Town of Cornelius
Planning Board/Board of Adjustment

Agenda
September 11, 2017
6:30 PM
Cornelius Town Hall - Assembly Room

Pre-Meeting

A. 5:30pm Room 204 Dinner and Code Update Review - Chapters 14, 15, 16 and 18

1. Call To Order

2. Determination of Quorum

3. Public Hearing and Consideration of Approval

A. VAR 03-17 James A. Burns Setback Variance

4. Consideration of Approval

A. REZ 05-17 Pott's Street Residential

5. Old Business

A. Continue Code Review

6. New Business

7. Next Meeting

8. Adjournment

REQUEST FOR BOARD ACTION

Print

Date of Meeting: September 11, 2017

To: Planning Board Members

From: Wayne Herron, Planning Director

Action Requested:

Continue review of Code update items recommended by the Land Development Code Advisory Board. The Planning Board completed reviews of Chapters 1 through 6 previously. Staff will begin with Chapter 11 at this upcoming session.

Manager's Recommendation:

Review and provide feedback.

ATTACHMENTS:		
Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

Print

Date of Meeting: September 11, 2017

To: Board of Adjustment members

From: Gary Fournier, CZO - Planning Technician

Action Requested:

The applicant is seeking a variance from the 20' maximum front yard setback due to the topography of the lot so he can build a new house.

Manager's Recommendation:

Hear evidence and render a decision

ATTACHMENTS:

Name:	Description:	Type:
VAR_03-17_Staff_Report.docx	VAR 03-17 Staff Report	Exhibit
Exhibit_A_Zoning_Map.jpg	Exhibit A Zoning Map	Exhibit
Exhibit_B_Aerial_Vicinity_Map.JPG	Exhibit B Aerial Vicinity Map	Exhibit
Exhibit_C_Aerial_Property_Map.JPG	Exhibit C Aerial Property Map	Exhibit
Exhibit_D_Recorded_Plat_MB_61_P_284.pdf	Exhibit D Recorded Plat MB 61 P 284	Exhibit
Exhibit_E_LDC_Table_of_Dimensional_Req.pdf	Exhibit E LDC Table of Dimensional Req	Exhibit
Exhibit_F_Variance_Application_Pg_1.pdf	Exhibit F Variance Application Pg 1	Exhibit
Exhibit_F_Variance_Application_Pg_2.pdf	Exhibit F Variance Application Pg 2	Exhibit
Exhibit_F_Variance_Application_Pg_3.pdf	Exhibit F Variance Application Pg 3	Exhibit
Exhibit_F_Variance_Application_Pg_4.pdf	Exhibit F Variance Application Pg 4	Exhibit
Exhibit_G_Residential_Plot_Plan.pdf	Exhibit G Residential Plot Plan	Exhibit
Exhibit_H_Proposed_House_Elevations.pdf	Exhibit H Proposed House Elevations	Exhibit
Exhibit_I_Copy_of_the_Recorded_Plat.pdf	Exhibit I Copy of the Recorded Plat	Exhibit
Exhibit_J_Polaris3G_Photo.pdf	Exhibit J Polaris3G Photo	Exhibit
Exhibit_K_Polaris3G_Photo.pdf	Exhibit K Polaris3G Photo	Exhibit
Exhibit_L_Polaris3G_Photo.pdf	Exhibit L Polaris3G Photo	Exhibit
Exhibit_M_Property_Photo.JPG	Exhibit M Property Photo	Exhibit
Exhibit_N_Property_Photo.JPG	Exhibit N Property Photo	Exhibit
Exhibit_O_Property_Photo.JPG	Exhibit O Property Photo	Exhibit
Exhibit_P_Property_Photo.JPG	Exhibit P Property Photo	Exhibit
Exhibit_Q_Property_Photo.JPG	Exhibit Q Property Photo	Exhibit
VAR_03-17_FoF.docx	VAR 03-17 FoF	Exhibit

VAR 03-17
21217 McCall Street
Staff Analysis

September 11, 2017

Applicant:	James A. Burns 12320 Copper Mountain Blvd Charlotte, NC 28277
Tax Parcel Reference:	003-182-35
Location:	21217 McCall Street
Variance Request:	The applicant is seeking a variance from the 20' maximum front yard setback due to the topography of the lot so he can build a new house.
Zoning:	Neighborhood Residential (NR)
Hearing Date:	September 11, 2017

Staff Commentary:

The Applicant is seeking a variance from the 20 foot maximum front yard setback shown on the recorded plat and also shown in the Table of Dimensional Requirements for the Neighborhood Residential Zoning District. The applicant is asking for the maximum front yard setback to be increased to 40 feet due to the topography of the lot so he can build a new house.

Staff will present testimony at the hearing that covers the following basic facts and will introduce the Town exhibits into evidence:

1. The subject property is within the Town of Cornelius Zoning jurisdiction and is zoned Neighborhood Residential (NR). The property is shown on the Zoning Map as Exhibit A, on an Aerial Vicinity Map as Exhibit B, and on an Aerial Property Map as Exhibit C.

2. The Cornelius Planning Department's common practice on a development permit is to use the setbacks from the recorded plat and to use the Land Development Code for any setbacks that are not on the recorded plat.

3. The subject property is recorded on a plat with the Mecklenburg County Register of Deeds Office in Map Book 61 Page 284. The maximum front setback on the plat for the subject property is 20 feet. The recorded plat is shown as Exhibit D.

4. In the Land Development Code, Section 5.5.5 Table of Dimensional Requirements states that the maximum front setback in the Neighborhood Residential (NR) district is 20 feet. The Table of Dimensional Requirements Section 5.5.5 is shown as Exhibit E.

5. The Applicant has submitted a Town of Cornelius Variance Application, a Residential Plot Plan, elevations of the proposed house, a copy of the recorded plat, and three satellite photos from the Mecklenburg County website Polaris3G. The Variance Application is

shown as Exhibit F, the Residential Plot Plan is shown as Exhibit G, the elevations are shown as Exhibit H, the copy of the recorded plat is shown as Exhibit I, and the three Polaris3G photos are shown as Exhibits J, K, and L.

6. I visited the property and took five pictures which are shown as Exhibits M, N, O, P, and Q.

The Board of Adjustment shall receive and consider all relevant evidence in the hearing and make its decision based on the competent, material and substantial evidence.

Exhibits:

Exhibit A:	Zoning Map
Exhibit B:	Aerial Vicinity Map
Exhibit C:	Aerial Property Map
Exhibit D:	Recorded Plat, Map Book 61 Page 284
Exhibit E:	LDC Section 5.5.5 Table of Dimensional Requirements
Exhibit F:	Variance Application
Exhibit G:	Residential Plot Plan
Exhibit H:	Proposed House Elevations
Exhibit I:	Copy of the Recorded Plat
Exhibit J:	Polaris3G Photo
Exhibit K:	Polaris3G Photo
Exhibit L:	Polaris3G Photo
Exhibit M:	Property Photo
Exhibit N:	Property Photo
Exhibit O:	Property Photo
Exhibit P:	Property Photo
Exhibit Q:	Property Photo

Exhibit A: Zoning Map

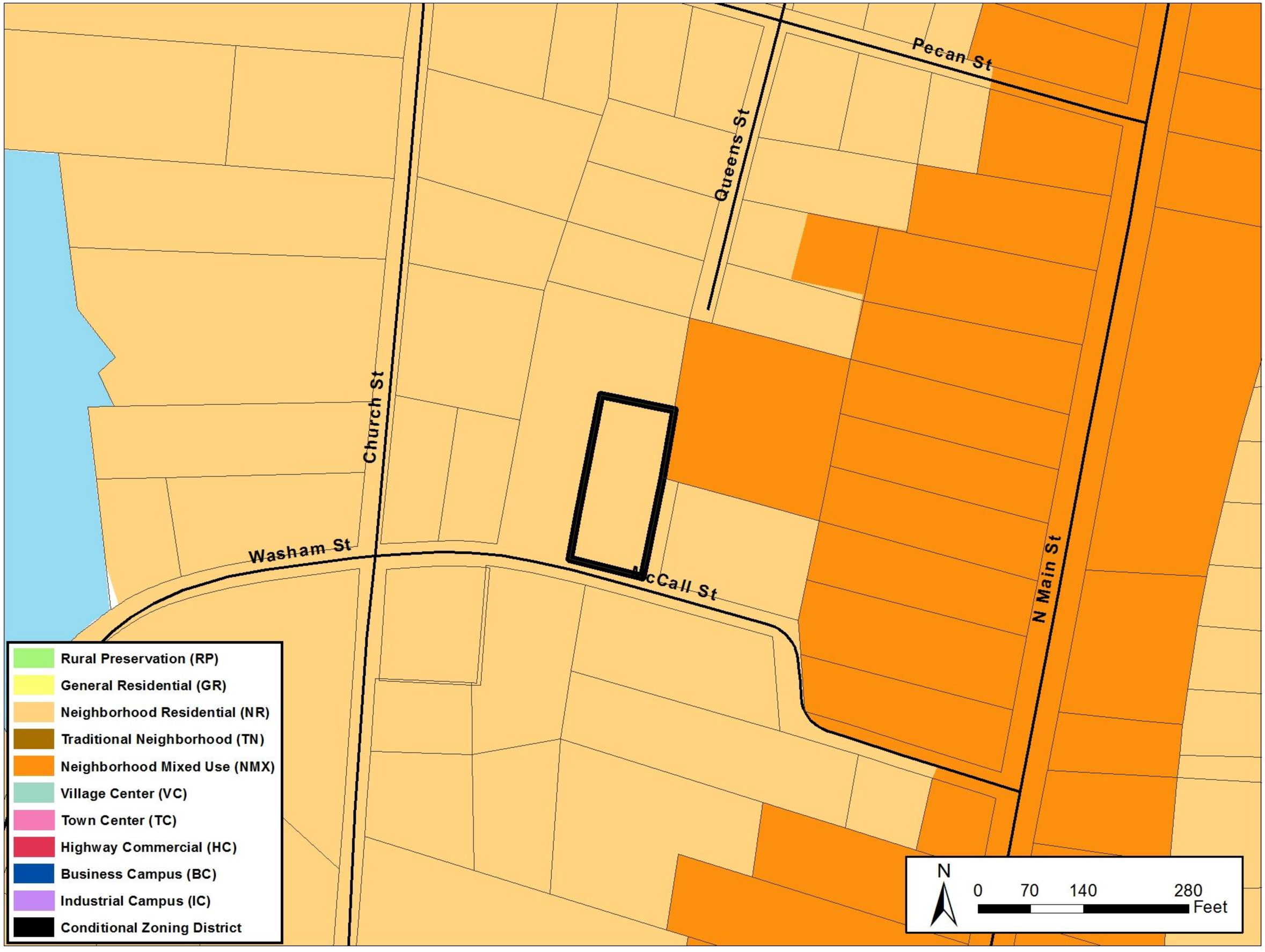


Exhibit B

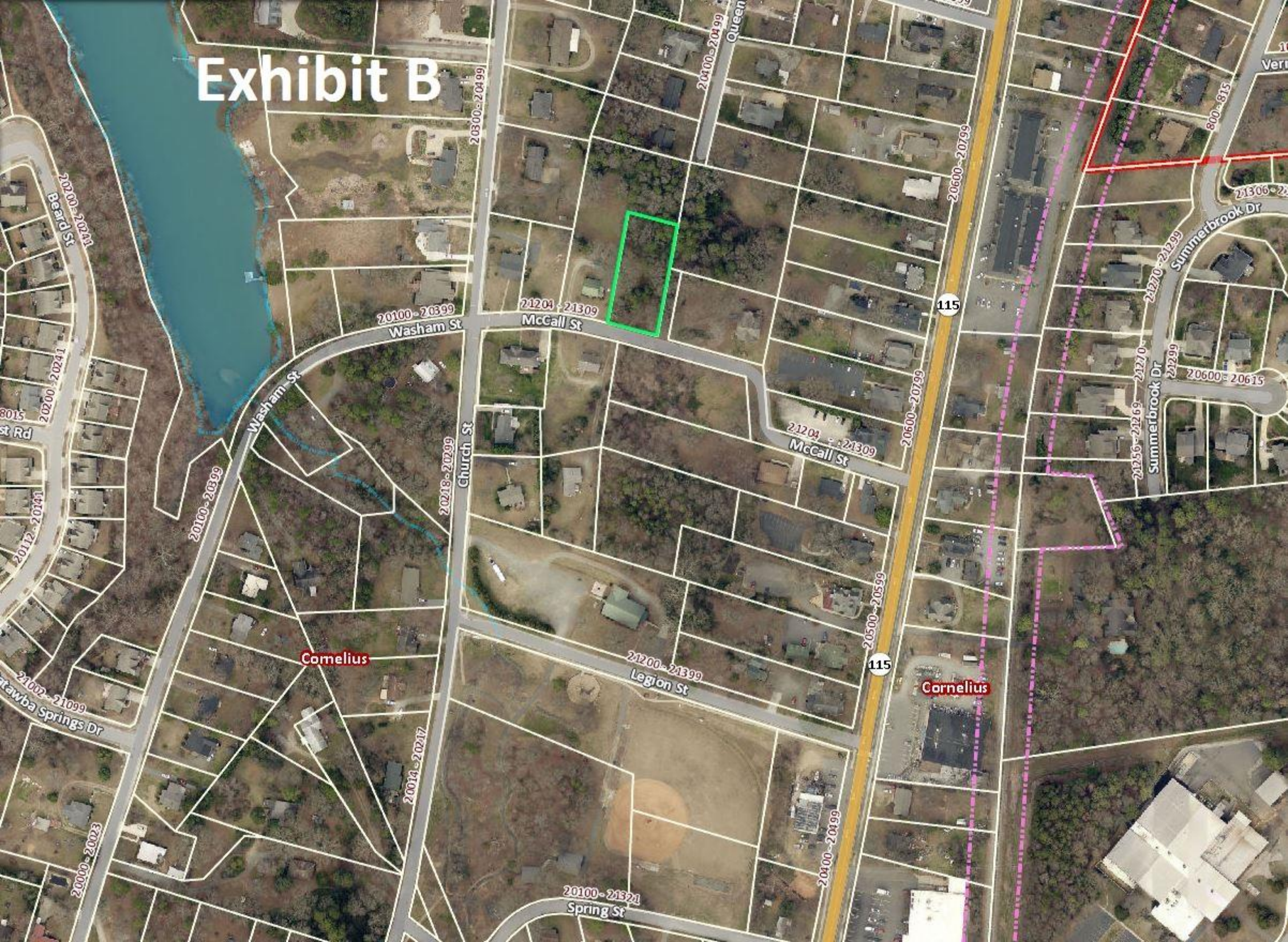
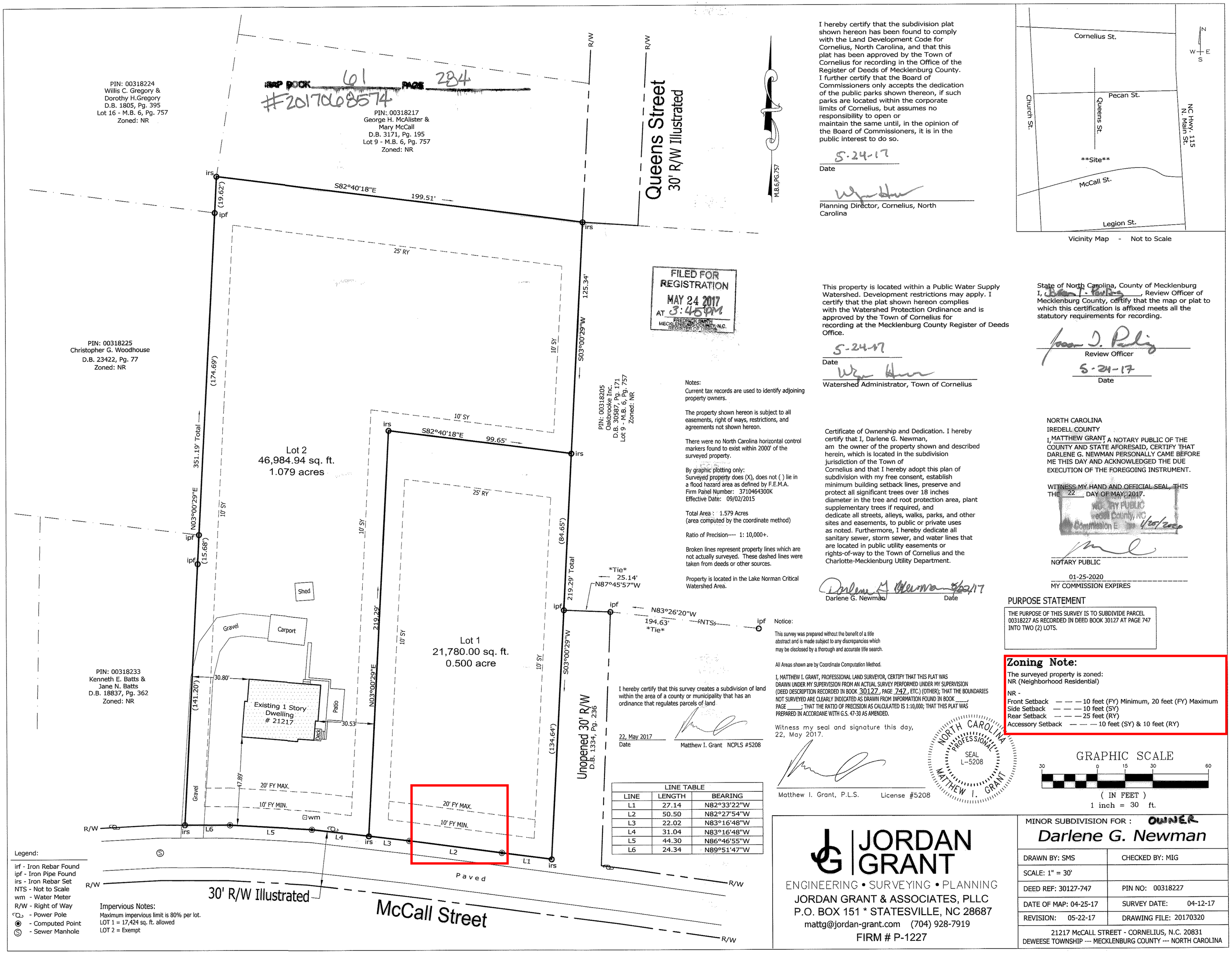

