

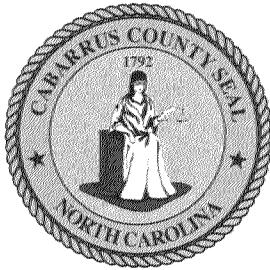


## Cabarrus County Government

Cabarrus County Planning and Zoning Commission  
Tuesday, October 11, 2022 @ 6:30 p.m.  
Board of Commissioners Meeting Room  
Cabarrus County Governmental Center

### Agenda

1. Oath of Office to Re-Appointed Member
2. Roll Call
3. Approval of September 13, 2022, meeting minutes.
4. New Business Planning Board Function:
  - RZON2022-00004 – Request to rezone property from Limited Commercial (LC) district to Countryside Residential (CR) District. Owners are Larry & Regina Lewis. Applicant is Jerry Lewis. Address is 672 NC Hwy 24/27 E (PIN: 5534-38-9978).
5. New Business Board of Adjustment Function:
  - SUSE2022-00014 - Request to construct a Wireless Telecommunication Tower (WTC). Applicant is PeakNet, Owner is Edward D. Messimer Trust. Address is 7615 Tuckaseegee Road (PIN 4693-26-5101).
  - APPL2020-00002 - Appeal of Notice of Violation for operating an illegal salvage yard, landfill, and fill in the SFHA. Appellants are John C. and Michelle McGraw. Property address is 7005 Flowes Store Road. PIN 5537-56-4049.
6. Legal Update
7. Director's Report
8. Adjourn



## Cabarrus County Government – Planning and Zoning Commission

### Planning and Zoning Commission Minutes

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Mr. Adam Dagenhart, Chair, called the meeting to order at 6:31 p.m. Members present, in addition to the Chair, were Mr. Jeff Corley, Ms. Holly Grimsley, Mr. David Hudspeth, Ms. Ingrid Nurse, Mr. Charles Paxton, Mr. Chris Pinto, Mr. Brent Rockett, and Mr. Stephen Wise. Attending from the Planning and Zoning Division were, Mr. Phillip Collins, Sr. Planner, Ms. Sandy Howell, Planner, Ms. Susie Morris, Planning and Zoning Manager, Ms. Arlena Roberts, Clerk to the Board, and Mr. David Goldberg, Deputy County Attorney.

### Roll Call

### Approval of Minutes

Approval of September 13, 2022, Planning and Zoning Commission Meeting Minutes.

There being no corrections or additions to the minutes, Mr. Jeff Corley **MOTIONED**, **SECONDED** by Ms. Holly Grimsley to **APPROVE** the September 13, 2022, meeting minutes. The vote was unanimous.

The Chair read the suggested Rules of Procedures

1. The Cabarrus County planning staff person(s) shall first present the staff report and answer questions from the Commission. There will be no time limit on this presentation.
2. The Applicant may make a presentation to the Board (optional) and will then answer questions from the Commission. There will be a 15-minute time limit on the presentation if the Applicant chooses to make a formal presentation. There will be no time limit on questions from the Board following the presentation.
3. When the Board is ready to proceed, the proponents (those speaking generally in favor of the case) will have a total of 15 minutes to speak and/or present documents in support of their position. The 15-minute time limit does not include questions directed to the proponents by the Commission.
4. After the proponents finish, the opponents (those speaking generally against the case) will have a total of 15 minutes to speak and/or present documents in support of their position. The 15-minute time limit does not include questions directed to the opponents by the Commission.
5. Each side will then have 3 minutes for rebuttal, with the proponents going first. Again, questions directed to the speaker will not count against the time limit. This will conclude the public hearing portion of the meeting and the Commission will proceed to deliberation.
6. Each side is strongly encouraged to use a spokesperson to present the positions commonly held by each. Each side is also strongly encouraged to organize their speakers and presentations to ensure that all persons wanting to speak will have time to do so.

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7. If a speaker has questions of a person on the other side, such questions shall be addressed to the Commission members to be redirected to the person to be asked. There will be no direct questioning of one speaker by another except through the Commission.
8. Public demonstrations of support for a speaker's comments should be limited to clapping. Any other type of audible support shall be out of order and subject the offender to being removed from the building. Anyone speaking out of order shall likewise be subject to removal.
9. These rules are designed to have a full and fair hearing that is orderly and expeditious and avoid unnecessarily repetitious presentations.

Mr. Brent Rockett **MOTIONED, SECONDED** by Mr. Stephen Wise to **ADOPT** the Rules of Procedures. The vote was unanimous.

**New Business Planning Board Function:**

RZON2022-00004 – Request to rezone property from Limited Commercial (LC) district to Countryside Residential (CR) District. Owners are Larry and Regina Lewis. Applicant is Jerry Lewis. Address is 672 NC Highway 24/27 E. Midland, NC, (PIN:5534-38-9978).

The Chair asked if there were any Board members that have any conflicts of interest, or any information related to the case that needs to be disclosed at this time. There being none, the Chair called on Mr. Phillip Collins to present the Staff report.

Mr. Phillip Collins, Senior Planner addressed the Board presenting the Staff report for RZON2022-00004. He pointed out that even though it states that the owner is Larry and Regina Lewis, the property changed hands on October 4, 2022, and the owner is now Jerry Lewis.

The subject property is approximately .92 acres in size. Access to the property is currently provided through a 60-foot right of way adjacent to the subject property. Two storage buildings are located towards the rear of the property. The driveway for the residence on the adjoining property to the east traverses the subject property.

The subject property is surrounded by vacant properties, agricultural, residential, and commercial uses. Surrounding zoning consists of properties zoned Limited Commercial (LC), Countryside Residential (CR), Midland Single-family Residential (SFR).

Currently, the subject property is not served by public sewer. Public water is available, and the applicant intends to tap on.

The Ordinance states that lands in the Countryside Residential district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if possible. Although the area is capable of handling higher densities of development, development is kept at very low overall densities. Development includes only the standard single-family detached dwelling.

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This land use district was created as a direct result of the County's systematic area planning process. As a reaction to the growth of the past decade, many residents are anxious to see their areas retain the appeal that inspired the resident to make his or her original investment. The district helps implement a growth management philosophy before the fact, rather than after. In summary, the principal purpose of this district is to provide some land area in the County for a permanent country, rural residential life style.

The subject property is located within the boundaries of the County's Planning Area for Midland. The Midland Area Land Use Plan (MALUP) recommends the subject property be developed with limited commercial uses. The MALUP states that the Limited Commercial district is reflective of the existing commercial uses in Midland. These areas shall be a variety of commercial uses ranging in intensity and will not incorporate residential areas. Large-scale commercial development in these areas should be considered carefully on a case-by-case basis.

The front portion of the site is currently vacant; however, as he stated before, the rear of the site is occupied by two storage buildings.

According to aerial photo data, the front of the subject property has always been vacant, and the two accessory buildings appear to have been placed on the subject property sometime between 2001 and 2005.

The rear portion of the subject property is zoned CR while the front portion of the subject property is zoned LC. It has been zoned this way since 2003 when the rear portion of the lot was zoned Low Density Residential (LDR).

In reference to this next sentence in the Staff report, he would like to clarify that the map from 1987, was actually from the land use plan at that time, so the entire property was recommended for Low Density Residential uses at that time, and not actually zoned as such.

Currently, the front portion of the lot would be considered a conforming lot under the LC zoning designation. However, if the entire lot were rezoned to CR, it would no longer be considered a conforming lot as it is less than one acre in size and the minimum average lot width is less than 150 feet.

Rezoning the subject property would allow the property owner to construct a residence on the property.

The applicant states in his application that the lot is too small to accommodate a commercial use and that a commercial use is not consistent with the surrounding properties.

According to the historic zoning maps, the front portion of the subject property appears to have been zoned LC since 1993. The rear portion of the subject property was zoned LDR until 2005 when it was changed to CR. The LC zoning district does not permit single-family residential uses.

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As stated earlier, there are two storage buildings located on the rear of the subject property. There are no permits on file for the buildings; therefore, these structures are considered non-conforming uses. Rezoning of the subject property to CR would allow the property owner to construct a residence and permit the storage buildings as accessory uses eliminating this non-conforming feature of the subject property.

The proposed rezoning request is inconsistent with the recommendations of the Midland Area Land Use Plan for the subject property. However, single-family detached residential uses are not permitted within the Limited Commercial (LC) district and the applicant is proposing to construct a residence on the property.

This is a conventional rezoning request; therefore, all uses permitted in the CR 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 Mr. Collins.

Mr. Charles Paxton understands that Midland group is opposed to this rezoning. It is in the unincorporated part of Cabarrus County, correct?

Mr. Collins said right.

Mr. Paxton said the front part they have a say so over?

Mr. Collins said no. The property is entirely under the County's jurisdiction. Typically, we just ask the nearest town what their take is on the rezoning.

Mr. Paxton said, and they are opposed to it?

Mr. Collins said yes, even though the Land Use Plan would be consistent with their Land Use Plan.

Mr. Jeff Corley said it appears there are some neighboring residential uses that are already within this zoning district, are they nonconforming?

Mr. Collins said do you mean in the LC District?

Mr. Corley said yes.

Mr. Collins said yes, it would be nonconforming use if it is in the LC.

The Chair said if those property owners wanted to do something to those properties, they would have to do the same thing?

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Mr. Collins said yes.

The Chair asked if there were any questions for Mr. Collins. There being none the Chair called on the Applicant.

Mr. Jerry Lewis, Applicant, 1548 Mark Drive, Concord, NC, addressed the Board. He said all he wants to do is build a house there to live in it. But the neighbors are thinking that he is going to build a house to sell it, which it does not matter, it is his property. He is building it to live in, not to sell.

The Chair asked if anyone had any questions for Mr. Lewis. There being none, the Chair opened the Public Hearing. He asked if there was any one speaking in favor of this rezoning. There were none. He asked if there were anyone speaking against the rezoning.

Mr. Gary Barnhill, 676 Highway 24/27 East, Midland, NC, addressed the Board. He said it is a very weirdly shaped property. The story behind it is there was a family squabble. We bought the property the looks kind of white there (on the diagram) a few years ago, assuming that we were going to purchase this land at some point, because everyone we spoke to said nothing could really be built there. Who was going to want to buy it other than me or one of the neighbors? It originally was a part of the property that we bought, but because of the family squabble, or whatever, it does not really matter.

So now, his brother sold it to him. Mr. Barnhill spoke with Mr. Lewis and the area that he says he wants to build in, that he has staked off right now is only 45 feet on one side, and on the other side about 75 or 80 feet. He does not see how that would be possible unless he is going to stick a trailer on it, even that, if the setback is 20 feet on each side and you have a five-foot trailer. Aside from that, even if you built the house somewhere else, lower down the hill, if that could work out with the sewer and everything else, then the back is right in my house. Then he wants to put a garage in the back he says. So, anytime he, the kids, and he just became a grandfather, are in the backyard we are surrounded by a house right on top of us, in the back also surrounded.

We moved out there to have open land and be free. You are at least probably 100 yards from each neighbor on each side. This is a nightmare for us, he understands things happen, it is not his fault that the property was sold in that shape. But he does not see how it is possible for him to build a house and meet the parameters he has to for one; it is a nightmare for him and his family.

The Chair asked if there were questions for the applicant or Staff.

Mr. Jeff Corley asked Mr. Collins what kind of setbacks would CR have on this property? This is a weird shape.

Mr. Collins said it is, like he mentioned in his report, it makes it a nonconforming zoning designation. When a lot does not conform to a zoning district, they are allowed to meet the MDR setbacks, which are five on the sides, 25 in the front and 20 on the rear. It would create a little

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more of a pocket for them to build in. He does not know if a survey has been done or anything like that.

The Chair asked if we know if a septic permit has been applied for? The Chair asked Mr. Lewis if had applied for a septic permit.

Mr. Lewis said yes from the audience.

Mr. Paxton said just to repeat that Mr. Collins, you are saying it could be buildable?

Mr. Collins said it would appear that way. We would prefer they meet the CR setbacks if they can, but because it is a nonconforming lot, if it is rezoned, MDR setbacks are now in play.

Mr. Corley said help him understand the driveway situation here. there appears to be one driveway going to Mr. Barnhill's house that kind of meanders, maybe even off this property we are talking about. Has that been discussed with you on how that will work? He asked Mr. Barnhill to come back up.

Mr. Barnhill said what is your question exactly?

Mr. Corley said, looking at the driveway it appears that maybe your driveway to your home kind of meanders onto this property and then back to your home. Has this been discussed; that will be resolved?

Mr. Barnhill said he does not know. We have discussed it and he (Mr. Lewis) was saying he could just use the other driveway beside it, which there is another cut through. The neighbor who owns most of the land behind me, he owns a strip of land right there to make sure he had access back to his land and he is not happy with this, and he does not want his land being crossed.

Mr. Barnhill said essentially, a new drive is going to have to be built. Because mine starts at the beginning, and if it comes to this, I will have to put one in and then he would have to build a new one, which there is a tree line at the road, so there will have to be a new driveway put in through there.

The Chair asked if there were any other questions. There being none, the Chair said the Board needs to discuss the proposed request and come up with a motion to approve or deny the request. We also need to establish findings in support of our decision either for or against.

Mr. Paxton said if he is not allowed to build a house, he agrees that there is not going to be any commercial use. Therefore, there is going to be dead land, and he does not think that is fair to the property owner.

The Chair said before we move on, we need to close the Public Hearing.

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Mr. Paxton **MOTIONED, SECONDED** by Ms. Holly Grimsley to close the Public Hearing. The vote was unanimous.

Mr. Paxton probably agrees with him that it is not a buildable commercial piece of property and if he is not allowed to build a single-family home what value would the land be to him?

Mr. Corley thinks it is unique with the split zoning. If a portion of this property was not already CR, he would probably have some reservations. He feels like going to CR is a much less intense zoning. He understands and appreciates Mr. Barnhill's comments and understand the situation of living right next door to this. But, when you say no to something, you are saying yes to something else, right? So, anything within that current zoning could be plopped there today and would potentially be much more disruptive than one single-family home, whether he is going to live in it or sell. Again, with the neighboring uses of existing single-family residential, it feels like it makes sense to him.

The Chair asked Mr. Collins if he said if it were a nonconforming lot, and it does not meet the lot standard for CR it goes to?

Mr. Collins said MDR – Medium Density Residential.

The Chair said the tables that we were given showing LC to CR do those uses change or are they still the same and they just have to meet the setback?

Mr. Collins said yes, he thinks there was a mass rezoning in the County and a lot of the lots became nonconforming. So, that section was put in the Ordinance at that time.

The Chair did not know if it would pare the list down or expand it.

Mr. Collins said no.

Mr. Jeff Corley added that with the existing structures on the property, the construction of a primary residential structure would bring the site into better compliance than it is today.

The Chair said while it is not consistent with the land use classification, there are adjacent residential properties adjacent to it so that would put in more in line.

Ms. Barnhill asked to speak.

The Chair said we have already closed the Public Hearing and you have not filled out a card. He asked if anyone had any objections to reopening the Public Hearing. She asked Ms. Barnhill to complete a blue card.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Charles Paxton to reopen the Public Hearing. The vote was unanimous.

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Ms. Hannah Barnhill, 676 Highway 24/27 E. Midland, NC, addressed the Board. She said if you could see this in person you would never, ever say yes to this. His driveway, that is my driveway, you would be like this is ridiculous. It is not as crisp as this, it is more like this, and it surrounds my home. When I walk out of my house every day, I will be seeing this man, literally, where my driveway used to be. She does not feel comfortable with it, and she does not want this to happen. None of the neighbors do, this is family land around us. We got lucky to get this house. The twenty acres behind us is all family, both sides are all family. We got very lucky to get it because they had a squabble. But we never expected after living there for two and a half years, for someone to show up and start giving us demands and threatening to put up fences and building a house in our driveway.

First of all, we took care of that land for two and a half years. We did not see this man for two and a half years and he shows up, his brother, saying that he is going to press charges on us for trespassing because we were doing his yard work for two and a half years.

The frustration of the situation is weighing on my family, and when she walks out the door every morning, she is angry because not only is she seeing his trashy cars and his pick-up truck going through her yard. She is also seeing him burn things and leaving it burning for three days and smoldering her back yard and her house. He is rude and disrespectful, and she does not want him around.

My husband is trying to be nice about it, but she is tired of walking outside and being pissed-off that our dream house is now being ruined. That is all she wanted to say. She apologizes, but she is very frustrated.

Mr. Corley would like to make a motion to close the Public Hearing.

Mr. David Hudspeth wants to ask a question. Where is her house located on this? He is having trouble understanding this.

The Chair asked Mr. Collins to point it the house.

Ms. Barnhill showed where her house is located on the diagram. She said our back fence is where the red pin is. What he has is two sheds at our back fence. When we walk out our back door we see two sheds, his junk cars and all of that. Over here is where our driveway comes up from the highway. (She shows on the diagram). This is our back door, our back gate, there is a circular driveway right here. It is his land literally, the guy we did not see for two and a half years. You come up here, a circular driveway next to the back fence. This is the back of our back fence. There are two sheds. He had moved it, it was somewhere else, it belonged to the people who owned her house. We did not care if he took it or what happened to it because it was on his land and my land she believes. He had originally put some junk cars so when we walked out of our back door that is what we saw. He has taken out our tree line back here. There is a field behind it so there were trees, but now just a few trees and it has just kind of ruined our whole backyard.

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Mr. Hudspeth does not know that it matters, do you have a legal right of way to that driveway?

Ms. Barnhill said we were told that he was not going to do that when we bought the house. She does not think there was any type of agreement. She knows there was some kind of easement agreement, is that right? (to Mr. Barnhill)

Mr. Barnhill said there is nothing.

Ms. Barnhill said we bought it and he never showed up. We thought that we could discuss buying it. When we finally met him last year (the brother), he said we could have this property for \$20,000. We were going through financial trouble and could not buy it and now he is saying in order to get rid of him it is going to cost us \$80,000. We paid \$180,000 for the house, do you think we can come up with \$80,000 for the rest of our yard?

Mr. Paxton said when you purchased the property, did you know there was an easement there? He is sure someone advised you.

Mr. Barnhill said yes, we did know. We always assumed we would be able to purchase the property because we were told that you could not build anything on it. They told us the family history and what happened. His intent was to always to buy it.

He was going to buy it earlier this year and he and his wife split up and his lawyer told him to hold off until we got everything settled. A couple of months later he starts moving stuff around and tells me that he has sold it to someone.

Mr. Hudspeth asked if he has an easement to the driveway through your property?

Mr. Barnhill said no, he does not have an easement through ours.

Ms. Barnhill said we will have to completely build a driveway through our front yard instead of going around the side.

Mr. Barnhill said right now, Mr. Lewis does not have a legal entrance. He has to cross my property on one side and George's property on the other side right now, that is how he is getting onto the property.

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board saying to clarify, right now, the access for this particular piece of property, it mentions this right of way (showed on diagram). There is no recorded right of way. This property also has frontage on 24/27, there is not a driveway there.

The property that these folks live on is actually in the Town of Midland. Doing the deed research, Mr. Collins did find that this one mentions the 60 foot right of way and then this also is

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a 60 foot right of way for this property in the back. So, he is surrounded on two sides by right of way, on this side by 24/27 and the then the adjacent parcel (showed on the diagram).

Mr. Hudspeth said to be clear, he does not have a right to use that driveway, it goes through their property?

Ms. Morris said to be clear, the driveway for the adjacent property is coming across this gentlemen's property.

Mr. Hudspeth understands that. But in the future, he will not be able to use theirs and they will not be able to use his?

Ms. Morris said that is between them. The issue before the Board tonight is whether or not the zoning is appropriate.

Mr. Hudspeth is just trying to understand what is going on, that is all.

Ms. Barnhill said they were told that after this meeting, that he is putting fence up and we would not have a driveway anymore so.

Ms. Nurse said her concern is the driveway. They are saying that what he is getting ready to put on there is an eyesore to them. She is trying to figure out the disagreement you are having.

Ms. Barnhill said there is a driveway and there is a big round about. When you come out of our front door, his house will basically be in our front yard. So, we do not want it there in our front yard, but it is also going to take the driveway and we will have to build a whole other driveway. If you saw it in person, you would know he is right on top of us.

Mr. Goldberg and Mr. Collins put up a different aerial map showing the cadastral lines.

Ms. Barnhill said part of their plan was to buy the strip and we were told we could purchase it. The person who owns all that land behind our house, she believes it is over 20 acres, we were going to share the driveway, so he has another access to his property. We really just want to increase our backyard, so we have full view and did not have something in our backyard. We wanted to be able share the driveway with that man, so that he has more than one access to all of that property. He talked about doing some different things back there, but he only has one driveway. So, it is not just to our benefit that this would happen, it would be to the benefit to the all the neighbors as well because none of us want to see this happen. She spoke with him, but he was not able to make tonight, HVAC people are very busy this time of year.

Mr. Goldberg showed the aerial and said you should be able to see the driveways better there.

Ms. Barnhill said our driveway was the original wagon road to Charlotte is what we were told when we bought the property. This road use to take wagons all the way into the city.

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Mr. Barnhill said right here in this picture was the garage. We moved in, got the permits, and turned it into another bedroom. So, our master bedroom and bath are right in here (showed on aerial).

So, what Mr. Lewis is talking about is he is going to have to build, because of the septic having to be put over here. This would be the only place, in his opinion. You could put a house here, (showed on aerial) it is going downhill but it is the widest area. He is saying because the septic has to be here, the house is going to be right here. Like he said earlier, right here is like 45 feet and 75 feet to 45 feet right here. This is where he said he is going to put his house with the septic running this way. It is right out under our window.

Then this panhandle piece back here, which technically put him off because my fence technically goes through his property now, which is a problem. These two buildings are not here now, and he has moved this building over here. But he is going to put a numerous car garage (he is not sure of the size exactly). He has numerous old junk cars that he is saying he works on. So, he is wanting to put a garage to cover this area back here. He has already taken out the trees. There was a little small tree line forest back here that is gone now. He said it will a big garage to our back and a house to the side and looking out of our window.

Ms. Barnhill said it is half way surrounding our entire property.

Mr. Barnhill said who is going to want to buy this in the future.

Mr. Hudspeth said cannot really see your house. How close are you to the line? Your house?

Mr. Barnhill said it is right on it.

Mr. Hudspeth asked if he was within the setback.

The Chair said it looks like there house is halfway into the lot, of their lot. So, it is in those trees. You cannot see it because of the tree canopy.

Mr. Barnhill said the roof is here, (showed on the aerial) and there is a little building here, an open shed that sticks out right here and then the actual house is back in there.

Mr. Corley said it is fair to say that you are not against him building a house. You are against anything going on that a property at all? Is that fair to say?

Mr. Barnhill said in reality yes. But if he could build a house down here (showed on aerial), that would make more sense as far as everything. Everything about this is disjointed and that is why he is wanting to put a garage back here because there is not enough room to connect to the house.

The Chair said there are setbacks and development standards that will have to be met regardless. But we cannot control, obviously, where that home goes as long as it meets the ordinance.

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Ms. Barnhill said there is only one place for the septic on the whole property, so it has to go with that.

Mr. Corley said he still has to meet those standards where ever he is. So, there are some places, obviously that small little point he obviously could not put it back there. He will have to develop to the same standards that your home was developed to, so the rules are the same, even if the rules are too close. Does that make sense?

Mr. Barnhill said what are the rules. He cannot find what the exact setbacks are for countryside residential on the website.

Mr. Collins said the countryside residential setbacks are 75 feet front, 20 feet side and 30 feet rear. He said because the lot would not be conforming to the countryside residential dimensional standards the setbacks become those of the MDR district, which is 25 feet on the front, 5 feet on the side and 20 feet in the rear.

Mr. Corley said all of those dimensions change even if he technically could meet.

Mr. Collins said we would prefer that he meet the CR, but the ordinance allows him to meet the MDR.

Ms. Grimsley has a question for the landowner. She asked what his reasoning was for where he is locating the house.

Mr. Lewis said it is the only place he could put it on the lot.

Ms. Grimsley said because of topography?

Mr. Lewis said he was going to put it closer down towards the road but when he had Cabarrus County come out for the perc test, the guy said he has to take the whole hill for the perc test.

Ms. Grimsley said is that a hill where the perc?

Mr. Lewis said yes. There is a hill right in front of their house (showed on diagram). He was going to put his house there, but he had to back it up. Instead of putting a 44 x 44 with a garage, he is down to a 30 x 44, and then putting the garage out back which he does not mind. He was going to put his garage with the house above it out back, but because of their attitude, I was like no, I am going to put my house up here like I want it and they will just have to deal with it.

Ms. Grimsley knows it is personal, but she asked if he is paying cash for it or are you getting a construction loan. What are you doing to finance that house? The reason is asking is because most construction loans will not allow you to cross someone else's driveway to get to your own. Have you vetted that to make sure that you can actually do it?

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Mr. Lewis has talked with the bank.

Ms. Grimsley said do they realize that you are crossing someone else's driveway back and forth?

Mr. Lewis said they said as long as there is an easement.

Ms. Grimsley thought you all said there was no easement written anywhere.

Mr. Lewis said there is an easement, there is two easements.

Ms. Grimsley said and easement or a right of way?

Mr. Lewis said there is an easement and a right of way. The right of way goes up the side of his property. She was saying that George behind me owns some land, and he wanted my land to get to his land. Well, he has a 60 foot right of way to get to his land.

The Chair thinks the question she is trying to ask you is if you are planning to use the Barnhill's driveway for your access or are you going to create a new driveway access for your lot off either Highway 24/27 or one of those other right of ways?

Mr. Lewis said he is not using the existing driveway.

The Chair asked Ms. Grimsley if that answered her question.

Ms. Grimsley said it does, but she is curious and asked where he is going to put it. How are you going to access your house not using their driveway?

Mr. Lewis said (showed on the diagram) on this land right here, I can cut these trees down and have my driveway come in here. Right now, I am coming up through here, using the right of way here to come in because he does to want to cross their property. So, I do not come down this way and come in, I come in from here because Mark Morgan who lives here, gave me permission to use the right of way, the easement there because he has right to use it. He said (Mark Morgan) as far as he is concerned, I can come through here too.

He said Mark the one right there on the other side of me, he is kin to George who lives behind me. The Barnhill's are not. Mark said he does not have a problem with me cutting across right here (showed on diagram).

Ms. Grimsley asked Mr. Lewis to show her where the perc site is located.

Mr. Lewis said right here at this oak tree, this whole bottom part right here (showed on diagram), that whole field. He was going to put his house right there, but now he has to back it up to here.

Ms. Grimsley asked why he had to back it up.

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Mr. Lewis said they said I could not put it but so far from my drain field.

Ms. Grimsley said what kind of septic system do you have? Your box system is only going to be five feet off your house. What does your repair field look like, is it a big repair field?

Mr. Lewis thinks he said 1000 gallon. He forgot what he said.

Ms. Grimsley said show us the layout of that. Do you have an idea where all those lines are going?

Mr. Lewis said yes, they are marked.

Ms. Grimsley asked Mr. Lewis to give the Board an idea of how much land he is using for the repair field.

Mr. Lewis said he is using this whole thing (showed on the diagram), that is why he cannot build down that way.

Ms. Grimsley said thank you.

Mr. Lewis said this weekend he is taking down this oak tree and another tree and part of this other one (showed on diagram) so he can get his house in there because he cannot with the limbs hanging over.

He said this right here, is a right of way to get to the land behind me. So, you do not need my land to get back there. You already have a 60 foot right of way.

The Chair said thank you Mr. Lewis.

Mr. Corley said one of the things that is mentioned is what type of construction could potentially be built here. He asked Mr. Collins to clarify what types of construction would be allowed.

Mr. Collins said currently?

Mr. Corley said with the zoning change, could a trailer or a manufactured home be put on this property?

Mr. Collins said on the screen the Mobile Home overlay is represented on the screen in pink shading. He would not be allowed to do a mobile home.

Mr. Corley said he would not.

The Chair said it would have to be conventional construction.

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Mr. Collins said either that or a modular home.

The Chair asked if there were any more questions. He reminded the Board that the Public Hearing is still open, and a motion would need to be made to close the Public Hearing if we are done.

Mr. Charles Paxton **MOTIONED**, to close the Public Hearing.

Mr. Barnhill (was in audible) he said the only place that he could put a house is there because that is the only place he could get to perc. The top, he cannot put a house, it is 75 feet, how is that possible. He does not see how you are saying this can be done.

The Chair said he has to meet the setbacks. So, whatever he can squeeze in there he can.

Mr. Barnhill said he can't.

Ms. Barnhill said right here is where we park our cars. There is a well here, an abandoned well. She is not sure what he is going to do with that. Is he going to put septic and a house right here? She does not know how that is going to work, she is not in construction. She does not know if he is aware that there is a very large well right here and there is one right here too, (showed on diagram). They are both abandoned and inoperable. She does not know if that matters.

Mr. Corley said it may be true that there a lot of challenges left for him, but we are addressing one of the pieces. When he comes in for building permitting and other things, if those hurdles come up, that is going to be up to him, as it is for every property owner to figure out how he can comply with those standards.

The Chair said if this is approved, this would be just one of many steps he still has to go through to be able to apply and meet the requirements to build a house.

Mr. Goldberg reminded the Chair there was a motion made to close the public hearing, no action was taken on it.

Mr. Brett Rockett, **SECONDED**, the motion to close the Public Hearing. The vote was unanimous.

The Chair asked if there were any further discussion?

Mr. Hudspeth said there are two zonings on this property, correct?

The Chair said right.

Mr. Hudspeth asked if where he is wanting to build the house already CR?

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The Chair said Mr. Collins is shaking his head no.

Ms. Morris turned on the zoning on the diagram so everyone can see. This line right here is the CR line. This is the property, it comes down and it wraps around the purple property. The green is where it is currently zoned commercial, so anything in the LC that is listed as a commercial use can go on this property. The back part is zoned CR, it has dual zoning. The back part can be developed as anything that is in CR. The request is for the entire property to be consistently zoned, and continued with that CR zoning designation, so that it can be developed for residential.

The Chair asked if there was any further discussion. There being none, he said anyone making a motion to please give reasons to approve or deny the request.

Mr. Jeff Corley **MOTIONED, SECONDED** by Mr. Charles Paxton to **APPROVE RZON2022-00004** rezoning request based on the reasons stated during our discussion, which include that while not consistent with the land use plan classification, the adjacent properties are developed as residential. The proposed single-family home is compatible with how the surrounding properties are being used. Part of the property is already zoned CR, and the applicant is asking for the same classification to be applied to the remainder of the property to build a single-family home. There are currently some buildings on the site already and adding a primary structure would bring the site into better compliance with the Ordinance. The vote was unanimous.

Mr. David Goldberg said actually you do not need to make a consistency statement because it is inconsistent with the plan. So, by rezoning it you are implicitly amending the land use. Do the motion, just know that essentially you are doing a motion to amend the Midland Plan.

Ms. Morris advised the Board to proceed with the consistency statement, which should include something to the affect like you said, that all though it is not consistent, it is potentially reasonable and in the public interest to make the decision that you are making this evening. That is the conclusion that you are trying to come to with you consistency statement.

**Consistency Statement:**

Mr. Jeff Corley said this rezoning request is reasonable and in the public interest, and although not consistent with the land use classification, adjacent properties are developed as residential. It does not meet the intent of the land use plan, but the adjacent properties are residential. It meets the intent of the proposed zoning district. A single-family home is being proposed, part of the property is already zoned CR. The applicant is asking for the same classification to be applied to the remainder of the property to build a single-family home. There are multiple buildings on the site already and no primary structure, the addition of a primary dwelling would bring the site into better compliance with the Ordinance.

Mr. Jeff Corley, **MOTIONED, SECONDED** by Mr. Brent Rockett to **APPROVE** the Consistency Statement. The vote was unanimous.

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**New Business Board of Adjustment Function:**

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

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

The Chair introduced SUSE2022-000014 – Request to construct a Wireless Telecommunications Tower (WTC). Applicant is PeakNet, Owner is Edward D. Mesimer Trust. Address is 7615 Tuckaseegee Road, Kannapolis, NC, (PIN4693-26-5101).

The Chair asked if there were any Board members that have any conflict of interest, or any information related to the case that needs to be disclosed at this time. There being none, he called on Ms. Sandy Howell, Planner, to present staff report.

Ms. Sandy Howell, Planner, addressed the Board presenting the staff report. She said the purpose of this request is to construct a 235-foot tall Wireless Telecommunications (WTC) Tower to include the 230-foot monopole tower, plus a 5-foot lightning rod on the subject property.

The property is currently zoned Agricultural/Open Space (AO) district. WTC towers are permitted in the AO district with the issuance of a Special Use Permit.

The current land use of the subject property is agricultural and single-family residential.

The applicant provided documentation compliant with Section 8-3 of the Cabarrus County Zoning Ordinance, petitioning for a Special Use Permit.

The applicant submitted a complete application including a "Project Narrative and Statement of Compliance" sheet along with a site plan.

The subject property is approximately 129.2 acres in size. The lease area is approximately 2,500 square feet in size.

Currently, a residence and several agricultural structures occupy a portion of the subject property alongside Tuckaseegee Road.

The applicant is proposing to add to an existing connection off Tuckaseegee Road and has provided the NCDOT driveway permit as required.

The FAA has issued a Determination of No Hazard to Air Navigation for this site that expires on March 1, 2024, unless otherwise stated in the Determination. At the time of the review, the applicant requested the height based off the tower height and has since requested an increase to 235 to account for the 5-foot lightning rod.

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The FAA placed a condition on the approval of the tower that the lights meet the FAA specifications.

The subject property is partially located within Coddle Creek WS-II Protected and Critical watershed areas. A small portion of the fall zone buffer will be located with the Critical Area. The cell tower and the compound will be located outside the Critical Area.

The cabinets are approximately 5'11.76" in height and approximately 59 square feet. These measurements have been converted from the metric measurements found on the plan set.

Should the Board of Adjustment grant approval of the Special Use Permit, Staff requests the following conditions become part of the approval and case record:

1. Site plan review and approval is required subsequent to Board of Adjustment approval in order to ensure compliance with all applicable development requirements and conditions.
2. The Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed for the property and prior to zoning permitting.
3. The applicant shall procure any and all applicable federal, state, and local permits prior to zoning permitting.
4. Any proposed future expansion of the property, as well as modifications or changes to approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Special Use Permit.
5. The applicant shall provide copies of all state, local, and federal permits for the permanent project file prior to zoning permitting.
6. The Applicant shall comply with all applicable terms of NCDOT Driveway Permit C-1913.
7. Prior to zoning permitting, the applicant shall have the Determination of No Hazard letter from the FAA updated to address the current proposed tower height to include the five-foot lightning rod.
8. The applicant shall file the 7460-2 form with the FAA if the project is abandoned or within five days after construction reaches its greatest height. A copy of said filing shall be provided to Planning for the project file.
9. The applicant shall submit a bond in the amount to accommodate 1.25 times the amount of the estimate as required by Chapter 8, Number 36, Section 11 of the Cabarrus County Development Ordinance. The estimated cost of removal and to return the site to its

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natural condition is \$105,178; therefore, the bond will need to be in the amount of \$131,472.50. The bond shall be submitted prior to zoning permitting.

10. Per the approved plans, the driveway will be increased to 26 feet wide, and a Knox Lock or Knox Box shall be installed for Fire Department access.

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

Mr. Paxton said most cell towers we see come through are about 150 feet high. Did they give you any explanation as to why this one is so much higher?

Ms. Howell will let the applicant answer that during their presentation. They plan to have a presentation with their AT&T Maps.

The Chair asked if there were any more questions. There being none, he called on the applicant to make their presentation.

Mr. Thomas H. Johnson, Jr., Attorney, Williams Mullens, 301 Fayetteville Street, Suite 1700, Raleigh, NC, addressed the Board. He is here on behalf of the applicant PeakNet. He asked that the application and all of the associated documents that have been submitted with it be admitted into evidence in support our application. He also concurs and agrees with the conditions that Ms. Howell set forth in her presentation.

He has to say that Ms. Howell has been very diligent in working with us to check all the boxes with the Ordinance, there are a lot of requirements. We worked really hard to get to that point, plus we had a FAA backup because of some additional applications that are being submitted right now related to 5G coverage that got us behind. We are hoping we can get that amended FAA, with the additional five feet back pretty soon. That is what kept us from getting on the agenda for a while. But we did get that in at 230 feet, and it will come back at 235 once we get that amendment back, and we know that is a condition that we accept.

He has with him tonight representatives from AT&T, an appraiser Michael Berkowitz whose impact study is part of the record that you have before you; he is here to testify. The property

owner is here, as well as Mr. Philip Evans, Tower Engineering Professionals, who prepared the engineering documents, he can speak to those if there are any questions on those.

He would like to do an overview of the relevant factors, through a brief presentation, and he may have Mr. Berkowitz give a brief summary of his report.

A question was asked about coverage and coverage plots or about the height of the tower. This is a very rural area, so you need the height in order to do the connection and he thinks you will see right now.

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This is existing coverage, but the tower is being moved further to the north and it provides better coverage between the two existing sites. He said the one to the left, the W and ends in 483R3 and the one up near Enochville, that is what we are trying to cover more. You can see what the difference is, the red and the white is not what you want. You want at least yellow and some of the light blue and the green (showed a diagram).

This is current coverage, when this shifts, you can see how the coverage improves to the north and to the northeast as well as some to the northwest as well. So, that is what the difference in coverage is, going back and forth as you can see. Because of the rural nature of the area, we need the height in order to get there. There are some challenges to here as was mentioned earlier. There is the critical watershed where we cannot put a tower, therefore you have to have a taller tower to be able to cover the critical watershed area as well.

He has the RF Engineer who can come talk about this further if you have further questions. As you can see this is current and with the new one you eliminate a lot of that red in between the site to the northeast as well as properties to the north that don't have coverage at this point.

He showed an aerial of the site. He said there is an existing driveway right here. It is being used and will have to be widened to meet fire requirements to 26 feet. But then basically the tower is going to be down here in the open field here. This is the site plan that more specifically shows that. We have a hammer head turn around here for the fire department. This is the compound and the tower right here and these are the existing buildings that the property owner has on site.

Ms. Howell spoke to the watershed issue. He wanted to show this a little bit. This is basically the watershed line right here. This is the 235-foot radius which if the tower fell flat as a pancake, it still will not touch the critical watershed line. The 285-foot would be here, but that is a setback. Under the ordinance, the setback requirement is from a property line or a residential structure which this meets. Even though it may go into the critical watershed line, the ordinance does not speak to it being from the watershed line it is just the property line or residential uses.

We also have a fall zone letter by Sabre Tower who would construct the tower, in the file that says really in any event, the tower would not fall outside of a 90-foot radius even if it were to fail. Even if you take the most generous at 235-feet, if it fell flat, it still is not going to get into the critical watershed and all the commercial components are outside the watershed.

This is the profile of the tower. It has the current proposed user which will be AT&T, plus room for future co-locaters on the site and there is plenty of room with in the compound to accommodate those additional users in the future.

He is available to answer any questions on that part, but he would like for Mr. Berkowitz to come up and summarize his impact study just briefly.

Mr. Michael Berkowitz, 1100 Sundance Drive, Concord, NC, Appraiser, addressed the Board stating given the impact study he was asked to determine in accordance with the special use

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permit whether the tower as proposed would maintain or enhance the property values of surrounding properties. Given that, then what he provided was a quantitative analysis with others, there was Wyndham Estates, there is Skybrook, and there were several examples in which he was able to gather adequate data to provide a quantitative analysis that provides no empirical evidence that the tower would injure values of adjacent properties.

Also, from a qualitative standpoint, the iron maidens that are out there, and the electrical transmission lines, he would say that it is consistent with that area, and that above ground infrastructure is much more of a visual impact than this proposed tower. He would be happy to answer any questions that the Board may have.

There were no questions for Mr. Berkowitz.

Mr. Johnson said he can have the RF Engineer come up and speak to the maps if there are questions regarding those, or anybody from our team if you have questions regarding the engineered drawings, which are in the record or any other questions of the team. He proposes that to the Board, and have them available for questions, otherwise it is in the record.

Mr. Corley does have a question but does not know who on your team might need to answer. He said the height of the transmission line towers, that are running sort of across this property already, do we know how tall those are?

Mr. Johnson said great question. Typically, they are shorter than this, obviously they are not 235 feet. Typically, maybe 90 feet or more, 90 to 100 feet approximately. The thing about those is they just have more things hanging out or off of them. A monopole tower does not have much at all hanging off of it. The electrical transmission lines are just more of a visual impact because of the appurtenances that are necessary for those transmission lines. That was basically what Mr. Berkowitz was pointing out in his report.

His analysis goes through taking existing towers, looking at how the property sold before and after, or those that could see or not see the tower and did an analysis. The fortunate thing is, there have been a lot of recent towers that have been put in place in Cabarrus County. So, there were some good comparables that he could use in doing his analysis, which was very helpful.

Mr. Johnson asked if there were any other questions the Board may have regarding the design or anything like that.

The Chair said in your presentation you noted there was an existing tower, this tower replaces an existing tower? You are collocated on another tower?

Mr. Johnson said AT&T is collocated on another tower, we needed to move it further so we could cover those other two towers better. The separation is still there, the separation requirements under the ordinance.

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Mr. Charles Paxton said on some of these towers we see that the County is provided access to it over this new Homeland Security rule. Does that apply here too?

Mr. Johnson said that is not a requirement as he recalls under your ordinance. He will say that, and some of the AT&T folks can get up here and speak to it. AT&T is responsible for the FirstNet contract. The FirstNet network that they are building across the country. It is an agreement with the federal governmental to provide basic service across the country. AT&T is a provider that has been awarded that. That will be a part of this process as well. But, as far as a requirement that EMS be able to locate on it or anything like that, there is not a requirement. But, on the other hand if it is needed, it is available for that as well. PeakNet would be glad to discuss, with any governmental agency that may need it and that often times happens.

He said it really is a challenge here because you have the critical watershed. There are not many locations where you can put a tower around here. So, you have to be very careful about it and that is why you end up with more of the height, to cover a larger area. If you think about it, the things you think about as far as safety related to a tower; access to 911 for folks from their homes, that sort of thing. But then with water nearby, there are often times people may have some emergency on the water and need to get cell service to be able to get emergency services there.

He has spoken the same thing with Lake Norman, in doing a tower he recently did in Cornelius, it was the same type of thing. You talk about them needing access to good service in order to be able to that, for a variety of reasons. Plus, emergency service providers also use the cellular network.

The Chair asked if there were any other questions for the applicant. There was none.

Mr. Johnson knows there are others here to speak, he would like the opportunity for rebuttal and summary at the end.

The Chair said that is fine.

The Chair opened the Public Hearing. He called on those who are generally in favor of the request. He has a lot of cards, and he is assuming these are your support.

Mr. Johnson said he can speak to that.

The Chair said Connie Goodman.

Mr. Johnson said Connie Goodman is not part of his team, she is separate.

The Chair called Ms. Connie Goodman.

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Ms. Connie Goodman, 6760 Mooresville Road, Kannapolis, NC, addressed the Board. She asked

how many Board members and how many in the audience have a land line? More than she thought, she still has hers. But the cell phone is back there in her purse. What do we want? We want to be able to have that cell phone work. Sometimes when she goes to Enochville it doesn't, and that is four miles from her house, and she cannot get service. She has AT&T, and it drops. She wants to have the service to call 911 if she needs it.

The other thing is, Mr. Mesimer is a farmer, and you know how much, Phil you have worked with me. We own a good bit of property also, right around the corner from him. In order to keep this land in Cabarrus County and for you to enjoy that land, we have to keep it in a farm bank. We have to have some way to make revenue, ours is leased by Christy's Nursery, that is how we keep it.

Mr. Mesimer has cows, that is how he keeps it, here in the farm bank. He needs more some more revenue. This is a way for him to get it without hurting the environment. He could start selling it and building homes.

She set back there during the first case, and she was talking about he is going to be touching close. Get into some of these developments, you can barely walk between the houses like this (stretched our arms). Which do we want, to be able to help our County stay a County and keep some green space? Helping us, the local landowners helping us to maintain what we want for this County. She asked if anyone had any questions for her.

The Chair asked if there was anyone else in favor of the special use that wanted to address the Board. There being none, he called those speaking in opposition of the special use. He called on Mr. Cory Patterson.

Mr. Cory Patterson, Attorney, Nelson Mullins Firm, 301 South College Street, Charlotte, NC, addressed the Board representing SBA Communications. He believes to Mr. Chairman's question, we have the collocation for AT&T, it is the distance apart needed for the application. He believes it is 1800 feet. He apologized, he has allergies and that is why he sounds like Barry White, but he promises not to sing.

We are asking for the Commission this evening to deny the application, or in the alternative, at least seek a third-party technical review under Chapter 10 of the Ordinances. He said looking at the application, and then looking at the Exhibit A to the application, the standard is the application must maintain or enhance the public, health, safety, and general welfare or maintain the value of the contingent property. In terms of what was submitted for the application, at the very least, this is a duplicative cover scheme.

The current coverage that AT&T has, he would say that AT&T is a co-applicant of PeakNet, it does not change much. He believes Mr. Johnson's presentation you did not see much change in

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that. In terms that there is already AT&T coverage and there is no need for there to be a 235-foot pole to be erected that will increase coverage in any sizeable way, in terms of cell-coverage.

He brought a picture to submit to the Commission just so you can see the distance that we are dealing with at this point that will show the existing collocation pole and what is proposed.

Mr. Patterson handed out a diagram to the Board. He said as you can see this is the proposed metro pole, the 235 and the collocation right now, which is the SBA pole that was established 22 years ago. That particular pole, just to give it context with the Commission, is about at 73 percent capacity. Right now, AT&T is located there at 180 feet. There is room to go higher which would be less of a burden than building an entirely new communications line. He would also like to submit a letter to the Commission from Jason Laskey, Zoning Manager for SBA Communications.

Mr. Johnson objects and asked if Mr. Laskey was present.

Mr. Patterson said he is not.

(From the audience) Mr. Johnson objects if he is not present to speak to it, it is hearsay if he is trying to use it as expert testimony. (inaudible)

Mr. Patterson said it is not for any expert testimony. It is more background information for the Commission to consider.

(From the audience) Mr. Johnson said again, that is hearsay if he is not here to provide that background information.

Mr. Goldberg said his legal recommendation for the Commission would be that if the person is not here to make the statement himself and to be subject to cross examination, it would probably be considered hearsay, and not admissible. The Board is required to generally follow the rules of evidence and general admissibility and hearsay where appropriate. He said the Chair may determine whether that evidence should be admissible or not and that is subject to appeal to the full Commission if necessary.

(From the audience) Mr. Johnson said the other grounds would be relevance, as well. It is speaking to the existing tower and not the new tower, why is this relevant.

Mr. Goldberg said if you are going to object you need to come to the mic.

Mr. Johnson apologized, and said his objection is twofold. One is hearsay, you do not have the person here to speak about it, who did the letter, and the other part is relevance. Why even going down this direction. He questions whether it is even relevant to what we are applying for here. The new tower meets the separation requirement, and he has presented the evidence from the RF

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Engineer who is present for cross examination with respect to the improvement in coverage by this tower.

Mr. Hudspeth said when he is finished, he would like to ask the RF Engineer a question.

Mr. Johnson said he is available to do that, he just spoke to him about doing that. Mr. Johnson was not anticipating this, but that would be part of his rebuttal.

Mr. Goldberg said we do have a request to admit a piece of evidence into the record that has been objected to. The Chair needs to make a decision one way or the other to move forward. He also brings up questions of relevance, so just as a general parameter of that, usually evidence should be more probative, more helpful than prejudicial, so something that is not relevant or interferes with supporting the conclusion.

Mr. Patterson would like to respond to the relevance objection. He said relevant evidence is any evidence that has the tendency to make a fact a consequence more likely than not. The only reason for submitting this letter to the Commission is just to show essentially, that AT&T has coverage already. The duplicativeness of building the 235-foot monopole, it is not enhancing anything, outside of the fact that it is just expanding a very small coverage.

Mr. Goldberg said to the Chair since there is a discussion of whether this evidence should be admitted, it is kind of tricky because you are making a decision in hearing the evidence. You make want to keep that in mind as he continues.

Mr. Patterson said that is all he will say about.

Mr. Johnson has a concern about what he was saying, because he is saying a lot of things. But unless he is an expert on the coverage and the coverage maps, he would say that is irrelevant to the Board as well. He would need to have his own RF expert up here to testify to these particular items about coverage. Which we have provided certified maps from and RF Engineer in that regard.

Mr. Corley said Mr. Chairman, not that you need his opinion at all, but from the relevancy standpoint, he feels like that is our determination. He feels like if this is related to our decision making on whether we are going to permit this new tower, he frankly would like to hear it. He does not believe the gentleman has attempted to make witness testimony. If the other side has some rebuttal from an expert witness, he would appreciate hearing that as a rebuttal as well. But perhaps it is not appropriate to enter a letter into evidence but the content as long as it is not being given to us as expert testimony.

Mr. Goldberg said there are two objections, one is hearsay, an out of court statement made to the truth of the matter, that is the first objection. Normally, you would have a witness who would tender evidence and would be able to be cross examined and we have seen what that looks like. If you choose to sustain that objection we would not have to go further. If you over rule that

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objection, then it would be a question of relevance as has been stated as well. Maybe you would want to ask if this is a hearsay statement. He thinks that would be helpful in your decision making.

Mr. Johnson said that is his concern. He is going to be speaking to a letter someone else prepared about something that is not within his personal knowledge. That is his problem with this, is that you start talking about facts on a piece of paper by somebody where this gentleman is not a witness and has not gone out there and seen it. You would need the person who wrote this letter to speak to the facts that are in there. The law is pretty clear that those witnesses to be available for cross examination when that is presented and that is pretty clear in the zoning law under quasi-judicial decisions.

The Chair said since the writer of letter is not here to cross examine, then the letter will not be admissible.

Mr. Goldberg said you would be sustaining his objection for hearsay. The instruction would be that you would not be able to tender that letter as evidence.

Mr. Patterson said Mr. Chair, and for the members of the Commission as well, he knows we stated at least that the application was complete. But he would at least like to point out some missing documents from the application. There are certain things that were not present within the application itself. If he were to do that, he would at least like to show a coverage map, so that the Commission can see just the level of coverage.

Mr. Johnson said again, he would object, unless there was somebody here that prepared that map just to show the coverage. The same situation as the letter.

Mr. Goldberg said usually in evidentiary matters, you would ask to provide a foundation for submission of that evidence. You would usually tender that this is where this came from, this is how it developed, and this is what it says. In quasi-judicial matters, the question you have in this way is present competent, material, and substantial evidence, as not as repetitive as allowed by the Board. He said you may have some leeway on that one. But up to the Board, substantial and competent evidence.

The Chair will allow the map.

Mr. Patterson thanked the Chair. He said as you can see, this is a map of the property itself. This is existing coverage for AT&T, and this is at 180 feet. What they are proposing is that at roughly 225-feet, they are still at the same 700 megahertz, which will handle the majority of your 5G communications. Again, there is no enhancement of any public health or safety or general welfare. That does not enhance much of anything in terms of the public welfare or the wireless connection that is centered around in the area.

He said in terms of the application and what is missing from the application, in Chapter 8, Section 6 for Special Use Permits, it requires the availability of suitable existing towers, other

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structures or alternative technology. That has not been produced to you all. It was not in their package, and it was not in the application, in terms of the collocation of the SBA Metropole. So,

there has not been any documentation that has been presented to this body that was submitted within the application itself.

The separation distance from the other towers pursuant to Table 1, shall be shown at the site plan or map, that was also not provided. He recognizes that Mr. Johnson has his witnesses here so he is assuming that will be provided to you today in testimony. In terms of a description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of a proposed new tower.

He believes that is pertinent for this body, just because there is already an existing tower. It makes no sense to build something when you already have a pole that is going to allow the exact same coverage. AT&T would be allowed to go higher upon that metropole and get to the same amount of coverage without building a new pole. He thinks that their application lacks meeting that particular portion of the ordinances.

A description of a feasible alternative location, a future tower, or antennas within the County based upon physical engineering and technological or geographical limitations in the event the proposed tower is erected. In terms of presented the application to the Commission, again he says that AT&T should be a co-applicant. They should be able to present to the Commission exactly where future towers will be and kind of what the plan and build out is. That is something that was missing from the application. Again, he recognizes that there are folks here, maybe they will be able to testify to those particular plans.

The next would be a statement of compliance with the Federal Communications Act as amended and the replicable rules promulgated by the Communications Act. That was also not received as part of the application as well.

One thing also for the Commission's consideration, something for the Commission to ask the particular experts that are here to push this application through, to get the FAA certification, he noticed in the application, that generally some of the coordinates were off. It was off by 150-feet. With being off by that much, they had to move it. He is assuming it was amended back on October 3<sup>rd</sup> to actually comply with the FAA. However, in terms of moving those particular coordinates, the applicant would still have to comply with the State Historic Preservation Office and whether this is close to anything historical such as Mint Hill. Which he actually believes is close by there and so they would have to get clearance in terms of that as well.

Again, some of the things he did want to submit, he recognizes would be hearsay, so he will not put that forth to the Commission. However, we wish that the Commission would consider at least doing a third-party review under Chapter 10 just to make sure that this does actually meet the

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requirements that are required by the ordinances. He is available for the Commission if you should have any.

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

Mr. Paxton wants to be sure of this. At the present time they are on your tower?

Mr. Patterson said yes that is correct.

Mr. Paxton said a suspicious person might ask the question, are you doing this just because you want to keep them on the tower or are you in the public interest.

Mr. Patterson said it would be in the public interest. He says that particularly because obviously, building another metropole, finances aside, that is what the question is really, finances aside it does not change much of any. It is just the fact that they are going to be on a different pole, a higher pole. And so, they have to comply with the FAA, and they are going to put a light on it and all that stuff. But at the end of the day, they can get the same coverage at the same pole that they are already on. Maybe it is splitting hairs, but in terms of looking at the ordinance itself, does it meet the general welfare and public safety, and whether there is a reasonable alternative. The alternative is just to move higher on the pole that you are already on, as opposed to building another 235-foot pole or 285-foot pole. It would be that it does not meet the application standard

Mr. Hudspeth said you say they can do the same thing on your pole. How high can they go on your pole?

Mr. Patterson said they could go up to 235 feet if they wanted to.

Mr. Hudspeth said how tall is yours?

Mr. Patterson said right now it is 220 feet and he thinks it has the capability of going a little higher.

Mr. Stephen Wise said this says it is 190-feet.

Mr. Patterson said they are at 190 feet.

Mr. Wise said if they leave what happens to that pole? Is there another provider on that pole?

Mr. Patterson there are other providers on the pole.

Mr. Hudspeth asked how far apart are these two poles?

Mr. Patterson believes they are 1,804 feet.

Mr. Hudspeth said that is allowed by the County Ordinance.

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Mr. Patterson said that is correct, yes sir.

Mr. Hudspeth has a question for the RF Engineer.

The Chair said can we finish with the speakers.

Mr. Johnson said is glad to do it in any order that you want but he thinks there are other people who may speak in opposition and then he will come back with rebuttal and that is fine.

The Chair said there are, lets finish the public hearing first. He called on Lance Brown.

Mr. Lance Brown, 210 Horsepower Lane, China Grove, NC, addressed the Board stating that he owns property on Tuckaseegee Road, and he is against the tower. He does not see anything to gain, they already have one tower. Just like the gentleman said back here, he does not see anything to gain by it.

The Chair called on Kevin Gilman, 2367 Oxford Drive, Kannapolis, NC, addressed the Board stating that some of his questions have already been answered by the statements. One question he had for Mr. Johnson is what is the monetary value is going to be by placing a new tower on the proposed site for that landowner?

This seems to be a battle of monetary, from one tower to the next tower. What is the reasoning behind that, if there is an opportunity to use the existing tower and go higher? His one reason to be against it, is because it is right in our back yard. We have our neighbors here. The height of it will stick out like an eyesore. It is an open field with that, and then two being in the radius of all the RF signals that they are putting out with us being closer.

We understand there is a tower across the street, across the road, whatever. But the meter readings are subject low and are within normal range. Our concern is with the tower being this close, it could go from normal to medium or even to high. He is wondering if the proposed company has done any RF studies on that and what those signals may look like for us.

Another question he has is what affect this tower will have for a monetary value on the property at Westgate. A comment was made that it would have an increase value on properties or neighborhoods that are to the north of us a little bit so with it being in our backyard what type of affect will it have on us, whether it is positive or negative.

Another thing he would like to point out is Coddle Creek Reservoir is not usable for recreation, so it has no effect of use on the waterways. It is not going to help anything like that, it cannot be used. The tower being closer to the watershed or having better coverage is not going to matter for the water and safety of anybody with that. That is basically all he had, everything else was kind of covered.

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The Chair asked if there was anyone to speak against the case that had not filled out a blue card. There being none, he asked if there were any additional comments or questions for the applicant or Staff before closing the Public Hearing.

Mr. Johnson asked if the rebuttal needs to be part of the Public Hearing. He just wants to make sure.

Mr. Goldberg said they will close the Public Hearing and you will have a chance to resume your presentation.

Mr. Johnson understands, he just wanted to clarify that.

Mr. Corley would like to ask just a few questions, and these may be redundant, but he would like to get the answers to these on the record for you. He said AT&T is on the pole just to the south, correct?

Mr. Johnson said correct, and he shared that with the RF maps earlier.

Mr. Corley said how high are they on that pole?

Mr. Johnson thinks it is 180 or 190 feet north. He said 190.

Mr. Corley asked how long has AT&T been on that pole?

Mr. Johnson said that he does not know.

Mr. Corley will redirect his question.

Mr. Patterson said 20 years.

Mr. Corley asked if they have investigated going higher on the existing pole? He said from an alternatives analysis, have you investigated going taller on the existing pole?

Mr. Johnson said the existing pole is not that tall, but he can have the RF Engineer speak to the difference between the two. That is exactly what we did with the propagation maps, to show the improvement. And again, we have already had Ms. Moore speak, that she does not have good service.

Mr. Corley is asking what other alternatives you considered besides building this new taller pole.

Mr. Johnson said right, no, he understands, but the area we have to look, is the area that was within the search ring which he can get them to speak too.

Mr. Corley said is the answer no, you did not consider any other alternatives?

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Mr. Johnson said no, he is saying that he needs AT&T to speak to that, he cannot speak to that. That was his point.

Mr. Corley said sure.

The Chair asked if there was anyone else on the Board wanting to speak.

Mr. Wise would like to hear what AT&T has to say about Mr. Corley's question.

Mr. Goldberg thinks the best way to do it is to go ahead and close the Public Hearing and the applicant will be able to resume the rebuttal period and you will be able to have that interchange.

Mr. Brett Rockett **MOTIONED, SECONDED** by Mr. Jeffrey Corley to close the Public Hearing. The vote was unanimous.

Mr. Johnson did want to speak with Mr. Corley. One thing that he did not mention is there is a collocation statement affidavit in the file that speaks directly to that, that other alternatives were looked at. It speaks to that, looking at other alternatives within the area that AT&T was searching, so that is in there. The other Attorney had mentioned that it was not, but that is in there.

The Chair said there are 168 pages, he asked if Mr. Johnson could pull that up.

Mr. Goldberg said on the PDF it is page 67, on the listing it is Exhibit E.

Mr. Corley said that is the Certificate of Compliance.

Mr. Johnson said that is the Certificate of Compliance with the FCC rules that the other Attorney mentioned, that was in the record. The collocation certification is on page 68 and the State Historic Office approval is right here (showed on the slide). He mentioned that that was not included and that is in the record on page 146.

Mr. Paxton said what about the question on coordinates.

Mr. Johnson will explain that that is a great question. There was an earlier FAA done for a site on this property. But it did not meet the 285-foot setback, so we had to resubmit, which we did. The resubmission was at 230-feet instead of 235, but it had new coordinates, so that is where the confusion came from as he saw that earlier FAA report. For the earlier location we had to change it and when you change it you have to resubmit.

It is because the way the Ordinance is written, which is unusual. It is written that the setback is 285-feet from the outside of the compound to any residential property or property line or

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adjoining property line. It has to be set back that far. So, when we did that, we ended up having to go further into Mr. Mesimer's vacant parcel there. So, we resubmitted for the FAA and that accurate FAA is in the record.

Mr. Johnson said the Ordinance speaks to the plan or any other towers. It speaks to PeakNet towers, and we dealt with that, where there were no other PeakNet towers in the area, as far as that plan is concerned, and that is what the ordinance requires.

But he thinks otherwise that he needs to have the RF Engineer from AT&T come up and speak. He wants to try to take this in order. He is glad to go to Mr. Gilman's question if the Board would like for him to go to those first or have the RF Engineer to go first.

The Chair said why don't we answer Mr. Gilman's questions first.

Mr. Johnson said monetary value is irrelevant. What the monetary agreement maybe between PeakNet and the property owner is really irrelevant to these proceedings and would not have to be shared.

He said the RF again, exposure is contrary to the law. The law in North Carolina says that health effects of RF exposure are not to be considered by this Board in making a decision. That is specifically from Chapter 160D of the General Statutes. The Impact Study speaks for itself in terms of the impact on property values. It was done on an analysis on other sites in Cabarrus County, where you could see the tower and could not see the tower and Mr. Berkowitz concluded there was no adverse impact on property values. Unless there is contrary evidence, which there is not, that has to stand. You would have to have expert testimony in that respect. He thinks that covers Mr. Gilman's question as he had them. If there is another question related to what Mr. Gilman stated that he missed, he is happy to address that.

Mr. Johnson asked Mr. Paul Prychodko, RF Engineer with AT&T to come forward to speak about the collocation and the improvement in service. He thinks it would be helpful to have the propagation maps up.

Mr. Paul Prychodko, Senior, RAN Design Engineer, AT&T, 208 N. Caldwell Street, Charlotte NC, asked if anyone had a question about the coverage.

Mr. Hudspeth asked if this had anything to do with going to 5G, he guesses it is a higher frequency, is it not?

Mr. Prychodko said typically not. The reason we need to go to 275 is because the current coverage is 190, and we moved in 1800 feet further up north. When you move up north you are going to lose that coverage to the south if you do not go higher. Plus, we have a lot of dropped calls in the area to the north. You can see on the aerial where we have that big white spot, we have a lot of dropped calls around that area.

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The Chair asked Mr. Prychodko to point that out on the map.

Mr. Prychodko showed on the map. He said right around here you have red to white which is pretty much no coverage and that is indoors, and you are going to gain that coverage going up there. You have different factors, you have terrain, you have elevation from the current site to the other one, add to those changes what direction are those antennae pointing. The antennae are what makes a big difference on the extra gain in capacity and coverage where you need it.

The Chair said can you just turn the antennae that you have currently?

Mr. Prychodko said it is too far, it will not cover that far up because of terrain, plus it is 40 feet lower than what we would be at 225, we are only at 190 right now. The line of sight and the terrain is going to depend on that. That is why we need to move it higher at that new location.

Mr. Hudspeth asked if FirstNet use the same signals that you use on the regular cell phone.

Mr. Prychodko said FirstNet is 700 megahertz, that will be on our antennas when we design the site, it is going to have FirstNet coverage on it. We will be deploying FirstNet plus all our other carriers on there, which include 5G as well.

Mr. Hudspeth said will this enhance FirstNet?

Mr. Prychodko said yes it will, typically we do not have any of the FirstNet back in the north area, back in there where we have no coverage. A lot of our dropped calls are in that area right there that we see for customers. It will definitely improve the customers in the FirstNet and responders in that area.

The Chair said when you toggle back and forth, he does not see a lot of coverage differences in Cabarrus County. He sees a little bit in Rowan, why would it not make more sense to move the tower further north? Have you all looked at that? To pick up better coverage north. It does not seem like you are picking up that much difference.

Mr. Prychodko said you mean to go further north.

The Chair said yes.

Mr. Prychodko said if we do that, we will lose the current coverage where we are. We will lose our current footprint basically, to the south.

The Chair said you are proposing a new tower and coming off the existing tower?

Mr. Prychodko said yes. In order to keep the current footprint and the customers we have we need to go up higher, so we do not lose those customers

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The Chair said could you not just move the tower further north and stay on the same one instead of having two towers?

Mr. Prychodko said no, we cannot do that, it would cause too much interference and stuff between our frequencies and what not. Typically, when we do a design, you can see the sites around it

and we typically do it two to three miles apart. It depends on terrain, but you do not want sites on top of each other because it is bad performance basically.

Mr. Hudspeth said you will be coming off of the tower that you are on now?

Mr. Prychodko said yes, that is correct.

The Chair asked if this new tower would have any impact on the existing tower and the providers that stay?

Mr. Prychodko said no, it will not.

The Chair said you can speak for other carriers?

Mr. Prychodko said no, just for AT&T. We collocate with them all the time in same site, so it is not affecting anything.

Mr. Brett Rockett said to the Chair's point about being very difficult to decipher the differences in the colors in these maps. Obviously, he sees the red moves and the yellow moves and so on. Is there a better way to quantify to help us to understand what impact that truly has, in terms of available customers or properties that are impacted positively, in terms of the signal that AT&T will be able to provide?

Mr. Prychodko said we have data input from other sources, and stuff that says we have dropped calls in this area to the north, where our customers are living basically and driving through. We had dropped calls in those areas, the service has been improved to the north.

Mr. Goldberg said just so the Board knows, there are some restrictions on the evidence that you can consider or ask of them. He said 160D-933, subsection B reads as follow:

A local government's review of an application for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, the local government may not require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site. A local government may not require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. A local government may not require proprietary, confidential, or other business information to justify the

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need for the new wireless support structure, including propagation maps and telecommunication traffic studies.

He said the applicant has tendered some of that information voluntarily and he would not begrudge them that, but he would caution the Board about soliciting information like that or considering the answers or non-answers regarding those business aspects of their decision

making. The Statute urges you to confine your analysis to the public safety implications, the aesthetics, and the traditional zoning issues you would have with compatibility of uses and what not.

Mr. Patterson said in terms of considering the evidence that the Commission has before it. He understands this is a quasi-judicial hearing, but if we were in court, once you open the door to the evidence, it is out there. So, in this attorney's opinion, once the applicant puts forth the coverage, they put forth all of this information for the Commission to consider, he thinks it is fair for the Commission to ask questions regarding it.

In terms of asking questions, one question would be the coverage, in terms of, this is the current coverage for that particular pole. But there has been nothing presented to this Commission in terms of the coverage on the pole that they currently have and if there has been any study on if they went higher, what type of coverage they would receive.

Mr. Goldberg thinks the point is taken on that, in that he is right, there has been evidence proffered in support of their application that may cross into those things, and he would say that was voluntary. You have the ability to essentially cross examine that information. He thinks the boundaries here would not be urging or soliciting information beyond what they have volunteered in that way. Though you (the Board) do have plenty of room to evaluate the credibility of that information that they have tendered so far through the asking of questions.

Mr. Johnson said he would concur with that. He said the propagation maps and what was spoken about dropped calls you can ask about, beyond that you really can't. The best example that he gives is if a restaurant decides that they want to locate at this intersection versus that one, it is a business decision. Like your zoning decisions you do, you don't go behind to see if that restaurant is going to be successful at that location. You do not look ever look at that. You determine whether or not it fits with the zoning rules. You have a very extensive tower ordinance, and we have checked all of those boxes on the tower ordinance. You have a very competent staff to deal with that, and they have dealt with that and looked at checking those boxes. That is the point of the Statute and why it says what it says. That would be his point in that regard.

He believes, and he knows this question was asked, and he has dealt with this in one other circumstance, where he has another competing tower company trying to come in and create questions about a new tower that is being built. He questions the ability of them really having standing, to question that. In other words, do they even have a dog in the fight? The most dog in

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the fight that they have is what Mr. Paxton pointed out, and that is monetary. It is the monetary issue. They are here because they are not going to be getting any money from AT&T for that location, it is true they are indeed doing it. But this falls within the parameters of the Ordinance and improves the service to the north where there are dropped calls and maintains the service to the south.

Whether or not you could go build a new, taller tower at the existing location is not relevant

because there is no proposal to build a new tower at that location. What we have to look at is the existing towers and that is exactly what AT&T did, looked at the existing situation. The existing coverage map is already here. There is no requirement that we speculate, that if you put a new tower there that is 235-feet, what would it do? It is not there, so your ordinance does not require that, it talks about existing structures. That is his point on that.

He hates that we are going down this path because he thinks you are going down a path that is something that is irrelevant to the ordinance. It is somebody who is losing money and wants to keep that money and that is by its very nature biased and you have someone coming in here objecting but with no teeth to it. Where is the evidence, where is the sworn testimony, where is any of that that is really relevant to the situation? We have none of that.

The standards that are before you are health and safety. We have met those requirements in terms of fall zones, in terms of providing better service, better 911 service, and better FirstNet service. We met that requirement.

Second, impact on property values. The only expert testimony here is from Mr. Berkowitz, who is a certified appraiser, and he says no impact. We do not have any other evidence to the contrary with respect to that concern.

The other is, is it in harmony? It is in harmony because as Ms. Howell mentioned, it is allowed as a Special Use Permit in this district. By definition, under state law, the presumption is it is harmonious because it is allowed by the ordinance in that district.

The final thing is do we meet the requirements of the ordinance and we have checked all those boxes and submitted all those documents. Despite the questions about that, he did point out where they are there. Including on page C14 of the drawings, there is an aerial map that shows the separation distance between the towers and that is in the record and has been from the beginning.

He does not want to belabor it unless there are further questions, that is our position with respect to our application. We have met the requirements and there is no expert testimony, since this is quasi-judicial, to the contrary.

Mr. Corley asked that someone from Staff explain this third-party review option that was mentioned. He would like to understand what that is and is not.

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Ms. Morris would need a minute to look at that. But historically, back in the day, the applicant was required to have a third-party review when they were submitting cell towers to the County, to prove some of those things that maybe back then you could not show using resources that might be available now. She would be happy to take a look at it to see what the current language states. If there was something like that, it would not be at the County's expense, it would have to be at the expense of the applicant.

She has been here for close to twenty years, and that has never been something that has been employed, except for when cell phones were first coming about, and people were not receptive to those towers. There was a lot more of a fight, to determine where those towers were going to go at that time, and that technical piece is what those agencies provided.

It says, in the event a dispute arises as to whether an applicant has exercised good faith in accommodating other users, the administrator may require the applicant to obtain a third-party technical study at the applicants expense. The administrator may review any information submitted by the applicant in determining whether good faith has been exercised.

Again, that is not something typically that has been used. Once those statutory changes were made, the State kind of told us here is what you need to look at, x y and z when it comes to a new tower location. But this really is in relation to collocation, not necessarily to new towers.

Mr. Gilman said one thing that he would like to point out is the reason that Mr. Johnson is here on behalf of AT&T is a monetary gain. He is sure there are fees and premiums that they will be hosting AT&T's tower. Obviously, the other gentleman will be losing theirs, so that is what he sees is the real battle.

He would like to know what AT&T's Plan B is if zoning declines this. Obviously, it has been pointed out that there is room to go higher on the existing tower, so he would like to know what the Plan B would be for them if this is their Plan A.

Mr. Goldberg said Mr. Chair we are heading in that direction of it beginning proprietary business decision making in that line of inquiry. He would caution in that way.

The Chair said duly noted. He asked if there were any other questions or comments. There being none he said the Board will move into discussion.

Mr. Paxton asked Ms. Howell to correct him if he is wrong. His only comment would be that the applicant has presented the evidence that meets the ordinance, is that correct?

Mr. Goldberg said you may want to rephrase that a little bit. The Board is going to decide whether there is competent, substantial evidence that the applicant has presented. Another way to present it is in Staff's opinion, has there been sufficient evidence. Staff does not usually provide an opinion as to that.

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Mr. Paxton said let me ask it this way. Is there anything missing in their application that has caused you concern?

Ms. Howell said as we do not give recommendations to approve or decline, the check list was checked off.

Mr. Corley will answer Mr. Paxton's question. Personally, he can barely tell any difference in these maps. But unfortunately, he is not a network coverage specialist. As strange as this case feels to him, just strange, like we went some weird places. He does think that they have met the Ordinance. It is strange that the ordinance allows another tower so close, just a little bit higher. But that is the game that the ordinance allows people to play unfortunately.

For the folks who are going to have to live next to this thing, he hates that this is even allowable, but he has to separate his personal feelings for the decision we are being asked to make. In his opinion they have met everything that they have been required to meet and they had expert testimony to answer all the questions that he had and that is where he is.

Mr. Rockett would second that. He said based on the evidence that was presented to us, it appears to him that everything that is required to be met, has been met. All factors have been considered that have to be considered in his opinion, and therefore it appears to him that it does meet, if not exceeds, the standards of the ordinance.

Ms. Nurse asked if it meets the coverage proof to build a new tower? Her concern is that we have one and there is not that much difference.

The Chair does not think that we can put that into our decision or our discussion.

Ms. Nurse said is he supposed to prove that before we make a decision or should we table it.

Mr. Rockett said it is a matter of meeting the ordinance more so than proving that one is better the other. His opinion is if you believe it meets the ordinance, all the factors that are necessary within the ordinance, then whether or not it drastically improves one particular neighborhoods service or not is not necessary.

Mr. Goldberg said to help maybe to frame this, it has been a while since we have done a Special Use Permit. The first general requirement that they have to meet is, must find that the use is not detrimental to public health safety or general welfare. So, they need to have substantial competent evidence to support that on the record. The Board must find that the uses proposed are appropriately located with respect to transportation facilities, water supply, police protection, fire, waste disposal, etc. The third factor is, the Board must find the uses as proposed will not violate neighborhood character nor adversely affect surrounding land uses. The fourth factor is it will comply with general plans for the physical development of the County or Town as embodied by the Zoning Ordinance or any area plans that have been adopted.

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He said those are the four requirements that you need to find if you so choose to approve this decision. There needs to be evidence on the record to support those findings. Then there will need to be substantial and competent evidence to support the findings for the specific requirements. Those specific requirements are found in the Ordinance replicable to the Special Use, the Wireless Communications Tower. So, then you have to work through those to make

sure, there is sufficient evidence to support a finding, to allow you to conclude as a matter of law that those have been followed. That is the decision-making framing before you.

The Chair asked if anybody else had anything. There being no further comments the Chair asked if there is a motion to approve or deny.

