

**Mayor**

Jill Swain

**Mayor Pro-Tem**

Melinda Bales

**Commissioners**

Ron Julian

Rob Kidwell

Sarah McAulay

Jeff Neely

Danny Phillips

**Town Manager**

Gregory H. Ferguson



**Department Heads**

Max Buchanan, Public Works

Bill Coxe, Transportation

Michael Jaycocks, Parks&Rec

Jack Simoneau, Planning

Cleveland Spruill, Police Chief

Janet Stoner, Finance

**Assistant Town Manager**

Gerry Vincent

**Town Clerk**

Janet Pierson

**Town Attorney**

Bob Blythe

**AGENDA**

**Regular Town Board Meeting**

**August 3, 2015 - 6:30 PM**

**TOWN HALL (101 Huntersville-Concord Road)**

**I. Pre-meeting**

A. Dr. Dan Morrill, Charlotte-Mecklenburg Historic Landmarks Commission. (5:45 p.m.)

**II. Call to Order**

**III. Invocation - Moment of Silence**

**IV. Pledge of Allegiance**

**V. Mayor and Commissioner Reports-Staff Questions**

A. Mayor Jill Swain (MTC, Commerce Station Management Team)

B. Commissioner Melinda Bales (LNTC)

C. Commissioner Ron Julian (LNREDC Board, Planning Coordinating Committee)

D. Commissioner Rob Kidwell (Olde Huntersville Historic Society)

E. Commissioner Sarah McAulay (CRTPO, COG, NC 73 Council of Planning)

F. Commissioner Jeff Neely (Lake Norman Chamber Board, Visit Lake Norman Board)

G. Commissioner Danny Phillips (Arts and Science Council)

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

**VII. Agenda Changes**

A. Agenda changes if any.

B. Adoption of Agenda.

**VIII. Public Hearings**

A. Conduct continuation of public hearing on Petition #TA15-04, a request by the Huntersville Planning Board to amend Article 7.4 of the Zoning Ordinance in regard to calculating specimen tree save mitigation requirements. (*Brad Priest*)

- B. Conduct public hearing on Petition #CODE 15-01, a request by the Town of Huntersville to amend the Code of Ordinances Chapter 151: Flood Damage Prevention, for consistency with Federal Emergency Management Agency (FEMA) regulations. *(Meredith Miller)*

**IX. Other Business**

- A. Consider decision on Petition #R15-01, a request by Ernie and Roberta Lee to rezone 0.53 acres at 15412 Old Statesville Road from Highway Commercial to Special Purpose-Conditional District allowing most SP uses, including a wood cutting operation. *(Brad Priest)*
- B. Consider decision on Petition #R15-02, a request by Chick-fil-A, LLC to update and amend their conditional rezoning plan subject to the current Huntersville Zoning Ordinance, on approximately 1.3 acres located at 16915 Statesville Road. *(Brad Priest)*

**X. Consent Agenda**

- A. Approve budget amendment recognizing insurance revenue in the amount of \$5,462.05 and appropriate to the Police Department's insurance account. *(Janet Stoner/Chief Spruill)*
- B. Approve budget amendment recognizing insurance revenue in the amount of \$500.00 and appropriate to the Police Department's insurance account. *(Janet Stoner/Chief Spruill)*
- C. Approve budget amendment transferring \$100,000 from Capital Outlay to Other Electrical System Expenditures. *(Janet Stoner/Kathy Moyer)*
- D. Consider approving the Industrial On-Peak Electric Rate Schedule OP-4 and the Electric Service Contract Addendum and authorize the Town Manager to execute the Electric Service Contract Addendum. *(Greg Ferguson/Kathy Moyer)*
- E. Approve SL362 Property Tax Refund Report No. 40. *(Janet Stoner/Greg Ferguson)*
- F. Cancel the September 7, 2015 Regular Town Board Meeting due to the Labor Day holiday. *(Greg Ferguson)*

**XI. Closing Comments**

**XII. Adjourn**

To speak concerning an item on the Agenda, please print your name and address on the sign-up sheet on the table outside the Board Room prior to the meeting. If you wish to speak concerning an item that is added to the Agenda during the meeting, please raise your hand during that item. Each speaker will be limited to no more than 3 minutes. The Mayor, as the presiding officer may, at her 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**  
**8/3/2015**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Brad Priest, Senior Planner  
**Subject:** TA15-04 - Specimen Tree Save Mitigation

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TA15-04 is a request by the Huntersville Planning Board to amend Article 7.4 of the zoning ordinance in regard to calculating specimen tree save mitigation requirements. The proposed text would calculate required specimen tree mitigation by caliper of tree removed rather than individual number of trees removed.

**ACTION RECOMMENDED:**

Hold the continued public hearing on August 3, 2015.

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

Description	Type
 Staff Report	Cover Memo
 Staff Research - Other Community Mitigation Requirements	Backup Material
 Draft Ordinance	Backup Material
 Changes Proposed - Comments	Backup Material
 Staff Memo to Board - 6 20 12	Backup Material

## TA 15-04: Specimen Tree Save Mitigation Amendment

### PART 1: DESCRIPTION

The Planning Board has requested that Article 7.4 of the Huntersville Zoning Ordinance be amended to change the way specimen tree save mitigation is calculated. The proposed amendment would calculate trees required to be mitigated or replaced based on how many calipers at diameter at breast height (DBH) is removed over and above the tree save requirements, rather than how many individual trees are removed. The amendment would also clarify and reorganize the article for clarity.

### PART 2: BACKGROUND

The Huntersville Zoning Ordinance currently requires a certain amount of existing trees to be saved on a site based on what zoning district the proposed development is located. There are two separate types of tree save requirements: “Canopy Tree Save” and “Specimen Tree Save”. Canopy Tree Save is a requirement that a certain percentage of canopy area or tree cover area be saved on a site. Specimen Tree Save is a requirement that a certain percentage of large individual “specimen” trees on the site be saved. A specimen tree in the ordinance is defined as a large maturing tree 24 inches in caliper (DBH) or greater (such as an Oak, Elm, Maple) OR a small maturing tree 12 inches in caliper or greater (such as a Cherry, Dogwood, or Redbud). The percentage of specimen trees required to be saved on a site is based on the use and the zoning district in which the project is located. For instance in the Rural (R) district 50% of the existing specimen trees on a site is required to be saved. In commercial districts the specimen tree save requirement is 30%

When a development cannot meet the requirements above, the ordinance allows a developer to “mitigate” the requirements as outlined below:

“Where circumstances prevent locating the required tree plantings or preservation standards on site and approval by the Planning Board is granted, the developer will contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. The amount of the contribution shall be based on the number and species of trees needed to meet the tree save/planting requirement and on the commercial price and installation cost for such trees.”

For specimen tree save requirements, this ultimately means replacing each large, mature, specimen tree removed (over the tree save requirement) with a commercial grade 2-inch caliper tree or contributing the funds to install it. In other words the mitigation for removing an existing 50 inch Oak Tree is the cost of planting a new 2-inch caliper Oak tree.

The Planning Board has discussed for quite some time how the current specimen mitigation allowance does not reflect the value of removed large trees and does little to encourage developers to design their developments around existing specimen trees. At the November 2011 Planning Board meeting the Planning Board asked staff to continue to research how other municipalities handled tree save mitigation requirements and how North Carolina arborist agencies calculated the value of trees. Staff did the research, and reported back to the Board. Please find the January 17, 2012 staff memorandum to the Board attached outlining staff findings and recommendations. Staff found that many municipalities use the caliper of the tree (DBH) to establish mitigation requirements in one form or another. Several towns use the one to one ratio caliper requirement. This means that every inch of caliper that is removed above the ordinance requirement must be re-planted or paid for. A 50 inch caliper tree taken down would need to be mitigated by 25 – 2 inch caliper trees.



At the February 2012 Planning Board meeting the board reviewed the information and recommended that staff contact the Town Board and gauge their interest in amending the text to require a caliper for caliper mitigation calculation. Please find staff's June 20, 2012 memorandum to the Town Board attached, which requested feedback on the Town Board's interest in discussing the mitigation requirements. Staff received no feedback from the Board so the item was not pursued any further by staff.

After receiving several developments mitigation requests however, the Planning Board again discussed the issue at their November 2013 meeting. At that meeting they discussed the desire to both address the Town Board on the issue and form a sub-committee to research the issue directly with staff. On December 16, 2013 the Planning Board Chairman, Bruce Anderson addressed the Board and communicated the Planning Board's concerns. Receiving positive feedback on the need to make changes, the Planning Board formed a subcommittee to discuss the issue. It included Hal Bankier, Joe Sailor, Dan Boone, Art VanWingerden, Janet Spain, and Linda Kidd.

The committee met several times between April and October 2014 and discussed the various ways that the mitigation could be calculated and what effect the increase would have on potential developers. After much discussion the committee agreed that the caliper for caliper methodology was the most beneficial calculation for tree save mitigation. However the committee was not comfortable in the amount of cost the one to one ratio would add to a developer's site. Using the one to one ratio (where every caliper removed must be replaced) means that one 24" specimen tree which is removed over and above the requirements of the ordinance, would require 12 – 2 inch caliper trees to mitigate it. Understanding that the standard cost of installing a new 2" caliper tree is about \$250, the cost then to mitigate one minimally sized specimen tree would be \$3,000 (12 x \$250). A larger tree would be proportionally higher. The consensus of the committee was that an increased mitigation amount was needed to encourage saving existing trees, but the one to one replacement ratio was too much cost.

Therefore the committee recommended keeping the caliper to caliper methodology due to its ease to understand and real world application; but recommended requiring only 30% of the caliper be mitigated. That would reduce the cost of mitigating one 24" specimen from \$3,000 to \$1,000. (24" tree x 30% = 7.2 calipers = 4 – 2 inch trees. 4 trees x \$250 = \$1,000) Based on the committee's recommendation, staff finalized a drafted text amendment and sent the draft language to the Planning Board for their review. At their February 2015 meeting the Planning Board accepted the proposed draft language and asked staff to begin the formal text amendment process for review.

Please find the ordinance attached showing the drafted language. *It should be noted that there is no change to the current tree save requirements proposed. How many trees are required to be saved in each district would not change. Only changes to what mitigation is proposed when the ordinance standards are not met are proposed.* Also included in the amendment are many clarifications, grammar changes, and restructuring of the text to make it easier to understand. Attached is a "track changes" document that makes comment on each of the changes and why they're made for reference. The only significant change to the document however is the specimen tree save mitigation calculation as described above.

### **PART 3: PUBLIC HEARING COMMENTS**

TBD.

### **PART 4: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS**

Policy E-3 of the 2030 Community Plan is to “Support and enhance environmental regulations pertaining to tree preservation, buffer yards, open space, water quality, wetland and stream protection”. Increasing the mitigation amount for specimen trees would be consistent with the policy to enhance tree preservation measures. Currently, the \$250 mitigation contribution for each specimen tree provides very little incentive for developers to design their sites in such a way that saves significant trees. Increasing the contribution required would both encourage tree save design and better the town’s ability to plant more trees around town when the additional funds are contributed.

#### **PART 5: STAFF RECOMMENDATION**

As shown in the research provided by staff, using the caliper of the tree to calculate mitigation is widely used in municipalities across the country and locally. While the modified calculation will require additional contribution and/or planting from developers, the increase is reasonable and substantially below the one to one ratio requirement that is common in other local towns.

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

TBD

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

Attachments: Proposed Ordinance  
“Track Changes” Document  
Staff Memos  
Staff Research Spreadsheet.

**PART 8: STATEMENT OF CONSISTENCY FOR TA 15-04**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering TA 15-04, amending Article 7 of the Zoning Ordinance, <u>Town Staff recommends approval based on the reasons described in the staff report and finds the amendment is consistent</u> with the policies of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the ordinance because it will encourage the preservation of existing specimen trees, and allow equitable but reasonable mitigation measures for developments where trees cannot be preserved.</p>	<p><b>APPROVAL:</b> In considering TA 15-04, amending Article 7 of the Zoning Ordinance, <u>the Planning Board recommends approval based on the reasons described in the staff report and finds the amendment is consistent</u> with <i>(Insert applicable Policies and Actions here)</i> of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the ordinance because... <i>(Explain)</i>.</p>	<p><b>APPROVAL:</b> In considering TA 15-04, amending Article 7 of the Zoning Ordinance, <u>the Town Board recommends approval based on the reasons described in the staff report and finds the amendment is consistent</u> with <i>(Insert applicable Policies and Actions here)</i> of the Town of Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the ordinance because... <i>(Explain)</i>.</p>
<p>N/A</p>	<p><b>DENIAL:</b> In considering TA 15-04, amending Article 7 of the Zoning Ordinance, <u>the Planning Board finds the amendments are not consistent</u> with <i>(Insert applicable Policies and Actions here)</i> of the Town of Huntersville Community Plan. We recommend denial of amendment TA 14-05. It is not reasonable and not in the public interest to amend this ordinance because..... <i>(Explain)</i></p>	<p><b>DENIAL:</b> In considering TA 15-04, amending Article 7 of the Zoning Ordinance, <u>the Town Board finds the amendments are not consistent</u> with <i>(Insert applicable Policies and Actions here)</i> of the Town of Huntersville Community Plan. We recommend denial of amendment TA 14-05. It is not reasonable and not in the public interest to amend this ordinance because..... <i>(Explain)</i></p>

**Specimen Tree Mitigation Requirements for Carolina Communities**

<b>Town or City</b>	<b>Specimen Tree Mitigation</b>	<b>Specific Requirements</b>
Belmont	Caliper for Caliper	Heritage trees removed shall be replaced with tree(s) to equal the DBH of tree removed.
Cary	Caliper for Caliper	An equal amount of new vegetation ("inch for inch") shall be used to quantify the replacement of trees.
Chapel Hill	Preservation	No rare tree shall be removed. Financial penalty=1.5 times the monetary value of the tree removed (tree value = current formula of the council of tree and landscape appraisers).
Charlotte	Based on Caliper (DBH)	Replacement for trees removed in violation: DBH Removed: 8-14" = 1 Tree Reforested DBH Removed: 15-24" = 2 Trees Reforested DBH Removed: 25-34" = 3 Trees Reforested DBH Removed: 35+" = Case by Case
Cornelius	Caliper for Caliper	Replacement trees shall have a cumulative caliper equal to or greater than the original tree removed.
Davidson	Caliper for Caliper	Replacement trees shall have a cumulative caliper equal to or greater than the original tree removed.
Durham	No Specimen Tree Save	Preserved specimen trees earn more tree canopy credit.
Greensboro	Based on Caliper (DBH)	Replacement for trees removed in violation : DBH Removed: 4-11.9" = 4 caliper inches Reforested DBH Removed: 12-20.9" = 8 caliper inches Reforested DBH Removed: 21-28.9" = 12 caliper inches Reforested DBH Removed: 29-35.9" = 16 caliper inches Reforested DBH Removed: 36+ inches = 20 caliper inches Reforested (Replacements trees to be min. 2" caliper)
Jamestown	Based on Caliper (DBH)	Replacement for trees removed in violation : DBH Removed: 4-11.9" = 1 Tree Reforested DBH Removed: 12-20.9" = 2 Trees Reforested DBH Removed: 21-28.9" = 3 Trees Reforested DBH Removed: 29-35.9" = 4 Trees Reforested DBH Removed: 36+ inches = 5 Trees Reforested
Matthews	Caliper for Caliper	Replacement trees shall be either a single tree of equal caliper to the lost tree or multiple new trees each with a minimum of two inch caliper.
Mooresville	Mitigation	Healthy specimen trees removed shall be replaced with three replacement trees, measuring at least 2.5 inches in diameter.
Myrtle Beach	Cross Sectional Area (Basal Area)	Replacement trees will be at least 4" caliper trees whose total basal area equals the basal area of the tree removed.
Oak Ridge	Caliper for Caliper	Replacement trees shall be of a similar species with at least a 2.5 caliper and cumulative total caliper at least greater than the original tree.
Raleigh	Caliper for Caliper	Unlawfully disturbed trees shall be replaced with trees of equal caliper as measured 4.5 feet above ground.
Wake Forest	Based on Caliper (DBH)	Requirement for replacement of specimen tree: one 3" caliper tree per 8" of DBH, or any remainder thereof.
Wilmington	Mitigation Calculation, Includes Caliper	Number of replacement trees shall be determined by multiplying the total DBH of the removed significant trees by two (2) times the percentage for the type of tree in Table IV and dividing by three (3).

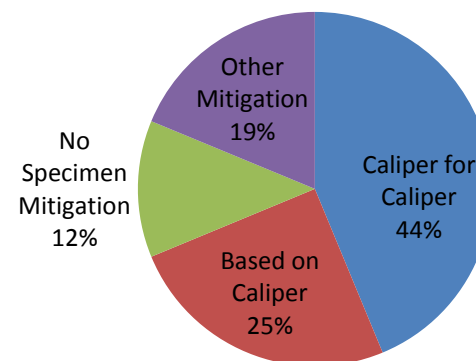
### Specimen Tree Mitigation Requirements for Outside Carolinas

Town or City	Specimen Tree Mitigation	Specific Requirements
Acworth, GA	Based on Caliper (DBH)	Must be replaced by species with comparable size and quality based on the unit value of the tree.
Bloomfield, MN	Caliper for Caliper	Replacements must equal 100% of the total DBH removed.
DeKalb County, GA	Based on Caliper (DBH)	Shall be replaced by one and five-tenths (1.5) times the required density of replacement trees (replacement density based on calipers removed).
Grapevine, TX	Caliper for Caliper	A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree removed.
Lake Forest, IL	Caliper for Caliper	Replacements shall in no case be less than an inch for inch replacement of tree removed.
Los Angeles, CA	Caliper for Caliper	The size and number of replacement trees shall approximate the value of the tree to be replaced.
Minnetonka, MN	Caliper for Caliper	Tree must be replaced at a rate of one inch for each inch in diameter removed.
Orinda, CA	Based on Caliper (DBH)	Replace with 2 15-gallon trees of same genus and species for each 6" of diameter removed.
San Marcos, TX	Caliper for Caliper	A tree that is removed shall be replaced caliper-for-caliper (a ratio of one-to-one).
Southlake, TX	Caliper for Caliper	Sufficient no. of trees to be planted to equal or exceed, measured in DBH, the diameter removed tree.
Veneta, OR	Based on Caliper (DBH)	Replacement trees = $1 + (A - Q)$ Where: A = Actual dbh of the tree in question. Q = Minimum dbh for this species to qualify as a heritage tree.
Waukegan, IL	Caliper for Caliper	Tree(s) shall equal, in total DBH inches, the DBH of the tree(s) removed.
Winterpark, FL	Based on Caliper (DBH)	Replacement of trees shall be based on a two-to-one (2:1) ratio of the cumulative DBH of the protected tree(s) removed.

#### Tree Agencies Contacted

- **International Society of Arborists** – Recommends appraisal of trees based on Cross Sectional Area
  - Not familiar with any towns or governments that have used it in land development requirements.
- **NC Urban Forestry Council** – No standard appraisal method – Familiar with the cross sectional area calculation provided by the Council of Tree and Landscape Appraisers (CTLA).
- **NC Forest Service** – No standard appraisal method – Familiar with the CTLA calculation but cautions use thereof.
  - Used in Green Bay, WI for street tree mitigation however not for land development mitigation.
  - Not familiar with any towns or governments that use the CTLA method in their ordinances.
- **NC Cooperative Extension Service** – No standard appraisal method – Familiar with the CTLA method.
  - Forwarded information from the Purdue University Cooperative Extension Service published by the CTLA.

#### **Specimen Mitigation: 15 Surveyed Carolina Communities**



**AN ORDINANCE TO AMEND ARTICLE 7.4 OF THE ZONING REGULATIONS OF THE TOWN OF  
HUNTERSVILLE FOR SPECIMEN TREE SAVE MITIGATION 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.*

## **7.4 Tree Preservation, Protection, and Removal**

### **.1 Purpose.**

Wooded sites provide distinct aesthetic, economic and environmental significance and value as a natural resource of the Town. Existing vegetation plays a critical role in maintaining aesthetics, water quality, minimizing erosion and downstream flooding, and increasing quality of life.

### **.2 Tree Preservation.**

#### **(a) Applicability.**

Significant forest stands, specimen trees, and heritage trees, as defined in this ordinance, shall be preserved. Forested areas and vegetated areas and areas whose physical site conditions render them unsuitable for development shall be set aside as conservation areas or as open space. Wooded sites shall be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, careful consideration shall be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees, specimen trees and heritage trees shall be protected as a valuable asset of the property.