20300 - 20499
20100 - 20499
Queen
20600 - 20799
800 - 815
Summerbrook Dr
21306 - 21
21270 - 21299
21256 - 21269
21270
21299
20600 - 20615
Beard St
20200 - 20241
20200 - 20241
20112 - 20141
20100 - 20399
Washam St
21204 - 21309
McCall St
115
Washam St
20218 - 20299
Church St
21204 - 21309
McCall St
20600 - 20799
20500 - 20599
115
Cornelius
Cornelius
21200 - 21399
Legion St
21002 - 21099
Catawba Springs Dr
20014 - 20217
20000 - 20023
20400 - 20499
20100 - 21371
Spring St

Exhibit C

Church St
Cornelius
Cornelius
Cornelius
21204-21309
McCall St
McCall St

Exhibit D



I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Development Code for Cornelius, North Carolina, and that this plat has been approved by the Town of Cornelius for recording in the Office of the Register of Deeds of Mecklenburg County. I further certify that the Board of Commissioners only accepts the dedication of the public parks shown thereon, if such parks are located within the corporate limits of Cornelius, but assumes no responsibility to open or maintain the same until, in the opinion of the Board of Commissioners, it is in the public interest to do so.

5-24-17
Date

Planning Director, Cornelius, North Carolina

Vicinity Map - Not to Scale

FILED FOR REGISTRATION
MAY 24 2017
AT 3:45 PM
FREDRICK SMITH
MECKLENBURG COUNTY, N.C.
REGISTER OF DEEDS

This property is located within a Public Water Supply Watershed. Development restrictions may apply. I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Town of Cornelius for recording at the Mecklenburg County Register of Deeds Office.

5-24-17
Date

Watershed Administrator, Town of Cornelius

State of North Carolina, County of Mecklenburg
I, _____, Review Officer of Mecklenburg County, certify that the map or plat to which this certification is affixed meets all the statutory requirements for recording.

Review Officer

5-24-17
Date

Notes:
Current tax records are used to identify adjoining property owners.

The property shown hereon is subject to all easements, right of ways, restrictions, and agreements not shown hereon.

There were no North Carolina horizontal control markers found to exist within 2000' of the surveyed property.

By graphic plotting only:
Surveyed property does (X), does not ( ) lie in a flood hazard area as defined by F.E.M.A.
Firm Panel Number: 3710464300K
Effective Date: 09/02/2015

Total Area : 1.579 Acres
(area computed by the coordinate method)

Ratio of Precision---- 1: 10,000+.

Broken lines represent property lines which are not actually surveyed. These dashed lines were taken from deeds or other sources.

Property is located in the Lake Norman Critical Watershed Area.

Certificate of Ownership and Dedication. I hereby certify that I, Darlene G. Newman, am the owner of the property shown and described herein, which is located in the subdivision jurisdiction of the Town of Cornelius and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, preserve and protect all significant trees over 18 inches diameter in the tree and root protection area, plant supplementary trees if required, and dedicate all streets, alleys, walks, parks, and other sites and easements, to public or private uses as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines that are located in public utility easements or rights-of-way to the Town of Cornelius and the Charlotte-Mecklenburg Utility Department.

Darlene G. Newman 5/22/17
Darlene G. Newman Date

NORTH CAROLINA
IREDELL COUNTY
I, MATTHEW GRANT, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT DARLENE G. NEWMAN PERSONALLY CAME BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 22 DAY OF MAY, 2017.

NOTARY PUBLIC
Iredell County, NC
Commission Exp. 1/25/2020

NOTARY PUBLIC

01-25-2020
MY COMMISSION EXPIRES

Notice:

This survey was prepared without the benefit of a title abstract and is made subject to any discrepancies which may be disclosed by a thorough and accurate title search.

All Areas shown are by Coordinate Computation Method.

I, MATTHEW I. GRANT, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 30127, PAGE 747, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK ____, PAGE ____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANE WITH G.S. 47-30 AS AMENDED.

Witness my seal and signature this day, 22, May 2017.

Matthew I. Grant, P.L.S. License #5208

NORTH CAROLINA PROFESSIONAL SEAL L-5208 MATTHEW I. GRANT

I hereby certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land

22, May 2017
Date

Matthew I. Grant NCPLS #5208

LINE TABLE		
LINE	LENGTH	BEARING
L1	27.14	N82°33'22"W
L2	50.50	N82°27'54"W
L3	22.02	N83°16'48"W
L4	31.04	N83°16'48"W
L5	44.30	N86°46'55"W
L6	24.34	N89°51'47"W

PURPOSE STATEMENT

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE PARCEL 00318227 AS RECORDED IN DEED BOOK 30127 AT PAGE 747 INTO TWO (2) LOTS.

Zoning Note:

The surveyed property is zoned:
NR (Neighborhood Residential)

NR -
Front Setback — — — 10 feet (FY) Minimum, 20 feet (FY) Maximum
Side Setback — — — 10 feet (SY)
Rear Setback — — — 25 feet (RY)
Accessory Setback — — — 10 feet (SY) & 10 feet (RY)

GRAPHIC SCALE
30 0 15 30 60
(IN FEET)
1 inch = 30 ft.

Legend:
irf - Iron Rebar Found
ipf - Iron Pipe Found
irs - Iron Rebar Set
NTS - Not to Scale
wm - Water Meter
R/W - Right of Way
- Power Pole
- Computed Point
- Sewer Manhole

Impervious Notes:
Maximum impervious limit is 80% per lot.
LOT 1 = 17,424 sq. ft. allowed
LOT 2 = Exempt

JORDAN GRANT
ENGINEERING • SURVEYING • PLANNING
JORDAN GRANT & ASSOCIATES, PLLC
P.O. BOX 151 * STATESVILLE, NC 28687
mattg@jordan-grant.com (704) 928-7919
FIRM # P-1227

MINOR SUBDIVISION FOR : OWNER
Darlene G. Newman

DRAWN BY: SMS	CHECKED BY: MIG
SCALE: 1" = 30'	
DEED REF: 30127-747	PIN NO: 00318227
DATE OF MAP: 04-25-17	SURVEY DATE: 04-12-17
REVISION: 05-22-17	DRAWING FILE: 20170320

21217 McCALL STREET - CORNELIUS, N.C. 20831
DEWEESE TOWNSHIP --- MECKLENBURG COUNTY --- NORTH CAROLINA

5.5.5: TABLE OF DIMENSIONAL REQUIREMENTS

Exhibit E

		ZONING DISTRICTS										
Measure	**Unit**	**RP**	**GR**	**NR**	**NMX**	**WMX**	**TC**	**VC**	**HC**	**BC[2]**	**CO[2]**	**IC[2]**
DENSITY/LOT SIZE												
Max. Density	DU/A	0.33	2	3	-	-	12	-	-	-	-	-
Lot Size Min	Acres	3[1]	0.5	0.33	-	-	-	-	-	-	-	1
Lot Size Min	Sq. Ft.	130680	21780	14520	-	-	-	-	-	-	-	43560
LOT WIDTH												
Min. Frontage at ROW	Feet	35[3]	35	16	16	16	-	-	-	-	-	-
Frontage Build-Out	%	-	-	-	50	50	75	50	-	-	-	-
Min. Lot Width @ bldg line	Feet	60	60	50	16	16	16	16	50	-	-	-
HEIGHT												
Height - Max (Principal)	Feet	35	-	26	26	-	-	-	-	36	36	36
Height - Min (Principal)	Feet	-	-	-	-	-	26	26	-	-	-	-
Height - Max (Accessory)	Feet	26[4]	26	26	26	-	-	-	-	-	-	-
Height - Stories Max.	#	2	-	2	2	6[5]	4[5]	3[5]	3[5]	3[5]	3[5]	3[5]
SETBACKS												
Setback - Front Min	Feet	50[6]	25[6]	10[6]	-	10	-	-	25	-	-	70[8]
Setback - Front Max	Feet	N/A[4]	N/A	20	15	25	10	-	-	-	-	-

Exhibit F

TOWN OF CORNELIUS
VARIANCE APPLICATION

Date Filed: / /	Case #: VAR 03-17 James A. Burns
Fee Paid: $	Public Hearing: / /

Applicant: JAMES A. BURNS	Tax Parcel: 00318235
Location of Variance: 21217 McCall ST LOT 1	Zoning: NR

I, JAMES A. BURNS, hereby petition the Board of Adjustment for a *VARIANCE* from the literal provisions of the Town of Cornelius Land Development Code because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I request a variance from the following provisions of the Zoning Ordinance (cite Section and numbers) _____

5.5.5 Table of Dimensional Requirement NR zoned front setback states 20 ft. maximum.

Describe the variance being requested on the above referenced property: _____

Requesting variance to increase front setback to 40 feet due to land topography and drainage issues.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act (G.S. 160A-388), the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance:

A. 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.

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

C. 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.

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

Please State Facts & Arguments in Support of EACH of the Following Statements:

A. 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

Builder indicates driveway must be at street level which would require a 40 ft. setback. If house were to be positioned at 20' setback it would be located in an area prone to flooding due to drainage and topography issues.

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

Due to topography and drainage issues front area of lot pools with storm water following any significant amount of rain.

C. 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.

No actions have been taken by applicant or owner that resulted in the hardship.

Variance Application
continued

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

Requested variance is consistent with existing neighborhood. Houses on same side of McCall Street are all located at a distance from street similar to the 40' setback being requested.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

JAMES A. BURNS	DARLENE NEWMAN
Name of Appellant (if any)	Name of Owner
12320 COPPER MTN BLVD	21217 McCall St.
Appellant's Address	Owner's Address
CHARLOTTE NC. 28277	CORNELIUS, NC 28031
City, State, Zip Code	City, State, Zip Code
7/27/2017	7/27/2017
Date	Date
704-650-9956	704 896 3329
Telephone Number	Telephone Number
Fax Number	Fax Number
JIMBNC@CAROLINA.RR.COM	dgnewman@bellsouth.net
Email Address	Email Address
James A. Burns	Darlene Newman
Signature	Signature

Submit or draw a Site Plan below describing property and variance request. Give all appropriate dimensions, buildings/structures and their distance to property lines, right-of-ways, etc.

Attachments:

- **Residential Plot Plan**
- **House plan foundation elevations based on 40' setback**
- **Survey – Book 61, Page 284**
- **Polaris 3G map with proposed house at 40' setback**
- **Polaris 3G map showing approximate setback for homes on same side of McCall Street**

Exhibit G

Residential Plot Plan
For Internet Permit Application

For Department Use

Permit #

ENTER SUBMITTAL NUMBER HERE: 111943335

Master Plan #

LOCATION/SITE DATA

21217 MCCALL ST Unit:

Street # (N,S,E,W) Street Name (Av,Rd,St)

Project / Subdivision Name: Phase Section

Lot # Block # Land Area (sq. ft.)

OWNER INFORMATION

Address: 12320 Cooper Mountain blvd.

Owner: James Burns

City: Charlotte State: NC Zip: 28277 Phone # (704)650-9956

FOR DEPARTMENT USE

Tax Parcel # 00318227 Tax Jurisdiction: CORNELIUS CORN

Zoning: Juris CORN Map # R/W

Special (Circle) C D N P S Floodplain __Yes Flood Elev Fire Dist. __Yes

Lot: __Corner __Through __Front Street (if different)

Minimum setbacks: Front 20' Left Side 10' Right Side 10' Rear 25'

Remarks:

PROJECT DATA

Type Work:

__ New __ Addition __ Accessory

Project Description:

James Burns

Area (sq.ft.):

Heated 2602 Unheated 827

Deck(s)

Utilities: X New __Existing

Public:

1-Indiv Meter/Conn. X Water X Sewer

2-Master Meter/Conn. Water Sewer

Private:

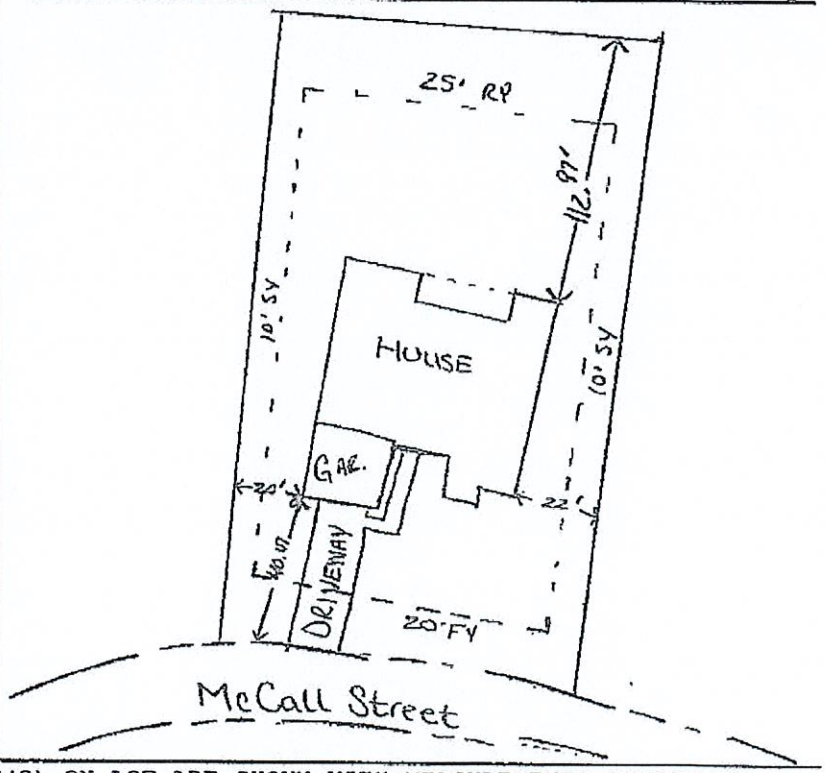
3-Individual Well Septic

4-Community Well Septic

Note: This plot plan must be faxed or uploaded before your Internet permit will be processed.

