

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
Bill Coxe, Transportation
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
June 6, 2016 - 6:30 PM
TOWN HALL (101 Huntersville-Concord Road)

I. Pre-meeting

- A. Meet and Greet with Planning Board applicants. (6:00 p.m.)
- B. Meet and Greet with Board of Adjustment applicants. (6:15 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 Transportation Commission, 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

- A. Conduct 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 home subdivision. (*David Peete*)
- B. Conduct 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*)
- C. Conduct 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*)
- D. Conduct 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*)

IX. Other Business

- A. Consider adopting budget for fiscal year 2016-2017. (*Greg Ferguson*)
- B. Consider decision on Petition #R16-03, a request by JV Bailey Road, LLC, to amend the Highway Commercial conditional rezoning plan for the McDonald's Restaurant (parcel 01715807). (*Brad Priest*)
- C. Consider decision on Petition #R16-04, a request by Lake Norman Charter School on behalf of the property owners to conditionally rezone 39 acres (parcels 01723306 & 01723312) from Corporate Business to Campus Institutional Conditional District. (*Brad Priest*)
- D. Conduct an evidentiary hearing and consider a decision on Blackwood Knoll subdivision sketch plan. (*Jack Simoneau*)
- E. Consider adopting resolutions related to Bond Order authorizing the issuance of \$865,000 General Obligation Street Bonds. (*Jackie Huffman/Greg Ferguson*)

X. Consent Agenda

- A. Approve minutes of the May 10, 2016 Special Town Board Meeting. (*Janet Pierson*)
- B. Approve minutes of the May 16, 2016 Regular Town Board Meeting. (*Janet Pierson*)
- C. Approve budget amendment recognizing insurance revenue in the amount of \$5,447.77 and appropriate to the Police Department's insurance account. (*Jackie Huffman/Chief Spruill*)
- D. Approve budget amendment recognizing insurance revenue in the amount of \$500 and appropriate to the Police Department's insurance account. (*Jackie Huffman/Chief Spruill*)
- E. Approve SL362 Property Tax Refund Report No. 57. (*Jackie Huffman/Greg Ferguson*)
- F. 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. (*Sushil Nepal*)
- G. Approve Electric Rate Rider REPS. (*Kathy Moyer*)
- H. Approve Electric Rate Rider RECR-1. (*Kathy Moyer*)
- I. 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. (*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
6/6/2016

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:

Hold Public Hearing on Monday, June 6, 2016.

FINANCIAL IMPLICATIONS:

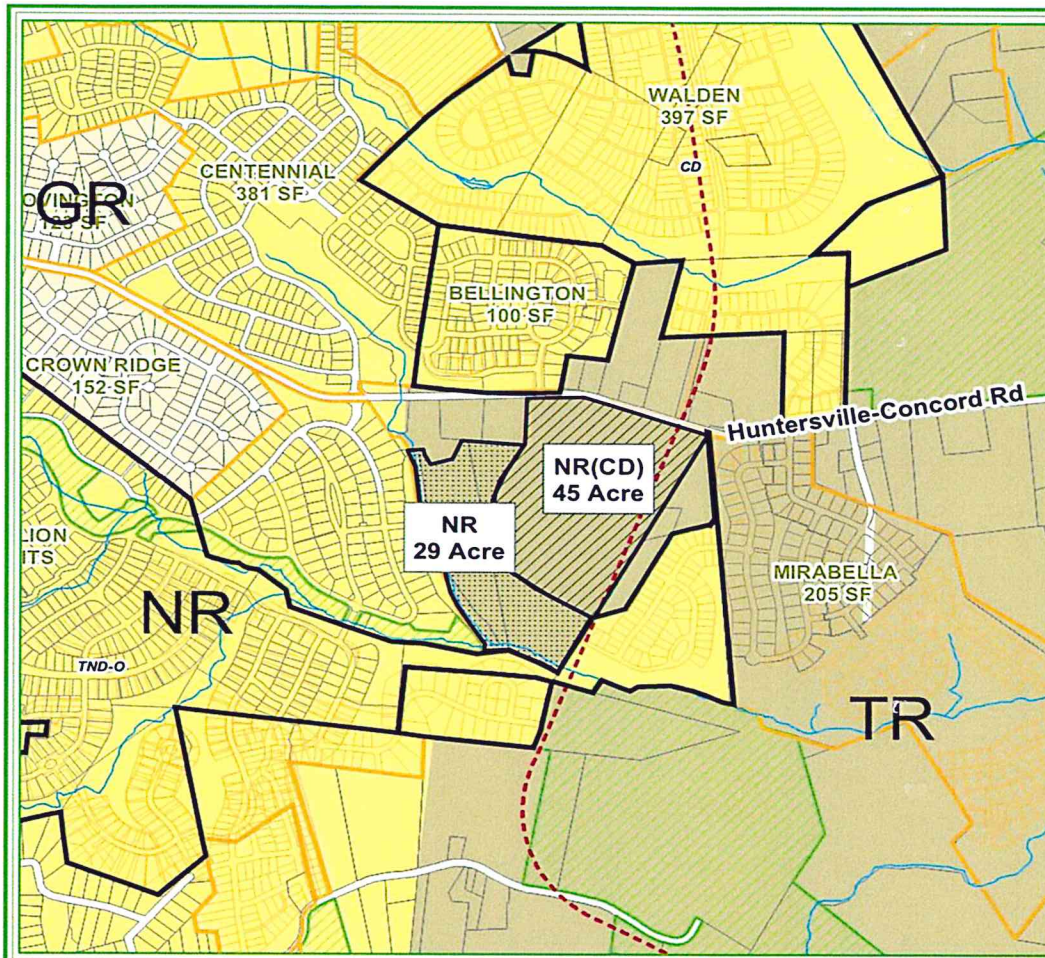
n/a

ATTACHMENTS:

Description	Type
▣ R 16-02 Public Hearing Staff Report	Cover Memo
▣ 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.

- 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.
- Adjoining Zoning and Land Uses.
North: Transitional Residential (TR) – 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.

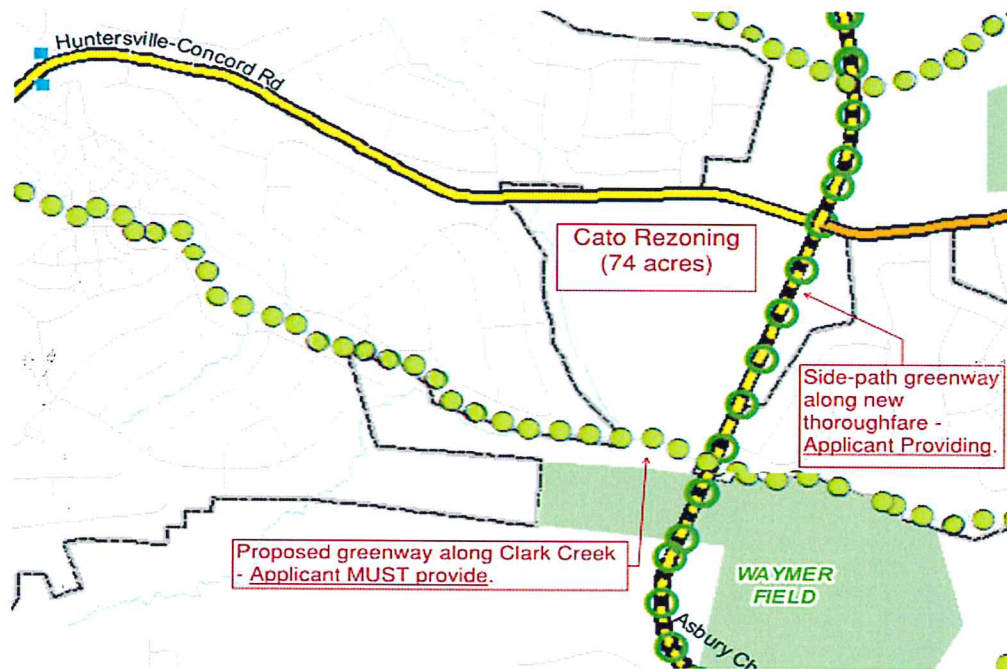
PART 2: REZONING/SITE PLAN ISSUES

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 will be 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. UPDATE – the applicant is actively working with staff to resolve this issue.
- 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.



- 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 and to create a more pedestrian-friendly streetscape. The applicant has expressed a willingness to provide this, but it has not been shown on the plans.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

Based on the land use and intensity proposed, a Traffic Impact Analysis (TIA) was required. A final TIA was submitted by the developer’s consultant and accepted by Town staff on May 3rd. Based on the TIA, the following roadway improvements are recommended at full build-out of the site:

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.

Improvement listed in the TIA to meet NCDOT requirements:

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.

NCDOT has provided comments on the TIA and agrees with the recommendations listed above.

Site Plan Comments

There are several comments outstanding on the site plans as listed below.

- 1) It is unclear if the property for the future Asbury Chapel Road south of the southern development entrance will be dedicated or reserved.
- 2) A minimum of 20 feet needs to be specified as the minimum distance between the face of the garage and the back of the sidewalk.
- 3) The typical section for Huntersville Concord Road was not provided. The typical section for Asbury Chapel Road does not include enough width to accommodate large maturing street trees.
- 4) Minor revisions to the sidewalk layout and ramp alignments.
- 5) 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) & Walden = 1.86 (NR)	Valencia = 2.68 (NR)	Mirabella = 1.47 (TR)	Vermillion = 2.55 (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.

- **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.

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;
- Provide bike lane along south side of Huntersville-Concord Road;
- Provide necessary greenway easement along creek at the southern end of the property;
- Appropriate, Ordinance-compliant buffers / open spaces are provided along both Thoroughfares;
- A 10' recess for garages has been recommended and applicant indicates willingness to provide. Add to plans;
- Home elevations must be submitted and reviewed;
- All outstanding redline comments are addressed.

PART 7: PUBLIC HEARING COMMENTS

Public Hearing scheduled to be held on June 06, 2016.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board scheduled to review on June 28, 2016.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- 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 <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>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 Planning Board recommends denial based on <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p><u>It is not reasonable and not in the public interest to amend the approved Rezoning Plan because... (Explain)</u></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 (6 AC +/- to NR)

Street Frontage (feet) APPROX. 3016 INCLUDING ASBURY CHAPEL ROAD ALIGNMENT

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

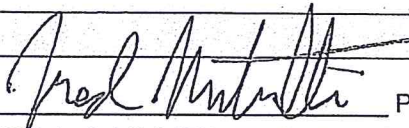
Consult the particular type of *Review Process* for the application type selected above. These can be found at <http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>.

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 N. VINE CONCORD NC Email W.E. CATO@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) 326-6570 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
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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.

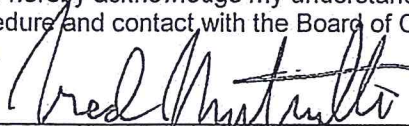
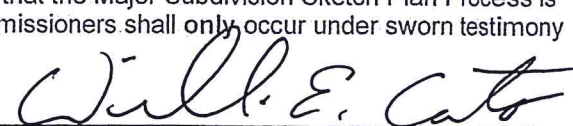
If Applying for a Conditional Rezoning:

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

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	704 942-1601	LARRY LDWYER@Yahoo.com
Patty Garrett	13000 Hillside Concord Rd		
Janice Lewis	10203 Halston Circle	704 807-2950	janicelewis4@gmail.com
BILL WAIST	2607 55 Batts Ln		
DAN BOODE	317 Southland Rd.		
DALE NEELEY	13522 Huntersville Concord	704-654-8523	DSNCELEY@YAHOO.COM
Doug Kernerly	13520 Huntersville	704-361-7880	

CATO RESIDENTIAL
12920 HUNTERSVILLE-CONCORD ROAD
Phone #

[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 horizontal line extending from the end of the name.

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

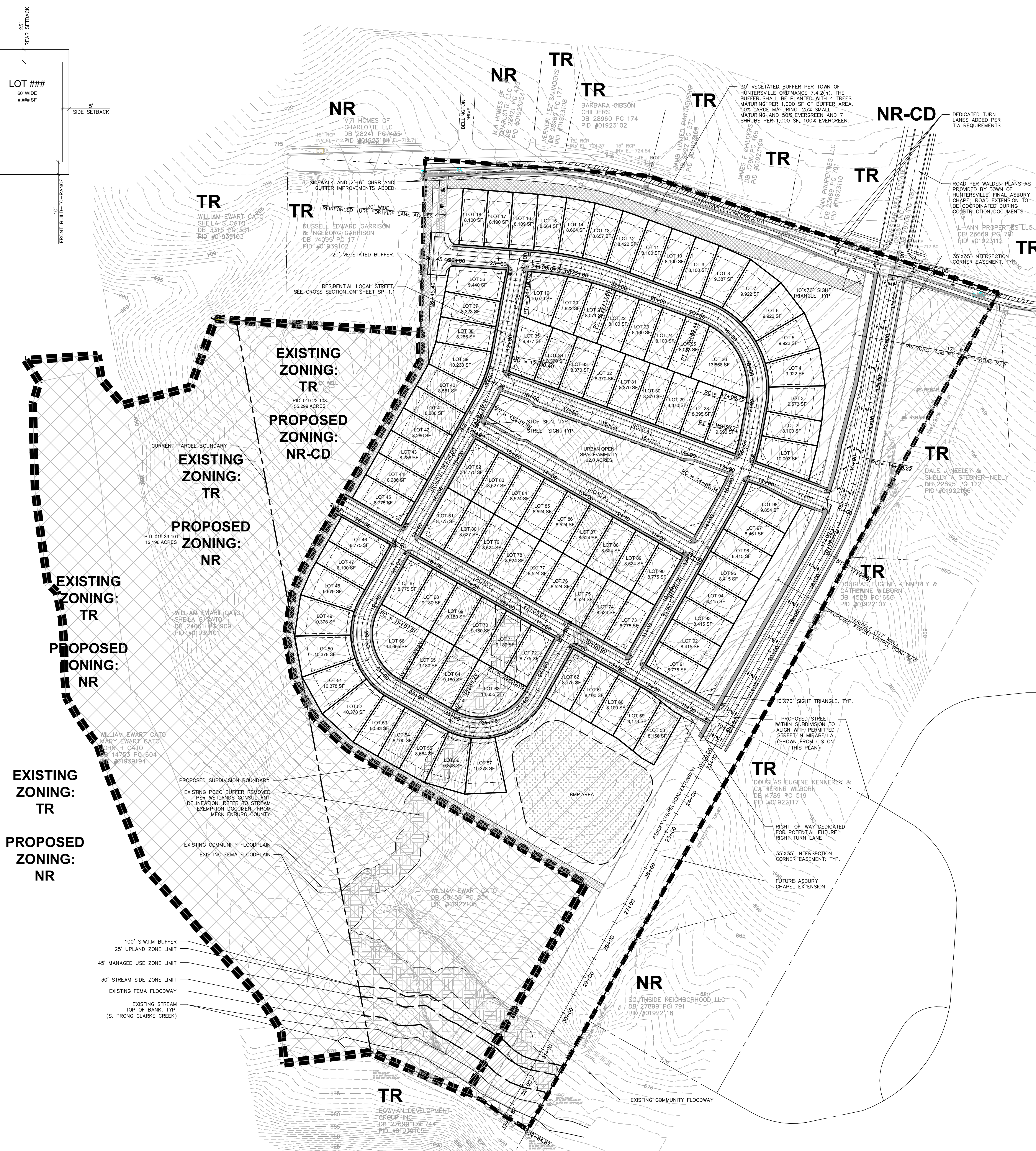
CC: Jack Simoneau
David Peete

Planning

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

Diagram illustrating a lot layout with setbacks and dimensions:

- REAR SETBACK:** 25'
- LOT #**
- 60' WIDE**
- #,## SF**
- 5' SIDE SETBACK** (Left)
- 5' SIDE SETBACK** (Right)
- 10' FRONT BUILD-TO-RANGE**



PROJECT NAME:	CATO SUBDIVISION
PARCEL NUMBER	01922108, 01939101, 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
PRELIM. USE:	SHRDLF 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

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

1. HUNTERSVILLE-CONCORD ROAD AT HIAWASSEE ROAD

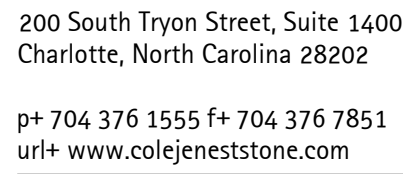
1. ALL DEVELOPMENT AND CONSTRUCTION SHALL COMPLY WITH ALL ZONING AND SUBDIVISION STANDARDS OF THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, AND NCDOT, AS APPLICABLE.
2. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.

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

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 PCCO BUFFER
	VEGETATED BUFFER
	REZONED TO NR-CD
	REZONED TO NR

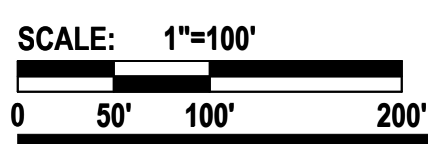
CURRENT ZONING		
PARCEL 019-22-108:	TR	+55.274 ACRES
PARCEL 019-39-101:		+12.24 ACRES
PARCEL 019-39-194:	TR	+5.764 ACRES
PROPOSED ZONING		
PARCEL 019-22-108:	NR	+10.452 ACRES
	NR-CD	+44.822 ACRES
TOTAL ACRES:		+55.274 ACRES
PARCEL 019-39-101:	NR	+12.167 ACRES
	NR-CD	+0.073 ACRES
TOTAL ACRES:		+12.24 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



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.

01/05/16

04/25/2016 - PER TOWN/COUNTY COMMENTS
05/24/2016 - PER COUNTY COMMENTS



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.

**Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016**

REVIEWED:

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

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:

Hold a Public Hearing on June 6, 2016.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
▣ TA 16-01 Public Hearing Staff Report	Cover Memo

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 polices 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 will be held on June 6, 2016.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on June 28, 2016.

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 states 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 <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>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 Planning 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>	<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	Phone:	704-875-7000
Planning Department	Fax:	704-875-6546
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	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
6/6/2016

REVIEWED:

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

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

ACTION RECOMMENDED:

Hold a Public Hearing on June 6, 2016.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
▣ TA 16-02 Public Hearing Staff Report	Cover Memo

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 will be held on June 6, 2016.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on June 28, 2016.

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 <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>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 Planning 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>	<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
6/6/2016**

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:

Hold a Public Hearing on June 6, 2016 at 6:30am.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

Description	Type
▢ Staff Report	Staff Report

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 270, 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 270. 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.

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

The following are examples of relevant plans and polices 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 will be held on June 6, 2016.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on June 28, 2016.

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 <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>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 Planning 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>	<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
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Greg Ferguson
Subject: Consider adopting the FY 2017 operating budget

Adopt the fiscal year 2016-2017 budget.

ACTION RECOMMENDED:

Adopt budget.

FINANCIAL IMPLICATIONS:

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Brad Priest, Senior Planner
Subject: R16-03: McDonald's Boren Street Amendment

Rezoning: 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). The purpose of the rezoning is to amend the hours of operation limitation and allow the drive through window to be open 24 hours a day.

ACTION RECOMMENDED:

Consider taking final action on June 6, 2016.

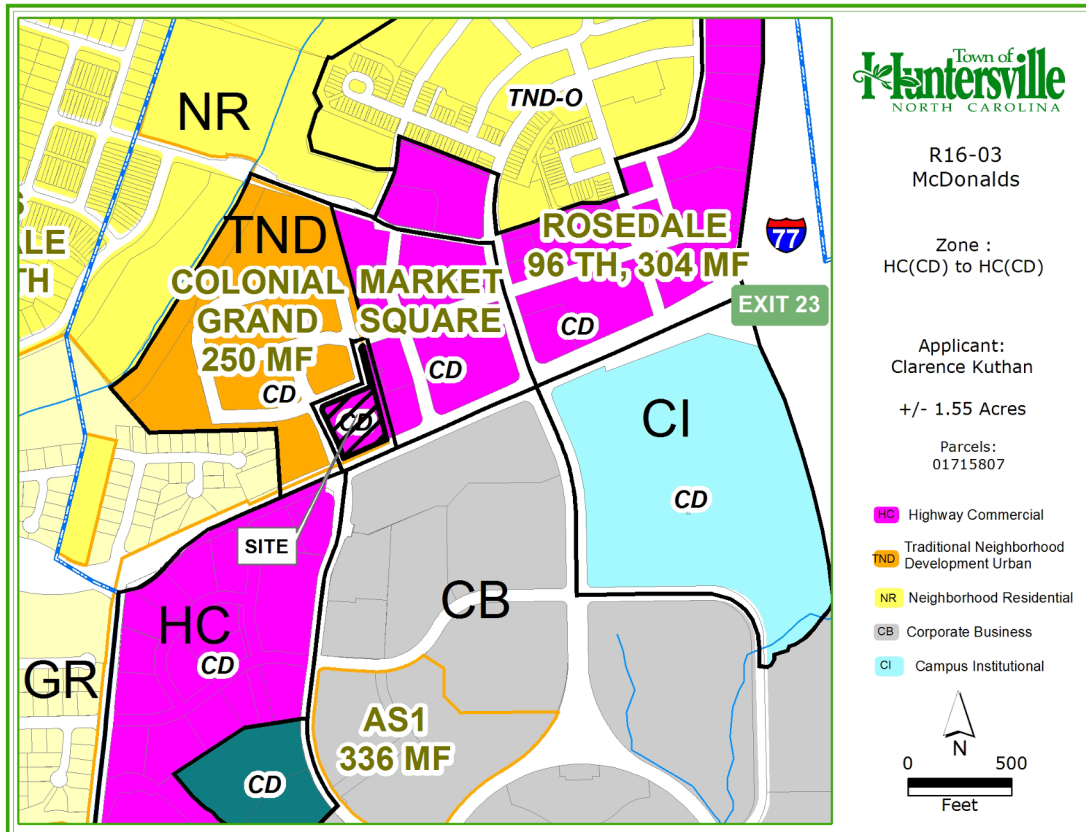
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
▣ Staff Report	Staff Report
▣ Rezoning Plan	Exhibit
▣ Neighborhood Meeting Information and Summary / Crime Statistics at McDonalds Location	Backup Material
▣ Chief Spruill Email	Backup Material
▣ McDonalds Rezoning - Final Action Minutes 4/20/09	Backup Material
▣ Public Hearing Draft Minutes - 5 2 16	Backup Material

Petition R16-03 – Boren Street McDonalds

PART 1: PROJECT SUMMARY



Applicant: Jeff Mullins

Property Owner: JV
Bailey Road, LLC

Property Address:
14230 Boren Street

Project Size: 1.56
acres

Parcel Numbers:
01715807

Current Zoning:
Highway Commercial
Conditional District
(HC-CD)

Current Land Use:
Fast food drive
through restaurant

Proposed Zoning:
Highway Commercial
Conditional District
(HC-CD)

Application Summary:

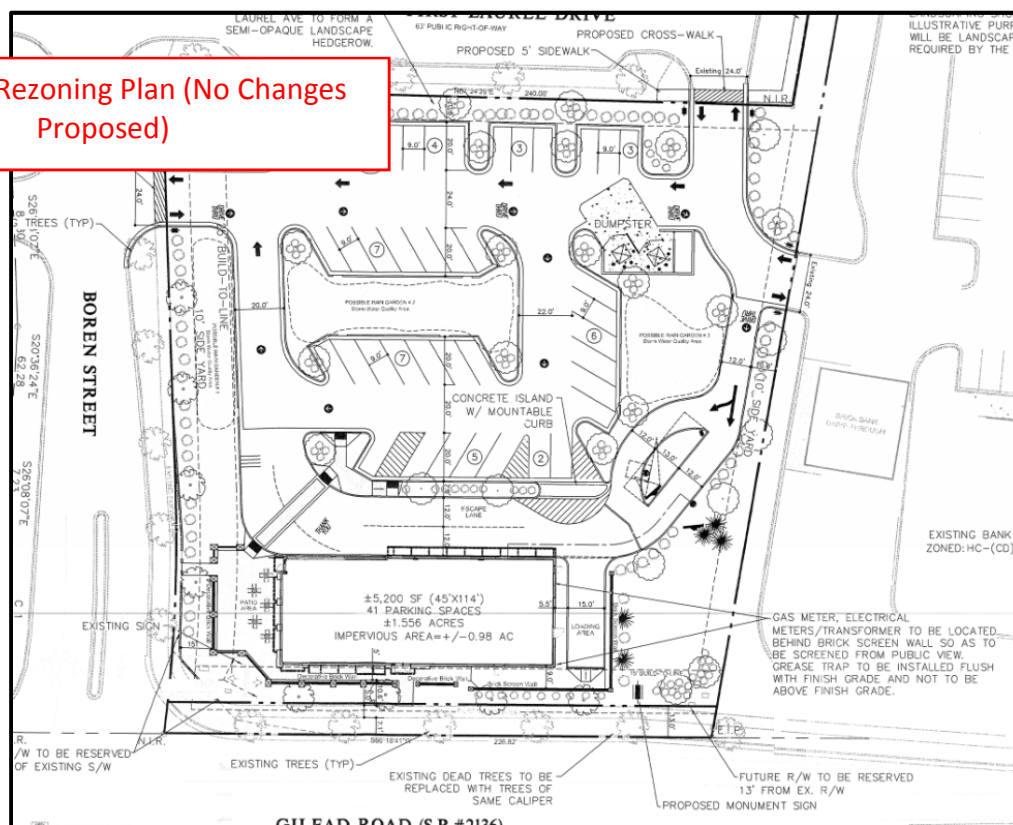
- The property owner of the McDonald's restaurant at 14230 Boren Street has requested to amend the approved conditional rezoning plan which limits the hours of operation of the facility. The proposed modification would allow the drive through window to be open 24 hours a day.
- Adjoining Zoning and Land Uses
North: Traditional Neighborhood Development Conditional District (TND-CD), Colonial Grand multi-family apartment complex.
South: Corporate Business (CB), Torrance Village commercial and retail development (part of the Huntersville Business Park)
East: Highway Commercial Conditional District (HC-CD): Market Square commercial and retail development.
West: Traditional Neighborhood Development Conditional District (TND-CD), General Residential (GR): bank and single family residential neighborhood (Melbourne).
- The subject property was rezoned by the Town Board from Traditional Neighborhood Development Conditional District (TND-CD) to Highway Commercial Conditional District (HC-CD) on April 20, 2009 (R08-14). The rezoning allowed the development of a free standing drive through restaurant on the property.
- During the rezoning process, the applicant had ongoing discussions with the adjacent property owners on how to address their concerns about increased traffic and development intensity near the Melbourne neighborhood.

Proposed Land Use:
Fast food drive
through restaurant
with 24 hour
operation drive
through window.

There was a separate agreement discussed between the applicant and McDonald's in regard to installing speed humps within the Melbourne neighborhood. It was clarified at the final action meeting however that this agreement was separate of the rezoning decision and not enforceable by the Town of Huntersville. A copy of the Town Board final action minutes from April 20, 2009 is included in your agenda packet for reference.

5. Seemingly as part of that discussion with the adjacent property owners, an hours of operation condition was offered by the applicant at the final action meeting that would limit the hours of operation for the facility from 5 am to midnight. The Town Board approved that condition and made it part of the rezoning requirements of the site.
6. The proposed rezoning amendment would allow an hours of operation extension for the drive through window only. The dine-in hours of operation restriction is proposed to remain. Please find attached in your agenda packet an email from Police Chief Spruill to the applicant in regard to the overnight hours of operation extension. No further development is proposed with this application.

Approved Rezoning Plan (No Changes Proposed)



Proposed Condition Amendment:

SITE LIGHTING ALL SITE LIGHTING SHALL COMPLY WITH ARTICLE 8.26 OF THE HUNTERSVILLE ORDINANCE.

STORE INTERIOR THE INTERIOR OF THE STORE SHALL BE INITIALLY CONSTRUCTED IN A STYLE SIMILAR TO THE PHOTOGRAPHS OF INTERIORS SHOWN AT THE PUBLIC HEARING; HOWEVER, SPECIFIC FABRICS AND MATERIALS SHALL BE DETERMINED BY THE FRANCHISEE OR STORE OWNER DURING THE PERMITTING PROCESS.

OPERATING HOURS OPERATING HOURS OF THE DINING AREA SHALL BE NO EARLIER THAN 5:00 A.M. AND NO LATER THAN MIDNIGHT; HOWEVER THE DRIVE THROUGH SERVICE MAY BE OPERATED 24 HOURS A DAY, SEVEN DAYS A WEEK. NOISE ORDINANCE SHALL BE CONFORMED WITH AT ALL TIMES.

OWNER RESERVES THE RIGHT TO MODIFY THE ZONING PETITION IN ACCORDANCE WITH CAROLINA GENERAL STATUTES. MODIFICATIONS TO THIS PETITION ZONING PLAN MAY BE IN THE INSTANCE THAT THIS PETITION/ZONING PLAN LACKS CLARITY. THE ORDINANCE PLAN MAY REQUIRE APPROVAL FROM THE TOWN BOARD.

PART 2: REZONING/SITE PLAN ISSUES

- Staff has no site plan issues with the proposed rezoning amendment. Constructed in 2009, the commercial site was developed under current zoning code standards. No new development is proposed with this rezoning amendment application.

PART 3: TRANSPORTATION ISSUES

- The hours of operation change will not significantly affect the number of vehicle trips produced at the site and thus no Traffic Impact Analysis (TIA) is required. Transportation staff has no issues with the proposed rezoning amendment.

PART 4: 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 – Planning staff has no indication that the proposed hours of operation extension will either conflict with or advance any long range plans of the Town of Huntersville.

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:

Planning Staff and the Planning Board recommended denial of the original rezoning due to its opinion that the drive through use was out of character with the commercial development on the west side of I-77, as there were no drive through uses constructed or allowed in that area prior to this rezoning (R08-14).

However, it is staff’s opinion that now that the use has been approved and established, the extension of the hours of operation of that use has little impact on the character of adjacent properties.

- 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:

- In regard to traffic, the proposed change does not create enough vehicle trips to warrant the requirement of a TIA to be submitted. In regard to the increase in police calls, please find Police Chief Spruill’s email included in the packet. The concern is mainly in regard to the “lounge” or walk-in area being open 24 hours

that could cause a potential increase in nuisance activity at the site. There is no concern however with the drive through being open 24 hours as proposed.

- The Adequate Public Facilities Ordinance (APFO) does not apply to this project as there is no new commercial building over 10,000 sqft being proposed.

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 resources.

PART 5: PUBLIC HEARING – UPDATE 5/16/16

The Town Board discussed the application at their regular meeting on 5/2/16. No one from the public spoke for or against the rezoning amendment. Please find the public hearing meeting minutes included in your packet for reference.

PART 6: STAFF RECOMMENDATION

The Huntersville Zoning Ordinance does not regulate the hours of operation for a drive through restaurant use. It is believed that the condition of the restricted hours of operation came about in discussion between the applicant and the adjacent property owners during the original rezoning. Staff had no input on the added condition. Therefore staff has no opposition to the condition being removed.

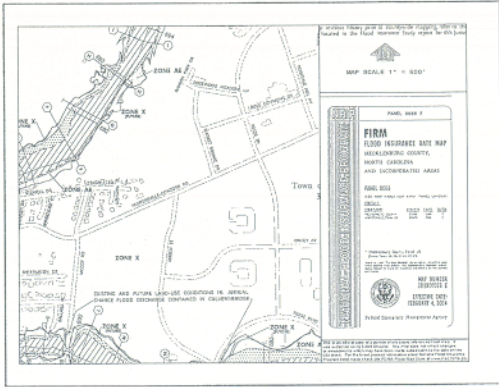
PART 7: PLANNING BOARD RECOMMENDATION – UPDATE 5/27/16

The Planning Board considered the application at their May 24, 2016 regular meeting. At the meeting no one from the public spoke for or against the application. During the Board discussion, there was concern about late night noise associated with the drive through and its relative close proximity to residential uses. Discussion continued with Board and staff on the fact that it would be up to McDonald's to mitigate any noise associated with the use as they were subject to the Town of Huntersville Noise Ordinance. After discussion, the Planning Board unanimously recommended that the Town Board approve the application.

PART 8: CONSISTENCY STATEMENT - R 16-03: Boren Street McDonalds.

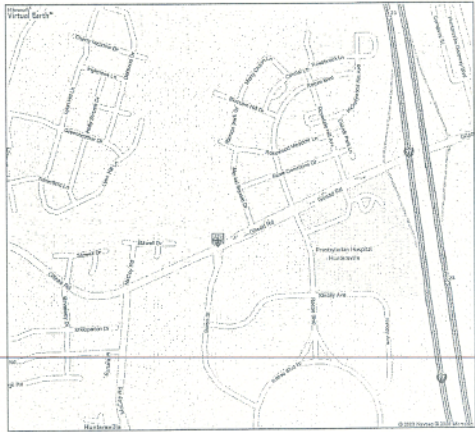
Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning of Petition R16-03, the Boren Street McDonalds, the Planning Staff finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. Staff recommends approval of the conditional rezoning plan for the Boren Street McDonalds as shown in Rezoning Petition R16-03. It is reasonable and in the public interest to rezone this property because the amendment to the hours of operation is for the drive through window only, and will have little impact on adjacent properties.</p>	<p>APPROVAL: In considering the proposed rezoning of Petition R16-03, the Boren Street McDonalds, the Planning Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends approving the conditional rezoning plan for the Boren Street McDonalds as shown in Rezoning Petition R16-03. It is reasonable and in the public interest to rezone this property because it's consistent with the 2030 plan and it's in the public interest to amend the rezoning.</p>	<p>APPROVAL: In considering the proposed rezoning of Petition R16-03, the Boren Street McDonalds, 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 Boren Street McDonalds as shown in Rezoning Petition R16-03. It is reasonable and in the public interest to rezone this property because... (<i>Explain</i>)</p>
<p>DENIAL. N/A</p>	<p>DENIAL: N/A</p>	<p>DENIAL: In considering the proposed rezoning of Petition R16-03, the Boren Street McDonalds, 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 R16-03. It is not reasonable and not in the public interest to rezone this property because..... (<i>Explain</i>)</p>

See Page four (4) for Petitioner's proposed changes.



FEMA MAP

NOT TO SCALE



VICINITY MAP

NOT TO SCALE



BEFORE YOU DIG.....STOP!
North Carolina One-Call Center, Inc.
Call 48 Hours Before You Dig!
1-800-632-4949 IT'S THE LAW

LAUREL RESTAURANT

GILEAD ROAD & BOREN STREET
HUNTERSVILLE, NC.
MECKLENBURG COUNTY
PROPOSED ZONING: HC-CD
PIN: 01715807

ANTICIPATED ACTIVITY SCHEDULE						
ACTIVITY/MONTH	1	2	3	4	5	6
1 INSTALL EROSION CONTROL AND TREE PROTECTION						
2 CLEARING AND GRADING						
3 STORM DRAIN INSTALLATION						
4 SANITARY SEWER INSTALLATION						
5 GRASS (TEMP.) (PERM.)						
6 UTILITY INSTALLATION						
7 MAINTAIN EROSION CONTROL						
8 BLDG. CONST. AND PAVING						
9 FINAL LANDSCAPING						
10 CLEAN UP						

NOTE:
EROSION CONTROL DEVICES ARE REQUIRED ON THIS PROJECT. CONTRACTOR TO INSTALL ANY EROSION CONTROL DEVICE THAT REDUCES EXCESS RUNOFF INTO NEIGHBORING STORMWATER SYSTEMS. THE INSTALLATION OF EROSION CONTROL MEASURES AND TREE PROTECTION DEVICES SHALL OCCUR PRIOR TO OR CONCURRENT WITH LAND DISTURBING ACTIVITIES. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. ADDITIONAL EROSION AND SEDIMENTATION CONTROL MEASURES WILL BE INSTALLED IF DEEMED NECESSARY BY ON SITE INSPECTION.

INDEX OF DRAWINGS

RZ.1. REZONING SITE PLAN
RZ.2. REZONING GRADING PLAN
RZ.3. DETAIL/NOTE SHEET
RZ.4. EXISTING FEATURES PLAN

REZONING PETITION 2008-14
APPROVED BY THE TOWN OF HUNTERSVILLE
Planning Staff 5/14/09
Date
• Approved by BOC 4/30/09 (4-1 vote)
• Please see Town of Huntersville letter dated 5/14/09 for additional conditions

PREPARED FOR: **CHEN**
DEVELOPMENT, INC

CONTACT:
MR. JEFF WATSON

21235 CATAWBA AVENUE
CORNELIUS, NC 28031
(704) 895-2084

ENGINEER:

PM ENGINEERING
INCORPORATED

CONTACT:
MR. KYLE J. CROWE, E.I.

LAND PLANNERS
ENGINEERS
TRANSPORTATION
SURVEYORS

4601 CHARLOTTE PARK DRIVE
SUITE 160
CHARLOTTE, NORTH CAROLINA, 28217
VOICE 888.521.9973
FAX 704.521.9974

JOB NO:

2008384

REZONING PETITION #: TO BE ASSIGNED

SITE INFORMATION

TAX PARCEL ID#: 01715907
PROPOSED ZONING: HC (CD)
SITE TO BE ZONED: #1.56 ACRES
OWNER: RHP, LLC, HOLIDAY INVESTMENTS, LLC, GOODE INVESTMENTS, LLC
DEVELOPER: CHEN DEVELOPMENT, LLC, AND/OR SUCCESSORS OR ASSIGNS OF PROPERTY RIGHTS
BOUNDARY SURVEY PROVIDED BY: REGIONAL LAND SURVEYORS, INC.
ADJACENT PARCEL INFORMATION PROVIDED BY COUNTY FIELD DATA

SUBJECT PROPERTY: THE SUBJECT PROPERTY TOTALS APPROX. 1.56 AC (THE SITE). THE SITE CONSISTS OF ONE EXISTING PARCEL. THE APPROVAL OF THIS PETITION WILL RESULT IN THE MAINTAINING OF PARCEL DEPICTED IN THIS REZONING PLAN (THE "PLAN") AND ACCOMPANYING SKETCH PLAN. RECOMBINATION, RECONFIGURATION OR REDUCTION OF PARCELS MAY OCCUR TO ACCOMMODATE THE FINAL DEVELOPMENT / ENGINEERING PLANS PREPARED BY DEVELOPER.

PROPOSED USE: THE PROPOSED BUILDING IS A RESTAURANT WITH DRIVE THROUGH AND IS APPROXIMATELY 5200 (±45'x=115') SQUARE FEET IN A HIGHWAY COMMERCIAL BUILDING TYPE IN ACCORDANCE WITH THE ORDINANCE.

BUILDING MATERIALS CONFIGURATION AND DESIGN: ALL BUILDING TYPES AS SPECIFIED HEREIN AND AS PERMITTED IN THE IIC DISTRICT WILL BE PERMITTED ON THE SITE AND DESIGNED IN ACCORDANCE WITH THE HUNTSVILLE ZONING ORDINANCE (THE "ORDINANCE"). THE ARCHITECTURAL DESIGN OF THE BUILDINGS (I.E. THE BUILDING MATERIALS AND BUILDING SCALE) SHALL BE COMPATIBLE WITH THE LAUREL AT HUNTSVILLE AND CONFORM TO THE ORDINANCE. MINOR MODIFICATIONS TO THE SPECIFIC FEATURES THAT MAKE UP THE BUILDINGS ELEVATIONS (BRICK, BLOCK/CMU, METAL, FABRIC, GLASS, ETC.) MAY BE MADE TO BUILDING BASED ON FINAL ARCHITECTURAL DESIGN OF THE BUILDING PERMITTING PHASE, SUBJECT TO TOWN STAFF APPROVAL AND COMPLIANCE WITH THE ORDINANCE. HOWEVER, THE CHARACTER OF THE BUILDING SHALL REMAIN CONSISTENT WITH THE DESCRIPTION OF THE ELEVATIONS CONTAINED HEREIN. THE RESTAURANT WITH DRIVE THROUGH BUILDING SHALL BE DESIGNED TO REFLECT THE ELEVATIONS DESCRIPTION ABOVE AND A MASONRY SCREEN WALL TO MATCH THE BUILDING TO SCREEN THE LOADING AREA AS DEPICTED ON THE PLAN.

THE BUILDING FOOT PRINT DEPICTED IS INTENDED TO DEFINE THE OVERALL INTENT OF THE RELATIONSHIP THE BUILDINGS WILL HAVE TO THE ROAD FRONTAGES. BASED UPON FINAL ENGINEERING DESIGN THE BUILDING FACADES WILL NOT SUBSTANTIALLY CHANGE FROM THE LOCATION DEPICTED ON THE PLAN. THE DEVELOPER MAY MODIFY THE SIZE, SHAPE AND FOOTPRINT FROM WHAT IS DEPICTED WITH MINOR MODIFICATIONS, SUBJECT TO TOWN STAFF APPROVAL AND COMPLIANCE WITH THE ORDINANCE. MINOR MODIFICATIONS OF THE EXACT DIMENSIONS, ORIENTATION AND LOCATION OF BUILDING AND BUILD TO LINES, LOADING AND SERVICE AREAS, INGRESS AND EGRESS POINTS (BOTH PEDESTRIAN AND VEHICULAR) MAY BE MADE AT THE ENGINEERING PHASE OF PERMITTING TO ACCOMMODATE THE DEVELOPMENT AND/OR SITE FEATURES SUCH AS TOPOGRAPHY, EXISTING VARIATIONS AND CHANGES IN THE PROPERTY LINES. ALL MINOR MODIFICATIONS TO THE PLAN ARE SUBJECT TO TOWN STAFF APPROVAL AND COMPLIANCE WITH THE ORDINANCE.

LIMITED USES PERMITTED USES: PERMITTED USES SHALL BE IN ACCORDANCE WITH USES PERMITTED IN THE IIC ZONING DISTRICT INCLUDING RESTAURANTS WITH DRIVE THROUGH.

PROHIBITED USES ARE:

- Bars, music clubs, nightclubs and similar entertainment facilities
- Retail establishments
 - Pawn Shop
- Studios, broadcast facilities (including towers)
- Limos
- Hotels
- Boarding or rooming houses
- Conference facilities
- Congregate housing
- Cemeteries
- Commercial Marinas
 - Neighborhood gas stations
- Parking lots as principal use
- Marinas as accessory to residential uses
- Auction sales
- Contractor offices and accessory storage yards
- Indoor and outdoor recreation
- Wholesale sales with related office, storage and warehousing entirely within an enclosed building
- Adult establishments
- Amusement facilities, outdoor
 - Car Wash
- Temporary mobile food sales
- Vehicle and boat service, rental, cleaning, mechanical repair and body repair
- Transmission lines (above and below ground) including electrical, natural gas, and
- water/wastewater distribution lines
- Pumping stations
- Lift stations
- Telephone switching facilities
- Elevated water storage tanks
- Package treatment plants
- Substations, or other similar facilities used in connection with telephone, electric, steam and water facilities
- Raw water treatment facilities
- Transit shelters
- Stalls or merchandise stands for outdoor sale of goods at street front

LANDSCAPING/SCREENING/PARKING/SIGNAGE: DEVELOPER REQUESTS TOWN BOARD APPROVAL FOR THE LANDSCAPING AND PLANTINGS AS DEPICTED ON THE PLAN. THE DEVELOPER WILL ALSO PROVIDE AN ADDITIONAL SECOND ROW OF STREET TREES ALONG GILEAD ROAD & BOREN STREET.

THE LANDSCAPING COMPONENTS OF THE SITE (STREET TREES, SCREENING, PARKING LOT LANDSCAPING AND BUFFERS) AS THEY MAY BE REQUIRED (THE "LANDSCAPING") WILL BE DESIGNED IN ACCORDANCE WITH THE STANDARDS OF THE ORDINANCE AND THE PLAN. THE LANDSCAPING DEPICTED ON THE SITE PLAN ARE CONDITIONS OF THIS PETITION AND ARE PERMITTED AS DEPICTED. ALL MECHANICAL EQUIPMENT, WHETHER ROOFTOP OR GROUND MOUNTED WILL BE SCREENED AND LOCATED ON SITE AS REQUIRED BY THE ORDINANCE.

PARKING LOT LANDSCAPING WILL BE DESIGNED IN ACCORDANCE WITH THE ORDINANCE AND WHERE BUFFERS AND SCREENING ARE REQUIRED AND OR WHEN EXISTING VEGETATION CAN BE SAVED, DEVELOPER MAY USE IT TO SATISFY THE PARKING LOT LANDSCAPING.

PARKING SPACES AND MANEUVERING AREA MAY BE MODIFIED TO ACCOMMODATE THE LANDSCAPING, BUILDINGS, STORM WATER MEASURES AND OTHER FEATURES OF THE PROJECT WHICH WILL BE FULLY ENGINEERING / DESIGNED AT THE PRELIMINARY PLAN STAGE AND AS A RESULT MAY CHANGE THEIR SHAPE, SIZE, LOCATION, AND NUMBER. IN NO EVENT SHALL MORE THAN 45 % OF THE PROJECT FRONTAGE MEASURED ALONG RIGHT OF WAY BE CONSUMED WITH PARKING LOTS.

SIGNS TO BE PERMITTED SEPARATELY AND IN ACCORDANCE WITH ARTICLE 10 OF THE ZONING ORDINANCE.

SPECIMEN AND HERITAGE TREES: NO SPECIMEN OR HERITAGE TREES ARE BELIEVED TO BE LOCATED ON SITE BASED UPON PREPARED SURVEY INFORMATION.

SITE ACCESS/CONNECTIVITY: DEVELOPER WILL BE REQUIRED TO SUBMIT FOR CITY PERMITS TO SERVE THE SITE AND CONSTRUCT THE ROAD IMPROVEMENTS ASSOCIATED WITH ISSUANCE OF DRIVEWAY PERMITS, SUBJECT TO TOWN STAFF & NCDOT REVIEW.

THE DEVELOPER WILL INSTALL A PEDESTRIAN CONNECTION TO LAUREL AT HUNTSVILLE THRU THE SUBJECT SITE AND ALL INTERNAL SIDEWALKS SHALL BE CONSTRUCTED OF PAVERS AND WILL HAVE DECORATIVE LANDSCAPING.

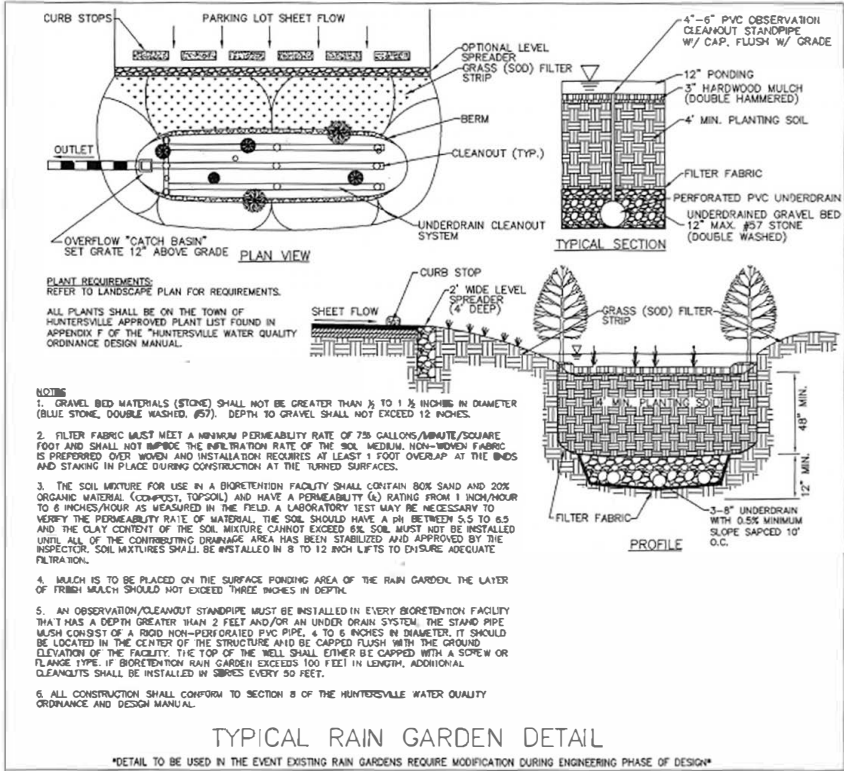
STORMWATER MANAGEMENT: THE STORMWATER MANAGEMENT PLAN HAS BEEN PREVIOUSLY SUBMITTED BUT MAY BE MODIFIED DURING THE FINAL ENGINEERING DESIGN WITH TOWN AND MECKLENBURG COUNTY LESA APPROVAL. THE MODIFICATIONS MAY INCLUDE: ADJUSTING THE NUMBER, SIZE, LOCATION, LAYOUT AND TYPE OF STORMWATER MANAGEMENT PRACTICES BEING UTILIZED. DEVELOPER MAY UTILIZE ABOVE OR BELOW GROUND DESIGNS TO ACCOMMODATE STORMWATER REQUIREMENTS OF THE SITE AS APPROVED BY LESA.

APPLICABILITY OF PETITION AND AMENDMENTS: OWNER RESERVES THE RIGHT TO MODIFY THE ZONING PETITION IN ACCORDANCE WITH HUNTSVILLE ZONING STANDARDS AND NORTH CAROLINA GENERAL STATUTES. MODIFICATIONS TO THIS PETITION ZONING PLAN MAY OCCUR TO ACCOMMODATE FINAL SITE DESIGN. IN THE INSTANCE THAT THIS PETITION ZONING PLAN LACKS CLARITY, THE ORDINANCE SHALL PREVAIL. MATERIAL MODIFICATIONS TO THE PLAN MAY REQUIRE APPROVAL FROM THE TOWN BOARD.

SITE LIGHTING: ALL SITE LIGHTING SHALL COMPLY WITH ARTICLE 8.26 OF THE HUNTSVILLE ORDINANCE.

STORE INTERIOR: THE INTERIOR OF THE STORE SHALL BE INITIALLY CONSTRUCTED IN A STYLE SIMILAR TO THE PHOTOGRAPHS OF INTERIORS SHOWN AT THE PUBLIC HEARING; HOWEVER, SPECIFIC FABRICS AND MATERIALS SHALL BE DETERMINED BY THE FRANCHISEE OR STORE OWNER DURING THE PERMITTING PROCESS.

OPERATING HOURS: OPERATING HOURS OF THE DINING AREA SHALL BE NO EARLIER THAN 5:00 A.M. AND NO LATER THAN MIDNIGHT. HOWEVER THE DRIVE THROUGH SERVICE MAY BE OPERATED 24 HOURS A DAY, SEVEN DAYS A WEEK. NOISE ORDINANCE SHALL BE CONFORMED WITH AT ALL TIMES.



- Pursuant to the agreement between application and Melbourne HOA, Petitioner agrees to complete the following:
1. Petitioner confirms that this rezoning request is for the 1.56-acre site at Gilead Road & Boren Street ONLY.
 2. Petitioner agrees that any future changes to the site plan and renderings (with the exception of minor changes) will require a new public hearing and that Melbourne Board will be notified of any requested changes (with the exception of minor changes).
 3. Petitioner will provide a double row of street trees along Boren Street and Gilead Road as shown on the site plan.
 4. Petitioner will add landscaping along Boren Street over that required by the Ordinance to provide screening of the parking area as shown on the site plan.
 5. Petitioner will add landscaping to the green areas contained within the parking area.
 6. Petitioner will prohibit the following uses currently permitted under the approved zoning for the Property: Bars and Nightclubs, Pawn Shops.
 7. Petitioner will add the following at the driveway entrance to the Property from Boren Street: A "One Way / Do Not Enter" sign; a stop bar for exiting cars in the one-way drive aisle; and a stop sign for exiting cars in the one-way drive aisle.
 8. Trash cans shall not be visible from Gilead Road.
 9. Wrought iron seating shall be located in the patio area.
 10. Brick pavers shall be included in the crosswalk areas.
 11. A brick screen wall shall be provided around the service area.
 12. Brick and/or landscaped screening shall be utilized to screen the order area from Gilead Road.
 13. Parking lot lighting shall be shielded in accordance with the Ordinance.
 14. The building will be constructed substantially the same as shown on the site plan and renderings shown.

The items in these additional notes will be fulfilled at the time McDonald's commences construction and are conditioned upon a successful rezoning and McDonald's commencing construction.

"Operating Hours" modified to allow for 24/7 drive through only and affirm compliance with noise ordinance. Dining area shall continue to operate from 5:00 am until midnight only.

Land Use and Environmental Services Agency Notes

Air Quality:

Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or renovation of an existing structure. A letter of notification and the required forms will be mailed directly to the petitioner by MCAQ.

Groundwater & Wastewater Services:

Submitted site plans and review of parcel information indicate parcel 015-264-35 contains a residential structure constructed in 1937. Given the age it is likely that the residence was originally served by a private water supply well and on-site sewage disposal system. Parcel information also indicates that the residence has previously used fuel oil for heat.

GWS recommends that the petitioner conduct a water supply well survey to locate all existing water supply wells within the proposed development. The wells must be protected from damage during site development or they must be properly abandoned prior to site work beginning. The Mecklenburg County Groundwater & Wastewater Services (GWS) Program should be contacted at 704-336-5500 prior to undertaking any well related activity.

No regulation governs the abandonment of septic systems; however, GWS does recommend that septic tanks be pumped to remove any residual contents, and then crushed and backfilled. This recommendation is made because tanks that collapse pose a safety hazard and improperly abandoned septic tanks may not be able to support the weight of vehicular traffic, structural foundations, or people.

GWS further recommends that the petitioner locate any fuel oil storage tanks and properly close them per NCDENR guidelines prior to any demolition or grading activity.

All water supply wells shall be protected by flagging and fencing during site development or abandoned per the Mecklenburg County Groundwater Well Regulations prior to any demolition or grading activity.

The property shall be inspected for septic tanks. Any tanks identified will be pumped by a licensed waste hauler to removal residual contents, crushed and backfilled.

All fuel oil storage tanks, both below and above ground, shall be closed per NCDENR guidelines. Any release of regulated substances shall be reported to NCDENR at 704-663-1699.

Solid Waste:

Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle oil clean wood, metal, and concrete generated during demolition and construction activities.

The Plan shall specify that monthly reporting of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program and that all non-recyclable materials shall be removed and disposed of in a properly permitted landfill; this includes land clearing and inert debris, as well as any other debris generated. The report shall include the identification and location of facilities receiving disposed or recycled materials. Special care and consideration shall be given to the handling and disposal of any debris generated under demolition of any structure requiring a nESHAP permit from the Air Quality Section.

Mecklenburg County is committed to reduction of construction/demolition waste. Technical assistance is available at no charge to those companies willing to partner with the County in this effort. Please contact Mike Bogart at (704) 353-0141 for more information regarding the County's technical assistance services.

Water Quality:

The proposed project will include a substantial amount of impervious area, which will directly affect surface water quality due to storm water runoff from the project. Storm water runoff becomes contaminated with pollutants associated with the impervious area usage, transporting these pollutants to surface waters. In addition, this impervious area acts to increase the volume and velocity of storm water entering surface waters, which affects stream channel stability and negatively impacts water quality and aquatic habitat. In order to mitigate the impacts of these pollutants and to protect water quality conditions, the proposed project has measures that has been previously permitted.

Storm Water Quality Treatment

Storm water treatment systems must be installed to achieve average annual 85% Total Suspended Solids (TSS) removal for the developed area of the site. All sites must employ LID practices to control and treat runoff from the first one inch of rainfall.

LID practices or a combination of LID and conventional storm water management practices shall be used to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 2-year frequency, 24-hour duration storm event in the Rural and Transitional Zoning Districts. For all other Zoning Districts, LID practices or a combination of LID and conventional storm water management practices shall be used to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 1-year frequency, 24-hour duration storm event. This may be achieved by hydrologic abstraction, recycling and/or reuse, or other accepted management practice as described in the Huntsville Water Quality Design Manual.

Storm Water Volume and Peak Controls (previously permitted)

Peak storm water runoff rates shall be controlled for all development above 12% imperviousness. The peak storm water runoff release rates leaving the site during post-construction conditions shall be equal to or less than the pre-development peak storm water runoff release rates for the 2-year frequency, 24-hour duration storm event and 10-year frequency, 24-hour duration storm event. The emergency overflow and outlet works for any pond or wetland constructed as a storm water BMP shall be capable of safely passing a discharge with a minimum recurrence frequency of 50 years. For detention basins, the temporary storage capacity shall be restored within 72 hours. Requirements of the Dam Safety Act shall be met when applicable. Where any storm water BMP employs the use of a temporary water quality storage pool as a part of its treatment system, the drawdown time shall be a minimum of 48 hours and a maximum of 120 hours.

No one BMP shall receive runoff from an area greater than five (5) acres. However, the total drainage area from BMPs used in series (i.e., integrated) can exceed this five (5) acre maximum.

Storm water runoff from the development shall be transported from the development by vegetated conveyance to the maximum extent practicable.

