

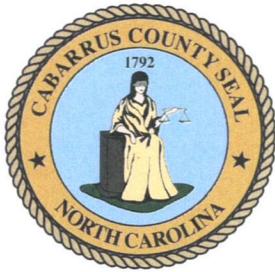


Cabarrus County Government

Cabarrus County Planning and Zoning Commission
Tuesday, March 14, 2023 @ 6:30 p.m.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Oath of Office to Re-Appointed Member and to New Appointed Member
2. Roll Call
3. Approval of October 11, 2022, PZ Meeting Minutes
4. Approval of the Granting Order with Finding of Facts for SUSE22022-00014 – Special Use Permit request for Wireless Communications Tower. Applicant is PeakNet, LLC.
5. New Business Planning Board Function:
 - RZON2023-00001 – Rezone property from Office/Institutional (OI) to Agricultural/Open Space (AO). Owner/applicant is Clement Hammill, Hammill Logging. Address is 15730 Glenmore Road (PIN: 6603-89-3130).
6. Legal Update
7. Director's Report
8. Adjourn



Cabarrus County Government – Planning and Development

Planning and Zoning Commission Minutes

March 14th, 2023

Mr. Adam Dagenhart, Chair, called the meeting to order at 6:35 p.m. Members present, in addition to the Chair, were Mr. Jeff Corley, Mr. Charles Paxton, Mr. Andrew Nance, Mr. Chris Pinto, Mr. Brent Rockett, Mr. Stephen Wise, Mr. David Hudspeth, and Mr. Mohammed Idlibi. Attending from the Planning and Zoning Division were, Ms. Sandy Howell, Planner, Ms. Susie Morris, Planning and Development Director, Ms. Kendall Bolton, Clerk to the Board, Mr. Richard Koch, County Attorney and Mr. Evan Lee, General Counsel.

Oath of Office was given to re-appointed members Mr. Stephen Wise, Mr. Andrew Nance and to newly appointed member, Mr. Mohammed Idlibi.

Roll Call

Approval of Minutes

Approval of October 11, 2022, Planning and Zoning Commission Meeting Minutes.

There being no corrections or additions to the minutes, Mr. Jeff Corley **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the October 11, 2023, meeting minutes. The vote was unanimous.

Approval of Granting Order with finding of facts

Approval of October 11, 2023, Granting Order with finding of facts for SUSE2022-00014 Special Use Permit request for wireless communications tower. Applicant is PeakNet, LLC

There being no corrections or additions to the granting order, Mr. Charles Paxton **MOTIONED, SECOND** by Mr. Jeff Corley to **APPROVE** the October 11, 2023, Granting Order with Finding of Facts. The vote was unanimous.

The Chair said since there is not a large crowd, I will not read the suggested Rules and Procedure. Do we have a motion to adopt the rules?

Mr. Brent Rockett **MOTIONED, SECONDED** by Mr. Andrew Nance to **ADOPT** the Rules of Procedure. The vote was unanimous.

New Business Planning Board Function:

RZON2023-00001 – Rezone property from Office/Institutional (OI) to Agricultural/Open Space (AO). Owner/Applicant is Clement Hammill, Hammill Logging. Address is 15730 Glenmore Road (PIN: 6603-89-3130).

The Chair called on Ms. Sandy Howell to present the Staff report.

Ms. Sandy Howell, Planner, addressed the Board presenting the Staff report for RZON2023-00001. The purpose of this request is to rezone the subject property from OI to AO. The subject property is approximately 51 acres. It has been in the forestry program for a while now, the owners used it periodically for timber.

A 68-foot Duke Power right-of-way runs diagonally across the property. There is no floodplain located on the subject property and it is not located in a Watershed.

Agricultural uses are not permitted in the OI district. Therefore, a rezoning of the subject property would decrease the non-conforming status of the property and bring the use of the property into better compliance with the current ordinance.

In 2005, several properties throughout the County were rezoned to OI as the result of recommendations in the Cabarrus County Strategic Plan for Economic Development (AKA LeakGoforth Study). This study identified potential sites for Future Employment/Industrial Development. It is assumed that this property was included in the rezoning as an expansion of the area identified in the study as Site Q. (Showing on Map)

The Comprehensive Transportation Plan Index from the Cabarrus-Rowan Metropolitan Planning Organization contemplates that the section of Hwy 52 near the subject property will expand from a 60 foot right of way to a 100 foot right of way due to increased traffic volume in the future. (Showing on Map)

A mining operation is present to the east of this property. In 2019, a Conditional Use Permit was approved to expand the mining operation. Two neighboring parcels to the east was purchased later that year for the mining company from which no site plans have been submitted concerning expansion, we can assume this is for buffering purposes. They purchased this (showing on map) parcel as well. In 2021, a Rezoning was approved to rezone from OI to GI-CU to expand the mining operation area, this was mainly used for laydown purposes.

Governmental water provided by Stanly County was extended in the area for public safety purposes. Sewer has not been extended in the area.

The proposed rezoning is not consistent with the Eastern Land Use Plan. However, the area where the subject property is located has not developed as contemplated in the original Plan. Except for the Gold Hill Quarry, Stalite, and the private airport to the north, properties in this area are developed as residential, a lot of which were constructed prior to the establishment of county zoning. The subject property has also been used for agricultural purposes since prior to the establishment of zoning.

This is a conventional rezoning request; therefore, all uses permitted in the AO zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.

The Chair asked if there were any question for Ms. Howell.

There being none, the Chair called on Mr. Hammill to make a presentation.

Mr. Clement Hammill of 6007 St. Stephens Church Rd. Gold Hill, NC, addressed the Board. He said we acquired this property in 1993, it was a part of a larger piece of land that had been broken up. We bought it mainly for the timber that was on the property, it was about half timber and half farmland when purchased. My uncle farmed the land up front, while we cut the timber and re-planted trees in 1994 making them 29 years old today. We have tried to sell this land for the last 8-10 years and have had a lot of people interested in it until they found out you cannot build a house on it.

I will be 72 years old tomorrow; I have been retired for 5 years. The idea for selling the land is to supplement our retirement income.

The property is in a good place. It has good road frontage, city water, and red land on top of the hill. This would be no problem for septic if someone wanted to build a house on it. We have had the property now for 30 years and we would like for it to move on.

I have talked with all the neighbors and have had no complaints from anyone as far as changing it over. We have had several people that are interested in buying it for the investment, simply because the timber is young. It does need to grow another 15-18 years before it is mature enough to harvest, it will double in value then.

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

There being none, the Chair opened the public hearing. There were no questions or comments from the public. The Chair closed the public hearing.

The Chair said we need to discuss this and come up with a motion to approve or deny the rezoning request.

Mr. Brett Rockett said although this rezoning would not be consistent with the land use plan, it still appears to be fully surrounded by AO property and would fit well with the surrounding properties.

Mr. Charles Paxton said this would also bring it into better conformity.

Mr. Chris Pinto asked was the OI put in there like the Hill property? They just inherited it and would not be here if they did not have the OI from before?

Ms. Susie Morris said that is correct. Based on that map, it looks like in this case they expanded that OI out. If you remember, that is how Mr. Hill got into that situation. It appears that this is

how the Hammill's got into this situation because it does expand beyond that area that was identified in the LeakGoforth study.

Mr. Chris Pinto asked so it was AO before OI. Right?

Ms. Susie Morris said correct. There is a map of the previous zoning in your packet, it shows that the property was OI. In 2005-2006 this was zoned OI to be put into the holding pattern that we have talked about multiple times, for projects to come in and ask for rezoning.

Mr. Chris Pinto said I guess what I am saying is, they have an expense now that they wouldn't have had to have if the County wouldn't have moved to put this to OI. They are here spending four hundred something per acre to get the zoning from what they had before.

Ms. Susie Morris said that area was contemplated as industrial. There were industrial opportunities there and it has not flipped over like they thought it would have. Also, there is not sewer there. That may also have something to do with it as far as industry not locating there. Had that site all flipped at once, we would not be having this conversation.

Mr. Jeff Corley said current use, and any potential use, in the AO is compatible with the adjacent properties and seems to be an extension of the existing AO that is already in place surrounding it.

The Chair asked if there was any further discussion. There being none, he asked if anyone would like to make a motion? Please give reasons to approve or deny the request.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Brett Rocket to **APPROVE** the rezoning request from OI to AO based on the reasons mentioned by the Board. Vote was unanimous.

Consistency statement

Mr. Jeff Corley said this rezoning is reasonable and in the public interest in that while not consistent with the land use plan, this area has not developed as anticipated by the land use plan. This rezoning will provide better conformance for the existing uses on the property. The rezoning will keep the integrity of the surrounding community and the current uses, as well as any future uses, and will be compatible with the existing uses that surround it.

Mr. Rich Koch added that is based on the staff report, staff's presentation, the owner's presentation, and the owner's application.

Mr. Jeff Corley **MOTIONED, SECOND** by Mr. Stephen Wise to **APPROVE** the consistency statement. Vote was unanimous.

Legal update

Mr. Rich Koch said not much has changed but in the next 30 days we may know more about several cases. He also introduced new general counsel for the County, Mr. Evan Lee.

Mr. Evan Lee greeted the Board.