Central office: 704-314-CODE

DRAW PLOT PLAN- Show what the permit is requesting.



ALL EXISTING AND PROPOSED BUILDING(S) ON LOT ARE SHOWN WITH MEASUREMENTS INDICATED.

Applicant's Signature 7/13/2017 Date Theresa Murphy Print Applicant's Name Contact # (704)746-3076 ext:

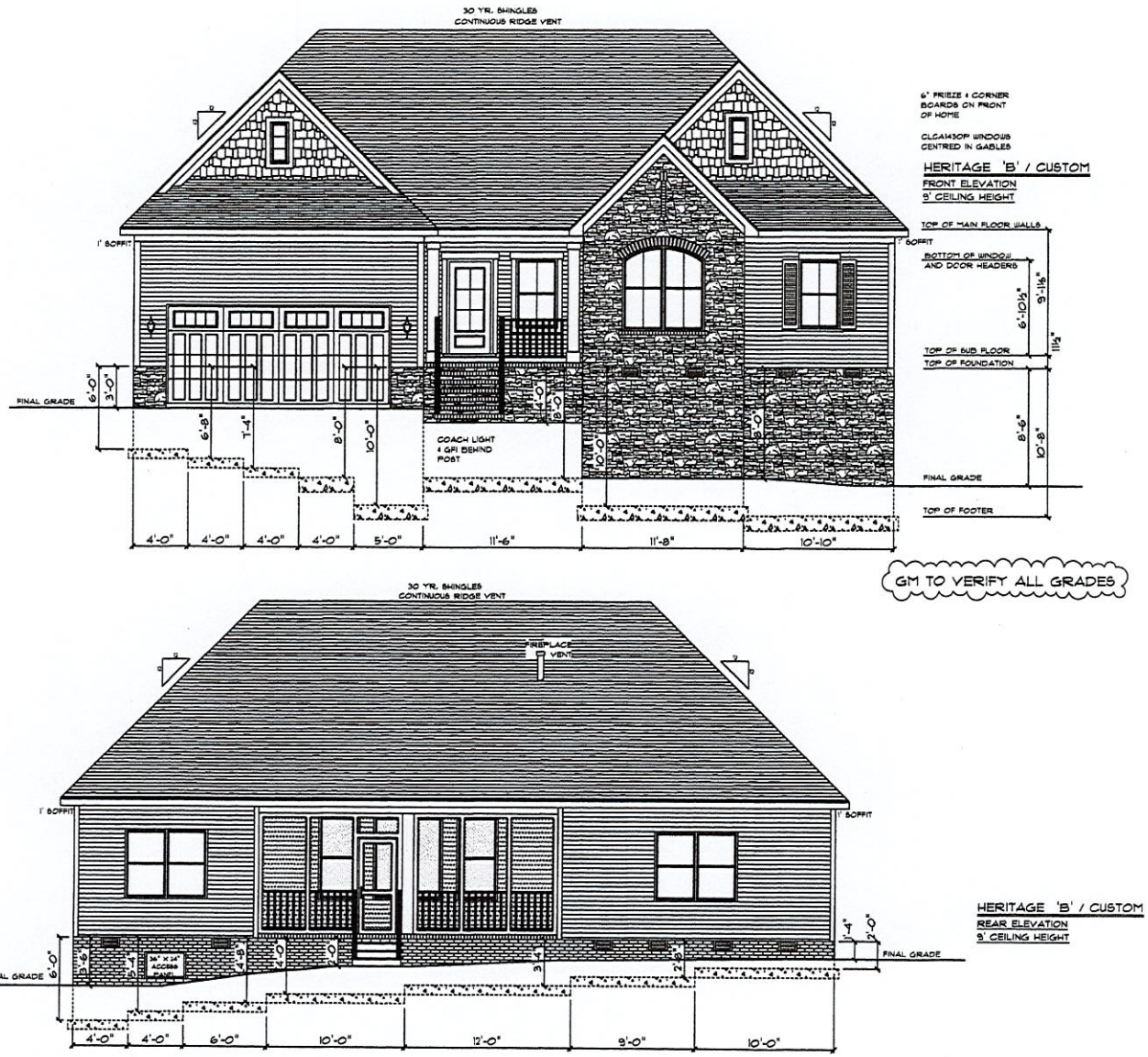
Contractor Name: SCHUMACHER HOMES OF NC INC Contractor Acct #: X39726

Email: tmurphy@Schumacherhomes.com

For Department Use: Zoning Approved by: Initial _____ Date: _____

Mecklenburg County Code Enforcement Dept.
PO Box 31097 Charlotte, NC 28231-1097
(704) 314-CODE, fax (866) 851-3553

Exhibit H



SQUARE FOOTAGES:
TOTAL AREA • 2775 SQ. FT.
MAIN FLOOR • 2275 SQ. FT.
UNFIN. BONUS ROOM • 260 SQ. FT.
GARAGE • 518 SQ. FT.
PORCHES 310 SQ. FT.
FOUNDATION • 2283 SQ. FT.

CUSTOM BUILT FOR:
JAMES ALLAN BURNS

JOB #: CH 125 011 0236

CH #: 24796

LOCATION: 2011 MC CALL STREET
CORNELIUS, NC 28031
COUNTY: MECKLENBURG

DRAWN BY: DMS

DATE: 04/10/2011

SCALE: 1/8" = 1'-0"

DWG: 1

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#2017068574 MAP BOOK 61 PAGE 284

Exhibit I

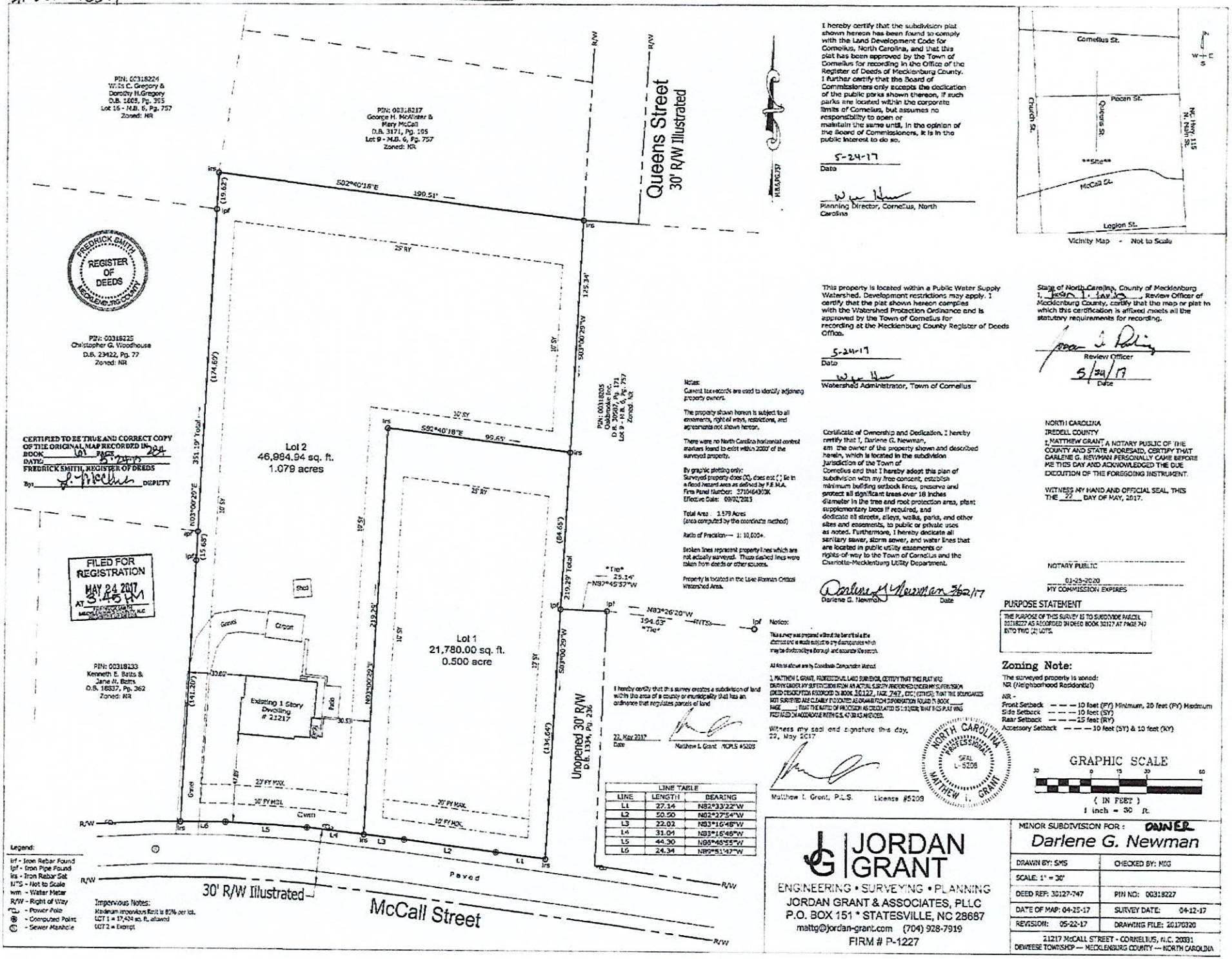
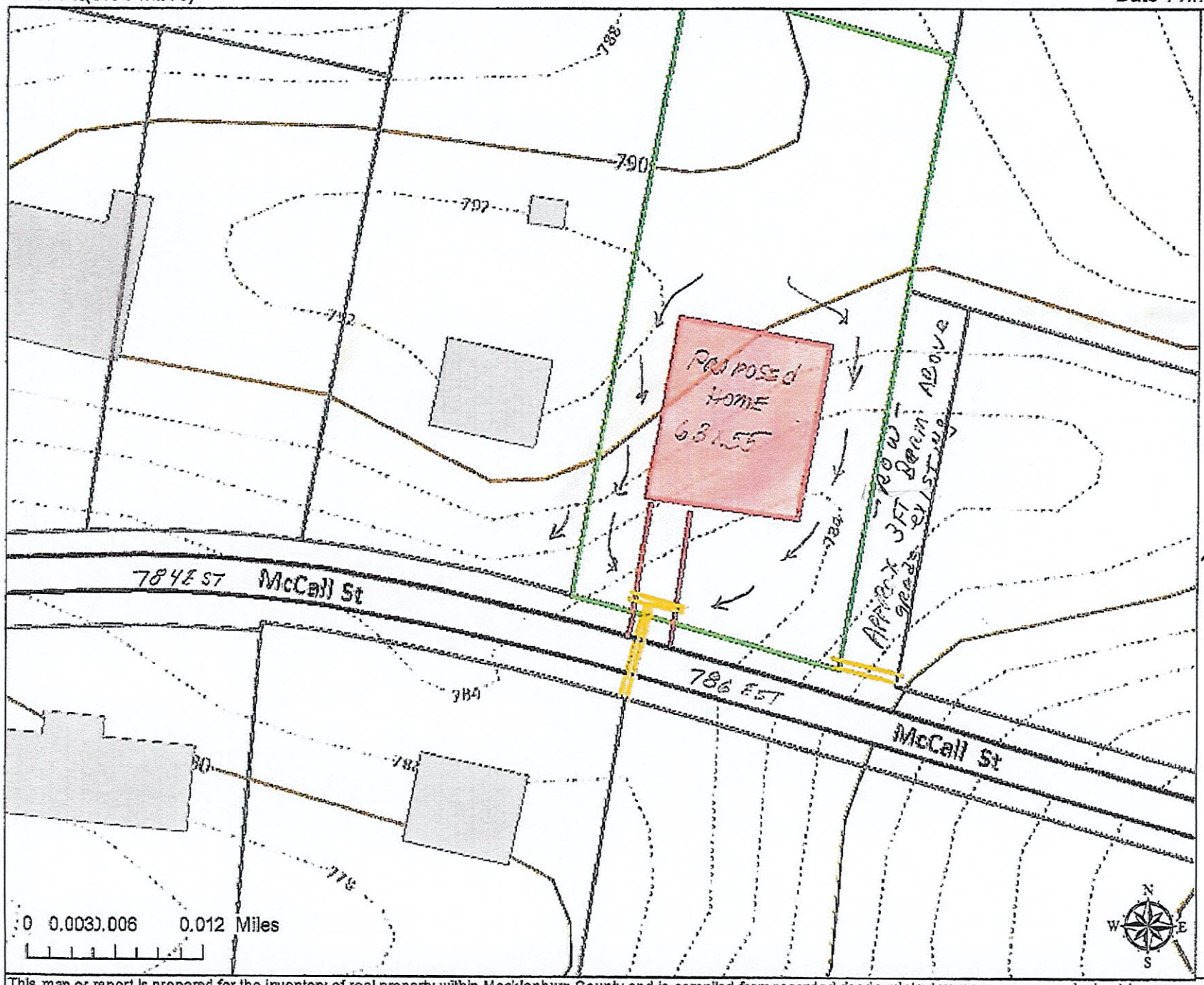


Exhibit J

Polaris 3G Map – Mecklenburg County, North Carolina
21217 lot 1

56.51 ft(0.01 miles)

