditions are met:
 - 1. The manufactured homes are necessary to alleviate overcrowding only.
 - 2. The petitioner of the request must be a church, school, institution of learning, or other public institution.
 - 3. The manufactured housing shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes.

4. Landscaping shall be provided to create an aesthetically pleasing appearance.
 5. All required setbacks for the district are adhered to.
- D. TEMPORARY YARD AND GARAGE SALES – Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residential property in any district. Such sales on the same lot shall be limited to no more than two (2) days per calendar month. Additional regulations can be found in *Chapter 10 Signs*.
- ~~E. TEMPORARY PARKING AREA(S) FOR CIVIC USES DURING CONSTRUCTION – During construction, civic uses may add temporary parking area(s) as a principal or accessory use subject to the following:~~
- ~~1. Unpaved lots should have a minimum of four inches (4") of ABC stone or similar approved ground stabilization material, which shall be maintained for the duration of the lot in use to prevent standing water and mud.~~
 - ~~2. The ABC stone, or similar material, must be contained to the parking area using landscaping timbers or other containment device.~~
 - ~~3. Parking spaces shall be marked or identified with concrete wheel stops. For safety reasons, wheel stops shall be painted with safety yellow or orange paint.~~
 - ~~4. Entrance and exit drive(s) shall be clearly marked with signage no larger than four (4) square feet and no taller than 3' high.~~
 - ~~5. Maximum allowed time for such use is 18 months.~~
 - ~~6. All signs, wheel stops, and/or stone or other approved ground stabilization material must be completely removed and the area returned to grass upon construction completion.~~
 - ~~7.1. Such temporary parking areas shall be exempt from the requirements of Chapter 7.~~
- ~~F.E.~~ Refer to Chapter 6 for conditions associated with temporary uses.

CONSISTENCY STATEMENT OF PROPOSED TEXT AMENDMENT

TA 02-20, Repeal Ordinance 2018-00685

On July 16, 2018, the Town of Cornelius approved an ordinance to allow parking as a principal use for only civic uses during construction. This action was taken in response to concerns from the Cornelius Library about potential parking problems due to the year-long closure of the North County Regional Library in Huntersville due to construction. The North County Regional Library re-opened October 7, 2019.

In considering the proposed text amendment, TA 02-20, to Repeal Ordinance 2018-00685, the Planning Board recommends approval based on the amendment being consistent with the Land Development Code to not allow parking as a principal use, consistent with the Town's Land Use Plan, and is in the public's interest.

Keith Eicher, Planning Board Chair

October 12, 2020

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS
LAND DEVELOPMENT CODE**

WHEREAS, the Town Board of Commissioners on March 19, 2018 adopted an ordinance which regulates the classification and use of property within its zoning jurisdiction, including its extra-territorial jurisdiction; and,

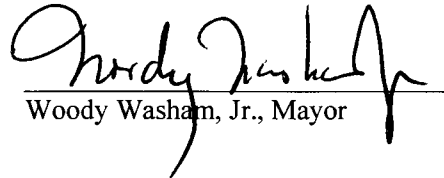
WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

WHEREAS, the Planning Board of the Town of Cornelius has recommended that the Town Board of Commissioners amend the Cornelius Land Development Code; and

WHEREAS, a public hearing on the amendment has been held by the Town Board of Commissioners on July 16, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that the following chapters of the Land Development Code be amended: AMEND Chapter 5: Zoning & Use Regulations (See Exhibit A).

Adopted this 16th day of July, 2018.


Woody Washam, Jr., Mayor

ATTEST:


Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

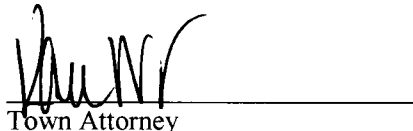

Town Attorney

Exhibit A

TA 03-18: TEMPORARY STRUCTURES/USES

AMEND Chapter 5, Zoning & Use Regulations, Section 5.4.4 to allow temporary parking areas for civic uses during construction as follows:

5.4.4: Temporary Structures/Uses

Temporary structures and uses shall be permitted in compliance with the provisions of this Code and all other codes, ordinances, and regulations of the Town of Cornelius. The Planning Department may issue a Temporary Use Permit for one (1) year only. At the end of one (1) year, the petitioner must file for another extension of one (1) year with the Planning Department. At that time, the petitioner must show that construction or plans for construction are proceeding in a diligent manner. The petitioner is allowed a maximum of two (2) extensions. The following temporary structures and uses shall be permitted:

- A. CONSTRUCTION TRAILERS AND MOBILE SALES OFFICES - Construction trailers may be permitted on all non-residential construction developments and residential developments with five (5) or more dwelling units. Construction trailers and mobile residential neighborhood sales offices shall not be permitted on the lot more than thirty (30) days after the completion of the development or upon issuance of the final Certificate of Occupancy.
- B. TEMPORARY MANUFACTURED HOME USE – Manufactured homes may be allowed as a temporary use in a zoning district in which such use is not permitted if a disaster occurs which results in the destruction or damage of an occupied single-family dwelling unit greater than sixty (60) percent of its current tax value. In this instance, a manufactured home may be placed on the lot containing the dwelling unit that was destroyed or damaged to give the occupants a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. Such use is subject to the following conditions:
 - 1. The manufactured home shall not be placed in the front yard and shall be located no closer than fifteen feet (15') to another principal residential structure on another lot and no closer than ten feet (10') to any lot line.
 - 2. The Planning Department shall have the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of nine (9) months. Such permit may be renewed on a one-time only basis [for a period not to exceed nine (9) months] by the Planning Director if it is determined upon information submitted by the applicant that:
 - a. Construction of a new dwelling unit is proceeding with diligence; and,
 - b. The granting of this permit will not materially endanger the public, health, welfare or safety; and,
 - c. The location of the manufactured home on the site does not have a significant negative or adverse impact on the value of adjacent properties.
- C. TEMPORARY CLASSROOMS AND OFFICES – Manufactured homes may be used for temporary classroom space as a temporary use granted by the Planning Department, providing that the following conditions are met:
 - 1. The manufactured homes are necessary to alleviate overcrowding only.
 - 2. The petitioner of the request must be a church, school, institution of learning, or other public institution.

3. The manufactured housing shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes.
 4. Landscaping shall be provided to create an aesthetically pleasing appearance.
 5. All required setbacks for the district are adhered to.
- D. TEMPORARY YARD AND GARAGE SALES – Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residential property in any district. Such sales on the same lot shall be limited to no more than two (2) days per calendar month. Additional regulations can be found in *Chapter 10 Signs*.
- E. TEMPORARY PARKING AREA(S) FOR CIVIC USES DURING CONSTRUCTION – During construction, civic uses may add temporary parking area(s) as a principal or accessory use subject to the following:
1. Unpaved lots should have a minimum of four inches (4") of ABC stone or similar approved ground stabilization material, which shall be maintained for the duration of the lot in use to prevent standing water and mud.
 2. The ABC stone, or similar material, must be contained to the parking area using landscaping timbers or other containment device.
 3. Parking spaces shall be marked or identified with concrete wheel stops. For safety reasons, wheel stops shall be painted with safety yellow or orange paint.
 4. Entrance and exit drive(s) shall be clearly marked with signage no larger than four (4) square feet and no taller than 3' high.
 5. Maximum allowed time for such use is 18 months.
 6. All signs, wheel stops, and/or stone or other approved ground stabilization material must be completely removed and the area returned to grass upon construction completion.
 7. Such temporary parking areas shall be exempt from the requirements of Chapter 7.
- ~~E-F.~~ Refer to Chapter 6 for conditions associated with temporary uses.

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: October 12, 2020

To: Planning Board Chair and Board Members

From: Aaron Tucker
Planning Director

Action Requested:




Session Law 2019-119 allows any citizen to remove a political sign that remains in a public right-of-way thirty days after the time within which political signs are to be removed.

LDCAB and Staff recommend changes to Chapter 10, in accordance with state statute.

Manager's Recommendation:

Approve recommendation.

ATTACHMENTS:

Name:	Description:	Type:
 ORD-TA_05-20_Campaign_Signs.pdf	ORD TA 05-20 Campaign Signs	Ordinance
 PB Consistency Statement TA 05-20_Campaign_Signs.docx	PB Consistency Statement TA 05-20	Backup Material
 SL_2019-119_Political_Signs.pdf	SL 2019-119 Political Signs	Backup Material

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS
LAND DEVELOPMENT CODE**

WHEREAS, the Town Board of Commissioners on March 19, 2018 adopted an ordinance which regulates the classification and use of property within its zoning jurisdiction, including its extra-territorial jurisdiction; and,

WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

WHEREAS, the Planning Board of the Town of Cornelius has recommended that the Town Board of Commissioners amend the Cornelius Land Development Code; and

WHEREAS, a public hearing on the amendment has been held by the Town Board of Commissioners on _____, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that Chapter 10 of the Land Development Code be amended as shown in Exhibit A.

