

Mayor
John Aneralla

Mayor Pro-Tem
Danny Phillips

Commissioners
Melinda Bales
Dan Boone
Mark Gibbons
Charles Guignard
Rob Kidwell

Town Manager
Gregory H. Ferguson



Department Heads
Max Buchanan, Public Works
Jackie Huffman, Finance
Michael Jaycocks, Parks&Rec
Jack Simoneau, Planning
Cleveland Spruill, Police Chief

Assistant Town Manager
Gerry Vincent

Town Clerk
Janet Pierson

Town Attorney
Bob Blythe

AGENDA
Regular Town Board Meeting
July 18, 2016 - 6:30 PM
TOWN HALL (101 Huntersville-Concord Road)

I. Pre-meeting

- A. Update from NCDOT Rail Division. (5:30 p.m.)
- B. Closed Session - Consultation with Attorney. (6:00 p.m.)

II. Call to Order

III. Invocation - Moment of Silence

IV. Pledge of Allegiance

V. Mayor and Commissioner Reports-Staff Questions

- A. Mayor Aneralla (Metropolitan Transit Commission, Commerce Station Management Team)
- B. Commissioner Bales (Lake Norman EDC, Lake Norman Education Collaborative)
- C. Commissioner Boone (Public Safety Liaison, Land Development Ordinances Advisory Board)
- D. Commissioner Gibbons (NC 73 Council of Planning, Veterans Liaison)
- E. Commissioner Guignard (Centralina Council of Governments, Planning Coordinating Committee)
- F. Commissioner Kidwell (Charlotte Regional Transportation Planning Organization, Olde Huntersville Historic Society)
- G. Commissioner Phillips (Lake Norman Chamber Board, Visit Lake Norman Board)

VI. Public Comments, Requests, or Presentations

VII. Agenda Changes

- A. Agenda changes, if any.
- B. Adoption of Agenda.

VIII. Public Hearings

IX. Other Business

- A. Consider decision on Petition #R16-02, a request by Calatlantic Homes to rezone 73.274-acres located along Huntersville-Concord Road (west of Mirabella Subdivision) from Transitional Residential to Neighborhood Residential - Conditional District. *(David Peete)*
- B. Conduct evidentiary hearing and consider decision on Cato Property Subdivision Sketch Plan. *(David Peete)*
- C. Consider decision on Petition #TA16-01, a request by the Town of Huntersville Planning Department to amend Article 11.4.5 and 11.4.7(a) of the Huntersville Zoning Ordinance to reflect the changes made by NCSL 2015-160 by removing protest petitions. *(Caroline Sawyer)*
- D. Consider decision on Petition #TA16-02, a request by the Town of Huntersville Planning Department to amend Article 3.2.7 Highway Commercial District, Article 3.2.8 Campus Institutional District, Article 3.2.9 Corporate Business District and Article 3.2.14 Transit Oriented Development - Employment District to allow for home occupations as a permitted accessory use. *(Caroline Sawyer)*
- E. Consider decision on Petition #TA16-03, a request by the Town of Huntersville Planning Department to amend Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances, of the Huntersville Zoning Ordinance to reflect the changes made by House Bill 276. *(Meredith Nesbitt)*
- F. Discussion on proposed joint agreement with the Town of Cornelius to install a traffic signal at Norman View and NC Highway 73. *(Mayor Aneralla)*

X. Consent Agenda

- A. Approve the minutes of the June 6, 2016 Regular Town Board Meeting. *(Janet Pierson)*
- B. Approve the minutes of the June 20, 2016 Regular Town Board Meeting. *(Janet Pierson)*
- C. Adopt Resolution authorizing the execution of the interlocal agreement with the City of Charlotte for animal control services. *(Gerry Vincent/Chief Spruill)*
- D. Adopt Order of Collection for tax year 2016 (FY 2017). *(Jackie Huffman/Greg Ferguson)*
- E. Authorize the Town Manager to execute contract with GHC Professional Roofing. *(Dee Jetton)*
- F. Authorize the Town Manager to refund Matt McMullen, Grande Homes, the 5 percent deposit for the purchase of two lots within the Harvest Point subdivision. *(Gerry Vincent)*
- G. Adopt Resolution authorizing the sale of real property for economic development. *(Ryan McDaniels/Bob Blythe)*
- H. Approve SL 362 Property Tax Refund Report No. 62. *(Jackie Huffman/Greg Ferguson)*
- I. Approve SL362 Property Tax Refund Report No. 63. *(Jackie Huffman/Greg Ferguson)*
- J. Approve SL362 Property Tax Refund Report No. 64. *(Jackie Huffman/Greg Ferguson)*

XI. Closing Comments

XII. Adjourn

To speak concerning an item on the Agenda, please print your name and address on the sign-up sheet on the table outside the Board Room prior to the meeting. If you wish to speak concerning an item that is added to the Agenda during the meeting, please raise your hand during that item. Each speaker will be limited to no more than 3 minutes. The Mayor, as the presiding officer may, at his discretion, shorten the time limit for speakers when an unusually large number of persons have signed up to speak.

**AS A COURTESY, PLEASE TURN CELL PHONES
OFF WHILE MEETING IS IN PROGRESS**

Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: David Peete, AICP
Subject: R 16-02 Cato Property

Request by Calatlantic Homes to rezone 73.274-acres located along Huntersville-Concord Road (west of Mirabella Subdivision) from Transitional Residential (TR) to Neighborhood Residential - Conditional District (NR-CD) and Neighborhood Residential (NR) to create a 98-lot single-family home subdivision. Parcel ID #s 01922108, 01939101 & 01939194.

ACTION RECOMMENDED:

Consider Final Action on Monday, July 18, 2016.

FINANCIAL IMPLICATIONS:

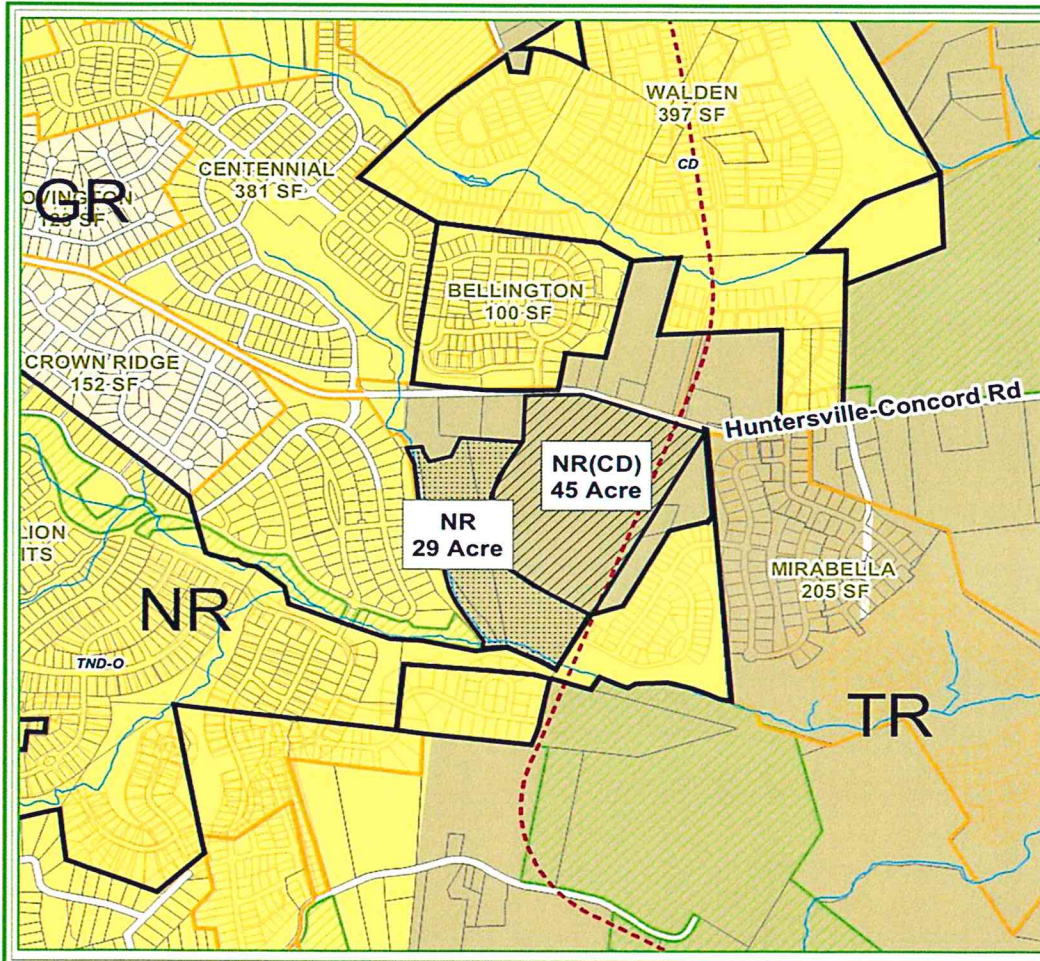
n/a

ATTACHMENTS:

Description	Type
▣ Cato Final Action Staff Report	Cover Memo
▣ R 16-02 (Cato) Rezoning Plan	Cover Memo

Petition R16-02 Cato Property Conditional District Rezoning

PART 1: PROJECT SUMMARY



Applicant: CalAtlantic Homes

Property Owner: William E. Cato (see Attachment A).

Property Address: N/A

Project Size: (+/-) 74-acres

Parcel Numbers:
01922108, 01939101 & 01939194

Current Zoning:
Transitional Residential (TR)

Current Land Use: farm, tree farm & vacant.

Proposed Zoning:
45 acres - Neighborhood Residential—Conditional District (NR-CD).
29 acres – Neighborhood Residential (NR).

Proposed Land Use:
45 acres - single-family res.
29 acres – tree farm.

1. Purpose: Rezone 74 acres south of Huntersville-Concord Road (east Mirabella Subdivision) from Transitional Residential to Neighborhood Residential – Conditional District (NR-CD) and Neighborhood Residential (NR). Forty-five (45) acres are proposed for rezoning to create a 98-lot subdivision and 29 acres are being rezoned for continuity-only, there is no redevelopment proposed for that acreage. A Subdivision Sketch Plan for this project has also been submitted concurrent with this Rezoning Plan and will go to the Planning Board on June 28, 2016.
2. Adjoining Zoning and Land Uses.

North: Transitional Residential (TR) & Neighborhood Residential (NR) – single-family (Bellington & Walden Subdivisions) & vacant.

South: Neighborhood Residential (NR) - single-family (Valencia Subdivision) & vacant.

East: Transitional Residential (TR) & Neighborhood Residential (NR) – single-family (Mirabella Subdivision) & vacant.

West: Neighborhood Residential (NR) – single-family (Vermillion Subdivision).

3. A neighborhood meeting was held on March 3, 2016. The complete meeting summary is provided in Attachment C. Questions/concerns centered mainly on traffic and transportation improvements along Huntersville-Concord Road.
4. Notice for this rezoning petition was given via letters sent to adjoining property owners, a legal ad placed in the Charlotte Observer and posting rezoning signs on the property in two (2) locations.

PART 2: REZONING/SITE PLAN ISSUES

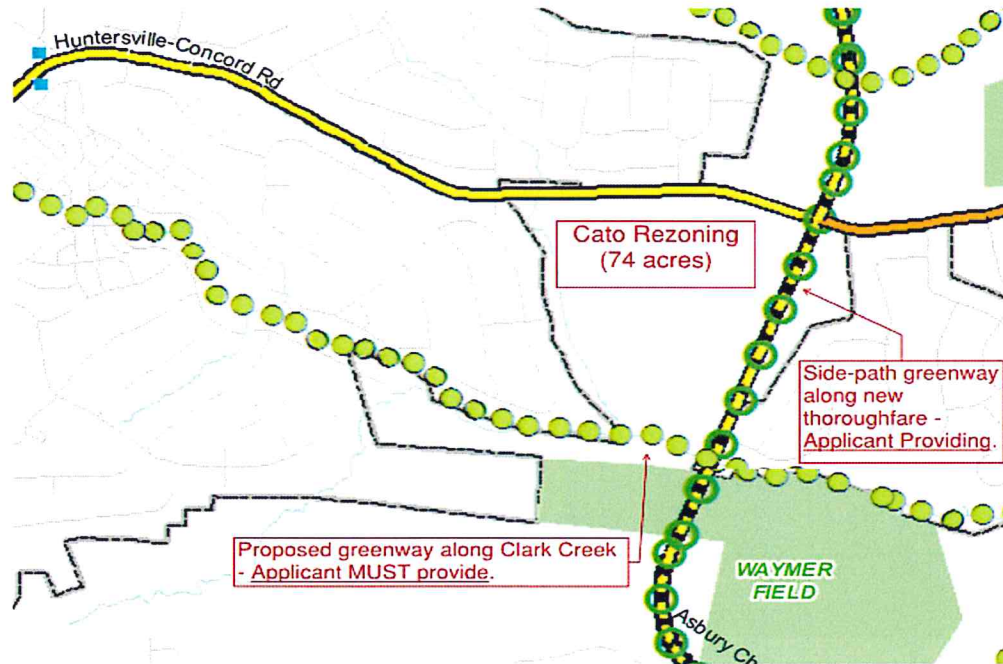
The proposed Conditional District Plan is generally compliant with the Zoning Ordinance and Subdivision Regulations, significant elements include:

- 100% of the right-of-way required for the creation of a new Asbury Chapel Road thoroughfare is being dedicated to NCDOT and approx. 1,260 feet of the thoroughfare will be constructed to serve the project.
- A two (2) acre park is proposed for the center of the subdivision to serve as required Urban Open Space.
- Minimum Tree Preservation for the NR zone is 10%. The proposed NR-CD Rezoning Plan saves 32% of existing tree canopy.
- The subdivision will be developed as one (1) phase.
- The 45-acre NR-CD subdivision is being offered for voluntary annexation into the Town of Huntersville.

The rezoning plan has been reviewed and several issues must be addressed:

- The proposed buffers along both Huntersville-Concord Road and new Asbury Chapel Road are inconsistent with the development pattern that has been established for this section of Town through other rezonings. Aside from a few County-approved subdivisions that were approved prior to 1996, this area has developed under the Neighborhood Residential Zoning Regulations and have not oriented the rear of homes to Huntersville-Concord Road. Most all developments have been set back from the road and provide open spaces along the road (approx. 80' – 100', on average) and have either been left as natural areas / tree save or have created parks or other open space to emulate the historical farm-to-market nature of Huntersville-Concord Road. This subdivision proposes only 30 feet of open space and orients the rear of the homes along a major thoroughfare. If larger open space, with homes addressing the thoroughfares is not intended, than an Ordinance-compliant berm may be requested, subject to Planning Board review. 6-21-16 UPDATE – the applicant is working with staff to provide Zoning Ordinance-compliant berms along both Huntersville-Concord Road and new Asbury Chapel Road. These berms are going to the Planning Board for review and approval, per Zoning Ordinance requirement. The proposed berms are (min.) 30 ft. in width and will meet satisfy the opaque, evergreen planting requirements. 7-12-16 UPDATE – A berm was approved by the Planning Board on June 28, 2016 and will comply with the requirements of Article 7.4.2(g) and is to be approved by staff.
- The Town of Huntersville Greenway Master Plan (2014) identifies a proposed greenway running along the South Prong of Clark Creek, which is the southern boundary of this proposed rezoning (see below). Article 11.3.7(h) stipulates that “in approving a petition to reclassify property to conditional zoning district... Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to town ordinances, the officially adopted Huntersville Community Plan, other applicable adopted long range plans and those that address the impacts reasonable expected to be generated by the development or use of the site.” Therefore, adequate accommodation, such as an easement, should be provided for future greenway development. 7-12-16 UPDATE – a note indicating a “potential greenway

easement in this area” has been added to the plan. The term “potential” does not satisfy the requirement to provide an easement and should be deleted from the note in order to comply. The easement is understood to be south of the creek and the specific alignment and dimensions can be defined during the Preliminary Plan review.



- Staff RECOMMENDS that the “typical lot layout” diagrams utilize a recess for the garage from the front of the homes to provide adequate space for the 20’-deep driveway requirement. 6-21-16 UPDATE: Staff is awaiting response from the applicant on how they will provide the required 20 ft. deep parking area with a 10 ft. build-to line. 7-12-16 UPDATE – the Typical Lot Diagram (shown on Rezoning Plan Sheet RZ-1.0) requires a 15 – 25’ Build-to Range and further stipulates a 20’ garage setback. This provides options to provide both the required 20’ parking depth, as well as home placement flexibility – based on floorplan.

PART 3: TRANSPORTATION ISSUES

A Traffic Impact Analysis (TIA) was prepared by Kimley-Horn Associates as part of the Cato Property Conditional District Rezoning request (R 16-02). A final TIA was accepted by Town staff on May 3, 2016. Based on the TIA, the following roadway improvements are recommended at full build-out of the site:

Adjacent Improvements:

Huntersville Concord Road at Future Asbury Chapel Road

- Construct an exclusive westbound left-turn lane on Huntersville Concord Road with 100 feet of full width storage and appropriate taper.
- Construct an exclusive eastbound right-turn lane on Huntersville Concord Road with 100 feet of full width storage and appropriate taper.
- Construct the northbound Future Asbury Chapel Road approach to include an exclusive left-turn lane and a shared through/right-turn lane.
-

Future Asbury Chapel Road at Site Access #1 (northernmost access)

- Construct an exclusive southbound right-turn lane on Future Asbury Chapel Road with 100 feet of full width storage and appropriate taper.
- Construct an exclusive northbound left-turn lane on Future Asbury Chapel Road to include 100 feet of full width storage.
- Construct the Site Access to include an exclusive eastbound right-turn lane with 50 feet of storage and appropriate taper.

Future Asbury Chapel Road at Site Access #2 (southernmost access)

- Construct an exclusive northbound left-turn lane on Future Asbury Chapel Road to include 100 feet of full width storage.

Future Asbury Chapel Road

- Due to the proximity of northbound and southbound left-turn lanes along Asbury Chapel Road along the site frontage, a full width three lane section is recommended to include one northbound through lane, one southbound through lane, and left-turn lanes (northbound or southbound) as indicated above.

Nearby Improvements (NCDOT requirement):

Huntersville Concord Road at Hiwassee Road

- Construct an exclusive eastbound right-turn lane on Huntersville Concord Road with 150 feet of full width storage and appropriate taper.

Cross Sections

The street cross-sections are as follows:

- Future Asbury Chapel Rd. thoroughfare – 117 ft. of right-of-way, which includes (room for three) 11 ft. travel lanes, 8 ft. green zones (planting strips), 10 ft. sidewalk on west side & 5 ft. sidewalk on east side.
- Residential Local Street (no on-street parking) - 51 ft. of right-of-way, which includes 10 ft. travel lanes, 7 ft. green zones (planting strips), 5 ft. sidewalks and curb and gutter.
- Residential Local Street (parking on 1 side) - 57 ft. of right-of-way, which includes 10 ft. travel lanes, 7 ft. green zones (planting strips), 5 ft. sidewalks and curb and gutter.

Future Road Connections

There are two (2) future road connections (stubs), both located along the western boundary of the subdivision.

Additional Subdivision Sketch Plan Comments:

- 1) Minor revisions to the sidewalk layout, ramp alignments and street tree locations.
- 2) Minor text revisions.

PART 4: ADEQUATE PUBLIC FACILITIES (APF)

Under the provisions of the APF Ordinance, all residential development greater than twenty (20) lots are required to receive a "Determination of Adequacy (DOA)" for the following public facilities: fire station, fire vehicles, police station, police vehicles, indoor park and recreation facilities, and parks acreage. The proposed CD Rezoning met the required threshold for submission of an APF application, and the proposed subdivision is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Stations, Police Vehicles, Stations, Indoor Park & Recreation Facilities and Park Acreage.

PART 5: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

STAFF COMMENT – The 2030 Huntersville Community Plan supports this project through the following sections:

- **Policy H-1 & H-9: Development Pattern.** Continue to follow existing residential development pattern as reflected in “Map of Zoning Districts,” focusing higher intensity development generally within two miles of the I-77/NC 115 corridor.
- **Comment:** The proposed CD Rezoning is located within the overlap of High and Low Intensity Areas of the 2030 Community Plan. The Cato subdivision has a density of 2.18 units per acre. The surrounding developments average 2.196, as follows:

<u>North</u>	<u>South</u>	<u>East</u>	<u>West</u>
Bellington = 2.42 (NR)	Valencia = 2.68 (NR)	Mirabella = 1.47 (TR)	Vermillion = 2.55 (NR)
& Walden = 1.86 (NR)			
- **Policy T-5: Context-sensitive Design of Streets:** Continue to support “context-sensitive” design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments.
Comment: The internal streets are appropriately sized and create short blocks to encourage pedestrian activity. Also, the proposed cross-section for the portion of Asbury Chapel Road to be built through the development follows context sensitive design by providing adequate lane widths, bike lanes and sidewalks (including a 10’ wide multi-use path along the west side of the thoroughfare).
- **Policy T-7: Traffic Impact Analysis Ordinance:** Continue to apply requirements of “Traffic Impact Analysis” Ordinance, including Level of Service and mitigation of impacts generated by new development.
Comment: A TIA was required and the required transportation enhancements are outlined in Part 3 of this staff analysis.
- **Policy T-8: Street Connectivity:** Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.
Comment: The proposed development provides two (2) connections to a new section of thoroughfare (Asbury Chapel Road) and one (1) stub to the western boundary. In addition, there is one (1) emergency access being provided to the north (Huntersville-Concord Road).
- **Policy CD-5: Street Infrastructure:** Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development.
Comment: The proposed development will develop a portion of the Asbury Chapel Road thoroughfare, as well as all other TIA-required improvements, extend public water and sewer from the south, provide

two (2) connections to a proposed new road, provide one (1) stub and should provide an adequate greenway easement.

- **Policy PF-2: Adequate Public Facilities:** Continue use of “Adequate Public Facilities Ordinance” to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities.

Comment: see Part 4 of this report.

STAFF COMMENT – The 2030 Huntersville Community Plan would not support this project through the following sections:

- **Policy E-1, E-2 & E-3: Preservation and Enhancement.** Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
Comment: The proposed development does not provide adequate open space buffers along both Huntersville-Concord Road and Asbury Chapel Road. The pattern along Huntersville-Concord Road has been to set homes back, approximately 80 – 100 feet and not turn the back-end of homes to the thoroughfare. The Cato Subdivision places the back-end closely along both roads. **7-12-16 UPDATE – While this subdivision’s open space provision along thoroughfares is not being handled as others nearby, a Planning Board approved berm will be installed to buffer the back-end of homes from the roadways.**
- **Policy T-6: Pedestrian Connections:** Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.
Comment: The proposed cross-sections for Asbury Chapel Road and the interior Town streets all provide sidewalks on both sides. Huntersville-Concord Road will provide a sidewalk on the south side along the project frontage. In addition, the west sidewalk along Asbury Chapel Road will be 10’ wide and serve as a multi-use path that will link the greenway running through Walden, with the future greenway south of the Cato Subdivision. Bike lanes will be provided along Asbury Chapel Road and should be provided along the south side of Huntersville-Concord Road A greenway easement should be provided along the South Prong of Clark Creek to accommodate future development of the greenway. 7-12-16 UPDATE – a bike lane has been provided along the south side of Huntersville-Concord Road. However, a greenway easement south of Clark Creek is only listed as “potential” and must be provided.

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. **Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

STAFF COMMENT:

The proposed Conditional District Rezoning for the Cato Subdivision is supported by the 2030 Comprehensive Plan, as the property is located within the area eligible for intensification and fills a gap between existing properties zoned Neighborhood Residential. The proposal is also appropriate for the area by providing adequate infrastructure (which includes appropriate new roads, existing road upgrades and other transportation enhancements as well as providing adequate open space). In addition, Cato’s proposed density is 2.18 units per acre, which is lower than adjoining developments Bellington (2.42), Valencia (2.68) and Vermillion (2.55) and higher than Mirabella (1.47) and Walden (1.86).

2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.

STAFF COMMENT:

- A Transportation Impact Analysis was required – see Part 3 of this report.
- The APF Ordinance Determination of Adequacy was required – see Part 4 of this report.
- Storm water drainage, water supplies and wastewater and refuse disposal and a Willingness-to-serve letter have been provided from CMUD, as well as a PCO-1 storm water approval from Mecklenburg County.

3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, historical or cultural resources.

PART 6: STAFF RECOMMENDATION

The Cato Property Conditional District Rezoning Plan can be supported by staff subject to the following:

- All required TIA/Town/NCDOT required improvements are provided (see Part 3);
- All outstanding Transportation comments are addressed (see Part 3);
- ~~Provide bike lane along south side of Huntersville-Concord Road;~~ **SATISFIED**
- Provide necessary greenway easement along creek at the southern end of the property;
- ~~Appropriate, Ordinance-compliant buffers / open spaces are provided along both Thoroughfares;~~ **SATISFIED**
- ~~If a 10' recess for garages has been accepted by the Applicant, it must be added to the plans;~~ **Recommendation not accepted. Build-to Range has been modified to provide required 20' parking area.**
- ~~If provided home elevations has been accepted by the Applicant, they must be submitted and reviewed;~~ **No home elevations provided. All homes will be reviewed on a lot-by-lot basis prior to permitting.**
- All outstanding redline comments are addressed.

PART 7: PUBLIC HEARING COMMENTS

A Public Hearing was held on June 06, 2016, and no public comments were received.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board recommended approval on June 28, 2016, by unanimous vote, subject to the conditions listed by staff, except for the 10' garage recess recommendation. As long as 20' parking area was required, they did not recommend the 10' recess.

PART 9: ATTACHMENTS/ENCLOSURES

- A – Rezoning Application
- B – Proposed Rezoning Plan
- C - Neighborhood Meeting Report from March 3, 2016.
- D – APF Letter of Determination

PART 10: CONSISTENCY STATEMENT - R 16-02 Cato Subdivision

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R16-02; Cato Subdivision Conditional District Rezoning, the Planning staff recommends conditional approval as it is consistent with Implementation Goals H-1, H-9, T-5, T-7, T-8, CD-5 and PF-2 of the 2030 Community Plan. The property is also located within the transitional area between high and low intensity development and the proposed density is consistent with surrounding developments (see Part 5). Recommendation of approval is also based on <u>all provisions outlined in Part 6 being addressed</u>.</p> <p><u>With those provision, it is reasonable and in the public interest to approve the Conditional District Rezoning Plan.</u></p>	<p>APPROVAL: In considering the proposed rezoning application R16-02; Cato Subdivision Conditional District, the Planning Board recommends approval based on the Plan being consistent with Implementation Goals H-1, H-9, T-5, T-7, T-8, CD-5 and PF-2 of <u>the 2030 Comprehensive Plan</u>. The property is also located within the transitional area between high and low intensity development and the proposed density is consistent with surrounding developments (see Part 5). Recommendation of approval is also based on <u>all provisions outlined in Part 6 being addressed</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because it is consistent with the development pattern adjacent to this site.</u></p>	<p>APPROVAL: In considering the proposed rezoning application R16-02; Cato Subdivision Conditional District, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>
<p>DENIAL:</p>		<p>DENIAL: In considering the proposed rezoning application R16-02; Cato Subdivision Conditional District, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>

A

General Application

Incomplete submissions will not be accepted. Please check all items carefully.

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. In addition to the application, the submission process for each application type can be found at

<http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>

- ☐ CHANGE OF USE
- ☐ COMMERCIAL SITE PLAN
- ☒ CONDITIONAL REZONING
- ☒ GENERAL REZONING
- ☐ MASTER SIGNAGE PROGRAM
- ☐ REVISION to _____
- ☐ SPECIAL USE PERMIT

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

- ☐ SKETCH PLAN
- ☐ PRELIMINARY PLAN
- ☐ FINAL PLAT (includes minor and exempt plats)
- ☐ FINAL PLAT REVISION
- ☐ FARMHOUSE CLUSTER

2. Project Data

Date of Application 01/05/2016

Name of Project CATO RESIDENTIAL

Phase # (if subdivision) 1

Location 12920 HUNTERSVILLE-CONCORD RD, HUNTERSVILLE, NC 28078

Parcel Identification Number(s) (PIN) 01922108, 01939101, 01939194

Current Zoning District TRANSITIONAL RESIDENTIAL (TR)

Proposed District (for rezonings only) NR & NR-CD

Property Size (acres)

01922108 (11 AC +/- to NR, 44.90 AC +/- to NR-CD)
01939101 (12 AC +/- to NR, 0.10 AC +/- to NR-CD)
01939194 (5 AC +/- to NR)

Street Frontage (feet) APPROX. 3616 EXCLUDING ADJACENT CHAPEL ROAD RIGHT-OF-WAY

Current Land Use VACANT

74 AC +/- Total

Proposed Land Use(s) SINGLE FAMILY SUBDIVISION

Is the project within Huntersville's corporate limits?

Yes ☒ No ☐ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Sketch plan review for a 98 lot subdivision.

4. Site Plan Submittals

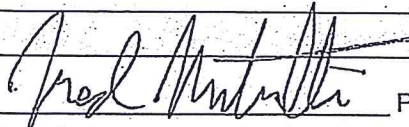
Consult the particular type of *Review Process* for the application type selected above. These can be found at: <http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The Review Process list includes plan documents needed for most town and county reviewing agencies.


For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Signatures

*Applicant's Signature  Printed Name FREDERICK MATRULLI (ON BEHALF OF STANDARD PACIFIC HOMES)

Address of Applicant 6701 CARMEL ROAD, SUITE 425 CHARLOTTE, NC 28226

Email Fred.Matrulli@CalAtl.com

Property Owner's Signature (if different than applicant) 

Printed Name William E. CATO

Property Owner's Address 13110 H'VILLE CORONADO RD Email WEC-CATO@SC-CATO.COM

* Applicant hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

CALATLANTIC HOMES FREDERICK MATRULLI (704) 326-6570 Fred.Matrulli@CalAtl.com

Development Firm

Name of contact

Phone

Email

COLEJENEST & STONE MARK MCAULEY

(704) 971-4533

MMCAULEY@COLEJENESTSTONE.COM

Design Firm

Name of contact

Phone

Email

If Applying for a General Rezoning:

Please provide the name and Address of owner(s) of fee simple title of each parcel that is included in this rezoning petition. If additional space is needed for signatures, attach an addendum to this application.

If Applying for a Conditional Rezoning:

Every owner of each parcel included in this rezoning petition, or the owner (s) duly authorized agent, must sign this petition. If signed by an agent, this petition MUST be accompanied by a statement signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in filing this petition. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID PETITION. If additional space is needed for signatures, attach an addendum to this application.

Signature, name, firm, address, phone number and email of Duly Authorized Agent by owner needed below:

If Applying for a Subdivision:

By signature below, I hereby acknowledge my understanding that the Major Subdivision Sketch Plan Process is a quasi-judicial procedure and contact with the Board of Commissioners shall only occur under sworn testimony at the public hearing.

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone:

704-875-7000

Fax:

704-992-5528

Physical Address:

105 Gilead Road, Third Floor

Website:

<http://www.huntersville.org/Departments/Planning.aspx>

CATO

Neighborhood Meeting Minutes

March 3, 2016

The neighborhood meeting for the Cato project was held on March 3rd. The sign up sheet and notice letter are attached. The following is a summary of the questions and comments made at the meeting:

1. Question about fire access - Fire access to be discussed and confirmed with Fire Marshal
2. Question about water quality - Sand filters are planned to be constructed.
3. Question about lot widths - Approximately 60' lots as shown
4. Question about sewer location - Along existing creek
5. Question about where water main is located - Along Huntersville-Concord Road
6. Questions about how big the homes are and price points. - The homes are between 2200-3000 square feet and are priced at over \$400,000
7. What amenities are being offered? - This is in planning stage
8. Will the homes be crawl space or slabs? - Slabs
9. Does Town Staff support this plan? - David Peete: It is consistent with Bellington and Walden - as long as consistent with ordinance, staff will support
10. Where does Asbury Chapel Road go? - This thoroughfare would extend into proposed Walden subdivision to north, and extend to south in future with an exact route to be determined
11. Questions about what DOT's plans are for Huntersville-Concord Road in the future, and if turn lanes would be required. - David Peete said DOT decisions are out of Town's control. However, a TIA will be required with Town and DOT review, and the applicant must comply with the requirements of the TIA.

COMMUNITY MEETING
SIGN IN SHEET
MARCH 3, 2016

CATO RESIDENTIAL
12920 HUNTERSVILLE-CONCORD ROAD

Name	Address	Phone Number	Email Address
Donald Weaver	14903 Old Vermillion		
LARRY & Linda Dwyer	14408 Old Vermillion	704 992-1601	LARRY LDWYER@yahoo.com
Greg GARRISON	13200 Hillside Concord Rd		
Janice Lewis	10203 Halston Circle	704 807-2950	janice.lewis4@gmail.com
BILL WALSH	8607 55 BARR LN		
DAN BOONE	317 Southland Rd.		
DALE NEELEY	13522 HUNTERSVILLE CONCORD	704-654-8523	DSNICELEY@YAHOO.COM
Doug KENNEDY	13520 Huntersville	704-361-7880	

CATO RESIDENTIAL
12920 HUNTERSVILLE-CONCORD ROAD
Shane H

[illegible]

February, 2016

RE: Property Owner: William Cato
Applicant: Fred Matrulli CalAtlantic Homes
Zoning Petition No.: R16-02
A portion of Parcel No. 01922108; approximately 43.070 acres proposed for rezoning
from TR to NR; 12920 Huntersville-Concord Road, Huntersville, North Carolina

Dear Property Owner:

CalAtlantic Homes would like to invite you to attend a neighborhood meeting scheduled for Thursday, March 3rd, 2016 from 6:30 p.m. to 7:30 p.m. to review our proposed Conditional District Rezoning Plan in connection with the above referenced property. The meeting will be at the Huntersville Town Hall located at 101 Huntersville-Concord Road in Huntersville.

We look forward to seeing you there.

Sincerely,

A handwritten signature in black ink that reads "Fred Matrulli". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Fred Matrulli



January 8, 2016

Frederick Matrulli (on behalf of Standard Pacific Homes)
6701 Carmel Road, Suite 425
Charlotte, NC 28226

RE: Adequate Public Facilities (APF) Application – Cato Subdivision (File#2016-02)

Dear Mr. Matrulli:

The Town has completed its review of the above referenced APF Application and deemed it to be complete, per Article 13.6.3 of the Zoning Ordinance. Based upon your request for an allocation of capital facilities for the above-referenced development proposal, consisting of a Single family Home Subdivision (108 units), I am issuing a “Determination of Adequacy (DOA)” for the following public facilities:

- Fire vehicles and station space
- Police vehicles and station space
- Parks & Recreation gym and parks

Please be advised that this DOA is valid for one (1) year, or until January 8, 2017, by which date this development proposal must have achieved vesting, per Section 2.2 of the Zoning Ordinance. Once vesting has been achieved, this DOA is valid for 3 years, at which time it will expire unless a certificate of occupancy or final plat approval has been granted.

Please feel free to contact me with any questions brichards@huntersville.org or by phone: (704) 766-2218.

Sincerely,

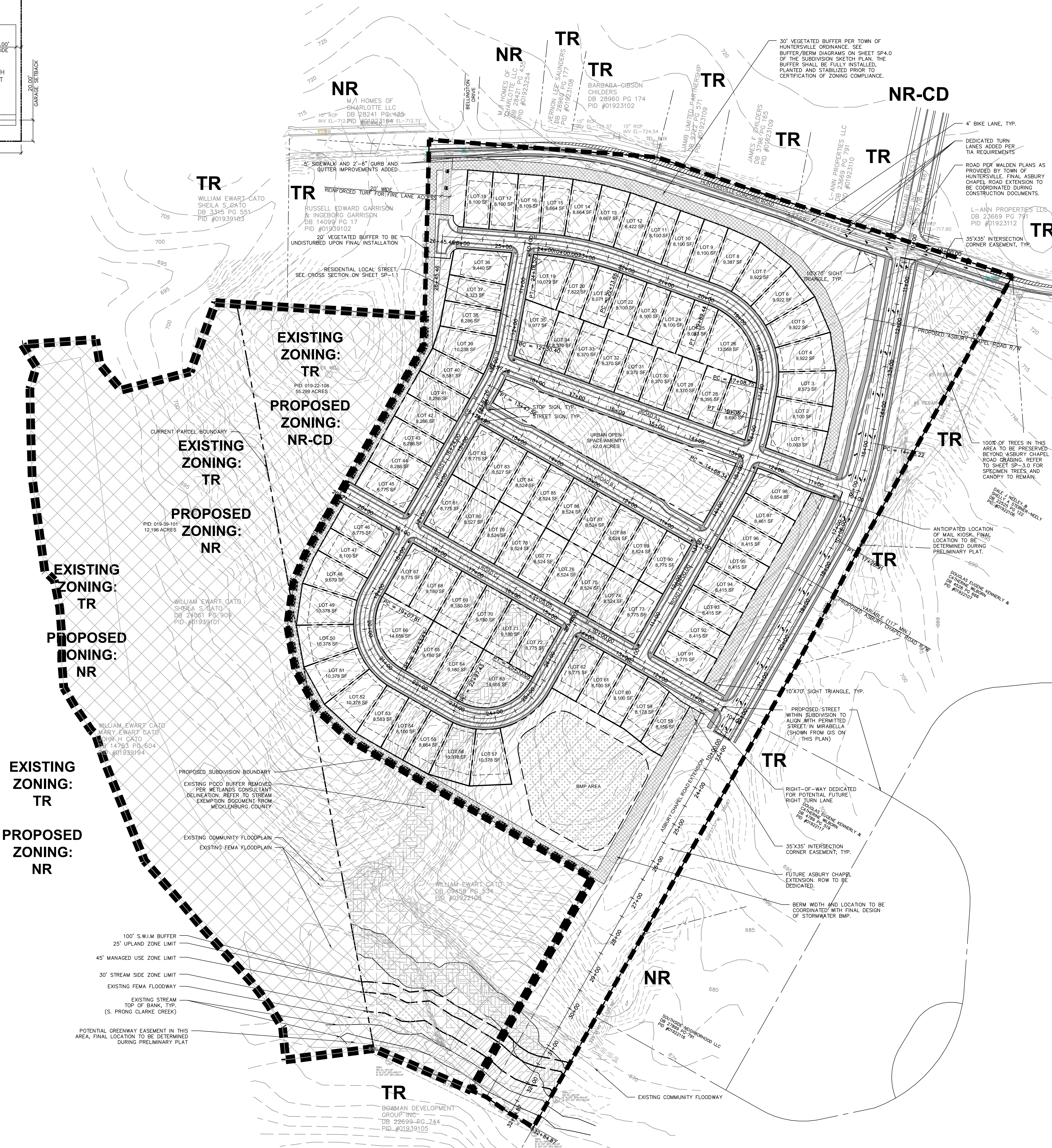
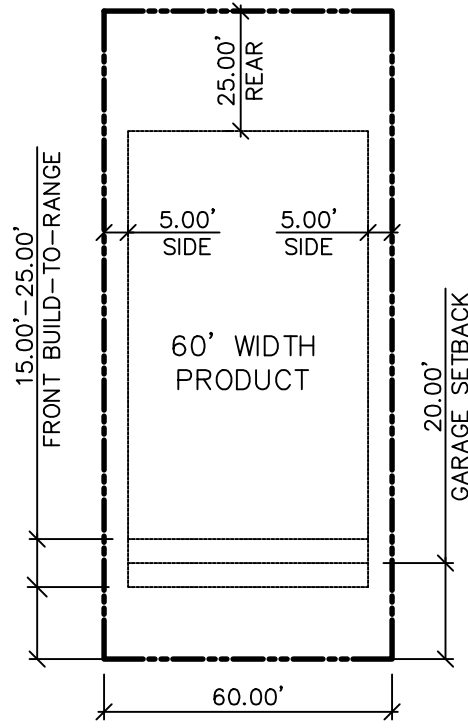
Brian Richards
GIS Administrator
APFO Administrator

CC: Jack Simoneau
David Peete

Planning

Post Office Box 664 • 105 Gilead Road, Third Floor • Huntersville, NC 28070
phone 704.875.7000 • fax 704.992.5528 • www.huntersville.org

EXAMPLE LOT DIAGRAM



SITE PLAN DATA TABLE

PROJECT NAME:	CATO SUBDIVISION
PARCEL NUMBER:	01922108, 019101, 01939194
TOTAL REZONED ACREAGE:	±73.278 ACRES
TOTAL REZONED SQUARE FEET:	±3,191,989.68 SF
SUBDIVISION ACREAGE:	±45.00 ACRES
SUBDIVISION SQUARE FEET:	±1,960,200 SF
PRINCIPAL USES:	SINGLE FAMILY SUBDIVISION
BUILDING TYPE:	DETACHED HOUSE
EXISTING ZONING DISTRICT:	TR
ZONING DISTRICT:	NR-CD, NR
OVERLAY DISTRICT:	N/A
PERCENTAGE OF IMPERVIOUS ALLOWED:	N/A
PERCENTAGE OF IMPERVIOUS ESTIMATED:	75% (FOR BMP SIZING)
LOT COUNT:	98
TOTAL NUMBER OF DWELLINGS:	98
MIXED-USE/# OF LIVE/WORK UNITS:	N/A
TOTAL SQUARE FOOT OF NON RESIDENTIAL:	N/A
LOT SIZE RANGE:	±7,261 SF – ±11,263 SF
NUMBER OF LOTS WITHIN EACH RANGE:	98 LOTS
LOT WIDTHS RANGE:	±60 FT – ±70
TIME FRAME:	2016 – 2017
WATERSHED:	CLARKE

SETBACKS AND BUILD-TO LINES

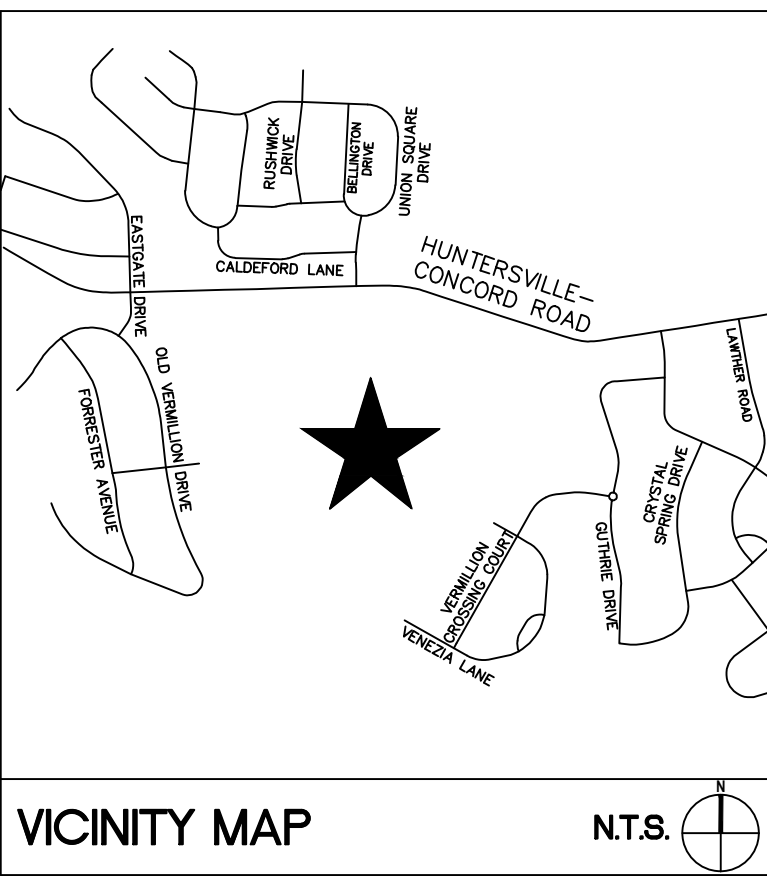
FRONT BTL RANGE:	15-25 FT
CORNER SETBACKS:	10 FT
EXISTING REAR SETBACKS:	25 FT
PROPOSED REAR SETBACKS:	20 FT
SIDE SETBACKS:	5 FT

TRAFFIC IMPROVEMENTS PER TIA

- HUNTERSVILLE-CONCORD ROAD AT HIAWASSEE ROAD
- CONSTRUCT AN EASTBOUND RIGHT-TURN LANE WITH 150' OF STORAGE.
- HUNTERSVILLE-CONCORD ROAD AT REALIGNED ASBURY CHAPEL ROAD
- CONSTRUCT A WESTBOUND LEFT-TURN LANE WITH 100 FEET OF STORAGE.
- CONSTRUCT A EASTBOUND RIGHT-TURN LANE WITH 100 FEET OF STORAGE.
- REALIGNED ASBURY CHAPEL ROAD AT SITE ACCESS #1
- CONSTRUCT THE EASTBOUND ACCESS APPROACH WITH AN EXCLUSIVE RIGHT-TURN LANE (IN ANTICIPATION OF FUTURE ASBURY CHAPEL ROAD REALIGNMENT EXTENSION SOUTHWARD TOWARD EASTFIELD ROAD).
- CONSTRUCT A SOUTHBOUND RIGHT-TURN LANE ON REALIGNED ASBURY CHAPEL ROAD WITH 100 FEET OF STORAGE.
- NCDOT HAS INDICATED THE REQUIREMENT THAT ASBURY CHAPEL REALIGNMENT BE BUILT AS A THREE-LANE SECTION FROM HUNTERSVILLE-CONCORD ROAD TO SITE ACCESS #2.