Director's report

Ms. Susie Morris said we still are working on filling our empty position. Mohammed Idlibi, our new alternate, represents the Harrisburg Area. We are still working towards filling the Midland position, we may have a potential candidate.

As most of you probably know we are busy, there is a lot going on with the County. The new courthouse anticipated opening is May. They may do tours of the facility. What is happening on the front now, that is not the County, that is the city, that is the streetscape project. The plaza is also anticipated to be opened at the same time the courthouse is, the County's part of the public plaza. That will be a lot different for the downtown to now have that public space and area, then the streetscape will carry onto Union Street.

There is a lot going on with the County in general with construction and new projects we are involved in. There us a new park and Senior Center coming to the Mount Pleasant area. We had our first public meeting for the park off St. Stephens Church Rd. Where they were talking about doing the equestrian subdivision, they have flipped that property to the County. That is intended to be a passive type of park. I do not think you all will see that. Hopefully it will be headed on the right path from the start.

The last round of trainings done by the School of Government was for historic. When that next round starts of the in-person trainings, we will be sure to get that out to you so you can have a refresher. If any of you think you need a refresher before then, the videos are always available to you.

There being no further discussion, Mr. Charles Paxton **MOTIONED, SECONDED** by Mr. Stephen Wise to adjourn the meeting at 6:59 p.m. The vote was unanimous.

APPROVED BY:



Mr. Adam Dagenhart

SUBMITTED BY:



Kendall Bolton

ATTEST BY:



Susie Morris

Susie Morris, Planning and Development Director

PLANNING STAFF REPORT
 CABARRUS COUNTY PLANNING AND ZONING COMMISSION
 3/1/2023

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

Petition: RZON2023-00001 Rezoning

Applicant Information: Clement Hammill
 Hammill Logging Inc.
 6007 St. Stephens Church Rd.
 Gold Hill, NC 28071

Owner Information: Clement Hammill
 Hammill Logging Inc.
 6007 St. Stephens Church Rd.
 Gold Hill, NC 28071

Existing Zoning: OI (Office/Institutional)

Proposed Zoning: AO (Agricultural/Open Space)

Existing Permitted Uses: All uses permitted in the OI zoning district are permitted by right on the subject property.

Proposed Uses: All uses allowed in the AO zoning district.

Parcel ID Numbers: 6603-89-3130

Property Addresses: 15730 and 15615 Glenmore Road

Area in Acres: ± 51.05 ac

Site Description: The subject property has been in the forest program for several years and used periodically for timber. A 68-foot Duke Power right-of-way runs diagonally across the property. There is no floodplain located on the subject property and it is not located in a Watershed.

Adjacent Land Use: North: Agricultural, Vacant, Airstrip (Rowan County)
 East: Residential, Vacant
 South: Vacant
 West: Residential (driveway), Vacant (Vulcan project buffer)

Surrounding Zoning: North: OI (Office/Institutional)
 East: AO (Agricultural/Open Space)
 South: AO (Agricultural/Open Space)
 West: OI (Office/Institutional)

Utility Service Provider: Currently, the subject property is served by governmental water and septic.

Exhibits

EXHIBIT A – Staff Report
EXHIBIT B – Application
EXHIBIT C – Property Deed
EXHIBIT D – Property Maps
EXHIBIT E – Adjacent Property Owner & Property Owner Letters
EXHIBIT F – Neighborhood Meeting Information
EXHIBIT G – Use Comparison Table

Intent of Zoning Districts

PROPOSED DISTRICT: AGRICULTURAL OPEN (AO)

This district is comprised mostly of lands usually found on the eastern side of the County which, due to physical characteristics such as soil type, topography, etc., should remain agrarian. To a lesser degree, these are also those lands which are conducive to providing recreationally oriented open space. These land areas should remain the farmland and undeveloped/forested land of the County. Public utilities will not be planned for these areas. Consequently, residential uses that support those working and/or owning the land, home occupations allied with existing residences, and very limited business endeavors are envisioned as complementary to the area. In sum, the primary activity of these lands is agricultural - housing and business are typically related to, and supportive of, the practice of modern-day agriculture. It is not, however, improbable that a small hamlet type settlement might evolve in this zoning district. As to those areas constituting open space, manmade uses must take care to enhance and not detract from the essential character of the area.

RATIONALE

Cabarrus County, due largely to its proximity to the Charlotte-Mecklenburg metropolitan area, is in a growth mode which will, in all probability, continue. While the issue of farmland preservation may ultimately be more driven by market economics, it still behooves policy makers to prudently attempt farmland preservation. Less a matter of market economics is the concept of retaining unspoiled, undeveloped lands for future generations to enjoy.

EXISTING DISTRICT: OFFICE/INSTITUTIONAL (OI)

This district is intended to accommodate relatively low intensity office and institutional uses at intensities complementary to residential land use. This district serves as a transitional district between residential land uses and higher intensity non-residential land uses.

RATIONALE

This district is used to provide for low intensity office and institutional uses that can be complementary to adjacent residential land use. This district features employment options and essential services which require a moderate number of average daily trips. These uses will have a minimum impact on the surrounding area because these trips will generally occur during regular church business hours, thus, not competing with residential traffic at peak hours. This district should be located adjacent to residential districts or in areas where its use would serve as a transition between residential land uses and higher intensity non-residential land uses. Higher intensity non-residential land uses may include commercial districts, light industrial or mixed-use districts. When bordering residential districts or residential developments, care should be taken to assure natural or manmade buffering and architectural compatibility so that the nonresidential activities are not a nuisance to residential use.

Agency Review Comments

Planning Review:

Staff Report. *Sandy Howell, Planner, Cabarrus County*

NCDOT Review:

We have no issues with the proposed rezoning. *Marc Morgan, Division Engineer, NCDOT*

Fire Marshal Review:

No comments. *Jacob Thompson, Cabarrus County Fire Marshal*

EMS Review:

No comments. *Justin Brines, Cabarrus County EMS Deputy Chief*

Sheriff's Office Review:

No comments. *Travis McGhee, Cabarrus County Sheriff's Lieutenant Communications*

Health Alliance Review:

No comments. *Chrystal Swinger, Cabarrus Health Alliance*

Soil and Water Review:

Preservation of farmland and agricultural use is appreciated.

Tammi-Sue Remsburg, Resource Conservation Coordinator, Cabarrus Soil & Water Conservation District

Land Use Plan Analysis

The subject property is in the Eastern Land Use Planning Area. The Eastern Area Plan (Plan) designates the subject property, and other properties in the northeast corner of the planning area, as Future Employment. The Plan states that these areas are economic opportunities in regard to future employment opportunities and industrial development because of proximity to Highway 52 and the rail line. The Plan goes on to indicate that future improvements to US Highway 52 could be a catalyst for these opportunities and that it should be reserved for industrial development.

Highway 52 Corridor: Located in the Northeast portion of the planning area, this highway is planned for widening. Eventually, US 52 will be widened from I-85 in Salisbury to US 74 in Wadesboro. The first phase of this project will run from Albemarle south to Wadesboro. The second phase will run north from Albemarle to Salisbury. Given existing uses along this corridor, the portion in Cabarrus County should be reserved for industrial uses.

- *Determine if an existing utility provider is willing to serve this area with utility service and/or examine the feasibility of providing utilities with wells and a modular wastewater treatment facility similar to the facility in use in Midland.*
- *Ensure that appropriate access management techniques are employed to ensure that the highway will function appropriately.*
- *Work with rail providers to serve this area with freight service and spur lines.*

Conclusions

- The site is currently used for agricultural purposes and is in the Present Use Value (PUV) Program.
- Agricultural uses are not permitted in the OI district. Therefore, a rezoning of the subject property would decrease the non-conforming status of the property and bring the use of the property into better compliance with the current ordinance.
- In 2005, several properties throughout the County were rezoned to OI as the result of recommendations in the Cabarrus County Strategic Plan for Economic Development (AKA Leak-Goforth Study). This study identified potential sites for Future Employment/Industrial Development. It is assumed that this property was included in the rezoning as an expansion of the area identified in the study as Site Q, US52/Glenmore Road. (See Exhibit D6)
- The Comprehensive Transportation Plan (CTP) Index from the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) contemplates that the section of Hwy 52 near the subject property will expand from a 60 foot right of way to a 100 foot right of way due to increased traffic volume by 2035.
- A mining operation is present to the east of this property. In 2019, a Conditional Use Permit (CUSE2019-00002) was approved to expand the mining operation. Two neighboring parcels to the east (PINs 6603-68-6964 and 6603-79-4130) were purchased later that year from the mining company from which no site plans have been submitted concerning expansion. In 2021, a Rezoning (RZON2021-00001) was approved to rezone PIN 6603-26-2969 from OI to GI-CU to expand the mining operation area.
- Governmental water provided by Stanly County was extended in the area for public safety purposes. Sewer has not been extended in the area.
- The proposed rezoning is not consistent with the Eastern Land Use Plan. However, the area where the subject property is located has not developed as contemplated in the original Plan. Except for the Gold Hill Quarry, Stalite, and the private airport to the north, properties in this area are developed as residential, a lot of which were constructed prior to the establishment of county zoning. The subject property has also been used for agricultural purposes since prior to the establishment of zoning.