#### **(b) Site Analysis/Existing Features Plan**

For the purposes of identification and preservation, a site analysis ~~sealed~~ by a North Carolina Landscape Architect, Engineer, or other professional approved by staff ~~and mapped by a licensed land surveyor~~ is required for all development ~~in residential or commercial zoning districts~~. The site analysis shall be submitted to planning staff prior to sketch plan review and prior to any clearing. The developer and/or the design firm shall review plans with ~~Town~~ staff to determine the best areas for potential tree save. Refer to Section 6.0 of the Subdivision Ordinance for all site analysis requirements.

(c) Method for Calculating ~~Tree~~Existing Tree Save and Proposed Tree Save Areas

~~Existing~~The tree save area shall be considered the area in which the drip line of ~~the existing tree~~ tree or trees is located on the property plus an additional 5 feet around the perimeter, ~~prior to development~~. Proposed tree save area shall be considered the area in which the drip line of the remaining tree or trees is located on the property plus an additional 5 feet around the perimeter after development. If root disturbance or construction activities occur within the drip line of any trees designated as protected tree save, only the area actually being protected will be included in the ~~calculated~~ proposed Tree Save Area.

~~A newly planted tree shall be equivalent to 2,000 square feet of saved area for each large maturing tree planted and 500 square feet of saved area for each small maturing tree planted. New trees shall be planted at a rate of 18 trees per acre.~~ Additional credits shall be given to preserve Heritage Trees at a rate of 2 times the actual tree save area and Specimen Trees at a rate of 1½ times the actual tree save area. Staff may adjust applicable land development standards to protect and preserve Heritage or Specimen Trees.

(d) Tree Selection Criteria

The ~~Landscape Architect~~development manager, working with staff will determine the trees of greatest priority to designate as tree save areas. The following characteristics shall be considered when selecting trees to be protected and saved:

(1) Tree vigor. Healthy trees shall be preserved. A tree of low vigor is susceptible to damage by environmental changes that occur during site development. Healthy trees are less susceptible to insects and disease. Indications of poor vigor include dead tips of branches, small annual twig growth, stunted leaf size, sparse foliage, and pale foliage color. Hollow or rotten trees; cracked, split, or leaning trees; or trees with broken tips also have less chance of survival.

(2) Tree age. Old, picturesque trees may be more aesthetically valuable than smaller, younger trees, but they may require more extensive protection.

(3) Tree species. Preserve those species that are most suitable for site conditions and landscape design. Trees species that are short lived or brittle or are susceptible to attack by insects and disease are poor choices for preservation.

(4) Tree aesthetics. Choose trees that are aesthetically pleasing, shapely, large, or colorful. Avoid trees that are leaning or in danger of falling. Occasionally, an odd shaped tree or one of unusual form may add interest to the landscape if strategically located; however, be certain that the tree is healthy.

(5) Wildlife benefits. Choose trees that are preferred by wildlife for food, cover, or nesting. A mixture of evergreens and hardwoods may be beneficial. Evergreen trees are important for cover during the winter months, whereas, hardwoods are more valuable for food.

(6) Environmental benefits. Choose trees that help to reduce runoff and erosion, disconnect impervious areas, serve as stormwater filters, and/or buffer onsite perennial streams.

#### (e) Tree Save Delineation

All trees save areas must be specified on the recorded plat, individual recorded deeds, and all property association documents for land held in common.

#### (f) Tree Preservation ~~in Residential Districts~~ Requirements

Tree preservation areas- (tree save) shall be determined once a site analysis plan has been completed demonstrating the amount of existing tree canopy on a site and identifying specific locations of all heritage and specimen trees. The percentages listed below are based on ~~the~~ existing tree ~~canopy-s~~ as established above under Method for Calculating Existing and Proposed Tree Save Area (7.4.2 C). The following is the minimum tree preservation required per district:



<b><u>Zoning District</u></b>	<b>Minimum Tree Preservation Required</b>			
	<b>Existing Canopy ≥10% of total site area</b>	<b>Existing Canopy &lt;10% of total site area</b>	<b>Heritage Trees</b>	<b>Specimen Trees</b>
<del>Rural District</del> <u>R</u>	50% of existing trees [ <del>notes</del> 2,3,4]	10% of total site area (existing and planted) [1,2,3, <u>4</u> ]	100% [2]	50% [2,4]
<del>Transitional District</del> <u>TR</u>	35% of existing trees [2,3]	10% of total site area (existing and planted) [1,2,3]	100% [2]	35% [2]
GR and NR Districts	10% of total site area (existing and planted) [2,3]	10% of total site area (existing and planted) [1,2,3]	100% [2]	10% [2]
<u>TC, CI, TND, NC, TOD, HC, SP, CB, VS Districts</u>	<u>0%</u>	<u>0%</u>	<u>100% [2]</u>	<u>30% [2]</u>

Notes 1-4 follow:

[1] If the tree save requirement does not meet 10% of the total site area, then additional trees must be planted. Each large maturing tree planted shall be given a canopy equivalent of 2,000 sqft and each small maturing tree planted a canopy equivalent of -shall be credited 500 sqft of canopy

~~at a rate of 18 trees per acre~~ to reach ~~thea~~ total of 10% of the total site area. Trees planted in buffer yards shall count towards meeting the required planting rate. ~~H~~However, street trees and newly planted residential lot trees shall not. Trees planted shall be a minimum of 2 inches in caliper and shall be 75% large maturing and 25% evergreen.

[2] Where circumstances prevent locating the required tree plantings or preservation standards on site and approval by the Planning Board is granted, the developer ~~may mitigate the protected tree canopy removal by will planting new trees on the site whose canopy equals that of the canopy to be removed (new tree canopy credits are described above).~~ If site conditions are not conducive for healthy tree replacement planting on site, the developer may contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. ~~A combination of planting and contribution in lieu of planting is acceptable. The amount of contribution is based on the total cost of the required mitigation trees plus that of their installation.~~

~~For Specimen Tree Mitigation, the developer may mitigate the removal of protected trees removal by planting new trees on the site whose total caliper (DBH) equals 30% of that of the total caliper of trees (DBH) to be removed above the ordinance requirement (one to one replacement ratio).~~ If site conditions are not conducive for healthy tree planting on site, the developer may contribute to a Tree Fund/Bank as described above. ~~Newly planted street trees and parking lot trees may do not count toward the mitigation calculation. T~~rees planted to satisfy buffer requirements however may. ~~The amount of the contribution shall be based on the number and species of trees needed to meet the tree save/planting requirement and on the commercial price and installation cost for such trees.~~

[3] When calculating the tree save area, 150% of the canopy area of each specimen tree and 200% of the canopy area of each heritage tree shall count towards the required tree save area. For example:

<u>SavedType</u> <u>and</u> <u>Number of</u> <u>Trees</u>	<u>Canopy</u> <u>Area of</u> <u>Saved</u> <u>TreesTotal</u> <u>Amount of</u> <u>Canopy</u> <u>Area</u>	<u>CalculatedAmount</u> <u>Counted Toward</u> <u>Tree Save Area</u>
4 Specimen Trees	3,900 sf	5,850 sf

<u>SavedType</u> <u>and</u> <u>Number of</u> <u>Trees</u>	<u>Canopy</u> <u>Area of</u> <u>Saved</u> <u>TreesTotal</u> <u>Amount of</u> <u>Canopy</u> <u>Area</u>	<u>CalculatedAmount</u> <u>Counted Toward</u> <u>Tree Save Area</u>
2 Heritage Trees	2,000 sf	4,000 sf

[4] In the Rural district (R) mMinimum tree savepreservation required for non-residential uses in the Rural district, are reduced the tree save requirements are reduced to require preservation of >30% of existing canopy and specimen trees.

(g) Tree Preservation in Commercial and Mixed Use Districts

(1) Tree preservation is determined once a site analysis plan has been completed demonstrating the amount of existing tree canopy on a site and specific locations of all heritage and specimen trees. The percentages listed below are based on the existing tree canopy as established in section 7.3.2(c). The following is the minimum tree preservation required for all development in these districts:

a) 30% of all specimen trees shall be saved (See Special Cases below)

b) 100% of all heritage trees shall be saved (See Special Cases below)

(2) Special Cases

Where circumstances prevent locating the required tree plantings or preservation standards on site and approval by the Planning Board is granted, the developer will contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. The amount of the contribution shall be based on the number and species of trees needed to meet the tree save/planting requirement and on the commercial price and installation cost for such trees.

(gh) Residential Development along Thoroughfares

All residential development fronting a major or minor thoroughfare shall provide a 20-foot landscape easement located within common area between the future right-of-way and any proposed lots or public streets.

The easement shall be placed on a map of record and a note on the record plat shall state

"The homeowners association shall be responsible for the continued preservation and maintenance of this area."

All existing vegetation shall remain unless it is determined by the Planning Board that the vegetation is not worthy of preservation and an alternative plan is acceptable. These areas must meet or exceed the opaque screening standards as established in this Article through the use of existing vegetation and supplemental plantings.

Along thoroughfares, berms may be installed in a landscape easement adjacent to residential development only in areas devoid of existing vegetation or vegetation not worthy of preservation **and only** with the approval of the Planning Board. Installation of berms shall not exempt development from the opaque planting requirement as listed above. If included in the landscape design, berms shall:

- (1) Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
- (2) Be designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
- (3) Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
- (4) Be fully installed, planted and stabilized prior to certification of zoning compliance.
- (5) Be designed to prevent standing water or to impede the

flow of stormwater from adjacent properties.

(6) Free of structures, including fences, unless approved by the Town as part of the landscaping requirements for a development site.

(7) Not be used as part of any outdoor living space by adjacent property owners within the development-.

### .3 Tree Protection

#### (a) Applicability

A Tree and Root Preservation Plan delineating areas of tree save shall be incorporated as part of the Landscaping, Grading, and Erosion Control Plans. The following measures shall be followed to protect existing trees on a developing site.

(1) Prior to demolition, clearing, construction, grading, and installation of erosion control measures, tree protective barriers must be installed around all tree save areas by the developer and approved by the Town.

(2) The tree protection barrier fence shall be located along the perimeter of the tree save area (drip line plus 5 feet). Tree protection barrier fencing for a forest canopy stands area is to be located along the perimeter of the tree save area around the forest edge. Tree protection barriers fencing shall consist of orange safety fencing or a combination of orange safety fencing with silt fencing at a minimum of 4 feet in height on metal or wood posts.

(3) All tree protection areas must be designated as such with prominent "tree save area signs" posted in addition to the required protective fencing. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.

(4) No soil disturbance or compaction, stock piling of soil or other construction material, vehicular traffic, or storage of equipment and materials are allowed within the tree save area.

(5) No ropes, signs, wires, unprotected electrical installation or other device or material, shall be secured or fastened around or through a tree or shrub in a tree save area.

(6) All appropriate protective measures shall be maintained throughout

the land disturbing and construction process, and shall not be removed until final landscaping is installed.

(b) Encroachment

If encroachment into a required Tree Save/Preservation Area occurs which causes irreparable damage to ~~the~~ trees, the Tree Preservation and/or Replacement Plan shall be revised to compensate for the loss.

Encroachments shall be subject to the penalties listed in Article 7.9.

Encroachments, damage and removal of vegetation in a tree save/preservation area shall ~~result in be replanting~~ in accordance with Article 7.4.5

.4 Tree Removal

~~A~~ Land Disturbing Permit ~~is r~~Required. Land disturbing activities shall not commence until such activities have been authorized by issuance of a valid Land Disturbing Permit as specified under the provisions of the Land Development Standards Manual and Erosion and Sedimentation Control Manual.

.5 Mitigation

If a required tree save/preservation area or required undisturbed buffer yard is disturbed for any reason, it shall be restored at a rate of 10 trees per 1000 square feet. Trees to be planted shall have a minimum caliper of 2 inches, shall be 8-10 feet in height at installation, and shall be at least 75% large maturing ~~hardwood~~ varieties. Where a disturbed area also functioned to buffer adjacent properties or public street(s), at least 50% of the trees shall be evergreen varieties. Trees shall be distributed throughout the disturbed area in such a way as to effectively replace the vegetation disturbed. Where under story vegetation is removed or disturbed it shall be replaced at a rate of 40 shrubs per ~~100 linear feet~~ 1000 square feet. Shrubs shall be evergreen and 3 feet in height when installed and are expected to reach a minimum height of 6 feet at maturity. When a tree is destroyed due to an act of God, it shall be replaced with the same species or comparable species, 2 inch in caliper in size. A planting plan is required for staff review and approval prior to ~~commencement of~~ planting.

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

PUBLIC HEARING DATE: July 20, 2015

PLANNING BOARD MEETING: July 28, 2015

PLANNING BOARD RECOMMENDATION: TBD

TOWN BOARD DECISION: TBD



## 7.4 Tree Preservation, Protection, and Removal

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### .1 Purpose.

Wooded sites provide distinct aesthetic, economic and environmental significance and value as a natural resource of the Town. Existing vegetation plays a critical role in maintaining aesthetics, water quality, minimizing erosion and downstream flooding, and increasing quality of life.

### .2 Tree Preservation.

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#### (a) Applicability.

Significant forest stands, specimen trees, and heritage trees, as defined in this ordinance, shall be preserved. Forested areas and vegetated areas and areas whose physical site conditions render them unsuitable for development shall be set aside as conservation areas or as open space. Wooded sites shall be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, careful consideration shall be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees, specimen trees and heritage trees shall be protected as a valuable asset of the property.

#### (b) Site Analysis/Existing Features Plan

For the purposes of identification and preservation, a site analysis sealed by a North Carolina Landscape Architect, Engineer, or other professional approved by staff and mapped by a licensed land surveyor is required for all development in residential or commercial zoning districts. The site analysis shall be submitted to planning staff prior to sketch plan review and prior to any clearing. The developer and/or the design firm shall review plans with ~~Town~~ staff to determine the best areas for potential tree save. Refer to Section 6.0 of the Subdivision Ordinance for all site analysis requirements.

**Comment [BP1]:** Staff feels like this requirement needs to be made more flexible. Many projects have engineers not architects working on a project. In addition, depending on the size and complexity of the site, it may not be necessary to have an engineer or architect map out the existing trees of the site. For instance sometimes town staff has been known to assist in mapping the trees for small projects.

#### (c) Method for Calculating ~~Free~~Existing Tree Save and Proposed Tree Save Areas

~~Existing~~The ~~tree save~~tree save area shall be considered the area in which the drip line of ~~the existing tree saved~~ tree or trees is located ~~on the property~~ plus an additional 5 feet around the perimeter, ~~prior to development~~. Proposed tree save area shall be considered the area in



which the drip line of the remaining tree or trees is located on the property plus an additional 5 feet around the perimeter after development. If root disturbance or construction activities occur within the drip line of any trees designated as protected tree save, only the area actually being protected will be included in the calculated-proposed Tree Save Area.

**Comment [b2]:** This section was added and amended to clarify the intent of subsection "c"; to highlight how to find what areas need to be protected on the property versus what area is actually protected on the property.

~~A newly planted tree shall be equivalent to 2,000 square feet of saved area for each large maturing tree planted and 500 square feet of saved area for each small maturing tree planted. New trees shall be planted at a rate of 18 trees per acre.~~ Additional credits shall be given to preserve Heritage Trees at a rate of 2 times the actual tree save area and Specimen Trees at a rate of 1½ times the actual tree save area. Staff may adjust applicable land development standards to protect and preserve Heritage or Specimen Trees.

**Comment [b3]:** Staff deleted the calculation above out of this section as it didn't seem related to the section (Method for Calculating Tree Save Area). Rather than being about defining tree save area, the deleted information seemed to be more about mitigation and what credit is received for plantings. This information was relocated below where mitigation is addressed.

#### (d) Tree Selection Criteria

The ~~Landscape Architect~~development manager, working with staff will determine the trees of greatest priority to designate as tree save areas. The following characteristics shall be considered when selecting trees to be protected and saved:

- (1) Tree vigor. Healthy trees shall be preserved. A tree of low vigor is susceptible to damage by environmental changes that occur during site development. Healthy trees are less susceptible to insects and disease. Indications of poor vigor include dead tips of branches, small annual twig growth, stunted leaf size, sparse foliage, and pale foliage color. Hollow or rotten trees; cracked, split, or leaning trees; or trees with broken tips also have less chance of survival.
- (2) Tree age. Old, picturesque trees may be more aesthetically valuable than smaller, younger trees, but they may require more extensive protection.
- (3) Tree species. Preserve those species that are most suitable for site conditions and landscape design. Trees species that are short lived or brittle or are susceptible to attack by insects and disease are poor choices for preservation.
- (4) Tree aesthetics. Choose trees that are aesthetically pleasing, shapely, large, or colorful. Avoid trees that are leaning or in danger of falling. Occasionally, an odd shaped tree or one of unusual form

may add interest to the landscape if strategically located; however, be certain that the tree is healthy.

(5) Wildlife benefits. Choose trees that are preferred by wildlife for food, cover, or nesting. A mixture of evergreens and hardwoods may be beneficial. Evergreen trees are important for cover during the winter months, whereas, hardwoods are more valuable for food.

(6) Environmental benefits. Choose trees that help to reduce runoff and erosion, disconnect impervious areas, serve as stormwater filters, and/or buffer onsite perennial streams.

#### (e) Tree Save Delineation

All tree save areas must be specified on the recorded plat, individual recorded deeds, and all property association documents for land held in common.

#### (f) Tree Preservation ~~in Residential Districts~~ Requirements

**Comment [b4]:** This section is proposed to be used for both residential districts and commercial.

Tree preservation areas- (tree save) shall be determined once a site analysis plan has been completed demonstrating the amount of existing tree canopy on a site and identifying specific locations of all heritage and specimen trees. The percentages listed below are based on ~~the~~ existing tree ~~canopy-s~~ as established above under Method for Calculating Existing and Proposed Tree Save Area (7.4.2 C). The following is the minimum tree preservation required per district:

<u>Zoning District</u>	Minimum Tree Preservation Required			
	Existing Canopy ≥10% of total site area	Existing Canopy <10% of total site area	Heritage Trees	Specimen Trees
<u>Rural District R</u>	50% of existing trees [notes 2,3,4]	10% of total site area (existing and planted) [1,2,3,4]	100% [2]	50% [2,4]
<u>Transitional District TR</u>	35% of existing trees [2,3]	10% of total site area (existing and planted) [1,2,3]	100% [2]	35% [2]
GR and NR Districts	10% of total site area (existing and planted) [2,3]	10% of total site area (existing and planted) [1,2,3]	100% [2]	10% [2]
<u>TC, CI, TND, NC, TOD, HC, SP, CB, VS Districts</u>	<u>0%</u>	<u>0%</u>	<u>100% [2]</u>	<u>30% [2]</u>

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**Comment [b5]:** The requirements for residential and commercial previously were separated creating duplication in the mitigation language (one for residential and describing it again for commercial). Keeping the requirements all together in the table and referencing one section for mitigation eliminates duplication.

Notes 1-4 follow:

[1] If the tree save requirement does not meet 10% of the total site area, then additional trees must be planted. Each large maturing tree planted shall be given a canopy equivalent of 2,000 sqft and each small maturing tree planted a canopy equivalent of 500 sqft of canopy

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at a rate of 18 trees per acre to reach ~~thea~~ total of 10% of the total site area. Trees planted in buffer yards shall count towards meeting the required planting rate. ~~However~~, street trees and newly planted residential lot trees shall not. Trees planted shall be a minimum of 2 inches in caliper and shall be 75% large maturing and 25% evergreen.

**Comment [b6]:** The same canopy calculation that was previously located in the "Method for Calculating Tree Save Area" section was moved here where mitigation is being discussed.

[2] Where circumstances prevent locating the required tree plantings or preservation standards on site and approval by the Planning Board is granted, the developer may mitigate the protected tree canopy removal by planting new trees on the site whose canopy equals that of the canopy to be removed (new tree canopy credits are described above). If site conditions are not conducive for healthy tree replacement planting on site, the developer may contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. A combination of planting and contribution in lieu of planting is acceptable. The amount of contribution is based on the total cost of the required mitigation trees plus that of their installation.

**Comment [b7]:** This canopy tree save requirement has not changed from how it is currently interpreted and enforced. It is simply reworded and clarified.

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For Specimen Tree Mitigation, the developer may mitigate the ~~removal of~~ protected trees ~~removal~~ by planting new trees on the site whose total caliper (DBH) equals 30% of ~~that of~~ the total caliper of trees (DBH) to be removed above the ordinance requirement ~~(one-to-one replacement ratio)~~. If site conditions are not conducive for healthy tree planting on site, the developer may contribute to a Tree Fund/Bank as described above. Newly planted street trees and parking lot trees ~~may do not count~~ toward the mitigation calculation. ~~Trees planted to satisfy buffer requirements however may. The amount of the contribution shall be based on the number and species of trees needed to meet the tree save/planting requirement and on the commercial price and installation cost for such trees.~~

**Comment [b8]:** This mitigation requirement is new. The existing language allowed the developer to simply replace a large specimen tree with a single 2" caliper new tree.