Adopted this _____ day of _____, 2020.

Woody Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

Exhibit A

TA 05-20: Campaign Signs

MODIFY Section 10.6, Allowed Sign Types-Site Installed Campaign/Election Signs as follows:

10.6 ALLOWED SIGN TYPES – SITE INSTALLED

CAMPAIGN/ELECTION SIGNS

Permissible Districts: ALL Districts

During the period beginning on the 30th day before the beginning date of “one-stop” early voting and ending ~~by~~ on the 10th day after the primary or election day, persons may place political signs as follows:

- Each sign shall not exceed six (6) square feet in area.
- No sign shall be closer than three feet from the edge of the pavement of the road.
- ~~•~~ No sign shall obscure motorist visibility at an intersection.
- The property owner upon whose land the sign is placed shall give express permission for the placement of said signs and will be held responsible for violations.
- No sign shall be placed in any Town owned right-of-way, on any telephone pole or street sign, or on any public property unless otherwise allowed per the NC General Statutes that are modified from time to time.
- Placement of political signage within windows of business is permitted subject to Section 10.5 (Window signs) of this Ordinance and not subject to the 30-day time period.
- Any political sign remaining in the right-of-way of the State highway system more than 30 days after Election Day is deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.
- Any political sign remaining in the right-of-way of streets located within the corporate limits of Cornelius and maintained by the Town more than 30 days after Election Day is deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.



CONSISTENCY STATEMENT OF PROPOSED TEXT AMENDMENT

TA 05-20, Campaign Signs

On July 11, 2019 Governor Cooper signed Session Law 2019-119, which allows any citizen the right to remove a political sign that remains in a public right-of-way 30 days after the time within which political signs are to be removed. The law further states that if the municipal ordinance prohibits or regulates the placement of political signs in the right-of-way, the ordinance shall also deem such signs unlawfully placed and abandoned property if any political sign remains in the right-of-way more than 30 days after Election Day, and a person may remove and dispose of such political sign without penalty.

In accordance with existing state statute, staff also recommends adding the restriction that no sign shall be closer than three feet from the edge of the pavement of the road and shall not obscure motorist visibility at an intersection.

In considering the proposed text amendment, TA 05-20, the Planning Board recommends approval to modify the Campaign Signs section in Chapter 10, Signs, in accordance with state statute, and is in the public's interest.

Keith Eicher, Planning Board Chair

October 12, 2020

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-119
SENATE BILL 220

AN ACT TO ALLOW ANY CITIZEN TO REMOVE A POLITICAL SIGN THAT REMAINS IN A PUBLIC RIGHT-OF-WAY THIRTY DAYS AFTER THE TIME WITHIN WHICH POLITICAL SIGNS ARE TO BE REMOVED, TO PROVIDE A WINDOW OF TIME BEFORE THE OPENING AND AFTER THE CLOSE OF POLLS FOR POLITICAL ADVERTISING TO BE PLACED AND COLLECTED AT THE VOTING PLACE, AND TO ALLOW THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO MODIFY THE REQUIRED CERTIFICATION DATES FOR THE 2019 ELECTION CYCLE IF NEEDED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-32 reads as rewritten:

"§ 136-32. Regulation of signs.

...

(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163A-1300 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection. Any political sign remaining in the right-of-way of the State highway system more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.

...

(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. Any such ordinance shall provide that any political sign that remains in a right-of-way of streets located within the corporate limits of a municipality and maintained by the municipality more than 30 days after the end of the period prescribed in the ordinance is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply."

SECTION 1.5.(a) G.S. 163A-1046 is amended by adding a new subsection to read:

"(d) The county board of elections shall ensure that each precinct voting place permits candidates at least 36 hours prior to the opening of the voting place and at least 36 hours after the close of the voting place, as provided in G.S. 163A-1130, to place and retrieve political advertising. Any political advertising placed outside the times specified in this subsection may be removed by the property owner."



SECTION 1.5.(b) G.S. 163A-1134(c) is amended by adding a new subdivision to read:

"(4) That the county board has attempted to secure as a term of the agreement at least 36 hours prior to the opening of the voting place and at least 36 hours after the close of the voting place, as provided in G.S. 163A-1130, for candidates to place and retrieve political advertising. The agreement may also provide that any political advertising placed outside the times specified in this subsection may be removed by the property owner."

