

**Mayor**  
John Aneralla

**Mayor Pro-Tem**  
Danny Phillips

**Commissioners**  
Melinda Bales  
Dan Boone  
Mark Gibbons  
Charles Guignard  
Rob Kidwell

**Town Manager**  
Gregory H. Ferguson



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

**Assistant Town Manager**  
Gerry Vincent

**Town Clerk**  
Janet Pierson

**Town Attorney**  
Bob Blythe

**AGENDA**  
**Regular Town Board Meeting**  
**December 5, 2016 - 6:30 PM**  
**TOWN HALL (101 Huntersville-Concord Road)**

**I. Pre-meeting**

- A. Closed Session - Consultation with Attorney. (5:15 p.m.)
- B. Meet and Greet for Parks & Recreation Commission and Greenway, Trail and Bikeway Commission applicants. (5:30 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, North Meck Alliance)
- B. Commissioner Bales (Lake Norman EDC, Lake Norman Education Collaborative)
- C. Commissioner Boone (Public Safety Liaison, Land Development Ordinances Advisory Board)
- D. Commissioner Gibbons (NC 73 Council of Planning, Veterans Liaison)
- E. Commissioner Guignard (Centralina Council of Governments, Planning Coordinating Committee)
- F. Commissioner Kidwell (Charlotte Regional Transportation Planning Organization, Olde Huntersville Historic Society)
- G. Commissioner Phillips (Lake Norman Chamber Board, Visit Lake Norman Board)

**VI. Public Comments, Requests, or Presentations**

**VII. Agenda Changes**

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

**VIII. Public Hearings**

- A. Conduct public hearing on Petition #R16-10, a request by MI Homes of Charlotte, LLC to rezone approximately 50.337 acres located south of Ramah Church Road and west of Ewart Road from Transitional Residential to Neighborhood Residential - Conditional District. (*David Peete*)
- B. Conduct public hearing on Petition #TA16-07, a request by LStar Management, LLC to amend Article 3.2.2(d) Transitional Residential District, to reduce lot size, width, and side yard setbacks. (*Jack Simoneau*)

**IX. Other Business**

- A. Consider decision on Petition #TA16-05, a request by Mike Clapp to amend Article 3.2.10 of the Huntersville Zoning Ordinance to add Indoor Recreation uses as a use permitted by right in the Special Purpose zoning district. (*Brad Priest*)
- B. Consider decision on Petition #TA16-06, a request by Susan Lurz to amend Article 12.2.1 of the Huntersville Zoning Ordinance to modify the Farm, Bona Fide definition. (*Meredith Nesbitt*)
- C. Consider decision on Petition #TA16-08, a request by the Town of Huntersville to amend Article 8.26.4 of the Huntersville Zoning Ordinance to exempt the lighting of official public civic monuments from lighting standards. (*Meredith Nesbitt*)
- D. Consider authorizing the Town Manager to execute the Professional Services Agreement for the engineering design (Phase II) of Main Street Improvements Project. (*Max Buchanan*)

**X. Consent Agenda**

- A. Approve the minutes of the November 7, 2016 Regular Town Board Meeting. (*Janet Pierson*)
- B. Approve the minutes of the November 21, 2016 Regular Town Board Meeting. (*Janet Pierson*)
- C. Approve budget amendment appropriating Sponsorship revenue in the amount of \$31,595 to the Downtown Festival account. (*Jackie Huffman/Michael Jaycocks*)
- D. Approve budget amendment appropriating Police Restricted Donation revenue in the amount of \$3,750 to the Police Department's Crime Prevention budget. (*Jackie Huffman/Chief Spruill*)
- E. Approve budget amendment appropriating estimated revenue of \$3,200 for Massage Services and \$12,000 for Novant Training to be used for associated expenses. (*Jackie Huffman/Dee Jetton*)
- F. Call a public hearing for Tuesday, January 17, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R16-11, a request by Shawn Schreiner to rezone Parcel 01313108 (+/- 8.52 acres) from Rural to Neighborhood Residential District. (*Alison Adams*)
- G. Call a public hearing for Tuesday, January 17, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA16-06, a request by the Huntersville Land Development Ordinance Advisory Board to amend Article 6 of the Huntersville Zoning Ordinance to modify landscaping of parking lot requirements. (*Meredith Nesbitt*)
- H. Approve the write-off of electric uncollected final accounts in the amount of \$18,460.30. (*Kathy Moyer*)
- I. Award bids for Commerce Station Substation power transformer and steel transmission poles. (*Kathy Moyer*)

**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**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** David Peete, Principal Planner  
**Subject:** Annsborough Park CD Rezoning

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**Request to hold a public hearing on Monday, December 5, 2016 at 6:30 PM, Huntersville Town Hall** on Petition # R16-10, a request by MI Homes of Charlotte, LLC to rezone approximately 50.337-acres from Transitional Residential (TR) to Neighborhood Residential-Conditional District (NR-CD). NR-CD zoning is requested to create an 85-lot single-family subdivision located south of Ramah Church Road, and west of Ewart Road. Property is currently, farmland, vacant and several single-family homes.

**ACTION RECOMMENDED:**

Hold Public Hearing on Monday, December 5, 2016

**FINANCIAL IMPLICATIONS:**

TBD

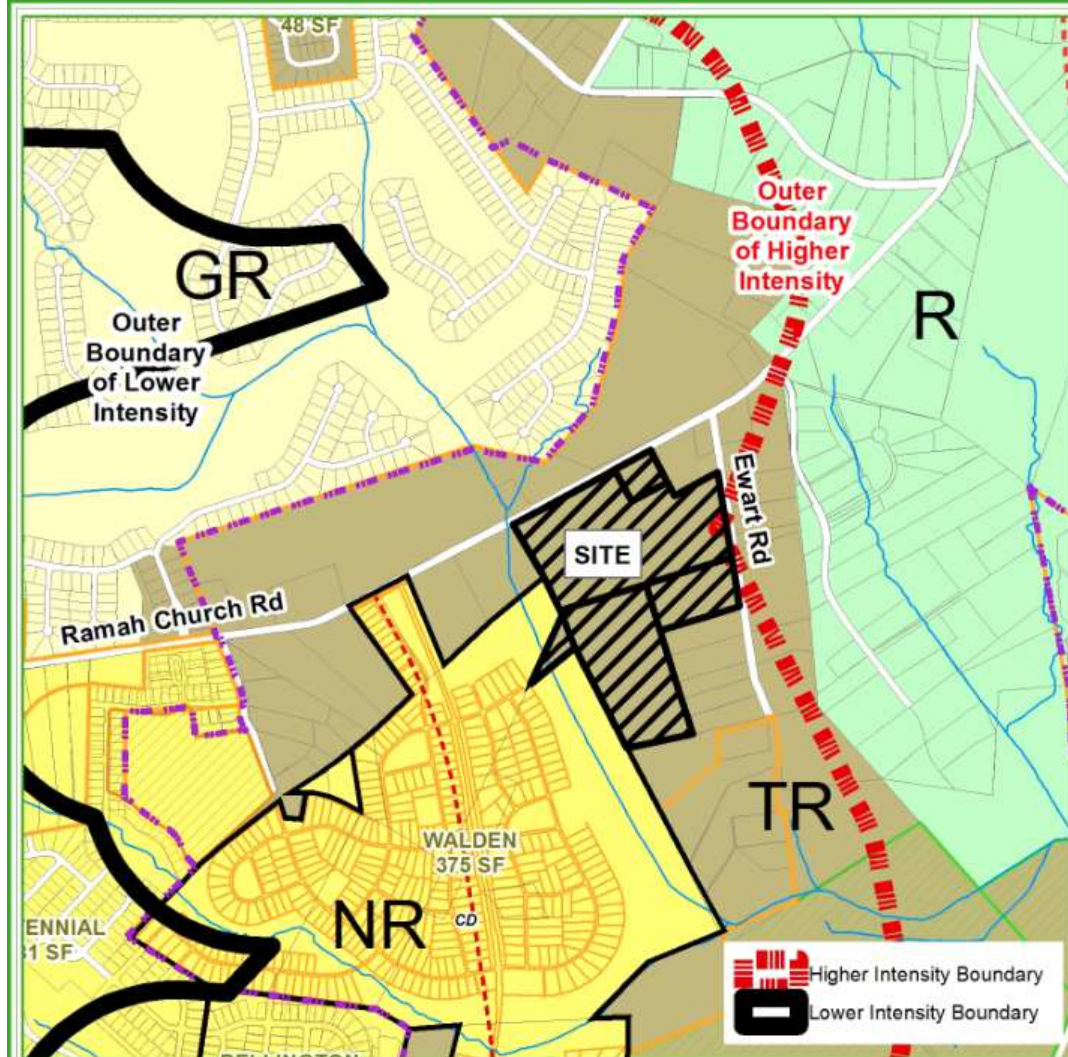
**ATTACHMENTS:**

Description	Type
▣ Annsborough Park CD Rezoning Staff Report	Cover Memo
▣ Attachment A - Rezoning Application	Cover Memo
▣ Attachment B - Proposed CD Rezoning Plan	Cover Memo
▣ Attachment C - Neighborhood Meeting Report	Cover Memo
▣ Attachment D - APF Letter of Determination	Cover Memo



## Petition R16-10 Annsborough Park Conditional District Rezoning

### PART 1: PROJECT SUMMARY



**Applicant:** MI Homes of Charlotte, LLC

**Property Owner:** Ewart Family (see Attachment A).

**Property Address:** 13424 Ramah Church Road

**Project Size:** (+/-) 50.337-acres

**Parcel Numbers:**  
01925213, 01925204, 01925210, 01925211, 01944111 & 01116102

**Current Zoning:**  
Transitional Residential (TR)

**Current Land Use:** farm & vacant.

**Proposed Zoning:**  
50.377 acres - Neighborhood Residential—Conditional District (NR-CD).

**Proposed Land Use:**  
85 single-family homes

1. Purpose: Rezone 50.377-acres near intersection of Ramah Church Road and Ewart Road (east of Walden Subdivision) from Transitional Residential to Neighborhood Residential – Conditional District (NR-CD) to create an 85-lot subdivision. A Subdivision Sketch Plan for this project has also been submitted concurrent with this Rezoning Plan and will go to the Planning Board on December 20, 2016.
2. Adjoining Zoning and Land Uses.  
North: Transitional Residential (TR) – large-lot single-family & vacant (Northstone is further north).  
South: Transitional Residential (TR) – large-lot single-family & vacant.  
East: Transitional Residential (TR) – large-lot single-family.  
West: Neighborhood Residential (NR) – currently vacant, approved for single-family (Walden Subdivision).

3. A neighborhood meeting was held on Monday, October 24, 2016. The complete meeting summary is provided in Attachment C. Questions/concerns centered mainly on road improvements to Ewart Road and what type of homes are proposed to be built.
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 of rezoning signs on the property in two (2) locations.

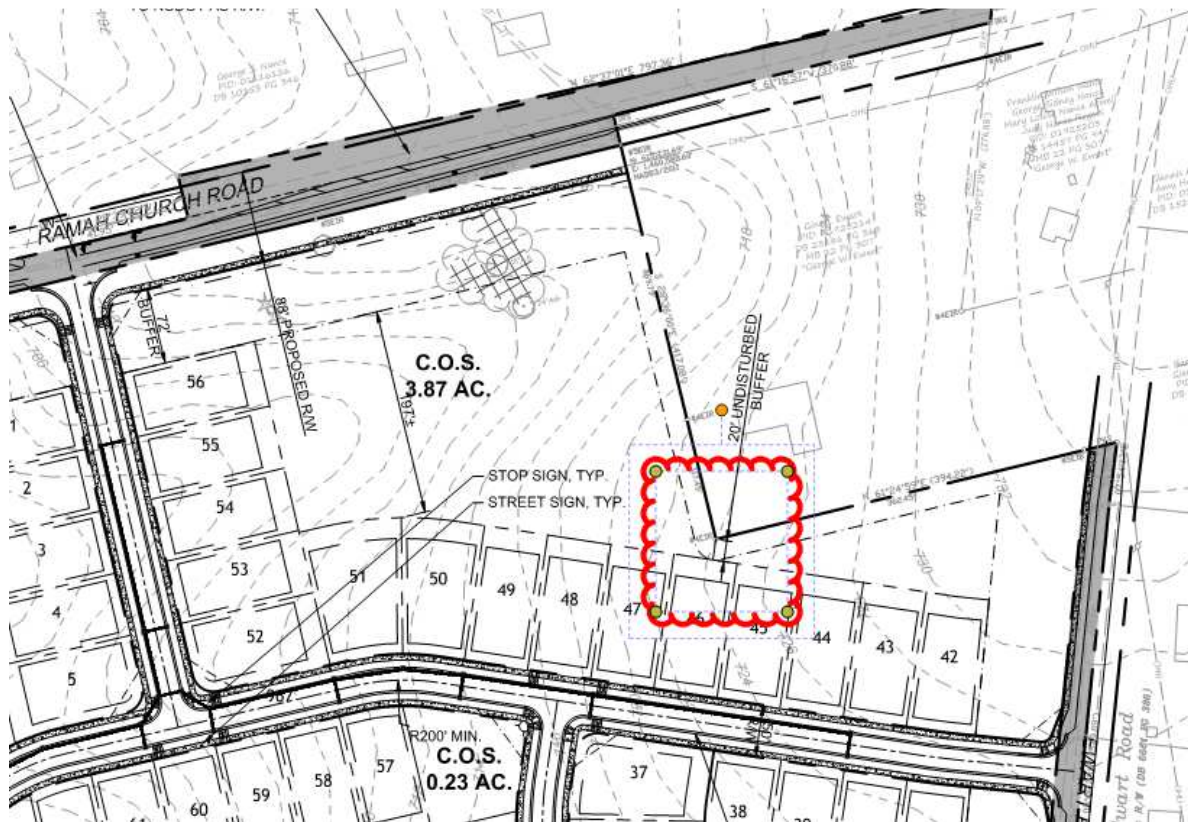
## **PART 2: REZONING/SITE PLAN ISSUES**

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

- Additional right-of-way required along both Ramah Church Road and Ewart Road is to be dedicated, along with road improvements on both (see Part 3 for details).
- A 0.77-acre square is proposed near the center of the subdivision to serve as required Urban Open Space for the residents. Overall, 26.5-acres (53%) of open space are provided within the subdivision (NR zoning requires 10% open space).
- Minimum Tree Preservation for the NR zone is 10%. The proposed NR-CD Rezoning Plan saves 58% of existing tree canopy.
- The subdivision will be developed as one (1) phase.
- The 50.377-acre NR-CD subdivision is being offered for voluntary annexation into the Town of Huntersville.

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

- The Walden Subdivision, adjoining this project along the west boundary, will build a section of public greenway – as called for in the Huntersville Greenway Master Plan (2014). During the approval of Walden, the greenway was routed around a triangular portion of land which was part of the Ewart property. As part of this CD Rezoning, a reservation of land (dedication or easement) is required to be provided to facilitate the development of the greenway, per Article 11.3.7(h) of the Zoning Ordinance, which 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.” In summary, adequate accommodation, such as a dedication of land (preferred) or an easement, should be provided for future greenway development.
- In addition to the greenway-land reservation, the applicant has indicated that they will provide an easement to connect the proposed subdivision to the future public greenway. The easement is not shown, but should be indicated, as it will be subject to adjustment at Preliminary Plan review.
- Several on-street parking spaces should be provided adjoining the Urban Open Space “Square” to accommodate parking for the mail kiosks.
- A 10’ Build-to line has been proposed, however, in order to provide flexibility Staff RECOMMENDS that the “typical lot layout” diagrams utilize a “Build-to Range” to provide flexibility for home placement and avoid placing all homes on one, static line along the street. This will also provide adequate space for the 20’ deep driveway requirement.
- At one (1) location, the Zoning Ordinance-required minimum 20 feet external buffer will not provide significant screening for an adjoining property. An alternative buffering scheme may need to be considered in this location (see illustration below):



### PART 3: TRANSPORTATION ISSUES

#### Traffic Impact Analysis (TIA)

Based on the land use and intensity proposed, a TIA was submitted and reviewed with comments provided to the applicant. A revised TIA was accepted by staff on 11/15/16 as a final version. A left turn lane on Ramah Church Road at the site entrance/exit is recommended.

#### Site Plan Comments

- The cross-section for Ewart Road will need additional width for an unpaved shoulder and minimum depth ditch.
- A minimum of 20 feet is needed between the back of the sidewalk and the face of the garage.
- Revisions needed to street tree locations and sidewalk ramps throughout the development.
- Other minor plan 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 Stations. HOWEVER, a Determination of No Available Capacity (DONAC) has been issued for Police Vehicles and Gym & Park Acreage (see Attachment C). Staff is working with the applicant to address this issue.

## **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 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 provides adequate open space buffers along both Ramah Church Road (72 feet wide) and Ewart Road (80 feet wide) – the NR zoning district requires min. 20 feet. In addition, 53% of the site is set aside as open space (which does include several water quality elements)
- **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 majority of the proposed CD Rezoning subdivision is located within the High and Low Intensity Areas of the 2030 Community Plan, which is the area the Comprehensive Plan supports considering increases in density. Annsborough Park subdivision has a proposed density of 1.69 units per acre. The surrounding developments average 1.655, as follows (note that single family parcels along the north, east and south boundaries are primarily large-lot and have a low density):

<u>North</u>	<u>South</u>	<u>East</u>	<u>West</u>
Northstone = 1.65 (GR)	n/a	n/a	Walden = 1.66 (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. The proposed cross-section to be used through the development follows context sensitive design by providing adequate lane widths, green zones for street trees and sidewalks.
- **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: one (1) to an existing thoroughfare (Ramah Church Road) and one (1) to a State-maintained secondary road (Ewart Road). There are also two (2) stub streets: one to the western boundary, aligned for a future connection to the Walden subdivision and another to the south where future development may occur.

- **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 provide all TIA-required improvements to external public roads, extend public water and sewer from the west, provide two (2) connections to existing roads, provide two (2) stubs for future connections and must provide an adequate greenway accommodation.
- **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 at this time, but could with plan modifications:

- **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-section for Ramah Church Road, Ewart Road and the interior Town streets all provide sidewalks. A bike lane along the project frontage of Ramah Church Road will be provided. A greenway reservation (dedication preferred) should be provided through the “triangle section” along the west side of the subdivision to accommodate future development of the greenway west of the North Prong of Clark Creek.

**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 Annsborough Park subdivision is supported by the 2030 Comprehensive Plan, as the property is located almost entirely within the area eligible for intensification. Annsborough Park’s proposed density is 1.69 units per acre, which is slightly higher than nearby developments Walden (1.66) and Northstone (1.65). The NR zoning district does not have a density limit, however, as this proposed subdivision is located along the outer edge of the intensification zone, the proposed density is appropriate as development transitions from the NR zone into the lower-density Transitional Residential (TR) zoning district. 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 ample open space). As long as accommodations are provided for the future greenway, all public infrastructure needs will be provided.

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 must be provided by Charlotte Water, as well as 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 Annsborough Park 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;
- Identify trail to connect subdivision to future greenway along western boundary (may be done at Preliminary Plan stage;
- Provide a Build-to Range, not a line, shown on a typical lot layout diagram (including at least 20' of depth for parking);
- Provide several on-street parking spaces along the Urban Open Space “square” near the mail kiosk;
- Address APFO determination, per Ordinance;
- All outstanding redline comments are addressed.
- RECOMMENDATION: Reservation (dedicate or grant an easement) for future public greenway along western boundary (within the triangle portion of the property);
- RECOMMENDATION: One (1) buffer at a corner location is minimal (20 feet wide) and may need a greater depth or an alternate buffer scheme to provide transition with the adjoining property.

**PART 7: PUBLIC HEARING COMMENTS**

Public Hearing scheduled to be held on Monday, December 05, 2016.

**PART 8: PLANNING BOARD RECOMMENDATION**

Planning Board scheduled to review on December 20, 2016.

**PART 9: ATTACHMENTS/ENCLOSURES**

Attachments

A – Rezoning Application

B – Proposed CD Rezoning Plan

C - Neighborhood Meeting Report from October 24, 2016.

D – APF Letter of Determination

**PART 10: CONSISTENCY STATEMENT - R 16-10 Annsborough Park Subdivision**

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R16-10; Annsborough Park Subdivision Conditional District Rezoning, the Planning staff recommends conditional approval as it is consistent with Implementation Goals E-1, E-2, E-3, 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 primarily 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><b><u>With those provision, it is reasonable and in the public interest to approve the Conditional District Rezoning Plan.</u></b></p>	<p>APPROVAL: In considering the proposed rezoning application R16-10; Annsborough Park Subdivision Conditional District, the Planning Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>	<p>APPROVAL: In considering the proposed rezoning application R16-10; Annsborough Park Subdivision Conditional District, the Town Board recommends approval based on the Plan being consistent with <b><u>(insert applicable plan reference)</u></b>.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>
<p>DENIAL:</p>	<p>DENIAL: In considering the proposed rezoning application R16-010; Annsborough Park Subdivision Conditional District, the Planning Board recommends denial based on <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and not in the public interest to amend the approved Rezoning Plan because... (Explain)</u></b></p>	<p>DENIAL: In considering the proposed rezoning application R16-10; Annsborough Park Subdivision Conditional District, the Town Board recommends denial based on the Plan being <b><u>(consistent OR inconsistent) with (insert applicable plan reference)</u></b>.</p> <p><b><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>



# 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 \_\_\_\_\_

Name of Project \_\_\_\_\_ Phase # (if subdivision) \_\_\_\_\_

Location \_\_\_\_\_

Parcel Identification Number(s) (PIN) \_\_\_\_\_

Current Zoning District \_\_\_\_\_ Proposed District (for rezonings only) \_\_\_\_\_

Property Size (acres) \_\_\_\_\_ Street Frontage (feet) \_\_\_\_\_

Current Land Use \_\_\_\_\_

Proposed Land Use(s) \_\_\_\_\_

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 [Signature] Printed Name Scott Herr

Address of Applicant MI Homes of Charlotte, LLC - Scott Herr

Email sherr@mihomes.com

Property Owner's Signature (if different than applicant) [Signature]

Printed Name Terry Pope Ewart

Property Owner's Address 13424 Rymah Church Rd. Huntersville, NC 28078 Email terry-ewart@corvel.com

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

MI Homes of Charlotte, LLC Scott Herr

704-376-9800 sherr@mihomes.com

Development Firm

Name of contact

Phone

Email

Timmons Group

Chris J. Todd

980-215-8072

chris.todd@timmons.com

Design Firm

Name of contact

Phone

Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

[Signature]

## 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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## 6. Signatures

\*Applicant's Signature [Signature] Printed Name Scott Herr

Address of Applicant MI Homes of Charlotte, LLC - Scott Herr

Email sherr@mihomes.com

Property Owner's Signature (if different than applicant) [Signature]

Printed Name DENNIS WAYNE EWART

Property Owner's Address 2701 PENCYD LANE, CHARLOTTE, NC 28210 Email Wayne@wayne.sds.charlotte.nc

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

MI Homes of Charlotte, LLC Scott Herr 704-376-9800 sherr@mihomes.com

Development Firm	Name of contact	Phone	Email
Timmons Group	Chris J. Todd	980-215-8072	chris.todd@timmons.com

Design Firm	Name of contact	Phone	Email
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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.