Date Printed: 7/28/2017 2:21:32 PM



NOTES:
1. HOME SHOWN AT 40FT SETBACK
2. YELLOW SHOWS DRAINAGE PIPES

This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal

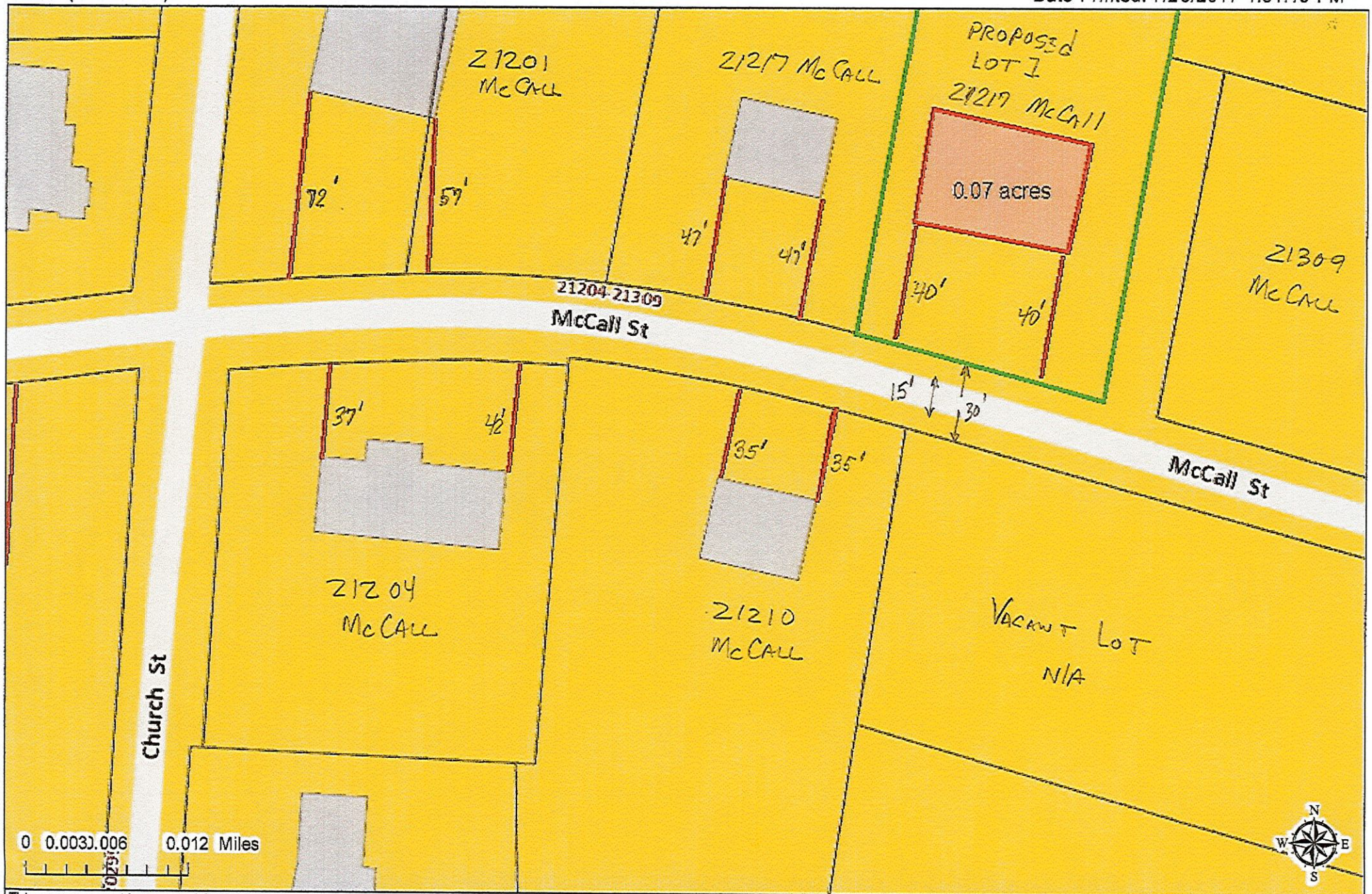
Exhibit K

Polaris 3G Map – Mecklenburg County, North Carolina

proposed lot1 21217

1.88 ft(0.00 miles)

Date Printed: 7/26/2017 1:31:19 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Exhibit L

Polaris 3G Map – Mecklenburg County, North Carolina

proposed lot1 21217

10.23 ft(0.00 miles)

Date Printed: 7/27/2017 6:42:54 AM

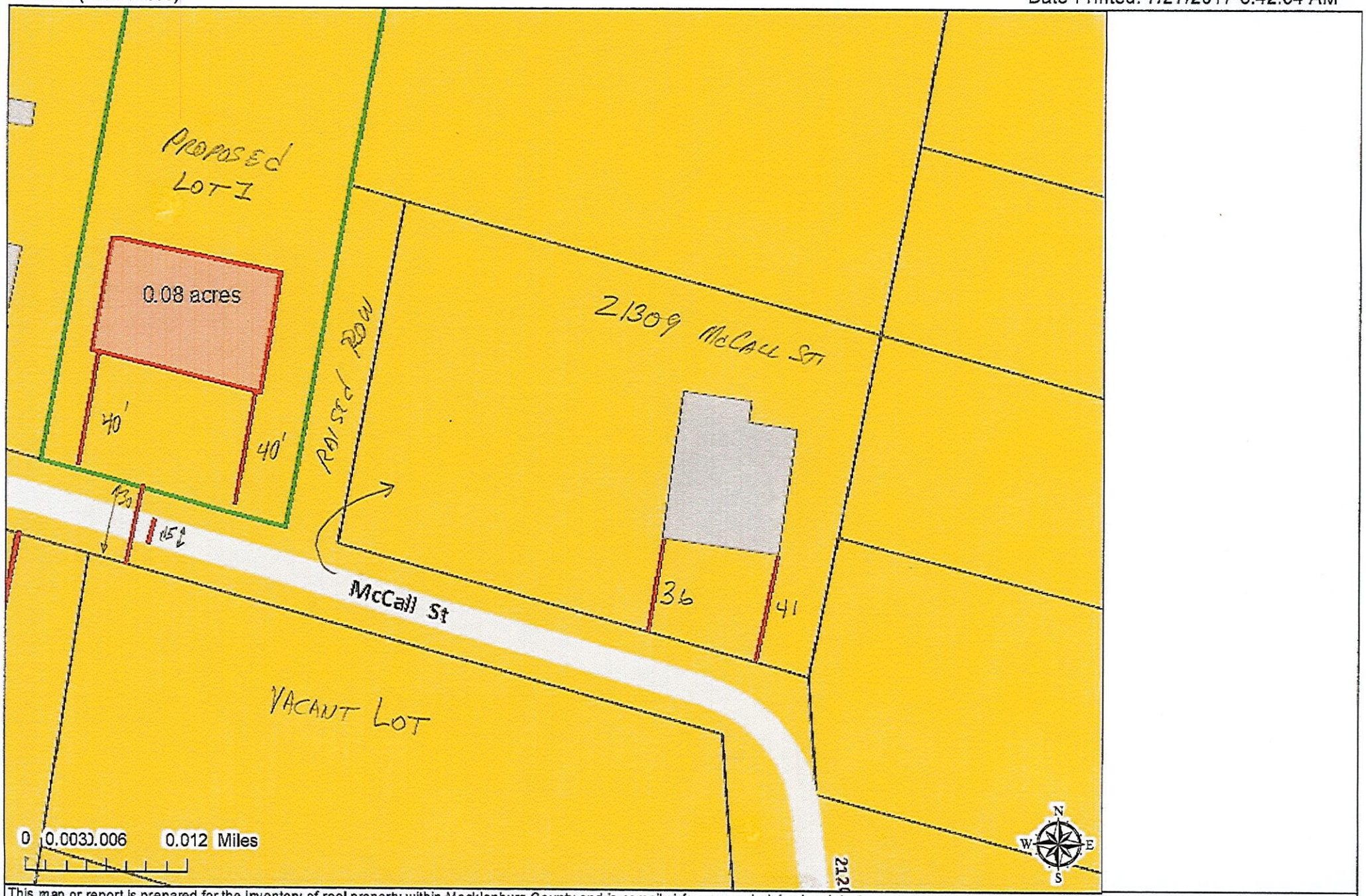


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Exhibit M

Exhibit N

Exhibit O

Exhibit P

Exhibit Q

TOWN OF CORNELIUS

Variance
FINDINGS OF FACT

Owner/Project: Darlene Gay Newman	**Case #: VAR 03-17**
Acreage: .5	**Tax Parcel(s): 003-182-35**

The Planning Board, in considering an application for a variance, shall give due consideration to the following:

- The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.

- The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be granted.

The Planning Board may only grant a variance, having first held a public hearing on the matter and having made the following determinations:

A. There are unnecessary hardships resulting 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.

☐ YES ☐ NO

The decision to make this finding is based on the following facts: _____

_____

_____

_____

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

☐ YES ☐ NO

The decision to make this finding is based on the following facts: _____

_____

_____

_____

C. The hardship does 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.

☐ YES ☐ NO

The decision to make this finding is based on the following facts: _____

_____

_____

_____

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

☐ YES ☐ NO

The decision to make this finding is based on the following facts: _____

_____

_____

_____

REQUEST FOR BOARD ACTION

Print

Date of Meeting: September 11, 2017

To: Planning Board Members

From: Jason Pauling, AICP - Senior Planner

Action Requested:

A conditional zoning request by Crescent Acquisitions LLC for a 9-lot single family subdivision on 7.36 acres located on the Cornelius/Davidson border, near the YMCA, featuring two new road connections to Davidson Street and Potts Street. The property consists of four parcels, two of which are split between the Cornelius and Davidson jurisdictions.

At this time, staff is anticipating receipt of a revised site plan, based on our initial review, and a copy of the Town of Davidson Traffic Impact Analysis (TIA). Staff believes these are critical pieces of information that should be reviewed by staff and the Planning Board before rendering a recommendation and/or decision on the application.

At this time, staff will not be preparing a presentation, but the applicant has requested the case be placed on your agenda. Staff is requesting the case be continued until the Planning Board's October 9th meeting.

In addition, based on the most recent Code amendment adding a 2nd public hearing to the CZ process, the Town Board will conduct a public hearing on this project on Monday, September 18th at 7pm. Please attend and hear information and citizen comments, if you can. If not, the minutes for the public hearing will be provided to you for your consideration at your October Meeting.

Manager's Recommendation:

Continue the case to the October 9th Planning Board Meeting.

ATTACHMENTS:

Name:	Description:	Type:
Application-Revised.pdf	Application	Backup Material
Letter_to_Wayne_Herron.pdf	Description Letter	Backup Material
Potts-Residential_ZONING.jpg	Zoning Map	Backup Material
Potts-Residential_LU.jpg	Land Use Map	Backup Material
Aerial_Property_Map.JPG	Aerial Vicinity Map	Backup Material
4302.04_Potts_Street_-_Major_Subdivision_Package.pdf	Sketch Plan Package	Backup Material
REZ_05-17_-_Potts_Residential_TOC_Comments_1.pdf	Staff Comments	Backup Material

TOWN OF CORNELIUS

Planning Department

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

Staff Only:
Date Rec'd: _____
Rec'd by: _____
Case #: _____

LAND DEVELOPMENT APPLICATION FORM

1. Application Type

	✓	Fee		✓	Fee
• *Sketch Plan/Plat (Major Sub):*	X		• *Conditional Zoning (CZ)*	X	$1250
• *Preliminary Plat (Major Sub):*	☐	_____	• *Special Use Permit (SUP)*	☐	_____
• *Final Plat (Major Sub):*	☐	_____	• *Major Architectural Variation*	☐	_____
• *Construction Documents:*	☐	_____	• *Minor Architectural Variation*	☐	_____
• *General Rezoning*	☐	_____	• *Other*: _____	☐	_____

Fee Total: $1,250

2. Project Information

Date of Application: _____ Name of Project: Potts Street Residential

Location: Potts Street and Davidson Street Property Size (acres): 7.362 # of Units/Lots: 9

Current Zoning: NR (Neighborhood Residential) Proposed Zoning: CZ process for Major Subdivision

Current Land Use: vacant/residential Proposed Land Use: single family detached residential

Tax Parcel Number(s): 00320501, 00320509, p/o 00324101, p/o 00320511

3. Contact Information

Crescent Acquisitions, LLC
Owner, Applicant, or Developer
227 W. Trade St., Ste. 1000
Address
Charlotte, NC 28202
City, State Zip
980-321-6247
Telephone Fax
Michael Tubridy
Signature Print Name Date
Email - mtubridy@crescentcommunities.com

ColeJenest & Stone, P.A.
Agent(s) (Engineer, Architect, Etc.)
200 South Tryon St., Ste 1400
Address
Charlotte, NC 28202
City, State Zip
704-376-1555
Telephone Fax
Jacob Bachman
Signature Print Name Date
Email - jbachman@colejeneststone.com

4. The following items shall be considered as part of a complete application, please check this list to ensure all items are included:

☒ **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

Official hard copy of architectural elevations (at least one copy), which may include multiple pages. Must be drawn to scale by a registered architect, and include all primary and accessory buildings (including all building sides), and any other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height (NOT APPLICABLE FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS).

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

IRVIN LAW PLLC

office: 19726 ZION AVENUE, CORNELIUS, NC 28031
mailing: P.O. BOX 2376, DAVIDSON, NC 28036
p: 704.896.0820 f: 704.896.0875

June 22, 2017

Via Hand Delivery

Mr. Wayne Herron
Planning Director
Town of Cornelius
21445 Catawba Avenue
Cornelius, NC 28031

RE: By Right Major Subdivision Application for Potts Street Residential (the "Application"); Tax Parcels 00320501, 00320509, p/o 00324101, p/o 00320511, Potts Street and Davidson Street, Cornelius, North Carolina (the "Property"); Davidson Acquisition Company, LLC ("Owner")

Dear Wayne:

The purpose of this letter is to summarize in writing the above referenced Owner's request for approval of the Application in connection with the Property. The Property comprises four (4) tracts as shown on the survey attached to the Application. This is an application for major subdivision approval of a single family detached residential neighborhood comprised of nine lots. The elements of the proposed subdivision, including number of lots, size of lots, density and open space, comply with the requirements of the NR Zoning District as described in the Cornelius Land Development Code.

Thank you for your assistance in this matter.