SKETCH PLAN NOTES

- ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
- THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
- ALL AREAS DESIGNATED AS COMMON AND/OR URBAN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
- ACCESS (W/CROSS/ACCESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY) AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATION TO PLAN MAY RESULT.
- LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
- MAIL TO BE DELIVERED TO (1) ONE LOCATION WITHIN THE URBAN OPEN SPACE/ALLEYWAY. THIS IS SUBJECT TO CHANGE PENDING FINAL DESIGN AND APPROVALS.
- THE PROPOSED DEVELOPMENT WILL BE SERVED BY PUBLIC WASTE MANAGEMENT FOR TRASH COLLECTION.
- THE TOWN OF HUNTERSVILLE BUILD TO LINE IS DEFINED AS, "A LINE EXTENDING THROUGHOUT A LOT WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATION, EXCLUSIVE OF PORCHES, BAY WINDOWS AND SWAY ARCHITECTURES, MUST BE ERRECTED; INTENDED TO CREATE AN EVEN BUILDING FACADE LINE ON A STREET. THE BUILD-TO LINE IS ESTABLISHED ON THE RECORD PLAT (FINAL PLAT)."
- THE PROPOSED DEVELOPMENT WILL CONSIST OF A GRAVITY DRIVEN SANITARY SEWER SYSTEM. THE SANITARY SEWER WILL SERVE EACH PROPOSED BUILDING AND TIE TO THE PROPOSED PUBLIC SYSTEM WITHIN THE DEVELOPMENT. THE PUBLIC SYSTEM WITHIN THE DEVELOPMENT WILL TIE INTO THE PUBLIC SYSTEM ALREADY IN PLACE WHICH IS LOCATED WITHIN THE FLOODWAY LOCATED AT THE SOUTHERN PORTION OF THE PROPERTY.
- THE PROPOSED DEVELOPMENT WILL CONSIST OF A PUBLIC WATER LINE WHICH WILL TIE INTO THE EXISTING PUBLIC WATERLINE LOCATED IN THE HUNTERSVILLE-CONCORD ROAD RIGHT OF WAY. THE PUBLIC WATER LINES WILL SERVE ALL BUILDINGS WITHIN THE DEVELOPMENT.
- ALL RETAINING WALLS REQUIRING SPECIAL INSPECTIONS (GREATER THAN 5' IN HEIGHT) SHALL MEET THE REQUIREMENTS OF THE MSCBC CHAPTER 17 – SPECIAL INSPECTIONS AS DETAILED PER THE MECKLENBURG COUNTY CODE ENFORCEMENT SPECIAL INSPECTIONS PROCESS. ADDITIONALLY, COPIES OF THE RETAINING WALL PLANS SHALL BE SUBMITTED TO THE HUNTERSVILLE ENGINEERING DEPARTMENT FOR REVIEW AND APPROVAL. THE TOWN OF HUNTERSVILLE SHALL BE COPIED ON ALL STATEMENTS OF SPECIAL INSPECTIONS, SPECIAL INSPECTIONS FINAL REPORTS, AND DESIGN PRINCIPAL IN RESPONSIBLE CHARGE (DPRIC) LETTERS.
- THE TOWN OF HUNTERSVILLE REQUIRES THAT ALL STREETS PROPOSED TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE BE REVIEWED, INSPECTED AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF NORTH CAROLINA FOR ADEQUATE CONSTRUCTION. REVIEW OF STREET CONSTRUCTION BY THE CERTIFYING ENGINEER IS REQUIRED THROUGHOUT THE CONSTRUCTION PROCESS. REFER TO THE TOWN OF HUNTERSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL FOR ADDITIONAL INFORMATION INCLUDING THE REQUIRED CERTIFICATION FORM.
- DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED.
- THE PROPERTY IS NOT LOCATED WITHIN A PROTECTED WATERSHED.
- THE PROJECT IS TO BE CONSIDERED HIGH DENSITY.
- ALL LOTS TO BE WITHIN 0.25 MILES OF URBAN OPEN SPACE.
- THIS PROJECT WILL BE BUILT AS ONE PHASE.
- ALL OUTSTANDING TRANSPORTATION COMMENTS TO BE ADDRESSED DURING PRELIMINARY PLAT DESIGN AND REVIEW.
- THE NR-CD PORTION OF THE PROJECT IS BEING OFFERED FOR VOLUNTARY ANNEXATION INTO THE TOWN OF HUNTERSVILLE.
- THIS REZONING PLAN IS BEING REVIEWED CONCURRENTLY WITH SUBDIVISION SKETCH PLAN. ALL DETAILS AND SPECIFICATIONS NOTED ON THE SUBDIVISION SKETCH PLAN ARE APPLICABLE TO THIS REZONING PLAN.



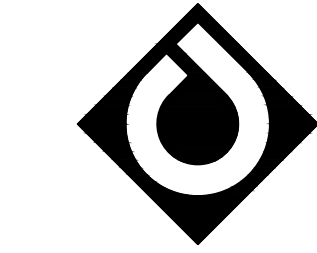
SURVEY DISCLAIMER
"ALTA/ASOM LAND TITLE SURVEY" SURVEY ISSUE DATE: DECEMBER 29, 2015. PROVIDED BY: N. JOE HARRIS, 127 BEN CASEY DRIVE, SUITE 101, (803) 802-1799

LEGEND

SYMBOL	
	PROPOSED SIDEWALK
	PROPOSED CURB & GUTTER
	PROPOSED SAND FILTER AND DRY DETENTION AREA
	EXISTING COMMUNITY FLOODPLAIN
	EXISTING FEMA FLOODPLAIN
	EXISTING COMMUNITY FLOODWAY
	EXISTING FEMA FLOODWAY
	EXISTING PCO BUFFER
	VEGETATED BUFFER
	REZONED TO NR-CD
	REZONED TO NR

SUMMARY

CURRENT ZONING			
PARCEL 019-22-108:	TR	±55.274 ACRES	
PARCEL 019-39-101:	TR	±12.24 ACRES	
PARCEL 019-39-194:	TR	±5.764 ACRES	
PROPOSED ZONING			
PARCEL 019-22-108:	NR	±10.482 ACRES	
	NR-CD	±44.822 ACRES	
TOTAL ACRES:		±55.274 ACRES	
PARCEL 019-39-101:	NR	±12.167 ACRES	
	NR-CD	±0.073 ACRES	
TOTAL ACRES:		±12.24 ACRES	
PARCEL 019-39-194:	NR	±5.764 ACRES	
TOTAL ACRES:		±5.764 ACRES	
ACRES TO BE REZONED TO NR:		±28.383 ACRES	
ACRES TO BE REZONED TO NR-CD:		±44.895 ACRES	
TOTAL ACRES TO BE REZONED:		±73.278 ACRES	



ColeJenest & Stone

Shaping the Environment
Realizing the Possibilities

Land Planning
+
Landscape Architecture
Civil Engineering
+
Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704.376.1555 f+ 704.376.7851
url+ www.colejeneststone.com

CALATLANTIC HOMES
6701 CARMEL ROAD
SUITE 425
CHARLOTTE, NC 28226

CATO SUBDIVISION

12920 HUNTERSVILLE-
CONCORD RD
HUNTERSVILLE, NC 28078

CONDITIONAL DISTRICT (CD) REZONING PLAN

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

Project No.

4447

Issued

01/05/16

Revised

04/25/2016 – PER TOWN/COUNTY COMMENTS
05/24/2016 – PER COUNTY COMMENTS
07/08/2016 – PER TOWN STAFF REVIEW



SCALE: 1"=100'

0 50' 100' 200'

RZ-1.0

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Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: David Peete, AICP, Principal Planner
Subject: Cato Property Subdivision Sketch Plan

SKETCH: Request by Calatlantic Homes to subdivide 45 acres located along Huntersville-Concord Road (west of Mirabella Subdivision) to create 98 single-family homes. The property is proposed to be zoned Neighborhood Residential - Conditional District as part of CD Rezoning request #R16-02. Parcel ID # 01922108.

ACTION RECOMMENDED:

Consider Final Action on Monday, July 18, 2016.

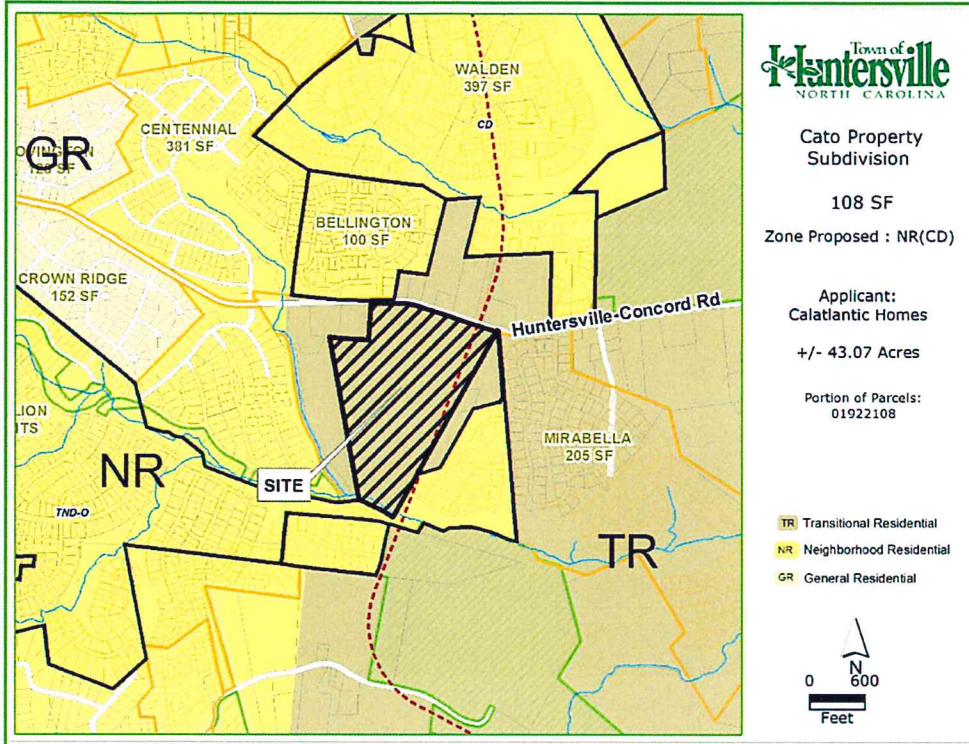
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
▣ Cato Final Action Sketch Staff Report packet	Cover Memo
▣ Cato Subdivision Sketch Plan - Sheets 1 -5	Cover Memo
▣ Cato Subdivision Sketch Plan - Sheets 6 - 10	Cover Memo

Cato Property Subdivision Sketch Plan

PART 1: PROJECT SUMMARY



Applicant: CalAtlantic Homes

Property Owner: William E. Cato

Property Address: Along Huntersville-Concord Rd. (west of Mirabella & south of Bellington)

Project Size: 45 acres

Parcel Number: 019-11-108.

Current Zoning: Transitional Residential (TR).

Requested Zoning: Neighborhood Residential – Conditional District (NR-CD) pursuant to Rezoning request R 16-02.

Current Land Use: vacant, forested

Application is [Attachment A](#) and Site Plan is [Attachment B](#).

PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Purpose: To subdivide 45-acres of land located along Huntersville-Concord Road to create 98 single-family homes, pursuant to a requested Conditional District Rezoning (R 16-02). This Subdivision Sketch Plan is conditioned on approval of R 16-02 and is being reviewed by the Planning Board and Town Board concurrently.
2. Adjoining Zoning and Land Uses:
 - North: Transitional Residential (TR) & Neighborhood Residential (NR-CD) – single-family (Bellington & Walden Subdivisions) & vacant.
 - South: Neighborhood Residential (NR) - single-family (Valencia Subdivision) & vacant.
 - East: Transitional Residential (TR) & Neighborhood Residential (NR) – single-family (Mirabella Subdivision) & vacant.
 - West: Neighborhood Residential (NR) – single-family (Vermillion Subdivision).
3. A neighborhood meeting was held on March 3, 2016 (please see R 16-02 Staff Report for meeting summary). Questions/concerns centered mainly on traffic and transportation improvements along Huntersville-Concord Road.
4. The proposed subdivision has 98 lots on 45 acres, with lots ranging in size from 7,261 sq. ft. to 11,263 sq. ft.

5. Approximately 1,260 ft. of the new Asbury Chapel Road thoroughfare will be constructed as part of the subdivision and an additional @ 1,000 ft. of thoroughfare right-of-way will be dedicated to NCDOT.
6. The site plan shows a “30’ vegetated buffer” along the two (2) thoroughfares, however, these buffers are to include a landscaped berm that will be reviewed as a separate approval by the Planning Board and, if approved, will be shown in the Sketch Plan.
7. There are 44 specimen trees on the site. In the NR zoning district, 10 percent (4.4 trees) of the specimen trees are required to be saved and the developer proposes to save 5 specimen trees (11.36%), however, this data is inferred and must be clarified. **7-12-16 UPDATE – Data has been clarified.** There are no known heritage trees on the site. Sixty-one percent (61%) of the site is covered by tree canopy and the developer proposes to save 32.24 percent (32%) of the canopy (10% required).
8. The subdivision will be developed as one (1) phase.
9. A water quality concept plan is being reviewed by Mecklenburg County Engineering (LUESA). The applicant is proposing one large water quality BMP for the subdivision.
10. A “Willingness to Serve” letter has been provided by Charlotte Water, dated 5-5-16 (see Attachment C).
11. Urban Open Space Park is provided by a large, two acre park located in the center of the subdivision and by a, approximately 1,200 ft. long section of 10’-wide sidewalk running along the west side of the new Asbury Chapel Road thoroughfare, which will link two (2) future Town/County Greenways (to be built by others).

PART 3: TRANSPORTATION ISSUES

A Traffic Impact Analysis (TIA) was prepared by Kimley-Horn Associates as part of the Cato Property Conditional District Rezoning request (R 16-02). A final TIA was accepted by Town staff on May 3rd 2016. Based on the TIA, the following roadway improvements are recommended at full build-out of the site:

Adjacent Improvements:

Huntersville Concord Road at Future Asbury Chapel Road

- Construct an exclusive westbound left-turn lane on Huntersville Concord Road with 100 feet of full width storage and appropriate taper.
- Construct an exclusive eastbound right-turn lane on Huntersville Concord Road with 100 feet of full width storage and appropriate taper.
- Construct the northbound Future Asbury Chapel Road approach to include an exclusive left-turn lane and a shared through/right-turn lane.

Future Asbury Chapel Road at Site Access #1 (northernmost access)

- Construct an exclusive southbound right-turn lane on Future Asbury Chapel Road with 100 feet of full width storage and appropriate taper.
- Construct an exclusive northbound left-turn lane on Future Asbury Chapel Road to include 100 feet of full width storage.
- Construct the Site Access to include an exclusive eastbound right-turn lane with 50 feet of storage and appropriate taper.

Future Asbury Chapel Road at Site Access #2 (southernmost access)

- Construct an exclusive northbound left-turn lane on Future Asbury Chapel Road to include 100 feet of full width storage.

Future Asbury Chapel Road

- Due to the proximity of northbound and southbound left-turn lanes along Asbury Chapel Road along the site frontage, a full width three lane section is recommended to include one northbound through lane, one southbound through lane, and left-turn lanes (northbound or southbound) as indicated above.

Nearby Improvements (NCDOT requirement):

Huntersville Concord Road at Hiwassee Road

- Construct an exclusive eastbound right-turn lane on Huntersville Concord Road with 150 feet of full width storage and appropriate taper.

Cross Sections

The street cross-sections are as follows:

- Future Asbury Chapel Rd. thoroughfare – 117 ft. of right-of-way, which includes (room for three) 11 ft. travel lanes, 8 ft. green zones (planting strips), 10 ft. sidewalk on west side & 5 ft. sidewalk on east side.
- Residential Local Street (no on-street parking) - 51 ft. of right-of-way, which includes 10 ft. travel lanes, 7 ft. green zones (planting strips), 5 ft. sidewalks and curb and gutter.
- Residential Local Street (parking on 1 side) - 57 ft. of right-of-way, which includes 10 ft. travel lanes, 7 ft. green zones (planting strips), 5 ft. sidewalks and curb and gutter.

Future Road Connections

There are two (2) future road connections (stubs), both located along the western boundary of the subdivision.

Additional Subdivision Sketch Plan Comments:

- 1) Minor revisions to the sidewalk layout, ramp alignments and street tree locations.
- 2) Minor text revisions.

PART 4: PLANNING STAFF ANALYSIS

Section 6.200 of the Subdivision Ordinance outlines the “general requirements and policies to be used in the design, review, and approval” of subdivisions in the Town of Huntersville. The following staff findings are provided for the Board’s consideration of the Cato Property Subdivision Sketch Plan.

1. Consistency with adopted public plans and policies.

The following sections of the 2030 Huntersville Community Plan apply to this request:

- **Policy H-1 & H-9: Development Pattern.** Continue to follow existing residential development pattern as reflected in “Map of Zoning Districts,” focusing higher intensity development generally within two miles of the I-77/NC 115 corridor.
- **Comment:** The proposed CD Rezoning is located within the overlap of High and Low Intensity Areas of the 2030 Community Plan. The Cato subdivision has a density of 2.18 units per acre. The surrounding developments average 2.196, as follows:

<u>North</u>	<u>South</u>	<u>East</u>	<u>West</u>
Bellington = 2.42 (NR)	Valencia = 2.68 (NR)	Mirabella = 1.47 (TR)	Vermillion = 2.55 (NR)
& Walden = 1.86 (NR)			

- **Policy T-5: Context-sensitive Design of Streets:** Continue to support “context-sensitive” design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments.
Comment: The internal streets are appropriately sized and create short blocks to encourage pedestrian activity. Also, the proposed cross-section for the portion of Asbury Chapel Road to be built through the development follows context sensitive design by providing adequate lane widths, bike lanes and sidewalks (including a 10’ wide multi-use path along the west side if the thoroughfare).
- **Policy T-7: Traffic Impact Analysis Ordinance:** Continue to apply requirements of “Traffic Impact Analysis” Ordinance, including Level of Service and mitigation of impacts generated by new development.

Comment: A TIA was required and the required transportation enhancements are outlined in Part 3 of this staff analysis.

- **Policy T-8: Street Connectivity:** Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.

Comment: The proposed development provides two (2) connections to a new section of thoroughfare (Asbury Chapel Road) and one (1) stub to the western boundary. In addition, there is one (1) emergency access being provided to the north (Huntersville-Concord Road).

- **Policy CD-5: Street Infrastructure:** Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development.

Comment: The proposed development will develop a portion of the Asbury Chapel Road thoroughfare, as well as all other TIA-required improvements, extend public water and sewer from the south, provide two (2) connections to a proposed new road, provide one (1) stub and should provide an adequate greenway easement.

- **Policy PF-2: Adequate Public Facilities:** Continue use of “Adequate Public Facilities Ordinance” to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities.

Comment: see Part 4 of this report.

STAFF COMMENT – The 2030 Huntersville Community Plan would not support this project through the following sections:

- **Policy E-1, E-2 & E-3: Preservation and Enhancement.** Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.

Comment: The proposed Subdivision Sketch Plan calls for a landscaped berm as an open space buffer along both Huntersville-Concord Road and Asbury Chapel Road. There are adjustments that must be satisfied to provide the berm, but if done, will provide an appropriate buffer. As a matter of context, the existing pattern along Huntersville-Concord Road has been to set homes back, approximately 80 – 100 feet and not turn the back-end of homes to the thoroughfare.

- **Policy T-6: Pedestrian Connections:** Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.

Comment: The proposed cross-sections for Asbury Chapel Road and the interior Town streets all provide sidewalks on both sides. Huntersville-Concord Road will provide a sidewalk on the south side along the project frontage. In addition, the west sidewalk along Asbury Chapel Road will be 10' wide and serve as a multi-use path that will link the greenway running through Walden, with the future greenway south of the Cato Subdivision. Bike lanes will be provided along Asbury Chapel Road and should be provided along the south side of Huntersville-Concord Road. **7-12-16 UPDATE – bike lane has been provided along the south side of Huntersville-Concord Rd.**

2. Conformity.

The proposed project is not adjacent to any single-family homes located along Huntersville-Concord Road, however there are several in the vicinity. The proposed Cato Property subdivision has a density of 2.18 units per acre on 45 acres. There is no maximum density in the Neighborhood Residential (NR) Zoning District. By comparison, nearby developments have the following densities: Valencia – 2.68, Vermillion – 2.55, Bellington – 2.42, Walden – 1.86 & Mirabella – 1.47. The proposed development has lot ranges from 7, 261 – 11,263 sq. ft. and lots will be 60 ft. wide.

3. Access Between Adjoining Properties.

The applicant is providing two (2) street stubs for future connections to the west. They are also dedicating appropriate right-of-way for future Asbury Chapel Road.

4. Relation to topography.

The 45 acres is generally flat, so the proposed street network respects the topography of the site.

5. Mature trees and natural vegetation.

The proposed project is required to save 10 percent of the tree canopy, 10 percent of the specimen trees and 100% of the heritage trees. All three of these requirements are being satisfied.

6. Access to parks, schools, etc.

There will be a section of a Mecklenburg County Greenway located to the south of the subdivision. The applicant will dedicate all required right-of-way for a future thoroughfare that will cross this greenway and the applicant will build a 1,260 ft. section of the thoroughfare, which will include a 10 ft. multi-use path on the west side to connect the greenway south the subdivision to one located to the north.

7. Discourage through traffic.

All streets are appropriately sized for residential traffic and indirect street connections will not encourage “cut-through” traffic.

8. Relationship to railroad rights-of-way.

Not Applicable.

9. Half streets.

Not Applicable.

10. Parallel streets along thoroughfares.

Not Applicable.

11. Public School and Public Park Sites

The parcels associated with the Cato Property Subdivision Sketch Plan have not been identified for a school or park site.

12. Public Facilities

The parcels associated with Cato Property Subdivision Sketch Plan have not been identified for a public facility.

13. Proposed street names

The street names for Cato Property Subdivision Sketch Plan will be approved with the Preliminary Plan submission (if Sketch Plan is approved).

14. Easements.

Easements have been identified and the plans have been sent to the respective Engineering and Utility Departments.

15. Proposed water and sewerage system.

Water and sewer will need to be extended to the development. A “Willingness to Serve” letter from Charlotte Water has been provided (Attachment C).

16. Restrictions on the subdivision of land subject to flooding.

Floodplain has been identified south of this site and no lots are proposed within this area.

17. Reserved.

18. Open Space

The proposed development complies with Urban Open Space and common open space requirements. A two (2) acre, central park is proposed for the residents to use.

19. Impact of Development on Public Facilities

Under the provisions of the APF Ordinance, all residential development greater than twenty (20) lots are required to receive a “Determination of Adequacy (DOA)” for the following public facilities: fire vehicles, fire station, police station, police vehicles, indoor park and recreation facilities, parks acreage. The proposed Subdivision Sketch Plan met the required threshold for submission of an APF application, and the proposed subdivision is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Stations, Police Vehicles, Stations, Indoor Park & Recreation Facilities and Park Acreage.

PART 5: STAFF RECOMMENDATION

COMPLETENESS OF APPLICATION

Town Staff has reviewed the proposed Subdivision Sketch Plan and finds the application complete.

COMPLIANCE WITH APPLICABLE REQUIREMENTS

Cato property Subdivision Sketch Plan complies with all applicable requirements and is supported by the findings of fact outlined in Parts 2 – 4 of this report, with the following conditions:

There are several site plan issues that **MUST be addressed**:

- Add correct berm elements to Sketch Plan along Huntersville-Concord Rd. & Asbury Chapel Rd (see Berm Staff Report).
- ~~Provide bike lane along south side of Huntersville-Concord Road frontage.~~ **SATISFIED**
- ~~20’ parking area from back of sidewalk must be included for each lot.~~ **SATISFIED**
- ~~Extend future Asbury Chapel right-of-way to southern property line.~~ **SATISFIED**
- Provide easement to County for possible greenway construction within floodplain area.
- ~~Northwestern street stub right-of-way must extend to the western boundary line.~~ **SATISFIED**
- ~~Add Huntersville-Concord Rd. cross-section to plan.~~ **SATISFIED**
- ~~Label “20’ vegetated buffer” as “undisturbed” in all locations.~~ **SATISFIED**
- ~~Clarify specimen tree save data on Sheet SP-3.0 to verify Ord. compliance.~~ **SATISFIED**
- ~~Label area east of Asbury as 100% tree save.~~ **SATISFIED**
- Address all outstanding Transportation comments (see Part 3).
- Address all minor comments to the notes of the Subdivision Sketch Plan.

There are several Subdivision Sketch Plan issues that staff makes **RECOMMENDATION** on:

- ~~Mail kiosk locations should be shown to evaluate conflicts at Preliminary Plan stage.~~ **SATISFIED**
- ~~If offered as a Conditional District requirement, add a note regarding the requirement to recess garages 10 feet behind the primary plane of the homes as a means to provide the Zoning Ordinance required 20 ft. parking area.~~ **7-12-16 UPDATE – Condition not offered. 20’ parking area to be provided via note and 15 – 25’ Build-to Range.**
- ~~If offered as a Conditional District requirement, Building Elevations are to be included.~~ **7-12-16 UPDATE – Building Elevations not offered. All homes to be reviewed on a lot-by-lot basis prior to permitting.**
- ~~If offered as a Conditional District requirement, add a note regarding intention to annex the subdivision into the Town of Huntersville.~~ **7-12-16 UPDATE – Applicant indicates intention to Vol. Annex subdivision property into Town. Annex Petition has NOT been received.**

APPROVAL

Cato Property Subdivision Sketch Plan complies with all applicable requirements, with the conditions listed above that MUST be addressed. IF the Conditional District Rezoning is approved (R 16-02) and the above items are addressed, staff can recommend approval of the proposed Subdivision Sketch Plan.

PART 6: PLANNING BOARD RECOMMENDATION

Planning Board recommended Approval on June 28, 2016, by unanimous vote. Motion stated that the 1) Application was complete; 2) Application complied with all requirements in Ord. and with staff's comments addressed and 3) Recommend Approval. Further recommendations were for Building Elevations to be provided, annexation petition submitted, kiosk locations shown, stipulate 20' parking requirement and PCO-1 Storm Water approval from LUESA.

PART 7: ATTACHMENTS AND ENCLOSURES

- A - Application
- B - Cato Property Subdivision Sketch Plan
- C - Charlotte Water "Willingness to Serve" letter.

PART 8: DECISION STATEMENTS

Please refer to Part 5 and Part 6 of this report for recommendation.

In considering whether to approve an application for a subdivision sketch plan, the Planning and Town Board must complete the following (a full version can be found in [Section 6.320.5](#) of the Subdivision Ordinance).

- Is the application complete (lacking any particular requirement)? *If no member of the Board moves that the application is incomplete, then this inaction is taken as an affirmative finding that the application is complete.*
- Does the application comply with all the applicable requirements? *A statement must be made that the application complies or does not comply that includes the support documentation of the particular motion.*
- Lastly, the Board must make a motion to approve or deny based on the previous statements.



General Application

Incomplete submissions will not be accepted. Please check all items carefully.

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

<http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>

- ☐ CHANGE OF USE
- ☐ COMMERCIAL SITE PLAN
- ☐ CONDITIONAL REZONING
- ☐ GENERAL REZONING
- ☐ MASTER SIGNAGE PROGRAM
- ☐ REVISION to _____
- ☐ SPECIAL USE PERMIT

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

- ☒ SKETCH PLAN
- ☐ PRELIMINARY PLAN
- ☐ FINAL PLAT (includes minor and exempt plats)
- ☐ FINAL PLAT REVISION
- ☐ FARMHOUSE CLUSTER

2. Project Data

Date of Application 01/05/2016

Name of Project CATO RESIDENTIAL Phase # (if subdivision) 1

Location 12920 HUNTERSVILLE-CONCORD RD, HUNTERSVILLE, NC 28078

Parcel Identification Number(s) (PIN) 01922108, 01939101

Current Zoning District TRANSITIONAL RESIDENTIAL (TR) Proposed District (for rezonings only) NR-CD

Property Size (acres) 01922108 (44.90 AC+/-)
01939101 (0.10 AC+/-) Street Frontage (feet) APPROX 3816 INCLUDING ASBURY CHAPEL ROAD ALIGNMENT

Current Land Use VACANT

Proposed Land Use(s) SINGLE FAMILY SUBDIVISION

Is the project within Huntersville's corporate limits?

Yes ☒ No ☐ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Sketch plan review for a 98 lot subdivision.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at: <http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The Review Process list includes plan documents needed for most town and county reviewing agencies.

For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility Willingness to Serve letter for the subject property.

6. Signatures

*Applicant's Signature Fred Matrulli Printed Name FREDERICK MATRULLI (ON BEHALF OF CALATLANTIC HOMES)

Address of Applicant 6701 CARMEL ROAD, SUITE 425 CHARLOTTE, NC 28226

Email Fred.Matrulli@CalAtl.com

Property Owner's Signature (if different than applicant) William E. Cato

Printed Name WILLIAM E. CATO

Property Owner's Address 13116 HUNTER-CONCORD RD Email WECATO@SGCATO.COM

* Applicant hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

CALATLANTIC HOMES FREDERICK MATRULLI (704) 326-6670 Fred.Matrulli@CalAtl.com

Development Firm	Name of contact	Phone	Email
COLEJENEST & STONE	MARK MCAULEY	(704) 971-4533	MMCAULEY@COLEJENESTSTONE.COM

Design Firm	Name of contact	Phone	Email
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If Applying for a General Rezoning:

Please provide the name and Address of owner(s) of fee simple title of each parcel that is included in this rezoning petition. If additional space is needed for signatures, attach an addendum to this application.

If Applying for a Conditional Rezoning:

Every owner of each parcel included in this rezoning petition, or the owner (s) duly authorized agent, must sign this petition. If signed by an agent, this petition MUST be accompanied by a statement signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in filing this petition. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID PETITION. **If additional space is needed for signatures, attach an addendum to this application.**

Signature, name, firm, address, phone number and email of Duly Authorized Agent by owner needed below:

If Applying for a Subdivision:

By signature below, I hereby acknowledge my understanding that the Major Subdivision Sketch Plan Process is a quasi-judicial procedure and contact with the Board of Commissioners shall **only** occur under sworn testimony at the public hearing.

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	http://www.huntersville.org/Departments/Planning.aspx



May 5, 2016

Mr. Tom Platt
ColeJenest & Stone
200 South Tryon St
Suite 1400
Charlotte, NC 28202

**SUBJECT: WILLINGNESS TO SERVE
CATO SUBDIVISION
12920 HUNTERSVILLE-CONCORD ROAD, HUNTERSVILLE NC**

A Willingness to Serve study was completed and the following has been determined:

The subject property is within the intended service area of Charlotte Water (CLTWater). An analysis of the sanitary sewer associated with the proposed project determined that there is sufficient capacity in Charlotte Water's sanitary sewer system to accommodate the proposed wastewater flows. The sanitary sewer from this project will flow to the *Rocky River Waste Water Treatment Plant; NPDES permit number NC0036269*, located in Cabarrus County, for treatment. Please note that the availability of flow is subject to change and that this willingness to serve review in no way guarantees future capacity.

The water quality to the subject project is regulated by the State Drinking Water Act Amendments of 1986 and, The Water Supply Management Plan, PWS ID # 0160010, on file with the Public Water Supply Section of NC DEQ. However, Charlotte Water cannot guarantee a constant pressure or quality of flow.

Connection to the Charlotte Water and sewer system is accepted on a first come, first served basis, pending review and approval through the Charlotte Water Capacity Assurance Program and Flow Acceptance approval from the Water and Sewer Authority of Cabarrus County.

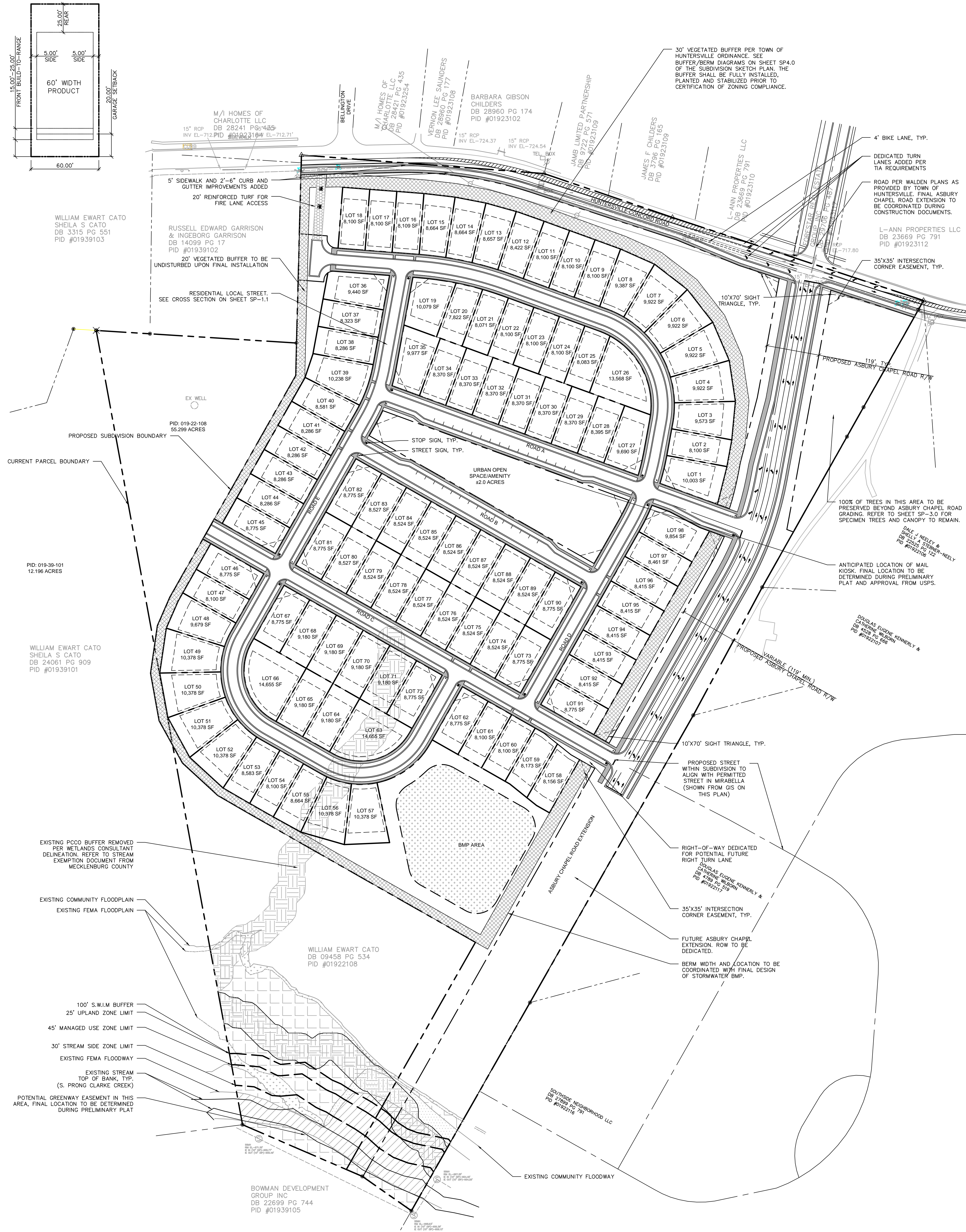
The applicant should understand that this letter is not an authorization to construct private water or sewer systems, as the appropriate local or State permits are required prior to construction. This willingness to serve is valid for (1) year from the date of issue. If you have any questions, please do not hesitate to contact me at (704) 432-5801.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Gross".