Mr. Jeff Corley said the communication tower will benefit public health safety and welfare, while providing improved wireless service in the area. Very limited transportation and infrastructure need but there is an existing driveway that will be widened to accommodate access to this new site. Wireless infrastructure is critical to the public for both telephone communications and wireless internet access.

He believes the Board has handled all of the other ones through our conversations. He believes they have fully met the Ordinance and their expert witnesses provided sufficient answers to some of our concerns.

Mr. Charles Paxton **MOTIONED, SECONDED** by Mr. Jeff Corley to **APPROVE** SUSE2022-000014 – Request for to construct a Wireless Telecommunications Tower (WTC), with conditions recommended by Staff. It is in the public interest and with the statements made by Mr. Corley. The vote was 8 to 1 to Approve with Ms. Ingrid Nurse voting against.

The Chair introduced APPL2020-00002 – Appeal of Notice of Violation for operating an illegal salvage yard, landfill, and fill in the SFHA. Appellants are John C. and Michelle McGraw. Property address is 7005 Flowes Store Road, Concord, NC, PIN 5537-56-4049.

Ms. Susie Morris addressed the Board stating that this is an appeal of a Notice of Violation. This particular violation is for an illegal salvage yard, a land fill and for filling in the floodplain. The applicant's attorney was going to be out of the country and provided documentation that he filed with the court for said out of country visit. So, they are asking that it be tabled until next month. If something should change, we will be back before the Board to let you know. But at this point, they feel like that will be enough time to make a decision one way or the another.

There being no further discussion the Chair asked if there was a motion to table.

Ms. Holly Grimsley **MOTIONED, SECONDED** by Mr. Steve Wise to **TABLE** APPL2020-00002 – Appeal of Notice of Violation for operating an illegal salvage yard, landfill, and fill in the SFHA until November 2022. The vote was unanimous.

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**Legal Update**

Mr. Goldberg said just as a reminder on any outstanding cases. If someone approaches you to discuss a case that may have been decided or it stands the chance through the appeal process of being returned to the Board for further consideration, and if you were to receive ex parte, or out of hearing information that could interfere with your ability to be able to make a decision if it were to return, that continues to be an ongoing concern in certain matters. He said this is just a reminder on a legal perspective.

**Directors Report**

Ms. Morris said the Board of Commissioners is considering the map that we looked at, it is on their agenda for Monday. It is a consent agenda item, so hopefully, we will have their blessing on that and then we can move forward with the shuffling that we talked about and then also soliciting some additional members.

We do still have some ongoing court cases. They are making their way through different stages. We have some appeals that are in court, we have some other appeals where we are trying to move them along using the court. We do still have those out there.

She still has not gotten the new registration straightened out for the new modules. As soon as we can make that happen, we can start working on the modules again. Any new members are going to be required to provide documentation that they completed that training, and then will also be expected to attend those additional trainings like the current Board has done.

There being no further discussion, Ms. Holly Grimsley **MOTIONED, SECONDED** by Ms. Ingrid Nurse to adjourn the meeting at 8:59 p.m. The vote was unanimous.

**APPROVED BY:**



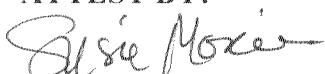
Mr. Adam Dagenhart

**SUBMITTED BY:**



Arlena B. Roberts

**ATTEST BY:**



Susie Morris, Planning and Zoning Manager

# Memo

**To:** PeakNet  
Thomas Johnson  
301 Fayetteville st.  
Raleigh, NC 27601

**Cc:** Sandy Howell, Planner,

**From:** Kendall Bolton, Clerk to the Planning and Zoning Commission

**Date:** March 22, 2023

**Re:** Recording fees for Granting Order for SUSE2022-00014

---

Attached please find the recorded Granting Order for Special Use, SUSE2022-00014

On October 11<sup>th</sup>, 2022, the Board of Adjustment granted Special use permit to Peaknet, LLC for the property located at 7615 Tuckaseegee rd. Kannapolis NC, 28081.

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

Also attached is a bill from Cabarrus County with the fees associated with the recording fees for the Granting Order.

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



**Cabarrus County**  
Finance  
PO Box 707, 65 Church Street SE  
Concord, NC 28026-0707  
704-920-2104

# INVOICE

Invoice Date	Invoice No.
03/22/2023	6853
Customer Number	
372	
Invoice Total Due	
\$26.00	
Amount Paid	

Due upon receipt

PEAKNET LLC  
301 FAYETTEVILLE ST  
SUITE 1700  
RALEIGH, NC 27601

Detach and return above portion with your remittance.



**Cabarrus County**  
Finance  
PO Box 707, 65 Church Street SE  
Concord, NC 28026-0707  
704-920-2104

Invoice Date 03/22/2023  
Invoice Number 6853  
Customer Number 372

Description	Quantity	Price	UOM	Original Bill	Amount Due
PERMIT SUSE2022-00014, RECORDING FEES	1	\$26.00	EACH	\$26.00	\$26.00

Please put Invoice Number on your check.  
Make Checks Payable to: Cabarrus County Finance

Invoice Total:

**\$26.00**

DUE UPON RECEIPT

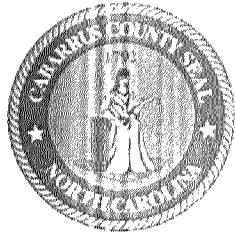
SEND COPY OF INVOICE WITH PAYMENT

HAVE A GREAT DAY!



**Cabarrus County**  
Finance  
PO Box 707, 65 Church Street SE  
Concord, NC 28026-0707  
704-920-2104

PEAKNET LLC  
301 FAYETTEVILLE ST  
SUITE 1700  
RALEIGH, NC 27601



**Cabarrus County  
Register of Deeds**  
P.O. Box 707  
Concord, NC 28026  
(704)920-2112  
Wayne Nixon, Register of Deeds

Received By:  
Tammy M Fisher

Receipt For : CABARRUS COUNTY PLANNING & ZONING

Instrument Type : ORDER Receipt # : 2023-598459  
Instrument # : 05084 Date : 03/17/2023 09:24am  
Book/Page : 16412 / 0046-00051 Pages : 6 Document : 1 of 1  
1st Grantor : CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
1st Grantee : PEAKNET, LLC  
Description: ORDER GRANTING SPECIAL USE PERMIT

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

File Copy 3/22

Customer Copy

Account No. 00163230-6606

Bill to:

Thomas Johnson  
301 Fayetteville st.  
Raleigh, NC 27601

SUSE2022-00014  
\$26.00 for recording fees

Total Amount Due: \$26.00

FILED  
CABARRUS COUNTY NC  
WAYNE NIXON  
REGISTER OF DEEDS  
FILED Mar 17, 2023  
AT 09:24 am  
BOOK 16412  
START PAGE 0046  
END PAGE 0051  
INSTRUMENT # 05084  
EXCISE TAX \$0.00

STATE OF NORTH CAROLINA	)	CABARRUS COUNTY PLANNING AND
	)	ZONING COMMISSION
COUNTY OF CABARRUS	)	FILE NUMBER: SUSE2022-00014
	)	
	)	
IN RE: Cabarrus County, North Carolina	)	
Special Use Permit Application	)	
	)	<b>ORDER GRANTING SPECIAL USE</b>
	)	<b>PERMIT</b>
Subject Property:	)	
7615 Tuckaseegee Rd., Kannapolis, NC	)	
28081 (PIN 46932651010000)	)	
	)	

THIS MATTER came before the Cabarrus County Planning and Zoning Commission, sitting as the Board of Adjustment, on October 11, 2022, on the application submitted by Peaknet, LLC for a Special Use Permit for the property located at 7615 Tuckaseegee Rd., Kannapolis, NC 28081 (PIN 46932651010000) (“Subject Property”).

Notice was given to Cabarrus County and to adjacent property owners as required by law. A full complement of nine board members was present to hear this application. All of the witnesses were duly sworn, and documents were received in evidence.

### **FINDINGS OF FACT**

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

1. The Subject Property is located at 7580 Tuckaseegee Rd., Kannapolis, NC 28081 and is identified by the Cabarrus County Tax Department as PIN 46932651010000.
2. The Subject Property is owned by the Edward D. Mesimer Trust by Edward D. Mesimer, Trustee.

3. The Applicant is Peaknet, LLC, which constructs and operates wireless communication infrastructure. Attorney Thomas H. Johnson, Jr. represents the applicant in this matter.
4. The applicant requests a Special Use Permit authorizing the construction of a 235-foot tall. (230 feet plus a 5-foot lightning rod) Wireless Telecommunications (WTC) Tower on .95 acres of the approximately 129.2 acre Subject Property.
5. The Subject Property is located in the Agricultural/Open Space (AO).
6. The Federal Aviation Administration has issued a Determination of No Hazard to Air Navigation for this site that expires on March 1, 2024, unless otherwise stated in the Determination. At the time of the review the applicant was intending for the tower to be a height of 230 feet and the FAA placed a condition on the approval of the tower that it be lighted to meet the FAA specifications. Since that time the applicant increased the height of the tower to 235 (to account for the 5-foot lighting rod).
7. The Subject Property is partially located within Coddle Creek WS-II Protected and Critical watershed areas. A small portion of the fall zone will be located within the Critical Area. The cell tower and the compound will be located outside the Critical Area.
8. The cabinets accompanying the tower are approximately 5'11.76" in height and approximately 59 square feet.
9. The communication tower will provide improved wireless service in the area, which will support essential communications and access to the internet.
10. The tower will have direct access to Tuckaseegee Road by an existing private road and driveway. The North Carolina Department of Transportation has approved a driveway permit, which was included in the application. Electrical and communications fiber are readily available to service the site. The site access complies with emergency services requirements.

11. The proposed tower will not have an adverse impact on adjoining property values, nor will it have any other material impact on the neighboring areas.

## **CONCLUSIONS OF LAW**

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

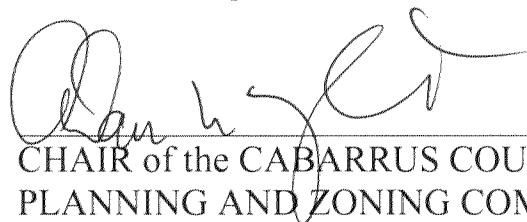
1. The application for special use permit is properly before the Board.
2. The Applicant provided substantial, material, and competent evidence to the official record to support the permit application.
3. Per Cabarrus County Development Ordinance (CCDO) § 8.3, Special Uses must comply with the following general standards:
  - a. Maintain or enhance the public health, safety and general welfare
  - b. Maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not do so);
  - c. Assure the adequacy of:
    - i. Wastewater disposal
    - ii. Solid waste management
    - iii. On site drinking water and wastewater disposal
    - iv. Governmental water and sewer (if applicable)
    - v. Police, Fire and Emergency Medical Services protection
    - vi. School adequacy (if applicable)
    - vii. Transportation systems (in and around the site) and
    - viii. Other public facilities
  - d. Comply with the general plans for the physical development of the County as embodied in these regulations.
4. Wireless Telecommunications Services special uses must also comply with the special requirements provided in CCDO § 8.4.
5. The proposed use satisfies the first general standard because it will promote the public health, safety, and general welfare by providing enhanced wireless communication services in underserved areas of the county. Such services will include essential 911 emergency communications.
6. The proposed use satisfies the second general standard because the use does not adversely affect the adequacy or is appropriately located with respect to

sewage disposal facilities, solid waste and water, police, fire and rescue, equal protection, schools, transportation systems (in and around the site) and other public facilities. The use is well-served by necessary infrastructure and services necessary for its planned operation, including road access and emergency services access.

7. The proposed use satisfies the third general standard because it will not violate neighborhood character nor adversely affect surrounding land uses. This is supported by the Applicant's expert appraisal showing no impact on neighbors' property values.
8. The proposed use satisfies the fourth general standard because it will comply with the general plans for the physical developments of the County as embodied in the Ordinance or in the Comprehensive Plan.
9. The proposed use satisfies the special standards applicable for Wireless Communications Towers provided in CCDO § 7.4.

Therefore, because the Board concludes that all of the general and specific conditions precedent to the issuance of a SPECIAL USE PERMIT have been satisfied, it is ORDERED that the application for the issuance of a SPECIAL USE PERMIT be GRANTED, subject to the conditions contained in Exhibit A. The Applicant shall fully comply with all the applicable, specific requirements in the Ordinance. The Master Plan shall be considered the approved site plan at this time, although it is understood and agreed that the Master Plan can be modified in accordance with the conditions contained below. If any of the conditions shall be held invalid, this permit shall become void and of no effect.

Ordered this 14 day of March 2023, *nunc pro tunc* to October 11, 2022.



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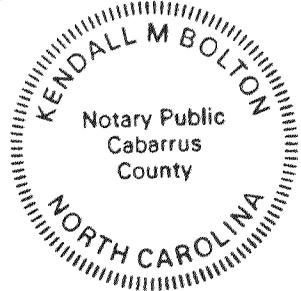
CHAIR of the CABARRUS COUNTY  
PLANNING AND ZONING COMMISSION  
Sitting as the BOARD OF ADJUSTMENT

(Notarial Section on Following Page)

I Kendall M. Bolton, Notary for Cabarrus County, NC certify that Adam Dagenhart, Chair of the Cabarrus Planning and Zoning Commission appeared before me on this day and signed the foregoing document.



Kendall M. Bolton, Notary Public  
My Commission expires: 09/27/2027



NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Cabarrus County within thirty (30) days after the date of this order. See Section 12-25 of the Ordinance.

**EXHIBIT 2**  
**CONDITIONS**  
**APPLICATION SUSE 2022-00014**

1. Site plan review and approval is required subsequent to Board of Adjustment approval in order to ensure compliance with all applicable development requirements and conditions.
2. The Granting Order, stating restrictions and applicable conditions of approval shall be recorded with the deed for the property and prior to zoning permitting.
3. The Applicant shall procure any and all federal, state, and local permits prior to zoning permitting.
4. Any proposed future expansion of property, as well as modifications or changes to the approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Special Use Permit.
5. The Applicant shall provide copies of all state, local, and federal permits for the permanent project file prior to zoning permitting.
6. The Applicant shall comply with all applicable terms of NCDOT Driveway Permit C-1913.
7. Prior to zoning permitting, the Applicant shall have the Determination of No Hazard letter from the FAA updated to address the current proposed tower height. A copy of said filing shall be provided to Planning for the project file.
8. The Applicant shall file the 7460-2 form with the FAA, if the project is abandoned or within five days after construction reaches its greatest height. A copy of said filing shall be provided to Planning for the project file.
9. The Applicant shall submit a bond in the amount to accommodate 1.25 times the amount of the estimate as required by Chapter 8, Number 36, Section 11 of the Cabarrus County Development Ordinance. The estimated cost of removal and to return the site to its natural condition is \$105,178; therefore, the bond will need to be in the amount of \$131,472.50. The bond shall be submitted prior to zoning permitting.
10. Per the approved plans, the driveway will be increased to 26 feet wide, and a Knox Lock or Knox Box shall be installed for Fire Department access.

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION  
10/11/2022

Staff Use Only: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

**Petition: RZON2022-00004 Rezoning**

Applicant Information: Jerry J. Lewis  
1548 Mark Drive  
Concord, NC 28025

Owner Information: Larry & Regina Lewis  
1225 Greylyn Drive  
Charlotte, NC 28226

Existing Zoning: LC (Limited Commercial)

Proposed Zoning: CR (Countryside Residential)

Permitted Uses: All uses permitted in the CR zoning district would be permitted on the subject property.

Parcel ID Numbers: 5534-38-5978

Property Addresses: 672 NC Highway 24-27 East

Area in Acres: ± 0.92

Site Description: Access to the property is currently provided through a 60-foot right of way adjacent to the subject property. Two storage buildings are located towards the rear of the property. The driveway for the residence on the adjoining property to the east traverses the subject property.  
  
The subject property is not located within a watershed or in the flood plain.

Adjacent Land Use: North: Agricultural & Vacant  
East: Residential  
South: Vacant  
West: Residential & Commercial (Action Glass)

Surrounding Zoning: North: Limited Commercial (LC)  
East: LC, Countryside Residential (CR), and Midland Single Family Residential (SFR)  
South: CR  
West: LC, CR, and SFR

Utility Service Provider: Currently, the subject property is not served by public sewer. Public water is available and the applicant intends to tap on.

## Exhibits

- EXHIBIT A – Staff Report
- EXHIBIT B – Application
- EXHIBIT C – Property Maps
- EXHIBIT D – Zoning Use Comparison Table
- EXHIBIT E – Adjacent Property Owner & Property Owner Letters
- EXHIBIT F – Neighborhood Meeting Information
- EXHIBIT G – Historic Maps
- EXHIBIT H – Midland Future Land Use Plan

## Intent of Zoning Districts

### PROPOSED DISTRICT: COUNTRYSIDE RESIDENTIAL (CR)

Lands in this district have a strong rural, pastoral feel. Natural environmental elements such as tree lines, small ponds, rock formations, and manmade elements such as pasture fencing are to be retained, if at all possible. Although the area is capable of handling higher densities of development, development is kept at very low overall densities. Development includes only the standard single family detached dwelling.

### RATIONALE

This land use district was created as a direct result of the County's systematic area planning process. As a reaction to the growth of the past decade (as much as 80% in some townships) many residents are anxious to see their areas retain the appeal that inspired the resident to make his or her original investment. This district helps implement a growth management philosophy before the fact, rather than after. In summary, the principle purpose of this district is to provide some land area in the County for a permanent country, rural residential life style.

### EXISTING DISTRICT: LIMITED COMMERCIAL (LC)

This district is intended to accommodate relatively small scale commercial and office development at intensities complementary to residential land uses.

### RATIONALE

This district is used to provide both the convenience of neighborhood oriented goods and services and the permanent protection of adjacent or intermixed residential areas by permitting only a limited range of commercial activities. The district should be located near municipal boundary lines or areas of commercial growth and may border general commercial districts, light industrial or high density residential/mixed use districts. When bordering residential districts or residential developments, care should be taken to assure natural or

manmade buffering and architectural compatibility, so the nonresidential activities are not a nuisance to residential uses.

### **Agency Review Comments**

#### **Planning Review:**

*Staff Report, Phillip Collins, Senior Planner Cabarrus County*

#### **Fire Marshal Review:**

*No comments, Jacob Thompson, County Fire Marshal*

#### **Soil and Water Review:**

*No comments. Tammi Remsburg, Cabarrus County Resource Conservation Manager*

#### **EMS Review:**

*No comments. Justin Brines, Cabarrus County EMS Director*

#### **Sheriff's Office Review:**

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

#### **NCDOT Review:**

*We have no opposition to the proposed rezoning, Marc Morgan, NCDOT*

#### **Cabarrus Health Alliance:**

*Approved. Chrystal Swinger, Cabarrus Health Alliance*

#### **Midland Planning:**

The property is located in an area designated for “Neighborhood” uses per the Future Land Use Plan. However, the town did not want to broad brush designate the entire corridor as “Commercial” when they revised the plan a few years ago and leaving some areas designated for “Neighborhood” to give the town more oversite when it comes to commercial rezoning requests. The town prefers to see single family residential uses develop within major subdivisions. Not here and there along a major thoroughfare that we expect will continue to develop commercially in the long run. We do not support the rezoning. *Kassie Watts, Midland Planning, Zoning and Subdivision Administrator*

### **Land Use Plan Analysis**

The subject property is located within the boundaries of the Midland Planning Area. The Midland Area Land Use Plan (MALUP) recommends the subject property be developed with limited commercial uses. The MALUP states that the Limited Commercial district is reflective of the existing commercial uses in Midland. These areas shall be of a variety of commercial uses ranging in intensity and will not incorporate residential areas. Large-scale commercial development in these areas should be considered carefully on a case-by-case basis.

## Conclusions

- The front portion of the site is currently vacant; however, the rear of the site is occupied by two storage buildings.
- According to aerial photo data, the front of the subject property has always been vacant, and the two accessory buildings appear to have been placed on the subject property sometime between 2001 and 2005.
- The rear portion of the subject property is zoned CR while the front portion of the property is zoned LC. It has been zoned this way since 2003 when the rear portion of the lot was zoned Low Density Residential (LDR). The historic zoning map from 1987 indicates that the entire property was zoned LDR.
- Currently, the front portion of the lot would be considered a conforming lot under the LC zoning designation.
- If the entire lot were rezoned to CR, it would no longer be considered a conforming lot as it is less than one acre in size and the minimum average lot width is less than 150 feet.
- Rezoning the subject property would allow the property owner to construct a residence on the property.
- The applicant states in his application that the lot is too small to accommodate a commercial use and that a commercial use is not consistent with the surrounding properties.
- According to the historic zoning maps, the front portion of the subject property appears to have been zoned LC since 1993. The rear portion of the subject property was zoned LDR until 2005 when it was changed to CR. The LC zoning district does not permit single family residential uses. There are two storage buildings located on the rear of the subject property. Aerial photography reveals that the buildings were placed on the property between 2001 and 2005. There are no permits on file for the buildings; therefore, these structures are considered non-conforming uses. Rezoning of the subject property to CR would allow the property owner to construct a residence and permit the storage buildings as accessory structures. This would eliminate the non-conforming status of the subject property.
- The proposed rezoning request is inconsistent with the recommendations of the Midland Area Land Use Plan for the subject property. However, single family detached residential uses are not permitted within the Limited Commercial (LC) district and the applicant is proposing to construct a residence on the property.

This is a conventional rezoning request; therefore, all uses permitted in the CR 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#: RZON2022-00004Reviewed by: PECDate: 8/23/22Amount Paid: \$400

**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 3<sup>rd</sup> 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 % 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 % 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 672 NC HWY E. 24/27  
PIN(s) (10 digit #) 5534-38-5978  
Deed Reference Book 13376 Page 42  
Township # \_\_\_\_\_

**DESCRIPTION OF SUBJECT PROPERTY:**

Size (square feet or acres) .92 AC.  
Street Frontage (feet) 70.65  
Current Land Use of Property VACANT  
Surrounding Land Use North ARGI,  
South ARGI,  
East RESIDENTIAL  
West COMMERCIAL RESIDENTIAL

**REQUEST:**

Change Zoning From LC To CR

Purpose for Request:

CONSTRUCTION OF A PERSONAL  
RESIDENTIAL HOUSE  
ALREADY HAD A PERC TEST  
DONE, LOT IS TO SMALL  
FOR COMMERCIAL USE!

**LAND USE PLAN CONSISTENCY STATEMENT**

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

NOT CONSISTANT WITH THE  
SURROUNDINGS.

**UTILITY SERVICE:**

Water Supply  Well  or  Service Provider \_\_\_\_\_

Wastewater Treatment  Septic Tank(s)  or  Service Provider \_\_\_\_\_

ADDRESS

NC 28226 Concord

CITY, STATE, ZIP CODE

-0674

704-5

PHONE NUMBER

FAX NUMBER

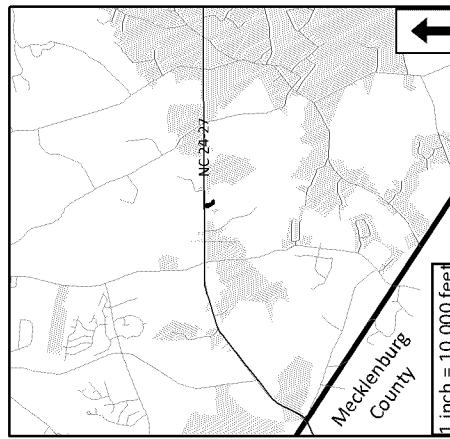
@ AOL.COM

E-MAIL ADDRESS

Midland Planning Area  
Existing Zoning

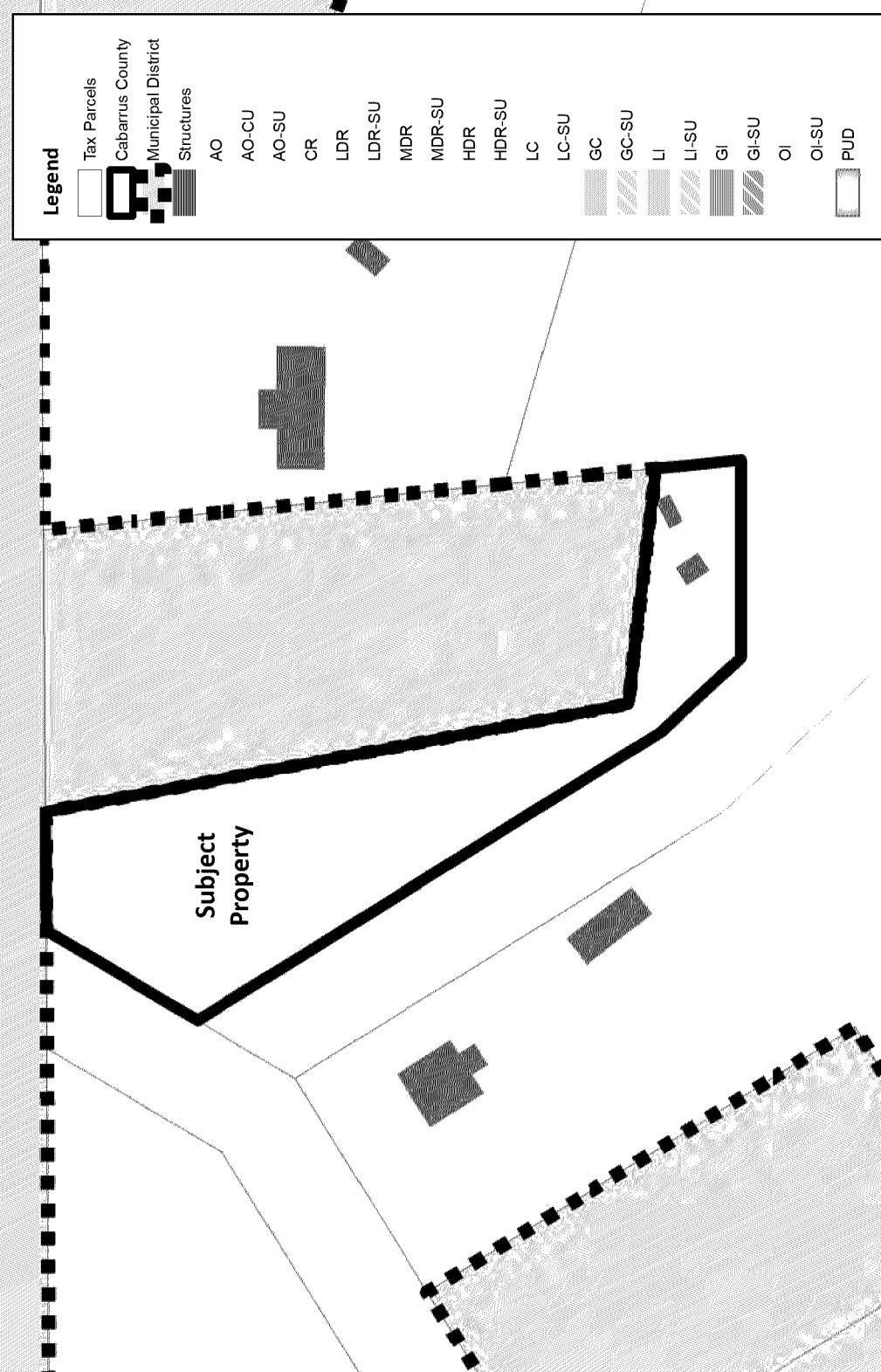


Applicant: Jerry Lewis  
Owner: Larry Lewis  
Case: RZON2022-00004  
Address: 672 NC Highway 24-27 East  
Purpose: Request to rezone  
from LC to CR  
PIN: 5534-38-5978



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

Map Prepared by Cabarrus County Planning & Development - October 2022

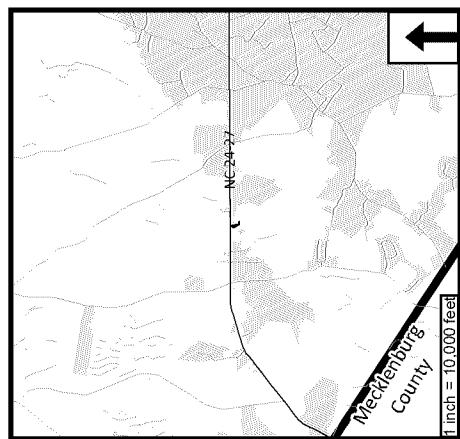




## Midland Planning Area Future Land Use



Applicant: Jerry Lewis  
 Owner: Larry Lewis  
 Case: RZON2022-00004  
 Address: 672 NC Highway 24-27 East  
 Purpose: Request to rezone  
 from LC to CR  
 PIN: 5534-38-5978



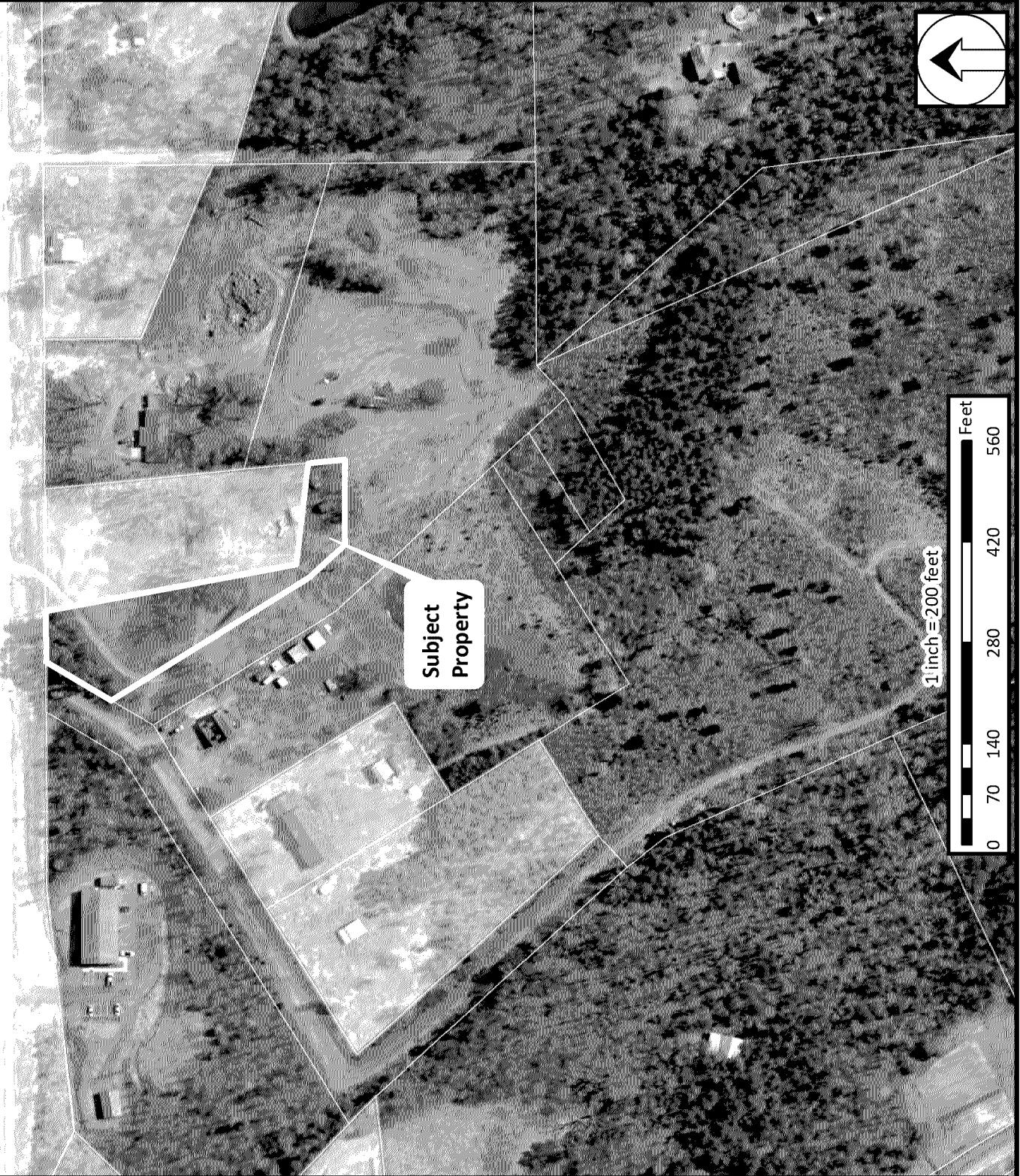
Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data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

## Midland Planning Area Aerial Map



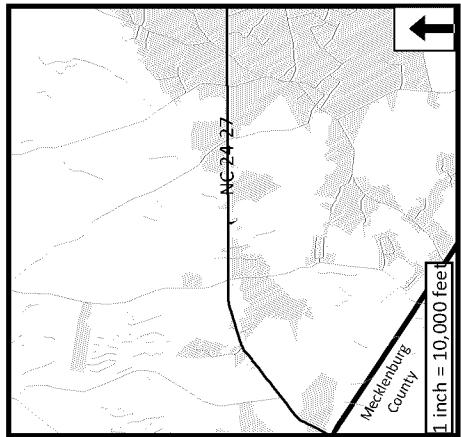
NC HWY 24-27 E

PRESLAR LN



Applicant: Jerry Lewis  
Owner: Larry Lewis  
Case: RZON2022-00004  
Address: 672 NC Highway 24-27 East  
Purpose: Request to rezone  
from LC to CR  
PIN: 5534-38-5978

Cabarrus County  
Municipal District  
Tax Parcels



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

<b>PERMITTED USE TABLE</b>		
<b>"P" - Permitted, "PBS" – Permitted Based on Standards, "SU"-Special Use</b>		
<b>RESIDENTIAL USES</b>	<b>LC</b>	<b>CR</b>
Family Care Home	P	P
Group Care Facility	P	-
Manufactured Home, Single Section or Multi-Section		MHO Overlay District Required
Manufactured Home Park		MHP Overlay District Required
Multifamily Residential	PBS	
Single Family Detached Residential		P
Townhouses	PBS	
<b>AGRICULTURAL USES</b>	<b>LC</b>	<b>CR</b>
Agriculture, Including Livestock		P
Agriculture Excluding Livestock		P
Agritourism, Accessory to Agriculture		P
Barn, Greenhouse, as Primary Structure		PBS
Dairy Processing		P
Livestock Sales		P
Nursery, Greenhouse	P	P
Scientific Research and Development, Accessory to Agriculture		PBS
<b>ACCESSORY USES</b>	<b>LC</b>	<b>CR</b>
Accessory Dwelling Unit	PBS	PBS
Accessory Building	PBS	PBS
Automated Teller Machine	PBS	
Community Garden, as Accessory Use	PBS	PBS
Ethanol Fuel Production, Residential District, Private Use Only		PBS
Home Occupation, General	PBS	PBS
Home Occupation, Rural		PBS
Ice Production, Dispensing, Accessory to Convenience Store	PBS	PBS
Ice Production, Dispensing, Accessory to Gas Station		PBS
Kennel, Private		PBS
Moving Van, Truck or Trailer Rental, Accessory to Self-Storage	PBS	
Swimming Pool, Accessory to Single Family Residential		PBS
Trail Head, Accessory	PBS	PBS
Wind Energy Facility, Accessory Use, On-Site Use Only		PBS

COMMERCIAL, RETAIL AND OFFICE USES	LC	CR
Animal Hospital	SU	SU
Arcade, Game Room	P	
Auction House		PBS
Automobile Parts, Tires, Accessories	P	
Automobile Rental	PBS	
Automobile Sales, New and Used	PBS	
Bank, Financial Institution, Automated Teller Machine	PBS	
Banquet Hall	P	
Barber, Beauty, Tanning, Nail or Skin Care Salon	P	
Bed and Breakfast	PBS	PBS
Building and Contractor Supply, No Outdoor Storage	P	
Car Wash, Detail Service	P	
Catering Service	P	
Contractor or Trade Shops	PBS	
Convenience Store with Petroleum Sales	P	PBS
Convenience Store without Petroleum Sales	P	PBS
Country Club with Golf Course	PBS	PBS
Crematorium	P	
Day Camp, Summer Camp, Civic Group Camp Facility		SU
Day Camp, Summer Camp, Civic Group Camp Facility	PBS	
Drug Store	P	
Dry-Cleaning Pick-Up Station	P	
Duplex, Commercial Use, Individual Lots	PBS	
Equipment Sales and Service	P	
Farmer's Market	P	
Farm Supply Sales, No Outdoor Storage	P	
Flea Market, Indoor Vendors Only	P	
Funeral Home	P	
Gas Service Station		PBS
Golf Course, Public or Private	PBS	PBS
Gunsmith	P	
Health Club or Fitness Center	P	
Hotels, Motels and Inns	P	
Kennel, Commercial	SU	SU
Laundromat	P	
Locksmith	P	
Manufactured Home Retail Sales	P	
Motorcycle, ATV, Other Motor Vehicle Dealers, New and Used	PBS	
Movie Theater	P	

COMMERCIAL, RETAIL AND OFFICE USES	LC	CR
Moving Van, Truck or Trailer Rental	PBS	
Nursery, Daycare Center	PBS	PBS
Office professional, 30,000 Square Feet or Less	P	
Parking Lot, Parking Garage, Commercial or Private	P	
Pawn Shop	P	
Pet Shop, Grooming, Enclosed Facility	P	
Printing and Reprographic Facility	P	
Reception Facilities		SU
Recreational Facility, Indoor	PBS	
Recreational Facility, Outdoor	SU	SU
Recreational Therapy Facility, Rural Setting		SU
Recyclable Materials Drop Off	PBS	
Repair Garage, Automobile	PBS	
Repair Shop, Small Engine	PBS	
Restaurant, Excluding Drive-thru	P	PBS
Restaurant with Drive-Thru Facility	PBS	
Retail Sales, Shopping Centers, 10,000 Square Feet and Less	P	
Retail Sales, Shopping Centers, 10,000 – 50,000 Square Feet	P	
Reupholstery, Furniture Repair	P	
Sawmill		PBS
Scientific Research and Development	PBS	
Self-Service Storage Facilities	PBS	
Shooting Range, Indoor	PBS	
Shooting Range, with Outdoor Target Practice		SU
Sports and Recreation Instruction or Camp		SU
Sports and Recreation Instruction or Camp	PBS	
Stables, Commercial		PBS
Storage Building Sales, with Display Area	PBS	
Swim Club, Tennis Club, Country Club	PBS	PBS
Tattoo Studio	P	
Taxidermy Studio, No Outdoor Processing	P	
Towing Service, No Towed Vehicle Storage Lot, Office Only, Storage of Tow Trucks, Car Haulers Permitted On-Site	P	
Veterinarian	SU	SU
Wellness Retreat, Wellness Spa		SU
Wireless Telecommunications Services	SU	SU
Wireless Telecommunications Services, Stealth Antennae, 65 Feet or Less	P	P
Wireless Telecommunications Services – Co-location	PBS	PBS

<b>INSTITUTIONAL, CIVIC AND PUBLIC USES</b>	<b>LC</b>	<b>CR</b>
Animal Shelter	SU	SU
Cemetery		PBS
Civic Organization Facility	P	PBS
College, University		SU
College, University	P	
Communications Tower, 911 Communications Tower	PBS	
Communications Tower, 911 Communications Tower		SU
Elementary, Middle and High Schools		SU
Government Buildings, Storage Only	PBS	
Hospital, Ambulatory Surgical Care Facility	P	
Public Cultural Facility	P	PBS
Public Service Facility	SU	SU
Public Use Facility		SU
Public Use Facility	P	
Recreational Trail, Greenway or Blueway, Connector	PBS	PBS
Religious Institution with Total Seating Capacity 351 or more		SU
Religious Institution with Total Seating Capacity 351 or more	P	
Religious Institution with Total Seating Capacity 350 or less		PBS
Religious Institution with Total Seating Capacity 350 or less	P	
Religious Institution with School		SU
Rest Home, Convalescent Home, Nursing Home with 10 Beds or Less		PBS
Rest Home, Convalescent Home, Nursing Home with More Than 10 Beds		SU
Trade and Vocational Schools	SU	
Trail Head, Primary Use Site	PBS	PBS
<b>INDUSTRIAL</b>	<b>LC</b>	<b>CR</b>
Landfill, Demolition, Less Than One Acre	PBS	PBS
Multimedia Production and Distribution Complex		SU
Slaughterhouse, Meat Packing		SU
<b>TEMPORARY USES</b>	<b>LC</b>	<b>CR</b>
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
Itinerant Merchants at Existing Business	PBS	
Mobile Personal Storage Unit, Vacate or Occupy Premise	PBS	PBS

<b>TEMPORARY USES</b>	<b>LC</b>	<b>CR</b>
Mobile Personal Storage Unit, Renovation	PBS	PBS
Seasonal Sale of Agriculture Products, Includes Christmas Trees and Pumpkins	PBS	
Temporary Health Care Structure		PBS
Temporary Residence in Mobile Home During Construction of New Home, Same Site		PBS
Temporary Tent or Temporary Structure, Including Cell on Wheels	PBS	

**Subject Property**

5534-38-5978  
Larry & Regina Lewis  
1225 Grelyn Drive  
Charlotte, NC 28226

**Surrounding Properties**

5534-38-8780  
Houston & Belinda Thomas  
820 NC Highway 24-27, East  
Midland, NC 28107

5534-38-1759  
Lewis Dorton  
513 Eagle Pointe Drive  
Columbia, SC 29229

5534-93-0001  
NTC Management Company LLC  
2940 McManus Road  
Midland, NC 28107

5534-39-6633  
Bethel Milling Co Inc  
1801 NC Highway 27  
Midland, NC 28107

5534-38-6988  
Gary & Hannah Barnhill  
676 NC Highway 24-27 East  
Midland, NC 28107

5534-38-5618  
Lori & Mark Morgan  
664 NC Highway 24-27 East  
Midland, NC 28107



## Cabarrus County Government – Planning and Development Department

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September 19, 2022

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for property **adjacent** to yours. The properties and specifics of the rezoning are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, October 11<sup>th</sup>, 2022 at 6:30 PM in the 2<sup>nd</sup> 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.

<b>Petitioner</b>	<b>Jerry J. Lewis</b>
<b>Petition Number</b>	<b>RZON2022-00004</b>
<b>Property Location</b>	<b>672 NC Highway 24-27, East</b>
<b>Parcel ID Number</b>	<b>5534-38-5978</b>
<b>Existing Zoning</b>	<b>Countryside Residential (CR) &amp; Limited Commercial (LC)</b>
<b>Proposed Zoning Map Change</b>	<b>Countryside Residential (CR)</b>

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

Sincerely,

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

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



## Cabarrus County Government – Planning and Development Department

---

September 19, 2022

Dear Property Owner:

A Zoning Map Amendment Petition has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Planning and Zoning Board will consider this petition on Tuesday, October 11, 2022 at 6:30 PM in the 2<sup>nd</sup> 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.

<b>Petitioner</b>	<b>Jerry J. Lewis</b>
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<b>Property Location</b>	<b>672 NC Highway 24-27, East</b>
<b>Parcel ID Number</b>	<b>5534-38-5978</b>
<b>Existing Zoning</b>	<b>Countryside Residential (CR) &amp; Limited Commercial (LC)</b>
<b>Proposed Zoning Map Change</b>	<b>Countryside Residential (CR)</b>

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

Sincerely,

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

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

ZONING

**NOTICE  
RZON2022-00004  
FOR DETAILS CALL  
704 - 920 - 2141**

## Neighborhood Meeting Minutes

On August 18, 2022, I mailed all the above a letter stating that I am requesting rezoning the property at 672 Hwy 24/27. Currently it is light commercial, and I am requesting it be rezoned to residential so I can build a house where I am planning on living. Gary Barnhill stressed that he didn't want me to build a house next to him that he wanted to buy the property. Also, Thomas Houston George Jr said he wanted to buy the property. Mark Morgan stated that he is happy to have me for a neighbor. As of 9/16/2022 I have not heard from anyone else. It is 0.92 of an acre you really cannot do much more than put a small house on it. The county did a perk test which passed for a 3 bedroom 2 bathroom house. Thank you for your time.

# REZONING NOTICE

For 672NC Hwy 24/27 E.

Action Glass  
Lindsey Morgan Cochran  
2940 McManus Rd.  
Midland NC 28107

Mailed od  
8/19/2022  
~~JK~~

Edward Eugene Eaves  
12400 Sam Black Rd.  
Midland NC 28107

Gary Barnhill  
676 Hwy 24/27 E.  
Midland NC 28107

Thomas Houston George Jr.  
Belinda Thomas  
820 Hwy 24/27 E.  
Midland NC 28107

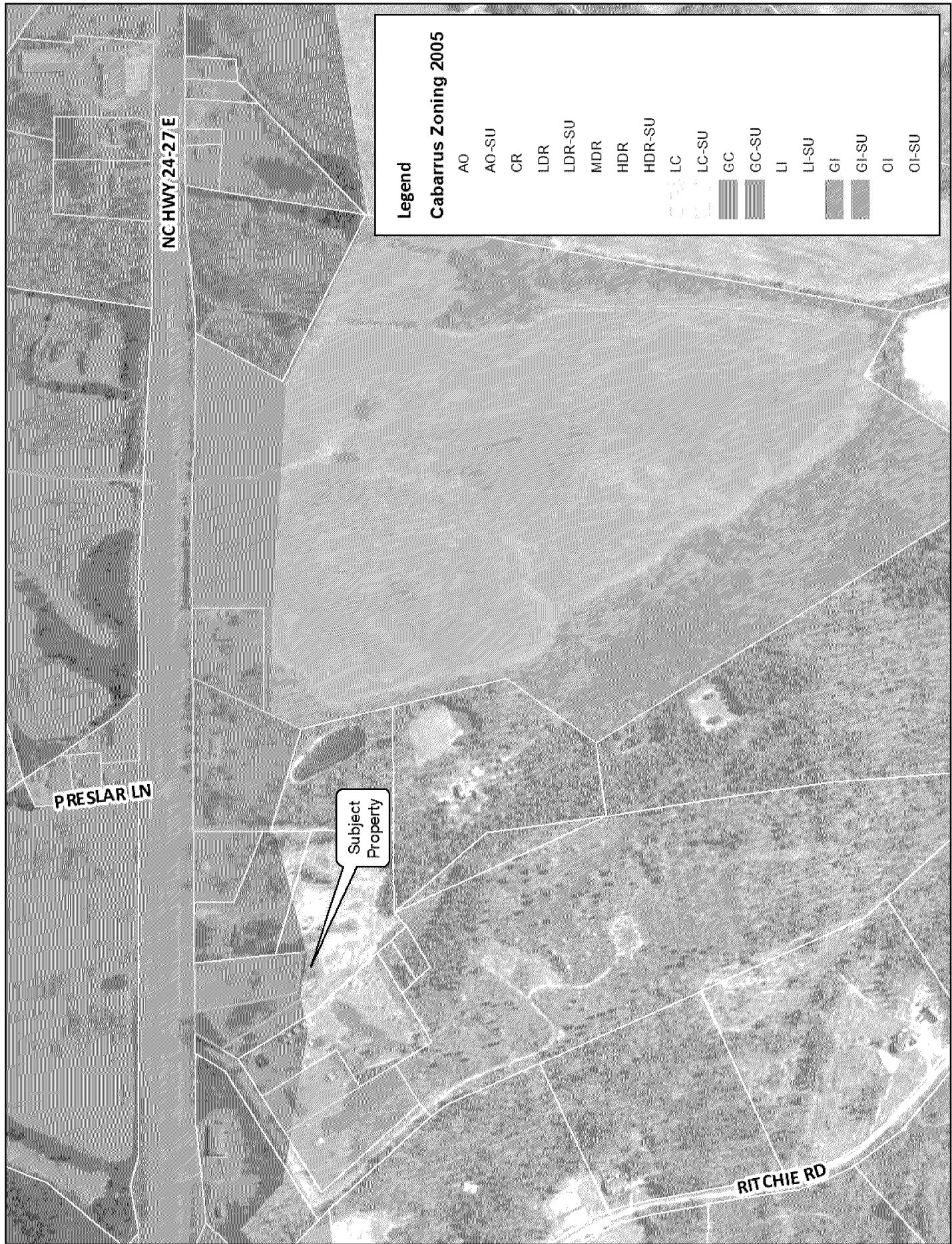
Lori Morgan  
Mark Morgan  
664 Hwy 24/27 E.  
Midland NC 28107

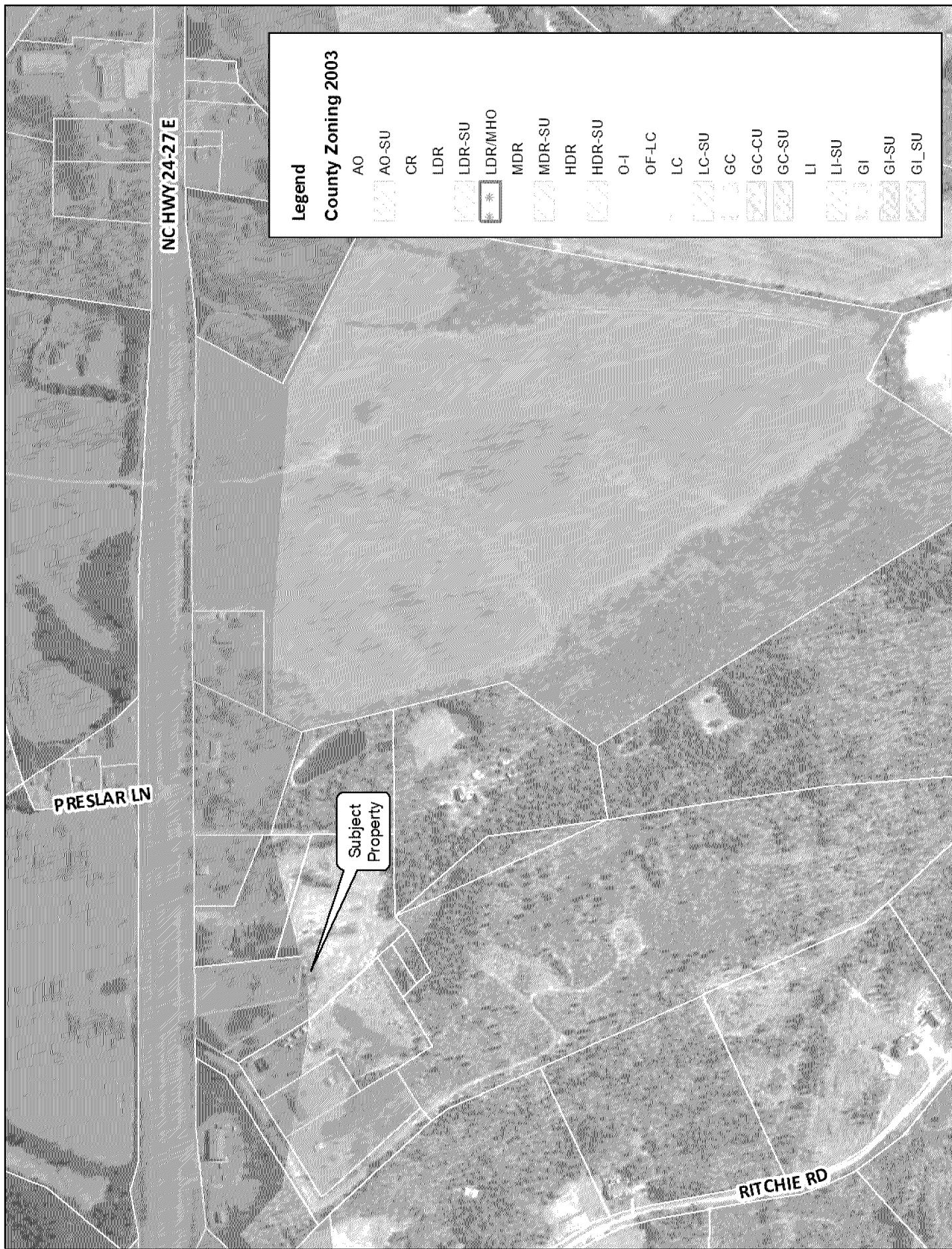
## 672 NC HWY 24/27 East

My name is Jerry Lewis, I am purchasing this property to build a personal house on. Right now it's zoned Light Commercial. I'd like to redone it to Residential. This would make the property go with the surrounding properties.

If you have any questions please contact me. My phone number is 704-564-6694. Thank you for your time.

Jerry Lewis



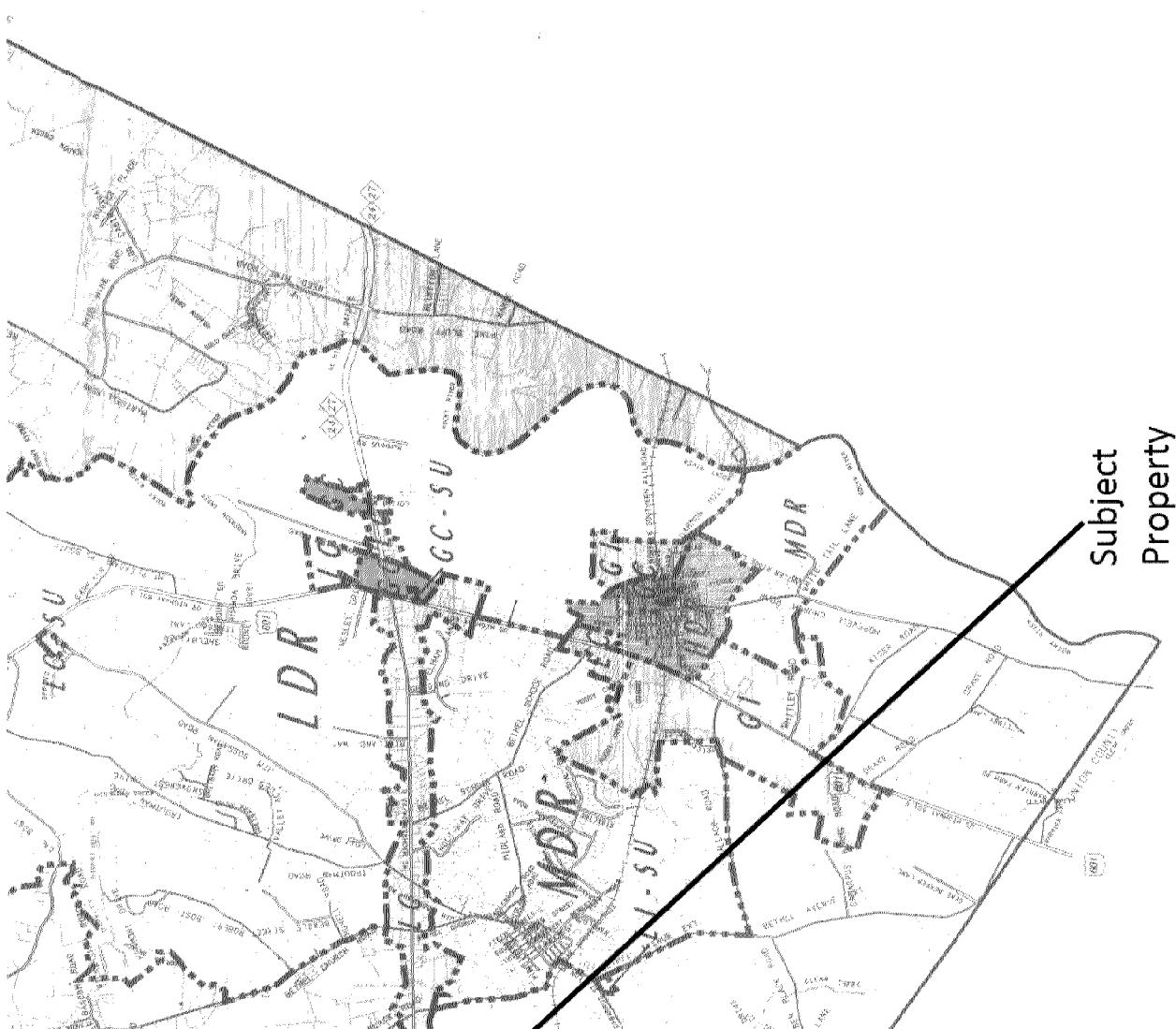




CACOUGA



JANUARY 05,  
GIS DIVISION, LISD



# CAICOUNG

1 INCH = 4000 FEET

NOVEMBER 1947

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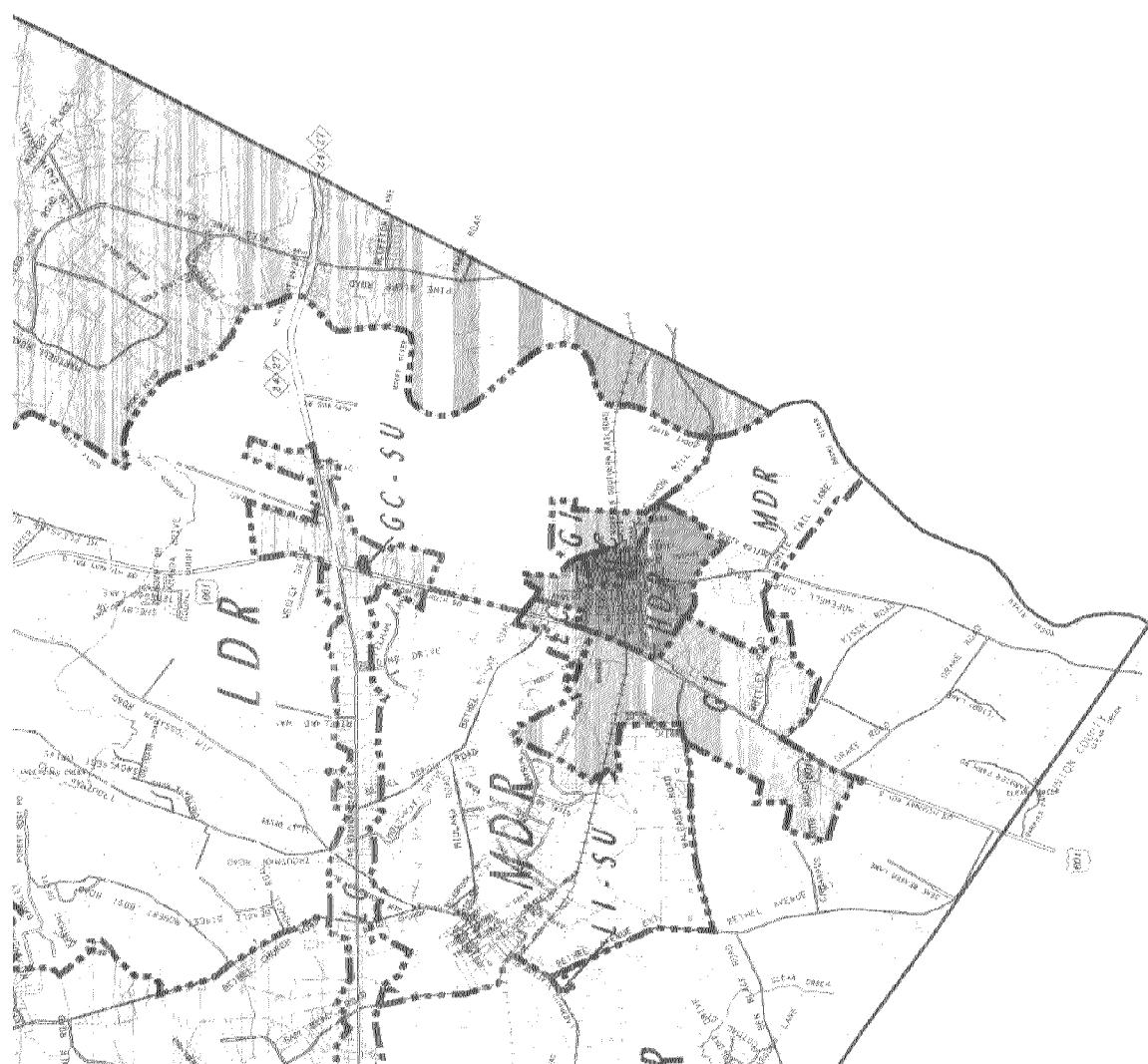
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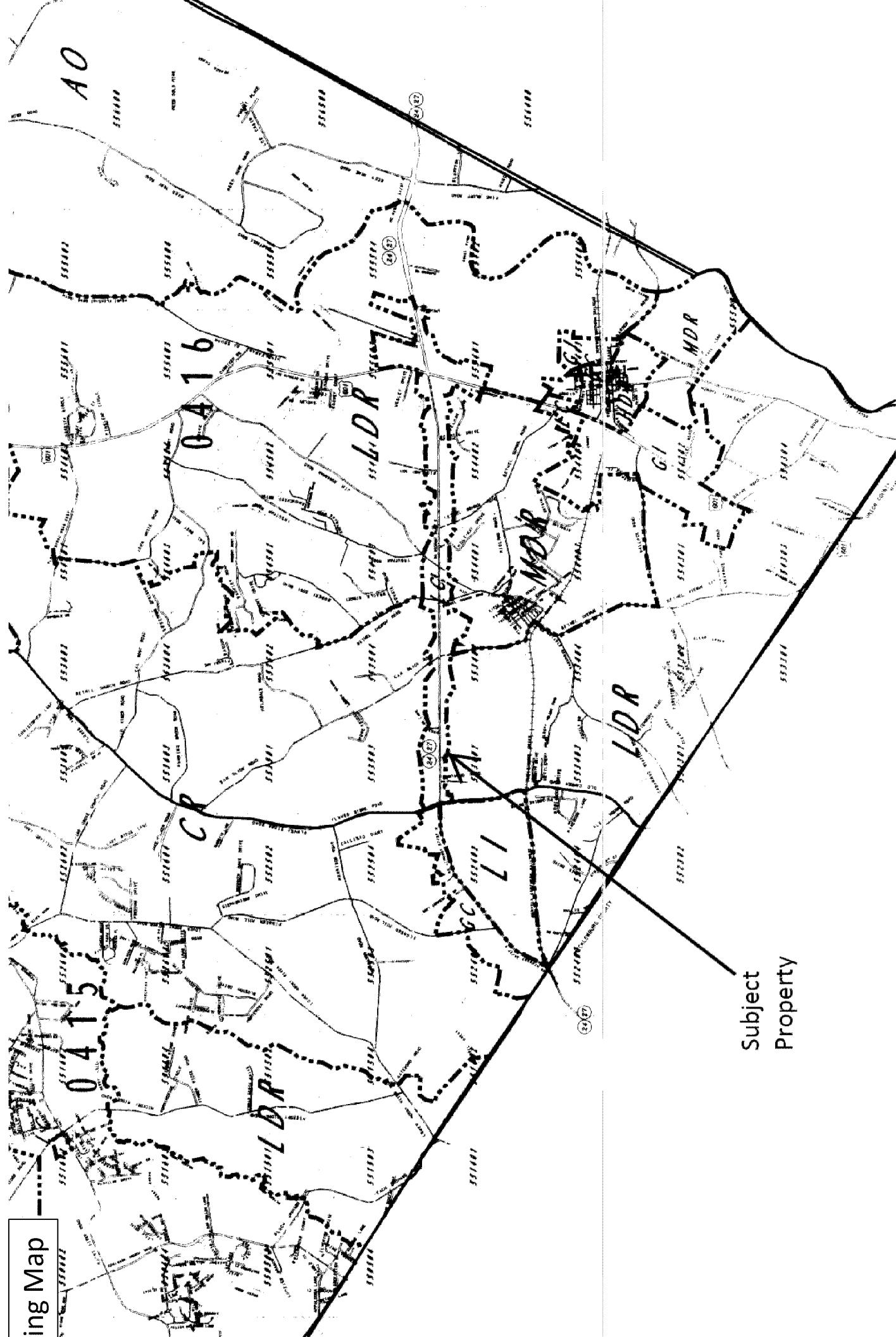
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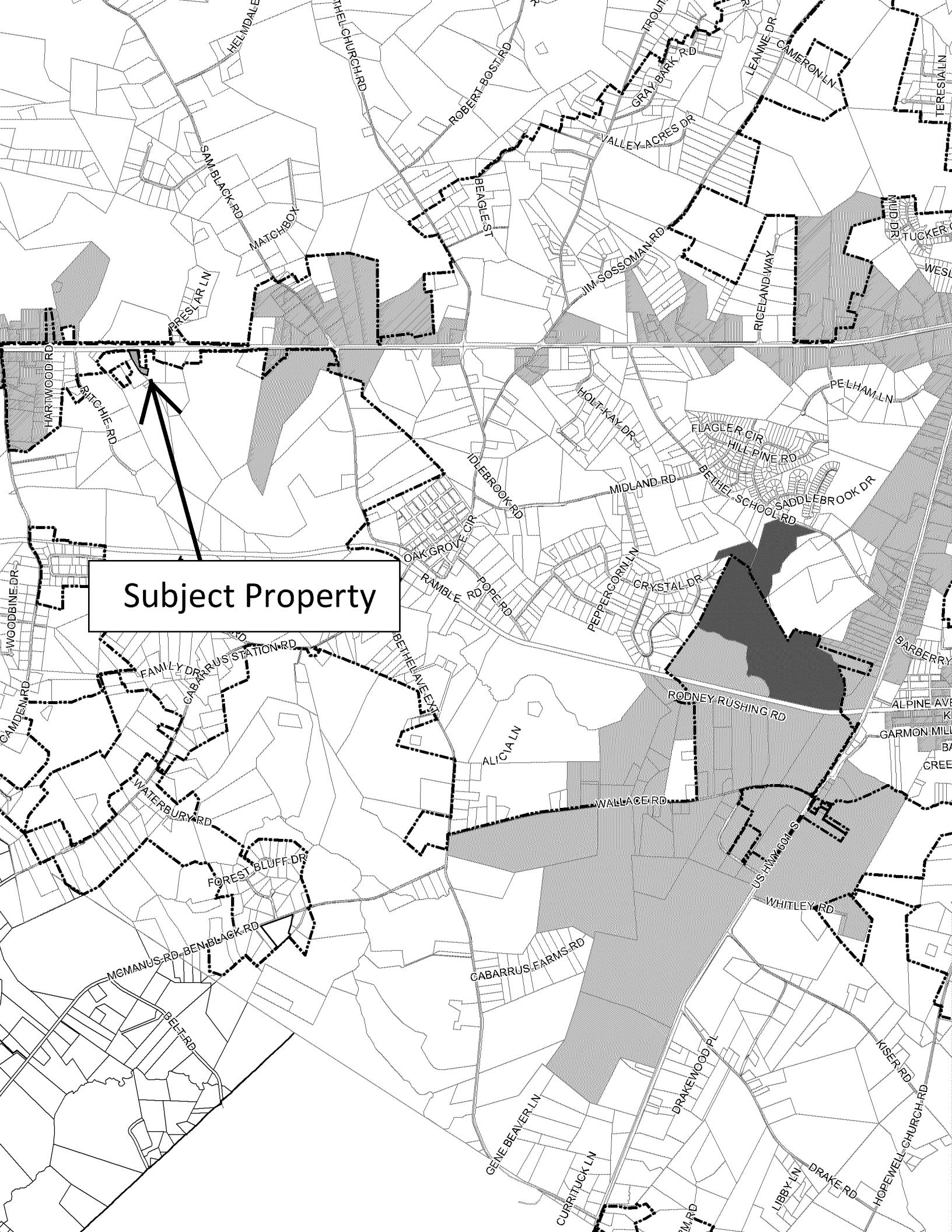
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ing Map

## Subject Property



**PLANNING STAFF REPORT****CABARRUS COUNTY PLANNING AND ZONING COMMISSION**

10/01/2022

Staff Use Only: \_\_\_\_\_

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Tabled: \_\_\_\_\_

**Special Use Permit: SUSE2022-00014**

**Applicant Information:** Peaknet, LLC by Thomas H. Johnson, Jr., Attorney  
301 Fayetteville Street, Suite 1700  
Raleigh, NC 27601

**Owner Information:** Edward D. Mesimer Trust by Edward D. Mesimer Trustee  
7621 Tuckaseegee Road  
Kannapolis, NC 28081

**PIN#:** 4693-26-5101

**Area in Acres:** +/- 129.2 acres (.95 acres for tower site)

**Purpose of Request:** This request is to construct a 235-foot tall (230 feet plus a 5-foot lightning rod) Wireless Telecommunications (WTC) Tower on the subject property. The property is currently zoned Agricultural/Open Space (AO) district. WTC towers are permitted in the AO district with the issuance of a Special Use Permit.

**Site Description:** The subject property is located on Tuckaseegee Road. The City of Kannapolis municipal limits are near the property to the south and east. Currently, several residential and agricultural structures occupy a portion of the western side of the subject property near Tuckaseegee Road. The subject property is within the Present Use Value program (bona fide farm). The applicant is proposing a 26-foot-wide gravel access drive that extends and widens the current 588.42-foot-long private road adding an additional 247.74 feet. The 836.16' road will access from Tuckaseegee Road which leads to the leased area which is 2,500 square feet in size. The compound area, within the leased area, is proposed to be 400 square feet in size.

**Current Land Uses:** The current land use of the subject property is agricultural and single family residential.

**Adjacent Land Uses:** The subject property is surrounded by residential and agricultural uses and vacant properties.

**Permitted Uses:** Any use permitted within the Agricultural Open Space (AO) district would be permitted on the subject property.

Existing Zoning: Agricultural/Open Space (AO)

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

Signs Posted: Tuesday, September 20, 2022

Newspaper Notification: Wednesday, September 28, 2022

Newspaper Notification 2: Wednesday, October 5, 2022

Notification Letters: First Letter sent Monday, September 19, 2022  
Revision letter to correct meeting date sent October 26, 2022  
Revision letter to correct meeting time sent October 27, 2022

## Exhibits

- A. Staff Report
- B. Application and Project Narrative
- C. Site Plan
- D. Staff Maps
- E. Certificate of FCC Compliance and Co-Location Certification
- F. Determination of No Air Hazard
- G. AT&T Coverage Analysis
- H. Impact Study
- I. Structural Report
- J. Removal Quote for Bond
- K. NCDOT Driveway Permit
- L. Lease
- M. State Historic Preservation Office Approval
- N. Surrounding Property Owner information and Neighborhood Meeting
- O. Property Owner Letters
- P. Correspondence with State Agencies
- Q. Meeting Correspondence Items

## Agency Review Comments

### **Concord-Padgett Regional Airport Review: Approved**

*We have no issues with the proposed wireless telecommunication tower.  
(per Dirk Vanderleest, Aviation Director, Concord-Padgett Regional Airport)*

### **EMS Review: Approved**

*Approved with no comments.  
(per Justin Brines, EMS Assistant Director)*

### **Erosion Review: Approved**

*If this project remains under an acre then a formal erosion control plan will not be required. As a reminder the Financially Responsible party of the project is required to maintain sediment control measures sufficient to prevent sediment from leaving the site regardless even if the site is less than an acre.*

*(Kenny S. Llywelyn, Assistant Regional Engineer)*

### **Fire Review: Approved with Condition**

*Per the approved plans, the driveway will be increased to 26 feet wide and a Knox Lock or Knox Box will be used for Fire Department access. Approved as shown with revisions received on 09/12/2022.*

*(Matthew Hopkins, Assistant Fire Marshal)*

### **Health Review: Approved**

*Approved as shown with revisions received on 09/12/2022.  
(Chrystal Swinger, Director of Environmental Health)*

### **NCDOT Review: Approved**

*We have no issues with proposed and have issued DW permit if approved for special use  
(Marc Morgan, PE, District Engineer)*

### **Sheriff Review: Approved**

*No comments on this site.  
(Ray Gilleland, Lieutenant)*

### **Soil-Water Conservation Review: Approved**

*Our concern with this project is that the property is near the critical drinking watershed district for Coddle Creek. Any disturbance of soil needs to be carefully considered.  
(per Tammi Remsburg, Resource Conservation Coordinator)*

### **Zoning Review: Approved**

*Sandy Howell: See Staff Report*

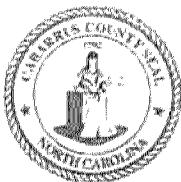
## History / Other Information

1. The applicant provided documentation compliant with Section 8-3 of the Cabarrus County Zoning Ordinance, petitioning for a Special Use.
2. The applicant submitted a complete application including a "Project Narrative and Statement of Compliance" sheet along with a site plan.
3. The subject property is approximately 129.2 acres in size. The lease area is approximately 2,500 square feet in size.
4. Currently, a residence and several agricultural structures occupy a portion of the subject property alongside Tuckaseegee Road.
5. The applicant is proposing to construct a WTC Tower facility on the subject property.
6. The applicant is proposing to add to an existing connection off Tuckaseegee Road and has provided the NCDOT driveway permit as required.
7. The FAA has issued a Determination of No Hazard to Air Navigation for this site that expires on March 1, 2024, unless otherwise stated in the Determination. At the time of the review the applicant was intending for the tower to be a height of 230 feet and the FAA placed a condition on the approval of the tower that it be lighted to meet the FAA specifications. Since that time the applicant increased the height of the tower to 235 (to account for the 5 foot lighting rod).
8. Subject property is partially located within Coddle Creek WS-II Protected and Critical watershed areas. A small portion of the fall zone will be located with the Critical Area. The cell tower and the compound will be located outside the Critical Area.
9. The cabinets are approximately 5'11.76" in height and approximately 59 square feet. These measurements have been converted from the metric measurements found on the plan set.

## **Conditions of Approval**

Should the Board of Adjustment grant approval of the Conditional Use Permit, Staff requests the following conditions become part of the approval and case record:

1. Site plan review and approval is required subsequent to Board of Adjustment approval in order to ensure compliance with all applicable development requirements and conditions. (Zoning)
2. The Granting Order, stating restrictions and applicable conditions of approval shall be recorded with the deed for the property and prior to zoning permitting. (Zoning)
3. The applicant shall procure any and all applicable federal, state, and local permits prior to zoning permitting. (Zoning)
4. Any proposed future expansion of property, as well as modifications or changes to approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Special Use Permit. (Zoning)
5. The applicant shall provide copies of all state, local, and federal permits for the permanent project file prior to zoning permitting. (Zoning)
6. Applicant shall comply with all applicable terms of NCDOT Driveway Permit C-1913. (NCDOT/Zoning)
7. Prior to zoning permitting, the applicant shall have the Determination of No Hazard letter from the FAA updated to address the current proposed tower height. A copy of the updated letter shall be provided for the project file. (Zoning)
8. The applicant shall file the 7460-2 form with the FAA if the project is abandoned or within five days after construction reaches its greatest height. A copy of said filing shall be provided to Planning for the project file. (FAA)
9. The applicant shall submit a bond in the amount to accommodate 1.25 times the amount of the estimate as required by Chapter 8, Number 36, Section 11 of the Cabarrus County Development Ordinance. The estimated cost of removal and to return the site to its natural condition is \$105,178; therefore, the bond will need to be in the amount of \$131,472.50. The bond shall be submitted prior to zoning permitting. (Zoning)
10. Per the approved plans, the driveway will be increased to 26 feet wide, and a Knox Lock or Knox Box shall be installed for Fire Department access. (Fire Department)

**SPECIAL USE PERMIT APPLICATION**

STAFF USE ONLY:

Application/Accelerated  
Reviewed by: SUSE 2022-00014  
Date: SDOT  
Amount Paid:

**INSTRUCTIONS/PROCEDURES:**

1. Schedule a pre-application meeting with Staff to discuss the procedures and requirements for a Special Use Permit request.