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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.**

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## 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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## 6. Signatures

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Address of Applicant MI Homes of Charlotte, LLC - Scott Herr

Email sherr@mihomes.com

Property Owner's Signature (if different than applicant) [Signature]

Printed Name GARY LEE EWART

Property Owner's Address 13424 RAMOTH CHURCH Rd Email GEWART@huntersville Ed. Com

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

MI Homes of Charlotte, LLC Scott Herr 704-376-9800 sherr@mihomes.com

Development Firm	Name of contact	Phone	Email
Timmons Group	Chris J. Todd	980-215-8072	chris.todd@timmons.com

Design Firm	Name of contact	Phone	Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

## Contact Information

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

## 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 [Signature] Printed Name Scott Herr

Address of Applicant MI Homes of Charlotte, LLC - Scott Herr

Email sherr@mihomes.com

Property Owner's Signature (if different than applicant) [Signature]

Printed Name RODNEY L. SHINN

Property Owner's Address 13800 RAMA H CH RD. HUNTERSVILLE NC 28078 Email rod62@bellsouth.net

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

MI Homes of Charlotte, LLC Scott Herr 704-376-9800 sherr@mihomes.com

Development Firm	Name of contact	Phone	Email
Timmons Group	Chris J. Todd	980-215-8072	chris.todd@timmons.com

Design Firm	Name of contact	Phone	Email
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## 6. Signatures

\*Applicant's Signature [Signature] Printed Name Scott Herr

Address of Applicant MI Homes of Charlotte, LLC - Scott Herr

Email sherr@mihomes.com

Property Owner's Signature (if different than applicant) [Signature]

Printed Name Brenda Schooley

Property Owner's Address 13700 Ramoth Church Rd Huntersville NC 28078 Email nurseincharge@att.net

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

MI Homes of Charlotte, LLC	Scott Herr	704-376-9800	sherr@mihomes.com
Development Firm	Name of contact	Phone	Email
Timmons Group	Chris J. Todd	980-215-8072	chris.todd@timmons.com
Design Firm	Name of contact	Phone	Email

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

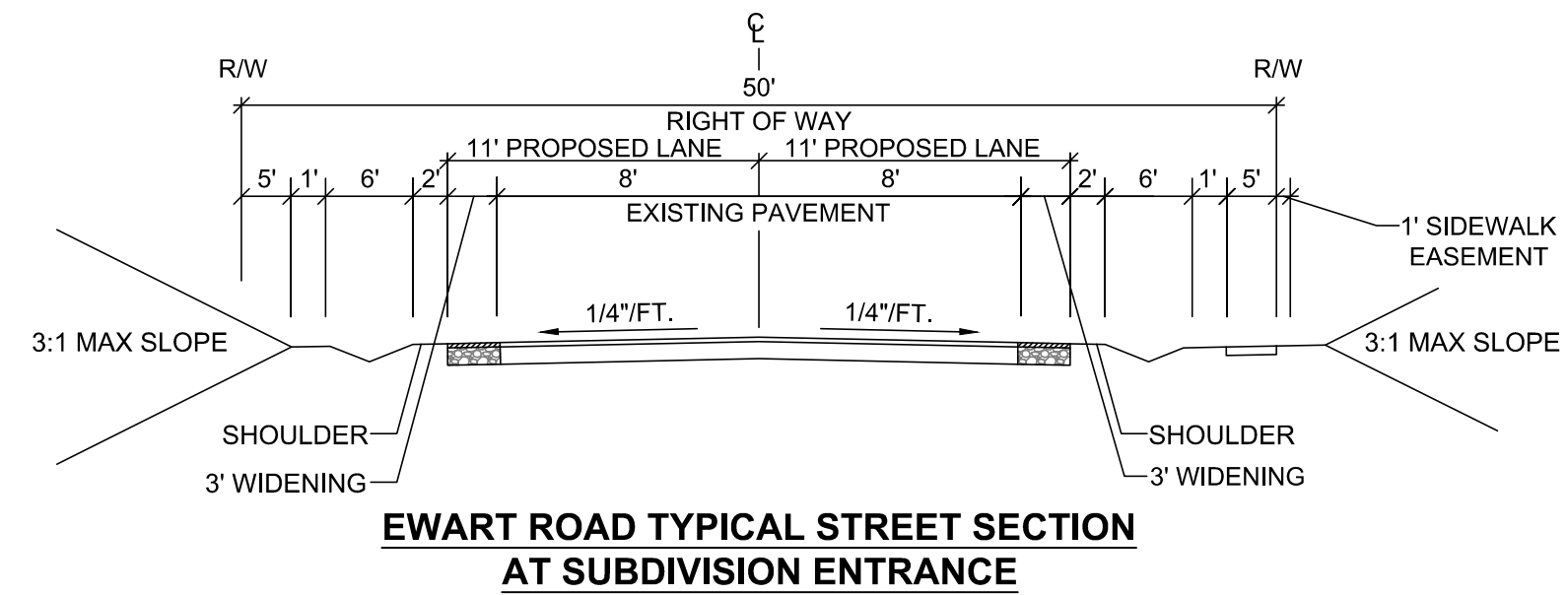
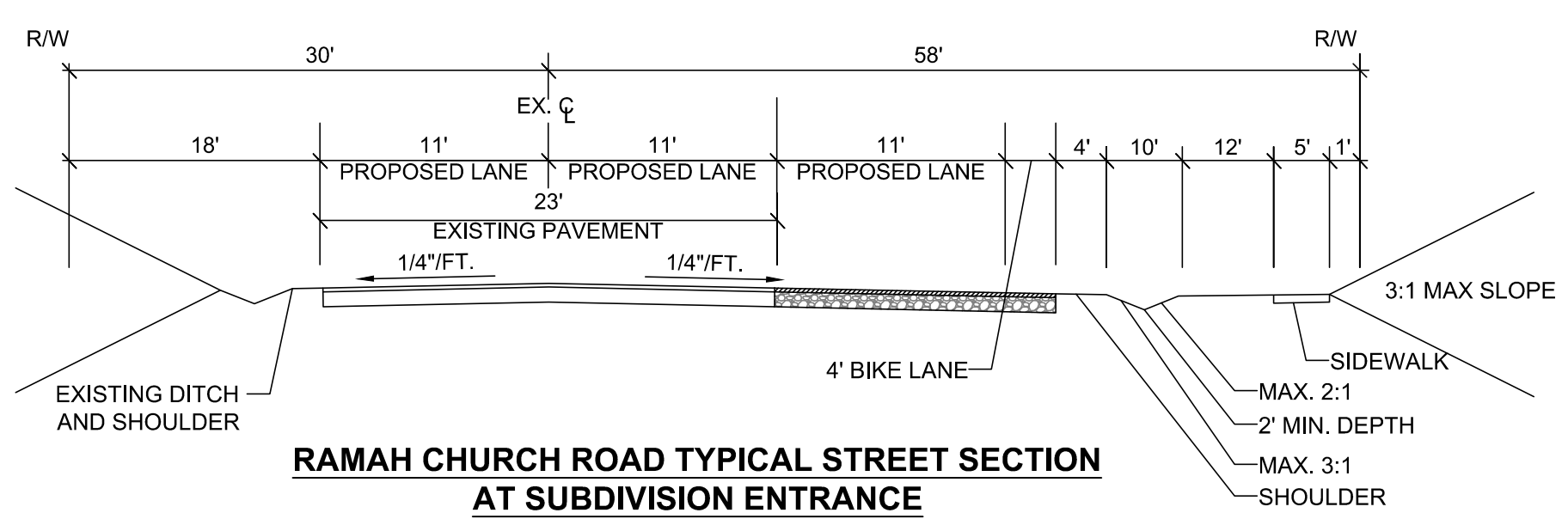
### If Applying for a Subdivision:

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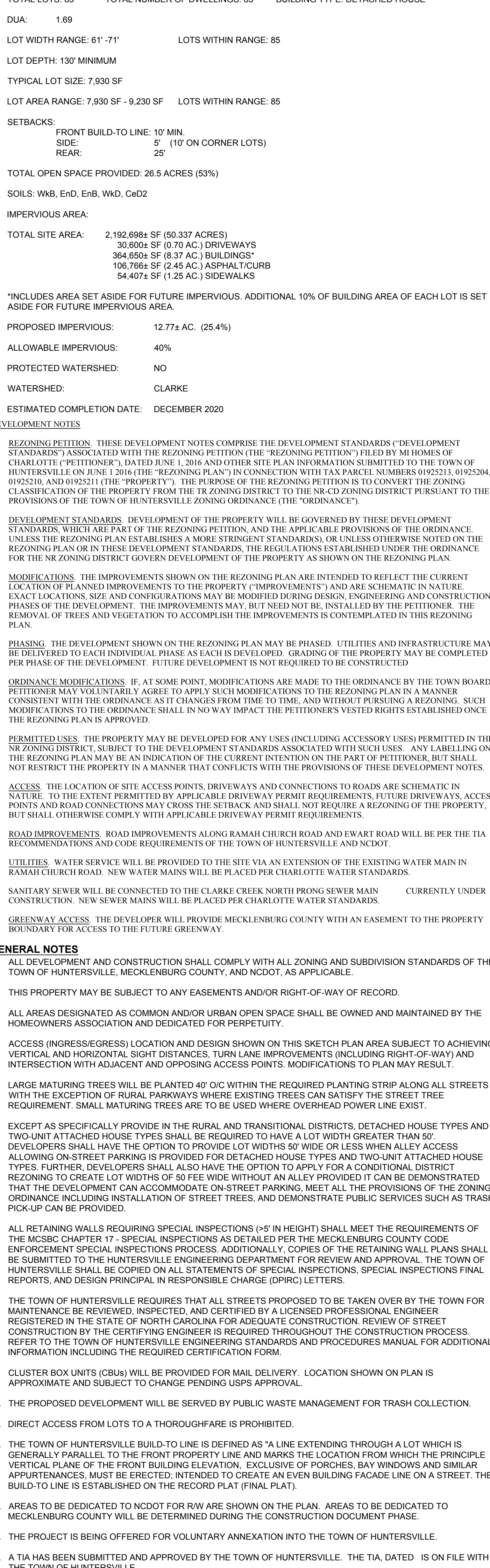
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Town of Huntersville	Phone:	704-875-7000
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PARCELS	01925213	2.06 ACRES	OWNER: DENNIS WAYNE EWART
	01925204	25.29 ACRES	OWNER: MARGARET A EWART
	01925210	5.62 ACRES	OWNER: KBR PROPERTIES, LLC
	01925211	15.49 ACRES	OWNER: MARGARET A EWART
	19444111	1.28 ACRES	OWNER: GARY LEE EWART AND DENNIS WAYNE EWART
	01116102	0.60 ACRES	OWNER: MARGARET A EWART
EXISTING ZONING: TR			
PROPOSED ZONING: NR-CD			
EXISTING LAND USE: WOODED AND PASTURE			
PROPOSED LAND USE: SINGLE-FAMILY RESIDENTIAL			
TOTAL LOTS: 85	TOTAL NUMBER OF DWELLINGS: 85		BUILDING TYPE: DETACHED HOUSE



 <h1>TIMMONS GROUP</h1> <p>NORTH CAROLINA LICENSE NO. C-1652</p>	<p>YOUR VISION ACHIEVED THROUGH OURS.</p>	<p>THIS DRAWING PREPARED AT THE  <b>CHARLOTTE OFFICE</b>          2030 S. Tryon Street, Suite 3C   Charlotte, NC 28203          TEL 704.376.1073 FAX 704.376.1076 www.timmons.com</p>	
		DATE	REVISION DESCRIPTION
		11/01/16	REVISED PER TOWN COMMENTS
<p>DATE</p> <p>09/01/2016</p>		<p>DRAWN BY</p> <p>J. HORTON</p>	
<p>DESIGNED BY</p> <p>J. HORTON</p>		<p>CHECKED BY</p> <p>C. TODD</p>	
<p>SCALE</p> <p>AS SHOWN</p>		<p>JOB NO.</p> <p>38384</p>	
<p>ANNSBOROUGH PARK SUBDIVISION</p> <p>HUNTERSVILLE, NORTH CAROLINA</p> <p>SKETCH PLAN</p>		<p>SHEET NO.</p> <p>RZ400</p>	

<h1>TIMMONS GROUP</h1> <p>NORTH CAROLINA LICENSE NO. C-1652</p>	DESIGNED BY	J. HORTON
	CHECKED BY	C. TODD
	SCALE	AS SHOWN
	<h2>ANNSBOROUGH PARK SUBDIVISION</h2> <p>HUNTERSVILLE, NORTH CAROLINA</p>	
	<h3>SKETCH PLAN</h3>	
JOB NO.	38384	
SHEET NO.		

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction staking without the express written consent of TIMMONS GROUP.



## Annsborough Park – Neighborhood Meeting

Presentation of Plan by Scott Herr

October 24, 2016

The community meeting for Annsborough Park neighborhood was held on October 24, 2016 at 6:00 p.m. at Huntersville Town Hall. Ten adjoining owners attended (see attached sign-up sheet).

Questions:

1. What is the intent of the greenway?

It is a 10 feet paved path.

2. Will you have a buffer off Ewart Road?

We will have an 80 foot buffer plus an additional buffer from the 80 foot buffer up to 200 feet as shown on the plan.

3. Will the homes be ranch style?

The homes will be up to 2400 square feet, with the master bedroom downstairs. Half of the homes in Avery Park are this style.

4. Are there neighborhoods with examples of this home style?

Avery Park in Cornelius, Blume in Harrisburg, and Bellington in Huntersville are examples of neighborhoods which have the cottage series style home.

5. Will you be widening Ewart Road?

We are widening Ewart Road at entrances to 11 feet lanes, with turn lanes, and an entry monument.

6. What do you mean by one and a half story homes?

A one and a half story home can usually be determined by where the roof line falls in relation to the windows on the upper story.

In a traditional 2 story home, you will have full 8 foot or taller walls throughout the entire floor. Ceilings may still contain details such as trey, vault or cathedral, but will not be lower at any point than 8 feet. This is not typical of the story and a half plan.

7. Will the property around Annsborough Park be required to be annexed?

No, annexation is voluntary and only Annsborough Park will be annexed because it will be a condition of zoning.

8. Will there be amenities?

This neighborhood does not have the density of housing that would support pool amenities. Open space will be a natural amenity.

9. What is the percentage of open space?

It will be greater than 50%.

10. What is the 20 feet buffer vegetation?

MI Homes has not determined that yet but Scott will follow up with Gina Ewart.

(Ewart Road northern corner)

11. Will the road improvements impact Gina Edward's driveway?

Widening of Ewart Road does not extend to that point.

12. Is there a timeline?

The Public Hearing is December 5, 2016. It will take 6-8 months to get started and two years before the first closing.



## Sign-In Sheet

Phone Number

7048261417

mc 28078 704956-084/

704-576-5654

704-487-8036

980-229-2494

704 608 3169

1775876

282

ANNSBOROUGH PARK - NEIGHBORHOOD MEETING

Sign-In Sheet

Name

Address

Phone Number

Mary & Terry Custard 13424 Ramoth Church 980 205-0711



August 27, 2016

Mr. Scott Herr  
MI Homes of Charlotte  
5350 Seventy-Seven Center Dr, Suite 100  
Charlotte, NC 28217

**Re: Adequate Public Facilities (APF) Application – Ewart Property: 85 Single Family Units (File #2016-12)**

Dear Mr. Herr:

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 415 single family units, I am issuing a “Determination of Adequacy (DOA)” (see attached) for the following public facilities:

- Fire Vehicles
- Fire Facilities
- Police Facilities

Please be advised that this DOA is valid for one (1) year, or until August 27, 2017, by which date this development proposal must have achieved vesting, per Section 2.2 of the Zoning Ordinance.

I am also issuing a “Determination of No Available Capacity (DONAC)” (see attached) for Police Vehicles as well as Indoor Park & Recreations Facilities and Parks Acreage, as there is currently no available capacity for this public facility to serve the proposed development.

In the accordance with Article 13.6.6 Non-Availability of Capacity; Mitigation Plans, of the APF Ordinance, where there is no Available Capacity, the applicant may:

- 1). *“Submit a Development Proposal that has a reduced amount of development for which available capacity exists;*
- 2). *Submit a Phased Development Proposal that includes the following:*
  - a. a proposed Phasing Schedule setting forth the amount, location, and timing of development associated with each proposed phase;*
  - b. a showing that Available Capacity will exist for each phase of development;*
  - c. where Advanced Facilities are proposed, the location and timing of the proposed facilities based on the Phasing Schedule and Mitigation Plan as provided in c) (3) below; and*

*d. other additional information or materials identified by the Administrator or other Town staff as necessary to ensure the timely and adequate provision of Public Facilities, based on the level of service standards and requirements of this Article.*

- 3) Propose a Mitigation Plan**, *at the applicant's expense, which provides Advanced Facilities that would mitigate the proportionate-share impacts of the Proposed Development on Public Facilities based on the Level of Service standards in section 13.4. Should mitigation be required in conjunction with a Development Proposal, nothing shall preclude the participation of third-parties (public or private) in defraying all or a portion of the cost of such mitigation. Any Mitigation Plan that proposes the provision of Advanced Facilities must provide an estimate of the incremental cost of providing the Advanced Facilities, a schedule for commencement and completion thereof, and a description of how the Advanced Facilities will mitigate the impact of the Proposed Development. In order for a Mitigation Plan to be accepted, it must be approved by the Town Board."*

Police Vehicles as well as Indoor Park & Recreations Facilities and Parks Acreage (including any capacity included on a "Capital Improvements Program (CIP)" adopted by the Town and expected to be made available by the end of the third fiscal year following the date of the APF Application) to serve this development must be made available prior to the issuance of a Certificate of Occupancy for any of the lots in this development., Should Indoor Park & Recreations Facilities and Parks Acreage capacity for this development not be made available prior to the request for issuance of a Certificate of Occupancy for all or a portion of the proposed development, mitigation per Article 13.6.6 will be required.

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

Sincerely,

Brian Richards  
GIS Administrator

Cc: Jack Simoneau, AICP, Planning Director  
Gerry Vincent, Assistant Town Manager  
Robert Blythe, Town Attorney  
David Peete, Principal Planner

**Planning**

Post Office Box 664 • 105 Gilead Road, Third Floor • Huntersville, NC 28070  
phone 704.875.7000 • fax 704.992.5528 • [www.huntersville.org](http://www.huntersville.org)

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Jack Simoneau, Planning Director  
**Subject:** TA 16-07 TR Lot Size, Width and Side Setback Amendment

---

Text Amendment, TA #16-07, is a request by LStar Management, LLC to amend Article 3.2.2(d) Transitional Residential (TR) District, to reduce lot size, width, and side yard setbacks.

**ACTION RECOMMENDED:**

Conduct Public Hearing at the December 5, 2016 meeting.

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

Description	Type
▣ Staff Report	Staff Report
▣ Application	Backup Material
▣ Attachment B Ordinance	Backup Material

**TA #16-07 Amend Article 3.2.2(d) Transitional Residential (TR) District**

**PART 1: DESCRIPTION**

Text Amendment, TA #16-07, is a request by LStar Management, LLC to amend Article 3.2.2(d) Transitional Residential (TR) District, to reduce lot size, width, and side yard setbacks but not change the maximum allowed density at 1.5 units per acre with at least 40% open space.

**PART 2: BACKGROUND**

The Transitional Residential District currently allows up to 1.5 units per acre if the subdivision has at least 40% open space. The average lot size shall be at least 12,000 sq. ft. with no lot under 10,000 sq. ft.. Lot width shall average at least 75' but in no case less than 60'. Side yard setbacks shall be at least 8'.

LStar Management, LLC requests the average lot size shall be at least ~~12,000~~ 7,500 sq. ft. with no lot under ~~10,000~~ 6,000 sq. ft.. Lot width shall average at least ~~75'~~ 60', but in no case less than ~~60'~~ 50'. Side yard setbacks shall be at least ~~8'~~ 5'. Under the proposed amendment, the maximum density allowed will remain at 1.5 units per acre provided there is at least 40% open space in the subdivision.

Therefore, a 100 acre tract of land could have up to 150 units with at least 40% open space under the current standards and under the proposed amendment. However, if the average lot size is reduced to 7,500 sq. ft., then the amount of open space provided would exceed the minimum 40% required to qualify for 1.5 units per acre (see below table).

EXISTING ORDINANCE TR DISTRICT	PROPOSED ORDINANCE TR DISTRICT
100 Acre Tract	100 Acre Tract
-15 acres for streets (estimate)	-15 acres for streets (estimate but likely lower)
= 85 acres available for lots and open space	= 85 acres available for lots and open space
-41.3 acres for lots (150 lots @12,000 sq. ft. each)	-25.8 acres for lots (150 lots @ 7,500 sq. ft. each)
= 43.7 acres max. potential open space	= 59.2 acres max. potential open space

According to the application:

*"The reduced lot minimums will allow for greater flexibility for development projects within the Huntersville Transitional Residential District (TR). The reduced lot minimums will allow greater product segmentation and better master/community planning which promotes economic vitality through increased sales absorption which in return enhances re-sale appreciation; social vitality by accommodating diverse life styles and the ability to create a sense of community."*

The Land Development Ordinances Advisory Board (LDOAB) reviewed the proposed amendment at their November 3, 2016 meeting and recommended approval (5-2).

**PART 3: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS**

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 H-7: Housing Affordability Support appropriate mix of housing for all income levels. *Staff Commentary: Reducing the average lot size but keeping the density in the TR the same CAN allow for varied lot sizes and therefore varied housing price points.*

December 5, 2016

Policy H-8: Development in the Transitional and Rural Areas Maintain the development standards in the Transitional and Rural zones and consider adjustments if warranted by changes in the housing market. *Staff Commentary: Allowing smaller lot sizes in the TR zone MAY be more appealing to people aging who want to maintain a smaller yard.*

Policy E-1: Preservation and Enhancement Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets. *Staff Commentary: Keeping the TR density the same but reducing average lot sizes will allow for more open space and therefore provide more opportunity to avoid sensitive environmental areas such as steep slopes or significant stands of vegetation, as well as reduce the amount of impervious coverage. It will also provide more flexibility to avoid scenic views and cultural assets.*

Policy E-2: Location of New Development Avoid locating new development in areas of significant environmental, scenic or cultural resources. *Staff Commentary: Keeping the TR density the same but reducing average lot sizes will allow for more open space and therefore provide more opportunity to avoid sensitive environmental areas such as steep slopes or significant stands of vegetation, as well as reduce the amount of impervious coverage. It will also provide more flexibility to avoid scenic views and cultural assets.*

#### PART 4: STAFF RECOMMENDATION

Staff recommends amending Article 3.2.2(d) Transitional Residential (TR) District as requested by LStar Management LLC based on:

- Consistency with policies of the 2030 Huntersville Community Plan listed above.
- Amending the Zoning Ordinance for reduced lot size and width average/minimums, and side yard setback in the TR zone is reasonable and in the public interest because overall density per acre is not being reduced and subdivision design flexibility is provided allowing for varied lot sizes, reduced development costs, and more opportunity to avoid sensitive environmental cultural and scenic resources.

#### PART 5: PUBLIC HEARING

The Public Hearing will be held on December 3, 2016.

#### PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on December 20, 2016.

#### PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

PART 8: STATEMENT OF CONSISTENCY – TA #16-07

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-07, to amend Article 3.2.2(d) of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policies H-7, H-8, E-1 &amp; E-2 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because overall density per acre is not being increased and subdivision design flexibility is provided allowing for varied lot sizes, reduced development costs, and more opportunity to avoid sensitive environmental, cultural and scenic resources.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-07, to amend Article 3.2.2(d) 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><b>APPROVAL:</b> In considering the proposed amendment, TA 16-07, to amend Article 3.2.2(d) 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><b>DENIAL:</b> 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><b>DENIAL:</b> 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>





# Attachment A

## Text Amendment Application

**Incomplete submissions will not be accepted.**

### Applicant Data

Date of Application SEPTEMBER 30, 2016  
Name LSTAR MANAGEMENT, LLC  
Address 516 N. WEST STREET, RALEIGH, NC 27603  
Phone Number (home) \_\_\_\_\_ (work) (919) 256-1981  
Email RYAN @ LSTARLAND.COM

### 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 ORDINANCE Article: 3: ZONING DISTRICTS Section: 2.2(d)  
Current Text: SEE ATTACHED

Proposed Text: SEE ATTACHED

Reason for requested change (attach additional sheets if necessary): THE REVOLVED LOT MINIMUMS WILL ALLOW FOR GREATER FLEXIBILITY FOR DEVELOPMENT PROJECTS WITHIN THE HUNTERSVILLE TRANSITIONAL RESIDENTIAL DISTRICT (TR). THE REVOLVED LOT MINIMUMS WILL ALLOW GREATER PRODUCT SEGMENTATION AND BETTER WATER/COMMUNITY PLANNING WHICH PROMOTES ECONOMIC VITALITY THROUGH INCREASED SALES ABSORPTION WHICH IN TURN ENHANCES RE-SALE APPRECIATION, SOCIAL VITALITY BY ACCOMODATING DIVERSE LIFE STAGES AND THE ABILITY TO CREATE A SENSE OF COMMUNITY.