PROJECT

**LAUREL
RESTAURANT**

GILEAD ROAD &
BOREN STREET
MECKLENBURG CO.
HUNTSVILLE, NC

FOR

**CHEN
DEVELOPMENT,
INC**

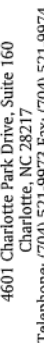
21325 CATAMBA AVENUE
CORNELIUS, NC 28031
(704) 895-2084

REVISIONS

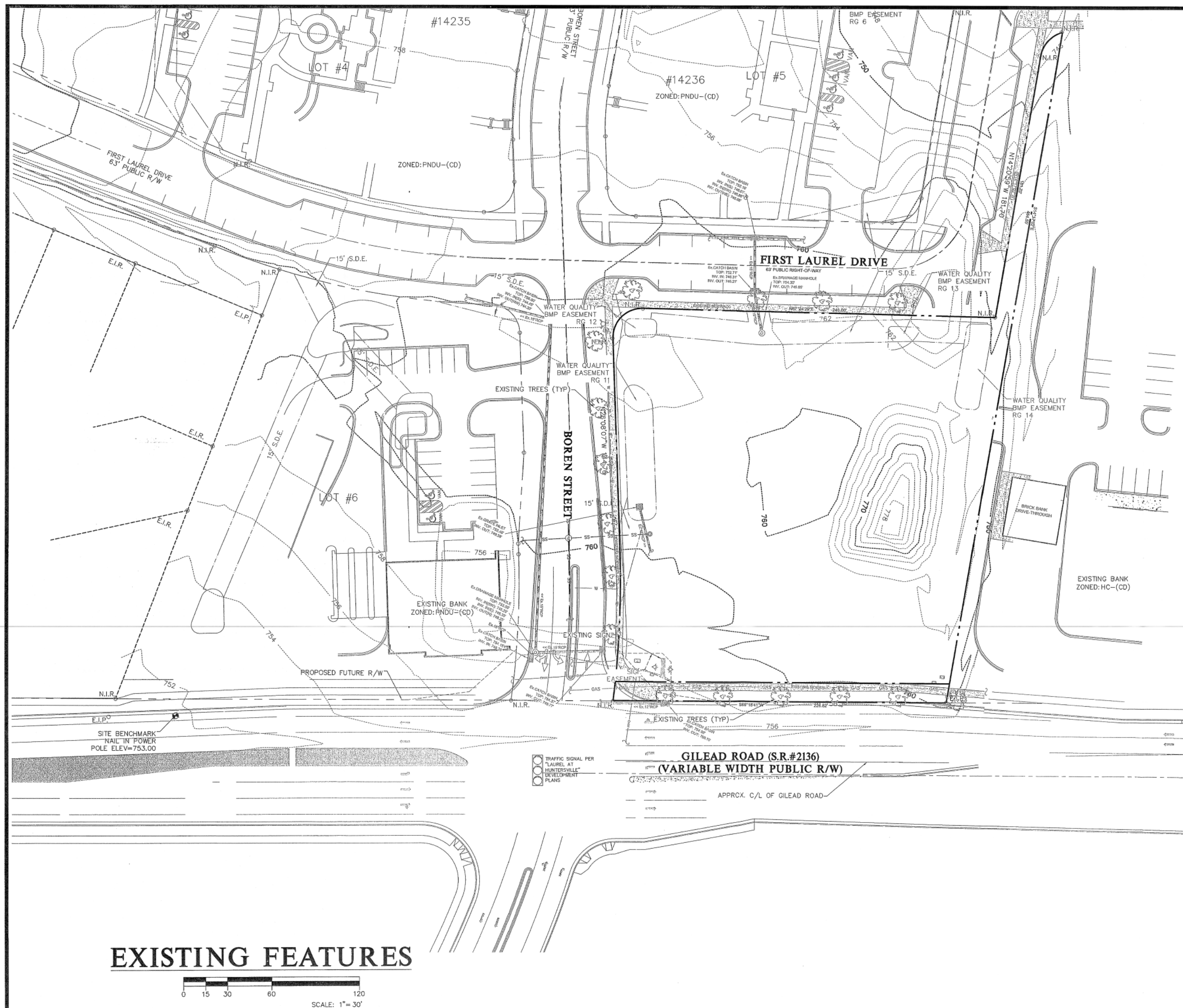
DWG. NAME : 2008384.71
DRAWN BY : KJC
DATE : 10.30.08
SCALE: NTS

**DETAIL/NOTE
SHEET**

RZ.3



RZ.4

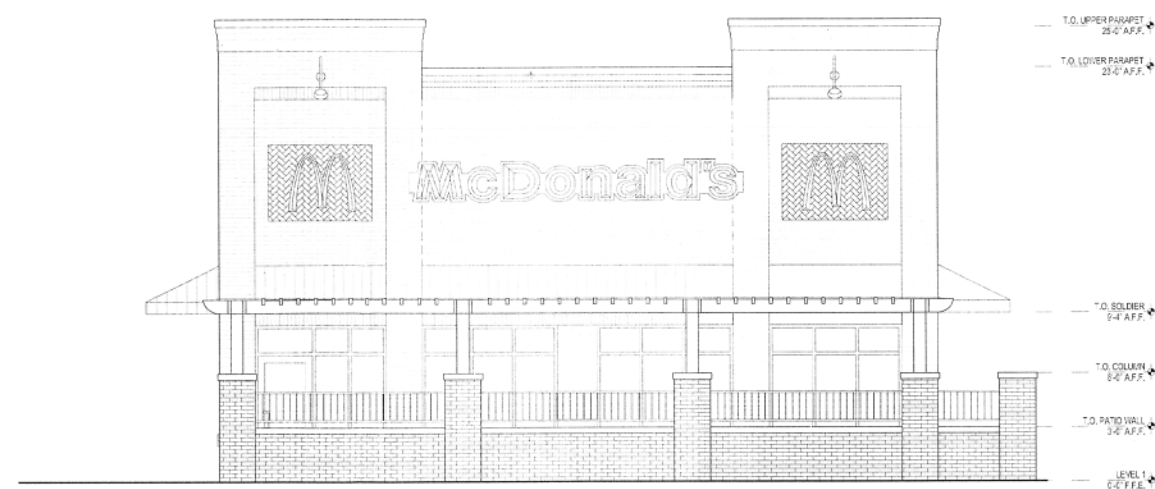




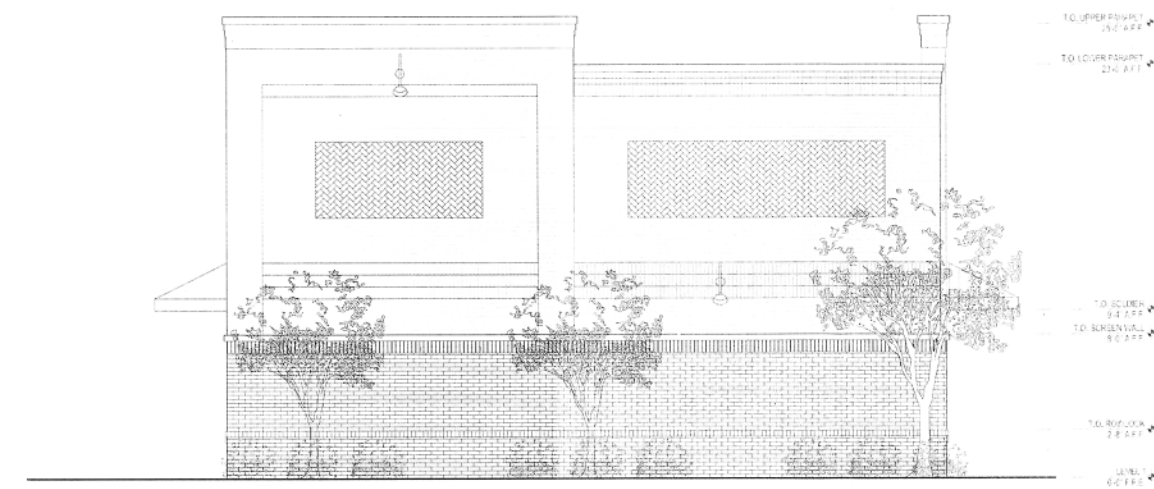
1 LEFT SIDE ELEVATION
SCALE: $\frac{3}{16}" = 1'-0"$



2 FRONT ELEVATION
SCALE: $\frac{3}{16}" = 1'-0"$



3 SIDE ELEVATION
SCALE: $\frac{3}{16}" = 1'-0"$



4 REAR ELEVATION
SCALE: $\frac{3}{16}" = 1'-0"$

McDonald's - GILEAD ROAD

HUNTERSVILLE, NORTH CAROLINA - RJA PROJECT #SP-601 - REVISED 03. 17. 09

COMMUNITY MEETING REPORT

Petitioner: Clarence Kuthan, Jr.
Rezoning #R16-03.

Property: 14230 Boren Street
Huntersville, NC 28078
Parcel # 01715807

DATE, TIME and LOCATION OF MEETING: Thursday March 24, 2016; 6:30 pm; Huntersville Police Department Community Room, 9630 Julian Clark Avenue, Huntersville, NC 28078.

Persons and Organizations Contacted with Date and Explanation of How Contacted:
Representatives for the Petitioner mailed a Notice To Interested Parties (attached hereto as **Exhibit A**), detailing the subject, date, time and location of the Community Meeting, to the individuals and organizations set out on **Exhibit B** attached hereto, by depositing such notice in the US Mail, first class postage, on February 29, 2016.

SUMMARY OF PRESENTATION/DISCUSSION:

Commissioners Dan Boone and Mark Gibbons were present. Lt. Kevin Tatur, Huntersville Police Department, was present as well as Brad Priest, Huntersville Planning, Bud Kuthan, Petitioner, and Frances Knox, Gary Knox and Brad Champion, representatives of the Petitioner.

Petitioners' representative, Brad Champion, made brief introductory remarks and Brad Priest added historical information as to prior re-zoning of the subject property in 2009.

Commissioner Boone inquired about pedestrian crossing in the drive thru area. Brad Priest suggested this is not a problem, and added noise and lighting may need review.

Brad Champion stated two potential issues are lighting and signage and invited Bud Kuthan to speak to those issues. Bud Kuthan stated neither lighting nor signage will change if the drive through operates 24/7.

Brad Priest stated that no code updates appear to be implicated by the re-zoning. Also stated specific conditions on hours of operation and the drive through established at last re-zoning resulted from negotiation between neighbors and property owner – not due to ordinance nor as a result of Planning Department.

Petitioner's representative, Gary Knox, stated that he reached out to Huntersville Police Chief Spruill, and Chief Spruill indicated that while the department would not oppose 24/7 drive through only operation, it would have concerns about 24/7 eat in dining. A McDonald's and Surrounding Commercial Area calls for service and Criminal Incident Summary was requested by Gary Knox and Chief Spruill had Crime Analyst Ryan Danehy complete, attached hereto as **Exhibit C**.

Gary Knox pointed out there will be increased hours of employment, increased sales tax and prepared food tax revenue. Petitioner will acquire more information to support.

Gary Knox stated that Petitioner expects to obtain a letter of support from Novant; and further stated that between the hours of 12 am and 5 am there are approximately 240 employees working for Novant facilities within a mile or two of the McDonalds.

Dan Boone asked whether there will be an increase in deliveries or a change in delivery schedule at the McDonald's due to the added drive through hours. Bud Kuthan responded that there will be no change to delivery schedules – McDonald's has strict safety policies as to delivery times and locations, and no change is indicated.

Brad Priest reviewed the expected re-zoning hearing/meeting dates, per the 2016 Plan Submission Schedule. Town Board Final Action should occur on June 6, 2016.

Mark Gibbons asked if there is no significant change implicated by code or ordinance, what will Planning Staff otherwise review/look at in rendering an opinion on the requested re-zoning. Brad Priest responded there is not much more to review, deliveries, noise ordinance; but the property and facility was in compliance in 2009, and nothing has changed of significance since that time.

Gary Knox asked Lt. Kevin Tatur if he had any questions or concerns. He said no, you've answered it.

The meeting ended at approximately 7:00 pm.

A handwritten signature in blue ink that reads "Brad Champion". The signature is written in a cursive, flowing style.

Respectfully submitted, this the 6th day of April, 2016.

Cc: Town of Huntersville Planning Department (via email)

Exhibit A

NOTICE TO INTERESTED PARTIES OF A NEIGHBORHOOD MEETING FOR REZONING

Property: McDonalds Restaurant
14230 Boren Street
Huntersville, NC 28078
Parcel # 01715807

Petitioners: Clarence Kuthan, Jr., Rezoning # R16-03.

Existing Zoning: (HC-CD) Highway Commercial District.

Rezoning Request: Amend to allow existing drive-thru to operate from 12:00am - 5:00am.

Date of Notice: Mailed on February 29, 2016.

You are invited to attend a community meeting on **Thursday, March 24, 2016 at 6:30 pm**, at the Huntersville Police Department Community Room, to hear presentation and plans for our proposed conditional rezoning of the above-referenced property, located on Boren Street. A petition and proposed plans have been presented to the Huntersville Planning Board, which are currently under review.

As part of this proposed rezoning, the Town of Huntersville has asked that we hold this neighborhood meeting to discuss our proposal and field questions and concerns. We welcome your attendance on March 24th when we will present information about this rezoning petition and be available to answer questions you have about the proposed conditional rezoning.

Date and Time

Of Meeting: Thursday, March 24, 2016 at 6:30-7:30 pm

Location of

Meeting: Huntersville Police Department Community Room
9630 Julian Clark Avenue
Huntersville, North Carolina 28078

FOR MORE INFORMATION CONTACT:

Frances Knox or Brad Champion at 704-827-6667
Gary Knox at 704-896-1911

Exhibit B

Mayor John Aneralla
15705 Framingham Lane
Huntersville, NC 28078

Commissioner Melinda Bales
15426 Ranson Road
Huntersville, NC 28078

Commissioner Dan Boone
317 Southland Road
Huntersville, NC 28070

Commissioner Mark Gibbons
13818 Brambough Road
Huntersville, NC 28070

Commissioner Charles Guignard
Post Office Box 1766
Huntersville, NC 28070

Commissioner Rob Kidwell
7603 Rolling Meadows Lane
Huntersville, NC 28078

Commissioner Danny Phillips
Mayor Pro Tem
14720 Brown Mill Road
Huntersville, NC 28078

Bradley D. Priest, Senior Planner
Town of Huntersville
105 Gilead Road - Third Floor
Huntersville, NC 28070

Chris Price, Town Member
Huntersville Planning Board
8310 Misty Lilac Drive
Huntersville, NC 28078

Joe Sailors, Town Member
Huntersville Planning Board
9332 Westminster Drive
Huntersville, NC 28078

Harold Bankirer, Chairman
Huntersville Planning Board
9332 Westminster Drive
Huntersville, NC 28078

Susan Thomas, Town Member
Huntersville Planning Board
10215 Lasaro Way
Huntersville, NC 28078

Janice Lewis, Town Member
Huntersville Planning Board
10203 Halston Circle
Huntersville, NC 28078

Bill Walsh, Town Member
Huntersville Planning Board
9607 St. Barts Lane
Huntersville, NC 28078

JoAnne Miller, ETJ Member
Huntersville Planning Board
13900 Asbury Chapel Road
Huntersville, NC 28078

Stephen Swanick, Town Member
Huntersville Planning Board
12903 Heath Grove Drive
Huntersville, NC 28078

Within 250 feet of property:

CHM Market Square, LLC

c/o Publix Super Markets, Inc.

Attn: J. Barnholth, Tax & Treasury

Post Office Box 32018

Lakeland, Florida 33802

P and C Meck, LLC

3362 Smith Farm Road

Matthews, NC 28104

LG Two Investments, LLC

Post Office Box 36509

Charlotte, North Carolina 28236

Woodie's Market Square, LLC

6500 South Blvd

Charlotte, North Carolina 28217

CG at Greystone

CMF 7 Portfolio, LLC

c/o Colonial Realty, LP

148901 6584 Poplar Avenue

Memphis, Tennessee 38138

First Citizens Bank and Trust

Post Office Box 27131

Raleigh, North Carolina 27611

Truliant Federal Credit Union

Attn: Joseph Clark

3200 Truliant Way

Winston-Salem, North Carolina 27103

St. Charles Place, LLC

c/o Collett & Associates

Post Office Box 9244

Charlotte, North Carolina 28299

Jonelle L. Flynn

Trustee of the Jonelle L. Flynn Living
Trust

9539 Stawell Drive

Huntersville, North Carolina 28078

ASSOCIATIONS WITHIN 2,000 Feet:

MELBOURNE HOMEOWNERS ASSOC INC.

C/O LANDCRAFT PROPERTIES INC.

PO BOX 79032

CHARLOTTE NC 28271

ROSEDALE COMMONS PROPERTY,
OWNERS ASSOC INC

3800 ARCO CORPORATE DRIVE, SUITE
200

AAC REAL ESTATE SERVICES INC

CHARLOTTE NC 28273

MCALPINE-ROSEDALE HOMEOWNERS,
ASSOCIATION

C/O FAITH MANAGEMENT SERVICES

PO BOX 5476

MOORESVILLE NC 28117

MCALPINE ROSEDALE HOMEOWNERS,
ASSOC

C/O CSI PROPERTY MANAGEMENT

PO BOX 4810

DAVIDSON NC 28036

MCALPINE-ROSEDALE HOMEOWNERS,
ASSOCIATION

1329 E MOREHEAD ST STE 100

CHARLOTTE NC 28204

MCALPINE ROSEDALE HOMEOWNERS,
ASSOC

C/O FAITH MANAGEMENT SERVICES

PO BOX 4810

DAVIDSON NC 28036

MCALPINE-ROSEDALE HOMEOWNERS,
ASSOCIATION

1201 KENILWORTH AV SUITE 200

CHARLOTTE NC 28204

MCALPINE-ROSEDALE HOMEOWNERS,
ASSOCIATION

6310 FAIRVIEW RD

CHARLOTTE NC 28210

HUNTERSVILLE BUSINESS PROPERTY,
OWNERS ASSOC INC

C/O SUSAN MELTON

13801 REESE BLVD SUITE 300

HUNTERSVILLE NC 28078

GREATER CAROLINA PROPERTY GROUP
LLC,

16709 100 NORMAN PLACE

CORNELIUS NC 28031

VILLAGES AT ROSEDALE, HOMEOWNERS
ASSOC INC

PO BOX 18712

CHARLOTTE NC 28218

O'HARA PROPERTIES LLC,

14505 GREEN POINT LN

HUNTERSVILLE NC 28078

TRIPLE B PROPERTIES INC,

10 WYNDHAM ST

LADERA RANCH CA 92694

VILLAGES AT ROSEDALE, HOMEOWNERS
ASSOCIATION IN

18636 STARCREEK DR #G

CORNELIUS NC 28031

HUNTERSVILLE POLICE DEPARTMENT

9630 Julian Clark Ave Huntersville, N.C. 28070

(704) 464-5400 Fax (704) 947-9200

Mc Donald's And Surrounding Commercial Area Calls For Service And Criminal Incident Summary For The Year of 2015

Mc Donald's Crime And Calls For Service 2015



This is a summary of criminal incidents and calls for services for the area shown in the above geographic map for the year of 2015. This area includes the stretch of Gilead Rd. between McCoy Rd. and I-77. The area shown includes the commercial area surrounding Mc Donald's.

Mc Donald's Criminal Incidents

Criminal Incident	#
Drugs / Narcotics Violation	40
Assault - Other	37
Shoplifting	23
DUI	22
Fraud	20
Theft - Other	18
All Other - Criminal	16
Burglary from Motor Vehicle	12
Aggravated Assault	4
Burglary - Residential	4
Robbery - Individual	3
Weapons Violation	3
Vandalism	3
Theft	2
Motor Vehicle Theft	2
Burglary - Commercial	2
Alcohol Violation	1
Total	212

Location Type	#
Street/Highway	45
Grocery Store/Supermarket	23
Restaurant/Diner/Coffee Shop	18
Private Residence	15
Drug Store	12
Apartment/Duplex Private Res	11
Gas Station	9
Other - Commercial Place	7
Other - Retail	6
Hospital/Medical Facility	5
Convenience Store	4
Financial Institution	3
Other - Open Area	2
Other - Residential	2
Department Store	2
Bus Stop	2
ATM	2
Other - Public/Non-Residential	1
ABC/Liquor Store	1
Construction Trailer	1
Beauty Salon/Barber Shop	1



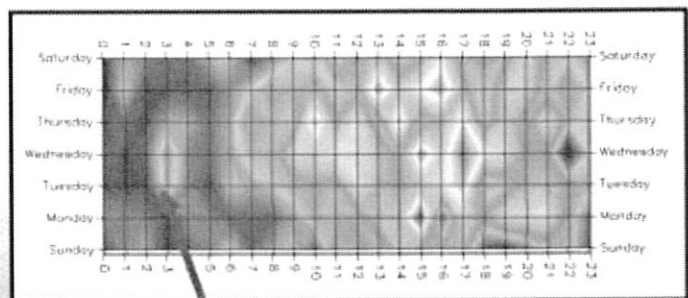
Of these 212 total criminal incidents 26.6% occurred between the hours of 12:00 am and 5:00 am.

The above shows criminal incidents in the aforementioned geographical area. This geographical area had 212 relevant criminal incidents that occurred in 2015. The most notable in reference to this area are Assault – 37, Drug/Narcotics – 40, and Robbery – 3. Between the hours of 12:00 a.m. and 5:00 a.m. 26.6% of these 212 crime.

Mc Donald's Calls For Service

Call For Service Type DCR Code	#
All Other	840
Building or Area Check	608
Traffic Stop	484
Accident - Non-Injury	130
Alarm Call	123
Parking Problem / Motorist Assist	100
Suspicious Activity	91
Medical / Check Welfare	71
Disturbance	46
Theft	36
Fraudulent or Deceptive Activity	33
Animal Call	29
Drug or Alcohol Violations	23
911 Hang-Up / Open Line	20
Domestic Dispute	13
Harassment / Threatening Calls	12
Assault/Battery	12
Accident - Injury	12
Fire or Fireworks Call	6
Weapons Violation	5
Burglary of Vehicle	5
Burglary of Structure	5
Recovered Property	4
Vandalism or Criminal Damage	4
Indecent Activity / Sex Offense	3
Robbery	1
Total	2715

Of these 2715 calls for services 7.9% occurred between 12:00 am and 5:00 am



Low Amount of calls for services

The above show calls for service in the aforementioned geographical area. This geographical area had 2,715 relevant calls for service that occurred in 2015. Of these calls the most notable are Suspicious Activity – 91, Disturbance – 46, Drugs or Alcohol – 23, and Robbery – 1. Between the hours of 12:00 a.m. and 5:00 a.m. 7.9%% of these 2,715 calls for service occurred.

Created By: Ryan Danehy

Created On: January 7, 2016

Purpose: Summary of activity in a geographical area



From: Brad Champion <bchampion@knoxlawcenter.com>
Sent: Wednesday, April 20, 2016 11:45 AM
To: Bradley Priest
Subject: RE: Community Meeting Report

See below.

J. Brad Champion
Knox, Brotherton, Knox & Godfrey
DENVER, NC OFFICE
Phone: 704-827-6667
Facsimile: 704-827-6314
Web: www.knoxlawcenter.com

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From: Cleveland Spruill [<mailto:cspruill@huntersville.org>]
Sent: Wednesday, January 06, 2016 11:48 AM
To: Gary Knox <gary@knoxgroupinc.com>
Cc: Ryan Danehy <rdanehy@huntersville.org>; Greg Ferguson <gferguson@huntersville.org>; Scott Sharp <ssharp@huntersville.org>; Barry Graham <bgraham@huntersville.org>; Kevin Johnston <[kjohnton@huntersville.org](mailto:kjohnston@huntersville.org)>; Jack Simoneau <jsimoneau@huntersville.org>
Subject: RE: specific area's "calls for service" informational request

Mr. Knox, it was a pleasure speaking with you Monday Night. I have forwarded your email to our Crime Analyst Ryan Danehy and asked that he provide the requested information. I am unaware of any other similar restaurant in Huntersville that is open 24 hours but I do see the added earning potential if the business were to extend its operating hours. While the HPD would not be opposed to extended operating hours through the drive through window, we do have concerns that keeping the eat in lounge area open all night could result in increased nuisance activity with people hanging out and loitering. Other similar type area restaurants have limited their late night/early morning business to drive through service only after experiencing this type nuisance activity. The open lounge area could also increase the potential for business robberies, especially given the somewhat remote location of the McDonalds. Thank you again for your inquiry and I look forward to working with you in the future.

Chief Cleveland L. Spruill
Huntersville Police Department
9630 Julian Clark Avenue
Huntersville, NC 28078
(704) 464-5400

From: Gary Knox [<mailto:gary@knoxgroupinc.com>]
Sent: Wednesday, January 06, 2016 10:08 AM
To: Cleveland Spruill <cspruill@huntersville.org>
Subject: specific area's "calls for service" informational request

Greetings Chief,

As I mentioned Monday evening, our local McDonalds Restaurant located on Gilead Road would like to extend their hours of operation to become "open 24 hours." I have been retained by their local legal counsel, KnoxKnox&Brotherton, to assist them in this process, because to extend their current hours of operation takes an amendment to their originally approved siteplan which dates back to 2008. This will go through a Huntersville "Siteplan Amendment" application process, which we would like to file later this month, as it is a five month process.

Their Gilead Road Location is currently open from 5 am till 12 am. We believe it would be helpful to provide in their application / approval process the number of Huntersville Police Department's "calls for service" that come in between the proposed extended hours of operation, again between 12AM to 5 AM, which are originated along GILEAD ROAD West, specifically the section between I-77 and McCoy Road. It would be our belief the number of calls has been marginal these past 12 months and any additional hours of operation from the Gilead Road McDonalds should be minimal as well, unless the Police Department could say otherwise?

Thank you for forwarding this to the appropriate PD personnel, and I would be glad to discuss our information request further if this is not clear in its parameters.

Regards,

Gary T. Knox

The Knox Group, Inc.

16740 Birkdale Commons Parkway, Ste. 202

Huntersville, NC 28078

704.896.1911 ext. 205

704.634.5630 cell

From: Bradley Priest [<mailto:bpriest@huntersville.org>]

Sent: Wednesday, April 20, 2016 11:35 AM

To: Brad Champion

Subject: RE: Community Meeting Report

Hey Brad,

I haven't gotten anything in regard to the police chief's comments on the project. Can you please forward those? Thanks.

Bradley D. Priest

Senior Planner

Town of Huntersville

(704) 766-2214

105 Gilead Road - Third Floor

Huntersville, NC 28070

www.huntersville.org

From: Brad Champion [<mailto:bchampion@knoxlawcenter.com>]
Sent: Wednesday, April 06, 2016 5:01 PM
To: Bradley Priest
Subject: RE: Community Meeting Report

Here you go.

Please let me know if you need anything else, or if you discover any oversight or error in what I have attached.

Will you send to the Town Board or must I?

J. Brad Champion
Knox, Brotherton, Knox & Godfrey
DENVER, NC OFFICE
Phone: 704-827-6667
Facsimile: 704-827-6314
Web: www.knoxlawcenter.com

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From: Bradley Priest [<mailto:bpriest@huntersville.org>]
Sent: Thursday, March 24, 2016 7:21 PM
To: Brad Champion
Cc: gary@knoxgroupinc.com
Subject: Community Meeting Report

Hey Brad,
Just a reminder, please remember to forward me the invitation list, attendance list, and summary of community meeting held tonight. That needs to be sent to the Town Board for the public hearing next month. Thanks.

Bradley D. Priest
Senior Planner
Town of Huntersville
(704) 766-2214
105 Gilead Road - Third Floor
Huntersville, NC 28070
www.huntersville.org

**TOWN OF HUNTERSVILLE
REGULAR TOWN BOARD MEETING
MINUTES**

**April 20, 2009
6:30 p.m. – Town Hall**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on April 20, 2009.

GOVERNING BODY MEMBERS PRESENT: Mayor Jill Swain; Commissioners Ron Julian, Ken Lucas, Sarah McAulay and Brian Sisson. Commissioner Charles Jeter entered meeting late.

Mayor Swain called for a Moment of Silence.

Mayor Swain led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Commissioner Julian

- The next meeting of the Council of Planning for NC 73 is May 14.

Commissioner Lucas

- The next Police Dispatch meeting is in June.
- The Lake Norman Transportation Commission met with CATS regarding the commuter rail. We had a really good discussion on both the opportunities and obstacles facing us on the commuter rail.

Commissioner McAulay

- The LNREDC met at Metrolina Greenhouses last Thursday and went on a tour of that facility.
- The Planning Coordinating Committee meets twice a year. The fall meeting has not yet been scheduled.

Commissioner Sisson

- The next MPO meeting is April 29. The main subject on the agenda is the Augustalee project.

Commissioner Lucas asked Bill Coxe to run down highlight points on the Augustalee project.

Bill Coxe, Transportation Director, said there are four issues:

- The long-term effect of the construction of an additional interchange on I-77 at the Westmoreland bridge on the operations of I-77, which is a strategic regional resource. A comprehensive study done in 2001 recommended not adding any additional general purpose interchanges to I-77. Until someone does another comprehensive study I would recommend that we not add anymore interchanges.
- The process that is being followed in this particular endeavor is a process that is outside the normal comprehensive transportation planning process. You normally set a vision for your community, how you wish that vision to progress, then you adopt a transportation system that

will help you achieve that vision. In this case we are bypassing the opportunity to engage in a comprehensive discussion of the community's vision. Cornelius has had a comprehensive discussion within themselves, but the community at large has not.

- The request before the public is that property tax revenues be pledged to reimburse a privately secured developer loan on this. The discussion that was held in the Cornelius zoning hearings for the matter are that the county would be one of the participants in that and that would engage Mecklenburg County in the property tax funding of the interstate highway system in North Carolina. In 1931 counties were taken out of that business. My suggestion is that before you go back into that business you need to have a public discussion of that.
- An additional general purpose lane in each direction can be added on I-77 from 485 to Exit 28 or 30. The question arises what use do you place on that lane. Do you place general purpose usage or do you manage that lane so it flows freely as well as return some revenues to the public to help fund construction and that would be what's called a high occupancy toll lane and a revision to the high occupancy vehicle lane south to 85 into a high occupancy toll lane. There's a managed lane study going on right now for the entire region and I-77 fared very well in that.

Commissioner Jeter entered meeting and apologized for his tardiness.

Commissioner Jeter

- The next Lake Norman Chamber meeting is next Monday.
- The next School Advisory Committee meeting is to be determined. The main issue the School Advisory Committee is working on right now is the delay in selling bonds and how that may or may not affect school construction. Mayor Swain requested the committee discuss the proposed boundary assignments.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Carroll Gray, Lake Norman Transportation Commission, said Huntersville, Cornelius, Davidson and Mooresville adopted an interlocal agreement which called for establishing the Lake Norman Transportation Commission. The expectation was that we as four towns working together could get more done than we could four towns working individually. We think a collective voice can be heard if we take the regional approach to our transportation challenges. We are organized and are responding to opportunities as they come about. When the debate on using stimulus money was kicking around a few weeks ago, the commission supported very strongly using the stimulus money that was available for this region to widen Highway 73 from US 21 through the interchange at NC 115 beyond the tracks, which is a major bottleneck for all of us. We also spoke in favor of the realignment of Prosperity Church Road. There are eight members of the commission. You are very ably represented by Commissioner Lucas and Manager Ferguson. Each town has appointed a person as well as a staff member to be on the commission. We've adopted an internal working plan that we don't take a position on anything unless it can be unanimous. We elected Brian Jenest who is a Davidson commissioner to chair the LNTC for the first year. Most of my time since becoming official at the retreat on February 17 has been dedicated to meeting the key people in our decision chain – people who have to say yes before things happen in our area. I've attended a lot of meetings in the past two months, especially the MUMPO meetings, MTC meetings, air quality meetings, Highway 73 meetings and many others. Our agenda for May 13 includes a discussion of the transportation implications of Augustalee, as well as taking a look at the cost of North Commuter Rail. We also will be taking up our operating budget for a full year from July 1 through June 30, 2010.

Travis Dancy, Visit Lake Norman, reminded everyone of the Wal-Mart FLW Tour National Guard Open hosted by Visit Lake Norman April 23-26 at Blythe Landing. This is the third consecutive year we've hosted the most lucrative bass fishing tournament in North Carolina's history. We'll have 300+ anglers competing for a \$1.1 million purse, with the top pro taking home a possible \$200,000. Last year's event had a \$1.5 million direct economic impact on Lake Norman's economy.

AGENDA CHANGES

Commissioner Lucas made a motion to remove Item J from Other Business (Consider adding statement to Rules of Procedure that any resolutions, proclamations, statements or decrees or any other form of communication indicating Town Board support or approval will be placed under Other Business or Consent Agenda for a formal vote); move Item H of the Consent Agenda (Approve budget amendment appropriating fund balance in the amount of \$37,000 to provide for a consultant to develop, analyze and conduct public involvement on Option 4 for the Vance Road Extension component of the NW Huntersville Transportation Study) to Item J under Other Business; and add Item P to the Consent Agenda – Call a public hearing for Monday, June 1, 2009 at 6:30 p.m. at Huntersville Town Hall for a request by American Asset Corporation to close existing Everette Keith Road crossing of the Norfolk Southern rail line at the Alexanderana Road intersection.

Commissioner Jeter seconded motion.

Motion carried unanimously.

Commissioner Jeter made a motion to adopt the agenda, as revised. Commissioner Sisson seconded motion. Motion carried unanimously.

PUBLIC HEARINGS

Planning Board members present: Jeff Neely, Barry Hester, Bruce Andersen, Joanne Miller and Sam Mount.

Mayor Swain called to order public hearing on Petition #R09-01, a request by Bunker Land Group to rezone approximately 24 acres located along Rich Hatchet Road approximately 900' south of NC 73 from Neighborhood Residential to Traditional Neighborhood Development – Urban Conditional District for a 456-unit apartment complex.

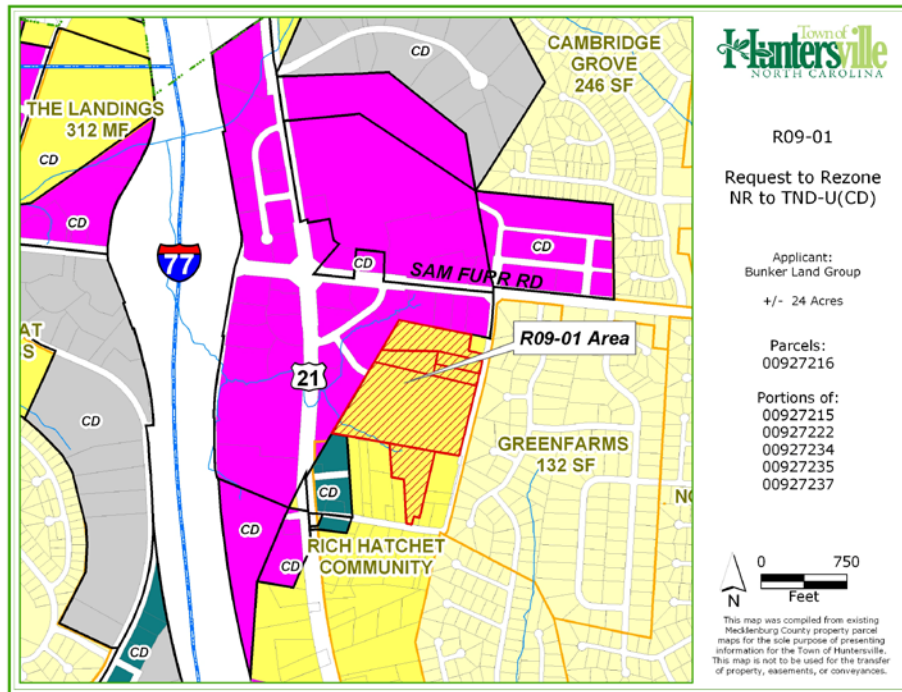
Whitney Hodges, Senior Planner, reviewed Staff Analysis. *Staff Analysis is below. Other documents related to this public hearing are attached hereto as Attachment No. 1.*

Rezoning Petition #R09-01 Holly Crest - Conditional District Rezoning Staff Analysis

EXPLANATION OF THE REQUEST

R09-01 is a request by Bunker Land Group to rezone 24.04-acres located at 9711, 9929, and 10027 Rich Hatchet Road approximately 900 feet south of the intersection of Rich Hatchet Road and NC 73 from Neighborhood Residential (NR) to Traditional Neighborhood Development- Urban Conditional District (TND-U CD). The development is called *Holly Crest* and would consist of 456 multi-family (apartment) units.

LOCATION



Map1: Zoning Map

SITE PLAN DESCRIPTION

1. **Property Owners:** Emehel Children's Irrevocable Trust (Johneric Emehel and Annie Brown); Eloise and Joe Ray; Bennie and Vernon McLaughlin; Annie Stinson and Ernest Wilson
2. **Project Size:** Approximately 24.04 acres
3. **Address:** 9711, 9929, and 10027 Rich Hatchet Road
4. **Parcel ID Numbers:** 00927216 and portions of 00927215, 00927222, 00927234, 00927235, and 00927237
5. The property is located on Rich Hatchet Road, approximately 900 feet south of NC 73 (Sam Furr Road). The property can also be accessed at the end of Holly Crest Drive adjacent to the North County Library.
6. **Current Zoning and Land Use:** Zoned Neighborhood Residential (NR). There is one house on the property and the rest of the land is vacant.
7. **Proposed Zoning and Land Use:** Traditional Neighborhood Development-Urban Conditional District (TND-U CD). The development will contain 456 multi-family units (apartments) See Site Plan Details for more information on phasing and the multi-family units.
8. **Adjoining Zoning and Land Use**
 - a. To the north: Highway Commercial (HC) zoning; properties are used for offices, medical offices and commercial uses.
 - b. To the south and east: Neighborhood Residential (NR) and General Residential (GR); properties are used for single-family residential. The Green Farms Subdivision is to the east of Rich Hatchet Road.
 - c. To the west: Highway Commercial (HC) and Neighborhood Center (NC); properties are used for civic (North County Regional Library) commercial, retail and office uses.
9. The Neighborhood Meeting was held on Tuesday, March 3, 2009. Meeting summation and attendance list are attached (Attachment A).
10. One protest petition has been received by the Town Clerk. The deadline to receive petitions is April 15, 2009. All protest petitions will be sent in the Town Board's Friday Packet.
11. There are twenty (20) proposed buildings; six (6) carriage units and fourteen (14) apartment units.
12. All apartment units front a public street with the exception of Building 1(southern most building on Rich Hatchet Road). The developer is requesting a waiver from this requirement.
13. The site will be accessed from Holly Crest Lane and Rich Hatchet Road. The developers will build an additional public street. They are also proposing to set aside an easement area for parking lot connectivity at the north of the property (See Transportation Issues for more detail).

14. The conditional district plan dictates that this property will be used for multi-family housing. Prohibited uses include boarding or rooming houses, conference facilities, congregate housing, hotels, cemeteries, commercial marinas, neighborhood gasoline stations, parking lots as a principal use, fast food restaurants and marinas as accessory to residential uses.
15. The applicant is seeking a concurrent subdivision sketch plan approval.
16. The developer has indicated that they will be using plazas to meet their urban open space requirements. These plazas proposed by the applicant do not meet the definition of plaza (see Site Plan Issues).
17. There is one 30' SWIM buffer located on this site.
18. No flood plain is present on the site and the property is not located in a protected watershed.
19. There are 39 specimen trees on the site and the developer is required to save 30 percent. The developer is proposing to save twelve trees (30%).
20. The development is required to have a twenty (20) foot buffer along residentially zoned property. There is one area where this buffer is not met.
21. Public water and sewer will be provided through the extension of existing Charlotte-Mecklenburg utility mains.
22. This plan has been reviewed by Mecklenburg County LUESA (Engineering) office; however a Stormwater Concept Plan has not been approved at this time.
23. The developer is requesting six (6) waivers that are discussed in the Zoning and Site Plan Issue Sections. The waivers are in ***bold italics***.

ZONING ISSUES

Qualifying for Traditional Neighborhood Development-Urban Zoning District

Minimum size for a Traditional Neighborhood Development-Urban (TND-U) is 40 acres and the applicant requests 24 acres to be rezoned. TND-U districts less than 40 acres are allowed subject to the following:

To allow for the gradual accretion of a TND, which may include the participation of several property owners over an extended period of time, a partial TND of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and the potential to become a TND-U of at least 40 acres..." (Article 3.2.11 e).

The developer has submitted Enclosure 1 as evidence of complying with the above requirement. Staff does not feel this exhibit demonstrates the potential of a future 40-acre TND-U area consistent with the TND design provisions. For example, the average perimeter of all blocks within the TND-U should not exceed 1,350 feet. The average permitted block length as shown in Enclosure 1 is 2,630 feet or nearly twice the recommended average block perimeter size. **The developer is requesting a waiver of the average perimeter block size.** Staff is opposed to this waiver.

Future Development Pattern on Rich Hatchet Road

R09-01 will set a precedent of TND development in the Rich-Hatchet community. With three story buildings along Rich Hatchet Road, it will be unlikely that single-family development will continue as the development pattern which was recommended by the NC 73 (Sam Furr)/US 21 Small Area Plan. Further, redevelopment potential of the three single-family homes on the northern side of Rich Hatchet Road will be difficult because of their small lot sizes and high intensity development surrounding the properties.

SITE PLAN ISSUES

Respect Spacing, Mass, Scale and Frontage of Existing Buildings

Along Rich Hatchet Road, the developer proposes to place the side of three, three-story apartment buildings adjacent to four single-family homes that are one-story each facing Rich Hatchet Road. These apartment units are approximately 28-33 feet from the street right-of-way and the existing homes along Rich Hatchet are setback approximately 45-105 feet from the street right-of-way. The building height, scale, setbacks and frontage are inconsistent with Article 3.2.11.d) 1 of the Zoning Ordinance which requires new development to respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings. Staff recommended to the applicant that single-family homes be located along Rich Hatchet Road in accordance with the approved plans for the area (NC73 (Sam Furr)/US 21 Small Area Plan and the Rich Hatchet Road Plan). Staff also suggested to the developers that if they insist on apartment units along Rich Hatchet Road, they should be one or two story units transitioning to higher units once interior to the development.

Urban Open Space

The developer is proposing to use plazas to meet their urban open space requirements. These plazas are located adjacent to the amenity areas for the site (Site Plan Architectural Sheet pg 1). These amenity areas are attached to the apartment building and used for accessories uses such as health center, leasing and management office, mail room, laundry, café, home office flex units, etc.

A plaza is defined as, "an open area adjacent to a civic or commercial building" (Zoning Ordinance, Article 7.10.5, plaza). These buildings are apartment buildings type and do not fit the definition of a civic or commercial building. Although these plaza areas are attractive and are well situated in the development, they do not meet the definition of a plaza. ***The petitioner is asking for a waiver from the plaza definition.*** Staff does not support this waiver as staff feels that there is a way to keep these common open space areas and incorporate a different type of urban open space into the site.

Height

The developer of Holly Crest Apartments is requesting a waiver to allow buildings to be up to four (4) stories or forty-eight (48) feet in height. This waiver does not apply to the buildings along Rich Hatchet Road which are limited to three (3) stories. Staff does not support this waiver because the four (4) stories increase the intensity of the site. The NC73 (Sam Furr)/US 21 Small Area Plan recommended medium density residential that would be a buffer between commercial and office uses to the north and west

and single family at Rich Hatchet Road. Three (3) stories is appropriate for internal to the project. One to two story heights are appropriate for buildings along Rich Hatchet Road.

Side Yard Parking

The developer is asking for a waiver to allow side yard parking. The Apartment Building type only allows rear yard parking. All apartment complexes approved after 1996 have rear yard parking. Staff does not support this waiver because it would set a precedent in the Town. If the developer would reduce the intensity of the proposal, side yard parking would likely not be an issue.

The developers have also not supplied staff with information about the types of units (1bedroom, 2 bedroom, etc) they will be providing. This information is needed to assess whether the parking shown is the amount that is required by Article 5 of the Zoning Ordinance.

Frontage Issues

Seven (7) of the buildings front a pedestrian way rather than a public street. The Zoning Ordinance allows buildings to front features other than a public street with a site specific design (Zoning Ordinance, Article 8.1.4). **The developer is requesting a waiver** rather than designing the site to include one of the options outlined in the Zoning Ordinance. Staff does not support this waiver.

Staff recommends single-family residential along Rich Hatchet Road. But, if multi-family were allowed along Rich Hatchet Road, staff would prefer Building 1 to front Rich Hatchet Road.

Density

A condition to the site plan is that density is for this project limited to 19 units per acre. There are eleven comparable apartment complexes in Huntersville whose densities range from 9.8 units/acre (Colonial Grand) to 15 units/acre (Summit Sedgebrook). The average density in Huntersville for apartment complexes is 12.9 units/acre and the developer's request represents a 47 percent increase in density to existing apartment complexes.

HVAC Units

The developer is asking for a waiver to allow HVAC units to be placed along the streets and staff does not support this waiver as written at this time. A TND development is a pedestrian-oriented development. Having the HVAC units along the streets does not create an inviting public domain. Staff has supported waivers for HVAC units along public streets in a previous case, but these instances were site specific, required screening and required approval by the Planning Director. If the applicant can be more specific about their needs, staff may support this waiver.

Buffers

Where a new residential development abuts existing residential uses, a 20' vegetated buffer is required (Zoning Ordinance, Article 7.5.3). The 20' buffer has not been met along the northern most parking lot on Rich Hatchet Road and only a 15-foot buffer is shown.

Additional Comments

On the last revision the developers added the note that, "Garages may be added or removed in the place of the dwelling units during the final architectural design phase on non-street front facades of buildings". Staff is concerned about this note as it could increase the density to add more residential units. Further, there may be design issues and the units may not conform to frontage requirements of the Zoning Ordinance.

TRANSPORTATION ISSUES

Traffic Impact Assessment Mitigation

A traffic impact assessment (TIA) was required for this rezoning as it met the trip-generation threshold for both peak and daily trips (i.e. 50 peak; 500 daily). The TIA was completed using the Town's Intersection Capacity Utilization (ICU) methodology and the intersections studied are enclosed (Enclosure 3). Ramey Kemp and Associates, the consultant hired by the Town to perform the traffic impact analysis, was given direction by the Town regarding traffic analysis assumptions/parameters. At this time, it appears all residential development driveways will be right in/right out onto NC73, thus no further analysis is required at this time. Based on the Holly Crest TIA dated March 2009, the following improvements are required by the developer based on the current ordinance:

Intersection of NC 73 at Rich Hatchet Road/Northcross Center Court

- ☐ Restripe the existing westbound right-turn lane on NC 73 to a shared through/right-turn lane. Construct an acceptance lane on the westbound departure of NC 73 to accept the shared through/right-turn lane. (Acceptance lane length to be determined by the Town and NCDOT.)
- ☐ Construct an exclusive northbound right-turn lane on Rich Hatchet Road with 275 feet of storage.
- ☐ Installation of split phasing on the northbound (Rich Hatchet Road) and southbound (Northcross Center Court) approaches subject to NCDOT approval.

*Intersection of NC 73 at I-77 Southbound Ramp

- ☐ Construct an exclusive southbound left-turn lane on the I-77 southbound ramp with 400 feet of storage.
- ☐ Extend and restripe the existing southbound left-turn lane on the I-77 southbound ramp to be a shared left/through/right-turn lane with 375 feet of storage.

*Intersection of NC 73 at I-77 Northbound Ramp

- ☐ Restripe the existing westbound right-turn lane to a shared through/right-turn lane. With this restriping, additional westbound restriping on NC 73 for the acceptance lane is needed.

*Intersection of NC 73 at US 21

- ☐ Construct an exclusive southbound left-turn lane on US 21 with 175 feet of storage.

An increase in ICU of two percent or less was reported at the last three intersections of the above list (indicated with *). An increase in ICU of two percent or less may be considered negligible, depending on the intersection location or other traffic analysis assumptions, and therefore would not require major transportation improvements by the developer (addition of turn lanes, etc.). Currently, Town Staff is proposing language to change Article 14, Traffic Impact Assessment, which would allow engineering staff to use their professional judgment as to whether improvements that increase ICU at an intersection by two percent would be required. As the last three intersection improvements represent two percent or less increase ICU, staff would support the TIA Mitigation plan with language to allow staff the flexibility to waive the requirements

For this project to be approved, the Board must approve a mitigation plan. Transportation improvements have been identified and the developer is still reviewing the mitigation plan. Until the text amendment is approved, the developer's options are to 1) commit to providing all of the improvements outlined in the TIA as listed above except if the text changes to allow greater flexibility by staff or 2) place this development on hold (delay in the rezoning request or other request by the developer) until the text amendment is approved.

Road Design and the Small Area Plan

The NC 73 (Sam Furr) /US 21 Small Area Plan recommended that the majority of the traffic movement be redirected to a new road so that there would be lower volumes of traffic in front of the existing single-family homes. Map is provided below.



Illustrative Plan: Framework for growth that preserves homes, creates new development, and integrates community with the Town.

Map 2: NC 73/US 21 Small Area Plan *Rich Hatchet Road*

The Small Area Plan proposed two connections to Rich Hatchet Road, just south of the commercial property on the corner of NC 73 and Rich Hatchet Road and mid-block from US 21 to the bend in Rich Hatchet Road. During the charrette and approval process, the community spoke against having an additional connection to Rich Hatchet Road as they did not want the additional traffic on the existing road.

The Holly Crest Apartment site plan shows the connection proposed by the NC 73/US 21 Small Area Plan but the developer does not control the property that makes the connection to Rich Hatchet Road. The developer is proposing an additional connection to Rich Hatchet Road by extending Holly Crest Lane to Rich Hatchet Road. Although Transportation Staff sees value in the additional connection to Rich Hatchet Road, Planning Staff feels the more appropriate location would be farther north because the connection recognizes the community's desire to maintain single-family development along Rich Hatchet Road. Connecting Holly Crest to Rich Hatchet Road (as shown on the conditional site plan) will create the maximum traffic impact to Rich Hatchet Road. By stubbing the northern location of Street A to an adjoining property rather than making the connection to Rich Hatchet Road, diminishes all development potential of the property. If approved, it is most likely that the public would have to buy the property in order to make this connection.

Road Design of Internal Street

As discussed above, the road shown on the Holly Crest site plan as Street A becomes the new north/south through movement. This road needs to be designed to the Residential Town Street standards instead of the proposed Residential Neighborhood Street standards. Street A should be designed at a 30mph design speed (25mph posted speed limit) with a minimum of a 195' curve radius. The proper design specifications are not shown in the street cross sections of the site plan and designing to the standards shown on the plan will be unsafe.

Creek Crossing

Staff has concerns about the creek crossing location for Street A. The street could be located to avoid the need to cross a SWIM buffer by moving the road further to the east. Additionally, the street location as shown on the site plan would require that the full cost burden of designing and building the creek crossing be borne by the adjacent property owner which is a relatively small piece of property.

Road Design of Rich Hatchet Road

Currently, Rich Hatchet Road is an 18' wide, state maintained road. The developer is required to upgrade their side of Rich Hatchet Road and this is shown on their plans. Because NCDOT will require an overlay of Rich Hatchet Road where improvements are installed, staff requests that the developer upgrade the both sides of the road in front of their property. The recommended cross section would be two 10' lanes and a planting strip and sidewalk on their side of the property (as shown in their plans) and a ditch section on the opposite side. There is an existing 60' right-of-way on Rich Hatchet Road.

Connections to Adjacent Sites

The developer's response to staff and neighbor concerns about connectivity to the parking lots of the office areas to the north of the site is shown on the site plan. However, this connection is to an empty lot. Staff would recommend that this connectivity take place between Holly Crest Apartments and existing office buildings just west of the proposed connection.

Transportation Planning Issues

An alternate location for staging of the CATS buses is needed when the quadrant left treatment is in place for the NC 73/US 21 intersection. Currently the buses are located on Holly Point Drive. Staff and CATS would like the future location to be on Holly Crest Lane adjacent to the library however, the buses need a place to turn around once the staging location is moved. Transportation staff has approached the developer about a temporary turn-around on their property as an interim measure. Staff would like the long-term solution to be a traffic circle in the center of this development where Holly Crest Drive crosses Street A. The additional benefit of the traffic circle is that it could be used as an additional traffic calming for the road that will hold the future north/south through movement. The developer has stated that they are willing to work with the Town if the Town contributes to the construction of the public streets in their project.

PLANNING STAFF ANALYSIS

Article 11 Section 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:

- NC 73 (Sam Furr)/US 21 Small Area Plan (January 2006) and Rich Hatchet Plan (August 1998). Holly Crest Apartments is not consistent with both of these plans.
 1. Rich Hatchet Plan recommended single-family in this area. The community recognized the need to study the Rich Hatchet area again and it was included in the NC 73 (Sam Furr)/US 21 Small Area Plan.
 2. Both plans recommended single-family residential along Rich Hatchet Road and the proposed development would allow three (3) story multi-family units.
 3. Medium density residential is recommended in some of the area by the NC 73 (Sam Furr)/US 21 Small Area Plan. The intent of the medium density residential is to provide a gradual transition from office and commercial uses at Holly Point Drive and NC 73 to the single-family use at Rich Hatchet Road.
 4. The roadway network is not consistent with the street network in the NC 73 (Sam Furr)/US 21 Small Area Plan. This proposed development would allow an additional connection to Rich Hatchet road that was not supported by the community. The additional connection to Rich Hatchet Road will create additional through traffic which was not the intent of the small area plan for Rich Hatchet Road. The connection as shown to Rich Hatchet Road needs to be made at the angle proposed because in the long run when the connection is built it will take pressure off existing Rich Hatchet Road.

- Holly Crest complies with the Huntersville Master Greenway and Bikeway Plan as there is no proposed greenway or bikeway on this site.

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:

Redevelopment is proposed in this area, but not to this intensity and scale. The NC73/US21 Small Area Plan called for offices closer to the intersection of NC 73 and Hwy 21 and medium density residential to gradually transition to single-family residential along Rich Hatchet Road to be consistent with the existing development along Rich Hatchet Road. Holly Crest Apartments is an extremely poor attempt to blend into the Rich Hatchet community.

Holly Crest Apartments has a density of 19 units/acre and includes a note in their plan that they will not exceed this amount. There are eleven apartment complexes in Huntersville whose densities range from 9.84 units/acre to 15.02 units/acre. The average density in Huntersville for apartment complexes is 12.85 units/acre. This is an 47 percent increase in density to the developments that have already been approved.

The 5 single-story single-family homes remaining on Rich Hatchet Road face the public street. The proposed development places the sides of three-story apartment buildings along Rich Hatchet Road. This will have a significant change to the street pattern along Rich Hatchet Road. The building intensity and the building orientation along Rich Hatchet Road represent a complete lack of respect to the existing development as required by Article 3.2.11 d) 1.

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:

- Petition R09-01 was subject to the Town of Huntersville Adequate Public Facilities and Transportation Impact Assessment (TIA) ordinances. The developer was granted an Adequate Public Facility (APF) Allocation is for 420 units on September 30, 2008. The developer is requesting 456 units. They have included a note on their plan that they will request an additional Determination of Adequacy for the remaining 36 units prior to construction.
- Charlotte Mecklenburg Utilites has provided a *Willingness to Serve Letter*.
- Staff received comments from Charlotte-Mecklenburg Schools (CMS). For 456 multi-family units, the development would generate 70 new students. The Huntersville School Advisory Committee met on February 9, 2009 and the Committee has significant reservations about the Town Board approving the conditional rezoning request as the increased demand on Huntersville schools will negatively affect the quality of life for Huntersville residents. (Attachment B)
- The Fire Department continues to review this project for compliance.
- A Post Construction Concept Plan has not been approved by Mecklenburg County LUESA (Engineering).

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.

STAFF RECOMMENDATION

Staff does not support the rezoning request for the following reasons as explained in detail above and summarized below. Staff also does not support the waivers as written associated with this site plan.

- Holly Crest Apartments does not meet the design and development provisions to qualify for a TND-U Zoning District. (Zoning Ordinance, Article. 3.2.11). The applicant has not demonstrated a gradual expansion of the minimum size for a TND-U in compliance with the TND development provisions. The development exceeds the block perimeter required in the design provisions.
- Approval of the rezoning will set precedent for TND development in the Rich Hatchet community and this new development pattern will conflict with approved plans.

- The building intensity and orientation along Rich Hatchet Road represent a complete lack of respect to the existing development on Rich Hatchet Road. (Zoning Ordinance, Article 3.2.11 d) 1).
- The proposed urban open spaces do not comply with "plaza" definition (Zoning Ordinance, Article 7.10.5).
- Staff does not support the height waiver to allow four story buildings.
- The developer has not provided information to assess parking and therefore does not comply with the off-street parking standards (Zoning Ordinance, Article 6). Staff does not support the side yard waiver.
- The developer is requesting a waiver to have buildings without street frontage. Staff does not support this waiver as there are other alternatives provided in Article 8.1.4.
- The proposed development is proposing a density that is not consistent with the overall character of the area and will be a 47 percent increase in density to existing apartment complexes in Huntersville. (Zoning Ordinance, Article 11.4.7 e) 1).
- Staff does not support the HVAC waiver as written.
- The developer has not committed (per plan or mitigation documents) to any of the required improvements from the Transportation Impact Assessment (Zoning Ordinance, Article 14).
- Holly Crest Apartments is inconsistent with approved NC 73/ US 21 Small Area Plan and Rich Hatchet Plan in terms of street design and land use (Zoning Ordinance, Article 11.4.7 d).
- Street A within the development is not safely designed for the traffic capacity it will handle and. (Zoning Ordinance, Article 5).
- Staff recommends relocating Street A to avoid crossing the creek and impacting the SWIM buffer.

There are numerous remaining site plan and planning issues that staff will need to resolve with the developer if this request should be approved. These include but are not limited to:

- Coordinating the relocation of the CATS staging area
- Approval of the Stormwater Phase 2 Concept Plan approval
- Defining of block face
- Providing detail for the pedestrian way
- Providing the requested additional information such as floor plans of the carriage units, number of units within each building and the types of units.
- Showing landscape buffer width on plans and contents of the buffer.
- Adjusting the parking lot connectivity.

STATEMENT OF CONSISTENCY

Per the North Carolina General Statutes § 160A-383 and Article 11.4.7 b-d of the Town of Huntersville Zoning Ordinance, rezoning actions must be accompanied by a *Statement of Consistency*. Two statements are provided below that need to be incorporated into the motion either to approve or deny the petitioner's request.

[Approve]

In considering the proposed rezoning of Petition R09-01, Sam Furr Station located in the 9711, 9929, and 10027 Rich Hatchet Road which is approximately 24.04 acres, the Town/Planning Board finds that the rezoning is consistent with the Town of Huntersville Community Plan and other applicable long range plans. We recommend amending the Zoning Map for Rezoning Petition R09-01 from Neighborhood Residential (NR) to Traditional Neighborhood Development-Urban Conditional District (TND-U CD). It is reasonable and in the public interest to rezone this property because..... (Explain)

OR

[Deny]

In considering the proposed rezoning of Petition R09-01, Sam Furr Station located in the 9711, 9929, and 10027 Rich Hatchet Road which is approximately 24.04 acres, the Town/Planning Board finds that the rezoning is not consistent with the Town of Huntersville Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R09-01. It is not reasonable and not in the public interest to rezone this property because..... (Explain)

Ms. Hodges pointed out that seven protest petitions have been filed. Five of those are valid.

Commissioner Sisson asked is the Small Area Plan referenced the same Small Area Plan we had a discussion about several weeks ago where the Rich Hatchet residents stated they had no input into it and they would prefer that we go back to the old Small Area Plan. And is this where we instructed staff to start moving forward on redeveloping the Small Area Plan?

Ms. Hodges said the old Small Area Plan calls for all single-family.

Jack Simoneau, Planning Director, said we had suggested to relook at it, but staff also said there was input from the residents. Whitney pointed out how the plan changed because of that input.

Commissioner Sisson asked we are acknowledging the approved plan, not the adopted plan?

Mr. Simoneau said right, and Bob Blythe can address the issue of approved versus adopted.

Commissioner Sisson asked the road that leads to Rich Hatchet that goes out to 73, the upper right-hand corner of that plan, is it staff's expectation that if this is approved the developer will do that connection?

Ms. Hodges said they don't own the property. Our expectation is that connection needs to be made. We are saying it needs to be here in order to preserve single-family. I don't think staff could come out and say you have to go buy that property.

Commissioner Sisson asked between where the connection ties into Rich Hatchet and Highway 73, what's the distance between those two?

Ms. Hodges said if you've got another question I'll get back to you on that one.

Commissioner Sisson said the proposed traffic circle in the plaza area..... I'm going to ask you to go into a little more detail on what you want to do there. You are saying that you would like to see a traffic circle in there so the CATS buses can come down and turn around.

Bill Coxe, Transportation Director, said there are three reasons for a roundabout at that location. The first reason is that when that road becomes the through version of Rich Hatchet at whatever point in the future that occurs and then when Holly Crest comes past the library and ties into that roadway, there is going to be a very substantial amount of traffic using that intersection. A roundabout is an appropriate capacity treatment at that intersection and an appropriate safety treatment at that intersection. From that standpoint long-term it makes a great deal of sense to do that. From the standpoint of the CATS Village Rider opportunities, in order to move them off of Holly Point Drive and get them out of the way of the operation of the quadrant roadway intersection, we are looking for a place to put them. Holly Crest was an appropriate place to put them, but they have to be able to turn around to stage to come back out onto Holly Crest. They will come in from 21, they will use Holly Crest and on a temporary basis they could turn around in the cul-de-sac and come back and stop so that they discharge riders and drivers towards the library itself and then when they leave they can come out and go back up and then use 73 as they do today. Assuming that this development or some other development occurs here, that intersection with the roundabout could serve as that same turnaround and that would no longer be necessary. In my mind, that's a short-term fix. That land reverts to the landowners at whatever point the long-term fix is put in place.

Commissioner Sisson asked could you not just stage pick-up of the CATS buses at that plaza? If they come down Holly Crest and make that circle, they are going back out onto Holly Crest, they are going up to 73, they are making a right turn on 73, a right turn on Rich Hatchet and coming right back through there anyway to go south.

Mr. Coxe said they can certainly do that. You don't want to actually stop a vehicle in the immediate vicinity of a roundabout. The whole functionality is that you need to be able to move through it easily. That really wouldn't work from a roundabout operation standpoint. Secondly, the staging area serves as a point where CATS buses catch up to their schedule. In the operation of a transit system, you never want to leave a bus stop before you tell people you will. They actually have a point where they just have to sit and wait to catch up with their schedule and that's where they do it. Also, the driver needs a place

to be able to go out and take a break and the public library serves as that purpose for them today. Finally, the riders and users of the system themselves have benefits in being at that location. There are information sources in the library that they can benefit from while they drop off. That's a really good place from a CATS standpoint to stage them.

Commissioner Sisson asked how many riders are we dealing with?

Mr. Coxe said I can go pull the numbers, I don't have them off the top of my head, but it's a reasonably successful operation.

Commissioner Sisson said I didn't think it was all that successful.

Commissioner Lucas said there's a difference between car traffic coming down and hitting that roundabout and a CATS bus going to that roundabout.

Commissioner Sisson asked what size roundabout are we talking about?