Date of Pre-Application Meeting: January 11, 2022 Staff Facilitator(s): Susie Morris

2. Submit a complete application to the Planning Division. All applications must include the following:

- Cabarrus County Land Records printout of all adjacent property owners. This includes properties located across the right-of-way and all on-site easement holders. The list must include owner name, address, and Parcel Identification Number.
- A recent survey or legal description of the property.
- Copies of the proposed site plan (number to be determined at pre-application meeting).
- Any additional documents essential for the application to be considered complete. (Determined at pre-application meeting)

3. Submit cash, check, or money order made payable to Cabarrus County.

Fees: Special Use Permit \$650.00 (includes first acre) +\$15.00 per acre  
(Plus the cost of advertising and engineering fees if applicable)  
(If a 3<sup>rd</sup> 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 Special Use Permit request and the Special Use Permit process.
2. Submit a complete application with the appropriate fees to the Cabarrus County Planning Division.

Staff and appropriate agents will review your complete application and site plan and comments will be forwarded to you. You will need to address the comments in writing, revise the site plan accordingly and resubmit a site plan showing that all comments are addressed, and errors corrected.

3. Once advised that the site plan is correct and ready to be presented to the Board of Adjustment, you will need to submit folded copies of the site plan (number determined by staff).
4. When the copies of the plan are received, Staff will begin to prepare a staff report, schedule a public meeting date, and notify adjacent property owners of the public meeting/public hearing date. A sign advertising the public hearing will also be placed on the property being considered for the Special Use Permit.

**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.

**Special Use Permit:** Special Use Permits are considered by the Board of Adjustment during a quasi-judicial hearing. This means that anyone wishing to speak regarding the application must be sworn in. The vote requirement for the Special Use Permit to pass is a simple majority. Additional conditions may be added as part of the Special Use Permit approval process.

**Questions:** Any questions related to the Special Use Permit process may be directed to the Planning Division at 704-920-2141, between 8 AM and 5 PM, Monday through Friday.

**TO THE BOARD OF ADJUSTMENT:**

I HEREBY PETITION THE BOARD OF ADJUSTMENT TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO ISSUE A SPECIAL USE PERMIT FOR THE USE OF THE PROPERTY AS DESCRIBED BELOW.

**APPLICANT**

Peaknet, LLC by Thomas H. Johnson, Jr. atty

**NAME**

301 Fayetteville Street, Suite 1700

**ADDRESS**

Raleigh, NC 27601

**CITY, STATE, ZIP CODE**

919-981-4006

**PHONE NUMBER**

919-981-4300

**FAX NUMBER**

tjohnson@williamsmullen.com

**E-MAIL ADDRESS**

**PARCEL INFORMATION:**

Existing Use of Property

Proposed Use of Property

Existing Zoning

Property Location

Property Acreage

Parcel Number (PIN)

**PROPERTY OWNER**

Edward D. Mesimer Trust by Edward D. Mesimer Trustee

**NAME**

7621 Tuckaseegee Road

**ADDRESS**

Kannapolis, NC 28081

**CITY, STATE, ZIP CODE**

704-224-2002

**PHONE NUMBER**

**FAX NUMBER**

edwardmesimer100@gmail.com

**E-MAIL ADDRESS**

Agricultural

Communications Tower

AO

7615 Tuckaseegee Road

129.2 acres (.95 acres for tower site)

46932651010000

**LAND USE OF ADJACENT PROPERTIES:**

NORTH Residential and Agricultural  
EAST Residential and Agricultural

SOUTH Residential and Agricultural  
WEST Residential and Governmental

**GENERAL REQUIREMENTS:**

The Zoning Ordinance imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans (when applicable) how the proposed use satisfies these requirements.

1. The Board must find that the use(s) as proposed "are not detrimental to the public health, safety or general welfare."

See attached Exhibit A

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2. The Board must find that the use(s) as proposed "are appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc."

See attached Exhibit A

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3. The Board must find that the use(s) as proposed "will not violate neighborhood character nor adversely affect surrounding land uses."

See attached Exhibit A

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4. The Board must find that the use(s) as proposed "will comply with the general plans for the physical development of the County or Town, as embodied in the Zoning Ordinance or in the area development plans that have been adopted."

See attached Exhibit A

**SPECIFIC REQUIREMENTS:**

The Zoning Ordinance also imposes SPECIFIC REQUIREMENTS on the use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Board, the proposed use(s) will comply with specific requirements concerning the following:

Nature of use (type, number of units, and/or area):  
Communications Tower

Accessory uses (if any):  
None

**SETBACK PROVISIONS:**

Principle Use:

Front: 280 feet      Side yard Single: 280 feet      Side yard Total: 280 feet      Rear: 280 feet

Accessory Use:

Front: \_\_\_\_\_ Side yard Single: \_\_\_\_\_ Side yard Total: \_\_\_\_\_ Rear: \_\_\_\_\_

Height provisions:      Principle Use: \_\_\_\_\_      Accessory Use: \_\_\_\_\_

Off street parking and loading provisions: (include calculations)

Parking is provided for service vehicles to the site with the necessary turnaround for fire and rescue equipment.

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Sign provisions: (include sketch drawing with dimensions)

See Sheets C-5 and C-10 of construction drawings

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Provisions for screening landscaping and buffering: (show on site plan)

See Sheet L-1 of construction drawings

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Provisions for vehicular circulation and access to streets: (provide NCDOT permit and/or TIA)

Driveway permit from NCDOT is included with application. See Sheet C-1 of construction drawings showing vehicular circulation and access and Sheets C-11A, C-11B, C-11C and C-11D for roadway design.

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Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm waters, prevent erosion, subdue dust:

See erosion and sedimentation plan on Sheets C-12A, C-12B, C-12C and C-13.

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An adequate amount and safe location of play areas for children and other recreational uses according to the concentration of residential property:

Not applicable

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Compliance with applicable overlay zones: (see Chapter 4 of Zoning Ordinance)

Complies with the airport overlay and the watershed overlay requirements

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Compliance with the Flood Damage Prevention Ordinance: (see Chapter 16)

The proposed use is not a a flood zone

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Other requirements may be requested by the applicant or specified by the Board for protection of the public health, safety, welfare, and convenience:  
Acknowledged

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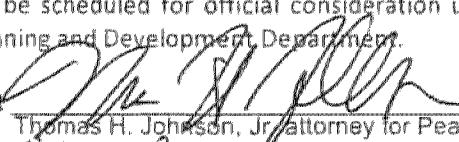
**PREDEFINED STANDARDS:**

Each individual Special Use listed in the Zoning Ordinance may have specific standards imposed. Refer to Chapter 8, the Special Use section of the Zoning Ordinance for these requirements. Each standard should be addressed in the site plan submitted along with this application.

**CERTIFICATION:**

I hereby confirm that the information contained herein and herewith is true and correct and that this application shall not be scheduled for official consideration until all the required contents have been submitted to the Planning and Development Department.

Signature of Applicant

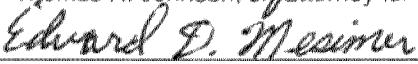


Date:

4/11/2022

Thomas H. Johnson, Jr. Attorney for Peaknet, LLC

Signature of Owner



Date:

4-12-22

Edward D. Mesimer, Trustee for the Edward D. Mesimer Trust

**EXHIBIT A**  
Special Use Permit for Communications Tower  
7615 Tuckaseegee Road, Kannapolis, NC

**General Requirements**

1. The communications tower will benefit the public health, safety and welfare by providing improved wireless service in the area. Most households now rely on wireless service for their basic communications needs as many no longer have landline phones. In the event of an emergency, residents need reliable wireless service to reach emergency services by dialing 911. In addition, wireless internet access is critical for those who work from home or need reliable, fast internet service.
2. This communications tower has direct access to Tuckaseegee Road by an existing private road and driveway. NCDOT has already approved a driveway permit which is included with the application. Electrical and communications fiber is readily available to the site. The site access complies with fire code in the event that police, fire and rescue access is needed. This use will not require water, sewer or waste disposal services.
3. The communications tower is allowed as a special use in the AO district which provides a legal presumption that the use is in harmony with the other uses in the AO district. There is also an impact study by a NC licensed appraiser being submitted in support of the application that finds that the communications tower will not have an adverse impact on adjoining property values.
4. The general plans for the County support the need for infrastructure for the County and its residents. Wireless infrastructure is critical to the public both for telephone communications and internet access.

**Predefined Standards**

These standards are addressed by the included construction drawings and as follows:

Section 4c. Peaknet, LLC has no existing sites in Cabarrus County of its municipalities

Section 5

-The tower will be galvanized steel in color.

-The design of the buildings and related structures are designed to blend in with the surroundings as shown on the construction drawings.

-The only lighting will be as required by the FAA

-The tower and antennas will meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate towers and antennas as confirmed by the enclosed Certificate of Compliance.

-As confirmed by the notes on Sheet T-1 of the construction drawings, the tower and antennas will conform with the State Building Code and all federal requirements.

-Since the setback is tower height plus 50 feet the tower, if it fails, will remain on site as shown by the setbacks on Sheet C-1 of the construction drawings.

-Signs are as shown on Sheets C-5 and C-10 of the construction drawings and are those necessary to provide identification information and warn of any danger.

## Section 6

-The construction drawings are sealed by a NC licensed engineer.

-The construction drawings include a site plan on Sheet C-1 that includes the required information.

-There are no existing towers in AT&T's search ring for this tower site.

-A notarized Co-Location certification is included with this application.

-A notarized Statement of Compliance is included with this application

## Section 8

--There are no other towers within AT&T's search ring for this tower site.

-There is no other tower within 1,500 feet of this site.

-The tower compound will be enclosed with a fence 8 feet in height as shown on Sheet C-9 of the construction drawings with barbed wire to prevent climbing.

-The landscaping in compliance with the Ordinance is as shown on Sheet L-1 of the construction drawings.

## Section 9

-The drawings contain detail of all ground equipment and other related structures that comply with the Ordinance.

## Section 11

-The applicant agrees to post a bond for the removal cost of the tower and related structures in the amount of 1.25 the removal cost.

The setback requirements are shown on Sheet C-1 of the drawings.



KASEEGEE RD  
LIS, NC 28081  
JS COUNTY

**2002 PISGAH CHURCH ROAD, SUITE 300**  
**GREENSBORO, NC 27455**  
**OFFICE: (336) 286-6163**

**7615 TUCKASEEGEE RD**  
**KANNAPOLIS, NC 28081**  
**(CABARRUS COUNTY)**

5.00  
AL /  
TURAL  
Q. FT. )

2.73" (NAD '83)  
8.65" (NAD '83)

VD '88)

**AT&T SITE #: 074-4164**  
**AT&T SITE NAME: WCL00164**  
**FA LOCATION CODE: 15498781**

**TOWER OWNER:**

NAME: PEAKNET  
CONCORD MP  
9887 4TH STREET NORTH, SUITE 100  
ADDRESS: SAINT PETERSBURG, FL 33702  
CITY, STATE, ZIP: 33702  
CONTACT: TIM SCOTT  
PHONE: (919) 413-5324

**APPLICANT/LICENSEE:**

NAME: AT&T MOBILITY  
ADDRESS: 2002 PISGAH CHURCH RD, STE 300  
CITY, STATE, ZIP: GREENSBORO, NC 27455  
NOC #: (800) 638-2822

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING:  
1. NORTH CAROLINA BUILDING CODE 4. 2017 NEC W/ NC AMENDMENTS (2016 EDITION)  
2. NORTH CAROLINA CODE COUNCIL 5. LOCAL BUILDING CODE  
3. ANSI/AIA-222-H 6. CITY/COUNTY ORDINANCES

**CODE COMPLIANCE**

**UTILITIES:**

POWER COMPANY: DUKE ENERGY  
CUSTOMER SERVICE  
CONTACT: (919) 503-5400  
PHONE: 078907787  
METER # NEAR SITE:

TELEPHONE COMPANY: CHARTER SPECTRUM  
CUSTOMER SERVICE  
CONTACT: (833) 267-6094  
PHONE: UNKNOWN  
PHONE # NEAR SITE: UNKNOWN  
PEDESTAL # NEAR SITE: UNKNOWN

**PROPERTY OWNER:**

NAME: MESIMER EDWARD D TRUST  
ADDRESS: 7621 TUCKASEEGEE RD  
CITY, STATE, ZIP: KANNAPOLIS, NC 28081  
CONTACT: UNKNOWN  
PHONE: UNKNOWN

**ELECTRICAL ENGINEER:**

NAME: TOWER ENGINEERING PROFESSIONALS  
ADDRESS: 326 TRYON ROAD  
CITY, STATE, ZIP: RALEIGH, NC 27603  
CONTACT: SCOTT C. BRANTLEY, P.E.  
PHONE: (919) 661-6351

SHEET	DESCRIPTION	REV
T1	TITLE SHEET	13
T2-T6	2018 NC APPENDIX B	3
N1-N2	GENERAL NOTES	3
S1-S3	SURVEY	-
C1	SITE PLAN	13
C2	PROPOSED COMPOUND DETAIL	12
C3	TOWER ELEVATION	7
C4-C4C	WUC DETAILS -IV	3
C5	PROPOSED ANTENNA/CABLE SCHEDULE	3
C6	GENERATOR DETAILS	8
C6	FOUNDATION DETAILS	9
C7-C7A	ICE BRIDGE DETAILS I-II	3
C8	ANTENNA MOUNTING DETAILS	8
C8A	PROPOSED RRU MOUNTING DETAIL	7
C8B	PROPOSED RRU MOUNTING DETAIL	8
C9-C9A	FENCE & GATE DETAILS	10
C9	CATTELL GATE DETAILS	11
C10	SIGNAGE DETAILS	3
C11A	ACCESS ROAD DETAILS	6
C11B	DRIVeway DETAILS	8
C11C	SIGHT DISTANCE TRIANGLES	6
C11D	LINE OF SIGHT GRADING & EROSION CONTROL PLAN I - III	6
C13	SILT FENCE DETAILS	3
C14	TOWER SEPARATION PLAN	11
L1-L2	LANDSCAPE PLAN & DETAILS	12
E1	ELECTRICAL NOTES	3
E2A	ONE-LINE DIAGRAM	9
E2B	PANEL SCHEDULES	9
E3	SERVICE ROUTING PLAN	12
E4	SERVICE RACK DETAILS	3
E5	GROUNDING PLAN	12
E6	GROUNDING DETAILS I	3



6

6

(%)

in the building x D (maximum 3 stories) (506.2). garages must comply with Table 406.5.4. The maximum area of air traffic control required for the building is 412xx.1.

ALLOWABLE HEIGHT

ALLOWABLE HEIGHT		ALLOWABLE	PLANS	CODE REFERENCE

A large, diagonal, hatched sign with the words "NOT A BUILDING" written in a bold, sans-serif font. The sign is positioned diagonally across the frame, with its top edge pointing towards the top-left and its bottom edge pointing towards the bottom-right. The background of the sign is a light color, and it is overlaid with a dense, diagonal hatching pattern.

NOT A BUILDING

BUILDING ELEMENT	FIRE SEPARATION DISTANCE (FEET)	REQ'D PROVIDED (W/ REDUCTION)	DESIGN # FOR RATED ASSEMBLY	DETAIL # AND SHEET # FOR RATED PENETRATION	SHEET # FOR RATED JOINTS
Structural Frame, including columns, girders, trusses					
Bearing Walls					
Exterior					
North					
East					
West					
South					
Interior					
Nonbearing Walls and Partitions					
Exterior walls					
North					
East					
West					
South					
Interior walls and partitions					
Floor Construction					
Including supporting beams and joists					
Floor/Ceiling Assembly					
Columns Supporting Floors					
Roof Construction, including supporting beams and joists					
Roof/Ceiling Assembly					
Columns Supporting Roof					
Shaft Enclosures - Exit					
Shaft Enclosures - Other					
Corridor Separation					
Occupancy/Fire Barrier Separation					
Party/Fire Wall Separation					
Smoke Barrier Separation					
Smoke Partition					
Tenant/Dwelling Unit/ Sleeping Unit Separation					
Incidental Use Separation					

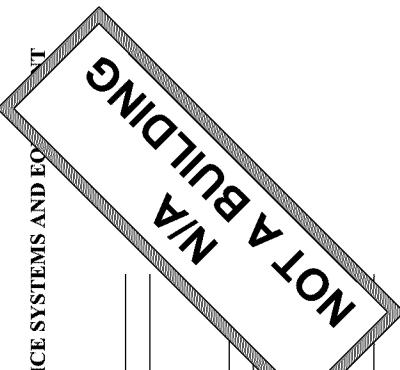
\* Indicate section number permitting reduction





**2018 APPENDIX B**  
**BUILDING CODE SUMMARY FOR ALL COMMERCIAL PROJECTS**  
MECHANICAL DESIGN  
IN THE MECHANICAL SHEETS IF APPLICABLE)

**MECHANICAL SUMMARY**



**Ventilation System**

oversized, state reason: \_\_\_\_\_  
oversized, state reason: \_\_\_\_\_  
oversized, state reason: \_\_\_\_\_  
oversized, state reason: \_\_\_\_\_

unit:

oversized, state reason: \_\_\_\_\_  
oversized, state reason: \_\_\_\_\_  
oversized, state reason: \_\_\_\_\_  
oversized, state reason: \_\_\_\_\_

**2018 APPENDIX B**

**BUILDING CODE SUMMARY FOR ALL COMMERCIAL PROJECTS**  
ELECTRICAL DESIGN  
(PROVIDE ON THE ELECTRICAL SHEETS IF APPLICABLE)

**ELECTRICAL SUMMARY**

**ELECTRICAL SYSTEM AND EQUIPMENT**

Method of Compliance: Energy Code  Prescriptive  
ASHRAE 90.1  Prescriptive

Lighting schedule (each fixture type)  
lamp type required in fixture  
number of lamps in fixture  
ballast type used in the fixture  
number of ballasts  
total wattage per fixture  
total interior wattage allowed (whole building or space by space)  
total exterior wattage allowed

Additional Efficiency Packages (When using the 2018 NCECC; Not required for ASHRAE 90.1)

- C406.2 More Efficient HVAC Equipment Performance
- C406.3 Reduced Lighting Power Density
- C406.4 Enhanced Digital Lighting Controls
- C406.5 On-Site Renewable Energy
- C406.6 Dedicated Outdoor Air System
- C406.7 Reduced Energy Use in Service Water Heating

DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED  
IT HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR  
TO THIS. UPON ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING TO HAVE  
IS KNOWLEDGEABLE OF THE WORK TO BE PERFORMED AND IS PROPERLY  
EQUIPPED TO DO THIS WORK IN THE STATE OF NORTH CAROLINA.

TO TOWER ERECTION BEFORE PROJECT COMPLETION. (ON SITE VISITS WITH UTILITY COMPANY REPRESENTATIVES AS NECESSARY ETC.)

21. THE CONTRACTOR SHALL GUARANTEE THE WORK PERFORMED ON THE PROJECT BY THE CONTRACTOR AND ANY OR ALL OF THE SUBCONTRACTORS WHO PERFORMED WORK FOR THE CONTRACTOR ON THIS PROJECT. THE GUARANTEE SHALL BE FOR A FULL YEAR FOLLOWING ISSUANCE OF THE FINAL PAYMENT OF HOLDBACK.
22. AWARDED CONTRACTOR WILL BE REQUIRED TO SIGN AND RETURN A COPY OF AN AWARD LETTER FOR THE LESSEE'S FILE.
23. CONTRACTOR WILL BE REQUIRED TO PROVIDE PROOF OF LICENSE TO PERFORM WORK IN JURISDICTION AT TIME OF BID AWARD.
24. CONTRACTOR WILL PROVIDE A CONSTRUCTION SCHEDULE PRIOR TO CONSTRUCTION STARTING AND WILL PROVIDE UPDATE/CHANGES (WITH EXPLANATIONS) TO THAT SCHEDULE WHEN/IF ITEMS ARE DELAYED OR PUSHED OUT.
25. CONTRACTOR WILL BE RESPONSIBLE TO PROVIDE PROJECT MANAGERS WITH PHOTOS OF THE MAJOR CONSTRUCTION MILESTONES AS THEY OCCUR.
26. CONTRACTOR SHOULD BE PREPARED FOR RANDOM SAFETY INSPECTIONS AT ALL TIMES.
27. CONTRACTOR IS EXPECTED TO MAINTAIN PROPER WORKING CONDITIONS AND PROCEDURES PER LOCAL AND FEDERAL STANDARDS AT ALL TIMES.
28. CONTRACTOR WILL BE REQUIRED TO OBTAIN THE NECESSARY ELECTRICAL PERMITS AND INSPECTIONS AS REQUIRED BY JURISDICTION.
29. CONTRACTOR IS RESPONSIBLE FOR CONCRETE COMPRESSION TESTING.
30. CONTRACTOR IS RESPONSIBLE FOR GROUND MEG TESTING AND PROVIDING PROOF OF RESULT.
31. WHEN REQUESTED, PROVIDE 3 COPIES OF FABRICATION AND ERECTION DRAWINGS PRIOR TO FABRICATION. ALLOW UP TO 1 WEEK FOR REVIEW BY CONSULTANT.
32. IN ADDITION TO CONTRACTOR'S QUALITY CONTROL PROGRAM, INDEPENDENT TESTING AND INSPECTION MAY BE PERFORMED BY LESSEE OR LESSEE'S REPRESENTATIVE.
33. SUBMIT RED-LINES COPY OF CONSTRUCTION DRAWINGS UPON COMPLETION OF CONSTRUCTION HIGHLIGHTING CHANGES IN THE STAMPED AND SIGNED AS-BUILT CONDITION FROM SHOWN ON THE DRAWINGS.
34. CONTRACTOR WILL BE RESPONSIBLE FOR ALL GRADING AND FILL COMPACTION TESTING REQUIRED AS SET FORTH IN THE GEO-TECHNICAL REPORT PROVIDED BY LESSEE.

## CONCERTE:

1. ALL CONCRETE AND CONCRETE MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE, 2018 EDITION.
2. THE CONTRACTOR SHALL TAKE SAMPLES OF THE CONCRETE POURED UNDER THE CONDITIONS OUTLINED IN THE NORTH CAROLINA BUILDING CODE, 2018 EDITION.
3. ANY FAILURE OF A CONCRETE TEST CYLINDER TO MEET THE SPECIFIED STRENGTH REQUIREMENTS MUST BE REPORTED TO THE DESIGN ENGINEER IMMEDIATELY. CORRECTIVE ACTION MUST BE APPROVED BY THE ENGINEER AND ALL RELATED COSTS SHALL BE AT THE CONTRACTOR'S EXPENSE.
4. THE MINIMUM 28-DAY COMPRESSIVE STRENGTH OF THE CONCRETE SHALL BE A MINIMUM OF 4,000 PSI (21 MPa), EXCEPT AS NOTED OR DIRECTED IN THE SOIL REPORT. THE CONCRETE, WHEN POURED, SHALL CONTAIN 7% AIR ENTRAINMENT WITH AN ALLOWABLE VARIATION OF +2%.
5. CONTRACTOR MUST TAKE SLUMP TEST AT LEAST ONCE FROM EACH TRANSIT MIXER AFTER A MINIMUM OF 5% CONCRETE LOAD HAS BEEN DISCHARGED. SLUMP, UNLESS NOTED OTHERWISE ON THE DRAWINGS, SHALL BE 75 MM (2.95 INCHES).
6. MIXED CONCRETE ON SITE (REMOTE AREAS) WITH THE CORRECT PROPORTION OF CEMENT, SAND, GRAVEL, AND AIR-ENTRAINING AGENT ALREADY ADDED, THE DRY PREMIX IS TO BE MIXED IN A CONCRETE BATCHER IN STRICT ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
7. BEFORE POURING CONCRETE, THE TRANSPORTING EQUIPMENT AND FORMS SHALL BE CLEANED AND ALL DEBRIS AND ICE SHALL BE REMOVED FROM PLACES TO BE OCCUPIED BY THE CONCRETE. ANY WATER THAT HAS ACCUMULATED IN THE FORMS SHALL BE REMOVED.
8. ALL CONCRETE SHALL BE VIBRATED AND WORKED AROUND THE REINFORCEMENTS, EMBEDDED FIXTURES AND INTO THE CORNERS OF THE FORMS. ANY EXCESS WATER THAT ACCUMULATES WHILE THE CONCRETE IS BEING POURED SHALL BE REMOVED.

SECTION AND MAINTENANCE OF RENTED EQUIPMENT SHALL BE THE  
RESPONSIBILITY.

ST BE POURED IN CONTINOUS POURS BETWEEN CONSTRUCTION JOINTS. NO  
IN THOSE SHOWN ON SITE SPECIFIC DRAWINGS WILL BE PERMITTED. THE  
FICIENT EQUIPMENT TO COMPLETE THE POURING OF EACH SECTION  
INDICATED ON THE SITE DRAWINGS.

REMOVED UNTIL THE CONCRETE IS ADEQUATELY SET. THEIR REMOVAL SHALL  
TO ENSURE THE COMPLETE SAFETY OF THE STRUCTURE.  
HT OF THE CONCRETE, OR OF SUPERIMPOSED LOADS, SHALL NOT BE  
STRONG ENOUGH TO CARRY ITS OWN WEIGHT, AND SUCH SUPERIMPOSED  
IT.  
AINED IN A MOIST CONDITION FOR AT LEAST 5 DAYS AFTER IT HAS  
OTECTED BY FORMS OR A SEALED WATERPROOF COATING SHALL BE KEPT  
, OR OTHER MEANS SUCH AS COVERING WITH MOIST SAND, SAWDUST,  
SHALL BE PROTECTED AGAINST THE WEATHER BY A FRAMED HOUSING,  
COVERING.

CODE AND BE PLACED ACCORDING TO THE APPLICABLE DRAWINGS.  
RETE OVER THE STEEL SHALL BE AT LEAST 3".  
QUIRED FOR A DAYS POUR ON CONCRETE SHALL BE SECURELY FIXED IN  
MIT INSPECTION BEFORE CONCRETING BEGINS.

24 HOURS NOTICE BEFORE THE CONCRETE IS TO BE POURED. FAILURE  
NOT BE LIMITED TO, THE REMOVAL OF THE POURED CONCRETE AT THE  
DRAWINGS UNDER STRUCTURAL BASE PLATES, THIS SHALL BE A NON-SHRINK,  
ING AND PLACING MUST BE IN STRICT ACCORDANCE WITH THE MANUFACTURER'S  
AR, FORMS, FILLERS, AND THE EARTH WITH WHICH THE CONCRETE  
SHALL BE FREE FROM FROST AND ICE.  
TEMPERATURE IS BELOW 39°F, ALL CONCRETE POURED IN THE FORMS  
HER PROTECTION USED FOR THE CURING SHALL REMAIN IN PLACE  
URS AFTER THE ARTIFICIAL HEATING IS DISCONTINUED.  
HER CHEMICALS SHALL NOT BE USED IN THE CONCRETE MIX TO PREVENT  
ING.

## **(REBAR):**

5. THE CONTRACTOR SHALL COORDINATE THE LOCATION OF NEW UNDERGROUND TELEPHONE SERVICE WITH THE TELEPHONE UTILITY AND THE LESSEE'S REQUIREMENTS.
6. ALL UNDERGROUND UTILITIES SHALL BE INSTALLED AND TESTED SATISFACTORY PRIOR TO COMMENCING ANY PAVING OPERATIONS WHERE SUCH UTILITIES ARE WITHIN THE LIMITS OF PAVEMENT.

## **SITE GRADING PREPARATION:**

1. REMOVE OBSTRUCTIONS, TREES, SHRUBS, GRASS, AND OTHER VEGETATION TO PERMIT INSTALLATION OF NEW CONSTRUCTION.
2. DO NOT REMOVE TREES, SHRUBS, AND OTHER VEGETATION INDICATED TO REMAIN OR TO BE RELOCATED. DO NOT WORK OUTSIDE LESSEE LEASE AREA. CUT MINOR ROOTS AND BRANCHES OF TREES INDICATED TO REMAIN IN A CLEAN AND CAREFUL MANNER WHERE SUCH ROOTS AND BRANCHES OBSTRUCT INSTALLATION OF NEW CONSTRUCTION.
3. REMOVE STUMPS, OBSTRUCTIONS, AND DEBRIS EXTENDING TO A DEPTH OF 18 INCHES BELOW EXPOSED SUBGRADE. USE ONLY HAND METHODS FOR GRUBBING WITHIN TREE PROTECTION ZONE.
4. CHIP REMOVED TREE BRANCHES AND DISPOSE OF OFF-SITE.
5. UNLESS SPECIFICALLY NOTED ON THE CONSTRUCTION DRAWINGS THE ACCESS ROAD SHALL BE CLEARED OF ALL TREES WITHIN 10' ON EACH SIDE OF THE PROPOSED TRAVEL LANE OR 30 FEET WIDE, WHICHEVER IS GREATER.
6. FILL DEPRESSIONS CAUSED BY CLEARING AND GRUBBING OPERATIONS WITH SATISFACTORY SOIL MATERIAL UNLESS FURTHER EXCAVATION OR EARTHWORK IS INDICATED. PLACE FILL MATERIAL IN HORIZONTAL LAYERS NOT EXCEEDING A LOOSE DEPTH OF 8 INCHES AND COMPACT EACH LAYER TO A DENSITY EQUAL TO ADJACENT ORIGINAL GROUND.
7. REMOVED SOD AND GRASS BEFORE STRIPPING TOPSOIL. STRIP TOPSOIL TO WHATEVER DEPTHS ARE ENCOUNTERED IN A MANNER TO PREVENT INTERMINGLING WITH UNDERLYING SUBSOIL OR OTHER WASTE MATERIALS. REMOVE SUBSOIL AND NON-SOIL MATERIALS FROM TOPSOIL, INCLUDING TRASH, DEBRIS, WEEKS, ROOTS, AND OTHER WASTE MATERIALS.
8. STOCKPILE TOPSOIL MATERIALS AWAY FROM EDGE OF EXCAVATIONS WITHOUT INTERMINGLING SUBSOIL. GRADE AND SHAPE STOCKPILES TO DRAIN SURFACE WATER. COVER TO PREVENT WINDBLOWN DUST OR CONTAMINATION BY AIR-BORNE WEED SEEDING. DO NOT STOCKPILE TOPSOIL WITHIN TREE PROTECTION ZONES.
9. UNLESS DIRECTED OTHERWISE BY LESSEE CONSTRUCTION MANAGER ALL TOPSOIL THAT HAS BEEN STRIPPED OR CUT AND STOCKPILED, BUT IS NOT NEEDED AFTER THE COMPLETION OF ALL FINAL TOPSOIL SPREADING AND GRASSING, SHALL BE REMOVED FROM THE PROPERTY BY THE CONTRACTOR.
10. UNLESS DIRECTED OTHERWISE BY LESSEE CONSTRUCTION MANAGER ALL TIMBER FROM CLEARING OPERATIONS SHALL BE REMOVED FROM THE PROPERTY.
11. REMOVED EXISTING ABOVE- AND BELOW-GRADE IMPROVEMENTS AS INDICATED AND AS NECESSARY TO FACILITATE NEW CONSTRUCTION.
12. REMOVED SLABS, PAVING, CURBS, GUTTERS, AND AGGREGATE BASE AS INDICATED. UNLESS EXISTING FULL-DEPTH JOINTS COINCIDE WITH LINE DEMOLITION, NEATLY SAW-CUT LENGTH OF EXISTING PAVEMENT TO REMAIN BEFORE EXISTING PAVEMENT. SAW-CUT FACES VERTICALLY. PAINT CUT ENDS OF STEEL REINFORCEMENT IN CONCRETE TO REMAIN TO PREVENT CORROSION AND PROVIDE ORANGE SAFETY CAPS ON ALL BLUNT ENDS.
13. DISPOSAL: REMOVE SURPLUS SOIL MATERIAL, STUMPS, BRUSH, CHIPS, UNSUITABLE TOPSOIL, OBSTRUCTIONS, DEMOLISHED MATERIALS, AND WASTE MATERIALS INCLUDING TRASH AND DEBRIS, AND LEGALLY DISPOSE OF THEM OFF LICENSEE'S PROPERTY.
14. BURNING ON SITE IS PROHIBITED. BURYING STUMPS, BRUSH, TREES, AND ORGANIC MATTER IS PROHIBITED. SEPARATE RECYCLABLE MATERIALS, PRODUCED DURING SITE CLEARING FROM OTHER NON-RECYCLABLE MATERIALS, STORE OR STOCKPILE WITHOUT INTERMINGLING WITH OTHER MATERIALS AND TRANSPORT THEM TO RECYCLING FACILITIES.

BSURFACE UTILITY LOCATOR FOR LOCATION OF EXISTING UTILITIES, PRIOR TO  
ACTIVITIES. LOCATION OF EXISTING SEWER, WATER LINES, GAS LINES, CONDUITS  
NEATH, OR OTHERWISE ALONG THE LINE OF PROPOSED WORK ARE NOT NECESSARILY  
ARE ONLY APPROXIMATELY CORRECT. CONTRACTOR ASSUMES SOLE RESPONSIBILITY  
OF ALL UNDERGROUND UTILITIES (INCLUDING TEST PITS, BY HAND IF NECESSARY)  
STARTING WORK. CONTACT ENGINEER IMMEDIATELY IF LOCATION OF ELEVATION IS  
THE PLANS, OR IF THERE APPEARS TO BE A CONFLICT.

ALL UTILITY CONNECTIONS WITH APPROPRIATE UTILITY LICENSEES AND

AR, FORMS, FILLERS, AND THE EARTH WITH WHICH THE CONCRETE  
SHALL BE FREE FROM FROST AND ICE.  
TEMPERATURE IS BELOW 39°F, ALL CONCRETE POURED IN THE FORMS  
HER PROTECTION USED FOR THE CURING SHALL REMAIN IN PLACE  
URS AFTER THE ARTIFICIAL HEATING IS DISCONTINUED.

## **CRETING:**

BOST ROBERT A &  
SHERRIE  
RCEL # 46931790930000/  
DB 3983 PG 214

FREAS WILLIAM E &  
FREAS LUCINDA M WF  
PARCEL # 46932639030000  
DB 1102 PG 37

WOODS TERRY W & WOODS  
DONA D WF  
PARCEL # 46932659110000  
DB 2432 PG 262

WIFE CHRISTY  
PARCEL # 46932619190000  
DB 2479 PG 164

587°17'17"E  
200.00' PRIVATE GRAVEL DRIVE

PROPOSED 35' ACCESS  
& UTILITY EASEMENT

A diagram showing a dashed line with various angles labeled: 730°, 735°, 734°, 733°, 732°, 731°, 730°, and 49°.

UF WATERMELON

~EXISTING  
CROP LINE

הנפקה

PROPOSAL  
MONOPOLY

PROPOS

LEASE

50. PUBLIC R/W

R/W - TUCKA  
REVIEW  
PARENT  
ONLY  
LIES IN  
22% CHANCE  
EL#

## LEGEND

PROPERTY LINE	ADJACENTS PROPERTY LINE	IRON REBAR (ANCHOR)
— — —	(NOT SURVEYED)	
	RIGHT-OF-WAY	
	FENCELINE	
— — — R/W — — —	EDGE OF PAVEMENT	
— — — X — — —	OVERHEAD WIRE	
— — —	UTILITY POLE	
— — —	UTILITY POLE WITH	
— — —	TRANSFORMER	
— — —	UTILITY POLE GUY (ANCHOR)	

INITIALS	DDS	DDS	DDS	DDS	DDS

BY  
AND

COMMENCING AT AN EXISTING IRON REBAR FOUND ON A NORTHERLY LINE OF THE PARCEL DESCRIBED IN SAID DEED BOOK 12043, PAGE 23, HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING = 636,863.38', AND EASTING = 1,491,917.40'; THENCE, FROM THE POINT OF COMMENCEMENT, SOUTH 49°59'22" EAST A DISTANCE OF 636.72 FEET TO A POINT ON THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED 50' X 50' LEASE AREA, SAID POINT BEING THE TRUE POINT OF BEGINNING, HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING = 636,454.02', AND EASTING = 1,492,405.08'; THENCE, FROM THE POINT OF BEGINNING, NORTH 11°12'09" WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 78°47'51" EAST A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 11°12'09" EAST A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 78°47'51" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID LEASE AREA CONTAINING 2,500 SQUARE FEET OR 0.057 ACRES MORE OR LESS.

## LEGAL DESCRIPTION OF 30' ACCESS & UTILITY EASEMENT

ALL THAT CERTAIN EASEMENT AREA, SITUATED, LYING AND BEING IN NUMBER THREE PARCEL, CABARRUS COUNTY, NORTH CAROLINA, BEING A PORTION OF THE LANDS DESCRIBED IN DEED BOOK 12043 AT PAGE 23 OF THE CABARRUS COUNTY REGISTER OF DEEDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

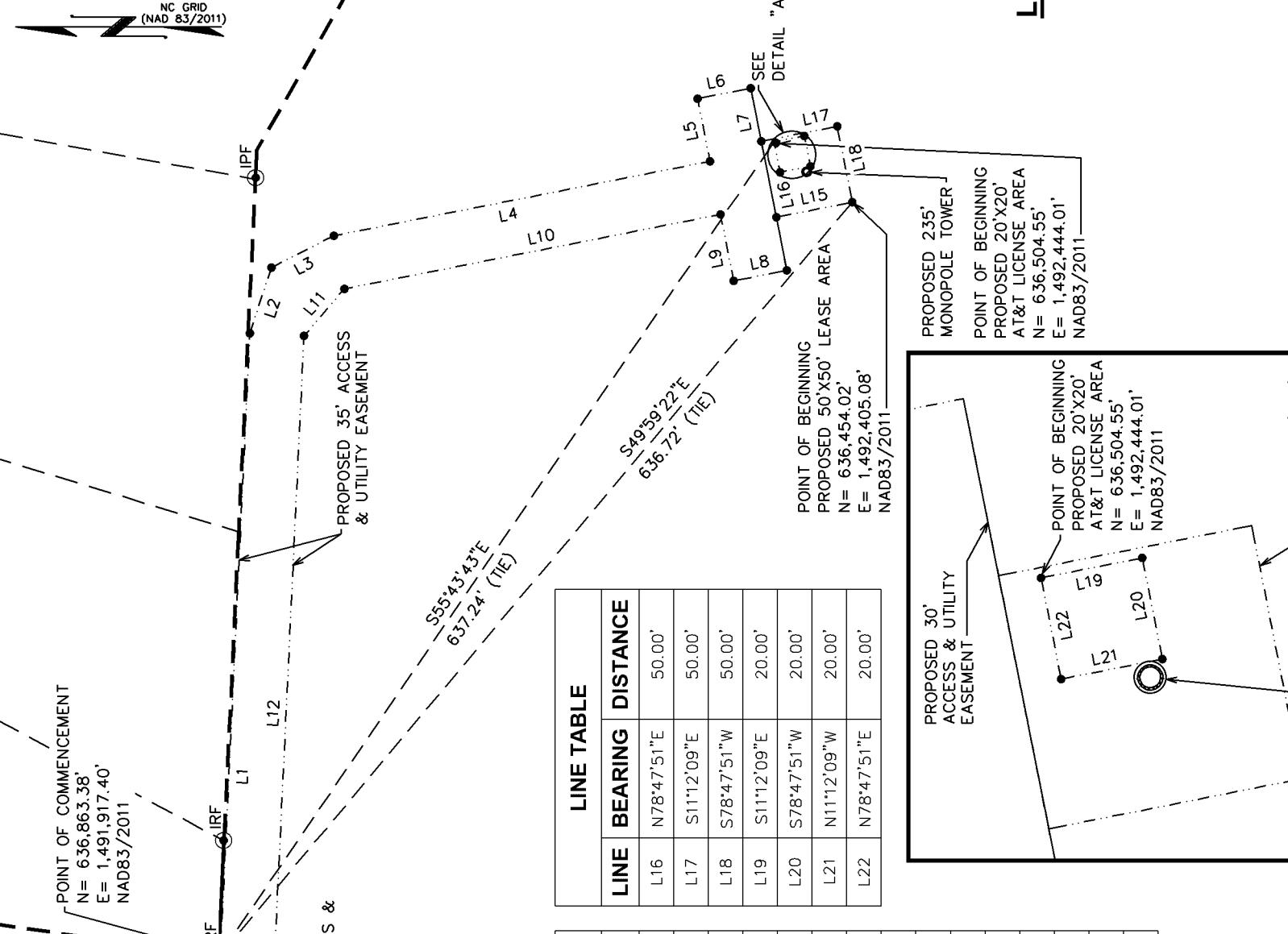
COMMENCING AT AN EXISTING IRON REBAR FOUND ON A NORTHERLY LINE OF THE PARCEL DESCRIBED IN SAID DEED BOOK 12043, PAGE 23, HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING = 636,863.38', AND EASTING = 1,491,917.40'; THENCE, FROM THE POINT OF COMMENCEMENT, NORTH 87°43'34" WEST A DISTANCE OF 141.58 FEET TO A POINT ON THE NORTHWEST CORNER OF THE HEREIN DESCRIBED 30' ACCESS AND UTILITY EASEMENT, ALSO BEING ON THE EASTERN RIGHT OF WAY LINE OF TUCKASEGEE ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING HAVING NORTH CAROLINA STATE PLANE COORDINATES OF: NORTHING = 636,869.00'; AND EASTING = 1,491,775.94'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID EASTERN RIGHT OF WAY, SOUTH 87°17'27" EAST A DISTANCE OF 545.03 FEET TO A POINT; THENCE SOUTH 71°46'13" EAST A DISTANCE OF 44.72 FEET TO A POINT; THENCE SOUTH 27°00'18" EAST A DISTANCE OF 45.26 FEET TO A POINT; THENCE SOUTH 11°12'09" EAST A DISTANCE OF 247.74 FEET TO A POINT; THENCE NORTH 78°47'51" EAST A DISTANCE OF 41.23 FEET TO A POINT; THENCE SOUTH 11°12'09" EAST A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 78°47'52" WEST A DISTANCE OF 120.00 FEET TO A POINT; THENCE NORTH 11°12'09" WEST A DISTANCE OF 35.00 FEET TO A POINT; THENCE NORTH 78°47'51" EAST A DISTANCE OF 43.77 FEET TO A POINT; THENCE NORTH 11°12'09" WEST A DISTANCE OF 247.74 FEET TO A POINT; THENCE NORTH 49°14'47" WEST A DISTANCE OF 40.06 FEET TO A POINT; THENCE NORTH 87°17'33" WEST A DISTANCE OF 548.38 FEET TO A POINT; THENCE NORTH 87°30'33" WEST A DISTANCE OF 572.55 FEET TO A POINT ON SAID EASTERN RIGHT OF WAY; THENCE, ALONG SAID EASTERN RIGHT OF WAY, NORTH 09°13'50" EAST A DISTANCE OF 7.64 FEET TO A POINT; THENCE, CONTINUING ALONG SAID EASTERN RIGHT OF WAY, NORTH 07°52'18" EAST A DISTANCE OF 27.53 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT AREA CONTAINING 34,418.87 SQUARE FEET OR 0.790 ACRES MORE OR LESS.

## LEGAL DESCRIPTION OF AT&T 20' X 20' LICENSE AREA

ALL THAT CERTAIN LICENSE AREA, SITUATED, LYING AND BEING IN NUMBER THREE PARCEL, CABARRUS COUNTY, NORTH CAROLINA, BEING A PORTION OF THE LANDS DESCRIBED IN DEED BOOK 12043 AT PAGE 23 OF THE CABARRUS COUNTY REGISTER OF DEEDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON REBAR FOUND ON A NORTHERLY LINE OF THE PARCEL DESCRIBED IN SAID DEED BOOK 12043, PAGE 23, HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING = 636,863.38', AND EASTING = 1,491,917.40'; THENCE, FROM THE POINT OF COMMENCEMENT, SOUTH 55°43'43" EAST A DISTANCE OF 637.24 FEET TO A POINT ON THE NORTHEAST CORNER OF THE HEREIN DESCRIBED 20' X 20' LICENSE AREA, SAID POINT BEING THE TRUE POINT OF BEGINNING, HAVING NORTH CAROLINA STATE PLANE COORDINATES OF NORTHING = 636,504.55', AND EASTING = 1,492,444.01'; THENCE, FROM THE POINT OF BEGINNING, NORTH 09°13'50" EAST A DISTANCE OF 20.00 FEET TO A POINT;



## SECTION II EXCEPTIONS

S. TITLE SOLUTIONS  
MENT FOR TITLE INSURANCE  
MITMENT NO: UST69470  
EFFECTIVE DATE: SEPTEMBER 15, 2021  
ODULE B – SECTION II

JUST AND UCCLS  
ARCHED.

SEARCHED.  
CIONS  
ARCHED.

OF WAY

BY VAUDREY MESIMER AND WIFE, EDITH G. MESIMER TO  
JARY 18, 2012, RECORDED FEBRUARY 01, 2012, IN BOOK  
PURPOSES,  
MEMO OF ACTION 8548.204. (AFFECT PARENT PARCEL. DOES  
LE ITEMS.)

ENT AGREEMENT BY EDITH GOODMAN MESIMER INDIVIDUALLY  
ST WILL AND TESTAMENT OF ETHEL EARNHARDT GOODMAN,  
NICATIONS, LLC, DATED AUGUST 20, 1999, RECORDED  
47, PAGE 100.  
M PURPOSES (AFFECT PARENT PARCEL. DOES NOT CONTAIN

ENTS  
ARCHED.  
MENTS

PARENT PARCEL. NOT SURVEY RELATED.)

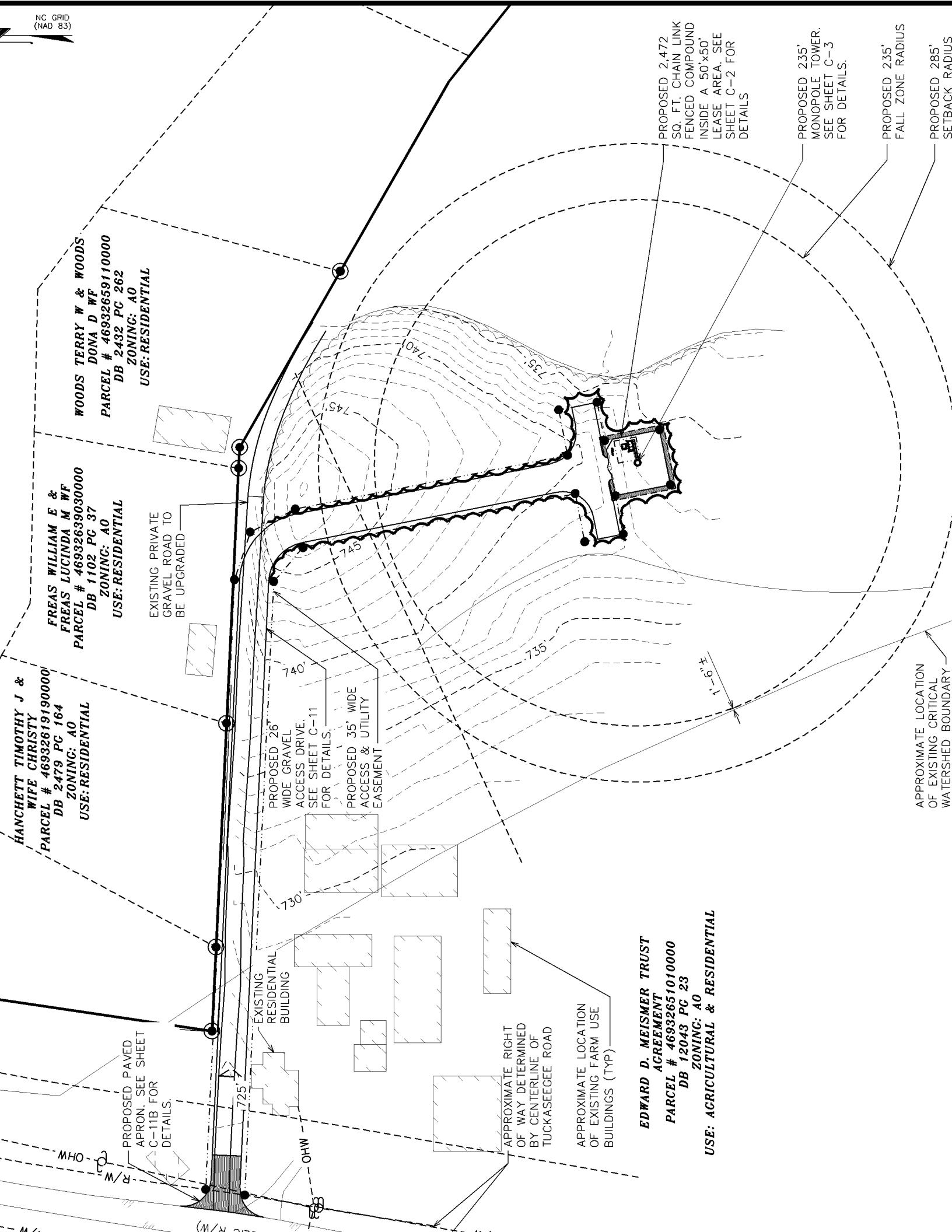
## TITLE LEGAL DESCRIPTION

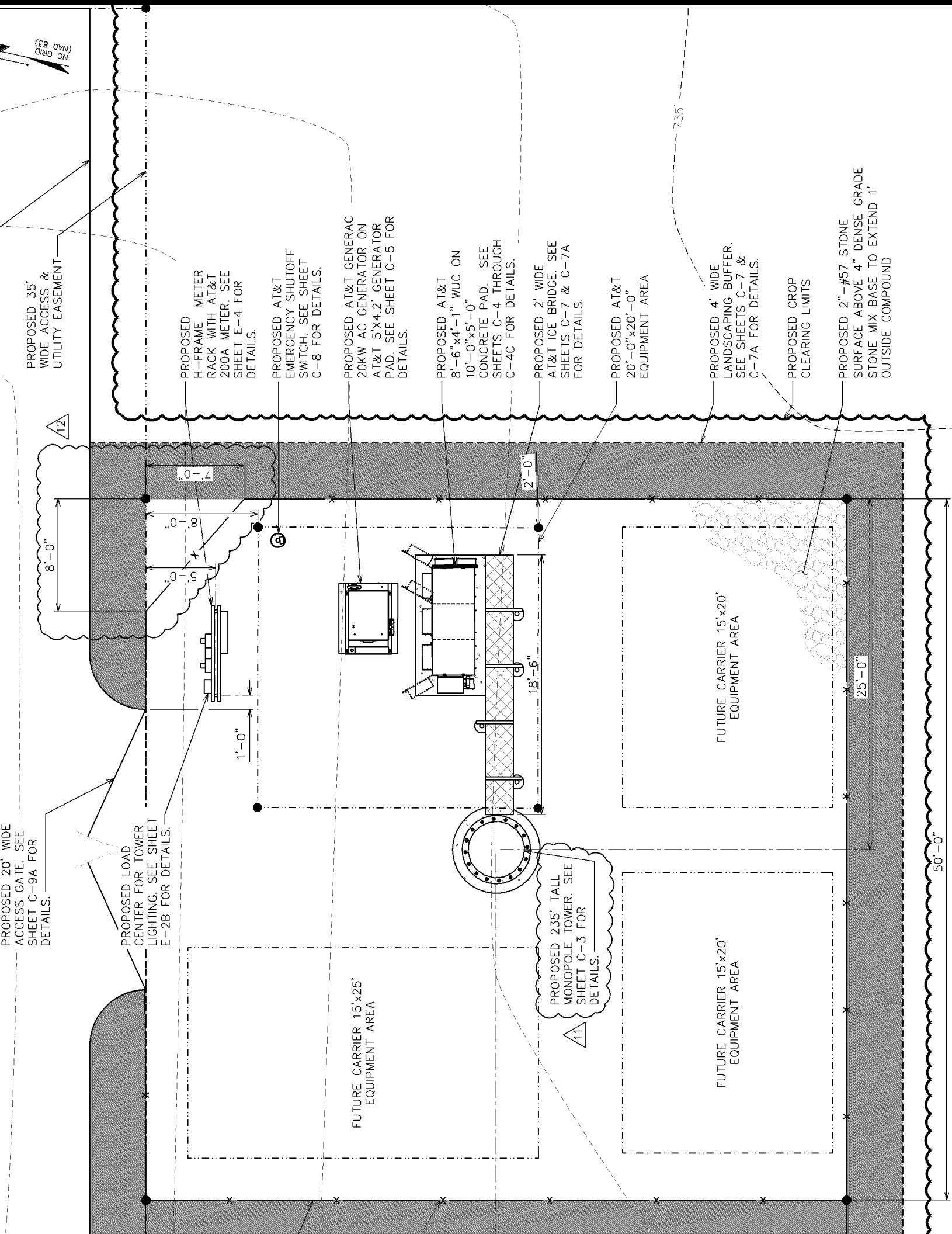
SITUATED IN THE TOWNSHIP OF KANNAPOLIS, COUNTY OF CABARRUS, STATE OF NORTH CAROLINA:

PARENT PARCEL:

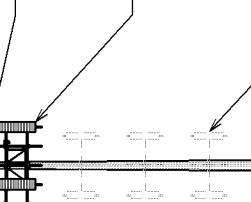
AS SET FORTH IN DEED IN BOOK 12043, PAGE 23.







PROPOSED LIGHTNING ROD



CALVANIZED  
STANDARDS  
FEDERAL OR

225'-0"±  
TOWER  
E/ LICENSEE

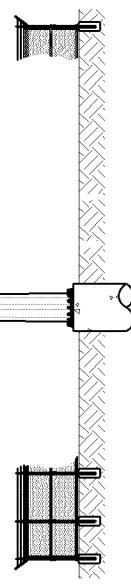
ENCE ONLY,  
ADING WITH  
ER AND/OR  
PRIOR TO

PROPOSED LICENSEE ANTENNAS.  
CONTRACTOR TO VERIFY MOUNT,  
ANTENNAS, AZIMUTHS, AND COAX WITH  
LICENSEE SDCO AND STRUCTURAL  
ANALYSIS PRIOR TO CONSTRUCTION. SEE  
SHEET C-8 FOR DETAILS.

FUTURE ANTENNAS BY  
OTHERS (TYP)

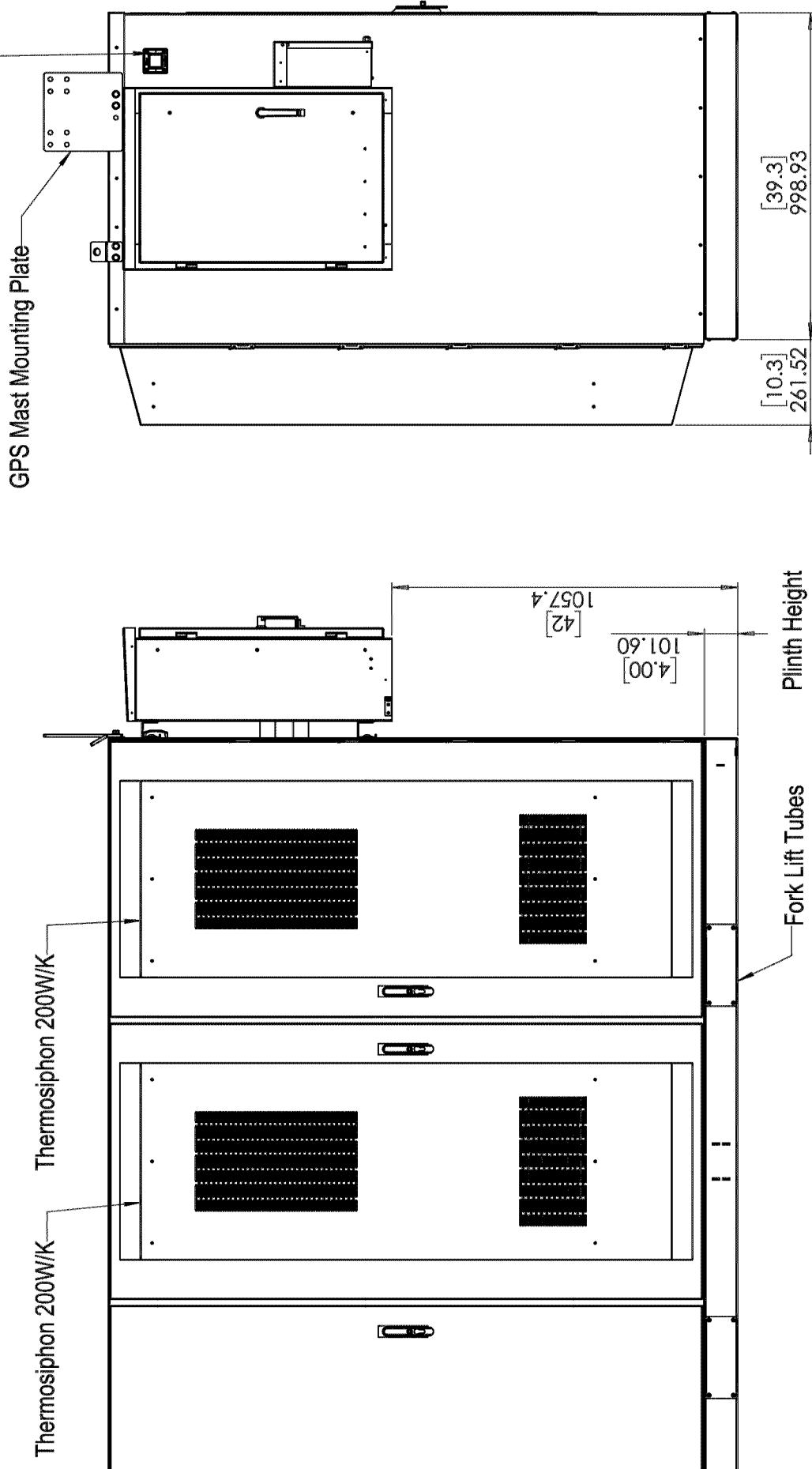
PROPOSED  
MID-TOWER LIGHTING

PROPOSED 235'  
MONPOLE TOWER



0'-0" (REFERENCE)  
T/ GRADE

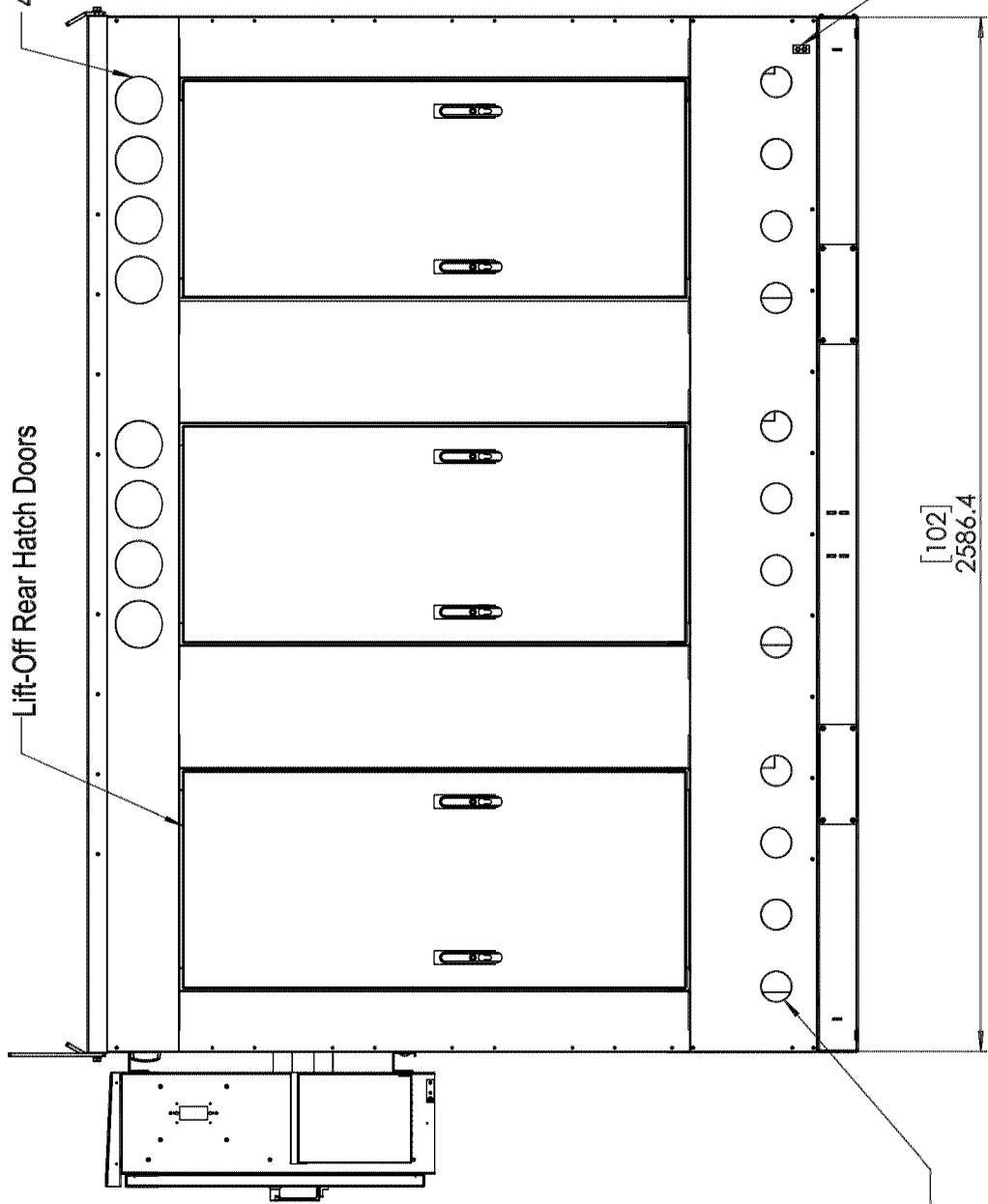
ROXTEC ezEntry



<b>△ DELTA ELECTRONICS, INC.</b>	Drawn: 02.28.2018	Design: 02.28.2018	02.28.2018
	Bryan Kearse	Bryan Kearse	Bryan Kearse
Description: EXTERIOR CABINET LAYOUT			REV. 0A
THREE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF DELTA ELECTRONICS, INC. AND SHALL NOT BE REPRODUCED OR USED AS THE BASIS FOR THE MANUFACTURE OR SALE OF APPARATUSES OR DEVICES WITHOUT PERMISSION.	THIRD ANGLE PROJECTION	Part No. ESOF030-HCV01	
DIMENSIONAL TOLERANCES: HOLES: ±0.05 ANGLES: ±0.5°	UNIT: mm	SIZE: A3	SHEET 1 OF 2 ISSUE DATE: 07.18.2017
DECIMALS: ( ) UP: ±0.2 250~300 ±0.4 100~150 ±0.25 150~200 ±0.3 300~350 ±0.45 350~400 ±0.5 200~250 ±0.35 X: ±0.3 X: ±0.2 X: ±0.1	UNIT: mm	USED ON: -	DISPERSAL Multi-Bay (WDC1)3 Bay Review ESOF030-HCV01_Closed
SCALE: 1:14			4

4IN Wave Guide Entry Ports

Lift-Off Rear Hatch Doors



A

B

C

<b>△ DELTA ELECTRONICS, INC.</b>	Drawn: 02.28.2018	Design: 02.28.2018	02.28.2018
Bryan Kearse			
		Description: EXTERIOR CABINET LAYOUT	
THIRD ANGLE PROJECTION			REV.
			0A
		Part No. ESOF030-HCV01	
		SIZE A3	SHEET 2 OF 2
			ISSUE DATE: 07.18.2017
			DISPATCHER: Multi-Bay (WIC) 3-Bay Review:ESOF030-HCV01_Closed
			4

DISPATCHER: Multi-Bay (WIC) 3-Bay Review:ESOF030-HCV01\_Closed  
4

3

2

Thermosiphon 200W/K

GFCI Convenience Outlet

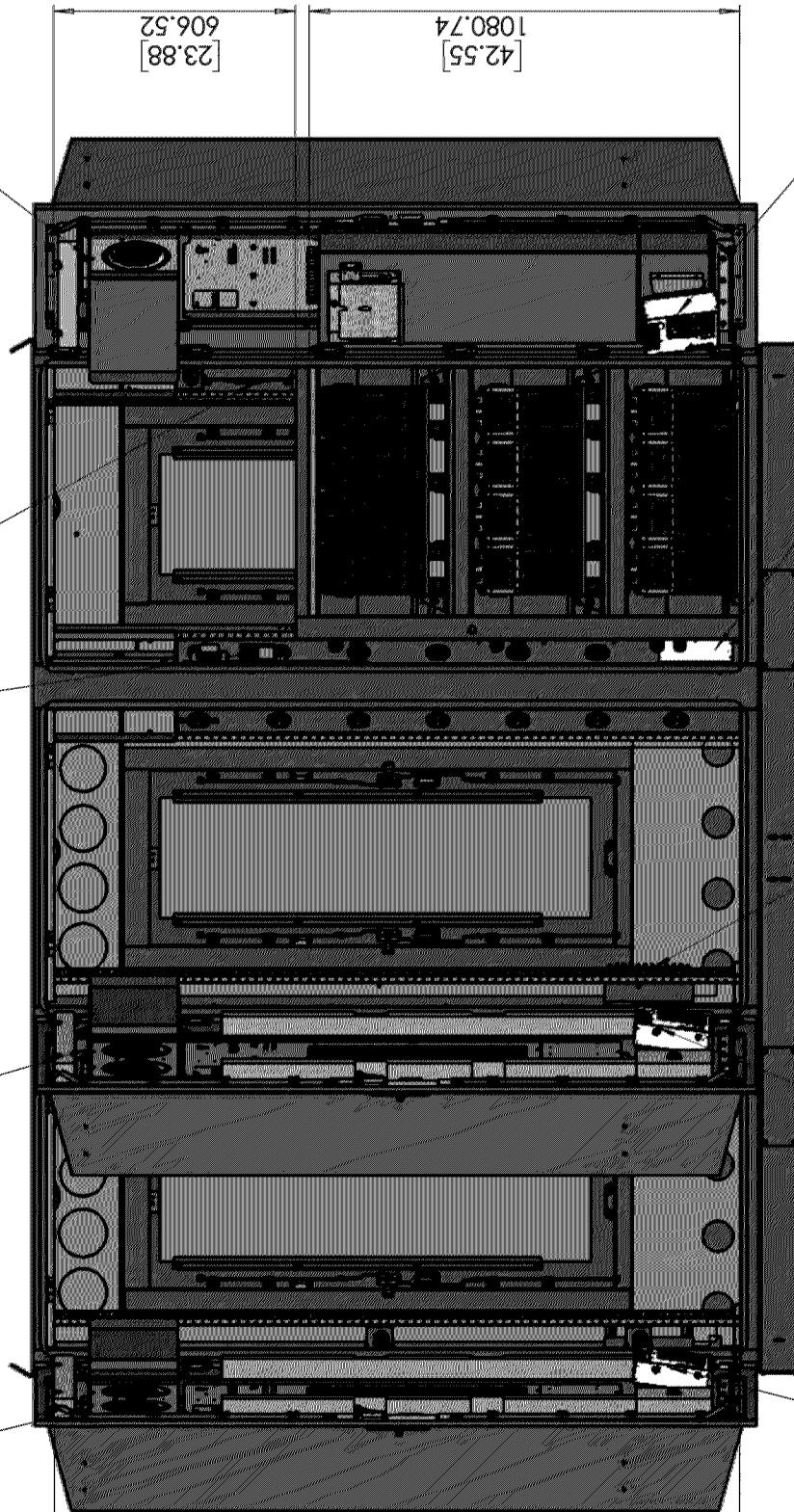
Delta ORION Site Controller

Thermosiphon 200W/K

200W/K

Power Bay  
14RU

Battery Bay  
= 3Strings



B

DC Heater 1kW

- 1 slave per equipment bay
- 1 master behind battery compartment

C

02.28.2018 Drawn: Bryan Kearse Design: Bryan Kearse

CABINET LAYOUT

Description:

ESOF030-HCV01  
0A

ISSUE DATE: 07.18.2017

4  
D:\Programs\Autodesk\AutoCAD 2018\en-US\Samples\Power Bay\MLC03-Bay Review\ESOF030-HCV01\Close

SIZE

SHEET 1 OF 2

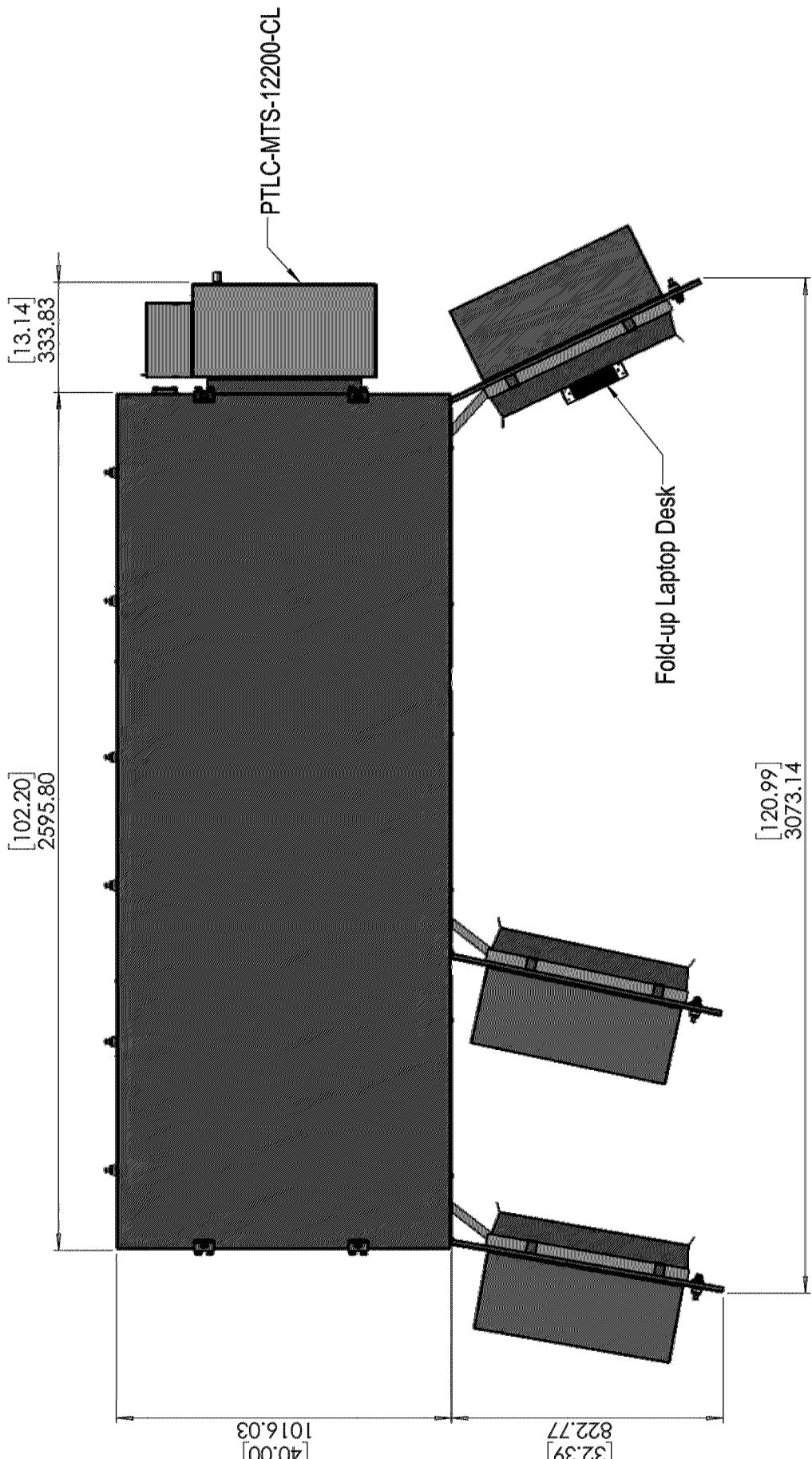
REV.

台達電子工業股份有限公司 DELTA ELECTRONICS, INC.		Part No.	02.28.2018	Design:
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF DELTA ELECTRONICS, INC. AND SHALL NOT BE REPRODUCED OR USED AS THE BASIS FOR THE MANUFACTURE OR SALE OF APPARATUSES OR DEVICES WITHOUT PERMISSION.		Part No.	02.28.2018	Design:
DIMENSIONAL TOLERANCES DIMENSIONS IN MM ANGLES: ±0.05° HOLES: ±0.05° ANGLES: ±0.5° ( ) DECIMALS UP-100 :±0.2 250-300 :±0.4 100-150 :±0.3 300-350 :±0.45 150-200 :±0.2 350-400 :±0.45 200-250 :±0.35 400-450 :±0.5 ABOVE :±0.5 X :±0.1 X-X :±0.1 X-X-X :±0.1 X-X-X-X :±0.1		Part No.	02.28.2018	Design:
SIZE	SHEET 1 OF 2	REV.	02.28.2018	Design:

4

20

6

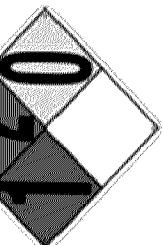




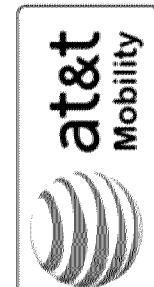
BEARING CAPACITY VERIFIED BY A LICENSED PROFESSIONAL GEOTECHNICAL ENGINEER PRIOR TO INITIATION OF CONSTRUCTION ACTIVITIES.