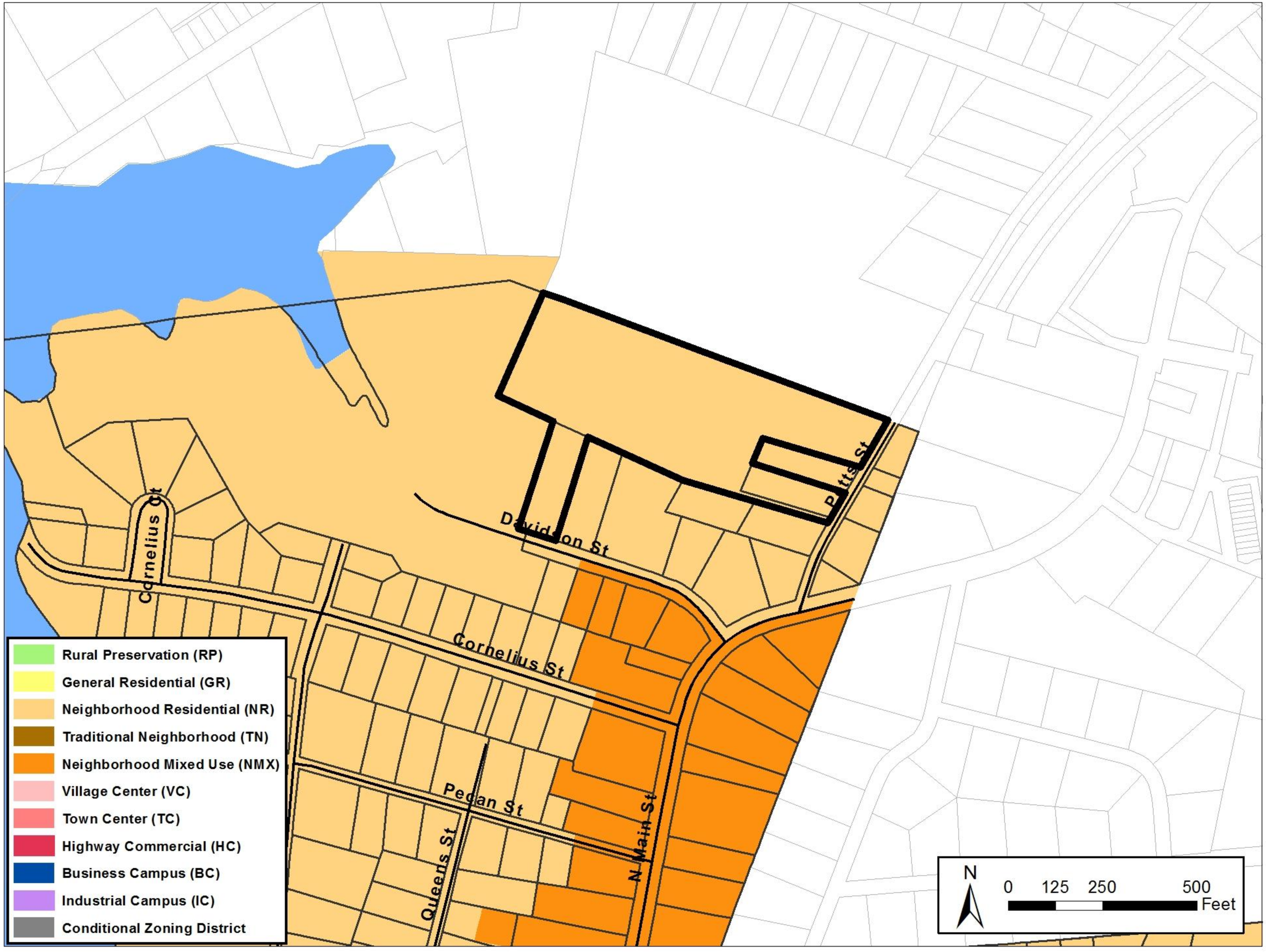
Very truly yours,

Irvin Law, PLLC

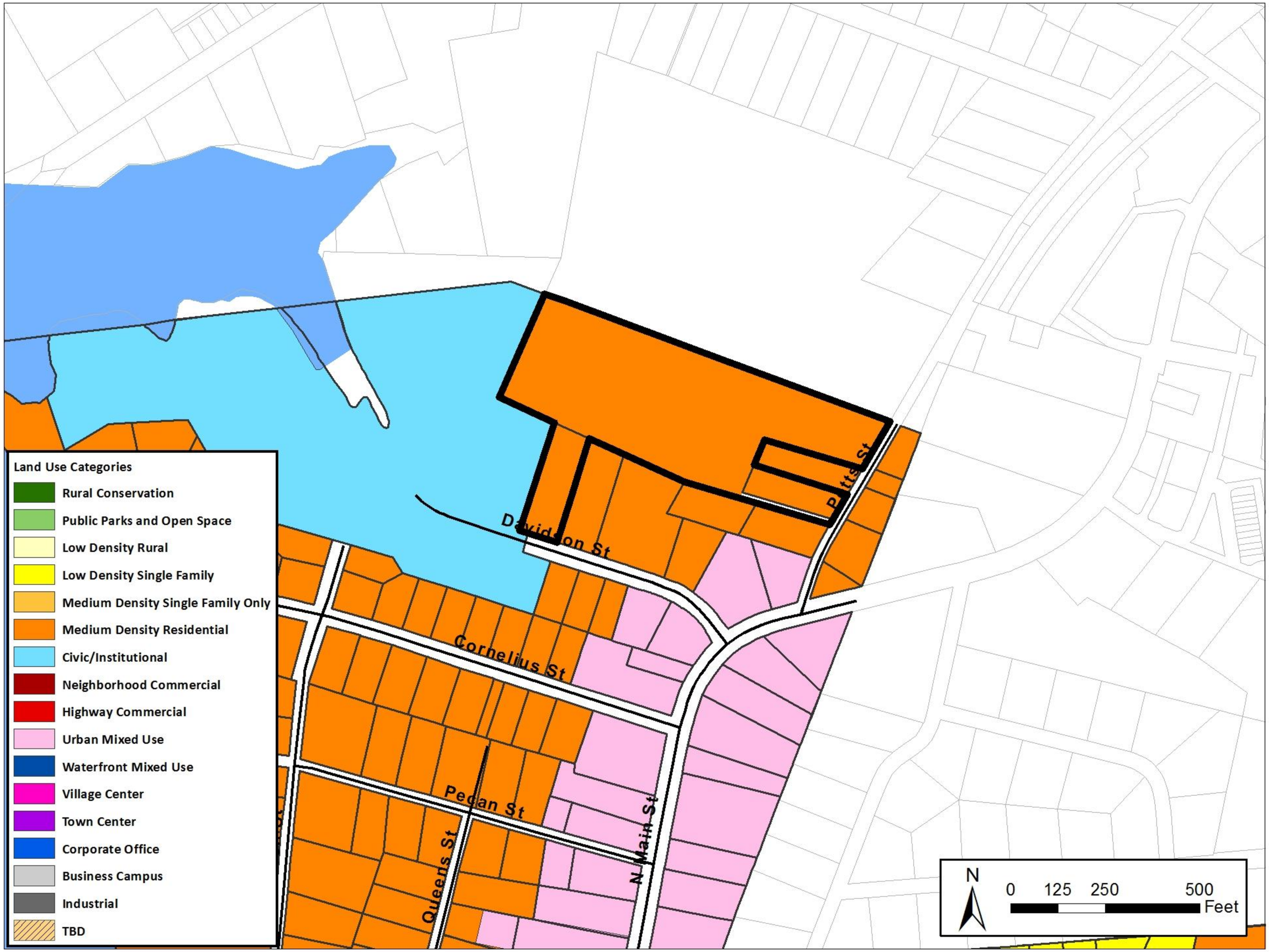
By: Susan K. Irvin

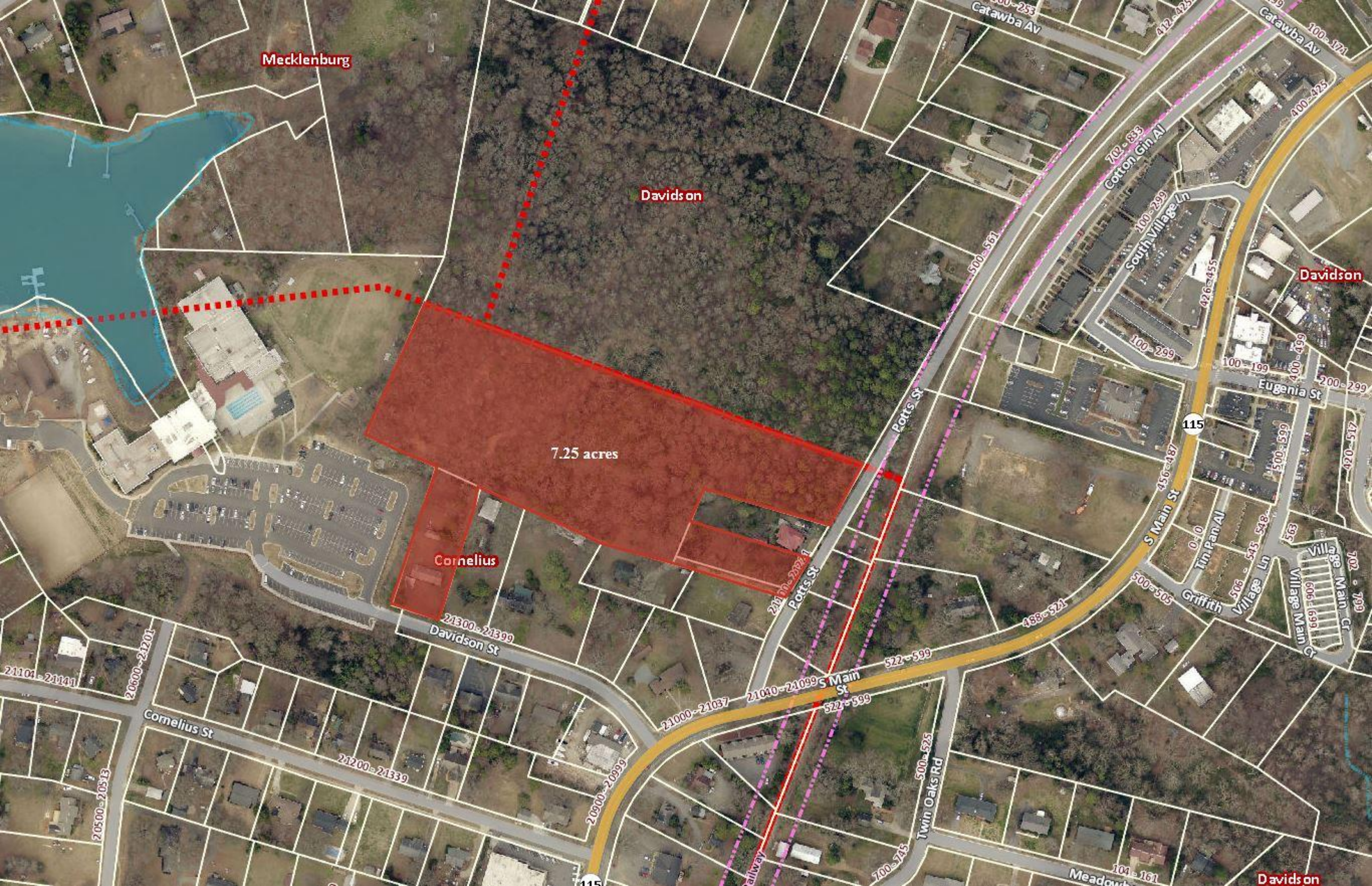
Susan K. Irvin

Potts Residential - Crescent Communities

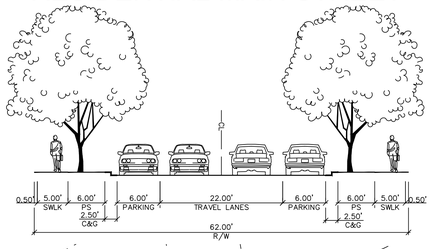


Potts Residential - Crescent Communities

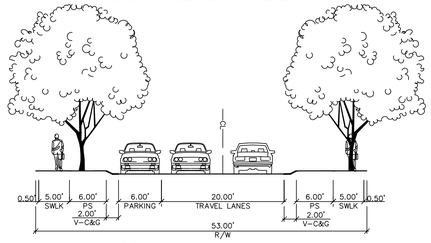



Mecklenburg
Davidson
7.25 acres
Cornelius
Catawba Av
Cotton Gin Al
South Village Ln
Potts St
S Main St
Eugenia St
Tin Pan Al
Village Ln
Village Main Cr
Griffith
Davidson St
Cornelius St
Twin Oaks Rd
Meadowbrook
Davidson
115
21300 - 21399
21104 - 21141
20600 - 21201
21200 - 21339
20500 - 20513
21000 - 21037
21010 - 21099
20900 - 20999
522 - 599
488 - 521
500 - 505
500 - 561
500 - 525
700 - 745
104 - 161
412 - 425
100 - 171
400 - 425
702 - 833
100 - 299
426 - 455
100 - 199
400 - 499
200 - 299
500 - 599
420 - 547
456 - 487
0 - 0
506 - 545
548
563
600 - 699
702 - 799

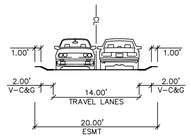
RESIDENTIAL MAIN STREET



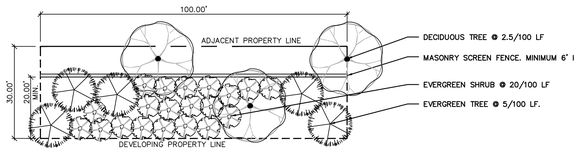
LOCAL STREET

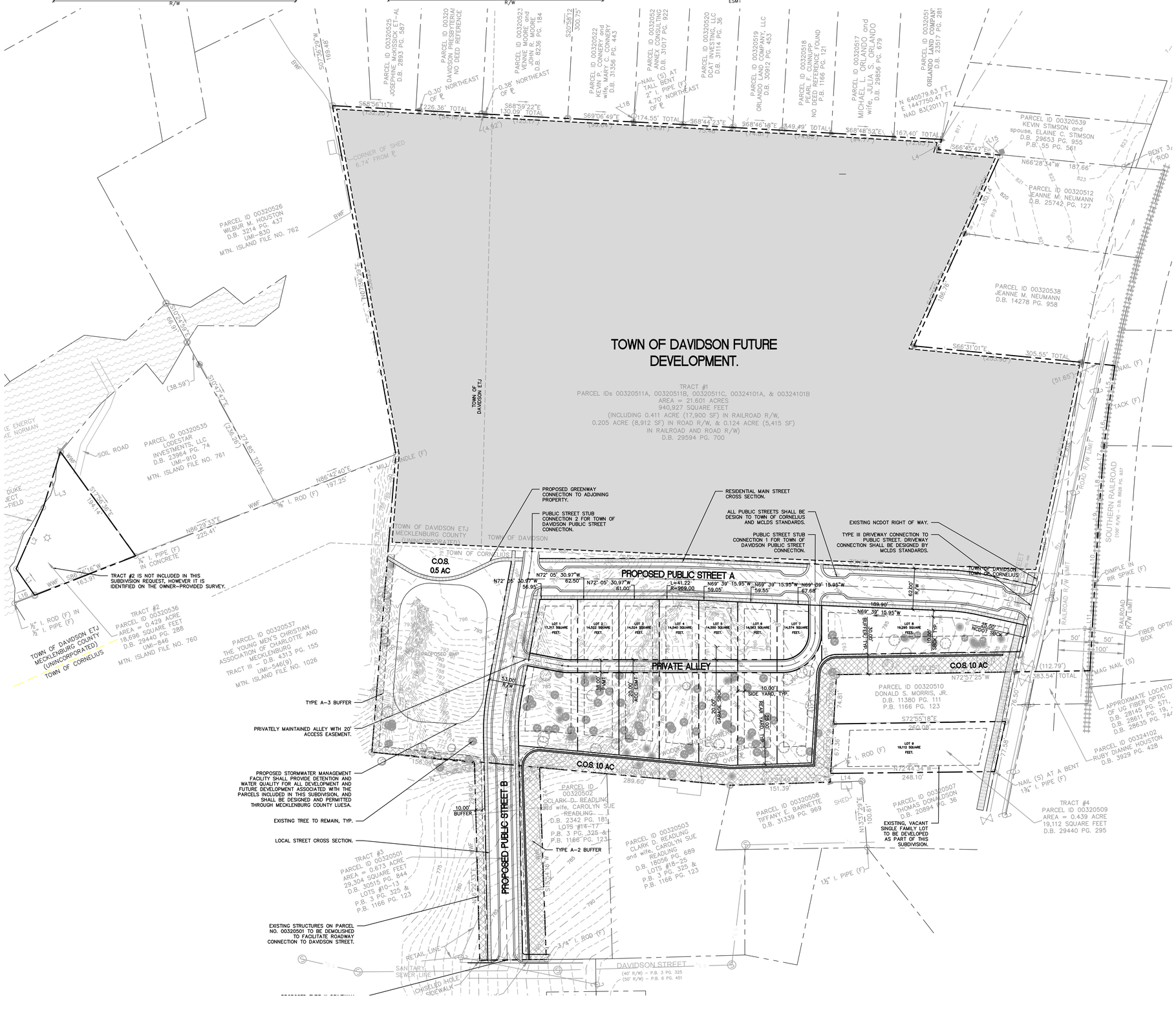


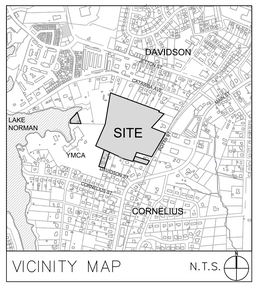
ALLEY



TYPICAL 100' TYPE A-2 BUFFER PLAN







ColeJenest & Stone

Shaping the Environment
Realizing the Possibilities

Land Planning
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Landscape Architecture
+
Civil Engineering
+
Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202

p+ 704 376 1555 f+ 704 376 7851
url+ www.colejenestdstone.com

CRESCENT ACQUISITIONS, LLC

227 WEST TRADE STREET
SUITE 1000
CHARLOTTE, NC 28202

POTTS STREET RESIDENTIAL

POTTS STREET
DAVIDSON, NC 28036

MAJOR SUBDIVISION PLAN

Project No.
4302

Issued
6/26/17

THIS PLAN IS SCHEMATIC IN NATURE AND LOCATIONS OF ROADS, LOTS, TREES, AND OTHER IMPROVEMENTS ARE SUBJECT TO FINAL DETERMINATION ON PRELIMINARY AND FINAL PLANS.