SECTION 2.(a) In the 2019 elections only, the Executive Director of the State Board of Elections shall have the authority to reduce the canvass period by whatever amount of time the Executive Director believes is necessary in order to ensure orderly elections on the election schedule otherwise required by law. If the Executive Director shortens the canvass period, the Executive Director shall provide at least two weeks' notice of the new canvass period to the county boards and to the public.

SECTION 2.(b) This section is effective when it becomes law and expires November 7, 2019.

SECTION 3. Except as otherwise provided, this act becomes effective December 1, 2019, and Section 1 applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 28th day of June, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Sarah Stevens
Speaker Pro Tempore of the House of Representatives

s/ Roy Cooper
Governor

Approved 1:49 p.m. this 11th day of July, 2019

REQUEST FOR BOARD ACTION



Date of Meeting: October 12, 2020

To: Planning Board Chair and Board Members
From: Aaron Tucker
Planning Director

Action Requested:



In response to a request by business owners to allow changeable copy/marquee signs to announce on-site live entertainment events, LDCAB and staff are recommending allowing such signs specifically for micro-brewery and non-drive through restaurant uses. These uses must contain a permanent, designated indoor area specifically for live entertainment use provided on a regular and consistent basis. However, the indoor area requirement does not preclude the business from having outdoor live entertainment as well.

The following criteria will apply:

- Only allowed on legal, conforming single-tenant signs.
- Only one (1) changeable copy monument or wall sign allowed on site (not both) and shall be included with any business identification sign.
- Maximum changeable copy area is limited to 50% of the maximum allowed sign size in accordance with Section 10.4, Allowed Sign Types-Building Mounted or Section 10.6, Allowed Sign Types-Site Installed Ground Mounted/Single Tenant Monument signs.
- Wall signs may be flat or projecting, as long as a projecting sign is attached to the principal building and is not a separate structure. Projecting signs may wrap around the sides as long as the total sign area is within the maximum allowed sign size.
- Illumination alternatives include exposed bulbs and neon.
- Changeable copy is allowed provided:
 1. Signs shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements, animation, video or audio.
 2. For monument signs, the sign surround shall be clad in brick, stone, stucco, or similar material matching the principle building.
 3. All non-conforming signs on the property where electronic sign is proposed must be removed prior to electronic sign installation.
 4. Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.
- No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen foot (15') side-yard setback shall be required if the side lot line abuts a residential use.
- The sign shall not emit any sound or noise of any type.
- Not allowed in the Transitional Residential District Overlay.
- No temporary banners will be allowed on-site.

Manager's Recommendation:

Make recommendation for Town Board consideration.

ATTACHMENTS:		
Name:	Description:	Type:
 ORD TA 06-20 Changeable Copy Signs.pdf	ORD TA 06-20 Changeable Copy/Marquee Signs	Ordinance
 PB Consistency Statement TA 06-20 Changeable Copy-Marquee Signs.docx	PB Consistency Statement TA 06-20	Backup Material

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS
LAND DEVELOPMENT CODE**

WHEREAS, the Town Board of Commissioners on March 19, 2018 adopted an ordinance which regulates the classification and use of property within its zoning jurisdiction, including its extra-territorial jurisdiction; and,

WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

WHEREAS, the Planning Board of the Town of Cornelius has recommended that the Town Board of Commissioners amend the Cornelius Land Development Code; and

WHEREAS, a public hearing on the amendment has been held by the Town Board of Commissioners on _____, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that Chapter 10 of the Land Development Code be amended as shown in Exhibit A.

Adopted this _____ day of _____, 2020.

Woody Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

CHAPTER 10: SIGNS

SECTION 10.7: ELECTRONIC/DIGITAL SIGNS

SCHOOL AND CIVIC SIGNAGE

*Excludes governmental wayfinding and directional signage in public rights-of-way

Permissible Districts: HC, IC, NMX, VC, TC, TN, GR, NR, RP, WMX, BC, CO

CRITERIA

For school and civic uses only.