2. CONCRETE SHALL BE 4,000 PSI.
3. REBAR  $F_y = 60,000$  PSI.
4. ALL BACKFILL SHALL BE THOROUGHLY COMPACTED TO A MINIMUM OF 95% DENSITY USING THE MODIFIED PROCTOR METHOD.

WITH LATEST EDITION OF THE ACI CODE.  
2. REINFORCING STEEL SHALL BE PLACED IN ACCORDANCE WITH THE CONCRETE REINFORCING STEEL INSTITUTE (CRSI) "MANUAL OF STANDARD PRACTICE".  
3. DESIGN SHALL BE PER NORTH CAROLINA BUILDING CODE, 2018 EDITION.

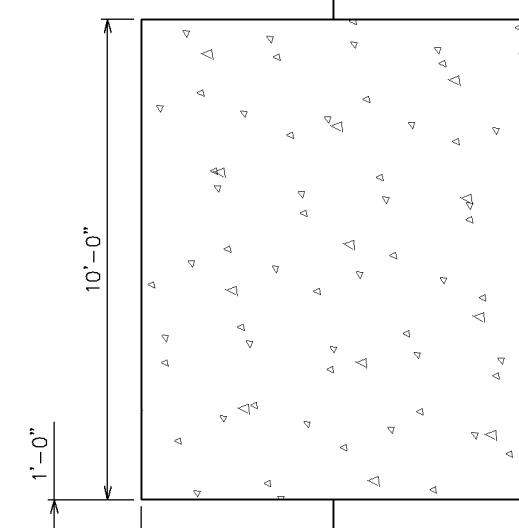
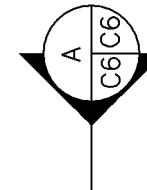
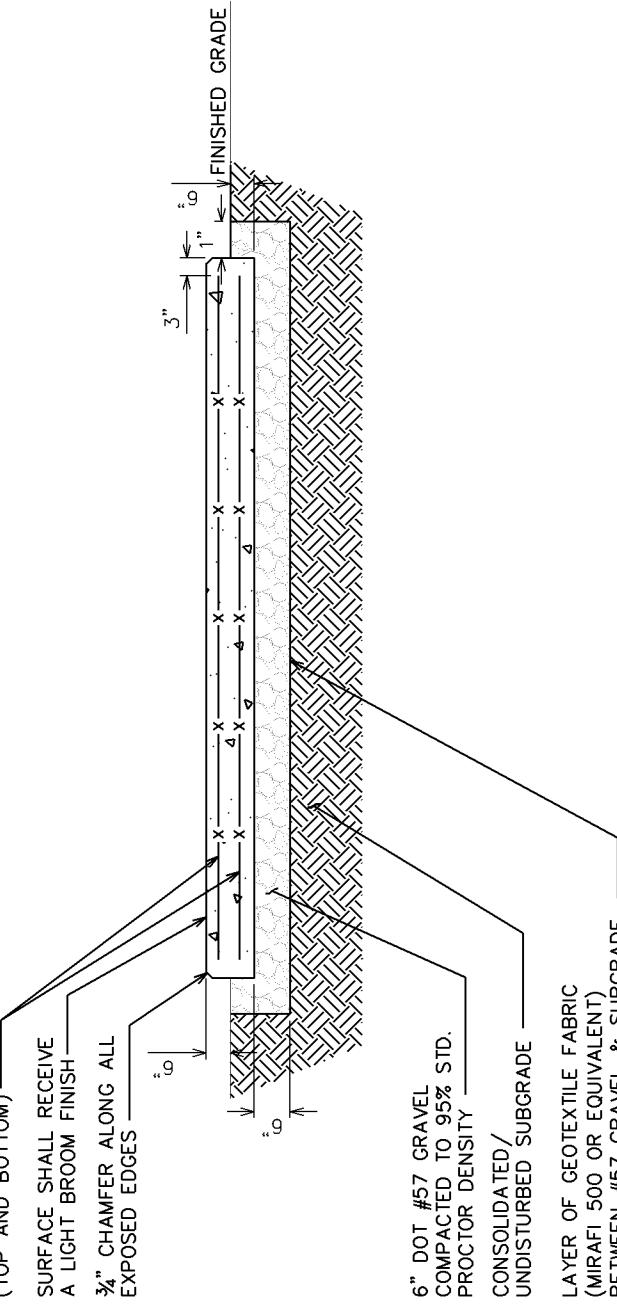


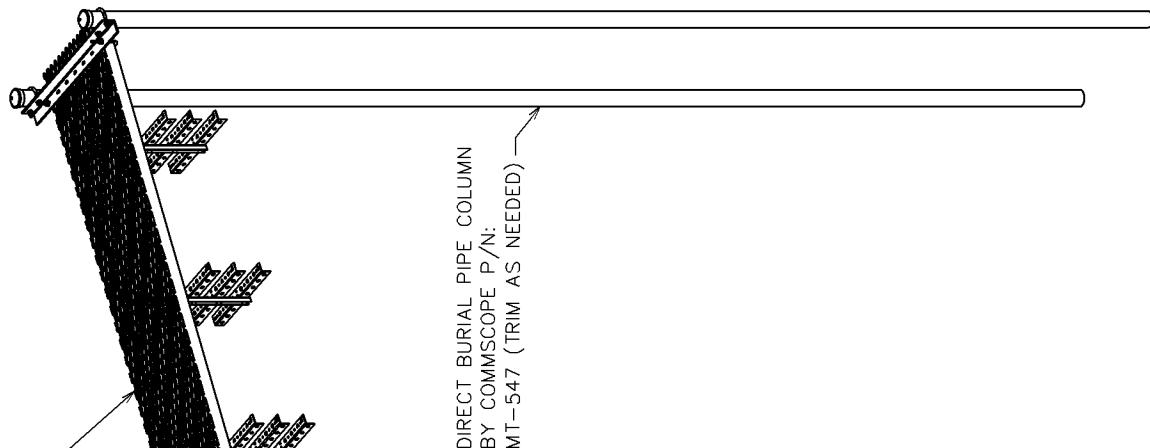
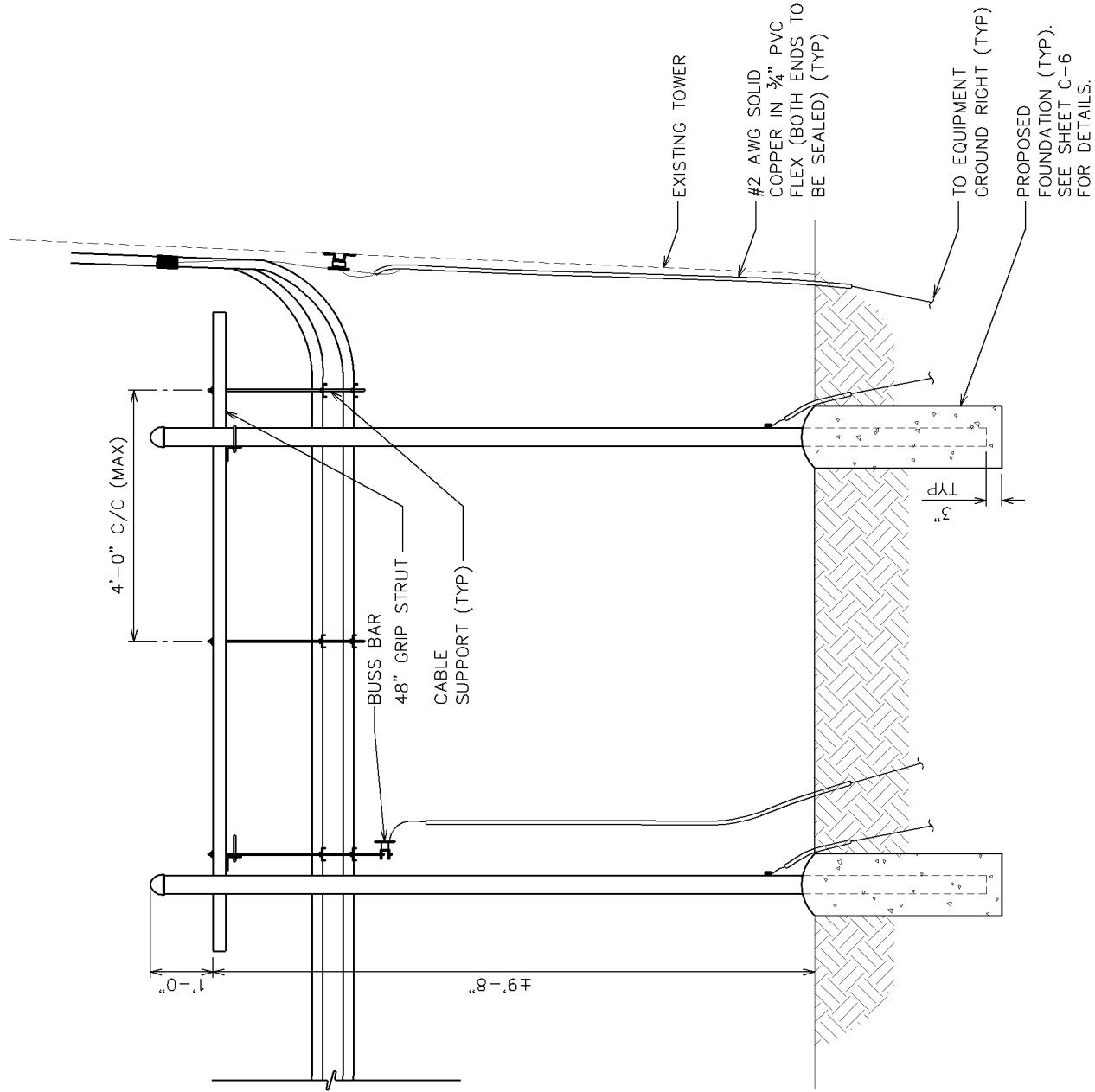
**COMBUSTIBLE  
NO SMOKING  
NO OPEN FLAMES**  
FUEL TANK CAPACITY \_\_\_\_\_ GALS

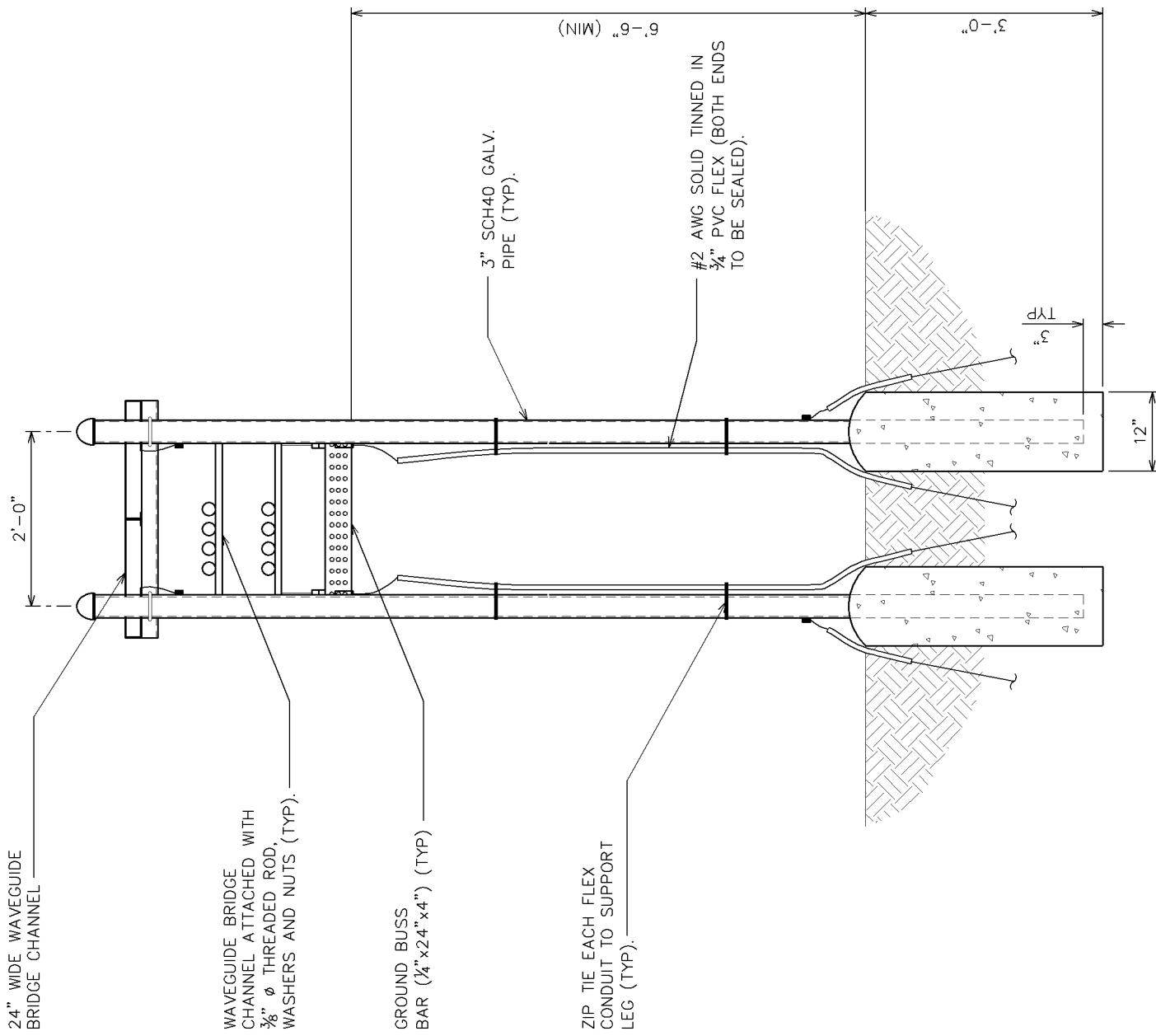


**FOR FUEL & OTHER  
ENVIRONMENTAL  
EMERGENCIES  
CALL EH&S  
1-800-566-9347  
(1-800-KNOW-EHS)**

## R SIGNAGE







TRUE  
NORTH

OPOSED ANTENNA

LD LOADING  
S PRIORITY  
TO

PROPOSED AT&T CELLMAX  
CMA-UBTULBULBHH-6517-17-21-21  
(TYP OF 6). SEE SHEET C-8A FOR  
SCHEDULE.

PROPOSED COMMSCOPE SDX1926 T-43  
DIPLEXER  
(TYP OF 6)

PROPOSED SECTOR MOUNT BY KENWOOD  
(P/N: T1672KT12-3SM)

PROPOSED 4478 B12 RRU  
(TYP OF 3)

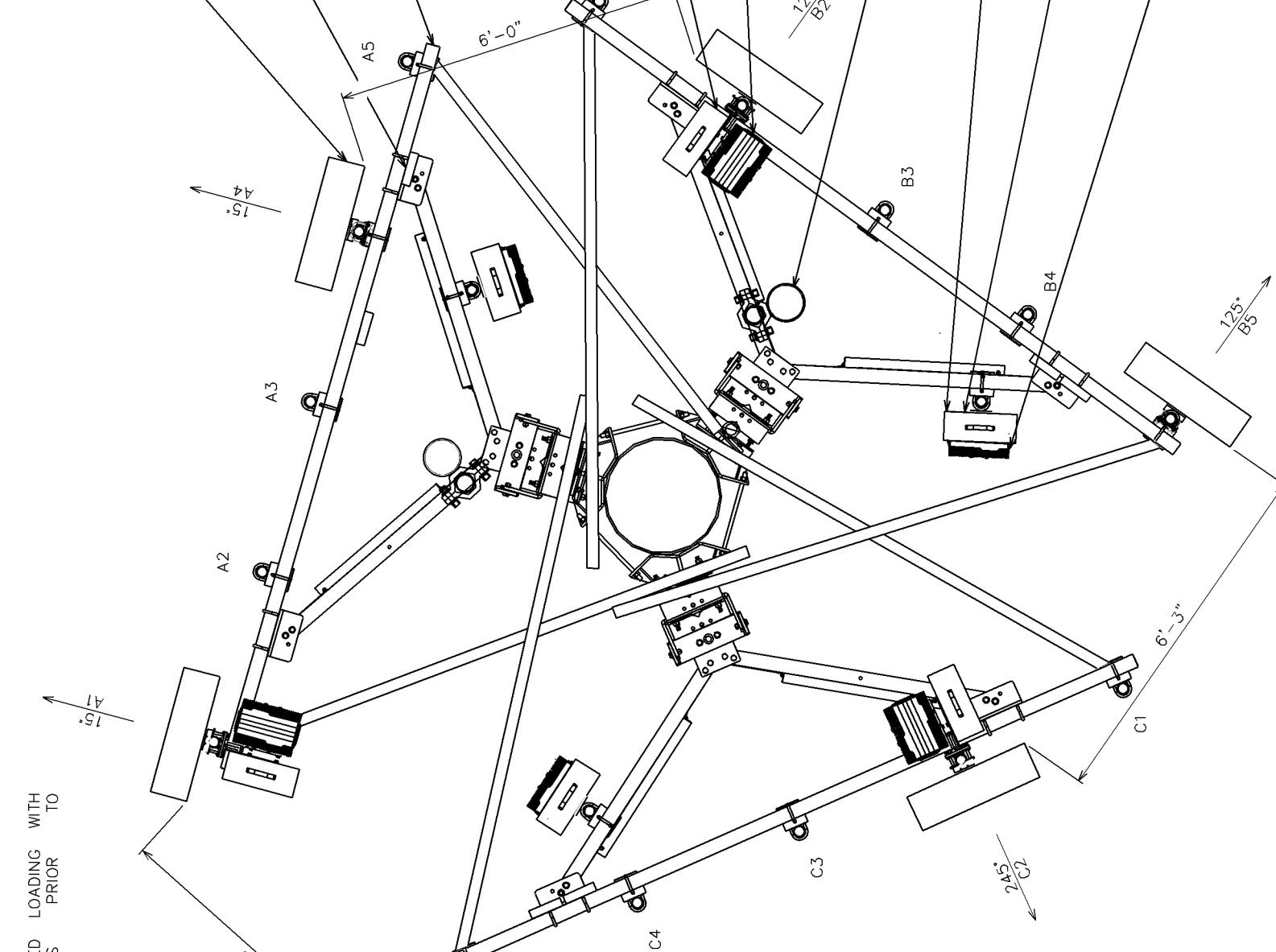
PROPOSED 4415 B30 RRU  
(TYP OF 3)

PROPOSED RAYCAP  
DC9-48-60-24-8C-EV  
SURGE PROTECTOR  
(TYP OF 2)

PROPOSED 4478 B14 RRU  
STACKED VERTICALLY FOR  
CLARITY (TYP OF 3)

PROPOSED 4426 B66 RRU  
STACKED VERTICALLY FOR  
CLARITY (TYP OF 3)

PROPOSED 4415 B25 RRU  
STACKED VERTICALLY FOR  
CLARITY (TYP OF 3)



## PROPOSED ANTENNA/CABLE SCHEDULE

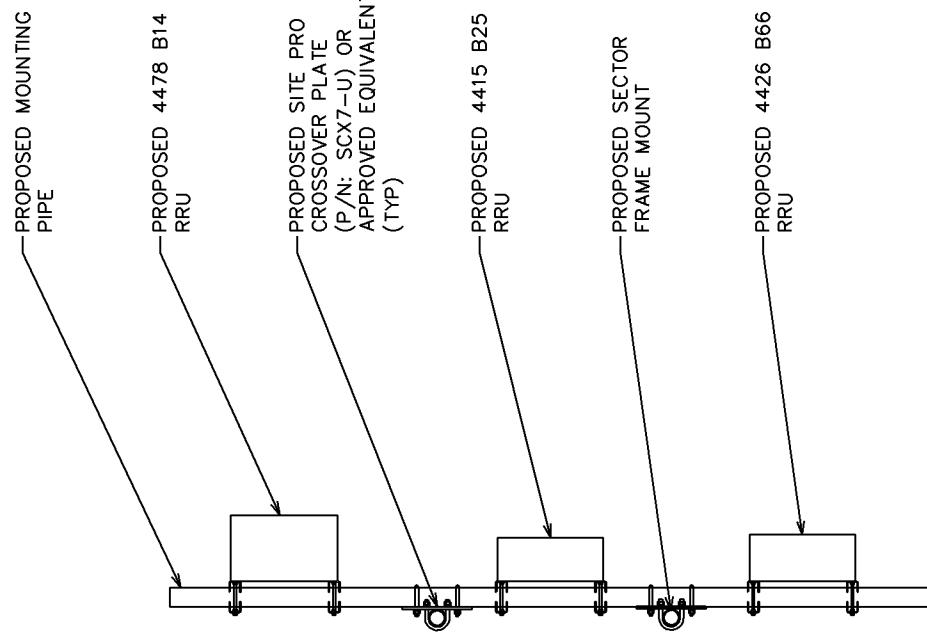
ANT. MARK	SECTOR	TECH.	STATUS	MANUFACTURER/ MODEL #	DIMS (HxWxD)	AZIMUTH (TN)	RAD CENTER	ELEC. D-tilt	COAX/ CABLE	CABLE LENGTH	SURGE PROTECTION	RRU MODEL	DIPLEXER MODEL
A1	ALPHA	LTE 700 LTE WCS	PROPOSED	CELLMAX CMA-UBTULBULBHH- 6517-17-21-21	H 96.5" W 26.7" D 7.7"	15°	225'	2° (1) DC POWER	270'±	(1) FIBER <sup>24</sup> (1) DC POWER	(1) DC9-48- 60-24-8C-EV	(1) 4478 B12A (1) 4415 B30	-
A4	ALPHA	LTE 700 LTE AWS 5G AWS LTE 1900	PROPOSED	CELLMAX CMA-UBTULBULBHH- 6517-17-21-21	H 96.5" W 26.7" D 7.7"	15°	225'	2° (3) DC POWER	270'±	(1) FIBER <sup>24</sup> (1) DC POWER	(1) DC9-48- 60-24-8C-EV	(1) 4478 B14 (1) 4415 B25 (1) 4426 B66	(2) COMMSCOPE SDX1926T-43
B2	BETA	LTE 700 LTE WCS	PROPOSED	CELLMAX CMA-UBTULBULBHH- 6517-17-21-21	H 96.5" W 26.7" D 7.7"	125°	225'	2° (3) DC POWER	270'±	(1) FIBER <sup>24</sup> (1) DC POWER	(1) DC9-48- 60-24-8C-EV	(1) 4478 B12A (1) 4415 B30	-
B5	BETA	LTE 700 LTE AWS 5G AWS LTE 1900	PROPOSED	CELLMAX CMA-UBTULBULBHH- 6517-17-21-21	H 96.5" W 26.7" D 7.7"	125°	225'	2° (3) DC POWER	270'±	(1) FIBER <sup>24</sup> (1) DC POWER	(1) DC9-48- 60-24-8C-EV	(1) 4478 B14 (1) 4415 B25 (1) 4426 B66	(2) COMMSCOPE SDX1926T-43
C2	GAMMA	LTE 700 LTE WCS	PROPOSED	CELLMAX CMA-UBTULBULBHH- 6517-17-21-21	H 96.5" W 26.7" D 7.7"	245°	225'	2° (3) DC POWER	270'±	(1) FIBER <sup>24</sup> (1) DC POWER	(1) DC9-48- 60-24-8C-EV	(1) 4478 B14 (1) 4415 B25 (1) 4426 B66	(2) COMMSCOPE SDX1926T-43
C5	GAMMA	LTE 700 LTE AWS 5G AWS LTE 1900	PROPOSED	CELLMAX CMA-UBTULBULBHH- 6517-17-21-21	H 96.5" W 26.7" D 7.7"	245°	225'	2° (3) DC POWER	270'±	(1) FIBER <sup>24</sup> (1) DC POWER	(1) DC9-48- 60-24-8C-EV	(1) 4478 B14 (1) 4415 B25 (1) 4426 B66	(2) COMMSCOPE SDX1926T-43

AN IS  
ALL VERIFY  
COORDINATE  
HERE

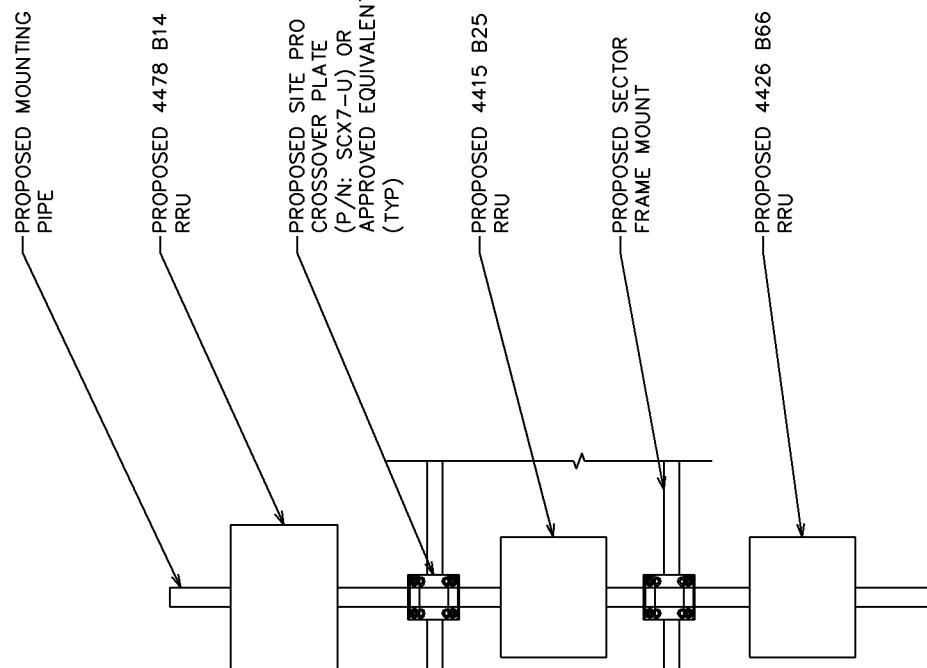
ON TOP OF  
S SHALL BE  
WITH THE  
SITUATIONS IN  
STRUCTURAL  
ANTENNA  
TRACTOR TO  
DOWN TILT

CONFIRMED  
TALLATION.  
STRUCTURAL  
OWER. IT IS  
TO ENSURE  
ADDITIONAL  
T&T REFS  
PRIOR TO

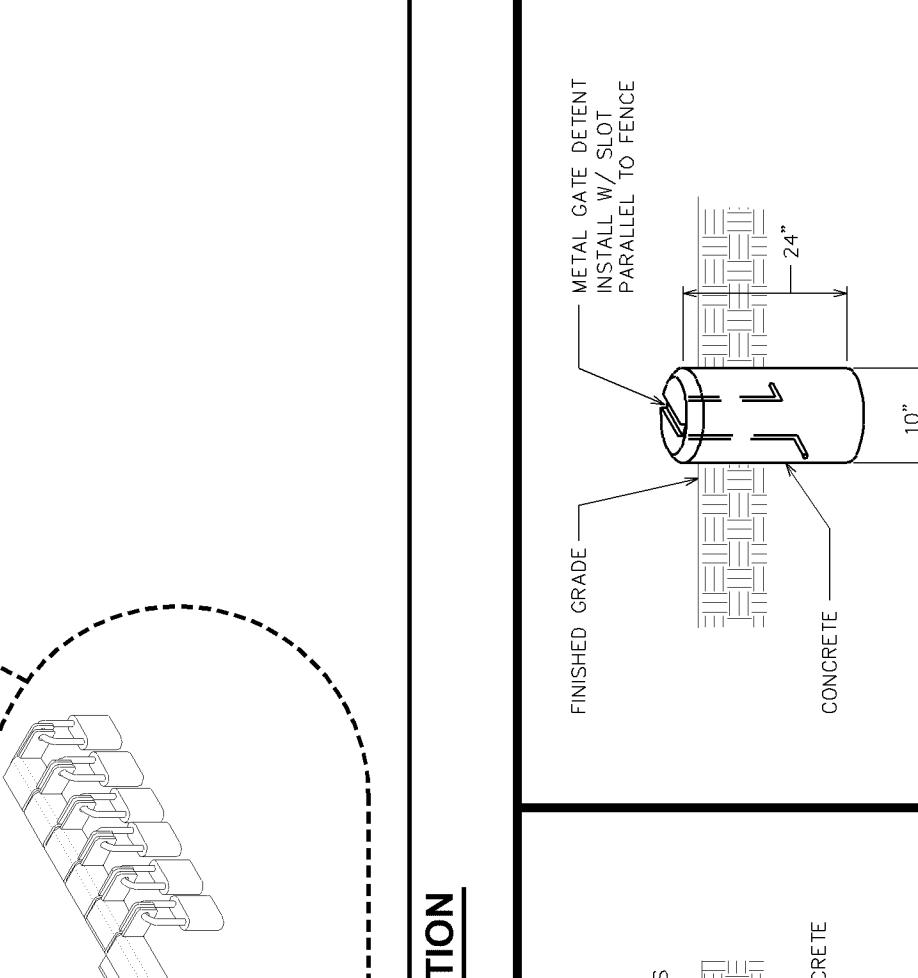
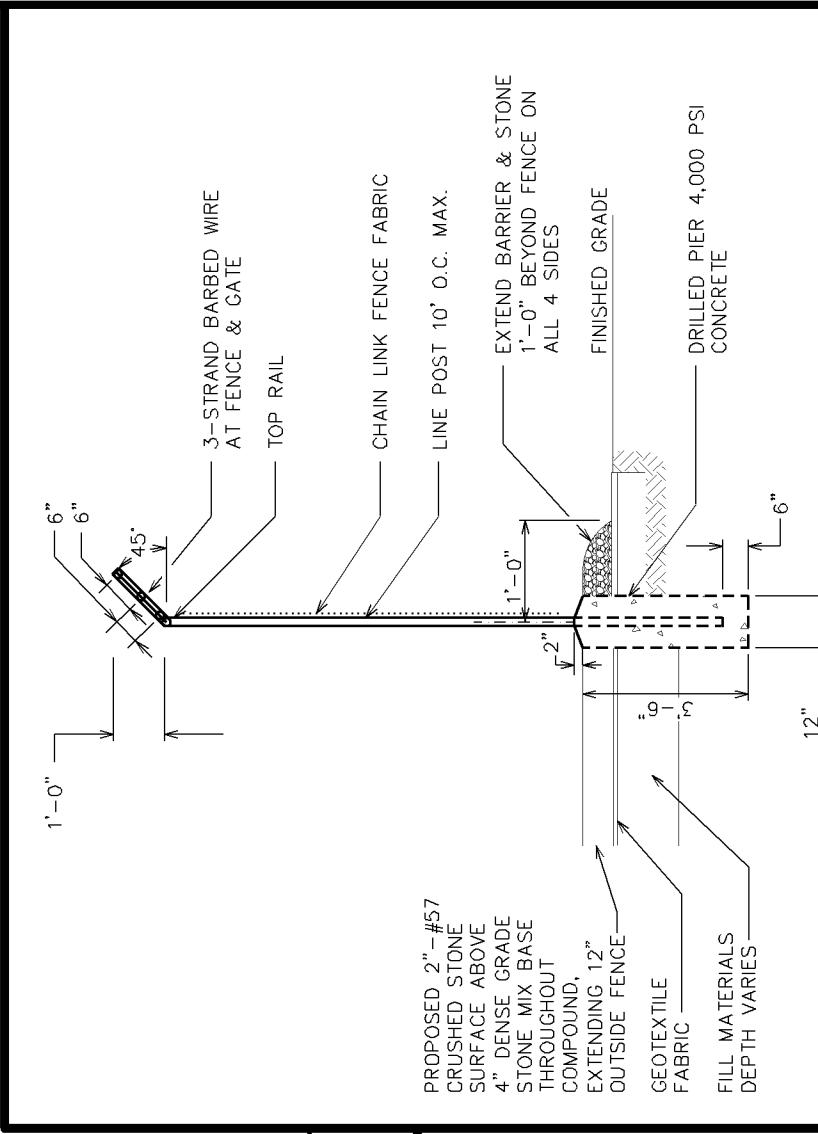
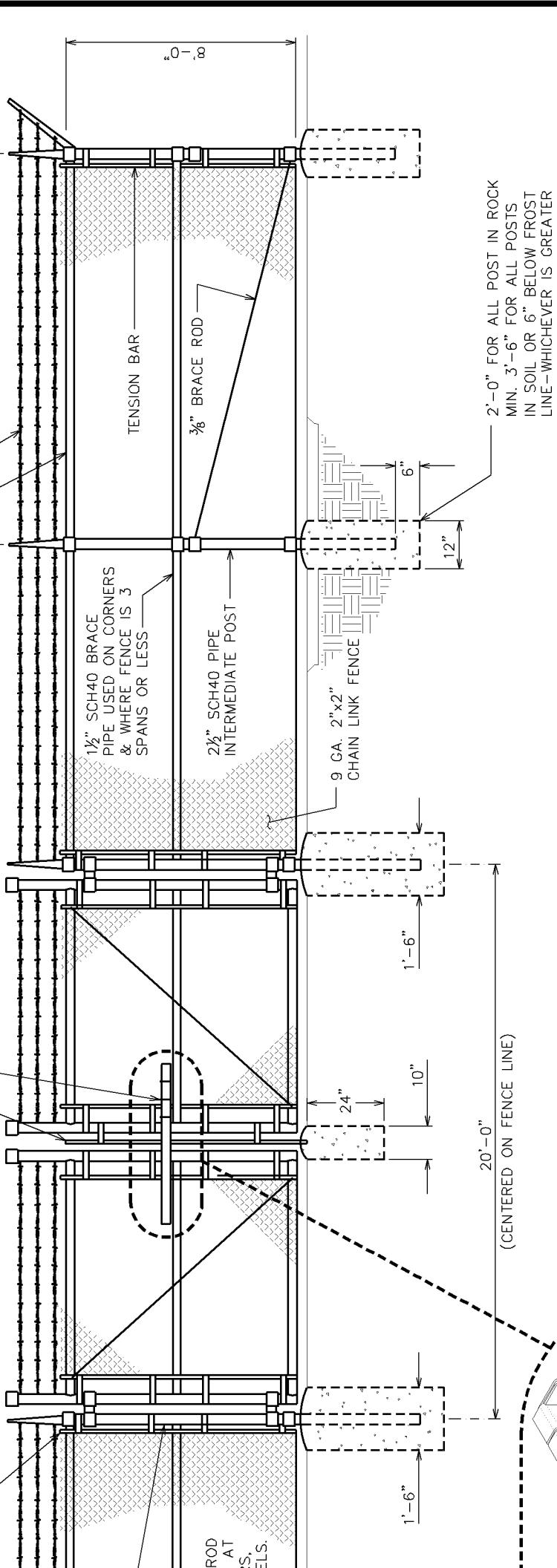
(1) 4415 B30



**SIDE**

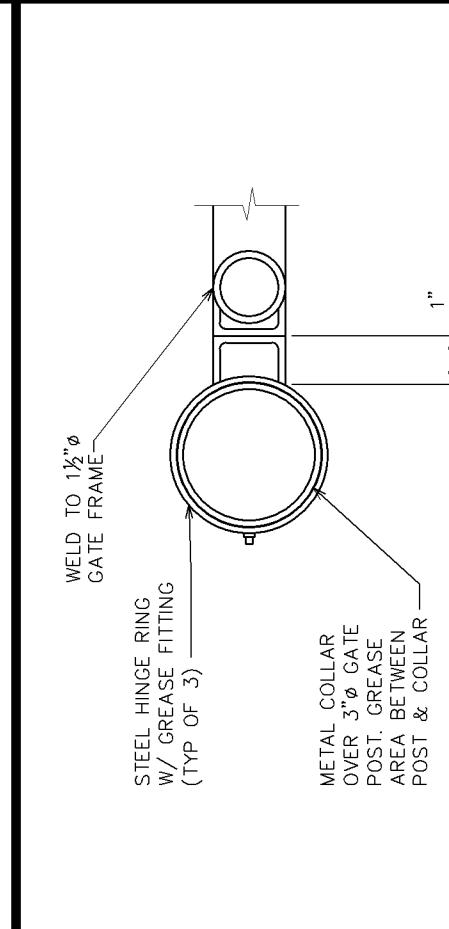
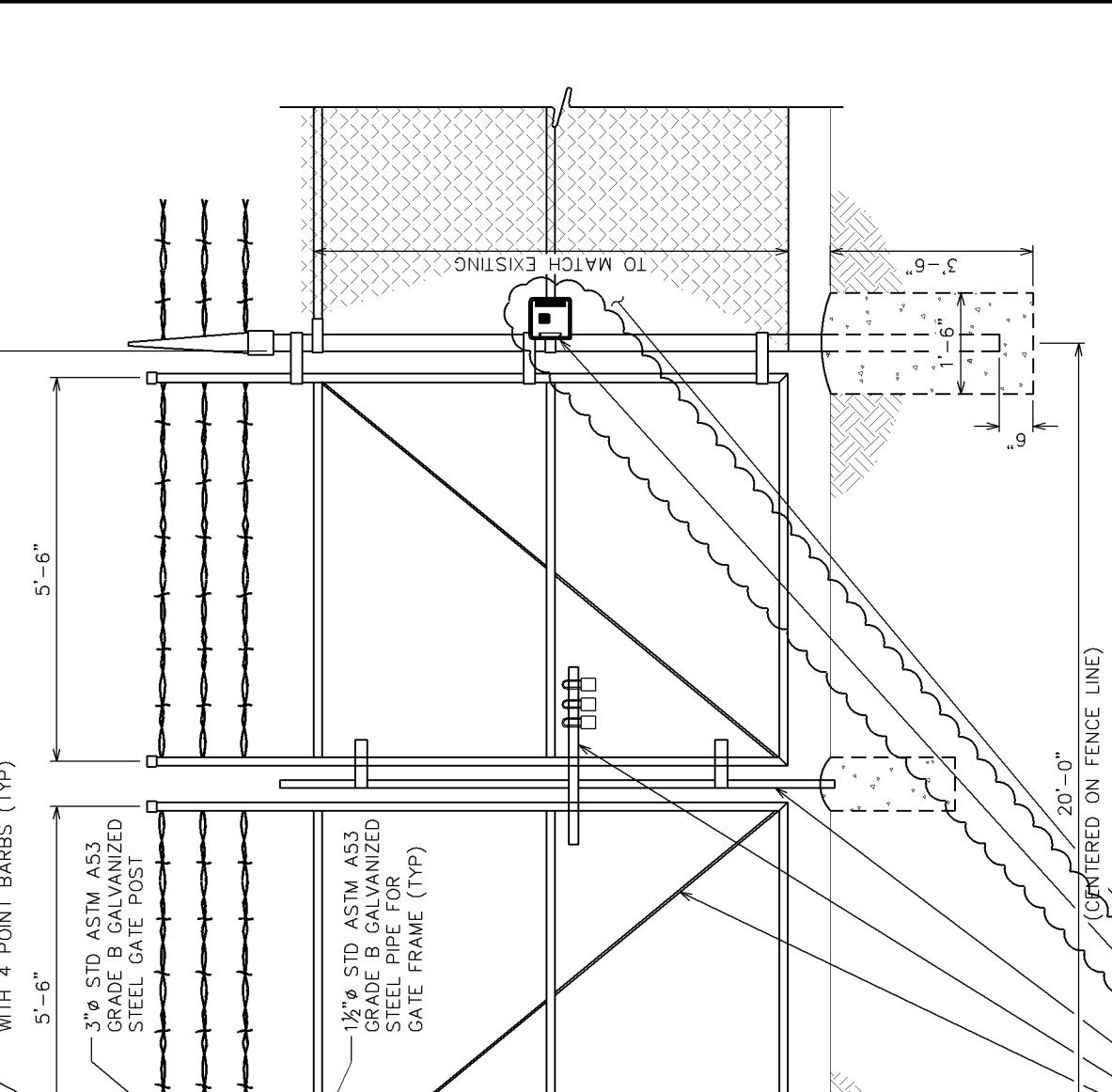
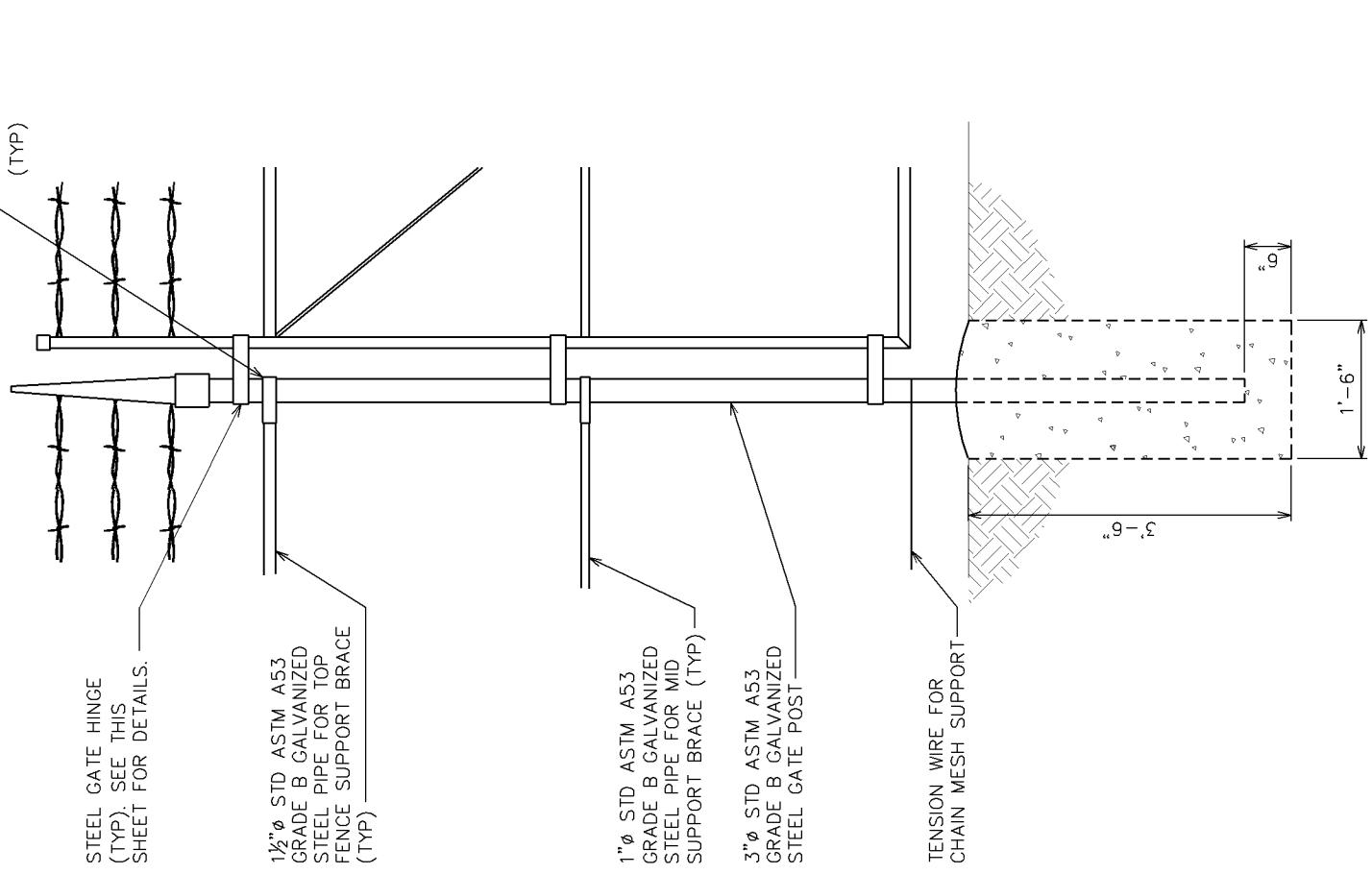


**FRONT**



**SECTION**

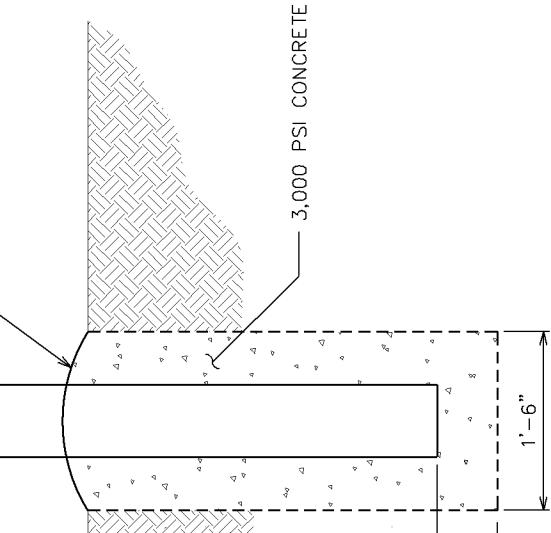
**5**  
**CRETE**



ABOVE EXISTING GRADE AT THE POST BASE AND TAPER. FILL POST COMPLETELY WITH CONCRETE CAP.

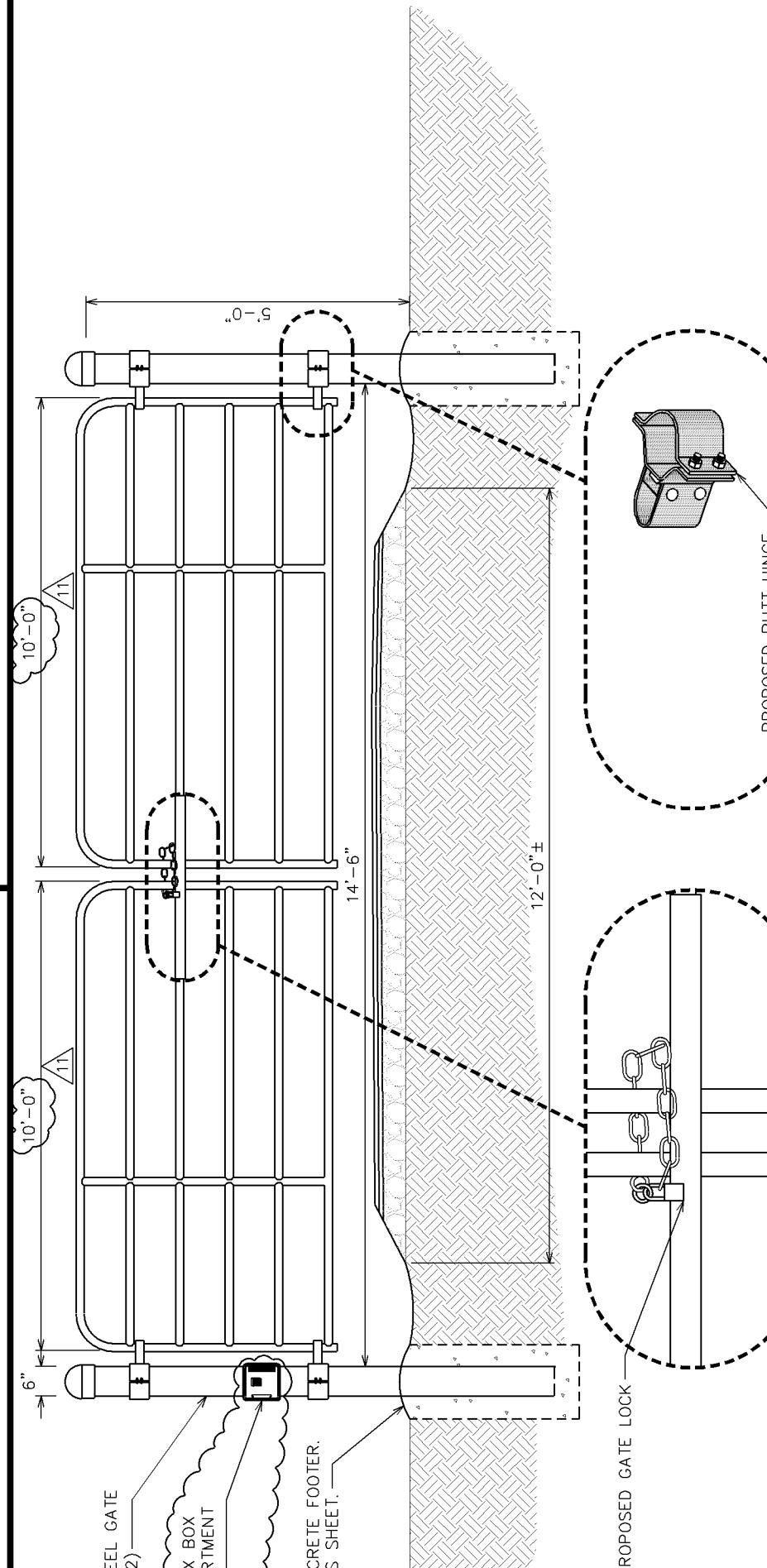
3. CONTRACTOR TO INSTALL SIGNAGE TO THE NEWLY INSTALLED ACCESS GATE.

4. GC TO INSTALL GALVANIZED CHAIN WITH PADLOCK. ADDITIONAL NECESSARY PADLOCKS TO BE DAISY CHAINED TOGETHER.



## DETAIL

## ACCESS GATE NOTES





Radio Frequency fields beyond this point may exceed the FCC general public exposure limit.

OBEY ALL POSTED SIGNS AND SITE GUIDELINES FOR WORKING IN RADIO FREQUENCY ENVIRONMENTS.

In accordance with Federal Communications Commission rules on radio frequency exposure 47 CFR 1.307(e)

performing  
00-638-2822  
number:

< LETTERING

② WHITE/BLUE BACKGROUND  
W/ BLACK LETTERING

QUANTITY: (1)  
(TO BE MOUNTED AT EYE  
LEVEL ON TOWER NEAR  
SAFETY CLIMB)

# 000

④ WHITE BACKGROUND W/ BLACK LETTERING  
E911 STREET #

QUANTITY: (1 TYP)

LETTERS MUST BE A MINIMUM 6" TALL  
(TO BE MOUNTED ON THE GATE OF COMPOUND)

TOWER

ING

① SITE IDENTIFICATION SIGN

② FCC/RF EXPOSURE SIGN

③ TOWER CLIMBING SIGN

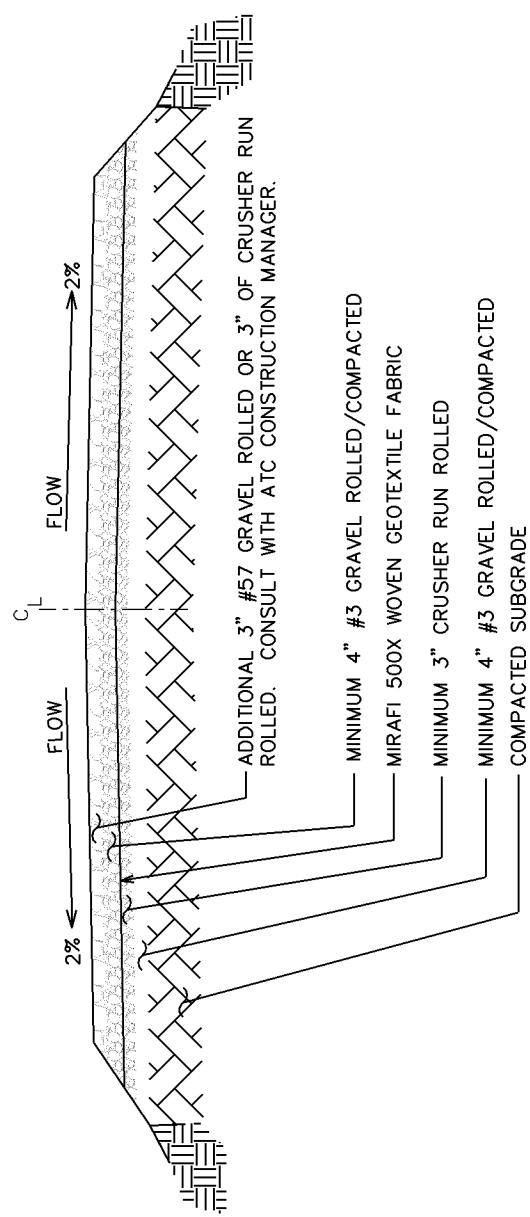
④ STREET ADDRESS SIGN

## NOTES:

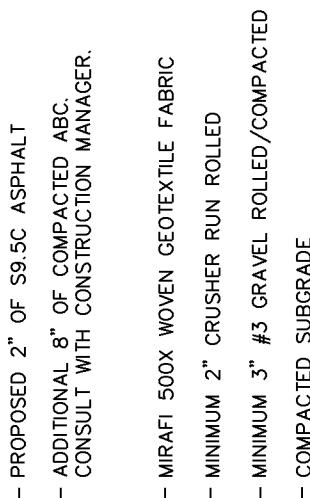
1. SIGNS SHALL MEASURE 8" x 12" BE FABRICATED FROM CORROSION RESISTANT PRERESSED METAL, AND PAINTED WITH LONG LASTING UV RESISTANT COATINGS.
2. SIGNS (EXCEPT WHERE NOTED OTHERWISE) SHALL BE MOUNTED TO THE TOWER, GATE AND FENCE USING A MINIMUM OF 9 GAUGE ALUMINUM WIRE, HOG RINGS (AS UTILIZED IN FENCE INSTALLATIONS) OR BRACKETS WHERE NECESSARY. BRACKETS SHALL BE OF SIMILAR METAL AS THE STRUCTURE TO AVOID GALVANIC CORROSION.
3. AT&T SITE # AND EMERGENCY CONTACT # SHALL BE MOUNTED ON THE EQUIPMENT SHELTER DOOR ADJACENT TO THE COMPOUND ENTRY WITH PERMANENT SET ADHESIVE. TWO-SIDED TAPE SHALL BE UTILIZED AT EACH CORNER ON THE BACKSIDE TO AID PLACEMENT UNTIL ADHESIVE SETS.
4. ADDITIONAL E911 ADDRESS SIGNS ARE REQUIRED AT EACH ACCESS ROAD GATE LEADING TO THE COMPOUND AS WELL AS ON THE COMPOUND GATE ITSELF. LETTERING ON 911 ADDRESS SIGNS MUST BE A MINIMUM OF 6" TALL.
5. ADDITIONAL FCC REGISTRATION # SIGNS ARE REQUIRED AT EACH ACCESS ROAD GATE LEADING TO THE COMPOUND AS WELL AS ON THE COMPOUND GATE ITSELF.
6. RECOMMENDED SOURCE FOR OBTAINING SIGNAGE:

ST. CLAIR SIGNS  
3184 WADE HAMPTON BLVD.  
TAYLORS, SC 29687  
(864) 244-0040

RF EXPOSURE SIGNS  
RICHARD TELL ASSOCIATES  
3433 RINGSTAR ROAD, SUITE 3  
NORTH LAS VEGAS, NV 89030



## SECTION (GOOD SUBGRADE)



PROPOSED 2" OF S9.5C ASPHALT  
ADDITIONAL 8" OF COMPACTED ABC.  
CONSULT WITH CONSTRUCTION MANAGER.

MIRAFI 500X WOVEN GEOTEXTILE FABRIC

MINIMUM 2" CRUSHER RUN ROLLED

MINIMUM 3" #3 GRAVEL ROLLED/COMPACTED

COMPACTED SUBGRADE

TO ACCOMMODATE  
IN A CONDITION  
IN VEHICLES.

IN A CONDITION  
DIRECT FLOW OF  
DRESSING WITH  
ROADWAY MUST BE  
SHALL BE LOCATED  
NESS UNTIL SITE IS  
THE DEVICE AND  
ED.

AND SHALL BE  
LOADS OF FIRE  
AS TO PROVIDE  
AT THE UPGRADED  
WILL BE LOCATED  
TUCKASEGEE ROAD.  
TLY LOCATED AT  
R/W

**TUCKASEGEE ROAD**  
(60' PUBLIC R/W)

PROPOSED 35' WIDE  
ACCESS & UTILITY  
EASEMENT

PROPOSED 26' WIDE  
GRAVEL ACCESS DRIVE. SEE  
SHEET C-11 FOR DETAILS.

22'-2"  
20'(MIN)

26'-0"

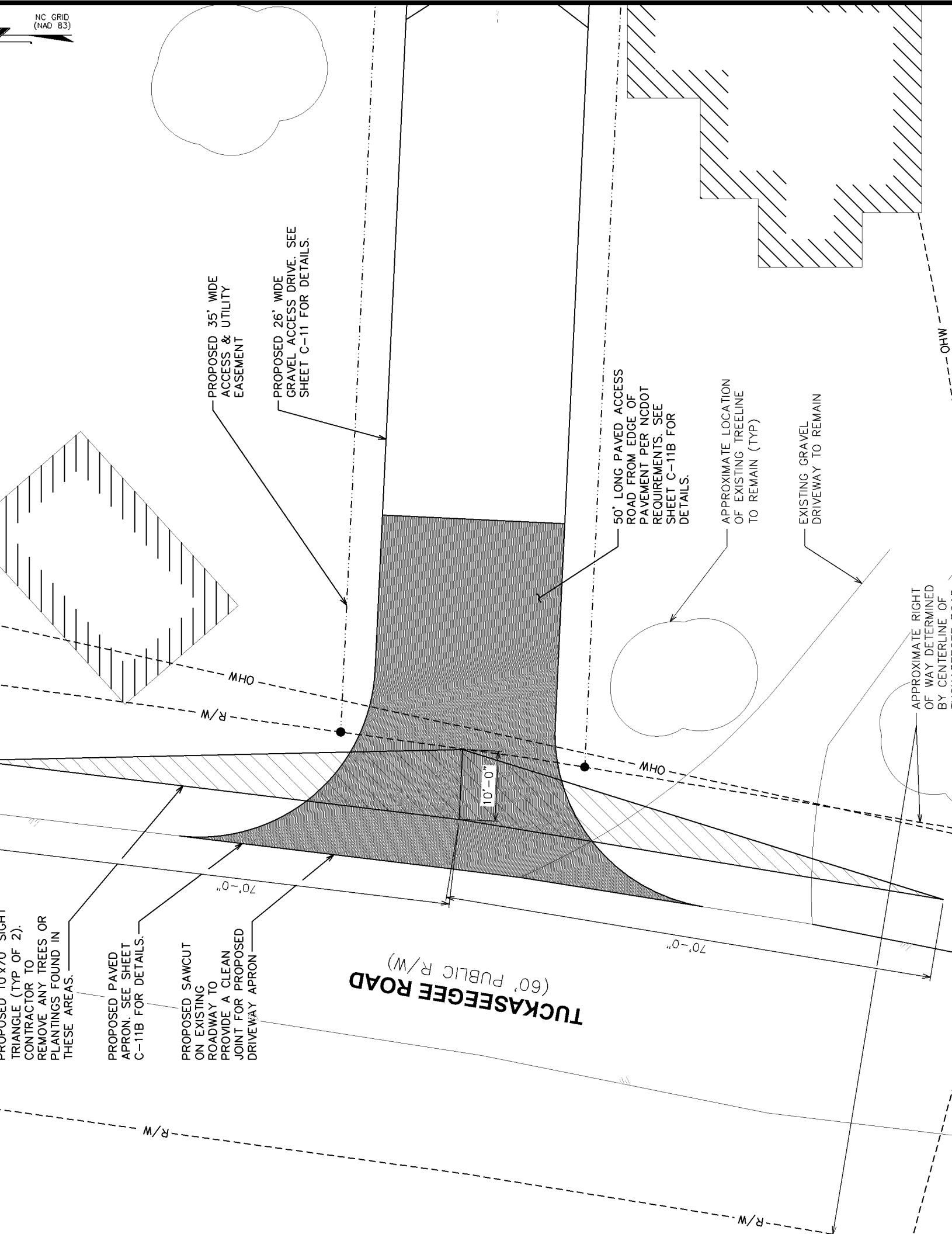
156'-0"

R/W  
R/W

50' LONG PAVED ACCESS  
ROAD FROM EDGE OF  
PAVEMENT PER NCDOT  
REQUIREMENTS. SEE THIS  
SHEET FOR DETAILS.

EDGE OF EXISTING  
DRIVEWAY TO REMAIN

PROPOSED SAWCUT ON  
EXISTING ROADWAY TO  
PROVIDE A CLEAN JOINT  
FOR PROPOSED  
DRIVEWAY APRON



INFORMATION  
ONLY

**TUCKASEEGEE ROAD**  
(60' PUBLIC R/W)

EXISTING PRIVATE GRAVEL ROAD TO BE UPGRADED

PROPOSED 26' WIDE GRAVEL ACCESS DRIVE. SEE SHEET C-11A FOR DETAILS.

PROPOSED PAVED APRON. SEE SHEET C-11B FOR DETAILS.

PROPOSED SAWCUT ON EXISTING ROADWAY TO PROVIDE A CLEAN JOINT FOR PROPOSED DRIVEWAY APRON

130

15

500'-0"

500'-0"

10+00.00

9+00.00

8+00.00

7+00.00 OHW

6+00.00 OHW

5+00.00 OHW

4+00.00 E.O.P.

3+00.00 R/W

2+00.00 R/W

SCALE IN FEET

200

100

0

LES

SURVEY DATA  
S TOPOGRAPHIC

LINE OF SIGHT LOOKING NORTH

EXISTING GRADE, SEE NOTE FOR DETAILS.

LINE OF SIGHT LOOKING SOUTH

PROPOSED DRIVEWAY LOCATION

3'-6" ±

3'-6" ±

STATION

3+00 2+00 1+00 10+00

4+00 5+00 6+00 7+00 8+00 9+00

3'-6" ±

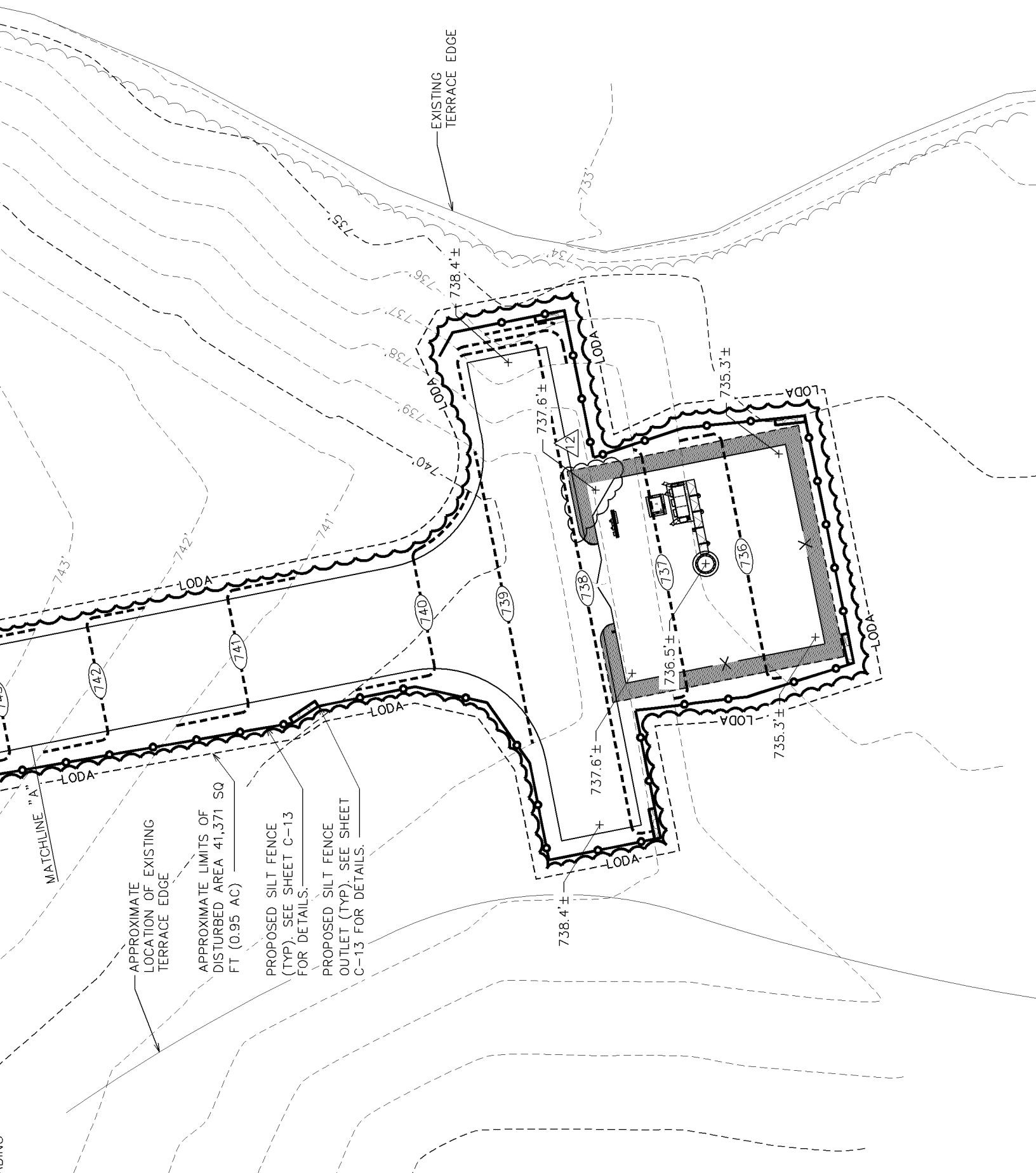
MATCHLINE  
APPROXIMATE LOCATION OF EXISTING TERRACE EDGE

APPROXIMATE LIMITS OF  
DISTURBED AREA 41,371 S.  
FT (0.95 AC)

PROPOSED SILT FENCE  
(TYP). SEE SHEET C-13  
FOR DETAILS. —

PROPOSED SILT FENCE  
OUTLET (TYP). SEE SHEET  
C-13 FOR DETAILS. —

— EXISTING TERRACE EDGE



NC GRID  
(NAD 83)

2000s

-LODA-

EXISTING PRIVATE GRAVEL  
ROAD TO BE UPGRADED AS  
NECESSARY

EXISTING CROP LINE -

### PROPOSED CROP CLEARING LIMITS -

OUTLET (TYP). SEE SHEET  
C-13 FOR DETAILS. \_\_\_\_\_  
PROPOSED SHUT FENCE

FOR DETAILS: APPROXIMATE LIMITS OF DISTURBED AREA 41,371 SQ FT (0.95 AC)

- APPROXIMATE  
LOCATION OF EXISTING  
TERRACE EDGE

MATCHLINE

PROPOSED 26' WIDE  
GRAVEL ACCESS DRIVE. SEE  
SHEET C-11 FOR DETAILS.

EXISTING PRIVATE GRAVEL  
ROAD TO BE UPGRADED AS  
NECESSARY

APPROXIMATE LIMITS OF  
DISTURBED AREA 41,371 SQ  
FT (0.95 AC)

PROPOSED SAWCUT ON  
EXISTING ROADWAY TO  
PROVIDE A CLEAN JOINT  
FOR EXPOSED DRIVEWAY  
APRON

PROPOSED PAVED  
APRON. SEE SHEET  
C-11B FOR DETAILS.

PROPOSED SILT FENCE  
(TYP). SEE SHEET  
C-13 FOR DETAILS.

PROPOSED SILT FENCE  
OUTLET (TYP). SEE SHEET  
C-13 FOR DETAILS.

OHW

731'

730'

729'

728'

727'

726'

725'

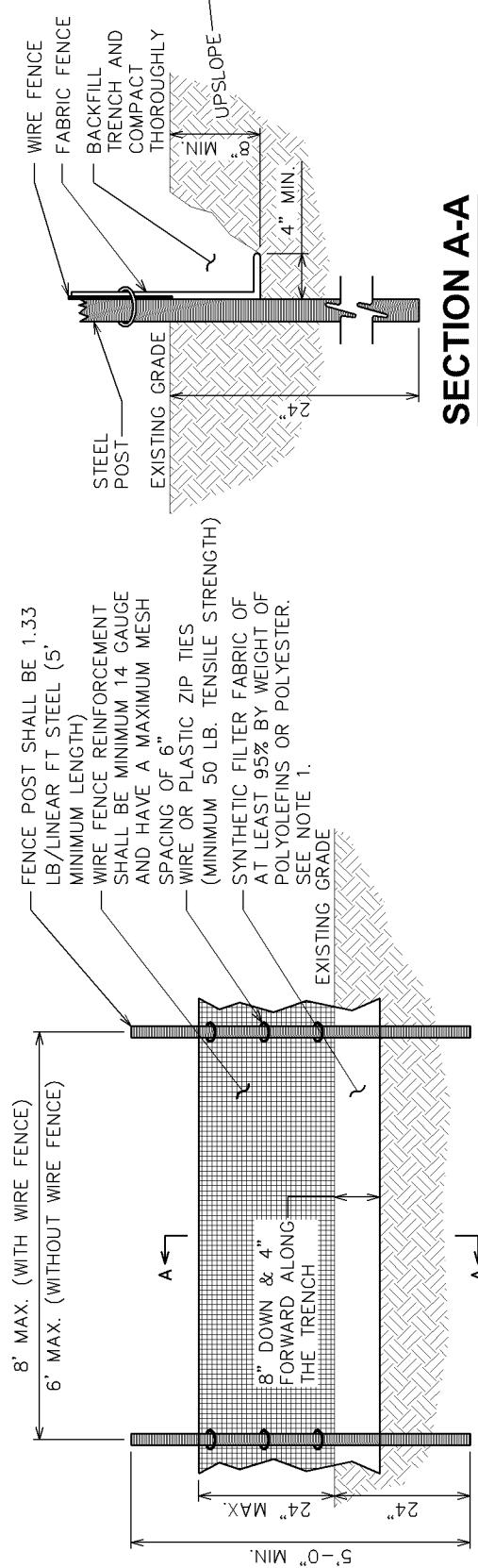
724'

723'

722'

721'

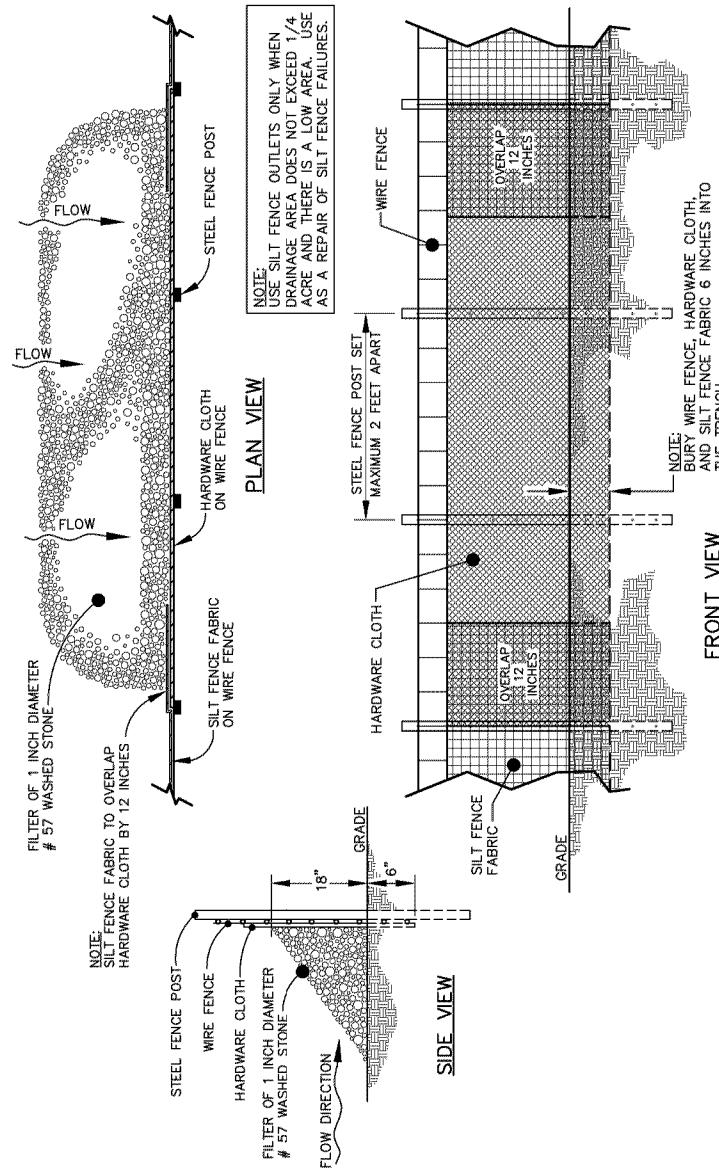
720'



## SECTION A-A

SHALL BE  
POST WITH 4  
THE BOTTOM  
SILT ONCE A  
ECESSARY TO  
E FOR THE  
RE ON THE  
THE  
ENCING  
DEPOSITS,  
OPERLY

WIRE FENCE  
FABRIC FENCE  
BACKFILL  
TRENCH AND  
COMPACT  
THOROUGHLY  
UPSLOPE →  
EXISTING GRADE  
STEEL POST  
EXISTING GRADE  
24"  
8"  
4" MIN.  
6"  
WIRE OR PLASTIC ZIP TIES  
(MINIMUM 50 LB. TENSILE STRENGTH)  
SYNTHETIC FILTER FABRIC OF  
AT LEAST 95% BY WEIGHT OF  
POLYOLEFINS OR POLYESTER.  
SEE NOTE 1.