Barbara Gross
Engineering Assistant

EXAMPLE LOT DIAGRAM



SKETCH PLAN NOTES

1. ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
2. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
3. ALL AREAS DESIGNATED AS COMMON AND/OR URBAN SPACE SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND DEDICATED FOR PERPETUITY.
4. ACCESS (INGRESS/EGRESS) LOCATION AND DESIGN SHOWN ON THIS SKETCH PLAN AREA SUBJECT TO ACHIEVING VERTICAL AND HORIZONTAL SIGHT DISTANCES, TURN LANE IMPROVEMENTS (INCLUDING RIGHT-OF-WAY) AND INTERSECTION WITH ADJACENT AND OPPOSING ACCESS POINTS. MODIFICATION TO PLAN MAY RESULT.
5. LARGE MATURING TREES WILL BE PLANTED 40' O/C WITHIN THE REQUIRED PLANTING STRIP ALONG ALL STREETS WITH THE EXCEPTION OF RURAL PARKWAYS WHERE EXISTING TREES CAN SATISFY THE STREET TREE REQUIREMENT. SMALL MATURING TREES ARE TO BE USED WHERE OVERHEAD POWER LINES EXIST.
6. MAIL TO BE DELIVERED TO (1) ONE LOCATION WITHIN THE URBAN OPEN SPACE/AMENITY. THIS IS SUBJECT TO CHANGE PENDING FINAL DESIGN AND APPROVALS.
7. THE PROPOSED DEVELOPMENT WILL BE SERVED BY PUBLIC WASTE MANAGEMENT FOR TRASH COLLECTION.
8. THE TOWN OF HUNTERVILLE BUILD TO LINE IS DEFINED AS, "A LINE EXTENDING THROUGH A LOT WHICH IS GENERALLY PARALLEL TO THE FRONT PROPERTY LINE AND MARKS THE LOCATION FROM WHICH THE PRINCIPLE VERTICAL PLANE OF THE FRONT BUILDING ELEVATION, EXCLUSIVE OF PORCHES, BAY WINDOWS AND SIMILAR APPURTENANCES, MUST BE CREATED. INTENDED TO CREATE AN EVEN BUILDING FACADE LINE ON A STREET, THE BUILD-TO LINE IS ESTABLISHED ON THE RECORD PLAT (FINAL PLAT)."
9. THE PROPOSED DEVELOPMENT WILL CONSIST OF A GRAVITY DRIVEN SANITARY SEWER SYSTEM. THE SANITARY SEWER WILL SERVE EACH PROPOSED BUILDING AND TIE TO THE PROPOSED PUBLIC SYSTEM WITHIN THE DEVELOPMENT. THE PUBLIC SYSTEM WITHIN THE DEVELOPMENT WILL TIE INTO THE PUBLIC SYSTEM ALREADY IN PLACE WHICH IS LOCATED WITHIN THE FLOODWAY LOCATED AT THE SOUTHERN PORTION OF THE PROPERTY.
10. THE PROPOSED DEVELOPMENT WILL CONSIST OF A PUBLIC WATER LINE WHICH WILL TIE INTO THE EXISTING PUBLIC WATERLINE LOCATED IN THE LINES WILL SERVE ALL BUILDINGS WITHIN THE DEVELOPMENT.
11. ALL RETAINING WALLS REQUIRING SPECIAL INSPECTIONS (GREATER THAN 5' IN HEIGHT) SHALL MEET THE REQUIREMENTS OF THE MCSB CHAPTER 17 SPECIAL INSPECTIONS AS DETAILED PER THE MECKLENBURG COUNTY CODE ENFORCEMENT SPECIAL INSPECTIONS PROCESS. ADDITIONALLY, COPIES OF THE RETAINING WALL PLANS SHALL BE SUBMITTED TO THE HUNTERVILLE ENGINEERING DEPARTMENT FOR REVIEW AND APPROVAL. THE TOWN OF HUNTERVILLE SHALL BE COPIED ON ALL STATEMENTS OF SPECIAL INSPECTIONS, SPECIAL INSPECTIONS FINAL REPORTS, AND DESIGN PRINCIPAL IN RESPONSIBLE CHARGE (OPIC) LETTERS.
12. THE TOWN OF HUNTERVILLE REQUIRES THAT ALL STREETS PROPOSED TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE BE REVIEWED, REGISTERED IN THE STATE OF NORTH CAROLINA FOR ADEQUATE CONSTRUCTION. REVIEW OF STREET CONSTRUCTION BY THE CERTIFYING ENGINEER IS REQUIRED THROUGHOUT THE CONSTRUCTION PROCESS. REFER TO THE TOWN OF HUNTERVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL FOR ADDITIONAL INFORMATION INCLUDING THE REQUIRED CERTIFICATION FORM.
13. DIRECT ACCESS FROM LOTS TO A THOROUGHFARE IS PROHIBITED.
14. THE PROPERTY IS NOT LOCATED WITHIN A PROTECTED WATERSHED.
15. THE PROJECT IS TO BE CONSIDERED HIGH DENSITY.
16. ALL LOTS TO BE WITHIN 0.25 MILES OF URBAN OPEN SPACE.
17. THIS PROJECT WILL BE BUILT AS ONE PHASE.
18. ALL OUTSTANDING TRANSPORTATION COMMENTS TO BE ADDRESSED DURING PRELIMINARY PLAT DESIGN AND REVIEW.
19. THE NR-CD PORTION OF THE PROJECT IS BEING OFFERED FOR VOLUNTARY ANNEXATION INTO THE TOWN OF HUNTERVILLE.
20. THIS SKETCH PLAN IS BEING REVIEWED CONCURRENTLY WITH REZONING PLAN R16-02 AND WILL COMPLY WITH THE APPROVED REZONING PLAN.

SITE PLAN DATA TABLE

PROJECT NAME:	CATO SUBDIVISION
PARCEL NUMBER:	019-22-108, 019-39-101
TOTAL ACREAGE:	67.50 ACRES ±
TOTAL SQUARE FEET:	2,408,824 SF ±
SUBDIVISION ACREAGE:	45.00 ACRES ±
SUBDIVISION SQUARE FEET:	1,960,200 SF ±
PRINCIPAL USES:	SINGLE FAMILY SUBDIVISION
BUILDING TYPE:	DETACHED HOUSE
EXISTING ZONING DISTRICT:	TR
ZONING DISTRICT:	NR-CD
OVERLAY DISTRICT:	N/A
PERCENTAGE OF IMPERVIOUS ALLOWED:	N/A
PERCENTAGE OF IMPERVIOUS ESTIMATED:	75% (FOR BMP SIZING)
LOT COUNT:	98
TOTAL NUMBER OF DWELLINGS:	98
MIXED-USE/# OF LIVE/WORK UNITS:	N/A
TOTAL SQUARE FOOT OF NON RESIDENTIAL:	N/A
LOT SIZE RANGE:	7,261 SF ± - 11,263 SF ±
NUMBER OF LOTS WITHIN EACH RANGE:	98 LOTS
LOT WIDTHS RANGE:	60 FT ± - 70 FT ±
TIME FRAME:	2016 - 2017
WATERSHED:	CLARKE

SETBACKS AND BUILD-TO LINES

FRONT BTL RANGE:	15 FT - 25 FT
CORNER SETBACKS:	10 FT
EXISTING REAR SETBACKS:	25 FT
PROPOSED REAR SETBACKS:	20 FT
SIDE SETBACKS:	5 FT

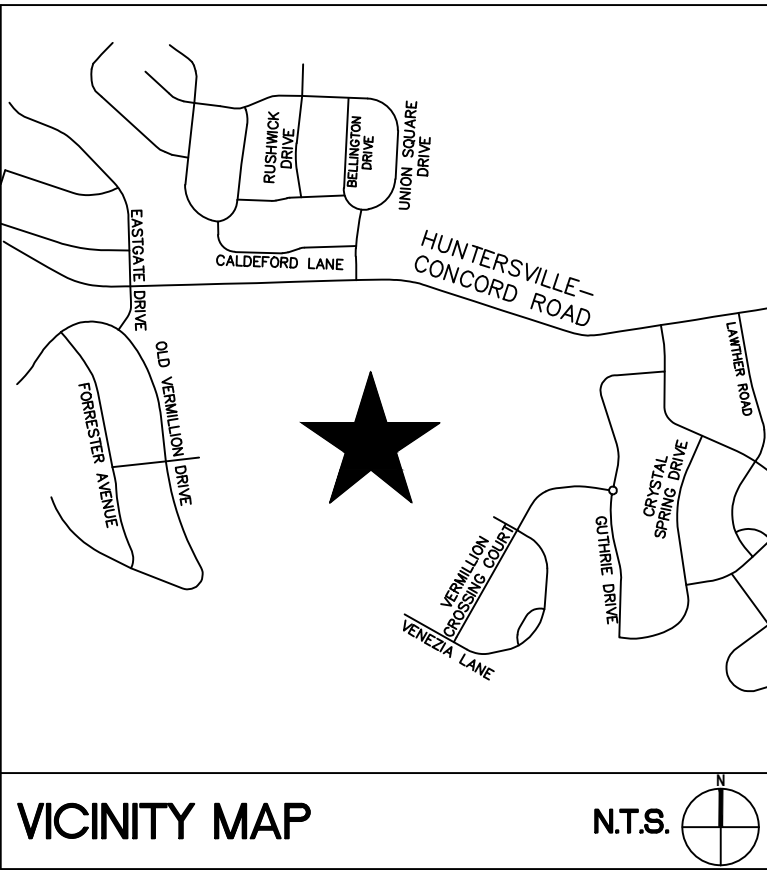
TRAFFIC IMPROVEMENTS PER TIA

1. HUNTERVILLE-CONCORD ROAD AT HIWASSEE ROAD
2. HUNTERVILLE-CONCORD ROAD AT REALIGNED ASBURY CHAPEL ROAD
3. REALIGNED ASBURY CHAPEL ROAD AT SITE ACCESS #1
4. NCDOT HAS INDICATED THE REQUIREMENT THAT ASBURY CHAPEL REALIGNMENT BE BUILT AS A THREE-LANE SECTION FROM HUNTERVILLE-CONCORD ROAD TO SITE ACCESS #2.



Sheet Number	Sheet Title	Original Date
SP-1.0	SKETCH PLAN	01/05/2016
SP-1.1	STREET SECTIONS	01/05/2016
SP-1.2	REZONING PLAN	01/05/2016
SP-2.0	PRELIMINARY GRADING & STORMWATER CONCEPT PLAN	01/05/2016
SP-3.0	TREE PRESERVATION AND EXISTING CONDITIONS	01/05/2016
SP-4.0	PLANTING PLAN	01/05/2016
SP-5.0	SLOPE ANALYSIS	01/05/2016
SP-6.0	EXISTING ZONING AND ADJACENT PROPERTY OWNER INFORMATION	01/05/2016
SP-7.0	EMERGENCY VEHICLE EXHIBIT	01/05/2016

ROAD	ROAD FROM	ROAD TO	LENGTH
ROAD A	ASBURY CHAPEL ROAD	ROAD D	266.54 FT
ROAD B	ROAD D	ROAD E	630.72 FT
ROAD C	ASBURY CHAPEL ROAD	ROAD E	624.00 FT
ROAD D	ROAD D	ROAD E	266.00 FT
ROAD E	ROAD E	ROAD E	170.00 FT
ROAD C	ROAD E	STUB	454.00 FT
ROAD D	ROAD B	STUB	181.00 FT
ROAD D	ROAD A	ROAD A	322.00 FT
ROAD D	ROAD A	ROAD A	230.02 FT
ROAD D	ROAD A	ROAD A	608.78 FT
ROAD E	ROAD D	FIRE ACCESS	194.66 FT
ROAD E	ROAD D	ROAD B	288.98 FT
ROAD E	ROAD A	ROAD B	124.83 FT
ROAD E	ROAD B	ROAD B	322.00 FT
ROAD E	ROAD C	ROAD C	989.24 FT
ASBURY CHAPEL ROAD	HUNTERVILLE-CONCORD ROAD	ROAD A	605.07 FT
ASBURY CHAPEL ROAD	ROAD A	ROAD C	596.60 FT



SURVEY DISCLAIMER
"ALTA/ASOM LAND TITLE SURVEY" SURVEY ISSUE DATE: DECEMBER 29, 2015. PROVIDED BY: R. JOE HARRIS, 127 BEN CASEY DRIVE, SUITE 101, (803) 802-1799

LEGEND

SYMBOL	
	PROPOSED SIDEWALK
	PROPOSED CURB AND GUTTER
	PROPOSED SAND FILTER AND DRY DETENTION AREA
	EXISTING COMMUNITY FLOODPLAIN
	EXISTING FEMA FLOODPLAIN
	EXISTING COMMUNITY FLOODWAY
	EXISTING FEMA FLOODWAY
	EXISTING PCO BUFFER
	VEGETATED BUFFER



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Land Planning
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6701 CARMEL ROAD
SUITE 425
CHARLOTTE, NC 28226

CATO
SUBDIVISION

12920 HUNTERVILLE-
CONCORD RD
HUNTERVILLE, NC 28078

SKETCH PLAN

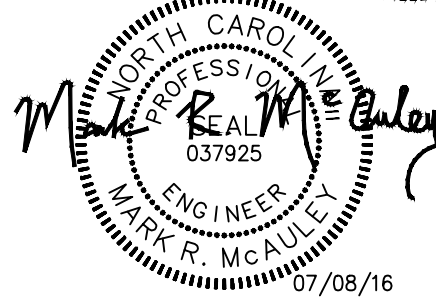
THIS PLAN IS SCHEMATIC IN NATURE AND LOCATIONS OF ROADS, LOTS AND OTHER AREAS AND IMPROVEMENTS ARE SUBJECT TO FINAL DETERMINATION ON PRELIMINARY AND FINAL PLAN.

Project No.
4447

Issued
01/05/16

Revised

04/25/2016 - PER TOWN/COUNTY COMMENTS
05/24/2016 - PER COUNTY COMMENTS
07/08/2016 - PER TOWN STAFF REVIEW



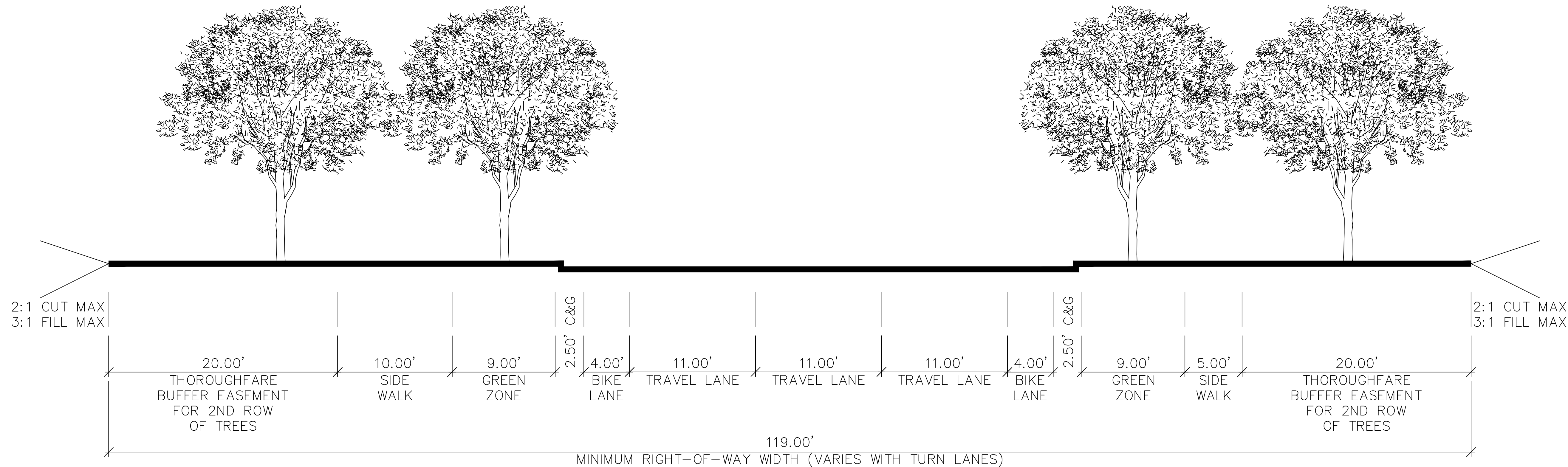
SCALE: 1"=100'
0 50' 100' 200'

SP-1.0

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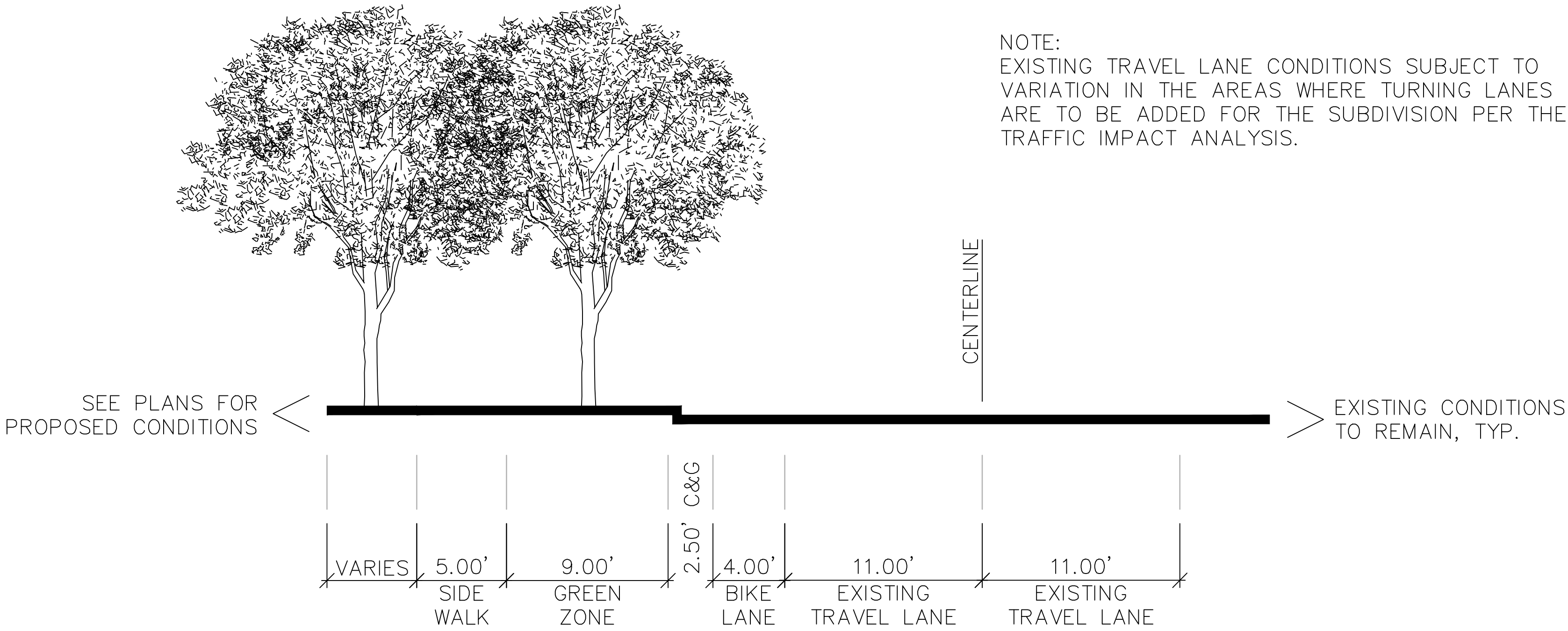
ColeJenest & Stone, P.A. 2016 ©

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CHARLOTTE-MECKLENBURG UTILITIES SPECIFICATIONS.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



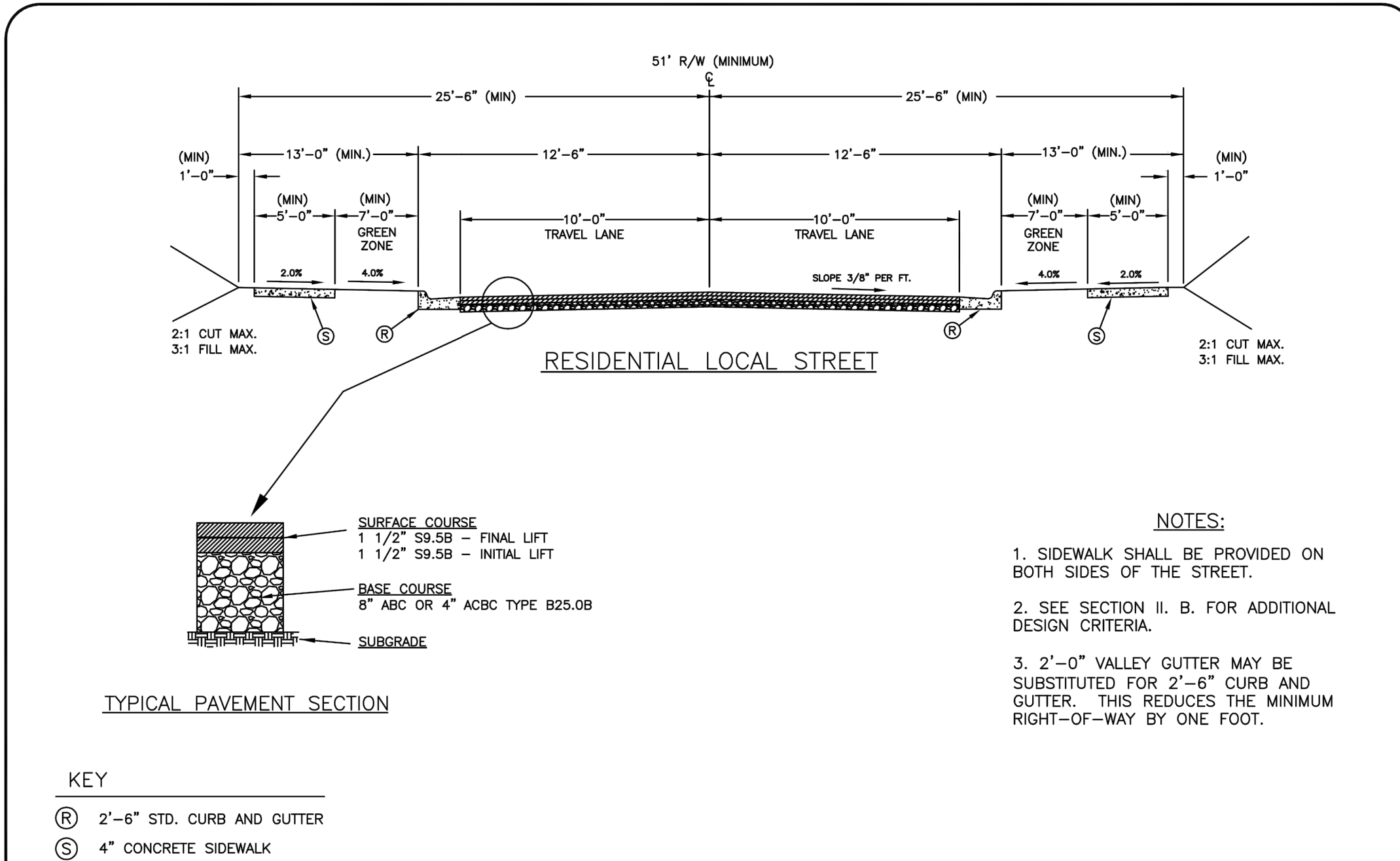
TYPICAL ASBURY CHAPEL THOROUGHFARE SECTION

SCALE: 1:5



TYPICAL HUNTERSVILLE-CONCORD ROAD SECTION

SCALE: 1:5

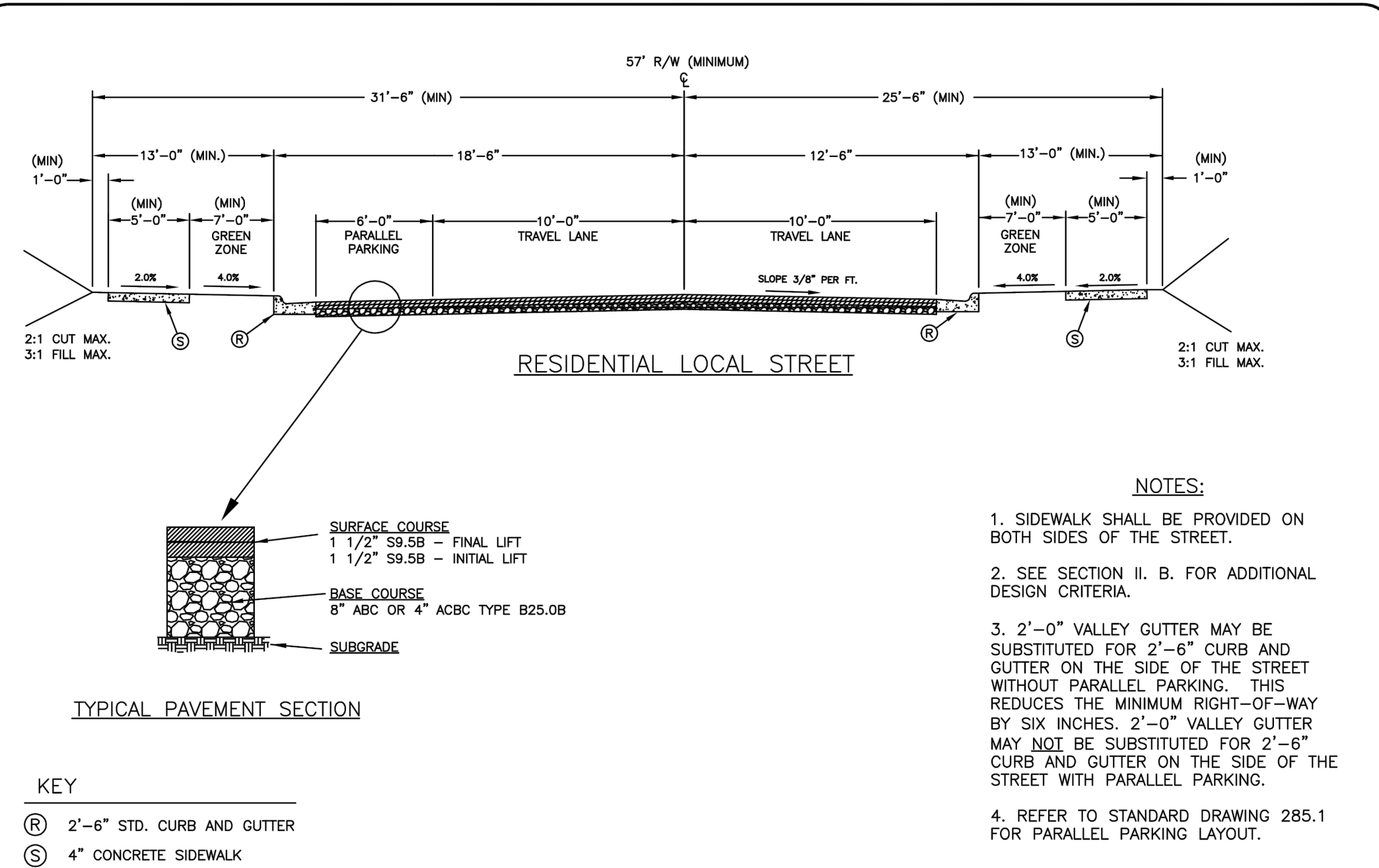


KEY	NOT TO SCALE
⑥ 2'-6" STD. CURB AND GUTTER	REV. DATE
⑤ 4" CONCRETE SIDEWALK	10/01/15
	STD. NO.
	200.3

Town of
Huntersville
NORTH CAROLINA

STANDARD
DRAWING

RESIDENTIAL LOCAL STREET
NO ON STREET PARKING
TYPICAL SECTION

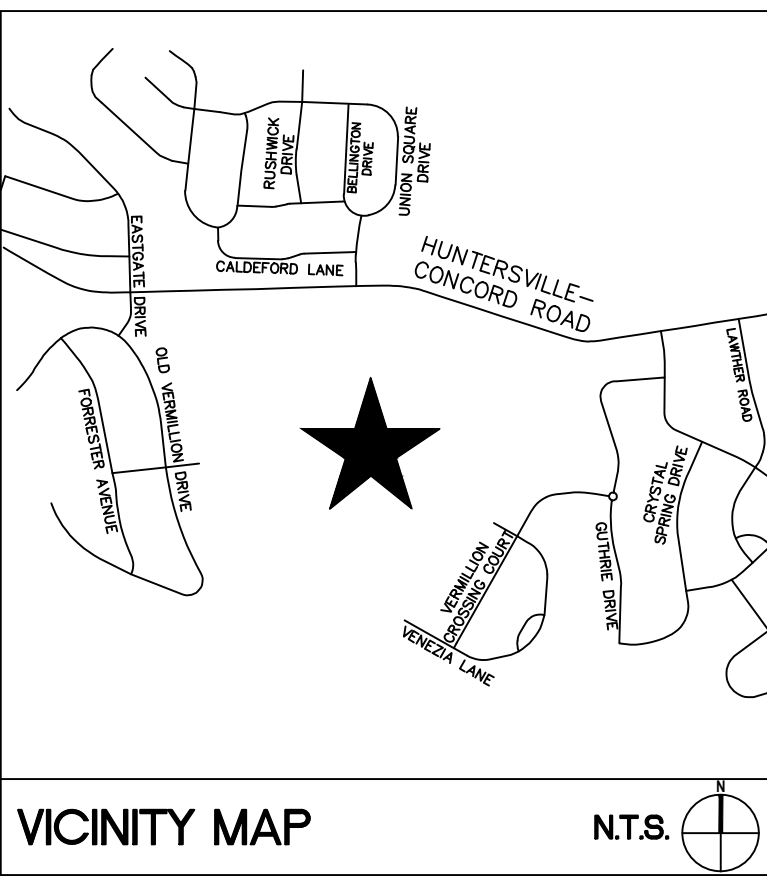


KEY	NOT TO SCALE
⑥ 2'-6" STD. CURB AND GUTTER	REV. DATE
⑤ 4" CONCRETE SIDEWALK	10/01/15
	STD. NO.
	200.2

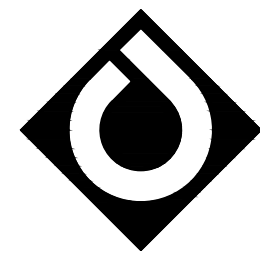
Town of
Huntersville
NORTH CAROLINA

STANDARD
DRAWING

RESIDENTIAL LOCAL STREET
PARKING ON ONE SIDE OF STREET
TYPICAL SECTION



SURVEY DISCLAIMER
"ALTA/ASCM LAND TITLE SURVEY" SURVEY ISSUE DATE
DECEMBER 29, 2015. PROVIDED BY R. JOE HARRIS, 127 BEN
CASEY DRIVE, SUITE 101, (803) 802-1799



**ColeJenest
& Stone**

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Realizing the Possibilities

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Landscape Architecture
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url+ www.colejeneststone.com

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CATO SUBDIVISION

12920 HUNTERSVILLE-
CONCORD RD
HUNTERSVILLE, NC 28078

STREET SECTIONS

Project No.

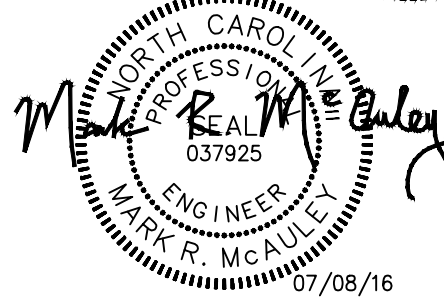
4447

Issued

01/05/16

Revised

04/25/2016 - PER TOWN/COUNTY COMMENTS
05/24/2016 - PER COUNTY COMMENTS
07/08/2016 - PER TOWN STAFF REVIEW



SP-1.1

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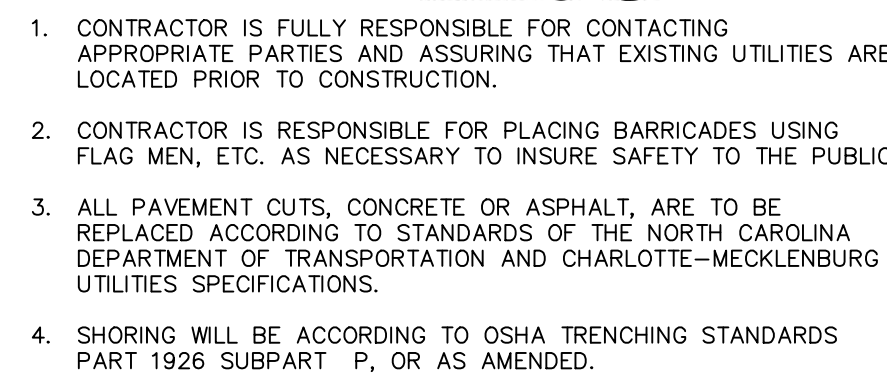
- North 811**
www.811.org
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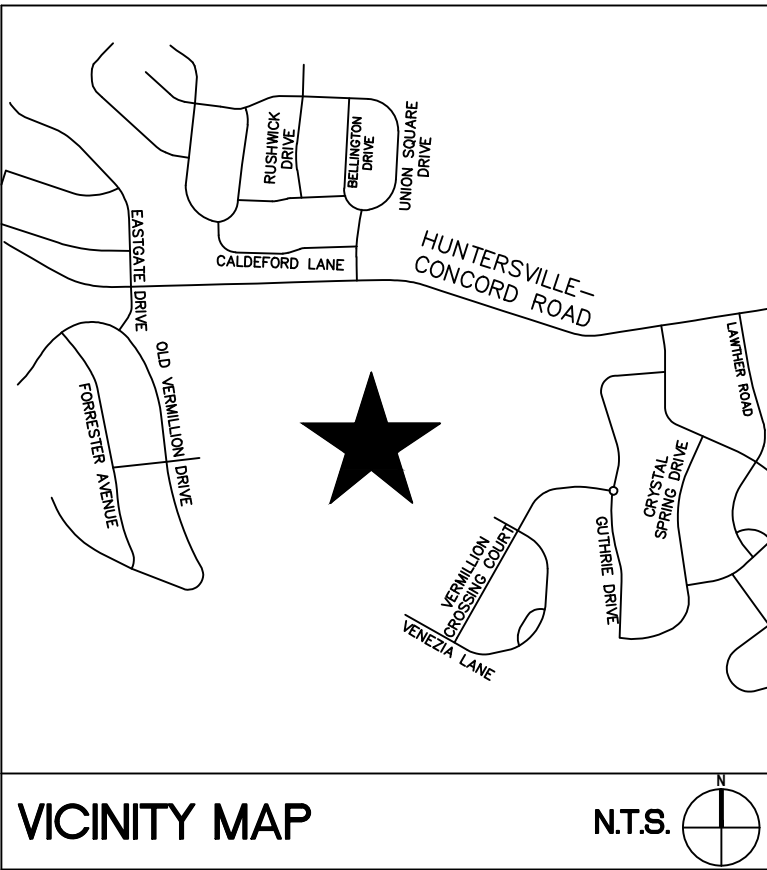
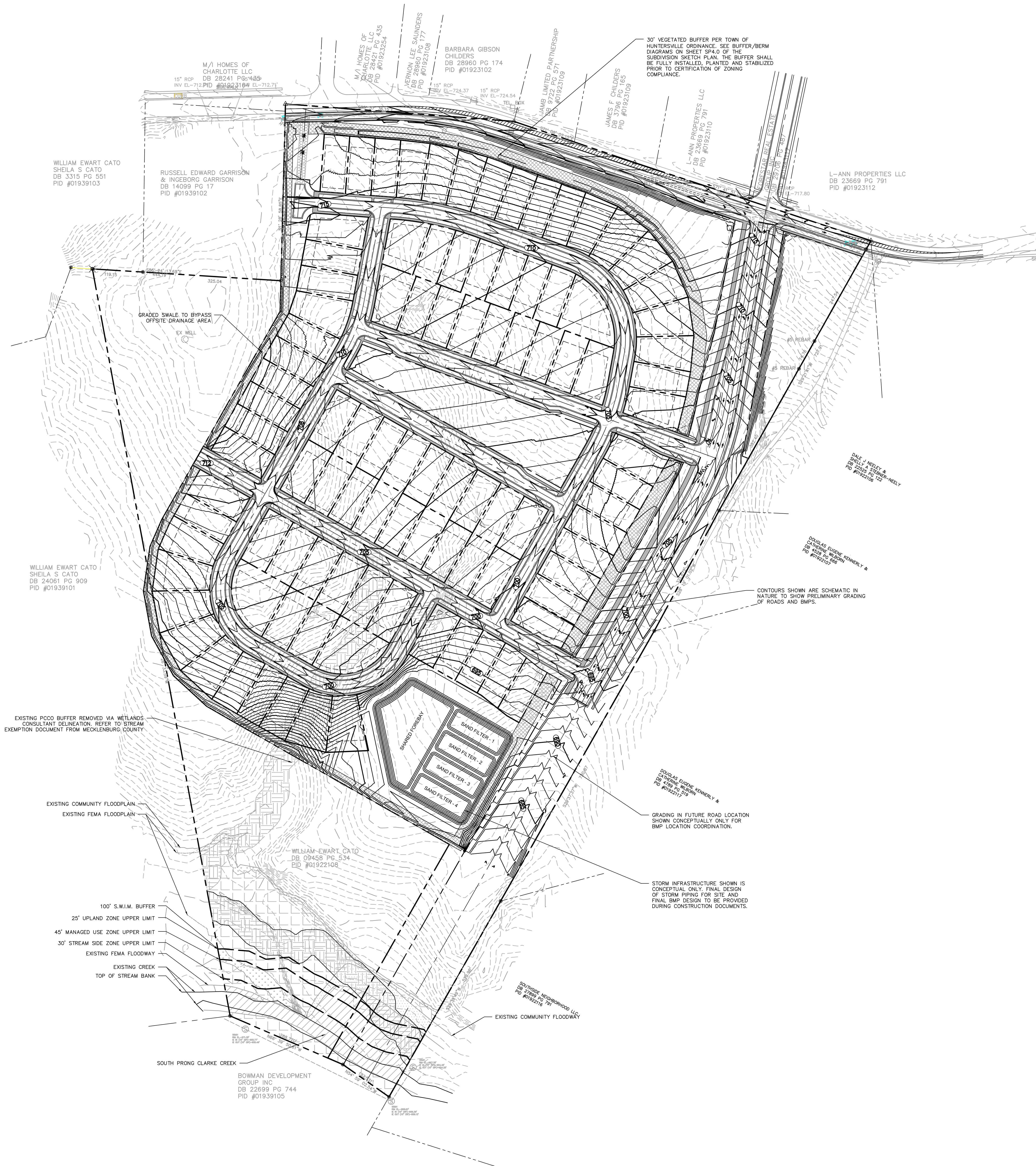


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LEGEND

SYMBOL

EXISTING CONTOUR

PROPOSED CONTOUR

PROPOSED SAND FILTER AND DRY DETENTION

BMP DRAINAGE AREA

IMPERVIOUS AREA CALCULATIONS:

TOTAL DRAINAGE AREA:	
PRE-DEVELOPMENT:	POST-DEVELOPMENT:
PERVIOUS: 33.141 AC.	PERVIOUS: 19.668 AC.
IMPERVIOUS: 0.000 AC.	IMPERVIOUS: 13.473 AC.
TOTAL: 33.141 AC.	TOTAL: 33.141 AC.

TOTAL SITE ACREAGE WITHIN PARCELS: ±33.141 ACRES
TOTAL SITE EXISTING IMPERVIOUS: ±0.00 ACRES OR 0%
ASSUMED TOTAL SITE PROPOSED IMPERVIOUS: ±13.473 ACRES OR 40.65%

- STORMWATER MANAGEMENT NOTES:**
- ON-SITE STORMWATER MANAGEMENT WILL BE DESIGNED TO MEET THE REQUIREMENTS AS SET FORTH IN THE POST CONSTRUCTION CONTROLS ORDINANCE AND TOWN OF HUNTERSVILLE LOW IMPACT DESIGN (LID) MANUAL.
 - THE FINAL STORM ROUTING WILL BE BASED UPON THE FINAL LOCATION OF ON-SITE FEATURES.
 - A FLOW SPLITTER, OR SIMILAR TECHNIQUE, WILL BE USED TO DIVERT FLOW TO THE INDIVIDUAL SAND FILTERS SHOWN. THIS WILL ENSURE THAT EACH SAND FILTER RECEIVES NO MORE THAN THE MAXIMUM OF 10 ACRES OF DRAINAGE AREA.
 - BMPs WERE SIZED TO CONTAIN THE DIFFERENCE IN VOLUME BETWEEN THE PREDEVELOPMENT AND POST DEVELOPMENT 50 YEAR STORMS AND THE WATER QUALITY VOLUME.
 - THE REQUIRED WATER QUALITY VOLUME PER EACH SAND FILTER WILL BE 2.96 AC-FT. THE CHANNEL VOLUME REQUIRED WILL BE 1.47 AC-FT PER SAND FILTER. THE REQUIRED MINIMUM FILTER AREA SIZE WILL BE 3300 SQUARE FEET WITH 2.5' MEDIA DEPTH.

- RETAINING WALL NOTES**
- RETAINING WALLS GREATER THAN 4' (RESIDENTIAL) OR 5' (COMMERCIAL) IN HEIGHT REQUIRE A PERMIT FROM CODE ENFORCEMENT PRIOR TO CONSTRUCTION.
 - CONSTRUCTION OF WALL CANNOT BEGIN UNTIL ALL NECESSARY PERMITS ARE ACQUIRED.
 - THE MECKLENBURG COUNTY ENGINEERING DEPARTMENT HAS NOT REVIEWED THE STRUCTURAL STABILITY OF ANY RETAINING WALLS ON THE SITE AND DOES NOT ASSUME RESPONSIBILITY FOR THEM.



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PRELIMINARY GRADING & STORMWATER CONCEPT PLAN

Project No.