Revised

DEVELOPMENT SUMMARY

PROJECT NAME:	POTTS STREET RESIDENTIAL
OWNER:	DAVIDSON ACQUISITIONS COMPANY, LLC
APPLICANT:	CRESCENT ACQUISITIONS, LLC
JURISDICTION:	TOWN OF CORNELIUS
ZONING:	NR-NEIGHBORHOOD RESIDENTIAL (CORNELIUS) VI-VILLIAGE INFILL (DAVIDSON, NOT INCLUDED IN SUBDIVISION REVIEW)
PARCEL ID:	00320501, 00320509, p/o 00324101, p/o 00320511
EXISTING USE:	VACANT/RESIDENTIAL
PROPOSED USE:	SINGLE FAMILY DETACHED RESIDENTIAL
TOTAL SITE ACREAGE:	22.71 AC± (INCLUDING LAND WITHIN R/W, TOWN OF DAVIDSON JD AND ETJ)
TOTAL SITE AC IN CORNELIUS:	7.362 AC± (AS PART OF THIS SUBDIVISION REVIEW)
REGULATED WATERSHED:	LAKE NORMAN CRITICAL WATERSHED (WS-IV-CA)
BUILT UPON AREA RESTRICTION:	50% MAXIMUM BUA (HIGH DENSITY)

ZONING CODE SUMMARY

NEIGHBORHOOD RESIDENTIAL (7.362 AC±)	
TOTAL LOT COUNT:	**9 LOTS**
TOTAL PROJECT UNITS/ACRE:	**1.22 DUA (CORNELIUS)**
MINIMUM LOT SIZE:	**14,520 SQUARE FEET**
MINIMUM LOT WIDTH	**50 FEET**
SINGLE FAMILY ATTACHED AREA:	143,000 SF± (3.28AC±)
STORMWATER BMPS:	26,483 SF± (0.61AC±)
PROPOSED RIGHT-OF-WAY AREA:	79,218 SF± (1.82AC±)
PRIVATE ALLEY ESMT:	10,1000 SF± (0.23 AC±)
OVERLAY DISTRICTS:	WATERSHED PROTECTION OVERLAY
MAXIMUM BUILDING HT:	2 STORIES (26')
BUFFER REQUIREMENT:	A 30' BUFFER SHALL BE PROVIDED AROUND THE PERIMETER OF THE PROJECT AREA WHICH ABUTS EXISTING DEVELOPMENT. A SCREEN FENCE SHALL BE UTILIZED IN THE AREAS INDICATED ON THE PLAN. A 10' BUFFER SHALL BE PROVIDED BETWEEN THE PROJECT AREA AND THE YMCA. PROPOSED BUFFER SHALL NOT BE LOCATED WITHIN THE PROPOSED LOTS, NOR SHALL IT COUNT TOWARD MINIMUM LOT AREAS.
OPEN SPACE REQUIREMENT:	1.47 AC (20% OF PROJECT AREA)
OPEN SPACE PROVIDED:	1.50 AC (INCLUDING VEGETATED BUFFER AND AREA LOCATED OUTSIDE OF BMP)
IMPROVED OPEN SPACE:	0.37 AC (25%) REQ. SHALL BE PROVIDED ADJACENT TO BMP. FINAL PROGRAMMING OF THIS IMPROVED OPEN SPACE TO BE DETERMINED IN SUBSEQUENT PHASES OF DESIGN AND PERMITTING.

SETBACKS

FRONT:	10' MIN - 20' MAX (25' ON NCDOT FRONTAGE)
SIDE:	10' MIN
REAR:	25' MIN

BUA SUMMARY

TOTAL SITE AREA:	**22.71 AC±**
MAXIMUM ALLOWABLE BUA:	**11.355 AC± (50% OF ENTIRE SITE)**
PROPOSED BUA IN CORNELIUS:	**107,787 SF± TOTAL (2.48 AC±) (10%)**
STREET/ALLEY SECTION:	71,787 SF± (1.65 AC±)
SINGLE FAMILY LOTS:	36,000 SF± (0.83 AC±) @ 4,000 SF/LOT
ALLOWABLE BUA FOR REMAINING PROPERTY AGREAGE:	**8.875 AC± REMAINING**

ESTIMATED CONSTRUCTION DATE: TBD

ADDITIONAL NOTES

1. PLANTING AND TREE REQUIREMENTS PER ORDINANCE.
2. PUBLIC WATER AND SANITARY SEWER SHALL BE PROVIDED TO THE SITE BY CHARLOTTE WATER. SEWER SERVICE IS AVAILABLE ON DAVIDSON STREET AND WATER SERVICE IS AVAILABLE ON POTTS STREET. FINAL DESIGN OF THESE SERVICE EXTENSIONS SHALL BE PROVIDED AND PERMITTED IN SUBSEQUENT PHASES OF DESIGN.
3. THE STORMWATER BMP INDICATED ON THIS PLAN IS CONCEPTUAL IN NATURE. FINAL DESIGN OF STORMWATER FACILITIES SHALL TAKE PLACE AND BE PERMITTED IN SUBSEQUENT PHASES OF DESIGN.
4. BUILT-UPON AREA CALCULATIONS INDICATED ON THIS PLAN ARE FOR THE PARCEL AREA LOCATED IN THE TOWN OF CORNELIUS JURISDICTION ONLY. ADDITIONAL BUILT-UPON AREA IS ALLOWED ON OTHER PORTIONS OF THE PARCELS THAT ARE LOCATED IN ADJOINING JURISDICTIONS. THE TOTAL BUILT-UPON AREA OF THE PARCELS SHALL NOT EXCEED THE MAXIMUM OF 50%.
5. THE SINGLE FAMILY LOT INDICATED ON THIS PLAN AS LOT 9 SHALL NOT BE REQUIRED TO PROVIDE BUFFER BETWEEN ADJOINING LOT LINES. THIS LOT IS AN EXISTING SINGLE FAMILY LOT.
6. RECOMBINATION OF THESE PARCELS WILL OCCUR IN SUBSEQUENT PHASES OF PROJECT PERMITTING.
7. THIS PLAN IS SCHEMATIC IN NATURE. FINAL LOCATION AND DESIGN OF ALL SITE FEATURES SHALL TAKE PLACE IN SUBSEQUENT PHASES OF DESIGN AND PERMITTING.

PRELIMINARY
NOT FOR CONSTRUCTION

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ENSURING THAT ALL EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES, USING FLAG MEN, ETC., AS NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, OR LOCAL JURISDICTION, WHICHEVER IS MORE STRINGENT.
4. SHORING SHALL BE IN ACCORDANCE WITH OSHA TRENCHING STANDARDS, 29 CFR, PART 1926, SUBPART P, OR AS AMENDED.

SCALE: 1"=60'
0 30' 60' 120'

MS-001

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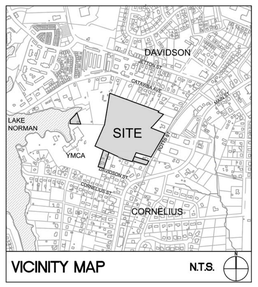

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url+ www.colejenestst one.com

CRESCENT ACQUISITIONS, LLC

227 WEST TRADE STREET
SUITE 1000
CHARLOTTE, NC 28202

POTTS STREET RESIDENTIAL

POTTS STREET
DAVIDSON, NC 28036

ILLUSTRATIVE SKETCH PLAN

Project No.
4302

Issued
6/27/17

THIS PLAN IS SCHEMATIC IN NATURE AND LOCATIONS OF ROADS, LOTS, TREES, AND OTHER IMPROVEMENTS ARE SUBJECT TO FINAL DETERMINATION ON PRELIMINARY AND FINAL PLANS.

Revised

COLEJENEST & STONE, P.A. CORPORATE SEAL C-1301 C-103 NORTH CAROLINA

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 1339 BRIAN C. JENEST

06/27/17

PRELIMINARY
NOT FOR CONSTRUCTION

North Carolina 811 www.nc811.org

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ENSURING THAT ALL EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
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4. SHORING SHALL BE IN ACCORDANCE WITH OSHA TRENCHING STANDARDS, 29 CFR, PART 1926, SUBPART P, OR AS AMENDED.

SCALE: 1"=60'
0 30' 60' 120'

MS-002

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LEGAL DESCRIPTION FOR TRACT ONE

LYING AND BEING IN MECKLENBURG COUNTY, NORTH CAROLINA, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" MILL SPINDLE, SAID MILL SPINDLE BEING THE CORNER OF THE YMCA OF CHARLOTTE AND MECKLENBURG AND WILBUR M. HOUSTON, SAID MILL SPINDLE BEING LOCATED N 86-42-40 E 197.25 FEET FROM A ¾" IRON ROD, THENCE WITH THE LINE OF WILBUR M. HOUSTON, N 07-36-29 E 536.23 FEET TO A ½" IRON PIPE, THENCE WITH THE LINES OF WILBUR M. HOUSTON, JOSEPHINE McKISSICK, ET AL AND DAVIDSON PRESBYTERIAN CHURCH, S 68-56-11 E 226.36 FEET (TOTAL) TO A 1" IRON PIPE, PASSING A ⅝ REBAR (0.30 FEET NORTHEAST OF P/L) AT 132.20 FEET, THENCE WITH THE LINE OF VENNIE MOORE AND JOHN R. MOORE, S 68-59-22 E 130.09 FEET (TOTAL) TO A 1" IRON PIPE, PASSING A ⅝ REBAR (0.38 FEET NORTHEAST OF P/L) AT 4.92 FEET, THENCE WITH THE LINES OF KENNETH WILLIAM BROTHERTON AND KATHEY B. ARNOLD, S 68-06-49 E 174.55 FEET (TOTAL) TO A ¾" IRON PIPE, PASSING A TALL BENT 2" IRON PIPE (4.70 FEET NORTHEAST OF P/L) AT 100.00 FEET, THENCE WITH THE LINE OF MICHAEL L. ORLANDO, S 68-44-23 E 75.48 FEET TO A ¾" IRON PIPE, THENCE WITH THE LINES OF MICHAEL L. ORLANDO AND PEARL F. CUNNUP, S 68-46-18 E 149.49 FEET (TOTAL) TO A 1" IRON PIPE AT 74.81 FEET, THENCE WITH THE LINES OF ORLANDO LAND COMPANY, LLC, S 68-48-52 E 167.40 FEET (TOTAL) TO A ⅝ REBAR, PASSING A ⅝ REBAR AT 94.77 FEET, THENCE WITH TWO LINES OF K&F DEVELOPMENT, LLC, S 37-34-44 W 15.85 FEET TO A ⅝ REBAR, AND S 66-45-47 E 84.31 FEET TO A ⅝ REBAR, THENCE WITH THREE LINES OF JEANNE M. NEUMANN; S 42-18-20 W 130.14 FEET TO A ⅝ REBAR, S 42-15-14 W 186.76 FEET TO A ⅝ REBAR, AND S 66-31-01 E 305.55 FEET (TOTAL) TO A NAIL IN THE SOUTHERN RAILROAD, PASSING A ⅝ REBAR AT 253.90 FEET, THENCE WITH THE SOUTHERN RAILROAD AND TWO LINES OF DEXTER RAE PARTNERS, LLC ET AL, S 26-16-45 W 60.65 FEET TO A TACK, AND S 24-51-44 W 61.47 FEET TO A ¾" IRON PIPE, THENCE WITH THE SOUTHERN RAILROAD AND FOUR LINES OF REBECCA M. McINTOSH; S 22-25-23 W 34.03 FEET TO A POINT, S 22-18-16 W 46.53 FEET TO A POINT, S 21-33-09 W 54.34 FEET TO A ⅝ REBAR, AND S 21-15-51 W 76.67 FEET TO A DIMPLE IN A RAILROAD SPIKE, THENCE WITH THE SOUTHERN RAILROAD AND LINE OF JULIUS JENNINGS WADE, III AND WIFE, CARY PAGE WADE, S 21-08-11 W 129.77 TO A TACK, THENCE LEAVING THE SOUTHERN RAILROAD AND FOLLOWING THE LINES OF RUBY DIANNE HOUSTON AND DONALD S. MORRIS, JR., N 72-57-25 W 383.54 FEET (TOTAL) TO A 1" IRON PIPE, PASSING A ⅝ REBAR AT 112.79 FEET, THENCE WITH THE LINE OF DONALD S. MORRIS, JR., S 21-17-26 W 74.81 FEET TO A ¾" IRON PIPE, THENCE WITH TWO LINES OF DAVIDSON ACQUISITION COMPANY, LLC., S 21-17-31 W 67.36 FEET TO A ¾" IRON ROD, AND S 21-17-31 W 7.65 FEET TO A ⅝ REBAR, THENCE WITH AN ALLEY, S 21-17-31 W 13.20 FEET TO A ⅝ REBAR, THENCE WITH THE LINE OF EUNICE HASTINGS READLING, N 73-51-49 W 151.39 FEET TO A 1" IRON PIPE, THENCE WITH THE LINE OF CLARK D. READLING AND WIFE, CAROLYN SUE READLING, N 66-45-39 W 289.60 FEET TO A TALL 1¼" IRON PIPE, THENCE WITH THE LINE OF KAREN N. WILLIAMS AND HUSBAND, JOEL O. WILLIAMS & JOHN MICHAEL WILLIAMS, N 68-00-50 W 98.70 FEET TO A ¾" IRON PIPE, THENCE WITH TWO LINES OF THE YMCA OF CHARLOTTE AND MECKLENBURG, N 66-10-23 W 156.09 FEET TO A ¾" IRON PIPE, AND N 22-30-33 E 451.98 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 21.601 ACRES, ACCORDING TO A SURVEY BY LAKE NORMAN SURVEYING AND MAPPING PLLC, DATED OCTOBER 8, 2014.

CURRENTLY DESIGNATED AS MECKLENBURG COUNTY TAX PARCEL NUMBERS 00320511A, 00320511B, 00320511C, 00324101A, AND 00324101B.
BACK REFERENCE: BOOK 29594, PAGE 700, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE.

