Mayor John Aneralla

Mayor Pro-Tem Danny Phillips

Commissioners Melinda Bales Dan Boone Mark Gibbons Charles Guignard Rob Kidwell



AGENDA Regular Town Board Meeting May 1, 2017 - 6:30 PM

TOWN HALL (101 Huntersville-Concord Road)

Department Heads

Vickie Brock, HR Director Max Buchanan, Public Works Jackie Huffman, Finance Michael Jaycocks, Parks&Rec Jack Simoneau, Planning Cleveland Spruill, Police Chief

Assistant Town Manager Gerry Vincent

> Town Clerk Janet Pierson

Town Attorney Bob Blythe

I. Pre-meeting

- A. Presentation of Preliminary Budget. (5:15 p.m.)
- II. Call to Order
- III. Invocation Moment of Silence
- IV. Pledge of Allegiance
- V. Mayor and Commissioner Reports-Staff Questions
 - A. Mayor Aneralla (Metropolitan Transit Commission, Commerce Station Management Team, North Meck Alliance)
 - B. Commissioner Bales (Lake Norman EDC, Lake Norman Education Collaborative)
 - C. Commissioner Boone (Public Safety Liaison, Land Development Ordinances Advisory Board)
 - D. Commissioner Gibbons (NC 73 Council of Planning, Veterans Liaison)
 - E. Commissioner Guignard (Centralina Council of Governments, Planning Coordinating Committee)
 - F. Commissioner Kidwell (Charlotte Regional Transportation Planning Organization, Olde Huntersville Historic Society)
 - G. Commissioner Phillips (Lake Norman Chamber Board, Visit Lake Norman Board)

VI. Public Comments, Requests, or Presentations

A. Presentation of Small Business Week Proclamation.

VII. Agenda Changes

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

VIII. Public Hearings

- A. Conduct public hearing on Petition #TA17-01, a request by Mecklenburg County Park and Recreation to modify the parking standards in Article 6 of the Huntersville Zoning Ordinance to allow gravel parking for publicly owned nature preserves. (*Brad Priest*)
- B. Conduct public hearing on Petition #TA17-02, a request by University City Church to amend Article 10.7.1 of the Huntersville Zoning Ordinance to modify the amount of times an illuminated or self-luminous changeable copy sign message can change per 24 hour period. (*Meredith Nesbitt*)
- C. Conduct public hearing on Petition #R16-07, a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for approximately 171.88-acres to remain Transitional Residential Conditional District with an increase in density and other site plan changes. (*David Peete*)
- D. Conduct public hearing on Petition #R16-12, Vermillion Village Conditional Rezoning, a request by Nate Bowman to rezone parcel 01902201 from Neighborhood Residential to Town Center Conditional District. (*Alison Adams*)

IX. Other Business

- A. Consider approving First Amendment to the Carolina Rapids Agreement. (Michael Jaycocks)
- B. Consider authorizing the Contract to Purchase certain parcels of land in or around Town Center. (*Bob Blythe*)
- C. Consider adopting resolution of intent to close and abandon Eight Avenue and portions of Steel Street and call a public hearing for Monday, June 5, 2017 at 6:30 p.m. at Huntersville Town Hall on the question of closing and abandoning such portions. *(Bob Blythe)*

X. Consent Agenda

- A. Approve the minutes of the March 20, 2017 Regular Town Board Meeting. (Janet Pierson)
- B. Approve the minutes of the April 3, 2017 Regular Town Board Meeting. (Janet Pierson)
- C. Approve the minutes of the April 17, 2017 Regular Town Board Meeting. (Janet Pierson)
- D. Authorize award of the Town of Huntersville 2017 Westside Resurfacing Contract to Blythe Construction, Inc. (*Max Buchanan*)
- E. Accept streets in Beckett subdivision for Town maintenance. (Max Buchanan)
- F. Accept streets in Birkdale Grove subdivision for Town maintenance. (Max Buchanan)
- G. Accept Birkdale Commons Parkway Extension for Town maintenance. (Max Buchanan)
- H. Accept streets in Holly Crest Apartments subdivision for Town maintenance. (Max Buchanan)
- I. Accept streets in Pavilion subdivision for Town maintenance. (Max Buchanan)
- J. Accept streets in Stillwell Village subdivision for Town maintenance. (Max Buchanan)
- K. Accept streets in Tanners Creek subdivision for Town maintenance. (Max Buchanan)
- L. Call a public hearing for Monday, June 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #ANNEX16-01, Skybrook North Phase 4, to annex 5.901-acres (non-contiguous) into the Town of Huntersville. *(David Peete)*
- M. Call a public hearing for Monday, June 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA17-03, a request by the Town of Huntersville Planning Board to amend Article 11.4.2(b).1 to modify the term limits for members from within the Town Limits and Article 11.4.7(b) to modify the number of times the Planning Board may defer action on a request and a request by the Town of Huntersville to amend Article 4: Lot and Building

Type for Detached House to modify a reference to Transitional Residential sideyard setback, which was changed on February 6, 2017. *(Meredith Nesbitt)*

- N. Call a public hearing for Monday, June 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-01, Valencia Phase 1J, a request by Bowman Development to rezone +/-37.77 acres located along the northern portion of Holbrooks Road from Transitional Residential to Neighborhood Residential Conditional District. (*Alison Adams*)
- O. Call a public hearing for Monday, May 15, 2017 at 6:30 p.m. at Huntersville Town Hall to receive comments on the proposed budget for Fiscal Year 2017-2018. *(Gerry Vincent)*
- P. Approve budget amendment appropriating Sponsorship revenue in the amount of \$5,000 to the Downtown Festival account. (*Jackie Huffman/Michael Jaycocks*)

XI. Closing Comments

XII. Adjourn

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

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

Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Brad Priest, Senior PlannerSubject:TA17-01: Nature Preserve Parking

Request to hold a public hearing on May 1, 2017 for TA17-01. TA17-01 is a request by Mecklenburg County Parks and Recreation to modify the parking standards in Article 6 of the Huntersville Zoning Ordinance. The purpose of the amendment is to allow gravel parking for publicly owned nature preserves.

ACTION RECOMMENDED:

Consider holding a public hearing on May 1, 2017.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description

- D Staff Report
- D Proposed Text Amendment Ordinance
- D Adjacent Town Ordinances
- D Text Amendment Application

Type Staff Report Ordinance Backup Material Backup Material

TA 17-01 Nature Preserve Parking Areas

PART 1: DESCRIPTION

TA17-01 is a request by Mecklenburg County Parks and Recreation to modify the parking standards in Article 6 of the Huntersville Zoning Ordinance. The purpose of the amendment is to allow gravel parking for publicly owned nature preserves.

PART 2: BACKGROUND

Mecklenburg County Parks and Recreation is proposing to renovate the historical Hollybend House at 3701 Neck Road on a county owned nature preserve. The building will be used as a small event space and meeting facility. The Zoning Ordinance allows the use of the facility as a "park" use similar to that of the Rural Hill facility which lies just east of the Hollybend House. Please see the photos below:



In discussion with county staff on permitting the change of use of the house, staff referenced the requirement in the current ordinance that all non-residential parking lots must be paved with asphalt, concrete, or brick pavers (Article 6). In order to keep a more rural and historic feel to the property, the county prefers to use crushed gravel as a paving material. Therefore the application submitted would amend the current ordinance to add an exemption to Article 6 of the Zoning Ordinance to allow accessory uses of publically owned nature preserves to establish gravel drives and parking lots so long as they do not exceed 20,000 sqft in size.

The Land Development Ordinances Advisory Board (LDOAB) considered the text amendment at their March 2, 2017 meeting and unanimously recommended its approval.

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

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

• Policy E-1: Preservation and Environment – Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.

PART 4: STAFF RECOMMENDATION

Generally, gravel paving for driveways and parking lots can be difficult to maintain and cause safety issues (wheel spinning/slipping) for drivers entering well-traveled streets. However, NCDOT requires that concrete or asphalt aprons for gravel driveways be installed at the roadway intersection to mitigate those safety concerns along state roads.

Other nearby towns such as Mooresville and Davidson require that parking areas mandated by the zoning ordinance be paved with asphalt and concrete (No allowance for gravel is made). Cornelius allows pea gravel as a paving material if the parking area is less than 11 spaces. Concord allows gravel parking if approved by the Zoning Ordinance Administrator. Please find a summary of these requirements attached in your agenda package.

Considering the fact that asphalt aprons are generally required at driveway intersections to remove the safety concern, and the fact that the proposed text is limited to small lots in very rural settings, staff supports the application.

PART 5: PUBLIC HEARING

The Public Hearing will be held on May 1, 2017.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on May 23, 2017.

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application Attachment B: Proposed Ordinance from Staff Attachment C: Nearby Town Ordinance Requirements

PART 8: STATEMENT OF CONSISTENCY - TA17-01

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the	APPROVAL: In considering the	APPROVAL: In considering the
APPROVAL: In considering the proposed amendment TA 17-01, to amend Article 6: <i>Off Street</i> <i>Parking Design</i> of the Zoning Ordinance, the Planning Staff finds it consistent with Policy E-1 of the 2030 Community Plan and recommends approval. It is reasonable and in the public interest to amend the Zoning Ordinance because the allowance of gravel as a parking material will be limited to small rural settings only and will maintain the natural setting of nature preserves.	APPROVAL: In considering the proposed amendment TA 17-01, to amend Article 6: <i>Off Street Parking</i> <i>Design</i> of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with <u>(insert</u> <u>applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because(<i>Explain</i>)	APPROVAL: In considering the proposed amendment TA 17-01, to amend Article 6: <i>Off Street</i> <i>Parking Design</i> of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan</u> <u>reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because(<i>Explain</i>)
DENIAL: N/A	DENIAL: In considering the proposed amendment TA 17-01, to amend Article 6: Off Street Parking Design of the Zoning Ordinance, the Planning Board recommends denial based on the amendment being (consistent OR inconsistent) with (insert applicable plan reference). It is not reasonable and in the public interest to amend the Zoning Ordinance because(Explain)	DENIAL: In considering the proposed amendment TA 17-01, to amend Article 6: <i>Off Street Parking Design</i> of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference).</u> It is not reasonable and in the public interest to amend the Zoning Ordinance because(<i>Explain</i>)

AN ORDINANCE TO AMEND ARTICLE 6 (DESIGN STANDARDS - EXCEPTIONS) TO ALLOW GRAVEL PARKING AT NATURE PRESERVES

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

ARTICLE 6: DESIGN STANDARDS

EXCEPTIONS:

D) In order to preserve the natural, environmental, and historic character of publicly owned nature preserves, new parking access driveways and new parking areas for accessory uses of the nature preserves may be paved with gravel or crushed stone provided the area of the lot and driveway for the use does not exceed 20,000 sqft.

New Text = Bold and Underlined

<u>Section 2</u>. That this ordinance shall become effective upon adoption.

PUBLIC HEARING DATE: May 1, 2017 PLANNING BOARD MEETING: May 23, 2017 PLANNING BOARD RECOMMENDATION: TBD TOWN BOARD DECISION: TBD TOWN BOARD MEETING: June 5, 2017

Town/City	Paved Parking Standard		
Cornelius	For all uses (except single and two family dwellings) gravel is not permitted.		
	 Off-street parking areas for lots 11 or less parking spaces may use pea gravel. 		
	 Handicap parking must meet ADA standards and pea gravel is contained. 		
Davidson	Gravel is not permitted		
	 Overflow parking may be dust-free compacted, pervious ground cover (for example: grass and mulch). 		
Mooresville	Gravel is not permitted		
	 Alternative material may be used for parking space that are provided in excess to the minimum amount required. 		
	 Alternative materials must be approved by Town Staff and property maintained. 		
Concord	 Non-Residential and Multi-Family Development – all required parking and vehicular traffic surfaces shall surfaces with concrete or bituminous asphalt pavement. 		
	Alternative materials maybe approve by the Administrator.		
	• All surfaces shall be maintained in sound condition free of weeds, dust, trash, and debris.		
	 Overflow Parking – overflow parking areas, event parking areas, and/or low-traffic storage yards shall use turf. 		



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data Date of Application 2/16/2017 Mecklenburg County AFM for Parks and Recreation- Peter Wasmer AIA, project manager Name Address 3205 Freedom Drive, Suite 101 Charlotte, NC 28208 _____ (work) 704 564 5563 Phone Number (home) Email peter.wasmer@mecklenburgcountync.gov Fee Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00 Type of Change New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other Description of Change (If possible, please provide a Word document of the proposed text change) Proposed text amendment will affect the following: Ordinance: Zoning Article: 6 Section: Off-Street parking Current Text: Under "Design Standards": G. All commercial driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, peak parking, and Riding Academies and Commercial Stables. Any nonpaved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement or brick pavers. Proposed Text: Under "Exceptions" add D. "In order to preserve the natural, environmental, and historic character of publicly owned nature preserves, new parking access driveways and new parking areas for accessory uses of the nature preserves may be paved with gravel or crushed stone provided the area of the lot and driveway for the use does not exceed 20,000 sqft." Reason for requested change (attach additional sheets if necessary): In order to preserve the natural, environmental, and historic character of publicly owned nature preserves.

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

Signatures		
I hereby certify that the information	ation presented by me in this application is accurate to	o the best of my knowledge,
Applicant Signature:	Date:	2.17.2017

Contact Information

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

Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Meredith NesbittSubject:TA 17-02: Electronic Message Board

TA17-02 is a request by University City Church to amend Article 10.7.1 of the Huntersville Zoning Ordinance to modify the amount of times a illuminated or self-luminous changeable copy sign message can change per 24 hour period.

ACTION RECOMMENDED:

Hold a Public Hearing on May 1, 2017.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

	Description	Туре
D	TA17-02: Public Hearing Staff Report	Staff Report
D	Attachment A - Text Amendment Application	Exhibit
D	Attachment B - Proposed Ordinance, Applicant Language	Exhibit
D	Attachment C - Proposed Ordinance, Staff Language	Exhibit
۵	Attachment D - Summary Table of Other Local Regulations for Changeable Copy Signs	Exhibit

TA #17-02 Amend Article 10.7.1: On-Premise Signs (Electronic Message Boards)

PART 1: DESCRIPTION

Text Amendment, TA #17-02, is a request by University City Church to amend Article 10.7.1 of the Town Zoning Ordinance to increase the amount of times a sign's message can change from one time to six (6) times per 24-hour period. See Attachment A for application.

PART 2: BACKGROUND

Article 10.7.1, *On-Premise Signs* currently requires the message of a changeable copy sign that is illuminated or self-luminous shall change a maximum of one time per 24-hour period.

University City Church and Huntersville Presbyterian Church have electronic (self-luminous) changeable copy signs that can be programed to change messages. Both Churches seek to change the message displayed on their sign more than one time per 24-hour period. Through discussion with the Huntersville Ordinances Advisory Board (HOAB) the applicants have proposed illuminated or self-luminous sign messages may change up to six (6) times per 24 hour period but the change of message shall occur no less than every four (4) hours, see Attachment B for the applicant's proposed text amendment language.

The HOAB reviewed the proposed amendment at their April 6, 2017 meeting and recommended approval of the applicants proposed language.

PART 3: STAFF RECOMMENDATION

Staff does not recommend amending Article 10.7.1, *On-Premise Signs* as submitted by the applicants, but would recommend amending Article 10.7.1, *On-Premise Signs* to allow illuminated or self-luminous sign messages to change two (2) times per 24-hour period. Staff recommends this change for the following reasons:

- Ability to administer and enforce.
- Consistent with other local community regulations, see attachment D for details Charlotte allows sign messages to change once every 24-hour period. Cornelius and Davidson do not allow commercial sign messages to change. Additionally, Davidson does not allow electronic signs.
- Lack of Need staff does not find it necessary for illuminated or self-luminous sign messages to change more than two times per 24-hour period.
- Safety according to a report produced by the American Planning Association in 2015 a model sign
 ordinance should promote traffic safety. Further, the report states "particularly in settings in which a large
 number of signs are competing for the limited attention of drivers and passengers, some street graphic
 elements (such as movement, excessive brightness, and placement too close to the roadway) can further
 complicate drivers' ability to reach their destination safely.

Below is a chart summarizing the current ordinance, applicant proposed, and staff proposed language.

CURRENT ORDINANCE LANGUAGE	APPLICANT PROPOSED LANGUAGE	STAFF PROPOSED LANGAUGE
Message shall change a maximum of one (1) time per	Message may change a maximum of six (6) times per	Message may change a maximum of two (2) times per
24 hour period.	24 hour period . Change of message shall occur no less	24 hour period.
	than every four (4) hours.	

PART 4: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS

While there is no specific policy reference to the amendment, the proposed text is consistent with promoting high design standards for development thought architecture and place making (Policy CD-6).

PART 5: PUBLIC HEARING

The Public Hearing will be held on May 1, 2017.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on May 23, 2017.

PART 7: ATTACHMENTS

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance, Applicant Language

Attachment C: Proposed Ordinance, Staff Language

Attachment D: Summary Table of Other Local Regulations for Changeable Copy Signs

PART 8: STATEMENT OF CONSISTENCY - TA #17-02

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the	APPROVAL: In considering the	APPROVAL: In considering the
proposed amendment, TA 17-02,	proposed amendment, TA 17-02,	proposed amendment, TA 17-02,
to amend Article 10.7.1 of the	to amend Article 10.7.1 of the	to amend Article 10.7.1 of the
Zoning Ordinance, the Planning	Zoning Ordinance, the Planning	Zoning Ordinance, the Town
staff recommends approval of	Board recommends approval	Board recommends approval
language that increases the	based on the amendment being	based on the amendment being
number of times a changeable copy message may change from	consistent with <u>(insert applicable</u> plan reference)	consistent with <u>(insert applicable</u> plan reference)
one to two (2) times per 24 hour	plan reference)	plan reference/
period based on the amendment	It is reasonable and in the public	It is reasonable and in the public
being consistent with the Town of	interest to amend the Zoning	interest to amend the Zoning
Huntersville 2030 Community	Ordinance because(Explain)	Ordinance because(Explain)
Plan.		
It is reasonable and in the public		
interest to amend the Zoning		
Ordinance because amending		
provides for greater flexibility in changeable copy sign regulations		
while maintaining consistency		
with other local community		
regulations, safety, and the ability		
to enforce. The text amendment		
will promote high design standards		
of place making which Policy CD-6		
supports.		
	DENIAL: In considering the proposed amendment, TA 17-02,	DENIAL: In considering the proposed amendment, TA 17-02,
	to amend Article 10.7.1 of the	to amend Article 10.7.1 of the
	Zoning Ordinance, the Planning	Zoning Ordinance, the Town
	Board recommends denial based	Board recommends denial based
	on the amendment being	on the amendment being
	(consistent OR inconsistent) with	(consistent OR inconsistent) with
	(insert applicable plan	(insert applicable plan reference).
	<u>reference).</u>	
		It is not reasonable and in the
	It is not reasonable and in the	public interest to amend the
	public interest to amend the Zoning Ordinance	Zoning Ordinance because(<i>Explain</i>)
	because(Explain)	
	Securit Christian	

Attachment A: Text Amendment Application



Text Amendment Application

Incomplete submissions will not be accepted.
Applicant Data
Date of Application 1/5/2017 Name University City Church Address 1994 University City Church Drive Huntersville N.C. Phone Number (home) (work) 704-992-8759 Email facilities @ University Church, TV
Fee
Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00
Type of Change
New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other X Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other Description of Change (If possible, please provide a Word document of the proposed text change) Proposed text amendment will affect the following: Ordinance: 10 Article: 7 Section: 1b, Current Text: (b) McSSage Shall Change A nonc Period,
Proposed Text: (b) Message Shall Change a maximum of twelv (12) times per 24 hour period. Change of Sign Should 1000 occur once every 2 hours
Reason for requested change (attach additional sheets if necessary):

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

Signatures

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

7 Applicant Signature: Date:

Contact Information

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

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

Chris Vincent University City Church 1994 University City Church Drive Huntersville NC 28078

Town of Huntersville

1/5/2017

Reason for requested change:

To Whom It May Concern:

University City Church has spent a large amount of money on installing a LCD display sign at the front of our property. This sign was installed to attract new members and also spread a message to the public as to our upcoming events. With the ordnance as it is now, the cost of this piece of equipment will in no way justify the money spent. We were not aware of the ordinance during or even after its installation until the town code enforcement officer made it clear to us. University City Church has reached out to many local Churches, Schools, and businesses in the Huntersville area who also have these signs. It has been expressed by all of these individuals that the town ordinance limits the use of these very expensive signs. We are here today to ask the Town to change the text of the ordinance. We are all aware that the Town does not want to create any driving distraction due to safety which we all agree with. Also we understand the Town is looking for a specific image. We completely understand that as well. We are simply asking to be able to change our messages on the display every two hours to be able to display multiple messages throughout the day. This would give everyone the ability to utilize there signs for how they were intended. We are simply asking for a static message to be able to change 12 times throughout the day.

In Closing we would like to thank you for your time to review our request to make Huntersville a Safe and beautiful place to live and work in.

Chris Vincent University City Church I agree to the change.

From: Meredith Nesbitt <mnesbitt@huntersville.org>
Sent: Wednesday, April 12, 2017 1:49:47 PM
To: Chris Vincent; Bob Peerbolte
Subject: TA17-02 - Message Boards Proposed Text Update

Chris and Bob,

At the Huntersville Ordinances Advisory Board meeting last week, discussion lead to you both to verbally agreeing to modify the proposed language of your text amendment request. Below is the language discussed at the Advisory Board meeting:

"Message may change a maximum of six (6) times per 24 hour period. Change of message shall occur no less than every four (4) hours"

Please reply to this email as written consent to change the proposed language of you text amendment application. If you agree with the language above, I will attach this email to your application so you do not need to submit anything new.

If you have any questions or concerns do not hesitate to call or email.

Best regards,

Meredith M. Nesbitt, MSc. Urban Planning

Planner I | Town of Huntersville 105 Gilead Road | Third Floor P.O. Box 664 | Huntersville, North Carolina 28070 PH: 704-766-2298 | FX: 704-992-5528 Email: <u>mnesbitt@huntersville.org</u> Web: <u>www.huntersville.org</u>



Email correspondence to and from this sender is subject to the NC Public Records Law and may be disclosed to third parties.

Huntersville Presbyterian church agrees to the changes in text

Sent from Yahoo Mail for iPhone

On Wednesday, April 12, 2017, 1:50 PM, Meredith Nesbitt <mnesbitt@huntersville.org> wrote:

Chris and Bob,

At the Huntersville Ordinances Advisory Board meeting last week, discussion lead to you both to verbally agreeing to modify the proposed language of your text amendment request. Below is the language discussed at the Advisory Board meeting:

"Message may change a maximum of six (6) times per 24 hour period. Change of message shall occur no less than every four (4) hours"

Please reply to this email as written consent to change the proposed language of you text amendment application. If you agree with the language above, I will attach this email to your application so you do not need to submit anything new.

If you have any questions or concerns do not hesitate to call or email.

Best regards,

Meredith M. Nesbitt, MSc. Urban Planning

Planner I | Town of Huntersville

105 Gilead Road | Third Floor

P.O. Box 664 | Huntersville, North Carolina 28070

PH: 704-766-2298 | FX: 704-992-5528

TA 17-02: Electronic Message Boards

AN ORDINANCE TO AMEND ARTICLE 10.7.1 On-Premise Signs

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

¹Changeable copy that is illuminated or self-luminous shall meet the following standards:

- (a) Maximum brightness shall be 5000 nits during daylight hours (dawn to dusk) and 150 nits during nighttime hours. The applicant or sign manufacturer must provide either written certification from the manufacturer that the light intensity has been factory-programmed not to exceed above listed light levels or provide an isolux lighting plan certified by an electrical engineer.
- (b) Message shall may change a maximum of one (1) six (6) times per 24 hour period. Change of message shall occur no less than every four (4) hours.

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

LAND DEVELOPMENT ADVISORY BOARD: April 6, 2017 LAND DEVELOPMENT ADVISORY BOARD RECOMMENDATION: PUBLIC HEARING DATE: May 1, 2017 PLANNING BOARD MEETING: May 23, 2017 PLANNING BOARD RECOMMENDATION: TOWN BOARD DECISION:

TA 17-02: Electronic Message Boards

AN ORDINANCE TO AMEND ARTICLE 10.7.1 On-Premise Signs

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

¹Changeable copy that is illuminated or self-luminous shall meet the following standards:

- (a) Maximum brightness shall be 5000 nits during daylight hours (dawn to dusk) and 150 nits during nighttime hours. The applicant or sign manufacturer must provide either written certification from the manufacturer that the light intensity has been factory-programmed not to exceed above listed light levels or provide an isolux lighting plan certified by an electrical engineer.
- (b) Message shall may change a maximum of one (1) two (2) times per 24 hour period.

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

LAND DEVELOPMENT ADVISORY BOARD: April 6, 2017 LAND DEVELOPMENT ADVISORY BOARD RECOMMENDATION: PUBLIC HEARING DATE: May 1, 2017 PLANNING BOARD MEETING: May 23, 2017 PLANNING BOARD RECOMMENDATION: TOWN BOARD DECISION:

Signs and	l Changeable	Copy	Regulations
0			0

Jurisdiction	Changeable Copy Allowed?	Standards for Changeable Copy Signs
Huntersville	Allowed and limited to a percentage of changeable copy	 Max brightness shall be 5000 nits¹ during daylight and 150 nits during nighttime house Message shall change a max of 1 time per 24 hour period
Davidson	Only monuments signs for schools and religious institutions	 The sign may contain an area for changeable typeface to display messages throughout the year Flashing, blinking, or moving signs are prohibited No Electronic Signs
Belmont	Yes, Message Boards/Reader board signs only in the following districts: HC (Highway Commercial) IC-D (Institutional Campus District) BC-D (Business Campus Development) Civic uses located outside of allowed zones are limited to 50% of allowable monument sign area	 Sign shall not exceed max illumination of 5,000 nits during daylight and max 500 nits between dust and dawn <u>Message can only change once every 15 minutes</u> – message must change instantaneously and must not use animation, scrolling, flashing, special effects, or changing degree of intensity of brightness or color Message may only contain monochromatic text with background being darker color than the text. Neon or other high intensity colors may not be used for background Graphics, logos, or pictures may not be used in the message
Cornelius	Yes, civic signs in the following districts:HC (Highway Commercial)IC (Industrial Campus)NMX (Neighborhood mixed used)VC (Village Center)TN (Traditional Neighborhood)GR (General Residential)NR (Neighborhood Residential)RP (Rural Preservation)	 Changeable face of sign shall not exceed 40% of the sign face. Changeable copy continuously shows <u>one message for a minimum of 1</u> <u>hour</u> before switching to another message, except for time and temperature Sign shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements animation, video or audio Electronic signs shall only be affixed to ground mounted signs Signs operate only 6:00am-11:00pm

Concord	Yes	 Electronic changeable copy area may be included on any conforming freestanding sign in the C-2, C-1, I-2, and I-1 districts Area of electronic changeable copy is limited to 70% of total area of the sign face. Electronic changeable copy sign shall meet the minimum NCDOT requirements for lighting and message duration contained in NC Administrative Code 2E.0203(3a-c & 4a (i-iii)².
Charlotte	Yes	 Marquee signs may contain changeable copy. Message shall not change more than once in a 24-hour time period Changeable copy highlighting special events on signs for cultural, civic, or recreational facilities shall not exceed 25% of the sign face area of a sign.
Matthews	Yes	<u>Message can only change once every 4 hours</u>

1. A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. Nits are used to describe the brightness of computer displays, such as LCD and CRT monitors.

2. (4) Automatic Changeable Facing Sign:

- (a) Automatic changeable facing signs shall be permitted on the controlled routes under the following conditions:
 - (i) The sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising;
 - (i) The changeable facing remains in a fixed position for at least eight seconds;
 - (iii) If a message is changed electronically, it must be accomplished within an interval of two seconds or less;
 - (iv) The sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway;
 - (v) The 1000-foot distance shall be measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;
 - (vi) A legally conforming structure may be modified to an automatic changeable facing upon compliance with these standards and approval by the Department. Nonconforming or grandfathered structures shall not be modified to an automatic changeable facing;
 - (vii) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
 - (viii) The sign application meets all other permitting requirements.

Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

То:	The Honorable Mayor and Board of Commissioners
From:	David Peete, AICP, Principal Planner
Subject:	Oaks at Skybrook North CD Rezoning Revision

Request to hold a public hearing on Monday, May 1, 2017 at 6:30 PM, Huntersville Town Hall on Petition # R16-07, a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for 175.05-acres to add 4-acres (currently zoned R) and to revise the Transitional Residential Conditional District (TR-CD) to increase density, adjust open space, streets and other site plan changes. TR-CD zoning is requested for the entire site to permit 220 single-family lots located north of Huntersville-Concord Road and west of Poplar Tent Church Road. Property is vacant, with a few single-family homes.

ACTION RECOMMENDED:

Hold Public Hearing on May 1, 2017

FINANCIAL IMPLICATIONS: TBD

ATTACHMENTS:

Description

- Oaks at Skybrook North Staff Report
- D Attachment A Rezoning Application
- Attachment B CD Rezoning Plan
- D Attachment C Neighborhood Mtg Report
- D Attachment D APF Letter of Determination

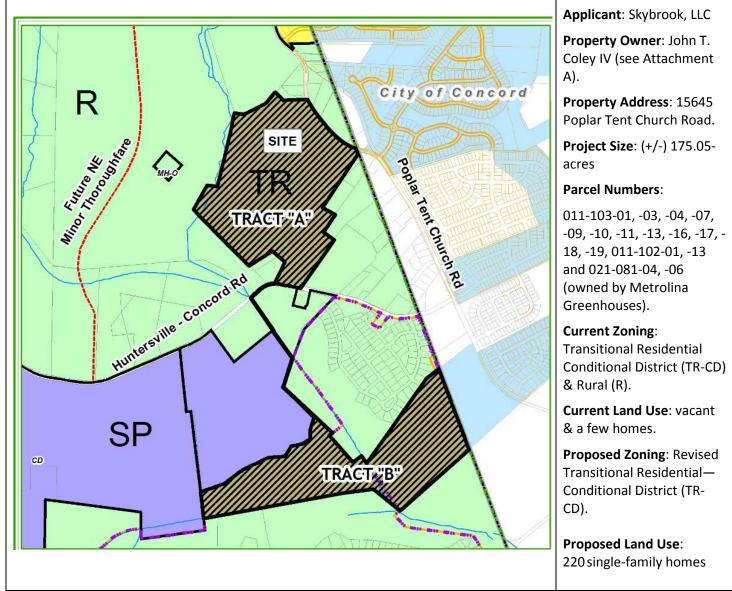
Туре

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Petition R16-07 Oaks at Skybrook North Conditional District Rezoning

NOTE: per a second email, received on 4/24/2017, the applicant for this Rezoning has requested to continue (again) the public hearing to a future date to revise the proposed subdivision. The applicant and staff will continue to work on this development.

PART 1: PROJECT SUMMARY



1. Purpose: Rezone 175.05 -acres north of Huntersville-Concord Road and east of Poplar Tent Church Road, near the Cabarrus County line (north of Parkside at Skybrook Subdivision) from Transitional Residential Conditional

District (TR-CD) and Rural (R) to Transitional Residential – Conditional District (TR-CD) to add approximately four (4) acres of land, to increase the lot count from 180 to 220 and to adjust open space and street layout.

NOTE – It is important to understand that Skybrook North, as a whole, includes 175.05-acres broken-out into two (2) large areas. The proposed TR-CD Rezoning for this site involves a 96.39-acre Tract A and a 78.66-acre Tract B (see map, above). The addition of a new parcel and the other proposed revisions only impact Tract A. Tract B has no revisions or changes proposed.

<u>A Subdivision Sketch Plan for this project has also been submitted concurrent with this Rezoning Plan and will go</u> to the Planning Board on April 25, 2017.

2. Adjoining Zoning and Land Uses.

North: Rural (R) – large-lot single-family & vacant. South: Rural (R) – single-family (Parkside at Skybrook Subdivision) & agri-business (Metrolina Greenhouses). East: Rural (R) – mostly vacant & a few large-lot single-family homes (along Cabarrus County line). West: Rural (R) – regional tourist attraction (Renaissance Festival) & vacant.

- 3. A neighborhood meeting was held on Monday, February 27, 2017. The complete meeting summary is provided in Attachment C. Questions/concerns centered on possible road improvements and what type and number of homes are proposed to be built.
- 4. Notice for this rezoning petition was given via letters sent to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property in two (2) locations.

PART 2: REZONING/SITE PLAN ISSUES

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

- The Oaks at Skybrook North subdivision (Tract A) will be developed as one (1) phase.
- Additional right-of-way required along both Huntersville-Concord Road and Poplar Tent Church Road is to be dedicated, along with road improvements for both roads as part of previous approval (see Part 3 for details).
- A 0.80-acre square and a 0.71-acre square are proposed within the subdivision to serve as required Urban Open Space for the residents of Tract A. A 0.42-acre square is part of Parcel B. Overall, 94.29-acres (54%) of open space are provided within the subdivision (current TR zoning requires 40%, or more, of open space).
- An easement is being offered along the northern stream, where a new sewer line was recently installed, to accommodate a section of future County/Town greenway.
- Minimum Tree Preservation for the current TR zone is 35%. The proposed TR-CD Rezoning Plan saves 40% of the overall existing tree canopy.
- A grass path has been indicated to run within both gas-line easements. These paths should be clearly labeled.
- An "emergency-access only" path is proposed to cross one of the gas line easements in order to provide multiple accesses to the western portion of the subdivision.

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

- Density to be discussed with the applicant.
- Four (4) waivers are requested:
 - Waiver to reduce side yard setback to 5 ft. minimum with 16 ft. building separation. This waiver was approved on 10-16-06 and is on the current 2010 version of the CD Rezoning.
 - Waiver to increase block length per block length table. This waiver was approved on 10-16-06 and is on the current 2010 version of the CD Rezoning. It should be noted that there were three (3) blocks that required a waiver in 2010, but there are only two (2) on the proposed plan.

- Waiver to eliminate curb and gutter requirement on Huntersville-Concord Road and Poplar Tent Church Road. This waiver was approved on 10-16-06 and is on the current 2010 version of the CD Rezoning.
- Waiver to decrease the 80 ft. buffer along Poplar Tent Church Road. This is a new waiver request. The 2010 CD Rezoning provides an 80 ft. buffer in this location.
- Several lots are not located within ¼ of Urban Open Space. Additional Urban Open Space will need to be provided.
- Lot 88 is proposed to have access only via a driveway easement running in front of another lot. This access is not permitted. Another solution will be needed for lot access or the lot can revert to open space.
- A side yard setback of 5 ft. with a minimum of 16 ft. of building separation is a hold-over from the 2010 CD Rezoning. However, the lots at that time were a minimum of 85 ft. wide, thus 16 ft. could be accommodated. The current plan permits a 70 ft. wide lot and there is concern 16 ft. of separation cannot be met. Fire Code only requires 10 ft. of building separation.
- A build-to range of 20 ft. 50 ft. is proposed. This range is acceptable, however, a provision that there will not be more than 5ft. 10 ft. of variation from one home to another is recommended.
- As part of this CD Rezoning, a reservation of land (dedication or easement) is required to be provided to facilitate the development of the greenway, per Article 11.3.7(h) of the Zoning Ordinance, which stipulates that "in approving a petition to reclassify property to conditional zoning district... Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to town ordinances, the officially adopted Huntersville Community Plan, <u>other applicable adopted long range plans</u> and those that address the impacts reasonable expected to be generated by the development or use of the site." In summary, adequate accommodation, such as a dedication of land (preferred) or an easement, should be provided for future greenway development.
- In addition to the greenway-land reservation, the applicant has indicated that they will provide a private trail connection to the proposed subdivision.
- The properties involved in this CD-Rezoning have not been offered for voluntary annexation into the Town of Huntersville.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA) - The addition of 40 lots (from 180 to 220) to the approved plan did not exceed the threshold to require a TIA for the Town.

Site Plan Comments

- The street centerline radius in three locations does not meet the minimum in the Engineering Standards and Procedures Manual.
- Several of the end-of-the-street turnarounds may need to be shifted to accommodate the minimum design vehicle.
- Storm water layout will need minor modifications to meet the minimum design standards.
- Preliminary grading is inconsistent with the proposed layout for the cul-de-sac on street 9. The layout may require a grading easement from the adjacent property owner.
- Minor changes to the cross section for the divided residential street
- Other minor changes to plan notes/references.

PART 4: ADEQUATE PUBLIC FACILITIES (APF)

Under the provisions of the APF Ordinance, all residential development greater than twenty (20) lots are required to receive a "Determination of Adequacy (DOA)" for the following public facilities: fire station, fire vehicles, police station, police vehicles, indoor park and recreation facilities, and parks acreage. <u>An APF Ordinance Determination of Adequacy</u> was not required, as Skybrook North pre-dates the APF Ordinance.

PART 5: REZONING CRITERIA

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

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

- Policy E-1, E-2 & E-3: Preservation and Enhancement. Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
 <u>Comment</u>: The proposed development provides adequate open space buffers along Huntersville-Concord Road (80+ feet wide). However, the buffer along Poplar Tent Church Road is not the minimum width of 80 feet. The minimum width must be provided. In addition, 54% of the site is set aside as open space.
- **Policy H-1 & H-9: Development Pattern**. Continue to follow existing residential development pattern as reflected in "Map of Zoning Districts," focusing higher intensity development generally within two miles of the I-77/NC 115 corridor.
- <u>Comment:</u> The proposed CD Rezoning subdivision is located within the Low Intensity Areas of the 2030 Community Plan, which is the area the Comprehensive Plan does not support considering increases in density. The Oaks at Skybrook North subdivision has a proposed density of 1.26 units per acre (2.12 for Tract A only). The only surrounding development, Parkside at Skybrook North, is 1.44, (note that the majority of the land to the north, east and west conforms to the Rural (R) zoning. North South East West

n/a Parkside at Skybrook = n/a

• **Policy T-5: Context-sensitive Design of Streets**: Continue to support "context-sensitive" design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments.

n/a

<u>Comment</u>: The internal streets are appropriately sized and create short blocks to encourage pedestrian activity. The proposed cross-section to be used through the development follows context sensitive design by providing adequate lane widths, green zones for street trees and sidewalks.

• **Policy T-7: Traffic Impact Analysis Ordinance**: Continue to apply requirements of "Traffic Impact Analysis" Ordinance, including Level of Service and mitigation of impacts generated by new development.

<u>Comment</u>: A TIA was not required, however transportation enhancements are outlined in Part 3 of this staff analysis.

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

<u>Comment</u>: The proposed development provides two (2) connections to existing thoroughfares (Huntersville-Concord Road & Poplar Tent Church Road). In addition, there are six (6) stub streets: two to the north, two to the south, two to the east and two to the west.

- Policy CD-5: Street Infrastructure: Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development.
 <u>Comment</u>: The proposed development will provide all TIA-required improvements to external public roads, extend public water and sewer, provide two (2) connections to existing roads, provide six (6) stubs for future connections and provide a greenway reservation.
- **Policy PF-2: Adequate Public Facilities**: Continue use of "Adequate Public Facilities Ordinance" to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities. <u>Comment</u>: see Part 4 of this report.

STAFF COMMENT – The 2030 Huntersville Community Plan would <u>not support</u> this project through the following sections at this time, but could with plan modifications:

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

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

STAFF COMMENT:

The proposed Conditional District Rezoning for the Oaks at Skybrook North subdivision is supported by the 2030 Comprehensive Plan, as the zoning district is not changing, only the provision of the CD rezoning plan. The Oaks at Skybrook North's proposed density is 1.26 units per acre, which is slightly lower than nearby development Parkside at Skybrook North (1.44).

- 2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal. STAFF COMMENT:
 - A Transportation Impact Analysis was required see Part 3 of this report.
 - The APF Ordinance Determination of Adequacy was required see Part 4 of this report.
 - Storm water drainage, water supplies and wastewater and refuse disposal and a Willingness-to-serve letter must be provided by Charlotte Water, as well as PCO-1 storm water approval from Mecklenburg County.
- 3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource."

STAFF COMMENT:

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

PART 6: STAFF RECOMMENDATION

The applicant for this CD Rezoning is looking to make significant changes to the plan (see note, top of staff report), therefore, staff withholds recommendation pending changes.

PART 7: PUBLIC HEARING COMMENTS

Public Hearing scheduled to be held on Monday, April 03, 2017. ITEM TO BE CONTINUED.

PART 8: PLANNING BOARD RECOMMENDATION

TBD

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

A – Rezoning Application

B – Proposed CD Rezoning Plan

C - Neighborhood Meeting Report from February 27, 2017.