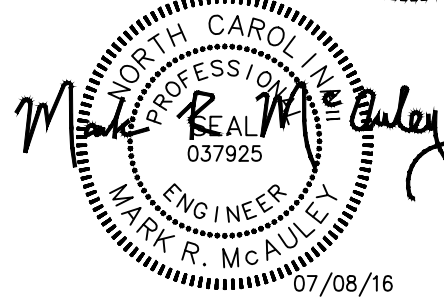
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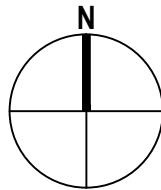
Revised

04/25/2016 - PER TOWN/COUNTY COMMENTS
05/24/2016 - PER COUNTY COMMENTS
07/08/2016 - PER TOWN STAFF REVIEW



SCALE: 1"=100'

0 50' 100' 200'



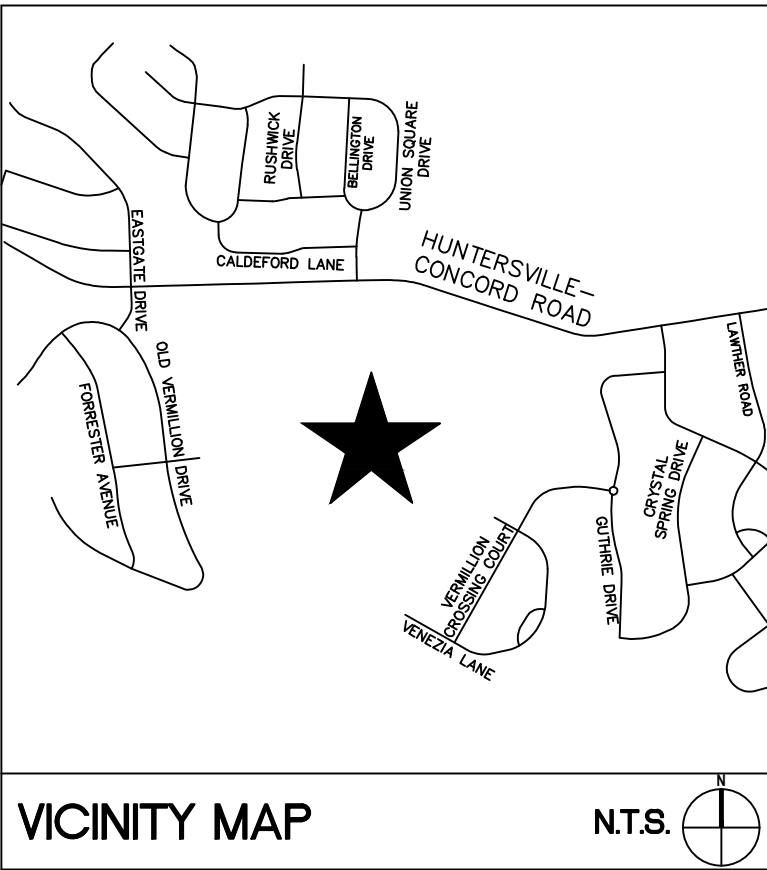
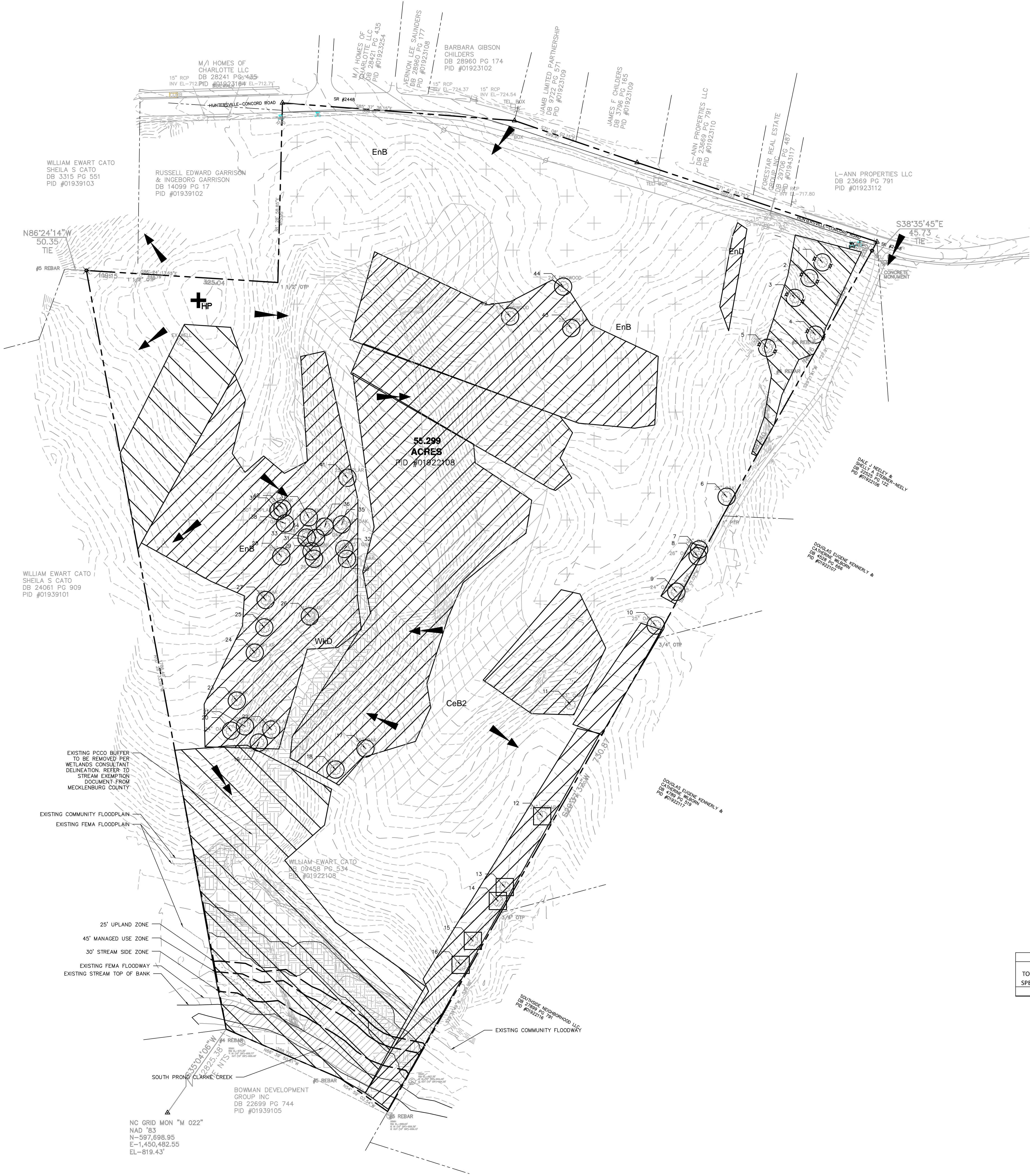
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TREE ID	DIAMETER	SPECIES	DESIGNATION	STATUS	SIZE
1	26 in	Oak	Specimen	Saved	Large Maturing
2	26 in	Gum	Specimen	Saved	Large Maturing
3	30 in	Poplar	Specimen	Saved	Large Maturing
4	31 in	Poplar	Specimen	Saved	Large Maturing
5	28 in	Poplar	Specimen	Saved	Large Maturing
6	25 in	Oak	Specimen	Removed	Large Maturing
7	36 in	Oak	Specimen	Removed	Large Maturing
8	26 in	Oak	Specimen	Removed	Large Maturing
9	24 in	Oak	Specimen	Removed	Large Maturing
10	25 in	Oak	Specimen	Removed	Large Maturing
11	33 in	Oak	Specimen	Saved	Large Maturing
12	24 in	Cedar	Specimen	Saved	Large Maturing
13	31 in	Oak	Specimen	Saved	Large Maturing
14	34 in	Oak	Specimen	Saved	Large Maturing
15	31 in	Oak	Specimen	Saved	Large Maturing
16	34 in	Oak	Specimen	Saved	Large Maturing
17	35 in	Oak	Specimen	Removed	Large Maturing
18	31 in	Oak	Specimen	Removed	Large Maturing
19	38 in	Oak	Specimen	Removed	Large Maturing
20	34 in	Oak	Specimen	Removed	Large Maturing
21	26 in	Oak	Specimen	Removed	Large Maturing
22	25 in	Poplar	Specimen	Removed	Large Maturing
23	29 in	Oak	Specimen	Removed	Large Maturing
24	25 in	Poplar	Specimen	Removed	Large Maturing
25	26 in	Oak	Specimen	Removed	Large Maturing
26	32 in	Oak	Specimen	Removed	Large Maturing
27	28 in	Oak	Specimen	Removed	Large Maturing
28	25 in	Oak	Specimen	Removed	Large Maturing
29	26 in	Poplar	Specimen	Removed	Large Maturing
30	24 in	Oak	Specimen	Removed	Large Maturing
31	25 in	Poplar	Specimen	Removed	Large Maturing
32	25 in	Oak	Specimen	Removed	Large Maturing
33	26 in	Oak	Specimen	Removed	Large Maturing
34	24 in	Oak	Specimen	Removed	Large Maturing
35	26 in	Oak	Specimen	Removed	Large Maturing
36	25 in	Oak	Specimen	Removed	Large Maturing
37	26 in	Oak	Specimen	Removed	Large Maturing
38	26 in	Oak	Specimen	Removed	Large Maturing
39	30 in	Poplar	Specimen	Removed	Large Maturing
40	27 in	Oak	Specimen	Removed	Large Maturing
41	25 in	Poplar	Specimen	Removed	Large Maturing
42	13 in	Dogwood	Specimen	Removed	Small Maturing
43	28 in	Poplar	Specimen	Removed	Large Maturing
44	24 in	Dogwood	Specimen	Removed	Small Maturing



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LEGEND

- SYMBOL**
- EXISTING SPECIMEN TREES TO REMAIN
 - EXISTING SPECIMEN TREES* TO BE REMOVED
 - EXISTING SPECIMEN TREES TO BE REMOVED WHEN ASBURY CHAPEL IS EXTENDED (NOT INCLUDED IN TREE SAVE)
 - 30' POCO BUFFER
 - LOCAL HIGH POINTS
 - FLOW DIRECTION
 - HYDROLOGIC SOILS GROUP "B"
 - HYDROLOGIC SOILS GROUP "C"
 - HYDROLOGIC SOILS GROUP "D"
 - PRESERVED CANOPY
 - TREE CANOPY TO BE REMOVED

*NOTE: SPECIMEN TREES ARE DEFINED PER THE TOWN OF HUNTERSVILLE ORDINANCE:
- SMALL MATURING TREES WITH A CALIPER OF 12" OR GREATER.
- LARGE MATURING TREES WITH A CALIPER OF 24" OR GREATER.
- ALL TREES ON SITE APPEAR TO BE SPECIMEN TREES
CeB2- Cecil Sandy Clay Loom, 2 - 8% slopes (B)
EnB- Enon Sandy Loom, 2 - 8% slopes (C)
EnD- Enon Sandy Loom, 8 - 15% slopes (C)
WkD- Wilkes Loom, 8 - 15% slopes (D)

SUMMARY:
HYDROLOGIC SOIL GROUP B: 8.717 AC (26.30%)
HYDROLOGIC SOIL GROUP C: 17.417 AC (52.54%)
HYDROLOGIC SOIL GROUP D: 7.016 AC (21.16%)

TOTAL SITE: 33.150 AC
TREE PROTECTION NOTES:

APPLICABILITY:
A TREE AND ROOT PRESERVATION PLAN DELINEATING AREAS OF TREE SAVE SHALL BE INCORPORATED AS PART OF THE LANDSCAPING, GRADING, AND EROSION CONTROL PLANS. THE FOLLOWING MEASURES SHALL BE FOLLOWED TO PROTECT EXISTING TREES ON A DEVELOPING SITE PRIOR TO DEMOLITION, CLEARING, CONSTRUCTION, GRADING, AND INSTALLATION OF EROSION CONTROL MEASURES; TREE PROTECTIVE BARRIERS MUST BE INSTALLED AROUND ALL TREE SAVE AREAS BY THE DEVELOPER AND APPROVED BY THE TOWN.

- THE TREE PROTECTION FENCE SHALL BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA (ORIP LINE PLUS 5 FEET). TREE PROTECTION FENCING FOR A FOREST CANOPY STANDS AREA IS TO BE LOCATED ALONG THE PERIMETER OF THE TREE SAVE AREA AROUND THE FOREST EDGE. TREE PROTECTION FENCING SHALL CONSIST OF ORANGE SAFETY FENCING OR A COMBINATION OF ORANGE SAFETY FENCING WITH SILT FENCING AT A MINIMUM OF 4 FEET IN HEIGHT ON METAL OR WOOD POSTS.

- ALL TREE PROTECTION AREAS MUST BE DESIGNATED AS SUCH WITH "TREE SAVE AREA SIGNS" POSTED IN ADDITION TO THE REQUIRED PROTECTIVE FENCING. SIGNS REQUESTING SUBCONTRACTOR COOPERATION AND COMPLIANCE WITH TREE PROTECTION STANDARDS ARE RECOMMENDED FOR SITE ENTRANCES.

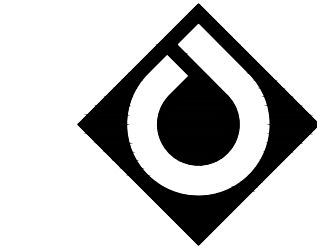
- NO SOIL DISTURBANCE OR COMPACTION, STOCK PILING OF SOIL OR OTHER CONSTRUCTION MATERIAL, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT AND MATERIALS ARE ALLOWED WITHIN THE TREE SAVE AREA.

- NO ROPES, SIGNS, WIRES, UNPROTECTED ELECTRICAL INSTALLATION OR OTHER DEVICE OR MATERIAL, SHALL BE SECURED OR FASTENED AROUND OR THROUGH A TREE OR SHRUB.

- ALL PROTECTIVE MEASURES SHALL BE MAINTAINED THROUGHOUT THE LAND DISTURBING AND CONSTRUCTION PROCESS, AND SHALL NOT BE REMOVED UNTIL FINAL LANDSCAPING IS INSTALLED.

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TOTAL EXISTING SPECIMEN TREES	EXISTING SPECIMEN TREES TO BE REMOVED	% SPECIMEN TREES PRESERVED	# OF SPECIMEN TREES TO BE MITIGATED	NON-SPECIMEN TREES TO BE REMOVED
44	39	11.36%	0 (10% REQUIRED)	0
		EXISTING CANOPY (sf)	PRESERVED CANOPY (sf)	% OF TREE CANOPY PRESERVED
		1,195,678	352,098	29.45%

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TREE PRESERVATION AND EXISTING CONDITIONS

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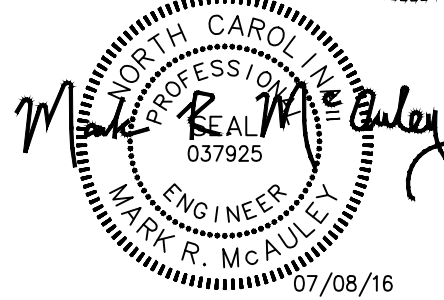
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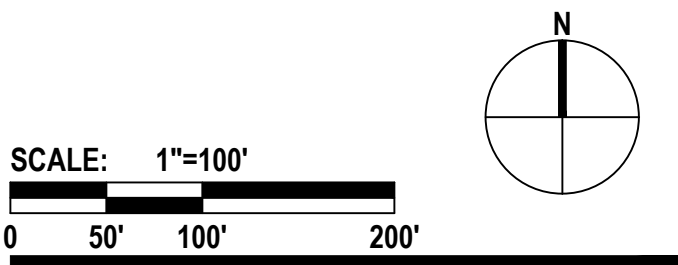
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07/08/2016 - PER TOWN STAFF REVIEW



07/08/16

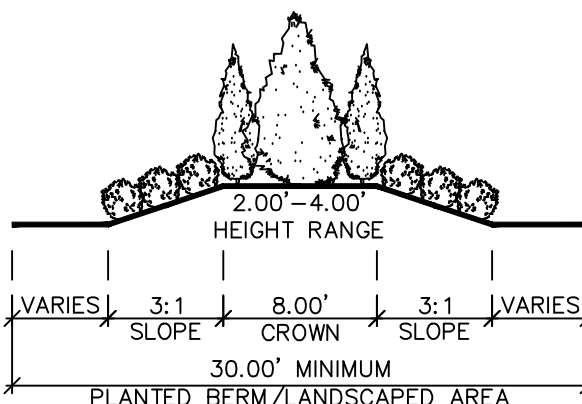


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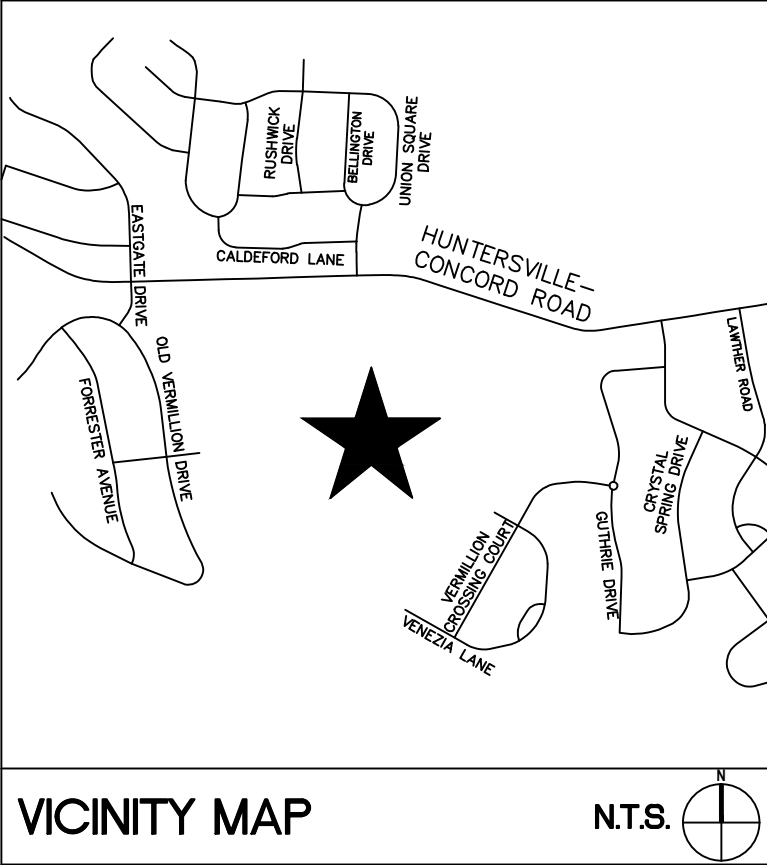
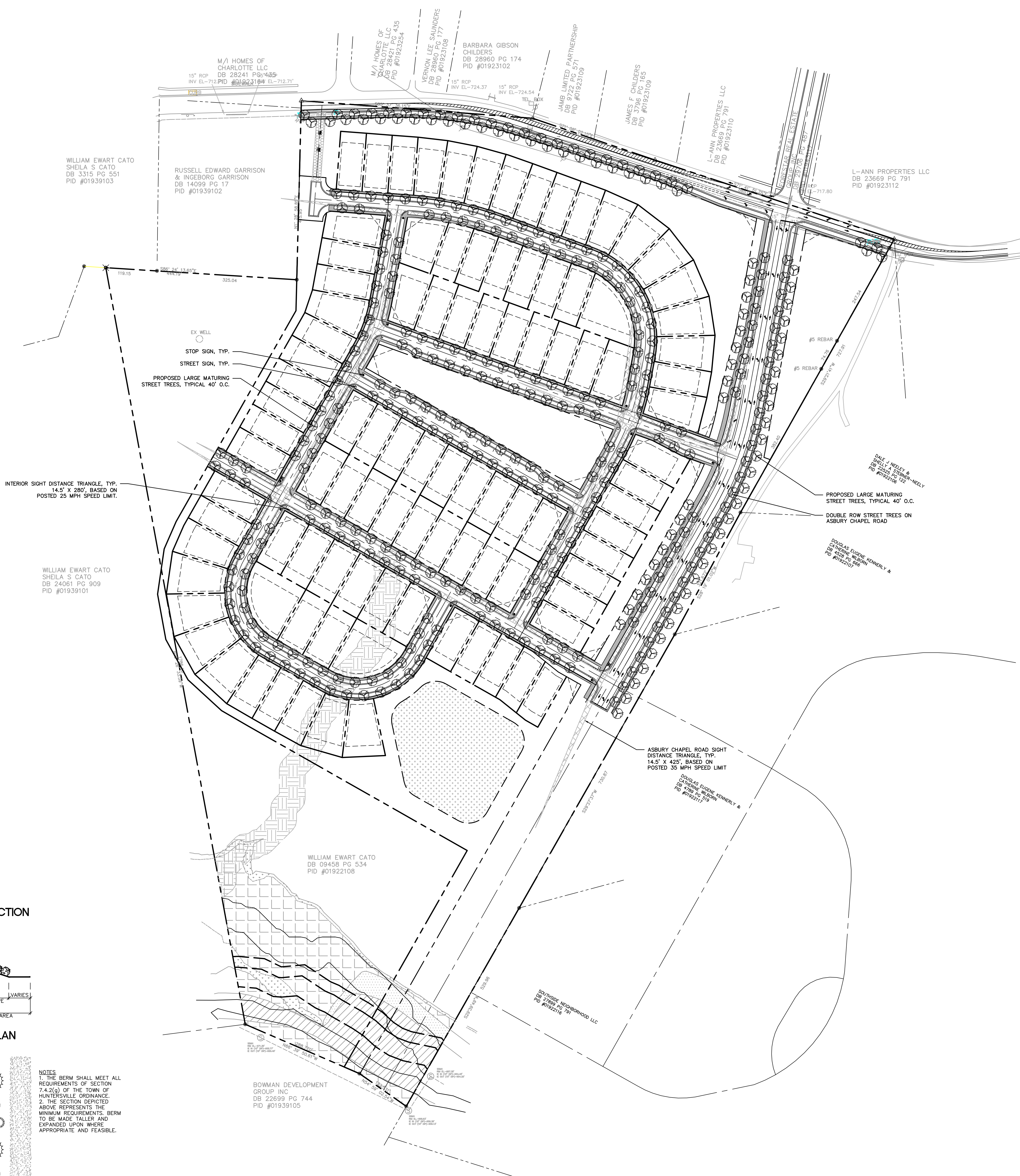
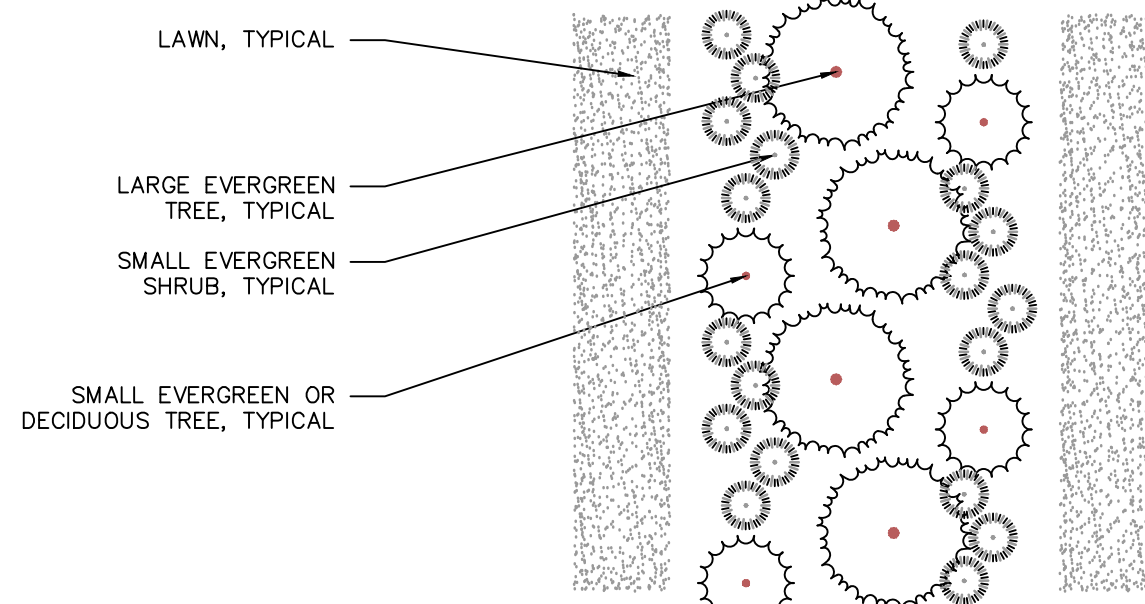
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TYPICAL BERM SECTION

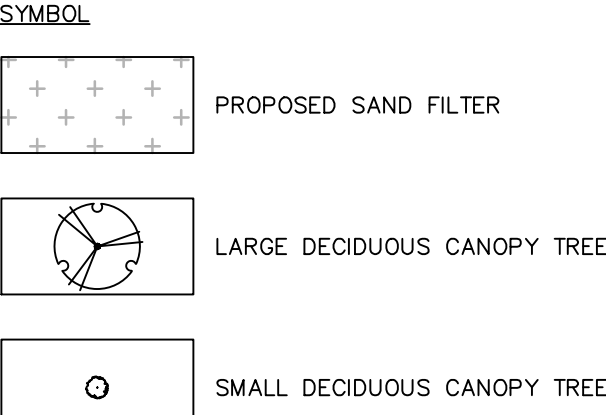


TYPICAL BERM PLAN



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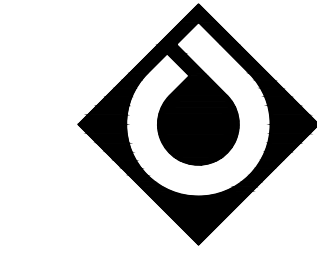
LEGEND



NOTES

- PER ARTICLE 8.9 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE, NO PLANTING, STRUCTURE, SIGN, FENCE, WALL, MAN-MADE BERM, OR OTHER OBSTRUCTION TO VISION SHALL BE INSTALLED, CONSTRUCTED, SET OUT, OR MAINTAINED SO AS TO OBSTRUCT CROSS-VISIBILITY IN THE SIGHT TRIANGLE BETWEEN 50 INCHES AND 72 INCHES ABOVE THE LEVEL OF THE CENTER OF THE STREET INTERSECTION.
- PER ARTICLE 7.7.3, SUPPLEMENTAL LANDSCAPING PROVISIONS FOR RESIDENTIAL LOT TREES:
 - NEW TREES - IN ORDER TO MAINTAIN OR REPLENISH THE URBAN TREE CANOPY IN AREAS OF NEW RESIDENTIAL SUBDIVISION, EXCEPT WHEN LOCATED IN THE TOWN-RE ZONING DISTRICT, EACH LOT SHALL PROVIDE CANOPY TREES IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

Lot Size	Required Number of Canopy Trees
Less than 10,000 sq. ft.	1 Front yard, 1 Rear Yard
10,000-15,000 sq. ft.	1 Front yard, 2 Rear Yard
15,001-20,000 sq. ft.	2 Front yard, 2 Rear Yard
More than 20,000 sq. ft.	3 Front yard, 3 Rear Yard
 - EXISTING TREES - THE USAGE OF EXISTING TREES TO SATISFY THIS REQUIREMENT IS ENCOURAGED. SUPPLEMENTAL PLANTINGS MAY BE REQUIRED IN ADDITION TO NATIVE MATERIAL. EXISTING CANOPY TREES OVER 6" IN CALIPER MAY BE COUNTED TOWARDS FULFILLING THIS REQUIREMENT. REQUIRED STREET TREES MAY NOT BE COUNTED TOWARDS THE FULFILLMENT OF THIS REQUIREMENT.
 - LOCATION AND SPACING - ALL TREES REQUIRED WITHIN THIS SECTION SHALL BE PLANTED WITHIN THE PRIVATE LOT AND MUST BE SPACED AT A WIDTH SUFFICIENT TO ACCOMMODATE MATURE GROWTH. ALL TREES SHALL BE LISTED AS AN APPROVED TREE ON THE TOWN OF HUNTERSVILLE TREE AND SHRUB LIST.



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PLANTING PLAN

Project No.

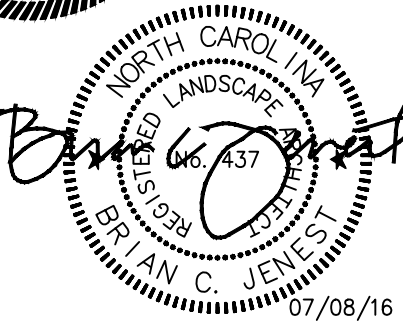
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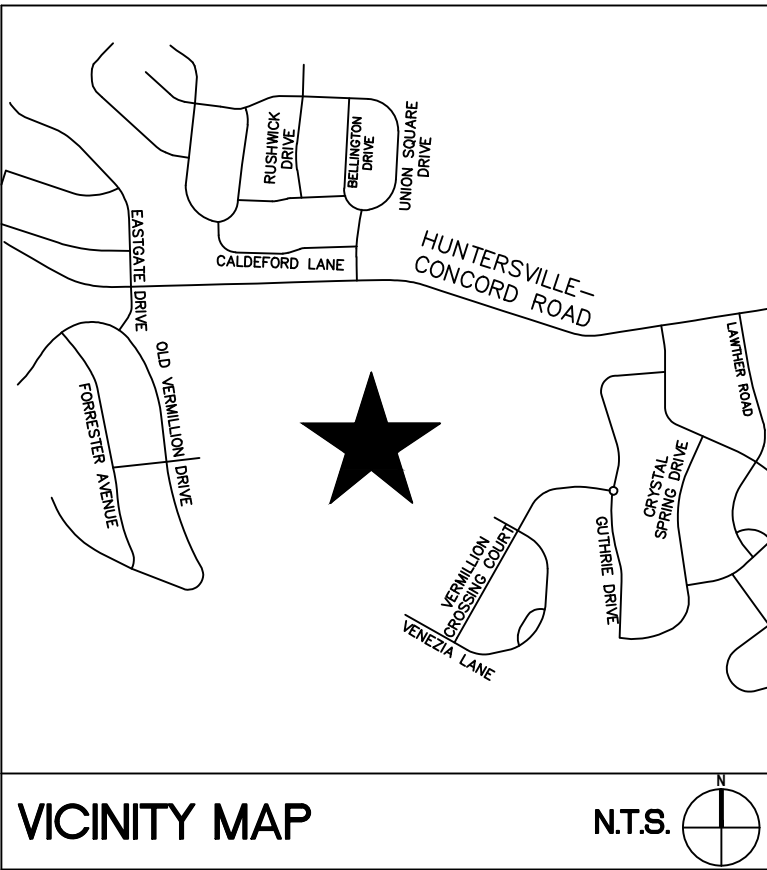
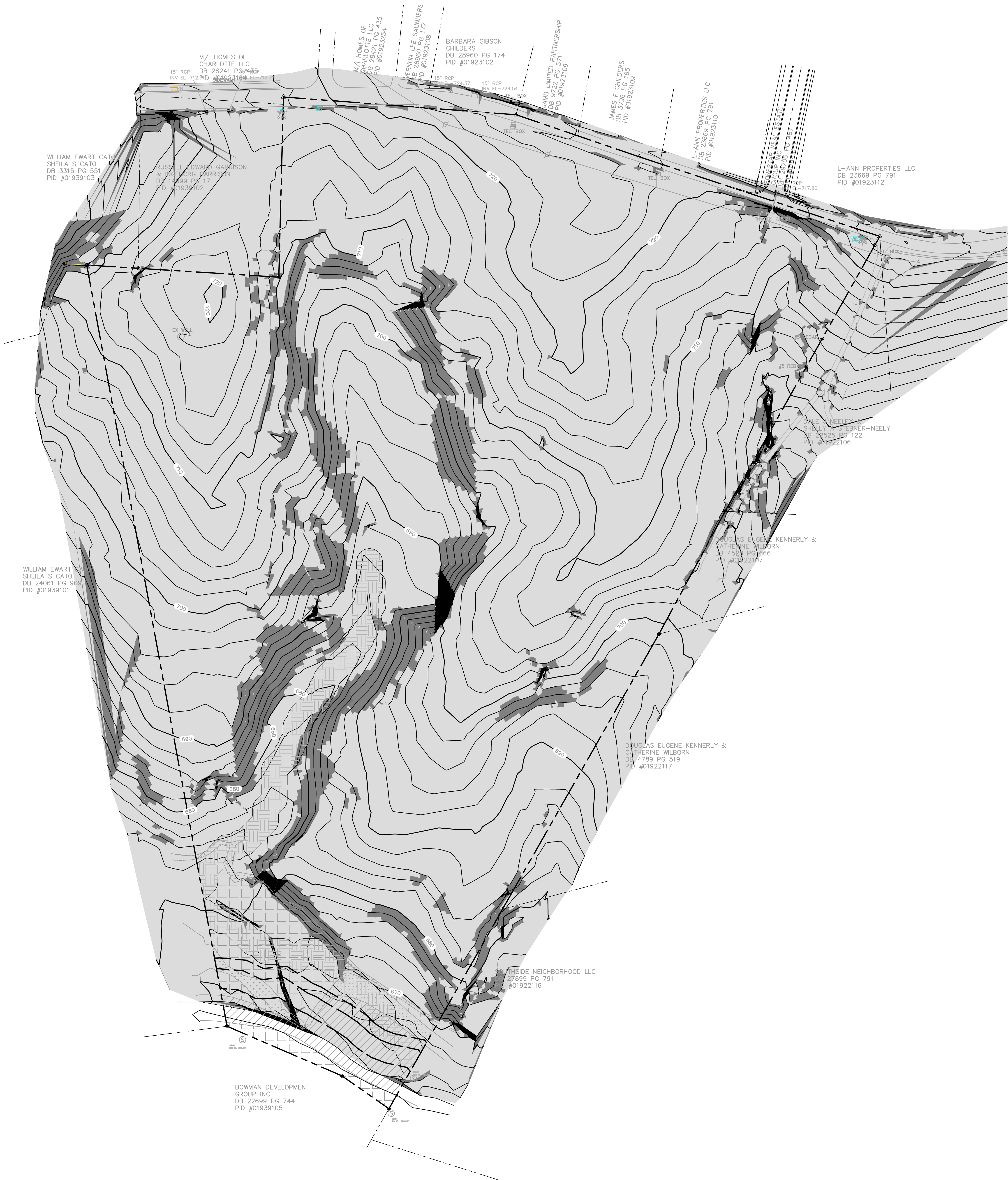


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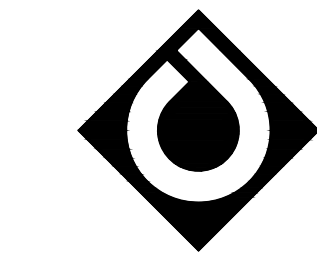
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LEGEND	
SYMBOL	
	SLOPES LESS THAN 10% - 10.88 AC
	SLOPES BETWEEN 10%-15% - 2.75 AC
	SLOPES BETWEEN 15%-25% - 0.85 AC
	SLOPES GREATER THAN 25% - 1.27 AC

CONTOURS SHOWN ARE FROM GIS INFORMATION



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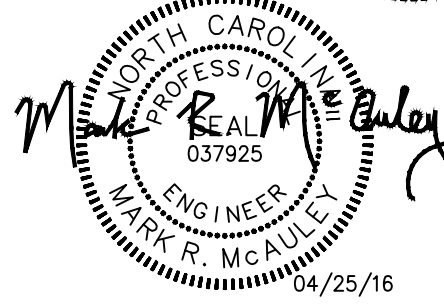
**SLOPE
ANALYSIS**

Project No.
4447

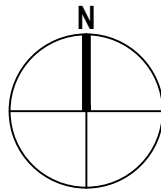
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SCALE: 1"=100'
0 50' 100' 200'



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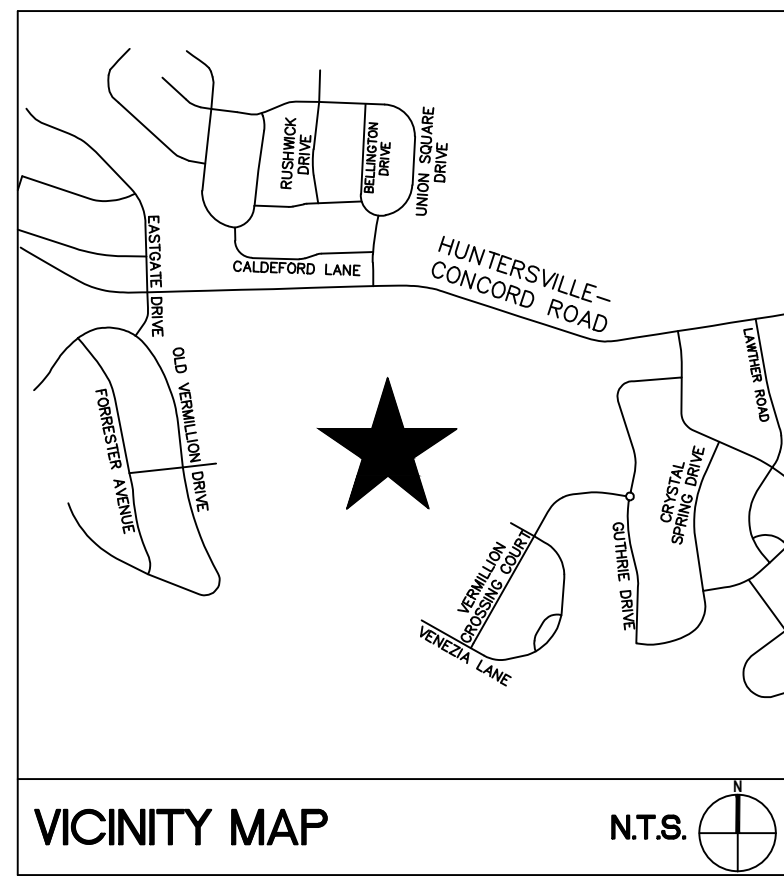
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PARCEL LEGEND

PARCEL #	PARCEL ID	PARCEL OWNER	MAILING ADDRESS	ZONING
①	01922108	WILLIAM E. CATO	13110 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
②	01922101	WILLIAM E. CATO C/O SHEILA S. CATO	13110 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR, NR
③	01939104	WILLIAM S. CATO	13100 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR, NR
④	01939106	WILLIAM S. CATO	13100 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR, NR
⑤	01939103	WILLIAM E. CATO C/O SHEILA S. CATO	13110 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
⑥	01939102	RUSSELL E. GARRISON C/O INGBERG GARRISON	13200 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
⑦	01923164	M/I HOMES OF CHARLOTTE, LLC	13201 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	NR(CD)
⑧	01923254	M/I HOMES OF CHARLOTTE, LLC	5350 77 CENTER DRIVE SUITE 100 CHARLOTTE, NC 28217	NR(CD)
⑨	01923122	M/I HOMES OF CHARLOTTE LLC	5350 77 CENTER DRIVE SUITE 100 CHARLOTTE, NC 28217	TR
⑩	01923108	VERNON L. SAUNDERS C/O MARTHA SAUNDERS C/O REVOCABLE TRUST VERNON & MARTHA SAUNDERS JOINT	13313 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
⑪	01923102	BARBARA G. CHILDERS C/O MARY E. G. SAUNDERS C/O VERNON L. SAUNDERS JOINT REV/TRUST VERNON & MARTHA SAUNDERS	13313 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
⑫	01923103	JAMB LIMITED PARTNERSHIP	13323 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
⑬	01923109	JAMES F. CHILDERS C/O BARBARA GIBSON	13419 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
⑭	01923110	L-ANN PROPERTIES, LLC	P.O. BOX 2642 HUNTERSVILLE, NC 28070	TR
⑮	01943117	FORESTAR REAL ESTATE GROUP INC	13124 RAMAH CHURCH ROAD HUNTERSVILLE, NC 28078	TR
⑯	01923112	L-ANN PROPERTIES, LLC	P.O. BOX 2642 HUNTERSVILLE, NC 28070	TR
⑰	01923105	L-ANN PROPERTIES, LLC	P.O. BOX 2642 HUNTERSVILLE, NC 28070	TR
⑱	01923199	MCCAR HOMES - CHARLOTTE, LLC	10150 MALLARD CREEK ROAD SUITE 106 CHARLOTTE, NC 28262	TR
⑲	01923199	MMB DEVELOPMENT ELEVEN, LP	5681 CLENRIDGE DRIVE NE SUITE 250 ATLANTA, GA 30328	TR
⑳	01922299	SOUTHSIDE NEIGHBORHOOD LLC	13815 CINNABAR PLACE HUNTERSVILLE, NC 28078	NR(TND-O)
㉑	01922106	DALE J. NEELY C/O SHELLEY A. STEBNER-NEELEY	13522 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
㉒	01922107	DOUGLAS E. KENNEDY C/O CATHERINE WILBORN	13522 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR
㉓	01922117	DOUGLAS E. KENNEDY C/O CATHERINE WILBORN	P.O. BOX 599 HUNTERSVILLE, NC 28070	TR
㉔	01922116	SOUTHSIDE NEIGHBORHOOD, LLC	13815 CINNABAR PLACE HUNTERSVILLE, NC 28078	NR(TND-O)
㉕	01937104	MECKLENBURG COUNTY C/O REAL ESTATE/FINANCE DEPT.	600 EAST 4TH STREET, 11TH FLOOR CHARLOTTE, NC 28202	TR
㉖	01937105	BOWMAN DEVELOPMENT GROUP, INC	13815 CINNABAR PLACE HUNTERSVILLE, NC 28078	TR
㉗	01939105	BOWMAN DEVELOPMENT GROUP, INC	13815 CINNABAR PLACE HUNTERSVILLE, NC 28078	TR
㉘	01939194	MARY E. CATO C/O WILLIAM E. CATO C/O JOHN H. CATO	13110 HUNTERSVILLE--CONCORD ROAD HUNTERSVILLE, NC 28078	TR, NR
㉙	01939226	MECKLENBURG COUNTY	600 EAST 4TH STREET, 11TH FLOOR CHARLOTTE, NC 28202	NR
㉚	01939225	VERMILLION, LLC, COMMUNITY ASSOCIATION INC	130 BEN CASEY DRIVE SUITE 100 FORT WILM, SC 29708	NR
㉛	01939209	LARRY L. CONYERS C/O SUSAN L. CONYERS	14323 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㉜	01939224	LAWRENCE L. DWYER C/O LINDA S. DWYER	14408 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㉝	01939223	JASON M. EARNHARDT C/O ALLYSON P. BOWMAN	14416 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㉞	01939222	MICHAEL J. LIGHT C/O DEBORAH K. LIGHT	14424 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㉟	01939221	MKE D. DAVIS C/O MARY J. DAVIS	14432 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊱	01939220	JULIE A. DOWLING C/O SCOTT C. DOWLING	14506 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊲	01939219	KEITH W. STATLER	14514 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊳	01939218	RAYMOND F. JOHNSON C/O BARBARA J. JOHNSON	14522 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊴	01939217	ANN F. O'NEAL C/O CLIFFORD M. THORN	14530 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊵	01939118	MICHAEL I. CARDWELL C/O LAUREN E. CARDWELL	14602 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊶	01939117	THOMAS J. TAUCHER C/O SHARON R. TAUCHER	14610 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊷	01939116	WILLIAM HORNOR C/O RENEE HORNOR	14616 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊸	01939115	LESUE A. PRECHTEL C/O ERIKA PRECHTEL	14624 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊹	01939114	THOMAS R. GRIFFIN C/O PATRICIA S. GRIFFIN	14700 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊺	01939113	STEPHEN G. HIX C/O DEBRA H. HIX	14708 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊻	01939112	JOHN J. MCCARTHY C/O ANNA E. MCCARTHY	14716 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊼	01939111	MARK K. NEWTON C/O JEAN M. NEWTON	14724 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊽	01939110	MATTAMY CAROLINA CORPORATION	14730 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊾	01939109	VERMILLION COMMUNITY ASSOCIATION INC	14732 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078	NR
㊿	01939193	VERMILLION COMMUNITY ASSOCIATION INC	12524 EASTGATE DRIVE HUNTERSVILLE, NC 28078	NR



SURVEY DISCLAIMER
"ALTA/ASCM LAND TITLE SURVEY" SURVEY ISSUE DATE
DECEMBER 29, 2015. PROVIDED BY R. JOE HARRIS, 127
CASEY DRIVE, SUITE 101, (803) 802-1799



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Realizing the Possibilities

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Charlotte, North Carolina 28202
p+ 704 376 1555 f+ 704 376 7851
url+ www.colejeneststone.com

CALATLANTIC HOMES

6701 CARMEL ROAD
SUITE 425
CHARLOTTE, NC 28226

**CATO
SUBDIVISION**

12920 HUNTERSVILLE-
CONCORD RD
HUNTERSVILLE, NC 28078

EXISTING ZONING AND ADJACENT PROPERTY OWNER INFORMATION

Project No.