SCHEDULE B – SECTION II
EXCEPTIONS
FILE NO: C089054893

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTER, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. TAXES OR ASSESSMENTS FOR THE YEAR 2017, AND SUBSEQUENT YEARS, NOT YET DUE OR PAYABLE.
3. THE CORRECTNESS OF THE SQUARE FOOTAGE/ACERAGE COMPUTATION CONTAINED IN THE DESCRIPTION OF THE LAND IS NOT INSURED.
4. THE FOLLOWING MATTERS AFFECTING TRACT #2 AS DISCLOSED BY SURVEY ENTITLED "ALTA/ACSM LAND TITLE SURVEY OF 22.469 ACRES LOCATED OFF OF POTTS STREET" BY JAMES R. HOBBS OF LAKE NORMAN SURVEYING AND MAPPING PLLC, DATED OCTOBER 8, 2014 AND HEREINAFTER REFERRED TO AS THE "SURVEY" REVEALS THE FOLLOWING: A) SERVICE UTILITES; B) ENCROACHMENT OF WOOD SHEDS. NOTE: UPON RECEIPT OF A CURRENT ALTA SURVEY AND SURVEYOR'S REPORT, THIS EXCEPTION WILL BE ELIMINATED OR AMENDED IN ACCORDANCE WITH THE FACTS SHOWN THEREBY.
5. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARITATION, OR ADVERSE CIRCUMSTANCE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND OCCURRING SUBSEQUENT TO "ALTA/ACSM LAND TITLE SURVEY OF 22.469 ACRES LOCATED OFF OF POTTS STREET" BY JAMES R. HOBBS OF LAKE NORMAN SURVEYING AND MAPPING PLLC, DATED OCTOBER 8, 2014.
6. EASEMENT(S) TO SOUTHERN POWER COMPANY RECORDED IN BOOK 351, PAGE 372, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE. DOES AFFECT THE PROPERTY AS SHOWN ON THE SURVEY.
7. EASEMENT(S) TO SOUTHERN BELL TELEPHONE AND TELEGRAPH CO., INC. RECORDED IN BOOK 717, PAGE 388, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE. DOES AFFECT THE PROPERTY AS SHOWN ON THE SURVEY.
8. GENERAL PERMIT TO SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 1121, PAGE 570, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE. DOES AFFECT THE PROPERTY AS SHOWN ON THE SURVEY.
9. EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION RECORDED IN BOOK 28145, PAGE 571, IN BOOK 28611, PAGE 19, AND IN BOOK 28635, PAGE 744, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE. DOES AFFECT THE PROPERTY AS SHOWN ON THE SURVEY.
10. TITLE TO THAT PORTION OF THE LAND, IF ANY, LYING WITHIN THE RAILROAD RIGHT OF WAY, TOGETHER WITH RIGHTS OF THE RAILROAD COMPANY SERVICING THE RAILROAD SIDING LOCATED ON THE LAND IN AND TO THE TIES, RAILS AND OTHER PROPERTIES CONSTITUTING SAID RAILROAD SIDING OR IN AND TO THE USE THEREOF AND ALSO RIGHTS OF OTHERS THERETO ENTITLED IN AND TO THE USE THEREOF. DOES AFFECT THE PROPERTY AS SHOWN ON THE SURVEY.
11. TITLE TO ANY PORTION OF THE LAND LYING WITHIN THE RIGHT OF WAY OF POTTS STREET. DOES AFFECT THE PROPERTY AS SHOWN ON THE SURVEY.

LEGAL DESCRIPTION FOR TRACT TWO

BEING ALL OF THE PROPERTY TAX CODED 003-212-06 AS MORE SPECIFICALLY DESCRIBED BY REFERENCE TO DEED BOOK 3033 AT PAGE 297, THE TERMS AND PROVISIONS OF WHICH, AS TO THE REMAINING PROPERTY OF THE GRANTOR RECITED THEREIN, ARE INCORPORATED HEREIN BY REFERENCE, SAID PROPERTY BEING BOUNDED BY, RE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CHARLOTTE AND MECKLENBURG PROPERTY TAX CODED 003-212-29, AND THE 1.28 ACRE PARCEL TAX CODED 003-212-22, AS MORE PARTICULARLY DESCRIBED IN DEED BOOK 4313 AT PAGE 0155. SPECIFICALLY INCLUDED HEREIN IS ALL RIGHT, TITLE AND INTEREST OF THE PARTY OF THE FIRST PART, UNDER THE TERMS AND PROVISIONS OF ANY RIGHT OF WAY AGREEMENTS HERETOFORE EXECUTED BY MR. AND MRS. CLYDE C. CARR.

THE PROPERTY HEREIN CONVEYED ALSO BEING DESCRIBED AS FOLLOWS:

FIRST TRACT: SITUATED ON THE SOUTH SIDE OF THE BELT ROAD (FORMERLY CALLED THE ROCK ROAD), BEGINNING AT A POINT IN THE CENTER OF SAID BELT ROAD AND IN A SOUTHWESTERLY DIRECTION MEASURED ALONG THE CENTER LINE OF SAID BELT ROADA DISTANCE OF 662.10 FEET FROM THE NORTHWEST CORNER OF THE LEGION HUT (V.F.W.) PROPERTY; AND RUNS THENCE S. 19--31 E. 691.40 FEET TO AN IRON STAKE IN THE LINE OF MEMORIAL PARK LAND; THENCE WITH THE SAID LINE OF MEMORIAL PARK LAND S. 85--05 W. 75.30 FEET TO AN IRON STAKE; THENCE N. 19--31 W. 654.66 FEET TO A POINT IN THE CNETER LINE OF SAID BELT ROAD; THENCE WITH THE CENTER LINE OF SAID BELT ROAD N. 56--48 E. 75 FEET TO THE POINT OF BEGINNING. AND BEING SHOWN ON THE PLAT OF THE PROPERTY OF JOHN R. RAYMER MADE BY J.W. SPRATT, C.S., DATED APRIL, 1947.

SECOND TRACT: SITUATED ON THE SOUTH SIDE OF THE BELT ROAD (FORMERLY CALLED THE ROCK ROAD), BEGINNG AT A POINT IN THE CENTER OF SAID BELT ROAD AND IN A SOUTHWESTERLYDIRECTION MEASURED ALONG THE CENTER LINE OF SAID BELT ROAD A DISTANCE OF 737.10 FEET FROM THE NORTHWEST CORNER OF THE LEGION HUT (V.F.W.) PROPERTY; AND RUNS THENCE S. 19--31 E. 654.66 FEET TO AN IRON STAKE IN THE LINE OF MEMORIAL PARK LAND; THENCE WITH THE LINE OF SAID MEMORIAL PARK LAND S. 85--05 W. 46.26 FEET TO AN IRON STAKE; THENCE N. 22--02--30 W. 623.48 FEET TO A POINT IN THE CENTER LINE OF SAID BELT ROAD; THENCE WITH THE CENTER LINE OF SAID BELT ROAD N. 56--48 E. 75 FEET TO THE POINT OF BEGINNING. AND BEING SHOWN ON THE PLAT OF THE PROPERTY OF JOHN R. RAYMER MADE BY J.W. SPRATT, C.S., DATED APRIL, 1947.

THIRD TRACT: SITUATED ON THE SOUTH SIDE OF THE BELT ROAD (SOMETIMES CALLED ROCK ROAD), BEGNINNG AT A POINT IN THE CENTER OF SAID BELT ROAD AND IN A SOUTHWESTERLY DIRECTION MEASURED ALONG THE CENTER LINE OF SAID BELT ROAD A DISTANCE OF 587.10 FEET FROM THE NORTHWEST CORNER OF THE LEGION HUT (V.F.W.) PROPERTY; AND RUNS THENCE S. 19--31 E. 726.10 FEET TO AN IRON STAKE IN THE LINE OF MEMORIAL PARK LAND; THENCE WITH SAID LINE OF MEMORIAL PARK LAND S. 85--05 W. 75.81 FEET TO AN IRON STAKE; THENCE N. 19--31 W. 691.40 FEET TO A POINT IN THE CENTER LINE OF SAID BELT ROAD; THENCE WITH THE CENTER LINE FO SAID BELT ROAD N. 58--29 E. 75 FEET TO THE BEGINNING POINT. AND BEING SHOWN ON THE PLAT OF THE PROPERTY OF JOHN R. RAYMER MADE BY J.W. SPRATT, C.S., DATED APRIL, 1947.

LESS AND EXCEPTING FROM THE AFORESAID THREE TRACTS THE LAND MORE PARTICULARLY DESCRIBED IN INSTRUMENTS RECORDED IN BOOK 2259, PAGE 213 AND IN BOOK 3929, PAGE 649, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE.

CURRENTLY DESIGNATED AS MECKLENBURG COUNTY TAX PARCEL NUMBER 00320536.
BACK REFERENCE: BOOK 29440, PAGE 288, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE.

SCHEDULE B – SECTION II
EXCEPTIONS
FILE NO: C089054893

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. TAXES OR ASSESSMENTS FOR THE YEAR 2017, AND SUBSEQUENT YEARS, NOT YET DUE OR PAYABLE.
3. THE CORRECTNESS OF THE SQUARE FOOTAGE/ACREAGE COMPUTATION CONTAINED IN THE DESCRIPTION OF THE LAND IS NOT INSURED.
12. ENCROACHMENTS, OVERLAPS, OVERHANGS, UNRECORDED EASEMENTS, VIOLATED RESTRICTIVE COVENANTS, DEFICIENCY IN QUANTITY OF GROUND, LACK OF ACCESS, VIOLATED PLAT BUILDING LINES, OR ANY MATTERS NOT OF RECORD WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE LAND. NOTE: UPON RECEIPT OF A CURRENT ALTA SURVEY AND SURVEYOR'S REPORT, THIS EXCEPTION WILL BE ELIMINATED OR AMENDED IN ACCORDANCE WITH THE FACTS SHOWN THEREBY.
13. RIGHTS, PRIVILEGES, AND EASEMENTS RETAINED BY DUKE POWER COMPANY CONTAINED IN INSTRUMENT RECORDED IN BOOK 2259, PAGE 213, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE. DOES AFFECT THE PROPERTY.
14. RIGHTS OF DUKE POWER COMPANY FOR PONDING, FLOODING, RAISING, AND BACKING THE WATERS OF LAKE NORMAN UP TO A CONTOUR ELEVATION OF 770 FEET TOGETHER WITH THE RIGHTS OF OTHERS ENTITLED THERETO IN AND TO THAT PORTION OF THE LAND BEING LOCATED WITHIN THE BOUNDS OF LAKE NORMAN. THE COMPANY SPECIFICALLY DOES NOT INSURE TITLE TO ANY PORTION OF THE LAND LYING BELOW THE 760 CONTOUR LINE OF LAKE NORMAN. DOES AFFECT THE PROPERTY.
15. RIGHT OF ACCESS TO AND FROM THE LAND. NO RECORDED ACCESS FOUND ON RECORD.
16. THE LAND SHALL NOT BE DEEMED TO INCLUDE ANY HOUSE TRAILER, MANUFACTURED HOME, MOBILE HOME OR MOBILE DWELLING ON THE LAND. ALL STRUCTURES SHOWN ON THIS TRACT WERE STILL PRESENT ON 1/26/17.

LEGAL DESCRIPTION FOR TRACT THREE

BEING ALL OF LOT NUMBERS 10, 11, 12, AND 13 IN BLOCK 3 OF CAROLINA PARK SUBDIVISION AS SHOWN ON MAP RECORDED IN MAP BOOK 3, PAGE 325, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE.

CURRENTLY DESIGNATED AS MECKLENBURG COUNTY TAX PARCEL NUMBER 00320501.
BACK REFERENCE: BOOK 30515, PAGE 844, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE.

SCHEDULE B – SECTION II
EXCEPTIONS
FILE NO: C089054893

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. TAXES OR ASSESSMENTS FOR THE YEAR 2017, AND SUBSEQUENT YEARS, NOT YET DUE OR PAYABLE.
3. THE CORRECTNESS OF THE SQUARE FOOTAGE/ACREAGE COMPUTATION CONTAINED IN THE DESCRIPTION OF THE LAND IS NOT INSURED.
17. EASEMENT(S) TO SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 717, PAGE(S) 391, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE. DOES NOT AFFECT THE PROPERTY.
18. ENCROACHMENTS, OVERLAPS, OVERHANGS, UNRECORDED EASEMENTS, VIOLATED RESTRICTIVE COVENANTS, DEFICIENCY IN QUANTITY OF GROUND, LACK OF ACCESS, VIOLATED PLAT BUILDING LINES, OR ANY MATTERS NOR OF RECORD WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE LAND. NOTE: UPON RECEIPT OF A CURRENT ALTA SURVEY AND SURVEYOR'S REPORT, THIS EXCEPTION WILL BE ELIMINATED OR AMENDED IN ACCORDANCE WITH THE FACTS SHOWN THEREBY.

LEGAL DESCRIPTION FOR TRACT FOUR

BEGINNING AT A STAKE IN THE WEST SIDE OF POTTS STREET, CORNELIUS, NORTH CAROLINA BEING THE SOUTHWEST CORNER OF THE F.M. BEAVER PROPERTY (NOW OR FORMERLY) AND RUNNING THENCE NORTH 74-58-40 WEST 260.39 FEET TO A POINT; THENCE SOUTH 19-33-00 WEST 75.00 FEET TO A STAKE IN THE WEST SIDE OF POTTS STREET; THENCE NORTH 27-37-00 EAST 78.10 FEET TO THE POINT AND PLACE OF BEGINNING.

CURRENTLY DESIGNATED AS MECKLENBURG COUNTY TAX PARCEL NUMBER 00320509.
BACK REFERENCE: BOOK 29440, PAGE 295, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE.

SCHEDULE B – SECTION II
EXCEPTIONS
FILE NO: C089054893

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
2. TAXES OR ASSESSMENTS FOR THE YEAR 2017, AND SUBSEQUENT YEARS, NOT YET DUE OR PAYABLE.
3. THE CORRECTNESS OF THE SQUARE FOOTAGE/ACERAGE COMPUTATION CONTAINED IN THE DESCRIPTION OF THE LAND IS NOT INSURED.
19. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND OCCURRING SUBSEQUENT TO "ALTA/ACSM LAND TITLE SURVEY OF 22.469 ACRES LOCATED OFF OF POTTS STREET" BY JAMES R. HOBBS OF LAKE NORMAN SURVEYING AND MAPPING PLLC, DATED OCTOBER 8, 2014. NOTE: UPON RECEIPT OF A CURRENT ALTA SURVEY AND SURVEYOR'S REPORT, THIS EXCEPTION WILL BE ELIMINATED OR AMENDED IN ACCORDANCE WITH THE FACTS SHOWN THEREBY.
20. ANY RIGHT, EASEMENT, SETBACK, INTEREST, CLAIM, ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATIONS OR OTHER ADVERSE CIRCUMSTANCE AFFECTING THE TITLE DISCLOSED BY PLAT(S) RECORDED IN DEED BOOK 1166, PAGE 123, MECKLENBURG COUNTY REGISTER OF DEEDS OFFICE. DOES AFFECT THE PROPERTY AS SHOWN ON THE SURVEY.
21. TITLE TO ANY PORTION OF THE LAND LYING WITHIN THE RIGHT OF WAY OF POTTS STREET. DOES NOT AFFECT THE PROPERTY. THE PROPERTY LINE RUNS WITH THE WESTERN MARGIN OF THE RIGHT-OF-WAY OF POTTS ST.