This language change would require a developer to replace 30% of the caliper he removes above the ordinance requirements. For instance if they removed one 24 inch tree required to be saved, they would need to mitigate 7.2 calipers (30% of 24 = 7.2); or 4-2" caliper trees. Therefore based on the estimation of \$250 of cost to install one 2" caliper tree, mitigation for one 24 inch specimen tree is about \$1,000 each. Bigger trees would be more.

[3] When calculating the tree save area, 150% of the canopy area of each specimen tree and 200% of the canopy area of each heritage tree shall count towards the required tree save area. For example:

<u>Saved Type and Number of Trees</u>	<u>Canopy Area of Saved Trees Total Amount of Canopy Area</u>	<u>Calculated Amount Counted Toward Tree Save Area</u>
4 Specimen Trees	3,900 sf	5,850 sf

<u>Saved Type and Number of Trees</u>	<u>Canopy Area of Saved Trees Total Amount of Canopy Area</u>	<u>Calculated Amount Counted Toward Tree Save Area</u>
2 Heritage Trees	2,000 sf	4,000 sf

[4] ~~In the Rural district (R) minimum tree save~~ preservation required for non-residential uses ~~in the Rural district, are reduced the tree save requirements are reduced~~ to require preservation of >30% of existing canopy and specimen trees.

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~~(g) Tree Preservation in Commercial and Mixed Use Districts~~

~~(1) Tree preservation is determined once a site analysis plan has been completed demonstrating the amount of existing tree canopy on a site and specific locations of all heritage and specimen trees. The percentages listed below are based on the existing tree canopy as established in section 7.3.2(c). The following is the minimum tree preservation required for all development in these districts:~~

~~a) 30% of all specimen trees shall be saved (See Special Cases below)~~

~~b) 100% of all heritage trees shall be saved (See Special Cases below)~~

~~(2) Special Cases~~

~~Where circumstances prevent locating the required tree plantings or preservation standards on site and approval by the Planning Board is granted, the developer will contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. The amount of the contribution shall be based on the number and species of trees needed to meet the tree save/planting requirement and on the commercial price and installation cost for such trees.~~

~~(h) Residential Development along Thoroughfares~~

All residential development fronting a major or minor thoroughfare shall provide a 20-foot landscape easement located within common area between the future right-of-way and any proposed lots or public streets. The easement shall be placed on a map of record and a note on the

**Comment [b9]:** When the commercial requirements were placed in the table and its mitigation was added to the footnotes, all this information became repetitive and thus deleted.

record plat shall state

"The homeowners association shall be responsible for the continued preservation and maintenance of this area."

All existing vegetation shall remain unless it is determined by the Planning Board that the vegetation is not worthy of preservation and an alternative plan is acceptable. These areas must meet or exceed the opaque screening standards as established in this Article through the use of existing vegetation and supplemental plantings.

Along thoroughfares, berms may be installed in a landscape easement adjacent to residential development only in areas devoid of existing vegetation or vegetation not worthy of preservation and only with the approval of the Planning Board. Installation of berms shall not exempt development from the opaque planting requirement as listed above. If included in the landscape design, berms shall:

- (1) Have a minimum height of 2 feet, a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 3 to 1 (3:1) if 4 feet or less in height. Berms shall not exceed 6 feet in height and, if greater than 4 feet in height, shall have a minimum crown width of 8 feet, and a side slope with a width to height ratio of no greater than 4 to 1 (4:1). Exceptions may be made to the maximum or minimum height of berms by the zoning administrator where, in his opinion, topographical changes dictate such exception.
- (2) Be designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.
- (3) Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade, unless irrigation is provided.
- (4) Be fully installed, planted and stabilized prior to certification of zoning compliance.
- (5) Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

(6) Free of structures, including fences, unless approved by the Town as part of the landscaping requirements for a development site.

(7) Not be used as part of any outdoor living space by adjacent property owners within the development.

### 3 Tree Protection

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#### (a) Applicability

A Tree and Root Preservation Plan delineating areas of tree save shall be incorporated as part of the Landscaping, Grading, and Erosion Control Plans. The following measures shall be followed to protect existing trees on a developing site.

(1) Prior to demolition, clearing, construction, grading, and installation of erosion control measures, tree protective barriers must be installed around all tree save areas by the developer and approved by the Town.

(2) The tree protection barrier fence shall be located along the perimeter of the tree save area (drip line plus 5 feet). Tree protection barrier fencing for a forest canopy stands area is to be located along the perimeter of the tree save area around the forest edge. Tree protection barriers fencing shall consist of orange safety fencing or a combination of orange safety fencing with silt fencing at a minimum of 4 feet in height on metal or wood posts.

(3) All tree protection areas must be designated as such with prominent "tree save area signs" posted in addition to the required protective fencing. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.

(4) No soil disturbance or compaction, stock piling of soil or other construction material, vehicular traffic, or storage of equipment and materials are allowed within the tree save area.

(5) No ropes, signs, wires, unprotected electrical installation or other device or material, shall be secured or fastened around or through a tree or shrub in a tree save area.

(6) All appropriate protective measures shall be maintained throughout the land disturbing and construction process, and shall not be removed until final landscaping is installed.

#### (b) Encroachment

If encroachment into a required Tree Save/Preservation Area occurs which causes irreparable damage to ~~the~~ trees, the Tree Preservation and/or Replacement Plan shall be revised to compensate for the loss.

Encroachments shall be subject to the penalties listed in Article 7.9.

Encroachments, damage and removal of vegetation in a tree save/preservation area shall ~~result in be~~ replant~~ing~~ in accordance with Article 7.4.5

#### .4 Tree Removal

~~A~~ Land Disturbing Permit ~~is r~~Required. Land disturbing activities shall not commence until such activities have been authorized by issuance of a valid Land Disturbing Permit as specified under the provisions of the Land Development Standards Manual and Erosion and Sedimentation Control Manual.

#### .5 Mitigation

If a required tree save/preservation area or required undisturbed buffer yard is disturbed for any reason, it shall be restored at a rate of 10 trees per 1000 square feet. Trees to be planted shall have a minimum caliper of 2 inches, shall be 8-10 feet in height at installation, and shall be at least 75% large maturing ~~hardwood~~ varieties. Where a disturbed area also functioned to buffer adjacent properties or public street(s), at least 50% of the trees shall be evergreen varieties. Trees shall be distributed throughout the disturbed area in such a way as to effectively replace the vegetation disturbed. Where under story vegetation is removed or disturbed it shall be replaced at a rate of 40 shrubs per ~~100 linear feet~~1000 square feet. Shrubs shall be evergreen and 3 feet in height when installed and are expected to reach a minimum height of 6 feet at maturity. When a tree is destroyed due to an act of God, it shall be replaced with the same species or comparable species, 2 inch in caliper in size. A planting plan is required for staff review and approval prior to ~~commencement of~~ planting.



**date** 6/20/12  
**to** Board of Commissioners  
**from** Jack Simoneau, Planning Director  
**re** Tree Mitigation Ordinance

The Planning Board has asked staff to get feedback from the Town Board on your interest in amending the Tree Save Requirements of the Zoning Ordinance. Since 2003 the code requires a certain percentage of large trees and tree canopy be saved in new development. When it is not feasible or practical to save such trees, the ordinance allows the developer to “mitigate” the loss of the required trees with the approval of the Planning Board by putting money in a tree fund or planting elsewhere in the community.

The ordinance mitigation value is a **“tree for tree”** ratio; meaning if you remove one required 30 inch specimen Oak tree then only one newly planted 2” tree needs to be installed or paid for in its place. The Planning Board has conveyed their concern to staff that the current mitigation requirement does not reflect the value of removed large trees and does little to encourage applicants to design their developments around existing specimen trees to the greatest extent possible. In researching mitigation techniques used by other communities for the Planning Board, it was found that several communities use a **“caliper to caliper”** ratio; meaning if you remove one required 30 inch specimen then fifteen newly planted 2” trees need to be installed or paid for in its place.

As was stated above, the Planning Board wanted to gauge your interest in pursuing a text amendment that would alter the mitigation requirements prior to bringing this matter to the Town Board. Therefore, if you have any thoughts or concerns or would like a work session with the Planning Board, please contact me at your convenience.

Thank you

**Planning**

Post Office Box • 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**  
**8/3/2015**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Meredith Miller, Planner I  
**Subject:** CODE 15-01, Update to Floodplain Ordinance

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CODE 15-01 is a request by the Town of Huntersville to amend the Code of Ordinances Chapter 151: Flood Damage Prevention, for consistency with Federal Emergency Management Agency (FEMA) regulations.

**ACTION RECOMMENDED:**

Hold a public hearing on 8/3/15.

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

Description		Type
	Staff Report	Staff Report
	Exhibit 1	Exhibit

## **CODE 15-01 Update to Floodplain Ordinance**

### **PART 1: DESCRIPTION**

Code of Ordinance amendment CODE 15-01 is a request by the Town of Huntersville to amend Code of Ordinance Chapter 151: Flood Damage Prevention making clerical adjustments for consistency with Federal Emergency Management Agency (FEMA) regulations.

The Town of Huntersville requests a Code of Ordinances amendment to change the existing floodplain regulations within Chapter 151: Flood Damage Prevention. The changes fall into one of the following categories:

- Updating definitions
- Updating FEMA Form numbers
- Adjusting the Floodplain Administrator
- Adjusting State Agency names
- Changing reference dates

### **PART 2: BACKGROUND**

In September 2015, The Federal Emergency Management Agency (FEMA) will update floodplain maps in Mecklenburg County as part of a revision to the Flood Insurance Rate Maps (FIRMS). The FIRMS show property most susceptible to flooding and are used by FEMA and homeowners for flood insurance purposes. The revised FIRMS become effective on September 2, 2015. These amendments are required in order for Mecklenburg County to remain a participating community in the National Flood Insurance Program (NFIP). Participation in NFIP makes FEMA flood insurance and federal disasters assistance available for property owners.

The proposed amendments are include in Exhibit A.

### **PART 3: Staff Recommendation**

The Town Attorney, and Mecklenburg County Storm Water Services have reviewed the proposed Ordinance, and staff recommends that Chapter 151 be amended to be compliant with FEMA revisions to the Flood Insurance Rate Maps. This action is required in order for Mecklenburg County to remain a participate community in the National Flood Insurance Program.

### **Part 4: Attachments**

Exhibit A: Proposed Amendments

*Repetitive Loss* means flood-related damages sustained by a structure on two (2) separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the Market Value of the structure before the damage occurred.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Salvage Yard* means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

*Solid Waste Disposal Facility* means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

*Solid Waste Disposal Site* means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

*Special Flood Hazard Area* means the FEMA Special Flood Hazard Area. See definition above.

*Start of Construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as pouring a slab or footing, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not parts of the main structure. For Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

*Structure* means for floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, that are principally above ground.

*Substantial Damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to the condition before damage occurred would equal or exceed 50 percent of the market value of the structure before the damages occurred. *Substantial Damage* also means flood-related damages sustained by a structure on two separate occasions during a 10 year period ~~beginning after October 11, 1999,~~ for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. See definition of "Substantial Improvement."

*Substantial Improvement* means any repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, or combination thereof, where the total cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the



improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or Community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Substantial Improvement* also means any repair, reconstruction, or improvement to a structure on two separate occasions during a 10 year period ~~beginning after October 11, 1999~~, for which the total cost of repairs, reconstruction or improvement at the time of each alteration, equals or exceeds 25 percent of the market value of the structure before the damage occurred or the Substantial Improvement began. The Floodplain Administrator may determine if separate actions constitute a single project (Section 29 (13)). For the purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

*Technically Measurable* means an activity and/or condition that can be modeled within the stated or commonly known accuracy of the FEMA approved hydraulic models or other engineering computations, and may have an impact on Base Flood Elevations. The Floodplain Administrator will determine if a proposed activity and/or condition meets the Technically Measurable definition.

*Variance* is a grant of relief to a person from the requirements of this ordinance.

*Violation* means the failure of a structure or other Development to be fully compliant with this ordinance. A structure or other Development without the elevation certificate, other certifications or other evidence of compliance required in Articles III and V is presumed to be in violation, until such time as the documentation is provided.

*Water Surface Elevation (WSE)* means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

*Watercourse* means a lake, river, creek, stream, channel or other topographic feature within a Special Flood Hazard Area on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

## ARTICLE II. GENERAL PROVISIONS

### Section. 7 Lands to which this ordinance applies.

This ordinance shall apply to all lands in the land use jurisdiction of the Town of Huntersville within the area shown on the Flood Insurance Rate Maps (FIRM) or any FEMA and/or locally approved revisions to data shown on the FIRMs, as being located within the Community Special

Flood Hazard Areas or land adjacent to the Community Special Flood Hazard Areas if it is affected by the work that is taking place.

#### **Section. 8 Basis for establishing the Special Flood Hazard Areas**

The Flood Insurance Rate Maps (FIRM), FEMA and/or locally approved revisions to data shown on the FIRMs, Flood Insurance Study and other supporting data, for Mecklenburg County including the Town of Huntersville, dated ~~March 2, 2009~~September 2, 2015, are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Mecklenburg County Unincorporated Area, dated June 1, 1981.

#### **Section. 9 Floodplain Development Permit required.**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any Development activities. The *Technical Guidance Document* may be used for illustrative purposes to assist in determining the applicable type of Floodplain Development Permit required.

#### **Section. 10 Compliance.**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

#### **Section. 11 Abrogation and greater restrictions.**

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of laws or ordinances or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that, where this ordinance imposes a greater restriction upon the use of buildings or premises or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of laws or ordinances, or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this ordinance shall control.

#### **Section. 12 Interpretation.**

In the interpretation and applications of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed to meet the purposes and objectives of this regulation as stated in Sections 4 and 5; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.



**Section. 13 Warning and disclaimer of liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Huntersville, Mecklenburg County, or on any agent, officer or employee thereof for any flood damages that result from reliance on this ordinance or by any administrative decision lawfully made hereunder.

**Section. 14 Penalties for violation.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of Floodplain Development Permits, Variances or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Huntersville or the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to seeking injunctive relief, orders of abatement, or other similar equitable relief.

## **ARTICLE III. ADMINISTRATION AND ENFORCEMENT**

**Section. 15 Designation of Floodplain Administrator.**

The Town ~~Manager~~ designates the Planning Director~~County Floodplain Administrator, and or~~ his or her designees as the Floodplain Administrator and the County Floodplain Administrator or his or her designated agent, as the persons with the authority to administer, implement and enforce the provisions of this ordinance through a properly executed, legally binding interlocal agreement.

**Section. 16 Floodplain Development Permits and certification requirements.**

(A) A Floodplain Development Permit is required for any Development within the Community Special Flood Hazard Area (CSFHA) and is subject to the conditions below. The

### 3. Certification Requirements.

- a. A Final As-Built Elevation Certificate (*FEMA Form ~~81-31086-0-33~~*) (for either residential or non-residential buildings) or Floodproofing Certificate (*FEMA Form ~~81-65086-0-34~~*) is required after construction is completed and prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy.
- b. For proposed Development to be located outside of the Community Encroachment Area and the FEMA Floodway, a certification from a registered land surveyor or professional engineer that states that no fill material or other development was placed within the FEMA Floodway or Community Encroachment Area of any watercourse, will be required prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy.
- c. For proposed Development within the Community Encroachment Area or the FEMA Floodway, an as-built topographic map prepared by a registered land surveyor or professional engineer will be required prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy. This is in addition to a no-rise/no-impact study or CLOMR that may be required as specified in Section 30 (A)(6) may be required
- d. If a manufactured home is placed within the Floodplain and the elevation of the chassis is 36 inches or higher above adjacent grade, an engineered foundation certification is required.
- e. Certification Exemptions. The following structures, if located within the Floodplain, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:
  - i. Recreational Vehicles meeting requirements of Section 30 (A)(9);
  - ii. Temporary Structures meeting requirements of Section 30 (A) 10); and
  - iii. Accessory Structures less than 150 square feet meeting requirements of Section 30 (A)(11).



- f. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

#### **4. Permit Application Requirements**

- a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
- (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  - (ii) the location of the Community Flood Fringe Line, Community Encroachment Line, FEMA Flood Fringe Line and FEMA Floodway Line as shown on the FIRM or other flood map, or a statement that the entire lot is within the Special Flood Hazard Area;
  - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map ;
  - (iv) the FEMA Base Flood Elevation (BFE) and Community Base Flood Elevation (CBFE)
  - (v) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
  - (vi) the certification of the plot plan by a registered land surveyor or professional engineer.
- b. Proposed elevation, and method thereof, of all development within a Community Special Flood Hazard Area including but not limited to:
- (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
  - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, will be floodproofed; and
  - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- c. If floodproofing, a Floodproofing Certificate (FEMA Form ~~81-65086-0-34~~) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, inspection and maintenance of floodproofing measures.

- (g) The flood openings requirements per Section 30 (A) (4)

**Section. 17 Duties and responsibilities of the Floodplain Administrator.**

The Floodplain Administrator is authorized to and shall perform, but not be limited to, the following duties:

1. Reviewing, approving, and issuing all Floodplain Development Permits in a timely manner to assure that the permit requirements of this ordinance have been satisfied.
2. Reviewing, approving and issuing all documents applicable to Letters of Map Change.
3. Advising the permittee that additional federal or state permits may be required; and if specific federal or state permits are known, requiring that copies of such permits be provided and maintained on file with the Floodplain Development Permit.
4. Notifying adjacent communities and the North Carolina Department of ~~Crime Control~~ and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submitting evidence of such notification to the Federal Emergency Management Agency.
5. Assuring that within available resources, maintenance is provided within the altered or relocated portion of any altered Watercourse so that the flood-carrying capacity is maintained.
6. Not issuing a Floodplain Development Permit for Encroachments within the Community Encroachment Area and/or the FEMA Floodway unless the certification and flood hazard reduction provisions of Article V are met.
7. Reviewing and recording the actual elevation (in relation to mean sea level) of the Reference Level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 16 (B) (3).
8. Reviewing and recording the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed, in accordance with Section 16 (B) (3).
9. Obtaining certifications from a registered professional engineer or architect in accordance with Section 30 (A) (2) when floodproofing is utilized for a particular non-residential structure.
10. Making the interpretation of the exact location of boundaries within the FEMA Special Flood Hazard Area or the Community Special Flood Hazard Area when, for example, there appears to be conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance. Procedures for



Board of Adjustment for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following criteria are met:

1. The use serves a critical need in the community.
2. No feasible location exists for the use outside the Special Flood Hazard Areas.
3. The Reference Level of any structure is elevated above the Community Base Flood Elevation or is designed and sealed by a Professional Engineer or a Registered Architect to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
4. There will be no storage of materials or tanks which could flood within the Special Flood Hazard Area unless they are contained in a structure as defined in 3. above.
5. The use complies with all other applicable laws and regulations.
6. The Town of Huntersville has notified the Secretary of the North Carolina Department of ~~Crime Control and~~ Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the Variance.

#### **Section 27 Notification and Recordkeeping.**

- (A) Any applicant to whom a Variance from the FEMA Base Flood Elevation is granted shall be given written notice specifying the difference between the FEMA Base Flood Elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor elevation. Such notification shall be maintained with a record of all Variance actions.
- (B) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances regarding FEMA minimum standards to the Federal Emergency Management Agency and the State of North Carolina upon request.

#### **Section 28 Appeal from Board of Adjustment.**

- (A) Any person aggrieved by the final decision of the Board of Adjustment to grant or deny a Floodplain Development Permit shall have 30 days to file an appeal to Mecklenburg County Superior Court, as provided in N.C.G.S. 143-215.57 (c).
- (B) Any party aggrieved by the decision of the Board of Adjustment related to any other order, decision, determination or interpretation of these regulations, including the granting or denial of a Variance, shall have 30 days from the receipt of the Board's decision to file a petition for review in the nature of *certiorari* in Mecklenburg County Superior Court.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**8/3/2015**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Brad Priest, Senior Planner  
**Subject:** R15-01 Ernie Lee's Woodcutting

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**Rezoning:** R15-01 is a rezoning request by Ernie and Roberta Lee to rezone .53 acres at 15412 Old Statesville Road from Highway Commercial (HC) to Special Purpose-Conditional District (SP-CD) allowing most SP uses, including a wood cutting operation.