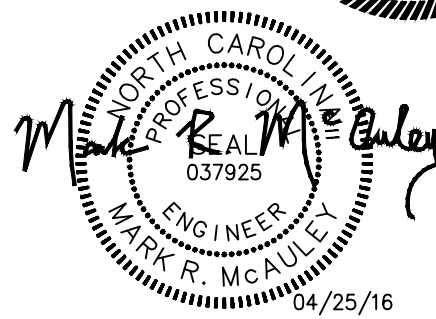
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Issued

01.05.16

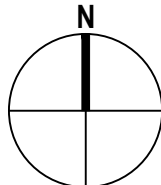
Revised

04/25/2016 - PER TOWN/COUNTY COMMENT:



04/25/1

SCALE: 1"= 150'

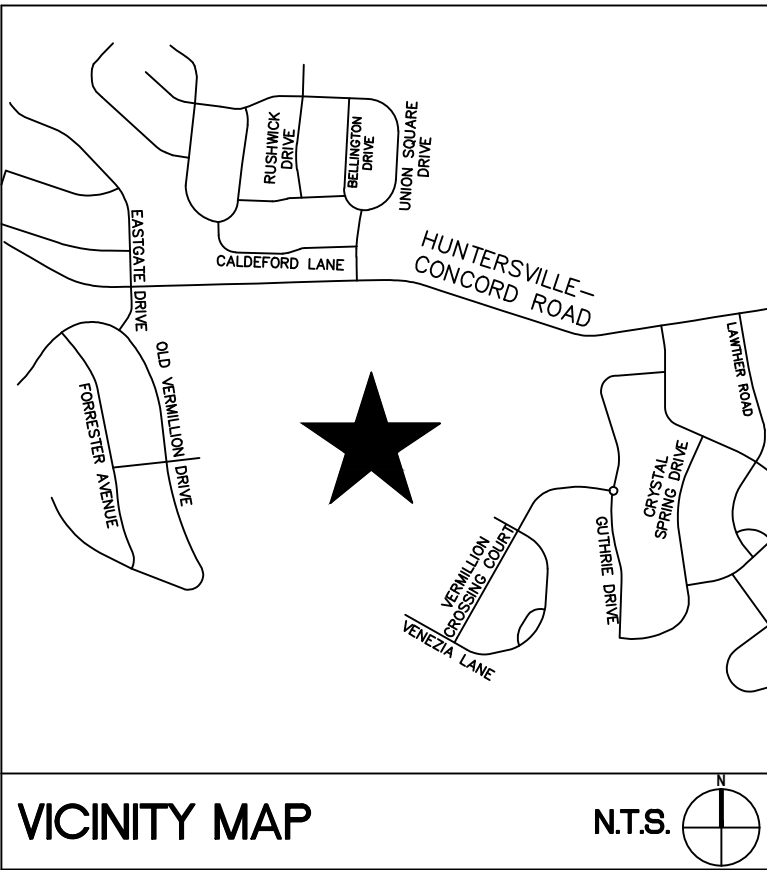
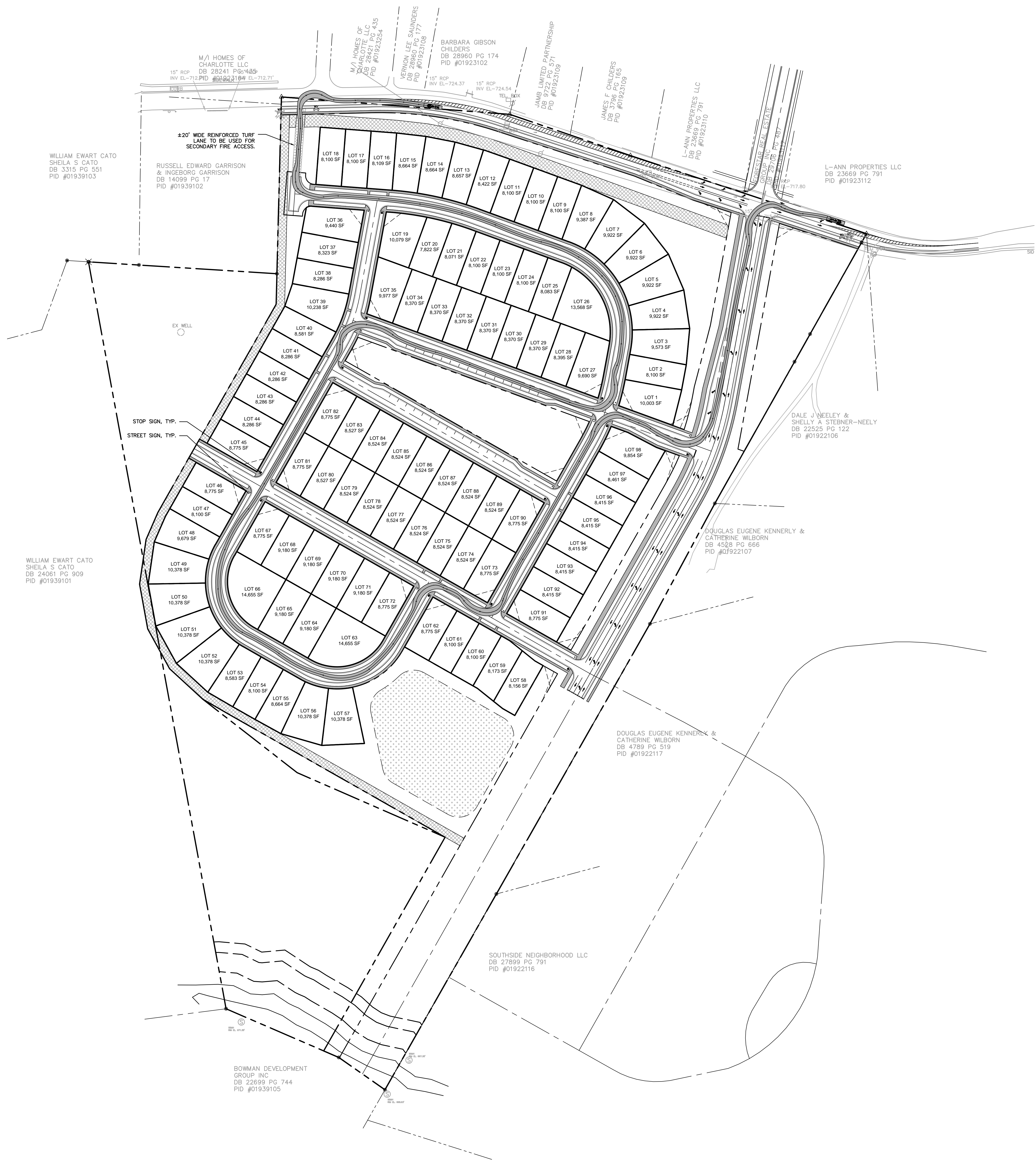


SP-6.0

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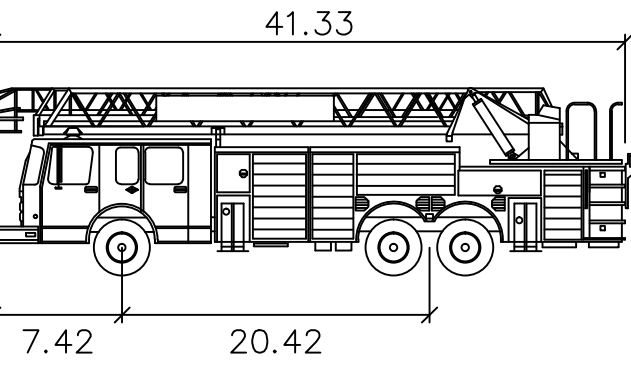
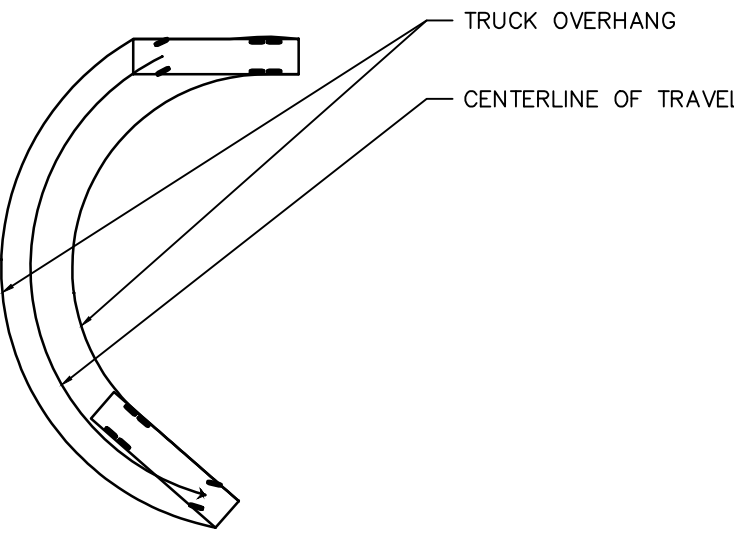
ColeJenest & Stone, P.A. 2016©

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND CHARLOTTE-MECKLENBURG UTILITIES SPECIFICATIONS.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.

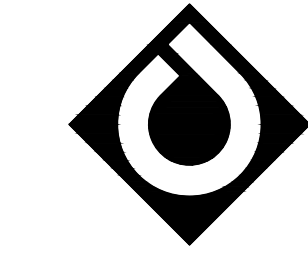


SURVEY DISCLAIMER
"ALTA/ASOM LAND TITLE SURVEY" SURVEY ISSUE DATE
DECEMBER 29, 2015. PROVIDED BY R. JOE HARRIS, 127 BEN
CASEY DRIVE, SUITE 101, (803) 802-1799

LEGEND



Fire Truck
Width : 8.25'
Track : 8.00'
Lock to Lock Time : 8.0
Steering Angle : 30.0



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12920 HUNTERSVILLE-
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HUNTERSVILLE, NC 28078

**EMERGENCY
VEHICLE EXHIBIT**

Project No.

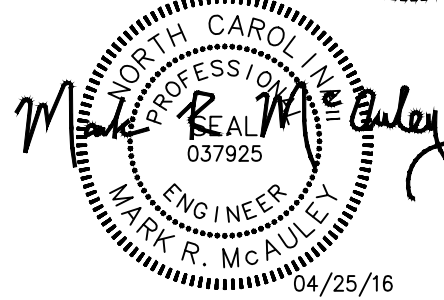
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Issued

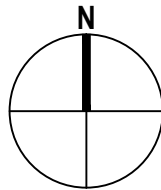
01.05.16

Revised

04/25/2016 - PER TOWN/COUNTY COMMENTS



SCALE: 1"=100'
0 50' 100' 200'

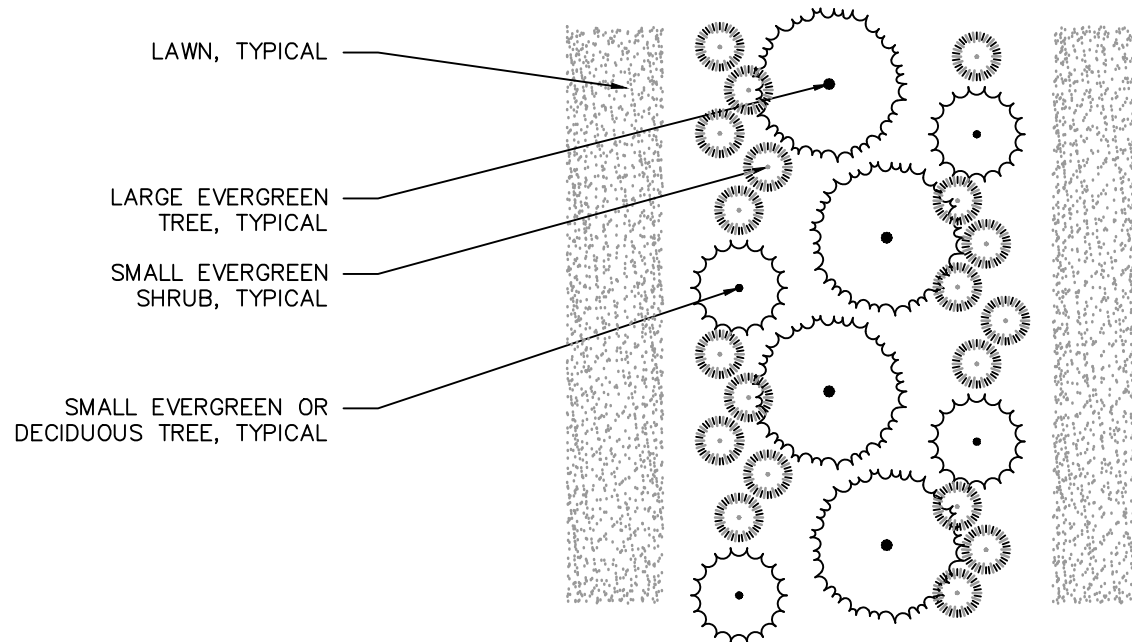
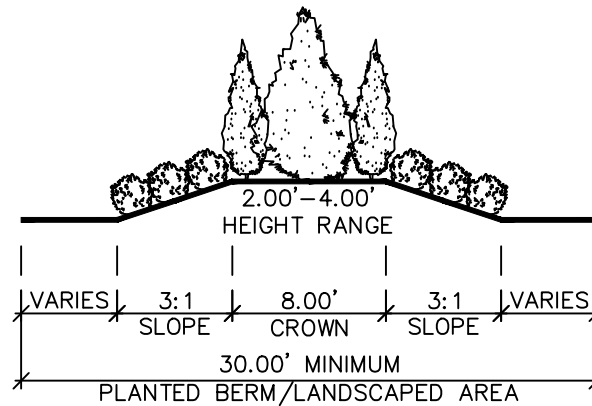


SP-7.0

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- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING
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- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE
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NOTES

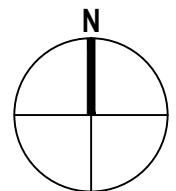
1. THE BERM SHALL MEET ALL REQUIREMENTS OF SECTION 7.4.2(g) OF THE TOWN OF HUNTERSVILLE ORDINANCE.
2. THE SECTION DEPICTED ABOVE REPRESENTS THE MINIMUM REQUIREMENTS. BERM TO BE MADE TALLER AND EXPANDED UPON WHERE APPROPRIATE AND FEASIBLE.



CATO SUBDIVISION CALATLANTIC HOMES

TYPICAL BERM SECTION/PLAN

Project No. 4447 Issued 07.08.16 SCALE: 1"= 10'



**Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Caroline Sawyer, Planning Technician
Subject: TA 16-01 Protest Petitions

TEXT AMENDMENT: TA 16-01 is a request by the Town of Huntersville Planning Department to amend Article 11.4.5 and 11.4.7(a) of the Huntersville Zoning Ordinance to reflect the changes made by NCSL 2015-160 by removing protest petitions.

ACTION RECOMMENDED:

Make a recommendation on TA 16-01.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
TA 16-01 Town Board Packet	Staff Report

TA #16-01 Amend Article 11.4.5 & 11.4.7(a), Remove Protest Petitions to Comply with NCSL 2015-160**PART 1: DESCRIPTION**

Text Amendment, TA #16-01, is a request by the Town of Huntersville to amend Article 11.4.5 and 11.4.7(a) of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to remove the protest petition provision and reflect the adopted language of North Carolina Session Law (NCSL) 2015-160 (Attachment C).

PART 2: BACKGROUND

Prior to the adoption of NCSL 2015-160 a protest petition could be filed against a zoning map amendment. Written protest against an amendment to the zoning classification of property, excepting amendments which initially zone property added to the territorial coverage of the ordinance, required a favorable vote of three fourths (3/4) of all members of the Town Board. Valid protest petitions required one of the following conditions:

1. If written protests are submitted by the owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or
2. If written protests are submitted by the owners of five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.

NCSL 2015-160 removes the protest petition option for property owners in cities and towns. Article 11.4.5 and 11.4.7(a) of the Huntersville Zoning Ordinance must be amended to reflect the adopted changes enacted by NCSL 2015-160.

The Land Development Ordinances Advisory Board (LDOAB) reviewed the proposed amendment at their April 7, 2016 meeting and recommended approval (8-0).

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan that may be incorporated into the Board's statement of consistency for approval or denial of the request.

Policy ED-14 Development and Review Process – Support efforts to improve efficiency and responsiveness of development review process for development proposals.

PART 4: STAFF RECOMMENDATION

Article 11.4.5 and 11.4.7(a) of the Huntersville Zoning Ordinance must be amended to reflect the adopted changes enacted by NCSL 2015-160. The recommendation is based on:

Consistency with policy of the Huntersville Community Plan listed above.

Amending the protest petition language in the Huntersville Zoning Ordinance to reflect the adopted language of NCSL 2015-160 will create consistency between our zoning laws and state laws.

PART 5: PUBLIC HEARING

The Public Hearing was held on June 6, 2016. No comments were received.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board meeting was held on June 28, 2016. Planning Board voted unanimously to recommend approval of the text amendment (9-0).

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

Attachment C: NCSL 2015-160

PART 8: STATEMENT OF CONSISTENCY – TA #16-01

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 16-01, to amend Article 11.4.5 and 11.4.7(a) of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy ED-14 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because doing so creates consistency between our zoning laws and state laws.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-01, to amend Article 11.4.5 and 11.4.7(a) of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with policy ED-14 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because doing so creates consistency between our zoning laws and state laws.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-01, to amend Article 11.4.5 and 11.4.7(a) of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
		<p>DENIAL: In considering the proposed amendment, TA 16-01, to amend Article 11.4.5 and 11.4.7(a) of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 4/1/2016

Name Caroline Sawyer, Town of Huntersville Planning Department Staff

Address 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078

Phone Number (home) _____ (work) 704-875-7000

Email csawyer@huntersville.org

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 11 Section: 11.4.5 & 11.4.7(a)

Current Text: Refer to Attachment B - Proposed Ordinance

Proposed Text: Refer to Attachment B - Proposed Ordinance

Reason for requested change (attach additional sheets if necessary): This is a request by the Town of Huntersville to amend Article 11.4.5 and 11.4.7(a) of the Zoning Ordinance to reflect changes made by NCSL 2015-160 by removing protest petitions.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Signatures

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

Applicant Signature: Caroline Sawyer Date: 4/1/2016

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor
Website: <http://www.huntersville.org/Departments/Planning.aspx>

**AN ORDINANCE TO AMEND ARTICLE 11.4.5 PROTESTED ZONING AMENDMENT AND 11.4.7(a)
RECOMMENDATION AND DECISION TO REFLECT THE CHANGES AMENDED BY
SESSION LAW 2015-160**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

11.4 AMENDMENT PROCESS

.5 Protested Zoning Amendment Citizen Comments

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the Town Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

~~a) Written protest against an amendment to the zoning classification of property, excepting amendments which initially zone property added to the territorial coverage of the ordinance, shall require a favorable vote of three-fourths (3/4) of all members of the Town Board. For purposes of this subsection, vacant positions on the Town Board and members who are excused from voting shall not be considered 'members of the Town Board' for calculation of the requisite supermajority. Valid protest shall require one of the following conditions:~~

- ~~1) If written protests are submitted by the owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or~~
- ~~2) If written protests are submitted by the owners of five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.~~

~~b) To be valid and effective, protest letters shall:~~

- ~~1) Be presented in writing; and~~
- ~~2) Bear the signature and address of the protesting property owner; and~~
- ~~3) State that the signer does protest the proposed amendment; and~~
- ~~4) Be received by the Town Clerk at least two working days before the date established for a public hearing on the proposed amendment, in order to establish the sufficiency and accuracy of the petition.~~

- ~~c) Any property owner may withdraw their protest at any time prior to the Board's vote on the rezoning petition. In order to withdraw signatures, the withdrawals must be in writing, identifying the rezoning protested against, and state that the submitted signatures have the purpose of deleting signers from the protest petition. Only those protest petitions that meet the qualifying standards set forth in GS 160A-385 at the time of the vote on the rezoning petition shall trigger the supermajority voting requirement. A withdrawn protest petition may not be reinstated after the deadline for filing protests set forth in (b) (4) above.~~

.7 Recommendation and Decision

- a) The Town Board may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Town Board holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing, ~~and no valid protest petition under G.S. 160A-386 was filed. If a valid protest petition under G.S. 160A-386 has been filed against a zoning petition which would otherwise have been scheduled for a public hearing during the period beginning on the first day of October prior to a municipal general election, but prior to the new Town Board taking office, then the public hearing on such petition and any decision on such petition shall be postponed until after the new Town Board takes office.~~

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW 2015-160
HOUSE BILL 201**

AN ACT TO AMEND THE PROCESS BY WHICH THE CITY COUNCILS RECEIVE
CITIZEN INPUT IN ZONING ORDINANCE AMENDMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-385(a) reads as rewritten:

"§ 160A-385. Changes.

(a) ~~Qualified Protests.~~Citizen Comments.

- (1) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. ~~In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the city council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.~~
- (2) ~~To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100 foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100 foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100 foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.~~
- (3) ~~The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district."~~

SECTION 2. G.S. 160A-386 is repealed.

SECTION 3. G.S. 122C-403(3) reads as rewritten:

- "(3) Regulate the development of the reservation in accordance with the powers granted in Article 19, Parts 2, 3, 3C, 5, 6, and 7, of Chapter 160A of the



General Statutes. The Secretary may not, however, grant a special use permit, a conditional use permit, or a special exception under Part 3 of that Article. In addition, the Secretary is not required to notify landowners of zoning classification actions under G.S. 160A-384, ~~and the protest petition requirements in G.S. 160A-385, and 160A-386 do not apply,~~ but the Secretary shall give the mayor of the Town of Butner at least 14 days' advance written notice of any proposed zoning change. The Secretary may designate Advisory establish a board to act like a Board of Adjustment to make recommendations to the Secretary concerning implementation of plans for the development of the reservation. When acting as a Board of Adjustment, Advisory that board shall be subject to subsections (b), (c), (d), (f), and (g) of G.S. 160A-388."

SECTION 4. This act also repeals any local act authority for submission, review, or action by any municipality upon any zoning protest petition, whether or not enacted as a provision in a municipal charter.

SECTION 5. G.S. 160A-75 reads as rewritten:

"§ 160A-75. Voting.

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In all other ~~eases, cases except votes taken under G.S. 160A-385,~~ a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

SECTION 6. This act becomes effective August 1, 2015, and applies to zoning ordinance changes initiated on or after that date.

In the General Assembly read three times and ratified this the 16th day of July, 2015.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 10:30 a.m. this 17th day of July, 2015

Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Caroline Sawyer, Planning Technician
Subject: TA 16-02 Home Occupations

TEXT AMENDMENT: TA 16-02 is a request by the Town of Huntersville Planning Department to amend Article 3.2.7 Highway Commercial District, Article 3.2.8 Campus Institutional District, Corporate Business District, 3.2.9, and Article 3.2.14 Transit Oriented Development - Employment District to allow for home occupations as a permitted accessory use.

ACTION RECOMMENDED:

Make a recommendation on TA 16-02.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
□ TA 16-02 Town Board Packet	Staff Report

TA #16-02 Amend Article 3.2.7 Highway Commercial (HC) District, Article 3.2.8 Campus Institutional (CI) District, Article 3.2.9 Corporate Business (CB) District, and Article 3.2.14 Transit-Oriented Development – Employment (TOD-E) District to Allow Home Occupations as a Permitted Accessory Use

PART 1: DESCRIPTION

Text Amendment, TA #16-02, is a request by the Town of Huntersville to amend Article 3.2.7 Highway Commercial (HC) District, Article 3.2.8 Campus Institutional (CI) District, Article 3.2.9 Corporate Business (CB) District, and Article 3.2.14 Transit-Oriented Development – Employment (TOD-E) District of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to allow Home Occupations as a permitted accessory use.

PART 2: BACKGROUND

Home Occupations are defined as “a business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building” (Article 12.2.1, Huntersville Zoning Ordinance). In Huntersville, Home Occupations are permitted as an accessory use in all residential districts. The Highway Commercial (HC), Campus Institutional (CI), Corporate Business (CB), and Transit-Oriented Development – Employment (TOD-E) Districts allow residential uses (see Attachment C, Use Matrix) but do not currently permit Home Occupations. Since the aforementioned zoning districts permit residential uses, consideration should be given to adding Home Occupations as a permitted accessory use in all districts which allow residential uses.

The Land Development Ordinances Advisory Board (LDOAB) reviewed the proposed amendment at their April 7, 2016 meeting and recommended approval (8-0).

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan that may be incorporated into the Board’s statement of consistency for approval or denial of the request.

Policy ED-1 Diversify Tax Base – Continue to look for ways to expand and diversify the employment base in Huntersville.

PART 4: STAFF RECOMMENDATION

Staff recommends amending Article 3.2.7 Highway Commercial (HC) District, Article 3.2.8 Campus Institutional (CI) District, Article 3.2.9 Corporate Business (CB) District, and Article 3.2.14 Transit-Oriented Development – Employment (TOD-E) District of the Huntersville Zoning Ordinance to permit Home Occupations as an accessory use. The recommendation is based on:

Consistency with policy of the Huntersville Community Plan listed above.

Amending the Zoning Ordinance so that Home Occupations are permitted in all districts that allow residential uses creates equal opportunity for Huntersville residents to operate a Home Occupation in all zoning districts which allow residential uses.

PART 5: PUBLIC HEARING

The Public Hearing was held on June 6, 2016. No comments were received.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board meeting was held on June 28, 2016. Planning Board voted unanimously to recommend approval of the text amendment (9-0).

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

Attachment C: Use Matrix

PART 8: STATEMENT OF CONSISTENCY – TA #16-02

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy ED-1 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because doing so creates equal opportunity for Huntersville residents to operate a Home Occupation in all zoning districts which allow residential uses.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with policy ED-1 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because doing so creates equal opportunity for Huntersville residents to operate a Home Occupation in all zoning districts which allow residential uses.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
		<p>DENIAL: In considering the proposed amendment, TA 16-02, to amend Article 3.2.7, Article 3.2.8, Article 3.2.9, and Article 3.2.14 of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 4/1/2016

Name Huntersville Planning Department

Address 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078

Phone Number (home) 704-875-7000 (work) 704-875-7000

Email: csawyer@huntersville.org

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee

\$400.00

Type of Change

☒ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☐ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 3 Section: Permitted Accessory Uses – Article 3.2.7, 3.2.8, 3.2.9, & 3.2.14

Current Text: N/A

Proposed Text: Add “home occupation (9.19)” to Permitted Accessory Uses section in Article 3.2.7 Highway Commercial (HC) District, 3.2.8 Campus Institutional (CI) District, 3.2.9 Corporate Business (CB) District, 3.2.14 Transit-Oriented Development – Employment (TOD-E) District

Reason for requested change (attach additional sheets if necessary): Currently, the Highway Commercial (HC), Campus Institutional (CI), Corporate Business (CB), and Transit-Oriented Development – Employment (TOD-E) districts allow residential uses. Home occupations are accessory to residential uses and should be included in the HC, CI, CB, and TOD-E districts.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Signatures

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



Applicant Signature:

Date: 4/1/2016

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone:	704-875-7000
Fax:	704-875-6546
Physical Address:	105 Gilead Road, Third Floor
Website:	http://www.huntersville.org/Departments/Planning.aspx

AN ORDINANCE TO AMEND ARTICLE 3.2.7 (HC), ARTICLE 3.2.8 (CI), ARTICLE 3.2.9 (CB), AND ARTICLE 3.2.14 (TOD-E) TO ALLOW HOME OCCUPATIONS AS A PERMITTED ACCESSORY USE

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

3.2.7 HIGHWAY COMMERCIAL DISTRICT (HC)

c) Permitted Accessory Uses

- commercial outdoor kennels, (9.10)
- drive through windows associated with any use, (9.12)
- helistop, (9.18)
- **home occupations, (9.19)**
- outdoor storage, excluding construction equipment, (9.26)
- solar energy facilities, minor non-residential; on a flat roof, roof slopes not facing a street and building integrated solar panels on roof slopes facing a street that are not noticeable, (9.54)
- solar energy facilities, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- stalls or merchandise stands for outdoor sale of goods at street front; outdoor storage must be behind building and screened from view from public spaces[8]
- warehousing accessory to merchandise showroom, within an enclosed building
- accessory uses permitted in all districts, (8.11)

3.2.8 CAMPUS INSTITUTIONAL DISTRICT (CI)

c) Permitted Accessory Uses

- commercial uses and structures that are clearly accessory to a permitted principal use helistop, (9.18)
- **home occupations, (9.19)**
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- solar facility, rooftop minor nonresidential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- accessory uses permitted in all districts, (8.11)

3.2.9 CORPORATE BUSINESS DISTRICT (CB)

c) Permitted Accessory Uses

- attached single family and multi-family homes intended for use by personnel employed for security or maintenance

- attached single family and multi-family homes in a corporate business development of 400 acres or more, with an approved vested plan so long as:(a). the gross land area of the attached single family and/or multi-family housing development(s) does not exceed 8 percent of the gross land area in the corporate business development; and (b). the number of attached single-family and/or multi-family housing developments within the corporate business development is limited to 2.
- helistop, (9.18)
- **home occupations, (9.19)**
- outdoor storage, excluding the storage of construction equipment, (9.26)
- retail, restaurant, personal services, branch banks, conference facilities, clinics, indoor recreation and similar workplace support uses up to 10 percent of gross floor area within the business or light industrial park or 70,000 SF, whichever is less
- solar facilities, minor non-residential; on a flat roof, roof slopes not facing a street and building integrated solar panels on roof slopes facing a street that are not noticeable, (9.54)
- solar energy facilities, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- accessory uses permitted in all districts, (8.11)

3.2.14 TRANSIT-ORIENTED DEVELOPMENT-EMPLOYMENT DISTRICT (TOD-E)

c) Permitted Accessory Uses

- **home occupations, (9.19)**
- parking lot as an accessory to any permitted principal use, on the same lot or on an abutting lot according to the standards of Article 6
- retail, restaurant, bars and taverns, personal services, clinics and similar workplace support uses up to 20 percent of first floor area of any building, or of a multi-building project taken as a whole
- solar energy facilities, minor non-residential; on a flat roof, roof slopes not facing a street and building integrated solar panels on roof slopes facing a street that are not noticeable, (9.54)
- solar energy facilities, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- warehousing not to exceed 25% of the finished floor area of the principal use
- accessory uses permitted in all districts, (8.11)

New Text = Bold and Underlined

Section 2. That this ordinance shall become effective upon adoption.

PUBLIC HEARING DATE: June 6, 2016

PLANNING BOARD MEETING:

PLANNING BOARD RECOMMENDATION:

TOWN BOARD DECISION:

Residential Uses Permitted in HC, CI, CB, and TOD-E Districts	
Zoning District	Residential Use(s) Permitted
Highway Commercial (HC)	<u>Permitted by Right</u> : Single-family and multi-family homes.
Campus Institutional (CI)	<u>Permitted by Right</u> : Single-family and multi-family homes on the premises which are intended for use by employee(s) of the institution or of the companies providing on-site services to the institution.
Corporate Business (CB)	<u>Permitted Accessory Uses</u> : (1) Attached single-family and multi-family homes intended for use by personnel employed for security or maintenance; (2) Attached single-family and multi-family homes in a corporate business development of 400 acres or more, with an approved vested plan so long as: (a) the gross land area of the attached single-family and/or multi-family housing development(s) does not exceed 8 percent of the gross land area in the corporate business development; and (b) the number of attached single-family and/or multi-family housing developments within the corporate business development is limited to 2.
Transit-Oriented Development - Employment (TOD-E)	<u>Uses Permitted With Conditions</u> : (1) multi-family homes in mixed use buildings; and (2) single family attached homes in mixed use buildings.

**Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Meredith Nesbitt, Planner I
Subject: TA 16-03, SWIM Buffer Appeals and Variances

TA 16-03 is a request by the Town of Huntersville Planning Department to amend Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances, of the Huntersville Zoning Ordinance to reflect the changes made by House Bill 276.

ACTION RECOMMENDED:

Take final action on TA 16-03.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

Description	Type
TA 16-03 Town Board Staff Report	Cover Memo

TA #16-03 Amend Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances

PART 1: DESCRIPTION

Text Amendment, TA #16-03, is a request by the Town of Huntersville to amend Article 8.25.11 S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to reflect changes made by House Bill 276, ratified by State Legislature on June 10, 2013.

PART 2: BACKGROUND

State Legislature ratified House Bill 276, which became effective October 7, 2013. On September 24, 2013, Town Board members voted to amend Article 11.3.1-2 to comply with House Bill 276. Text Amendment #16-03 was initiated to clean up references in Article 8.25.11 pointing to the Board of Adjustment criteria found in Article 11.3.1-2.

The Land Development Ordinance Advisory Board (LDOAB) reviewed the proposed amendment at their June 2, 2016 meeting and recommended approval (8-0).

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan that may be incorporated into the Board's statement of consistency for approval or denial of the request.

Policy ED-14: Development Review Process – Support efforts to improve efficiency and responsiveness of development review process for development proposals.

PART 4: STAFF RECOMMENDATION

Staff recommends amending Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances. The recommendation is based on:

- Consistency with policy of the Huntersville Community Plan listed above.
- Amending Article 8.25.11 cleans up reference links in the Town's Zoning Ordinance.

PART 5: PUBLIC HEARING

The Public Hearing was held on June 6, 2016. No comments from the public or Town Board members were received.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board meeting was held on June 28, 2016. The Planning Board recommended unanimous (9-0) approval of the Text Amendment as presented.

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application
Attachment B: Proposed Ordinance

PART 8: STATEMENT OF CONSISTENCY – TA #16-03

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 16-03, to amend Article 8.25.11 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy ED-1.14 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because, the approval process is streamlined while maintaining adequate public input.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-03, to amend Article 8.25.11 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with The Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because the approval process is streamlined while maintaining adequate public input.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-03, to amend Article 8.25.11 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
		<p>DENIAL: In considering the proposed amendment, TA 16-03, to amend Article 8.25.11 of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 4-1-16

Name Huntersville Planning Department

Address 105 Gilead Road, 3rd Floor, Huntersville, NC 28078

Phone Number (home) N/A (work) 704-875-7000

Email mnesbitt@Huntersville.org

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee

\$400.00

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 8 Section: 8.25.11

Current Text: Attached

Proposed Text: Attached

Reason for requested change (attach additional sheets if necessary): To reflect changes made by House Bill 276.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Signatures

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

Applicant Signature: Meredith M. Nesbitt Date: 4-1-16

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor
Website: <http://www.huntersville.org/Departments/Planning.aspx>

AN ORDINANCE TO AMEND ARTICLE 8.25.11 S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances.

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

8.25.11 Appeals and Variances.

- a) An appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall comply with the procedures and standards of Section 11.3 of these ordinances.
- b) Special Variance Provisions/Mitigation Techniques.
 - When “~~practical difficulties or unnecessary hardships~~”, as defined in Section 11.3.2 f ~~e~~ , would result from strict adherence to the buffer width requirements and/or buffer treatment standards, a petition for variance may be filed with the Huntersville Board of Adjustment in compliance with the procedures and standards of Section 11.3.
 - Site specific mitigation plans using the mitigation techniques set out below and approved by the designated agency shall be construed by the Board of Adjustment to be evidence responsive to Section 11.3.2 f ~~e~~), subparagraph 1) ~~(b) and 1) (c)~~ **4** – consistency with adopted plans and protection of public safety and welfare. Specifications for these mitigation techniques are provided in the Charlotte-Mecklenburg Buffer Implementation Guidelines (for Structural BMPs). The techniques below are not construed to offset the requirement of Section 8.25.6 for diffuse flow.

Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Janet Pierson, Town Clerk
Subject: Approval of Minutes

Consider approving minutes of the June 6, 2016 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

Description	Type
□ Draft Minutes	Backup Material

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**June 6, 2016
6:30 p.m. – Huntersville Town Hall**

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 6:00 p.m. on June 6, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, Rob Kidwell and Danny Phillips.

The Board of Commissioners participated in meet and greet with applicants for vacancies on the Planning Board and Board of Adjustment.

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on June 6, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, Rob Kidwell and Danny Phillips.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- A call for a public hearing to consider the sale of 9.11 acres in Commerce Station is on the Consent Agenda.

Commissioner Bales

- The next meeting of the Lake Norman Transportation Commission is June 15.
- The Lake Norman Economic Development Corporation has 14 active projects.
- The Lake Norman Education Collaborative participated with the lake Norman Chamber of Commerce at the Chamber Expo.

Commissioner Boone

- The Land Development Ordinances Advisory Board met on June 2 and received a presentation on code enforcement for small businesses. The next meeting is July 7.
- North Mecklenburg Rescue Squad received 914 calls for service during the first quarter. It has been 6 months since ISO rating for fire insurance went down.

Commissioner Gibbons

- The NC 73 Council of Planning met last week and passed a resolution asking the CRTPO members to in the Division 10 and 12 of NCDOT to apply maximum points to the NC 73 project between Highway 16 and Vance Road Extension.
- Attended the CRTPO meeting in Commissioner Kidwell's absence. The scoring for the projects that had come back from Raleigh were discussed.
- The next meeting of the Mecklenburg Veterans Council is tomorrow.

Commissioner Guignard

- The next meeting of the Planning Coordinating Committee is in September.
- Expressed appreciation to the applicants for the Board of Adjustment and Planning Board.
- During the past two weeks, handed out scholarships on behalf of Angels of 97.

Commissioner Kidwell – No Report

Commissioner Phillips

- The Lake Norman Chamber of Commerce Business Expo was a success. Announced upcoming Lake Norman Chamber and Visit Lake Norman events.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mark Rondina, 10128 Hambright Road, addressed the Board in opposition to the rezoning. We are not against the school, but are against taking 39 acres out of the Commercial land. Also expressed concerns about the grades of some intersections as indicated in the TIA.

Joanna Shook, 11921 Snapping Turtle Lane, former LNCS teacher and currently a mother in Huntersville, addressed the Board in support of the rezoning. LNCS is a great school and may determine where people live.