This is a conventional rezoning request; therefore, all uses permitted in the AO zoning district would be allowed on the subject property if approved. The Planning and Zoning Commission should consider all the information provided and determine if the proposed rezoning is consistent with the Commission's vision for this area of Cabarrus County.



CABARRUS COUNTY REZONING APPLICATION

STAFF USE ONLY:

Application/Accela#: RZON2023-00001
 Reviewed by: SDW
 Date: 2-3-23
 Amount Paid: 1050.00

INSTRUCTIONS/PROCEDURES:

1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a zoning map amendment request.
2. Submit a complete application for an amendment to the official zoning map to the Planning Division. All applications must include the following:
 - Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
 - A recent survey or legal description of the property or area of the property to be considered for rezoning.
 - Neighborhood meeting documentation (minutes and list of attendees).
 - Any additional documents essential for the application to be considered complete. (Determined as part of the pre-application meeting)
3. Submit cash, check, or money order made payable to Cabarrus County.

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

The deadline for submittal is always the same day as the Planning and Zoning Commission Meeting which is the second Tuesday of the month. Applications must be submitted before 2:00 PM that day for consideration on the next available agenda.

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

PROCESS SUMMARY:

1. Hold a pre-application meeting with Staff to discuss your rezoning request and the map amendment process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.

Staff will review your complete application, prepare a staff report, schedule a public meeting date and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for rezoning.

Meeting Information: Meetings are held the second Tuesday of each month at 6:30 PM in the Cabarrus County Governmental Center located in downtown Concord at 65 Church Street, SE.

Expedited Vote: A vote of $\frac{3}{4}$ or more of the members of the Planning and Zoning Commission is considered an Expedited Vote and will constitute a final decision. If approval or denial of a rezoning request is by a vote of less than $\frac{3}{4}$ of the members, or if an appeal of the decision is filed within 15 days

of the date of the decision, the application will automatically be forwarded to the Board of Commissioners for final consideration at a *de novo* hearing.

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

SUBJECT PROPERTY INFORMATION:

Street Address 15730 Glenmore Rd. Gold Hill, NC 28071
PIN(s) (10 digit #) 6603 -- 89 -- 3130; _____ -- _____ -- _____
Deed Reference Book 1039 Page 115
Township # 7

DESCRIPTION OF SUBJECT PROPERTY:

Size (square feet or acres) 50 acres
Street Frontage (feet) 1425
Current Land Use of Property Farm Use - Forestry
Surrounding Land Use
North Office Institutional (OI)
South Agricultural Open Space (AG)
East Agricultural Open Space (AG)
West Office Institutional (OI)

REQUEST:

Change Zoning From Office Institutional (OI) To Agricultural Open Space (AG)

Purpose for Request:

Moving toward AG from OI which AG is not allowed in OI.

LAND USE PLAN CONSISTENCY STATEMENT

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

Inconsistent with land use plan

This property lies on the outside of the employment area and would not affect other properties zoned and in industrial uses.

UTILITY SERVICE:

Water Supply No Well or Service Provider County water

Wastewater Treatment No Septic Tank(s) or No Service Provider _____

Is Applicant the designated Point Of Contact for comments and for billing? Yes No _____

If no, provide POC name, email, phone and address:

PROPERTY OWNER/AGENT/APPLICANT INFORMATION:

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

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

PROPERTY OWNER

Hammill Logging Inc - Clement Hammill
NAME

6007 St Stephens Ct Rd
ADDRESS

Gold Hill NC - 28071
CITY, STATE, ZIP CODE

Home: 704-279-0985 - Cell: 704-305-0002
PHONE NUMBER

N/A
FAX NUMBER

N/A
E-MAIL ADDRESS

AGENT/APPLICANT

same as OWNER
NAME

ADDRESS

CITY, STATE, ZIP CODE

PHONE NUMBER

FAX NUMBER

E-MAIL ADDRESS

Signature of Property Owner: Clement Hammill Date: 1-29-23

Signature of Property Agent/Applicant: Clement Hammill Date: 1-29-23

8327

BOOK 1039 PAGE 115

CABARRUS COUNTY	06-20-93	BOOK <u> </u> PAGE <u> </u>
\$104.00		MAY 20 1 48 PM '93
STATE OF NORTH CAROLINA	Real Estate Excise Tax	CHARLES B. ROSS REGISTER OF DEEDS CABARRUS CO., NC
Excise Tax		Recording Time, Book and Page
104-		T-7, M-3, P-4

Tax Lot No. Parcel Identifier No.
 Verified by County on the day of 19
 by

Mail after recording to Starkey Sharp V, HARTSELL HARTSELL & MILLS, P. A.
 P. O. Box 368, Concord NC 28026-0368

This instrument was prepared by HARTSELL HARTSELL & MILLS, P. A., Starkey Sharp V

Brief description for the Index

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NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 19th day of May, 19 93, by and between

GRANTOR	GRANTEE
CARL SPENCER PLYLER and wife, EUNICE M. PLYLER	HAMMILL LOGGING, INC., a North Carolina Corporation 6007 Stephen's Church Road Gold Hill NC 28071

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Number Seven Township, Cabarrus County, North Carolina and more particularly described as follows:

LYING and being in No. 7 Township, Cabarrus County, North Carolina, on the southwest side of the Carolina & Northern Railway and on each side of Glenmore Road (SR 2457) and being more particularly described as follows:

BEGINNING at p.k. nail in the center line of the right-of-way for Carolina & Northern Railway, a corner of James Clifford Ferguson and running thence with the center line of such right-of-way, seven (7) calls as follows: (1) S. 33-37-45 E. 97.87 feet to a p.k. nail; thence (2) S. 37-49-34 E. 111.21 feet to a p.k. nail; thence (3) S. 43-09-44 E. 151.62 feet to a p.k. nail; thence (4) S. 48-13-42 E. 96.66 feet to a p.k. nail; thence (5) S. 51-43-06 E. 78.69 feet to a p.k. nail; thence (6) S. 55-47-47 E. 130.56 feet to a p.k. nail; thence (7) S. 57-52-15 E. 619.87 feet across Glenmore Road to a p.k. nail; thence S. 20-29-41 E. 239.80 feet to an iron stake, passing an iron stake at 48.70 feet; thence with the line of James D. Miller (Deed Book 412, page 531) S. 31-29-41 E. 280 feet to a iron stake; thence with the line of Mary Dunaway (Deed Book 470, page 45), S. 29-19-44 W. 672.43 feet to an iron stake, passing an angle iron at 559.11 feet; thence with the line of Edwin H. Hammill (Deed Book 523, page 492), N. 89-32-06 W. 293.27 feet to an iron stake; thence with the line of Hammill, N. 89-35-03 W. 839.08 feet to an angle iron in the line of James Clifford Ferguson (Deed Book 431, page 57);

8001039 pg 116

thence with the line of Ferguson three (3) calls as follows: (1) S. 89-52-11 W. 399.17 feet to an iron stake; thence (2) N. 13-47-36 E. 1241.10 feet to an iron stake; thence (3) N. 28-22-52 E. 719.47 feet across Glenmore Road to the point of BEGINNING, passing an iron stake at 489.11 feet and an iron stake at 662.87 feet, containing 49.50 acres outside the road right-of-way as surveyed and platted by Robert C. Lowery.

SUBJECT TO a 68 foot right-of-way in favor of Duke Power Company.

SUBJECT TO the right-of-way of Glenmore Road (SR 2457).

SUBJECT TO the right-of-way of Carolina & Northern Railway.

The property hereinabove described was acquired by Grantor by instrument recorded in ... Deed Book 409, page 136.

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

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

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

1993 ad valorem taxes.

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

.....
(Corporate Name)

Carl Spencer Plyler (SEAL)
Carl Spencer Plyler
Eunice M. Plyler (SEAL)
Eunice M. Plyler (SEAL)

By:

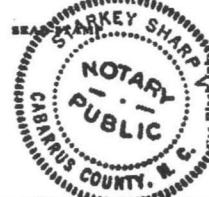
.....President

ATTEST:

.....Secretary (Corporate Seal)

USE BLACK INK ONLY

.....(SEAL)



NORTH CAROLINA, Cabarrus County.

Carl Spencer Plyler

Grantor,

I, a Notary Public of the County and State aforesaid, certify that Carl Spencer Plyler and wife, Eunice M. Plyler personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 19th day of May 93.

My commission expires: 01-17-95

Notary Public

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he is Secretary of a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal, this day of 19.....