**ACTION RECOMMENDED:**

Review the application and consider taking final action at the August 3, 2015 Town Board meeting.

**FINANCIAL IMPLICATIONS:**

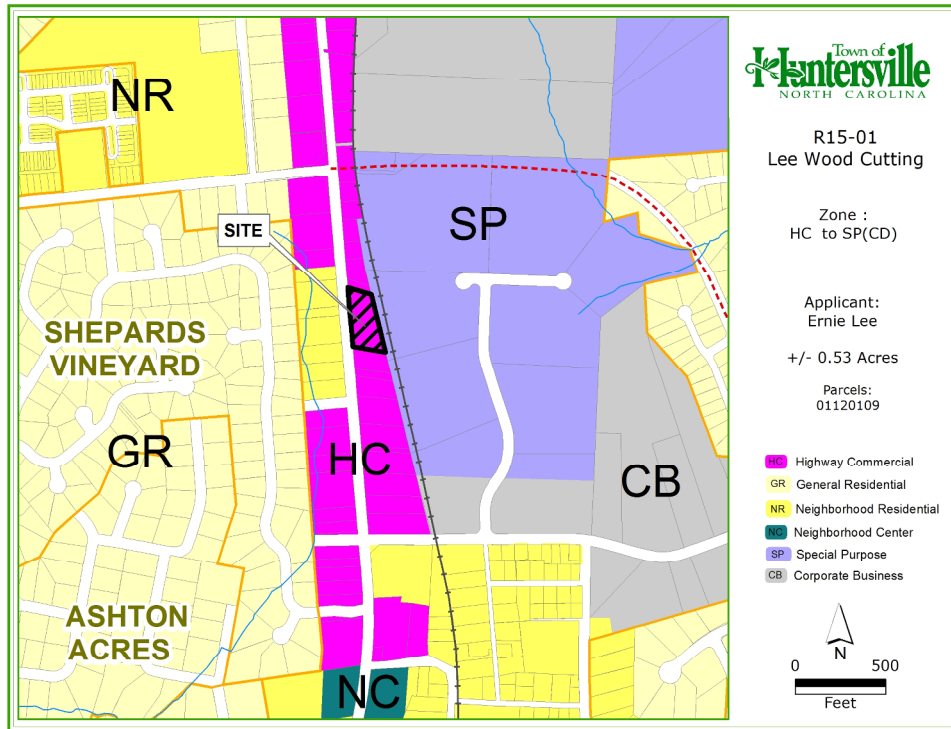
N/A

**ATTACHMENTS:**

Description		Type
	Staff Report	Staff Report
	Rezoning Site Plan	Exhibit
	Rezoning Application	Exhibit
	Neighborhood Meeting Report	Exhibit

## Petition R15-01: Lee's Firewood Conditional District Rezoning

### PART 1: PROJECT SUMMARY



**Applicant:** Ernie Lee

**Property Owner:** Ernie & Roberta Lee

**Property Address:** 15412 N. Old Statesville Road

**Project Size:** +/- .53 acres

**Parcel Number:** 01120109  
(partial - .53 acres of a 1.16 acre tract)

**Current Zoning:** Highway Commercial (HC)

**Current Land Use:** Firewood business

**Proposed Zoning:** Special Purpose Conditional District (SP-CD)

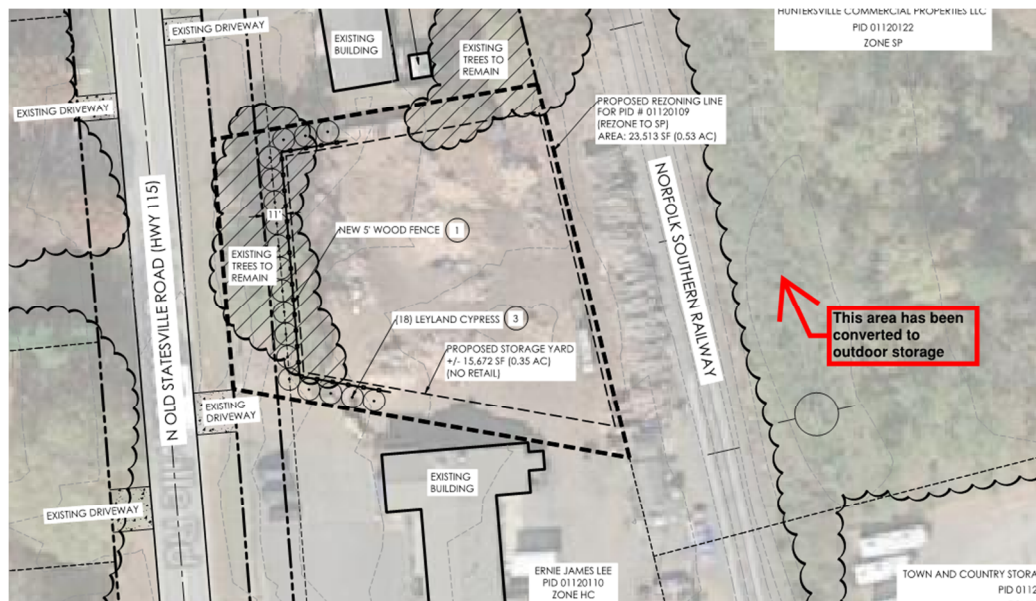
1. **Purpose of Rezoning:** The property is currently zoned HC which allows Light Manufacturing (including wood cutting operations) provided that outdoor storage does not exceed 25% of all buildings which equates to 1,437 square feet for Lee's Firewood. Because the outdoor storage area allowed in the HC zone is too small for Lee's Firewood operation, the applicants are requesting .53 acres of the property be rezoned to SP-CD where there are no limits on outdoor storage. The site plan lists specific land uses that would not be permitted if the conditional rezoning request is approved (see "Restricted Uses").
2. **Adjoining Zoning and Land Uses**
  - North: Highway Commercial (HC): 2 single-family dwellings owned by the Lee's (one on the same lot as Lee's Firewood).
  - South: Highway Commercial (HC): Commercial multi use building including office for Lee's Firewood; automotive repair.
  - East: Special Purpose (SP): Norfolk Southern Railway; indoor and outdoor storage.
  - West: Neighborhood Residential (NR): Old Statesville Road (NC 115), 2 single-family dwellings.
3. The firewood business has been conducted on the site since 2010. Huntersville planning staff thought Mr. Lee sought permission to sell firewood removed from the property which was allowed. Mr. Lee indicated he informed staff that he always intended to sell firewood harvested from off-site. As soon as Mr. Lee became aware of a possible zoning violation in 2014, he met with staff to find a resolution to the issue.
4. No protest petitions have been received for this application.
5. On August 14, 2014, two members of the planning staff and a member of the Police Department went to the site to assess the noise, smoke and odors generated on the property. Mr. Lee had all the equipment running at one time and no unusual noise, smoke or odors were observed.
6. At the neighborhood meeting, a question was raised as to how high the wood was piled. Mr. Lee verified the conveyor belt used to pile the wood was 12' high.

## PART 2: REZONING/SITE PLAN DESCRIPTION

1. The applicant proposed to leave the existing trees along Old Statesville Road (photo on page 4) and augment that with a 5' high solid panel fence and evergreen trees (i.e. Leyland Cypress) placed along the outside of the fence along Old Statesville Road and on a portion of the sides to screen the view along the street as shown on the below map.
2. Section 9.26.2(b) establishes outdoor storage shall be no closer than 40 feet from the abutting street right-of-way (proposed setback is 31' from the existing right-of-way and 11' from the proposed future right-of-way). Further, Section 9.26.2(c) requires opaque screening from all about properties. The rezoning plan contains the following statements on buffers:

BUFFERS AS SHOWN CONTAIN EXISTING VEGETATION. THE INTENT OF THE BUFFER IS TO PROVIDE A HORIZONTAL SEPARATION AND TO KEEP THE EXISTING VEGETATION WITHIN THE BUFFER. THE BUFFER WILL REMAIN UNDISTURBED WHILE ADDITIONAL SHRUBS AND WOOD FENCE WILL BE ADDED TO THE UNDERSTORY IN ORDER TO COMPLY WITH ARTICLE 7 OF THE TOWN OF HUNTERSVILLE'S ZONING ORDINANCE. IT IS REQUESTED THAT THE REQUIREMENT OF A TYPICAL 80' BUFFER OFF OF THE R/W BE REDUCED TO 11' OFF OF THE RESERVED R/W IN ORDER FOR THE STORAGE YARD TO FUNCTION PROPERLY. THIS BUFFER WILL STILL EXCLUDE VISUAL CONTACT, CREATE SPATIAL SEPARATION, AND MINIMIZE ANY ADVERSE IMPACTS ON ADJACENT PROPERTIES.

A MODIFICATION TO ARTICLE 9.26.2C IS ALSO REQUESTED IN THAT IT MAY RELIEVE THE PROPERTY FROM BEING REQUIRED TO FULLY SCREEN THEIR REAR AND SIDE ABUTMENTS TO ADJACENT PROPERTIES. THE FRONT OF THE PROPERTY WILL REMAIN FULLY SCREENED.



Staff supports the applicant's request based on the following:

1. The applicant owns the property north and south of the proposed rezoning area.
2. The owners of the adjoining property to the rear have removed most of the trees and converted that area to outdoor storage. On June 29, Planning Director Jack Simoneau met those owners (Huntersville Commercial Properties, LLC/ Town & Country Storage) onsite and they indicated they do not see a need for Lee's Firewood to buffer their common property line since there is already some vegetation on their lot and a railroad separating the uses (see photo below, page 3). They did indicate they may ask Lee's Firewood to remove any storage from their property. A request to remove the storage was confirmed in a letter from the owners of Town and Country Storage to Mr. Ernie Lee dated July 13, 2015.





Outdoor storage yard looking west towards railroad track and Lee's Firewood

### PART 3: TRANSPORTATION ISSUES

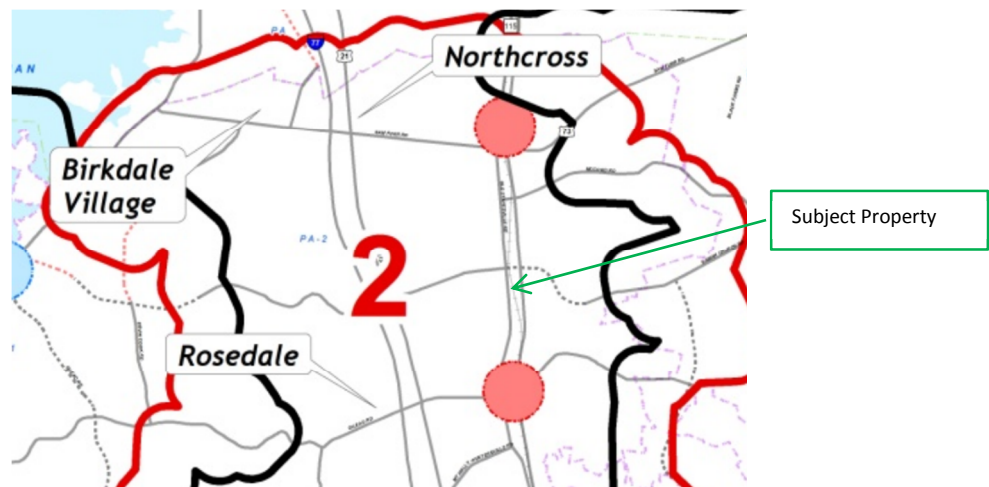
- There are no transportation related issues with the proposed site plan.

### PART 5: REZONING CRITERIA

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

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

- Policy CD-2: Focus Higher Intensity Development Generally within 2 miles of the I-77 and NC 115 Corridor.



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:**

- SP zoning is immediately adjacent to the proposed rezoning area. With buffers proposed, the Lee's Firewood will be more compatible with the character of the surrounding area (photo below). The use can be removed easily when it is appropriate for the property to be redeveloped since there are no buildings associated with the use.



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:**

- Transportation staff has determined that no Traffic Impact Assessment (TIA) is required for the proposed development as the use proposed will not generate enough vehicle trips per Article 14.2 of the Zoning Ordinance.
- The Adequate Public Facilities requirements from Article 13 of the Huntersville Ordinance (APFO) do not apply for this application.

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

**STAFF COMMENT:**

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

**PART 6: PUBLIC HEARING**

The Public Hearing was held on July 20, 2015. One property owner who lived across the street spoke in support of the rezoning request.

**PART 7: STAFF RECOMMENDATION**

Staff recommends approval of the rezoning.

**PART 8: PLANNING BOARD RECOMMENDATION**

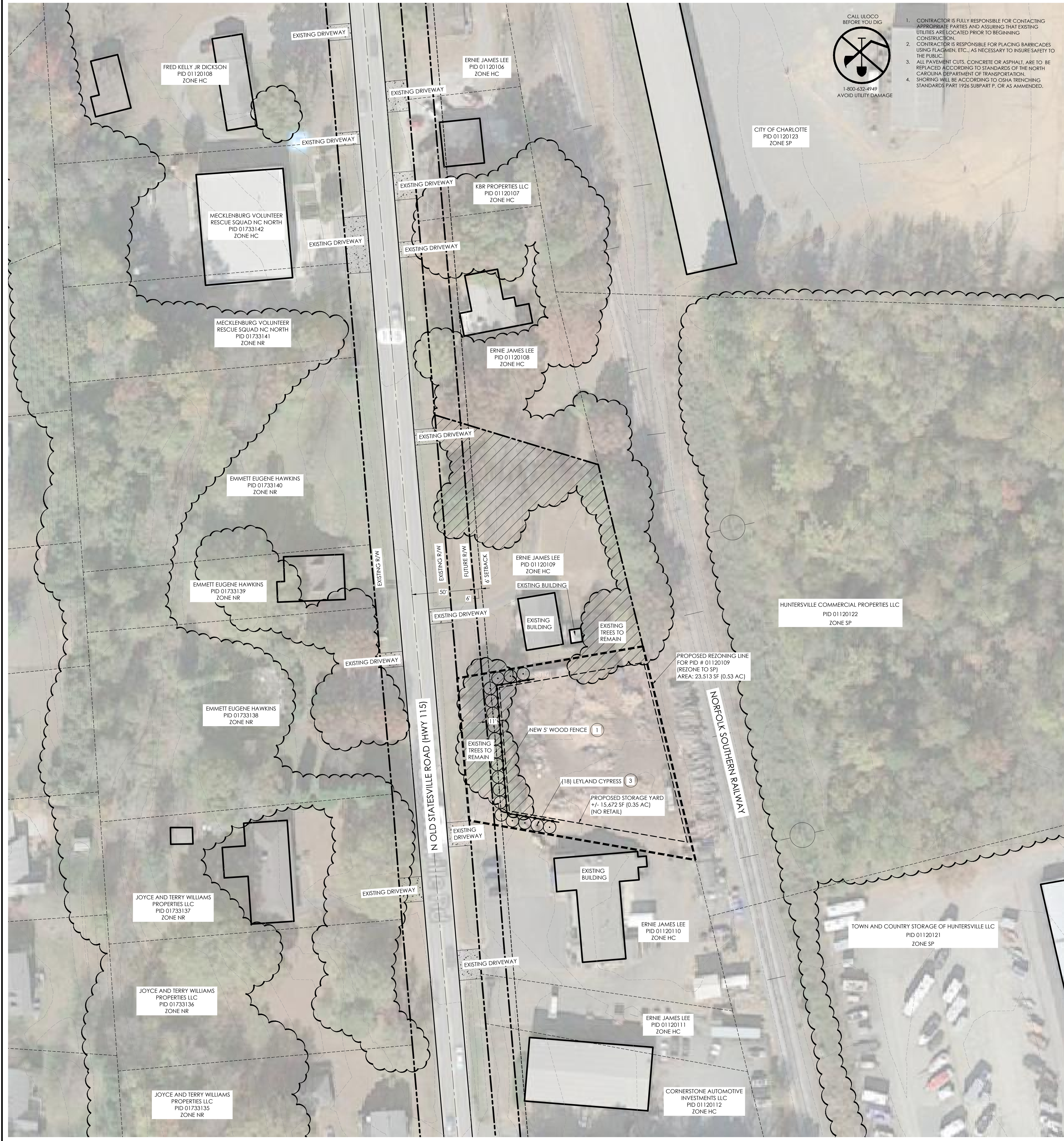
The Planning Board reviewed the application at their July 28, 2015 regular meeting. After some discussion, the Planning Board unanimously recommended that the Town Board approve the rezoning application



**PART 9: CONSISTENCY STATEMENT - R 15-01 Lee's Firewood**

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R15-01; Lee's Firewood, the Planning staff recommends approval based on the amendment being consistent with policy <b><u>CD-2 of the Town of Huntersville 2030 Community Plan.</u></b></p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because with proposed buffers, the rezoning will not be out of character with the surrounding area and the property can be easily redeveloped.</u></b></p>	<p>APPROVAL: In considering the proposed rezoning application R15-01; Lee's Firewood, the Planning Board recommends approval based on the amendment being consistent with CD-2 of the Town of Huntersville 2030 Community Plan.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because with proposed buffers, the rezoning will not be out of character with the surrounding area and the property can be easily redeveloped.</u></b></p>	<p>APPROVAL: In considering the proposed rezoning application R15-01; Lee's Firewood, the Town Board recommends approval based on the amendment 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>
DENIAL: N/A	DENIAL: N/A	<p>DENIAL: In considering the proposed rezoning application R15-01; Lee's Firewood, the Town Board recommends denial based on the amendment 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 amend the approved Rezoning Plan because... (Explain)</u></b></p>