Jeff Neely, 10214 Linksland Drive, addressed the Board on behalf of the Huntersville Chamber of Commerce. After a 90 day transition period, the Huntersville Connection officially became the Huntersville Chamber of Commerce on June 1, 2016. Our first Members Only event will be held June 21 at the Huntersville Police Department.

Eric Ferguson, 10020 Hambright Road, addressed the Board in opposition of the rezoning – believes it should remain zoned Commercial.

Janet Swearngan, 10115 Hambright Road, addressed the Board in opposition to the rezoning. We are not against the school, it's just the wrong place. Our concerns with the school are the impact to the 2030 Plan, the precedent of using the commercial land for a non-profit and the loss of the tax dollars that you are going to bring on this property. Other concerns include devaluing of our property, safety, traffic and growth of the school that would result in an increase in students.

Mike Devito, 8414 Shady Vale Lane, addressed the Board in support of funding the requested officers for the Police Department.

Tom Slymon, 13343 Mercer Drive, addressed the Board in support of funding the requested officers for the Police Department.

Valerie Norris, 108 Nitsa Lane, yielded her time to Scott Abel.

Scott Abel, 534 Havenbrook Way, LNCS Director of Facilities, addressed the Board in support of the rezoning and made the following points to the Board.

- Citizens potentially could have access to gyms/fields through partnership with Huntersville Parks & Recreation.
- Elementary school will bring 45 jobs to the community.
- It will help with overcrowding.
- This location seemed most viable out of 22 possible sites that were looked at.
- A TIA was done based on the school's existing zip codes which lead to intersections that would require certain mitigations. LNCS is asking for modifications to those requirements.
- To date we have spent nearly \$200,000 on due diligence, traffic studies, everything required to get where we are today.
- The Planning Board did vote to approve this project based on meeting certain ordinances.
- The ordinance is a living, breathing document and the Board has the option to vote to modify it for the best interest of the citizens
- LNCS vows not to exceed 550 students.
- LNCS is willing to commit to 1,000 linear feet of fence down the western property line to act as a buffer in combination with opaque vegetation buffer.
- LNCS is willing to commit \$500,000 to bring a water main to this project, which would help bring commercial business development to this particular area.

Jane Vizard, 6105 McIlwaine Road, Mr. Abel spoke on my behalf.

Terri Costa, 4712 Deer Cross Trail, Mr. Abel spoke on my behalf.

Elizabeth Padgett, 16639 Spruell Street, Mr. Abel spoke on my behalf.

Michelle Holland, 21320 Blakely Shores, Mr. Abel spoke on my behalf.

Mike Moses, 9316 Gilead Hill Court, founding pastor of Lake Forest Church, addressed the Board in support of the rezoning. Lake Forest Church has partnered with LNCS on different projects to serve various parts of the town and believes LNCS would invest in partnering with community organizations for the betterment of the community.

Patrick McCormick, 13339 Mercer Drive, addressed the Board in support of the Town Manager's recommended budget to give the Police Department their staffing and resources needed to deliver timely and high quality services.

Mike Dow, 6226 Tulip Poplar, addressed the Board in support of the rezoning. LNCS is great school.

Gary Knox, 16740 Birkdale Commons Parkway, real estate broker retained by LNCS. The question has been was every site exhausted – absolutely to the context of what works within the criteria and would be able to accommodate the concerns you have. Going back to the question about whether or not this plan is in keeping with the 2030 Plan, if you read the language of the 2030 Plan you would find that we are absolutely in step as partners as it relates to creating a sustainable community. Good schools is paramount to businesses locating in Huntersville. This site is supported by the EDC as well as your staff. This location is in your Zone 5 of your Economic Development Plan. Zone 5 is considered the least mature because it has several things running against it including the least amount of public utilities. We would be in the economic development business as your partner because not only are we running a water line for the school site, it qualifies as a water transmission line the full run of Hambright so that other parcels zoned Business Campus would have readily available water. As far as where we are with the TIA and site recommendations, that is a byproduct of a 500 page, \$50,000 TIA that's required by the Town through a third party vetted through NCDOT and your staff. We are not comfortable with the recommendations nor can we afford them because the lenders will not collateralize offsite improvements. It's a financial impossibility to put those mitigation conditions on this application. We ask that you vote and approve the application in front of you because that's what's manageable for the school and in closing the other side of that would be that we bring a great deal to the table that we have not collectively gone through an economic analysis. We provide active and passive open space, the collaborative use of recreational facilities, etc.

Robert Tripp, 6119 Downfield Wood Drive, Charlotte, present to answer any questions about the plan.

Joel Helms, 1 Oak Grove Road, Arden, Lake Norman Charter design team, present to answer any questions.

AGENDA CHANGES

Commissioner Guignard made a motion to add Item F under Other Business – Consider authorizing the Town Manager to execute purchase and installation agreement with Southern Mechanical Services for the remaining RTU's as approved with the 2017 budget.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Commissioner Guignard made a motion to adopt the agenda, as amended.

Commissioner Phillips seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Jennifer Davis, Janice Lewis, Susan Thomas, Hal Bankirer, Joe Sailers and Joanne Miller.

Petition #R16-02. Mayor Aneralla called to order public hearing on Petition #R16-02, a request by Calatlantic Homes to rezone 73.274 acres located along Huntersville-Concord Road (west of Mirabella

subdivision) from Transitional Residential to Neighborhood Residential – Conditional District to create a 98 lot single-family subdivision.

David Peete, Principal Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 1.* This property is a grand total of 74 acres located on the east side of town, along Huntersville-Concord Road. The uniqueness of this particular rezoning request is that 45 acres of it is actually looking to be subdivided and that sketch plan will come to you shortly after going to the Planning Board, so that is not before you tonight. The remaining 29 acres is part of this request but it is not part of the conditional district element. It is just a straight rezoning. The request is to go from TR to NR for continuity sake. And then its use will be for tree farming is the proposal.

The 45 acres would be for a 98 home subdivision. The 29 acres would just be vacant. You can see in the Staff Report that the Neighborhood Meeting was held on March 3. Several property owners were in attendance and there was not a lot of comment about the actual development proposed, it was mostly about transportation issues on Huntersville-Concord Road.

The applicants are providing the entire length of right-of-way from Huntersville-Concord Road down to the creek. That is dedication to DOT and then they will be building from this portion back up for their own purposes and that will be built in essentially the ultimate cross-section that it would ultimately be. They are going to provide a 2 acre park in the middle of the development. Their tree preservation for this project is three times the minimum of the ordinance and this portion where the homes will be is also going to be offered up for voluntary annexation. The 29 acres that will not be developed will not be offered up in this particular request.

The Staff Report outlines some elements of the Comprehensive Plan, in other words its consistency with that. The APF, all facilities were adequate for this particular request so there were no outstanding issues that they needed to address. The request was large enough to require a Transportation Impact Analysis to be produced. They have done that and they are agreeable to all of the findings.

The criteria for the rezoning in essence has three large parts to it. The proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property. I also want to point out to you the significance.....this is the black line that is in our 2030 Comprehensive Plan. The vast majority of this property is in an area outlined in the 2030 Comprehensive Plan that is eligible to be considered for intensification. The zone that they are requesting be Neighborhood Residential is even further east than they are, so this would be a bit of an infill development. We are recommending to you that it is consistent.

I've already mentioned the Adequate Public Facilities, I've mentioned the extension of the future Asbury Chapel Road. There will be additional road improvements. There will be an element of a greenway linkage. There is a greenway that's going to be built through the Walden development that will go over through Centennial. This Asbury Chapel Road will have a wide outside sidewalk, 10-12' in width, that will move down here and then there's another greenway that is planned down here and the applicants are willing to provide the easement for that future development as well. That's a nice linkage between two greenways that are on the Parks & Recreation 2014 Plan. The last element was any known archeological, environmental, historical, or cultural resources that might be impacted and we are not aware of any on this particular piece of property.

We are conditionally supportive of this particular rezoning. We are still working with the applicants on some of the minutia and a lot of this detail will come into the sketch plan.

I do want to point out a couple of things that I wanted to clarify from the Staff Report. The fifth bullet that you see there is that the buffers along Huntersville-Concord Road and the Asbury Chapel have not been shown to be adequate in what's presented. The applicants and staff are working with that. They have offered up a proposal that we think will be satisfactory and we will be working through that and that will actually begin at the Planning Board's review, so that will come back to you.

I did want to stress that on the next bullet it talks about the 10' recessed for garages. That is a recommendation that staff has asked of the applicant and it states in this report that they have indicated a willingness to provide and I'd like to say that's not their position. They would like to continue to discuss that. Their attorney Susan Irvin is here to represent the group as well as the rest of their team.

Susan Irvin, Post Office Box 2376, Davidson, said I am the attorney for the applicant. First I just want to thank David and Jack and Stephen for working with us on this plan. We've gone through this for the last 6-7 months, but I think we're at a good spot. I'd also just like to let you know that we have Mr. and Mrs. Cato here, the owners of the property.

I would just like to tell you a little bit about Calatlantic and I'm going to not go over the things that David has gone over. *PowerPoint Presentation attached hereto as Exhibit No. 2.*

This first is just an aerial of what he has already shown you. I think I left out some of the developments, but I think that gives you an idea of kind of where this property sits in relation to the surrounding developments and it gives you kind of the density that is appropriate for this environment. That is the site plan that you see. This is just a history. I like to go through a chronology of where we've been. We started out with the initial staff meeting and had a pre-application meeting in December and here we are at the public hearing on June 6 and we've gone through two staff reviews and comments.

We had a community meeting on March 3. I thought it was a really good turn-out and these are just the list of questions that were discussed and the answers. One of the things that was asked was what's the size of the house and what is the price point and the answer to that is it's probably about 2,000 to 3,000 sq. ft. and purchase price of over \$400,000. Just some questions about the sewer and water main locations and just general questions about the construction.

I wanted to give you a little more detail about the staff conditions. We've got a new requirement for 80' on a buffer. We've got basically a buffer that's 50' to 80' and we're proposing to add a berm. The 10' garage recommendation is very difficult for this because this is an age targeted community. This is going to be marketed as an age targeted neighborhood and so when you start to shift the parts of the building, it's a single story, this demographic is looking for a single-story and for that reason those houses are very long and all on one story and so they can be 85' instead of a typical 50' and when you start moving building parts you really are disrupting the floor plan and this is the floor plan that's specifically designed for this particular buyer and it's been proven in other markets in the country so we really want this to be a success and so that is a bigger issue than it seems.

The house will be 20' setback from the sidewalk and that is in compliance. This recommendation is to set the garage back 10' from the elevation of the house. EPCON recently was approved here in Huntersville and one of the things that was done there was those garages were not set back in that community but the front porches were basically set forward and so one of the things I want to talk with David about in the next few weeks is trying to come to some agreement on how we can basically try to

make everybody happy on this. Everything is engineered on this floor plan so if you are going to move the garage back that would take about half of where that garage is now. You'd move it back and then you'd pretty much have to reengineer the entire design. It makes the kitchen smaller and you have to move everything around.

Those are just the open items I wanted to point out. We've agreed on all of those. Those are some details about the greenways and the buffer and something that we'll talk to David about with the berm and these are pictures of other projects. The exterior elevation has not been determined here. This is a more of a big family type home. But the features and amenities I wanted to just give some details here. You are looking at 2,000 to 3,000 optional bonus room upstairs for an additional 900, 10' ceilings, back porch, granite counters, hardwood floors, molding upgrades and there is an amenity package that they still haven't determined but they definitely will have amenities in that 2 acres.....on-street parking, clubhouse, swimming pool, some sporting courts, and it includes yard maintenance. I also wanted to just show you some interior shots.

Commissioner Kidwell said on the back part of where the tree farming is going to happen, what's the setback on that.

Mr. Peete said the ordinance requires a minimum of 20' and that's all that is being offered.

Joe Sailers said in the proposed NR zoning where the tree farm is, if in 5 years from now they decide to cut all the trees, what can be built.

Mr. Peete said the Neighborhood Residential zone is our most flexible.

Mr. Sailers said so it could be apartments, it could be high rises.

Mr. Peete said there are limitations to apartments in terms of how many percentages that you can have, but single-family homes or something.....essentially yes, future development could occur.

Ms. Irvin said I would like to just state that property is being retained by the Cato family and they are using it for tree farming. That's not something that the developer is acquiring.

Hal Bankirer said there was mention made of a bike lane on Huntersville-Concord. Has there been discussion about putting one on the proposed Asbury Chapel side.

Ms. Irvin said there are bike lanes on that Asbury Chapel realignment.

Commissioner Bales said where's the connectivity inside this neighborhood other than the Asbury Chapel.

Mr. Peete said from a street standpoint, there is a stub here to the west and that will go to the tree farming portion. There is a stub here that aligns with Mr. Garrison's property. This is also where there will be a fire access only that will be just kind of a grass paver situation and then there will be some type of limited landscaping to shield it. So other than those two to the west, there's nothing to the south and then they have these two to the new Asbury they are building to provide connectivity for the future.

Commissioner Bales said is that going to be stubbed out to where traffic cannot get through to the tree farm area.

Mr. Peete said our typical set up is there's a barricade at the end and that will be there.

Commissioner Boone said will the fire access road be used at the time of construction or during construction.

Mr. Peete said we have not gotten to that. If that is something that you would like, we can make note of that and we will discuss it but generally speaking I think you would come in in the kind of the road that you are anticipating to be the main entrance, again we have gotten input from Mr. Garrison all through this process and I can't answer that question specifically because it really hasn't been posed but I can make note of it and we can go over that.

Commissioner Boone said I was just concerned about the neighbors that were right there if it was used as a construction entrance/exit

Ms. Irvin said we had a meeting and I didn't attend that meeting but Cole Jenest attended that meeting with Mr. Garrison after we had gotten some comments from staff to re-do the street alignment and that was one of the things that we met with Mr. Garrison about and my understanding was a representation was made to him that that would not be used for anything other than fire access.

Commissioner Guignard said for a development of this size, will there be any other road improvements required of these folks.

Stephen Trott, Town Transportation Engineer, said a traffic impact study was done for this project. Road improvements listed as part of that development were turn lanes at the development entrance for future Asbury chapel connection at Huntersville-Concord Road, left-turn lanes into the development on the future Asbury Chapel and also to meet the DOT criteria an eastbound right-turn lane on Huntersville-Concord Road at Hiawasse. Their TIA meets Article 14 of our Ordinance.

There being no further comments, Mayor Aneralla closed the public hearing.

Petition #TA16-01. Mayor Aneralla called to order public hearing on Petition #TA16-01, a request by the Town of Huntersville Planning Department to amend Article 11.4.5 and 11.4.7(a) of the Huntersville Zoning Ordinance to reflect the changes made by NCSL 2015-160 by removing protest petitions.

Caroline Sawyer, Planning Technician, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 3.*

There being no comments, Mayor Aneralla closed the public hearing.

Petition #TA16-02. Mayor Aneralla called to order public hearing on Petition #TA16-02, a request by the Town of Huntersville Planning Department to amend Article 3.2.7 Highway Commercial District, Article 3.2.8 Campus Institutional District, Article 3.2.9 Corporate Business District, and Article 3.2.14 Transit Oriented Development – Employment District to allow for home occupations as a permitted accessory use.

Caroline Sawyer, Planning Technician, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 4.*

There being no comments, Mayor Aneralla closed the public hearing.

Petition #TA16-03. Mayor Aneralla called to order public hearing on Petition #TA16-03, a request by the Town of Huntersville Planning Department to amend Article 8.25.11, S.W.I.M. (Surface Water Improvement and Management) Stream Buffer Appeals and Variances of the Huntersville Zoning Ordinance to reflect the changes made by House Bill 276.

Meredith Nesbitt, Planner I, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 5.*

There being no comments, Mayor Aneralla closed the public hearing.

OTHER BUSINESS

Adoption of Budget. Greg Ferguson, Town Manager, presented the Board with the proposed budget ordinance for FY 2016-2017. *Budget Ordinance attached hereto as Exhibit No. 6.* It is consistent with the work session agreement that was reached at the last work session. The numbers reflect some reductions in several areas and also reflect the priorities that the Board set in capital planning for this year.

Commissioner Boone made a motion to approve the Town of Huntersville Manager's recommended budget dated June 6, 2016 as stated.

Commissioner Bales seconded motion.

Commissioner Gibbons made a substitute motion with the following changes to the budget as presented: (1) under the consolidated Planning and Transportation Planning Department, I would like to have an \$80,000 reduction in the budget for consolidation purposes; (2) in the Police Department, I would like to amend the reduction in the increase to 6 percent overall for a \$400,000 reduction; and (3) I would like to move the market rate adjustment back to 0 and allow \$345,000 in the market rate adjustment. That is a total reduction in the budget increase of \$532,493 and I would also like to propose a 5/8 cent ad valorem tax reduction.

Commissioner Phillips seconded motion.

Commissioner Gibbons said I know a lot of us have talked a lot over the budget and there's been agreement, there's been great talks, but I've told everybody and nothing has changed as far as my thinking on this is I saw an increase from last year's adopted budget. Without the Enterprise and the Special Revenue funds it was proposed with a 5.68 percent increase in those funds. In speaking with the Finance Officer I was told that there would be somewhere in a 2.25 to 2.50 percent increase in our ad valorem tax projection, and it's a conservative projection, and then there's an increase of somewhere maybe up to 3.5 percent in our next highest revenue source of sales tax and that's 35 percent of the budget. I took those and looked at them and that looks to me like about a 3 percent or maybe even a little less in a total projected revenue increase and we are projecting spending quite a bit higher than that. This reduction that I've come up brings us down to where it's a 4 percent increase in the total budget, but it's a 3 percent in those funds that we can't really have any effect on. That's the overall theory of where this comes from. I think we have a room full of people here and every year we reach out and take money out of their wallet and I think Huntersville overall provides great services to the residents. We have a chance here and we have some future things coming up that I think are going to

free up some of our expenditures in the next few years and I think this half cent sales tax reduction is going to be very doable for our future and I would like to see us do that for the citizens.

Commissioner Boone said thank you for presenting this, but I will have to vote against this. I will not support it just for the fact that you've taken \$400,000 out of the Huntersville Police Department, the people we ask to do a job that we all can't do. The City of Charlotte is hiring 80 police officers. And if they get the 80 police officers, where do you think all the bad guys are going to be heading. They are going to be heading in our neighborhoods and we're going to need what we all agreed to was community policing, where we are going to have the officers out on the street and not going from stop to stop and putting one fire out. We've had an officer come in early this afternoon and say that's all he's doing is going from one call to the next, so I'm definitely not going to support your reduction of the \$400,000 from the Police or the reduction of the ½ cent sales tax.

Commissioner Guignard said if I'm not mistaken when Mr. Gibbons laid this out he said 5/8 cent and I've heard twice sales tax. Just for clarification this is ad valorem tax, this is not a sales tax. This proposal shows a \$400,000 reduction in the Police Department, however what's not being highlighted is that is still a 6 percent increase in their budget, which is 300 percent more than some other departments are getting. While we can discuss that is a \$400,000 reduction, it's still a 6 percent increase in their budget, not counting that this substitute motion has a 3 percent market rate adjustment for all employees, so that is about a 35 percent increase above the proposed budget motion and in my mind a 3 percent increase to the employees of the Police Department as well as to the rest of the employees of the Town is as good as incentive as we can have, especially considering folks like the North Carolina Senate at present are considering a 1.5 percent increase, so this is double what they are suggesting across the board across the state, not counting school teachers. Also, I would remind some folks sitting at the dais that when there was a conversation not too long ago in front of three of the elected officials over the phone that one of the high ranking members of the LGC stated to us that as long as we had a plan, that a 5/8 cent ad valorem reduction was inconsequential to us borrowing funds as we go forward on the bonds, so I am totally in support of giving a 3 percent across the board increase to all the employees and the other changes that have been motioned by my fellow commissioner Mr. Gibbons.

Commissioner Bales said I find it interesting that when we had our budget workshops and we had these discussions and we went department by department, line item by line item, and had these conversations, that there were those sitting at the dais now arguing for a 3 percent increase across the board for a cost of living adjustment that were the same individuals who didn't want to give it a couple of weeks ago and I relented then and I felt like at the last budget workshop every single one of us walked away from that table not happy, but we all walked away not happy. We all had to give. And to me that's compromise and that's working together. That's the budget that our Town Manager has presented before us tonight was our compromise. Now, I sit down at the dais to a new option. We've had banter back and forth and every commissioner knows that I've said I've compromised and I've compromised enough. I'm sticking with what we all agreed to two weeks ago. We already reduced the Police Department budget by \$150,000, to reduce it more is simply outrageous. That's our job is to protect our citizens. It is unacceptable and the question that I have is to Mr. Ferguson. I understand the implications of the decision we made two weeks ago regarding our budget and the cuts that we made. What are the implications of these cuts?

Mr. Ferguson said I don't frankly know because I didn't see that before the meeting.

Commissioner Bales said since we don't know the long-term ramifications I will not be supporting this. I will support what was presented initially and what we all originally agreed to.

Commissioner Kidwell said I appreciate you taking the time going through this and laying this out because we all take the budget very serious. We all have our own let's support this, let's reduce this. You've got six people up here, six different minds throwing things out and as Commissioner Bales said a couple of weeks ago we walked out of here not happy. At that point, she is correct, three of us wanted 3 percent, three of us didn't. It got settled at 2.25 percent increase and that was with a Police reduction of \$150,000. While I agree with reducing Planning and Transportation since they are consolidating, I cannot support a reduction of 6 percent in the Police Department nor can I support the 5/8 cent ad valorem tax reduction. Our former Finance Director, our current Finance Director, and even the group that we contract out with have said what we need to do moving forward and don't play with your tax rate – yo-yoing. We have projects coming forward, we have debt that we have to pay coming up, dropping the tax rate only to raise it even higher down the road is not a smart move. It's the wrong thing to tell the residents, it's the wrong thing to do, so I cannot support the motion currently.

Commissioner Gibbons said I've listened now to the people that disagree with this and I appreciate their comments and their reasoning. As far as the Police budget, it kind of was alluded that if you want to reduce the increase in a budget that you do not support that entity. I want to make it very clear that you can support something even without giving it everything that is asked for. I have nothing but respect and admiration for the job they do and especially in the times that we have now. Everyone alluded to the money being directly to people and I think it was very clear when we spoke at the meeting before that I didn't want to direct how the funds are spent, I don't think that's our job as Board members. I don't run the Police Department, the Chief does. The Chief knows what he has to do for policing. As a matter of fact that's a comment that the Chief even made to me in a meeting was if you are going to change my budget tell me a number, don't tell me how many officers I can have. I thought that was sound. I hope that none of my fellow Board members were surprised at a difference from me. I'm pretty sure that I told you and that I would give you a copy of what I was going to say before I did it and I ran to get into office because I did want to make some changes to how things are done. I'm one that believes that fiscal conservatism is very important – our town budgets, our city budgets, our state budgets grow and look at the problems that we can read about around the country. All I was trying to do was say we are increasing our Town budget more than what we predict our revenues to be and I think that it would be a fiscal move to stay within that.

Mayor Aneralla called for the vote on the substitute motion.

Motion was tied 3-3 – Commissioners Gibbons, Guignard and Phillips in favor; Commissioners Bales, Boone and Kidwell opposed.

Mayor Aneralla said before I vote, I want to say a few words. If my wife was here she would tell you I'm a conservative guy. I don't have any debt and I haven't had any debt for 12 or 13 years now and I think being fiscally conservative is also being fiscally responsible. We must prepare Huntersville for the future – managing our cash, our tax rate and our debt to handle not only our current needs, but our future needs. Based on our current projections of debt there was a plan given to us in February where we would start having to use our debt reserves as early as next year just to pay the interest off. Now that's still acceptable within the Local Government Commission or the AAA rating, but it's really unacceptable to me. I just don't live that way. With staff's efforts, and I appreciate staff, in tweaking basically we have prolonged that for at least another 3 years and that will depend on how much bonds we offer, what assets we sell and so forth and it's my goal over the next year to work with staff to ensure that that's as little as possible, if not zero. I think this improvement will save the taxpayers of Huntersville approximately \$500,000 worth of interest. That initiative was my initiative and I appreciate everybody's

help with that. We need to be flexible and we need to position the town possibly to accelerate some projects as the news occurred a couple of days ago, Huntersville might have to step up and we need to have that flexibility. We reduced the Manager's proposed budget by about \$400,000 so we did scrutinize. We did come to an agreement. I wanted to change the ad valorem tax. We're all taxpayers here. It's the only asset I own in Huntersville, however I think we need about a year to plan how we could cut the tax rate and pay our bills and hopefully sell some assets and so forth. The current bonds being offered that were approved by taxpayers were also approved with the knowledge of a potential 5 cent ad valorem tax increase, so we are not doing that. Basically it would be the easiest thing for me to do right now is to cut the tax rate. I ran on lower taxes. I ran on lower fees. I still believe we can do that. I think we just need another year to work together towards that goal. We have to position this town to be able to handle the growth that we have coming up. It's my goal and I'm going to hold Greg to this and staff, is to work to cut that tax rate over the course of the next year. Therefore, I will not be supporting the substitute motion.

Mayor Aneralla called for the vote on the original motion to approve the Manager's Recommended Budget as presented.

Motion was tied 3 to 3 – Commissioners Bales, Boone and Kidwell in favor; Commissioners Gibbons, Guignard and Phillips opposed.

Mayor Aneralla broke the tie by voting in favor.

Budget Ordinance attached hereto as Exhibit No. 7.

Petition #R16-03. Petition #R16-03 is a request by JV Bailey Road, LLC to amend the Highway Commercial conditional rezoning plan for the McDonald's restaurant (parcel 01715807).

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 8.* Since the public hearing there hasn't been really any change in the proposed application. It's still a request to modify the conditions of the rezoning to allow the drive-through use only to be open 24 hours. The walk-in restaurant would still be limited to a set timeframe. Staff recommends approval. The Planning Board unanimously recommended approval.

Commissioner Boone made a motion in considering Rezoning Petition #R16-03, the Town Board finds the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. We recommend approving the conditional rezoning plan for the Lake Boren Street McDonalds as shown in Rezoning Petition #R16-03. It is reasonable and in the public interest to rezone this property because it is consistent with the 2030 Plan and in the public interest.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Petition #R16-04. Petition #R16-04 is a request by Lake Norman Charter School on behalf of the property owners to conditionally rezone 39 acres (parcels 01723306 and 01723312) from Corporate Business to Campus Institutional Conditional District.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.* Since the public hearing there have been a few updates to the plan. I just wanted to

highlight a couple of the major ones. If you recall we had a discussion about the buffer with this new property being located immediately adjacent to single-family residential property, there would be an 80' buffer per code required. The applicants have altered the plan since the public hearing to propose a 40' buffer landscaped per the ordinance and staff is supportive of that.

In regard to the architectural elevations, there were some items that staff was working with the applicants on to come into conformance with the ordinance and some language that was in the code regarding the street fronting elevation and that has been updated to what you see here and I would just make a specific note because we just received this this week, so I just want to make sure that everyone is knowing that this is a part of the record and therefore a condition of the rezoning in a conceptual form.

Also, as discussed and described in detail in the Staff Report, the Traffic Impact Analysis was resubmitted, amended and accepted by the Town Public Works and Engineering staff. The TIA highlighted several intersections that are required to be mitigated to meet the Huntersville Zoning Ordinance. Here in this table on the left-hand side you will find the intersections that are proposed and the improvements to those intersections that are required to meet the ordinance. On the right-hand side of the table you will see what notes are on the rezoning plan that the applicant is requesting to be responsible for and so you have three intersections here that are in bold and italics that do not meet the requirements of the ordinance and so what the applicants are requesting then is the application of Article 14.3.3 which states that the Town Board can modify the requirements of the mitigation based upon the testimony and the engineering recommendation of our Engineering Department.

Here is just a rough sketch of the movements and the improvements that are required. The red arrows indicate the additional turn-lanes that are required to be put in to meet the requirements of the ordinance and in yellow the requested modifications at the intersection in lieu of what's proposed or required from the ordinance perspective.

Planning Staff recommends approval of the application, with conditions. We believe the application is consistent with specifically Policy CD-2 of the 2030 Community Plan and so we recommend approval with the condition that the remaining minor site plan improvements be addressed, most of the major ones have been already, and then that the applicant commit to meet the zoning requirements in regard to the traffic mitigation as outlined in the left-hand column of the table.

The Planning Board met on May 24 and discussed the application and by a 5-3 vote, they recommended approval of the application, with conditions, that the plan was consistent with the 2030 Community Plan, the Town ordinance and that it was in the best interest of the Town to approve the rezoning. The conditions are outlined in the Staff Report and they repeated the staff recommended option of having all the traffic mitigation required by the ordinance incorporated into the approved plan, the buffer be planted per ordinance requirements, which they already have put a specific note there stating that the buffer will be planted per ordinance requirements. Specific mention was made to the sewer connection as proposed and so the Planning Board felt that was important to make sure that sewer connection is put in for the development. Also, it was discussed in detail how at this point in the review NCDOT has not made specific comment about the project. The plans and the TIA and all the information has been sent up to Raleigh and to NCDOT for comment, but not much has come back yet. All the discussion about the traffic improvements, the intersection modification, all that is all well and good but because these are NCDOT roads NCDOT can later come and say well we need a few more improvements and if that's the case, the Planning Board felt it was important to make sure that the plan be contingent upon

NCDOT's future comments and any improvements that they may require. That was also in the Planning Board recommendation.

Looking back at the site plan briefly, if you will notice there were specific play fields placed adjacent to the single-family residential development, so the discussion there at the Planning Board was being so close to the residents, it probably would not be appropriate to light those fields and produce a potential nuisance, so they requested and the applicant agreed to add a condition on the plan stating that those fields would not be lit. Finally, the Staff comments that remain be addressed.

Commissioner Phillips said any further NCDOT comments to be addressed in the plan.....most of the time they have the comments before we get to this stage, don't we.

Mr. Priest said it depends. The information was sent to NCDOT and the first response that was given was a very generic statement about the application was insufficient. And so that information needed to be resubmitted and my understanding is that it has been resubmitted and we are still awaiting NCDOT comment. It's not too out of the ordinary especially in regard to a school to get comments back a little bit on the late side, especially for the school because the applicant sends those comments to Raleigh and there's a Raleigh branch that's involved in making those comments throughout the state.

Commissioner Phillips said so there's a possibility NCDOT could say they could make less road improvements, not more.

Max Buchanan, Public Works Director/Town Engineer, said the most restrictive would control. NCDOT would not lessen our requirements, but they could add to them.

Commissioner Phillips said how long do you think it would take before it comes back.

Mr. Buchanan said there's two guys doing statewide, they say it could be 60 days.

Stephen Trott, Town Transportation Engineer, said I believe they have 60 days to respond and I'd have to ask the applicant on which day they actually submitted their updated package. Their first package that was submitted was returned saying there was insufficient information, so that clock didn't start. Once they submitted their updated one, if that was deemed complete, then the clock for the 60 day review would start.

Commissioner Boone said where does the 1,000' fence start and end.

Scott Abel, LNCS, said it would start at the westernmost property line all the way up to Hambright Road and proceed all the way down the western property line all the way to where you see the SWIM buffer. Basically where you see the vegetation buffer, that's about the extent of where the fence would be terminating because the elevation as you can tell on the site plan drops off dramatically at that point.

Commissioner Boone said you have no concerns of people going back and forth through that 1,000' on the back of the property.

Mr. Abel said not with the vegetation buffer and chain link fence combined, there's no concern with that. We currently don't have anything like that on our current campus and we don't really have any problems at this point.

Commissioner Guignard said it's been mentioned several times this evening y'all have offered to limit the number of students to 550. At what point do we need to add anything to that if this were to be approved to satisfy folks that would be the limit.

Bob Blythe, Town Attorney, said that should be added as part of the plan. You have a conditional district plan petition and basically that becomes the plan and you are not able yourself to impose any additional conditions on there unless it's with the mutual consent of the petitioner under the state law. So it would appear to me that if you are going to have a hard and fast zoning rule that it has to be in the plan itself.

Mr. Priest said just a point of clarification, the current condition is a maximum of 500 students and that is a note on the plan and that is what was used in the TIA to determine the traffic counts, so a modification to 550 would change that.

Mr. Abel said 500 is fine.

Commissioner Gibbons said both staff and Planning Board said even though they approve, they approve with all TIA mitigation being complied with. Have I not heard tonight that can't happen. And there's a possibility within the next 60 days hearing from NCDOT something more restrictive.

Mr. Abel said we actually have gotten word back from NCDOT. The only inquiry at all was with our stacking plan for carpool drop-off and pick-up. There were no comments from NCDOT at all for any of the offsite improvements.

Commissioner Kidwell said I'm going to kind of harp on the TIA. Going down the list here, we've got a recommendation at Hambright and Mt. Holly-Huntersville and then you've got one at Hambright and Statesville and then at Mt. Holly-Huntersville and NC 115 where a CMS school is currently expanding but a TIA cannot be done because technically they are not adding to their student count.

Mr. Buchanan said the current new Alexander Middle School was considered a relocation of existing trips, so a TIA was not required. Any re-purpose of existing facility would require a TIA.

Commissioner Kidwell said that's a whole other subject because we are building a school to handle current capacity and not future capacity and that to me is an issue with CMS. Then we go to Mt. Holly-Huntersville Road at 21. And that's 3 miles away now. And then of course you've got the lanes turning in and out and yet less than 1 mile in the opposite direction, I guess we aren't going to have any students according to our TIA come from the west side of Huntersville. There's no kids over there, their parents don't want them to go to the charter school, they don't live in Cedarfield or any of those subdivisions over there so we have no impact in that area, yet when I drive home at 3 p.m., 4 p.m., 5 p.m., 6 p.m., I stack up on Kerns. I stack up on Hambright. I stack up on McCoy just to turn to McIlwaine. I feel that the TIA is flawed somehow. It's not looking at the entire area.

Mr. Buchanan said there's probably a couple of people in here that are really qualified to do a TIA and right here is probably one of the most qualified in this area. He's done them and now he's reviewing them. This has been one of the most vetted TIA's that I've had in my 8 or 9 years. I have full confidence in what we have presented is an adequate TIA in accordance to your Article 14 that has been approved. We're not saying that traffic does not go to McCoy and Hambright or McCoy and McIlwaine. We're not saying it's not impacted. What we're saying is it's not impacted enough that the TIA ordinance as it's written requires mitigation.

Commissioner Kidwell said when we look at a neighborhood, when we look at a school and when we look at a business, what is the radius that we look at. What is the determining factor of how far out we look.

Mr. Trott said it's a function of the use and intensity. If it's a small business, their study area will be small. If you had a million square feet of retail space, their study area is going to be really big. Article 14 in the ordinance has different categories for that based on the amount of the traffic that use would generate.

Mr. Buchanan said it could go out by the distance from the development. We define a radius around that, plus we say you have to look at various intersections and if you increase an approached volume in one direction by more than 7 percent of the existing volume, you have to study the intersection. It doesn't mean you have to fix it, you have to look at it. And if you are impacting it to a level as I have been describing then you have to mitigate it.

Jack Simoneau, Planning Director, said your smaller projects will go 1,000' from the intersection. If you have a shopping center say over 100,000 sq. ft. you are studying outward of 2 miles from the property line, so by ordinance the Town has set how far you study.

Mr. Buchanan said there's also the 7 percent increase. You could be out beyond the 2 miles if you are increasing an approached volume at an intersection by more than 7 percent. And I can assure you and I can assure the Planning Board that the TIA policy as it's approved is being accurately administered by Town staff.

Mayor Aneralla said what's the total amount that will be in cash contributed to improvements.

Mr. Buchanan said we haven't finalized an estimate.

Mr. Abel said our proposed mitigation for off-site would total about \$175,000 of improvement. If you combine the on-site improvements which would be right directly in front of the site on Hambright Road, you are probably looking closer to \$375,000 of total road improvements.

Commissioner Phillips said what's that going to cost us.

Mr. Buchanan said I don't know if that's a good number.....\$175,000 is usually maybe a right-turn lane. You maybe could do a right-turn lane for \$125,000. A left-turn lane is going to cost you about \$225,000-250,000. NCDOT is not going to let you have access unless you provide left-turn lanes into your site. But the off-site, you are probably in the order of \$500,000-600,000 I would think for off-site improvements.

Shannon Stein, LNCS, said if we did them all by ordinance the left-hand side what you would be asking us to do is to spend between \$500,000 and \$600,000 to go towards off-site road improvements and that is why we have offered to try to partner and do our part and make these recommendations on the right-hand side.

Mr. Buchanan said I think our language indicates that you as a body have the ability to partner with the applicant. If the applicant has indicated that this is what we can do, this body can make the decision to say okay we hear what you say, we want to accept your proposal. Instead of you going to deliver what you said you'll deliver we want you to partner with us and we'll add some public dollars and we'll go

deliver really what the solution that our TIA ordinance has required. That is an option that this body has.

Mr. Simoneau said what I'm understanding Max to say is in the case of Hambright and Statesville Road these are the improvements that would be required to meet Article 14 of the ordinance. The applicant is proposing to do these things. If I'm correct in understanding, you are saying rather than the applicant actually do these improvements, at the very least we would want the money to be put set aside so that the Town money can be combined and then do the actual improvements.

Mr. Buchanan said that's correct. For example, the signal modifications at Mt. Holly-Huntersville at 21, that mitigation gets the number to 85 percent of capacity at that intersection, which is Level of Service E. That's getting it down from the 89 percent impact. If we do the proposed mitigation that's on the left-side required by Article 14, we could improve the intersection to a 73 percent, so we increase capacity at that intersection if this body wanted to put public money toward a solution.

Mayor Aneralla said in other words you could put the money in escrow until there's an improvement deemed ready to go for the town.

Commissioner Gibbons said these have to be done. You can't not do these and leave the intersections with the traffic not mitigated.

Mr. Buchanan said not and meet Article 14 of the TIA ordinance. I think what the applicant has heard back from Raleigh is the school group and all they do is look at the on-site stacking. That's been a critical element that we've looked at as well. We've learned our lessons from the existing facility and we have increased the on-site stacking capacity. What that group in Raleigh does not do is look at the off-site improvements. That's handled at the local office and that's what we haven't heard back from.

Mayor Aneralla said I just have one other question about the Mt. Holly-Huntersville Road and NC 115. Nothing is proposed, but at one point there was some money that was going to be escrowed for that.

Mr. Buchanan said generally there's a requirement in the ordinance that an applicant can count on, if you will, a project that is being publicly funded and delivered, if that project is delivered within 3 years. That Main Street project is improving that intersection. It may be beyond 3 years, but we figured that's close enough. Precedent has been set as we did with AAC at Northcross Village.....they impacted 73, we were delivering a project, they escrowed \$1 million to apply towards the project. That's what we propose to satisfy the requirements of Article 14 is to estimate the cost of the right-turn lane and escrow that to apply it toward the Main Street project.

Commissioner Gibbons said I make a motion to consider the rezoning application.

Commissioner Guignard seconded motion.

Bob Blythe, Town Attorney, said what exactly was the motion. In other words, was it a motion to approve as presented by the applicant. You were not adding any additional conditions, am I correct on that.

Commissioner Gibbons said correct.

Mr. Blythe said that's fine then.

Mayor Aneralla said so as presented the motion.

Commissioner Kidwell said clarification on the motion.

Commissioner Gibbons said it's the consideration of approval and then discussion.

Mr. Priest said we still need the consistency statement.

Commissioner Gibbons said in considering the proposed rezoning of Petition #R16-04, Lake Norman Charter Elementary School, located on Hambright Road, the Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans and recommend approving the conditional rezoning for the Lake Norman Charter Elementary School as shown in Rezoning Petition #R16-04. It is reasonable and in the public interest to rezone this property because it is consistent with the 2030 Plan and Staff and Planning Board approved with conditions.

Commissioner Guignard said point of clarification. Is that considering their proposals as presented to us on Page 7 about three pages earlier, I highlighted TIA improvements.

Commissioner Gibbons said yes and the conditions on Page 10 as well. Page 7 had the TIA and then Page 10 "After further Board discussion....." and then it's got the six conditions here.

Commissioner Phillips said can you read those off.

Commissioner Gibbons said after further Board discussion, the motion was made to recommend to approve the application with the following conditions: (1) The applicant commit to all the traffic mitigation required by the Huntersville Zoning Ordinance, including the recommended escrow contribution; (2) The note regarding the buffer is amended to add the planting requirements of the Zoning Ordinance; (3) Any future comments from NCDOT are addressed in the applicant's development plan; (4) The sewer connection proposed through the Huntersville Business Park is approved and provided per the zoning plan; (5) No lighting of the ball fields adjacent to the residential development is permitted – lighting of the tennis courts is acceptable per the Huntersville Zoning Ordinance; (6) The remaining site plan comments as indicated by staff are addressed.

Mr. Blythe said now we have run into the problem I think is I'm hearing your motion to approve with the conditions that the Planning Board had applied to it and not just what the applicant has proposed. Am I correct about that?

Commissioner Gibbons said yes.

Mr. Blythe said in which case I don't think you can do it, unless they will mutually agree to those particular changes. If not, it's going to have to go back to the original application for an up or down.