**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.**

<b>Signatures</b>		
-------------------	--	--

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: 9-30-2016

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>

### 3.2.2 TRANSITIONAL RESIDENTIAL DISTRICT (TR)

Intent: The Transitional Residential District serves as a bridge between rural zones and more urbanized development. It is provided to encourage the development of neighborhoods and rural compounds that set aside natural vistas and landscape features for permanent conservation. Density of development is regulated on a sliding scale; permitted densities rise with increased open space preservation. Development typologies associated with the Transitional District are farms, the single house, the conservation subdivision, the farmhouse cluster, and the residential neighborhood. The section number in parenthesis following listed use indicates the ordinance section of development conditions.

#### d) General Requirements

1. Frontage on a public street is required for all lots in the Transitional Residential District except those comprising a Farmhouse Cluster (see Special Requirements, paragraph e), this section), those comprising a Conservation Subdivision (see Special Requirements, paragraph f), or those specifically exempted in [Article 8.1](#).
2. Development in the Transitional Residential District shall meet the following standards:
  - a. Non-residential lots outside of planned developments and lots in exempt subdivisions not approved as Farmhouse Clusters or Conservation Subdivisions require a minimum lot size of 20,000 square feet and a minimum lot width of 90'; no open space requirement. Further, individual lots of less than 20,000 square feet and/or 90' width, existing prior to the effective date of this ordinance, are construed to be conforming.
  - b. Except as provided in a. above, Farmhouse Cluster and Conservation Subdivision Standards, density in the Transitional zoning district shall be as follows:

Percent Open Space	20%	40% or more
Units per Gross Acre	0.5	1.5

For every 1% additional open space over 20%, density can be increased by 0.05 units per gross acre to a maximum of 1.5 units per gross acre.

c. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted at 1.5 times the actual acreage as an incentive to provide improved public open space. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.

d. In determining density permissible on a tract of land, fractions shall be dropped.

In mixed use developments, areas used for nonresidential purposes shall be subtracted from the tract acreage to determine density permitted.

e. Lot sizes shall average at least ~~42,000~~ **7,500** sq. ft., but in no case shall any lot be less than ~~40,000~~ **6,000** sq.ft. The side yard setback shall be 8'- **5'** and the rear yard setback shall be a minimum of 25'.

f. Lot widths shall average at least ~~75~~ 60 feet (excluding cul-de-sac lots), but in no case shall any lot be less than ~~60~~ 50' wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum ~~35~~ 25' of frontage along the street right-of-way.

g. In residential subdivisions, lots should not have a depth greater than 4 times the width at the build-to or setback line except where physical dimensions of the tract provide no other alternative layout or where the open space is for a required buffer. Emphasis shall be on quality of design as opposed to reduction of development costs.

h. In order to preserve the low intensity development character found in the Transitional zoning district, along existing state maintained roads and future thoroughfares a visually opaque landscaped buffer of native vegetation at least 80 feet in width shall be required for major subdivisions unless a more restrictive buffer is established elsewhere in these regulations. The Board of Commissioners may allow modification to the buffer width when special site conditions exist such as topography or the site has multiple road frontages. The buffer shall be in common area and shall be counted towards meeting open space requirements.

i. In major residential subdivisions, a landscaped median at least 20' in width shall be required at all entrances into the subdivision. Modification to this standard may be allowed by the Board of Commissioners in the interest of traffic safety.

j. Open space shall not be located in private residential lots, unless specifically allowed by this ordinance.

## AN ORDINANCE TO AMEND ARTICLE 3.2.2(d) Transitional Residential (TR) District

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 3.2.2(d) of the **Zoning Ordinance** is hereby amended as follows:

### d) General Requirements

2. Development in the Transitional Residential District shall meet the following standards:
  - e. Lot sizes shall average at least ~~12,000~~ **7,500** sq. ft., but in no case shall any lot be less than ~~10,000~~ **6,000** sq. ft. The side yard setback shall be ~~8'~~ **5'** and the rear yard setback shall be a minimum of 25'.
  - f. Lot widths shall average at least ~~75~~ **60** feet (excluding cul-de-sac lots), but in no case shall any lot be less than ~~60'~~ **50'** wide. On cul-de-sac or turn-arounds, lots shall have at least 80% of the minimum lot width required when measured to a point 50' back from the street right-of-way. Further, these lots shall have a minimum ~~35'~~ **25'** of frontage along the street right-of-way.

### **New Text = Bold and Underlined**

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

PUBLIC HEARING DATE: **December 5, 2016**

PLANNING BOARD MEETING: **December 20, 2016**

PLANNING BOARD RECOMMENDATION: **TBD**

TOWN BOARD DECISION: **TBD**

TOWN BOARD ACTION MEETING: **January 17, 2017**



**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Brad Priest, Senior Planner  
**Subject:** TA16-05: Indoor Recreation in the SP District

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**Text Amendment:** TA16-05 is an application submitted by Mike Clapp to amend Article 3.2.10 of the Huntersville Zoning Ordinance. The purpose of the amendment is to add Indoor Recreation uses as a use permitted by right in the Special Purpose (SP) zoning district.

**ACTION RECOMMENDED:**

Consider taking final action on the application on 12/5/16.

**FINANCIAL IMPLICATIONS:**

**ATTACHMENTS:**

	<b>Description</b>	<b>Type</b>
☐	Staff Report	Staff Report
☐	Application	Exhibit
☐	Proposed Ordinance	Ordinance

## TA 16-05 Indoor Recreation Uses in the Special Purpose (SP) Zoning District

### PART 1: DESCRIPTION

TA16-05 a request by Mike Clapp and Sports Village Land Group, LLC to amend Article 3.2.10 of the Zoning Ordinance to allow Indoor Recreation uses in the Special Purpose (SP) zoning district as a use permitted by right.

### PART 2: BACKGROUND

The property owners of 10695 Hambright Road have submitted a separate conditional rezoning application that proposes a mixture of uses at the corner of Mt. Holly Huntersville Road and Hambright Road. The development plan includes indoor recreation (gymnasium facilities), office, and retail uses. The current Corporate Business (CB) zoning of the property allows neither retail nor indoor recreation uses. Retail and other commercial uses however are allowed in the Special Purpose (SP) district. Therefore in order to accommodate the retail element of the development plan, the applicant is proposing a rezoning to SP. Indoor Recreation however is not a use permitted in the SP district. The applicant is seeking a text amendment to the SP district to add the indoor recreation use as a use permitted by right, thus accommodating all of the uses proposed in their development plan.

The Land Development Ordinances Advisory Board (LDOAB) unanimously recommended that the application be approved at their November 3, 2016 meeting.

### 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-1: Diversify Tax Base*- Continue to look for ways to expand and diversify the employment base in Huntersville.
- *Policy ED-17: Recreation Tournaments/Events* – Support continued efforts of Parks and Recreation Department and Huntersville Family Fitness and Aquatics Center (HFFA) to attract national, state and regional amateur recreational and sports tournament events.

### PART 4: STAFF RECOMMENDATION

The SP district allows a wide variety of uses including commercial, retail, office and many other uses, including ones that could have greater than average impacts on the environment or adjacent properties. Adding indoor recreation would not significantly change the character or intent of the zoning district. Also, indoor

*amusements* such as arcades, skating rinks, billiard halls, etc. are already permitted in the SP district. Therefore recreational oriented uses already seem to be envisioned in the district. Adding indoor recreational uses such as gymnasiums, hockey rinks, other indoor sports facilities do not seem out of character with what is already permitted. Staff recommends approval.

#### **PART 5: PUBLIC HEARING – UPDATE 11/8/16**

The Public Hearing was held on November 7, 2016. No one from the public spoke on the application. The discussion at the public hearing included the applicant's proposal for the R16-08 rezoning and various aspects of the site plan.

#### **PART 6: PLANNING BOARD RECOMMENDATION – UPDATE 11/28/16**

The Planning Board discussed the application at their November 15, 2016 meeting. Most discussion from the Board centered on the possible lack of clarity with the "indoor recreation" definition in Article 12 of the zoning ordinance, and whether or not to recommend amending the definition along with this application. After discussion, the Planning Board recommended approving the proposed text as is by a 4-2 vote.

#### **PART 7: ATTACHMENTS AND ENCLOSURES**

Attachment A: Text Amendment Application  
Attachment B: Proposed Ordinance from Staff



**PART 8: STATEMENT OF CONSISTENCY – TA #16-05**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-05, to amend Article 3.2.10 <i>Special Purpose Zoning District – Uses Permitted by Right</i> of the Zoning Ordinance, the Planning Staff finds it consistent with Policy ED-1 and ED-17 of the 2030 Community Plan and recommends approval.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because indoor recreational uses are similar to uses already allowed in the Special Purpose (SP) district and will have no foreseeable negative impact on the environment.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-05, to amend Article 3.2.10 <i>Special Purpose Zoning District – Uses Permitted by Right</i> 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><b>APPROVAL:</b> In considering the proposed amendment, TA 16-05, to amend Article 3.2.10 <i>Special Purpose Zoning District – Uses Permitted by Right</i> 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><b>DENIAL:</b> In considering the proposed amendment, TA 16-05, to amend Article 3.2.10 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><b>DENIAL:</b> In considering the proposed amendment, TA 16-05, to amend Article 3.2.10 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 July 26, 2016

Name Sports Village Inc.

Address 18635 Starcreek Drive, Unit F

Phone Number (home) (704) 201-8876 (work) \_\_\_\_\_

Email msclapp6@yahoo.com

### 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: Zoning Districts Section: 3.2.10 (a.)

Current Text: See Attachment A

Proposed Text: See Attachment B

Reason for requested change (attach additional sheets if necessary): \_\_\_\_\_

To allow for the development of an indoor recreation facility within the SP zoning district. The proposed site is located at parcel # 01740104. The site will include indoor recreation facilities, office, and retail uses.

The SP district currently allows both indoor and outdoor amusement facilities. The inclusion of indoor recreation is congruent with section 3.2.10 (a.) of the zoning ordinance.

**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: \_\_\_\_\_

## 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>

## Attachment A – Current Text

### ▪ a) Permitted Uses

#### Uses Permitted by Right

- abattoirs
- agricultural industries
- amusement facilities: all indoor uses
- commercial uses including office
- contractor offices and accessory storage yards
- foundries
- laboratories
- lumber mills and storage yards
- heavy manufacturing
- outdoor theaters
- power generation plants
- railroad freight yards, repair shops, and marshaling yards
- repair of products of heavy manufacturing operations
- all other uses permitted by right in the CB District
- mini-warehouse storage

#### Uses Permitted with a Special Use Permit

- airports, [\(9.4\)](#)
- correctional facilities, [\(9.41\)](#)
- essential services 3, [\(9.15\)](#)
- halfway houses, [\(9.55\)](#)
- hazardous or infectious material incineration, handling, or storage, [\(9.17\)](#)
- off-site LCID and C&D landfills, [\(9.23\)](#)
- other environmentally sensitive uses not expressly permitted in the SP or other districts, [\(9.24\)](#)
- quarries, [\(9.31\)](#)
- raceways and drag strips, [\(9.32\)](#)
- sanitary landfill, [\(9.34\)](#)
- solar energy facility, minor residential, as follows: located on the facade elevation facing public street or common access; or located on the roof slope above the facade of the structure facing public street or common access [\(9.54\)](#)
- solar energy facility, minor free-standing non-residential, [\(9.54\)](#)
- solar energy facility, minor rooftop on roof slope facing a street that are noticeable [\(9.54\)](#)
- solar energy facility, major [\(9.54\)](#)
- solid waste incineration, [\(9.36\)](#)
- transfer station for organic and inorganic waste products, [\(9.38\)](#)
- wind energy facility, major [\(9.53\)](#)
- wind energy facility, minor (accessory) [\(9.53\)](#)

#### Uses Permitted with Conditions

- amusement facilities, outdoor, [\(9.5\)](#)
- commercial communication towers, [\(9.9\)](#)

- commercial kennels, indoor and outdoor [\(9.10\)](#)
- essential services 1 and 2, [\(9.14\)](#)
- inorganic residential household waste, intake and transfer off-site, [\(9.16\)](#)
- residential recycling center, [\(9.16\)](#)
- yard waste intake and processing, [\(9.16\)](#)
- junk yards, [\(9.20\)](#)
- outdoor storage, [\(9.26\)](#)
- outdoor storage of construction equipment, [\(9.27\)](#)
- petroleum storage facilities, [\(9.30\)](#)
- temporary mobile food sales [\(9.37\)](#)
- transit-oriented parking lots as a principal use, [\(9.49\)](#)
- transit shelters, [\(9.39\)](#)
- trucking terminals, [\(9.40\)](#)
- internet sweepstakes, [\(9.58\)](#)
- all other uses permitted with conditions in the [CB District](#)

## Attachment B – Proposed Text

### ▪ a) Permitted Uses

#### Uses Permitted by Right

- abattoirs
- agricultural industries
- amusement facilities: all indoor uses
- commercial uses including office
- contractor offices and accessory storage yards
- foundries
- laboratories
- lumber mills and storage yards
- heavy manufacturing
- outdoor theaters
- power generation plants
- railroad freight yards, repair shops, and marshaling yards
- repair of products of heavy manufacturing operations
- all other uses permitted by right in the CB District
- mini-warehouse storage
- **indoor recreation**

#### Uses Permitted with a Special Use Permit

- airports, [\(9.4\)](#)
- correctional facilities, [\(9.41\)](#)
- essential services 3, [\(9.15\)](#)
- halfway houses, [\(9.55\)](#)
- hazardous or infectious material incineration, handling, or storage, [\(9.17\)](#)
- off-site LCID and C&D landfills, [\(9.23\)](#)
- other environmentally sensitive uses not expressly permitted in the SP or other districts, [\(9.24\)](#)
- quarries, [\(9.31\)](#)
- raceways and drag strips, [\(9.32\)](#)
- sanitary landfill, [\(9.34\)](#)
- solar energy facility, minor residential, as follows: located on the facade elevation facing public street or common access; or located on the roof slope above the facade of the structure facing public street or common access [\(9.54\)](#)
- solar energy facility, minor free-standing non-residential, [\(9.54\)](#)
- solar energy facility, minor rooftop on roof slope facing a street that are noticeable [\(9.54\)](#)
- solar energy facility, major [\(9.54\)](#)
- solid waste incineration, [\(9.36\)](#)
- transfer station for organic and inorganic waste products, [\(9.38\)](#)
- wind energy facility, major [\(9.53\)](#)
- wind energy facility, minor (accessory) [\(9.53\)](#)

#### Uses Permitted with Conditions

- amusement facilities, outdoor, [\(9.5\)](#)

- commercial communication towers, [\(9.9\)](#)
- commercial kennels, indoor and outdoor [\(9.10\)](#)
- essential services 1 and 2, [\(9.14\)](#)
- inorganic residential household waste, intake and transfer off-site, [\(9.16\)](#)
- residential recycling center, [\(9.16\)](#)
- yard waste intake and processing, [\(9.16\)](#)
- junk yards, [\(9.20\)](#)
- outdoor storage, [\(9.26\)](#)
- outdoor storage of construction equipment, [\(9.27\)](#)
- petroleum storage facilities, [\(9.30\)](#)
- temporary mobile food sales [\(9.37\)](#)
- transit-oriented parking lots as a principal use, [\(9.49\)](#)
- transit shelters, [\(9.39\)](#)
- trucking terminals, [\(9.40\)](#)
- internet sweepstakes, [\(9.58\)](#)
- all other uses permitted with conditions in the [CB District](#)

**AN ORDINANCE TO AMEND ARTICLE 3.2.10 (SPECIAL PURPOSE DISTRICT) TO  
ALLOW INDOOR RECREATIONAL USES AS A USE PERMITTED BY RIGHT**

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

3.2.10 SPECIAL PURPOSE DISTRICT (SP)

3.2.10 (A) Uses Permitted by Right

- **Indoor Recreation**

**New Text = Bold and Underlined**

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

PUBLIC HEARING DATE: **November 7, 2016**

PLANNING BOARD MEETING: **November 15, 2016**

PLANNING BOARD RECOMMENDATION: **APPROVE**

TOWN BOARD DECISION:

TOWN BOARD MEETING: **December 5, 2016**



**Town of Huntersville  
REQUEST FOR BOARD ACTION  
12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Meredith Nesbitt  
**Subject:** TA16-06, Bonafide Farm Definition

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**Text Amendment** - TA16-06 is a request by Susan Lurz to amend Article 12.2.1 of the Huntersville Zoning Ordinance to modify the Farm, Bona Fide definition.

**ACTION RECOMMENDED:**

Take final action on TA16-06.

**FINANCIAL IMPLICATIONS:**

None

**ATTACHMENTS:**

Description	Type
TA16-06: Town Board Full Staff Report	Staff Report

## TA #16-06 Amend Article 12.2.1 GENERAL DEFINITIONS (Bona Fide Farm Definition)

### PART 1: DESCRIPTION

Text Amendment, TA #16-06, is a request by Susan Lurz to amend Article 12.2.1 General Definitions of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to modify the bona fide farm definition.

### PART 2: BACKGROUND

The applicant is interested in operating a “teaching farm” on a 13.2 acre parcel at 14412 Beatties Ford Road (PIN 015-021-04) which would otherwise be classified as a bona fide farm, as it meets the defined requirements for bona fide tax status. Currently, teaching farm is not a use covered in the Town’s Zoning Ordinance.

The applicant proposes adding the use by modifying the bona fide farm definition to include language which will allow bona fide farms *only* within the corporate limits of the Town and located within the Rural or Transitional Residential districts to operate educational programs limited to farming technique, animal husbandry and seasonal farming activities.

The Land Development Ordinance Advisory Board (LDOAB) reviewed the proposed amendment at their October 6, 2016 meeting and recommended approval (7-0).

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

The following are examples of relevant 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 E-1: Preservation and Enhancement*** – Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.

***Policy ED-16: Tourism*** – The Town will support local tourism efforts and partner with other agencies such as “Visit Lake Norman” and “Destination Roundtable” as appropriate.

### PART 4: STAFF RECOMMENDATION

Staff recommends amending Article 12.2.1 General Definitions The recommendation is based on:

Consistency with policies of the Huntersville Community Plan listed above.

### PART 5: PUBLIC HEARING

The Public Hearing will be held on November 7, 2016. No comments were received from the public. A Town Board member asked if Bone Fide Farms in the Town limits verse in the County limits could be regulated

differently. The answer is yes, State General Statutes exempts Bona Fide Farms from County zoning. Under these same Statutes, municipalities have the authority to regulate Bona Fide Farms.

#### **PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board reviewed this text amendment on November 15, 2016 and recommended unanimous approval (6-0).

#### **PART 7: ATTACHMENTS AND ENCLOSURES**

Attachment A: Text Amendment Application  
Attachment B: Proposed Ordinance

**PART 8: STATEMENT OF CONSISTENCY – TA #16-06**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-06, to amend Article 12.2.1 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy E-1 and ED-16 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because modifying the bona fide farm definition allows greater flexibility for farming uses in the rural and transitional residential districts.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-06, to amend Article 12.2.1 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with <u>the 2030 Community Plan policy E-1 and E-16.</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance due to the educational opportunities it will provide, the physical activity to improve health, and mental health development.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-06, to amend Article 12.2.1 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><b>DENIAL:</b> In considering the proposed amendment, TA 16-06, to amend Article 12.2.1 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>

*Incomplete submissions will not be accepted.*

**Applicant Data**

Date of Application 9-1-16

Name Susan Lurz

Address 14412 Beathies Ford Rd Huntersville, NC 28078

Phone Number (home) 980-253-1446 (work) Cell

Email Susan.lurz@proutree.com

**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: 12 Section: 12.2.1

Current Text:

See attached

Proposed Text:

See attached

Reason for requested change (attach additional sheets if necessary):

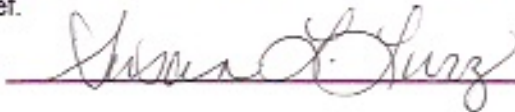
See attached

**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: \_\_\_\_\_

9-1-16

## 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>

## Text Amendment Application

### Current Text:

Farm, bona fide. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of “farm” and “bona fide farm” shall not include agricultural industries.

### Proposed Text:

Farm, bona fide. Farm, bona fide. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries. Additionally, any tract of land qualified to be a bona fide farm as above defined and which is located within the corporate limits of the Town and is in a Rural or Transitional Residential district may conduct educational programs or activities limited to farming technique, animal husbandry and seasonal farming activities.

### Reason for Requested Change:

My farm is located at 14412 Beatties Ford Rd in Huntersville. I purchased the farm this past April with the intention of keeping it as a family farm with just my own horses and goats. However, since living on the farm these several months it feels like the farm should have another purpose. Because of the farms' layout, it lends itself nicely as a teaching farm for children. The land is flat and the buildings are close together which is perfect for an outdoor classroom. My company, Proudtree Empowered Learning, produces programs for social and emotional health for early childhood education as well as programs for nutrition and physical activity. My vision is to teach these programs on my farm to help children begin to build a strong, empowering foundation for healthy living.

### Farm Description:

The farm has a 2300 sq ft main house, which I am currently living in, along with another 600 sq ft cottage, which was built by the previous owner as her yoga studio. There is a ten stall barn and a 12'x24' storage shed that I am currently using as my goat/tool house. The farm is situated on 13.2 acres, ten of which are fenced in for pastures. It is ideally located 15 minutes from local schools in the Huntersville, Cornelius, and Davidson areas.

**Hours of Operation:**

I would like for the hours of operation at the farm to coincide with the hours of a typical school day, Mon-Fri 9:00 to 3:00 but also allow for the possibility of afterschool programming which would be weekdays as well from 3:00–5:30pm. I would then also like to do summer camps, which would fall under those same hours.

I would like to schedule one class or school to come to the farm at a time, in three-hour increments, with no more than 40 children per group. I would also like to offer family engagement programs perhaps once a month on a Saturday as well as Farm Day or Open House events to invite educators, parents, and students to visit the farm. I am currently working with other like-minded facilities to receive assistance with school/child release forms and I am researching insurance needs. I have met with the Mecklenburg County Extension Service to gain their assistance with curriculum and to make sure the farm is handicap accessible and meets all ADA requirements.

**The Business:**

The farm will operate as Sweetwater Farms LLC, a for-profit company. There will be a fee per child associated with a trip to the farm that will go towards the upkeep and management of the farm.



## AN ORDINANCE TO AMEND ARTICLE 12.2.1 GENERAL DEFINITIONS

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

### 12.2.1 General Definitions

Farm, bona fide. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries. **Additionally, any tract of land qualified to be a bona fide farm as above defined and which is located within the corporate limits of the Town and is in a Rural or Transitional Residential district may conduct educational programs or activities limited to farming technique, animal husbandry and seasonal farming activities.**

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

LAND DEVELOPMENT ADVISORY BOARD: October 6, 2016

LAND DEVELOPMENT ADVISORY BOARD RECOMMENDATION: Approval (7-0)

PUBLIC HEARING DATE: November 7, 2016

PLANNING BOARD MEETING: November 15, 2016

PLANNING BOARD RECOMMENDATION: TBD

TOWN BOARD DECISION: TBD

**Town of Huntersville  
REQUEST FOR BOARD ACTION  
12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Meredith Nesbitt  
**Subject:** TA16-08, Civic Monument Lighting

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**Text Amendment:** TA16-08 is a request by the Town of Huntersville to amend Article 8.26.4 of the Huntersville Zoning Ordinance to exempt the lighting of official public civic monuments from lighting standards.

**ACTION RECOMMENDED:**

Take final action on TA16-08.

**FINANCIAL IMPLICATIONS:**

None.

**ATTACHMENTS:**

Description	Type
TA16-08: Town Board Full Staff Report	Staff Report

## TA #16-08 Amend Article 8.26.4 Exemptions to Site Lighting Requirements

### PART 1: DESCRIPTION

Text Amendment, TA #16-08, is a request by the Town of Huntersville to amend Article 8.26.4 Exemptions to Site Lighting Requirements of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to exempt the lighting of public civic monuments from lighting standards.