D – APF Letter of Determination

PART 10: CONSISTENCY STATEMENT - R 16-07 Oaks at Skybrook North Subdivision

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the	APPROVAL: In considering the	APPROVAL: In considering the
proposed rezoning application R16-	proposed rezoning application R16-	proposed rezoning application R16-
07; Oaks at Skybrook North	07; Oaks at Skybrook North	07; Oaks at Skybrook North
Subdivision Conditional District	Subdivision Subdivision Conditional	Subdivision Subdivision Conditional
Rezoning, the Planning staff	District, the Planning Board	District, the Town Board recommends
recommends conditional approval as	recommends approval based on the	approval based on the Plan being
it is consistent with Implementation	Plan being consistent with <u>(insert</u>	consistent with <u>(insert applicable plan</u>
Goals E-1, E-2, E-3, H-1, H-9, T-5, T-7,	applicable plan reference).	<u>reference)</u> .
T-8, CD-5 and PF-2 of the 2030		
Community Plan. The property is		
located within the low intensity	It is reasonable and in the public	It is reasonable and in the public
development area of the 2030	interest to approve the Rezoning Plan	interest to approve the Rezoning Plan
Comprehensive Plan and the	<u>because (Explain)</u>	<u>because (Explain)</u>
proposed "overall" density is		
consistent with surrounding		
developments (see Part 5).		
Recommendation of approval is also		
based on all provisions outlined in		
Part 6 being addressed.		
With those provision, it is reasonable		
and in the public interest to approve		
the Conditional District Rezoning		
<u>Plan.</u>		
DENIAL:	DENIAL: In considering the proposed	DENIAL: In considering the proposed
	rezoning application R16-07; Oaks at	rezoning application R16-07; Oaks at
	Skybrook North Subdivision	Skybrook North Subdivision
	Conditional District, the Planning	Conditional District, the Town Board
	Board recommends denial based on	recommends denial based on the Plan
	(consistent OR inconsistent) with	being (consistent OR inconsistent)
	(insert applicable plan reference).	with (insert applicable plan
		<u>reference).</u>
	It is not reasonable and not in the	
	public interest to amend the	It is not reasonable and in the public
	approved Rezoning Plan because	interest to approve the Rezoning Plan
	(Explain)	because (Explain)



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 SUBDIVISION CATEGORIES: Per the Huntersville

□ CHANGE OF USE

- COMMERCIAL SITE PLAN
- ☑ CONDITIONAL REZONING
- □ GENERAL REZONING
- MASTER SIGNAGE PROGRAM
- REVISION to
- SPECIAL USE PERMIT

PRELIMINARY PLAN FINAL PLAT(includes minor and exempt plats)

Subdivision Ordinance

SKETCH PLAN

- □ FINAL PLAT REVISION
- □ FARMHOUSE CLUSTER

_____ Phase # (if subdivision) NA

2. Project Data

Date of Application 1/10/17 (Updated from 5/24/16)

Name of Project Skybrook North

Location Poplar Tent Road and Huntersville-Concord Road

Parcel Identification Number(s) (PIN) 011-102-01,13, 011-103-01,03,04,07,09,10,11,13,16,17,18,19, 021-081-04,06

Proposed District (for rezonings only) TR-CD (New) Current Zoning District TR(CD) & R

Property Size (acres) 175.05 Street Frontage (feet)

Current Land Use Vacant

Proposed Land Use(s) Residential (Single Family)

Is the project within Huntersville's corporate limits? Yes _____ No ____ If no, does the applicant intend to voluntarily annex? Yes

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application. Remove a road crossing over PNG existing gas line, make minor internal revisions to the overall layout, increase open space & tree save

and increase density from 180 to 220 single family lots.

4. Site Plan Submittals

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

5. Outside Agency Information

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

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

6. Signatures			
*Applicant's Signature	Coly I Printed	Name_John T	. Coley IV
Address of Applicant P.O. Bo	x 38 Holly Springs, N	C 27540	
Email coley@bpropnc.co	om		
Property Owner's Signature (if d			
Printed Name_John T. Cole	ey IV		
P.O.	Box 38 Holly Springs, NC 2	7540 _{Email} CO	ley@bpropnc.com
Property Owner's Address P.O. * Applicant hereby grants permission to processing this application.	the Town of Huntersville personnel to en	ter the subject prope	rty for any purpose required in
Skybrook, LLC.	Brian Pace	704-3651208	bpace@pacedevelop.com
Development Firm	Name of contact	Phone	Email
Yarbrough-Williams & Houle, Inc.	Marc Houle	704-556-1990	march@y-wh.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:

John T. Colev IV, Skybrook, LLC	P.O. Box 38 Holly	Springs, NC 27540 919-869-2702	coley@bpropnc.com
---------------------------------	-------------------	--------------------------------	-------------------

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: Wehsite

704-875-7000 704-992-5528 105 Gilead Road, Third Floor http://www.huntersville.org/Departments/Planning.aspx

Last updated on 9/15/2015

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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 <u>submission process</u> for each application type can be found at

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

CHANGE OF USE

- COMMERCIAL SITE PLAN
- CONDITIONAL REZONING
- □ GENERAL REZONING
- □ MASTER SIGNAGE PROGRAM
- REVISION to
- □ SPECIAL USE PERMIT

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
 - SKETCH PLAN
 - PRELIMINARY PLAN
 - FINAL PLAT(includes minor and exempt plats)
 - FINAL PLAT REVISION
 - □ FARMHOUSE CLUSTER

_____ Phase # (if subdivision) NA

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Date of Application 1/10/17 (Updated from 5/24/16)

Name of Project Skybrook North

Location Poplar Tent Road and Huntersville-Concord Road

Parcel Identification Number(s) (PIN) ______011-102-01,13, 011-103-01,03,04,07,09,10,11,13,16,17,18,19, 021-081-04,06

Current Zoning District TR(CD) & R Proposed District (for rezonings only) TR-CD (New)

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5. Outside Agency Information

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

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

6. Signatures	4			
*Applicant's Signature		2 Cary,	N.C.	-Jordan II 275/9- - Manger of Jordan Real Estate toblings
Printed Name				- uc.
Property Owner's Address* Applicant hereby grants permission to processing this application.	o the Town of Huntersville perso	_Email nnel to enter the subject pro	operty for any purpos	se required in
Development Firm	Name of contact	Phone	Email	
Design Firm	Name of contact	Phone	Email	
If Applying for a General Rez	oning:			

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.

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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. ME

Contact Information

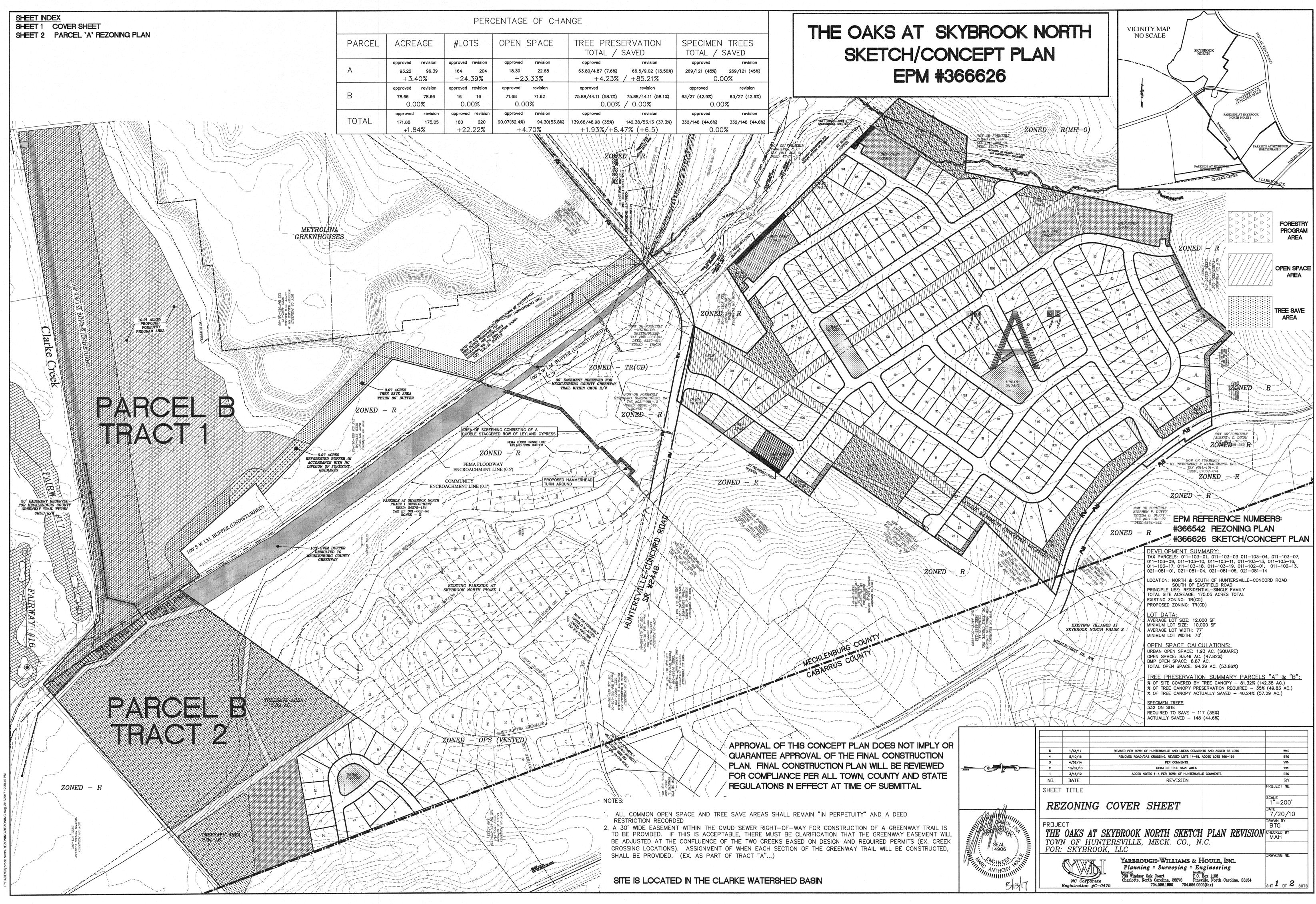
Town of Huntersville **Planning Department** PO Box 664 Huntersville, NC 28070

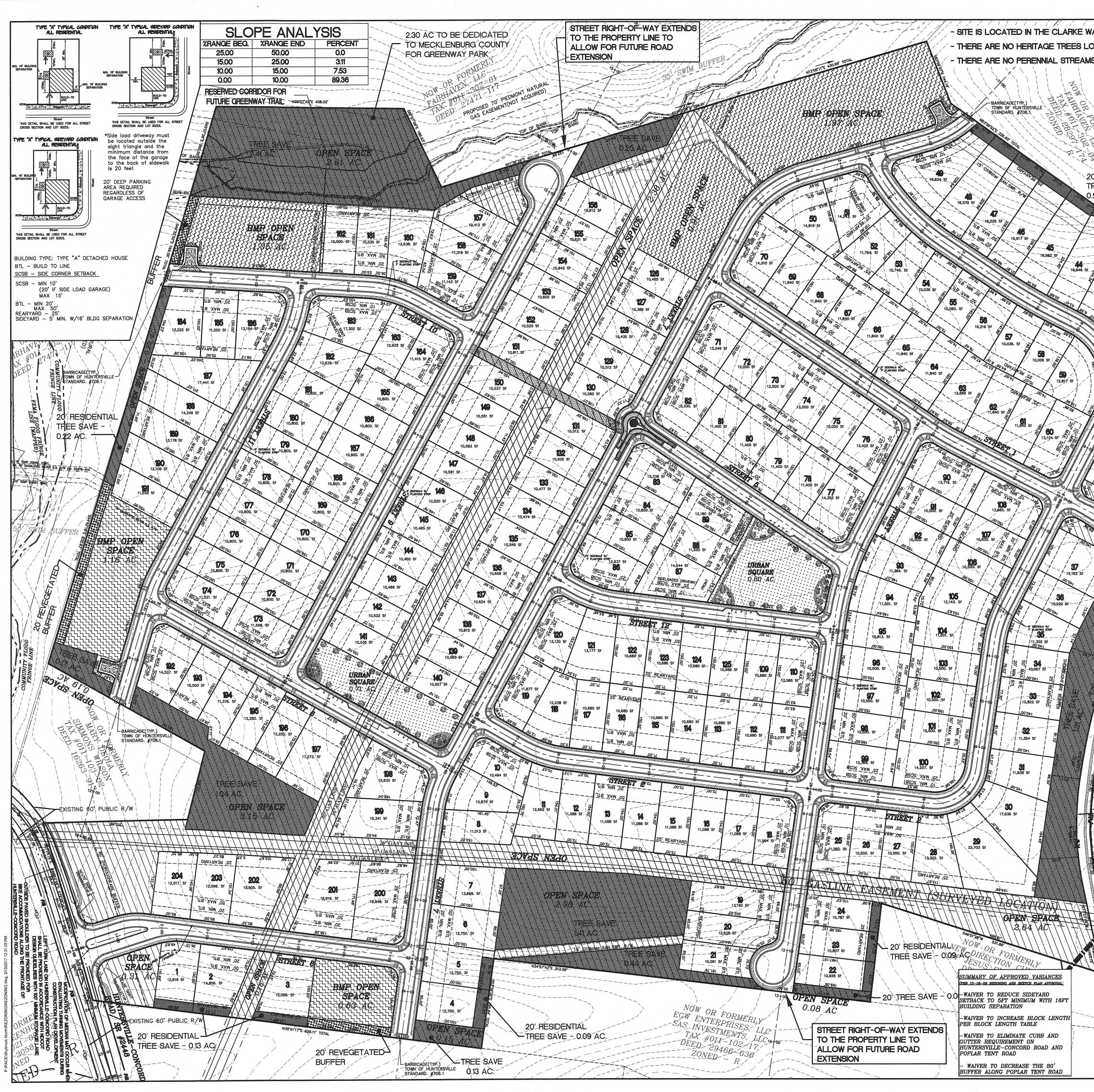
Phone: Fax: Physical Address: Website:

704-875-7000 704-992-5528 105 Gilead Road, Third Floor http://www.huntersville.org/Departments/Planning.aspx

Last updated on 9/15/2015

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February 28, 2017

To: Janet Pierson, Town of Huntersville

From: Scott Moore, Skybrook Project Manager

CC: David Peete, Town of Huntersville John Coley, Skybrook, LLC Brian Pace, Skybrook, LLC Marc Houle, YW&H

RE: Community Meeting Minutes for Rezoning Case R#16-07 (Skybrook North Plan Revision)

The R#16-07 community meeting was held at Huntersville Town Hall on Monday, February 27, 2017 and was opened at 6:03 PM.

In attendance, representing the Petitioners: Scott Moore, Skybrook Project Manager

In attendance, representing the Town of Huntersville: David Peete, Principal Planner Dan Boone, Board of Commissioners Charles Guignard, Board of Commissioners Jennifer Davis, Planning Board

Representing the Adjacent Property Owners and/or Homeowners Associations: Annie Dixon Cheryl Milam Steve & Teresa Duffy Joey Donnell Matt Siegel

Summary of items discussed at the meeting:

- Overall review of the plan's history and design which includes minor revisions to the layout, an increase in open space and tree save areas, an increase in density from 180 to 220 single-family lots, and the removal of an internal road crossing over a Piedmont Natural Gas line.
- How will drainage from this site affect the neighboring properties?
 - All drainage and run off will be directed to the water quality basins on site. By design there will be no issues with any drainage adversely affecting the adjacent properties.
- What is the minimum lot size being proposed for this project?
 - All lots will be above the minimum 10,000 square foot requirement (as stipulated in the TR Zoning District).
- Will this development be a part of Parkside at Skybrook North community?
 - There are no plans on making this a part of Parkside at Skybrook North. This will be a separate neighborhood which is currently named the Oaks at Skybrook North.
- How many total lots will there be for Parcel A (as identified on the plan) of the project?
 - The original approval shows 164 lots for Parcel A; this proposal will increase that number to 204. The other 16 lots were part of the overall original approval to the Skybrook North Plan (and they are located within the Parkside at Skybrook North community). These 16 lots are currently developed and recorded.
- You have identified and shown two entrances into the community, which entrance are you planning on installing first, once you start construction?
 - The first entrance has not been finalized but we are leaning towards starting on Huntersville-Concord Road.

- David Peete explained that as a part of the review, road improvements are looked at by staff and NCDOT. He stated that the original plan in 2006 required a TIA (Traffic Improvement Analysis). The TIA had identified several improvements including a stop light and turn lanes on Poplar Tent and Huntersville-Concord Roads. Those improvements have been installed due to development in adjacent communities. The staff and NCDOT have reviewed the TIA in reference to developing this section (Parcel A) in Skybrook North and have concluded that the increase in density of 40 lots will not warrant a change in recommendations on the roadway improvements that are required in developing this land.
 - Scott had explained that the improvements for this project call for roadway widening and turn lanes across the areas in front of community. The plan also will have a bike lane and sidewalks along the frontage.
 - There was a follow up question if these improvements will extend to Highway 73.
 - Scott explained that these improvements will be directly in front of the land that is owned for this project and that the improvements are not called for beyond those boundaries.
- A resident had pointed out that there was a plan for Poplar Tent was to be a four lane road in the future. They asked if the city will build this as a result of this community being developed.
 - David Peete had explained that these roads are owned by NCDOT and they would be responsible for constructing the future designs of these streets. (There was no timeline set or determined at the meeting that indicated when Poplar Tent would be widened to a four lane road. There were further comments about NCDOT straightening out a curve in the road near the site).
- There was a comment, that the traffic volume on Poplar Tent and Huntersville-Concord Roads was very high. One resident commented that they would prefer that the plan remain at 164 single family lots and not increase to 204 specifically just related to traffic volume.
- Given the lot sizes that are being provided, what is the developer projecting for a price point in this community?
 - This project is very similar to what we are developing in Parkside at Skybrook North with 70' and 85' wide lots. As of today and with this market we are seeing homes close in the \$400s.
- When do you plan on starting construction on these lots?
 - We are currently going through the rezoning process and if everything is approved, we would have to go through construction plan approvals. We are projecting that a start will take place in October 2017 with homes being constructed in spring 2018.
 - David Peete explained the current track of the plans going through the rezoning revision and all the steps that remain before construction could start.
- Will city water be extended to this site?
 - Yes, we are making arrangements with Charlotte Water for all pipes to be extended to deliver service to this site.
- Will the zoning of our property (adjacent properties outside of this proposal) change from R-1?
 - David Peete explained that R-1 was an old Mecklenburg County Zoning Designation that the current zoning for this proposal is TR-CD. He explained the zoning districts and concluded that this proposal will not change their current zoning designation.
 - David also explained that part of the development process requires that the proposed plan be annexed into the town limits. This will not affect parcels outside of the proposal, but they could also consider annexing their properties into the town as well. Further discussion was held regarding what would need to take place and the benefits of annexing their property.
- David Peete explained that the town staff is still reviewing the current proposal and that if anyone is interested, the staff report will be available to them one week before the public hearing. David also explained the notification process that the town provides regarding the hearings and that they will be invited to participate.

The meeting was adjourned at 6:40 PM.

All neighborhood meeting notifications, materials, and minutes along with all items described in Article 11.4.3 (d) were delivered to the Huntersville Town Clerk's office on February 28, 2017.



February 9, 2017

Re: Rezoning Case R#16-07 Revisions to the Skybrook North Conditional Rezoning & Subdivision Sketch Plans; 175.05 Acres on Poplar Tent Road & Huntersville-Concord Road in Huntersville, NC. (Parcel IDs# 011-102-01, 13, 011-103-01, 03, 04, 07, 09, 10, 11, 13, 16, 17, 18, 19, 021-081-04)

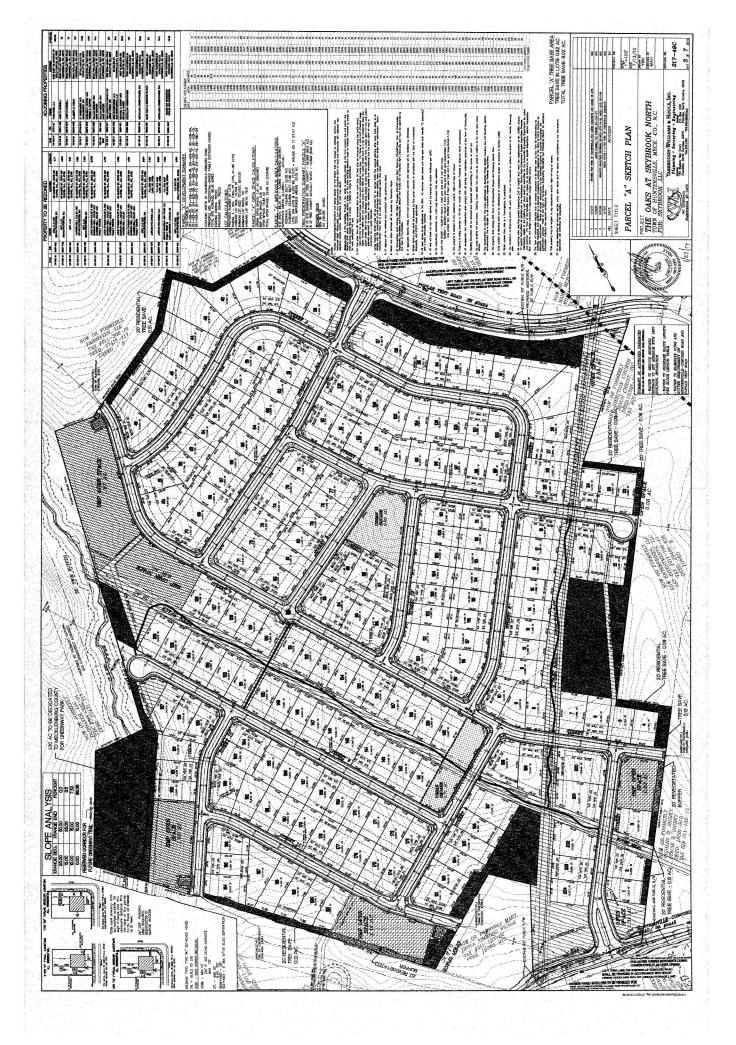
Dear Property Owner,

On behalf of the applicants, we would like to invite you to attend a Neighborhood Meeting scheduled for February 27, 2017 at 6:00 PM at the Huntersville Town Hall (101 Huntersville-Concord Road) in Huntersville, NC to review revisions to the approved rezoning and subdivision sketch plans on the above-referenced properties. These plans are currently being reviewed by the Town of Huntersville Planning staff to make minor revisions to the overall layout including an increase in open space and tree save areas, to increase the overall density from 180 to 220 single family lots and to remove an internal road crossing over a Piedmont Natural Gas line. Please note that we have attached a site plan of the proposal on the back of this letter for your review.

If you have any questions or need additional information, please call me at 704.995.2507 or email me at <u>scott@bpropnc.com</u>. We look forward to seeing your there.

Sincerely,

Scott Moore Project Manager Skybrook Subdivision



RH 16-07 Skybrosk North Neighborhood Meeting Mailing List Mailost: USP5 219/17 12:30PM

MARY BRADFORD BOST 16418 MCAULEY RD HUNTERSVILLE, NC 28078

ALBERTA C DIXON 15924 POPLAR TENT CHURCH RD HUNTERSVILLE, NC 28078

EGW ENTERPRISES LLC 38 SALEM ST THOMASVILLE, NC 27360

H KEVIN GEDNEY 15026 SKYPARK DR HUNTERSVILLE, NC 28078

DWAYNE NELSON HENSLEY 10120 HARRIS RD HUNTERSVILLE, NC 28078

GEORGE H III JORDAN PO BOX 4422 CARY, NC 27519

LANRE M LADIPO 15107 SKYPARK DR HUNTERSVILLE, NC 28078

DIANNE JONES MCVAY 16241 GRASSY CREEK DR HUNTERSVILLE, NC 28078

METROLINA GREENHOUSES INC 17200 HUNTERSVILLE-CONCORD RD HUNTERSVILLE, NC 28078

ELEASAR NGASSA 15102 SKYPARK DR HUNTERSVILLE, NC 28078 ROBERT BANNER 1505 BURNING LANTERN LN KANNAPOLIS, NC 28081

PAUL J CAPALDI 16317 GRASSY CREEK DR HUNTERSVILLE, NC 28078

JOEY D DONNELL 15949 POPLAR TENT CHURCH RD HUNTERSVILLE, NC 28078

FAIRHAVEN LLC 12601 EAST US HIGHWAY 60 GOLD CANYON, AZ 85118

DONNA M GILMORE 16311 GRASSY CREEK DR HUNTERSVILLE, NC 28078

KENMORE HINKSON 16321 GRASSY CREEK DR HUNTERSVILLE, NC 28078

BRIAN KEITH 15120 SKYPARK DR HUNTERSVILLE, NC 28078

GREGG A MATTHIESEN 16329 GRASSY CREEK DR HUNTERSVILLE, NC 28078

WILLIAM MERCER 15700 POPLAR TENT CHURCH RD HUNTERSVILLE, NC 28078

MVC LLC PO BOX 38 HOLLY SPRINGS, NC 27540

EDDIE C PALMER 15114 SYKPARK DR HUNTERSVILLE, NC 28078 CORA BATTIES 16325 GRASSY CREEK DR HUNTERSVILLE, NC 28078

JOHN T III MARITAL & COLEY PO BOX 38 HOLLY SPRINGS, NC 27540

STEPHEN P DUFFEY 15712 POPLAR TENT RD HUNTERSVILLE, NC 28078

DAVID N FARACE 15126 SKYPARK DR HUNTERSVILLE, NC 28078

HD SPE SKYBROOK LLC ONE MARITIME PLAZA SAN FRANCISCO, CA 94111

TODD JOHNSON 16959 HUNTERSVILLE-CONCORD RD HUNTERSVILLE, NC 28078

KY INVESTMENT & MANAGEMENT INC 127 HILLANDALE DR CHARLOTTE, NC 28270

DAVID G MCALEXANDER 14703 LONG IRON DR HUNTERSVILLE, NC 28078

METROLINA GREENHOUSES INC 16400 HUNTERSVILLE CONCORD RD HUNTERSVILLE, NC 28078

CHRIST INC NEW DIRECTION CHURCH OF JESUS 8031 GERA EMMA DR CHARLOTTE, NC 28215

PARKSIDE AT SKYBROOK NORTH HOA 6719-C FAIRVIEW RD CHARLOTTE, NC 28210 KAREN A PORETTI 15034 SKYPARK DR HUNTERSVILLE, NC 28078

RICHARD O SHIREY 6207 GLENCAIRN CR CHARLOTTE, NC 28269

COMMUNITY ASSOC INC SKYBROOK RIDGE TOWNHOMES 6719-C FAIRVIEW RD CHARLOTTE, NC 28210

> Mayor John Aneralla 15705 Framingham Lane Huntersville, NC 28078

Commissioner Mark Gibbons 13818 Bramborough Road Huntersville, NC 28078

Commissioner Charles Guignard P.O. Box 1766 (201 Sherwood Drive) Huntersville, NC 28070

Catherine Graffy 15120 Pavilion Loop Drive Huntersville, NC 28078

Joe Sailers 9332 Westminster Drive Huntersville, NC 28078

Susan Thomas 10215 Lasaro Way Huntersville, NC 28078

David Peete PO Box 664 Huntersville, NC 28070 DENNIS R RANAGAN 15018 SKYPARK DR HUNTERSVILLE, NC 28078

SKYBROOK HOA 830 SKYBROOK DR HUNTERSVILLE, NC 28078

MARY DEOLA SIMMONS WILSON 17117 HUNTERSVILL CONCORD HUNTERSVILLE, NC 28078

Commissioner Melinda Bales 15426 Ranson Road Huntersville, NC 28078

Commissioner Rob Kidwell 7603 Rolling Meadows Ln Huntersville, NC 28078

Hal Bankirer 17206 Linksview Lane Huntersville, NC 28078

JoAnne Miller 13900 Asbury Chapel Road Huntersville, NC 28078

Ron Smith 15902 Gathering Oaks Huntersville, NC 28078

Gerry Vincent PO Box 664 Huntersville, NC 28070 BRYAN REDDING 15108 SKYPARK DR HUNTERSVILLE, NC 28078

SKYBROOK LLC PO BOX 38 HOLLY SPRINGS, NC 27540

THE PAVILION HOA 1910 S BLVD STE 200 CHARLOTTE, NC 28203

Commissioner Dan Boone 317 Southland Road Huntersville, NC 28078

Commissioner Danny Phillips 14720 Brown Mill Road Huntersville, NC 28078

> Jennifer Davis 7530 McIlwaine Road Huntersville, NC 28078

Adam Planty 12327 Cross Meadow Road Huntersville, NC 28078

Stephen Swanick 12903 Heath Grove Drive Huntersville, NC 28078

Janet Pierson PO Box 664 Huntersville, NC 28070



Received:	
Complete Application:	
Yes:	
No:	-
	-

Adequate Public Facilities (APF) Application

Section I: Background Information

Unless otherwise exempt by the terms of the Adequate Public Facilities Ordinance (APFO), this APF Application shall be completed and approved prior to the submission of an application for any of the following "development proposals," which are defined by Section 13.3 of the Town Zoning Ordinance to include the following applications for development:

- apartment building or attached house site plans involving twenty (20) or more dwelling units
- subdivisions involving more than twenty (20) lots

nonresidential developments or uses of 10,000 square feet or more of floor

- area or creating fifty (50) or more peak hour vehicle trips or 500 or more daily vehicle trips, whichever is less; and
- developments meeting any one of the thresholds above, which requires any one of the following
 - a special use permit
 - any overlay district for which a site specific development plan is
 - required under the provisions of this ordinance
 - a conditional zoning district
 - a subdivision sketch plan or a preliminary plan when required by the subdivision ordinance
 - a final plat when no sketch plan or preliminary plan is required

Note: Please refer to Article 14, Zoning Ordinance, to determine whether a separate Traffic Impact Assessment is required to be submitted with an application for the Development Proposal.

Pursuant to Section 13.6.2, Zoning Ordinance, a Pre-Submittal Meeting with the Zoning Administrator is required prior to submitting this application form. However, it is recommended that the Applicant become familiar with the requirements of this Application and of Article 13, Zoning Ordinance, prior to the Pre-Submittal Meeting

No application for a Development Proposal shall be accepted by the Town, until a Determination of Adequacy has been issued by the Zoning Administrator, pursuant to Article 13 of the Zoning Ordinance and other applicable Town Laws. The APFO tests the capacity of three (3) Public Facilities to determine whether each is sufficient to absorb the impacts of the Development Proposal when it submitted. They are:

- Law Enforcement
- Parks and Recreation; and
- Fire Protection

Section II: Development Project Information Please provide the following information.

Name of Applicant:	Skybrook LLC.
Address of Applicant:	6719 -C Fairview Road, Charlotte NC 28210
Name of Property Owner:	Skybrook LLC.
Address of Subject Property:	15645 Poplar Tent Church Road
Zoning - Current	TR(CD)
Zoning - Proposed	TR(CD)
Phone Number(s) of Applicant:	704-365-1208
Parcel Number of Subject Property:	011-102-11, 13, 011-103-01, 03, 04, 07, 09, 10, 1 011-103-17, 18, 19, 021-081-04
Size of Subject Property:	96.39 Ac.
Number of Phases & Total Sq. Ft.:	One Phase
(If this Development Proposal will be phased, p	lease see Section III below.)
Number of Phases & Sq. Ft. Included	in this APF Request:
Number of Phases & Sq. Ft. Included	l in TIA Request (if applicable)

(Phases not included in initial calculations for APF and TIA will be subject to APF & TIA requirements prior to development of those phases)

Has any property adjacent to or within 300 feet of the Subject Property been developed by the Applicant or Property Owner since November 20, 2007? If so, please describe the nature, extent, and timing of that development and its location.

None

Describe in detail the nature of the proposed land use. Please address such matters as whether goods or services are to be sold or provided, any special transportation characteristics, the use of all enclosed and unenclosed portions of the property, and the square footage to be allocated to each land use. Space has been provided for indicating the extent of each proposed new land use as well as for a narrative description. Please attach additional pages as needed.

Non-Residential Land Uses Proposed	Square Feet Gross Floor Area
Residential Land Uses Proposed	Number of New Dwelling Units
(please indicate whether single- or multi-family) Single Family	220

Section III: Phasing

If the Proposed Development is to be completed pursuant to a Phasing Schedule, please indicate when each phase is to be completed and the extent of development proposed for each use within each Phase. Describe when approvals are expected to be sought including preliminary subdivisions, site plans, rezonings, building permits, and certificates of occupancy.

Preliminary Plan Review will begin immediately following the Rezoning and Sketch Plan Approval,

Construe	ction on the site will start in October 2017, with builder permits being sought after
in March	2018.
This pha	sing and takedown of lots is dependent upon the real estate market.

Section IV: Past or Proposed Public Facility Contributions

Please describe any past or proposed dedication, construction, or funding provided by the applicant or the property owner in order to address the impacts of the Proposed Development on Public Facility capacity. Please explain the nature and timing of such contributions and whether or to what extent they will mitigate the impacts of the Proposed Development on Public Facility Capacity.

If the applicant is proposing a Mitigation Plan, as described in Article 13, Zoning Ordinance, where capacity of one or more Public Facility is not otherwise adequate to support the demand resulting from a Proposed Development, please include a draft Mitigation Plan with this Application.

Applicant's Signature Date 11 Property Owner's Signature Date

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Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Alison Adams, Senior PlannerSubject:R16-12 Vermillion Village Conditional Rezoning

Petition #R16-12 Vermillion Village Conditional Rezoning, a request by Nate Bowman to rezone parcel 01902201 (+/- 30 acres), from Neighborhood Residential (NR) to Town Center Conditional District (TC-CD).

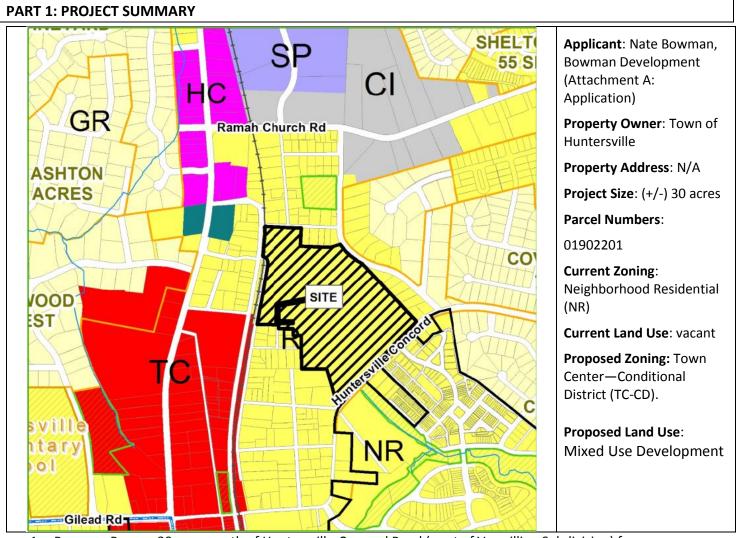
ACTION RECOMMENDED:

Hold Joint Public Hearing

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description Type R16-12 Vermillion Village Staff Report Joint PH Staff Report D **R16-12 Vermillion Village Attachment A Application Backup Material** D D R 16-12 Vermillion Village Attachment B Exhibit R16-12 Vermillion Village Attachment C Neighborhood Meeting Minutes **Backup Material** D R16-12 Vermillion Village Attachment D APO Determination **Backup Material** D



Petition R16-12 Vermillion Village Conditional District Rezoning

- Purpose: Rezone 30 acres north of Huntersville-Concord Road (west of Vermillion Subdivision) from Neighborhood Residential to Town Center – Conditional District (TC-CD). The purpose of the rezoning is to create a mixed use center with 165,000 square feet of commercial and 400 residential units. <u>A Subdivision</u> <u>Sketch Plan and a Special Use Permit for this project has also been submitted concurrent with this Rezoning Plan</u> <u>and will go to the Planning Board on May 23, 2017.</u> Attachment B: Conditional Rezoning Plan
- 2. Adjoining Zoning and Land Uses.

<u>North</u>: Neighborhood Residential (NR) – single-family Mill Village. <u>South</u>: Neighborhood Residential (NR) - single-family lots. <u>East</u>: Neighborhood Residential – Traditional Neighborhood Development Overlay (NR TND- O) – mixed use development (Vermillion Subdivision).

<u>West</u>: Neighborhood Residential (NR) – single-family and Town Center (TC) – Civic and Residential development.

- 3. A neighborhood meeting was held on January 26, 2016. The complete meeting summary is provided in Attachment C. Questions/concerns centered mainly on traffic and transportation improvements.
- 4. Notice for this rezoning petition was given via letters sent to adjoining property owners, a legal ad placed in the Charlotte Observer and posting rezoning signs on the property in four (4) locations.

PART 2: REZONING/SITE PLAN ISSUES

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

- Public Street Connections are being made to Huntersville-Concord Road, Fourth Street, North Church Street, and Seagle Street to aid traffic to and from the site, as well as support the network of streets being created by the northern most round-about.
- Mixed Use: Residential (Townhomes, Condos and Apartments), Office, Retail, Civic and Recreational.
- Greenway land is being dedicated to aid the connection of the greenway in Vermillion to the Carolina Thread Trail (Mooresville to Charlotte Trail). Along the western property boundary abutting the rail line the Carolina Thread Trail is being installed.
- A Special Use Permit is being requested by the applicant to obtain a retail use over 50,000 sq. ft. within a Shopfront Building located in Town Center.

The rezoning plan submitted on April 12, 2017 has been briefly reviewed to ensure that previous comments have been addressed. There are several minor items to be corrected

PART 3: TRANSPORTATION ISSUES

A TIA for the development was received on 1/31/17 with review comments provided to the applicant on 2/17/17. The review identified major issues with the results of the TIA to require a resubmittal. A revised TIA was received on 2/21/17 with review comments provided on 3/9/17. The review identified that the mitigation proposed did not meet the intent of the Ordinance and that a resubmittal was required. Town and NCDOT staff met with the Applicant team on 3/17/17 to review both agencies comments. The Applicant's TIA consultant is currently working with Town and NCDOT staff to meet both agencies minimum requirements for mitigation prior to resubmission of a final TIA.

Comments on the site plan submitted 1/24/17 included:

- Revisions to the preliminary stormwater layout to comply with design standards
- Revisions to the Huntersville-Concord Road typical section
- A concept of how to reroute the existing sewer line that goes across the middle of the site
- A list of roadway improvements to meet the requirements of Article 14 (Traffic Impact Analysis) of the Zoning Ordinance
- Bike lane to be added along entire site frontage
- Phasing plan not provided
- Revisions to parallel parking space locations due to sight distance issues

- Revisions to site access driveways along Seagle/Walters Street
- Revisions and additional information needed regarding Church Street connection and Glendale Drive connections
- Revisions to the public street in front of Retail Building A
- Minimum of 7 feet of sidewalk needed between parking spaces directly adjacent to the sidewalk
- Depict how improvements to Huntersville-Concord Road will conceptually tie into existing Huntersville-Concord Road.
- Additional improvements will likely be required to existing Cinnabar Place. Those need to be conceptually shown on the plans
- Access to Hill Street from Huntersville Concord Road to be revised to right-in/out only with a median
- Version 1 of the TIA recommended a mini-circle at the intersection of Glendale Drive at Cinnabar Place
- Revisions and additional site plan notes

Review of the site plan submitted on 4/13/17, by Town Engineering, is not complete at the time of this report.

PART 4: ADEQUATE PUBLIC FACILITIES (APF)

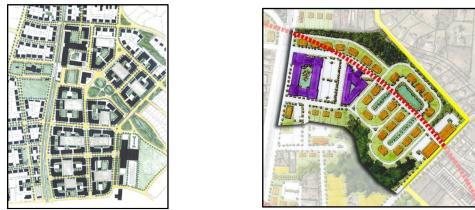
Under the provisions of the APF Ordinance, all residential development greater than twenty (20) lots are required to receive a "Determination of Adequacy (DOA)" for the following public facilities: fire station, fire vehicles, police station, police vehicles, indoor park and recreation facilities, and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

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

PART 5: REZONING CRITERIA

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

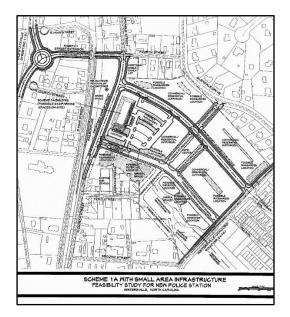
Vermillion Village Charrette Master Plan was completed in 2000 showing the importance of a grid street network, combination of uses and an increase in density were prescribed to aid development. This area was believed to be the home of a transit station. Through the incorporation of parks, greenway connections and green space a sense of place was to be created. The design promoted multi-modal development with a focus on walkability.



In 2005, the Downtown Master Plan was completed stating the Vermillion Village site could have a multitude of uses. As an example, the plan showed the site to be redeveloped into higher density age targeted residential design. The transit station at that time had moved from Vermillion Village to just south within a ¼ mile of downtown (approximately Veteran's Park).

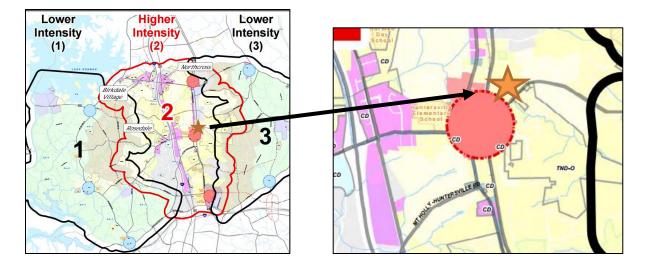
Upon the completion of the East Huntersville Plan (2007, shown below on the left), the area was labeled as an appropriate Transit-Oriented Development location, with a layout showing a network of streets, multi-uses, and green space.





In 2011, a mockup was presented to the Town Board to relocate the Huntersville Police Department within the Vermillion Village site (reference plan above on top right). A strategic road network was planned for the development. After discussion and a cost analysis was completed for the needed infrastructure, the Police Department would be located elsewhere.