Mr. Coxe said essentially a roundabout is built such that any vehicle that's legally allowed to use the roadway network can use it. MacAulay is way larger than what's necessary for a roundabout. Normal dimension is about 130' diameter. MacAulay is probably double that – around 210'.

Commissioner Sisson said the curve radius on the street on the realigned Rich Hatchet.

Mr. Coxe said the curve radius that you see there would not support a 25 mph speed limit. Our belief is that you need a flat enough curve to be able to safely maneuver it at 25 mph and that was too sharp.

Commissioner Sisson asked what would it support?

Mr. Coxe said 15 mph to 20 mph as I recall. That's Neighborhood Residential, I'd have to look.

Commissioner Sisson said so it's an excellent traffic calming device in a high density neighborhood.

Commissioner Jeter said that's an interesting spin.

Mr. Coxe said only if the entire street leads people to drive that speed. If the entire street does, that's okay and then you would need to post it at either 15 mph or 20 mph, whatever the appropriate speed limit is.

Commissioner Sisson said two eventual curves in the road and a roundabout sitting in the middle.....is it feasible for anyone to go 25 mph?

Mr. Coxe said certainly not over 25 mph, no.

Ms. Hodges said the design speed for what this is showing is for 20 mph, which means the speed limit is 15 mph.

Commissioner Lucas asked what is the speed going through Birkdale Village?

Mr. Coxe said Birkdale Commons Parkway, I don't remember what the speed limit is. I'll find out for you.

Commissioner Lucas said the only reason I'm making the comparison is these streets have parallel parking along the streets, which almost mimics Birkdale and that would be about a 20 mph to 25 mph, would it not?

Justin Carroll, Traffic Engineer, said in the commercial area of Birkdale I would suggest that speed is probably a 15 mph design speed. What we see here with this proposed Rich Hatchet Road is more of a higher collector type street rather than a residential type street.

Commissioner Sisson asked is there some type of rules or informal rules about having a 20 mph or 25 mph speed limit on a collector type street?

Mr. Carroll said you look at the access points along it and you look at the number of driveways. In this case, since you just have major road connections instead of individual driveways, I think in looking at the volume and the access you would want at least a 25 mph or 30 mph speed limit.

Commissioner Sisson asked do you also look at building orientation, streets and parking and things like that?

Mr. Carroll said sure, that does have a factor in it also.

Ms. Hodges said the answer to Commissioner Sisson's previous question is 300'.

Commissioner Sisson said when that road comes in we are going 300' and the TIA is suggesting they build a 275' right-turn lane, so you are going to come out of that curve and there will be a right-turn lane as soon as you come out of the curve – 25' goes really quick.

Mr. Carroll said assuming that curve is continuous and it exists and is built through that property. Assuming that is continuous, that would be no different than any other intersection of a road with a turn lane.

Commissioner Sisson asked is there not in the 73 Widening Plan a part of the plan to put a right-turn lane off of Rich Hatchet onto 73?

Mr. Carroll said it is not.

Commissioner Sisson said that needs to be fixed.

Mr. Coxe said we were surprised to find that out.

Commissioner Sisson said we are talking again about HVAC units being relegated to a certain location on the building. We had this discussion with the Glenwood project and was staff not looking at a way to allow builders and developers more flexibility with the placement of their HVAC units.

Mr. Simoneau said you had asked us to do that and we do have that on our work program for this year. We have not started.

Commissioner Sisson asked the side-facing units on Rich Hatchet, your suggestion is that they face Rich Hatchet?

Ms. Hodges said my suggestion is they be single-family.

Commissioner Sisson said I'm assuming that market is determining whether it will be single-family or multi-family.

Ms. Hodges said if not that, then to face Rich Hatchet. There's other opportunities also to move those carriage units.

Commissioner Sisson said don't they run into a dilemma where the front of their building has to face the public street and they have two public streets there, so which one should they actually be facing.

Ms. Hodges said they do run into some of that, but I think with an apartment complex you have a lot of design flexibility in that in order to be able to do that.

Commissioner Sisson asked has there been any sort of tree study done to see what type of treescape would be in front of the apartment buildings to buffer them from Greenfarm?

Ms. Hodges said they have proposed a buffer detail along Rich Hatchet Road. It's not required.

Commissioner Jeter said on the small area plans, no surprise, I'm less enamored with the small area plans, as they were voted on by previous boards and one wasn't even adopted. I think we have to consider that as we move forward. As I read through the Staff Report it talked about the neighborhood road of Rich Hatchet as it currently exists and its usage. Did the town not go away from that the minute we put a light at Rich Hatchet and 73 and somewhat in my opinion encouraged people to make that cut? It seems like to me that with that light there we almost encourage people to take a left there at Rich Hatchet and to go south on 21.

Mr. Coxe said I think that it is absolutely and completely fair to say that the addition of that traffic signal at Rich Hatchet has opened it up for more public use outside of the neighborhood. I hope that the counter is that two things will occur. The first is that we will be successful in improving the intersection of 21 and 73 and making it operate properly so that the incentive for people to use the existing Rich Hatchet decreases significantly. The second hope is that we are successful in actually achieving what the Small Area Plan calls for, which is to realign Rich Hatchet Road such that the through traffic would use this road or something similar to this road and the existing Rich Hatchet Road with the single-family houses on it would continue to be a secondary choice for people, but that will take time to achieve that.

Commissioner Jeter asked would this development, should it be approved, accomplish the goal of alleviating the need to go down Rich Hatchet because they would now go down this north/south road that bisects this property?

Mr. Coxe said no, because this technically doesn't really go anywhere yet.

Commissioner Jeter asked if they built the connection in the northeast corner, then you would be more satisfied?

Mr. Coxe said it would be helpful if they built that. It would put you much closer to where we would like to get that traffic to. The ultimate solution is the extension of the new Rich Hatchet to the south.

Commissioner Jeter said what I'm trying to understand is the current state of Rich Hatchet versus what would happen if this project is built or not built versus what happens with the quad-left, which is somewhat intertwined as far as my decision-making goes in this process. If the quad-left is implemented as currently envisioned and this project is approved, do those two things go together in your opinion or not? Does that make the quad-left still in your opinion the most viable solution?

Mr. Coxe said yes. The traffic impact analysis indicates that if we do everything that we say we are going to do out here, the only additional improvement necessary to keep traffic at the standard to which we hold people would be the addition of that northbound right-turn lane on Rich Hatchet at 73.

Commissioner Jeter asked was the Traffic Impact Analysis done based on the quad-left?

Mr. Carroll said yes, all the assumptions that the quad-left was in place.

Commissioner Sisson asked what happens if the quad-left concept doesn't happen? Do they have to go back and re-do the TIA?

Mr. Carroll said I think there would have to be some tweaks to it.

Commissioner Sisson asked what if the quad-left concept was built with some of the modifications that were requested by the Northcross property owners association, how would that affect it?

Mr. Coxe said kneejerk reaction is that the changes that we have seen that we have agreed to shouldn't cause any degradation to the operation of the quadrant roadway. That's why we agreed to them. If it worked under the quadrant as it was initially designed, it should work under the quadrant with those minor tweaks to it. Again, my gut instinct is that there shouldn't be any problems.

Commissioner Jeter asked what is the provision from a developer standpoint if we move the goal post after the fact?

Mr. Coxe said the issue is that any developer may rely on any announced public construction project if that is to be achieved in the next three years and that can be a part of their TIA and that's what has occurred in this case. If we change our public construction program and don't hit that three year window or do something different, we haven't addressed that question.

Commissioner Lucas said urban open space, I really like the concept. I know it's a simple change, but I think I just wanted to get that out there that I like the concept, even though it doesn't fit the pure definition. I believe the definition can be tweaked accordingly. What's the topography of the land out here?

Ms. Hodges said it doesn't necessarily address the additional story and I think I know where you are going with that. It's flat in certain areas and then it rolls to certain areas. From the front they will have

the four stories and from the rear there will be five stories. It would be the same where there are three stories and then four stories in the rear where there are those topography issues.

Commissioner Lucas said if you are talking about single-family over on the right-hand side of this proposed sketch plan, right next to that is going to be a four-story apartment complex. How is that feathering when we are trying to achieve feathering to the single-family homes that are across from Rich Hatchet? I think you just exasperated the problem vice what's being proposed here of going from a four-story to a three-story to a single-family across the road from Rich Hatchet. Now you are going from single-family to single-family to a four-story by taking the right portion of this development out.

Mr. Simoneau said this is the approved plan. At this time what was recommended was your mixed-use going to medium density residential which I wouldn't necessarily call four-story. It might be two or three story and then going to single-family. That was the transition. This was not envisioned to be four-story buildings at this point, it kind of stepped its way up to more intense.

Commissioner Lucas said I guess you just proved my argument. The center part is going to be four stories. Off to the east that faces Rich Hatchet are going to be three stories. And then off to the east of Rich Hatchet is single story, single-family. Am I just not doing the math there in saying that it goes from two, three, four – is that not feathering?

Mr. Simoneau said no. Again, single-family recommended and going to higher intensity as you go further.

Commissioner Lucas said if we put single-family right there right next to it, it's going to be a three or four story apartment. How are we feathering?

Mr. Simoneau said again, recommend three story apartments, so you go one story to three story and it could be two story houses.

Commissioner Lucas said I'm all for relooking at that HVAC. I know it's not in time for this and that we will be addressing it later on down the road, but you know my position.

Mr. Simoneau said I think we were clear on our Staff Analysis that we could work with them on that.

Stuart Mullen said I'm here tonight to represent the petitioner and talk through the issues of this project. Before I talk to some of the issues you've raised here and your questions, I would like to introduce Johneric Emehel, who is a family member, a part owner in the assemblage of properties who will I think be able to provide some depth of perception behind the history of the families and the assemblage of the land and also the history behind UDA and their involvement in the area planning process.

Johneric Emehel, 14031 Laurel Trace Drive, Charlotte, said no one has said anything about the Sherrill family. No one has said anything about the McLaughlin family. No one has said anything about the Potts family. I want to thank Dennis Bunker and Stuart Mullen for giving me the opportunity to give a little insight about the property owners, because I don't want us to be overlooked. I would just like to take a few minutes to give a little history of this property and the family members. It goes back to 1957, my grandfather, the husband of Mary Sherrill purchased 5 acres of land on Rich Hatchet Road. It's the same 5 acres that is now the home of Showmar's. In 1974, after my father's death, my mother Annie

Brown returned home to Huntersville with three young boys under her arm to find a new home. She purchased 15.2 acres on Rich Hatchet Road. The same 15.2 acres that was the future home of Holly Crest. She returned home hoping to someday raise her three boys into men. She was looking for help from, of course, my father Sylvester Brown and other wonderful men like my grandfather Rush Sherrill and other wonderful men who are no longer with us like Mr. McLaughlin, Mr. Ray, Mr. Henderson, Mr. Jetton, Mr. Potts. In 1956 even before my grandfather purchased that land, Mr. McLaughlin purchased 8 acres of land on Rich Hatchet Road, but he worked that land even before then as a sharecropper for somebody else. Two of his children, Eloise Ray and Ms. Stinson will remain on Rich Hatchet Road. They will be the closest members to this community. They will be the ones most impacted by this community and they support it. Their family has been there also over 50 years. Right up the street you have the Potts family – Joan and Priscilla Potts. Their family has owned that land for almost 40 years, if not more. We don't want to be overlooked. We have had over 140 years of history in this land and would ask that you consider that. We are property owners just like everybody else. On May 17 when you vote, and I trust all five of you vote in favor of this, that will still be our land. I know that we have had some protest petitions. The one thing I wish I could do was just turn back the hands of time just a few years so that our neighbors who don't know that this is in fact the best plan for this site could hear what other developers were proposing, even what staff was proposing. Staff, they talk about traffic, but then they still want to put some more retail and commercial on that site. What kind of sense does that make? We have Annie Brown and Ms. Ray who are willing to make financial sacrifices to keep retail out. And now we still have these crazy objections to this plan. This is a wonderful plan. Our families have spent hours, days, working with Dennis Bunker and Stuart Mullen developing this plan. This is not their plan. This is our plan that we are asking you to approve. Everyone wants to know about traffic impact studies, but let's be truthful about the traffic for a moment. We are talking about a residential community. We are talking about an apartment complex. I think it was 1980 there were 1,800 people who called Huntersville home. In 1990, 3,000 people called Huntersville home. Today there are over 40,000. I would be wrong, my mother would be wrong, Ms. Ray would be wrong, to stand in the front yard and say Greenfarm you caused this traffic problem. Just like it would be wrong to say Birkdale caused this problem, because it's not the homeowners. If we want to be truthful about what caused the traffic problem, we all did. And the reason we all caused it, because we want conveniences. We got tired of driving up to Hardee's up the road in Cornelius. We wanted a Burger King in walking distance. We wanted a McDonald's in walking distance. We got a Lowes, but we still weren't satisfied. And I'm saying all of us, because I use all of those myself. We wanted a Home Depot and a Lowes. We didn't want to drive into Charlotte and Mooresville like we did for many years. We wanted to walk and buy our clothes, walk and buy our shoes, walk and buy our lights. That is the cause of the traffic problem. And we are fooling ourselves if we are trying to say an apartment complex is going to contribute to the mess we have made because we are too lazy to drive into Mooresville or Charlotte. The last point I want to touch on is the UDA process, the Small Area Plan. When I heard that presentation, when I read that report, it must have been last Friday was the first time I read that report. All I could do was say wow. I was like were they even at that UDA meeting. No one has even called out the name of the representative for Rich Hatchet Road who served on the steering committee. Her name is Annie Brown. To say there was no input, she served on that committee. Before she even attended the first meeting, of course she talked with her sons, she talked with her husband, and I came to that meeting as well. I came to all the meetings.....90 percent of the meetings I was here. My mother was here at each and every last one of them. So yes you had input. But what they are failing to realize is they are looking at some one page document at the last page of a UDA plan and drawing conclusions. What they fail to do and what I ask is, did they even talk to the steering committee member? Of course they didn't, that was my mother. Did they even talk to the staff representative who dealt directly with my mother and I, Zac Gordon. Obviously not, because if they did they would have known first of all was when they talked

about single-family, that was never our intent. The main thing my mother and I made clear was take those off, we do not want that. What was made clear was do not do anything to devalue our property. Do not do anything to restrict its uses. Do not do anything to bind or tie our hands, because what Zac Gordon was also aware of that they didn't even ask him about was my mother's property was on the market for sale before we even heard anything about UDA. Before this process was completed in the summer of 2005, Mr. McLaughlin's property, the Ray's property, Mr. Potts' property, all the property that has been assembled was already on the market, so why in the world would we do something to restrict our value. Why would you try to paint the picture that we want single-family. That is ridiculous. And another reason for no single-family, for over 10 years developers have been knocking on our door. No one has ever said anything to us about single-family, ever. For the majority of the time we weren't looking, didn't care to hear from them. But no one ever came to us and said that's a nice piece of property, I see single-family. The majority of them have been commercial. We have had a lot of mixed-use. But as I have said, this is a good plan. It takes into consideration of others other than ourselves. The highest and best use that everyone talks about is retail and commercial. We have made sacrifices. I'm going to ask you to not bow to the pressures of a select few. You do represent all of us, 42,000 strong, and we ask that you do not cut our legs out from under us. To put any kind of restriction about single-family makes that land useless. We can't go to a developer and say put single-family homes here. We already know the cost of roads. No one wants to put a single-family home on Rich Hatchet Road and look into the backyard of somebody else and look into the backyard of somebody's privacy fence, to look at somebody else's dogs or big storage building. We have been on Rich Hatchet Road for over 50 years. We have sacrificed, my parents have sacrificed to come up with a good plan. We ask that you consider all of that.

Mr. Mullen said I won't belabor the point on the area plans any further. I will touch on a half dozen or so issues as quickly as possible. One is the characterization of high density. There is absolutely no references that pertain to our proposal that we are aware of nor that staff has presented to us in the ordinance that deals with low, medium, high density or a cap or a reference to a total number of units on a project. Instead the description that was given to us was as long as you meet the requirements of the ordinance for public streets, which we do, urban open space, tree save, and so on, then what the site yields is what it yields from a density standpoint. The analysis that was provided to us back in January to further that point, we find fault with respectfully. There's a list of projects I think the map earlier made reference to them, two of which we took a close look at to try to understand whether or not we have an issue. One was Carlisle at the Park. It has a significant amount of floodplain that's included in that overall calculation to reduce the overall density and likewise Rosedale at Exit 23 has 12 acres of floodplain attached to the backside of that property that's included in the density calculations, as well as townhomes that are at I'm assuming a 6 to 8 unit per acre density that's included in the Rosedale multi-family projection provided by staff. And then lastly within Rosedale, again diluting that number down are one or maybe two BMP ponds that serve the entire 80-acre development that constitutes Rosedale. When you make an apples to apples comparison of our project, which take into account the roads and the areas that are developed for parking and buildings, as well as the urban open space and the tree save area and you take all those components and compare them to those two projects that I just listed, we are perfectly in line with the densities that are in those projects, not to mention the fact that the town just three or four months ago approved development in the outlying areas of town that will or could accommodate 18 units to the acre in what's called a mixed-used node. We are not proposing a mixed-use node here, but what that description and what that reference to density calls out is a relationship to more intense use, Highway Commercial use, which we have, and then a feathering back effect to what's more accurately we think described as medium density residential and high density is saved for transit corridors in the 30 to 50 unit to the acre range. We

simply have a difference of opinion as it relates to what is and isn't high density and this project is medium density if we need to put a label on it.

Commissioner Sisson said so what you are saying is if you take this project and tie it in with the whole Northcross area, you are creating a mixed-use node essentially.

Mr. Mullen said the reference to the mixed-use node simply is in reference to the town's approval of the idea that there be 18 units to the acre. We are not proposing a mixed-use node. We can't. I don't think that we technically meet all those requirements.

Commissioner Sisson said if you take what you've done and you expand that out to the bigger area, you potentially have a mixed-use node, you're just doing the high-density residential.

Mr. Mullen said that's correct. At staff's suggestion we included in our materials the TND block. The TND district demonstrates the retail and commercial uses and civic uses along the commercial corridor, 73 and 21, and our component is now currently as of today the missing component in the description of a TND, which is the multi-family component and there are single-family and then the opportunity to redevelop I suppose as single-family if someone felt that was appropriate on those yellow shaded areas on the plan. So we bring the component that's missing. The compatibility issue is one that we heard from staff in July and specifically that conversation revolved around just a concern about complaints from the Greenfarm residents and in reaction to that concern we immediately went back and said maybe we need to make some modifications to the plan to address the issue of what we were proposing at the time, which were four stories along Rich Hatchet Road, the entire project was going to be four stories, with the exception of the carriage units. Instead we have restricted in our zoning plan those three buildings along Rich Hatchet Road to three stories and also just to take out of the mind's eye the verbal description of what we are hearing just over the weekend....what it shows is what I think was touched on earlier which is a two-story Greenfarm relationship, then we didn't try to characterize the vegetation but there is a healthy amount of vegetation for a lot of those homes that are there in their backyards. We have a landscaping, street tree requirement that's loosely represented there. And then a buffer that's again not graphically represented here because what we wanted to show was the step – the one story transition from our project to Greenfarm. We also as it relates to the compatibility, thought that was kind of a good idea to look at what we did relative to Greenfarm and so we've also looked at Rich Hatchet Road north/south, a profile if you will and the existing homes are flanked this diagram on either end and you see the approximate elevations. Our proposed grades from our plan and Holly Crest Extension would be between these two buildings and so what we have is a comparable width from a ranch-style home to the width that we have designed in our buildings of approximately 70' or so if their ends are perpendicular to Rich Hatchet Road and as you look you see a fairly smooth transition rooftop to rooftop. Again what I've been hearing through the analysis and the feedback is in my mind a situation whereby it seems as though third floor residences in Holly Crest will be looking down past their knees at the doorknobs of folks around them and that's just not an accurate betrayal of the situation and I think this graphic without the landscaping to add to it to further soften the relationship and without the roofs, everybody's got a pitched roof, this demonstrates that there is not a compatibility issue. After putting our plan together and talking to staff we reached out to neighborhood groups within the Rich Hatchet Road community and also within Greenfarm. We had several one-on-one meetings. For those who immediately are adjacent to us we heard real clearly we don't want to provide any feedback because it might be construed as some sort of support. If you address our issues we don't want that to be misrepresented here tonight and so we are not here to suggest that we have their support, but for folks who we did hear from back further into Greenfarm, their feedback to us

specifically was yes, we like the idea of the three buildings being turned perpendicular so that the narrow end of the building is the perspective that fronts along Rich Hatchet Road. Yes, we like the addition of landscaping. The landscaping buffer as staff pointed out is not required in accordance with the ordinance, but we are here tonight to commit to it regardless. I think the urban open space has been discussed. It's important for us to maintain the integrity of what the TND ordinance calls for which is a pedestrian oriented development. This design has been on the plan since July and it wasn't until the past 6-8 weeks that we progressively came to what we now understand is an interpretation by staff that we are somehow not compliant. It seems as though maybe it's driven in part by the desire for a traffic circle but nonetheless the language in the zoning ordinance calls for urban open space within ¼ mile of dwelling units and it also says that the urban open space that's designed has to comply with one of the types of urban open spaces that's described in the ordinance but it can include minor variations. That's the language directly out of the zoning ordinance and so for the fact that we are not permitting in the end caps of these buildings that surround the urban open space which bring life and activity and vitality to that urban open space, we don't permit the bottom floor of those buildings with office and retail space that meets building code for those types of uses. They will be permitted as residential, but they will house the amenities, some of which Whitney listed which will include the leasing and management office, potentially an indoor basketball court, yoga and pilates, work-out facility, mail room and the like. What we have done is create in the heart of our project an outdoor living space for everybody to enjoy and that's more what I would rather talk about tonight than try to defend the plan, but I feel like it's necessary to touch on all these issues. This is the you have arrived feature of the project and one of the reasons that we are excited about this is because I don't think there's a project in town, maybe with the exception of Birkdale which is a completely different project all together that has urban open space that's of a quality and character here. The other point I think on the roundabout is that the use of a roundabout in particular with the quad-left implementation yields the same results. You come out on Holly Crest, turn right on Holly Point and you will be forced to make another right on 73 and you will end up driving eastbound on 73 whereby our contribution and connection to Rich Hatchet here for the short-term, up this direction for the long-term, puts you on a better leg of Rich Hatchet Road thereby allowing left or right turns on Highway 73 and not forcing a bus or whatever else might be headed in the eastbound direction coming from our site or the quad-left southeast quadrant of 21 and 73. It won't force the u-turn, which I think arguably is a turn that most traffic engineers want to avoid. The connection to Rich Hatchet Road is one that we talked about with staff back in February 2008 and the UDA plan to the extent that it is applicable, I'm not convinced that it is relative to its status in town, but if you look closely the conversation that unfolded was a conversation about street network in or around this site. This was prior to us putting forth a site plan which we ultimately did in July of last year and it shows the Showmars connection which is one that staff would like to see implemented if and when that connection can be made. Going to the north just before you get to Holly Crest we were specifically told no that's not an important connection to make. There's a building there and there's topo there and so we don't expect that it's going to be made and in a similar vein but in a more impassioned response we heard that the connection to the north to 73 from our site was strictly forbidden and prohibited because no new driveways are allowed in Huntersville along Highway 73 and so it's on the coattails of should we look at incorporating some of those properties that have frontage along 73 into our plan and we got a resounding no. And so our plan when we submitted in January didn't have a connection. We heard from some land owners to the north that had a conversation with staff which is what has gotten us to tonight which we include in our plan a note that says we will provide the opportunity for these folks to make a connection in what we feel like is the most logical point here if and when they want to make that connection and at their cost and at their effort to go back through this process for themselves. That's the quad plan. Again, a signature design for our project that we don't think is matched by any other project in Huntersville. You've heard about the waivers. I'm glad to field any questions. I won't

belabor the point on any of those. They are in our development proposal. I want to touch on traffic because our assumption is that's the large reason that anybody is here to speak on the matter and we tried to assess our project and its impact on 73 and how could we take an expensive document that, I have to correct you Commissioner Lucas, we actually paid for, the Town didn't. It's a 200-page document that's scientifically extrapolated to pull out any question mark or emotion or assumptions about traffic in and around the site and what we did was we pulled information relative to the 73/21 intersection and I had to go back to our traffic consultant who has been working for the town on the TIA and have these numbers checked a couple of times because it's counter to what we have been hearing and what we've been assuming about our project, which is that it has a significant impact on Highway 73 and the reality is that upon build-out of our project on the horizon year of 2014, trips through the 21/73 intersection, they are just shy of 6,000 trips projected through that intersection. The exact number is 5,949 trips. In the PM peak hour we had 134 trips to the 6,000 that will be out there. So the characterization that the impact is far reaching and significant as though it were a retail or a commercial development on the order of 200,000 sq. ft. which can easily be accommodated on a 24 acre site, we are far and way less of an impact. The AM, the total number of trips is 5,567 trips and we are at 113, so it's less on both accounts.

Commissioner Jeter asked are you arguing that you are the lesser of two evils?

Mr. Mullen said my point simply is that we are less than I think what everybody is here to speak against. I'm guilty of this as well. That's why we asked for the numbers. We pulled them out of the TIA. Those same numbers don't necessarily apply to all the other intersections that we had analyzed, but they are correspondingly the same. There's not an intersection out there where 1,000 trips are added to any of those new intersections.

Commissioner Jeter said I wasn't trying to be disrespectful. I think the gentleman in the green shirt that spoke so eloquently before made a great point, which is I don't think a developer is going to come in looking for single-family developments along this project. If the Town Board is going to allow development, one of the questions we have to ask is which is the greater burden to the residents and that is the commercial or this residential. I think that's a valid point brought up by the gentleman and reiterated by yourself.

Mr. Mullen said we got excited back in July when we supplied staff a copy of the plan and at the end of the meeting we got feedback on two issues. One was the relationship to Greenfarm, which we feel like we've more than adequately addressed. The other is, staff said that this is the best multi-family site that they have seen in the past 6 to 12 months of all the projects that they had seen and they had seen many of them and so we left that meeting excited about the project and our objective which was to continue to work with staff over the coming months, which we have done. This site offers a different and unique product in that most, if not all, of the multi-family projects in Huntersville and the Lake Norman area are two and three story walk-up apartment buildings. With the fourth floor, we add elevators and to that we say that there is an opportunity for folks who whether it's by choice or by necessity, whether it's due to age or just lifestyle choice, we now in effect for purposes of stairs have all bottom floor units and we are excited about our ability to lease apartments, attract employees for businesses. We are also excited about the meaningful contribution that our project makes we think unmatched by any other project in 2,200' of public road that makes a meaningful connection and establishes future connections, which will alleviate a lot of the concerns that we are hearing and probably will hear about Rich Hatchet Road traffic with the new Rich Hatchet Road diverter. We are excited again about the meaningful contribution that we make and so with the facts, having heard them, we are excited about this Class A project and we

appreciate your time and your favorable consideration and on behalf of the design team I want to thank you for the opportunity.

Mr. Mullen said just for the record I want to enter in a stack of support letters that we have for the project and also the two graphics that we shared earlier. *Refer to Attachment No. 2.*

Bruce Andersen, Planning Board, asked could you characterize carriage units a little more clearly?

Mr. Mullen said they are two-story buildings. They are bottomfloor garage and upstairs apartment units. Doors for entry are here and then also on the zoning front of the building, doors in that location and then the upstairs units are residential and I think they are one and two bedroom units.

Joanne Miller, Planning Board, asked until that road is finished, that little section that they can't make, how is it going to take traffic off of the current Rich Hatchet?

Mr. Mullen said this is the Bailey property. We have talked with the Bailey's as to whether or not they want to participate in this process now and they have said no we want to continue where we are and what we are doing and we've worked hard to respect what we've been hearing all through the process which is for those folks along Rich Hatchet Road that don't want to sell, we don't want anybody to come along and feel as though they are forced out and so what staff asked us to do was, we initially had a stub back here in this location and so we extended that stub with the curve radius on it to the property line and then that connection that staff suggested we make at some point in the future, but for now what happens is the current stub on Holly Crest is substituted with two new stubs, one on the south end and one on the north end and then the connection through is made to Rich Hatchet Road.

Mr. Carroll said the difference would be if that does not connect, then you have the vehicles that are going to travel out and then up Rich Hatchet in this portion. Looking in the AM, you are going to have about 146 new trips traveling this direction and somewhere around 140 some going in and out in the PM. It's just new trips on this portion until this gets connected will you take those trips off of that section of Rich Hatchet.

Commissioner Sisson asked what's the traffic count on Rich Hatchet now?

Mr. Carroll said I believe the ADT was somewhere around 1,000 to 1,100 vehicles a day.

Sam Mount, 10224 Bayart Way, said I am on the Planning Board and I am also the president of the Hamptons HOA. The Hamptons HOA is the boundary of this development and to put into some perspective, there are 373 housing units in the Hamptons HOA. This development is 130 percent of that number in less than 1/6 of the space, so I want you to understand the density required in this thing. We encourage you to deny Rezoning Petition #R09-01, the Holly Crest conditional rezoning, which is requesting a development of 456 apartment homes because the request is not consistent with the current Small Area Development Plan for NC 73/Highway 21, which calls for single-family homes in this area. Secondly, the roadway network proposed is not consistent with the current Small Area Development Plan for NC 73/Highway 21. I was listening to the comments, it's interesting to note I actually thought if they are only adding 110 cars, I suspect there's more than that coming out of the Hamptons and we are a much smaller subdivision. I'm not sure how that math works, but am respective of that. Be aware of the fact that we do not support the requested changes to Rich Hatchet Road, specifically the additional connection required as well as the additional traffic this will bring. Thirdly, the

intensity and scale of this development is not consistent with the established development patterns of the Town of Huntersville to allow for gradual feathering of developments through density degradation. The proposed development is at 19 units per acre. The adjoining development, Greenfarm Road, is at 3 units per acre. The requested height waiver to a four-story structure will be intrusive into the privacy of existing neighborhood developments and private homes. The proposed building orientation along Rich Hatchet Road is completely inconsistent with existing developments in the area. We as a homeowners association met last night and voted unanimously to request that you deny this application and confirm the current zoning of Neighborhood Residential.

James Sherrill, 12518 Kemerton Lane, said I am the property owner of 9600 Rich Hatchet Road. My concern about this project is what type of people are we looking to rent these apartments. Is it going to be low to moderate or Section 8 type people that's going to be renting these? How are you going to fill up these places over here – 456 apartments, that's quite a few apartments and people are going to have to have places to stay. I'm just concerned about the type of people that's going to be living in there. Like Ms. McLaughlin that just left here, she's an elderly person and I'm quite sure we all heard about what happened to this elderly person last week in Charlotte – 84 years old, someone broke into her home. I would like to see the number scaled back. I'm in favor of them developing the land, but I just don't see that number of apartments going in. And also, as Commissioner Jeter stated earlier, the left-turn light there off of Sam Furr onto Rich Hatchet, I think it will increase the traffic on Rich Hatchet Road. If the Town or the State, whoever owns Rich Hatchet Road, would make a no-left turn onto 21, I think that would deter some of the traffic coming through Rich Hatchet Road. If the development is approved, who is going to pay for the road upkeep of Rich Hatchet Road if it's a state road or will the city maintain that road. And also will the homeowners have to maintain the road infrastructure inside of the complex, or would the town take care of that. I'm for the development, but I just think it should be scaled back a little.

Ms. Hodges said the roads here are public roads and those will be maintained by the Town of Huntersville. Any of the parking lot areas and drive aisles, those will be maintained by the developer. Rich Hatchet is maintained by the state.

Sylvester Brown, formerly of 9929 Rich Hatchet Road, now lives at 5916 Cashion Road, said we were forced to leave. We were forced out of our property by mainly the race track. Rich Hatchet is a race track. If you think I'm lying, you come over there and I'll show you. Annie and I stayed over the hill from the McLaughlin's. All the traffic coming off of Sam Furr Road coming down heading south on Rich Hatchet Road just about runs us over. We didn't have no choice but to leave. Besides that, we couldn't even sleep at night. You had dogs barking in Greenfarm and we had ambulances and we had road noises from 21 and 77. You couldn't even open your windows at night. It seemed like those big trucks were coming in your bedroom. And then I think we were paying taxes, but we were not treated as citizens of Huntersville, because we got no benefits. I think we had a president of Rich Hatchet Community Association, John Henderson is deceased. Mr. Henderson came before the town with petitions for walkways and streetlights and speed humps and I guess the speed humps probably run in the neighborhood probably between \$10,000-15,000 per unit, just my guess. That didn't happen. We did get streetlights and then we had complaints from our neighbors across the street in Greenfarm according to Ed Humphries. Ed told me he personally went over there and went upstairs in the bedroom and the lights were shining in the man's bedroom. I said well put curtains up. They took the light down and then they came back and put another little light. Annie and I had three boys that we had to raise, which was good. They got a good education. And the thing not only about the education that makes us so proud of these boys is the fact that they have a personal relationship with Jesus Christ.

After they moved out and all, Annie and I were there by ourselves so we decided that the best interest for us is to get out. So the property is standing there and we will need to get rid of it, since we have been denied the quality of living was taken away from us. I had my cows and I had hogs and everything was just going good. My wife retired from the school system. I retired after 47 years. I thought I had it all laid out. I found out it wasn't going to happen. So all of you here to protest against the petition, let me tell you something, growth is there and it's going to be here to stay. You can't stop it. The only thing I'm saying, please accept the project that has been presented.

Kendra Henderson, 14235 Boren Street, said I'm representing 9819 Rich Hatchet Road, which is my family home. I am the daughter of John Henderson and the granddaughter of Rich Hatchet, who the road is actually named from. That property was originally owned by my great grandfather, Rich Hatchet and another one of my family members who is Mr. Graham and those are the two original owners of that land over in the Rich Hatchet Road/Statesville Road community around in there. I am also the newly elected president of the Rich Hatchet Road Community. I am here to address the rezoning request of Bunker Land Group to rezone 24 acres located at Rich Hatchet Road neighborhood from Neighborhood Residential to Traditional Neighborhood Development – Urban Conditional district. For years the town has heard the concerns from the members of the Rich Hatchet Road community as it relates to rezoning and encroachment upon the neighborhood. Two months ago, despite valid protests and written agreements between the community and the Town Board, a decision was made to violate the written agreement and rezone Neighborhood Residential to Commercial on a small tract at the end of Rich Hatchet Road. There was a 1998 agreement between the Rich Hatchet Road community and the town, which was violated at that time. The remaining residents of the Rich Hatchet Road community would now like to know the current status of the 1998 agreement between Rich Hatchet Road and the town and if there is a plan to develop a renegotiation of those plans. And if so, when will that renegotiation take place. In the meantime, another developer seeks permission to rezone and alter the safety and quality of living within the Rich Hatchet Road community. I along with the remaining residents of the Rich Hatchet Road community have met with the Town of Huntersville several times to request sidewalks, No Cut Through traffic signage, speed bumps, reduced speed limits, and yellow caution lights to help protect us in our community. I, along with the remaining residents of the Rich Hatchet Road community, would like to express our feelings for not rezoning our community and to take every precaution to provide our safety for our families and our standard of living.

Tom Owen, 9900 Mossy Rock Court, said my backyard is Rich Hatchet. I'd like to thank Ms. Henderson for what she had to say. They are good neighbors. I have been living in Huntersville for 17 years. I'd like also to say that as Uncle Sam moved me around the country for a bunch of years, I never had crime problems. I've been burglarized twice in Huntersville. What I'm looking at with 456 apartments coming in across the road is an increase in crime. I certainly don't need that and neither does the rest of the neighborhood. I heard staff, I believe, say that they anticipated 70 students added to the school system. Seventy students/456 apartments, those are awfully busy hard-working people if they don't have more kids than that. The number of automobiles was estimated at a number that I really can't believe because when I was still working I had to go through the Hamptons and turn left on 21 to get out because you can't get out on 73. We are looking at two exits, one on Sam Furr and one on Holly Crest, which runs right into the quad-left situation and if anybody is headed north on 21 during morning rush hour getting off Holly Crest onto 21 is going to be an impossibility, so they are going to get dumped on Rich Hatchet. There's such a concept as a bottleneck and dumping a couple of hundred automobiles at least, probably 400-500, on Rich Hatchet during morning rush hour and afternoon rush hour is going to make it even more of a zoo. And as the gentleman said, it's a race track right now. I talked to the folks in Greenfarm subdivision all of whose properties were within the 100' of the proposed development and

I think with one possible exception, all the names on our petition were from families within 100'. We find no positive benefits whatsoever to the folks living in Greenfarm, on Rich Hatchet or others for that matter from a development with this density. My uncle taught me to if you find a problem, propose a solution. I would recommend that if it cannot stay single-family residential, which was my preference, that at least look at the concept of townhouses or townhouses and a mix of small business. You might wind up with the same number of automobiles on the road during the day, but they would be spread out over the whole working day rather than rush hour morning and afternoon. There's a bunch of other stuff – water pollution and such. That's an open area now that soaks up rainfall. With that much hard surface, you are going to be looking at a tremendous amount of run-off going into a waterway that flows on one side of that property. Basically, all the folks I talked to in Greenfarm oppose this proposal as it exists.

Commissioner Jeter said I would like to clarify a point that the staff is not the generator of those school projectin numbers. That is actually done by the CMS group and they have a formula that they provide to staff. I will tell you the Huntersville School Advisory Committee vehemently disagrees with the premise that only 70 students will come out of this development. But that is a CMS number, not a town staff number. It's the formula that they use that I believe is not accurate.

Gloria Potts, 9624 Rich Hatchet Road, said I'm the immediate past president of the Rich Hatchet Road Community Association for the last three years. I am responding to the request. We are hearing certainly a lot tonight about the plans for the proposed apartment complex. We as a formal community did not file a protest petition. I think one of the things unfortunately we have seen as a community lately and one of the reasons we didn't quite frankly and I say lately, the last 10 years or so, is that we have as Kendra Henderson has mentioned provided a long list of things that we thought were basic amenities, including sidewalks, including speed bumps, including signs that would help reduce the speed of traffic on Rich Hatchet Road and much of that has gone unattended, so our resolve is that we move to the next step in this, which I think is a key question for those of us who intend to remain on Rich Hatchet Road and fyi I, too, am the granddaughter of Rich Hatchet who this street was named after and that property has been in our family for 100+ years. The questions that I have concerning this are given the plan construction that is being discussed and the close proximity to those of us who intend to remain in the community, what are the safeguards and barriers that will be provided to protect both property and the individuals? What is the plan for handling sedimentation and run-off? What is the specific noise abatement measures that are being planned? There are approximately 1,100 cars traveling Rich Hatchet Road now. I think Whitney Hodges, part of your staff, has already said that the increased traffic has confirmed that it will be problematic. What are the plans to really deal with that issue? Mr. Brown mentioned that it is a race track now. Some of us are taking the stance that we want to better or at least maintain the state that we currently have on Rich Hatchet Road as opposed to leave. For some that is not an option. I want to echo the question that Kendra Henderson raised. Will there be a revisit of the 1998 agreement between Rich Hatchet Road and the Town of Huntersville? I want to address this question. I do want to say that in terms of community input that should have probably taken place over I'm assuming a few years on the Small Area Plan, we have an active community association that meets once a month and for the past three years, there has not been any input on those regular meetings about the steering committee meetings and what was going on with this. That's the reason you see these quizzical looks when we hear the statement that there has been community input. We haven't heard it, not as a group.

Janet Spain, 17607 Cambridge Grove Drive, said Cambridge Grove subdivision is within a half mile of the proposed project for 456 apartment homes on 24 acres, between Rich Hatchet Road and the North

Mecklenburg Public Library. This project will definitely affect our community, as our community has affected the general traffic and congestion in the area. This project is not all together without merit, but it does need some modifications. I think the original plan I saw had a roundabout and I would like to see that again connecting the library on Holly Point to the project and thus onto Rich Hatchet Road. I do like the open gathering spaces that are shown at the four corners of the roundabout and I like the fact that I heard that it would be Class A apartments, which is different from the fear that some had that it would be a much lower level. Class A meaning, of course, the most expensive. One thing that would be great that I heard earlier is that there would be elevators in the buildings, which would make it possible for senior citizens to reside there as well as some with physical restrictions. Also that would mean that these residents could walk to the library, various banks, a spa, and the stores at Northcross, which supposedly would cut down on some vehicular traffic. What I don't like is three or four story buildings fronting Rich Hatchet Road with single-family homes across the street and also surrounding it. We've been talking about feathering the types of buildings, but if this plan is adopted the actual buildings themselves could be feathered on the ends going from two stories and cutting back on apartment length to the third story so that you would have a step effect which would also help with the massing along Rich Hatchet Road. Traffic on Sam Furr Road has already been addressed as being really past maximum density and adding this many more apartments would I feel be an extra burden, but nothing has been mentioned about the intersection at the south end of Rich Hatchet Road. This project will not connect to Rich Hatchet Road in the south, but all of the traffic is not going to go north to Sam Furr Road. A lot of it is going to go south to 21 and that is a very narrow intersection with no turning lane for the left turns and that I think has to be addressed. I also would think that the developer should be required to address the improvements to Rich Hatchet Road that were set out in the 2005 Small Area Plan, which included curb and gutter, sidewalks, and street trees. I think that not only needs to be included in front of his property as well as I would hope left turn lanes into the property if we are talking 456 homes, but I think it should be extended all the way to Sam Furr Road so that those people can walk.

Vernon McLaughlin, said I personally love looking at the diagram, the structure of the buildings, type of buildings. It is very important to have good structure buildings, so looking at the plan, landscaping and I feel that the builders/contractors, all involved, they are very cooperative to meet and I'm sure that anyone else that talked with them would feel the same way. I am very much in favor of the project being completed.

Annie Brown, property owner on Rich Hatchet Road, said I've been there since 1977 and we did rear our kids there who are grown men now. I saw the plan and I was in favor of it from the beginning because ever since I've been on Rich Hatchet Road if I had not moved year before last, I would have a stack this high from developers or wanting to be developers and most of them were retail people. From the very beginning I just started stacking them up, because I don't easily throw stuff away but retail is what most people wanted for that. When I saw this plan, I was elated, because it was not retail. Retail is what causes the biggest problems around here. Wherever there is retail, there's so much traffic until I would stay home and go to the internet and order what I needed to buy instead of trying to get out to go to the stores. I'm very supportive of it and I would encourage you to approve this plan, because there's going to be something there and I would rather have people who are not going to be in and out all times of night than traffic, more and more traffic.

Rush Sherrill deferred his 3 minutes to Terry Sherrill.

Terry Sherrill, 3600 Driftwood Drive, Charlotte, said I grew up here in Huntersville and Huntersville is still my home. They had a VFW post there on Rich Hatchet Road. I'm 53 years old and I remember playing out there. Of course, times have changed quite a bit. And they are going to continue to change. I guess the thing that I get out of what I've heard here is that if you think about what Ms. Henderson, as well as what Ms. Potts have said, being the past president of that neighborhood organization out there is that the folks that are living out there for whatever reason seem right now to be ignored. My sister who lived out there for years I guess got tired of it and since she was one of the ones who got to the place where she could leave, she left. There's going to be some significant changes out there anyway, just as there have been significant changes out there since the time that my dad had that VFW post out there that he and others helped to run and where I played and got apples. It seems like this particular plan is one where the developers have done a lot of work to try to come up with something that is going to be amenable to what's already out there and I think even Whitney said with regards to the waivers, this can be tweaked a little bit or that can be tweaked a little bit and it sounds like with a little tweaking that now is perhaps the time, this is perhaps the plan, that can in fact be implemented. It's going to happen. It's already happening. It's going to happen and so what I suggest to you is if we are talking about a little tweaking to make this thing work and If you look at the whole area, what Mr. Sisson was saying I think is totally accurate with regards to when he was asking Mr. Mullen, are you just talking about this would be a part of the greater area plan or something like this. That's what it is. This is the residential part. This is the multi-family residential part that is missing right now and it can be tweaked so that it can work. I ask you all to consider that because it's going to happen and this is the plan where they have tried to do their best to make it happen in a way that it is compatible with what else is out there right now. The traffic is not getting any better anyway.

Toni Emehel, 14031 Laurel Trace Drive, Charlotte, said I'm the daughter-in-law of Sylvester and Annie Brown, wife of Johneric Emehel. There's been a lot of information that's been given to us tonight. A lot of fact, some things quite not fact, but just personal interjections. I would just encourage this body to err on the side of wisdom. Wisdom is the proper, the right application of the knowledge that has been given and when you do that the only conclusion that you can come up with is approving this plan. Sure, there are some folks here that have some personal feelings, some personal emotions that are against the plan, but from what I have heard none of that has been supported with fact. You've been given a lot of fact from the developers. You've been given a lot of facts from the town staff and again I just encourage you to use those facts to make a wise decision in approving this plan. If there is some tweaking that needs to be done, let's make sure that it's reasonable and that it is supported with fact. I consider myself privileged to have sat in the company of Annie Brown and Ms. Eloise Ray who when they made the decision to put their properties on the market to sell and actually considering the developers that came to them, they did the right application of knowledge that they had based on the facts to approve a developer that would come in with a plan like this that would suit the area. Again, I just encourage you be wise, take the facts, deduce them into logic and approve this plan.

Larry Griffin, Jr., 19053 Double Eagle Drive, Cornelius, said I'm not an adjoining property owner and I don't live in the immediate vicinity of this project, so I'm really not here to speak to the technical aspects of the project. Actually I have seen the project. I think it looks quite nice and fits well. I am a business owner in the community and one thing that has been mentioned is places to live and lifestyle. We have a fair number of our employees who do rent for various reasons – some lifestyle reasons, some who are new to the area just trying to figure it all out. This is a residential component that I think is important to the area. I'm really here to speak to probably Dennis Bunker. I've known Dennis and his family for 30 years now. I've done real estate deals with Dennis. I have no interest at all in this project from a financial interest whatsoever. But one thing I found about Dennis is that if integrity matters and

honesty and treating people fairly and doing what you say you are going to do, then Dennis is the right person for this project. You won't find a person who has those traits better than Dennis.

Bevelyn Sherrill, 13117 Central Avenue, said I'm the favorite daughter of Rush Sherrill and Mary Sherrill. Terry's my baby brother. Rush, Jr. is my older brother. Annie Brown is my oldest sister. Johneric is my nephew and his wife Toni and Clement is my oldest nephew. I'm a social worker by training. I practice social work in Charlotte-Mecklenburg Schools. I heard some things probably that was instilled in me by my parents. Some of you may be familiar with the Principles of Kwanzaa. That's what came to my mind as I sat here. I saw in this project some self determination going on that some of the members of that community have decided they want to self determine what's going to happen. They just don't want the change that my brother referenced, which we know is coming, to come through without them being involved. So I saw some self determination going on in this project. And I would like to thank that developer very much. I saw some creativity going on and also that there was some real purpose in this project. I moved away and went to Westchester County and when Bill Clinton went to Westchester County, I had to come back home. I sat here really proud of this community. When I moved back home I read an article in the paper that said that in 10 years Huntersville grew from a population of 3,000 to 40,000. I was floored by that. And when I came back, I was away for 11 years, Huntersville was really different. Those are some things that I just hear in this plan, that this group of people have come up with a creative way to preserve their community where people that want to remain there can remain there, but those people that have either moved out or want to downsize perhaps or do something with their land, want to determine that for themselves what that land is going to be. The other principle is collective work and responsibility. I think they have done that. I think this Board has no other choice but to support this plan and support this group of people who have lived in the area.

Clement Emehel, Burlington, said I am one of the property owners. I basically approve of this plan. I live in Burlington. Burlington is just like Huntersville. It's a small town. It's growing. Whenever you are going down I-85 look off to the apartments on the right-hand side, on the left-hand side you will see the new bustling mall that's coming up. It's growing. Growth is here and you can have mixed-used, you can have commercial, retail and multi-family homes all in one place. My mother actually purchased the property over 25 years ago. If you go down there and look at some of those trees, if you cut them down and count the rings, there are 25-26 rings because we actually planted half of those trees with our hands, especially the ones around the perimeter of our property. We were there before Greenfarm, before Birkdale, we were there before the exit was even there. When I had to play with my friends, I had to walk at least a half mile before I could play with somebody my age. We watched growth come. Development came and it came fast. It came in consistency with the town's vision. I would never have believed that Huntersville would have grown the way that it has grown. The vision that you have here, even with those apartments, people who worry about the type of people that you might bring in, you don't even know. People like me will come into those places because I have traveled across the world and I've met people who know about Birkdale, who know about Huntersville. I'm sitting there on a plane talking to somebody and they say we pass through there going to Charlotte and we really enjoy that place. I would move here as a young professional and don't worry about crime because I'm not going to stick you up. The one thing about the community itself, we have sat there going through the years of where we didn't get the sidewalks, the traffic lights and those things definitely need to be considered. I met with Dennis and the things that he has done to this plan to modify it, he's adjusted things, he's taken things for consideration. He has worked very well with my mom. Those of you in here who have children probably know that my mom has taught some of your children and the one thing about my mom, you know that she is fair and just. I do believe the same thing about Dennis as a developer. I think development is coming. You had a plan in place. If you look at this plan, the tweaks

that Whitney talked about, she talked about one of the six major tweaks was like a 5' space. Okay, we can adjust that 5' space. If it's the curve in the road, okay we can change the angle just a little bit. If those are some small tweaks that need to be taken care of, take care of it. As the commissioners get ready to vote, what I would do is you know I think your choice is to support the plan. I really do think you should support the plan. I hope that you support the plan. If you have any hesitation in saying yes, I ask you to look at the bigger picture and always consider the bigger picture ahead.

Vic Thompson, 16619 Greenfarm Road, said my largest concern about the project is the traffic. I spent the day doing research. Based on what I found I would expect 323 cars to leave this apartment complex during the morning rush hour and about that many at the afternoon rush hour. That doesn't sound like a whole lot of cars, but when you think about what it's adding to the congestion of that small area, the most congested area in the town of Huntersville is the 21/Sam Furr Road intersection and you are throwing additional traffic in that area. The thing that I haven't heard about is traffic signals. Is there going to be a traffic signal at Rich Hatchet and 21 and that's also going to slow down the traffic coming up 21. You are also going to have to extend the signal length on Rich Hatchet Road to allow the cars to get out and so you are going to have more cars getting stored coming off the interstate. I would like to hear the resolution to those traffic issues, the global issues not just the issues inside the Rich Hatchet area, but the global issues coming off of Interstate 77 and also adding to the traffic on Sam Furr. I stood up here about 4 years ago with the development across Sam Furr from me and that development seemed to be contingent on widening Sam Furr. Sam Furr, as we know, has been a difficult thing to get widened and I fear I guess that this area could get developed without Sam Furr being widened. If that happens, then there's going to be even more traffic to deal with.

Judy McGuirt, 16611 Ranger Trail, said I don't think I've ever been to a meeting like this and I should have taken lessons on how to have fun when I was fighting the Northcross Village. But the main issue is what Vic said, the traffic. Our Town Board let American Asset Corporation put the Village there. I was told by some of the people here that 73 would be widened simultaneously. About 4 years later, not one thing has been done. It's not so much that I'm opposed to the development. What I am opposed to is it being done, completed without the road being widened. It's ridiculous. And I don't know if we are going to get any stimulus money. I hear little things about it. I don't know if it's true. Quite frankly, I don't believe anybody what they tell me, but I would just urge you to think about that – if you approve it, it can't be built until the road is widened. Isn't there anywhere else in Huntersville that somebody can build something other than that quadrant around 21 and 73. We've been dumped on and dumped on and I know Mr. Sherrill talked about they were moving because of the traffic. We live there, too, and they are able to get away, I'm not. We are going to have more traffic, more noise, more everything. I would just urge you if you pass this, put a stipulation that it cannot be built until 73 is widened and improvements made.

Dr. John Ballas, Northcross Professional Park, 9710 and 9718 Sam Furr Road, said I'm representing the Northcross Professional Association. Essentially all we are asking is that the northern part that we have proper easements put in so we will have access to Rich Hatchet Road because with the widening of 73 that will then cut our access off from westbound 73 into our property. If there is access from that area, that's all we wanted to really say. *Letter from Northcross Professional Park Association attached hereto as Attachment No. 3.*

Mr. Mullen said the question about who's going to be living here, this is what should be considered a Class A project. The buildings that are greater than three stories will have elevators in them to serve those upper floors and that's not a commitment that we enter into lightly because there's significant

costs associated with that, but it speaks again to the quality of the project in addition to the urban open space and the fact that all of these buildings because we are in Huntersville, because we have chosen to at least attempt to do business here, are unique and new and have not been built anywhere else and so we are going through a costly process now that we have started and have not yet finished but will to design buildings that don't exist anywhere else and we are excited about that and excited about the project and its contribution to the town and the benefits that the town will reap as a result of its construction.

There being no further comments, Mayor Swain closed the public Hearing.

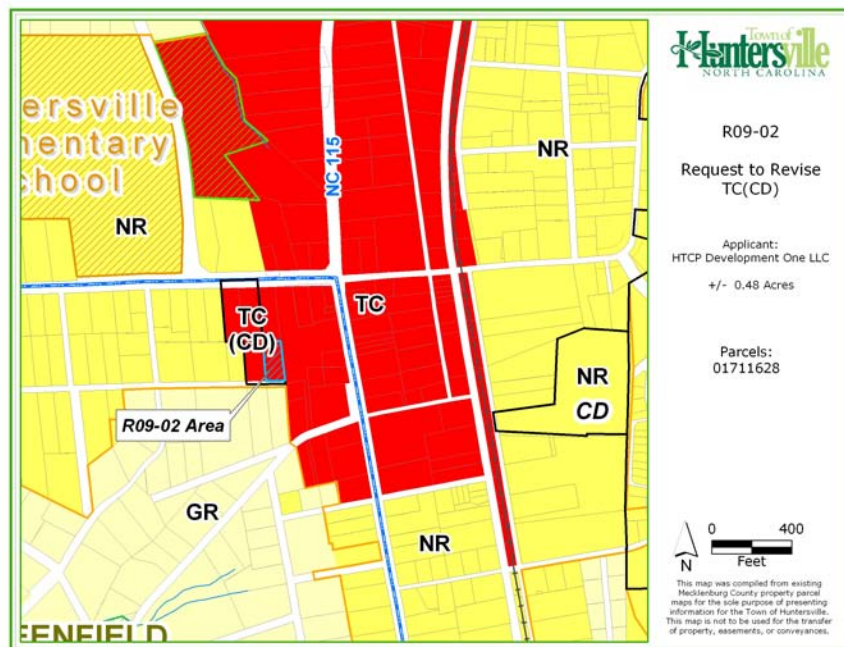
Petition #R09-02. Mayor Swain called to order public hearing on Petition #R09-02, a request by the Town of Huntersville and HTCP Development One, LLC to revise the rezoning of one parcel totaling 0.4 acres located south of Gilead Road and west of NC 115 currently zoned Town Center – Conditional District to accommodate a portion of the Town Center parking deck. *Staff Analysis is below. Other documents related to this public hearing are attached hereto as Attachment No. 4.*

**Rezoning Petition #R 09-02
Town Center Project**

EXPLANATION OF THE REQUEST

Petition # R09-02 is a request by HTCP Development One, LLC to revise the rezoning of one (1) parcel (totaling 0.4-acres) currently zoned Town Center Conditional District (TC-CD) to add a site plan for a portion of a parking deck and driveway access. When the property was rezoned to TC-CD in 2008 it was a condition that the rezoning request would be amended when a development plan for the property was known. This application will add the site plan for a portion of the Town Center parking deck. The parcel is located south of Gilead Road and west of NC 115 (Old Statesville Road).

LOCATION



SITE PLAN DESCRIPTION

1. Parcel ID Numbers: PIN 01711628.
2. Project Size: One (1) parcel, totaling 0.4-acres.

3. Project Size: One (1) parcel, totaling 0.4-acres.
4. The parcel is located downtown on the south side of Gilead Road, between NC 115 and Hillcrest Drive.
5. Current Land Use: vacant.
6. Proposed Land Use: A portion of a parking deck and drive aisle is to be constructed on this site. (see Attachment B).
7. Adjoining Zoning & Land Use:
 North: Town Center (TC) – vacant;
 South: General Residential (GR) – vacant;
 East: Town Center (TC) – vacant;
 West: Town Center Conditional District (TC-CD) – vacant. .
8. Notifications were sent to adjacent property owners.
9. No protest petitions have been filed for this application as of April 14, 2009.
10. The proposed action does not impact water quality measures.
11. SWIM buffers and/or greenways are not impacted by this action.
12. Flood plains and/or watersheds are not impacted by this action.
13. Public water and sewer is currently serving these sites.

SITE PLAN ISSUES

A commercial site plan has been submitted for the Town Center project (see Attachment A). The site plans calls for a new three-story civic building to be built fronting on Gilead Road and a three-level parking deck south of Gilead Road to serve this building. The building will be used for Discovery Place Kids and Town offices. The site plan has been reviewed by Town staff. As with typical Conditional District Rezoning, the attached site plan will indicate what can be built, with only minor modifications (per zoning ordinance) permitted without going back to Town Board for review and approval.

TRANSPORTATION ISSUES

The Transportation Impact Analysis (TIA) has been completed and calls for intersection improvements – primarily, adding turn-lanes at the intersection of Gilead Road and NC 115. Additionally, pedestrian and bike lane facilities will be added as well.

PUBLIC HEARING

TBD

PLANNING STAFF ANALYSIS

Article 11 Section 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”.

All relevant plans were reviewed and referenced when this parcel was first rezoned to TC-CD in 2008.

From the initial rezoning staff report:

There are two land-use plans that relate to this request:

The Downtown Master Plan addresses these properties as part of the Town Center sub-area (Southwest Quadrant). The Southwest Quadrant is envisioned to be a “dense, mixed-use center of the Downtown area...” This area is to include “primarily commercial uses such as retail and restaurants on the ground floors with upper story office or residential”. To the rear of this block (at Gilead Road & NC 115), the Plan recommends the tapering of development towards Greenway Dive and Hillcrest Drive. “This area is presently vacant with two undeveloped right-of-ways (one being a portion of Hollbrook Street) and individual lots. This shows the opportunity for the development of an urban residential infill neighborhood with a variety of housing types and a public open space. “The parcels in question are within the area shown for town center-type development, per the illustrative plan within the Downtown Master Plan. (see attachment A).

The Town of Huntersville Community Plan calls for “innovative development in Old Town Huntersville”. This Plan calls for focusing “innovative development strategies” within the downtown area (as defined in the plan), which includes mixed residential types, offices, educational, governmental and religious establishments, shops, services, restaurants, entertainment establishments and public open spaces.

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. *These five (5) parcels **including the parcel being revised in R09-02** are immediately adjacent to the Town Center (TC) zoning district and represent a logical extension of the existing zoning.*

- 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. *At this time, public facilities and services are not impacted by this action. Under the terms of the recently adopted Adequate Public Facilities Ordinance (APFO), adequacy of fire, police and recreation capital facilities is determined when a development proposal is submitted and reviewed by the town. In addition, as specific plans are submitted, a Traffic Impact Analysis (TIA) will be required per Town ordinance. Any traffic improvements identified as necessary to mitigate the traffic impacts of the development proposal would be required. This requested conditional district rezoning outlines the parcels to be governed by this ordinance and includes several prohibited land uses (see previous section). Before development can occur, the APFO and TIA requirements will have to be met. **[A Determination of Adequacy for the project was issued in May 2008 and the TIA has been approved.]***
- 3) Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource." *The requested action will not adversely affect known archeological, environmental, historical or cultural resources.*

STAFF RECOMMENDATION

Staff recommends approval of revising the original rezoning of this parcel zoned Town Center-Conditional District (TC-CD) to allow for a portion of the parking deck and drive aisle to be located as shown on Attachment A.

PLANNING BOARD RECOMMENDATION

TBD

ATTACHMENTS

A – Site Plan

STATEMENT OF CONSISTENCY

Per the North Carolina General Statutes § 160A-383 and Article 11.4.7 b-d of the Town of Huntersville Zoning Ordinance, rezoning actions must be accompanied by a *Statement of Consistency*. Two statements are provided below that need to be incorporated into the motion either to approve or deny the petitioner's request.