THE PRECISION  
ASSUMES NO  
IMAGES, LOSS OF  
T OCCUR. THE  
FOR REFERENCE

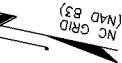
APPROXIMATE LOCATION  
OF PROPOSED TOWER —

APPROXIMATE LOCATION OF  
EXISTING TELECOMMUNICATION  
TOWER BY OTHERS AT 4920  
RANKIN ROAD (PIN  
4693-44-3835)

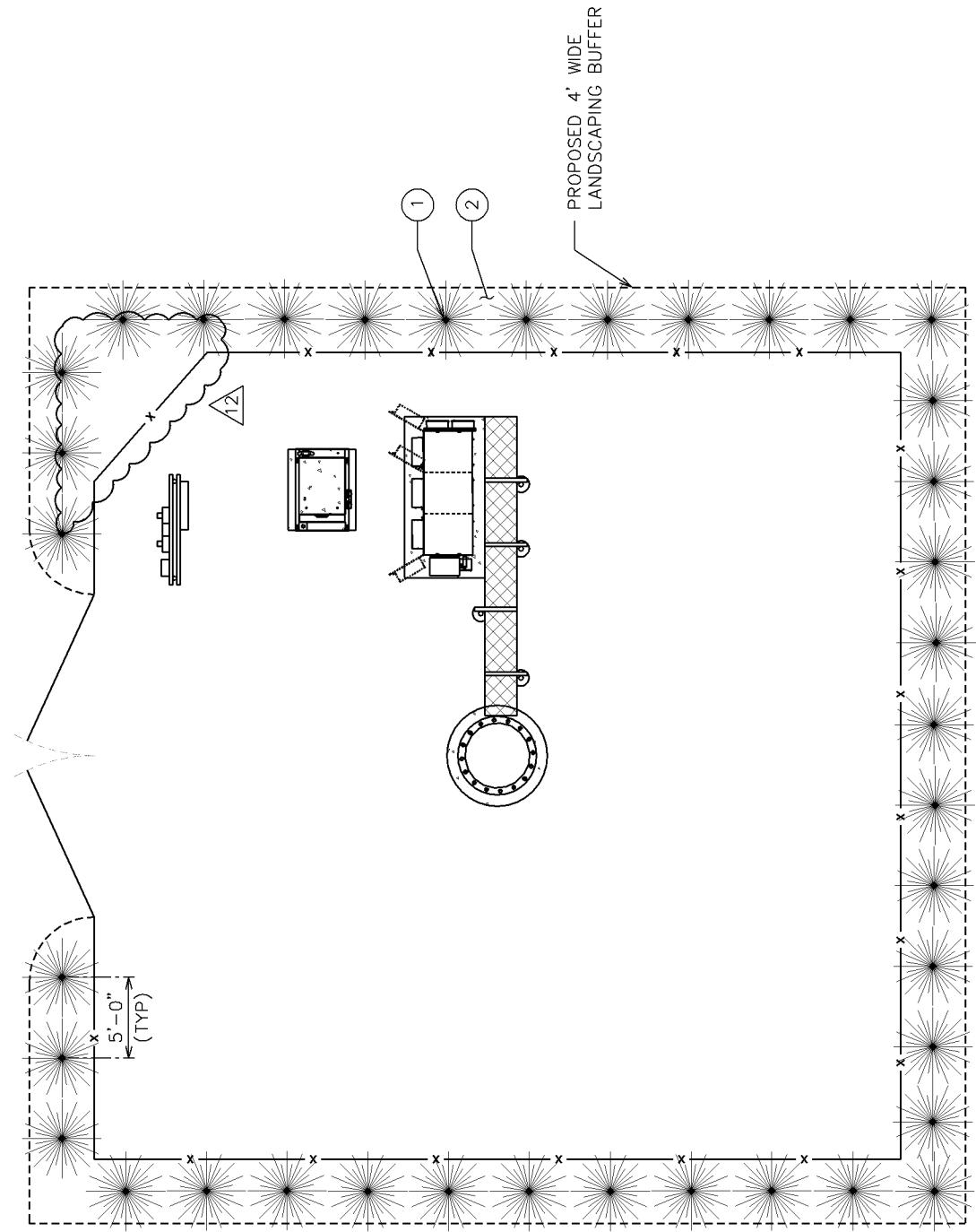
1724'-0"±

30.490'-0"±

APPROXIMATE LOCATION OF  
CONCORD-PADGETT REGIONAL  
AIRPORT



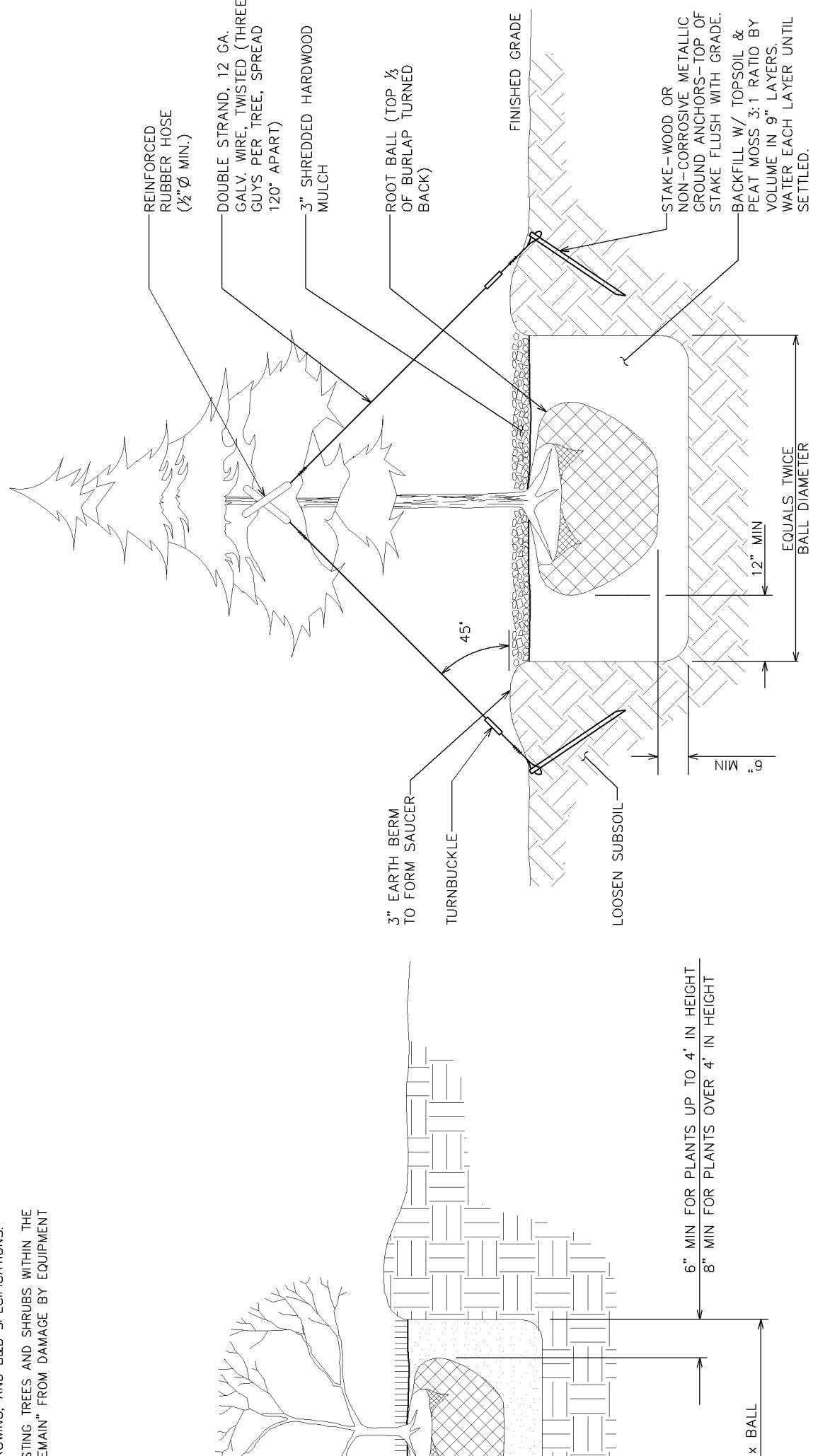
AMERICAN HOLLY	2'-0" (MIN)	15'-0" (MIN)	10' (MIN)	5'-0"	SHOWN AS
-	-	-	-	-	APPLY 3"-4" DEEP FROM THE TRUNKLINE TO THE DRIPLINE. FOR GROUND COVER - APPLY 1"-2" DEEP.



TO SUPPLEMENT  
REMOVE EXISTING  
CONSTRUCTION.

INSECT INFESTATION, AND MECHANICAL  
LABOR AND MATERIALS) FOR A PERIOD  
DURING THE PLANTING AND PRUNING.  
OF PLANTS UP TO 4' IN HEIGHT  
PLANTS OVER 4' IN HEIGHT  
PLANTING AND PRUNING.

AMERICAN STANDARD FOR NURSERY STOCK,  
CROWNING, AND B&B SPECIFICATIONS.  
PROTECTING TREES AND SHRUBS WITHIN THE  
"REMAIN" FROM DAMAGE BY EQUIPMENT



WITH APPLICABLE LAWS AND CODES. THESE INCLUDE BUT ARE  
MENTED EDITIONS OF:  
D. LOCAL AND STATE AMENDMENTS  
E. THE INTERNATIONAL ELECTRIC CODE –  
IEC (WHERE APPLICABLE)

WITH THE LOCAL UTILITY BEFORE STARTING WORK. CONTRACTOR WILL VERIFY THAT EXISTING CIRCUIT  
BREAKERS ARE RATED FOR MORE THAN AVAILABLE FAULT CURRENT AND REPLACE AS NECESSARY.  
3. NEW CIRCUIT BREAKERS SHALL BE RATED TO WITHSTAND THE MAXIMUM AVAILABLE FAULT CURRENT  
AS DETERMINED BY THE LOCAL UTILITY.

#### CONDUCTORS:

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

#### UL COMPLIANCE:

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

#### GROUNDING:

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

## ABBREVIATIONS AND LEGEND

A	—	AMPERE	PNLBD	—	PANELBOARD
AFG	—	ABOVE FINISHED GRADE	PVC	—	RIGID NON-METALLIC CONDUIT
ATS	—	AUTOMATIC TRANSFER SWITCH	RGS	—	RIGID GALVANIZED STEEL CONDUIT
AWG	—	AMERICAN WIRE GAUGE	SW	—	SWITCH
BCW	—	BARE COPPER WIRE	TGB	—	TOWER GROUND BAR
BFG	—	BELOW FINISHED GRADE	UL	—	UNDERWRITERS LABORATORIES
BKR	—	BREAKER	V	—	VOLTAGE
C	—	CONDUIT	W	—	WATTS
CKT	—	CIRCUIT	XFMR	—	TRANSFORMER
DISC	—	DISCONNECT	XMTR	—	TRANSMITTER
EGR	—	EXTERNAL GROUND RING			
EMT	—	ELECTRIC METALLIC TUBING	-----E-----	—	UNDERGROUND ELECTRICAL CONDUIT
FSC	—	FLEXIBLE STEEL CONDUIT	-----T-----	—	UNDERGROUND TELEPHONE CONDUIT
GEN	—	GENERATOR			
GPS	—	GLOBAL POSITIONING SYSTEM			
GRD	—	GROUND	□	—	KILOWATT-HOUR METER
IGB	—	ISOLATED GROUND BAR			UNDERGROUND BONDING AND GROUNDING CONDUCTOR.
IGR	—	INTERIOR GROUND RING (HALO)	Ø	—	GROUND ROD
KW	—	KILOWATTS			
NEC	—	NATIONAL ELECTRIC CODE			
PCS	—	PERSONAL COMMUNICATION SYSTEM			

INTERIOR SPACES ABOVE GRADE MAY BE EMT OR PVC.

JOINED COUPLINGS AND CONNECTORS PROVIDE INSULATED BUSHING

INSPECTION OF THE WORK, THE OWNER SHALL BE FURNISHED A  
APPROVAL.  
ENT, THE TESTING SHALL BE DONE BY QUALIFIED PERSONNEL.

THE EQUIPMENT BY THE MANUFACTURER, EACH PIECE OF EQUIPMENT  
GUARANTEED FOR DEFECTS OF MATERIAL OR WORKMANSHIP OCCURRING  
FROM FINAL ACCEPTANCE OF THE WORK BY THE OWNER AND WITHOUT  
GUARANTEES FURNISHED BY THE MANUFACTURERS SHALL BE  
WORK WITH THE POWER AND TELEPHONE COMPANIES AND SHALL  
EMENTS OF EACH UTILITY COMPANY.

TRACTOR SHALL VISIT THE SITE OF THE JOB AND SHALL FAMILIARIZE  
ECTING THE PROPOSED ELECTRICAL INSTALLATION AND SHALL MAKE  
ERE OF FAILURE TO COMPLY WITH THE INTENT OF THIS SECTION  
TRACTOR OF PERFORMING THE WORK NECESSARY FOR A COMPLETE  
S.

ATION:  
ETC., BETWEEN SUBCONTRACTORS WILL BE REQUIRED PRIOR TO THE  
WORK, CUTTING AND PATCHING OF WALLS, PARTITIONS, FLOORS, AND CHASES  
SONRY SHALL BE DONE AS PROVIDED ON THE DRAWINGS.  
FILLING INCIDENTAL TO THE ELECTRICAL WORK SHALL BE PROVIDED  
UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWING.  
ED WALLS, FLOORS, ETC., WITH APPROVED METHOD AS LISTED BY UL.

EELED AT GRADE TRANSITIONS OR WHERE EXPOSED TO DAMAGE.  
EED STEEL, SCH40 PVC, OR SCH80 PVC AS INDICATED ON THE DRAWINGS.  
LL BE AS REQUIRED BY CODE FOR EACH SPECIFIC CONDUIT TYPE  
BE LESS THAN THE FROST DEPTH AT THE SITE.  
CONTRACTOR SHALL FIELD VERIFY ROUTES BEFORE BID. COORDINATE  
D/OR BUILDING OWNER.

INTERIOR SPACES ABOVE GRADE MAY BE EMT OR PVC.  
JOINED COUPLINGS AND CONNECTORS PROVIDE INSULATED BUSHING

FOR SERVICES WITH LOCAL UTILITY COMPANIES. VEN. 1 ALL REQUIREMENTS WILL BE MET FOR SINGLE 200A SERVICE ONLY. IF METER BANK SHARES A COMMON SOCKET WITH SERVICE OWNER NAMEPLATE WITH  $\frac{1}{2}$ " HEIGHT MINIMUM LETTERS.

1 AIC OF 10 KA. CONTRACTOR TO DETERMINE AVAILABLE FAULT CURRENT BEFORE ORDERING PARTS. OF AVAILABLE FAULT CURRENT SHALL BE MARKED ON THE SERVICE EQUIPMENT

COMPANY OF CHANGES IN ELECTRICAL LOAD.

1 SIZED FOR SINGLE 200A SERVICE ONLY. IF METER BANK SHARES A COMMON PLACARD ON A PEAKNET METER CONTRACTOR TO PLACARD ON METER Labeled PEAKNET.

METER SOCKET FOR FUTURE USE (TYP OF 4) TO POWER, SEE NOTE 2.

PROPOSED 1 $\phi$ , 3W, #6 AWG GND CONDUIT

PROPOSED 200A, 120/240V METER, CONTRACTOR TO PLACARD ON METER Labeled PEAKNET

#4 SE GROUND. SEE NOTE 7.

PROPOSED 200A, 120/240V METER, CONTRACTOR TO PLACARD ON METER Labeled PEAKNET

(3) 3/0 AWG & (1) #2 AWG GND IN 2 $\frac{1}{2}$ " CONDUIT

#3 AWG & #3 AWG GND 1" CONDUIT. SEE NOTE 8.

TO TOWER → PROPOSED TOWER LIGHTING CONTROL

PROPOSED 200A POWER TRANSFER LOAD CENTER WITH CAM-LOCK

GENERATOR CONNECTION

PANEL, ATS, MECHANICALLY

INTERLOCKED TRANSFER

SWITCH, 30-POS. PANEL,

AND SURGE SUPPRESSION

AUTOMATIC TRANSFER SWITCH (A.T.S.)

200A, 1 $\phi$ , 30 POS. LOAD CENTER. SEE WUC DRAWINGS FOR DETAILS.

200A/2 EMERGENCY MAIN FOR PERMANENT AC GENERATOR  
MECHANICALLY INTERLOCKED TRANSFER SWITCH  
200A/2 EMERGENCY MAIN FOR PORTABLE AC GENERATOR

PROPOSED ALARM TERMINAL  
PROPOSED INTERNAL AC BREAKER

PROPOSED 200A GENERATOR TAP BOX FOR PORTABLE AC GENERATOR CONNECTION

PROPOSED (2) 1" CONDUIT FOR ALARM

PROPOSED (2)  $\frac{3}{4}$ " CONDUIT FOR BLOCK HEATER AND BATTERY CHARGER

PROPOSED 20KW AC GENERATOR  
125A

PROPOSED ALARM TERMINAL

PROPOSED INTERNAL AC BREAKER

PROPOSED 1.5" CONDUIT WITH (3) #1 AND (1) #6 GND

PROPOSED 200A GENERATOR TAP BOX FOR PORTABLE AC GENERATOR CONNECTION

PROPOSED (2) 1" CONDUIT FOR ALARM

PROPOSED (2)  $\frac{3}{4}$ " CONDUIT FOR BLOCK HEATER AND BATTERY CHARGER

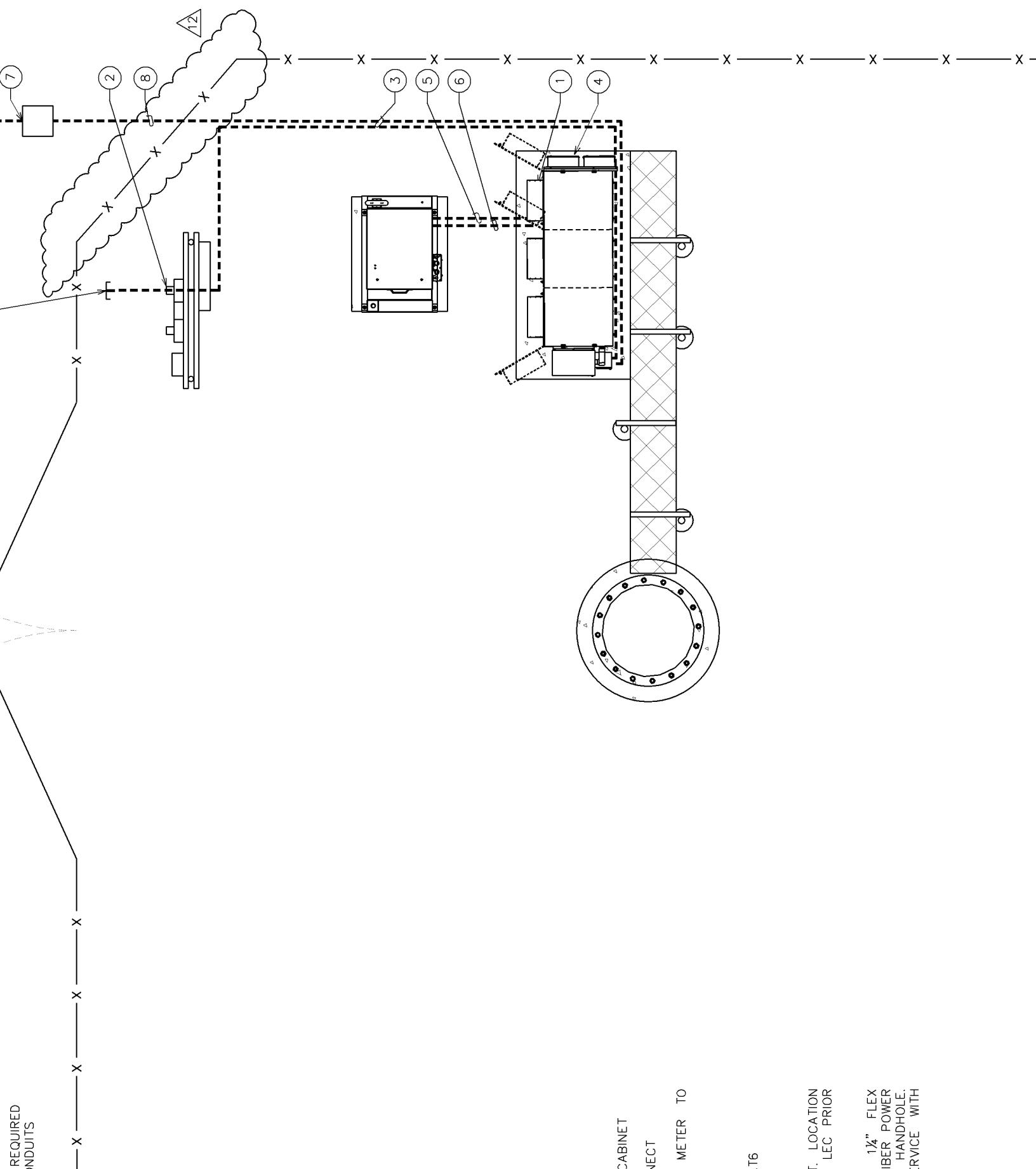
\*SIZE BREAKERS AND CONDUCTORS BASED

LOAD SERVED	VOLT AMPERES (WATTS)		TRIP	CKT #	PHASE	CKT #	TRIP	VOLT AMPERES (WATTS)		LOAD SERVED
	L1	L2						L1	L2	
TOWER LIGHTS	600*		20*	1	A	2	—	—	—	SPARE
SPARE	—	—	3	B	4	—	—	—	—	SPARE
SPARE	—	—	5	A	6	—	—	—	—	SPARE
SPARE	—	—	7	B	8	—	—	—	—	SPARE
VOLT AMPS	600	0						—	—	VOLT AMPS
	L1 VOLT AMPERES		600		0	L2 VOLT AMPERES				
				600		TOTAL VOLT AMPERES				
					5.0	TOTAL AMPS				
					6.25	AMPS X 125%				
					6.88	X 110% FOR MAIN				

\*BREAKER SIZES & LOADS ARE BASED ON TYPICAL CONFIGURATIONS, CONTRACTOR WILL VERIFY WITH MANUFACTURER SPECIFICATIONS BEFORE ORDERING OR INSTALLING PARTS.

## PROPOSED 200A, 120/240VAC AT&T INTERSECT PANEL

LOAD SERVED	VOLT AMPERES (WATTS)		TRIP	CKT #	PHASE	CKT #	TRIP	VOLT AMPERES (WATTS)		LOAD SERVED
	L1	L2						L1	L2	
EMERSON 521	9600	9600	100A	1	A	2	20A	180	—	GFCI OUTLET
—	—	—	—	3	B	4	15A	—	1440*	BATTERY COMPARTMENT HEATER MATS
—	—	—	—	5	A	6	20A	1220*	—	GEN. BATTERY CHARGER
—	—	—	—	7	B	8	20A	1000*	—	GEN. BLOCK HEATER
—	—	—	—	9	A	10	—	—	—	—
—	—	—	—	11	B	12	—	—	—	—
—	—	—	—	13	A	14	—	—	—	—
—	—	—	—	15	B	16	—	—	—	—
—	—	—	—	17	A	18	—	—	—	—
—	—	—	—	19	B	20	—	—	—	—
—	—	—	—	21	A	22	—	—	—	—
—	—	—	—	23	B	24	—	—	—	—
—	—	—	—	25	A	26	—	—	—	—
—	—	—	—	27	B	28	—	—	—	—
—	—	—	—	29	A	30	—	—	—	—
VOLT AMPS	9600	9600						1400	2440	VOLT AMPS
	L1 VOLT AMPERES		11000		12040	L2 VOLT AMPERES				
	L1 AMPS		91.7		100.3	L2 AMPS				
				100.3		MAX AMPS				
					125.4	AMPS X 125%				



**REQUIRED  
INDUITS**

### T. LOCATION LEC PRIOR

METER TO

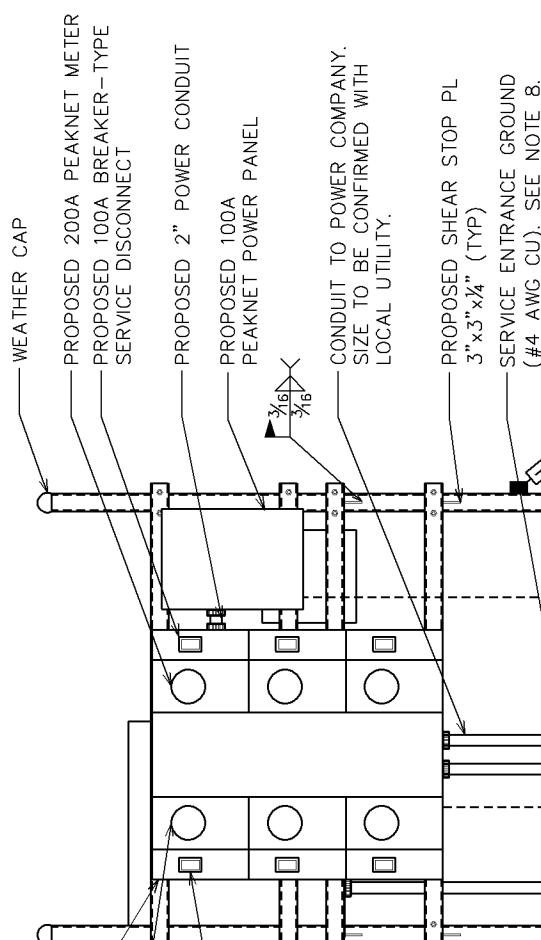
CABINET

1 1/4" FLEX  
IBER POWER  
HANDHOLE.  
RVICE WITH

5) PROVIDE 200LB. TEST PULL WIRES IN EACH TELEPHONE AND POWER CONDUIT. STUB CONDUITS INTO ENCLOSURE AND LABEL.

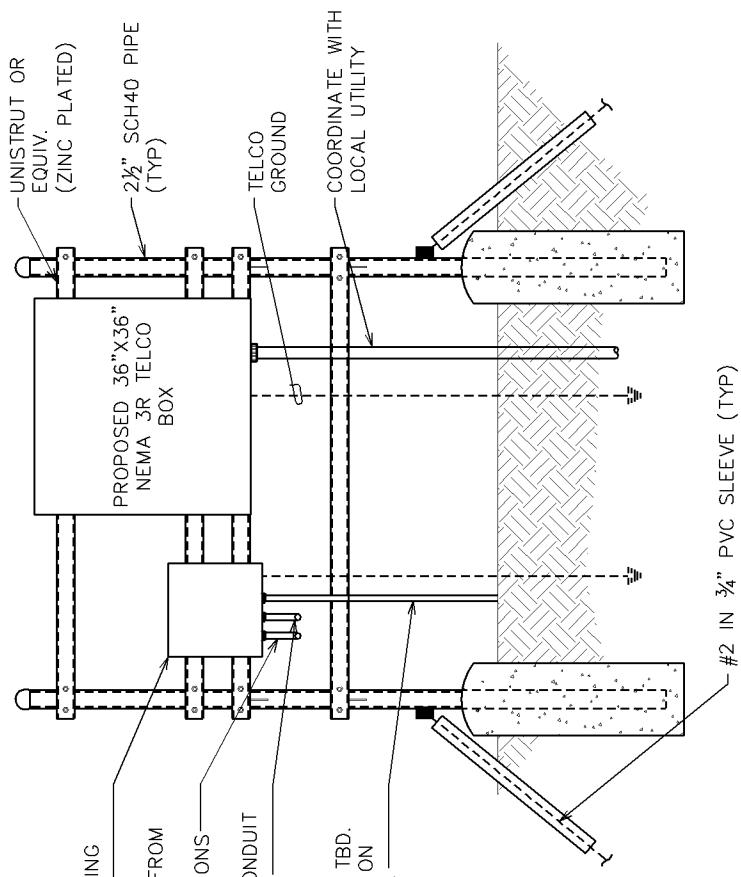
6) THE POWER COMPANY SHALL TERMINATE THE POWER CABLES (SUPPLIED AND INSTALLED BY THE POWER COMPANY) AT THE UTILITY METERS LOCATED ON THE EQUIPMENT RACK.

7) PROVIDE 10 METER BASE MODULE NUMBER. 8) GROUNDING ELECTRODE CONDUCTOR IS SIZED FOR SINGLE 100A SERVICE ONLY. IF METER BANK SHARES A COMMON NEUTRAL/GROUND POINT, CONTRACTOR WILL INSTALL (1) 3/0 COPPER GEC INSTEAD.



6'-0" PROPOSED SERVICE ENTRANCE GROUNDING ELECTRODE. SEE NOTE 8.

### SERVICE RACK - FRONT



### SERVICE RACK - REAR

CONDUCTOR (NEUTRAL) AND THE GROUNDING CONDUCTOR SHALL BE AT THE FLN PLAN BELOW.

SHALL BE INSTALLED PER N.E.C. ARTICLE 250.30.

RING IS WITHIN 12 TO 36 INCHES OF THE EQUIPMENT PAD, FENCE, OR INSTALL GROUNDING CONNECTIONS SHOWN BELOW AS NEEDED PER CONTRACTOR SHALL VERIFY EXISTING SITE GROUNDING CONDITIONS AROUND EQUIPMENT.

GROUND RING WITH 1 RUN OF #2 BARE, TINNED, SOLID COPPER WIRE, AND "CADWELD" THE OTHER END TO THE

INSTRUCTION MANAGER WHEN THE GROUNDING SYSTEM IS COMPLETE. INSTRUCT THE GROUNDING SYSTEM DPOD TO BACKFILLING VN.

11

(Typ)

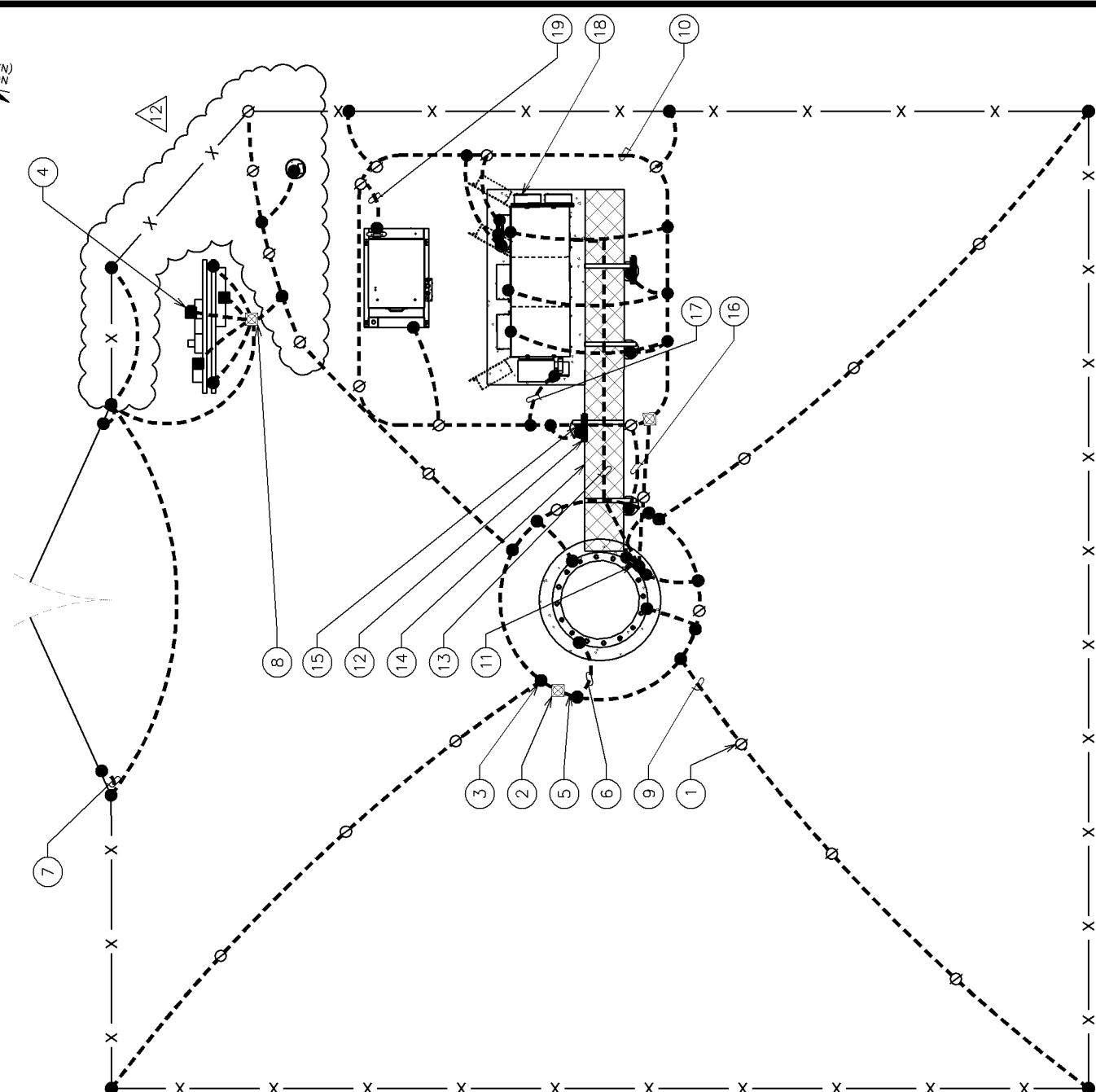
### OPTION (TYPE)

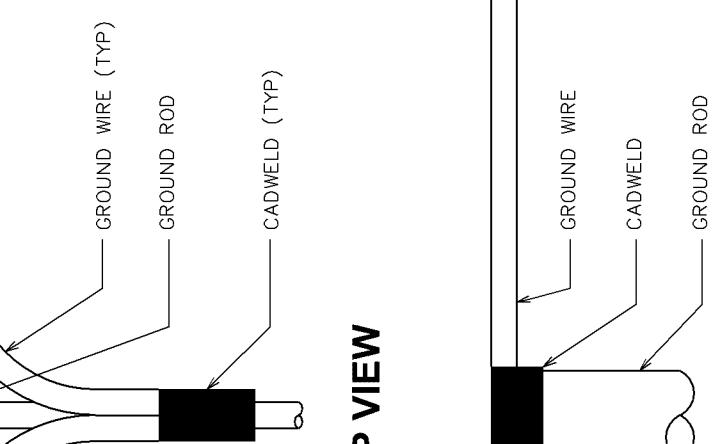
DUND

COPPER WIRE

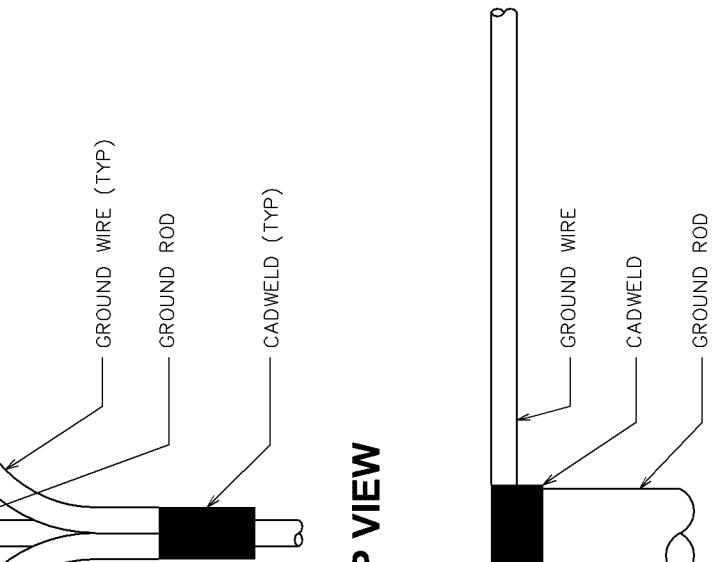
COPPER WIRE

## 30 BFG (YP)

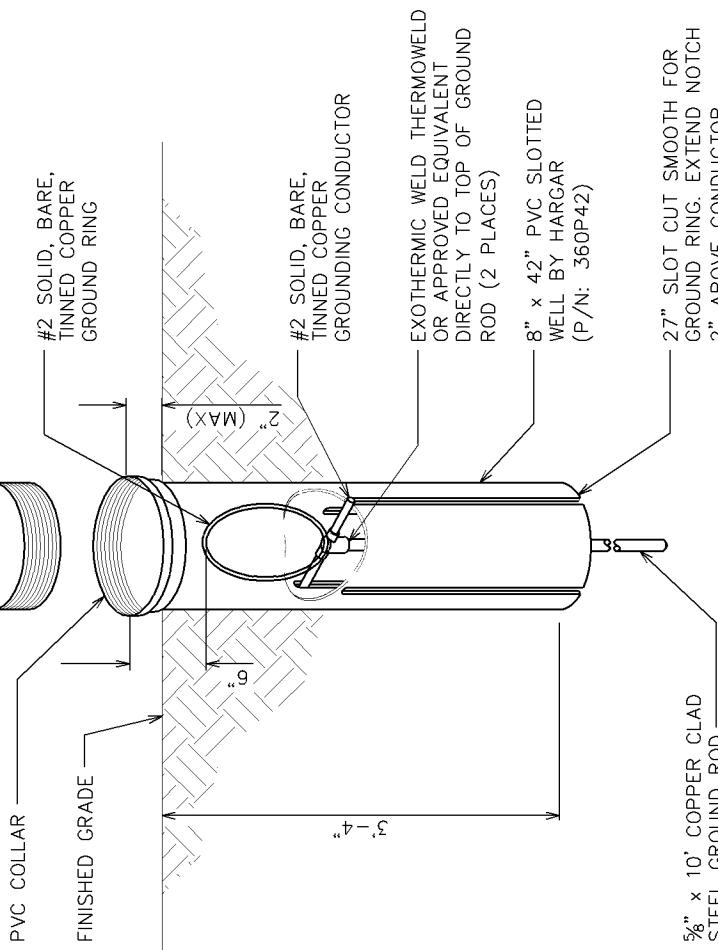




**TOP VIEW**



**SIDE VIEW**

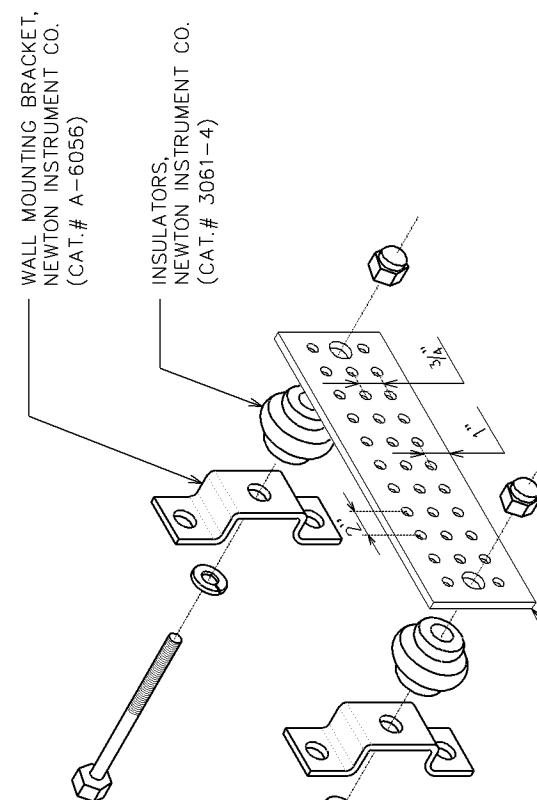


**TOP VIEW**

**GROUND ROD WITH INSPECTION WELL DETAIL**

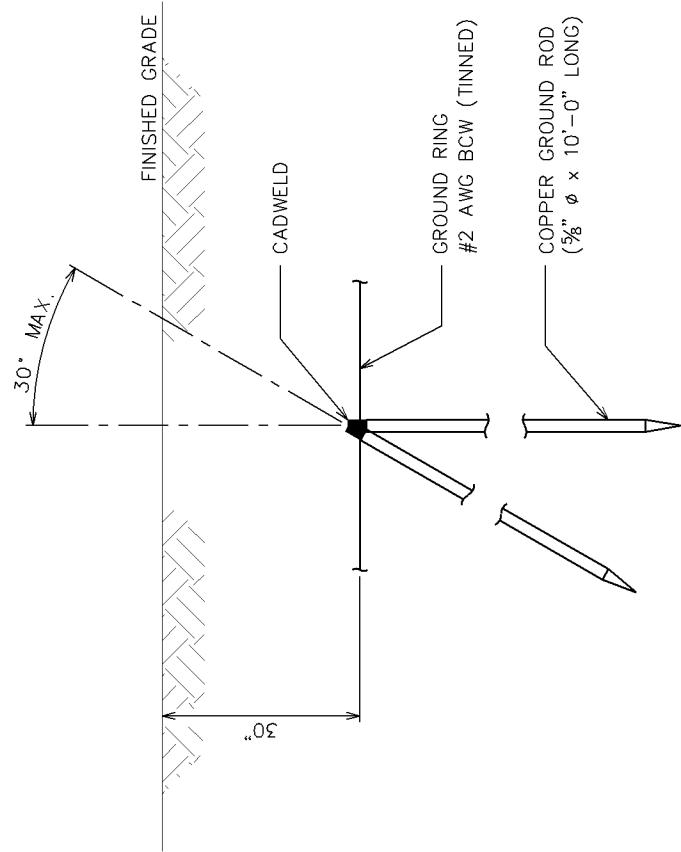
SCALE: N.T.S.

**DETAIL**

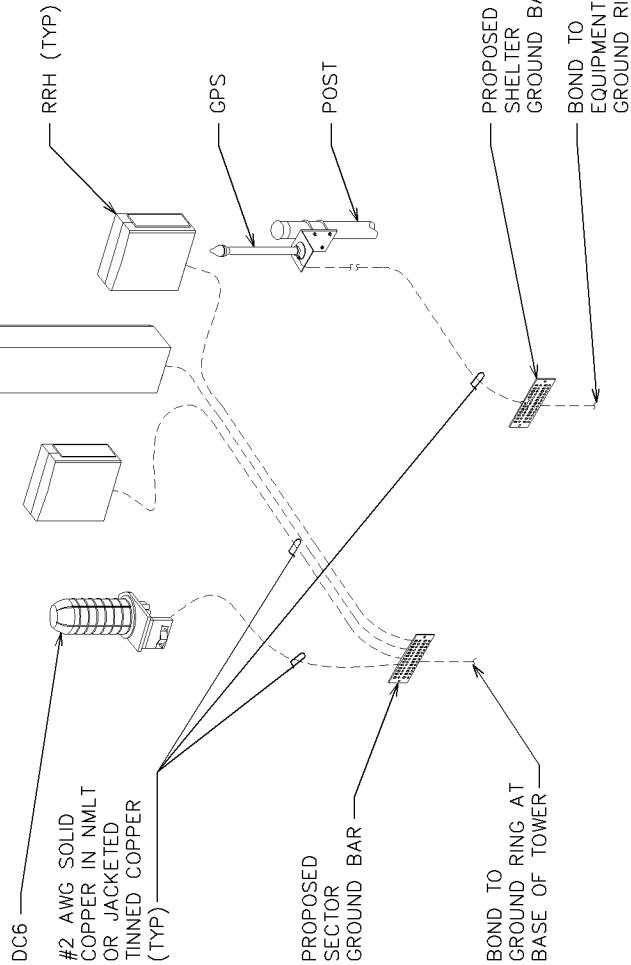
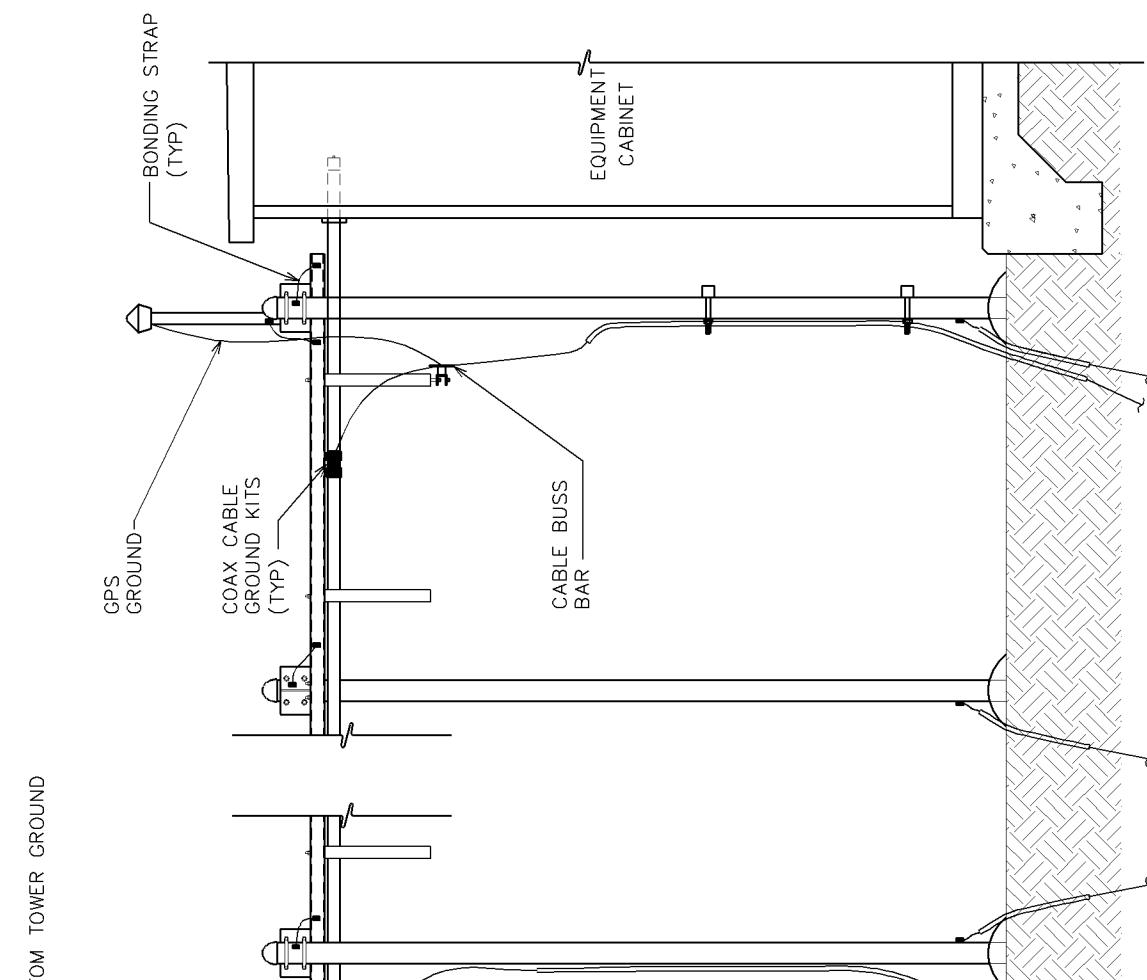


**NOTE:**

GROUND BAR SHALL BE SIZED TO ACCOMODATE ALL GROUND CONNECTIONS REQUIRED PLUS PROVIDE 50% SPARE CAPACITY



2. CONTRACTOR TO PROVIDE GROUND CONNECTION FOR DC POWER CABLE SHIELD TO 'P' SECTION OF CRGB WITHIN SHELTER.

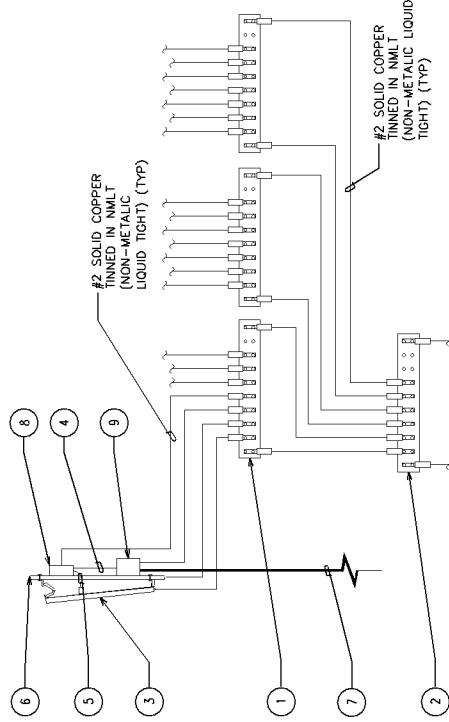


## TYPICAL ANTENNA/EQUIPMENT GROUNDING DETAIL

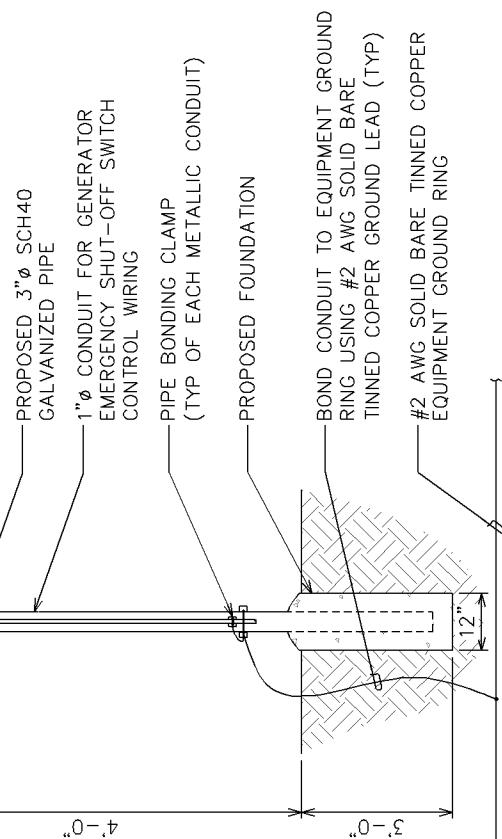
SCALE: N.T.S.

## GROUNDING NOTE LEGEND:

1. SECTOR GROUND BAR (TYP).
2. COLLECTOR GROUND BAR.
3. ANTENNA.
4. SINGLE PAIR FIBER & DC POWER
5. JUMPER CABLE,  $\frac{1}{2}$ " (TYP).
6. PIPE MOUNT.
7. DC POWER & FIBER TO RAYCAP UNIT
8. REMOTE RADIO HEAD (RRH) (IF APPLICABLE)
9. DC6 RAYCAP SURGE SUPPRESSOR (IF APPLICABLE)

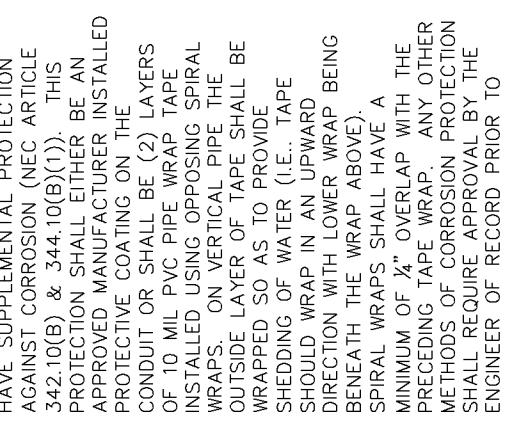


1. UTILIZE EXISTING AT&T GROUND BARS AND GROUNDING.
2. ADD GROUND BARS IF THERE ARE INSUFFICIENT BARS.



## Mounting Detail

- BE DETERMINED BY SITE SPECIFIC REQUIREMENTS.
- BE LOCATED AS CLOSE TO COMPOUND FENCE AS INTEGRITY OF THE FENCE.
- EXCEPT AS NOTED BELOW.
- S AT STUB-UP LOCATIONS (I.E. SERVICE POLES,



## Underground Conduit Stub Up Detail

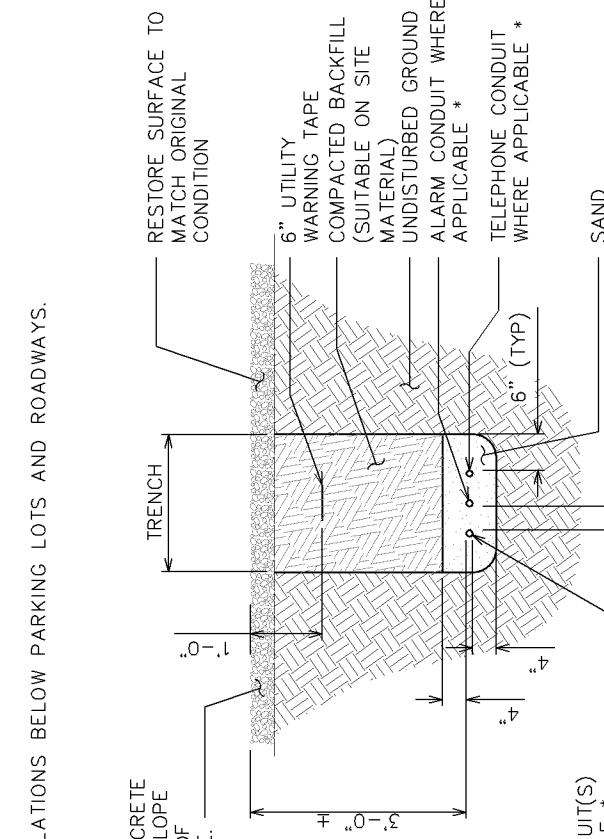
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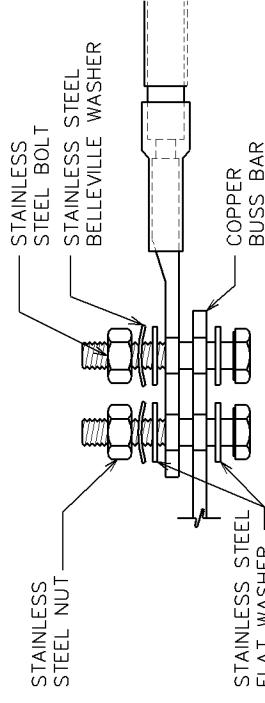
## Underground Conduit Stub Up Detail

SCALE: N.T.S.

- BE DETERMINED BY SITE SPECIFIC REQUIREMENTS.
- BE LOCATED AS CLOSE TO COMPOUND FENCE AS INTEGRITY OF THE FENCE.
- EXCEPT AS NOTED BELOW.
- S AT STUB-UP LOCATIONS (I.E. SERVICE POLES,



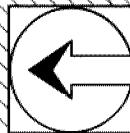
## Notes:



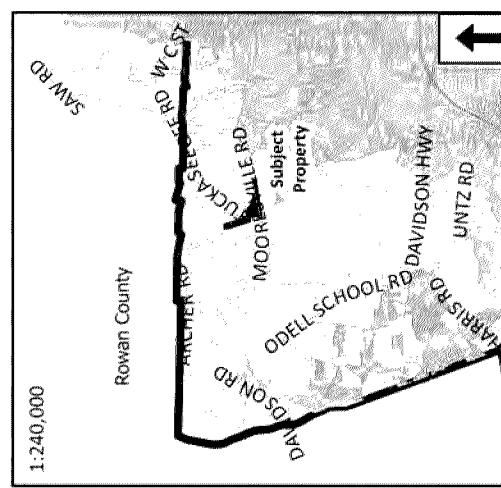
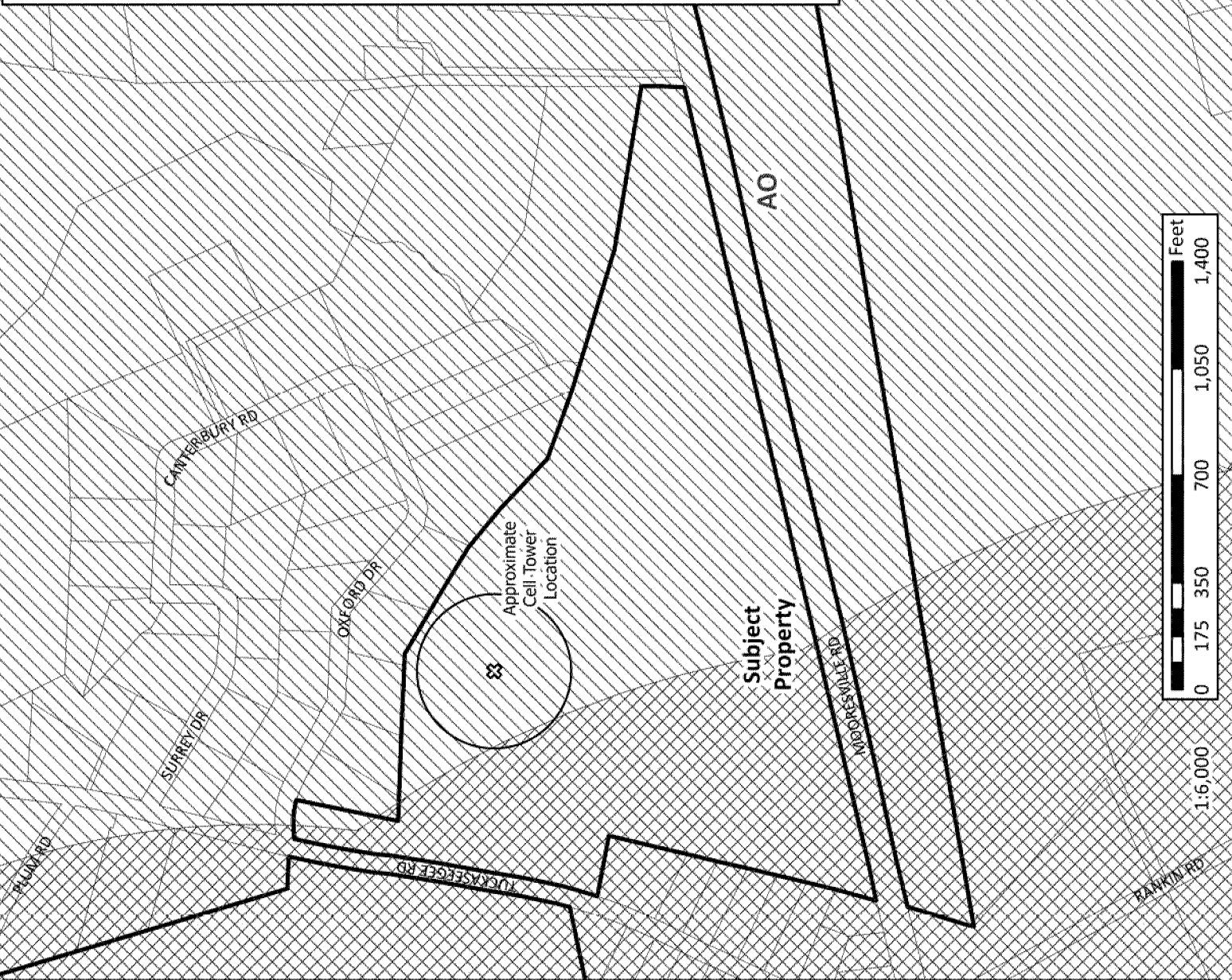
1. ALL HARDWARE SHALL BE 18-8 STAINLESS STEEL, INCLUDING THE BELLEVILLE WASHERS. COAT ALL SURFACES WITH KOPR-SHIELD BEFORE MATING.
2. FOR GROUND BOND TO STEEL ONLY: INSERT A DRAGON TOOTH WASHER BETWEEN THE LUG AND STEEL. COAT ALL SURFACES WITH KOPR-SHIELD.

**EXHIBIT D****Legend**

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


**Northwestern Planning Area  
Existing Zoning**


Applicant: Peaknet, LLC  
by Thomas H. Johnson, Jr., Attorney  
Owner: Edward D. Mesimer Trust  
by Edward D. Mesimer, Trustee  
Case: SU22022-00014  
Address: 7615 Tuckaseegee Road  
Purpose: Wireless Telecommunication Tower  
PINs: 4693-26-5101



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

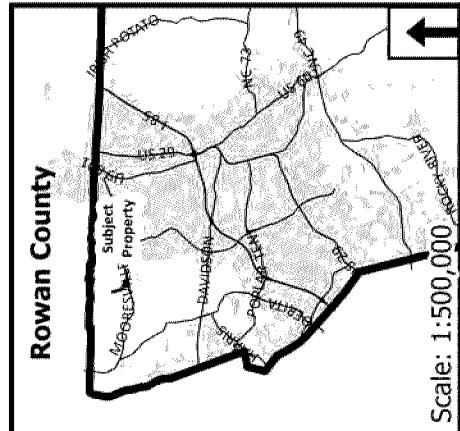
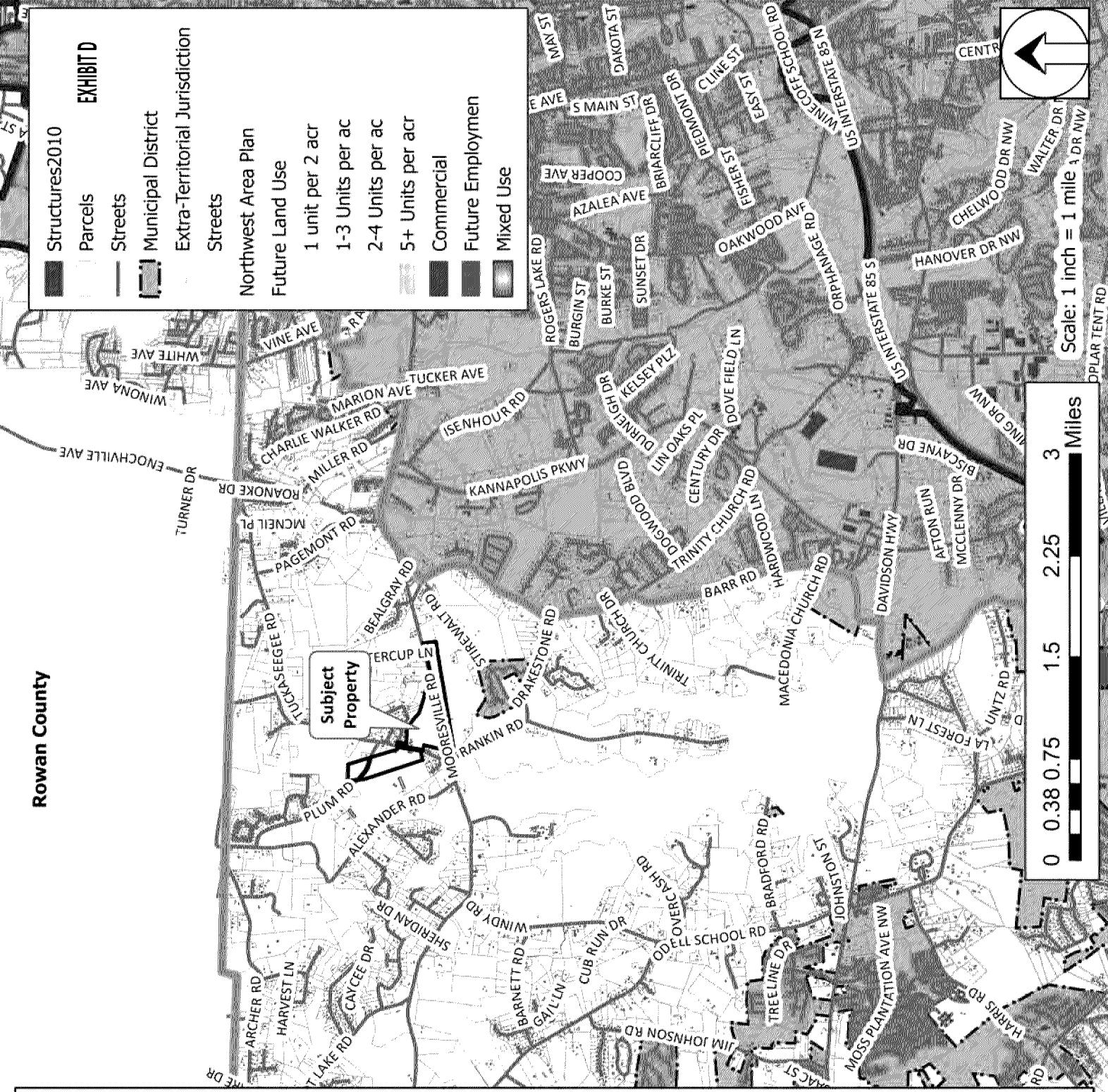
Map Prepared by Cabarrus County Planning & Development - October 2022

## Northwestern Cabarrus Planning Area Future Land Use



**Applicant:** Peaknet, LLC  
**by** Thomas H. Johnson, Jr., Attorney  
**Owner:** Edward D. Mesimer, Trustee  
**by** Edward D. Mesimer, Trustee  
**Case:** SUSE2022-00014  
**Address:** 7615 Tuckaseegee Road  
**Purpose:** Wireless Telecommunication Tower  
**PINS:** 4693-26-5101

## Rowan 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.

## Northwest Cabarrus Planning Area Aerial Map



Applicant: Peaknet, LLC  
by Thomas H. Johnson, Jr., Attorney  
Owner: Edward D. Mesimer Trust  
by Edward D. Mesimer, Trustee  
Case: SUSE2022-00014  
Address: 7615 Tuckaseegee Road  
Purpose: Wireless Telecommunication Tower  
PINs: 4693-26-5101

Cabarrus County  
Kannapolis  
Tax Parcels

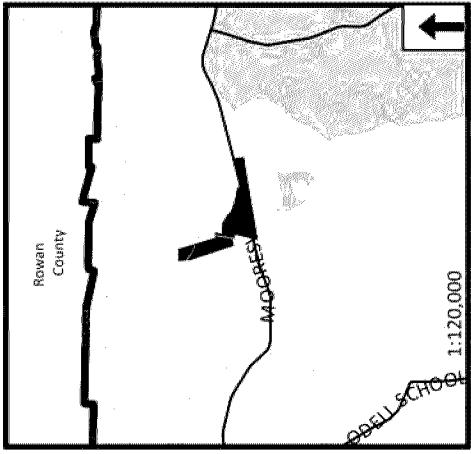
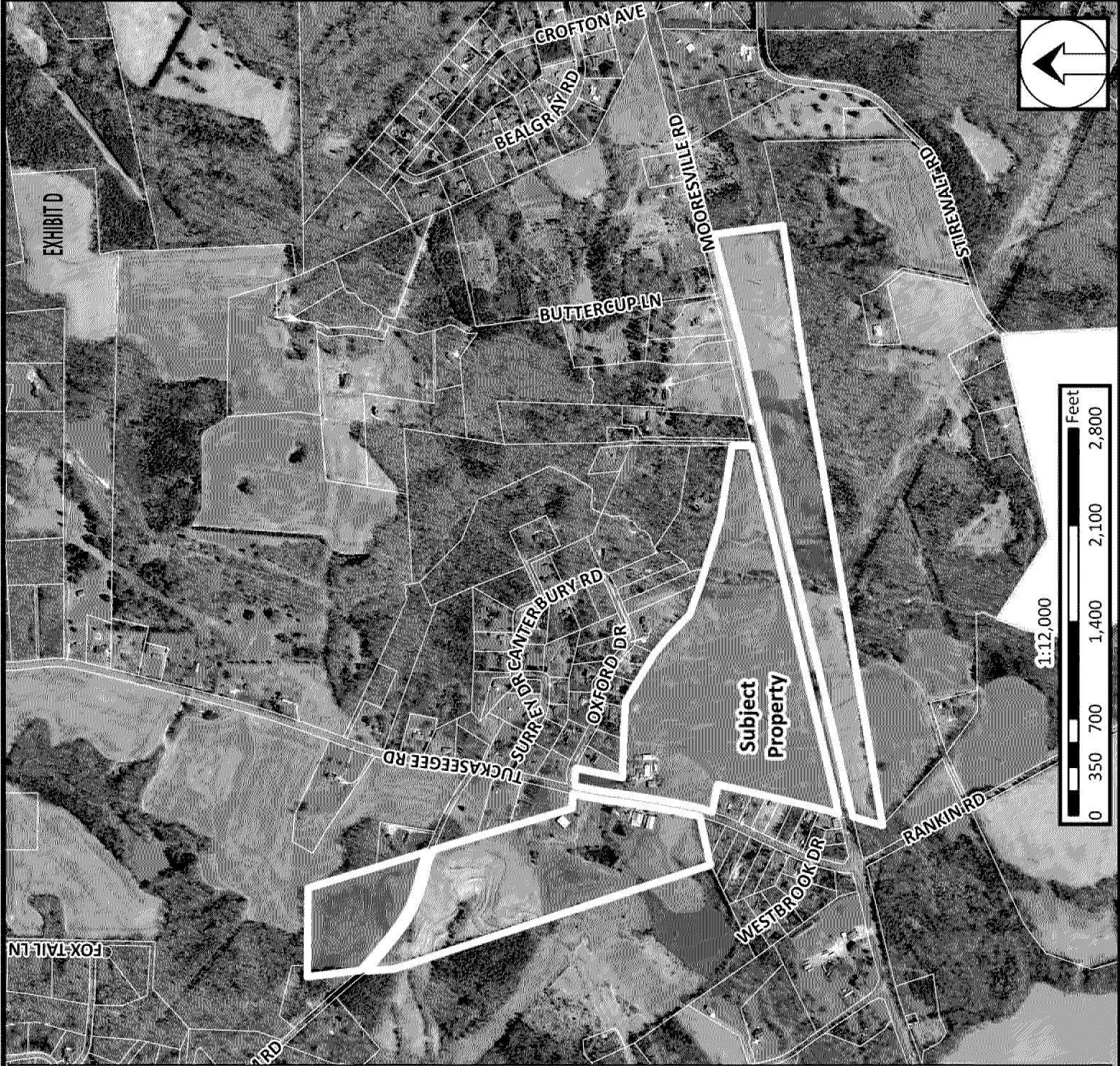


EXHIBIT D



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

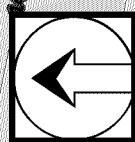
Map Prepared by Cabarrus County Planning & Development - October 2022

EXHIBIT D

## Subject Property

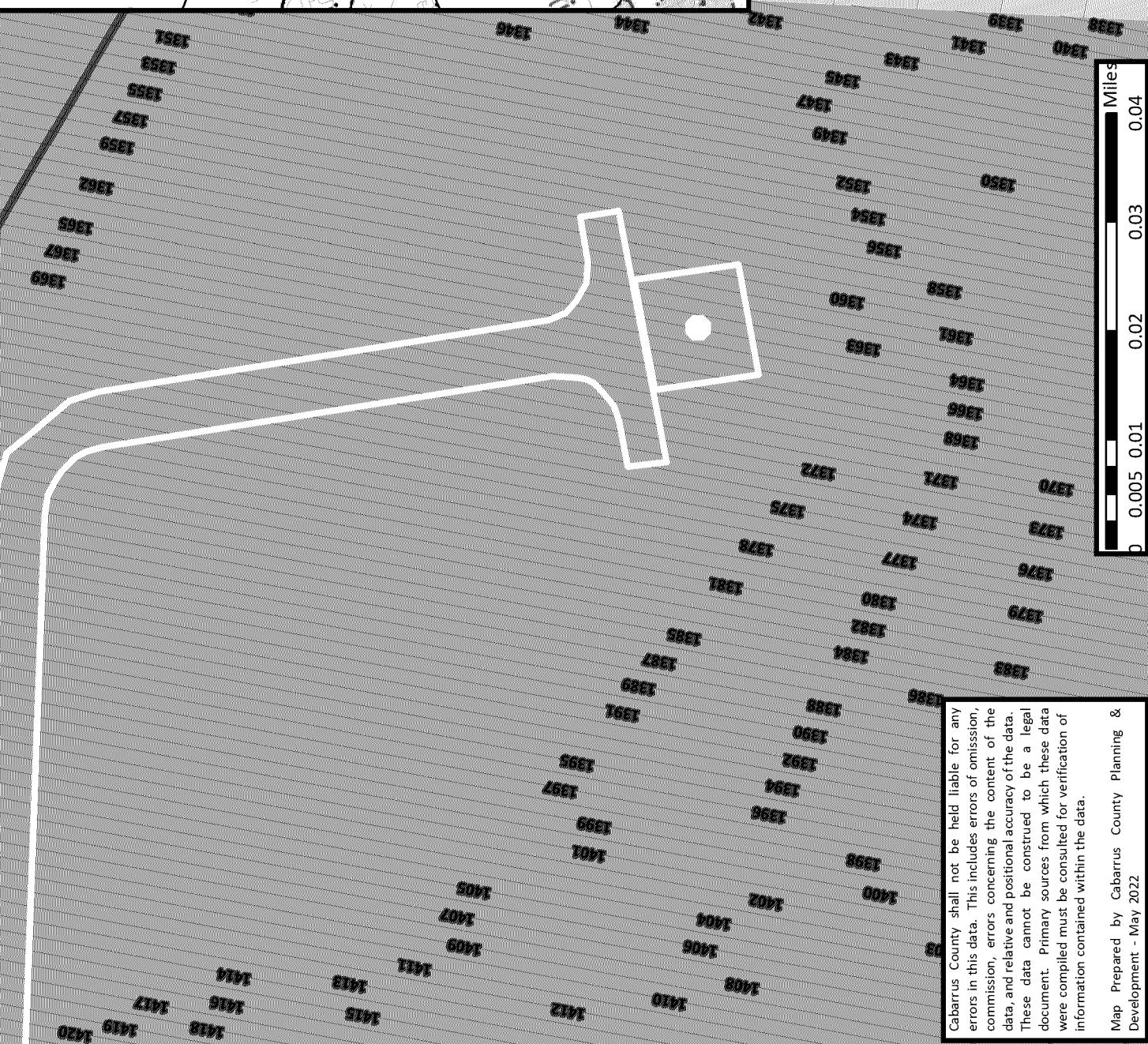


### Legend



三

# Concord Regional Airport Airport Overlay



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

Map Prepared by Cabarrus County Planning & Development - May 2022

## Certification of Compliance

The undersigned representative of PeakNet, LLC hereby certifies as follows with respect to the 235 foot monopole tower (including the 5 foot lightning rod) being proposed by PeakNet, LLC to be located at 7621 Tuckaseegee Road, Kannapolis, NC 28081:

1. The tower will meet or exceed the current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate towers and antennas.
2. The tower will comply with the Federal Communications Act 47 U.S.C §332 as amended and the applicable rules promulgated by the Federal Communications Act.

This the 3<sup>rd</sup> day of October, 2022.

PeakNet, LLC

BY: Allen Bahler

Name: Allen Bahler  
Title: VP/GM

STATE OF Florida

COUNTY OF Pinellas

*Florida*  
I, Christopher Bernardo, a Notary Public of Pinellas County and State of North Carolina, do hereby certify that Allen Bahler personally appeared before me this day and acknowledged that he is VP/GM of PeakNet, LLC, a Delaware limited liability company, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by himself as its VP/GM as the act and deed of the company.

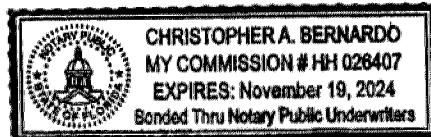
Witness my hand and official stamp or seal, this the 3<sup>rd</sup> day of October, 2022.

*Christopher Bernardo*  
Notary Public

My Commission Expires:

November 19 2024

(Notary Stamp or Seal)



Co-Location Certification

The 235 foot monopole tower (including the 5 foot lightning rod) being proposed by PeakNet, LLC to be located at 7621 Tuckaseegee Road, Kannapolis, NC 28081 will be designed to accommodate four (4) antenna arrays for future users as indicated on Page C-3 of the engineered drawings prepared by Tower Engineering Professionals dated September 9, 2022. This certification is being provided in compliance with Section 6, Paragraph f. of the Wireless Telecommunications Ordinance in Chapter 8 of the Cabarrus County Development Ordinance.

This the 3<sup>rd</sup> day of October, 2022.

PeakNet, LLC

BY: Allan Baker

Name: Allan Baker

Title: Gm

STATE OF Florida

COUNTY OF Pinellas

I, Christopher Bernardo a Notary Public of Pinellas County and State of North Carolina, do hereby certify that Allan Baker personally appeared before me this day and acknowledged that he is VP/Gm of PeakNet, LLC, a Delaware limited liability company, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by himself as its VP/Gm as the act and deed of the company.