The Town of Huntersville in 2011 adopted the 2030 Community Plan, stating the downtown area is proposed to be a thriving mixed-use center with a variety of housing types, retail establishments, restaurants, offices, civic and recreational uses. Within the 2030 Community Plan it was recommended that a Downtown Transportation System Plan and the Huntersville Strategic Economic Development Plan be created. The outcome of both plans identified that before tax base would increase investment in the downtown area would be required.



In each of the plans (Vermillion Village Charrette Master Plan, Downtown Master Plan, East Huntersville Plan, Feasibility study for the Police Station, 2030 Community Plan, Downtown Transportation System Plan and the Huntersville Strategic Economic Development Plan) referenced above consistently there is a desire for a connected street network, mixed use development and green infrastructure to be incorporated on the Vermillion Village site. The rezoning plan is supported by the following policies:

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

- Policy H-1 & H-9: Development Pattern. Continue to follow existing residential development pattern as reflected in "Map of Zoning Districts," focusing higher intensity development generally within two miles of the I-77/NC 115 corridor.
 <u>Comment:</u> The site is located within a mile of I-77 and adjacent to NC 115. The Vermillion Village site is adjacent to Town Center zoning to the west. Town Center allows for a mix of uses and does not regulate density. To the south east of the site, Vermillion is zoned Neighborhood Residential Traditional Neighborhood Development Overlay (NR TND-O), which allows for an increase in density and a mix of uses due to the proximity of the proposed transit stop. Vermillion Village is in keeping with the surrounding development.
- **Policy H-3:** Mixed-Use Development Support and encourage self-sustained developments, where commercial and employment uses are in proximity to residential uses (see Commercial Development Policy CD-1 & CD-3).

<u>Comment</u>: Due to the proposed uses within the Vermillion Village Plan a citizen can live, work and play without entering a vehicle.

• Policy E-5: Vehicle Miles Travelled (VMT) Support reduction in vehicle miles travelled (VMT), through capital investments in sidewalks, greenways, enhanced connectivity and mass transit (bus & rail).

<u>Comment</u>: Sidewalks are being installed on all proposed Town Streets and along Huntersville-Concord Road. Greenway connections are being made as prescribed in the Town of Huntersville's Greenway and Bikeway Master Plan. In the future, the site is in proximity of a transit stop, should the rail line be used in that respect.

• **Policy T-5: Context-sensitive Design of Streets**: Continue to support "context-sensitive" design of streets and the selection of appropriate street section designs for residential, commercial and industrial developments.

<u>Comment</u>: The internal streets are appropriately sized and once redline comments are addressed will create appropriate block lengths to slow traffic and encourage pedestrian activity. Also, the proposed cross-section for the portion of Huntersville-Concord Road provides context-sensitive design by providing adequate lane widths, bike lane (along the project frontage) and a sidewalk (10' wide to accommodate the proposed Greenway).

- Policy T-6: Pedestrian Connections: Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.
 <u>Comment</u>: The proposed cross-sections for Huntersville-Concord Road and the interior Town streets all provide sidewalks and street trees. Huntersville-Concord Road will provide a sidewalk and a bike lane on the north side along the project frontage (after redline comments are addressed). From the proposed signal west past the culvert along the frontage a 10' sidewalk is proposed to serve the greenway connection from Vermillion. The greenway will then head north into the site along the creek as proposed on the Town's Greenway/Bikeway Master Plan and connect the Carolina Thread Trail (Mooresville to Charlotte Trail).
- **Policy T-7: Traffic Impact Analysis Ordinance**: Continue to apply requirements of "Traffic Impact Analysis" Ordinance, including Level of Service and mitigation of impacts generated by new development.

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

- Policy T-8: Street Connectivity: Promote and require street connectivity in the Town of Huntersville among residential, employment, recreational and institutional uses.
 <u>Comment</u>: The proposed development provides two (2) connections to Huntersville-Concord Road, one connection to Fourth Street, one connection to North Church Street, extends Seagle Street to the southern property line, and realigns Glendale Drive to remove the curve.
- **Policy CD-3: Commercial Development Principles** Encourage mixed-use development pattern at key nodes as identified in Small Area Plans, ensuring an appropriate mix of residential, commercial and employment uses to maximize land use and transportation efficiencies, while minimizing environmental impacts.

<u>Comment</u>: The plan is proposing a combination of residential, commercial, civic and recreational uses incorporated within a dense design to aid multi-modal travel. The development is not encroaching into

storm-water or post-construction buffers. The area designated for County greenway dedication is heavily wooded and will not be compromised.

- **Policy CD-5: Street Infrastructure**: Continue to require that adequate public infrastructure (roads, utilities, etc.) either exist or will be made available to support all new development. <u>Comment</u>: The proposed development is providing upgrades to Huntersville-Concord Road, connections to existing roads adjacent the subdivision, realigning Glendale Drive, as well as all other TIA-required improvements. The proposed development will connect to public water and sewer and is providing an adequate greenway easement to accommodate future planning.
- **Policy PF-2: Adequate Public Facilities**: Continue use of "Adequate Public Facilities Ordinance" to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities. Comment: see Part 4 of this report.
- Policy DT-1: Downtown Development Continue to use the Downtown Master Plan, Gilead Road/US-21 Transportation and Land Use Vision Small Area Plan and East Huntersville Area Development Plan to guide future development in downtown.
 <u>Comment</u>: The Downtown Master Plan and the East Huntersville Area Plan both slate the Vermillion Village property to be a mix of uses with an integrated road system (reference plan maps above).
- **Policy DT-6:** Continue to enhance parks and recreation opportunities in the downtown, consistent with the "Downtown Master Plan," "East Huntersville Area Development Plan," "Parks & Recreation Master Plan" and "Greenway and Bikeway Master Plan."

<u>Comment</u>: The proposed plan is accommodating Greenway connections and installation of the Carolina Thread Trail (Mooresville to Charlotte Trail) as prescribed in the Town of Huntersville Greenway and Bikeway Master Plan.

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

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

STAFF COMMENT:

The proposed Conditional District Rezoning for the Vermillion Village is supported by the 2030 Comprehensive Plan, as the property is located within the area eligible for intensification and fills a gap between existing properties. The proposal is also appropriate for the area by providing adequate infrastructure (which includes appropriate new roads, existing road upgrades and other transportation enhancements as well as providing adequate open space).

- 2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal. STAFF COMMENT:
 - A Transportation Impact Analysis was required see Part 3 of this report.
 - The APF Ordinance Determination of Adequacy was required see Part 4 of this report.

- Storm water drainage, water supplies and wastewater and trash disposal and a Willingness-to-serve letter have been provided from Charlotte Water, as well as the applicant is working toward achieving a PCO-1 storm water approval from Mecklenburg County.
- 3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource."

STAFF COMMENT:

Per the sketch plan the site is a registered Brownfield site (Book 14424, Page 736-766). There is also an inactive landfill permit for the site (Book 5778, Page 130).

Other than the two registered items mentioned above Planning staff has no indication that the request will adversely affect known archeological, environmental, historical or cultural resources.

PART 6: STAFF RECOMMENDATION

The Vermillion Village Property Conditional District Rezoning Plan <u>can be supported</u> by staff subject to the following:

- All required TIA/Town/NCDOT required improvements are provided (see Part 3);
- All outstanding Transportation comments are addressed;
- All outstanding redline comments are addressed;
- The Town Board approves the Special Use Permit to allow for a 78,000 sq. ft. storefront building within the development.

PART 7: PUBLIC HEARING COMMENTS

Public Hearing held on March 06, 2017 and April 3, 2017 were continued to May 1, 2017.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board reviewed the petition as an FYI on April 25, 2017. On May 23, 2017 a recommendation should be made to the Town Board. Town Board is tentatively scheduled for a final decision on June 5, 2017.

PART 9: ATTACHMENTS/ENCLOSURES

<u>Attachments</u>

- A Rezoning Application
- B Proposed Rezoning Plan (submitted April 12, 2017)
- C Neighborhood Meeting Report
- D APF Letter of Determination

PART 10: CONSISTENCY STATEMENT - R 16-12 Vermillion Village

Planning Department	Planning Board	Board of Commissioners
0 10 10	(May 23, 2017)	(June 5, 2017)
APPROVAL: In considering the proposed rezoning application R16- 12; Vermillion Village Subdivision Conditional District Rezoning, the Planning staff recommends conditional approval as it is consistent with Implementation Goals H1, H3, H9, E5, T5-8, CD3, CD5, PF2, DT1 and DT6 of the 2030 Community Plan. The	APPROVAL: In considering the proposed rezoning application R16- 12; Vermillion Village Subdivision Conditional District, the Planning Board recommends approval based on the Plan being consistent with (insert applicable plan reference).	APPROVAL: In considering the proposed rezoning application R16- 12; Vermillion Village Subdivision Conditional District, the Town Board recommends approval based on the Plan being consistent with <u>(insert</u> <u>applicable plan reference)</u> .
property is also located within the high intensity development area and the proposed density is consistent with surrounding developments (see Part 5). Recommendation of approval is also based on <u>all provisions outlined</u> in Part 6 being addressed. <u>With those provision, it is reasonable</u> <u>and in the public interest to approve</u> <u>the Conditional District Rezoning</u> Plan.	It is reasonable and in the public interest to approve the Rezoning Plan because (Explain)	It is reasonable and in the public interest to approve the Rezoning Plan because (Explain)
DENIAL:	DENIAL: In considering the proposed rezoning application R16-12; Vermillion Village Subdivision Conditional District, the Planning Board recommends denial based on (consistent OR inconsistent) with (insert applicable plan reference). It is not reasonable and not in the public interest to amend the approved Rezoning Plan because (Explain)	DENIAL: In considering the proposed rezoning application R16-12;Vermillion Village Subdivision Conditional District, the Town Board recommends denial based on the Plan being (consistent OR inconsistent) with (insert applicable plan reference).It is not reasonable and in the public interest to approve the Rezoning Plan because (Explain)

General Fown of Ile NORTH CAROLINA General Application

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

1. Application Type	
separate application for each action. In addition each application type can be found at	nitting. If you are applying for two (2) actions, provide a to the application, the <u>submission process</u> for
http://www.huntersville.org/Departments/Plann	
	SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
COMMERCIAL SITE PLAN	SKETCH PLAN
☑ CONDITIONAL REZONING ☐ GENERAL REZONING	
	□ FINAL PLAT(includes minor and exempt
	plats)
	☐ FINAL PLAT REVISION
	☐ FARMHOUSE CLUSTER
2 Protocil Data	
2. Project Data	and the second and the second s
Date of Application 12/1/16	
Name of Project ANCHOR MILL	Phase # (if subdivision)
Location 404 N. CHURCH ST	
Parcel Identification Number(s) (PIN) 01902201	
Current Zoning District NR Propo	sed District (for rezonings only) Tc (c)
Property Size (acres) 3	Street Frontage (feet)
Current Land Use VACANT	
Proposed Land Use(s) MIXED USE DEVELOIMENT	
	ntend to voluntarily annex?
Briefly explain the nature of this request. If a separate sh	
REZONE 31 ALLES FROM NR TO TC	(CD) WITH CONDITIONS ON THE REAN

4. Site Plan Submittals

이번 사람이 가지 않는 것 같은 것을 알려졌다. 것을 알려야 하는 것을 알려야 하는 것을 알려야 한 것

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

5. Outside Agency Information

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

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

6. Signatures		en nie end	같이 있는 것이 아직 한 가지? 이 것 같이 같은 말했다. 	
*Applicant's Signatu	78	Printed Name Rose	LT BONMAN	-
Address of Applicant	13815 CINNABAR PLACE	HUNTERSVELLE, NC	28078	
Email bouman	31 Cgmail.com			
	gnature (if different than applicant)	Drug 7	ngun	
Printed Name	Town of Huntersuil	1/2. Greg Fe	rguson	
Property Owner's Ac	dress 101 Hunters ville - C permission to the Town of Huntersville pers	Concord Rd-Email	fergusor Phuntersri erty for any purpose required in	'lle. or y
Development Firm	Name of contact	Phone	Email	
LOMMERIZAL SITE	SOLOTIONS GENE HINKLE	864-855-5200	ghinkle@css-eng.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 <u>each</u> 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.

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

REZONING DEVELOPMENT DATA

LOCATION / LOT INFORMATION PROPERTY OWNER (CURRENT): SITE ADDRESS: PARCEL ID NUMBER: PARCEL SIZE: EXISTING ZONING: EXISTING USE: EXISTING IMPERVIOUS SURFACE: PCCO DISTRICT: WATERSHED: FLOOD PLAIN:

PROPOSED / REQUIRED SITE DATA PROPOSED USE: PROPOSED ZONING:

BUILDING USE: COMMERCIAL: RESIDENTIAL: PROPOSED IMPERVIOUS COVERAGE: REQUIRED PARKING: COMMERCIAL / OFFICE: RESIDENTIAL: TOTAL (REQ'D / PROPOSED): URBAN OPEN SPACE: 404 NORTH CHURCH STREET 01902201 29.58 ACRES NR (NEIGHBORHOOD RESIDENTIAL) VACANT 0.80 AC (DOES NOT INCLUDE PUBLIC ROADS) HUNTERSVILLE CLARKE FEMA PANEL #3710465100J - DATE 03-02-2009

TOWN OF HUNTERSVILLE

MIXED USE - COMMERCIAL & RESIDENTIAL

(NOT IN FEMA FLOOD ZONE)

TC (TOWN CENTER)

165,000 SF 400 UNITS (APT. BLDGS, ATTACHED HOUSING) 22.80 AC

1 SPACE / 500 SF (330 REQ'D) 1.5 SPACES / UNIT (267 REQ'D) 597 TOTAL REQUIRED / 863 PROPOSED 0.87 ACRES 3.75 ACRES

PROPOSED ROAD IMPROVEMENTS

ON-SITE IMPROVEMENTS

NATURAL OPEN SPACE:

Glendale Drive / Cinnabar Place / Site Driveway #1

Roundabout

Huntersville-Concord Road / Site Driveway #2 (Phase 1)

- Construction of a 75 If westbound right turn lane
 Median island along Huntersville-Concord Road from Site Driveway #2 to 50-feet west of Hill Street
- Fourth Street / Seagle Street / Site Driveway #3 (Phase 2)

Construction of a 75-foot eastbound right-turn lane

Huntersville-Concord Road / Cinnabar Place (Phase 1)

- Installation of a traffic signal
- Construction of a 350-foot southbound left-turn lane (with a minimum of 250-feet of internally protected storage)
- Adequate right-of-way reserved for future construction of a 150-foot
- southbound right-turn lane (by others)
 Construction of a 250-foot eastbound left-turn lane (positively offset by 6-feet)
- Construction of a 150-foot westbound right-turn lane
- Construction of a 150-foot westbound left-turn lane (positively offset by 6-feet)
 Construction of a 50-foot northbound left turn lane.

OFFSITE IMPROVEMENTS

Huntersville-Concord Road / Glendale Drive (Phase1)

- Construction of a 150-foot eastbound left-turn lance (continuous three-lane
 continuous three-lane
 continuous three-lane
- section between Cinnabar Place and Glendale Drive)
 Construction of a 100-foot westbound right-turn lane
- Huntersville-Concord Road / Hiwassee Road (Phase 1)
- Construction of a 50-foot northbound right-turn lane
 Construction of a 50-foot eastbound right-turn lane
- Ramah Church Road / Glendale Drive (Phase 1)
- Construction of a 100-foot westbound left-turn lane

PROPOSED PARKING DECK (2 LEVELS). TOP DECK ENTRANCE OFF OF CHURCH STREET. BOTTOM LEVEL ENTRANCE OFF OF INTERNAL DRIVE. 0.18 ACRES+/-

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STREE

URCH

3RD STREET (APPROXIMATE LOCATION)

N/F

WN OF HUNTERSVI

PARCEL ID# 01902108 DB: 9756 PG: 458 402 N. CHURCH ST. ZONED: NR

> N/F SRD S TOWN OF HUNTERSVILLE PARCEL ID# 01902115 DB: 30620 PG: 491 205 3rd ST. ZONED: NR 0.19 ACRES+/-NATURAL OPEN SPACE: 163,200 SF

ALBERK EMPIRE LLC PARCEL ID# 01902111 DB: 28487 PG: 780 100 STEEL ST. ZONED: NR

N/F TOWN OF HUNTERSVILLE

PARCEL ID# 01902113 DB: 30620 PG: 491

0.19 ACRES+/

203 3rd ST. ZONED: NR

0.16 ACRES+/

4TH STREET

BLDG D

AP

BLDG

EXISTING

APT

BLDG (

BLDG

WATER TOWER

WORKPLACE

BUILDING A

____FUIDRE GREENWAY

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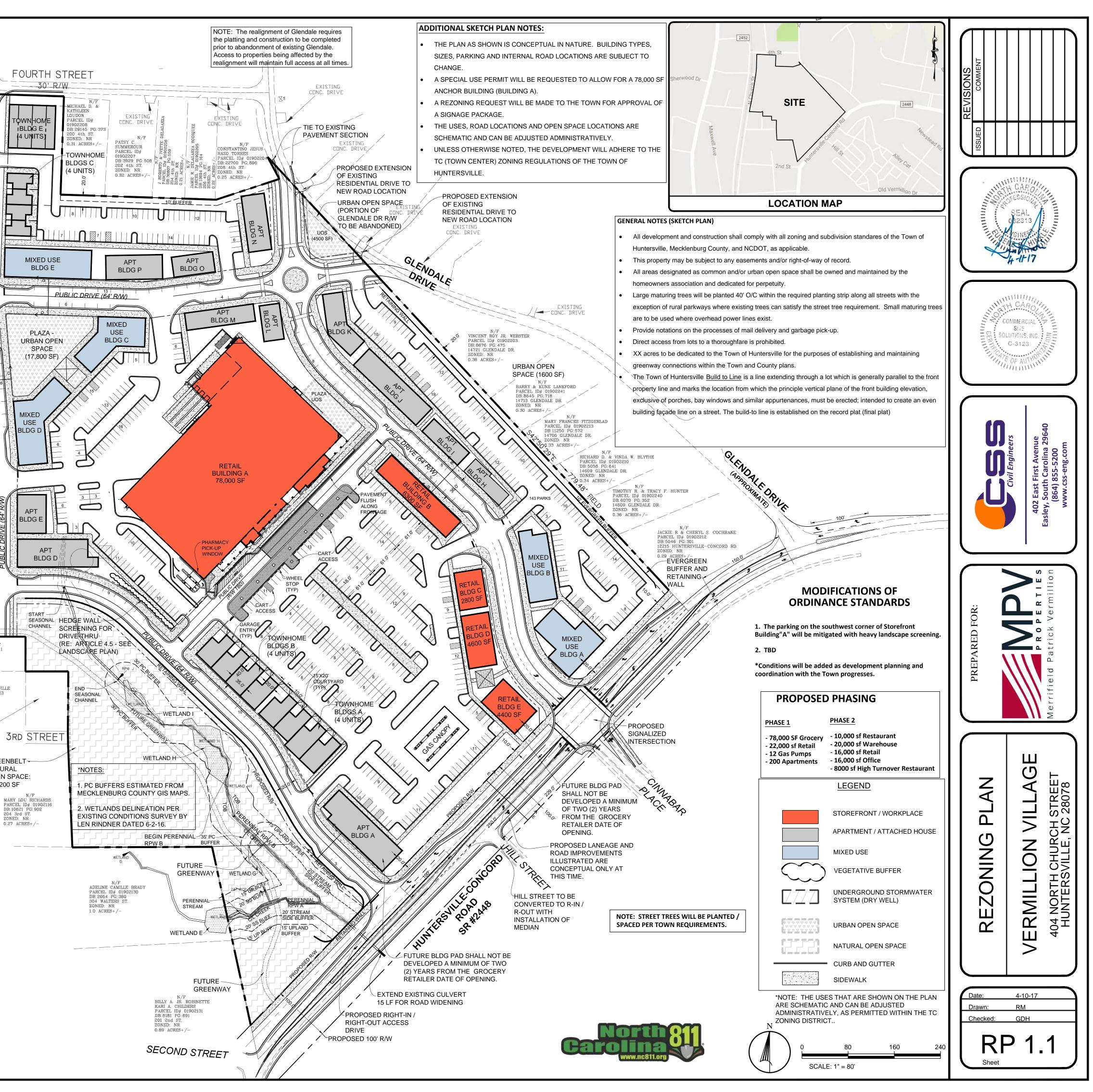
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TOTAL ACREAGE:	29.58 ACRES
TOTAL SQUARE FEET:	
PRINCIPLE USES:	COMMERCIAL AND RESIDENTIAL (MIXED USE)
BUILDING TYPE:	STOREFRONT, WORKPLACE, APARTMENT / ATTACHED HOUSE, MIXED USE
ZONING DISTRICT:	TC-CD
PERCENTAGE IMPERVIOUS ALLOWED:	N/A - NOT IN A RESTRICTIVE WATERSHED
PERCENTAGE OF IMPERVIOUS SHOWN	74% (22.80 ACRES - NOT INCLUDING PUBLIC ROADS)
LOT COUNT (SHOWN CURRENTLY)	200 PROPOSED CURRENTLY
TOTAL NUMBER OF DWELLINGS (DETACHED / ATTACHED):	400 RESIDENTIAL (APARTMENTS AND TOWNHOUSES)
MIXED USE / # LIVE/WORK UNITS:	6
TOTAL SF OF NON RESIDENTIAL:	165,000
LOT SIZE RANGE:	TBD
SETBACKS AND BUILD-TO-LINES	
FRONT BTL RANGE OR SETBACK:	0 - 20'
CORNER SETBACKS:	0 - 5'
REAR SETBACKS:	NR
RIGHT SIDE SETBACK:	NR
LEFT SIDE SETBACK:	NR
WATERSHED INFORMATION	
IS THIS PROPERTY IN A REGULATED DISTRICT?	NO
WATERSHED DISTRICT:	CLARKE
LOW DENSITY / HIGH DENSITY:	HIGH DENSITY
PERCENTAGE OF ALLOWABLE IMPERVIOUS AREA:	N/A
PERCENTAGE OF IMPERVIOUS AREA SHOWN ON PLANS:	74%
AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS:	N/A

SITE PLAN DATA TABLE



Anchor Mill Neighborhood Meeting 1-26-2017

Nate opened up with a general overview of the project and discussion of plans

- TIA Study
- Road Improvements Overview
- 165,000 square feet of retail
- 400 Residential units

Questions from property owners

- 1. Brad Buckingham & Greg Austin Do you plan to use Glendale as a cut through? No, we're going to be providing more connectivity to lessen traffic.
- 2. Vince What's the name of the anchor tenant? Unable to disclose at this time.
- 3. John Lashley How big is the anchor tenant building? 76,000 sq. ft.
- 4. Alice Berringer What's the plan with grade and the removal of trees at the main entrance? There will be a road widening and we'll install landscaping.
- 5. Alice Berringer Is there going to be a buffer behind the Glendale residents? Plan to install a retaining wall & landscaping.
- 6. Tim Robertson Is there going to a tunnel along the greenway? No, very expensive
- 7. Cathleen Lauden Asked about a walking trail behind 4th street? No path. There will be an evergreen buffer.
- 8. Bill Conger What were the number of residential units? 400 residential units
- 9. Bill Conger What's happening to the Warfield entrance to Vermillion? Realigning Church Street. Will look at connecting Warfied to Church for folks heading south
- 10. Bill Conger Concerns about Cinnabar and traffic on Cinnabar? Plan to add more connecting points to lessen traffic.
- 11. Bill Conger Does Huntersville Concord Road have enough right of way for future growth? Providing a 100' buffer
- 12. How wide will Church Street & Walter Street be in the realignment happens? It'll be a 2 lane collector street.
- 13. Roger Diedrich Are the dimensions flexible with the retail buildings? Yes
- 14. Matt Brink Will the Cinnabar entrance be used as the main entry for delivery trucks? More than likely it will be.

- 15. Matt Brink Will there be a place to lock bikes? Absolutely
- 16. Matt Brink Will there be a light at Holbrooks & 115? No
- 17. Matt Brink Is this all the phases of the project? This is what the developer has submitted.
- Greg Dawson Would the developer consider a roundabout instead of a light at Cinnabar Place? The grocery store will likely require / need a light. A roundabout would use to much land.
- 19. Is there any proposed signage yet? No. Would have to go through the town approval process. Likely to be low profile signage.
- 20. John Lashley Will there be any fuel pumps? Yes, the grocery's pumps
- 21. Are the plans & uses flexible? Yes, would love live work play concept. Would like some office uses.
- 22. Charles Gelsanliter Lives in a house on 3rd Street. Concerned about having 3 streets surrounding his house. Nate suggested a private meeting.
- 23. Mary Richards Has concerns regarding the Church Street realignment.
- 24. Concerns regarding contamination on the land? Environmental studies. Nate mentioned contact Bob Blythe regarding environmental work.
- 25. Why is the zoning being changed? The Town of Huntersville considers this is the best zoning.
- 26. What are the proposed heights of the buildings? 30'-40'
- 27. Are there plans for picnic tables or gazebo? Yes, planning for urban open spaces
- 28. Greg Dawson Why loose connectivity to get across the railroad tracks? It's driven by the 2 way pair.
- 29. Roger Diedrich Is there any room for a trail along Church Street? Yes, 12' trail
- 30. Todd Stise Chairman of Greenway Concerns about Charlotte Mooresville trail.
- 31. Matt Brink Timeline of project? Depends on NCDOT. Could have everything to the Town of Huntersville in April. The project has to go to the NCDOT local division then Raleigh Congestion Management.

- 32. Sewer line? Plan to tie into and run into this project
- 33. Any development activity from 3rd Street to Huntersville Concord? It depends on developers. What property owners want to sale and who doesn't. Nate believes the Town would like to recoup some of their investment of removing the trailers.
- 34. Bill Conger Timeframe of the project? 1-2 years to start. 15-18 month construction
- 35. Will the project have a brewery? Would love to attract one of the bigger brewers in town. We'd show them a box and get the road improvements installed.

Anchor Mill Neighborhood Meeting

Name	Address	Email	Phone
Toribio Urquilla			862452534
SREG DINSON	14028 CINNATSAR		704 573 14 764 815 704-241-6153
MARY Richards	364 Thinkst		764875
EAN & Shannon MALONE	1/322 WARFIELD AVE		
3244 Ry66	13950 CINNABAR		60 592 151
Pot Barber	10/22 VagutaD		704-668-59
	310 N Hain St		704 745 36
Abby Cepeda	310 N Moiin St		704 288-1
(ally Jones	104 wanters st		704.575.1
loger Diednich	10128 Vangaural Phuy		704-727-0
in Robinsur	10403 DRAGE Hill On.		704-464-10
Teagh Rubinson			
ATHLEEN LOUDON			204 94846
MARKGIBBONS	13818 BRAMBORGUGH FD		704340 559
harles Gelsanliter	201 Third Street	Cgelsauliter eyahoo.com	704-957-9257
Mishell Yafes	205 N. Main St	Mishell_Y Ohotmi	eil.com " 12
MATTBRINK	13019 Strewity St.	MATT. BRINKOVERMillig	HOACGMAN'L.
CoTem LATTA	2009 VERIAINE TES		Walter No
DICK KNAPIK	114 GLEN DALE DP. 11317 WARFIELD AVE		704-728-78
DREW CODY		CODYANC LIVE. COM	1
John Miller	13900 ASBURY CHAPELRIN	JBM1943 @Bellsouth	net 980-522-981
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Anchor Mill Neighborhood Meeting

Name	Address		mail	Phone
Jerry Hollerhair	17916 Pages Poul CI. 14814 RESERVAL WAY	Davilles Maile	jg hollenbe	ak. com
JOHN LASHLEY	14814 ROSENALY WA	pr Hung JPLI	CLANOL W AL	11.10 M 64
Tracy Hunter !!	14609 Glendale Dr.	Hunkavile +r+77mc	Croadrunne	r.com
HLICE BARRING	8-1 Vermillion			
Lacey Hanoton		fly Champto	alakenorm	an publications.
Charles Tillon	204 W Church St	Cst 224	olegmail.	con
SIMON BEZER	13015 SERENITY ST	HVILLE SBEZE	Ra GMAIL C	
Bradley Bocking!	Ham 200 Clendals P.U. Box 166 Hontan P.O. Box 265 Kun	By Hully Zbyck	5628 gm:1.	com/
Bill Conger	P.O. Box 165 Han/01	stille Brill.con	rechealls	nel
SARAH R MCAULAY	1.0.Box 255 Lun	tennilly SR1	MCHULA	YCAOL CC
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Bowman Development Group, Inc.

January 16, 2017

SUBJECT: Notice of neighborhood meeting for a subdivision rezoning and sketch plan review of approximately +/- 30.43 acres located on North Church Street and Huntersville-Concord Road.

To Whom It May Concern:

Recipients of this letter meet the notification requirements of the Town of Huntersville as being either adjacent landowners or neighborhood organizations with at least a portion of their residents located within 250 ft. of the subject property.

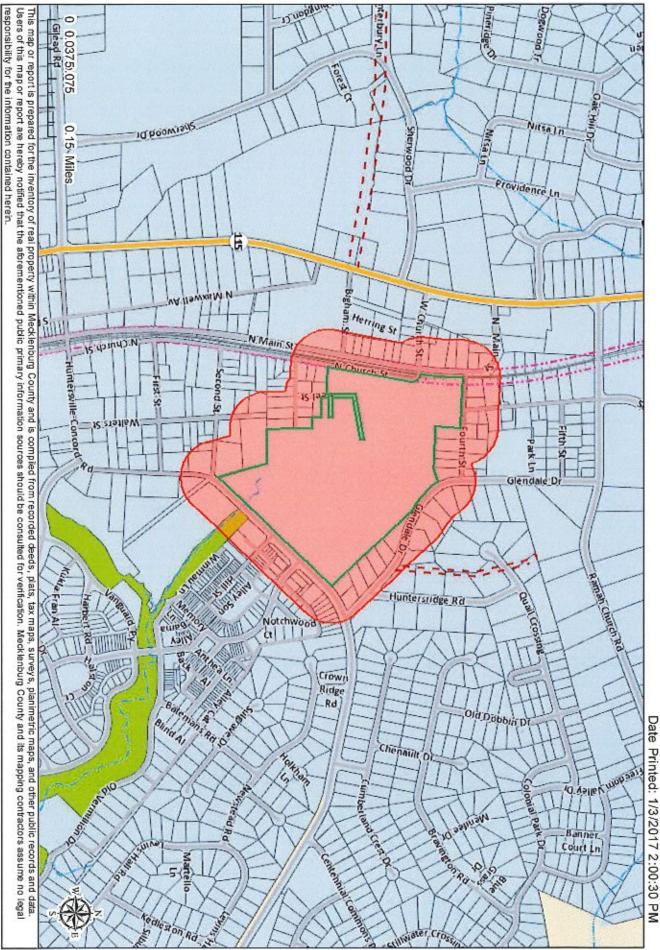
MEETING DETAIL:

6:00 p.m. January 26th, 2017 Town of Huntersville Town Hall 101 Huntersville-Concord Road Huntersville, NC 28078

You are welcome to attend the above-mentioned neighborhood meeting. There will be an opportunity to ask questions about the proposed subdivision.

Sincerely,

Robert Bowman



Polaris 3G Map – Mecklenburg County, North Carolina

MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT Date Printed: 01/03/2017

Date Printed: 01/03/2017	
Buller Distance: 250 Feet	

No	Parcel ID	Owner Name	Mailing Address	Legal Description	Deed Book	Deed Page	Land Area
1	01901106	1. CAROLINA BLUE PROPERTIES,	371 CAMINO REAL RD MOORESVILLE NC 28117	L13-15 B A M7-725 100 HERRING	31297	71	1 LT (0.736 GIS Acres)
2	0190111	1. HUNTERSVILLE ARP CHURCH,	PO BOX 316 HUNTERSVILLE NC 28078	L1 BA M7-725	16534	897	0.161 AC
3	01901112	1. SWEETWATER ASSETS LLC,	PO BOX 673 HUNTERSVILLE NC 28070	L2 M7-273	30999	302	1 LT (0.151 GIS Acres)
4	01901173	1. DAVIS, MISHELL N 2.DAVIS, TRINA Y	205 N MAIN ST HUNTERSVILLE NC 28078	L3 M7-273	21822	214	1 LT (0.171 GIS Acres)
5	01901114	1. KENNERLY, TONY F	2720 OLD SPARTANBURG HWY WOODRUFF SC 29388	L4 & 5 BA M7-273	28034	694	1 LT (0.292 GIS Acres)
6	019011/5	1. NORTH MECKLENBURG PROPERTIES LLC,	1347 KILLIAN RD STANLEY NC 28164	L6 BA M7-725	28023	849	1 LT (0.163 GIS Acres)
7	01901116	1. NORDENSTAM, LORI H 2.NORDENSTAM, LARS M	211 N MAIN ST DAVIDSON NC 28036	L7 BA M7-725	22099	835	1 LT (0.150 GIS Acres)
8	0190111	1. CROSS BUILDING LLC,	1050 RIVERSIDE AVE HOPEWELL VA 23860	L8 &9 BA M7-725	28945	612	1 LT (0.332 GIS Acres)
9	01901118	1. TILSON, CHARLES S	22401 TORRENCE CHAPEL RD CORNELIUS NC 28031	L10 M7-725	15675	278	1 LT (0.157 GIS Acres)
10	01901121	ROPERTES,	371 CAMINO REAL RD MOORESVILLE NC 28117	L19 P16&18 M7-725	31297	71	1 LT (0.437 GIS Acres)
11	01901202	1. TOWN OF HUNTERSVILLE,	PO BOX 664 HUNTERSVILLE NC 28078	L7 BG M7 649	30555	539	1 LT (0.118 GIS Acres)
12	01901201	1. COOK, CHARLES E JR 2.COOK, WANDA K	105 N CHURCH ST HUNTERSVILLE NC 28078	L6 BG M7-649	13183	308	1 LT (0.160 GIS Acres)
13	01901204	1. TORRES, ELVIRA C 2.TORRES, LEONARDO T	301 N MAIN ST HUNTERSVILLE NC 28078	L5 B G M7-649	19849	401	1 LT (0.175 GIS Acres)
14	01901205	,1. GUIGNARD, CHARLES S	PO BOX 1766 HUNTERSVILLE NC 28078	NA	23945	858	0.51 AC
15	01901206	1. LEE, ERNIE J 2.LEE, ROBERTA S	PO BOX 143 HUNTERSVILLE NC 28070	L4 BG M7-649	08180	502	1 LT (0.320 GIS Acres)
16	01901207	TOWN OF	PO BOX 664 HUNTERSVILLE NC 28078	L3 BL G M7 649	30555	539	1 LT (0.389 GIS Acres)

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MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT

Date Printed: 01/03/2017
Buffer Distance: 250 Feet

No	Parcel ID	Owner Name	Mailing Address	Legal Description	Deed Book	Deed Page	Land Area
17	01901208	T. TOWN OF HUNTERSWELE,	PO BOX 664 HUNTERSVILLE NC 28070	L2 M24-834	30204	490	1 LT (0.180 GIS Acres)
18	01901209	T. TOWN OF HUNTERSVILLE,	PO BOX 664 HUNTERSVILLE NC 28070	L1 M24-834	30204	490	1 LT (0.189 GIS Acres)
19	01901210	HUNTERSALLE,	PO BOX 664 HUNTERSVILLE NC 28070	L12 M24-594	30204	490	1 L.T (0.224 GIS Acres)
20	01901211	HUNTERSVILLE,	PO BOX 664 HUNTERSVILLE NC 28070	L11 M24-594	30204	490	1 LT (0.248 GIS Acres)
21	01901307	1. MONTOYA, GRACIELA LOPEZ 2.CEPEDA, JOSE M	310 N MAIN ST HUNTERSVILLE NC 28078	NA	25339	050	1 LT (0.418 GIS Acres)
22	01901308	1. BLACKBURN, DEBORAH KAY	PO BOX 1002 HUNTERSVILLE NC 28078	L1 BB M7-617	08029	937	1 LT (0.345 GIS Acres)
23	01901309	MECKLENBURG PROPERTIES LC,	1347 KILLIAN RD STANLEY NC 28164	L2 BB M7-617	28023	849	1 L.T (0.197 GIS Acres)
24	01901310	1. JHG PROPERTIES	10508 KERNS RD HUNTERSVILLE NC 28078	L3 BB M7-617	28793	846	1 LT (0.463 GIS Acres)
25	01901321	1. AUTEN, JOHN E 2.AUTEN, EHTEL L	103 SEAGLE ST HUNTERSVILLE NC 28078	L4B M27-36	02962	381	0.201 AC
26	01901510	A. GOOD, ELIZABETH A EDENS	PO BOX 653 HUNTERSVILLE NC 28070	L6 B D M7 617	04596	798	1 LT (0.302 GIS Acres)
27	01901511	1. DELAGARZA, J ROBERTO 2.DELAGARZA, IVETTE	12415 ASBURY CHAPEL RD HUNTERSVILLE NC 28078	P5 BD M7-617	17791	500	0.17 AC
28	01901513	1 DELAGARZA, JAIME ROBERTO 2.DELAGARZA, WETTE	12415 ASBURY CHAPEL RD HUNTERSVILLE NC 28078	L3 BD M7-617	19328	674	1 LT (0.358 GIS Acres)
29	01901514	1. DELAGARZA, JAIME R 2. DELAGARZA, VETTE	12415 ASBURY CHAPEL RD HUNTERSVILLE NC 28078	L2 BD M7-617	14721	533	1 LT (0.351 GIS Acres)
30	01901515	1. PHOENIX HOLDINGS LLC, 2.C/O REGINA BARRON,	PO BOX 36 HUNTERSVILLE NC 28070	LA M34-821	22738	905	0.131 AC
31	01901516 ~	1. TOWN OF HUNTERSVILLE,	PO BOX 664 HUNTERSVILLE NC 28078	L8-11 BD &P2-5 BE M11-111	02124	223	2 AC

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MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT

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No	Parcel ID	Owner Name	Mailing Address	Legal Description	Deed Book	Deed Page	Land Area
32	01901518	1. WILSON, DARLA 2.WILSON, BOBBY DALE	98 SEAGLE ST HUNTERSVILLE NC 28078	P5 BD M7-617	09662	418	0.13 AC
33	01901519	1. BHANDERI, HITESH S 2.BHANDERI, DIPTI H	16634 SUTTERS RUN LN HUNTERSVILLE NC 28078	L4B BD M23-571	30873	549	1 LT (0.184 GIS Acros)
34	01901520	S 2.BHANDERI, DIPTI H	16634 SUTTERS RUN LN HUNTERSVILLE NC 28078	L4A BD M23-571	30873	549	1 LT (0.170 GIS Acres)
35	01902107	1. DUKE POWER CO, ATTN: TAX DEPT - PB05B	422 S CHURCH ST CHARLOTTE NC 28242	M1516-47	01516	245	1 LT (0.180 GIS Acres)
36	01902108	1, TOWN OF HUNTERSALLE,	PO BOX 664 HUNTERSVILLE NC 28070	L3 BI M7-619	09756	458	0.207 AC
37	01902110 -	LIOWN OF HUNTERSWILLE,	PO BOX 664 HUNTERSVILLE NC 28078	L4 BI M7-619	04887	228	1 LT (0.191 GIS Acres)
38	01902111	1. ALBERK EMPIRE LLC,	17825 PENINSULA CLUB DR N CORNELIUS NC 28031	L2 BH M7-619	28487	780	1 LT (0.186 GIS Acres)
39	01902112	1. GELSANLITER, CHARLES K	201 3RD ST HUNTERSVILLE NC 28078	L1 BH M7-619	14175	848	1 LT (0.172 GIS Acres)
40	01902113	1, TOWN OF HUNTERSYTLLE,	PO BOX 664 HUNTERSVILLE NC 28078	L4 BH M7-619	30620	491	1 LT (0.162 GIS Acres)
41	01902115	1. TOWN OF HUNTEBSYALLE,	PO BOX 664 HUNTERSVILLE NC 28078	L5 BH M7-619	30620	491	1 LT (0.187 GIS Acres)
42	01902116	1. RICHARDS, MARY LOU	PO BOX 32 HUNTERSVILLE NC 28070	L9 BG M7-619	10621	902	1 LT (0.274 GIS Acres)
43	01902117	H-BICHARDS, MABY	PO BOX 32 HUNTERSVILLE NC 28070	L8 BG M7-619	10621	902	1 LT (0.310 GIS Acres)
44	01902118	T.RICHARDS, MARY	PO BOX 32 HUNTERSVILLE NC 28070	L7 BG M7-619	10621	905	1 LT (0.310 GIS Acres)
45	01902119	1. WIRTH, JULIE	1614 TIPPAH AVE CHARLOTTE NC 28205	L6 BG M7-619	22452	872	1 LT (0.290 GIS Acres)
46	01902120	1. TOWN OF HUNTERSVILLE,	PO BOX 664 HUNTERSVILLE NC 26078	L5 BG M7-619	30620	491	1 LT (0.218 GIS Acres)
47	01902121	T-TOWN OF HUNTERSWILLE	PO BOX 664 HUNTERSVILLE NC 28070	L4 BG M7-619	30620	488	1 LT (0.115 GIS Acres)