### PART 2: BACKGROUND

Section 8.26 of the Town of Huntersville Zoning Ordinance provides site lighting be orientated downward unless otherwise exempted. Article 8.26.4 contains a list of circumstances that shall be exempt from the lighting requirements of Article 8.26. The exemptions are as followed:

- A. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt for as long as the emergency exists.
- B. Underwater lighting used for the illumination of swimming pools and fountains.
- C. Lighting used for nighttime street construction and repair.
- D. The lighting of official government flags shall not be subject to these lighting standards. Such lighting shall utilize a narrow cone beam of light of no more than 150 watts.
- E. Seasonal decoration.

As the Town moves forward with plans for Veteran's Park (located between Main Street and Maxwell Avenue), staff found conflict with the Zoning Ordinance lighting requirements and the proposed up-lighting for the Park's monument. The proposed text amendment would add lighting of public civic monuments to the list of exemptions, similar to the lighting of official government flags (see example image below).



The Land Development Ordinance Advisory Board (LDOAB) reviewed the proposed amendment at their November 3, 2016 meeting and recommended approval (6-1).

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

The following are examples of relevant 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 E-4: Reduce Outdoor Lighting*** – Support reduction in outdoor lighting to lowest possible levels to maintain public safety, while limiting glare, habitat impacts and loss of privacy.

***Policy CD-6: Architecture and Place Making*** – Consistent with Zoning and Subdivision Ordinance (as well as "Town of Huntersville Design Manual") maintain high design standards for development.

***Policy DT-2: Architectural Design Standards*** – Promote high quality architectural design standards for new development and redevelopment projects in the Downtown.

***Policy DT-6: Parks and Recreation*** – Continue to enhance parks and recreation opportunities in Downtown, consistent with the "Downtown Master Plan", "East Huntersville Area Development Plan", "Parks & Recreation Master Plan" and "Greenway and Bike Master Plan"

***Policy PF-1: Public Facilities*** – Continue to assess public facility needs to meet demand generated by existing, as well as future growth and development.

### **PART 4: STAFF RECOMMENDATION**

Staff recommends amending Article 8.26.4, Exemptions to Site Lighting Requirements. The recommendation is based on:

Consistency with policies of the Huntersville Community Plan listed above.

By exempting the lighting of public civic monuments from lighting regulations but requiring that such lighting utilize a narrow cone beam no more than 150 watts the purpose of the lighting regulation is still secured. Staff finds that lighting public civic monuments in the same fashion as official government flags will not significantly affect the night sky, nor pose impacts to public safety.

### **PART 5: PUBLIC HEARING**

The Public Hearing was held on November 7, 2016. No comments from the public or Town Board members were received.

**PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board reviewed this text amendment on November 15, 2016 and recommended unanimous approval (6-0).

**PART 7: ATTACHMENTS AND ENCLOSURES**

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

**PART 8: STATEMENT OF CONSISTENCY – TA #16-08**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-08, to amend Article 8.26.4 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy E-4, CD-6, DT-2, DT-6, and PF-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 adding public civic monuments to the list of lighting exemptions found in Article 8.26.4 allows public civic monuments to be up-lit.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-08, to amend Article 8.26.4 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with the 2030 Community Plan policies E-4, CD-6, DT-2, DT-6, and PF-1.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because with the additional language added the purposed of lighting regulations is still secured and lighting public civic monument in the same fashion as official government flags will not impact the night sky or impact public safety.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-08, to amend Article 8.26.4 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><b>DENIAL:</b> In considering the proposed amendment, TA 16-08, to amend Article 8.26.4 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

Attachment A:  
Application

***Incomplete submissions will not be accepted.***

## Applicant Data

Date of Application 10-1-16

Name Huntersville Planning Department

Address 105 Gilead Road, 3<sup>rd</sup> Floor, Huntersville NC 28078

Phone Number (home) 704-875-7000 (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: 8.26 Section: .4

Current Text: See attached

Proposed Text: See attached

Reason for requested change (attach additional sheets if necessary):

The Huntersville Planning Department is requesting this change to allow up lighting of public civic monuments to accommodate potential development

**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 Nesbitt Date: 10/1/16

## Contact Information

<b>Town of Huntersville</b>	Phone:	704-875-7000
<b>Planning Department</b>	Fax:	704-875-6546
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	<a href="http://www.huntersville.org/Departments/Planning.aspx">http://www.huntersville.org/Departments/Planning.aspx</a>



## **AN ORDINANCE TO AMEND ARTICLE 8.26.4 Exemptions to Site Lighting Requirements**

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

.4 Exemptions to these requirements.

The following shall be exempt from the lighting requirements of this ordinance:

- a. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt for as long as the emergency exists.
- b. Underwater lighting used for the illumination of swimming pools and fountains.
- c. Lighting used for nighttime street construction and repair.
- d. The lighting of official governmental flags and **public civic monuments** shall not be subject to these lighting standards. Such lighting shall utilize a narrow cone beam of light of no more than 150 watts.
- e. Seasonal decorations.

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

LAND DEVELOPMENT ADVISORY BOARD: November 3, 2016

LAND DEVELOPMENT ADVISORY BOARD RECOMMENDATION: TBD

PUBLIC HEARING DATE: November 7, 2016

PLANNING BOARD MEETING: November 15, 2016

PLANNING BOARD RECOMMENDATION: TBD

TOWN BOARD DECISION: December 5, 2016

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Max L. Buchanan  
**Subject:** Professional Engineering Services - Main Street Project

---

To provide all engineering and related design services for the Downtown Main Street Improvement Project.

**ACTION RECOMMENDED:**

Request authorization to execute the Professional Services Agreement for the engineering design (Phase II) of Main Street Improvements Project. The Agreement, in the amount of \$736,932.81, includes all work and services detailed in the attached scope.

**FINANCIAL IMPLICATIONS:**

GO Bond  
Bonus Allocation Funds

**ATTACHMENTS:**

Description	Type
□ Agreement	Backup Material

## **PRIME PROFESSIONAL SERVICES AGREEMENT**

THIS Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the Town of Huntersville, NC, (hereinafter called the "Owner"), and Parsons Brinckerhoff, Inc., a New York corporation, with offices at 1001 Morehead Square Drive, Suite 610, Charlotte, NC 28203 (hereinafter called "PB").

### **WITNESSETH THAT:**

WHEREAS, the Owner desires professional design services (hereinafter called the "Services");

AND

WHEREAS, the Owner has solicited the services of PB for N. Main Street Improvements (Two-Way Pair) in Huntersville, NC (hereinafter called the "Project");

AND

WHEREAS, the Owner on September 9, 2016 selected PB to perform the Services;  
AND

WHEREAS, PB has submitted a final scope of work dated October 26, 2016, which outlined an approach for such Project;

NOW, THEREFORE, for the consideration hereinafter set forth, the parties hereto do mutually agree as follows:

### **1. CONSULTATION OF PB**

The Owner retains PB to represent the Owner in consulting matters involved in the performance of the Services, subject to the terms, conditions, and stipulations as hereinafter stated. PB shall render the services consistent with the standard of care, skill and diligence exercised by members of the same profession providing similar services under similar conditions at the locale of the Project and at the time the services are to be performed.

### **2. PROJECT DESCRIPTION**

This project involves the design services for roadway improvements to the existing roadways of NC 115, N. Main Street and Gilead/Huntersville-Concord Road in Huntersville, NC. The project limits begin just south of the intersection of NC 115 and Mount Holly Huntersville Rd and continue to the intersection of NC 115 and Ramah Church Road. The project is approximately 1 mile in length.

### **3. SCOPE OF SERVICES**

PB shall perform the services set forth in Exhibit A.

4. **COMPENSATION**

For the performance of the Services set forth in Article 3, the Owner shall compensate PB up to a maximum amount Not-To-Exceed (NTE) of **SEVEN HUNDRED THIRTY-SIX THOUSAND NINE HUNDRED THIRTY-TWO DOLLARS and 81/100 (\$736,932.81)**. A breakdown of the compensation is set forth in Exhibit B.

5. **SCHEDULE**

PB shall perform the Services in accordance with the Schedule set forth in Exhibit B, attached hereto and made part of this Agreement.

6. **PAYMENT**

Invoices for interim payments shall be prepared by PB on PB's standard form and submitted every four (4) weeks to the Owner. Each invoice shall be prepared to request payment of the portion of the lump sum amount in proportion to the percentage of Services rendered during the invoice period to the total of Services to be provided hereunder.

Such invoices shall be paid to PB by the Owner within fourteen (14) days of presentation to the Owner.

7. **DATA TO BE FURNISHED BY OWNER**

Data to be furnished by the Owner to PB at no cost to PB consist of the pavement coring information.

8. **INDEPENDENT CONTRACTOR**

PB represents that it has, or will secure, at its own expense, all personnel required in performing the Services under this Agreement. Such personnel shall not be employees of, nor have any contractual relationship with the Owner. PB, consistent with its status as an independent contractor, further agrees that its personnel will not hold themselves out as, nor claim to be, officers or employees of the Owner by reason of this Agreement.

9. **INSURANCE**

PB shall effect and maintain insurance at its own cost and expense to protect itself from claims under Workers' Compensation Acts; from claims for damages because of bodily injury including sickness, disease, or death of any of its employees; from claims for damages because of injury to or destruction of tangible property; and from claims arising out of the performance of professional services caused by errors, omissions, or negligent acts for which it is legally liable, each in the amount of \$1,000,000.

PB shall furnish the Owner with a certificate(s) of insurance showing PB has complied with this Article, which certificates shall provide that thirty (30) days written notification of cancellation of the policies shall be given to the Owner.

**10. INDEMNITY AND LIMITATION**

PB shall indemnify and hold harmless the Owner from and against any and all claims, suits, actions, judgments, demands, losses, costs, expenses, damages, and liability caused solely by, resulting solely from, or arising solely out of the negligent acts, errors, or omissions of PB, its officers, employees, agents, or representatives in the performance of Services under this Agreement.

To the fullest extent allowed by law, PB's liability to Owner shall not exceed the total compensation received by PB hereunder, and PB shall in no event be liable in contract, tort, or otherwise, for any indirect or consequential damages, including but not limited to loss of estimated profits, loss of use, loss of revenue, cost of capital, loss of good will, or similar damages arising out of its performance of the Services hereunder.

In the event of any reuse or other use by the Owner of the drawings, specifications, and other documents furnished by PB hereunder, the Owner shall indemnify, defend, and hold harmless PB from and against any and all claims, suits, actions, judgments, demands, losses, costs, expenses, damages, and liability caused by, resulting from, or arising out of such reuse or other use.

**11. CHANGES AND EXTRA SERVICES**

The Owner may make changes within the general scope of this Agreement. If PB is of the opinion that any proposed change causes an increase or decrease in the cost and/or the time required for performance of this Agreement, PB shall so notify the Owner of that fact. An agreed-upon change will be reduced to writing signed by the parties hereto and will modify this Agreement accordingly. PB may initiate such notification upon identifying a condition which may change the Services agreed to on the effective date of this Agreement, as set forth in Exhibit A.

Any such notification must be provided within thirty (30) days from the date of receipt by that party of the other party's written notification of a proposed change. In the event that agreement cannot be reached by the parties hereto as to a particular change, the issue shall be resolved pursuant to Article 18.

The Owner may request PB to perform extra services not covered by the SCOPE OF Services as set forth in Exhibit A, and PB shall perform such extra services and will be compensated for such extra services when they are reduced to a writing mutually agreed to and signed by the parties hereto amending this Agreement accordingly.

The Owner shall not be liable for payment of any extra services nor shall PB be obligated to perform any extra services except upon such written amendment.

**12. DELAYS**

PB shall perform its Services with due diligence upon receipt of a written Notice to Proceed from the Owner. The Owner may authorize costs to be incurred prior to such written Notice to Proceed. In the event that performance of its Services is delayed by causes beyond the reasonable control of PB, and without the fault or negligence of PB, the time and total compensation for the performance of the Services shall be equitably adjusted by written amendment to reflect the extent of such delay. PB shall provide the Owner with written notice of delay, including therein a description of the delay and the steps contemplated or actually taken by PB to mitigate the effect of such delay.

**13. TERMINATION**

This Agreement may be terminated by either party hereto upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement through no fault of the terminating party. This Agreement may also be terminated by the Owner for its convenience or because the Project has been permanently abandoned, but only upon fourteen (14) days written notice to PB.

In the event of termination, PB shall be compensated for all services performed and costs incurred up to the effective date of termination for which PB has not been previously compensated, plus termination expenses reasonably incurred.

Upon receipt of notice of termination from the Owner, PB shall discontinue the Services unless otherwise directed and upon final payment from the Owner deliver to the Owner the required number of copies of all data, drawings, reports, estimates, summaries, and such other information and materials as may have been accumulated by PB in the performance of this Agreement, whether completed or in process.

**14. OWNERSHIP OF DOCUMENTS**

The parties hereto agree that PB shall retain possession of all drawings, specifications, and other documents when its services have been completed. The Owner will be provided two (2) sets of reproducible drawings, specifications, and other documents so furnished and they shall not be reused either for additional services on this Project to be done by others, or on other projects, without the prior written consent of PB. Such consent shall stipulate what, if any, additional compensation shall be paid to PB for such reuse of documents by the Owner. In no event shall the receipt of such additional compensation operate as a waiver of PB's rights under Article 10.

**15. SUCCESSORS AND ASSIGNS**

PB shall not assign, sublet, sell, transfer, or otherwise dispose of any interest in this Agreement without the prior approval of the Owner.

This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and permitted assigns, but shall not inure to the benefit of any third party or other person.

**16. NONWAIVER**

No failure or waiver or successive failures or waivers on the part of either party hereto, their successors or permitted assigns, in the enforcement of any condition, covenant, or article of this Agreement shall operate as a discharge of any such condition, covenant, or article nor render the same invalid, nor impair the right of either party hereto, their successors or permitted assigns, to enforce the same in the event of any subsequent breaches by the other party hereto, its successors or permitted assigns.

**17. NOTIFICATION**

All notices required or permitted under this Agreement shall be in writing and shall be deemed sufficiently served if served by Registered Mail addressed as follows:

TO Owner:	Town of Huntersville P.O. Box 664 Huntersville, NC 28070 Attn: Max Buchanan, PE
TO PB:	Parsons Brinckerhoff, Inc. 1001 Morehead Square Drive, Suite 610 Charlotte, NC 28203 Attn: Daniel H. Bridges

**18. DISPUTES**

Any and all claims, disputes, and other matters in question arising out of or relating to this Agreement or the breach thereof which are not disposed of by mutual agreement of the parties hereto shall be submitted to non-binding mediation unless the parties mutually agree otherwise. In the event resolution of any conflict cannot be settled as a result of non-binding mediation, claims, disputes, or other matters, will be redressed in an appropriate court of proper jurisdiction, the sole venue being a state or federal court sitting in Mecklenburg County, North Carolina

**19. APPLICABLE LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

**20. E-VERIFY**

PB shall comply with E-Verify, the requirements of Article 2 of Chapter 64 of the General Statutes of North Carolina (N.C.G.S.). In addition, to the best of Contractor's knowledge, any subcontractor employed by Contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. Article 2 of Chapter 64.

**21. IRAN DIVESTMENT ACT CERTIFICATION**

Contractor certifies that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, et seq. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, Contractor shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List

**22. EXTENT OF AGREEMENT**

This Agreement represents the entire and integrated agreement between the Owner and PB and supersedes and replaces all terms and conditions of any prior agreements, arrangements, negotiations, or representations, written or oral, with respect to this Project.

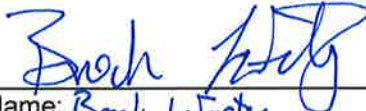
IN WITNESS WHEREOF, this Agreement has been executed by the Owner and PB, effective from the day and year first written above.

Town of Huntersville

\_\_\_\_\_  
Name:

Title:

Parsons Brinckerhoff, Inc.



\_\_\_\_\_  
Name: Brock LaForty

Title: Vice President



## Exhibit A

### Scope of Services

Parsons Brinckerhoff (Consultant) was contracted by the Town of Huntersville (Town) to perform engineering services for the subject project. The project involves roadway improvements to Main Street from the intersection of NC 115/Mount Holly-Huntersville Rd/Main Street to the intersection of NC 115/Ramah Church Rd.

The project includes survey, traffic analysis, utility coordination, railroad coordination, hydraulic design, roadway design, maintenance of traffic plans, pavement marking plans, and signal design as further outlined below:

## 1. FIELD SURVEY

### 1.1. Survey Services

- 1.1.1. Survey Control: Set one azimuth pair at the south end of the job on Mt. Holly Huntersville Road and another pair at the north end on Old Statesville Road. Azimuth pairs will be surveyed with VRS GPS. Survey baseline points at approximately 500' to 600' intervals as needed within the survey limits. Set 5 benchmarks. All BL/BY and benchmarks will have double run level loops ran and the baseline traverse will be to NCDOT L&S standards.
- 1.1.2. Field Property Ties and Computations: There are approximately 150 properties on this project. Comprehensive courthouse research will not be completed on this project. GIS information along with deed draft information in DGN format, and field property corners found doing a cursory inspection will be used to compute property lines. Individual deeds, location of all property corners and a full boundary survey of impacted lots will not be provided.
- 1.1.3. No aerial mapping was provided for this project. DGN files for planimetrics and DTM's from a survey approximately 10 years old were provided. The Consultant will resurvey all pavement DTM's and ground surveys from the pavement centerline out to 50' and use the existing DTM data outside 50 feet. Utility poles will be shown in the planimetric file.
- 1.1.4. Top of rail shots will be needed on 2 tracks on the Norfolk Southern Railroad line at the Huntersville-Concord Road intersection. This work is minimal and we do not anticipate the requirement of a right-of-entry from the railroad.
- 1.1.5. All mapping will be provided in MicroStation DGN files and mapped to NCDOT standards. An attempt will be made to match the datum on the previously surveyed files or move the previous files to a more current datum. Previous mapping is at 1" = 20'. New mapping will be at 1"=50' and we estimate 6 sheets. Some mapping time will be needed to convert the old files to current NCDOT working units and re-scale to 1"=50'.

### 1.2. Mobile LiDAR Scanning: Pavement DTM's

- 1.2.1. Trimble MX8 mobile LiDAR and imaging system will be used to collect and map pavement DTMs along the following designated roadways:
  - NC 115 – 2 segments totaling 0.79 miles,
  - Huntersville-Concord Rd. – 0.27 miles,
  - Mt. Holly-Huntersville Rd. – 0.10 miles.
- 1.2.2. We estimate establishing 18 panels (1' x 2' reflective tape) and 12 validation points (painted PK nails) along the roadway shoulders for point cloud registration and final pavement DTM validation. All mobile LiDAR control will be tied directly to the established project BL and BY control by multiple VRS GNSS observations and site calibration (horizontal) and digital level runs (vertical), so all pavement DTMs will be merged seamlessly with the conventional survey data per NCDOT specifications in MicroStation V8i SSII / Geopak format.

1.2.3. Mobile LiDAR workflow will be delivered as per the following:

- Mobile LiDAR project control coordinates and elevations in an excel spreadsheet
- A list of all the primary GPS, BL and BY control used to adjust elevations
- RMSE report for final TIN comparison to validation points. Vertical accuracy to meet or exceed 0.05' standards
- 2.5 foot point grid on pavement surface from EP to EP (offset 6" from extracted EPs)
- 3D breaklines as required by LiDAR two-lane and multi-lane PDF Guidelines (EP, Outside edge of travel lane lines, edge of travel & Curb & Gutter).
- All pertinent DGN, TIN and DAT files required for Microstation V8i SSII and Geopak

1.3. Proposed Right of way Staking and Plats:

- 1.3.1. Right of way and easement staking will be completed by the Consultant. Based on the preliminary design, we estimate 120 right of way monuments and 240 easement points.
- 1.3.2. Any right of way purchases that are required will be handled by the Town of Huntersville. Preparation of right of way plats or exhibits is not included. If these services are required for right of way acquisition they will be considered Additional Services.

## **2. TRAFFIC ANALYSIS**

The Consultant will provide traffic analysis to support the design of roundabouts at two locations on NC 115 (Old Statesville Road). The traffic analysis will expand on the analysis that was already completed for the Main Street Improvements Traffic Analysis Report. As part of the previous analysis, it was determined that a dual-lane roundabout is needed for the design year at both locations. An interim year analysis will be performed to determine if a single-lane roundabout could be used and later converted to a dual-lane design based on the expected failure year. The roundabout design will also be optimized by examining the maximum volume-to-capacity ratio for each movement and approach to provide appropriate laneage recommendations. SIDRA Intersection 6 software will be used to analyze roundabout operations and the analysis will be completed in accordance with the NCDOT Congestion Management Capacity Analysis Guidelines. The Consultant will also coordinate with NCDOT Congestion Management staff throughout the project.

## **3. COORDINATION OF UTILITIES AND UTILITIES-BY-OTHERS PLANS**

Coordinate the design of all utility relocations required to construct the proposed project improvements. The Town's Utility Coordinator will provide the Consultant with the names, addresses and contact person of the utilities. Coordinate with privately and publicly owned utilities which may be affected by the design of the Project and whose respective owners are responsible for the design and adjustments to these utilities. The Town's Project Manager and Utility Coordinator shall be copied on all correspondence or communications and invited to any meetings with any utility agency. A log shall be maintained containing all such transmittals, noting the Project name, date of transmittal, and date that responses were

received. Complete coordination of utilities and utility plans shall include, but not be limited to the following tasks:

- 3.1. Contact and meet with all utilities (private and public), agencies, and railroad companies whose facilities (both existing and proposed) are located within the Project limits and may be affected by the proposed design. Request that the utilities provide documentation that defines the locations or description of existing easements or record, including blanket easements, within the Project limits.
- 3.2. Coordinate the resolution of any conflicts (both private and public) identified for temporary and permanent utility relocations. Ensure that coordination between the utilities (e.g. pole owners and attachees) has occurred. These relocations shall be included in the design.
- 3.3. Submit all plans for review by the Town's Project Manager, Town's Utility Coordinator, and all affected utilities.
- 3.4. Show the location of all existing and proposed utilities on the final design plans and indicate all proposed underground and overhead utilities to be reconstructed and/or relocated as part of the Project.
- 3.5. Provide utilities-by-others (UBO) plans and a utility sequencing schedule with the final design plans. The UBO plans will include the following:
  - Existing and Proposed utility facilities, aerial lines, and underground lines;
  - Utility Information Boxes (UIB) for each proposed pole will provide owner, attaches, depth of pole, pole height, attachments heights, and cuts and fills;
  - Proposed aerial line angles will be noted and the need for guy wires and easements will be included;
  - Proposed aerial lines will be noted with the name(s) of the utility owner.
- 3.6. The utility sequencing schedule shall include the estimated relocation durations, as confirmed by each individual utility, for temporary and permanent utility relocations, as well as a determination of what utility relocation work can be completed prior to construction.
- 3.7. In cases where utility relocation cannot occur prior to the start of construction, PB shall ensure that the information on the final pole locations, tree removals/clearing, grading, and sequencing work is included on the "Final Construction Plans," the "Utility-By-Others Plans," and/or in the Construction Contract as "Project Special Provisions – Utility Relocations."
- 3.8. The Consultant shall not be or become responsible for design or construction by utility companies as a result of performing the work of this section.

#### **4. PRELIMINARY DESIGN PHASE**

##### **4.1. Preliminary Roadway Design**

- 4.1.1. Roadway plans shall be developed from the selected approved Conceptual Plans and other design information resulting from the Planning Phase. Preliminary design plans shall be developed to the stage at which approximately 25% of the final roadway design for the Project is complete and shall adhere to the NCDOT 2012 Review List for Preliminary Plans.

- 4.1.2. The pavement design for all roadways will be provided by the Town or NCDOT, and incorporated into the typical sections by the Consultant.
- 4.1.3. The Consultant shall prepare reproducible preliminary roadway plans at a scale of 1"=50' horizontal and 1"=5' vertical, and shall indicate all information shown on the Conceptual Plans. The Consultant shall prepare preliminary cross sections at 50-foot increments.
- 4.1.4. In addition to hard copies, the Consultant shall provide electronic submittals for 25% plans. Electronic submittals will be in the current version of Microstation using NCDOT's standard levels and symbols.
- 4.1.5. The Consultant shall prepare a preliminary construction cost estimate to the Town. The right-of-way and easement acquisition cost estimates shall be provided by the Town based upon information supplied by the Consultant.