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

**ACCESS:**  
ACCESS TO PROPERTY WILL BE PER EXISTING DRIVEWAY.

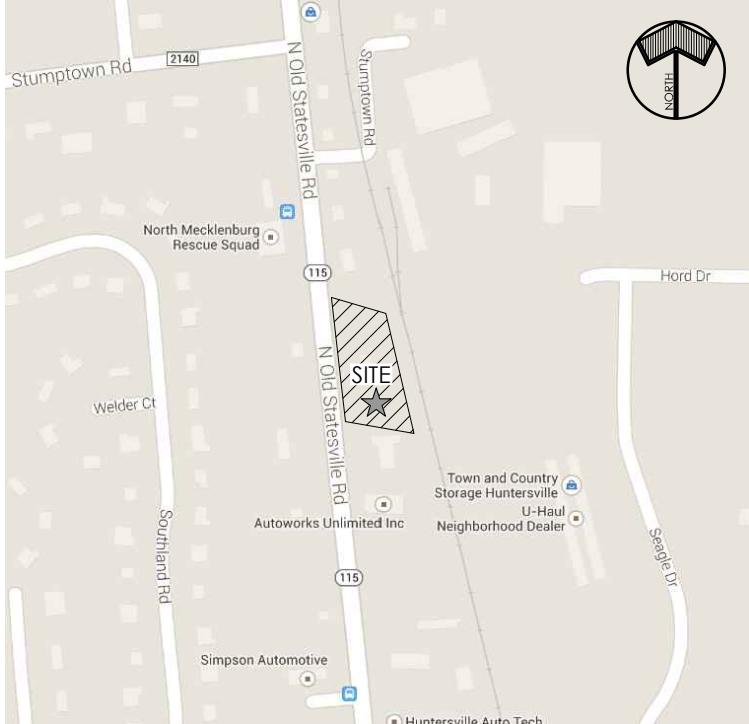
**TREE PROTECTION:**  
EXISTING TREES ARE LOCATED AND WILL REMAIN

**LIGHTING:**  
NO NEW LIGHTING IS PROPOSED AS PART OF THIS PLAN.

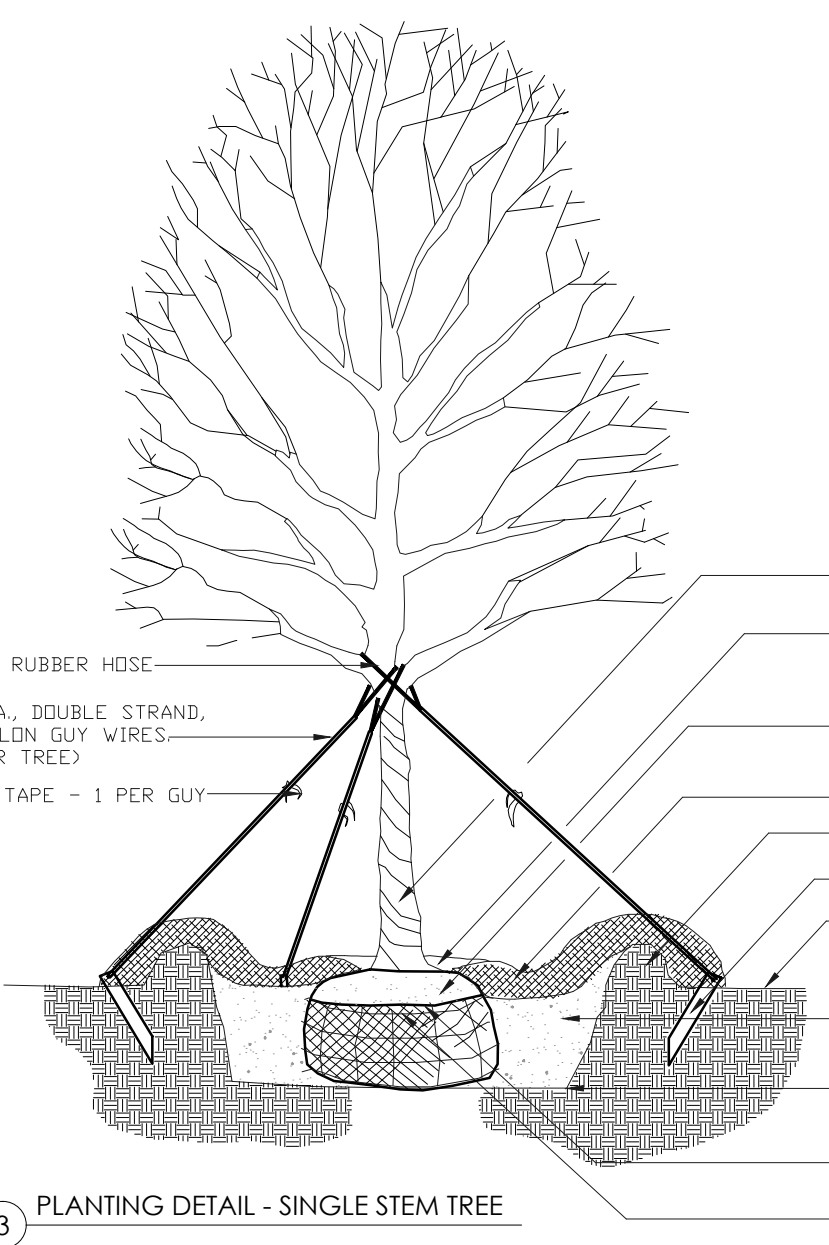
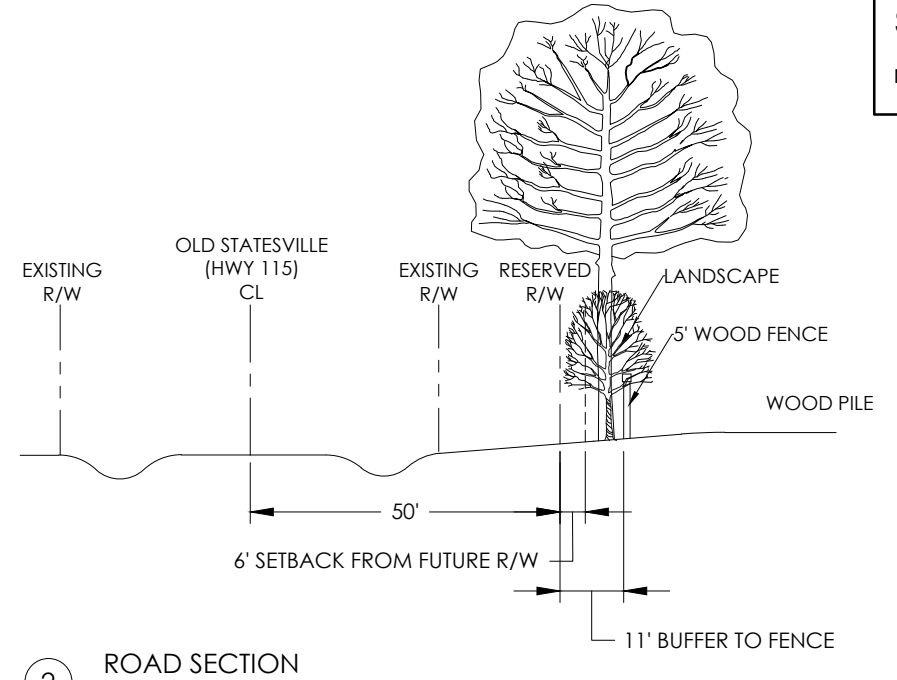
**ENGINEERING PLAN:**  
ENGINEERING PLANS WILL BE PREPARED AND SUBMITTED UPON COMPLETION OF REZONING (EROSION CONTROL, POST CONSTRUCTION, ETC.) INCLUDING THE COMMERCIAL SITE PLAN.

**RESTRICTED USES:**  
ALL USES ALLOWED IN SP DISTRICT WILL BE PERMITTED WITH THE FOLLOWING EXCEPTIONS:

- ABATTOIRS
- AGRICULTURAL INDUSTRIES
- FOUNDRIES
- HEAVY MANUFACTURING
- OUTDOOR THEATERS
- POWER GENERATION PLANTS
- RAILROAD FREIGHT YARDS AND REPAIR SHOPS
- AIRPORTS
- REPAIR OF PRODUCTS OF HEAVY MANUFACTURING OPERATIONS
- CORRECTIONAL FACILITIES
- MINI WAREHOUSE STORAGE
- OFF-SITE LCID LANDFILLS
- OTHER ENVIRONMENTALLY SENSITIVE USES NOT EXPRESSLY PERMITTED IN THE SP OR OTHER DISTRICTS
- HAZARDOUS OR INFECTIOUS MATERIAL INCINERATION, HANDLING, OR STORAGE QUARRIES
- TRANSFER STATION FOR ORGANIC AND INORGANIC WASTE PRODUCTS
- RACEWAYS AND DRAG STRIPS
- MAJOR WIND ENERGY FACILITY
- COMMERCIAL COMMUNICATION TOWERS
- RESIDENTIAL RECYCLING CENTER
- JUNK YARDS
- PETROLEUM STORAGE FACILITY
- SANITARY LANDFILL
- TRUCKING TERMINALS



VICINITY MAP  
SCALE: N.T.S.



PLANT LIST					
QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	CONTAINER	SPACING
18	Leyland Cypress	Cupressus × leylandii	8' HT.	B&B	10' OC

**SITE DATA TABLE:**

PROJECT NAME: HUNTERSVILLE REZONING

PROJECT ADDRESS: 15412 OLD STATESVILLE ROAD  
HUNTERSVILLE, NC

TAX PARCEL ID#: 01120109 EX. ZONING: HC 1.16 AC

AREA: ±1.16 AC

OWNER: ERNIE LEE  
P.O. BOX 143  
HUNTERSVILLE, NC 28070  
DB 23290, PG 527 (011-201-09)

PLANS PREPARED BY: HENSONFOLEY  
8712 LINDHOLM DRIVE  
SUITE 202A  
HUNTERSVILLE, NC 28078  
704-875-1615

EXISTING ZONING: HIGHWAY COMMERCIAL (HC)

PROPOSED ZONING: SPECIAL PURPOSE DISTRICT (SP-CD)

PROPOSED USE: OUTDOOR STORAGE & ALL USE PERMITTED IN THE SP DISTRICT UNLESS SPECIFIED IN RESTRICTIONS

JURISDICTION: TOWN OF HUNTERSVILLE

**BUFFER REQUIREMENTS:**  
BUFFERS AS SHOWN CONTAIN EXISTING VEGETATION. THE INTENT OF THE BUFFER IS TO PROVIDE A HORIZONTAL SEPARATION AND TO KEEP THE EXISTING VEGETATION WITHIN THE BUFFER. THE BUFFER WILL REMAIN UNDISTURBED WHILE ADDITIONAL SHRUBS AND WOOD FENCE WILL BE ADDED TO THE UNDERSTORY IN ORDER TO COMPLY WITH ARTICLE 7 OF THE TOWN OF HUNTERSVILLE'S ZONING ORDINANCE. IT IS REQUESTED THAT THE REQUIREMENT OF A TYPICAL 80' BUFFER OFF OF THE R/W BE REDUCED TO 11' OFF OF THE RESERVED R/W IN ORDER FOR THE STORAGE YARD TO FUNCTION PROPERLY. THIS BUFFER WILL STILL EXCLUDE VISUAL CONTACT, CREATE SPATIAL SEPARATION, AND MINIMIZE ANY ADVERSE IMPACTS ON ADJACENT PROPERTIES.

A MODIFICATION TO ARTICLE 9.26.2C IS ALSO REQUESTED IN THAT IT MAY RELIEVE THE PROPERTY FROM BEING REQUIRED TO FULLY SCREEN THEIR REAR AND SIDE ABUTMENTS TO ADJACENT PROPERTIES. THE FRONT OF THE PROPERTY WILL REMAIN FULLY SCREENED.

**WATER QUALITY/POST CONSTRUCTION:**  
PETITIONER WILL SUBMIT ENGINEERING PLANS/CALCULATIONS TO COMPLY WITH ALL APPLICABLE ORDINANCES UPON COMPLETION OF REZONING AND PRIOR TO CONSTRUCTION.

**NOTES:**

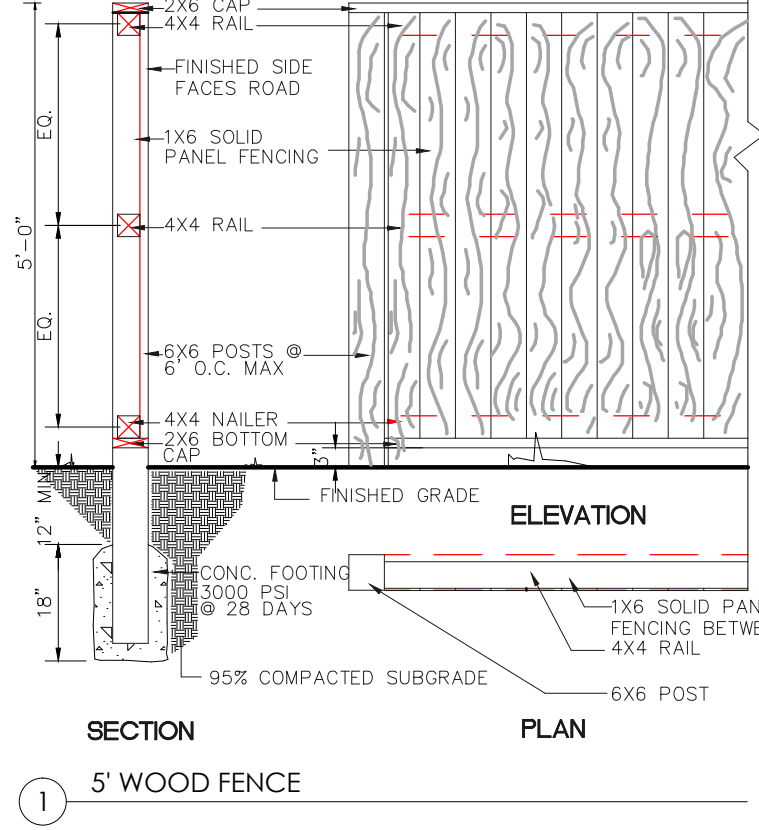
1. PLANT MATERIAL SHOWN ON THIS PLAN IS CONCEPTUAL. PLANTING WILL CONFORM TO ARTICLE 7 OF THE HUNTERSVILLE LAND DEVELOPMENT CODE. PLANT MATERIAL WILL BE CHOSEN FROM THE APPROVED PLANT LIST.
2. ALL OTHER ITEMS/IMPROVEMENTS WILL MEET THE TOWN OF HUNTERSVILLE LAND DEVELOPMENT CODE AND THE MECKLENBURG LAND DEVELOPMENT STANDARDS.
3. THE INTENDED USE FOR THE PROPERTY IS OUTDOOR STORAGE FOR THE FOLLOWING BUSINESSES:  
  
WOOD CUTTING OPERATION  
15412 OLD STATESVILLE ROAD  
HUNTERSVILLE, NC 28078

**PURPOSE:**  
THE PURPOSE OF THE REZONING IS TO PROVIDE RELIEF FROM REQUIREMENTS WITHIN THE ORDINANCE AS IT RELATES TO 'LUMBER MILLS AND STORAGE YARDS' WHICH WOULD BE PERMITTED BY RIGHT. THE PROJECT MEETS THE SPIRIT VIA PROPOSED SCREENING MEASURES.

**CONCEPT PLAN:**  
THIS REZONING PLAN IS CONCEPTUAL IN NATURE AND MAY HAVE MINOR CHANGES TO ACCOMMODATE CONSTRUCTION.

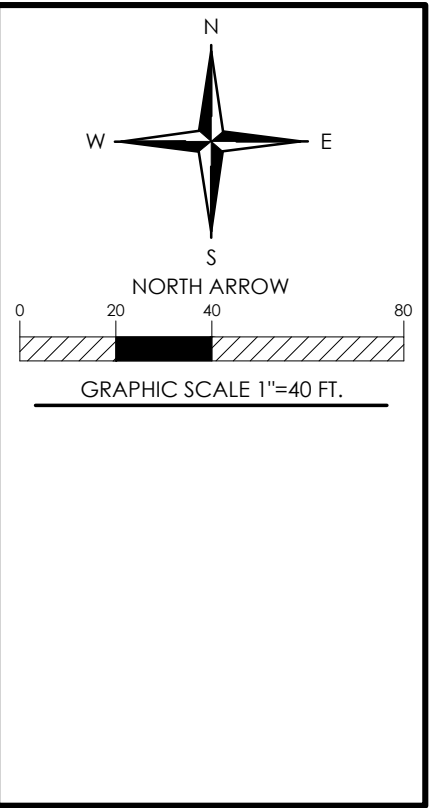
**LAND DISTURBANCE:**  
THE PURPOSE IS TO ADD REQUIRED SCREENING BETWEEN THE PUBLIC STREET AND OUTDOOR STORAGE AREA. NO GRADING AND/OR GRUBBING IS REQUIRED OR PROPOSED

**SIGNAGE:**  
NO NEW SIGNS ARE PROPOSED



HensonFoley  
Landscape Architect & Civil Engineering

10224 Hickorywood Hill Avenue, Suite 101A, Huntersville, NC 28078  
P: 704.875.1615 | F: 704.875.0959 | www.hensonfoley.com



LEE'S FIREWOOD

15412 OLD STATESVILLE ROAD - TAX ID 01120109  
HUNTERSVILLE, NORTH CAROLINA

REZONING PLAN

REVISIONS:	





# 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 \_\_\_\_\_
- ☐ DENSITY AVERAGING CERTIFICATE
- ☐ SPECIAL USE PERMIT

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

## 2. Project Data

Date of Application 12-02-2014

Name of Project Lee's Firewood Phase # (if subdivision) \_\_\_\_\_

Location 15412 Old Statesville Road, Huntersville NC

Parcel Identification Number(s) (PIN) 011-201-09

Current Zoning District HC Proposed District (for rezonings only) SP-CD

Property Size (acres) 1.16 AC Street Frontage (feet) 393'

Current Land Use Commercial

Proposed Land Use(s) Light Manufacturing

Is the project within Huntersville's corporate limits?

Yes X 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.

The purpose of the rezoning is to provide relief from requirements within the ordinance as it relates to light manufacturing and outdoor storage. The project meets the spirit via screening.

## 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>.

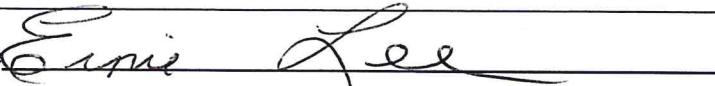
## 5. Outside Agency Information

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

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

## 6. Signatures

\*Applicant's Signature



Printed Name: Ernie Lee

Address of Applicant: P.O. Box 143, Huntersville, NC 28070

Email: bertandernielee@bellsouth.net

Property Owner's Signature (if applicable):



Printed Name: Ernie Lee

Property Owner's Address (if applicable) P.O. Box 143, Huntersville, NC 28070

Email: bertandernielee@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.

Development Firm	Name of contact	Phone	Email
HensonFoley Design Firm	Jay Henson Name of contact	704-875-1615 Phone	jay@hensonfoley.com Email

### If Applying for a General Rezoning:

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

### If Applying for a Conditional Rezoning:

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

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

### If Applying for a Subdivision:

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

## Contact Information

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

**Petitioners:** Ernie and Roberta Lee

**Property:** 15412 Old Statesville Road; Huntersville, NC 28078; Parcel # 1120109

**Persons and Organizations Contacted with Date and Explanation of How Contacted:**

Representatives for the Petitioners mailed a written notice of the date and time and location of the Community Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the US Mail, first class postage, on April 27, 2015. A copy of said notice is attached hereto as Exhibit B.

**DATE, TIME and LOCATION OF MEETING:** May 28, 2015 at 6:30 pm, Town of Huntersville Town Hall; 101 Huntersville-Concord Road; Huntersville, North Carolina.

**SUMMARY OF PRESENTATION/DISCUSSION:**

Planning Board Members Hal Bankirer, Dan Boone and William Walsh appeared at the Meeting, as well as Jack Simoneau, Eddie Knox, Brad Champion, Roberta Lee and Ernie Lee.

Petitioners' representatives, Eddie Knox and Brad Champion gave opening remarks and a basic explanation of the proposed zoning change from HC to SP for the purpose of maintaining an existing firewood business. A copy of the Petitioner's original re-zoning plan was presented at the meeting for explanation purposes, a copy of said plan is attached hereto as Exhibit C.

Jack Simoneau provided additional explanation of the current use limits on wood storage and how SP zoning would accommodate.

Numerous questions from Planning Board members were fielded by Mr. Knox and Jack Simoneau. The meeting ended at approximately 7:00 pm.

Respectfully submitted, this the 13<sup>th</sup> day of July, 2015.

Cc: Town of Huntersville Planning Department (via email)

## **EXHIBIT A**



pid	ownerlastn	ownerfirst	mailaddr1	city
01733137	JOYCE AND TERRY WILLIAMS	PROPERTIES, LLC	PO BOX 772	HUNTERSVILLE
01120121	TOWN & COUNTRY STORAGE OF	HUNTERSVILLE LLC	120 OSWALT AMITY RD	TROUTMAN
01120108	LEE	ERNIE J	PO BOX 143	HUNTERSVILLE
01120110	LEE	ERNIE JAMES	PO BOX 143	HUNTERSVILLE
01733140	HAWKINS	EMMETT EUGENE	15417 OLD STATESVILLE RD	CHARLOTTE
01733142	NORTH MECKLENBURG VOLUNTEER	RESCUE SQUAD INC	PO BOX 622	CASAR
01120111	LEE	ERNIE J	PO BOX 143	HUNTERSVILLE
01120112	CORNERSTONE AUTOMOTIVE	INVESTMENTS LLC	15316 OLD STATESVILLE RD	HUNTERSVILLE
01120122	HUNTERSVILLE COMMERCIAL	PROPERTIES LLC	PO BOX 751	STATESVILLE
01733139	HAWKINS	EMMETT EUGENE	15417 OLD STATESVILLE RD	HUNTERSVILLE
01733141	NORTH MECKLENBURG VOLUNTEER	RESCUE SQUAD INC	PO BOX 622	HUNTERSVILLE
01733136	TERRY AND JOYCE WILLIAMS	PROPERTIES, LLC	PO BOX 772	HUNTERSVILLE
01120107	KBR PROPERTIES LLC	EMMETT EUGENE	13800 RAMAH CHURCH RD	HUNTERSVILLE
01733138	HAWKINS	ERNIE J	15417 OLD STATESVILLE RD	HUNTERSVILLE
01120152	LEE	PROPERTIES, LLC	PO BOX 143	HUNTERSVILLE
01733135	TERRY AND JOYCE WILLIAMS	PROPERTIES, LLC	PO BOX 772	HUNTERSVILLE
01733135	TERRY AND JOYCE WILLIAMS	PROPERTIES, LLC	PO BOX 772	HUNTERSVILLE
01120109	LEE	ERNIE J	PO BOX 143	HUNTERSVILLE
01120123	CITY OF CHARLOTTE		600 E FOURTH ST	CHARLOTTE
01733143	DICKSON	FRED KELLY JR	9903 MADRES CT	CONCORD

HOA  
 ASHTON ACRES  
 HUNTERSRIDGE  
 MONTEITH PARK  
 NORTHSTONE CLUB  
 SHEPARDS VINEYARD  
 SHERWOOD FOREST

state	zipcode
NC	28070
NC	28166-8793
NC	28078
NC	28078
NC	28269
NC	28020
NC	28078
NC	28078
NC	28687
NC	28078
NC	28078
NC	28070
NC	28078-7290
NC	28078
NC	28078
NC	28070
NC	28070
NC	28078
NC	28202
NC	28027



**EXHIBIT B**

**AMENDED NOTICE TO INTERESTED PARTIES OF A NEIGHBORHOOD MEETING  
FOR REZONING PETITION**

**Property:** 15412 Old Statesville Road  
Huntersville, NC 28078  
Parcel # 1120109

**Petitioners:** Ernie J. and Roberta S. Lee

**Existing Zoning:** (HC) Highway Commercial

**Rezoning Request:** (SP) Special Purpose

**Date of Amended**

**Notice:** Mailed on April 27, 2015

You are invited to attend a community meeting on **May 28, 2015 at 6:30 pm**, to hear presentation and plans for our proposed rezoning of the above-referenced property, located on Old Statesville Road. A petition and proposed plans have been presented to the Huntersville Planning Board, which are currently under review.