N.C. - Cabarrus My commission expires: Notary Public

The foregoing Certificate is of Shirley Sharp is a notary public

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

CHARLES B. ROSS

REGISTER OF DEEDS

REGISTER OF DEEDS FOR

Cabarrus

COUNTY

5-20-1993

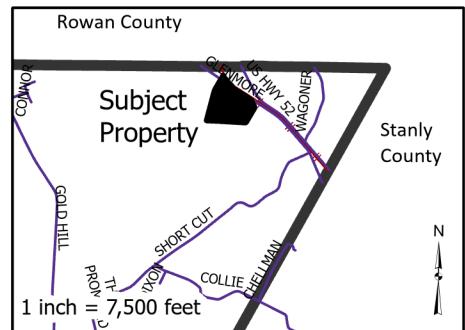
Eastern Planning Area

Aerial Map



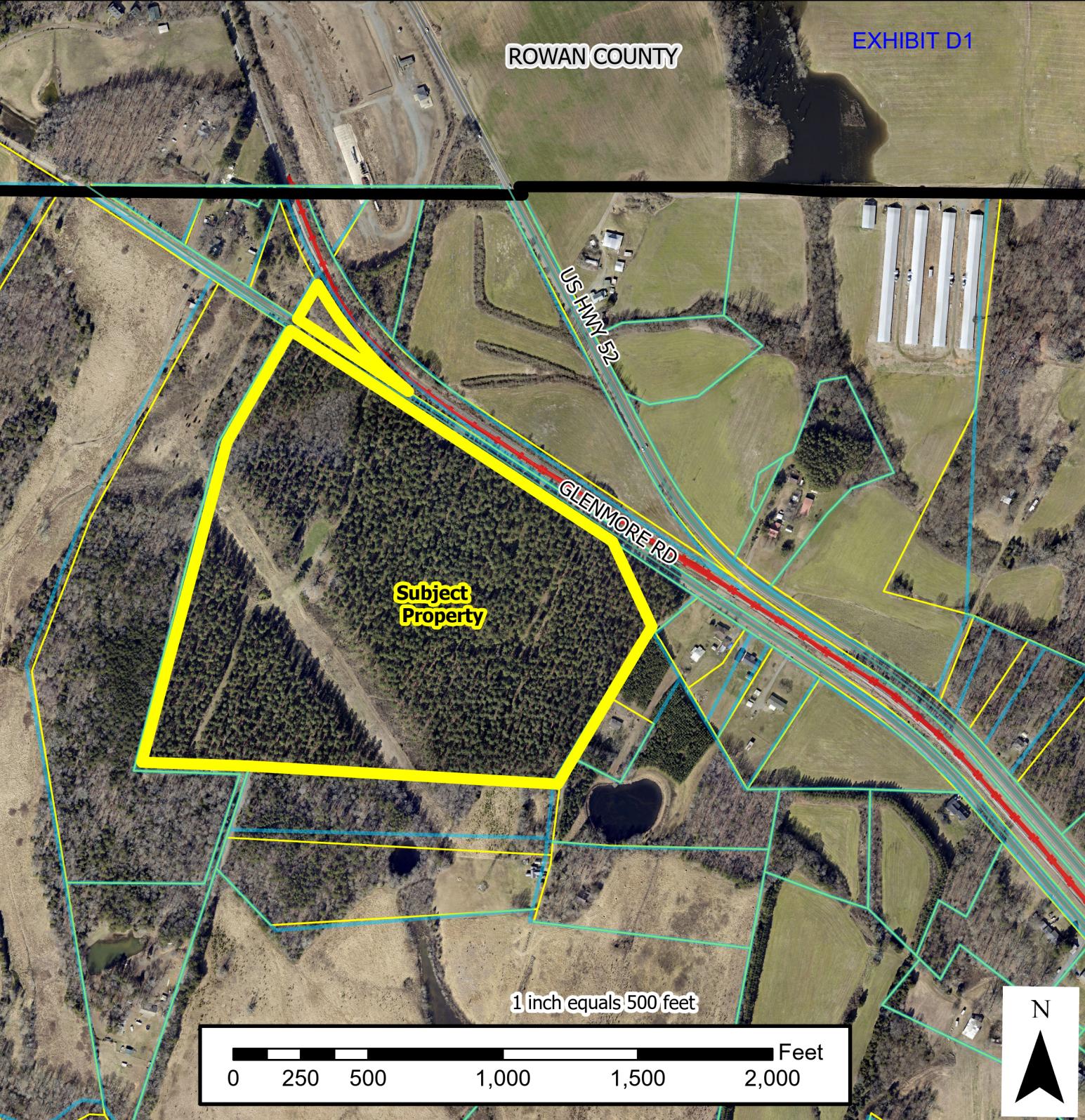
Applicant: Clement Hammill
Hammill Logging
Owner: Clement Hammill
Hammill Logging
Case: RZON2023-00001
Address: 15730 & 15615 Glenmore Rd
Purpose: OI to AO
PIN: 6603-89-3130

- █ <all other values>
- █ TaxParcels
- Streets
- Railroad
- Cabarrus County



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

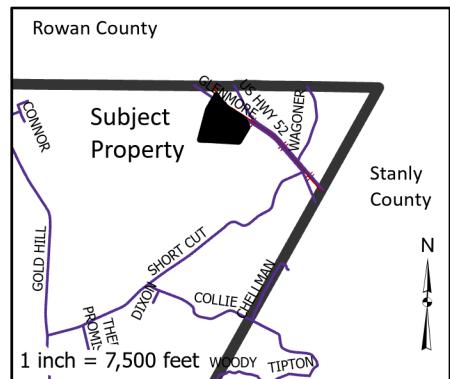
Map prepared by
Cabarrus County Planning and Development
February 2023



Eastern Planning Area Zoning Map

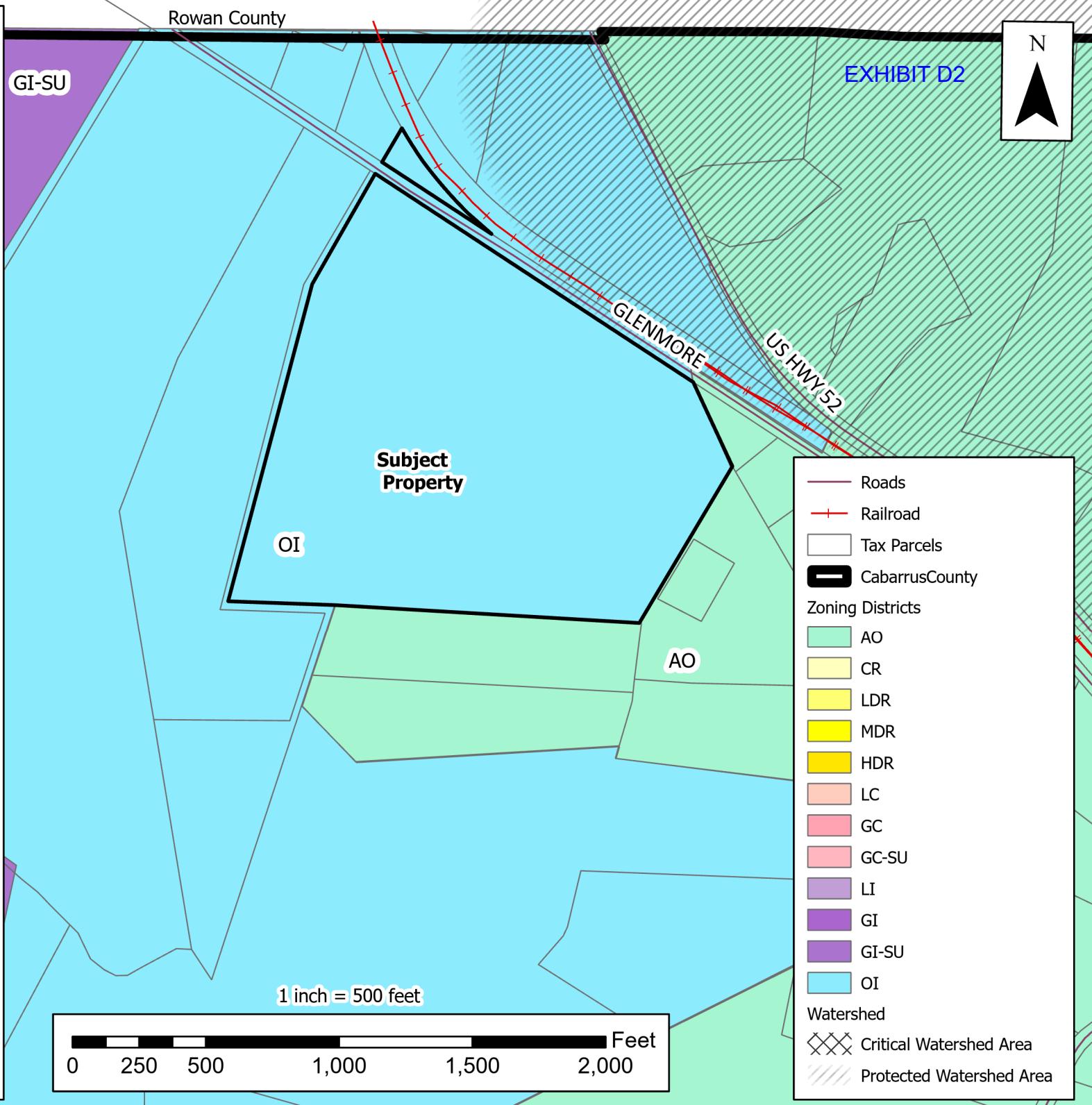


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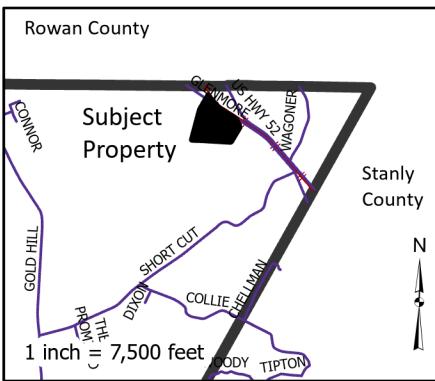