#### 4.2. Storm Drainage, Hydrographic Surveys and Analyses and Associated Permits

- 4.2.1. The Consultant shall perform hydraulic design of the storm drainage systems in accordance with criteria provided in the North Carolina Division of Highways "Guidelines for Drainage Studies and Hydraulics Design – 1999", the addendum "Handbook of Design for Highway Drainage Studies – 1973", North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities – 2003, NCDOT Stormwater Best Management Practices Toolbox, NCDOT Post-Construction Stormwater Program and the North Carolina Division of Highways Hydraulics Unit website.
- 4.2.2. Storm drainage submittal will consist of Redline Drainage Plans and supporting calculations and will be submitted to NCDOT Hydraulics Unit for review and approval prior to Right-of-Way Plans.
- 4.2.3. Storm drainage systems shall be designed using Geopak Drainage and will utilize NCDOT's standard levels and symbology.
- 4.2.4. In accordance with the NCDOT Stormwater Best Management Practices Toolbox the Consultant will develop a Stormwater Management Plan that utilizes vegetated conveyance and diverts stormwater away from surface waters to the maximum extent practicable. The project will not be subject to the Town of Huntersville Post Construction Storm Water Ordinance therefore PCCO coordination is not included in this scope of work.
- 4.2.5. The Consultant shall prepare Outfall Analyses to determine increases in discharges resulting from the project and incorporate measure into the storm drainage design to ensure that any increases are appropriately mitigated.
- 4.2.6. The Consultant has not identified any Major Hydraulic Structures in the project limits therefore no Bridge/Culvert Survey Reports are included in this scope of work.
- 4.2.7. The Consultant has not identified any jurisdictional features in the project limits therefore no permit drawings, calculations, or impact sheets for USACE 404 Permit or NCDWR Section 401 Certification is included in this scope of work.

- 4.2.8. The Consultant will coordinate with Stewart Engineering to obtain design files for the proposed Main Street design at Veterans Park and the associated drainage crossing under the Norfolk Southern Railroad. These features will be shown as existing in the roadway plans submitted for review and approval.

#### 4.3. Preliminary Traffic Control Plans

- 4.3.1. The Consultant will prepare preliminary traffic control plans for the maintenance of vehicular traffic through the project area during the construction of the proposed improvements. The preliminary traffic control plans for the described improvements will be completed in accordance with NCDOT standards, as required. The traffic control plan will be prepared with Main Street closed to thru traffic throughout the duration of construction. Hwy 115 and Huntersville Concord Road will remain open to traffic. Access to residences and businesses will be maintained throughout construction.
- 4.3.2. The preliminary traffic control plans include the Staging (25%) and Mid-Point (50%) submittals.
- 4.3.3. The preliminary traffic control plans will detail the approach for construction phasing including the general sequence of activities required to complete the project.
- 4.3.4. The preliminary traffic control plans will include a plan view phasing concept at 1"=50' horizontal and will include critical cross sections detailing changes in traffic patterns.

### 5. RIGHT-OF-WAY PLANS

- 5.1. The Consultant shall revise the plans in conformance with the Preliminary Plans review comments. The Right-of-Way Plans shall be the preliminary plans developed to the stage at which approximately 75% of the final design for the Project is complete, and shall adhere to the NCDOT 2012 Review List for Right-of-Way Plans. The Consultant shall show all pertinent right-of-way information on the plans, and in addition, the following information shall be shown:
- The general outlines of all improvements, roads, and streams within and adjacent to the area to be acquired;
  - All temporary pavements/roads needed for traffic control;
  - All easement areas, temporary and permanent, needed to perform utility work (overhead and underground);
  - Proposed location of signs, structures, trees etc. Temporary easements shall be shown only if the Town is to perform the relocation;
  - All areas needed for erosion control, i.e. sediment control basins, check dams, etc.;
  - Proposed re-striping of parking spaces;
  - The existing property lines and right-of-way lines, and proposed right-of-way lines, and easement lines within the Project limits. Fee simple, right-of-way, and/or easements shall be sufficient to encompass all improvements, including landscaping;
  - The location of all construction limits;

- The location of all construction easements beyond the proposed right-of-way lines shall be delineated with straight lines and labeled "E" for easement. The construction easement lines shall be referenced to the baseline stationing and shall include all offset distance at each break in the easement line and at all property lines;
- The parcel number, the deed book and page number; and the names of all property owners.

5.2. The Consultant shall prepare a right-of-way summary list tabulating all fee simple, permanent and/or temporary easements including underlying fee simple land currently maintained as right-of-way, and area remaining required for the Project. The Consultant shall include the property owner's name, address, and parcel number on the table.

5.3. When the Right-of-Way Plans have been developed by the Consultant to show the information listed in this section, the Consultant shall furnish a sufficient number of prints for review and approval. The Consultant shall revise the plans in conformance with the review comments and provide electronic files in the current version of Microstation using NCDOT's standard levels and symbols.

## **6. RIGHT-OF-WAY ACQUISITION PHASE**

The Consultant shall provide Right of Way Assistance to the Town during the acquisition phase of the project. The Consultant shall assist the Real Estate Agent(s) assigned to acquire properties for the project construction by:

- 6.1. Meeting with the agent(s) to discuss scope of work when deemed necessary by the Town;
- 6.2. Answering technical questions for the agent(s);
- 6.3. Modifying plans as necessary based on negotiations between the Real Estate Agent and property owners;
- 6.4. Visiting property owners with the agent(s) to discuss proposed improvements and associated impacts when deemed necessary by the City Project Manager.

## **7. FINAL DESIGN PHASE**

7.1. The Consultant shall develop final design plans and specifications in sufficient form and detail for the Town to let construction contracts. These plans shall adhere to the NCDOT 2012 Review List for Final Construction Plans.

7.1.1. All final design for the Project shall conform to appropriate current AASHTO Green Book, the AASHTO Roadside Design Guide, the current practices of the NCDOT, and the requirements of the Town.

7.1.2. Final design plans shall identify existing right-of-way, proposed fee simple property lines, and permanent and temporary easements sufficient to encompass all improvements. Final plans shall include, when applicable:

- Roadway design and details;
- Storm drainage design and details;
- Construction traffic control plans;
- Pavement marking and signing plans;

- Erosion control details;
- Signal design plans;
- Railroad crossing plans;

7.1.3. The Consultant's services during the Design Phase will be complete when the following have been finished or submitted and approved:

- Final design plans;
- Final Consultant's estimate of construction cost;
- Design and quantity computations;
- Utility Sequencing Schedule; and
- Utilities-By-Others Plan.

## 7.2. Roadway Design Plans

- 7.2.1. Final roadway plans will be developed from the approved preliminary design and right-of-way plans. Existing roadways, structures, utilities, and other items affected by the Project shall be shown in addition to the proposed construction. The plans shall include sufficient dimensions and distance references to provide for field construction staking without the need to scale the drawings for distance or elevation data.
- 7.2.2. Unless directed otherwise by the Town the Consultant shall include sidewalks as shown on the preferred alternative hearing map completed during the planning phase. Sidewalks shall be designated free of obstructions. Where practical, poles, fire hydrants, and signs shall be located behind sidewalks.
- 7.2.3. Final roadway plans shall include road profiles and driveway profiles for driveway ties longer than 100 feet.
- 7.2.4. Final roadway plans shall include storm drainage design and details.
- 7.2.5. Changes to existing intersecting streets and storm drainage as required for the construction of the Project shall be designed by the Consultant to ensure a level of service acceptable to the Town and NCDOT.

## 7.3. Construction Traffic Control Plans

- 7.3.1. The Consultant will prepare construction traffic control plans for the maintenance of vehicular traffic through the project area. The construction traffic control plans will expand on the detail provided in the preliminary traffic control plans and will include the Pre-Final (90%) and Final (100%) submittals.
- 7.3.2. The construction traffic control plans will include a plan view phasing design at 1"=50' horizontal and will include critical cross sections detailing changes in traffic patterns. The construction traffic control plans for the described improvements will be completed in accordance with NCDOT standards, as required.
- 7.3.3. Access to all residences, schools, bus stops, and emergency services will be addressed in the construction traffic control plans.



- 7.3.4. Temporary pavement markings, temporary signals, and traffic control devices will be identified on the plan and dimensioned as necessary. Temporary pavement will be identified and detailed as necessary in critical cross sections. The active work zone will be dimensioned from the existing traffic in each construction phase.

#### 7.4. Pavement Marking and Signing Plans

- 7.4.1. Signing and pavement marking plans for the described improvements will be completed by the Consultant as part of the project. Signing plans will be completed in accordance with NCDOT standards. Signing design may be supplemented by the Manual on Uniform Traffic Control Devices (MUTCD) as needed. Standard regulatory guidance will be followed for signage plans.
- 7.4.2. No special signage or overhead signs will be prepared as part of this scope of services.
- 7.4.3. Pavement marking plans will be completed in accordance with NCDOT standards, as required.

#### 7.5. Signal Design Plans

- 7.5.1. The Consultant will prepare a traffic signal plan and corresponding electrical detail/wiring diagram for the intersection of Main Street and Huntersville-Concord Road. The signal plan will include equipment placement, general and intersection specific notes, phasing diagrams, table of operations, signal timings, signal face identification and pole locations. Pedestrian accommodations will also be provided in the design. Due to constraints at this intersection it is assumed mast arms will be required.
- 7.5.2. The Consultant will prepare a traffic signal modification plan for the intersection of Main Street and Ramah Church Road. The signal plan will include general and intersection specific notes, phasing diagrams, table of operations, signal timings, and signal face identification locations. Pedestrian accommodations will not be provided in the design.
- 7.5.3. The signal design will include a clearance interval exhibit and clearance time clearances to support the timing recommendations provided on the plan.
- 7.5.4. Railroad preemption for the adjacent railroad to the east of the intersection will be addressed in the signal design plans. The signal plan will be completed in accordance with the NCDOT Traffic Management and Signal Systems Unit Design Manual, NCDOT Roadway Standard Drawings and the MUTCD.
- 7.5.5. The Consultant will also prepare a communication plan to provide signal coordination with the existing signalized intersection of NC 115 (Old Statesville Road) and Gilead Road/Huntersville-Concord Road.
- 7.5.6. Submittals will be completed for the preliminary and final signal design.

#### 7.6. Erosion Control Plans

- 7.6.1. The Consultant shall prepare Erosion and Sediment Control Plans for the project for review and approval by the NCDOT Roadside Environmental Unit. The plans will be prepared in accordance with the NCDOT Roadside Environmental Unit standards and practices and will utilize NCDOT's standard levels and symbology.
- 7.6.2. During the Right of Way (90% Plans) Phase preliminary erosion and sediment control design will be performed in order to identify right of way and easement needs.
- 7.6.3. Final Erosion and Sediment Control Plans will be prepared during the Final Design Phase (100% Plans) and will be included with the Final Design Plan submittal.

## **8. APPROVALS AND COORDINATION**

### **8.1. NCDOT**

- 8.1.1. The Consultant shall provide coordination with NCDOT throughout the Project in order to obtain approvals in a timely manner.
- 8.1.2. The Consultant shall submit Preliminary Design Plans (25% Plans), Right-of-Way Design Plans (75% Plans), and Final Design Plans (90% and 100% Plans) to the NCDOT Division office.
- 8.1.3. The Consultant shall provide all information necessary to the Town for the preparation of NCDOT encroachment documents for Projects that do not require right-of-way transfer to NCDOT and for municipal agreements for Projects that have right-of-way that will be transferred to NCDOT.

### **8.2. Norfolk Southern Railroad**

- 8.2.1. The Consultant shall provide coordination with Norfolk Southern Railroad (NS) throughout the Project in an effort to obtain approvals in a timely manner.
- 8.2.2. The Consultant shall review and complete a standard Preliminary Engineering agreement. The Preliminary Engineering agreement is required to identify the project sponsor, the project, and define the tasks to be accomplished.
- 8.2.3. The Consultant shall coordinate with NS on development of the Force Account Estimate for work to be done by NS during construction including railroad flagging needs.
- 8.2.4. The Consultant shall assist in the development and execution of the Right of Entry application, which will be required for access to the NS right-of-way for investigative activities including but not limited to surveying and environmental or geotechnical sampling.
- 8.2.5. The Consultant shall provide project information to NS, attend meetings (as needed), and review the project site with NS or designated personnel (as needed).

- 8.2.6. The Consultant shall submit preliminary and final design plans to NS as outlined in the Public Projects Manual for milestone review and approvals. The Consultant shall respond to NS (and/or designated personnel) comments.
- 8.2.7. The Consultant shall provide all information to the Town for preparation and negotiation of the standard construction agreement between the Town and NS. The Consultant will provide technical input and will be available for consultation to support the Town's efforts to negotiate the agreement.

## **9. PROJECT ADMINISTRATION**

### **9.1. Monthly Status Meetings**

Monthly status meetings shall be held between the Town and the Consultant during the course of the Project. The Consultant shall prepare and submit minutes of these meetings to the Town within ten (10) calendar days.

### **9.2. Monthly Status Reports**

The Consultant shall prepare monthly status reports and deliver the reports to the Town with the monthly invoice. The status report shall summarize work completed and percent complete for the current month and the work scheduled to be completed for the upcoming month.

## **10. ADDITIONAL SERVICES**

Additional services are those services that cannot be accurately scoped without additional information as the project proceeds through the design process or services that may not be required for the project. Once it is determined that additional services are required for the project the Consultant and the Town will mutually agree to the compensation for the additional services and the Town will issue a written notice to proceed for the services.

- 10.1. During the environmental field research for the planning document the Consultant has not identified any jurisdictional features within the project limits therefore no permit drawings, calculations, or impact sheets for USACE 404 Permit or NCDWR Section 401 Certification is included in this scope of work. Should these services be required for the project they will be considered additional services.
- 10.2. The Consultant can provide Water/Sewer design services for the project once it is determined there are water/sewer conflicts that need to be addressed. Should these services be required for the project they will be considered additional services.
- 10.3. Roadway or Pedestrian Lighting is not included in the scope of work. Should these services be required for the project they will be considered additional services.
- 10.4. Subsurface Utility Exploration (SUE) Services

#### **10.4.1. Records Research and Existing Data Verification – Additional Service**

Perform records research underground utilities within the project limits. This will include contacting 811 and performing a site visit to determine existing owners of underground facilities on site. Owners will be contacted and record information requested. This record information will be compared to existing mapping and differences will be noted and reported. Investigate the location of existing

underground utilities on site. Effort will focus on intersections and any other critical locations specified.

10.4.2. Quality Level A SUE – Vacuum Excavation Test Holes – Additional Service

Vacuum excavation test holes will be performed on existing utilities previously mapped to Level B SUE standards to verify location, the size and material type of the subject utility. Vacuum excavation holes will be performed at a rate of \$800/hole when more than 9 are requested at one time. If nine or less are requested, vacuum excavation test holes will be performed at a rate of \$1,000/hole. Services will include survey and mapping of the location of the subject utility at the test hole locations and provide sealed Test Hole Reports and test hole locations in a project CADD file.

- 10.5. Geotechnical services have not been included in the scope of services. Should these services be required for the project they will be considered additional services.
- 10.6. Construction services have not been included in the scope of services. It is anticipated that once the project moves closer to the project letting a scope for construction services will be agreed to and added as additional services.

Exhibit B  
Compensation and Schedule



# Main Street Draft Schedule

ID	Task Name	Duration	Start	Finish	2017	2018	2019	2020
1	Receive NTP	1 day	Fri 10/14/16	Fri 10/14/16	S	O	N	D
2	Prepare/Submit Design Assumptions	5 days	Mon 10/17/16	Fri 10/21/16	J	F	M	A
3	Review/Receive Design Assumptions Approval	5 days	Mon 10/24/16	Fri 10/28/16	M	J	J	A
4	Finish Traffic Analysis	10 days	Mon 10/17/16	Fri 10/28/16	A	M	J	A
5	Survey (Advance NTP)	20 days	Mon 10/3/16	Fri 10/28/16	M	J	J	A
6	Preliminary Design Phase	77 days	Mon 10/31/16	Thu 2/23/17	M	J	J	A
7	Submit 25% Plans for Review to NCDOT/RAIL	1 day	Fri 2/24/17	Fri 2/24/17	S	O	N	D
8	NCDOT/RAIL 25% REVIEW PERIOD	30 days	Mon 2/27/17	Fri 4/7/17	J	F	M	A
9	Receive/Revise 25% Plans Review Comments	15 days	Mon 4/10/17	Fri 4/28/17	M	J	J	A
10	25% Plan Approval/Distribution Submittal	1 day	Mon 5/1/17	Mon 5/1/17	A	M	J	A
11	25% to 75% Design Phase	88 days	Tue 5/2/17	Thu 8/31/17	M	J	J	A
12	Drainage Red Line Submittal	1 day	Fri 7/7/17	Fri 7/7/17	M	J	J	A
13	Submit 75% Plans for Review to NCDOT/RAIL	1 day	Fri 9/1/17	Fri 9/1/17	S	O	N	D
14	NCDOT/RAIL 75% REVIEW PERIOD	30 days	Mon 9/4/17	Fri 10/13/17	J	F	M	A
15	Receive/Revise 75% Plans Review Comments	15 days	Mon 10/16/17	Fri 11/3/17	M	J	J	A
16	Submit Right-of-Way Plans For Distribution	1 day	Mon 11/6/17	Mon 11/6/17	A	M	J	A
17	Right-of-Way Acquisition Phase	300 days	Tue 11/7/17	Wed 1/23/19	M	J	J	A
18	Utility Relocations	180 days	Thu 1/24/19	Wed 10/2/19	M	J	J	A
19	75% to 90% Design Phase	31 days	Thu 1/24/19	Thu 3/7/19	A	M	J	A
20	Submit 90% Plans for Review to NCDOT/RAIL	1 day	Fri 3/8/19	Fri 3/8/19	M	J	J	A
21	NCDOT/RAIL 90% REVIEW PERIOD	30 days	Mon 3/11/19	Fri 4/19/19	M	J	J	A
22	Receive/Revise 90% Plans Review Comments	10 days	Mon 4/22/19	Fri 5/3/19	A	M	J	A
23	90% to 100% Design Phase	20 days	Mon 5/6/19	Fri 5/31/19	M	J	J	A
24	Submit 100% Plans to NCDOT/RAIL	1 day	Mon 6/3/19	Mon 6/3/19	A	M	J	A
25	NCDOT/RAIL 100% REVIEW PERIOD	30 days	Tue 6/4/19	Mon 7/15/19	M	J	J	A
26	Receive/Revise 100% Plans Review Comments	9 days	Tue 7/16/19	Fri 7/26/19	A	M	J	A
27	Final Plan Submittal	1 day	Mon 7/29/19	Mon 7/29/19	M	J	J	A
28	Bid Preparations by the Town	50 days	Tue 7/30/19	Mon 10/7/19	A	M	J	A
29	Bid Package Review by Division	10 days	Tue 10/8/19	Mon 10/21/19	M	J	J	A
30	Receive/Revise Bid Package Review Comments	5 days	Tue 10/22/19	Mon 10/28/19	A	M	J	A
31	Bid Package Review by Raleigh (Randy Garri)	5 days	Tue 10/29/19	Mon 11/4/19	M	J	J	A
32	Town Advertisement	15 days	Tue 11/5/19	Mon 11/25/19	A	M	J	A
33	Plans Let for Construction by the Town	1 day	Tue 11/26/19	Tue 11/26/19	M	J	J	A

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Janet Pierson, Town Clerk  
**Subject:** Approval of Minutes - November 7

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Consider approving the minutes of the November 7, 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**

**November 7, 2016  
6:30 p.m. – Huntersville Town Hall**

**PRE-MEETING**

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 6:00 p.m. on November 7, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Mark Gibbons, Charles Guignard, and Danny Phillips. Commissioner Rob Kidwell was not present.

Max Buchanan, Public Works Director/Town Engineer, reviewed proposed revisions to the Traffic Impact Analysis ordinance. *Refer to Exhibit No. 1.*

The Town Board suggested a workshop be scheduled to discuss in further detail.

There being no further business, the pre-meeting was adjourned.

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**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 November 7, 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

- No report from the Metropolitan Transit Commission.
- No report from Commerce Station Management Team.
- The next meeting of the North Meck Alliance is November 10.

Commissioner Bales

- Expressed appreciation to citizens who dropped off school supplies for the Lake Norman Education Collaborative.
- Lake Norman EDC currently has 21 active projects, 14 of which are in Huntersville.
- The Town, Lake Norman EDC and the Lake Norman Chamber of Commerce are hosting an informational meeting on Exit 23 construction for tenants of The Park and the surrounding area this Wednesday.
- The Lake Norman EDC is working with the Lake Norman Education Collaborative, Hopewell High School and Keller Technology to educate students on manufacturing careers.

#### Commissioner Boone

- Jesse Helms from Huntersville Police Department, Henry Cook from Huntersville Fire Department and Michael Tessari from North Mecklenburg Rescue Squad were recognized at the Lake Norman Chamber's Public Safety Luncheon.
- Played a public service message from the Huntersville Police Department reminding everyone to keep their cars locked.

#### Commissioner Gibbons

- The next NC 73 Council of Planning meeting will be in January.
- The Veterans Council met last week.
- Huntersville will have groundbreaking for Veterans Park and parade on November 11.

#### Commissioner Guignard

- No report from Centralina Council of Governments.
- The Planning Coordinating Committee met last week and received presentation on the Charlotte airport.
- Expressed appreciation to people who donated items to be sent to the eastern part of the state.
- Encouraged everyone to vote.

#### Commissioner Kidwell

- The next meeting of the Charlotte Regional Transportation Planning Organization is November 16.
- Encouraged everyone to vote.
- Commended effort on educating students on manufacturing careers.

#### Commissioner Phillips

- The Lake Norman Chamber Annual Elected Officials Luncheon is November 17.
- Updated Board on Visit Lake Norman events.
- Encouraged everyone to shop local and vote.

### **PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

Mayor Aneralla proclaimed November 27, 2016 as World Pancreatic Cancer Day and presented proclamation to Kara Helf.

#### *Town of Huntersville Proclamation*

**WHEREAS**, in 2016 an estimated 53,070 people will be diagnosed with pancreatic cancer in the United States and 41,780 will die from the disease; and

**WHEREAS**, pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States and is projected to become the second leading cause by 2020; and

**WHEREAS**, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent; and

**WHEREAS**, when symptoms of pancreatic cancer present themselves it is generally in later stages and 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and

**WHEREAS**, approximately 1,240 pancreatic cancer deaths will occur in North Carolina in 2016; and

**WHEREAS**, pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world; and

**WHEREAS**, there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020; and

**WHEREAS**, the good health and well-being of the residents of the Town of Huntersville are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

**NOW, THEREFORE**, I, John Aneralla, Mayor of the Town of Huntersville, do hereby proclaim November 17, 2016 as ***“World Pancreatic Cancer Day”*** in the Town of Huntersville.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 7<sup>th</sup> day of November, 2016.

Representatives from Lake Norman Teen Council shared the Council’s mission and updated the Board on their service projects.

Beejay Caldwell, 14521 New Haven Drive, said I’m here representing the Pottstown community, New Haven Park and the other sections of Huntersville’s African-American communities. I’m here about the landfill at the end of Holbrooks Road. Ever since hearing of the 40 year extension request that the landfill owners made to you I have become before the Board in opposition to it. Last month the group WII FM suggested I use another approach. Tonight with me are some of the WII FM people that I want to acknowledge. And what is WII FM.....What’s In It For Me. And these young people here will be impacted by the landfill if and when that 40 year request is granted. If the extension is granted the oldest child here is probably 18 and the youngest one is 8. Forty years from now, you can do the math, you will see that these young people will grow up with that landfill and that’s a long time to be in harm’s way of a demolition landfill. For me that 40-year period is not within my lifespan. It just won’t happen. But for them it will be all of their youth, their teenage years, young adult and well into their senior years and that could affect their health. For this reason I implore you to truly think long and hard before making a decision that will have such a lasting impact on their lives and those who live in close proximity to the landfill such as myself. After all that has been said and done I understand that a vote will take place tonight or at some point in time. I have made several appeals to you as to why a negative response should come forth. Now I rest my case. Whatever your decision is about the landfill, I will accept. I can live with whatever decision you decide. Thank you for allowing me the opportunity to express my true feelings for the last four months.