As part of this proposed rezoning, the Town of Huntersville has asked that Ernie and Roberta install fencing and trees to improve the landscape on their Old Statesville Road property. We welcome your attendance on May 28<sup>th</sup> when we will present information about these landscaping improvements, the rezoning petition and be available to answer questions you have about the proposed rezoning.

*PREVIOUS NOTICE MAILED ON APRIL 20, 2014, INCORRECTLY REFERENCED "WEDNESDAY." IN FACT, THE ABOVE-REFERENCED NEIGHBORHOOD MEETING SHALL OCCUR ON THURSDAY MAY 28, 2015, AT 6:30 PM.*

**Date and Time**

**Of Meeting:** Thursday, May 28, 2015 – 6:30 PM

**Location of**

**Meeting:** Town of Huntersville Town Hall  
101 Huntersville-Concord Road  
Huntersville, North Carolina

**FOR MORE INFORMATION – contact Eddie Knox or Brad Champion, at 704-827-6667.**

## EXHIBIT C



**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**8/3/2015**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Brad Priest, Senior Planner  
**Subject:** R15-02 Chick-fil-A Expansion

---

**Amend Rezoning:** R15-02 is a request by Chick-fil-A, LLC to update and amend their conditional rezoning plan subject to the current Huntersville Zoning Ordinance. The site is approximately 1.3 acres, is located at 16915 Statesville Road (parcel #00504301) and is zoned Highway Commercial Conditional District (HC-CD). The purpose of the amendment is to bring the zoning of the property subject to current ordinance standards thus allowing the expansion of the building and the drive through area.

**ACTION RECOMMENDED:**

Review the application and consider taking final action at the August 3, 2015 Town Board Meeting.

**FINANCIAL IMPLICATIONS:**

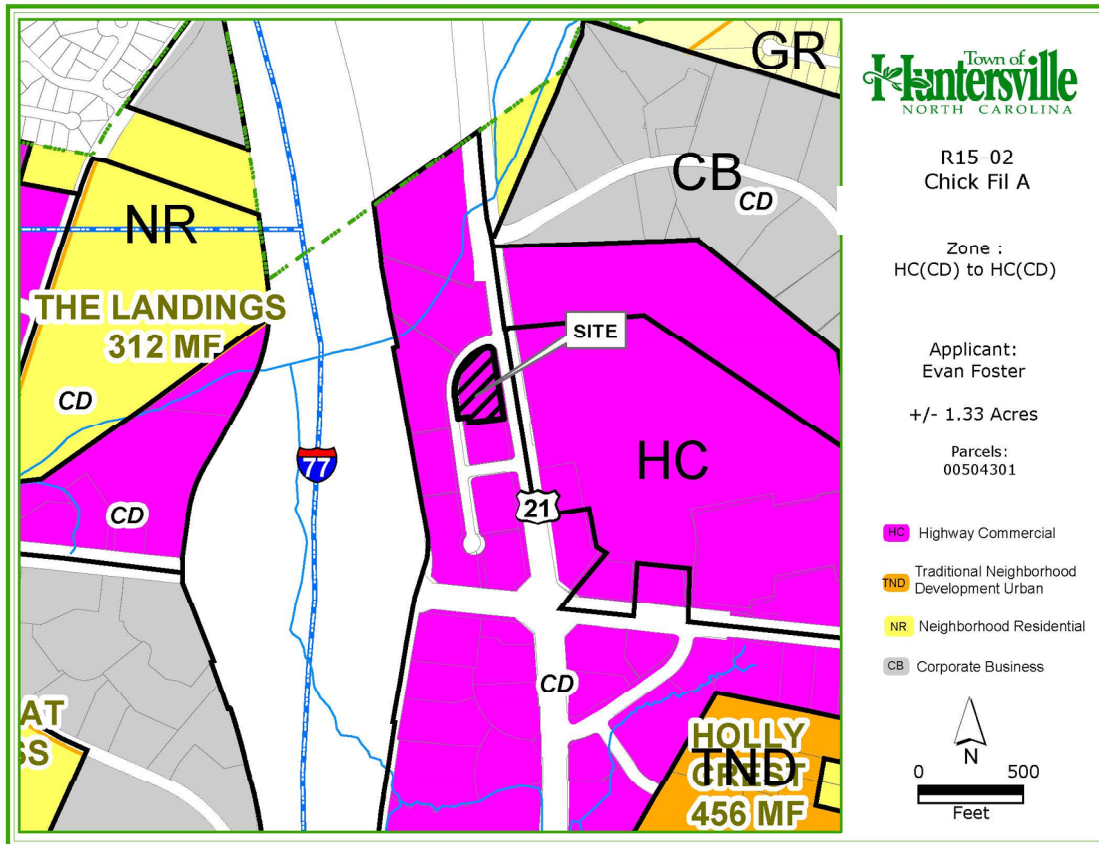
N/A

**ATTACHMENTS:**

Description	Type
 Staff Report	Staff Report
 Rezoning Site Plan	Backup Material
 Rezoning Application	Exhibit
 Site Survey	Exhibit
 Neighborhood Meeting Report	Exhibit

## Petition R15-02 Chick-fil-A Expansion

### PART 1: PROJECT SUMMARY



**Applicant:** Chick-fil-A, LLC

**Property Owner:** Same

**Property Address:** 16915 Statesville Road

**Project Size:** +/- 1.33 acres

**Parcel Numbers:** 00504301

**Current Zoning:** Highway Commercial Conditional District – Original Northcross Rezoning Plan (B-2).

**Current Land Use:** Chick-fil-A drive through restaurant.

**Proposed Zoning:** Highway Commercial Conditional District – Subject to Current Zoning Ordinance.

**Proposed Land Use:** Drive through restaurant with expanded drivethrough.

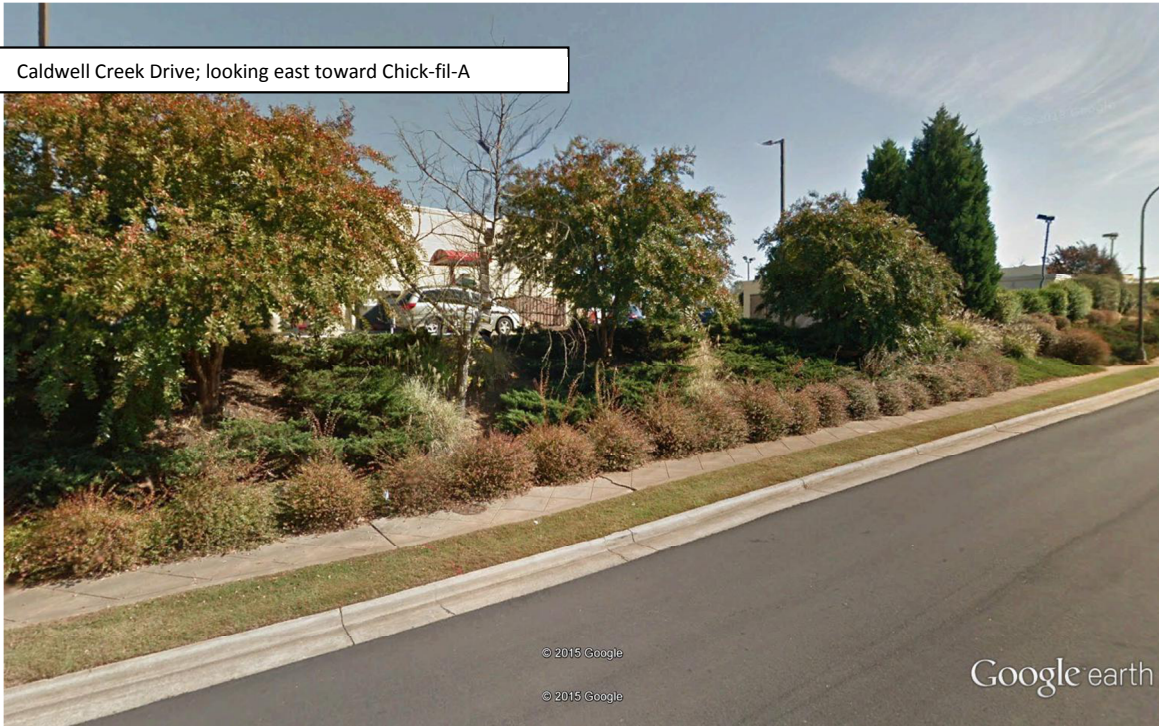
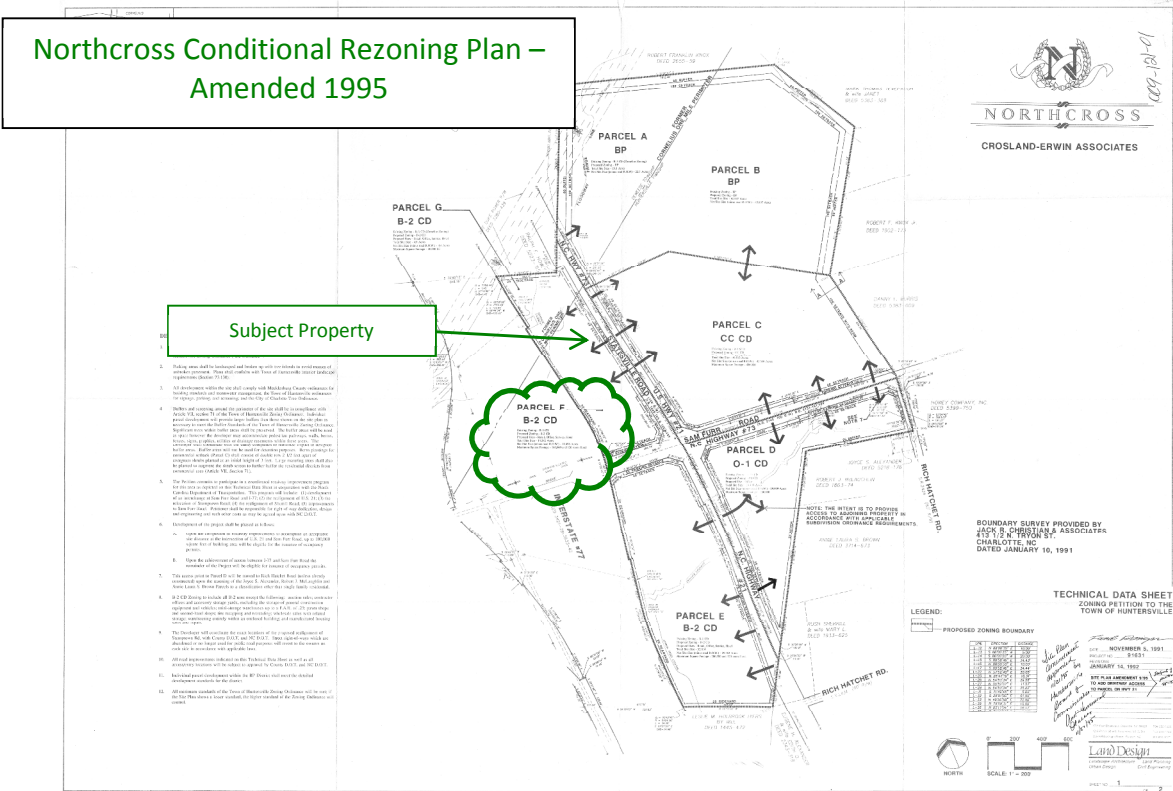
#### Application Summary:

- In order to expand their drive through facilities, the Chick-fil-A store would need to remove 9 parking spaces from the site. Under the 1991 Huntersville Zoning Ordinance, which the property is vested under, those parking spaces are required by ordinance and cannot be removed. The current Huntersville Zoning Ordinance mandates less parking and thus the applicants are asking for the rezoning. In return, the applicants will add design elements that bring their existing site up to current code standards “to the extent practical”. See notes 4-6 below for further details.
1. Adjoining Zoning and Land Uses\*\*(See note 3 below)
    - North: Highway Commercial (HC)\*\*, retail: carpet sales store and Home Depot store (Cornelius)
    - South: Highway Commercial (HC), retail/service: McDonald’s drive through restaurant and Sam’s Mart drive through car wash.
    - East: Highway Commercial (HC), retail: Northcross Shopping Center, Lowes Home Improvement, Harris Teeter, Target, etc.
    - West: Highway Commercial (HC), commercial, hotel, and restaurant.
  2. The subject parcel and surrounding properties are currently regulated for zoning under the overall Northcross Conditional Rezoning plan (amended) approved by the Huntersville Town Board on November 21, 1995. Please see the plan below. This plan was approved prior to the adoption of the current Huntersville Zoning Ordinance and therefore the development shown therein is vested under the zoning regulations of the 1991 Huntersville

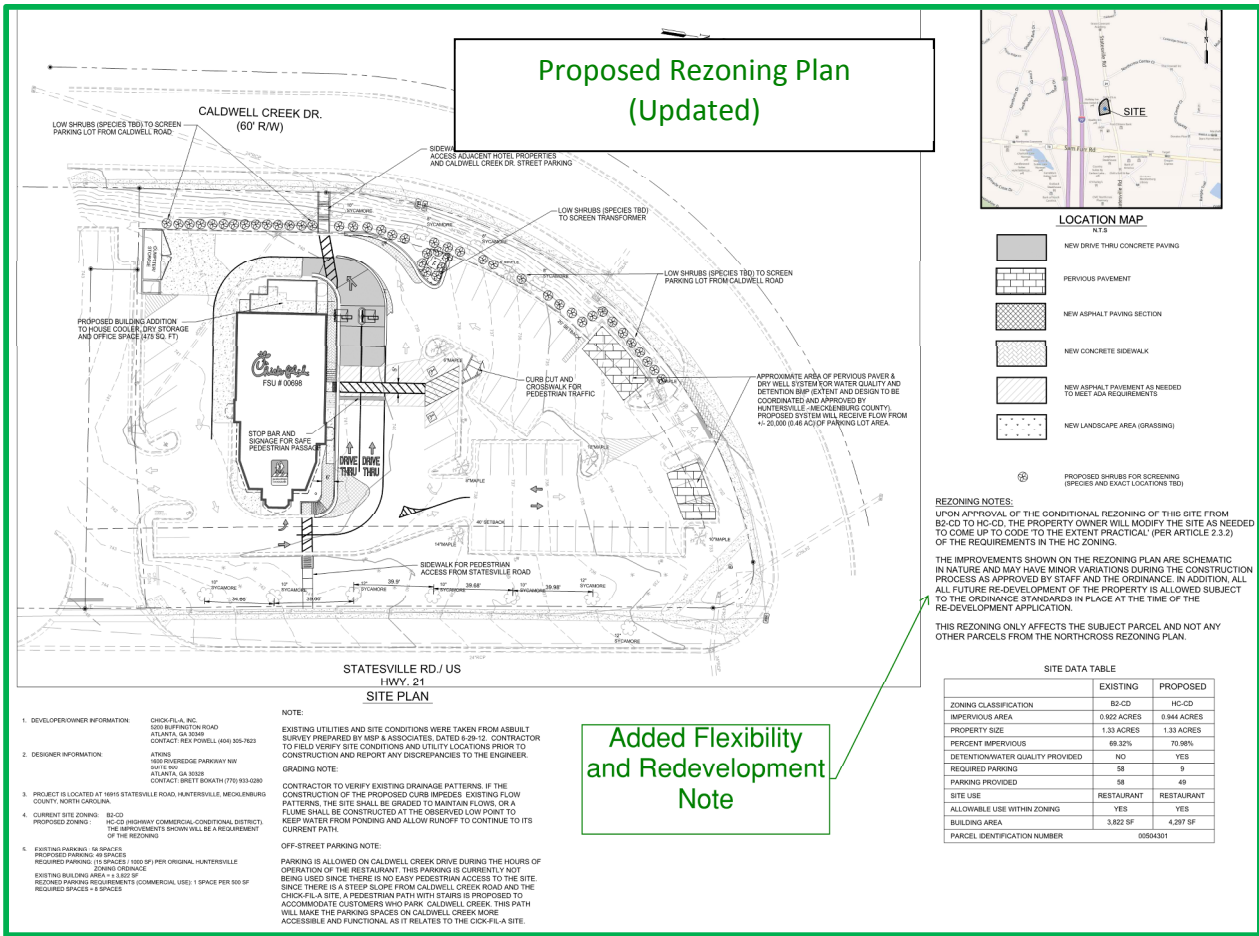
Zoning Ordinance (Please note however the Northcross Shopping Center to the east of the subject property has been rezoned since the 1995 plan and thus falls under different requirements.)

3. The Northcross Conditional Zoning plan assigned the subject property (and surrounding properties) the “B-2” zoning district under the regulations of the 1991 Huntersville Zoning Ordinance. However when the new code was adopted along with the new zoning map in 1996, the older “B-2” zoning district was represented on the zoning map by the closest fitting new code zoning category to it; Highway Commercial (HC). Although assigned the HC designation on the new map for consistency purposes, the property in question is vested under the older 1991 Huntersville Zoning Ordinance “B-2” designation.
4. Under the 1991 Huntersville Zoning Ordinance, restaurants are required to have a minimum 15 parking spaces per 1,000 ft<sup>2</sup> of building area. Under the proposed Chick-fil-A expansion plan, the total building size would be 4,297 ft<sup>2</sup> (475 ft<sup>2</sup> addition), which would require 65 parking spaces. Currently the Chick-fil-A only has 58 parking spaces (the minimum for the current size) and therefore cannot expand due to a shortage of required parking. In addition, the expansion of the drive through to two ordering lanes will remove 9 parking spaces from the site, making the site even less compliant with the old parking standards.
5. Therefore, the applicants are requesting to rezone their property to Highway Commercial Conditional District (HC-CD) in order to remove their established vesting under the 1991 ordinance and become subject to the current zoning ordinance requirements. Current parking requirements are much less for restaurants and businesses in general; one parking space per 500 ft<sup>2</sup> is required. Thus only 9 spaces would be needed under the proposed plan and the expansion could be allowed as shown.
6. Article 2.3.1 of the current Huntersville Zoning Ordinance however requires that when existing buildings not conforming to the current ordinance redevelop or expand, their site must be “brought up to code to the extent practical”. Therefore staff has worked with the applicant during the rezoning review process to add site design elements that would bring the development more in line to current design standards to a reasonable degree. Please see the current site plan below. Such improvements include:
  - Pedestrian connection in the front of the building to connect to Statesville Road.
  - Pedestrian corridor with signage and a stop bar leading from the parking lot to the building; to allow safer passage of pedestrians from the parking lot to the building.
  - The addition of pervious pavement and a “dry well” water quality system that will filter runoff from an estimated 20,000 ft<sup>2</sup> of the parking lot.
  - Additional landscaping and screening of the parking lot.
  - Added notes stating that site lighting and building signage will be brought up to current code standards.
7. Although the parking requirements of the current ordinance are comparatively lower than the old code, it is understood that the parking demands of this specific use at this location is relatively high. Therefore in order to accommodate the need for parking, the applicants have worked with staff to make use of the available on-street parking on Caldwell Creek Drive. Due to the topography of the site along Caldwell Creek Drive, the parking is rarely used. Please see the photo below. However the applicant has proposed adding stairs from Caldwell Creek Drive to the parking lot; along with a cross walk leading to the building. Therefore the parking that is removed from the site for the addition of the extra drive through lane can be replaced with accessible on street parking adjacent to the site. Staff also believes this is a positive addition to the area in general that will make the Chick-fil-A and McDonald’s more accessible to pedestrians from the adjacent hotel.
8. The applicants have also added a note to the plan that states that once the rezoning is approved, all subsequent development of the property will be subject to the current ordinance requirements.
9. The rezoning and removal of vesting for this application only applies to the Chick-fil-A site and has no bearing on the other parcels associated with the existing Northcross conditional rezoning.
10. As of 7/13/15 no protest petitions have been received for this application.
11. A neighborhood meeting for this application was advertised for and held on 5/7/15. A report on the meeting and an attendance list is attached. No one from the public attended the meeting.