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No	Parcel ID	Owner Name	Malling Address	Legal Description	Deed Book	Deed Page	Land Area
48	01902122	BARINON, 2.PHOEMIX HOLDINGS LLC,	PO BOX 36 HUNTERSVILLE NC 28070	L3 BG M7-619	22738	903	1 LT (0.123 GIS Acres)
49	01902125	1. WOODS, BEVERLY B	14024 SIMS RD HUNTERSVILLE NC 28078	NA	28922		0.579 AC
50	01902127	1. CHURCH OF GOD OF THE BIBLE THE, INCORPORATED	PO BOX 1002 HUNTERSVILLE NC 28078	L1 & 2 B4 M230-19	08093	092	1 LT (0.398 GIS Acres)
51	01902128	1. URQUILLA, ANA M 2.URQUILLA, TORIBIO	9019 DETROITER DR HUNTERSVILLE NC 28078	L3 & 4 B4 M230-19	29537	850	2 AC
52	01902129	TORIBIO	9019 DETROITER DR HUNTERSVILLE NC 28078	L5&6 B4 M230- 19	29537	850	1 LT (0.396 GIS Acres)
53	01902139	1. BRADY, ADELINE CAMILLE	4348 WOODSBURY LN LINCOLNTON NC 28092	L4 & 5 ETC B5 M20-19	02664	380	1 AC
54	01902131	1. ROBINETTE, BILLY A JR 2.KARI A CHILDERS,	210 2ND ST ,UNIT A HUNTERSVILLE NC 28078	L7 & 8 P1-3 B5 M230-19	08181	691	0.89 AC
55	01902139	1. MOWRY, MARY ELIZABETH	PO BOX 422 HUNTERSVILLE NC 28070	P1-3 & P7-8 B5 M230-19	24291	308	0.57 AC
56	01902140	T. TOWN OF HUNTERSTIELE	PO BOX 664 HUNTERSVILLE NC 28078	L1 BI M7-619	30620	491	0.18 AC
57	01902201	HUNTERSVILLE,	PO BOX 664 HUNTERSVILLE NC 28070	M7-623 &M12-1 &ETC	09756	458	3.043 AC
58	01902203	1. WEBSTER, MINCENT ROY JR	14721 GLENDALE RD HUNTERSVILLE NC 28078	L2 M23-307	08676	475	1 LT (0.380 GIS Acres)
59	01902204	1. TORRES, CONSTANTINO JESUS RAZO	208 FOURTH ST HUNTERSVILLE NC 28078	L1 BC M7-617	22700	896	1 LT (0.255 GIS Acres)
60	01902205	A. DELAGARZA-RODRIQ UEZ, JAIME R	12415 ASBURYCHAPEL RD HUNTERSVILLE NC 28078	L2 BC M7-617	13594	164	1 LT (0.224 GIS Acres)
61	01902206	1. RODRIGUEZ, J ROBERTO DELAGARA 2.DELAGARZA. JUETTE	12415 ASBURY CHAPEL RD HUNTERSVILLE NC 28078	L3 BC M7-617	30807	559	1 LT (0.210 GIS Acres)
62	01902201	1. SUMMEROUR, PATSY C	PO BOX 148 HUNTERSVILLE NC 28070	L4 BC M7-617	03929	508	1 LT (0.321 GIS Acres)

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MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT Date Printed: 01/03/2017 Buffer Distance: 250 Feet

No	Parcel ID	Owner Name	Mailing Address	Legal Description			Land Area
33	01902208	1. LOUDON, MICHAEL DENVER 2.LOUDON, KATHLEEN	200 FOURTH ST HUNTERSVILLE NC 28078	L5BC M7-617	29145	373	1 LT (0.306 GIS Acres)
64	01902210	1. BLYTHE, RICHARD DALE 2. BLYTHE, VONDA W	PO BOX 216 HUNTERSVILLE NC 28078	L5 M23-307	05058	641	1 LT (0.344 GIS Acres)
65	01902211	1. SPARKS, DARLENE J 2.SPARKS, JAMES R	625 HUNTERSVL-CONCOR D RD HUNTERSVILLE NC 28078	L8 M23-307	07369	616	1 LT (0.257 GIS Acres)
66	01902212	1. COCHRANE, JACKIE R 2. COCHRANE, CHERYL S	PO BOX 496 HUNTERSVILLE NC 28070	L7 M23-307	05046	301	1 LT (0.290 GIS Acres)
67	01902213	1. FITZGERLAD, MARY FRANCES	14705 GLENDALE RD HUNTERSVILLE NC 28078	L4 M23-307	11250	572	1 LT (0.332 GIS Acres)
68	01902240	 HUNTER, TRACY F HUNTER, TIMOTHY 	14609 GLENDALE RD HUNTERSVILLE NC 28078	L6 M23-307	06070	352	1 LT (0.361 GIS Acres)
69	01902241	1. LANKFORD, JUNE 2. LANKFORD, BARRY	14713 GLENDALE RD HUNTERSVILLE NC 28078	L3 M23-307	08645	718	1 LT (0.293 GIS Acres)
70	01902305	1. MAGLA PRODUCTS INC ", 2.GLATT, HERBERT	700 SHUNPIKE RD CHATHAM NJ 07928	NA	07119	610	0.582 AC
71	01903202	1. HUNTERSVILLE A R- P CHURCH	PO BOX 316 HUNTERSVILLE NC 28078	NA	02045	471	4.329 AC
72	01903426	ARP CHURCH,	PO BOX 316 HUNTERSVILLE NC 28078	NA	02045	471	0.334 AC
73	01903607 -	1. NORRIS, STACY DENISE	PO BOX 1602 HUNTERSVILLE NC 28070	L5 B2 M230-19	11485	259	1 LT (0.221 GIS Acres)
74	01903606	1. BOWMAN DEVELOPMENT GROUP INC,	13815 CINNABAR PLACE HUNTERSVILLE NC 28078	L11 & 12 B2 M230-19	28154	890	2 LT (0.519 GIS Acres)
75	01903607	1. HINES REAL ESTATE GROUP LLC,	PO BOX 673 HUNTERSVILLE NC 28078	L8-10 B2 M230-19	29968	995	2 LT (0.521 GIS Acres)
76	01903612	4. HINES REAL ESTATE ON OUP LLC,	PO BOX 673 HUNTERSVILLE NC 28078	L7A M31-557	28877	459	0.128 AC

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MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT

Date Printed: 01/03/2017 Buffer Distance: 250 Feet

No	Parcel ID	Owner Name	Malling Address	Legal Description	Deed Book	Deed Page	Land Area
77	01903613	A LUNES REAL	PO BOX 673	L7B M31-557	28877	459	0.122 AC
		ESTATE GROUP LLC,	HUNTERSVILLE NC				
			28078				
78	01905210 -	1. BOWMAN DEV	13815 CINNABAR PL	L42 &43 M3-342	11558	258	2 LT (0.42
		GROUP INC, WILLIAM	HUNTERSVILLE NC	&STRIP			GIS Acres
_		J BOWMAN JR &WF M	28078				
79	01905211	1. STINSON, W O (ET	3550 DOGWOOD CT	L40&41 M3-342			2 LT (0.45
		AL)	SALISBURY NC 28144				GIS Acres
80	01905212	L BOWMAN	13815 CINNABAR PL	L24-36 U/M &P	22699	750	5.8 AC
		DEVELOBMENT	HUNTERSVILLE NC	M3-342			
		GROUP INC,	28078				
81	01905258	1. VERMILLION	130 BEN CASEY DR	C/A M29-441	28550	235	0.28 AC
80.5	. /	COMMUNITY	STE 100	1.5.999 (1.999)	1100300	10000	and the second second
		ASSOCIATION INC,	FORT MILL SC 29708				
82	01905259/	1. RAMSAY,	14040 ALLEY SON	L18 M29-441	28532	685	0.11 AC
	/	JENNIFER R	HUNTERSVILLE NC			12203000	
	$ \chi $	2.MCGLOTHLIN,	28078				
		JONATHAN J		1			
83	01905260	1. GREY, CORRIE L	11915 MOONSHADOW	L19 M30-693	30920	433	0.1 AC
00	01000207	I diter, continue	LN	210 1100 000			
	V/		HUNTERSVILLE NC				
	V/		28078				
84	01905261	1. LAFFERTY, JANINE	6614 GLENLIVET CT	L20 M29-441	11223	971	0.1 AC
04	0100001	M	CHARLOTTE NC 28278	LEO MED 441	11220	0/1	0.1710
85	01905273	1. MUNETON, NANCY	14058 ALLEY SON ST	L175 M33-109	23968	48	0.03 AC
00	101000210	I. MONETON, MANOT	HUNTERSVILLE NC	E175 100-105	20000	-10	0.00710
	$ \rangle / \rangle$	ſ	28078				
86	01905274	1. BARRINGER,	14054 ALLEY SON	L176 M33-109	11623	627	0.03 AC
00	101000214	LILLIAN A	HUNTERSVILLE NC	2170 100 100	11020	OL.	0.00710
	$ \vee $		28078				
87	01905275	1. COLORACCI,	14050 ALLEY SON	L177 M33-109	11623	741	0.03 AC
D/	01505205	ROSEMARIE	HUNTERSVILLE NC	L177 W00-100	11020	741	0.00 A0
		NOSEWANIE	28078				
88	01905276	1. HALL, JAMES F	14046 ALLEY SON	L178 M33-109	11648	769	0.03 AC
88	019052/0	1. HALL, JAMES F		L178 W33-109	11040	703	0.03 AC
			HUNTERSVILLE NC				
00	04005004	A MEOKIENDUDO	28078	LD M53-608 THRU	27002	EEC	5.225 AC
89	01005281	1. MECKLENBURG	600 E 4TH ST	613	27002	550	0.220 AU
00	01005001	COUNTY,	CHARLOTTE NC 28202	L16-23 U/M	22699	750	1.38 AC
90	01905301		13815 CINNABAR	L10-23 U/M	22099	750	1.30 AU
		DEVELOPMENT	PLACE				
		GROUPINC,	HUNTERSVILLE NC				
	01005001		28078	0/4 1/00 100	00550	005	0.00 40
91	01905601	1. VERMILLION	130 BEN CASEY DR	C/A M33-109	28550	235	0.09 AC
	2 13	COMMUNITY	STE 100				
	/	ASSOCIATION INC.	FORT MILL SC 29708				
92	01905602	1. DAGGETT, SALLY	14032 CINNABAR PL	L17 M33-109	28140	165	0.14 AC
	V*	BERNARD	HUNTERSVILLE NC				
			28078				

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93	01905603	1. BLEVINS, ANDREW L 2. DLEVINS, AMY FURCHES	14026 CINNABAR PL HUNTERSVILLE NC 28078	L16 M33-109	28934	594	0.11 AC
94	01905604	1. SKIPPER, KATRINA S 2.SKIPPER, DONALD J	16320 MCAULEY RD HUNTERSVILLE NC 28078	L72 &73 P74 M3-342	13596	875	0.334 AC
95	01905681	1. SPEANBURG, JEFFREY 2.CRAVETZ-SPEANBU RG, JORGAN	12203 LOFTYWOOD CT HUNTERSVILLE NC 28078	L15 M29-441	28488	662	0.15 AC
96	01905682	1. BLACKMON, CLARA E	15018 HOLSBROOKS RD HUNTERSVILLE NC 28078	L14 M29-441	11298	269	0.11 AC
97	01905682	1. JACOBS, JAMES S	12211 LOFTYWOOD CT HUNTERSVILLE NC 28078	L13 M29-441	30994	173	0.1 AC
98	01905684	1. DENETRE, PATRICK 2.LEDWELL, REBECCA	12221 NOTCHWOOD CT HUNTERSVILLE NC 28078	L12 M29-441	21183	646	0.2 AC
99	01905687	1. VERMILLION COMMUNIEY ASSOCIATION INC,	130 BEN CASEY DR STE 100 FORT MILL SC 29708	C/A M33-109	28550	248	0.05 AC
100	01905688	ASSOCIATION INC.	130 BEN CASEY DR STE 100 FORT MILL SC 29708	ACCESS ESMT. M33-109	28550	235	0.02 AC
101	01905722	1. DUFFY, CAITLIN E	13844 HILL ST HUNTERSVILLE NC 28078	L171 M33-109	28653	777	0.05 AC
102	01905723	1. ELLIOTT, JOYCE CHAMPION	13846 HILL ST HUNTERSVILLE NC 28078	L172 M33-109	14017	979	0.05 AC
103	01905724	1. HANELINE, JULIE L	13848 HILL STREET HUNTERSVILLE NC 28078	L173 M33-109	29252	998	0.05 AC
104	01905726	1. NIEMIEC, NICHOLE LEIGH	13850 HILL ST HUNTERSVILLE NC 28078	L174 M33-109	29629	717	0.05 AC
105	01928107	1. BUCKINGHAM, BRADLEY J 2.BUCKINGHAM, SJJSIE P	200 GLENDALE DR HUNTERSVILLE NC 28070	L16 M22-481	23616	484	1 LT (0.605 GIS Acres)
106	01928108	I. KVAPIL, ROBYN LYNN	114 GLENDALE DR HUNTERSVILLE NC 28078	L17 M22-481	30662	187	1 LT (0.600 GIS Acres)

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107	01928109	1. FRANCISCA CHAVEZ RODRIQUEZ, 2.MARTINEZ, ALEJOS	112 GLENDALE DR HUNTERSVILLE NC 28078	L18 M22-481	12023	037	1 LT (0.522 GIS Acres)
108	01928110	RODRIGEZ 1. SILVEA, TROY ODELL	110 GLENDALE DR HUNTERSVILLE NC 28078	L19 M22-481	11879	743	1 LT (0.513 GIS Acres)
109	01928111	7. KELVINGTON, JONATHAN PATRICK	108 GLENDALE DR HUNTERSVILLE NC 28078	L20 M22-481	25427	374	1 LT (0.577 GIS Acres)
110	01928112	Y MCTAGGART, KERICE H 2.MCTAGGART, STEPHEN D	14710 GLENDALE DR HUNTERSVILLE NC 28031	L21 M34-609	13349	658	0.43 AC
111	01928113	2. COLEMAN, DERRICK 2.COLEMAN, PANGANYIKA	19608 FERIBA PL CORNELIUS NC 28031	L1 M22-481	29551	874	1 LT (0.756 GIS Acres)
112	01928124	1. JOHNSON, CYNTHIA VICTORIA	104 GLENDALE DR HUNTERSVILLE NC 28078	L22 M34-609	17278	935	0,428 AC
113	01928207	1. GIBSON, ANDREW STEVENSON	110 CARR RD DALLAS NC 28034	L1 M21-960 &TR M3-342	03422	10000	1 LT (1.065 GIS Acres)
114	01929131	1. SOUTHSIDE NEIGHBORHOOD	13815 CINNABAR PLACE HUNTERSVILLENC 28078	L3 M59-367	30810	322	0.1 AC
115	01929132 ~	1. SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PLACE HUNTERSVILLE NC 28078	L4 M59-367	30810	322	0.1 AC
116	01929133	1. SOUTHSIDE NEIGHBORHOOD LLC	13815 CINNABAR PLACE HUNTERSVILLE NC 28078	L5 M59-367	29168	518	0.11 AC
117	01929134 -	1. SOUTHSIDE NEIGHBORHOOD	#3815 CINNABAR PLACE HUNTERSVILLE NC 28078	L6 M59-367	29168	518	0.1 AC
118	01929135	1. SOUTHSIDE NEIGHBORHOOD	13815 CINNABAR PLACE HUNTERSVILLE NC 28078	L7 M59-367	29168	518	0.1 AC
119	01929136	1. SOUTHSIDE NEIGHBORHØOD LLC,	13815 CINNABAR PLACE HUNTERSVILLE NC 28078	L8 M59-367	29168	518	0.09 AC

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December 13, 2016

Mr. Nate Bowman 15815 Cinnabar Pl Huntersville, Nc 28078

Re: Adequate Public Facilities (APF) Application – Anchor Mill (File #2016-17)

Dear Mr. Bowman:

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 165,000 sf of Commercial development and 400 Multi-Family Units. I am issuing a <u>"Determination of Adequacy (DOA)" for the following public facilities:</u>

- Fire Vehicles
- Fire Facilities
- Police Facilities
- Police Vehicles

Please be advised that this DOA is valid for one (1) year, or until December 13, 2017, by which date this development proposal must have achieved vesting, per Section 2.2 of the Zoning Ordinance.

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

Sincerely,

Brien Richards

Brian Richards GIS Administrator

Cc: Jack Simoneau, AICP, Planning Director Gerry Vincent, Assistant Town Manager Robert Blythe, Town Attorney Alison Adams, Planner

Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

То:	The Honorable Mayor and Board of Commissioners
From:	Michael Jaycocks
Subject:	Carolina Rapids Agreement for Barry Park

This First Amendment to the Carolina Rapids Agreement for Barry Park will extend the original agreement for 5 years with an option to extend for an additional 5 years that would end on August 3, 2028. This extension will be based on the Rapids having a min. of 600 Huntersville residents in their program for both the spring and fall seasons. The Carolina Rapids will be required to pay a min. of \$535,000 over this ten year period. The Rapids will pay \$310,000 for field usage at Barry Park over the ten years. If the town's field usage rates change during the term of this First Amendment and the new rate times the field usage is more than \$31,000.00, the Rapids shall pay the higher amount to the Town. Additionally, the Rapids shall pay the Town a total of \$225,000.00, as a Capital Reserve Fee for Barry Park. This fee will be paid in the amount of \$20,000.00, annually, for years one through five (1-5), and then \$25,000.00,

annually, for years six through ten (6-10). Payments shall be made on September 1st of each and every year beginning September 1, 2018, and the last payment shall be made on September 1, 2027. The Capital Reserve Fee will go into a new Capital Reserve Fund for Barry Park.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

ATTACHMENTS: Description

- D Agreement
- D Exhibit A

Type Backup Material Exhibit

STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG

FIRST AMENDED AND RESTATED FIELD USAGE AGREEMENT, RICHARD BARRY PARK

This First Amended and Restated Field Usage Agreement, Richard Barry Park (hereinafter "First Amendment"), is made this _____ day of ______, 2017, by and between the TOWN OF HUNTERSVILLE, a North Carolina municipal corporation (hereinafter "Town"), and CAROLINA RAPIDS SOCCER CLUB, a North Carolina non-profit corporation, formerly known as North Meck Soccer Club (hereinafter "Rapids").

WITNESSETH:

WHEREAS, Town is the Lessee from Mecklenburg County of certain property located on Beatties Ford Road known as Richard Barry Park (hereafter "Barry Park"), and

WHEREAS, Town and Rapids entered into a Field Usage Agreement ("Agreement"), dated August 4, 2008, for the purpose of granting to Rapids certain field usage and other rights at Barry Park in exchange for certain consideration paid by Rapids; and

WHEREAS, The term of the Agreement was for a period beginning on August 4, 2008, and continuing for a period of 120 months, unless extended, or terminated by mutual agreement, or because of default by either party; and

WHEREAS, Town and Rapids wish to amend and restate the Agreement to extend the term of the Agreement and to address field rates and payments, fees, and other terms.

NOW, THEREFORE, for valuable consideration, Town and Rapids agree as follows:

- Term. The term of this First Amendment shall begin on August 4, 2018, and end at 12:01

 a.m., on August 3, 2028, unless terminated earlier pursuant to the terms of the
 Agreement. The Town may terminate this agreement at the end of the first five
 years, if the Rapids do not have a min. of 600 Huntersville Residents playing within
 their organization in the spring season and in the fall season. The determination of
 a Huntersville resident is defined in the Town's Co-sponsorship Policy. In the event
 of such termination, the remainder of the Field Usage Fees and the Capital Reserve
 Fee shall abate and no longer be payable
- 2. Field Usage Fees. Rapids shall pay to Town a total of \$310,000.00, for field usage fees at Barry Park for a ten (10) year period beginning December 1, 2018, and ending July 1, 2028. The bi-annual payments of \$15,500.00, shall be paid on or before December 1st and July 1st of each and every year (see Amortization of Field Usage Fees attached hereto as Exhibit A). The Field Usage Fees shall be placed into the General Park Capital Reserve Fund, and used for any Town park facility.

- 3. If the field usage rates change during the term of this First Amendment and the new rate times the field usage is more than \$31,000.00, the Rapids shall pay the higher amount to Town.
- 4. The field usage fees specified in paragraphs 2 and 3 are for Barry Park fields only. All field usage fees at other Town parks shall be treated as regular co-sponsor usage.
- 5. Capital Reserve Fee. Additionally, Rapids shall pay to Town a total of \$225,000.00, as a Capital Reserve Fee for Barry Park. This fee will be paid in the amount of \$20,000.00, annually, for years one through five (1-5), and then \$25,000.00, annually, for years six through ten (6-10). Payments shall be made on September 1st of each and every year beginning September 1, 2018, and the last payment shall be made on September 1, 2027.
- 6. Town shall create a new Capital Reserve Fund for the sole purpose and use of Barry Park, and all such monies paid by Rapids according to paragraph 5 above shall be placed into the Barry Park Capital Reserve Fund. The Capital Reserve Fund shall be used solely as a reinvestment into capital expenditures for Barry Park.
- 7. Event of Default. The happening of any of the following shall constitute and Event of Default on the part of Rapids during the term of this First Amendment: (a) failure to pay the Field Usage Fees or Capital Reserve Fee payments when due which remains uncured after thirty (30) days from the due date; and (b) any non-monetary violation of the Agreement and/or First Amendment after thirty (30) days notice to Rapids. Upon the occurrence of an Event of Default which remains uncured, Town shall have all remedies available, including the immediate termination of the Agreement and First Amendment; termination of Rapids rights of use of the fields; and maintaining an action to recover unpaid Field Usage Fees or Capital Reserve Fees, or other amounts due the Town.
- 8. The parties further agree that the Lake Norman Giants will continue to have priority of Field 5 during the fall season.
- 9. Town shall have rights to book up to five (5) outside tournaments, per year, at Barry Park.
- 10. All other provisions and agreements contained in the Agreement dated August 4, 2008, shall continue in full force and effect, subject to the above agreements.

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IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

TOWN OF HUNTERSVILLE

ATTEST:

By: _____

y: _____ Gerald Vincent, Interim Town Manager

Janet Pierson, Town Clerk

(SEAL)

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

Jackie Huffman, Finance Director

APPROVED AS TO FORM:

Robert B. Blythe, Town Attorney

CAROLINA RAPIDS SOCCER CLUB

By: _____

Printed Name: _____

Its: _____ (Title)

FIELD USAGE FEES

VALU	IES		_	SUMMARY		
Amou	nt	\$310,000.00		Bi-annual payments		\$15,500.00
Annua	al interest rate	0.00%	-	Number of payments		20
Period	l in years	10	-			\$0.00
Start of		12/1/2018	-	Total cost		\$0.00
PMT NO.	PAYMENT DATE	BEGINNING BALANCE	PAYMENT	PRINCIPAL	INTEREST	ENDING BALANCE
1	12/1/2018	\$310,000.00	-\$15,500.00	\$0.00	\$0.00	\$294,500.00
2	7/1/2019	\$294,500.00	-\$15,500.00	\$0.00	\$0.00	\$279,000.00
3	12/1/2019	\$279,000.00	-\$15,500.00	\$0.00	\$0.00	\$263,500.00
4	7/1/2020	\$263,500.00	-\$15,500.00	\$0.00	\$0.00	\$248,000.00
5	12/1/2020	\$248,000.00	-\$15,500.00	\$0.00	\$0.00	\$232,500.00
6	7/1/2021	\$232,500.00	-\$15,500.00	\$0.00	\$0.00	\$217,000.00
7	12/1/2021	\$217,000.00	-\$15,500.00	\$0.00	\$0.00	\$201,500.00
8	7/1/2022	\$201,500.00	-\$15,500.00	\$0.00	\$0.00	\$186,000.00
9	12/1/2022	\$186,000.00	-\$15,500.00	\$0.00	\$0.00	\$170,500.00
10	7/1/2023	\$170,500.00	-\$15,500.00	\$0.00	\$0.00	\$155,000.00
11	12/1/2023	\$155,000.00	-\$15,500.00	\$0.00	\$0.00	\$139,500.00
12	7/1/2024	\$139,500.00	-\$15,500.00	\$0.00	\$0.00	\$124,000.00
13	12/1/2024	\$124,000.00	-\$15,500.00	\$0.00	\$0.00	\$108,500.00
14	7/1/2025	\$108,500.00	-\$15,500.00	\$0.00	\$0.00	\$93,000.00
15	12/1/2025	\$93,000.00	-\$15,500.00	\$0.00	\$0.00	\$77,500.00
16	7/1/2026	\$77,500.00	-\$15,500.00	\$0.00	\$0.00	\$62,000.00
17	12/1/2026	\$62,000.00	-\$15,500.00	\$0.00	\$0.00	\$46,500.00
18	7/1/2027	\$46,500.00	-\$15,500.00	\$0.00	\$0.00	\$31,000.00
19	12/1/2027	\$31,000.00	-\$15,500.00	\$0.00	\$0.00	\$15,500.00
20	7/1/2028	\$15,500.00	-\$15,500.00	\$0.00	\$0.00	\$0.00

CAPITAL RESERVE FEES

VALU	JES			SUMMARY		
Αποι	ınt	\$225,000.00		Annual Payments		
		0.00%		Number of payments		20
Period in years		20				\$0.00
Start	date	9/1/2018		Total cost		\$0.00
1	9/1/2018	\$225,000.00	-\$20,000.00	\$0.00	\$0.00	\$205,000.00
2	9/1/2019	\$205,000.00	-\$20,000.00	\$0.00	\$0.00	\$185,000.00
3	9/1/2020	\$185,000.00	-\$20,000.00	\$0.00	\$0.00	\$165,000.00
4	9/1/2021	\$165,000.00	-\$20,000.00	\$0.00	\$0.00	\$145,000.00
5	9/1/2022	\$145,000.00	-\$20,000.00	\$0.00	\$0.00	\$125,000.00
6	9/1/2023	\$125,000.00	-\$25,000.00	\$0.00	\$0.00	\$100,000.00
7	9/1/2024	\$100,000.00	-\$25,000.00	\$0.00	\$0.00	\$75,000.00
8	9/1/2025	\$75,000.00	-\$25,000.00	\$0.00	\$0.00	\$50,000.00
9	9/1/2026	\$50,000.00	-\$25,000.00	\$0.00	\$0.00	\$25,000.00
10	9/1/2027	\$25,000.00	-\$25,000.00	\$0.00	\$0.00	\$0.00

Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Robert B. Blythe, Town AttorneySubject:Consider authorization of a Contract to Purchase

Consider authorization of the Contract to Purchase certain parcels of land in or around Town Center.

ACTION RECOMMENDED:

Approve authorization

FINANCIAL IMPLICATIONS:

Approximately \$165,000.00

ATTACHMENTS:

Description

D Proposed Contract to Purchase

Type Exhibit

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

CONTINGENT CONTRACT TO SELL AND PURCHASE REAL PROPERTY

THIS CONTRACT to sell and purchase real property (this "Contract") is made and entered into as of this ______day of April 2017, by and between A. Cotten Wright, Receiver for DCG Real Assets, LLC, et al, pursuant to order of the United States District Court for the Western District of North Carolina, Charlotte Division (the "Court") in Case No. 3:16-cv-00285 (hereafter either "Receiver" or "Seller"), and the Town of Huntersville, a North Carolina Municipal Corporation ("Town" or "Buyer").

WITNESSETH

WHEREAS, Seller is the title holder of, or will acquire from a foreclosure transfer those tracts or parcels of land located in Huntersville and/or otherwise has the authority to transfer such property as Receiver, and which are more particularly described on Exhibit A attached hereto (the "Property"), and

WHEREAS, upon final acquisition of all of the parcels comprising the Property, Seller wishes to sell and Town wishes to purchase the Property on the terms and conditions hereafter set forth.

AGREEMENT

Contingent upon Seller acquiring fee simple title to the Property, and obtaining authority of the Court, Seller agrees to sell and Town agrees to purchase all (but not less than all) of the Property on the following terms, conditions and limitations:

- 1. **PROPERTY**: All of those tracts and parcels described on Exhibit A attached hereto and incorporated herein.
- 2. **PURCHASE PRICE OF PROPERTY**: The purchase price of the Property shall be One Hundred Sixty-Five Thousand Dollars (\$165,000.00), which shall be paid at closing to Receiver by wire transfer of funds, or other means acceptable to Seller.
- 3. **EFFECTIVE DATE.** The Effective Date of this Contract shall be the later of (a) the final date of signing by the parties, (b) Court approval of the sale of the Property, or (c) approval by the Town of Huntersville Board of Commissioners in open session, as provided in Paragraph 12(b) hereafter.
- CLOSING DATE. Closing of the transfer of the Property shall occur on or before thirty (30) days from the Effective Date at Town's offices in Huntersville, North Carolina, or such other place, or in such other manner as may be mutually acceptable to the parties.

- 5. **INTENDED USE.** The Town intends that the Property be used for governmental or public purposes, or for such other purposes as Town, or its assigns may deem appropriate ("Intended Use").
- 6. **EXAMINATION PERIOD.** As used in this Contract, "Examination Period" shall mean that period of time after the Effective Date to a date which is twenty-one (21) days after the Effective Date.
- 7. **TITLE EXAMINATION.** After the Effective Date, Town may, at its expense, cause a title examination to be made of the Property before the end of the Examination Period. In the event such title examination reveals that Seller's title is not fee simple marketable and insurable at regular rates, subject only to the Permitted Exceptions, then Town shall promptly notify Seller in writing of such title defects and exceptions and shall have the option of terminating this Contract, or take title in its then condition without reduction of the purchase price (except those defects that can be cured by withholding an established monetary amount).
- 8. INSPECTIONS. During the Examination Period, Town, its agents or representatives, and at Town's expense, shall have the right to enter upon the Property for the purpose of inspecting, examining, performing soil borings, environmental and other testing and conducting any surveys it deems appropriate (collectively, "Inspections"). Buyer shall conduct all such Inspections in a good and workmanlike manner, and shall repair any damage to the Property caused by Town's entry. Inspections shall occur during reasonable business hours so as to not interfere with Seller's use of the Property. Seller represents that it has no actual knowledge of any adverse environmental conditions or contamination of the Property. All inspections shall be completed during the Examination Period (subject to any extension granted by Seller), and if any conditions are not objected to within that time (which may be extended) shall be deemed accepted, except for matters occurring after that time.
- 9. **POSSESSION.** Seller can and will deliver unencumbered possession of the Property to Town as of the Closing Date.
- 10. **PROPERTY CONVEYED "AS IS.**" Except as otherwise provided herein, the Property and improvements, if any, are conveyed and accepted "as is" with all faults. Seller makes no representations or warranties as to the condition of the Property, or suitability for any purpose, including for its Intended Use.
- 11. **TRANSFER OF TITLE TO PROPERTY**: On the Closing Date, Seller shall deliver to Town a Special Warranty Deed conveying fee simple marketable title to the Property free and clear subject to all liens, encumbrances, claims, rights-of-way, easements, and restrictive covenants which Town has not objected to as a result of its title examination and other due diligence inspections except that the Property may be conveyed subject to the following permitted exceptions ("Permitted Exceptions"):
 - a. Ad valorem taxes for any year subsequent to the year of closing.

- Easements, rights of way, setbacks and conditions shown on a recorded plat of record including but not limited to Map Book 51 Page 639 Mecklenburg County Registry.
- c. All zoning, subdivision, land use another laws, regulations or ordinances applicable to the Property, provided that they do not impair or preclude the right of the Town to use the Property for its Intended Use.
- d. That Declaration and Conveyance of Easements and Maintenance Agreements for Huntersville Town Center Development, recorded in Book 24759, Page 750, Mecklenburg County Registry, corrected by notice of typographical error in Book 24770, Page 683.
- e. That Agreement for Construction, Operation and Financing of Parking Deed recorded in Book 24759, Page 738, Mecklenburg County Registry, corrected by notice of typographical error in Book 24770, Page 677.
- 12. **CONDITIONS.** This Contract, in addition to any conditions otherwise contained herein, is specifically subject to the following conditions:
 - (a) THIS CONTRACT IS SUBJECT TO FINAL APPROVAL BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE AS REQUIRED BY NORTH CAROLINA LAW AND IS NOT BINDING UNTIL SUCH APPROVAL IS GIVEN.
 - (b) THIS CONTRACT IS ALSO SUBJECT TO COURT APPROVAL OF THE SALE OF THE REAL PROPERTY TO THE TOWN, BY THE RECEIVER.
 - (c) Seller can and will deliver unencumbered possession of the Property to Buyer as of the Closing Date.
- 13. **RISK OF LOSS.** Prior to closing, risk of loss with respect to the Property shall be upon Seller.
- 14. **CLOSING COSTS.** Seller shall pay for the preparation of a Deed and any other documents necessary to perform Seller's obligations under this Contract, for excise tax or other conveyance tax, any deferred tax and all costs necessary to convey clear title. Buyer shall pay for recording costs, costs of title search, title insurance, survey, and any inspection costs. Each party shall pay its own attorney's and consultant's fees.
- 15. **PRORATIONS.** Ad Valorem real property taxes for the Property shall be pro-rated between the parties on a calendar year basis as of the Closing Date. If the taxes are then due and payable, and not paid, the Seller's share will be withheld from the Purchase Price and paid by Buyer. If the taxes have been paid, Buyer shall reimburse Seller for Buyer's share at closing. If the then current year's taxes have not been determined, prorations shall be estimated based on the prior year's taxes, withheld from the Seller and paid by the Buyer. Leases, if any, shall be pro-rated and pre-paid rents and security deposits shall be withheld from Seller as a credit against the Purchase Price.
- 16. **BROKERAGE COMMISSION.** Receiver represents that it has not been represented by a Broker, or agent. Town represents that it has not been represented by a Broker, or

agent. Seller and Buyer each agree to indemnify and hold the other harmless from and against any and all claims, demands, and costs arising out of alleged brokerage commissions, if any.

- 17. **DEFAULT.** In the event of Default by either party, the non-defaulting party shall have all remedies available to it in law or equity, including specific performance with any remedies sought against the Seller to be subject to Court approval.
- 18. NOTICES. Unless otherwise provided herein, all notices and other communications which may be, or are required to be given by one of the parties to the other, shall be in writing and shall be deemed to have been properly given and received on the date delivered (i) in person with written acknowledgement of receipt (ii) by deposit in the United States mail, postage prepaid, certified or registered mail, return receipt requested, or (iii) sent by a nationally recognized overnight courier, all at the following addresses (provided that either party may change its notice address by notice to the other):

IF TO BUYER:	Town of Huntersville Attn: Gerald D. Vincent, Interim Town Manager Post Office Box 664 101 Huntersville-Concord Road Huntersville, NC 28078
IF TO SELLER:	 A. Cotten Wright, Receiver for DCG Real Assets, LLC Grier Furr & Crisp, P.A. 101 North Tryon Street, Suite 1240 Charlotte, North Carolina 28246

- 19. **APPLICABLE LAW.** This Contract shall be governed by and construed in accordance with the laws of the State of North Carolina. The sole venue for any litigation hereunder shall be the Court.
- 20. ENTIRE AGREEMENT. This Contract contains the entire understanding and agreement between the parties, and supersedes all prior oral or written agreements between the parties. No amendment to this Contract shall be effective unless the same is in writing and signed by the parties hereto.
- 21. **BINDING EFFECT.** This Contract shall be binding upon and shall inure to the benefit of the parties hereto and their respective permitted successors and assigns.
- 22. **TIME OF THE ESSENCE.** Time is of the essence with respect to all time periods and dates for performance of this Contract.
- 23. **COUNTERPARTS.** This contract may be executed in one or more counterparts. Signed facsimiles shall constitute originals.

24. **AUTHORITY.** Seller and Buyer represent to each other that each is authorized to enter into and perform its obligations under this Contract, subject only to Court approval for the sale of the Property, and approval of this Contract by the Board of Commissioners of the Town of Huntersville in open session as required by action of the Board of Commissioners to authorize this purchase in closed session and by North Carolina Law appropriating the funds for the purchase.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed effective as of the Effective Date.

BUYER: TOWN OF HUNTERSVILLE

By:

Name: Gerald D. Vincent Title: Interim Town Manager Date of Signing: _____

SELLER: A. COTTEN WRIGHT, RECEIVER FOR DCG REAL ASSETS, LLC

By: <u>A. Collen Wright</u> Name: <u>A. Cotten Wright</u> Title: Receiver Date of Signing: 4 - 20 - 20i7

EXHIBIT A

Parcel 1: 102 Old Statesville Road, Huntersville, North Carolina Mecklenburg County Tax Parcel No. 017-116-11, currently titled to DGC Commercial Fund I, LLC

Parcel 2: 109 Gilead Road, Huntersville, North Carolina; Mecklenburg County Tax Parcel No. 017-116-99, currently titled to DCG Commercial Fund I, LLC

Parcel 3: A portion of Mecklenburg County Tax Parcel No.s 017-116-18 and 017-116-43, currently titled to Polaris Properties of the Carolinas, LLC and HTCP Development One, LLC respectively.



The above parcels are generally depicted as shown below in purple:

Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Robert B. Blythe, Town AttorneySubject:Adopt Resolution and Call Public Hearing

Adopt a Resolution of Intent to Close and Abandon Eight Avenue and portions of Steel Street, and call a public hearing on same for Monday, June 5, 2017, at 6:30 p.m., at Huntersville Town Hall.

ACTION RECOMMENDED:

Adopt Resolution, and Call a Public Hearing

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

Description

- Resolution to Close and Abandon
- D Memorandum
- D Exhibit A
- D Exhibit B
- D Exhibit C
- D Exhibit D

Туре

Resolution Backup Material Backup Material Backup Material Backup Material Backup Material

RESOLUTION OF INTENT TO CLOSE AND ABANDON EIGHT AVENUE AND PORTIONS OF STEEL STREET TOWN OF HUNTERSVILLE, NORTH CAROLINA

The Board of Commissioners, as authorized in North Carolina General Statute §160A-299, declares its intent to close and abandon Eight Avenue in its entirety beginning from the easterly margin of Church Street and continuing to the westerly margin of Steel Street, and the portion of Eight Avenue from the easterly margin of Steel Street for approximately 135.47 feet to its end, and close and abandon the northern portion of Steel Street beginning at the Trenton Cotton Mills (also known as and hereinafter referred to as "Anchor Mill") property line to the north for approximately 488.3 feet and approximately 60.39 feet to the south of the Anchor Mill property line. The property is described in further detail herein below:

- a. Eastern side of Eight Avenue, as follows: Beginning at an old iron pin in the northeastern corner of Lot 3, Block H, Map 4, thence S 85-46 W 135.47 feet to an old iron pin at the northwestern corner of Lot 3, Block H, Map 4 at the easterly margin of Steel Street; thence N 4-19 W 12.54 feet to a new iron pin; thence S 84-07 W 105.56 feet crossing an iron pin and continuing 30.0 feet to a new iron pin; thence south 16.4 feet back to the beginning.
- b. Western portion of Eight Avenue from the eastern margin of Church Street to the western margin of Steel Street.
- c. Northern portion of Steel Street beginning at an iron rod in the northwestern corner of the revised Lot 3, Block H, Map 4 running S 89-57 W 24.92 feet to an iron pin in the corner in the northwestern corner of Eight Avenue at the Steel Street intersection, approximately 25 feet wide, and continuing north into Anchor Mill for an approximate distance of 488.3 feet.
- d. Portion of Steel Street beginning at the Anchor Mill property line, approximately 24.92 feet wide, and heading south for approximately 60.39 feet to the northwestern corner of Lot 2, Block H, Map 4, currently owned by Alberk Empire, LLC, and Duke Power Company to the west of Steel Street.

NOW, THEREFORE, be it **RESOLVED** that the Board of Commissioners intends to close and abandon the eastern and western portions of Eight Avenue; the entire northern portion of Steel Street from the Anchor Mill property line, and a portion of Steel Street to the south of the Anchor Mill property line, pursuant to the provisions of North Carolina General Statute §160A-299, and that a public hearing to consider the question of closing and abandoning such portions be set for June 5, 2017, at 6:30 p.m., at the regular meeting of the Commissioners. It is directed that the Resolution of Intent to Close and Abandon be published once a week for four (4) successive weeks prior to the hearing; that copy of the Resolution be sent by certified or registered mail to owners of the property adjacent to the portion of the streets to be closed, as shown on the County tax

records; and that a notice of closing and public hearing be posted at two (2) places along the portions of the streets to be closed.

Adopted this 1st day of May 2017.