#### **AGENDA CHANGES**

Commissioner Guignard made a motion to adopt the agenda. Commissioner Phillips seconded motion. Motion carried unanimously.

#### **PUBLIC HEARINGS**

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Joe Sailers and Ron Smith.

**Petition #R16-08.** Mayor Aneralla called to order public hearing on Petition #R16-08, a request by Sports Village Land Group, LLC to rezone approximately 24.82 acres (Parcel 01740104) from Corporate Business to Special Purpose Conditional District to allow the construction of an estimated 225,000 sq. ft. mixed-use development including indoor recreation, retail and office uses.

Brad Priest, Senior Planner, reviewed the request. *Refer to Staff Report attached hereto as Exhibit No. 2.*

Stephen Trott, Town Transportation Engineer, gave a quick overview of the Traffic Impact Analysis. A draft traffic study was completed and submitted to the Town about a month ago. We have reviewed that and returned comments. There are some things that need to be addressed before the traffic study is finalized. One of the things to note is the uses and intensities on the site plan provide a lot of flexibility but what was identified in the TIA was a little more specific than what was shown on the site plan, so some further discussion will have to occur with the applicant to determine if they want to limit themselves or not limit themselves and then some adjustments to the TIA may be needed based on that.

Sixteen off-site intersections were studied. There are four proposed driveways. Out of those sixteen intersections, six are ones that have impacts per the current ordinance. There are some revisions that need to take place in the TIA so I don't want to get into the details as to what those improvements would be because those could change with the revised TIA.

One thing to note in the TIA itself that's not on the site plan, the TIA indicates the applicant pay a portion of the cost for the off-site improvements at five of those intersections based on the increase in site traffic at those intersections. That's in the TIA and not on the site plan and that proposed portion of improvements, whatever that cost is which is not included in the TIA, ranged between 4.2 and 12.2 percent. It varied at each intersection, so what they did was they looked at what portion of traffic they were projected to increase the total traffic at the intersection from the site and said we will contribute the cost to fixing it based on our portion of traffic that's in the TIA. We are waiting on a revised TIA before we make a final list of improvements.

Commissioner Guignard said will you reiterate that although this is a proposed sports complex that under the proposed rezoning situation that they could build mixed-use there.

Mr. Priest said there's flexibility built in. The actual building site plan shows labels on each of the buildings what the uses are proposed to be. But a note on the sheet after the rezoning plan in your package identifies what the uses are going to be, and there's a list of them, and it specifically says it reserves the right to change the uses based on the development requirements at the time of when they build. Any use that's not prohibited from that note could be developed on this site plan. It could be 120,000 sq. ft. of office. It could be all indoor recreation. It could all be retail. Staff is requesting that a little bit more information be determined to understand what's proposed where and how much.

Commissioner Guignard said can all of this 120,000 sq. ft. be mixed-use.

Mr. Priest said it's proposed to be mixed-use because they want to do some office. On the corner building they would like to do office on the top and retail on the bottom. They want indoor recreation as the center building. It's going to be mixed-use. I guess staff's point was it could be 100 percent one or none of some.

Commissioner Guignard said can we have 120,000 sq. ft. of mini-warehouses if this is approved the way it's presented.

Mr. Priest said yes. At this point staff does not recommend approval or denial of the application based on (1) the Traffic Impact Analysis has not been finalized and accepted, nor has the mitigation described on the rezoning plan been committed to; and (2) the rezoning, site, and building issues remain outstanding as described in the Staff Report. At this point we're waiting for another review and resubmittal so we can clarify some of these items.

Commissioner Gibbons said as far as this second comment in Part 2, what are we asking them for and at this time they've said that they couldn't accommodate that.

Mr. Priest said for the determination of no available capacity. Essentially I think what that letter said is in the Adequate Public Facilities Ordinance we have to have the available capacity for capital improvement programs and the calculation needs to work to be able to give capacity and usage for the proposed use. What that letter is saying is right now according to the numbers in our capital improvement plan we are short on a certain percentage of a police vehicle. We need to at some point between now and by the time they get their certificate of occupancy be able to amend the capital improvement plan to make more room for those vehicles or mitigation will be required. That's how the current ordinance is read.

Joe Sailors said at the intersection of Hambright and McCoy, right now it shows there won't be any improvements. But if you go just half a block down the street to the next little road, there will be improvements. Please be ready to explain to me how one intersection gets by with it versus the other at the Planning Board meeting.

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

**Petition #R16-09.** Mayor Aneralla called to order public hearing on Petition #R16-09, a request by Daniel Phillips, Madeline Phillips and Helga Haddix to rezone 9.25 acres (portion of Parcel 00902202, known as 14936 Brown Mill Road) from Rural to Special Purpose Conditional District to allow the construction of a 123,225 sq. ft. mini-warehouse facility.

Commissioner Guignard made a motion to recuse Commissioner Phillips. Commissioner Gibbons seconded motion. Motion carried 5-0.

Brad Priest, Senior Planner, reviewed the Staff Report. *Refer to Staff Report attached hereto as Attachment No. 3.*

Staff can't support the rezoning at this time based on the inconsistency with the Beatties Ford Road Corridor Small Area Plan that calls for mixed-use type of design and development. The project doesn't incorporate those mixed-use recommendations. It currently conflicts with the Comprehensive Transportation Plan and the preferred and locally adopted NC 73 Alternative Alignment and then the site plan and the architectural and the transportation issues that are listed on Page 4 through 6 of the site plan are outstanding.

Bruce Andersen, 16125 Weatherly Way, said the proposal you have before you appears to be a simple application for a rezoning of a small portion of land. However, the history of the area shows that is quite

far from the truth. In 1985 Vance Road Extension from I-77 Exit 18 to this location at Highway 73 and Beatties Ford Road became part of the 2005 plan. The intent was to provide an alternate route for heavy traffic on Highway 73 and an alternate north/south path for traffic using the narrow Beatties Ford Road. When Northlake Mall was built that road became W. T. Harris Extension. The road was discussed, studied and designed during many hundreds of hours of work by Huntersville staff and CRTPO staff. The road was engineered in detail and placed on the thoroughfare map. In fact a portion of the road has already been built in the Gilead Village development. The Northwest Huntersville Plan later studied several options including the two shown on the map earlier for replacing the poorly designed intersection of Beatties Ford Road with Highway 73. The recommended plan was approved by the Town Board and sent to CRTPO and that plan is expected to be reviewed in 2017 and 2018 as part of the Highway 73 widening. Approval of this petition will result in the elimination of the recommended plan since the location is right in the middle of the proposed road alignment. Due to the many power lines crossing the area, there are very few ways future roads can be built in this area. Duke is rather specific about how you can go under their lines. Approval of this application could result in the loss of this improvement to traffic forever. I personally do not want to see one more carefully planned thoroughfare lost for our residents who experience traffic woes daily.

Charles Rapp, 15834 Pine Knoll Lane, said I'm opposed to the rezoning until the application and design work is complete for the rezoning application. I'm also concerned that the application conflicts with the adopted Comprehensive Transportation Plan mentioned earlier with the NC 73 realignment of which the surrounding Lake Norman and Huntersville subdivisions are very involved. The development proposed does not represent a mixed-use pattern recommended in the Beatties Ford Road Corridor Small Area Plan and Huntersville 2030 Plan. Because of these and other reasons I'm requesting denial of the rezoning until the application for rezoning follows the Town of Huntersville policies and ordinances.

Sarah McAulay, 300 Gilead Road, said I request that you not approve this Special Purpose Conditional District Petition R16-09 located at 14930 Brown Mill Road in Huntersville until the application has been corrected and all planning issues have been resolved and is in full compliance identified by the Huntersville Planning, Zoning and Transportation ordinances and the approved area planning documents. The application request is for 9.38 acres of an 11.29 acre parcel listed by Mecklenburg County as Tax Parcel 009-022-02. The questions are what is being requested to be rezoned, how much land and what zoning classification would apply to the remaining land of this parcel. The property is located in the adopted Huntersville Charlotte Regional and North Carolina state transportation plans as a realignment alternative for Highway 73. The Highway 73 project plans and designs are currently being finalized by the North Carolina Department of Transportation so right-of-way and construction funding can be allocated and adopted for the next five year transportation improvement plan. The Town of Huntersville approved Beatties Ford Road Corridor Small Area Plan and the Huntersville 2030 Community Plan recommend mixed-use development which has been stated to you in the area of this subject property. Several years ago I wanted to locate a local carpet cleaning service. An online search located a carpet cleaner with the address of a local Huntersville mini-storage warehouse facility. The business just stored equipment and chemicals to be used as needed for local jobs. The business office was located in another county. Mini-storage facilities are individual private units. What is stored could be of environmental concern to the area property owners, residents and traveling public. Again, I request that you not approve this Special Purpose Conditional District rezoning until the applicant has corrected it and all of the planning issues have been resolved in full compliance identified by the Town's Planning, Zoning and Transportation ordinances and the approved area planning documents.

Commissioner Gibbons said I've read through all of this and on the mixed-use portion what is going to have to happen to this to get it to be within the ordinance of the mixed-use. Do we need to have a separate retail business.

Mr. Priest said I think that would go a long way. I don't think there's any specific one thing that staff is looking for to accommodate that, but yes to have some kind of mixed-use component with it would go a long way in meeting those requirements. A lot of times you will see offices along the street frontage and then the mini-storage is recessed to the back. That's a nice mixed-use component to go along with that.

Commissioner Boone said I'm concerned about the storm ponds. Are they going to continue to have two of them and are they going to stay in the present location.

Mr. Priest said it's really an unknown at this point. One of the things that staff is looking at is trying to have a better understanding on the engineering and submitting what's called a concept plan for storm water purposes to understand how big the ponds need to be, how the land falls and where they need to specifically be located. The locations proposed are kind of tight in between buffers and screening areas and easements and this and that and so it's not quite understood where those storm water ponds are going to need to be. That's an outstanding issue that we would like more clarification on.

Commissioner Boone said is there any thought of putting a flexible note on the plan saying what businesses can and can't go in there.

Mr. Priest said we usually recommend that to just specifically list what proposed uses you would like to do and then prohibit others. We commented on it and the second plan I don't think had it. They don't need to have it. If they have a plan that says only mini-storage uses and there's no note that allows flexibility then that's the only use that's going to be allowed and if they want to do something different they would have to come amend the rezoning to do a different use.

Commissioner Kidwell said I read in the Staff Report about an 80' buffer and then I'm looking at the plans of a 15' buffer. Can you go into a little more detail with that.

Mr. Priest said according to the ordinance when a Special Purpose or Corporate Business zone is developed, an 80' is required along the street and along the property lines of properties that don't abut other SP or Corporate Business zones. In this application you've got an 80' buffer that's required along this whole frontage, so because you've got Highway Commercial here, I think you've got Rural here and to Commissioner McAulay's point if this is the zoning line here then you've got Rural Residential here and then of course you've got the street. All property lines are required to have the 80' buffer. There's a footnote in the ordinance that says if you have a building that relates to the street in these zones, for instance in the package we highlighted a few examples like the Wal-Mart in Bryton. Another example is the DMV on Mt. Holly-Huntersville Road. Those are buildings that are architecturally significant. They have windows. They have doors. They have a 15' build-to line. They actually place the building close to the street and they have pedestrian accesses from the street sidewalk to the front door. When that's the case you can move the building up when the architecture calls for it and the frontage relationship calls for it then the 80' buffer can go away. But that's only for the street frontage. The other areas that are adjacent to Rural and to Highway Commercial they do not have that flexibility note in the ordinance, so the 80' buffer is applicable. But through this process as described in the Staff Report the Town Board can modify the buffers when the intent of the ordinance is intact and is kept. We assume that is what is being asked for. It's not specifically clear and that's one of the things that staff is trying to clarify about

what the elevations look like for each specific building and what buffer is proposed where and if a modification is called for what's included in that buffer, what kind of plantings, is there a fence. Those type of details will go a long way in helping us understand if the intent of the ordinance is being kept in the different applications that you see here surrounding the perimeter of the property.

Commissioner Kidwell said I would like to touch a little bit on the thoroughfare. Currently for a thoroughfare plan if a neighborhood is going to be built they have to accommodate said thoroughfare.

Bill Coxe, Transportation Planner, said under the Town of Huntersville's Subdivision Ordinance, that is an accurate statement.

Commissioner Kidwell said but if it's a business they do not.

Mr. Coxe said if it does not involve subdivision of land or the definition of a subdivision which is contained in our ordinance which could be multiple building sites such as the multiple multi-family building sites. This use as I understand the proposed use would not be required to respect the thoroughfare alignment by law.

Commissioner Kidwell said have we begun the public involvement – it says Fall 2016.

Mr. Coxe said the general public has not yet been involved in the process. The process thus far has been with staff. I do not know that there is a public involvement workshop that is yet scheduled. On the tentative schedule it was to be this fall. I could easily see it slipping to winter.

Commissioner Kidwell said as I looked at the Staff Report there seemed to be a lot of unanswered questions from the applicant.....tree survey, storm water, Duke Power. Is there any changes to what's been submitted so far.

Mr. Priest said we've had one formal review in the process. They have submitted the plans and we made comments and sent those comments back to the applicant. They addressed and resubmitted. Some of the comments were addressed, some weren't and so the result of the Staff Report is the summation of that second review. It's foreseen that we could certainly have more conversations with the applicant and their engineer and clarify hopefully many of the items, but yes, there's a lot of questions that staff currently still has.

Commissioner Kidwell said there was a note mentioned here under Article 11, Section 11.4.7(e) "Although there is no Special Purpose (SP) zoning anywhere in the area of the proposed development, commercial activity is common near NC 73 and Brown Mill Road to the north, with a gas station and oil change facility both zoned Highway Commercial (HC) and retail at the corner of Brown Mill Road, therefore with the building facing and addressing the street the proposed development along Brown Mill Road has the potential to be consistent with surrounding development." That statement is going back to if they meet the mixed-use requirements that Commissioner Gibbons spoke about earlier.

Mr. Priest said not so much in regard to the mixed-use nature. That was more of a use issue but in regard to being consistent with what's around it – visually, architecturally to front the street like those examples we talked about with the DMV or Bryton instead of just being maybe a monotonous mini-storage facility wall like sometimes you see if it's articulated and built up and brought close to the street it certainly could. We've seen that in other locations and proposals.



Commissioner Bales said when should the environmental surveys come back so that we know whether or not this alternate alignment is the one that's going to be adopted and actually utilized. Are we looking at Fall 2017 or Summer 2018.

Mr. Coxe said the environmental assessment document which is the document that formally enters into the public record the implications of the choices available is Summer 2018, at which point there's a public hearing that would be held in the fall after the public has the opportunity to inspect that document and then there would be discussions as to what is considered the least environmentally damaging practicable alternative which is a requirement under the law in terms of damaging the water resources of the United States. Once that least environmentally damaging practicable alternative is picked you can enter into potentially what's called a finding of no significant impact in Summer 2019. My belief is that in the Summer of 2018 we will have a 90 to 95 percent certainty of knowing which way to go.

Commissioner Guignard said some of us have been discussing.....you'll always call it Vance Road and I'll always call it Harris Boulevard Extension. We've heard from somebody that's probably retired twice from Duke Energy saying Duke is not going to move those power lines to suit us or the DOT or God for that matter. And then you told Commissioner Kidwell that if this were designed correctly to suit the Planning Department that we've heard that these buildings might be able to front some of those streets but I personally am heavily concerned that if the buildings are built anywhere near what we see on this map and with what we've heard from Bruce Andersen who probably knows more about those power lines than the rest of us.....somebody needs to look at a map and tell us can Vance Road Extension then be built without a major realignment of what we've been studying since 1974/1975.

Mr. Coxe said the answer is simple, 73 realignment which is the important issue dealing with this particular piece of property could still be built. It would simply be considerably more expensive for the public to acquire the right-of-way if this is the route that is chosen.

Commissioner Guignard said so this does not affect the Vance Road Extension.

Mr. Coxe said the alignment that you see here on this map before you showing how Vance Road Extension which at this point essentially the same as Gilead Road would connect with NC 73 would have to be reconsidered if the alignment for 73 follows the existing route of Highway 73. That's what got us into this study to begin with. So you go back to figuring out how you tie Vance/Gilead into 73 on its current alignment and that will have to be part of the study that's conducted over the next couple of years on the 73 study.

Commissioner Guignard said some of us are correct that if we don't move 73 that in 2 years that's what you engineer types are going to find out. Some of us believe we will not. Vance Road Extension/Harris Boulevard will have to have something done with it.

Mr. Coxe said that's correct. What Brad referenced early on in his presentation on the old alignment for Vance Road and the history of the proposed previous rezoning on this tract of land was because at that point in time the Vance Road Extension ran through the middle of this piece of property and aligned with Henry Lane.

Mayor Aneralla said does it matter in terms of our 80' setback if obviously one portion, Commissioner Phillips still retains the right for that land and any of the neighbors waive their right to have an 80' buffer. Does that matter at all.

Mr. Priest said it doesn't, not in the ordinance. But again through this process there's specific circumstances and topography and the ordinance talks about different issues that come into play to say okay this makes sense to reduce the buffer based on these special situations. So, no, not an ownership signing off because in the future there could be different owners that might not be so keen on it but if there was topography, if there were powerlines, all those types of things come into play when we are looking at a buffer and seeing what's appropriate and what needs to meet the ordinance.

Commissioner Gibbons said on the question that was brought up in regards to the full tract of line vice the acreage that was requested to be rezoned.....one tax parcel, but a portion of one tax parcel, how does that work as far as rezoning.

Mr. Priest said that's something that we have to clarify with the applicant.

Commissioner Gibbons said let's say I have 10 acres and my house is on 2 and I want to sell 8 and I have to rezone that 8, is that something that is allowed and the other 2 acres remain whatever I'm already zoned or how does that work.

Mr. Priest said my understanding is yes. Zoning lines don't necessarily have to be along property line boundaries but they usually are and it's best that they are. In this situation they are proposing a new lot line. They are going to recombine and they are going to do something, but we have to understand what's going on as far as what's proposed. That's currently an unknown as well.

Joe Sailors said essentially they are now subdividing this piece of property. If they are subdividing this piece of property then it falls in the guideline that doesn't allow a change.

Jack Simoneau, Planning Director, said today it's two pieces of property. If there's already two parcels out there and they just realign the property lines, it's not a subdivision, it's a realignment of the property lines. If they create a new lot, it is a minor subdivision. We will verify when I see the tax map.

Hal Bankirer said there's only a week before it goes to Planning Board. I would like staff to work with the applicant and determine whether or not this is ready to go to the Planning Board.

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

Commissioner Guignard made a motion to allow Commissioner Phillips to come back.

Commissioner Kidwell seconded motion.

Motion carried 5-0.

**Petition #TA16-05.** Mayor Aneralla called to order public hearing on Petition #TA16-05, a request by Mike Clapp to amend Article 3.2.10 of the Huntersville Zoning Ordinance to add Indoor Recreation uses as a use permitted by right in the Special Purpose zoning district.

Brad Priest, Senior Planner, reviewed the request. *Refer to Staff Report attached hereto as Exhibit No. 4.* Staff recommends approval of this proposed text amendment. The Land Development Ordinances Advisory Board met on November 3 and unanimously recommended approval for the application.

Mike Clapp said on behalf of the Sports Village Land Group I would like to thank you for having us here. We have done a good bit of homework on this project and we feel that we have identified a great site, a great transition area. We've spent time with Planning over the past year and working with Dewberry closely. I currently have two kids, a 10 and 8 year old at St. Marks, so I guess I'm just getting into the thick of it with the activities and so forth on the weekends. We've been traveling the southeast and visiting several sites similar to what we are proposing. We've spent a good bit of time even in the corporate sector and we feel that at Exit 23 and where we are residing with this site is a good transition area to bring in also Corporate as well. We have considered a great deal on the job creation. We have spent a lot of time with your local participants at AAU level and we feel that we are going to do a good justice of creating more jobs for their businesses and growing their day-to-day.

Commissioner Guignard said how much do you think it's going to cost to build an eight court indoor basketball facility.

Mr. Clapp said we have our estimations and they are changing monthly, but we are putting that out to proposal right now. We are waiting on final specs and floorplans. I have not seen final numbers. A roundabout number for a fully finished 120,000 sq. ft. facility can range anywhere from \$15-16 million up to \$22 million for eight courts.

Commissioner Phillips said how many people capacity-wise will this facility hold.

Mr. Clapp said we estimate a couple thousand people on a weekend for a tournament.

Commissioner Phillips said and so for a season.

Mr. Clapp said we're guesstimating anywhere near 500,000 to 600,000 yearly.

Commissioner Phillips said are you familiar with Cherry Park in Rock Hill.

Mr. Clapp said I am.

Commissioner Phillips said do you think you will be able to generate those types of numbers by this being for basketball/volleyball and those types of things.

Mr. Clapp said our pro forma is based on our local community groups Monday through Friday and that would be a share with the local Huntersville facility as well. And then on the weekend basis we have not only ties with those local groups but we've also reached out in the southeastern and national level, so we feel that we can pull in that base.

Commissioner Boone said the floor on your \$15-22 million facility, is that your typical basketball wooden floor that you would see.

Mr. Clapp said we have proposed synthetic and we might have one quadrant that we will do hardwood flooring.

Joe Sailors said concerning the TIA, the focus granted the morning timeframe will not be a peak scenario because the parents will not be bringing kids at 8 in the morning to go to these gyms and participate. But they will be bringing those kids at 5 p.m. and 6 p.m. in the evening every day, because this operation is going to operate 7 days a week or it's not going to be profitable.

Mr. Clapp said we will operate 7 days a week.

Commissioner Guignard said if this is mixed-use and there's quite a few of these buildings that become offices etc. there will be quite a bit of traffic at 8 a.m. and 9 a.m.

Hal Bankirer said was traffic on the weekend taken into consideration.

Stephen Trott, Town Transportation Engineer, said what was included in the current TIA was the typical weekday morning peak hour and typical weekday afternoon peak hour. One thing to note, the weekend traffic patterns around the development will be different than they are for the commuting weekday.

Commissioner Phillips said this is going to be a perfect example of why our TIA is so obsolete and does not work and that is the reason that I brought it up earlier when he was talking about 20 and 40 cars.

Commissioner Kidwell said are we able to get the information for weekend traffic.

Mr. Trott said I can check to see is data available for the uses that I can check to see. I'd have to look to see if there's trip generation data, how much traffic a use like that could generate on the weekend and then conversely you would have to look at what the traffic volumes are in the area as well on the weekend.

There being on further comments, Mayor Aneralla closed the public hearing.

**Petition #TA16-06.** Mayor Aneralla called to order public hearing on Petition #TA16-06, a request by Susan Lurz to amend Article 12.2.1 of the Huntersville Zoning Ordinance to modify the Farm, Bona Fide definition.

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

Town staff supports the text amendment because it is consistent with the Huntersville 2030 Plan. The Land Development Ordinances Advisory Board also recommended approval at their October 6, 2016 meeting.

Commissioner Phillips said by North Carolina state law the definition of a bona fide farm, isn't it excluded from county and municipal ordinances.

Jack Simoneau, Planning Director, said just the county and the ETJ, not municipal ordinances. Hence, this change makes it clear that educational activities on a farm in the town limits in the Rural/Transitional zone is allowed.

Commissioner Phillips said so you are saying municipalities can pass ordinances against farms.

Mr. Simoneau said they can have different standards. What we are proposing is to be more consistent with what's in the county, so we are agreeing it should be more relaxed.