Eastern Planning Area

Future Land Use Map

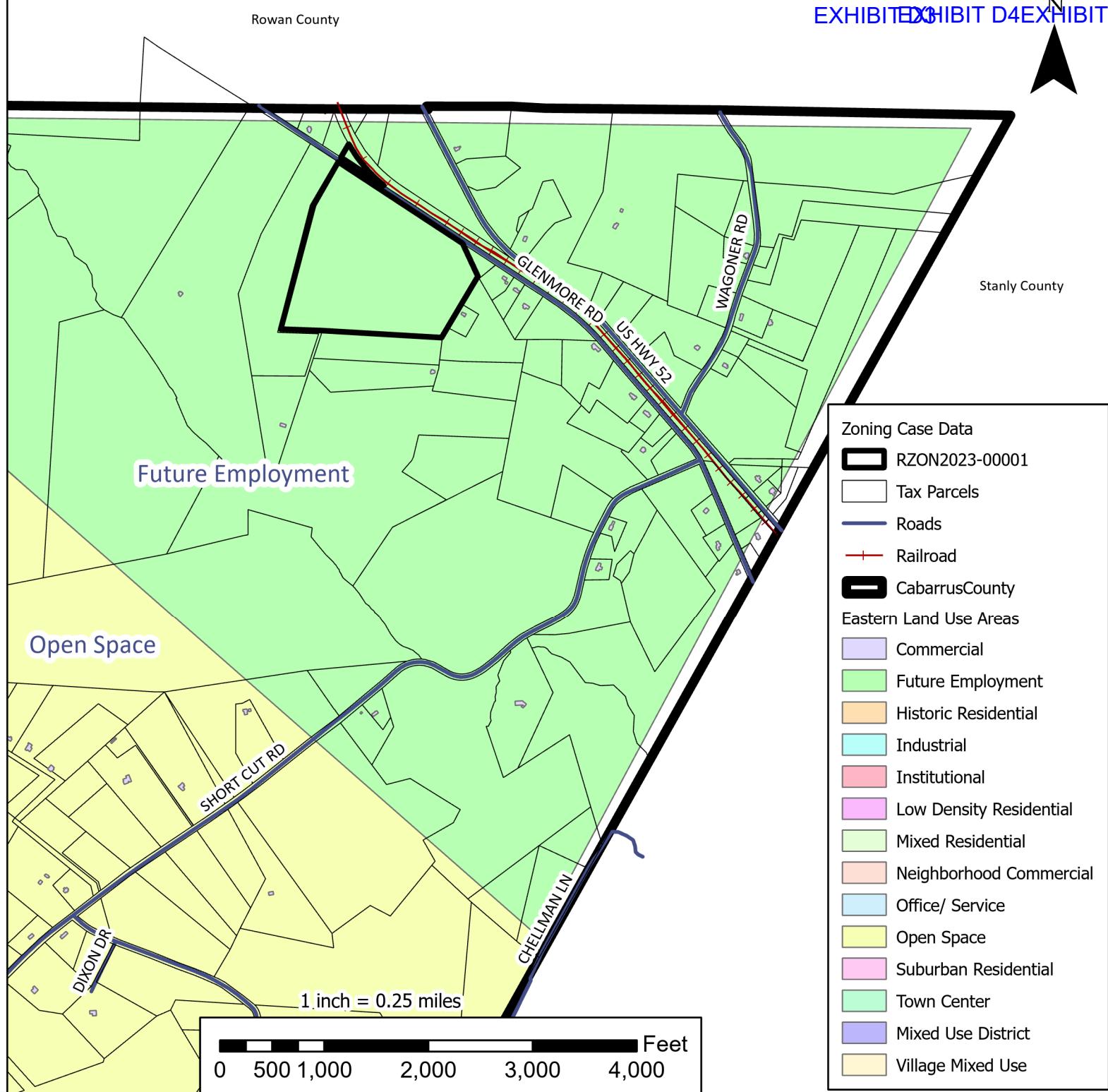


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Map prepared by
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 February 2023

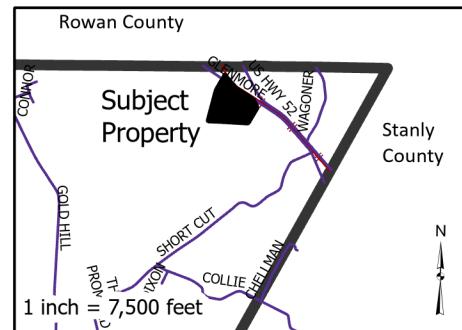


**Eastern Planning Area
2001 Aerial Map**



Applicant: Clement Hammill
Hammill Logging
Owner: Clement Hammill
Hammill Logging
Case: RZON2023-00001
Address: 15730 & 15615 Glenmore Rd
Purpose: OI to AO
PIN: 6603-89-3130

- <all other values>
- TaxParcels
- Streets
- Railroad
- Cabarrus County

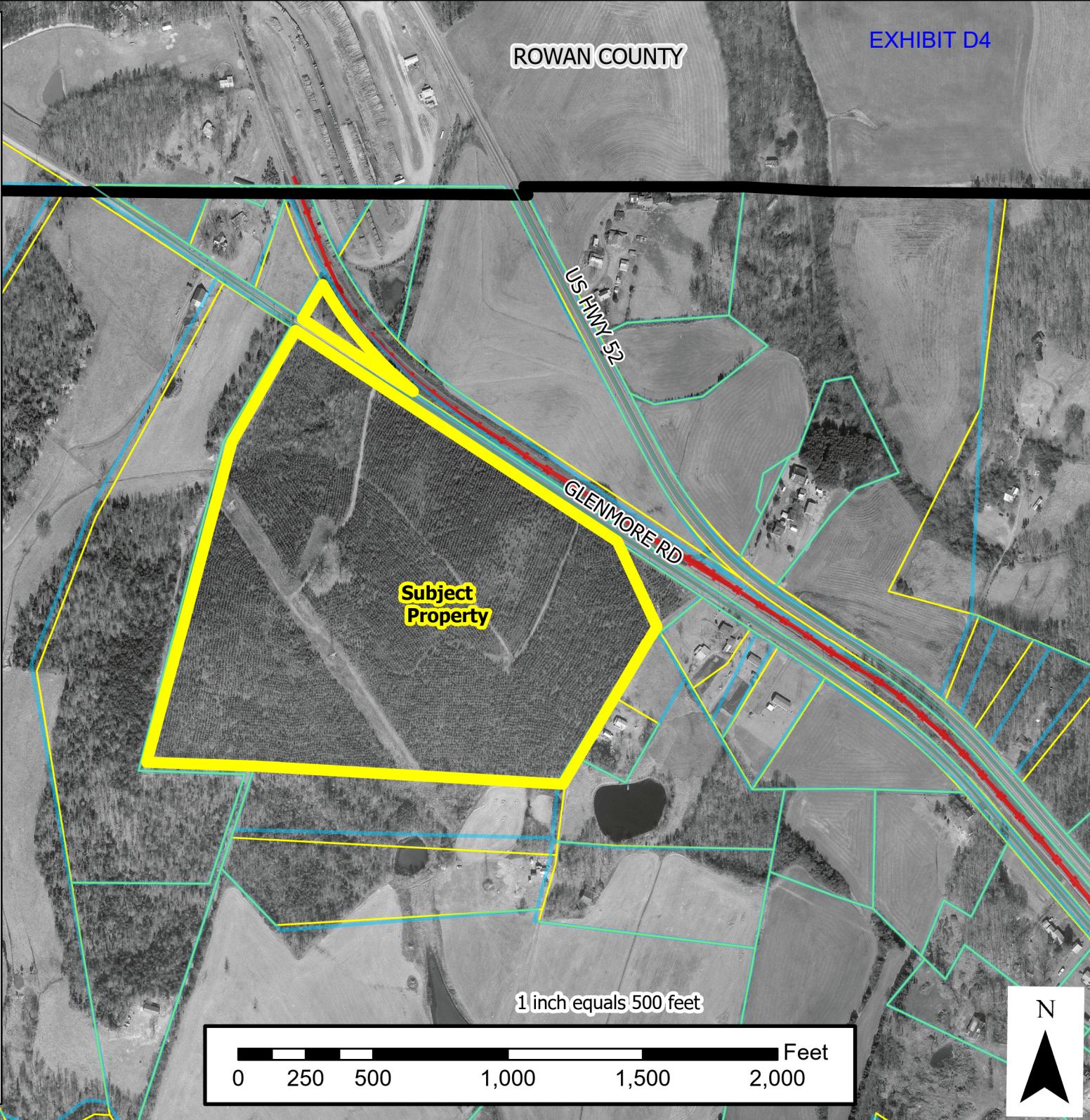


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Map prepared by
Cabarrus County Planning and Development
February 2023