TOWN OF HUNTERSVILLE

ATTEST:

Janet Pierson, Town Clerk

John Aneralla, Mayor

(SEAL)

APPROVED AS TO FORM:

Robert B. Blythe, Town Attorney

MEMORANDUM

To: The Honorable Mayor and Board of Commissioners

From: Robert B. Blythe, Town Attorney

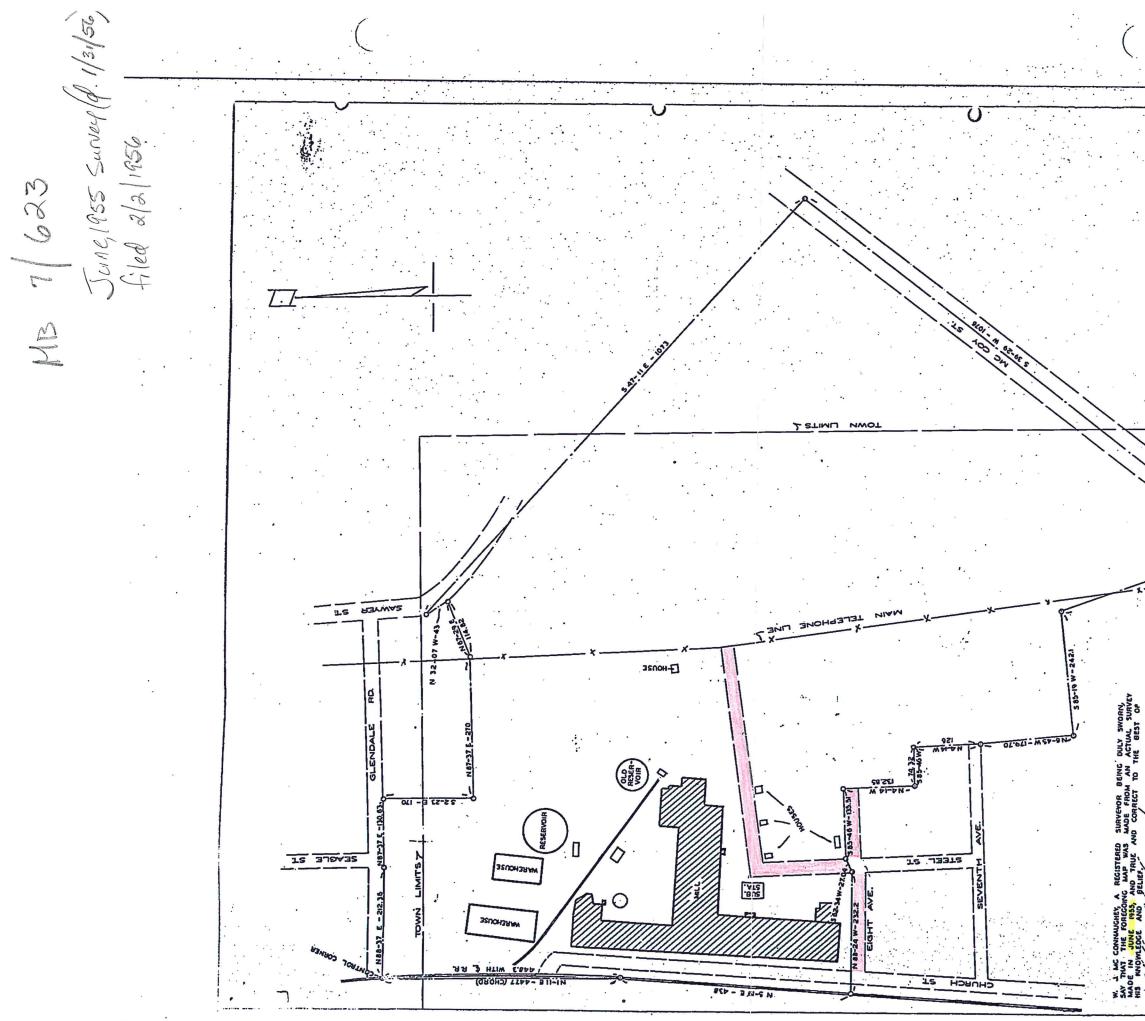
Re: Closure and Abandonment of Eight Avenue and portion of Steel Street

The following is to provide background information for Eight Avenue and the portions of Steel Street:

- According to a map dated January 31, 1956, entitled Map No. 6, Mecklenburg County, Huntersville, NC, TRENTON COTTON MILLS PROP., drawn by Findlay Withers & McConnaughey, Registered Surveyors, Gastonia, N.C., of record in the Register of Deeds, Mecklenburg County, North Carolina in Map Book 7, at Page 623, two (2) roadways were shown and indicated thereon as being Eight Avenue and Steel Street (shaded in red). A copy of said map is attached hereto as Exhibit A and incorporated herein by reference.
- 2. There is a Deed of record in the Register of Deeds in Deed Book 2564, at Page 433, that conveys "...all of Lot Number Three (3) of Block H of that certain property shown on *revised* map of the Trenton Cotton Mills property platted by Sam Rowe, Jr., Surveyor dated June 18, 1964, which map is recorded in Plat Book 12 on page 1 (emphasis added)", a copy of which are attached hereto as Exhibits B and C, respectively.
- 3. As shown on Exhibit C, Lot 3 was revised to include a portion of the eastern side of Eight Avenue, as follows: Beginning at an old iron pin in the northeastern corner of Lot 3, Block H, Map 4, thence S 85-46 W 135.47 feet to an old iron pin at the northwestern corner of Lot 3, Block H, Map 4 at the easterly margin of Steel Street; thence N 4-19 W 12.54 feet to a new iron pin; thence S 84-07 W 105.56 feet crossing an iron pin and continuing 30.0 feet to a new iron pin; thence south 16.4 feet back to the beginning. This revision may not have effectively withdrawn a dedication of right of way for the eastern portion of Eight Avenue, although all right, title, and interest in the right of way was conveyed by Deed to the adjoining property owners lying on the north and south of its centerline. See the highlighted section in yellow on Exhibit C for the portion conveyed to Lot 3 by Deed referenced in Exhibit B.
- 4. Both Lots adjoining the eastern side of Eight Avenue have since been transferred in ownership and are now part of the real estate known as the "Anchor Mill" property, which was conveyed to the Town of Huntersville by Deed dated June 22, 1998, of record in the aforesaid Register of Deeds in Deed Book 9756, at Page 458, a copy of which is attached hereto as Exhibit D, and incorporated herein by reference. However, the right of way continues to show on the Mecklenburg County GIS land records.
- 5. The western portion of Eight Avenue from the eastern margin of Church Street to the western margin of Steel Street is an unopened street, and to the best of Petitioner's

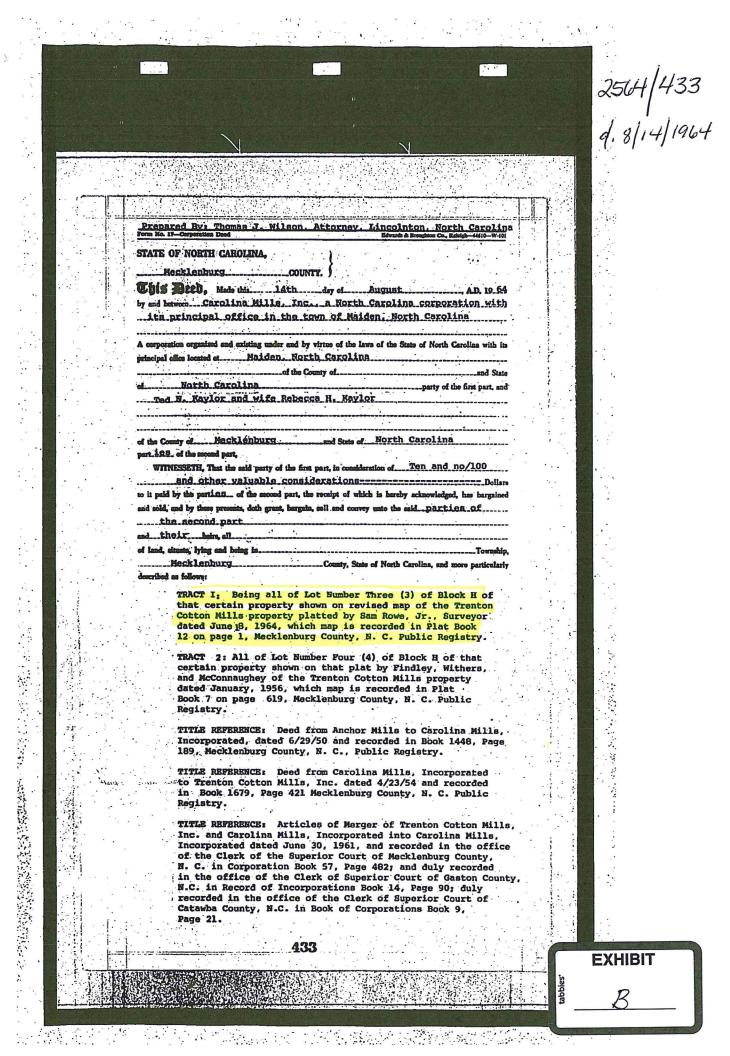
knowledge was neither dedicated, accepted, opened, nor has it been maintained by the Town as a street to serve the public. See the highlighted section in green on Exhibit C.

- 6. The northern portion of Steel Street beginning at an iron rod in the northwestern corner of the revised Lot 3, Block H, Map running S 89-57 W 24.92 feet to an iron pin in the corner in the northwestern corner of Eight Avenue at the Steel Street intersection, approximately 25 feet wide, and continuing north into Anchor Mill for an approximate distance of 488.3 feet (see Exhibit C, in blue), is a portion of Steel Street that has not been accepted or maintained by the Town, and no longer serves the public. The right of way was provided for ingress and egress for the three (3) dwellings located on Anchor Mill that no longer exist.
- 7. There is a portion of Steel Street beginning at the Anchor Mill property line, approximately 24.92 feet wide, and heading south for approximately 60.39 feet to the northwestern corner of Lot 2, Block H, Map 4, currently owned by Alberk Empire, LLC, and Duke Power Company to the west of Steel Street.
- 8. The Petitioner wishes to close and abandon Eight Avenue in its entirety beginning from the easterly margin of Church Street and continuing to the westerly margin of Steel Street, and the portion of Eight Avenue from the easterly margin of Steel Street for approximately 135.47 feet to its end, and close and abandon the northern portion of Steel Street beginning at the Anchor Mill property line to the north for approximately 488.3 feet and approximately 60.39 feet to the south of the Anchor Mill property line.
- 9. The closing of the streets is not contrary to the public interest, and no individual owning property in the vicinity of the streets will be deprived of reasonable means of ingress and egress to his property.
- 10. Upon closing of a street in accordance with NCGS §160A-299(c), all right, title, and interest in the right of ways shall be conclusively presumed to be vested in the those persons owning lots or parcels of land adjacent to the street, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the streets. The adjoining land owners of the streets are the Town of Huntersville (Parcel No.'s 019-022-01, 019-021-08), and Duke Power Co. (Parcel No. 019-021-07).



· · . 0 PROP. UGHEY MILLS is adjudged to oate be regist Z Σ Mookley CALE 12100 TRENTON COT AAV Deputy. Clerk Carolina, Co lertificate o i County and ent and the this ¥8 $\mathbf{r}_{\mathbf{r}}$ State of North The foregoing of in and for so d Let the instrum Witness my hand 1956 al 3.20 P. M.] 1 18-55 M-3 5 Public, in and f , do hereby cor , personally app d the due excout this oath swore evolu. MO +111 65 March 9, 1557 this ME age ton and SZD n of the sti ase my hand 5

EXHIBIT 4 'ssiddat



434 114 TO HAVE AND TO HOLD, the ale ad all privileges and appurts parties of the second part, and their and emigns, to them only use and behoof for party of the first part. And the said. for itself. and assigns, covenants with the said partifica of the second part, b. heirs and assigns. lin e d of said premises in firs, and has the right to convey the sa es, and that it will warrant and defend the mid title to the the Lawfal of all pan clai WIRKSS WHEREOF, said party of the first part has caused these presents to be signed in its name by corporate seal to be hereto affined and attented by its secretary this day and year first above CABOLINA MILLS, SINC. 0 imand (Gorporate Seal). . DEU. NORTH CAROLINA, Catayor COUNTY 17 day of Auguat 1964_ personally This. homo SON JR. John W. Caldwell, Jr. Hotary Public Milla who being by me daly swern says that he knows the o a seal of the Carolina with is the ration, and that he, the said__status_Is. Thomason. President and presiding me mber of said Corp of the said Corporation and may the said President is the Secretary sign the forego TR. d that he, the sold -1/ Thomason, JR ed said seal to said insta nt), and that he, the said. and a paper of Secretary d his n a of the at in the presence of said President of said Corr 1. 26 34 ()÷., general country C My Comm ary Public 9.... 1:0 : NO N ursenta Neve 1 . 16 dini. Silling. ÷., 1. 1 . . . 5 9:53 : 57 1.3 · · · · · · -----...... × 8 : •

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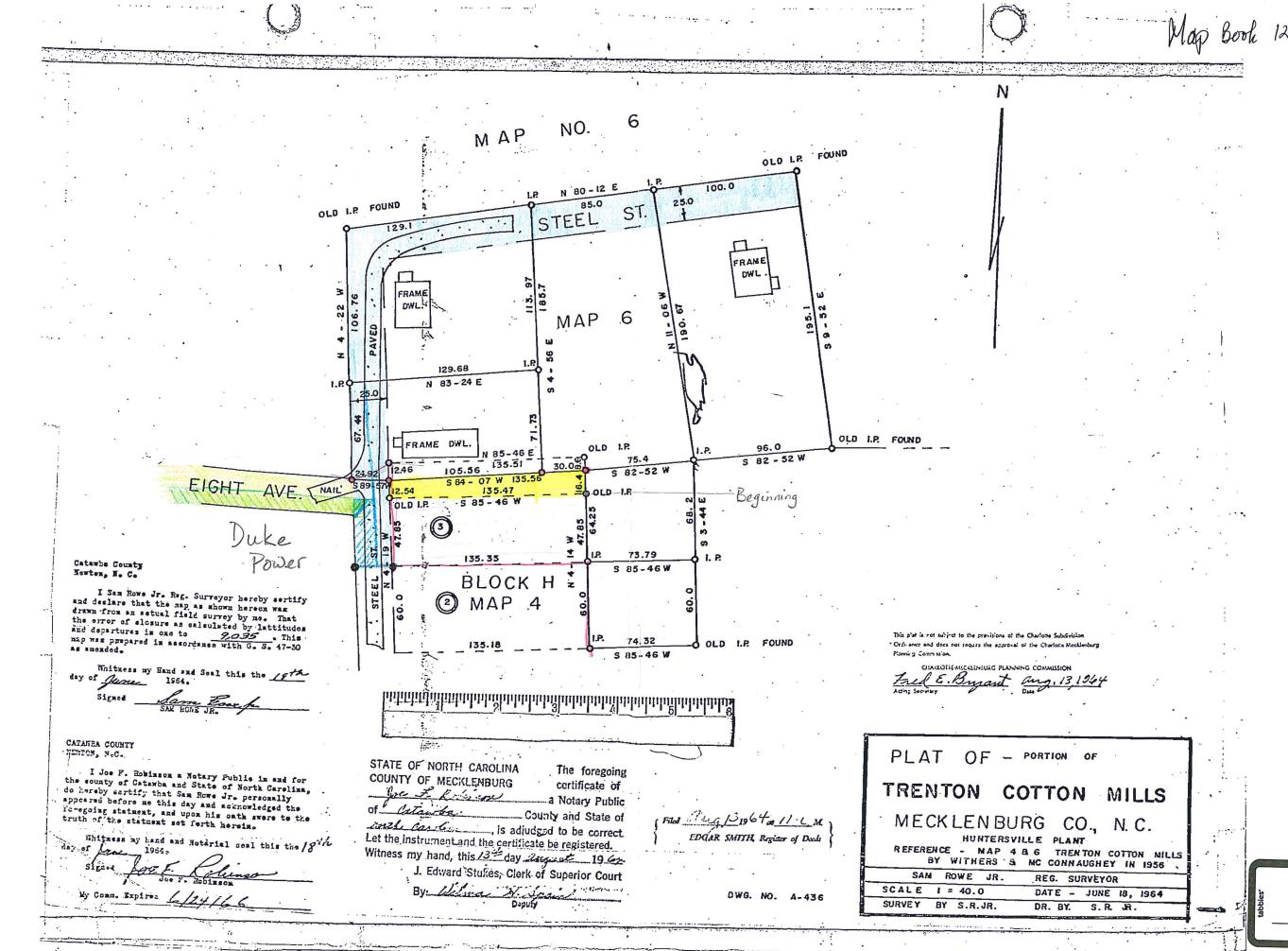
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Map Book 12/1

EXHIBIT

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	BK: 09756 PG: 0458/0461 #:0512 14.00	
	THE AND EXCISE TAX: 1200-00 TAX	
j. R. M. Hiteling	JUDITH A GIBSON REG OF DEEDS MECK NC	
and the second	* FILED FOR REGISTRATION 06/25/98 15:03	
, Start, London	NC REAL ESTATE TAX***MECKLENDURG COUNTY	
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107 - 10 - 10	Tax Lot No. See DELOW Parcel Identifier No.	
10. 10. 10.	by	
and the second se		
	Mail after recording to . Grantee	
	This instrument was prepared by Kilpatrick Stockton LLP (BAB) (no title search performed)	
a fair	¹ Brief description for the Index	
	NORTH CAROLINA GENERAL WARRANTY DEED	
	THIS DEED made this 22 ⁿ² day of June, 19 98, by and between	
	GRANTOR GRANTEE	
19.44 - 44	HERBERT GLATT and wife, GLORIA S. GLATT THE TOWN OF HUNTERSVILLE, a North Carolina Municipal Corporation	
and the second		
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1.2 1.2 1.2 1.2 1.2 1.2 1.2 1.2 1.2 1.2	Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.q. corporation or partnership.	
5	The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.	
	WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that	
1	certain lot or parcel of land situated in the City of Huntersville , Huntersville , Township,	
	Mecklenburg County, North Carolina and more particularly described as follows:	
in state		
	See Exhibit A, attached hereto and incorporated herein for description of property conveyed hereby.	
	* Tax Lot Nos.: 019-021-01, 019-021-02, 019-021-03, 019-021-04, 019-021-05, 019-021-06, 019-021-08, 019-021-14, 019-022-01, 019-022-09.	
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	EXH	IBIT
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	M C Bar Assoc. Form No. 3 P 1976, Revised © 1977 Printed by Apriesment with the N.C. Bar Association 1361. • Long Printing Co. • P.O. Box 58693 • Releight, NC 27858-8693	
8 18 42.00-19	Primes by Agreement with the rule bet association - boll + burg risking call + rule ball + r	

	at Page 261 a And the deed County Regist	title, reference is made to those deeds recorded in Book 7113, nd in Book 7119 at Page 610 of the Mecklenburg County Registry. to Herbert Glatt recorded in Book 2490 at Page 135 of the Mecklenburg ry and the deed to Herbert Glatt from Magla Products, Inc. recorded s conveyance.
The pro	operty hereinabove	described was acquired by Grantor by instrument recorded in
	-Lewis a the shows	described property is recorded in Plat Book
А тар ТО НА	VE AND TO HOL	D the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging t
the Gra	antee in fee simple.	•
the san	ne in fee simple, th	its with the Grantee, that Grantor is seized of the premises in fee simple, has the right to conve hat title is marketable and free and clear of all encumbrances, and that Grantor will warrant ar the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. einabove described is subject to the following exceptions:
`\ 	Valid and enf	forceable restrictions of record, easements and rights-of-way, and
ui 小	the lien of 1	998 ad valorem taxes, to be prorated.
-		att, wife of Herbert Glatt, joins in this deed, but not in its
Ċ	warranties, f	for the sole purpose of releasing whatever interest she may have
<u>C.</u> 27 127	in said prope	erty by reason of her marriage to Herbert Glatt.
51		21
in corporat above w	WITNESS WHEREOF, te name by its duly au ritten.	the Grantor has hereunto set his hand and seal, or if corporate has caused this instrument to be signed in unborked officers and its seal to be hereunto affixed by furbority of its Board of Directors, the day and year fi
		protect Name) Herbert Glatt7
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Ву:		Gloria S. Glatt
ATTEST	¥	Cites and Cites
		President (Corporate Seal)
		Secretary (Corporate Seal) C. (SEA
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STOL 1	LSTAMP 01	NORTH CAROLINA, 1 [OLCI]. County. County.
	OTARY	J, a Notary Public of the County and State aforesaid, certify that
ž		personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness
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	Stranger There	And and official stamp of seal, that HLEEN HOWLAND
	and the second s	My commission expires: A NOTARY PUBLIC OF NEW JERSEY My commission expires: My Commission Particle Notary Public N
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	SEAL-STAMP	I, a Notary Public of the County and State aforesaid, certify that
		a personally came before me this day and acknowledged that he is Secretary
		5 North Carolina corporation, and that by authority d
		given and as the act of the corporation, the foregoing instrument was signed in its name by its President, scaled with its corporate seal and attested by as its Secrets
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EXHIBIT A

PARCEL 1

Being located in the Town of Huntersville and to arrive at the point or place of beginning, begin at CGS Monument "Main" NAD-83 (grid coordinates N=185694.135 meters E.=4424539.186 meters, thence from said monument N. 24-07-05 E. 523.19 feet (grid bearing N-20-35-41.07 E., grid distance 523.06 feet) to NCGS Monument "Huntersville", NAD-83 (grid coordinates N=185843.375 Meters, E=442495.266 meters), thence N. 00-08-15 E. 1644.51 feet to the point or place of beginning, located in the line of the track of the Norfolk-Southern Railroad (AT&O Railroad), thence from said point of beginning with the line of the main track N. 12-56-20 E. 548.97 feet to an iron; thence N. 10-35-00 E.100.02 feet to an iron; thence N. 08-34-35 E. 99.86 feet to an iron; thence N. 05-37-15 E. 137.43 feet to an iron, the southerly right of way margin of Fourth Street; thence with such margin S. 83-36-35 E. 212.38 feet; thence continuing with said right of way margin S. 84-34-55 E. 130.63 feet to an iron, corner of the property of J. Sherrill (now or formerly, Deed Book 5321, Page 355), thence with Sherrill's line S-05-23-25 W. 170.20 feet to an iron; thence S. 84-36-05 E. 269.65 feet to an iron; thence N. 75-22-10 E. 115.06 feet to an iron; thence N. 24-20-35 W. 43 feet, on or near the right of way of Glendale Drive in an area formerly shown as Sawyer Street, thence S. 39-10-30 E. 263.05 feet to an iron; thence S. 39-18-25 E. 779.48 feet to an iron; thence S. 39-16-25 E. 30.34 feet to an iron in the Huntersville-Concord Road, (S.R. 2448); thence with the approximate center line of the Huntersville-Concord Road S. 47-23-35 W. 1,076.0 feet to an iron in the center line of the Huntersville-Concord Road near the intersection with a projection of the line of Second Street; thence N. 08-41-45 W. 376.53 feet to an iron; thence N. 86-46-30 W. 242.10 feet to an iron; thence N. 01-07-40 E. 179.27 feet to an iron; thence N. 03-10-30 E. 21.73 feet to an iron; thence N. 03-54-10 E. 104.30 feet to an iron; thence N. 86-27-20 W. 74.19 feet to an iron; thence N. 03-46-40 E. 60.0 feet to an iron; thence N. 86-27-20 W. 135.35 feet to an iron; thence N. 03-39-05 E. 72.85 feet to an iron; thence S. 70-20-25 W. 27.04 feet to an iron; thence continuing N. 83-43-40 W. 76.23 feet to an iron; thence N. 83-43-40 W. 156.36 feet to the point or place of beginning containing 30.49 acres, more or less, as shown on a survey prepared by Robert J. Wilkins, NCRLS, dated May 14, 1998, to which reference is hereby made.

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PARCEL 2

Being all of Lot 3 in Block 5 of Map 4 of the property of Trenton Cotton Mills prepared by Findlay, Withers and McConnaughey, dated January, 1956, and recorded in Map Book 7 at Page 619 of the Mecklenburg County Registry, and more particularly described as follows: To arrive at the point or place of beginning, begin at NCGS Monument "Huntersville", NAD-83 (grid coordinates N=185843.375 Meters, E=442495.266 meters), thence N. 00-08-15 E. 1644.51 feet to an iron; thence S. 83-43-40 E. 156.36 feet to iron; thence S. 03-48-10 W. 24.39 feet to the point or place of beginning; thence from said point or place of beginning S. 03-48-10 W. 3.15 feet to a point; thence S. 03-48-10 W. 87.05 feet to a point; thence N. 79-17-40 W. 115.92 feet to an iron on the easterly line of Church Street; thence with Church Street N. 13-11-05 E. 76.40 feet to an iron; thence S. 86-41-35 E. 102.63 feet to the point or place of beginning.

PARCEL 3

Being all of Grantor's right, title and interest in and to property formerly shown as Eighth Avenue shown on the aforesaid map recorded in Map Book 7 at Page 619 of the Mecklenburg County Registry, and all of their right, title and interest in and to property designated as Steele Street on those maps recorded in Map Book 7 at Page 619 and Map Book 12 at Page 001 of the Mecklenburg County Registry, without warranties of title to said interest.

State of North Carolina, County of Mecklenburg Kitter k.	~ Handurd
Notary(ies) Public is/are certified to be correct. DATE:	JUNE 25 1998
JUDITH A. GIBSON, REGISTER OF DEEDS By: LCL	Chie J. Litule Deputy Register of Deeds RD98-598

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Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Janet Pierson, Town ClerkSubject:Approval of Minutes - March 20

Consider approving the minutes of the March 20, 2017 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS: N/A

ATTACHMENTS:

Description

D Draft Minutes

Type Backup Material

TOWN OF HUNTERSVILLE TOWN BOARD MEETING MINUTES

March 20, 2017 6:30 p.m. – Huntersville Town Hall

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:15 p.m. on March 20, 2017.

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

<u>Emergency Services – Budget.</u> Chief Jim Dotoli from Huntersville VFD reviewed the fire department's request for funding for FY 2017-2018.

Detailed Huntersville VFD request attached hereto as Exhibit No. 1.

<u>Closed Session – Economic Development.</u> Commissioner Kidwell made a motion to go into closed session for economic development. Commissioner Bales seconded motion. Motion carried unanimously.

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

REGULAR MEETING TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on March 20, 2017.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

• NCDOT has been asked to lower the speed limit in the construction zone on I-77 in an effort to reduce accidents.

Commissioner Bales

- Expressed appreciation to Commissioner Guignard for his work with Angels of 97.
- The Lake Norman Education Collaborative will be partnering with the Lake Norman Chamber and the Lake Norman EDC in hosting a speed networking event at Hopewell High School in the areas of engineering and hospitality and tourism.
- The North Learning Community Partnership Summit is on April 25.
- Lake Norman Economic Development Corporation has a total of 31 projects in various stages, 18 of which are in Huntersville. Three are first contacts, six are follow-ups, four are setting up visits and five are finalists.

Commissioner Boone

- Battle of the Badges Blood Drive is on March 25.
- Huntersville Police Department will have a free child safety seat checking station on March 22.

Commissioner Gibbons

- NC 73 Council of Planning does not have a meeting scheduled.
- The next Veterans Liaison meeting is scheduled for the first week in April.
- Construction of Veterans Park is underway.

Commissioner Guignard

- The Centralina Council of Governments and the Planning Coordinating Committee have meetings in the near future.
- Expressed appreciation to the community for their support of Angels of 97.

Commissioner Kidwell

- Recognized former Mayor Jill Swain who was present at the meeting.
- Expressed appreciation to Commissioner Guignard for his work with Angels of 97.
- Was unable to attend the last Charlotte Regional Transportation Planning Organization meeting. Commissioner Boone attended. Commissioner Boone reported that the CRTPO made several modifications to the TIP, including changing study area of widening of US 21 to the stretch between Lakeview Road and Gilead Road. Previously the area was between Sunset Road and Harris Boulevard.

Commissioner Phillips

• Updated the Board on Lake Norman Chamber of Commerce and Visit Lake Norman events.

Mayor Aneralla recognized Planning Board members present: Hal Bankirer, Jennifer Davis, Joe Sailers, Adam Planty and Joanne Miller.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Greg Dawson, 14028 Cinnabar Place, said I moved here 15 years ago with the idea of being able to hop on a train that I could walk to from my house. Obviously that didn't happen and we are still having the same conversations about it. The Mayor today is going to suggest the Board adopt a resolution to continue to delay that option for a train. I take public transportation everyday as it is right now. I take the 48X bus. I take the 6:30 or 6:45. I have a number of people that are there with me and all of those people continually talk about the opportunity for light rail in this area. Before anyone on the Board would sign their name to a resolution delaying any additional study I encourage you to show up anywhere from 6:30 to 8:30 to talk to your constituents that are there and hear their opinion on whether they want that to go forward. I think you will find that the majority of those folks would much rather have another study done than spend money intentionally connecting greenways with bike paths to the park and rides that were mentioned at the last meeting. I think that's not a good use for the funds. Certainly we have spent money for study after study. All of those studies were focused around the concept of using the Norfolk Southern line which we know we can't use. Nothing was done that I'm aware of to study alternatives and that's what this is going to do. They probably won't find any other alternatives, but I think we should exhaust those options and see what's available. Before you sign a resolution to not move forward with this next study I encourage you to go talk to the 500 people that ride the bus a day.

Kathy Jones, 104 Walters Street, said I'm here to give an update on the Olde Huntersville Historical Society and some of the things that we have completed and some of the things that we're working on. Two things that we have completed, we did spearhead the project to save the old caboose and we really appreciate you guys doing that for us and we can't wait to see the finished product. In October we held our monthly meeting at the Hugh Torance House and Store. Our member Kris Manley did a presentation "The Intersection of Francis Bradley and the Tories during the Revolution in Mecklenburg County." He had some authentic memorabilia from that time and we hope to do another similar type presentation in the spring. What we are working on now is we understand that the Town received the quote from Lakeside Project Solutions for the renovations at the Old Jail. I think there were two different quotes, one was right around \$29,000 and that included renovation to tour level but that did not include the electrical and plumbing. And then there was another one right around \$3,000 that was just like the minimum renovations. We would like to ask the Town to go ahead and move forward with the renovation of the jail but also go ahead and get a quote for the electrical and plumbing to be done at the same time and we are willing to put up a \$5,000 contribution to go towards cost of renovation. We've also worked with the Town to get permission to any of the existing mill houses that have not been torn down already to go in before they are torn down and to salvage any architectural details and that money will go towards the renovation of the jail.

Shannon Stiene, Superintendent, Lake Norman Charter School, 12119 Canal Drive, said I'm here just to say thank you for multiple things. First off as a board, it's difficult. You have to make a lot of tough decisions and sometimes it's nice to know when those pay off in a positive manner. First of all I want to thank you for considering the school resource officer that is now at Lake Norman Charter. Officer Bononno has quickly become an integral part of our staff helping to assess our safety needs and helping to maximize our traffic flow. Additionally, I'd like to thank the Board for recognizing our goal of building the elementary school. Currently it is on track. We will open in August 2017. We will start with 300 students, 100 per grade and we'll add an additional 200 in our fifth grade because there will be openings there and this year we had over 5,450 applicants to take up those spots. So there's obviously demand as Huntersville grows and we're happy to be a part of that. And then lastly I would like to thank you for considering our continued and expanded partnership with the Town of Huntersville Parks & Recreation. Mr. Jaycocks and his staff have been exceptional to work with and having that partnership has allowed many of the community members to be on our campus maximizing taxpayer dollars by utilizing it during school hours for us and by the community in other times and we're just very thankful for the opportunity that provides for exposure for the school and for our students to be able to participate in a meaningful way in sports. Thank you for your efforts.

Madeline Phillips, 14720 Brown Mill Road, said 11 years ago my son was 14. Now 25, a grown man. Eleven years ago my daughter was 19 entering college. Eleven years ago both my dad and mom were still alive. Eleven years ago where were you. For me I was standing behind this podium asking the board then for a rezoning. As a

landowner sometimes you need to sell property just to survive. But when you own property in Huntersville, it's not so simple. Eleven years ago Mr. Andersen spoke against us as he does today. As a property owner we should have the right to sell our land without all the red tape that Huntersville has put us through. So all things that I have heard requested by staff have been met. I for one am grateful for the laws. But when it affects the way one has to live and survive, I too believe that this as well should be taken into consideration.

Gary Reagan, 15900 Beatties Ford Road, said I am concerned about the impact of the mini-storage warehouse facility and what it would do to the community around us. I grew up there and watched this community grow. I'm also concerned with other issues. I was in law enforcement for 30 some years. In my time I worked a lot of cases involving these facilities. These facilities harbor interest for criminals. It's also known that they store drug lab materials in these facilities. They also operate out of these facilities. I'm certain this might be an impact on our community by bringing it into our neighborhood. I don't think we want this. I support the Planning Board's desire this not be supported by the Town Board.

Claudine Bennie, Post Office Box 3493, Huntersville, said I own a piece of land on Beatties Ford and I want to speak up tonight for the owners. I was listening here two weeks ago to complaints about this change of zoning. And most of the things that I heard was I like it the way it is, I would like it to stay that way or maybe in the future somebody may want to use this for a road. I'm asking everybody here who has a piece of property to put yourself in the shoes of the owners. What if you have to wait 11 years to sell your own place. What if you have to wait because one of your neighbors doesn't like the change.....one of your neighbors may want to use your lot for something else. I know very well how it feels to fight against change. I moved here in 1994 with my husband to a farm on Beatties Ford Road. Then there was practically nothing around here. But things were changing then too. Developers grabbed all the land they could and we fought it with all we had. We formed committees, we came to meetings just like these. We spoke up against our annexations and the growth and the change and yet you all came. You all built beautiful homes on the lake, cute neighborhoods popped up everywhere. After a while we stopped riding our horses on Beatties Ford Road. Farming, no matter how ideal it can sound in your minds, is not an acceptable way of living any more in this town. Yes, it is beautiful to look at open fields, but open fields don't pay the bills.

Jamie Moore, 15069 Linderman Road, said I am from Huntersville originally. We've been here my whole entire life. I watched Danny go through his struggles with his farm through the years and it's really tough. All of you who have either bought homes or built or are part of any community we support you coming but we have to live too. I have some land. I'm a farm type person. You have to make a living. You have to be able to sell your property. I support Danny. Somehow he has got to survive, he's got to be able to sell something to make his ends meet. I'm here tonight to support Danny and the Phillips' family and wish that something would pass for them.

Eric Rowell, 7847 Horseshoe Creek Drive, said full disclosure I worked with Mr. Phillips during the last election campaign in case anybody is not aware. A few quick points on this rezoning. I think it's important to note that the prior boards do not bind current boards. Whatever happened in the past does not necessarily bind you tonight. I have not been in Huntersville my whole life. I have been in North Carolina most of my life, but not in Huntersville. But in September 2011 a prior board voted, it was a 2-2 vote, to recommend this alternative that we're here talking about tonight. If that board had actually been full, there was a member that was not present, it's very likely that the board at that time in 2011 would have voted completely different, which may had rendered this whole discussion moot. I think it's important to note that and again that was in 2011. Five years before that this whole discussion started. You are talking about 10 plus years now that this property has been held up and I think it's important to ask if this property can't be used for this purpose, what purpose would this board and the Planning Board allow the property to be used for. I don't see how the property is worth millions if

there's nothing the property can be zoned for. It seems to be merely an administrative taking is what we are bordering on. Pedestrian focus, the applicant has redone the application a number of times. I find it amusing all the focus on the pedestrian walkability. I have lived here 3 years and I don't think I have ever seen a single person walking or riding a bike up that portion of Beatties Ford, much less riding horses anymore. And then I guess lastly I think it's important to consider that if we're looking at the proposed 73 realignment, we're talking about a realignment that's only going to go through the parcel tonight but it's going to go over the Transcontinental pipeline in two different places. It's also going to potentially be affected by some of the Duke Power lines. How anybody could ever say that it's not going to cost more to go over two pipeline crossings is beyond me.

Bob Sidi, 15929 Bayshore Drive, said I moved to Huntersville 35 years ago and I came here with some trepidation because I formerly lived in Summerfield, SC and very much like Huntersville it's a bedroom community of Charleston, right next to an interstate. When I lived there I saw zoning that was haphazard. I saw development that didn't accommodate the future. I got here with some fear and I attended a meeting I think it was called Mecklenburg 2000 or Huntersville 2000. And I was delighted to find that this area had long-term plans that looked at what the traffic was going to be like, what the road was going to be like, the loss of green space and I'm very proud that in the 35 years that I've been here I've seen common sense growth. I've seen the Sam Furr development. I've seen many things and yes we have heavier traffic than we have ever had. When I moved here the population of Huntersville was 12,000. Now we've added some areas. We are now 57,000. But we have handled that through long-term planning, the stewardship of the board that looked down the road. So we put a plan in place and now for a short-term gain we go okay we'll just throw that out, we're interested in one individual and I feel for the situation that they are in but we are about to short change the plan that was developed. My concern is the traffic.

Sharon Jayne, 15808 Henry Lane, said I do walk that property every day and around that property. I hear accidents. I see accidents. I see traffic. I'm here because of the traffic. I'm here because of that concern. I'm also here representing Henry Lane. I also am here because thank you Planning Board for all you did. My father was on the Planning Board of my hometown for years and years and I know what kind of dedication he put in. I'd like to thank you as our elected officials for all that you do. But I'd like you all to consider why are we talking to you and why are we having this discussion. First we want that road to be put through. That's one thing that you had said that is part of the option.....Option 3, that's what we have said that is going to happen. That's what we need to have happen before we can have more zoning because once we change one zoning law we are going to have a domino effect and that is a problem and that is why I am here.

Bruce Andersen, 16125 Weatherly Way, said I'm bias because I know how much effort was put into developing the methodology to find the best option for the future location of Highway 73 and associated roads necessary to support the expected traffic. Many in this room have biases about the impact on traffic and safety. The problem with this process is that elected officials also have biases. However, most of those biases are not associated with the issues surrounding the petition because you perceive your responsibility is to make the best decisions during your term of office, you negotiate with your fellow commissioners so that the resulting mix of decisions is in your view the best outcome. This is called politics. The outcome of any particular decision may therefore not be based on the facts. There is a solution for the problem in this case. Use Town funds to purchase the Phillips' property, that property in question, and hold it until the NCDOT makes a final decision. You could then sell the property to the NCDOT or if it's not needed, sell it to a developer who will follow the Community Plan. For the future you might want to consider how much time, energy, phone calls and e-mails you've endured during this issue and others like it. Change the process. For example, if both Town staff and the Planning Board recommend denial of a rezoning petition, the Town Board would have the option to accept that decision without action or if there were non-technical issues that the Town Board believes required

intervention, the Town Board could review the issues and then make a final decision. That would allow you to focus on the broad issues.

Bruce Warren, 15819 Bayshore Drive, said I am here to speak against the proposed rezoning on Brown Mill Road. In contrast to some statements you may hear today, it's quite a stretch to call this a solid project in many people's views. But let me be clear, I'm not here to argue on my own behalf. I'm simply arguing that you should follow the recommendations of the Planning Board and the professional staff that we have with the Town that denied this rezoning request multiple times. We all understand that there are exceptions that need to be made, but it seems rather dubious to state that this project is one of those exceptions. We are not talking about a manufacturing facility. We are not talking about an Amazon distribution center or a Google server farm, we are talking about a mini-storage facility. We are not talking about making exceptions for a few parking spaces, we are talking about major exceptions for setbacks and we are adding traffic to an intersection that's already overworked and we are talking about possibly destroying the previously approved and well thought out transportation plan that was put in place many years ago. I have a hard time believing that the Town Commissioners lay awake at night hoping that we will get one more mini-storage facility that will solve all of our town tax problems. As the previous speaker said, there are many biases in this room – local landowners are biased. The developer is clearly biased and I believe what you should be listening to are the unbiased voices – the Planning Board, the staff, the long-term planners at MUMPO, the authors of the zoning guidelines who put those in place to protect the citizens and even the DOT which favors a cheaper, more practical option that solves many of the traffic problems that we have at that intersection. Please be honest with yourself. This is not about a mini-storage facility, this is about long-term traffic congestion at that location. The fact of the matter is we should be pushing for the bypass option because at Beatties Ford Road it will solve the Gilead Road interchange problem and it will solve all the other problems associated with this and I challenge you, this is your toll road moment, this is what you all wanted to be on the commission for.

Doug Nexsen, 14200 Boatway Court, said I'm very much in favor of Option 3. I thought this issue was resolved years ago. I'm also a friend of Danny Phillips and frankly I think for the length of time his property has been held "hostage" it seems a little bit unfair and I think Mr. Andersen has brought up a great point, why not buy that property and let's get that out of the way and if Option 3 is approved then the Town can sell that property to the DOT, otherwise sell it to a developer. It's not going to lose value.

Charles Rapp, 15834 Pine Knoll Lane, said this is about the traffic flow. This is about the thoroughfare, the planning that has been done for years and years about what is best for the northwest corridor, the traffic issues that we run into today. I'm going to read from the Staff Recommendation of 3-14-17 and it says "The plan is in direct conflict with the approved and adopted Comprehensive Transportation Plan (CTP) for the NC 73 alignment. Staff does not recommend intensifying the zoning of a property when it conflicts with an approved thoroughfare. We are not aware of any other development being approved in current staff's tenure that did conflict with an approved thoroughfare plan. Not only does the property in question lie directly along the proposed route, but the proposed rezoning plan would construct buildings immediately in the path of the approved road. Please see the overlay of the proposed plan and the CTP below on page 9. If the approved alignment is chosen and the proposed development is approved, it will cost the public more to build the thoroughfare." They continue to deny approval of this plan. "Staff is concerned that approving a rezoning for a development that conflicts with a thoroughfare alignment that has been approved by the Charlotte Regional Transportation Planning Organization or its predecessors could set a precedent that may compromise the validity of the Town's future transportation network. Please find below on page 9 a map of the approved future thoroughfare alignments in the Town of Huntersville jurisdiction. In it is an estimated 26.8 miles of approved future roads. As mentioned above, staff is unaware of any rezonings approved in the past that conflicted with an approved thoroughfare route." Our community's words now. For the citizens of the Town of Huntersville

the approval of R16-09 if not eliminate it will surely complicate the best road option that has been completed and vetted by the experts and the Town of Huntersville. And that cost is neutral across the board from the prior plans. I just wanted to make mention that these plans are all public knowledge. Also, rezoning of R16-09 could eliminate an even better option for traffic flow that has already been approved for northwest Mecklenburg thoroughfare and that's us.