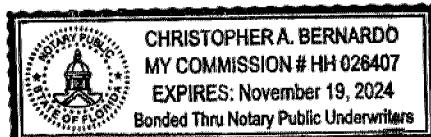
Witness my hand and official stamp or seal, this the 3<sup>rd</sup> day of October, 2024.

Christopher Bernardo  
Notary Public

My Commission Expires:

November 19 2024

(Notary Stamp or Seal)





Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Issued Date: 09/01/2022

Aeronautical Study No.  
2022-ASO-3190-OE

## EXHIBIT F

Christopher Bernardo  
PT Attachment Solutions, LLC  
9887 4th Street North  
Suite 100  
St Petersburg, FL 33702-2445

### \*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\*

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole Concord
Location:	Kannapolis, NC
Latitude:	35-29-12.75N NAD 83
Longitude:	80-42-18.65W
Heights:	741 feet site elevation (SE) 230 feet above ground level (AGL) 971 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 , Obstruction Marking and Lighting, a med-dual system-Chapters 4,8(M-Dual),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part 1)  
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

This determination expires on 03/01/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-4244, or [ashley.m.wilson@faa.gov](mailto:ashley.m.wilson@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-ASO-3190-OE.

**Signature Control No: 509285667-551885433**

( DNE )

Ashley Wilson  
Technician

Attachment(s)  
Case Description  
Frequency Data  
Map(s)

cc: FCC

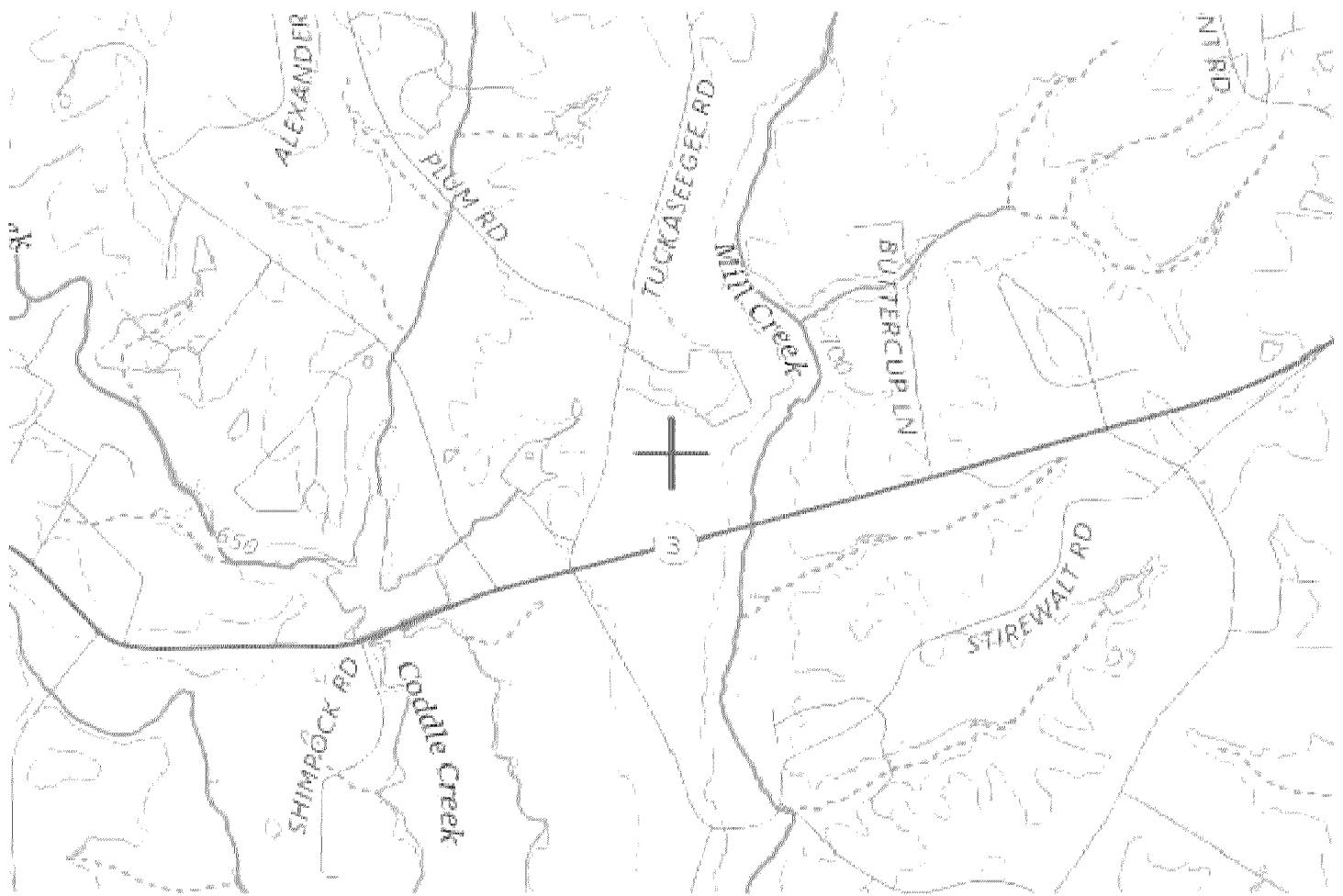
**Case Description for ASN 2022-ASO-3190-OE**

New 230' monopole

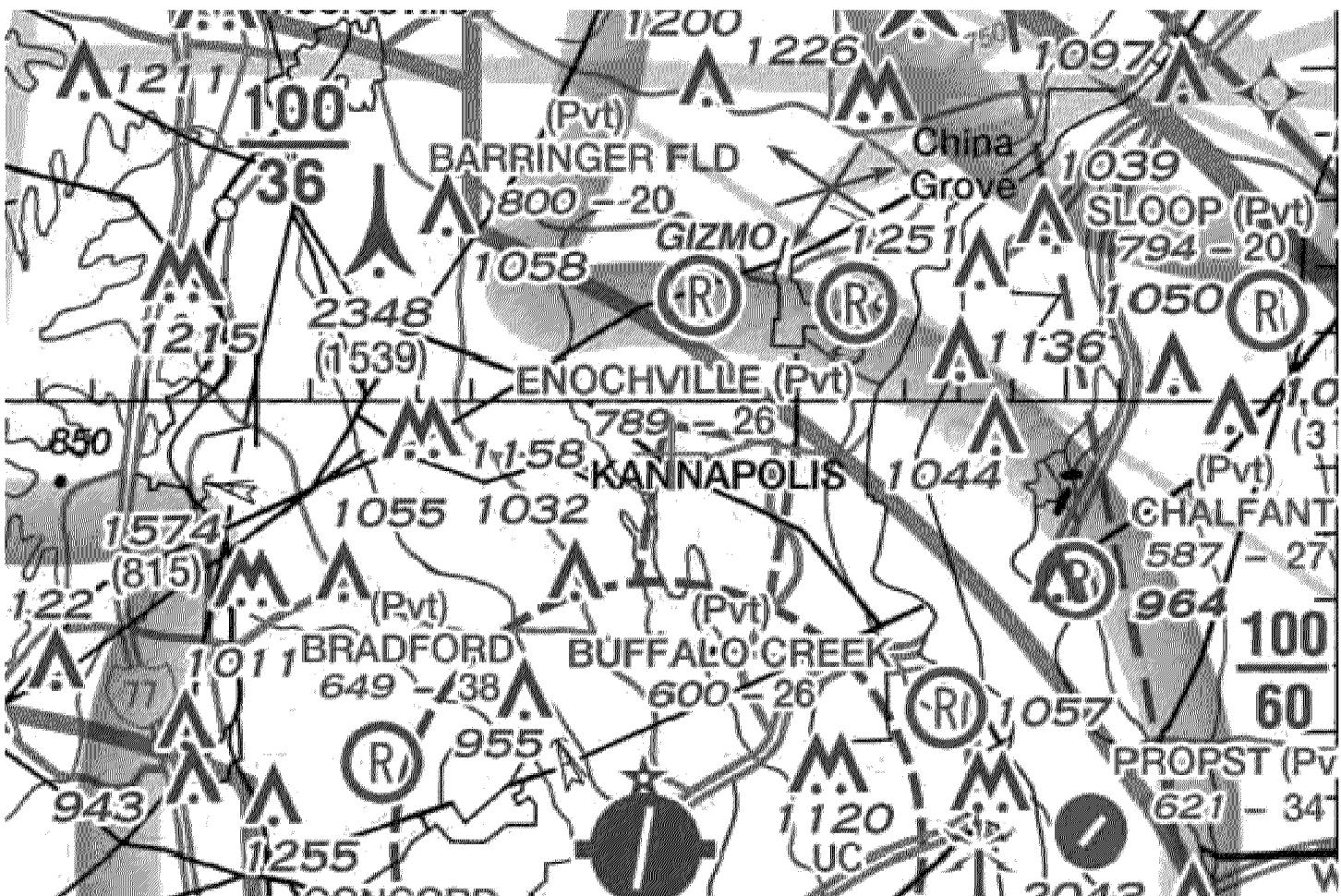
**Frequency Data for ASN 2022-ASO-3190-OE**

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

TOPO Map for ASN 2022-ASO-3190-OE



Sectional Map for ASN 2022-ASO-3190-OE



# Documentation for FAA change to monopole height

## Details for Case : Concord Monopole

[Show Project Summary](#)

2022-ASO-37134-OE

Accepted

None

Date Accepted: 10/03/2022

Date Determined:

Letters: None

Documents: None

Project Documents:  
None

### Iteration Information

Construction

Permanent

Priority: Months: Days:

Start:

End:

Yes-Does the permanent structure require separate notice to the FAA?  
Notice Criteria Tool. If separate notice is required, please ensure it is filed.  
Please state the reason in the Description of Proposal.

### Structure Summary

Structure Type: POLE | Monopole

Structure Name: Concord Monopole

FDC NOTAM:

NOTAM Number:

FCC Number:

Prior ASN: 2022-ASO-3190-OE

### Proposed Frequency Bands

Location:  
35° 29' 12.75" N  
80° 42' 18.65" W  
NAD83  
741 (nearest foot) PASSED  
GL):  
235 (nearest foot)  
(nearest foot)  
ation or existing provide the current  
existing structure,  
e Description of Proposal

Height (AGL):  
(nearest foot)  
study of a crane or construction equipment  
t should be listed above as the  
GL). Additionally, provide the minimum  
avoid delays if impacts are identified that  
to a reduced height. If the Structure Height  
iting height are the same enter the same

Lighting: Red lights

Other:

Lighting/Lighting:

Lighting: None

Other:

Kannapolis  
North Carolina  
Field Near Tuckaseegee Rd  
New page upload any certified survey.  
salt:  
New 235' monopole

Low Freq	High Freq	Freq L
6	7	GI
6	7	GI
10	11.7	GI
10	11.7	GI
17.7	19.7	GI
17.7	19.7	GI
21.2	23.6	GI
21.2	23.6	GI
614	698	MF
614	698	MF
698	806	MF
806	901	MF
806	824	MF
824	849	MF
851	866	MF
889	894	MF
896	901	MF
901	902	MF
929	932	MF
930	931	MF
931	932	MF
932	932.5	MF
935	940	MF
940	941	MF
1670	1675	MF
1710	1755	MF
1850	1910	MF
1850	1990	MF
1930	1990	MF
1990	2035	MF
2110	2200	MF
2205	2360	MF
2305	2310	MF
2345	2360	MF
2496	2690	MF

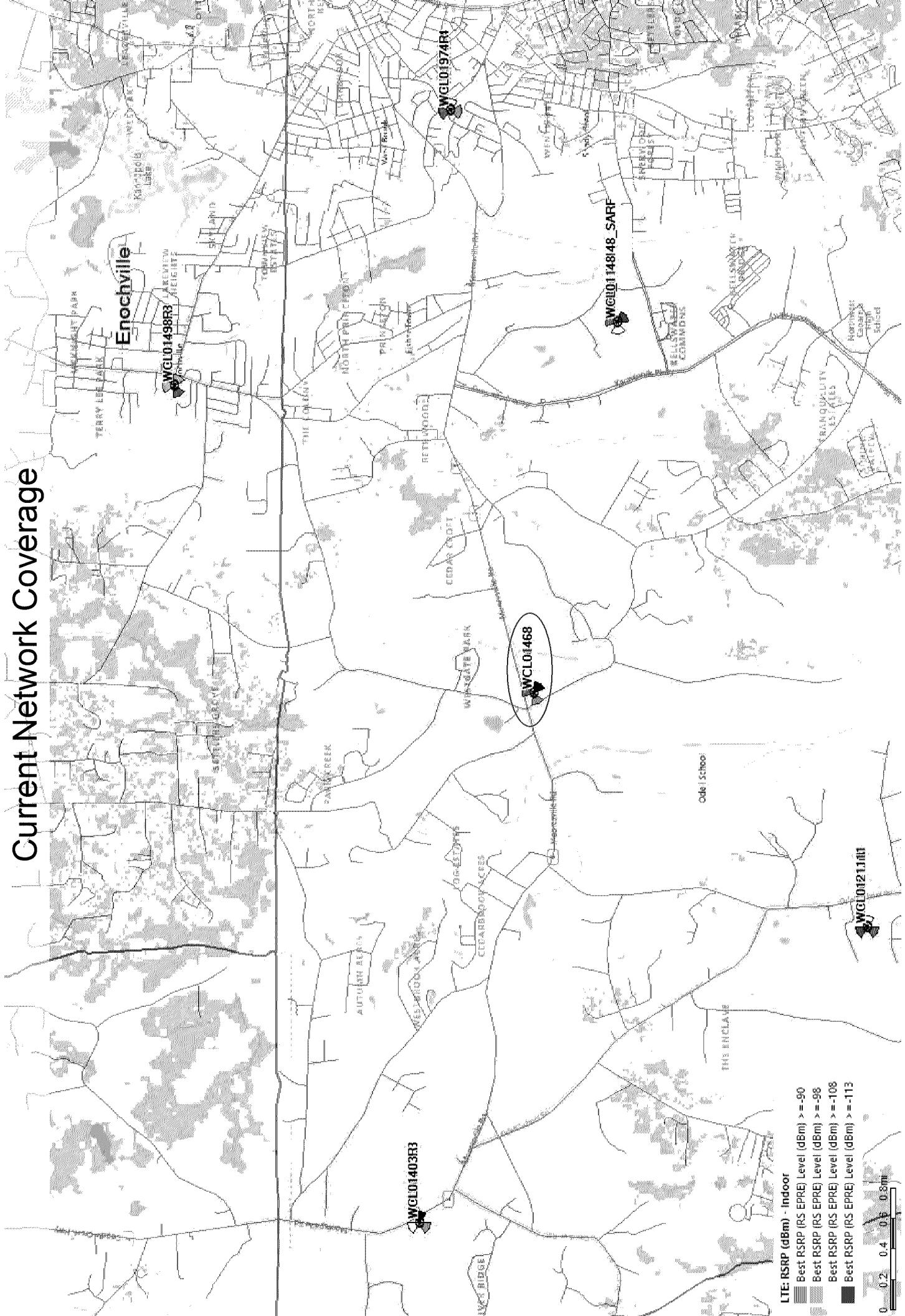
Low Freq	High Freq	Freq L
3450	3550	I
3700	3880	I



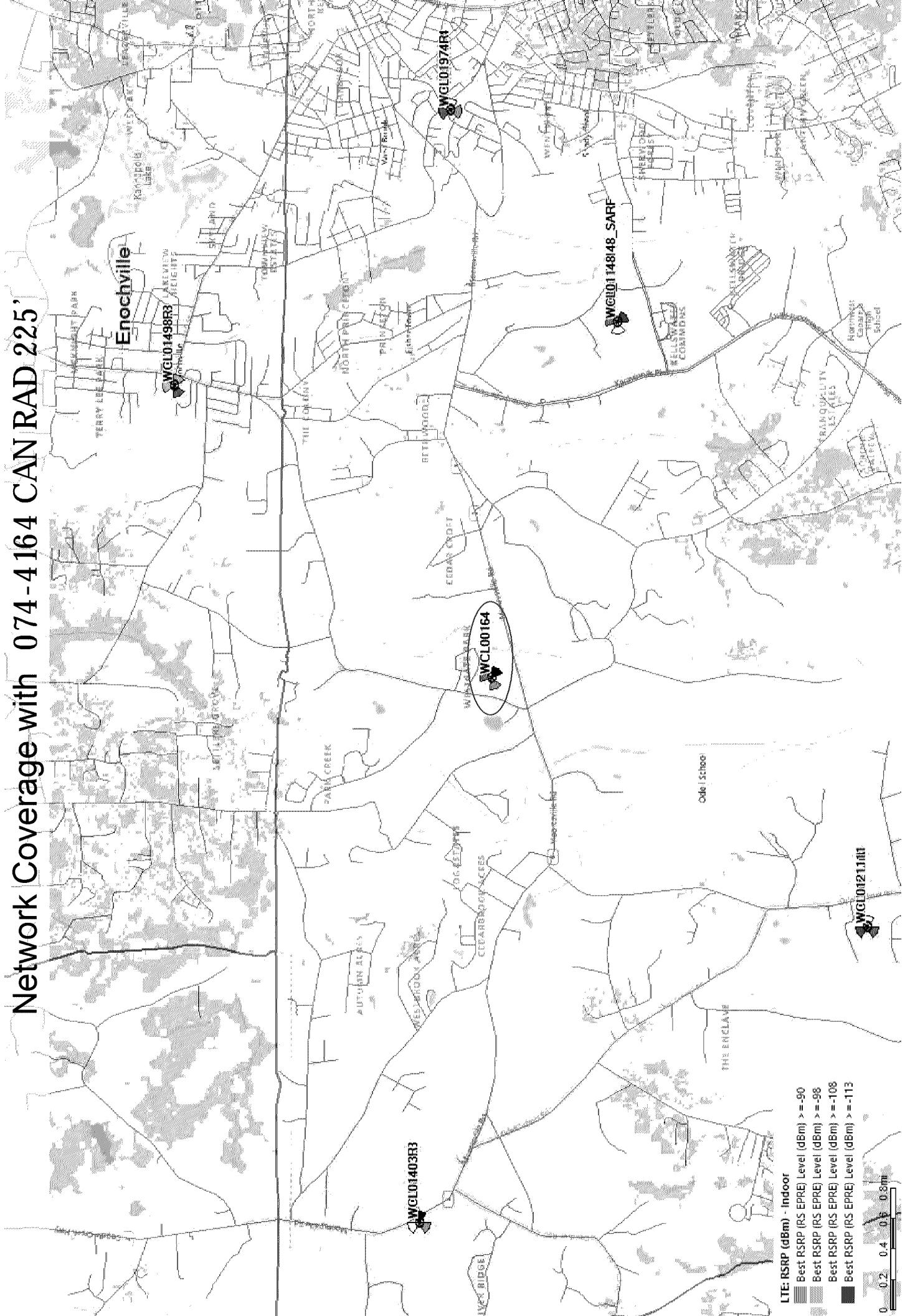
# 074-4164 HRR for 074-468 Coverage Plots

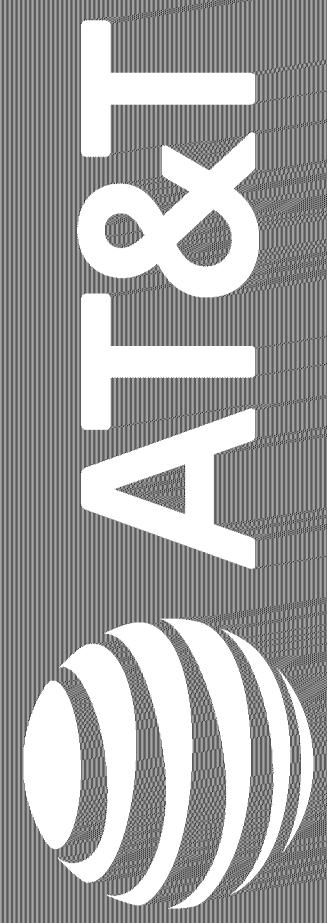
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**Internal Use Only** - Not for use or disclosure outside the AT&T companies except under written agreement.

# Current Network Coverage



# Network Coverage with 074-4164 CAN RAD 225'





***IMPACT STUDY***

***Impact Study - Cell Tower  
7615 Tuckaseegee Road  
Kannapolis, Cabarrus County,  
North Carolina 28081***

***Type Report: Impact Study***

***Effective Date  
April 4, 2022***

***Project ID CAB-006***



April 15, 2022

Mr. Thomas H. Johnson  
Attorney  
Williams Mullen  
301 Fayetteville Street  
Suite 1700  
Raleigh, NC 27601

**RE: Impact Study for Proposed Telecommunications Facility located at 7615 Tuckaseegee Road, Kannapolis, Cabarrus County, North Carolina.**

Dear Mr. Johnson:

I have completed a study of the proposed tower. The scope of the assignment is to provide an analysis and conclusions addressing whether the proposed development will maintain or enhance the value of contiguous properties.

The impact study is intended to conform to the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. The impact study is not an appraisal as it does not report a value of any property or identify a subject property for valuation; however, the study employs appraisal methodology to reach our conclusions of the impact of the proposed development.

The proposed development is a communication tower to be located on a property owned by the Edward Meismer Trust. The Mooresville Road or NC 3 corridor is in a period of transition. The existing land uses in the area include low-density residential, agricultural, and sporadic commercial developments. To the east and south of the proposed site there is significant development of infrastructure and a variety of real estate developments. The existing and likely future land uses in the area dictate the scope of the research for the study. The existing and likely future surrounding land uses are a contributing factor in the development of a conclusion regarding the potential impact of the tower.

The conclusions of this study are supported by the data and reasoning set forth in the attached narrative. Your attention is invited to the Assumptions and Limiting Conditions section of this report. The analysts certify that we have no present or contemplated future interest in the proposed development, and that our fee for this assignment is in no way contingent upon the conclusions of this study.

**EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS:**

It is an extraordinary assumption of this report that the improvements as described within this report are compliant with the appropriate ordinance regarding items including but not necessarily limited to setbacks, landscaping, access and other items outside our field of expertise for this assignment. These items will be addressed as part of the application by others with expertise within the respective fields.

The content and conclusions of this report are intended for our client and for the specified intended uses only. They are also subject to the assumptions and limiting conditions as well as the specific extraordinary assumption set forth in this report.

It is our opinion that the proposed development will enhance or maintain the value of contiguous properties and that it is located in an area where it does not substantially detract from the aesthetics and neighborhood character.

Thank you for the opportunity to be of service. If you have any questions or comments, please contact our office.

Sincerely yours,



**MICHAEL P. BERKOWITZ**  
**MPB REAL ESTATE, LLC**

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## **SCOPE OF THE ASSIGNMENT**

In accordance with our agreement with the client, this impact study is specific to the needs of our client as part of an application for a conditional use permit to be considered by Cabarrus County Officials. Our study and the reporting of our study is in agreement with our client as follows:

The proposed development requires a Conditional Use Permit. The report is intended to address some of the items to be considered for approval or denial of the permit. The following was extracted from Chapter 8-3 of the Cabarrus County Ordinance.

- a. Maintain or enhance the public health, safety and general welfare if located where proposed, developed and operated according to the plan as submitted;
- b. Maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not do so);
- c. Assure the adequacy of:
  - o Sewage disposal facilities
  - o Solid waste and water facilities
  - o Police, fire and rescue squad protection
  - o Schools
  - o Transportation systems (within and around the site) and
  - o other public facilities
- d. Comply with the general plans for the physical development of the County as embodied in these regulations or in the Land Use Plans adopted by the Cabarrus County Board of Commissioners.

The impact study focuses on item (b) of the ordinance associated with the potential impact of the tower on value of contiguous properties.

The scope of the assignment includes research of existing towers in the neighborhood. The neighborhoods and their surrounding developments are researched to determine whether the proposed development, referred to as the “Concord MP Site”, is consistent with the location of other towers in this section of Cabarrus County and their impact, if any, on neighborhood development patterns and property values.

The impact study provides an analysis of the surrounding properties. The analysis includes existing improvements, zoning designations and likely development patterns. The existing uses as of the effective date of this report in concert with the market data provided are contributing factors to the conclusions of this study.

## PREMISES OF THE STUDY

<b>Identification of Subject</b>	Concord MP Site  7615 Tuckaseegee Road Kannapolis, Cabarrus County, NC 28081 Tax Parcel ID: 4693-26-5101
<b>Client, Purpose, and Intended Use and Intended Users</b>	Mr. Thomas H. Johnson Attorney Williams Mullen 301 Fayetteville Street Suite 1700 Raleigh, NC 27601
	The client and intended user are Mr. Tom Johnson and representatives of Peaknet. The intended use is as an aid to assist Cabarrus County officials in rendering a decision regarding the issuance of a conditional use permit for the proposed development. The study is not intended for any other use or users.
<b>Analyst</b>	Michael P. Berkowitz  MPB Real Estate, LLC 1100 Sundance Drive Concord, NC 28027
<b>Property Inspection</b>	Michael Berkowitz inspected the property and neighborhood surrounding the proposed development. Details of surrounding land uses, and observations are provided throughout the report. I also performed off site visual inspections of several towers located in Cabarrus County. I consider my observations in the context of the market data. They are a contributing factor to my conclusions.

Photographs of the property were taken during Mr. Berkowitz's inspection.

**Extraordinary Assumptions of Report**

It is an extraordinary assumption of this report that the improvements as described within this report are compliant with the appropriate ordinance regarding items including but not necessarily limited to setbacks, landscaping, access and other items outside our field of expertise for this assignment. These items will be addressed as part of the application by others with expertise within the respective fields.

Should the extraordinary assumptions not exist, we reserve the right to amend this study.

**Effective Date of Study**

April 4, 2022

**Date of Report**

April 15, 2022

**Type Report**

Impact Study Report

**Study Development and Reporting Process**

In preparing this study, the analyst:

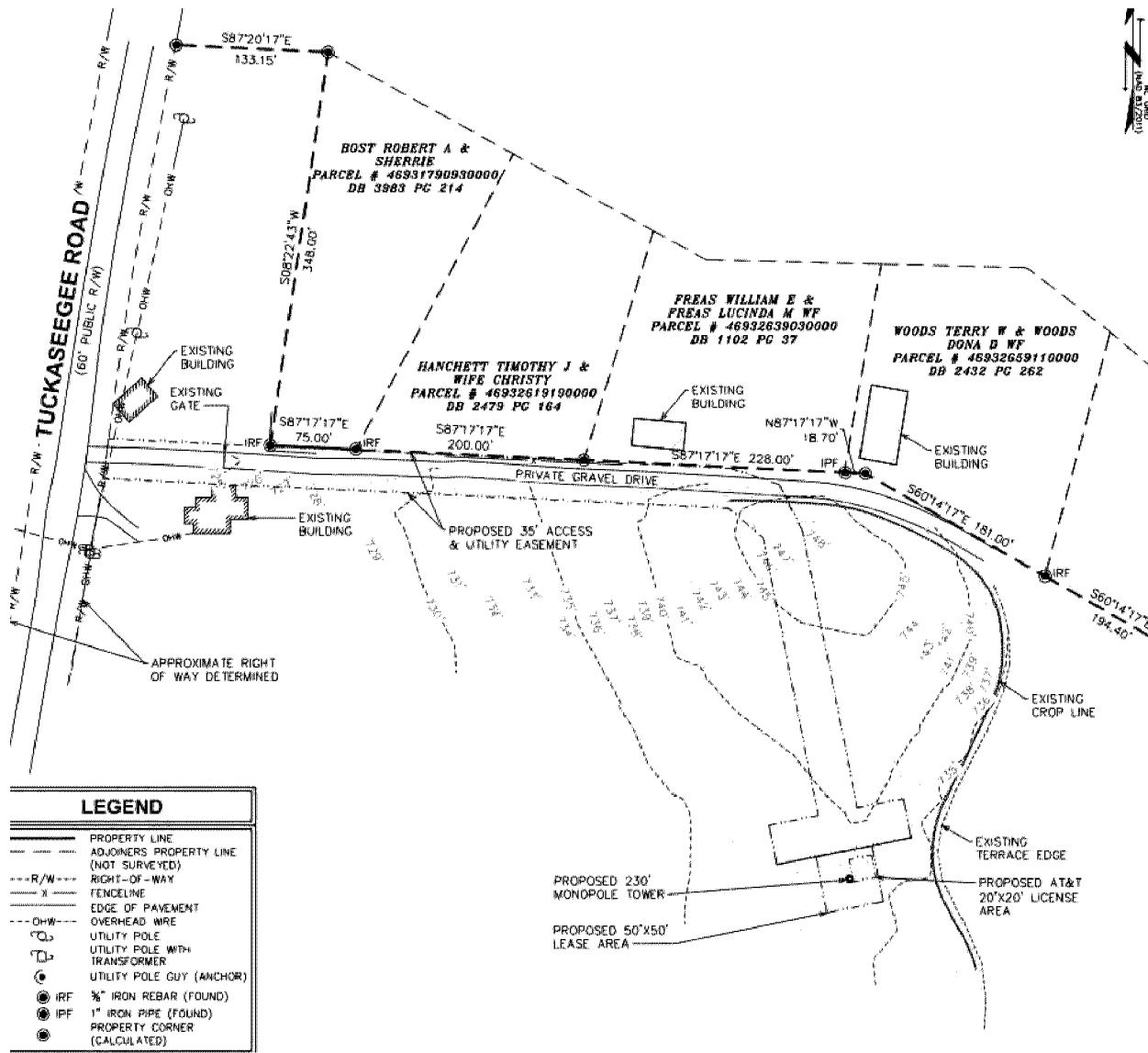
- Analyzes physical affects, if any, of the proposed construction on properties in the immediate area as well as the neighborhood;
- Reviews plans for the proposed development to determine whether it is in compliance with the Cabarrus County Ordinance with respect to items within my field of expertise;
- Reviews site plan provided by our client with respect to the physical characteristics of the proposed development;
- Reviews Section 8.4.36 of the Cabarrus County Zoning Ordinance regarding the development of Wireless Telecommunication Services structures;
- Research market data around existing cell towers in Cabarrus County to determine whether the proposed

development is in accordance with the other similar developments in the area.

## PROPOSED FACILITY

### Tower

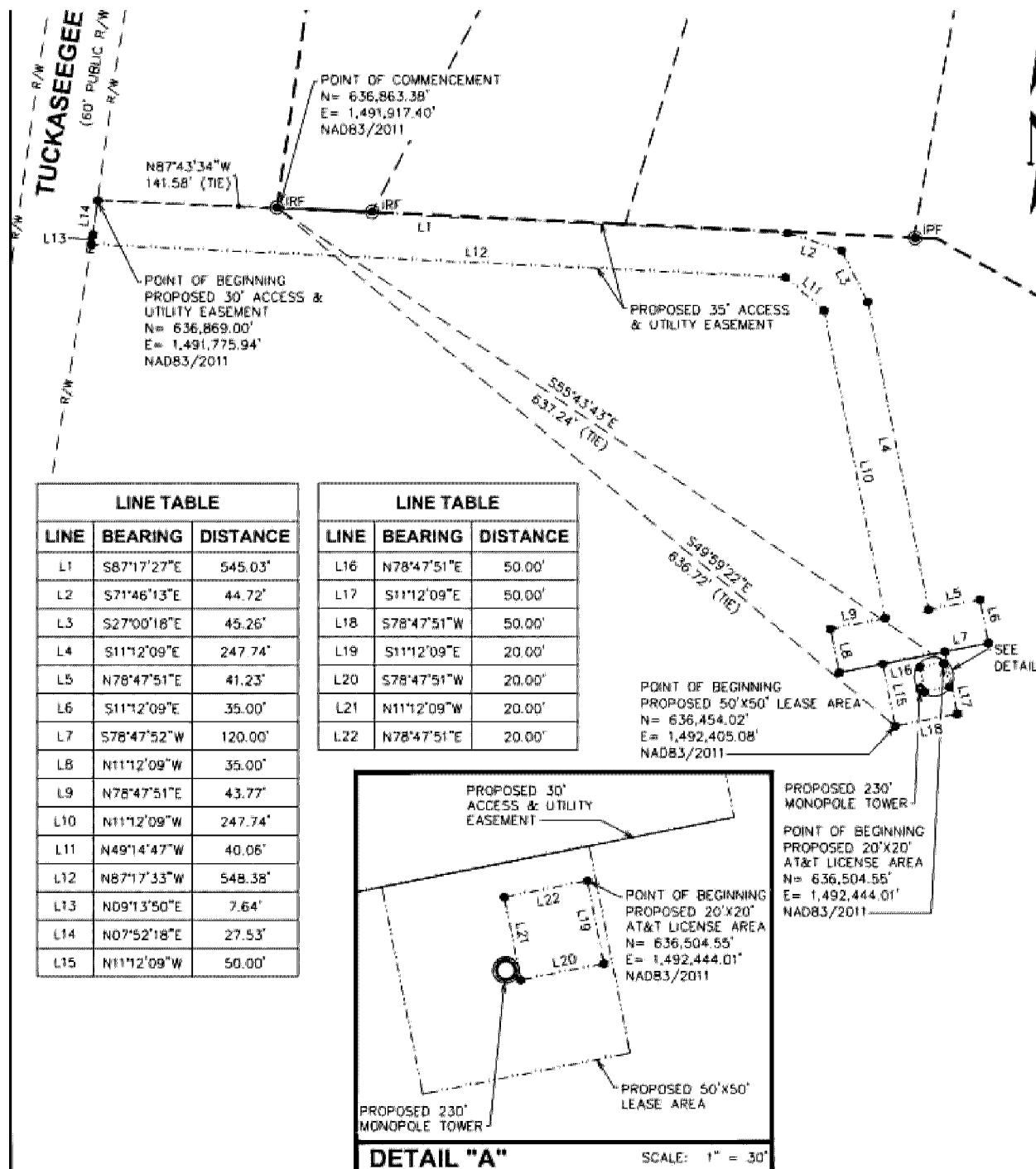
Based on information provided to the analyst, the proposed tower will consist of a 230-foot "monopole" communications tower. The following site plan shows the proposed site.



### Site Improvements

The site improvements include an eight-foot chain link fence with three strands of barbed wire. The existing vegetation will

partially obscure the tower in several directions. The tree line immediately north of the subject is a factor in the selection of appropriate data for analysis.



## Access

As part of the project, the development will include a 30-foot access and utility easement. The easement will encumber the area of the existing gravel drive used by the current owner. As

shown on the exhibit provided, the access will be 30-feet wide and appears to widen to 35 feet. We assume that the access for the proposed development is in accordance with all local and state regulations. Given the access is consistent with other properties in the area, we consider the assumption reasonable.

### **Location**

The proposed tower is in the northern section of the site. The site consists of 129.2 acres. The size of the site provides significant distance between many of the contiguous properties. While the properties to the north of the subject are closer to the tower, the existing tree line will provide a buffer between the proposed tower and these properties.

The subject has a zoning designation of AO, Agricultural District. The agricultural designation is consistent with other larger tracts in the area. However, many of these tracts are being pursued by developers for residential development. The most limiting factor in this marketing activity is the availability of municipal utilities specifically sanitary sewer service.

## **SURROUNDING LAND USES**

The proposed development is located on a 129.2-acre tract of land that includes property on both sides of Highway 3 (Mooresville Road) and Tuckaseegee Road. The study focuses on the portion of the property located on the northeast quadrant of Mooresville and Tuckaseegee Roads, the location of the proposed tower. The contiguous parcels to the north and southwest are low-density residential developments. The remaining contiguous properties are vacant land under the same ownership.

The following chart provides a summary of the contiguous properties. The parcel for the proposed site is subdivided by Mooresville, Tuckaseegee and Plum Roads into four portions. The proposed tower will be on the portion of the property on the northeast quadrant of the intersection of Tuckaseegee and

Mooresville Roads. Because of this subdivision, the number of contiguous properties is limited to the properties on the northeast quadrant as the contiguous properties to the south and west are under the same ownership.

Contiguous Properties Summary					
Tax ID	Address	Owner	Land (Acres)	Improvements	Use
4693-17-9093	2311 Oxford Drive	Robert & Sherrie Bost	0.93	SFD	Residential
4693-26-1919	2313 Oxford Drive	Timothy & Christy Hanchett	0.79	SFD	Residential
4693-26-3903	2317 Oxford Drive	William & Lucinda Freas	0.91	SFD	Residential
4693-26-5911	2319 Oxford Drive	Terry & Donna Woods	1	SFD	Residential
4693-26-7737	2325 Oxford Drive	James & Jessica Munro	1.05	SFD	Residential
4693-36-0547	2329 Oxford Drive	Roberto & Lori Cina	2.79	SFD	Residential
4693-36-2611	2335 Oxford Drive	Roberto & Lori Cina	1.382	Vacant	Vacant
4693-46-0275	7200 Mooresville Road	Sylvia Lanspery	6.43	SFD	Residential
4693-16-7018	7627 Tuckaseegee Road	Lee Dang & Yang Mai Doua	1.19	SFD	Residential
4693-15-6933	7645 Tuckaseegee Road	Anthony & Trina Meltvedt	0.56	SFD	Residential
4693-15-6814	7649 Tuckaseegee Road	TMS Custom Designs, Inc.	0.61	Vacant	Vacant
4693-15-5765	7653 Tuckaseegee Road	Nick McIntosh	0.64	Vacant	Vacant
4693-15-5645	7657 Tuckaseegee Road	Lance Brown	0.66	Vacant	Vacant
4693-15-5505	7661 Tuckaseegee Road	Kimmy Sechler & Christina Vaughn	0.78	SFD	Residential
4693-15-5376	7750 Mooresville Road	Marleen Wingler	0.58	SFD	Residential

The properties highlighted in yellow are the properties to the north of the proposed development. The remaining properties are to the southwest of the proposed tower. We segment the properties into two categories as the visual impact of the tower is similar for the two clusters of contiguous properties.

As we will discuss in the following section, the scope of the assignment is to determine whether the proposed development is in accordance with the Cabarrus County zoning ordinance regarding the issuance of a conditional use permit. The items within our field of expertise are detailed in the following section.

## CABARRUS COUNTY ZONING ORDINANCE

The criteria from the ordinance are used in conjunction with the observations of the proposed development and nearby properties. In addition to the four findings of fact with respect to the conditional use, the Cabarrus County Ordinance provided the following physical characteristics to consider in the approval. The characteristics are as follows:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residentially zoned district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and vegetation;
- f. Design of the tower, with particular reference to design characteristics that reduce or eliminate visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 8 below.

The potential impact on property values of contiguous properties considers several of the factors listed in the ordinance. Therefore, we include a summary addressing each of the items that could potentially impact the value of contiguous properties.

*Height* – The height of the proposed tower is 230 feet. Based on research of the market, the height of the tower is on the upper end of the range for other towers in Cabarrus County. The height of the tower is considered in the potential visual impact on nearby properties.

*Residential Proximity* – The subject has an agricultural zoning designation. The zoning in the area consists of low density residential and agricultural. Based on research of towers provided later in the report, there are towers located near residential areas.

*Uses* – As noted earlier, the contiguous properties are either low density residential or vacant land. The vacant land across Tuckaseegee and Mooresville Roads is under the same ownership and is not included in the analysis.

*Trees and Vegetation* – As shown on the previous aerials, there is tree coverage between the proposed development and the contiguous properties to the north. The properties to the southwest will have a more direct view of the tower despite its location further from the tower than the properties to the north.

*Design of the Tower* – The design of the tower is monopole construction. The visual footprint is smaller than lattice towers prevalent in the area. The location and tree cover will reduce or eliminate the visual impact of the proposed tower from the properties to the north.

*Ingress/Egress* – The ingress and egress for the tower will be provided by a gravel driveway and a shared access easement. It is an assumption of this study that the access will meet all local and state requirements.

*Alternate Locations* – This item is outside the scope of my expertise and is not addressed in the study.

The following shows the purpose of the ordinance with respect to the development of a telecommunications facility.

### **Section I Purpose**

The purpose of this Section 36 is to:

- Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- Encourage the location of towers in non-residential and less developed areas;
- Strongly encourage joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

### **Summary**

The purpose of the ordinance provides two factors that will be addressed in the following section of the study. The ordinance intends to protect residential areas and land uses from potential adverse characteristics and to locate the towers in areas to the extent possible to minimize impact on the neighborhood. As part of the scope of the assignment, I have been asked to determine whether the tower as proposed would maintain or enhance the value of contiguous properties. Conversely, the study addresses whether the proposed tower will adversely impact values of contiguous properties.

## **MARKET RESEARCH**

A potential issue associated with the impact of the proposed development is on property values in the immediate vicinity

and the neighborhood. The criteria for approval of the conditional use permit addresses many of the items that address the magnitude of the visual impact of a proposed tower. My expertise is in property valuation; therefore, we provide a test as to whether the market provides evidence of a diminution in value based on proximity of a cell tower.

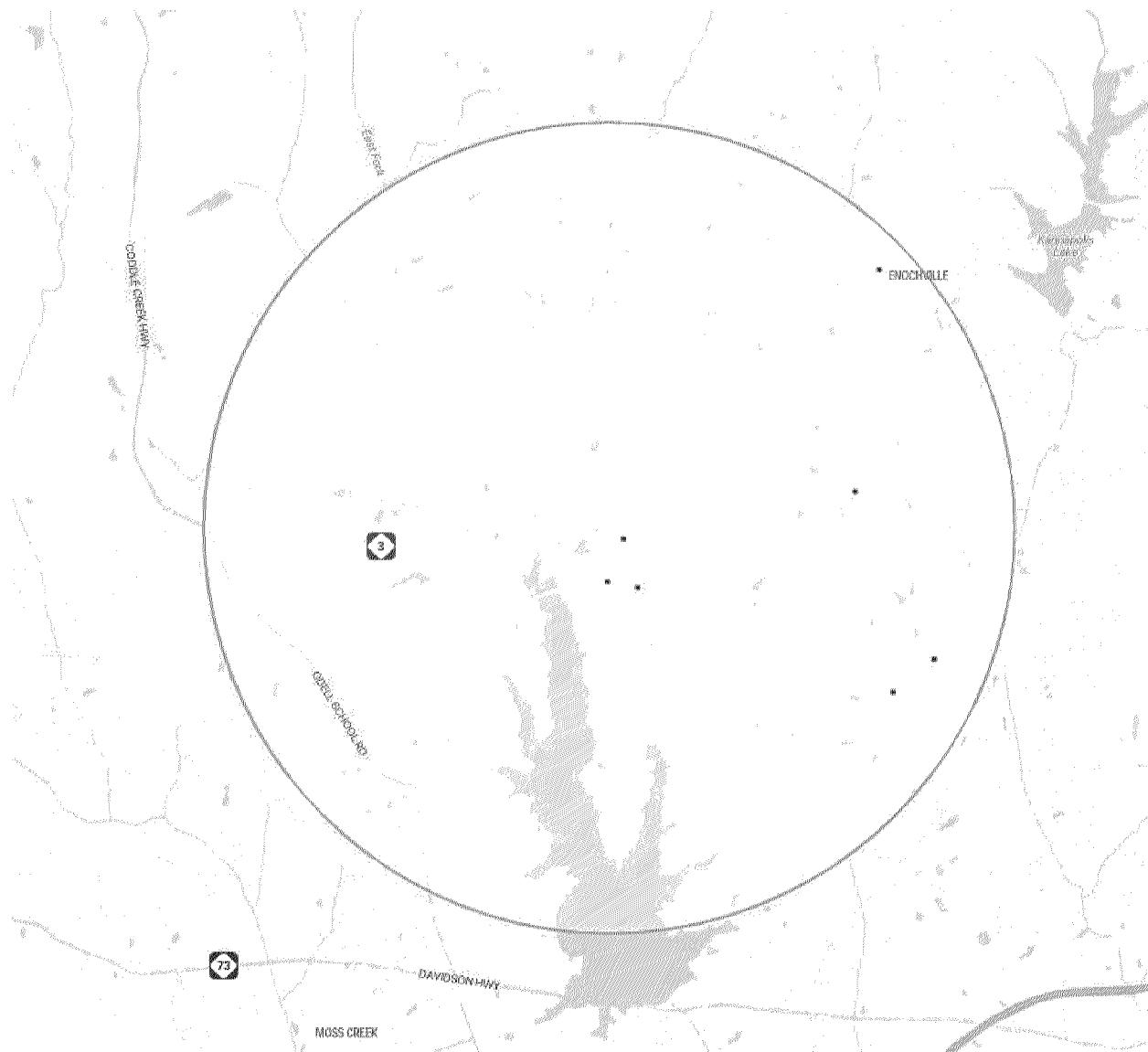
We researched towers in Cabarrus County and identify the development patterns around these towers. After analyzing the market data, we compare this information to the proposed site and the physical characteristics and development patterns surrounding the proposed development.

### Cabarrus County Towers

During our research, we observed several towers in Cabarrus County. The cell towers selected for direct comparison were chosen for a variety of reasons including but not necessarily limited to:

- *Location* – The proposed location is in a growth area of Cabarrus County and includes a mixture of uses.
- *Surrounding Developments* – The surrounding developments along Shiloh Church Road include commercial, vacant land and low-density residential uses.
- *Construction Type/Height* – The proposed tower is a monopole tower with a height of 150 feet.

For the research of towers, we rely on information from antennasearch.com and the Cabarrus County GIS, which we consider reliable sources of information. We excluded towers in commercial and industrial areas as there are too many factors present to isolate the impact, if any, of the tower. Some towers were not visible from the public right-of-way or aerial photos and were excluded. The following map shows towers that were within three miles of the proposed tower.



Our research revealed four registered towers and three non-registered towers within a three-mile radius of the proposed tower. The first criteria in selecting an appropriate tower for comparison is the height of the tower. We have excluded towers less than 100 feet in size as they are too small to be considered comparable. The following provides some information revealed by the towers in proximity to the proposed tower.

The first tower is on a large tract of land with an address of 4920 Rankin Road. This tower is comparable to the subject in that it has a height of 230 feet and is of monopole construction. The tower is located at the edge of the cleared

area adjacent to a tree line. The surrounding land uses are comparable to the subject. However, our tour of this area revealed that the tower is not visible from the residential properties because of the tree cover and topography. The remaining contiguous properties did not provide adequate quality or quantity of data to develop a credible quantitative analysis. We note that the site of this property also has several iron maidens for electrical transmission lines similar to the subject.

The second tower is located at 5814 Mooresville Road. This tower has a height of 199 feet and is of monopole construction. The contiguous properties include some similar residential properties to the east of the tower. During our tour of this tower, we observed a water tower located within the neighborhood that posed a significantly higher visual impact than the tower. The market for the properties with a visual impact of the tower was inadequate to develop a credible quantitative analysis.

The third tower researched for analysis is located at 4431 Rogers Lake Road. This monopole tower has a height of 174 feet. Based on our observations during our tour of this tower, it did not appear visible from any of the contiguous properties because of its siting, existing tree cover and topography.

The other towers found were either not comparable to the proposed area or did not provide adequate market data to develop a credible quantitative analysis. The surrounding area would be considered in transition from a low-density residential and agricultural area to a suburban development pattern. The road improvements to the east recognize the potential for a change in highest and best use along this section of the Highway 3 corridor in the future. The most limiting factor to development is access to municipal sanitary sewer service. Given the likelihood of a change in use, we provide examples of low-density residential developments

consistent with the existing land uses and examples of suburban residential developments.



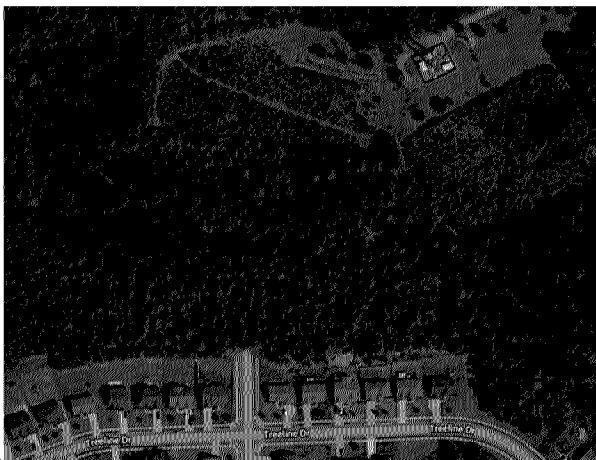
10300 Poplar Tent Road



This tower was researched because of its location along a growth corridor and the ability to isolate the potential impact of the visual influence of the tower. The lattice construction poses a larger visual footprint than the proposed monopole tower. The following chart provide sales data for the adjacent development with the most significant characteristics of the comparison listed in the chart. The sales in yellow are for the houses with the highest level of visual influence from the tower as shown in the photograph. The sales highlighted in green are for sales of the same property.

Fullerton @ Skybrook												
Parcel #	Street Address	Sales Date	Size (SF)	\$/SF	Sales Price	Parcel #	Street Address	Sales Date	Size (SF)	\$/SF	Sales Price	
4671-72-9757	575 MARTHAS VIEW DR NW	Apr 20 2017	3,033	\$ 93.97	\$ 285,000	4671-83-8097	10375 RUTLEDGE RIDGE DR NW	Feb 15 2017	2,846	\$ 99.79	\$ 284,000	
4671-72-9757	575 MARTHAS VIEW DR NW	Mar 25 2019	3,033	\$ 104.85	\$ 318,000	4671-83-8390	10392 RUTLEDGE RIDGE DR NW	Dec 14 2016	2,246	\$ 111.31	\$ 250,000	
4671-73-7074	595 MARTHAS VIEW DR NW	Jul 31 2017	2,870	\$ 91.99	\$ 264,000	4671-83-8390	10392 RUTLEDGE RIDGE DR NW	Apr 12 2019	2,246	\$ 119.32	\$ 268,000	
4671-73-7074	595 MARTHAS VIEW DR NW	Aug 7 2018	2,870	\$ 77.00	\$ 221,000	4671-83-8706	10415 RUTLEDGE RIDGE DR NW	Feb 16 2018	2,545	\$ 104.13	\$ 265,000	
4671-73-7074	595 MARTHAS VIEW DR NW	Mar 7 2019	2,870	\$ 95.12	\$ 273,000	4671-83-8786	10416 RUTLEDGE RIDGE DR NW	Jul 1 2019	2,697	\$ 112.16	\$ 302,500	
4671-73-7090	591 MARTHAS VIEW DR NW	Oct 11 2017	3,313	\$ 87.23	\$ 289,000	4671-83-9283	10378 RUTLEDGE RIDGE DR NW	Dec 6 2016	2,696	\$ 111.28	\$ 300,000	
4671-73-7090	591 MARTHAS VIEW DR NW	Jun 15 2018	3,313	\$ 90.55	\$ 300,000	4671-83-9388	1314 BRIDGEFORD DR NW	Jan 13 2020	3,315	\$ 95.32	\$ 316,000	
4671-73-8245	1223 BRIDGEFORD DR NW	Oct 12 2016	2,563	\$ 95.59	\$ 245,000	4671-83-9388	1314 BRIDGEFORD DR NW	Mar 23 2020	3,315	\$ 96.83	\$ 321,000	
4671-73-8297	1227 BRIDGEFORD DR NW	Jul 17 2018	2,835	\$ 105.82	\$ 300,000	4671-83-9536	10404 RUTLEDGE RIDGE DR NW	May 18 2018	3,071	\$ 97.69	\$ 300,000	
4671-73-9130	1224 BRIDGEFORD DR NW	Dec 4 2017	2,493	\$ 89.85	\$ 224,000	4671-83-9536	10404 RUTLEDGE RIDGE DR NW	Oct 4 2019	3,071	\$ 105.83	\$ 325,000	
4671-82-0649	567 MARTHAS VIEW DR NW	Feb 8 2018	2,870	\$ 98.61	\$ 283,000	4671-92-3547	10327 RUTLEDGE RIDGE DR NW	May 20 2019	3,312	\$ 95.41	\$ 316,000	
4671-82-0685	563 MARTHAS VIEW DR NW	Apr 9 2020	2,697	\$ 114.20	\$ 308,000	4671-92-3827	1303 McDERMOTT WAY NW	Jul 8 2020	2,983	\$ 117.35	\$ 350,000	
4671-82-1809	574 MARTHAS VIEW DR NW	Jul 13 2017	2,907	\$ 89.44	\$ 260,000	4671-92-4746	10334 RUTLEDGE RIDGE DR NW	Jul 31 2019	2,675	\$ 108.41	\$ 290,000	
4671-82-1842	10345 WESSON HUNT RD NW	Mar 29 2018	2,020	\$ 131.19	\$ 265,000	4671-92-5493	10345 HILLSBOROUGH ST NW	Apr 12 2019	2,567	\$ 108.69	\$ 279,000	
4671-82-1895	10349 WESSON HUNT RD NW	Apr 23 2018	2,226	\$ 116.80	\$ 260,000	4671-92-5844	1312 McDERMOTT WAY NW	Aug 16 2018	3,006	\$ 106.47	\$ 320,000	
4671-82-2548	555 MARTHA'S VIEW DR NW	Feb 28 2018	2,759	\$ 103.30	\$ 285,000	4671-92-5879	1316 McDERMOTT WAY NW	Apr 3 2018	2,999	\$ 100.72	\$ 302,000	
4671-82-2963	10357 WESSON HUNT RD NW	May 15 2018	2,706	\$ 104.95	\$ 284,000	4671-92-7998	10391 HILLSBOROUGH ST NW	Jul 25 2018	2,545	\$ 115.13	\$ 293,000	
4671-82-3618	10346 WESSON HUNT RD NW	Oct 17 2018	3,027	\$ 100.76	\$ 305,000	4671-92-8871	10384 HILLSBOROUGH ST NW	May 29 2019	2,545	\$ 109.23	\$ 278,000	
4671-82-4872	10362 WESSON HUNT RD NW	Jun 8 2017	2,251	\$ 114.62	\$ 258,000	4671-93-0526	1311 BRIDGEFORD DR NW	Jan 17 2019	2,723	\$ 101.54	\$ 276,500	
4671-82-5817	10366 WESSON HUNT RD NW	Apr 18 2019	2,421	\$ 104.50	\$ 253,000	4671-93-1449	1319 BRIDGEFORD DR NW	Aug 27 2019	2,723	\$ 128.53	\$ 350,000	
4671-83-0135	1232 BRIDGEFORD DR NW	Jul 16 2019	2,835	\$ 100.53	\$ 285,000	4671-93-2070	1308 MALDEN ST NW	Jun 18 2020	2,684	\$ 116.24	\$ 312,000	
4671-83-1024	10391 DOWLING ST NW	Aug 19 2020	3,204	\$ 109.24	\$ 350,000	4671-93-3227	10404 PORTERS POND LN NW	Jul 17 2018	2,927	\$ 104.54	\$ 306,000	
4671-83-1329	1247 BRIDGEFORD DR NW	Feb 12 2018	2,563	\$ 97.93	\$ 251,000	4671-93-3567	10419 PORTERS POND LN NW	Nov 14 2018	3,341	\$ 102.07	\$ 341,000	
4671-83-2147	10393 DOWLING ST NW	Apr 16 2018	2,274	\$ 105.54	\$ 240,000	4671-93-4352	10412 PORTERS POND LN NW	Feb 6 2019	2,691	\$ 127.83	\$ 344,000	
4671-83-2147	10396 DOWLING ST NW	Oct 12 2018	2,274	\$ 110.38	\$ 251,000	4671-93-4535	10423 PORTERS POND LN NW	Mar 21 2018	2,846	\$ 105.41	\$ 300,000	
4671-83-2414	1255 BRIDGEFORD DR NW	May 30 2019	3,235	\$ 82.69	\$ 267,500	4671-93-6127	1361 BRIDGEFORD DR NW	May 11 2018	2,545	\$ 111.98	\$ 285,000	
4671-83-2414	1255 BRIDGEFORD DR NW	Sep 20 2019	3,235	\$ 94.59	\$ 306,000	4671-93-6176	1365 BRIDGEFORD DR NW	Apr 25 2018	2,246	\$ 124.44	\$ 279,500	
4671-83-3051	10367 WESSON HUNT RD NW	Oct 5 2018	2,441	\$ 103.24	\$ 252,000	4671-93-7187	1373 BRIDGEFORD DR NW	Jul 1 2020	2,739	\$ 125.96	\$ 345,000	
4671-83-6383	10395 RUTLEDGE RIDGE DR NW	Nov 2 2017	3,313	\$ 91.31	\$ 302,500	4681-03-0044	10408 HILLSBOROUGH ST NW	Nov 29 2018	2,869	\$ 106.66	\$ 306,000	
4671-83-6413	1284 BRIDGEFORD DR NW	Feb 28 2017	2,622	\$ 96.11	\$ 252,000	4681-03-1406	10437 HILLSBOROUGH ST NW	Nov 12 2019	2,545	\$ 117.88	\$ 300,000	
4671-83-6464	1290 BRIDGEFORD DR NW	Jun 28 2018	2,551	\$ 116.03	\$ 296,000	4681-03-2205	10428 HILLSBOROUGH ST NW	Sep 1 2017	3,526	\$ 89.34	\$ 315,000	
4671-83-7606	10407 RUTLEDGE RIDGE DR NW	Aug 18 2020	2,784	\$ 123.92	\$ 345,000	4681-03-2205	10428 HILLSBOROUGH ST NW	Jun 17 2019	3,526	\$ 98.41	\$ 347,000	

The sales have an average price of \$104.96 per square foot or \$291,320. The range of the sales is from \$77.00 to \$131.19 per square foot. The highest price paid per square foot is for a home with visual influence of the tower. After adjusting the sales for a variety of physical and legal characteristics, the conclusion is that the visibility of the tower has no impact on the prices paid.



2735 Odell School Road



This tower was researched because of its location and the ability to isolate the potential impact of the visual influence of the tower. The lattice construction poses a larger visual footprint than the proposed monopole tower, but the distance to the properties provides a similar visual impact. The

following chart provide sales data for the adjacent development with the most significant characteristics of the comparison listed in the chart. The sales in yellow are for the houses with the highest level of visual influence from the tower as shown in the photograph.

Wellington Chase											
Parcel Number	Street Address	Sales Date	Size (SF)	\$ per SF	Sales Price	Parcel Number	Street Address	Sales Date	Size (SF)	\$ per SF	Sales Price
4682-02-9341	2673 TREELINE DR	Apr 18 2018	3,270	\$ 119.27	\$ 390,000	4682-22-8895	2560 TREELINE DR	Feb 24 2020	3,525	\$ 103.55	\$ 365,000
4682-11-1574	9658 ESTRIDGE LN	Oct 30 2018	3,968	\$ 87.58	\$ 347,500	4682-22-9436	2477 WELLINGTON CHASE DR	Aug 31 2018	3,376	\$ 139.96	\$ 472,500
4682-11-1748	9711 LOCKWOOD RD	Jul 17 2020	3,925	\$ 115.92	\$ 455,000	4682-22-9533	2483 WELLINGTON CHASE DR	Jul 14 2020	3,269	\$ 118.38	\$ 387,000
4682-11-3479	9650 ESTRIDGE LN	Jul 17 2018	3,875	\$ 103.74	\$ 402,000	4682-22-9865	2556 TREELINE DR	Aug 30 2018	3,038	\$ 130.68	\$ 397,000
4682-11-3479	9650 ESTRIDGE LN	May 13 2019	3,875	\$ 100.13	\$ 388,000	4682-30-0929	2240 WELLINGTON CHASE DR	Apr 19 2018	4,127	\$ 97.65	\$ 403,000
4682-11-3616	9639 LOCKWOOD RD	Jan 6 2020	2,591	\$ 138.94	\$ 360,000	4682-30-4876	2119 PRAIRIE RD	Jun 19 2020	3,017	\$ 142.53	\$ 430,000
4682-11-5205	9643 ESTRIDGE LN	Aug 10 2017	3,741	\$ 126.19	\$ 472,000	4682-30-5975	9564 HORSEBIT LN	Mar 1 2019	2,197	\$ 145.65	\$ 320,000
4682-11-5936	2421 SATCHEL LN	May 16 2018	3,521	\$ 115.02	\$ 405,000	4682-30-7697	2146 PRAIRIE RD	Apr 12 2019	2,223	\$ 137.23	\$ 305,000
4682-11-7717	9622 LOCKWOOD RD	Apr 30 2018	3,470	\$ 112.68	\$ 391,000	4682-30-7948	9565 HORSEBIT LN	Dec 8 2017	3,044	\$ 105.45	\$ 321,000
4682-11-8328	9632 ESTRIDGE LN	Nov 7 2017	3,203	\$ 120.82	\$ 387,000	4682-30-7948	9565 HORSEBIT LN	Nov 20 2018	2,816	\$ 119.85	\$ 337,500
4682-11-8828	2424 SATCHEL LN	Jun 12 2019	3,692	\$ 113.22	\$ 418,000	4682-30-7948	9565 HORSEBIT LN	Sep 25 2019	2,816	\$ 126.07	\$ 355,000
4682-11-9327	9628 ESTRIDGE LN	May 25 2018	3,751	\$ 106.37	\$ 399,000	4682-30-7971	9575 HORSEBIT LN	Aug 14 2018	3,162	\$ 115.43	\$ 365,000
4682-11-9582	9611 LOCKWOOD RD	Sep 19 2019	3,568	\$ 114.63	\$ 409,000	4682-30-8986	2193 PRAIRIE RD	Oct 11 2017	3,134	\$ 106.41	\$ 333,500
4682-12-0539	2670 TREELINE DR	Sep 15 2017	3,099	\$ 117.46	\$ 364,000	4682-30-9638	2158 PRAIRIE RD	Aug 26 2020	2,197	\$ 156.58	\$ 344,000
4682-12-2972	9724 COLTS NECK LN	Jun 14 2019	3,350	\$ 111.94	\$ 375,000	4682-30-9807	2175 PRAIRIE RD	Sep 29 2017	3,098	\$ 115.24	\$ 357,000
4682-12-5916	2568 SHOAL PARK RD	May 15 2019	3,307	\$ 116.42	\$ 385,000	4682-31-1943	2454 WELLINGTON CHASE DR	Jul 27 2020	3,488	\$ 105.50	\$ 368,000
4682-12-8597	2622 TREELINE DR	Sep 28 2018	2,969	\$ 116.20	\$ 345,000	4682-31-4938	9177 MARASOL LN	Dec 29 2017	2,758	\$ 111.31	\$ 307,000
4682-13-3225	2589 SHOAL PARK RD	Feb 10 2020	3,286	\$ 119.60	\$ 393,000	4682-31-5051	9558 HORSEBIT LN	May 14 2018	2,971	\$ 114.44	\$ 340,000
4682-13-3430	2603 SHOAL PARK RD	May 20 2019	3,350	\$ 119.40	\$ 400,000	4682-31-5305	9528 HORSEBIT LN	Apr 26 2018	2,980	\$ 124.83	\$ 372,000
4682-13-3430	2603 SHOAL PARK RD	Sep 17 2019	3,350	\$ 119.40	\$ 400,000	4682-31-5462	9522 HORSEBIT LN	Oct 11 2017	2,991	\$ 123.37	\$ 369,000
4682-13-3438	2605 SHOAL PARK RD	Mar 15 2018	3,304	\$ 116.22	\$ 384,000	4682-31-5781	2265 PRAIRIE RD	Jan 19 2018	3,002	\$ 118.25	\$ 355,000
4682-13-6477	9700 JAMESTOWN RD	May 21 2020	2,948	\$ 118.72	\$ 350,000	4682-31-6552	2247 PRAIRIE RD	Sep 27 2017	2,192	\$ 156.71	\$ 343,500
4682-13-7447	9694 JAMESTOWN RD	Jan 26 2018	3,341	\$ 122.27	\$ 408,500	4682-31-7268	2225 PRAIRIE RD	Nov 3 2017	2,429	\$ 123.18	\$ 299,000
4682-13-8488	9682 JAMESTOWN RD	Nov 27 2017	2,948	\$ 118.72	\$ 350,000	4682-31-7281	2219 PRAIRIE RD	Jun 10 2020	3,157	\$ 121.95	\$ 385,000
4682-13-9457	9676 JAMESTOWN RD	Oct 3 2019	3,443	\$ 114.73	\$ 395,000	4682-31-7334	2231 PRAIRIE RD	Oct 25 2017	2,773	\$ 110.53	\$ 306,500
4682-21-2694	2416 SPUR LN	Apr 16 2020	3,977	\$ 90.52	\$ 360,000	4682-31-7747	2258 PRAIRIE RD	Aug 23 2017	2,975	\$ 122.52	\$ 364,500
4682-21-3463	2408 SPUR LN	Sep 5 2019	3,862	\$ 103.57	\$ 400,000	4682-31-7747	2258 PRAIRIE RD	May 28 2020	2,975	\$ 132.77	\$ 395,000
4682-21-3533	2412 SPUR LN	Oct 3 2019	3,363	\$ 113.29	\$ 381,000	4682-31-7760	2252 PRAIRIE RD	Sep 29 2017	1,699	\$ 161.57	\$ 274,500
4682-21-7415	2404 CLARIDGE RD	Jun 24 2020	4,189	\$ 107.42	\$ 450,000	4682-31-7760	2252 PRAIRIE RD	May 14 2018	1,699	\$ 152.44	\$ 259,000
4682-22-8804	9450 LOCKWOOD RD	Apr 4 2019	3,650	\$ 106.85	\$ 390,000	4682-31-7903	9270 LOCKWOOD RD	Oct 30 2018	3,318	\$ 111.51	\$ 370,000
4682-22-2743	2504 MILL WRIGHT RD	Feb 16 2018	3,465	\$ 112.55	\$ 390,000	4682-31-8115	2213 PRAIRIE RD	Mar 16 2018	2,381	\$ 123.48	\$ 294,000
4682-22-2820	2508 MILL WRIGHT RD	Dec 27 2018	2,948	\$ 118.72	\$ 350,000	4682-31-8476	2236 PRAIRIE RD	Nov 9 2017	2,137	\$ 140.38	\$ 300,000
4682-22-3540	2595 TREELINE DR	Aug 24 2017	3,311	\$ 117.79	\$ 390,000	4682-32-3825	2540 TREELINE DR	Jun 28 2018	2,764	\$ 117.58	\$ 325,000
4682-22-4099	2421 CLARIDGE RD	Oct 25 2018	3,506	\$ 109.67	\$ 384,500	4682-32-5093	9163 MARASOL LN	Jun 5 2018	3,822	\$ 91.18	\$ 348,500
4682-22-4574	2587 TREELINE DR	Jun 15 2018	2,744	\$ 116.62	\$ 320,000	4682-32-5093	9163 MARASOL LN	Aug 28 2019	3,822	\$ 99.03	\$ 378,500
4682-22-4574	2587 TREELINE DR	May 2 2019	2,744	\$ 111.70	\$ 306,500	4682-32-5221	9166 MARASOL LN	Jan 4 2019	3,345	\$ 98.65	\$ 330,000
4682-22-4777	2584 TREELINE DR	Jul 30 2019	3,358	\$ 116.14	\$ 390,000	4682-32-6066	9159 MARASOL LN	Jul 30 2018	2,633	\$ 117.74	\$ 310,000
4682-22-5537	2583 TREELINE DR	Jun 15 2018	3,374	\$ 117.07	\$ 395,000	4682-32-6066	9159 MARASOL LN	Apr 4 2019	2,633	\$ 115.08	\$ 303,000
4682-22-5830	2580 TREELINE DR	Nov 20 2018	2,988	\$ 123.83	\$ 370,000	4682-32-8101	9151 MARASOL LN	Mar 16 2018	3,860	\$ 94.82	\$ 366,000
4682-22-6802	2576 TREELINE DR	May 21 2018	2,823	\$ 121.15	\$ 342,000	4682-32-8653	2516 TREELINE DR	Jun 12 2018	3,384	\$ 110.82	\$ 375,000
4682-22-6864	2572 TREELINE DR	Dec 21 2017	2,732	\$ 119.88	\$ 327,500	4682-41-0970	2182 PRAIRIE RD	May 14 2019	3,069	\$ 128.71	\$ 395,000
4682-22-7854	2568 TREELINE DR	Mar 28 2019	2,812	\$ 120.02	\$ 337,500	4682-41-1696	2437 BENSEALM LN	Jul 16 2018	3,201	\$ 105.59	\$ 338,000
4682-22-7854	2568 TREELINE DR	Jul 3 2019	2,812	\$ 120.91	\$ 340,000	4682-42-0091	2456 TREELINE DR	May 15 2018	3,424	\$ 107.48	\$ 368,000

The sales have an average price of \$117.85 per square foot or \$365,488. The range of the sales is from \$87.58 to \$161.57 per square foot. The quantity of data allows for a credible analysis of the other statistical variances. The standard deviation is \$13.96 per square foot. All the sales with visual influence lie within one standard deviation of the mean. After adjusting the sales for a variety of physical and legal characteristics, the conclusion is that the visibility of the tower has no impact on the prices paid.



### Wyndham Estates Sales Summary

Address	Acres	Year Built	Size (SF)	Sale Date	Sale Price	Price/SF
348 ROYAL WINDSOR DR	0.9	2018	2,399	July-18	\$ 260,000	\$ 108.38
344 ROYAL WINDSOR DR	0.73	2016	2,508	November-16	\$ 252,500	\$ 100.68
340 ROYAL WINDSOR DR	0.55	2016	2,708	September-17	\$ 267,500	\$ 98.78
336 ROYAL WINDSOR DR	0.57	2015	2,748	June-15	\$ 230,000	\$ 83.70
345 ROYAL WINDSOR DR	0.8	2017	2,403	April-18	\$ 255,000	\$ 106.12
332 ROYAL WINDSOR DR	0.57	2014	2,772	May-19	\$ 285,000	\$ 102.81
328 ROYAL WINDSOR DR	0.56	2014	2,467	March-15	\$ 219,500	\$ 88.97
339 ROYAL WINDSOR DR	0.89	2017	2,745	December-17	\$ 280,000	\$ 102.00
324 ROYAL WINDSOR DR	0.55	2014	3,117	March-15	\$ 256,500	\$ 82.29
335 ROYAL WINDSOR DR	0.57	2015	2,201	November-15	\$ 240,000	\$ 109.04
320 ROYAL WINDSOR DR	0.54	2014	3,127	October-18	\$ 284,000	\$ 90.82
331 ROYAL WINDSOR DR	0.56	2016	2,274	August-16	\$ 244,000	\$ 107.30
327 ROYAL WINDSOR DR	0.55	2015	2,810	April-16	\$ 239,000	\$ 85.05
312 ROYAL WINDSOR DR	0.77	2013	2,464	March-18	\$ 260,000	\$ 105.52
323 ROYAL WINDSOR DR	0.54	2015	3,139	August-15	\$ 260,500	\$ 82.99
313 ROYAL WINDSOR DR	0.68	2010	2,298	June-15	\$ 212,000	\$ 92.25
309 ROYAL WINDSOR DR	0.73	2010	2,928	September-15	\$ 205,000	\$ 70.01
304 ROYAL WINDSOR DR	0.69	2014	3,103	May-15	\$ 250,000	\$ 80.57
304 ROYAL WINDSOR DR	0.69	2014	3,103	October-18	\$ 285,000	\$ 91.85
305 ROYAL WINDSOR DR	0.8	2015	2,484	June-15	\$ 233,000	\$ 93.80

13935 Old Camden Road

This tower was researched because it provides an example of newer residential development comparable to likely future development patterns in the area. The monopole construction is more comparable to the proposed tower than the lattice towers from the previous examples. The previous chart provides sales data for the adjacent development with the most significant characteristics of the comparison listed in the

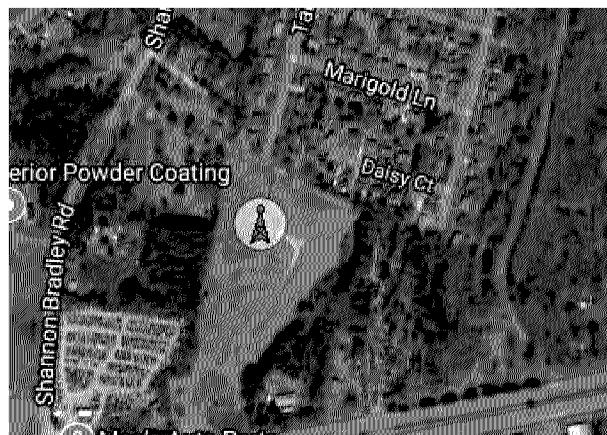
chart. The sales in yellow are for the houses with the highest level of visual influence from the tower as shown in the photograph. The sales highlighted in green are for the properties located furthest from the tower and the lowest level of visual impact.

The sale of the house pictured earlier sold in 2015 and resold last year showing an appreciation of 14%. Further, the resale price of \$285,000 is the highest price point for the neighborhood. After analysis of the factors listed in the chart and other less influential items, the visual impact of the tower is concluded not to adversely impact the value of contiguous properties.

The following are examples derived from studies in rural areas of North Carolina. The intent of this study is to show examples of matched pairs for the current uses of the contiguous properties.

### Rural Towers

The first tower is in Rowan County in a residential area of Tareyton Drive. This is an older residential area with most of the dwellings constructed in the 1970's similar to the residential improvements near the proposed tower. As shown on the following aerial, the tower is in an open field with a similar visual impact for the properties to the southwest of the proposed tower. The tower has a similar height to the subject.



The following sales were found in the area. The two properties highlighted in green have the highest level of visual impact from the tower.