ROWAN COUNTY

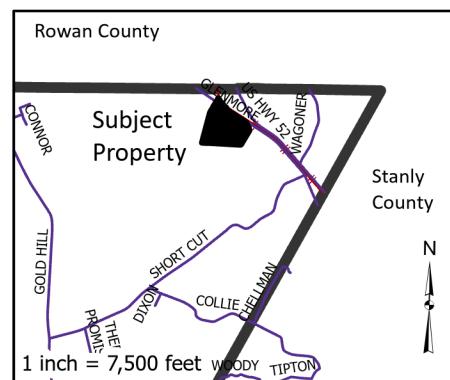
EXHIBIT D4



**Eastern Planning Area
2003 Zoning Map**

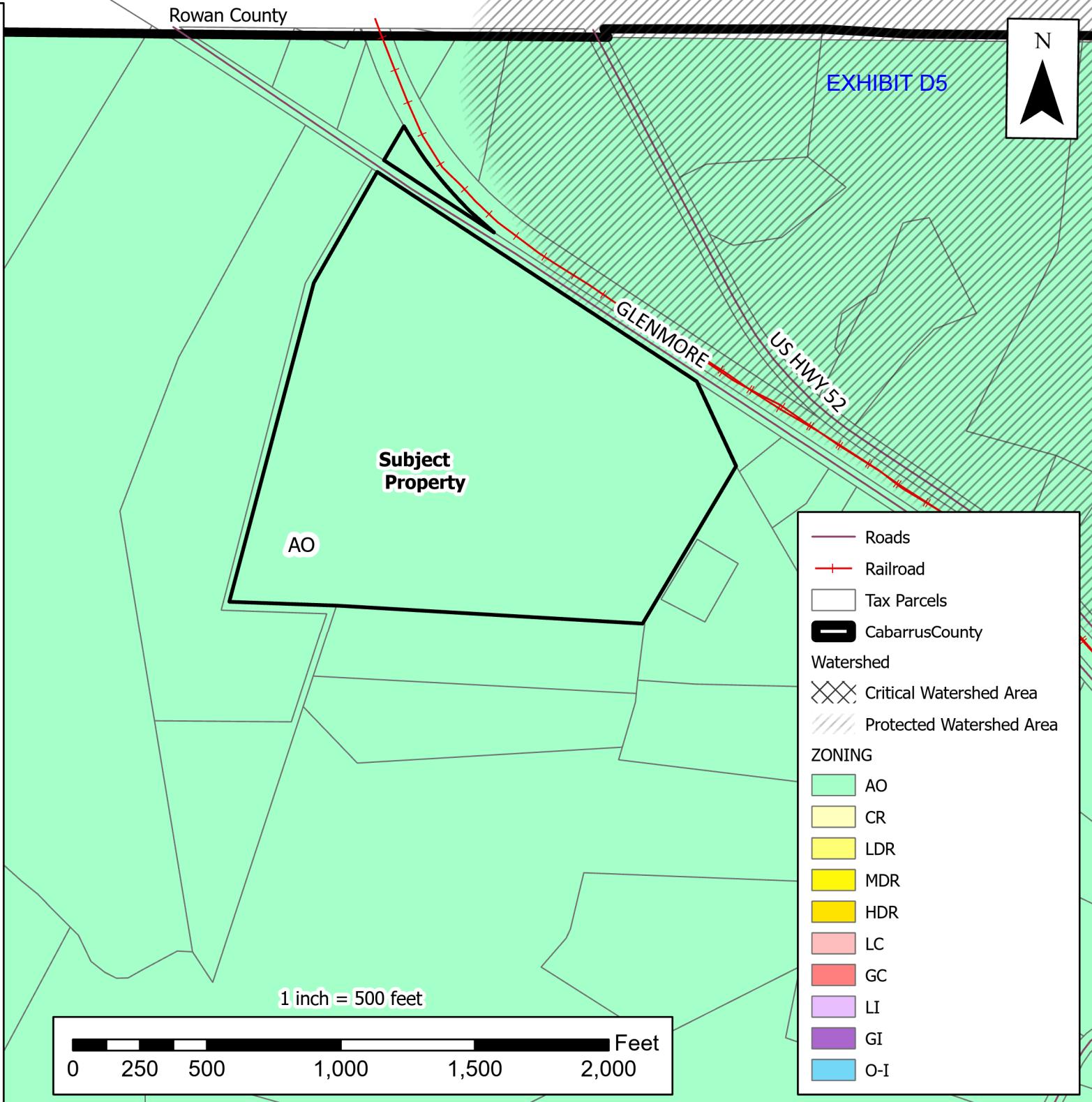


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Address: 15730 & 15615 Glenmore Rd
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Map prepared by
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February 2023



Strategic Plan for
Economic Development Map

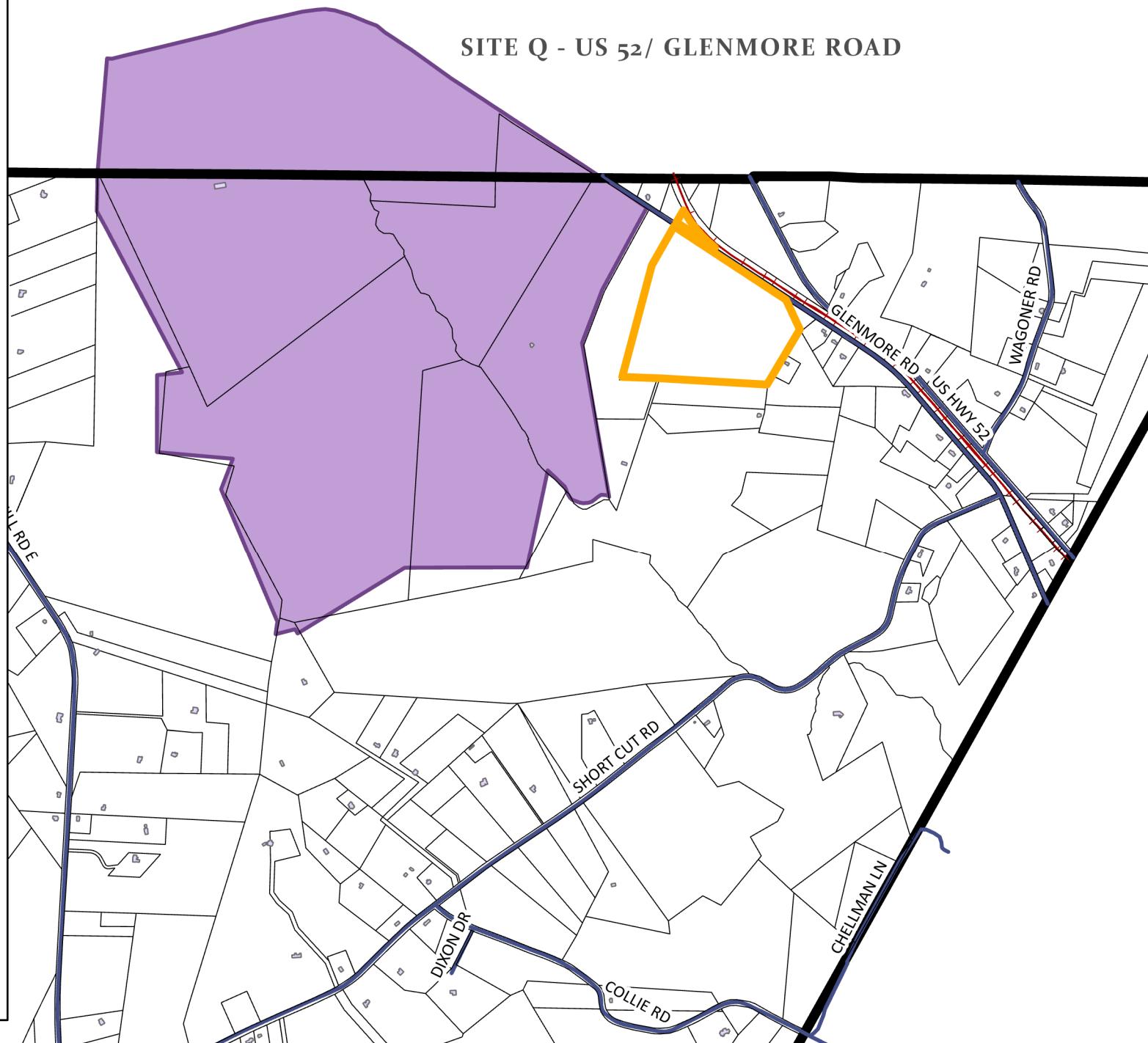


EXHIBIT D6

Applicant: Clement Hammill
Hammill Logging
Owner: Clement Hammill
Hammill Logging
Case: RZON2023-00001
Address: 15730 & 15615 Glenmore Rd
Purpose: OI to AO
PIN: 6603-89-3130

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Map prepared by
Cabarrus County Planning and Development
February 2023





Site Q - Glenmore Road

PARCEL	PROPERTY OWNER	ACRES	LAND VALUE	BLDG VALUE	TOTAL VALUE
122200	YOUNG JOHN B	105.11	394040.00	125060.00	526000.00
123061	VULCAN LANDS INC	51.41	170370.00	0.00	170370.00
125096	VAUGHN ROBERT F SR	63.99	291840.00	43450.00	335290.00
125883	VULCAN LANDS INC	64.34	228680.00	0.00	228680.00
126913	VAUGHN ROBERT F SR	156.79	456170.00	0.00	456170.00
TOTAL		441.64	1541100.00	168510.00	1716510.00