Susan Lurz, 14412 Beatties Ford Road, said I have been in the Huntersville area for about 5 years and just recently purchased my farm on Beatties Ford Road. When I did I noticed that the farm is perfectly

laid out and set up to be an outdoor classroom and personally my business is I'm a writer and I have a publishing company that produces empowerment programs for early childhood education, specifically for social and emotional health and so basically what I would like to do on the farm is teach my program to children and also we are now producing a program for nutrition and physical activity. I would really love to use my property as an outdoor classroom for kids, teach these programs and be set up like a regular classroom Monday through Friday. We possibly could do some afterschool programming as well so that would make our hours of operation about 9 a.m. to 5 p.m. Monday through Friday. And then I also would like to extend to the community that we are open one Saturday a month for family engagement where families would come out and do the same programs with their children and then another Saturday a month just to be open for the community because I do have animals.

Commissioner Guignard said I don't know what's going to happen when the weather is inclement. Do you intend on having some type of regular classroom.

Ms. Lurz said I am blessed to have a regular main house on the property but also the former owner built a small cottage. She was a yoga instructor and massage therapist and built a beautiful cottage that I'm turning into an indoor classroom. So I'm making provisions for that as well.

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

**Petition #TA16-08.** Mayor Aneralla called to order public hearing on Petition #TA16-08, a request by the Town of Huntersville to amend Article 8.26.4 of the Huntersville Zoning Ordinance to exempt the lighting of official public civic monuments from lighting standards.

Meredith Nesbitt, Planner I, reviewed the request. *Refer to Staff Report attached hereto as 6.* Staff recommends approval of this application because it meets several of the policies in the 2030 Community Plan and the Land Development Ordinances Advisory Board heard this on November 3 and also recommended approval 6 to 1.

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

#### **OTHER BUSINESS**

**Petition #R16-06.** Petition #R16-06 is a request by Greenway Waste Solutions, LLC and William Hammill to conditionally rezone 135 acres (parcels 01910102, 01910109 and portions of 01918135, 01918162 and 01934118) from Transitional Residential and Neighborhood Residential to Special Purpose Conditional District.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Attachment No. 7.* Instead of again going over the project in detail, I wanted to just highlight the main difference in the plan from the public hearing.

Commissioner Boone said I have attended all of the Board of Adjustment meetings and all of the Planning Board meetings on this application and I'd like to thank the Board of Adjustment and the Planning Board for their efforts in one of the more complex special use and rezoning cases that I've seen. We've come down to one issue concerning the contributions of money and the amount of that money. I don't think we should discuss that tonight. What I'm going to put in the motion is that we delay Petition #R16-06 and SUP#16-01 so the applicant, the Town, NCDOT can come to some agreement on the maintenance contribution. I'd like to delay this for no more than two months.

Commissioner Gibbons seconded motion.

Commissioner Gibbons said we put in a no more than two months delay, but I don't know where you are in these discussions right now. There's some language here about what's been agreed to and the payment of the previous agreement, so do you feel that two months easily will work for you and the applicant to have these discussions, get back to us with what they are and have us see this within the next couple of meetings.

Mr. Priest said in regard to having a discussion with NCDOT, I think two months is probably okay. I would talk to staff about that as well, but I think that could be done in two months.

Commissioner Phillips said to our second meeting in January.

Mr. Priest said let me just clarify real quick the motion is specifically for the rezoning.

Commissioner Boone said it's for both of them – the rezoning and the SUP. We are going to do it all at one time and we are going to delay them both at the same time.

Commissioner Guignard said it sounds to me like the majority of the reason that we're proposing to postpone this decision for 60 days give or take is to figure out how much more money we can ask the petitioner to give us to do whatever somebody decides they want to do with a lot of money. Is that what I'm hearing.

Commissioner Boone said that's correct.

Commissioner Guignard said what are we going to do, put a 4-lane road down through there. The petitioner.....it appears that because we're in dirty business does not mean that we can continue to tax them when we bring in the number of let's say maybe \$100,000 would suit some people at the dais, I don't know. The petitioner is going to make some money at this business and my opinion is the only way they can make money is tipping fees. They don't make money selling water. They don't make money doing a lot of other things there. Maybe eventually they might make some money when they are able to deal with reconstituting some of this landfill material that goes in there and being able to sell that, but they are going to make an exorbitant investment in order to do that to try to help the environment and the rest of us. So those tipping fees are going to go up, which means the cost of housing goes up and I think the cost of housing in Huntersville is already quite a bit higher than the surrounding counties. There's another alternative. I am not suggesting to do this, but you can close that facility and you can really cause havoc, because then you are going to have some 600,000 to 700,000 miles of vehicle traffic either going to Lincoln County or to the Ballantyne area or to Harrisburg and then you are going to have more trucks that we are not going to enforce the speed limit on around this area and they are going to really wear out the roads with 700,000 more miles of traffic. I for one cannot, will not, support postponing this just to determine that we want to figure out a way to siphon more money out of this business. We certainly don't do that to the pretty businesses. This is absolutely wrong. Some people at the dais and I don't blame them say well they never gave the first \$25,000. Well, there's probably pros and cons as to why that didn't occur and misunderstandings as to why that didn't occur. I sat at this dais 12 to 15 years ago and found out that \$150,000 of money for a road improvement had not come to the Town because the lawyer didn't know where to send his money out of the escrow account. I'm not suggesting that's what happened with this \$25,000. I'm just saying that money is available. But I cannot, will not support adding a tax which is what this is in order to increase the tipping

fees in order to turn right around and pass those back along to the cost of houses in this region which are already exploding as it is.

Commissioner Boone said the applicant has suggested that they would like to contribute to the improvement of Holbrooks Road. We don't know exactly what the maintenance is going to be for the next 9 years on that road and for us to sit up here and say it's \$24,000, \$40,000. It was an x amount in 2008, whatever that amount is I'm sure has escalated since then. I am not an expert in deciding the amount of money it will take to maintain this road. Take the Engineering Department and the Town Manager along with the applicant and NCDOT and let them work out a comparable rate that everybody can live with. We could be here until 1 a.m. or 2 a.m. deciding either \$18,000 or \$118,000.....I don't know. I just think we should bring the people who have the knowledge to sit down and figure this out.

Commissioner Kidwell said I personally could care less how much money they make. I don't care how much money any business makes. That's their choice. You own a business to make money, you don't go into it to lose money. I rarely see a business with a red cross painted on the top of the building saying we're giving away, everything's free. Personally if they are going to make money, they're going to make money. It was mentioned that the tipping fees are increasing home prices and we could see trucks traveling out of this area down to Ballantyne or to another county. Part of me says that isn't a bad idea. We don't see the traffic on Holbrooks Road. We don't see the trucks coming in and out of our town that's headed on down to another part of the city where another dump is. That doesn't make it less appealing to me. We're moving the problem away. But as far as home prices, you know what, Mecklenburg County has been more expensive than some of the surrounding counties. That's a given fact. But I don't think the tipping fees are playing directly with that. I think our location plays a pretty good part of that. And as far as the Lake Norman region, Huntersville still seems to be one of the most desired places to live. We can't keep a house on the market in this area more than a week it seems like under \$200,000. Tonight I was prepared to hear and go back through this. I asked Staff earlier today and Jack thank you for responding and Max you were a part of that in regards to the alternative road because I would like to see the traffic come off of Holbrooks. We have a residential area there and I know it's been going on for a while. But fact of the matter is we don't own the land that allows us to do that. If the Town owned the land or if the applicant owned the land, I'm sure that secondary road would be in there and that traffic would be out of there and this wouldn't be a conversation at all. But for the \$25,000 from 2008.....the check has been lost in the mail somehow. I get that. It can happen. A lot of what we do is on good faith with businesses. We work with them, the Town does, and we say okay you do this, we'll do this. Here it is 9 years later and that hasn't happened. I can understand where this motion is coming from to make sure that we are protecting that community, protecting the road, in getting more information. The original \$25,000 is going to come to us I'm assuming and then what is it going to lead until we get that second road built because originally when they expanded said we're going to put a road in there, just never happened. If we wait until 2034 for the road to come through it may not happen again. We have to protect the Town infrastructure. We have to protect that neighborhood. And truly have to protect the business, because what if it comes down to we just settle with what we've got and it's not enough and then every taxpayer in here is going to be forking that over somehow. This is not a matter of trying to tax a company or upset that they are making money, in my opinion. I didn't make the motion and I sure didn't second it, but listening to the arguments it's about making sure that we are doing what's right for the entire community not just the business, not just the neighborhood, but every taxpayer, even people that live off of Beatties Ford Road could potentially be affected by this down the road.

Mike Griffin, said I appreciate the opportunity to speak. I was very frustrated sitting there thinking I would not have an opportunity to speak. First and foremost the first \$25,000 that was agreed in 2009

that was Commissioner Jeter's discussion. The staff made a recommendation to DOT and DOT blessed the recommendation that we should pave the entire 1.2 mile road and I think Charlie Jeter from his background in trucking said this is a double taxation, that our customers pay a tremendous amount of taxes on an annual basis and that's what's supposed to be used to take care of that state road. The state has a statutory obligation to maintain that road. There has been a waste facility down that road for about 60 years and we've been on that road since 1988, well before the Town of Huntersville put us in the ETJ and now well before we've been annexed by the Town of Huntersville. I do think it is the state statutory responsibility to maintain that road. Our obligation, that \$25,000 in 2009 was directed to the Town staff if they ever needed the money, call us and we'd write the check that day. There's some understanding that we forgot to give the check or we were supposed to give that check when the DOT did the work in 2013. In 2013 they did their statutory duty to maintain that road. To even slightly insinuate that my family or me did not pay money when we were supposed to pay money is 1,000 percent wrong. That's the thing that has me upset more than anything else. Some insinuation that money we somehow forgot to pay it. We would and we will pay that when we are asked to pay that. Now the thing I was working with Brad and the staff is our hope and intention was to use that money to improve Holbrooks Road. Speaking of improvements, we put the right-turn lane in there in 2005. We spent about \$50,000 to do that. We spent about \$75,000 with Bill Cox to get the Verhoeff Road study done 16 years ago to try to come up with an alternate road. We spent thousands of hours, many dollars to maintain that road, cleaning it and so forth. We've worked with DOT in the past to make sure that road is maintained. That's a well maintained road with zero potholes in it. It's in great shape. Our thought process was to now because there was some confusion that we somehow didn't pay that money that we told the town that we'd put that \$25,000 into an escrow account, hopefully controlled by the Town to look for opportunities to improve that road. The other thing that we agreed in 2025, which is 9 years, that we would put another \$25,000 into that, again for the same aspect to hopefully improve that road. The road should be repaired and maintained by DOT. Our customers pay a lot of taxes for that. We would gladly see that \$50,000 should be spent to improve that road. We have been working diligently for more than 16 years looking for alternative ways to get to that facility. I am confident working with the Commerce Station Management Team that there will be a solution pretty soon from the south side. I'm also confident that from growth of our area that Asbury Chapel Extension road coming from north Huntersville-Concord will soon come our way. I'm confident that there will be alternative paths to our facility and I'm confident that will happen before 2034. We've committed to be off that road 2034 regardless. We've also committed to if we're not off of it by 2025 to supply more money for hopeful other improvements.....not maintenance in my opinion, but improvements. I think we've been an above and beyond corporate citizen to try to make things happen in the right way. I appreciate Commissioner Guignard's comments but I just want to clarify what I think he was articulating.....if our facility is not there, the impact on our existing roads in North Meck will be dramatically increased because those trucks have to go to another facility. There's only three facility choices. You've basically got Lincoln County, our facility in Harrisburg or the county facility in Ballantyne. Therein lies the extensive more impact on our roads overall. I thought we had this 100 percent figured out. The only fine tuning was the \$25,000. And the other \$25,000 if we're still on that road in 2025 should go to the Town's staff at their discretion to figure out how to use. I had no idea that there was still some confusion with that process. We are trying to build a recycling center to further improve our facilities and we have demonstrated its very minimal impact. Building a recycling center doesn't mean more customers are coming. Building a recycling center means that existing customers that come in with their waste we are going to process it more. It does mean that it extends the longevity of our facility, this is true, but it doesn't increase traffic, it doesn't increase anything. In other words, we can run our facility as is with no recycling center to 2034 and the only responsibility we have is the \$25,000, so we thought we were doing good adding the other \$25,000. In November 2009 Louis Mitchell with DOT asked that we should do more extensive work. We asked to have meetings with him.



I made many efforts but did not have those meetings. This time and I'm sorry I cannot remember Wendy's last name but the current DOT person responsible, I've called her twice personally and left voicemails. I've left e-mails asking for the last couple of months to have meetings. We have not. I don't know that that's necessary. I thought we had a satisfactory arrangement with Brad and the staff that was an amicable and fair resolution to any type of concerns for the road. I guess I'm taken back. We've been working with this since February and we're kind of chomping at the bit to try to take the next step to get this recycling center approved with DEQ. So I guess my motion also is one I feel like I've been called a liar and two that we are getting another delay on a facility that we think this community needs.

Mayor Aneralla called for the vote to delay Petition #R16-06 and #SUP16-01 so the applicant, the Town and NCDOT can come to some agreement on the maintenance contribution to January 17, 2017.

Motion was tied 3 to 3 – Commissioners Boone, Gibbons and Phillips in favor; Commissioners Bales, Guignard and Kidwell opposed. Mayor Aneralla broke the tie by voting in opposition of the motion.

Commissioner Boone said we have two motions. The first one is the Petition #R16-06. The motion I'd like to make is it is consistent with the 2030 Community Plan and applicable long-range plans. The Board of Commissioners recommend approving the conditional rezoning plan for the Greenway Waste Landfill as shown in Rezoning Petition #R16-06. It is reasonable and in the public interest to rezone this property because proposed changes include a recycling facility, will provide economic and environmental methods and negative impacts on rezoning have mitigated to a satisfactory level. These recommendations are contingent upon the following:

- (1) Amended to show a 100' easement to accommodate the future greenway along the stream.
- (2) Note #11 on the plan is amended to clarify that Holbrooks Road will be abandoned as a primary access by 2034.
- (3) A note is added to the plan addressing the proposed clean-up of the contamination of the existing fill areas.
- (4) Note #6 is clarified to state that any adjacent development or construction of a greenway will trigger the construction of a fence for the active area of the site within 90 days.
- (5) The proposed evergreen trees proposed as a buffer are installed in a way that creates an opaque screen.
- (6) That the alternate locations of the greenway shown on the plan, if approved by the Town, will be supported and land will be provided by the applicant for them.
- (7) Clarification of all references on the plan to Holbrooks Road, not Holbrook Road.

Commissioner Guignard seconded motion.

Mr. Priest said just one quick clarification. This is the rezoning motion, so I just wanted to make sure that the applicant was agreeing to those conditions. I didn't hear anything that was out of place, but I wanted to make sure.

Commissioner Boone said did he say yes.

Mr. Priest said yes, he did. He agreed to those conditions.

Commissioner Bales said did your motion also include the staff recommendations in the report.

Commissioner Gibbons said I think those bullet points was what staff recommended.

Commissioner Bales said those were under Planning Board recommendations.

Commissioner Boone said I included the Planning Board recommendations in conjunction with the Staff Report.

Mr. Priest said I think that did include all of them except staff recommendation No. 4.

Commissioner Boone said I'm just moving that over into the SUP motion.

Mayor Aneralla called for the vote.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

**Petition #SUP16-01.** Mayor Aneralla called to order evidentiary hearing on Petition #SUP16-01, a request by Greenway Waste Solutions, LLC and William Hammill for a Special Use Permit allowing the 135 acre landfill located at 15300 Holbrooks Road to expand its boundaries, add another fill area in the existing site (Parcels 01910102, 01910109, and portions of 01918135, 01918162, and 01934118), and construct a recycling facility onsite.

Mayor Aneralla swore in Brad Priest, Jack Simoneau, Max Buchanan, Mike Griffin and Hal Bankirer.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 8.* I don't have any additional information that I didn't have for the rezoning. The important aspect to remember in regard to the Special Use Permit is the findings of fact. Article 9.23 of the ordinance outlines various requirements for construction and demolition landfills and so the Special Use Permit should be based on findings of fact that identify and show evidence that the proposed application is going to conform to those ordinances. Staff has itemized and identified several findings in regard to the application along with a couple of recommended conditions on the bottom and these are also represented in your Staff Report. The Planning Board also has that recommendation and has findings listed in regard to their recommendations. Most of the findings overlap and they are not conflicting. The one different one as discussed already is in regard to Holbrooks Road and the maintenance of Holbrooks Road. Planning staff finds that the proposed condition that the applicant has forwarded is acceptable in regard to the \$25,000 for maintenance and improvements of Holbrooks Road now and then an additional \$25,000 come 2025 for maintenance and improvements of Holbrooks Road.

Commissioner Gibbons said with what we just heard from the applicant, could we clarify that at this point. Are we going to continue to say maintenance or are we going to say improvements that the applicant and Town staff would agree upon needed in the future.

Mr. Priest said I think from Planning staff's perspective, I'm not speaking for Transportation staff, I think we believe it's appropriate that at some point in the future if the road is degenerating because of the heavy truck use that if it needs to be repaired with the money submitted that be done and forwarded to NCDOT. Certainly the improvements can be made but we think it's appropriate that the maintenance be included if needed.

Commissioner Gibbons said that's fine but I think we need to make sure that clarification is agreeable to both because that's not what we just heard from the applicant.

Mr. Priest said if the Town Board deems that they would like to itemize it specifically for a certain use, I don't think we have any objection.

Mike Griffin said my hope would be that it would be used for improvements and not maintenance because I strongly feel the DOT is responsible for maintaining it and over the last 20 some odd years we've had a great relationship with DOT. But to Brad's point I'm okay with maintenance or repair because if the DOT changes and they are not as progressive at repairing as they have been in the past, it's logical that you are going to use this money for repair instead of improvements. Brad and I have had long discussion about it. I hope it's really just used for improvements and there's things that could be done.....there's a curve in that road that in partnership with residential developers that could be used to improve. But I understand and agree with Brad putting or maintenance.

Commissioner Phillips said I was in a meeting earlier today and I was under the impression, as a matter of fact on Page 4, that we were led to believe that this \$25,000 that was not paid in 2009 has never been paid. I was going to ask Max Buchanan, have we ever spent any money on Holbrooks Road as far as maintenance, because I know we've done ditching and stuff down there.

Max Buchanan, Public Works Director/Town Engineer, said no we have not. It's a state maintained road. The Town has not spent any money on Holbrooks Road.

Commissioner Phillips said who done the ditches from Central back to 115 and the railroad track when that was done approximately 2 years ago.

Mr. Buchanan said it would not have been us.

Mr. Griffin said it would have been the state.

Commissioner Phillips said the Town has spent no money since 2009 out there.

Mr. Buchanan said we would be precluded from using Powell Bill money on a state maintained system and we haven't used any General Fund money. We may have picked up litter or done a sidewalk or it would have been a storm water repair if there was a blocked pipe. But we have not done any street or roadway improvements or maintenance.

Commissioner Phillips said we are getting two conflicting deals here.

Mayor Aneralla said an improvement, could that be sidewalks or could that be in addition to a project that maybe our town is going to be involved in widening the road or right-turn, could the money be used on that.

Mr. Priest said sure. Planning Staff is open to that.

Mr. Buchanan said if I can give my perspective. I think the applicant and we all agreed that the goal is to get off of Holbrooks. I think there's a commitment long-term to be off of Holbrooks. Hopefully we are off of Holbrooks before then. I'm not sure what improvements could be done and \$25,000 won't go a long way for fixing a curve. It goes further with maintaining our transportation system. Thinking about where DOT is in the funding of their maintenance programs, they keep trimming their maintenance budget in favor of building new stuff. I think you are going to probably see a need for any money to go toward maintaining a safe and passable facility to the plant, more so than doing any improvements.

That's my perspective. You could use it for sidewalk. I'm not sure if it would be a benefit or a safety benefit from a turn-lane.....we could solve some curves but we are talking a lot of money to do that work.

Commissioner Boone made a motion in considering the Special Use Permit #SUP16-01, Greenway Waste Landfill, we the Town Board find that the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or health, safety and general welfare of the community will be minimized subject to certain conditions. This decision is supported by the following findings:

- (1) The site will operate in compliance with all NCDEQ requirements.
- (2) The applicant will cooperate with NCDEQ in addressing its contaminated ground waters.
- (3) The \$25,000 that was agreed upon in 2008 needs to be paid on or before December 31, 2016 and to be used for street improvements.
- (4) The proposed use will not be in conflict with the objectives of the long and short range adopted area plans.
- (5) The comprehensive site plan addresses necessary environmental and development standards.
- (6) The condition of Holbrooks Road will be assessed by the applicant and the Town as well as with the participation of NCDOT if available on a five (5) year basis.
- (7) The bore test for Holbrooks Road will be taken within ninety (90) days of approval of the SUP and provided to NCDOT as requested.
- (8) The applicant will maintain an internal 100' driveway from the public street in good condition.
- (9) The escrow account for the applicant to contribute to the improvements and maintenance for Holbrooks Road will be established. The amount to be contributed will be determined by a negotiation between the Town and applicant with the aid of NCDOT if possible with 180 days of conditional SUP approval. The SUP will become effective once the subject agreement has been finalized. If the agreement is not agreed upon then the SUP will come back to the Town Board for further action.
- (10) All right-of-ways which serve the site must be wide enough to accommodate two way traffic for a distance of at least 100' from a public street so that traffic waiting to enter the site will not be backed up onto any public right-of-way.
- (11) The landfill operator will commit to routinely washing Holbrooks Road with a specialized truck designed to remove dirt and mud at least once a week or more frequently as needed across the entire right-of-way of Holbrooks Road.
- (12) That the use of the site shall be limited to the hours of 7 a.m. to 6 p.m. Monday through Saturday.
- (13) That a time table be submitted indicating the development phases and life expectancy of the landfill.
- (14) That a closure plan (reclamation plan) is provided in accordance with applicable state regulations and the applicant commits to make updates to the plan as circumstances dictate.
- (15) The applicant will meet all appropriate state operating and reporting requirements pertaining to C&D recycling.
- (16) Due to the contamination in the landfill and surrounding areas the applicant will provide updates to the Town with compliance of the SUP conditions 10 years following the approval of the SUP and every 5 years thereafter upon the closure of the landfill.
- (17) That all provisions and findings of Article 9.23 be complied with as identified by staff.

Mr. Priest said one clarification that I wanted to add. It was an important one and I failed to discuss it. Mr. Griffin and I had a discussion about the clarification on abandoning Holbrooks Road by 2034. That

was a condition that's in the SUP in the rezoning. What's implied but is not specifically stated is if a road becomes available up to their property would they at that time prior to 2034 abandon Holbrooks and then go to the new access on the commercial street. Mr. Griffin replied that yes they would be willing to offer that as a condition and that's an important one that we just want to make sure it's in the record that if it becomes available before 2034 that they would abandon that and go to the commercial street within one year.

Mayor Aneralla said you don't have a second yet so if you would like to add anything.

Commissioner Boone said first of all Brad, I'd like to go ahead and include your recommendation of whenever an alternate route becomes available within one year they'll be off of Holbrooks Road.

Commissioner Phillips seconded motion.

Commissioner Gibbons said based on our conversations we just had, No. 9 in what you read, the amount of the contribution will be determined by a negotiation.

Mayor Aneralla said would you like to amend the motion.

Commissioner Gibbons said I would amend that the amount of the contribution will be \$25,000 toward improvement going forward, because I think this negotiation portion we've just gone over. I would say as an amendment to the escrow account for the applicant to contribute to the improvements and maintenance for Holbrooks Road will be established. The amount of the contribution will be \$25,000 for future improvements of Holbrooks Road and then continue with the SUP will become effective once the subject agreement has been finalized. If the agreement is not agreed upon then the SUP will come back to the Town Board for further action.

Mr. Priest said one clarification that I had as well, the amended motion included improvements. Does that include maintenance or only improvements.

Commissioner Gibbons said I said maintenance and improvements and that was based on the applicant's last comment that he was fine with it.

Mayor Aneralla said we have an amendment to the motion. Is there a second for that.

Commissioner Bales seconded motion for discussion.

Mayor Aneralla said we have a second. Discussion on Commissioner Gibbons' amendment to the motion made by Commissioner Boone.