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

- Staff has no major site plan issues with the redevelopment proposed. There are some comments remaining in regard to recommended notes being added to the plan. These notes address flexibility of the uses and design allowed in the rezoning plan and clarification that the rezoning is only proposed to affect the subject property. These notes however are minor and can be corrected after the public hearing is held.
- **Update: 7/28/15** – The applicants have added a flexibility and redevelopment note to the plan per staff recommendation. This note serves two purposes: First, it allows the improvements shown on the plan to be modified slightly if; during construction adjustments need to be made. Second, after the site is modified per the rezoning plan the property could later be redeveloped under the rules of the Huntersville Ordinance in place at the time of redevelopment. They've also clarified that the rezoning only affects the subject property. Staff recommends approval of the added notes. Please see the note above in the updated rezoning plan.

**PART 3: TRANSPORTATION ISSUES**

- **NC-73 Interchange Modification Study (TIP project I-5715):** NCDOT is developing an environmental document for the NC-73 interchange modification. Based on Huntersville's environmental screening studies, the NCDOT study includes a potential street connection to Caldwell Creek Drive and Statesville Road. The Town's preferred connector road runs directly in between the subject property and the adjacent McDonald's restaurant to the

south. An aerial showing the proposed connection is attached. If the environmental study concludes with this location still as the preferred connection and is ultimately chosen, it could have a significant impact on the circulation and function of the Chick-fil-A site and/or the McDonald's site. With that said, the proposed connector does not necessarily have a direct impact on the building or drive through expansion currently proposed by Chick-fil-A; and, the impact of the interchange modification would affect the overall subject property whether the business is rezoned and expanded or not. Therefore while staff does not think that accommodation of the connector is imperative to the rezoning approval, it is recommended that the applicant work with staff to understand how the connection will ultimately affect their circulation and parking in the next several years. The current timeline for construction of the interchange modification is fiscal year 2021.



## PART 5: REZONING CRITERIA

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

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

- **Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor.** The proposed drive through facility is a high intensity commercial and automotive oriented use and is consistent with Highway Commercial (HC) type development. The subject location is almost immediately adjacent to I-77 and is therefore appropriately located.
- **Policy E-4: Reduce Outdoor Lighting:** The applicant as part of the rezoning process will switch out any existing non-conforming building lighting to full cut off fixtures that will eliminate glare and light trespass.
- **Policy T-6: Pedestrian Connections:** Sidewalks and pathways are being installed as part of the conditional rezoning that will create pedestrian connections between businesses on Caldwell Creek Road and Statesville Road.

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 property adjacent to the subject property is zoned Highway Commercial (or “B-2” under the 1991 ordinance) and includes high intensity commercial uses such as drive through restaurants, hotels, and big box retail stores. The addition of a second drive through lane and a small building addition will not be out of character with the existing commercial development. In addition, removing the vesting from the “B-2” zoning under the 1991 zoning ordinance and rezoning to the current HC zoning will not be a significant change in uses allowed. The two zoning districts are very similar in intent, which is to allow for retail and commercial uses along major thoroughfares. No doubt this is why the HC designation was used to represent the vested B-2 district on the current regulating map.

**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:**

- Transportation staff has reviewed the proposed addition and determined that the added drive through lane and addition of 475 ft<sup>2</sup> of building would not meet the threshold of trips produced to require a Traffic Impact Assessment to be conducted. The TIA determination is attached for reference.

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

**STAFF COMMENT:**

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

**PART 7: PUBLIC HEARING**

The Public Hearing was held on July 20, 2015. Other than the staff presentation, no one spoke at the public hearing.

**PART 6: STAFF RECOMMENDATION**

Staff recommends approval of the rezoning.

**PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board reviewed the application at their July 28, 2015 regular meeting. The Board discussed the on street parking proposed to be utilized on Caldwell Creek Drive. Consensus of the Board was that in order to utilize the parking more fully, the Town should stripe the parking spaces on Caldwell Creek Drive. The Board also mentioned that the overnight parking prohibition there now would prohibit Chick-fil-A employees from parking on street early in the morning. After further discussion, the Planning Board unanimously recommended that the Town Board approve the rezoning application.

**PART 8: CONSISTENCY STATEMENT - R 15-02 Chick-fil-A Expansion**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed rezoning of Petition R15-02, Chick-fil-A expansion, located on Statesville Road, the <b>Planning Staff</b> finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan (CD-2, E-4, and T-6) and other applicable long range plans. Staff recommends amending the conditional rezoning plan for Chick-fil-A as shown in Rezoning Petition R15-02, subjecting the property to the current Huntersville Zoning Ordinance. It is reasonable and in the public interest to rezone this property because <i>the proposed expansion is minimal, on street parking is available adjacent to the site, and the uses allowed under the current HC ordinance are very similar to the uses existing adjacent to the subject property.</i></p>	<p><b>APPROVAL:</b> In considering the proposed rezoning of Petition R15-02, Chick-fil-A expansion, located on Statesville Road, the <b>Planning Board</b> finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends amending the conditional rezoning plan for Chick-fil-A as shown in Rezoning Petition R15-02, subjecting the property to the current Huntersville Zoning Ordinance. It is reasonable and in the public interest to rezone this property because <i>the proposed expansion is minimal, on street parking is available adjacent to the site, and the uses allowed under the current HC ordinance are very similar to the uses existing adjacent to the subject property</i></p>	<p><b>APPROVAL:</b> In considering the proposed rezoning of Petition R15-02 Chick-fil-A expansion, located on Statesville Road, the <b>Town Board</b> finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend amending the conditional rezoning plan for Chick-fil-A as shown in Rezoning Petition R15-02, subjecting the property to the current Huntersville Zoning Ordinance. It is reasonable and in the public interest to rezone this property because... (Explain)</p>
<p><b>DENIAL:</b> N/A</p>	<p><b>DENIAL:</b> N/A</p>	<p><b>DENIAL:</b> In considering the proposed rezoning of Petition R15-02 Chick-fil-A expansion, located on Statesville road, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R15-02. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p>



Jul 28, 2015 - 9:45am  
I:\chick-fil-a\double-dt-2008-Lake Norman\Deliverables\0808-C2-0 Rezoning-Town Meeting.dwg

1. DEVELOPER/OWNER INFORMATION: CHICK-FIL-A, INC.  
5200 BUFFINGTON ROAD  
ATLANTA, GA 30349  
CONTACT: REX POWELL (404) 305-7623
2. DESIGNER INFORMATION: ATKINS  
1600 RIVEREDGE PARKWAY NW  
SUITE 600  
ATLANTA, GA 30328  
CONTACT: BRETT BOKATH (770) 933-0280
3. PROJECT IS LOCATED AT 16915 STATESVILLE ROAD, HUNTERSVILLE, MECKLENBURG COUNTY, NORTH CAROLINA.
4. CURRENT SITE ZONING: B2-CD  
PROPOSED ZONING : HC-CD (HIGHWAY COMMERCIAL-CONDITIONAL DISTRICT).  
THE IMPROVEMENTS SHOWN WILL BE A REQUIREMENT OF THE REZONING
5. EXISTING PARKING : 58 SPACES  
PROPOSED PARKING: 49 SPACES  
REQUIRED PARKING: (15 SPACES / 1000 SF) PER ORIGINAL HUNTERSVILLE ZONING ORDINANCE  
EXISTING BUILDING AREA = ± 3,822 SF  
REZONED PARKING REQUIREMENTS (COMMERCIAL USE): 1 SPACE PER 500 SF  
REQUIRED SPACES = 8 SPACES

NOTE:

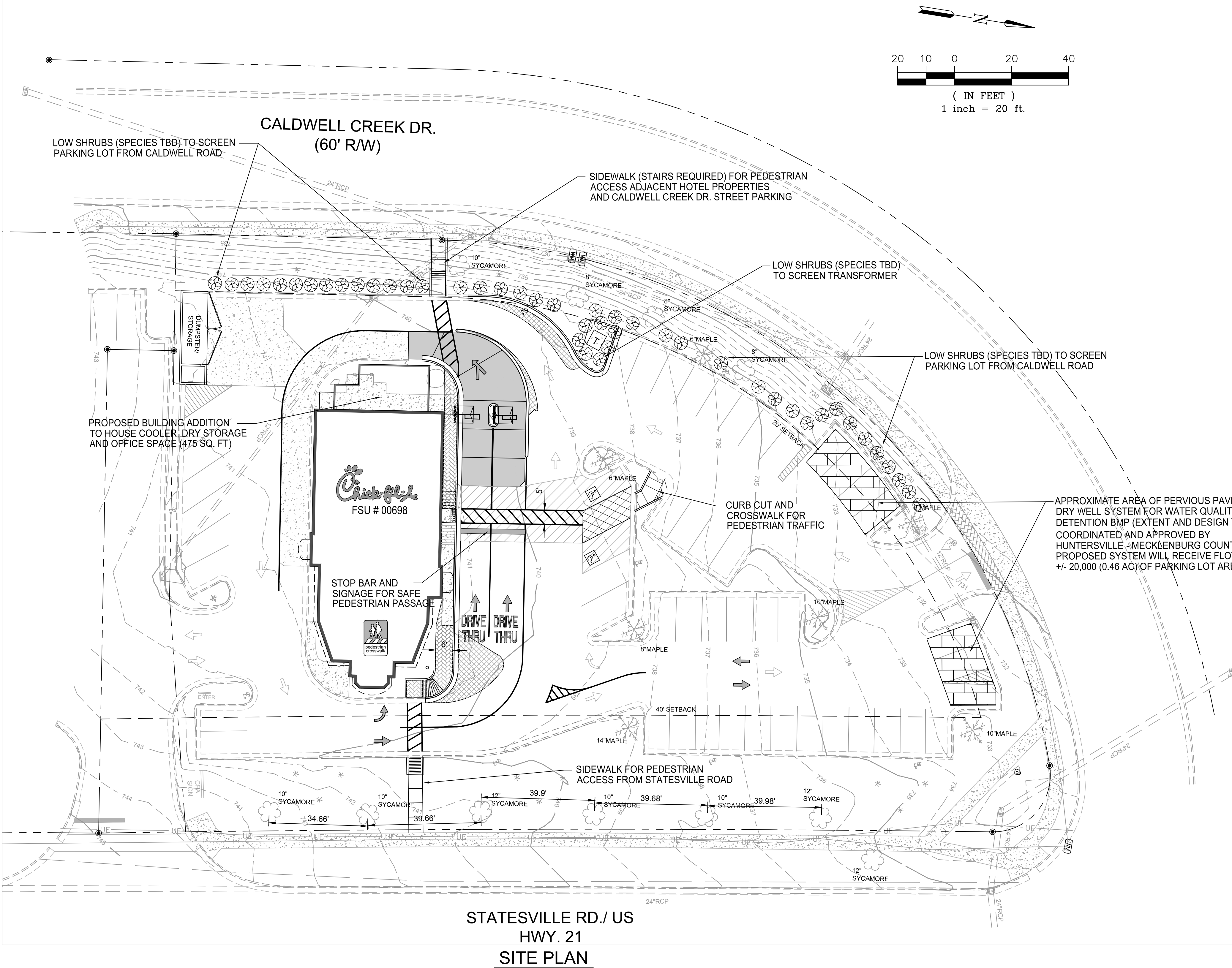
EXISTING UTILITIES AND SITE CONDITIONS WERE TAKEN FROM ASBUILT SURVEY PREPARED BY MSP & ASSOCIATES, DATED 6-29-12. CONTRACTOR TO FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ENGINEER.

GRADING NOTE:

CONTRACTOR TO VERIFY EXISTING DRAINAGE PATTERNS. IF THE CONSTRUCTION OF THE PROPOSED CURB IMPEDES EXISTING FLOW PATTERNS, THE SITE SHALL BE GRADED TO MAINTAIN FLOWS, OR A FLUME SHALL BE CONSTRUCTED AT THE OBSERVED LOW POINT TO KEEP WATER FROM PONDING AND ALLOW RUNOFF TO CONTINUE TO ITS CURRENT PATH.

OFF-STREET PARKING NOTE:

PARKING IS ALLOWED ON CALDWELL CREEK DRIVE DURING THE HOURS OF OPERATION OF THE RESTAURANT. THIS PARKING IS CURRENTLY NOT BEING USED SINCE THERE IS NO EASY PEDESTRIAN ACCESS TO THE SITE. SINCE THERE IS A STEEP SLOPE FROM CALDWELL CREEK ROAD AND THE CHICK-FIL-A SITE, A PEDESTRIAN PATH WITH STAIRS IS PROPOSED TO ACCOMMODATE CUSTOMERS WHO PARK CALDWELL CREEK. THIS PATH WILL MAKE THE PARKING SPACES ON CALDWELL CREEK MORE ACCESSIBLE AND FUNCTIONAL AS IT RELATES TO THE CHICK-FIL-A SITE.



STATESVILLE RD./ US  
HWY. 21  
SITE PLAN



LOCATION MAP  
N.T.S

- NEW DRIVE THRU CONCRETE PAVING
- PERVIOUS PAVEMENT
- NEW ASPHALT PAVING SECTION
- NEW CONCRETE SIDEWALK
- NEW ASPHALT PAVEMENT AS NEEDED TO MEET ADA REQUIREMENTS
- NEW LANDSCAPE AREA (GRASSING)

PROPOSED SHRUBS FOR SCREENING (SPECIES AND EXACT LOCATIONS TBD)

REZONING NOTES:

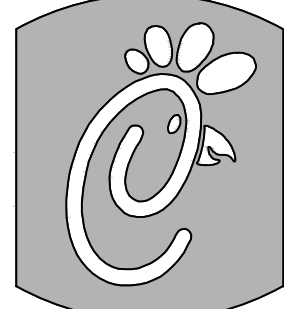
UPON APPROVAL OF THE CONDITIONAL REZONING OF THIS SITE FROM B2-CD TO HC-CD, THE PROPERTY OWNER WILL MODIFY THE SITE AS NEEDED TO COME UP TO CODE 'TO THE EXTENT PRACTICAL' (PER ARTICLE 2.3.2) OF THE REQUIREMENTS IN THE HC ZONING.

THE IMPROVEMENTS SHOWN ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND MAY HAVE MINOR VARIATIONS DURING THE CONSTRUCTION PROCESS AS APPROVED BY STAFF AND THE ORDINANCE. IN ADDITION, ALL ALL FUTURE RE-DEVELOPMENT OF THE PROPERTY IS ALLOWED SUBJECT TO THE ORDINANCE STANDARDS IN PLACE AT THE TIME OF THE RE-DEVELOPMENT APPLICATION.

THIS REZONING ONLY AFFECTS THE SUBJECT PARCEL AND NOT ANY OTHER PARCELS FROM THE NORTHCROSS REZONING PLAN.

SITE DATA TABLE

	EXISTING	PROPOSED
ZONING CLASSIFICATION	B2-CD	HC-CD
IMPERVIOUS AREA	0.922 ACRES	0.944 ACRES
PROPERTY SIZE	1.33 ACRES	1.33 ACRES
PERCENT IMPERVIOUS	69.32%	70.98%
DETENTION/WATER QUALITY PROVIDED	NO	YES
REQUIRED PARKING	58	9
PARKING PROVIDED	58	49
SITE USE	RESTAURANT	RESTAURANT
ALLOWABLE USE WITHIN ZONING	YES	YES
BUILDING AREA	3,822 SF	4,297 SF
PARCEL IDENTIFICATION NUMBER	00504301	



5200 Buffington Rd.  
Atlanta Georgia,  
30349-2998

Revisions:

Mark Date By  
△

Mark Date By  
△

Mark Date By  
△

Seal

ATKINS

1600 Riveredge Parkway NW  
Suite 600 400  
Atlanta, Georgia 30328  
770-933-0280

STORE  
Lake Norman  
FSU #0698

16915 Statesville Rd.  
Huntersville, NC 28078

SHEET TITLE

REZONING  
SITE  
PLAN

Job No.: 100026629.32

Store : 00698

Date : 7/06/12

Drawn By : RMR

Checked By : KMM

Sheet

RZ-1



# **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 \_\_\_\_\_
- ☐ DENSITY AVERAGING CERTIFICATE
- ☐ 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 3/28/15

Name of Project CHICK-FIL-A Phase # (if subdivision) \_\_\_\_\_

Location 16915 STATESVILLE ROAD, HUNTERSVILLE NC 28078

Parcel Identification Number(s) (PIN) 00504301

Current Zoning District B-2 CD Proposed District (for rezonings only) HC

Property Size (acres) 1.33 Street Frontage (feet) 313' (STATESVILLE RD) / 400' (LALDWELL CREEK)

Current Land Use FAST FOOD RESTAURANT WITH DRIVE THRU

Proposed Land Use(s) FAST FOOD RESTAURANT WITH DRIVE THRU

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.

REZONING TO CURRENT HC (HIGHWAY COMMERCIAL) FROM OLD B-2 CD ZONING TO ACCOMMODATE PROPOSED SITE MODIFICATIONS. HC ZONING REQUIRES FEWER PARKING SPACES FOR THE CURRENT USE, WHICH WILL BE NEEDED FOR THE PROPOSED IMPROVEMENTS.

## 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 copies of plans 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 Evan J. Foster Printed Name Evan J. Foster

Address of Applicant 5200 Buington Rd. Atlanta, GA 30349

Email evan.foster@chick-fil-a.com

Property Owner's Signature (if applicable) Evan A. Fisher

Printed Name Evan J. Foster

Property Owner's Address (if applicable) 5200 Bullington Rd Email evan.foster@chick-f-a.com

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

CHICK-FIL-A	EVAN FOSTER	404-305-7631	evan.foster@chick-fil-a.com
Development Firm	Name of contact	Phone	Email

ATKINS	BRETT BOKATH	770-933-0280	brett.bokath@atkinsglobal.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:**

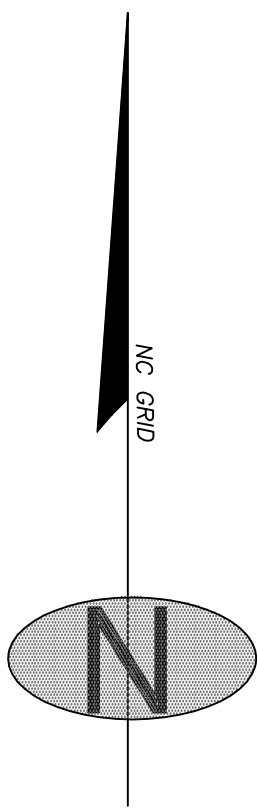
By signature below, I hereby acknowledge my understanding that the Major Subdivision Sketch Plan Process is a quasi-judicial procedure and contact with the Board of Commissioners shall **only** occur under sworn testimony at the public hearing.

<b>Contact Information</b>
----------------------------

**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>





CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	220.00'	305.81'	281.78'	N 31°53'24" E	79°38'41"	183.44'
C2	20.00'	34.93'	30.66'	S 58°15'08" E	100°04'52"	23.87'
C3	10748.16'	313.52'	313.51'	S 09°03'06" E	01°40'17"	156.77'

CALDWELL CREEK DR.  
(60' R/W)

STATESVILLE RD./  
US HWY . 21

### GENERAL NOTES

Subject Property is not located within 100 yr Flood Plain (Zone X) according to Federal Emergency Management Agency, Flood Insurance Rate Map 3710464200 with an effective date of March 2, 2009.

Elevations based on GPS Observation using CORS Stations "CONCORD CORS", "GASTON CORS", and "MOORESVILLE CORS", Vertical Datum NAVD 88.

Contact proper Authorities Before building near utility lines, for easement width and restrictions. Utilities are approximate and should be verified prior to any construction.

This survey has been prepared for the exclusive use of the person or entities named hereon. No express or implied warranties with respect to the information shown hereon is to be extended to any persons or entities other than those shown hereon.

A Topcon Hiper RTK GPS unit was used to collect boundary control. A Topcon 802A was used to collect boundary data from set control. Boundary control points were collected and rechecked on two separate days. The positional tolerance was within 0.07' and was not adjusted.

Areas calculated by coordinate method.

Property Zoned B2

Setbacks need to be verified by Site Engineer.

I, Michael S. Perdue certify that this plot was drawn under my supervision from an actual survey made under my supervision and is a Tract # in DB, 11056 pg. 1785, that the ratio of precision as calculated 1:20,000 +/- and was not adjusted, that this plot was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration # and seal this 1st day of Sept. 2010.

That this survey is of an existing parcel of land, existing structures and buildings and does not create a new street or change existing streets.