US52/Glenmore Road (Site Q)

Location: Northeast corner of County, south side of Glenmore Road
Size: 500 acres
Character: Open rural area with unique mineral resources
Jurisdiction: Cabarrus County
Zoning: AO (agricultural open)
Potential: Mining and production of lightweight structural aggregate; residual dust material can be used for the production of cultured stone
Other: Site is served by US52, Glenmore Road, and a rail line

High Priority Site Opportunities

Of the 17 potential sites evaluated, the following nine stand out as presenting significant opportunities for development:

- I-85/Weddington Road/Pitts School Road (Site A)
- Derita Road (Site B), including Cristenbury Farm
- I-85/Kannapolis Parkway/Goodman Road (Site C)(incl. Afton Ridge project)
- US29/George Lyles Parkway Extension (Site G)
- NC49/Stough Road Area (Site I)
- Rocky River Road/County Line (Site K)
- NC24-27/County Line/Midland Area (Site L)
- Pillowtex Plant Site #6, Concord (Site O)
- Pillowtex Plant Site #1 & #4, Kannapolis (Site P)(proposed NCRC)

A Cabarrus Technology Park. Sites G and K present the best opportunities for development of a Cabarrus Technology Park as a successor to the 3,200-acre University Research Park in Charlotte, which is substantially built out. Meanwhile, UNC Charlotte continues to expand its advanced and applied technology facilities and programs, which in past years have attracted a number of firms to the Research Park. It is an opportune time for Cabarrus County to assert itself as the optimal location for development of the next University-oriented technology park, given the close proximity of the County to UNC Charlotte.

The US29/George Lyles Parkway Extension area (Site G) is an attractive option because of the abundance of undeveloped compatibly zoned land, including the attractive campus-style Philip Morris property, and connections provided by US29 to I-485 and by the future George Lyles Parkway to I-85. The Leak-Goforth team recommends that the

**Cabarrus County Government – Planning and Development Department**

February 20, 2023

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, March 14, 2023 at 6:30 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S Concord, NC 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning request, I encourage you to attend this meeting.

Petitioner	Clement Hammill, Hammill Logging
Petition Number	RZON2023-00001
Property Location	15730 Glenmore Road
Parcel ID Number	6603-89-3130
Existing Zoning	Office/Institutional (OI)
Proposed Zoning Map Change	Agricultural/Open Space (AO)

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at 704.920.2149.

Sincerely,

A handwritten signature in blue ink that reads "Sandy Howell".

Sandy Howell, CZO
Planner
Cabarrus County Planning and Development
704.920.2149



EXHIBIT F

Cabarrus County Government – Planning and Development Department

February 20, 2022

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, March 14, 2023 at 6:30 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S Concord, NC 28025. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about the rezoning, I encourage you to attend this meeting.

Petitioner	Clement Hammill, Hammill Logging
Petition Number	RZON2023-00001
Property Location	15730 Glenmore Road
Parcel ID Number	6603-89-3130
Existing Zoning	Office/Institutional (OI)
Proposed Zoning Map Change	Agricultural/Open Space (AO)

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning and Development at 704.920.2149.

Sincerely,

A handwritten signature in blue ink that reads "Sandy Howell".

Sandy Howell, CZO
Planner
Cabarrus County Planning and Development
704.920.2149

HAMMILL LOGGING INC.

6007 ST. STEPHENS CH. RD.
GOLD HILL, N.C. 28071
704/279-0886

January 21, 2023

Dear Landowner:

My name is Clement Hammill with Hammill Logging Inc. I own 51.05 acres of land on 15730 Glenmore Rd. Gold Hill. I am in the process of rezoning the land from office institution(OI) back to farming open (A-0), the way the land was zoned when I bought it. Cabarrus County sent me the names and addresses of all the landowners that join my land. This letter is to let you know that I am in the process of trying to rezone. If for some reason you as a land owner joining me would like to speak with me about this rezoning please feel free to contact me @ 704-305-0002. If you have any concerns about this matter please call me before January 31st 2023.

Thank You

Clement Hammill

HAMMILL LOGGING INC.

6007 ST. STEPHENS CH. RD.
GOLD HILL, N.C. 28071
704/279-0886

1- Robert Mishak

I spoke with Robert on the 23rd. of January 2023 and he had no problem with rezoning. He is remodeling his house to sell and see's no reason why we could not rezone in his opinion.

2- Vulcan Lands Inc.

I spoke with Mrs. Kim Thomas on January 27th, 2023 out of the Winston Salem office. She brought the matter of the rezoning to the board for review. She called to say all was clear with Vulcan Lands Inc. to rezone with no problems.

3- Teresa Jacobs

I spoke with Mrs. Jacobs on January 23rd, 2023 and she had no problem with the rezoning. She has some land that she might want to have rezoned so no conflict with rezoning our land.

HAMMILL LOGGING INC.

6007 ST. STEPHENS CH. RD.
GOLD HILL, N.C. 28071
704/279-0886

4- Zachary Jones

I spoke with Mr. Jones the morning of January 24th 2023. Mr. Jones just bought the house and land that joins us. He would have liked to have bought the land we own but had already bought his. He likes the land we own. He does not have a problem with our rezoning.

5- Gerald Smith

I spoke with Mr. Smith on January 23rd. 2023 that afternoon. He owns appox. 1 1/2 acres joining us. He has a small house and is fixing it up as a weekend getaway for him and his wife. He likes our land and does not see a problem with our rezoning. He also respects our decision to rezone.

HAMMILL LOGGING INC.

6007 ST. STEPHENS CH. RD.
GOLD HILL, N.C. 28071
704/279-0886

6- I spoke with Ruth Hammill on January 23, 2023. She has no problem with us rezoning. She has turned her land over to her daughter Donna Miller & Son in law David Miller to manage since her husband passed away about 3 yrs ago. She told me to contact them about this matter. Talked with David the same evening and they have no problem with us rezoning. They are also having land rezoned that they own.

7- Ronnie & Tammy Miller
No response to our letter

8- Charlie Turner
No response to our letter

9- James Yelton
No response to our letter

HAMMILL LOGGING COMPANY, INC.