David Mestrich, 15812 Pine Knoll Lane, said much of what I was going to say has already been stated, so I want to keep it short and just speak to one of the things that your family has mentioned and that is that this is your land and you should be able to do with it what you want. But that's why we have zoning. If you wanted to put a 32 building apartment building you can imagine what that would do to the parking area and the extra traffic, so we have zoning for a reason. And to make this a Special Purpose – Conditional, is this compelling for the community of Huntersville to have a Special Purpose and conditional rezoning. I think not and I hope that we approve what we have already done in planning.

Adam Planty, 12327 Cross Meadow Road, said I've been a resident of Huntersville since 2003. I speak to you tonight as a resident of Huntersville who's been here and was here for the process during the 2011 election cycle. Many things were brought up as to why this should/shouldn't be approved. I will reference the Kirby decision where you can't hold up a person's property for road realignments or thoroughfares. The spirit of the law is don't hold up somebody's land without just compensation. And that's what we are doing here. And NCDOT has not even stated that they are going to do this. In two years they may make a decision to go with it or not. If not, that's another two years that he's out and the Planning Staff even stated that if that was the case this wouldn't be an issue. So what we are doing is holding up land without compensation, literally holding it hostage for any future development or Mr. Phillips being able to move forward with the sell. Things happen in our life. We need to make changes. Mr. Phillips was almost killed in a car wreck not too many years ago and had serious injuries and that makes farming very rough. Also, back in 2011 the approval of Option 3 was not unanimous. A group formed, Citizens For a Better Huntersville, that spent thousands of dollars on campaign ads in favor of Option 3. But they didn't register with the Board of Elections and formed an illegal pact. Thousands were spent on newspaper ads. Thousands were spent on mailers. They remained anonymous, but they are not really anonymous because the newspapers had to sign an agreement and they know who they are.

Lindsay Satler, 13815 Hastings Farm Road, said several years ago after a lot of hours of work and planning it was discovered that this approved Plan 3 was what was best for our citizens and the community. Now a proposal to rezone has brought back this issue again and allowing this rezoning to make it very difficult to near impossible to have that prior approved plan come to fruition. The next step in that plan was to have an environmental study completed which is expected to start later this year. To even agree to approve a rezoning before that study is complete seems irresponsible to me. I'm simply here to ask our council of elected officials in front of me whose job it is to represent our community as a whole to think of the hundreds of us that would be affected by this rezoning that do not want it that are all here to speak for that tonight and to remember that the other option really only helps a few.

Andy Deal, 13815 Hastings Farm Road, said I just want to thank all the commissioners for their service. I really do appreciate that. Also, tonight you all get the opportunity to truly serve the people who elected you, to truly serve the citizens of Huntersville and the citizens of greater Lake Norman instead of just serving a select few. And I feel for the landowner. I do, but having said that, if nobody sold their land to the state to allow for roads, we wouldn't have any roads. I'm going to keep it short because I think you get the idea. But to me there's a million good reasons for Option 3 and you know we just had the toll road shoved down our throat. Please don't shove this down our throat to please a select few.

Bill Russell, 9449 Mt. Holly-Huntersville Road, said the gateway to the Vance Road Extension. No matter what you do in terms of starting W. T. Harris up on that alignment, it comes through my living room. I've known that for 22 years. But the thing when I look at this particular property, this rezoning tonight, I don't know how many people who object to this particular project has ever walked that property. And as Eric talked about a little while ago it has the Transco pipeline on that property that goes up the eastern seaboard. You have the Piedmont Natural Gas pipeline. You have the Duke Power easement and transformers going through there. To relocate all of that would make that totally unfeasible. The bottom-line is when we were talking a little while ago, and I have seen this project......I've seen the keyman offices and the storage units that we are talking about, which will allow us taking pasture land and making a tax base. That's business incubation right there and for people who would say well we are talking about storage units, what is Amazon and Google and Hewlett Packard and Harley Davidson and Yankee Candle. What do they have in common. They were started in a garage by entrepreneurs and right here in this area you have Aquesta Bank where we have a nice branch here, one in Cornelius, expanded into Wilmington and Mooresville.....started in somebody's basement. This is a unique opportunity to use that land as a business incubator and again that particular option is totally unfeasible and I hope the commissioners will do the right thing by this property.

John Ryan, 13839 Hastings Farm Road, said I'm here to urge the commissioners to vote no on this zoning request. In a recent community meeting and again tonight, proponents of this project made three primary arguments for the benefits of this project. And I have also seen these same arguments in an e-mail from one of our commissioners. One, people should be allowed to do what they want to do with their property. That's what it boils down to and I'm sorry if it may take 11 years or longer to be able to do what you want to do, but that is what you're asking, to do what you want to do. Two, provide mini-warehouse units and flex office space serves a much needed benefit and acts as an economic incubator as the previous speaker just mentioned. Three, the proposal would not stop NCDOT from planning and building a rerouting of NC 73. DOT would just buy the property when the time comes just as it can do now. While many of us are sympathetic to individual property rights, the purpose of zoning is to take into account the needs of the whole community. And while the hastily rushed changes on this proposal to change it from mini-warehouses to be primarily office flex space in the space of two weeks, we answered some of the objections that were raised at the last Board meeting but this has been a matter of putting lipstick on the pig. It's avoided the issue that this is right smack in the middle of something that this community needs. The fundamental community major issue of traffic management is still impinged by any zoning change to this property. The project does not provide much needed service. Right now a major construction of mini-warehouses is currently underway about two miles west of this location. They are not needed there. And the few flex office spaces proposed are too small to be any kind of economic incubator to start it in a garage analogy notwithstanding. The only incubator here is where the developer's land speculation on artificially inflated land values, the positive economic impact will be primarily to the petitioners and to the developer buying the rezoned property and perhaps to a few citizens who use the offices or the miniwarehouses. The negative economic and quality of life impact hits heavily the thousands or so citizens nearby along the NC 73 corridor or 50,000 citizens of Huntersville in need of traffic relief. And three, while the proposal would technically not stop NCDOT from selecting the proposed NC 73 realignment, it has a good chance of doing so practically. The addition of buildings and infrastructure as well as potential lost income from the destruction of the facilities has the potential to add millions to the cost of building a northwest extension of Highway 73. These millions are not DOT money as a project spokesperson has said, but it's our money in the form of taxes and lost opportunity for projects that would not be funded if many more millions had to be spent to execute this plan. With environmental and economic studies of the proposals for expansion of Highway 73 starting up and due relatively soon, I urge commissioners to put a halt to this land speculation and wait to see the outcome of these critical studies. Make choices for the citizens of Huntersville and not for a fellow commissioner and a speculating developer. Stay with the long overdue plan for our community.

Russ Pierce, 15800 Henry Lane, said we've been here since 1987 and we are right smack dab in the middle of this area. We face 73. We can see Beatties Ford Road from our window and we are facing the traffic pattern that goes by every day. First of all I think we need to be real about what really has happened here. When Lake Norman was built the destiny of farming was gone. The area was changed forever, the land use changed forever and Duke Power knew this and they understood what the residential considerations were going to be when the lake was built. And that's for every city around the lake. They all are dealing with this. That's why we have 20,000 cars on Highway 73 today instead of 50 when we moved here. It's all about residential development, residential growth. It's about the traffic patterns that have existed. The next thing we have to consider is the type of businesses that are going to be here. Gary Reagan mentioned the issue of mini-storage. I have known Danny for years and I understand his issue about wanting to use his land, but there's the type of land use that's going to be positive for the area, not just land use. A national survey was conducted and one out of five storage customers use their unit for work. So in essence if there are 230 storage units in this facility, there's going to be somewhere between 40 and 50 businesses run out of that project. Fifty new businesses and basically the type of businesses that are run out of these projects are mechanical and labor in nature, so the type of people that you are drawing to the area are typically unemployed and they are starting car businesses and they are starting all kinds of different small type businesses out of these facilities. Unfortunately if you Google storage facilities and the type of businesses that end up in these facilities, many risk being evicted and as Gary mentioned especially precarious about local zoning codes.

Jonathan Phillips, 14731 Highway 73, said I'm one of the few people that's born and raised right here. This is my home. We've been held up a long time. Last summer I went to west Lincoln to haul produce for our store and I was bringing produce down the road and I looked down and my phone was ringing and it was someone there at the store and he said there's a problem at the store. I said what's going on. He said bad problem – your daddy's been in an accident. I said is daddy okay. He said I don't know. I said is my daddy alive. He said I don't know. For that split thought that your daddy is gone, that stuff hurts your heart, not knowing. We've been fighting this stuff for 11 years. Me and my mama and my sister, we couldn't handle that stuff. He's the backbone of our family. Huntersville isn't a farming community no more. Them times is gone. When I left my house I sat there in traffic on 73. I fight it like everyone else in this room. When I pulled out of my driveway, I passed my store and that store has a heartbeat to it. When I was coming down the road I got to looking at the Beard's farm, Vernon Brown's farm and used to be our little community was a small community. We used to do fish fry's there at the fire department. We would all talk about stuff, not running around on Facebook and behind people's back trying to stab people in the back. We used to get together and talk about things. And times have changed and we need to go back to the way the old times was. I'd appreciate your support.

Troy Purvis, 15928 Bayshore Drive, said I'd like to remind everybody this is a zoning request is what we are talking about......a zoning request for storage buildings. That one issue in itself and hopefully you know the many reasons. I heard that basically everything has been addressed. It has not been addressed. There's a laundry list. If everything had been addressed, your Planning staff and your appointed Planning Board would not have recommended denial. It's very obvious. There are a lot of residents that talked to me and they didn't want to come here tonight and I hesitate to mention this, but they didn't want to come here because, this is the sad part, is due that they were concerned about repercussions. I think that's horrible for residents to be concerned about their elected officials with repercussions. There are a number of them that didn't want to speak because of those reasons. The other issue as far as residents, and this really came from a number of residents who are fairly new, they said there's no way the commissioners will approve this with all of their experts telling them to deny it. We had a little neighborhood meeting and tried to get some questions answered last Thursday. A number of the folks who were more knowledgeable than us came and we just found out about this a few weeks ago. Let me jump to the quick summary. There's still many issues with the plan. The traffic increase is already on an exhausted intersection. The potential cost to the taxpayers. One way or the other if

this is approved it's going to cost the taxpayers. The traffic nightmare would really be a concern to me. The rezoning request it's not a stop to sell the property, this is a zoning request. The zoning people such as the pipeline and various things, those things were vetted out years ago. All you have to do with the pipeline is catch it on a certain angle. So there's a number of things that were said that are not accurate.

Skip Canipe, 16506 Amberfield Drive, said I'm here to disagree with a lot of what these guys are saying about mini-storage facilities. I, myself as a small businessman depend on them and need them. I grew up in this area. My family had hundreds and hundreds of acres here. Don't anymore. I don't have anywhere to put my equipment, trailers, trucks. We need these places. I've been in business for 27 years. These facilities are needed in this community. They are needed for people like me. All these disagreements of it brings in riff-raff, I don't see it. What I've seen is people have been able to use these to do the things they need because if you live in a small development, where do you park your equipment. These things are needed – you need somewhere to keep them. So, I disagree with a lot of what these people say. I do support it.

Martha Efird, 15930 Bayshore Drive, said we have heard a lot of good information tonight and we are all here as neighbors and we've heard lots of things that we love each other, we love our community and now is an important time before our Board. So what I want to do is I want to remind you of what our Zoning Ordinance and what our philosophy says. The Planning philosophy – Huntersville is fully committed to careful growth and development based upon the principles of traditional town planning and quality urban design. The purpose of these regulations are to promote public health, safety and general welfare. To that end, regulations address among other things the following public purposes. And there are a number of them. First and foremost, the general welfare of all of us. This is asking for the rezoning of Rural property into Special Use. Special Use means according to our ordinances that it is established to accommodate uses that may constitute health or safety hazards, have greater than average impacts on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odor, glare and it goes on......commercial vehicle traffic. I say this because it's important and I know and I trust that our Board is going to take that very seriously when they consider what else is going to be said this evening and in making decisions in the best interest of the Town of Huntersville. We hear so much about the Phillips – many people, me included, they are my neighbors, and we love them. If people want to take care of them, anybody can go up and purchase that property whether it be the Town of Huntersville or even a developer.

Stacy Phillips, 14720 Brown Mill Road, said in September 2011, 6-1/2 years ago, I stood up here and read off many facts and unanswered questions in regard to the Vance Road Extension. Guess what, not a single question or point made today, 6-1/2 years later, have been addressed or changed. Where will the funding come from. Duke Power hasn't given their opinion or blessing. The level of service is only good until 2030 meaning that another study will be done on tax dollars. Hubbard Road is still heavily deed restricted and Highway 73 remains a state road which means the Town can claim whatever they like but the state supersedes the town always and that will never change. Holding a citizen's property hostage that will bring in tax revenue and jobs for a road that may happen is like racking up a bunch of debt because you may win the lottery. Ultimately it doesn't matter how many people speak against Item B, the constitution provides citizens with property rights which the town should honor and I think it's really important to remember that when you are elected, it's doing what's ethical, not what's popular.

John Blythe, 16001 Beatties Ford Road, said according to Section 1.2 of the Town Zoning Ordinance "the purposes of these regulations are to promote the public health, safety and general welfare and to encourage the most appropriate use of land throughout the corporate area." Page 49 of the Beatties Ford Road Small Area Plan calls for "a mixed-use commercial center containing retail, multi-family residential and civic uses at the northern end of the study area." I can't imagine how the inclusion of mini-warehouse storage will fit either

within that vision or encourage others to adopt it. It doesn't matter how many times the plan has been changed or how pretty the developer tries to make it look, it's a group of warehouses. Last month you denied a request for a senior housing project on Highway 73 not far from the subject project. Tonight you will make a decision about this application. There are rumors of other projects being considered that many of us believe will be detrimental to our quality of life and our property investment. Regardless of whatever form it ultimately takes, the highway project will be transformative for our community. After tonight's vote, I respectfully request that you consider placing a moratorium on any other rezoning applications within the Highway 73 study area until we all have some certainty about what the ultimate decision will be. Take a breath, let's all live with the zoning as it now stands, let's get the road built first. That project in itself offers a sound reason to revisit the zoning and the Small Area Plan for our community. Tonight consider carefully whether a warehouse contributes to the type of development envisioned by the hamlet center concept described in the Beatties Ford Road Small Area Plan. Those of us who live there need to know what your vision is for our neighborhood. We hope that you will agree with us that the existing Rural classification is right and that the proposed use is not.

AGENDA CHANGES

Commissioner Phillips made a motion to remove Item A (Approve the minutes of the March 6, 2017 Regular Town Board Meeting) from the Consent Agenda until next meeting.

Commissioner Guignard seconded motion.

Motion carried unanimously.

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

Commissioner Gibbons seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

<u>Economic Development Incentives – Oerlikon Metco.</u> Mayor Aneralla called to order public hearing to receive comments on the proposed economic development incentives to Oerlikon Metco relating to their establishment of a new manufacturing facility is Huntersville.

Ryan McDaniels, Executive Director of Lake Norman Economic Development Corporation, reviewed the project. Oerlikon Metco is planning to invest about \$62 million in a Huntersville facility. This facility would create 93 new jobs with an average wage of over \$93,000. We are looking at a 10 year business investment grant. With that grant the company would pay the taxes then the Town would reimburse a percentage of those and 90 percent would go back to the company for 10 years. The net revenue to the Town over 10 years is \$133,000 and then after the grant ends starting in year 11 we anticipate around \$130,000 of tax income going back to the Town.

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

OTHER BUSINESS

<u>Resolution – Oerlikon Metco BIP.</u> Commissioner Bales made a motion to adopt resolution authorizing the execution of a Business Investment Program Grant with Oerlikon Metco.

Commissioner Kidwell seconded motion.

Commissioner Kidwell said this just doesn't bring \$100,000+ a year jobs to the community, this brings many jobs that are for us regular working guys that are above the average for Mecklenburg County. We compete against other states like South Carolina that want to give everything away. We compete against other municipalities who also like Gastonia want to give everything away. Even with that competition I think we make a pretty good case to bring solid businesses here that are going to invest in our community and invest in our town.

Commissioner Boone said this is what we are using the taxpayers' money for is to draw businesses into our community. But where do we draw the line that says the small businessman doesn't get a break like the big guy that brings in 100 jobs. What do we say to the man that brings two or three jobs and starts a small business? What do we say to them? We are giving to this organization a 10 year tax break.

Commissioner Kidwell said we are not giving taxpayer money away. They are paying taxes in and then they are getting a portion back. It's not like we are taking taxes from this person over here and giving them to that corporation. What do I say to small businessperson starting out.....I struggle with that since my father-in-law is a small business owner who is growing his business, who is adding employees and trying to grow. He doesn't get the same breaks and I understand that. It's not a perfect world, but what do we do. Do we say to every business, you'll get nothing from us and come here if you want and then we watch them go to other towns and we become a bedroom community. I don't see that happening. We have to fight the other communities for businesses like this and unfortunately the way the entire 50 United States is set up, this is how they do it, through tax incentives. The county does it. Counties fight each other within the state of North Carolina for these businesses. It's not a perfect system, but if we bring someone who is willing to invest millions of dollars in a building and bring 100 jobs starting out here, that gives an opportunity for people who live here to apply to those jobs and that income is circulating back within our town. We have to do whatever we can at some point to get it.

Commissioner Phillips said the only thing I have to say in this is Commissioner Kidwell is correct that they do pay their taxes, but we are going to give 90 percent of it right back to them for 10 years. And then with demographics of Huntersville and so many people wanting to come here, Commissioner Bales in her department briefings said we had like 16 projects so we are not having to give these incentives out and so where do we draw the line for the little guys, or for the mid-size companies. How about the companies that are already here. I will not support this.

Mayor Aneralla called for the vote to adopt resolution authorizing the execution of a Business Investment Program Grant with Oerlikon Metco.

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

Resolution attached hereto as Exhibit No.

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

Commissioner Guignard made a motion to recuse Commissioner Phillips.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

Brad Priest, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Attachment No. 2.* We are back to discuss rezoning R16-09, the Blythe Landing Mini-storage application to rezone from Rural to Special Purpose conditional district. The item was here last at the March 6, 2017 meeting and the Town Board, upon the request of the applicant, tabled the item until tonight's meeting. The applicant wanted to address some of the Planning Board's comments and so they did that and they resubmitted the plan to staff and processed it and sent it on through.

I just wanted to highlight some of the changes that were added. Some of the concerns that the Planning Board did mention were security issues, the lack of parking for one of the office buildings along Brown Mill Road and so you see here in the red circles there's been notes added to the plan that clarifies the parking has been added to meet the requirements of the ordinance and there were notes about the security and the access of the site in an attempt there to clarify those issues. Those are really the only changes to the plan since the Board last seen the application. Just again to summarize, the Staff recommendation is to not approve based on the inconsistency with the Comprehensive Transportation Plan, therefore making it inconsistent with the CD-1 and CD-5 policies of the Huntersville 2030 Plan. And Staff did want to put out the concern that approving the rezoning will conflict with the Transportation Plan but it also could set precedent that could compromise different thoroughfare plans and that information was put in the Staff Report.

The Planning Board on February 28 did recommend denial by a 6-2 vote.

Susan Irvin said I represent the applicant, Bob Watson, and I appreciate the opportunity to talk a little bit about what we've done and the additional time to do that. Brad is loading just a couple of things that I put together. I want to just thank the staff – Brad and Jack. They have worked very hard to make this project an excellent project. The comments that we have sat down and worked through, they've been diligent and also very strict.

A couple of the things I just wanted to go through.....in the PowerPoint I did put together some examples of what we had done. One of the things that really resonated with us at the Planning Board was the Chair of the Planning Board commented on February 28 when we were before the Planning Board that if the road were the only issue he might be inclined to vote in favor of the rezoning. And so we took that to heart and we went through the various comments that were made by the Planning Board and we sat down with the staff on two occasions and went through those comments.

One of the things that had been discussed were the architectural elevations. This kind of gives you an idea of what the elevation really turned into. I wanted to point that out to the Board. Here's kind of a list of the issues and I didn't want to belabor them but we went through these again with the staff. We addressed those with the office and the flex-office and that's all that's on the road frontage.

The buffer reduction, we addressed that to the staff's satisfaction. I will say that the parking on the plan that went to the Planning Board did meet the requirements but we added additional parking. I think one of the comments at the Planning Board was they wanted to see where that additional parking was. And we moved that closer to the street and closer to that second building. Also we really ratified the storm water. We just got

that verified by the county. That had been submitted and was under review and was approved and so we added that to the plan.

This just gives you an idea of the compatibility issue. We went through the architectural elevations and we wanted to make them compatible with surrounding uses. There's a Grease Monkey and a gas station immediately adjacent to this property, but there's a horse farm down the street and so we were really looking at making something that was a rural feel to it.

We also addressed the buffers. This was discussed at the Planning Board meeting. The Pet Paradise property owner has agreed to the reduction of the buffer. One of the things that I really wanted to point out was really the distance of the adjoining uses to the property boundary, since the intent of the 80' buffer is to protect adjoining property from uses that are going to be very visible. These storage buildings are 15' and we reduced the height along the boundaries to 12' to make sure that they will not be visible.

I also wanted to talk a little bit about precedent. I think there were some comments made about that and so I wanted to clarify that we did mention this at the Planning Board. The Town has approved a reduction of a buffer in the past from 80' to 60'. That property was constrained by detention. One of the questions raised at the Planning Board was what were those property constraints. In that case there were no additional plants or trees. What we are doing here is we've requested a reduction from 80' to 50' and this property constraint are all the utility easements that were mentioned earlier and to make up for the difference between the 60 and the 50 we've doubled plants and additional trees.

This gives you an idea of the site constraints.....the natural gas easement. This also shows the location of the fire station and the Duke Power easement and there's also a utility station.

This kind of gives you an idea of what the views are from the adjoining owner who did agree with the buffer reduction and I wanted to have a visual of what that enhanced buffer would look like and that's an idea of what the height of the building would be behind it.

One of the things that we have been talking about is complying with long-range plans and the Beatties Ford Road Corridor Small Area Plan recommends a mix of uses in this area and I just wanted to point out to the Board that there are several different types of uses in this area and really are compatible with those rural commercial uses. We have the civic use and I've included the fire station there and we have residential uses and commercial. The question is do long-range plans govern this decision. That's one of the questions that's been asked and that was asked at the Planning Board.

Just to give you an idea of the various different plans that have affected this property over a period of time from 2006 and there were some plans even before that, but in 2006 we were talking about the Vance Road Extension and that created a delay in a decision on rezoning this. Between 2007 and 2008, the Town then looked at the Beatties Ford Road Corridor Small Area plan because the Vance Road Extension did not go through this property. After the Beatties Ford Road Corridor Small Area Plan which did not show any roads going through this property there was another study done, the Northwest Transportation Study, between 2008 and 2009 and that did contemplate this alternate road but it was specifically stated that utilities were not addressed. Then we got to the thoroughfare plan which the thoroughfare plan also stated in the record those are unfunded possibilities. The Transportation Improvement Plan is the only plan that shows funded roadways and this alternate is not on the Transportation Improvement Plan.

I did want to just say I'm certainly not an expert on transportation but part of my job is to understand what the facts are so I went through all of the meeting minutes for this piece of property since 2006 and this notebook has all those meeting minutes. There are 17 meetings that this property owner has gone through with four or five different studies if you want to count all of those different studies, those long-range plans, some of them support the alternate, some of them do not and essentially what we have ended up here is the 11 year moratorium that the Phillips' family has talked about. I took this information and I summarized it on this timeline. I'm just looking at what the results were for each of these meetings. We started in October 2006. November 2006 was delayed for Vance Road and then you get down to January 2007 it began to get deferred because of the Beatties Ford Road Plan. And then in 2008 we started talking about the Northwest Transportation Study. And then in 2009 it was denied because of that study. There's some other highlights here but essentially it's been a series of studies, each one with different information. This gives you an idea of the Beatties Ford Road Corridor Plan. It does not show any roads going through this property. I kind of went through more detail here than I know you want to talk about but if you just look at expense, I know because I know the attorney who represented one of the prior developers, they estimated that they spent approximately \$1 million to get through the delays and to the point of developing this property.

The final point I just want to make is that we have worked hard to address the comments with the exception of the thoroughfare plan. But the long-range plans are only guiding tools that they can contradict each other, they change over time and they are not funded. The Transportation Improvement Plan is funded and it's only funded with the widening of Highway 73. This has been an 11 year moratorium on this property with the various unfunded plans that have been considered, revised and discarded.

Commissioner Kidwell said this project began roughly about six or seven months ago.

Ms. Irvin said the public hearing was in November. I did not get involved until after that date, but the application and the community meeting were prior to that time.

Commissioner Kidwell said I just want to make some points here on this. It is clear Highway 73 is an approved project that's funded, that's protected, as long as nothing changes within the legislature and NCDOT.

Bill Coxe, Transportation Planner, said it is programmed for funding. There's money for right-of-way in the first five years of the North Carolina Transportation Improvement Program which means under the rules as they are today they will not have to go through re-evaluation and re-prioritization.

Commissioner Kidwell said the alternative, has there been any type of study done for how much it's going to cost, since 2007.

Mr. Coxe said no, not since the work that was done for the Northwest Transportation Plan. There will be an analysis done of the cost of both of the alternatives as a part of the environmental document which is currently in process.

Commissioner Kidwell said that could be another two to four years.

Mr. Coxe said the environmental assessment document is scheduled to be out summer of 2018. There will be the information that you are referring to in terms of cost and impacts and so forth in that document. There in my judgment will likely be enough information in that document to make an educated guess as to the final decision. But the final decision will not occur until summer of 2019.

Commissioner Boone said you said you went back and read Town Board minutes. Did you read any of the Planning Board notes.

Ms. Irvin said I did. There were a couple of Planning Board notes that I was interested in. I did not have the Planning Board agenda for each one of those Town Board meetings. From what I could tell from the chronology some of those were deferred at the Town Board level and didn't go back to the Planning Board, so there were a few Planning Board minutes that I do have in my notebook.

Mayor Aneralla said the fire station right now is in line with Option 3.

Mr. Priest said yes, it is.

Mayor Aneralla said the fire station may want to expand right now. We don't have any say over whether they expand or not.

Mr. Priest said not at all, because government facilities are permitted in the zone by right and therefore that permit would be issued.

Mayor Aneralla said if this doesn't go through and the Phillips' family decides to put some other structure on there, Rural, can they do that.

Mr. Priest said yes, they can.

Mayor Aneralla said so whatever that structure is, that could be an additional cost if the road goes through there.

Mr. Priest said that's correct.

Mayor Aneralla said first of all I want to thank you and the staff because I know this has been difficult because of the changes and the people involved and so forth and I also want to thank the applicant because I know they have been going back and forth and all that and I think it's been a good working relationship. The product today is considerably different, especially the road frontage, than it was initially. If you have seen some of these around you probably don't even recognize them anymore because they are really trying to make them look like an office building and so forth. The surrounding property across the street is Highway Commercial.

Mr. Priest said that's correct.

Mayor Aneralla said and to the west of Beatties Ford is Highway Commercial.

Mr. Priest said yes, it was rezoned to Highway Commercial.

Mayor Aneralla said everything surrounding it right now is Highway Commercial.

Mr. Priest said except to the south, correct.

Commissioner Kidwell said I want to thank everybody that came out today. Your comments both for and against, I took down 2-1/2 pages of notes, I made my own notes over the course of this project. I'm going to go back to a few that says that we've never done this before. We had a flyover planned of 77 and we decided to

put Charlotte Ear Eyes Nose and Throat there instead.....moved the flyover. I think in Ms. Irvin's notes it talks about rezoning for Epcon. There was a thoroughfare going through it and we put a community there. I have walked this property with NCDOT.....brought them out here in a van full, walked the property all the way from the graveyard, all the way through this site here, this thoroughfare. And at that time two of the gentlemen I was with had no clue about the gas line, not just once but twice, and that concerned me.

As this has progressed for this particular project, I look at the fact that it's been 10 years and in 2011, 6 years ago, it was a 2-2 vote, it was a split vote to move forward with it. It was adopted by CRTPO that same year that still didn't have a cost. We talk about listening to our experts. Those same experts say managed lanes are the best thing for the region. And sometimes you have to look at the experts to say you just don't know what you are talking about. I also look at the fact that this Alternative 3 is not funded. And if they do want to do it, there's nothing to stop them. If they want to go in and build a building, tear down a building and build it, they will. NCDOT has been known to do that. However, down in Indian Land they moved an entire road because Harris Teeter wanted to expand. They didn't do it there. They had the opportunity, but they didn't.

What it comes down to on this is I live in a small community and the thoroughfare is going to come right by my community. Recently we just approved a new housing development right across from my community. Many people are like we don't want any more developments. I'm not crazy about having a ton of growth, but growth is why I came here. If Huntersville didn't grow, if we didn't add things like this that promotes small businesses with incubators, a place to store your things, a lot of people wouldn't move here. A friend of mine not associated with this project over in Concord/Kannapolis owns about five mini-storage units with the flex-space. His crime rate is minimal. When I say minimal it's usually someone trying to get in to get their own stuff because they didn't pay their bill. We talk about flex-space and small businesses and I mentioned my father-in-law owns a company, he's growing it. He went from working out of his garage to renting a storage unit, keeping some of his stuff in there and moving on to a smaller building. He's growing, he's adding jobs, without government assistance as we talked about earlier. But as a homeowner think about this, and this may resonate with you or it may not, but we all purchased homes in Huntersville, we all purchased homes in what we thought were nice communities with HOA's. Some of them weren't built out when we purchased our homes, some of them were. But say yours wasn't built out and say you were one of the earlier buyers, you got a great deal, prices of homes went up and yet someone came to you and they said we want to buy your property and the HOA said we're not completely built out, you have to wait about 2 to 4 years, we'll be built-out. In 2007 the Phillips were told that we'll know the cost of this road in 2 to 4 years, that's actually in the minutes. So you wait 2 to 4 years. You're not crazy about it, but you do. And still not built out. Here it is 10 years later, still not built-out which can happen. You have someone else interested in your home and they want to buy it. The HOA is telling you again, you've got to wait. How long do you wait. How is that fair to you. You have an opportunity to sell your property and move on to somewhere else. Maybe your family has outgrown it. Maybe you want to downsize. But they are telling you that you can't because they might have it built out in 2 to 4 years.

Since 2007 this landowner has tried to sell property but every time was told we're going to have a cost on that in 2 to 4 years, but here we are 10 years later with no cost on what this is going to cost to build. What we do have is funding for Highway 73 to be widened – four lanes from 85 all the way to past 16. I want to also bring in the fact that whether Mr. Phillips sells his property to this individual after rezoning, whether he doesn't get approved and DOT takes it if they need it, he gets paid either way, so I don't think it's a matter of him wanting to make the most money. He gets money either way. But if we are going to do something, you have to look at all the variables. I think this is a good project. I think if NCDOT wants to build the road, they will build the road. Has the Town of Huntersville ever offered money for this property?

Mr. Priest said not that we are aware of.

Commissioner Kidwell said I don't think DOT has offered money either. If it was that important to them or the town, it would have been purchased, because that's how the town moves. We purchased a bunch of land behind us because it's important to the downtown development.

Commissioner Kidwell made a motion in regards to the proposed rezoning on Petition R16-09, Blythe Landing Mini-storage located on Brown Mill Road, the Town Board finds the rezoning consistent with the Town of Huntersville 2030 Community Plan. We recommend approving the conditional rezoning plan for the Blythe Landing Mini-storage as shown in Rezoning Petition #R16-09. We find it reasonable and in the public interest to rezone the property because of Policy CD-2 Focus higher intensity development generally within two miles of the I-77 and NC 115 corridor or within the identified nodes and centers. The proposed development is located in the activity area node identified in the 2030 Plan and Policy T-6. The applicant is installing bike lanes along their frontage consistent with the Huntersville Greenway and Bikeway Master Plan. The building would be consistent with commercial development in the immediate vicinity.

Commissioner Gibbons seconded motion.

Commissioner Bales said before I get started I would like to say this. For the record, I did not speak to Commissioner Phillips or any member of the Phillips' family prior to the filing for the application or since. I want to make that very clear. This has not been a very easy rezoning, especially when it comes to people that you know, that are your neighbors and that you care about. If I had been sitting on this board 11 years ago I would have supported the rezoning, just like I did with the Epcon development. Eleven years ago no one was discussing the widening of 73, they were looking at Vance Road Extension and there was no funding for that and who knew when that was going to occur. Fast forwarding to now, I am concerned about this development. I look at the development and I look at it standing on its merits and I have great concerns. I want to thank the Planning staff because I know that you heard us when we said we want you to be business friendly, we want you to make every effort to be accessible and to help developers and landowners when they come through your office. But when I look at this rezoning and it's Special Purpose and there's a reason that Special Purpose has an 80' buffer and nothing is mentioned from staff and you say that 20' is okay, then why do we have zoning, because that does not in my opinion, meet the spirit of the ordinance itself.

So now we sit and we are looking at precedent and what does this say in the decision that we make here today. What it says to me and I won't bore you with a long list of notes. But what it does say to me is that the property rights issue is more important than structuring our town in zoning and if that's the case then that big book right there means nothing. It's hard enough sitting up here knowing that you are making a decision that is going to affect someone, regardless of either way you go it's going to be difficult. But it says to future developers and land owners that that means nothing. So we might as well throw it away, burn it. If property rights is what's most important then let's just put it out there on the table and say that's what is most important to us in Huntersville. Go ahead we should have let them build that three story apartment complex right down the road, because that again is property owner rights. But we didn't say that. That was a 5 to 1 vote, no that's not right for this community. The developer asked for a deferral at our last meeting and I was interested to see because they asked for the deferral to address the Planning Board's concerns. One of the big ones in my opinion was this buffer. I have never supported a buffer reduction on a piece of property where three out of the four sides did not meet the requirements of our zoning. And I have no problem granting some waivers when it makes sense......80', 60'......I can make that jump, but when it's 80' for a reason is Special Purpose to 20', that's my concern. We are throwing away all of the work and we might as well not have Planning staff, we might as well not have a Planning Board, if that's what we are going to do.

I love this town so much and when I make a decision I make it in the best interest of the entire community, so it's very hard for me to look at people that I adore and say I can't support that. Why.....because this product that is being presented to us doesn't fit. It needs to go where they can meet 80' buffer. Tonight I will be voting no because I cannot in good conscience set a precedent that will affect this town for many years to come. When the next developer comes in, if this Board is going to choose to support this, be prepared for the floodgates.

Commissioner Gibbons said Commissioner Bales brings up a good point I guess on zoning that we have it for a reason and I would venture to say that this Board or any board that went before it has ever seen a plan that really came in with no variances. There's always variances. And I think what I saw done here was in large part a very big conscience effort by the petitioner to meet the concerns of the Planning Board and they did clean up a ton of it and I think that our Planning Department's denial is because if you look there it is because of accommodating the future road improvements.

I've heard a lot people that spoke in opposition to this say that we are not following a long-term plan that was in place. And I would say when 73 was built and it was built with the intention of being a 4-lane highway from the very beginning, was there not a plan. Was there not an intent. I've read through the historical things but it looks to me like citizens that lived along that area exercising their right as citizens came to the town and wanted to look at an option for when this road gets widened. And the Town Board, there's been talk about how the vote went. I really don't think that is as important as that they made a decision. Again, that doesn't bind this Board but they made a decision to change a long-term plan at that time. So again we may make a decision to change a long-term plan at that time.

I've heard people say traffic and I see the Save the Homes signs. How many homes are being taken when 73 gets widened in its current location. Are any homes being taken with that? Do we know a number?

Mr. Priest said we do not know at this time.

Commissioner Gibbons said I didn't see any on the plans that I have looked at, the TIP plan and all that. Bill, am I missing anything?

Mr. Coxe said the cross-section for Highway 73 has not yet been determined, whether it's on the new alignment or the existing alignment. Whenever that's determined we will be able to tell when that environmental assessment comes out next summer how many homes might be affected by either alternative.

Commissioner Gibbons said the next thing that I heard a lot of conversation about was the use and I sit and look at a piece of property that's sitting there right now and it produces some produce, some berries. I know probably a lot of people in this room have gone by there and either picked your own or bought some at some time or another. And that's great. But I look at it and I don't want to offend anybody but I don't necessarily drive by there and go this is really pretty – this really looks nice in our town. I'm sorry, I don't. It's an old farm and it's been used as that for years and it's like I said produced a lot of good produce, but you say what use, well you look at that overhead we saw all these pictures up here and there's power lines, there's pipelines, there's utility boxes, there's a road on one side, there's a gas station on the other side and a pet store on the other side and a fire station to the south and open fields to the left, so we've got about every kind of use that you could name all around it, but you tell me this use doesn't fit here. Is it because it really doesn't fit here or because you don't want it here. And if that's how people feel, I understand. But if not this use, what. And what's going to fit in this and I don't know whether the property owner approached the applicant and said hey I want to sell this do you want to put mini-storage here or if the applicant felt in his or her studies for a piece of property to put what they felt was something that was needed. I would sure hope no one is going to build something thinking it's not going to make them money or be profitable and we as a town would hope for that too.

Several people then mentioned how much it would cost if we allowed this to be built and then if the state decides to go with the alternative route, which they will tell us in Summer 2019, that it will cost extra money for the state to take that down and that is a factual statement, if they make that decision. But I didn't hear anybody talk about the fire station. The Mayor did bring that up so I won't go into it. All of you who live along 73 by right have access to your properties off of a road. That road has to continue to be maintained by the taxpayers' money and so you will have your own road there if we go to an alternative route and that will be maintained but at what cost and is that the right use. Is that really what we want to do?

There's been some talk tonight about purchasing this property by either the Town or NCDOT and I have not heard any discussions by this Board, I don't know if previous Boards ever discussed that. If you tell me we can't do what somebody wants to do on there, then if we are going to purchase that property at what value can the property owner afford to sell it at that value. That's a decision that property owner would have to make and then the Town will get their money back when NCDOT finishes their study and puts the road in, except they won't. And people said well then we can just sell it. Well when that road's gone through there what's that property worth. Would the Town even get its money back. So I guess it's tit for tat. I think that we all maybe look at it from our bias. There's people that live along the road that don't want anything to change. There's people that have property and they want to sell it. I will be supporting the motion that Commissioner Kidwell put forth tonight and we'll move forward from there.

Commissioner Boone said I've gone back and read the Town Board meetings from October 16, 2006 concerning this parcel of land and I've also gone through Planning Board minutes on this parcel. There's been some mention about keeping this area Rural and in 2008 in the Planning Board meeting we passed Rural a long time ago. I want to read something that I'm quoting from a member of the staff at the time.....but the detailed plans cannot be done until you have a real project. Without an environmental document we are putting lines on a map and until we get a real construction project with real money associated with it and a real planning document done under the prevailing environmental standards with engineering, there will not be an answer to where this road goes.

Commissioner Bales said understanding that we will not have an answer to that very question until June 2018, I found it compelling when I heard a couple of members of the public suggest that the Town purchase that property. I don't know the legalities of doing so but I do know that we are sitting here caught between property owner rights, precedent and growth. I would like to make a substitute motion for the Town to purchase that property. I don't know what it would cost. I don't know any of those answers but I think that the Town could hold that until that environmental study is complete and we know what's happening while not holding a family hostage to a property.

Commissioner Guignard seconded motion.

Commissioner Gibbons said one of my last comments when I was talking was talking about the purchase of the property and what value and we don't know that answer and then again if NCDOT did not move forward with that. One of the things that we do look at up here is tax revenue. I think it's over \$4 million in value of what this facility would be that's been proposed before us and we could hold the property at least until Summer 2019 and then if DOT didn't decide to go forward with that project we would hold it indefinitely until there was someone that was willing to come and buy such a chopped up piece of property. I do not think that's a very good option for the Town and it would be hard to vote on that tonight without a lot more information.

Mayor Aneralla said for point of clarification, Commissioner Phillips is on the Board and we wouldn't be able to purchase that. The Board cannot purchase property from a sitting commissioner, so I'm going to rule your motion out of order. It goes back to the original motion to approve.

Commissioner Guignard said I sat through meetings in this building and was elected by this community almost 20 years ago over a zoning issue. I sat through meetings in this room when the Planning Board probably had as much discussion amongst themselves as the 20 or so residents. I've heard the Planning Board, I've heard probably from as many esteemed individuals in this room that have been in this community longer than I have and I've been here long enough to earn some gray hair. One of the things that's been discussed is this is not really what we want as the entrance to the community. One of the things that's been discussed tonight is mini-warehouses create problems. I happen to have asked the Police Department about 7 months ago for the top 30 places in town for calls for service. The entrance to the community called Walmart by far and above creates more calls for service than all of the mini-warehouses in this community. None of them made the list of the Top 30.