- A. Maximum sign area allowed is sixty-four (64) square feet in accordance with GROUND MOUNTED/MULTITENANT MONUMENT sign section of this ordinance.
- B. Changeable copy is allowed provided:
 1. The changeable face portion of signs shall not exceed 40% of the sign face. Signs may be double sided.
 2. The changeable copy continuously shows one message for a minimum of one (1) hour before switching to another message, except for time and temperature.
 3. Signs shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements, animation, video or audio.
 4. The sign surround shall be clad in brick, stone or stucco matching the principal building.
 5. Electronic Signs shall only be affixed to ground mounted signs.
 6. All non-conforming signs on the property where electronic sign is proposed must be removed prior to electronic sign installation.
 7. Changeable copy messaging space may not be sold to commercial enterprises.
 8. Signs operate only 6:00 AM - 11:00 PM.
 9. Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.
- C. No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen foot (15') side-yard setback shall be required if the side lot line abuts a residential district.
- D. Temporary non-snipie signs may be used by schools and civic organizations to promote special events off premise within the Town of Cornelius subject to the following conditions:
 1. Must be securely fastened into the ground as to not create a public safety hazard;
 2. Must have permission of the property owner where sign is being installed;
 3. May be placed no more than 7 days before the event and must come down no later than two (2) days after event.
- E. Daily signage advertising day of events may be placed no earlier than 6 PM the day before and must be removed no later than 8 AM the day after.
- F. One temporary banner will be permitted at a time on site provided that it is completely and securely affixed to poles. Poles must be decorative in nature and must be set back at least fifteen (15) feet from the right-of-way. The Planning Director may issue a minor sign variance for placement of temporary banner when there is no alternative to meeting the fifteen foot (15') setback. No permit is required for this banner type. Dimensions of banners should follow the size requirements of single tenant ground mounted signs.



CHAPTER 10: SIGNS

P

BREWERY, MICRO AND RESTAURANT, NON-DRIVE THROUGH

Permissible Districts: HC, IC, NMX, VC, TC, WMX, BC, CO

CRITERIA

For Micro Brewery and Non-Drive Through Restaurant uses that contain a permanent, designated indoor area specifically for live entertainment use provided on a regular and consistent basis, to announce on-site activities. Live entertainment may also occur on-site outdoors.

The following criteria applies to these changeable copy/marque signs:

- A. Only allowed on legal, conforming single-tenant signs.
- B. Only one (1) changeable copy monument or wall sign allowed on site (not both) and shall be included with any business identification sign.
- C. Maximum changeable copy area is limited to 50% of the maximum allowed sign size in accordance with Section 10.4, Allowed Sign Types-Building Mounted or Section 10.6, Allowed Sign Types-Site Installed Ground Mounted/Single Tenant Monument signs.
- D. Wall signs may be flat or projecting, as long as a projecting sign is attached to the principal building and is not a separate structure. Projecting signs may wrap around the sides as long as the total sign area is within the maximum allowed sign size.
- E. Illumination alternatives include exposed bulbs and neon.
- F. Changeable copy is allowed provided:
 - 1. Signs shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements, animation, video or audio.
 - 2. For monument signs, the sign surround shall be clad in brick, stone, stucco, or similar material matching the principal building.
 - 3. All non-conforming signs on the property where electronic sign is proposed must be removed prior to electronic sign installation.
 - 4. Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.
- G. No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen foot (15') side-yard setback shall be required if the side lot line abuts a residential use.
- H. The sign shall not emit any sound or noise of any type.
- I. Not allowed in the Transitional Residential District Overlay.
- J. No temporary banners allowed on-site.



CHAPTER 10: SIGNS

P

SERVICE STATION LED SIGNS

Permissible Districts: HC, VC, BC, CO

CRITERIA

Permanent ground mounted sign for use only by fuel service stations for the purpose of advertising fuel costs are allowed.

- A. No such sign shall exceed thirty-two (32) square feet with a maximum height of six feet (6'). The LED numerals may not exceed twelve inches (12") in height. Signs may be double sided.
- B. All ground mounted signs shall be located a minimum of five feet (5') behind the street right-of-way. At intersections, no sign shall be in the sight triangle as defined by this ordinance. See example of required sight triangles on Page 10.3.
- C. Color. All lighted LED numerals shall only be green or red in color. LED background screen may only be black.
- D. Illumination. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Such signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.



CONSISTENCY STATEMENT OF PROPOSED TEXT AMENDMENT

TA 06-20, Changeable Copy/Marquee Signs

Business owners asked the Town to re-evaluate changeable copy/marquee signs as a sign option specifically for the purpose of announcing on-site live entertainment events. Staff and the Land Development Code Advisory Board reviewed options, particularly with the 2015 Supreme Court ruling that prohibits local governments from regulating sign content (Reed v. Town of Gilbert).

In considering the proposed text amendment, TA 06-20, the Planning Board recommends approval to allow changeable copy/marquee signs for micro-brewery and non-drive through restaurant uses, which contain a permanent, designated indoor area specifically for live entertainment on a regular and consistent basis. With the burgeoning Arts District, the Planning Board deems this change is in the public's interest and is consistent with the Town's Land Use Plan.

Keith Eicher, Planning Board Chair

Date