[Approve]

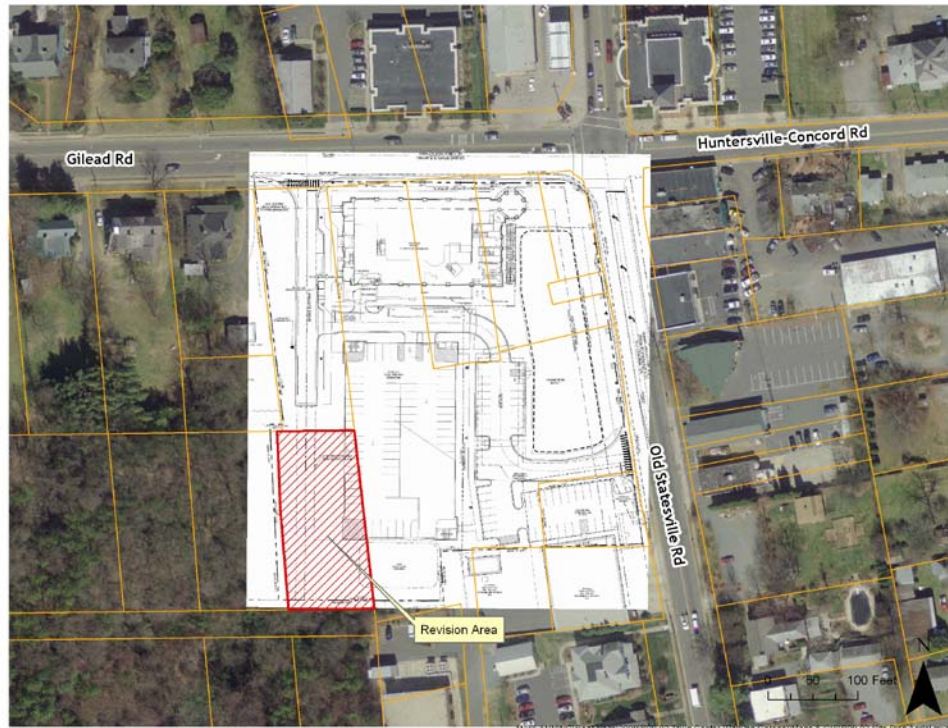
In considering the proposed amendment to the official zoning map to revise the rezoning for one (1) parcel (totaling 0.4-acres), currently zoned Conditional District (TC-CD), the Town Board of Commissioners finds that the rezoning revision is consistent with the Town of Huntersville Community Plan and the Downtown Master Plan. We recommend amending Rezoning Petition R-09-02, as presented. It is reasonable and in the public interest to amend the rezoning plan because..... *(Explain)*

OR

[Deny]

In considering the proposed amendment to the official map to revise the rezoning for one (1) parcel (totaling 0.4-acres) currently zoned Town Center-Conditional District (TC-CD), the Town Board finds that amending the rezoning plan is not consistent with the Town of Huntersville Community Plan and the Downtown Master Plan. We recommend denial of Rezoning Petition R09-02. It is not reasonable and not in the public interest to rezone this property because..... *(Explain)*

Attachment A



David Peete, Principal Planner, said the site plan has been provided. It's a revision to the old rezoning.

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

State Statute Amendment for Tree Preservation. Mayor Swain called to order public hearing on State Statute Amendment for Tree Preservation.

Staff Analysis attached hereto as Attachment No. 5.

Jack Simoneau, Planning Director, said in your agenda packets is the proposed language that would change the State Statute authority for tree preservation. Just to sum up the staff analysis, I believe Cornelius approached Thom Tillis and asked for the State Statutes to be amended to allow the preservation of trees for single-family and duplex development. The towns of Huntersville and Davidson were asked do you want to join since the original bill was drafted for all three towns and all three towns decided yes, we'll proceed and have the same statute amendment. That is the proposal. Attachment 1 is the current house bill. Attachment 2 shows the proposed language. Attachment 3 shows what the City of Charlotte has and so our communities are looking similar to what the City of Charlotte has in terms of authorization. I would just mention that Thom Tillis, our representative, specifically said if you are going to ask for this amendment, to hold this public hearing. So that's the nature of the public hearing. It's not a part of our zoning ordinance.

Greg Ferguson, Town Manager, said I would note that I mentioned it earlier today to Commissioner Jeter that an enactment of the bill does not institute the regulation. There has to be an ordinance adopted by this board or a future board in order to actually turn on the regulatory power.

Commissioner Sisson said I'm baffled. I'm glad you told us this came out of Cornelius because I would be very upset if I heard this came out of Huntersville. My only comment to it is you've got to be kidding. I can't make any other comment.

Commissioner McAulay said this means that somebody in Huntersville is going to write an ordinance when I'm no longer on this board that says that they have control over my trees in my yard.

Mr. Simoneau said that's not the intent. The intent is not to regulate individual property owners. We don't have enough staff, there's not enough time or money. It's residential developments, subdivisions and developments of that nature, not the individual single-family homes.

Bob Blythe, Town Attorney, said I would have to agree that it does give the authority. The question that was really raised, if you will notice that little underlined portion and what the authority is right now, any ordinance adopted pursuant to this section shall exclude property to be developed for single-family or duplex homes. Actually, there was a disagreement among the other two towns as to what that means.

Commissioner Lucas said the way this is stated is to be developed, that's future development. That does not deal with current, existing, single-family or duplex residential.

Mr. Blythe said that's the existing legislation. You already have that authority, with this exclusion.

Commissioner Lucas said by changing it, you are changing it to everything.

Mr. Blythe said it changes the authority.

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

OTHER BUSINESS

State Statute Amendment for Tree Preservation. Commissioner Sisson made a motion to deny. Commissioner Jeter seconded motion.

Motion carried unanimously.

Petition R08-01. Petition #R08-01 is a request by Harris Development Group to rezone 53.29 acres located along NC Highway 115 (across from Caldwell Station) from Transitional Residential, Corporate Business and Corporate Business – Conditional District to Transit Oriented Development – Residential Conditional District.

Mayor Swain said there was a request to defer. *Refer to letter attached hereto as Attachment No. 6.*

Tracy Finch, Petitioner, said we are asking to defer until July primarily because we have asked for extensions on the two remaining parcels. We have gotten those and we don't feel like it's fair until we know for sure that we are going to close on the property and we are going to be able to secure financing

to go ahead and go through with the rezoning. We want to get a little bit closer to the closing date and make sure that we have secured financing. We are willing to go back through the public hearing and Planning Board if we need to. If we do that, we would propose to come back for a public hearing July 6, Planning Board July 28 and a decision August 17.

Commissioner Jeter said Mr. Blythe, it seems like to me that at the last deferral, which I stated I would never give you another deferral, the question of intensification was brought up and whether or not the removal of certain sections intensify the project and therefore would require a new public hearing and another round of planning. It appears in their letter that they are suggesting that they accept that fact and move forward. Is that acceptable in your legal opinion? They are saying we would ask to reappear before the Board in July or August and then they would need to hold another public hearing potentially and another Planning Board review process. They are offering that we decide whether or not this is a true intensification with the removal of the blue area.

Mr. Blythe said I don't think it was decided if it was an intensification. My recollection is that we said that was a decision the Board was going to have to look at. You're always safe with another public hearing.

Commissioner Jeter said it sounds like to me that prior to us voting on this deferral that we need to come to some resolution of what the process is going to be, because it doesn't make sense for us to defer it to July only to figure out then if we need a new public hearing or not. If we are going to need a new public hearing, if that's the thought process of the Board, I would just assume we would go ahead and schedule that and put it in the queue as opposed to waiting until July and then try to add it then.

Commissioner Sisson said I think I was one of the ones who mentioned it, but I think by removing that parcel it's a definite intensification of the entire project and I think it should go through another public hearing.

Ms. Finch said that was exactly why we went ahead and said we would go back through the public hearing and the Planning Board, because we didn't want to get to July and then have the debate and then determine that we needed to come back in August. I just feel like since there was some question about whether or not it would be an intensification, and I can see both sides of it to where it would be or where it wouldn't be, it's just easier to cover our bases and go back through the process.

Commissioner Lucas said to clarify Commissioner Jeter's point, though, in your letter you are asking to reappear before the Board in July or August to determine if our plan is viewed as an intensification. I think we are trying to determine that now.

Commissioner Jeter said I think Ms. Finch would be satisfied with us determining that now. Mr. Blythe has stated that we need to call for another public hearing.

Commissioner Julian said I don't think we have determined that. The way I was reading, the TOD development allows for so many units per acre. I have not heard that with dropping out the land they have that what's left is going over that number of units per acre in the TOD development. I'm not sure it is an intensification, but I am willing to grant the deferral because I want to see the Harris project come back with a good project.

Commissioner Jeter said I don't think it's an intensification in principle, although I understand Commissioner Sisson's point which is if you remove the land and not units, obviously the number of units per acre intensifies. There's no question of that.

Commissioner McAulay made a motion to defer until August and to call for a public hearing on July 6.

Commissioner Julian seconded motion.

Commissioner Sisson asked what are we deferring until August?

Commissioner McAulay said the decision.

Commissioner Sisson said I hesitate to agree to a call for a decision in August. If we get to the public hearing in July and for whatever reason it has to be deferred, extended, kept open, whatever.

Mr. Blythe said I think it would be safe enough to defer it to July and call for a public hearing at that time.

Commissioner McAulay amended her motion to defer to July 6 and call for a public hearing.

Commissioner Lucas seconded amended motion.

Commissioner Jeter said if I'm correct the motion therefore before us now is to defer until July and then call a public hearing.

Mr. Blythe said and call a public hearing for the same night.

Mayor Swain called for the vote.

Motion carried unanimously.

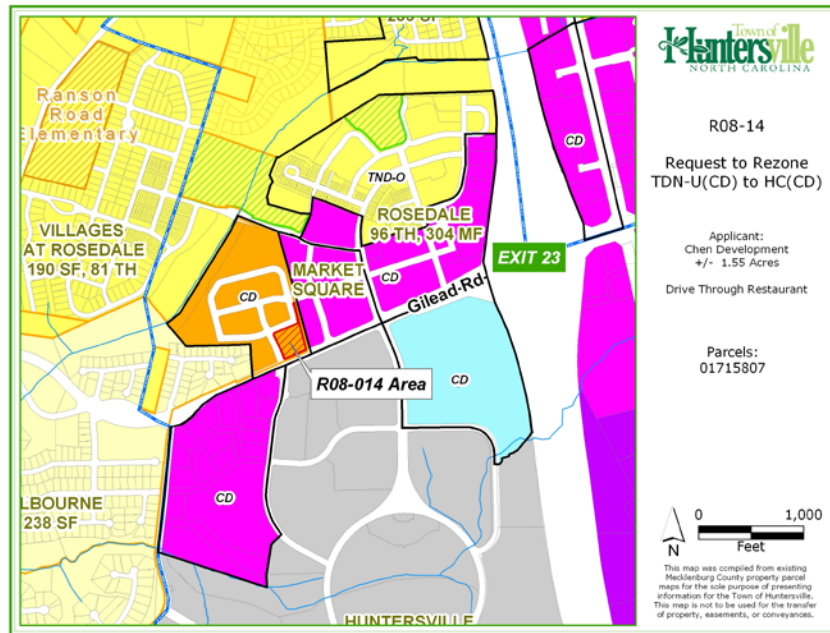
Petition #R08-14. Petition #R08-14 is a request by Chen Development LLC to rezone the northeast corner of the intersection of Gilead Road and Boren Street from Traditional Neighborhood Development – Urban Conditional District to Highway Commercial Conditional District. *Staff Analysis is below. Other documents related to this public hearing are attached hereto as Attachment No. 7.*

**Rezoning Petition #R08-14
Chen Development Conditional District Rezoning Application
(Laurel Restaurant)**

EXPLANATION OF THE REQUEST

R08-14 is a request by Chen Development LLC to rezone the north east corner of the intersection of Gilead Road and Boren Street from Traditional Neighborhood Development-Urban Conditional District (TND-U CD) to Highway Commercial Conditional District (HC-CD). The proposed use would be a drive through restaurant.

LOCATION



SITE PLAN DESCRIPTION

1. Parcel ID Numbers: 01715807
2. Address: 14230 Boren Street
3. Project Size: Approximately 1.55 acres
4. The property is located at the north east corner of the intersection of Gilead Road and Boren Street
5. Current Land Use and Zoning: Zoned Traditional Neighborhood Development-Urban Conditional District (TND-U CD) and is a vacant parcel.
6. Proposed Land Use and Zoning: Highway Commercial Conditional District (HC-CD) for a drive through restaurant use.
7. Adjoining Land Use and Zoning:
 - a. To the north: TND-U CD Zoning; Apartment Complex
 - b. To the south: HC zoning ("Huntersville Business Park West" commercial subdivision) and CB zoning (Torrence Village Retail Center)
 - c. To the west: TND-U CD zoning (First Citizens bank) and GR zoning (Melbourne single family residences).
 - d. To the east: HC-CD zoning (Market Square Retail Center).
8. Under the previous Laurel at Huntersville TND-U CD rezoning (R04-19), the parcel in question was approved specifically for a 14,550 ft² retail use with a drive through accessory use.
9. The Neighborhood Meeting was held on Thursday February 5th, 2009. Please find the invitation list, attendance list, and meeting summary attached.
10. A follow up Neighborhood Meeting was held on Thursday February 12th, 2009 for the Melbourne Homeowner's Association. Please find the attendance list and summary attached.
11. No protest petitions for this rezoning application have been filed.
12. There are no specimen trees currently located on the property and therefore tree save requirements are not applicable for the property in question. However, as part of the Laurel at Huntersville tree save mitigation, larger than normal street trees were to be planted along Gilead Road (5 inch caliper rather than 2 inch caliper). Some of the trees planted by the development are dying and need to be replaced. The applicant has noted that they will replace the trees.
13. Water Quality measures will be provided as required per Article 8.17 of the Town of Huntersville Zoning Ordinance. Mecklenburg County Engineering has disapproved the applicant's proposed concept plan. The plan will have to be resubmitted and reviewed for conformance.
14. Per code, the proposed restaurant's traffic generation would make the proposed use subject to the Traffic Impact Assessment (TIA) ordinance. The results of the TIA have been completed and do indicate that some mitigation of surrounding intersections is required. Please see transportation comments below for details.
15. Elevations for the proposed building have been submitted by the applicant. Therefore, these elevations will serve as an offered condition to the rezoning plan. If the rezoning is approved, any proposed building would be subject to the elevations submitted with the application.
16. There are no SWIM buffers or greenways located on the site.
17. No flood plain is present on the site. The property is however located in a protected watershed district.
18. Public water and sewer will be provided through existing Charlotte-Mecklenburg Utility mains.

SITE PLAN / ARCHITECTURAL ISSUES

- Architecture of Existing Development: Article 3.2.7 D 1 of the ordinance states that new buildings shall respect the general spacing of structures, building mass and scale and street frontage relationships of existing buildings. The two adjacent buildings to the development in question (First Citizen's Bank and Wachovia Bank) both have a pitched roof architectural design. The residential apartments behind the property also have pitched roofs. The proposed building has a flat roof with parapet. Staff would recommend that the proposed building incorporate a more pitched roof design to imitate the buildings that surround it. Staff is not suggesting the corporate franchise roof design of drive through restaurants be used; but a more residential pitched roof design is being encouraged. Please find photos of the adjacent buildings attached for your reference. (Attachment A)
- Screen Wall on Gilead: The proposed development has a screen wall extending along its Gilead Road frontage. Staff supports the screen wall around the loading area near the side of the building where many utilities will likely be, but not in front of the building. It is not clear why a detached screen wall needs to extend in front of the building. If it is needed, staff recommends that the wall be designed with more articulation. Please find a photo of the Birkdale Walgreens screen wall attached for your reference. This screen wall screens the loading area for the drugstore. (Attachment B)
- Facade Articulation: The applicant has done a good job emulating the "pseudo-second story" design with the increased height of the parapets. The Torrence Village development did the same with some of their buildings. However with that taller building design comes more blank wall that needs to be "broken up". Staff recommends either windows or faux windows be established above the ground level to make the full facade more visually appealing. (Note: If the applicants amend their elevation with a pitched roof design as staff recommends above, this comment may not be necessary.)

TRANSPORTATION ISSUES

- A Transportation Impact Analysis (TIA) was conducted for the proposed use per Article 14 of the ordinance. The analysis concluded that mitigation of two intersections is required. They are as follows:
 - 1) Gilead Rd & McCoy Rd: Must mitigate ICU% of 2.2% AM/0.7% PM
Mitigation: Change the lane configuration of the eastbound approach to an exclusive left-turn lane, one exclusive through lane and one through lane shared with a right-turning movement.
 - 2) Gilead Rd & Reese Blvd: Must mitigate ICU% of 1.6% AM/1.3% PM
Mitigation: Restripe the northbound approach to an exclusive left turn lane, one through lane shared with both left and right turning movements and one exclusive right turn lane.
- Both mitigation requirements would only include restriping at the two intersections. The recent road improvements to Gilead Road increased the capacity of Gilead Road in general and therefore major traffic improvements were not required.
- **Note:** The Traffic Impact Analysis was not a study of the proposed drive through restaurant traffic generation versus the previously approved retail building traffic generation. It was simply a study of the proposed use's traffic generation and its effect on current traffic counts and surrounding intersections.

2002 REZONING APPLICATION

- A similar rezoning for a drive through restaurant was applied for back in 2002 (R01-02). At that time, the Huntersville United Methodist Church owned the property and applied for a rezoning to HC-CD. However, after the public hearing the applicant requested that the item be withdrawn from consideration. Please find the minutes of that public hearing and the withdraw request attached (ATTACHMENT C).

PUBLIC HEARING – 3/16/09

- The public hearing for the application was opened and closed on March 16th, 2009. One Melbourne resident spoke in favor of the development stating that as a senior, he looked forward to being able to walk to the restaurant. One other Melbourne resident spoke against the project citing an increase in traffic, trash and the possibility of the facility becoming a hangout for teenagers. No one else spoke on the application from the public. The Town Board raised a concern over whether or not the traffic information produced by staff showed the true traffic effect on the area (in regard to "new trips" versus "pass by trips"). Staff maintained that the purpose of the information was to show how very different and auto-dependent a drive through restaurant was; not to comment on specific transportation concerns. Discussion ensued with the Board and staff on whether or not the Gilead Road corridor west of I-77 was truly "walkable" and "pedestrian oriented". A concern about the amount of parking was raised by the Board and whether or not additional screening was needed toward the rear of the property.

PLANNING BOARD MEETING – 3/24/09

- The Planning Board reviewed the proposed rezoning application at their March 24th, 2009 regular meeting. The Board discussed the staff analysis and questioned the traffic pattern of the development. The thought was conveyed that the circulation of cars through the parcel created an unsafe situation for motorists and pedestrians. The specifics about where McDonald's customers come from (how close by) was also questioned and discussed. The representative of the Melbourne Homeowner's Association (HOA) was there to address the Board and give the HOA Board's support to the applicant with an agreement that if approved by the Town Board, McDonald's would pay for speed humps through the neighborhood. One homeowner from the Melbourne subdivision spoke against the rezoning.

Jonathan Guy from Kimley Horne and Associates, upon the applicant's request, went over several traffic generation statistics in regard to ADT, pass by trips, peak trips, internal capture etc. The Board and the applicant discussed how the proposed McDonald's fit in to each of those categories.

After further discussion, the Planning Board by a 4-3 vote recommended that the Town Board deny the proposed application due to: not being consistent with surrounding development, for potential safety issues, and other architectural issues as outlined by staff. Please see the proposed drafted minutes attached for further reference (ATTACHMENT D)

PLANNING STAFF ANALYSIS

Article 11 Section 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 proposed development location is not located in any immediate small area plan study area. The proposed development however is consistent with the Commercial Corridor Recommendations of the Huntersville Community Plan.

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:

It is staff's opinion that a drive through restaurant would not be consistent with the character of development on Gilead Road. In the recent development history of Gilead Road to the west of Interstate 77, no drive through restaurants have been permitted or developed. Back in 1998 the Market Square commercial development (Phase I and II) began the trend of eliminating that use in the area by prohibiting it as a part of its conditional rezoning plan. Rosedale, the Laurel at Huntersville, and Huntersville Business Park West later followed suit. Torrence Village (vested Huntersville Business Park) had the opportunity to develop drive through restaurants if they so desired but they choose not to; continuing the “no drive through” theme we see today. Approving a drive through would break the pattern of development that was established over 10 years ago.

Also, drive through restaurants are very automotive dependent; even more so than banks and drugstores with drive through windows (please see the ADT traffic statistics outlined in the staff comment below). A bank or drugstore drive through is more of an accessory use than a drive through is for a restaurant. A drive through restaurant depends much more on the drive through traffic for its business. Establishing such an automotive dependent use on an otherwise more pedestrian friendly Gilead Road would not be in keeping with the existing development pattern for the area. A pedestrian oriented commercial corridor (without drive through restaurants, car washes, etc) at an interstate interchange is a rare phenomenon in today's market. Staff recommends keeping this unique character of Gilead Road as it currently exists.

In addition, approving a drive through restaurant could set a precedent that leads to a new development pattern on Gilead Road. After one drive through restaurant is established, it should not be long before another drive through restaurant chain applies to locate in the area to compete with the existing one. Such a development precedent could lead to even further degradation of the corridor.

The subject parcel on Gilead Road is very close to residential development; both multi-family and single family homes. If an automotive dependent use such as a drive through restaurant belonged anywhere on Gilead Road, it would be closer to the interstate and away from residential development. Being in close proximity to residential uses could potentially create increased traffic, nuisance smells, and litter problems (everything served at fast food restaurants comes with a disposable container) for nearby residences.

The following traffic trip generation information is intended to compare/contrast the automotive orientation of various outparcel uses. The information is not intended to examine any uses' specific impact on the existing roadway system nor is it a transportation comment or concern. The statistics below comes from the Institute of Transportation Engineers (ITE) Trip Generation Manual 8th Edition (sit down restaurant comes from the 6th edition):

14,000 ft² Drugstore (w/drive through)

Average Daily Trips (ADT) = 1,234**
AM Peak Trips = 38
PM Peak Trips = 121

4,000 ft² Bank (w/drive through)

Average Daily Trips (ADT) = 593**
AM Peak Trips = 64
PM Peak Trips = 134

5,200 ft² Sit Down Restaurant (no drive through)

5,200 ft² Drive Through Restaurant

ADT = 2,580**
AM Peak Trips = 277
PM Peak Trips = 181

(From ITE Manual 6th Edition)

Average Daily Trips (ADT) = 677**

AM Peak Trips = 48

PM Peak Trips = 56

****NOTE:** Some traffic included in the ADT numbers above is "pass by traffic". Such traffic would normally pass by a facility anyway before it was built (on their way to work perhaps) and then stop at the development once it is built. A development's "pass by traffic" would thus not increase the negative effect on nearby intersections due to not adding "new trips" or new visitors to the traffic network (they were already going through the intersection before the development was built).

ADT however accurately reflects actual car trips at the facility and thus the restaurant. Whether they're new trips, peak trips, or pass by trips, etc they all end up at the facility. The significantly higher ADT numbers of a drive through restaurant speaks to how much more "automobile-oriented" a drive through restaurant is. Thus, approving such a use would change the development pattern away from the more pedestrian oriented uses on Gilead Road.

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:

Staff feels that the transportation improvements listed above will be sufficient to service the subject property and those surrounding it at this time.

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.

STAFF RECOMMENDATION

Because the proposed use is not "consistent with the overall character of existing development in the immediate vicinity of the subject property" per Article 11 Section 11.4.7(e), staff recommends denial of the rezoning for the drive through restaurant. If the Town Board deems that such a use is appropriate however, staff would recommend that the architecture of the building be altered to fit in more with the architecture of the surrounding development and that all the applicable site plan and architectural issues be addressed.

STATEMENT OF CONSISTENCY

Per the North Carolina General Statutes § 160A-383 and Article 11.4.7 b-d of the Town of Huntersville Zoning Ordinance, rezoning actions must be accompanied by a *Statement of Consistency*. Two statements are provided below that need to be incorporated into the motion either to approve or deny the petitioner's request.

[Approve]

In considering the proposed Laurel Restaurant (R08-14) conditional district rezoning application, the Planning Board/Town Board finds that the rezoning plan is consistent with the Town of Huntersville Community Plan and other applicable long range plans. We recommend amending the Town of Huntersville zoning map as shown in the R08-14 application. It is reasonable and in the public interest to amend the zoning map because..... (*Explain*)

OR

[Deny]

In considering the proposed Laurel Restaurant (R08-14) conditional district rezoning application, the Planning Board/Town Board finds that the rezoning plan is not consistent with the Town of Huntersville Community Plan and other applicable long range plans. We recommend that the R08-14 application be denied. It is not reasonable and not in the public interest to amend the zoning map because (*Explain*)

Brad Priest, Senior Planner, said we are here for consideration of final action of the rezoning of potentially a fast-food restaurant at the northeastern corner of Boren and Gilead. It's a McDonald's. I just want to point out the updates that have taken place since the public hearing. One of the things that has changed on the site plan, staff had a comment about wanting to make a better build-to line closer to Boren Street. We asked the applicant to make a decorative fence that extended out to incorporate a

pseudo build-to line that would enclose that corner. They have done that. Sidewalk completion – for some reason the street in the back did not finish and connect the sidewalk and they agreed to do that. The elevation – since the public hearing staff recommended that since they were going for a higher pseudo second story wall that they add some kind of architectural articulation on the top to make it more visually interesting to break that up a little bit. What they have proposed is kind of a brick herringbone pattern that blends in. I did want to point out a couple of changes to the conditions that were put forth on the plan. The Melbourne Homeowners Association got together with the applicant and came up with an agreement. It's a private agreement between them and the homeowners association, but some of those items that were in the agreement are being forwarded as conditions to the plan. Some of them are requirements that the neighborhood be notified of any major changes, brick pavers would be used in the crosswalk area, those types of design elements are incorporated in that plan. There has also been discussion about speed humps as a condition to that agreement. There's a lot of contingencies and conditions to that agreement, but I just want to point out that is not being added as a condition in this rezoning, therefore the town won't have any kind of enforcement responsibility for that agreement. There was a lot of discussion about the interior of the McDonald's. There is no proposed condition on the interior in the plan, so the applicant is not held to anything. I just want to make a point of clarification on that. The Planning Board met on March 24 to discuss the item at their regular meeting. At that time they recommended by a 4 to 3 vote the application be denied due to not being consistent with adjacent development, due to architectural issues and safety concerns with the proposed design. Planning staff's recommendation is also still to deny as brought out in the staff analysis. Transportation Staff has no problem with the application as long as the mitigation as shown in the TIA and the staff analysis is implemented.

Commissioner Jeter said I would like to acknowledge that the brother of Mr. Watson who is a partner of Chen Development is my business partner in my company. I have no financial ties to this project or to Mr. Watson other than his sibling relationship with my business partner in my trucking company.

Commissioner Sisson asked the changes that are on here that you just presented, the petitioner is in agreement with all of them?

Mr. Priest said yes. We got some more potential changes this morning. I guess it was a result of discussions with staff and the Town Board.

Susan Irvin said I'm representing the applicant. I just wanted to point out we added some additional landscaped islands to the rear northern boundary of the site, reducing some parking back there and also added a thicker hedge between the apartments and the site and also minor reorientation of the dumpster location. The petitioner will agree to initially construct the interior of the store in a style that is similar to the photographs of the interiors that were shown at the public hearing. The specific fabrics and materials are chosen by the local franchisee. Those are really determined during the permitting process. Finally, another point that I wanted to make was that we had stated the operating hours would be 6 a.m./7 a.m. in the morning until 10 p.m./11 p.m. at night. In consultation with McDonald's Corporate, they agreed to the parameters of the operating hours being one hour before that, 5 a.m., and one hour after, midnight. I did advise them that they usually leave that determination up to the local franchisee. If the local franchisee at some point in the future wanted to come back and ask for an amendment to the zoning plan, they could go through this process and I have advised them of that. But, that is the agreement. McDonald's does refurbish all their stores every 7 years, so that's why I said initially.

Bill Baker, Melbourne Resident, said we are seniors, retired people in the community and we want to make sure that it is understood that we are in favor of this McDonald's development. The local paper when I appeared on March 26 came out with a quotation from me that was totally wrong, attributed to me, Bill Baker, and I wanted to appear here tonight to make sure everybody understands that Bill Baker is in favor of this McDonald's development. It's 1-1/2 or 2 blocks from my home and we'll be able to walk to there and be with our friends and retired members of the community and we are looking forward to visiting and having it in our community.

Commissioner Jeter made a motion that in considering the proposed Laurel Restaurant (R08-14) conditional district rezoning application, the Town Board finds that the rezoning is consistent with the Town of Huntersville Community Plan and other applicable long-range plans. We recommend amending the Town of Huntersville zoning map as shown in the R08-14 application, with the conditions as stated here by Ms. Irvin – the hours of operation are from 5 a.m. to midnight, the hedgerow, the pretty fence, parking modification, dumpster reorientation, and the initial construction of the interior of the store. It is reasonable and in the public interest to amend the zoning map because I believe it is consistent with the overall plan of Huntersville and fits in well with the surrounding community.

Commissioner Lucas seconded motion.

Commissioner McAulay said I will be voting against it because there was already a conditional plan there that built everything that was on the plan except this one piece of property that was supposed to be commercial with no drive-throughs. There's an agreement written by the Melbourne Homeowners Association that I think implies a contract with the developer and I think that passing it that Huntersville then becomes a part of that contract. The four points in the e-mail today include that the petitioner has supposedly assured the Melbourne Homeowners Association that this is the only drive-through restaurant that will be built on Gilead west of I-77. I really don't think that they are in a position to say that, because Gilead Road goes all the way out to Beatties Ford and in addition to that, if this is approved it opens it up for Rosedale, Market Square, Torrence Village, The Park and Gilead Village to all come in and make adjustments to their development plans and there would be no justification for a board not to approve it. The second thing is something about they wouldn't switch out this plan that has been presented with a scaled down building or plan with lesser landscape. That might have been added to the site plan notes, I don't know. The additional one is they are talking about the petitioner agreed to provide funding to help offset costs for community landscape improvements to the Melbourne common area, this is by the developer. It doesn't say how much it is. It doesn't say who is going to determine what the offset cost is. Another thing, if the Melbourne residents say that this rezoning increases cut-through traffic from Gilead Road to McCoy Road due to this drive-through restaurant, the petitioner would pay for speed humps. Are they going to fund a traffic analysis or are they just going to take the Melbourne people's words for it? I think that the petitioner in trying to gain this has tried to satisfy Melbourne by making promises that they cannot fill. I do not think that a fast food on that section of Gilead Road in this area of Huntersville improves the area. The only drive-through restaurants we have are on Highway 21. I am against this development plan.

Commissioner Jeter said in response to Commissioner McAulay, I would like to echo some of your statements. While I disagree with you and my vote will go different than yours, I do agree 100 percent and I hope the residents of Melbourne clearly understand that no one other than the Town of Huntersville Board by a formal vote has the ability to make such concessions and none are in my motion. The argument that there will be no drive-through restaurants west of I-77 on Gilead Road, I think Commissioner McAulay probably may be correct that this could open up pandora's box. I know if you

want speed bumps, that's a two to three year process of nightmares, historically speaking. I would not bank on any promises that may or may not have been made. I do not have a copy of that letter, for some reason I did not receive it. I can assure you the only things that are promised are the things that are promised in my motion.

Commissioner McAulay said those are from supposedly the president of the Melbourne HOA and he sent it to us twice. He attached it in today's e-mail.

Ms. Irvin said what we did agree to was the provisions in the letter agreement. We did agree to provide 100 percent funding for the installation of up to two, but that was with HOA approval and if permitted by the Town of Huntersville. That is not a note on the plan. That is a private agreement between the developer and the neighborhood association. We did confirm that the rezoning request was only for the 1.55-acre site. We agreed that the Melbourne Board would be notified of any changes to the site plan in the future that were not minor. There is an agreement to provide funding to offset costs for the landscaping.

Commissioner Jeter said if they made private assurances to each other, Bob, correct me if I'm wrong, but it's not bound by the zoning.

Mr. Blythe said if it is not part of the plan, it does not bind us.

Commissioner Jeter said as long as Melbourne understands and the Homeowners Association understands that the plan is not contingent on those things and they have a private arrangement like any other two private organizations. That's between them.

Mayor Swain called for the vote to approve Petition #R08-14.

Motion carried 4 to 1, with Commissioner McAulay opposed.

Revised Capital Project Ordinance – Town Center. Greg Ferguson, Town Manager, said this is a revised Capital Project Ordinance that shows construction costs as we know that, improvements to NC 115 and Gilead Road and the streetscape.

Commissioner McAulay made a motion to adopt revised Capital Project Ordinance for the Town Center project. Commissioner Julian seconded motion.

Motion carried 3 to 2, with Commissioners Sisson and Lucas opposed.

**TOWN OF HUNTERSVILLE
TOWN CENTER PROJECT
REVISED CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project consists of the construction of a mixed use project in the southwest quadrant of Gilead Road and Highway 115 to include a Discovery Place Kids! Museum, town office space, a parking deck, streetscape and road improvements.

SECTION 2. The officers of the unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3. The following amounts are appropriated for this project:

Land, Construction, Design, Testing, etc.	\$18,546,205
Gilead/115 Intersection Improvements	250,000
Streetscape	<u>642,500</u>
 TOTAL PROJECT COSTS	 <u>19,438,705</u>

SECTION 4. The following revenues are anticipated to be available to complete this project:

Bank Loan	17,046,205
Fund Balance-designated for debt service	800,000
Fund Balance-Storm Water Reserve	700,000
Fund Balance-Transportation Reserve Fund	250,000
Bond Proceeds 2004 (streetscape)	500,000
Federal Funds	<u>142,500</u>
 TOTAL PROJECT REVENUE	 <u>19,438,705</u>

SECTION 5. The Finance Director is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as financing is arranged, at which time repayment will be made and the Finance Director is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

Budget Amendment – Lake Norman Transportation Commission. Greg Ferguson, Town Manager, said this relates to the Interlocal Agreement that the Board adopted earlier this year. This is for costs up through June 30.

Commissioner Lucas made a motion to approve budget amendment. Commissioner Jeter seconded motion.

Motion carried unanimously.

Reengaging Bradley Arant. Greg Ferguson, Town Manager, said the existing agreement ran through March 30. This is to consider reengaging for the coming 12 months – the period April 1 through March 30, 2010.

Commissioner Lucas said first and foremost when we started down this path I clearly identified that when you go out and seek government lobbyist, it is not a one year shot. Mr. Harris was clear with us that his success rate could not be dependent upon being the one year wonder, that this was going to be a long or at least a multi-year commitment on behalf of this Board. With that, and seeing that we have now gone just over a year now of the benefits of contracting with Bradley Arant as our government affairs representation, I make a motion to approve reengaging Bradley Arant for governmental affairs representation, based on the success that we are going to hopefully see in the future with other potential funding measures for our transportation needs.

Commissioner Jeter seconded motion.

Commissioner Jeter said if there's a way to do this, I would like for this contract to be amended or altered so that it ends June 30 to coincide with our fiscal year, so therefore it can be a part of the budget

conversations moving forward. We may not be able to do it on this 12 month one, but as it comes around next time, maybe make it a 15-month, so it can be an annual budget discussion as opposed to a separate item.

Mr. Ferguson said we actually had that discussion with him when he was here last time, so we will follow-up on that.

Commissioner Sisson said you mentioned something in your motion or prior to your motion about the success to date. Can you share what the success to date is?

Commissioner Lucas said I would clearly say that our success is being able to get in with not only Representative Myrick but the entire North Carolina delegation and his ability to interface with key staff members that belong to those members up there I think has put us in far better than we could have possibly done on our own. When I say success, it's again that first year success of getting your contacts established, getting your foot in the door and then hopefully as we move down this process, I'm hoping that we will see the fruits of that through some sort of legislation and/or appropriation.

Commissioner Sisson said I was opposed to it the first time and will oppose it again.

Mayor Swain called for the vote.

Motion carried 4 to 1, with Commissioner Sisson opposed.

Reengagement Letter attached hereto as Attachment No. 8.

Municipal Speed Limit Ordinances. *Commissioner Jeter made a motion to adopt municipal ordinances. Commissioner Sisson seconded motion. Motion carried unanimously.*

<u>Declare the Following Speed Limit</u>		
<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
45	US 21	US 21 from a point 0.25 mile north of SR 2004 (Mount Holly Huntersville Road) Northward to a point 0.35 mile north of NC 73.
<u>Rescind the Following Speed Limit</u>		
<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
45	US 21	US 21 from a point 0.25 mile north of SR 2004 (Mt. Holly Huntersville Road) Northward to SR 2136 (Gilead Road).
45	US 21	US 21, from SR 2140 (Stumptown Road), northward to the northern corporate Limit of Huntersville, a point 0.35 mile north of NC 73.
<u>Declare the Following Speed Limit</u>		
<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
45	NC 73	NC 73 from SR 2143 (Babe Stillwell Farm Rd) to I-77.
45	NC 73	NC 73 from a point 0.19 mile east of SR 2434 (Rich Hatchet Rd) to NC 115.
<u>Rescind the Following Speed Limit</u>		
<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
45	NC 73	NC 73, from SR 2143 (Babe Stillwell Farm Road), eastward to SR 5544 (Old NC 73).

45 NC 73 NC 73 (Sam Furr Road) from US 21 eastward to NC 115.

Declare the Following Speed Limit

Speed Limit	Route	Description
45	SR 2136	(Gilead Rd) from SR 2128 (Beatties Ford Rd) to a point 0.32 mile north of SR 2131 (Bud Henderson Rd).
40	SR 2136	(Gilead Rd) from a point 0.1 mile east of SR 2131 (Bud Henderson Rd) to a point 0.1 mile west of SR 2138 (McCoy Rd).

Rescind the Following Speed Limit

Speed Limit	Route	Description
45	SR 2136	SR 2136 (Gilead Road), from SR 2128 (Beatties Ford Road), eastward to a point 0.40 mile east of SR 2137 (Ervin Cook Road).

Copy of full ordinances attached hereto as Attachment No. 9.

Accept Road for Town Maintenance. *Commissioner Lucas made a motion to accept road for Town maintenance. Commissioner Jeter seconded motion.*

Motion carried unanimously.

Street Name	From	To	Approx. Length
Huntingtown Village Road	Hiwassee Road	Dead End	2200 Ft

Filing Fees for 2009 Election. *Commissioner Lucas made a motion to approve filing fee of \$10 for Mayor and \$5 for Commissioner for the 2009 election. Commissioner Jeter seconded motion. Motion carried unanimously.*

Budget Amendment – NW Huntersville Transportation Study. Commissioner Lucas said it is my understanding that we are on the cusp here of spending \$37,000 for our consultant to develop, analyze and conduct public involvement on Option 4 when I would clearly classify this as not a pressing need at this point or this juncture, being that we currently have what I would consider two viable options and Option 4 does not mitigate any of those concerns from Option 1 or 3 at this point and I would view that this \$37,000 is premature at this point, an unnecessary expenditure and *I'll be moving to deny.*

Commissioner Jeter seconded motion.

Bill Coxe, Transportation Director, said the contract not only examines Option 4 to the same level of detail as Options 1 through 3, but it further examines Options 1 and 3's specific alignments as well as the intersection of Vance Road Extension, alias Gilead Road Extension, and the realigned Highway 73 which is Option 3. As you may remember, there were three left turn lanes that were called for in that particular option and I personally recommended against any intersection that involved triple left turn lanes and so I asked that there be an examination of some interchange or ramp configuration or something that eliminated that three left-turn lane option. The contract with the \$37,000 is an examination not only of Option 4, but is an examination of Options 1 and 3 in light of the utility lines which have been discovered, which will require moving both of those options, as well as some opportunity to not have three left turn lanes, whatever that opportunity might be.

Commissioner Sisson asked does the study take into account the recently approved rezoning out there, or is it not considering that in the study?

Mr. Coxe said it is to the extent possible taking into consideration the conventional subdivision plan that has been filed under the overall HC zoning that was granted on the property. There was a general rezoning of the property to Highway Commercial, which associates no rights with the development. Then they have filed a subdivision plan and to the extent it can, will take that into consideration. My personal recollection is that Options 1 and 3 will infringe on the bottom southeastern corner of that property, if it's submitted. I think the new submittal is pretty close to what was submitted as a conditional zoning plan. If it is and if the boundary is still the same, then it's probably going to hit that southeast corner.

Commissioner Jeter said it was my understanding that the money we are paying is to move the process up in the queue, that if we wanted the study done through the typical MUMPO process, we wouldn't have to pay any fees, but they would get to it when they get to it. Is that not correct?

Mr. Coxe said what we have essentially done is run out of money in the current contract. MUMPO is out of money and time to manage anything else for the time being. If there are additional alignments developed, which Option 4 has been an additional concept developed, that would have to be studied. It's been a valid request and so before we could conclude at least this Board certainly indicated before they would make a recommendation on one option that they wanted to see Option 4 explored. If the Board wants to take that off the table and we go back to examining 1 through 3, we could probably shorten the process and diminish the dollar amount.

Commissioner Jeter said I guess my question is traditionally the Town hasn't paid for these studies, they have been paid for by MUMPO.

Mr. Coxe said traditionally the Town has paid substantial amounts for the studies. Between the original Vance Road study that got us to a defined alignment that took three years, we had I think over \$100,000 on the table on that one.

Commissioner Sisson said is your question can we just put a halt on this thing, let it go through MUMPO when they have time and money to do it, let them do the study.

Commissioner Jeter said if I remember the retreat discussion correctly, I made the comment to which Janet Stoner almost threw something at me that let's get it expedited and throw money at the problem for the purpose of getting this done quicker. My point is with the actions of the Board as a whole, the need for this to be done quicker is not the same as it was then, so why not wait until MUMPO.....we are always going to have to pay the money, it's a separate issue.

Mayor Swain said if you will remember what our actions have been on this project that MUMPO has given us the options that we requested. After we had those options, we put a stop to the process. At this point I don't think MUMPO will say we'll do more work for free. I know for a fact that they will not do that because they have already done what we had originally asked them to and then we put a stop to it.

Commissioner Jeter said that was not the indication at the retreat.

Mayor Swain said but a lot happened after the retreat. We have had a lot of discussion after that. At the last point we said after all their work this is now not a priority of ours. They're sure not going to make it a priority of theirs and they are not going to pay for anymore when they've already paid for a lot.

Commissioner Jeter said I'm not sure we've ever voted to make it a non-priority for us. All we have done is try to expedite the process.

Commissioner Julian said before we vote on this, I was under the impression that the JDH project had been pulled. I had heard that there was some right-of-way issues of widening 73 and landowners and that project had been pulled. I don't know what the status of it is. If the project has been pulled, we don't even really need to be talking about this at this point.

Commissioner Lucas said it's my understanding that there is a sketch plan that's been applied to the general rezoning.

Jack Simoneau, Planning Director, said that's correct. There's a sketch plan that's going to the Planning Board next week and then it will come to the Town Board next month.

Commissioner Julian said that was misinformation. I thought it had been pulled.

Mr. Coxe said to properly evaluate the impacts of either 1 or 3 on the JDH sketch plan that's going to the Planning Board next week you need to refine that alignment. Right now we are not set up to refine that alignment.

Commissioner Sisson asked if we approve moving forward with this study right now, is it going to slow down the JDH project and cause it to go into another tailspin like it has for the last three years?

Mr. Coxe said my recommendation to this Town Board has always been and will always be to figure out where the road needs to go before you approve something and we haven't figured out where the road needs to go yet.

Commissioner McAulay said we asked Bill to find out how much this would cost.

Commissioner Sisson said that was several months ago.

Commissioner Jeter said it was actually a 3 to 2 vote as well.

Commissioner Julian said I think we owe it to the constituents both the 73 constituents and Hubbard Road to allow the study to go forward. Again, sorry about the misinformation, but I had heard that the project was not getting the DOT permits and so forth they needed and the project was dead. Jack just said something different, but I think we should let the study go forward.

Greg Ferguson, Town Manager, said there might be some wisdom in trying to find out if the project is still alive because the developer is having issues other places is my understanding. I don't know that you really need to make a decision tonight. It might do to wait a week or two weeks to find out the exact status.

Commissioner Lucas said can I modify this then, because again I'm going off the wording that's on the agenda and the wording on the agenda was provide for the consultant to develop, analyze and conduct public involvement on Option 4. There's no discussion at all about refining Options 1 and 3, so what I would recommend at this point based on what the Town Manager just said and the clarification from Commissioner Julian as well, is that I do think there's merit for Bill and staff to get further clarification on Options 1 and 3 to address the road issues, if that issue is still alive, but obviously we're going to have to change that and does that change the dollar amount. I don't think Bill's prepared to stand in front of us and say what dollar figure that's going to be.

Mayor Swain asked do you just want to direct Bill and Greg to further elaborate and to find out what the status?

Commissioner Lucas said you need to get what you need for Options 1 and 3 to move this thing forward.

Mr. Coxe said if the Board collectively wants to say we are dropping any further consideration of Option 4, then I will go back to the consultant and ask for a price to just finish up Options 1 and 3. I don't know if it needs to go to another workshop or not. We could at the same time find out what it will take, what the developer's response is on their moving forward. We still need to get a resolution to the road alignment issue.

Commissioner Lucas withdrew his motion.

Commissioner McAulay made a motion to defer this for two weeks.

Commissioner Sisson seconded motion.

Motion carried 4 to 1, with Commissioner Jeter opposed.

CONSENT AGENDA

Approval of Minutes – March 16, 2009. Commissioner McAulay made a motion to approve the minutes of the March 16, 2009 Regular Town Board Meeting. Commissioner Sisson seconded motion. Motion carried unanimously.

Approval of Minutes – March 30, 2009. Commissioner McAulay made a motion to approve the minutes of the March 30, 2009 Regular Town Board Workshop. Commissioner Sisson seconded motion. Motion carried unanimously.

High Efficiency Heat Pump Rebate Program. 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 a renewable energy and energy efficiency portfolio standard (REPS). All electric utilities in NC are required to comply with Senate Bill 3.

NC Municipal Power Agency No. 1 (NCMPA1) has launched a High Efficiency Heat Pump Rebate Program to encourage efficient energy use. Residential customers served by Electricities are eligible for a \$400 rebate when a high efficiency heat pump is installed (minimum 14 SEER rating). This program applies to a new installation or existing home replacement. Funding for this program is provided by NCMPA1.

This program requires approval by the Huntersville Town Board in order to be offered to ElectriCities residential electric customers.

Commissioner McAulay made a motion to approve High Efficiency Heat Pump Rebate Program. Commissioner Sisson seconded motion. Motion carried unanimously.

Capital Project Ordinance – Bradford Park. Commissioner McAulay made a motion to adopt Capital Project Ordinance appropriating \$80,000 of the 2008 Park Bonds for the construction of a playground at Bradford Park. Commissioner Sisson seconded motion. Motion carried unanimously.

**TOWN OF HUNTERSVILLE
BRADFORD PARK PLAYGROUND
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is the construction of a playground at Bradford Park to be financed by the proceeds from bonds.

SECTION 2. The officers of the unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3. The following amounts are appropriated for this project:

Construction	<u>\$80,000</u>
TOTAL PROJECT COSTS	<u>80,000</u>

SECTION 4. The following revenues are anticipated to be available to complete this project:

Bond Proceeds:	
2008 Park Bonds	<u>\$80,000</u>
TOTAL PROJECT REVENUE	<u>80,000</u>

SECTION 5. The Finance Director is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as financing is arranged, at which time repayment will be made and the Finance Director is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

Call for Public Hearing – Long Creek High School Gymnasium. Commissioner McAulay made a motion to call for a public hearing for Monday, May 4, 2009 at 6:30 p.m. at Huntersville Town Hall to consider granting historic designation to the Long Creek High School Gymnasium located at 9213 Beatties Ford Road. Commissioner Sisson seconded motion. Motion carried unanimously.

Call for Public Hearing – Abandon Right-of-way. Commissioner McAulay made a motion to call a public hearing for Monday, June 1, 2009 at 6:30 p.m. at Huntersville Town Hall for a request by American Asset Corporation to abandon a 0.0835 acre (3,635 sq. ft.) portion of public right-of-way located at Keith Hill Road and Everette Keith Road. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – Paving of Streets. Commissioner McAulay made a motion to approve budget amendment appropriating \$200,000 from Powell Bill Fund Balance Reserve to provide for additional paving of town streets. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – Police Department. Commissioner McAulay made a motion to approve budget amendment appropriating funds received in the amount of \$125 for donations from Village of Rosedale HOA (\$100) and JC Nelson/Vector Security (\$25) to the Police Department's budget for crime prevention. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – Police Department. Commissioner McAulay made a motion to approve budget amendment appropriating funds received in the amount of \$12,120.59 from DSC Logistics, Inc. for the month of January to the Police Department's budget for overtime, benefits and vehicle cost. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – Police Department. Commissioner McAulay made a motion to approve budget amendment appropriating funds received in the amount of \$3,268.92 from DDRTC Holdings Pool 3 LLC for the months of December and January to the Police Department's budget for overtime and benefits. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – Police Department. Commissioner McAulay made a motion to approve budget amendment recognizing insurance revenue in the amount of \$500 and appropriate to the Police Department's insurance account. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – Police Department. Commissioner McAulay made a motion to approve budget amendment appropriating funds received in the amount of \$8,018.61 from Lake Norman Charter School, Inc. for the months of December and January to the Police Department's budget for overtime, benefits and vehicle costs. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – Police Department. Commissioner McAulay made a motion to approve budget amendment appropriating special revenue carryover funds in the amount of \$5,830.97 to the Police Department budget for the purchase of AED's. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – NMIP. Commissioner McAulay made a motion to approve budget amendment recognizing Community Development Block Grant Program Funds in the amount of \$750,000 and appropriate to North Mecklenburg Industrial Park Sewer Improvements. Commissioner Sisson seconded motion. Motion carried unanimously.

Budget Amendment – Habitat. Commissioner McAulay made a motion to approve budget amendment appropriating funds in the amount of \$25,000 received from the City of Charlotte (Charlotte-Mecklenburg Regional Housing Consortium) to Our Towns of North Mecklenburg-South Iredell Habitat for Humanity (reimbursement for the purchase of a lot located at 315 Dellwood Drive). Commissioner Sisson seconded motion. Motion carried unanimously.

Call for Public Hearing. Commissioner McAulay made a motion to call a public hearing for Monday, June 1, 2009 at 6:30 p.m. at Huntersville Town Hall for a request by American Asset Corporation to close existing Everette Keith Road crossing of the Norfolk Southern rail line at the Alexanderana Road intersection. Commissioner Sisson seconded motion. Motion carried unanimously.

CLOSING COMMENTS

None

There being no further business, the meeting was adjourned.

Approved this the 4th day of May, 2009.

Commissioner Bales

- The next Lake Norman Transportation Commission meeting is May 11 in Mooresville.
- The Education Summit last week was a success.

Commissioner Boone

- The next meeting of the Land Development Ordinances Advisory Board is May 5.
- May 4 is National Bike/Walk to School Day.
- Larry Irvin, Fire Chief, updated the Board on their efforts in assisting the Pineville Fire Department who recently lost one of their firefighters.

Commissioner Guignard

- Congratulated Lake Norman Charter School who was ranked No 13 in the state in the list of Best High Schools by U.S. News & World Report.

Commissioner Kidwell

- The next Olde Huntersville Historic Society Meeting is May 7.
- The next Charlotte Regional Transportation Planning Organization meeting is May 18.

Commissioner Phillips

- Announced upcoming Lake Norman Chamber events for Small Business Week.
- Encouraged everyone to shop local.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Boone made a motion to move B under Public Hearings (Conduct public hearing on Petition #R16-03) to Item A under Public Hearings. Commissioner Phillips seconded motion. Motion carried 5-0.

Commissioner Kidwell made a motion to add Item B under Other Business – Consider appointing Louis Cosentine to the Transit Services Advisory Committee for term expiring January 31, 2017 and for an additional 3-year term and add Item C under Other Business – Consider adopting resolution in support of House Bill 954 directing the Department of Transportation to terminate the Comprehensive Agreement for the I-77 HOT lanes project in Mecklenburg and Iredell Counties. Commissioner Phillips seconded motion. Motion carried 5-0.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Janice Lewis, Jennifer Davis, Joe Sailors and JoAnne Miller.

Petition #R16-03. Mayor Aneralla called to order public hearing on Petition #R16-03, 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, reviewed request. *Refer to Staff Report attached hereto as Exhibit No. 2.* Staff recommends approval.

Gary Knox, pointed out that Novant Hospital, one of the largest employers in Huntersville, discontinues its café service at 6 p.m. At any given time, staff alone at the hospital is more than 275 people, not counting patients and families.

Brad Champion of Knox, Knox and Knox, council for the applicant, pointed out that they think the impact will be minimal. With the added hours, the applicant expects to add possibly 10 employees and a significant amount of work hours which he expects will increase in the sales tax and the prepared food/beverage tax.

Bud Kuthan, Applicant, requested the Board support his request.

In response to a question raised, Mr. Kuthan confirmed that there will be no deliveries during the hours of 12 a.m. to 5 a.m.

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

Petition #R16-04. Mayor Aneralla called to order public hearing on Petition #R16-04, 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, reviewed request. *Refer to Staff Report attached hereto as Exhibit No. 3.*

In response to various questions, Staff provided the following information.

- Confirmed that the Traffic Impact Analysis indicated there would be no mitigation needed at the Hambright Road/McCoy Road intersection.
- The five intersections that would require mitigation include: Hambright Road/Statesville Road, Mt. Holly-Huntersville Road/Statesville Road at southbound ramps, Highway 115/Mt. Holly-Huntersville Road, Mt. Holly-Huntersville Road/Hambright Road, Hambright Road/school entrance.

Shannon Stein, Superintendent of Lake Norman Charter School and Robert Tripp, Merrick and Company, presented PowerPoint presentation. *PowerPoint attached hereto as Exhibit No. 4.*

In response to a question concerning fencing, Ms. Stein noted they will have fencing to the back of the play field areas, but would not be fencing the entire 39 acres.

Steve Jones, 21548 Lake Point Lane, Cornelius, Lake Norman Charter School parent and member of the LNCS Board of Directors, addressed the Board in support of the rezoning and requested variance.

Geoff Bartosch, 12307 Beatties Ford Road, addressed the Board in opposition of the rezoning. *Written comments attached hereto as Exhibit No. 5.*

Bryan Blitstein, 10030 Gilead Road, addressed the Board in support of the rezoning.

Cynthia Bush, 20311 Chartwell Center Drive, Cornelius, addressed the Board in support of the rezoning.

Todd Marlin, 10220 Independence Hill Road, addressed the Board in support of the rezoning.

Wendy Rondina, 10128 Hambright Road, addressed the Board in opposition of the rezoning. Location is not consistent with 2030 Community Plan.

Matt Conrad, 10101 Hambright Road, addressed the Board addressed the Board in opposition of the rezoning. Location is not consistent with 2030 Community Plan.

Calley Conrad, 10101 Hambright Road, addressed the Board in opposition of the rezoning. The proposed school would have no guaranteed spots for Huntersville kids. As commercial landowners, if the school goes in, our property value is affected and LNCS would have possibly 500 families that would have a voice if they don't like the type of company that wants to buy our land.

Eric Ferguson, 10020 Hambright Road, expressed concern for how much of his property would be taken. Someone was supposed to mark how much property they were going to take, but that hasn't been done. Does not think LNCS did their due diligence in selecting a site.

Bill Farber, Chair of the Lake Norman Charter Elementary School Search Committee, 14830 Middlethorpe Lane, addressed the Board in support of the rezoning.

Hal Bankirer, Planning Board, requested that the entire TIA be provided for the Planning Board meeting.

In response to a question from Joe Sailors of the Planning Board, Ms. Stein reviewed the carpool process works.

Commissioner Bales requested Ms. Stein provide the Board with a percentage breakdown of where students are from.

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

OTHER BUSINESS

Acceptance of Streets – Bryton/Walmart Development. Commissioner Phillips made a motion to accept the streets in the Bryton/Walmart Development for Town maintenance. Commissioner Bales seconded motion.

Motion carried 4 to 1, with Commissioner Guignard opposed.

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Brad Priest, Senior Planner
Subject: R16-04 Lake Norman Charter Elementary School

Rezoning: 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. The purpose of the rezoning is to build a new elementary school. The properties are located approximately 300 feet east of the intersection of Hambright Road and Swansboro Lane.

ACTION RECOMMENDED:

Consider taking final action on the application on June 6, 2016.

FINANCIAL IMPLICATIONS:

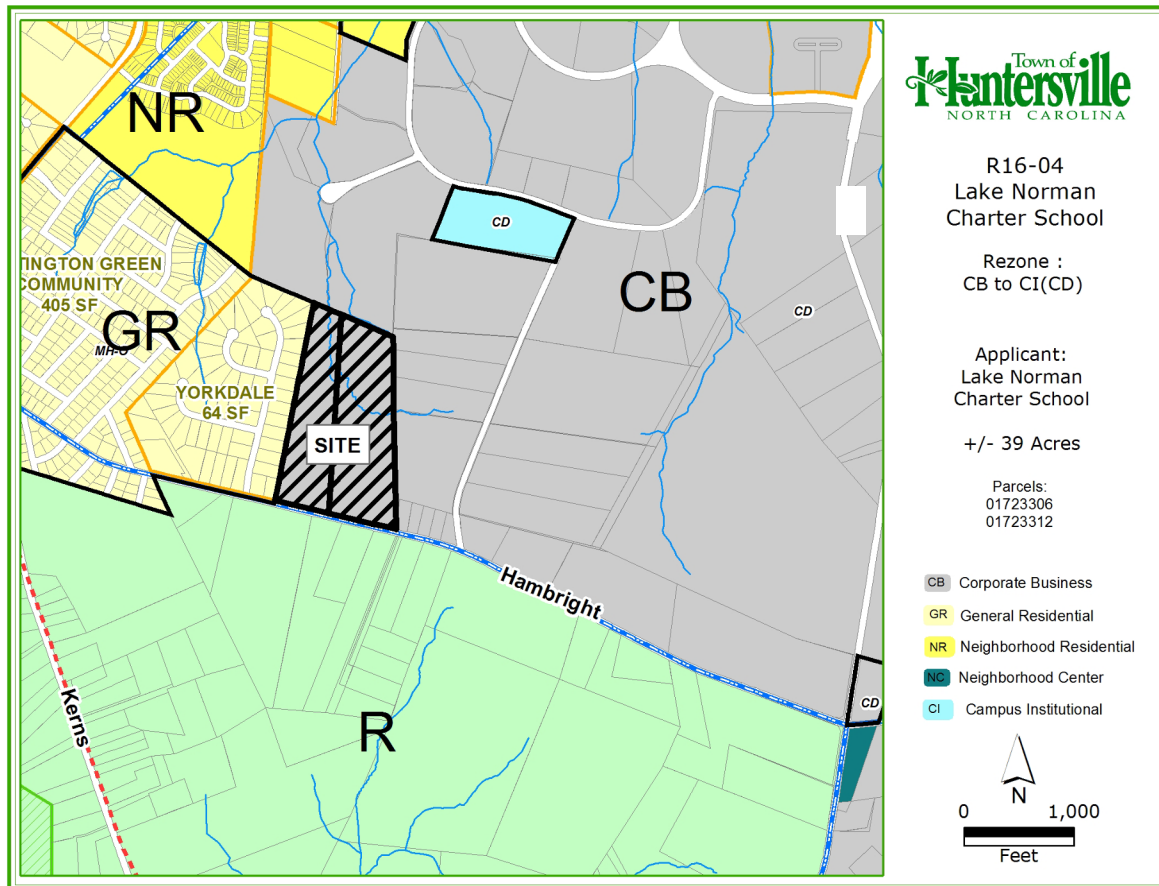
N/A

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Updated Rezoning Plan	Exhibit
<input type="checkbox"/> Phase One Modular Unit Photos	Exhibit
<input type="checkbox"/> Building Elevations	Exhibit
<input type="checkbox"/> Overall Elevation Concept	Exhibit
<input type="checkbox"/> Portion of the Strategic Economic Development Plan (2014)	Exhibit
<input type="checkbox"/> Rezoning Application - 01723312	Backup Material
<input type="checkbox"/> Property Owner Signatures 01723312	Backup Material
<input type="checkbox"/> Bob Blythe Email - Signature Acceptance	Backup Material
<input type="checkbox"/> Rezoning Application - 01723306	Backup Material
<input type="checkbox"/> Neighborhood Meeting Invitation List 4/11/16	Backup Material
<input type="checkbox"/> Neighborhood Meeting Attendance List 4/11/16	Backup Material
<input type="checkbox"/> Neighborhood Meeting Report 4/11/16	Backup Material
<input type="checkbox"/> 4/26/16 Neighborhood Meeting Inv List	Backup Material
<input type="checkbox"/> 4/26/16 Neighborhood Meeting Attendance	Backup Material
<input type="checkbox"/> 4/26/16 Neighborhood Meeting Summary	Backup Material
<input type="checkbox"/> Public Hearing Draft Minutes - 5 2 16	Backup Material

Petition R16-04 Lake Norman Charter Elementary School

PART 1: PROJECT SUMMARY



Applicant: Lake Norman Charter School

Property Owner: Samuel Venable / Robert Norman Sharp and Margaret Sharp, and others.