Buffers, what a subject. If I had Commissioner Bales' book over here I would say that book probably applies to most developers, but not to the government. When the government wanted to increase parking at the old library, some of you know it as the Arts & Cultural Building, they just got rid of the buffer that was up against a residential house. I know that happened because I owned the residential house at the time. That house is now gone because it was burned beyond repair.

One of the things that was discussed at the Planning Board was the right-of-way, etc. It's a building that about 120 of you sit in is built in the right-of-way of 115. That book is useless when it comes to the government. The building that you sit in took away parking across the street for the only corner on this intersection that does not have free taxes......took away on the on-street parking that had been there for probably decades. Out of the most respect from previous boards, only two commissioners voted for Option 3.

I've been removed from this Board for voting my conscience. I have never misplaced my rubber ducky. Most of you probably were not here when it was a 3-2 vote at this dais to build the aquatic center at the wrong place with funding that has given a major utility at least \$120 million over 43 years and we have subsidized that building probably \$10 or 12 million not counting the tax money.

There is no winning on this vote. One of my favorite subjects that I heard at the Planning Board was there's not enough parking. You all must have all rode in about six cars. The parking lot outside we told them 20 years ago, I think there's 20 or 21 spaces and two handicapped spaces. I don't mind that you parked across the street but I've never received a dime for the people that parked across the street and until we built the three story parking deck behind Discovery Place, and by the way when they built Discovery Place they didn't allow for on-street parking either. That book was ignored again. I say all that to say we can't win tonight. If you un-elect me over my vote, that's your choice. I'm not going anywhere. I'm not saying I'm going to be cooking spaghetti in 20 years but I'm not going anywhere. I want this town to move forward. I am not happy with where we are right now but I'm prepared to vote and deal with the consequences.

Mayor Aneralla called for the vote to approve Petition #R16-09.

Motion carried 4 to 1, with Commissioner Bales opposed.

Commissioner Guignard made a motion to bring Commissioner Phillips back.

Commissioner Kidwell seconded.

Motion carried with five (5) yes votes.

Joint Use Agreement – Lake Norman Charter School. The Town of Huntersville currently has two separate Joint Use Agreements with Lake Norman Charter School – one for the middle school gym and multipurpose room which ends September 1, 2027 and one for the high school gym which ends on October 31, 2019. This new Joint Use Agreement will be for all three Charter School gyms for a period of 20 years. This 20 year period would not start until the Town has access to the new elementary school gym. The two existing agreements at the high school and the middle school will be on this new agreement with the new elementary school site. The Charter School will continue to have the same access to Town operated fields and tennis courts as they do now. The Charter School will be responsible for the operational cost for the gyms and the Town will continue to be responsible for the operational cost of the fields and tennis courts.

The Parks & Recreation Commission approved the agreement by a unanimous vote on July 20, 2016. This agreement was presented and discussed at the Town Board Summer Retreat. After the presentation, the Board supported staff to move forward with the agreement. The Lake Norman Charter School Board approved the agreement at their March 2, 2017 board meeting.

Michael Jaycocks, Parks & Recreation Director, pointed out that a minor change had been made to the agreement the Board received in their packets relating to insurance, which had been reviewed by the Town Attorney.

Commissioner Guignard made a motion to approve Joint Use Agreement with Lake Norman Charter School.

Commissioner Bales seconded motion.

Motion carried unanimously.

Agreement attached hereto as Exhibit No.

<u>Huntersville Ordinances Advisory Board Appointment.</u> Commissioner Bales made a motion to appoint Susan Thomas to the Huntersville Ordinances Advisory Board to replace Joanne Miller.

Commissioner Kidwell seconded motion.

Commissioner Boone said I would like to thank you personally for sitting on that board when we first started out. You were an original member of that board and we went through some long and pretty tough meetings. I appreciate your support and dedication to the town.

Mayor Aneralla called for the vote to appoint Susan Thomas to the Huntersville Ordinances Advisory Board.

Motion carried unanimously.

<u>Budget Amendment – Payoff of Loan.</u> At the January retreat the Town Board requested staff reach out to Cornelius and Davidson to pursue prepayment in full of the Bank of America loan used to finance the first phase

of Commerce Station infrastructure. The Davidson Town Board has already approved the loan payoff and the Town of Cornelius is scheduled to vote on it tonight.

This item approves the payoff of the Bank of America loan that, net of prepayment penalty, will result in interest savings of \$31,230.14 over the remaining 30 months of the loan. This item also allocates the funding necessary to pay off the loan effective April 1, 2017 and recognizes the Cornelius and Davidson contributions as well.

Commissioner Guignard made a motion to approve payoff of Bank of America loan and budget amendment in the amount of \$491,004.98 from General Fund Balance in FY 2017.

Commissioner Phillips seconded motion.

Mayor Aneralla called for the vote to approve payoff of Bank of America loan and budget amendment in the amount of \$491,004.98 from General Fund Balance in FY 2017.

Motion carried unanimously.

<u>Resolution – MTC Budget.</u> Two weeks ago we had a discussion on this issue and just to recap for those people that weren't here earlier, basically we understand right now that Norfolk Southern is not allowing any access on the O Line probably for at least 15 years, if ever. And last year we received a commitment from CATS that we would no longer be in the study mode, but we would be in implementation mode for improving bus service throughout Mecklenburg County, especially in North Mecklenburg. There was a 5 year budget provision to study the Red Line for \$780,000 a year. We focused in on that and to a certain extent over the last 6 months or so CATS has been working with our staff to look at how we can improve the bus service, not only looking at buying right-of-way for future park and rides but also how you can improve bus stops or connectivity between bus stops and greenways and park and rides and so forth. However, recently without the knowledge of myself and I believe without the knowledge of our staff, it's been proposed to study a new fixed line through North Mecklenburg. This would be some type of light rail line whereas the previous one was a diesel. I'm not sure where it ends and we're not really sure of what the line proposals would look like. I'm just going to give you an example. This has already been studied. There was a white paper done in 2014 by CATS and they studied if we move the line west or east of the tracks, potentially that would be a viable alternative. I think at the time it was looked at as extremely disruptive to the towns. If you look at the map here there's a red line that would be the new Red Line, so the one on top is if you move it east and the one on the bottom is if you move it west which I know Commissioner Guignard is particularly excited about because you absolutely will not have any parking there because you wouldn't be able to walk outside your front door if those buildings are even there to have commerce.

In addition if you just think of this logically, the towns have been planning for over about 19-20 years around what is now the Red Line, or the Norfolk Southern line, and it would be extremely disruptive not only to those plans but the plans that we're currently implementing which is improving Main Street so it's a walkabout Main Street with sidewalks, Veterans Park. When you think about this one alternative here I don't know what would happen to Veterans Park. We're putting ultimately probably \$11-12 million into our Main Street Veterans Park improvements. If you look to the east of that, we have a plan right now for a greenway to connect from here all the way up to Statesville. Anchor Mill is going through development process and all these plans are going forward knowing that the line that the Town had planned for for so many years is the current Red Line.

For almost 20 years taxpayers in North Mecklenburg and all throughout the county have been paying a ½ cent sales tax. In North Mecklenburg we've been spending millions and millions of dollars more than we receive.

When you look at our projections for 2017, Huntersville alone will be generating about \$2.6 million of ½ cent sales tax revenue. If you add into the fares that our citizens pay, then you are looking at probably just from Huntersville well over \$1 million to the CATS system. In addition last year CEO Lewis stated not only to members of this Board but also members of the MTC that the time is over for studies, the time is to implement and improve bus transportation throughout Huntersville. It is in the minutes. He stated it multiple times. There is no funding for any rail line right now projected to be anywhere between the three lines......\$5 to 6 billion. The General Assembly....I have no interest in funding \$5 to 6 billion worth of rail transportation or helping with that. As I said previously, Huntersville is investing millions and millions of dollars that would be totally torn up if an alternative came in place. The interesting thing is right now we have sources and uses for this ½ cent sales tax. Not only do every one of us see people that stand on major highways or major roads in Huntersville and North Mecklenburg risking their lives basically to even get there because there's no connectivity from the sidewalk or standing in the ditch, now we can actually use this ½ cent sales tax money to connect some of those bus stops and allow those people to walk in dignity rather than schlep across actually walk across on the street where your basically concerned for your life and so forth.

The other thing that we can use this money for is greenway connectivity to a park and ride. The theory is that you want people out of their cars. If you are making it difficult for people to get to a park and ride for bus service then you are counterproductive. We have a perfect project that we are trying to connect with the Rosedale community to I-77, the tunnel that is going underneath to a park and ride. What you are talking about in terms of the \$1-1/2 million that CATS is currently proposing.....could you do this on a per capita basis you are talking probably about \$850,000 to just Huntersville. The next year they are talking about another \$780,000 so you are talking about another \$450,000 and then there's actually a couple more years.

If you can tell I'm a little passionate about this because I have never seen a waste of money, but this is clearly something that is just not feasible. It's not going to happen and it's basically lining the pockets of architects and engineers in Charlotte at the expense of the taxpayers here and the bus riders here. Ultimately what's going to happen in my opinion is you are going to get more people interested in riding the bus because not only are we planning around that for the first time, but also and you know where I stand on the toll roads, but you will actually be able to guarantee people once they get into the bus that they won't be stuck in traffic, so trying to make lemonade out of lemons, I think you'll see bus ridership increase from the areas that we plan for this bus service.

So what we are simply saying tonight is that we just don't think the money would be best spent to study an alternative red line and we think the money should go to help and enhance our bus riders today.

Commissioner Phillips made a motion to adopt resolution urging the Metropolitan Transit Commission to reject the current Charlotte Area Transit System budget for fiscal year 2018 and fiscal year 2019.

Commissioner Kidwell seconded motion.

Commissioner Kidwell said I agree with you – 20 years we've been paying in, we've got nothing to show for it. Another study much like this one is going to tell us the same thing. Back in 2013, 2014 when this study was done the right-of-way purchases alone, not including taking into account any businesses that were in this area, was at roughly \$86 million. The roadway improvements to do what they are talking about here was at \$102 million. The track to be built, conservative estimate was at \$26 million. If we were going to make a move or if CATS was going to make a move with \$80 million, whatever they've got there, they want to use the sales tax money they should have looked at buying the property to move forward on the rail line, but they are not going to. They are going to want to waste it on another study and I'd rather see it go to a better use to improve our bus transit system to get more people down to Charlotte. Unfortunately, it wouldn't help me at all because I'm south of Charlotte and the closest bus stop is a little over a mile and a half away.

Commissioner Guignard said Mr. Blythe, the Mayor so honorably pointed out that several buildings on this map that he has shown are mine, or they are the banks' and I am paying the bank. Can I vote on this or not vote on this.

Bob Blythe, Town Attorney, said I think you can vote on this resolution.

Commissioner Guignard I still have the signs in my garage, and like the duck I could probably go find them, that I made to stop the repeal of this ½ cent sales tax and I still probably have the signs that I made when we voted on this and I still have the article when the big paper in Charlotte said that we would have a rail line up here I think it's either 2003 or 2005, and I probably will never vote, I said probably, they might come up with a plan I might consider. We have been a sending city for God only knows how many taxes either Charlotte or Raleigh long enough and it is for that reason that I will vote to support this resolution because this would be the first time that I think from this dais I get a chance to vote to say enough is enough. I did not say in supporting this that I didn't want decent transit up here. I can't fathom what a study......they can't put it down the middle of 77. They can't put it down the middle of this road. They aren't going to put it down the middle of 21. Waste, waste, waste. Folks enough is enough.

Commissioner Bales said I sat in the room and I heard them say we are going to use those dollars to fix our bus service and that we were going to use those dollars to place park and ride opportunities down our line and we had the conversation that while the Red Line may not be coming anytime soon, we could place those park and rides where it made sense for future rail at some point. And everyone was in agreement with that. And while I agree with Commissioner Guignard it would be great to have transit up here, we need relief for our citizens now. And we've been neglected for a long time and if we can put those opportunities for express busing at the same locations where a train would pick up, that makes sense to me, for now. That should serve us for the next 20 years, guaranteed, get you downtown in 20 minutes and I agree with you and I will be supporting this resolution tonight.

Commissioner Gibbons said I think Commissioner Guignard and Commissioner Bales both alluded to it without actually saying it, but I've gotten some emails and I've heard some comments tonight in the public comments that said if we were to adopt this resolution it would be saying we are against the train or light rail or heavy rail as it is now and I think that's absolutely not the case. If that was an option that could come to us in the somewhat near future and I'll even say near future being 10-15 years, kind of like 73 on the map, protected funding, then I'd say we need to pursue that. But we are not seeing that. We are not hearing that from officials. Until the state DOT and maybe the state legislature gets tough and tells the rail line they have to play ball, which I believe they would have the ability to do, but they haven't, but until then as Commissioner Bales said if we develop along the rail and make those bus stops and then when and if the rail comes we put the platform on. I'll support your resolution.

Mayor Aneralla said simply put we are reiterating what CATS committed to us last year.

Mayor Aneralla called for the vote to adopt resolution urging the Metropolitan Transit Commission to reject the current Charlotte Area Transit budget for fiscal year 2018 and fiscal year 2019.

Motion carried unanimously.

TOWN OF HUNTERSVILLE RESOLUTION URGING THE METROPOLITAN TRANSIT COMMISSION TO REJECT THE CURRENT CHARLOTTE AREA TRANSIT SYSTEM BUDGET FOR FISCAL YEAR 2018 AND FISCAL YEAR 2019

Whereas, the citizens of North Mecklenburg supported the passage of a ½ cent sales tax to enhance mass transit throughout Mecklenburg County; and

Whereas, the citizens of North Mecklenburg have been paying an additional ½ cent sales tax on many goods and services for the past 19 years; and

Whereas, for the overwhelming majority of those years, the citizens of North Mecklenburg have contributed considerably more to the overall transit system than they received in mass transit improvements; and

Whereas, the three northern towns of Davidson, Cornelius and Huntersville have been planning and zoning for development surrounding the current Red Line for the past 19 years; and

Whereas, the Metropolitan Transit Commission last year endorsed a plan to no longer study fixed rail and implement improved bus transit for North Mecklenburg including improving the bus experience, bus stops, the purchase of right-of-way for future park and rides; and

Whereas, the money designated to study the Red Line corridor for the next five years was to be used to fund bus transit improvements in North Mecklenburg to also take advantage of the I-77 toll lanes; and

Whereas, traffic and congestion continue to be a major hindrance to the quality of life in the area.

Now, Therefore, Be it Resolved, that the Town of Huntersville:

- 1. urges the Metropolitan Transit Commission to reject the current proposed Charlotte Area Transit System budget for fiscal 2018 and fiscal 2019;
- urges the Metropolitan Transit Commission to reallocate the funds designated to study a fixed rail alternative to the previously planned for Red Line towards improved bus transit services including the purchase of right-of-way for future park and rides, interconnections for bicycle and pedestrian infrastructure, bus shelters and other uses stated in House Bill 148 Article 43;
- 3. urges the Metropolitan Transit Commission to authorize the funds budgeted for the study of a fixed rail line alternative in North Mecklenburg be spent on a pro-rata basis based on population in the towns of Davidson, Cornelius and Huntersville.

CONSENT AGENDA

<u>Approval of Minutes.</u> Commissioner Guignard made a motion to approve the minutes of the March 6, 2017 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried unanimously.

NCMPA1 Board of Commissioners Appointment. Commissioner Guignard made a motion to appoint Gerry Vincent as the Town's representative to the NCMPA1 Board of Commissioners. Commissioner Bales seconded motion. Motion carried unanimously.

<u>Cancel Meeting.</u> Commissioner Guignard made a motion to cancel the July 3, 2017 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried unanimously.

CLOSING COMMENTS

Mayor Aneralla announced that the groundbreaking for Fire Station #4 is on March 27, the Mayor's luncheon is tomorrow and Huntersville Huddle Up at Barnette Elementary is on March 30.

Commissioner Guignard asked why are they moving the starting point for the widening of 21.

Bill Coxe, Transportation Planner, said the City of Charlotte had requested that. The original study was from Sunset Road north to Harris Boulevard and in considering that they determined that stretch of Highway 21 is not that stressed and is not anticipated to be that stressed in the future but the northern section of 21 is more stressed than the southern section and so the study money was moved to the north. Lakeview is a southern terminus of that because of the direct connection of I-77.

Commissioner Kidwell recognized former Commissioner Sarah McAulay who was present at the meeting. Last week during public comments I made mention that current Mayor Aneralla's ethics were called into question about someone who donated to his campaign to be setting up to bid on HFFA and I think that was completely inappropriate because if you look back through many of current and former elected officials' statements you'll see where they've been donated by Nate Bowman right down the street and it's never been called into question whether they were put on this board or given money for favors. When you run for office, no matter who you are, what side you are on any topic, it's not about returning favors, it's about serving the community.

There being no further business, the meeting was adjourned.

Approved this the _____ day of _____, 2017.

Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Janet Pierson, Town ClerkSubject:Approval of Minutes - April 3

Consider approving the minutes of the April 3, 2017 Regular Town Board Minutes.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS: N/A

ATTACHMENTS:

Description

D Draft Minutes

Type Backup Material

TOWN OF HUNTERSVILLE TOWN BOARD MEETING MINUTES

April 3, 2017 6:30 p.m. – Huntersville Town Hall

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:15 p.m. on April 3, 2017.

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

<u>Budget Work Session – External Agencies.</u> The Board heard requests for FY 2017-2018 external non-profit and government agency appropriations.

Nicole Plavnick, Ada Jenkins Center, requested \$25,000. Detailed request attached hereto as Exhibit No. 1.

Robert Bush, Arts & Science Council, requested \$41,000. Detailed request attached hereto as Exhibit No. 2.

David Clay, Historic Latta Plantation, requested \$15,000. Detailed request attached hereto as Exhibit No. 3.

Bill Russell, Hugh Torance House and Store, requested \$8,000. Detailed request attached hereto as Exhibit No. 4.

<u>Police Updates – ETJ/Dispatch.</u> Chief Spruill presented update on policing the ETJ. *PowerPoint attached hereto as Exhibit No. 5.*

Chief Spruill updated the Board on the communications contract. Refer to Exhibit No. 6.

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

REGULAR MEETING TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on April 3, 2017.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Regular Town Board Meeting Minutes April 3, 2017 - Page 1 of 9 Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- The North Meck Alliance will not meet in April. At the last meeting we talked about the Red Line study which we talked about at the Metropolitan Transit Commission last month. Basically what we are talking about is CATS system looking to spend additional money to create a new rail track some place in North Mecklenburg, which has already been studied multiple times and we as a Board do not feel it should be used for that. We feel it should be used to enhance the bus service in our community.
- Documents were signed last week to close on the sale of 9.5 acres in Commerce Station to a business that will have flex space there.
- Southwire is looking to expand.
- On Saturday some staff, Commissioner Boone and myself walked through the Pottstown neighborhood. We met a lot of neighbors and listened to their concerns and hopefully we will continue to work with them to address some of those concerns and needs.

Commissioner Bales

- Huntersville currently has 18 economic development projects. The total with the EDC is 31. The EDC has 2 project visits this week.
- On Wednesday the EDC is partnering with the Lake Norman Education Collaborative, the Chamber of Commerce and Hopewell High School in hosting a speed networking event.
- Burkert had their grand opening today.

Commissioner Boone

- The next meeting of the Huntersville Ordinances Advisory Board is April 6.
- The Battle of the Badges blood drive was held on March 25. This year's winner of the Battle of the Badges was the Huntersville Fire Department.
- From the Huntersville Police Department, between March 19 and 22 the Huntersville Police Department completed its accreditation process through the Commission of the Accreditation for Law Enforcement Agencies.

Commissioner Gibbons

- There is no NC 73 Council of Planning meeting planned at this time.
- The Mecklenburg Veterans Council will be meeting tomorrow. The VSO officer with the county will begin working out of an office at Town Center a couple of days a week starting probably the end of April.
- Congratulated the Huntersville Fire Department for winning the Battle of the Badges.

Commissioner Guignard

- The Centralina Council of Governments meets in the next couple of weeks.
- The Planning Coordinating Committee has not scheduled its spring meeting yet.

Commissioner Gibbons (reported on CRTPO in the absence of Commissioner Kidwell)

• There's a few things that are going on with CRTPO. Commissioner Kidwell and I both missed the last meeting due to work. Commissioner Boone went down to it and he gave that report last meeting. But

the next meeting is coming up and Mr. Coxe has sent out the pre-agenda and we will be talking about that and working forward.

Commissioner Phillips

• Provided update on Lake Norman Chamber and Visit Lake Norman events.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

The Town Board presented retired Fire Chief Larry Irvin with rocking chair in appreciation for his years of service to the Town.

Bill Russell, 9449 Mt. Holly-Huntersville Road, said last Thursday we had a very successful Women's Conference. We had over 150 female executives there. I think this was like our sixth year and I must have had about 12 different people come up and say that this year's event was better than any other prior event we ever had. There are two women in Huntersville that I wanted to recognize. One of them is not necessarily related to the Town Board or the Town staff, it's Major Pat Brown of Central Piedmont Community College that just has really taken on the role of helping Chris put on the events of the Diversity Council. But the other one is our Detective Susan Cabarcas. She has just done a tremendous job. She emceed the event the other day. But not just that, she brings a Latino perspective to our Diversity Council and she has been really engaged over the last year in a lot of our programs, coming out to the events we have, the Diversity Luncheon that we had last year recognizing the small business, the larger corporate business and the Diversity Champion of the Year. But emceeing this particular event.....I can't say enough about the detective and the role she plays on that Diversity Council.

Mike Hege, 13005 Heath Grove Drive, announced that Realtors Care Day is April 28. Volunteers will assist homeowners with critical home repairs in Iredell and Mecklenburg Counties, including a house on Central Avenue and the Hope House in Huntersville.

Scot Slusarick, 8423 Forest Shadow Circle, said I wanted to thank the Commissioners and the Mayor for considering the investigations into the uveal melanoma cancer cluster. Our daughter, Summer, is the only survivor of the three girls that have gone to Hopewell High School that have been affected by the immediate presentation of uveal melanoma. We feel very strongly and ask that you would consider taking the funds more towards the investigation of the elements of the school, of the soil, the air, all the combined factors that we don't know very much about rather than the individual testing of people's DNA. We feel that the money personally could be better spent and have more of any impact if it is placed in trying to find out what the environmental factors are. We all know that it's almost like finding a needle in a haystack to figure out exactly what causes it. We read a lot about it. We know a lot about it. We've been around it for a few years now and know the girls that have passed on and every six months Summer gets tested again. We just feel the community here has been affected and we just don't feel from what we know from all the studies and conferences that we've been to, all the doctors we've talked to, all of the seminars and places that we have been to find out more about this, that money should be placed into finding out more about the school and the environment there. There's only three major cases in the United States and one of those was affected primarily by fluoridation of water. Up until that time that wasn't even on the list of what caused this type of cancer. It's just a very dear subject for us. We would ask you to consider placing more of the finances that are currently available into the testing of the environment. There's so little known about what could cause it there are more factors than just diffusing the amount of money that is currently available to us by putting it into something that is a tangent of what the problem is and locally for the people in the area who have worked on dairy farms for instance, that land used to belong to a dairy farm.....all of the soil that came into it, all of the copper mining, and the gas and the electrical, and there's so many different aspects of it that could be tested. We don't know necessarily what

to test so we are just kind of pushing the money towards something is what we feel in terms of hoping for progress.

AGENDA CHANGES

Commissioner Guignard made a motion to remove Item B under Other Business (Consider adopting resolution requesting Mecklenburg County correct the distribution of ABC monies) from the agenda.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

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

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

PUBLIC HEARINGS

Petition #R16-07. Petition #R16-07 is a request by Skybrook, LLC to revise the existing Conditional District rezoning plan for approximately 171.88 acres to remain Transitional Residential Conditional District with an increase in density and other site plan changes.

David Peete, Principal Planner, said their submittal came in before the recently approved text amendment in the TR district. The applicant would like a little bit of time to see if that has any bearing on what they might want to do. They are asking for a continuation to May 1 and based on what they decide to do we will back up the process as much as we have to make sure that the process is respected and the public is aware.

Commissioner Guignard made a motion to continue public hearing on Petition #R16-07 to May 1, 2017.

Commissioner Phillips seconded motion.

Motion carried unanimously.

<u>Petition #R16-12.</u> Petition #R16-12, Anchor Mill Conditional Rezoning, is a request by Nate Bowman to rezone Parcel 01902201 from Neighborhood Residential to Town Center Conditional District.

Alison Adams, Senior Planner, entered the Staff Report into the record. *Staff Report attached hereto as Exhibit No. 7.* The site is approximately 30 acres. The applicant is asking for a rezoning from Neighborhood Residential to Town Center Conditional District. It is surrounded by Neighborhood Residential property. And then to the west is Town Center.

This is the site plan. This was Cycle 1 or Cycle 2. It does have several issues with it. We are still working through those. The major components of this plan are the street network, the greenery open space which is to the south. The red buildings that you see here are the retail within the site. It's approximately 165,000 sq. ft. of retail and then the blue structures are a mix or apartment building. What you will notice is there is a street network. There's also greenery which would be to your southwest along the creek.....there's a greenway being

proposed and also there are ties into Huntersville-Concord Road as well as Fourth Street, Glendale and Church are all connection points within the site plan.

Like I mentioned there are components of this plan that do not currently meet the ordinance. The applicant is working through those and just to point out a few, the primary retail building or anchor building has to front a public street and so that's a correction that needs to be made. We also are waiting to find out more information about the traffic impact analysis and there's also an issue with block length. There's requirements in our ordinance that you have to meet certain block lengths and so with the introduction of the public street, we will address some of those issues. With that being said another thing that we looked at is the future land use plan. I'm not going to go into detail with each one of these land use plans. If you will just notice the picture, notice the similarities. Here's the master plan charrette.....notice the street network, greenery and building. Once again street network, greenery, mixed use. So there's commonality through our planning process from Day One when we were planning up to this point. What I will mention here, this is our overall 2030 Community Plan. This location is in our downtown core area, it is in our higher intensity area so therefore it would be appropriate.

Just an update as to where we are with this project. Staff met with the developer and NCDOT March 17 and we discussed the results of the Traffic Impact Analysis. The development was required to submit some additional information to staff so that we could review that and a solution that was compliant with the ordinance. The impact analysis was received March 30 and we are currently in the review process of it. A revised site plan should be submitted very soon based on the information that we have learned from the TIA. With that being said the applicant has requested a continuance of the public hearing to May 1.

Commissioner Guignard made a motion to continue public hearing to May 1, 2017.

Commissioner Bales seconded motion.

Motion carried with five (5) yes votes.

OTHER BUSINESS

<u>Uveal Melanoma Investigative Work/Testing Proposals.</u> Gerry Vincent, Interim Town Manager, said just to give you some background December 2016 we signed a professional services agreement with Hart & Hickman and they were going to do internal research and they were also going to do the soil sampling. The internal research indicated that there was not a chemical that they came up with through their research that was not associated with the cancer. I've been in touch with the Department of Health and Human Resources in Raleigh and also with Dr. Brennan. Dr. Brennan has been in close contact with Commissioner Kidwell. Through their research and through their discussions with leading doctors they came up with these two proposals that are before you. One is a geospatial study that will study the area that we are talking about. And also the second part of the puzzle which is the \$58,000 proposal is to genetic and tissue testing. This is what they recommend. Hearing the comments from tonight and to let the gentleman know I've been very particular about this grant that came from the General Assembly. We have not spent any money to date because this is a very important issue to the families and to the Town. If you guys feel comfortable in approving this, the proposals are before you. If you would like to have one of the doctors come and make a presentation to you on the 17th, we could do that.

Mayor Aneralla said I'm sorry Commissioner Kidwell is not here because he's much more involved in this. The thing that the Town or any government has to do is to make sure they have a safe environment for their citizens, whether it's the police, fire, or if there's some issue with the environment. And it was my understanding back at the end of December that we were going to look at not only the Hopewell area but also maybe three or four

other areas around the town for water, soil, air and so forth and then in talking with Dr. Brennan any of that real technical stuff beyond that is really not Mr. Vincent's wheelhouse so to speak or mine or Mr. Kidwell, so in talking with either Duke or UNC or both they could come up some type of recommendation where they could really take on the next level of investigation, so are we looking at any soil around the town.

Mr. Vincent said we are not testing any soil at this time.

Mayor Aneralla said what the analogy we made was if we were going to buy a piece of property anywhere in the town we would do some soil testing just for whatever the generic issues might come up and you wouldn't or you would build on that property and that's really where my understanding where we want to go to the next level. I know Hart & Hickman has kind of backed out of that because they don't know what to test for. But if you think about it, if we were literally going to move a development or a building some place in Huntersville they would do 5 to 10 to 15 different tests of that soil, air and water. That's what I thought we initially had agreed to and I know Mr. Vincent wasn't here at the time. I know this has taken a lot of your time and efforts but when you get into genetics and tissue testing and then families involved that's definitely not in our wheelhouse.

Mr. Vincent said if there is an opportunity to actually do some testing we still have an agreement with Hart & Hickman and they are ready to do that.

Mayor Aneralla said from my standpoint of what I would really like to see is a comparison between the soil, water, air at Hopewell and maybe three other random places in the town before we even move forward on genetics and so forth. That was what we had talked about back in December/January. I know Mr. Vincent has a lot on his plate and there's been a lot of stuff going on back and forth but I think that's really our responsibility as a town to make sure the environment is safe and then we thought there would be money left over, which there should be, that UNC and Duke which they have to bid for so to speak, we can re-grant the money to them and they can take that testing to the next level.

Commissioner Phillips said my wife's daddy died of this disease and was probably one of the first in this area and he was one of the ones that wasn't accounted for because he lived just right inside of Lincoln County and I think Charlotte-Mecklenburg School System has already tested as far as the soil and that type of thing and this is moving this to the next level. Dr. Brennan is in contact with my wife about doing the tissue samples and that type of stuff. They talk about once every 45 to 60 days. I just don't want to see this thing kicked under the rug and see this money just spent on wild goose chases. If the Board would like to hold off and let Dr. Brennan come to present in front of us and give us as much information, but I just don't want to drag our feet on this thing. You can't replace these people.

Commissioner Gibbons said is the first part of this the geospatial study. Do we feel from what you have been told that that's necessary, that we could go and get started on. I have to kind of agree with what the Mayor is saying is if we start looking at just the people and not the environment then that might get outside of the scope of what our responsibility as a Town and as a municipal Board to again, as you said, protect our people and protect the environment so it might be worth getting another conversation with Dr. Brennan if you feel that's worth it.

Mr. Vincent said the geospatial would have to be done anyway. If you are going to hold off on one, I'd say hold off on both of them.

Commissioner Gibbons said I don't want to hold up something that might give us information that is useful.

Commissioner Phillips said one other thing and this is not a comment it's just for information. There's a meeting at the Wynfield Clubhouse tomorrow night and I think Dr. Brennan is supposed to be there. I plan on being there.

Mayor Aneralla said I think just to clarify, we engaged Hart & Hickman to do the soil and all that around town but they basically came back and said there wasn't really anything that they could look for so that's where we are right now. I believe it was our intent always to make sure that it's safe the best you can within the environment of Huntersville.

Commissioner Phillips made a motion to defer decision on proposals for investigative work/testing related to the uveal melanoma cancer cluster to April 17, 2017.

Commissioner Gibbons seconded motion.

Mayor Aneralla said then we really need to know what, if anything, Hart & Hickman or somebody else can do about the environment. What that might cost.

Janie Blackstock said my daughter is Summer. She's the youngest, she's 23. They say all the environment has been tested, the soil has been tested. I have yet to see any study. Nothing has been presented to us that shows us what type of chemicals or minerals are in the soil around Hopewell and around the area. At least every few months someone else comes forward that has been diagnosed with this disease that has moved out of the area, that worked at a dairy farm down the road that moved to Florida and they contacted us. We have the Hopewell Cancer Cluster Facebook site and I just was contacted by someone last week. But what I'm saying is please don't assume these reports are out there. We have yet to see anything. Hopewell High School didn't really do anything. All they did was set up a radon test for two days in the high school. That's nothing. They didn't test any of the soil, none of the water, any of the building materials. They didn't look back to see when the girls were in that high school, if they were in any of the trailers that came in, was there any asbestos brought in on those trailers and some of the sheetrock or the ceilings or anything. Where did those trailers come from. I don't feel like there has been any type of deep study about anything and as a community that's what I'm concerned about. As a community we have a responsibility to the citizens of Huntersville to investigate what type of minerals and chemicals are in that area and around us. It's not just Hopewell. That's the connection. That's where we discovered this cluster. It was just a fluke. We all just happened to go to Huntersville Hospital to have our tests done and the radiologist there said you have ocular melanoma, I just saw two young girls last week with it. And we got on social media. That's how we discovered it and from that we connected with all these other people. We discovered the cluster. It sure wasn't the Mecklenburg County Health Department. They didn't know anything about this was going on. We told them the people that's involved. But as a responsibility to the citizens of Huntersville and Cornelius and the community I feel like we should do some tests and if there's tests done, then show us, show us the documents. I've spoken to Dr. Brennan. We speak all the time. We're going to the meeting tomorrow night. I've voiced my opinion about the money. Let's get more money set aside to do genetic testing but let's use this money to test the water and at least put some peace of mind to the citizens of Huntersville.

Commissioner Guignard said I have two dear friends in town that are both in the engineering world and one does soil testing. I would like to get you their names after the meeting. I'm not going to say they could tell us anymore but they do live in town. I think we can't gather enough information to protect these families, to protect our citizens.

Commissioner Gibbons said yesterday I was talking with Commissioner Kidwell because obviously he is way more well versed on that than I am and he indicated I thought to me that this geospatial study would help if and when we do soil digs/samples/cores and Gerry can you confirm.....I guess was my point on should we push forward with that portion of it. If that's something that's going to be necessary if we do move into soil test area would it be good to have that in the motion. That was what was relayed to me by Commissioner Kidwell was that geospatial testing could indicate better where we would test when and if we test.

Mr. Vincent said just for clarification Hart & Hickman will do the soil testing. We have a contract with them. We don't have to, but they will do it, but they indicated to me they did not want to waste money testing for something they don't know what to look for. When they indicated that report to me, we stopped it at that point and went to Option 2.

Commissioner Bales said so will the geospatial report study give them an idea of where to then go and do these testings.

Mr. Vincent said that's what I was indicating, if you are going to continue, we'll just continue both of them and do them all at the same time so we have the information.

Mayor Aneralla called for vote to defer to April 17, 2017.

Motion carried with five (5) yes votes.

CONSENT AGENDA

<u>Approval of Minutes.</u> Commissioner Guignard made a motion to approve the minutes of the March 6, 2017 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried with five (5) yes votes.

<u>Wynfield Resurfacing Contract.</u> Commissioner Guignard made a motion to award the Town of Huntersville 2017 Wynfield Resurfacing contract to Ferebee Corporation. Commissioner Bales seconded motion. Motion carried with five (5) yes votes.

<u>Call for Public Hearing – Petition #TA17-01.</u> Commissioner Guignard made a motion to call a public hearing for Monday, May 1, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA17-01, a request by Mecklenburg County Park and Recreation to modify the parking standards in Article 6 of the Huntersville Zoning Ordinance. Commissioner Bales seconded motion. Motion carried with five (5) yes votes.

<u>Call for Public Hearing – Petition #TA17-02.</u> Commissioner Guignard made a motion to call a public hearing for Monday, May 1, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #TA17-02, a request by University City Church to amend Article 10.7 of the Huntersville Zoning Ordinance to modify the amount of times a changeable copy sign message can change per 24 hour period. Commissioner Bales seconded motion. Motion carried with five (5) yes votes.

Norfolk Southern Agreement. Commissioner Guignard made a motion to approve agreement with Norfolk Southern to allow the Town to install a new storm water pipe underneath the railroad between Main Street and Church Street. Commissioner Bales seconded motion. Motion carried with five (5) yes votes.

Agreement attached hereto as Exhibit No. 8.

CLOSING COMMENTS

Commissioner Boone expressed appreciation to Dee Jetton for visiting one of her employees during his hospital stay.

There being no further business, the meeting was adjourned.

Approved this the _____ day of _____, 2017.

Town of Huntersville REQUEST FOR BOARD ACTION 5/1/2017

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Janet Pierson, Town ClerkSubject:Approval of Minutes - April 17

Consider approving the minutes of the April 17, 2017 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS: N/A

ATTACHMENTS:

Description

D Draft Minutes

Type Backup Material

TOWN OF HUNTERSVILLE TOWN BOARD MEETING MINUTES

April 17, 2017 6:30 p.m. – Huntersville Town Hall

PRE-MEETING

The Huntersville Board of Commissioners held a pre-meeting at the Huntersville Town Hall at 5:00 p.m. on April 17, 2017.

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

<u>Budget Work Session – Capital.</u> Jackie Huffman, Finance Director, presented update on authorized bonds. *PowerPoint attached hereto as Exhibit No. 1.*

Gerry Vincent, Interim Town Manager, briefly reviewed the budget for major capital projects. *Refer to Exhibit No. 2.*

Commissioner Kidwell requested staff to find out if the bonus allocation money for the Hambright direct connection with I-77 could be reallocated to the Gilead Road West project.

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

REGULAR MEETING TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall at 6:30 p.m. on April 17, 2017.

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

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

A member of Boy Scout Troop 97 led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- The next meeting of the Metropolitan Transit Commission is April 26.
- Commerce Station Management Team and North Meck Alliance have not met.

Commissioner Bales

- Huntersville currently has 19 active economic development projects. Three of those are in first contact, five are follow-up, six are scheduling visits and we are a finalist for five.
- The North Learning Community Partnership Summit is on April 25.

Commissioner Boone

- Attended the I-77 Safety Summit meeting in Cornelius last week.
- Huntersville Fire Department has been busy the past two weeks with two residential fires and one commercial fire.

Commissioner Gibbons – No Report.

Commissioner Guignard

- Attended the I-77 Safety Summit meeting in Cornelius last week.
- Expressed appreciation to Max Buchanan, Town Engineer/Public Works Director, for getting NCDOT to change timing of traffic signal at Gilead Road/NC 115.

Commissioner Kidwell

- The next meeting of the Charlotte Regional Transportation Organization is Wednesday.
- Due to recent incident in Mooresville, encouraged everyone to be aware of their surroundings.
- Expressed appreciation to Carolyn Whitted for her 20 years of service to the Town.

Commissioner Phillips – No Report.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Christina Schildgen, Assistant to the Manager, recognized the 2017 Huntersville 101 Class.

Dr. Mike Brennan, Burlington, NC, addressed the Board in support of the proposals for investigative work/testing related to the uveal ocular melanoma cancer cluster. The money from the \$100,000 grant the Town received needs to be allocated by June 7.

Sue Colbert, Wynfield, addressed the Board in support of the proposals for investigative work/testing related to the uveal ocular melanoma cancer cluster. Expressed appreciate to the Mayor, Board, Gerry Vincent, Lee Sullivan, Senator Jeff Tarte and Dr. Mike Brennan for their efforts in finding a cause as to why there are so many cases of this rare cancer in the community.

Todd Steiss, 8932 Deerland Court, Huntersville's Representative for the Citizens Transit Advisory Group, updated the Board on a change in bus routing that will take effect sometime this summer.

AGENDA CHANGES

Commissioner Guignard made a motion to adopt the agenda.

Commissioner Phillips seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

None

OTHER BUSINESS

<u>Uveal Melanoma Cancer Cluster Investigative Work/Testing.</u> Commissioner Kidwell made a motion to approve proposals for investigative work/testing related to the uveal melanoma cancer cluster.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Proposals attached hereto as Exhibit No. 3.

Carolina Rapids Agreement. The First Amendment to the Carolina Rapids Agreement for Barry Park will extend the original 10 year agreement for an additional 10 years that would end on August 3, 2028. The Carolina Rapids will be required to pay a minimum of \$535,000 over this 10 year agreement. The Rapids will pay \$310,000 for field usage at Barry Park over the 10 years. If the Town's field usage rates change during the term of this First Amendment and the new rate times the field usage is more than \$31,000, the Rapids shall pay the higher amount to the Town. Additionally, the Rapids shall pay the Town a total of \$225,000 as a Capital Reserve Fee for Barry Park. This fee will be paid in the amount of \$20,000 annually for years 1 through 5 and then \$25,000 annually for years 6 through 10. Payments shall be made on September 1 of each and every year beginning September 1, 2018 and the last payment shall be made on September 1, 2027. The Capital Reserve Fee will go into a new Capital Reserve Fund for Barry Park. The Parks & Recreation Commission approved this recommendation at its June 15, 2016 meeting.

Some members of the Board expressed concern about why they are being asked to consider a new contract when current contract does not expire for 16 months and the length of the new contract. Questions were also raised as to whether other soccer organizations would be interested in bidding and the number of Huntersville kids on the Carolina Rapids.

Thomas Finlay, Carolina Rapids, reviewed the history of the relationship between the Town and the Carolina Rapids and pointed out the benefits that the Carolina Rapids bring to the partnership.

Commissioner Boone made a motion to defer decision on the First Amendment to the Carolina Rapids Agreement for Barry Park for three months to get answers to some of the questions.

Commissioner Phillips seconded motion.

Following further discussion, Commissioner Phillips made a substitute motion to put this out for RFP.

The substitute motion died due to the lack of a second.

Commissioner Kidwell made a substitute motion to defer decision on the First Amendment to the Carolina Rapids Agreement for Barry Park to May 1, 2017.

Commissioner Bales seconded motion.