Michael S. Perdue, PLS# L-4322

SURVEY REFERENCE:

1) PB. 34, pg. 715

### LEGEND

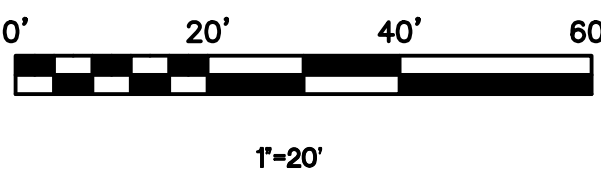
#### STANDARD ABBREVIATIONS

CB CATCH BASIN  
CI CAST IRON  
CMP CORRUGATED METAL PIPE  
CMF CONCRETE MONUMENT FND  
CT CRIMPED TOP PIPE  
DI DROP INLET  
FNC FENCE  
FND FOUND  
G GAS  
GALV GALVANIZED  
IE INVERT ELEVATION  
JB JUNCTION BOX  
MH MANHOLE  
OT OPEN TOP PIPE  
POB POINT OF BEGINNING  
RB IRON REINFORCING BAR  
RCP REINFORCED CONCRETE PIPE  
SS SANITARY SEWER  
TEMP TEMPORARY  
W WATER  
OHP OVERHEAD POWER  
IPF IRON PIN FOUND  
IPS IRON PIN SET  
PT POINT

#### STANDARD SYMBOLS

POWER POLE  
WATER VALVE  
SANITARY SEWER MANHOLE  
STORM SEWER MANHOLE  
FIRE HYDRANT  
SPOT ELEVATION  
GUY WIRE  
GAS LINE  
WATER LINE  
POWER LINE  
UNDERGROUND POWER LINE  
UNDERGROUND PHONE LINE  
TRAFFIC FLOW ARROW  
LIGHT POLE  
CONCRETE MONUMENT  
GAS VALVE  
FORCE MAIN

#### GRAPHIC SCALE



#### PLEASE NOTE

INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THIS INFORMATION HAS BEEN SHOWN BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES, AVAILABLE DESIGN PLANS AND FLAGS AND PAINT PLACED BY THE UNDERGROUND PROTECTION SERVICE. NO CERTIFICATION IS MADE AS TO THE ACCURACY OF THOROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON. PER GEORGIA LAW, THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

#### \*\*\*CAUTION\*\*\*

NORTH CAROLINA UTILITIES PROTECTION CENTER

3 DAYS BEFORE DIGGING CALL  
TOLL FREE 1-800-632-4949

A ONE CALL SYSTEM FOR COMMUNITY AND JOB SAFETY.



5200 Buffington Rd.  
Atlanta Georgia,  
30349-2998

#### Revisions:

Mark Date By



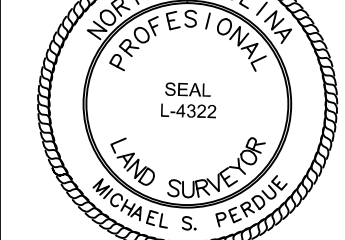
Mark Date By



Mark Date By



Seal



MICHAEL S. PERDUE, PLS # L-4322



STORE

#### SHEET TITLE

ASBUILT  
SURVEY

DWG EDITION 04.6

☐ Preliminary  
☐ 80% Submittal  
☐ For Construction

Job No. : \_\_\_\_\_

Store : \_\_\_\_\_

Date : \_\_\_\_\_

Drawn By : \_\_\_\_\_

Checked By: \_\_\_\_\_

Sheet

C-1.1

#### ASBUILT SURVEY FOR



CITY: HUNTERSVILLE COUNTY: MECKLENBURG STATE: NORTH CAROLINA

DATE OF SURVEY: 6/29/12 SCALE: 1:20

FIELD WORK: MSP DRAWN BY: MSP REVIEWED BY: MSP

MSP FILE:CAHUNT MSP JOB#: :12688



**Atkins North America, Inc.**  
1600 RiverEdge Parkway, NW, Suite 600  
Atlanta, Georgia 30328  
**Telephone: +1.770.933.0280**  
**[www.atkinsglobal.com/northamerica](http://www.atkinsglobal.com/northamerica)**

May 14, 2015

Mr. Brad Priest  
Senior Planner  
Town of Huntersville  
105 Gilead Road – Third Floor  
Huntersville, NC 28070

Re: Chick-fil-A  
Neighborhood Meeting  
Report

Atkins Project #100043483

Dear Mr. Priest:

The Neighborhood Meeting for the Conditional Rezoning Petition #R15-02 was held on May 7<sup>th</sup>, 2015 at 6:30 in the evening at the rotunda on the third floor located at 105 Gilead Road. The meeting was conducted by me, Bob Howell of Jones, Lang, LaSalle (JLL) and the store operator, Joe Hatzopoulos.

Invitations to the meeting were sent in accordance with the Town of Huntersville's requirements. A list of all invitees is attached. Only 3 members of the Town Planning Board attended the meeting. After a brief presentation explain the proposed site plan and the reasoning the rezoning is being requested, any questions were concentrated on exactly what was proposed for the site, and there was minimal concern regarding the rezoning aspect of the project. The main area of questioning was about the proposed building expansion, which is not an issue of concern regarding the rezoning of the site, however; the proposed building addition was explained to a level satisfactory to the board member who asked.

As a result of this meeting, there were no changes to the site plan for the rezoning. The only detail that remains is the level of BMP required by Mecklenburg County. Design on this issue is ongoing.

Please feel free to contact me at 770-933-0280 or at [brett.bokath@atkinsglobal.com](mailto:brett.bokath@atkinsglobal.com) if you have any questions or comments...

Regards,

A handwritten signature in blue ink, appearing to read "Brett Bokath".

Brett Bokath, EIT  
Project Engineer - Atkins

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**8/3/2015**

**REVIEWED:**

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

---

Recognize insurance revenue (103820.9999) in the amount of \$5,462.05 and appropriate to the Police Department's insurance account (105100.0452).

**ACTION RECOMMENDED:**

Approve Budget Amendment.

**FINANCIAL IMPLICATIONS:**

Additional revenue in the amount of \$5,462.05.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**8/3/2015**

**REVIEWED:**

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

---

Recognize insurance revenue (103820.9999) in the amount of \$500.00 and appropriate to the Police Department's insurance account (105100.0452).

**ACTION RECOMMENDED:**

Approve Budget Amendment.

**FINANCIAL IMPLICATIONS:**

Additional revenue in the amount of \$500.00.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**8/3/2015**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Janet Stoner/Kathy Moyer  
**Subject:** Budget Amendment FY 2014-15

---

Transfer \$100,000 from Capital Outlay to Other Electrical System Expenditures. Funds are needed in the Sales Tax Expense and other various expense items. The Electric Fund is adopted in 4 major expense categories - Purchase of Electricity, Salaries & Benefits, Capital Outlay and Other Electrical System Expenditures. Board approval is required to transfer from one category to another.

**ACTION RECOMMENDED:**

Approve Budget Amendment.

**FINANCIAL IMPLICATIONS:**

There are no changes in the overall total budget of the Electric Fund.



**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**8/3/2015**

**REVIEWED:**

**To:** The Honorable Mayor and Board of Commissioners  
**From:** Greg Ferguson/Kathy Moyer  
**Subject:** Pactiv Electric Service Contract Addendum, Rate Schedule Revision

---

The initial ten year electric service contract with Prairie Packaging, now Pactiv, will expire June 30, 2016. At the request of the customer a coincident peak electric rate schedule was developed based on their electric usage, load factor and operating characteristics. This rate will be reviewed annually to be consistent with the original Agreement dated September 8, 2005. The customer has asked that the electric service contract addendum be approved at this time so they are able to appropriately budget for electric costs in 2016. It is recommended that the industrial on-peak electric rate schedule OP-4 be adopted to reflect future electric costs and previous rate schedule HLFLI be closed.

**ACTION RECOMMENDED:**

Approval of the Industrial On-Peak Electric Rate Schedule OP-4 and the Electric Service Contract Addendum with authorization for the Town Manager to execute the Electric Service Contract Addendum.

**FINANCIAL IMPLICATIONS:**

Increase in revenue for FY2017.

**ATTACHMENTS:**

Description	Type
 <b>Addendum to Electric Service Contract for Pactiv</b>	<b>Backup Material</b>
 <b>Electric Rate Schedule OP-4</b>	<b>Backup Material</b>

Town of Huntersville  
Electric Service Contract  
Dated August 3, 2015

ADDENDUM

Huntersville (through ElectriCities) has agreed to provide electrical service after the initial ten years of Prairie Packaging now Pactiv's plant operation through Huntersville's Industrial On-Peak Electric Rate Schedule OP-4. This rate will replace the HLFLI rate in Exhibit E of the original Agreement dated September 8, 2005. However, Exhibit G of the original Agreement dated September 8, 2005 will continue as an amendment applicable now to Schedule OP-4.

The pricing, according to this Schedule is as follows:

	Summer	Winter
Basic Facilities Charge	\$150.00	\$150.00
Excess Demand	\$1.86	\$1.86
OP Demand kW	\$14.70	\$3.57
On Peak Energy kWh	\$0.05431	\$0.04677
Off Peak Energy kWh	\$0.03737	\$0.03232

The rate will be subject to review annually second quarter to be effective July 1 of the same year with any revisions to be consistent with the original Agreement dated September 8, 2005.

This addendum is formed upon acceptance and signature by the Town of Huntersville's representative and Pactiv's representative.

---

Town Manager  
Town of Huntersville

---

Pactiv Representative  
Pactiv

---

Date

---

Date

**TOWN OF HUNTERSVILLE**  
**Industrial On-Peak Rate**  
**Electric Rate Schedule OP-4**

**AVAILABILITY**

This rate is available only to establishments classified as “Manufacturing Industries” by the Standard Industrial Classification Manual, 1957 or later version, published by the Bureau of Budget, United States Government, and where more than 50% of the electric consumption of such establishment is used for its manufacturing processes whose monthly demand must equal or exceed 10,000 kW in any three months of the preceding twelve months and which began receiving service from the Town after July 1, 2004.

Service under this Schedule shall be used solely by the contracting customer in a single enterprise, located entirely on a single contiguous site or premises.

This Schedule is not available for auxiliary or breakdown service and power delivered hereunder shall not be used for resale or exchange or in parallel with other electric power, or as a substitute for power contracted for or which may be contracted for under any other schedule of the Town, except at the option of the Town, under special terms and conditions expressed in writing in the contract with the Customer.

The obligations of the Town in regard to supplying power are dependent upon its securing and retaining all necessary rights-of-way, privileges, franchises, and permits for the delivery of such power, and the Town shall not be liable to any customer or applicant for power in the event the Town is delayed in, or is prevented from furnishing the power by its failure to secure and retain such rights-of-way, rights, privileges, franchises, and/or permits.

**TYPE OF SERVICE**

The Town will furnish 60 Hertz service through one meter, at one delivery point, at one of the following approximate voltages where available:

- Single-phase, 120/240 volts; or
- 3 phase, 208Y/120 volts, 480Y/277 volts; or
- 3 phase, 3 wire, 240, 480, 575, or 2400 volts, or
- 3 phase 4160Y/2400, 12470Y/7200, or
- 3 phase voltages other than the foregoing, but only at the Town’s option, and provided that the size of the Customer’s load and the duration of the Customer’s contract warrants a substation solely to serve that Customer, and further provided that the Customer furnish suitable outdoor space on the premises to accommodate a ground-type transformer installation, or substation, or a transformer vault built in accordance with the Town’s specifications.

The type of service supplied will depend upon the voltage available at or near the Customer’s location. Prospective customers should ascertain the available voltage by inquiry at the office of the Town before purchasing equipment.

Motors of less than 5 HP may be single-phase. All motors of more than 5 HP must be equipped with starting compensators and all motors of more than 25 HP must be of the slip ring type except that the Town reserves the right, when in its opinion the installation would not be detrimental to the service of the Town, to permit other types of motors.

MONTHLY RATE

	Summer	Winter
Basic Facilities Charge	\$150.00	\$150.00
Excess Demand (per kW)	\$1.86	\$1.86
OP Demand (per kW)	\$14.70	\$3.57
On Peak Energy (per kWh)	\$0.05431	\$0.04677
Off Peak Energy (per kWh)	\$0.03737	\$0.03232

DEFINITION OF "MONTH"

The term "month" as used in the Schedule means the period intervening between meter readings for the purposes of monthly billing, such readings being taken once a month.

DETERMINATION OF BILLING DEMAND

Billing Demand:

Billing Demand shall be the average of the integrated clock hour kW demands measured during the hours of the On-Peak Period on the day identified as the Peak Management Day used by the North Carolina Municipal Power Agency Number 1 (NCMPA1) for wholesale billing purposes during the corresponding month of Customer's billing.

On-Peak Periods:

On-peak periods are non-holiday weekdays during the following times:

June-September	2pm – 6pm
December-February	7am – 9am
All other months	7am – 9am and 2pm – 6pm

Holidays:

The following days of each calendar year are considered holidays: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday following Thanksgiving Day, and Christmas Day. In the event that any of the foregoing Holidays falls on a Saturday, the preceding Friday shall be deemed to be the Holiday. In the event any of the foregoing Holidays falls on a Sunday, the following Monday shall be deemed to be the Holiday.

Peak Management Days:

Peak Management Days are the days on which NCMPA1 notifies its Participants to activate their peak management programs during On-Peak periods. The Peak Management Day used to establish the Town's wholesale billing demand is the one Peak Management Day during the month on which NCMPA1 experienced the greatest average load (determined as the average of NCMPA1's integrated hourly loads during the hours of the On-Peak Period).

EXCESS DEMAND

Excess demand shall be the difference between the maximum integrated clock hour kW demand recorded during the current billing month and Billing Demand for the same billing month.

NOTIFICATION BY TOWN

The Town will use diligent efforts to provide advance notice to the Customer of Peak Management Days if requested. However, the Town does not guarantee that advance notice will be provided. Notification by the Town will be provided to the Customer by direct telephone communications or automatic signal, as mutually agreed. The Customer will hold the Town harmless in connection with its response to notification.

DETERMINATION OF ENERGY

The kWh of energy shall be the sum of all energy used during the current billing month as indicated by watt-hour meter readings.

On-Peak Energy: For billing purposes in any month, On-Peak Energy, in kWh, shall be the metered energy during the On-Peak Energy Period, whereby the On-Peak Energy Period is defined as non-holiday weekdays from 7:00 AM to 11:00 PM.

Off-Peak Energy: For billing purposes in any month, Off-Peak Energy, in kWh, shall be the metered total monthly energy less the amount of energy billed in that month under On-Peak Energy.

POWER FACTOR CORRECTION

When the average monthly power factor of the Customer's power requirements is less than 90 percent, the Town may correct the integrated demand in kilowatts for that month by multiplying by 90 percent and dividing by the average power factor in percent for that month.



CONTRACT PERIOD

Where applicable, each customer shall enter into a contract to purchase electricity from the Town for a minimum original term of one (1) year, and thereafter from year to year upon the condition that either party can terminate the contract at the end of the original term, or at any time thereafter, by giving at least sixty (60) days prior notice of such termination in writing; but the Town may require a contract for a longer original term of years where the requirement is justified by the circumstances.

SALES TAX

Applicable North Carolina sales tax shall be added to the customer's total charges for each month, determined in accordance with the above electric rates.

Effective July 1, 2016.

**Town of Huntersville**  
**REQUEST FOR BOARD ACTION**  
**8/3/2015**

**REVIEWED:**

Finance Officer

**To:** The Honorable Mayor and Board of Commissioners

**From:** Janet Stoner/Greg Ferguson

**Subject:** SL362 Property Tax Refunds

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Attached is Report 40 from Mecklenburg County of SL362 refunds. The report contains 18 refunds. To date the Town of Huntersville has processed 9,043 refunds for a total of \$254,277.99 (\$231,393.76 without interest).

**ACTION RECOMMENDED:**

Approve SL362 property tax refund report.

**FINANCIAL IMPLICATIONS:**

Decrease in revenue.

**ATTACHMENTS:**

Description	Type
❏ Tax Refund Report	Cover Memo

Tax Year	Bill Number	Parcel #	Source Type	Adjustment #	Adjustment Reason	Date of Adjustment	Refund Recipient Name	Address Line 1	Address Line 2	City	State	Zip Code	Payment Date for Interest Calculation	Total Refund (\$)	Total Interest to Pay if mailed on or before 7/31/2015 (\$)
2011	0001457291-2011-2011-0000-00	00914117	REI	430021	BER SL362 Decision	4/28/2015	BIRKDALE GC LLC	11512 EL CAMINO REAL STE 120		SAN DIEGO	CA	92130	1/6/2012	3,387.18	604.12
2012	0001457291-2012-2012-0000-00	00914117	REI	430018	BER SL362 Decision	4/28/2015	BIRKDALE GC LLC	11512 EL CAMINO REAL STE 120		SAN DIEGO	CA	92130	6/28/2013	3,005.66	314.15
2013	0001457291-2013-2013-0000-00	00914117	REI	430019	BER SL362 Decision	4/28/2015	BIRKDALE GC LLC	11512 EL CAMINO REAL STE 120		SAN DIEGO	CA	92130	1/7/2014	2,899.07	226.37
2014	0001455227-2014-2012-0000-00	00901238	REI	430624	BER SL362 Decision	5/1/2015	GLENS AT STILLWELL VILLAGE LLC THE	15669 BIRKDALE COMMONS PKWY		HUNTERSVILLE	NC	28078	3/4/2015	57.31	1.17
2014	0001455228-2014-2012-0000-00	00901239	REI	430637	BER SL362 Decision	5/1/2015	GLENS AT STILLWELL VILLAGE LLC THE	15669 BIRKDALE COMMONS PKWY		HUNTERSVILLE	NC	28078	3/4/2015	14.91	0.30
2014	0001455229-2014-2012-0000-00	00901240	REI	430650	BER SL362 Decision	5/1/2015	GLENS AT STILLWELL VILLAGE LLC THE	15669 BIRKDALE COMMONS PKWY		HUNTERSVILLE	NC	28078	3/4/2015	60.51	1.24
2014	0001455248-2014-2012-0000-00	00901260	REI	430202	BER SL362 Decision	4/29/2015	GLENS AT STILLWELL VILLAGE LLC THE	15669 BIRKDALE COMMONS PKWY		HUNTERSVILLE	NC	28078	3/4/2015	5.85	0.12
2012	0001468330-2012-2012-0000-00	01302427	REI	430357	BER SL362 Decision	4/30/2015	MORAGNE, FULLER G	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	74.88	9.33
2012	0001468331-2012-2012-0000-00	01302428	REI	430360	BER SL362 Decision	4/30/2015	MORAGNE, FULLER G	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	74.88	9.33
2012	0001468332-2012-2012-0000-00	01302429	REI	430370	BER SL362 Decision	4/30/2015	MORAGNE, FULLER G	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	72.84	9.08
2012	0001468333-2012-2012-0000-00	01302430	REI	430375	BER SL362 Decision	4/30/2015	MORAGNE, FULLER G	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	70.82	8.83
2011	0001468330-2011-2011-0000-00	01302427	REI	430359	BER SL362 Decision	4/30/2015	RANDOLPH, PAMELIA T	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	81.45	10.15
2011	0001468331-2011-2011-0000-00	01302428	REI	430362	BER SL362 Decision	4/30/2015	RANDOLPH, PAMELIA T	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	81.45	10.15
2011	0001468332-2011-2011-0000-00	01302429	REI	430372	BER SL362 Decision	4/30/2015	RANDOLPH, PAMELIA T	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	79.23	9.88
2011	0001468333-2011-2011-0000-00	01302430	REI	430374	BER SL362 Decision	4/30/2015	RANDOLPH, PAMELIA T	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	77.03	9.60
2011	0001468334-2011-2011-0000-00	01302431	REI	430376	BER SL362 Decision	4/30/2015	RANDOLPH, PAMELIA T	3838 CRESTRIDGE DR		CHARLOTTE	NC	28210	2/1/2013	74.82	9.33
2013	0001471305-2013-2013-0000-00	01505525	REI	327458	BER SL362 Decision	2/3/2015	WELCH III, JAMES M	6307 COLONIAL GARDEN DR		HUNTERSVILLE	NC	28078	1/7/2014	44.35	3.46
2014	0001471305-2014-2014-0000-00	01505525	REI	327457	BER SL362 Decision	2/3/2015	WELCH III, JAMES M	6307 COLONIAL GARDEN DR		HUNTERSVILLE	NC	28078	1/6/2015	47.89	1.35
														10,210.13	1,237.98

\*note - Moragne and Randolph are both at same address, we checked deed