Commissioner Boone said Commissioner Gibbons, the way I'm looking at this is that any amount of contribution is great, but what if there is something that the road was paved two years ago and if something happens I don't think what we have is \$50,000 now for improvements and maintenance might not qualify for that. That's why I put in here is that let the people who know this business sit down and negotiate some type of cost that could be put in there but again I just don't think \$25,000 would be enough to maintain or make road improvements.

Commissioner Phillips said Mr. Griffin, isn't that what y'all agreed to in your application right here. GW will extend the \$25,000 donation to the Town of Huntersville for improvements to Holbrooks Road as long as GWS customers use Holbrooks Road.

Mr. Griffin said that was our commitment.....the 300' of overlay and improvements at our entrance, should that be included in part of this process.

Mr. Priest said yes, that's still included as a separate entity.

Mr. Griffin said we had committed to basically paving a football field from our entrance up Holbrooks Road, widening the shoulders, in addition to that paying \$25,000 now and in addition to that paying \$25,000 at 2025. We think that's more than enough for the time that we are going to be on that road. I do think that hopefully the DOT will continue to work with us like they have the past three decades where when that road needs improvements, they'll do those repairs. That's what we had committed to.

Mayor Aneralla called for the vote on Commissioner Gibbons' amendment.

Commissioner Gibbons said are we just voting on my amendment or the whole motion.

Mayor Aneralla said just on the amendment.

Commissioner Guignard said can we restate the amendment.

Commissioner Gibbons said an escrow account for the applicant to contribute to the improvements and maintenance for Holbrooks Road will be established. The amount of the contribution will be \$25,000 for future maintenance and improvements. The SUP will become effective once the subject agreement has been finalized. If the agreement is not agreed upon then the SUP will come back to the Town Board for further action.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Commissioner Guignard said the way I understand the motion with the amendment, especially on No. 9, is that if the petitioner and the staff and the DOT and whomever get together next week, but it has to be done within 180 days, that if we approve this tonight and they come to an understanding with staff, DOT and themselves, of a dollar figure to be donated to the cause, the SUP is approved. Is that the intent of Item 9 within this or did you change it.

Commissioner Gibbons said I just amended it. I took all that out. There will be no more negotiation beyond tonight. If this is approved.

Commissioner Guignard said then I've got a question about No. 11. Do we really want to tell them to wash that road once a week if it's not dirty. I ride up and down that place at least a couple of times a week and unless it's rained and we've created mud I don't think we want to go and put truckloads of water that's pretty precious right now on that road and I don't know where they are going to get the water if they don't come get it out of a fire hydrant. I'm just asking a legitimate in my mind question that the only time that there's mud and dirt on that road, not the only time the majority of the time when there's dirt and mud on that road, is if it has rained and they've been on a construction site.

Mayor Aneralla said so your question could be to the applicant.

Mr. Griffin said we already do that at a minimum weekly. The one thing I will say is we don't wash the whole 1.2 mile portion of the road partially for what Mr. Guignard said. I think there would be perhaps more damage to the auxiliary sides to the road than necessary. We do always wash at least 600' or so up the road and that's a minimum weekly. And then we do it more often when it has rained. I don't think it's necessary to wash the whole road.

Commissioner Guignard said in the motion he says over the entire right-of-way of Holbrooks Road. If there's mud that happens to come out of the landfill it's slung out of those tires most of the time before they get out to the public right-of-way. I can't imagine the amount of water it's going to take to wash the road that I'm understanding the motion. I think I understand the intent of the motion as far as No. 11 is concerned, but I don't think that's what you want to be doing. I think what you are saying is keep the road clean and what they have been doing is keeping the road clean for decades.

Mayor Aneralla said would you like to amend this part.

Commissioner Guignard said I'm trying to understand if that's what we are asking.

Mayor Aneralla said you could potentially cross the right-of-way part out. Strike the entire right-of-way.

Commissioner Guignard said I'm going to put a friendly amendment to the motion that after if needed the comma after that becomes a period and across the entire right-of-way of Holbrooks Road is deleted.

Commissioner Gibbons said our intent is that we want Griffin Greenway Solutions to keep the road clean when it needs to be cleaned so I would say remove dirt and mud when required period.

Commissioner Guignard said that's fine with me.

Commissioner Gibbons said then we're saying if the road needs to be cleaned, clean it.

Commissioner Guignard said I'll allow that to be a clerical correction to my motion.

Commissioner Gibbons said the landfill operator will commit to routinely wash Holbrooks Road with a specialized truck designed to remove dirt and mud when required.

Commissioner Bales seconded motion.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Commissioner Bales said did the applicant actually agree to all of these.

Mr. Griffin said yes, that's consistent with what we had been working with the staff for. Thank you for those amendments.

Mayor Aneralla called for the vote on the amended motion.

Motion carried unanimously.



**Petition #SUP16-02.** Mayor Aneralla called to order evidentiary hearing on Petition #SUP16-02, a request by James Ward of GreenPower of NC and Jonathan Brown, property owner, for a Special Use Permit allowing a minor residential solar energy facility (solar panels) on the front roof slope above the façade of the house facing a public street.

Mayor Aneralla swore in Meredith Nesbitt, Jack Simoneau and Jonathan Brown.

Meredith Nesbitt, Planner I, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 9.* Before you is a Special Use Permit for a minor residential solar facility at 7218 Chaddsley Drive. It is zoned Neighborhood Residential. In the NR zoning district minor residential solar facilities are allowed with a Special Use Permit, so that's why we are in front of you tonight.

To orient everybody, here is Chaddsley Drive, so the two solar panel clusters that are circled are the two solar panel clusters in question that will require a Special Use Permit because they are facing the public street. Planning staff recommends approval of this Special Use Permit request based on the findings of fact that are listed in the Staff Report, also listed here 1 through 7. Staff recommends two conditions, that all ground level equipment be located at the side or rear of the house and that there is no glare produced from the solar panels onto the public right-of-way or onto adjacent properties. The Planning Board heard this Special Use Permit request at their last meeting and they also recommended approval of the application based on the findings of fact you see 1 through 4 and they added the same two conditions that Planning staff recommended. The applicants are here to answer any questions you have and staff is here to answer anything as well.

Commissioner Kidwell said this is for solar panels on a house. You are not running a business out of the house.....you're just adding solar panels to a house. And the HOA already said it's cool.

Commissioner Guignard said you said the equipment can be on the side or the back.

Ms. Nesbitt yes, side or rear.

Commissioner Guignard said am I correct that there's empty land on one side but a house right next to it on the other.

Ms. Nesbitt said yes. Here in green you can see the parcel.

Commissioner Guignard said excuse me, that's your land on that side, that's not another lot. I can't envision that equipment between those two structures. That's all I was asking. I cannot vision the equipment on the right-hand side of their house so when you say on the side and I see that equipment sitting there.....I don't have a problem with what these gentlemen are wanting to do.

Commissioner Bales made a motion to approve Petition #SUP16-02.

Commissioner Kidwell seconded motion.

Mr. Simoneau said just for clarification that motion of approval incorporated the staff findings.

Commissioner Bales said yes it does.

Ms. Nesbitt said and just for clarification do you include the two conditions from staff.

Ms. Bales yes.

Mayor Aneralla called for the vote.

Motion carried unanimously.

**LNCES Roadway Improvements Design Contract.** Commissioner Kidwell made a motion to approve proposal with AMT for engineering and surveying for roadway improvements associated with the Lake Norman Charter Elementary School.

Commissioner Guignard seconded motion.

Motion carried unanimously.

*Proposal attached hereto as Exhibit No. 10.*

**Torrence Creek Tributary #2 Resolution.** The proposed resolution is to approve allocating \$300,000 from the non-motorized transportation funds to the Torrence Creek Greenway Trib #2. This project was identified as the top project by the Greenway and Bikeway Committee and they made a recommendation at their October 18 meeting to allocate these funds to partner with Mecklenburg County in getting this project ranked in their next five year CIP Plan for FY 19-23. Mecklenburg County staff is waiting on instructions from management to submit projects for their next five year CIP. We hope by partnering with the County that we can get this project ranked higher to get it into the next CIP. The previous ranking system used for ranking CIP projects included additional points for partners and for outside funding. The estimated cost for this project is around \$1.8 million.

Commissioner Guignard made a motion to adopt resolution committing \$300,000 to be used by Mecklenburg County for the Torrence Creek Tributary #2 project.

Commissioner Bales seconded motion.

Motion carried unanimously.

*Resolution attached hereto as Exhibit No. 11.*

### **CONSENT AGENDA**

**Approval of Minutes.** Commissioner Guignard made a motion to approve the minutes of the October 17, 2016 Regular Town Board Meeting. Commissioner Phillips seconded motion. Motion carried unanimously.

**Capital Project Ordinance – Intersection Improvements.** Commissioner Guignard made a motion to approve Capital Project Ordinance for Lake Norman Charter School intersection improvements. Commissioner Phillips seconded motion. Motion carried unanimously.

*Capital Project Ordinance attached hereto as Exhibit No. 12.*

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

**Budget Amendment – Police Department.** Commissioner Guignard 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 Phillips seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #R16-10.** Commissioner Guignard made a motion to call a public hearing for Monday, December 5, 2016 at 6:30 p.m. at Huntersville Town Hall on Petition #R16-10, a request by MI Homes of Charlotte, LLC to rezone approximately 50.337 acres located south of Ramah Church Road and west of Ewart Road from Transitional Residential to Neighborhood Residential – Conditional District. Commissioner Phillips seconded motion. Motion carried unanimously.

**Call for Public Hearing – Petition #TA16-07.** Commissioner Guignard made a motion to call a public hearing for Monday, December 5, 2016 at 6:30 p.m. at Huntersville Town Hall on Petition #TA16-07, a request by LStar Management, LLC to reduce the minimum lot size, side yard setback and lot width in the Transitional Residential zoning district. Commissioner Phillips seconded motion. Motion carried unanimously.

#### **CLOSING COMMENTS**

Commissioner Guignard suggested that Advanced Disposal be notified of Friday's road closures for the Veterans Day event.

Mayor Aneralla reminded everyone of the Mayor's luncheon on November 15.

There being no further business, the meeting was adjourned.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Janet Pierson, Town Clerk  
**Subject:** Approval of Minutes - November 21

---

Consider approving minutes of the November 21, 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**

**November 21, 2016  
6:30 p.m. – Huntersville Town Hall**

**PRE-MEETING**

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 6:00 p.m. on November 21, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Dan Boone, Mark Gibbons, Charles Guignard, and Danny Phillips. Commissioners Melinda Bales and Rob Kidwell were not present.

Michael Jaycocks, Parks & Recreation Director, reviewed the current Carolina Rapids Agreement for Barry Park and the new agreement recommended by the Parks & Recreation Commission. *Refer to Exhibit No. 1.*

Thomas Finlay, Carolina Rapids Soccer Club, reviewed information about the Rapids. *Refer to Exhibit No. 2.*

Following discussion, there being no further business, the pre-meeting was adjourned.

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**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 November 21, 2016.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Dan Boone, Mark Gibbons, Charles Guignard and Danny Phillips. Commissioners Melinda Bales and Rob Kidwell were not present.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Members of Boy Scout Troop 19 led the Pledge of Allegiance.

**MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS**

Mayor Aneralla

- Did not attend the Metropolitan Transit Commission meeting. Greg Ferguson, Town Manager, reported that the MTC received new information on the Silver Line and they canceled the December meeting.
- The North Meck Alliance met last week. The next meeting will be January 12.

Commissioner Gibbons gave report for Lake Norman EDC in Commissioner Bales' absence. All the projects that she reports on are still ongoing and we're looking for some exciting news soon.

#### Commissioner Boone

- The next meeting of the Land Development Ordinances Advisory Board will be Thursday, December 1.
- Reminded everyone that the ban on open burning is still in effect.
- Next month will be the first time in 60 years that the Town of Huntersville will not have a fire chief with the last name of Irvin. Larry Irvin did not put his name on the ballot for this year.
- Reminded everyone to lock their cars – larcenies from autos is still an issue.
- The next meeting of the Olde Huntersville Historic Society is December 7.

#### Commissioner Gibbons

- The Charlotte Regional Transportation Organization met last Wednesday. The 2016-2025 transportation amendments with transit were passed by a unanimous vote of the CRTPO. The Monroe Expressway Toll Road which had two votes against it, Huntersville being one of them, passed and approval of the federally mandated MPO agreements passed by a unanimous vote. There's a continuing discussion going on right now on how the process should go for a study of the bonus allocation money that was associated with the HOT lanes. The TCC Project Oversight Committee asked the Centralina Council of Governments to do a study on the bonus allocation money. They chose five elected delegates including a former commissioner from Huntersville. The Town of Huntersville spoke out against the entire process which led to many questions and a lot of discussion. They shared those questions with our Board so there's ongoing talks of how they are going to do that process going forward.
- The next Veterans Council meeting will be the first week of December.
- Commended staff for their work on the Veterans Day parade/ceremony.
- Reminded everyone to be attentive to their driving.

#### Commissioner Guignard

- The next meeting of the Centralina Council of Governments will be in January.
- The Planning Coordinating Committee has not scheduled their next meeting.
- Commended staff for their work on the Veterans Day parade/ceremony.
- There are many people from across this nation including dozens from Charlotte that are in the mountains of North Carolina as we speak that are fighting the fires. I just hope the majority of them can get home and be with their families for Thanksgiving.

#### Commissioner Phillips

- Reminded everyone of Small Business Saturday on the Saturday after Thanksgiving.
- Announced upcoming Lake Norman Chamber events.
- Visit Lake Norman hosted the Fall Classic Youth Soccer Tournament that included over 50 teams the first weekend and 31 teams the second weekend.
- Commended staff for their work on the Veterans Day parade/ceremony.

### **PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS**

Jackie Huffman, Finance Director, introduced Matt Braswell with Martin Starnes to present the financial statements for fiscal year 2016.

Matt Braswell, Martin Starnes, reported that they issued a clean opinion with no findings and no management letter for the financials for fiscal year 2016.

### **AGENDA CHANGES**

Commissioner Guignard made a motion to adopt the agenda.

Commissioner Gibbons seconded motion.

Motion carried 4-0.

### **PUBLIC HEARINGS**

None

### **OTHER BUSINESS**

**Contract for Veterans Park.** The Veterans Park at Main and Maxwell Project includes the veterans memorial, relocation of the caboose, new stage area, festival lawn, plaza areas, new sidewalks, street trees, landscaping, pedestrian lights, storm water improvements, improvements to Main Street, new parking lot and resurfacing the parking lot at the American Legion.

Bids received on November 2 are as follows:

JD Goodrum – Cornelius, NC	\$1,560,500.00
Eaglewood Construction – Denver, NC	\$1,838,152.95

Commissioner Gibbons made a motion to authorize the Town Manager to execute a contract with JD Goodrum in the amount of \$1,560,500 for the construction of Veterans Park at Main and Maxwell.

Commissioner Guignard seconded motion.

Motion carried 4-0.

*Contract attached hereto as Exhibit No. 3.*

**Revised Capital Project Ordinance – Main and Maxwell.** The Town Board revised the Veterans Park Capital Project Ordinance most recently on March 21, 2016. General Contractor bids for the project were opened on November 2. The available budget is \$421,032 less than will be required to pay the General Contractor's base bid, therefore this item appropriates \$421,032 from General Fund balance to complete Veterans Park construction.



Commissioner Guignard made a motion to adopt Revised Capital Project Ordinance for Veterans Park.

Commissioner Boone seconded motion.

Motion carried 4-0.

*Revised Capital Project Ordinance attached hereto as Exhibit No. 4.*

#### **CONSENT AGENDA**

**Budget Amendment – Police.** Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$3,652.15 and appropriate to the Police Department's insurance account. Commissioner Phillips seconded motion. Motion carried 4-0.

**Budget Amendment – HFFA.** Commissioner Guignard made a motion to approve budget amendment recognizing insurance revenue in the amount of \$5,286.02 and appropriate to the Huntersville Family Fitness & Aquatics Center Maintenance to Building account. Commissioner Phillips seconded motion. Motion carried 4-0.

**Cancel Meeting.** Commissioner Guignard made a motion to cancel the January 2, 2017 Regular Town Board Meeting due to the New Year's holiday. Commissioner Phillips seconded motion. Motion carried 4-0.

**Reschedule Meeting.** Commissioner Guignard made a motion to reschedule the January 16, 2017 Regular Town Board Meeting to Tuesday, January 17, 2017 at 6:30 p.m. due to the Martin Luther King, Jr. holiday. Commissioner Phillips seconded motion. Motion carried 4-0.

#### **CLOSING COMMENTS**

Mayor Aneralla reminded everyone of upcoming Town Christmas events.

There being no further business, the meeting was adjourned.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Jackie Huffman/Michael Jaycocks  
**Subject:** Budget Amendment

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Appropriate Sponsorship revenue (103505.9999) in the amount of \$31,595 to the Downtown Festival account (106200.0632).

**ACTION RECOMMENDED:**

Approve Budget Amendment.

**FINANCIAL IMPLICATIONS:**

Additional revenue in the amount of \$31,595.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Jackie Huffman/Chief Spruill  
**Subject:** Budget Amendment

---

Appropriate Police Restricted Donation revenue (103995.9999.11003) in the amount of \$3,750 to the Police Department's Crime Prevention budget (105100.0293).

**ACTION RECOMMENDED:**

Approve Budget Amendment.

**FINANCIAL IMPLICATIONS:**

Additional revenue in the amount of \$3,750.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Jackie Huffman/Dee Jetton  
**Subject:** Budget Amendment

---

HFFA has two new revenue streams to be provided at the gym. They are Massage Services and training by Novant Training Services. Appropriate estimated revenue of \$3,200 for Massage Services and \$12,000 for Novant Training. Funds will be used for associated expenses.

**ACTION RECOMMENDED:**

Approve Budget Amendment.

**FINANCIAL IMPLICATIONS:**

Additional revenue of \$15,200.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Alison Adams, Senior Planner  
**Subject:** R16-11 Lake View Senior Apartments

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General Rezoning - R16-11 is a request by Shawn Schreiner to rezone parcel 01313108 (+/- 8.52 acres) from Rural to Neighborhood Residential District.

**ACTION RECOMMENDED:**

Call for a Public Hearing on January 17, 2017.

**FINANCIAL IMPLICATIONS:**

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Meredith Nesbitt  
**Subject:** TA 16-10 Landscaping of Parking Lots

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Text Amendment - TA16-06 is a request by the Huntersville Land Development Ordinance Advisory Board to amend Article 6 of the Huntersville Zoning Ordinance to modify landscaping of parking lot requirements.

**ACTION RECOMMENDED:**

Call for a Public Hearing to be held on January 17, 2016.

**FINANCIAL IMPLICATIONS:**

None

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Jackie Huffman/Kathy Moyer  
**Subject:** Approve the write-off of electric uncollected final accounts in the amount of \$18,460.30 for Fiscal Year 2013.

---

As approved in 2013 the policy to annually write off customer accounts that are final and older than three fiscal years, it is proposed to write off fiscal year 2013. The current proposed write off amount is \$18,460.30.

**ACTION RECOMMENDED:**

Approve the write off of the amount \$18,460.30 for Fiscal Year 2013.

**FINANCIAL IMPLICATIONS:**

A more accurate representation of the Accounts Receivable.



**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**12/5/2016**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Greg Ferguson/Kathy Moyer  
**Subject:** Commerce Station Substation Power Transformer and Steel Transmission Poles Bid Awards

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Consideration of Award of Bids for Commerce Station Substation Power Transformer and Steel Transmission Poles. Breakdown of the bids can be found in the attachments along with the recommendation of the successful bidders. Total bid price for the awarded bids is \$446,741 and was budgeted for in this fiscal year.

**ACTION RECOMMENDED:**

Award bids as recommended and authorize the Town Manager to execute the bid contracts.

**FINANCIAL IMPLICATIONS:**

Budgeted in FY 16-17.

**ATTACHMENTS:**

Description		Type
☐	Commerce Station Substation Power Transformer Bid Recommendation	Backup Material
☐	Commerce Station Substation Steel Transmission Pole Bid Recommendation	Backup Material



## Southeastern Consulting Engineers, Inc.

October 31, 2016

Mrs. Kathy Moyer  
ElectriCities of North Carolina  
P. O. Box 2819  
Huntersville, North Carolina 28070-2819

Ref.: Bid Recommendation for Commerce Power Transformer  
115 - 12.47 kV, 50/40/30 MVA

Dear Kathy:

ElectriCities received sealed proposals on October 27, 2016, at 2:00 p.m. for the above referenced project. A tabulation of the bids received is attached. Eight bids were received, however, one bid was rejected because there was no Bid Bond included.

As shown, the most attractive proposal was submitted by WEG Electric Corp. in the amount of \$414,000. We have thoroughly reviewed WEG's submittal data and have determined that their proposal unit to be furnished is in compliance with our specifications.

We therefore recommend that the Town accept the bid from WEG Electric Corp. in the amount shown above and authorize us to prepare the necessary contract documents.

If you have any questions or need any additional information, please do not hesitate to contact us.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By   
Kevin J. Smorgala, Associate Engineer

KJS/lc

Enclosure

**BID TABULATION**  
Medium Voltage Power Transformer

Electricities of North Carolina  
c/o Town of Huntersville  
Huntersville, North Carolina

Date: October 27, 2016  
Time: 2:00 PM, EDT

<u>Bidder</u>	<u>WEG Electric Corp.</u>	<u>SPX Transformer Solutions, Inc.</u>	<u>Virginia Transformer Corporation</u>	<u>Delta Star, Inc.</u>	<u>ABB</u>	<u>Anixter, Inc.</u>
One 30/40/50 MVA Medium Voltage Power Transformer	\$414,000.00	\$527,351.00	\$496,726.00	\$523,039.00	\$500,637.00	\$447,120.00
Manufacturer	WEG	SPX	Virginia	Delta	ABB	GE Prolec
Delivery May 1 - June 30	Yes	Yes (20-22 Weeks)	Yes (22-24 Weeks)	Yes (26-30 Weeks)	Yes, w/PO before 10/30/16 (22-24 Weeks)	Yes, w/PO before 11/27/16 (24-28 Weeks)
Bid Bond	Yes	Yes	Yes	Yes	Yes	Yes
Loss Information @30 MVA (in kW)						
No-Load	27	19.4	20	20.2	18.15	19.7
Load	88	89.5	85	82	79.94	98.3
Evaluated Cost	\$583,000.00	\$675,081.00	\$641,726.00	\$671,639.00	\$635,027.00	\$604,520.00





# Southeastern Consulting Engineers, Inc.

October 28, 2016

Mrs. Kathy Moyer  
ElectriCities of North Carolina  
P. O. Box 2819  
Huntersville, North Carolina 28070-2819

Ref.: Bid Recommendation for Steel Transmission Poles

Dear Kathy:

ElectriCities received proposals on October 27, 2016, at 2:30 p.m., from five suppliers for providing steel transmission poles for Commerce Substation.

A tabulation of all bids received is attached. The lowest responsive bidder is TransAmerican Power Products (TAPP) located in Houston, Texas. We have reviewed TAPP's proposal and determined they are in compliance with the specification and do not take any exceptions.

We therefore recommend that the Town accept the bid from TAPP in the amount of \$32,741.00 and authorize us to prepare the necessary contract documents.

If you have any questions or need any additional information, please do not hesitate to contact us.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By

Kevin J. Smorgala, Associate Engineer

KJS/lc

Enclosure

**BID TABULATION**  
Steel Transmission Poles

ElectriCities of North Carolina  
c/o Town of Huntersville  
Huntersville, North Carolina

Date: 2:30 PM, October 27, 2016

<b><u>Bidder</u></b>	<b><u>TAPP</u></b>	<b><u>Sabre-FWT, Inc.</u></b>	<b><u>Distran</u></b>	<b><u>Rohn</u></b>	<b><u>Valmont</u></b>
<b><u>Schedule I</u></b>					
Steel Poles (Lot)	\$32,741.00	\$48,279.00	\$39,073.00	\$45,600.00	\$47,759.00
Delivery A.R.O.	10-12 Weeks	14 Weeks	16 Weeks	12 Weeks	20-22 Weeks
Bid Bond	Yes	Yes	Yes	Yes	Yes
Total Weight (lbs.)	24,012	23,221	21,845	Not Provided	25,862