Sales Summary									
Parcel	Address	Land (Acres)	Bedrooms	Baths	SF	Year Built	Sale Date	Sales Price	Price/SF
102 561	3009 Daisy Ct	0.25	3	1	1,600	1974	1/13/17	\$ 35,000	\$ 21.88
102 622	442 Newcastle Rd	0.22	3	1	1,100	1974	12/29/17	\$ 45,000	\$ 40.91
102 507	3218 Spring Valley	0.34	4	2	1,538	1972	10/10/16	\$ 78,000	\$ 50.72
102 491	3220 Spring Valley	0.3	3	1	1,092	1972	12/14/17	\$ 99,000	\$ 90.66
152 857	655 Kilborne Dr.	0.2	3	1	1,050	1978	8/21/15	\$ 37,000	\$ 35.24
152 839	601 Dundeen Dr.	0.22	3	1	1,075	1978	12/31/15	\$ 36,000	\$ 33.49
152 820	630 Dundeen Dr.	0.2	3	1	1,050	1977	1/5/17	\$ 48,000	\$ 45.71
152 797	636 Colebrook Dr.	0.2	3	1	1,000	1977	11/30/16	\$ 60,000	\$ 60.00
137 766	609 Belfast Dr.	0.21	3	1	1,050	1976	7/28/14	\$ 45,000	\$ 42.86
137 758	602 Belfast Dr.	0.2	3	1	1,050	1976	8/21/15	\$ 30,000	\$ 28.57
137 734	657 Belfast Dr.	0.21	3	1	1,050	1976	11/21/17	\$ 53,000	\$ 50.48

All the sales have similar lot sizes, location and year built. As with many older homes, the most significant factor influencing price paid is the condition of the improvements. The first “green” sale in the chart included a basement, which would require an adjustment. The presence of the basement skews the price paid per square foot. Upon further research, this dwelling was reported as “needing some work”. From a price point perspective, the sale is on the lower end of the range, which is reasonable given the reported condition of the improvements and presence of a basement.

The second “green” sale did not include a basement and was reported in fair condition. Again, this sale is consistent with the other sales in the data set. The analysis of this sale shows consistency with other residential sales in the area despite its location and visual impact from the tower. We note that the tower is only partially visible from this property consistent with the residential properties north of the proposed development.

For a previous study in Gaston County, we found a tower with some low-density residential developments. This tower is located closer to the road in an open field with a similar visual

presence than the proposed tower. The following exhibits provide an aerial and street scene for the tower.



1852 County Line Road



As shown on the previous aerial, there are residential developments across the street from the tower. This tower is a similar height and monopole construction. As with most rural areas of North Carolina, the market data is limited. The following data consists of some modular homes that sold along County Line Road across the street from the tower to some modular homes that sold in Lewis Farm Estates. The following chart provides a summary of the sales.

Property Sales Summary						
Address	Sale Date	Sales Price	Acres	SF	Price/SF	Year Built
1848 County Line Road	5/24/11	\$ 100,000	1	1,908	\$ 52.41	1999
1846 County Line Road	11/16/07	\$ 90,000	1.03	1,512	\$ 59.52	2004
1519 Lewis Farm Road	3/5/15	\$ 116,000	2.42	1,842	\$ 62.98	1999
1526 Lewis Farm Road	8/29/07	\$ 170,000	2.88	2,881	\$ 59.01	2006

In the analysis of these sales, there are several factors that contribute to the price paid. The smaller lot sizes for the properties near the tower would warrant a downward adjustment to these sales. Regardless, the range of prices paid per square foot is considered small. The indication from this analysis is that similar single family dwelling prices paid are comparable despite the visual impact of the cell tower. The market data indicates that even with absence of a vegetative buffer, the tower does not substantially injure the value of contiguous properties.

Another tower on a residentially zoned property is located along the NC Highway 138 corridor in Stanly County. The tower is a monopole with a height of 195 feet. Research of the market for the adjacent properties revealed a recent sale of the adjacent property to the north of the property improved with the tower. The following chart provides a summary of sales found in the area. The sale of the adjacent property is highlighted in yellow. The other sales are for other properties providing similar utility.

Matched Pair Analysis									
Sale Date	Address	Acres	Size (SF)	Year Built	BR	BA	Sale Price	Price/SF	
3/12/20	<b>12483 NC Hwy 138</b>	<b>2</b>	<b>1,500</b>	<b>1955</b>	<b>3</b>	<b>1</b>	<b>\$ 140,000</b>	<b>\$ 93.33</b>	
1/30/20	12514 NC Hwy 138	1.91	1,070	1954	2	1	\$ 103,000	\$ 96.26	
6/13/19	32621 Chapel Rd.	2.59	1,734	1993	3	2	\$ 150,000	\$ 86.51	
10/26/17	32612 Chapel Rd.	2.04	1,421	1981	2	1	\$ 114,000	\$ 80.23	
5/10/20	33515 S. Stanly School Rd.	14.46	1,008	1959	2	1	\$ 117,000	\$ 116.07	
1/17/19	12028 NC Hwy 138	1.06	1,860	1947	3	2	\$ 160,000	\$ 86.02	
4/16/19	12018 NC Hwy 138	0.95	1,501	1949	3	1	\$ 149,000	\$ 99.27	
6/18/18	11636 NC Hwy 138	0.68	1,709	1945	3	1	\$ 115,000	\$ 67.29	
6/16/19	12273 Old Aquadale Rd.	1.2	1,865	1965	3	1.5	\$ 170,000	\$ 91.15	

As shown on the previous chart, the sale of the property adjacent to the tower site is on the upper end of the range on a price per square foot as well as price point. After researching and adjusting these sales for physical and market variances in comparison to the sale adjacent to the tower, the analysis indicates that there is no diminution in value caused by the presence of a tower on the adjacent property.

We also provide the results from a study in Robeson County. The scope of the impact study addressed the potential impact of value on properties in the neighborhood. The following provides market data for the towers found in Robeson County that low-density residential.

The following data is segregated into two categories: single family homes and vacant land. For all the data sets, the properties highlighted in yellow are those properties along the same corridor as the tower. These properties are compared to properties highlighted in green, which are along similar streets

without a tower. We include additional market data as background for the paired sales analyses.



474 Long Road



This tower has a height of 180 feet. The other towers selected for comparison in this portion of the study are in areas with agricultural and low-density residential. The low-density residential developments include homes constructed over a wide time span including some estate style homes. The market data for single family dwellings are summarized in the following chart.

SFD SALES						
Address	Sale Date	Sales Price	Year Built	SF	Acres	\$/SF
46 SURRY	5/25/2005	\$68,000	1986	1,152	2.34	\$ 59.03
121 SURRY	10/29/2007	\$93,000	1978	1,443	1	\$ 64.45
285 JUNE	5/15/2009	\$41,000	2000	1,632	1	\$ 25.12
992 LONG RD	8/20/2007	\$57,500	1978	972	1	\$ 59.16
867 LONG RD	11/5/2009	\$27,000	1962	800	1.52	\$ 33.75
719 LONG RD	6/8/2015	\$87,000	1989	1,437	4.37	\$ 60.54
1148 LONG RD	8/14/2015	\$227,500	2005	2,029	1.8	\$ 112.12

The analysis of these sales as well as other sales presented later in this section includes several factors including but not necessarily limited to size, age, and lot size. The most compelling market data is the consistency in the prices paid per square foot for the highlighted properties. The comparison of the data shows some offsetting characteristics but does provide evidence that the cell tower located along Long Road does not injure property values in the area.

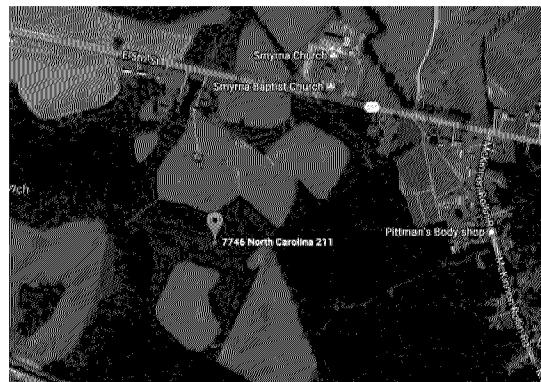
The second data set is for land sales found in the area. The highlighted properties are for residential lots consistent with the low-density development patterns in the neighborhood.

LAND SALES				
Address	Sale Date	Sales Price	Acres	\$/Acre
181 TROY DR	6/11/2010	\$150,000	19.63	\$ 7,641
WILKES RD	5/1/2013	\$20,000	7.39	\$ 2,706
859 LONG RD	8/22/2012	\$15,000	1.24	\$ 12,097
OFF LONG RD	3/24/2015	\$22,000	3.43	\$ 6,414

Contrary to the market data for single family dwellings, the most compelling information from this data set is the price point for the residential lots. The size of the lots is the most influential factor on price point. Again, the market data indicates that the tower has not impeded demand for land along the Long Road corridor nor has it injured land values in the area.



7746 E Hwy 211



This tower has a height of 300-feet and is in Lumberton, North Carolina. I have applied the same methodology as the previous analyses and segregated the data into single family dwellings and vacant land. The sales for single family dwellings are summarized in the following chart.

SFD SALES						
Address	Sale Date	Sales Price	Year Built	SF	Acres	\$/SF
913 HARRIS RD	1/31/2017	\$65,000	2005	1,443	1	\$ 45.05
4642 OLD ALLENTON	12/7/2015	\$64,000	1950	912	1	\$ 70.18
146 BEAR BAY	11/13/2014	\$48,000	1980	1,456	2.69	\$ 32.97
877 OLD ALLENTON	6/25/2013	\$46,500	1969	1,506	1.5	\$ 30.88
9697 NC 211	6/26/2012	\$61,000	1955	1,170	1.24	\$ 52.14
8355 E NC HWY 211	6/3/2015	\$75,000	1988	1,152	4.22	\$ 65.10

The physical variance in this data set would require a higher level of adjustment. Notwithstanding this fact, the sales along

the 211 corridor provide a similar price point and price paid per square foot. The offsetting nature of the variances is reflected in the similar price point for most sales with the property closest to the tower having the highest price point. The analysis of this data set provides further evidence to our conclusion.

The following chart provides a summary of land sales for the area. Again, applying the same methodology as the previous analyses.

LAND SALES				
Address	Sale Date	Sales Price	Acres	\$/Acre
NC HWY 211	12/17/2014	\$17,500	0.59	\$ 29,661
699 BAY BEAR	6/18/2015	\$17,000	8.13	\$ 2,091
HARRIS RD	5/14/2015	\$8,500	1	\$ 8,500
HARRIS RD	8/17/2015	\$9,000	1.27	\$ 7,087
3 PITTMAN	4/4/2014	\$250,000	93.22	\$ 2,682
WILKES	5/1/2013	\$20,000	7.39	\$ 2,706
481 HARRIS RD	2/8/2013	\$25,500	0.92	\$ 27,717
538 DERWOOD	9/17/2012	\$45,000	17.74	\$ 2,537
DERWOOD	7/19/2012	\$80,000	24.84	\$ 3,221
PITTMAN	5/21/2012	\$15,000	14.08	\$ 1,065

The best matched pair in this data set is from the sales of two mobile home lots. While the price point was higher for the sale on Harris Road, the price per acre was higher for the lot on Highway 211. This indicates that size was a significant factor in the price paid. The size variance would be the most significant factor. The only other sale found lies on the lower end of the range of the data set, which is considered reasonable given its physical characteristics including some areas that appear to be undevelopable.



Kinlaw Road, Lumberton,  
NC

The land sales in the area provide the most compelling evidence in the neighborhood for this tower. The following chart provides a summary of land sales in the area.

LAND SALES				
Address	Sale Date	Sales Price	Acres	\$/Acre
HOWELL RD	5/25/2012	\$98,000	47	\$ 2,085
TARHEEL RD	12/12/2012	\$13,000	3.37	\$ 3,858
346 BARNHILL	9/3/2013	\$28,500	8	\$ 3,563
5168 TARHEEL	1/3/2014	\$30,000	9.15	\$ 3,279
KINLAW RD	9/4/2014	\$27,000	6.87	\$ 3,930

The sale closest to the tower sold for the highest price per acre. Again, the market data for land around this cell tower indicates that the tower does not injure the prices paid for land in the neighborhood.

The following is a summary of single-family dwelling sales found in the neighborhood.

SFD SALES						
Address	Sale Date	Sales Price	Year Built	SF	Acres	\$/SF
88 BARNHILL	4/30/2012	\$76,000	1995	1,458	2.01	\$ 52.13
6876 HOWELL	5/22/2012	\$55,000	1988	1,344	1.98	\$ 40.92
7889 HOWELL	12/17/2012	\$37,500	1950	1,454	1.86	\$ 19.23
5168 TARHEEL	5/9/2013	\$125,000	1958	1,980	5	\$ 63.84
6225 HOWELL	8/10/2016	\$200,000	1999	2,837	1.01	\$ 100.05
6257 HOWELL	2/10/2017	\$225,000	2007	3,303	1	\$ 112.11
306 TARHEEL	10/17/2013	\$177,500	1953	3,087	5.03	\$ 90.89
3647 TARHEEL	9/5/2014	\$46,000	1992	1,296	0.92	\$ 23.09
5478 TARHEEL	10/3/2014	\$125,000	2002	1,920	8.4	\$ 62.44
8191 HOWELL	11/10/2014	\$71,000	1980	1,032	1.02	\$ 35.86
470 KINLAW RD	12/31/2014	\$42,500	1982	1,338	1.5	\$ 21.44
KINLAW RD	6/15/2015	\$73,500	1962	1,485	0.89	\$ 37.46

The review of sales of single-family dwellings reveals that age and condition of the improvements is the most significant factor in the prices paid. Development in the area is sparse and supply side pressures in the market and low number of transactions indicates that the neighborhood is in the stable phase of its economic development. This is similar to the subject's neighborhood. The sales price paid for the properties along the corridor of the tower and other corridors is consistent.



## Summary

Based on the analysis of the data provided and development patterns around towers throughout Cabarrus County, we conclude that the presence of a wireless support structure does not impede the orderly development of the area. Further, the market does not recognize an adverse impact to property values for contiguous properties.

## Other Considerations

Other potential impacts to the surrounding area include noise, traffic, and lighting. The operation of a cell tower is essentially silent and would not influence the surrounding developments. The additional traffic caused by the proposed development is nominal and would likely occur for routine maintenance. Any increases in traffic are considered nominal and does not impact contiguous properties. Since the tower is over 200 feet, there will be a light atop the tower. Some of the towers presented earlier and other studies for towers over 200 feet indicate that the light will not adversely impact surrounding properties.

## Conclusions

Western Cabarrus County has experienced strong growth and this activity is likely to continue. The commercial development at intersections along transportation corridors will provide the necessary services to support the increasing population. These uses are not impeded by the development of a cell tower. The results of studies including those included in this report show consistency between prices paid for single family dwellings in areas where cell towers are visible. Therefore, I conclude that the proposed development of a cell tower will not substantially injure the value of contiguous properties. Consistent with the

Cabarrus County Ordinance, the proposed development will either maintain or enhance values of contiguous properties.

#### Subject Neighborhood

In addition to the market activity for existing towers, we also consider the surrounding developments for the subject. The question posed for this study is “would the development of the telecommunications support structure warrant a downward adjustment to adjacent properties?”

When considering an adjustment in an appraisal, the appraiser must consider all factors that could contribute to an adjustment. The aesthetics and location of the proposed development as well as the existing developments are a factor in developing our opinion. The factors considered in developing our opinion include but are not necessarily limited to:

- The market has not shown a detrimental impact on development patterns in areas with visual influence from a tower.
- The subject property is improved with iron maidens for electrical transmission lines that pose a significantly larger visual impact than the proposed tower.
- The proposed development is adjacent to an existing tree line that will obscure a significant portion if not all the tower from the contiguous properties to the north.

All these factors would contribute to the aesthetic appeal and a hypothetical valuation of properties in the neighborhood. The multitude of factors would indicate that multicollinearity for aesthetics exists along this section of the Highway 3 corridor. Multicollinearity arises when multiple items correlate with each other. The multiple factors can cause a distortion of the impact of any of the factors individually

without consideration for all the factors that contribute to the common issue.

In the case of the proposed development, all the properties along the contiguous properties within the viewshed of the proposed tower have visual impact from other existing infrastructure. These factors contribute to our conclusion that the proposed development is in harmony with development patterns along Highway 3 (Mooresville Road). To attribute any adjustment to the proposed development would be misleading and not result in a credible adjustment. In other words, any adjustment for the development of a tower in a wooded area on a property with significant electrical infrastructure without consideration of these other external influences would not be credible.

Therefore, it is our opinion that the proposed development in accordance with the proposed conditions will either maintain or enhance the value of contiguous properties. We recognize that the aesthetics of the area certainly contribute to the overall appeal, the proposed development has siting and existing buffers to minimize to the extent possible the visual impact of the proposed tower. It is my opinion that the proposed development will not substantially detract from the aesthetics or character of the neighborhood because of its location and existing above ground infrastructure and proximity to a primary transportation corridor.



Michael P. Berkowitz

## **ADDENDA**

## **Certifications**

**CERTIFICATION OF THE APPRAISER**

I, Michael P. Berkowitz, certify that, to the best of my knowledge and belief,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
9. I have made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the person(s) signing this certification other than those individuals having signed the attached report.



A handwritten signature in black ink that reads "Michael P. Berkowitz".

Michael P. Berkowitz  
(NC State Certified General Real Estate Appraiser #A6169)  
(SC State Certified General Real Estate Appraiser #CG6277)

April 15, 2022

Date

(Rev: 06/18/12)

## **ASSUMPTIONS AND LIMITING CONDITIONS**

## ASSUMPTIONS AND LIMITING CONDITIONS

### **Limit of Liability**

The liability of MPB REAL ESTATE, LLC and employees is limited to the client only and to the fee actually received by our firm. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. Further, client will forever indemnify and hold MPB REAL ESTATE, LLC, its officers, and employees harmless from any claims by third parties related in any way to the appraisal or study which is the subject of the report. Third parties shall include limited partners of client if client is a partnership and stockholders of client if client is a corporation, and all lenders, tenants, past owners, successors, assigns, transferees, and spouses of client. MPB REAL ESTATE, LLC will not be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property, physically, financially, and/or legally.

### **Copies, Distribution, Use of Report**

Possession of this report or any copy of this report does not carry with it the right of publication, nor may it be used for other than its intended use; the physical report remains the property of MPB REAL ESTATE, LLC for the use of the client, the fee being for the analytical services only.

The bylaws and regulations of the Appraisal Institute require each member and candidate to control the use and distribution of each report signed by such member or candidate; except, however, the client may distribute copies of this report in its entirety to such third parties as he may select; however, selected portions of this report shall not be given to third parties without the prior written consent of the signatories of this report. Neither all nor any part of this report shall be disseminated to the general public by the use of advertising media, public relations, news, sales or other media for public communication without the prior written consent of MPB REAL ESTATE, LLC.

### **Confidentiality**

This report is to be used only in its entirety and no part is to be used without the whole report. All conclusions and opinions concerning the analysis as set forth in the report were prepared by MPB REAL ESTATE, LLC whose signatures appear on the report. No change of any item in the report shall be made by anyone other than MPB REAL ESTATE, LLC. MPB REAL ESTATE, LLC shall have no responsibility if any such unauthorized change is made.

MPB REAL ESTATE, LLC may not divulge the material contents of the report, analytical findings or conclusions, or give a copy of the report to anyone other than the client or his designee as specified in writing except as may be required by the Appraisal Institute as they may request in confidence for ethics enforcement, or by a court of law or body with the power of subpoena.

### **Trade Secrets**

This report was obtained from MPB REAL ESTATE, LLC and consists of "trade secrets and commercial or financial information" which is privileged and confidential and exempted from disclosure under 5 U.S.C. 552 (b) (4) of the Uniform Commercial Code. MPB REAL ESTATE, LLC shall be notified of any request to reproduce this report in whole or in part.

## **Information Used**

No responsibility is assumed for accuracy of information furnished by or work of others, the client, his designee, or public records. We are not liable for such information or the work of subcontractors. The comparable data relied upon in this report has been confirmed with one or more parties familiar with the transaction or from affidavit or other sources thought reasonable; all are considered appropriate for inclusion to the best of our factual judgment and knowledge. An impractical and uneconomic expenditure of time would be required in attempting to furnish unimpeachable verification in all instances, particularly as to engineering and market-related information. It is suggested that the client consider independent verification as a prerequisite to any transaction involving sale, lease, or other significant commitment of funds for the subject property.

## **Financial Information**

Our value opinion(s) have been based on unaudited financials, and other data provided to us by management and/or owners. If these reports are found to be inaccurate, we reserve the right to revise our value opinion(s). It is noted we are depending on these accounting statements as being accurate and our interpretation of these statements as being accurate as well. If these assumptions later prove to be false, we reserve the right to amend our opinions of value.

## **Testimony, Consultation, Completion of Contract for Report Services**

The contract for report, consultation, or analytical service is fulfilled and the total fee payable upon completion of the report, unless otherwise specified. MPB REAL ESTATE, LLC or those assisting in preparation of the report will not be asked or required to give testimony in court or hearing because of having made the report, in full or in part, nor engage in post report consultation with client or third parties except under separate and special arrangement and at an additional fee. If testimony or deposition is required because of any subpoena, the client shall be responsible for any additional time, fees, and charges, regardless of issuing party.

## **Exhibits**

The illustrations and maps in this report are included to assist the reader in visualizing the property and are not necessarily to scale. Various photographs, if any, are included for the same purpose as of the date of the photographs. Site plans are not surveys unless so designated.

## **Legal, Engineering, Financial, Structural or Mechanical Nature, Hidden Components, Soil**

No responsibility is assumed for matters legal in character or nature, nor matters of survey, nor of any architectural, structural, mechanical, or engineering nature. No opinion is rendered as to the title, which is presumed to be good and marketable. The property is appraised as if free and clear, unless otherwise stated in particular parts of the report. The legal description is assumed to be correct as used in this report as furnished by the client, his designee, or as derived by MPB REAL ESTATE, LLC.

MPB REAL ESTATE, LLC has inspected as far as possible, by observation, the land and the improvements; however, it was not possible to personally observe conditions beneath the soil, or hidden structural, mechanical or other components, and MPB REAL ESTATE, LLC shall not be responsible for defects in the property which may be related.

The report is based on there being no hidden, unapparent, or apparent conditions of the property site, subsoil or structures or toxic materials which would render it more or less valuable. No

responsibility is assumed for any such conditions or for any expertise or engineering to discover them. All mechanical components are assumed to be in operable condition and status standard for properties of the subject type. Conditions of heating, cooling, ventilation, electrical, and plumbing equipment are considered to be commensurate with the condition of the balance of the improvements unless otherwise stated. We are not experts in this area, and it is recommended, if appropriate, the client obtain an inspection of this equipment by a qualified professional.

If MPB REAL ESTATE, LLC has not been supplied with a termite inspection, survey or occupancy permit, no responsibility or representation is assumed or made for any costs associated with obtaining same or for any deficiencies discovered before or after they are obtained. No representation or warranties are made concerning obtaining the above-mentioned items.

MPB REAL ESTATE, LLC assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for flood hazard insurance. An agent for The Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

### **Legality of Use**

The report is based on the premise that there is full compliance with all applicable federal, state and local environmental regulations and laws unless otherwise stated in the report; further, that all applicable zoning, building and use regulations, and restrictions of all types have been complied with unless otherwise stated in the report. Further, it is assumed that all required licenses, consents, permits, or other legislative or administrative authority, local, state, federal and/or private entity or organization have been or may be obtained or renewed for any use considered in the value estimate.

### **Component Values**

The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other report and are invalid if so used.

### **Auxiliary and Related Studies**

No environmental or impact studies, special market study or analysis, highest and best use analysis, study or feasibility study has been required or made unless otherwise specified in an agreement for services or in the report.

### **Dollar Values, Purchasing Power**

The market value estimated, and the costs used are as of the date of the estimate of value, unless otherwise indicated. All dollar amounts are based on the purchasing power and price of the dollar as of the date of the value estimate.

### **Inclusions**

Furnishings and equipment or personal property or business operations, except as specifically indicated and typically considered as a part of real estate, have been disregarded with only the real estate being considered in the value estimate, unless otherwise stated. In some property types, business and real estate interests and values are combined.

**Proposed Improvements, Conditional Value**

Improvements proposed, if any, onsite or offsite, as well as any repairs required, are considered for purposes of this report to be completed in a timely, good and workmanlike manner, according to information submitted and/or considered by MPB REAL ESTATE, LLC. In cases of proposed construction, the report is subject to change upon inspection of property after construction is completed.

**Value Change, Dynamic Market, Influences, Alteration of Estimate**

The estimated value, which is defined in the report, is subject to change with market changes over time. Value is highly related to exposure, time, promotional effort, terms, motivation, and conditions surrounding the offering. The value estimate considers the productivity and relative attractiveness of the property physically and economically in the marketplace.

In cases of reports involving the capitalization of income benefits, the estimate of market value or investment value or value in use is a reflection of such benefits and MPB REAL ESTATE, LLC's interpretation of income and yields and other factors derived from general and specific client and market information. Such estimates are as of the date of the estimate of value; thus, they are subject to change as the market and value is naturally dynamic.

The "estimate of market value" in the report is not based in whole or in part upon the race, color, or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.

**Report and Value Estimate**

Report and value estimate are subject to change if physical or legal entity or financing differ from that envisioned in this report.

**Management of the Property**

It is assumed that the property which is the subject of this report will be under prudent and competent ownership and management.

**Hazardous Materials**

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation, asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of nor did MPB REAL ESTATE, LLC become aware of such during their inspection. MPB REAL ESTATE, LLC had no knowledge of the existence of such materials on or in the property unless otherwise stated. MPB REAL ESTATE, LLC, however, is not qualified to test such substances or conditions. If the presence of such substances such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimate is predicated on the assumption that there is no such condition on or in the property or in the proximity that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

**Soil and Subsoil Conditions**

Unless otherwise stated in this report, MPB REAL ESTATE, LLC does not warrant the soil or subsoil conditions for toxic or hazardous waste materials. Where any suspected materials might

be present, we have indicated in the report; however, MPB REAL ESTATE, LLC are not experts in this field and recommend appropriate engineering studies to monitor the presence or absence of these materials.

**Americans with Disabilities Act (ADA)**

“MPB REAL ESTATE, LLC has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the Americans with Disabilities Act (ADA), which became effective January 26, 1992. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since MPB REAL ESTATE, LLC has no direct evidence relating to this issue, we did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.”

## **Qualifications of the Analyst**

**QUALIFICATIONS OF THE ANALYST*****Michael P. Berkowitz***

MPB Real Estate, LLC, Inc.  
1430 South Mint Street, Suite 102  
Charlotte, North Carolina 28203  
(704) 334-4686  
FAX (704) 334-2759

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**EDUCATION AND CREDENTIALS**

- **Duke University**  
Major: Economics 1985-1989
- **Central Piedmont Community College**  
R-1 - Introduction to Real Estate Appraisal, 2002  
R-2 - Valuation Principles and Procedures, 2002  
R-3 - Applied Residential Property Valuation, 2002  
G-1 - Introduction to Income Property Appraisal, 2003
- **Bob Irock and Associates**  
G-2 - Advanced Income Capitalization Procedures, 2003  
G-3 - Applied Property Income Valuation 2004
- **Appraisal Institute**  
520 Highest and Best Use and Market Analysis, 2004  
Seminar Rates, Multipliers and Ratios 2005  
530 Advanced Sales Comparison and Cost Approaches 2006  
Seminar Apartment Appraisal, Concepts & Applications 2009  
Seminar Appraising Distresses Commercial Real Estate 2009  
Seminar Appraising Convenience Stores 2011  
Seminar Analyzing Operating Expenses 2011

**AFFILIATIONS AND ACTIVITIES**

- **Association Memberships**  
North Carolina State Certified General Real Estate Appraiser, October 2006, Certificate No. A6169

**RELATED EXPERIENCE**

- Provided real estate consulting services for a variety of clients including real estate brokers, property owners and financial planners
- Performed financial feasibility studies for multiple property types including golf communities, and renovation projects.
- Developed plan for self-contained communities.
- Racetrack expertise

## APPRAISAL EXPERIENCE

A partial list of types of properties appraised include:

- Retail Properties, Single and Multi-Tenant, Proposed and Existing
- Office Single and Multi-Tenant Proposed and Existing
- Mixed-Use Properties, Proposed and Existing
- Industrial Properties, Warehouse, Flex and Manufacturing
- Vacant Land
- Condemnation
- C-Stores
- Racetracks

## CLIENTELE

- Bank of America
- Transylvania County
- Cabarrus County
- Mecklenburg County
- City of Statesville
- NC Department of Transportation
- Henry County, GA
- Town of Loudon, NH
- First Citizens Bank
- RBC Centura Bank
- City of Charlotte
- City of Concord
- Union County
- BB & T
- Aegon USA Realty Advisors
- Sun Trust Bank
- First Charter Bank
- Regions Bank
- Charlotte Housing Authority
- Alliance Bank and Trust
- Broadway Bank
- Duke Energy Corporation
- Jim R. Funderburk, PLLC
- Hamilton, Fay, Moon, Stephens, Steele & Martin
- Senator Marshall A. Rauch
- Perry, Bundy, Plyler & Long, LLP
- Robinson, Bradshaw & Hinson
- CSX Real Property
- Baucom, Clayton, Burton, Morgan & Wood, PA
- City of Mount Holly
- Our Towns Habitat for Humanity
- Parker, Poe, Adams & Bernstein, LLP
- Central Carolina Bank

Southern Community Bank and Trust



May 19, 2022

Tim Scott  
 PeakNet  
 9887 Fourth Street North, Suite 100  
 St. Petersburg, FL 33702

RE: Proposed 230' Monopole + 5' lightning rod (235' total) for Concord, NC  
 (Sabre proposal # 22-5821-JDS)

Dear Mr. Scott,

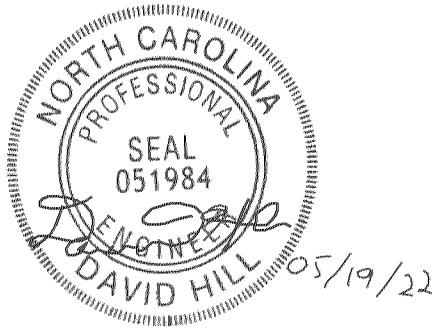
Upon receipt of order, we propose to design and supply the above-referenced monopole for a Basic Wind Speed of 110 mph without ice and 30 mph with 1.5" ice, Structure Classification II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standards for Steel Antenna Towers and Antenna-Supporting Structures", to support (3) carriers with industry-standard loads for antennas, lines, and associated equipment.

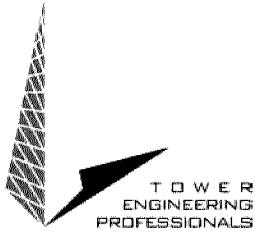
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. This would effectively result in a fall radius of 90'. *Please note that this letter only applies to the above-referenced monopole designed and manufactured by Sabre Industries.*

Sincerely,

David Hill, P.E.  
 Design Engineer II



**Tim Scott**

Peaknet  
9887 Fourth Street N, Suite 100  
St. Petersburg, FL 33702  
919 413-5324

**Subject: Concord MP - Tower Decom Bid**  
7615 Tuckaseegee Rd  
Kannapolis, NC 28081

Mr. Scott:

Thank you for giving Tower Engineering Professionals (TEP) the opportunity to work for you. TEP proposes the following construction services:

Item of Work	Fee (\$)	Notes
Dismantle 235-ft Monopole Tower	\$34,678	Remove all antennas, mounts, and coax and dispose
Demolish foundation to 1-ft below grade	\$10,000	Demolish and remove concrete below grade, fill and grade as required
Remove concrete equipment pads	\$31,000	Remove all equipment and shelter pads, fill and grade as required
Removal of ground equipment	\$14,500	Haul all materials to any location within 50 miles of the site
Remove Fencing, H Frames, Conduit, Wire, Gravel	\$9,500	Remove all fencing, grounding, power, and telco
Disposal/Out of town expenses	\$5,500	Disposal cost and travel time expenses
<b>TOTAL FEE</b>	<b>\$105,178</b>	<b>Lump Sum</b>

**Total required bond if 125% of lump sum (1.25 X \$105,178 - \$131,472.50)**

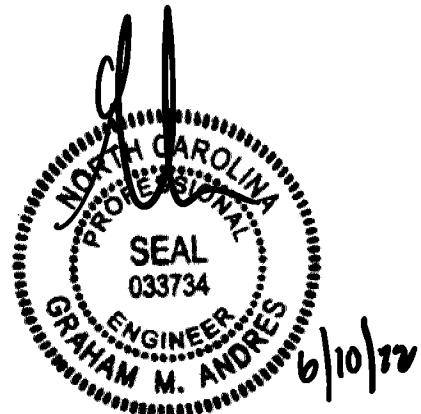
Thank you for this opportunity,

**Tower Engineering Professionals, Inc.**

Graham Andres, P.E., P.Eng.

Vice-President

gandres@tepgroup.net





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

March 31, 2022

District One  
Cabarrus County

Mr. Chris Bernardo  
PeakNet Services, LLC  
9887 Fourth Street N, Suite 100  
St. Petersburg, Florida 33702

Subject: Driveway Permit C-1913 Cell Tower Tuckaseegee Road (D101-013-22-00023)

Dear Mr. Bernardo,

Enclosed is an executed copy of the subject Driveway Entrance Permit that has been reviewed by the appropriate staff agencies within the Division of Highways. The permit covers the following:

• **SR 1616 (Tuckaseegee Road)**

Upgrade of existing driveway at 7615 Tuckaseegee Road for installation of proposed cell tower. Upgrade will consist of widening existing driveway to 26' wide, and paving the first 50' (from edge of SR 1616) with S.95C asphalt surface course. Access currently is graded at top of a crest and does not need any drainage pipe. Upon completion new drive shall also be graded this way, or drainage pipe of appropriate size will need to be installed. Specific details of drive are shown on approved plans (dated 3/31/2022) specifically on page C-11B.

This driveway permit approval is also subject to the additional attached Special Provisions.

Sincerely,

Marc P. Morgan, P.E.  
District Engineer

Cc: Tyler Shenk-Tower Engineering Professionals-326 Tryon Road, Raleigh, NC 27603  
Janice Hampton - Cabarrus County Maintenance Engineer  
File

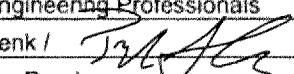
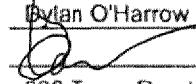
## SPECIAL PROVISIONS

1. Notify Marc Morgan, PE at 704-983-4360 or by email at [mmorgan@ncdot.gov](mailto:mmorgan@ncdot.gov) at least 72 hours prior to construction to schedule preconstruction meeting.
2. Notify owners of conflicting utilities to provide for adjustments prior to the onset of construction. Any utility that may, upon completion of the roadway widening, create a safety hazard to the traveling public, will be relocated at the expense of the developer.
3. A copy of the approved street entrance permit is to be kept on the job site during working hours.
4. Working hours shall be from 9:00 a.m. to 4:00 p.m. with all lanes open to traffic by 4:00 p.m.
5. Complete restoration including fertilizing, seeding and mulching of all areas disturbed during construction will follow within a maximum of thirty (30) working days of the initial disturbing activity in accordance with NCDOT specifications. See attached seeding schedule.
6. During construction operations no material is to be left on the pavement, and at the end of each work day, the roadway is to be cleaned.
7. Any damages caused to the roadway, bridges, culverts or storm drains due to the construction of this entrance will be repaired at the discretion of the engineer in charge.
8. All OSHA rules and regulations shall be adhered to as pertain to this operation.
9. Contact Division Traffic Engineer at 704-982-0101 at least 48 hours prior to construction if any work is to be done within 500 feet of any traffic signals. Any damage to any signal related equipment will be repaired by NCDOT at the expense of the permit applicant.
10. The Division Engineer or a representative thereof reserves the right to stop any work for non-compliance with the terms of this contract.
11. All roadway signs removed due to this construction are to be re-installed as soon as possible.
12. During non-working hours, equipment is to be parked off of the right of way.
13. The Department of Transportation does not guarantee the right of way on this road nor will it be responsible for any claims or damages brought by any property owner.
14. All work shall be constructed in accordance with the attached plans and typicals.
15. The Department of Transportation reserves the right to require compensation for any vegetation located within the right of way that is disturbed or destroyed due to the construction of this entrance.
16. Strict compliance with the "**POLICY ON STREET AND DRIVEWAY ACCESS TO NORTH CAROLINA HIGHWAYS**" manual shall be required.

17. Backfill shall achieve 95% density in accordance with AASHTO T99 as modified by the NCDOT.
18. Any work requiring equipment or personnel within 5' of the edge of the travel lane shall require a lane closure with appropriate taper.
19. The developer, at his expense, shall correct any off-site drainage problems created or made apparent by the construction of these improvements.
20. Any future development or change in use from that which is specified herein will require additional review and possible driveway modification.

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION			
Driveway C-1913 Permit No. D101-013-22-00023	Date of Application 03-11-2022	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION			
County: Cabarrus					
Development Name: Concord MP					
LOCATION OF PROPERTY:					
Route/Road: Tuckaseegee Road (SR 1616)					
Exact Distance +/- 390	<input type="checkbox"/> Miles <input checked="" type="checkbox"/> Feet	N <input type="checkbox"/> <input checked="" type="checkbox"/>	S <input type="checkbox"/> <input checked="" type="checkbox"/>	E <input type="checkbox"/> <input checked="" type="checkbox"/>	W <input type="checkbox"/> <input checked="" type="checkbox"/>
From the Intersection of Route No.	Tuckaseegee Road	and Route No.	Oxford Dr	Toward	Charlotte
Property Will Be Used For:		<input type="checkbox"/> Residential/Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property:	<input type="checkbox"/> is	<input checked="" type="checkbox"/> is not	within Kannapolis	City Zoning Area.	
AGREEMENT					
<ul style="list-style-type: none"> <li>• I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.</li> <li>• I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.</li> <li>• I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.</li> <li>• I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.</li> <li>• I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.</li> <li>• I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.</li> <li>• I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".</li> <li>• I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.</li> <li>• I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.</li> <li>• I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.</li> <li>• I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.</li> <li>• I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.</li> <li>• I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.</li> <li>• The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.</li> <li>• I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.</li> <li><b>• I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.</b></li> </ul>					
2004-07	NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation 61-03419				TEB 65-04rev.

## SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)				WITNESS
COMPANY	PeakNet Services, LLC	NAME	Elisabeth Bernardo	
SIGNATURE		SIGNATURE		
ADDRESS	9887 Fourth Street N, ST 100 St Petersburg, FL 33702	ADDRESS	9887 Fourth Street N, ST 100 St Petersburg, FL 33702	
AUTHORIZED AGENT				WITNESS
COMPANY	Tower Engineering Professionals	NAME	Dylan O'Harrow	
SIGNATURE		SIGNATURE		
ADDRESS	326 Tryon Road Raleigh, NC 27603	ADDRESS	326 Tryon Road Raleigh, NC 27603	

## APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE

DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE

TITLE

DATE

APPLICATION APPROVED BY NCDOT

SIGNATURE

DISTRICT ENGINEER

DATE

INSPECTION BY NCDOT

SIGNATURE

TITLE

DATE

Site Name: CONCORD  
Site Number: FA15498781

### LAND LEASE AGREEMENT

This Land Lease Agreement (the "Agreement") is agreed and entered into this 8<sup>th</sup> day of June, 2021 (the "Effective Date"), by and between EDWARD D MESIMER TRUST AGRMT, an revocable trust UTA dated July, 29 2016, with a mailing address at 7621 Tuckaseegee Rd., Kannapolis, NC 28081 (hereinafter "Lessor") and PeakNet, LLC, a Delaware limited liability company with its principal offices at 9887 4th Street North, Suite 100, St. Petersburg, FL 33702, hereinafter designated "Lessee." Lessor and Lessee are at times collectively referred to hereinafter as the "Parties" or individually as a "Party."

### WITNESSETH

**WHEREAS**, Lessee wishes to acquire a leasehold interest in certain portions (hereinafter, the "Premises") of that certain real property owned by Lessor (as defined more specifically below, and hereinafter referred to as the "Property") pursuant to this Agreement (hereinafter, the "Lease") in order to develop, construct, maintain, manage, and sub-lease to one or more wireless communications providers (Lessee's wireless carrier sub-lessee or sub-licensee to also be referred to as "Lessee" hereinafter when exercising rights granted hereunder to Lessee), a wireless telecommunications facility, said facility to include, but not be limited to, a monopole structure, above ground or underground wires, cables, conduits (for electrical, fiber optic and other telecommunications related infrastructure), together with antennas, transmitters, receivers, ground based equipment cabinet(s), and associated equipment used for the transmission or reception of radiofrequency signals, as well as back-up power systems (e.g., a generator and related fuel/propane tank[s]) (all of the forgoing being referred to herein as the "Facility"); and

**WHEREAS**, Lessor wishes to enter into the Lease for the Premises with respect to the Property, located in Cabarrus County, North Carolina, all as more particularly described in this Lease.

**NOW THEREFORE**, in consideration of the premises and the mutual promises and benefits contained herein, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, Lessor and Lessee covenant and agree as follows:

### AGREEMENT

**1. Grant of Lease.** In accordance with this Agreement, Lessor hereby grants to Lessee the right to install, maintain and operate communications equipment ("Use") upon the Premises, which are a part of that real property owned, leased or controlled by Lessor on 7621 Tuckaseegee Rd., Kannapolis, Cabarrus County, North Carolina, 28081 (the "Property"). The Property is legally described on Exhibit "A" attached hereto and made a part hereof. The Premises are a portion of the Property and are approximately 50' x 50' (2,500) square feet, and are shown in detail on Exhibit "B" attached hereto and also made a part hereof.

**2. Initial Term.** This Agreement shall be effective as of the date of execution by both Parties ("Effective Date"). The initial term of the Agreement shall be for five (5) years beginning on the "Commencement Date," which shall be defined as and mean the first day of the month in which Lessee begins construction activities related to and necessary to prepare the Premises for the Facility. The Parties agree to acknowledge the Commencement Date in writing.

**3. Extensions.** This Agreement shall automatically be extended for five (5) additional five (5) year terms unless Lessee terminates it prior to the end of the then current term by giving Lessor written notice of Lessee's election and intent to not renew and thus terminate this Lease at the end of the then term, said notice to be given, in accordance with the Notice provisions set forth in Section 20 below, at least sixty (60) days prior to the end of the then current term. The initial term and all extensions shall be individually and/or collectively referred to herein as the "Term."

**4. Rental.**

**(a) Annual Rent.** The annual rent for the Premises shall be [REDACTED] for first (1<sup>st</sup>) carrier installation and an additional [REDACTED] for second (2<sup>nd</sup>) carrier installation, and shall begin on the Commencement Date, to be paid in a single annual payment, in advance, to Lessor at or to such other person, firm, or place as Lessor may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date by notice given in accordance with Paragraph 20 below ("Rent"). Notwithstanding the foregoing, Lessor and Lessee acknowledge and agree that the initial rental payment may not be delivered by Lessee until at least ninety (90) days after the Commencement Date. Upon agreement of the Parties, Lessee may pay Rent by electronic funds transfer and in such event, Lessor agrees to provide to Lessee bank routing information for such purpose upon request of Lessee.

**(b) Increase at the End of Each Term.** At the end of the initial five (5) year term (or any subsequent five [5] year extension term), the Rent to be paid annually hereunder during the next successive five [5] year term shall increase by [REDACTED] from that paid in that immediately prior and expiring five [5] year term.

**(c)** For any party to whom Rent payments are to be made, Lessor or any successor in interest of Lessor hereby agrees to provide to Lessee (i) a completed, current version of Internal Revenue Service Form W-9 (or equivalent); (ii) complete and fully executed state and local withholding forms if required; and (iii) other documentation to verify Lessor's or such other party's right to receive Rent as is reasonably requested by Lessee. Rents shall accrue in accordance with this Agreement, but Lessee may not deliver Rent payments for up to sixty (60) days after the requested documentation has been received by Lessee.

**(d)** As additional consideration for this Agreement, the sufficiency of which is hereby acknowledged, Lessee shall pay Lessor a one-time, non-refundable, lump-sum signing bonus of [REDACTED], which shall be considered "additional rent" for the Premises for the period from the Effective Date until the Commencement Date. The signing bonus shall be paid by Lessee to Lessor within ninety (90) days of the Effective Date. Lessor agrees the payment to be made by Lessee under this Paragraph 4(d) is fair and adequate payment in exchange for Lessee intentionally delaying installation of Lessee's communications equipment, and Lessor recognizes that Paragraph 2 of this Agreement governs the Commencement Date. This Paragraph 4(d) does not impact whether or not Lessee chooses to install Lessee's communications equipment and commence the Term.

**(e)** Lessee and Lessor acknowledge that the Premises are currently in a parcel which enjoys deferred property taxes and that as a result of this Agreement, Cabarrus County will remove a one-acre unit of land (containing the Premises) from the deferred tax program. Lessor will incur the liability for payment of such taxes for the three prior tax years, plus interest, penalties and costs that may accrue on such unpaid taxes, the total amount related to the

foregoing being agreed to not exceed [REDACTED] (the "Recapture Amount"). Moreover, it is estimated that the annual ad valorem property taxes on such one-acre unit will increase due to use as a wireless communications facility. Accordingly, as additional consideration for this Agreement, Lessee agrees to pay, as additional rent, a one-time payment equal to the Recapture Amount within 10 days' notice by Lessor to Lessee. In addition, Lessee also agrees to pay, with respect to the one-acre unit being taxed based on its use as a wireless communications facility, the ad valorem, personal property, real estate, sales and use taxes, fees, assessment or other taxes or charges imposed by any Government Entity to the extent the same are directly attributable to Lessee's use of the Premises as a wireless communications facility.

**5. Access.** Lessee shall have the non-exclusive right of ingress and egress from a public right-of-way, seven (7) days a week, twenty-four (24) hours a day, over the Property to and from the Premises for the purpose of installation, operation and maintenance of Lessee's communications equipment over, under or along one or more rights-of-way as depicted on Exhibit "B" (collectively, the "Easement"). Lessee may use the Easement for the above ground or underground installation, operation and maintenance of wires, cables, conduits and pipes for all necessary electrical, telephone, fiber and other similar support services. In the event it is necessary in order to construct the Facility, Lessor agrees to grant Lessee or the wireless provider the right to install such additional conduits and/or infrastructure under the Property beyond that reflected on Exhibit B, provided the location of such services shall be reasonably approved by Lessor. In the event Lessor rejects and refuses to grant the foregoing additional rights as may be needed to develop the Facility, Lessee may terminate this Lease by giving Lessor written notice of Lessee's election to so terminate, in accordance with Paragraph 20 below, said notice of termination to take effect ten (10) days after said notice is given, and Lessee shall thereafter no longer have any obligations to pay Rent to Lessor. Notwithstanding anything to the contrary, the Premises shall include such additional space sufficient for Lessee's radio frequency signage and/or barricades as are necessary to ensure Lessee's compliance with Laws (as defined in Paragraph 27).

**6. Condition of Property.** Lessor shall deliver the Premises to Lessee in a condition ready for Lessee's Use and clean and free of debris. Lessor represents and warrants to Lessee that as of the Effective Date, the Premises is (a) in compliance with all Laws (as defined in Paragraph 27); and (b) in compliance with all EH&S Laws (as defined in Paragraph 24).

**7. Improvements.** The communications equipment including, without limitation, the tower structure, antennas, conduits, fencing and other screening, and other improvements shall be constructed and installed at Lessee's expense and the construction and installation shall be at the discretion and option of Lessee. Lessee shall have the right to replace, repair, add or otherwise modify the communications equipment, tower structure, antennas, conduits, fencing and other screening, or other improvements or any portion thereof and the frequencies over which the communications equipment operates, whether or not any of the communications equipment, antennas, conduits or other improvements are listed on any exhibit.

**8. Government Approvals.** Lessee's Use is contingent upon Lessee obtaining all of the certificates, permits and other approvals (collectively the "Government Approvals") that may be required by any Federal, State or Local authorities (collectively, the "Government Entities") as well as a satisfactory soil boring test, environmental studies, or any other due diligence Lessee chooses that will permit Lessee's Use. Lessor shall cooperate with Lessee in its effort to obtain such approvals and shall take no action which would adversely affect the status of the Property with respect to Lessee's Use.

**9. Termination.** Lessee may, unless otherwise stated, immediately terminate this Agreement upon written notice to Lessor in the event that (i) any applications for such Government Approvals should be finally rejected; (ii) any Government Approval issued to Lessee is canceled, expires, lapses or is otherwise withdrawn or terminated by any Government Entity; (iii) Lessee determines that such Government Approvals may not be obtained in a timely manner; (iv) Lessee determines any structural analysis is unsatisfactory; (v) Lessee, in its sole discretion, determines its planned or expected Use of the Premises is obsolete or unnecessary; (vi) with three (3) months prior notice to Lessor, upon the annual anniversary of the Commencement Date; or (vii) at any time before the Commencement Date for any reason or no reason in Lessee's sole discretion.

**10. Indemnification.** Subject to Paragraph 11, each Party and/or any successor and/or assignees thereof, shall indemnify and hold harmless the other Party, and/or any successors and/or assignees thereof, against (i) any and all claims of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other Party, or its employees, contractors or agents, and (ii) reasonable attorney's fees, expense, and defense costs incurred by the indemnified Party. Where a claim is the result of the concurrent acts of the Parties, each Party shall be liable under this Paragraph 10 to the extent of its fault or liability therefor. The indemnified Party will provide the indemnifying Party with prompt, written notice of any claim that is subject to the indemnification obligations in Paragraph 10. The indemnified Party will cooperate appropriately with the indemnifying Party in connection with the indemnifying Party's defense of such claim. The indemnifying Party shall defend any indemnified Party, at the indemnified Party's request, against any claim with counsel reasonably satisfactory to the indemnified Party. The indemnifying Party shall not settle or compromise any such claim or consent to the entry of any judgment without the prior written consent of each indemnified Party and without an unconditional release of all claims by each claimant or plaintiff in favor of each indemnified Party. All indemnification obligations shall survive the termination or expiration of this Agreement.

**11. Insurance.** The Parties agree that at their own cost and expense, each will maintain commercial general liability insurance with limits of \$2,000,000 for Lessee (but only \$300,000 for Lessor) for bodily injury (including death) and property damage each occurrence (provided that Lessor, if an individual and not a business, can instead obtain and maintain non-commercial personal/property owners insurance with the same risk coverage and dollar amounts). The Parties agree to include the other Party as an additional insured as their interests may appear under this Agreement. The Parties hereby waive and release any and all rights of action for negligence against the other which may hereafter arise on account of damage to the Premises or the Property, resulting from any fire, or other casualty which is insurable under "Causes of Loss – Special Form" property damage insurance or for the kind covered by standard fire insurance policies with extended coverage, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the Parties, even if any such fire or other casualty shall have been caused by the fault or negligence of the other Party. These waivers and releases shall apply between the Parties and they shall also apply to any claims under or through either Party as a result of any asserted right of subrogation. All such policies of insurance obtained by either Party concerning the Premises or the Property shall waive the insurer's right of subrogation against the other Party.

**12. Limitation of Liability.** Except for indemnification pursuant to Paragraphs 10 and 24, a violation of Paragraph 29, or a violation of law, neither Party shall be liable to the other,

or any of their respective agents, representatives, or employees for any lost revenue, lost profits, diminution in value of business, loss of technology, rights or services, loss of data, or interruption or loss of use of service, incidental, punitive, indirect, special, trebled, enhanced or consequential damages, even if advised of the possibility of such damages, whether such damages are claimed for breach of contract, tort (including negligence), strict liability or otherwise, unless applicable law forbids a waiver of such damages.

**13. Interference.**

(a) Lessee agrees that Lessee will not cause interference that is measurable in accordance with industry standards to Lessor's equipment. Lessor agrees that Lessor and other occupants of the Property will not cause interference that is measurable in accordance with industry standards to the then existing equipment of Lessee.

(b) Without limiting any other rights or remedies, if interference occurs and continues for a period in excess of forty-eight (48) hours following notice to the interfering party via telephone to Lessee's at (866) 447-3655 or to Lessor at (704) 224-2002, the interfering party shall or shall require any other user to reduce power or cease operations of the interfering equipment until the interference is cured.

(c) The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore the Parties shall have the right to equitable remedies such as, without limitation, injunctive relief and specific performance.

**14. Removal at End of Term.** Upon expiration or within ninety (90) days of earlier termination, Lessee shall remove Lessee's Facility (except foundation and footings) and restore the Premises to its original condition, reasonable wear and tear and casualty damage excepted. Lessor agrees and acknowledges that the communications equipment shall remain the personal property of Lessee and Lessee shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable laws. If such time for removal causes Lessee to remain on the Premises after termination of the Agreement, Lessee shall pay rent in accordance with Paragraph 15.

**15. Holdover.** If Lessee holds over after the expiration or earlier termination of the Term, then this Agreement shall continue on a month to month basis at the then existing monthly rental rate or the existing monthly pro-rata basis if based upon a longer payment term, until the removal of the communications equipment is completed.

**16. Right of First Refusal.** If at any time after the Effective Date, Lessor receives an offer or letter of intent from any person or entity that is in the business of owning, managing or operating communications facilities or is in the business of acquiring landlord interests in agreements relating to communications facilities, to purchase fee title, an easement, a lease, a license, or any other interest in the Premises or any portion thereof or to acquire any interest in this Agreement, or an option for any of the foregoing, Lessor shall provide written notice to Lessee of said offer ("Lessor's Notice"). Lessor's Notice shall include the prospective buyer's name, the purchase price being offered, any other consideration being offered, the other terms and conditions of the offer, a description of the portion of and interest in the Premises and/or this Agreement which will be conveyed in the proposed transaction, and a copy of any letters of intent or form agreements presented to Lessor by the third party offeror. Lessee shall have the right of first refusal to meet any bona fide offer of sale or transfer on the terms and conditions of such offer or by effectuating a transaction with substantially equivalent financial terms. If Lessee fails

to provide written notice to Lessor that Lessee intends to meet such bona fide offer within forty-five (45) days after receipt of Lessor's Notice, Lessor may proceed with the proposed transaction in accordance with the terms and conditions of such third party offer, in which event this Agreement shall continue in full force and effect and the right of first refusal described in this Paragraph shall survive any such conveyance to a third party. If Lessee provides Lessor with notice of Lessee's intention to meet the third party offer within forty-five (45) days after receipt of Lessor's Notice, then if Lessor's Notice describes a transaction involving greater space than the Premises, Lessee may elect to proceed with a transaction covering only the Premises and the purchase price shall be pro-rated on a square footage basis. Further, Lessor acknowledges and agrees that if Lessee exercises this right of first refusal, Lessee may require a reasonable period of time to conduct due diligence and effectuate the closing of a transaction on substantially equivalent financial terms of the third party offer. Lessee may elect to amend this Agreement to effectuate the proposed financial terms of the third party offer rather than acquiring fee simple title or an easement interest in the Premises. For purposes of this Paragraph, any transfer, bequest or devise of Lessor's interest in the Property as a result of the death of Lessor, whether by will or intestate succession, or any conveyance to Lessor's family members by direct conveyance or by conveyance to a trust for the benefit of family members shall not be considered a sale for which Lessee has any right of first refusal.

**17. Rights Upon Sale.** Should Lessor, at any time during the Term, decide (i) to sell or otherwise transfer all or any part of the Property, or (ii) to grant to a third party by easement or other legal instrument an interest in and to any portion of the Premises, such sale, transfer, or grant of an easement or interest therein shall be under and subject to this Agreement and any such purchaser or transferee shall recognize Lessee's rights hereunder. In the event that Lessor completes any such sale, transfer, or grant described in this Paragraph without executing an assignment of the Agreement whereby the third party agrees in writing to assume all obligations of Lessor under this Agreement, then Lessor shall not be released from its obligations to Lessee under this Agreement, and Lessee shall have the right to look to Lessor and the third party for the full performance of the Agreement.

**18. Lessor's Title/Quiet Enjoyment.** Lessor covenants that Lessee, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the Premises. Lessor represents and warrants to Lessee that as of the Effective Date, and covenants that during the Term, Lessor has full authority to enter into and execute this Agreement and that there are no liens, judgments, covenants, easement, restrictions or other impediments of title that will adversely affect Lessee's Use.

**19. Assignment.** Without any approval or consent of the other Party, this Agreement may be sold, assigned or transferred by either Party to (i) any entity in which the Party directly or indirectly holds an equity or similar interest; (ii) any entity which directly or indirectly holds an equity or similar interest in the Party; or (iii) any entity directly or indirectly under common control with the Party. Lessee may also assign this Agreement without approval or consent of Lessor to (a) any entity which acquires all or substantially all of Lessee's assets in the market defined by the FCC in which the Property is located by reason of a merger, acquisition or other business reorganization or (b) any entity that is in the business of constructing, owning, managing or operating communications facilities. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the other Party, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of Lessee or transfer upon partnership or corporate dissolution of either Party shall constitute an assignment hereunder. Lessee may sublet the Premises in Lessee's sole and absolute discretion.

**20. Notices.** Except for notices permitted via telephone in accordance with Paragraph 13, all notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

Lessor:           Edward D Mesimer Trust Agrmt  
                         7621 Tuckaseegee Rd.  
                         Kannapolis, NC 28081

With copy to:

Shelley Law Firm  
115 Church St. N  
Concord, NC 28025

Lessee:           PeakNet, LLC  
                         9887 4th Street North, Suite 100  
                         St. Petersburg, FL 33702  
                         Attention: Legal/Operations

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

**21. Subordination and Non-Disturbance.** Within fifteen (15) days of the Effective Date, Lessor shall obtain a Non-Disturbance Agreement (as defined below) from existing mortgagee(s), ground Lessors and master Lessors, if any, of the Property. At Lessor's option, this Agreement shall be subordinate to any future master lease, ground lease, mortgage, deed of trust or other security interest (a "Mortgage") by Lessor which from time to time may encumber all or part of the Property; provided, however, as a condition precedent to Lessee being required to subordinate its interest in this Agreement to any future Mortgage covering the Property, Lessor shall obtain for Lessee's benefit a non-disturbance and attornment agreement for Lessee's benefit in the form reasonably satisfactory to Lessee, and containing the terms described below (the "Non-Disturbance Agreement"), and shall recognize Lessee's rights under this Agreement. The Non-Disturbance Agreement shall include the encumbering party's ("Lender's") agreement that, if Lender or its successor-in-interest or any purchaser of Lender's or its successor's interest (a "Purchaser") acquires an ownership interest in the Property, Lender or such successor-in-interest or Purchaser will honor all of the terms of the Agreement. Such Non-Disturbance Agreement must be binding on all of Lender's participants in the subject loan (if any) and on all successors and assigns of Lender and/or its participants and on all Purchasers. In return for such Non-Disturbance Agreement, Lessee will execute an agreement for Lender's benefit in which Lessee (1) confirms that the Agreement is subordinate to the Mortgage or other real property interest in favor of Lender, (2) agrees to attorn to Lender if Lender becomes the owner of the Property and (3) agrees to accept a cure by Lender of any of Lessor's defaults, provided such cure is completed within the deadline applicable to Lessor. In the event Lessor defaults in the payment and/or other performance of any mortgage or other real property interest encumbering the Property, Lessee, may, at its sole option and without obligation, cure or correct Lessor's default and upon doing so, Lessee shall be subrogated to any and all rights, titles, liens and equities of the holders of such mortgage or other real property interest and Lessee shall be entitled to deduct and

setoff against all rents that may otherwise become due under this Agreement the sums paid by Lessee to cure or correct such defaults.

**22. Default.** It is a "Default" if (i) either Party fails to comply with this Agreement and does not remedy the failure within thirty (30) days after written notice by the other Party or, if the failure cannot reasonably be remedied in such time, if the failing Party does not commence a remedy within the allotted thirty (30) days and diligently pursue the cure to completion within ninety (90) days after the initial written notice, or (ii) Lessor fails to comply with this Agreement and the failure interferes with Lessee's Use and Lessor does not remedy the failure within five (5) days after written notice from Lessee or, if the failure cannot reasonably be remedied in such time, if Lessor does not commence a remedy within the allotted five (5) days and diligently pursue the cure to completion within fifteen (15) days after the initial written notice. The cure periods set forth in this Paragraph 22 do not extend the period of time in which either Party has to cure interference pursuant to Paragraph 13 of this Agreement.

**23. Remedies.** In the event of a Default, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate this Agreement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the Property is located. Further, upon a Default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable by the defaulting Party upon invoice therefor. If Lessee undertakes any such performance on Lessor's behalf and Lessor does not pay Lessee the full amount within thirty (30) days of its receipt of an invoice setting forth the amount due, Lessee may offset the full amount due against all fees due and owing to Lessor under this Agreement until the full amount is fully reimbursed to Lessee.

**24. Environmental.** Lessee shall conduct its business in compliance with all applicable laws governing the protection of the environment or employee health and safety ("EH&S Laws"). Lessee shall indemnify and hold harmless the Lessor from claims to the extent resulting from Lessee's violation of any applicable EH&S Laws or to the extent that Lessee causes a release of any regulated substance to the environment. Lessor shall indemnify and hold harmless Lessee from all claims resulting from the violation of any applicable EH&S Laws or a release of any regulated substance to the environment except to the extent resulting from the activities of Lessee. The Parties recognize that Lessee is only leasing a small portion of the Property and that Lessee shall not be responsible for any environmental condition or issue except to the extent resulting from Lessee's specific activities and responsibilities. In the event that Lessee encounters any hazardous substances that do not result from its activities, Lessee may relocate its facilities to avoid such hazardous substances to a mutually agreeable location or, if Lessee desires to remove at its own cost all or some the hazardous substances or materials (such as soil) containing those hazardous substances, Lessor agrees to sign any necessary waste manifest associated with the removal, transportation and/or disposal of such substances.

**25. Casualty.** If a fire or other casualty damages the Property or the Premises and impairs Lessee's Use, rent shall abate until Lessee's Use is restored. If Lessee's Use is not restored within forty-five (45) days, Lessee may terminate this Agreement without further obligations.

**26. Condemnation.** If a condemnation of any portion of the Property or Premises impairs Lessee's Use, Lessee may terminate this Agreement. Lessee may on its own behalf make a claim in any condemnation proceeding involving the Premises for losses related to Lessee's communications equipment, relocation costs and, specifically excluding loss of Lessee's leasehold interest, any other damages Lessee may incur as a result of any such condemnation.

**27. Applicable Laws.** During the Term, Lessor shall maintain the Property in compliance with all applicable laws, EH&S Laws, rules, regulations, ordinances, directives, covenants, easements, consent decrees, zoning and land use regulations, and restrictions of record, permits, building codes, and the requirements of any applicable fire insurance underwriter or rating bureau, now in effect or which may hereafter come into effect (including, without limitation, the Americans with Disabilities Act and laws regulating hazardous substances) (collectively "Laws"). Lessee shall, in respect to the condition of the Premises and at Lessee's sole cost and expense, comply with (i) all Laws relating solely to Lessee's specific and unique nature of use of the Premises; and (ii) all building codes requiring modifications to the Premises due to the improvements being made by Lessee in the Premises. It shall be Lessor's obligation to comply with all Laws relating to the Property, without regard to specific use (including, without limitation, modifications required to enable Lessee to obtain all necessary building permits).

**28. Taxes.**

**(a)** Lessor shall invoice and Lessee shall pay any applicable transaction tax (including sales, use, gross receipts, or excise tax) imposed on the Lessee and required to be collected by the Lessor based on any service, rental space, or equipment provided by the Lessor to the Lessee. Lessee shall pay all personal property taxes, fees, assessments, or other taxes and charges imposed by any Government Entity that are imposed on the Lessee and required to be paid by the Lessee that are directly attributable to the Lessee's equipment or Lessee's use and occupancy of the Premises. Payment shall be made by Lessee within sixty (60) days after presentation of a received bill and/or assessment notice which is the basis for such taxes or charges. Excepting the taxes, interest, penalties and related pass through costs that Lessee will reimburse Lessor for under Section 4(e) (as Additional Rent), Lessor shall otherwise pay all ad valorem, personal property, real estate, sales and use taxes, fees, assessments or other taxes or charges that are attributable to Lessor's Property or any portion thereof imposed by any Government Entity.

**(b)** Lessee shall have the right, at its sole option and at its sole cost and expense, to appeal, challenge or seek modification of any tax assessment or billing for which Lessee is wholly or partly responsible for payment. Lessor shall reasonably cooperate with Lessee at Lessee's expense in filing, prosecuting and perfecting any appeal or challenge to taxes as set forth in the preceding sentence, including but not limited to, executing any consent, appeal or other similar document. In the event that as a result of any appeal or challenge by Lessee, there is a reduction, credit or repayment received by the Lessor for any taxes previously paid by Lessee, Lessor agrees to promptly reimburse to Lessee the amount of said reduction, credit or repayment. In the event that Lessee does not have the standing rights to pursue a good faith and reasonable dispute of any taxes under this paragraph, Lessor will pursue such dispute at Lessee's sole cost and expense upon written request of Lessee.

**29. Non-Disclosure.** Other than the recordation of a Memorandum of this Agreement, the Parties agree this Agreement and any information exchanged between the Parties regarding the Agreement are confidential. The Parties agree not to provide copies of this Agreement or any confidential information to any other third party other than an assignee of rights under the Agreement without the prior written consent of the other or as required by law.

If a disclosure is required by law, prior to disclosure, the Party shall notify the other Party and cooperate to take lawful steps to resist, narrow, or eliminate the need for that disclosure.

**30. Most Favored Lessee.** Lessor represents and warrants that the rent, benefits and terms and conditions granted to Lessee by Lessor hereunder are now and shall be, during the Term, no less favorable than the rent, benefits and terms and conditions for substantially the same or similar tenancies or licenses granted by Lessor to other parties. If at any time during the Term Lessor shall offer more favorable rent, benefits or terms and conditions for substantially the same or similar tenancies or licenses as those granted hereunder, then Lessor shall, within thirty (30) days after the effective date of such offering, notify Lessee of such fact and offer Lessee the more favorable offering. If Lessee chooses, the parties shall then enter into an amendment that shall be effective retroactively to the effective date of the more favorable offering, and shall provide the same rent, benefits or terms and conditions to Lessee. Lessee shall have the right to decline to accept the offering. Lessor's compliance with this requirement shall be subject, at Lessee's option, to independent verification.

**31. Miscellaneous.** This Agreement contains all agreements, promises and understandings between the Lessor and the Lessee regarding this transaction, and no oral agreement, promises or understandings shall be binding upon either the Lessor or the Lessee in any dispute, controversy or proceeding. This Agreement may not be amended or varied except in a writing signed by all Parties. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns hereto. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights hereunder shall not waive such rights and such party shall have the right to enforce such rights at any time. The performance of this Agreement shall be governed, interpreted, construed and regulated by the laws of the state in which the Premises is located without reference to its choice of law rules. Except as expressly set forth in this Agreement, nothing in this Agreement shall grant, suggest or imply any authority for one Party to use the name, trademarks, service marks or trade names of the other for any purpose whatsoever. Lessor agrees to execute a Memorandum of this Agreement, which Lessee may record with the appropriate recording officer. The provisions of the Agreement relating to indemnification from one Party to the other Party shall survive any termination or expiration of this Agreement.

[Signature page follows. The remainder of this page is intentionally blank.]

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

**Lessor:**

Revocable Trust UTA dated 07/29/2016

By: Edward D. Mesimer

Print Name: Edward D. Mesimer

Print Title: Trustee

Date: 6/11/2021

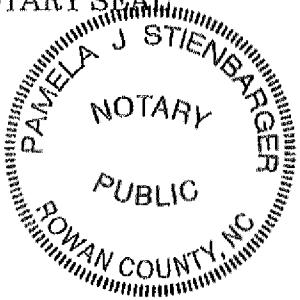
State of NC  
County of Cabarrus

Before me, Ramona J. Stienbarger, the undersigned, a Notary Public for the State, personally appeared Edward D. Mesimer, who is the Trustee of Edward D. Mesimer Revocable Trust UTA ~~and~~ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal, this 1st day of June, 2021

a. Signature Ramona J. Stienbarger

NOTARY SEAL



My commission expires: 06/18/2021

Lessee:

PeakNet, LLC,  
a Delaware limited liability company

By: Allen Bakalar

Print Name: Allen Bakalar

Print Title: VP + General Manager

Date: 6/8/2021

State of FLORIDA  
County of PINELLAS

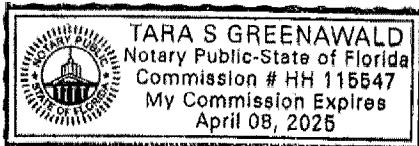
Before me, TARA GREENAWALD the undersigned, a Notary Public for the State, personally appeared ALLAN BAKALAR, who is the VP + General Manager of PEAKNET, LLC, a Delaware Inc, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal, this 8<sup>th</sup> day of June, 2021

a. Signature Tara Greenawald

NOTARY SEAL

My commission expires: 4/8/2025



**EXHIBIT "A"**

#### DESCRIPTION OF PROPERTY

That certain tract or parcel of land in the County of Cabarrus, State of North Carolina, more particularly described as follows:

**Tax Parcel No. 4693 26 5101 0000**

## Property Card

Initials: Lessor: \_\_\_\_\_ / Lessee: W  
04/20/2021

**EXHIBIT "B"**  
**SITE PLAN OF THE PREMISES**  
**[TO BE INSERTED]**

## Communications Tower Review Form

### I. Applicant Information:

Preparer/Company: AES - Jon Pruitt/PeakNet  
Address: PO Box 462, Starr, SC 29684  
Phone/Fax/E-mail: 864-907-6061/864-352-2886 jonpruitt@wctel.net

For North Carolina HPO  
Use Only

CT 21-2691

### II. Tower Information:

 (Attach copy of USGS map or photocopy of quad on reverse; include 1 and 2 mile radius around site)

Raw Land (New)  Co-Location Applicant's Identification # Concord MP

Address: 7621 Tuckaseegee Road, Kannapolis, NC

County: Cabarrus FCC Registration No. not assigned

Tower type and height: Monopole 230-feet (+/-245-ft with lightning rod) Quad Name: Kannapolis

### III. Identification of Historic Properties:

List sites by site number and status: NR = National Register listed; SL = Study List; DOE = Determination of Eligibility;  
LD = Local Designation; UA = Unassessed

#### Archaeology

# of recorded sites in immediate area of tower: 0

#### Architecture

.75

# of recorded sites within 0.5-mile radius: 0

CA0003 NR

### IV. Additional Information/Investigation Needed:

Survey

Photo Reconnaissance

Testing of sites \_\_\_\_\_

Balloon Test

Recommended by/on: 11/18/2021 No effect ~ DJC  
(Office of State Archaeology)

Recommended by/on: 11/16/2021 No effect ~LET  
(Survey & Planning Branch) \_\_\_\_\_

### V. Recommendations/Final Determination:

Recommendations for additional work are shown above.

The proposed communication tower will not affect historic properties in the area of potential effect.

*Renee Gledhill-Earley*

Renee Gledhill-Earley, Environmental Review Coordinator

11/19/2021

Date

cc: FCC

February, 2001

EXHIBIT N



o.	PIN14	NBH_NUM	AcctName1	MailAddr1	MailCity	MailState	MailZipCode
4693-26-5101	12004 EDWARD D MESIMER TRUST AGRMT	7621 TUCKASEEEER RD	KANNAPOLIS	NC	28081		
4694-10-4097	12002 MESIMERT D REVOCABLE	4309 SHIMPOCK RD	CONCORD	NC	28027		
4693-18-4405	12002 TODD ERIC PLOTT	5400 PLUM RD	KANNAPOLIS	NC	28081		
4693-17-6795,	12004 CALLAHAN III & BRANDEE L STANCIL	7550 TUCKASEEEER RD	KANNAPOLIS	NC	28081		
4693-17-6948	12002 BILLY EUGENE MCCLAIN JR	PO BOX 305	KANNAPOLIS	NC	28082		
4693-17-9364	12002 MARCOS F & HALEY HALE	2310 OXFORD DR	KANNAPOLIS	NC	28081		
4693-27-1254	12002 ROBERT A & SHERRIE BOST	2311 OXFORD DRIVE	KANNAPOLIS	NC	28081		
4693-17-9093	12002 TIMOTHY J & CHRISTY HANCHETT	2313 OXFORD DRIVE	KANNAPOLIS	NC	28081		
4693-26-1919	12002 WILLIAM E & LUCINDA M FREAS	2317 OXFORD DR	KANNAPOLIS	NC	28081		
4693-26-3903	12002 TERRY W & DONNAD WOODS	2319 OXFORD DR	KANNAPOLIS	NC	28081		
4693-26-5911	12002 JAMES CUNNINGHAM III & JESSICA FAYE MUNRO	2325 OXFORD DR	KANNAPOLIS	NC	28081		
4693-26-7737	12002 ROBERTO & LORI ANNE CINA	2329 OXFORD DR	KANNAPOLIS	NC	28081		
4693-36-2611 &	12002 SYLVIA LANSPERY	7200 MOORESVILLE RD	KANNAPOLIS	NC	28081		
4693-36-0547	12002 WADE & VIOLET C MIZELLE	5015 PROSPERITY CHURCH RD	CHARLOTTE	NC	28269		
4693-46-0275	12002 TONY LEE & BEVERLY S BARNHARDT	7090 MOORESVILLE RD	KANNAPOLIS	NC	28081		
4693-47-1841	12002 GASTON L & CHELSEA N PRICE	7100 MOORESVILLE RD	KANNAPOLIS	NC	28081		
4693-47-4239	12002 JEREMIAH C & MORGAN L JOHNSON	6980 MOORESVILLE RD	KANNAPOLIS	NC	28081		
4693-46-4502	12002 AMY & KEITH V SHUFFLER	6946 MOORESVILLE RD	KANNAPOLIS	NC	28081		
4693-46-7512	12002 RICKARD A & CONNIE D GOODMAN	6746 MOORESVILLE RD	KANNAPOLIS	NC	28081		
4693-46-9388 &	12004 HARRY T & MARLYN R MORRIS TRUSTEE C/O TOM MORRIS	14790 ROUND MOUNTAIN HTS	ATASCADERO	CA	93422		
1	4693-56-2411	7750 MOORESVILLE RD	KANNAPOLIS	NC	28081		
4693-66-0821	12004 MARLEEN K WINGLER LIFE ESTATE	329 BRIGHTWOOD CT SW	CONCORD	NC	28025		
4693-14-6678 &	12411 JIMMY R SECHLER JR & CHRISTINA SECHLER VAUGHAN	PO BOX 382	LANDIS	NC	28087		
4693-44-3835	12411 LANCE R BROWN	1755 RUSTIC ARCH WAY	HUNTERSVILLE	NC	28078		
4693-15-5376	12411 NICK S MCINTOSH	1755 RUSTIC ARCH WAY	HUNTERSVILLE	NC	28078		
4693-15-5505	12411 TMS CUSTOM DESIGNS LLC	2402 WESTMINSTER DR	CONCORD	NC	28027		
4693-15-5645	12411 ANTHONY K & TRINA M MELTVEDT	7633 TUCKASEEEER RD	KANNAPOLIS	NC	28081		
4693-15-5765	12411 DANG LEE & MAI DOUA YANG	7626 TUCKASEEEER RD	KANNAPOLIS	NC	28081		
4693-15-6814	12411 HENRY E JR AWD & ADAM J NWOE RUMMEL	232 DAVIDSON HWY	CONCORD	NC	28027		
4693-15-6933	12004 WATER AND SEWER AUTHORITY OF CABARRUS COUNTY	3656 LAKE SPRING AVE NW	CONCORD	NC	28027		
4693-16-7018							
4693-16-4271 &							
4693-16-3193							
4693-07-0830							
4693-09-3113							

## WILLIAMS MULLEN

March 15, 2022

Dear Property Owner,

PeakNet, LLC ("PeakNet") is the lessee of a portion of the property located at 7615 Tuckaseegee Road (Cabarrus County Parcel ID No. 03-004-0005.00) owned by the Edward D. Mesimer Trust (the "Property"). I would like to invite you to attend a neighborhood information meeting concerning the proposed construction of a 235-foot monopole wireless telecommunications tower ("Tower") on the Property as shown on the enclosed site plan. Specifically, PeakNet will be requesting a special use permit from Cabarrus County for the construction of the Tower. The meeting details are as follows:

Tuesday, March 29, 2022  
6 pm to 7 pm  
Fellowship Hall  
Bethpage Presbyterian Church  
6020 Mooresville Road  
Kannapolis, NC 28081

In accordance with Cabarrus County ordinance requirements, we are notifying you of this meeting, because your property is located within the required notification area for neighborhood meetings. While this meeting is not a public hearing, it is an opportunity for you to meet with the owners and/or applicants to hear about their intention to request a special use permit for the Tower. You are encouraged to ask questions and express concerns so that we may help you to more fully understand the proposed Tower.

