



August 27, 2016

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

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

Dear Mr. Herr:

The Town has completed its review of the above referenced APF Application and deemed it to be complete, per Article 13.6.3 of the Zoning Ordinance. Based upon your request for an allocation of capital facilities for the above-referenced development proposal, consisting of 415 single family units, I am issuing a “Determination of Adequacy (DOA)” (see attached) for the following public facilities:

- Fire Vehicles
- Fire Facilities
- Police Facilities

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

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

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

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

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

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

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

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

Sincerely,

Brian Richards
GIS Administrator

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

Planning

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