Property Address: 10019 Hambright Road and N/A

Project Size: 39 acres

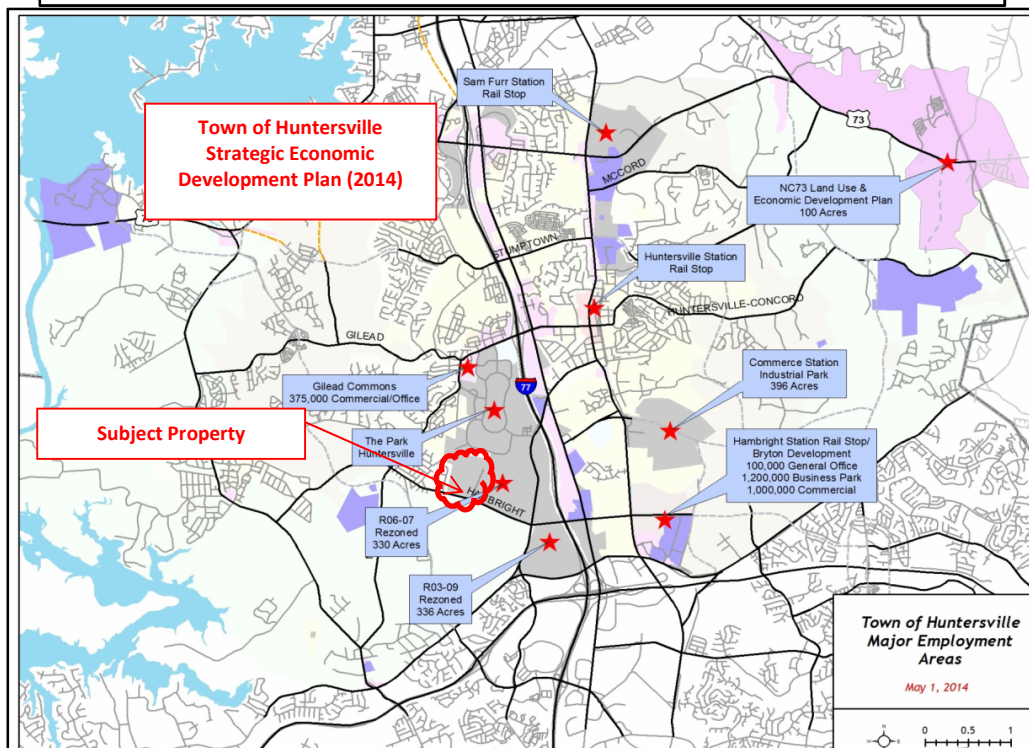
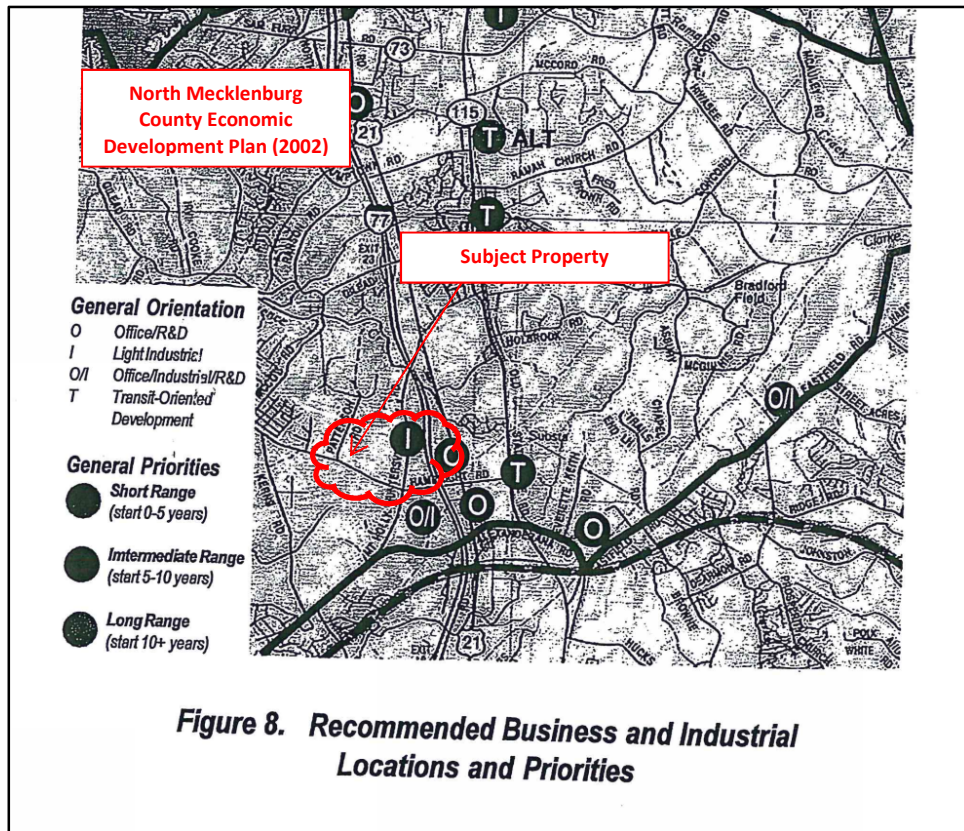
Parcel Numbers: 01723312 and 01723306

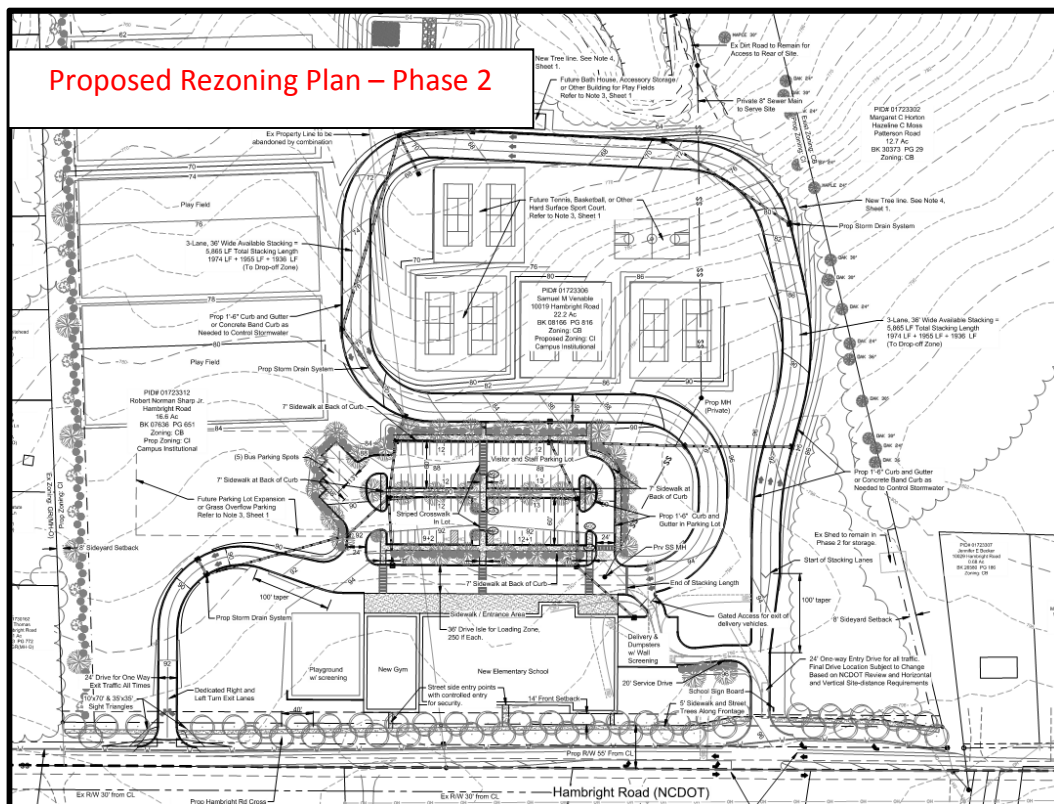
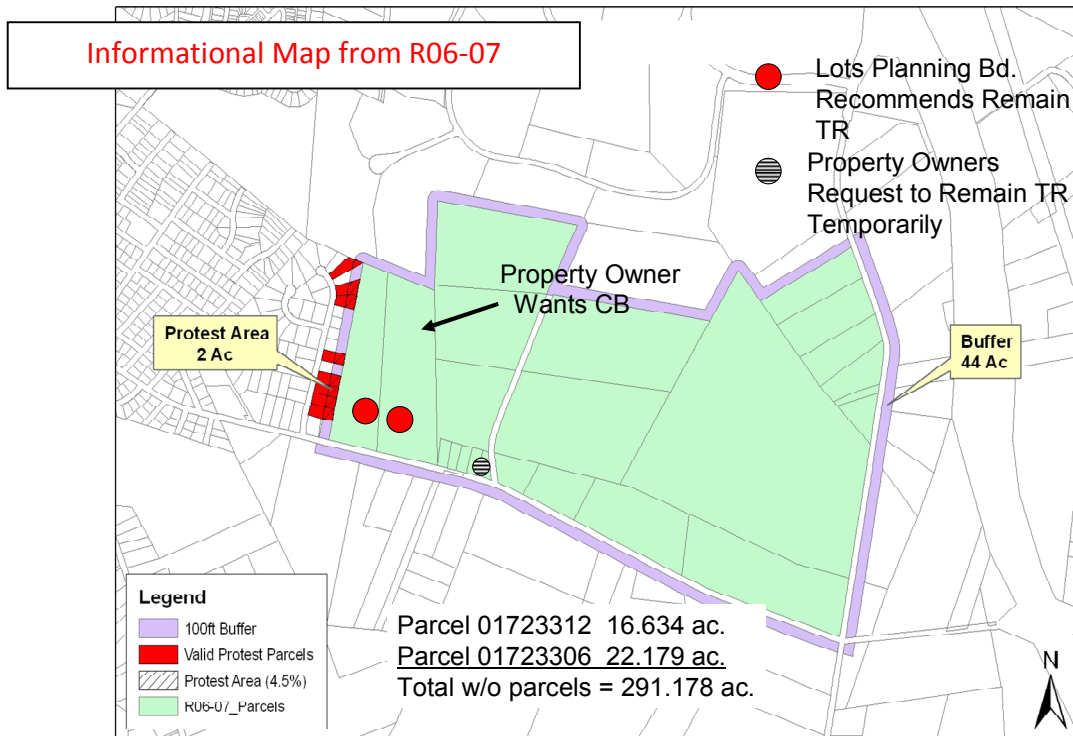
Application Summary:

1. Lake Norman Charter School has applied to rezone the property from Corporate Business (CB) to Campus Institutional Conditional District (CI-CD) in order to develop a 500 student elementary school. The school would have a phased opening with 300 students in 2017 located in temporary modular building units. In 2018 the number of students would increase to 500 in the modular units. Thereafter a permanent gymnasium may be constructed with the modular units. Then the permanent facility would be built in 2022 on Hambright Road accommodating a maximum of 500 students.
2. R16-04 modified the withdrawn R16-01 application by transferring one of the proposed development tracts from Patterson Road to Hambright Road.
3. Adjoining Zoning and Land Uses
North: Corporate Business (CB), Office/Industrial/Undeveloped Land: Huntersville Business Park
South: Rural Residential (R), Single Family Residential/Horse Farm and Stables.
East: Corporate Business (CB), Undeveloped land and five small single family residential lots.
West: General Residential (GR), Manufactured Home Overlay (MHO), Yorkdale Subdivision: Single family residential/manufactured home neighborhood.
4. The subject parcels are a portion of 330 acres that were rezoned by the Town of Huntersville from Transitional Residential (TR) and Rural Residential (R) to Corporate Business (CB) on September 5, 2006 (R06-07). The rezoning was in response to the North Mecklenburg County Economic Development Strategy plan (2002) that

identified this area as appropriate for light industrial and other economic development type uses (please see page 3).

5. The subject parcels are included in the area the Town of Huntersville Strategic Economic Development Plan (2014) identifies as a "Major Employment Area" (see page 3). It also identifies this area as both a "Medium-Term" and "Long-Term" Opportunity area in regard to economic commercial development. Portions of the economic development plan are included separately in the agenda package for reference.
6. When R06-07 was under consideration for a rezoning to CB, there was discussion at the time to leave these two subject properties residential. In response to the protest petitions filed in the "Yorkdale Subdivision", the Planning Board recommended that these two far western tracts remain residential in order to create a transition or buffer of less intense uses between the single family residential Yorkdale subdivision and the Patterson Road parcels that were deemed appropriate for industrial. Please see the R6-07 informational map on page 4. However, it was noted then that the property owner of the eastern Hambright tract desired that their parcel be rezoned to CB. Ultimately, the whole area under consideration was rezoned to CB.
7. A neighborhood meeting for this application was advertised for and held on April 11, 2016. An invitation list, attendance list and summary report for the meeting are included in the agenda packet. Since this meeting was held prior to the new R16-04 site plan being officially submitted, another neighborhood meeting was held on April 26, 2014. The April 26 meeting summary report and invitation list is included in the packet for review. Per the report of the April 11 meeting, the moving of the driveway away from the back of the single family homes on Hambright Road was positively received by the neighbors. Concerns were still relayed however in regard to the widening of Hambright Road and the need for additional right of way. At the April 26 meeting, neighbors continued to be concerned about traffic improvements in front of the facility, as well as special event parking, and proposed lighting of the fields adjacent to the residential development.
8. Currently all the properties are similarly zoned Corporate Business (CB), thus no buffers are required between existing and future development in the area. However once a school is developed, Article 7 of the Huntersville Ordinance will require that future, adjacent, commercial/industrial uses establish a minimum 10 foot visual buffer on their property adjacent to the lesser intense school use.
9. Phase 1 of the development includes only modular classrooms as shown in the attached photos uploaded into the agenda package for reference. The modular classrooms would accommodate 300 students starting in the 2017-2018 school year. In 2018 the amount of students in the modular classrooms would increase to 500. After that time the gymnasium may or may not be built on the site depending on needs and funding (Phase 1A). Phase 2 of the school would include the main facility and gymnasium in the 2022-2023 school year. The maximum number of students would be 500; the size of the facility will be an estimated 45,000 sqft. After phase 2 is complete, the modular units would be removed.
10. Sewer connection for the development is dependent on the Huntersville Business Park allowing a utility easement north of the property to Herbert Wayne Court. Water utilities are being extended by the school west along Hambright Road in coordination with Charlotte Water.
11. The Huntersville Park and Recreation Department has expressed interested in entering into a joint use agreement with the school on their proposed gymnasium and fields, wherever the Lake Norman Charter Elementary School is ultimately located.





PART 2: REZONING/SITE PLAN ISSUES

- Article 7 of the Zoning Ordinance requires that developments in the Campus Institutional (CI) zoning district establish an 80 foot buffer adjacent to residential zoning districts. The proposed development is now directly adjacent to the Yorkdale subdivision which is zoned Transitional Residential (TR). Therefore, an 80 foot buffer is required along the school's western property boundary. No buffer is shown on the plan and the proposed fields encroach into the 80 feet. The plan would need to be modified to move the fields out of the required buffer and landscape it per Article 7.
 - The school may also request that the buffer requirements be "modified" as part of the conditional rezoning process per Article 11.4.7 K as long as the spirit of the regulation is maintained. Staff would support the modification of the buffer to reduce its width. Schools are an allowed use in many other residential zoning districts such as Rural, General Residential, Neighborhood Residential, etc. If the school requested the rezoning to one of these zones, only a 10 foot buffer in between the school and the residential neighborhood would be required. However adjacent Corporate Business (CB) development would have then been required to establish an 80 foot buffer between the CB uses and those residential zones; imposing a hardship on adjacent development. The CI district was chosen because it allows schools and does not require an 80 foot buffer between it and CB development.
 - UPDATE 5/13/16: The updated plan shows a 40 foot buffer rather than 80 feet; with a note request that through the conditional rezoning process, the buffer requirements be modified. Staff supports this reduction of the buffer width for the reasons outlined above. However the note on the plan does not mention the required plantings in the buffer, where existing vegetation is insufficient to meet the separation intent of the ordinance. Staff recommends the note be amended to address the required landscaping.
 - UPDATE 5/27/16: The applicants have added a note stating the buffer will conform to Article 7.5 of the Huntersville Zoning Ordinance.
- Article 4 of the Huntersville Zoning Ordinance requires that the front elevations along the street of Civic Building Types (such as schools, churches and government buildings) "communicate an emphasis on the human scale and pedestrian environment". Staff will work with the applicant to slightly modify the Hambright Road elevation for compliance with this section, consistent with other civic building types.
 - UPDATE: 5/13/16: An updated elevation has been submitted, however many of staff's concerns have not been fully addressed. Staff will continue to work with the applicant to update the elevations.
 - UPDATE: 5/27/16: Staff is still working with the applicant on updating the elevations at the time of the agenda deadline. A final and updated elevation will be presented at the Town Board meeting for review.
- Article 4 of the ordinance requires that dumpsters be located in the parking area. The applicants are requesting a modification of the ordinance in order to allow the dumpster to be located next to the building, visible from Hambright Road. A note on the plan states that the dumpster will be screened, but there is no detail as to how. Staff recommends the dumpster screening be included in the submittal to ensure that the intent of the ordinance is achieved.
 - UPDATE: 5/13/16: On the updated elevations submitted, there is a note on the plan stating that the delivery area will be screened "using stepped brick veneer building walls, height will alternate between 6 feet and 8 feet high panels". It is also conceptually shown on the building elevations as well. Staff is supportive of this added condition.
- Staff recommends a note stating that per Article 9.35.3, no stacking will be permitted on the public right of way. And if there is stacking on the public right of way for whatever reason, it will be incumbent upon the school to take whatever necessary measures needed to cease the offsite stacking.
 - UPDATE: 5/13/16: The new plan has a note that states "LNCS shall ensure stacking will not take place on Hambright Road or any other public right of way". Staff finds this note acceptable.

- When the application shifted to the Hambright Road property, the tree save requirements and calculations changed based on the new existing conditions of the site. The submitted plan has not been updated to show the new tree save requirements and calculations for the new property.
 - **UPDATE: 5/13/16:** The new plan shows a tree save area that completely protects the back wooded portion of the westernmost Hambright Road property, therefore saving all the specimen trees located on it. Thus staff is confident the entire project as a whole will meet the required 30% specimen tree save requirement as shown.
- With the change in the location of the driveway and left turn lane, the proposed cross section of Hambright Road does not quite match the plan layout. It is recommended that the cross section be amended to match what the site plan generally shows.
 - **UPDATE 5/13/16:** The street cross section has been updated to match the rezoning plan.
- Although the Traffic Impact Analysis (TIA) was resubmitted to the Town on 4/13/16, it has not yet been accepted and approved by Huntersville Engineering staff. Per Article 14.2.3 the zoning ordinance, the TIA is required to be completed and accepted by town staff prior to final action by the Town Board. Also, the latest TIA submittal does call for mitigation improvements to several intersections (see transportation comments on page 4) but the rezoning plan does not match the TIA improvements listed. Once the TIA is accepted and approved, any mitigation required by the ordinance should be committed to by the applicant on the rezoning plan.
 - **UPDATE 5/13/16:** The updated TIA has been accepted by Town Engineering staff. However the applicant has added notes on the rezoning plan requesting that some of their required offsite improvements be modified to allow less than what the TIA shows is needed to meet the standards of Article 14 of the Huntersville Zoning Ordinance. Staff recommends all the improvements required by the TIA to meet the Zoning Ordinance be committed to by the applicant (with one of them being escrowed). Please see transportation issues below in Part 3.
- Part of the requirements for all road improvements is ensuring that there is enough right of way or public land for the road improvements to be placed in. One of the road improvements that is needed is a left turn lane from Hambright Road into the school. It is unknown at this time however whether or not there is sufficient right of way width to accommodate this left turn lane or any other traffic improvement required by the TIA. It is incumbent upon the applicant to prove that sufficient ROW exists for the improvements and if it does not, obtain it from adjacent property owners prior to permitting.
- Staff has reviewed the updated submitted plan and has several minor deficiencies still outstanding. It is recommended that final comments be addressed prior to final rezoning plan review by the Town Board.
- **UPDATE 5/13/16:** Two new notes have been added to the plan.
 - On sheet one, note number 5 has been added that states that the school reserves the right to light the tennis courts per Huntersville Ordinance.
 - On sheet one, note 25 has been added stating the developer will install fencing “commensurate with surrounding elementary schools”.
 - Staff has no issue with these added notes as the lighting note specifically addresses the tennis courts and not the open fields immediately adjacent to the residential lots. It would be difficult to light those fields and not have glare and light spillage at such a close proximity to the residential homes. In addition, the ordinance does not require any specific fencing for schools.

PART 3: TRANSPORTATION ISSUES – UPDATE – 5/16/16

Traffic Impact Analysis (TIA)

A second revised TIA was submitted by the applicant on May 9th to address Town staff comments. After review, the TIA is found to be acceptable. Below is a comparison of the roadway improvements required to meet Article 14 of the Zoning Ordinance, improvements recommended by the TIA, and improvements recommended on the site plan.

Improvements Required to Meet Article 14 of the Zoning Ordinance	Improvements Recommended by the TIA (Recommended by Applicant's Engineer)	Improvements Committed to on the Rezoning Plan (<i>Bold Italics: Not in Conformance with Ordinance Requirements</i>)
<u>Hambright Road at Mt Holly-Huntersville Road</u> <ul style="list-style-type: none"> - Eastbound right-turn lane on Hambright Road with 150 feet of storage - Westbound right-turn lane on Hambright Road with 150 feet of storage 	<u>Hambright Road at Mt Holly-Huntersville Road</u> <ul style="list-style-type: none"> - Eastbound right-turn lane on Hambright Road with 150 feet of storage - Westbound right-turn lane on Hambright Road with 150 feet of storage 	<u>Hambright Road at Mt Holly-Huntersville Road</u> <ul style="list-style-type: none"> - Eastbound right-turn lane on Hambright Road with 150 feet of storage - Westbound right-turn lane on Hambright Road with 150 feet of storage
<u>Hambright Road at Statesville Road</u> <ul style="list-style-type: none"> - Eastbound left-turn lane on Hambright Road with 175 feet of storage - Westbound left-turn lane on Hambright Road with 150 feet of storage 	<u>Hambright Road at Statesville Road</u> <ul style="list-style-type: none"> - Add protected/permitted signal phasing to the existing northbound left-turn lane on Statesville Road 	<u><i>Hambright Road at Statesville Road</i></u> <ul style="list-style-type: none"> - <i>Add protected/permitted signal phasing to the existing northbound left-turn lane on Statesville Road</i>
<u>Mt Holly Huntersville Road at NC 115 (Old Statesville Road)</u> <ul style="list-style-type: none"> - Southbound right-turn lane on NC 115 with 100 feet of storage 	<u>Mt Holly Huntersville Road at NC 115 (Old Statesville Road)</u> <ul style="list-style-type: none"> - Southbound right-turn lane on NC 115 with 100 feet of storage 	<u><i>Mt Holly Huntersville Road at NC 115 (Old Statesville Road)</i></u> <ul style="list-style-type: none"> - <i>Nothing proposed</i>
<u>Mt Holly Huntersville Road at US 21 (Statesville Road) Southbound Ramps</u> <ul style="list-style-type: none"> - Southbound left-turn lane on Mt Holly Huntersville Road with 125 feet of storage 	<u>Mt Holly Huntersville Road at US 21 (Statesville Road) Southbound Ramps</u> <ul style="list-style-type: none"> - Northbound right-turn lane on Mt Holly Huntersville Road with 100 feet of storage 	<u><i>Mt Holly Huntersville Road at US 21 (Statesville Road) Southbound Ramps</i></u> <ul style="list-style-type: none"> - <i>Northbound right-turn lane on Mt Holly Huntersville Road with 100 feet of storage</i>
<u>Hambright Road at Site Driveway #1 (Inbound)</u> <ul style="list-style-type: none"> - Eastbound left-turn lane on Hambright Road with 125 feet of storage - Westbound right-turn lane on Hambright Road with 125 feet of storage 	<u>Hambright Road at Site Driveway #1 (Inbound)</u> <ul style="list-style-type: none"> - Eastbound left-turn lane on Hambright Road with 125 feet of storage - Westbound right-turn lane on Hambright Road with 125 feet of storage 	<u>Hambright Road at Site Driveway #1 (Inbound)</u> <ul style="list-style-type: none"> - Eastbound left-turn lane on Hambright Road with 125 feet of storage - Westbound right-turn lane on Hambright Road with 125 feet of storage

Based on the results of the TIA, it is Engineering and Public Works staff recommendation to require the improvements identified to meet Article 14 of the Zoning Ordinance with one exception. The exception is to utilize an escrow agreement for the estimated cost of construction for the southbound right-turn lane on NC 115 (Old Statesville Road) at Mt Holly Huntersville Road due to the future Town Main Street Upgrade Project.

NCDOT's review comments on the TIA: As of 5/16/16, NCDOT has only provided an email to the Town stating that the information provided by the applicant to NCDOT is insufficient and/or incomplete for NCDOT to complete their review.

Site Plan

Based on the site plan sealed May 9, 2016, minor site plan errors on notes and sight triangles remain and should be corrected.

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 – Staff finds the proposed use consistent with the following policies of the **2030 Huntersville Community Plan**:

- **Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor.** The elementary school facility is appropriately located inside the 2 mile radius and is very close to Interstate 77.

STAFF COMMENT – Staff finds the proposed use not consistent with the following policies of the **2030 Huntersville Community Plan**:

- **Policy ED-2: Preservation of Land Area for Non-Residential Development:** Both the Town of Huntersville Strategic Economic Development Plan (2014) and the 2030 Community Plan state that the Town should preserve areas that are "suitable for business and industrial development". The subject properties were specifically rezoned for economic development purposes. Rezoning the property for an elementary school would remove at least 39 acres of property out of the Corporate Business zoning area. Please see the staff comment on page 8 note 1 however in regard to the proposed zoning's consistency with the overall character of existing development.

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 Campus Institutional (CI) zoning and school use would be adjacent to Corporate Business (CB) zoning to the north, and east. Therefore in the future, the proposed elementary school could potentially be directly adjacent to industrial uses. Staff is concerned that in a general sense, an elementary school use would not be best served in an industrial area due to potential noise, traffic, emissions, and safety issues.

Specifically as to this location; to the west the school would be adjacent to a single family residential subdivision. The establishment of the required vegetative or undisturbed buffer though will sufficiently separate the uses and create an opaque screen between them.

If the Town Board is amenable to reducing the inventory of economic development land within the Town, staff considers the proposed location the most suitable of the CB zoned land in the area for a school use. Although the use would reduce the Corporate Business (CB) inventory of land, the use would be on the very edge of the CB area, leaving no residual or stand-alone CB pieces that may be difficult to market and

develop. Also, the school location on these two parcels would act as a “transition” use in between the less intense Yorkdale single family neighborhood to the west and the Corporate Business area to the east (consistent with the Planning Board recommendation back in 2006).

- **UPDATE 5/27/16:** Lake Norman Economic Development can also support this application as a “transitional” use at this specific location.

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:

- In regard to the adequacy of the roadway system, the Traffic Impact Analysis (TIA) has been accepted by the Town Engineering department. However the applicant is requesting a modification of the requirements of the Ordinance to be able to install less off-site improvements than required. Please see the transportation comments on Part 3 Page 6 for details. On April 11, 2016 the Planning Department issued a “Determination of Adequacy (DOA)” for Fire Vehicles and Station Space, Police Vehicles and Station Space, and Parks and Recreation Gym and Parks.

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 resources.

PART 7: PUBLIC HEARING – UPDATE 5/13/16

The Public Hearing was held on May 2, 2016. Several individuals at the public hearing spoke both for and against the school and its rezoning application. Several neighbors communicated concerns about traffic, the ROW needed for traffic improvements in front of the site, the rezoning not being consistent with the 2030 Community plan, and other various concerns. Please find the drafted minutes of the May 2 meeting included in your packet for your reference.

PART 6: STAFF RECOMMENDATION

Planning Staff finds the application acceptable with the following conditions:

1. All the improvements in the approved TIA are committed to by the applicant to meet the requirements of Article 14 of the Huntersville Zoning Ordinance.
2. The rezoning plan is amended to address staff comments as described above in Part 2.

PART 7: PLANNING BOARD RECOMMENDATION – UPDATE 5/27/16

The Planning Board discussed the application at their May 24, 2016 regular meeting. Several neighbors spoke in opposition to the proposed school location for various reasons. Reduction of the Corporate Business (CB) inventory, traffic concerns, right of way needs, inconsistency with the 2030 Community Plan, among other things was discussed. During the Board discussion, the inconsistency with the 2030 plan was highlighted as well as the applicant’s proposal to install less traffic improvements than required by the zoning ordinance. It was also discussed however that even though the rezoning was inconsistent with the 2030 plan policy, it made sense from a land use perspective in buffering the residential developments on Hambright Road from the Corporate Business zones.

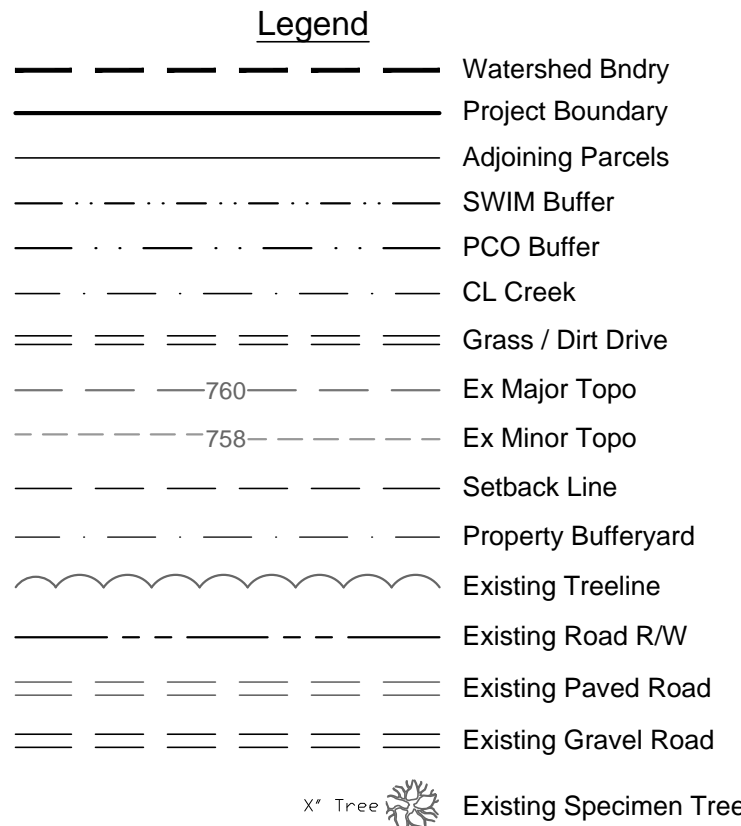
After further Board discussion, the motion was made to recommend that the Town Board approve the application with the following conditions:

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.

After further discussion, the motion passed by a 5-3 vote.

PART 8: CONSISTENCY STATEMENT - R 16-04: Lake Norman Charter Elementary School

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning of Petition R16-04, Lake Norman Charter Elementary School, located on Hambright Road, the Planning Staff 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 development to the east. Staff finds the conditional rezoning plan for the Lake Norman Charter Elementary School as shown in Rezoning Petition R16-04 acceptable, with the conditions that the applicant agree to all transportation improvements required, and the remaining staff comments be addressed on the updated rezoning plan. It is reasonable and in the public interest to rezone the property at this time because the school will act as a transition use on Hambright Road between low and high intensity uses.</p>	<p>APPROVAL: In considering the proposed rezoning of Petition R16-04, Lake Norman Charter Elementary School, located on Hambright Road, the Planning Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends approving the conditional rezoning plan for the Lake Norman Charter Elementary School with several noted conditions as described in part 7. It is reasonable and in the public interest to rezone this property because with the conditions met, it’s in the public interest of the Town to rezone the property.</p>	<p>APPROVAL: 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. 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... (Explain)</p>
<p>DENIAL: N/A</p>	<p>DENIAL: N/A</p>	<p>DENIAL: 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 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..... (Explain)</p>

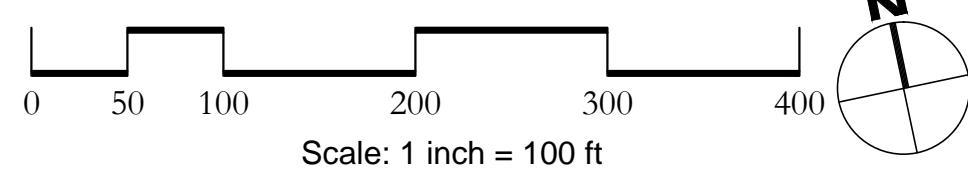


Tree Coverage
 Ex Pine Tree Farm:.....9.0 Ac.
 Natural Forest:.....15.6 Ac.
 Total Tree Coverage:.....24.6 Ac.
 % Tree Coverage:.....63.4%
 Tree Save:.....+/-12.0 Ac. (30.9% of Total Ac.)
 Remaining Natural Trees: 11.2 / 15.6 = 71.8%
 (0.8 Ac in Pines Remaining)
 Existing Specimen Trees:.....78
 Remaining Specimen Trees:.....36 (46.2%)
 Specimen Tree Requirement:.....24 (30%)

Special Event Parking:
Space Within Loop Road:....185 cars
Space Within Play Fields:....433 cars

Capacity for Special Events:.....716 cars

Watershed Calculations
 Watershed:.....PA-2 (70% BUA with BMP)
 Site Acreage:.....38.84c
 Prop Impervious Area.....335,450 sqft (7.7Ac)
 Schematic BUA:.....7.7 Ac (19.9% Total Site)
 DA to BMP:.....13.3 Ac
 BUA to Schematic BMP:.....7.7 Ac (58.0%)
 (Includes Impervious Areas for Future Parking Lots,
 Hard Courts, Accessory Structures, etc.)
 Method of Treatment:.....Above Ground Sand Filter
 System
 WQ Requirement:.....1" Rainfall
 CPV Requirement:.....1-yr, 24 Hr Storm
 Detention Requirement:.....2-yr and 10-yr, 24 Hr Storms



1. All development shall conform to the 2015 Town of Huntersville Zoning Ordinance, The Town of Huntersville Water Quality Design Manual June 2013 Edition, The Town of Huntersville Engineering Standards and Procedures Manual October 1, 2015 Edition, 2016 Mecklenburg County Land Use and Environmental Agency Standards and Specifications, and 2016 North Carolina Department of Environmental Quality standards for Private Water and Sanitary Sewer Systems, & 2016 Charlotte Water Public Water Specifications and Details.
2. The proposed school building shown is schematic and subject to minor topographic changes as architectural designs and programming of classroom space are developed. The main facility depicted on this plan shall be 2-story footprint of approximately 35,000 sqft, with a 10,000 sqft gym, however those numbers are subject to change depending upon the needs of LNCSS and/or agreements with the Town of Huntersville.
3. The layout and types of recreational play fields, courts, accessory structures, and their associated parking lots, are only shown as a representation of possible uses within the property. All are subject to change depending upon the needs of the Lake Norman Charter School (LNCSS) and/or agreements formed between LNCSS and The Town of Huntersville Parks and Recreation Department. Recreational layouts shall conform to the Town of Huntersville Zoning Ordinance. All impervious surfaces shall be treated and detained as required by LUESA and The Town of Huntersville.
4. The storm drainage systems, proposed grading, and tree line shown are subject to change depending on field conditions encountered, joint plans with the Town of Huntersville, and development of final construction documents. The final development plans shall meet the current Town of Huntersville tree save requirements. Said changes shall still maintain the site drainage basins and ensure impervious areas created by the project will be treated by an approved method. Some trees within the existing property boundary are planned for removal and replanting. By this plan and the conditional rezoning to Campus Institutional, Tree Save Areas shown on this plan are areas in which Lake Norman Charter School will attempt to save during development, however Campus Institutional Zoning has no requirement for Tree Save Area, except for requirements specifically related to Heritage and Specimen trees. If the LNCSS requires more than eight (8) trees to be saved, as long as the minimum requirements for Preservation Heritage and Specimen Trees are met and buffers remain in compliance with Town of Huntersville Ordinances.
5. LNCSS reserves the right to install lighting at the Tennis Courts depending upon their needs and partnerships with the Town of Huntersville. Any request for future lighting within the tennis court area would be designed per Town of Huntersville ordinance and would be submitted for approval prior to the installation. The practice play fields shall not have any lighting installed in the future.
6. The Lake Norman Charter School reserves the right to limit the amount of standard curb and gutter used in order to promote Low Impact Development within the site. Curb, or other barriers, shall be used as required by the Town of Huntersville to protect pedestrian walkways, landscaping, etc. Parking lot islands shall be 1'-6" standard curb and gutter.
7. Per the Municipal School Transportation Assistance (MSTA) guidelines, an Urban Charter School with 500 students, plus additional staff, requires a High Demand Level of 3.927 for at stacking. This plan provides for 5,865 ft of total stacking length within the property boundary at completion, and 4,153 ft of stacking length in the future. The LNCSS shall ensure stacking will not take place on Hambricht Road or any other public right of way.
8. Per FEMA FIRMS Panel #4549, Map #37104549003, The two subject parcels lie outside of the 0.2% Annual Exceedance Floodplain. (Zone X)
9. All work within the Right of Way on Hambricht Road will require an encroachment agreement with NCDOT.
10. Final location of school signs to be determined during the signage permitting process with the Town of Huntersville.
11. Road Improvements along Hambricht Road, as recommended by Ramey Kemp in the TCR, are shown on Sheets 2-4. They shall be installed prior to the opening of Phase 1 operations.
12. The School shall be operational in the 2017-2018 school year with 300 elementary school students. Enrollment will increase to 500 students in the 2018-2019 school year. Enrollment shall be capped at 500 students in all phases. The school shall operate out of temporary Modular Classrooms thru the 2021-2022 school year. Starting with the 2022-2023 school year, the school shall operate out of the new facility, at which time, the temporary mobile units shall be removed from the site. The grades taught will be K to 4. The 5th grade will still continue to be taught at the existing LNCSS Middle School.
13. Phase 1 shall consist of all site work, electrical, plumbing, etc. necessary to operate the 6 Modular Classrooms as shown on Sheet 2, Phase 1 Development. This work includes the construction of roadway improvements along Hambricht Road per the TCR. The sidewalk along Hambricht Road shall be installed within Phase 1 of the development in order to create a safe pedestrian way along Hambricht Road when the School is first opens.
14. An alternate Phase 1A shall include all work within Phase 1, but will also include the construction of a stand alone Gymnasium along Hambricht Road, per Sheet 2, Phase 1 Development. The timing of construction for the Gym is dependent upon agreements with the Town of Huntersville, and/or the needs of the Lake Norman Charter School. At the option of LNCSS, the Gym may not be constructed until the main facility is constructed in Phase 2 Development. If constructed in Phase 1A, then street trees shall be installed along the gym frontage as well.
15. Phase 2 shall include all site work, electrical, plumbing, etc. necessary to open the new facility, with gym, along Hambricht Road as shown on Sheets 3 and 4. Temporary facilities shall be removed from the site. Construction is expected to begin in June of 2021 in order to move into the new facility and begin use in the 2022-2023 school year.
16. The new school and gym shall meet the 2016 Town of Huntersville Zoning Ordinance requirements for being pedestrian oriented on Hambricht Road, shall include a pedestrian entrance and functional door on street side, no mechanical equipment, meters, transformers, etc. shall be in front of the building roof equipment shall be screened from view anywhere at grade. For security reasons, all doors on the school shall be locked, buzzer type with security cameras for allowed entry into the facility.
17. Parking lots shall be planted with trees and shrubs in Phase 1, as required by the Ordinance. Parking lots shall include Pedestrian Corridors within all lots on the campus.
18. As part of the Conditional Rezoning to Campus Institutional, LNCSS request the location of dumpster / recycle containers be allowed on the east side of the facility as depicted on Sheets 2, 3 and 4. This is requested in the interest of safety, so as to not allow trash trucks into the main ring road. The extra drive to the delivery area is to be tolerated at this time and only opened by LNCSS when it is safe for delivery trucks to exit the property. LNCSS will make the appropriate measures to screen the area around the containers from the view of the Main Building and the neighboring properties. All screen walls shall match the exterior of the main building, and have elevation steps, bump-outs, or other architectural features.
19. The site will conform to Article 8.26 of the Huntersville Zoning Ordinance in regard to lighting requirements.
20. The design and construction of the water quality sand filter systems shall meet the 2016 standards of The Town of Huntersville and LUESA for water quality and detention. The water quality sand filter system depicted on this plan uses a dual bay sand filter system, in which each bay handles approximately 6.65 Ac. of drainage area. The total drainage area for treatment is approximately 13.3 Ac. The impervious area for the drainage area is approximately 7.7 Ac. That area is for the conceptual site and is subject to change depending on the final designs. The maximum drainage area to one sand filter bay is 10 Ac.
21. Specimen Trees, Boundary Work and other limited surveying of the existing site features for the development of this plan was field run by Merrick and Company. The top shown is from LIDAR data, LNCSS shall provide field run top as necessary for engineering designs.
22. Sanitary Sewer service shall be provided via an 8" sanitary sewer main privately owned by LNCSS, to a MH within the Huntersville Business Park, by way of a private utility easement within the park.
23. Based on ongoing discussions with Charlotte Water, Future water service shall be via a 12" Charlotte Water Public Main along Hambricht Road. Water services will consist of domestic, fire, and irrigation services, the sizes of which are to be determined during design.
24. As part of the Conditional Rezoning to Campus Institutional, LNCSS request the 80' buffer yard along the western property line be reduced to a 40' buffer yard. LNCSS shall not install any hard surfaces within 80' of the western property line. The buffer yard shall be planted per Article 7.7.5 of the Huntersville Zoning Ordinance.
25. The developer shall install fencing commensurate with surrounding elementary schools.

[illegible]



03/07/2016 09:23



03/07/2016 09:24

E

D



PHASE 2 & 3: SOUTH ELEVATION - HAMBRIGHT ROAD

- ELEVATION NOTES:**
- 1. ALL UTILITY AREAS (TRANSFORMERS, GAS METERS, ELECTRICAL METERS, ETC. WILL BE LOCATED ON NORTH SIDE OF BUILDING ALONG GYM WALLS.
 - 2. ALL ROOF TOP EQUIPMENT WILL BE SCREENED FROM VIEW WITH BUILDING PARAPET, METAL ROOF, AND EQUIPMENT SCREEN WALLS TO MATCH BUILDING BRICK VENEER COLOR.
 - 3. UPPER GYM WINDOWS ARE TRANSLUCENT FIBERGLASS PANELS. ALL LOWER LEVEL GLAZING TO BE CLEAR.
 - 4. ALL DELIVERY AREAS ARE TO BE SCREENED USING STEPPED BRICK VENEER BUILDING WALLS. HEIGHT WILL ALTERNATE BETWEEN 6'-0" AND 8'-0" HIGH PANELS.
 - 5. ALL DUMPSTER AREAS ARE TO BE SCREENED USING STEPPED BRICK VENEER BUILDING WALLS AND PAINTED STEEL GATES. HEIGHT WILL ALTERNATE BETWEEN 6'-0" AND 8'-0" HIGH PANELS.
 - 6. RENDERINGS DEPICT GENERAL INTENT OF NEW BUILDING MASSING, ENTRY AREAS, GLAZED AREAS AND MATERIALS. ALL BUILDINGS TO HAVE SLOPED METAL ROOFS THAT WILL BE DEVELOPED AS BUILDING DESIGN INITIATES.

C

B



PHASE 2 & 3: NORTH ELEVATION

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I:\projects\0000000394-Lake Norman Charter School Due Diligence\Drawings\Arch\KIDS ELEM SITE 04

A

LAKE NORMAN CHARTER SCHOOL
NEW ELEMENTARY SCHOOL
HAMBRIGHT & PATTERSON RD
HUNTERSVILLE, NC

DESIGNER
CLARK NEXSEN
1 West Pack Square, Suite 1501
Asheville, North Carolina 28801
828-232-0608
Clark Nexsen License Number: C-1028

SEALS

SUBMITTAL

CONDITIONAL REZONING PLANS

REVISIONS

SHEET
BUILDING ELEVATIONS - PHASE 2 & 3

A1

DESIGN: JEH
DRAWN: JEH
REVIEW: JEH
CN 6390

5. Target Industry Cluster #5 – Spectator Sports

Visit Lake Norman, aka the Lake Norman Convention and Visitors Bureau, estimates that sporting events in Cornelius, Davidson and Huntersville generated approximately \$23 million in visitor spending in 2012. According to the NC Department of Commerce, every \$98,000 in visitor spending supports one job, meaning sporting events supported 235 jobs in the local recreation, hospitality, food and beverage, and retail industries. It is estimated that baseball/softball events alone generated over \$10 million in direct spending. The premier baseball/softball facility (Bradford Park) is located in Huntersville, and features five lighted ball fields.

D. PHASED IMPLEMENTATION STRATEGY

The implementation strategy provides the vision and blueprint for the Town to most effectively allocate its resources and manage to achieve its objectives for promoting job creation, attracting private investment, and expanding its tax base while maintaining a high quality of life for its citizens. The following plan incorporates short-, medium-, and long-term initiatives that will enable the Town to take immediate action on certain tasks as well as take initial steps in the planning for long-term projects.

1. Management of Real Estate Assets

Huntersville enjoys substantial and diverse real estate assets targeted to employment supporting uses in various stages of development. These assets are identified and described below in the context of their correspondence to the Major Employment Areas identified in the 2030 Community Plan, their distinguishing characteristics, location within the Town's Economic Analysis Zones (**Chapter 4: Real Estate Market Analysis**), and potential for business opportunities in Huntersville. The real estate assets are presented in the sequence of their readiness to accommodate development, from near-term to long-term opportunities. See Figure 6-1 Economic Opportunity Areas.

a.) Near-Term Opportunity Areas (Years 1-2)

- **The Park Huntersville/Gilead Center** — Located in Zone 3 (see Figure 4-3), Huntersville's signature business park and home to a diverse array of tenants including retail, office, light industrial (e.g. Daetwyler, Forbo-Siegling, Keller, Joe Gibbs Racing, Microban), health care (Novant Health Huntersville Medical Center), and local government (Huntersville Police Dept.). The Park section is positioned to accommodate this broad range of users by virtue of its relatively large lots (2-22 acres) and open space buffers. There are twenty-three lots totaling 184 acres currently marketed for sale. Gilead Center is characterized by small lots of 1-acre average. There are eight lots totaling 8 acres currently marketed for sale. The Park infrastructure is fully developed and tenant ready.
- **Commerce Station** — Commerce Station is one of two major commerce parks located in Zone 8, has two industrial tenants (ABB and Pactiv), and is planned for an additional 300 acres which are not currently under development. Commerce Station is a public industry joint venture development between the towns of Cornelius, Davidson and Huntersville. As owners of the land, the public industry partners are in a position to offer incentives, such as discounted consideration, to attract businesses.
- **Bryton** — 500-acre mixed-use development slated for 2,500 residential units, 1 million square feet of retail and 1 million square feet of flex/office, located in Zone 8. Some retail has been delivered, including a Walmart, and infrastructure is still under development. Zoning is a combination of Transit Oriented Development Residential (TOD-R), Highway Commercial (HC)

and Special Purpose (SP). Bryton also includes a planned transit station stop, one of three proposed for Huntersville.

b.) Medium-Term Opportunity Areas (Years 3-7)

The Red Line Regional Rail (RLRR) Project (a.k.a. "Red Line") is a planned commuter rail transit line to offer passenger service between Charlotte and Mooresville, along an existing 25-mile section of the Norfolk and Southern "O" Line. The Red Line would include three station stops in Huntersville: Hambright Station, Downtown Station and Sam Furr Station and is one of five transit lines included in the 2030 Transit System Corridor Plan, adopted by the Charlotte-Mecklenburg Metropolitan Transit Commission (MTC) in 2007. The current schedule for implementation of the Red Line is pending development of a system-wide plan to finance the entire transit system. Approval for use of the Norfolk & Southern rail line will also need to be obtained prior to the implementation of passenger rail service. If the project does indeed move forward, it will greatly enhance the attractiveness of the Town's three planned transit station areas to potential investors, and otherwise accelerate economic activity in these areas. Indeed, estimates regarding job creation associated with the RLRR Project suggest that the line would generate 23,000 new jobs in the North Corridor by 2035.

▪ **Hambright Station** – (See Bryton)

▪ **Huntersville Station** — Located around Huntersville's traditional downtown; this area has a Town Center Zoning designation which supports a diverse array of uses of relatively high density in a compact, pedestrian oriented environment. Planning for transportation improvements are underway, which could be funded in part from Tax Increment Financing (TIF, or synthetic TIF) as discussed in Section 4-C of this report. The case for downtown revitalization is strong, as the Town will accrue both tangible and intangible benefits through redevelopment: the development program projects 586 new jobs supported; increased property values will generate net new property tax revenues; a revitalized downtown will serve as the activity center for nearby neighborhoods and employment nodes; and, a revitalized downtown will create a source of pride for the Town. The redevelopment of the downtown should be a priority action item for the Town, with or without a transit station.

▪ **Sam Furr Station** — The greater area surrounding the proposed Sam Furr transit station comprises a significant amount of CB and SP zoned land, located east of the Norfolk Southern rail line. While the SP zoned area contains existing industrial uses, the CB zoned land is largely undeveloped with the exception of a large warehouse in the northeast quadrant of Old Statesville and Sam Furr Roads. If the RLRR project does not come into fruition, development of this area will likely be longer term.

▪ **06-07 and R03-09 (Mt. Holly/Huntersville Road West of I-77)** - The two large CB zoned tracts to the south of The Park Huntersville and west of I-77 (referred to as R06-07 and R03-09 in Figure 4-6), represent medium term commercial development opportunities for Huntersville. The two areas comprise 666 acres.

c.) Long-Term Opportunity Areas (Years 8-16)

▪ **R06-07 and R03-09 (Mt. Holly/Huntersville Road West of I-77)** - The two large CB zoned tracts to the south of The Park Huntersville and west of I-77 (referred to as R06-07 and R03-09 in Figure 4-6), also represent long term commercial development opportunities for Huntersville.

▪ **NC 73 Land Use & Economic Development Plan Area** - In 2005, a small area and economic development plan was prepared for a 3½ mile stretch of NC 73 from Davidson-Concord Road to Poplar Tent, traversing the jurisdictions of Davidson, Huntersville and Cabarrus

County. The plan anticipates the widening of NC 73 as recommended in the 2003 NC 73 Transportation and Land Use Corridor Study. The Plan provides for a Central Business District that straddles both Davidson and Huntersville, and allows for commercial building heights of 2 to 6 stories. The Huntersville portion of the Plan Area is estimated to equal 100 acres, and also contains a Research and Development District and a Neighborhood Center. Anticipated build-out is 20 to 30 years. In 2012, Huntersville updated its portion of the NC 73 LUEDC Plan. This plan modified the NC 73 Plan but reiterated the recommendations for a mixed-use land use pattern along NC 73, with adjoining office/flex and light industrial uses.

d.) Conclusions and Recommendations

All of Huntersville's CB zones are appropriately located in the higher density area situated in the I-77/NC-115 area of the Town, which is recommended for a "Higher Intensity" development pattern in the 2030 Community Plan (Figure 6-2). Economic Analysis Zones encompassed in this development pattern include 1, 3, 5, 6, 7 and 8. Zone 10 is the exception in the "Lower Intensity" areas by virtue of the NC 73 Plan.

- **Master/Small Area Planning** — The Town may want to consider creating small area plans for commercially zoned districts where higher density development (and associated employment) may occur, as a means of maximizing its current inventory of non-residentially-zoned land, along with the resulting tax base for the Town. While there is sufficient acreage currently zoned for employment type land uses, area plans would provide the Town with a valuable tool for integrating these uses into areas which have previously been characterized by either a low-intensity or underdeveloped land use pattern.
- **Preserve Non-Residentially Zoned Land** — It is reasonable to assume that demand for residential development will continue to outpace non-residential development in the foreseeable future. As Huntersville approaches residential build-out, developers and landowners are likely to bring pressure to bear to rezone non-residential land to residential. This trend is well documented in other jurisdictions, and is one the Town should remain mindful of and resist when and if the occasion warrants. In order to attain an optimal balance of residential and non-residential development, the town should maintain its inventory of land for employment generating uses (i.e., office, industrial, etc.) in order to ensure its economic sustainability into the future.

2. **Coordinate Economic Development Programs and Support Services**

Huntersville's economic development initiatives will be most effective through the enhancement of the ongoing efforts of the LNREDC and other advocacy organizations. Although the subsequent action items in this section fall outside of the responsibilities of the LNREDC, the Town can take steps to coordinate more effectively with its economic development partners.

- Establish a point person for economic development: — The town should assign an individual as a de facto economic development director, who can interact with LNREDC, CPCC, and other economic development organizations. This individual will administer activities associated with the recommendations contained herein, and help ensure that public policy is consistent with Huntersville's economic development objectives.
- Connect to and coordinate with the network of available business resources: The economic development point person should become familiar with all of the local, state, and federal assistance programs and funding mechanisms that support economic development, including deadlines for submitting grant applications, eligibility requirements for various programs, etc.



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 12/3/2015

Name of Project Lake Norman Charter Elementary School Phase # (if subdivision) _____

Location 10019 Hambright Road

Parcel Identification Number(s) (PIN) 01723312

Current Zoning District CB Proposed District (for rezonings only) CI

Property Size (acres) 16.6 Ac Street Frontage (feet) 502

Current Land Use Undeveloped / Farm

Proposed Land Use(s) Elementary School

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.
Conditional rezoning of property for use as a Charter Elementary School, play fields, park space, etc. per the submitted CD plans.

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 Shannon Stein, Superintendent

Address of Applicant 12435 Old Statesville Road, Huntersville, NC 28078

Email sstein@Incharter.org

Property Owner's Signature (if different than applicant) 

Printed Name LINDA M. OLSON

Property Owner's Address 9601 Earnhardt Lake Rd Davidson, NC Email olson@ctc.net

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

Development Firm	Name of contact	Phone	Email
------------------	-----------------	-------	-------

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>

CONTRACT FOR PURCHASE AND SALE OF REAL ESTATE

This **CONTRACT OF SALE** (this "Contract") is made and entered into, to be effective April __, 2016 (the "Commencement Date") by and between

Robert Norman Sharpe, Jr and spouse Margaret Sharpe

Jo Ann C. Stone (unmarried)

Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler and spouse Terry Plyler

Edward Z. Morris, Jr. and spouse Karen Morris

Robert Morris and spouse Suzanne Morris

Linda M. Olson and spouse Russell V. Olson, Jr.

Clifton E. Mowrer, Jr. and spouse Laurie Mowrer

Joe Lee Puckett, III and spouse Jenny Puckett

Mack Puckett and spouse Beth Puckett

Marie Puckett Nash and spouse Geoffrey Nash

(collectively, the "Seller") and the Lake Norman Charter School (the "Buyer").

Background.

Seller desires to sell and Buyer desires to buy, in accordance with the terms and conditions of this Contract, all of that certain tract or parcel of land consisting of approximately 16.63 +/- acres, together with all improvements thereon and appurtenances thereto described in tax records in the office of the Tax Supervisor for Charlotte/Mecklenburg County, North Carolina as tax parcel number(s) 01723312, and being shown on the map attached hereto and incorporated herein by reference as Exhibit A (the "Property"). A survey of the Property, to be obtained by Buyer and approved by Seller in its reasonable discretion, will determine the exact total acreage (the "Survey").

Agreement.

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt of which is hereby acknowledged, Buyer and Seller agree for themselves, their heirs, personal representatives, successors and assigns as follows:

1. Agreement to Buy and Sell. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the Property in accordance with and subject to the terms and conditions of this Contract.
2. Purchase Price. The purchase price for the Property (the "Purchase Price") shall be [REDACTED]. The Purchase Price shall be paid at the Closing.
3. Earnest Money Deposit. Buyer shall, within five (5) days of the Commencement Date, deposit with Chicago Title Insurance Company (the "Escrow Agent") an earnest money deposit in the amount of Five Thousand Dollars (\$5,000) (the "Earnest Money Deposit"). All sums comprising the Earnest Money Deposit shall be held in an interest-bearing account as shall be approved by Buyer at a federally insured depository institution acceptable to Buyer and all interest accruing thereon shall become part of the Earnest Money Deposit. The Earnest Money Deposit shall be applied to the Purchase Price at the Closing (or if Buyer so chooses be reimbursed to Buyer after the Closing). If the Closing does not occur because of Seller's failure or refusal to perform its obligations hereunder, or in the event of a Permitted Termination by Buyer, the Earnest Money Deposit (including interest earned) shall immediately be returned to Buyer. In the event of default by Buyer, as set forth in Section 17, below the Earnest Money Deposit shall be paid to Seller as full and complete liquidated damages.

IN WITNESS WHEREOF, the parties do hereby execute this Contract for the purposes above stated.

Seller:

Robert Norman Sharpe Margaret Sharpe
Robert Norman Sharpe, Jr and spouse Margaret Sharpe

Jo Ann C. Stone (unmarried)

Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler and spouse Terry Plyler

Edward Z. Morris, Jr. and spouse Karen Morris

Robert Morris and spouse Suzanne Morris

Linda M. Olson and spouse Russell V. Olson, Jr.

Clifton E. Mowrer, Jr. and spouse Laurie Mowrer

Joe Lee Puckett, III and spouse Jenny Puckett

Mack Puckett and spouse Beth Puckett

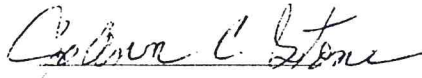
Marie Puckett Nash and spouse Geoffrey Nash

Buyer:

IN WITNESS WHEREOF, the parties do hereby execute this Contract for the purposes above stated.

Seller:

Robert Norman Sharpe, Jr. and spouse Margaret Sharpe


Jo Ann C. Stone (unmarried)

Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler and spouse Terry Plyler

Edward Z. Morris, Jr. and spouse Karen Morris

Robert Morris and spouse Suzanne Morris

Linda M. Olson and spouse Russell V. Olson, Jr.