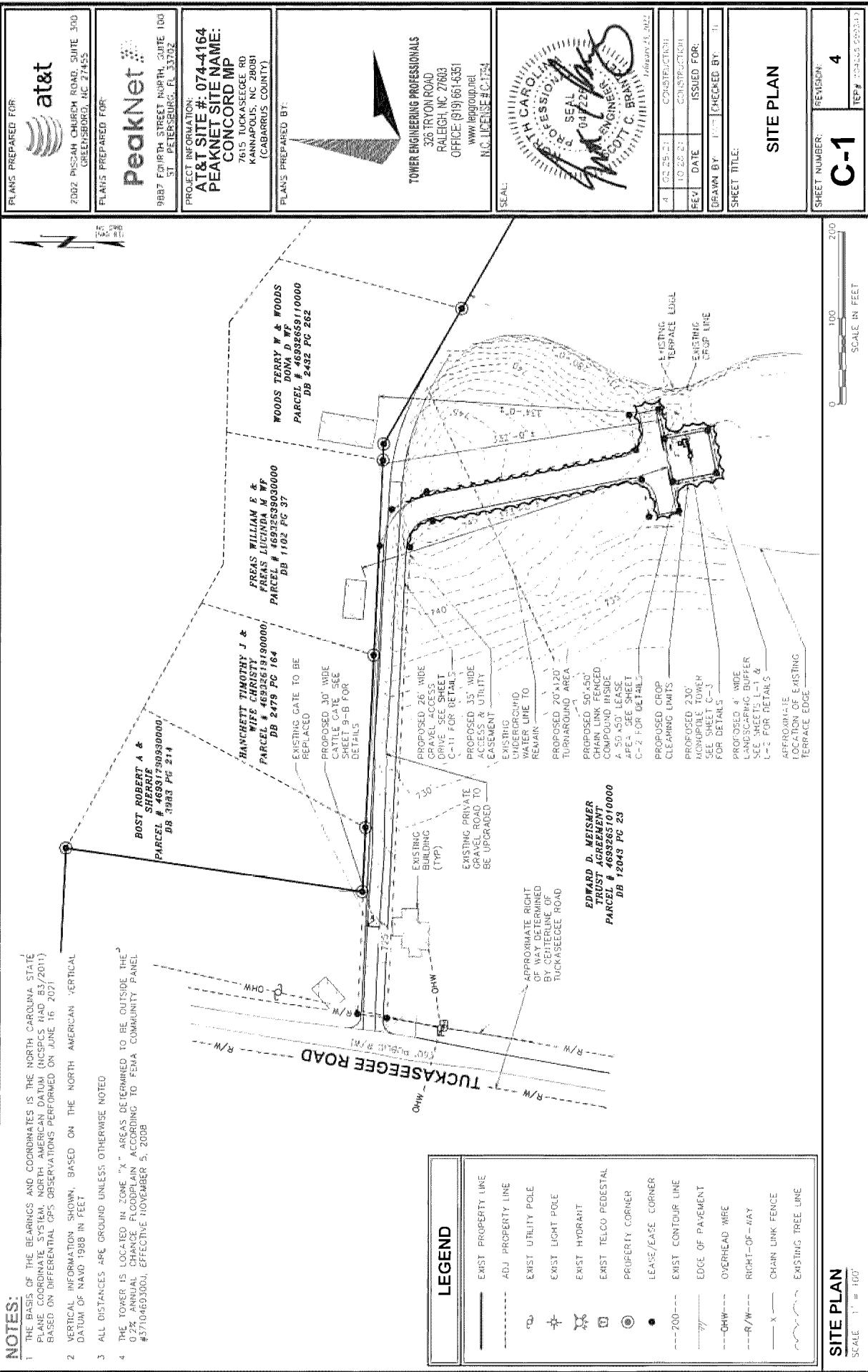
County Planning staff will not be in attendance at this meeting, but if you have additional questions about the project you may contact the County Senior Planner, Phillip Collins, at 704-920-2181 or [PECollins@cabarruscounty.us](mailto:PECollins@cabarruscounty.us). Property owners within the notification area will receive a separate notice from County when a public hearing is scheduled before the Cabarrus County Planning and Zoning Commission.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-981-4006 or [tjohnson@williammullen.com](mailto:tjohnson@williammullen.com). We look forward to seeing you at the meeting.

Sincerely,



Thomas H. Johnson, Jr.  
Attorney  
Williams Mullen



ERIC WAYNE BURRIS  
BURRIS DEANA BENFIELD BURRIS  
3656 LAKE SPRING AVE NW  
CONCORD, NC 28027

T D MESIMER REVOCABLE  
4309 SHIMPOCK RD  
CONCORD, NC 28027

WATER AND SEWER AUTHORITY OF  
CABARRUS COUNTY  
232 DAVIDSON HWY  
CONCORD, NC 28027

HENRY E RUMMEL JR  
ADAM J RUMMEL  
7626 TUCKASEEGEE RD  
KANNAPOLIS, NC 28081

DANG LEE  
MAI DOUA DANG  
7633 TUCKASEEGEE RD  
KANNAPOLIS, NC 28081

ANTHONY K MELTVEDT  
TRINA M MELTVEDT  
2402 WESTMINSTER DR  
CONCORD, NC 28027

TMS CUSTOM DESIGNS LLC  
1755 RUSTIC ARCH WAY  
HUNTERSVILLE, NC 28078

NICK S MCINTOSH  
1755 RUSTIC ARCH WAY  
HUNTERSVILLE, NC 28078

LANCE R BROWN  
PO BOX 382  
LANDIS, NC 28087

SECHLER JIMMY R SECHLER JR  
CHRISTINA SECHLER VAUGHAN  
329 BRIGHTWOOD CT SW  
CONCORD, NC 28025

MARLEEN K WINGLER  
7750 MOORESVILLE RD  
KANNAPOLIS, NC 28081

HARRY T MORRIS TRUSTEE  
MARALYN R MORRIS TRUSTEE  
4940 RANKIN RD  
CONCORD NC 28027

RICKARD A GOODMAN  
CONNIE D GOODMAN  
6746 MOORESVILLE RD  
KANNAPOLIS, NC 28081

AMY H SHUFFLER  
6946 MOORESVILLE RD  
KANNAPOLIS, NC 28081

JEREMIAH C JOHNSON  
MORGAN L JOHNSON  
6980 MOORESVILLE RD  
KANNAPOLIS, NC 28081

GASTON L PRICE  
CHELSEA N PRICE  
7100 MOORESVILLE RD  
KANNAPOLIS, NC 28081

TONY LEE BARNHARDT  
BEVERLY S BARNHARDT  
7090 MOORESVILLE RD  
KANNAPOLIS, NC 28081

WADE MIZELLE  
VIOLET C MIZELLE  
5015 PROSPERITY CHURCH RD  
CHARLOTTE, NC 28269

SYLVIA LANSPERY  
7200 MOORESVILLE RD  
KANNAPOLIS, NC 28081

ROBERTO CINA  
LORI ANNE CINA  
2329 OXFORD DR  
KANNAPOLIS, NC 28081

JAMES CUNNINGHAM MUNRO III  
JESSICA FAYE MUNRO  
2325 OXFORD DR  
KANNAPOLIS, NC 28081

TERRY W WOODS  
DONNA D WOODS  
2319 OXFORD DR  
KANNAPOLIS, NC 28081

WILLIAM E FREAS  
LUCINDA M FREAS  
2317 OXFORD DR  
KANNAPOLIS, NC 28081

TIMOTHY J HANCHETT  
CHRISTY HANCHETT  
2313 OXFORD DRIVE  
KANNAPOLIS, NC 28081

ROBERT A BOST  
SHERRIE BOST  
2311 OXFORD DRIVE  
KANNAPOLIS, NC 28081

BILLY EUGENE MCLAIN JR  
PO BOX 305  
KANNAPOLIS, NC 28082

STANCIL CALLAHAN III  
BRANDEE L CALLAHAN  
7550 TUCKASEEGEE RD  
KANNAPOLIS, NC 28081

TODD ERIC PLOTT  
5400 PLUM RD  
KANNAPOLIS, NC 28081

EDWARD D MEISMER TRUST  
7621 TUCKASEEGEE RD  
KANNAPOLIS, NC 28081

Report of Neighborhood Meeting  
Proposed 230 foot Communications Tower  
7615 Tuckaseegee Road

A neighborhood meeting for the proposed 230 foot monopole communications tower at 7615 Tuckaseegee Road was held on March 29, 2022 from 6 to 7 pm at Bethpage Presbyterian Church, 6020 Mooresville Road, Kannapolis, NC 28081. The following persons attended the meeting:

Thomas H. Johnson, Jr., Attorney for Peaknet, LLC  
Debbie Carr, Representative for Peaknet, LLC  
Edward D. Mesimer, the property owner  
Connie Goodman, adjacent property owner at 6760 Mooresville Road  
Mai Yang, adjacent property owner at 7633 Tuckaseegee Road

The proposed tower and location were presented to all in attendance. The only question had to do with the impact of the tower on adjoining property values. The attendees were informed that the tower would not adversely impact adjoining property values and that the applicant would present an impact study by an appraiser that would support that conclusion. Ms. Goodman commented on the poor AT&T service in the area and the need to improve that service.

The mailing list and letter are included with this report.

Prepared and submitted by:



---

Thomas H. Johnson, Jr. Attorney



---

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

---

August 19, 2022

Dear Property Owner:

A Special Use Permit Application has been filed in our office for your property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, October 11, 2022 in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this request, I encourage you to attend this meeting.

• Petitioner	Peak Net, LLC
• Petition Number	SUSE2022-00014
• Property Location	7615 Tuckaseegee Road
• Parcel ID Number	4693-26-5101
• Existing Zoning	Agricultural Open Space (AO)
• Variance Request	Wireless Telecommunications Tower

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 black ink, appearing to read "Sandy Howell".

Sandy Howell, CZO  
Planner  
Cabarrus County Planning and Development  
704.920.2149  
sowell@cabarruscounty.us

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

September 19, 2022

Dear Property Owner:

A Special Use Permit Application has been filed in our office for property adjacent to yours. The property and specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, August 9, 2022 in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

• Petitioner	Peak Net, LLC
• Petition Number	SUSE2022-00014
• Property Location	7615 Tuckaseegee Road
• Parcel ID Number	4693-26-5101
• Existing Zoning	Agricultural Open Space (AO)
• Variance Request	Wireless Telecommunications Tower

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 black ink that reads "Sandy Howell".

Sandy Howell, CZO  
Planner  
Cabarrus County Planning and Development  
704.920.2149  
sdhowell@cabbaruscounty.us

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

---

September 19, 2022

**\*\*\*Corrected\*\*\***

Dear Property Owner:

A Special Use Permit Application has been filed in our office for property adjacent to yours. The property and specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, October 11, 2022 in the 2<sup>nd</sup> floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street S, Concord, NC 28026. A Public Hearing will be conducted and public input will be allowed during that time. If you have any comments about this variance request, I encourage you to attend this meeting.

• Petitioner	Peak Net, LLC
• Petition Number	SUSE2022-00014
• Property Location	7615 Tuckaseegee Road
• Parcel ID Number	4693-26-5101
• Existing Zoning	Agricultural Open Space (AO)
• Variance Request	Wireless Telecommunications Tower

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 cursive ink that reads "Sandy Howell".

Sandy Howell, CZO  
Planner  
Cabarrus County Planning and Development  
704.920.2149  
sowell@cabbaruscounty.us

## EXHIBIT P

NCDEQ 9/12/2022

RE: [External] RE: SUSE2022-00014 Special Use Permit (SUP) request to construct 230 foot wireless telecommunication (WTC) t...



Llywelyn, Kenny S <kenny.llywelyn@ncdenr.gov>  
To: Sandy Howell

[Reply](#) [Reply All](#) [Forward](#) [...](#)  
Mon 9/12/2022 3:47 PM

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

If site is going to remain under 1 acre then no permitting will be needed from land quality.

### Kenny S. Llywelyn

Assistant Regional Engineer

Division of Energy, Mineral, and Land Resources  
North Carolina Department of Environmental Quality

Office: (704) 663-1699 x2146  
Mobile: (704) 677-0640  
Fax: (704) 663-6040  
Email: [Kenny.llywelyn@ncdenr.gov](mailto:Kenny.llywelyn@ncdenr.gov)

Physical and Mailing Address:  
610 E. Center Ave. Suite 301  
Mooresville, NC 28115



Email correspondence to and from this address is subject to the  
North Carolina Public Records Law and may be disclosed to third parties

NCDOT 9/12/2022

RE: [External] RE: SUSE2022-00014 Special Use Permit (SUP) request to construct 230 foot wireless telecommunication (WTC) t...



Morgan, Marc P <mmorgan@ncdot.gov>  
To: Sandy Howell; [chrysta.swinger@cabarrushealth.org](#); Jacob Thompson; Ray Gilletland; Tammi-Sue Remsburg; Justin Drines; Travis McGhee;  
Llywelyn, Kenny S  
Cc: Phillip Collins; Faulkner, Jason S

[Reply](#) [Reply All](#) [Forward](#) [...](#)  
Mon 9/12/2022 3:27 PM

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe!

Sandy,  
We have reviewed, approved and issued permit for this site.  
Thank You  
Marc

Sep 20, 2022 at 9:20:39 AM  
Tuckaseegee Rd, Cabarrus County





PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

**Petition: APPL2020-00002**

**Appeal of Interpretation of Cabarrus County Zoning and Subdivision Ordinances**

Appellant Information: John C. and Michelle McGraw  
7905 Flowes Store Rd  
Concord NC 28025

Zoning: Agriculture/Open Space (AO)

Property Location: 7005 Flowes Store Road  
Concord NC 28025

PIN#: 5537-56-4049

Request: Appeal of Notice of Violation (ZNC2020-00375) for the following (illegal salvage yard, illegal landfill and fill in the Special Flood Hazard Area):

- 03-01 OPERATION OF A USE NOT LISTED IN TABLE OF PERMITTED USES
- 03-07 CONDUCTING A LAND USE THAT IS NOT PERMITTED IN A PARTICULAR ZONE
- 06-02 ZONING AFFECTS EVERY STRUCTURE AND USE
- 06-11 ABANDONED AND JUNK VEHICLES
- 07-21 OPERATING A SALVAGE YARD IN A RESIDENTIAL AREA
- 08-01 OPERATION OF A CONDITIONAL USE WITHOUT A CONDITIONAL USE PERMIT
- 12-03 ZONING COMPLIANCE PERMIT REQUIRED
- 12-08 SITE DEVELOPMENT PLAN REQUIRED

Noticing:

Newspaper ad:	9/28/2022	Sign Posted:	9/22/2022
	10/5/2022	Letters sent:	9/20/2022

**History**

**8/20/2020** – During a site visit to perform an inspection for Zoning Permit ZN2020-00952, Zoning Officer Hicks noticed multiple oversized junk/abandoned vehicles, as defined in the Cabarrus County Development Ordinance, towards the back of the site. Additionally, there was excessive dumping observed on the site near where the junk vehicles were located.

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only:  
Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

**8/21/2020** - Zoning Officer Hicks, using the mobile phone number listed for the property owner (Michelle McGraw) on the Zoning Permit Application, contacted Mrs. McGraw to discuss the situation. Zoning Officer Hicks left a voicemail that included his contact information.

**8/26/2020** - Zoning Officer Hicks, Zoning Administrator Morris and County Legal Staff discussed the violations on property.

**10/29/20** – Zoning Officer Hicks issued a Warning Notice of Violation (NOV) which provided thirty days for the owner to address the violations. Zoning Officer Hicks made attempts to contact Michelle McGraw on provided mobile and office phone number(s) to notify owner about violation and requested a call back to address the violations with her. A voicemail was left on each number.

**11/19/20** – Zoning Officer Hicks made a follow up site visit to inspect Zoning Permit ZN2020-00952 and Zoning Violation ZNC2020-00375. At that time, he also acquired updated photos related to the violations.

**11/20/20** – Zoning Officer Hicks received a voice mail from David W. Murray, Attorney for Appellant. Mr. Murray stated he would like to discuss resolving the issues, but in the meantime, would like to file an appeal on behalf of his client. Mr. Murray also emailed Zoning Administrator Morris regarding appeal procedures. A case summary was compiled by Zoning Office Hicks for the Zoning Administrator and Legal Counsel. Zoning Officer Hicks also contacted Teresa Bradford at NCDEQ requesting assistance with violations.

**12/09/20** –A conference call was held regarding the NOV. In attendance were Zoning Officer Hicks, Mr. Murray, attorney for the Appellant, Mr. John McGraw, property owner, County Attorney Koch, and Zoning Administrator Morris. The Notice of Violation (NOV) was discussed along with additional violations due to activity in the regulated floodplain area on the property and a perennial stream. Legal Counsel Murray said that he needed to do additional research and would follow back up with County.

**2/11/2021**-A Teams meeting was held to discuss the violations on the site, options, and corrective actions. In attendance were Susie Morris, Rich Koch, and Mr. Murry. Mr. Murry stated that he would need to speak with his client and that he would be back in touch with the County.

**3/4/2021** – In response to an email from Mr. Murry related to the county's position on the vehicles on the site, Mr. Koch requested that Mr. Murry provide a list of VINs for the vehicles and equipment located on the site.

**9/22/2022** – There have been no additional contacts from Mr. Murray as the Appellant's attorney or from Mr. McGraw, the property owner. The list of VINs has not been provided. The violations outlined in the NOV remain on the site.

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

**Findings**

The primary property (PIN 5537-56-4049) is approximately 43.15 acres.

According to the tax records, the current property owners acquired the subject property in 2008.

The various salvage yards and landfill areas on the property account for approximately 2.54 acres per the Cabarrus County GIS 2021 aerials. The salvage yards and landfill areas are located on five different areas on the property.

The landfill operation appears to encroach on to the adjacent property to the east (7141 Flowes Store Road which is approximately 30 acres), also owned by Mr. and Mrs. McGraw. According, to the tax records, the McGraws acquired this parcel in 2021.

Based on GIS aerial imagery (See GIS Aerial Images) and Pictometry (See Pictometry Imagery Historical and February 2021), the landfill and salvage yard areas have been gradually increasing in size since 2010.

- The most recent site visit identified a new section of the property being cleared that is adjacent to existing landfill and dumping area.

The GIS and Pictometry images also show that the salvage yard and the landfill extend into the regulated Special Flood Hazard Area (SFHA).

The salvaged vehicles on the property are located anywhere from approximately 85 feet to 394 feet from the edge of the Rocky River.

The uses on the site are classified as a salvage yard and a landfill.

- Chapter 2 defines a salvage yard as an establishment operated for the purpose of storing, dismantling, salvaging, recycling, buying, or selling scrap or used materials such as paper, metals, rubber, rags, glass, construction materials, wrecked, used, or dismantled products and articles, such as machinery, vehicles, appliances, manufactured homes, recreational vehicles, and the like. Also known as a Junk Yard.
- Chapter 2 defines a landfill, sanitary as any disposal facility or part of a disposal facility where waste is placed in or on land, whether publicly or privately owned, and holding a permit from the State of North Carolina

**PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION**

Staff Use Only: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

Per Chapter 3, section 3-8, Table of Permitted Uses

A salvage yard is not permitted in the Agriculture/Open Space district.

A sanitary landfill may only be permitted with a Special Use Permit.

- To date no Special Use Permit has been obtained for this property.

Per Chapter 12, section 3, Zoning Compliance Permit

A Zoning Compliance Permit must be obtained from the Zoning Administrator prior to the use or occupancy of any building or premises, or both, hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure.

No nonconforming structure or use can similarly be changed or extended without a Zoning Compliance Permit or Certificate of Non-Conformity Adjustment being issued.

- No permits have been obtained for either of the uses occurring on the subject property.
- The use of sanitary landfill is permitted in the Agriculture Open Space district and the Limited Industrial and General Industrial districts with the issuance of a Special Use Permit.
  - No Special Use Permit has been obtained for the subject property to operate a sanitary landfill in the AO zoning district.
- The use of a Salvage Yard is limited to the General Industrial districts and is permitted based on meeting additional development standards.
  - The subject property is zoned AO, therefore, a salvage yard is not permitted.

The property is subject to Floodplain Development Permitting.

- No floodplain development permits have been issued for this property by Cabarrus County.

The subject property is subject to Soil and Erosion and Stormwater permitting with NCDEQ due to the amount of disturbance on the property.

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

Staff Use Only: \_\_\_\_\_  
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Tabled: \_\_\_\_\_

- No permits have been issued by the North Carolina Department of Environmental Quality (NCDEQ) for soil and erosion control or stormwater as required for any land disturbing activity that affects one or more acres on a tract of land.

The property is subject to the Waterbody Overlay District as it is bounded by the Rocky River, which is a perennial stream.

- It is unclear at this time whether there are also violations of the Waterbody Overlay District on the subject property.

The property owners run two businesses. One is a grading business, and the other is a concrete recycling business. Equipment and vehicles located on the site, as well as materials used for fill, appear to be items generally used by these types of businesses. (See Secretary of State Filings)

## **APPLICABLE SECTIONS OF THE CABARRUS COUNTY DEVELOPMENT ORDINANCE**

### **Chapter 2 Definitions**

*LANDFILL, SANITARY - Any disposal facility or part of a disposal facility where waste is placed in or on land, whether publicly or privately owned, and holding a permit from the State of North Carolina.*

*SALVAGE YARD - An establishment operated for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used materials such as paper, metals, rubber, rags, glass, construction materials, wrecked, used or dismantled products and articles, such as machinery, vehicles, appliances, manufactured homes, recreational vehicles, and the like. Also known as a Junk Yard.*

### **Chapter 7, Performance Based Standards for Salvage Yard**

#### *Section 7-1 Introduction*

*The purpose of this Chapter is to describe those uses, which may be approved administratively by Planning and Zoning staff, known as "performance based standards" (PBS) uses.*

*Performance based standards uses are those which can be made compatible within a given zoning district as long as pre-established standards are met which will control for any potential negative effects of the use. PBS uses provide landowners with more flexibility in using their property yet still affords protection to neighboring landowners.*

#### *Section 7-3.35 Salvage Yard*

##### *General Industrial district*

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Staff Use Only: \_\_\_\_\_  
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Tabled: \_\_\_\_\_

- a. *Materials may not be vertically stacked so as to be visible to the passing motorist.*
- b. *All outside storage areas including dumpsters must be:*
  - *sited to the rear of the building,*
  - *within the setbacks required of the building's underlying zone, and*
  - *made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.*
- c. *In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 150 feet from the property line.*

The subject property is zoned Agriculture/Open Space.

- A Salvage Yard is not permitted in the AO zoning District. Therefore, the property can not be used as a salvage yard.

**Chapter 8- Petitioning for a Special Use for a Sanitary Landfill**

*Because of their potential for affecting neighboring landowners, special uses warrant review in a public forum. The Planning and Zoning Commission, acting as Board of Adjustment, hears the request for a special use permit.*

*In general, the process for seeking a special use permit is as follows (Please see Chapter 12 for more details regarding the special use permit process):*

*Step 1 Prior to filing a Special Use Permit Application, the Applicant is required to attend a pre-application meeting with Planning and Development Staff. At that time, the proposed project will be discussed and required submittal materials will be determined. Examples of items that may be required, in addition to a complete application and site plan, include but are not limited to:*

- *Traffic Impact Analysis Documents (See Appendix A)*
- *Intent to Serve Letters*
- *NCDOT Driveway Permits*
- *Post-Construction Stormwater Permits*
- *Soil and Erosion Control Permits*

*Applications for a Special Use must demonstrate compliance with the general standards of review. Additionally, Special Uses must:*

- *Maintain or enhance the public health, safety, and general welfare*
- *Maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not do so);*

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Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

- *Assure the adequacy of:*
  - *Wastewater disposal*
  - *Solid waste management*
  - *On site drinking water and wastewater disposal*
  - *Governmental water and sewer (if applicable)*
  - *Police, Fire and Emergency Medical Services protection*
  - *School adequacy (if applicable)*
  - *Transportation systems (in and around the site) and*
  - *Other public facilities*
- *Comply with the general plans for the physical development of the County as embodied in these regulations*

Section 8-4. 13 Sanitary Landfill

*Agricultural/Open, Limited Industrial and General Industrial districts*

*The following additional items shall be included on the site plan:*

- a. *Extent of area to be filled.*
- b. *Location, width and elevation of all easements and rights-of-way within or adjacent to extraction site.*
- c. *Location of all existing or proposed structures on site.*
- d. *Location of all areas on the site subject to flood hazard or inundation.*
- e. *Location of all water courses on the site, including direction of flow and normal fluctuation of flow.*
- f. *Existing topography at a contour interval of two feet, based on mean sea level datum.*
- g. *Typical cross sections showing extent of overburden, extent of fill and water table elevation, based on mean sea level datum.*
- h. *Proposed handling and storage areas for overburden, by-products and fill materials.*
- i. *Proposed fencing, screening and gates, parking, service and other areas.*
- j. *Any areas proposed for ponding.*
- k. *Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Site distances on all roads used for access to the site.*

*An Operations Plan shall be submitted including:*

- *The date of commencement of operations and their expected duration*
- *Proposed hours and days of operation*
- *Complete description of operation, including source of materials, method of compaction, type of sealing proposed, types and number of equipment to be used*
- *Any phasing of operations and relationship among phases*

*A Rehabilitation Plan shall be submitted which shall include:*

- *A statement of planned future use of the site, including detailed methods of accomplishment*

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- A map, to the same scale as the site plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structures proposed
- A phased plan of rehabilitation, related to the operations plan, showing how the rehabilitation will relate to the fill operations and the date of final completion

- I. Copies of all permits required by all applicable regulating North Carolina and federal government agencies shall be submitted.

*All operations associated with the fill shall conform to the following performance standards:*

1. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
2. Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:
  - Between 7:00 am and 7:00 pm 60 DBA
  - Between 7:00 pm and 7:00 am 55 DBA
3. Vibration levels at the boundaries of the fill site shall not exceed the following standards:  
Maximum Peak Particle Velocity
  - Steady state 1.0 inches/second
  - Impact 2.0 inches/second

*NOTE: The maximum particle velocity shall be the maximum displacement sums of three mutually perpendicular components, recorded simultaneously, and multiplied by the frequency in cycles per second.*

*For purposes of this Ordinance, steady-state vibrations are defined as vibrations which are continuous or vibrations occurring in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.*

1. The Rehabilitation Plan shall be referred to the Cabarrus County Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to ensure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
2. The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland cement concrete.
3. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
4. Where the proposed fill shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.

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5. *The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.*

The subject property is zoned Agriculture/Open Space (AO).

- A sanitary landfill is only permitted in the AO zoning district with the issuance of a Special Use Permit by the Board of Adjustment.
- No Special Use Permit requests have been filed for the subject property or approved by the Board of Adjustment.

**Chapter 16, Cabarrus County Flood Damage Prevention Ordinance**

**PART 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**SECTION C. STATEMENT OF PURPOSE**

*It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:*

- (1) *Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;*
- (2) *Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;*
- (3) *Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;*
- (4) *Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and*
- (5) *Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.*

**SECTION D. OBJECTIVES**

*The objectives of this ordinance are to:*

- (1) *Protect human life, safety, and health;*

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

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- (2) *Minimize expenditure of public money for costly flood control projects;*
- (3) *Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- (4) *Minimize prolonged business losses and interruptions;*
- (5) *Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;*
- (6) *Minimize damage to private and public property due to flooding;*
- (7) *Make flood insurance available to the community through the National Flood Insurance Program;*
- (8) *Maintain the natural and beneficial functions of floodplains;*
- (9) *Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and*
- (10) *Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.*

**Part 2 Definitions:**

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

**Part 3 General Provisions:**

**SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

*This ordinance shall apply to all Special Flood Hazard Areas within the unincorporated areas of Cabarrus County.*

**SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

*The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 5, 2008 for*

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CABARRUS COUNTY PLANNING AND ZONING COMMISSION

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*Cabarrus County and associated DFIRM panels dated November 5, 2008, March 2, 2009, June 16, 2009, February 19, 2014 and November 16, 2018, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Cabarrus County are also adopted by reference and declared a part of this ordinance.*

**SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT**

*A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Part 3, Section B of this ordinance.*

**SECTION D. COMPLIANCE**

*No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.*

**SECTION E. ABROGATION AND GREATER RESTRICTIONS**

*This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.*

**SECTION H. PENALTIES FOR VIOLATION**

*Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Cabarrus County from taking such other lawful action as is necessary to prevent or remedy any violation.*

The subject property contains areas located in the Special Flood Hazard Area (SFHA).

- No Floodplain Development Permits have been issued by Cabarrus County for any type of development or development activity on the subject property.
- On-site observations by Zoning Officer Hicks, along with County GIS and Pictometry data, show that the Special Flood Hazard Area (SFHA) on the property has been disturbed and that fill has been placed in the regulated floodplain area. (See GIS Images and Pictometry Imagery)

## **Chapter 4, Overlay Districts**

### ***Section 4-10 Requirements of the Waterbody Buffer Zone***

1. *A minimum 50-foot buffer shall be established from the stream bank on all sides of perennial streams in addition to any lakes, ponds or impoundments located along, or on, those streams. Perennial streams include all rivers, streams, lakes, ponds or waterbodies shown on the USGS Quadrangle Maps as a solid blue line or identified in the Cabarrus County Geographic Information System.*
2. *A minimum 25-foot-buffer shall be established along the edge of any identified wetlands.*
3. *The applicant must provide a detailed survey that field verifies the location of all perennial streams, lakes, ponds, impoundments and wetlands on the subject property and within 100 feet of the boundary of the subject property for all proposed plats and site plans.*
4. *Streams may exist even if they are not mapped on the USGS Quadrangle Maps or NRCS Soil Survey Maps. A qualified professional must identify streams that exist on the site but are not mapped. For purposes of this section, a qualified professional shall mean an individual that has attended wetlands delineation training using application of the 1987 Wetland Delineation Manual by the US Army Corps of Engineers and Identification of Perennial and Intermittent Streams training supported by the North Carolina Division of Water Quality.*
5. *The determination that a waterbody or stream indicated on a USGS Map or NRCS soil survey map does not exist must be concurred by the NCDENR Division of Water Quality and/or the US Army Corps of Engineers.*
6. *The Waterbody Buffer Zone shall be determined and clearly delineated on site prior to any development or pre-development activity occurring in order to protect the required buffer from encroachment or damage. No development, including soil disturbing activities or grading, shall occur within the established buffer area.*

## **Chapter 5, District Development Standards, Stream buffer and floodplain limitations**

### ***B. Stream buffer and floodplain limitations***

PLANNING STAFF REPORT  
CABARRUS COUNTY PLANNING AND ZONING COMMISSION

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Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Tabled: \_\_\_\_\_

1. *All development on parcels with regulated floodplain are subject to the Cabarrus County Flood Damage Prevention Ordinance. See Chapter 16.*

The subject property contains perennial streams subject to the regulations in Chapter 4.

- Development activity, including clearing, grading and fill, has occurred on the site without permits or the buffers being delineated.
- It is unclear whether the required stream buffers have been impacted.

**Chapter 5, District Development Standards, Utilities and Stormwater**

**C. Utilities and Stormwater**

2. *Proposed developments in unincorporated Cabarrus County are subject to Phase 2 Post-Construction and Soil and Erosion Control permitting with the North Carolina Department of Energy, Mineral and Land Resources.*

The amount of disturbance on the site is such that permits would be required from the North Carolina Department of Environmental Quality for soil and erosion control and stormwater.

- No permits have been issued by NCDEQ for this site.

**Exhibits**

1. Staff Report
2. Maps
3. Appeal Application
4. Notice of Violation, Warning
5. Notice of Violation, First Citation
6. Site Visit Photos August 2020
7. Site Visit Photos November 2020
8. Pictometry Imagery (Historical and February 2021)
9. GIS Aerial Images
10. Google Earth Imagery
11. Letters and Noticing List
12. Sign



## Central Cabarrus Planning Area Aerial Map

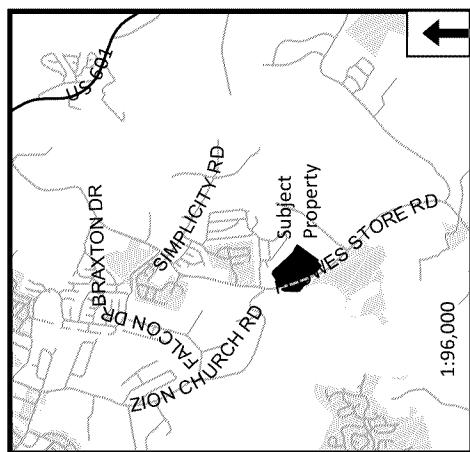


### Appellant Information:

John C. and Michelle McGraw  
7905 Flowes Store Rd  
Concord, NC 28025  
Case: APPL2020-00002

Address: 7005 Flowes Store Rd  
Concord, NC 28025  
Zoning: Agricultural/Open Space (AO)  
Request: Appeal of Notice of Violation  
(ZNC2020-00375) for operation of illegal  
salvage yard, illegal landfill and fill in the SFHA  
PINs: 5537-56-4049

Cabarrus County  
Concord  
Tax Parcels



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

## Central Planning Area Existing Zoning



### Appellant Information:

John C. and Michelle McGraw  
7905 Flowes Store Rd

Concord, NC 28025

Case: APPL2020-00002

Address: 7005 Flowes Store Rd

Concord, NC 28025

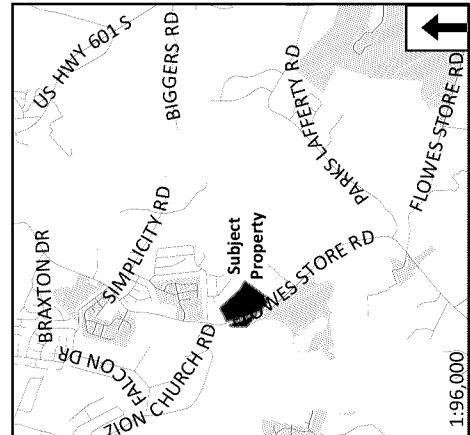
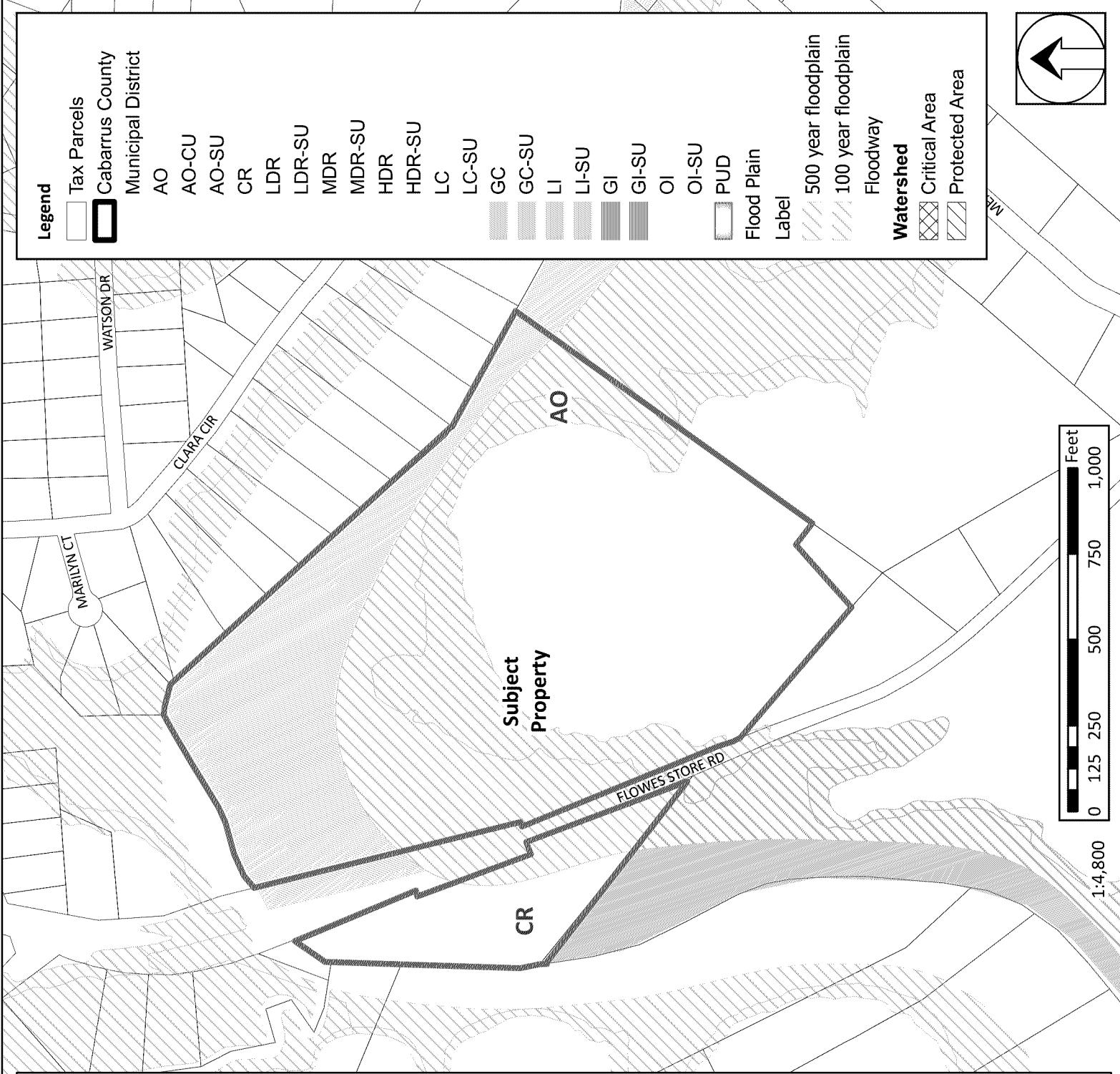
Zoning: Agricultural/Open Space (AO)

Request: Appeal of Notice of Violation

(ZNC2020-00375) for operation of illegal  
salvage yard, illegal landfill and fill in the SFHA

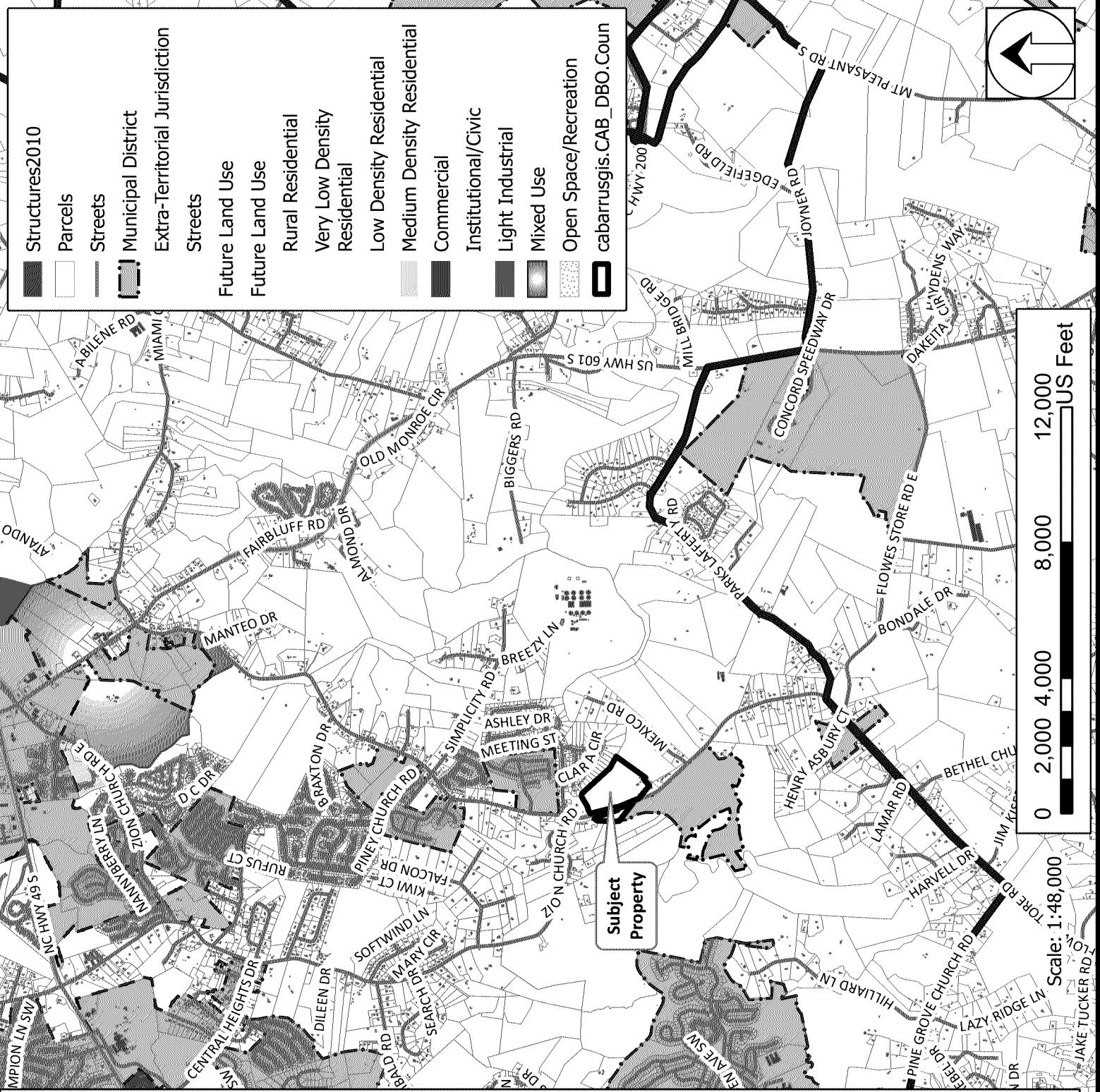
PINs: 5537-56-4049

### Subject Property



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Map Prepared by Cabarrus County Planning & Development - October 2022

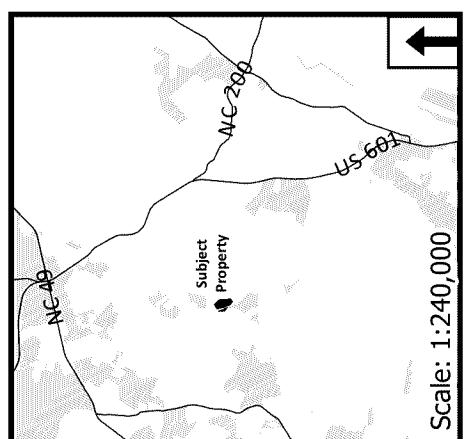


## Central Cabarrus Planning Area Future Land Use



### Appellant Information:

John C. and Michelle McGraw  
7905 Flowes Store Rd  
Concord, NC 28025  
Case: APPL2020-00002  
Address: 7005 Flowes Store Rd  
Concord, NC 28025  
Request: Appeal of Notice of Violation  
(ZNC2020-00375) for operation of illegal  
salvage yard, illegal landfill and fill in the SFHA  
PINs: 5537-56-4049



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.



## APPEAL OF ADMINISTRATIVE DECISION, INTERPRETATION OR NOTICE OF VIOLATION

STAFF USE ONLY:

Application/Access#: APPL2020 - 00002

Reviewed by: \_\_\_\_\_

Date: 11/25/20

Amount Paid: 450.00

In order to request an appeal from an interpretation or administrative decision made by the Zoning Administrator, the applicant must submit the following:

1. Complete application
2. Fee of \$450.00 plus cost of advertising and noticing
3. Copies of any documentation to be submitted to the Board of Adjustment as evidence. (If large format copies are included in the documentation, applicant must submit 18 copies.)

If there are additional questions concerning this process, please call the Planning and Development Department at (704) 920-2141, Monday through Friday, 8:00 am to 5:00 pm.

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

To the Cabarrus County Board of Adjustment:

I JohnC. McGraw, hereby appeal the following decision of the Zoning Administrator to the Board of Adjustment: October 29, 2020 Notice of Violation - ZNC2020-00375 which determined that my property was in violation of Code Sections 03-10, 03-07, 06-02, 06-11, 07-21 08-01, 12-03, and 12-08 and operating an illegal junk yard and land fill.

*You may attach additional sheet(s) if needed.*

I request an interpretation of:

The Zoning Atlas (Zoning classification of subject property)

The following section(s) of the Zoning Ordinance:

Code Sections 03-10, 03-07, 06-02, 06-11, 07-21, 08-01, 12-03, and 12-08.

*You may attach additional sheet(s) if needed.*

As it relates to the use of the property located at:

ADDRESS: 7005 Flowes Store Road

PARCEL IDENTIFICATION NUMBER (PIN): 55375640490000

PROPERTY OWNER: John and Michelle McGraw



Attachment to Appeal Application

**Code Section 03-10 – Operation of Use Not Listed in Table of Permitted Uses**

Why the interpretation is incorrect: Enforcement for any alleged violations is barred by the applicable 5- and 7-year statutes of limitation. The uses on the Applicant's property are permitted under AO Zoning PBS uses. The Applicant is storing his personally owned vehicles, equipment, and materials on his property. He does not operate a junk yard. AO allows: (1) contractor office, construction equipment storage, temporary use; (2) contractor or trade shops; (3) landfill, demolition -less than one acre; (4) repair garage, automobile; (5) repair shop, farm machinery; (6) repair shop, small engine; (7) towing service, accessory to automobile repair; (8) towing service, with towed vehicles storage yard, no salvage or part sales. All of these uses are more intensive than Applicant's use and are permitted in AO zoning.

**Code Section 03-07 – Conducting a Land Use That Is Not Permitted in a Particular Zone**

Why the interpretation is incorrect: The Applicant's land use is permitted in AO Zoning.

**Code Section 06-02 – Zoning Affects Every Structure and Use**

Why the interpretation is incorrect: The Applicant's do not deny that zoning applies, but there is no enforceable violation on the Applicant's property.

**Code Section 06-11 – Abandoned and Junk Vehicles**

Why the interpretation is incorrect: Code Section 6-11 specifically states that "This section does not apply to the Agricultural/Open Space Zoning District." The Applicant's property is zoned AO.

**Code Section 07-21 – Operating a Salvage Yard in a Residential Area**

Why the interpretation is incorrect: The Applicant is not operating a salvage yard.

**Code Section 08-01 – Operation of a Conditional Use Without a Conditional Use Permit**

Why the interpretation is incorrect: The Applicant's uses are allowed without a conditional use permit under PBS uses.

**Code Section 12-03 – Zoning Compliance Permit Required**

Why the interpretation is incorrect: The Applicant's property is in compliance with the ordinance.

**Code Section 12-08 – Site Development Plan Required**

Why the interpretation is incorrect: The property has not been developed.

Applicant reserves the right to present evidence in support of its position at the quasi-judicial hearing on the appeal.

A copy of the NOV issued to Applicant is attached hereto.

4/2013

Imagery Date: 4/9/2013      35°19'18.24" N    80°33'24.27" W    elev 555 ft.    eye alt. 2303 ft.    0

Google Earth

10/29/2020

File #: ZNC2020-00375

John & Michelle McGraw  
7905 Flowes Store Road  
Concord, NC 28025

Inspection Date: 08/21/2020

## NOTICE OF VIOLATION

RE: 7005 FLOWES STORE RD

Zoning: AO

Parcel(s): 55375840490000

Nature of Violation: ILLEGAL OPERATION OF A JUNK YARD AND LANDFILL

The following provision(s) of the CABARRUS COUNTY Zoning Ordinance has been violated:

03-01 OPERATION OF A USE NOT LISTED IN TABLE OF PERMITTED USES

03-07 CONDUCTING A LAND USE THAT IS NOT PERMITTED IN A PARTICULAR ZONE

06-02 ZONING AFFECTS EVERY STRUCTURE AND USE

06-11 ABANDONED AND JUNK VEHICLES

07-21 OPERATING A SALVAGE YARD IN A RESIDENTIAL AREA

08-01 OPERATION OF A CONDITIONAL USE WITHOUT A CONDITIONAL USE PERMIT

12-03 ZONING COMPLIANCE PERMIT REQUIRED

12-08 SITE DEVELOPMENT PLAN REQUIRED

Dear John &amp; Michelle McGraw

An on-site inspection of your property has found you to be in violation of the Cabarrus County Zoning Ordinance.

PROPERTY IS BEING USED AS A JUNK YARD FOR WRECKED/JUNKED/ABANDONED VEHICLES

PROPERTY IS ALSO BEING USED FOR ILLEGAL DUMPING AND LANDFILL

This notice is to serve as a Warning Citation

In order to correct this violation you must:

ALL VEHICLES MUST BE PROPERTY REMOVED AND DISPOSED OR STORED IN AN APPROPRIATELY ZONED LOCATION. ALL DUMPING ON THE PROPERTY MUST CEASE AND THE LANDFILL AREA MUST BE BROUGHT INTO COMPLIANCE.

You have (30) days from the receipt of this letter to comply with this ordinance.

You may appeal this decision to the Board of Adjustment within thirty (30) days. This department reserves the right to exercise the following remedies per NC G.S.153A-123.

- Issue a civil starting at \$450.00 and if unpaid a judgment could become a lien on the property.

- File lawsuit against a property owner in North Carolina Superior Court for violation of the Zoning Ordinance.

- File lawsuit against a property owner in North Carolina Superior Court for violation of the Zoning Ordinance.

In order to avoid any monetary citations please correct this matter within the aforementioned time frame.

If you have any questions concerning this matter or if you are in the process of clearing this matter, please call our office at (704) 920-2148 so we can make appropriate arrangements.

Thank you in advance for your cooperation.

Sincerely,



Brett Hicks, Senior Zoning Official



Brett Hicks  
Senior Zoning Official

10/29/2020

John & Michelle McGraw  
7905 Flowes Store Road  
Concord, NC 28025

File #: ZNC2020-00375

Inspection Date: 08/21/2020

**NOTICE OF VIOLATION**

RE: 7005 FLOWES STORE RD

Zoning: AO

Parcel(s): 55375640490000

Nature of Violation: ILLEGAL OPERATION OF A JUNK YARD AND LANDFILL

**The following provision(s) of the CABARRUS COUNTY Zoning Ordinance has been violated:**

03-01 OPERATION OF A USE NOT LISTED IN TABLE OF PERMITTED USES

03-07 CONDUCTING A LAND USE THAT IS NOT PERMITTED IN A PARTICULAR ZONE

06-02 ZONING AFFECTS EVERY STRUCTURE AND USE

06-11 ABANDONED AND JUNK VEHICLES

07-21 OPERATING A SALVAGE YARD IN A RESIDENTIAL AREA

08-01 OPERATION OF A CONDITIONAL USE WITHOUT A CONDITIONAL USE PERMIT

12-03 ZONING COMPLIANCE PERMIT REQUIRED

12-08 SITE DEVELOPMENT PLAN REQUIRED

Dear John & Michelle McGraw

An on-site inspection of your property has found you to be in violation of the Cabarrus County Zoning Ordinance.

PROPERTY IS BEING USED AS A JUNK YARD FOR WRECKED/JUNKED/ABANDONED VEHICLES.  
PROPERTY IS ALSO BEING USED FOR ILLEGAL DUMPING AND LANDFILL

**This notice is to serve as a Warning Citation**

***In order to correct this violation you must:***

ALL VEHICLES MUST BE PROPERTY REMOVED AND DISPOSED OR STORED IN AN APPROPRIATELY ZONED LOCATION. ALL DUMPING ON THE PROPERTY MUST CEASE AND THE LANDFILL AREA MUST BE BROUGHT INTO COMPLIANCE.

**You have (30) days from the receipt of this letter to comply with this ordinance.**

You may appeal this decision to the Board of Adjustment within thirty (30) days. This department reserves the right to exercise the following remedies per NC G.S.153A-123:

- Issue a civil starting at \$450.00 and if unpaid a judgment could become a lien on the property.
- File lawsuit against a property owner in North Carolina Superior Court for violation of the Zoning Ordinance.

In order to avoid any monetary citations please correct this matter within the aforementioned time frame.

If you have any questions concerning this matter or if you are in the process of clearing this matter, please call our office at (704) 920-2148 so we can make appropriate arrangements.

Thank you in advance for your cooperation.

Sincerely,

Brett Hicks, Senior Zoning Official

## **Cabarrus County Zoning Ordinance Reference**

### **Section 12-27. Violations**

In addition to any other remedies cited in this section for the enforcement of the provisions of this Ordinance, the regulations and standards herein may be enforced through the issuance of citations by the Zoning Office in accordance with G.S. 153A-123. These citations are in the form of a civil penalty. The County may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to criminal charges.

The following civil penalties are established for violations under this Ordinance:

Warning Citation	Correct the violation within ten days
First Citations	\$ 450.00
Second Citation for the same offense	\$ 550.00
Third and subsequent citations for the same offense	\$ 750.00
Disturbed Acre in Required Open Space	\$ 500.00 plus Replacement Planting Equal to 20 Large Maturing Trees and 40 Large Shrubs per Acre (tree and shrub sizes shall be in accordance with the buffer standards)
Disturbed Acre in Required Buffer	\$ 500.00 plus Replacement Planting to Meet Buffer Standard

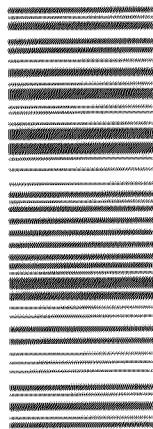
These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of the zoning ordinance.

### **Section 12-28. Penalties**

Any person adjudged in violation of this ordinance shall be guilty of a misdemeanor and shall be punished as provided in General Statute I4-4.

### **Section 12-29. Remedies**

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct business or use in or about the premises.



7004 1160 0002 6994 9884  
7004 1160 0002 6994 9884

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For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
2NC2020-60375-N.C.US-Zoning	
Sent to	
Street, Apt. No., or PO Box No.	John & Michelle McGraw
City, State, ZIP+4	7905 Flowers Store Road Concord, NC 28025

Cabarrus County  
Planning & Development  
Post Office Box 707  
Concord, NC 28026-0707  
[www.cabarruscounty.us](http://www.cabarruscounty.us)





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**OFFICIAL USE**

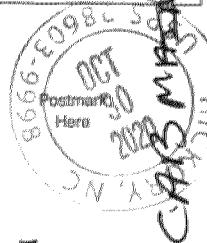
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

ZNC2020 · 60275 - 11.615 · Zoning

Send To  
John & Michelle McGraw  
7905 Flowers Store Road  
Concord, NC 28025

US Form 3800, June 2002

See Reverse for Instructions



ZNC2020-00375  
7005 FLOWES STORE ROAD - JOHN & MICHELLE MCGRAW

The following violations were found to be active on the property located at 7005 Flowes Store Road which is owned by John and Michelle McGraw.

1. 3-1 – Operation of a use not listed in table of permitted uses
  - a. Property is being used as a landfill and this is not allowed as a permitted use in Agricultural/Open Space (AO)
2. 3-07 – Conducting a land use that is not permitted in a particular zone
  - a. Property is being used as a landfill and this is not allowed as a permitted use in Agricultural/Open Space (AO)
3. 6-02 - Zoning affects every structure and use
  - a. Property is being used as a landfill and this is not allowed as a permitted use in Agricultural/Open Space (AO) – this is not a permit by right
4. 6-11 – Abandon and junk vehicles
  - a. ABANDONED VEHICLE - Any motor vehicle that is left or abandoned
    1. On public grounds or county-owned property in violation of a law or ordinance prohibiting parking;
    2. for longer than 24 hours on property owned or operated by the county;
    3. For longer than two hours on private property without the consent or the owner, occupant, or lessee of the property; and/or, Left for longer than seven days on public grounds
5. 7-21 – Operating a landfill in a residential area
  - a. Property is being used as landfill and this is not allowed as a permitted use in Agricultural/Open Space (AO)
6. 8-01 – Operation of a conditional use without a conditional use permit
  - a. Operation of a Landfill, Sanitary (8-4, 13) requires a Special Use Permit
7. 12-03 – Zoning compliance permit required
  - a. Operation of a Landfill, Sanitary (8-4, 13) requires a Special Use Permit
8. 12-08 – Site Development Plan Required
  - a. Operations and rehabilitation plans are required as part of Special Use Permit approval.

According to the Cabarrus County Development Ordinance the property owner may apply for a Special Use Permit to Conduct a Landfill, Sanitary operation on the property. The process for obtaining the Special Use Permit is currently located in Chapter 8 – Conditional Uses of the Cabarrus County Development Ordinance. Further, the section related Special Use permits for Landfill, Sanitary is located in Section 13, which is listed below:

**13. Landfill, Sanitary or Landfill, Demolition-One Acre or More**

*Agricultural/Open, Limited Industrial and General Industrial districts*

*The following additional items shall be included on the site plan:*

- a. Extent of area to be filled.*
- b. Location, width and elevation of all easements and rights-of-way within or adjacent to extraction site.*
- c. Location of all existing or proposed structures on site.*
- d. Location of all areas on the site subject to flood hazard or inundation.*
- e. Location of all water courses on the site, including direction of flow and normal fluctuation of flow.*
- f. Existing topography at a contour interval of two feet, based on mean sea level datum.*
- g. Typical cross sections showing extent of overburden, extent of fill and water table elevation, based on mean sea level datum.*
- h. Proposed handling and storage areas for overburden, by-products and fill materials.*
- i. Proposed fencing, screening and gates, parking, service and other areas.*
- j. Any areas proposed for ponding.*
- k. Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Site distances on all roads used for access to the site.*

*An Operations Plan shall be submitted including:*

- o The date of commencement of operations and their expected duration*
- o Proposed hours and days of operation*
- o Complete description of operation, including source of materials, method of compaction, type of sealing proposed, types and number of equipment to be used*
- o Any phasing of operations and relationship among phases*

*A Rehabilitation Plan shall be submitted which shall include:*

- o A statement of planned future use of the site, including detailed methods of accomplishment*
- o A map, to the same scale as the site plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structures proposed*
- o A phased plan of rehabilitation, related to the operations plan, showing how the rehabilitation will relate to the fill operations and the date of final completion*
- l. Copies of all permits required by all applicable regulating North Carolina and federal government agencies shall be submitted.*

*All operations associated with the fill shall conform to the following performance standards:*

*1. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.*

*2. Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:*

*o Between 7:00 am and 7:00 pm 60 DBA*

*o Between 7:00 pm and 7:00 am 55 DBA*

*3. Vibration levels at the boundaries of the fill site shall not exceed the following standards:*

**Maximum Peak Particle Velocity CABARRUS COUNTY DEVELOPMENT ORDINANCE CHAPTER 8-  
CONDITIONAL USES**

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*Chapter 8 Page 10 of 32 Amended 4/16/2018*

- o Steady state 1.0 inches/second*
- o Impact 2.0 inches/second*

***NOTE: The maximum particle velocity shall be the maximum displacement sums of three mutually perpendicular components, recorded simultaneously, and multiplied by the frequency in cycles per second.***

***For purposes of this Ordinance, steady-state vibrations are defined as vibrations which are continuous or vibrations occurring in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.***

**4. The Rehabilitation Plan shall be referred to the Cabarrus County Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.**

**5. The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland cement concrete.**

**6. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.**

**7. Where the proposed fill shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.**

**8. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.**

I have further attached the entire section of Chapter 8 – Conditional Uses for reference.

Based on my knowledge of the Cabarrus County Development Ordinance, should the property owner/or their agent make application for a Special Use Permit for a Landfill, Sanitary – regarding the property located at 7005 Flowes Store Road and the Planning and Zoning Commission were to grant said Special Use Permit this would correct the current active violations on the property located at 7005 Flowes Store Road.

7005 FLOWES STORE ROAD – IMAGES – 8-20-20

PICTURE WERE TAKEN WHIILE DOING INSPECTION FOR ZONING PERMIT ZN2020-00952 – ISSUED  
8/17/20

ALL IMAGES WERE OBTAINED FROM THE DRIVE WAY ON THE PROPERTY



Aug 20, 2029 at 12:53:41 PM  
7005 Flower St, Stone Rd  
Concord NC 28025  
United States



Aug 20, 2020 at 12:56:16 PM  
7005 Flowers Store Rd  
Concord NC 28025  
United States







7005 FLOWES STORE ROAD – ZNC2020-00375

DATE: 11-19-20



Nov 19, 2020 at 11:20:44 AM

705 Flower Stree Rd

Concord NC 28025

United States



Nov 19, 2020 at 11:21:12 AM

705 Flower Stree Rd

Concord NC 28025

United States





7005 FLOWES STORE ROAD – GIS AERIAL IMAGES – 1-18-22

ALL IMAGES WERE OBTAINED CABARRUS COUNTY GIS

RANGE FROM 2010 – 2021

YEAR 2010



YEAR 2013



YEAR 2015



YEAR 2017



YEAR 2019



YEAR 2021



Pictometry 2/25/2021



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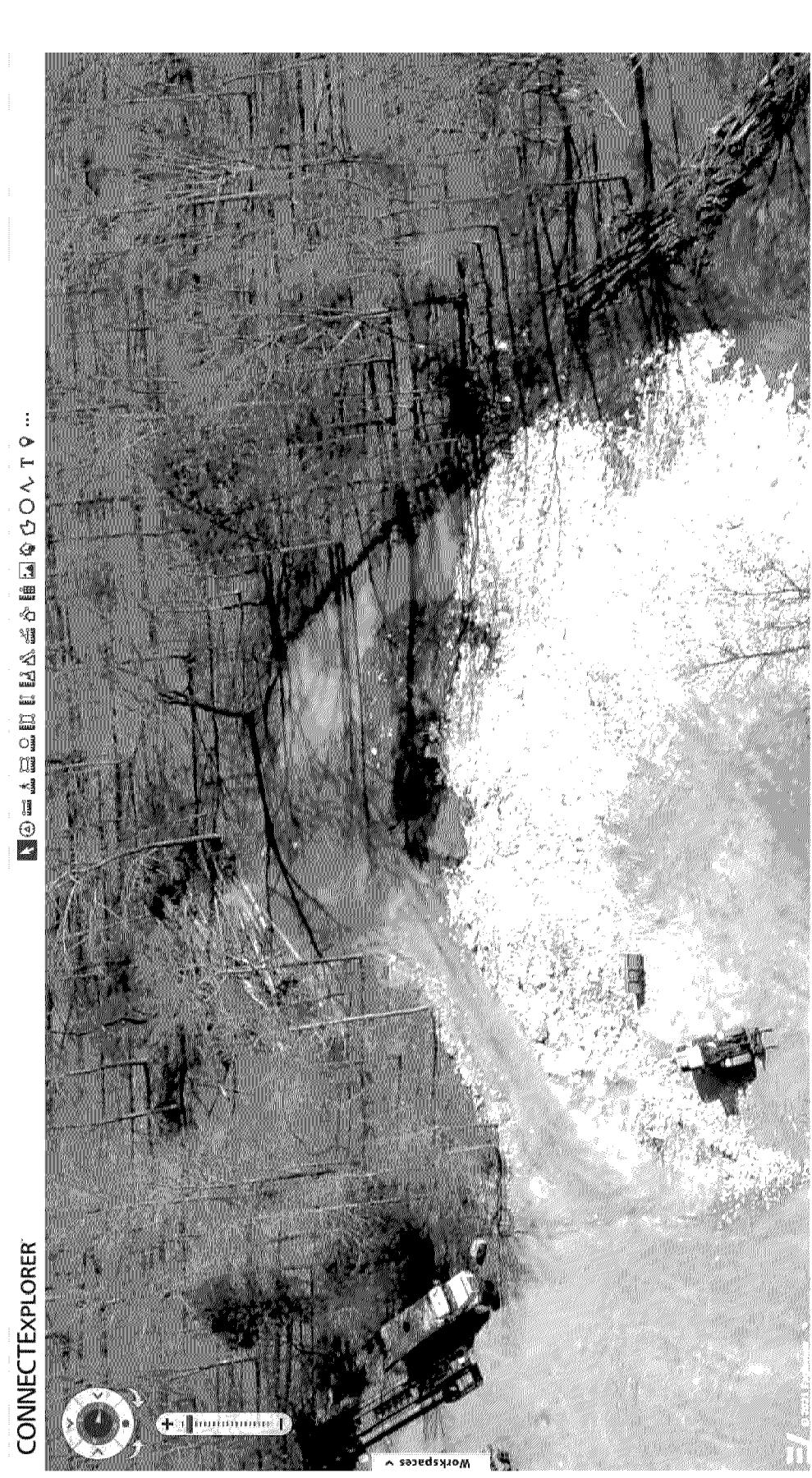
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LAND MAPS 3D MODELS 3D POINT CLOUDS ...



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PICTOMETRY IMAGES OF SUBJECT PROPERTY



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11c) \* Feb 2019 - Feb 2019 \* 02/02/2019 - 02/14/2019

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PICTOMETRY IMAGES OF SUBJECT PROPERTY



PICTOMETRY IMAGES OF SUBJECT PROPERTY



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PICTOMETRY IMAGES OF SUBJECT PROPERTY



# Google Earth Image 6/2022



# Google Earth Image 4/2022



Google Earth Image 11/2021



Google Earth Image 1/2021



Google Earth Image 8/2019



# Google Earth Image 11/2018



- File an Annual Report/Amend an Annual Report • Upload a PDF Filing • Order a Document Online •
- Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form • Print an Amended a Annual Report form

## Business Corporation

### Legal Name

C & M Recycling, Inc.

### Information

**SosId:** 0590382

**Status:** Current-Active ⓘ

**Date Formed:** 5/8/2001

**Citizenship:** Domestic

**Fiscal Month:** December

**Annual Report Due Date:** April 15th

**Current Annual Report Status:**

**Registered Agent:** McGraw, Michelle E

### Addresses

Mailing	Principal Office	Reg Office	Reg Mailing
7905 Flowes Store Rd Concord, NC 28025			

### Officers

#### President

Michelle McGraw  
7905 Flowes Store Rd.  
Concord NC 28025

### Stock

**Class:** Common

**Shares:** 1000

**Par Value 1**

- File an Annual Report/Amend an Annual Report • Upload a PDF Filing • Order a Document Online •
- Add Entity to My Email Notification List • View Filings • Print a Pre-Populated Annual Report form • Print an Amended a Annual Report form

## Business Corporation

### Legal Name

M & C GRADING, INC.

### Information

**SosId:** 0467540

**Status:** Active-Not Current  ⓘ

**Date Formed:** 8/13/1998

**Citizenship:** Domestic

**Fiscal Month:** December

**Annual Report Due Date:** April 15th

Delinquent**Annual Report Status:**

Registered Agent: McGraw, Michelle

### Addresses

<b>Reg Office</b>	<b>Reg Mailing</b>	<b>Mailing</b>	<b>Principal Office</b>
2930 Jeff Adams Dr Charlotte, NC 28206	2930 Jeff Adams Dr Charlotte, NC 28206	2930 Jeff Adams Dr. Charlotte, NC 28206	2930 Jeff Adams Dr. Charlotte, NC 28206

### Officers

<b>President</b>	<b>Vice President</b>
Clint McGraw 7905 Flowes Store Rd. Concord NC 28025	Michelle McGraw 7905 Flowes Store Rd. Concord NC 28025

### Stock

**Class:** COMMON

**Shares:** 100000

**Par Value 1**



Cabarrus County Government – Planning and Development Department

---

September 20, 2022

Dear Property Owner:

An appeal of a Notice of Violation has been filed in our office for property **adjacent** to your property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, October 11, 2022, at 6:30 PM in the 2<sup>nd</sup> 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 appeal, I encourage you to attend the meeting.

Petitioner	John C. and Michelle McGraw
Petition Number	APPL2020-00002
Property Location	7005 Flowes Store Road
Parcel ID Number	5537-56-4049
Existing Zoning	Agriculture / Open Space (AO)
Appeal of Notice of Violation	Appeal of NOV for operating an illegal salvage yard, illegal landfill, and fill material in the SFHA

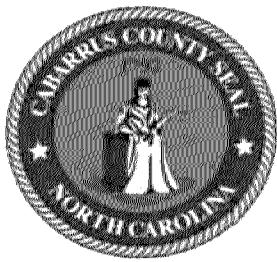
If you have any questions regarding this petition, or the hearing process, feel free to contact me at 704.920.2141.

Sincerely,

A handwritten signature in black ink, appearing to read "Susie Morris".

Susie Morris  
Planning and Zoning Manager

CC:File



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

---

September 20, 2022

Dear Property Owner:

An appeal of a Notice of Violation has been filed in our office for **your** property. The specifics of the request are listed below. The Cabarrus County Board of Adjustment will consider this petition on Tuesday, October 11, 2022, at 6:30 PM in the 2<sup>nd</sup> 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 appeal, I encourage you to attend the meeting.

<b>Petitioner</b>	<b>John C. and Michelle McGraw</b>
<b>Petition Number</b>	<b>APPL2020-00002</b>
<b>Property Location</b>	<b>7005 Flowes Store Road</b>
<b>Parcel ID Number</b>	<b>5537-56-4049</b>
<b>Existing Zoning</b>	<b>Agriculture / Open Space (AO)</b>
<b>Appeal of Notice of Violation</b>	<b>Appeal of NOV for operating an illegal salvage yard, illegal landfill, and fill material in the SFHA</b>

If you have any questions regarding this petition, or the hearing process, feel free to contact me 704.920.2141.

Sincerely,

A handwritten signature in black ink that reads "Susie Morris".

Susie Morris  
Planning and Zoning Manager

CC: File

**Subject Property**

5537-56-4049  
 JOHN CLINT & MICELLE MCGRAW  
 7905 FLOWES STORE RD  
 CONCORD, NC 28025

**Surrounding Properties**

5537-45-2836 ALLEN D & VICKI B EVANS 6758 ZION CHURCH RD CONCORD, NC 28025	5537-36-8975 BIG P LLC 4817 EAST FORK LN MONROE, NC 28110	5537-54-4915 CANDACE SEAGROVES & ISIDRO ARELLANO MONDRAGON 7025 FLOWES STORE RD CONCORD, NC 28025
5537-56-9625 CAROLYN K GREENE 6724 CLARA CIR CONCORD, NC 28025	5537-66-5242 CONCORD PROPERTIES GROUP INC 3757 BURNAGE HALL RD HARRISBURG, NC 28075	5537-66-4303 DAVID F & CAROL B LAWS 521 VIKING PL SW CONCORD, NC 28025
5537-66-0529 EDSON BALTAZAR MEJIA VAZQUEZ 1 BUFFALO AVE NW APT 44 CONCORD, NC 28025	5537-57-4086 EDWARD H CANNON 6624 CLARA CIR CONCORD, NC 28025	5537-55-6137 ELAINE S VONCANNON 6995 FLOWES STORE RD CONCORD, NC 28025
5537-66-2425 GARLAND BLUE 2791 ISLAND POINT DR NW CONCORD, NC 28027	5537-56-7862 JACQUELINE TANYA SMITH 6712 CLARA CIRCLE CONCORD, NC 28025	5537-57-4117 JAMES A & LYNETTE C LINDERMAN 9029 PHOENIX AVE NE ALBUQUERQUE, NM 87112
5537-56-8764 JAMES J SMITH 1109 MATCHSTICK PL SW CONCORD, NC 28025	5537-66-2397 JEAN F & ALTA RAYMOND 6007 FIRETHORNE LANE CONCORD, NC 28025	5537-65-4455 JOHN CLINT & MICELLE MCGRAW 7905 FLOWES STORE RD CONCORD, NC 28025
5537-47-9220 KIMSEY EUGENE & PAMELA GALLAHER HUGHES 6655 FLOWES STORE RD CONCORD, NC 28025	5537-46-3813 MCLAMB HOLDINGS LLC PO BOX 8 LITTLE RIVER, SC 29566	5537-56-6918 RODOLFO GOMEZ GARCIA & VICTORIA DIAZ GORDILLO 6700 CLARA CIR CONCORD, NC 28025
5537-57-2260 SHARON LEA GEIB 807 MARILYN CT CONCORD, NC 28025	5537-43-6046 STANLEY MARTIN COMPANIES LLC ATTN: ACCOUNTING DEPT R/E TAX 11710 PLAZA AMERICA DR STE 1100 RESTON, VA 20190	5537-56-6889 STEPHANIE MARIE SMITH 1109 MATCHSTICK PL SW CONCORD, NC 28025
5537-66-1523 TEDDY RAY & JESSICA HALL HAGERMAN 316 GEIGER LN SALISBURY, NC 28147		

CABARRUS COUNTY

ZONING

NOTICE

APPL 2020-00002

(PIN 5537-56-3049)

FOR DETAILS CALL

704-920-2141