Mayor Aneralla said do you want to withdraw that conditional part?

Commissioner Gibbons said yes.

Commissioner Guignard said I still want clarification on the motion.

Mayor Aneralla said it's as originally presented by the applicant.

Commissioner Guignard said are the changes that are on Page 7 on the far right that were highlighted overhead included, because I don't think I've heard that read into this.

Mayor Aneralla said this is what is as presented by the applicant. We have the ability to change, with their consent.

Commissioner Guignard said I don't think we discussed the three items.

Mayor Aneralla said we can discuss it right now.

Commissioner Guignard said we have to have a motion to get to that.

Commissioner Gibbons said this seems very confusing but yes we need to discuss this and I'm going to say as of right now I'm not comfortable making a motion to accept it as that is.

Commissioner Gibbons withdrew his motion.

Commissioner Bales said this has been a very interesting, challenging, thought provoking item that has been brought before us. And for me personally it is where three things that I care deeply about all collide – education, economic development and transportation. And everyone knows how much I care about education in our town and how important it is for our youngest citizens. And I don't care whether it's private, charter, public, does not matter, a sound education is what each one of our children deserve. And then we bring in economic development and it's something that I care just as deeply about because I believed for a very long time that Huntersville could not continue to be that bedroom community to Charlotte. We have to be able to stand on our own two feet and the percentage and disproportions from residential and commercial is still out of whack, so I'm always looking to encourage new business and new growth in Huntersville. On October 20, 2014 this Board of which I sat on created and supported and adopted the Strategic Economic Development Plan. In here it states in the Conclusions and Recommendations that one of the challenges that this board is going to face, and every board after us, is going to be attaining an optimal balance of residential and non-residential development and that the town should maintain its inventory of land for employment generating uses such as office space and industrial space in order to ensure its economic sustainability into the future. So I read that and I believe that wholeheartedly. Then I look at our roads and transportation and we have to address those and any building that is built in our town if there's going to be an impact especially bringing citizens from outside of Huntersville in, we have to address those. So like I said this issue has been a very difficult one for me. It's been very challenging. It has kept me up at night. I dream about it and I have had to come to a place that I can be okay, because I'm not going to make everybody happy. I'm not even going to make myself happy with this one. But I do not believe that this is the right location for this school. After everything that I've looked at, after all the reading I have done, after all the talking that we have talked, at the end of the day there's a reason in 2007 that this property and the property east was zoned Commercial Business and we have got to preserve it. And my guess is we have maybe 40 years of land out there for economic development. Once it's gone, it's gone. And that's jobs for your kids, my kids, and their grandkids and anyone else who wants to from up north move down here, because they are coming. That's where I have struggled but that is where I am firmly placing my feet because Lake Norman Charter is an excellent school and you do excellent work and I want to encourage you to continue that work because I know the kids that are coming out of that school and

they're brilliant and they're smart and they're engaging and they're going to be great assets to our community. But this location is not right. So that is where I am.

Commissioner Kidwell said I agree with a lot of what Commissioner Bales said – education, economic development, traffic on our roads. I also take into consideration that I believe the current number at Lake Norman Charter is 40 percent Huntersville residents. I would like to see it 60, but I understand. CMS is adding on to a school to meet current capacity. That bond that was passed 2 years ago to add to our schools up in this area was to meet current capacity 2 years ago. So as they continue to get more kids, they're always going to be behind. Charter schools, private schools, they serve as another resource to education our children. I have a 2 year old daughter, so I know right around the corner – we've got pre-school coming up, then kindergarten, then elementary. Most of you have been through that. This is my first rodeo, so it's new to me. But I'm already looking down that road. I toured the one right over here, it's phenomenal. Went in talked to the kids, interacted with their teachers and watched the teachers interact with the kids. They were interacting together. These are bright, smart kids. And I believe that we owe it to the 40 percent, if not more, of Huntersville residents and the other 60 wherever they come from that opportunity to get that education. I've read a lot of articles on charter schools and spoken with some CMS teachers, some CMS staff, not high level or anything, just friends of mine that have been in the system for 15 or 20 years and I asked them about charter schools – what do you know about Lake Norman Charter. They said it's a great place. We'd go there but we've made our 15 years we don't want to give up anything and I understand that. I'm for the school. And we talk about economic development. Absolutely, in 2007 it was set aside. Things change. I think everybody in this room was impacted by the bubble bursting. And I wasn't on this Board in 2007. In fact, I lived in Atlanta, Georgia during that time and they were hit probably the hardest – one of the hardest in the southeast here when it came to the bubble bursting. I still own a house there, so I know. Things change, that's my point. We have all this land over there. We have a neighborhood right there. When I was growing up in Kansas City I worked for a manufacturing company on the weekends and during the summers and right behind that was a 300 home neighborhood and they had to deal with the noise of a three shift operation – trucks coming in and out, compressors outside, cars leaving all times of day. I'm looking at that neighborhood now and I'm like what's a good deal here. We have a school there, some play time on a Saturday or we've got a three shift operation right at their backdoor. I look at the charter school in that particular location and say, that's a great buffer. Then I look at the folks that own the land right next to it and say you still have the opportunity. In fact I think we met with a bunch of them and we talked about the different areas that it could be at and it could not be at. They don't want it right behind their houses and I completely agreed with that. Further down the road, I think we're at a win-win, at least in my point of view, maybe not theirs. With economic development we still have a lot of land in Huntersville. It's not just that plot of land over there that's going to be used for economic development. We've still got a lot going east. I don't want to be nearsighted on that and I'm not saying anybody is nearsighted, I just don't want to be nearsighted on that for me. The final thing is roads. Whether you like it or not you've got to pay to play on roads and so many times developers come in and they don't want to pay. They don't want to be a part of it. I'm not saying you guys don't, I'm just saying that's the general consensus. When I look at a TIA for 100 homes and nothing against staff but I went out and talked to several developers and said what's the difference between the school and your community and you getting a TIA. They're always the same we don't have that many road trips, there aren't that many cars. I see a 90 home plan, minimum of 180 cars going out in the morning, coming home in the evening. That's a standard development, I'm not talking about a retirement community or 55 or older. But the traffic is still there whether it's the school or not. I think that's where we are all getting caught up, at least for me it's I'm good with the school. I'm good with the location. It's not me to determine location. We've had economic development committee. They've studied every area in Huntersville. I come back down to the roads. And my question is to Max and to our staff about the TIA.

It doesn't make a whole heck of a lot of sense to me but again I'm not in your shoes. If you came to my work and I showed you something it wouldn't make a whole lot of sense to you and I'd understand that. I see the applicant's engineer paid \$50,000 to have this done. And when I looked at it compared to what the Article 14 is only two are really off. Article 14 is asking for a southbound and their engineer recommended a northbound. Hambright at Statesville, I still think it's too far away. Left-hand lane, westbound lane and they are asking for a permitted signal. I'd like to see a compromise on this. I think if we move forward we should get there to where we need to be and choose these two that were off and one is going to happen and one is not going to happen or something at least if I make the motion. I don't think it's this Board's place to decide to tell someone who wants to open up a charter school or a business it's not the right location. I think this is a good location. I think it's a great buffer. I think that one way or the other these road improvements are going to have to happen for the future of our town, for the future of those parents bringing their kids to school. So that's where I'm at right now. I'm in favor of it but we are in discussion mode so I'm going to relinquish the mic.

Commissioner Phillips said I think there's a way to come up with some solution. Originally I was pretty much opposed and it wasn't necessarily because of where the school is, it's because of the roads and I'm not going to excuse you from that. In order for me to go along with it, you are going to have to fix the roads, what the TIA calls for. I will give approval under those contexts. Down the road other companies and developers will come in wanting special considerations.

Commissioner Guignard said I think the applicant has said categorically that they cannot put in a \$500,000 water line that would serve that entire section of road and do all the road improvements that are asked. They presented their solution to that. I see no need to make a motion to approve something contingent upon them doing something that they have told us if I understood correctly that the funds are not there for. We are not treating this school the same way that other schools right in this same corridor have been treated. I accept my fellow commissioner to my right's comments but there's no sense in making a motion that the school can't abide by.

Mayor Aneralla said that motion would be out of order. What we are really debating here is the application. What you are deciding tonight is this something that this Board will approve.

Commissioner Phillips said my thing is to basically give them the tools to move forward and then it's up to them whether they can raise the money in order to do the improvements, but at least they would have the approval and if they can't put their monies together, then so be it, but at least that gives them the tools.

Mr. Priest said what's before us is a conditional rezoning and the only conditions that can be added to the plan are the conditions that the applicant agrees to do and so what's before the Board this evening is a plan that states we only want to do these improvements, so that's attached to the application. We don't have the legal ability and Bob can back me up on that in regard to approving something with conditions that's something that they didn't approve.

Commissioner Phillips said who speaks for the school and let them answer that.

Ms. Stein said I'll speak for the school. Unfortunately at this point we hold to the proposal that we have put forward that we have looked at from every angle and I'm going to appeal to you one more time to say that the way that we are different than any other business that's going to come in here looking for something special is that we are bringing some things they aren't going to bring. We're bringing green space, we're bringing access for that green space, we're bringing partnership with the Town's Parks &

Rec that has already existed in an area that has a growing population, we're bringing the opportunity to lower classroom sizes. Those are things that go above and beyond what you are going to see from other businesses. We're bringing jobs. All of those things are consistent with 2030 Plan. It said that as a Board you have to be responsive to changes. We're going to bring the water line that will help and it will make sure that the growth that comes to this community is something that will be sustainable. If you want us to set that money aside and as Brad and Max have suggested you decide that later on there are funds for public development, because there's going to be more development, so that you can escalate it to a higher level, we understand that, but when you are asking us to put in the water line, the sewer line and all the road improvements this is the best offer that we can give you. And while I appreciate, Commissioner Phillips, you giving us the opportunity to have flexibility if you were to ask us to do that you are actually putting us in a bad position because right now with the purchase of that land we're already into this process over \$200,000 and we also have a purchase agreement based on zoning. If you ask me to condition the fence, I'll say yes to that and we'll put it on the plan. But as far as the roads, this is what we are willing to do or are capable of doing.

Commissioner Guignard said she mentioned the fence. Is that in your proposal?

Ms. Stein said it's not, but we agree to making that a condition.

Commissioner Guignard made a motion to approve Petition #R16-04, Lake Norman Charter Elementary School. The Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. We recommend approving the conditional rezoning plan for the Lake Norman Charter Elementary School as shown in Rezoning Petition #R16-04. It is reasonable and in the public interest to rezone this property because it is at this time the best thing for this community and I consider that in that motion that the fence is part of this motion and everything else stands as presented.

Commissioner Kidwell seconded motion.

Mayor Aneralla called for the vote.

Motion failed 2 to 4 – Commissioners Guignard and Kidwell in favor; Commissioners Bales, Boone, Gibbons and Phillips opposed.

Blackwood Knoll Sketch Plan. Mayor Aneralla pointed out this item will be heard as quasi-judicial.

Mayor Aneralla swore in Brian Richards, Nate Bowman and Stephen Trott.

Brian Richards, GIS Administrator, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 10.* What we have before us this evening is the Blackwood Knoll subdivision located on Black Farms Road. The project is 37.89 acres, zoned Rural. The adjacent properties to the north and to the east are also zoned Rural. To the south and west are zoned Transitional Residential. A neighborhood meeting was held on March 15 and the meeting notes are in your summary. In the Rural zone there is a maximum density allowed of 0.9 units per acre at an open space of 45 percent. What is before you the developer is proposing density of 0.58 units per acre with 56 percent open space. The Rural district has conditions of having 50 percent tree canopy and a 50 percent specimen tree save. The developer is proposing 72 percent tree canopy and 62 percent specimen trees to be saved on site.

In 2008 a very similar version of this plan was approved by the Board. Due to the economic downturn it has lost its vesting. Bowman Development Group is working with the landowner to revive this project. They have added some additional acreage to the north. The reason for that is to eliminate the need for BMP's, ponds and sand filters. There's more open space in the project. They have also added two units. It was originally approved at 20 units. They are asking for 22 units.

Due to the project size, a traffic impact analysis was not necessary. They did meet the requirements for the Adequate Public Facilities Ordinance. We have capacity for the 22 homes.

In considering the Blackwood Knoll subdivision, the staff finds that the application is complete, that the application does comply with the ordinance and the future land use plans, upon minor corrections. Staff also recommends approval of the subdivision once these final comments have been made. At the previous Planning Board meeting, the Planning Board made the recommendation for the approval of the subdivision.

Commissioner Gibbons said there was no TIA required, but will there be an improvement just for the entrance.

Mr. Richards said yes, they will be making improvements to Black Farm Road. They are going to add a bike lane and some additional lighting.

Commissioner Phillips made a motion to approve – the application is complete, complies with all applicable regulations and the Town Board recommends approval. It is consistent with the 2030 Plan and it conforms to everything around in this area.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Resolutions – Bonds. Commissioner Guignard introduced Bond Order authorizing the issuance of \$865,000 General Obligation Street Bonds into the record and made a motion to adopt the following resolutions: (1) Resolution calling a public hearing on bond order, directing publication of a notice of said public hearing and filing of a debt statement; and (2) Resolution making certain statements of fact concerning proposed bond issue.

Commissioner Gibbons seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Bond Order and Resolutions attached hereto as Exhibit No. 11.

Agreement for RTU's – HFFA. Commissioner Boone made a motion to authorize the Town Manager to execute purchase and installation agreement with Southern Mechanical Services for the remaining RTU's as approved with the 2017 budget.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

Agreement attached hereto as Exhibit No. 12.

CONSENT AGENDA

Approval of Minutes – May 10. Commissioner Bales made a motion to approve the minutes of the May 10, 2016 Special Town Board Meeting. Commissioner Guignard seconded motion. Motion carried unanimously.

Approval of Minutes – May 16. Commissioner Bales made a motion to approve the minutes of the May 16, 2016 Regular Town Board Meeting. Commissioner Guignard seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner Bales made a motion to approve budget amendment recognizing insurance revenue in the amount of \$5,447.77 and appropriate to the Police Department's insurance account. Commissioner Guignard seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner Bales made a motion to approve budget amendment in the amount of \$500.00 and appropriate to the Police Department's insurance account. Commissioner Guignard seconded motion. Motion carried unanimously.

Property Tax Refund Report. Commissioner Bales made a motion to approve SL362 Property Tax Refund Report No. 57. Commissioner Guignard seconded motion. Motion carried unanimously.

Property Tax Refund Report No. 57 attached hereto as Exhibit No. 13.

Ordinance – Walters Barbershop Historic Designation. Commissioner Bales made a motion to adopt ordinance designating the property known as the "Walters Barbershop" (including the interior and exterior of the building and parcel of land associated with Tax Parcel 01904106) located at 114 S. Main Street as a Historic Landmark. Commissioner Guignard seconded motion. Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 14.

Electric Rate Rider REPS. Senate Bill 3 was passed by the NC General Assembly in 2007 to promote the development of renewable energy and energy efficiency in the state through the implementation of renewable energy and energy efficiency portfolio standards (REPS).

All electric utilities in NC are required to comply with Senate Bill 3.

North Carolina Municipal Power Agency Number 1 has implemented renewable generation and demand side energy efficiency programs on behalf of its member towns and cities to meet these state-mandated requirements. The cost of these programs is billed to Huntersville on the monthly wholesale power bill. The REPS Rider is designed to recover the cost of these programs through a monthly charge on retail customer electric bills. This charge would be effective with customer bills in the July 2016 billing cycle. The charge varies by customer classification as follows:

Residential	\$0.61 per month (increased from \$0.56)
Commercial	\$2.95 per month (increased from \$2.69)
Industrial	\$30.41 per month (increased from \$27.75)

These charges enable the Town of Huntersville to meet its REPS compliance obligations for 2016-2017. These charges may change in 2017 and subsequent years.

Commissioner Bales made a motion to approve Electric Rate Rider REPS. Commissioner Guignard seconded motion. Motion carried unanimously.

Electric Rate Rider REPS attached hereto as Exhibit No. 15.

Electric Rate Rider RECR-1. In 2010 the Town of Huntersville adopted Interconnection Standards as recommended by North Carolina Municipal Power Agency Number 1 for interconnecting small renewable and non-renewable energy generators to the electric grid. These standards were based on the North Carolina Utilities Commission's modified version of the Federal Energy Regulatory Commission small generation interconnection procedures, forms and agreements designed to streamline the process of connecting small renewable generator resources.

The Renewable Energy Credit Rider (RECR-1) was approved as part of the Interconnection Standards and is updated annually to reflect the current incentive provided to customers utilizing renewable generation. These credits would be effective with customer bills in the July 2016 billing cycle.

These charges enable the Town of Huntersville to safely interconnect and provide incentive for those customers that wish to install renewable generation. These charges may change in 2017 and subsequent years.

Commissioner Bales made a motion to approve Electric Rate Rider RECR-1. Commissioner Guignard seconded motion. Motion carried unanimously.

Electric Rate Rider RECR-1 attached hereto as Exhibit No. 16.

Call for Public Hearing – Commerce Station. Commissioner Bales made a motion to call a public hearing for Monday, June 20, 2016 at 6:30 p.m. at Huntersville Town Hall to consider the sale of a portion of Tax Parcel No. 019-311-04, containing 9.11 acres, of unimproved land in Commerce Station. Commissioner Guignard seconded motion. Motion carried unanimously.

CLOSING COMMENTS

The Town Clerk questioned if a consistency statement for the denial of the Lake Norman Elementary School Charter School rezoning petition needed to be entered into the record.

Bob Blythe, Town Attorney, said we've had some debate on that. If you would just go ahead and back that up with a statement as to the reason for denial.

Commissioner Boone said in considering the proposed rezoning for Petition #R16-04, Lake Norman Charter Elementary School located on Hambright Road, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long-range plans. We recommend denial of Rezoning Petition #R16-04. It is not reasonable and not in the public interest to rezone this property because the applicant didn't agree to the TIA suggested by the Planning Board.

There being no further comments, the meeting was adjourned.

Approved this the ____ day of _____, 2016.

DRAFT

Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Janet Pierson, Town Clerk
Subject: Approval of Minutes

Consider approving minutes of the June 20, 2016 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

Description	Type
□ Draft Minutes	Backup Material

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on June 20, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, Rob Kidwell and Danny Phillips.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- The next meeting of the Metropolitan Transit Commission will be this Wednesday.
- A public hearing is on this agenda for the sale of 9.11 acres in Commerce Station.
- Attended the CRTPO meeting last Wednesday. On June 29 at the University Library and July 26 at the Charles Mack Center they will be receiving input on various projects in the area. In January they will be allocating \$28 million worth of direct attributable money.
- Several of us went to Raleigh last week to talk with state senators about our support for HB954.

Commissioner Bales

- The Lake Norman Transportation Commission met last Monday. It was the last meeting of the fiscal year as well as Huntersville's last official meeting with the LNTC. Bob Cook from the CRTPO provided a look at the Comprehensive Transportation Plan as well as an update on P4.0. There was \$7,278 remaining in the Urban Land Institute fund and it was decided that the remainder of those dollars would be used for consultant fees to help with scoping the UPWP project request for the north/south parkway.
- The Lake Norman EDC still has 14 active projects in Huntersville.
- Expressed appreciation to ElectriCities for their donation to National Night Out.
- Expressed appreciation to the applicants for the Board of Adjustment and Planning Board.

Commissioner Boone

- Expressed appreciation to all the employees of the Town of Huntersville and the first responders.

Commissioner Gibbons

- Expressed appreciation to the first responders.
- The Veterans Council met on June 7 and a big thing that the Veterans Council is trying to do right now is prioritize a list of organizations that serve Vets. On July 9 there will be a symposium held at Johnson C. Smith University to talk about healthcare, employment education and support services for veterans.

- The next meeting of the NC 73 Council of Planning will be in September.

Commissioner Guignard

- The next meeting of the Planning Coordinating Committee will be in September.
- Expressed appreciation to the applicants for the Board of Adjustment and Planning Board.
- National Night Out will be held in two locations simultaneously this year – the Waymer area and Northcross Shopping Center.

Commissioner Kidwell

- Expressed appreciation to the Mayor for covering the CRTPO meeting in his absence.

Commissioner Phillips

- Announced upcoming Chamber events.
- Reported on recent Visit Lake Norman events held in the area.
- Encouraged people to shop local.

Commissioner Kidwell requested update on the Bearcat.

Chief Spruill reported that the used Bearcat was purchased through Govdeals from the Alexandria Police Department last October. The purchase agreement stipulated that the Alexandria Police Department would retain possession and use of the Bearcat vehicle until their new vehicle was delivered to them. We were hoping to receive the vehicle in early 2016, but due to construction delays of the vehicle, delivery is now scheduled for mid-July.

Commissioner Phillips raised a question about graffiti on the Torrence Creek Greenway.

Chief Spruill said we are aware of the graffiti. Our practice is to have it removed as quickly as possible however it seems that that one has been there for a while so I need to go back and find out why it hasn't been removed. What we do is we contact the owners and we work with the owners to have it removed. It does not appear to be gang related.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Aneralla proclaimed July 2016 as Park and Recreation Month.

Town of Huntersville Proclamation

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the Town of Huntersville; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, Huntersville's parks and facilities had more than 1.3 million visits in 2015; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the Town of Huntersville recognizes the benefits derived from parks and recreation resources

NOW, THEREFORE, I, John Aneralla, Mayor of the Town of Huntersville do hereby proclaim the month of July 2016 as **"Park and Recreation Month"** in the Town of Huntersville.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Huntersville to be affixed this the 20th day of June, 2016.

John Foster, 12434 Cool Mist Lane, said I've been a resident of Huntersville for 19 years. I've been a small business owner in Huntersville for the last 16 years. We own Foster's Frame & Art Gallery located on NC 115. I moved to Huntersville when it was approximately 4,500 people living in the town. Today we have about 55,000 people that live in the town. Obviously, the growth that we have experienced in that 19 years has just been tremendous. The growth that we've experienced since we've opened our business has been tremendous. When we opened our business 16 years ago there was approximately 5,000 people in this town and we committed ourselves to be involved in the community. We joined the Lake Norman Chamber of Commerce. After a year or two of being in business, I was selected to serve on the board of the Lake Norman Chamber of Commerce. I served on that board in various capacities for 6 years. I have served on numerous other boards in the area and still work with the Lake Norman United Way and their Community Investment Committee. The beauty of this area that attracted us to move here and everything else was the diversity in the area in people and the diversity in attitudes. I'm greatly concerned about our board not having that same attitude today. About 8 years ago we started Huntersville Connection which the leadership of Huntersville Connection over a period of time decided that Huntersville was at a point where we felt like that we needed to have a Huntersville Chamber of Commerce. If you look across America at many great progressive cities, that's happened over and over in many cities. It happened here. Was it needed? Yes. I'm greatly disappointed in the Board for not supporting our chamber of commerce and wish that you would have a change of heart and support our chamber of commerce. There's room for the Lake Norman Chamber of Commerce and there's room for the Huntersville Chamber of Commerce. We will be a success. We need your help. We are small businesses and residents of Huntersville just like I'm a member of Lake Norman Chamber also.

Bruce Andersen, 16125 Weatherly Way, said I checked your agenda and was surprised to find the Lake Norman Charter School back under possible consideration. I know your Rules of Procedure call for notifying people about any decision and I don't see how you could notify people that there's going to be possibly a different decision tonight. Also, I would love to wait and hear whoever is going to speak for the Plaintiff tonight so I would be able to make comments based on as much information as possible but if I wait, you won't let me speak. So with limited information I have to question if what's being discussed tonight leans toward contract zoning, putting up money in lieu of meeting the rules set by your ordinance.

Shannon Stein, Superintendent Lake Norman Charter School, 12119 Canal Drive, said I just wanted to take a moment to thank the Town staff for their assistance in re-looking at the Lake Norman Charter proposal in light of the new information and just make myself available for questions.

AGENDA CHANGES

Commissioner Kidwell made a motion to add Item J under the Consent Agenda – Call a public hearing for Monday, August 1, 2016 at 6:30 p.m. at Huntersville Town Hall on Petition #R16-06, a request by Greenway Waste Solutions, LLC and William Hammill to conditionally rezone 135 acres from Transitional Residential and Neighborhood Residential to Special Purpose Conditional District to allow an expansion of an existing Construction and Demolition landfill on Holbrooks Road and to add a Closed Session for consultation with attorney at the end of the agenda.

Commissioner Bales seconded motion.

Motion carried unanimously.

Commissioner Guignard made a motion to adopt the agenda, as amended.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Janice Lewis, Chris Price and Joanne Miller.

Sale of Portion of Commerce Station Land. Mayor Aneralla called to order public hearing to consider the sale of a portion of Tax Parcel No. 019-311-04 containing 9.11 acres of unimproved land in Commerce Station.

Greg Ferguson, Town Manager, said tonight is a public hearing on a possible sale and land transaction in the Commerce Station business park. Commerce Station is the home of several businesses currently. The Town is working with our two neighboring towns to help develop that park into a first class facility that would attract jobs and investment to Huntersville. The Town has had the Park since 2005 and has had a number of businesses locate there and we expect to see more expand and locate there in the future. There is an interested buyer in about 9 acres in Commerce Station. That interested buyer may wish to construct a spec building or buildings on the acreage. The park will see some future road enhancements. There's a substation being built at the rear of the park and there's a lot of improvements planned for the park including road improvements. There's water/sewer in the park already and the electric that goes to the park is currently underground but the park will have two substations that feed it and it will have very reliable power, so this is going to be a very good location for the future for growth and development and jobs in Huntersville and so this is one of those opportunities to see a spec building built. Our friends and neighbors in Cabarrus County do this quite frequently. Our friends in Lincoln County have done this. And so if we can get a developer to come in and build a spec building, we will be ahead of times when they need 45,000 sq. ft., so the possibility is it would be two buildings of 45,000 sq. ft. a piece, phase in approach.

There being no comments, Mayor Aneralla closed the public hearing.

Public Hearing – Bond Order. Mayor Aneralla called to order public hearing on Bond Order authorizing the issuance of \$865,000 General Obligation Street Bonds.

Greg Ferguson, Town Manager, reported that these bonds are to be used on the Main Street Upgrades and providing connections to NC 115 at Mt. Holly-Huntersville Road and Fourth Street in town, including related improvements and the acquisition of land, rights-of-way and easements in land required. This is just one step in the General Obligation issuance that will occur on August 30.

There being no comments, Mayor Aneralla closed the public hearing.

OTHER BUSINESS

Bond Order. Commissioner Bales made a motion to adopt and direct the Town Clerk to publish a notice of adoption as prescribed by The Local Government Bond Act, the Bond Order Authorizing the issuance of \$865,000 General Obligation Street Bonds of the Town of Huntersville, North Carolina which was introduced at the meeting of the Board of Commissioners held on June 6, 2016.

Commissioner Guignard seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Bond Order attached hereto as Exhibit No. 1.

Refunding 2008 GO Bonds. Commissioner Bales introduced a Resolution of the Board of Commissioners of the Town of Huntersville making certain statements of estimated interest concerning the proposed bond issue into the record.

Commissioner Bales made a motion to adopt a Resolution of the Board of Commissioners of the Town of Huntersville making certain statements of fact concerning proposed bond issue.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Resolution attached hereto as Attachment No. 2.

Commissioner Bales introduced a Bond Order authorizing the issuance of not to exceed \$3,750,000 General Obligation Refunding Bonds of the Town of Huntersville.

Commissioner Bales made a motion to adopt and direct the Town Clerk to publish a notice of adoption as prescribed by The Local Government Act, the Bond Order authorizing the issuance of not to exceed \$3,750,000 General Obligation Refunding Bonds of the Town of Huntersville.

Commissioner Boone seconded motion.

Motion carried unanimously.

Bond Order attached hereto as Exhibit No. 3.

Suspend Rules. Commissioner Guignard made a motion to suspend that portion of Rule 18, Motion 16 of the Rules of Procedure which reads “and at the meeting at which the original vote was taken, including any continuation of that meeting through recess (or adjournment) to a time and place certain” so that the decision made on Petition #R16-04 on June 6, 2016 may be reconsidered.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Authorize Reconsideration of Petition #R16-04. Commissioner Gibbons made a motion to authorize reconsideration of the decision made on Petition #R16-04 on June 6, 2016.

Commissioner Guignard seconded motion.

Commissioner Boone said how do we know that our vote tonight, one way or the other, that we don't come back and face this same situation four weeks from now. Let's say the vote goes one way or the other and one of the other parties says I don't like the outcome of tonight's vote, let's come back at our next meeting and change the rules again. How do we know that won't happen?

Bob Blythe, Town Attorney, said you don't unless you put a provision on the vote that says not to bring it back.

Commissioner Gibbons said in consideration of the public comments that we heard about contract zoning, do we need to worry about that.

Mr. Blythe said the comment was made that this may be some type of contract zoning. As I understand it, our ordinance provides for mitigation and this is an acceptable form of mitigation for the traffic impact analysis.

Motion carried 4 to 2, with Commissioners Boone and Bales opposed.

Petition #R16-04. Commissioner Gibbons made a motion in considering the proposed rezoning of Petition #R16-04, Lake Norman Charter Elementary School, the Town Board finds that the application is consistent with Policy CD-2 of the Town of Huntersville 2030 Community Plan. Further, although the rezoning is inconsistent with Policy ED-2 of the Town of Huntersville 2030 Community Plan, the location of the proposed school fits into the Hambright Road area as a “transition use” between current low intensity residential use to the west, and proposed high intensity commercial/industrial development to the east. It is reasonable and in the public interest to rezone the property at this time because: (1) The applicant requests the “Agreement Regarding Off-Site Road Improvements” be added to the conditional rezoning petition to address off-site road impacts identified in the Traffic Impact Assessment; (2) The school will act as a transition use on Hambright Road between low and high intensity uses; (3) The proposal provides school/educational services what will also be an economic benefit to Huntersville; and (4) Approval of the school will extend public infrastructure that will serve future economic development expansion.

Commissioner Guignard seconded motion.

Greg Ferguson, Town Manager, requested that the letter that was received from the Lake Norman EDC be entered into the official record. That letter was a letter of support for the compromise that has been worked out.

Letter from Lake Norman EDC attached hereto as Attachment No. 4.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Attachment No. 5.*

Commissioner Kidwell said the EDC did send a letter today in support of this and one thing they said was that the site will require school funded infrastructure improvements that could encourage future industrial growth in that area.

Commissioner Gibbons said I've met with a lot of people that are in the crowd tonight that are on differing sides of this and I will say this is a difficult thing because you have a really great asset for our town, just I think the comment that was made last week was maybe in the wrong location. After we left the meeting last week my concern was that if we would have voted for this two weeks ago we would have obligated the Town what in my mind looked like more than a million dollars' worth of the Town being on the hook for some improvements that were not going to be able to be made by the applicant. Since that time, this mitigation went on and it looks like we can get an asset and not put the taxpayers of Huntersville on the hook for a whole lot of money. There were some other considerations that were taken into consideration over the last two weeks is at the same time this is going on there's legislation going on at the state level that may make some of these decisions we make up here to where in the future they won't be our decision to make, but as of right now, that legislation has not passed. That is where I stand as far as why we are here reconsidering this tonight.

Commissioner Bales said as everyone knows and I'm sure have heard, I have had such a difficult time with this decision and now that it is brought back before us, I just want to caution us a Board that as we move forward if we are rezoning this property this evening and it looks like we will be, especially since the EDC sent us a letter of support, I just want us to make sure that as we move forward that we are going into it with eyes wide open regarding the potential job loss in economic development that the acreage that our predecessors had the foresight to set aside. I completely understand and agree with everyone in this room that Lake Norman Charter is an excellent school and they are an asset to our community and I will support this decision tonight, solely because the EDC has rendered its support and the compromise. But I want us to be very careful moving forward.

Commissioner Boone said the letter that was supposed to come that said The Park was going to have water and sewer to this facility, have we ever gotten that letter.

Mr. Priest said I have not received that letter yet.

Commissioner Boone said so we are making a decision of something that the last e-mail I saw that these folks were on vacation three weeks ago and when they got back they would have this information to us and they still haven't gotten back to us.

Mr. Ferguson said that's Charlotte Water that sends that letter and this is a routine thing that they do and the applicant has been working with Charlotte Water as to the schedule and the schedule is fairly tight because they have about 12 months to get a water line down the road, so they have actually submitted a lot of the information that Charlotte Water needs and that's just a routine step in the process and it should not be a hindrance. I think more of a concern is the timing of the project itself in a tight window to get it delivered and so I know the applicant is working pretty closely with Charlotte Water to make sure that they deliver the water line and the sewer line as quickly as possible but the water line has to come first and so they are on a tight timeframe. Charlotte Water was on a very tight timeframe to deliver two other sewer lines in that general location and they were able to deliver.

Commissioner Boone said I don't know how much extra dollars that the Lake Norman Charter put into this project and it's going to be escrowed, is that correct.

Mr. Priest said it's my understanding it would be escrowed for the Town to use to do those improvements.

Commissioner Boone said I'm sure the money is going to be there, but what happens if it is defaulted on. Who will be responsible for the default.

Mr. Ferguson said the money actually will be deposited with the Town and the Town will actually be the one that creates the escrow, so Jackie Huffman's name will be on the account and it will take action of the Board to bring it back for a capital project and the dollars that will be deposited initially are \$200,000 and then two years out in July 2018 there's another \$200,000 that are called for. That's based on the phasing of the school as I understand it and so then this Board or a future board can decide how you address the improvements that are called for in the TIA.

Commissioner Boone said what if the \$200,000 doesn't come in 2018, then what happens.

Mr. Ferguson said they would be in default.

Commissioner Boone said then who is responsible for all that work.

Mr. Ferguson said Bob Blythe and Kevin Bringewatt would have to figure it out.

Commissioner Boone said if you are going westbound and you want to take a right into the school, has the property owners that own that property now.....how is that progressing to get the right-turn lane in there.

Mr. Priest said I have not been included in the discussions in regard to right-of-way acquisition and how much is needed for the project. I do not know at this point.

Commissioner Boone said this has been pretty tough for me, not only two weeks ago but in the last two or three days and the e-mails and phone calls that I got I would say that 98 percent of them were very professional and straightforward and I want to thank those people who did that for being professional.

Mayor Aneralla said did you send letters out.

Mr. Priest said we did send a letter out last week to everybody that was listed in the tax record as an adjacent property owner and also everyone who we had on record in the minutes as speaking on the Lake Norman Charter School issue at the public hearing and the final action meeting. A letter was sent out saying that a reconsideration was taking place this evening.

Mayor Aneralla called for the vote to approve Petition #R16-04.

Motion carried unanimously.

McIlwaine Subdivision Sketch Plan. Mayor Aneralla pointed out this item will be heard as quasi-judicial.

Mayor Aneralla swore in Jack Simoneau, Max Buchanan, Matt Langston and Don Spence.

Jack Simoneau, Planning Director, said I enter the Staff Report into the record. *Staff Report attached hereto as Attachment No. 6.* This is a request to approve a subdivision. It's 80.48 acres. It will have a total of 120 units. It is just south of Stonegate Farms. It is north of Norman Park and just to the west of this site is Aberdeen and Tanners Creek subdivisions.

This is the site plan in question. It's 120 units on 80 acres, so it's 1.5 units per acre, which is what the Town allows. It has a little over 40 percent open space. The area that we highlighted in red is an area where they have asked for a relief of the block length. It actually exceeds the block length. The way the ordinance is written, the Town Board is authorized to give approval of that to minimize impacts to streams. As you can see, there is a stream here that they are crossing, so they are trying to get the development as far away from the stream as possible. Planning Staff does recommend approval of that waiver.

I do want to highlight the Traffic Impact Analysis and some of the road improvements that are being talked about. On McIlwaine Road at Thistlebrook Lane there will be an eastbound and a westbound turn lane with 150' of storage. At the intersection of McCoy and McIlwaine there will be a southbound right-turn lane with 100' of storage and then the Traffic Impact Analysis also called for an improvement at McCoy and Hambright Road with a westbound right-turn lane with 100' of storage.

The Planning Board did hear this request and did recommend denial of the request. The reasons for denial of the recommendation were as follows: (1) the open space calculation was not correct. The applicant right after that meeting modified the site plan and they have corrected that calculation; (2) the Planning Board did not support a buffer reduction that they had requested on Lot 73 and so the applicant dropped that request for that buffer reduction; (3) the application also lacked details of the 80' buffer along McIlwaine and they have since modified it to show the future right-of-way and still accommodate the 80' buffer. And then there were just some minor adjustments to plan notes and those have been corrected as well.

With all those corrections, while the staff did not support it at the point it went to the Planning Board, staff does support it. Staff finds that the application is complete. It supports the authorization of a greater block length that I mentioned earlier. The applicant does comply with the ordinance per staff report. Staff recommends approval based on the findings in that report. Again the Planning Board had recommended denial and all those issues have been addressed and so the Town Board needs to consider is the application complete, determine whether or not you support the block length

authorization of being extended, whether it complies with the applicable regulations and then finally the Town Board recommendation.

Commissioner Guignard said I would like to disclose that I do own a considerable amount of property close to this property. Some people years ago determined that if I own something near something I shouldn't vote for that. I am not asking to be recused. I'm making that information available to this Board if there's any concern of me voting on this item.

Bob Blythe, Town Attorney, said if this is a matter that does not impact you financially I do not see that there is a problem since you are disclosing it.

Commissioner Kidwell said I live directly across the street from the future site and as any development goes in that we normally approve, it tends to raise the values of homes in the area. Do I need to step back from this.

Mr. Blythe said when you say that it intends to raise in a mass way as opposed to you individually, that's getting pretty detailed. I'm comfortable with you not being recused.

Commissioner Boone said the dark line that's going off of McIlwaine Road. Is that the service road that we have spoken of.

Mr. Simoneau said that is a service road that serves a lot.

Commissioner Boone said and that road will not be used during the construction period.

Mr. Simoneau said correct. That is not the intention.

Commissioner Gibbons said I don't want to assume that because we've corrected all these that then the Planning Board would have voted differently. But can anyone speak to that. Would the Planning Board's consideration now with these corrected be much different.

Mr. Simoneau said the Planning Board asked if the applicant would continue the request for a month to address it, because the Planning Board wanted the benefit of having seen the revisions. The applicant said that there were contractual deadlines that they had to meet and so they just took a recommendation of denial. I can't speak for the Planning Board, but we'll just say that each of the comments that were recommendation for denial have been addressed.

Commissioner Bales said you said that that small tract there would not be used for construction traffic. I just want to make sure there is a note on the plans that is the case.

Mr. Simoneau said the applicant has indicated they would be willing to do that.

Commissioner Kidwell made a motion we the Town Board find the application complete and that it complies with applicable requirements including the waiver for block length. It is also consistent with the 2030 Huntersville Community Plan Policy E-2 New Land Development, Policy E-3 Environmental Regulations, and Policy T-8 Street Connectivity. We the Town Board approve the McIlwaine subdivision request.

Commissioner Phillips seconded motion.

Motion carried unanimously.

CONSENT AGENDA

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$1,114.00 and appropriate to the Police Department's insurance account. Commissioner Bales seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$153.45 and appropriate to the Police Department's repair and maintenance building account. Commissioner Bales seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$1,874.43 and appropriate to the Police Department's insurance account. Commissioner Bales seconded motion. Motion carried unanimously.

Budget Amendment – Police. Commissioner Guignard made a motion to approve budget amendment appropriating Police Donation revenue in the amount of \$1,500 from ElectriCities Corporate to the Crime Prevention account to offset the cost of National Night Out. Commissioner Bales seconded motion. Motion carried unanimously.

Budget Amendment – ElectriCities. Commissioner Guignard made a motion to approve budget amendment transferring \$153,713 from Capital Outlay and \$86,000 from Salaries and Benefits to other Electrical System Expenditures (\$180,018) and Purchase of Electricity (\$56,695.00). Commissioner Bales seconded motion. Motion carried unanimously.

Property Tax Refund Report 58. Commissioner Guignard made a motion to approve SL362 Property Tax Refund Report No. 58. Commissioner Bales seconded motion. Motion carried unanimously.

Property Tax Refund Report No. 58 attached hereto as Attachment No. 7.

Property Tax Refund Report 59. Commissioner Guignard made a motion to approve SL362 Property Tax Refund Report No. 59. Commissioner Bales seconded motion. Motion carried unanimously.

Property Tax Refund Report No. 59 attached hereto as Attachment No. 8.

Property Tax Refund Report 60. Commissioner Guignard made a motion to approve SL362 Property Tax Refund Report No. 60. Commissioner Bales seconded motion. Motion carried unanimously.

Property Tax Refund Report No. 60 attached hereto as Attachment No. 9.

Property Tax Refund Report 61. Commissioner Guignard made a motion to approve SL362 Property Tax Refund Report No. 60. Commissioner Bales seconded motion. Motion carried unanimously.

Property Tax Refund Report No. 61 attached hereto as Attachment No. 10.

CLOSING COMMENTS

Mayor Aneralla announced that the Mayor's lunch would be held tomorrow at Spare Time.

CLOSED SESSION

Commissioner Bales made a motion to go into closed session for consultation with attorney.

Upon return from closed session, there being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2016.