Clifton E. Mowrer, Jr. and spouse Laurie Mowrer

Joe Lee Puckett, III and spouse Jenny Puckett

Mack Puckett and spouse Beth Puckett

Marie Puckett Nash and spouse Geoffrey Nash

Buyer:

21. Complete Agreement/Amendment. This Contract contains all of the understandings, terms, conditions, promises, stipulations and obligations of the parties, and there are no other promises or conditions (written or oral) and any such outside agreements are expressly rescinded. This Contract may not be amended in any respect except by written instrument duly executed by the parties.
22. Severability. In the event that any provision of this Contract shall be unenforceable or invalid under any applicable law or be so held by applicable court decision, such unenforceability or invalidity shall not render this Contract unenforceable or invalid as a whole, and, in such event, such provision shall be changed and interpreted so as to best accomplish the objectives of such unenforceable or invalid provision within the limits of applicable laws or applicable court decisions.
23. Captions and Section References. The section headings appearing in this Contract are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or extent of such section or in any way affect such section.
- Governing Law. The construction, validity and performance of this Contract shall be governed in all respects by the laws of the State of North Carolina.
 - Special Provisions. Seller has advised Buyer that it expects to qualify this transaction as part of a tax deferred exchange under Section 1031 of the Internal Revenue Code. To effect the exchange, Seller may assign this contract to an exchange intermediary of Seller's choice (at no cost or expense to Buyer). Notice. No indebtedness of any kind, incurred or created, by Buyer shall constitute an indebtedness of the State of North Carolina or its political subdivisions and no indebtedness of Buyer shall involve or be secured by the faith, credit or taxing power of the State of North Carolina or its political subdivisions (NCGS 11C-238.29H(a)).
 - Counterparts; Facsimile Signatures. This Contract may be executed in counterparts, and all such executed counterparts shall constitute the same agreement. It shall be necessary to account for only one such counterpart in proving this Contract. Further, a facsimile or other electronic reproduction of a signature to this Contract, when delivered to evidence the actual execution of this Contract by a party hereto, shall be deemed to be the execution of this Contract by such party.

IN WITNESS WHEREOF, the parties do hereby execute this Contract for the purposes above stated.
Seller:

Robert Norman Sharpe, Jr. and spouse Margaret Sharpe

Jo Ann C. Stone (unmarried)

Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Pyle

and spouse Terry Pyle

Edward Z. Morris, Jr.

and spouse Karen Morris

Robert Morris

and spouse Suzanne Morris

Linda M. Olson

and spouse Russell V. Olson, Jr.

Clifton E. Mowrer, Jr.

and spouse Laurie Mowrer

Joe Lee Puckett, III

and spouse Jenny Puckett

Mack Puckett

and spouse Beth Puckett

Marie Puckett Nash

and spouse Geoffrey Nash

Buyer:

Lake Norman Charter School

By:

Its:

IN WITNESS WHEREOF, the parties do hereby execute this Contract for the purposes above stated.

Seller:

Robert Norman Sharpe, Jr

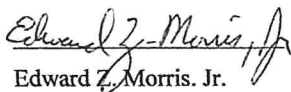
and spouse Margaret Sharpe

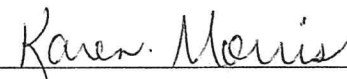
Jo Ann C. Stone (unmarried)

Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler

and spouse Terry Plyler


Edward Z. Morris, Jr.


and spouse Karen Morris

Robert Morris

and spouse Suzanne Morris

Linda M. Olson

and spouse Russell V. Olson, Jr.

Clifton E. Mowrer, Jr.

and spouse Laurie Mowrer

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and spouse Jenny Puckett

Mack Puckett

and spouse Beth Puckett

Marie Puckett Nash

and spouse Geoffrey Nash

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and spouse Margaret Sharpe

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Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler

and spouse Terry Plyler

Edward Z. Morris. Jr.

and spouse Karen Morris



Robert Morris



and spouse Suzanne Morris

Linda M. Olson

and spouse Russell V. Olson, Jr.

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and spouse Margaret Sharpe

Jo Ann C. Stone (unmarried)

Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler

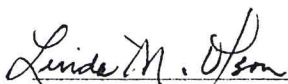
and spouse Terry Plyler

Edward Z. Morris, Jr.

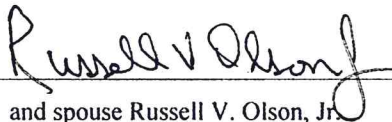
and spouse Karen Morris

Robert Morris

and spouse Suzanne Morris



Linda M. Olson



and spouse Russell V. Olson, Jr.

Clifton E. Mowrer, Jr.

and spouse Laurie Mowrer

Joe Lee Puckett, III

and spouse Jenny Puckett

Mack Puckett

and spouse Beth Puckett

Marie Puckett Nash

and spouse Geoffrey Nash

Buyer:

IN WITNESS WHEREOF, the parties do hereby execute this Contract for the purposes above stated.

Seller:

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and spouse Margaret Sharpe

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Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler

and spouse Terry Plyler

Edward Z. Morris. Jr.

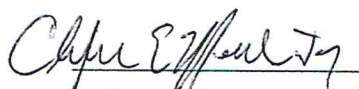
and spouse Karen Morris

Robert Morris

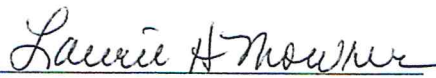
and spouse Suzanne Morris

Linda M. Olson

and spouse Russell V. Olson, Jr.



Clifton E. Mowrer, Jr.



and spouse Laurie Mowrer

Joe Lee Puckett, III

and spouse Jenny Puckett

Mack Puckett

and spouse Beth Puckett

Marie Puckett Nash

and spouse Geoffrey Nash

Buyer:

For Gary Knox
704-655-0541

IN WITNESS WHEREOF, the parties do hereby execute this Contract for the purposes above stated.

Seller:

Robert Norman Sharpe, Jr

and spouse Margaret Sharpe

Jo Ann C. Stone (unmarried)

Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler

and spouse Terry Plyler

Edward Z. Morris, Jr.

and spouse Karen Morris

Robert Morris

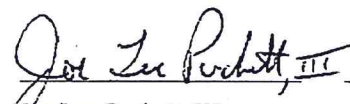
and spouse Suzanne Morris

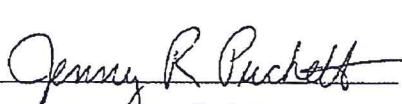
Linda M. Olson

and spouse Russell V. Olson, Jr.

Clifton E. Mowrer, Jr.

and spouse Laurie Mowrer


Joe Lee Puckett, III


and spouse Jenny Puckett

Mack Puckett

and spouse Beth Puckett

Marie Puckett Nash

and spouse Geoffrey Nash

IN WITNESS WHEREOF, the parties do hereby execute this Contract for the purposes above stated.

Seller:

Robert Norman Sharpe, Jr

and spouse Margaret Sharpe

Jo Ann C. Stone (unmarried)

Roy A. Stone, Jr. (unmarried)

Sara Jane Stone Plyler

and spouse Terry Plyler

Edward Z. Morris, Jr.

and spouse Karen Morris

Robert Morris

and spouse Suzanne Morris

Linda M. Olson

and spouse Russell V. Olson, Jr.

Clifton E. Mowrer, Jr.

and spouse Laurie Mowrer

Joc Lee Puckett, III

and spouse Jenny Puckett

Mack Puckett

and spouse Beth Puckett

Marie Puckett Nash

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Seller:

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Sara Jane Stone Plyler and spouse Terry Plyler

Edward Z. Morris, Jr. and spouse Karen Morris

Robert Morris and spouse Suzanne Morris

Linda M. Olson and spouse Russell V. Olson, Jr.

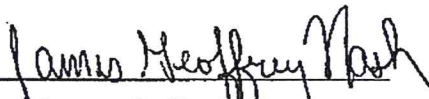
Clifton E. Mowrer, Jr. and spouse Laurie Mowrer

Joe Lee Puckett, III and spouse Jenny Puckett

Mack Puckett and spouse Beth Puckett



Marie Puckett Nash



and spouse Geoffrey Nash

Buyer:

From: Bob Blythe
Sent: Monday, April 11, 2016 12:26 PM
To: Kevin Bringewatt; Gary Knox
Cc: Shannon Stein; Bradley Priest
Subject: RE: Contract

Kevin,

Gary dropped with us a redacted copy of the contract. After reviewing the provisions of paragraph 5, I am of the opinion that this is sufficient authority to permit the Buyer to file for the rezoning of the property. This, of course, is assuming that all of the present owners of the parcel are included as owners and have signed. It appears that all who are listed have signed. By copy of this to Brad Priest, I am advising that I believe this requirement has been satisfied and if there are no other outstanding issues relative to the petition, he can go ahead and start the advertising process. Let me know if there are any questions.

Bob

Robert B. Blythe
Town Attorney
Town of Huntersville
P.O. Box 664
Huntersville, NC 28070
Direct Line: 704-766-2239

From: Kevin Bringewatt [<mailto:kevin@bringewattsnoverlaw.com>]
Sent: Monday, April 11, 2016 10:53 AM
To: Gary Knox <gary@knoxgroupinc.com>
Cc: Bob Blythe <bblythe@huntersville.org>; Shannon Stein <sstein@lncharter.org>
Subject: Contract

Gary:

Please send Bob a copy of the complete contract signed by the Sellers (redact/black-up the purchase price as a courtesy to sellers). he and I just spoke by phone and I noted that Section 5 of contract contemplates the "entitlement approvals". He said that should suffice for purposes of confirming authorization to proceed with the rezoning but they need a copy. (I understand Town does not have that (just page 1 and signature page)).

I am heading out to next set of meeting so please send pdf to all copied on this e-mail and I suppose Brad P also.

Thank you.

--

Kevin M. Bringewatt

Bringewatt & Snover, PLLC

P.O. Box 453

Davidson, NC 28036

704-896-1747 (p)

704-896-9442 (f)

kevin@bringewattsnoverlaw.com



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>

- | | |
|--|---|
| <ul style="list-style-type: none"><input type="checkbox"/> CHANGE OF USE<input type="checkbox"/> COMMERCIAL SITE PLAN<input checked="" type="checkbox"/> CONDITIONAL REZONING<input type="checkbox"/> GENERAL REZONING<input type="checkbox"/> MASTER SIGNAGE PROGRAM<input type="checkbox"/> REVISION to _____<input type="checkbox"/> SPECIAL USE PERMIT | <p>SUBDIVISION CATEGORIES: <i>Per the Huntersville Subdivision Ordinance</i></p> <ul style="list-style-type: none"><input type="checkbox"/> SKETCH PLAN<input type="checkbox"/> PRELIMINARY PLAN<input type="checkbox"/> FINAL PLAT (includes minor and exempt plats)<input type="checkbox"/> FINAL PLAT REVISION<input type="checkbox"/> FARMHOUSE CLUSTER |
|--|---|

2. Project Data

Date of Application 12/3/2015

Name of Project Lake Norman Charter Elementary School Phase # (if subdivision) _____

Location 10019 Hambright Road

Parcel Identification Number(s) (PIN) 01723306

Current Zoning District CB Proposed District (for rezonings only) CI

Property Size (acres) 22.2 Ac Street Frontage (feet) 648

Current Land Use Undeveloped / Tree Farm

Proposed Land Use(s) Elementary School

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.

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.

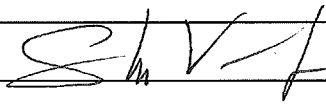
For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Signatures

*Applicant's Signature _____ Printed Name Shannon Stein, Superintendent

Address of Applicant 12435 Old Statesville Road, Huntersville, NC 28078

Email _____

Property Owner's Signature (if different than applicant) 

Printed Name SAMUEL M VENABLE

Property Owner's Address 2923 Freeman's Mill Rd Dacula, GA 30019 Email sv1212@aol.com

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

Development Firm	Name of contact	Phone	Email
------------------	-----------------	-------	-------

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	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

LAKE NORMAN CHARTER NEIGHBORHOOD MTG INVITATION LIST

Ms. Jennifer E. Becker
10029 Hambright Road
Huntersville NC 28078

Mr. Matthew R. Conrad
10101 Hambright Road
Huntersville NC 28078

Kelly D. Swearngan
PO Box 2691
Huntersville NC 28070

Mr. William Vance McElroy, Jr.
9547 Pembroke Rd
Huntersville NC 28070

Ms. Jane McElroy Lee
5029 Celeste Ct
Charlotte NC 28078

Ms. Anne McElroy Griffin
16232 Leeward Ln
Huntersville NC 28078

Ms. Sue Melton
Bank of America
13801 Reese Blvd, Ste 300
Huntersville NC 28078

Mr. Robert Norman Sharp, Jr.
9601 Earnhardt Lake Rd
Davidson NC 28036

Mr. Earl Brook S. Ferguson, Jr.
9940 Hambright Road
Huntersville NC 28078

Premier Concrete Services, Inc.
4608 Gibbon Rd
Charlotte NC 28269

Mr. Erskine W. Ferguson
10020 Hambright Road
Huntersville NC 28078

Mr. Ralph S. Teal
10128 Hambright Road
Huntersville NC 28078

Fong Yang
104 Ontario St
Providence RI 02907

Hazeline Conn Moss
105 Woodvale St

Cherry NC 28021

Ms. Tracy McClung
9012 Richford Dr
Huntersville, NC 28078-9195

Mr. John McMillan
9749 Harkers Ct
Huntersville, NC 28078-9608

McConnie Gaston
9212 Toledo Rd
Huntersville, NC 28078-9199

Ms. Lillian McKnight
9230 Hambright Rd
Huntersville, NC 28078-7800

Mr. Thomas McKnight
12119 Tuscaloosa Rd
Huntersville, NC 28078-8436

Mr. Jason McCall
9007 Richford Dr
Huntersville, NC 28078-9195

T. F. Elrod
9807 Hambright Rd
Huntersville, NC 28078-7651

Mr. George Blevins
9740 Harkers Ct
Huntersville, NC 28078-9608

Huntersville Town Hall
Attn: Mr. Brad Priest
Planning Department Project Coordinator
P.O. Box 664
Huntersville NC 28070

Huntersville Town Hall
Attn: Mr. Gerry Vincent
Assistant Town Manager
P.O. Box 664
Huntersville NC 28070

Huntersville Town Hall
Attn: Ms. Janet Pierson
Town Clerk

LAKE NORMAN CHARTER NEIGHBORHOOD MTG INVITATION LIST

P.O. Box 664
Huntersville NC 28070

Huntersville Town Hall
Attn: Mr. Greg Ferguson
Town Manager
P.O. Box 664
Huntersville NC 28070

Mayor John Aneralla
15705 Framingham Lane
Huntersville, NC 28078

Commissioner Melinda Bales
15426 Ranson Road
Huntersville, NC 28078

Commissioner Dan Boone
317 Southland Road
Huntersville, NC 28078

Commissioner Mark Gibbons
13818 Bramborough Road
Huntersville, NC 28078

Commissioner Charles Guignard
P.O. Box 1766
Huntersville, NC 28070

Commissioner Rob Kidwell
7603 Rolling Meadows Ln
Huntersville, NC 28078

Commissioner Danny Phillips
14720 Brown Mill Road
Huntersville, NC 28078

Mr. Chris Price
8310 Misty Lilac Drive
Huntersville NC 28078

Mr. Joe Sailors
9332 Westminister Drive
Huntersville NC 28078

Mr. Harold Bankirer
17206 Linksvie Lane
Huntersville NC 28078

Ms. Susan Thomas
10215 Lasaro Way
Huntersville NC 28078

Ms. Janice Lewis
10203 Halston Circle
Huntersville NC 28078

Mr. Bill Walsh
9607 St. Barts Lane
Huntersville NC 28078

Ms. JoAnne Miller
13900 Asbury Chapel Rd
Huntersville NC 28078

Mr. Stephen Swanick
12903 Heath Grove Drive
Huntersville NC 28078

Mr. Joseph Gunter
11701 Lakehaven Dr
Huntersville, NC 28078-9192

Mr. Sebastian Beltran
12000 Gibraltar Dr
Huntersville, NC 28078-8438

Ngoie Muisangye
9103 Lacrosse Dr
Huntersville, NC 28078-6995

Rubicelia Cruz
12106 Mascot Ln
Huntersville, NC 28078-8102

Ms. Angelia Wise
9401 Linwood Dr
Huntersville, NC 28078-9197

Mr. Carson Myers
12137 Lakehaven Dr
Huntersville, NC 28078-6994

Ms. Brenda Gomez
9018 Detroit Dr
Huntersville, NC 28078-9187

Ms. Gladys Brown
12113 Comanche Rd
Huntersville, NC 28078-8467

Mr. Billy Merrixx
12020 Klamath Pl
Huntersville, NC 28078-8109

Ms. Shannon Adcock
9124 Lacrosse Dr
Huntersville, NC 28078-6995

LAKE NORMAN CHARTER NEIGHBORHOOD MTG INVITATION LIST

Ms. Georgia Rorrer
9408 Linwood Dr
Huntersville, NC 28078-9197

Mrs. Patricia Criswell
9430 Rollingwood Dr
Huntersville, NC 28078-9198

Mr. Frank Burnette
12217 Comanche Rd
Huntersville, NC 28078-8468

Mr. Ronald Mitchem
11716 Lakehaven Dr
Huntersville, NC 28078-9192

Mr. George Richardson
9006 Cheyenne Dr
Huntersville, NC 28078-9194

Mr. Jonathan Russell
12111 Cimmaron Rd
Huntersville, NC 28078-6990

Mr. Matthew Conrad
10101 Hambright Rd
Huntersville, NC 28078-7653

Mr. Jonathan Sprinkles
9541 Hambright Rd
Huntersville, NC 28078-9751

Ms. Katherine Suggs
9000 Cheyenne Dr
Huntersville, NC 28078-9194

Mr. Zachary Bergeron
10926 Kerns Rd
Huntersville, NC 28078-3611

Ms. Faye Medford
12028 Klamath Pl
Huntersville, NC 28078-8109

Ms. Brooke Bonecutter
12126 Lakehaven Dr
Huntersville, NC 28078-6994
Mr. Manuel Gonzalez
12039 Lakehaven Dr
Huntersville, NC 28078-6993

Mr. Daniel Varallo
12112 Mariposa Ln
Huntersville, NC 28078-8105

Ms. Pamela Cooper
9306 Detroit Dr

Huntersville, NC 28078-6986

Rene Rodriguez
11824 Swansboro Ln
Huntersville, NC 28078-6852

Jaime Delagarza
9024 Detroit Dr
Huntersville, NC 28078-9187

Ms. Stephanie Hooks
9127 Lacrosse Dr
Huntersville, NC 28078-6995

Ms. Justice Turner
9219 Toledo Rd
Huntersville, NC 28078-9199

Mr. Shawn Eby
9720 Harkers Ct
Huntersville, NC 28078-9608

Rene Celestino
11923 Cimmaron Rd
Huntersville, NC 28078-6988

Mr. Efrain Romero
9315 Detroit Dr
Huntersville, NC 28078-6986

Mr. Matthew Penninger
12105 Lakewood Dr
Huntersville, NC 28078-7329

Mr. Paul Mathis
10123 Hambright Rd
Huntersville, NC 28078-7653

Ms. Kelly Swearngan
10115 Hambright Rd
Huntersville, NC 28078-7653

Mr. Thomas Singletary
9104 Detroit Dr
Huntersville, NC 28078-6984
Ms. Brenda Hunter
9117 Detroit Dr
Huntersville, NC 28078-6984

Mr. Joe Johnson
12006 Gibraltar Dr
Huntersville, NC 28078-8438

Mr. Robert Woolwine
9129 Hambright Rd
Huntersville, NC 28078-9660

LAKE NORMAN CHARTER NEIGHBORHOOD MTG INVITATION LIST

Ms. Lillian Mcknight
9230 Hambright Rd
Huntersville, NC 28078-7800

Jessie Brooks
9307 Hambright Rd
Huntersville, NC 28078-7887

Mr. Toby Coble
9615 Hambright Rd
Huntersville, NC 28078-7649

Mr. Rowdy Ferguson
10020 Hambright Rd
Huntersville, NC 28078-9730

Mr. Michael Clark
11720 McCoy Rd
Huntersville, NC 28078-9162

Mr. Leo Nailor
9303 Toledo Rd
Huntersville, NC 28078-6998

Mr. Wayne Thomas
9425 Hambright Rd
Huntersville, NC 28078-7888

Mr. Richard Waugh
10801 Lamesa Pl
Huntersville, NC 28078-7865

Dhennisse Grullon
9230 Toledo Rd
Huntersville, NC 28078-9199

Mr. Roger Thrower
10820 Kerns Rd
Huntersville, NC 28078-3610

Mr. Paul Plyler
9300 Hambright Rd
Huntersville, NC 28078-6892

Mr. Benjamin Guerrero
9626 Rodanthe Pl
Huntersville, NC 28078-9701

Mr. Jeronimo Cayax
9224 Toledo Rd
Huntersville, NC 28078-9199

Ms. Susan Knopp
11918 Pacemaker Ln
Huntersville, NC 28078-8106

Ms. Gwyn Ferguson
11924 Swansboro Ln
Huntersville, NC 28078-6853

Ms. Vicky Salaraz
9019 Cheyenne Dr
Huntersville, NC 28078-9194

Ms. Annis Greene
9320 Hambright Rd
Huntersville, NC 28078-6892

Pat Nixon
11817 Cimmaron Rd
Huntersville, NC 28078-6987

Mrs. Daphne Sutton
9706 Harkers Ct
Huntersville, NC 28078-9608

Jaime Rodriguez
9000 Lacrosse Dr
Huntersville, NC 28078-9193

Jaime Delagarza
12026 Blue Moon Ct
Huntersville, NC 28078-8107

Brillon Ligon
12115 Lakehaven Dr
Huntersville, NC 28078-6994

Ms. Reina Elias
12111 Lakewood Dr
Huntersville, NC 28078-7329

Ms. Sandy Howland
11900 McCoy Rd
Huntersville, NC 28078-6930

Ms. Natividad Gonzalez
12034 Lakehaven Dr
Huntersville, NC 28078-6993

Mrs. Clarabelle Summers
12113 Gibraltar Dr
Huntersville, NC 28078-8103

Mr. Michael Lundy
12206 Comanche Rd
Huntersville, NC 28078-8468

Ms. Mary Staton
12125 Comanche Rd
Huntersville, NC 28078-8467

LAKE NORMAN CHARTER NEIGHBORHOOD MTG INVITATION LIST

Mr. Keith Curlee
12106 Hillcrest Ln
Huntersville, NC 28078-6996

Mr. Chad Turner
10834 Kerns Rd
Huntersville, NC 28078-3610

Mr. Edward Jackson
10932 Kerns Rd
Huntersville, NC 28078-3611

Mr. Maynard Thorne
9115 Lacrosse Dr
Huntersville, NC 28078-6995

Mr. Perry Clifton
10813 Lamesa Pl
Huntersville, NC 28078-7865

Mr. Jimmy Gentry
12316 Comanche Rd
Huntersville, NC 28078-8469

Mr. David Combs
9411 Linwood Dr
Huntersville, NC 28078-9197

Ms. Vivian Grainger
9620 Rodanthe Pl
Huntersville, NC 28078-9701

T. F. Elrod
9807 Hambright Rd
Huntersville, NC 28078-7651

Ms. Marian Lanier
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Huntersville, NC 28078-9198

Ms. Pamela Cook
9229 Hambright Rd
Huntersville, NC 28078-9647

Mr. Joseph Jarrell
9111 Detroit Dr
Huntersville, NC 28078-6984

Ms. Misty Eatmon
9516 Rollingwood Dr
Huntersville, NC 28078-6997

Mr. Thomas Mcknight
12119 Tuscaloosa Rd
Huntersville, NC 28078-8436

Mr. Earl Ferguson
9940 Hambright Rd
Huntersville, NC 28078-7652

Mr. Jacinto Gomez
9118 Lacrosse Dr
Huntersville, NC 28078-6995

Mr. Michael Koupal
10635 Kerns Rd
Huntersville, NC 28078-3608

Ms. Theescha Johnson
9223 Hambright Rd
Huntersville, NC 28078-9647

Mr. Lloyd Benson
9211 Hambright Rd
Huntersville, NC 28078-9647

Ms. Jenelle Pittman
12024 Lakehaven Dr
Huntersville, NC 28078-6993

Ms. Connie Carmichael
11824 McCoy Rd
Huntersville, NC 28078-6929

Ms. Sonya Ladda
9100 Hambright Rd
Huntersville, NC 28078-7802

Anaberta Garcia
11735 Swansboro Ln
Huntersville, NC 28078-9607

Ms. Patsy Martin
9128 Detroit Dr
Huntersville, NC 28078-6984

Ms. Mary Rabon
11618 Pontiac Pl
Huntersville, NC 28078-8111

Ms. Wanda Low
12107 Comanche Rd
Huntersville, NC 28078-8467

Ms. Linda Freeman
12006 Lakewood Dr
Huntersville, NC 28078-7328

Mr. Gregorio Montoya
9122 Cheyenne Dr
Huntersville, NC 28078-8155

LAKE NORMAN CHARTER NEIGHBORHOOD MTG INVITATION LIST

Mr. Austin Zuercher
9631 Hambright Rd
Huntersville, NC 28078-7649

Ms. Debora Garcia
12001 Cimmaron Rd
Huntersville, NC 28078-6989

Mr. Jose Hernandez
9223 Toledo Rd
Huntersville, NC 28078-9199

Blair Carpenter
11624 Frontier Pl
Huntersville, NC 28078-8113

Ms. Kristina Dye
12013 Cimmaron Rd
Huntersville, NC 28078-6989

Mr. Elbert Pressley
9110 Detroit Dr
Huntersville, NC 28078-6984

Mr. George Helms
12119 Comanche Rd
Huntersville, NC 28078-8467

Mr. Larry Merrell
9540 Hambright Rd
Huntersville, NC 28078-9751

Mr. Fred Ferguson
9708 Hambright Rd
Huntersville, NC 28078-7650

Ms. Patricia Nelson
10029 Hambright Rd
Huntersville, NC 28078-9730

Mr. Mark Rondina
10128 Hambright Rd
Huntersville, NC 28078-7653

Mr. George Blevins
9740 Harkers Ct
Huntersville, NC 28078-9608

Ms. Shirley Welch
9760 Harkers Ct
Huntersville, NC 28078-9608

Ms. Cynthia Collins
11930 McCoy Rd
Huntersville, NC 28078-6930

Ms. Kewana Varney

11639 Sedalia Pl
Huntersville, NC 28078-8112

Mr. David Whithead
11734 Swansboro Ln
Huntersville, NC 28078-9607

Mrs. Sandra Puckett
11945 Swansboro Ln
Huntersville, NC 28078-6853

Ms. Beverly Swanson
9734 Harkers Ct
Huntersville, NC 28078-9608

Ms. Stefanie Johnson
12024 Lakewood Dr
Huntersville, NC 28078-7328

Mr. Bernardino Cruz-Gamez
9701 Hambright Rd
Huntersville, NC 28078-7650

Ms. Shannon Rhodes
12207 Gibraltar Dr
Huntersville, NC 28078-8466

Ms. Brooke Vanderspuy
10610 Kerns Rd
Huntersville, NC 28078-3608

Ms. Elizabeth Duguid
12012 McCoy Rd
Huntersville, NC 28078-6931

Mr. Anthony Seigle
9717 Rodanthe Pl
Huntersville, NC 28078-7746

Ms. Rita Mejia
12209 Tuscaloosa Rd
Huntersville, NC 28078-8437

Ms. Joyce Clark
9401 Linwood Dr
Huntersville, NC 28078-9197

Mr. Agustin Ortega
9202 Detroit Dr
Huntersville, NC 28078-6985

Mr. Gregorio Montoya
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Huntersville, NC 28078-8112

Jackie Cartee

LAKE NORMAN CHARTER NEIGHBORHOOD MTG INVITATION LIST

12207 Comanche Rd
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Mr. David Campbell
12230 Comanche Rd
Huntersville, NC 28078-8468

Mr. Lonnie Craig
9313 Ithaca Ln
Huntersville, NC 28078-8483

Ms. Ina Edwards
10530 Kerns Rd
Huntersville, NC 28078-3607

Ms. Kelly Fowler
12036 Lakewood Dr
Huntersville, NC 28078-7328

Mr. Dale Brady
9414 Linwood Dr
Huntersville, NC 28078-9197

Ms. Maxine Trent
9428 Linwood Dr
Huntersville, NC 28078-9197

Mr. Daniel White
9728 Harkers Ct
Huntersville, NC 28078-9608

Mrs. Denise Strawn
11901 Pacemaker Ln
Huntersville, NC 28078-8106

Mr. Mehran Baheri
11906 McCoy Rd
Huntersville, NC 28078-6930

Mr. Carter Eby
9714 Harkers Ct
Huntersville, NC 28078-9608

Ms. Carolyn Simmons
11948 Swansboro Ln
Huntersville, NC 28078-6853

Ms. Veronica Cruz
11814 Lakehaven Dr
Huntersville, NC 28078-6991

Ms. Carmen Lira
10820 Lamesa Pl
Huntersville, NC 28078-7865

Mr. Michael Nelson
12006 McCoy Rd
Huntersville, NC 28078-6931

Ms. Jo Snipes
11823 Cimmaron Rd
Huntersville, NC 28078-6987

Ronulado Castro
9109 Lacrosse Dr
Huntersville, NC 28078-6995

Ms. Dannielle Cresanta
9018 Richford Dr
Huntersville, NC 28078-9195

Mr. Paul Jensen
9759 Harkers Ct
Huntersville, NC 28078-9608

Mr. James Yurick
12021 Lakehaven Dr
Huntersville, NC 28078-6993

Mr. Michael Painter
12028 Lakehaven Dr
Huntersville, NC 28078-6993

Ms. Elizabeth Beckham
9205 Toledo Rd
Huntersville, NC 28078-9199

Mr. Carlos Matute
11718 Swansboro Ln
Huntersville, NC 28078-9607

Jaime Delagarza
9208 Detroit Dr
Huntersville, NC 28078-6985

Mr. Elias Aparicio
10807 Lamesa Pl
Huntersville, NC 28078-7865

Yoan Herrera
9212 Ithaca Ln
Huntersville, NC 28078-9103

Mr. Richard Darden
9700 Harkers Ct
Huntersville, NC 28078-9608

Mr. Ryan Blackweel
9213 Detroit Dr
Huntersville, NC 28078-6985

LAKE NORMAN CHARTER NEIGHBORHOOD MTG INVITATION LIST

Ms. Elizabeth Lemmon
9025 Detroit Dr
Huntersville, NC 28078-9187

Mr. Jeffrey Bowden
9123 Hambright Rd
Huntersville, NC 28078-9660

Mr. Greg Short
9623 Hambright Rd
Huntersville, NC 28078-7649

Mr. Charles Pace
11836 McCoy Rd
Huntersville, NC 28078-6929

Mr. Danny Medlin
11725 Swansboro Ln
Huntersville, NC 28078-9607

Mr. David Bridges
11735 Swansboro Ln
Huntersville, NC 28078-9607

Ms. Loretta Campbell
11805 Swansboro Ln
Huntersville, NC 28078-6852

Ms. Karen Kinley
11927 Swansboro Ln
Huntersville, NC 28078-6853

Ms. Yvonne Manning
11936 Swansboro Ln
Huntersville, NC 28078-6853

Ms. Rachael Ray
12032 Lakewood Dr
Huntersville, NC 28078-7328

Mr. Donald Winger
9227 Huntington Dr
Huntersville, NC 28078-9191

Ms. Delores Hartsell
9707 Harkers Ct
Huntersville, NC 28078-9608

Ms. Caroyln Campbell
9427 Linwood Dr
Huntersville, NC 28078-9197

Ms. Shirley Morris
10935 Kerns Rd
Huntersville, NC 28078-3611

Ms. Patricia Nailor
12237 Comanche Rd
Huntersville, NC 28078-8468

Ms. Mary Foster
12201 Comanche Rd
Huntersville, NC 28078-8468

Ms. Katie Combs
12225 Comanche Rd
Huntersville, NC 28078-8468

Ms. Linda Messer
12210 Mascot Ln
Huntersville, NC 28078-8166

Ms. Karen Piercy
12127 Lakehaven Dr
Huntersville, NC 28078-6994

Mr. Robert Maze
11619 Pontiac Pl
Huntersville, NC 28078-8111

Ms. Becky Ferguson
11906 Pacemaker Ln
Huntersville, NC 28078-8106

Mr. James Beaty
12019 Klamath Pl
Huntersville, NC 28078-8109

Ms. Tammy Cleaver
9407 Rollingwood Dr
Huntersville, NC 28078-9198

Monday, April 11, 2016

[illegible]

MEETING DATE: 4/11/2016
MEETING TIME: 6:00 PM
SUBJECT: New Lake Norman Charter Elementary School Neighborhood Meeting
LOCATION: Lake Norman Charter High School Campus
ATTENDEES: Shannon Stein, LNCS
Scott Abel, LNCS
Bill Farber, LNCS
Gary Knox, The Knox Group
Joel Helms, Clark Nexsen
Robert Tripp, Merrick and Company
Community Members Sign In Sheet Attached

PURPOSE OF THE MEETING:

The meeting was held to gather members of the community, who live near the new elementary school site on Hambright Road and Patterson Road, to provide them information about recent changes to the project and hear feedback on the proposed changes.

DISCUSSIONS:

The meeting was kicked off by Shannon Stein, who briefly reviewed the school's history, growth, and objectives for the future. She continued by discussing several bullet points covering the site plan changes. Lastly, Mrs. Stein discussed several positive improvements resulting from the new site plan.

After the initial presentation by Mrs. Stein, the attendees were given a chance to review the revised schematic site plans, ask questions, and make comments. In summary of the discussions:

- *The property owners of the five 0.6 ac lots lying along Hambright Road, west of Patterson Road, were glad to see the site plan revisions lessened the impacts of road improvements on their properties. The conceptual site plan showed the currently proposed road improvements within the TIA by Ramey Kemp, as symmetrical widening of Hambright Road by adding an additional six (6) feet of asphalt to each side of Hambright Road for the new left turn lane, plus and an additional twelve (12) feet of asphalt just east of the new entrance drive for a new right turn lane into the project.*

Robert Tripp explained that one of the goals of the new plan was to shift the entrance drive further west along Hambright Road, thereby placing the new drive further into the bounds of the property. This was done to try and keep all the impacts of the new right turn lane within the bounds of the schools property as opposed to being on an adjacent property owner as was the case on the previous plan.

- *There were concerns expressed by the property owners on the south side of Hambright Road, directly across from the new site, about the impacts of symmetrical widening to their property. In particular, they expressed concerns over losing useable land in the front portion of their property.* Robert Tripp explained that the typical standard for road improvements dictated by NCDOT was to place an additional six (6) feet of asphalt for the new lane, plus four (4) feet for a grass shoulder, plus approximately another seven (7) feet for recreating the ditch line. This typically results in an impact of approximately 17 to 18 feet in width beyond the current edge of pavement in order to install new road improvements. Mr. Tripp explained that in certain cases, the depth of the ditch line or shoulder widths can be adjusted to lessen the impact width of the improvements. Mr. Tripp and LNCS offered to have the currently planned impact limits survey staked in the field, so all parties could meet on site and assess impacts to the property. As of the time of this report, that work and a subsequent meeting is being scheduled.
- *A question regarding the lottery system was asked by one resident.* Mrs. Stein responded that the lottery system was run by an outside party. She further clarified that LNCS had very limited information about the applicants and by law, had no control over who gets into the school via the lottery process. Ms. Stein also shared that 42% of LNCS' current student body come from the Huntersville area, equating to approximately 210 potential students that would attend the new elementary school.
- *A resident asked about LNCS's attempt to purchase property for the new school.* Mrs. Stein responded that the School had done its best to validate all sites within the area which met the criteria for supporting a new school. She detailed the work done by Gary Knox to seek out possible sites for the school, and the difficulties experienced in attempting to find a site that could support a new school.
- *A resident asked questions regarding improvements to Patterson Road and Hambright Road which were shown on the previous plan.* Mr. Tripp explained that with the new property combination and revised site plan, Patterson Road would continue to remain as-is at this time. The new project would not make any improvements to the intersection of Patterson Road and Hambright Road, or Patterson Road itself. Mr. Tripp explained that the new sidewalk and bike lane, required by the Town of Huntersville,

would only be within the limits of the school site and would not extend to the adjacent properties or onto Patterson Road.

LAKE NORMAN CHARTER NEIGHBORHOOD MTG (4/11/16)

Ms. Jennifer E. Becker
10029 Hambright Road
Huntersville NC 28078

105 Woodvale St
Cherry NC 28021

Mr. Matthew R. Conrad
10101 Hambright Road
Huntersville NC 28078

Ms. Tracy McClung
9012 Richford Dr
Huntersville, NC 28078-9195

Kelly D. Swearngan
PO Box 2691
Huntersville NC 28070

Mr. John McMillan
9749 Harkers Ct
Huntersville, NC 28078-9608

Mr. William Vance McElroy, Jr.
9547 Pembroke Rd
Huntersville NC 28070

McConnie Gaston
9212 Toledo Rd
Huntersville, NC 28078-9199

Ms. Jane McElroy Lee
5029 Celeste Ct
Charlotte NC 28078

Ms. Lillian McKnight
9230 Hambright Rd
Huntersville, NC 28078-7800

Ms. Anne McElroy Griffin
16232 Leeward Ln
Huntersville NC 28078

Mr. Thomas McKnight
12119 Tuscaloosa Rd
Huntersville, NC 28078-8436

Ms. Sue Melton
Bank of America
13801 Reese Blvd, Ste 300
Huntersville NC 28078

Mr. Jason McCall
9007 Richford Dr
Huntersville, NC 28078-9195

Mr. Robert Norman Sharp, Jr.
9601 Earnhardt Lake Rd
Davidson NC 28036

T. F. Elrod
9807 Hambright Rd
Huntersville, NC 28078-7651

Mr. Earl Brook S. Ferguson, Jr.
9940 Hambright Road
Huntersville NC 28078

Mr. George Blevins
9740 Harkers Ct
Huntersville, NC 28078-9608

Premier Concrete Services, Inc.
4608 Gibbon Rd
Charlotte NC 28269

Huntersville Town Hall
Attn: Mr. Brad Priest
Planning Department Project Coordinator
P.O. Box 664
Huntersville NC 28070

Mr. Erskine W. Ferguson
10020 Hambright Road
Huntersville NC 28078

Mr. Ralph S. Teal
10128 Hambright Road
Huntersville NC 28078

Huntersville Town Hall
Attn: Mr. Gerry Vincent
Assistant Town Manager
P.O. Box 664
Huntersville NC 28070

Hazeline Conn Moss

LAKE NORMAN CHARTER NEIGHBORHOOD MTG (4/11/16)

Huntersville Town Hall
Attn: Ms. Janet Pierson
Town Clerk
P.O. Box 664
Huntersville NC 28070

Huntersville Town Hall
Attn: Mr. Greg Ferguson
Town Manager
P.O. Box 664
Huntersville NC 28070

Mayor John Aneralla
15705 Framingham Lane
Huntersville, NC 28078

Commissioner Melinda Bales
15426 Ranson Road
Huntersville, NC 28078

Commissioner Dan Boone
317 Southland Road
Huntersville, NC 28078

Commissioner Mark Gibbons
13818 Bramborough Road
Huntersville, NC 28078

Commissioner Charles Guignard
P.O. Box 1766
Huntersville, NC 28070

Commissioner Rob Kidwell
7603 Rolling Meadows Ln
Huntersville, NC 28078

Commissioner Danny Phillips
14720 Brown Mill Road
Huntersville, NC 28078

Mr. Chris Price
8310 Misty Lilac Drive
Huntersville NC 28078

Mr. Joe Sailers
9332 Westminister Drive
Huntersville NC 28078

Mr. Harold Bankirer
17206 Linksvie Lane
Huntersville NC 28078

Ms. Susan Thomas
10215 Lasaro Way
Huntersville NC 28078

Ms. Janice Lewis
10203 Halston Circle
Huntersville NC 28078

Mr. Bill Walsh
9607 St. Barts Lane
Huntersville NC 28078

Ms. JoAnne Miller
13900 Asbury Chapel Rd
Huntersville NC 28078

Mr. Stephen Swanick
12903 Heath Grove Drive
Huntersville NC 28078

Mr. Joseph Gunter
11701 Lakehaven Dr
Huntersville, NC 28078-9192

Mr. Sebastian Beltran
12000 Gibraltar Dr
Huntersville, NC 28078-8438

Ngoie Muisangye
9103 Lacrosse Dr
Huntersville, NC 28078-6995

Rubicelia Cruz
12106 Mascot Ln
Huntersville, NC 28078-8102

Ms. Angelia Wise
9401 Linwood Dr
Huntersville, NC 28078-9197

Mr. Carson Myers
12137 Lakehaven Dr
Huntersville, NC 28078-6994

Ms. Brenda Gomez
9018 Detroit Dr
Huntersville, NC 28078-9187

Ms. Gladys Brown
12113 Comanche Rd
Huntersville, NC 28078-8467

Mr. Billy Merrix

LAKE NORMAN CHARTER NEIGHBORHOOD MTG (4/11/16)

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Huntersville, NC 28078-8109

Ms. Shannon Adcock
9124 Lacrosse Dr
Huntersville, NC 28078-6995

Ms. Georgia Rorrer
9408 Linwood Dr
Huntersville, NC 28078-9197

Mrs. Patricia Criswell
9430 Rollingwood Dr
Huntersville, NC 28078-9198

Mr. Frank Burnette
12217 Comanche Rd
Huntersville, NC 28078-8468

Mr. Ronald Mitchem
11716 Lakehaven Dr
Huntersville, NC 28078-9192

Mr. George Richardson
9006 Cheyenne Dr
Huntersville, NC 28078-9194

Mr. Jonathan Russell
12111 Cimmaron Rd
Huntersville, NC 28078-6990

Mr. Matthew Conrad
10101 Hambright Rd
Huntersville, NC 28078-7653

Mr. Jonathan Sprinkles
9541 Hambright Rd
Huntersville, NC 28078-9751

Ms. Katherine Suggs
9000 Cheyenne Dr
Huntersville, NC 28078-9194

Mr. Zachary Bergeron
10926 Kerns Rd
Huntersville, NC 28078-3611

Ms. Faye Medford
12028 Klamath Pl
Huntersville, NC 28078-8109

Ms. Brooke Bonecutter
12126 Lakehaven Dr
Huntersville, NC 28078-6994
Mr. Manuel Gonzalez

12039 Lakehaven Dr
Huntersville, NC 28078-6993

Mr. Daniel Varallo
12112 Mariposa Ln
Huntersville, NC 28078-8105

Ms. Pamela Cooper
9306 Detroit Dr
Huntersville, NC 28078-6986

Rene Rodriguez
11824 Swansboro Ln
Huntersville, NC 28078-6852

Jaime Delagarza
9024 Detroit Dr
Huntersville, NC 28078-9187

Ms. Stephanie Hooks
9127 Lacrosse Dr
Huntersville, NC 28078-6995

Ms. Justice Turner
9219 Toledo Rd
Huntersville, NC 28078-9199

Mr. Shawn Eby
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Huntersville, NC 28078-9608

Rene Celestino
11923 Cimmaron Rd
Huntersville, NC 28078-6988

Mr. Efrain Romero
9315 Detroit Dr
Huntersville, NC 28078-6986

Mr. Matthew Penninger
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Huntersville, NC 28078-7329

Mr. Paul Mathis
10123 Hambright Rd
Huntersville, NC 28078-7653

Ms. Kelly Swearngan
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Mr. Thomas Singletary
9104 Detroit Dr
Huntersville, NC 28078-6984
Ms. Brenda Hunter

LAKE NORMAN CHARTER NEIGHBORHOOD MTG (4/11/16)

9117 Detroit Dr
Huntersville, NC 28078-6984

Mr. Joe Johnson
12006 Gibraltar Dr
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Mr. Robert Woolwine
9129 Hambright Rd
Huntersville, NC 28078-9660

Ms. Lillian Mcknight
9230 Hambright Rd
Huntersville, NC 28078-7800

Jessie Brooks
9307 Hambright Rd
Huntersville, NC 28078-7887

Mr. Toby Coble
9615 Hambright Rd
Huntersville, NC 28078-7649

Mr. Rowdy Ferguson
10020 Hambright Rd
Huntersville, NC 28078-9730

Mr. Michael Clark
11720 McCoy Rd
Huntersville, NC 28078-9162

Mr. Leo Nailor
9303 Toledo Rd
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Mr. Wayne Thomas
9425 Hambright Rd
Huntersville, NC 28078-7888

Mr. Richard Waugh
10801 Lamesa Pl
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Dhennisse Grullon
9230 Toledo Rd
Huntersville, NC 28078-9199

Mr. Roger Thrower
10820 Kerns Rd
Huntersville, NC 28078-3610

Mr. Paul Plyler
9300 Hambright Rd
Huntersville, NC 28078-6892

Mr. Benjamin Guerrero
9626 Rodanthe Pl
Huntersville, NC 28078-9701

Mr. Jeronimo Cayax
9224 Toledo Rd
Huntersville, NC 28078-9199

Ms. Susan Knopp
11918 Pacemaker Ln
Huntersville, NC 28078-8106

Ms. Gwyn Ferguson
11924 Swansboro Ln
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Ms. Vicky Salaraz
9019 Cheyenne Dr
Huntersville, NC 28078-9194

Ms. Annis Greene
9320 Hambright Rd
Huntersville, NC 28078-6892

Pat Nixon
11817 Cimmaron Rd
Huntersville, NC 28078-6987

Mrs. Daphne Sutton
9706 Harkers Ct
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Jaime Rodriguez
9000 Lacrosse Dr
Huntersville, NC 28078-9193

Jaime Delagarza
12026 Blue Moon Ct
Huntersville, NC 28078-8107

Brillon Ligon
12115 Lakehaven Dr
Huntersville, NC 28078-6994

Ms. Reina Elias
12111 Lakewood Dr
Huntersville, NC 28078-7329

Ms. Sandy Howland
11900 McCoy Rd
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Ms. Natividad Gonzalez

LAKE NORMAN CHARTER NEIGHBORHOOD MTG (4/11/16)

12034 Lakehaven Dr
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Mrs. Clarabelle Summers
12113 Gibraltar Dr
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Mr. Michael Lundy
12206 Comanche Rd
Huntersville, NC 28078-8468

Ms. Mary Staton
12125 Comanche Rd
Huntersville, NC 28078-8467

Mr. Keith Curlee
12106 Hillcrest Ln
Huntersville, NC 28078-6996

Mr. Chad Turner
10834 Kerns Rd
Huntersville, NC 28078-3610

Mr. Edward Jackson
10932 Kerns Rd
Huntersville, NC 28078-3611

Mr. Maynard Thorne
9115 Lacrosse Dr
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Mr. Perry Clifton
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Mr. Jimmy Gentry
12316 Comanche Rd
Huntersville, NC 28078-8469

Mr. David Combs
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Ms. Vivian Grainger
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T. F. Elrod
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Ms. Marian Lanier
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Ms. Pamela Cook
9229 Hambright Rd
Huntersville, NC 28078-9647

Mr. Joseph Jarrell
9111 Detroit Dr
Huntersville, NC 28078-6984

Ms. Misty Eatmon
9516 Rollingwood Dr
Huntersville, NC 28078-6997

Mr. Thomas Mcknight
12119 Tuscaloosa Rd
Huntersville, NC 28078-8436

Mr. Earl Ferguson
9940 Hambright Rd
Huntersville, NC 28078-7652

Mr. Jacinto Gomez
9118 Lacrosse Dr
Huntersville, NC 28078-6995

Mr. Michael Koupal
10635 Kerns Rd
Huntersville, NC 28078-3608

Ms. Theescha Johnson
9223 Hambright Rd
Huntersville, NC 28078-9647

Mr. Lloyd Benson
9211 Hambright Rd
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Ms. Jenelle Pittman
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Ms. Sonya Ladda
9100 Hambright Rd
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Anaberta Garcia
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Ms. Patsy Martin

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Ms. Mary Rabon
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Ms. Wanda Low
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Ms. Linda Freeman
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Mr. Gregorio Montoya
9122 Cheyenne Dr
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Mr. Austin Zuercher
9631 Hambright Rd
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Ms. Debora Garcia
12001 Cimmaron Rd
Huntersville, NC 28078-6989

Mr. Jose Hernandez
9223 Toledo Rd
Huntersville, NC 28078-9199

Blair Carpenter
11624 Frontier Pl
Huntersville, NC 28078-8113

Ms. Kristina Dye
12013 Cimmaron Rd
Huntersville, NC 28078-6989

Mr. Elbert Pressley
9110 Detroit Dr
Huntersville, NC 28078-6984

Mr. George Helms
12119 Comanche Rd
Huntersville, NC 28078-8467

Mr. Larry Merrell
9540 Hambright Rd
Huntersville, NC 28078-9751

Mr. Fred Ferguson
9708 Hambright Rd
Huntersville, NC 28078-7650

Ms. Patricia Nelson
10029 Hambright Rd
Huntersville, NC 28078-9730

Mr. Mark Rondina
10128 Hambright Rd
Huntersville, NC 28078-7653

Mr. George Blevins
9740 Harkers Ct
Huntersville, NC 28078-9608

Ms. Shirley Welch
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Ms. Cynthia Collins
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Ms. Kewana Varney
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Mr. David Whithead
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Mrs. Sandra Puckett
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Ms. Beverly Swanson
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Mr. Bernardino Cruz-Gamez
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Ms. Shannon Rhodes
12207 Gibraltar Dr
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Ms. Brooke Vanderspuy
10610 Kerns Rd
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Ms. Elizabeth Duguid
12012 McCoy Rd

LAKE NORMAN CHARTER NEIGHBORHOOD MTG (4/11/16)

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Mr. Anthony Seigle
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Ms. Joyce Clark
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Mr. Agustin Ortega
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Mr. David Campbell
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Huntersville, NC 28078-8468

Mr. Lonnie Craig
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Ms. Ina Edwards
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Ms. Maxine Trent
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Mrs. Denise Strawn
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Mr. Mehran Baheri
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Mr. Carter Eby
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Huntersville, NC 28078-9608

Ms. Carolyn Simmons
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Huntersville, NC 28078-6853

Ms. Veronica Cruz
11814 Lakehaven Dr
Huntersville, NC 28078-6991

Ms. Carmen Lira
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Mr. Michael Nelson
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Huntersville, NC 28078-6931

Ms. Jo Snipes
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Huntersville, NC 28078-6987

Ronulado Castro
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Ms. Dannielle Cresanta
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Huntersville, NC 28078-9195

Mr. Paul Jensen
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Mr. James Yurick
12021 Lakehaven Dr
Huntersville, NC 28078-6993

Mr. Michael Painter
12028 Lakehaven Dr
Huntersville, NC 28078-6993

Ms. Elizabeth Beckham

LAKE NORMAN CHARTER NEIGHBORHOOD MTG (4/11/16)

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Mr. Carlos Matute
11718 Swansboro Ln
Huntersville, NC 28078-9607

Jaime Delagarza
9208 Detroit Dr
Huntersville, NC 28078-6985

Mr. Elias Aparicio
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Huntersville, NC 28078-7865

Yoan Herrera
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Huntersville, NC 28078-9103

Mr. Richard Darden
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Huntersville, NC 28078-9608

Mr. Ryan Blackweel
9213 Detroit Dr
Huntersville, NC 28078-6985

Ms. Elizabeth Lemmon
9025 Detroit Dr
Huntersville, NC 28078-9187

Mr. Jeffrey Bowden
9123 Hambright Rd
Huntersville, NC 28078-9660

Mr. Greg Short
9623 Hambright Rd
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Mr. Charles Pace
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Mr. Danny Medlin
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Huntersville, NC 28078-9607

Mr. David Bridges
11735 Swansboro Ln
Huntersville, NC 28078-9607

Ms. Loretta Campbell
11805 Swansboro Ln
Huntersville, NC 28078-6852

Ms. Karen Kinley
11927 Swansboro Ln
Huntersville, NC 28078-6853

Ms. Yvonne Manning
11936 Swansboro Ln
Huntersville, NC 28078-6853

Ms. Rachael Ray
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Mr. Donald Winger
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Ms. Delores Hartsell
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Ms. Carolyn Campbell
9427 Linwood Dr
Huntersville, NC 28078-9197

Ms. Shirley Morris
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Ms. Patricia Nailor
12237 Comanche Rd
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Ms. Mary Foster
12201 Comanche Rd
Huntersville, NC 28078-8468

Ms. Katie Combs
12225 Comanche Rd
Huntersville, NC 28078-8468

Ms. Linda Messer
12210 Mascot Ln
Huntersville, NC 28078-8166

Ms. Karen Piercy
12127 Lakehaven Dr
Huntersville, NC 28078-6994

Mr. Robert Maze
11619 Pontiac Pl
Huntersville, NC 28078-8111

Ms. Becky Ferguson

LAKE NORMAN CHARTER NEIGHBORHOOD MTG (4/11/16)

11906 Pacemaker Ln
Huntersville, NC 28078-8106

Mr. James Beaty
12019 Klamath Pl
Huntersville, NC 28078-8109

Ms. Tammy Cleaver
9407 Rollingwood Dr
Huntersville, NC 28078-9198

[illegible]

MEETING DATE: 4/26/2016
MEETING TIME: 6:00 PM
SUBJECT: New Lake Norman Charter Elementary School Neighborhood Meeting
LOCATION: Lake Norman Charter High School Campus
ATTENDEES: Shannon Stein, LNCS
Scott Abel, LNCS
Bill Farber, LNCS
Gary Knox, The Knox Group
Robert Tripp, Merrick and Company
Community Members Sign In Sheet Attached

PURPOSE OF THE MEETING:

The meeting was held to gather members of the community, who live near the new elementary school site on Hambright Road and Patterson Road, to provide them information about recent changes to the project and hear feedback on the proposed changes.

DISCUSSIONS:

The meeting was kicked off by Shannon Stein, who briefly reviewed the school's history, growth, and objectives for the future. She continued by discussing several bullet points covering the site plan changes, construction schedule. Lastly, Mrs. Stein discussed several positive improvements resulting from the new site plan.

After the initial presentation by Mrs. Stein, the attendees were given a chance to review the revised schematic site plans, ask questions, and make comments. In summary of the discussions:

- *Parking management for special events, PTA Meetings, etc. was brought up by residents across from the site and along Shamrock Drive. LNCS noted they had open space adjacent to the hard surface lot, availability to park on the play fields, and could park cars along the entrance drive in order to handle parking for special events.*
- *Several residents noted the improvements to the site plan, particularly the buffer it creates between the business park, and the green space adjacent to the residents on Shamrock Drive. Robert Tripp explained that the site plan was laid out with those things*

in mind. He noted on the plans where LNCS would be keeping trees or planting buffers to create screening at the property lines.

- *Residents had concerns over the impacts of road improvements to the surrounding properties.* Mr. Tripp noted they were looking at all the options for both symmetrical and asymmetrical widening in order to try and reduce the impacts to private property by using available right of way on Hambright Road. (After reviewing the options, LNCS has decided to do asymmetrical widening to prevent the taking of useable pasture land on the properties across from the school on Hambright.)
- *Residents on Swansboro Drive expressed concerns with traffic in their neighborhood and how close Swansboro was to the school exit drive. One expressed concerns with the NCDOT or DMV using the neighborhood for driver's education testing.* Mr. Tripp explained LNCS had purposely located their exit drive at a minimum of 400 ft from Swansboro to try prevent issues with traffic between the two locations. Mrs. Stein noted that the elementary school would not run a driver's education program, and the existing program at the high school did not use Swansboro Drive.
- *Local residents expressed concerns that the play fields adjacent to Swansboro would draw traffic and noise at unwanted times of the day and night.* Mrs. Stein and Mr. Abel noted that the campus would be gated during off hours and security measures would be in place to prevent trespassing onto the campus. They both noted similar protections were in place at the Middle and High School campuses and have been successful in preventing unauthorized use of their facilities.
- Several team members discussed the positives related to teaming with the Town of Huntersville for Parks and Recreation activities, and teaming with local ministries to hold after-school or summer programs for local children.

Commissioner Bales

- The next Lake Norman Transportation Commission meeting is May 11 in Mooresville.
- The Education Summit last week was a success.

Commissioner Boone

- The next meeting of the Land Development Ordinances Advisory Board is May 5.
- May 4 is National Bike/Walk to School Day.
- Larry Irvin, Fire Chief, updated the Board on their efforts in assisting the Pineville Fire Department who recently lost one of their firefighters.

Commissioner Guignard

- Congratulated Lake Norman Charter School who was ranked No 13 in the state in the list of Best High Schools by U.S. News & World Report.

Commissioner Kidwell

- The next Olde Huntersville Historic Society Meeting is May 7.
- The next Charlotte Regional Transportation Planning Organization meeting is May 18.

Commissioner Phillips

- Announced upcoming Lake Norman Chamber events for Small Business Week.
- Encouraged everyone to shop local.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Boone made a motion to move B under Public Hearings (Conduct public hearing on Petition #R16-03) to Item A under Public Hearings. Commissioner Phillips seconded motion. Motion carried 5-0.

Commissioner Kidwell made a motion to add Item B under Other Business – Consider appointing Louis Cosentine to the Transit Services Advisory Committee for term expiring January 31, 2017 and for an additional 3-year term and add Item C under Other Business – Consider adopting resolution in support of House Bill 954 directing the Department of Transportation to terminate the Comprehensive Agreement for the I-77 HOT lanes project in Mecklenburg and Iredell Counties. Commissioner Phillips seconded motion. Motion carried 5-0.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Janice Lewis, Jennifer Davis, Joe Sailors and JoAnne Miller.

Petition #R16-03. Mayor Aneralla called to order public hearing on Petition #R16-03, 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, reviewed request. *Refer to Staff Report attached hereto as Exhibit No. 2.* Staff recommends approval.

Gary Knox, pointed out that Novant Hospital, one of the largest employers in Huntersville, discontinues its café service at 6 p.m. At any given time, staff alone at the hospital is more than 275 people, not counting patients and families.

Brad Champion of Knox, Knox and Knox, council for the applicant, pointed out that they think the impact will be minimal. With the added hours, the applicant expects to add possibly 10 employees and a significant amount of work hours which he expects will increase in the sales tax and the prepared food/beverage tax.

Bud Kuthan, Applicant, requested the Board support his request.

In response to a question raised, Mr. Kuthan confirmed that there will be no deliveries during the hours of 12 a.m. to 5 a.m.

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

Petition #R16-04. Mayor Aneralla called to order public hearing on Petition #R16-04, 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, reviewed request. *Refer to Staff Report attached hereto as Exhibit No. 3.*

In response to various questions, Staff provided the following information.

- Confirmed that the Traffic Impact Analysis indicated there would be no mitigation needed at the Hambright Road/McCoy Road intersection.
- The five intersections that would require mitigation include: Hambright Road/Statesville Road, Mt. Holly-Huntersville Road/Statesville Road at southbound ramps, Highway 115/Mt. Holly-Huntersville Road, Mt. Holly-Huntersville Road/Hambright Road, Hambright Road/school entrance.

Shannon Stein, Superintendent of Lake Norman Charter School and Robert Tripp, Merrick and Company, presented PowerPoint presentation. *PowerPoint attached hereto as Exhibit No. 4.*

In response to a question concerning fencing, Ms. Stein noted they will have fencing to the back of the play field areas, but would not be fencing the entire 39 acres.

Steve Jones, 21548 Lake Point Lane, Cornelius, Lake Norman Charter School parent and member of the LNCS Board of Directors, addressed the Board in support of the rezoning and requested variance.

Geoff Bartosch, 12307 Beatties Ford Road, addressed the Board in opposition of the rezoning. *Written comments attached hereto as Exhibit No. 5.*

Bryan Blitstein, 10030 Gilead Road, addressed the Board in support of the rezoning.

Cynthia Bush, 20311 Chartwell Center Drive, Cornelius, addressed the Board in support of the rezoning.

Todd Marlin, 10220 Independence Hill Road, addressed the Board in support of the rezoning.

Wendy Rondina, 10128 Hambright Road, addressed the Board in opposition of the rezoning. Location is not consistent with 2030 Community Plan.

Matt Conrad, 10101 Hambright Road, addressed the Board addressed the Board in opposition of the rezoning. Location is not consistent with 2030 Community Plan.

Calley Conrad, 10101 Hambright Road, addressed the Board in opposition of the rezoning. The proposed school would have no guaranteed spots for Huntersville kids. As commercial landowners, if the school goes in, our property value is affected and LNCS would have possibly 500 families that would have a voice if they don't like the type of company that wants to buy our land.