NOTES:
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- AREA BY COORDINATE COMPUTATION.
- PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS & RIGHTS OF WAY OF RECORD.
- SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENT FOUND DURING THE SURVEY.
- PROPERTY CORNER PIPE SIZES AS SHOWN ARE NOMINAL INSIDE DIAMETER.
- THERE MAY BE OTHER UNDERGROUND UTILITIES THAT WERE NOT VISIBLE AT THE TIME OF THE SURVEY.
- THIS SURVEY WAS PREPARED WITH THE BENFIT OF TITLE SEARCH PER; POLICY NUMBER 34-305-184-10-PCH
  EFFECTIVE DATE: SEPTEMBER 10, 2014
  INSURER: CHICAGO TITLE COMPANY, LLC;
  COMMITMENT NUMBER 14-0438410
  EFFECTIVE DATE: MARCH 13, 2014
  INSURER: CHICAGO TITLE COMPANY, LLC;
  AND POLICY NUMBER 34 306 14-1408110
  EFFECTIVE DATE: SEPTEMBER11, 2014
  INSURER: CHICAGO TITLE COMPANY, LLC;
- THE LEGAL DESCRIPTIONS & EXCEPTIONS LISTED WERE TAKEN FROM COMMITMENT FOR TITLE INSURANCE
  FILE NO. C089054893
  EFFECTIVE DATE: DECEMBER 28, 2016
  ISSUE DATE: JANUARY 19, 2017
  INSURER: BRIDGETRUST TITLE GROUP
- THE BUYER: CRESCENT ACQUISITIONS, LLC
- THE TITLE COMPANY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N17°07'59"W	48.90
L2	N41°51'01"E	101.30
L3	N35°01'59"E	88.20
L4	S37°34'44"W	15.85
L5	S26°16'45"W	60.65
L6	S24°51'44"W	61.47
L7	S22°25'23"W	34.03
L8	S22°18'16"W	46.53
L9	S21°33'09"W	54.34
L10	S21°15'51"W	76.67
L11	S21°08'11"W	129.77
L12	S21°17'31"W	7.65
L13	S21°17'31"W	13.20
L14	N73°51'49"W	48.22
L15	S42°18'20"W	0.78
L16	N86°36'16"E	33.13
L17	N72°46'48"W	100.63
L18	S25°17'01"W	4.71

THIS IS TO CERTIFY THAT THIS MAP OR PLAY AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES 1,4,8,11, & 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 8, 2014 & REVISED ON JANUARY 26, 2017.

DATE OF PLAT OR MAP: _____

_____
JAMES R. HOBBS PLS–3703

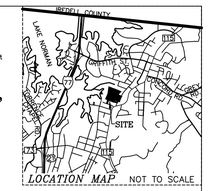
STATE OF NORTH CAROLINA
IREDELL COUNTY

I, JAMES R. HOBBS, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book AS, page SHOWN, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS, page SHOWN; that the ratio of precision as calculated is 1: 10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 18th day of FEBRUARY, A.D., 2017.

"PRELIMINARY PLAT"

NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor
L-3703



PARCEL ID 00320543
DAVIDSON PRESBYTERIAN CHURCH
D.B. 31244 PG. 476
P.B. 60 PG. 102
CATAWBA AVE.
S68°27'33"E 22.69'
N68°27'33"W 100.37'
½" I. PIPE (F)
NC GRID (NAD 83(2011) COORDINATES ADJ. OCTOBER 11, 2014
NCGS M 007
E 1449477.13 FT
NAD 83(2011)
PARCEL ID 00320526
WILBUR M. HOUSTON
D.B. 3214 PG. 437
UMI–830
MTN. ISLAND FILE NO. 762
CORNER OF SHED 6.74' FROM ℄
DUKE ENERGY LAKE NORMAN
SOIL ROAD
LOCATION OF DUKE ENERGY PROJECT BOUNDARY –FIELD LOCATED–
PARCEL ID 00320535
LODESTAR INVESTMENTS, LLC
D.B. 23964 PG. 74
UMI–910
MTN. ISLAND FILE NO. 761
MOBILE HOME
CORNER OF MOBILE HOME 2.67' FROM ℄
PORCH
ADDITION
CORNER OF MOBILE HOME 15.51' FROM ℄
½" I. PIPE (F) IN CONCRETE
½" I. ROD (F) IN ½" I. PIPE (F)
1" MILL SPINDLE (F)
TRACT #1
PARCEL IDs 00320511A, 00320511B, 00320511C, 00324101A, & 00324101B
AREA = 21.601 ACRES
940,927 SQUARE FEET
(INCLUDING 0.411 ACRE (17,900 SF) IN RAILROAD R/W,
0.205 ACRE (8,912 SF) IN ROAD R/W, & 0.124 ACRE (5,415 SF) IN RAILROAD AND ROAD R/W)
D.B. 29594 PG. 700
TRACT #2
PARCEL ID 00320536
AREA = 0.429 ACRE
18,696 SQUARE FEET
D.B. 29440 PG. 288
UMI–846
MTN. ISLAND FILE NO. 760
PARCEL ID 00320537
THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CHARLOTTE AND MECKLENBURG
TRACT III – D.B. 4313 PG. 155
UMI–546(9)
MTN. ISLAND FILE NO. 1026
PARCEL ID 00320501
DAVIDSON ACQUISITION COMPANY, LLC
D.B. 30515 PG. 844
LOTS #10–13
P.B. 3 PG. 325 & MAP SHOWN IN D.B. 1166 PG. 123
PARCEL ID 00320504
JOSEPHINE McKISSICK
D.B. 3806 PG. 501
PARCEL ID 00320503
DAVIDSON PRESBYTERIAN CHURCH
D.B. 31244 PG. 17
PARCEL ID 00320505
HARRY PAUL ORLANDO, JR. & WIFE, MARY ANN ORLANDO
D.B. 6021 PG. 102
PARCEL ID 00320506
ORLANDO LAND COMPANY, LLC
D.B. 3205 PG. 453
PARCEL ID 00320507
KEVIN WILLIAM BROTHERTON & WIFE, MARY C. CUNNUP
D.B. 31126 PG. 429
PARCEL ID 00320508
ORLANDO LAND COMPANY, LLC
D.B. 3205 PG. 453
PARCEL ID 00320509
DEXTER RAE PARTNERS
D.B. 29594 PG. 700
PARCEL ID 00320510
ORLANDO LAND COMPANY, LLC
D.B. 3205 PG. 453
PARCEL ID 00320511
MICHAEL JULIA ORLANDO
D.B. 6468 PG. 519
PARCEL ID 00320512
ORLANDO LAND COMPANY, LLC
D.B. 3205 PG. 291
PARCEL ID 00320513
ORLANDO LAND COMPANY, LLC
D.B. 3205 PG. 453
NAIL (S) AT TALL BENT 2" I. PIPE (F) 4.70' NORTHEAST OF ℄
N 640579.63 FT
E 1447750.47 FT
NAD 83(2011)
CP = 0.999619
SA=35°36'N
DIST=0.0000 M
PARCEL ID 00320538
JEANNE M. NEUMANN
D.B. 14278 PG. 958
PARCEL ID 00320512
JEANNE M. NEUMANN
D.B. 29594 PG. 700
BENT 3/4" I. ROD (F)
PARCEL ID 00324111
REBECCA M. McINTOSH
D.B. 16902 PG. 322
PARCEL ID 00324107
JULIUS JENNINGS WADE, III and wife, CARY PAGE WADE
D.B. 4727 PG. 129
PARCEL ID 00324102
RUBY DIANNE HOUSTON
D.B. 3929 PG. 428
TRACT #4
PARCEL ID 00320509
AREA = 0.439 ACRE
19,112 SQUARE FEET
D.B. 29440 PG. 295
TRACT #3
PARCEL ID 00320501
AREA = 0.673 ACRE
29,304 SQUARE FEET
D.B. 30515 PG. 844
LOTS #10–13
P.B. 3 PG. 325 & MAP SHOWN IN D.B. 1166 PG. 123
PARCEL ID 00320537
THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CHARLOTTE AND MECKLENBURG
TRACT III – D.B. 4313 PG. 155
UMI–546(9)
MTN. ISLAND FILE NO. 1026
PARCEL ID 00320413
JAMES MURIEL ROBINETTE
D.B. 30844 PG. 285
LOT #15 P.B. 6 PG. 451
DAVIDSON ST.
(40' R/W) – P.B. 3 PG. 325
(50' R/W) – P.B. 6 PG. 451
PARCEL ID 00320503
CLARK D. READLING and wife, CAROLYN SUE READLING
D.B. 18056 PG. 689
LOTS #18–25
P.B. 3 PG. 325 & MAP SHOWN IN D.B. 1166 PG. 123
PARCEL ID 00320508
TIFFANY E. BARNETTE
D.B. 31339 PG. 969
PARCEL ID 00320507
THOMAS DONALDSON
D.B. 20894 PG. 36
WOODEN SHED CORNER 1.86' OVER ℄
WOODEN SHED CORNER 0.23' OVER ℄
CORNER OF WOODEN STORAGE BUILDING 22.85' FROM ℄
SINGLE STORY BRICK DWELLING
CORNER OF HOUSE 18.60' FROM ℄
CORNER OF CARPORT 9.04' FROM ℄
ALUMINUM CARPORT
GRAVEL DRIVE
PAVED DRIVE
CORNER OF HOUSE 17.51' FROM ℄
CHISELED HOLE IN SIDEWALK
SIDEWALK
℄ FOLLOWS THE NORTHERN MARGIN OF THE R/W OF DAVIDSON ST.
APPROXIMATE LOCATION OF UG FIBER OPTIC D.B. 28145 PG. 571, D.B. 28611 PG. 19, & D.B. 28635 PG. 744
POSSIBLE UG GAS LINE (YELLOW PAINTED LINE)
RETAIL LINE D.B. 351 PG. 372 AND TELEPHONE LINE D.B. 717 PG. 388 & D.B. 1121 PG. 570
FIBER OPTIC BOX
POTTS ST. (50' R/W) D.B. 29440 PG. 295
SOUTHERN RAILROAD (100' R/W) DB. 8626 PG. 337
℄ FOLLOWS RAILROAD
DIMPLE IN RR SPIKE (F)
MAG NAIL (S)
℄ FOLLOWS THE WESTERN MARGIN OF THE R/W OF POTTS ST.
ALLEY AS SHOWN ON MAP SHOWN IN D.B. 1166 PG. 123
NAIL (S) AT A BENT ½" I. PIPE (F)
½" I. PIPE (F)
½" I. ROD (F)
3/4" I. ROD (F)
TALL 1¼" I. PIPE (F)
N68°10'13"W 156.09'
N68°02'50"W 98.70'
N68°42'38"W 289.60'
N72°57'25"W 383.54' TOTAL
S21°17'31"W 67.36'
S21°17'31"W 7.65'
S21°17'31"W 13.20'
N73°51'49"W 151.39'
N72°24'34"W 248.10'
S66°31'01"E 305.55' TOTAL
S26°16'45"W 60.65'
S24°51'44"W 61.47'
S22°25'23"W 34.03'
S22°18'16"W 46.53'
S21°33'09"W 54.34'
S21°15'51"W 76.67'
S21°08'11"W 129.77'
S21°17'31"W 74.81'
S68°46'18"E 149.49' TOTAL
S68°48'52"E 167.40' TOTAL
S68°44'23"E 75.48'
S68°59'22"E 130.09'
S68°06'49"E 174.55'
S68°56'11"E 226.36'
S68°45'47"E 84.31'
S68°59'22"E 130.09'
S68°06'49"E 174.55'
S68°56'11"E 226.36'
S68°45'47"E 84.31'
S68°31'01"E 305.55'
S68°44'23"E 75.48'
S68°46'18"E 149.49'
S68°48'52"E 167.40'
S68°59'22"E 130.09'
S68°06'

MAYOR
CHUCK TRAVIS

MAYOR PRO-TEM
WOODY WASHAM

COMMISSIONERS
JIM DUKE
DAVID GILROY
MICHAEL F. MILTICH
THURMAN ROSS, JR

TOWN MANAGER
ANTHONY ROBERTS

August 11, 2017

Jacob Bachman, PE
ColeJenest & Stone, PA
200 S. Tryon Street, Suite 1400
Charlotte, NC 28202

Michael Tubridy
Crescent Acquisitions LLC
227 W. Trade St., Suite 1000
Charlotte, NC 28202

RE: REZ 05-17 Potts Street Residential

Dear Jake and Michael,

The Town of Cornelius has coordinated our first review of your project referenced above and located off of Potts Street near Davidson Street in Cornelius. Please incorporate these comments into all future revisions.

1. Community Meeting Schedule – Per conditional zoning requirements, you conducted your required Community Meeting on August 9th. Please provide the Town an attendance sheet as well as a summary of the meeting.

2. Potts Street Realignment – As you are aware, NCDOT has contracted with Kimley-Horn Associates to design a roundabout at the existing intersection of Potts Street, Davidson Street, and North Main Street (Highway 115) near this property. Based on the roundabout design, Potts Street is proposed to be realigned through this property before it connects to the roundabout. Please coordinate the location of this right-of-way with NCDOT and Kimley-Horn, and show the right-of-way in the sketch plan. Per section 13.3 (B) of the Town's Land Development Code, new developments must conform to adopted thoroughfare plans and street design. Please also adjust the location of lots, internal streets and alleyways to not be shown or located within the proposed right-of-way for the relocation of Potts Street.

3. Traffic Impact Analysis(TIA) – While the Town did not require a TIA, we do believe the it is critical that we review the TIA being prepared for the Town of Davidson. The current design will facilitate a majority of the trip generation towards Cornelius, based on the lack of access out of the Davidson side of the development. Cornelius would like to evaluate any impacts the provision of the new streets and the added trips may have on our existing system and evaluate any recommended mitigation that may need to be conditioned or planned for within this development approval.

4. Streets and Alleyways – Please adjust the street cross sections to meet the Town of Cornelius new standards for right-of-ways to include the following:

    - 10-foot travel lanes
    - 2.5-foot standard curb and gutter
    - 7.5' planting strip
    - 5' sidewalks on both sides (potential 10' multi-use path for YMCA connection)

Also, please use the same cross-section for all proposed streets in the portion of this development on the Cornelius side. The cross sections may be expanded to provide for the on-street parking that is being shown, although on-street parking is not required. The Town requests standard curb and gutter on all alleys as well, and we no longer recommend valley curb for alleys. The location of the proposed alley is not prohibited by our Code as shown, but we do have concerns as to the desire of homeowners to have neighbors travelling through each individual property to access garages and the overall desire and benefit of such a design. Something that we will certainly discuss with the reviewing Boards.

5. Community Mailbox locations – Per new requirements of the U.S. Postmaster for this area, please indicate a location on the sketch plan for proposed community mailboxes in a location accessible by both the post master and the residents.

6. Buffers, Screening and Tree Save Areas – As you aware, the existing site is heavily vegetated, therefore it is important to preserve existing stands of trees to the greatest extent practical. Particularly within the buffer areas. Please provide an environmental survey in addition to or as part of the existing property survey. The survey shall identify steep slopes, and existing stands of trees greater than 18" in diameter, and also individual trees that are more than 24" in diameter.

7. Storm water Concept Plan – Because this project crosses the boundary between Cornelius and Davidson, but it is being reviewed as one larger plan from a storm water/water quality perspective, staff recommends that a storm water concept/master plan be submitted to Mecklenburg County for review of the entire project because it lies within the same watershed district.

8. Trail connection to the YMCA – Please coordinate with the YMCA, and provide easement or agreement to the Town as part of this request that the proposed path can cross the YMCA property.

Also attached with this letter are redline comments for your review. Please submit revisions to these comments at your convenience and we will coordinate the board schedule depending on revisions to this plan, and the scheduling of the Community Meeting. Please call or email me if you have any questions.

Sincerely,

Jason T. Pauling, AICP – Senior Planner
(704) 896-2460 x 113
jpauling@cornelius.org

Attachment(s)

CC: Wayne Herron, AICP – Planning Director
Susan Irvin – Irvin Law, PLLC

REQUEST FOR BOARD ACTION

Print

Date of Meeting: September 11, 2017

To: Planning Board Members

From: Wayne Herron, AICP

Director of Planning

Action Requested:

Continuation of Code Update Review

Manager's Recommendation:

Continue Review

ATTACHMENTS:		
Name:	Description:	Type:
No Attachments Available		