DRAFT

Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Greg Ferguson
Subject: Approve and Authorize Agreement

Consider approval and authorizing the execution of the Interlocal Agreement with the City of Charlotte for animal control services.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

	Description	Type
□	Proposed Agreement	Exhibit
□	Resolution	Exhibit

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July, 2016, by and between the TOWN OF HUNTERSVILLE, a municipal corporation organized under the laws of the State of North Carolina, (hereinafter referred to as "Town"), and the CITY OF CHARLOTTE, a municipal corporation organized under the laws of the State of North Carolina, (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, North Carolina General Statute §160A-461, "Interlocal cooperation authorized," authorizes interlocal agreements between units of local government for any undertaking, which is defined in North Carolina General Statute §160A-460(1); and

WHEREAS, the Town has requested the Animal Care & Control Division of the Charlotte-Mecklenburg Police Department of the City (hereinafter referred to as "Animal Care & Control") to provide some animal control services within the limits of the Town, and the City Council and the Town Board each have adopted a Resolution as required by North Carolina General Statute §160A-461, included as Attachments I and II, respectively, and incorporated herein by reference; and

WHEREAS, the parties hereto desire to reduce the terms of this Agreement to writing:

NOW, THEREFORE, for and in consideration of mutual promises to each other, as hereinafter set forth, the parties do mutually agree as follows:

1. **Term**: The term of this Agreement shall begin the 1st day of July, 2016, and shall continue for a period of one (1) year. This agreement shall automatically renew for four (4) additional one (1) year periods on the same terms and conditions set forth herein, except for the rate of compensation which may be adjusted as provided in Section 3, "Compensation," herein. Either party may terminate this agreement as provided in Section 5, "Termination of Agreement," herein.
2. **Services**: The Animal Care & Control shall provide the contracted animal control services for the Town, as set forth in Attachment III, which is incorporated herein by reference.
3. **Compensation**: The Town shall pay the City at a rate of one hundred fifty three dollars (\$153.00) per call for service. A call for service is defined as any activity or event to which an Animal Care & Control Officer responds, as set forth in Attachment III. Additionally, the Town shall pay the City for animal sheltering services as set forth in Attachment III. The City shall invoice the Town monthly. The Town shall have five (5) business days to reconcile the invoice and notify the City of any discrepancy. The Town shall pay the City

upon receipt of invoices from the City showing the total number of calls for service received and animal sheltering services during the period covered by the invoice.

The terms of compensation are subject to annual review and recalculation based upon costs and frequency of use of services provided by the Animal Care & Control. Proposed adjustments to the compensation rate and animal sheltering services charges shall be sent to the Town at least ninety (90) days prior to the expiration of each annual term. The adjusted compensation rate and animal sheltering services charges shall automatically become effective and enforceable at the beginning of the next annual term. If the Town objects to the adjusted rate or charges, the Town may terminate the Agreement as provided in Section 5, "Termination of Agreement," herein.

4. Independent Contractor Status: It is agreed between the parties that the Animal Care & Control is an independent contractor and is not an employee or agent of the Town. The employees of the Animal Care & Control shall carry out their responsibilities in accordance with their own independent professional judgment as directed and authorized by the Animal Care & Control Manager.
5. Termination of Agreement: This agreement may be terminated with or without just cause by either party upon thirty (30) days written notice delivered to the Office of the Clerk of the governmental unit to whom the notice is directed.
6. Legal Representation: The Town shall be responsible for providing legal counsel and/or representation for any inquiries, hearings, court action or other legal matters pertaining to enforcement of its animal control ordinance and actions or omissions of its animal control officer(s), including the care and treatment of animals while in the custody of its animal control officer(s).

The City shall be responsible for providing legal counsel and/or representation for any inquiries, hearings, court action or other legal matters pertaining to enforcement actions taken by employees of the Animal Care & Control, except claims challenging the constitutionality or interpretation of the Town's animal control ordinance. The City shall also be responsible for any inquiries, hearings, court action or other legal matters pertaining to an animal while in the custody of the Animal Care & Control, except for the acts or omissions occurring while the animal is not in the custody of the Animal Care & Control.

7. Veterinarian and Other Costs: If the Animal Care & Control determines that an animal has been injured or otherwise requires veterinary attention, other than normal and routine inoculations and examinations given to animals, then the Animal Care & Control shall send the invoice for such costs to the Town for payment. If payment is not made and the City is required to make payment to the veterinarian or animal hospital, the City shall add said costs to the next monthly invoice sent to the Town.
8. Amendments to Agreement: The Animal Care & Control shall not undertake any additional services except those set out hereinabove unless it is stated in writing and adopted as an amendment to this Agreement. An amendment to this Agreement must be

approved for the City by the City Manager or an Assistant City Manager and for the Town by the Town Manager.

9. Entirety of Agreement: No oral agreement shall occur and this written agreement and its written amendments alone shall constitute and represent the basis of the relationship between the parties to this agreement. All attachments to this Agreement are incorporated by reference herein as if fully stated.
10. Prior Agreements: This Agreement shall supersede any existing interlocal agreements between the City and the Town regarding the same subject matter and any such existing agreements shall hereby be deemed terminated.

IN WITNESS WHEREOF, the City and the Town have executed this Agreement on the day and year first above written.

ATTEST:

CITY OF CHARLOTTE

City Clerk

By: _____ (SEAL)
City Manager

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

By: _____ (SEAL)
Greg Ferguson, Town Manager

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE
MANNER REQUIRED BY THE LOCAL GOVERNMENT
BUDGET AND FISCAL CONTROL ACT:

Jackie Huffman, Finance Director

Approved as to Form:

Robert B. Blythe, Town Attorney

ATTACHMENT I

ATTACHMENT II

RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT PERTAINING TO PROVISION OF ANIMAL CONTROL SERVICES BY THE CITY OF CHARLOTTE TO THE TOWN OF HUNTERSVILLE

Resolution No.: R-2016-_____

WHEREAS, NCGS §160A-461 permits municipalities to enter into Interlocal Agreements with other governmental agencies for the providing of services, and

WHEREAS, the Town of Huntersville (“Town”) and City of Charlotte (“City”) entered into an Interlocal Agreement for animal control services for the Town, and

WHEREAS, said Interlocal Agreement expires June 30, 2016, and

WHEREAS, the parties have agreed to renew such Interlocal Agreement effective for the period beginning July 1, 2016, and continuing as set forth in terms of said Interlocal Agreement.

NOW, THEREFORE, be it **RESOLVED** the attached Interlocal Agreement between the Town and the City is hereby approved and ratified, and the Town Manager and Town Clerk are hereby authorized to execute the said document as the act of the Town, and this Resolution shall be spread upon the minutes.

CERTIFICATION

I, Janet Pierson, Town Clerk of the Town of Huntersville, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Board of Commissioners of the Town of Huntersville, North Carolina, in regular session convening on the 18th day of July, 2016.

WITNESS my hand and the corporate seal of the Town of Huntersville, North Carolina, this ____ day of July, 2016.

Janet Pierson, Town Clerk

ATTACHMENT III

Services to Be Provided by the Animal Care & Control

1. **Ordinance Enforcement:** When providing service within the Town, the Animal Care & Control shall enforce the Town of Huntersville Animal Control Ordinance. However, Animal Care & Control shall not issue any citations for violations of said ordinance, but shall report such violations to the Town animal control officer for enforcement action.
2. **Sheltering:** The Animal Care & Control shall provide all animal sheltering services to the Town when space is available. The City shall have no obligation to provide animal sheltering services if sheltering space is not available. For Fiscal Year 2017 (July 1, 2016 through June 30, 2017), the Town shall pay the City for animal sheltering services for animals impounded/seized and/or housed/boarded for criminal investigations, court cases and quarantines pursuant to the fee schedule below. For all subsequent Fiscal Years, the Town shall pay the City for animal sheltering services pursuant to the fee schedule below for animals impounded/seized and/or housed/boarded for criminal investigations, court cases, quarantines, and for all other animals until they become the property of the City. Except when the Animal Care & Control has responded to a call for service, as provided under Section 3 herein, and has impounded an animal, the Town shall be responsible for all required notices pertaining to an animal's seizure and delivery to the Animal Care & Control. The Town shall also be responsible for providing any special instructions (e.g. extending the normal "hold" period) to be entered on the animal's kennel record. If no special instructions are provided, the disposition of the animal shall be in accordance with the Animal Care & Control's sheltering procedures. If, after the effective date of this agreement, the Town acquires direct access to the Animal Care & Control's computer system, the Town shall be solely responsible for entering the animal's kennel record, as well as any special instructions on said record, in the circumstances described above. The Town shall be responsible for all administrative proceedings relating to enforcement of the ordinance, including impoundment of the animal at the Animal Care & Control.

Animal Type	Impound/Seizure Fee	Daily Boarding Fee
Dog	\$40.00	\$10.00
Feline	\$25.00	\$6.00
Large Livestock	\$50.00	\$12.00
Medium Livestock	\$10.00	\$6.00
Small Livestock	\$10.00	\$3.00

3. **Requests/Calls for Service:** The Animal Care & Control shall provide services to the Town in response to requests from the Huntersville Police Department and/or the Town animal control officer. A request for service shall be deemed authorization by the Town for the services provided by the Animal Care & Control, and shall authorize all subsequent calls for service as required by state law or other necessary follow-up.

4. Dispatch: Calls for service originating within the Town received by the Animal Care & Control shall be referred to the dispatcher for the Huntersville Police Department.
5. Calls for Service Reports: The Animal Care & Control shall provide to the Town a monthly report containing all of the calls for service that Animal Care & Control responded to within the Town, as well as all animals impounded for the Town and the length of stay.
6. Bite Incidents/Reports: The Town shall respond to and investigate all incidents within the Town involving animal bites, except such incidents that occur while the Animal Care & Control is providing services pursuant to Section 3 herein. The Town shall report all such incidents that it investigates to the Mecklenburg County Health Director, as required by North Carolina General Statute § 130A-196, and shall provide to the Animal Care & Control a copy of the bite report generated in connection with each such incident.

**RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT
PERTAINING TO PROVISION OF ANIMAL CONTROL SERVICES
BY THE CITY OF CHARLOTTE TO THE TOWN OF HUNTERSVILLE**

WHEREAS, NCGS §160A-461 permits municipalities to enter into Interlocal Agreements with other governmental agencies for the providing of services, and

WHEREAS, the Town of Huntersville (“Town”) and City of Charlotte (“City”) entered into an Interlocal Agreement for animal control services for the Town, and

WHEREAS, said Interlocal Agreement expires June 30, 2016, and

WHEREAS, the parties have agreed to renew such Interlocal Agreement effective for the period beginning July 1, 2016, and continuing as set forth in terms of said Interlocal Agreement.

NOW, THEREFORE, be it **RESOLVED** the attached Interlocal Agreement between the Town and the City is hereby approved and ratified, and the Town Manager and Town Clerk are hereby authorized to execute the said document as the act of the Town, and this Resolution shall be spread upon the minutes.

TOWN OF HUNTERSVILLE

ATTEST:

Janet Pierson, Town Clerk
(SEAL)

John Aneralla, Mayor

APPROVED AS TO FORM:

Robert B. Blythe, Town Attorney

Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman Finance Director / Greg Ferguson Town Manager
Subject: Adopt Order of Collection

Each fiscal year the Town is required by state law to adopt by Board Action notice to citizens regarding payment of annual property taxes. The attached document designates Mecklenburg County Tax Collector as our agent to collect taxes for FY 2017. According to attached memo from the County Collector, bills are expected to be mailed on July 27.

ACTION RECOMMENDED:

Adopt Order of Collection

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
□ Order of Collection	Cover Memo




MECKLENBURG COUNTY

Office of the Tax Collector

MEMORANDUM

TO: Greg Ferguson, Huntersville, Town Manager

FROM: Neal L. Dixon, Tax Collector 

DATE: June 29, 2016

SUBJECT: Order of Collection

The 2016 tax bills are scheduled to mail on July 27, 2016. This is the first time the County Assessor's Office and the Office of the Tax Collector will complete the initial billing process of the fiscal year before August. As a result, I am requesting that your governing board approve the Order of Collections earlier than in prior years. The annual Tax Collector's Settlement will be distributed separately by early August.

General Statute 105-321(b) states: "Before delivering the tax receipts to the Tax Collector in any given year, the Board of County Commissioners or municipal governing body shall adopt and enter in it's minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the Tax Collector at the time the tax receipts are delivered to him, but the failure to do shall not affect the Tax Collector's rights and duties to employ the means of collecting taxes provided by this Subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayer's real and personal property."

For your convenience, I have prepared an order of collection. Please have the Clerk return it to me after it has been signed. I would like to have the Order of Collection in hand prior to the September 1, 2016 due date for ad valorem taxes.

Thank you.

dlp

c: Jackie Huffman, Finance Director

PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS

700 East Stonewall Street • P.O. Box 31457 • Charlotte, North Carolina 28231 • 980-314-4488

ORDER OF COLLECTION

NORTH CAROLINA, HUNTERSVILLE

TO THE TAX COLLECTOR OF MECKLENBURG COUNTY

GENERAL STATUTE 105-321(b)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Huntersville and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand official seal, this _____ day of _____, 2016.

_____(SEAL)
Mayor of Huntersville

Attest:

Clerk of Board

**Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Dee Jetton, Executive Director
Subject: Roof Replacement Contract per FY 2016-2017 Approved Budget

ACTION RECOMMENDED:

Approve Town Manager to execute the contract with GHC Professional Roofing.

FINANCIAL IMPLICATIONS:

\$109,380 as approved with the FY 2016-2017 budget. This is the same contractor that completed the first half of our roof replacement. This project was bid as a phased project at the time of the first half replacement. The attached contract reflects the changes that the Town's attorney requested.

ATTACHMENTS:

Description	Type
□ Contract	Backup Material



STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

AGREEMENT – HFFA – RE-Cover .060 MIL Fleece-Back TPO Project:

THIS AGREEMENT made and entered into on the 9th day of May, 2016 between Advance Tech Construction, LLC dba: GHC Professional Roofing, NC GC License # **75788**, authorized to do and doing business in the state of North Carolina, herein referred to as “GHC” & the Town of Huntersville on behalf of the Huntersville Family Fitness & Aquatics, herein referred to as “HFFA”.

WITNESSETH:

THAT WHEREAS, HFFA requested GHC to provide at location: 11725 Verhoff, Huntersville, NC 28078 - RE-cover single-ply membrane roofing. GHC is to provide materials & installation of Versico Brand .060 MIL Fleece-back TPO White single-ply membrane roofing over top of the roof surface in place. Scope of work is to be performed according to drawings, line items, and plans of the agreed proposal, attached as Exhibit “A”. There should be minimal debris for this RE-cover single-ply roofing project - and GHC has agreed to do so;

NOW THEREFORE, for and in consideration of the acts and things herein agreed to be done, and other valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree to as follows:

1. The contract price for the roof installation shall be One Hundred Nine Thousand, Three Hundred, Eighty Dollars, & Zero Cents (\$109,380.00). This contract price shall include all work performed pursuant to this agreement, and set forth in the estimate provided which is attached hereto as Exhibit “A”.
2. HFFA shall pay to GHC as follows:
 - a. Just over Forty percent (40%) of the contract price upon execution (constituted by the signatures of both GHC & HFFA on this document) of this agreement – Forty-Four Thousand Dollars, & Zero Cents (\$44,000.00)
 - b. Upon delivery & placement of roofing materials onto workspace, due is about Twenty-five percent (25%) – Twenty-seven Thousand, Five Hundred Dollars, & Zero Cents (\$27,500.00)
 - c. Upon completion of Fleece-back 60 Mil White TPO Single-Ply Membrane lay-over installation, due is about Thirty percent (30%) – Thirty-three Thousand Dollars, & Zero Cents (\$33,000.00)
 - d. Upon 20 Year Warranty Inspection by Versico with passing grade, due is the remainder of the balance – Forty-Eight Hundred, Eighty Dollars, & Zero Cents (\$4,880.00)
3. HFFA shall pay the sums due GHC in a timely manner as set forth above.
4. GHC shall commence in accordance with schedule set forth by the needs of HFFA here.
5. GHC is under no obligation to make changes, additions, or alterations in the work provided in the contract documents. Upon reasonable request of HFFA, GHC may make changes, additions, or

alterations, but GHC shall not be required to do so until the parties have executed a written change order, which will become part of this Contract, and HFFA has paid GHC for changes in the work as billed. HFFA agrees to make requests concerning changes, additions, or alterations in the work to Jeff Church, Director of GHC, and not to agents or employees of GHC on the job. All change orders shall be paid by HFFA to GHC prior to the completion of each change order.

6. HFFA acknowledges that in the course of the roofing project, certain changes, deviations, or omissions may be necessary due to the requirements of governmental authorities having jurisdiction of the property or particular conditions of the job. HFFA hereby authorizes GHC to undertake without the need for specific authorization, any changes, deviations, or omissions required by governmental authorities, or particular conditions of the job.
7. If HFFA fails to comply with the provisions of this Contract, GHC may terminate this agreement. At the option of GHC, GHC may proceed against HFFA for specific performance or any other available legal or equitable remedies. If HFFA terminates this Contract or the Contract is otherwise terminated, or work stops by order of HFFA, or the Homeowner, any Court or other public authority, for any reason other than through the fault of GHC, HFFA shall pay GHC for any unpaid costs of the work performed to the date of termination, together with GHC's profit for the work completed at that time, proven by GHC, but in no event to exceed 30% of the entire Contract amount.
8. GHC shall provide clean-up during and at the conclusion of each work day – maintain safe working conditions.
9. GHC shall insure to each and every workman employed in, about, or upon the construction premises the compensation provided for, in, and by each and every statute applicable thereto (including, but not limited to, Worker's Compensation, and employer's liability insurance). GHC shall further obtain and maintain during the term of this Contract, general liability in an amount of no less than two million dollars and Builder's Risk Insurance in an amount of no less than two million dollars, properly safeguarding GHC and HFFA against liability for injuries to persons, including injuries resulting in death, and damage to or destruction of property. The policies referred to herein shall insure GHC and HFFA (as an additional insured) against liability for injuries, death, or damage, without regard to whether such injury, death, or damage is due to the negligent act or omission of GHC, HFFA, or any Subcontractor. GHC shall be solely obligated to its Subcontractors for all work performed by them pursuant to this Contract. If the same shall file a lien against the property in question, then it shall be GHC's responsibility to obtain a release from said lien (public property – may not be applicable at all). GHC shall indemnify (including attorney's fees and costs) and hold HFFA harmless from any lien by a subcontractor or material men. GHC agrees to take such steps as necessary to insure that the Subcontractors are not under the influence of drugs and/or alcohol on the jobsite, and that they refrain from abusive language while at work.
10. GHC shall provide proof of insurance coverage required.
11. GHC has *not* agreed to pull a permit for this project. Because there shall be no changes made to the shape or structure of the building, and no county inspectors with special roofing knowledge available for inspection, permitting has not been considered for this project. Permitting fees shall apply if permitting is required.
12. The Warranty provided by GHC to HFFA are for any damages caused during roof construction by GHC, any agent of GHC or any Subcontractor to any personal property of HFFA. The Warranty shall date from the time of the commencement of the roofing project. GHC provides no warranties related to manufacture or consumer products. Workmanship Warranty – Exhibit B, entitled "10 Year Workmanship Warranty" provided as attachment to this Contract. The above Warranty contains all of the representations, warranties, and promises of GHC. Neither agents,

nor representative of GHC is authorized to make any representation, nor promise on behalf of GHC other than those contained in said Warranty.

13. Each provision of the Contract is separable from every other provision of the Contract is separable from every other provision of the Contract, and if any provision is determined to be unenforceable or is revised, it will have no effect on the enforceability or validity of any other provision.
14. This Contract shall incorporate all terms agreed to in the Detailed Estimate provided (Exhibit A), once signed by HFFA.
15. This Agreement shall be deemed executed in the State of North Carolina regardless of the actual place of signature or the actual place of performance. This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina. Any action brought under this Agreement must be commenced in the General Courts of Justice of Mecklenburg County, North Carolina. GHC and HFFA irrevocably and unconditionally submit to the exclusive jurisdiction of such courts and agree to take any and all future action necessary to submit to the jurisdiction of such courts. GHC and HFFA irrevocably waive any objection that they now have or hereafter irrevocably waive any objection that they now have or hereafter may have to the laying of venue of any suit, action or proceeding brought in any such court and further irrevocably waive any claim that any such suit, action, or proceeding brought in any such court has been brought in an inconvenient forum.
16. In the event that there is any controversy or claim arising out of or relating to this Agreement, or to the interpretation, breach, or enforcement thereof, and any action or proceeding is commenced to enforce the provisions of this Agreement, the prevailing party shall be entitled to a reasonable attorney's fee, costs, and expenses.
17. This Agreement constitutes the entire agreement between GHC and HFFA and shall not be amended, altered, nor changed except by a written agreement signed by the parties hereto. Any terms and conditions in any other instrument issued by GHC and HFFA in connection with this Agreement which are in addition to or inconsistent with the terms and conditions of this Agreement shall not be binding on either party and shall not be deemed to amend or modify this Agreement.
18. Buyer is not listed on the Final Divestment List ("**Divestment List**") created by the North Carolina State Treasurer pursuant to Article 6E, N.C.G.S. §147-86.55, *et seq.* ("**Iran Divestment Act of 2015**"). Buyer shall not utilize in the performance of its obligations under this Contract any contractor or subcontractor listed on the Divestment List, nor assign this Contract to any assignee on the Divestment List.
19. **E-Verify.** Buyer shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes of North Carolina. Further, if Buyer utilizes a subcontractor, Buyer shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the General Statutes of North Carolina.

IN TESTIMONY WHEREOF, the parties hereto have set their hands and seals to this instrument, as of the day and year first above-written

GHC Professional Roofing

Jeff Church, Director

This the 9th day of May, 2016

Huntersville Family Fitness & Aquatics/Town of Huntersville

HFFA, Authorized Agent

Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Gerald D. Vincent, Assistant Town Manager
Subject: Harvest Point Subdivision

ACTION RECOMMENDED:

Authorize Greg Ferguson, Town Manager, to refund Matt McMullen, Grande Homes, the deposit of 5% (\$3,000) for the purchase of two lots within the Harvest Point subdivision.

FINANCIAL IMPLICATIONS:

Refund of deposit (\$3,000).

Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Ryan McDaniels, Lake Norman Economic Development
Subject: Sale of Portion of Unimproved Land in Commerce Station

Consider the sale of a portion of Tax Parcel No. 019-311-04 containing 9.11 acres of unimproved land in Commerce Station.

ACTION RECOMMENDED:

Adopt Resolution authorizing sale.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
□ Resolution	Resolution

**RESOLUTION AUTHORIZING SALE OF
REAL PROPERTY FOR ECONOMIC DEVELOPMENT**

WHEREAS, North Carolina General Statute §158-7.1, authorizes a Town to undertake an economic development project by conveying property to a company in order to cause the company to locate or expand its operations within the town; and

WHEREAS, The Town of Huntersville is the owner of 44.19 acres, identified as Parcel 2 of the North Mecklenburg Industrial Park, Exempt Subdivision Plat, dated June 1, 2005, made by Kevin S. Baucom, PLS with The John McAdams Co., Inc., of record in the Mecklenburg County Register of Deeds in Map Book 44, at Page 517, and identified as Tax Parcel No. 019-311-04. North Mecklenburg Industrial Park is now known as Commerce Station; and

WHEREAS, The Town of Huntersville and Silver Huntersville, LLC. have engaged in private negotiations for the conveyance of the 9.11 acres of land, which is a portion of the 44.19 acre tract, and Silver Huntersville, LLC, shall develop the property for industrial and/or commercial uses, subject to restrictive covenants to assure the appropriate development, and have reached a tentative agreement on the terms for conveyance; and

WHEREAS, The Board of Commissioners have held a public hearing to consider whether to approve the conveyance of the tract of land to Silver Huntersville, LLC.

**THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF
HUNTERSVILLE RESOLVES THAT:**

1. The Mayor of the Town of Huntersville is authorized to execute the necessary documents to convey to Silver Huntersville, LLC, the real property more particularly described below:

A portion of Tax Parcel No. 019-311-04, containing 9.11 acres commonly known known as Parcel 2 of the North Mecklenburg Industrial Park, Exempt Subdivision Plat, dated June 1, 2005, made by Kevin S. Baucom, PLS with The John McAdams Co., Inc., of record in the Mecklenburg County Register of Deeds in Map Book 44, at Page 517.

2. The Board of Commissioners determines that the conveyance of the property to Silver Huntersville, LLC, should create a substantial number of jobs in Huntersville that

would pay average hourly wages of between \$28.42 (all industries) to \$32.47 (manufacturing), which is the average for Mecklenburg County.

3. The fair market value of the property, subject to the covenants and conditions associated with 9.11 acres, is \$60,000.00, per acre, or \$546,600.00. This is the appraisal on a per acre, basis before rounding up, made by T. B. Harris, Jr. & Associates and dated May 27, 2016, which is on file in the office of the Lake Norman Economic Development.
4. As consideration for the conveyance of the property, Silver Huntersville, LLC, will pay at closing \$60,000.00 per acre.

Adopted this _____ day of _____ 2016.

ATTEST:

John Aneralla, Mayor

Janet Pierson, Town Clerk

(SEAL)

Approve as to Form:

Robert B. Blythe, Town Attorney

Resolution No.: R-2016-_____

**Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman / Greg Ferguson
Subject: SL 362 Property Tax Refunds

Attached is Report #62 from Mecklenburg County of SL 362 refunds. The report contains 101 refunds for a total of \$16,975.10 including \$1544.52 interest. To date, the Town of Huntersville has process 10,426 refunds totaling \$476,998.22 which includes \$47,804.96 interest.

ACTION RECOMMENDED:

Approve SL 362 property tax refund report.

FINANCIAL IMPLICATIONS:

Decrease revenue

ATTACHMENTS:

Description	Type
□ Report #62	Cover Memo

Tax Year	Parcel #	Refund Recipient Name	Address Line 1	City	State	Zip Code	Total Refund (\$)	Interest if pd by 7/29/16
2014	00504218	TARGET CORPORATION	PO BOX 9456	MINNEAPOLIS	MN	55440-9456	14,381.97	1,122.98
2011	00535528	TODD, NATHANIEL G	2712 SHACKTOWN RD	YADKINVILLE	NC	27055	0.28	0.06
2011	00535549	AUSTIN, DENISE	133 SAND SPUR DR	MOORESVILLE	NC	28117	0.28	0.06
2012	00537201	NORTH POINTE REALTY CORP	1251 AVENUE OF THE AMERICAS	NEW YORK	NY	10020	179.95	32.00
2013	00537201	NORTH POINTE REALTY CORP	1251 AVENUE OF THE AMERICAS	NEW YORK	NY	10020	179.95	23.02
2014	00537201	NORTH POINTE REALTY CORP	1251 AVENUE OF THE AMERICAS	NEW YORK	NY	10020	194.29	15.17
2011	00916161	NOSKER, DAWN L	108 TIMBER VIEW LN	MOORESVILLE	NC	28115	2.82	0.64
2012	00916161	NOSKER, DAWN L	108 TIMBER VIEW LN	MOORESVILLE	NC	28115	1.98	0.35
2011	00916176	AMTRUST REO I LLC	350 S GRAND AVE,47TH FL	LOS ANGELES	CA	90071	0.89	0.20
2011	00919214	REMICK, KATHRYN B	104 NORTHWEST AVE	WASHINGTON	NC	27889	1.70	0.39
2011	00925119	STRINGER, JACKIE L	2293 WEST VILLAGE LN SE	SMYRNA	GA	30080	3.10	0.71
2011	00925138	STEWART RENTALS LLC .	PO BOX 252	HUNTERSVILLE	NC	28070	2.18	0.39
2011	00931537	SCHIMMER, WAYNE R	15618 SEAFIELD LN	HUNTERSVILLE	NC	28078	1.13	0.26
2011	00939348	FOX, BRIAN C	1356 PEARIDGE RD	ANGIER	NC	27501	0.28	0.06
2012	01103201	MAYES, GLENN ROLLAND	17746 CALDWELL STATION RD	HUNTERSVILLE	NC	28078	59.33	10.55
2013	01120121	TOWN COUNTRY STORAGE OF HUNTERSVILLE	PO BOX 751	STATESVILLE	NC	28887	297.19	38.02
2011	01301128	WALDEN, TROY	6601 PAMELA ST	HUNTERSVILLE	NC	28078	47.68	10.10
2011	01301226	HOLLOWAY, JOHN L JR	7033 CARDIGAN AVE	CHARLOTTE	NC	28215	66.73	13.21
2011	01301518	OAKMONT HOME BUILDERS, INC.	2630 D SOUTH TRYON ST	CHARLOTTE	NC	28203	29.19	2.92
2011	01301519	OAKMONT HOME BUILDERS, INC.	2630 D SOUTH TRYON ST	CHARLOTTE	NC	28203	29.19	2.92
2011	01301522	OAKMONT HOME BUILDERS, INC.	2630 D SOUTH TRYON ST	CHARLOTTE	NC	28203	30.95	3.10
2011	01301534	RUTLAND, JAMES C	PO BOX 633	CHINA GROVE	NC	28023-0633	24.34	5.34
2011	01301535	RUTLAND, JAMES C	PO BOX 633	CHINA GROVE	NC	28023	24.34	5.34
2011	01302103	HENDERSON, ROY E	PO BOX 132	HUNTERSVILLE	NC	28078	23.45	5.35
2011	01302104	HENDERSON, ROY E	PO BOX 132	HUNTERSVILLE	NC	28078	23.45	5.35
2011	01302105	HENDERSON, ROY E	PO BOX 132	HUNTERSVILLE	NC	28078	23.45	5.35
2011	01302106	HENDERSON, ROY E	PO BOX 132	HUNTERSVILLE	NC	28078	23.45	5.35
2011	01302107	HENDERSON, ROY E	PO BOX 32322	CHARLOTTE	NC	28232	81.64	18.63
2011	01302231	BROWN, ELIZABETH A	13522 Glenwyck Ln	Huntersville	NC	28078	36.64	5.66
2011	01302514	RAHMAN, HASAN	12329 NEW BOND DR	HUNTERSVILLE	NC	28078	29.37	2.85
2011	01314120	MILLER, JERRY L	13905 HASTINGS FARM RD	HUNTERSVILLE	NC	28078	1.41	0.32
2011	01501112	NICHOLSON, JAMES R	PO BOX 35527	CHARLOTTE	NC	28235-5527	25.70	5.87
2012	01501112	NICHOLSON, JAMES R	PO BOX 35527	CHARLOTTE	NC	28235-5527	19.77	3.52
2013	01501112	NICHOLSON, JAMES R	PO BOX 35527	CHARLOTTE	NC	28235-5527	20.17	2.57
2011	01502118	COVINGTON, MELONY K	7725 AUTUMNVIEW CT	HUNTERSVILLE	NC	28078	4.52	1.03
2011	01505706	ANDREWS, ROBERT P	8326 Highland Glen Dr	CHARLOTTE	NC	28269	0.28	0.06
2011	01506103	CALDWELL BERRY HEIRS FAMILY TRUST, .	3040 MCCLELLAND AVE	NEW CASTLE	PA	16101	28.25	6.45
2012	01506103	CALDWELL BERRY HEIRS FAMILY TRUST, .	3040 MCCLELLAND AVE	NEW CASTLE	PA	16101	25.71	4.57
2013	01506103	CALDWELL BERRY HEIRS FAMILY TRUST, .	3040 MCCLELLAND AVE	NEW CASTLE	PA	16101	25.71	3.29
2012	01512123	FAULK, ARCHIE D	15500 EWART RD	HUNTERSVILLE	NC	28078	12.99	2.31
2013	01512123	FAULK, ARCHIE D	15500 EWART RD	HUNTERSVILLE	NC	28078	12.99	1.66
2011	01514169	PARSONS, CASTER H	7903 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	30.49	6.96
2012	01514169	PARSONS, CASTER H	7903 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	28.79	5.12
2013	01514169	PARSONS, CASTER H	7903 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	28.79	3.68
2013	01515150	WILSON, BILLY R	7231 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	14.17	1.81
2011	01516424	LHZ PROPERTIES LLC .	PO BOX 1147	HUNTERSVILLE	NC	28070	0.56	0.13
2011	01516425	LHZ PROPERTIES LLC .	PO BOX 1147	HUNTERSVILLE	NC	28070	0.56	0.13
2011	01516519	TORRES, JUDITH A	10223 LASARO WAY	SHERRILS FORD	NC	28078	3.95	0.90
2012	01516519	TORRES, JUDITH A	10223 LASARO WAY	SHERRILS FORD	NC	28078	3.95	0.70
2013	01516519	KIMBERLY B RIGGLE	6808 CASCADE DREAM CT	HUNTERSVILLE	NC	28078	3.95	0.51
2011	01519110	RICHARDSON, DONNA S	7920 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	37.01	8.45
2012	01519110	RICHARDSON, DONNA S	7920 HAMBRIGHT RD	HUNTERSVILLE	NC	28078	33.62	5.98
2011	01520101	MCCOY, THOMAS H	431 FENTON PL	CHARLOTTE	NC	28207	26.56	6.06
2012	01520101	MCCOY, THOMAS H	431 FENTON PL	CHARLOTTE	NC	28207	26.42	4.70
2013	01520101	MCCOY, THOMAS H	431 FENTON PL	CHARLOTTE	NC	28207	26.42	3.38
2011	01529401	SADOFF, ARNOLD EUGENE	12510 OAK PARK LN	HUNTERSVILLE	NC	28078-6870	4.10	0.94
2011	01537103	CONE, BARBARA LEE	8508 SUMMERFIELD LN	HUNTERSVILLE	NC	28078-6864	0.58	0.12
2011	01544102	BOSTIC, DOUGLAS MANNINGS	8300 MCILWAINE RD	HUNTERSVILLE	NC	28078	3.11	0.71
2011	01544103	SHERRILL, BEATRICE B	8137 MCILWAINE RD	HUNTERSVILLE	NC	28078	0.28	0.06
2011	01546109	ADAIR, DONALD GRANT R/T	9800 SAO PAULO DR	HUNTERSVILLE	NC	28078-8424	2.54	0.58
2012	01702116	STRICKLAND, RANDY CHARLES	500 N HOSKINS RD	CHARLOTTE	NC	28216	10.31	1.81
2011	01704205	AGNEW, KIM D	1440 BENNINGTON DR	CONCORD	NC	28027	0.84	0.19
2012	01707225	QUEEN, CAROL ANN	1006 RIVER HAVEN CR APT B	CHARLESTON	SC	29412	42.12	6.85
2012	01709319	NORTH LAKE PROPERTY MANAGEMENT LLC	PO BOX 2043	HUNTERSVILLE	NC	28070	53.80	8.98
2013	01709319	NORTH LAKE PROPERTY MANAGEMENT LLC	PO BOX 2043	HUNTERSVILLE	NC	28070	49.52	6.32
2011	01714405	BROWN, ROBERT MONROE	14403 STUMPTOWN RD	HUNTERSVILLE	NC	28078	37.01	8.45

Tax Year	Parcel #	Refund Recipient Name	Address Line 1	City	State	Zip Code	Total Refund (\$)	Interest if pd by 7/29/16
2013	01715605	SPARK GLASS LLC .	8727 SAVANNAH PL	HARRISBURG	NC	28075	10.17	1.30
2011	01724405	COMBS, D MICHAEL	9411 LINWOOD DR	HUNTERSVILLE	NC	28278	4.24	0.97
2012	01724405	COMBS, D MICHAEL	9411 LINWOOD DR	HUNTERSVILLE	NC	28278	4.24	0.75
2013	01724405	COMBS, D MICHAEL	9411 LINWOOD DR	HUNTERSVILLE	NC	28278	4.24	0.54
2011	01724506	RORRER, HOWARD	9408 LINWOOD R	HUNTERSVILLE	NC	28078	36.44	8.32
2011	01727302	STEWART RENTALS LLC	PO BOX 252	HUNTERSVILLE	NC	28078	3.74	0.68
2012	01727302	STEWART RENTALS LLC	PO BOX 252	HUNTERSVILLE	NC	28078	3.61	0.54
2013	01727302	STEWART RENTALS LLC	PO BOX 252	HUNTERSVILLE	NC	28078	3.54	0.41
2011	01729101	FREE, ELIZABETH	9205 TOLEDO RD	HUNTERSVILLE	NC	28078-9199	4.23	0.97
2011	01730159	LOVETTE, JOYCE MAXINE	11726 SWANSBORO LN	HUNTERSVILLE	NC	28078	2.83	0.65
2011	01731102	BONNER, ERNEST	600 SOUTHLAND RD	HUNTERSVILLE	NC	28078	6.35	1.45
2011	01746220	SLUTZKY, HOWARD R	10005 ROSE BROOK LN,APT 213	HUNTERSVILLE	NC	28078	1.13	0.26
2011	01746306	KUMBALEK, MIKE	910 OAKMONT LOOP NE	ALBANY	OR	97322	25.99	5.93
2012	01746306	KUMBALEK, MIKE	910 OAKMONT LOOP NE	ALBANY	OR	97322	25.99	4.62
2013	01746306	KUMBALEK, MIKE	910 OAKMONT LOOP NE	ALBANY	OR	97322	25.99	3.33
2011	01746453	HOUCK, WILLARD CLARK JR	464 Lord Charles Dr	SouthPort	NC	28461	18.92	4.32
2012	01746453	BEDICS, MYLES A	4109 Pennington Rd	Rock Hill	SC	29732	18.92	3.36
2013	01746453	BEDICS, MYLES A	4109 Pennington Rd	Rock Hill	SC	29732	18.92	2.42
2011	01747339	VECIN, AIMEE	5715 NW 112 TERR	HIALEAH	FL	33012	0.28	0.06
2011	01904111	MCCRAW, SARA MARLENE	PO BOX 457	HUNTERSVILLE	NC	28078	19.29	4.40
2012	01904111	MCCRAW, SARA MARLENE	PO BOX 457	HUNTERSVILLE	NC	28078	19.43	3.45
2013	01904111	MCCRAW, SARA MARLENE	PO BOX 457	HUNTERSVILLE	NC	28078	19.29	2.47
2014	01904111	MCCRAW, SARA MARLENE	PO BOX 457	HUNTERSVILLE	NC	28078	22.18	1.73
2012	01905747	Z L METZ HOMES LLC	PO BOX 1147	HUNTERSVILLE	NC	28070	30.71	5.12
2012	01905748	Z L METZ HOMES LLC	PO BOX 1147	HUNTERSVILLE	NC	28070	30.70	5.12
2012	01905749	Z L METZ HOMES LLC	PO BOX 1147	HUNTERSVILLE	NC	28070	30.70	5.12
2011	01906148	SIGMON, MARZETTA B	PO BOX 2414	HUNTERSVILLE	NC	28078	4.94	1.13
2011	01929223	SCHROEDER, MELINDA	15809 GATHERING OAKS DR	HUNTERSVILLE	NC	28078	1.41	0.32
2011	01929229	Helen R Keyster	2707 Laugenour Pl	Kannpolis	NC	28081	0.56	0.13
2011	01929316	SCHMID, KARL-ANTON	1208 TREES OF KENNESAW PKWY	KENNESAW	GA	30152	0.56	0.13
2011	02109162	BRANNON, MATTHEW TODD	7309 Incline Dr	Wake Forest	NC	27587	5.65	1.29
2011	02111541	GORDON, ROBERT D	2530 Roberta Rd	Concord	NC	28027	40.39	9.22
2012	02111541	GORDON, ROBERT D	2530 Roberta Rd	Concord	NC	28027	40.39	7.18
2013	02111541	GORDON, ROBERT D	2530 Roberta Rd	Concord	NC	28027	40.39	5.17
2011	01926104A	JOHNSTON, OLIVER LLOYD SR	12500 RAMAH CHURCH RD	HUNTERSVILLE	NC	28078	0.60	0.14
							16,975.10	1,544.52

**Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman / Greg Ferguson
Subject: SL 362 Property Tax Refunds

Attached is Report #63 from Mecklenburg County of SL 362 refunds. The report contains 28 refunds for a total of \$697.32 including \$123.22 interest. To date, the Town of Huntersville has processed 10,454 refunds totaling \$477,695.54 which includes \$47,928.18 interest.

ACTION RECOMMENDED:

Approve SL 362 property tax refund report.

FINANCIAL IMPLICATIONS:

Decrease revenue

ATTACHMENTS:

Description	Type
Report #63	Cover Memo

[illegible]

**Town of Huntersville
REQUEST FOR BOARD ACTION
7/18/2016**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman / Greg Ferguson
Subject: SL 362 Property Tax Refunds

Attached is Report #64 from Mecklenburg County of SL 362 refunds. The report contains 4 refunds for a total of \$33.83 including \$3.85 interest. To date the Town of Huntersville has processed 10,458 refunds totaling \$477,729.37 which includes \$47,932.03 interest.

ACTION RECOMMENDED:

Approve SL 362 property tax refund report.

FINANCIAL IMPLICATIONS:

Decrease revenue

ATTACHMENTS:

Description	Type
Report #64	Cover Memo

[illegible]