Eric Ferguson, 10020 Hambright Road, expressed concern for how much of his property would be taken. Someone was supposed to mark how much property they were going to take, but that hasn't been done. Does not think LNCS did their due diligence in selecting a site.

Bill Farber, Chair of the Lake Norman Charter Elementary School Search Committee, 14830 Middlethorpe Lane, addressed the Board in support of the rezoning.

Hal Bankirer, Planning Board, requested that the entire TIA be provided for the Planning Board meeting.

In response to a question from Joe Sailors of the Planning Board, Ms. Stein reviewed the carpool process works.

Commissioner Bales requested Ms. Stein provide the Board with a percentage breakdown of where students are from.

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

OTHER BUSINESS

Acceptance of Streets – Bryton/Walmart Development. Commissioner Phillips made a motion to accept the streets in the Bryton/Walmart Development for Town maintenance. Commissioner Bales seconded motion.

Motion carried 4 to 1, with Commissioner Guignard opposed.

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jack Simoneau, Planning Director
Subject: Blackwood Knoll Subdivision

Sketch: Blackwood Knoll Subdivision is a request by Bowman Development to subdivide approximately 37.89 acres to develop 22 single family homes in the Rural Residential (R) zoning district. The property is located on Black Farm Road and is identified as PIN 01124111 and a portion 01124113.

ACTION RECOMMENDED:

Conduct an evidentiary hearing and consider a decision on Blackwood Knoll subdivision sketch plan.

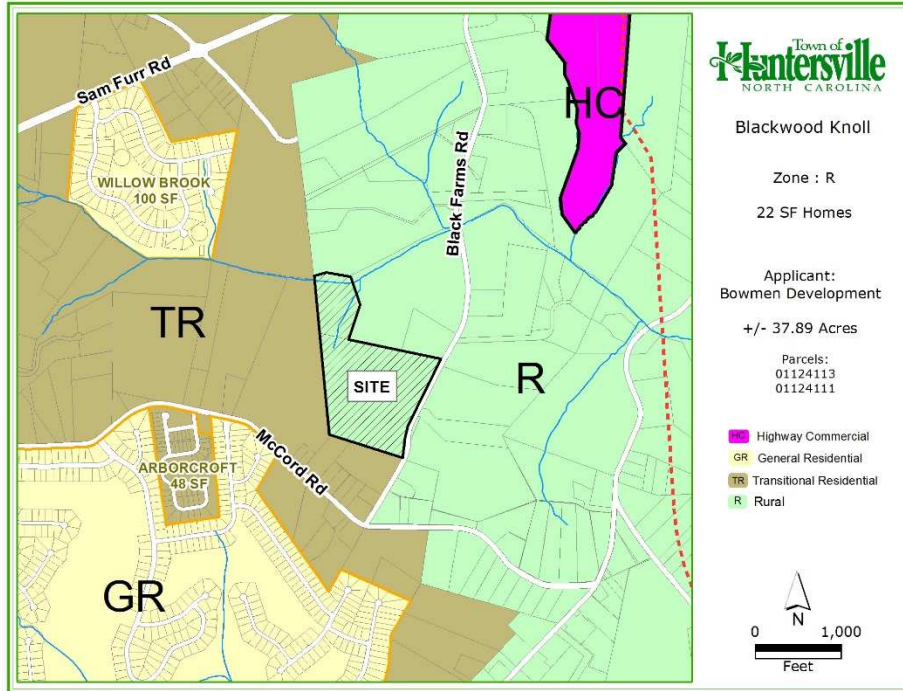
FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description	Type
❑ Blakwood Knoll TB Staff Report 6.6.16	Staff Report
❑ Attachment A: Blackwood Knoll Application	Exhibit
❑ Attachment B: Blackwood Knoll Plans	Exhibit
❑ Attachment C - Blackwood Knoll Neighborhood Meeting Minutres	Exhibit
❑ Attachment D - Blackwood Knoll APFO	Exhibit
❑ Attachment E- Blackwood Knoll CMS Report	Exhibit
❑ Attachment F: Charlotte Water	Exhibit

Blackwood Knoll Subdivision Sketch Plan

PART 1: PROJECT SUMMARY



Applicant: Bowman Development

Property Owner: David DeQuick,
Blackwood Knoll, LLC

Property Address: 14301 Black Farm
Road

Project Size: +/- 37.89 acres

Parcel Number: 01124111 and a
portion of 01124113

Current Zoning: Rural (R)

Current Land Use: The land is
currently vacant.

Proposed Land Use: 22 single-
family lots

The application is Attachment A.
The site plan is Attachment B.

Blackwood Knoll was originally approved in 2008 as a 20 lot subdivision on 28.8 acres. Because the project did not proceed with installing any of the subdivision infrastructure, the project lost its vesting and became void.

PART 2: SITE PLAN DESCRIPTION AND ISSUES

1. Adjacent Properties:

North: Rural (R) single-family: Group Home, Hinds Feet Farm Inc.

South: Transitional (TR), single-family: Large lot single-family residential

East: Rural (R) single-family: Large lot single-family residential

West: Transitional (TR) single-family: Vacant

- A neighborhood meeting was held on March 15, 2016, see Attachment C, Neighborhood Meeting Summary.
- The proposed project is not located in a protected watershed.
- Max density allowed is .9 units an acre with 45 % open space. The project has .58 units an acre with 56% open space.
- 50% of the existing tree canopy and 50% of the existing specimen trees are required to be saved. The developer is saving 72% of the tree canopy and 62% of the specimen trees onsite.
- Buffers, block length, street standards, connectivity and setbacks are all compliant with the zoning and subdivision ordinance.

PART 3: TRANSPORTATION ISSUES

A TIA was not required per number of lots being developed. Based on the land use and intensity proposed, a Traffic Impact Analysis (TIA) is not required. Based on a review of the site plan, there are minor revisions needed regarding

sidewalk placement within the right-of-way. To conform to the Town's adopted Greenway and Bikeway Master Plan, a paved shoulder along Black Farms Road along the site frontage is needed.

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 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: 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 and lower intensity development from the east and west of this corridor extending to the Town boundaries.
STAFF COMMENT: The proposed density of Blackwood Knoll Subdivision is .58 units per acre, which is consistent with this policy of the 2030 Community Plan and the Rural (R) zoning district.
- **Policy E-1: Preservation and Environment.** Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
STAFF COMMENT: The applicant is preserving the natural environment through the protection of buffers and providing a large amount of tree save area throughout the project boundary.
- **Policy E-2: Location of New Development.** Avoid locating new development in areas of significant environmental, scenic or cultural resources.
STAFF COMMENT: Planning staff has no indication that the request will adversely affect known cultural, scenic or environmental resources.
- **Policy E-3: Environmental Regulations.** Support and enhance environmental regulations pertaining to tree preservation, buffer yards, open space, water quality, wetland and stream protection.
STAFF COMMENT: The Rural (R) zoning district requires fifty (50%) percent of the existing tree canopy to be preserved; the developer is providing seventy-two (72%). As required 50% of all specimen trees are required to be saved. The applicant is saving sixty-two (62%) percent of the specimen trees. The storm water buffers located on the property are not being encroached upon.
- **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 applications.
STAFF COMMENT: The street cross section proposed is appropriate for residential use. There are 10' travel lanes. Ditches (total 14' on each side of the road), 6' green zones (planting strip on each side of the street) and 5' sidewalk on one side of the street. The total right-of way width is 71'. Block length requirements are being met to aid the reduction of speed of travel.
- **Policy T-6: Pedestrian Connections.** Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.
STAFF COMMENT: The applicant is providing sidewalks on one side of the street on all internal subdivision streets. A meandering sidewalk will be installed along Black Farm Road to aid future connectivity. There is a Town greenway the developer will dedicated along the creek/sewer easement along the northern most boundary of the subdivision. A bike lane is being proposed along the frontage of the subdivision on Black Farm Road as called for in the Town of Huntersville Greenway and Bikeway Master Plan.
- **Policy T-8: Street Connectivity.** Promote and require street connectivity in the Town of Huntersville among residential, commercial, employment, recreational and institutional uses.
STAFF COMMENT: The proposed development has one entrance from Black Farm Road. Internal to the subdivision, on the western property line a stub street will be constructed with right of way connecting to

the adjoining property line. A stub will connect to the north abutting Hinds Feet Farm should the Farm decide to be developed.

- **Policy PF-2: Adequate Public Facilities Ordinance (APFO).** Continue use of “Adequate Public Facilities Ordinance (APFO)” 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.

STAFF COMMENT: An APFO application was submitted for 22 single-family units. See #19 of this section for further details.

2. Conformity.

The proposed development is lower density than other major subdivisions in this area (Willow Brook 1.59 units to the acre, approved as an RU Cluster and Northstone 1.65 units to the acre, approved as R-3 and R-4 zoning). The Blackwood Knoll Subdivision proposes to develop 22 single family homes at rural density of .58 units per acre.

3. Access between Adjoining Properties.

The proposed development is providing a right of way extending to the western and northern property lines to aid future connectivity. Block length and cul-de-sac requirements are being met.

4. Relation to topography.

The street network is designed to respect the general topography, foliage and avoid sensitive streams and wetlands.

5. Mature trees and natural vegetation.

The proposed project is required to save fifty (50%) percent of the tree canopy, fifty (50%) percent of the specimen trees and one hundred (100%) percent of the heritage trees and these requirements are being met. Seventy-two (72%) percent of the tree canopy is being saved; Sixty-two (62%) percent of the specimen trees are being saved; and there are no heritage trees on site. There are existing storm water buffer, which permanently protects a significant portion of natural vegetation.

6. Access to parks, schools, etc.

The applicant is providing sidewalks on one side of the street for all internal streets. Installation of a meandering sidewalk on Black Farm Road will be installed. Future development surrounding the property will aid the sidewalk network. The developer is dedicating a portion of the town greenway located near the northern property line that upon adjoining development will help tie into the Carolina Thread Trail.

7. Discourage through traffic.

All streets are appropriately sized for residential traffic and there is no straight access to any adjoining property. There is no direct access to a thoroughfare.

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 Blackwood Knoll Subdivision have not been identified for a public school or park site.

12. Public Facilities

The parcels associated with Blackwood Knoll Subdivision have not been identified for a public facility.

13. Proposed street names

Street names are not required at this review level. They will be reviewed at the preliminary plan stage.

14. Easements.

No easements have been identified

15. Proposed water and sewerage system.

A *Willingness to Serve* Letter has been provided to the developer from Charlotte Water.

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

No flood plain exist onsite.

17. Reserved.

18. Open Space

The developer is not maxing the density (.9 units to the acres with 45% open space) that is allowed within the Rural (R) zoning; therefore based on the density requested (22 lots at .58 units to the acre) the applicant is required to provide thirty-five (35%) percent (13.26 acres) open space. The applicant is providing 21.62 acres, fifty-six (56%) percent open space.

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, and parks acreage. A DOA letter has been issued for all of the facilities, see Attachment D: Determination of Adequacy.

Additionally, staff has contacted Charlotte-Mecklenburg Schools (CMS) for an enrollment evaluation of this project, see Attachment E: CMS School Assessment.

PART 5: STAFF RECOMMENDATION

In considering Blackwood Knoll Subdivision, staff finds:

- The application is complete.
- The application does comply with the ordinance and the future land use plans, upon minor plan correction.
- Staff recommends approval of the subdivision, once final comments have been made and the applicant makes corrections.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board found the application complete and that the Blackwood Knoll Subdivision complies with all applicable requirements and recommends approval subject to minor staff comments being addressed.

PART 7: DECISION STATEMENTS

In considering whether to approve an application for a subdivision sketch plan the Planning and Town Board must complete the following per [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.

PART 8: ATTACHMENTS/ENCLOSURES

Attachments

- A – Application
- B – Site Plan
- C – Neighborhood Meeting Summary
- D – Determination of Adequacy
- E – CMS School Assessment
- F – Charlotte Water Willingness to Serve Letter



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 5/5/16

Name of Project BLACKWOOD KNOLL Phase # (if subdivision) _____

Location 14301 BLACK FARM RD

Parcel Identification Number(s) (PIN) 0112411 AND PORTION OF 01124113

Current Zoning District R Proposed District (for rezonings only) _____

Property Size (acres) 38 Street Frontage (feet) _____

Current Land Use VACANT

Proposed Land Use(s) SF

Is the project within Huntersville's corporate limits?

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

3. Description of Request

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

SKETCH PLAN FOR 22 LOTS

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 _____

Address of Applicant _____

Email _____

Property Owner's Signature (if different than applicant) *Martin B Foil III*

Printed Name HINDS' FEET FARM INC c/o MARTIN B FOIL III

Property Owner's Address 9621 HARRIS GLEN DR CHARLOTTE NC 28269 Email _____

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

PO Box 2842 Huntersville, NC 28070

Development Firm	Name of contact	Phone	Email
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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:


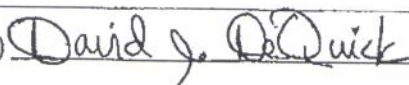
<http://www.huntersville.org/Departments/Planning.aspx>

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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 ROBERT BOWMAN
Address of Applicant 13815 CANNADAR PL HUNTERVILLE NC 28078
Email bowman31@gmail.com
Property Owner's Signature (if different than applicant) 
Printed Name DAVID DEQUICK
Property Owner's Address 141 HOBBS LN MOORESVILLE NC 28115 Email dequicksr@gmail.com
* Applicant hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Development Firm	Name of contact	Phone	Email
Design Firm	Name of contact	Phone	Email

If Applying for a General Rezoning:

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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:

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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

HUNTERSVILLE, NORTH CAROLINA
MECKLENBURG COUNTY

Sheet Title	Sheet No.	Original Date	Date	Number	Note
Cover Sheet	C-0.0	02/01/16	05/05/16	1	Per Meck County/TOH
Boundary-Existing Conditions	C-1.0	02/01/16	05/05/16	1	Per Meck County/TOH
Site Plan	C-2.0	02/01/16	05/05/16	1	Per Meck County/TOH
Site Details	C-2.1	02/01/16	05/05/16	1	Per Meck County/TOH
Tree Planting / Tree Save Plan	C-3.0	02/01/16	05/05/16	1	Per Meck County/TOH
Conceptual Stormwater Management Plan	C-4.0	02/01/16	05/05/16	1	Per Meck County/TOH

Total Acreage	37.89
Total Square Feet	1,650,488
Principal Uses(s)(a o Article 3)	Single family
Building Type (x.o Article 3.4 and 8.10)	Detached
Zoning District (x.o Article 3)	R-RURAL
Overlay District, if Applicable (Article 3 x.o)	N/A
Percentage of Impervious Allowed (Article 3 x.o)	70%
Percentage of Impervious Shown	+/- 11.93%
Total open space required	15.91 acres (42% site area)
Total open space provided	21.62 acres
Density	0.58 units/acre
Lot Count	22
Total Number of Dwellings (Detached/Attached)	22
Mixed-use/# of live/work units)	0
Total Square Foot of non residential	N/A
Lot size range Number of Lots within each range	
< 10,000 sf	0
10,000 – 15,000 sf	0
15,001 – 20,000 sf	0
> 20,000 sf	22
Lot widths range Number of Lots within each width	
115'	22
Setbacks and Build-to-lines (x.o Article 3, 4 & 8)	
Front BTL range or Setback	20 FT
Corner Setbacks	12 FT
Rear Setbacks	25 FT
Right Side Setbacks	12 FT
Left Side Setback	12 FT
Watershed Information (x.o Article 3 and S.O. Section 7.990)	
Property in a regulated watershed district?	No
Watershed District	N/A
Low Density/High Density	N/A
Stream Watershed	Clarke

IMPERVIOUS AREA CHART			
ROADS (SQ FT)	SIDEWALKS (SQ FT)	LOTS (SQ FT)	PERCENT IMPERVIOUS
53,911	18,767	124,190	11.93%

* BUA RESERVE SHALL BE A MINIMUM OF 150 SQ FT OR 1% OF THE LOT AREA, WHICHEVER IS GREATER

NOTES:

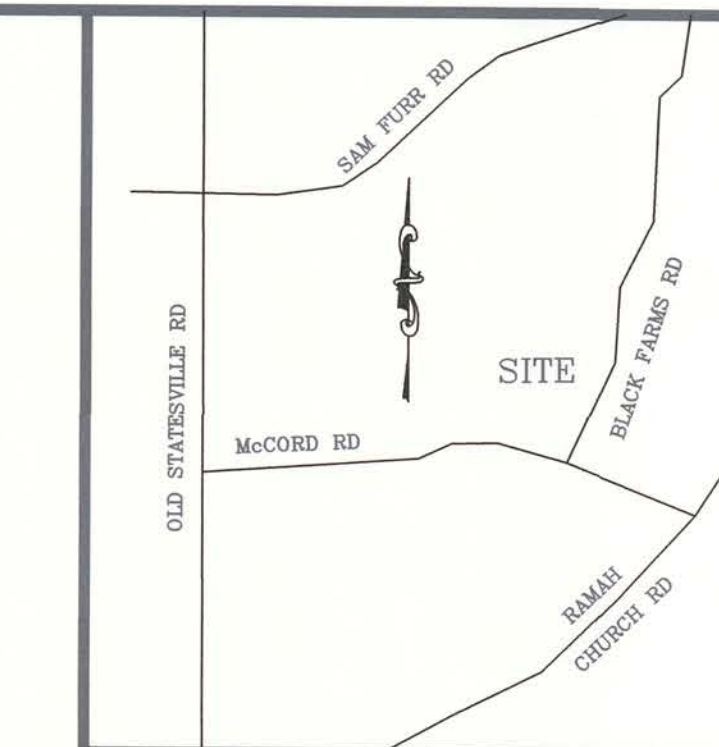
RETAINING WALLS ALL RETAINING WALLS REQUIRING SPECIAL INSPECTIONS (5' IN HEIGHT) SHALL MEET THE REQUIREMENTS OF THE MCSCB CHAPTER 17 - SPECIAL INSPECTIONS AS DETAILED PER THE MECKLENBURG COUNTY CODE ENFORCEMENT SPECIAL INSPECTIONS PROCESS. ADDITIONALLY, COPIES OF THE RETAINING WALL PLANS SHALL BE SUBMITTED 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 (DPIRC) LETTERS.

THE TOWN OF HUNTSVILLE 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 HUNTSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL FOR ADDITIONAL INFORMATION INCLUDING THE REQUIRED CERTIFICATION FORM.



NOTE:
APPROVAL OF THIS CONCEPT PLAN DOES NOT IMPLY OR
GUARANTEE APPROVAL OF THE FINAL CONSTRUCTION PLAN.
FINAL CONSTRUCTION PLAN WILL BE REVIEWED FOR COMPLIANCE
PER ALL TOWN, COUNTY AND STATE REGULATIONS IN EFFECT AT TIME OF SUBMITTAL.

EPM REFERENCE NUMBER:
#362738 SKETCH / CONCEPT PLAN



VICINITY MAP
NOT TO SCALE



Firm License # P-1191
331 Coddle Market Drive
Suite 110
Concord, NC 28027
Civil Site Design
Low Impact Development
Small-Scale Building Design

Telephone: 704.573.1621
Facsimile: 704.248.7951

Seals:



BLACKWOOD KNOLL SUBDIVISION
SKETCHPLAN
HUNTERSVILLE, NORTH CAROLINA

BY
BOWMAN DEVELOPMENT GROUP
13815 CINNABAR PLACE
HUNTERSVILLE, NORTH CAROLINA 28078
(704) 875-9704

Project Number: 17-16-013

Date: 05-05-2016

Drawn By: JLM

Checked By: NRP

Revisions

02/01/16	ORIGINAL SUBMITTAL
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05/05/16	PER MECK COUNTY / TOH
----------	-----------------------

[illegible]

Sheet Title:

Cover

(Cover)

()

Sheet

Object

[illegible]

Sheet No: _____

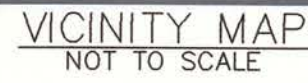
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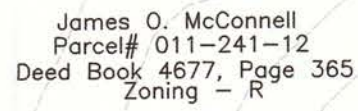
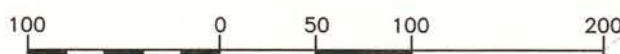
STREET ST - 20/71
(20 FT OF PAVEMENT/71 FT ROW)

TOWN OF HUNTERSVILLE GENERAL NOTES:

1. ALL ON-SITE WASTE DISPOSAL (STUMP HOLES) REQUIRES PRIOR APPROVAL FROM THE MECKLENBURG COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION (MCDPE) AND THE ISSUANCE OF A LAND USE PERMIT FROM THE MECKLENBURG COUNTY ZONING ADMINISTRATOR.
2. THE COMMISSION, DEPT. OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OR LOCAL GOVERNMENT MAY REQUIRE WRITTEN STATEMENTS, OR THE FILING OF REPORTS UNDER OATH, CONCERNING LAND USE ACTIVITY. INSPECTION OF SITES SHALL BE CARRIED OUT BY THE STAFF OF DEPT. OF ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES OR THEIR QUALIFIED PERSONS AUTHORIZED BY THE COMMISSION OR DEPT. OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AS NECESSARY TO CARRY OUT ITS DUTIES UNDER THE ACT. NO PERSON SHALL REFUSE ENTRY OR ACCESS TO ANY REPRESENTATIVE OF THE COMMISSION OR ANY REPRESENTATIVE OF A LOCAL GOVERNMENT WHO REQUESTS ENTRY FOR THE PURPOSE OF INSPECTION.
3. THE DEVELOPMENT WILL ADHERE TO ALL DIMENSIONAL REQUIREMENTS SET FORTH FOR THEIR RESPECTIVE DISTRICTS IN THE TOWN OF HUNTERSVILLE ZONING ORDINANCE.
4. ALL PUBLIC STREETS WITHIN THE DEVELOPMENT WILL BE CONSTRUCTED TO TOWN OF HUNTERSVILLE STANDARDS IN ORDER TO BE DEDICATED PUBLIC RIGHT-OF-WAYS.
5. MINIMUM CURB AND RIGHT-OF-WAY RADIIUS REQUIRED FROM FACE OF CURB (WHEN INTERSECTING STREETS HAVE DIFFERENT CLASSIFICATION, USE THE MORE RESTRICTIVE):
 - A. RESIDENTIAL LOCAL STREET - 20 FEET
 - B. RESIDENTIAL LOCAL STREET TO RESIDENTIAL ALLEY - 10 FEET
 - C. RESIDENTIAL COLLECTOR - 25 FEET
6. ALL CONSTRUCTION SHALL CONFORM TO THE TOWN OF HUNTERSVILLE OR NCDOT STANDARDS, WHICHEVER IS GREATER.
7. PIPE SYSTEMS AND/OR CHANNELS LOCATED WITHIN PUBLIC STORM DRAINAGE EASEMENTS ARE THE MAINTENANCE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER.
8. TIA DETERMINATION FORM WAS SUBMITTED, BUT A TIA WAS DETERMINED UNNECESSARY.
9. IN NO CASE SHALL THE GARAGE BE LOCATED LESS THAN 20 FEET FROM BACK OF PUBLIC SIDEWALK.
10. DIRECT ACCESS FROM LOTS TO A THROUGHFARE IS PROHIBITED.
11. ARE THERE ANY HISTORICAL, ARCHAEOLOGICAL AND CULTURAL FEATURES?
12. LOTS SUBJECT TO FLOODING SHOULD NOT BE ESTABLISHED IN SUBDIVISIONS EXCEPT AS PROVIDED IN SECTION 7.260.

DEVELOPMENT BOUNDARY
PHASE LINE
CREEK CENTERLINE
EXISTING RIGHT-OF-WAY
EXISTING LOT LINE
EXISTING GRADE
730
COMMUNITY ENCROACHMENT LINE
FEMA FLOODWAY ENCROACHMENT LINE
FEMA FLOOD FRINGE LINE
FUTURE CONDITIONS FEMA FLOOD FRINGE LINE

IT'S THE LAW.



Hind's Feet Farm, Inc.
Parcel# 011-241-13
Deed Book 11821, Page 465
Zoning - R

Darlene J. Amberge
Parcel# 011-151-15
Deed Book 12631, Page 057
Deed Book 9238, Page 681
Zoning - R

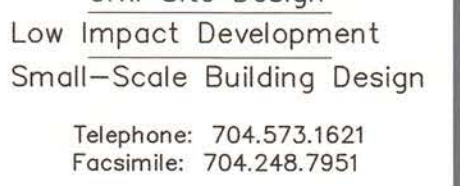
Renee White Cope
Parcel# 011-151-02
Deed Book 19907, Page 286
Deed Book 07805, Page 458
Zoning - R

Sarett and Gail Sarett
Parcel# 011-151-20
Book 20142, Page 548
Book 19907, Page 290
Book 10527, Page 65
Zoning - R - - -

REMAINDER OF ORIGINAL PLAT
Philip L. Black
Parcel# 011-151-03
Deed Book 5062, Page 986
0.244 ACRES

KBR Properties
Parcel# 011-151-04
Deed Book 19976, Page
Deed Book 01702, Page
Zoning - R

Russell W. Wallace and Judith G. Wallace
Parcel# 011-151-22
Deed Book 10537, Page 662
Zoning - R

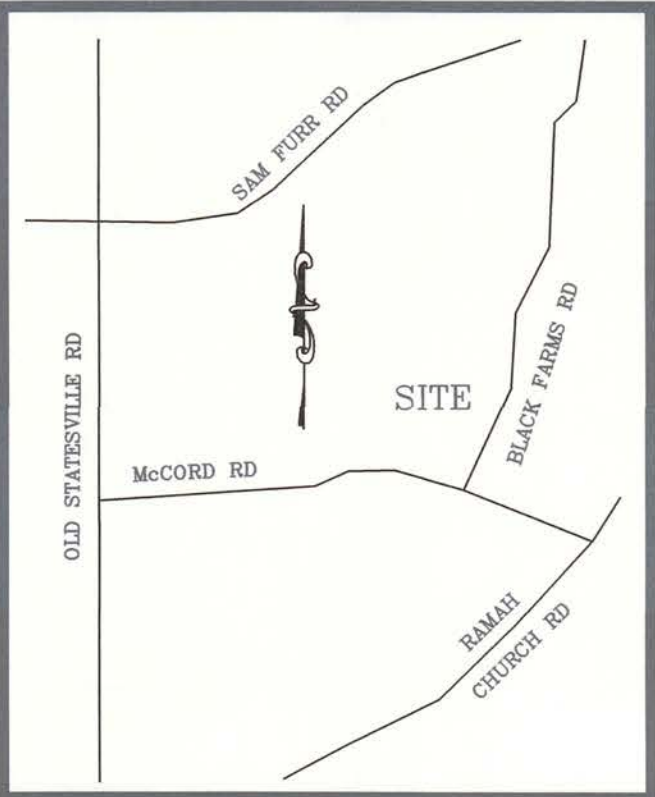


BY
BOWMAN DEVELOPMENT GROUP
13815 CINNABAR PLACE
HUNTERSVILLE, NORTH CAROLINA 28078
(704) 875-9704

Summary:

Sheet No: _____

C-1.0



VICINITY MAP
NOT TO SCALE

SIGHT TRIANGLE NOTE:
1.) NO DRIVEWAYS SHALL BE CONSTRUCTED WITHIN THE SIGHT TRIANGLES. THE DEVELOPER SHALL CONSIDER THAT WHEN DETERMINE HOUSE PLACEMENT ON THE INDIVIDUAL LOTS.

- LOT LAYOUT NOTES:
- 1.) FRONT LOADED GARAGES MUST BE RECESSED 10-FT MIN. FROM PRIMARY PLANE OF HOUSE. - ARTICLE 8.16
 - 2.) STREET TREES TO BE LARGE MATURING TREES PLANTED 40' ON CENTER ON BOTH SIDES OF STREET.
 - 3.) SIDE SETBACKS ON A CORNER LOT ARE DETERMINED BY AT LEAST 50 PERCENT OF THE FRONT SETBACK OF THE ADJACENT LOT OR ESTABLISH A TRANSITION BETWEEN EXISTING BUILDING BY STEPPING TOWARD THE STREET OR BACK FROM THE STREET A DISTANCE EQUAL TO THE LESSER BUILDING SETBACK PLUS ONE-HALF OF THE DIFFERENCE BETWEEN THE SETBACKS OF THE ADJOINING BUILDINGS.
 - 4.) BUILD-TO-LINE DEFINITION - 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 MUST BE ERRECTED. IT IS INTENDED TO CREATE AN EVEN BUILDING FACADE LINE ON A STREET. THE BUILD-TO-LINE IS ESTABLISHED ON THE RECORD PLAT.
 - 5.) THE DEVELOPER TO TAKE CARE WHEN LAYING OUT AND RECORDING LOTS THAT BARELY EXCEED A 60- FEET WIDTH AND ALLOW LITTLE ROOM FOR ERROR.

MECKLENBURG COUNTY FIRE NOTES:
1.) ALL TURNING RADIUS SHALL BE 30' INNER AND 42' OUTER TO FACILITATE FIRE APPARATUS.
2.) FIRE APPARATUS ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS OF 80,000 POUNDS.

LOT CHART					APPROXIMATE	
PHASE	120'+				TOTAL	TIME FRAME
1	22				22	2016-2017
TOTAL	22				22	

BLOCK LENGTH TABLE		
BLOCK	DESCRIPTION	LENGTH
STREET A	BLACK FARMS RD TO STREET C	425 FT
STREET A	STREET C TO STREET B	348 FT
STREET B	TURN AROUND TO STREET A	656 FT
STREET B	STREET A TO STREET C	100 FT
STREET C	STREET A TO STREET B	521 FT
STREET C	STREET B TO TURN AROUND	401 FT
TOTAL		2,451 FT

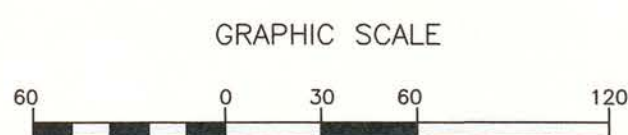
BEFORE YOU DIG STOP. CALL THE NC ONE-CALL

CENTER AT 811.

IT'S THE LAW.



- LEGEND:
- DEVELOPMENT BOUNDARY
 - PHASE LINE
 - CREEK CENTERLINE
 - EXISTING RIGHT-OF-WAY
 - EXISTING LOT LINE
 - PROPOSED RIGHT-OF-WAY
 - PROPOSED LOT LINE
 - COMMUNITY ENCROACHMENT LINE
 - FEMA FLOODWAY ENCROACHMENT LINE
 - FEMA FLOOD FRINGE LINE
 - FUTURE CONDITIONS FEMA FLOOD FRINGE LINE



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LESS THAN 0.10 ACRES OF WETLAND TO BE IMPACTED AS ALLOWED BY ARMY CORPS OF ENGINEERS AND N.C. DEPT. OF WATER QUALITY.

POST CONSTRUCTION BUFFER TO BE MITIGATED THROUGH N.C. DEPT. OF WATER QUALITY DURING PRELIMINARY PLAN REVIEW.

+/- 9.20 AC. TO BE PURCHASED FROM PARCEL #011-241-13 COMBINATION PLAT TO BE SUBMITTED UPON COMPLETION OF ALL SURVEY WORK (SEE SHEET C-1.0)

Hind's Feet Farm, Inc.
Parcel# 011-241-13
Deed Book 11821, Page 465
Zoning - R

James O. McConnell
Parcel# 011-241-12
Deed Book 4677, Page 365
Zoning - R



Firm License # P-1191
331 Coddle Market Drive
Suite 110
Concord, NC 28027

Civil Site Design
Low Impact Development
Small-Scale Building Design

Telephone: 704.573.1621
Facsimile: 704.248.7951

Seals:



BLACKWOOD KNOLL SUBDIVISION
SKE TCH PLAN
HUNTERSVILLE, NORTH CAROLINA
BY
BOWMAN DEVELOPMENT GROUP
13815 CINNABAR PLACE
HUNTERSVILLE, NORTH CAROLINA 28078
(704) 875-9704

Project Number: 17-16-013

Date: 05-05-2016

Drawn By: JLM

Checked By: NRP

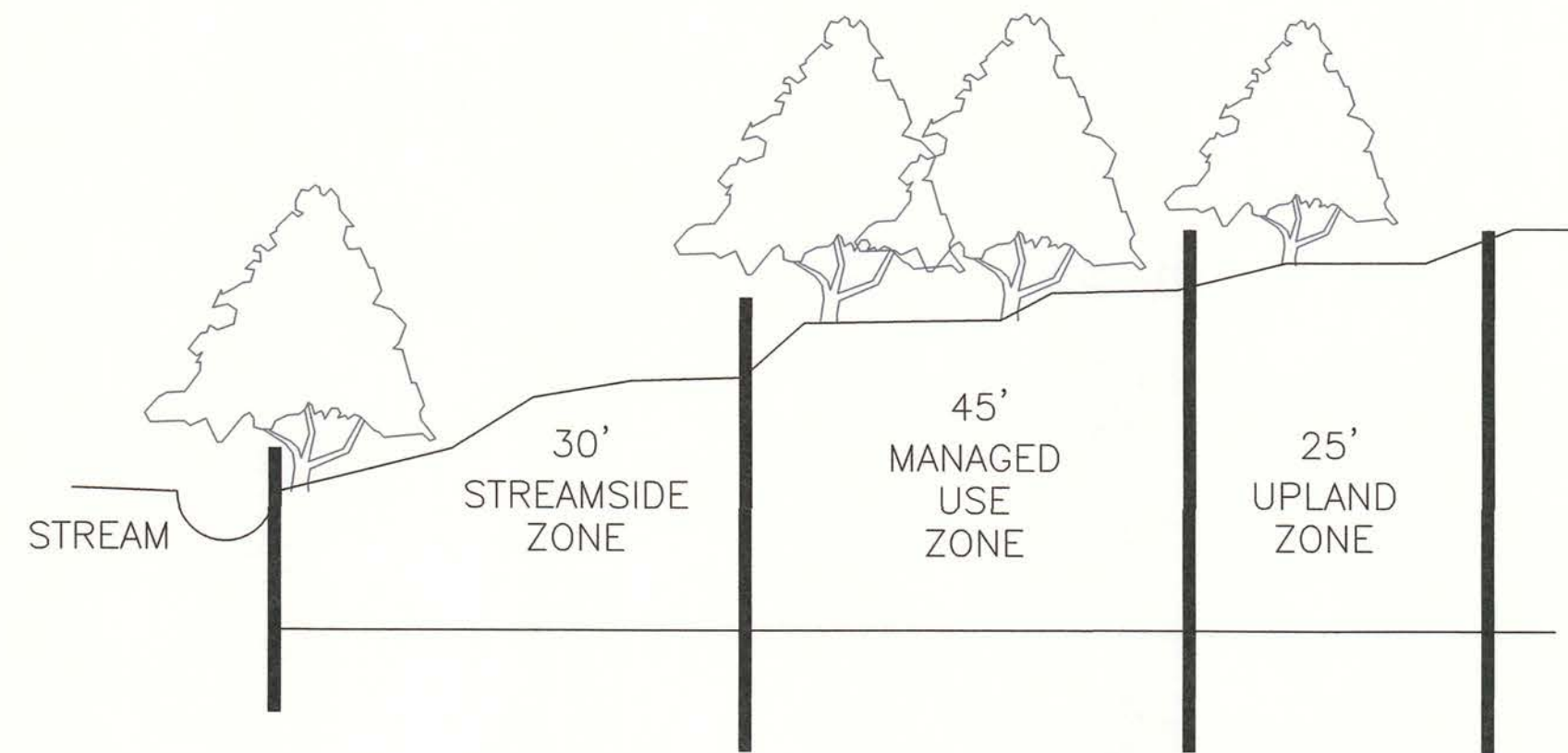
Revisions:
02/20/16 ORIGINAL SUBMITTAL
05/05/16 PER MECK COUNTY / TOH

Sheet Title:

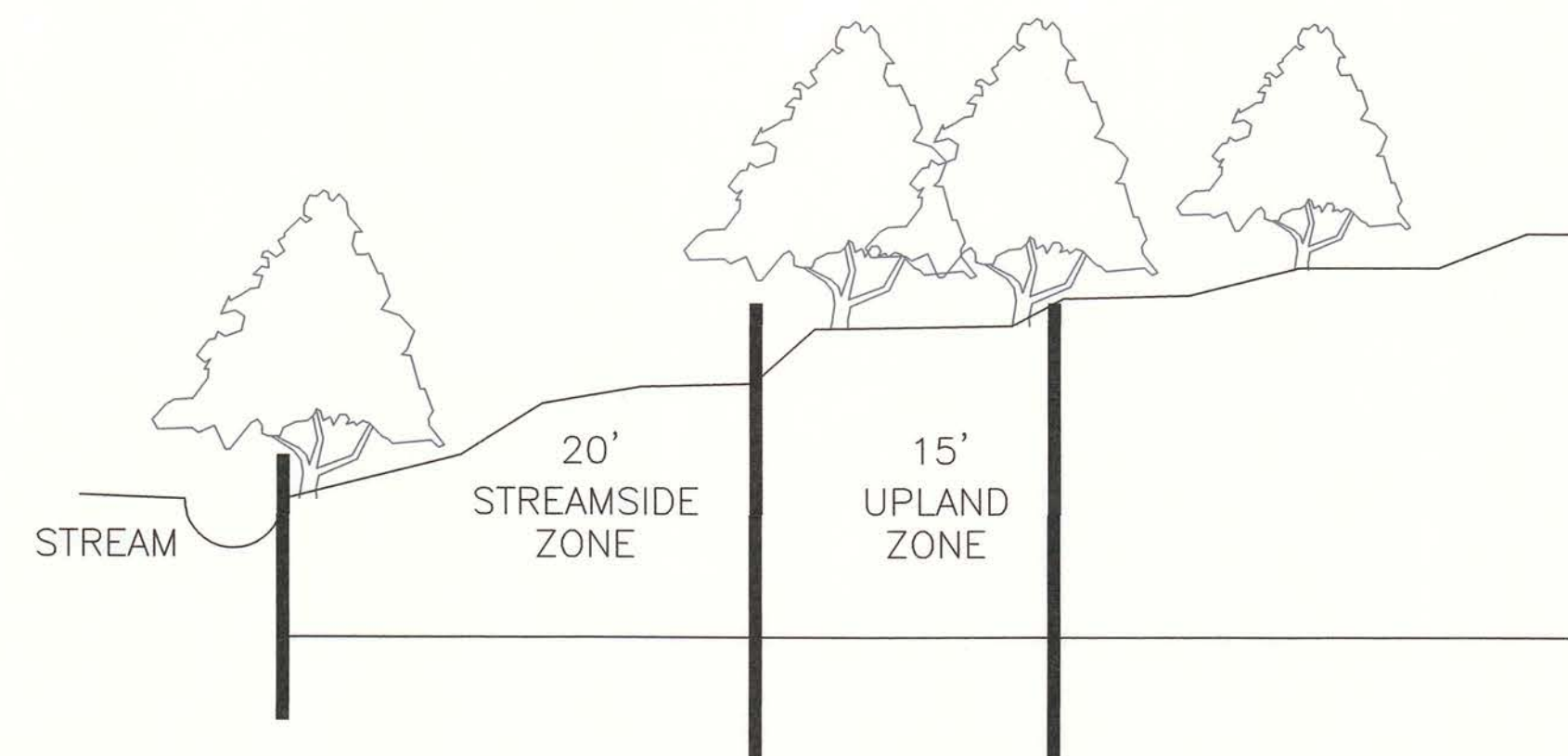


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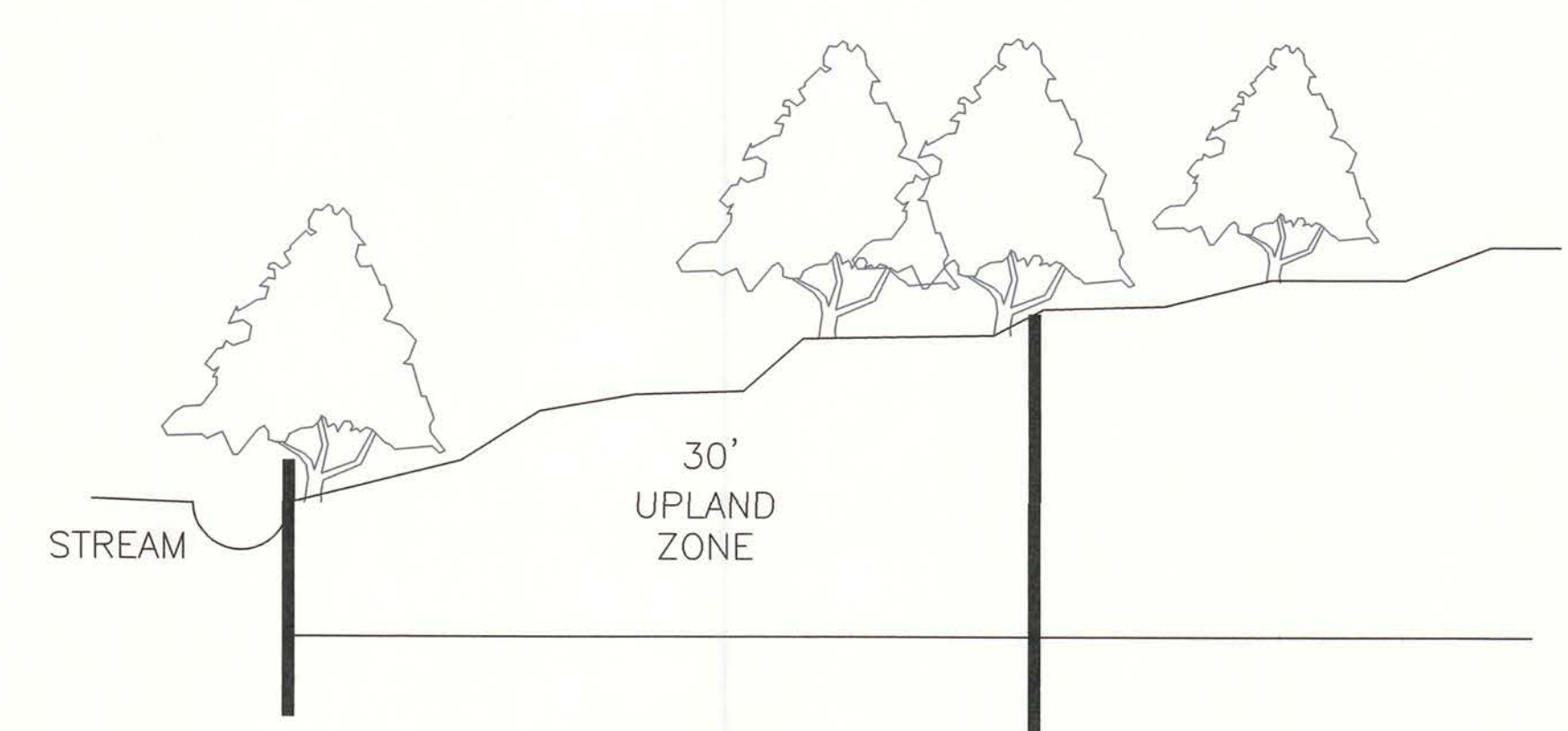
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100' S.W.I.M. BUFFER DETAIL

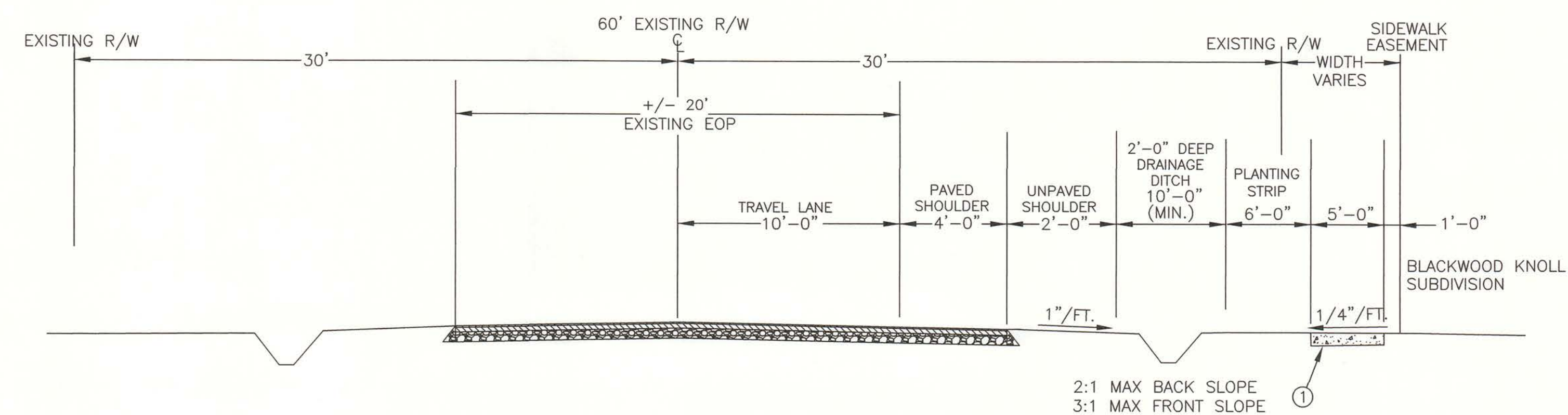


35' S.W.I.M. BUFFER DETAIL



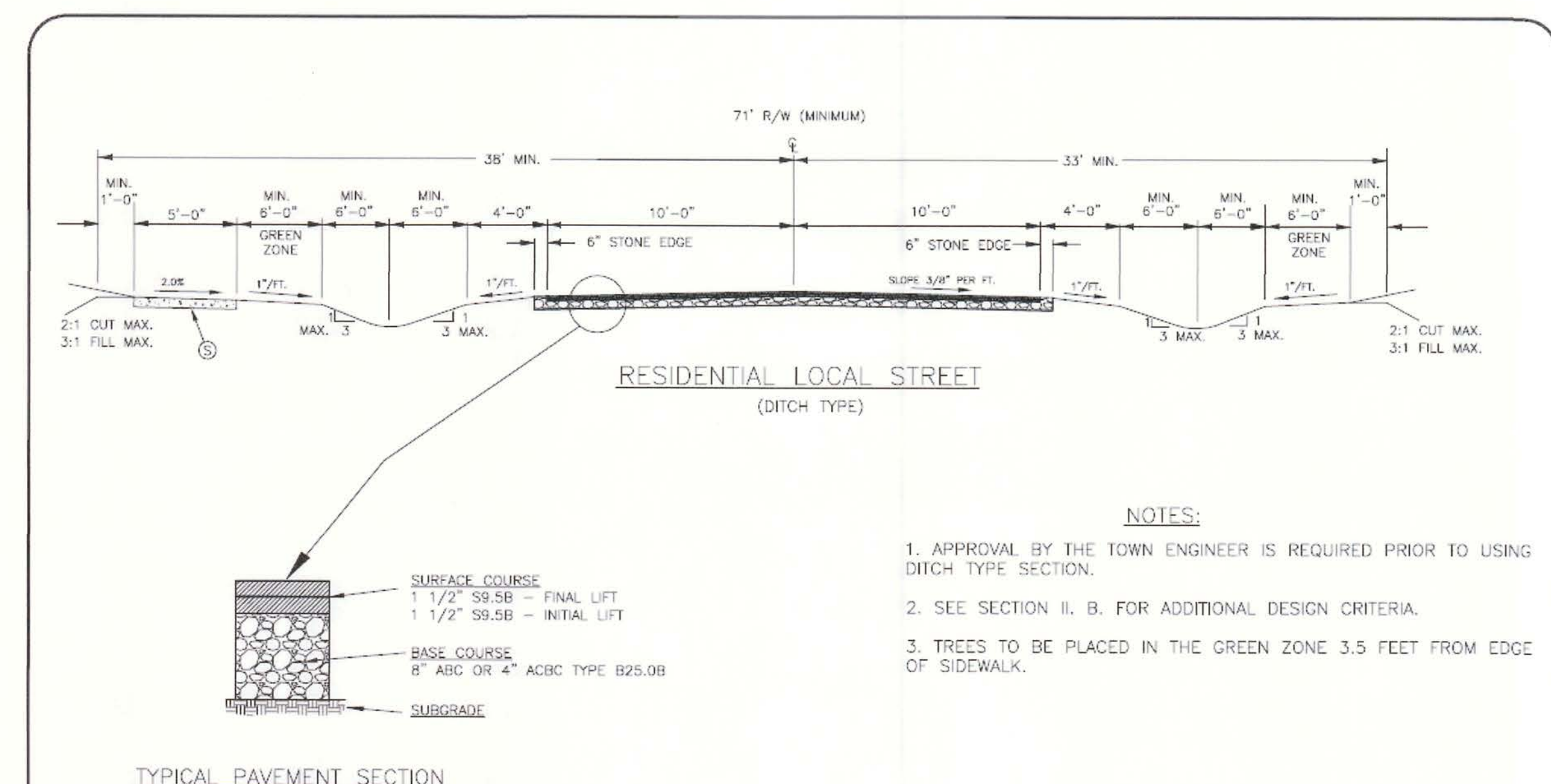
30' POST CONSTRUCTION BUFFER DETAIL

PROPOSED STREET SECTION (NOT TO SCALE) AT BLACK FARMS ROAD



KEY

- ① 4" CONCRETE SIDEWALK. SIDEWALK WILL BE STRATEGICALLY PLACED TO MEANDER THROUGH THE EXISTING FOREST AND NOT COMPROMISE ANY SIGNIFICANT VEGETATION AT BLACK FARMS ROAD.



KEY

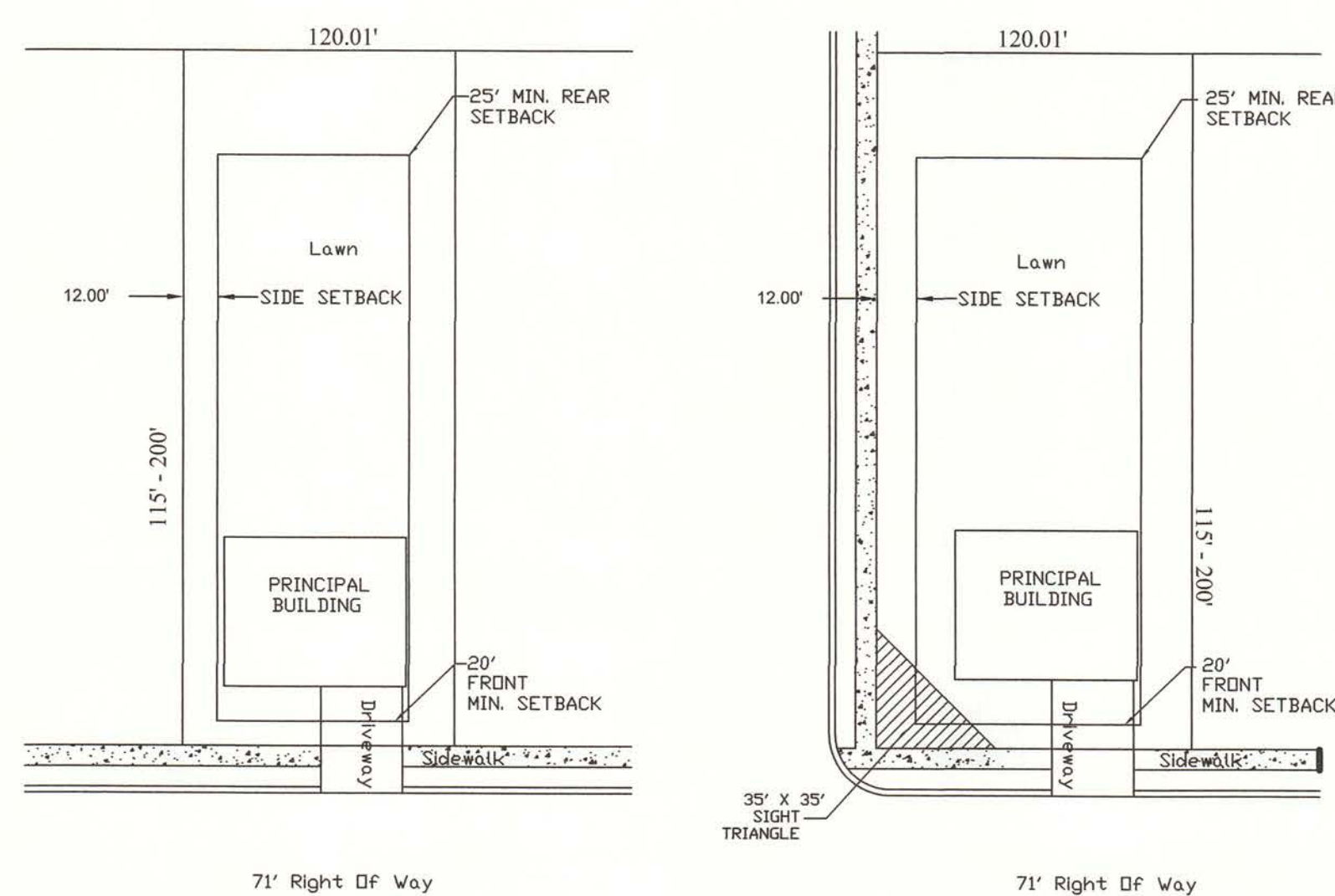
- ⑤ 4" CONCRETE SIDEWALK

- NOTES:
1. APPROVAL BY THE TOWN ENGINEER IS REQUIRED PRIOR TO USING DITCH TYPE SECTION.
 2. SEE SECTION II, B, FOR ADDITIONAL DESIGN CRITERIA.
 3. TREES TO BE PLACED IN THE GREEN ZONE 3.5 FEET FROM EDGE OF SIDEWALK.

Town of Huntersville
STANDARD
DRAWING

RESIDENTIAL LOCAL STREET
DITCH TYPE
TYPICAL SECTION

NOT TO SCALE	
REV.	DATE
10/01/15	
STD. NO.	
200.4	



TYPICAL INTERIOR LOT
SCALE: NTS

TYPICAL CORNER LOT
SCALE: NTS

120' SINGLE FAMILY LOTS



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331 Coddle Market Drive
Suite 110
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Civil Site Design
Low Impact Development
Small-Scale Building Design
Telephone: 704.573.1621
Facsimile: 704.248.7951

Seals:



BLACKWOOD KNOLL SUBDIVISION
SKETCH PLAN
HUNTERSVILLE, NORTH CAROLINA
BY
BOWMAN DEVELOPMENT GROUP
13815 CINNABAR PLACE
HUNTERSVILLE, NORTH CAROLINA 28078
(704) 875-9704

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Checked By: NRP

Revisions:	
02/01/16	ORIGINAL SUBMITTAL
05/05/16	PER MECK COUNTY / TOH

Sheet Title:



Sheet No:

C-2.1

PLANT LEGEND
(ALL PLANT SPECIES TO BE APPROVED
BY TOWN OF HUNTERSVILLE PRIOR TO PLANTING)

EVERGREEN SHRUB
EVERGREEN TREE
CANOPY TREE
LARGE MATURING TREE
SMALL MATURING TREE

EXISTING SPECIMEN TREES TO BE REMOVED
EXISTING SPECIMEN TREES TO BE SAVED
PROPOSED TREE SAVE AREA
AREAS OF 20' PROJECT BUFFER THAT MAY NOT BE OPAQUE AND REQUIRE SUPPLEMENTAL PLANTINGS

PROJECT BUFFER PLANTINGS PER 1,000 SQ FT

RESIDENTIAL LOT TREES CHART		
LOST SIZE	# OF LOTS	REQUIREMENTS
< 10,000 SF	0	1 FRONT - 1 REAR
10,000 - 15,000 SF	0	1 FRONT - 2 REAR
15,001 - 20,000 SF	7	2 FRONT - 2 REAR
> 20,000 SF	15	3 FRONT - 3 REAR

BLACKWOOD KNOLL - TREE SAVE INFO

HERITAGE TREES
HERITAGE TREES ON SITE: NONE
HERITAGE TREES SAVED: N/A
PERCENTAGE OF HERITAGE TREES REQUIRED TO SAVE: 100%
PERCENTAGE OF HERITAGE TREES ACTUALLY SAVED: N/A

SPECIMEN TREES
SPECIMEN TREES ON SITE: 39
SPECIMEN TREES SAVED: 24
PERCENTAGE OF SPECIMEN TREES REQUIRED TO SAVE: 50%
PERCENTAGE OF SPECIMEN TREES ACTUALLY SAVED: 62%

TREE CANOPY
PERCENTAGE OF SITE COVERED BY TREE CANOPY: 51%
PERCENTAGE OF TREE CANOPY PRESERVATION REQUIRED BY DISTRICT: 50%
PERCENTAGE OF TREE CANOPY ACTUALLY SAVED: 72%

- LANDSCAPING NOTES (PER TOWN OF HUNTERSVILLE):
- STREET TREES ARE REQUIRED TO BE WITHIN A MINIMUM 7-FOOT PLANTING STRIP LOCATED BETWEEN THE PROPOSED STREET AND PROPOSED SIDEWALK. PLANTING SHALL BE PROVIDED AS FOLLOWS:
 - LARGE MATURING CANOPY TREES SHALL BE PLANTED AT A SPACING NOT TO EXCEED 40-FEET ON CENTER EXCEPT THAT SPACING MAY BE ALTERED SLIGHTLY TO ACCOMMODATE DRIVEWAYS.
 - SMALL MATURING "CANOPY-LIKE" TREES SHALL BE PLANTED 30-FEET ON CENTER WHERE EXISTING OVERHEAD UTILITY LINES PROHIBIT THE USE OF LARGE MATURING CANOPY TREES.
 - NEW TREES MAY BE REQUIRED WITHIN EACH RESIDENTIAL LOT. IN ORDER TO MAINTAIN OR REPLENISH THE URBAN TREE CANOPY IN AREAS OF NEW RESIDENTIAL SUBDIVISION, EACH LOT SHALL PROVIDE CANOPY TREES. FOR LOTS LESS THAN 10,000 SQ. FT., 1 FRONT YARD AND 1 REAR YARD CANOPY TREE MAY BE REQUIRED. FOR LOTS BETWEEN 10,000 SQ. FT. AND 15,000 SQ. FT., 1 FRONT YARD AND 2 REAR YARD CANOPY TREES MAY BE REQUIRED.
 - ALL REQUIRED PLANTINGS SHALL BE INSTALLED IN A MANNER THAT INSURES THE AVAILABILITY OF SUFFICIENT SOIL AND WATER FOR HEALTHY GROWTH AND THAT IS NOT INTRUSIVE TO ABOVE GROUND AND UNDER GROUND UTILITIES.
 - ALL STREET TREES MUST BE FROM THE "TOWN OF HUNTERSVILLE TREE AND SHRUB LIST."
 - ALL TREES SHALL BE A MINIMUM OF 2-INCHES IN CALIPER, WITH MINIMUM HEIGHT 8' TO 10' AT TIME OF PLANTING. SHRUBS SHALL HAVE A MINIMUM HEIGHT OF 3' AT INSTALLATION, EXPECTED HEIGHT OF 6' AT MATURITY.
 - INSTALLATION OF TREES AND SHRUBS SHALL COMPLY WITH THE TOWN OF HUNTERSVILLE ENGINEERING STANDARDS AND PROCEDURES MANUAL.
 - EVERY REASONABLE EFFORT SHALL BE MADE TO PROTECT AND RETAIN EXISTING TREES AND SHRUBS NOT ACTUALLY LYING IN PLANNED ROADWAYS, DRAINAGEWAYS, BUILDING FOUNDATION SITES AND CONSTRUCTION ACTIVITY AREAS. EXCEPT WHEN NECESSARY TO PROVIDE ACCESS TO A SITE OR TO INSURE THE SAFETY AND SECURITY OF PEOPLE AND PROPERTY ANY EXISTING HEALTHY TREES THAT ARE EIGHT INCHES OR GREATER IN CALIPER, LOCATED WITH A PUBLIC RIGHT-OF-WAY OR UNDEVELOPED REQUIRED YARD SHALL BE RETAINED UNLESS APPROVED FOR REMOVAL BY STAFF DURING PLAN REVIEW.
 - TREES SHOULD NOT BE PLANTED WITHIN 40' OF THE CURB RETURN ON A STOP/YIELD CONTROLLED APPROACH. ALSO NOTE THAT TREES SHOULD BE PLANTED AT LEAST 10' FROM DRAINAGE STRUCTURES. TREES NOT TO BE PLANTED DIRECTLY ON TOP OF STORM DRAIN PIPES, NOR WITHIN SIGHT TRIANGLES.
 - ALL LOT TREES AS PER SECTION 7.7 (STREET TREES AND INTERNAL LANDSCAPING) OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE. EXISTING SPECIMEN TREES TO BE USED IN LIEU OF NEW PLANTINGS (AS APPROVED BY TOWN OF HUNTERSVILLE).
 - SHOULD ANY AREA OF DESIGNATED TREE SAVE OR SPECIMEN TREES BE COMPROMISED MITIGATION WILL BE REQUIRED PER ARTICLE 7.5.
 - ALL TREE SAVE LOCATED ON PRIVATE LOTS WILL BE REQUIRED TO BE PLATTED. SHOULD CONSTRUCTION OCCUR AND COMPROMISE, THEN MITIGATION WILL NEED TO TAKE PLACE AND A REVISED PLAT WILL BE REQUIRED FOR REDECORATION.