Mayor Aneralla called for the vote on the substitute motion to defer decision to May 1, 2017.

Motion carried 4 to 2, with Commissioners Boone and Phillips opposed. Commissioner Guignard abstained which was recorded as a vote in favor.

<u>Greenway, Trail and Bikeway Commission Appointment.</u> The Greenway, Trail and Bikeway Commission has one opening. Jeff Fissel has moved out of the Town Limits of Huntersville and must resign from the commission. The open term will expire December 2017.

Commissioner Boone nominated Jason Pauling.

Commissioner Phillips nominated Geoff Steel.

Vote for Jason Pauling: Commissioners Boone, Kidwell and Gibbons in favor.

Vote for Geoff Steele: Commissioners Guignard, Bales and Phillips in favor.

Mayor Aneralla voted for Jason Pauling.

CONSENT AGENDA

Budget Amendment. Commissioner Guignard made a motion to approve budget amendment appropriating funds received in the amount of \$30,830.12 from Lake Norman Charter School (per agreement for security services) for the months of August 2016 to January 2017 to the Police Department's budget for overtime, benefits and vehicle costs.

Commissioner Kidwell seconded motion.

Motion carried unanimously.

CLOSING COMMENTS

Commissioner Guignard explained that he abstained on the vote deferring decision on the Carolina Rapids agreement because he felt three months was too long, but two weeks was not enough time.

Mayor Aneralla announced that the Mayor's Luncheon is tomorrow.

There being no further business, the meeting was adjourned.

Approved this the _____ day of _____, 2017.

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Max L. Buchanan, PE - Director of Engineering and Public WorksSubject:Award of Town of Huntersville 2017 Westside Resurfacing Contract

On April 21, 2017 quotations were received at Engineering & Public Works for the 2017 Westside Resurfacing. This project is part of the on-going efforts by the Town to maintain our public roadway system.

It is my recommendation that the project be awarded to the lowest responsible quote provider, Blythe Construction, Inc., with a quotation of \$433,687.80.

Blythe Construction, Inc. has completed numerous paving projects for the Town of Huntersville and many surrounding municipalities, including NCDOT. This contractor has demonstrated sufficient ability and experience to perform the work specified and has demonstrated a history of successful performance and completion of similar projects in a timely manner.

Contract completion date for the resurfacing project is July 31, 2017.

ACTION RECOMMENDED:

Authorize award of Project to Blythe Construction, Inc.

FINANCIAL IMPLICATIONS: Powell Bill

Powell Bill

ATTACHMENTS:

Description

- D Contract Cover
- Map1
- D Map2
- D Itemized Proposal
- D Bid Tabulation

Туре

Exhibit Exhibit Exhibit Backup Material Backup Material



CONTRACT PROPOSAL

PROJECT:	2017 WESTSIDE RESURFACING
PROJECT NO.:	5700 - 17 - 002
LOCATION:	Milling and Resurfacing on approximately 2.8 miles of streets within the Town of Huntersville, North Carolina.
TYPE OF WORK:	Asphalt Milling, Patching and Asphalt Paving
QUOTATIONS RECEIVED BY:	Friday, April 21, 2017 by 3:00 p.m. Huntersville Engineering and Public Works Attn: M. Kevin Fox, P.E. 105 Gilead Road, Suite 300 (3 rd Floor) Huntersville, North Carolina 28078 Or by email to : kfox@huntersville.org
DATE OF AVAILIBILTY:	Tuesday, May 2, 2017
COMPLETION DATE:	Monday, July 31, 2017

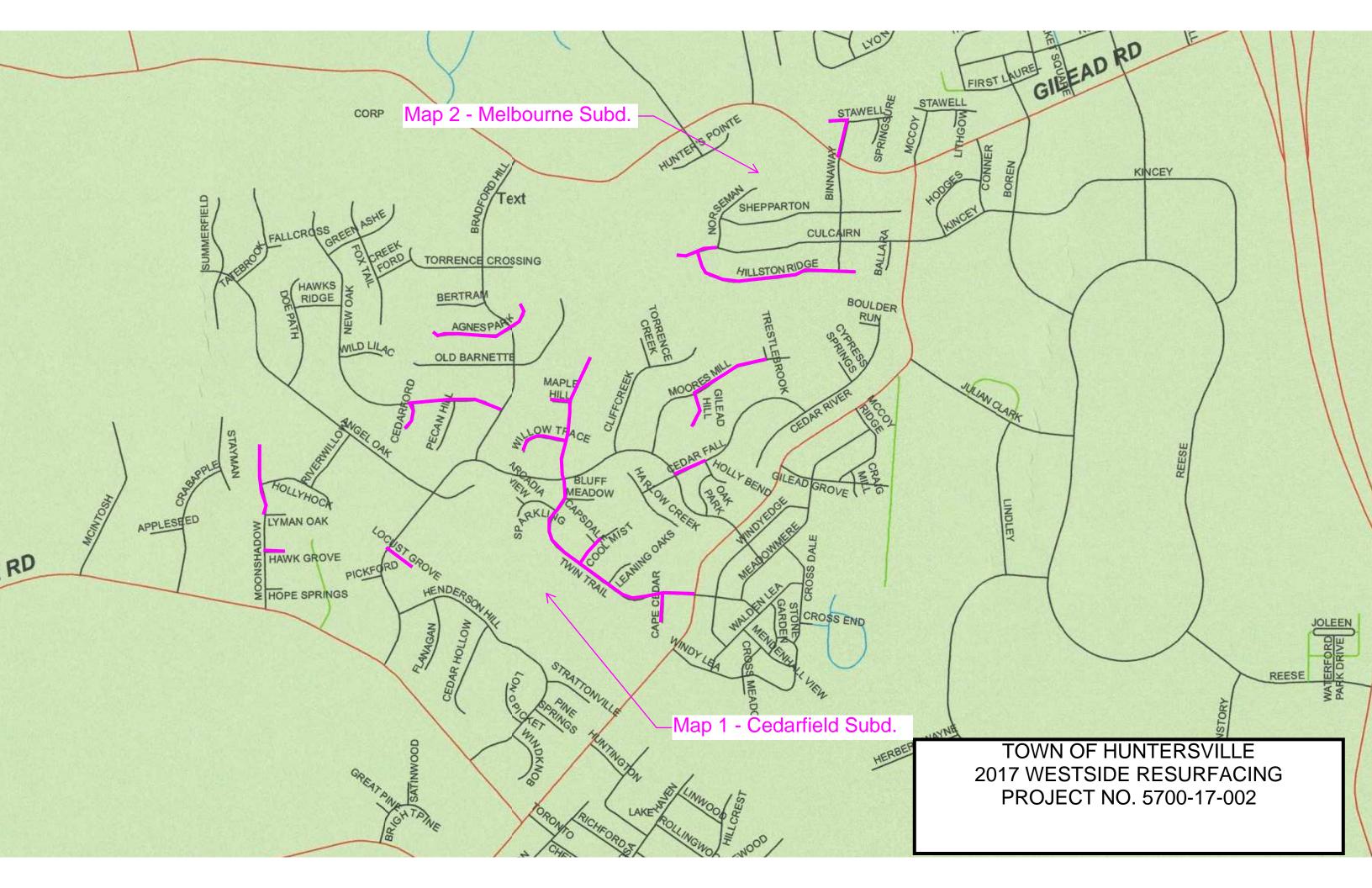
NOTICE: ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA WHICH REQUIRES THE BIDDER TO BE LICENSED BY THE N.C. LICENSING BOARD FOR CONTRACTORS WHEN BIDDING ON ANY NON-FEDERAL AID PROJECT WHERE THE BID IS \$30,000 OR MORE, EXCEPT FOR CERTAIN SPECIALTY WORK AS DETERMINED BY THE LICENSING BOARD. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFRIGERATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA.

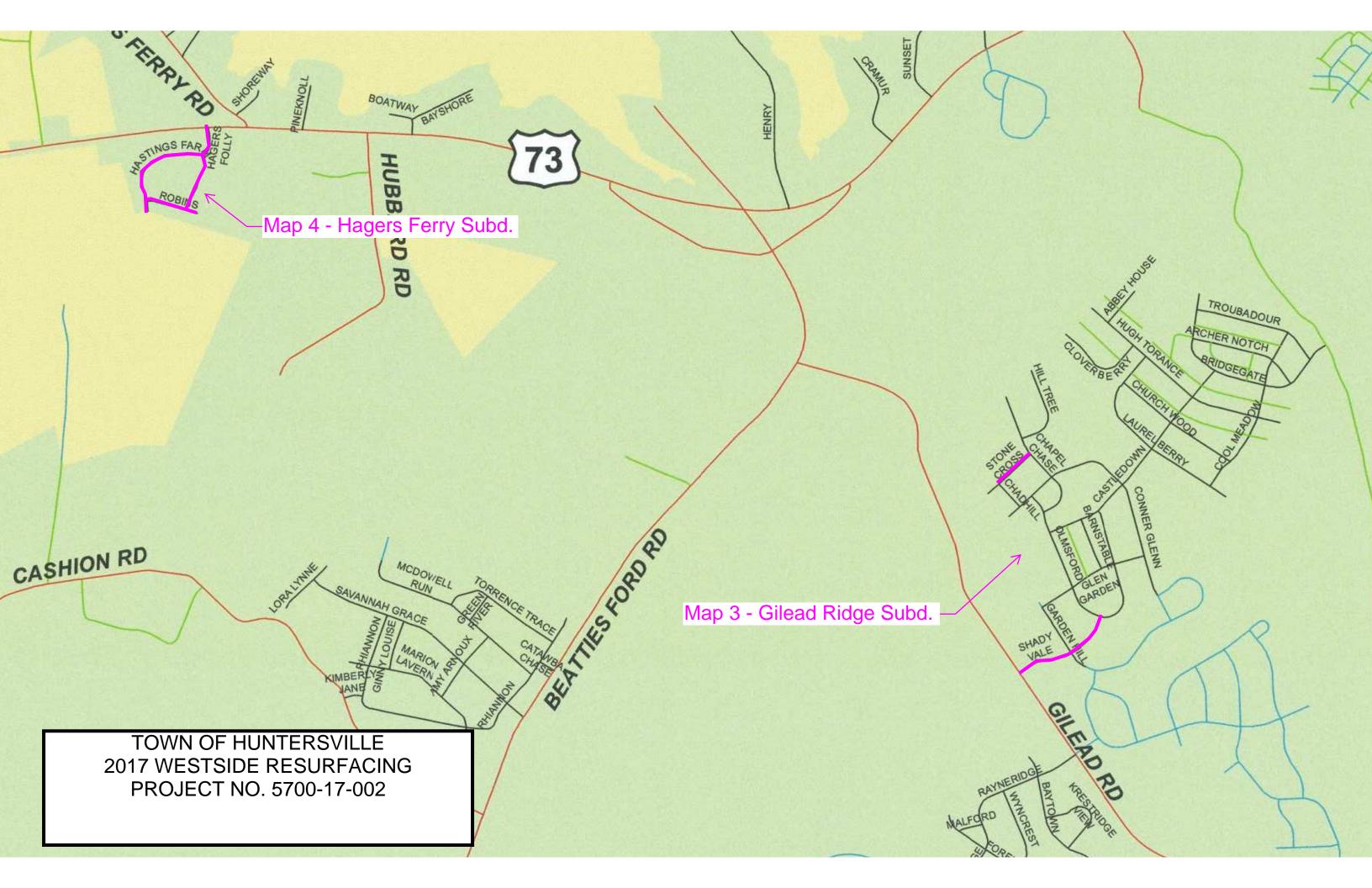
BLYTHE CONSTRUCTION INC	7639
NAME OF BIDDER	N.C. CONTRACTOR'S LICENSE NUMBER

PO BOX 31635 CHARLOTTE, HC 28231

AWARD OF CONTRACT

The award of the contract, if it be awarded, will be made based on the lowest responsible quotation. The contractor will be notified that his quotation has been accepted and that he has been awarded the contract. Quotations are being received by invitation only. The Town of Huntersville reserves the right to reject all quotations.





ITEMIZED PROPOSAL

ITE	M NO.		QUANTITY	UNIT BID PR	ICE	AMOUNT BI	D
LINE NO.	SECTION NO.	ITEM DESCRIPTION	AND UNIT	DOLLARS	CENTS	DOLLARS	CENTS
1	800	MOBILIZATION	LUMP SUM LS	20,000	∞	20,000	00
2	SP	INCIDENTAL STONE BASE	20 TON	26	75	535	8
3	645	ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5B	4,725 TON	म।	00	193,725	00
4	620	ASPHALT BINDER FOR PLANT MIX GRADE PG 64-22	260 TONS	400	00	104,000	00
5	607	MILL ASPHALT TO 2 INCH DEPTH	41,110 SQ YD	1	60	65,776	00
6	SP	PATCHING EXISTING PAVEMENT	350 TON	75	œ	26,250	oo
7	SP	ADJUSTMENT OF MANHOLES	10 EA	100	æ	1,000	∞
8	SP	ADJUSTMENT OF CATCH BASINS	1 EA	1,000	œ	1,000	00
9	SP	ADJUSTMENT OF WATER VALVES	10 EA	75	00	750	00
				<u>Subtotal</u>	4	13,036	8

10 SP	5% CONTINGENCY	LUMP SUM	L.S.	20,651	80
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TOTAL AMOUNT BID FOR PROJECT	433, 687	80
	102)	

Company Name: BLYTHE CONSTRUCTION, INC

__{Date:} 4-21-17

Signature: VICE PRESIDENT

Town of Huntersville, NC Engineering and Public Works 2017 Westside Resurfacing Project No. 5700-17-002



2017 WESTSIDE RESURFACING

DESCRIPTION		biythe Construction, inc				oranie contracting, LEC	Aladaan aadhaad adhald	aryrue brouters Aspirat.	Pedulla Excavating and	Paving Inc.**
	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
Mobilization	20,000.00	20,000.00	12,000.00	12,000.00	17,000.00	17,000.00	14,000.00	14,000.00		
Incidental Stone Base	26.75	535.00	40.00	800.00	40.00	800.00	40.00	800.00		
Asph Concrete Surface Course, Type S9.5B	41.00	193,725.00	46.00	217,350.00	51.50	243,337.50	63.50	300,037.50		
Asph Binder for Plant Mix, Grade PG 64-22	400.00	104,000.00	370.00	96,200.00	400.00	104,000.00	430.00	111,800.00		
Mill Asphalt to 2 inch Depth	1.60	65,776.00	1.50	61,665.00	3.50	143,885.00	2.10	86,331.00		
Patching Existing Pavement	75.00	26,250.00	95.00	33,250.00	130.00	45,500.00	140.00	49,000.00		
Adjustment of Manholes	100.00	1,000.00	100.00	1,000.00	170.00	1,700.00	500.00	5,000.00		
Adjustment of Catch Basins	1,000.00	1,000.00	1,000.00	1,000.00	1,500.00	1,500.00	1,500.00	1,500.00		
Adjustment of Water Valves	75.00	750.00	100.00	1,000.00	65.00	650.00	225.00	2,250.00		
SUBTOTAL	413,0	036.00	424,2	65.00	558,3	72.50	570,7	18.50		
5% Contingency		20,651.80		21,213.25		27,918.63		28,535.93		
TOTAL	\$433,	687.80	\$445,4	478.25	\$586,2	291.13	\$599,2	254.43	\$0	.00

**Contractor Invited, but elected not to submit quotation.

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Max L. Buchanan, PE - Director of Engineering and Public WorksSubject:Consider the acceptance of streets for Town Maintenance

It is recommended that the Town of Huntersville accept the streets listed below for maintenance, which are located in the Beckett Subdivision.

Street Name	From	То	Approx. Length
Serene Meadow Drive	Gilead Rd.	Halcyon Dr.	240 Ft
Halcyon Drive	Garden Hill Dr.	150 ft E of Quilbray Dr.	2,670 Ft
Repose Lane	Halcyon Dr.	Halcyon Dr.	750 Ft
Garden Hill Drive	110 ft W of Halcyon Dr.	Connor Glenn Dr.	2,030 Ft
Connor Glenn Drive	Garden Hill Dr.	Garden Hill Dr.	285 Ft
Myston Lane	160 ft S of Halcyon Dr.	Qhilbray Dr.	1,910 Ft
Vesper Drive	Myston Ln.	Halcyon Dr.	540 Ft
Bramfield Drive	Myston Ln.	110 ft SE of Amata Dr.	1,230 Ft
Amata Lane	Bramfield Dr.	150 ft SW of Bramfield Dr.	150 Ft
Quilbray Drive	Myston Ln.	170 ft S of Halcyon Dr.	1,090 Ft

ACTION RECOMMENDED:

Approval of streets for maintenance.

FINANCIAL IMPLICATIONS: Powell Bill

ATTACHMENTS: Description

D Map of Streets

Aerial image of streets

Exhibit Exhibit

Polaris 3G Map – Mecklenburg County, North Carolina Birkdale Commons Parkway Ext.

Date Printed: 4/24/2017 2:09:25 PM



Polaris 3G Map – Mecklenburg County, North Carolina Birkdale Commons Parkway Ext.

Date Printed: 4/24/2017 2:10:46 PM



REVIEWED:

То:	The Honorable Mayor and Board of Commissioners
From:	Max L. Buchanan, PE - Director of Engineering and Public Works
Subject:	Consider the acceptance of streets for Town Maintenance

It is recommended that the Town of Huntersville accept the streets listed below for maintenance, which are located in the Birkdale Grove Subdivision.

Street Name	From	То	Approx. Length
Autumn Cove Lane	260 ft SW of Chatham Glen Dr.	720 ft NE of Chatham Glen Dr.	980 Ft
Chatham Glen Drive	Autumn Cove Ln.	150 ft SE of Autumn Cove Ln.	150 Ft

ACTION RECOMMENDED:

Approval of streets for maintenance.

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

Description

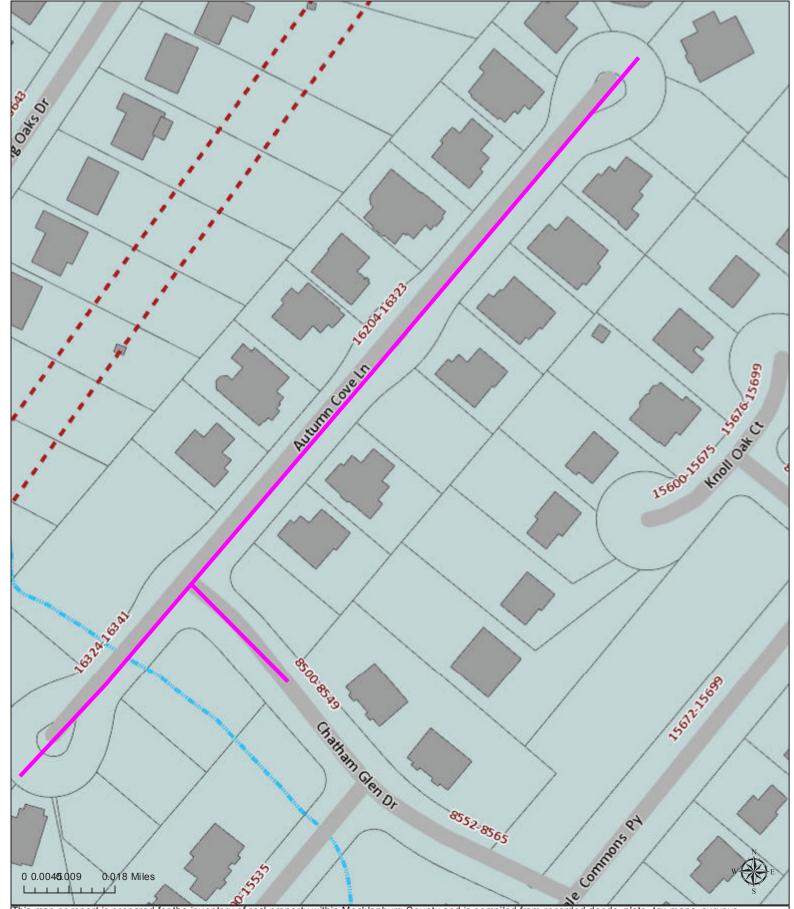
- D Map of Streets
- Aerial image of streets

Type Exhibit

Exhibit

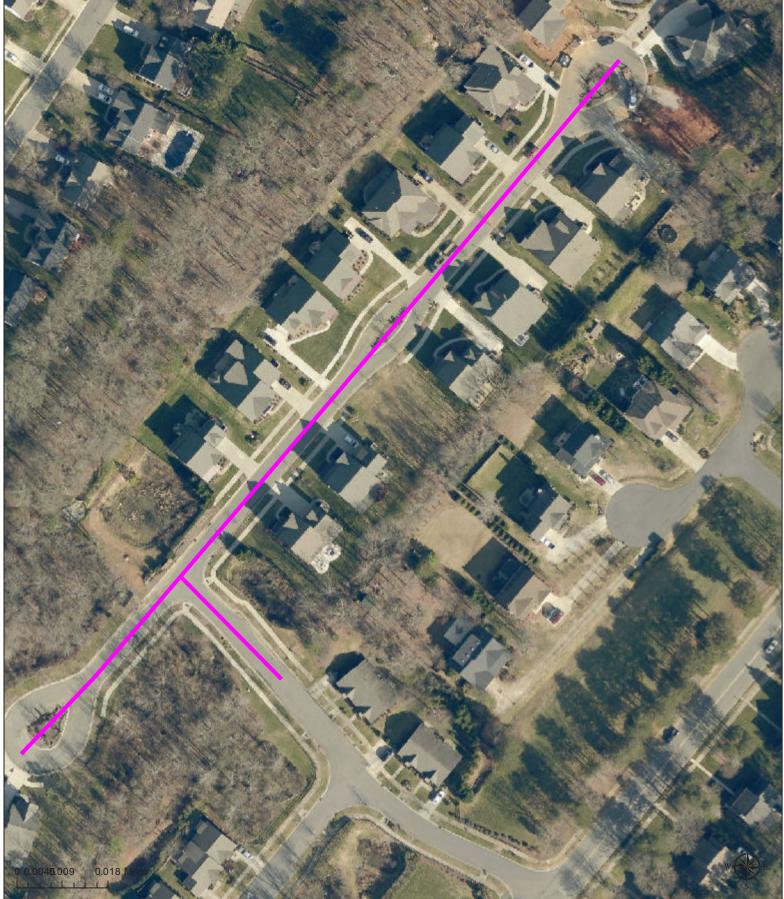
Polaris 3G Map – Mecklenburg County, North Carolina Birkdale Grove Map

Date Printed: 4/11/2017 4:09:34 PM



Polaris 3G Map – Mecklenburg County, North Carolina Birkdale Grove Aerial

Date Printed: 4/11/2017 4:10:48 PM



REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Max L. Buchanan, PE - Director of Engineering and Public WorksSubject:Consider the acceptance of streets for Town Maintenance

It is recommended that the Town of Huntersville accept the street listed below for maintenance, which is located in the Birkdale Subdivision.

Street Name	From	То	Approx. Length
Birkdale Commons Parkway (extension)	Chatham Glen Dr.	Babe Stillwell Farm Rd.	1,130 Ft

ACTION RECOMMENDED:

Approval of street for maintenance.

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

	Description	Туре
D	Map of Streets	Exhibit
D	Aerial image of streets	Exhibit

Polaris 3G Map – Mecklenburg County, North Carolina Birkdale Commons Parkway Ext.

Date Printed: 4/24/2017 2:09:25 PM



Polaris 3G Map – Mecklenburg County, North Carolina Birkdale Commons Parkway Ext.

Date Printed: 4/24/2017 2:10:46 PM



REVIEWED:

То:	The Honorable Mayor and Board of Commissioners
From:	Max L. Buchanan, PE - Director of Engineering and Public Works
Subject:	Consider the acceptance of streets for Town Maintenance

It is recommended that the Town of Huntersville accept the streets listed below for maintenance, which are located in the Holly Crest Apartments Subdivision.

Street Name	From	То	Approx. Length
Holly Crest Lane	Rich Hatchet Rd.	370 ft S of Holly Point Dr.	1,050 Ft
Holly Center Drive	365 ft S of Holly Crest Ln.	780 ft NE of Holly Crest Dr.	1,145 Ft

ACTION RECOMMENDED:

Approval of streets for maintenance.

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

Description

- D Map of Streets
- Aerial image of streets

Туре

Exhibit Exhibit

Polaris 3G Map – Mecklenburg County, North Carolina Holly Crest Appartments Aerial



Users of this map or report is prepared for the information contained that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Polaris 3G Map – Mecklenburg County, North Carolina Holly Crest Appartments Aerial

Date Printed: 4/24/2017 2:18:04 PM



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REVIEWED:

То:	The Honorable Mayor and Board of Commissioners
From:	Max L. Buchanan, PE - Director of Engineering and Public Works
Subject:	Consider the acceptance of streets for Town Maintenance

It is recommended that the Town of Huntersville accept the streets listed below for maintenance, which are located in the Pavilion Subdivision.

Street Name	From	То	Approx. Length
Pavilion Estates Drive	Huntersville-Concord Rd	Pavilion Estates Dr.	3,725 Ft
Pavilion Hill Circle	Pavilion Estates Dr.	Pavilion Estates Dr.	530 Ft
Pavilion Glen Street	Pavilion Estates Dr.	260 ft NW of Pavilion Estates Dr.	260 Ft
Pavilion Valley Circle	Pavilion Estates Dr.	Pavilion Estates Dr.	500 Ft
Pavilion Loop Drive	Pavilion Estates Dr.	Pavilion Estates Dr.	550 Ft

ACTION RECOMMENDED:

Approval of streets for maintenance

FINANCIAL IMPLICATIONS:

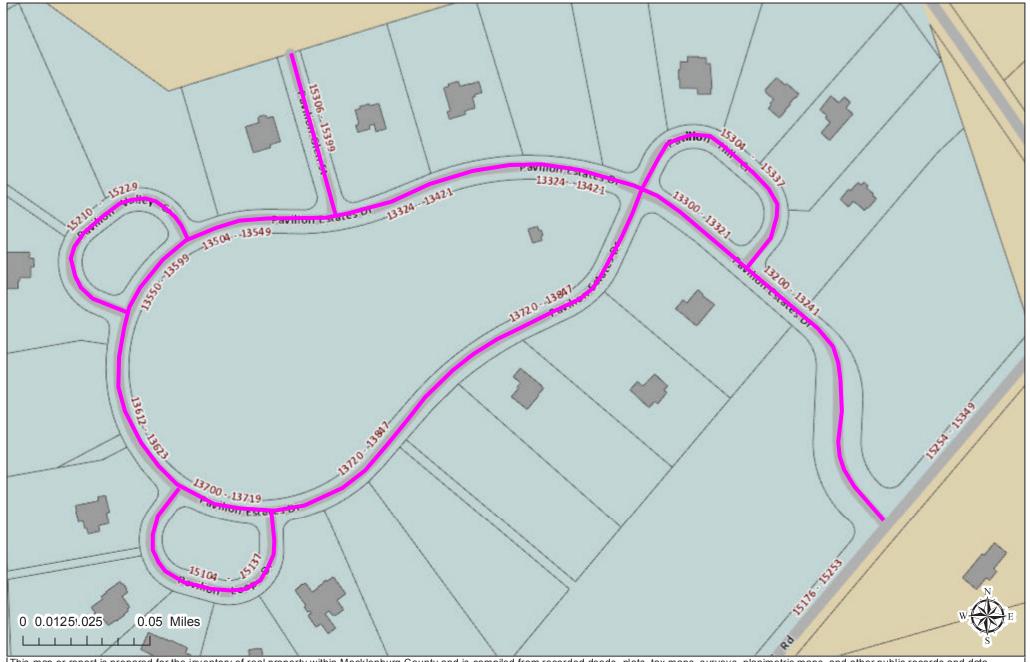
Powell Bill

ATTACHMENTS:

	Description	Туре
D	Map of Streets	Exhibit
D	Aerial image of streets	Exhibit

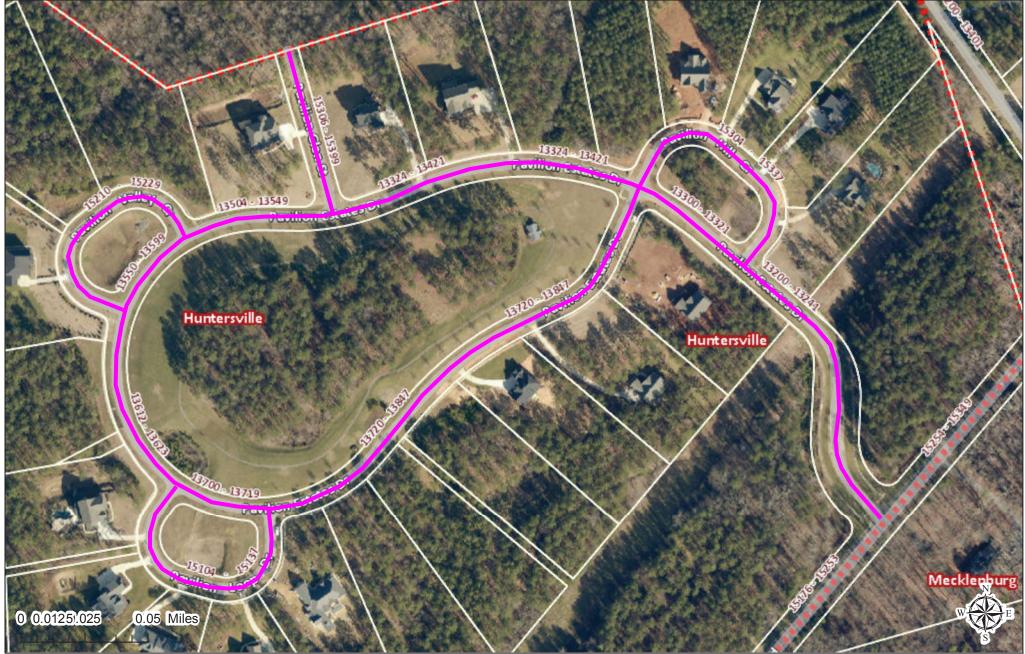
Polaris 3G Map – Mecklenburg County, North Carolina Pavilion Map

Date Printed: 4/11/2017 3:52:36 PM



Polaris 3G Map – Mecklenburg County, North Carolina Pavilion Aerial

Date Printed: 4/11/2017 3:54:10 PM



REVIEWED:

То:	The Honorable Mayor and Board of Commissioners
From:	Max L. Buchanan, PE - Director of Engineering and Public Works
Subject:	Consider the acceptance of streets for Town Maintenance

It is recommended that the Town of Huntersville accept the streets listed below for maintenance, which are located in the Stillwell Village Subdivision.

Street Name	From	То	Approx. Length
Birkdale Commons Parkway	Babe Stillwell Farm Rd.	150 ft SW of Tiger Paw Rd.	795 Ft
Tiger Paw Road	160 ft W of Stilling St	230 ft E of Birkdale Commons Parkway	575 Ft
Stilling Street	Birkdale Commons Parkway	Tiger Paw Rd.	560 Ft

ACTION RECOMMENDED:

Approval of streets for maintenance.

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

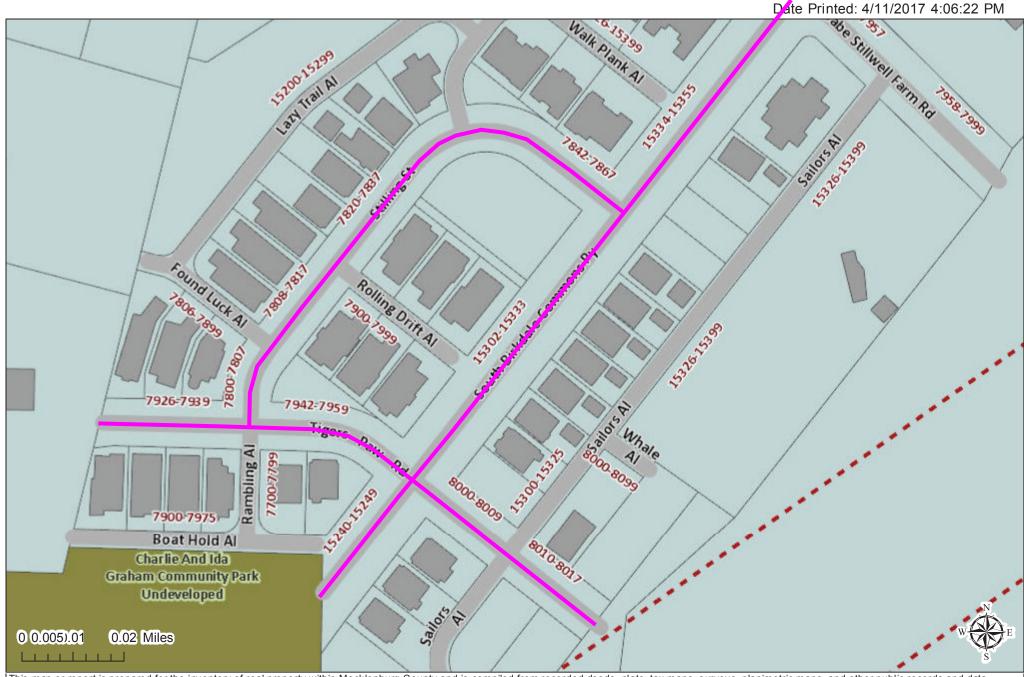
Description

- D Map of Streets
- Aerial image of streets

Туре

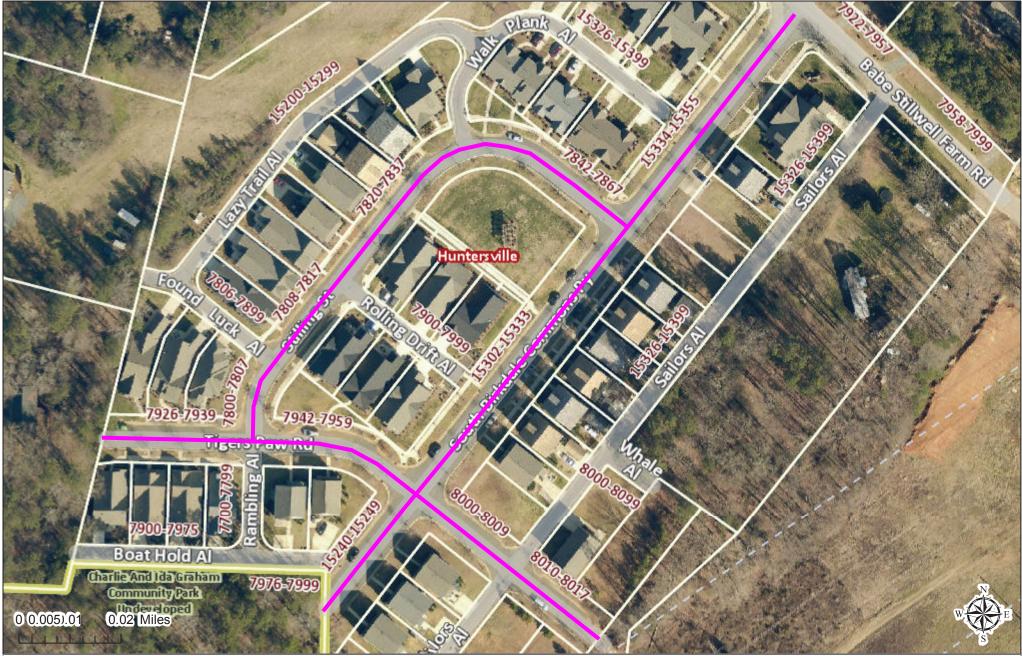
Exhibit Exhibit

Polaris 3G Map – Mecklenburg County, North Carolina Stillwell Village Map



Polaris 3G Map – Mecklenburg County, North Carolina Stillwell Village Aerial

Date Printed: 4/11/2017 3:55:43 PM



REVIEWED:

То:	The Honorable Mayor and Board of Commissioners
From:	Max L. Buchanan, PE - Director of Engineering and Public Works
Subject:	Consider the acceptance of streets for Town Maintenance

It is recommended that the Town of Huntersville accept the streets listed below for maintenance, which are located in the Tanners Creek Subdivision.

Street Name	From	То	Approx. Length
Summer Serenade Drive	Tidal Court	Journey's End Trail	1,780 Ft
Tanners Creek Drive	Regal Lily Ln	160 ft W of Summer Serenade Dr.	760 Ft
Regal Lily Lane	Summer Serenade Dr.	Palomar Dr.	1,200 Ft
Bell Song Lane	Regal Lily Ln.	Regal Lily Ln.	285 Ft
Palomar Drive	Tanners Creek Dr.	155 ft E of Regal Lily Ln.	910 Ft

ACTION RECOMMENDED:

Approval of streets for maintenance.

FINANCIAL IMPLICATIONS:

Powell Bill

ATTACHMENTS:

Description

- D Map of Streets
- Aerial image of streets

Type Exhibit Exhibit

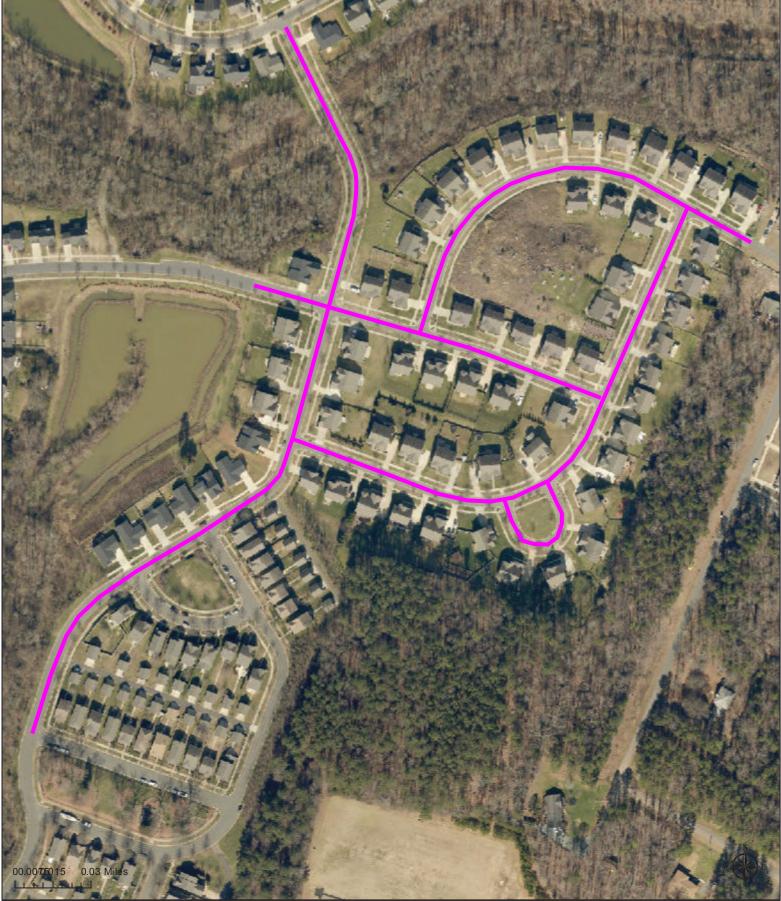
Polaris 3G Map – Mecklenburg County, North Carolina Tanner's Creek Map

Date Printed: 4/11/2017 4:14:09 PM



Polaris 3G Map – Mecklenburg County, North Carolina Tanner's Creek Aerial

Date Printed: 4/11/2017 4:16:30 PM



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REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:David Peete, Principal PlannerSubject:ANNEX 16-01 Skybrook North Phase 4

Request to call a public hearing on June 5, 2017 for Annex 16-01-Skybrook North Phase 4 to annex 5.901acres (non-contiguous) into the Town of Huntersville.

ACTION RECOMMENDED:

Call a public hearing for June 5, 2017.

FINANCIAL IMPLICATIONS:

N/A

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Meredith NesbittSubject:TA17-03: Planning Board Term Limits, Deferals and TR setback in Article 4

TA17-03 is a request by the Town of Huntersville Planning Board to amend Article 11.4.2(b).1 to modify the term limits for members from within the Town Limits and Article 11.4.7(b) to modify the number of times the Planning Board may defer action on a request. The Town of Huntersville request to amend Article 4: *Lot and Building Type for Detached House* to modify a reference to Transitional Residential (TR) sideyard setback, which was change on February 6, 2017.

ACTION RECOMMENDED:

Call for a Public Hearing to be held on June 5, 2017.

FINANCIAL IMPLICATIONS:

None.

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Alison Adams, Senior PlannerSubject:Valencia J Subdivision Conditional Rezoning

Call a public hearing for Monday, June 5, 2017 at 6:30 p.m. at Huntersville Town Hall on Petition #R17-01, Valencia Phase 1J, a request by Bowman Development to rezone +/- 37.77 acres located along the northern portion of Holbrooks Road from Transitional Residential (TR) to Neighborhood Residential Conditional District (NR-CD).

ACTION RECOMMENDED:

Request a call for a Joint Public Hearing

FINANCIAL IMPLICATIONS:

REVIEWED:

To:The Honorable Mayor and Board of CommissionersFrom:Jackie Huffman/Michael JaycocksSubject:Budget Amendment

Appropriate Sponsorship revenue (103505.9999) in the amount of \$5,000 to the Downtown Festival account (106200.0632).

ACTION RECOMMENDED:

Approve Budget Amendment.

FINANCIAL IMPLICATIONS:

Additional revenue and expense in the amount of \$5,000; no change to fund balance.