EXHIBIT G2

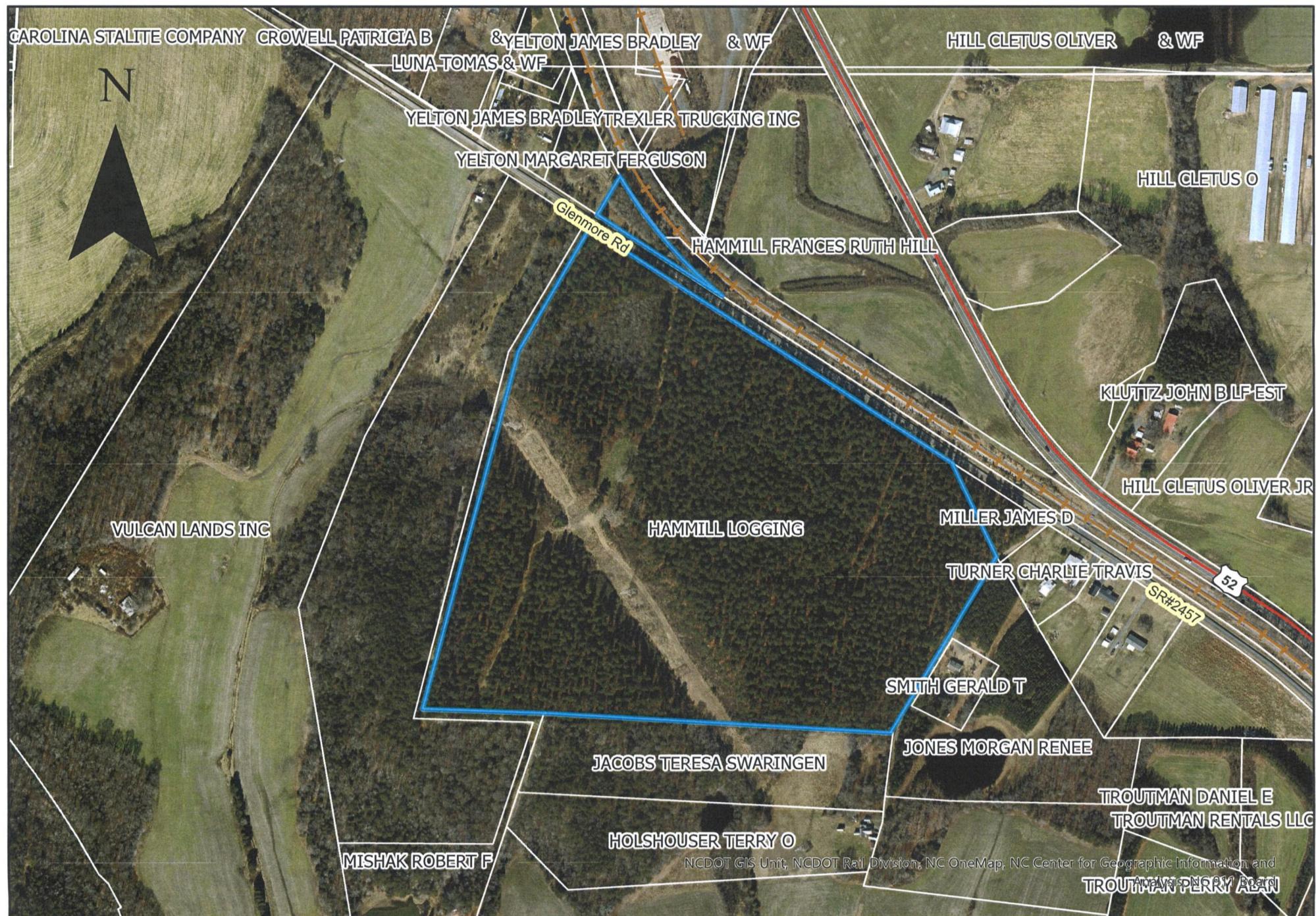


EXHIBIT G3

PIN	Owner	Number	Address	City	State	Zip
6603-77-4504	Robert and Jessica Mishak	15680	Glenmore Rd.	Gold Hill	NC	28071
6603-79-4130	Vulcan Lands Inc	1200	Urban Center Dr.	Vestavia	AL	35242
6603-88-4225	Teresa Jacobs and Rickey Swaringen	755	Barringer Rd.	Salisbury	NC	28147
6603-99-3091	Ronnie and Tammy Miller	605	Pecan St.	Rockwell	NC	28138
6603-98-4407	Zachary and Morgan Jones	15940	Glenmore Rd.	Rockwell	NC	28071
6603-98-5828	Charlie Turner	15900	Glenmore Rd.	Rockwell	NC	28071
6604-70-7388	James Yelton	15501	Glenmore Rd.	Rockwell	NC	28071
6603-98-2511	Gerald and Paula Smith	6836	Clara Circle	Concord	NC	28025
6603-89-9756	Jerry and Frances Hammill	5131	St. Stephens Church Rd.	Gold Hill	NC	28071
6603-89-3130	Hammill Logging	6007	St. Stephens Church Rd.	Gold Hill	NC	28071

PERMITTED USE TABLE			
"P" - Permitted, "C" - Conditional, "PBS" - Permitted Based on Standards		AO	OI
RESIDENTIAL USES			
Family Care Home		P	
Group Care Facility			P
Manufactured Home, Single Section or Mobile Home, Multi-Section		Permitted in Residential Districts, Manufactured Home Overlay District Required - see Chapter 4	
Manufactured Home Park (8-4, 14)			
Single Family Detached Residential		P	
AGRICULTURAL USES			
Agriculture, Including Livestock (7-3,2A)		P	
Agriculture Excluding Livestock		P	
Agritourism, Accessory to Agriculture		P	
Barn, Greenhouse, as Primary Structure (7-3, 7)		PBS	
Dairy Processing		P	
Livestock Sales		P	
Nursery, Greenhouse		P	
Scientific Research and Development, Accessory to Agriculture (7-3, 52)		PBS	
ACCESSORY USES			
Accessory Dwelling Unit (7-3,1)		PBS	
Accessory Building, (7-3, 1)		PBS	PBS
Airstrip		SU	
Automated Teller Machine (7-3, 6, b)			PBS
Community Garden, as Accessory Use (7-3, 13)		PBS	PBS
Ethanol Fuel Production, Residential District, Private Use Only (7-3, 20)		PBS	
Home Occupation, General (7-3, 27)		PBS	
Home Occupation, Rural (7-3, 28)		PBS	
Ice Production, Dispensing, Accessory to Convenience Store (7-3, 30)		PBS	
Ice Production, Dispensing, Accessory to Gas Station (7-3, 29)		PBS	
Kennel, Private (7-3, 31)		PBS	
Swimming Pool, Accessory to Single Family Residential (7-3,1)		PBS	
Towing Service, Accessory to Automobile Repair (7-3, 60, a-c)		PBS	
Trail Head, Accessory (7-3, 63)		PBS	PBS
Wind Energy Facility, Accessory Use, On Site Use Only (7-3, 66)		PBS	
COMMERCIAL, RETAIL AND OFFICE USES			
Animal Hospital (8-4, 39)		SU	
Auction House (7-3, 3)		PBS	
Bank, Financial Institution, Automated Teller Machine (7-3, 6)			PBS
Banquet Hall			P
Barber, Beauty, Tanning, Nail or Skin Care Salon			P
Bed and Breakfast (7-3, 8)		PBS	
Catering Service (7-3, 9)			PBS
Contractor or Trade Shops (7-3,17)		PBS	
Convenience Store with Petroleum Sales (7-3, 14)		PBS	
Convenience Store without Petroleum Sales (7-3, 15)		PBS	
Country Club with Golf Course (7-3, 16)		PBS	PBS
Crematorium			P
Day Camp, Summer Camp, Civic Group Camp Facility (8-4, 10)		SU	
Duplex, Commercial Use, Individual Lots (7-3, 19)			PBS
Farmer's Market			P
Funeral Home			P

Gas Service Station (7-3,23)	PBS	
Golf Course, Public or Private (7-3, 24)	PBS	PBS
Kennel, Commercial (8-4, 37)	SU	
Nursery, Daycare Center (7-3, 35)	PBS	PBS
Office professional, 30,000 Square Feet or Less		P
Parking Lot, Parking Garage, Commercial or Private		P
Printing and Reprographic Facility		P
Race Shop, Race Team Complex (8-4, 19)	SU	
Reception Facilities (8-4, 21)	SU	
Recreational Facility, Indoor (7-3, 39)		PBS
Recreational Facility, Outdoor (8-4, 22)	SU	SU
Recreational Therapy Facility, Rural Setting (8-4, 23)	SU	
Recyclable Materials Drop Off (7-3, 41)	PBS	PBS
Repair Garage, Automobile (7-3, 43)	PBS	
Repair Shop, Farm Machinery (7-3, 44)	PBS	
Repair Shop, Small Engine (7-3, 45)	PBS	
Restaurant, Excluding Drive-thru (7-3, 47)	PBS	
Retail Sales, Neighborhood Market 1,000 Square Feet or Less (7-3, 49)	PBS	
Sawmill (7-3, 51)	PBS	
Scientific Research and Development (7-3, 53)		PBS
Shooting Range, with Outdoor Target Practice (8-4, 30)	SU	
Sports and Recreation Instruction or Camp (8-4, 31)	SU	
Stables, Commercial (7-3, 58)	P	
Swim Club, Tennis Club, Country Club (7-3, 59)	PBS	PBS
Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales (7-3, 61)		
Veterinarian (8-4, 37)	SU	
Wellness Retreat, Wellness Spa (8-4, 38)	SU	
Wireless Telecommunications Services (8-4, 36)	SU	SU
Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less (8-4, 36)	P	P
Wireless Telecommunications Services – Co-location (7-3, 67)	PBS	PBS
INSTITUTIONAL, CIVIC AND PUBLIC USES		
Animal Shelter (8-4, 37)	SU	
Cemetery (7-3, 10)	PBS	
Civic Organization Facility (7-3,11)	PBS	P
College, University (8-4, 6)	SU	
College, University		P
Communications Tower, 911 Communications Tower (7-3,12)	PBS	
Communications Tower, 911 Communications Tower (8-4, 7)		SU
Convention Center Facility (8-4, 8)		SU
Correctional Facility (8-4, 9)	SU	
Elementary, Middle and High Schools (8-4,11)	SU	SU
Hospital, Ambulatory Surgical Care Facility		P
Public Cultural Facility (7-3, 38)	PBS	P
Public Service Facility (8-4, 17)	SU	SU
Public Use Facility (8-4, 18)	SU	
Public Use Facility		P
Recreational Trail, Greenway or Blueway, Connector (7-3, 40)	PBS	PBS
Religious Institution with Total Seating Capacity 351 or More (8-4, 24)	SU	SU
Religious Institution with Total Seating Capacity 350 or Less (7-3, 42)	PBS	PBS
Religious Institution with School (8-4, 25)	SU	SU
Rest Home, Convalescent Home with 10 Beds or Less (7-3, 46)	PBS	PBS
Rest Home, Convalescent Home with More Than 10 Beds (8-4, 26)	SU	SU
Trade and Vocational Schools (8-4, 33)	SU	SU

Trail Head, Primary Use Site (7-3, 64)	PBS	PBS
INDUSTRIAL		
Landfill, Demolition, Less Than One Acre (7-3, 32)	PBS	
Landfill, Demolition, One Acre or More (8-4, 13)	SU	
Landfill, Sanitary (8-4, 13)	SU	
Multimedia Production and Distribution Complex (8-4, 15)	SU	
Slaughter House, Meat Packing (8-4, 32)	SU	
TEMPORARY USES		
Auction, Estate or Asset Liquidation	PBS	PBS
Auction, Livestock	PBS	
Dumpsters, Commercial Waste Containers	PBS	PBS
FEMA Trailers, Natural Disaster or Significant Weather Event	PBS	PBS
Mobile Personal Storage Unit, Vacate or Occupy Premise	PBS	PBS
Mobile Personal Storage Unit, Renovation	PBS	PBS
Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins		PBS
Temporary Residence in Mobile Home During Construction of New Home, Same Site	PBS	
Temporary Tent or Temporary Structure, Including Cell on Wheels		PBS