BEFORE YOU DIG STOP. CALL THE NC ONE-CALL

CENTER AT 811.

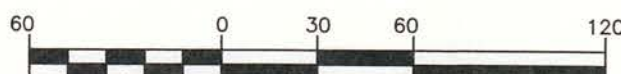
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LEGEND:

- DEVELOPMENT BOUNDARY
PHASE LINE
CREEK CENTERLINE
EXISTING RIGHT-OF-WAY
EXISTING LOT LINE
PROPOSED RIGHT-OF-WAY
PROPOSED LOT LINE

GRAPHIC SCALE



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NATURAL
OPEN SPACE
12.64 AC

TREE SAVE AREA
9.31 ACRES

AREA OF 20' PROJECT BUFFER THAT MAY NOT
BE OPAQUE AND REQUIRE SUPPLEMENTAL PLANTINGS
(SEE PLANT LEGEND ON THIS SHEET)

THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE CONTINUED PRESERVATION AND MAINTENANCE OF THIS AREA

TREE SAVE AREA
3.04 ACRES

THE SIDEWALK WILL BE STRATEGICALLY PLACED TO MEANDER THROUGH THE EXISTING FOREST AND NOT COMPROMISE ANY SIGNIFICANT VEGETATION

NATURAL
OPEN SPACE
4.83 AC

EXISTING
POND

COMMON
OPEN SPACE
0.79 AC

NATURAL
OPEN SPACE
3.36 AC

TREE SAVE AREA
1.47 ACRES

14,433 S.F. IN 20' LANDSCAPE BUFFER
REQUIRED 3 TREES PER 1,000 FT²
& 10 SHRUBS PER 1,000 FT²
(45 TREES & 150 SHRUBS)
SEE PLANTING LEGEND FOR TREE AND SHRUB SPECIES

THE HOMEOWNERS ASSOCIATION
SHALL BE RESPONSIBLE FOR THE
CONTINUED PRESERVATION AND
MAINTENANCE OF THIS AREA



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Seals:



BLACKWOOD KNOLL SUBDIVISION
SKETCH PLAN
HUNTERSVILLE, NORTH CAROLINA

BY
BOWMAN DEVELOPMENT GROUP

13815 CINNABAR PLACE
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(704) 875-9704

Project Number: 17-16-013

Date: 05-05-2016

Drawn By: JLM

Checked By: NRP

Revisions:
02/01/16 ORIGINAL SUBMITTAL
05/05/16 PER MECK COUNTY / TOH

Sheet Title:

Tree
Planting/
Tree Save
Plan

Sheet No:

C-3.0

PCCO Summary			
Original Parcel ID Number(s):	011-241-11		
Development Type:	Residential Single Family Detached		
Subject to PCCO? Y/N	No		
If NO, why?	Less than 12% Impervious area		
Watershed:	Clarke		
Disturbed Area (ac):	+/- 16.00		
Site Area (ac):	+/- 37.89		
	DA-1	DA-2	DA-3
Total on-site Drainage Area requiring treatment (ac):	N/A	N/A	N/A
Existing Built-upon area (SF):	None	None	None
Existing BUA to be removed (SF):	None	None	None
Existing BUA remain (SF):	None	None	None
Proposed New BUA (SF):	N/A	N/A	N/A
Proposed % BUA:	N/A	N/A	N/A
Density (High/Low):	High		
Development or Redevelopment?	Development		
Natural Area Required (ac):	Unknown at this time		
Natural Area provided, total (ac):	Unknown at this time		
Undisturbed Treed Natural Area Preserved (ac):	Unknown at this time		
Total stream buffer protected on site (ac):	N/A		
Transit Station Area? Y/N	No		
Distressed Business District? Y/N	No		
Mitigation Type (if applicable)	N/A		
Natural Area mitigation? Y/N	No		
Buffer mitigation? Y/N	No		
Total Phosphorous Mitigation? Y/N	No		

NOTES FOR CONSTRUCTION PLAN SUBMITTAL:

- 1) PROVIDE PAD GRADING WITH CONSTRUCTION PLAN SUBMITTAL TO PROPERLY SHOW PROPOSED DRAINAGE PATTERNS TO STORM SEWER SYSTEM AND BMP'S.
- 2) ANY OFF-SITE CONSTRUCTION EASEMENTS NEED TO BE RECORDED PRIOR TO CONSTRUCTION PLAN APPROVAL.
- 3) THE PCCO19H FORM WILL NEED TO BE RECORDED PRIOR TO CONSTRUCTION PLAN APPROVAL.
- 4) WHERE DISTURBANCE TO THE BUFFER IS SHOWN, A LETTER FROM WATER QUALITY IS REQUIRED STATING THAT THE DISTURBANCE SHOWN IS ALLOWABLE OR WHETHER A MITIGATION PLAN HAS BEEN APPROVED.

BEFORE YOU DIG STOP. CALL THE NC ONE-CALL

CENTER AT 811.

IT'S THE LAW.



LEGEND:

- DEVELOPMENT BOUNDARY
- PHASE LINE
- CREEK CENTERLINE
- EXISTING RIGHT-OF-WAY
- EXISTING LOT LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED LOT LINE
- EXISTING GRADE
- PROPOSED GRADE
- SAND FILTER DRAINAGE AREA

GRAPHIC SCALE



LESS THAN 0.10 ACRES OF WETLAND TO BE IMPACTED AS ALLOWED BY ARMY CORPS OF ENGINEERS AND N.C. DEPT. OF WATER QUALITY.

POST CONSTRUCTION BUFFER TO BE MITIGATED THROUGH N.C. DEPT. OF WATER QUALITY DURING PRELIMINARY PLAN REVIEW.

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Firm License # P-1191
331 Coddle Market Drive
Suite 110
Concord, NC 28027
Civil Site Design
Low Impact Development
Small-Scale Building Design

Telephone: 704.573.1621
Facsimile: 704.248.7951

Seals:



BLACKWOOD KNOLL SUBDIVISION

SKETCH PLAN

HUNTERSVILLE, NORTH CAROLINA

BY

BOWMAN DEVELOPMENT GROUP

13815 CINNABAR PLACE

HUNTERSVILLE, NORTH CAROLINA 28078

(704) 875-9704

Project Number: 17-16-013

Date: 05-05-2016

Drawn By: JLM

Checked By: NRP

Revisions:

02/01/16 ORIGINAL SUBMITTAL
05/05/16 PER MECK COUNTY / TOH

Sheet Title:

Conceptual
Stormwater
Management
Plan

Sheet No:

C-4.0

Blackwood Knoll - Neighborhood Meeting

Held on Tuesday, March 15, 2016 at the Bowman Development Office at 5pm

All parties were notified via letter stating the date, time and location of the meeting and the project being discussed. At the meeting site plans were handed out to all. An overview of the project was given by Nate Bowman with the aid of Drew Bowman.

Discussion points at the meeting:

- Who is the builder - Peachtree
- "Glad to see someone doing something. Have had to call cops on kids hanging out on property. "
- Talk about the possibility of working with adjoining properties and developing in a similar way
- What kind of entry - Simple monument with a lot of landscaping.
- Black farm Rd improvements - we are adding 4' paved shoulder and sidewalk to our side of the street.
- Ability to connect to water and sewer - we are working on getting water connected from Northstone and sewer trunk line is being installed now.
- Gas connection? Judy has natural gas across the street.
- We will be annexing the community. Neighbors are not required to annex if they don't want to.

Meeting Attendees:

- Judy Wallace 14214 Black Farm Rd 704-948-1015
- Rodney Shinn 13800 Ramah Ch Rd 704-661-8074 rod62@bellsouth.net
- Arlene Carrelli 14204 Black Farm Rd 704-965-7216 arca0513@att.net
- Josh Sarett 14300 Black Farm Rd 704-996-9283 jsarett@bellsouth.net



May 13, 2016

Bowman Development Group
13815 Cinnabar Pl
Huntersville, NC 28078

RE: Adequate Public Facilities (APF) Application – Bowman Blackwood Knoll (File#2015-08)

Dear Bowman Development Group:

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 22 Single Family Homes, 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 May 13, 2016, 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
Allison Adams

Planning

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

Town of Huntersville: Black Knoll Subdivision

RECOMMENDATION

We have the following comments that are critical to CMS' support of this petition:

Adequacy of existing school capacity in this area is a significant problem. We are particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development will exacerbate this situation. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at the schools listed below.

CMS recommends the petitioner schedule a meeting with staff to discuss any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development.

TOTAL IMPACT FROM PROPOSED DEVELOPMENT

Proposed Housing Units: 22 single family homes on Black Farm Road.

CMS Planning Area: 4, 17, 18, 19

Average Student Yield per Unit: 0.4905

This development will add 11 students to the schools in this area.

The following data is as of 20th Day of the 2015-16 school year.

<i>Schools Affected</i>	<i>Total Classroom Teachers</i>	<i>Building Classrooms/Teacher Stations</i>	<i>20th Day, Enrollment (non-ec)</i>	<i>Building Classroom/Adjusted Capacity (Without Mobiles)</i>	<i>20th Day, Building Utilization (Without Mobiles)</i>	<i>Additional Students As a result of this development</i>	<i>Utilization As of result of this development (Without Mobiles)</i>
HUNTERSVILLE ELEMEN	39	37	750	712	105%	6	105%
BAILEY MIDDLE	72	57	1557	1233	126%	2	126%
W.A. HOUGH HIGH	120.5	100	2576	2138	121%	3	121%



March 4, 2016

Mr. Nate Bowman
Bowman Development Group
13815 Cinnabar Pl
Huntersville, NC 28078

**SUBJECT: WILLINGNESS TO SERVE
BLACKWOOD KNOLL SUBDIVISION
14301 BLACK FARMS 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, pending the completion of Charlotte Water Project# 823-11-560, there will be 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 DENR. 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 blue ink that reads "Barbara Gross".

Barbara Gross
Engineering Assistant

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman/Greg Ferguson
Subject: Approve 2016 Bond Resolutions and Call for Public Hearing

Our Bond Counsel, Scott Leo with Parker Poe has forwarded the following documents that require Board approval prior to our moving forward with the August 30 bond issue, specifically the two-thirds issue funding source for a portion of the Main Street upgrades. There are two resolutions attached and a sworn statement of debt that documents our total debt outstanding and ratio of total debt as a percentage of the tax base. Finally, there is a notice of calling for a public hearing on June 20 to allow the public an opportunity to speak about the bond issue.

ACTION RECOMMENDED:

Please take the following actions:

1. Introduce Bond Order into the Record and adopt resolution calling a public hearing on bond order, directing publication of a notice of said public hearing and filing of a debt statement.
3. Adopt resolution making certain statements of fact concerning proposed bond issue.

FINANCIAL IMPLICATIONS:

Formal procedures required to issue bonds.

ATTACHMENTS:

Description	Type
□ Bond order intro resolution	Resolution
□ Statement of Facts Resolution	Resolution
□ Statement of interest	Backup Material
□ Sworn statement of Debt	Backup Material
□ Notice of public hearing	Backup Material

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

A regular meeting of the Board of Commissioners of the Town of Huntersville, North Carolina, was duly held on June 6, 2016 at 6:30 p.m. at the Town Hall, 101 Huntersville-Concord Road, Huntersville, North Carolina 28078. Mayor John Aneralla presiding.

The following members were present:

The following members were absent:

Also present:

The following bond order was introduced by reading the titles thereof:

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$865,000
GENERAL OBLIGATION STREET BONDS
OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA**

WHEREAS, the Board of Commissioners of the Town of Huntersville, North Carolina deems it advisable to make the improvements hereinafter described; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission has notified the Board of Commissioners that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of the Town of Huntersville, North Carolina, as follows:

Section 1. The Board of Commissioners of the Town of Huntersville, North Carolina has ascertained and hereby determines that it is necessary to pay the capital costs of upgrading Main Street and providing connections to NC 115 at Mount Holly-Huntersville Road and Fourth Street in the Town, including related improvements and the acquisition of land, rights-of-way and easements in land required therefor.

Section 2. In order to raise the money required to pay the costs of making the improvements described above, in addition to funds which may be available for such purpose from any other source, bonds of the Town of Huntersville, North Carolina are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Street Bonds authorized by this bond order shall be \$865,000.

Section 3. A tax sufficient to pay the principal of and interest on said General Obligation Street Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this bond order if the amount of such debt and if all other debt contracted during such fiscal year shall exceed 2/3rds of the amount by which the outstanding indebtedness of the Town shall have been reduced during the next preceding fiscal year, unless the incurring of such debt shall be submitted to a vote of the people of the Town and shall be approved by a majority of those who vote thereon.

Section 6. This bond order shall take effect 30 days after its publication following its adoption, unless it is petitioned to a vote of the people within 30 days after its publication as introduced, as provided in N. C. G. S. Section 159-60, and in that event, the bond order will take effect when approved by the voters of the Town.

After the introduction of the bond order, Commissioner _____ moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

RESOLUTION OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA CALLING A PUBLIC HEARING ON A BOND ORDER, DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING AND FILING OF A DEBT STATEMENT.

WHEREAS, the bond order entitled:

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$865,000 GENERAL OBLIGATION STREET BONDS OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA”

has been introduced at a meeting of the Board of Commissioners of the Town of Huntersville, North Carolina this 6th day of June, 2016 and the Board of Commissioners desires to provide for the holding of a public hearing thereon on June 20, 2016 and the submission of a statement of debt in connection therewith as required by the Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Huntersville, North Carolina as follows:

1. The public hearing upon said bond order shall be held on the 20th day of June, 2016 at 6:30 p.m. . at the Town Hall, 101 Huntersville-Concord Road, Huntersville, North Carolina 28078.

2. The Town Clerk is hereby directed to cause a copy of the bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days before such public hearing.

3. The Town's Finance Director is hereby directed to file with the Town Clerk before publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the Town and the net debt of the Town.

The motion was seconded by Commissioner _____ and was adopted by the following vote:

AYES:

NAYS:

READ, APPROVED AND ADOPTED this 6th day of June, 2016.

EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS

A regular meeting of the Board of Commissioners of the Town of Huntersville, North Carolina, was duly held on June 6, 2016 at 6:30 p.m. at the Town Hall, 101 Huntersville-Concord Road, Huntersville, North Carolina 28078. Mayor John Aneralla presiding.

The following members were present:

The following members were absent:

The following members of the Board were absent:

Also present:

Commissioner _____ introduced the following resolution (the "*Resolution*"), a summary of which had been provided to each Commissioner, a copy of which was available with the Town Clerk and which was read by title:

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA
MAKING CERTAIN STATEMENTS OF FACT
CONCERNING PROPOSED BOND ISSUE**

WHEREAS, the Board of Commissioners of the Town of Huntersville, North Carolina (the “*Board of Commissioners*”) is considering the issuance of bonds of the Town of Huntersville, North Carolina (the “*Town*”) which shall be for the following purpose and in the following maximum amount:

\$865,000 of bonds to pay the capital costs of upgrading Main Street and providing connections to NC 115 at Mount Holly-Huntersville Road and Fourth Street in the Town, including related improvements and the acquisition of land, rights-of-way and easements in land required therefor.

WHEREAS, certain findings of fact by the Board of Commissioners must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Article 4 of Chapter 159 of the General Statutes, Section 52.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners meeting in open session on June 6, 2016, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient in order to pay the capital costs of upgrading Main Street and providing connections to NC 115 at Mount Holly-Huntersville Road and Fourth Street in the Town, including related improvements and the acquisition of land, rights-of-way and easements in land required therefor.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purpose.

C. ***Past Debt Management Policies.*** The Town’s debt management policies have been carried out in compliance with law. The Town employs a full-time Finance Director to oversee compliance with applicable laws relating to debt management. The Board of Commissioners requires annual audits of Town finances. In connection with these audits, compliance with laws is reviewed. The

Town is not in default in any of its debt service obligations. The Town Attorney reviews all debt-related documents for compliance with laws.

D. *Past Budgetary and Fiscal Management Policies.* The Town's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the Board of Commissioners before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the Board of Commissioners at regular Board of Commissioners meetings. The Finance Director presents financial information to Board of Commissioners which shows budget to actual comparisons semiannually and otherwise as the Town Manager deems necessary or as a member of the Board of Commissioners may request.

E. *Retirement of Debt.* The schedule for issuing the bonds does not require a property tax increase. The schedule for issuance calls for issuing all of the bonds by the end of the fiscal year ending June 30, 2017.

F. *Application to the Local Government Commission.* The Finance Director is hereby directed to file with the Local Government Commission an application for its approval of the bonds hereinbefore described, on a form prescribed by said Commission, and (1) to request in such application that said Commission approve the Town's use of Parker Poe Adams & Bernstein LLP, Charlotte, North Carolina, as bond counsel for the Town, (2) to request in such application that said Commission approve the Town's use of Davenport and Company LLC, Charlotte, North Carolina, as financial advisor for the Town and (3) to state in such application such facts and to attach thereto such exhibits in regard to (a) such bonds and (b) the Town and its financial condition, as may be required by said Commission.

G. *Effective Date.* This Resolution is effective immediately on its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution entitled: **"RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE"** was adopted by the following vote:

AYES:

NAYS:

PASSED, ADOPTED AND APPROVED this 6th day of June, 2016.

STATE OF NORTH CAROLINA)
) SS:
TOWN OF HUNTERSVILLE)

I, *Janet Pierson*, Town Clerk of the Town of Huntersville, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a Resolution entitled, **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE”** adopted by the Board of Commissioners of the Town of Huntersville, North Carolina at a regular meeting held on the 6th day of June, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said
Town, this the 6th day of June, 2016.

(SEAL)

Town Clerk
Town of Huntersville, North Carolina

STATEMENT OF ESTIMATED INTEREST AMOUNT ON GENERAL OBLIGATION BONDS

The Board of Commissioners of the Town of Huntersville, North Carolina (the “*Board of Commissioners*”) will consider the introduction of the following bond order of the Town of Huntersville, North Carolina (the “*Town*”) at its June 6, 2016 meeting:

\$865,000 of bonds to pay the capital costs of upgrading Main Street and providing connections to NC 115 at Mount Holly-Huntersville Road and Fourth Street in the Town, including related improvements and the acquisition of land, rights-of-way and easements in land required therefor.

Section 159-55 of the General Statutes of North Carolina requires the Finance Director of the Town to file with the Town Clerk at the time the bond order is introduced a statement estimating the total amount of interest that will be paid on the general obligation bonds over the expected term of the bonds, if issued, and a summary of the assumptions on which the estimate is based.

The total estimated interest on the Street Bonds is estimated to be \$354,650, based on the assumption that the General Obligation Street Bonds will be issued in an amount of \$865,000 in September, 2016 at an estimated interest rate of 4.00% with level principal amortization beginning in the first year after issuance and ending in the 20th year.

The total estimated interest amount is preliminary and is for general informational purposes only. There is no assurance that the assumptions on which the estimate is based will occur, and the actual occurrence of certain of the facts on which the assumptions are based is beyond the Town’s control. Differences between the actual circumstances at the time the bonds are issued from the assumptions included in the estimate could result in significant differences between the estimated interest and the actual interest on the bonds. The validity of the bonds authorized by the bond order is not subject to challenge on the grounds that the actual interest cost of the bonds when issued is different than the amount set forth in this statement. This statement will be filed with the North Carolina Local Government Commission and maintained by the Town Clerk.

June 6, 2016

JACKIE HUFFMAN
Finance Director
Town of Huntersville, North Carolina

STATE OF NORTH CAROLINA

)

)

SS:

TOWN OF HUNTERSVILLE

)

I, *Janet Pierson*, Town Clerk of the Town of Huntersville, North Carolina, a municipal corporation validly organized and existing under the Constitution and laws of the State of North Carolina, hereby certifies that the foregoing statement was filed in my office on the ____ day of June, 2016.

JANET PIERSON

Town Clerk

Town of Huntersville, North Carolina

SWORN STATEMENT OF DEBT

MADE PURSUANT TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED, FOR THE TOWN OF HUNTERSVILLE, NORTH CAROLINA

I, Jackie Huffman, Finance Director of the Town of Huntersville, North Carolina, having been designated by the Board of Commissioners for said Town of Huntersville to make and to file with the Town Clerk a statement of debt of said Town of Huntersville pursuant to the Local Government Bond Act, as amended, *DO HEREBY CERTIFY* that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of bonds other than funding and refunding bonds.

By: _____
Jackie Huffman
Finance Director

Date: _____, 2016

STATEMENT OF DEBT OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA, MADE AND FILED PURSUANT TO SECTION 159-55 OF THE LOCAL GOVERNMENT BOND ACT, AFTER THE INTRODUCTION OF THE BOND ORDER AUTHORIZING THE ISSUANCE OF \$865,000 GENERAL OBLIGATION STREET BONDS INTRODUCED AT A MEETING OF THE GOVERNING BODY OF SAID TOWN, HELD ON THE 6TH DAY OF JUNE, 2016.

(A)	Gross debt as listed in the attached Schedule of Gross Debt.	\$ 61,677,000
(B)	Deductions to be made from Gross Debt as listed in the attached "Schedule of Deductions."	\$24,235,000
(C)	Net Debt being the difference between the Gross Debt (A) and Deductions (B).	\$37,442,000
(D)	Appraised Value of property subject to taxation.	\$6,476,182,746
(E)	Percentage that net debt bears to the appraised value of property subject to taxation.	.5781 %

By: _____
Finance Director of the
Town of Huntersville, North Carolina

Dated: June 6, 2016

TOWN OF HUNTERSVILLE, NORTH CAROLINA

SCHEDULE OF GROSS DEBT

(The debt described below should not include debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds. The debt described below should not include revenue bonds.)

(1) Bonds authorized by orders introduced but not yet adopted:

<u>PURPOSE</u>	<u>AMOUNT</u>
General Obligation	<u>\$865,000</u>
Total	\$865,000

(2) Unissued bonds authorized by adopted orders:

<u>PURPOSE</u>	<u>AMOUNT</u>
Transportation	\$15,820,000
Parks	\$400,000
Municipal Buildings & Streetscape	<u>\$7,150,000</u>
Total	<u>\$23,370,000</u>

(3) Outstanding debt not evidenced by bonds:

<u>PURPOSE</u>	<u>AMOUNT</u>
Industrial Park Installment Financing	\$1,200,000
Police Building Installment Financing	<u>\$4,930,000</u>
Total	<u>\$6,130,000</u>

(4) Outstanding debt evidenced by bonds:

<u>PURPOSE</u>	<u>AMOUNT</u>
GO Series 2004 (Refunded 2015)	\$2,016,000
GO Series 2008	3,425,000
GO Series 2010 A	1,455,000
GO Series 2010 B	5,170,000
GO Series 2012	12,020,000
GO Series 2013	7,226,000
Total	<u>\$31,312,000</u>
Total Gross Debt	<u>\$61,677,000</u>

TOWN OF HUNTERSVILLE, NORTH CAROLINA

SCHEDULE OF DEDUCTIONS

(A)	Funding and refunding bonds authorized by orders introduced but not yet adopted.	\$ 865,000
(B)	Funding and refunding bonds authorized but not issued.	\$23,370,000
(C)	Amount held in sinking funds or otherwise for the payment of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent deductible by subsection (b) of Section 159-55 of the Local Government Bond Act).	\$ <u>-0-</u>
(D)	Bonded debt included in gross debt and incurred or to be incurred for water, gas or electric light or power purposes.	\$-0-
(E)	Bonded debt included in gross debt and incurred or to be incurred for sanitary sewer system purposes (to the extent deductible by subsection (b) of Section 159-55 of the Local Government Bond Act).	\$-0-
(F)	Uncollected special assessments levied or to be levied for local improvements for which gross debt was or is to be incurred, to the extent to be applied to the payment of such gross debt.	\$-0-
(G)	Estimate of special assessments to be levied for local improvements for which any part of gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of debt.	\$ <u>-0-</u>
	Total	\$24,235,000

STATE OF NORTH CAROLINA)
) SS:
TOWN OF HUNTERSVILLE)

I, Jackie Huffman, being duly sworn, say that I am the Finance Director of the Town of Huntersville in the State of North Carolina; that by the bond order introduced by the Board of Commissioners of said Town I was authorized to make the foregoing statement; and that the foregoing statement is true and was made and subscribed by me.

Jackie Huffman

Sworn to and subscribed before me
on the day of the date of said statement.

(Notary Public)

My commission expires
the ____ day of _____, _____.

STATE OF NORTH CAROLINA)
) SS:
TOWN OF HUNTERSVILLE)

I, the undersigned Town Clerk of the Town of Huntersville in the State of North Carolina, *DO*
HEREBY CERTIFY that the foregoing statement and accompanying affidavit were filed in my office on
the ____ day of June, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town, this the ____ day of June, 2016.

Janet Pierson
Town Clerk

NOTICE OF PUBLIC HEARING

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$865,000
GENERAL OBLIGATION STREET BONDS
OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA**

WHEREAS, the Board of Commissioners of the Town of Huntersville, North Carolina deems it advisable to make the improvements hereinafter described; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission has notified the Board of Commissioners that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of the Town of Huntersville, North Carolina, as follows:

Section 1. The Board of Commissioners of the Town of Huntersville, North Carolina has ascertained and hereby determines that it is necessary to pay the capital costs of upgrading Main Street and providing connections to NC 115 at Mount Holly-Huntersville Road and Fourth Street in the Town, including related improvements and the acquisition of land, rights-of-way and easements in land required therefor.

Section 2. In order to raise the money required to pay the costs of making the improvements described above, in addition to funds which may be available for such purpose from any other source, bonds of the Town of Huntersville, North Carolina are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Street Bonds authorized by this bond order shall be \$865,000.

Section 3. A tax sufficient to pay the principal of and interest on said General Obligation Street Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this bond order if the amount of such debt and if all other debt contracted during such fiscal year shall exceed 2/3rds of the amount by which the outstanding indebtedness of the Town shall have been reduced during the next preceding fiscal year, unless the incurring of such debt shall be submitted to a vote of the people of the Town and shall be approved by a majority of those who vote thereon.

Section 6. This bond order shall take effect 30 days after its publication following its adoption, unless it is petitioned to a vote of the people within 30 days after its publication as introduced, as provided in N. C. G. S. Section 159-60, and in that event, the bond order will take effect when approved by the voters of the Town.

The foregoing order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the Town of Huntersville, North Carolina to be \$6,476,182,746 and the net debt thereof, including the proposed bonds to be \$37,442,000. The finance officer of the Town has filed a statement estimating that the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, is \$354,650. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on the bonds. A tax will be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held at the Town Hall, 101 Huntersville-Concord Road, Huntersville, North Carolina 28078 at 6:30 o'clock p.m. on the 20th day of June, 2016.

/s/ Janet Pierson
Janet Pierson
Town Clerk

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Janet Pierson, Town Clerk
Subject: Approval of Minutes - May 10 Special Meeting

Consider approving minutes of the May 10, 2016 Special Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

Description	Type
□ Draft Minutes	Backup Material

**HUNTERSVILLE BOARD OF COMMISSIONERS
SPECIAL TOWN BOARD MEETING MINUTES**

**May 10, 2016
5:00 p.m. – Huntersville Town Hall**

A Special Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 5:00 p.m. on May 10, 2016.

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

Jackie Huffman, Finance Director, reviewed GO Bond options. *Refer to Exhibit No. 1.* It was the general consensus of the Board to support Option 2.

The Board went through the budget in the order presented in the Manager's Recommended Budget. The Town Manager, Finance Director and appropriate Department Heads answered questions/clarified information for the Board. Due to the absence of Dee Jetton, Executive Director of Huntersville Family Fitness & Aquatics Center, the Board will review the HFFA budget at a pre-meeting on May 16.

Significant items of discussion included:

- It was the general consensus of the Board to remove funding for NC Metro Mayors under the Governing Body budget.
- It was the general consensus of the Board to restructure the Planning Department to house the Transportation Planner.
- Police Department budget reduction. The Board will try to reach a consensus at a future budget meeting.
- Increase to Storm Water fee. It was the general consensus of the Board not to increase Storm Water fee at this time.
- Special Appropriations. It was the general consensus of the Board to reduce appropriation to the Arts & Science Council to \$15,000 and the appropriation to the Ada Jenkins Center to \$10,000 and give them notice that their appropriations will be reduced by 33 percent each year over the next 3 years.
- It was the general consensus of the Board not to contribute to the National League of Cities Convention.
- It was the general consensus of the Board to have the proceeds from the sale of the Harvest Pointe lots be allocated to Parks & Recreation for greenway extensions.
- Commissioner Phillips suggested Board consider assisting with funding for traffic signal at Highway 73 and Windaliere Drive.
- Commissioner Guignard pointed out that the proposed Holbrook Street extension could cause on-street parking issues.

The Board scheduled the next Budget Work Session for 5:00 p.m. on May 16, 2016. At that time, the Board will review the HFFA budget, provide clarification on Police budget and discuss overall 3 percent market adjustment.

There being no further business, the meeting was adjourned.

Approved this the _____ day of _____, 2016.

**Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Janet Pierson, Town Clerk
Subject: Approval of Minutes - May 16 Regular Meeting

Consider approving minutes of the May 16, 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**

**May 16, 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 5:00 p.m. on May 16, 2016.

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

The budget for Huntersville Family Fitness & Aquatics (HFFA) was discussed. Greg Ferguson, Town Manager, pointed out that a written response to questions was previously sent to the Board. *Written response attached hereto as Exhibit No. 1.*

Significant items of discussion included:

- Dee Jetton, Executive Director of HFFA, clarified that the diving program and synchronized swimming program are Health & Sport Works employees, but the revenue flows directly to the Town. The swim teams that use the facility are like tenants. The Carolina Diving Academy brand is what Health & Sport Works owns and HSW has no interest in being in the diving or synchronized swimming business. If someone was interested in purchasing those programs, they would negotiate that with the Town.
- The diving coach requested two items which were not included in the budget. One is a hot tub for divers and the other is a bubbler. There are some facility issues related to electrical connections, etc. that make installation of a hot tub complicated. Until more space can be created for divers, would not recommend the bubbler.
- Increase in advertising budget. Ms. Jetton explained that the Small Business Administration recommends that businesses spend between 5 and 10 percent of their revenue to be successful. HFFA is only requesting 2 percent. A \$68,000 investment would produce a minimum of \$100,000 in return.
- Mayor Aneralla suggested the facility may make more profit by renting the facility to another diving team instead of operating it in-house. Ms. Jetton pointed out that the diving team members are also members of the facility and all swimmers are not members of the facility. Ms. Jetton also pointed out that the cost of the diving program is about middle of the road compared to other diving programs across the country, so there is room to raise the fees.
- Bank Charges. Ms. Jetton explained that is credit card fees. The software will be updated soon and the new version will allow HFFA to ping members when their credit cards are about to expire.
- Contribution from the County. Mr. Ferguson suggested trying to get something on their next 5-year master plan.

Market Increase. The recommended market increase of 3 percent was discussed. The Mayor contacted Board members individually prior to the meeting to get their recommendation. The average of those recommendations came out to 2.25 percent.

Following discussion, Commissioners Gibbons, Guignard, Phillips and Mayor Aneralla supported a 2.25 percent increase and Commissioners Bales, Boone and Kidwell supported a 3 percent increase.

Huntersville Fire Department Budget. The Board discussed the recommended budget for the Huntersville Fire Department. The Fire Department requested a 6.29 increase over last year's budget. After Mayor Aneralla contacted Board members individually, the average of the recommendations from the Board members was at 4.5 percent.

Following discussion, the Board took a straw vote on 6 percent. Commissioners Boone, Bales and Guignard were in favor of 6 percent and Commissioners Kidwell, Phillips, Gibbons and Mayor Aneralla were opposed.

Commissioner Kidwell offered a compromise of 5 percent. It was the general consensus of the Board to support the 5 percent increase.

Police Department Budget. Mayor Aneralla explained that the Police Department has requested five officers and there's the possibility of four additional officers if grant is approved for the Town. In discussions with commissioners individually they were asked how many officers they would feel comfortable with at the end of fiscal year 2016-2017. The average number came out to be 92 officers.

The Board discussed instead of specifying the number of officers to include in the budget, to specify a percentage increase over last year's budget. Mr. Ferguson suggested the Board specify the number of officers as opposed to a percentage.

Commissioners Kidwell, Bales and Boone supported funding the five officers requested. Commissioners Gibbons, Guignard, Phillips and Mayor Aneralla did not support five.

Mr. Ferguson proposed the Board consider funding the five officers and decreasing the overall Police budget by \$150,000.

It was the general consensus of the Board to support funding the five officers and decreasing the Police budget by \$150,000.

Commissioner Guignard requested a copy of the policy specifying how Police vehicles are assigned.

There being no further business, the pre-meeting was adjourned.

**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 May 16, 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

- Expressed appreciation to staff for their work on the budget.
- The Metropolitan Transit Commission and the Commerce Station Management Team will meet later this month.

Commissioner Bales

- The Lake Norman Economic Development Corporation recently announced that Ensemble Health Partners is expanding in Huntersville.
- The Lake Norman Transportation Commission met last week. Iredell County, Troutman and Statesville joined the meeting. The LNTC passed four resolutions in support of projects.

Commissioner Boone

- At the last meeting of the Land Development Ordinances Advisory Board, Rusty Rozzelle from Mecklenburg County gave a presentation on storm water. The board formed a subcommittee to look into more details on storm water. The next LDOAB meeting is June 2.
- This week is National Police Week. Last week's Bike to School day had a good turn-out. The Police Department is seeing an increase in larcenies from vehicles, especially in recreational areas.
- Attended controlled burn by Huntersville Fire Department last week.

Commissioner Gibbons

- The next meeting of the NC 73 Council of Planning is in June.
- The new Veterans Clinic is open in Charlotte.
- The Memorial Day Celebration is May 30.

Commissioner Guignard

- Requested update on Veterans Memorial Park. Michael Jaycocks, Parks & Recreation Director, reported that they have received the updated plans and a pre-submittal meeting was held last week.
- The Centralina Council of Governments Board of Delegates met last week.
- The spring Planning Coordinating meeting has been postponed to September.
- Angels of 97 will be presenting \$30,000 in scholarships to students at the area high schools.

Commissioner Kidwell

- The next meeting of the Charlotte Regional Transportation Organization is Wednesday.

Commissioner Phillips

- From Visit Lake Norman, the International Senior Softball Association's Spring Nationals was held May 13-15, which brought in 43 teams from 10 states. The 17th Annual Asian Festival and 11th Annual Dragon Boat races were held May 14, which had 50 teams from 3 states and Canada. The 2nd Annual Stand Up for Autism to benefit the IGNITE community center in Davidson and Autism Society of NC was held May 13-14, with 83 paddleboards participating.
- The general registration deadline for the Lake Norman Chamber Business Expo is approaching.
- Over 17,000 people attended the Loch Norman Highland Games during the two day event.

Commissioner Bales

- Commended Parks & Recreation for a successful Hello Huntersville event.
- The Red Run on Saturday at HFFA was a great event.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Aneralla presented proclamation to Scott Treon proclaiming May 2016 as Brain Tumor Awareness Month and May 21, 2016 as Scott Treon Day.

*Town of Huntersville
Proclamation*

WHEREAS, brain tumors, both primary (originating in brain tissue) and secondary (originating in other parts of the body that metastasize to the brain) are diagnosed in more than 210,000 Americans of all ages, races, socio-economic status, and gender each year and continue to rise annually; and

WHEREAS, because brain tumors are located at the control center for thought, emotion, and movement, their effects on an individual's physical and cognitive abilities can be devastating; and

WHEREAS, there are few known risk factors for brain tumors and no strategies for early detection, and symptoms of brain tumors can be attributed to other conditions, leading to delays in diagnosis; and

WHEREAS, brain tumor treatment options are both limited and complicated due to the fact that there are more than 120 different types of tumors and the tumor's location; and

WHEREAS, increased public awareness of brain tumors through advocacy and support for targeted research, as well as education about the impact brain tumors have on patients' and their families' lives are critical to support and action for a cure; and

WHEREAS, Scott Treon, a resident and an employee of the Town of Huntersville, North Carolina, is battling Glioblastoma, and through his faith and the support of his family and friends, remains positive and determined to find a cure.

NOW, THEREFORE, I, John Aneralla, Mayor of the Town of Huntersville, do hereby proclaim May 2016 as **Brain Tumor Awareness Month** in the Town of Huntersville and further proclaim May 21, 2016 as **Scott Treon Day** in the Town of Huntersville and urge citizens to support research on brain tumors, patients, caregivers, and families who will benefit from the new therapies and cures and encourage Scott, his family, and friends to stay **TREON STRONG!**

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Huntersville to be affixed, this the 16th day of May, 2016.

Scott Treon expressed appreciation for all the support.

Barry Gullet, Charlotte Water, gave a brief update on Charlotte Water. There has been negative publicity over the past several months in other areas concerning drinking water quality. Charlotte Water has a process to ensure their water is safe to drink straight out of the tap. A Water Quality Report will be released on June 6.

Commissioner Guignard expressed concern about the amount of fluoride still contained in the water and reported that the Town Hall and an area restaurant frequently have brown water.

Georgia Krueger, Executive Director of Ada Jenkins Center, explained that the Ada Jenkins Center is a full service health education and human services agency and approximately 30 percent of their clients are from Huntersville. The \$15,000 that the Town invests in its citizens through Ada Jenkins is more than a great return on your investment.

Bill Russell, President of Lake Norman Chamber, addressed the Board in support of services provided by the Ada Jenkins Center.

Todd Steiss, 8932 Deerland Court, reported that a fundraising event was held last Saturday at the Carillon Assisted Living Center, which raised approximately \$500.

AGENDA CHANGES

Commissioner Guignard made a motion to adopt the agenda.

Commissioner Bales seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Mayor Aneralla recognized Planning Board members present: Joe Sailers and Janice Lewis.

Street Name Change Petition. Mayor Aneralla called to order public hearing on Street Name Change Petition – New Birth Drive, a request by University City Church to rename all of New Birth Drive to University City Church Drive.

Jack Simoneau, Planning Director, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 2.*

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

Budget. Mayor Aneralla called to order public hearing to receive comments on the proposed budget for Fiscal Year 2016-2017.

Ross Boner, 13006 Windy Lea Lane, expressed appreciation to the Board for investing funds into the greenways.

Eric Rowell, 7847 Horseshoe Creek Drive, noted that the budget has grown from \$47.3 million in FY 12-13 to \$57.9 million this year and wonders how much longer Huntersville will be able to sustain this growth without increases to fees and property taxes. Tax dollars should not be used on server space proposed in budget and costs to livestream meetings unless all public meetings are livestreamed. The Board should not tolerate HFFA benefitting from taxpayer subsidies while working to stifle critical speech by directing advertising revenues to only favorable local media outlets. Before voting on the budget, hopefully someone at the dais will question why HFFA all but ceased running ads in the *Herald Weekly* shortly after a column I wrote appeared in the Herald on January 21, 2016.

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

OTHER BUSINESS

Street Name Change Petition. Street Name Change Petition – New Birth Drive is a request by University City Church to rename all of New Birth Drive to University City Church Drive.

Commissioner Phillips made a motion to approve Street Name Change Petition – New Birth Drive to rename off of New Birth Drive to University City Church Drive.

Commissioner Guignard seconded motion.

Motion carried unanimously.

Addendum to CMPD Agreement. Authorization is needed to allow the Town Manager to sign an addendum to the agreement between Charlotte-Mecklenburg Police Department and the Town of Huntersville Police Department for Communications and Records Management Services. This addendum ensures that CMPD and the Town comply with legal standards and recommended best practices related to storage, confidentiality, retention and access to data collected by this system.

There are no additional costs associated with this addendum. Funding needed to continue participation in the agreement with CMPD for Communications and Records Management Services in the amount of \$263,127 per year is included in the annual Police budget.

Commissioner Phillips made a motion to authorize the Town Manager to sign an addendum to the agreement between Charlotte-Mecklenburg Police Department and the Town of Huntersville Police Department for Communications and Records Management Services.

Commissioner Kidwell seconded motion.

Motion carried 5-1, with Commissioner Guignard opposed.

Addendum attached hereto as Exhibit No. 3.

Resolution – Guideline for Appropriating Funds. Bob Blythe, Town Attorney, briefly reviewed proposed policies and guidelines for appropriating funds for groups and organizations carrying out public purposes.

Commissioner Kidwell requested that, if approved, the policy be made available on the Town's website.

Commissioner Kidwell made a motion to adopt Resolution adopting policies and guidelines for appropriating funds for groups and organizations carrying out public purposes.

Commissioner Gibbons seconded motion.

Motion carried unanimously.

**RESOLUTION ADOPTING POLICIES AND GUIDELINES FOR
APPROPRIATING FUNDS FOR GROUPS AND ORGANIZATIONS
CARRYING OUT PUBLIC PURPOSES**

RESOLVED, that the Town of Huntersville ("Town") does hereby adopt the following policies, guidelines and standards ("Guidelines") whenever appropriating Town funds for non-profit corporations or similar entities ("Non-profit"):

1. It is intended that these Guidelines shall be for grants, appropriations or contractual agreements (hereafter, collectively referred to as "Grants") made on an annual basis, which may be recurring or non-recurring funding.
2. Any Grant must be for a particular purpose which **MUST** be for a public purpose and which the Town would have the statutory authority to carry out directly and independently. In other words, if the Town would have no authority to directly carry out the purpose, then it cannot provide funds to a Non-profit for that purpose.
3. It is anticipated that such Grants will be determined as part of the annual budget process, although extraordinary circumstances may dictate that a Grant should be considered outside of the annual budget process, as determined by the Board of Commissioners. Applicants for Grants shall submit their written application for a Grant no later than March 1st of each year to be considered within the normal budget process for the ensuing fiscal year. Town may make its decision based on the application, or may request that the applicant supply additional information, either in writing or in person before the Board in open session. The application should provide detailed and specific information as to how these particular funds will be used, in order to ensure that such funds will be used for a qualifying public purpose.
4. These Guidelines are not intended for funding of on-going essential services, such as Fire and Rescue, solid waste collection, economic development and dispatch services, which funding shall continue to be determined by contractual agreement or by annual appropriation.
5. Grants made pursuant to these guidelines shall be primarily for the benefit of residents of the Town of Huntersville to provide a vital service that the Town does not presently provide (but would be authorized to do), or provide a more cost effective expedient delivery of such services, to supplement those services already provided by either the Town or County to a level deemed appropriate for the Town's residents, or for promotion of events, tourism or additional economic development where any of these would have been appropriate for the Town to do.
6. Whenever the Town shall appropriate and fund Grants to any one Non-profit during any one fiscal year totaling One Thousand (\$1,000.00) Dollars or more, Town may, but is not required to, require the Non-profit to have an audit performed, at its expense, for that fiscal year to assure that the Grant funds were utilized for a public purpose in keeping with the Non-profit's request for funds. If such audit is required, a copy of the audit shall be filed with the Town and with Office of the State Auditor. In lieu of such formal audit, Town may require any Grant recipient, regardless of the size of the Grant, to file a performance report with the Town as to the uses of the Grant funds.
7. Grant applicants must file with its application documentation as to its exempt tax status with any appropriate governmental unit (such as 501-C-3).

CONSENT AGENDA

Approval of Minutes. Commissioner Guignard made a motion to approve the minutes of the May 2, 2016 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried 5-1, with Commissioner Phillips opposed.

Budget Amendment. Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$612.95 and appropriate to the Police Department's insurance account. Commissioner Bales seconded motion. Motion carried 5-1, with Commissioner Phillips opposed

Budget Amendment. Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$5,235.35 and appropriate to the Police Department's insurance account. Commissioner Bales seconded motion. Motion carried 5-1, with Commissioner Phillips opposed.

Budget Amendment. Because the bonds to pay for Fire Station No. 4 will not be issued until August 2015, the Fire Station Capital Project fund has no revenue source and will have a deficit fund balance at year end. To prevent the deficit, this budget amendment transfers \$750,000 (to cover expenses to date

and any design costs incurred from today through June 30) from the General Fund to the Fire Station Capital Project Fund. This will be a temporary transfer to cover expenses incurred during FY 2016. This timing issue is reversed by returning to the General Fund the same amount in September 2016 following the issuance of the bonds. This amendment also recognizes the temporary revenue in the Fire Station Construction Fund and amends the Fire Station budget to transfer the funds back to the general fund in September 2016.

Commissioner Guignard made a motion to approve budget amendment transferring General Fund Balance in the amount of \$750,000 to the Fire Station Construction Fund and recognizes the temporary revenue in the Fire Station Construction Fund and amends the Fire Station budget to transfer the funds back to the General Fund in September 2016. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Budget Amendment – HFFA. Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$10,157.06 and appropriate to the HFFA Maintenance/Building account. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Acceptance of Streets – Valencia. Commissioner Guignard made a motion to accept streets located in Phase 1-C, Maps 1 and 2, of Valencia subdivision for Town maintenance. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Street Name	From	To	Approx. Length
Serenity Street	195' S of Warfield Ave	500' SW of Banter Ln.	1,140'
Dellwood Drive	Serenity St.	460' W of Serenity St.	460'
Banter Lane	Serenity St.	115' SE of Serenity St.	115'

Acceptance of Streets – Valencia – Phase 3. Commissioner Guignard made a motion to accept streets located in Phase 3, Map 1 of Valencia subdivision for Town maintenance. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Street Name	From	To	Approx. Length
Drake Hill Drive	90' W of Palmyra St	Gibson Park Dr	1,030'
Blackstone Drive	160' SW of Warfield Ave	Drake Hill Dr	850'
Cimarron Close Lane	Blackstone Dr	180' SE of Blackstone Dr	180'

Acceptance of Streets – Centennial. Commissioner Guignard made a motion to accept streets located in Phase 2, Map 4 of Centennial subdivision for Town maintenance. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Street Name	From	To	Approx. Length
Colonial Park Drive	Heritage Vista Dr	330' N of Centennial Commons Parkway	870'
Capitol Corners Drive	Colonial Park Drive	150' E of Colonial Park Dr.	150'

Acceptance of Streets – Biltmore Park. Commissioner Guignard made a motion to accept streets located in Biltmore Park subdivision for Town maintenance. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Street Name	From	To	Approx. Length
Canal Drive	Robert Street	Pamela Drive	770'

Acceptance of Streets – Norman Park. Commissioner Guignard made a motion to accept streets located in Norman Park subdivision for Town maintenance. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Street Name	From	To	Approx. Length
O'Hara Street	200' NE of Platon Ave	Palomar Dr	915'
Palomar Drive	185' NW of O'Hara St	170' SE of O'Hara St	355'
Titan Avenue	O'Hara St	825' SE of O'Hara St	825'

Acceptance of Streets – Arbormere. Commissioner Guignard made a motion to accept streets located in Phase 1, Maps 2 and 4 of Arbormere subdivision for Town maintenance. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Street Name	From	To	Approx. Length
Rayneridge Drive	Wyncrest Dr.	200' S of Foreleigh Rd.	915'
Malford Road	Rayneridge Dr.	Foreleigh Rd.	220'
Wyncrest Drive	Rayneridge Dr.	Foreleigh Rd.	825'
Foreleigh Road	190' NW of Malford Rd.	SE Cul-de-sac	1,820'
Hyghbough Street	Foreleigh Rd.	210' S of Foreleigh Rd.	210'
Warton Way	120' S of Baytown Ct.	Foreleigh Rd.	185'

Acceptance of Streets – Skybrook. Commissioner Guignard made a motion to accept streets located in Phase 11, Maps 3 and 4 of the Skybrook subdivision for Town maintenance. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

Street Name	From	To	Approx. Length
Salem Ridge Road	130' W of Cross Oak Pl.	165' W of Brandie Meadow Ln	400'
Brandie Meadow Lane	Salem Ridge Rd	450' SW of Holly Glade Cir	1,450'
Holly Glade Circle	Brandie Meadow Ln	E Cul-de-sac	600'
Olivefield Drive	Brandie Meadow Ln	180' W of Brandie Meadow Ln	180'
Cross Oak Place	Holly Glade Cir	225' S of Branchside Ln.	140'

Cancel Meeting. Commissioner Guignard made a motion to cancel the July 4, 2016 Regular Town Board Meeting due to the Independence Day holiday. Commissioner Bales seconded motion. Motion carried 5 to 1, with Commissioner Phillips opposed.

CLOSING COMMENTS

Mayor Aneralla reminded everyone that the Mayor's Monthly Luncheon is tomorrow and the Fight the Good Fight 7k is Saturday.

There being no further business, the meeting was adjourned.

DRAFT

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman/Chief Spruill
Subject: Budget Amendment

Recognize insurance revenue (103820.9999) in the amount of \$5,447.77 and appropriate to the Police Department's insurance account (105100.0452).

ACTION RECOMMENDED:

Approve Budget Amendment.

FINANCIAL IMPLICATIONS:

Additional revenue in the amount of \$5,447.77.

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman/Chief Spruill
Subject: Budget Amendment

Recognize insurance revenue (103820.9999) in the amount of \$500.00 and appropriate to the Police Department's insurance account (105100.0452).

ACTION RECOMMENDED:

Approve Budget Amendment.

FINANCIAL IMPLICATIONS:

Additional revenue in the amount of \$500.00.

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

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

Attached is Report #57 from Mecklenburg County of SL 362 refunds. The report contains 11 refunds. To date the Town of Huntersville has processed 10219 refunds for a total of \$453,695.74 which includes \$45,460.29 interest.

ACTION RECOMMENDED:

Approve SL 362 property tax refund report.

FINANCIAL IMPLICATIONS:

Decrease revenue.

ATTACHMENTS:

Description	Type
▣ SL 362 Report # 57	Backup Material

[illegible]

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Sushil Nepal, Principal Planner
Subject: Walters Barbershop Historic Designation

The Charlotte-Mecklenburg Historic Landmarks Commission is requesting Board action designating the Walters Barber Shop located at 114 S Main St. as a local historic landmark.

A Public Hearing on this matter was held on April 18, 2016 with no public comments received.

ACTION RECOMMENDED:

Recommend adopting an ordinance designating "Walter Barber Shop" as a Historic Landmark property.

FINANCIAL IMPLICATIONS:

If the property is designated, the amount of potentially deferrable property taxes would be \$250 for the Town of Huntersville, and \$669 for Mecklenburg County based on the current tax rate and the building's current value. However, the designation will attract private investment on the property, which align with town's vision for the redevelopment of the downtown area.

ATTACHMENTS:

Description	Type
▣ Ordinance	Ordinance

Ordinance – Walters Barber Shop

Ordinance designating as a Historic Landmark a property known as the “Walter Barber Shop” (Listed under Tax Parcel Number 01904106 and including the interior and exterior of the building and the land associated with Mecklenburg County tax parcel 01904106 listed in the Mecklenburg County Tax Office as of April 1, 2016). The property is owned by Cross Building LLC and is located at 114 South Main Street, Huntersville, N.C.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing on the 18th day of April, 2016 on the question of designating a property known as the Walters Barber Shop as a historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 11th day of April, 2016 on the question of designating a property known as the Walters Barber Shop as a historic landmark; and

WHEREAS, the 1920 Walters Barber Shop is an important surviving component of Huntersville’s late 19th and early 20th century commercial core; and

WHEREAS, the Walters Barber Shop was a prominent town institution that operated in the same location for over fifty years; and

WHEREAS, as was typical in small towns throughout North Carolina, in Huntersville before World War II Walters Barber Shop served an important role as a center of the social activity for the male population; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as Walters Barber Shop possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Walters Barber Shop is owned by the Cross Building LLC.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the property known as the “1920 Walters Barber Shop” (Listed under Tax Parcel Number 01904106 and including the interior and exterior of the building and the land associated with Mecklenburg County tax parcel 01904106 listed in the Mecklenburg County Tax Office as of April 1, 2016) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 114 South Main Street in Huntersville, N.C. Exterior and interior features are more completely described in the *Survey and Research Report on the Walters Barber Shop (2016)*.

2. That said interior and exterior are more specifically defined as the historic and structural fabric, especially including all original interior and exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for*

Rehabilitating Historic Buildings, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the Walters Barber Shop be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2016, by the members of the Board
of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Kathy Moyer, ElectriCities Electric Systems Manager
Subject: Renewable Energy Portfolio Standards (REPS) Rider

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.

ACTION RECOMMENDED:

Approval of Electric Rate Rider REPS.

FINANCIAL IMPLICATIONS:

Approval of this Rider will enable recovery of approximately \$39,000 in charges to the electric fund for 2016-2017.

ATTACHMENTS:

Description	Type
□ Electric Rate Rider REPS	Backup Material

Town of Huntersville
Electric Rate Rider REPS
Renewable Energy Portfolio Standards (REPS) Charge

Applicability

The Renewable Energy Portfolio Standards Charge set forth in this Rider is applicable to all customer accounts receiving electric service from the Town of Huntersville (“Town”), except as provided below. These charges are collected for the expressed purpose of enabling the Town to meet its Renewable Energy Portfolio Standards compliance obligations as required by the North Carolina General Assembly in its Senate Bill 3 ratified on August 2, 2007.

Billing

Monthly electric charges for each customer account computed under the Town’s applicable electric rate schedule will be increased by an amount determined by the table below:

<u>Customer Type</u>	<u>Monthly Charges</u>		
	<u>Renewable Resources</u>	<u>DSM/Energy Efficiency</u>	<u>Total REPS Charge</u>
Residential Account	\$ 0.54	\$ 0.07	\$ 0.61
Commercial Account	\$ 2.95	\$ 0.00	\$ 2.95
Industrial Account	\$30.41	\$ 0.00	\$30.41

Exceptions

Industrial and Commercial Customer Opt-out

All industrial customers, regardless of size, and large commercial customers with usage greater than one million kWh’s per year can elect not to participate in Town’s demand-side management and energy efficiency measures in favor of its own implemented demand-side management and energy efficiency measures by giving appropriate written notice to the Town. In the event such customers “opt-out”, they are not subject to the DSM/Energy Efficiency portion of the charges above. All customers are subject to the Renewable Resources portion of the charges above.

Auxiliary Service Accounts

The following service schedules will not be considered accounts because of the low energy use associated with them and the near certainty that customers served under these schedules already will pay a per account charge under another residential, commercial or industrial service schedule:

- Outdoor Lighting Service (metered and unmetered)
- Street and Public Lighting Service
- Traffic Signal Service

Sales Tax

Applicable North Carolina sales tax will be added to charges under this Rider.

Effective for service rendered after July 1, 2016.

Adopted June 6, 2016.

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Kathy Moyer, ElectriCities Electric Systems Manager
Subject: Renewable Energy Credit 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.

ACTION RECOMMENDED:

Approval of Electric Rate Rider RECR-1.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

Description	Type
□ Electric Rate Rider RECR-1	Backup Material

**Town of Huntersville
Renewable Energy Credit Rider
Electric Rate Rider RECR-1**

AVAILABILITY

This optional rate rider is available to customers on any Town of Huntersville (“Town”) rate schedule who operate solar photovoltaic, wind powered, or biomass-fueled generating systems, without battery storage, located and utilized at the customer’s primary residence or business. To qualify for this rate rider, the customer must have complied with the Town’s Interconnection Standards and have an approved Interconnection Request Form. As part of the Interconnection Request Form approval process, the Town retains the right to limit the number and size of renewable energy generating systems installed on the Town’s System. The generating system that is in parallel operation with service from the Town and located on the customer’s premises must be manufactured, installed, and operated in accordance with all governmental and industry standards, in accordance with all requirements of the local code official, and fully conform with the Town’s applicable renewable energy interconnection interface criteria. Qualified customers must be generating energy for purposes of a “buy-all/sell-all” arrangement to receive credits under this rate rider. That is, the Town agrees to buy all and the customer agrees to sell all of the energy output and associated energy from the renewable energy resource. Customers with qualified systems may also apply for NC GreenPower credits or North Carolina Municipal Power Agency 1 (“NCMPA1”) Renewable Energy Certificate (“REC”) credits.

The Fixed Long-Term Rates on this Rider are available only to Customers who have executed a Power Purchase Agreement with the Town on or before July 1, 2017 for delivery of power beginning on or before the earlier of thirty (30) months from the date of execution of the Power Purchase Agreement.

Notwithstanding the above, all qualifying facilities have the option to sell energy to the Town on an “as available” basis and receive energy credits based on the Variable Rates identified in this Rider for the delivered energy.

MONTHLY CREDIT

Monthly credits are paid according to the type of renewable generation.

Wind and Biomass Energy Credit (\$ Per kWh):

		<u>Fixed Long-term Rate</u>		
	<u>Variable</u>	<u>5 Years</u>	<u>10 Years</u>	<u>15 Years</u>
On-peak energy*	\$0.0280	\$0.0315	\$0.0337	\$0.0361
Off-peak energy	\$0.0103	\$0.0108	\$0.0110	\$0.0117

Solar Photovoltaic Energy Credit (\$ Per kWh):

		<u>Fixed Long-term Rate</u>		
	<u>Variable</u>	<u>5 Years</u>	<u>10 Years</u>	<u>15 Years</u>
All energy*	\$0.0304	\$0.0336	\$0.0359	\$0.0383

* These energy credits include a capacity component.

MONTHLY ENERGY

Monthly Energy shall be the total kWh of energy produced by the generating facility during the current calendar month. All energy produced by the Customer's renewable energy generating system must be delivered to the Town, since the Town does not offer net metering at this time.

ON-PEAK ENERGY

On-Peak Energy shall be the metered energy during the On-Peak Energy Period of the current calendar month, whereby the On-Peak Energy Period is defined as non-holiday weekdays from 7:00 AM to 11:00 PM EPT.

OFF-PEAK ENERGY

Off-Peak Energy shall be the Monthly Energy less the amount of energy billed as On-Peak Energy.

CONTRACT PERIOD

Prior to receiving service under this Rider, the Town and the customer shall have entered either an Interconnection Agreement or executed a Certificate of Completion (inverter-based generators less than 10 kW) and a Power Purchase Agreement which covers the special terms and conditions for the customer's requirements related to the interconnection of the customer's renewable energy generating system.

Each of these agreements shall have a minimum term of one (1) year. Either party may terminate the agreements after one year by giving at least thirty (30) days previous notice of such termination in writing.

GENERAL

Service under this Rider is subject to the provisions of the Service Regulations of the Town contained in the Town Code of Ordinances.

SPECIAL CONDITIONS

The customer's service shall be metered with two meters, one of which measures all energy provided by the Town and used by the customer, and the other measures the amount of energy generated by the customer's renewable energy generator which is provided to the Town.

In the event that the Town determines that it is necessary to install any additional equipment to protect the safety and adequacy of electric service provided to other customers, the customer shall pay for the cost of such equipment in accordance with the terms of its Power Purchase Agreement.

Effective July 1, 2016.

Town of Huntersville
REQUEST FOR BOARD ACTION
6/6/2016

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Greg Ferguson, Town Manager
Subject: Call for a Public Hearing

Call for a public hearing on June 20, 2016, at 6:30 p.m. to consider the sale of portion of Tax Parcel No. 019-311-04, containing 9.11 acres, of unimproved land in Commerce Station.

ACTION RECOMMENDED:

Call for Public Hearing

FINANCIAL IMPLICATIONS: