

Mayor
John Aneralla

Mayor Pro-Tem
Danny Phillips

Commissioners
Melinda Bales
Dan Boone
Mark Gibbons
Charles Guignard
Rob Kidwell

Town Manager
Gerry Vincent



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

Town Clerk
Janet Pierson

Town Attorney
Bob Blythe

AGENDA
Regular Town Board Meeting
September 5, 2017 - 6:30 PM
TOWN HALL (101 Huntersville-Concord Road)

- I. Pre-meeting**
 - A. Bradford Small Area Plan. (5:45 p.m.)

- II. Call to Order**

- III. Invocation - Moment of Silence**

- IV. Pledge of Allegiance**

- V. Mayor and Commissioner Reports-Staff Questions**
 - A. Mayor 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, Huntersville 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. Ken Joyner, Mecklenburg County Assessor

- VII. Agenda Changes**
 - A. Agenda changes, if any.
 - B. Adoption of Agenda.

VIII. Public Hearings

- A. Conduct public hearing on Petition #R17-06, a request by the Phoenix Montessori Academy to rezone 6.8 acres from Corporate Business to Campus Institutional Conditional District located at 12340 Mt. Holly Huntersville Road to allow for expansion of the school. *(Brad Priest)*
- B. Conduct public hearing on Petition #R17-08, a request by Central Piedmont Community College (CPCC) to generally rezone 9.3 acres from Campus Institutional, Highway Commercial, and Neighborhood Residential to all Campus Institutional, located at 12332 Statesville Road. *(Brad Priest)*
- C. Conduct public hearing on Petition #TA17-07, a request by the Huntersville Planning Department to amend Section 8.17.15 of the Zoning Ordinance to offer additional options to meet water quality standards for certain development and redevelopment projects. *(Jack Simoneau)*

IX. Other Business

- A. Consider approving revised contract with Swim Club Management Group of Charlotte, Inc. for management of Huntersville Family Fitness & Aquatics. *(Gerry Vincent)*
- B. Consider approving Concessionaire Agreement with Summit Coffee Roasting Company, LLC for operation of concessionaire services from a certain area within HFFA. *(Gerry Vincent)*
- C. Consider a decision on Petition #R17-07, a request by Charles Guignard to rezone 0.33 acres located at 503 S. Old Statesville Road (south of Mt. Holly-Huntersville Road) from Neighborhood Residential Conditional District to Neighborhood Residential to remove an existing multi-family overlay. *(Brian Richards)*
- D. Consider decision on Petition #R17-04, a request by Nickel Development Group, LLC to rezone 2.024 acres located along Sam Furr Road west of Birkdale Village from Highway Commercial Conditional District to Highway Commercial Conditional District to create a 78 unit age restricted apartment building. *(Brian Richards)*
- E. Conduct evidentiary hearing and consider decision on request from Nickel Development for the removal of the existing Special Use Permit for the Birkdale Inn. *(Jack Simoneau)*
- F. Conduct evidentiary hearing and consider decision on Special Use Permit #SUP17-03, an application by the Charlotte-Mecklenburg Board of Education for a Special Use Permit at Bradley Middle School, 13359 Beatties Ford Road to allow the installation of a commercial communication tower on the property. *(Brad Priest)*
- G. Consider decision on Petition #TA17-05, a request by Piedmont Wrecking and Grading Company, Inc. to amend Article 9.23.9 of the Huntersville Zoning Ordinance to extend the closure deadline for existing LCID landfills. *(Brad Priest)*
- H. Consider decision on Petition #TA17-06, a request by the Town of Huntersville to amend Article 3.2.1 Rural, Article 3.2.2 Transitional Residential, Article 3.2.5 Neighborhood Center, Article 3.2.6 Town Center, Article 3.2.7 Highway Commercial, Article 3.2.8 Campus Institutional, Article 3.2.9 Corporate Business, Article 3.2.11 Transitional Neighborhood Development Districts, Article 3.2.12 Passenger Vehicle Sales, Article 3.2.13 Transit Oriented Development – Residential, Article 3.2.14 Transit Oriented Development – Employment, Article 7 Part B Open Space, Article 8.1.4, and Article 12.2.1 General Definitions of the Huntersville Zoning Ordinance to modify Open Space criteria and associated definitions. *(Alison Adams)*
- I. Consider a decision on HOYAS co-sponsorship application. *(Michael Jaycocks)*
- J. Authorize award of US 21 and Verhoeff Drive Improvement Project to Blythe Construction, Inc. *(Max Buchanan)*
- K. Consider adopting Resolution in opposition to the Charlotte-Mecklenburg School System Bond Package. *(Commissioner Kidwell)*

- L. Discussion on improvements to the exterior of the Annex Building (104 Gilead Road).
(*Commissioner Kidwell*)

X. Consent Agenda

- A. Approve the minutes of the August 21, 2017 Regular Town Board Meeting. (*Janet Pierson*)
- B. Approve Tax Refund Report No. 73. (*Jackie Huffman*)

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
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Brad Priest, Senior Planner
Subject: R17-06 Phoenix Montessori Academy

R17-06 is a request by the Phoenix Montessori Academy to rezone 6.8 acres from Corporate Business (CB) to Campus Institutional Conditional District (CI-CD) located at 12340 Mt. Holly-Huntersville Road (Tax Parcel ID 01720205). The purpose of the rezoning is to allow for the expansion of the school.

ACTION RECOMMENDED:

Consider holding a public hearing on Tuesday September 5, 2017.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

| Description | Type |
|---|-----------------|
| <input type="checkbox"/> Staff Report | Staff Report |
| <input type="checkbox"/> Rezoning Plan | Exhibit |
| <input type="checkbox"/> TIA Comments | Backup Material |
| <input type="checkbox"/> Neighborhood Meeting Summary | Backup Material |
| <input type="checkbox"/> Neighborhood Meeting Sign In Sheet | Backup Material |
| <input type="checkbox"/> Neighborhood Meeting Invitation List | Backup Material |
| <input type="checkbox"/> APFO Determination | Backup Material |
| <input type="checkbox"/> Application | Backup Material |

Petition R17-06: Phoenix Montessori Academy

PART 1: PROJECT SUMMARY

Application Summary:

1. Meeting Place Properties II LLC is applying to conditionally rezone 6.8 acres at 12340 Mt. Holly Huntersville Road from Corporate Business (CB) to Campus Institutional Conditional District (CI-CD). The purpose of the rezoning is to allow the Phoenix Montessori Academy to permanently locate on the property.

Applicant: Phoenix Montessori Academy

Property Owner:
Meeting Place Properties II, LLC

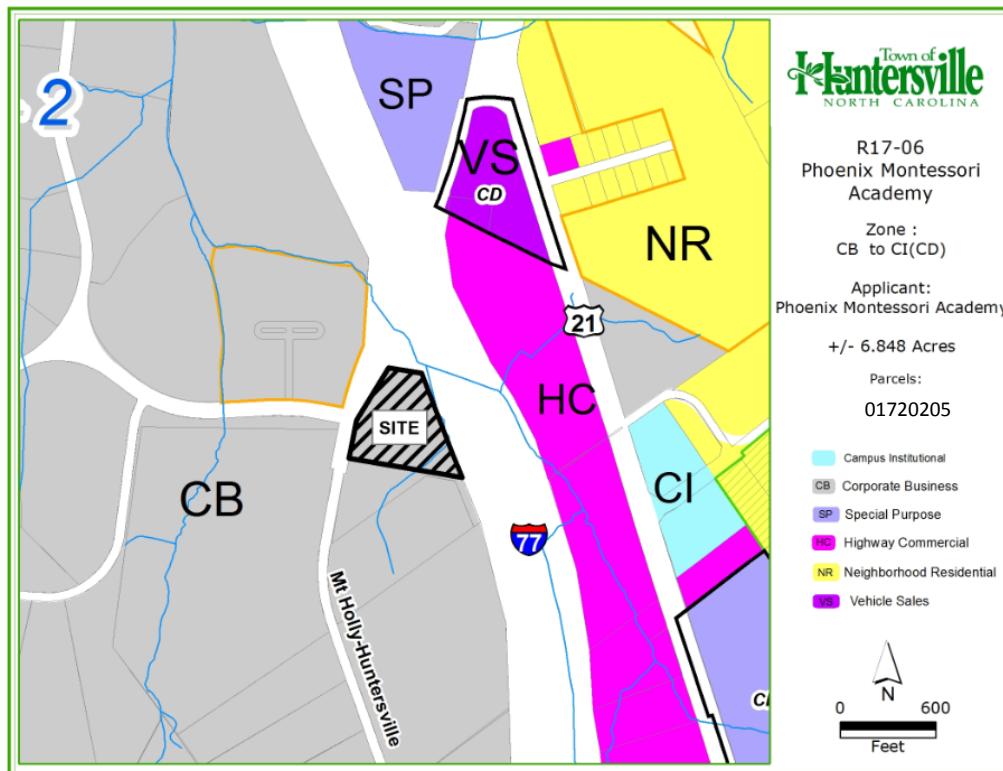
Property Address:
12340 Mt. Holly Huntersville Road

Project Size: 6.8 acres

Parcel Numbers:
01720205

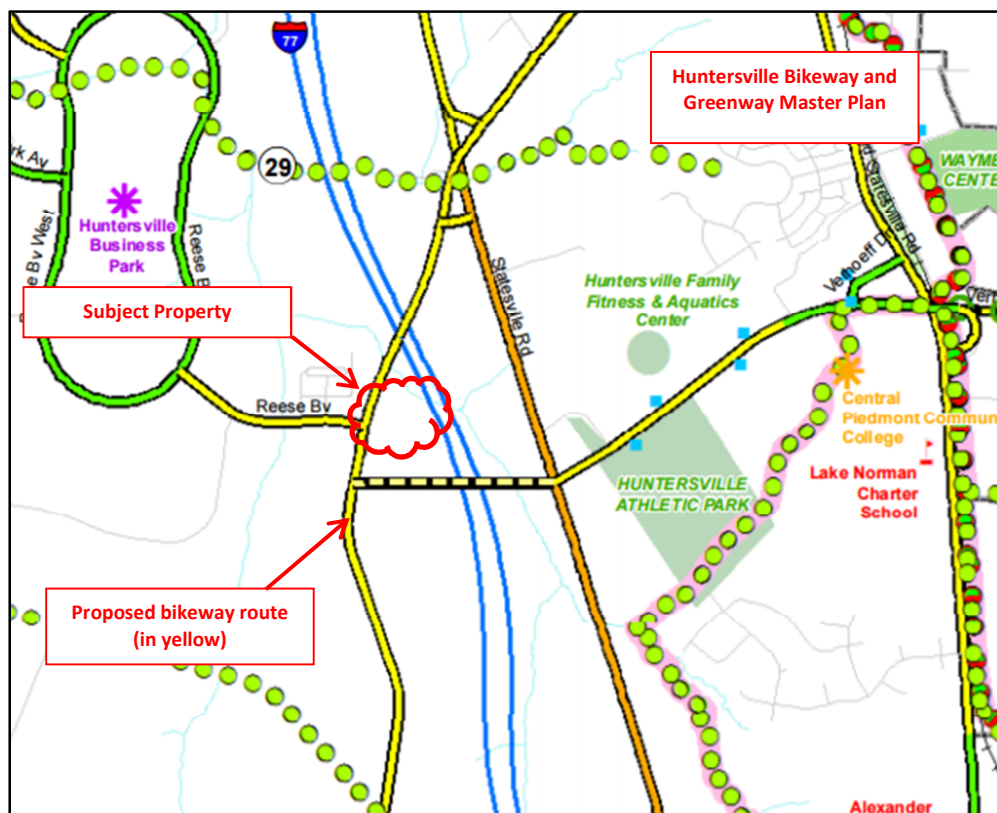
Existing Zoning:
Corporate Business (CB)

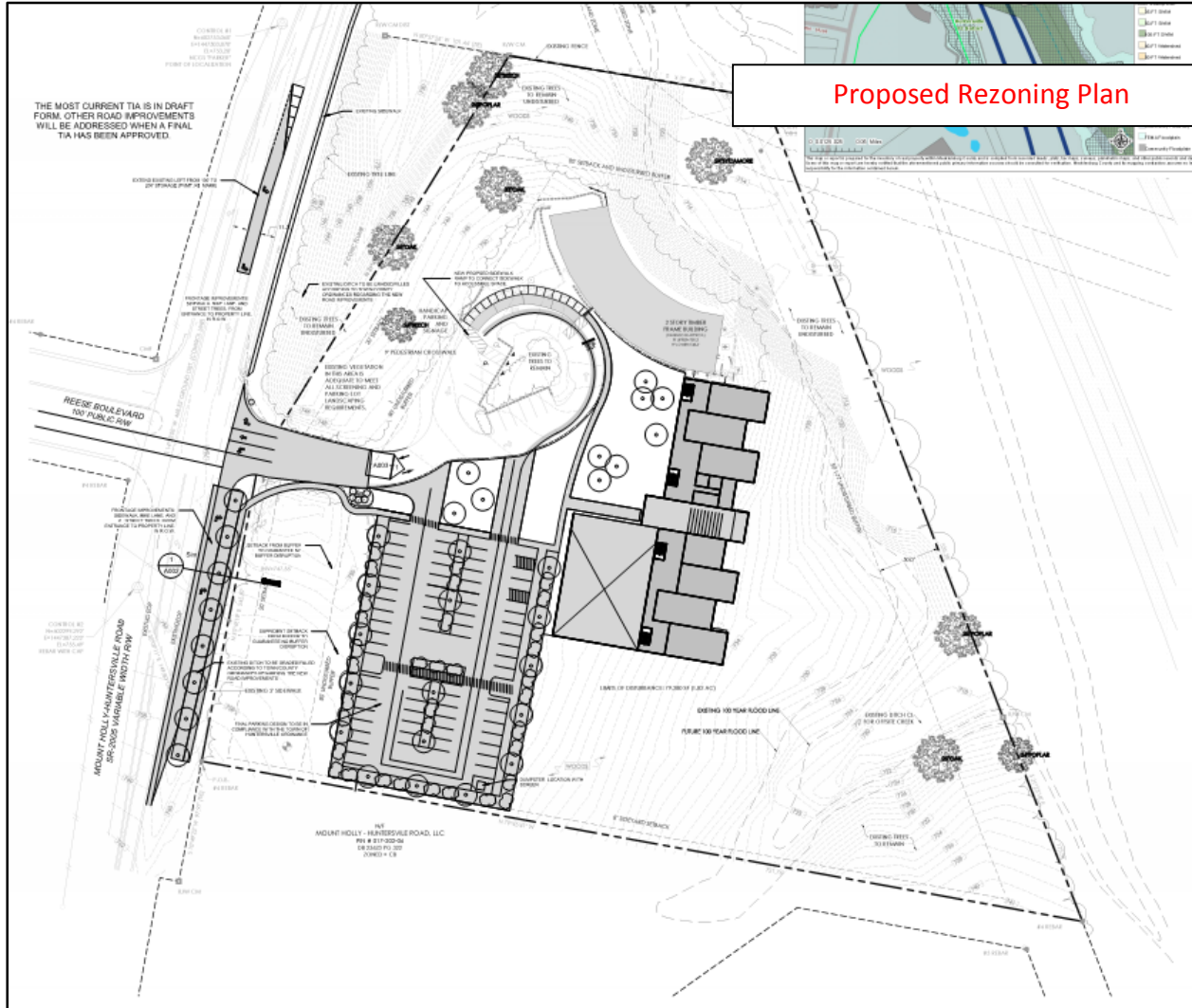
Proposed Zoning:
Campus Institutional Conditional District (CI-CD)



2. Adjoining Zoning and Land Uses
 - North: Special Purpose (SP), Trucking facility, Vehicular Sales (VS), Honda Car Dealership, Interstate I-77.
 - South: Corporate Business (CB), Saertex, manufacturing, Vacant Land, Nutec manufacturing.
 - East: Highway Commercial (HC), Vacant land, Interstate I-77.
 - West: Corporate Business (CB), Huntersville Business Park, NCDOT DMV facility, Multifamily homes.
3. Schools are allowed in the Corporate Business (CB) zoning district only as a temporary use with the issuance of a Special Use Permit (SUP) per Article 9.35.12 of the Huntersville Zoning Ordinance. On April 5, 2015 the Phoenix Montessori Academy was issued a SUP by the Town Board that is valid for 3 years. Therefore the approved SUP is valid and the school can operate until April 5, 2018 under current zoning.
4. The applicant wishes to be able to make their current location on Mt. Holly Huntersville Road permanent. The Campus Institutional (CI) district allows schools and academic institutions by right. Therefore the property owner has submitted a conditional rezoning plan to rezone the property to CI thus allowing the school to operate indefinitely. The school is currently leasing the location from the property owner, Meeting Place II, LLC.

5. Per the Huntersville Greenway and Bikeway Master Plan Mt. Holly Huntersville Road is a planned bike route. The applicants have proposed to add a bike lane to their frontage to the south of their driveway. Please see the proposed rezoning plan below on this page.
6. A neighborhood meeting for this application was advertised for and held on August 2, 2017. An invitation list, attendance list and summary report for the meeting are included in the agenda packet.
7. If the rezoning application is approved, the Special Use Permit (SUP) approved for the school will need to be formally removed by the Town Board. That application will follow the rezoning plan concurrently.
8. A Traffic Impact Analysis (TIA) was required for the proposed school development. On August 16 Huntersville Engineering sent comments to the school's consultant and requested an updated TIA be submitted for review. Please find those comments attached in your agenda package.





PART 2: REZONING/SITE PLAN ISSUES

- Article 3.28 of the Huntersville Zoning Ordinance states in the intent section of the Campus Institutional Zoning District (CI) that “the campus institutional district is established to provide for large institutional complexes which are already in place and for new institutional complexes on 15 acres or more, which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community”. The purpose therefore of the CI district is to accommodate for large existing institutional uses that were present at the introduction of Town Zoning and for new institutional uses that are over 15 acres in size. The Phoenix Montessori Academy is not an existing facility nor is it a minimum of 15 acres in size. Therefore the application does not seem to meet the intent of the CI zoning district as written.

The applicant has added a note to the rezoning plan that states “The campus institutional zoning district is appropriate for the academic institution proposed on the rezoning plan because the school has been located in

the existing building on the property and, though temporary, has successfully operated on the site, which is under the acreage limitation. Applicant requests approval despite the acreage limitation for this reason.” It should also be noted that the Town has approved another CI zoning district under the 15 acre minimum near the subject property. The Dickson Hospice House was rezoned to CI-CD in 2005 in the Huntersville Business Park. The size of that parcel is 12.42 acres. Staff supports the requested modification of the 15 acre minimum.

- Note 5-A on the rezoning plan states that “Parking, landscaping, lighting, screening, vehicle maneuvering areas and drive throughs may be located within the building envelopes shown on the plan for such uses if dictated by final site plan, architectural or engineering design”. Although it is normal to add a flexibility note on the conditional rezoning plan to allow minor alterations after approval, the submitted note seems to allow major changes to the plan. Staff recommends this note be removed. The first note under “Design and Performance Standards (note section 5)” provides an appropriate amount of flexibility within the confines of the overall layout of the rezoning plan.
- No required mitigation from the TIA has been included in the rezoning plan at this time. A note on the plan states “The most current TIA is in draft form. Other road improvements will be addressed when a final TIA has been approved”. Staff recommends any improvements required by the TIA be included in the conditions of the rezoning plan.
- Note 6-C on the rezoning plan states that “except as specifically indicated on the rezoning plan, nothing herein shall be deemed to be a commitment by the developer to provide, dedicate or reserve right of way of any property located outside of the boundaries of the property”. This note could conflict with improvements required by the Traffic Impact Analysis (TIA). Please find the latest comments by Engineering on the submitted TIA attached in your agenda packets.
- Article 7.4.2 F of the Huntersville Zoning Ordinance requires that developments in the CI district preserve at least 30% of their specimen trees. The ordinance defines a specimen tree as a large maturing tree 24 inches in caliper and above or a small maturing tree 12 inches in caliper and above. The submitted plan only surveys trees a minimum of 24 inches and above. It is currently unclear if any small maturing specimen trees are proposed to be removed and if the required 30% specimen trees are being preserved.

PART 3: TRANSPORTATION ISSUES

- A TIA for the proposed school was required as the peak hour trips exceeded the ordinance threshold for 50 trips in a peak hour. The school is proposing three separate bell schedules to spread out the peak traffic demand. A draft and revised draft TIA were submitted and reviewed with comments provided to the developer’s consultant. As of 8/24/17, a final TIA has not been received for review. Based on the results of the draft TIA, improvements to the intersection of Mt Holly Huntersville at Reese Boulevard are expected to be needed to meet the Town’s Zoning Ordinance requirements. Based on the draft TIA, on site stacking meets the minimum calculated length for queuing with side by side stacking (double stacking) the drive aisles in the added parking lot.
- Several plan issues remain to be addressed regarding the site plan. Those issues include driveway lane alignment with Reese Boulevard, sidewalk location, sidewalk ramps, and the typical section for Mt Holly Huntersville Road.

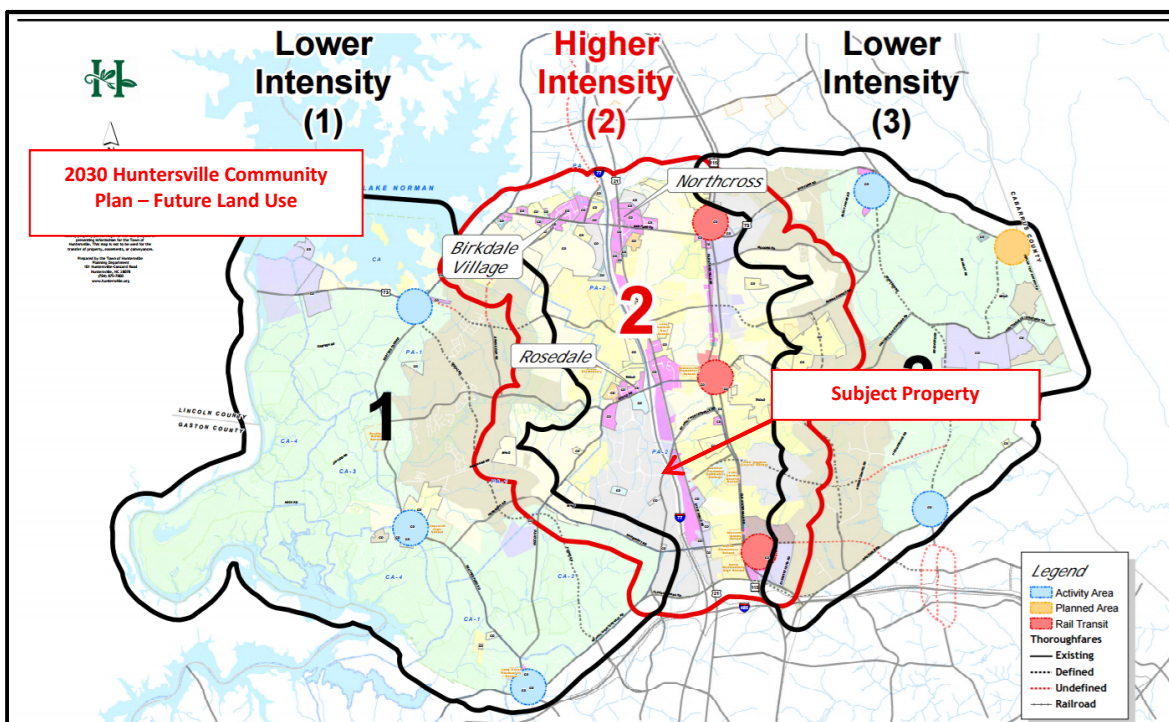
PART 4: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant

adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

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

- **Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor or within the identified nodes and centers.** The proposed development is adjacent to I-77. Please see the 2030 future land use map below.
- **Policy T-6: Pedestrian Connections.** The applicant is installing bike lanes along their frontage, consistent with the Huntersville Greenway and Bikeway Master Plan.



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

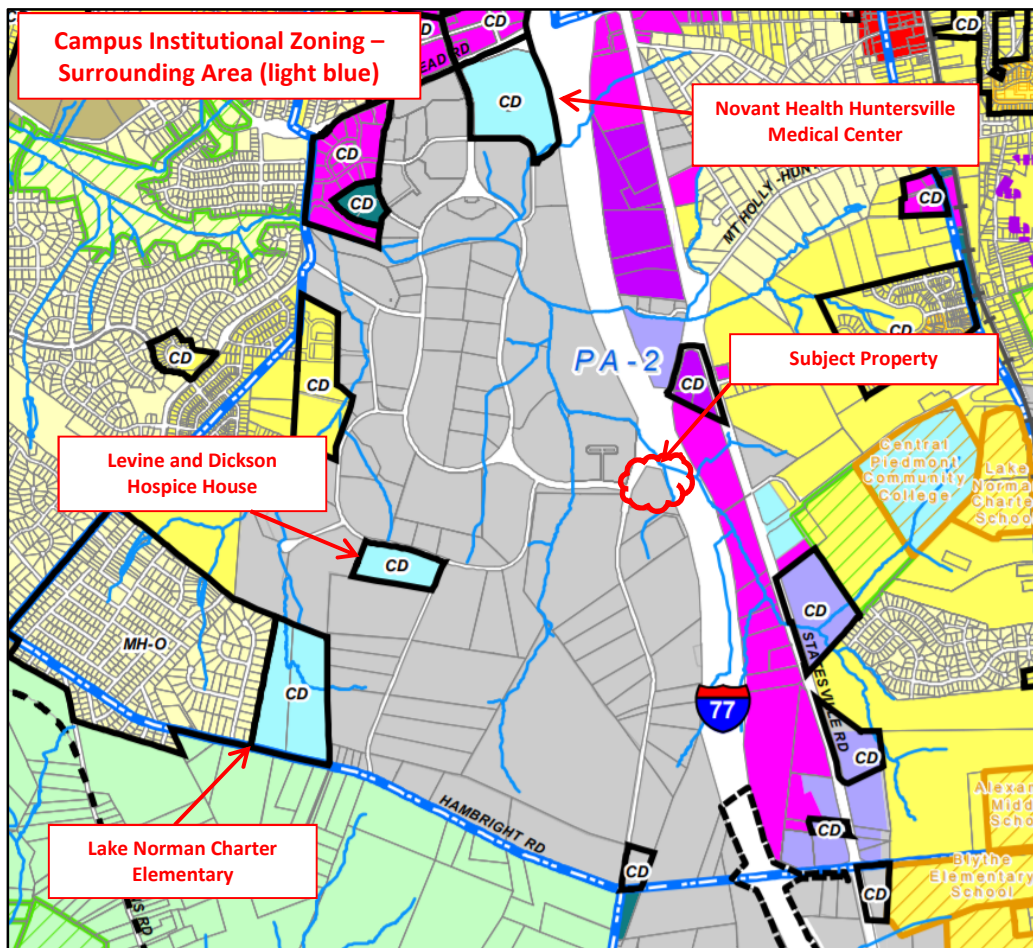
- **Policy ED-2: Preservation of Land Area for Non-Residential Development:** Both the Town of Huntersville Strategic Economic Development Plan (2014) and the 2030 Community Plan state that the Town should preserve areas that are “suitable for business and industrial development”. The subject property is currently zoned Corporate Business (CB), which currently allows economic development uses such as office, light industrial, warehousing, manufacturing, etc. Rezoning the property for a school would remove about 7 acres of property out of the Corporate Business zoning area. However, Lake Norman Economic Development has communicated to staff that they can support the rezoning as the unique architecture and topography of the site makes it difficult to establish an office use at the subject location.

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 majority of the area surrounding the subject property (west of the interstate) is zoned Corporate Business (CB). Although there is no Campus Institutional (CI) zoning immediately adjacent to the subject property, there is however individual CI zoning developments dispersed throughout the general area. Please see the zoning map attached below. The Novant Health Huntersville Medical Center, Levine Dickson Hospice House, and recently the Lake Norman Charter Elementary School are all zoned CI amidst a largely CB zoned area. Therefore the zoning of the property CI will not be out of character with the established development pattern of the area.



2. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

- In regard to the roadway system, the Traffic Impact Analysis has not been finalized or approved at this time. Staff recommends any mitigation proposed by the TIA be committed to by the applicant on the rezoning plan. The latest TIA comments sent to the applicant by engineering are attached in your agenda packet.
- A Determination of Adequacy (DOA) was issued to Meeting Place Properties on May 31, 2017 for the following public facilities: Fire Vehicles, Fire Facilities, Police Facilities, and Police Vehicles. Please find the DOA letter attached in your agenda packet for reference.

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

STAFF COMMENT:

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

PART 5: PUBLIC HEARING

The Public Hearing is scheduled for September 5, 2017.

PART 6: STAFF RECOMMENDATION

Although the rezoning would remove land from the Town’s economic development zoning inventory, the specific property in question is unique. The steep topography of the back portion of the site makes it difficult to fully develop the property for larger uses, and the unique architecture of the building has proven difficult to establish office uses. Therefore, staff recommends approval of the rezoning with the following conditions:

1. The TIA be completed and any mitigation needed be committed to by the applicants.
2. The design criteria notes (“flexibility notes”) are refined to keep the general arrangements of structures and features as shown on the submitted plan.
3. Tree save requirements are verified as conforming to the ordinance.
4. All remaining site plan comments from planning and transportation are addressed.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is scheduled for September 26, 2017.

PART 8: CONSISTENCY STATEMENT - R 17-06: Phoenix Montessori Academy

| Planning Department | Planning Board | Board of Commissioners |
|---|---|---|
| <p>Approval: In considering the proposed rezoning of Petition R17-06, the Phoenix Montessori Academy on Mt. Holly Huntersville Road, the Planning Staff finds that the rezoning is consistent with Policy CD-2 and T-6 of the Town of Huntersville 2030 Community Plan. Planning staff recommends approving the conditional rezoning plan for the Phoenix Montessori Academy as shown in the R17-06 rezoning plan. It is reasonable and in the public interest to rezone this property because the unique nature of the property makes it difficult to develop CB uses, the CI district currently exists in other nearby areas, and the conditions added ensures compliance with the Huntersville Zoning Ordinance.</p> | <p>APPROVAL: In considering the proposed rezoning of Petition R17-06, the Phoenix Montessori Academy on Mt. Holly Huntersville Road, the Planning Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends approving the conditional rezoning plan for the Phoenix Montessori School as shown in Petition R17-06. It is reasonable and in the public interest to rezone this property because...(explain)</p> | <p>APPROVAL: In considering the proposed rezoning of Petition R17-06, the Phoenix Montessori Academy on Mt. Holly Huntersville Road, the Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends approving the conditional rezoning plan for the Phoenix Montessori School as shown in Petition R17-06. It is reasonable and in the public interest to rezone this property because...(explain)</p> |
| <p>DENIAL: N/A</p> | <p>DENIAL: In considering the proposed rezoning of Petition R17-06 the Phoenix Montessori Academy on Mt Holly Huntersville Road, the Planning Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R17-06. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p> | <p>DENIAL: In considering the proposed rezoning of Petition R17-06 the Phoenix Montessori Academy on Mt Holly Huntersville Road, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R17-06. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p> |

REZONING / SKETCH / CONCEPT PLAN PACKAGE
PROPOSED
PHOENIX MONTESSORI ACADEMY
12340 MT. HOLLY-HUNTERSVILLE RD, HUNTERSVILLE, NC 28078
EPM # 377041



P.O. Box 1029
 215 South Main Street Suite 303
 Davidson, NC 28036
 P 704.987.9727
 F 704.987.9722
 rdmgroupplanetdmggroup.net
 www.rdmgroup.net

Client/Project

PHOENIX
MONTESSORI
ACADEMY

12340 MT
 HOLLY-HUNTERSVILLE
 ROAD



12340 Mt. Holly-Huntersville Road
 Huntersville, NC 28078
 P 704.875.2139
 F 704.875.3812
 info@phoenixmontessori.org
 www.phoenixmontessori.org

Consultants



Landscape Architecture | Civil Engineering | Surveying
 Birkdale Village
 8712 Lindholm Dr #202A
 Huntersville, NC 28078
 P 704.875.1615
 F 704.875.0959
 info@hensonfoley.com
 www.hensonfoley.com

Seals



Revisions

| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |

Sheet Information

Date: 08/14/17
 Job Number: 1501.02
 Drawn: JB
 Checked: Checker

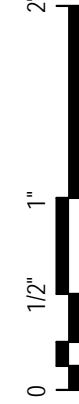
Sheet Title

COVER SHEET

Sheet Number

A000

A002 PROPOSED ROAD CONCEPT
 TABLE OF CONTENTS:
 A000 COVER SHEET
 A001 PROPOSED SITE PLAN WITH FRONTAGE IMPROVEMENT AND LANDSCAPING
 A003 VEHICLE TURNING DIAGRAMS AND ELEVATION PRECEDENTS
 A004 EXISTING FEATURES PLAN



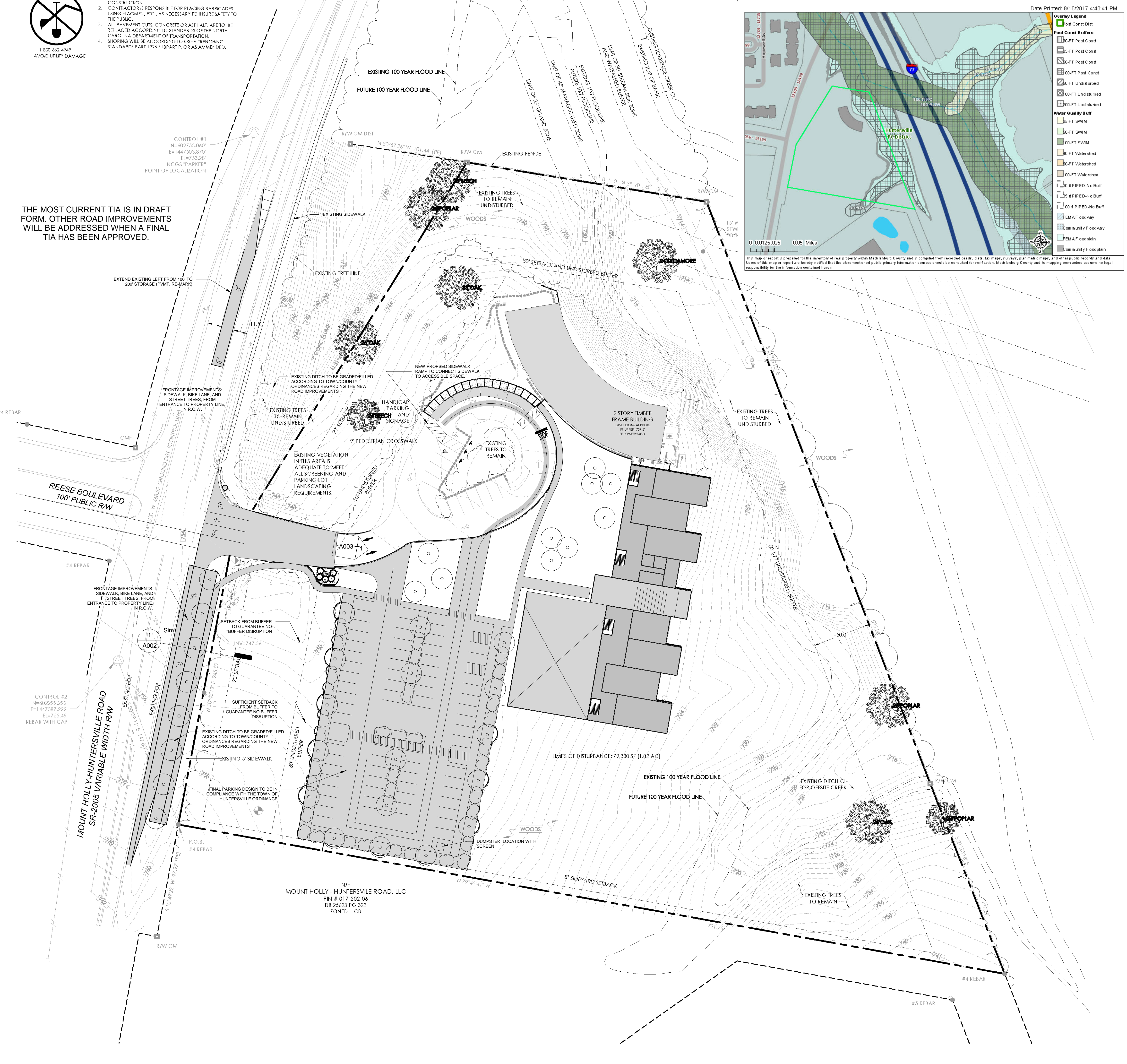
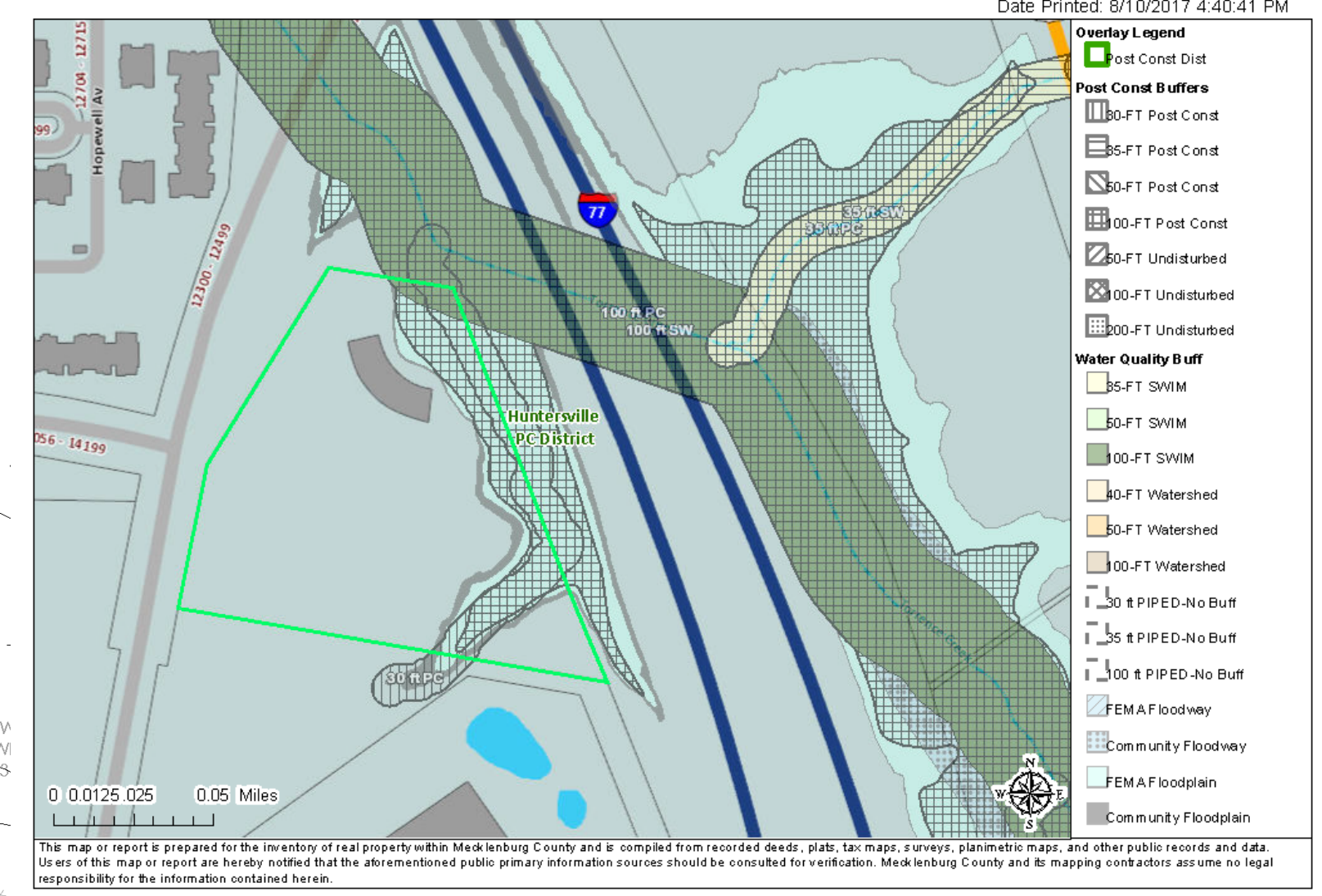
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- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTRACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAGMAN, ETC., AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
- ALL PAYMENT CURBS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- SHORING WILL BE ACCORDING TO CIVIL ENGINEERING STANDARDS PART 1926 SUBPART F, OR AS AMENDED.

THE MOST CURRENT TIA IS IN DRAFT FORM. OTHER ROAD IMPROVEMENTS WILL BE ADDRESSED WHEN A FINAL TIA HAS BEEN APPROVED.

**Polaris 3G Map – Mecklenburg County, North Carolina
 FEMA Floodplains and Buffers**



1 FLR - LEVEL 01 - SKETCH/CONCEPT PLAN
 1" = 40'-0"

EXISTING ZONING: CB
PROPOSED ZONING: CI-CD
JURISDICTION: HUNTERSVILLE
PARCEL ID: 01720205
DEED BOOK/PAGE: 13460260
TOTAL LOT SIZE: 298,323.92 SF
EXISTING BUILDING HEIGHT: 30 FEET (2 STORIES)
EXISTING GROSS FLOOR AREA: 10,101 SF
PROPOSED ZONING STREET ADDRESS: 12340 MT. HOLLY-HUNTERSVILLE ROAD, HUNTERSVILLE, NC
PROPOSED NEW CONSTRUCTION TYPE: CIVIC

- REZONING NOTES**
- REZONING PETITION.** THESE REZONING NOTES COMPRISE THE DEVELOPMENT STANDARDS ("DEVELOPMENT STANDARDS") ASSOCIATED WITH THE REZONING PETITION (THE "REZONING PETITION") FILED BY MEETING PLACE PROPERTIES II, LLC ("PETITIONER") AS REZONING PETITION #17-06 FOR THAT APPROXIMATELY 6.848 ACRE TRACT OF LAND IDENTIFIED ON THIS SITE PLAN AS THE PHOENIX MONTESSORI ACADEMY, AND OTHER SITE PLAN INFORMATION SUBMITTED TO THE TOWN OF HUNTERSVILLE ON JUNE 1, 2017 (THE "REZONING PLAN"), AS REVISED, IN CONNECTION WITH ALL OR PART OF TAX PARCEL NUMBER 017-202-05 (THE "PROPERTY"). THE PURPOSE OF THE REZONING PETITION IS TO CONVERT THE ZONING CLASSIFICATIONS OF THE PROPERTY FROM THE CB (CORPORATE BUSINESS DISTRICT) ZONING DISTRICT TO CI-CD (CAMPUS INSTITUTIONAL - CONDITIONAL DISTRICT) PURSUANT TO THE PROVISIONS OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE").
 - DEVELOPMENT STANDARDS.** DEVELOPMENT OF THE PROPERTY WILL BE GOVERNED BY THESE DEVELOPMENT STANDARDS, WHICH ARE PART OF THE REZONING PETITION, AND THE APPLICABLE PROVISIONS OF THE ORDINANCE IN PLACE ON THE DATE OF FILING DESCRIBED ABOVE FOR THE CI (CAMPUS INSTITUTIONAL DISTRICT) ZONING DISTRICT GOVERN DEVELOPMENT OF THE PROPERTY AS SHOWN ON THE REZONING PLAN.
 - PERMITTED USE**
 THE CAMPUS INSTITUTIONAL ZONING DISTRICT IS APPROPRIATE FOR THE ACADEMIC INSTITUTION PROPOSED ON THE REZONING PLAN BECAUSE THE SCHOOL HAS BEEN LOCATED IN THE EXISTING BUILDING ON THE PROPERTY AND, THOUGH TEMPORARY, HAS SUCCESSFULLY OPERATED ON THIS SITE, WHICH IS UNDER THE ACREAGE LIMITATION. APPLICANT REQUESTS APPROVAL DESPITE THE ACREAGE LIMITATION FOR THIS REASON. ALL PARCELS MAY BE DEVOTED TO THE USES PERMITTED IN THE CI (CAMPUS INSTITUTIONAL) DISTRICT, TOGETHER WITH ANY OTHER PERMITTED INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH AND PERMITTED UNDER THE ORDINANCE BY RIGHT OR WITH CONDITIONS, EXCEPT THE FOLLOWING USES SHALL NOT BE PERMITTED:
 FAMILY CARE HOME
 SOLAR ENERGY FACILITY
 WIND ENERGY FACILITY
 HELISTOP
 HOME OCCUPATION
 HOSPITALS
 SINGLE FAMILY HOMES
 MULTIFAMILY HOMES

- SETBACKS, SIDE YARDS AND REAR YARDS**
 ALL BUILDINGS CONSTRUCTED ON THE SITE SHALL SATISFY OR EXCEED THE SETBACK / BUILD TO LINE, REAR YARD AND SIDE YARD REQUIREMENTS ESTABLISHED BY THE ORDINANCE UNLESS OTHERWISE SHOWN ON THE PLAN.
- DESIGN AND PERFORMANCE STANDARDS**
 THE DEVELOPMENT DEPICTED IN THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DESCRIBE THE GENERAL ARRANGEMENT OF BUILDINGS, PARKING, PUBLIC STREETS, IF ANY, AND STORM WATER MEASURES TO BE CONSTRUCTED ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS, AND SIZES OF THE BUILDING FOOTPRINTS, AS WELL AS THE LOCATIONS OF STREETS SHOWN ON THE REZONING PLAN, IF ANY, ARE SCHEMATIC IN NATURE AND MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION PHASES AS LONG AS SUCH ALTERATIONS AND MODIFICATIONS ARE NOT A SUBSTANTIAL DEVIATION FROM THE LAYOUT AND INTENT OF THE REZONING PLAN AND ARE CONSISTENT WITH THE INTENT OF THE ORDINANCE. SUCH MODIFICATIONS TO THE PLAN SHALL IN NO WAY IMPACT THE PETITIONER'S VESTED RIGHTS. THE REZONING PLAN IS APPROVED FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPROVAL OF THE REZONING PLAN AND WILL BE PERMANENTLY VESTED UPON FULL OR PARTIAL BUILDOUT DURING THE THREE (3) YEAR PERIOD.
 AS THE ORDINANCE MAY BE MODIFIED FROM TIME TO TIME BY THE TOWN BOARD, INCLUDING LIGHTING AND LANDSCAPING STANDARDS, THE DEVELOPER MAY VOLUNTARILY AGREE TO APPLY SUCH MODIFICATIONS TO THE REZONING PLAN IN A MANNER CONSISTENT WITH THE ORDINANCE AS IT CHANGES.
 BUILDING PERMITTING AND IMPROVEMENTS ASSOCIATED WITH EACH BUILDING (I.E. PUBLIC STREETS, PARKING, LIGHTING, AND LANDSCAPING) MAY OCCUR IN A PHASED SEQUENCE IF INDICATED ON THE PLANS.
 DESIGN CONTROLS:
 (A) PARKING, LANDSCAPING, LIGHTING, SCREENING, VEHICLE MANEUVERING AREAS AND DRIVE THROUGH(S) MAY BE LOCATED WITHIN THE BUILDING ENVELOPES SHOWN ON THE PLAN FOR SUCH USES IF DICTATED BY FINAL SITE PLAN, ARCHITECTURAL OR ENGINEERING DESIGN.
 (B) BUILDING FOOTPRINTS AND ENVELOPES DEPICT THE GENERAL DEVELOPMENT INTENT. BUILDINGS SHOWN MAY BE DETACHED INTO NO MORE THAN FOUR (4) BUILDINGS WITHIN THE SAME GENERAL CONFIGURATION OF THE BUILDINGS AS SHOWN ON THE PLAN, AS DISCUSSED, THE INTENT MAY BE TO SEPARATE THE BUILDINGS IF LATER DESIRED, BUT THE DESIGN INTENT IS TO KEEP THEM IN THE GENERAL POSITION SHOWN.
 (C) ALL NEW BUILDINGS WILL BE DESIGNED IN ACCORDANCE WITH THOSE BUILDING TYPES THAT ARE PERMITTED IN THE CI ZONING DISTRICT AS DEFINED BY THE ORDINANCE AND IN COMPLIANCE WITH THE REZONING PLAN. THE CONCEPTUAL RENDERINGS ATTACHED HEREIN DEPICT APPROXIMATE BUILDING PLACEMENT, ORIENTATION AND DESIGN. MINOR MODIFICATIONS MAY BE NECESSARY TO ACCOMMODATE FINAL DESIGN; THEREFORE, FINAL DIMENSIONS OF BUILDINGS MAY BE CHANGED ACCORDINGLY.

- CONNECTIVITY**
 (A) VEHICULAR ACCESS TO PUBLIC RIGHTS OF WAY SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. IF NCDOT AND ANY OTHER AGENCIES WITH REVIEW AUTHORITY PERMIT THE INSTALLATION OF ADDITIONAL IMPROVEMENTS, DEVELOPER MAY INSTALL THE IMPROVEMENTS AT ITS OWN EXPENSE WITHOUT AMENDING THE REZONING PLAN.
 (B) THE PLACEMENTS AND CONFIGURATION OF VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SIZE, ARCHITECTURAL AND CONSTRUCTION PLANS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE NCDOT.
 (C) EXCEPT AS SPECIFICALLY INDICATED ON THE REZONING PLAN, NOTHING HEREIN SHALL BE DEEMED TO BE A COMMITMENT BY THE DEVELOPER TO PROVIDE, DEDICATE OR RESERVE RIGHT-OF-WAY OF ANY PROPERTY LOCATED OUTSIDE THE BOUNDARIES OF THE PROPERTY.

- BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**
 (A) IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE IMPOSED BY THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE DEVELOPER, TENANT AND OWNER OF THE SITE, AND THEIR HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, AND SUCCESSORS IN INTEREST IN THE SITE.
 (B) THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "DEVELOPER" SHALL BE DEEMED TO INCLUDE THE PETITIONER, ITS SUCCESSORS AND ASSIGNS, TENANT, AND OWNER OF THE SITE, THEIR HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, AND SUCCESSORS IN INTEREST IN THE SITE.
 (C) AS DETERMINED BY THE DEVELOPER, THE TOWN OF HUNTERSVILLE ZONING ORDINANCE SHALL MEAN THE ORDINANCE AND TOWN OF HUNTERSVILLE LAND DEVELOPMENT STANDARDS MANUAL IN EFFECT AT THE TIME OF REZONING.

ADDITIONAL INFORMATION:
THE PROPOSED GROWTH IS FOR A MAXIMUM OF 300 STUDENTS
PARKING:
 NO VEHICLE STACKING, QUEUING, OR PARKING IS ALLOWED ON THE PUBLIC R.O.W.
STACKING:
 1. STAFF WILL SUPERVISE DROP-OFF AND PICK-UP
 2. START, END TIMES ARE STAGGERED - IN BOTH MORNING AND EVENING
 3. 987 FEET OF QUEUE IS PROVIDED IN ADDITIONAL OF 100 FEET FOR LOADING AREA AS PER MSTA

REGULATORY COMPLIANCE:
 1. WILL COMPLY WITH THE HUNTERSVILLE ZONING ORDINANCE, INCLUDING:
 1.1 ARTICLE 6 (PARKING LOT REQUIREMENTS)
 1.2 ARTICLE 7 (LANDSCAPING SCREENING AND BUFFERS)
 1.3 ARTICLE 8.26 (SITE LIGHTING)
 2. WILL PROVIDE SEALED COMMERCIAL SITE PLAN PRIOR TO OCCUPANCY
OUTDOOR PLAY AREA:
 A PLAY AREA, YET TO BE LOCATED AND DESIGNED, WILL CONFORM TO TOWN PLANNING REQUIREMENTS AND BE FENCED FOR CHILD SAFETY. THE PLAY AREA WILL BE INCLUDED IN A DISTURBED TREE AREA BUT STAY WITHIN THE ALLOWED DISTURBANCE. NO SPECIMEN TREES WILL BE REMOVED FOR THE PLAY AREA.
LIGHTING:
 SITE WILL MEET MINIMUM FOOTCANDLE REQUIREMENTS CONFORMING TO ARTICLE 8.26, OF HUNTERSVILLE TOWN ORDINANCES
UTILITIES:
 WATER: PUBLIC
 SEWER: PUBLIC

YARD REQUIREMENTS
 FRONT SETBACK: N/A (CIVIC BUILDING TYPE)
 SIDE YARD: 8'
 REAR YARD: 50'
BUFFER YARD REQUIREMENTS:
 FRONT: 80'
 REAR: 50'
 SIDE: NORTH 80', SOUTH N/A
TREE SAVE:
 TREES TO BE REMOVED IN ACCORDANCE WITH TOWN ORDINANCE
REQUIRED SCREENING:
 FRONT: 80' BUFFER
 REAR: 50'
 SIDE: NO
 PARKING: YES-TREES & SHRUBS ALONG WESTERN EDGE IN OCCORDANCE WITH TOWN ORDINANCE
 ALL UTILITIES INCLUDING ROOF EQUIPMENT TO BE SCREENED
BUILDING, PARKING LOTS, AND WALKWAYS COVERAGE: 57,000 (1.3 AC)
PARKING REQUIRED:
 (TOWN OF HUNTERSVILLE ZONING ORDINANCE ARTICLE 6) PROVIDED: 75 (6 HANDICAP)
 ALL SIGNAGE TO BE APPROVED AND PERMITTED SEPARATELY

Phoenix Montessori Academy Trip Generation

| Bell Schedule | Students | Daily | AM Peak Hour | | PM Peak Hour | |
|--|----------|-------|--------------|------|--------------|------|
| | | | Enter | Exit | Enter | Exit |
| Proposed 300 Student + 45 Staff School (203 New Students + 31 New Staff) | | | | | | |
| 7:15 AM - 3:00 PM | 100 | 222 | 71 | 56 | 127 | 40 |
| 8:15 AM - 6:00 PM | 80 | 156 | 57 | 45 | 102 | 33 |
| 9:15 AM - 4:00 PM | 120 | 292 | 84 | 66 | 150 | 62 |
| | | | | | | |

Reference: MSTA School Traffic Calculator: NCDOT, 2017
 (Urban Charter land use per NC UZA Boundary & Mecklenburg Co.)
 * Conditions studied in the Phoenix Montessori TIA per the NCDOT/TOH approved scope.



Client/Project
PHOENIX MONTESSORI ACADEMY

12340 MT
 HOLLY-HUNTERSVILLE
 ROAD



08/14/17

Revisions

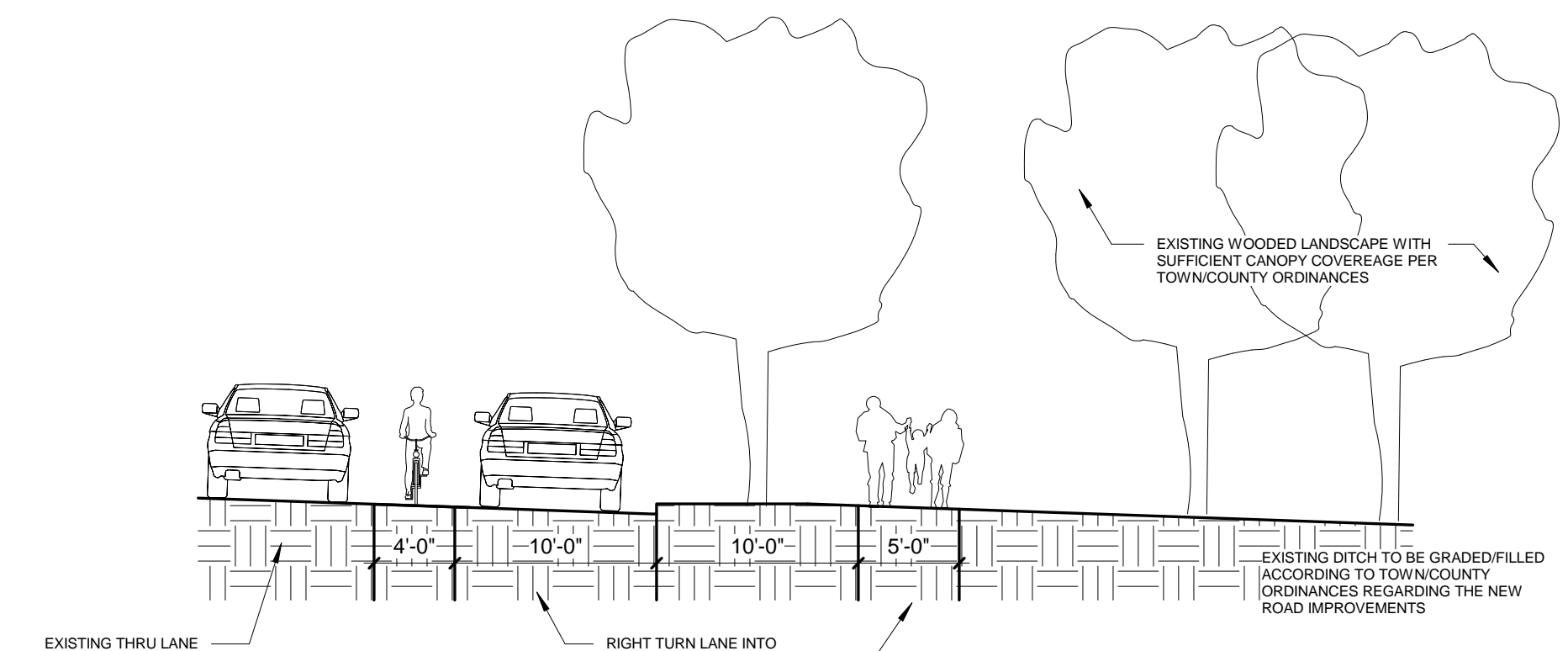
| No. | Description | Date |
|-----|-------------|------|
| | | |

Sheet Information

| | |
|------------|----------|
| Date | 08/14/17 |
| Job Number | 1501.02 |
| Drawn By | JB |

Sheet Title
PROPOSED SITE PLAN WITH FRONTAGE IMPROVEMENT AND LANDSCAPING

Sheet Number
A001



1 STREET SECTION 1
1/8" = 1'-0"

THIS DIAGRAM IS FROM THE NATIONAL ASSOCIATION OF CITY TRANSPORTATION OFFICIALS AND WILL BE USED FOR A DESIGN REFERENCE IN CONJUNCTURE WITH TOWN AND COUNTY ORDINANCES.

Design Guidance

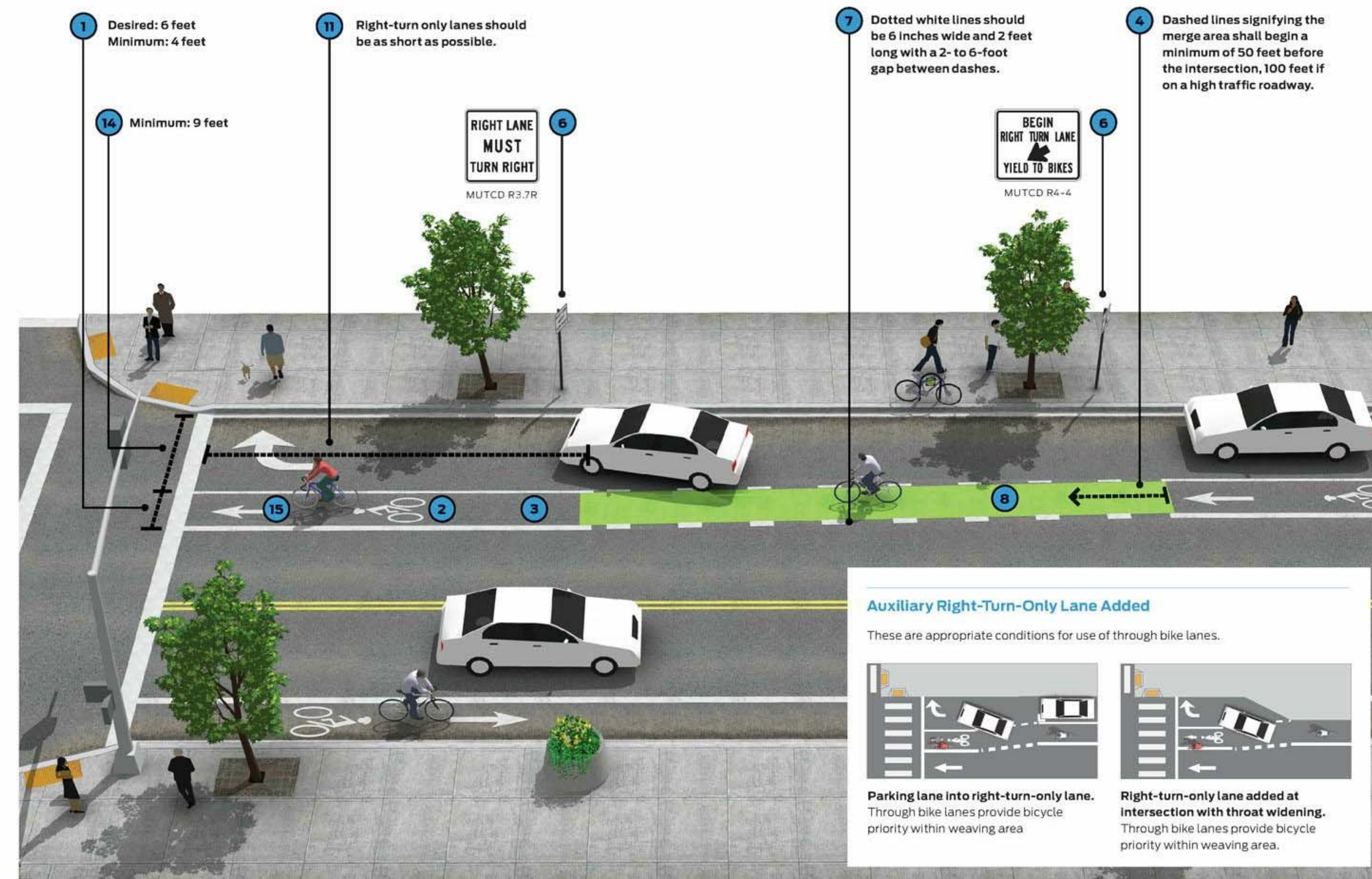
Through Bike Lanes

Required Features

- The desired width of a dashed bike transition lane and through bike lane is 6 feet with a minimum width of 4 feet.
- Bicycle lane word and/or symbol and arrow markings (MUTCD Figure 9C-3) shall be used to define the bike lane and designate that portion of the street for preferential use by bicyclists.
- The through bike lane shall be placed to the left of the right-turn only lane.
- Dotted lines signifying the merge area shall begin a minimum of 50 feet before the intersection (MUTCD). Dotted lines should begin 100 feet before the intersection if along a high speed/volume roadway.
- Dotted lane line transition areas to through bike lanes shall not be used on streets with double right turn lanes. Double right turn lanes are extremely difficult for bicyclists to negotiate. Shared lane markings may be used in the center of the middle turn lane to designate the preferred path of through bicycle travel.

Recommended Features

- Accompanying signage should include R3-7R "Right Lane Must Turn Right" and R4-4 "Begin Right Turn Yield to Bikes" (MUTCD).
- Dotted white lines should be 6 inches wide and 2 feet long with a 2- to 6-foot gap between dashes (MUTCD).
- Through bike lanes should be provided at any intersection approach where a right turn only auxiliary lane is created (also known as a right turn add lane). It is desirable for bicyclists to travel straight through the merging area to reinforce right-of-way.
- Dotted lane line transition areas to through bike lanes should not be provided at any intersection approach where a through travel lane transitions into a right turn only lane (also known as a right turn drop or trap lane). In such instances consider utilizing an exclusive bicycle signal phase with the bike lane remaining to the right, or not delineating the merging area connecting to the through bicycle lane. Shared lane markings may be used to provide additional guidance.
- At intersections with high right turning vehicle volumes, high bicyclist volumes, or along priority bicycle corridors, treatments beyond dotted white lines such as color and increased signing should be provided.
- Right-turn only lanes should be as short as possible in order to limit the speed of cars in the right-turn lane. Fast moving traffic on both sides can be uncomfortable for bicyclists.



- Terminating the bike lane in advance of the intersection is discouraged.
- For intersections that lack the physical width to install a bicycle pocket, a combined bike/turn lane should be used.
- Vehicle turn lane width should not be reduced to less than 9 feet.
- Bicycle detection should be provided within the through bike lane.

Optional Features

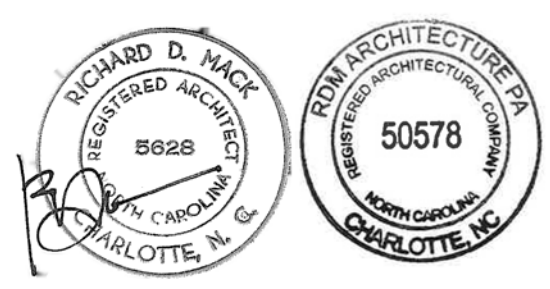
- On streets with a combined turn and through lane, shared lane markings may be used in the center of the lane.
- A bike box may be used in lieu of a designated through bike lane.
- Bicycle warning signs may be used in advance of the merge/transition area.

Through Travel Lane Transitions into Right-Turn-Only Lane

These are generally inappropriate conditions for use of through bike lanes. Consider alternate treatments.



Seals



08/14/17

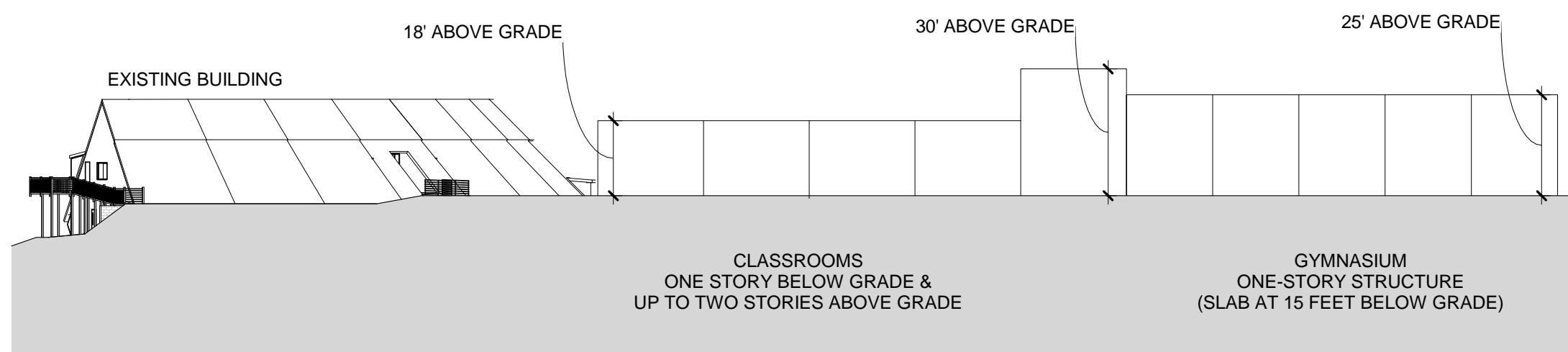
Revisions

| Revision | Description |
|----------|-------------|
| | |
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| Sheet Information | |
|-------------------|----------|
| Date | 08/14/17 |
| Job Number | 1501.02 |
| Drawn By | JB |

PROPOSED ROAD CONCEPT

A002



1 PROPOSED WEST ELEVATION
1/32" = 1'-0"

- The building shall utilize and repeat the below architectural design criteria :
 - Facade Building Materials will be a composition of: brick, glass, stone, concrete, ACM.
 - Building Massing: modulation of facade will occur based on programmatic functions
 - Facade Treatment: Roofline treatment should be modified through the use of height, material and/or pitch
 - The architecture within the site shall comply with Article 4 of the Huntersville Zoning Ordinance.
 - The elevations are conceptual, details will be provided following the above standards during design, construction drawings/site plan review to ensure compliance.
 - Heights and stories will be designed as noted in the diagram.

PASSENGER CAR TURNING : NTS

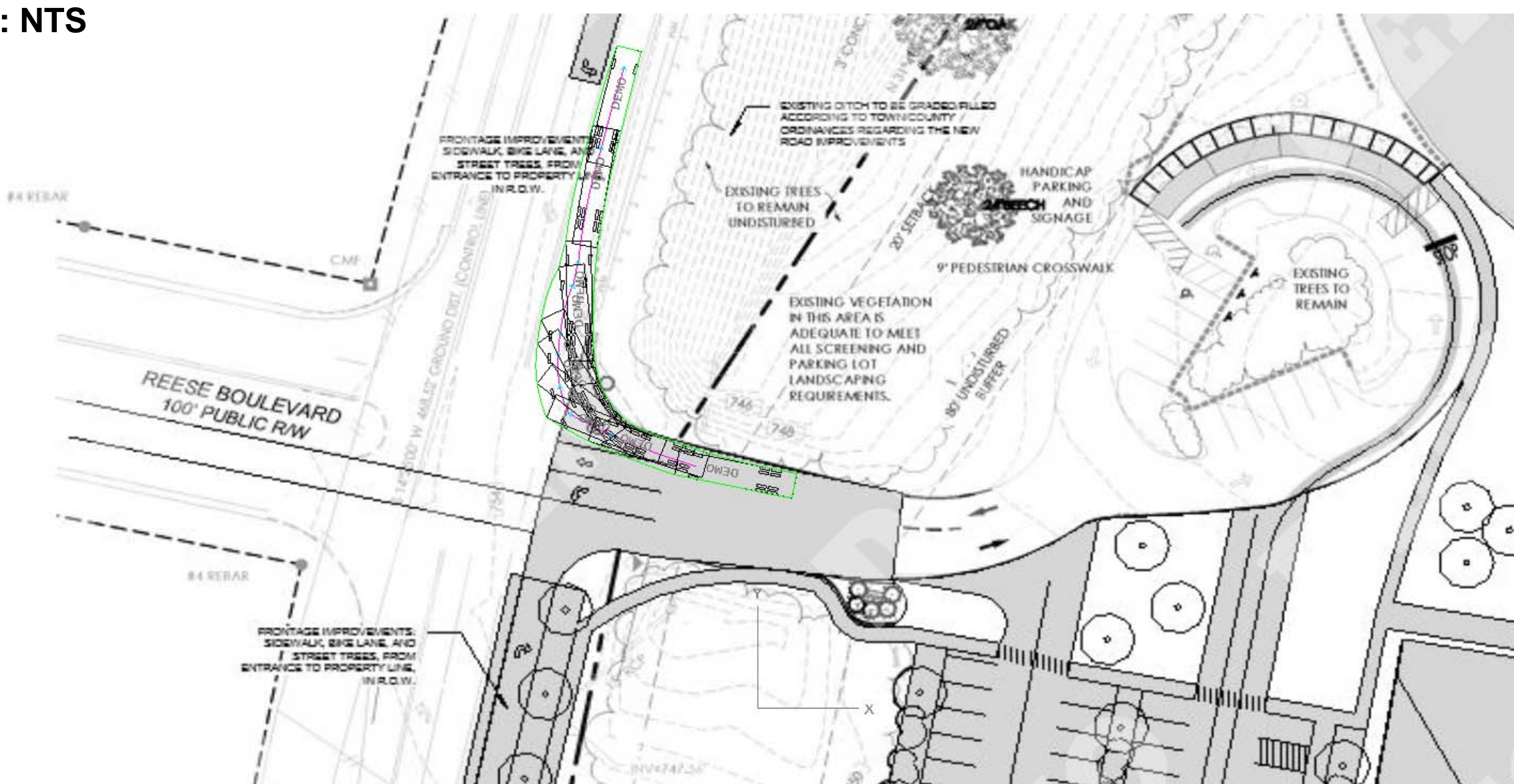


BUS-40 TURNING : NTS



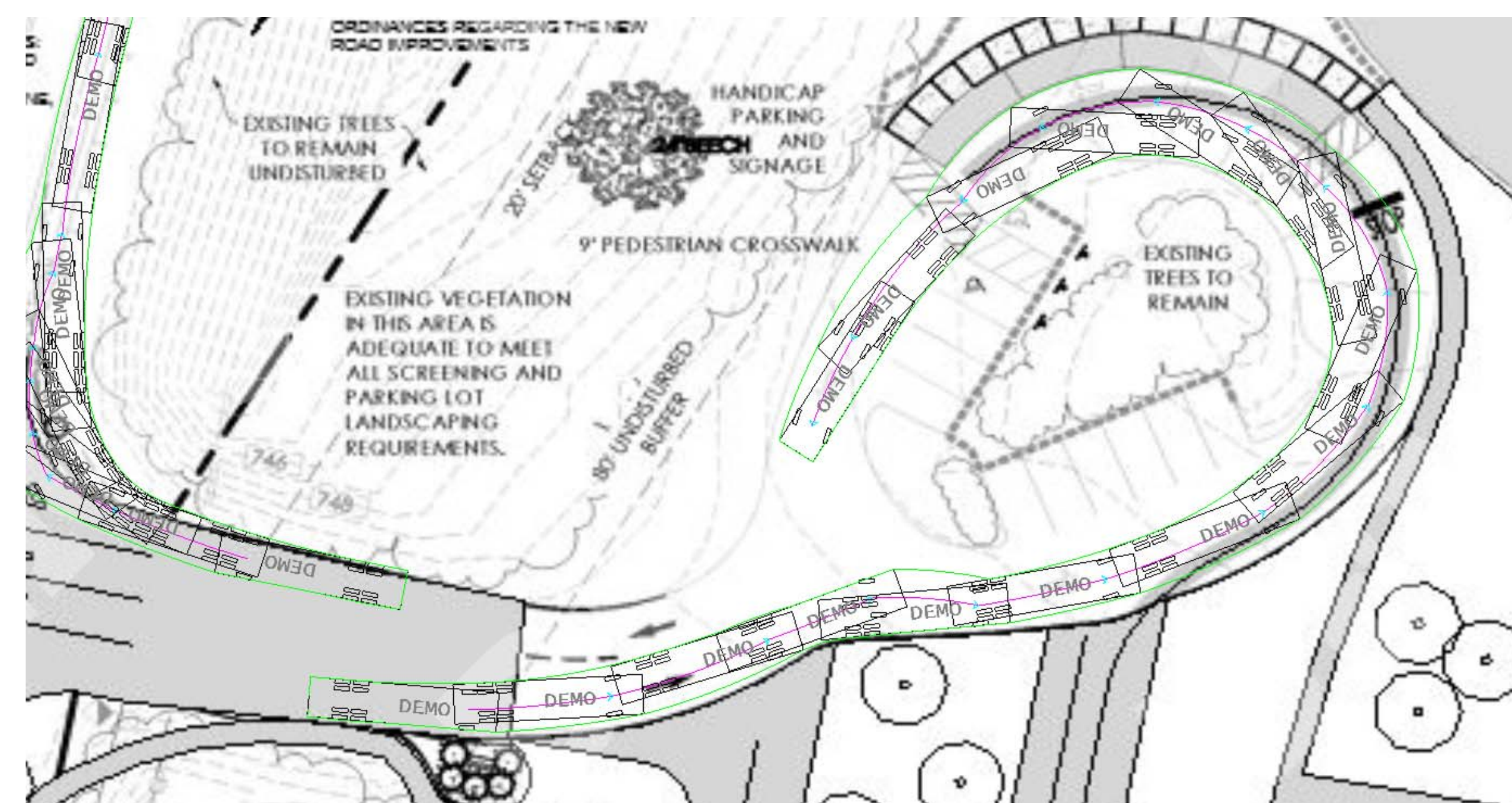
RADIUS IMPROVEMENTS WILL BE MADE IN ORDER TO ACCOMMODATE A BUS-40 VEHICLE FROM MT. HOLLY-HUNTERSVILLE ROAD INTO THE DRIVEWAY ON SITE. DETAIL WILL BE PROVIDED AT PERMITTING PHASE.

BUS-40 TURNING : NTS



RADIUS IMPROVEMENTS WILL BE MADE IN ORDER TO ACCOMMODATE A BUS-40 VEHICLE FROM MT. HOLLY-HUNTERSVILLE ROAD INTO THE DRIVEWAY ON SITE. DETAIL WILL BE PROVIDED AT PERMITTING PHASE.

BUS-40 TURNING : NTS



RADIUS IMPROVEMENTS WILL BE MADE IN ORDER TO ACCOMMODATE A BUS-40 VEHICLE FROM MT. HOLLY-HUNTERSVILLE ROAD INTO THE DRIVEWAY ON SITE. DETAIL WILL BE PROVIDED AT PERMITTING PHASE.

Client/Project

PHOENIX MONTESSORI ACADEMY

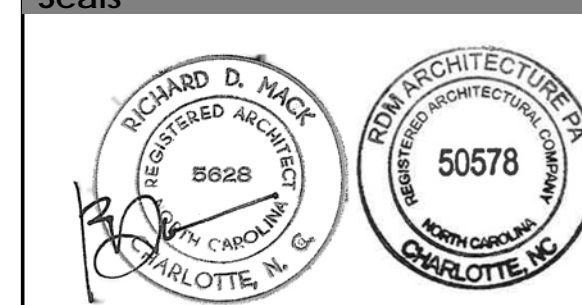
12340 MT HOLLY-HUNTERSVILLE ROAD

PHOENIX MONTESSORI ACADEMY
Education & Imagination... Rising
12340 Mt. Holly-Huntersville Road
Huntersville, NC 28078
P 704.875.2139
F 704.875.3812
info@phoenixmontessori.org
www.phoenixmontessori.org

Consultants

HensonFoley
Landscape Architecture | Civil Engineering | Surveying
Birkdale Village
8712 Lindholm Dr #202A
Huntersville, NC 28078
P 704.875.1615
F 704.875.0959
info@hensonfoley.com
www.hensonfoley.com

Seals



08/14/17

Revisions

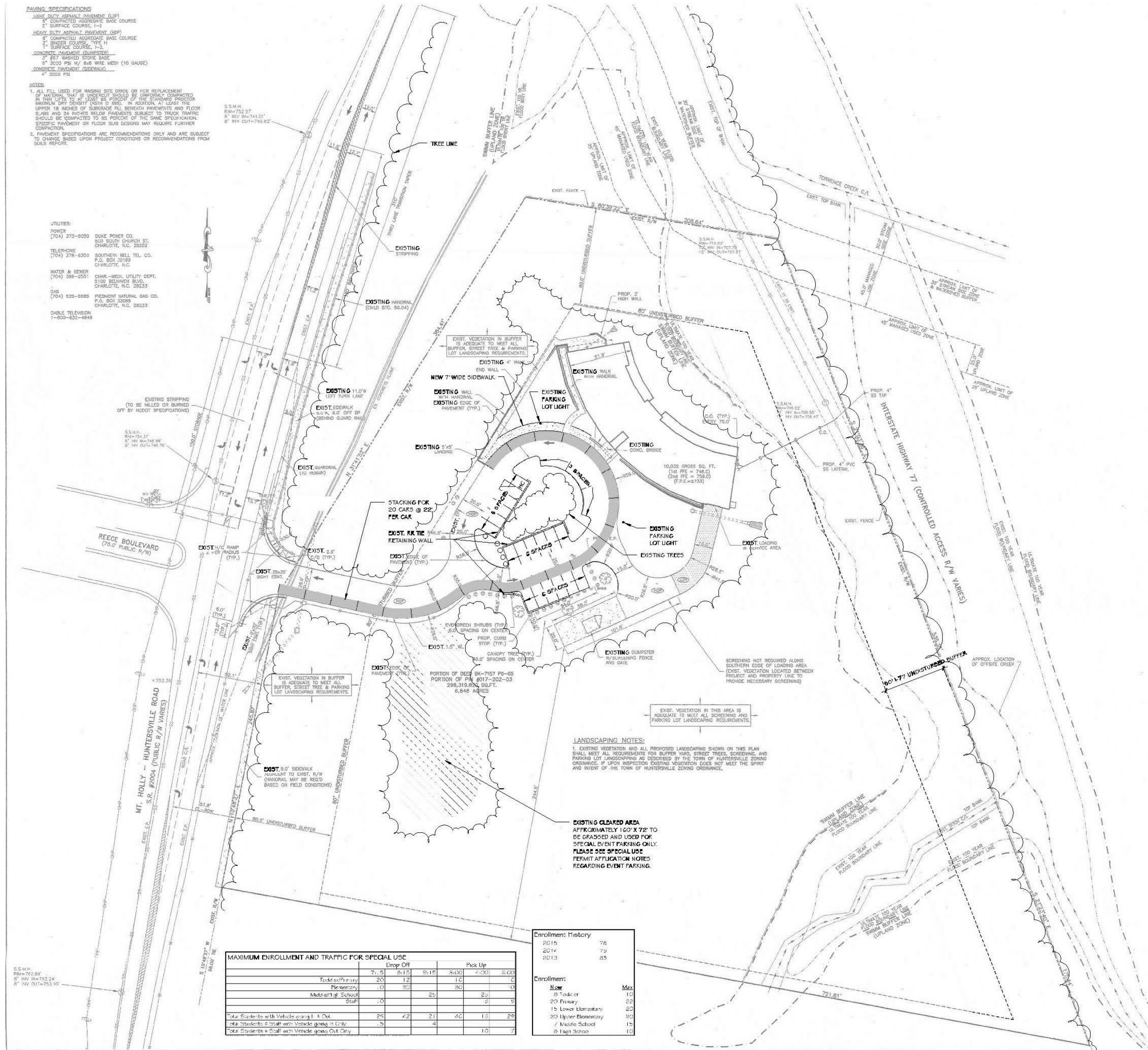
Sheet Information
Date 08/14/17
Job Number 1501.02
Drawn JB

Sheet Title
VEHICLE TURNING DIAGRAMS AND ELEVATION PRECEDENTS

Sheet Number
A003

- PAVING SPECIFICATIONS**
1. LIGHT DUTY ASPHALT PAVEMENT (LDP)
 - a. 2" COMPACTED SUBGRADE BASE COURSE
 - b. 3" SURFACE COURSE, 1.5"
 2. HEAVY DUTY ASPHALT PAVEMENT (HDP)
 - a. 4" COMPACTED SUBGRADE BASE COURSE
 - b. 4" SURFACE COURSE, 1.5"
 - c. 2" SURFACE COURSE, 1.5"
 3. CONCRETED DRIVEWAY (CONCRETE)
 - a. 4" 100% PORTLAND CEMENT (10 PARTS)
 - b. 3" SURFACE COURSE (10 PARTS)
 - c. 3" SURFACE COURSE
- NOTES**
1. ALL FILL USED FOR PAVING SITE GRAD TO BE REPLACEMENT MATERIAL, TO BE USED IN ACCORDANCE WITH STANDARD SPECIFICATIONS FOR PUBLIC WORKS. ALL FILL TO BE PLACED IN LIFTES TO A MINIMUM OF 4 INCHES. ALL LIFTES TO BE PLACED TO A MINIMUM OF 4 INCHES. ALL LIFTES TO BE PLACED TO A MINIMUM OF 4 INCHES. ALL LIFTES TO BE PLACED TO A MINIMUM OF 4 INCHES.
 2. PAVING SPECIFICATIONS ARE RECOMMENDATIONS ONLY AND ARE SUBJECT TO CHANGE BASED UPON PROJECT CONDITIONS OR RECOMMENDATIONS FROM SOils REPORT.

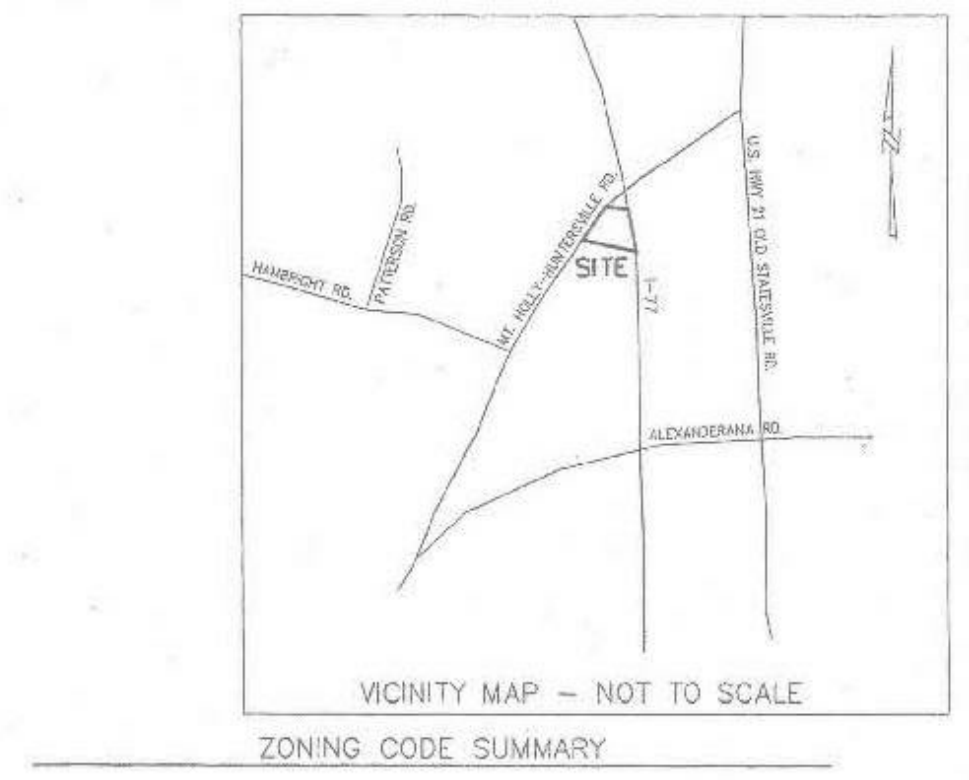
- UTILITIES**
- POWER
(704) 373-8000 DUKE POWER CO.
215 SOUTH MAIN STREET SUITE 303
DAVENPORT, NC 28036
- TELEPHONE
(704) 378-4300 SOUTHERN BELL TEL. CO.
P.O. BOX 3039
CHARLOTTE, N.C.
- WATER & SEWER
(704) 399-2551 CHAR.-MECH. UTILITY DEPT.
3100 BURNING WOOD DRIVE
CHARLOTTE, N.C.
- CABLE TELEVISION
(704) 525-5905 FRONTIER NATURAL GAS CO.
P.O. BOX 3038
CHARLOTTE, N.C. 28233



| | Drop Off | Pick Up |
|--------------------|----------|---------|
| Total Enrollment | 715 | 715 |
| Elementary | 500 | 500 |
| Middle/High School | 215 | 215 |

| | |
|------|-----|
| 2015 | 715 |
| 2014 | 715 |
| 2013 | 55 |

| | |
|---------------------|----|
| 9 Toddler | 10 |
| 20 Elementary | 20 |
| 15 Lower Elementary | 30 |
| 20 Upper Elementary | 20 |
| 4 Middle School | 15 |
| 6 High School | 10 |



ZONING CODE SUMMARY

PROPOSED ZONING: CB (COMMERCIAL BUSINESS) JURISDICTION: HUNTERSVILLE

PARCEL ID NO: 21040033

EXIST. ZONING: CB-1

UTLITIES:

WATER: 24" DIAMETER

SEWER: 18" DIAMETER

STREET LIGHTS: 30' TALL

YARD REQUIREMENTS:

FRONT YARD: 25' FROM S/W CORNER

REAR YARD: 25' FROM S/W CORNER

LEFT SIDE YARD: 10' FROM S/W CORNER

RIGHT SIDE YARD: 10' FROM S/W CORNER

BUFFER YARD REQUIREMENTS:

FRONT: 25' FROM S/W CORNER

REAR: 25' FROM S/W CORNER

LEFT SIDE: 10' FROM S/W CORNER

RIGHT SIDE: 10' FROM S/W CORNER

REQUIRED SCREENING:

FRONT: 6 FEET

REAR: 6 FEET

LEFT SIDE: 6 FEET

RIGHT SIDE: 6 FEET

INTERIOR: 6 FEET

TOTAL LOT SIZE: 288,130 SQ. FT. (6.62 ACRES)

PROPOSED USE: SCHOOL

STORIES: 1

OFFICE FLOOR AREA: 237,500 SQ. FT.

GROSS FLOOR AREA: 237,500 SQ. FT.

REQUIRED: PROVIDED 20 HANDICAP

ALL SIGNS WILL BE APPROVED AND PERMITTED SEPARATELY.

NOTICE: OWNER USED FOR SCREENING ARE LAWNED FROM THE APPROVED USE IN APPENDIX A OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE.

SPECIAL USE PERMIT APPLICATION NOTES

GENERAL INFORMATION:

1. SPECIAL USE PERMIT APPLICATION IS FOR A SCHOOL USE
2. APPLICANT SEES 3 YEARS STARTING AT DATE OF OCCUPANCY WITH A POSSIBLE EXTENSION OF 3 MORE YEARS.
3. EXISTING BUILDING IS 10,101 SF ON TWO LEVELS.

FAIRNESS:

- A. WILL NOT HAVE NEED FOR ADDITIONAL PARKING SINCE EXISTING SPACES IS SUFFICIENT PARKING FOR USE
- B. MAKE 10 STAFF MOBILITY
- C. ENROLLMENT NOT TO EXCEED 97 STUDENTS, CURRENTLY DO
- D. PARENTAL VISITS WILL BE SCHEDULED SO NO MORE THAN 10 ADDITIONAL SPACES WILL BE NEEDED.
- E. PARKING FOR SMALL SPECIAL EVENTS TO OCCUR IN EXISTING CLEARED AREA.

STAFFING:

- C. DETERMINED THAT NO TA IS REQUIRED.
- D. STAFF WILL SUPERVISE DROP-OFF AND PICK-UP
- E. START, END TIMES ARE STAGGERED - 3 IN BOTH MORNING & EVENING
- F. SIDEWALK TO BE ADDED TO ALLOW MORE VEHICLES IN DROP-OFF AND PICK-UP AREA.
- G. 20 TOTAL STAFF SPACES PROVIDED, DOUBLING OBSERVED STAFFING AT CURRENT LOCATION.
- H. WE COMMIT TO WORKING WITH THE TOWN TO ALLEVIATE UNFORSEEN STAFFING PROBLEMS. THESE INCLUDE POTENTIAL USE OF:
- I. FURTHER STAGGERING OF START/END TIMES.
- J. FURTHER LIMITING ENROLLMENT.
- K. NO LEFT TURN WHEN EXITING.

REGULATORY COMPLIANCE:

12. WILL COMPLY WITH THE HUNTERSVILLE ZONING ORDINANCE, IN CLUDING:
 - a. ARTICLE 6 (PARKING LOT REQUIREMENTS)
 - b. ARTICLE 7 (LANDSCAPING SCREENING AND BUFFERS)
 - c. ARTICLE 8 (SITE LIGHTING)
13. WILL PROVIDE SCALED COMMERCIAL SITE PLAN PRIOR TO OCCUPANCY.

SAFETY:

14. EXTERIOR CABLE RAILS AT ELEVATED WALKS WILL BE IMPROVED TO MEET CURRENT CODE STANDARDS FOR RAIL SAFETY.
15. FENCING WILL BE INCLUDED BEHIND TODD TO LESSEN POTENTIAL FOR PLAYING AT AREAS OF SIGNIFICANT GRADE.

OUTDOOR PLAY AREA:

16. A PLAY AREA, YET TO BE DESIGNED, WILL CONFORM TO TOWN PLANNING REQUIREMENTS AND BE FENCED FOR CHILD SAFETY.

0 1/2" = 1' = 2'

SITE PLAN BACKGROUND HAS BEEN REPRODUCED BY PERMISSION OF THE AUTHORIZING ENGINEER. OVERLAY NOTES AND DIAGRAMS BY RAM ARCHITECTURE.

RDM ARCHITECTURE
P.O. Box 1029
215 South Main Street Suite 303
Davenport, NC 28036
P 704.987.9727
F 704.987.9722
rdmgroup@rdmgroup.net
www.rdmgroup.net

Client/Project

PHOENIX MONTESSORI ACADEMY

12340 MT HOLLY-HUNTERSVILLE ROAD

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Consultants

HensonFoley
Landscape Architecture | Civil Engineering | Surveying

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8712 Lindholm Dr #202A
Huntersville, NC 28078
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F 704.875.0959
info@hensonfoley.com
www.hensonfoley.com

Seals

08.14.17

SPECIAL USE PERMIT REMOVAL PLAN

Revisions

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| | |
|--|--|

Sheet Information

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|------------|----------|
| Date | 08.14.17 |
| Job Number | 1501.02 |
| Drawn JB | |

EXISTING FEATURES PLAN

Sheet Number

A004



August 16, 2017

Subject: Phoenix Montessori Academy TIA Draft August 2017 Review Comments

Design Resource Group submitted a TIA on behalf of RdM Architecture for the proposed Phoenix Montessori Academy located on the east side of Mt Holly Huntersville Road at the intersection with Reese Boulevard. Town staff has reviewed the TIA and have the following comments:

- 1) Approved development trips for the Magnolia Walk Subdivision do not appear to be all included based on the trip assignment depicted in the Magnolia Walk TIA Scoping in the Appendix of that report. Adding these volumes to the background traffic volumes may decrease the level of service at two study area intersections.
- 2) Table 3 (ICU Level of Service) does not include future year build without the developers responsible improvements for the intersection of Mt Holly Huntersville Road at Reese Boulevard. The Synchro analysis results also need to be included in the Appendix.
- 3) In the listing of improvements on page 24 for the intersection of Mt Holly Huntersville Road at Reese Boulevard, it states that with the addition of a northbound right-turn lane into the school that no roadway improvements should be deemed necessary. There are not any current plans by the Town or NCDOT to install a northbound right-turn lane. Later in the section, it states that this turn lane is to be constructed by Phoenix Montessori. These two statements conflict with one another.
- 4) An eastbound pocket through lane is recommended in the report for the Reese Boulevard. If a left-turn lane is recommended as an improvement, it would need to be constructed (created as a new lane) in the existing median of Reese Boulevard and not as a pocket through lane.
- 5) Speed limits utilized in the Synchro analysis at the two US 21 ramp intersections are not consistent with the limits posted.
- 6) If a southbound left-turn lane extension on Mt Holly Huntersville Road at Reese Boulevard is needed, it is unclear at this time (without a survey and engineered drawings) as to whether the improvement could be accomplished with restriping or if pavement widening is needed. This would need to be determined during construction plan development.

The above comments are to be addressed and a revised sealed TIA submitted to the Town for review.

If you have any questions, please don't hesitate to contact me.

Thank you,

Stephen Trott, P.E.
Town Transportation Engineer
704-766-2220
strott@huntersville.org

Engineering & Public Works

Post Office Box 664 • 105 Gilead Road, Suite 300 • Huntersville, NC 28070
phone 704.766.2220 • fax 704.992.5528 • www.huntersville.org

Community Meeting Notes

Phoenix Montessori Academy, Zoning Petition No.: R17-06

The Community Meeting for the Phoenix Montessori Academy, Zoning Petition No.: R17-06 was held at the Phoenix Montessori Academy, 12340 Mt. Holly-Huntersville Road, Huntersville, North Carolina, on August 2, 2017, at 6:00 p.m.

The following people attended: Commissioner Dan Boone, Vice Chair of the Planning Board, Jennifer Davis. Members of the Applicant team in attendance were Nicolas Bracco, Julia Baddorrek, Jill Mack, Rick Mack and Nick Walsh of RdM Architecture; India French-Adams, Head of School and Susan Irvin of Irvin Law, PLLC.

Nicolas Bracco of RdM Architecture presented a power point presentation that included the new conceptual elevation, location and topography maps, photographs of the existing building (see below example):



and the proposed rezoning plans, which include the proposed addition of classrooms and gymnasium and related improvements, which would allow for a total of up to 300 students.

Susan Irvin explained that the Phoenix Montessori Academy had located in this building over a year ago under a temporary special use permit and had tried to find other appropriate space in Huntersville for a

permanent location. The school has been unable to find a suitable permanent location in Huntersville and, as so many of the students are from Huntersville, the school would like to stay in the location and plan for the future. The building and property on Mt. Holly-Huntersville, though unsuitable for many Corporate Business uses, is very suitable for the Montessori academy. This request necessitates a zoning change to CI. The property is on the edge of the CB area of Huntersville, bounded by steep topography and I-77 to the east and north and Mt-Holly Huntersville Road, across from the entrance to The Park to the west.

India French-Adams, Head of School, spoke of the school's activities and plans for growth and the discussions she has had with Huntersville Parks about sharing gym space once the expansion is built. Discussion centered around timing of construction, improvements, topography of the site and the process moving forward.

COMMUNITY MEETING

SIGN IN SHEET

AUGUST 2, 2017

Zoning Petition No.: R17-06

Location: PHOENIX MONTESSORI ACADEMY

12340 MT. HOLLY-HUNTERSVILLE ROAD, HUNTERSVILLE, NC

| Name | Address | Phone Number | Email Address |
|--------------------|---|--------------|-----------------------------|
| DAN BOONE | 317 SOUTHLAND Rd | 704-948-1685 | DANBOONE100@AOL.COM |
| JENNIFER DAVIS | 7530 McILWAINe Rd | 704 918 9357 | jennifer.davis078@gmail.com |
| Jill Mack | P.O. Box 1029 Davidson, NC 28036 | 704-987-9127 | jmack@rdmgroupp.net |
| Rick Mack | PO Box 1029 Davidson NC 28036 | 704 987 9727 | rmack@rdmgroupp.net |
| India French-Adams | 11242 Hoisye Green Dr. Cornelius | 704 277 5503 | india@phoenixmontessori.org |
| NICK WALSH | 10320 Drake Hill Drive ^{Huntersville} NC | 704.577.0379 | NICK.WALSH.JR@GMAIL.COM |
| | | | |
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COMMUNITY MEETING

SIGN IN SHEET

AUGUST 2, 2017

Zoning Petition No.: R17-06

Location: PHOENIX MONTESSORI ACADEMY

12340 MT. HOLLY-HUNTERSVILLE ROAD, HUNTERSVILLE, NC

| Name | Address | Phone Number | Email Address |
|-------------------|---------|--------------|--------------------------|
| Gideon Gourley | | 919.710.6756 | gideon.gourley@gmail.com |
| | | | |
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Phoenix Montessori Academy

Who to Notify:

Owner, Owners of abutting property, Owners within 250 feet, HOA's within 2000 feet or more in none within 2000 feet.

Brad Priest, Senior Planner

Mayor: John Aneralla

Board of Commissioners

Planning Board Members

Town Manager: Gerry Vincent, P.O. Box 664, Huntersville, NC 28070, email: gvincent@huntersville.org

Assistant Town Manager: vacant

Planning Department Project Coordinator: Brad Priest

Town Clerk: Janet Pierson, P.O. Box 664, Huntersville, NC 28070, email: jpierson@huntersville.org

Project Manager: Brad Priest

| Town Official Name and Address | Email | |
|---|--|--|
| Brad Priest, Senior Planner Town of Huntersville 105 Gilead Road, Third Floor Huntersville, NC 28070 | bpriest@huntersville.org | |
| John Aneralla, Mayor of Huntersville 15705 Framingham Lane Huntersville, NC 28078 | janeralla@huntersville.org | |
| Melinda Bales, Commissioner 15426 Ranson Road Huntersville, NC 28078 | mbales@huntersville.org | |
| Dan Boone, Commissioner 317 Southland Road Huntersville, NC 28078 | dboone@huntersville.org | |
| Mark Gibbons, Commissioner 13818 Bramborough Road Huntersville, NC 28078 | mgibbons@huntersville.org | |
| Charles Guignard, Commissioner 201 Sherwood Drive Huntersville, NC 28078 | cguignard@huntersville.org | |
| Rob Kidwell, Commissioner 7603 Rolling Meadows Lane Huntersville, NC 28078 | rkidwell@huntersville.org | |
| Danny Phillips, Commissioner 14720 Brown Mill Road Huntersville, NC 28078 | dphillips@huntersville.org | |
| Gerry Vincent, Town Manager P.O. Box 664, | gvincent@huntersville.org | |

| | | |
|--|---|------------------|
| Huntersville, NC 28070 | | |
| Assistant Town Manager: vacant | | |
| Janet Pierson, Town Clerk P.O. Box 664, Huntersville, NC 28070 | jpierson@huntersville.org | |
| Planning Board Members | | |
| Hal Bankirer, Chairman 17206 Linksvie Lane Huntersville, NC 28078 | hbankirer@aol.com | |
| Jennifer Davis, Vice Chairman 7530 McIlwaine Road Huntersville, NC 28078 | jenniferdavis078@gmail.com | |
| Catherine Graffy 15120 Pavilion Loop Drive Huntersville, NC 28078 | cgraffy@outlook.com | |
| John McClelland 219 Nottingham Drive Huntersville, NC 28078 | johnrmclellandii@gmail.com | |
| JoAnne Miller 13900 Asbury Chapel Road Huntersville, NC 28078 | joannebmiller@bellsouth.net | |
| Joe Sailers 9332 Westminster Drive Huntersville, NC 28078 | jwscws@bellsouth.net | |
| Ron Smith 15902 Gathering Oaks Huntersville, NC 28078 | ronsmith@celgard.com | |
| Stephen Swanick 203 Mt. Holly-Huntersville Rd. Huntersville, NC 28078 | stephen.swanick@gmail.com | |
| Susan Thomas 10215 Lasaro Way Huntersville, NC 28078 | set0525@bellsouth.net | |
| Owner Name and Mailing Address | Property Address | Parcel ID Number |
| Owner of Property Petitioned for Rezoning: Meeting Place Properties II, LLC 308 S. Kimberly Drive, Davidson, NC 28036 | 12340 Mt. Holly-Huntersville Rd., Huntersville, NC 28078 | 01720205 |
| Saertex USA LLC 12200-A Mt. Holly-Huntersville Rd., Huntersville, NC 28078 | 12200-A Mt. Holly-Huntersville Rd., Huntersville, NC 28078 | 01720206 |
| Waterford at the Park DE LLC 1001 East Telecom Dr., Boca Raton, FL 33431 (Waterford at the Park Luxury Apartments) | 1. Reese Bv 2. 12831 Hopewell Av 3. 12832 Hopewell Av 4. 12808 Hopewell Av 5. 11920 Joleen Ct 6. 12715 Hopewell Av | 01719105 |

| | | |
|--|---|-------------------------------|
| | 7. 12725 Hopewell Av 8. 12721 Hopewell Av 9. 12705 Hopewell Av 10. 12704 Hopewell Av 11. 12004 Joleen Ct 12. 12010 Joleen Ct 13. 12016 Joleen C | |
| NC State Highway & Public Works Commission 1119 E. Sugar Creek Rd., Charlotte, NC 28205 | 12141 Mt. Holly-Huntersville Rd., Huntersville, NC 28078 | 01719301 |
| Property Resources LLC 12705 West Colonial Drive Winter Garden, FL 34787 | I-77 and Statesville Road Huntersville (just north of Old Verhoeff Dr) | 01739101 |
| Martha Young 5250 Mason Ferry Rd. Lake Wylie, SC 29710 | 12425 Statesville Rd., Huntersville, NC 28078 | 01720105 |
| Nearby HOA: The Homeowners Associations for Crosswinds, Inc. 1220 South Kings Drive Charlotte, NC 28207 | Windy Lea Lane Mendenhall Drive Cross hill Road | 01746495 and others nearby |
| Nearby POA: Huntersville Business Property Owners Association, Inc. 13801 Reese Blvd., Ste. 300 Huntersville, NC 28031 | 13801 Reese Blvd., Ste. 300 Huntersville, NC 28031 | |



May 31, 2017

Meeting Place Properties
308 S. Kimberly Drive
Davidson, NC 28036

Re: Adequate Public Facilities (APF) Application – Phoenix Montessori (File #2017-10)

To Whom It May Concern:

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 21,363 square feet of Civic building space. I am issuing a “Determination of Adequacy (DOA)” for the following public facilities:

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

Please be advised that this DOA is valid for one (1) year, or until May 31, 2018, 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 @ brichards@huntersville.org or by phone: (704) 766-2218.

Sincerely,

Brian Richards

Brian Richards
GIS Administrator

Cc: Jack Simoneau, AICP, Planning Director
Gerry Vincent, Assistant Town Manager
Robert Blythe, Town Attorney
Brad Priest, Senior Planner



General Application

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

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

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

| | |
|--|---|
| <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> COMMERCIAL SITE PLAN <input type="checkbox"/> CONDITIONAL REZONING <input type="checkbox"/> GENERAL REZONING <input type="checkbox"/> MASTER SIGNAGE PROGRAM <input type="checkbox"/> REVISION to _____ <input type="checkbox"/> <input type="checkbox"/> SPECIAL USE PERMIT special use permit to be terminated upon approval of proposed conditional | SUBDIVISION CATEGORIES: <i>Per the Huntersville Subdivision Ordinance</i> <input type="checkbox"/> SKETCH PLAN <input type="checkbox"/> PRELIMINARY PLAN <input type="checkbox"/> FINAL PLAT (includes minor and exempt plats) <input type="checkbox"/> FINAL PLAT REVISION <input type="checkbox"/> FARMHOUSE CLUSTER |
|--|---|

rezoning as described in this application.

2. Project Data

Date of Application _____

Name of Project _____ Phase # (if subdivision) _____

Location _____

Parcel Identification Number(s) (PIN) _____

Current Zoning District _____ Proposed District (for rezonings only) _____

Property Size (acres) _____ Street Frontage (feet) _____

Current Land Use _____

Proposed Land Use(s) _____

Is the project within Huntersville's corporate limits?

Yes _____ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

15 acre limitation is not applicable to the existing complex located on the Property.

4. Site Plan Submittals

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

5. Outside Agency Information

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

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

6. Signatures

*Applicant's Signature _____ Printed Name _____

Address of Applicant _____

Email _____

Property Owner's Signature (if different than applicant) _____

Printed Name _____

Property Owner's Address _____ Email _____

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

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

| Design Firm | Name of contact | Phone | Email |
|-------------|-----------------|-------|-------|
| | | | |

If Applying for a General Rezoning:

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

If Applying for a Conditional Rezoning:

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

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

If Applying for a Subdivision:

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

Contact Information

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

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Brad Priest, Senior Planner
Subject: R17-08: CPCC General Rezoning

R17-08 is a request by Central Piedmont Community College (CPCC) to generally rezone 9.3 acres from Campus Institutional (CI), Highway Commercial (HC), and Neighborhood Residential (NR) to all Campus Institutional (CI). The property is located at 12332 Statesville Road (Parcel # 01742111).

ACTION RECOMMENDED:

Consider holding a public hearing on Tuesday September 5, 2017.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

| Description | Type |
|---------------------------------------|-----------------|
| <input type="checkbox"/> Staff Report | Staff Report |
| <input type="checkbox"/> Application | Backup Material |

Petition R17-08: Central Piedmont Community College General Rezoning

PART 1: PROJECT SUMMARY

Application Summary:

1. Central Piedmont Community College (CPCC) has applied generally rezone 9.34 acres from Campus Institutional (CI), Highway Commercial (HC), and Neighborhood Residential (NR) to all Campus Institutional (CI). The property is located at 12332 Statesville Road (Parcel # 01742111).

Applicant: CPCC

Property Owner:
Same

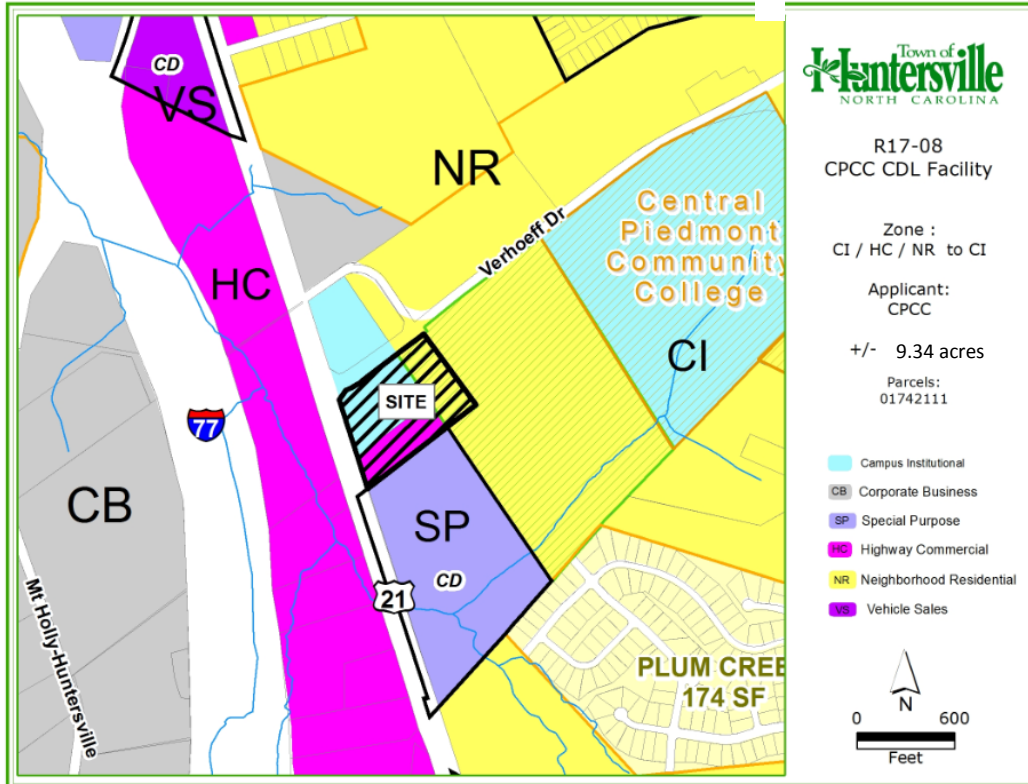
Property Address:
12332 Statesville
Road

Project Size: 9.34
acres

Parcel Numbers:
01742111

Existing Zoning:
Campus Institutional
(CI), Highway
Commercial (HC), and
Neighborhood
Residential (NR)

Proposed Zoning:
Campus Institutional
(CI)



2. Adjoining Zoning and Land Uses

North: Campus Institutional (CI), Neighborhood Residential (NR), Former Gatling Juvenile Detention Center (now owned by CPCC) and Huntersville Family Fitness and Aquatics (HFFA).

South: Special Purpose Conditional District (SP-CD), Mecklenburg County Recycling Center: General Residential (GR) Plum Creek Single Family Neighborhood.

East: Neighborhood Residential (NR), Huntersville Athletic Community Park, Campus Institutional (CI), CPCC Merancas Campus.

West: Highway Commercial (HC), Single Family Residential.

3. The applicant is proposing a general rezoning and not a conditional district rezoning. Therefore the application does not have a site plan or any conditions associated with the request. If approved, all uses allowed in the Campus Institutional (CI) district will be permitted as described in the ordinance.
4. The subject property is currently “split zoned” and has three different zoning designations on the property; Campus Institutional (CI), Highway Commercial (HC), and Neighborhood Residential (NR). CPCC intends to use the property for a commercial driver’s license and public safety officer’s training facility. Both HC and CI allow for vocational training schools but the NR district does not. Therefore to establish one zoning district that allows their facilities CPCC proposes to rezone the entire parcel CI.

5. Notifications to adjacent property owners were sent out by way of first class mail and a notification sign erected on the site per state statute. No neighborhood meeting is required for a general rezoning.

PART 2: REZONING/SITE PLAN ISSUES

- Article 3.28 of the Huntersville Zoning Ordinance states in the intent section of the Campus Institutional Zoning District (CI) that “the campus institutional district is established to provide for large institutional complexes which are already in place and for new institutional complexes on 15 acres or more, which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community”. The purpose therefore of the CI district is to accommodate for large existing institutional uses that were present at the introduction of Town Zoning and for new institutional uses that are over 15 acres in size. The proposed parcel is only 9.4 acres in size. However, staff feels in this context the proposed parcel of property can be considered an extension of the existing CPCC Merancas campus to the east, which is also zoned CI. In addition, all the uses along Verhoeff Drive are either parks, Town recreational facilities, CPCC facilities, or some other civic or institutional use. Thus, when this parcel is viewed as a part of the whole framework of surrounding development the minimum 15 acres is being met.
- Since this is a general rezoning, there are no site specific issues with this rezoning application as there is no site plan attached to the request. If the application is approved, the applicant will need to submit a commercial site plan showing compliance to all zoning requirements under the new zoning designation.

PART 3: TRANSPORTATION ISSUES

- Since a general rezoning is proposed, there are no transportation issues with changing one zoning district to another. Any transportation items such as driveway permits, roadway improvements, traffic generation etc. will need to be reviewed and approved during the subsequent commercial site plan process for the new development.

PART 4: REZONING CRITERIA

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

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

- **Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor.** The property in question is located just east of I-77 along Statesville Road.

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

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

STAFF COMMENT:

The overall character of existing development in the immediate vicinity of the subject property is civic and institutional in nature. The uses along Verhoeff Drive include a Huntersville Park, the Huntersville Family Fitness and Aquatics Center, the Central Piedmont Community College Merancas Campus, the Huntersville Oaks Skilled Nursing Center, and the Mecklenburg County Children’s Developmental Services Huntersville Annex. To the south of the subject property is a Mecklenburg County Recycling Center. The Campus Institutional (CI) district uses established on the subject property would be consistent with the surrounding development.

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:

- There are no public facility concerns for a general rezoning application. Any traffic impact or public facility needs will be reviewed during the subsequent commercial site plan review for any proposed development.

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

STAFF COMMENT:

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

PART 5: PUBLIC HEARING

The Public Hearing is scheduled for September 5, 2017.

PART 6: STAFF RECOMMENDATION

Staff recommends approval of the rezoning application as the CI district is consistent with adjacent development.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is scheduled for September 26, 2017.

PART 8: CONSISTENCY STATEMENT – R17-08: CPCC GENERAL REZONING

| Planning Department | Planning Board | Board of Commissioners |
|--|--|--|
| <p>APPROVAL: In considering the proposed rezoning of Petition R17-08, CPCC General Rezoning, Planning Staff finds that the rezoning is consistent with Policy CD-2 of the Town of Huntersville 2030 Community Plan. Staff recommends rezoning the property from Campus Institutional (CI), Highway Commercial (HC), and Neighborhood Residential (NR) to Campus Institutional (CI). It is reasonable and in the public interest to rezone this property because the CI district will be consistent with the character and uses adjacent to the subject property.</p> | <p>APPROVAL: In considering the proposed rezoning of Petition R17-08, CPCC General Rezoning, Planning Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan. The Board recommends rezoning the property from Campus Institutional (CI), Highway Commercial (HC), and Neighborhood Residential (NR) to Campus Institutional (CI). It is reasonable and in the public interest to rezone this property because...(explain)</p> | <p>APPROVAL: In considering the proposed rezoning of Petition R17-08, CPCC General Rezoning, Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan. The Board recommends rezoning the property from Campus Institutional (CI), Highway Commercial (HC), and Neighborhood Residential (NR) to Campus Institutional (CI). It is reasonable and in the public interest to rezone this property because...(explain)</p> |
| <p>DENIAL: N/A</p> | <p>DENIAL: In considering the proposed rezoning of Petition R17-08, CPCC General Rezoning, the Planning Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R17-08. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p> | <p>DENIAL: In considering the proposed rezoning of Petition R17-08, CPCC General Rezoning, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R17-08. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p> |



General Application

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

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

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

| | |
|--|--|
| <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> COMMERCIAL SITE PLAN <input type="checkbox"/> CONDITIONAL REZONING <input checked="" type="checkbox"/> GENERAL REZONING <input type="checkbox"/> MASTER SIGNAGE PROGRAM <input type="checkbox"/> REVISION to _____ <input type="checkbox"/> SPECIAL USE PERMIT | SUBDIVISION CATEGORIES: <i>Per the Huntersville Subdivision Ordinance</i> <input type="checkbox"/> SKETCH PLAN <input type="checkbox"/> PRELIMINARY PLAN <input type="checkbox"/> FINAL PLAT(includes minor and exempt plats) <input type="checkbox"/> FINAL PLAT REVISION <input type="checkbox"/> FARMHOUSE CLUSTER |
|--|--|

2. Project Data

Date of Application July 31, 2017

Name of Project Central Piedmont Community College CDL Lab Phase # (if subdivision) _____

Location 12332 Statesville Road Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01742111

Current Zoning District NR & HC & CI Proposed District (for rezonings only) CI

Property Size (acres) 5.01 AC (to be rezoned), 9.34 AC (total site) Street Frontage (feet) 573.2 LF Statesville Road, 637LF Verhoeff Road

Current Land Use Vacant

Proposed Land Use(s) Community College

Is the project within Huntersville's corporate limits?

Yes No If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Property is to be developed as a Commercial Driving License Lab and Public Safety Training facility

4. Site Plan Submittals

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

5. Outside Agency Information

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

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

6. Signatures

*Applicant's Signature  Printed Name Kenneth A. Reid

Address of Applicant 1325 EAST 7th St., Charlotte, NC

Email Kent.reide@ccc.edu

Property Owner's Signature (if different than applicant) _____

Printed Name _____

Property Owner's Address _____ Email _____

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

| Development Firm | Name of contact | Phone | Email |
|--------------------------|-----------------|--------------|---------------------|
| Alfred Benesch & Company | Paula Gornto | 704 943-3178 | pgornto@benesch.com |
| Design Firm | Name of contact | Phone | Email |

If Applying for a General Rezoning:

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

If Applying for a Conditional Rezoning:

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

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

If Applying for a Subdivision:

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

Contact Information

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

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jack Simoneau
Subject: TA 17-07 Water Quality Amendment

Conduct Public Hearing on TA-17-07, a request by the Huntersville Planning Department to amend Section 8.17.15 of the Zoning Ordinance to offering additional options to meet water quality standards for certain development and redevelopment projects.

ACTION RECOMMENDED:

Conduct Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

| Description | Type |
|--|-------------|
| <input type="checkbox"/> Staff Analysis | Cover Memo |
| <input type="checkbox"/> Zoning Amendment Application | Cover Memo |
| <input type="checkbox"/> Proposed Ordinance | Cover Memo |
| <input type="checkbox"/> Source Water Protection Award | Cover Memo |

TA 17-07 Water Quality Amendment

PART 1: DESCRIPTION

TA17-07 is a request by the Town of Huntersville Planning Department offering additional options to meet Huntersville’s Water Quality Ordinance for development and redevelopment projects.

PART 2: BACKGROUND

The purpose for additional mitigation sections to Huntersville’s Water Quality Ordinance is to relax the water quality treatment requirements and create other opportunities for:

- 1) Development or redevelopment of smaller lots less than one acre in size where the installation of water quality treatment devices is more challenging, and;
- 2) Redevelopment in the Town Center zoning district to promote downtown development.

Protection of surface water quality has been a high priority of Huntersville and Mecklenburg County since the adoption of water quality standards in 2003 and installation of 12 Best Management Practices (BMP’s) in the McDowell Creek Watershed. Water quality monitoring between 2006 and 2015 has shown total suspended solids decreased by 50% and nutrient levels decreased by 25% even as the watershed continues to see unprecedented growth. As a result of these efforts, Charlotte-Mecklenburg Storm Water Services and the Town of Huntersville were awarded the Surface Water Implementation, Source Water Protection Award for 2017 from the North Carolina Source Water Collaborative (NCSWC).

Since protecting surface water quality continues to be a priority, it is essential that any relaxation of water quality treatment requirements be done without significantly diminishing the effectiveness of the ordinance in protecting water quality. The text amendment was prepared by Rusty Rozzelle, Charlotte-Mecklenburg Storm Water Services Program Manager working with the Huntersville Ordinances Advisory Board and Huntersville Planning Department.

The Huntersville Ordinances Advisory Board (HOAB) considered the text amendment at their July 13, 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 H-1: Development Pattern. Continue to follow existing residential development pattern as reflected in “Map of Zoning Districts,” focusing higher intensity development generally within two miles of the I-77/NC-115 corridor and lower intensity development from the east and west of this corridor extending to the Town boundaries.

TA 17-07 - Public Hearing Staff Report 9-5-17

- Policy H-10: Redevelopment Areas. Support redevelopment of older established residential areas, consistent with adopted plans, Zoning Ordinance and Subdivision regulations.
- Policy E-1: Preservation and Enhancement. Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.
- Policy E-3: Environmental Regulations. Support and enhance environmental regulations pertaining to tree preservation, buffer yards, open space, water quality, wetland and stream protection.
- Policy ED-1: Diversify Tax Base. Continue to look for ways to expand and diversify the employment base in Huntersville.
- Policy DT-3: Capital Investments. Install roads, sidewalks, bikeways, greenways and utility infrastructure necessary to support development and redevelopment within the downtown, consistent with the future land use plan for the downtown.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of TA 17-07. In considering the proposed amendment TA 17-07, Water Quality, the Planning Staff finds it consistent with Policy H-1, H-10, E-1, E-3, ED-1 and DT-3 of the 2030 Community Plan and recommends approval.

It is reasonable and in the public interest to amend the Zoning Ordinance because it allows additional options to meet Huntersville's Water Quality Ordinance for development of smaller lots and redevelopment projects in the TC Zone without significantly diminishing the effectiveness of the ordinance in protecting water quality.

PART 5: PUBLIC HEARING

The Public Hearing will be held on September 5, 2017.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on September 26, 2017.

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance from Staff

Attachment C: Source Water Protection Award Letter and Support Material

PART 8: STATEMENT OF CONSISTENCY – TA17-07

| Planning Department | Planning Board | Board of Commissioners |
|---|--|--|
| <p>APPROVAL: In considering the proposed amendment TA 17-07, Water Quality, the Planning Staff finds it consistent with Policy H-1, H-10, E-1, E-3, ED-1 and DT-3 of the 2030 Community Plan and recommends approval.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it allows additional options to meet Huntersville’s Water Quality Ordinance for development of smaller lots and redevelopment projects in the TC zone without significantly diminishing the effectiveness of the ordinance in protecting water quality.</p> | <p>APPROVAL: In considering the proposed amendment TA 17-07, Water Quality, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p> | <p>APPROVAL: In considering the proposed amendment TA 17-07, Water Quality, the Town Board grants approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p> |
| <p>DENIAL: N/A</p> | <p>DENIAL: In considering the proposed amendment TA 17-07 Water Quality, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p> | <p>DENIAL: In considering the proposed amendment TA 17-07, Water Quality, the Town Board denies based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p> |



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 7-3-2017
 Name Huntersville Planning Dept
 Address PO Box 664, Huntersville NC 28070
 Phone Number (home) 704-760-2211 (work) _____
 Email jsimoneau@huntersville.org

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00

Type of Change

New Addition to text of Zoning Ordinance / ~~Subdivision Ordinance~~ / Other
 Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:
 Ordinance: Zoning Article: 8 Section: 8.17.15
 Current Text: No provision
 Proposed Text: see proposed ordinance

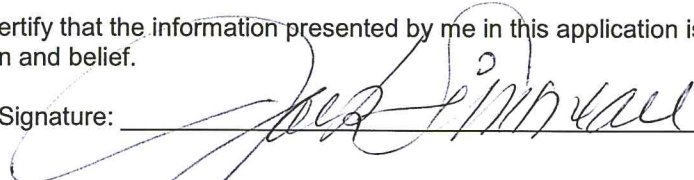
Reason for requested change (attach additional sheets if necessary): To provide options in meeting the water quality ordinance for development of smaller lots and redevelopment projects in the Town Center zoning district.

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

Signatures

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

Applicant Signature: _____



Date: 7-3-17

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>

TA 17-07 AN ORDINANCE TO AMEND ARTICLE 8, SECTION 8.17.15, WATER QUALITY TO ADD NEW DEVELOPMENT AND REDEVELOPMENT MITIGATION OPTIONS

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

ARTICLE 8, SUBSECTION 8.17 WATER QUALITY, BY ADDING TO SUBSECTION .15 DEVELOPMENT AND REDEVELOPMENT OPTIONS

.15 LID Mitigation **& Development and Redevelopment Options**

- d) **Lots Less Than One Acre. Development and redevelopment on a lot less than one (1) acre in size are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:**
1. **The lot has been described by metes and bounds in a recorded deed or shown on a recorded plat prior to July 1, 2007;**
 2. **Development and redevelopment on the lot are not part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules;**
 3. **Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance; and**
 4. **Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below.**
- e) **Redevelopment Projects in the Town Center Zoning District. Redevelopment projects in the Town Center Zoning District for the Town of Huntersville are allowed by right to forego meeting the requirements of this article, provided the following criteria are met:**
1. **Stream Buffer requirements are fulfilled as described in Section 8.25 of this ordinance;**
 2. **Mitigation is provided by fulfilling at least one (1) of the three (3) criteria described in Subsection f) below; and**
 3. **If there is no net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, and there is no decrease in existing storm water controls, then there is no limit on the amount of disturbed area, or**
 4. **If there is a net increase in existing built-upon area, including built-upon area that is removed as part of the redevelopment, or there is a decrease in existing storm water controls, then the amount of total disturbed area on the site must be less than one (1) acre.**
- f) **Development and Redevelopment Mitigation Criteria. One (1) of the following three (3) criteria must be fulfilled to satisfy the mitigation requirement for development and redevelopment projects described in Subsection d) and e) above:**
1. **Storm Water Quality Treatment requirements met on site as described in Section 8.17.12(b)(3), (4) and (5) of this ordinance with LID or Conventional BMPs allowed;**
 2. **Storm Water Volume and Peak Control requirements met on site as described in Section 8.17.12(b)(6) and (7) of this ordinance; or**
 3. **The Town is paid a mitigation fee according to rates set forth in the Huntersville Water Quality Design Manual for the untreated post-project built-upon-area. This fee shall be used to cover the cost for installation by the Town or its designee of a mitigation project(s) capable of achieving a net mass removal of pollutants greater than or equal to the pollutant removal that would have been achieved by BMPs installed at the development site in full compliance with ordinance requirements. The mitigation project(s) must be located in the same named lake or stream watershed that is receiving storm water discharge from the development site, including Lake Norman, Mountain Island Lake, McDowell Creek, Gar Creek, Ramah Creek, and Clarke Creek. An exception can be made if the Storm Water Administrator determines there are no viable mitigation projects in that watershed.**

(Note: The mitigation fee will be prorated at \$60,000 per acre for all projects except single-family residential that will be prorated at \$45,000 per acre for the untreated post-project built-upon-area.)

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

PUBLIC HEARING DATE: September 5, 2017
PLANNING BOARD MEETING: September 26, 2017
PLANNING BOARD RECOMMENDATION: TBD
TOWN BOARD DECISION: TBD
TOWN BOARD MEETING: TBD

Dear Mr. Rozzelle,

On behalf of the North Carolina Source Water Collaborative, I am pleased to inform you that your project, Protection of Charlotte-Mecklenburg's Drinking Water Source, has been chosen to receive a Surface Water Implementation, Source Water Protection Award for 2017.

Awards will be presented at the [Water Resources Research Institute \(WRI\) Annual Conference](#) on March 15-16, 2017 in Raleigh. You do not have to be present to receive your award. If you would like to be present to receive your award, you will need to [register](#) for the conference. The Source Water Collaborative does not provide funds to cover the cost of registration for award winners.

If you would like a nominee name or project name printed on the certificate and trophy that is different than the names on your nomination form, please contact me with that information by February 15, 2016. The nominee name we have on file is Charlotte-Mecklenburg Storm Water Services & the Town of Huntersville, N.C. and the project name on file is Protection of Charlotte-Mecklenburg's Drinking Water Source. In addition, please let me know if you or a representative plan to attend the luncheon. We may also ask you for additional photos and updated information about your project for purposes of the awards presentation. It is likely that the Collaborative will include your project in a press release after the awards ceremony has taken place.

Congratulations! And thank you for your efforts to protect North Carolina's drinking water!

Sincerely,
Rebecca Sadosky
on behalf of The NC Source Water Collaborative
www.ncswc.org



Rebecca Sadosky, Ph.D.

N.C. Drinking Water Protection Program Coordinator and Emergency/Security Contact
N.C. Division of Water Resource
N.C. Department of Environmental Quality

Phone: (919) 707-9096

FAX: (919) 715-4374

Rebecca.Sadosky@ncdenr.gov

1634 Mail Service Center
Raleigh, NC 27699-1634



*Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.*

Protection of Charlotte-Mecklenburg's Drinking Water Source

Mountain Island Lake on the Catawba River is the primary drinking water source for the City of Charlotte and Mecklenburg County. In 2016, an average of 80 million gallons of water a day was withdrawn from Mountain Island Lake to provide drinking water to over 800,000 residents in Charlotte-Mecklenburg. This raw drinking water source has always been of excellent quality throughout its use for the past 100 years by the City of Charlotte. However, beginning in the 1990s degraded water quality conditions were detected in McDowell Creek Cove located on Mountain Island Lake approximately two (2) miles upstream of the City of Charlotte's intake (see Attachment 1). These degraded conditions were significant enough to cause concerns regarding degradation of the source water. Water quality monitoring data collected by Charlotte-Mecklenburg Storm Water Services (CMSWS) revealed the primary source of this degradation to be increased total suspended solid and nutrient levels in storm water runoff caused by significant increases in impervious area associated with rapid population growth in the McDowell Creek Watershed located in the Town of Huntersville (see Attachment 2). Water quality modeling of the watershed revealed that with continued development the concentration of pollutants in the Cove would more than double by 2020. These degraded conditions were predicted to occur with future develop despite the fact that this development would be required to comply with N.C.'s water supply watershed protection rules. These rules require the installation of conventional storm water control measures, such as wet ponds and detention basins, when built-upon area for a development exceeds 24%. Based on CMSWS's modeling results, these conventional storm water controls were ineffective at handling the extreme conditions in the McDowell Creek Watershed. CMSWS determined that the mitigation of the negative water quality impacts in McDowell Creek Cove would require the implementation of "Low Impact Development" (LID) techniques that infiltrate, filter, store, use, evaporate, and detain storm water runoff. The downside of the use of such techniques is that they can double the cost for the installation of storm water treatment systems at new developments.

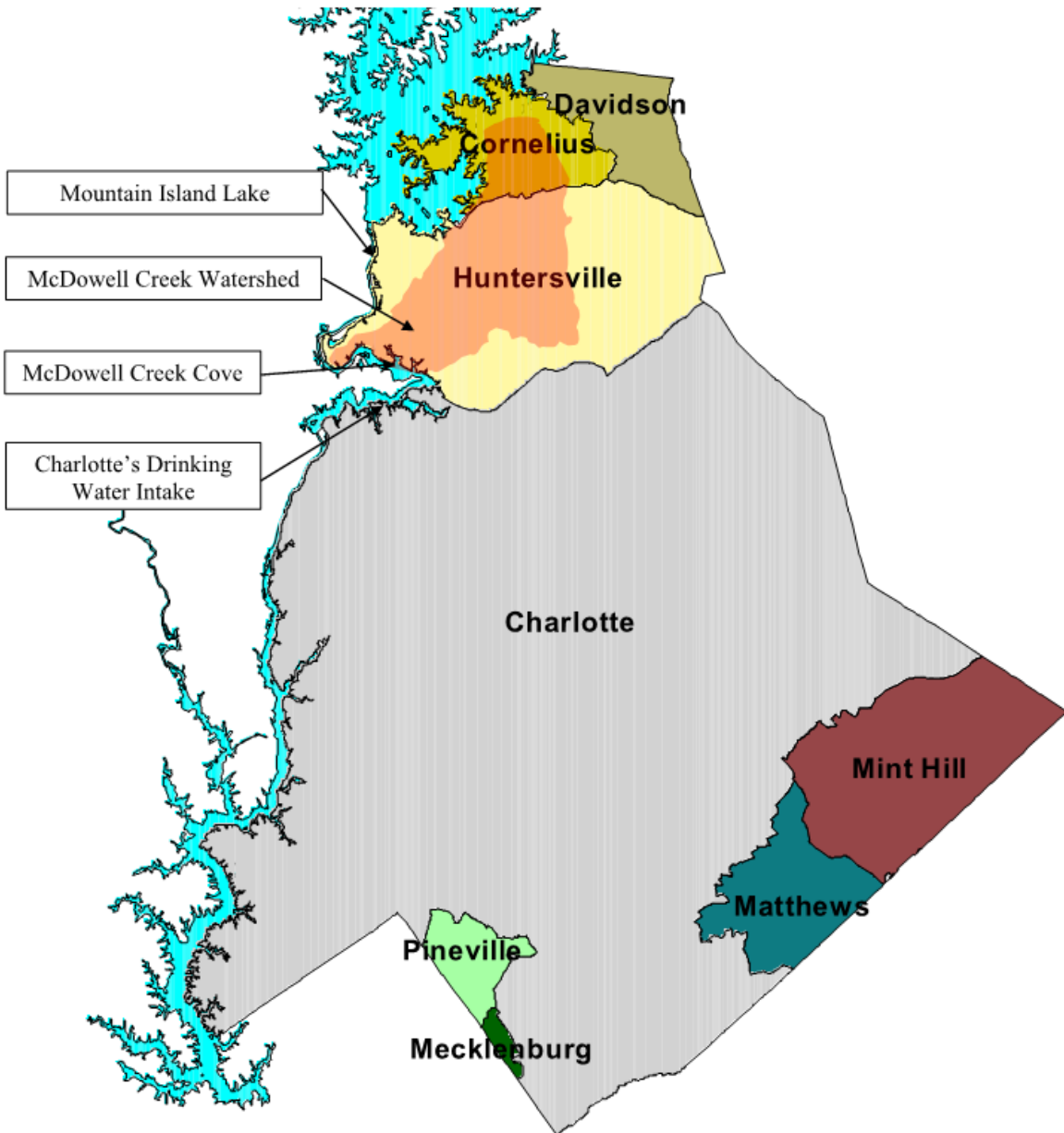
Beginning in 2001, CMSWS worked closely with the Town of Huntersville to develop LID criteria for incorporation into land development activities in the McDowell Creek Watershed. In February 2003, these efforts culminated in the adoption by the Town of an ordinance requiring the use of LID techniques for all new development, redevelopment and expansions that include the creation or addition of greater than 5,000 square feet of new impervious area. The ordinance is available at the following website: <http://stormwater.charmeck.org> (select Regulations, Huntersville, Post-Construction (PCSO), and Huntersville Zoning Ordinance). Huntersville's LID Ordinance is significantly more effective at preventing negative water quality impacts from storm water runoff compared to the State's water supply watershed protection rules. Modeling performed by CMSWS revealed that the ordinance would effectively mitigate the negative water quality impacts observed in McDowell Creek Cove. In support of the Town's commitment to LID, CMSWS developed the necessary design criteria and performed numerous educational workshops for the development community to ensure effective implementation of the new ordinance. In addition, CMSWS pledged to fund the installation of best management practices in the McDowell Creek Watershed to restore degraded conditions. In December 2005, CMSWS completed a watershed management plan in support of this effort. This plan is available at the above website (select Projects, Pollution Control, Watershed Improvement, Watershed Planning, and McDowell Creek Watershed Management Plan). To date, CMSWS has completed 12

projects in the watershed totaling \$6,305,483, including five (5) structural best management practices retrofitted into existing developments as well as five (5) stream and two (2) buffer restoration projects. Two additional stream restoration projects are currently being planned and designed (see Attachment 3).

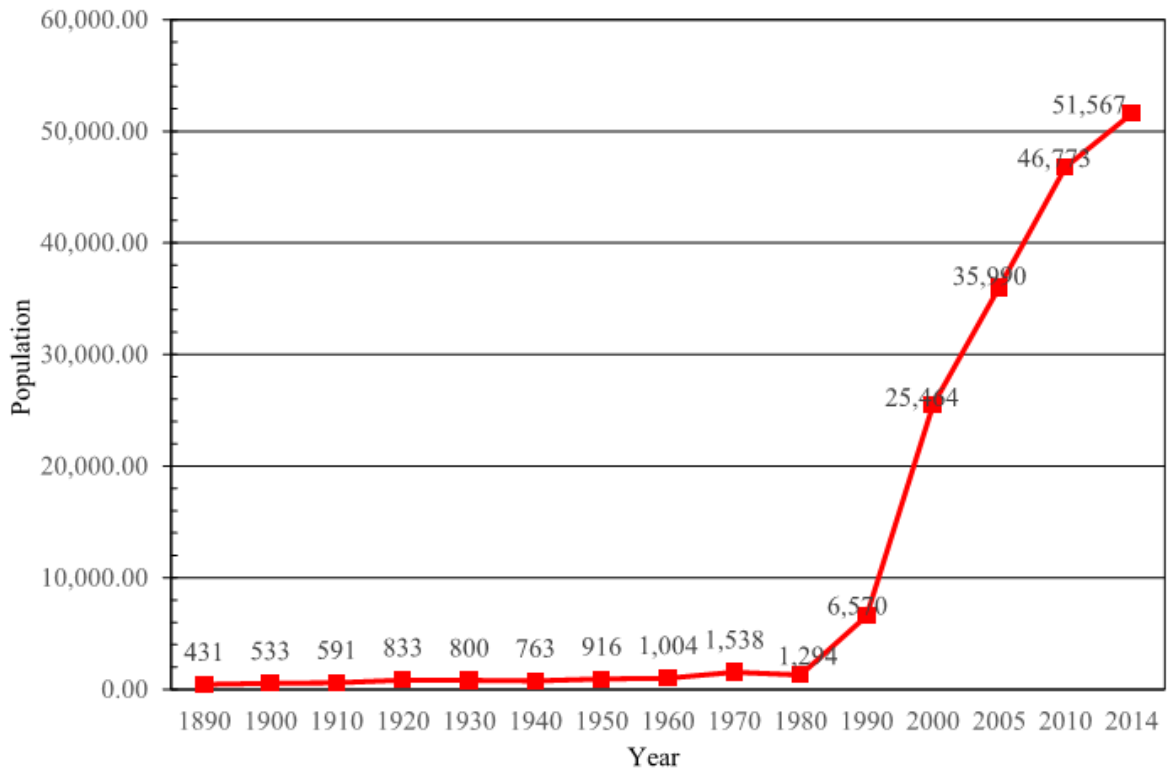
Since the LID Ordinance was adopted in 2003, CMSWS has continued to monitor water quality conditions in McDowell Creek and Cove, including performing continuous automated monitoring for the past 10 years. This automated monitoring data standardized for annual rainfall reveals a reduction in the total suspended solid load from an estimated 7,527 tons/year in 2006 to 3,619 tons/year in 2015, which represents a decrease of 5%/year for a 50% total reduction over the 10-year period. Monitoring data further reveals a 25% reduction in nutrient levels in McDowell Creek Cove. These reductions in pollution levels have occurred as the watershed continues to experience unprecedented growth. This data reveals that the combination of Huntersville's LID Ordinance and the implementation of CMSWS's watershed management plan have effectively mitigated the threat to Charlotte-Mecklenburg's drinking water source at Mountain Island Lake from increased impervious area and storm water pollutant loads in the McDowell Creek Watershed located upstream.

Attachment 1

Map of Area in Mecklenburg County



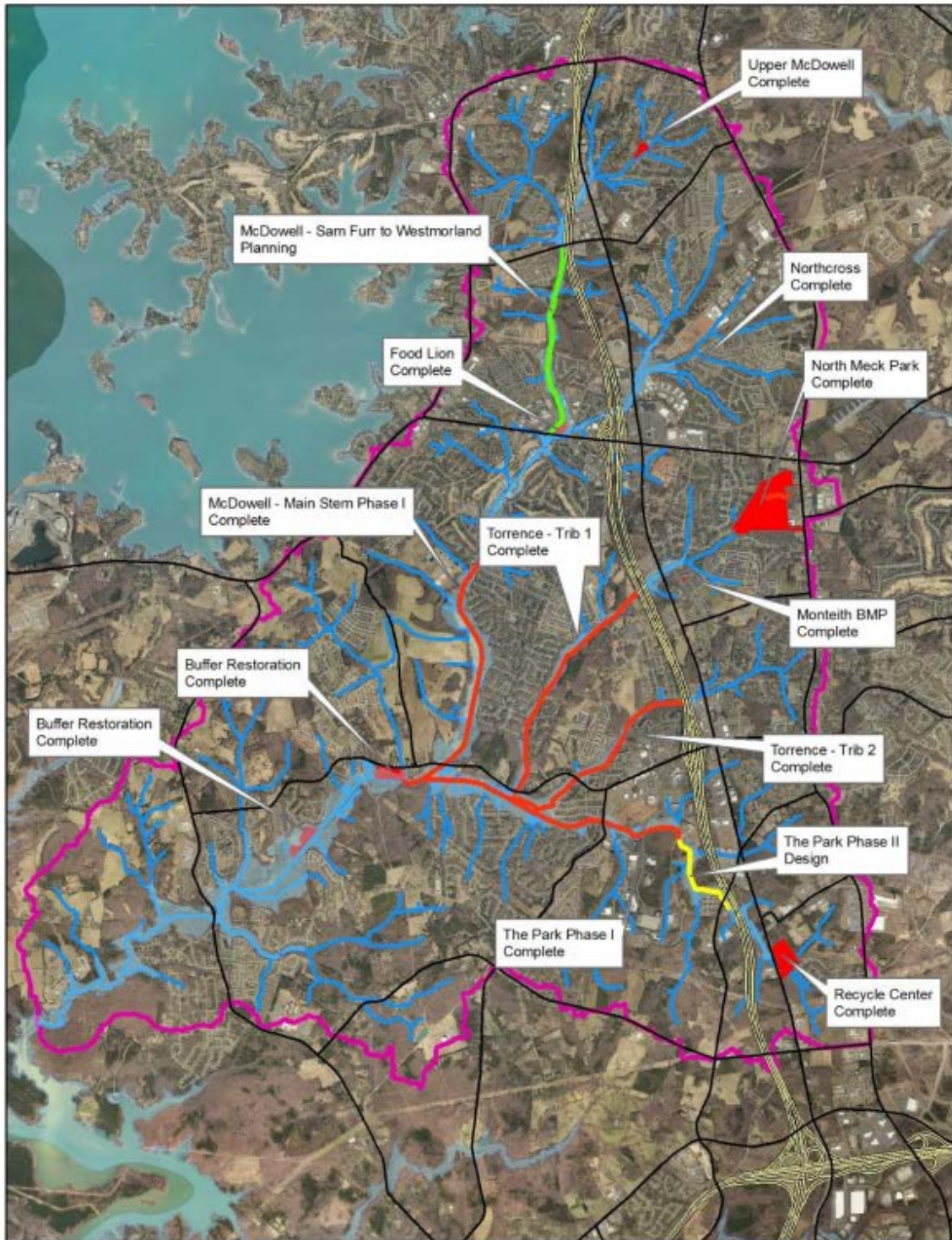
**Population Growth in the Town of Huntersville
(Data Source: US Census)**



Annual Growth Rate:

- [1890-1900] +2.15 %/year
- [1900-1910] +1.04 %/year
- [1910-1920] +3.49 %/year
- [1920-1930] -0.4 %/year
- [1930-1940] -0.47 %/year
- [1940-1950] +1.84 %/year
- [1950-1960] +0.92 %/year
- [1960-1970] +4.36 %/year
- [1970-1980] -1.71 %/year
- [1980-1990] +17.64 %/year
- [1990-2000] +14.51 %/year
- [2000-2005] +7.16 %/year
- [2005-2010] +5.38 %/year
- [2010-2014] +2.47 %/year

Projects Completed by Charlotte-Mecklenburg Storm Water Services in the McDowell Creek Watershed



**Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017**

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Gerry Vincent, Town Manager
Subject: Revised Agreement - HFFA

Consider approving revised agreement for management of Huntersville Family Fitness & Aquatics.

ACTION RECOMMENDED:

Approve Revised Agreement

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

| Description | Type |
|---------------------|-----------------|
| □ Revised Agreement | Backup Material |

REVISED CONTRACT FOR SERVICES

This Contract for Services ("Contract") is made and entered into to be effective **September 5, 2017** between the **Town of Huntersville**, North Carolina, a municipal corporation organized under the laws of the State of North Carolina (the "Town") and **Swim Club Management Group of Charlotte, Inc.** ("Contractor") (Town and Contractor each sometimes referred to herein as a "Party" to this Contract and collectively referred to herein as the "Parties").

For and in consideration of the mutual promises set forth in this Contract, the parties do mutually agree as follows:

1. Obligations of Contractor - The Contractor agrees to fully, timely and properly provide full and complete management of Huntersville Family Fitness and Aquatic Center ("HFFA") including programming; staffing; marketing; scheduling; billing; collecting; daily financial reporting in accordance with applicable legal requirements and instructions of Town CFO; managing ongoing maintenance and repairs of the HFFA facilities; and long-range planning and other services necessary for the management of HFFA. Without limiting the generality of the foregoing, Contractor shall provide all services as more particularly described in the Scope of Work document attached hereto and incorporated herein by reference as Attachment A (all such services provided referred to herein as the "Services").

The term of this Contract shall be **from September 5, 2017 through June 30, 2022 (the "Term")**, **unless otherwise terminated under the terms of this Contract** ("Year 1" means September 5, 2017 – June 30, 2018; "Year 2" means July 1, 2018- June 30, 2019; "Year 3" means July 1, 2019 –June 30, 2020; "Year 4" means July 1, 2020 – June 30, 2021; "Year 5" means July 1, 2021 –June 30, 2022).

This Contract does not grant the Contractor the right or the exclusive right to provide specified services to Town, but does allow for Contractor to exclusively provide the management services described herein at HFFA. Similar services may be obtained from sources other than the Contractor (or not at all) at the discretion of the Town.

The Contractor shall begin work immediately upon issuance of a written notice to proceed. The Contractor agrees to perform the Services in a timely, complete, and professional manner and in accordance with the terms and conditions of this Contract. Furthermore, the Contractor represents and warrants that (i) it is duly qualified and, if required by law, licensed to provide the Services; (ii) it will provide the Services in a manner consistent with the level of care and skill ordinarily exercised by contractors providing similar Services under similar conditions; (iii) it possesses sufficient experience, personnel, and resources to provide the Services; (iv) it shall provide the Services in compliance with applicable laws, statutes, ordinances, codes, orders, rules and regulations; and (v) its reports, if any, shall be complete, accurate, and unambiguous.

2. Obligations of Town. The Town hereby agrees to pay to the Contractor for the faithful performance of this Contract as follows:
 - a. Management Fees. Management fees are as follows and shall be payable to Contractor in equal monthly installments:

| | | |
|--|----|-----------|
| (i) Management Fee – Year 1 (September 5, 2017-June 30, 2018) (pro rata share \$58,500/year management fee) | \$ | 48,082.00 |
| (ii) Management Fee Year 2 (July 1, 2018 –June 30, 2019) (3% increase) | \$ | 60,255.00 |
| (iii) Management Fee Year 3 (July 1, 2019 –June 30, 2020) (3% increase) | \$ | 62,062.65 |
| (iv) Management Fee – Year 4 (July 1, 2020 -June 30, 2021) (pro rata share \$58,500/year management fee) | \$ | 63,924.52 |
| (v) Management Fee Year 5 (July 1, 2021 –June 30, 2022) (3% increase) | \$ | 65,842.26 |

b. Reimbursable Expenses. Additionally, the Town shall reimburse Contractor for: (a) the cost of all Contractor employees that staff HFFA Staffing costs, including payroll taxes, payroll processing fees, and employee health insurance and (b) any other actual, out-of-pocket expense incurred by Contractor in connection with providing the Services (“Reimbursable Expenses”); provided any and all Reimbursable Expenses must be approved in advance by Town and be in accordance with an Approved Budget, as defined below.

c. Additionally, Town and Contractor agree that Contractor shall receive additional yearly compensation based on the following formula:

i. Reduce \$530,000 less the dollar amount of Hotel/Motel/Tourism Tax transferred to HFFA in the fiscal year (excluding amounts transferred for capital expenditures and expenditures outside the ordinary course of business). This resulting difference shall be multiplied by fifty percent (50%) and the resulting number is the bonus to be paid to Contractor. In Year 1 the bonus calculation period will be the six-month period ending June 30, 2018 (January 1 to June 30, 2018).

For example, if zero dollars (\$0.00) of Hotel/Motel/Tourism Tax was transferred to HFFA in a given year the resulting difference would be \$530,000, which would be multiplied by 50% to create a bonus due to Contractor of \$265,000.

ii. Beginning in the 2020/2021 fiscal year, this Contractor bonus will be calculated by adding capital expenditures to the difference.

For example, if zero dollars (\$0.00) of Hotel/Motel/Tourism Tax is used in the given fiscal year, but the capital expenses were \$250,000, the bonus would be calculated as follows: \$530,000 less \$250,000 equals \$280,000. This difference

(\$280,000) multiplied by fifty percent (50%) equals \$140,000, which would be the bonus due to Contractor.

Any bonus earned by Contractor as detailed above shall be paid to Contractor within one hundred and eighty (180) days of the fiscal year end.

3. Project Coordinator. Town Manager, or designee, is designated as the Project Coordinator for Town. The Project Coordinator shall be Town's representative in connection with the Contractor's performance under this Contract. Town has complete discretion in replacing the Project Coordinator with another person of its choosing.
4. Contractor Supervisor. **Brian Sheehan** is designated as the Contractor Supervisor for the Contractor. The Contractor Supervisor is fully authorized to act on behalf of the Contractor in connection with this Contract.
5. Terms and Methods of Payment. The Town will make payment after invoices are approved on a net 30-day basis, excluding payroll reimbursements which shall be payable net five (5) business days. The Town will not pay for services or materials in advance without the prior approval of the Town's Finance Officer. Contractor shall invoice Town monthly for management fees (to be paid in equal monthly installments, pro-rated for any partial month), staff costs, and reimbursable expenses; provided however, the staffing/employment costs, including payroll taxes, payroll processing fees, and employee health insurance, will be billed to the Town bi-weekly based on the actual payroll costs from the preceding pay period and shall be paid by the Town within five (5) business days of receipt.
6. Standard Terms and Conditions: Contractor agrees to the Standard Terms and Conditions set forth as Exhibit 1, attached hereto and incorporated herein by reference.
7. Additional Provisions: the parties agree to the following additional provisions.

- a. Facility Management and Staffing

Contractor will provide complete facility management for the hours of operation of the facility. The hours of operation will be established by the Contractor after consultation and in consideration of the recommendations of the Town and a management team to be established by Contractor and Town.

Contractor staff may honor the following holidays: Christmas Day, New Year's Day, and Thanksgiving Day. If staffing is to be required on such holidays, such affected staff shall be paid, and Town will be billed at regular staffing rates.

Except as otherwise provided, all full-time and part-time staff will be employees of the Contractor and will be comprised of degree or degree candidate instructors and/or instructors nationally certified to appropriate professional organizations in their respective areas. At their discretion, and from time to time, Contractor may substitute criteria of experience and demonstrated knowledge in providing acceptable staff after consultation and in consideration of the recommendations of the Town. The staff may include, but not be limited to, health educators, dietitians, group exercise instructors, massage therapists, exercise specialists, lifeguards, swim

instructors, aquatic leaders, child care providers, business office specialists, and other service specialists.

- b. Budgeting; Procurement. Contractor will prepare and submit a proposed operating budget for HFFA prior to Town's annual budget process and assist Town staff as reasonably requested in connection with the Town's annual budget process. Town will have overall and final determination of the budget to be established pursuant to its budgetary requirements under State law (an "Approved Budget"). Any deviations from the adopted budgets will require approval by the Town Board. The Approved Budget will also identify expenses that are paid for directly by the Town and what expenses are Reimbursable Expenses paid for by Contractor but reimbursed by the Town.

Procurement of goods and services for HFFA shall be in accordance with all North Carolina General Statutes applicable to purchases by North Carolina municipalities and shall also be in accordance with all applicable Town's purchasing rules and regulations, specifically including the provision that all purchases exceeding One Thousand Dollars (\$1,000) shall be submitted to Town for a purchase order. For clarity, all purchases, whether by Contractor or by Town, shall at all times be subject to applicable North Carolina purchasing and bid laws.

- c. Daily financial management. Contractor shall review, approve, and prepare cash disbursement documents for payment of HFFA invoices in accordance with Town's financial procedures. Cash receipt reports, along with the cash, shall be prepared and brought to Town's finance department on a daily basis. Contractor will work with Town's financial staff in preparing year-end financial information needed for the annual audit.
- d. Employees. All salaried employees of Contractor who are engaged exclusively in the performance of this Contract to manage HFFA, shall work forty (40) hour weeks on behalf of HFFA (subject to normal vacation, sick leave, etc.). A reconciliation report of employee's gross wages and salaries, health care insurance fees, employer payroll taxes, and other applicable payroll costs will be provided. Town shall pay for non-employee expenses associated with service operations that fall within the budgetary guidelines without requiring prior approval as long as single expenses do not exceed the amounts defined in the section entitled Operational Management. Any expenses that are outside of the budget will not be purchased until the Town has consented thereto and adjusted the budget accordingly. Contractor agrees to provide payroll reports to the Town with breakdowns according to budgetary line items. In addition, Contractor will provide reports specific to employee payroll information should this be needed for audit purposes. Contractor reserves the right to identify administrative and departmental leadership employees by payroll number, without employee names provided.

It is acknowledged and agreed that the Contractor will invest substantial resources to train and convey information concerning operational techniques and management procedures to its employees at the Town's facility and Town acknowledges that such information and investment is a valuable asset of the Contractor's business. Town agrees that no employee or former employee of Contractor in a position of Administration or Departmental Leadership, shall be hired by the Town to work for a period of one (1) year following the expiration or termination of this Contract without the prior written approval of Contractor.

- e. Operational Agreements

1. Contractor will, at all times, manage the facility in such a manner that aligns with the Town's core values, and will take no action that would be deemed discriminatory or not afford equal opportunities for full participation according to the policies established by the Town.
 2. The Town has entered into certain contracts for the usage of the facility and such contracts, as well as any other usage contracts that the Town may enter into, will be honored by Contractor in planning and managing the facility. However, any Town decision affecting the operation of the facility will involve consultation with the Contractor to determine the impact of such decision on this Contract. Should the Town enter into an agreement during the term of this Contract that Contractor deems to prohibit Contractor's ability to achieve profitability, and where such agreement is entered into by the Town in spite of Contractor's direct request against such agreement, Contractor may, at its sole option terminate the Contract, so long as Contractor is not otherwise in default under this Contract.
 3. It is understood that Town, at all times, retains the right of final decision on the use of the facility. Contractor shall not have the right to enter into a binding obligation on behalf of the Town or HFFA unless the associated expense is already allowed for in the approved HFFA budget, or as otherwise allowed or delegated to do so by the Town. Contracts must be pre-audited prior to signature as required by law.
 4. All fees and rates charged to members of HFFA shall be approved by the Town. The currently agreed upon fee schedule is attached hereto as Exhibit 2.
 5. All sponsorship agreement shall be approved by the Town. A list of current sponsorship agreements is attached hereto as Exhibit 3.
- f. Annual review and evaluation. The Parties intend to meet at least annually to review HFFA operations, Contractor's performance and any other matters of interest to the Parties and the operation of HFFA ("Performance Review"). As of the date of this Contract, the Town has established an "Oversight Committee" (consisting of members of the Town's Board) and this Oversight Committee and key Town staff will endeavor to meet with Contractor staff as part of this Performance Review process.
- g. Miscellaneous
1. Town agrees to allow Contractor to display a sign at premises in a conspicuous place designating the responsibility to the Contractor for the quality of the overall operation.
 2. The Contractor shall not be liable for pool damages caused by hydrostatic lifting.
- h. Notice. All notices or other communications required by or permitted under this Contract (each such notice or other communication, a "Notice") shall be in writing and shall be deemed effective when physically delivered, sent by United States Postal Service, certified mail, return receipt

requested, or sent via designated delivery service as described in 26 U.S.C. § 7502(f)(2) addressed as follows:

If to the Contractor:

Brian C. Sheehan
President/CEO of Swim Club Management Group, Inc.
9801 Kinsey Avenue, Suite 165
Huntersville, NC 28078
Telephone: (704) 766-2726

With a copy to:

Elena F. Mitchell
Moore & Van Allen, PLLC
100 North Tryon Street, Suite 4700
Charlotte, NC 28202

If to the Town:

Town of Huntersville
Attention: Town Manager
P.O. Box 664
Huntersville, NC 28070
Telephone 704-766-2201

Any of the above addresses may be changed by giving Notice of such change in the manner described above.

8. Counterpart Execution. This Contract may be executed and recorded in two or more counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument. Each party shall be entitled to rely upon executed copies of this Contract transmitted by facsimile or electronic "PDF" to the same and full extent as the originals.

**[THE REST OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]
[SIGNATURES ON NEXT PAGE]**

IN WITNESS WHEREOF, the Town and the Contractor have executed this Contract on the day and year first written above.

SWIM CLUB MANAGEMENT GROUP OF CHARLOTTE, INC.

Contractor Name

Signature of Authorized Representative

Date

Contractor's Federal Identification #

[if Contract is with Organization or Social Security Number if individual]

Town of Huntersville

Town Manager

Date

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

APPROVED AS TO FORM:

Town Attorney

Date

REVIEWED BY:

Division of Insurance and Risk Management

Exhibit 1

Standard Terms and Conditions

1. Invoices. Applicable North Carolina sales tax shall be invoiced as a separate item. Invoices shall be sent to Town's accounts payable department with a copy to the Town Project Coordinator.
2. Payment Terms. Except for payroll reimbursements which shall be paid within five (5) business days as set forth above, payment terms are Net 30 days after receipt of correct invoice.
3. Compliance with All Laws. Contractor warrants that all performance hereunder shall be in accordance with all applicable federal, state and local laws, regulations and orders.
4. If Contractor, any of Contractor's employees, or any of Contractor's subcontractors or employees of subcontractors will have any direct interaction with minors, then Contractor or the subcontractor must (i) on an annual basis conduct a check of the N.C. Sex Offender and Public Protection Registration Program, the N.C. Sexually Violent Predator Registration Program and the National Sex Offender Registry for all such employees; and (ii) prohibit individuals listed on such registries from being on Town property.
5. Nondiscrimination. During the performance of the Contract, Contractor shall not discriminate against or deny the Contract's benefits to any person on the basis of sexual orientation, national origin, race, ethnic background, color, religion, gender, age or disability.
6. Conflict of Interest. Contractor represents and warrants that no member of Town or any of its employees or officers who may obtain a direct benefit, personal gain or advantage for themselves or a relative or associate as a result of the Contract, subcontract or other agreement related to the Contract is in a position to influence or has attempted to influence the making of the Contract, has been involved in making the Contract, or will be involved in administering the Contract. Contractor shall cause this paragraph to be included in all Contracts, subcontracts and other agreements related to the Contract.
7. Gratuities to Town. The right of Contractor to proceed may be terminated by written notice if Town determines that Contractor, its agent or another representative offered or gave a gratuity to an official or employee of Town in violation of policies of Town.
8. Kickbacks to Contractor. Contractor shall not permit any kickbacks or gratuities to be provided, directly or indirectly, to itself, its employees, subcontractors or subcontractor employees for the purpose of improperly obtaining or rewarding favorable treatment in connection with a Town Contract or in connection with a subcontract relating to a Town Contract. When Contractor has grounds to believe that a violation of this clause may have occurred, Contractor shall promptly report to Town in writing the possible violation.
9. Iran Divestment Act. Contractor certifies that, as of the date listed below, it is not on the Final Divestment List, as created by the State Treasurer pursuant to N.C.G.S. § 143-6A-4, in violation of the Iran Divestment Act. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 143C-6A-5(b), Contractor shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List. The Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and should be updated every 180 days.
10. E-Verification. Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.
11. Indemnification. Contractor shall indemnify and hold harmless Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees and liability that any of them may sustain (a) arising out of Contractor's failure to comply with any applicable law, ordinance,

regulation, or industry standard or (b) arising directly or indirectly out of Contractor's performance or lack of performance of the terms and conditions of the Contract including injuries or damages to persons or property that shall happen or occur in connection with Services. Contractor assumes no liability for damage or injury to persons or property arising from or caused by acts of God or mechanical failure of equipment, other than those that are proximately caused by the negligence, gross negligence or intentional misconduct of the Contractor.

12. Insurance. Unless such insurance requirements are waived or modified by Town or risk management (“DIRM”), Contractor certifies that it currently has and agrees to purchase and maintain during its performance under the Contract the following insurance from one or more insurance companies acceptable to Town and authorized to do business in the State of North Carolina: Automobile - Contractor shall maintain bodily injury and property damage liability insurance covering all owned, non-owned and hired automobiles. The policy limits of such insurance shall not be less than \$1,000,000 combined single limit each person/each occurrence. Commercial General Liability - Contractor shall maintain commercial general liability insurance that shall protect Contractor from claims of bodily injury or property damage which arise from performance under the Contract. This insurance shall include coverage for contractual liability. The policy limits of such insurance shall not be less than \$10,000,000 combined single limit each occurrence/annual aggregate. Professional Liability Insurance – Contractor certifies that it currently has and agrees to purchase and maintain during its performance under the Contract the following insurance from one or more insurance companies acceptable to the Town and authorized to do business in the State of North Carolina: Professional liability insurance in the amount of \$10,000,000 combined single limit each occurrence/annual aggregate. Worker's Compensation and Employers' Liability Insurance - If applicable to Contractor, Contractor shall meet the statutory requirements of the State of North Carolina for worker's compensation coverage and employers' liability insurance. Contractor shall also provide any other insurance or bonding specifically recommended in writing by the DIRM or required by applicable law. Certificates of such insurance shall be furnished by Contractor to Town and shall contain the provision that Town be given 30 days' written notice of any intent to amend or terminate by either Contractor or the insuring Contractor. Failure to furnish insurance certificates or to maintain such insurance shall be a default under the Contract and shall be grounds for immediate termination of the Contract.
13. Termination for Default. The Town and Contractor shall have the right to cancel this Contract based on either party's non-performance of duties and responsibilities as follows:
 - (a) The other party shall notify the defaulting party by certified mail of any problem regarding contractual non-performance as detailed in this Agreement. Defaulting party shall have sixty (60) days following notification to remedy stated violation of contract.
 - (b) If defaulting party fails to remedy violation and continues to not perform as detailed in this Agreement, the other party may terminate Agreement by providing thirty (30) days written notice to defaulting party by certified mail.
14. Accounting Procedures. Contractor shall comply with any accounting and fiscal management procedures prescribed by Town to apply to the Contract and shall assure such fiscal control and accounting procedures as may be necessary for proper disbursement of and accounting for all project funds.
15. Improper Payments. Contractor shall assume all risks attendant to any improper expenditure of funds under the Contract. Contractor shall refund to Town any payment made pursuant to the Contract if it is subsequently determined by audit that such payment was improper under any applicable law, regulation or procedure. Contractor shall make such refunds within 30 days after Town notifies Contractor in writing that a payment has been determined to be improper.
16. Contract Transfer. Contractor shall not assign, subcontract or otherwise transfer any interest in the Contract without the prior written approval of Town. Town shall not assign, subcontract or otherwise transfer any interest in the Contract without the prior written approval of Contractor.

17. **Contract Personnel.** Contractor agrees that it has, or will secure at its own expense, all personnel required to provide the Services set forth in the Contract.
18. **Contract Modifications.** The Contract may be amended only by written amendment duly executed by both Town and Contractor.
19. **Relationship of Parties.** Contractor is an independent contractor and not an employee of Town. The conduct and control of the work will lie solely with Contractor. The Contract shall not be construed as establishing a joint venture, partnership or any principal-agent relationship for any purpose between Contractor and Town. Employees of Contractor shall remain subject to the exclusive control and supervision of Contractor, which is solely responsible for their compensation.
20. **Advertisement.** The Contract will not be used in connection with any advertising by Contractor without prior written approval by Town.
21. **Monitoring and Evaluation.** Contractor shall cooperate with Town, or with any other person or agency as directed by Town, in monitoring, inspecting, auditing or investigating activities related to the Contract. Contractor shall permit Town to evaluate all activities conducted under the Contract. Town has the right at its sole discretion to require that Contractor remove any employee of Contractor from Town Property and from providing Services under the Contract following provision of notice to Contractor of the reasons for Town's dissatisfaction with the Services of Contractor's employee.
22. **Financial Responsibility.** Contractor is financially solvent and able to perform under the Contract. Should the Town believe the Contractor's financial solvency is impaired, Town shall have the right to request, on a yearly basis, that Contractor make available for inspection the Contractor's most recent yearly financial statements. The abovementioned documents will be available at the Contractor's office for viewing at an agreed upon time. The documents shall be marked proprietary trade information and confidential, may not be copied, and shall only be used for the purpose of validating the financial solvency of the Contractor. In the event of any proceedings, voluntary or involuntary, in bankruptcy or insolvency by or against Contractor, the inability of Contractor to meet its debts as they become due or in the event of the appointment, with or without Contractor's consent, of an assignee for the benefit of creditors or of a receiver, then Town shall be entitled, at its sole option, to cancel any unfulfilled part of the Contract without any liability whatsoever for the unfulfilled Goods or Services.
23. **Governmental Restrictions.** In the event any governmental restrictions are imposed which necessitate alteration of the material, quality, workmanship or performance of the items offered prior to their delivery, it shall be the responsibility of the Contractor to notify, in writing, the issuing purchasing office at once, indicating the specific regulation which required such alterations. Town reserves the right to accept any such alterations, including any price adjustments occasioned thereby, or to cancel the Contract.
24. **Inspection at Contractor's Site.** Town reserves the right to inspect, at a reasonable time, the equipment/item, plant or other facilities of a prospective contractor prior to Contract award, and during the Contract term as necessary for Town determination that such equipment/item, plant or other facilities conform with the specifications/requirements and are adequate and suitable for the proper and effective performance of the Contract.
25. **Confidential Information.** **Employee Personnel Information:** If, during the course of Contractor's performance of the Contract, Contractor should obtain any information pertaining to employees of Town's personnel records, Contractor agrees to keep any such information confidential and to not disclose or permit it to be disclosed, directly or indirectly, to any person or entity. **Other Confidential Information:** (a) Contractor agrees that it will at all times hold in confidence for Town all designs, know-how, techniques, devices, drawings, specifications, patterns, technical information, documents, business plans, item requirements, forecasts and similar data, oral, written or otherwise, conveyed by Town to Contractor in connection herewith or procured,

developed, produced, manufactured or fabricated by Contractor in connection herewith or procured, developed, produced, manufactured or fabricated by Contractor in connection with Contractor's performance hereunder (collectively, "Information"). Contractor shall exercise the same degree of care to prevent disclosure of any Information to others as it takes to preserve and safeguard its own proprietary information, but in any event, no less than a reasonable degree of care. Contractor shall not, without the prior written consent of Town, reproduce any Information; nor disclose Information to any party; nor use any Information for any purpose other than performance for the benefit of Contractor hereunder. (b) Any technical knowledge or information of Contractor which Contractor shall have disclosed or may hereafter disclose to Town in connection with the Services or other performance covered by the Contract shall not, unless otherwise specifically agreed upon in writing by Town, be deemed to be confidential or proprietary information and shall be acquired by Town free from any restrictions as part of the consideration of the Contract.

26. Intellectual Property. Contractor agrees, at its own expense, to indemnify, defend and save Town harmless from all liability, loss or expense, including costs of settlement and attorney's fees, resulting from any claim that Town's use, possession or sale of the Services infringes any copyright, patent or trademark or is a misappropriation of any trade secret.
27. No Pre-Judgment or Post-Judgment Interest. In the event of any action by Contractor for breach of contract in connection with the Contract, any amount awarded shall not bear interest either before or after any judgment, and Contractor specifically waives any claim for interest.
28. Background Checks. At the request of Town's Project Coordinator, Contractor (if an individual) or any individual employees of Contractor shall submit to Town criminal background check and drug testing procedures.
29. Mediation. If a dispute arises out of or relates to the Contract, or the breach of the Contract, and if the dispute cannot be settled through negotiation, the parties agree to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Commercial Mediation Rules before resorting to litigation.
30. No Third Party Benefits. The Contract shall not be considered by Contractor to create any benefits on behalf of any third party. Contractor shall include in all contracts, subcontracts or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third party benefits.
31. Force Majeure. If Town is unable to perform its obligations or to accept the Services because of Force Majeure (as hereinafter defined), the time for such performance by Town or acceptance of Services will be equitably adjusted by allowing additional time for performance or acceptance of Services equal to any periods of Force Majeure. "Force Majeure" shall mean any delays caused by acts of God, riot, war, terrorism, inclement weather, labor strikes, material shortages and other causes beyond the reasonable control of Town or Contractor. If Contractor is unable to perform its obligations or provide the Services because of Force Majeure, the time for such performance by Contractor for providing Services will be equitably adjusted by allowing additional time for performance or acceptance of Services equal to any periods of Force Majeure.
32. Ownership of Documents. All documents created pursuant to the Contract shall, unless expressly provided otherwise in writing, be owned by Town. Upon the termination or expiration of the Contract, any and all finished or unfinished documents and other materials produced by Contractor pursuant to the Contract shall, at the request of Town, be turned over to Town. Any technical knowledge or information of Contractor which Contractor shall have disclosed or may hereafter disclose to Town shall not, unless otherwise specifically agreed upon in writing by Town, be deemed to be confidential or proprietary information and shall be acquired by Town free from any restrictions as part of the consideration of the Contract.
33. Strict Compliance. Town may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.

34. General Provisions. Town's remedies as set forth herein are not exclusive. Any delay or omission in exercising any right hereunder, or any waiver of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default. If action be instituted by Contractor hereunder, Town shall be entitled to recover costs and reasonable attorney's fees. Contractor may not assign, pledge, or in any manner encumber Contractor's rights under this Contract or applicable Purchase Order, or delegate the performance of any of its obligations hereunder, without Town's prior, express written consent.
35. Contract Situs. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation and enforcement of the Contract, will be determined in Mecklenburg County, North Carolina. North Carolina law will govern the interpretation and construction of the Contract.

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Gerry Vincent, Town Manager
Subject: Concessionaire Agreement

Consider approving Concessionaire Agreement with Summit Coffee Roasting Company, LLC for operation of concessionaire services from a certain area within HFFA.

ACTION RECOMMENDED:

Approve Agreement

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

| Description | Type |
|----------------------------|-----------------|
| ☐ Concessionaire Agreement | Backup Material |

CONCESSIONAIRE AGREEMENT

This Concessionaire Agreement (hereinafter "Agreement"), is made this ____ day of _____, 2017, by and between the TOWN OF HUNTERSVILLE, a North Carolina municipal corporation (hereinafter "Town"), for the benefit of the Huntersville Family Fitness and Aquatics, and SUMMIT COFFEE ROASTING COMPANY, LLC a North Carolina Limited Liability Company (hereinafter "Summit Coffee").

WITNESSETH:

WHEREAS, Town operates a center known as the Huntersville Family Fitness and Aquatics ("HFFA") which is located at 11725 Verhoeff Drive, Huntersville, NC (the "Facility"); and

WHEREAS, Summit Coffee desires to operate concessionaire services from a certain area within HFFA to provide a menu of food and beverage consistent with a health and fitness club to the patrons of the Facility; and

WHEREAS, Town and Summit Coffee wish to enter into an agreement to address the terms and conditions.

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

1. **Space/Area.** The area within HFFA to be designated space for Summit Coffee is the café area located at the main entrance, which is approximately 400 square feet, and a portion of the kitchen located on the west side of the building near the outdoor swimming pool, which shall be shared with HFFA. A diagram giving the location of the café area and kitchen is attached hereto as Exhibit A, and incorporated herein by reference.
2. **Term.** The term of this Agreement shall begin on October 2, 2017, and end at 12:01 a.m., on October 1, 2020, unless terminated earlier pursuant to the terms of the Agreement. Upon such termination, Summit Coffee shall remove its personal property from the Facility. Any such property which remains after thirty (30) days from the end of the Agreement without the consent of Town shall become property of the Town.
3. **Fees.** Summit Coffee shall pay to Town on the 1st day of each month the following amounts during the term of this Agreement:
 - a. First six (6) months: \$0.00
 - b. Month Seven (7) through Twelve (12) \$900, or five percent (5%) of Total Sales, whichever is Greater, but not to exceed \$2,000

- c. Month thirteen (13) through Twenty-four (24) \$900, or five percent (5%) of Total Sales, whichever is greater. but not to exceed \$3,000
- d. Month Twenty-five (25) through Thirty-six (36) \$900, or five percent (5%) of Total Sales, whichever is greater.

The percentage of sales shall be based upon the Total Sales of the immediately preceding month.

4. Security Deposit. Summit Coffee shall pay to Town as a security deposit in the amount of \$900.00, at the time of signing of this Agreement. Upon termination of this Agreement for any reason, Town may withhold from Summit Coffee any amounts necessary to cure any previous default and/or make such repairs and maintenance as was the obligation of Summit Coffee of this Agreement upon termination. The balance, if any, shall be returned to Summit Coffee within thirty (30) days of termination.
5. Hours of Operation. Summit Coffee agrees to be staffed and operational during the duration of all economic impact/special events, and to be staffed and open for general operation consistent with the schedule listed below, but which schedule may be changed or varied by mutual consent of the parties:
 - a. Monday through Thursday: 6:00 a.m. to 8:30 p.m.
 - b. Friday: 6:00 a.m. to 7:30 p.m.
 - c. Saturday: 8:00 a.m. to 4:00 p.m.
 - d. Sunday: 11:00 a.m. to 4:00 p.m.
6. Use of Space/Area. Summit Coffee shall use the space solely for the purposes as a concessionaire of food and beverage consistent with a health and fitness club. The use of the kitchen space shall be used only in conjunction with preparation of food products to be consumed at HFFA. Any use other than that described without the express written consent of Town (which shall not be reasonably withheld) shall be deemed a default in this Agreement and entitle Town to pursue all remedies it has in the event of default.
7. Signage. One (1) exterior sign may be erected at the expense of Summit Coffee shall be in compliance with the Town of Huntersville sign ordinance, and shall not require the removal or relocation of any existing signage. The Town has final approval of its location and size. The Town agrees to provide a temporary interior sign stating "Under Construction, Summit Coffee Coming Soon", and shall post in the café area. Summit Coffee agrees to provide, at its cost, a sample menu to which can be posted at the entrance of the Facility during the construction period only.
8. Exclusivity. Town will not enter into agreements with any other food service provider, and Summit Coffee shall have a right of first refusal for the sale of food products within the facility, except that:

- a. Town reserves the right to provide or sell water.
 - b. Town reserves the right to partner with a “Prepared Food Vendor” for the purpose of weekly meal drop-off/pick-up.
 - c. Town reserves the right to use a small agreed upon space in the kitchen area, and specifically in existing refrigeration units for refrigeration needs.
 - d. Any existing agreements for provision of food and beverage sales shall remain in effect for the duration of that agreement.
9. Right of Entry. Town hereby reserves the right to enter the space(s) during reasonable hours of operation for the purpose of inspecting, and/or making major repairs as the Town may deem appropriate. Summit Coffee acknowledges and understands that in the case of an emergency, the Town may need to enter the space at any hour to cause repairs to be made to preserve or prevent further damage from occurring to the premises, and the Summit Coffee agrees to cooperate reasonably with the Town in the event of any such emergency.
10. Insurance. Summit Coffee shall maintain, at its expense, general liability insurance and workers compensation insurance at all times for their benefit and protection.
11. Damage or Destruction. In the event of damage or destruction of the Facility, or space, so that Summit Coffee cannot continue operation of such concessionaire services, Town may terminate this Agreement as of the date of the damage or destruction and any pre-paid rent for the period after termination shall be returned to Summit Coffee. In no event shall Town be required to rebuild or repair the damage.
12. Maintenance, Alterations and Modifications of Café Area. Summit Coffee will upfit and remodel the café area to be aesthetically consistent with its branding. Any alterations or modifications to the café area, shall be with prior written consent of Town, and such alternations or modifications shall be at the sole expense of Summit Coffee, which shall not permit any lien for labor and materials to attach to the premises. Summit Coffee shall be responsible for general maintenance and care of the café area and the portion of the shared kitchen space.
13. Equipment Maintenance. Town currently has equipment in the café area and kitchen areas to which Summit Coffee shall have use of. Should the equipment need to be replaced or routinely serviced during the term of this Agreement the cost of doing so will be incurred by Summit. Any replacement of existing major equipment or fixtures shall require the prior consent of Town except in emergency situation.
14. Indemnity. Summit Coffee will indemnify and hold harmless the Town for any loss, claim, suit, or damages (including reasonable attorney fees) proximately caused by the negligent or willful conduct of its employees, members and invitees.
15. Assignment, Subletting. Summit Coffee shall not assign this Agreement, or sublet the space in which it rents without the prior consent of Town.
16. Event of Default. The happening of any of the following shall constitute and Event of Default on the part of Summit Coffee during the term of this Agreement: (a) failure to

pay the monthly payments to Town when due; (b) any non-monetary violation of this Agreement after thirty (30) day notice to Summit Coffee. Upon the occurrence of an Event of Default which remains uncured, Town shall have all remedies available to it, including terminating this Agreement, regaining full possession of the space and area, and maintaining an action to recover unpaid monies or other amounts due it. Summit Coffee shall not be held in default for vacating the Premises before the end of the term under this Agreement, and rents paid will be prorated for the month in which the Summit Coffee vacates the premises. Town shall not be held in default for requesting the vacating of the space and area by Summit Coffee before the end of the term under this Agreement, and monies paid will be prorated for the month in which the Summit Coffee vacates the premises.

17. Return of Premises Upon Termination. Upon termination of this Agreement, whether at end of term or otherwise, Summit Coffee shall return the Premises to Town in a good condition as at the inception, reasonable wear and tear excepted. The space and café area shall be in a clean, vacant condition and all personal property of Summit Coffee shall have been removed, and keys returned. Equipment and fixtures provided by Town, or any replacement thereof, shall be retained by Town unless otherwise agreed by the parties.
18. Controlling Law, Forum. This Agreement shall be controlled and interpreted by the laws of the State of North Carolina. The sole venue for the resolution of any dispute hereunder shall be a State or Federal court sitting in Mecklenburg County, North Carolina.

IN WITNESS THEREOF, the parties have executed this Agreement by authority duly given as of the date first above written.

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ATTEST:

TOWN OF HUNTERSVILLE

Janet Pierson, Town Clerk

By: _____
Gerald D. Vincent, Town Manager

(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

**SUMMIT COFFEE ROASTING
COMPANY, LLC**

By: _____
Printed Name: _____

Its: _____
(Title)

EMERGENCY FIRE EXIT ROUTE

CHILD WATCH

 FIRE ALARM PULLS



Kitchen Area

Cafe Area

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Brian Richards
Subject: R17-07 503 S. Old Statesville Rd

Rezone: Request by Charles Guignard to rezone 0.33 acres located at 503 S. Old Statesville Rd (south of Mt. Holly-Huntersville Rd.) from Neighborhood Residential Conditional District (NR-CD) to Neighborhood Residential (NR) to remove an existing multifamily overlay. Parcel ID # 01907202.

ACTION RECOMMENDED:

Consider a decision on Petition #R17-07

FINANCIAL IMPLICATIONS:

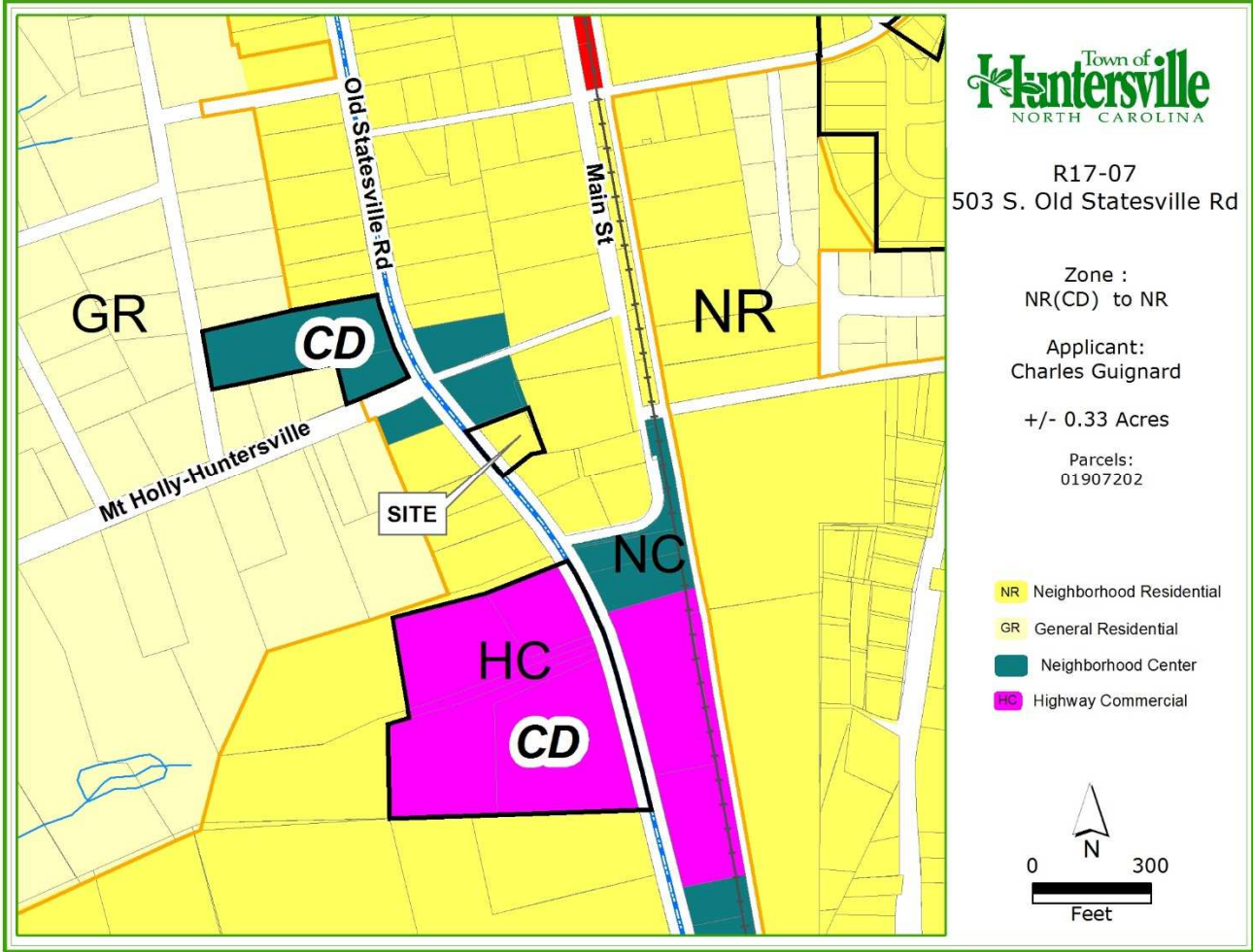
n/a

ATTACHMENTS:

| Description | Type |
|---|--------------|
| <input type="checkbox"/> R17-07 Staff Report | Staff Report |
| <input type="checkbox"/> A - Application | Exhibit |
| <input type="checkbox"/> B - NR Zoning District | Exhibit |
| <input type="checkbox"/> C - R17-07 Site Plan | Exhibit |
| <input type="checkbox"/> D - 1992 Rezoning Plan & Approval Letter | Exhibit |

Petition R17-07 503 South Old Statesville Road

PART 1: SUMMARY



1. On March 17, 1992 the Board of Commissioners approved a request by Diane Maye and Walton Neil to rezone 503 S. Old Statesville Rd from R-3 to R-8MF(CD) to allow for a conversion of a Single Family home to a Duplex with the conditions that no exterior structural changes would be made. During the 1996 Zoning Ordinance rewrite the property was reclassified to Neighborhood Residential Conditional District (NR-CD), as this was the category that allowed for Duplex buildings. The applicant is requesting a general rezoning from Neighborhood Residential Conditional District (NR-CD) to Neighborhood Residential (NR), which would allow for the Duplex to remain and remove the conditions of no exterior changes. Also all uses within Neighborhood Residential (NR) would be allowed by-right if the rezoning is approved.
2. Adjoining Zoning and Land Uses.
 - North: *Neighborhood Center (NC):* Old Ford Place
 - South: *Neighborhood Residential (NR):* Duplex Homes
 - East: *Neighborhood Residential (NR):* Single Family Home
 - West: *Neighborhood Residential (NR):* Single Family Home
3. Notice for this rezoning petition was sent to adjoining property owners (via letters), a legal ad placed in the Charlotte Observer and posted rezoning signs on the property in one location.

PART 2: TRANSPORTATION ISSUES

None

PART 3: REZONING CRITERIA

Current Zoning: Neighborhood Residential Conditional District (NR-CD) allows for the Duplex unit with the conditions that there will be no exterior modifications to the building.

Proposed Zoning: Neighborhood Residential (NR) allows for the Duplex to remain and removes the condition that prohibits exterior modifications.

Future Land Use:

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 request to rezone the property from NR (CD) to NR is consistent with the following policies of the **2030 Huntersville Community Plan**:

- **Housing Policy H-1 and H-7: Focus Higher Intensity Development Generally within 2 miles of the I-77 and NC 115 Corridor.**

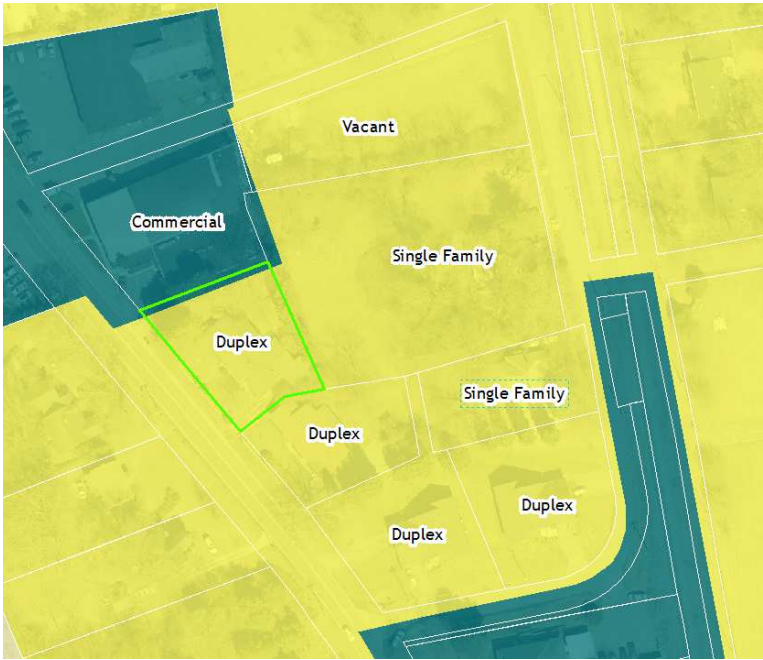
Staff comment: The subject parcel is zoned Neighborhood Residential Conditional District (NR-CD) and is located within the higher intensity zone. Neighborhood Residential allows for duplex homes; therefore the request is consistent with the future land use plan.

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 existing building was constructed in 1949 and converted to a Duplex in 1992. The existing development surrounding the property is Commercial, Duplexes, and Single Family Homes; therefore the request to rezone the property is consistent with the existing development of adjacent parcels (see image below).



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:

There is no development site plan proposal associated with the general rezoning request. Public facilities will not be impacted.

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

STAFF COMMENT: There are no known resources located on the property.

Article 11 Section 11.4.7(f) of the Zoning Ordinance states that: “When considering a petition to reclassify property to a general district, the Planning Board and the Town Board shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.”

STAFF COMMENT: There is no development site plan proposal associated with the general rezoning request.

PART 4: STAFF RECOMMENDATION

The request to rezone the parcel from Neighborhood Residential Conditional District to Neighborhood Residential is consistent with the 2030 Community Plan and the surrounding development; therefore staff recommends approval of the request.

PART 5: PUBLIC HEARING COMMENTS

Public Hearing was held on August 7, 2017.

PART 6: PLANNING BOARD RECOMMENDATION

On August 22, 2017 the Planning Board recommended approval based on the rezoning being consistent with the 2030 Community Plan, and is reasonable and in the public interest to approve the rezoning, because it is inline with the adjoining properties.

The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Sailors, Swanick

PART 7: ATTACHMENTS/ENCLOSURES

Attachments

- A – Rezoning Application
- B – Neighborhood Residential Zoning Uses
- C - Site Plan
- D - 1992 Rezoning Plan and Letter

PART 8: CONSISTENCY STATEMENT - R 17-07 503 S. Old Statesville Rd.

| Planning Department | Planning Board | Board of Commissioners |
|--|---|---|
| <p>APPROVAL: In considering the proposed rezoning application R17-07; 503 S. Old Statesville Rd., the Planning staff recommends approval as it is consistent with Housing Policies H-1 and H-7 of the 2030 Community Plan. The property is also located within the high intensity development area and the proposed density is consistent with surrounding developments (see Part 3).</p> <p>With those provision, it is reasonable and in the public interest to approve the General Rezoning Plan because the request is consistent with the 2030 Community Plan and is in keeping with the surrounding development.</p> | <p>APPROVAL: In considering the proposed rezoning application R17-07; 503 S. Old Statesville Rd., the Planning Board recommends approval based on the Plan being consistent with the 2030 Community Plan, and is reasonable and in the public interest to approve the rezoning, because it is inline with the adjoining properties.</p> | <p>APPROVAL: In considering the proposed rezoning application R17-07; 503 S. Old Statesville Rd., the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |
| | | <p>DENIAL: In considering the proposed rezoning application R17-07; 503 S. Old Statesville Rd., the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |



General Application

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

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

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

| | |
|--|---|
| <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> COMMERCIAL SITE PLAN <input type="checkbox"/> CONDITIONAL REZONING <input checked="" type="checkbox"/> GENERAL REZONING <input type="checkbox"/> MASTER SIGNAGE PROGRAM <input type="checkbox"/> REVISION to _____ <input type="checkbox"/> SPECIAL USE PERMIT | SUBDIVISION CATEGORIES: <i>Per the Huntersville Subdivision Ordinance</i> <input type="checkbox"/> SKETCH PLAN <input type="checkbox"/> PRELIMINARY PLAN <input type="checkbox"/> FINAL PLAT (includes minor and exempt plats) <input type="checkbox"/> FINAL PLAT REVISION <input type="checkbox"/> FARMHOUSE CLUSTER |
|--|---|

2. Project Data

Date of Application 6/30/17

Name of Project ad Statesville Duplex Phase # (if subdivision) _____

Location 503 S. ad Statesville Rd

Parcel Identification Number(s) (PIN) 01907202

Current Zoning District NR-CD Proposed District (for rezonings only) NR

Property Size (acres) .33 Street Frontage (feet) 157.33'

Current Land Use Duplex

Proposed Land Use(s) Duplex

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

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Remove the conditional overlay for a duplex

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

X *Applicant's Signature  Printed Name CHARLES S GUILNARD

Address of Applicant P.O. Box 1766 HUNTERSVILLE, N.C. 28070.

Email _____

Property Owner's Signature (if different than applicant) _____

X Printed Name CHARLES S. GUILNARD

X Property Owner's Address Box 1766 HUNTERSVILLE NC Email _____

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

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

| Design Firm | Name of contact | Phone | Email |
|-------------|-----------------|-------|-------|
|-------------|-----------------|-------|-------|

If Applying for a General Rezoning:

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

If Applying for a Conditional Rezoning:

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

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

If Applying for a Subdivision:

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

Contact Information

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

3.2.4 NEIGHBORHOOD RESIDENTIAL DISTRICT (NR)

Intent: The Neighborhood Residential District provides for residential **infill** development surrounding the traditional town center and its logical extensions. This district also provides for town-scaled residential development within walking distance (generally ½ mile) of satellite village centers, identified on the Land Development Plan. Streets in the Neighborhood Residential District must be interconnected, according to Article 5, Streets, and Urban Open Space provided according to Article 7. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use and commercial buildings at residential scale, according to locational criteria. The intensity to which permitted uses may be built is regulated by the building type which corresponds to the use.

“towns offer an important lesson in both architecture and citizenship: buildings, like citizens, warrant their idiosyncrasies so long as they behave civilly toward their neighbors...”

*Alex Krieger
PLACES
Winter, 1996 (67)*

a) Permitted Uses

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to four roomers
- congregate housing designed within the “civic” building type
- family care home
- multi-family homes
- single family homes

Uses permitted with conditions

- cemeteries, (9.7)
- religious institutions, (9.8)
- commercial use in a mixed use building¹, located on an arterial or at the intersection of a neighborhood street and a larger capacity street
- commercial use, in a detached house building type, located within ¼ mile of a Town Center district and fronting a major or minor thoroughfare (Includes properties in which any portion falls within the ¼ mile boundary) (9.51)
- essential services 1 and 2, (9.14)
- government buildings up to 5000 square feet of gross floor area
- neighborhood and outdoor recreation, (9.21)
- parks, (9.29)
- retirement communities (9.50)
- schools, (9.35)
- transit-oriented parking lots as a principal use, (9.49)
- transit shelters, (9.39)

Uses permitted with Special Use Permit

- solar energy facility free-standing, minor, non-residential, (9.54)
- solar energy facility, rooftop, minor non-residential that is noticeable on a roof slope facing a street, (9.54)
- solar energy facility, minor residential as follows: located on the façade elevation facing public street or common access; or located on the roof slope above the façade of the structure facing public street or common access, (9.54)
- wind energy facility, minor, accessory, (9.53)

b) Permitted Building and Lot Types

- apartment
- attached house
- civic building
- detached house (Commercial uses up to 4,500 SF of first floor area)
- mixed use¹, up to 3,000 SF of first floor area

c) Permitted Accessory Uses

- accessory dwelling, (9.1)
- day care home (small), (9.11)

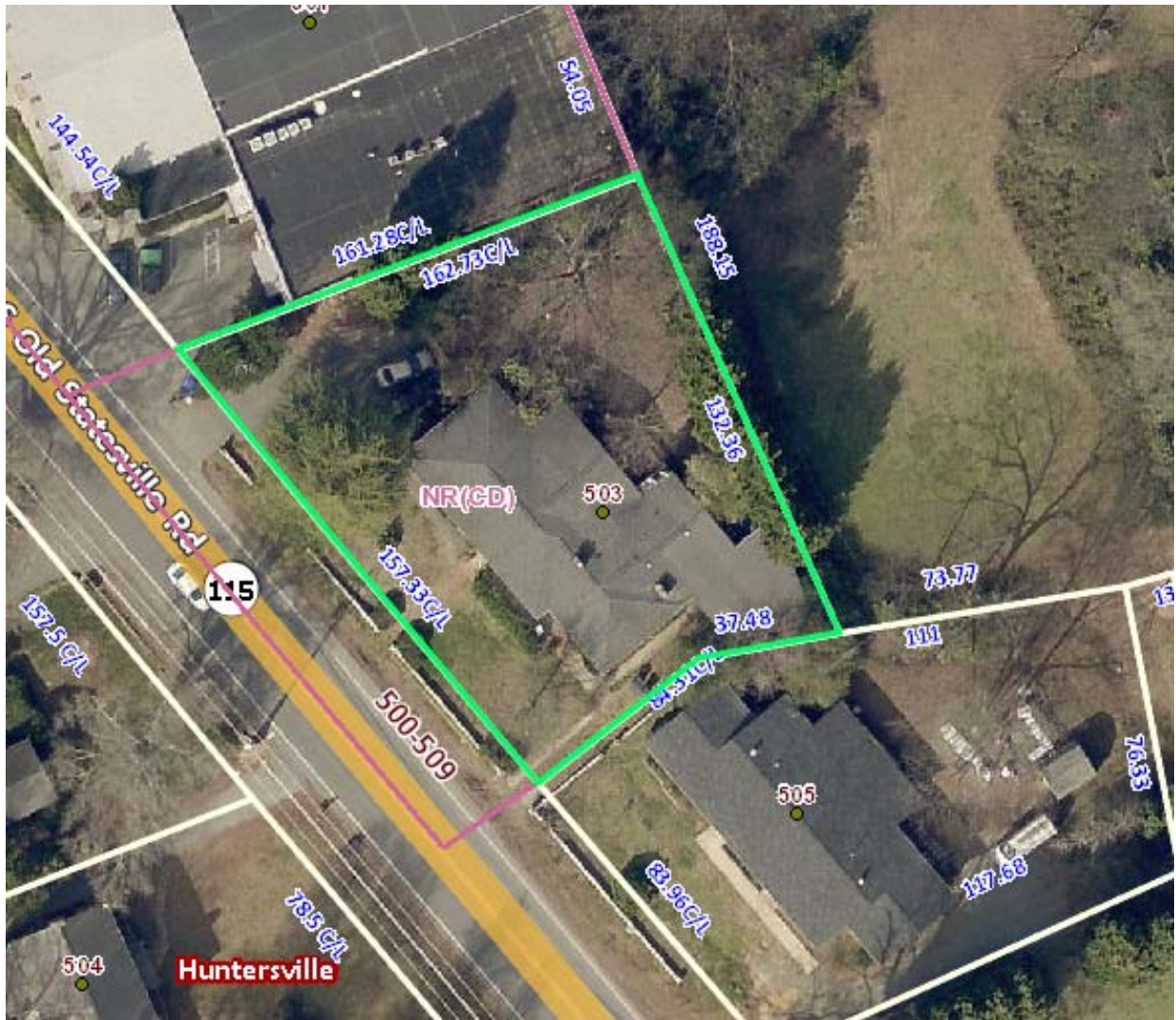
¹ The mixed use building duplicates the shopfront building type and has at least two occupiable stories; at least 50% of the habitable area of the building shall be in residential use, the remainder shall be in commercial use. However, when an existing residential building is redeveloped to a mixed-use, at least 40% of the habitable area shall be in residential use.

- home occupation, (9.19)
- marinas, (9.42)
- solar facility, rooftop minor non-residential on a flat roof, a roof slope not facing a street and unnoticeable building integrated solar panels on roof slopes facing a street (9.54)
- solar energy facility, minor residential; located in the established rear or side yards or roof slopes, (9.54)
- accessory uses permitted in all districts (8.11)

d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.
 - A single-family detached house established on a lot of one acre or more that is created according to the provisions of Article 8.1, paragraph 1, need not adhere to the spacing, massing, scale, and street frontage relationships of existing buildings along an existing street or road, but shall, at a minimum, observe a front setback of 40 feet and a lot width of 90 feet. This paragraph shall take precedence over the requirement of Article 4: Lot Types/Detached House for placement of a building on its lot.
 - Nothing in this subsection shall be interpreted to conflict with the building design element provision as found in GS 160A-381(h) for structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.
- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) In major subdivisions which are extensions of the traditional town center and planned developments associated with new neighborhood centers, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed-use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
- 4) Notwithstanding the limitations of 3), above, in any section of a major subdivision located within ¼ mile of a designated rail transit station, the percentage of dwelling units contained in attached houses, apartment buildings, and mixed use buildings is not limited. Higher overall density is encouraged within ¼ mile of rail transit stations. Rail transit stations are those locations designated by resolution adopted by the Board of Commissioners of the Town of Huntersville.
- 5) Every building lot shall have frontage upon a public street except as provided in Section 8.1.
- 6) The percentage of attached dwelling units contained in a retirement community is not limited when duplex style buildings are used.
- 7) See Section 8.16, Standards for Residential Lot Widths, Alleys, Garages and Parking in Residential Districts.

503 South Old Statesville Rd



TOWN OF HUNTERSVILLE

P.O. BOX 664

PHONE 875-6541

HUNTERSVILLE, NORTH CAROLINA 28078



April 21, 1992

Mr. Robert Brandon
Charlotte-Mecklenburg Building Standards Department
700 N. Tryon Street
Charlotte, NC 28202

Dear Mr. Brandon:

On March 17, 1992 the Board of Commissioners of the Town of Huntersville approved a request by Diane Maye and Walton Neil for a change in zoning from the R-3 single-family residential district to an R-8MF (CD) parallel conditional multi-family district for a .58 acre parcel located at 503 Old Statesville Road South. The property is identified as Mecklenburg County tax parcel 019-072-02. A revised zoning map and the approved conditional site plan are enclosed for placement in your Huntersville file.

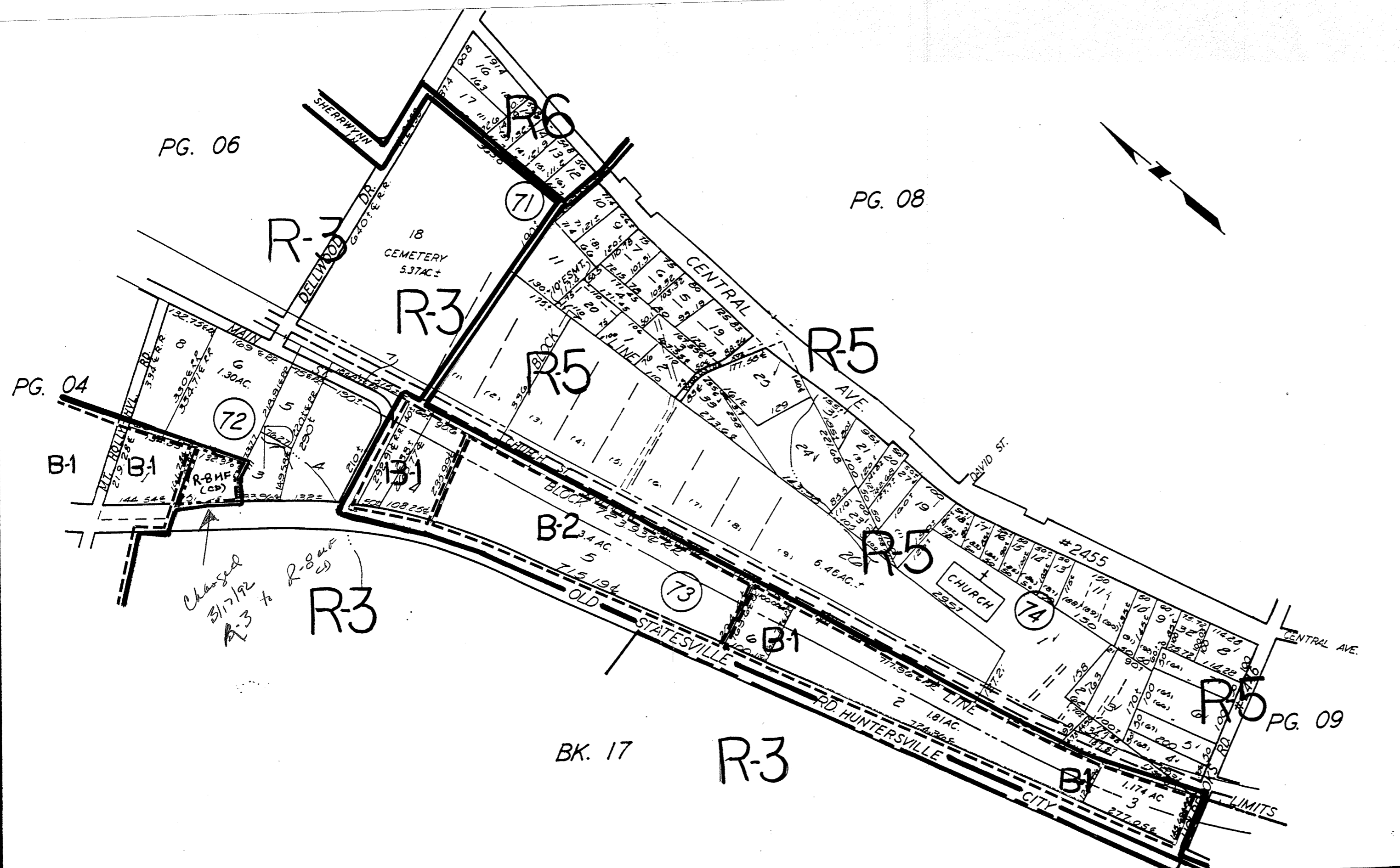
Thank you for your continued assistance. If you or your staff have questions concerning this zoning change, please let me know.

Very truly yours,

Ann Hammond
Ann Hammond
Town Planner

cc w/enclosure: Sam McCoy, Charlotte-Mecklenburg Building Standards
Kam Merrill, Charlotte-Mecklenburg Building Standards
Darryl Broome, Charlotte-Mecklenburg Building Standards
Katrina Young, Charlotte-Mecklenburg Building Standards

cc: Peggy Long, Mecklenburg County Tax Administrator's Office
Diane Maye, Petitioner
Walton Neil, Petitioner



TAX LINE MAP BOOK 19 PAGE 07
MECKLENBURG COUNTY, NORTH CAROLINA
REVISED SCALE 1" = 200'

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Brian Richards
Subject: R17-04 Sam Furr Senior Apartments

Rezone: Request by Nickel Development Group, LLC to rezone 2.024 acres located along Sam Furr Rd. west of Birkdale Village from Highway Commercial Conditional District (HC-CD) to Highway Commercial Conditional District (HC-CD) to create a 62 unit age restricted apartment building. Parcel ID # 00537401

ACTION RECOMMENDED:

Consider a decision on Petition #R17-04

FINANCIAL IMPLICATIONS:

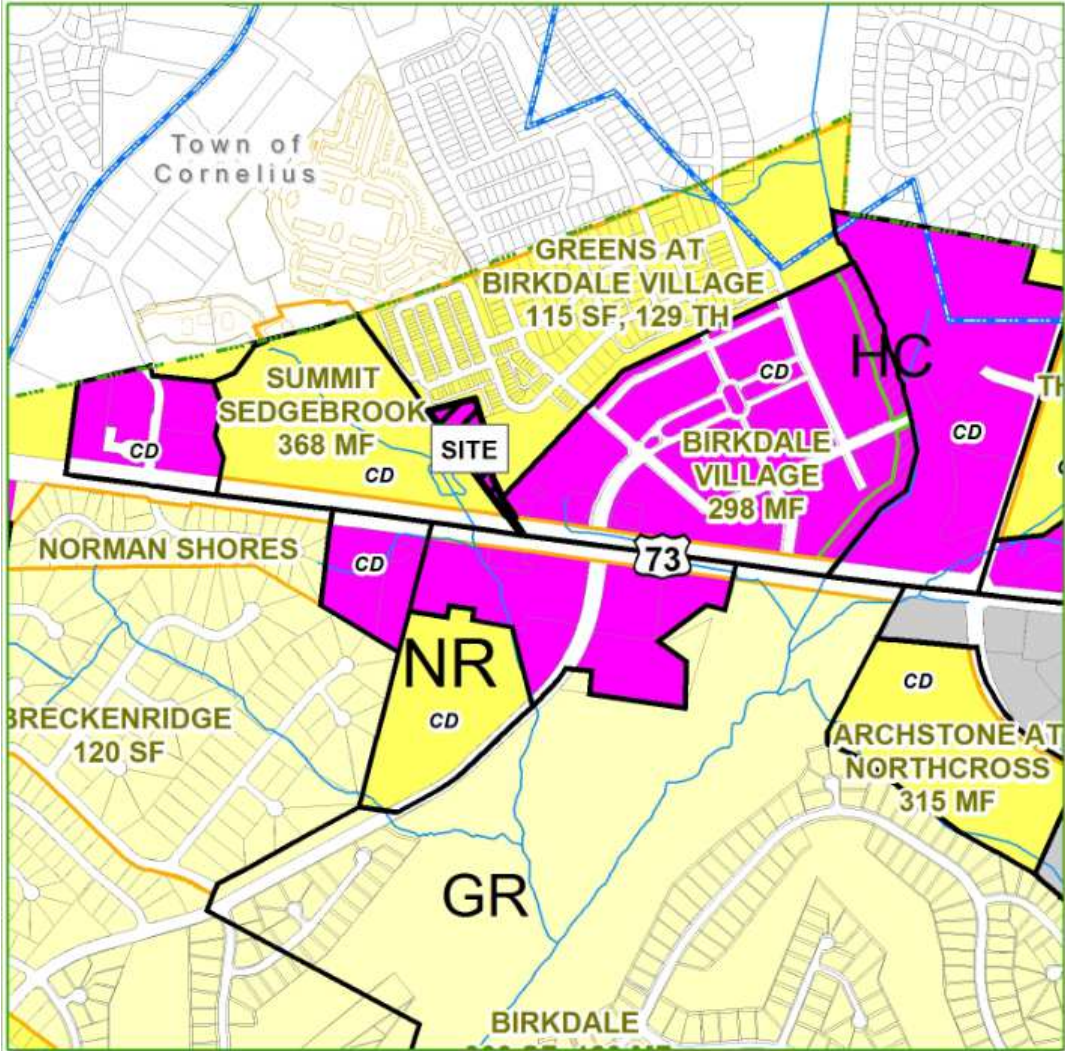
n/a

ATTACHMENTS:

| Description | Type |
|--|--------------|
| <input type="checkbox"/> Staff Report TB | Staff Report |
| <input type="checkbox"/> A - Application | Exhibit |
| <input type="checkbox"/> B - Rezoning Plan | Exhibit |
| <input type="checkbox"/> C - APFO Determination | Exhibit |
| <input type="checkbox"/> D - Neighborhood Meeting Report | Exhibit |
| <input type="checkbox"/> E - R08-09 Birkdale Inn | Exhibit |
| <input type="checkbox"/> F - Letter from Townhome HOA | Exhibit |
| <input type="checkbox"/> G - Neighborhood Petition | Exhibit |

Petition R17-04
Sam Furr Senior Apartments Conditional District Rezoning

PART 1: PROJECT SUMMARY



Applicant: Nickel Development Group, LLC
Property Owner: Nickel Development Group, LLC
Property Address: 8541 Sam Furr Road
Project Size: (+/-) 2.024-acres
Parcel Numbers: 00537401
Current Zoning: Highway Commercial Conditional District (HC-CD) Birkdale Inn 16 Room Hotel
Current Land Use: Vacant
Proposed Zoning: Highway Commercial Conditional District (HC-CD) Sam Furr Sr Apartments 62 Units.
Proposed Land Use: 78 unit multi-family apartment

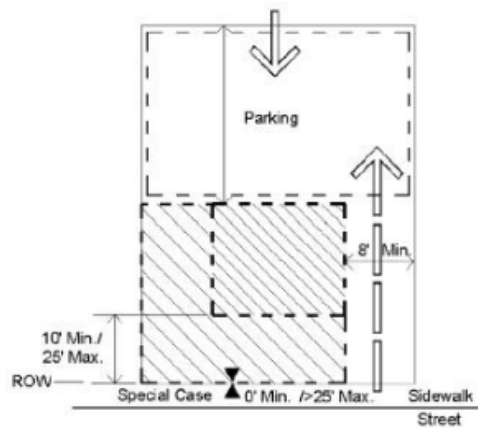
1. Purpose: Rezone 2.024 acres near the intersection of Sam Furr Road and Birkdale Commons Parkway (west of Birkdale Village) from Highway Commercial Conditional District (HC-CD) to Highway Commercial Conditional District (HC-CD) to allow for a 78 unit age-restricted apartment building.
2. Adjoining Zoning and Land Uses.
 - North: Neighborhood Residential (NR) –Townhomes and Single-family homes (Greens at Birkdale).
 - South: Highway Commercial (HC) – Commercial and Office.
 - East: Neighborhood Residential (NR) and Highway Commercial (HC) –Townhomes/ Single-family homes also Commercial and Office (Birkdale Village).
 - West: Neighborhood Residential (NR) – Apartments (Summit Sedgwick).

3. The Parcel is currently approved for a 16 room boutique hotel. This was approved as Rezoning R08-09 Birkdale Inn (Attachment E).
4. A neighborhood meeting was held on Wednesday, July 12, 2017. The complete meeting summary is provided in Attachment D. Questions/concerns centered mainly on the building height, parking, and buffers.
5. 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.

PART 2: REZONING/SITE PLAN ISSUES

Due to the unique shape of the parcel the developer is requesting several modifications to requirements of the Zoning Ordinance. In approving a conditional zoning district, the Town Board may modify standards established in the zoning or subdivision ordinance provided the spirit of the regulations are maintained.

- Article 4: Lot Type/Apartment Building - 1. Buildings shall be placed within the zone represented within the hatched area (10' to 25').

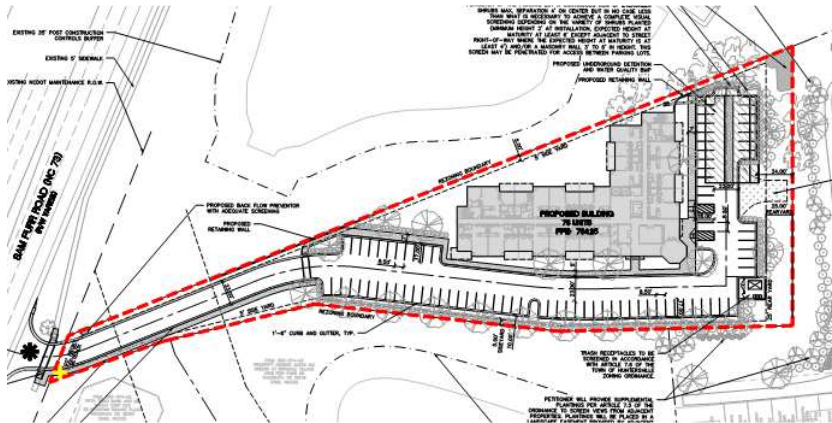


2. In most cases, the build to line will be 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In urban conditions, apartments may be set up to the property line at the sidewalk, including corner conditions.

The Developer is requesting to set the building at 388' feet from the ROW.

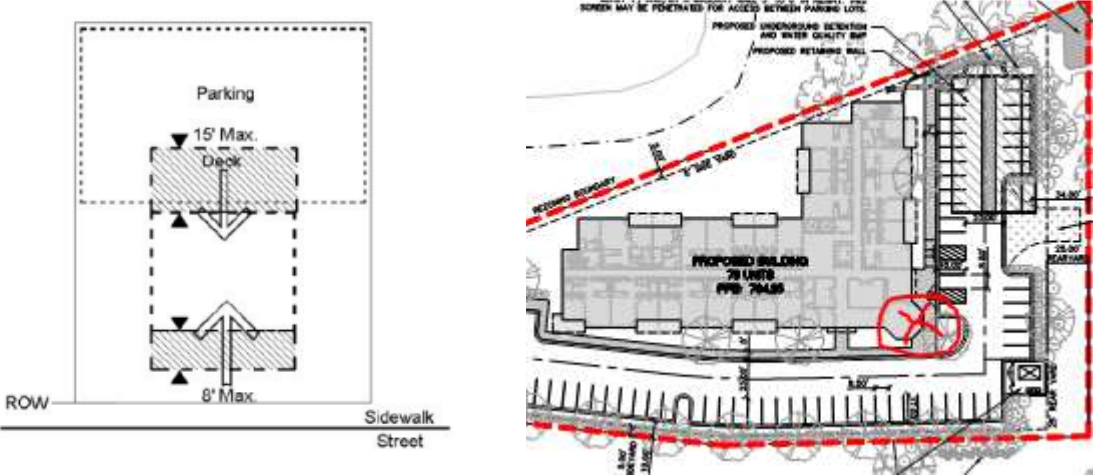
COMMENT: Due to the unique shape of the property Staff supports this modification.

- Article 4: Lot Type/Apartment Building – 4. Parking shall be located to the rear of the building. The Developer is requesting that parking be allowed between the building and the public right-of-way.



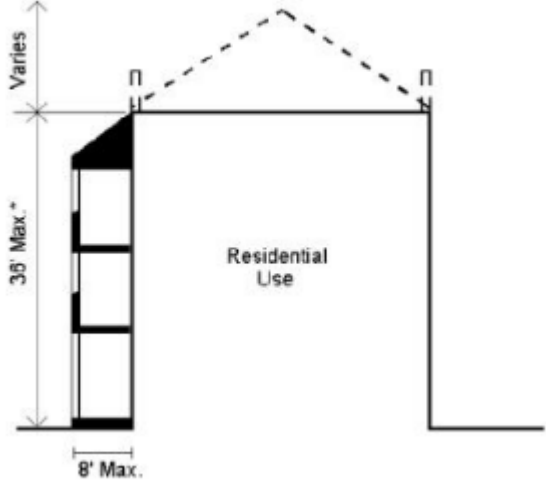
COMMENT: Due to the unique shape of the property Staff supports this modification.

- Article 4: Encroachment/Pedestrian Access – 4. Main pedestrian access to the building and to individual units is from the street (indicated by larger arrow), unless specifically exempted by one of the provisions of Section 8.1. Secondary access may be from parking areas (indicated by smaller arrow). The Developer is requesting that the main pedestrian entrance be allowed from the rear parking area.



COMMENT: Due to the unique shape of the property Staff supports this modification.

- Article 4 Permitted Height and Uses – Maximum Height 36'. The Developer is requesting to increase the height of the building to be 4 stories (44') as measured from the base of the building to the eaves.



COMMENT: Due to the unique shape of the property, topography, and surrounding development (there are 3 & 4 story building nearby) Staff supports a modification to 4 stories.

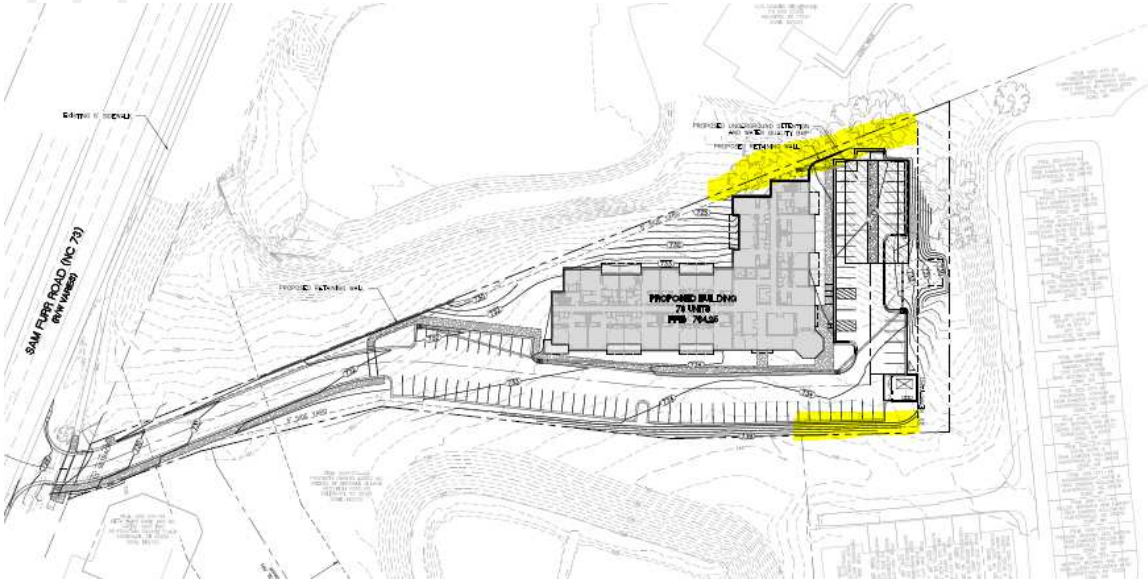


Original Submittal for 5 stories revised to 4 stories (see below)



- Article 7.5 Buffer Yards – Width 20’
The Developer is requesting to reduce the buffer width to 5’ on the western and to 10’ on the eastern boundaries.

| | | | | |
|-------------|---|--------|---|---|
| Residential | Any Major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community [4] | 20 ft. | 3 trees per 1,000 sf. of buffer area, 25% large maturing, 25% small maturing, 25% evergreen | 10 shrubs per 1,000 sf., 100% evergreen |
|-------------|---|--------|---|---|



COMMENT: Staff recommends that a 20' buffer be provided in the areas highlighted and that the modification be supported in the areas adjacent to the ponds located to the east and west of the subject property.

The Developer is offering to limit garbage pick up to the hours of 1P.M. until 5P.M. Monday thru Friday in order to limit noise and disturbance to the adjacent property owners.

COMMENT: Staff supports this condition.

The rezoning plan has been reviewed and can be approved as noted pending the rezoning hearing.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

Based on the land use and intensity proposed, a TIA is not required.

Site Plan Comments

- All comments have been addressed.

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 Facilities, Fire Vehicles, Police

Facilities, 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 development is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Facilities, Police Facilities, Police Vehicles, Indoor Park & Recreation Facilities & Park Acreage (see Attachment C).

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”.

COMMENT: The 2030 Huntersville Community Plan supports this project through the following sections:

- **Policy H-5: Senior Housing.** Encourage housing options which accommodate senior citizens (e.g. age restricted/retirement communities, congregate care/assisted living facilities,) allowing seniors to remain in the community.
Comment: The proposed development provides senior housing within the Birkdale area.
- **Policy H-9: Future Residential Development.** Higher intensity development generally within two miles of the I-77/NC 115 corridor.
Comment: The proposed CD Rezoning is located within the High Intensity Area of the 2030 Community Plan.
- **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.

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.**

COMMENT: The proposed Conditional District Rezoning for the Sam Furr Senior is supported by the 2030 Comprehensive Plan, as the property is located within the area eligible for intensification. The proposal is also appropriate for the area by introducing a new senior living option to the housing market. Staff has concern with the building height of 5 stories and would recommend a maximum height of 4 stories.

- 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.**

COMMENT:

- A Transportation Impact Analysis was not required – see Part 3 of this report.

- The APF Ordinance Determination of Adequacy was met – 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.

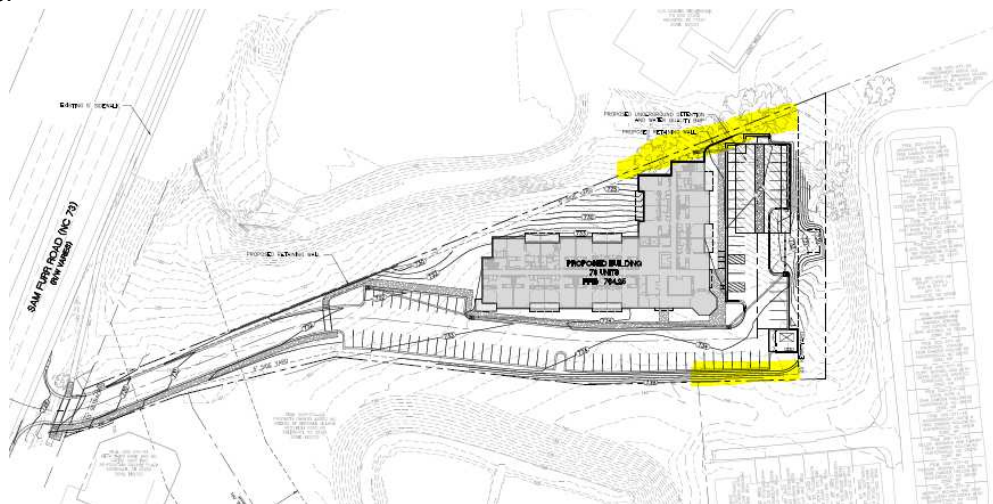
3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”

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

PART 6: STAFF RECOMMENDATION

The Sam Furr Senior Apartments Conditional District Rezoning Plan can be supported by staff subject to the following:

- The height of the building be reduced to 4 stories.
- A buffer of 20’ is provided in the areas highlighted below which area adjacent to neighboring structures and that a modification to the buffer requirement be granted along the areas that are adjacent to the two ponds.



PART 7: PUBLIC HEARING COMMENTS

A Public Hearing was conducted on Monday, August 7, 2017.

PART 8: PLANNING BOARD RECOMMENDATION

On August 22, 2017 the Planning Board recommended approval based on the plan being consistent with polices H-5, H-9, and PF-2 of the 2030 Community Plan. It is reasonable and in the public interest to approve the rezoning plan because it will provide much needed senior focused development for our community. The approval will be contingent on the reduction to a four (4) story building.

The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Sailors, Swanick

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A - Rezoning Application
- B - Rezoning Plan
- C - APFO Determination
- D - Neighborhood Meeting Report from July 12, 2017.
- E - R08-09 Birkdale Inn
- F – Letter from Townhome HOA
- G – Neighborhood Petition

PART 10: CONSISTENCY STATEMENT - R 17-04 Sam Furr Senior Apartments

| Planning Department | Planning Board | Board of Commissioners |
|---|--|--|
| <p>APPROVAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Conditional District Rezoning, the Planning staff recommends conditional approval (building height of 4 stories and modification of buffers) as it is consistent with Policy Goals H-5, H-9, and PF-2 of the 2030 Community Plan. The property is also located within two miles of I-77 corridor (see Part 5).</p> <p><u>With those provisions, it is reasonable and in the public interest to approve the Conditional District Rezoning Plan because the request is consistent with the 2030 Community Plan.</u></p> | <p>APPROVAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Conditional District, the Planning Board recommends approval based on the Plan being consistent with polices H-5, H-9, and PF-2 of the 2030 Community Plan. It is reasonable and in the public interest to approve the rezoning plan because it will provide much needed senior focused development for our community. The approval will be contingent on the reduction to a four (4) story building.</p> | <p>APPROVAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Subdivision Conditional District, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |
| <p>DENIAL:</p> | | <p>DENIAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Conditional District, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p> |



General Application

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

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

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

- CHANGE OF USE
- COMMERCIAL SITE PLAN
- CONDITIONAL REZONING
- GENERAL REZONING
- MASTER SIGNAGE PROGRAM
- REVISION to _____
- SPECIAL USE PERMIT

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

2. Project Data

Date of Application 04/26/17

Name of Project Sam Furr Senior Apartments Phase # (if subdivision) _____

Location 8521 Sam Furr Road

Parcel Identification Number(s) (PIN) 00537401

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

Property Size (acres) 2.024 ac Street Frontage (feet) 47 feet

Current Land Use Vacant

Proposed Land Use(s) 78 unit Senior Apartments (age-restricted) and associated parking areas

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

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

This project was originally re-zoned to HC (CD) under approved petition number R08-09. This rezoning is required to amend the use (senior

apartments) and the site layout (building and parking areas).

4. Site Plan Submittals

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

5. Outside Agency Information

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

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

6. Signatures

*Applicant's Signature _____ Printed Name Jake Palillo

Address of Applicant 19520 West Catawba Avenue, Suite 200, Cornelius, NC 28031

Email jpalillo@aol.com

Property Owner's Signature (if different than applicant) _____

Printed Name Nickel Development Group, LLC

Property Owner's Address 19520 West Catawba Avenue, #200, Cornelius, NC 28031 Email jpalillo@aol.com

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

| | | | |
|-------------------------------|------------------|--------------|-----------------------------|
| Nickel Development Group, LLC | Jake Palillo | 704-363-7902 | jpalillo@aol.com |
| Development Firm | Name of contact | Phone | Email |
| ColeJenest & Stone, PA | Colin Jenest, PE | 704-971-4510 | cjenest@colejeneststone.com |
| Design Firm | Name of contact | Phone | Email |

If Applying for a **General Rezoning**:

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

If Applying for a **Conditional Rezoning**:

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

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

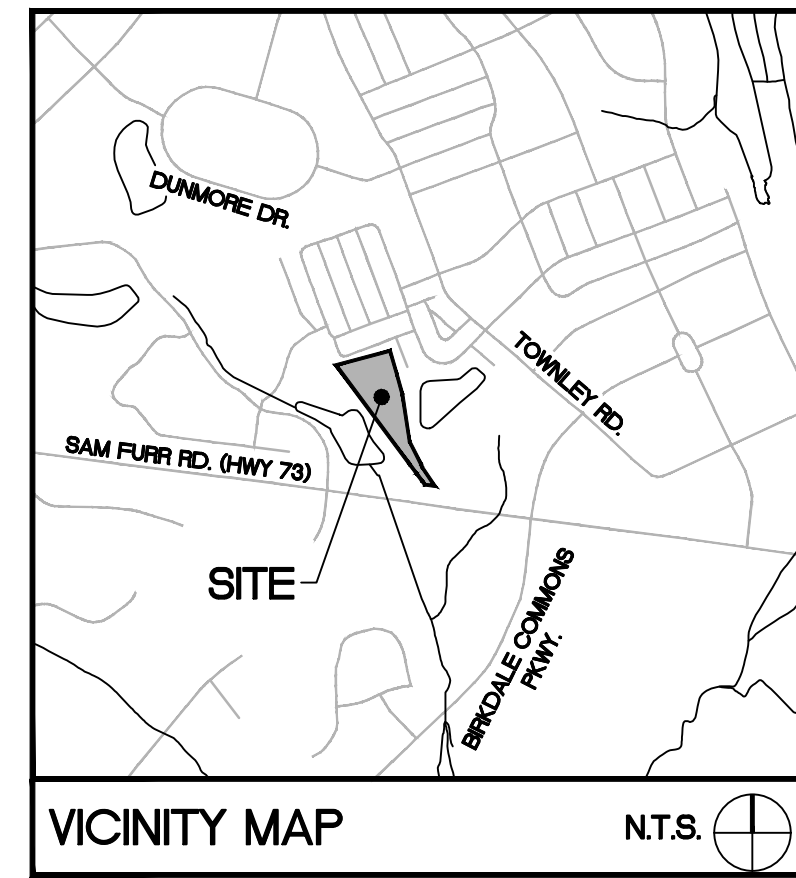
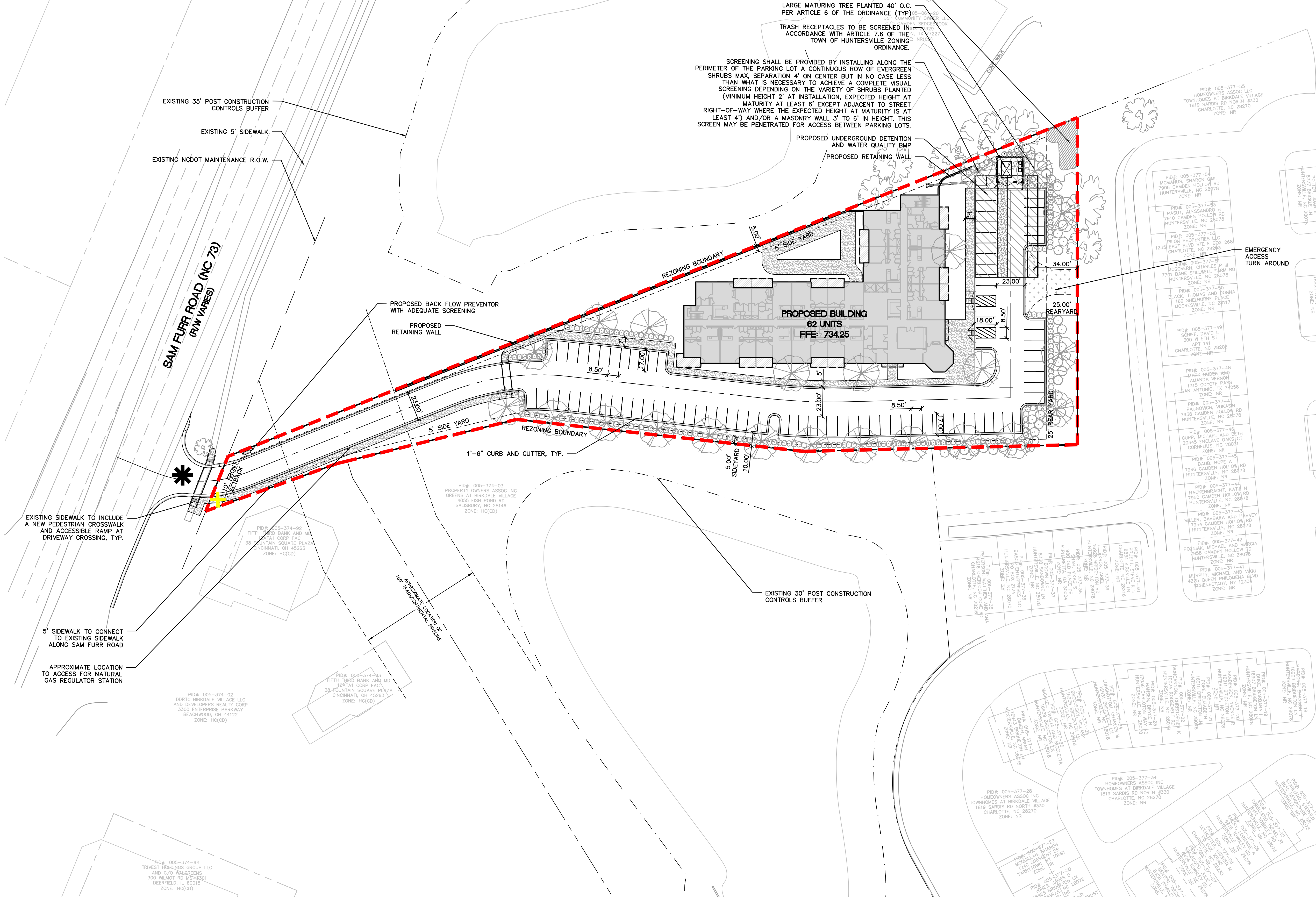
If Applying for a **Subdivision**:

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

Contact Information

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

| ZONING MODIFICATION REQUESTS | | | |
|------------------------------|---|---|--|
| NO. | ZONING CODE REFERENCE | CODE DESCRIPTION | MODIFICATION |
| 1. | ARTICLE 4: LOT & BUILDING TYPE FOR APARTMENT BUILDING - BUILDING PLACEMENT/PARKING/VEHICLE ACCESS - NO. 2 | BUILDINGS SHALL BE PLACED A MIN. OF 10' AND MAX. 25' FROM THE RIGHT-OF-WAY. | DUE TO THE UNIQUE SHAPE OF THE PROPERTY, WE ARE REQUESTING TO PLACE THE BUILDING BEYOND 25' FROM THE PUBLIC RIGHT-OF-WAY. |
| 2. | ARTICLE 4: LOT & BUILDING TYPE FOR APARTMENT BUILDING - BUILDING PLACEMENT/PARKING/VEHICLE ACCESS - NO. 4 | PARKING SHALL BE LOCATED TO THE REAR OF THE BUILDING. | DUE TO THE UNIQUE SHAPE OF THE PROPERTY, WE ARE REQUESTING TO ALLOW PARKING BETWEEN THE BUILDING AND PUBLIC RIGHT-OF-WAY. |
| 3. | ARTICLE 4: LOT & BUILDING TYPE FOR APARTMENT BUILDING - ENCROACHMENT/PEDESTRIAN ACCESS - NO. 4 | MAIN PEDESTRIAN ACCESS TO THE BUILDING AND INDIVIDUAL UNITS IS FROM THE STREET. | DUE TO THE UNIQUE SHAPE OF THE PROPERTY, WE ARE REQUESTING TO ALLOW THE MAIN BUILDING ENTRANCE TO ACCESS FROM THE PARKING LOT. |
| 4. | ARTICLE 4: PERMITTED HEIGHT AND USES - HEIGHT GRAPHIC | MAX. BUILDING HEIGHT = 36'-FT. | WE ARE REQUESTING TO MODIFY THE ALLOWABLE BUILDING HEIGHT TO (4) STORIES. |
| 5. | ARTICLE 7.5: BUFFER YARDS - NON-RESIDENTIAL USES | A 20' WIDE LANDSCAPE BUFFER IS REQUIRED FOR NON-RESIDENTIAL USES. | WE ARE REQUESTING TO MODIFY THE LANDSCAPE BUFFER WIDTH REQUIREMENT TO ALLOW THE WIDTH TO RANGE FROM 5' TO 20'. |



SURVEY DISCLAIMER
 ALTA/ASCM LAND TITLE SURVEY ISSUED AUGUST 8, 2013, PROVIDED BY PROFESSIONAL PROPERTY SURVEYORS, INC., 18335 OLD STATEVILLE ROAD UNIT A, CORNELIUS, NC 28031, (704) 765-5134.

LEGEND

| SYMBOL | DESCRIPTION |
|-----------------|--|
| [Patterned Box] | PROPOSED SIDEWALK |
| [Patterned Box] | PROPOSED CURB & GUTTER |
| [Star Symbol] | DRIVEWAY CONNECTION |
| [Cross Symbol] | PEDESTRIAN CONNECTION |
| [Dashed Line] | ZONING BOUNDARY |
| [Dotted Area] | EMERGENCY ACCESS TURN AROUND |
| [Hatched Area] | PROPOSED UNDERGROUND DETENTION AND WATER QUALITY BMP |

REZONING SUMMARY:

| | |
|---------------------------------|---|
| PETITIONER: | MR. JAKE PALILLO 19520 W. CATAWBA AVE SUITE #313 CORNELIUS, NC 28031 |
| PROPERTY OWNER: | NICKEL DEVELOPMENT GROUP LLC 19520 W. CATAWBA AVE SUITE #200 CORNELIUS, NC 28031 |
| REZONING SITE AREA: | 2.024± ACRES (88,148 SF) |
| TAX PARCEL #: | 005-374-01 |
| EXISTING ZONING: | HC (CD) |
| PROPOSED ZONING: | HC (CD) |
| WATERSHED DISTRICT: | MOUNTAIN ISLAND LAKE (PA-2) |
| IMPERVIOUS AREA: | 1.42 ACRES ALLOWED (70% OF SITE AREA) 1.3 ACRES PROPOSED |
| EXISTING USE: | VACANT |
| PROPOSED USE: | MULTI-FAMILY RESIDENTIAL 62 UNITS (AGE RESTRICTED) |
| BUILDING/LOT TYPE: | APARTMENT |
| DENSITY: | 62 ONE BEDROOM UNITS |
| BUILDING SETBACK: (ALONG NC 73) | 10'-25' FROM RIGHT-OF-WAY |
| MIN. SIDE YARD: | 5' |
| MIN. REAR YARD: | 25' |
| BUILDING COVERAGE: | 17,092 SF (FOOTPRINT) 85,460 GSF (TOTAL) |
| MAX. BUILDING HEIGHT: | FOUR (4) STORIES |
| PARKING: | REQUIRED: 62 SPACES (1 SPACE/UNIT) PROVIDED: 84 SPACES |

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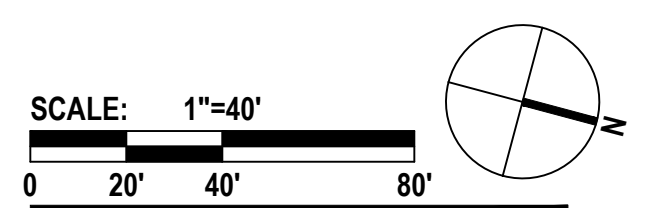
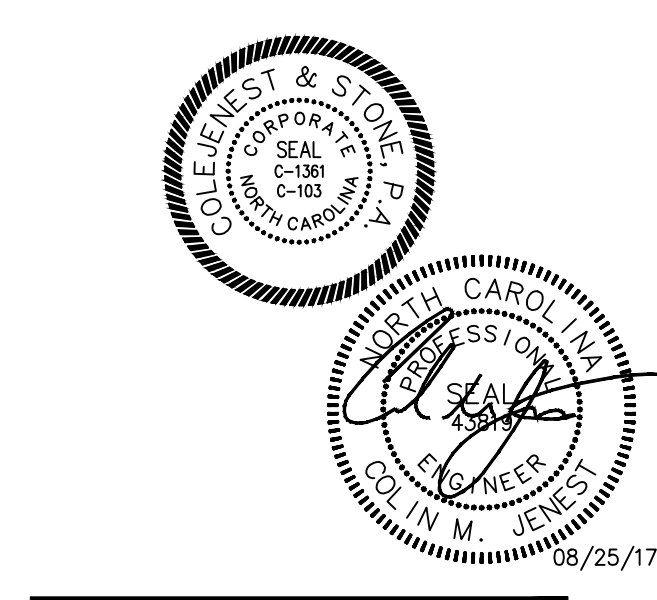
p# 704 376 1555 f# 704 376 7851
 ur# www.colejeneststone.com

NICKEL DEVELOPMENT GROUP, LLC
 19520 WEST CATAWBA AVENUE
 SUITE #200
 CORNELIUS, NC 28031

SAM FURR SENIOR APARTMENTS REZONING
 8521 SAM FURR ROAD
 HUNTERSVILLE, NC 28078

REZONING PLAN EPM # 376176

Project No. 4536
 Issued 05/01/17
 Revised 07/10/17 - TOH AND MECK. CO. COMMENTS
 08/25/17 - PLANNING BOARD COMMENTS



SHEET LIST

| |
|---|
| RZ1.0 REZONING PLAN |
| RZ2.0 DEVELOPMENT STANDARDS |
| RZ3.0 PRELIMINARY GRADING AND STORMWATER CONCEPT PLAN |
| RZ4.0 EXISTING CONDITIONS PLAN |
| RZ5.0 SLOPE ANALYSIS |
| RZ6.0 CROSS-SECTIONS |
| A301 BUILDING ELEVATION |

RZ1.0

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PETITION #: R17-04

SITE DEVELOPMENT DATA:

- ACREAGE: 2.024 ± ACRES
- TAX PARCEL #: 005-374-01
- EXISTING ZONING: HC (CD)
- PROPOSED ZONING: HC (CD)
- EXISTING USES: VACANT
- PROPOSED USES: MULTI-FAMILY RESIDENTIAL – 62 UNITS (AGE RESTRICTED)
- PARKING: 1.0 SPACES PER UNIT (1 BEDROOM) MINIMUM, 1.5 SPACES PER UNIT (>1 BEDROOM) MINIMUM

1. GENERAL PROVISIONS

- a. UNLESS MORE STRINGENT STANDARDS ARE ESTABLISHED BY THE SCHEMATIC SITE PLAN OR THESE DEVELOPMENT STANDARDS, ALL DEVELOPMENT STANDARDS ESTABLISHED UNDER THE TOWN OF HUNTERSVILLE ZONING ORDINANCE (THE "ORDINANCE") FOR THE HC ZONING DISTRICT CLASSIFICATION SHALL BE FOLLOWED IN CONNECTION WITH DEVELOPMENT TAKING PLACE ON THE SITE.
- b. THE CONFIGURATION, PLACEMENT AND SIZE OF THE BUILDINGS, PARKING AREAS, AND OTHER SITE ELEMENTS DEPICTED ON THE SCHEMATIC SITE PLAN ARE SCHEMATIC IN NATURE AND MAY BE ALTERED OR MODIFIED WITHIN THE CONSTRAINTS DEFINED BY THE ORDINANCE AND BY THE DEVELOPMENT DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.

2. PERMITTED USES

THE SITE MAY BE DEVOTED ONLY TO THE FOLLOWING USE:
MULTI-FAMILY RESIDENTIAL (AGE-RESTRICTED)

3. SETBACKS, SIDE YARDS, AND REAR YARDS

- a. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE SETBACK, REAR YARD AND SIDE YARD REQUIREMENTS ESTABLISHED UNDER THE ORDINANCE FOR THE HC ZONING DISTRICT AS DEPICTED OR NOTED ON THE PLAN.

4. LANDSCAPE/BUFFER REQUIREMENTS

- a. PARKING LOT LANDSCAPING SHALL CONFORM WITH THE STANDARDS AND TREATMENTS SPECIFIED IN ARTICLE 6 OF THE ORDINANCE.
- b. DUE TO THE UNIQUE SHAPE OF THE PARCEL AND NATURE OF THE SURROUNDING PARCELS, THE PETITIONER IS REQUESTING A WAIVER OF VARIABLE WIDTH REDUCTION OF THE REQUIRED 20' BUFFER WIDTH ALONG THE SIDE YARDS AS PART OF THIS REZONING PETITION.
- c. THE PETITIONER WILL PROVIDE BUFFER LANDSCAPING TO SCREEN THE APARTMENT BUILDING FROM ADJACENT PROPERTIES. SUCH SCREEN PLANTINGS WILL BE LOCATED ON THE PROJECT PROPERTY. ALL BUFFER LANDSCAPING WILL ADHERE TO ARTICLE 7.5 OF THE ORDINANCE.
- d. THERE ARE NO EXISTING SPECIMEN TREES LOCATED ON THE SUBJECT PROPERTY.

5. PARKING

- a. OFF-STREET PARKING AND LOADING WILL MEET THE MINIMUM REQUIREMENTS SET OUT IN THE ORDINANCE. THE PARKING REQUIREMENTS ARE NOTED IN THE DEVELOPMENT SUMMARY.
- b. THE ALIGNMENT OF INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS IS PRELIMINARY AND AS A RESULT HAS NOT BEEN FINALIZED AND IS SUBJECT TO FINAL DESIGN AND ENGINEERING PLANS. MINOR MODIFICATION OR ALTERATION OF THESE ALIGNMENTS MAY THEREFORE TAKE PLACE DURING DESIGN DEVELOPMENT AND CONSTRUCTION PHASES.

6. SIGNS

- a. ALL SIGNS PLACED ON THE SITE WILL BE PERMITTED SEPARATELY UNDER ARTICLE 10 OF THE TOWN OF HUNTERSVILLE ZONING ORDINANCE.
- b. DETACHED SIGNS WILL BE GROUND MOUNTED SIGNS (POLE SIGNS ARE NOT ALLOWED). THE DESIGN OF THESE SIGNS WILL BE ARCHITECTURALLY COMPATIBLE WITH BUILDINGS ON THE SITE THROUGH THE USE OF THE SIMILAR BUILDING MATERIALS AND ARCHITECTURAL STYLES.
- c. THE USE OF NEON IN ANY SIGN IS PROHIBITED.
- d. NO SIGN SHALL BE PERMITTED WITHIN THE SAM FURR ROAD RIGHT-OF-WAY OR OUTSIDE OF THE EXISTING PROPERTY BOUNDARY.

7. FIRE ACCESS

THE PARKING LOT INCLUDES AN INTEGRAL HAMMER HEAD DESIGNED TO ALLOW FOR FIRE TRUCK TURN-AROUND ACCESS PER MECKLENBURG COUNTY STANDARDS.

8. STORM WATER

- a. STORM WATER RUNOFF FROM THE SITE WILL BE MANAGED THROUGH PROVEN TECHNIQUES WHICH SATISFY THE STANDARDS IMPOSED BY THE TOWN OR MECKLENBURG COUNTY.
- b. THE FOLLOWING AGENCIES MUST BE CONTACTED PRIOR TO CONSTRUCTION REGARDING WETLAND AND WATER QUALITY PERMITS
 - b.a. SECTION 401 PERMIT – NCDEQ, RALEIGH OFFICE (919.733.1786)
 - b.b. SECTION 404 PERMIT – US ARMY CORPS OF ENGINEERS (704.271.4854)

9. GARBAGE

- a. ANY DUMPSTERS VISIBLE FROM A PUBLIC STREET OR FROM AN ADJOINING PARCEL OF LAND WILL BE SCREENED FROM VIEW IN ACCORDANCE WITH ARTICLE 7.6. SCREENING TO BE ACHIEVED BY A SOLID ENCLOSURE WITH GATES AND SUPPLEMENTAL LANDSCAPING AS NEEDED. MATERIALS FOR ANY ENCLOSURE SHALL BE CONSISTENT WITH THOSE OF THE PRINCIPLE STRUCTURE.
- b. GARBAGE PICK-UP WILL BE LIMITED TO THE HOURS OF 1P.M. UNTIL 5P.M. MONDAY THRU FRIDAY IN ORDER TO LIMIT NOISE DISTURBANCE TO ADJACENT PROPERTY OWNERS.

10. UTILITIES

- a. NO UTILITIES OR UTILITY EASEMENTS ARE CURRENTLY SHOWN AS BEING LOCATED WITHIN THE PROJECT PROPERTY BOUNDARIES.
- b. LOCATION OF BACKFLOW PREVENTORS SHALL BE COORDINATED WITH CHARLOTTE WATER AND THE TOWN OF HUNTERSVILLE.
- c. ALL BUILDING-RELATED UTILITIES AND MECHANICAL EQUIPMENT WILL BE LOCATED TO THE SIDE OR REAR OF THE PRINCIPAL STRUCTURE AND WILL BE SCREENED FROM VIEW.

11. SITE LIGHTING

- a. LIGHTING WILL BE PROVIDED THROUGHOUT THE SITE AND SHALL COMPLY WITH ARTICLE 8.26. LIGHTING TO BE FULL OUT-OFF TYPE LIGHTING FIXTURES.
- b. SITE LIGHTING WILL BE LIMITED TO 20 FEET IN HEIGHT.
- c. NO "WALL PAK" LIGHTING WILL BE ALLOWED, HOWEVER ARCHITECTURAL LIGHTING ON BUILDING FACADES, SUCH AS SCONCES, WILL BE PERMITTED. SUCH PERMITTED ARCHITECTURAL LIGHTING MUST BE DOWNWARDLY DIRECTED, SO AS TO NOT BE ANGLED GREATER THAN 45-DEGREES FROM VERTICAL.

12. ARCHITECTURAL CONTROLS

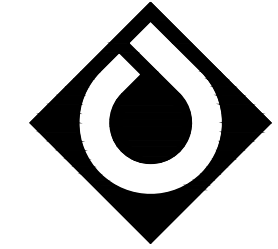
BUILDING ARCHITECTURE SHALL FOLLOW THE GENERAL FORM AND STYLE OF THE ELEVATIONS SUBMITTED AS PART OF THIS REZONING PETITION. HOWEVER, THE PETITIONER RESERVES THE RIGHT TO MAKE MINOR MODIFICATIONS AS REQUIRED BY BUILDING STANDARDS OR MARKET CONDITIONS; SUCH MODIFICATIONS MUST BE APPROVED BY THE TOWN STAFF.

13. AMENDMENTS TO THE REZONING PLAN

FUTURE AMENDMENTS TO THE REZONING PLAN AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH PROVISIONS OF ARTICLE 11.3 OF THE ORDINANCE.

14. BINDING EFFECT OF THE REZONING APPLICATION

IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE SCHEMATIC SITE PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



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SUITE #200
CORNELIUS, NC 28031

SAM FURR SENIOR APARTMENTS REZONING

8521 SAM FURR ROAD
HUNTERSVILLE, NC 28078

DEVELOPMENT STANDARDS

Project No.

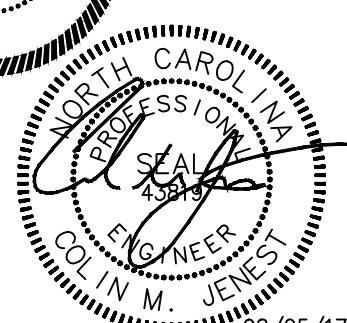
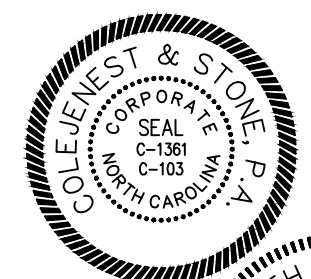
4536

Issued

05/01/17

Revised

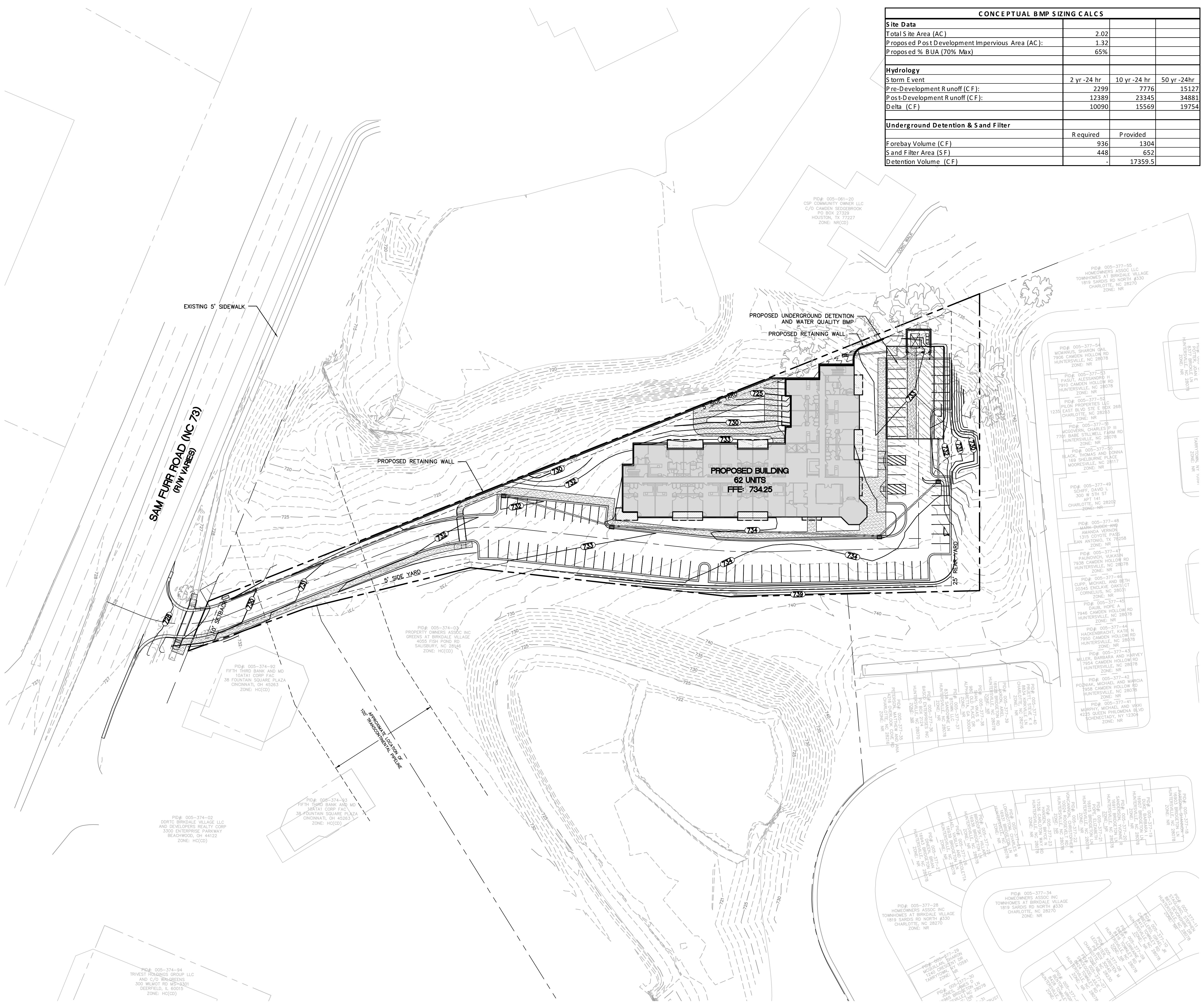
07/10/17 – TOH AND MECK. CO. COMMENTS
08/25/17 – PLANNING BOARD COMMENTS



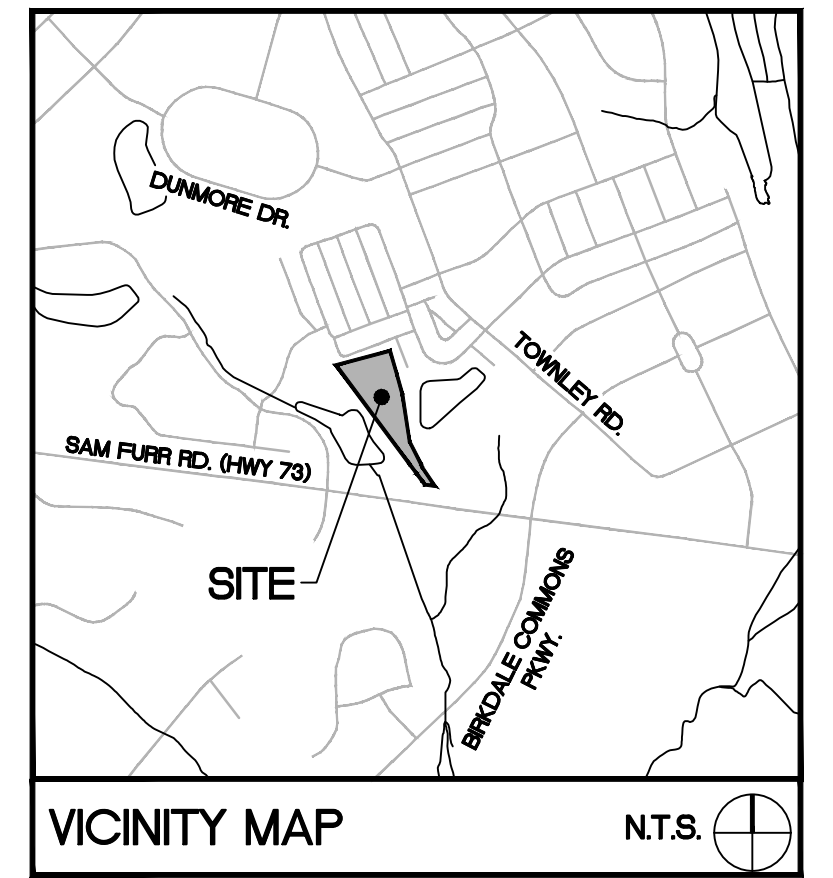
RZ2.0

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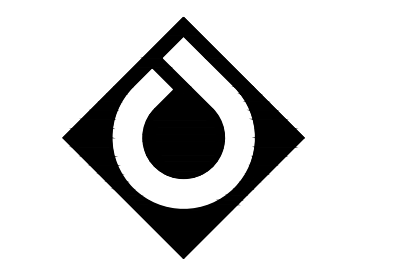
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| CONCEPTUAL BMP SIZING CALCS | | | |
|---|-------------|--------------|-------------|
| Site Data | | | |
| Total Site Area (AC) | 2.02 | | |
| Proposed Post Development Impervious Area (AC): | 1.32 | | |
| Proposed % BUA (70% Max) | 65% | | |
| Hydrology | | | |
| Storm Event | 2 yr -24 hr | 10 yr -24 hr | 50 yr -24hr |
| Pre-Development Runoff (CF): | 2299 | 2776 | 15127 |
| Post-Development Runoff (CF): | 12389 | 23345 | 34881 |
| Delta (CF) | 10090 | 15569 | 19754 |
| Underground Detention & Sand Filter | | | |
| | Required | Provided | |
| Forebay Volume (CF) | 936 | 1304 | |
| Sand Filter Area (SF) | 448 | 652 | |
| Detention Volume (CF) | | 17359.5 | |



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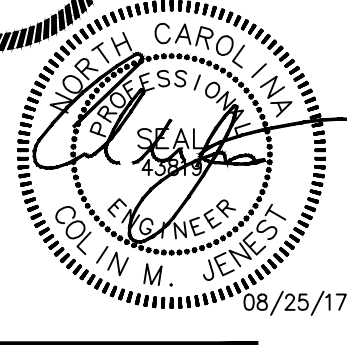
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GRADING AND STORMWATER CONCEPT PLAN

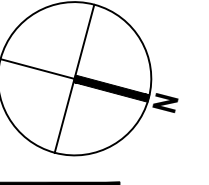
Project No. 4536

Issued 05/01/17

Revised 07/10/17 - TOH AND MECK. CO. COMMENTS
 08/25/17 - PLANNING BOARD COMMENTS



SCALE: 1"=40'

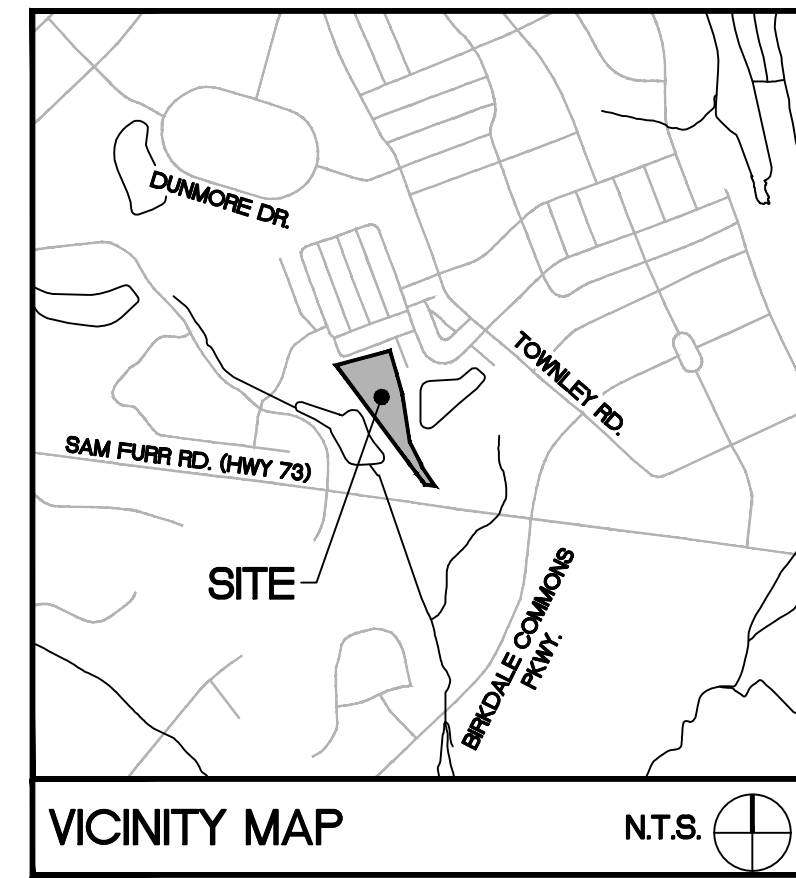
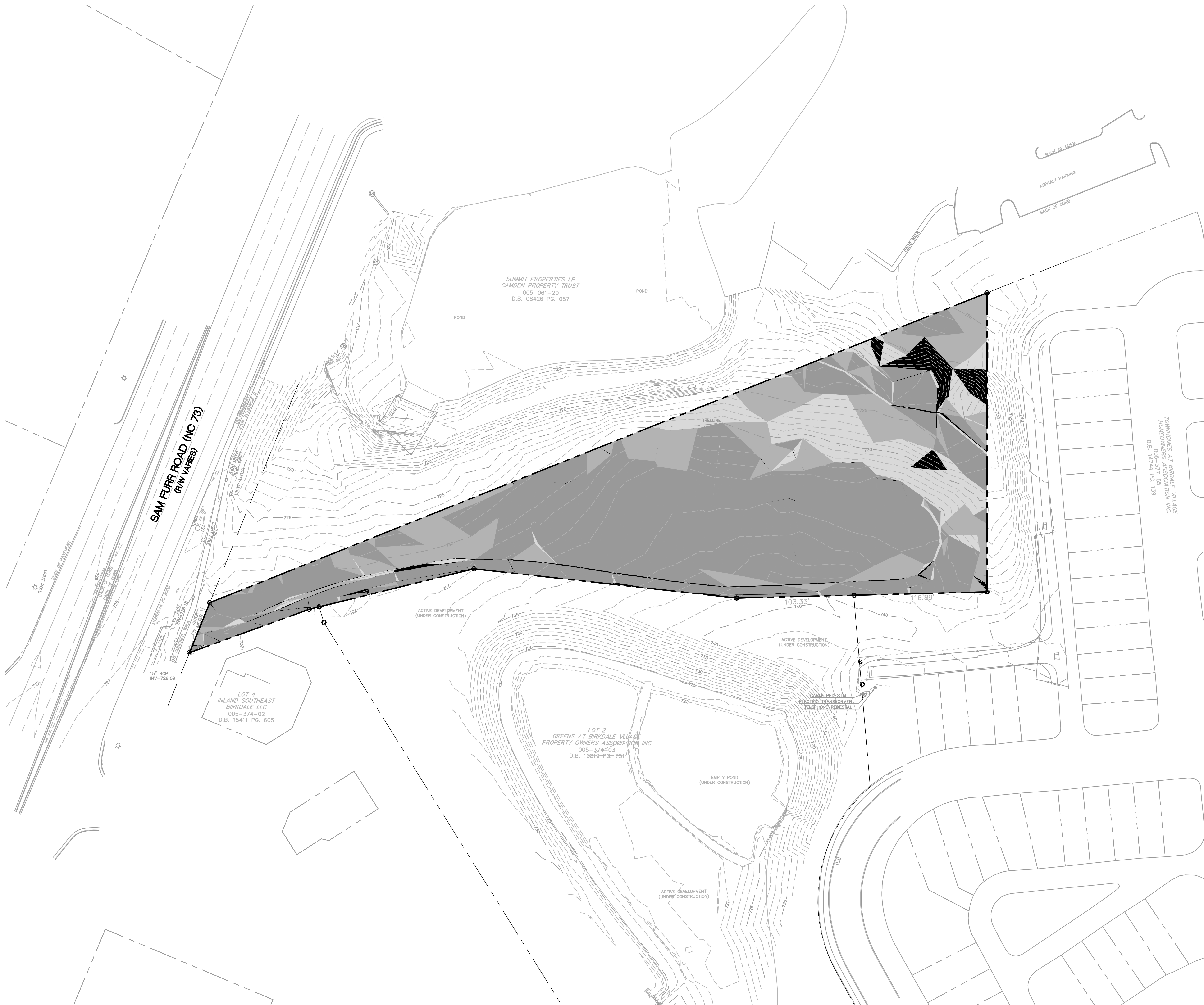


RZ3.0

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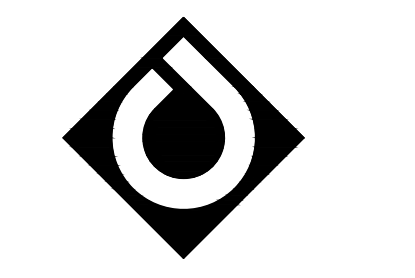
PETITION #: R17-04



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 (704) 765-5134.

LEGEND

| SYMBOL | DESCRIPTION |
|-------------------|-----------------------------------|
| [Light Gray Box] | SLOPES LESS THAN 10% - 1.27 AC |
| [Medium Gray Box] | SLOPES BETWEEN 10%-15% - 0.42 AC |
| [Dark Gray Box] | SLOPES BETWEEN 15%-25% - 0.26 AC |
| [Black Box] | SLOPES GREATER THAN 25% - 0.07 AC |



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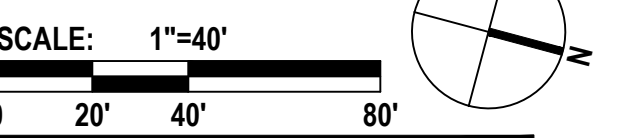
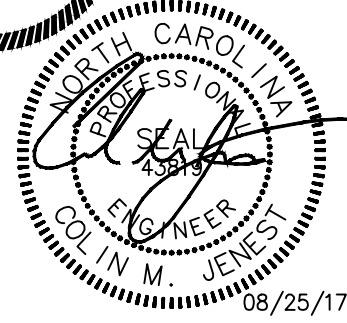
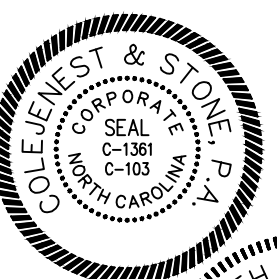
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 SUITE #200
 CORNELIUS, NC 28031

SAM FURR SENIOR APARTMENTS REZONING

8521 SAM FURR ROAD
 HUNTERSVILLE, NC 28078

SLOPE ANALYSIS

| | |
|--------------------|---|
| Project No. | 4536 |
| Issued | 05/01/17 |
| Revised | 07/10/17 - TOH AND MECK. CO. COMMENTS 08/25/17 - PLANNING BOARD COMMENTS |



RZ5.0

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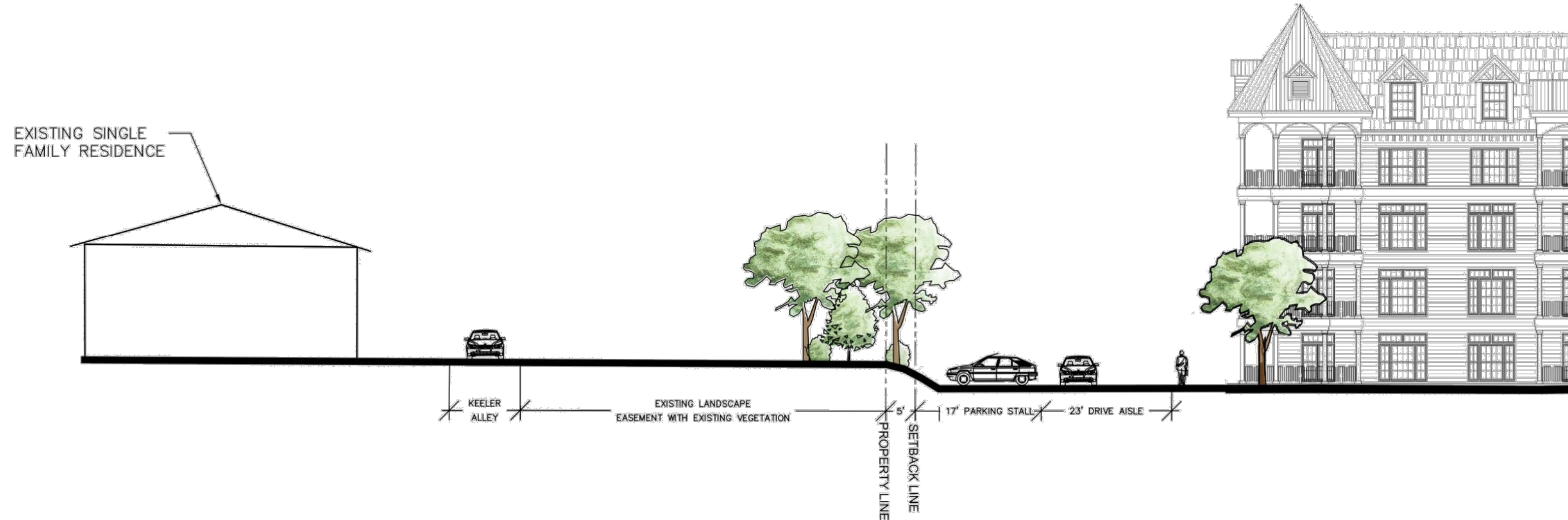
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PETITION #: R17-04

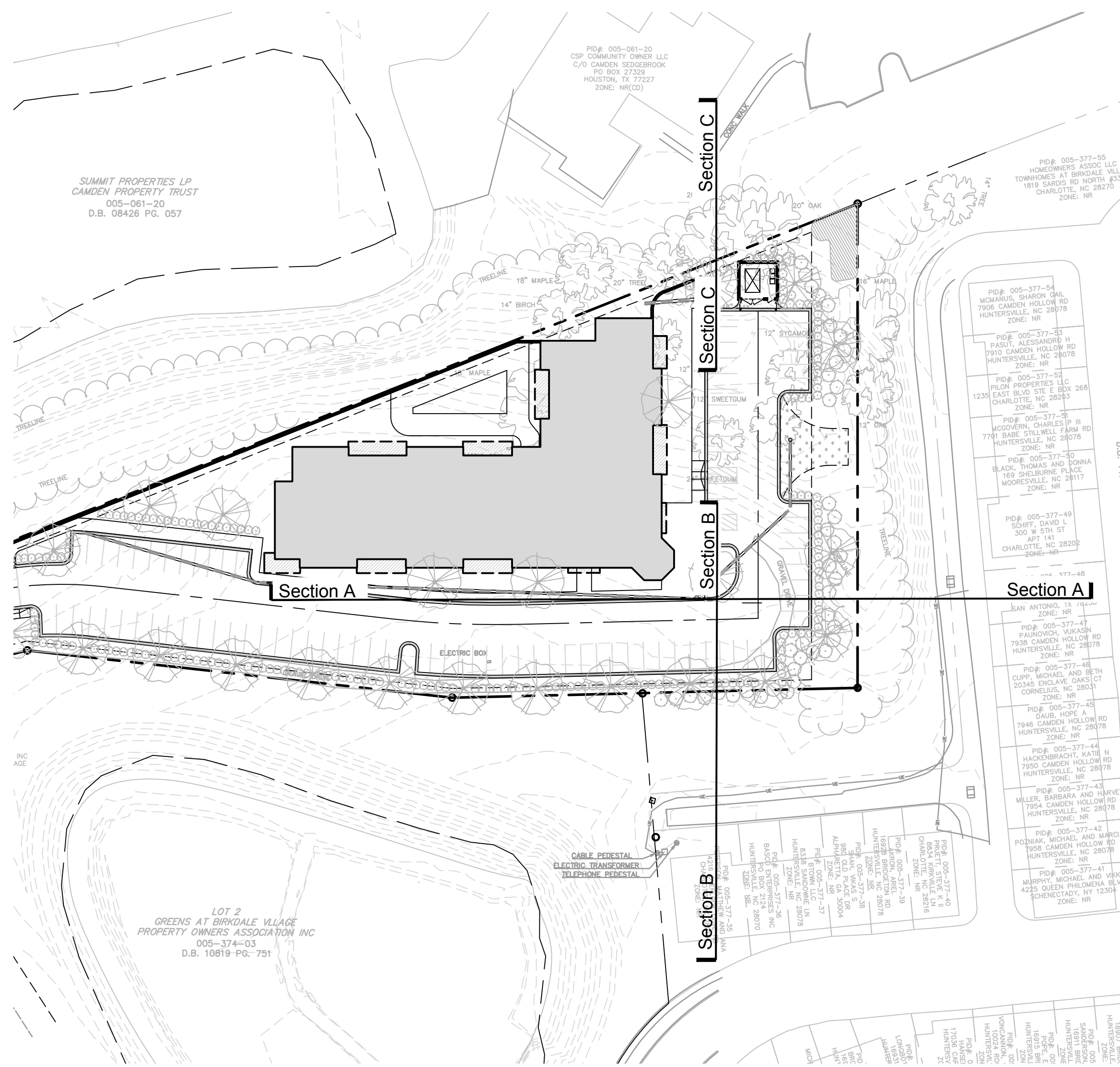
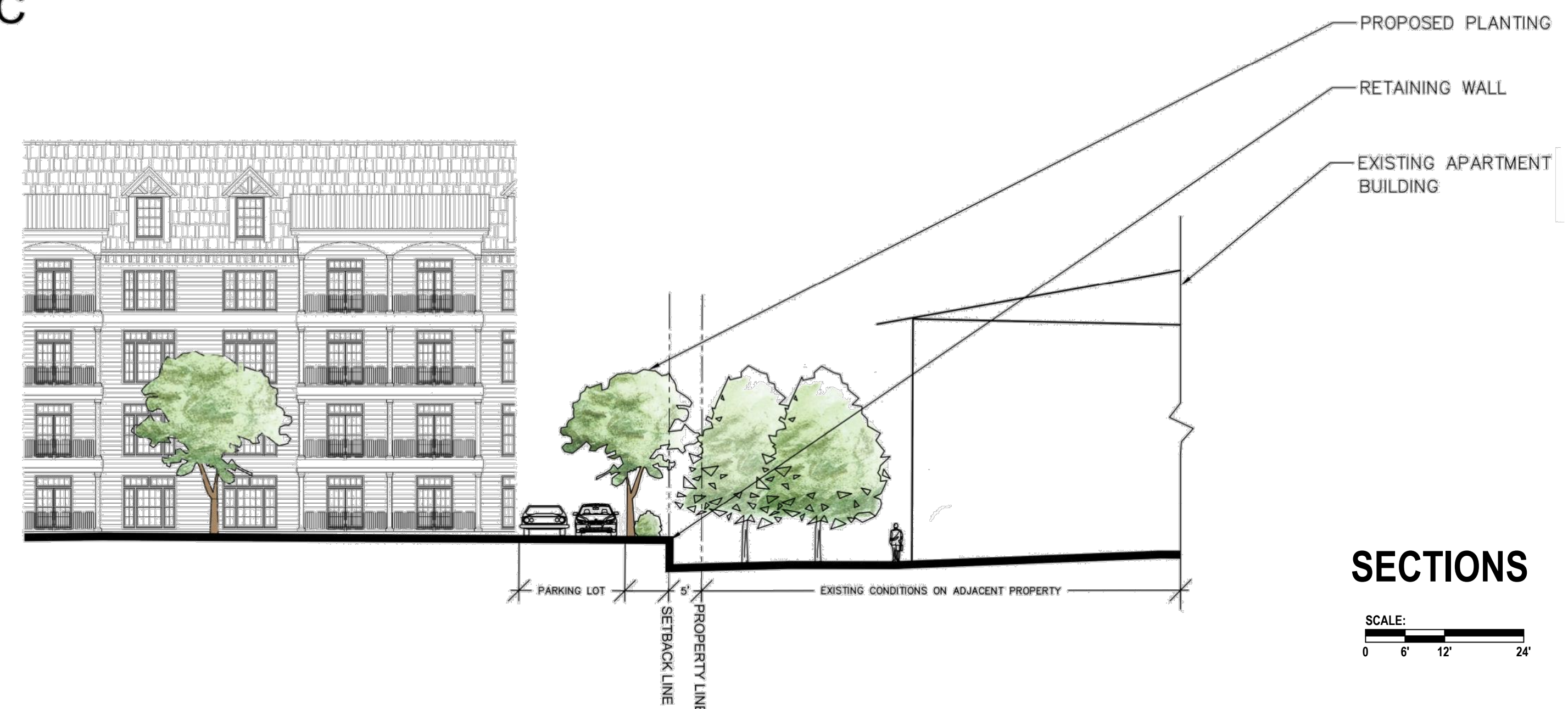
Section A



Section B

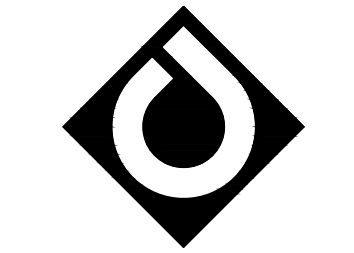
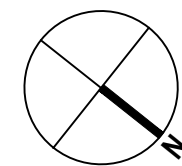


Section C



KEY PLAN

SCALE: 0 25' 50' 100'



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CORNELIUS, NC 28031

SAM FURR SENIOR APARTMENTS

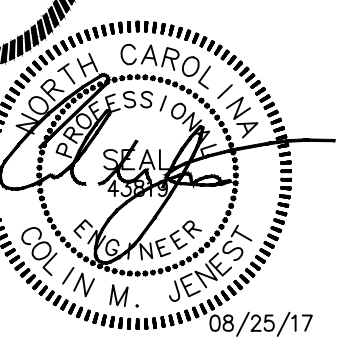
REZONING
8521 SAM FURR ROAD
HUNTERSVILLE, NC 28078

REZONING SECTIONS

Project No.
4536

Issued
05/01/17

Revised
07/10/17 - TOH AND MECK. CO. COMMENTS
08/25/17 - PLANNING BOARD COMMENTS



SECTIONS

SCALE: 0 6' 12' 24'

RZ6.0

The drawings, the project manual and the design shown thereon are instruments of ColeJenest & Stone, P.A. The reproduction or unauthorized use of the documents without consent of ColeJenest & Stone, P.A. is prohibited.

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PETITION #: R17-04



May 4, 2017

Nickel Development Group, LLC.
Jake Palillo
19520 W. Catawba Ave, #200
Cornelius, NC 28031

Re: Adequate Public Facilities (APF) Application – Sam Furr Senior Apartment (File #2017-11)

Dear Mr. Palillo:

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 78 Multi-family homes. I am issuing a “Determination of Adequacy (DOA)” for the following public facilities:

- Fire Vehicles
- Fire Facilities
- Police Facilities
- Police Vehicles
- Indoor Park & Recreation Facilities
- Parks Acreage

Please be advised that this DOA is valid for one (1) year, or until May 4, 2018, 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 @ brichards@huntersville.org or by phone: (704) 766-2218.

Sincerely,

A handwritten signature in black ink that reads "Brian Richards". The signature is written in a cursive, slightly slanted style.

Brian Richards
GIS Administrator

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

COMMUNITY MEETING REPORT
Sam Furr Senior Apartments Rezoning
Petitioner: Nickel Development Group, LLC
Rezoning Petition No. R17-04

This Community Meeting Report is being filed with the Office of the Town Clerk and the Town of Huntersville Town and Planning Boards pursuant to the provisions of the Town of Huntersville Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on June 30, 2017. A copy of the written notice is attached hereto as Exhibit B.

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held on Wednesday, July 12, 2017 at 6:30 p.m. to 7:30 p.m. at the Huntersville Town Hall Board Room, located at 101 Huntersville-Concord Road, Huntersville, NC 28078.

PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit C. The Petitioner was represented at the Community Meeting by Jake Palillo and Stacey Caldwell from Nickel Development, LLC, and Mark McAuley and Colin Jenest from ColeJenest & Stone, P.A.

SUMMARY OF PRESENTATION/DISCUSSION:

The Petitioner and Petitioner's agents welcomed the neighbors to the meeting. Mr. Palillo provided an overview of the project and the current rezoning request, including the proposed site plan, building type and information regarding the previously approved site re-zoning that occurred in January 2009. Mr. Palillo provided background information about his company and addressed questions regarding the site plan. A list of comments and questions posed by the neighbors and the Petitioner's responses include:

1. The site as configured does not appear to provide adequate parking.
The petitioner agreed to look at providing additional parking as the site constraints will allow. The petitioner will attempt to increase parking by providing a number of compact spaces throughout the site.
2. What will be the rentable rates for the apartment units?
The petitioner indicated rates have not been set for the units, however he indicated the rents will be market-rate or above.
3. Where is the landscape buffer located and where is the reduction in width being requested?
The petitioner indicated any existing vegetation located in the townhome's common open space will not be disturbed. The petitioner noted that we are requesting a zoning modification to reduce the buffer width from 30' to 25' at the rear of the property and from 30' to 5' along the

eastern and western property boundaries. Subsequently, the Town has provided further clarification regarding the buffer width, indicating that the Ordinance requires 20' around the perimeter of the property. The petitioner will no longer be requesting a modification for the rear buffer width, however will still pursue a reduction to the eastern and western buffers to be 5' wide. Furthermore, the petitioner agreed to provide supplemental landscaping within the adjacent property's common open space subject to an agreement with the homeowner's association.

4. Is there an opportunity to reconfigure the trash enclosure location?
The petitioner agreed to look at re-locating the trash enclosure to the end of the parking lot in the northwest corner of the site.
5. Concerns regarding access to the subject site via the adjacent neighborhood (i.e. apartment residents traversing through the townhome properties to access Birkdale Village).
The petitioner noted that due to the elevation differences between the site and existing vegetation, the likelihood of seniors creating a path through this area is doubtful. The petitioner noted that we would look at an option to install a fence to prevent cross-access between the subject site and adjacent townhome community. Additionally, the petitioner noted he is working with the natural gas company to construct a path at the front of the property to provide apartment residents' access to Birkdale Village. This path will be located within the natural gas easement and will not encroach upon the adjacent townhome properties.
6. Concerns regarding the building roof design (pitch & color) related to the current Birkdale Village architecture.
The petitioner noted he would meet with the adjacent homeowner associations to discuss the architecture in further detail.
7. Frustration with visitors of Birkdale Village parking on streets within their townhome neighborhood.
Brian Richards with the Town of Huntersville requested contact information for the homeowner associations to facilitate a meeting between the neighborhood and Town of Huntersville Public Works Departments to review and resolve issues related to parking within the townhome community.

The Petitioner and Petitioner's agents provided their contact information to the meeting attendees in the event they have additional questions.

CHANGES MADE TO PETITION AS A RESULT OF THIS MEETING:

The Petitioner and Petitioner's agent are reviewing comments and questions generated during the community meeting and will attempt to revise the layout and design as site constraints allow. Potential plan revisions may include, but are not limited to, number of parking spaces, supplemental planting in common open space, relocation of the dumpster enclosure, and architectural roof design.

Respectfully submitted, this 25th day of July, 2017.

cc: Mayor of the Town of Huntersville
Members of the Huntersville Town Board
Members of the Huntersville Planning Board
Jack Simoneau, Huntersville Planning Department
Brian Richards, Huntersville Planning Department
Gerry Vincent, Huntersville Interim Town Manager
Janet Pierson, Huntersville Town Clerk
Jake Palillo, Nickel Development, LLC

Stacy Caldwell, Nickel Development, LLC
Mark McAuley, ColeJenest & Stone
Colin Jenest, ColeJenest & Stone

EXHIBIT A

| PARCEL ID | OWNER NAME | MAILING ADDRESS | CITY | STATE | ZIP CODE | PROPERTY ADDRESS | LEGAL DESCRIPTION | DEED BOOK | DEED PAGE | LAND AREA |
|-----------|--|---|--------------|-------|----------|--|-------------------|-----------|-----------|-----------------|
| 00506120A | CSP COMMUNITY OWNER LLC, C/O CAMDEN SEDGEBROOK, | PO BOX 27329 HOUSTON TX 77227 | HOUSTON | TX | 77227 | 16705 REDCLIFF DR HUNTERSVILLE | NA | 24145 | 366 | 23.38 AC |
| 00506120A | CSP COMMUNITY OWNER LLC, C/O CAMDEN SEDGEBROOK, | PO BOX 27329 HOUSTON TX 77227 | HOUSTON | TX | 77227 | 16705 REDCLIFF DR HUNTERSVILLE | NA | 24145 | 366 | 23.38 AC |
| 00506120B | C/O CAMDEN SEDGEBROOK, CSP COMMUNITY OWNER LLC, | PO BOX 27329 HOUSTON TX 77227 | HOUSTON | TX | 77227 | SAM FURR RD CORNELIUS | NA | 24145 | 366 | 2.1 AC |
| 00537401 | NICKEL DEVELOPMENT GROUP LLC, | 19520 WEST CATAWBA AV #200 CORNELIUS NC 28031 | CORNELIUS | NC | 28031 | 8521 SAM FURR RD HUNTERSVILLE | NA | 24678 | 40 | 2.02 AC |
| 00537402 | C/O DEVELOPERS REALTY CORP, DDRTC BIRKDALE VILLAGE LLC, | 3300 ENTERPRISE PARKWAY BEACHWOOD OH 44122 | BEACHWOOD | OH | 44122 | 16725 BIRKDALE COMMONS PY HUNTERSVILLE | L4 M39-183 | 21859 | 546 | 4.828 AC |
| 00537403 | GREENS AT BIRKDALE VILLAGE, PROPERTY OWNERS ASSOC INC | 4055 FISH POND RD SALISBURY NC 28146 | SALISBURY | NC | 28146 | TOWNLEY RD HUNTERSVILLE | L2 M29-688 | 10819 | 751 | 3.82 AC |
| 00537413 | KOPCZYNSKI, MICHAEL ANDREW | 16870 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16870 BRIDGETON LN HUNTERSVILLE | L114 M32-168 | 24360 | 694 | 0.056 GIS Acres |
| 00537414 | JONES, GARY L JONES, SHERI | 16866 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16866 BRIDGETON LN HUNTERSVILLE | L115 M32-168 | 30850 | 227 | 0.033 GIS Acres |
| 00537415 | BOWDEN, JAMES W III | 16862 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16862 BRIDGETON LN HUNTERSVILLE | L116 M32-168 | 11319 | 185 | 0.034 GIS Acres |
| 00537442 | COOPER, TERRI L | 17312 VILLANOVA RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 17312 VILLANOVA RD HUNTERSVILLE | L111 M32-168 | 11197 | 594 | 0.034 GIS Acres |
| 00537443 | SHIRLEY A RANSON REVOCABLE, TRUST RANSON, SHIRLEY A | 17308 VILLANOVA RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 17308 VILLANOVA RD HUNTERSVILLE | L112 M32-168 | 27937 | 443 | 0.035 GIS Acres |
| 00537444 | BISHOP, WAYNE BISHOP, SHIRLEY | 439 FAIRWAY LN #B SPRUCE PINE NC 28777 | SPRUCE PINE | NC | 28777 | 17304 VILLANOVA RD HUNTERSVILLE | L113 M32-168 | 11221 | 185 | 0.054 GIS Acres |
| 00537445 | MCQUILLAN, SHARON | 1240 CRESCENT DR TARRYTOWN NY 10591 | TARRYTOWN | NY | 10591 | 17303 VILLANOVA RD HUNTERSVILLE | L82 M31-971 | 30562 | 988 | 0.055 GIS Acres |
| 00537446 | EDWARDS, MITZI M | 17307 VILLANOVA RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 17307 VILLANOVA RD HUNTERSVILLE | L83 M31-971 | 14095 | 394 | 0.034 GIS Acres |

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|----------|--|---|--------------|----|-------|--|-------------|-------|-----|-----------------|
| 00537447 | MAQUIRE, DIANE MAQUIRE, MATTHEW | 17311 VILLANOVA RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 17311 VILLANOVA RD HUNTERSVILLE | L84 M31-971 | 29412 | 624 | 0.034 GIS Acres |
| 00537448 | LEE, MARTIN B | 2058 LAKE FOUNTAIN DR KATY TX 77494 | KATY | TX | 77494 | 17315 VILLANOVA RD HUNTERSVILLE | L85 M31-971 | 16041 | 125 | 0.034 GIS Acres |
| 00537473 | CATHMARCO SALES INC, | 3877 BROOKLYN AVE SEAFORD NY 11783 | SEAFORD | NY | 11783 | 8365 BRICKLE LN HUNTERSVILLE | L78 M31-971 | 31241 | 488 | 0.034 GIS Acres |
| 00537474 | BALI DEVELOPMENT LLC, | PO BOX 3305 MOORESVILLE NC 28117 | MOORESVILLE | NC | 28117 | 8369 BRICKLE LN HUNTERSVILLE | L79 M31-971 | 29644 | 348 | 0.034 GIS Acres |
| 00537475 | JACKSON II, GILBERT N SHAFFER, MARY M | 8373 BRICKLE LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 8373 BRICKLE LN HUNTERSVILLE | L80 M31-971 | 27730 | 618 | 0.033 GIS Acres |
| 00537476 | POTTER, JOAN E | 8377 BRICKLE LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 8377 BRICKLE LN HUNTERSVILLE | L81 M31-971 | 17129 | 643 | 0.054 GIS Acres |
| 00537490 | TOWNHOMES AT BIRKDALE VILLAGE, HOMEOWNERS ASSOC INC | 1819 SARDIS RD NORTH #330 CHARLOTTE NC 28270 | CHARLOTTE | NC | 28270 | OAKPORT RD HUNTERSVILLE | C/A M31-213 | 14744 | 139 | 1.095 AC |
| 00537491 | TOWNHOMES AT BIRKDALE VILLAGE, HOMEOWNERS ASSOC INC | 1819 SARDIS RD NORTH #330 CHARLOTTE NC 28270 | CHARLOTTE | NC | 28270 | BRICKLE LN HUNTERSVILLE | C/A M31-971 | 14744 | 139 | 0.095 AC |
| 00537492 | C/O MD 10ATA1 CORP FAC, FIFTH THIRD BANK, | 38 FOUNTAIN SQUARE PLAZA CINCINNATI OH 45263 | CINCINNATI | OH | 45263 | 16719 BIRKDALE COMMONS PY HUNTERSVILLE | L4A M39-183 | 14949 | 125 | 0.124 AC |
| 00537493 | FIFTH THIRD BANK, C/O MD 10ATA1 CORP FAC, | 38 FOUNTAIN SQUARE PLAZA CINCINNATI OH 45263 | CINCINNATI | OH | 45263 | 16719 BIRKDALE COMMONS PY HUNTERSVILLE | L4B M39-183 | 14949 | 125 | 0.069 AC |
| 00537718 | PARSONS, SHANNON Y | 16903 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16903 BRIDGETON LN HUNTERSVILLE | L23 M31-617 | 10976 | 230 | 0.054 GIS Acres |
| 00537719 | DUKE, BARBARA I | 16907 BRIDGETONO LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16907 BRIDGETON LN HUNTERSVILLE | L24 M31-617 | 30293 | 853 | 0.034 GIS Acres |
| 00537720 | SANDERSON, YVONNE R | 16911 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16911 BRIDGETON LN HUNTERSVILLE | L25 M31-617 | 24351 | 699 | 0.034 GIS Acres |
| 00537721 | POPE, ELIZABETH | 16915 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16915 BRIDGETON LN HUNTERSVILLE | L26 M31-617 | 21422 | 485 | 0.034 GIS Acres |
| 00537722 | VONCANNON, CHRISTOPHER K | 10024 ROOSEVELT DR HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16919 BRIDGETON LN HUNTERSVILLE | L27 M31-617 | 22910 | 209 | 0.034 GIS Acres |

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|----------|--|---|--------------|----|-------|------------------------------------|-------------|-------|-----|-----------------|
| 00537723 | HANSEN, BRYCE N | 17036 CARLTON WAY RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16923 BRIDGETON LN HUNTERSVILLE | L28 M31-617 | 30892 | 910 | 0.045 GIS Acres |
| 00537724 | Longbottom, Charles M | 16931 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16931 BRIDGETON LN HUNTERSVILLE | L29 M31-617 | 17342 | 594 | 0.045 GIS Acres |
| 00537725 | BRODOFSKY, HILLARY | 16936 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16935 BRIDGETON LN HUNTERSVILLE | L30 M31-617 | 29178 | 686 | 0.038 GIS Acres |
| 00537726 | MICHAEL, VASILIA MICHAEL, NICOLETTA M | 16939 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16939 BRIDGETON LN HUNTERSVILLE | L31 M31-617 | 29939 | 196 | 0.041 GIS Acres |
| 00537727 | DINEEN, BRIAN | 16943 BRIDGETON LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16943 BRIDGETON LN HUNTERSVILLE | L32 M31-617 | 19717 | 722 | 0.049 GIS Acres |
| 00537728 | Townhomes at Birkdale Village, Homeowners Assoc Inc | 1819 SARDIS RD NORTH #330 CHARLOTTE NC 28270 | CHARLOTTE | NC | 28270 | BRIDGETON LN HUNTERSVILLE | COS M37-931 | 14744 | 139 | 0.123 AC |
| 00537735 | PETERSON, ANA C PETERSON, MATTHEW D | 4216 OVERLOOK COVE RD CHARLOTTE NC 28216 | CHARLOTTE | NC | 28216 | 16944 BRIDGETON LN HUNTERSVILLE | L33 M31-859 | 18064 | 863 | 0.069 GIS Acres |
| 00537736 | BASCO ENTERPRISES INC, | PO BOX 2124 HUNTERSVILLE NC 28070 | HUNTERSVILLE | NC | 28070 | 16940 BRIDGETON LN HUNTERSVILLE | L34 M31-859 | 30894 | 452 | 0.035 GIS Acres |
| 00537737 | BTOWN LLC, | 8338 SANDOWNE LN HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16936 BRIDGETON LN HUNTERSVILLE | L35 M31-859 | 29326 | 120 | 0.034 GIS Acres |
| 00537738 | SHAH, VIKAS S | 980 OLD PLACE DR ALPHARETTA GA 30004 | ALPHARETTA | GA | 30004 | 16932 BRIDGETON LN HUNTERSVILLE | L36 M31-859 | 23768 | 570 | 0.034 GIS Acres |
| 00537739 | AKRON, ARIEL | 16928 BRIDGETON RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 16928 BRIDGETON LN HUNTERSVILLE | L37 M31-859 | 25187 | 457 | 0.034 GIS Acres |
| 00537740 | PRUETT, STEVE K II | 8834 KIRKVILLE LN CHARLOTTE NC 28216 | CHARLOTTE | NC | 28216 | 16924 BRIDGETON LN HUNTERSVILLE | L38 M31-859 | 22332 | 735 | 0.054 GIS Acres |
| 00537741 | MURPHY, VIKKI A MURPHY, MICHAEL | 4225 QUEEN PHILOMENA BV SCHENECTADY NY 12304 | SCHENECTADY | NY | 12304 | 7962 CAMDEN HOLLOW RD HUNTERSVILLE | L39 M31-859 | 27643 | 854 | 0.040 GIS Acres |
| 00537742 | POZNIAK, MARCIA POZNIAK, MICHAEL | 7958 CAMDEN HOLLOW RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 7958 CAMDEN HOLLOW RD HUNTERSVILLE | L40 M31-859 | 28973 | 670 | 0.035 GIS Acres |
| 00537743 | MILLER, BARBARA P MILLER, HARVEY D | 7954 CAMDEN HOLLOW RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 7954 CAMDEN HOLLOW RD HUNTERSVILLE | L41 M31-859 | 29830 | 962 | 0.033 GIS Acres |

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|----------|--|--|--------------|----|-------|--|-------------|-------|-----|-----------------|
| 00537744 | HACKENBRACHT, KATIE N | 7950 CAMDEN HOLLOW RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 7950 CAMDEN HOLLOW RD HUNTERSVILLE | L42 M31-859 | 28626 | 201 | 0.034 GIS Acres |
| 00537745 | DAUB, HOPE A | 7946 CAMDEN HOLLOW RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 7946 CAMDEN HOLLOW RD HUNTERSVILLE | L43 M31-859 | 10919 | 361 | 0.033 GIS Acres |
| 00537746 | CUPP, BETH L CUPP, MICHAEL J | 20345 ENCLAVE OAKS CT CORNELIUS NC 28031 | CORNELIUS | NC | 28031 | 7942 CAMDEN HOLLOW RD HUNTERSVILLE | L44 M31-859 | 17949 | 742 | 0.034 GIS Acres |
| 00537747 | PAUNOVICH, VUKASIN | 7938 CAMDEN HOLLOW RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 7938 CAMDEN HOLLOW RD HUNTERSVILLE | L45 M31-859 | 28487 | 448 | 0.035 GIS Acres |
| 00537748 | VERNON, AMANDA DUDEK, MARK | 1315 COYOTE PASS SAN ANTONIO TX 78258 | SAN ANTONIO | TX | 78258 | 7934 CAMDEN HOLLOW RD HUNTERSVILLE | L46 M31-859 | 18688 | 911 | 0.044 GIS Acres |
| 00537749 | SCHIFF, DAVID L | 300 W 5TH ST APT 141 CHARLOTTE NC 28202 | CHARLOTTE | NC | 28202 | 7926 CAMDEN HOLLOW RD HUNTERSVILLE | L47 M31-859 | 16943 | 752 | 0.060 GIS Acres |
| 00537750 | BLACK, DONNA S BLACK, THOMAS R | 169 SHELBURNE PLACE MOORESVILLE NC 28117 | MOORESVILLE | NC | 28117 | 7922 CAMDEN HOLLOW RD HUNTERSVILLE | L48 M31-859 | 26754 | 812 | 0.033 GIS Acres |
| 00537751 | MCGOVERN, CHARLES P III | 7701 BABE STILLWELL FARM RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 7918 CAMDEN HOLLOW RD HUNTERSVILLE | L49 M31-859 | 11692 | 902 | 0.033 GIS Acres |
| 00537752 | PILON PROPERTIES LLC, | 1235 EAST BOULEVARD STE E BOX 268 CHARLOTTE NC 28203 | CHARLOTTE | NC | 28203 | 7914 CAMDEN HOLLOW RD HUNTERSVILLE | L50 M31-859 | 25918 | 502 | 0.034 GIS Acres |
| 00537753 | PASUT, ALESSANDRO H | 7910 CAMDEN HOLLOW RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 7910 CAMDEN HOLLOW RD HUNTERSVILLE | L51 M31-859 | 30374 | 449 | 0.033 GIS Acres |
| 00537754 | MCMANUS, SHARON GAIL | 7906 CAMDEN HOLLOW RD HUNTERSVILLE NC 28078 | HUNTERSVILLE | NC | 28078 | 7906 CAMDEN HOLLOW RD HUNTERSVILLE | L52 M31-617 | 13907 | 740 | 0.054 GIS Acres |
| 00537755 | TOWNHOMES AT BIRKDALE VILLAGE, HOMEOWNERS ASSOC INC | 1819 SARDIS RD NORTH #330 CHARLOTTE NC 28270 | CHARLOTTE | NC | 28270 | LOWELL AL HUNTERSVILLE | C/A M30-347 | 14744 | 139 | 0.575 AC |
| 00917184 | FAIRWAY BIRKDALE II LLC, | 728 SHADES CREEK PKWY STE 210 BIRMINGHAM AL 35209 | BIRMINGHAM | AL | 35209 | 16627 BIRKDALE COMMONS PY HUNTERSVILLE | L1 M29-419 | 31723 | 227 | 7.923 AC |
| 00917184 | FAIRWAY BIRKDALE II LLC, | 728 SHADES CREEK PKWY STE 210 BIRMINGHAM AL 35209 | BIRMINGHAM | AL | 35209 | 16627 BIRKDALE COMMONS PY HUNTERSVILLE | L1 M29-419 | 31723 | 227 | 7.923 AC |
| 00917186 | FAIRWAY BIRKDALE II LLC, | 728 SHADES CREEK PKWY STE 210 BIRMINGHAM AL 35209 | BIRMINGHAM | AL | 35209 | 16639 BIRKDALE COMMONS PY HUNTERSVILLE | L2 M29-419 | 31723 | 227 | 0.576 AC |

EXHIBIT B
NOTICE TO INTERESTED PARTIES OF A REZONING PETITION
Petition # 17-04 – Sam Furr Senior Apartments

Subject: Rezoning Petition No. 17-04

Petitioner/Developer: Nickel Development Group, LLC

Property: ± 2.05 acres located at 8521 Sam Furr Road Huntersville, NC 28078

Existing Zoning: HC(CD) (Highway Commercial (Conditional District))

Rezoning Request: HC(CD) (Highway Commercial (Conditional District))

Date and Time of Meeting: Wednesday, July 12, 2017 from 6:30 p.m. to 7:30 p.m.

Location of Meeting: Huntersville Town Hall – Board Room
101 Huntersville-Concord Road
Huntersville, NC 28078

Date of Notice: June 30, 2017

We are assisting Nickel Development Group, LLC (the "Petitioner") on a Rezoning Petition recently filed regarding a zoning change for approximately 2.05 acres (the "Site") located at 8521 Sam Furr Road Huntersville, NC 28078. We take this opportunity to furnish you with basic information concerning the Petition and to invite you to attend a Community Meeting to discuss it.

Background and Summary of Request:

This Petition involves a request to rezone the 2.05 acre Site from the HC(CD) (Highway Commercial (Conditional District)) zoning district to HC(CD) (Highway Commercial (Conditional District)). The subject property was originally re-zoned HC(CD) in January 2009 under the approved petition number R08-09 for a proposed Inn. The new rezoning plan proposes to maintain the current HC(CD) zoning and develop the Site as an age-restricted Multi-Family Residential use. The proposed building will have a minimum set back of 10' along Sam Furr Road and will provide a vegetated buffer between the Site and the adjacent residential properties to the north and east.

The Site is currently not developed.

The site plan associated with the Rezoning Petition proposes to develop the Site with one (1) residential multi-family building with a maximum of 78 units total.

For additional information, please visit the Town of Huntersville website – Current Projects page.
<http://www.huntersville.org/Departments/Planning/CurrentProjectsMap/ProjectsList.aspx>

Community Meeting Date and Location:

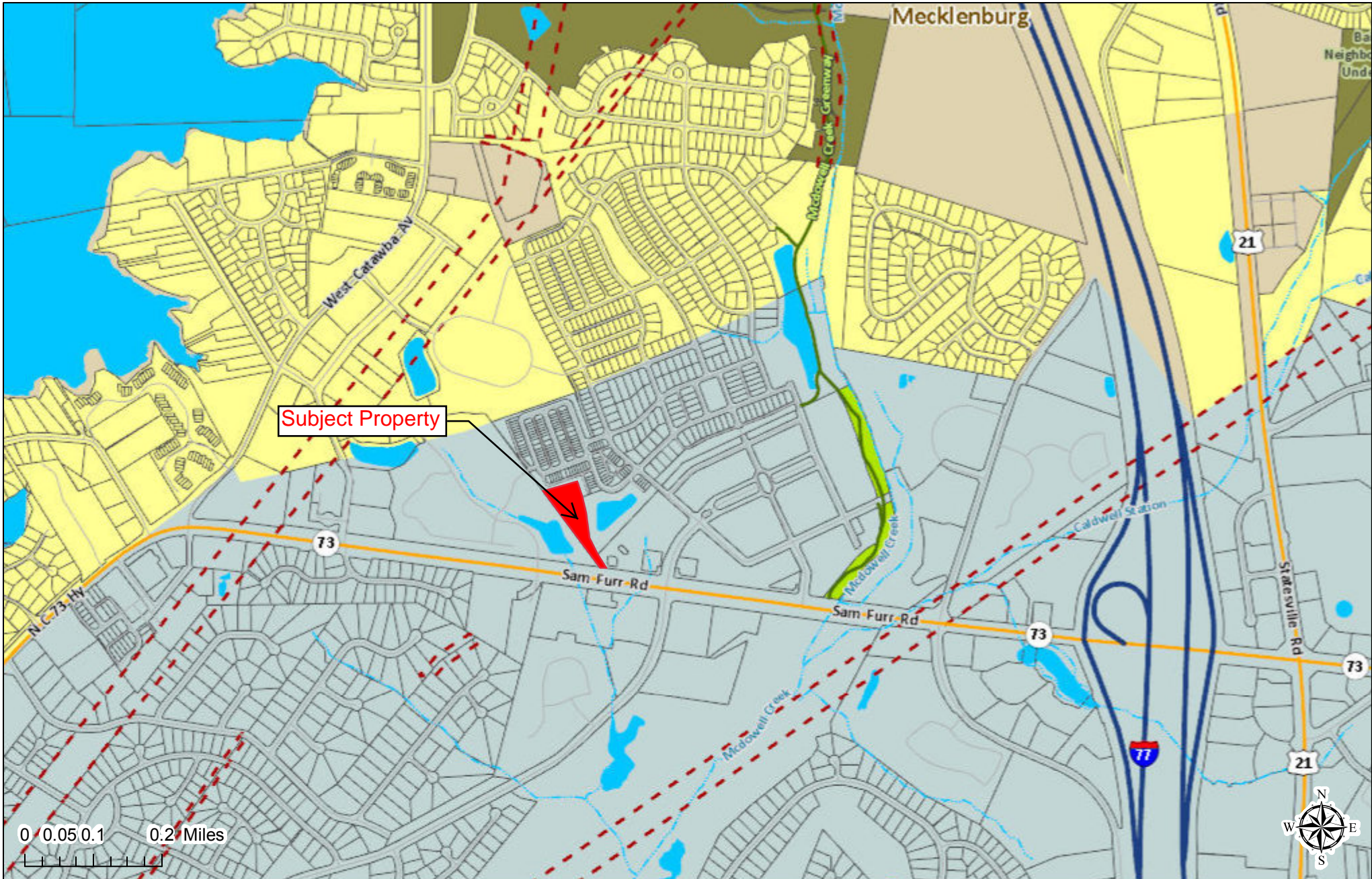
Mecklenburg County's records indicate that you are either a representative of a registered neighborhood organization or an owner of property near the site. **Accordingly, we are extending an invitation to attend the upcoming Community Meeting to be held Wednesday, July 12th, from 6:30 p.m. to 7:30 p.m. at the Huntersville Town Hall Board Room**, located at 101 Huntersville-Concord Road, Huntersville, NC 28078. Representatives of the Petitioner look forward to discussing this exciting rezoning proposal with you at the Community Meeting.

In the meantime, should you have any additional questions about this matter, you may call or email Colin Jenest at (704) 376-1555 or cjenest@colejeneststone.com.

Thank you.

cc: Members of the Huntersville Town Board
Members of the Huntersville Planning Board
Jack Simoneau, Huntersville Planning Department
Brian Richards, Huntersville Planning Department
Gerry Vincent, Huntersville Interim Town Manager
Janet Pierson, Huntersville Town Clerk
Jake Palillo, Nickel Development, LLC
Kevin Ammons, ColeJenest & Stone

Polaris 3G Map – Mecklenburg County, North Carolina



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified 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.



VICINITY MAP n.t.s.

REZONING PETITION 808-09
 APPROVED BY THE BOARD OF HUNTERSVILLE
 Planning Staff
 Approved by BOC on 1/20/09



Mr. Jake Palilo

19520 W. Catawba Ave
 Suite #313
 Cornelius, NC 28031

Birkdale Inn

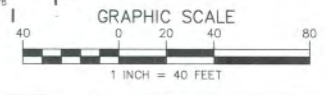
Conditional Rezoning Plan

Existing Features

8521 Sam Furr Road Huntersville, NC

| NO. | DATE | BY | REVISIONS: |
|-----|----------|-----|-------------------|
| 1 | 09/29/08 | EAV | Per City Comments |
| 2 | 10/10/08 | EAV | Per City Comments |
| 3 | 11/17/08 | EAV | Per City Comments |

Project No: 08-042
 Date: July, 2008
 Designed by: udp
 Drawn By: udp
 Scale: 1"=40'
 Sheet No:



RZ-1



**URBAN
DESIGN
PARTNERS**

1318-e4 central ave. # 704.334.9300
charlotte, nc 28205 f 704.384.8305
urbandesignpartners.com

Mr. Jake Pallio

19520 W. Catawba Ave
Suite #313
Cornellius, NC 28031

Birkdale Inn Conditional Rezoning Plan Schematic Site Plan

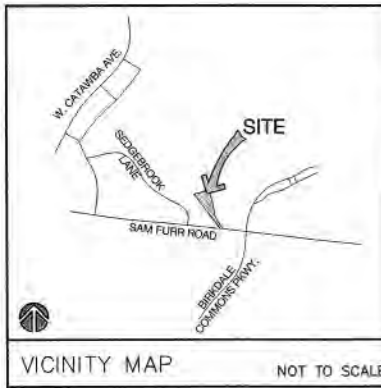
8521 Sam Furr Road Huntersville, NC

| NO. | DATE | BY: | REVISIONS: |
|-----|----------|-----|-------------------|
| 1 | 09/23/08 | EJV | Per City Comments |
| 2 | 10/10/08 | EJV | Per City Comments |
| 3 | 11/11/08 | EJV | Per City Comments |

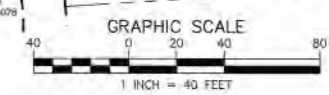
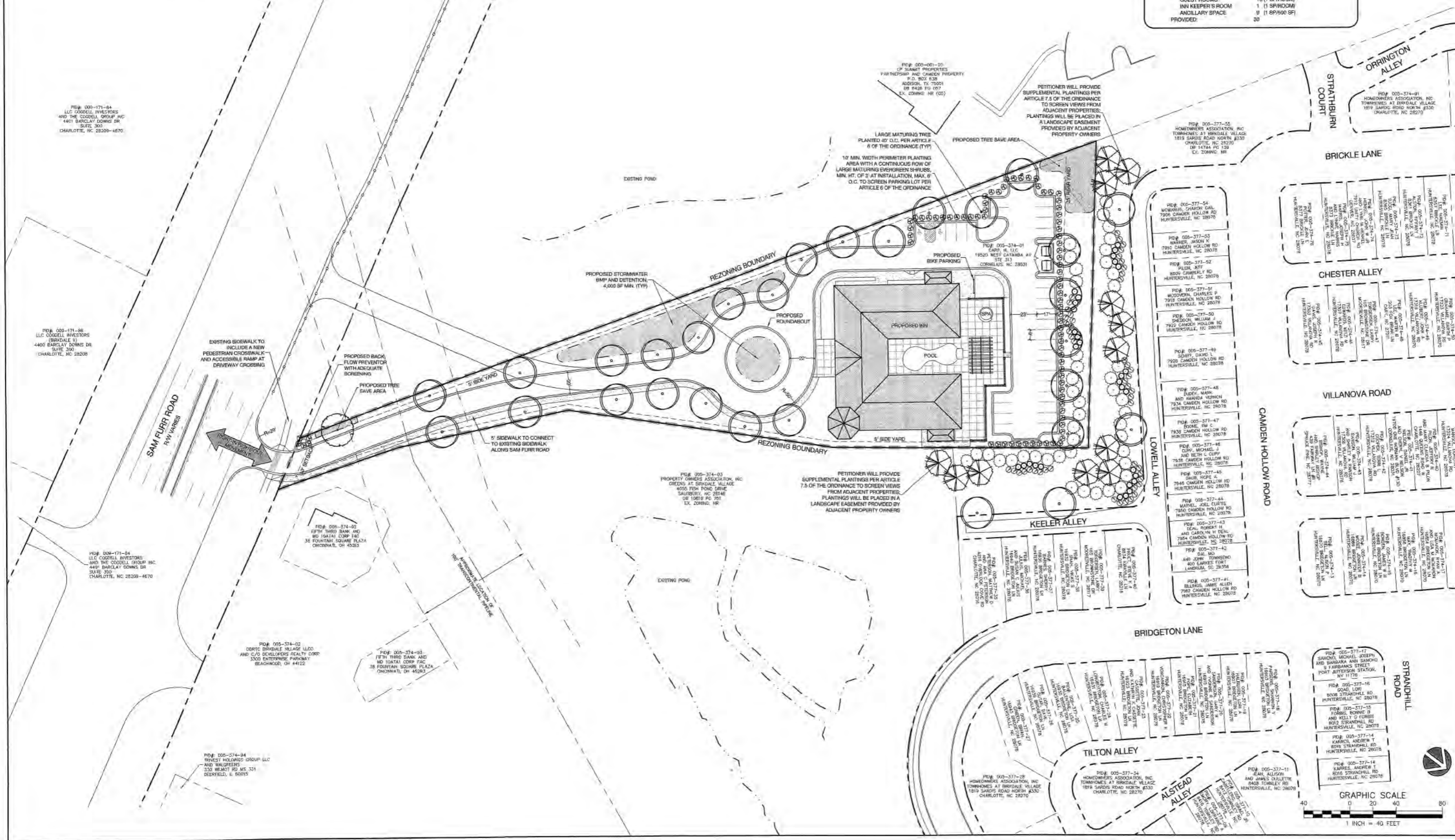
Project No: 08-042
Date: July, 2008
Designed by: udp
Drawn by: udp
Scale: 1"=40'
Sheet No:

RZ-2

| SITE DATA TABLE | |
|---------------------|---|
| TAX PARCEL ID #: | 005-374-01 |
| EXISTING ZONING: | NR |
| PROPOSED ZONING: | HC (C) |
| TOTAL SITE AREA: | 2,024 AC (88,148 SF) |
| ZONING SETBACKS: | |
| SIDE YARD: | 5' |
| REAR YARD: | 25' |
| WATERSHED DISTRICT: | MOUNTAIN ISLAND LAKE (PA-2) |
| MAXIMUM BUA: | |
| REQUIRED: | 81,704 SF (70.0% HIGH DENSITY) |
| PROPOSED: | 52,851 SF (59.7%) |
| PROPOSED USE: | INN (18,402 SF) |
| 12 GUEST ROOMS: | |
| 4 GUEST SUITES: | |
| INN KEEPER'S ROOM: | |
| ANCILLARY SPACE: | KITCHEN, DINING, OFFICE, STORAGE, LIBRARY, RECEPTION, CONFERENCE, LAUNDRY ROOM (4,289 SF) |
| PARKING: | |
| REQUIRED: | 28 SP |
| GUEST ROOMS: | 16 (1 SP/ROOM) |
| INN KEEPER'S ROOM: | 1 (1 SP/ROOM) |
| ANCILLARY SPACE: | 11 (189/500 SF) |
| PROVIDED: | 30 |



VICINITY MAP NOT TO SCALE



PO# 005-171-84
LLC COZELL INVESTORS
AND THE COZELL GROUP INC
4401 BARCLAY DOWNS DR
SUITE 300
CHARLOTTE, NC 28209-4670

PO# 005-171-86
LLC COZELL INVESTORS
AND THE COZELL GROUP INC
4401 BARCLAY DOWNS DR
SUITE 300
CHARLOTTE, NC 28209

PO# 005-171-84
LLC COZELL INVESTORS
AND THE COZELL GROUP INC
4401 BARCLAY DOWNS DR
SUITE 300
CHARLOTTE, NC 28209-4670

PO# 005-374-02
DORIC BIRKDALE VILLAGE LLC
AND C/O DEVELOPERS REALTY CORP
3305 EXTENSIVE PARKWAY
BEACHWOOD, OH 44122

PO# 005-374-03
17TH THIRD BANK AND
MD 10/ATL CORP FAC
38 FOUNTAIN SQUARE PLAZA
CINCINNATI, OH 45261

PO# 005-374-04
TRINITY HOLDINGS GROUP LLC
AND WALGREENS
330 WELLS RD. 4TH FL
DEERFIELD, IL 60015

PO# 005-374-03
PROPERTY OWNERS ASSOCIATION, INC
GREENS AT BIRKDALE VILLAGE
4055 FISH POND LAKE
SAUGERTON, NC 28146
EX. ZONING: NR

PETITIONER WILL PROVIDE
SUPPLEMENTAL PLANTINGS PER
ARTICLE 7.5 OF THE ORDINANCE TO
SCREEN VIEWS FROM ADJACENT
PROPERTIES. PLANTINGS WILL BE
PLACED IN A LANDSCAPE EASEMENT
PROVIDED BY ADJACENT PROPERTY
OWNERS.

PO# 005-001-20
CP SWARTZ PROPERTIES
PARTNERSHIP AND CAMDEN PROPERTY
P.O. BOX 838
ROSELIN, TX 75081
OR 8428 FID 007
EX. ZONING: NR (C2)

LARGE MATURING TREE
PLANTED 40' O.C. PER ARTICLE
6 OF THE ORDINANCE (TYP)

10' MIN. WIDTH PERIMETER PLANTING
AREA WITH A CONTINUOUS ROW OF
LARGE MATURING EVERGREEN SHRUBS,
MIN. HT. OF 3' AT INSTALLATION, MAX. 6'
O.C. TO SCREEN PARKING LOT PER
ARTICLE 6 OF THE ORDINANCE

PETITIONER WILL PROVIDE
SUPPLEMENTAL PLANTINGS PER
ARTICLE 7.5 OF THE ORDINANCE
TO SCREEN VIEWS FROM
ADJACENT PROPERTIES.
PLANTINGS WILL BE PLACED IN A
LANDSCAPE EASEMENT
PROVIDED BY ADJACENT
PROPERTY OWNERS.

PO# 005-377-54
MCANULTY, SHARON GAL
7906 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-53
WARRNER, JASON
7918 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-52
PLECK, JEFF
8000 CAMDEN RD
HUNTERSVILLE, NC 28078

PO# 005-377-51
MODERN, CHARLES R
7768 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-50
SHELDON, WILLIAM RD
7914 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-49
SOFT, DAWN L
7928 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-48
DOCK, MARK
AND ANANDA, ANISHA
7918 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-47
BYRNE, PAUL C
7838 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-46
CLAY, MICHAEL J
AND BETH L CLIFF
7838 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-45
DUBOIS, HOPE A
7848 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-44
KAPPEL, JANEL CURTIS
7840 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-43
LEAL, THERESA H
AND CAROLYN H DEAL
7848 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-42
AND JOHN, TONISHA
AND JAMES FINE
LANSHAM, ST 28258

PO# 005-377-41
BALMES, JAMIE ALLEN
7867 CAMDEN HOLLOW RD
HUNTERSVILLE, NC 28078

PO# 005-377-40
SANDRA MICHAEL, JOSEPH
AND BARBARA ANN SANDOZ
8 ARBANSUM STREET
PORT ARTHUR STATION
NY 11758

PO# 005-377-39
ZOMB, LORI
8008 STRANDHILL RD
HUNTERSVILLE, NC 28078

PO# 005-377-38
FORBES, BONNIE
AND KELLY S FORBES
8018 STRANDHILL RD
HUNTERSVILLE, NC 28078

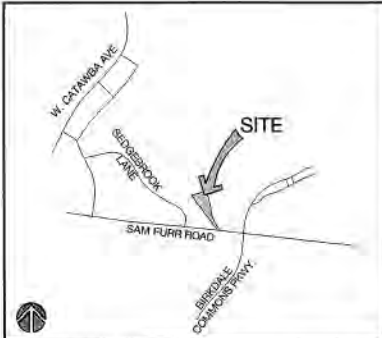
PO# 005-377-37
KARRIS, ANDREW T
8018 STRANDHILL RD
HUNTERSVILLE, NC 28078

PO# 005-377-36
KARRIS, ANDREW T
8018 STRANDHILL RD
HUNTERSVILLE, NC 28078

PO# 005-377-35
EAV, ALLISON
AND ANNA S VILLETT
1408 TONLEY RD
HUNTERSVILLE, NC 28078

PO# 005-377-34
HOMESWEET ASSOCIATION, INC
TOWNHOMES AT BIRKDALE VILLAGE
1818 SARGIS ROAD NORTH #330
CHARLOTTE, NC 28270

PO# 005-377-28
HOMESWEET ASSOCIATION, INC
TOWNHOMES AT BIRKDALE VILLAGE
1818 SARGIS ROAD NORTH #330
CHARLOTTE, NC 28270



VICINITY MAP NOT TO SCALE

DEVELOPMENT NOTES

1. GENERAL PROVISIONS

- a. Unless more stringent standards are established by the Schematic Site Plan or these Development Standards, all development standards established under the Town of Huntersville Zoning Ordinance (the "Ordinance") for the HC zoning district classification shall be followed in connection with development taking place on the Site.
- b. The configuration, placement and size of the buildings, parking areas, and other site elements depicted on the Schematic Site Plan are schematic in nature and may be altered or modified within the constraints defined by the Ordinance and by the development during design development and construction document phases.
- c. The area within the roundabout may be used as an aesthetic feature (fountain, green, etc.) or as a rain garden. This will be determined during the design development and construction document phase of design based on engineering requirements for the site.

2. PERMITTED USES

- The Site may be devoted only to the following use:
 - (1) Inn with Inn Keeper's Suite, 16 Guest Rooms/Suites, and any ancillary or accessory uses such as kitchen and dining, conference room, library, etc.

3. SETBACKS, SIDE YARDS AND REAR YARDS

- a. Development of the Site shall comply with the setback, rear yard and side yard requirements established under the Ordinance for the HC zoning district as depicted or noted on the plan.
- b. The Petitioner has filed a Special Use Permit to allow a hotel (inn) use less than 250 feet from residential zones.

4. LANDSCAPE/BUFFER REQUIREMENTS

- a. Parking lot landscaping shall conform with the standards and treatments specified in Article 6 of the Ordinance.
- b. Due to the unique shape of the parcel and nature of the surrounding parcels, the Petitioner is requesting a waiver or variable width reduction of the required 30' buffer width along the side and rear yards as part of this Rezoning Petition. Required buffer plantings will be provided as shown on the Schematic Site Plan within a landscape easement on the adjacent properties.
- c. The Petitioner will provide buffer landscaping to screen the Inn from adjacent properties. Such screen plantings may be located on the project property or on adjacent property only with a landscape easement agreement between the Petitioner and adjacent property owners. All buffer landscaping will adhere to Article 7.5 of the Ordinance and will be massed near the tops of slopes so as to provide maximum screening effect.
- d. One specimen tree exists on site (30" tulip poplar). If a certified arborist deems the tree to be a quality tree in good health, the Petitioner will make reasonable attempts to save the tree during construction; however, if it is not feasible to save the tree, the Petitioner will contribute to the Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community as outlined in Article 7.4.2 (g) (2).

5. PARKING

- a. Off-street parking and loading will meet the minimum requirements set out in the Ordinance. The parking requirements are noted in the Development Summary.
- b. The alignment of internal vehicular circulation and driveways is preliminary and as a result has not been finalized and is subject to final design and engineering plans. Minor modification or alteration of these alignments may therefore take place during design development and construction phases.
- c. Bicycle parking will be provided on the Site as required by the Town of Huntersville parking requirements and standards.

6. SIGNS

- a. All signs placed on the Site will be permitted separately under Article 10 of the Town of Huntersville Zoning Ordinance.
- b. Detached signs will be ground mounted signs (pole signs are not allowed). The design of these signs will be architecturally compatible with buildings on the site through the use of the similar building materials and architectural styles.
- c. The use of neon in any sign is prohibited.
- d. No sign shall be permitted within the Sam Furr Road Right-of-Way or outside of the existing property boundary.

7. FIRE ACCESS

- The parking lot includes an integral hammer head designed to allow for fire truck turn-around access per Mecklenburg County standards.

8. STORM WATER

- a. Storm water runoff from the Site will be managed through proven techniques which satisfy the standards imposed by the Town or Mecklenburg County.
- b. The following agencies must be contacted prior to construction regarding wetland and water quality permits:
 - (i) Section 401 Permit - NCDENR, Raleigh Office (919.733.1789)
 - (ii) Section 404 Permit - US Army Corps of Engineers (704.271.4854)

9. GARBAGE

- a. Any dumpsters visible from a public street or from an adjoining parcel of land will be screened from view by a solid enclosure with gates and supplemental landscaping as needed. Materials for any enclosure shall be consistent with those of the principal structure.
- b. Garbage pick-up will be limited to the hours of 1 p.m. until 5 p.m. Monday thru Friday in order to limit noise disturbance to adjacent property owners.

10. UTILITIES

- a. No utilities or utility easements are currently shown as being located within the project property boundaries.
- b. Location of backflow preventors shall be coordinated with CMUD and the Town of Huntersville.
- c. All building-related utilities and mechanical equipment will be located to the side or rear of the principal structure and will be screened from view.

11. SITE LIGHTING

- a. Lighting will be provided throughout the Site and shall be full cut-off type lighting fixtures.
- b. Site lighting will be limited to 20 feet in height.
- c. No "wall pak" lighting will be allowed, however architectural lighting on building facades, such as sconces, will be permitted. Such permitted architectural lighting must be downwardly directed, so as not to be angled greater than 45-degrees from vertical.

12. ARCHITECTURAL CONTROLS

- Building architecture shall follow the general form and style of the elevations submitted as part of this Rezoning Petition. However, the Petitioner reserves the right to make minor modifications as required by building standards or market conditions; such modifications must be approved by the Town Staff.

13. AMENDMENTS TO THE REZONING PLAN

- Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions of Article 11.3 of the Ordinance.

14. BINDING EFFECT OF THE REZONING APPLICATION

- If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Schematic Site Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



**URBAN
DESIGN
PARTNERS**

1319-66 central ave. # 704.334.3303
charlotte, nc 28205 # 704.334.3305
urbandesignpartners.com

Mr. Jake Pallio

19620 W. Catawba Ave
Suite #313
Cornellus, NC 28031

**Birkdale Inn
Conditional Rezoning Plan
Development Notes**

8521 Sam Furr Road Huntersville, NC

| NO. | DATE | BY | REVISIONS |
|-----|----------|-----|-------------------|
| 1 | 06/29/08 | ELW | Per City Comments |
| 2 | 10/10/08 | ELW | Per City Comments |
| 3 | 11/11/08 | ELW | Per City Comments |

Project No. 08-042

Date: July, 2008

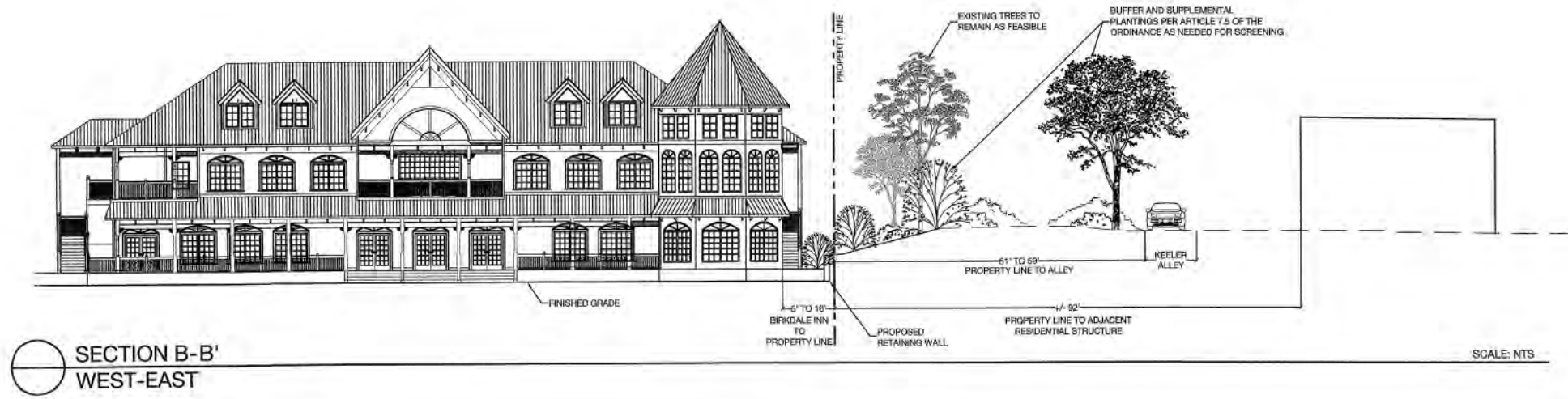
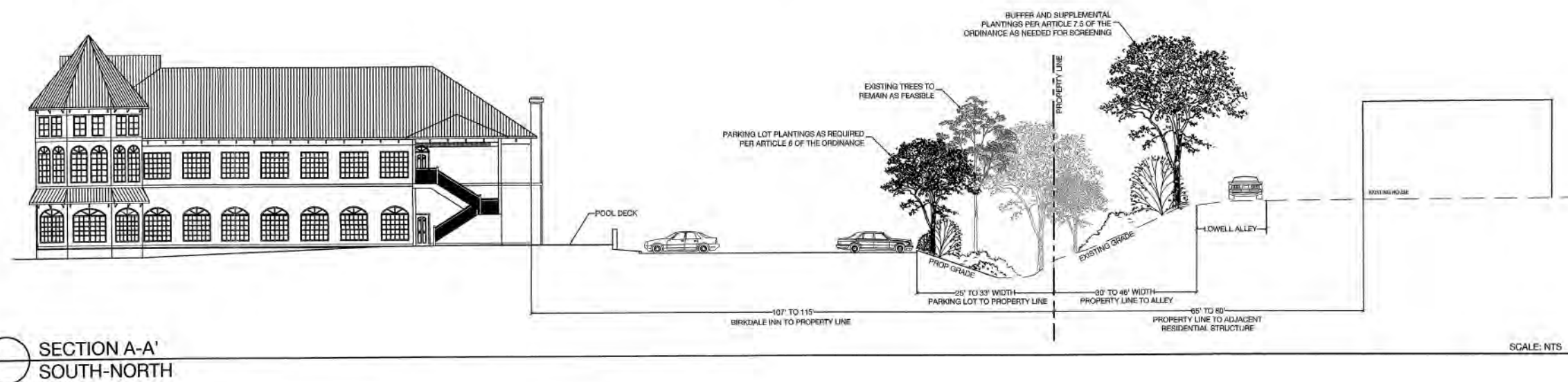
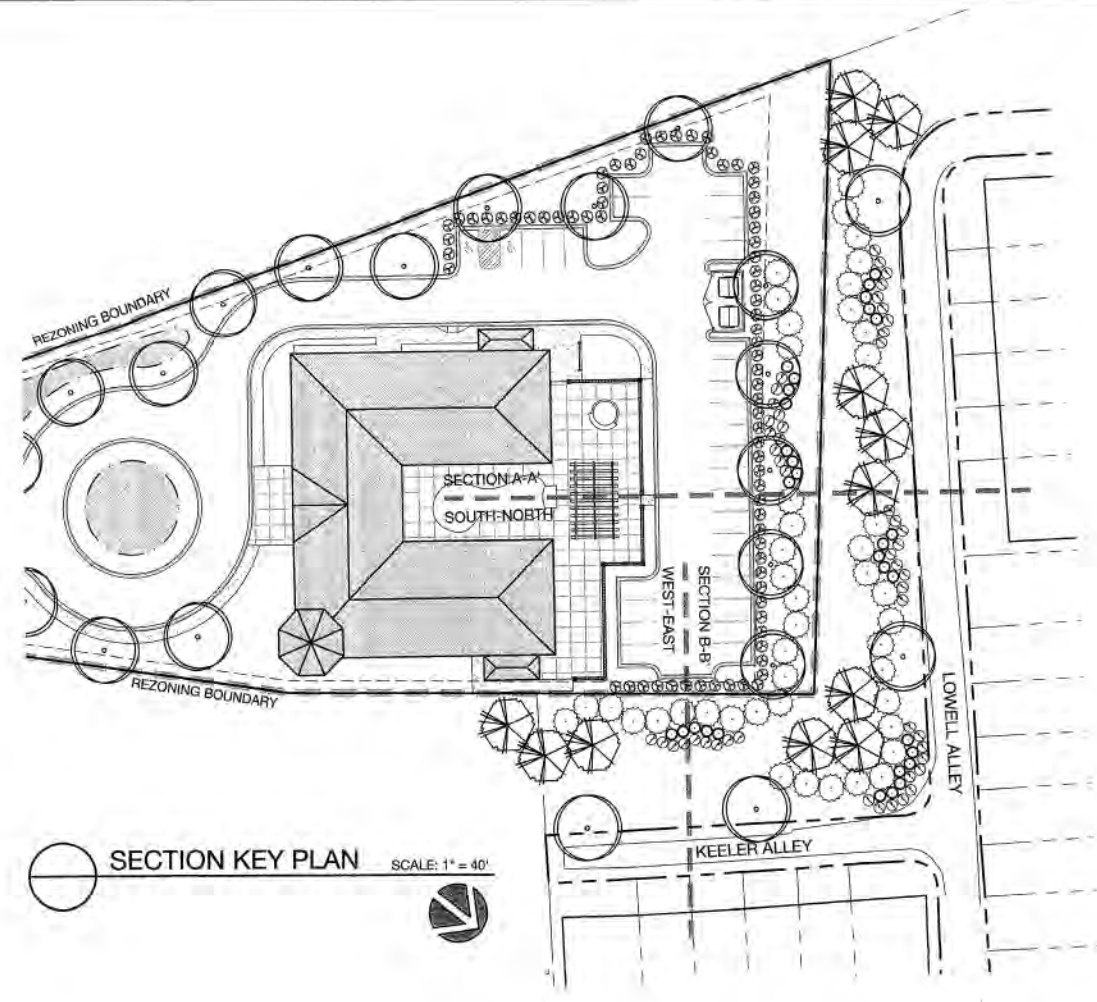
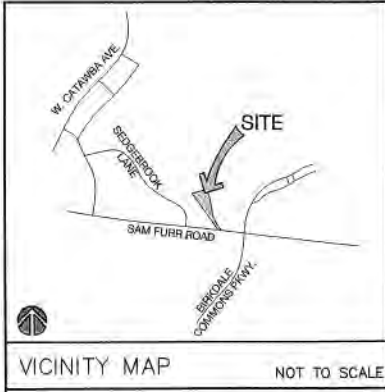
Designed by: udp

Drawn By: udp

Scale: 1"=40'

Sheet No.

RZ-3

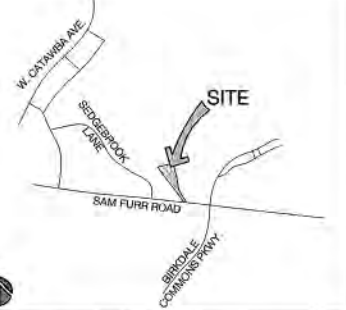


Birkdale Inn
Conditional Rezoning Plan
Schematic Site Sections

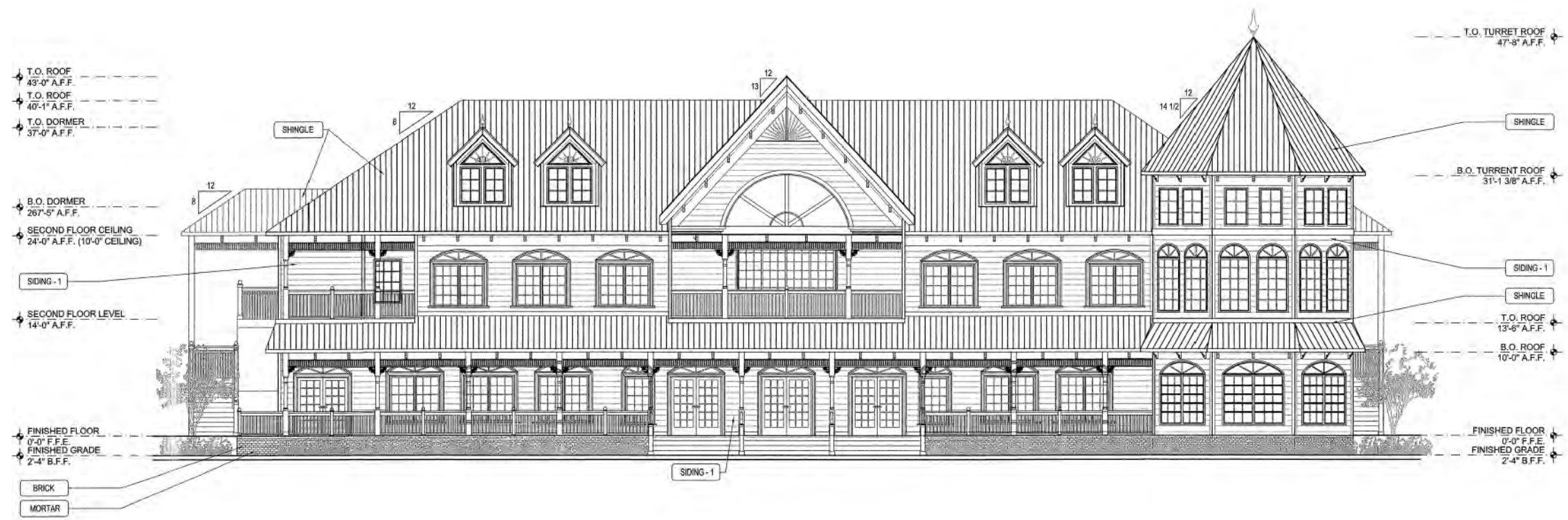
8521 Sam Furr Road Huntersville, NC

| NO. | DATE | BY: | REVISIONS: |
|-----|----------|-----|-------------------|
| 1 | 09/26/08 | EJV | Per City Comments |
| 2 | 10/10/08 | EJV | Per City Comments |
| 3 | 11/11/08 | EJV | Per City Comments |

Project No: 06-042
Date: July 2008
Designed by: udp
Drawn By: udp
Scale: 1"=40'
Sheet No:



VICINITY MAP NOT TO SCALE



FRONT ELEVATION SCALE: 1/8" = 1'



REAR ELEVATION SCALE: 1/8" = 1'

| MATERIAL LEGEND | |
|-----------------|---|
| SIDING - 1 | Handy Plank Siding: To Be Selected Coordinate with architect for specifications |
| SHINGLE | Asphalt Shingle: Contained Carriage House Shingle Coordinate with architect for color & specifications |
| BRICK | Base Brick: Color to be selected Coordinate with architect for specifications |
| MORTAR | Mortar Color: Coordinate with architect for specifications |

***Materials shown are shown for design concept only. All materials are to be approved on a separate submitted finish material board.*

URBAN DESIGN PARTNERS
 1318-e6 central ave. # 704.334.3303
 charlotte, nc 28205 # 704.334.3305
 urbandesignpartners.com

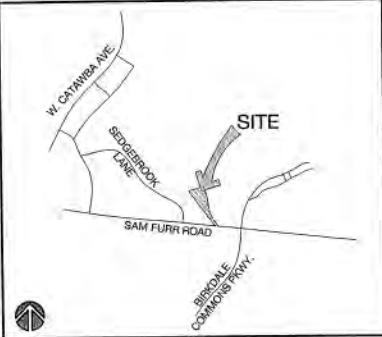
ROBERT JOHNSON architects
 1408 West Morehead St.
 Charlotte, NC 28208
 T 704 / 343-0688
 F 704 / 343-9643
 E info@rjarchitects.com

Mr. Jake Palillo
 19520 W. Catawba Ave
 Suite #313
 Cornelius, NC 28003

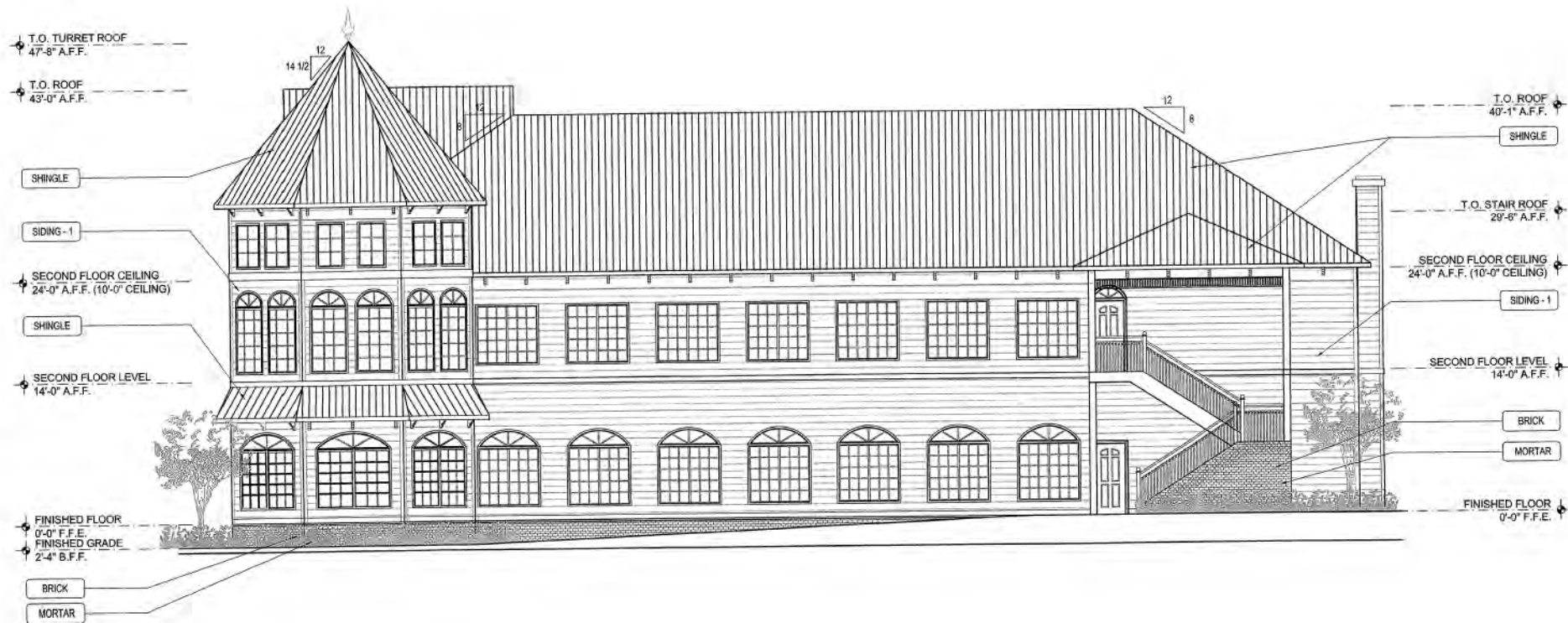
Birkdale Inn
 Conditional Rezoning Plan
 Schematic Building Elevations
 8521 Sam Furr Road Huntersville, NC

| NO. | DATE | BY: | REVISIONS: |
|-----|----------|-----|-------------------|
| 1 | 09/29/08 | EJV | Per City Comments |
| 2 | 10/10/08 | EJV | Per City Comments |
| 3 | 11/11/08 | EJV | Per City Comments |

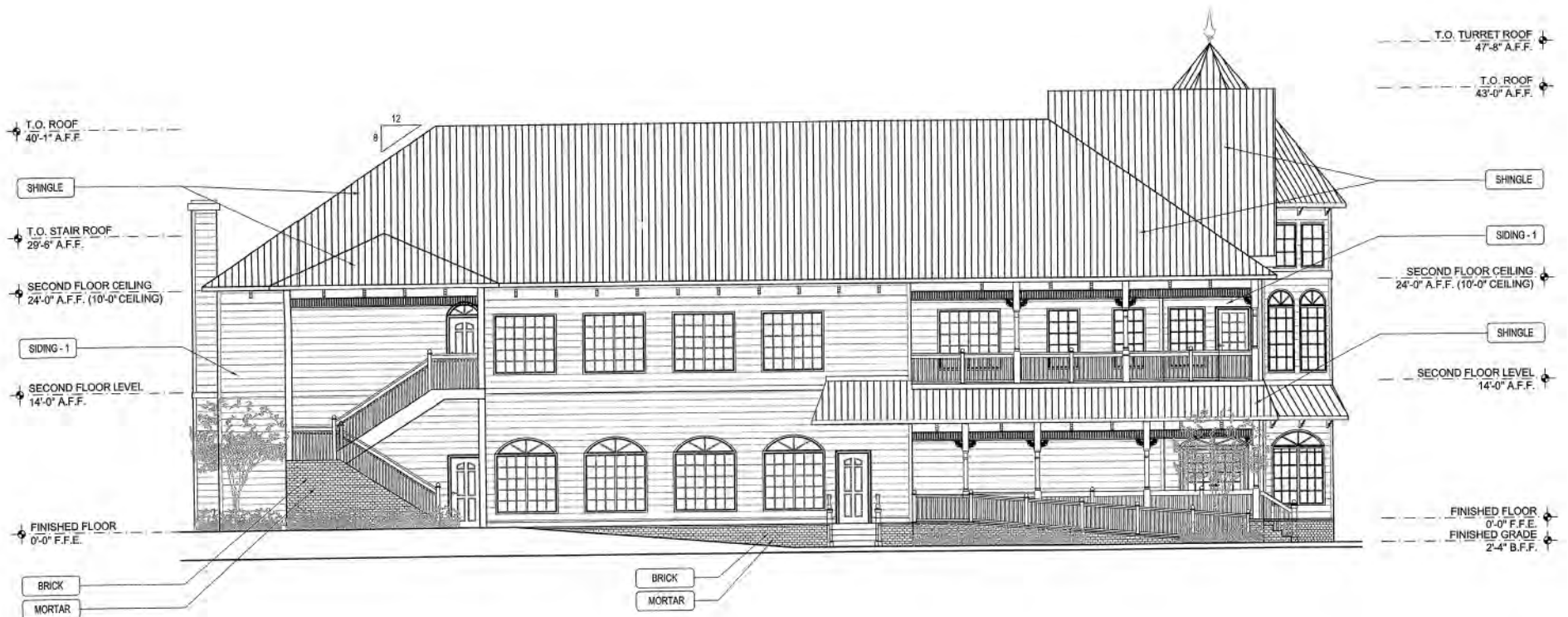
Project No: 08-042
 Date: July, 2008
 Designed by: udp
 Drawn By: udp
 Scale: 1" = 1'-0"
 Sheet No: **RZ-5**



VICINITY MAP NOT TO SCALE



RIGHT ELEVATION SCALE: 1/8" = 1'



LEFT ELEVATION SCALE: 1/8" = 1'

| MATERIAL LEGEND | |
|-------------------|--|
| SIDING - 1 | Hardy Plank Siding: To Be Selected -Coordinate with architect for specifications |
| SHINGLE | Asphalt Shingle: CertainTeed Carrisage House Shingle -Coordinate with architect for color & specifications |
| BRICK | Base Brick: Color to be selected -Coordinate with architect for specifications |
| MORTAR | Mortar Color: -Coordinate with architect for specifications |

***Materials shown are shown for design concept only. All materials are to be approved on a separate submitted finish material board.*

Birkdale Inn
 Conditional Rezoning Plan
 Schematic Building Elevations
 8521 Sam Furr Road Huntersville, NC

| NO. | DATE | BY: | REVISIONS: |
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| 1 | 09/29/08 | EJV | Per City Comments |
| 2 | 10/10/08 | EJV | Per City Comments |
| 3 | 11/11/08 | EJV | Per City Comments |

Townhomes at Birkdale Village HOA, Inc. (THBV)

August 7, 2017

To: Town of Huntersville Board of Commissioners

Town of Huntersville Planning Commission

Re: Rezoning Petition 17-04 (Sam Furr Senior Apartments)

Ladies and Gentlemen,

At the regularly scheduled Board of Directors meeting held on July 13, 2017, the Board voted unanimously to OPPOSE the granting of variances for height and buffer zones for the subject project.

By a 3-1 margin, the Board voted to object to the proposed color scheme of the subject project.

While understanding the need for age restricted housing in the Town of Huntersville and understanding that this use may be the best use of this land, this proposed plan is out of character with the surrounding neighborhoods of Birkdale, Birkdale Crossing, Birkdale Village, The Greens at Birkdale Village, The Apartments at Birkdale Village and The Townhomes at Birkdale Village.

The maximum height in any of the surrounding communities is 4 stories and all of them follow a traditional small town theme with historical influences like Charleston and Nantucket. This proposed building is inspired by a resort hotel in Disneyland and will tower over any existing structure in the community.








Sincerely,

Arthur T. Rouse,

President, Townhomes at Birkdale Village HOA, Inc.

Petition to Reject Rezoning 17-04

| | |
|--|---|
| Petition summary and background | <p>Rezoning 17-04 Birkdale Active Adult (Sam Furr Senior Apartments.)</p> <p>The proposed plan is out of character with the surrounding neighborhoods of Birkdale, Birkdale Crossing, Birkdale Village, The Greens at Birkdale Village, The Apartments at Birkdale Village and The Townhomes at Birkdale Village.</p> <p>The maximum residential apartment building height allowed is 36 feet per Article 4 of The Town of Huntersville Zoning Ordinance . This proposed FIVE story building with a pitched roof will be essentially SIX stories and will tower over any existing structure in the community. The architectural style, a white building with a red roof, is that of a resort hotel in Disneyland and does not follow the traditional Charleston / Nantucket theme of the Birkdale Village community.</p> <p>In addition, the proposed buffer zone will not sufficiently screen the project from the residents of The Townhomes at Birkdale Village who will be most affected by this project.</p> |
| Action petitioned for | <p>We, the undersigned, are concerned residents of The Townhomes at Birkdale Village and The Greens at Birkdale Village, do hereby request variances for the proposed project be rejected and the complex redesigned consistent with current building codes and the surrounding communities design theme.</p> |

| Printed Name | Signature | Address | Phone number | Date |
|---------------------|---|--|----------------|---------|
| Sharon McManus |  | 7906 Camden Hollow Road Huntersville NC 28078 | (704) 904-9903 | 7-31-17 |
| ELIZABETH PAVNOVICH |  | 7938 Camden Hollow Rd Huntersville NC 28078 | (980) 2266588 | 7/31/17 |
| Hope Daul |  | 7946 Camden Hollow Rd Huntersville NC 28078 | (704) 962-4141 | 7/31/17 |
| Mike Pozniak |  | 7958 Camden Hollow Rd Huntersville NC 28078 | 419-346-3181 | 7/31/17 |
| Narcia Pozniak |  | 7958 Camden Hollow Rd Huntersville NC 28078 | 419-346-3181 | 7/31/17 |
| Sean Hays |  | 7939 Camden Hollow Rd | | 7/31/17 |
| Denise Conell |  | 16944 RIDGECREST LN HUNTSVILLE NC 28078 | 513-708-3836 | 7/31/17 |

| Printed Name | Signature | Address | Phone Number | Date |
|------------------|-------------------------|------------------------|----------------|---------|
| Dorene Miller | <i>Dorene Miller</i> | 1954 Camden Hollow Rd | (919) 815-3242 | 7/31/17 |
| Michael Logan | <i>Michael Logan</i> | 7926 Camden Hollow Rd | | 7/31/17 |
| Katie Hockentrac | <i>Katie Hockentrac</i> | 1950 Camden Hollow Rd | | 7/31/17 |
| Micol Fain | <i>Micol Fain</i> | 7918 Camden Hollow Rd. | | 7/31/17 |
| Chad Smith | <i>Chad Smith</i> | 7914 Camden Hollow Rd. | | 7/31/17 |
| Shirley Ransom | <i>Shirley Ransom</i> | 17308 Villanova Rd | | 7-31-17 |
| Lorraine Geraci | <i>Lorraine Geraci</i> | 7942 Camden Hollow Rd. | (845) 541-1147 | 7/31/17 |
| Rocky Pasot | <i>Rocky Pasot</i> | 7910 Camden Hollow Rd. | 704-503-9986 | 7/31/17 |
| Denma Black | <i>Denma Black</i> | 7932 Camden Hollow Rd | 704-562-4665 | 7/31/17 |
| M. K. Carrum | <i>M. K. Carrum</i> | 16511 Bridgeton Ln | 704-460-3055 | 8-1-17 |
| STUVE FROST | <i>Stuve Frost</i> | 16924 BRIDGETON LN | 704-975-5151 | 8-1-17 |
| Ashley Goodson | <i>Ashley Goodson</i> | 16919 Bridgeton Lane | 704-402-8399 | 8-1-17 |
| Julie Swigard | <i>Julie Swigard</i> | 8424 TOURNEY RD | 704-904-6530 | 8-1-17 |
| Whiny Post | <i>Whiny Post</i> | 16915 Bridgeton | 704.604.1189 | 8-1-17 |
| Brendan Roper | <i>Brendan Roper</i> | 16935 Bridgeton | 908-399-3366 | 8-1-17 |
| Hilary Boosfisky | <i>Hilary Boosfisky</i> | 16935 BRIDGETON LN | 908-399-3366 | 8-1-17 |
| MIKE MURPHY | <i>MIKE MURPHY</i> | 7962 CAMDEN HOLLOW | | 8/1/17 |
| Alexton Mullis | <i>Alexton Mullis</i> | 16943 BRIDGETON RD | | 8-1-17 |
| Amanda Hillis | <i>Amanda Hillis</i> | 16943 Bridgeton Rd | | 8/1/17 |

RICKLE

| Printed Name | Signature | Address | Comment | Date |
|-----------------|-----------|--------------------|---------|---------|
| Richard Starr | | 8358 Brickie | | 7/30/17 |
| Oli Rusquish | | 8369 Brickie | | 7/31/17 |
| H.B. Drucker | | 8373 Brickie Ln. | | 7/31/17 |
| LD Drucker | | 8373 Brickie Ln | | 7/31/17 |
| Joan Potter | | 8377 Brickie Ln. | | 7/31/17 |
| Holly Pitts | | 8354 Brickie Lane | | 7/31/17 |
| Terry Underwood | | 8326 Brickie Ln | | 7/31/17 |
| EARL HENSON | | 8318 BRICKIE LN | | 7-31-17 |
| Shirley Henson | | 8318 Brickie Ln | | 7-31-17 |
| Ans Link | | 8323 Brickie Ln | | 7-31-17 |
| Whitney Smart | | 8323 Brickie Lane | | 7/31/17 |
| Arthur Rae | | 8353 Brickie Lane | | 7/31/17 |
| Till Brown | | 8361 Brickie Ln | | 7/31/17 |
| Debie Messer | | 8314 Brickie Ln. | | 7/31/17 |
| Heidi Hines | | 17004 Bridgeton Ln | | 7/6/17 |
| Heidi Hines | | 17327 V. Lanova | | 7/6/17 |
| Diane Pitts | | 17327 V. Lanova | | 7/7/17 |

| Printed Name | Signature | Address | Phone Number | Date |
|-------------------|-------------------|--------------------------|--------------|--------|
| Virginia L Benton | Virginia L Benton | 8728 Townley Rd. | | 8/1/17 |
| Lucas Lewis | | 1445 Biddleman | | 8/1/17 |
| Fernanda Flanagan | Fernanda Flanagan | 8512 Townley Rd. | | 8/1/17 |
| James Macklin | James Macklin | 2424 Townley Rd | | 8/1/17 |
| Jesslyn Davenport | Jesslyn Davenport | 8004 Stenhill Rd | | 8/1/17 |
| Allison McLeight | Allison McLeight | 17513 Calverton Road | | 8/1/17 |
| Debbie Carson | Debbie Carson | 11940 Bridgeton Lane | | 8/3/17 |
| Blake Henry | Blake Henry | 8020 Shen A. II RD | | 8/5/17 |
| Kandis Parnovich | | 7938 Landen Hollow Rd | | 8/5/17 |
| Roxie Rine | | 8915 Biddle Lane | 704/655-8787 | 8/5/17 |
| Rose A. Miller | Rose A. Miller | 17368 U.I. N. 11th Rd. | 704/457-2865 | 8/5/17 |
| Tyree Hart | Tyree Hart | 16814 Dماغسا-لانا 23078. | 704/605-7011 | 8/6/17 |
| Jasmine Hart | Jasmine Hart | 16814 Bridgeton Ln | 704-605-7011 | |
| Antione Hart | Antione Hart | 16814 Bridgeton Ln. | 704 605 7011 | 8/6/17 |
| Peter Hoepfich | Peter Hoepfich | 16810 Bridgeton Ln | | 8/6/17 |
| Katie Bentley | Katie Bentley | 16844 Bridgeton Lane | 910-409-4399 | 8-6-17 |
| Shelby Taylor | Shelby Taylor | 16834 Bridgeton Ln | | 8-6-17 |
| Alexander | Alexander | 16844 Bridgeton | 704 605 4523 | 8-6-17 |

| Printed Name | Signature | Address | Comment | Date |
|-----------------------|-----------------------|----------------------|----------------------|---------|
| Gloria Gactunight | Gloria Gactunight | 17353 VILLANOVA RD | Phone # 704-724-5278 | 7/31/01 |
| MIKE BUZARIEWICZ | Mike Buzariewicz | 17361 VILLANOVA RD. | | 8-1-17 |
| Michelle Tomlinson | Michelle Tomlinson | 17349 VILLANOVA RD. | (321) 689-9646 | 8-1-17 |
| Zach Naylor | Zach Naylor | 17352 VILLANOVA RD | (980) 721-5810 | 8-1-17 |
| Bronce | Sheila JONES | 17344 VILLANOVA RD | 704-892-0684 | 8-1-17 |
| LEND CARWILE | LEND CARWILE | 17307 VILLANOVA RD | 704-201-7663 | 8-1-17 |
| Debbie Tamson | Debbie Tamson | 17304 VILLANOVA RD | 704 5076518 | 8.1.17 |
| Just n Beek | Just n Beek | 17311 VILLANOVA RD | — | 8-1-17 |
| CHET BROWN | CHET BROWN | 17315 VILLANOVA RD | 704 895-7887 | 8-1-17 |
| Connie Murray | Connie Murray | 8335 Buckle Lane | 704-907-8180 | 8.6-17 |
| Phillip's Sister John | Phillip's Sister John | 9327 Buckle Lane | 704-895-2802 | 8.6-17 |
| Cherange Deza | Cherange Deza | Buckle Lane 8319 | 629 203 9231 | 8.6-17 |
| Reth M-016 | Reth M-016 | 17305 VILLANOVA RD | 704-896-9444 | 8.6-17 |
| MATT COMEY | MATT COMEY | 16830 BRIDGETON LN | 704-483-8647 | 8-6-17 |
| Emily Wynn | Emily Wynn | 16802 Bridgeton Lane | 214-803-6536 | 8-6-17 |
| John Cleaver | John Cleaver | 8319 Bridgeton Lane | 615-477-9315 | 8-6-17 |
| DAN MATTHEWS | Dan Matthews | 8342 Bridgeton Ln | 704 795-3227 | 8-6-17 |
| Marie Harlan | Marie Harlan | 8346 Bridgeton Lane | 704 237-4432 | 8-6-17 |

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jack Simonaeu
Subject: SUP Removal: Birkdale Inn

Special Use Permit: This request is for the removal of the existing Special Use Permit (SUP) for the Birkdale Inn. Nickel Development is requesting the removal dependent upon the approval of R17-04 Sam Furr Senior Apartments.

ACTION RECOMMENDED:

Consider a decision on the removal of the existing Special Use Permit (SUP) for the Birkdale Inn.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

| Description | Type |
|--|-------------|
| ☐ Staff Report - SUP Removal | Cover Memo |
| ☐ A - Application | Exhibit |
| ☐ B - Findings of Fact 2009 Birkdale Inn SUP | Exhibit |
| ☐ C - 2009 SUP Birkdale Inn | Exhibit |

REQUEST:

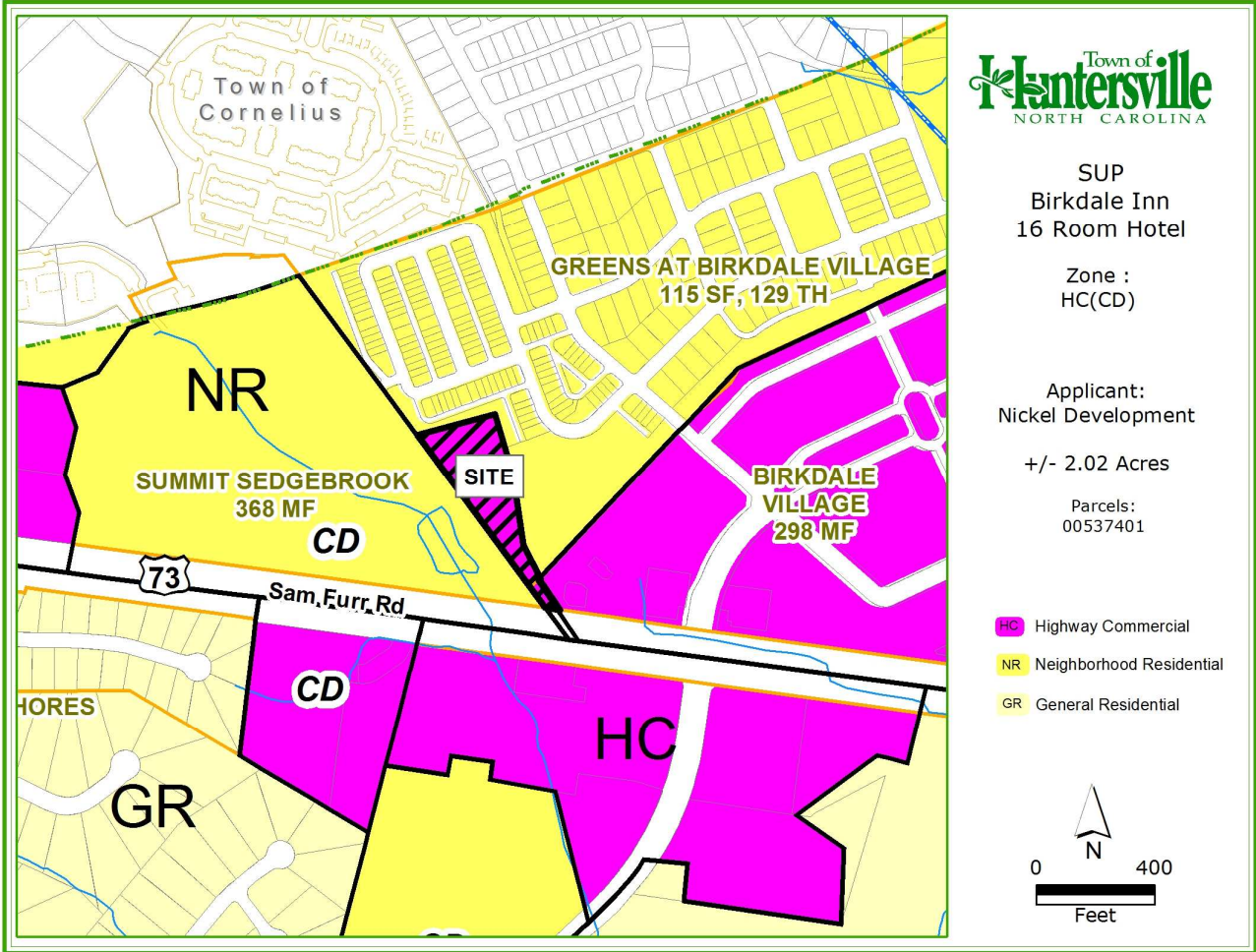
Removal of an approved Special Use Permit – Birkdale Inn to Establish a Hotel Building Closer than 250 feet from a Residential or Mixed Use Zoning District, Tax Parcel 005-373-01

PART 1: DESCRIPTION

This request is for the REMOVAL of the existing Special Use Permit (SUP) for the Birkdale Inn. Nickel Development is requesting the removal dependent upon the approval of R17-04 Sam Furr Senior Apartments.

On January 20, 2009, the Huntersville Town Board approved a Special Use Permit to allow a hotel to be located within 250 feet of a Residential or Mixed use Zoning District at 8521 Sam Furr Rd. (Parcel ID #00537301). Since the 2009 Special Use Permit approval, the developer has decided they will not develop a hotel. Therefore, in accordance with Article 11.4.10(i)(1) of the Town’s Zoning Ordinance the property owners are requesting to amend (in this case remove) the 2009 Special Use Permit dependent upon the approval of R17-04 Sam Furr Senior Apartments.

PART 2: LOCATION



PART 3: PLANNING STAFF RECOMMENDATION

Staff findings of this Special Use Permit amendment request:

- Removing the 2009 Special Use Permit would allow the property to be developed as a Senior Apartment building dependent upon the approval of R17-04 Sam Furr Senior Apartments in accordance to the conditional district rezoning plan.

Therefore, staff recommends approval of Petition dependent upon the out outcome of R17-04.

PART 4: PLANNING BOARD

The Planning Board recommends removal of the Birkdale Inn SUP.

The Motion Carried by a vote of 6 Ayes and 0 Nays. Board Members voting Ayes: Davis, Graffy, McClelland, Miller, Sailers, Swanick

PART 5: TOWN BOARD HEARING

The Hearing will be held on September 5, 2017.

PART 6: ATTACHEMENTS

A: Application

B: 2009 Special Use Permit

C: 2009 Special Use Permit Site Plan



General Application

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

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

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

- CHANGE OF USE
- COMMERCIAL SITE PLAN
- CONDITIONAL REZONING
- GENERAL REZONING
- MASTER SIGNAGE PROGRAM
- REVISION to _____
- SPECIAL USE PERMIT

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

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

2. Project Data

Date of Application 08/07/17

Name of Project Sam Furr Senior Apartments Phase # (if subdivision) _____

Location 8521 Sam Furr Road

Parcel Identification Number(s) (PIN) 00537401

Current Zoning District HC (CD) Proposed District (for rezonings only) _____

Property Size (acres) 2.024 ac Street Frontage (feet) 47 feet

Current Land Use Vacant

Proposed Land Use(s) 78 unit senior apartments (age-restricted) and associated parking areas

Is the project within Huntersville's corporate limits?

Yes No If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

We are requesting to remove the SUP associated with the previously approved re-zoning for the site (R08-09) pending the approval of

re-zoning petition number R17-04.

4. Site Plan Submittals

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

5. Outside Agency Information

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

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

6. Signatures

*Applicant's Signature _____ Printed Name Jake Palillo

Address of Applicant 19520 W. Catawba Avenue, Suite 200, Cornelius, NC 28031

Email jpalillo@aol.com

Property Owner's Signature (if different than applicant) _____

Printed Name Nickel Development Group, LLC

Property Owner's Address 19520 W. Catawba Avenue, Suite 200, Cornelius, NC 28031 Email jpalillo@aol.com

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

Nickel Development Group, LLC Jake Palillo 704-363-7902 jpalillo@aol.com

Development Firm Name of contact Phone Email

ColeJenest & Stone, PA Colin Jenest, PE 704-971-4510 cjenest@colejeneststone.com

Design Firm Name of contact Phone Email

If Applying for a General Rezoning:

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

If Applying for a Conditional Rezoning:

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

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

If Applying for a Subdivision:

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

Contact Information

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

Special Use Permit
~~SKETCH PLAN~~ APPROVED BY
THE TOWN OF HUNTERSVILLE
Bradley Dent 1/30/09
Planning Staff Date
- Approved by BOC on 1/20/09

REQUEST:

Special Use Permit by Birkdale Inn, LLC to Establish a Hotel Building
Closer than 250 feet from a Residential or Mixed Use Zoning District, Tax
Parcel 005-374-01.

ZONING ORDINANCE CRITERIA AND STAFF COMMENTS

9.45.1 Hotels are permitted in the Highway Commercial and Corporate Business Districts subject to the requirements below; Motels are permitted in the Corporate Business District only, subject to the requirements below:

Any structure in which a hotel or motel is the principal or accessory use shall be separated by a distance of at least 250 feet from any residential or mixed use zoning district, measured from the closest point of the lot occupied by the hotel or motel to the closes point of lots in residential and mixed use zoning districts.

9.45.2 Any structure in which a hotel or motel is spaced less than established in 1 above shall require a special use permit subject to the following standards as well as all other standards applicable for special use permits

STAFF FINDINGS: The applicant is currently seeking a rezoning to a Highway Commercial conditional zoning district (HC-CD). The proposed hotel will be located closer than 250 feet from a residentially zoned district therefore the applicants are seeking approval of a special use permit.

(a) Any structure in which a hotel or motel is the principle or accessory use shall be separated by a distance no less than three (3) times the height of the proposed structure closest to the common lot line of the adjoining residential and mixed use zone, but in no case less than 100 feet.

STAFF FINDINGS: The proposed hotel height will be approximately 23 feet. The actual building will physically be located 5 feet from a residentially zoned district. The proposed use does not meet the above finding.

However, there are very unique circumstances involved with this application. The parcel in question is surrounded by residentially zoned property but a large portion of that residential property is not an actual residential use; it's open space and water retention basins. The intent of the ordinance is to sufficiently distance and separate hotel uses from residential uses. In this specific case, open space provides a natural buffer and separation area between the two uses even though the open space itself is zoned residential. Even though the building is only 5 feet from a residentially zoned property line, the closest the hotel will actually be from a residential use or structure is 98 feet. In addition, the proposed hotel use is not the standard multi-story hotel that is common along interstates. The proposed building is only two stories tall with a maximum of 16 rooms. The building design is also residential in nature. Considering these 3 findings, the natural buffer of the open space (landscaped), the minimal height of the building, and the residential nature of the architecture, it is staff's opinion that the intent of this finding will be achieved.

(b) That all other site design requirements stated in this code are met.

STAFF FINDINGS: The applicants have submitted a site plan that, at this level of review, conforms to all applicable zoning requirements except one: the required 30 foot vegetative buffer. There are many areas on the plan that reduces the buffer to 5 feet of width (between development and the residential property line). At one point on the plan, the sidewalk for the building comes right onto the property line; for a zero (0) foot buffer. Again however, the area in between the town home uses and the hotel is common open space. A letter was received from the town homes homeowner association stating that they intended to grant the Birkdale Inn a landscape easement to screen the hotel use from the town home development. Along the western property line (apartment complex property), large shrubs are proposed to be established along the lot line in addition to remaining tree line on the adjacent property. Considering these items, the open space landscaping, the additional onsite screening, and the existing tree line on the apartment complex property, it is staff's opinion that intent of this finding will be met.

- (c) That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property.

STAFF FINDINGS: Planning staff has no indication that the request will adversely affect the public health and safety. It is staff's opinion that because of the existing mixed use nature of the Birkdale Village development in general and the provided screening to be installed as part of the development, the Birkdale Inn will not substantially reduce the value of nearby property.

- (d) That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area.

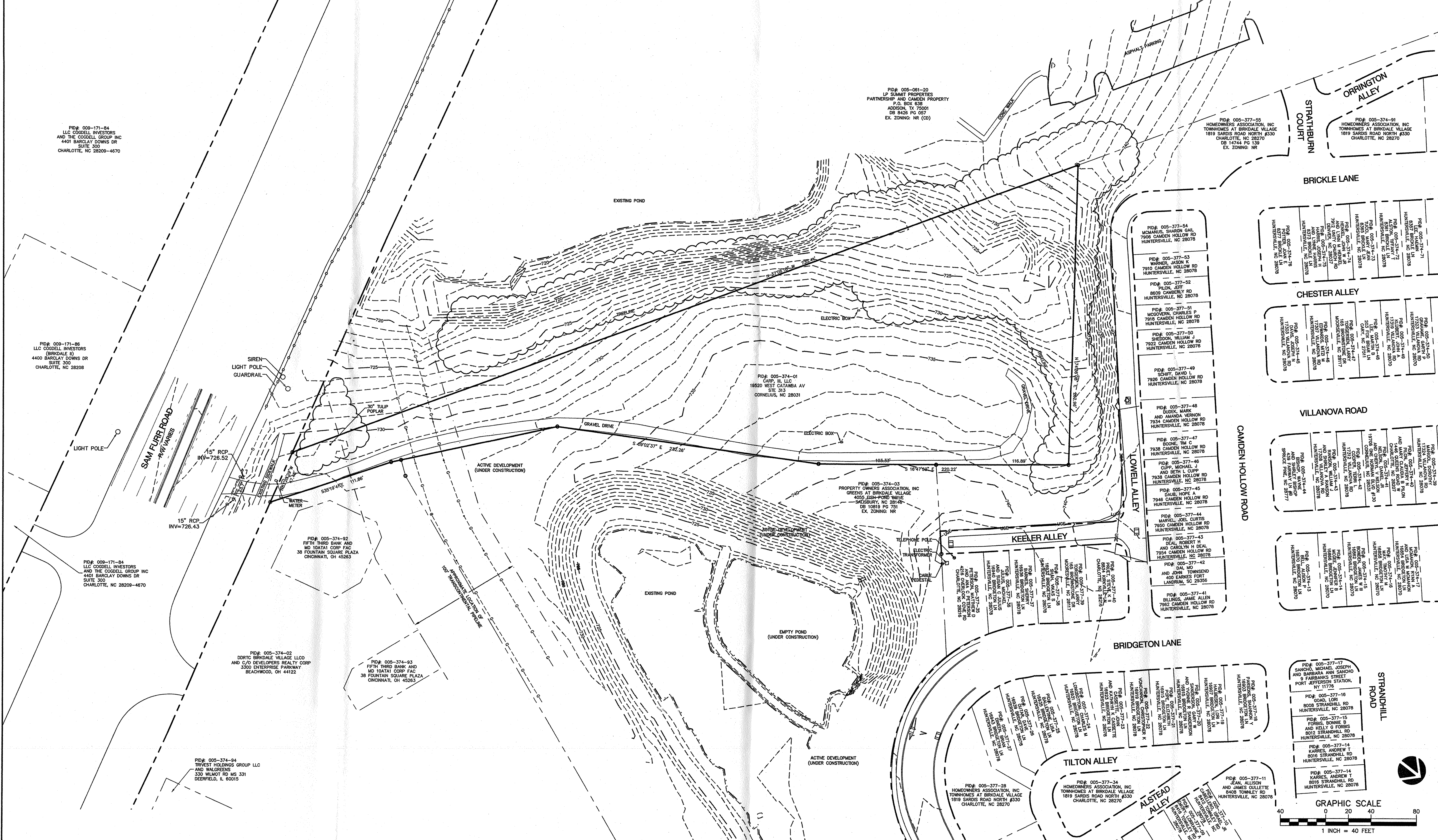
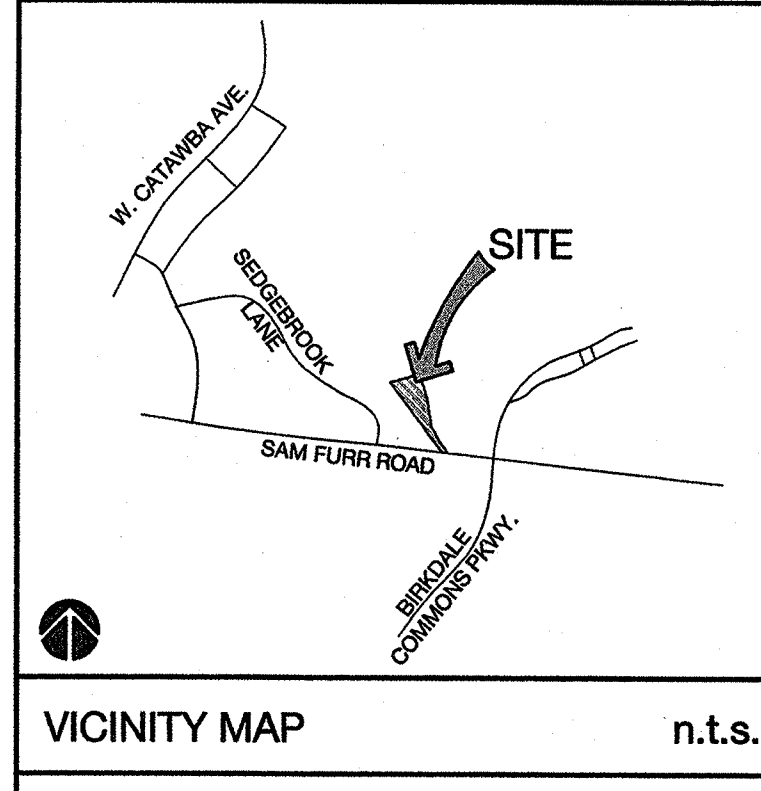
STAFF FINDINGS: The proposed use of the development does not conflict with any small area plans. However due to issues regarding intensifying the existing Sam Furr Road driveway, it is staff's opinion that the proposed driveway intensification conflicts with the NC 73 Corridor Plan.

- (e) That vehicular access to the use will be provided only by way of a major or minor thoroughfare, or a commercial street within a commercial or mixed use project.

STAFF FINDINGS: If the Town Board approves the submitted rezoning plan/special use permit plan as submitted, right in/right out access will be allowed through a major thoroughfare (Sam Furr Road). If transportation staff's recommendation is followed, access would be achieved through the mixed use Birkdale Village development.

UPDATE 12/8/08: At their November 18th, 2008 meeting, the Planning Board unanimously deferred this item until their next month meeting; to correspond with the deferral of the proposed Birkdale Inn conditional district rezoning application. For the second Planning Board meeting for December 16th, 2008 no changes to the plan were made. Please review the special use permit site plan submitted last month for reference.

STAFF RECOMMENDATION: Based on the findings above and subject to the conditional rezoning being approved by the Town Board, staff recommends approval of the special use permit.



Special Use Permit APPROVED BY THE TOWN OF HUNTERSVILLE
 Date: 7/10/08
 Approved by BOC on 1/20/09

URBAN DESIGN PARTNERS
 1818-66 central ave. P. 704.334.3303
 charlotte, nc 28205 F. 704.334.3305
 urbandesignpartners.com

Mr. Jake Pallio
 19520 W. Catawba Ave
 Suite #313
 Cornelius, NC 28031

Birkdale Inn

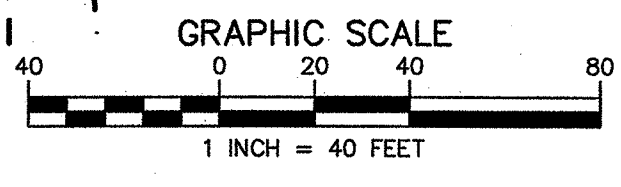
Special Use Permit Plan

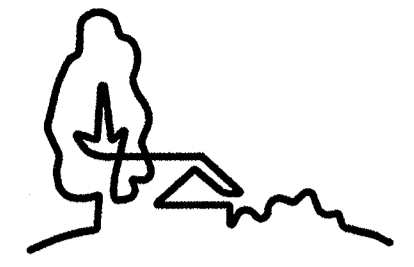
Existing Features

| NO. | DATE | BY | REVISIONS: |
|-----|----------|-----|-------------------|
| 1 | 09/29/08 | EJV | Per City Comments |
| 2 | 10/10/08 | EJV | Per City Comments |
| 3 | 11/11/08 | EJV | Per City Comments |

Project No: 08-042
 Date: July, 2008
 Designed by: udp
 Drawn By: udp
 Scale: 1"=40'
 Sheet No:

SUP-1





**URBAN
DESIGN
PARTNERS**

1318-e6 central ave. P. 704.334.3303
charlotte, nc 28205 F. 704.334.3305
urbandesignpartners.com

Mr. Jake Paillo

19520 W. Catawba Ave
Suite #313
Cornellus, NC 28031

Birkdale Inn Special Use Permit Plan Schematic Site Plan

8521 Sam Furr Road Huntersville, NC

| NO. | DATE | BY: | REVISIONS: |
|-----|----------|-----|-------------------|
| 1 | 09/29/08 | EVJ | Per City Comments |
| 2 | 10/10/08 | EVJ | Per City Comments |
| 3 | 11/11/08 | EVJ | Per City Comments |

Project No: 08-042

Date: July, 2008

Designed by: udp

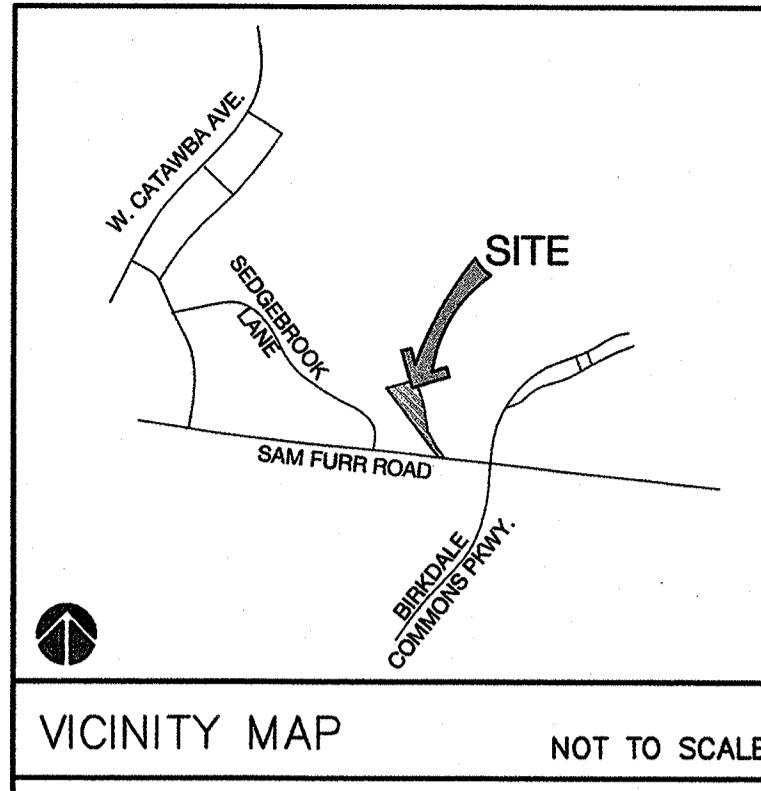
Drawn By: udp

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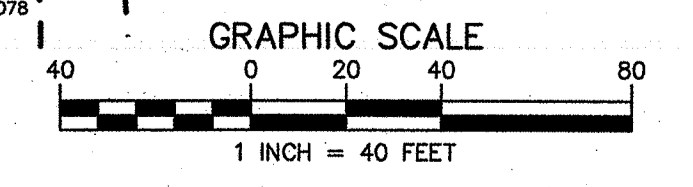
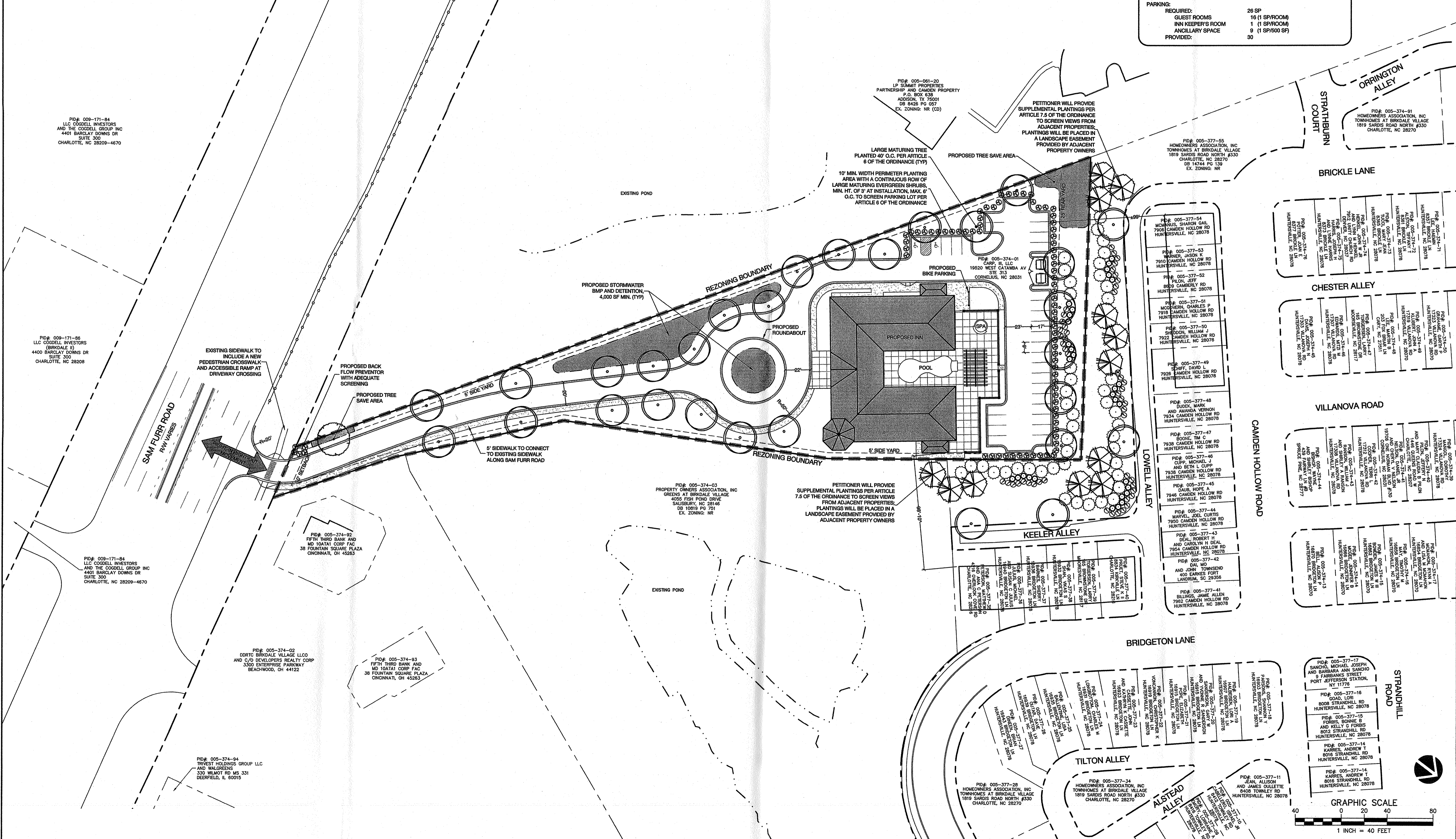
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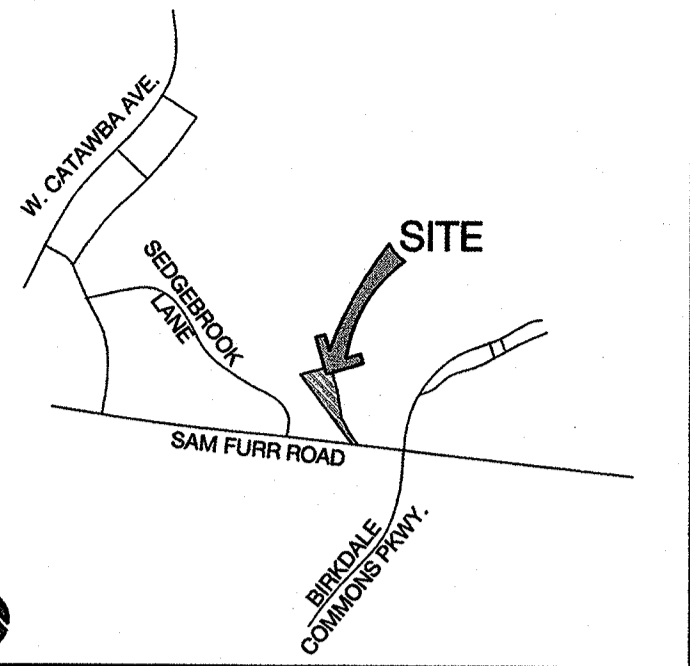
SUP-2

| SITE DATA TABLE | |
|---|--------------------------------|
| TAX PARCEL ID #: | 005-374-01 |
| EXISTING ZONING: | NR |
| PROPOSED ZONING: | HC (CD) |
| TOTAL SITE AREA: | 2.024 AC (88,148 SF) |
| ZONING SETBACKS: | |
| SIDE YARD: | 5' |
| REAR YARD: | 25' |
| WATERSHED DISTRICT: | MOUNTAIN ISLAND LAKE (PA-2) |
| MAXIMUM BUA: | |
| REQUIRED: | 61,704 SF (70.0% HIGH DENSITY) |
| PROPOSED: | 52,651 SF (59.7%) |
| PROPOSED USE: | INN (18,402 SF) |
| 12 GUEST ROOMS | |
| 4 GUEST SUITES | |
| INN KEEPER'S ROOM | |
| ANNOYARY SPACE | |
| KITCHEN, DINING, OFFICE, STORAGE, LIBRARY, RECEPTION, CONFERENCE, LAUNDRY ROOM (4,289 SF) | |
| PARKING: | |
| REQUIRED: | 26 SP |
| GUEST ROOMS | 16 (1 SP/ROOM) |
| INN KEEPER'S ROOM | 1 (1 SP/ROOM) |
| ANNOYARY SPACE | 9 (1 SP/500 SF) |
| PROVIDED: | 30 |

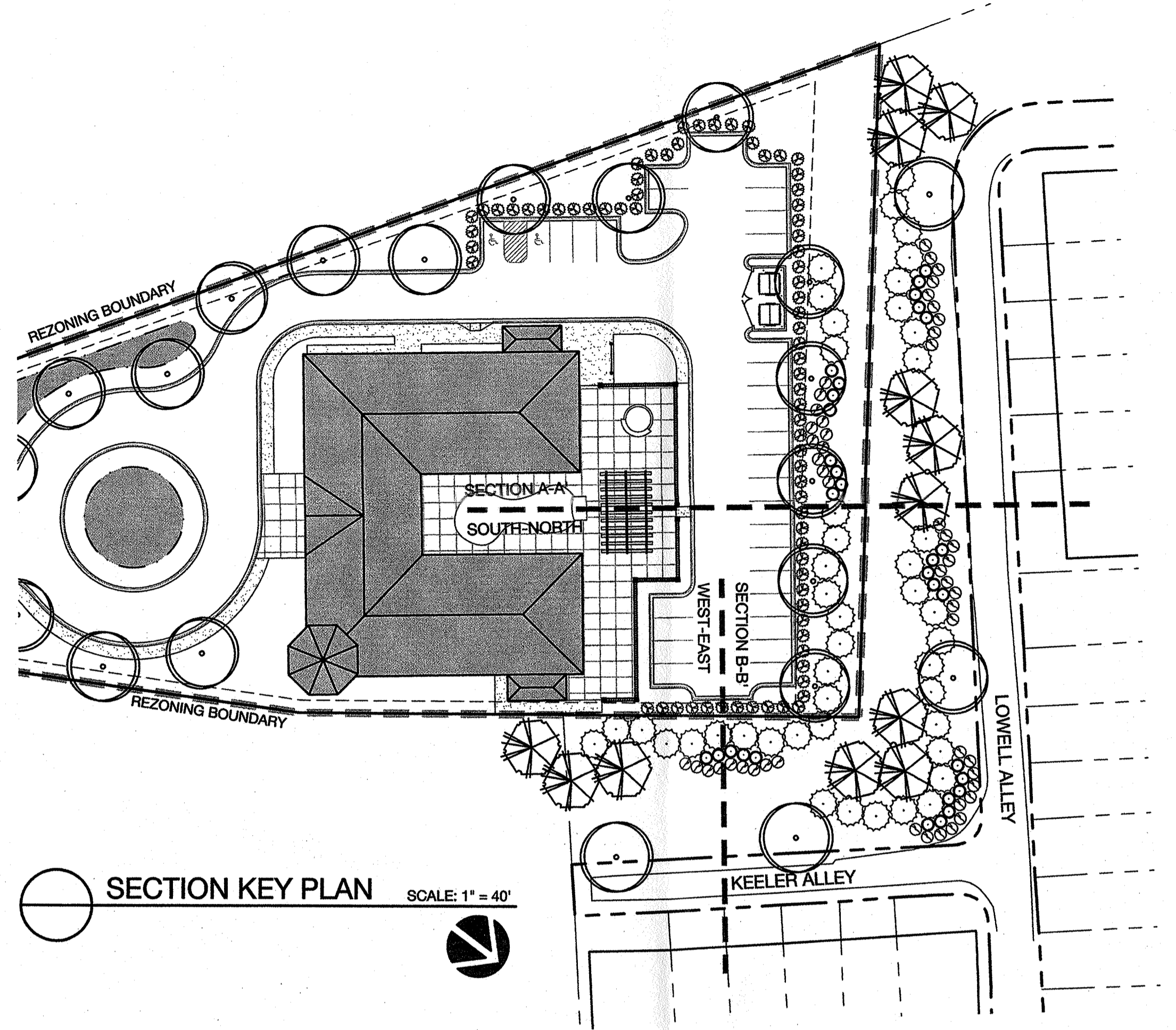


VICINITY MAP NOT TO SCALE

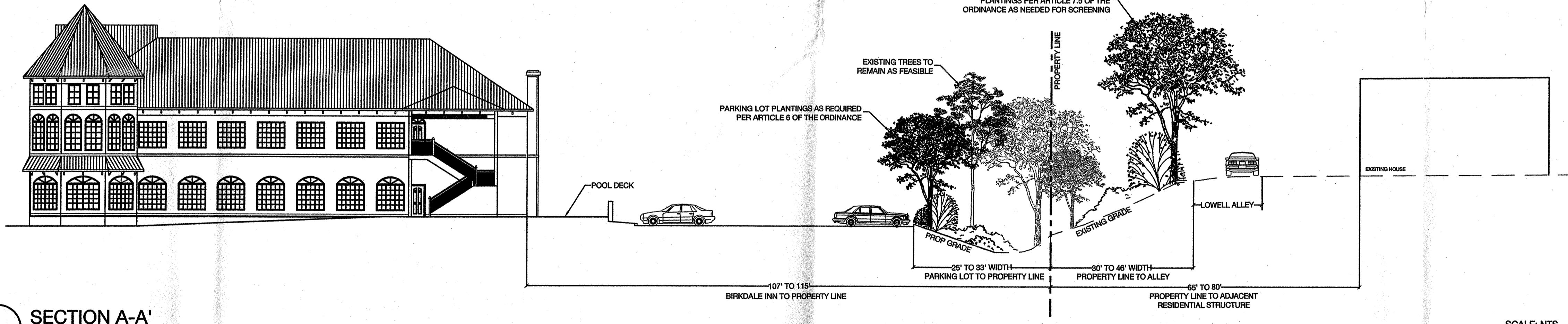




VICINITY MAP NOT TO SCALE

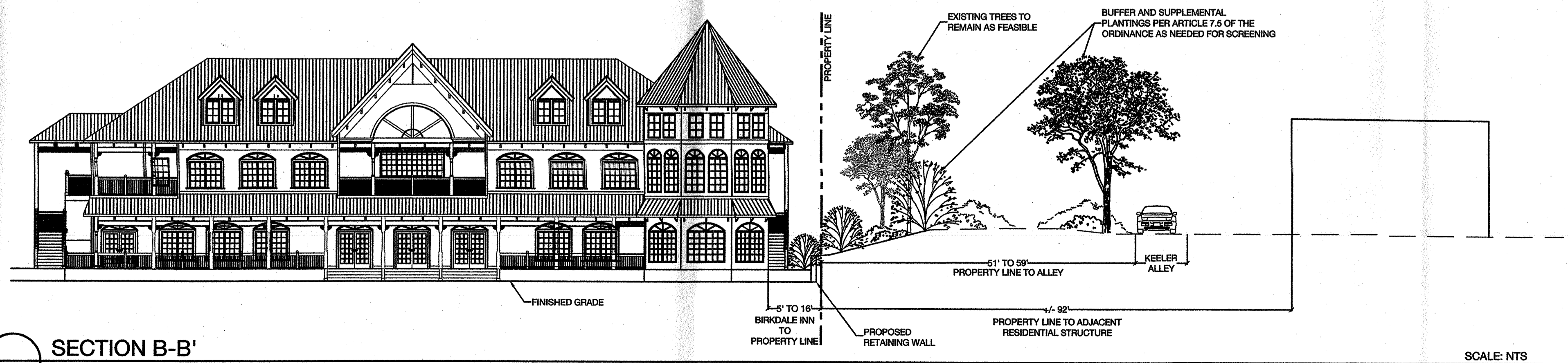


SECTION KEY PLAN SCALE: 1" = 40'



SECTION A-A' SOUTH-NORTH

SCALE: NTS



SECTION B-B' WEST-EAST

SCALE: NTS

Mr. Jake Pallio

19520 W. Catawba Ave
 Suite #313
 Cornelius, NC 28031

Birkdale Inn
 Special Use Permit Plan
 Schematic Site Sections

8521 Sam Furr Road Huntersville, NC

| NO. | DATE | BY | REVISIONS |
|-----|----------|------|-------------------|
| 1 | 08/29/08 | E.V. | Per City Comments |
| 2 | 10/10/08 | E.V. | Per City Comments |
| 3 | 11/17/08 | E.V. | Per City Comments |

Project No: 08-042
 Date: July, 2008
 Designed by: udp
 Drawn by: udp
 Scale: 1" = 40'
 Sheet No:

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Brad Priest, Senior Planner
Subject: SUP17-03: Bradley Middle School Commercial Communication Tower

Special Use Permit: SUP17-03 is an application by the Charlotte-Mecklenburg Board of Education for a Special Use Permit at Bradley Middle School, 13359 Beatties Ford Road (Parcel # 01308105). The purpose of the permit is to allow the installation of a commercial communication tower on the property.

ACTION RECOMMENDED:

Consider holding a special use permit hearing and taking final action on 9/5/17.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| <input type="checkbox"/> Staff Report | Staff Report |
| <input type="checkbox"/> Deferral Request | Backup Material |
| <input type="checkbox"/> SUP Site Plan | Exhibit |
| <input type="checkbox"/> SUP Letter from Applicant | Exhibit |
| <input type="checkbox"/> Application | Backup Material |
| <input type="checkbox"/> Rendering Location Map | Backup Material |
| <input type="checkbox"/> Rendering 1 | Backup Material |
| <input type="checkbox"/> Rendering 2 | Backup Material |
| <input type="checkbox"/> Rendering 3 | Backup Material |
| <input type="checkbox"/> Cell Tower Drawings | Backup Material |

REQUEST:

Special Use Permit Application by Charlotte-Mecklenburg Board of Education for a Commercial Communication Tower in the Rural District
(R): SUP17-03

ZONING ORDINANCE CRITERIA AND STAFF FINDINGS

9.9 Commercial Communication Tower

A Commercial Communication tower shall meet the following standards:

- .1 To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas, and must file a letter of intent with the town to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another. To encourage co-location of commercial communication antenna and facilities and to reduce the need for new commercial communication towers, co-location of such antennae and facilities shall be permitted on any commercial communication tower or tower for radio communication for business or governmental purposes of which the tower was in existence on July 20, 2009, regardless of when constructed, the underlying zoning district, or any condition of approval for the existing tower other than a condition which was imposed or accepted by the Board of Commissioners. To the extent practical as determined by the Planning Director, all standards of this Section 9.9 shall be applicable.**

Staff Comment/Finding: *The letter submitted by the applicant states that the owner intends to lease space to other carriers in good faith. The plans for the tower submitted shows spaces for 4 total carriers (co-locations) on sheet C4. The letter and tower plans are attached in your packet as reference.*

- .2 No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.**

Staff Comment/Finding: *The letter submitted by the applicant includes "propagation maps" that staff believes is intended to show the Verizon signal strength in the area before and after the installation of the tower. Staff does not believe the information provided however answers the question on whether or not there are other suitable locations available on existing communication*

towers. There is an existing cell tower 1.4 miles from the proposed location (north of the location near the corner of Beatties Ford Road and Gilead Road). Could co-location or signal strength improvements be made on that tower rather than installing a new tower? Could accessory co-locations such as on existing street light poles be used to improve service (or on the Richard Barry Park field lighting poles)? In regard to the propagation maps submitted, staff is not sure what is being represented by the colors and numbers shown. What is the condition of the signal strength in the area? Is it only Verizon that has a weaker signal there or is it for all carriers? Staff recommends more factual evidence be submitted showing the need for a new commercial tower at this location and that other options have been exhausted. Please find the letter and propagation maps attached to your agenda packets.

- .3 The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.**

Staff Comment/Finding: *The plans submitted show the tower to be painted as a "Morning Fog" gray color on sheet C4.*

- .4 Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.**

Staff Comment/Finding: *On sheet C2 of the submitted plans, the tower and ground utilities are shown to be surrounded by a chain link fence. On sheet C5 the fence is shown to be 8 feet tall with barbed wire on the top. On sheet C6, Nellie Steven Hollies are proposed to be planted 6 feet on center around the chain link fence for screening. The Hollies however are considered small evergreen trees and should have a minimum planting height of 8 feet. Currently the plants are shown to be planted at 3 feet in height which is more appropriate for smaller shrubs.*

- .5 All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.**

Staff Comment/Finding: *The submitted letter states and acknowledges that all unused facilities must be removed within 12 months of cessation of operation.*

- .6 No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.**

Staff Comment/Finding: *The submitted letter states that no additional equipment will be stored or held at this facility.*

- .7 Towers shall not be artificially lighted except to insure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.**

Staff Comment/Finding: *Regarding this requirement, the submitted letter states that “this tower is designed to be a light pole design, however, will be for aesthetics only (non-functional lights) unless additional requests are made to the Town and or the FAA or FCC requires such lighting”. Staff does not understand this statement and the proposed lighting of the facility. It is understood that FAA or FCC lighting will be required for safety purposes. However it is not currently understood what a “light pole design” (single monopole structure?) is and whether or not that means the pole is lit. Also on sheet C4 of the submitted plans, “Non-functional lights” are shown to be installed at 40 feet height. It is unclear what these aesthetic lights do and what they are for. Staff recommends further information be provided about the lighting of the site in compliance with 9.9.7.*

- .8 An opaque screen expected to reach minimum 8’ height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent possible.**

Staff Comment/Finding: *On sheet C6, Nellie Steven Hollies are proposed to be planted 6 feet on center around the facility for screening. According to the Huntersville Approved Species List, Nellie Steven Hollies are small evergreen trees which at maturity will reach between 15-25 feet in height. The Hollies however are considered small evergreen trees and therefore should have a minimum planting height of 8 feet. Currently the plants are shown to be at a shrub planting height of 3 feet. Staff recommends the at planting height be revised to 8 feet.*

- .9 No more than one communication tower shall be constructed on a single tract of land.**

Staff Comment/Finding: *The letter submitted by the applicant states that the proposed tower would be the only tower on the Bradley Middle School property. Staff found no other cell towers on the site.*

- .10 If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).**

Staff Comment/Finding: Bradley Middle School is currently located on a property that is zoned Rural (R) and is surrounded by Rural residential zoning. On sheet V1 of the submitted plan, the pole is shown to be 333.9 feet from the nearest adjacent property line.

.11 To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside religious institution steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Department for approval. The affirmative decision of the Planning Department shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public; or if placed upon a utility transmission line tower, that the additional equipment would not further diminish the quality of the view from surrounding properties and public streets, nor would additional light(s) intrude upon the private interior or exterior living areas of existing dwellings.

Staff Comment/Finding: *The proposed cell tower is not considered an "incidental accessory use" permitted in any zoning district; therefore this section does not apply. The proposed facility is a stand-alone commercial communication tower.*

.12 Commercial Communication Towers in addition to meeting criteria 9.9.1-10 may be allowed in the Rural (R) district only if they meet the following criteria and are subject to a Special Use Permit, according to the procedures of Section 11.4.10:

Staff Comment/Finding: *Bradley Middle School is zoned Rural (R), thus the applicants have submitted the application for a Special Use Permit approval. All the requirements of 9.9.12 below apply to the proposed application.*

- a) **The height of the commercial communication tower may not exceed 199 feet above ground level;**

Staff Comment/Finding: *Sheets C2, C3, C4 of the submitted plan show the tower to be 160 feet in height.*

- b) **The commercial communication tower may only be placed on properties in eight and a half (8.5) acres on a tract that existed as an eight and a half (8.5) acre tract or greater on February 6, 2012;**

Staff Comment/Finding: *The submitted plan shows the tower to be placed on the Bradley Middle School property which is 61 acres in size.*

- c) The commercial communication tower must be set back a distance of at least 500 feet from any public right-of-way and 200 feet from any property line;**

Staff Comment/Finding: *On sheet V1 of the submitted plan, the pole is shown to be 333.9 feet from the nearest property line and about 910 feet from the nearest public right of way (Jim Kidd Road).*

- d) The commercial communication tower may only be placed on a property where it will not require artificial illumination;**

Staff Comment/Finding: *As mentioned above, staff is not currently clear on the proposed illumination of the site and the notes on the plan regarding the tower being a “light pole” and having “non-functional” lighting. Staff recommends additional information be submitted for review.*

- e) The commercial communication tower must provide technically-suitable space for at least four (4) users;**

Staff Comment/Finding: *Sheet C4 of the submitted plans shows antennas for Verizon and 3 additional “future carriers” in conformance with the requirement.*

- f) The commercial communication tower must be set back a distance of at least the tower’s fall zone, as certified by a North Carolina Professional Engineer, from any occupied structure.**

Staff Comment/Finding: *Staff has not found any submitted information from an engineer on establishing the tower’s fall zone. The tower’s height is listed at 160 feet. According to sheet V1 of the submitted plan, the proposed tower is 170 feet from an unoccupied storage building near the school track, and 465 feet from the nearest occupied structure/house. Staff recommends the engineered fall zone be submitted for review.*

- g) All commercial communication towers in the Rural district shall be constructed using a monopole design.**

Staff Comment/Finding: *Sheet C-4 of the submitted plan shows the tower consisting of one singular pole with the antennas connected at the top.*

h) A new communication tower cannot be placed within a one mile radius of an existing tower.

Staff Comment/Finding: *The submitted letter and sheet V1 of the plan state that the closest existing tower is 1.4 miles to the northeast of the subject site (near the intersection of Gilead Road and Beatties Ford Road).*

STAFF RECOMMENDATION:

Staff recommends that further information be submitted to clarify the following items:

1. Whether or not a new standalone tower is warranted in the area per Article 9.9.2.
2. The proposed lighting of the facility per Article 9.9.7.
3. What the engineered fall zone would be for the tower.
4. Increasing the planting height of the screening trees to the minimum 8 feet.

PLANNING BOARD RECOMMENDATION

The Planning Board reviewed the application at their August 22, 2017 meeting. Discussion by the Board centered on the current poor condition of cellular service in the Beatties Ford Road area and staff's comments and questions. The applicant committed to getting updates submitted to staff to address the remaining issues. At the time of staff report deadline however no update had been submitted. Therefore staff's comments remain the same.

After the Planning Board meeting staff received a request to defer the Town Board's review of the application until its second meeting of the month, September 18, 2017. The deferral request letter is included in your agenda packet for review.

DECISION STATEMENTS

In Favor of the Special Use Permit

In considering the Special Use Permit SUP17-03, Bradley Middle School Commercial Communication Tower, we, the Planning Board, find that the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the following findings:

1)

2)

Add additional statements as necessary.

Against Special Use Permit

In considering the Special Use Permit SUP17-03, Bradley Middle School Commercial Communication Tower, we, the Planning Board, find that the request does not meet the required conditions and specifications.

(List which conditions are not being met)

1)

2)

Add additional statements as necessary.

In addition the use poses an injurious effect on adjoining properties and the Town Board finds that the request is not character of the neighborhood and there will be negative effects on the health, safety and general welfare of the surrounding community based on the following findings:

1)

2)

Add additional statements as necessary

Mr. Bradley D. Priest
Senior Planner
Town of Huntersville
105 Gilead road - third Floor
Huntersville, NC. 28070

August 29, 2107

Re: Requested deferment of SPU 17-02

Dear Mr. Priest:

For the above SUP case, I am requesting that this item be deferred until the September 18, 2017 Town Board Meeting. I will be out of the country and feel that I am the best representative to speak and answer any questions that may arise.

If you have any questions, please contact me at 704-907-7104. I appreciate your consideration and the Board's consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bonnie D. Newell', with a long horizontal flourish extending to the right.

Bonnie D. Newell
Berkley Group LLC

| ISSUE | REVISION | DATE |
|-------|---|----------|
| △A | ISSUED FOR OWNER'S REVIEW | 04/11/16 |
| △B | REVISED PER VERIZON'S COMMENTS | 04/28/16 |
| △O | ISSUED FOR CONSTRUCTION | 06/27/16 |
| △1 | REVISED PER TOWN OF HUNTERSVILLE COMMENTS | 07/28/17 |

A PROJECT FOR:

BERKLEY GROUP LLC

**SPECIAL USE PERMIT FOR A CELL TOWER
EPM #: 377075**

**BASE TRANSCIEVER SITE
BRADLEY MIDDLE SCHOOL
VERIZON SITE NAME: FRANCIS BRADLEY
13359 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY
NORTH CAROLINA**

DIRECTIONS:
FROM CHARLOTTE, NC: START OUT GOING NORTHEAST ON S. CALDWELL ST. TOWARD E. TRADE ST. CONTINUE FOR APPROX. 0.7 MILES. MERGE ONTO NC-16 N./BROOKSHIRE FWY. W. VIA THE RAMP ON THE LEFT. CONTINUE FOR APPROX. 1.3 MILES. MERGE ONTO I-77 N. VIA EXIT 5A TOWARD I-85 N./STATESVILLE. CONTINUE FOR APPROX. 4.7 MILES. TAKE SUNSET RD. W., EXIT 16B. CONTINUE FOR APPROX. 0.3 MILES. MERGE ONTO SUNSET RD. CONTINUE FOR APPROX. 0.6 MILES. TURN RIGHT ONTO BEATTIES FORD RD. CONTINUE FOR APPROX. 7.8 MILES. END AT 13345 BEATTIES FORD RD., CHARLOTTE, NC.



VICINITY MAP



PROPERTY OWNER:
THE CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION
600 E. 4TH STREET
FIFTH FLOOR
CHARLOTTE, NC 28202

PARCEL ID #:
01308105

SURVEYOR:
SANDERS SURVEYING AND
MAPPING SERVICES, INC.
510 AVENA ROAD
BLACK MOUNTAIN, NC 28711

SITE INFORMATION:

APPLICANT:
BERKLEY GROUP LLC
10612-D PROVIDENCE ROAD, PMB 742
CHARLOTTE, NC 28277
BONNIE NEWELL - PROJECT MANAGER
TEL: (704) 907-7104

POWER:
DUKE ENERGY
(800) 777-9898

TELCO:
TIME WARNER (FOR VERIZON)
(866) 489-2669

TOWER INFORMATION:
PROPOSED 160' LIGHT POLE
LATITUDE: 35° 23' 52.45" N
LONGITUDE: 80° 55' 38.37" W
GROUND ELEVATION: 713.0'

ZONING INFORMATION:
JURISDICTION: TOWN OF HUNTERSVILLE
PLANNING DEPARTMENT
(704) 875-7000
CLASSIFICATION: R - RURAL AND CRITICAL
AREA 3 OF THE MOUNTAIN ISLAND LAKE
WATERSHED DISTRICT
OCCUPANCY: SCHOOL
PROPOSED USE: COMMERCIAL
COMMUNICATION TOWER

BUILDING INSPECTIONS:
MECKLENBURG COUNTY CODE ENFORCEMENT
700 NORTH TRYON STREET
CHARLOTTE, NC 28202
(704) 814-0435

NOTE:
THIS COMMERCIAL SITE PLAN IS DEPENDENT ON
THE APPROVAL OF SUP17-03. ALL CONDITIONS
AND REQUIREMENTS OF THE SUP APPLY.

DRAWING INDEX

GENERAL

G1 GENERAL ABBREVIATIONS
G2 BUILDING CODE APPENDIX B (SHEET 1 OF 2)
G2A BUILDING CODE APPENDIX B (SHEET 2 OF 2)

SURVEY

V1 SITE SURVEY (SHEET 1 OF 4)
V2 SITE SURVEY (SHEET 2 OF 4)
V3 SITE SURVEY (SHEET 3 OF 4)
V4 SITE SURVEY (SHEET 4 OF 4)

SITE PLAN

SP-01 SITE PLAN

CIVIL

C1 GENERAL NOTES AND SYMBOLS
C2 SITE LAYOUT PLAN
C3 SITE GRADING PLAN
C4 TOWER ELEVATION AND SIGN DETAILS
C5 COMPOUND FENCE DETAILS
C6 LANDSCAPE PLAN AND DETAIL

TREE SAVE

TS1 TREE SAVE PLAN

ELECTRICAL

E1 GENERAL ELECTRICAL NOTES AND LEGEND
E2 SERVICES ROUTING PLAN
E3 SITE GROUNDING PLAN
E4 ONE LINE DIAGRAM
E5 GROUNDING DETAILS
E6 UTILITY RACK AND TRENCH DETAILS

SPECIAL INSPECTIONS

SP1 SPECIAL INSPECTIONS (SHEET 1 OF 2)
SP2 SPECIAL INSPECTIONS (SHEET 2 OF 2)

ACS ENGINEERING, Inc.
3 Marcus Drive
Greenville, SC 29615
Ph. (864) 288-0553
Fax. (864) 288-0559
NC FIRM LICENSE NUMBER: C-2484





Table A: Abbreviations starting with A, including ACRE, AIR CONDITIONING, ANCHOR BOLT, etc.

Table B: Abbreviations starting with B, including BASE PLATE, BOTTOM OF, BATTERY, etc.

Table C: Abbreviations starting with C, including CEILING, CONCRETE SLAB, CABINET, etc.

Table C (CONTINUED): Abbreviations starting with C, including CONNX, CONNECTION, CONST, etc.

Table D: Abbreviations starting with D, including DEPTH, DRAINAGE AREA, DEGREE, etc.

Table E: Abbreviations starting with E, including EAST (FOR COORDINATES), EACH, etc.

Table F: Abbreviations starting with F, including FAN/HEAT, FACE TO FACE, FIRE ALARM, etc.

Table F (CONTINUED): Abbreviations starting with F, including FIN GR, FINISH GRADE, FLOW LINE, etc.

Table G: Abbreviations starting with G, including GAS (NATURAL), GALVANIZED IRON, GALLON, etc.

Table H: Abbreviations starting with H, including HEIGHT, HECTARE, HANUFACTURER, etc.

Table I: Abbreviations starting with I, including INSIDE DIAMETER, INTERNAL DIAMETER, INSTITUTE, etc.

Table K (CONTINUED): Abbreviations starting with K, including KNOCKOUT, KSI, KIPS PER SQUARE INCH, etc.

Table L: Abbreviations starting with L, including LENGTH, LITER, LEAVING AIR TEMPERATURE, etc.

Table M: Abbreviations starting with M, including METER, MASONRY, MAIN, etc.

Table N: Abbreviations starting with N, including NORTH (FOR COORDINATES), NA, NOT APPLICABLE, etc.

Table P: Abbreviations starting with P, including PAGE, PAVEMENT, POND BOTTOM, etc.

Table Q: Abbreviations starting with Q, including QUARRY TILE, QUANTITY, etc.

Table R: Abbreviations starting with R, including RADIANT, RIGHT, RADIUS, RISER, etc.

Table S: Abbreviations starting with S, including SOUTH, SUPPLY AIR, SANITARY, etc.

Table S (CONTINUED): Abbreviations starting with S, including SHEET METAL, SHEET METAL AND AIR CONDITIONING, etc.

Table T: Abbreviations starting with T, including TREAD, TOP, THERMOSTAT, TELEPHONE, etc.

Table U: Abbreviations starting with U, including UNDERLOOR, UNDERSLAB, UNDERGROUND, etc.

Table V: Abbreviations starting with V, including VOLT, VOLT-AMPERE, VOLTS-ALTERNATING CURRENT, etc.

Table X: Abbreviations starting with X, including TRANSFORMER, etc.

Table Y: Abbreviations starting with Y, including YEAR, etc.

Table W: Abbreviations starting with W, including WIDTH, WEST, WIDE FLANGE, WATER, etc.

BASE TRANSCIVER SITE BRADLEY MIDDLE SCHOOL BRADLEY VERIZON SITE NAME: FRANCIS BRADLEY 13380 BEAUFORT ROAD HUNTERSVILLE, NC 28078 MECKLENBURG COUNTY NORTH CAROLINA

BERKLEY GROUP, LLC SPECIAL USE PERMIT FOR A CELL TOWER EPM # 377075

Table with columns: ISSUE, REVISION, DATE. Includes notes for OWNER'S REVIEW, DESIGNER'S COMMENTS, etc.

**2012 APPENDIX B
BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS
(EXCEPT 1 AND 2-FAMILY DWELLINGS AND TOWNHOUSES)**
(Reproduce the following data on the building plansheet 1 or 2)

Name of Project: Bradley Middle School Base Transceiver Telecommunications site
Address: 13359 BEATTIES FORD ROAD, CHARLOTTE, NC Zip Code: 28078
Proposed Use: Cellular Communications Tower Site
Owner/Authorized Agent: BERKLEY GROUP Phone # (704) 902-2104
E-Mail: b_newell@berkleygroup.com
Owned By: City/County Private State
Code Enforcement Jurisdiction: City County State

PROJECT SUMMARY
Building description: 10,000 Sq. Ft. lease area for telecommunications tower site with proposed light pole tower, chain link fence with post privacy slats, concrete pad for Verizon equipment, fiber and telco services.

Scope of work details: (If phased construction, please see plan submittal guidelines.) Site will consist of a 22'x110' fenced, computerized area with an access road. A 60' light pole tower and associated foundation, and concrete pad for Verizon equipment will be constructed. Electrical and Telco services will be installed.

Code Compliance Summary:
Alternative Means of Compliance Request:

- Industrial equipment with declaration document attached. [See www.Meckpermit.com (Electrical Services)]
- RTAP (Revision to approved plans.) [See www.Meckpermit.com (Commercial Plan Review Services)]
- Date of Preliminary Review:

LEAD DESIGN PROFESSIONAL:

| DESIGNER | FIRM | NAME | LICENSE # | TELEPHONE # | E-MAIL |
|--------------------------|--------------------------|-------------------|-----------|----------------|--------------------------------|
| Architectural | | | | | |
| Civil | ACS Engineering, Inc. | Theresa Alkrich | 022239 | (864) 288-0553 | terry.alkrich@acs-us.com |
| Electrical | Sturkie & Assoc. Eng. PC | Chris Sturkie | 024170 | (864) 961-4855 | sturkieengineering@charter.net |
| Fire Alarm | | | | | |
| Plumbing | | | | | |
| Mechanical | | | | | |
| Sprinkler-Standard | | | | | |
| Structural | BS Incorporated | Glen L. Hunt, III | 20675 | (602) 903-8614 | glenhunt@bs-inc.biz |
| Retaining Walls >5' High | | | | | |
| Other | | | | | |

2012 EDITION OF NC CODE FOR: New Construction Addition Upfit
EXISTING: Reconstruction Alteration Repair Renovation
CONSTRUCTED: (date) _____ ORIGINAL USE(S) (Ch. 3): _____
RENOVATED: (date) _____ CURRENT USE(S) (Ch. 3): _____
PROPOSED USE(S) (Ch. 3): _____

Building Code: 2012 North Carolina State Building Code (NCSBC)
 2009 NC Rehab Code 2012 Chapter 34 (attach summary)
 1995 Existing Building Code Vol. 9

New Building: New building Shell building
 First time interior completion (upfit)
 Addition

Existing Building: Change of use/occupancy
 Building/tenant space interior completion (renovation)

Please see 3411 NCSBC for compliance for Accessibility for Existing Buildings. A letter from the designer will be required to be attached or reproduced on the plan to verify how compliance will be achieved.

Year of construction _____ Original use _____

2009 NC REHAB CODE INFORMATION: N/A Scope of work / work area must be listed and delineated on the plans.
Check all that apply: Repair Renovation Alteration Reconstruction Change of use Addition
 Last known legal occupancy use _____ Historic Property: Yes No
Original Building Construction Date: _____ Date of Preliminary Meeting: _____
Justifications for using the REHAB code: _____

Reviewers Notes for Field Inspector:

BASIC BUILDING DATA - N/A
Construction Type: I-A I-B III-A IV V-1
(check all that apply) I-B III-B V-2
Sprinklers: No Partial Yes NFPA 13 NFPA 13R NFPA 13D
Standpipes: No Yes Class I II III Wet Dry
Fire District: No Yes (Primary) Flood Hazard Area: No Yes
Building Height (feet): _____ N/A No building in this project

Gross Building Area: N/A

| FLOOR | EXISTING (SQ FT) | NEW (SQ FT) | SUB-TOTAL |
|-----------|------------------|-------------|-----------|
| 7th Floor | | | |
| 6th Floor | | | |
| 5th Floor | | | |
| 4th Floor | | | |
| 3rd Floor | | | |
| 2nd Floor | | | |
| Mezzanine | | | |
| 1st Floor | | | |
| Basement | | | |
| TOTAL | | | |

ALLOWABLE AREA - N/A
Occupancy: Assembly (303) A-1 A-2 A-3 A-4 A-5
 Business (304) Educational (305)

Factory (306) F-1 Moderate F-2 Low
Hazardous (307) H-1 Detonate H-2 Deflagrate H-3 Combust H-4 Health H-5 HPM
Institutional (308) I-1 I-2 I-3 I-4
I-3 Condition 1 2 3 4 5
Mercantile (309) R-1 R-2 R-3 R-4
Residential (310) S-1 Moderate S-2 Low High-piled
Storage (311) Parking Garage Open Enclosed Repair Garage
Utility and Miscellaneous (312):

Accessory Occupancies: N/A
Assembly A-1 A-2 A-3 A-4 A-5
Business
Educational
Factory F-1 Moderate F-2 Low
Hazardous H-1 Detonate H-2 Deflagrate H-3 Combust H-4 Health H-5 HPM
Institutional I-1 I-2 I-3 I-4
I-3 Condition 1 2 3 4 5
Mercantile
Residential R-1 R-2 R-3 R-4
Storage S-1 Moderate S-2 Low High-piled
Utility and Miscellaneous Parking Garage Open Enclosed Repair Garage

Incidental Uses (Table 508.2.5):
 Furnace room where any piece of equipment is over 400,000 Btu per hour input
 Rooms with rollers where the largest piece of equipment is over 15 psi and 10 horsepower
 Refrigerant machine room
 Hydrogen cutoff rooms, not classified as Group H
 Incinerator rooms
 Paint shops, not classified as Group H, located in occupancies other than Group F
 Laboratories and vocational shops, not classified as Group H, located in a Group F or I-2 occupancy
 Laundry rooms over 100 square feet
 Group I-3 cells equipped with padded surfaces
 Group I-2 waste and linen collection rooms
 Waste and linen collection rooms over 100 square feet
 Stationary storage battery systems having a liquid electrolyte capacity of more than 50 gallons, or a lithium-ion capacity of 1,000 pounds used for facility standby power, emergency power or uninterrupted power supplies
 Rooms containing fire pumps
 Group I-2 storage rooms over 100 square feet
 Group I-2 commercial kitchens
 Group I-2 laundries equal to or less than 60 square feet
 Group I-2 rooms or spaces that contain fuel-fired heating equipment

Special Uses: 402 403 404 405 406 407 408 409 410 411 412
 413 414 415 416 417 418 419 420 421 422 423 424
 425 426 427

Special Provisions: 509.2 509.3 509.4 509.5 509.6 509.7 509.8 509.9
Mixed Occupancy: No Yes Separation: _____ Hr. Exception: _____
 Incidental Use Separation (508.2.5)
This separation is not exempt as a Non-Separated Use (see exceptions).
 Non-Separated Use (508.3)
The required type of construction for the building shall be determined by applying the height and area limitations for each of the applicable occupancies to the entire building. The most restrictive type of construction, so determined, shall apply to the entire building.

PERCENTAGE OF WALL OPENING CALCULATIONS - N/A
THIS SECTION FOR ADDITIONS, NEW CONSTRUCTION AND CHANGE OF USE

Allowable openings per 705.8

WALL LEGENDS - N/A
THIS SECTION REQUIRED TO BE COMPLETED FOR ALL PROJECTS
CHECK IF THE FOLLOWING ARE PRESENT AND INDICATED BY A WALL LEGEND ON ALL PLANS
 Fire Walls 706 Fire Ducts 707 Shaft Enclosure 708 Fire Partitions 709 Smoke Barriers 710 Smoke Partitions 711

LIFE SAFETY SYSTEM REQUIREMENTS - N/A
THIS SECTION IS REQUIRED TO BE COMPLETED FOR ALL PROJECTS

Emergency Lighting: (S1006) No Yes
Exit Signs: (S1013) No Yes
Fire Alarm: (S907/NFPA 72-07) No Yes
Smoke Detection Systems: (S907) No Yes Partial
Panic Hardware: (S1008.1.10) No Yes
Life safety systems generator: (S2702.2) No Yes

LIFE SAFETY PLAN REQUIREMENTS - N/A

- Life Safety Plan Sheet # _____
- Fire and/or smoke rated wall locations (Chapter 7)
 - Assumed and real property line locations
 - Exterior wall opening area with respect to distance to assumed property lines (705.8)
 - Existing structures within 30' of the proposed building
 - Occupancy types for each area as it relates to occupant load calculation (Table 1004.1.1)
 - Occupant loads for each area
 - Exit access travel distances (1016)
 - Common path of travel distances (1014.3 & 1028.8)
 - Dead end lengths (1018.4)
 - Clear exit widths for each exit door
 - Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.1)
 - Actual occupant load for each exit door
 - A separate schematic plan indicating when fire rated floor/ceiling and/or roof structure is provided for purposes of occupancy separation
 - Location of doors with panic hardware (1008.1.10)
 - Location of doors with delayed egress locks and the amount of delay (1008.1.9.7)
 - Location of doors with electromagnetic egress locks (1008.1.9.8)
 - Location of doors equipped with hold-open devices
 - Location of emergency escape windows (1029)
 - The square footage of each fire area (902)
 - The square footage of each smoke compartment (407.4)
 - Note any code exceptions or table notes that may have been utilized regarding the items above

FIRE PROTECTION REQUIREMENTS
THIS SECTION REQUIRED TO BE COMPLETED FOR ALL PROJECTS

Life Safety Plan Sheet # if Provided: N/A

| BUILDING ELEMENT | FIRE SEPARATION DISTANCE (FEET) | REQ'D | RATING PROVIDED (IF REDUCTION) | DETAIL # AND SERIES # | DESIGN # FOR RATED ASSEMBLY | DESIGN # FOR RATED PENETRATION | DESIGN # FOR RATED JOINTS |
|---|---------------------------------|-------|--------------------------------|-----------------------|-----------------------------|--------------------------------|---------------------------|
| Structural Frame, including columns, girders, trusses | | | | | | | |
| Roofing Walls | | | | | | | |
| Exterior | | | | | | | |
| North | | | | | | | |
| East | | | | | | | |
| West | | | | | | | |
| South | | | | | | | |
| Interior | | | | | | | |
| Nonbearing Walls and Partitions | | | | | | | |
| Exterior walls | | | | | | | |
| North | | | | | | | |
| East | | | | | | | |
| West | | | | | | | |
| South | | | | | | | |
| Interior walls and partitions | | | | | | | |
| Floor Construction | | | | | | | |
| Including supporting beams and joists | | | | | | | |
| Roof Construction | | | | | | | |
| Including supporting beams and joists | | | | | | | |
| Shaft Enclosures - Exit | | | | | | | |
| Shaft Enclosures - Other | | | | | | | |
| Elevator Separation | | | | | | | |
| Occupancy Separation | | | | | | | |
| Fire/Smoke Wall Separation | | | | | | | |
| Smoke Barrier Separation | | | | | | | |
| Tenant Separation | | | | | | | |
| Incidental Use Separation | | | | | | | |

* Indicate section number permitting reduction

Separated Use (508.4) - See below for area calculations
For each store, the area of the occupancy shall be such that the sum of the ratios of the actual floor area of each use divided by the allowable floor area for each use shall not exceed 1.

$$\frac{\text{Actual Area of Occupancy A}}{\text{Allowable Area of Occupancy A}} + \frac{\text{Actual Area of Occupancy B}}{\text{Allowable Area of Occupancy B}} \leq 1$$

$$\frac{N/A}{N/A} + \frac{N/A}{N/A} = N/A \leq 1.00$$

| STORY NO. | DESCRIPTION AND/OR | (A) FLOOR AREA PER STORY (ACTUAL) | (B) FLOOR AREA PER STORY (ALLOWABLE) | (C) AREA FOR FRONTAGE INCREASE | (D) AREA FOR SPRINKLER INCREASE | (E) ALLOWABLE AREA OR UNLIMITED | (F) MAXIMUM BUILDING AREA |
|-----------|--------------------|-----------------------------------|--------------------------------------|--------------------------------|---------------------------------|---------------------------------|---------------------------|
| | | | | | | | |

1. Percentage area increases from Section 506.2 are computed thus:
 - a. Perimeter which fronts a public way or open space having 20 feet minimum width = _____ (P)
 - b. Total Building Parameter = _____ (P)
 - c. Ratio (P/P) = _____ (P/P)
 - d. W = Maximum width of public way = _____ (W)
 - e. Percent of footage increase $I_1 = 100 \left[\frac{P}{W} - 0.25 \right] \times W/30 = \text{_____} (\%)$
2. The sprinkler increase per Section 506.3 is as follows:
 - a. Multi-story building $I_1 = 300$ percent
 - b. Single story building $I_1 = 300$ percent
3. Unlimited area applicable under conditions of Section 507.
4. Maximum Building Area = total number of stories in the building x B (506.4).
5. The maximum area of open parking garages must comply with Table 406.35. The maximum area of air traffic control towers must comply with Table 412.1.2.

ALLOWABLE HEIGHT - N/A

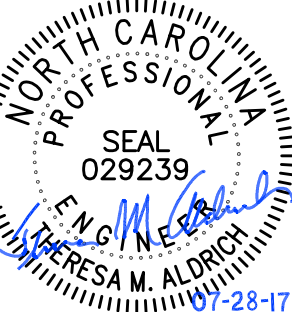
| ALLOWABLE (TABLE 503) | INCREASE FOR SPRINKLERS | SHOWN ON PLANS | CODE REFERENCE |
|----------------------------------|-------------------------|----------------|----------------|
| Type of Construction: _____ Type | | Type _____ | |
| Building Height in Feet | Feet = H + 20' = _____ | | |
| Building Height in Stories | Stories + 1 = _____ | | |



BASE TRANSCIVER SITE
BRADLEY MIDDLE SCHOOL
VERIZON SITE NAME: FRANCIS BRADLEY
13359 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY
NORTH CAROLINA

BERKLEY GROUP, LLC
SPECIAL USE PERMIT FOR A CELL TOWER
EPM # 377075

| DATE | REVISION |
|----------|------------------------------|
| 04/28/16 | DATE FOR OWNER'S REVIEW |
| 07/28/16 | ISSUED FOR OWNER'S REVIEW |
| 07/28/17 | REVISED PER OWNER'S COMMENTS |
| 07/28/17 | REVISED PER OWNER'S COMMENTS |



EXIT REQUIREMENTS N/A
 THIS SECTION IS REQUIRED TO BE COMPLETED FOR ALL PROJECTS.

NUMBER AND ARRANGEMENT OF EXITS

| FLOOR, ROOM OR SPACE DESIGNATION | MINIMUM NUMBER OF EXITS | | TRAVEL DISTANCE | | ARRANGEMENT (MEANS OF EGRESS) ^{1,2} (SECTION 1015.2) | |
|----------------------------------|-------------------------|----------------|--|---|---|-------------------------------|
| | REQUIRED | SHOWN ON PLANS | ALLOWABLE TRAVEL DISTANCE (TABLE 1016.1) | ACTUAL TRAVEL DISTANCE BETWEEN SHOWN ON PLANS | REQUIRED DISTANCE BETWEEN EXITS | ACTUAL DISTANCE BETWEEN EXITS |
| | | | | | | |

¹ Consider dead ends (Section 1018.4)
² Buildings with single exits (Table 1021.2), Spaces with one means of egress (Table 1015.1)
³ Common Path of Travel (Section 1014.3)

OCCUPANT LOAD AND EXIT WIDTH N/A
 THIS SECTION IS REQUIRED TO BE COMPLETED FOR ALL PROJECTS.

| USE GROUP OR SPACE DESCRIPTION | (a) AREA, sq. ft. | (b) AREA PER OCCUPANT | (c) CALCULATED OCCUPANT LOAD (a/b) | EXIT WIDTH (in) ^{1,2,3,4} | | | | | |
|--------------------------------|-------------------|-----------------------|------------------------------------|--|-------|-------------------------|-------|-----------------------------|-------|
| | | | | EGRESS WIDTH PER OCCUPANT (SECTION 1005.1) | | REQUIRED WIDTH (a/b)x.c | | ACTUAL WIDTH SHOWN IN PLANS | |
| | | | | STAIR | LEVEL | STAIR | LEVEL | STAIR | LEVEL |
| | | | | 0.3 | 0.2 | | | | |

¹ See Table 1004.1.1 to determine whether net or gross area is applicable.
² See definitions "Area, Gross" and "Area, Net" (Section 1002).
³ Minimum stairway width (Section 1009.1), min. corridor width (Section 1018.2), min. door width (Section 1008.1.1)
⁴ Minimum width of exit passageway (Section 1023.2)
⁵ See Section 1024.5 for computing exits.
⁶ The loss of one means of egress shall not reduce the available capacity to less than 50 percent of the total required (Section 1005.1)
⁷ Assembly occupancies (Section 1026)
⁸ Spaces within occupancies or use groups shall be calculated independently. (Ex. Lobbies, lounges, break rooms, conference rooms.)

ACCESSIBLE DWELLING UNITS N/A
 (SECTION 1107)

| TOTAL UNITS | ACCESSIBLE UNITS REQUIRED | ACCESSIBLE UNITS PROVIDED | TYPE A UNITS REQUIRED | TYPE A UNITS PROVIDED | TYPE B UNITS REQUIRED | TYPE B UNITS PROVIDED | TOTAL ACCESSIBLE UNITS PROVIDED |
|-------------|---------------------------|---------------------------|-----------------------|-----------------------|-----------------------|-----------------------|---------------------------------|
| | | | | | | | |

ACCESSIBLE PARKING N/A
 (SECTION 1106)

| LOT OR PARKING AREA | TOTAL # OF PARKING SPACES | | # OF ACCESSIBLE SPACES PROVIDED | | | TOTAL # ACCESSIBLE PROVIDED |
|---------------------|---------------------------|----------|---------------------------------|---------------------------------|----------------|-----------------------------|
| | REQUIRED | PROVIDED | VEHICLES WITH 5' ACCESS AREA | VAN SPACES WITH 13' ACCESS AREA | K' ACCESS AREA | |
| TOTAL | | | | | | |

STRUCTURAL DESIGN

DESIGN LOADS:

Importance Factors: Wind (I_w) = 1.0
 Snow (I_s) = 1.0
 Seismic (I_e) = 1.0

Live Loads: Roof = 20 psf
 Mezzanine = N/A psf
 Floor = (see equip. info.) psf

Ground Snow Load: 10 psf
 Section 1608
Wind Load: Basic Wind Speed = 90 mph (ASCE 7-05)
 Exposure Category = B
 Section 1609
 Wind Base Shear (for MWFRS): $V_x = I_w V_z K_{zt} S_{DS} S_{F1} S_{F2}$ $V_y = I_w V_z K_{zt} S_{DS} S_{F1} S_{F2}$

SEISMIC DESIGN CATEGORY: A B C D

Provide the following Seismic Design Parameters:
Occupancy Category (Table 1604.5) I II III IV
Spectral Response Acceleration $S_s = 0.35$ $S_1 = 0.11$ %g
Site Classification (Table 1613.5.2) A B C D E F
 Data Source: Field Test Prescriptive Historical Data

Basic structural system (check one) N/A - slab mounted equipment only
 Bearing Wall Dual w/Special Moment Frame
 Building Frame Dual w/Intermediate R/C or Special Steel
 Moment Frame Inverted Pentapodium

Seismic base shear: $V_x = 460$ $V_y = 460$

Analysis Procedure: Simplified Equivalent Lateral Force Dynamic

Architectural, Mechanical, Components anchored? Yes No

LATERAL DESIGN CONTROL: N/A Earthquake Wind

SOIL BEARING CAPACITIES:
 Field Test (provide copy of test report) _____ psf
 Presumptive Bearing Capacity = 1500 psf
 File size, type, and capacity _____

SPECIAL INSPECTIONS REQUIRED: Yes No

SCHEDULE OF SPECIAL INSPECTION SERVICES

- No special inspections required for this project Special inspections required
- The following sheets comprise the required schedule of Special Inspections for this project. The construction divisions which require special inspections for this project are as follows:
- | | |
|--|--|
| <input type="checkbox"/> IT-1 Verification of Soils | <input type="checkbox"/> IT-10 Inspection of Structural Steel Fabricators |
| <input checked="" type="checkbox"/> IT-2 Excavation and fill | <input type="checkbox"/> IT-11 Structural Masonry |
| <input checked="" type="checkbox"/> IT-3 Piling and Drilling Piers | <input type="checkbox"/> IT-12 Welding |
| <input type="checkbox"/> IT-4 Modular Retaining Walls | <input checked="" type="checkbox"/> IT-13 High Strength Bolts & Steel Framing Joints |
| <input checked="" type="checkbox"/> IT-5 Reinforced Concrete | <input type="checkbox"/> IT-14 Spray-on Fire-Resistance Materials |
| <input type="checkbox"/> IT-6 Post-Tension Slab | <input type="checkbox"/> IT-15 Exterior Insulation and Finish system |
| <input type="checkbox"/> IT-7 Pre-cast Concrete Erection | <input type="checkbox"/> IT-16 Seismic Resistance |
| <input type="checkbox"/> IT-8 Pre-stressed Concrete | <input type="checkbox"/> IT-17 Smoke Control |
| <input type="checkbox"/> IT-9 Inspection of Pre-Cast Fabricators | <input type="checkbox"/> IT-18 Detention Basin |
| | <input type="checkbox"/> IT-19 Special Cases |

Check the above boxes for the special inspection required for this project and list below specific special inspections required under Chapter 17. For questions regarding Special Inspections please see www.Meck-SI.com.

PLUMBING FIXTURE REQUIREMENTS N/A
 (TABLE 2902.1)

| OCCUPANCY USE GROUP AND/OR SPACE DESIGNATION | WATERCLOSETS | | URINALS | | LAVATORIES | | SHOWERS/TUBS | DRINKING FOUNTAINS |
|--|--------------|--------|---------|--------|------------|--------|--------------|--------------------|
| | MALE | FEMALE | MALE | FEMALE | MALE | FEMALE | | |
| | | | | | | | | |
| Total Required | | | | | | | | |
| Total Provided | | | | | | | | |

SPECIAL APPROVALS - N/A

Special approval: (Local Jurisdiction, Department of Insurance, OSC, DPI, HHS, ICC, etc., describe below)

- 506.2.3 Energy Recovery Ventilation Systems
- 506.2.4 Higher Efficiency Service Water Heating
- 506.2.5 On-Site Supply of Renewable Energy
- 506.2.6 Automatic Daylighting Control Systems

ENERGY SUMMARY N/A
 THIS SECTION FOR NEW CONSTRUCTION ADDITIONS, CHANGE OF USE AND INTERIOR COMPLETION

ENERGY REQUIREMENTS:
 The following data shall be considered minimum and any special attribute required to meet the energy code shall also be provided. Each Designer shall furnish the required portions of the project information for the plan data sheet. If performance method, state the annual energy cost for the standard reference design vs annual energy cost for the proposed design.

Climate Zone: 3 4 5

Method of Compliance:
 Prescriptive (Energy Code)
 Performance (Energy Code)
 Prescriptive (ASHRAE 90.1)
 Performance (ASHRAE 90.1)

THERMAL ENVELOPE

Roof/Ceiling Assembly (each assembly):
 Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____
 Skylights in each assembly: _____
 U-Value of skylight: _____
 total square footage of skylights in each assembly: _____

Exterior Walls (each assembly):
 Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____
 Openings (windows or doors with glazing):
 U-Value of assembly: _____
 Solar heat gain coefficient: _____
 projection factor: _____
 Door R-Values: _____

Walls below grade (each assembly):
 Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____

Floors over unconditioned space (each assembly):
 Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____

Floors below grade
 Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____
 Horizontal/vertical requirement stipulated: _____

MECHANICAL SUMMARY N/A

MECHANICAL SYSTEMS, SERVICE SYSTEMS AND EQUIPMENT

Thermal Zone
 winter dry bulb: _____
 summer dry bulb: _____

Interior design conditions
 winter dry bulb: _____
 summer dry bulb: _____
 relative humidity: _____

Building heating load: _____

Building cooling load: _____

Mechanical Spacing Conditioning System:
 Unitary description of unit: _____
 heating efficiency: _____
 cooling efficiency: _____
 size category of unit: _____
 Boiler size category. If oversized, state reason: _____
 Chiller size category. If oversized, state reason: _____

List equipment efficiencies: _____

ELECTRICAL SUMMARY N/A

ELECTRICAL SYSTEM AND EQUIPMENT

Method of Compliance:
 Energy Code: Prescriptive Performance
 ASHRAE 90.1: Prescriptive Performance

Lighting schedule (each fixture type)
 lamp type required in fixture _____
 number of lamps in fixture _____
 ballast type used in the fixture _____
 number of ballasts in fixture _____
 total wattage per fixture _____
 total interior wattage specified is allowed (whole building or space by space) _____
 total exterior wattage specified is allowed _____

Additional Prescriptive Compliance
 506.2.1 More Efficient Mechanical Equipment
 506.2.2 Reduced Lighting Power Density

BASE TRANSEIVER SITE
BRADLEY MIDDLE SCHOOL
VERIZON SITE NAME: FRANCIS BRADLEY
13380 BEATTIES FORD ROAD
HUNTERVILLE, NC 28078
MECKLENBURG COUNTY
NORTH CAROLINA



| DATE | REVISION |
|----------|------------------------------|
| 04/28/16 | ISSUED FOR OWNER'S REVIEW |
| 07/28/17 | REVISED PER OWNER'S COMMENTS |
| 07/28/17 | REVISED PER OWNER'S COMMENTS |
| 07/28/17 | REVISED PER OWNER'S COMMENTS |

NOTES:

1. NORTH CAROLINA GRID AND DISTANCES ARE GROUND UNLESS OTHERWISE SHOWN OR NOTED. COORDINATES ARE ON NORTH GRID (NAD 83) AND THE VERTICAL DATUM IS (NAVD 88).
2. GRID COORDINATES SHOWN WERE OBTAINED FROM USE OF GPS OBSERVATION, USING A TOPCON HIPER-V SURVEY GRADE RECEIVER (DUAL FREQUENCY) UTILIZING GNSS VRS RTK TECHNIQUES AND/OR STATIC DATA SOLUTIONS VIA NGS OPUS.
3. ALL IPS ARE 5/8" IRON REBAR UNLESS OTHERWISE NOTED.
4. THE RATIO OF PRECISION OF THE UNBALANCED TRAVERSE MEETS OR EXCEEDS 1 : 10,000.
5. THE FEATURE SYMBOL LOCATIONS ARE TO THE CENTER OF THE SYMBOL AND MAY BE ENLARGED FOR CLARITY.
6. THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS MADE AVAILABLE AND PROVIDED TO THE UNDERSIGNED SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THE UNDERSIGNED DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE AND PROVIDED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
7. THE UNDERSIGNED, DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY HAZARDOUS WASTE ON THE SURVEY SITE.
8. THE UNDERSIGNED DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY JURISDICTIONAL WETLANDS ON THE SURVEY SITE OTHER THAN SHOWN, IF ANY. WETLANDS SHOWN ARE SUBJECT TO FINAL APPROVAL BY THE U.S. CORPS. OF ENGINEERS.
9. THIS PLAT WAS PREPARED AS A PROFESSIONAL SERVICE FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED WITHIN THE HEREON STATEMENT AND/OR TITLE. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESSED PERMISSION OF AC&S, NAMING SAID PERSON, PERSONS, OR ENTITY.
10. AREA COMPUTED BY DMD METHOD.
11. THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
12. IT IS THE EXPRESSED INTENT THAT THE ACCESS, UTILITY AND MAINTENANCE EASEMENT SHOWN ON THIS SURVEY IS TO MEET AND ABUT AND BE CONTIGUOUS WITH BOTH THE LEASE AREA AND THE PUBLIC ACCESS OR PUBLIC RIGHT OF WAY WITHOUT ANY GAPS OR OVERLAPS.
13. ZONING NOTES:

THE PREMISES ARE IN AN R ZONING DISTRICT UNDER THE APPLICABLE ZONING ORDINANCE OF THE TOWN OF HUNTERVILLE, WHICH DISTRICT ALLOWS THE CURRENT USE OF THE IMPROVEMENTS LOCATED ON THE PREMISES. THE FOLLOWING OVERLAY DISTRICTS INCLUDE THE PREMISES. TOWER IS LOCATED IN THE CRITICAL AREA OF THE MOUNTAIN ISLAND LAKE WATERSHED DISTRICT.

THE FOLLOWING PROVISIONS OF ZONING ORDINANCE APPLY TO THE PREMISES:

MINIMUM BUILDING SETBACKS:

- FRONT YARD SETBACK - 25'
- SIDE YARD SETBACK - 12'
- REAR YARD SETBACK - 25'

MINIMUM TOWER SETBACKS:

- SETBACK FROM RESIDENTIAL OR MIXED USE DISTRICT - 200'
- SETBACK FROM PUBLIC RIGHT-OF-WAY - 500'

NOTE:

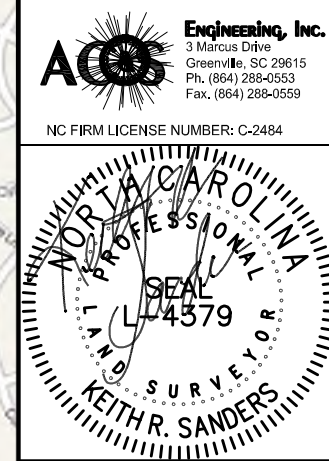
FINAL PLAT WILL BE RECORDED SHOWING ALL APPROVED EASEMENTS/TREE SAVE ETC PRIOR TO FINAL INSPECTION OF THE TOWER.

NOTES:

1. ONLY ONE TOWER WILL BE BUILT ON THIS PROPERTY.
2. THE CLOSEST COMMERCIAL TOWER IS APPROXIMATELY 1.4 MILES NORTHEAST OF THE PROPOSED TOWER.
3. TOWER IS DESIGNED TO SUPPORT 4 CARRIERS.



VICINITY MAP (NTS)



SANDERS SURVEYING & MAPPING SERVICES, INC.
510 AVENA ROAD,
BLACK MOUNTAIN,
NORTH CAROLINA, 28711
(828) 669-2777
C-2384

BASE TRANSCREIVER SITE
BRADLEY MIDDLE SCHOOL
VERIZON SITE NAME: FRANCIS BRADLEY
13345 BEATTIES FORD ROAD
HUNTERVILLE, NC 28078
MECKLENBURG COUNTY
NORTH CAROLINA

BERKLEY GROUP LLC
SPECIAL USE PERMIT FOR A CELL TOWER
EPM # 377075

LEGEND

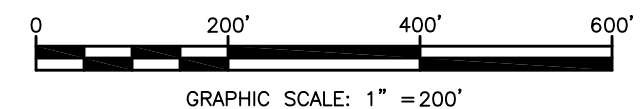
| BEARING & DISTANCE (BY DEED OR PLAT) | LINE SURVEYED | STORM DRAIN LINE |
|--------------------------------------|-----------------------------------|------------------------------|
| R/W | LINE NOT SURVEYED | SS SANITARY SEWER LINE |
| Ø | R/W (RIGHT-OF-WAY) | CREEK OR DITCH |
| — | CHAIN LINK FENCE LINE | P.O.C. POINT OF COMMENCEMENT |
| — | POWER OR UTILITY POLE | P.O.B. POINT OF BEGINNING |
| — | OVERHEAD ELECTRIC LINE | N/F NOW OR FORMERLY |
| TEL | TELEPHONE PEDESTAL | TM TAX MAP |
| PED | IRON PIN FOUND | DB DEED BOOK |
| ROW | IRON PIN SET (5/8" REBAR, U.N.O.) | PB PLAT BOOK |
| MON | RIGHT-OF-WAY MONUMENT | RCP REINFORCED CONCRETE PIPE |
| ⊕ | GPS POINT | M MAPLE |
| ⊕ | TEMPORARY BENCH MARK | O OAK |
| ⊕ | STORM DRAIN MANHOLE | P PINE |
| ⊕ | SANITARY SEWER MANHOLE | |

I, KEITH R. SANDERS, A REGISTERED LAND SURVEYOR, CERTIFY THAT THIS IS A TRUE, COMPLETE, AND CORRECT SURVEY OF THE DESCRIBED REAL PROPERTY SITUATED IN TOWN OF HUNTERVILLE, MECKLENBURG COUNTY, NORTH CAROLINA; THAT THIS PLAT WAS DRAWN UNDER MY DIRECT SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE MECKLENBURG COUNTY REGISTRY (SEE REFERENCES); THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

FLOOD ZONE
PROPERTY IS IN FLOOD ZONE "X"
ZONE "X" - AREAS DETERMINED TO BE
OUTSIDE THE 0.2% ANNUAL CHANCE
FLOODPLAIN
PER FEMA FIRM NORTH CAROLINA
MAP NUMBER 3710462000K
PANEL 4620
EFFECTIVE DATE SEPTEMBER 2, 2015

| GPS CONTROL POINTS | |
|--------------------|--|
| 1 | N: 605,322.31' E: 1,425,583.37' ELEV.: 714' LAT: 35° 23' 52.47" N LONG: 80° 55' 39.53" W |
| 2 | N: 605,391.64' E: 1,425,815.79' ELEV.: 713' LAT: 35° 23' 53.20" N LONG: 80° 55' 36.74" W |

BERKLEY GROUP
SITE NAME "BRADLEY MIDDLE SCHOOL"
PARTY CHIEF: D. LINDSEY
DATE SURVEYED: 11/03/15
DRAWN BY: J. GARY
OWNER: THE CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION
P.O. BOX 30035
CHARLOTTE, NC 28230
PROPERTY ADDRESS: 13345 BEATTIES FORD RD.
HUNTERVILLE, NC 28078
DEED BOOK 27025, PAGE 514
TM #: 01308105
MECKLENBURG COUNTY, NORTH CAROLINA

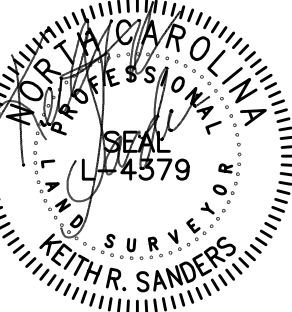


| DATE | REVISION |
|----------|--|
| 04/28/16 | ISSUED FOR OWNER'S REVIEW |
| 07/22/17 | REVISED PER OWNER'S COMMENTS |
| 07/26/17 | REVISED PER TOWN OF HUNTERVILLE COMMENTS |

PROJECT NUMBER:
14049.013
SHEET CONTENTS:

SITE SURVEY

SHEET NUMBER:



SANDERS SURVEYING & MAPPING SERVICES, INC.
 510 AVENA ROAD,
 BLACK MOUNTAIN,
 NORTH CAROLINA, 28711
 (828) 669-2777
 C-2384

BASE TRANSCREIVER SITE
 BRADLEY MIDDLE SCHOOL
 VERIZON SITE NAME: FRANCIS BRADLEY
 13389 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP, LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM # 377075

| DATE | REVISION |
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| 04/28/16 | ISSUED FOR OWNER'S REVIEW |
| 05/27/16 | REVISED PER VERIZON'S COMMENTS |
| 07/22/17 | REVISED PER TOWER OF HUNTERSVILLE COMMENTS |
| 07/28/17 | REVISED PER TOWER OF HUNTERSVILLE COMMENTS |

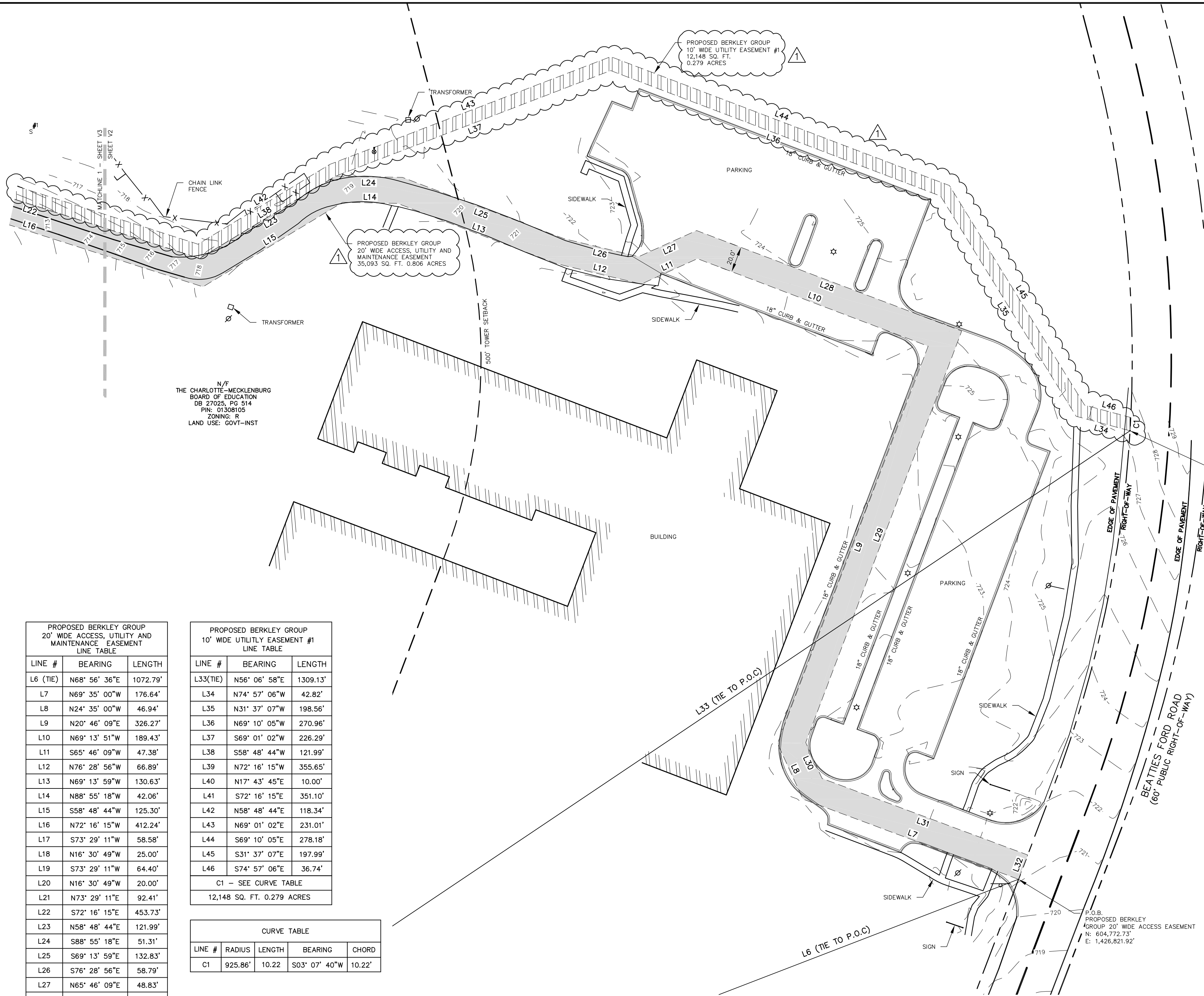
PROJECT NUMBER:
14049.013

SHEET CONTENTS:
SITE SURVEY

SHEET NUMBER:
V2

LEGEND

- | | |
|----------------------|-----------------------------------|
| (BEARING & DISTANCE) | LINE SURVEYED |
| (BY DEED OR PLAT) | LINE NOT SURVEYED |
| R/W | R/W (RIGHT-OF-WAY) |
| — | CHAIN LINK FENCE LINE |
| — | POWER OR UTILITY POLE |
| — | OVERHEAD ELECTRIC LINE |
| — | TELEPHONE PEDESTAL |
| — | IRON PIN FOUND |
| — | IRON PIN SET (5/8" REBAR, U.N.O.) |
| — | RIGHT-OF-WAY MONUMENT |
| — | GPS POINT |
| — | TEMPORARY BENCH MARK |
| — | CREEK OR DITCH |
| P.O.C. | POINT OF COMMENCEMENT |
| P.O.B. | POINT OF BEGINNING |
| N/F | NOW OR FORMERLY |
| TM | TAX MAP |
| DB | DEED BOOK |
| PB | PLAT BOOK |
| RCP | REINFORCED CONCRETE PIPE |
| M | MAPLE |
| O | OAK |
| P | PINE |



PROPOSED BERKLEY GROUP 20' WIDE ACCESS, UTILITY AND MAINTENANCE EASEMENT LINE TABLE

| LINE # | BEARING | LENGTH |
|----------|---------------|----------|
| L6 (TIE) | N68° 56' 36"E | 1072.79' |
| L7 | N69° 35' 00"W | 176.64' |
| L8 | N24° 35' 00"W | 46.94' |
| L9 | N20° 46' 09"E | 326.27' |
| L10 | N69° 13' 51"W | 189.43' |
| L11 | S65° 46' 09"W | 47.38' |
| L12 | N76° 28' 56"W | 66.89' |
| L13 | N69° 13' 59"W | 130.63' |
| L14 | N88° 55' 18"W | 42.06' |
| L15 | S58° 48' 44"W | 125.30' |
| L16 | N72° 16' 15"W | 412.24' |
| L17 | S73° 29' 11"W | 58.58' |
| L18 | N16° 30' 49"W | 25.00' |
| L19 | S73° 29' 11"W | 64.40' |
| L20 | N16° 30' 49"W | 20.00' |
| L21 | N73° 29' 11"E | 92.41' |
| L22 | S72° 16' 15"E | 453.73' |
| L23 | S58° 48' 44"E | 121.99' |
| L24 | S88° 55' 18"E | 51.31' |
| L25 | S69° 13' 59"E | 132.83' |
| L26 | S76° 28' 56"E | 58.79' |
| L27 | N65° 46' 09"E | 48.83' |
| L28 | S69° 13' 51"E | 217.72' |
| L29 | S20° 46' 09"W | 337.91' |
| L30 | S24° 35' 00"E | 30.29' |
| L31 | S69° 35' 00"E | 168.47' |
| L32 | S20° 44' 16"W | 20.00' |

35,093 SQ. FT.; 0.806 ACRES

PROPOSED BERKLEY GROUP 10' WIDE UTILITY EASEMENT #1 LINE TABLE

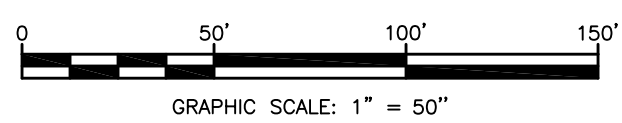
| LINE # | BEARING | LENGTH |
|----------|---------------|----------|
| L33(TIE) | N56° 06' 58"E | 1309.13' |
| L34 | N74° 57' 06"W | 42.82' |
| L35 | N31° 37' 07"W | 198.56' |
| L36 | N69° 10' 05"W | 270.96' |
| L37 | S69° 01' 02"W | 226.29' |
| L38 | S58° 48' 44"W | 121.99' |
| L39 | N72° 16' 15"W | 355.65' |
| L40 | N17° 43' 45"E | 10.00' |
| L41 | S72° 16' 15"E | 351.10' |
| L42 | N58° 48' 44"E | 118.34' |
| L43 | N69° 01' 02"E | 231.01' |
| L44 | S69° 10' 05"E | 278.18' |
| L45 | S31° 37' 07"E | 197.99' |
| L46 | S74° 57' 06"E | 36.74' |

C1 - SEE CURVE TABLE

12,148 SQ. FT. 0.279 ACRES

CURVE TABLE

| LINE # | RADIUS | LENGTH | BEARING | CHORD |
|--------|---------|--------|---------------|--------|
| C1 | 925.86' | 10.22' | S03° 07' 40"W | 10.22' |



| LINE # | BEARING | LENGTH |
|-----------------------------|---------------|----------|
| L6 (TIE) | N68° 56' 36"E | 1072.79' |
| L7 | N69° 35' 00"W | 176.64' |
| L8 | N24° 35' 00"W | 46.94' |
| L9 | N20° 46' 09"E | 326.27' |
| L10 | N69° 13' 51"W | 189.43' |
| L11 | S65° 46' 09"W | 47.38' |
| L12 | N76° 28' 56"W | 66.89' |
| L13 | N69° 13' 59"W | 130.63' |
| L14 | N88° 55' 18"W | 42.06' |
| L15 | S58° 48' 44"W | 125.30' |
| L16 | N72° 16' 15"W | 412.24' |
| L17 | S73° 29' 11"W | 58.58' |
| L18 | N16° 30' 49"W | 25.00' |
| L19 | S73° 29' 11"W | 64.40' |
| L20 | N16° 30' 49"W | 20.00' |
| L21 | N73° 29' 11"E | 92.41' |
| L22 | S72° 16' 15"E | 453.73' |
| L23 | N58° 48' 44"E | 121.99' |
| L24 | S88° 55' 18"E | 51.31' |
| L25 | S69° 13' 59"E | 132.83' |
| L26 | S76° 28' 56"E | 58.79' |
| L27 | N65° 46' 09"E | 48.83' |
| L28 | S69° 13' 51"E | 217.72' |
| L29 | S20° 46' 09"W | 337.91' |
| L30 | S24° 35' 00"E | 30.29' |
| L31 | S69° 35' 00"E | 168.47' |
| L32 | S20° 44' 16"W | 20.00' |
| 35,093 SQ. FT.; 0.806 ACRES | | |

| LINE # | BEARING | LENGTH |
|----------------------------|---------------|----------|
| L33(TIE) | N56° 06' 58"E | 1309.13' |
| L34 | N74° 57' 06"W | 42.82' |
| L35 | N31° 37' 07"W | 198.56' |
| L36 | N69° 10' 05"W | 270.96' |
| L37 | S69° 01' 02"W | 226.29' |
| L38 | S58° 48' 44"W | 121.99' |
| L39 | N72° 16' 15"W | 355.65' |
| L40 | N17° 43' 45"E | 10.00' |
| L41 | S72° 16' 15"E | 351.10' |
| L42 | N58° 48' 44"E | 118.34' |
| L43 | N69° 01' 02"E | 231.01' |
| L44 | S69° 10' 05"E | 278.18' |
| L45 | S31° 37' 07"E | 197.99' |
| L46 | S74° 57' 06"E | 36.74' |
| C1 - SEE CURVE TABLE | | |
| 12,148 SQ. FT. 0.279 ACRES | | |

| CURVE TABLE | | | | |
|-------------|---------|--------|---------------|--------|
| LINE # | RADIUS | LENGTH | BEARING | CHORD |
| C1 | 925.86' | 10.22' | S03° 07' 40"W | 10.22' |

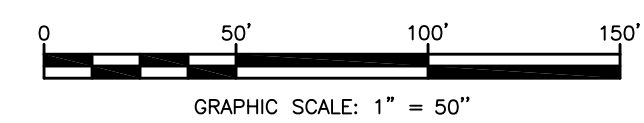
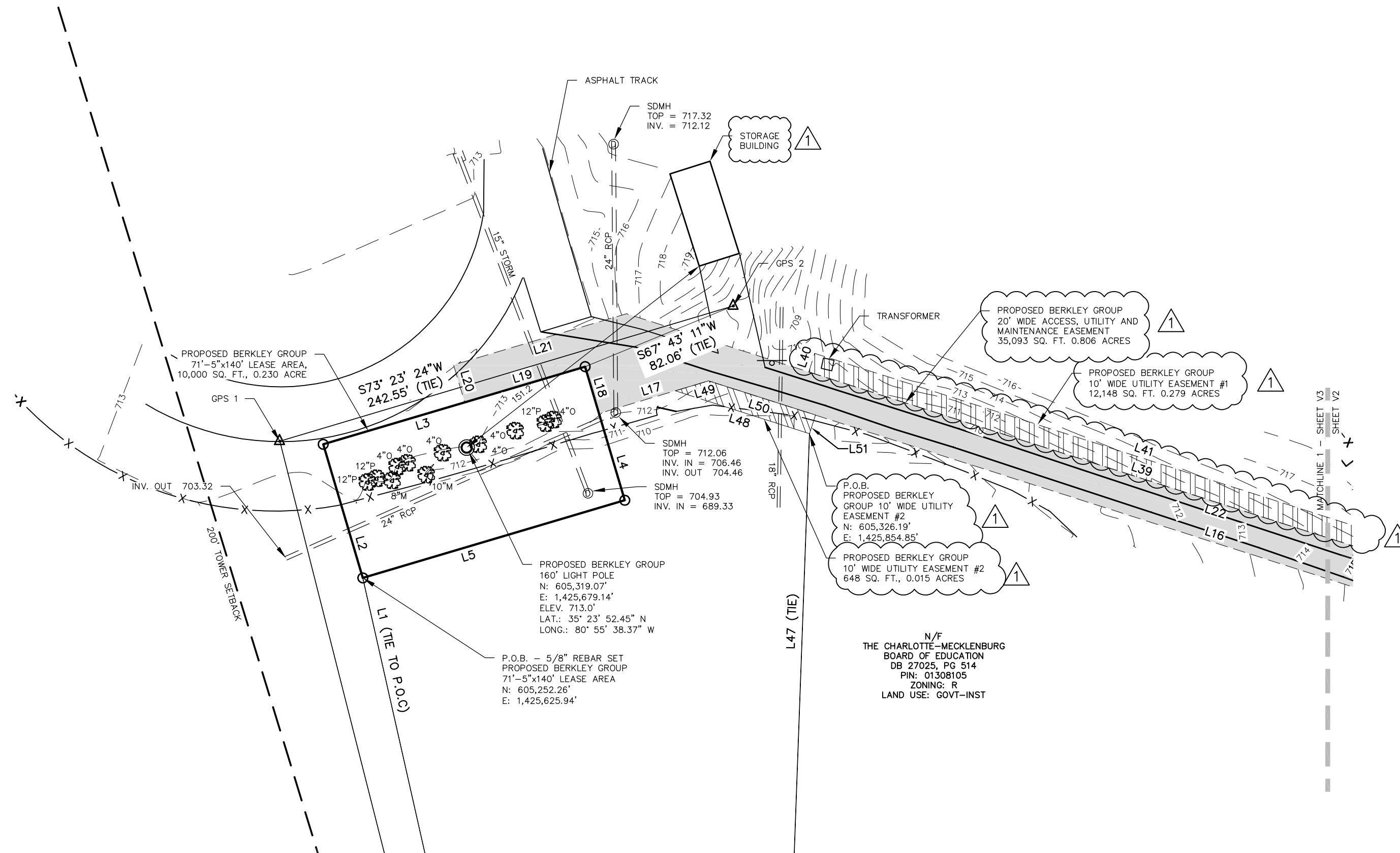
| LINE # | BEARING | LENGTH |
|-------------------------|---------------|---------|
| L47 (TIE) | N02° 04' 43"E | 939.52' |
| L48 | N72° 16' 15"W | 72.18' |
| L49 | N73° 29' 11"E | 17.77' |
| L50 | S72° 16' 15"E | 57.49' |
| L51 | S17° 43' 45"W | 10.00' |
| 648 SQ. FT. 0.015 ACRES | | |

| LINE # | BEARING | LENGTH |
|----------------------------|---------------|---------|
| L1 (TIE) | N12° 41' 38"W | 886.64' |
| L2 | N16° 30' 49"W | 71.43' |
| L3 | N73° 29' 11"E | 140.00' |
| L4 | S16° 30' 49"E | 71.43' |
| L5 | S73° 29' 11"W | 140.00' |
| 10,000 SQ. FT.; 0.230 ACRE | | |

LEGEND

- BEARING & DISTANCE**
(BEARING & DISTANCE)
(BY DEED OR PLAT)
R/W
OHE
TEL
PED
ROW
MON
GPS POINT
TEMPORARY BENCH MARK
CREEK OR DITCH
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
N/F NOW OR FORMERLY
TM TAX MAP
DB DEED BOOK
PB PLAT BOOK
RCP REINFORCED CONCRETE PIPE
M MAPLE
O OAK
P PINE
- LINE SURVEYED
LINE NOT SURVEYED
R/W (RIGHT-OF-WAY)
CHAIN LINK FENCE LINE
POWER OR UTILITY POLE
OVERHEAD ELECTRIC LINE
TELEPHONE PEDESTAL
IRON PIN FOUND
IRON PIN SET (5/8" REBAR, U.N.O.)
RIGHT-OF-WAY MONUMENT
GPS POINT
TEMPORARY BENCH MARK
CREEK OR DITCH
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
N/F NOW OR FORMERLY
TM TAX MAP
DB DEED BOOK
PB PLAT BOOK
RCP REINFORCED CONCRETE PIPE
M MAPLE
O OAK
P PINE

| GPS CONTROL POINTS | |
|--------------------|--|
| 1 | N: 605,322.31' E: 1,425,583.37' ELEV.: 714' LAT. 35° 23' 52.47" N LONG. 80° 55' 39.53" W |
| 2 | N: 605,391.64' E: 1,425,815.79' ELEV.: 713' LAT. 35° 23' 53.20" N LONG. 80° 55' 36.74" W |



SANDERS SURVEYING & MAPPING SERVICES, INC.
510 AVENA ROAD,
BLACK MOUNTAIN,
NORTH CAROLINA, 28711
(828) 669-2777
C-2384

BASE TRANSCIVER SITE
BRADLEY MIDDLE SCHOOL
VERIZON SITE NAME: FRANCIS BRADLEY
13380 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY
NORTH CAROLINA

BERKLEY GROUP LLC
SPECIAL USE PERMIT FOR A CELL TOWER
EPM # 377075

| DATE | REVISION |
|----------|---|
| 04/28/16 | ISSUED FOR OWNER'S REVIEW |
| 07/22/17 | REVISED PER OWNER'S COMMENTS |
| 07/28/17 | REVISED PER TOWN OF HUNTERSVILLE COMMENTS |

PROJECT NUMBER:
14049.013
SHEET CONTENTS:

SITE SURVEY

SHEET NUMBER:
V3

ALTA COMMITMENT
 INVESTORS TITLE INSURANCE COMPANY
 COMMITMENT NUMBER: 201500697CA2
 DATE OF POLICY: 10-09-15
 SCHEDULE B - SECTION 2

ANY POLICY WE ISSUE WILL HAVE THE FOLLOWING EXCEPTIONS UNLESS THEY ARE TAKEN CARE OF TO OUR SATISFACTION.

- NOTE: THE ABOVE MENTIONED PROPERTY IS TAX EXEMPT. (NOT A SURVEY MATTER)
- LOSS OR DAMAGE RESULTING FROM FAILURE TO COMPLY WITH THE TERMS AND PROVISIONS OF LEASE SET FORTH UNDER SCHEDULE A HEREOF, CREATING THE LEASEHOLD ESTATE INSURED. (NOT A SURVEY MATTER)
- SUBJECT TO THE FEE SIMPLE INTEREST OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION. (NOT A SURVEY MATTER)
- TITLE TO THAT PORTION OF THE LAND WITHIN THE RIGHT-OF-WAY OF BEATTIES FORD ROAD AND JIM KIDD ROAD.
- EASEMENT(S) AND /OF RIGHT(S) OF WAY TO CORNELIUS MUTUAL CORPORATION RECORDED IN BOOK 1527 AT PAGE 159. (BLANKET IN NATURE)
- RIGHT OF WAY AGREEMENT IN FAVOR OF THE STATE HIGHWAY COMMISSION RECORDED IN BOOK 2410 AT PAGE 352. (AFFECTS PARENT PARCEL, JIM KIDD ROAD RIGHT OF WAY SHOWN ON SURVEY)
- EASEMENT (S) AND/OF RIGHT (S) OF WAY TO BELLSOUTH TELECOMMUNICATIONS, INC. RECORDED IN BOOK 21313 AT PAGE 892. (AFFECTS PARENT PARCEL, BELL SOUTH EASEMENT SHOWN ON SURVEY)
- SITE OWNERSHIP, AGENCY AND MASTER LEASE INTERLOCAL AGREEMENT RECORDED IN BOOK 23360 AT PAGE 552. (NOT A SURVEY MATTER)
- TITLE TO THAT PORTION OF THE LAND WITHIN THE RIGHT-OF-WAY OF BEATTIES FORD ROAD AND JIM KIDD ROAD.. (BEATTIES FORD RD. AND JIM KIDD RD. ROW SHOWN ON SURVEY)
- ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. THE TERM "ENCROACHMENT" INCLUDES ENCROACHMENTS OF EXISTING IMPROVEMENTS.

LOCATED ON THE LAND ONTO ADJOINING LAND, AND ENCROACHMENTS ONTO THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND. PARAGRAPH 2 (C) OF THE COVERED RISKS IS HEREBY DELETED. NOTE: UPON RECEIPT OF SATISFACTORY PLAT OF SURVEY AND SURVEYOR'S REPORT, THIS EXCEPTION WILL BE ELIMINATED OR AMENDED IN ACCORDANCE WITH THE FACTS DISCLOSED THEREBY.

NO INSURED CLOSING PROTECTION COVERAGE PROVIDED - AS TO THE TRANSACTION FOR WHICH THIS BINDER AND/OR POLICY IS ISSUED, THE COMPANY SPECIFICALLY EXCLUDES THIS TRANSACTION FROM ANY CLOSING PROTECTION SERVICES.

THE FOLLOWING ENDORSEMENT, IN THE FORM ATTACHED HERETO, IS ADDED TO THE OWNER'S POLICY:

(A) ALTA ENDORSEMENT FORM 13-06 (LEASEHOLD)

**PARENT PARCEL:
 LEGAL DESCRIPTION PER TITLE COMMITMENT**

BEING ALL OF MECKLENBURG COUNTY TAX PARCEL # 013-08-105 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL SET, SAID PK NAIL BEING SOUTH 10° 37' 54" EAST 102.41 FEET FROM THE POINT OF INTERSECTION OF THE CENTERLINE OF THE BEATTIES FORD ROAD (STATE ROAD 2128) 60-FOOT PUBLIC RIGHT-OF-WAY AND THE CENTERLINE OF BID HENDERSON ROAD (STATE ROAD 2131), SAID PK NAIL BEING ALSO LOCATED AT A CORNER OF THAT CERTAIN PROPERTY OWNED BY JAMES A. CANIPE (NOW OR FORMERLY) AS DESCRIBED IN THAT INSTRUMENT RECORDED IN BOOK 4604, PAGE 0661, MECKLENBURG COUNTY PUBLIC REGISTRY (THE "CANIPE PROPERTY"); THENCE FROM SAID BEGINNING POINT, RUNNING WITH THE CENTERLINE OF THE BEATTIES FORD ROAD 60-FOOT PUBLIC RIGHT-OF-WAY THE FOLLOWING FOUR COURSES AND DISTANCES: (1) SOUTH 10° 15' 39" EAST 1001.57 FEET TO A SET PK NAIL; (2) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 955.86 FEET, AN ARC LENGTH OF 589.60 FEET, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 07° 24' 35" WEST 580.30 FEET TO A SET PK NAIL; (3) SOUTH 25° 04' 50" WEST 428.29 FEET TO A SET PK NAIL; (4) WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 677.31 FEET, AN ARC LENGTH OF 124.85 FEET, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 19° 47' 58" WEST 124.68 FEET TO AN EXISTING PK NAIL, SAID EXISTING PK NAIL BEING LOCATED AT THE POINT OF INTERSECTION OF THE CENTERLINE OF THE BEATTIES FORD ROAD 60-FOOT PUBLIC RIGHT-OF-WAY AND THE JIM KIDD ROAD (SR 2129) 60-FOOT PUBLIC RIGHT-OF-WAY; THENCE WITH THE CENTER LINE OF THE JIM KIDD ROAD 60-FOOT PUBLIC RIGHT-OF-WAY THE FOLLOWING TWO COURSES AND DISTANCES: (1) NORTH 86° 33' 21" WEST 638.56 FEET TO A SET PK NAIL; (2) WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 527.20 FEET, AN ARC LENGTH OF 195.32 FEET, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 75° 56' 33" WEST 194.20 FEET TO A SET PK NAIL; THENCE LEAVING THE CENTERLINE OF THE JIM KIDD ROAD 60-FOOT PUBLIC RIGHT-OF-WAY AND RUNNING WITH AN EASTERN BOUNDARY LINE OF THAT CERTAIN PROPERTY OWNED BY ROBERT J. HUBBARD (NOW OR FORMERLY) AS DESCRIBED IN THAT INSTRUMENT RECORDED IN DEED BOOK 0614, PAGE 199, AFORESAID (THE "CAUTHEN PROPERTY") THE FOLLOWING TWO COURSES AND DISTANCES: (1) NORTH 18° 22' 48" WEST 348.99 FEET TO AN EXISTING #5 REBAR; (2) NORTH 12° 42' 59" WEST 935.35 FEET TO AN EXISTING CONCRETE MONUMENT, SAID EXISTING CONCRETE MONUMENT BEING LOCATED IN A COMMON CORNER OF THE CAUTHEN PROPERTY AND THE CANIPE PROPERTY SAID EXISTING CONCRETE MONUMENT BEING ALSO LOCATED NORTH 78° 03' 14" EAST 499.43 FEET FROM EXISTING #4 REBAR; THENCE WITH A SOUTHERN BOUNDARY LINE OF THE CANIPE PROPERTY NORTH 77° 47' 08" EAST 1579.80 FEET (PASSING A SET CONCRETE MONUMENT IN THE WESTERLY MARGIN OF THE BEATTIES FORD ROAD 60-FOOT PUBLIC RIGHT-OF-WAY AT 1549.78 FEET) TO A PK NAIL SET, THE POINT OR PLACE OF BEGINNING AND CONTAINING 61.3784 ACRES, MORE OR LESS, ALL AS SHOWN ON THAT MAP ENTITLED "BOUNDARY SURVEY OF HAL McDONALD HEIRS PROPERTY FOR CHARLOTTE-MECKLENBURG SCHOOLS" PREPARED BY TIMOTHY A. RUDOLPH (RLS NO. 2686) OF ESP ASSOCIATES, P.A., DATED JUNE 19, 1996, LAST REVISED JULY 22, 1996, REFERENCE TO WHICH SURVEY IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

LESS AND EXCEPTING THE FOLLOWING:

TO FIND THE TRUE POINT AND PLACE OF BEGINNING, COMMENCE AT A FOUND CONCRETE MONUMENT IN THE RIGHT OF WAY OF BEATTIES FORD ROAD AT THE SOUTH EASTERLY CORNER OF THAT PROPERTY ACQUIRED BY MECKLENBURG COUNTY BY DEED RECORDED IN BOOK 12666 AT PAGE 462; SAID CONCRETE MONUMENT ALSO BEING THE NORTH EASTERLY CORNER OF THAT PROPERTY ACQUIRED BY THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION BY DEED RECORDED IN BOOK 8781 AT PAGE 720; THENCE WITH THE COMMON PROPERTY LINE OF THE AFORESAID MECKLENBURG COUNTY PROPERTY AND THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION PROPERTY S. 77-47-08 W. 1092.07 FEET TO A POINT; SAID POINT BEING THE TRUE POINT AND PLACE OF BEGINNING; THENCE WITH A NEW LINE S. 12-12-52 E. 110.00 FEET TO A POINT; THENCE S. 77-47-08 W. 150.00 FEET TO A POINT; THENCE N. 12-12-52 W. 110.00 FEET TO A POINT ON THE COMMON LINE BETWEEN THE PROPERTY OWNED BY MECKLENBURG COUNTY AND THE PROPERTY OWNED BY THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION; THENCE WITH SAID COMMON PROPERTY LINE N. 77-47-08 E. 150.00 FEET TO THE POINT AND PLACE OF BEGINNING; CONTAINING 16,500 SQUARE FEET, MORE OR LESS, AS SHOWN ON THAT CERTAIN UNDATED SURVEY PREPARED BY MICHAEL F. ULANEY OF DELTA LAND SERVICES, INC.

**PROPOSED BERKLEY GROUP 71'-5"x140' LEASE AREA
 LEGAL DESCRIPTION PER SURVEYOR:**

ALL THAT LOT, TRACT OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG, TOWN OF HUNTERSVILLE CONSISTING OF 0.230 ACRES, BEING A PORTION OF PARCEL NOW OR FORMERLY OWNED BY CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, AS DESCRIBED IN DEED BOOK 27025 PAGE 514, AND SHOWN AS PROPOSED BERKLEY GROUP LEASE AREA ON THAT CERTAIN SURVEY TITLED SITE SURVEY, SHEETS V1-V4, PREPARED BY AC&S ENGINEERING, DATE OF SURVEY 11/03/15, LAST REVISED 07/28/17, METES AND BOUNDS MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT FOUND LOCATED ON SOUTHWESTERN BOUNDARY LINE OF SAID CHARLOTTE-MECKLENBURG BOARD OF EDUCATION PROPERTY, ALSO BEING A COMMON CORNER WITH PAUL R. AND TARA E. WARNER PROPERTY, AS RECORDED IN DEED BOOK 28907, PAGE 272, ALSO LOCATED AT NORTHERN RIGHT-OF-WAY OF JIM KIDD ROAD (60' PUBLIC RIGHT-OF-WAY), HAVING A NORTH CAROLINA STATE PLANE COORDINATES (NAD 83) N: 604,387.28'; E: 1,425,820.77'. THENCE RUNNING ALONG A TIE LINE N 12°41'38" W, A DISTANCE OF 886.64 FEET TO A 5/8" REBAR SET ON THE SOUTH WEST CORNER OF PROPOSED BERKLEY GROUP 71'-5"x140' LEASE AREA, HAVING A NORTH CAROLINA STATE PLANE COORDINATES (NAD 83) N: 605,252.26'; E: 1,425,625.94'. THIS POINT BEING THE POINT OF BEGINNING:

THENCE RUNNING N 16°30'49" W, A DISTANCE OF 71.43 FEET TO A 5/8" REBAR SET ON THE NORTH WEST CORNER OF SAID LEASE AREA;
 THENCE N 73°29'11" E, A DISTANCE OF 140.00 FEET TO A 5/8" REBAR SET ON THE NORTH EAST CORNER OF SAID LEASE AREA;
 THENCE S 16°30'49" E, A DISTANCE OF 71.43 FEET TO A 5/8" REBAR SET ON THE SOUTH EAST CORNER OF SAID LEASE AREA;
 THENCE S 73°29'11" W, A DISTANCE OF 140 FEET TO THE POINT OF BEGINNING.

THIS PROPOSED BERKLEY GROUP LEASE AREA TO CONTAIN 10,000 SQ. FT. OR 0.230 ACRES MORE OR LESS.

**PROPOSED BERKLEY GROUP ACCESS, UTILITY AND MAINTENANCE EASEMENT
 LEGAL DESCRIPTION PER SURVEYOR:**

ALL THAT LOT, TRACT OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG, TOWN OF HUNTERSVILLE CONSISTING OF 0.806 ACRES, BEING A PORTION OF PARCEL NOW OR FORMERLY OWNED BY CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, AS DESCRIBED IN DEED BOOK 27025 PAGE 514, AND SHOWN AS PROPOSED BERKLEY GROUP 20' WIDE ACCESS, UTILITY AND MAINTENANCE EASEMENT ON THAT CERTAIN SURVEY TITLED SITE SURVEY, SHEETS V1-V4, PREPARED BY AC&S ENGINEERING, DATE OF SURVEY 11/03/15, LAST REVISED 07/28/17, METES AND BOUNDS MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT FOUND LOCATED ON SOUTHWESTERN BOUNDARY LINE OF SAID CHARLOTTE-MECKLENBURG BOARD OF EDUCATION PROPERTY, ALSO BEING A COMMON CORNER WITH PAUL R. AND TARA E. WARNER PROPERTY, AS RECORDED IN DEED BOOK 28907, PAGE 272, ALSO LOCATED AT NORTHERN RIGHT-OF-WAY OF JIM KIDD ROAD (60' PUBLIC RIGHT-OF-WAY), HAVING A NORTH CAROLINA STATE PLANE COORDINATES (NAD 83) N: 604,387.28'; E: 1,425,820.77'. THENCE RUNNING ALONG A TIE LINE N 12°41'38" W, A DISTANCE OF 1072.79 FEET TO A POINT ON WESTERN RIGHT-OF-WAY OF BEATTIES FORD ROAD (60' PUBLIC RIGHT-OF-WAY), HAVING A NORTH CAROLINA STATE PLANE COORDINATES (NAD 83) N: 604,772.73'; E: 1,426,821.92'. THIS POINT BEING THE POINT OF BEGINNING:

THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING ALONG SOUTHERN LINES OF SAID ACCESS EASEMENT N 69°35'00" W, A DISTANCE OF 176.64 FEET TO A POINT;
 THENCE N 24°35'00" W, A DISTANCE OF 46.94 FEET TO A POINT;
 THENCE N 20°46'09" E, A DISTANCE OF 326.27 FEET TO A POINT;
 THENCE N 69°13'51" W, A DISTANCE OF 189.43 FEET TO A POINT;
 THENCE S 65°46'09" W, A DISTANCE OF 47.38 FEET TO A POINT;
 THENCE N 76°28'56" W, A DISTANCE OF 66.89 FEET TO A POINT;
 THENCE N 69°13'59" W, A DISTANCE OF 130.63 FEET TO A POINT;
 THENCE N 89°55'18" W, A DISTANCE OF 42.06 FEET TO A POINT;
 THENCE S 58°48'44" W, A DISTANCE OF 125.30 FEET TO A POINT;
 THENCE N 72°16'15" W, A DISTANCE OF 412.24 FEET TO A POINT;
 THENCE S 73°29'11" W, A DISTANCE OF 58.58 FEET TO A POINT ON THE EASTERN LINE OF PROPOSED BERKLEY GROUP LEASE AREA;
 THENCE ALONG SAID EASTERN LINE OF LEASE AREA N 16°30'49" W, A DISTANCE OF 25.00 FEET TO A 5/8" REBAR SET ON NORTH EAST CORNER OF SAID LEASE AREA;
 THENCE ALONG NORTHERN LINE OF SAID LEASE AREA S 73°29'11" W, A DISTANCE OF 64.40 FEET TO A POINT;
 THENCE LEAVING COMMON LINE WITH SAID LEASE AREA AND RUNNING WITH NORTHERN LINES OF SAID ACCESS EASEMENT N 16°30'49" W, A DISTANCE OF 20.00 FEET TO A POINT;
 THENCE N 73°29'11" E, A DISTANCE OF 92.41 FEET TO A POINT;
 THENCE S 72°16'15" E, A DISTANCE OF 453.73 FEET TO A POINT;
 THENCE N 58°48'44" E, A DISTANCE OF 121.99 FEET TO A POINT;
 THENCE S 88°55'18" E, A DISTANCE OF 51.31 FEET TO A POINT;
 THENCE S 69°13'59" E, A DISTANCE OF 132.83 FEET TO A POINT;
 THENCE S 76°28'56" E, A DISTANCE OF 58.79 FEET TO A POINT;
 THENCE N 65°46'09" E, A DISTANCE OF 48.83 FEET TO A POINT;
 THENCE S 69°13'51" E, A DISTANCE OF 217.72 FEET TO A POINT;
 THENCE N 20°46'09" W, A DISTANCE OF 337.91 FEET TO A POINT;
 THENCE S 24°35'00" E, A DISTANCE OF 30.29 FEET TO A POINT;
 THENCE S 69°35'00" E, A DISTANCE OF 168.47 FEET TO A POINT;
 THENCE S 20°44'16" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

THIS PROPOSED BERKLEY GROUP 20' WIDE ACCESS, UTILITY AND MAINTENANCE EASEMENT TO CONTAIN 35,093 SQ. FT., 0.806 ACRE MORE OR LESS.

1

**PROPOSED BERKLEY GROUP UTILITY EASEMENT #1
 LEGAL DESCRIPTION PER SURVEYOR:**

ALL THAT LOT, TRACT OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG, TOWN OF HUNTERSVILLE CONSISTING OF 0.279 ACRES, BEING A PORTION OF PARCEL NOW OR FORMERLY OWNED BY CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, AS DESCRIBED IN DEED BOOK 27025 PAGE 514, AND SHOWN AS PROPOSED BERKLEY GROUP 10' WIDE UTILITY EASEMENT #1 ON THAT CERTAIN SURVEY TITLED SITE SURVEY, SHEETS V1-V4, PREPARED BY AC&S ENGINEERING, DATE OF SURVEY 11/03/15, LAST REVISED 07/28/17, METES AND BOUNDS MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT FOUND LOCATED ON SOUTHWESTERN BOUNDARY LINE OF SAID CHARLOTTE-MECKLENBURG BOARD OF EDUCATION PROPERTY, ALSO BEING A COMMON CORNER WITH PAUL R. AND TARA E. WARNER PROPERTY, AS RECORDED IN DEED BOOK 28907, PAGE 272, ALSO LOCATED AT NORTHERN RIGHT-OF-WAY OF JIM KIDD ROAD (60' PUBLIC RIGHT-OF-WAY), HAVING A NORTH CAROLINA STATE PLANE COORDINATES (NAD 83) N: 604,387.28'; E: 1,425,820.77'. THENCE RUNNING ALONG A TIE LINE N 58°06'58" E, A DISTANCE OF 1309.13 FEET TO A POINT ON WESTERN RIGHT-OF-WAY OF BEATTIES FORD ROAD (60' PUBLIC RIGHT-OF-WAY), HAVING A NORTH CAROLINA STATE PLANE COORDINATES (NAD 83) N: 605,117.14'; E: 1,426,907.57'. THIS POINT BEING THE POINT OF BEGINNING:

THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING WITH SOUTHERN LINES OF SAID UTILITY EASEMENT #1 N 74°57'06" W, A DISTANCE OF 42.82 FEET TO A POINT;
 THENCE N 31°37'07" W, A DISTANCE OF 198.56 FEET TO A POINT;
 THENCE N 69°10'05" W, A DISTANCE OF 270.96 FEET TO A POINT;
 THENCE S 69°10'02" W, A DISTANCE OF 226.29 FEET TO A COMMON POINT WITH PROPOSED BERKLEY GROUP 20' WIDE ACCESS, UTILITY AND MAINTENANCE EASEMENT;
 THENCE ALONG COMMON LINE WITH SAID ACCESS EASEMENT S 58°48'44" W, A DISTANCE OF 121.99 FEET TO A POINT;
 THENCE N 72°16'15" W, A DISTANCE OF 355.65 FEET TO A POINT;
 THENCE LEAVING COMMON LINE WITH SAID ACCESS EASEMENT AND RUNNING N 17°43'45" E, A DISTANCE OF 10.00 FEET TO A POINT;
 THENCE N 72°16'15" E, A DISTANCE OF 351.10 FEET TO A POINT;
 THENCE N 58°48'44" E, A DISTANCE OF 118.34 FEET TO A POINT;
 THENCE N 69°10'02" E, A DISTANCE OF 231.01 FEET TO A POINT;
 THENCE S 69°10'05" E, A DISTANCE OF 278.18 FEET TO A POINT;
 THENCE S 31°37'07" E, A DISTANCE OF 197.99 FEET TO A POINT;
 THENCE S 74°57'06" E, A DISTANCE OF 36.74 FEET TO A POINT ON WESTERN RIGHT-OF-WAY OF BEATTIES FORD ROAD (60' PUBLIC RIGHT-OF-WAY);
 THENCE ALONG SAID RIGHT-OF-WAY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 925.86 FEET, A CURVE LENGTH OF 10.22 FEET, A CHORD BEARING AND DISTANCE OF S 03°07'40" W, 10.22 FEET TO THE POINT OF BEGINNING.

THIS PROPOSED BERKLEY GROUP 10' WIDE UTILITY EASEMENT #1 TO CONTAIN 12,148 SQ. FT., 0.279 ACRE MORE OR LESS.

**PROPOSED BERKLEY GROUP UTILITY EASEMENT #2
 LEGAL DESCRIPTION PER SURVEYOR:**

ALL THAT LOT, TRACT OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG, TOWN OF HUNTERSVILLE CONSISTING OF 0.015 ACRES, BEING A PORTION OF PARCEL NOW OR FORMERLY OWNED BY CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, AS DESCRIBED IN DEED BOOK 27025 PAGE 514, AND SHOWN AS PROPOSED BERKLEY GROUP 10' WIDE UTILITY EASEMENT #2 ON THAT CERTAIN SURVEY TITLED SITE SURVEY, SHEETS V1-V4, PREPARED BY AC&S ENGINEERING, DATE OF SURVEY 11/03/15, LAST REVISED 07/28/17, METES AND BOUNDS MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT FOUND LOCATED ON SOUTHWESTERN BOUNDARY LINE OF SAID CHARLOTTE-MECKLENBURG BOARD OF EDUCATION PROPERTY, ALSO BEING A COMMON CORNER WITH PAUL R. AND TARA E. WARNER PROPERTY, AS RECORDED IN DEED BOOK 28907, PAGE 272, ALSO LOCATED AT NORTHERN RIGHT-OF-WAY OF JIM KIDD ROAD (60' PUBLIC RIGHT-OF-WAY), HAVING A NORTH CAROLINA STATE PLANE COORDINATES (NAD 83) N: 604,387.28'; E: 1,425,820.77'. THENCE RUNNING ALONG A TIE LINE N 02°04'43" E, A DISTANCE OF 939.52 FEET TO A POINT ON SOUTH EAST CORNER OF SAID 10' WIDE UTILITY EASEMENT #2, HAVING A NORTH CAROLINA STATE PLANE COORDINATES (NAD 83) N: 605,326.19' E: 1,425,854.85'. THIS POINT BEING THE POINT OF BEGINNING:

THENCE ALONG SOUTHERN LINE OF SAID UTILITY EASEMENT #2 N 72°16'15" W, A DISTANCE OF 2.18 FEET TO A POINT ON SOUTHERN LINE OF PROPOSED BERKLEY GROUP 20' WIDE ACCESS, UTILITY AND MAINTENANCE EASEMENT;
 THENCE ALONG COMMON LINE WITH ACCESS EASEMENT N 73°29'11" E, A DISTANCE OF 17.77 FEET TO A POINT;
 THENCE S 72°16'15" E, A DISTANCE OF 57.49 TO A POINT;
 THENCE LEAVING SAID COMMON LINE WITH ACCESS EASEMENT S 17°43'45" W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

THIS PROPOSED BERKLEY GROUP 10' WIDE UTILITY EASEMENT #2 TO CONTAIN 648 SQ. FT., 0.015 ACRE MORE OR LESS.



SANDERS SURVEYING & MAPPING SERVICES, INC.
 510 AVENA ROAD,
 BLACK MOUNTAIN,
 NORTH CAROLINA, 28711
 (828) 669-2777
 C-2384

BASE TRANSCIVER SITE
 BRADLEY MIDDLE SCHOOL
 VERIZON SITE NAME: FRANCIS BRADLEY
 13380 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM # 377075

| ISSUE | REVISION | DATE |
|---|----------|----------|
| ISSUED FOR OWNER'S REVIEW | | 04/17/16 |
| REVISED PER SURVEYOR'S COMMENTS | | 04/29/16 |
| REVISED PER TOWN OF HUNTERSVILLE COMMENTS | | 07/27/17 |

PROJECT NUMBER:
 14049.013
 SHEET CONTENTS:

SITE SURVEY

SHEET NUMBER:
V4

NOTES:

- NORTH CAROLINA GRID AND DISTANCES ARE GROUND UNLESS OTHERWISE SHOWN OR NOTED. COORDINATES ARE ON NORTH GRID (NAD 83) AND THE VERTICAL DATUM IS (NAVD 88).
- GRID COORDINATES SHOWN WERE OBTAINED FROM USE OF GPS OBSERVATION, USING A TOPCON HIPER-V SURVEY GRADE RECEIVER (DUAL FREQUENCY) UTILIZING GNSS VRS RTK TECHNIQUES AND/OR STATIC DATA SOLUTIONS VIA NGS OPUS.
- ALL IPS ARE 5/8" IRON REBAR UNLESS OTHERWISE NOTED.
- THE RATIO OF PRECISION OF THE UNBALANCED TRAVERSE MEETS OR EXCEEDS 1 : 10,000.
- THE FEATURE SYMBOL LOCATIONS ARE TO THE CENTER OF THE SYMBOL AND MAY BE ENLARGED FOR CLARITY.
- THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS MADE AVAILABLE AND PROVIDED TO THE UNDERSIGNED SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THE UNDERSIGNED DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE AND PROVIDED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- THE UNDERSIGNED, DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY HAZARDOUS WASTE ON THE SURVEY SITE.
- THE UNDERSIGNED DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY JURISDICTIONAL WETLANDS ON THE SURVEY SITE OTHER THAN SHOWN. IF ANY, WETLANDS SHOWN ARE SUBJECT TO FINAL APPROVAL BY THE U.S. CORPS. OF ENGINEERS.
- THIS PLAN WAS PREPARED AS A PROFESSIONAL SERVICE FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED WITHIN THE HEREON STATEMENT AND/OR TITLE. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESSED PERMISSION OF AC&S, NAMING SAID PERSON, PERSONS, OR ENTITY.
- AREA COMPUTED BY DMD METHOD.
- THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- IT IS THE EXPRESSED INTENT THAT THE ACCESS, UTILITY AND MAINTENANCE EASEMENT SHOWN ON THIS SURVEY IS TO MEET AND ABUT AND BE CONTIGUOUS WITH BOTH THE LEASE AREA AND THE PUBLIC ACCESS OR PUBLIC RIGHT OF WAY WITHOUT ANY GAPS OR OVERLAPS.
- ZONING NOTES:

THE PREMISES ARE IN AN R ZONING DISTRICT UNDER THE APPLICABLE ZONING ORDINANCE OF THE TOWN OF HUNTERSVILLE, WHICH DISTRICT OVERLAYS THE CURRENT USE OF THE IMPROVEMENTS LOCATED ON THE PREMISES. THE FOLLOWING OVERLAY DISTRICTS INCLUDE THE PREMISES. TOWER IS LOCATED IN THE CRITICAL AREA OF THE MOUNTAIN ISLAND LAKE WATERSHED DISTRICT.

THE FOLLOWING PROVISIONS OF ZONING ORDINANCE APPLY TO THE PREMISES:

MINIMUM BUILDING SETBACKS:

- FRONT YARD SETBACK - 25'
- SIDE YARD SETBACK - 12'
- REAR YARD SETBACK - 25'

MINIMUM TOWER SETBACKS:

- SETBACK FROM RESIDENTIAL OR MIXED USE DISTRICT - 200'
- SETBACK FROM PUBLIC RIGHT-OF-WAY - 500'

4" OPEN TOP

200' TOWER SETBACK

500' TOWER SETBACK

RIGHT-OF-WAY

60' PUBLIC RIGHT-OF-WAY

BEATTIES FORD ROAD

JIM KIDD ROAD

RIGHT-OF-WAY

60' PUBLIC RIGHT-OF-WAY

ASPHALT TRACK

DRY DETENTION POND

STORAGE BUILDING

PROPOSED BERKLEY GROUP

10' WIDE UTILITY EASEMENT #1

12,148 SQ. FT. 0.279 ACRES

PROPOSED BERKLEY GROUP

10' WIDE UTILITY EASEMENT #2

648 SQ. FT. 0.015 ACRES

PROPOSED BERKLEY GROUP

160' LIGHT POLE

EXISTING CHAIN LINK FENCE

(NO TREES WILL BE REMOVED BEYOND THE EXISTING CHAIN LINK FENCE)

BELLSOUTH EASEMENT (DB 21313, PG 892)

RIGHT-OF-WAY

JIM KIDD ROAD

RIGHT-OF-WAY

60' PUBLIC RIGHT-OF-WAY

1" PIPE

N39°20'41"W 23.03'

160' LIGHT POLE

PROPOSED BERKLEY GROUP

71'-5"x140' LEASE AREA

ZONING: R

LAND USE: SINGLE FAMILY RESIDENTIAL-RURAL ACREAGE

N/F PAUL R. & TARA E. WARNER

DB 28907, PG 272

PIN: 01308104

ZONING: R

LAND USE: SINGLE FAMILY RESIDENTIAL-RURAL ACREAGE

N/F W. EDWARD CAUTHEN, JR. DOROTHY CRUM

DB 6285, PG 503

PIN: 01308106

ZONING: R

LAND USE: SINGLE-FAMILY

N/F MECKLENBURG COUNTY

DB 18276, PG 934

PIN: 01308127

ZONING: R

LAND USE: SINGLE FAMILY

N/F MECKLENBURG COUNTY

DB 12566, PG 462

PIN: 01309101

ZONING: R

LAND USE: PARK

N/F THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION

DB 27025, PG 914

PIN: 01308105

ZONING: R

LAND USE: GOVT-INST

N/F MECKLENBURG COUNTY

DB 12566, PG 462

PIN: 01309101

ZONING: R

LAND USE: PARK

TOWER INFORMATION:
 PROPOSED 160' LIGHT POLE
 LATITUDE: 35° 23' 52.45" N
 LONGITUDE: 80° 55' 38.37" W
 GROUND ELEVATION: 713.0'

ZONING INFORMATION:

JURISDICTION: TOWN OF HUNTERSVILLE
 PLANNING DEPARTMENT
 (704) 875-7000
 CLASSIFICATION: R - RURAL AND CRITICAL AREA 3 OF THE MOUNTAIN ISLAND LAKE WATERSHED DISTRICT
 OCCUPANCY: SCHOOL
 PROPOSED USE: COMMERCIAL COMMUNICATION TOWER

BUILDING INSPECTIONS:

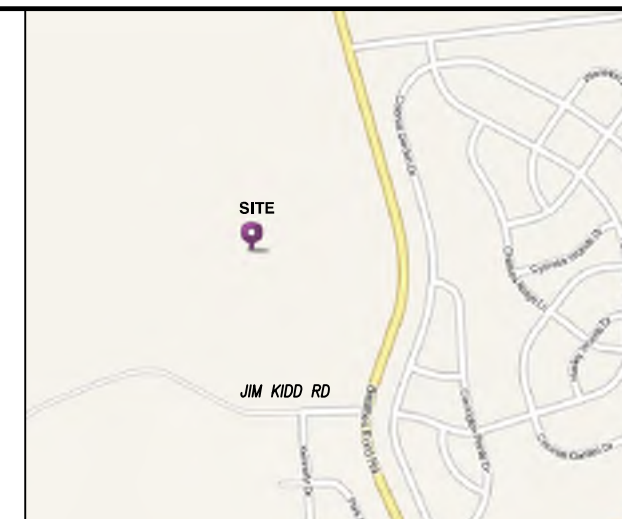
MECKLENBURG COUNTY CODE ENFORCEMENT
 700 NORTH TRYON STREET
 CHARLOTTE, NC 28202
 (704) 814-0435

NOTE: FINAL PLAN WILL BE REQUIRED SHOWING ALL APPROVED EASEMENTS/TREE SAVE ETC PRIOR TO FINAL INSPECTION OF THE TOWER.

- NOTES:
- ONLY ONE TOWER WILL BE BUILT ON THIS PROPERTY.
 - THE CLOSEST COMMERCIAL TOWER IS APPROXIMATELY 1.4 MILES NORTHEAST OF THE PROPOSED TOWER.
 - TOWER IS DESIGNED TO SUPPORT 4 CARRIERS.

LEGEND

| | | |
|---|-----------------------------------|------------------------------|
| BEARING & DISTANCE (BEARING & DISTANCE) (BY DEED OR PLAT) | LINE SURVEYED | STORM DRAIN LINE |
| R/W | LINE NOT SURVEYED | SANITARY SEWER LINE |
| Ø | R/W (RIGHT-OF-WAY) | CREEK OR DITCH |
| — | CHAIN LINK FENCE LINE | P.O.C. POINT OF COMMENCEMENT |
| — | POWER OR UTILITY POLE | P.O.B. POINT OF BEGINNING |
| — | OVERHEAD ELECTRIC LINE | N/F NOW OR FORMERLY |
| — | TELEPHONE PEDESTAL | TM TAX MAP |
| ● | IRON PIN FOUND | DB DEED BOOK |
| ○ | IRON PIN SET (5/8" REBAR, U.N.O.) | PB PLAT BOOK |
| ■ | RIGHT-OF-WAY MONUMENT | RCP REINFORCED CONCRETE PIPE |
| ▲ | GPS POINT | M MAPLE |
| ⊕ | TEMPORARY BENCH MARK | O OAK |
| ⊙ | STORM DRAIN MANHOLE | P PINE |
| ⊚ | SANITARY SEWER MANHOLE | SG SWEETGUM |



Engineering, Inc.
 Greenville, SC 29615
 Ph: (864) 298-0553
 Fax: (864) 298-0559
 NC FIRM LICENSE NUMBER: C-2484

NORTH CAROLINA PROFESSIONAL SEAL
 029239
 ENGINEER
 TERESA M. ALDRICH
 07-28-17

*TABLE PER REF. DWG. L-3.0 BRADLEY ELEMENTARY SCHOOL BY SITE SOLUTIONS DATED 6/16/07

WATERSHED AND IMPERVIOUS SUMMARY:

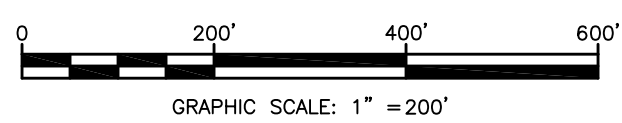
| | |
|---|----------------------|
| WATERSHED DISTRICT: | MOUNTAIN ISLAND LAKE |
| WATERSHED OVERLAY PROTECTION DISTRICT: | CA-3 AND PA-1 |
| CA-3 ALLOWABLE BUILT-UPON AREA: | (12%) |
| PA-1 ALLOWABLE BUILT-UPON AREA LOW DENSITY | (24%) |
| PA-1 ALLOWABLE BUILT-UPON AREA HIGH DENSITY | (70%) |
| TOTAL SITE AREA: | 103.51 AC |
| PARCEL 'A': (MECK COUNTY PARK AND REC) | 42.132 AC |
| PARCEL 'B': (BOARD OF EDUCATION) | 61.378 AC |
| EXISTING IMPERVIOUS 'PARCEL A' | |
| BUILDING, PARKING, SERVICE AND WALK AREAS | 125,300 SF |
| IMPERVIOUS PERCENTAGE: | 6.82 % |
| EXISTING IMPERVIOUS 'PARCEL B' | |
| BUILDING, PARKING, SERVICE AND WALK AREAS | 353,861 SF |
| IMPERVIOUS PERCENTAGE: | 13.23 % |
| PROPOSED IMPERVIOUS 'PARCEL B' | |
| BUILDING, PARKING, SERVICE AND WALK AREAS | 198,365 SF |
| TOTAL IMPERVIOUS AREA (COMBINED PARCELS) | |
| TOTAL BUILT-UPON AREA: | 677,526 SF |
| (IMPERVIOUS PERCENTAGE) | 15.03 % |
| TOTAL BUILT-UPON AREA: CA-3 | |
| PARK PARCEL: | 125,300 |
| MIDDLE SCHOOL: | 66,055 |
| ELEMENTARY SCHOOL: | 183,865 |
| | 375,220 SF |
| TOTAL CA-3 AREA = 80.65 AC | |
| TOTAL % BUILT UPON AREA = 10.68 % | |
| TOTAL BUILT-UPON AREA: PA-1 | |
| PARK PARCEL: | 0 |
| MIDDLE SCHOOL: | 287,806 |
| ELEMENTARY SCHOOL: | 14,500 |
| | 302,306 SF |
| TOTAL PA-1 AREA = 22.86 AC | |
| TOTAL % BUILT UPON AREA = 30.36 % | |

NOTE: PER THE INSTRUCTION OF MECKLENBURG COUNTY, THE PROPOSED TELECOMMUNICATION SITE BUILT-UPON AREA % WILL BE CALCULATED USING TOTAL CA-3 AREA = 80.65 AC FROM THE ABOVE REFERENCED TABLE.

PROPOSED BUILT-UPON AREA TABLE

| | |
|---|------------|
| TOTAL BUILT-UPON AREA: CA-3 | |
| EXISTING BUILT-UPON AREA: (FROM ABOVE REFERENCED TABLE) | 375,220 SF |
| PROPOSED TELECOMM. SITE BUILT UPON AREA: | 6,730 SF |
| TOTAL CA-3 AREA: (FROM ABOVE REFERENCED TABLE) | 80.65 AC |
| TOTAL % PROPOSED BUILT-UPON AREA: | 10.87 % |

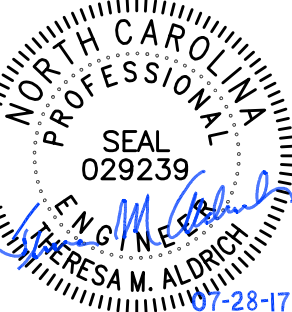
FLOOD ZONE
 PROPERTY IS IN FLOOD ZONE "X"
 ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
 PER FEMA FIRM NORTH CAROLINA
 MAP NUMBER 3710462000K
 PANEL 4620
 EFFECTIVE DATE SEPTEMBER 2, 2015



BASE TRANSCIVER SITE
 BRADLEY MIDDLE SCHOOL
 VERIZON SITE NAME: FRANCIS BRADLEY
 13380 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM # 377075

| | |
|--|-----------|
| DATE | 06/27/16 |
| REVISION | 07/28/17 |
| ISSUE | |
| INITIAL ISSUE | |
| REVISION PER TOWN OF HUNTERSVILLE COMMENTS | |
| PROJECT NUMBER: | 14049.013 |
| SHEET CONTENTS: | |
| SITE PLAN | |
| SHEET NUMBER: | SP-01 |



BASE TRANSEIVER SITE
 BRADLEY MIDDLE SCHOOL
 VERIZON SITE NAME: FRANCIS BRADLEY
 13380 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM # 377075

| ISSUE | REVISION | DATE |
|-------|------------------------------|----------|
| △ | ISSUED FOR OWNER'S REVIEW | 04/17/16 |
| △ | REVISED PER OWNER'S COMMENTS | 04/29/16 |
| △ | REVISED PER OWNER'S COMMENTS | 07/27/17 |
| △ | REVISED PER OWNER'S COMMENTS | 07/28/17 |

PROJECT NUMBER:
14049.013

SHEET CONTENTS:
GENERAL NOTES AND SYMBOLS

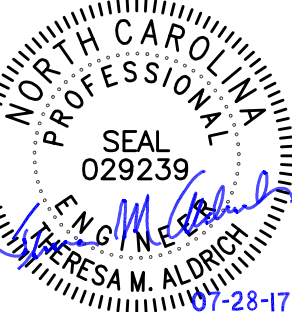
SHEET NUMBER:
01

| EXISTING | ITEM | NEW |
|----------|-------------------------------|-------|
| | POWER POLE WITH LIGHT | |
| | LIGHT POLE | |
| | POWER POLE | |
| | GUY ANCHOR | |
| | OVERHEAD ELECTRIC | |
| | ELECTRIC MANHOLE | |
| | COMMUNICATIONS MANHOLE | |
| | UTILITY BOX | |
| | BUILDING | |
| | POST | |
| | SIGN | |
| | GAS METER | |
| | GAS VALVE | |
| | GAS LINE | |
| | SANITARY SEWER LINE & MANHOLE | |
| | SANITARY SEWER CLEAN OUT | |
| | FIRE HYDRANT | |
| | POST INDICATOR VALVE | |
| | WATER LINE & VALVE | |
| | WATER METER | |
| | FIRE WATER LINE | |
| | ABANDONED UTILITY | |
| | CULVERT WITH HEADWALLS | |
| | STORM DRAIN | |
| | STORM DRAIN HEADWALL | |
| | AREA INLET | |
| | STORM DRAIN MANHOLE | |
| | □ DRAINAGE DITCH | |
| | → FLOW DIRECTION | |
| | — 170 — CONTOURS | |
| X 712.13 | SPOT ELEV. | 713.1 |
| | SIDEWALK/GRAVEL | |
| | CONCRETE PAVING | |
| | ASPHALT SURFACE COURSE | |
| | CURB & GUTTER | |
| | EDGE OF PAVEMENT | |
| | — X — CHAIN LINK FENCE | |
| | ITEM TO BE REMOVED | |
| | PARKING STRIPING / HC PARKING | |
| | HC RAMP | |
| | BOLLARD | |
| | IRON PIN SET | |
| | WOODS | |
| | SILT FENCE | |

NOTE :
THIS IS A GENERAL LEGEND.
SOME ITEMS MAY NOT APPLY.

GENERAL NOTES

1. THE FACILITY IS AN UNOCCUPIED WIRELESS FACILITY.
2. PLANS ARE NOT TO BE SCALED AND ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY, UNLESS NOTED OTHERWISE. THE WORK WILL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
3. PRIOR TO THE SUBMISSION OF BIDS, THE CONTRACTORS WILL VISIT THE JOB SITE AND BE RESPONSIBLE FOR ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS, AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PROJECT ENGINEER AND ARCHITECT/ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
4. WRITTEN AUTHORIZATION IS REQUIRED BEFORE STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
5. CONTACT LOCAL DIGGERS HOTLINE 48 HOURS PRIOR TO PROCEEDING WITH ANY EXCAVATION, SITE WORK OR CONSTRUCTION.
6. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURERS' RECOMMENDATIONS UNLESS SPECIFICALLY INDICATED OTHERWISE OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
7. ALL WORK PERFORMED AND MATERIALS INSTALLED WILL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. THE CONTRACTOR WILL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK. MECHANICAL AND ELECTRICAL SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES, ORDINANCES, AND APPLICABLE REGULATIONS.
8. THE GENERAL CONTRACTOR WILL SUPERVISE AND DIRECT THE WORK, USING THE BEST SKILLS AND ATTENTION. THE CONTRACTOR WILL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES, AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT INCLUDING CONTACT AND COORDINATION WITH THE PROJECT ENGINEER AND WITH THE LANDLORD'S AUTHORIZED REPRESENTATIVE.
9. DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS WILL BE INCLUDED AS PART OF THE WORK.
10. REPRESENTATIONS OF TRUE NORTH, OTHER THAN THOSE FOUND ON THE PLAT OF THE SURVEY DRAWING, WILL NOT BE USED TO IDENTIFY OR ESTABLISH THE BEARING OF TRUE NORTH AT THE SITE. THE CONTRACTOR WILL RELY SOLELY ON THE PLAT OF SURVEY DRAWING AND ANY SURVEYOR'S MARKINGS AT THE SITE FOR THE ESTABLISHMENT OF TRUE NORTH, AND WILL NOTIFY THE ARCHITECT/ENGINEER PRIOR TO PROCEEDING WITH THE WORK IF ANY DISCREPANCY IS FOUND BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND THE TRUE NORTH ORIENTATION AS DEPICTED ON THE PLAT OF SURVEY. THE CONTRACTOR WILL ASSUME SOLE LIABILITY FOR ANY FAILURE TO NOTIFY THE ARCHITECT/ENGINEER.



GENERAL NOTES

- SEE G1 FOR GENERAL ABBREVIATIONS.
- SEE C1 FOR GENERAL NOTES AND SYMBOLS.
- SEE SITE SURVEY FOR LIMITS OF LEASE AREA AND ADDITIONAL SURVEY INFORMATION.
- PARKING FOR SERVICE VEHICLES WILL BE PROVIDED IN THE VEHICLE TURNAROUND AREA.
- AFTER ALL HEAVY TRAFFIC IS COMPLETE (CONCRETE, TRUCKS, TRAILERS, DRILL RIG, ETC.) CONTRACTOR SHALL REPAIR THE ROAD/PARKING AREA AS NECESSARY.

FLOOD INSURANCE RATE MAP
 NORTH CAROLINA
 3710462000K
 PANEL 4620
 EFFECTIVE: SEPTEMBER 2, 2015
 FLOOD ZONE: X
 BFE: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

BRADLEY MIDDLE SCHOOL
 PROPOSED 160' LIGHT POLE
 LAT. = 35° 23' 52.45" N
 LONG. = 80° 55' 38.37" W
 SITE EL. = 713.0'

* INFORMATION TAKEN FROM 1A LETTER, PREPARED BY AC&S ENGINEERING, DATED 11/19/15.

BASE TRANSCIVER SITE
 BRADLEY MIDDLE SCHOOL
 BRADLEY SITE NAME: FRANCIS BRADLEY
 13380 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

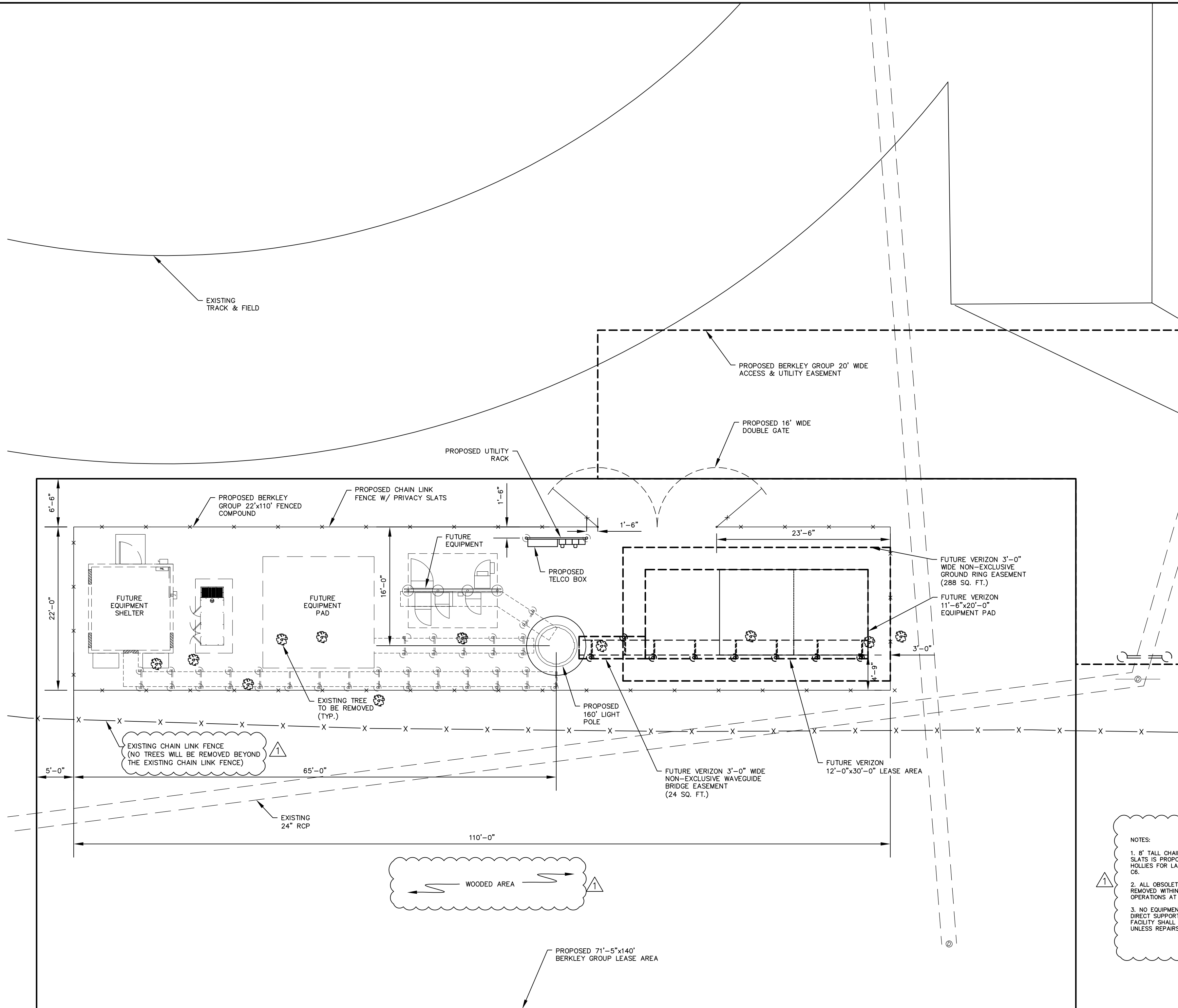
BERKLEY GROUP LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM # 377075

| DATE | REVISION |
|----------|---|
| 04/28/16 | ISSUED FOR OWNER'S REVIEW |
| 07/28/17 | REVISED PER VERIZON'S COMMENTS |
| 07/28/17 | REVISED PER OWNER'S COMMENTS |
| 07/28/17 | REVISED PER TOWN OF HUNTERSVILLE COMMENTS |

PROJECT NUMBER:
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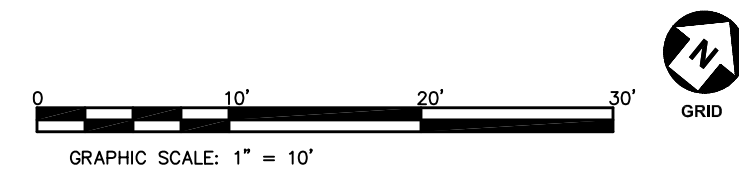
SHEET CONTENTS:
SITE LAYOUT PLAN

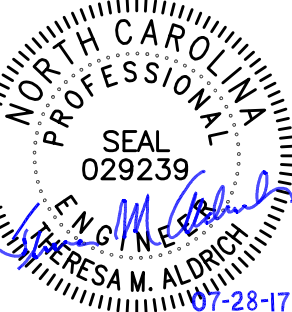
SHEET NUMBER:
C2



NOTES:

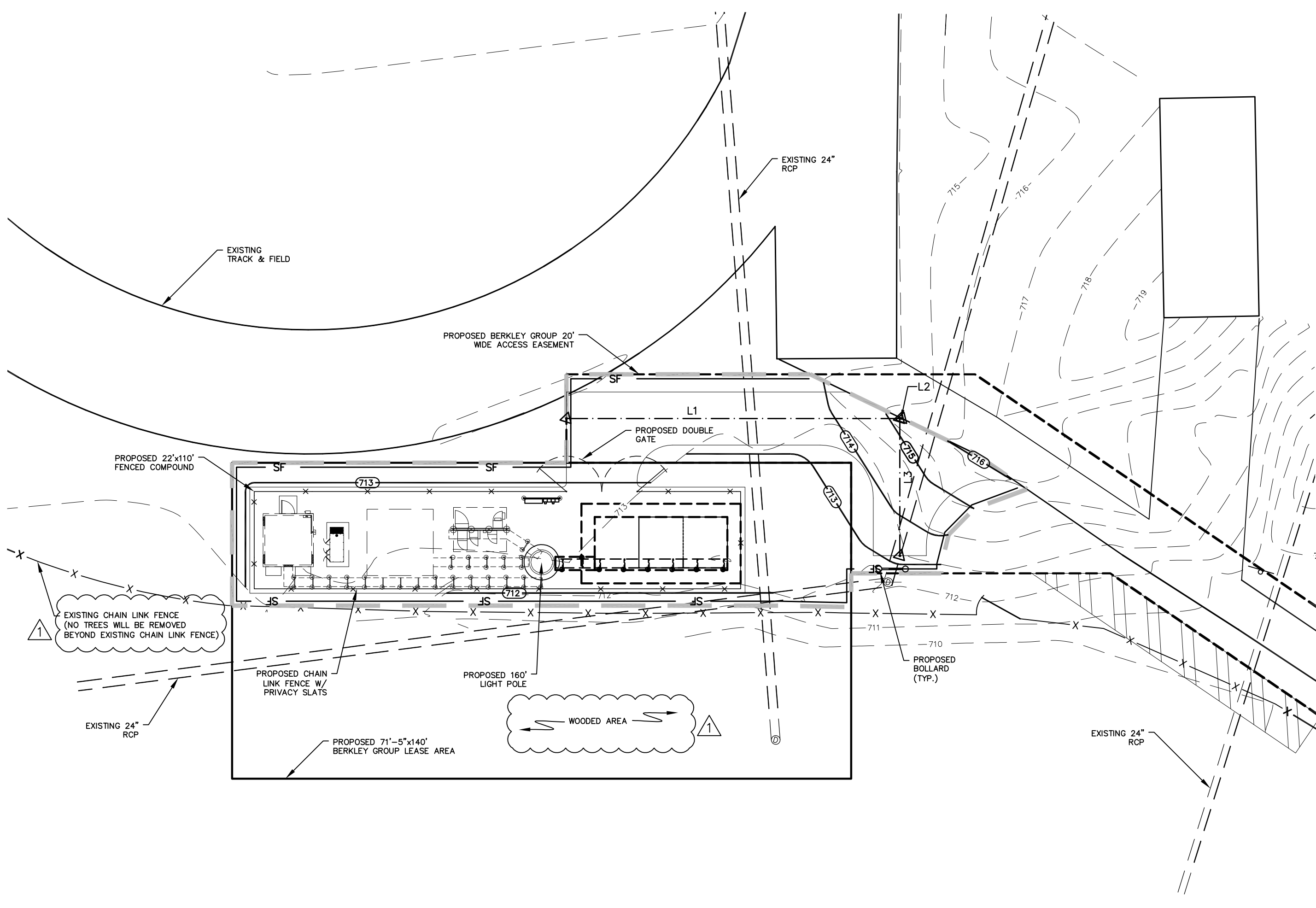
- 8' TALL CHAIN LINK FENCING WITH GREEN PRIVACY SLATS IS PROPOSED. SEE DRAWING C5. NELLIE STEVENS HOLLIES FOR LANDSCAPING IS PROPOSED. SEE DRAWING C6.
- ALL OBSOLETE OR UNUSED FACILITIES MUST BE REMOVED WITHIN 12 MONTHS OF CESSATION OF OPERATIONS AT THE SITE.
- NO EQUIPMENT, MOBILE OR IMMOBILE, NOT USED IN DIRECT SUPPORT OF THE TRANSMISSION OR RELAY FACILITY SHALL BE STORED OR PARKED ON THE SITE UNLESS REPAIRS TO THE FACILITY ARE BEING MADE.





BASE TRANSCIVER SITE
 BRADLEY MIDDLE SCHOOL
 VERIZON SITE NAME: FRANCIS BRADLEY
 13380 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM # 377075



*TABLE PER REF. DWG. L-3.0 BRADLEY ELEMENTARY SCHOOL BY SITE SOLUTIONS DATED 6/16/07

WATERSHED AND IMPERVIOUS SUMMARY:

| | |
|---|----------------------|
| WATERSHED DISTRICT: | MOUNTAIN ISLAND LAKE |
| WATERSHED OVERLAY PROTECTION DISTRICT: | CA-3 AND PA-1 |
| CA-3 ALLOWABLE BUILT-UPON AREA: | (12%) |
| PA-1 ALLOWABLE BUILT-UPON AREA LOW DENSITY: | (24%) |
| PA-1 ALLOWABLE BUILT-UPON AREA HIGH DENSITY: | (70%) |
| TOTAL SITE AREA: | 103.51 AC |
| PARCEL 'A': (MECK COUNTY PARK AND REC) | 42.132 AC |
| PARCEL 'B': (BOARD OF EDUCATION) | 61.378 AC |
| EXISTING IMPERVIOUS 'PARCEL A' BUILDING, PARKING, SERVICE AND WALK AREAS | 125,300 SF |
| IMPERVIOUS PERCENTAGE: | 6.82 % |
| EXISTING IMPERVIOUS 'PARCEL B' BUILDING, PARKING, SERVICE AND WALK AREAS | 353,861 SF |
| IMPERVIOUS PERCENTAGE: | 13.23 % |
| PROPOSED IMPERVIOUS 'PARCEL B' BUILDING, PARKING, SERVICE AND WALK AREAS | 198,365 SF |
| TOTAL IMPERVIOUS AREA (COMBINED PARCELS) | 677,526 SF |
| TOTAL BUILT-UPON AREA: (IMPERVIOUS PERCENTAGE) | 15.03 % |
| TOTAL BUILT-UPON AREA: CA-3 | |
| PARK PARCEL: | 125,300 |
| MIDDLE SCHOOL: | 66,055 |
| ELEMENTARY SCHOOL: | 183,865 |
| | <u>375,220 SF</u> |
| TOTAL CA-3 AREA = 80.65 AC | |
| TOTAL % BUILT UPON AREA = 10.68 % | |
| TOTAL BUILT-UPON AREA: PA-1 | |
| PARK PARCEL: | 0 |
| MIDDLE SCHOOL: | 287,806 |
| ELEMENTARY SCHOOL: | 14,500 |
| | <u>302,306 SF</u> |
| TOTAL PA-1 AREA = 22.86 AC | |
| TOTAL % BUILT UPON AREA = 30.36 % | |

NOTE:
 PER THE INSTRUCTION OF MECKLENBURG COUNTY, THE PROPOSED
 TELECOMMUNICATION SITE BUILT-UPON AREA % WILL BE CALCULATED USING
 TOTAL CA-3 AREA = 80.65 AC FROM THE ABOVE REFERENCED TABLE.

PROPOSED BUILT-UPON AREA TABLE

| | |
|--|------------|
| TOTAL BUILT-UPON AREA: CA-3 | |
| EXISTING BUILT-UPON AREA: (FROM ABOVE REFERENCED TABLE) | 375,220 SF |
| PROPOSED TELECOMM. SITE BUILT UPON AREA: | 6,730 SF |
| TOTAL CA-3 AREA: (FROM ABOVE REFERENCED TABLE) | 80.65 AC |
| TOTAL % PROPOSED BUILT-UPON AREA: | 10.87 % |

GENERAL NOTES

- SEE G1 FOR GENERAL ABBREVIATIONS.
- SEE C1 FOR GENERAL NOTES AND SYMBOLS.
- SEE SITE SURVEY FOR LIMITS OF LEASE AREA AND ADDITIONAL SURVEY INFORMATION.
- DISTURBED AREAS TO BE SEEDED AND MULCHED IMMEDIATELY AFTER COMPLETION OF CONSTRUCTION.

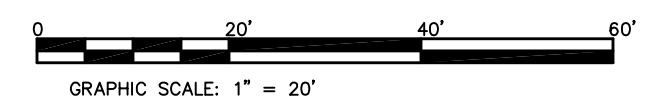
ALL SLOPED GRADES 2:1 OR STEEPER SHALL BE APPROVED BY A GEOTECHNICAL ENGINEER. ALL FILL MATERIAL SHALL BE PLACED IN 6" LIFTS AND COMPACTED TO 98% OF STANDARD PROCTOR MAXIMUM DRY DENSITY TO BE MONITORED BY A QUALIFIED SOILS TECHNICIAN WORKING UNDER A QUALIFIED GEOTECHNICAL ENGINEER. ALL SLOPES 3:1 OR STEEPER SHALL RECEIVE A CURLEX EROSION CONTROL BLANKET (OR APPROVED EQUAL).

NOTE:
 LIMITS OF DISTURBANCE = 0.154 AC

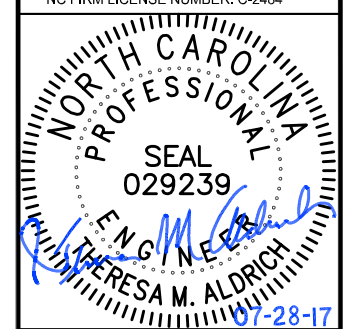
NOTES:

- 8' TALL CHAIN LINK FENCING WITH GREEN PRIVACY SLATS IS PROPOSED. SEE DRAWING C5. NELLIE STEVENS HOLLIES FOR LANDSCAPING IS PROPOSED. SEE DRAWING C6.
- ALL OBSOLETE OR UNUSED FACILITIES MUST BE REMOVED WITHIN 12 MONTHS OF CESSATION OF OPERATIONS AT THE SITE.
- NO EQUIPMENT, MOBILE OR IMMOBILE, NOT USED IN DIRECT SUPPORT OF THE TRANSMISSION OR RELAY FACILITY SHALL BE STORED OR PARKED ON THE SITE UNLESS REPAIRS TO THE FACILITY ARE BEING MADE.

| CENTERLINE OF PROPOSED 20' WIDE ACCESS ROAD | | |
|---|---------------|--------|
| LINE # | BEARING | LENGTH |
| L1 | N73° 29' 11"E | 75.40' |
| L2 | N73° 29' 11"E | 0.50' |
| L3 | S16° 30' 49"E | 31.00' |



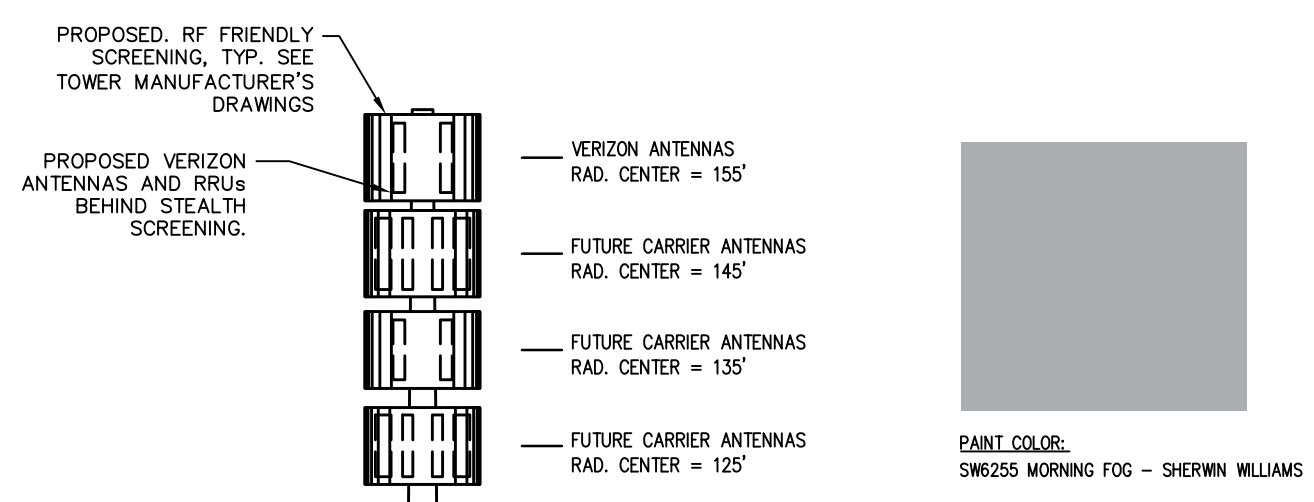
| DATE | REVISION |
|----------|---|
| 04/28/16 | ISSUED FOR OWNER'S REVIEW |
| 07/27/17 | REVISED PER OWNER'S COMMENTS |
| 07/28/17 | REVISED PER TOWN OF HUNTERSVILLE COMMENTS |



NOTES:

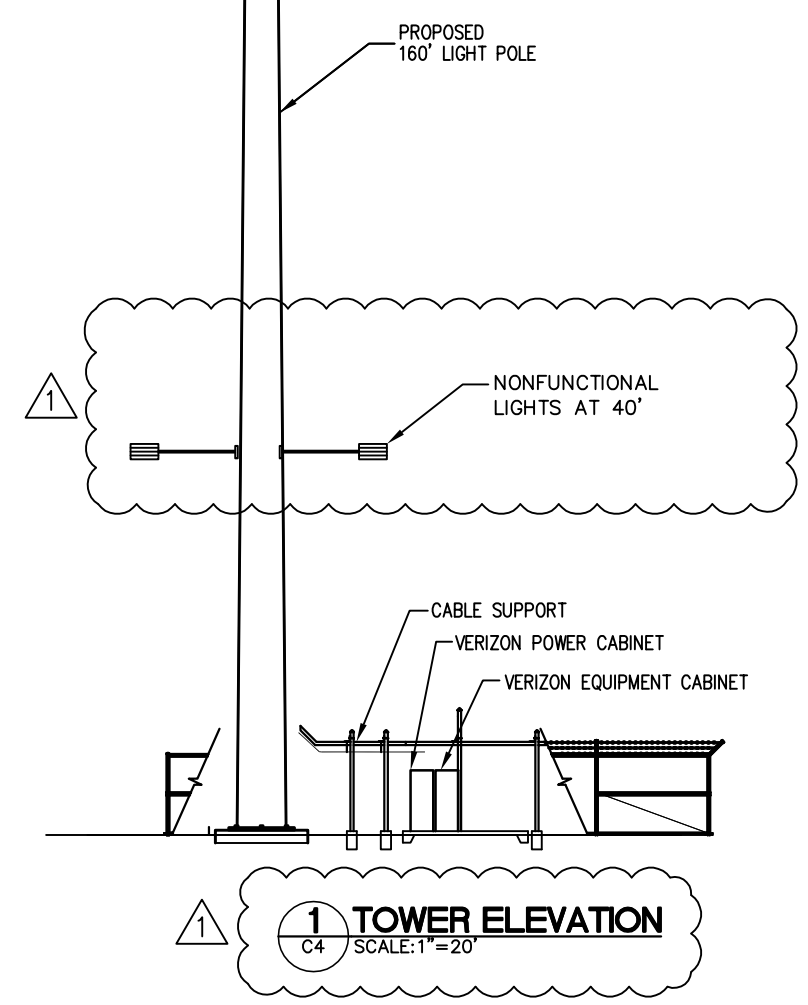
1. ALL LIGHTING MUST COMPLY WITH THE OUTDOOR LIGHTING PROVISIONS FOUND IN SECTION 12.402 OF THE ZONING ORDINANCE.
2. ALL ANTENNA PLACED ON THE TOWER MUST BE ENCASED WITHIN A CANISTER WITH A DIAMETER NO GREATER THEN 12 FEET SO THEY ARE INDESCRIPTIBLE.
3. ALL CANISTERS ON THE TOWER MUST BE THE SAME DIAMETER AND THEY MUST HAVE AN UNDER MOUNT THAT SCREENS THE VIEW OF THE ANTENNA FROM THE GROUND.
4. THE TOWER AND CANISTERS MUST BE PAINTED OR CONSTRUCTED OF A NEUTRAL COLOR THAT BLENDS IN WITH THE SKY.

BELOW IS AN EXAMPLE OF AN ACCEPTABLE DESIGN AND COLOR.



NOTES:

1. TOWERS SHALL NOT BE ARTIFICIALLY LIGHTED EXCEPT TO INSURE HUMAN SAFETY AS REQUIRED BY THE FAA OR FCC REGULATIONS. THERE ARE NON-FUNCTIONAL LIGHTS PROPOSED AT 40' FOR AESTHETICS ONLY UNLESS ADDITIONAL REQUESTS ARE MADE TO THE TOWN. TO THE EXTENT POSSIBLE, TOWER LIGHTING SHALL BE LOCATED AND DIRECTED TO AVOID ON-SITE FLASHING OR SHINING INTO INTERIOR SPACES OF DWELLINGS.
2. THE TOWER IS DESIGNED TO ACCOMMODATE 4 CARRIERS.



BERKLEY GROUP, LLC

SITE NAME: BRADLEY MIDDLE SCHOOL
 FCC#: _____
 ADDRESS: 13359 BEATTIES FORD ROAD

FOR EMERGENCY & LEASING CONTACT:
 704-907-7104

- 1 TOWER OWNER IDENTIFICATION SIGN
- 2 FCC/RF EXPOSURE SIGN
- 3 TOWER CLIMBING SIGN
- 4 STREET ADDRESS SIGN
- 5 INFORMATION RF EXPOSURE SIGN
- 6 TOWER REGISTRATION SIGN

CAUTION

BEYOND THIS POINT you are entering a controlled area where RF emissions may exceed the FCC Occupational Exposure Limits

Follow all posted signs and site guidelines for working in a RF environment.
 Ref. FCC 47CFR1.1307(b)

2 WHITE/ YELLOW BACKGROUND W/ BLACK LETTERING
 QUANTITY: (1)
 (TO BE MOUNTED AT EYE LEVEL ON TOWER NEAR SAFETY CLIMB)

000

4 WHITE BACKGROUND W/ BLACK LETTERING
 E911 STREET #
 QUANTITY: (1) TYPICAL
 (TO BE MOUNTED ON FENCE FOR ALL SITES WHERE THERE IS NO POSTED STREET # SIGN.)

INFORMATION

ACTIVE ANTENNAS ARE MOUNTED

- ON THE OUTSIDE OF THIS BUILDING
- BEHIND THIS PANEL
- ON THIS STRUCTURE

STAY BACK A MINIMUM OF 3 FEET FROM THESE ANTENNAS

Contact Berkley Group at 704-907-7104 and follow their instructions prior to performing any maintenance or repairs closer than 3 feet from the antennas.

This is BRADLEY MIDDLE SCHOOL
 Decal # 2

5 WHITE BACKGROUND W/ BLACK LETTERING
 QUANTITY: (1) PER ACCESS GATE
 (TO BE MOUNTED ON COMPOUND ACCESS GATE)

TYPICAL SIGNS AND SPECIFICATIONS

DO NOT CLIMB TOWER WITHOUT OWNER'S WRITTEN PERMISSION

3 WHITE BACKGROUND W/ RED LETTERING
 QUANTITY: (1)
 (TO BE MOUNTED AT EYE LEVEL ON TOWER NEAR SAFETY CLIMB)

FCC TOWER REGISTRATION NO.
1234567

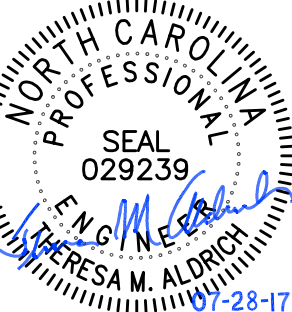
6 WHITE BACKGROUND W/ BLACK LETTERING
 QUANTITY: (1) TYPICAL
 (ONE TO BE MOUNTED ON COMPOUND ACCESS GATE)

BASE TRANSCIVER SITE
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 VERIZON SITE NAME: FRANCIS BRADLEY
 13359 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP, LLC

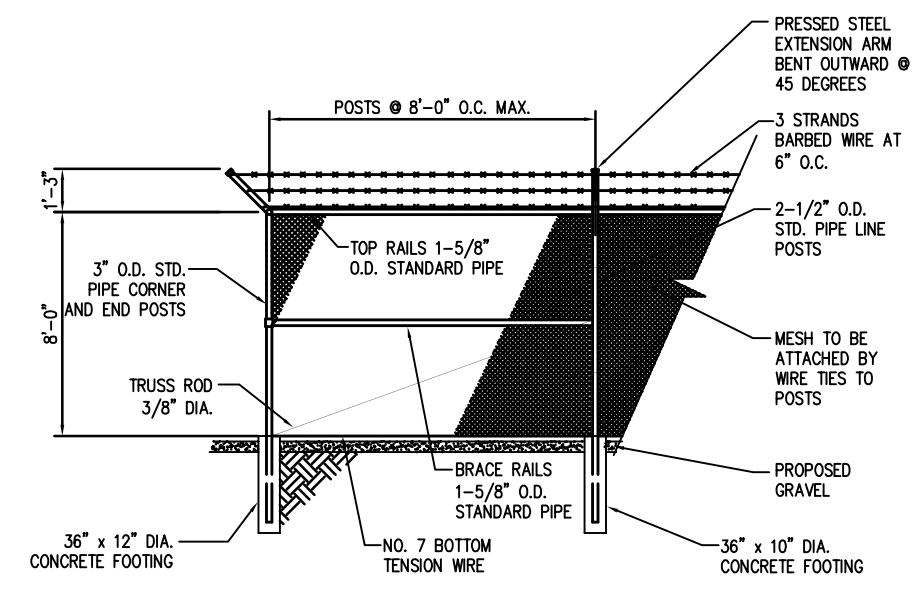
SPECIAL USE PERMIT FOR A CELL TOWER
 EPM #: 377075

| ISSUE | REVISION | DATE |
|-------|-----------------------------|----------|
| 1 | ISSUED FOR OWNER'S REVIEW | 04/17/16 |
| 2 | ISSUED FOR OWNER'S COMMENTS | 04/29/16 |
| 3 | ISSUED FOR OWNER'S COMMENTS | 07/28/17 |

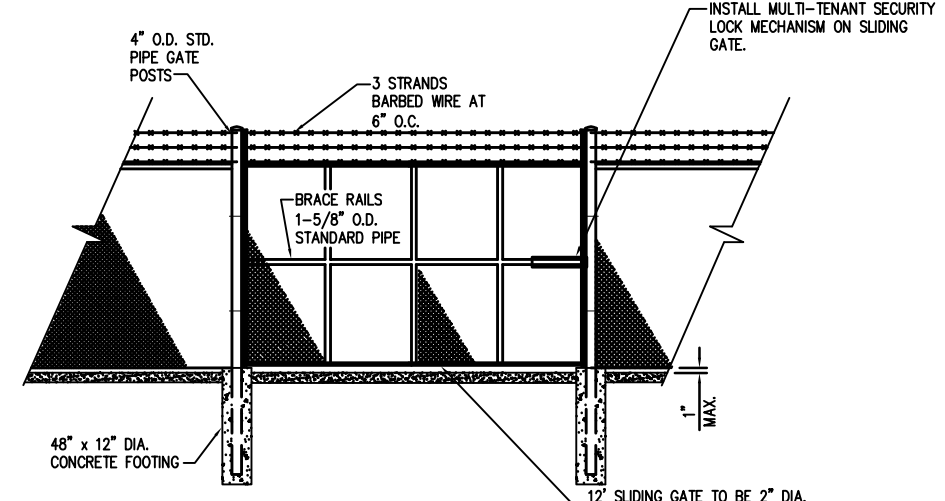


GENERAL NOTES

- SEE C1 FOR GENERAL ABBREVIATIONS.
- SEE C1 FOR GENERAL NOTES AND SYMBOLS.

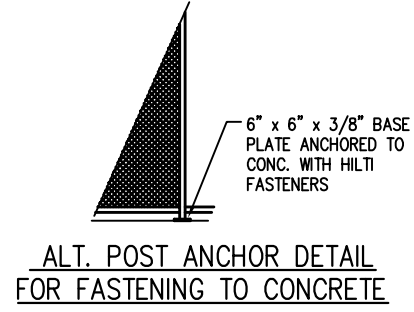


FENCE PANEL

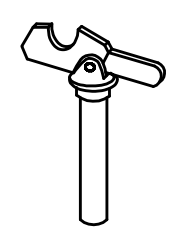


VEHICULAR GATES

- NOTES:**
- ALL MATERIALS AND HARDWARE FOR THE CHAIN LINK FENCE SHALL BE OF A HOT DIP GALVANIZED FINISH.
 - CHAIN LINK FABRIC TO BE 8 FT. HIGH, 9 GA. WIRE, 2 IN. MESH WITH TWISTED SELVAGE TOP AND BOTTOM. (ASTM A392)
 - BARBED WIRE TO CONSIST OF 3 NO. 12-1/2 GA. GALVANIZED STEEL WIRE WITH 4 POINT BARBS OF NO. 14 GA. GALVANIZED STEEL.
 - POST, RAIL, AND GATE FITTINGS TO BE PRESSED STEEL OR MALLEABLE CASTING. (ASTM A153)
 - ALL POSTS SHALL HAVE WEATHER CAPS INSTALLED.
 - POSTS TO SET IN 2000 PSI CONCRETE. BOTTOM OF CONCRETE TO BE 2" MIN. FROM BOTTOM OF POST.
 - TIE WIRES TO BE 9 GA. ALUMINUM SPACED AT 12" O.C. POSTS/GATES AND 24" O.C. RAILS/WIRE.
 - TENSION BARS TO BE 3/16 x 3/4 INCH CARBON STEEL ATTACHED TO TERMINAL POSTS BY MEANS OF BEVELED EDGE BANDS.
 - PROVIDE TWO GATE KEEPER HOLD OPEN DEVICES FOR SWING GATES. GATE KEEPERS TO ALLOW GATES TO OPEN APPROX. 180 DEGREES.
 - PROVIDE COMBINATION LOCK FOR COMPOUND GATE AND ONE LOCK FOR ANY OTHER GATE (I.E. ACCESS GATE, GUY WIRE FENCE GATE, ETC.)
 - INSTALL GREEN COLOR PRIVACY DECORATIVE SLATTING (POS) IN FENCE FABRIC FOR SCREENING.



ALT. POST ANCHOR DETAIL FOR FASTENING TO CONCRETE

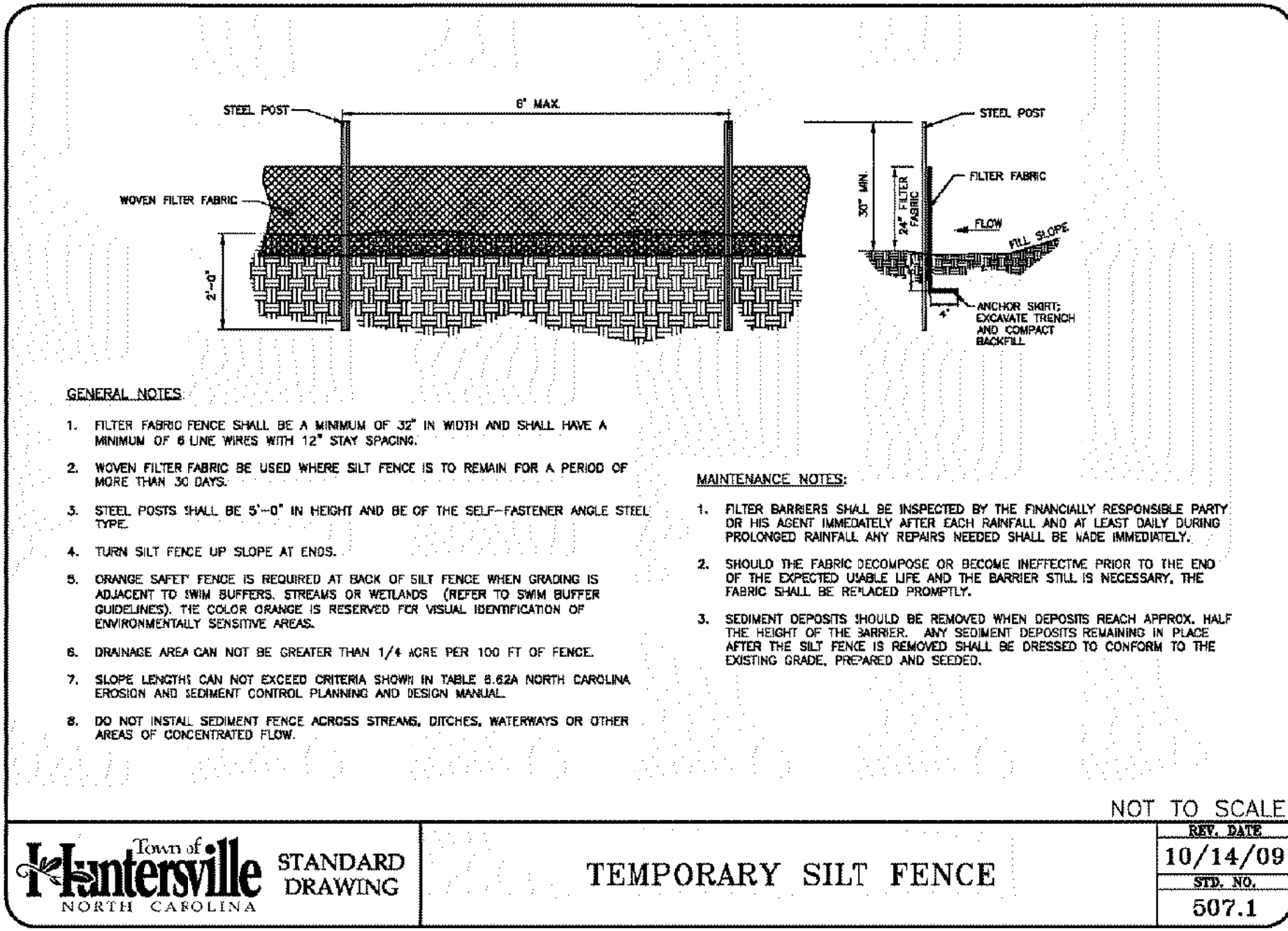


GATE KEEPER DETAIL TO HOLD GATES OPEN

1 STANDARD PANEL SECTION
SCALE: NTS

SILT FENCE NOTES:

- STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE.
- THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
- THE TRENCH SHOULD BE A MINIMUM OF 6 INCHES DEEP AND ALLOW FOR THE SILT FENCE TO BE LAID IN THE GROUND AND BACKFILLED.
- SILT FENCE SHOULD BE SECURELY FASTENED TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.
- INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
- SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS, SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
- ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES AND DISPOSED OF IN AN APPROVED SPOIL SITE.
- SILT FENCE SHALL BE A MINIMUM HEIGHT OF 30" MEASURED FROM THE EXISTING OR GRADED GROUND.
- SILT FENCE SHALL BE BURLAP, POLYPROPYLENE FABRIC, NYLON REINFORCED WITH POLYESTER NETTING OR OTHER MATERIAL (AS APPROVED & IF APPLICABLE). THE MULLEN BURST STRENGTH SHALL BE GREATER THAN 150 PSI. THE EDGES SHALL BE TREATED TO PREVENT UNRAVELING.



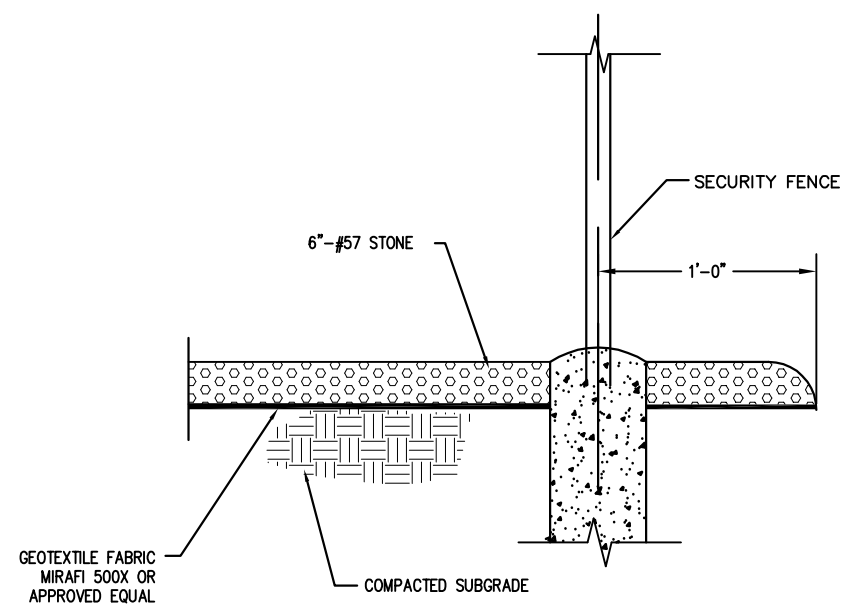
GENERAL NOTES:

- FILTER FABRIC FENCE SHALL BE A MINIMUM OF 32" IN WIDTH AND SHALL HAVE A MINIMUM OF 6 LINE WIRES WITH 12" STAY SPACING.
- WOVEN FILTER FABRIC BE USED WHERE SILT FENCE IS TO REMAIN FOR A PERIOD OF MORE THAN 30 DAYS.
- STEEL POSTS SHALL BE 5'-0" IN HEIGHT AND BE OF THE SELF-FASTENER ANGLE STEEL TYPE.
- TURN SILT FENCE UP SLOPE AT ENDS.
- ORANGE SAFETY FENCE IS REQUIRED AT BACK OF SILT FENCE WHEN GRADING IS ADJACENT TO SWIM BUFFERS, STREAMS OR WETLANDS (REFER TO SWIM BUFFER GUIDELINES). THE COLOR ORANGE IS RESERVED FOR VISUAL IDENTIFICATION OF ENVIRONMENTALLY SENSITIVE AREAS.
- DRAINAGE AREA CAN NOT BE GREATER THAN 1/4 ACRE PER 100 FT OF FENCE.
- SLOPE LENGTHS CAN NOT EXCEED CRITERIA SHOWN IN TABLE 8.62A NORTH CAROLINA EROSION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL.
- DO NOT INSTALL SEDIMENT FENCE ACROSS STREAMS, DITCHES, WATERWAYS OR OTHER AREAS OF CONCENTRATED FLOW.

MAINTENANCE NOTES:

- FILTER BARRIERS SHALL BE INSPECTED BY THE FINANCIALLY RESPONSIBLE PARTY OR HIS AGENT IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REPAIRS NEEDED SHALL BE MADE IMMEDIATELY.
- SHOULD THE FABRIC DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER STILL IS NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.
- SEDIMENT DEPOSITS SHOULD BE REMOVED WHEN DEPOSITS REACH APPROX. HALF THE HEIGHT OF THE BARRIER. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE IS REMOVED SHALL BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED AND SEEDED.

NOT TO SCALE



2 COMPOUND GRAVEL
SCALE: NTS

3 SILT FENCE DETAIL
SCALE: NTS

Town of **Huntersville** STANDARD DRAWING
NORTH CAROLINA

TEMPORARY SILT FENCE

| REV. | DATE |
|----------|------|
| 10/14/09 | |
| 507.1 | |

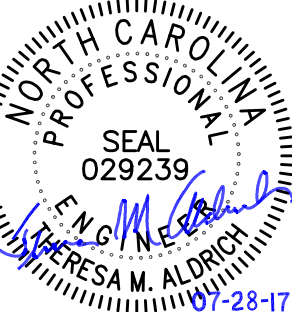
BASE TRANSCIVER SITE
 BRADLEY MIDDLE SCHOOL
 VERIZON SITE NAME: FRANCIS BRADLEY
 13360 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM # 377075

| DATE | REVISION |
|----------|---|
| 04/29/16 | ISSUED FOR OWNER'S REVIEW |
| 07/28/17 | REVISED PER OWNER'S COMMENTS |
| 07/28/17 | REVISED PER TOWN OF HUNTERSVILLE COMMENTS |

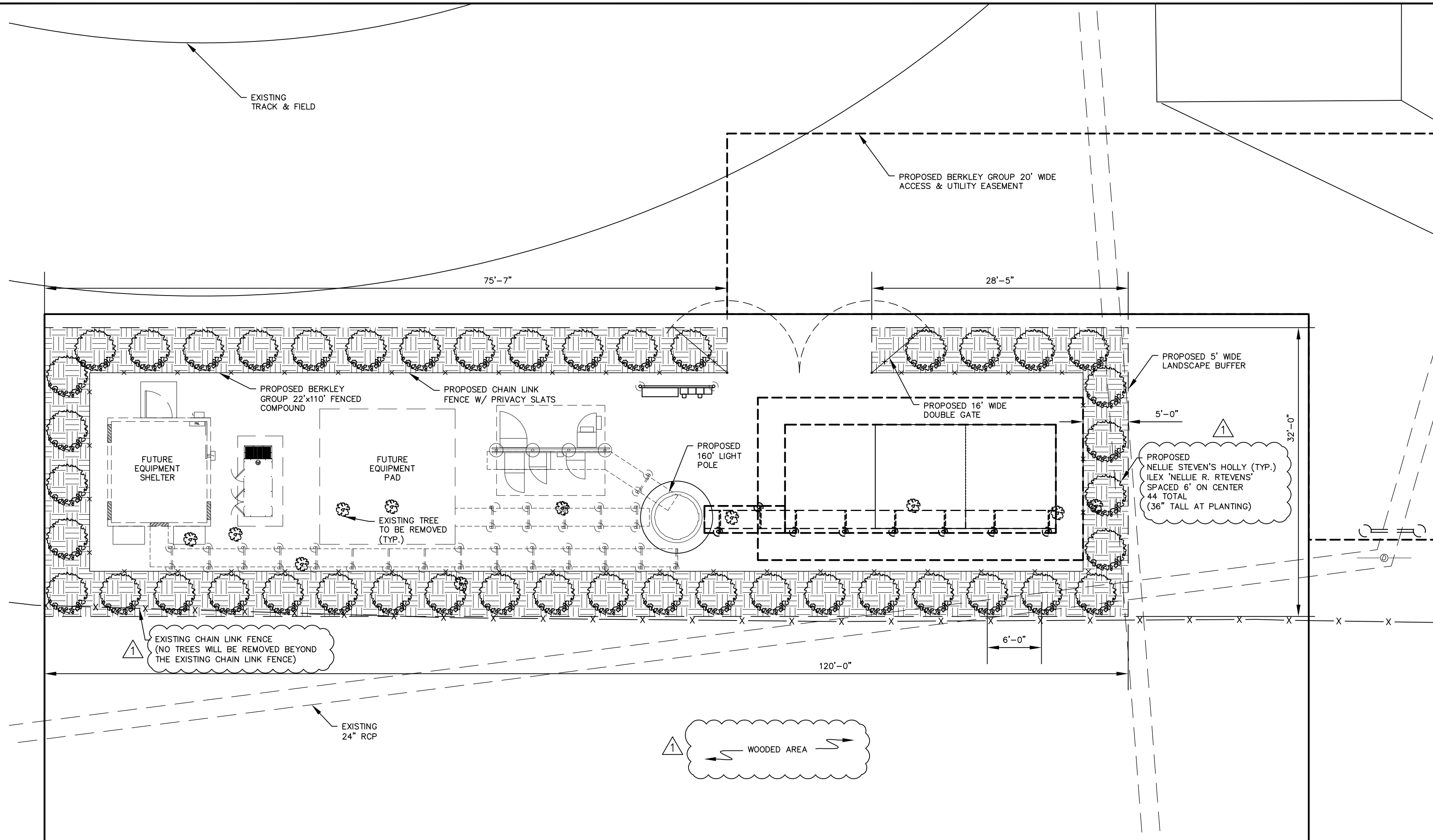
PROJECT NUMBER:
14049.013
 SHEET CONTENTS:
COMPOUND FENCE DETAILS

SHEET NUMBER:
C5



BASE TRANSCIVER SITE
 BRADLEY MIDDLE SCHOOL
 VERIZON SITE NAME: FRANCIS BRADLEY
 13389 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM #: 377075



NOTES:

1. SCARIFY ROOT MASS OF CONTAINERIZED PLANT MATERIAL.
2. INSTALL CONTAINERIZED PLANTS AT FINISHED GRADE.
3. TAMP PLANTING MIX FIRMLY. JS PIT IS FILLED AROUND EACH PLANT BALL.
4. OUNT COLLAR AROUND EACH SHRUB WHEN IRRIGATION SYSTEM IS PRESENT.
5. SOAK EACH PLANT BALL AND FIT IMMEDIATELY AFTER INSTALLATION.

TYPICAL PLANTING BED DETAIL

TYPICAL PLANTING BED PLAN

TYPICAL BED CROWNING

NOT TO SCALE

| REV. | DATE |
|----------|----------|
| 1 | 10/14/09 |
| STD. No. | |
| 610.1 | |



| | |
|---|----------|
| DATE | 08/27/16 |
| ISSUE | 07/26/17 |
| REVISION | |
| ISSUED FOR CONSTRUCTION | |
| REVISED PER TOWN OF HUNTERSVILLE COMMENTS | |

Statement Date: XX-XX-16
 Project Name: Berkley Group Bradley Telecommunications Tower Site
 Building Permit Number: _____
 Project Address: 13359 Beatties Ford Rd., Charlotte, NC 28078
 Registered Design Professional in Responsible Charge (RDP/IRC): Theresa M. Aldrich

The following information is being submitted in accordance with the Special Inspection provisions of the North Carolina State Building Code. Attached to this Statement of Special Inspections (SSI) is the Schedule of Special Inspections (SI) required for this project. This completed form is required to be placed on the drawings for plan review. After permit issuance, a listing of the Special Inspection Firms (SIF) and the Designated Special Inspectors (DSI) for each inspection type will be attached to this form and uploaded to www.meck-si.com prior to holding the Pre-Construction Meeting with Mecklenburg County Code Enforcement. No work is permitted to be performed prior to the Special Inspections Pre-Construction Meeting (see the meck-si.com website for details).

This and all subsequent reports, logs, testing results, and other related documents shall be uploaded to the meck-si.com website within 10 business days of the event documented. Only documents that are prepared by Authorized Special Inspectors (ASIs) and signed/sealed by Designated Special Inspectors (DSIs) are valid and are permitted to be uploaded to the meck-si.com website. The DSI will notify the Department upon discovery of information that would constitute a result of an information posted on meck-si.com, and update said information within 10 days.

The DSI is responsible for verifying all information on each document prior to signing/sealing and uploading it. The DSI is responsible for verifying each document that is uploaded and stored on the meck-si.com website, is the correct document and is associated with the correct attributes for storage in the database on meck-si.com. The DSI is responsible for deleting any documents that have incorrect attributes or contain errors, and reuploading the correct information or document onto meck-si.com. The DSI is responsible for verifying all ASIs maintain current certifications during the course of the project, as failures to maintain current certifications may result in a voided document. At the conclusion of each individual special inspection type, the DSI will complete a Final Report and upload it to the meck-si.com website. The RDP/IRC is responsible for completing the RDP/IRC Letter at the conclusion of all special inspections.

The Special Inspection program outlined herein, does not relieve the Contractor or any other entity of any contractual duties, including quality control, quality assurance, or safety. The Contractor is solely responsible for construction means, methods, and job site safety. Failure to adhere to this program as outlined herein, and on meck-si.com, may result in a stop work order being issued by the Department.

Respectfully submitted,
 The Registered Design Professional in Responsible Charge.

Theresa M. Aldrich
 Type/print Name



Signature: _____ Date: XX-XX-16
 Licensed Professional Seal

PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS
 700 North Tryon Street • Charlotte, North Carolina 28202 • 704.336.3830
 www.meck-si.com / www.meckpermit.com

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Page 3 of 10

IT-5 REINFORCED CONCRETE (Refer to NCBC Sections 1904, 1911, 1912 & 1913)

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|-------------------------------------|--|--------------------------|-------------------------------------|--|------------------|
| <input checked="" type="checkbox"/> | Inspection of reinforcing steel, including pre-stressing tendons and placement | <input type="checkbox"/> | <input type="checkbox"/> | ACI 318: 3.5, 7.1-7.7, RCBC 1912.4 | |
| <input type="checkbox"/> | Inspection of reinforcing steel welding in accordance with Table 1704.3, Item 5b | <input type="checkbox"/> | <input type="checkbox"/> | AWS 08.4-98; ACI 318: 3.5.2 | |
| <input checked="" type="checkbox"/> | Inspection of bolts to be installed in concrete prior to and during placement of concrete where allowable loads have been increased or where strength design is used. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | ACI 318: 8.1.3, 21.2.8; NCBC 1911.5, 1912.1 | |
| <input type="checkbox"/> | Inspection of anchors installed in hardened concrete | <input type="checkbox"/> | <input type="checkbox"/> | ACI 318: 3.8.6, 8.1.3, 11.2.8; NCBC 1912.1 | |
| <input checked="" type="checkbox"/> | Verifying use of required design mix | <input type="checkbox"/> | <input checked="" type="checkbox"/> | ACI 318: Ch. 4, 5.2 - 5.4; NCBC 1904.1, 1913.2, 1913.3 | |
| <input checked="" type="checkbox"/> | At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and air content tests, and determine the temperature of the concrete | <input type="checkbox"/> | <input type="checkbox"/> | ASTM C 172; ASTM C 31; ACI 318: 5.6, 5.8; NCBC 1913.10 | |
| <input type="checkbox"/> | Inspection of concrete and shotcrete placement for proper application techniques | <input type="checkbox"/> | <input type="checkbox"/> | ACI 318: 5.9, 5.10; NCBC 1913.6, 1913.7, 1913.8 | |
| <input type="checkbox"/> | Inspection for maintenance of specified curing temperature and techniques | <input type="checkbox"/> | <input type="checkbox"/> | ACI 318: 5.11 - 5.13; NCBC 1913.9 | |
| <input type="checkbox"/> | Inspection of pre-stressed concrete: a. Application of pre-stressing forces b. Grouting of bonded pre-stressing tendons in the seismic-force-resisting system | <input type="checkbox"/> | <input type="checkbox"/> | ACI 318: 18.20 ACI 318: 18.18.4 | |
| <input type="checkbox"/> | Erection of precast concrete members | <input type="checkbox"/> | <input type="checkbox"/> | ACI 318: Ch. 16 | |
| <input type="checkbox"/> | Verification of in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms from beams and structural slabs | <input type="checkbox"/> | <input type="checkbox"/> | ACI 318: 6.2 | |
| <input type="checkbox"/> | Inspect formwork for shape, location and dimensions of the concrete members being formed | <input type="checkbox"/> | <input type="checkbox"/> | ACI 318: 6.1.1 | |

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 700 North Tryon Street • Charlotte, North Carolina 28202 • 704.336.3830
 www.meck-si.com / www.meckpermit.com

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Project Name: Berkley Group Bradley Telecommunications Tower Site
 Code Enforcement Project Number: XXXXXX Permit Number: _____
 Project Address: 13359 Beatties Ford Rd., Charlotte, NC 28078
 Date: XX-XX-16 Revised Date: _____

Unless noted otherwise, all of the indicated Inspections below will be performed by the following Special Inspections Firm: _____

Instructions for completing the Schedule of Special Inspections Form

1. Indicate the Inspection Type (IT-#) required for this project per NCBC section 1704.
2. Indicate whether Special Inspections are Continuous (C), Periodic (P) or both by checking the appropriate box. Per requirements of the listed Standard.
3. Insure the scope meets NCBC section 1704 and other applicable standards for each Inspection Type.

Note This form and the Statement of Special Inspections must be included on a plan sheet as part of the plan submittal for this project.

The following Special Inspections are required for this project: (C=continuous, P=periodic)

IT-1 VERIFICATION OF SOILS (Refer to NCBC Table 1704.7)

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|---|--------------------------|--------------------------|-------------------|------------------|
| <input type="checkbox"/> | Verify materials below shallow foundation are adequate to achieve the design bearing capacity | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.7, #1. | |
| <input type="checkbox"/> | Perform classification and testing of compacted fill materials | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.7, #3. | |

IT-2 EXCAVATION AND FILL (Refer to NCBC Table 1704.7)

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|-------------------------------------|--|-------------------------------------|--------------------------|-------------------|------------------|
| <input checked="" type="checkbox"/> | Verify excavations are extended to proper depth and have reached proper material | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Table 1704.7, #2. | |
| <input type="checkbox"/> | Verify use of proper materials, densities and lift thicknesses during placement and compaction of compacted fill | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.7, #4. | |
| <input type="checkbox"/> | Prior to placement of compacted fill, observe sub-grade and verify that site has been prepared properly | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.7, #5. | |

IT-3 PILING AND DRILLED PIERS (Refer to NCBC Tables 1704.8, 1704.9 & Section 1704.10)

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|-------------------------------------|---|--------------------------|-------------------------------------|-------------------|------------------|
| <input type="checkbox"/> | Verify element materials sizes and lengths comply with the requirements | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.8, #1. | |
| <input type="checkbox"/> | Determine capacities of test elements and conduct additional load tests as required | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.8, #2. | |
| <input type="checkbox"/> | Observe driving operations and maintain complete and accurate records for each element | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.8, #3. | |
| <input type="checkbox"/> | Verify placement locations and plumb, confirm type and size of hammer, record number of blows per foot of penetration, determine required penetrations to achieve design capacity, record tip and butt elevations and document any damage to foundation element | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.8, #4 | |
| <input type="checkbox"/> | For steel elements, perform additional inspections in accordance with Section 1704.3 | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.8, #5 | |
| <input type="checkbox"/> | For concrete elements and concrete-filled elements, perform additional inspections in accordance with Section 1704.4 | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.8, #6 | |
| <input type="checkbox"/> | For specialty elements, perform additional inspections as determined by the registered design professional in responsible charge | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.8, #7 | |
| <input checked="" type="checkbox"/> | Observe drilling operations and maintain complete and accurate records for each element | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Table 1704.9, #1. | |
| <input checked="" type="checkbox"/> | Verify placement locations and plumb, confirm element diameters (if applicable), lengths, embedment into bedrock (if applicable) and adequate end-bearing strata capacity. Record concrete or grout volume | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Table 1704.9, #2 | |
| <input type="checkbox"/> | For concrete elements, perform additional inspections in accordance with section 1704.4 | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.9, #3 | |

IT-4 MODULAR RETAINING WALLS (Refer to NCBC Sections 1610, 1704.15 & 1807.2)

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|---|--------------------------|--------------------------|-------------------|------------------|
| <input type="checkbox"/> | Modular retaining walls Verify materials below shallow foundation are adequate to achieve the design bearing capacity | <input type="checkbox"/> | <input type="checkbox"/> | Table 1704.7, #1. | |

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IT-6 POST TENSION SLAB-ON-GROUND & POST TENSION CONCRETE

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|--|--------------------------|--------------------------|--|-----------------------|
| <input type="checkbox"/> | All pre-stressed concrete design in construction to be in accordance with ACI 318-08 | <input type="checkbox"/> | <input type="checkbox"/> | ACI 311: 6.2; NCBC Table 1704.4 Item #11 | Also see IT-5 & IT-13 |

IT-7 PRECAST CONCRETE ERECTION

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|--|--------------------------|--------------------------|----------------------------|------------------|
| <input type="checkbox"/> | Precast concrete erection | <input type="checkbox"/> | <input type="checkbox"/> | NCBC Table 1704.4 Item #10 | |
| <input type="checkbox"/> | Precast concrete fabricated in a certified plant | <input type="checkbox"/> | <input type="checkbox"/> | NCBC Section 1704.2 | Also see IT-3 |

IT-8 PRESTRESSED CONCRETE

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|---|--------------------------|--------------------------|---------------|-----------------------|
| <input type="checkbox"/> | All pre-stressed concrete design and construction to be in accordance with ACI 318-08 | <input type="checkbox"/> | <input type="checkbox"/> | ACI 311: 6.2. | Also see IT-5 & IT-13 |

IT-9 INSPECTION OF PRECAST CONCRETE FABRICATORS

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|--|--------------------------|--------------------------|-------------|------------------|
| <input type="checkbox"/> | Inspection of fabricators to be in accordance with the requirements set forth in NCBC Section 1704.2 | <input type="checkbox"/> | <input type="checkbox"/> | NCBC 1704.2 | |

IT-10 INSPECTION OF STRUCTURAL STEEL FABRICATORS

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|---|--------------------------|--------------------------|---------------------------|------------------|
| <input type="checkbox"/> | Welding inspections shall be in compliance with AWS D1.1. The base for welding qualifications shall be AWS D1.1 | <input type="checkbox"/> | <input type="checkbox"/> | AWSD: 1-04 NCBC 1704.2 | |

IT-11 STRUCTURAL MASONRY (Refer to NCBC Tables 1704.5.1 & 1704.5.3)

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|--|--------------------------|--------------------------|-----------------------------------|------------------|
| <input type="checkbox"/> | Level 1 (Table 1704.5.1) | <input type="checkbox"/> | <input type="checkbox"/> | | |
| <input type="checkbox"/> | Compliance with required inspection provisions of the construction documents and the approved submittals shall be verified | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 3.1 | |

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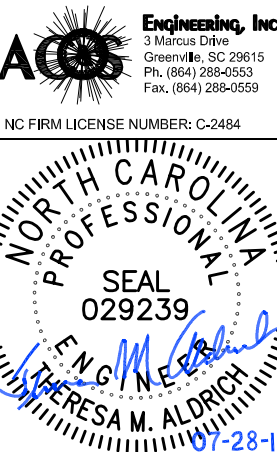
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| | | | | | |
|--------------------------|--|--------------------------|--------------------------|---|--|
| <input type="checkbox"/> | Verification of f_{cm} and f_{cm} prior to construction except where specifically exempted by this code | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.4B | |
| <input type="checkbox"/> | Verification of slump flow and VSI is delivered to the site for self-consolidating grout | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.5B.1.b.3 | |
| <input type="checkbox"/> | As masonry construction begins, the following shall be verified to ensure compliance: a. Proportions of site-prepared mortar b. Construction of mortar joints c. Location of reinforcement connectors, pre-stressing tendons and anchorage d. Pre-stressing technique e. Grade and size of pre-stressing tendons and anchorage | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 2.5A Art. 3.3B Art. 3.4, 3.6A Art. 3.4B Art. 2.4B, 2.4H | |
| <input type="checkbox"/> | During construction the inspection program shall verify: a. Size and location of structural elements b. Type, size and location of anchors, including other details of anchorage of masonry to structural members, frames or other construction c. Specified size, grade and type of reinforcement, anchor bolts, pre-stressing tendons and anchorages d. Welding of reinforcing bars e. Preparation, construction and protection of masonry during cold weather (temperature below 40°F) or hot weather (temperatures above 90°F) f. Application and measurement of pre-stressing force | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 3.3F TMS 602/ACI 530.1/ASCE 5 Sec 1.2.2(e), 1.16.1 TMS 602/ACI 530.1/ASCE 5 Sec 1.5B/TMS 602/ACI 530.1/ASCE 6 Art. 2.4, 3.4 TMS 602/ACI 530.1/ASCE 5 Sec 1.5 TMS 602/ACI 530.1/ASCE 6 Art. 1.3C, 1.8D & NCBC 1104.3, 2104.4 TMS 602/ACI 530.1/ASCE 6 Art. 3.4B | |
| <input type="checkbox"/> | Prior to grouting, the following shall be verified to ensure compliance: a. Grout space is clean b. Placement of reinforcement and connectors, pre-stressing tendons and anchorages c. Proportions of site-prepared grout and pre-stressing grout for bonded tendons d. Construction of mortar joints | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 3.3D TMS 602/ACI 530.1/ASCE 6 Art. 3.1 & TMS 602/ACI 530.1/ASCE 5 Sec 1.3 TMS 602/ACI 530.1/ASCE 6 Art. 2.4B Art. 3.3B | |

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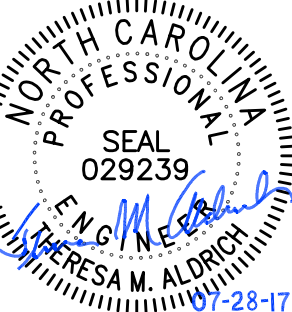
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BASE TRANSCIVER SITE
 BRADLEY MIDDLE SCHOOL
 VERIZON SITE NAME: FRANCIS BRADLEY
 13359 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078
 MECKLENBURG COUNTY
 NORTH CAROLINA

BERKLEY GROUP LLC
 SPECIAL USE PERMIT FOR A CELL TOWER
 EPM #: 377075

| DATE | REVISION |
|----------|------------------------------|
| 04/29/16 | ISSUED FOR OWNER'S REVIEW |
| 07/29/16 | REVISED PER OWNER'S COMMENTS |
| 07/29/17 | REVISED PER OWNER'S COMMENTS |
| 07/29/17 | REVISED PER OWNER'S COMMENTS |



BASE TRANSCREIVER SITE
BRADLEY MIDDLE SCHOOL
VERIZON SITE NAME: FRANCIS BRADLEY
13380 BEATTIES FORD ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY
NORTH CAROLINA

BERKLEY GROUP LLC
SPECIAL USE PERMIT FOR A CELL TOWER
EPM #: 377075

| | |
|------------------------------|----------|
| DATE | 04/17/16 |
| ISSUED FOR OWNER'S REVIEW | 04/29/16 |
| REVISED PER OWNER'S COMMENTS | 05/24/17 |
| REVISED PER OWNER'S COMMENTS | 07/26/17 |
| REVISION | |
| ISSUE | |

PROJECT NUMBER:
14049.013
SHEET NUMBER:
SPECIAL INSPECTIONS
(SHEET 2 OF 2)
SHEET NUMBER:
SP2

| | | | | | |
|---------------------------------|---|--------------------------|--------------------------|--|--|
| <input type="checkbox"/> | Grout placement shall be verified to ensure compliance: a. Grouting of pre-stressing bonded tendons | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 3.3 TMS 602/ACI 530.1/ASCE 6 Art. 3.3 | |
| <input type="checkbox"/> | Preparation of any required grout specimens, mortar specimens and / or prisms shall be observed | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.4 NCBC 1105.2.2, 2105.3 | |
| Level 2 (Table 1704.5.3) | | | | | |
| <input type="checkbox"/> | Compliance with required inspection provisions of the construction documents and the approved submittals | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.1 | |
| <input type="checkbox"/> | Verification of f'_m and f'_{cm} prior to construction and for every 5,000 square feet during construction | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.4B | |
| <input type="checkbox"/> | Verification of proportions of materials in premixid or preblended mortar and grout as delivered to the site | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.3B | |
| <input type="checkbox"/> | Verification of slump flow and VSI as delivered to the site for self-consolidating grout | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.1B.1.b.3 | |
| <input type="checkbox"/> | The following shall be verified to ensure compliance: a. Proportions of air prepared mortar, grout and pre-stressing grout for bonded tendons b. Placement of masonry units and construction of mortar joints c. Placement of reinforcement, connectors and pre-stressing tendons and anchorages d. Grout space prior to grout e. Placement of grout f. Placement of pre-stressing grout g. Size and location of structural elements h. Type, size and location of anchors, including other details of anchorage of masonry to structural members, frames or other construction | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 2.1A TMS 602/ACI 530.1/ASCE 6 Art. 3.3B TMS 602/ACI 530.1/ASCE 6 Art. 3.1, 3.1A TMS 402/ACI 530/ASCE 5 Sec 1.75 TMS 602/ACI 530.1/ASCE 6 Art. 3.1D TMS 602/ACI 530.1/ASCE 6 Art. 3.1 TMS 602/ACI 530.1/ASCE 6 Art. 3.1C TMS 602/ACI 530.1/ASCE 6 Art. 3.1F TMS 402/ACI 530/ASCE 5 Sec 1.2.2(e), 1.16.1 | |

| | | | | | |
|--------------------------|---|--------------------------|--------------------------|---|--|
| <input type="checkbox"/> | i. Specified size, grade and type of reinforcement, anchor bolts, pre-stressing tendons and anchorages | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 2.1, 3.4 TMS 402/ACI 530/ASCE 5 Sec 1.75 | |
| <input type="checkbox"/> | j. Welding of reinforcing bars | <input type="checkbox"/> | <input type="checkbox"/> | TMS 402/ACI 530/ASCE 5 Sec 2.1.9.7.2, 3.3.4(b) | |
| <input type="checkbox"/> | k. Preparation, construction and protection of masonry during cold weather (temperatures below 40° F) or hot weather (temp above 90° F) | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.1C, 1.8D NCBC Sec 2104.3, 2104.4 | |
| <input type="checkbox"/> | l. Application and measurement of pre-stressing force | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 3.1B | |
| <input type="checkbox"/> | Preparation of any required grout specimens and / or prisms shall be observed | <input type="checkbox"/> | <input type="checkbox"/> | TMS 602/ACI 530.1/ASCE 6 Art. 1.4 NCBC Sec 2105.2.2, 2105.3 | |

IT-12 WELDING

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|---|--------------------------|--------------------------|----------------------------|------------------|
| <input type="checkbox"/> | Welding inspections shall be in compliance with AWS D1.1. The base for welding qualifications shall be AWS D1.1 | <input type="checkbox"/> | <input type="checkbox"/> | AWS D1.1-04 NCBC :704.2 | |

IT-13 HIGH-STRENGTH BOLTING & STEEL FRAME INSPECTIONS (Refer to 1704.3)

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|-------------------------------------|--|-------------------------------------|--------------------------|---|------------------|
| <input checked="" type="checkbox"/> | Material verification of high-strength bolts, nuts and washers must be inspected for: a. Identification markings to conform to ASTM standards specified in the approved construction documents b. Manufacturer's certificate of compliance required | <input checked="" type="checkbox"/> | <input type="checkbox"/> | AISC 300, Section A3.3 & applicable ASTM material standards | |
| <input type="checkbox"/> | Inspection of high-strength bolting: a. Snug-tight joints b. Pre-tensioned and slip-critical joints using turn-of-nut with match-marking, twist-off bolt or direct tension indicator methods of installation c. Pre-tensioned and slip-critical joint using turn-of-nut without match-marking or calibrated | <input type="checkbox"/> | <input type="checkbox"/> | AISC 300, Section M2.5 NCBC :704.3.3 AISC 300, Section M2.5 NCBC :704.3.3 AISC 300, Section M2.5 NCBC :704.3.3 | |

| | | | | | |
|--------------------------|---|--------------------------|--------------------------|---|--|
| <input type="checkbox"/> | wrench methods of installation Material verification of structural steel and cold-formed steel deck: • For structural steel, identification markings to conform to AISC 360 • For other steel, identification markings to conform to ASTM standards specified in the approved construction documents • Manufacturer's certified test reports | <input type="checkbox"/> | <input type="checkbox"/> | AISC 350, Section M5.5 Applicable ASTM material standards | |
| <input type="checkbox"/> | Material verification of weld filler materials: • Inspection markings to conform to AWS specification in the approved construction documents • Manufacturer's certificate test reports | <input type="checkbox"/> | <input type="checkbox"/> | AISC 350, Section A3.5 and applicable AWS A5 documents | |
| <input type="checkbox"/> | Inspection of welding: a. Structural steel and cold-formed steel deck: 1. Complete and partial joint penetration groove welds 2. Multipass fillet welds 3. Single-pass fillet welds > 5/16" 4. Plug and slot welds 5. Single-pass fillet welds ≤ 5/16" 6. Floor and roof deck welds b. Reinforcing steel: 1. Verification of weldability of reinforcing steel other than ASTM A 706 2. Reinforcing steel resisting flexural and axial forces in intermediate and special moment frames, and boundary elements of special structural walls of concrete and shear reinforcement | <input type="checkbox"/> | <input type="checkbox"/> | AWS E1.1, NCBC 1704.3.1 AWS E1.1, NCBC 1704.3.1 AWS E1.1, NCBC 1704.3.1 AWS E1.1, NCBC 1704.3.1 AWS E1.1, NCBC 1704.3.1 AWS E1.3 AWS E1.4, ACI 313:Sec 3.5.2 AWS E1.4, ACI 313:Sec 3.5.2 | |

| | | | | | |
|--------------------------|---|--------------------------|--------------------------|---|--|
| <input type="checkbox"/> | 3. Shear reinforcement | <input type="checkbox"/> | <input type="checkbox"/> | AWS E1.4, ACI 311:Sec 3.5.2 | |
| <input type="checkbox"/> | 4. Other reinforcing steel | <input type="checkbox"/> | <input type="checkbox"/> | AWS E1.4, ACI 311:Sec 3.5.2 | |
| <input type="checkbox"/> | Inspection of steel frame joint details for compliance: a. Details such as bracing and stiffening b. Member locations c. Application of joint details at each connection | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :704.3.2 NCBC :704.3.2 NCBC :704.3.2 | |

IT-14 SPRAYED FIRE-RESISTANT MATERIALS

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|--|--------------------------|--------------------------|--------------|------------------|
| <input type="checkbox"/> | Spray applied fire-resistant materials | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :704.12 | |

IT-15 EXTERIOR INSULATION & FINISH SYSTEM (EIFS)

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|-----------------|--------------------------|--------------------------|--------------|------------------|
| <input type="checkbox"/> | EIFS | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :704.14 | |

IT-16 SEISMIC RESISTANCE

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|--|--------------------------|--------------------------|-----------|------------------|
| <input type="checkbox"/> | A quality assurance plan with seismic requirements shall be provided in accordance with section 1704 | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :704 | |

IT-17 SMOKE CONTROL

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|------------------------------------|--------------------------|--------------------------|--------------|------------------|
| <input type="checkbox"/> | Inspection of smoke control system | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :704.16 | |

IT-18 WOOD

| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
|--------------------------|--|--------------------------|--------------------------|-------------|------------------|
| <input type="checkbox"/> | Inspection of fabricators to be in accordance with the requirements set forth in NCBC Section 1704.2 | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :704.2 | |
| <input type="checkbox"/> | Temp & permanent bracing on metal | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :704.6 | |

| <input type="checkbox"/> | plate-connected trusses spanning 360' | <input type="checkbox"/> | <input type="checkbox"/> | | |
|----------------------------|--|--------------------------|--------------------------|------------------------------|------------------|
| IT-19 SPECIAL CASES | | | | | |
| Check if required | Inspection Task | C | P | Standard | Notes / Comments |
| <input type="checkbox"/> | Racking | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :707.5 | |
| <input type="checkbox"/> | Retaining Walls | <input type="checkbox"/> | <input type="checkbox"/> | NCBC :607.2 | |
| <input type="checkbox"/> | Special Events (as decided / required by Code Enforcement) | <input type="checkbox"/> | <input type="checkbox"/> | Per Mecklenburg Courm Policy | |
| <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | | |
| <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | | |
| <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> | | |

BERKLEY GROUP LLC

July 25, 2017

Town of Huntersville - Planning and Zoning
Huntersville, NC

RE: Parcel 01308105
Letter regarding tower request and Section 9.9 of Town Ordinance

To The Town of Huntersville:

Berkley Group LLC respectfully submits this proposal to erect a 160' stealth light monopole telecommunications tower on the property commonly referred to as Francis Bradley Middle School at 13345 Beatties Ford Road. Berkley entered an agreement with the Charlotte Mecklenburg Board of Education on March 7, 2016 for this purpose as well as Verizon Wireless to engage in securing their needed wireless infrastructure.

This request is done after evaluating all of the neighboring sites and existing structures that could be potential collocations for Verizon Wireless. In addition, a community meeting was held to answer any questions that neighbors and those that were affiliated with the school might have. As you will see in the confidential propagation maps that are attached, the science of wireless transmission is very specific and this tower is needed to provide the wireless service that the residents, business owners and those passing by are demanding.

Section 9.9 - Town Ordinance - Berkley response

1. Submitted plans indicate a multi carrier pole and Berkley Group LLC submits this letter in good faith to lease space to others -- it is our common goal and objective to do such. Reference tower manufacturer drawings and drawings C2 and C4.
2. Attached propagation maps show need for the tower to provide improved and increased cellular coverage.
3. Design of tower is stealth and considered a light pole design - this was the request of those who attended community meeting in May 2015.
4. Fencing will be done according to Town plans. Reference drawing C6.
5. It is acknowledged that all unused facilities must be removed within 12 months of cessation of operation
6. No additional equipment will be stored or held at this facility.
7. This tower is designed to be a light pole design, however, will be for aesthetics only (non-functional lights) unless additional requests are made to the Town and or the FAA or FCC requires such lighting.
8. Screening will meet the town requirements. Reference Drawing C8.
9. This is the only proposed tower on this property.
10. Engineering plans as submitted meet the setback requirements. Reference drawing V1.

10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698

11. Tower plans as submitted meet the camouflaged requirements. Berkley worked diligently with the City of Charlotte to come up with this stealth tower design in this type of scenario. In addition, the location of this tower is very low (topographically) compared to the surrounding areas and will be very discreet.
12.
 - a.) The proposed tower height is 160'.
 - b.) The property the tower is being proposed on is 61.4 acres.
 - c.) The tower is 1183' from Beatties Ford Road and 1048' from Jim Kidd Road as shown on drawing V1.
 - d.) The tower will only have lighting per FAA and FCC requirements. The proposed lights at 40' are for aesthetics only and will be non-functional.
 - e.) The proposed tower is designed for 4 carriers. Reference tower manufacturer drawings and drawings C2 and C4.
 - f.) The closest occupied structure is approximately 465' west of the proposed structure. There is a storage building for sports equipment and tools located approx. 150' east of the proposed tower. It is not occupied.
 - g.) The proposed tower is a Monopole/Light Pole design.
 - h.) The closest existing communication tower is approx. 1.4 miles northeast of the proposed tower.

Essential Service:

Over the past two decades, wireless service has become ubiquitous in the United States. Mobile telecommunications has evolved into a daily necessity and an essential public service for the vast majority of the citizens of Huntersville, North Carolina and the United States. Citizens are demanding and expecting quality, reliable wireless service for their daily lives, safety and medical use, and essential 911 service calls.

The backbone of any wireless system is the towers that allow for transmission and the equipment related to such. Obviously, without the tower as proposed and as seen in the attached propagation maps, the area has weak and declining service which we are proposing to improve upon. As one might see structures that support other essential services such as electricity, cable and water, this too is a structure that supports the demanded service. In this case, we believe we have sited and designed the tower to allow for the least amount of attention possible.

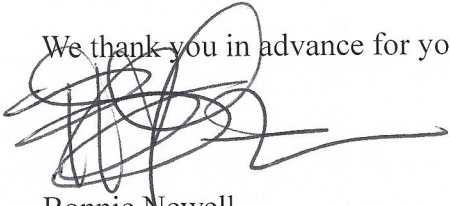
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Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698

BERKLEY GROUP^{LLC}

We ask that you give our proposal serious and diligent consideration and ask questions that you may have. We will be prepared for those between now and our scheduled meetings. It is our desire to enhance your community with this wireless service and be a benefit to the very citizens of your community.

We thank you in advance for your consideration.



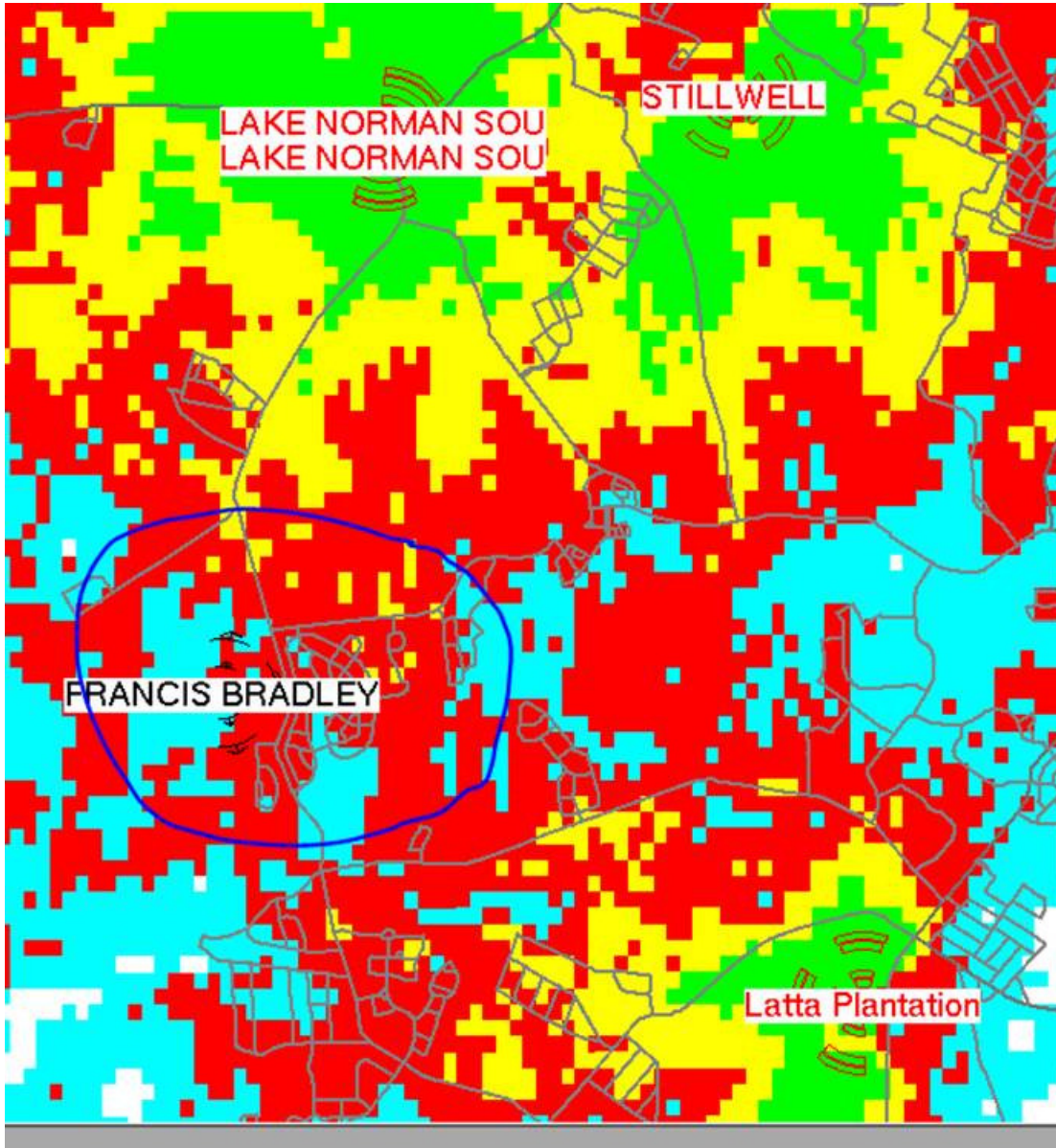
Bonnie Newell
Berkley Group LLC
704-907-7104

10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698

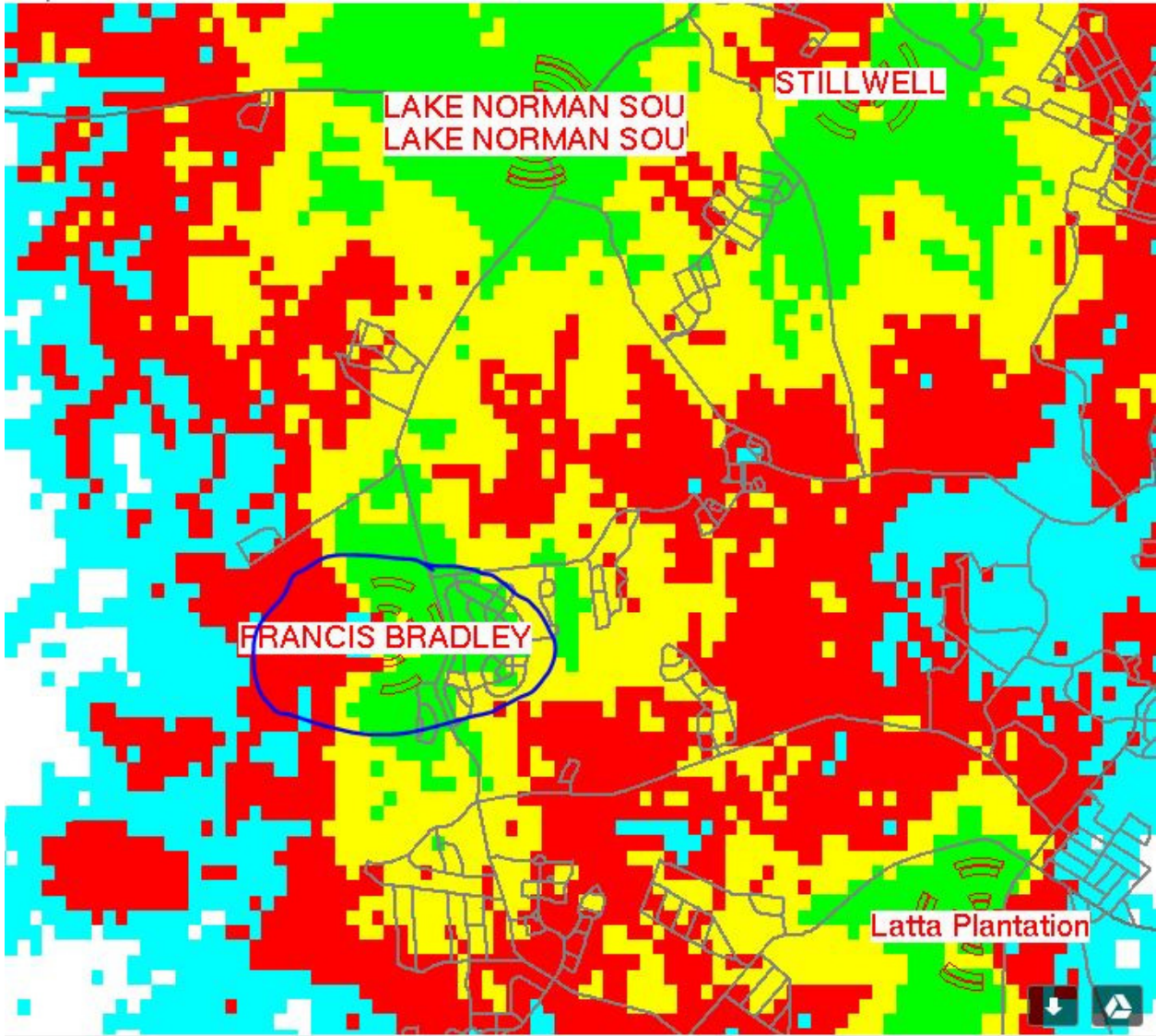
Note: The below Propagation Maps are confidential material and can not be disseminated in any public forum.

Verizon Propagation Map before construction of Proposed Tower



- LTE RSRP
7CL1
 Clr: RSRP (dBm)
- >= -75
 - >= -85
 - >= -95
 - >= -105

Verizon Propagation Map after construction of Proposed Tower



- LTE RSRP
- 7CL1
- Clr: RSRP (dBm)
- >= -75
- >= -85
- >= -95
- >= -105

Storage building (unoccupied)



Front view



Back view



Side view



Side view



General Application

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

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

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

| | |
|--|--|
| <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> COMMERCIAL SITE PLAN <input type="checkbox"/> CONDITIONAL REZONING <input type="checkbox"/> GENERAL REZONING <input type="checkbox"/> MASTER SIGNAGE PROGRAM <input type="checkbox"/> REVISION to _____ <input checked="" type="checkbox"/> SPECIAL USE PERMIT | SUBDIVISION CATEGORIES: <i>Per the Huntersville Subdivision Ordinance</i> <input type="checkbox"/> SKETCH PLAN <input type="checkbox"/> PRELIMINARY PLAN <input type="checkbox"/> FINAL PLAT(includes minor and exempt plats) <input type="checkbox"/> FINAL PLAT REVISION <input type="checkbox"/> FARMHOUSE CLUSTER |
|--|--|

2. Project Data

Date of Application 6-1-17

Name of Project Berkley Group Bradley Middle School Telecommunication Site Phase # (if subdivision) _____

Location 13359 Beatties Ford Road, Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 01308105

Current Zoning District Residential Proposed District (for rezonings only) _____

Property Size (acres) 61 Street Frontage (feet) Approx. 2100

Current Land Use School

Proposed Land Use(s) Add Telecommunication Tower site

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

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.
 Obtain SUP approval for new telecommunications tower on Charlotte Mecklenburg Bradley Middle School property

4. Site Plan Submittals

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

5. Outside Agency Information

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

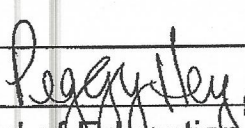
For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Signatures

*Applicant's Signature  Printed Name Bonnie Newell

Address of Applicant 10612-D Providence Rd., PMB 742, Charlotte, NC 28277

Email b_newell@bellsouth.net

Property Owner's Signature (if different than applicant)  ED of Facility Planning and Management

Printed Name Charlotte-Mecklenburg Board of Education

Property Owner's Address 600 E. 4th Street, Fifth Floor, Charlotte, NC 28202 Email _____

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

| Development Firm | Name of contact | Phone | Email |
|-----------------------|-----------------|--------------|--------------------------|
| Berkley Group LLC | Bonnie Newell | 704 907-7104 | b_newell@bellsouth.net |
| AC&S Engineering, Inc | Terry Aldrich | 864 288-0553 | terry.aldrich@acs-es.com |
| Design Firm | Name of contact | Phone | Email |

If Applying for a General Rezoning:

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

If Applying for a Conditional Rezoning:

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

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

If Applying for a Subdivision:

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

Contact Information

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

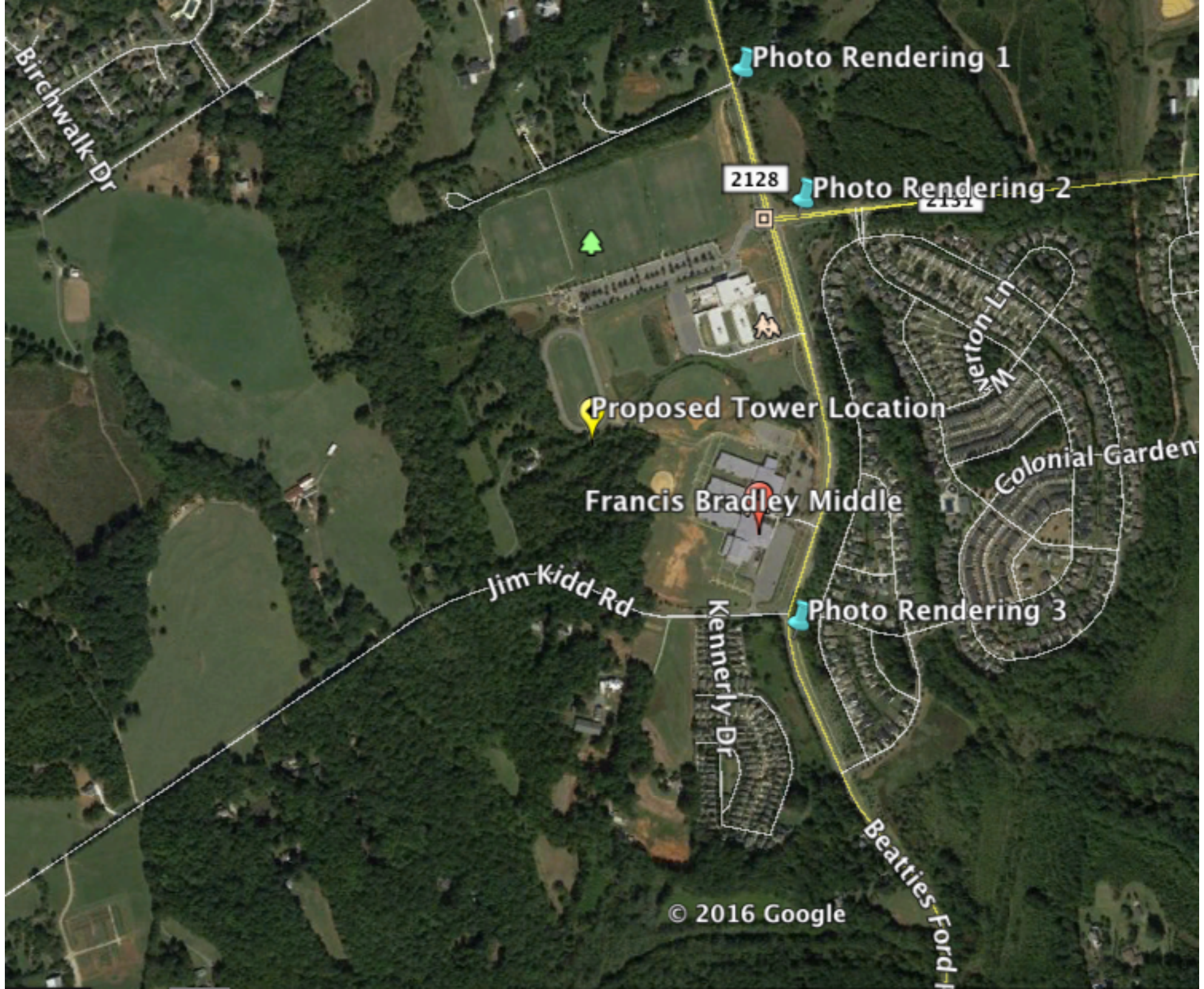


Photo Rendering 1

2128

Photo Rendering 2

Proposed Tower Location

Francis Bradley Middle

Jim Kidd-Rd

Photo Rendering 3

Nerton Ln

Colonial Garden

Kennerly Dr

Beatties Ford Rd

© 2016 Google

Proposed Stealth Communication Tower - 1988' from here
41' higher elevation

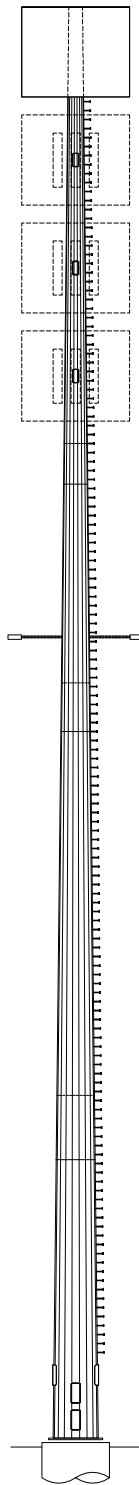


Proposed Stealth Communication Tower - 1615' from here
37' higher elevation here



Proposed Stealth Communication Tower - 1629' from here
12' lower elevation





3034-A ASHLEY PHOSPHATE RD.
 NORTH CHARLESTON, SC 29418
 P: (800)-755-0689 / F: (843)-207-0207
 WWW.STEALTHCONCEALMENT.COM

PROJECT MANAGER: DANIEL ROBERTS ; (843)-574-9675

FINAL ENGINEERING

BERKLEY GROUP, LLC.
 BRADLEY MIDDLE SCHOOL
 13345 BEATTIES FORD ROAD
 HUNTERSVILLE, NC 28078

STEALTH JOB #: BG16-00460W-05R3

DRAWING INDEX

| | |
|-------|------------------------|
| T1 | TITLE SHEET |
| N1-N2 | NOTES & SPECIFICATIONS |
| S1 | ELEVATIONS |
| S2 | PLAN VIEWS |
| S3-S4 | DETAILS |
| S5 | FOUNDATION |
| S6 | DETAILS |



04/06/17



T1

4/6/17

REVISION

0

GENERAL

- THE TYPICAL NOTES SHALL APPLY FOR ALL CASES UNLESS OTHERWISE SPECIFICALLY DETAILED WITHIN THE DRAWINGS. SOME NOTES MAY NOT BE APPLICABLE IN PART OR IN WHOLE FOR EVERY PROJECT.
- ANY ITEMS REFERENCED AS BEING ON "HOLD" ARE TO BE INCLUDED IN THE WORK AS SHOWN. HOWEVER, CONSTRUCTION OR FABRICATION IS NOT TO BEGIN UNTIL THE "HOLD" REFERENCE IS REMOVED.
- DIMENSIONS CONTAINED WITHIN MUST BE FIELD VERIFIED AND CUSTOMER APPROVED PRIOR TO FABRICATION OF MATERIALS.
- THE MODIFICATIONS DEPICTED IN THESE DRAWINGS ARE INTENDED TO PROVIDE STRUCTURAL SUPPORT FOR THE ADDITION OF THE ANTENNA SCREENING SYSTEMS OUTLINED WITHIN. THE EXISTING STRUCTURE OR BUILDING SHALL BE ANALYZED AND RETROFITTED AS REQUIRED, BY OTHERS, TO WITHSTAND THE LOADS IMPOSED BY THE NEW STEALTH® ENCLOSURE SHOWN ON THE DRAWINGS.
- ANTENNA CONCEALMENT PRODUCTS SHALL BE INSTALLED BY A CONTRACTOR EXPERIENCED IN SIMILAR WORK. CARE SHALL BE TAKEN IN THE INSTALLATION OF ANY AND ALL MEMBERS IN ACCORDANCE WITH RECOGNIZED INDUSTRY STANDARDS AND PROCEDURES. ALL APPLICABLE OSHA SAFETY GUIDELINES ARE TO BE FOLLOWED. STEALTH® IS NOT PROVIDING FIELD INSTALLATION SUPERVISION.
- THESE DRAWINGS INDICATE THE MAJOR OPERATIONS TO BE PERFORMED, BUT DO NOT SHOW EVERY FIELD CONDITION THAT MAY BE ENCOUNTERED. THEREFORE, PRIOR TO BEGINNING OF WORK THE CONTRACTOR SHOULD SURVEY THE JOB SITE THOROUGHLY TO MINIMIZE FIELD PROBLEMS.
- PROTECTION OF EXISTING STRUCTURES DURING THE COURSE OF THE CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- THE STRUCTURAL INTEGRITY OF THIS STRUCTURE IS DESIGNED TO BE ATTAINED IN ITS COMPLETED STATE. WHILE UNDER CONSTRUCTION ANY TEMPORARY BRACING OR SHORING WHICH MAY BE REQUIRED TO MAINTAIN STABILITY PRIOR TO COMPLETION SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- THE PLANS AND DETAILS WITHIN DO NOT INCLUDE DETAILS OR DESIGN FOR DRAINAGE FROM OR WATERPROOFING OF EXTERIOR OR INTERIOR SURFACES OF THE EXISTING BUILDING OR STRUCTURE. THESE DETAILS MUST BE COMPLETED BY OTHERS.

MATERIAL NOTES:

- 18-SIDED MONOPOLE SHAFT STEEL SHALL CONFORM w/ ASTM A572 GR. 65, U.N.O.
- BASE PLATE STEEL SHALL CONFORM w/ ASTM A572, GR. 50, U.N.O.
- REINFORCED ACCESS PORT STEEL SHALL CONFORM w/ ASTM A572 GR. 65, U.N.O.
- ALL STEEL TUBES (SQUARE & RECTANGULAR) SHALL CONFORM w/ ASTM A500 GR. C (50 ksi), U.N.O.
- ALL OTHER STRUCTURAL STEEL SHAPES & PLATES SHALL CONFORM TO ASTM A36, U.N.O.
- ALL BOLTS FOR THE STEEL-TO-STEEL CONNECTIONS SHALL CONFORM w/ ASTM F3125 GR. A325, U.N.O.
- ALL WELDING SHALL BE PERFORMED BY CERTIFIED WELDERS IN ACCORDANCE WITH THE LATEST VERSION OF THE AMERICAN WELDING SOCIETY (AWS) D1.1. ALL WELDING SHALL BE PERFORMED IN A SHOP APPROVED BY THE BUILDING OFFICIAL. STEEL WELDS SHALL BE BY E70XX LOW HYDROGEN ELECTRODES.
- ALL STEEL SURFACES SHALL BE THOROUGHLY COATED WITH A ZINC-RICH PRIMER OR EQUIVALENT.
- ALL BOLTED CONNECTIONS SHALL BE TIGHTENED PER THE "TURN-OF-NUT" METHOD AS DEFINED BY AISC

DISCLAIMERS:

- ALL STRUCTURAL COMPONENTS TO BE CONNECTED TOGETHER SHALL BE COMPLETELY FIT UP ON THE GROUND OR OTHERWISE VERIFIED FOR COMPATIBILITY PRIOR TO LIFTING ANY COMPONENT INTO PLACE. REPAIRS REQUIRED DUE TO FIT-UP OR CONNECTION COMPATIBILITY PROBLEMS AFTER PARTIAL ERECTION ARE THE FINANCIAL RESPONSIBILITY OF THE CONTRACTOR.

STEALTHSKIN PANELS

- FASTENER HOLES IN STEALTHSKIN FOAM COMPOSITE PANELS ARE NOT FACTORY DRILLED AND MUST BE DRILLED IN THE FIELD.
- PANEL FASTENERS TO BE SPACED 12" O.C. MAX. AND LOCATED 6" MAX. HORIZONTALLY FROM EACH EDGE AT TOP AND BOTTOM OF PANEL. MAINTAIN 1 ½" MIN. EDGE DISTANCE FROM ALL EDGES. 4' WIDE PANELS REQUIRE (4) FASTENERS TOP AND BOTTOM. 5' WIDE PANELS REQUIRE (5) FASTENERS TOP AND BOTTOM.
- WHEN FASTENER BOLT HEAD OR NUT BEARS DIRECTLY ON SURFACE OF STEALTHSKIN PANEL, TIGHTEN PANEL BOLTS ONLY ½ TURN PAST SNUG. APPLY THREAD LOCK COMPOUND TO THE THREADS OF METAL BOLTS. USE THIN BEAD OF EPOXY TO LOCK THE NUTS OF FRP BOLTS AND STEALTH® STAINLESS STEEL PANEL BOLTS. USE WASHER OR FLANGED HEAD BOLT, OR FASTENER WITH LARGE BEARING SURFACE.
- PANELS WILL EXPAND AND CONTRACT DUE TO TEMPERATURE. WHEN INSTALLING PANELS IN COLD TEMPERATURES, EVENLY SPACE PANELS ALONG LENGTH OF SCREEN WALL WITH EQUAL GAPS BETWEEN PANELS TO ALLOW FOR EXPANSION DURING WARM TEMPERATURES.
- ADJACENT FLAT PANELS ARE JOINED BY A VERTICAL FOAM SPLINE THAT IS INSERTED INTO GROOVES CUT INTO THE SIDE OF EACH PANEL. DO NOT LIFT PANELS BY GROOVES. PANELS MUST BE LIFTED WITH FORCE DIRECTED ONTO PANEL SURFACE.
- ADJACENT RADIUS PANELS ARE JOINED BY A VERTICAL H-CHANNEL. INSERT PANELS INTO EACH SIDE OF H-CHANNEL.
- RADIUS PANELS MUST BE EVENLY SPACED ALONG RADIUS SUPPORT. CONTRACTOR TO MEASURE LENGTH OF RADIUS SUPPORT AND DIVIDE BY THE NUMBER OF RADIUS PANELS TO DETERMINE PROPER SPACING. H-CHANNEL CONNECTORS ARE USED TO COVER THE GAP BETWEEN PANELS AND TO ALLOW FOR PANEL EXPANSION AND CONTRACTION.
- SURFACES OF PANELS SHALL BE COATED WITH SUITABLE PAINT FOR UV PROTECTION. TOP EDGE OF PANEL MUST BE COVERED TO PREVENT WATER TRAVEL BETWEEN PANELS. USE SHERWIN WILLIAMS "COROTHANE II" OR PRE APPROVED EQUIVALENT.
- EXPOSED TOP AND SIDE FOAM EDGES OF PANELS MUST BE COVERED OR COATED FOR UV PROTECTION. STEALTH® WILL PROVIDE PANEL EDGE CAPS TO BE FIELD APPLIED FOR THIS PURPOSE FOR MOST APPLICATIONS. PANEL EDGE CAPS TO BE SECURED WITH TEK SCREW INSTALLED @ 12" MAXIMUM SPACING ON THE INSIDE FACE OF THE PANEL.

DESIGN NOTES:

STRUCTURAL DESIGN IS BASED ON THE 2012 NORTH CAROLINA BUILDING CODE (2009 IBC) & THE ASCE 7-05 STANDARD.

DESIGN LOADS:

WIND:

BASIC WIND SPEED: 90 MPH (3-SEC GUST) PER TIA-222-G STANDARD
IMPORTANCE FACTOR: 1.00
STRUCTURE CLASS / OCCUPANCY CATEGORY: II
EXPOSURE: C
TOPOGRAPHIC CATEGORY: 1
CREST HEIGHT: 0 FT

ICE: 0.75" RADIAL ICE THICKNESS @ 30 MPH (3-SEC GUST)

ESTIMATED WEIGHT (INCLUDING ANTENNAS AND EQUIPMENT):

47.8 k (1.0 DEAD)

REACTIONS:

SHEAR, V = 31.7 k (1.6 WIND)
AXIAL, P = 86.0 k (1.2 DEAD + 1.0 ICE)
MOMENT, M = 3,721 k-ft (1.6 WIND)

THE REACTIONS V & M LISTED ABOVE SHALL BE CONSIDERED TO ACT IN ANY HORIZONTAL DIRECTION.

DESIGN:

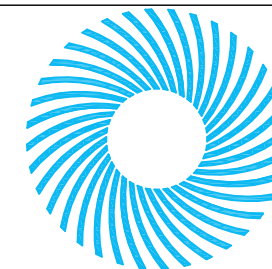
- ENGINEERING AND DESIGN CALCULATIONS FOR STEALTH® POLE AND TOWER PRODUCTS ARE PREPARED IN ACCORDANCE WITH THE LATEST VERSION OF THE TIA/EIA-222. OTHER STRUCTURES ARE DESIGNED IN ACCORDANCE WITH APPLICABLE LOCAL OR NATIONAL STANDARDS AND PER CLIENT INPUT.

STRUCTURAL STEEL

- STEEL FABRICATION AND INSTALLATION SHALL BE DONE IN ACCORDANCE WITH THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION MANUAL AND SPECIFICATIONS.
- STEEL I-SHAPE, ANGLE, CHANNEL, AND MISCELLANEOUS MEMBERS SHALL CONFORM TO ASTM A36 (36 KSI MIN. YIELD STRENGTH) STEEL SPECIFICATIONS, U.N.O.
- STEEL PLATE MEMBERS SHALL CONFORM TO ASTM A36 (36 KSI MIN. YIELD STRENGTH) STEEL SPECIFICATIONS U.N.O.
- STEEL PIPE AND ROUND TUBE MEMBERS SHALL CONFORM TO ASTM A500 GRADE B (42 KSI MIN. YIELD STRENGTH) STEEL SPECIFICATIONS, U.N.O.
- STEEL RECTANGULAR AND SQUARE TUBE MEMBERS SHALL CONFORM TO ASTM A500 GRADE B (46 KSI MIN. YIELD STRENGTH) STEEL SPECIFICATIONS, U.N.O.
- STEEL WIDEFLANGE MEMBERS SHALL CONFORM TO ASTM A992 (50 KSI MIN, YIELD STRENGTH) STEEL SPECIFICATIONS U.N.O.
- BOLTS SHALL BE DOMESTIC, NEW HIGH STRENGTH GALVANIZED BOLTS, BEARING TYPE "X" (THREADS EXCLUDED), U.N.O., AND SHALL CONFORM TO ASTM A325 SPECIFICATIONS, U.N.O.
- STRUCTURAL BOLTS SHALL BE TIGHTENED USING TURN-OF-THE-NUT METHOD.
- BOLT HOLE EDGE DISTANCES SHALL BE A MINIMUM 1", U.N.O.
- ALL WELDING SHALL BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS AND PROCEDURES OF THE AMERICAN WELDING SOCIETY (AWS) BY CERTIFIED WELDERS PER AWS D1.1 FOR STEEL AND AWS D1.2 FOR ALUMINUM. STEEL WELDS SHALL BE BY E70XX, LOW HYDROGEN ELECTRODE.
- STEEL SHALL BE HOT DIP GALVANIZED PER ASTM A123 SPECIFICATIONS AFTER FABRICATION OR PAINTED WITH RUST INHIBITIVE PRIMER.
- STEEL HARDWARE SHALL BE HOT DIP GALVANIZED PER ASTM A153, U.N.O.
- AFTER ANY FIELD HOLE PUNCHING / DRILLING OR CUTTING HAS BEEN COMPLETED, OR FOR ANY DAMAGED STRUCTURAL MEMBER, TOUCH UP ALL BARE MATERIAL AND WELDED AREAS WITH TWO COATS OF GAL-CON OR SIMILAR MATERIAL TO RESTORE THE GALVANIZED PROTECTION ON THE MEMBERS.
- ALL WELDED STEEL ASSEMBLIES AND INDIVIDUAL STEEL PARTS SHOULD HAVE THE PART NUMBER WELDED ONTO THE PART OR ASSEMBLY. THE PART NUMBERS SHOULD BE LOCATED CONSISTENTLY AND AWAY FROM ANY CONNECTION POINT TO AVOID ANY INTERFERENCE ISSUES WITH THE WELD.

SPECIAL INSPECTIONS & STRUCTURAL OBSERVATION:

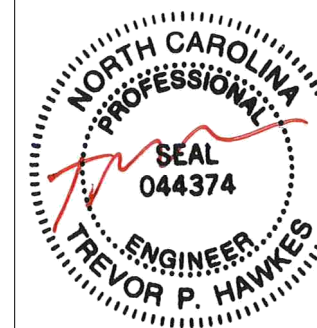
- STEEL FABRICATION SHALL BE DONE ON THE PREMISES OF A FABRICATOR REGISTERED AND APPROVED AS REQUIRED BY THE BUILDING CODE TO PERFORM SUCH WORK WITHOUT SPECIAL INSPECTION.
- NO FIELD WELDING SHALL BE PERMITTED.
- THE FOLLOWING SPECIAL INSPECTIONS (WHERE APPLICABLE) SHALL BE REQUIRED PER CHAPTER 17 OF THE BUILDING CODE.
 - PERIODIC SPECIAL INSPECTION OF HIGH-STRENGTH BOLTING
 - CONTINUOUS SPECIAL INSPECTION OF DRILLING OPERATIONS FOR PIER FOUNDATIONS
 - CONTINUOUS SPECIAL INSPECTION TO VERIFY LOCATION, PLUMBNESS, DIAMETER, AND LENGTH OF DRILLED PIER FOUNDATIONS
 - PERIODIC SPECIAL INSPECTION TO VERIFY ADEQUATE SOIL BELOW GRADE
 - CONTINUOUS SPECIAL INSPECTION OF ANCHOR BOLTS PRIOR TO AND DURING CONCRETE PLACEMENT
- SPECIAL INSPECTION IS NOT REQUIRED FOR WORK OF A MINOR NATURE OR AS WARRANTED BY CONDITIONS IN THE JURISDICTION AS APPROVED BY THE BUILDING OFFICIAL. THUS, SPECIAL INSPECTION ITEMS ABOVE MAY BE WAIVED AS DEEMED APPROPRIATE BY THE BUILDING OFFICIAL.
- NO STRUCTURAL OBSERVATION IS REQUIRED.



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3034-A ASHLEY PHOSPHATE RD.
NORTH CHARLESTON, SC 29418
P: (800)-755-0689 F: (843)-207-0207
WWW.STEALTHCONCEALMENT.COM

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DRAWING NOT TO SCALE. UNLESS SPECIFIED OTHERWISE DIMENSIONS SHOWN ARE IN INCHES

| TOLERANCES | |
|---------------------------------------|---------------------|
| DECIMALS X ± 1/16" .XXX ± 0.01" | ANGULAR X ± 0.5° |

NOTES & SPECIFICATIONS

BERKLEY GROUP, LLC.
SITE: BRADLEY MIDDLE SCHOOL
13345 BEATTIES FORD ROAD
HUNTERSVILLE, NC

JOB #: BG16-00460W-05R3

DRAWN: WAM-VSE

DESIGNED: TAJ-VSE

REVISED:

N1

4/6/17

REVISION

0

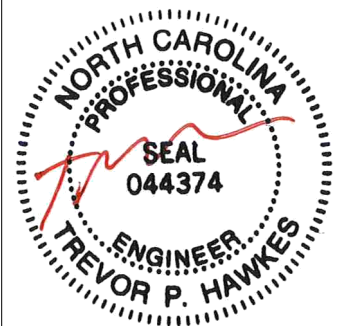




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OTHERWISE DIMENSIONS SHOWN ARE IN INCHES

| TOLERANCES | |
|-----------------------|---------------------|
| DECIMALS X ± 1/16" | ANGULAR X ± 0.5° |
| .XXX ± 0.01" | |

ELEVATION

BERKLEY GROUP, LLC.
SITE: BRADLEY MIDDLE SCHOOL
13345 BEATTIES FORD ROAD
HUNTERSVILLE, NC

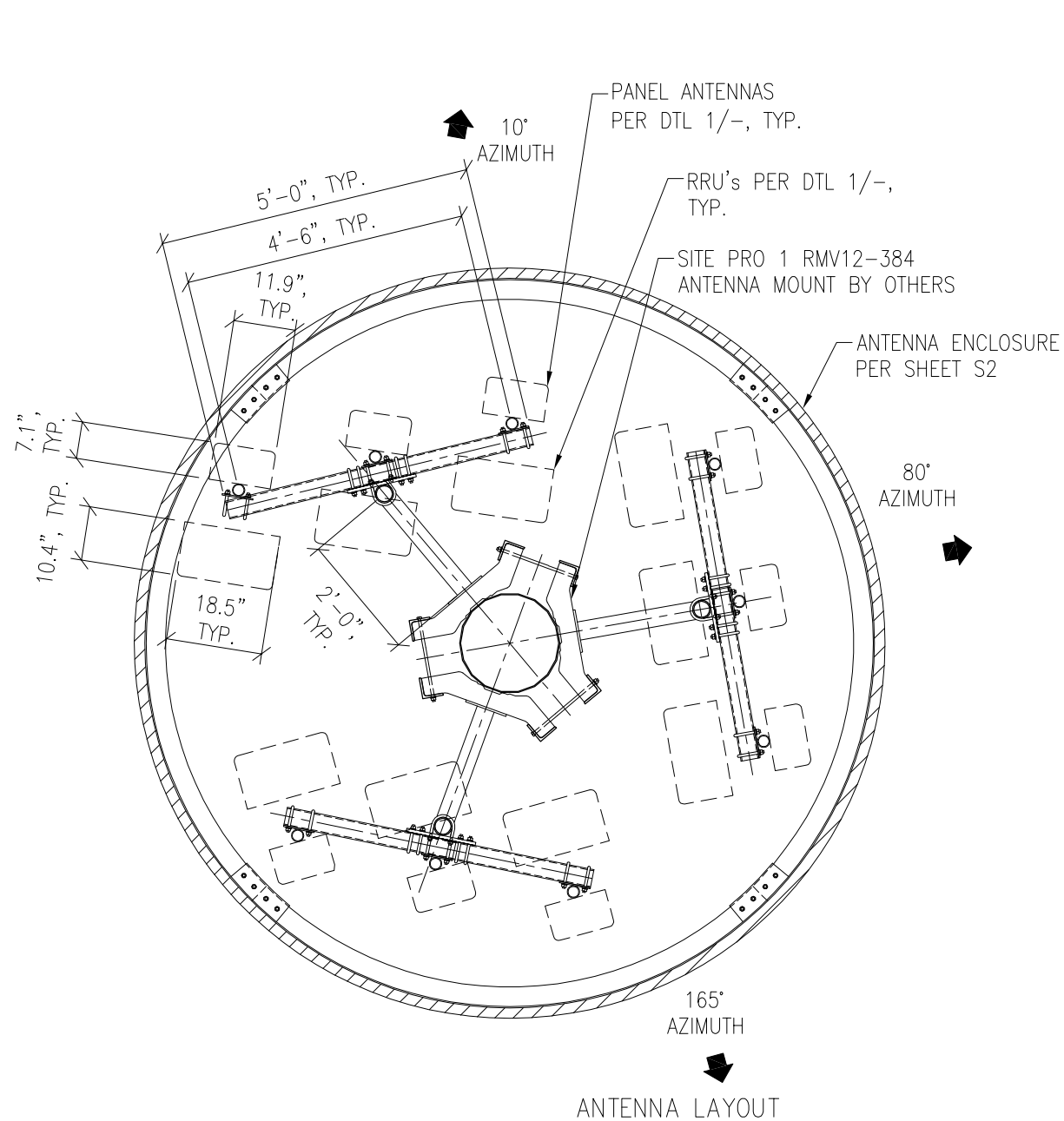
JOB #: BG16-00460W-05R3
DRAWN: WAM-VSE
DESIGNED: TAJ-VSE
REVISED:

S1

4/6/17

REVISION

0



ANTENNA LAYOUT

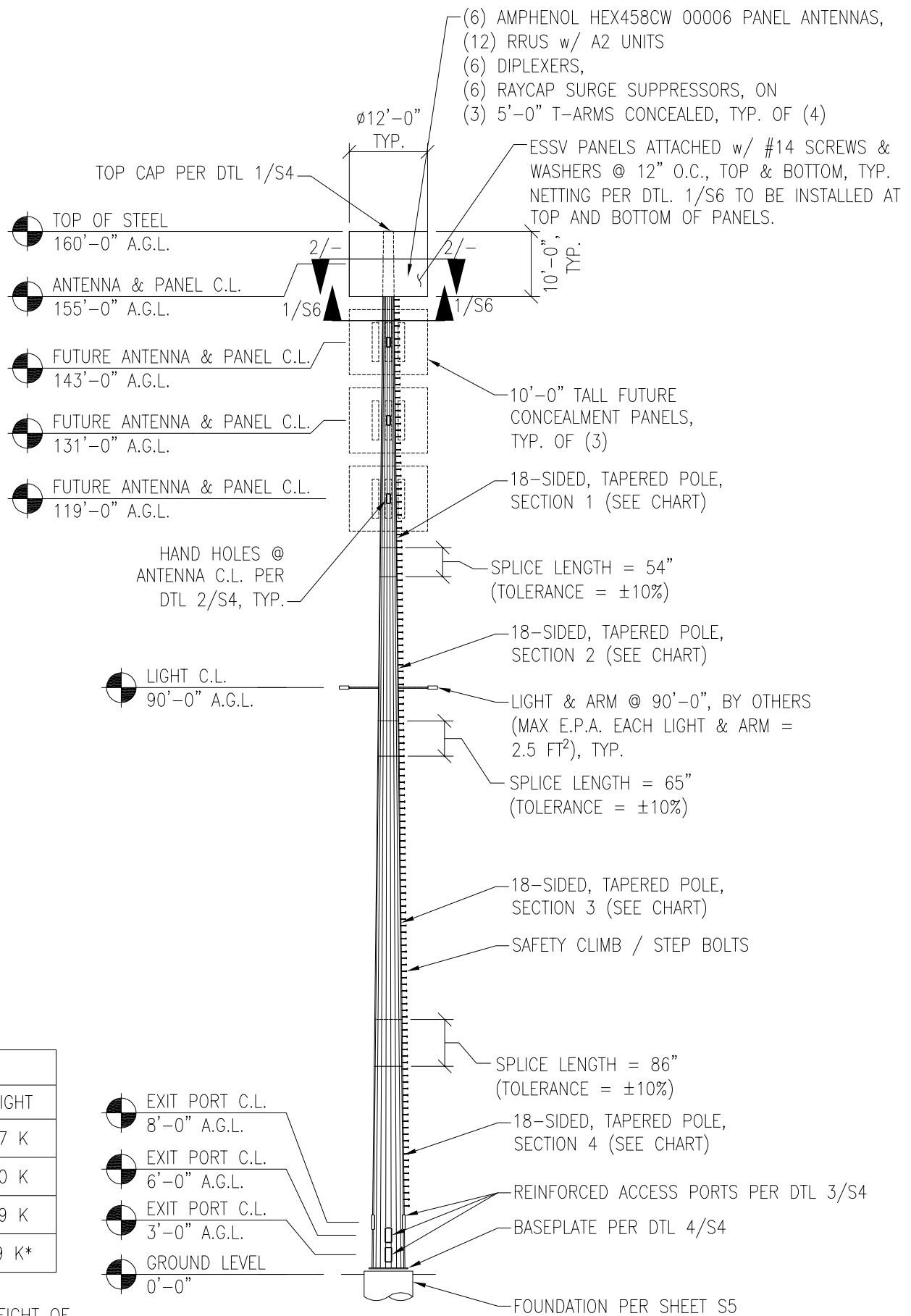
N.T.S.

2

| MONOPOLE SECTION CHART | | | | | |
|------------------------|--------|--------|----------|-----------|--------|
| SECTION | LENGTH | TOP Ø | BOTTOM Ø | THICKNESS | WEIGHT |
| 1 | 53'-0" | 18.00" | 32.31" | 3/16" | 2.7 K |
| 2 | 32'-0" | 30.72" | 39.36" | 1/4" | 3.0 K |
| 3 | 53'-0" | 37.40" | 51.71" | 5/16" | 7.9 K |
| 4 | 38'-1" | 49.15" | 59.43" | 5/16" | 8.9 K* |

TAPER = 0.27 IN/FT

1. INCLUDES BASEPLATE & PORT WEIGHT. EXCLUDES WEIGHT OF GALVANIZING OR OTHER COATINGS AND MISC. ATTACHMENTS.
2. DIAMETERS OF POLE SECTIONS AT LAP SPLICES MAY BE ADJUSTED BY UP TO 0.06" TO ACCOUNT FOR THE THICKNESS OF COATINGS



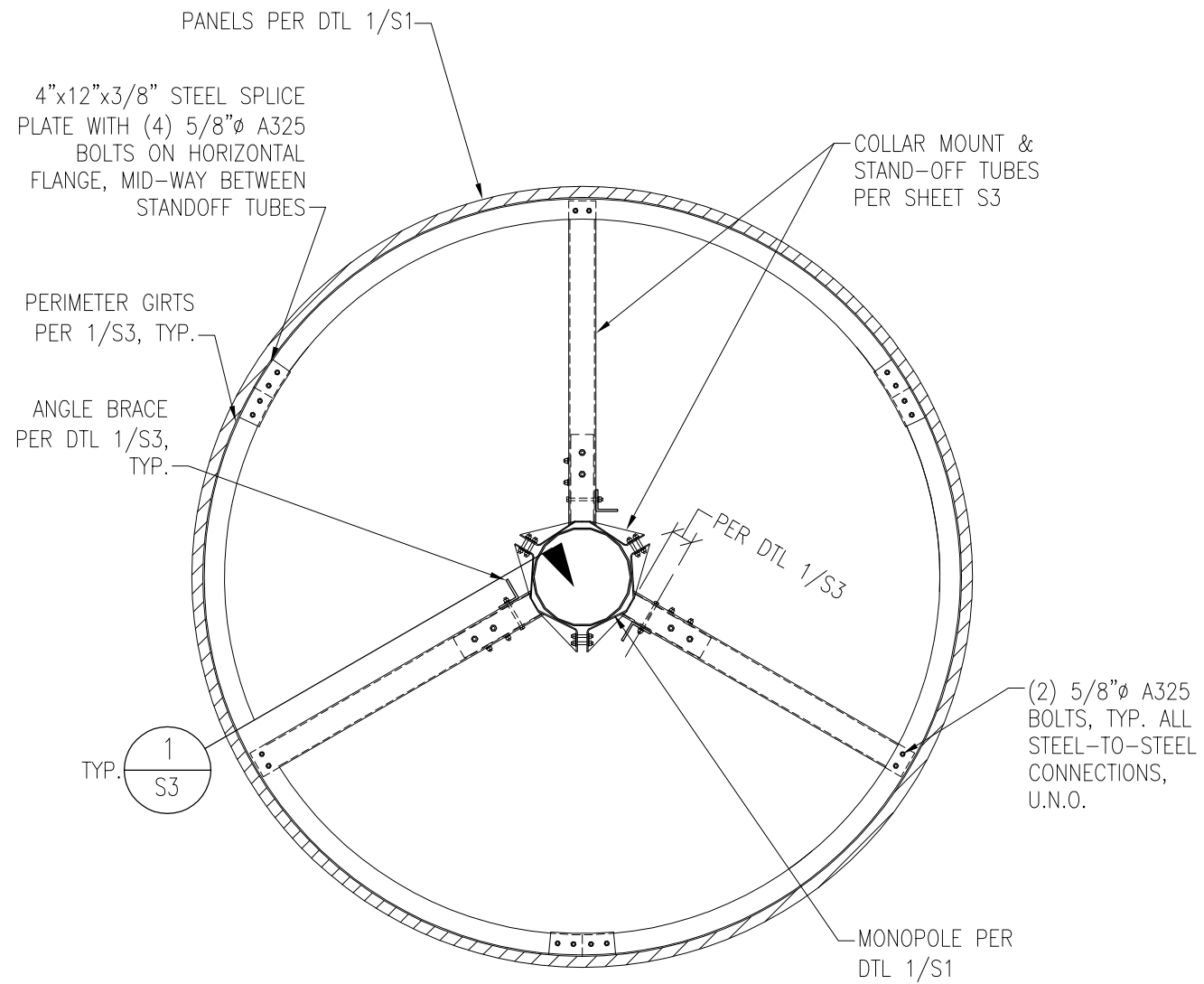
ELEVATION VIEW

N.T.S.

1



NOTE: ANTENNAS & MOUNT
NOT SHOWN FOR CLARITY

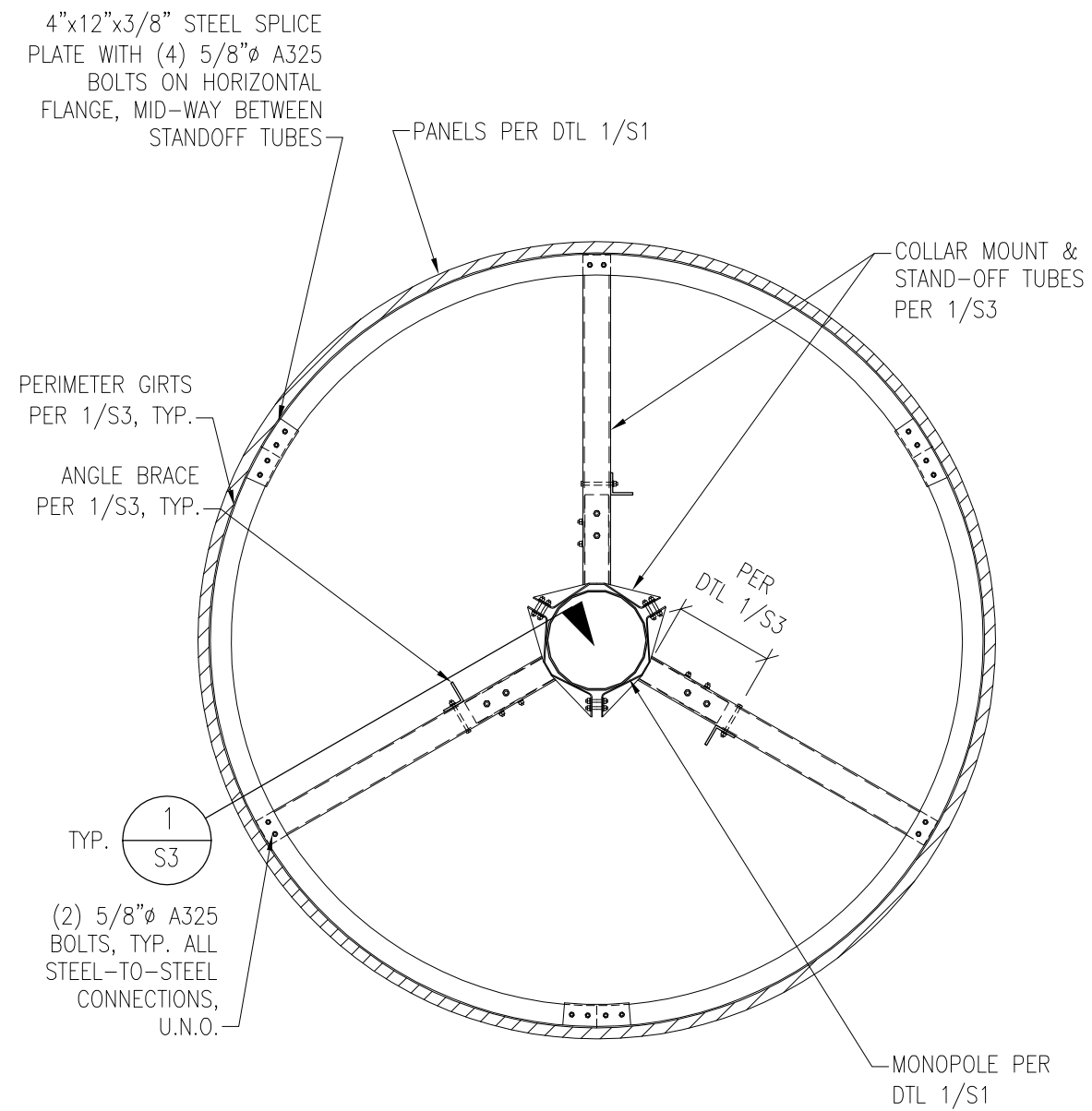


PLATFORM CONCEALMENT TOP PLAN VIEW

N.T.S.

2

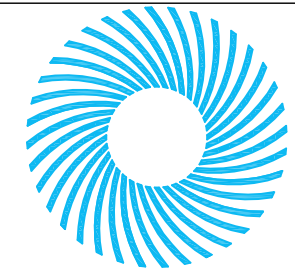
NOTE: ANTENNAS & MOUNT
NOT SHOWN FOR CLARITY



PLATFORM CONCEALMENT BOTTOM PLAN VIEW

N.T.S.

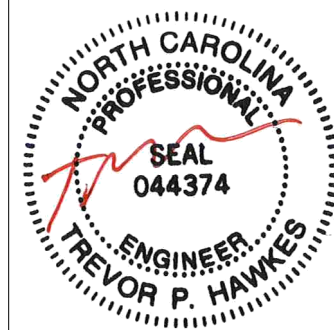
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OTHERWISE DIMENSIONS SHOWN ARE IN INCHES

| TOLERANCES | |
|--------------|----------|
| DECIMALS | ANGULAR |
| X ± 1/16" | X ± 0.5° |
| .XXX ± 0.01" | |

PLAN VIEWS

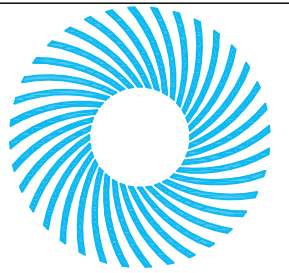
BERKLEY GROUP, LLC.
SITE: BRADLEY MIDDLE SCHOOL
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HUNTERSVILLE, NC

JOB #: BG16-00460W-05R3
DRAWN: WAM-VSE
DESIGNED: TAJ-VSE
REVISED:

S2
4/6/17

REVISION
0

VECTOR
ENGINEERS
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DRAPER, UT 84020
P: (801) 990-1775 F: (801) 990-1776
VECTOR PROJECT: U0142-373-171
NC FIRM LICENSE NUMBER: COAP0742



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| TOLERANCES | |
|--------------|----------|
| DECIMALS | ANGULAR |
| X ± 1/16" | X ± 0.5° |
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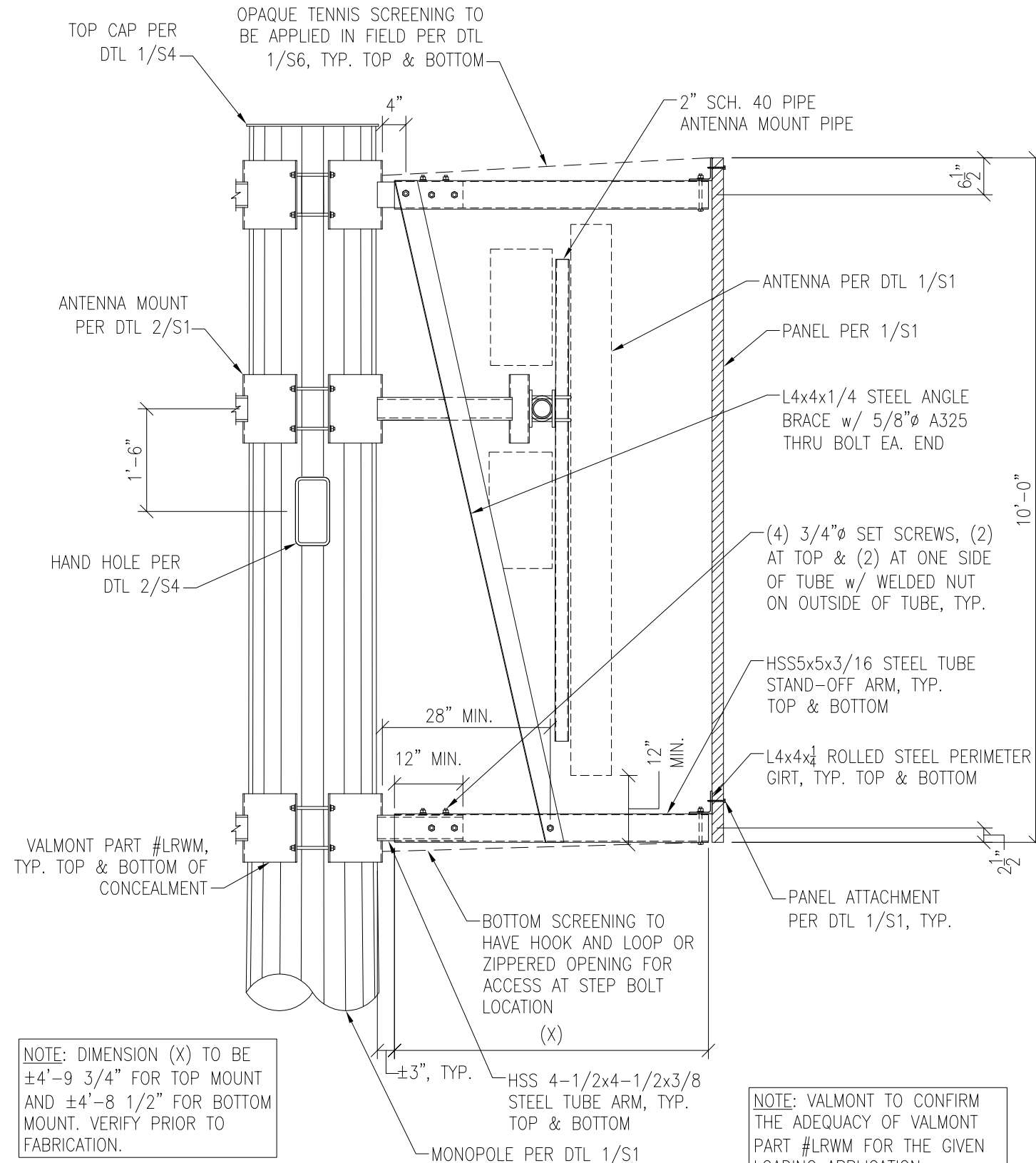
DETAILS

BERKLEY GROUP, LLC.
SITE: BRADLEY MIDDLE SCHOOL
13345 BEATTIES FORD ROAD
HUNTERSVILLE, NC

JOB #: BG16-00460W-05R3
DRAWN: WAM-VSE
DESIGNED: TAJ-VSE
REVISED:

S3
4/6/17

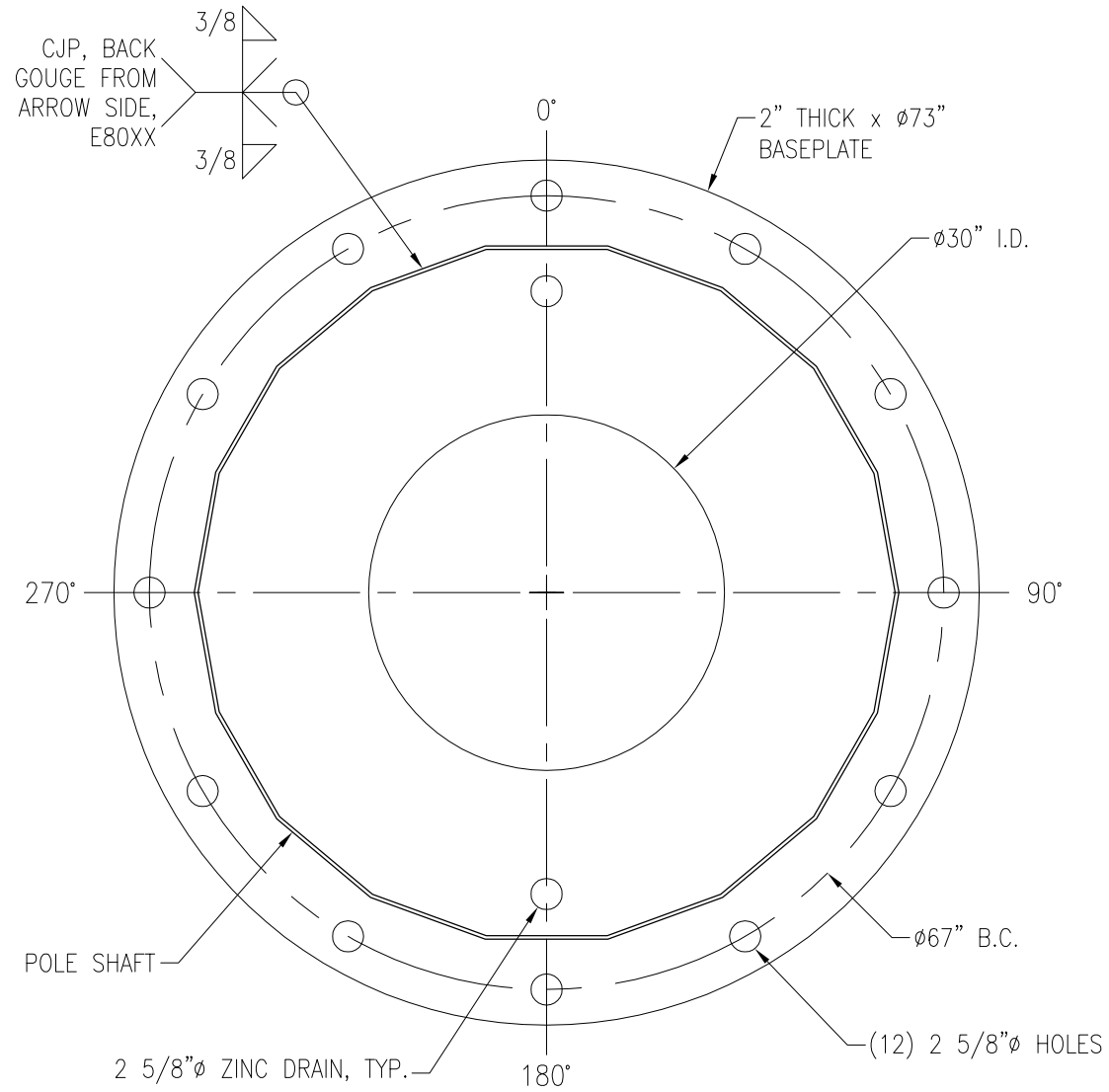
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NOTE: DIMENSION (X) TO BE
±4'-9 3/4" FOR TOP MOUNT
AND ±4'-8 1/2" FOR BOTTOM
MOUNT. VERIFY PRIOR TO
FABRICATION.

NOTE: VALMONT TO CONFIRM
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PART #LRWM FOR THE GIVEN
LOADING APPLICATION

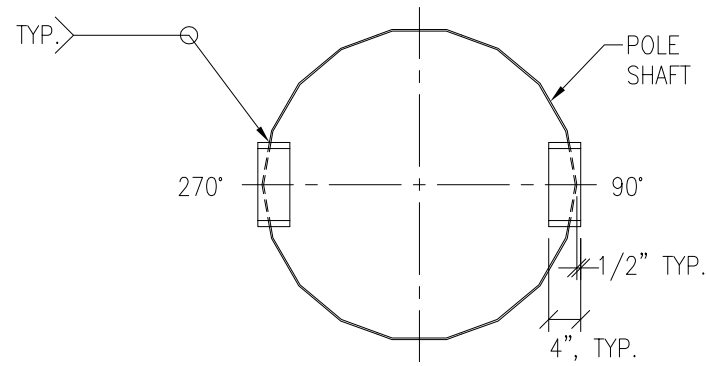
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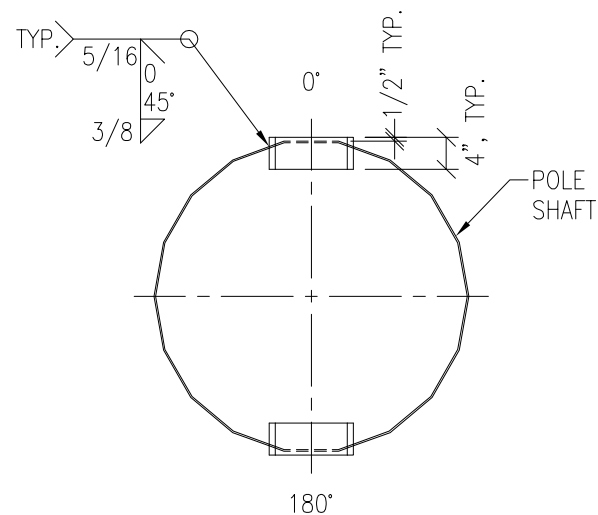
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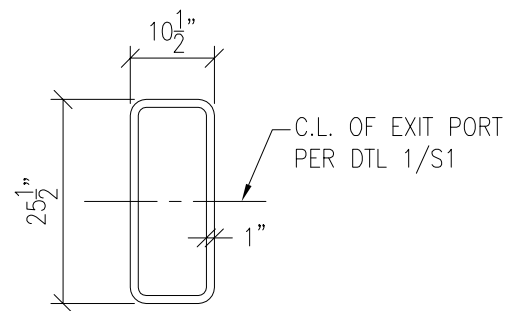
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SECTION VIEW @ 8'-0" A.G.L.



SECTION VIEW @ 6'-0" & 3'-0" A.G.L.

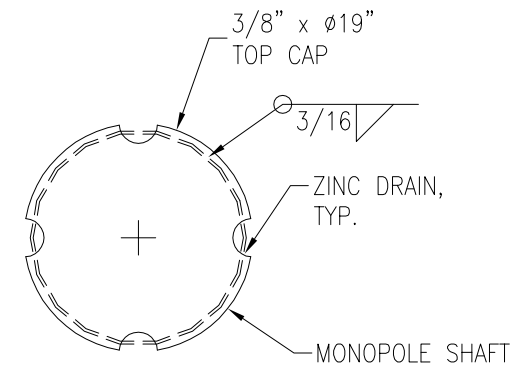


ELEVATION VIEW

REINFORCED ACCESS PORTS

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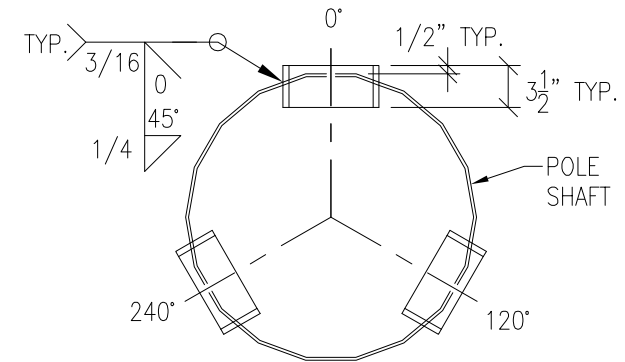
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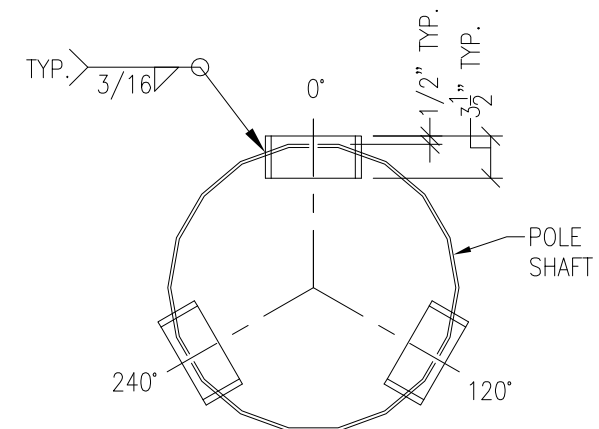
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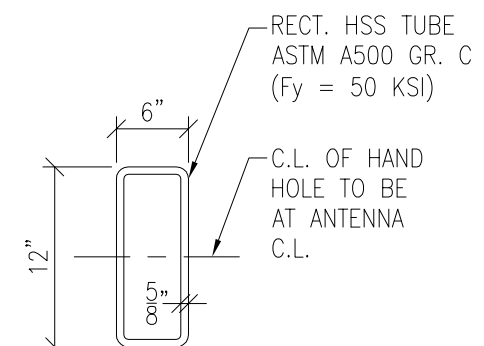
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SECTION VIEW @ 119'-0" A.G.L.



SECTION VIEW, ALL OTHER PORTS



ELEVATION VIEW

HAND HOLES

N.T.S.

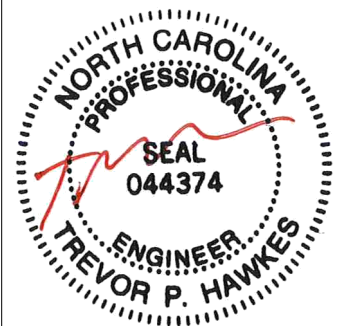
2



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TOLERANCES
DECIMALS
X ± 1/16"
.XXX ± 0.01"
ANGULAR
X ± 0.5°

DETAILS

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SITE: BRADLEY MIDDLE SCHOOL
13345 BEATTIES FORD ROAD
HUNTERSVILLE, NC

JOB #: BG16-00460W-05R3
DRAWN: WAM-VSE
DESIGNED: TAJ-VSE
REVISED:

S4
4/6/17

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FOUNDATION NOTES:

1. FOUNDATION DESIGN IS BASED ON THE FOLLOWING GEOTECHNICAL REPORT:

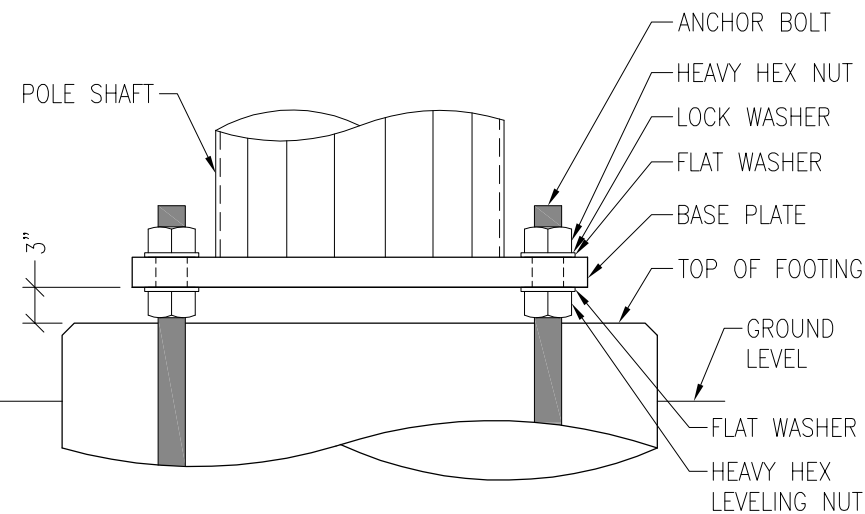
S&ME
 REPORT: 1426-16-044
 DATE: MARCH 31, 2016

2. ALL CONCRETE SHALL USE TYPE II PORTLAND CEMENT AND HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS. CONCRETE SHALL HAVE A MAXIMUM WATER/CEMENT RATIO OF 0.50. CONCRETE SHALL HAVE A SLUMP OF 5" (±1") OR AS SPECIFIED BY THE GEOTECHNICAL ENGINEER. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH "THE BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE," ACI 318-11. FOUNDATION INSTALLATION SHALL BE IN ACCORDANCE WITH ACI 336, "STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF DRILLED PIERS," LATEST EDITION.

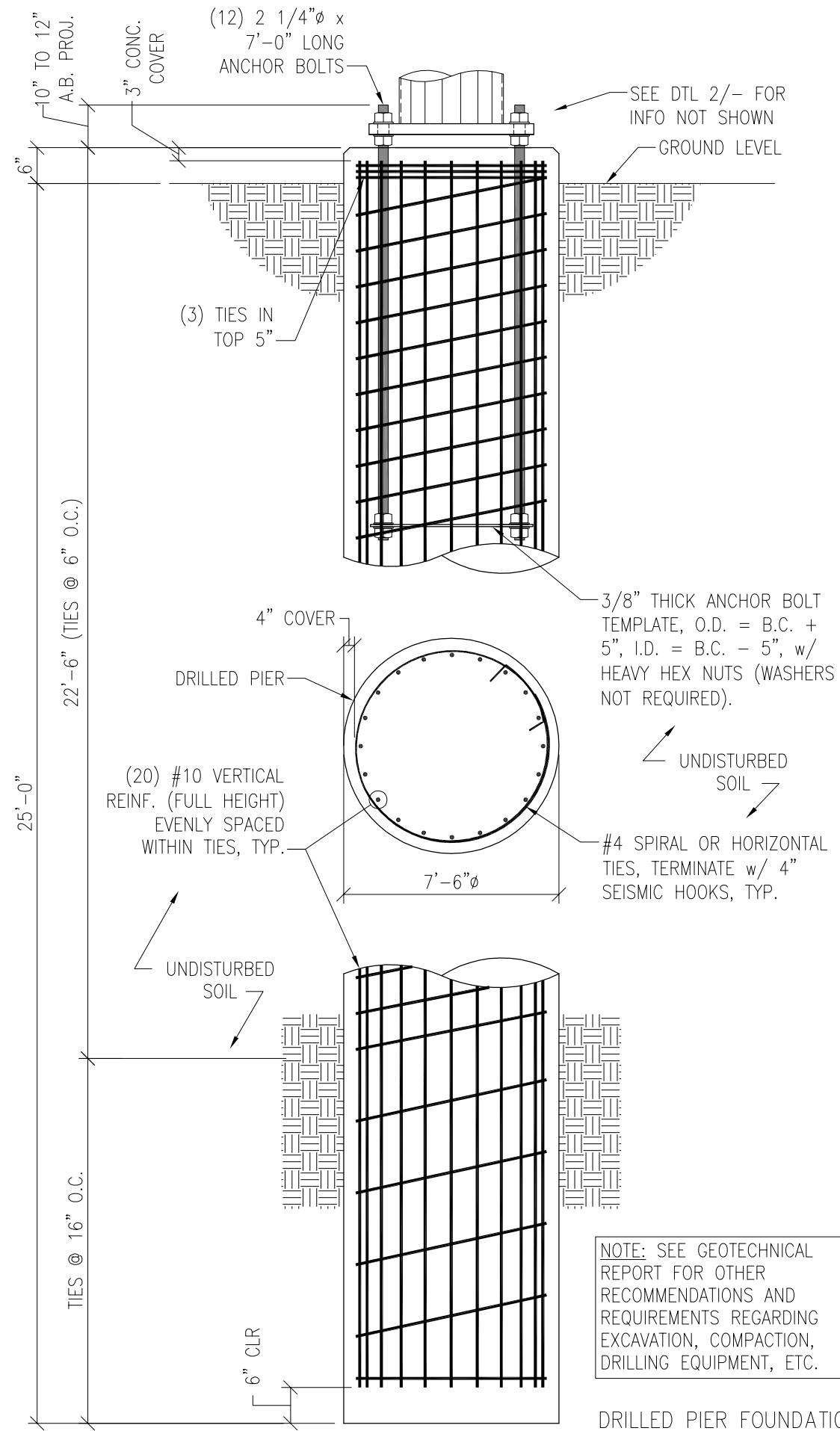
3. REINFORCING STEEL SHALL CONFORM WITH THE REQUIREMENTS OF ASTM A-615, GRADE 60. ALL REINFORCING DETAILS SHALL CONFORM TO "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES," ACI 315, LATEST EDITION, UNLESS DETAILED OTHERWISE ON THIS DRAWING.

4. INSTALLATION OF DRILLED PIERS MUST BE OBSERVED BY A REPRESENTATIVE OF THE GEOTECHNICAL ENGINEER FIRM. GEOTECHNICAL ENGINEER TO PROVIDE A NOTICE OF INSPECTION FOR THE BUILDING INSPECTOR FOR REVIEW AND RECORD PURPOSES.

5. ALL ANCHOR BOLTS SHALL CONFORM w/ ASTM A615 GR. 75, GALVANIZED, U.N.O.



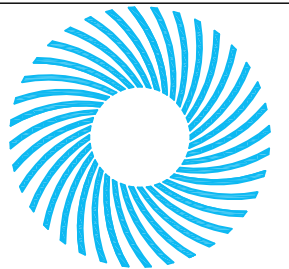
N.T.S. 2



NOTE: SEE GEOTECHNICAL REPORT FOR OTHER RECOMMENDATIONS AND REQUIREMENTS REGARDING EXCAVATION, COMPACTION, DRILLING EQUIPMENT, ETC.

DRILLED PIER FOUNDATION

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| DECIMALS X ± 1/16" | ANGULAR X ± 0.5° |
| .XXX ± 0.01" | |

FOUNDATION

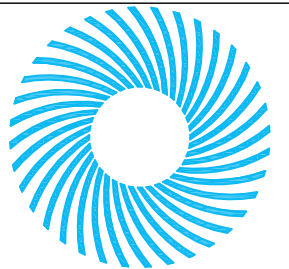
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 13345 BEATTIES FORD ROAD
 HUNTERSVILLE, NC

JOB #: BG16-00460W-05R3
 DRAWN: WAM-VSE
 DESIGNED: TAJ-VSE
 REVISED:

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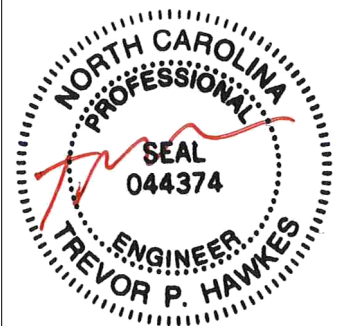




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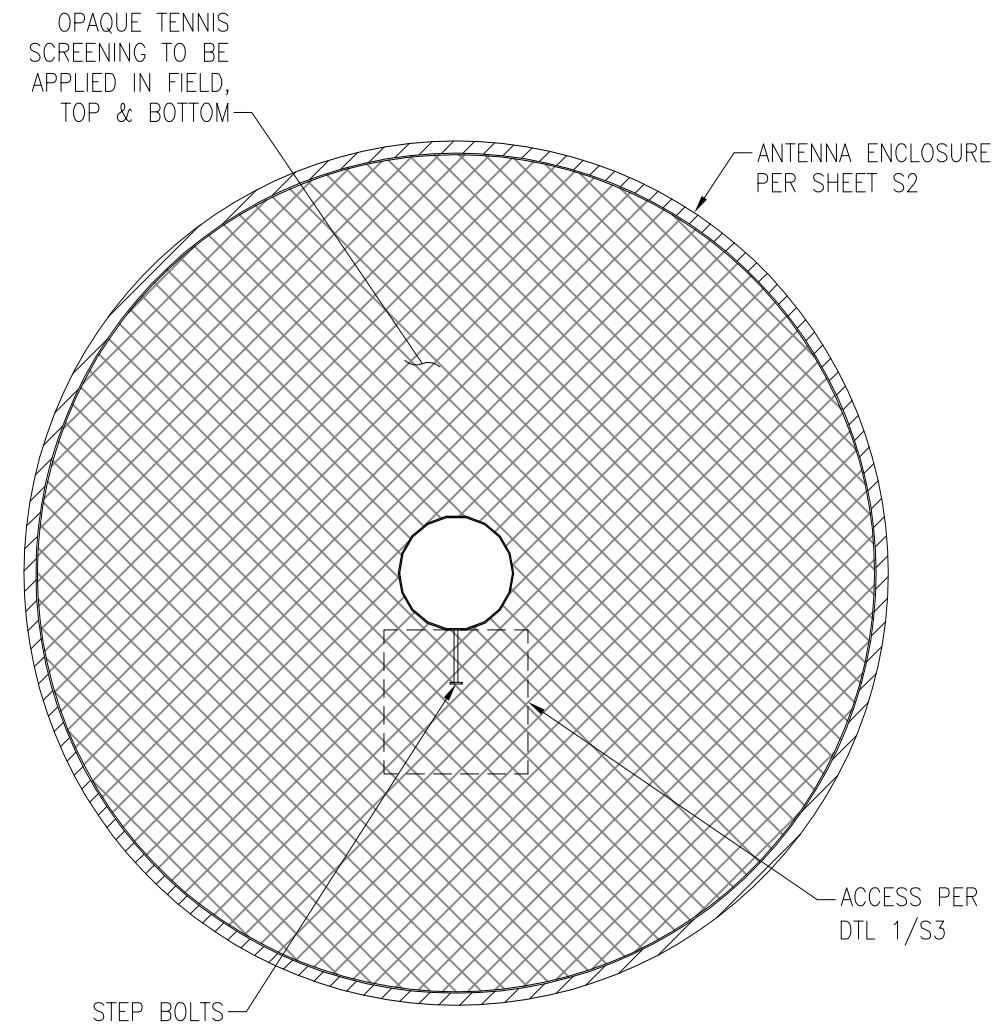
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| TOLERANCES | |
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| DECIMALS | ANGULAR |
| X ± 1/16" | X ± 0.5° |
| .XXX ± 0.01" | |



DETAILS

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JOB #: BG16-00460W-05R3
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DESIGNED: TAJ-VSE
REVISED:

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4/6/17

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NC FIRM LICENSE NUMBER: COAP0742

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Brad Priest, Senior Planner
Subject: TA17-05: LCID Landfill Closure Extension

Text Amendment: TA17-05 is a request by Piedmont Wrecking and Grading Company, Inc. to amend Article 9.23.9 of the Huntersville Zoning Ordinance. The purpose of the application is to extend the closure deadline for existing LCID landfills.

ACTION RECOMMENDED:

Consider taking final action on 9/5/17.

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| ☐ Staff Report | Staff Report |
| ☐ Staff Recommended Text - SUP Allowance | Backup Material |
| ☐ Current Applicant Amendment Ordinance - 9/5/17 | Ordinance |
| ☐ Amended Proposed Text Language 7/13/17 | Exhibit |
| ☐ Application and Original Text Language 6/1/17 | Exhibit |
| ☐ LStar Letter of Opposition | Backup Material |

TA 17-05 – Existing LCID Landfill Closure

PART 1: DESCRIPTION

TA17-05 is a request by Piedmont Wrecking and Grading Company, Inc. to amend Article 9.23.9 of the Huntersville Zoning Ordinance. The currently proposed text would extend the closure deadline for existing Land Clearing and Inert Debris (LCID) landfills by 10 years. The original text submitted in the application would remove the closure deadline for LCID landfills. Please see the Huntersville Ordinance Advisory Board meeting summaries below for a description of how the draft text has evolved since the original application submittal.

PART 2: BACKGROUND

The Piedmont Grading LCID landfill has been in operation on Everette Keith Road since September of 1985. It has operated as a permitted and compliant landfill under the Mecklenburg County Zoning Ordinance until September 1997 when the Town of Huntersville extended its extraterritorial jurisdiction (ETJ) to the landfill. At that time it was zoned OPS, a residential zoning district which made the landfill a non-conforming use under Huntersville zoning.

In December of 1995 the old Town of Huntersville Zoning Ordinance was amended to add an amortization or “sunset” date requirement where on a certain date existing non-conforming landfills (both Construction and Demolition (C&D) and Land Clearing and Inert Debris (LCID)) are required to come up to the requirements of ordinance or close. In 1996 that sunset date requirement was carried over into the new Huntersville Zoning Ordinance. Various text amendments by the owners of the landfills since that time have either moved back the closure deadline or had it removed.

For instance the ordinance currently allows existing non-conforming C&D landfills to operate indefinitely as long as they have an unexpired Special Use Permit (SUP). Greenway Waste C&D landfill on Holbrook Road recently rezoned their entire landfill and got an updated Special Use Permit approved for their operation. Therefore their landfill has been brought into compliance with current ordinance standards. There are no more existing C&D landfills in Huntersville zoning jurisdiction.

In 2006, Piedmont Wrecking and Grading successfully applied to amend the zoning text to move the sunset date for its LCID landfill on Everette Keith Road back 10 years. After discussion with the Town Attorney in regard to the State Legislature’s “permit freeze” during the recession, it was determined that the Everette Keith landfill now has until March 3, 2018 to come into compliance or close. There are no other existing LCID landfills in the Huntersville zoning jurisdiction. The applicant is applying to amend Article 9.23.9 to again push back the sunset date another 10 years; to March 3, 2028.

The Huntersville Ordinance Advisory Board (HOAB) considered multiple drafts of the proposed text. A summary of their meetings and the different draft texts are below.

- June 1, 2017: The applicant’s first draft submitted removed the reference of LCID landfills in Article 9.23.9 D. The removal would in effect remove the sunset date for LCID landfills altogether and allow them to continue operation indefinitely without complying with any ordinance requirements. This

original proposed text is included in your agenda packet for review. Staff presented the concern that the process for compliance was already present in the text through the conditional rezoning and special use permit process; which ensures that the landfill comes up to Article 9.23 code to “the extent practical”. After discussion, the committee recommended the applicant redraft the text to include some conformance stipulations of Article 9.23.

- July 13, 2017: The updated draft language continued to remove the sunset date but included language that required the landfill to pave their driveway, landscape their frontage to a reasonable degree, and keep the driveway clean. It also included a provision that after 10 years, the Planning Director could direct the landfill to close if there were 3 violations within the 10 year period. This updated text is also included in your agenda package for review. Staff’s concern remained that many of the principles from Article 9.23 were not addressed in the proposed text and that staff would make the closure decision and not the Town Board. After discussion, the Board recommended the applicant meet with staff to come up with appropriate language that sufficiently addressed the requirements of Article 9.23.
- August 3, 2017. At the August meeting, the Board discussed staff’s recommendation that the applicant go through the Special Use Permit (SUP) process, and the applicant’s new proposed language to simply extend the sunset date by 7 years. After discussion, the Board recommended to approve a text amendment that would extend the sunset date 10 years with the following conditions (by a 5-3-1 vote):
 1. Pavement of the driveway entering the facility shall be 100 feet.
 2. Landscaping the frontage of the property to a commercially reasonable degree.
 3. Maintained gravel within the driveway exiting the facility.
 4. Weekly regular cleaning from the exit driveway down to Hambright Road.

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-7: Sustainability: Extending the life of the landfill would allow an existing recycling LCID landfill to continue to operate and reduce waste through their recycling program.
- Policy ED-12: Business Retention and Expansion: The text would allow the continuation or retention of a local business that has been in operation for many years.

PART 4: STAFF RECOMMENDATION

Rather than moving the sunset date back another 10 years and having to again review the conformity of the landfill for a 3rd time, staff recommends amending Article 9.23 of the ordinance to allow LCID landfills to continue to operate in the zoning district in which it is currently located indefinitely with the issuance of a Special Use Permit (SUP). Staff recommends the Special Use Permit (SUP) process be followed to allow the continuation of the existing LCID landfill for the following reasons:

1. The SUP process will easily allow staff, the public, and the Town Board to review site specific ways the landfill can come up to the current ordinance standards of Article 9.23 “to the extent practical”. Issues

such as screening, buffers, cleaning of streets, site security, street maintenance, consistency with thoroughfare plans etc. can be reviewed and addressed on the SUP site plan.

2. Moving the closure date for existing LCID landfills and C&D landfills has been done several times in the past by two different landfills. Going through the SUP process for LCID landfills now would put an end to that process and allow the applicant to continue to operate indefinitely with no sunset date.
3. Greenway Waste used the SUP process to allow their landfill to continue operation indefinitely, thus setting a pattern to follow.
4. If an existing landfill is going to continue to operate for several years past the ordinance sunset date, staff believes the public and adjacent property owners should be included in the process and have input on the permit. The SUP process would give adjacent property owners specific notice and allow them to comment if desired.
5. Staff does not anticipate the SUP process being an unreasonable burden on the applicant. Considering the fact that a landfill plan already exists (attached to the state permit), it does not seem like much in the way of site design would be needed to produce a SUP site plan. Much of the agreements worked through to bring the site up to code to the extent practical can be included with simple notes on the plan. The SUP process is a 3 month process that could yield an unlimited amount of operation time for the applicant.

The staff recommended text amendment that would allow the landfill to continue to operate in its current zoning district with the issuance of a special use permit is attached in your agenda packet for review.

PART 5: PUBLIC HEARING

The Public Hearing was held on August 7, 2017. An individual from the public expressed opposition to the application due to the truck traffic that would continue to take place through a heavily developed residential area. The applicant presented the updated text proposed as recommended by the Huntersville Ordinance Advisory Board. The new language presented by the applicant at the hearing would allow the landfill to continue to operate for 10 years (until March 3, 2028) with the following conditions.

1. In the event that a driveway is permitted for entrance into the facility, paving of the driveway entering the facility for a distance of 100 feet from the public right of way;
2. Landscaping along street frontages to the extent commercially reasonable;
3. Installation of gravel within the driveway exiting the facility;
4. Regular cleaning of the public right of way from the exiting driveway to the nearest intersection.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board reviewed the application at their August 22, 2017 meeting. Two adjacent property owners attended the meeting and expressed their general concern about the storm water runoff from the site, the effect on their property values, and the perceived lack of cleaning of the street by the landfill owners. The draft minutes of the meeting will be forwarded to the Board once completed for reference. After discussion, the Planning Board recommended denial of the amendment “as being inconsistent with the best practices for evaluating a continued operation of LCID landfills. It is not reasonable and in the public interest to amend the zoning ordinance because a SUP is preferred for adherence with precedent and allowing

community input”. The recommendation was made by a 5-1 vote. Following the meeting, the applicants submitted updated text with additional changes in an effort to address the discussion by the Planning Board. That language is represented in the latest proposed amendment ordinance included in your agenda packet. The changes included:

- An added condition that any new driveways are paved a distance of 100 feet from the public right of way, unless the planning director states it’s not reasonable to do so due to topographic conditions.
- The street cleaning condition has been modified to match the ordinance requirement of Article 9.23 in regard to weekly cleaning of the street and removing of dirt, debris, and materials.

After the Planning Board meeting, staff received a letter from Scott Munday from LStar Ventures, a nearby property owner in Bryton expressing opposition to the proposed text amendment. That letter is included in your agenda packet.

PART 7: ATTACHMENTS AND ENCLOSURES

- Original Draft Language
- Revised Draft Language
- Applicant Amendment Ordinance

PART 8: STATEMENT OF CONSISTENCY – TA17-05

| Planning Department | Planning Board | Board of Commissioners |
|--|---|--|
| <p>APPROVAL: N/A</p> | <p>APPROVAL: N/A</p> | <p>APPROVAL: In considering the proposed amendment TA 17-05, to amend Article 9.23: <i>Off-Site Land Clearing and Inert Debris and Construction & Demolition Landfills</i> of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p> |
| <p>DENIAL: In considering the proposed amendment TA17-05, to amend Article 9.23: <i>Off-Site Land Clearing and Inert Debris and Construction & Demolition Landfills</i> of the Zoning Ordinance, Planning Staff recommends denial of the amendment. The recommendation is based on staff's view that the Special Use Permit process is the more appropriate method to allow the continuation of a non-conforming landfill operation due to its ability to include the public in the decision making process and bring the site more fully into conformance with Article 9.23 of the zoning ordinance.</p> | <p>DENIAL: In considering the proposed amendment TA 17-05, to amend Article 9.23: <i>Off-Site Land Clearing and Inert Debris and Construction & Demolition Landfills</i> of the Zoning Ordinance, the Planning Board recommends denial based on the amendment being inconsistent with the best practices for evaluating a continued operation of LCID landfills. It is not reasonable and in the public interest to amend the zoning ordinance because a SUP is preferred for adherence with precedent and allowing community input.</p> | <p>DENIAL: In considering the proposed amendment TA 17-05, to amend Article 9.23: <i>Off-Site Land Clearing and Inert Debris and Construction & Demolition Landfills</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>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p> |

AN ORDINANCE TO AMEND ARTICLE 9.23.9 (OFF-SITE LAND CLEARING AND INERT DEBRIS AND CONSTRUCTION & DEMOLITION LANDFILLS) - TO ALLOW THE CONTINUATION OF EXISTING LANDFILLS WITH THE ISSUANCE OF A SPECIAL USE PERMIT

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

ARTICLE 9.23.9 and .10

~~9 An existing LCID landfill shall not be required to be brought into compliance with the provisions of this ordinance provided:~~

~~a) The landfill has been continuously operating since 1990 and was not within the zoning jurisdiction of the Town of Huntersville in 1991;~~

~~b) The landfill has a valid LCID or demolition landfill permit and/or obtains any renewals of the LCID or demolition landfill permit required by the State of North Carolina and/or Mecklenburg County;~~

~~c) The landfill has a closure plan approved by the State of North Carolina and/or Mecklenburg County; and~~

~~d) In no event shall the landfill operate under a LCID or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.~~

~~10~~ **9** Any existing C&D **or LCID** landfill shall be permitted to continue operation in the zone in which it is located provided the landfill has an unexpired special use permit. Any expansion beyond the property boundary of an existing C&D **or LCID** landfill as approved on November 11, 2005 must be located in the SP district with a special use permit in accordance with the provisions of this Section.

New Text = Bold and Underlined

AN ORDINANCE TO AMEND ARTICLE 9.23.9 (OFF-SITE LAND CLEARING AND INERT DEBRIS AND CONSTRUCTION & DEMOLITION LANDFILLS) - TO EXTEND THE CLOSURE DEADLINE FOR EXISTING LCID LANDFILLS

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

ARTICLE 9.23.9

d). In no event shall the landfill operate under a ~~LCID~~ or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

e). In no event shall a landfill operate under an LCID landfill permit later than March 3, 2028 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town. Recycling from an LCID landfill shall be considered an LCID activity and shall not be considered an expansion for purposes of determining nonconformance.

f). A landfill operating under an LCID landfill permit as described in e) shall meet the following requirements to the extent reasonably practicable without violating County, State, or Federal regulations:

- 1. In the event that, after September 5, 2017, a driveway is permitted to replace an existing permitted driveway for the facility, the new driveway shall be paved for a distance of 100 feet from the public right of way, or, if the Planning Director determines that 100 feet of pavement is not reasonable due to topographic conditions, for such lesser distance as is determined by the Planning Director;**
- 2. Landscaping along street frontages to the extent commercially reasonable; and**
- 3. The landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis.**

New Text = Bold and Underlined

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

PUBLIC HEARING DATE: **August 7, 2017**

PLANNING BOARD MEETING: **August 22, 2017**

PLANNING BOARD RECOMMENDATION: **Denial (5-1 vote)**

TOWN BOARD DECISION: **TBD**

TOWN BOARD MEETING: **September 5, 2017**

ATTACHMENT TO TEXT AMENDMENT

Ordinance: Huntersville Zoning Ordinance

Article: Article 9 – Condition for Certain Use

Section: 9.23.9 (d) – Off-Site Land Clearing and Inert Debris (LCID)

Party Proposing the Amendment: Piedmont Wrecking and Grading Company, Inc. is proposing this Text Amendment as the owner of a disposal facility for land clearing and inert debris at 11898 Everette Keith Road in Huntersville, North Carolina. Tax Parcel Number: 01932108.

Reason for Requested Change:

1. Disposal facilities for land-clearing and inert debris (“Greenfills”) benefit the environment because they facilitate and encourage the recycling of waste generated from land-clearing activities and material that is inert, such as gravel, rock, untreated soil and untreated and unpainted wood.
2. Greenfills support the building industry by taking in land-clearing and inert debris and providing opportunities for transfer of these materials to appropriate recycling facilities.
3. Materials brought to a Greenfill facility are often transferred to appropriate recycling facilities and, as a result, the time required to fill the facility can be significantly delayed. Allowing the continued operation of Greenfills that have not reached full capacity would encourage the recycling of Greenfill materials because Greenfill operators would be incentivized to recycle in order to continue operation of their Greenfill facilities.
4. Local zoning and land use ordinances that require closure of landfills prior to the date the landfills would otherwise be closed under state law also apply to Greenfills and so reduce the benefits of Greenfills to the public and private sector by requiring early closure of these environmentally beneficial facilities and removing a resource for recycling from the building industry.
5. The proposed text amendment would allow Greenfills to benefit the public, providing a valuable resource for recycling to the building industry, until they are required by state law to close.

Current Text:

d). In no event shall the landfill operate under a LCID or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion

closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

Proposed Text:

d). In no event shall the landfill operate under a ~~LCID or~~ demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

e). A landfill operating under an LCID landfill permit ("Greenfill") shall meet the following requirements ("Maintenance Requirements") to the extent reasonably practicable without violating County, State, or Federal regulations:

- Paving of the driveway entering the facility for a distance of feet from the public right of way;
- Landscaping along street frontages to the extent commercially reasonable;
- Installation of gravel within the driveway to the facility; and
- Regular cleaning, maintenance, and repair of the driveway to the facility.

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So long as the Maintenance Requirements are met, or, if not met, any failure is remedied within thirty (30) days after receipt of written notice from the Town of Huntersville (or if such failure cannot be cured in such a thirty (30) day period, within a reasonable period thereafter) the Greenfill shall be allowed to operate until closure pursuant to state regulations; provided, however, on or before ~~January 1, 2028~~December 31, 2027 and on the expiration of every successive ten (10) year period thereafter, the Greenfill shall be reviewed ~~administratively by the Planning Director~~ administratively by the Planning Director to confirm regular compliance with the Maintenance Requirements over the past ten (10) year period. ~~If the record reveals that~~ If the Greenfill has failed to comply with Maintenance Requirements after receipt of written notice from the Town as described above on at least three (3) occasions over the prior ten (10) year period, then the Planning Director may make a determination that the Greenfill shall be closed and within one hundred twenty (120) days after receipt of such determination, the owner and/or operator must begin landfill of the Greenfill shall immediately commence and continuously pursue to completion closure procedures outlined of the Greenfill according to the provisions of the then current closure plan approved by the state. State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town. Appeals of the decision of the Planning Director shall be made to the Town Board.



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 5/5/2017

Name Piedmont Wrecking and Grading Company, Inc.

Address 11898 Everette Keith Road Huntersville, NC 28078

Phone Number (home) 704-875-1166 (work) 704-875-1166

Email Piedmontgrading@aol.com

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00

Type of Change

New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (if possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Ordinance Article: 9 Section: 9.23.9 (d)

Current Text: [See Attached]

Proposed Text: [See Attached]

Reason for requested change (attach additional sheets if necessary): [See Attached]

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

Signatures

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

Piedmont Wrecking and Grading Company, Inc.

Applicant Signature:

Wayne Herr

Date:

5-16-2017

Contact Information

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

Phone:

704-875-7000

Fax:

704-875-6546

Physical Address:

105 Gilead Road, Third Floor

Website:

<http://www.huntersville.org/Departments/Planning.aspx>

ATTACHMENT TO TEXT AMENDMENT

Ordinance: Huntersville Zoning Ordinance

Article: Article 9 – Condition for Certain Use

Section: 9.23.9 (d) – Off-Site Land Clearing and Inert Debris (LCID)

Party Proposing the Amendment: Piedmont Wrecking and Grading Company, Inc. is proposing this Text Amendment as the owner of a disposal facility for land clearing and inert debris at 11898 Everette Keith Road in Huntersville, North Carolina. Tax Parcel Number: 01932108.

Reason for Requested Change:

1. Disposal facilities for land-clearing and inert debris (“Greenfills”) benefit the environment because they facilitate and encourage the recycling of waste generated from land-clearing activities and material that is inert, such as gravel, rock, untreated soil and untreated and unpainted wood.
2. Greenfills support the building industry by taking in land-clearing and inert debris and providing opportunities for transfer of these materials to appropriate recycling facilities.
3. Materials brought to a Greenfill facility are often transferred to appropriate recycling facilities and, as a result, the time required to fill the facility can be significantly delayed. Allowing the continued operation of Greenfills that have not reached full capacity would encourage the recycling of Greenfill materials because Greenfill operators would be incentivized to recycle in order to continue operation of their Greenfill facilities.
4. Local zoning and land use ordinances that require closure of landfills prior to the date the landfills would otherwise be closed under state law also apply to Greenfills and so reduce the benefits of Greenfills to the public and private sector by requiring early closure of these environmentally beneficial facilities and removing a resource for recycling from the building industry.
5. The proposed text amendment would allow Greenfills to benefit the public, providing a valuable resource for recycling to the building industry, until they are required by state law to close.

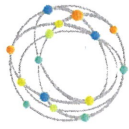
Current Text:

d). In no event shall the landfill operate under a LCID or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion

closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

Proposed Text:

d). In no event shall the landfill operate under a ~~LCID~~ or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.



LSTAR VENTURES

August 25, 2018

Mr. Brad Priest
Senior Planner, Town of Huntersville
PO Box 664
105 Gilead Road, 3rd Floor
Huntersville, NC 28070

Dear Mr. Priest,

LStar Ventures, the developer of approximately 175 acres within Bryton north of Hambright Road, opposes continued operations at Piedmont Wrecking and Grading's landfill on Everette Keith Road beyond its permit expiration date of March 3, 2018.

As Bryton is on its way to becoming home to over 2,000 residents as planned, the landfill's continuous truck traffic, noise, and dirtying of roads is not compatible with a densely developed residential area. Also, the applicant's plan submitted to the State of North Carolina in 2014 showed the landfill's mound at capacity to rise 70 feet above grade at Everette Keith Road, an eyesore that would negatively impact surrounding property owners. This landfill use would be appropriately located in an industrial area.

By pursuing a text amendment, the applicant is attempting to circumvent what should be a process that includes public and adjacent property owner input. If approved by the Town, the proposed text amendment would allow landfill operations that would not be in compliance with any ordinance requirements. If allowed to continue operations at all, the applicant should be required to obtain a Special Use Permit as Planning Staff recommended at the public hearing.

Sincerely,

Scott Munday
LStar Ventures

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Alison Adams
Subject: TA 17-06 Open Space Amendment

Text Amendment: TA17-06, a request by the Town of Huntersville to amend Article 3.2.1 Rural, Article 3.2.2 Transitional Residential, Article 3.2.5 Neighborhood Center, Article 3.2.6 Town Center, Article 3.2.7 Highway Commercial, Article 3.2.8 Campus Institutional, Article 3.2.9 Corporate Business, Article 3.2.11 Transitional Neighborhood Development Districts, Article 3.2.12 Passenger Vehicle Sales, Article 3.2.13 Transit Oriented Development – Residential, Article 3.2.14 Transit Oriented Development – Employment, Article 7 Part B Open Space, Article 8.1.4, and Article 12.2.1 General Definitions of the Huntersville Zoning Ordinance to modify Open Space criteria and associated definitions.

ACTION RECOMMENDED:

Request Town Board to produce a decision.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

| Description | Type |
|---|--------------|
| <input type="checkbox"/> TA17-06 Open Space Town Board Staff Report | Staff Report |
| <input type="checkbox"/> Attachment A: Application | Exhibit |
| <input type="checkbox"/> Attachment B: Redline Version | Exhibit |
| <input type="checkbox"/> Attachment C: Clean Version | Exhibit |
| <input type="checkbox"/> Attachment D: Quick Reference | Exhibit |

TA #17-06

Amend various sections within Article 3, Article 7 B, Article 8.1.4, and Article 12.2.1 to revise open space criteria.

PART 1: DESCRIPTION

Text Amendment, TA #17-06, is a request by the Town of Huntersville Staff to amend the above mentioned articles of the Town Zoning Ordinance to reorganize, clarify and provide more open space options to the development community. See Attachment A for application.

PART 2: BACKGROUND

The Planning Board directed staff to evaluate open space. A sub-committee was formed to facilitate feedback and buy-in. The sub-committees goals were to review the Town of Huntersville Open Space Ordinance and to collaborate with the Huntersville Planning Staff to address the following:

1. **Expand the urban open space option menu:** Staff began looking at surrounding communities to better understand what urban open space options were being offered. The chart below summarizes the research.

| Town | Playground | close | attached squares | plazas | Urban Parks | Forecourts | Detached squares | Greens | (Neighborhood) Parks | Parkway | Greenway | Greenbelt | Community Garden | Pedestrian Passageway | mini-parks | Passive recreation/ unusable Open space |
|---------------|------------|-------|------------------|--------|-------------|------------|------------------|--------|----------------------|---------|----------|-----------|------------------|-----------------------|------------|---|
| Davidson | X | X | X | X | | | X | X | X | | X | | X | X | | |
| Cornelius | X | X | X | X | X | X | X | X | X | X | X | X | | | | |
| Huntersville | | | | X | | X | X | | X | X | | X | | | | |
| Holly Springs | X | X | X | X | | | X | | X | X | | X | X | | X | X |
| Belmont | X | X | X | X | | X | X | X | X | X | X | | | | | |

The yellow highlighted boxes above represent new typologies that could be incorporated. Staff has addressed each as follows:

- Playground - as being allow within all urban space; primarily to be implemented with in parks and squares.
- Close fits under the current definition of square.
- Attached vs. detached squares – staff recommends no change to the current definition (either is appropriate).
- Urban parks, neighborhood parks, mini-parks – Have been defined with changes made to the current park option. Restrictions have been lessened by requiring 25% of the square to be abutted by a street (rather than 50%) and the size requirement for parks has been removed. This allows pocket parks to be placed within odd shaped areas.
- Greens – added
- Greenway – added. Historically the Town has considered the greenway and greenbelt to function interchangeably. To clarify staff is requesting to define both options.
- Community Gardens - added
- Pedestrian passageways – added
- Woonerf – not used by any of the Towns studied, but a prime opportunity as another option for car/pedestrian designed urban open space.
- Promenade – not used by the Towns studied, but an opportunity to provide another option as a linear feature within more dense areas.

- Passive recreation/unusable open space – addressed through other types of open space, such as recreational, agriculture or common open space, rather than urban open space.
2. **To review the off-site urban opens space provision** – After the subcommittee reviewed the language and understood application all were comfortable keeping the language as is.
 3. **To evaluate the relationship of the water quality/quantity treatment system (BMPs)** – after reviewing the current ordinance and understanding current application, staff is recommending to add a definition of common open space. Under the current language, all types of open space (rural, agricultural, natural and urban) are prescribed and do not allow for BMPs unless the BMP is incorporated so that the intent of the ordinance is being met (example: Water detention pond within Monteith Place incorporates natural trails, which provides for recreation). Historically, BMPs have been approved within open space. However, the installation of BMPs have compromised the quality of the required open spaces. Features, such as, but not limited to, BMPs and entry monuments that do not meet the definitions of the other open space options would be allowed in common open space. The current required percentage of open space will not be affected by this request.

Upon learning the different types of BMPs and the ability to use them as amenities, design elements, and aesthetic opportunities the sub-committee can support the idea of allowing 25% of an above ground BPM to be incorporated in an urban open space with design criteria.

Other changes staff felt were needed:

- Clarity within the Rural and Transitional Residential District how an applicant obtains open space credit for installing public greenways.
- Currently buildings are required to front a public street or square. Staff is proposing to allow buildings to front on all types of urban open space and public streets.
- Change to existing urban open space diagrams.
- An introduction was added to Article 7B.

Attachment D, quick reference chart, provides a cliffs notes version of the current ordinance reference, proposed changes and reason for requested the changes. Staff recommends referencing this attachment while reviewing the clean version of the proposed ordinance (Attachment A).

PART 3: STAFF RECOMMENDATION

To achieve quality open space, staff recommends approval of the request as presented. The request is compliant with the goals (located in Part 4 of this report) of the 2030 Community Plan.

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

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

Staff Comment: Removal of BMPs from natural, agricultural and recreational land will help preserve the natural environment.

E-2: Location of New Development – Avoid locating new development in areas of significant environmental, scenic, or cultural resources.

Staff Comment: Introduction of common open space will provide developers a location to place BMPs, rather than trying to shoe in BMPs and still meet the intent of the ordinance.

E-3: Environmental Regulations – Support and enhance environmental regulations pertaining to tree preservation, buffer yards, open space, water quality, and wetland and stream protection.

Staff Comment: More urban open space options and the ability to install BMPs within 25% of urban open space provides the flexibility to be creative while treating and containing storm water. The introduction of common open space, which allows for BMPs will hopefully stimulate thinking about the qualitative nature of the natural, agricultural and recreational open space.

T-6: Pedestrian Connections – Support the installation of sidewalks, bikeways and greenway trails connecting residential, commercial, employment, recreational and institutional uses.

Staff Comment: The introduction of the new urban open spaces (Promenade, Greenway, Pedestrian Passageway, and Woonef) will allow more options to get the public from point A to B

PART 5: HUNTERSVILLE ORDINANCES ADVISORY BOARD

The Board heard the request on August 3, 2017. Walsh made a motion to recommend approval of the request as presented, Anderson seconded the motion. The board voted (9-0) to recommend approval.

PART 6: PUBLIC HEARING

The Public Hearing was held on August 21, 2017. No one from the public spoke at the Public Hearing.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board heard this text amendment on August 22, 2017.

A motion to recommend approval with the word forestry added to the definition of agricultural open space was made by Jennifer Davis and seconded by Joe Sailors. The motion carried by a vote of 6 ayes and 0 nays. Board Members voting ayes: Davis, Graffy, McClelland, Miller, Sailors, and Swanick; Absent: Bankirer, Smith, Thomas.

PART 8: ATTACHMENTS

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance Language (redlined version)

Attachment C: Proposed Ordinance (clean Version)

Attachment D: Quick Reference guide

PART 9: STATEMENT OF CONSISTENCY – TA #17-06

| Planning Department | Planning Board | Board of Commissioners |
|---|--|--|
| <p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Planning staff recommends approval of language based on the amendment being consistent with the Town of Huntersville 2030 Community Plan policy numbers E-1, E-2, E-3 and T-6 .</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because amending provides for greater flexibility within the open space requirements while maintaining consistency with other local community regulations.</p> | <p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Planning Board recommends approval with the word forestry added to the definition of agricultural open space, based on the amendment being consistent with the Town of Huntersville 2030 Community Plan policy numbers E-1 through E-3 and T-6.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it provides greater flexibility to the development community.</p> | <p>APPROVAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Town Board approval is based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p> |
| | | <p>DENIAL: In considering the proposed amendment, TA 17-06, to amend Article 3.2.1, 3.2.2, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.2.14, 7 Part B, 8.1.4, 12.2.1 of the Zoning Ordinance, the Town Board denial is based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p> |



Text Amendment Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 06.01.2017

Name Town of Huntersville

Address 105 Gilead Rd.

Phone Number (home) 704.766.2212 (work) _____

Email _____

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00

Type of Change

- New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other
- Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 3.21, 3.22, 3.2.4, 3.2.9 Section: 3.2.11-3.2.14, 7B Open Space, 8.1.4, 12.2.1

Current Text: see attachment

Proposed Text: see attachment

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

Provide clarity and more options of open space for the development community

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

Signatures

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

Applicant Signature: *Alison H. Adams* Date: ~~5-29-17~~ 5-31-17

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>

Recommended VERSION 06.01.17

AN ORDINANCE TO AMEND ARTICLE 3.2.1 (RURAL ZONING), ARTICLE 3.2.2 (TRANSITIONAL RESIDENTIAL ZONING), ARTICLE 3.2.5 NEIGHBORHOOD CENTER, ARTICLE 3.2.6 (TOWN CENTER ZONING), ARTICLE 3.2.7 HIGHWAY COMMERCIAL, ARTICLE 3.2.8 CAMPUS INSTITUTIONAL, ARTICLE 3.2.9 CORPORATE BUSINESS, ARTICLE 3.2.11 TRANSITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICTS, ARTICLE 3.2.12 PASSENGER VEHICLE SALES, ARTICLE 3.2.13 TRANSIT ORIENTED DEVELOPMENT – RESIDENTIAL, ARTICLE 3.2.14 TRANSIT ORIENTED DEVELOPMENT – EMPLOYMENT, ARTICLE 7 PART B (OPEN SPACE), ARTICLE 8.1.4, AND ARTICLE 12.2.1 (GENERAL DEFINITIONS) TO REVISE OPEN SPACE CRITERIA WITH IN THE TOWN ZONING ORDINANCE.

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

3.2.1 Rural District (R)

3.2.1.d.2.

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

3.2.1.d.

3. Open Space. Designated Open Space includes that parcel or parcels of land which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. ~~Open space shall meet the provisions of this section and the provisions for open space established in Article 7.~~ There are ~~three~~ **four** types of open space in the Rural District – **agricultural, common, natural and recreational.** ~~which are as follows:~~ **Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.**

- ~~Natural Open Space: shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall~~

Recommended VERSION 06.01.17

~~health of the natural area in accordance with the tree protection regulations of Article 7.~~

- ~~• **Recreational Open Space:** shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft.~~
- ~~• **Agricultural Open Space:** shall include areas set aside for agricultural purposes such as growing fruits, vegetables, grains, etc.~~

3.2.2 Transitional Residential District (TR)

3.2.2.d.2.

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

3.2.2.d.

- 3. Open Space.** Designated Open Space includes that parcel or parcels of land which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. ~~Open space shall meet the provisions of this section and the provisions for open space established in Article 7.~~ There are four **five** types of open space in the Transitional District - **urban, agricultural, common, natural and recreational.** **Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.**

- ~~• **Natural Open Space:** shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7.~~
- ~~• **Recreational Open Space:** shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities~~

Recommended VERSION 06.01.17

~~may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft.~~

- ~~• Agricultural Open Space: shall include areas set aside for agricultural purposes such as growing fruits, vegetables, grains, etc.~~
- ~~• Urban Open Space: shall be planned and improved, accessible and useable by persons living nearby and be in compliance with the provisions in Article 7. In a Parkway or Greenbelt setting as described in Article 7, some recreational areas may be located within urban open space.~~

ARTICLE 3.2.5 Neighborhood Center (NC)

- d) 8). Every building lot shall have frontage upon a public street or square urban open space.

ARTICLE 3.2.6 Town Center (TC)

- d) 6). Every building lot shall have frontage upon a public street or square urban open space.

ARTICLE 3.2.7 Highway Commercial (HC)

- d) 9) Every building lot shall have frontage upon a public street or square urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.

ARTICLE 3.2.8 Campus Institutional (CI)

- d) 4) Every building lot shall have frontage upon a public street, square, or quadrangle urban open space; buildings fronting on quadrangles urban open space shall provide for vehicular access from a rear alley or street.

ARTICLE 3.2.9 Corporate Business (CB)

- d) 5) Every building lot shall have frontage upon a public street, square, or quadrangle urban open space; buildings fronting on quadrangles urban open space shall provide for vehicular access from a rear alley or street.

ARTICLE 3.2.11 Transitional Neighborhood Development Districts (TND-U and TND-R)

- f) 3) All lots shall share a frontage line with a street or square urban open space; lots fronting on an urban open space square shall be provided rear alley access.

ARTICLE 3.2.12 Passenger Vehicle Sales District (VS)

Recommended VERSION 06.01.17

- 13) Every building lot shall have frontage upon a public street or ~~square~~ **urban open space** except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.

ARTICLE 3.2.13 Transit Oriented Development - Residential (TOD-R)

- f) 3) Every building lot shall share a frontage line with a street, ~~square,~~ or other urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

ARTICLE 3.2.14 Transit Oriented Development - Employment (TOD-E)

- d) 1) Every building lot shall share a frontage line with a street, ~~square,~~ or other urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

ARTICLE 7, PART B: OPEN SPACE

7.10 ~~Urban Open Space~~ **Open Space - Purpose, Intent and Definitions**

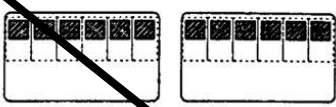
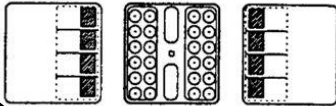
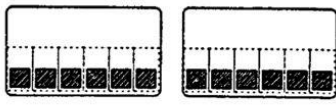
- ~~.1 Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements for purposes other than open space conservation.~~
- ~~.2 Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.~~
- ~~.3 In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within ¼ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space is located within ½ mile of all building lots, as measured along the rights-of-way of street providing access between the two.~~

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- ~~4 Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.~~
- ~~5 Urban Open Space types includes Squares, Parks, Forecourts, Plazas, Parkways and Greenbelts that are characterized as described below.~~

Squares

~~Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75% of their perimeter.~~

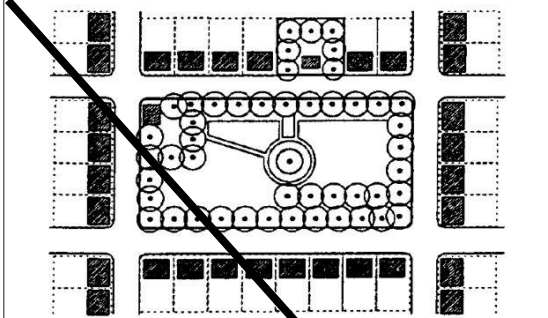


~~Minimum size: 500 sq. ft.
Maximum size: 1 acre~~

~~Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape.~~

~~Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged.~~

Parks

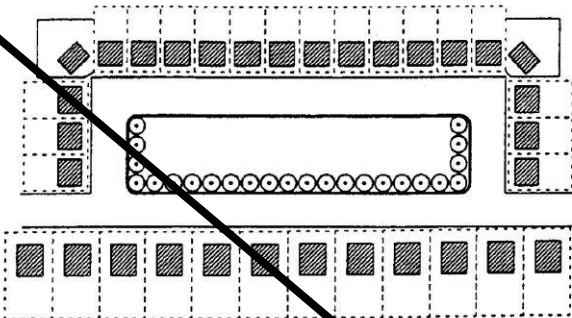


~~Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 50% of their perimeter, and are encouraged to be enclosed by streets on all sides.~~

~~Minimum size: 1 acre
Maximum size: 3 acres~~

~~Maximum park size may exceed 3 acres if through design the park creates a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake, high ground, significant stands of trees).~~

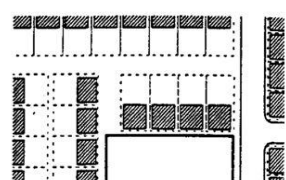
Forecourt



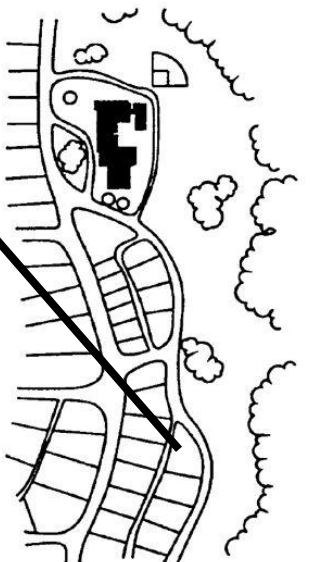
~~Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW's with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.~~

Plaza

~~A plaza is an open area adjacent to a civic, commercial, or residential TOD-R building. Plazas function as gathering places and may incorporate a variety of nonpermanent activities, such as vendors and~~



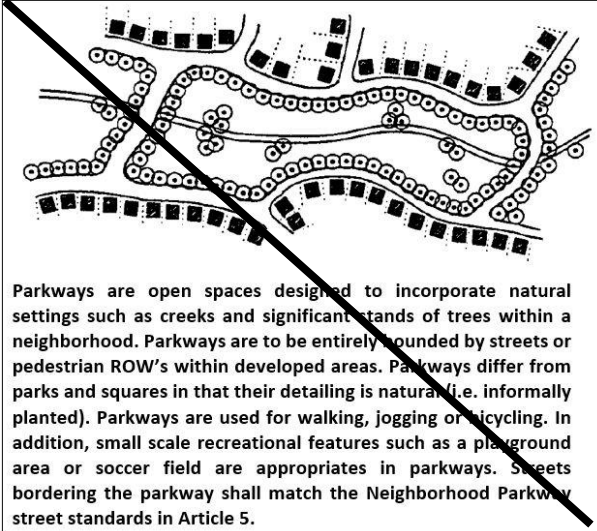
~~Greenbelts run along the perimeter of a neighborhood or town and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor, industrial district, or a town from agricultural areas or adjacent towns.~~



~~Greenbelts are left natural but may include walking trails. In addition, schools located adjacent to Greenbelts can provide all recreational and athletic fields within the greenbelt. Streets bordering greenbelts shall match the Neighborhood Parkway street standards in Article 5.~~

Parkways

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Regulations are intended to provide quality open space within a subdivision, multi-building site or commercial development. There are five types of open space Urban, Agricultural, Common, Natural, and Recreational. Encouragement is given to apply creative design and allow flexibility to aid application of open space typologies. When determining placement of open space within a subdivision evaluation should occur when siting services and infrastructure by reducing road length, utility runs, and pavement. The

creation of compact neighborhoods accessible to open space amenities aid strong community identity.

.1 Open Space Typologies Defined

- (a) Urban Open Space: planned and improved open space, accessible and usable. For small lot subdivisions urban open space shall be provide to persons living within ¼ mile measured along rights-of-way. In large lot subdivision urban open space application is required at ½ mile.
- (b) Agricultural Open Space: preserve agricultural lands and rural character that would likely be lost through conventional development approaches.
- (c) Common Open Space: Any portion of a land that is not part of a private lot or tract of land such as, but not limited to, area devoted to water quality/quantity measures, entryway features including the landscape material, signage and, if applicable berm and any other open space area that is not defined by one of the four other open space types.
- (d) Natural Open Space: preserve forested lands, natural features, and rural character that would likely be lost through conventional developments approaches.
- (e) Recreational Open Space: to provide for active and passive recreation, included but not limited to, implementation of associated long range Town/County plans.

Reference Article 12: Definitions for subdivision, large lot.

.2 All zoning districts, except Rural, require Urban Open Space to be incorporated into the design. All open space areas outside of landscape and

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BMP (stormwater) easements and lots that are not specified as Urban Open Space shall meet one or a combination of the remaining four open space typologies, Agricultural, Common, Natural and Recreational. Article 3 and Article 7.11 shall be referenced for further information.

3 Rural Zoning shall incorporate a combination of Agricultural, Common, Natural, or Recreational open space typologies. Article 3.2.1 and Article 7.11 shall be further referenced.

4 Below is a table outlining what types of open space options are available to meet zoning district standards.

| | | Zoning Districts | R | TR | GR | NR, NC, TC, HC, CI, CB, SP, TND-U, TND-R, VS, TOD-R, and TOD-E. | Ordinance Reference |
|-----------------|--------------------|------------------|---|----|----|---|---------------------|
| Open Space Type | | | | | | | |
| Common | | | ◆ | ◆ | ◆ | ◆ | 7.10.1.c. |
| Agricultural | | | ◆ | ◆ | | | 7.10.1.b. |
| Natural | | | ◆ | ◆ | | | 7.10.1.d. |
| Recreational | | | ◆ | ◆ | | | 7.10.1.e. |
| Urban - | Types | | | | | | 7.11.1.f |
| | Community Garden | | | ◆ | | ◆ | |
| | Forecourt | | | ◆ | | ◆ | |
| | Green | | | ◆ | | ◆ | |
| | Greenbelt | | | ◆ | | ◆ | |
| | Greenway | | | ◆ | | ◆ | |
| | Park | | | ◆ | | ◆ | |
| | Parkway | | | ◆ | | ◆ | |
| | Pedestrian Passage | | | ◆ | | ◆ | |
| | Plaza | | | ◆ | | ◆ | |
| | Promenade | | | ◆ | | ◆ | |
| | Square | | | ◆ | | ◆ | |
| | Woonerf | | | ◆ | | ◆ | |

7.11 Urban, Agricultural, Common, Natural, and Recreational Agricultural Open Space

~~.1 The purposes of natural recreational and agricultural open space is to preserve agricultural and forestry lands, natural and cultural features, and rural character that would likely be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in design of such developments is encouraged. Specific objectives are as follows:~~

- ~~(a) To conserve areas of the town with productive soils for continued agricultural and forestry use by preserving large blocks of land large enough to allow for efficient operations.~~

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~~(b) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.~~

~~(c) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.~~

~~(d) To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways.~~

~~(e) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.~~

~~(f) To preserve and maintain historic and archeological site and structures that serve as significant visible reminders of the town's social and architectural history.~~

~~(g) To provide for active and passive recreational needs of town residents, including implementation of associated town long range plans.~~

~~(h) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.~~

~~(i) To create compact neighborhoods accessible to open space amenities and with a strong community identity.~~

.1 Urban Open Space:





(a) Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements.

(b) Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.




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- (c) In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within ¼ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large-lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space is located within ½ mile of all building lots, as measured along the rights-of-way of street providing access between the two.**
- (d) Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.**
- (e) No more than twenty-five (25) percent of each above ground water quality/quantity treatment system (BMP) within an urban open space area can be used. Any above ground BMPs located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to BMP. To exceed the twenty-five (25) percent limitation a design maybe submitted to the Planning Board for review and approval. Such BMP design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds with fountains, and landscape material. Underground BMPS are not limited.**
- (f) Urban Open Space types includes Community Garden, Forecourt, Green, Greenbelt, Greenway, Park, Parkway, Pedestrian Passage, Plaza, Promenade, Square, and Woonerf, and that are characterized as described below or to a minor variation of same.**



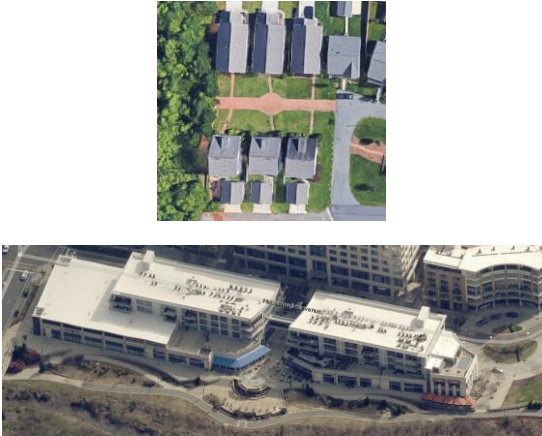
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| | |
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| <p><u>Community Gardens should be centrally located and accessible to residents for participation. Maintenance of the site shall be continued year round, as the intent is for the garden to be all-season. Should the garden become abandoned then the garden area will be required to be seeded with grass and used as a recreational area. Community Gardens shall be a minimum of 500 sq. ft.</u></p> |  |
| <p><u>Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW's with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.</u></p> |  |
| <p><u>Greenbelts run along the perimeter of a neighborhood or town and serve to buffer from surrounding non-compatible uses such as a highway corridor, industrial district, or from agricultural areas or adjacent towns.</u></p> <p><u>Greenbelts are left natural, but may include walking trails or passive recreation.</u></p> |   |




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| <p><u>A Green is typically landscaped with trees at the edge and an open expanse of grass in the center that is externally surrounded directly or indirectly by buildings.</u></p> |  |
| <p><u>Greenways are generally linear in nature and may bisect or border developments. They are designed to incorporate natural settings such as creeks and significant stands of trees with neighborhoods. Recreational uses shall be provided, at a minimum, trails for walking, jogging and/or bicycling. A greenway may be bound by Public Street, but not required. Greenways dedicated to Town/County as identified on the adopted greenway plan will be counted toward tree save area, if relevant. Upon completion of the publicly dedicated greenway any trees removed due to construction are not required to be replaced.</u></p> |  |
| <p><u>Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 25% of their perimeter, and are encouraged to be enclosed by streets on all sides. Mini Parks, such as, but not limited to dog parks, playgrounds, pocket parks and splash pads can be incorporated throughout a development to meet the ordinance requirements.</u></p> <p><u>Where mini parks are not used, the minimum size shall be 1 acre and maximum size 3 acres. Maximum park size may exceed 3 acres, if through design, the park creates a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake, high ground, significant stand of trees).</u></p> |  |

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| | |
|--|--|
| <p><u>Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkway may be entirely bounded by streets or pedestrian ROW's within developed areas. Parkway differ from parks and squares in that their detailing is natural (i.e. informally planted). Parkway are used for walking, jogging or bicycling. In addition, small scale recreational features such as playground area or soccer field are appropriate in parkways.</u></p> |  |
| <p><u>A Plaza is an open area adjacent to a civic, commercial, or residential building/s. Plazas function as gathering places. Limited parking is also permitted. Plazas are always paved in brick or another type of paver or crushed stone. Plazas shall be level, stepped, or gently sloping (less than 5% grade). The following sizes are recommended but may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings. Plazas may be left unplanted. If planted, trees should form the geometric frame of the plaza space or for the structure the plaza services. Spacing shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center. Minimum size is 2,000 sq. ft. and maximum size is 30,000 sq. ft.</u></p> |  |
| <p><u>Pedestrian passageway are relatively narrow public spaces located in dense areas between buildings, allowing pedestrian access to the public front. These passageways can be successful locations for store entries, window displays café seating or public meeting space. The passageway shall incorporate fixtures such as, but not limited to fountains, benches, landscape materials, sculptures, and other decorative elements.</u></p> |  |

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|---|---|
| <p><u>Promenade is a large, linear-designed area, usually adjacent to buildings lined with trees and shrubbery, which can be used as a public walk. Typically parking surrounds a promenade.</u></p> |  |
| <p><u>Squares are areas for passive recreational use. Square shall be bounded by streets on a minimum of three sides or 75% of their perimeter. Minimum size: 500 sq. ft.; Maximum size: 1 acre. Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape. Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged. A close can function as a square.</u></p> |  |
| <p><u>A Woonerf is an access way where the primary use is by pedestrian and bicycles with secondary use by vehicles. By removing curbs and any indication of a car travel line, while at the same time adding landscaping and street furniture, the public realm for pedestrians is expanded into what was the street. Parking areas shall be dispersed.</u></p> |  |

.2 Agricultural Open Space: shall include areas set aside for agricultural purposes such as livestock, growing fruits, vegetables, grains, forestry, etc. The goals of the agricultural open space are as follows:

- (a) To conserve areas of the town with productive soils for continued agricultural use by preserving large blocks of land large enough to allow for efficient operations.
- (b) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive farmland areas.
- (c) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- (d) To preserve and maintain historic and archeological sites and structures that serve as significant visible reminders of the town's social and architectural history.

Reference Article 3 and Article 7.12 - 7.14 for further information

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.3 Common Open Space: shall include all other areas that are not suitable within the other open space categories. These areas can include, but are not limited to the following:

- (a) Entryway monumentation to include the landscaped area, berm (if applicable)**
- (b) Water quality/quantity feature, known as Best Management Practices (BMPS): The required maintenance easement shall be included as common open space. BMPS include, but are not limited to, sandfilters, detention ponds, dry ponds, rain gardens, swales, and level spreaders.**

Reference Article 3 and Article 7.12 - 7.14 for further information

.4 Natural Open Space: shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7. The goals of natural open space are as follows:

- (a) To conserve areas of the town with productive soils for forestry use by preserving large blocks of land large enough to allow for efficient operations.**
- (b) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.**
- (c) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.**
- (d) To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways.**
- (e) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.**

Reference Article 3 and Article 7.12 - 7.14 for further information

.5 Recreational Open Space: shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious quality of the soil except as provided herein. These activities may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft. The goals of recreation open space are as follows:

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- (a) To preserve and maintain historic and archeological site and structures that serve as significant visible reminders of the town's social and architectural history.**
- (b) To provide for active and passive recreational needs of town residents, including implementation of associated town long range plans.**

Reference Article 3 and Article 7.12 - 7.14 for further information

7.13 **Open Space** Evaluation Criteria

- .1 In evaluating the layout of lots and open space, the following criteria will be considered by the town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. **Reference Subdivision Ordinance 6.300.** Accordingly, the town shall evaluate proposals to determine whether the proposed subdivision plan:

{Items (a) – (j) unchanged}

(k) Landscapes common areas (such as ~~community greens~~), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with **providing** high wildlife conservation value **listed on the approved tree and shrub list.**

{Items (l) – (n) unchanged}

Article 8.1 Street Frontage Requirement

4. A site specific development plan may be considered for approval in the TC, NC, NR, R, TR, HC, CB, **CI, VS,** and both TND **and TOD** districts where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in Article 7, part B, where adequate access by emergency vehicles is maintained by way of a street or alley and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.

Article 12.2.1 General Definitions

Large-Lot Subdivision A major residential subdivision in which all **residential** lots are a minimum of $\frac{3}{4}$ acre in size.

Open Space. Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation; unless specifically allowed by this ordinance in the Farmhouse Cluster, Conservation Subdivisions, and Minor Subdivisions, ~~open space may also include portions of private~~

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~~building lots subject to an open space easement dedicated to the town. Urban Open Space assumes one or more of the forms detailed in Article 7, and may contain recreation equipment and amenities as indicated. Rural Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance as described in Section 3.2.1, will be construed, in whole or in part, to be rural open space.~~ **Reference Article 7.11 Urban, Agricultural, Common, Natural, and Recreational Open Space for specific qualitative criteria.**

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, ~~water quality best management practices,~~ swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

New Text = Bold and Underlined; Old Text = Marked Through

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

ORDINANCE ADVISORY BOARD: August 3, 2017

PUBLIC HEARING DATE: August 21, 2017

PLANNING BOARD MEETING: August 22, 2017

PLANNING BOARD RECOMMENDATION: Approval

TOWN BOARD DECISION:

TOWN BOARD MEETING: September 5, 2017

Recommended VERSION 06.01.17

AN ORDINANCE TO AMEND ARTICLE 3.2.1 (RURAL ZONING), ARTICLE 3.2.2 (TRANSITIONAL RESIDENTIAL ZONING), ARTICLE 3.2.5 NEIGHBORHOOD CENTER, ARTICLE 3.2.6 (TOWN CENTER ZONING), ARTICLE 3.2.7 HIGHWAY COMMERCIAL, ARTICLE 3.2.8 CAMPUS INSTITUTIONAL, ARTICLE 3.2.9 CORPORATE BUSINESS, ARTICLE 3.2.11 TRANSITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICTS, ARTICLE 3.2.12 PASSENGER VEHICLE SALES, ARTICLE 3.2.13 TRANSIT ORIENTED DEVELOPMENT – RESIDENTIAL, ARTICLE 3.2.14 TRANSIT ORIENTED DEVELOPMENT – EMPLOYMENT, ARTICLE 7 PART B (OPEN SPACE), ARTICLE 8.1.4, AND ARTICLE 12.2.1 (GENERAL DEFINITIONS) TO REVISE OPEN SPACE CRITERIA WITH IN THE TOWN ZONING ORDINANCE.

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

3.2.1 Rural District (R)

3.2.1.d.2.

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

3.2.1.d.

3. Open Space. Designated Open Space includes that parcel or parcels of land which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are four types of open space in the Rural District – agricultural, common, natural and recreational. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

3.2.2 Transitional Residential District (TR)

3.2.2.d.2.

c. Open space which is improved, dedicated and accepted by a public agency for public use shall be counted as 1.5 times the actual acreage as an incentive to provide improved public open space. In order to obtain credit the open space should align with the Town and County’s future land use plans. Written proof of willingness to accept the open space by a public agency shall be presented at all stages of the approval process. Access shall at least consist of trails built to public standards meandering through the open space with public access points

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readily available and public access signs posted at those locations and where the trail intersects with roads shown on the Thoroughfare Plan. Other improvements, such as parks, shall be in accordance with applicable governmental standards.

3.2.2.d.

3. Open Space. Designated Open Space includes that parcel or parcels of land which shall be set aside in perpetuity and shall have no buildings or permanent structures constructed within its perimeters except as provided for in this section. There are five types of open space in the Transitional District - urban, agricultural, common, natural and recreational. Open space shall meet the provisions of this section and the provisions for open space established in Article 7, Part B.

ARTICLE 3.2.5 Neighborhood Center (NC)

- d) 8). Every building lot shall have frontage upon a public street or urban open space.

ARTICLE 3.2.6 Town Center (TC)

- d) 6). Every building lot shall have frontage upon a public street or urban open space.

ARTICLE 3.2.7 Highway Commercial (HC)

- d) 9) Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.

ARTICLE 3.2.8 Campus Institutional (CI)

- d) 4) Every building lot shall have frontage upon a public street or urban open space; buildings fronting on urban open space shall provide for vehicular access from a rear alley or street.

ARTICLE 3.2.9 Corporate Business (CB)

- d) 5) Every building lot shall have frontage upon a public street or urban open space; buildings fronting on urban open space shall provide for vehicular access from a rear alley or street.

ARTICLE 3.2.11 Transitional Neighborhood Development Districts (TND-U and TND-R)

- f) 3) All lots shall share a frontage line with a street or urban open space; lots fronting an urban open space shall provide rear alley access.

ARTICLE 3.2.12 Passenger Vehicle Sales District (VS)

- 13) Every building lot shall have frontage upon a public street or urban open space except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in

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the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network.

ARTICLE 3.2.13 Transit Oriented Development - Residential (TOD-R)

f) 3) Every building lot shall share a frontage line with a street, or urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

ARTICLE 3.2.14 Transit Oriented Development - Employment (TOD-E)

d) 1) Every building lot shall share a frontage line with a street, or urban open space; lots fronting directly onto a formal open space (i.e., without intervening street) shall be provided rear alley access.

ARTICLE 7, PART B: OPEN SPACE

7.10 Open Space - Purpose, Intent and Definitions

Regulations are intended to provide quality open space within a subdivision, multi-building site or commercial development. There are five types of open space: Urban, Agricultural, Common, Natural, and Recreational. Encouragement is given to apply creative design and allow flexibility to aid application of open space typologies. When determining placement of open space within a subdivision evaluation should occur when siting services and infrastructure by reducing road length, utility runs, and pavement. The creation of compact neighborhoods accessible to open space amenities aid strong community identity.

.1 Open Space Typologies Defined

- (a) Urban Open Space: planned and improved open space, accessible and usable. There are multiple variations of urban open space choose from.
- (b) Agricultural Open Space: preserve agricultural lands and rural character that would likely be lost through conventional development approaches.
- (c) Common Open Space: Any portion of a land that is not part of a private lot or tract of land such as, but not limited to, area devoted to water quality/quantity measures, entryway features including the landscape material, signage and, if applicable berm and any other open space area that is not defined by one of the four other open space types.
- (d) Natural Open Space: preserve forested lands, natural features, and rural character that would likely be lost through conventional developments approaches.
- (e) Recreational Open Space: to provide for active and passive recreation, included but not limited to, implementation of associated long range Town/County plans.

Reference Article 12: Definitions for subdivision, large lot.

- .2 All zoning districts, except Rural, require Urban Open Space to be incorporated into the design. All open space areas outside of landscape and BMP (stormwater) easements and lots that are not specified as Urban Open Space shall meet one or a combination of the remaining four open space typologies,

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Agricultural, Common, Natural and Recreational. Article 3 and Article 7.11 shall be referenced for further information.

- .3 Rural Zoning shall incorporate a combination of Agricultural, Common, Natural, or Recreational open space typologies. Article 3.2.1 and Article 7.11 shall be further referenced.
- .4 Below is a table outlining what types of open space options are available to meet zoning district standards.


| | | Zoning Districts | R | TR | GR | NR, NC, TC, HC, CI, CB, SP, TND-U, TND-R, VS, TOD-R, and TOD-E. | Ordinance Reference |
|------------------------|---------------------------|------------------|---|----|----|---|---------------------|
| Open Space Type | | | | | | | |
| <i>Common</i> | | | ◆ | ◆ | ◆ | ◆ | 7.10.1.c. |
| <i>Agricultural</i> | | | ◆ | ◆ | | | 7.10.1.b. |
| <i>Natural</i> | | | ◆ | ◆ | | | 7.10.1.d. |
| <i>Recreational</i> | | | ◆ | ◆ | | | 7.10.1.e. |
| <i>Urban -</i> | <i>Types</i> | | | | | | 7.11.1.f |
| | <i>Community Garden</i> | | | ◆ | | ◆ | |
| | <i>Forecourt</i> | | | ◆ | | ◆ | |
| | <i>Green</i> | | | ◆ | | ◆ | |
| | <i>Greenbelt</i> | | | ◆ | | ◆ | |
| | <i>Greenway</i> | | | ◆ | | ◆ | |
| | <i>Park</i> | | | ◆ | | ◆ | |
| | <i>Parkway</i> | | | ◆ | | ◆ | |
| | <i>Pedestrian Passage</i> | | | ◆ | | ◆ | |
| | <i>Plaza</i> | | | ◆ | | ◆ | |
| | <i>Promenade</i> | | | ◆ | | ◆ | |
| | <i>Square</i> | | | ◆ | | ◆ | |
| | <i>Woonerf</i> | | | ◆ | | ◆ | |

7.11 Urban, Agricultural, Common, Natural, and Recreational Open Space Criteria








- .1 Urban Open Space:
 - (a) Urban Open Space is defined as all areas not divided into private or civic building lots, streets, right-of-way, parking or easements.
 - (b) Urban Open Space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields.) Urban Open Space shall conform to one of the Urban Open Space types described in this section, or to a minor variation of same.

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- (c) In major subdivisions and multi-building developments in all zoning districts except Rural, urban open space shall be integrated into the design of the site. Such open space, whether on-site or off-site, shall be located within ¼ mile of each building lot as measured along the rights-of-way of streets providing access between the two. In large-lot subdivisions such urban open space shall be integrated into the design of the site so that, whether located on-site or off-site, such open space is located within ½ mile of all building lots, as measured along the rights-of-way of street providing access between the two.
- (d) Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.
- (e) No more than twenty-five (25) percent of each above ground water quality/quantity treatment system (BMP) within an urban open space area can be used. Any above ground BMPs located within an Urban Open Space must add to the overall quality of the open space, rather than detract from area devoted to BMP. To exceed the twenty-five (25) percent limitation a design maybe submitted to the Planning Board for review and approval. Such BMP design shall incorporate a combination of the following design elements; but not limited to, pathways, boardwalks, ponds with fountains, and landscape material. Underground BMPS are not limited.
- (f) Urban Open Space types includes Community Garden, Forecourt, Green, Greenbelt, Greenway, Park, Parkway, Pedestrian Passage, Plaza, Promenade, Square, and Woonerf, and that are characterized as described below or to a minor variation of same.

| | |
|---|--|
| <p>Community Gardens should be centrally located and accessible to residents for participation. Maintenance of the site shall be continued year round, as the intent is for the garden to be all-season. Should the garden become abandoned then the garden area will be required to be seeded with grass and used as a recreational area. Community Gardens shall be a minimum of 500 sq. ft.</p> |  |
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| <p>Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street ROW's with one tree species. Such plantings shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center.</p> |  |
| <p>Greenbelts run along the perimeter of a neighborhood or town and serve to buffer from surrounding non-compatible uses such as a highway corridor, industrial district, or from agricultural areas or adjacent towns.</p> <p>Greenbelts are left natural, but may include walking trails or passive recreation.</p> |   |
| <p>A Green is typically landscaped with trees at the edge and an open expanse of grass in the center that is externally surrounded directly or indirectly by buildings.</p> |   |
| <p>Greenways are generally linear in nature and may bisect or border developments. They are designed to incorporate natural settings such as creeks and significant stands of trees with neighborhoods. Recreational uses shall be provided, at a minimum, trails for walking, jogging and/or bicycling. A greenway may be bound by Public Street, but not required. Greenways dedicated to Town/County as identified on the adopted greenway plan will be counted toward tree save area, if relevant. Upon completion of the publicly dedicated greenway any trees removed due to construction are not required to be replaced.</p> |   |

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| <p>Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 25% of their perimeter, and are encouraged to be enclosed by streets on all sides. Mini Parks, such as, but not limited to dog parks, playgrounds, pocket parks and splash pads can be incorporated throughout a development to meet the ordinance requirements.</p> <p>Where mini parks are not used, the minimum size shall be 1 acre and maximum size 3 acres. Maximum park size may exceed 3 acres, if through design, the park creates a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake, high ground, significant stand of trees).</p> |   |
| <p>Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkway may be entirely bounded by streets or pedestrian ROW's within developed areas. Parkway differs from parks and squares in that their detailing is natural (i.e. informally planted). Parkway are used for walking, jogging or bicycling. In addition, small scale recreational features such as playground area or soccer field are appropriate in parkways.</p> |   |
| <p>A Plaza is an open area adjacent to a civic, commercial, or residential building/s. Plaza function as gathering places. Limited parking is also permitted. Plaza are always paved in brick or another type of paver or crushed stone. Plaza shall be level, stepped, or gently sloping (less than 5% grade). The following sizes are recommended but may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings. Plaza may be left unplanted. If planted, trees should form the geometric frame of the plaza space or for the structure the plaza services. Spacing shall be a minimum of 10 ft. on center and a maximum of 30 ft. on center. Minimum size is 2,000 sq. ft. and maximum size is 30,000 sq. ft.</p> |  |

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|---|---|
| <p>Pedestrian passageway are relatively narrow public spaces located in dense areas between buildings, allowing pedestrian access to the public front. These passageways can be successful locations for store entries, window displays café seating or public meeting space. The passageway shall incorporate fixtures such as, but not limited to fountains, benches, landscape materials, sculptures, and other decorative elements.</p> |   |
| <p>Promenade is a large, linear-designed area, usually adjacent to buildings lined with trees and shrubbery, which can be used as a public walk. Typically parking surrounds a promenade.</p> |  |
| <p>Squares are areas for passive recreational use. Square shall be bounded by streets on a minimum of three sides or 75% of their perimeter. Minimum size: 500 sq. ft.; Maximum size: 1 acre. Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved with other areas of soft landscape. Squares are encouraged to be planted parallel to all street ROW's with one tree species planted a minimum of 10 ft. on center and at a maximum of 30 ft. on center. Geometrical tree planting layouts for internal plantings are encouraged. A close can function as a square.</p> |  |
| <p>A Woonerf is an access way where the primary use is by pedestrian and bicycles with secondary use by vehicles. By removing curbs and any indication of a car travel line, while at the same time adding landscaping and street furniture, the public realm for pedestrians is expanded into what was the street. Parking areas shall be dispersed,</p> |  |

.2 Agricultural Open Space: shall include areas set aside for agricultural purposes such as livestock, growing fruits, vegetables, grains, forestry, etc. The goals of the agricultural open space are as follows:

- (a) To conserve areas of the town with productive soils for continued agricultural use by preserving large blocks of land large enough to allow for efficient operations.

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- (b) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive farmland areas.
- (c) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- (d) To preserve and maintain historic and archeological sites and structures that serve as significant visible reminders of the town's social and architectural history.

Reference Article 3 and Article 7.12 - 7.14 for further information

.3 Common Open Space: shall include all other areas that are not suitable within the other open space categories. These areas can include, but are not limited to the following:

- (a) Entryway monumentation to include the landscaped area, berm (if applicable).
- (b) Water quality/quantity feature, known as Best Management Practices (BMPS): The required maintenance easement shall be included as common open space. BMPS include, but are not limited to, sandfilters, detention ponds, dry ponds, rain gardens, swales, and level spreaders.

Reference Article 3 and Article 7.12 - 7.14 for further information

.4 Natural Open Space: shall include areas where natural features, such as topography, rock outcroppings, hills and valleys are not altered. Only minimal thinning of vegetation shall be permitted to promote overall health of the natural area in accordance with the tree protection regulations of Article 7. The goals of natural open space are as follows:

- (a) To conserve areas of the town with productive soils for forestry use by preserving large blocks of land large enough to allow for efficient operations.
- (b) To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- (c) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.
- (d) To conserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, streams and creeks, wetlands and floodways.
- (e) To protect scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.

Reference Article 3 and Article 7.12 - 7.14 for further information

.5 Recreational Open Space: shall include areas where natural features may be altered to provide for recreational activities without impacting the impervious

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quality of the soil except as provided herein. These activities may include ballfields, equestrian trails, hiking trails, picnicking, primitive camping, golf courses, green spaces (manicured or not), etc. Structures related to the recreation space may count towards open space provided they do not create an impervious area over 100 sq. ft. The goals of recreation open space are as follows:

- (a) To preserve and maintain historic and archeological site and structures that serve as significant visible reminders of the town's social and architectural history.
- (b) To provide for active and passive recreational needs of town residents, including implementation of associated town long range plans.

Reference Article 3 and Article 7.12 - 7.14 for further information

7.13 Open Space_Evaluation Criteria

- .1 In evaluating the layout of lots and open space, the following criteria will be considered by the town as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Reference Subdivision Ordinance 6.300. Accordingly, the Town shall evaluate proposals to determine whether the proposed subdivision plan:

{Items (a) – (j) unchanged}

(k) Landscapes common areas, cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs providing high wildlife conservation value listed on the approved tree and shrub list.

{Items (l) – (n) unchanged}

Article 8.1 Street Frontage Requirement

4. A site specific development plan may be considered for approval in the TC, NC, NR, R, TR, HC, CB, CI, VS, and both TND and TOD districts where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in Article 7, part B, where adequate access by emergency vehicles is maintained by way of a street or alley and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.

Article 12.2.1 General Definitions

Large-Lot Subdivision A major residential subdivision in which all residential lots are a minimum of $\frac{3}{4}$ acre in size.

Open Space. Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation; unless specifically allowed by this ordinance in the Farmhouse Cluster, Conservation

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Subdivisions, and Minor Subdivisions. Reference Article 7.11 Urban, Agricultural, Common, Natural, and Recreational Open Space for specific qualitative criteria.

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

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

ORDINANCE ADVISORY BOARD: August 3, 2017

PUBLIC HEARING DATE: August 21, 2017

PLANNING BOARD MEETING: August 22, 2017

PLANNING BOARD RECOMMENDATION: Approval

TOWN BOARD DECISION:

TOWN BOARD MEETING: September 5, 2017

Quick Reference Guide

| Current Ordinance | Proposed Ordinance | Reason for proposal |
|---|---|--|
| 3.2.1 d. 2. Rural Zoning | In order to obtain 1.5X open space credit the open space should align with Town and County’s future land use plan. | Developers have questioned how to obtain the 1.5X open space credit. Clarity was needed; therefore future land use plans were referenced. |
| 3.2.1.d.3. Rural Zoning | Identify that the rural district shall include a combination of the following open space typologies– agricultural, common, natural and recreational as defined in Article 7 | Instead of having multiple located for the open space types to be defined, staff felt that one location, Article 7 Open Space, was the best place for definitions. Addition of Common Open Space to be a catch all. |
| 3.2.2.d.2 Transitional Residential Zoning | In order to obtain 1.5X open space credit the open space should align with Town and County’s future land use plan. | Developers have questioned how to obtain the 1.5X open space credit. Clarity was needed; therefore future land use plans were referenced. |
| 3.2.2.d.3 Transitional Residential Zoning | Identify that the Transitional Residential district shall include a combination of the following open space typologies– urban, agricultural, common, natural and recreational as defined in Article 7 | Instead of having multiple located for the open space types to be defined, staff felt that one location, Article 7 Open Space, was the best place for definitions Addition of Common Open Space to be a catch all. |
| 3.2.5 Neighborhood Center, 3.2.6 Town Center, 3.2.7 Highway Commercial, 3.2.8 Campus Institutional, 3.2.9 Corporate Business, 3.2.11 Transitional Neighborhood Development Districts, 3.2.12 Passenger Vehicle Sales, 3.2.13 Transit Oriented Development – Residential, 3.2.14 Transit Oriented Development – Employment | Remove the use of square and add all urban open space types | Found that each of the sections was limiting; to provide more opportunity for good design staff is proposing to open it up to all urban open space types. |
| 7.10 Urban Open Space | Change title of 7.10 to Open Space - Purpose, Intent and Definitions. Provided definitions for each type of open space and a chart stating which types of open space options are available to meet zoning district standards. | There was no introduction. Many people read 7.10 Urban Open Space and never realized there were other qualitative types of open space. |
| 7.11 Natural, Recreational and Agricultural Open Space Purpose | Change title to address all open space types: Urban, Agricultural, Common, Natural and Recreational. | Each type of open space is discussed and expectations |

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| | | set for appropriate application. |
| | <p>Added 7.11.1 Urban Open Space, use Ordinance language that existed in 7.10, as well as adding the following:</p> <ul style="list-style-type: none"> • new typologies (Greenways, Promenades, Pedestrian Passages, Greens, woonerfs and Community Gardens) • Identify that only 25% of the Urban Open Space can be used for BMP's if the nature of the open space is being respected. If more than 25% is used as BMP then Planning Board would have to approve based on qualitative criteria. • Language was also added to some of the existing urban open space typologies to provide clarity, such as parks. Parks were required to be 1 acre, with no options of pocket parks. Now a combination can occur. | The development community had a desire as well as staff to have more options for urban open space. The 6 existing types, depending upon the variables at hand, could be limiting. This change adds more items (6) to the "menu". |
| | Added 7.11.2 Agricultural Open Space | Needed to be separated out from the other typologies to understand the goal of this open space. |
| | Added 7.11.3 Common Open Space | Category was added due to the inability to quantify entrance monumentation, BMPs, and other areas within a subdivision with in the four other types. |
| | Added 7.11.4 Natural Open Space | Needed to be broken out to provide clarity on the qualitative nature of the open space to applicants |
| | Added 7.11.5 Recreational Open Space | Needed to be broken out from the other typologies to understand the goal of this type of open space. |
| 7.13 Evaluation Criteria | Add "Open Space" in front of Evaluation Criteria for clarity. Corrected references within the section. | Clarity needed, it was unclear as to what was being evaluated. |

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| | | Reference to the subdivision ordinance was added and the approved tree and shrub list. |
| 8.1.4 | Add CI, VS, and TOD districts | For buildings within these districts to be able to front urban open space. |
| 12.2 Definitions | Removed references to Urban and Rural open space within the Open Space definition. | The definition was very limited, there was nothing in the Ordinance that is called rural open space (even though we believe the intent was to address the recreational, natural and agricultural). In removing both the urban and rural terminology the definition become more general. Reference has been added for Article 7.10 with defines the five open space types. |
| | Remove BMP's from the definition of structure | Currently the ordinance doesn't allow for BMPs to be in open space; however consistently staff has allowed them to exist in open space. This is an ordinance clean up from how we have consistently done business for years. BMP's per ordinance changes can exist in common open space or within 25% of urban open space. If more, then design requires Planning Board approval. |
| | Refine large lot subdivision | The ordinance refers to large lot subdivisions, but clarify those lots to be residential. |

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Michael Jaycocks
Subject: Consider Decision on HOYAS Co-sponsorship Application

Consider a decision on the HOYAS Youth Summer Basketball Co-sponsorship Application. The Huntersville Parks and Recreation Commission recommended approval of the HOYAS Basketball application for co-sponsorship by an unanimous vote at their July 19th meeting. The committee felt that the HOYAS offered a program that is unique in our area and there are no other summer basketball league programs in Huntersville. There are currently no co-sponsors that offer a summer basketball league. HOYAS currently has 67 participants in which 49 are Huntersville residents. The Parks and Recreation Commission approved this application for summer season basketball only, due to the lack of gym space during the spring, fall and winter. The HOYAS agreed with this stipulation as part of their co-sponsorship.

ACTION RECOMMENDED:

Consider a decision on the HOYAS Co-sponsorship application.

FINANCIAL IMPLICATIONS:

Would reduce revenue to the town by \$900 per year due to the lower co-sponsor rate.

ATTACHMENTS:

| Description | Type |
|--------------------------------|-----------------|
| ☐ HOYAS Co-sponsor Application | Backup Material |
| ☐ HOYAS Roster | Backup Material |

HUNTERSVILLE PARKS AND RECREATION DEPARTMENT
APPLICATION FOR CO-SPONSOR STATUS
Allow four months for processing all applications

Date of Application: _____ Name of Organization: H.O.Y.A.S. Community Development Corporation

Primary Contact Information:

Contact Person: Pamela D. Corbitt

Position in Organization: Founder/Executive Director

Physical Address: 3813 Glenlea Commons Drive, Charlotte, NC 28216

Mailing Address: 5009 Beatties Ford Road, Suite 179-279,

City: Charlotte State: NC Zip: 28216

Home Phone: 7042015423 Work Phone: _____ Cell Phone: _____

Email: (please print legibly) hoyascdc@gmail.com

Second Contact Information:

Name: Gene Harris

Position in Organization: Assistant Executive Director

Physical Address: 14340 Laurel Tree Lane

Mailing Address: _____

City: Huntersville State: NC Zip: _____

Home Phone: _____ Work Phone: _____ Cell
Phone: 7048076709

Email: (please print legibly) hoyascdc@gmail.com

See page 2 for additional information.

| | |
|---|-------------------------------|
| For Office Use Only: | Date Received: <u>4/10/17</u> |
| PRC Recommendation: <u>Yes, 7/19/17</u> | Town Board Approval: |

Town of Huntersville Parks and Recreation
PO Box 2879, Huntersville NC 28070-2879; Phone 704.766.2220; Fax: 704.992.5528
Website: huntersville.org
HUNTERSVILLE PARKS AND RECREATION DEPARTMENT
APPLICATION FOR CO-SPONSOR STATUS
Allow four months for processing all applications

ABOUT YOUR ORGANIZATION:

Please answer the following and attach to this application:

1. Has your organization read and understand the co-sponsorship policy currently in place? If yes, is this a policy by which your organization can abide?
YES
2. Is this a non-profit organization serving youth? If no, please describe what population you are currently serving.
YES
3. Is this a volunteer organization with a volunteer board of directors? If no, please describe your organizational structure. Are there any paid staff members in your organization? If so, which ones—coaches, director, admin assistants?
YES
4. Is this an athletic organization? If no, please describe the activities you currently offer.
YES
5. For which sports and/or seasons are you applying for co-sponsorship status?
Basketball Summer league and throughout the year for practice.
6. What type of field or facility space and how much time on the fields or in the facilities do you think your organization would need from the Town of Huntersville? What other fields or facilities is your group currently using and do you plan to continue to use that space?
Gym for Basketball
7. Which geographic area do you mostly serve? Is at least 50% of your group made up of Huntersville residents?
Huntersville, Charlotte and surrounding areas
8. Please state or attach your mission statement to this application.
Mission is to enhance and improve the well-being of life for the citizens of North Carolina and surrounding areas.
9. The relationship of the co-sponsor group and the Town is one of mutual benefits. Please describe any service/improvement your group will/could provide to our parks and/or our community.
We will our youth by encouraging teamwork, developing leadership, discipline and self-confidence through sports to productive citizens.
10. Please attach your most current list of participants/rosters with participant's physical addresses.

-
11. Please attach to this application any other information you think would be helpful to the Parks and Recreation Commission in making a decision on your organization's co-sponsorship status.
-

Town of Huntersville Parks and Recreation
PO Box 2879, Huntersville NC 28070-2879; Phone 704.766.2220; Fax: 704.992.5528
Website: huntersville.org

**Year 3 Summer 2016
Balance Sheet**

Beginning Balance \$421.88

Deposits

| | |
|---------------------------|------------|
| Donation | \$50.00 |
| Donation | \$33.68 |
| Fifth Third ATM fee reimb | \$3.00 |
| Summer League | \$2,688.00 |
| Bank credit adjust | \$80.00 |
| Fifth Third ATM fee reimb | \$3.00 |
| Summer League | \$1,085.00 |
| Summer League | \$120.00 |
| Fifth Third ATM fee reimb | \$3.00 |

\$4,065.68

Balance \$4,487.56

Expenses

| | | |
|--------------------|------------|-------------------------|
| January Check Card | \$114.10 | |
| March Check Card | \$58.00 | PO Box rental |
| June Check card | \$11.04 | Receipt book |
| Withdrawal | \$83.00 | Change fund skills day |
| June Check card | \$1,410.00 | Gym rental |
| Check 1061 | \$20.00 | Clock operator |
| Check 1062 | \$50.00 | Refree |
| Check 1063 | \$50.00 | Refree |
| Check 1064 | \$20.00 | Clock operator |
| Check 1065 | \$75.00 | Refree |
| Check 1066 | \$75.00 | Refree |
| Check 1067 | \$30.00 | Clock operator |
| Check 1096 | \$50.00 | Refree |
| Check 1109 | \$84.00 | Gameday |
| Check 1110 | \$50.00 | Refree |
| Check 1111 | \$20.00 | Clock operator |
| Check 1112 | \$20.00 | Clock operator |
| Check 1113 | \$50.00 | Refree |
| Check 1115 | \$50.00 | Refree |
| Check 1116 | \$20.00 | Clock operator |
| Check 1117 | \$50.00 | Refree |
| Check 1118 | \$50.00 | Refree |
| Check 1119 | \$50.00 | Refree |
| Check 1120 | \$50.00 | Refree |
| July Check card | \$92.18 | Basketballs |
| July Check card | \$315.00 | Insurance |
| July Check card | \$143.00 | Gameday |
| Service charge | \$12.00 | Player return check fee |
| Service charge | \$165.00 | Player return check |
| PromoThreads | \$724.62 | Uniforms |
| July Check card | \$96.00 | |
| August Check card | \$123.00 | Gameday |
| August Check card | \$193.05 | Awards |
| Miscellaneous | \$12.50 | Service charge |

Total \$4,416.49

Total Operating Funds \$71.07

per bank statement

Outstanding Items:

Total Operating Funds \$71.07



Department of the Treasury
Internal Revenue Service

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077552646
July 14, 2010 LTR 4168C 0
87-0724793 000000 00

00025612
BODC: TE

HOYAS COMMUNITY DEVELOPMENT
CORPORATION
% PAMELA DE-JOYCE CORBITT
3813 GLENLEA COMMONS DR
CHARLOTTE NC 28216-9510



014104

Employer Identification Number: 87-0724793
Person to Contact: Gregory Renier
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your May 26, 2010, request for information regarding your tax-exempt status.

Our records indicate that your organization was recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in September 2006.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

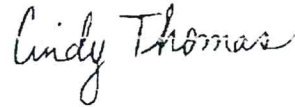
Beginning with the organization's sixth taxable year and all succeeding years, it must meet one of the public support tests under section 170(b)(1)(A)(vi) or section 509(a)(2) as reported on Schedule A of the Form 990. If your organization does not meet the public support test for two consecutive years, it is required to file Form 990-PF, Return of Private Foundation, for the second tax year that the organization failed to meet the support test and will be reclassified as a private foundation.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

4077552646
July 14, 2010 LTR 4168C 0
87-0724793 000000 00
00025613

HOYAS COMMUNITY DEVELOPMENT
CORPORATION
% PAMELA DE-JOYCE CORBITT
3813 GLENLEA COMMONS DR
CHARLOTTE NC 28216-9510

Sincerely yours,



Cindy Thomas
Manager, EO Determinations

Year 4 Summer 2017

| Player's Name | Parent First | Parent Last | Spouse/Partner First | Mailing Address | Zip | City | Age Division |
|---------------|--------------|-------------|----------------------|-----------------|-----|--------------------|--------------|
| 1 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 2 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 3 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 4 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 HUNTERSVILLE | 13-15 Boys |
| 5 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28079 HUNTERSVILLE | 13-15 Boys |
| 6 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 7 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28036 Davidson | 13-15 Boys |
| 8 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28270 Charlotte | 9-12 Boys |
| 9 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 10 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 11 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 12 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 13 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28269 Charlotte | 13-15 Boys |
| 14 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 15 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 16 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 17 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 18 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Charlotte | 13-15 Boys |
| 19 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 20 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 21 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28269 Charlotte | 9-12 Boys |
| 22 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 23 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 24 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Girls |
| 25 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 26 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28120 Mount Holly | 9-12 Boys |
| 27 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 28 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 29 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28269 Charlotte | 9-12 Boys |
| 30 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28036 Davidson | 13-15 Boys |
| 31 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28036 Davidson | 9-12 Boys |
| 32 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 33 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 34 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 huntersville | 13-15 Boys |
| 35 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 huntersville | 9-12 Boys |
| 36 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28079 huntersville | 9-12 Boys |
| 37 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 38 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 39 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 40 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 41 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28027 Concord | 9-12 Boys |
| 42 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28028 Concord | 13-15 Boys |
| 43 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 11-13 Boys |
| 44 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 45 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 11-13 Boys |
| 46 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 8-10 Boys |
| 47 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28079 Huntersville | 11-13 Boys |
| 48 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 49 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28079 Huntersville | 13-15 Boys |
| 50 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 51 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28056 Gastonia | 9-12 Boys |
| 52 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28216 Charlotte | 11-13 Boys |
| 53 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 54 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 55 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28079 Huntersville | 9-12 Boys |
| 56 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 huntersville | 13-15 Boys |
| 57 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 13-15 Boys |
| 58 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28031 Cornelius | 9-12 Boys |
| 59 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28012 BELMONT | 9-12 Boys |
| 60 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28216 Charlotte | 13-15 Boys |
| 61 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28269 Charlotte | 13-15 Boys |
| 62 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28215 Charlotte | 9-12 Boys |
| 63 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |
| 64 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | | 28078 Huntersville | 9-12 Boys |

65
66
67

28078
28078
28078

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Max L. Buchanan, PE - Director of Engineering and Public Works
Subject: Award of US 21 and Verhoeff Dr. Improvement Project

On August 16, 2017 quotations were received at Engineering & Public Works for the US 21 and Verhoeff Dr. Improvement Project. This project makes necessary improvements on US 21 as required by the newly constructed Parks and Recreation facility located on Verhoeff Drive.

The following is a list of contractors invited to submit quotations: Blythe Construction, Inc., Country Boy Landscaping, Inc., Granite Contracting, Pedulla Excavating and Grading, and Ferebee Corporation. Based on current workloads and the necessity to perform this project during nighttime hours, only two contractors elected to submit quotations. The following lump sum quotations were received:

Blythe Construction, Inc - \$240,000.00
Country Boy Landscaping, Inc. - \$417,655.02

It is my recommendation that the project be awarded to the lowest responsible quote provider, Blythe Construction, Inc., with a lump sum quotation of \$240,000.00.

Blythe Construction, Inc. has completed numerous 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 project is December 15, 2017.

ACTION RECOMMENDED:

Authorize award of Project to Blythe Construction, Inc.

FINANCIAL IMPLICATIONS:

General Fund - Fund Balance

ATTACHMENTS:

| Description | Type |
|---|-----------------|
| <input type="checkbox"/> Blythe - Contract Cover, Proposal, and Exec. of Proposal | Backup Material |

PROPOSAL

Contractor: Blythe Construction Inc.
agrees to provide the completed project, as detailed in the attached plan set dated 8/22/2016.

TOTAL AMOUNT BID FOR PROJECT \$ 240,000⁰⁰

Company Name: Blythe Construction Date: 8/16/17

Signature:  Title: Vice President



EXECUTION OF PROPOSAL

Date: 8/16/17

In compliance with the foregoing request for proposals and subject to all terms and conditions thereof, the undersigned offers and agrees, if this proposal is accepted, to furnish the services for the prices quoted.

PROJECT: US 21 and Verhoeff Dr. Improvements

PROJECT NUMBER: 5700-17-003

CONTRACTOR: Blythe Construction Inc.

ADDRESS: PO Box 31635

CITY: Charlotte STATE: NC ZIP CODE: 28231 PHONE: 704-375-8474

BY: [Signature] TITLE: Vice President
(SIGNATURE)

Brian Webb DATE: 8/16/17
(TYPED OR PRINTED NAME)

WITNESS: [Signature] TITLE: Asst. Sec DATE: 8/16/17

CONTRACTOR'S FEDERAL SOCIAL SECURITY IDENTIFICATION NO. 56-6037862

CONTRACTOR'S LICENSE NUMBER: 7639

ACCEPTANCE OF PROPOSAL

AGENCY: TOWN OF HUNTERSVILLE, NC

DEPARTMENT: ENGINEERING & PUBLIC WORKS

BY: _____ TITLE: _____
(SIGNATURE)

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

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

Consider approving the minutes of the August 21, 2017 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

| Description | Type |
|-----------------|-----------------|
| □ Draft Minutes | Backup Material |

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**August 21, 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 5:45 p.m. on August 21, 2017.

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

The Board discussed option for legal services. It was the general consensus of the Board to instruct staff to post a job advertisement for an in-house attorney and to also issue a RFP for legal services.

Commissioner Guignard made a motion to go into closed session for consultation with attorney. Commissioner Gibbons 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 August 21, 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.

Boy Scout led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS/STAFF QUESTIONS

Mayor Aneralla

- The North Meck Alliance and Commerce Station Management Team did not meet this month.
- The next meeting of the Metropolitan Transit Commission is Wednesday. We are going to get some information on the North Meck Mobility Study which is about enhanced bus service.

Commissioner Bales

- From the EDC, we currently have 20 projects in Huntersville. One project has been added since our last Board meeting. There are 34 total active projects and three recent visits to Huntersville by those active projects.
- The Lake Norman Teen Council is having their Splash into the School Year event August 25.
- The Movies at the Park is on August 24.
- Hopewell High School is hosting a College and Career fair on September 19.
- The North Carolina League of Municipalities is hosting their annual summit in September in Greenville.
- Attended the joint committee meeting with the Legislative Action Committee and the Regulatory Action Committee last Friday in Raleigh. Senate Bill 16 was passed and ratified but they are recommending that we have our Town Attorney review Section 8 of that bill in relation to storm water mitigation.

Commissioner Boone

- The next meeting of the Huntersville Ordinances Advisory Board is September 7.
- Reminder that Hambright Road is closed for the next 18 months.
- Requested e-mail from Becca Miller commending the Huntersville Fire Department for their efforts on a recent house fire be included in the record. *E-mail attached hereto as Exhibit No. 1.*
- Reminder that school starts next week. The Huntersville Police Department will be patrolling the school zones.
- Officer Tom Slymon retired on August 19.

Commissioner Gibbons

- The next meeting of the Mecklenburg Veterans Council is September 5.
- The Charlotte Regional Transportation Planning Organization met last Wednesday. The I-77 Express Lane contract study is nearing completion. It's going to be reviewed and forwarded to the State Secretary of Transportation and the Governor. It outlines several options for what we could do going forward with the contract. The Catawba Crossing Project was discussed. Huntersville, Mecklenburg County and 11 other jurisdictions voted against the resolution to support the project. Four people voted for the resolution and the resolution passed 12 against, 4 for and it passed because it's a weighted vote.
- There is a public comment period on the I-77 Express Lanes contracts and there's a public comment period open on our transportation plans going forward.

Commissioner Guignard

- Centralina Council of Governments met last week.
- The intersection of Highway 115/Gilead will close later tonight for water repairs.

Commissioner Kidwell

- Expressed appreciation to Commissioner Gibbons for attending the CRTPO meeting.

Commissioner Phillips

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

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Boone moved Item C from the Consent Agenda (Accept proposal from Country Boy Landscaping in the amount of \$126,115 to perform work required to complete the balance of civil work for the Commerce Substation) to Item G under Other Business.

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

Commissioner Guignard seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Petition #TA17-06. Mayor Aneralla called to order public hearing on Petition #TA17-06, a request by the Town of Huntersville to amend Article 3.2.1 Rural, Article 3.2.2 Transitional Residential, Article 3.2.5 Neighborhood Center, Article 3.2.6 Town Center, Article 3.2.7 Highway Commercial, Article 3.2.8 Campus Institutional, Article 3.2.9 Corporate Business, Article 3.2.11 Transitional Neighborhood Development Districts, Article 3.2.12 Passenger Vehicle Sales, Article 3.2.13 Transit Oriented Development – Residential, Article 3.2.14 Transit Oriented Development – Employment, Article 7 Part B Open Space, Article 8.1.4, and Article 12.2.1 General Definitions of the Huntersville Zoning Ordinance to modify Open Space criteria and associated definitions.

Alison Adams, Senior Planner, reviewed the Staff Report. *Staff Report attached hereto as Exhibit No. 2.*

The Huntersville Ordinances Advisory Board heard the request on August 3, 2017 and unanimously recommended approval.

Commissioner Gibbons said if a development that already is approved, it's a mature development, and they go to change their water features and it goes over the percentage, is that going to be a grandfathered deal.

Jack Simoneau, Planning Director, said whenever that subdivision is approved it's subject to the subdivision rules at that time and so we'll just check whatever changes they want to make and make sure that they comply with that.

Commissioner Phillips said under the Agricultural, I see that it's excluded from several districts, why would that be.

Ms. Adams said it's not that it would be excluded, it would just be considered common open space. It's not a prescribed requirement. It could be labeled as common, but it doesn't mean that they couldn't do agricultural practices.

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

OTHER BUSINESS

Petition #R16-07. Petition #R16-07 is a request by Skybrook, LLC to rezone 175.05 acres from Transitional Residential Conditional District and Rural to Transitional Residential – Conditional District to add approximately four acres of land, to increase the lot count from 180 to 221 and to adjust open spaces and street layouts.

David Peete, Principal Planner, entered the Staff Reports for the rezoning and sketch plan into the record. *Staff Reports attached hereto as Exhibit No. 3.* All I would intend to do this evening is bring you current to the changes that have occurred since the hearing and then give you the Planning Board motion.

The changes are all in Tract A. The Tract B area is unchanged in this request. They have done a number of modifications including dropping the density from 225 to 221. A left-turn lane on Huntersville-Concord at the site entrance as well as a left-turn lane on Poplar Tent Church Road at the site entrance are recommended by Town staff and are required by NCDOT (both with a minimum of 100' of storage).

There's approximately 2.3 acres of land to be dedicated to Mecklenburg County for future greenways per our adopted plans. There are 3.2 acres of urban open space that would be provided for the residents of this particular tract and there will be six stubs in addition to the other two entrances that would be for future development as well.

The only things that we have outstanding are two waivers that have been requested and we would need a specific motion on those. There are miscellaneous transportation and plan redline comments that would need to be addressed. The plan is ordinance compliant as it stands. In addition we have the two recommendations – one that the centerline radii for two curves in "Street 2" be increased to 200' and that the property be annexed into the Town limits.

The Planning Board voted 5 to 4 not to recommend approval. The Planning Board felt that it was not in the public's interest to continue to "eat away" in our Rural zones.

Commissioner Gibbons said one of the questions that is in here is on open space and the final number is 3.2 acres. Is that in compliance or above compliance for what is being proposed.

Mr. Peete said urban open space does not have a threshold. You have to provide some type of urban open space within ¼ mile of every lot. Depending on the type that you choose they all have a different framework of size so I can't directly answer that question but I can tell you that they definitely have plenty.

Commissioner Boone made a motion in considering the proposed rezoning application #R16-07, Oaks at Skybrook North Subdivision Conditional District, the Town Board recommends approval based on the plan being consistent with the 2030 Plan, the property is located within the low intensity development area of the 2030 comprehensive plan and the proposed overall density is consistent with the similar surrounding developments as seen in Part 5 of the Staff Report. The Town Board recommendation of approval is also based on all provisions outlined in Part 6 of the Staff Report being addressed and all redline comments being addressed also.

Commissioner Guignard seconded motion.

Commissioner Phillips said I need one clarification on the motion. The two recommendations – the annexation and the curb radii. If I hear your motion correct, I think that you are supporting those.

Commissioner Boone said yes, the annexation.

Mr. Peete said just the annexation.

Commissioner Boone said the curb radius is addressed in Part 5 or 6.

Mr. Peete said as they are shown they are ordinance compliant. There's a further recommendation to increase them. There's a recommendation to increase them in Part 6. And you are supporting that?

Commissioner Boone said yes, I am.

Mr. Simoneau said so I need to understand, the ordinance says 165' centerline curb radius is acceptable. The Town Engineering is recommending 200'. What are you recommending?

Commissioner Boone said 200'.

Mr. Simoneau said you are recommending 200'. Now that's going to cause a change to the plan as a result of that. You are asking for something that's beyond what the code requires but in accordance with the recommendation, which is fine, it's a conditional rezoning, you can do that, but I just need to be sure. The plan that you have in front of you is at 165', so understand if it goes to a 200' curb radius the plan is going to change.

Commissioner Boone said Jack, are you satisfied with the 165'?

Mr. Simoneau said I can tell you 165' is code compliant.

Commissioner Boone said on both curbs.

Mr. Simoneau said the other one is already at 200', is it not. Both are at 165' so they are compliant with the Huntersville Zoning Ordinance.

Commissioner Boone said I'll keep it at 165'.

Commissioner Guignard said my second still stands.

Commissioner Kidwell said I'm actually going to be siding with the Planning Board on this one. I have an issue with moving open space away from the neighborhood, even 16 lots I think is what he said. I don't think it's the right thing for Huntersville. I think we are packing in too many houses, even on the border of Concord. I've heard the comment well Concord will have to deal with the traffic and that may be, but Huntersville is going to have to deal with that traffic too. And with that open space being away it's not completely accessible without getting in your car. I don't even know if there's a parking lot over there where they can go and be in the open space. But in my mind open space should be contiguous with the neighborhood so they can utilize it and that's the point of living in a neighborhood with open space. I know in my neighborhood we have a large open space area, two actually, that people can get to without having to drive their cars to get to it. I will not be supporting the motion tonight.

Commissioner Bales said what is happening with Tract B. Is it being left alone as current or are there modifications being made to it and upgrades.

Mr. Peete said nothing is being done. Just let me show you just very briefly I think this will help clarify – the image on the left is the original 2006 configuration of Skybrook North. You can see A which is largely the way that it is now and you can see that parts of B and C represent what you were just looking at. If you look on the right you can see that in 2010 the property owners sold off a large section to Metrolina. And when they did that they had to hold back within Tract B enough open space to keep the density that they already had approved for A. And that's what B represents and then it was connected via a small path so that the greenway could be facilitated which is on our master plan. That's the action that really separated the main areas. You can see in C that those 16 units there were always there and have never changed and they have their own urban open space. C never really had a relationship to A in a true sense but all of this area here and all of this area here is what has been held back to allow the density that A is looking for. In other words this was not an intent to isolate the open space, it was making the best of what happened after their land transaction with Metrolina.

Commissioner Gibbons said I want to make sure that it's clear that open space down there can be used at some point and when the path gets made but the residents here have the required if that's the wrong word, they have the amount, the distance to their homes, open space here.

Mr. Peete said they have ordinance compliant urban open space provided right there within them. That's the best way to answer that question.

Commissioner Kidwell said but to be clear there is no number for that ordinance compliant. It's not 1 acre, it's not 2 acres, it's not 5 acres, it's just what looks good.

Mr. Peete said if they have a park.....those all have a minimum threshold. So I could do the math of this is 500 sq. ft. and this is an acre and I could get you some baseline number. But they would be above that.

Mr. Simoneau said let me add to that. There is a requirement that every lot has to be within ¼ mile walk of urban open space so that's the maximum spacing. So by spreading it out in the development they are actually making it much closer for all the lots as you can see it's kind of spread out evenly throughout. So while there isn't a square footage requirement, there is a maximum spacing of ¼ mile and they by spreading out the open space are making it very close for every lot.

Commissioner Kidwell said but the open space could be a 10' x 10' lot.

Mr. Simoneau said no.

Commissioner Kidwell said that's what I'm asking – what is the minimum.....we're saying you have open space within ¼ mile is great but what is the minimum open space.

Mr. Simoneau said 500 sq. ft. by law but these are much larger. The smallest option we have is 500 sq. ft.

Mr. Peete said one is 0.3 acres, there's a square at 0.69 acres, there's a park at 1.6 acres and then there's another pocket park at 0.3 acres. That's 1.6 acres.

Mr. Simoneau said that big square is 1.6 acres in the center of the development.

Mr. Peete said so the two smallest are over ¼ acre.

Mayor Aneralla called for the vote to approve Petition #R16-07.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Oaks at Skybrook North Sketch Plan. Mayor Aneralla pointed out this item will be heard as quasi-judicial.

Mayor Aneralla swore in David Peete and Scott Moore.

David Peete, Principal Planner, said I will defer to my previous presentation, but I will show you the updated motion. Again, staff supported for all the reasons previously given. The Planning Board again did not vote to support by 5-4 vote. As they stated they did recognize that the application was complete however the denial was based on the overriding concerns relative to density within the town development scheme and the sketch plan was inconsistent with the recommendations therein and they voted 5-4 against that. The motion in the staff report is very similar. You can see that all of the miscellaneous comments that need to be addressed. The application is complete as we have previously stated and the same two recommendations from the Engineering Department as well as for annexation have been made and with all of that staff would be in a position to recommend approval.

Commissioner Gibbons made a motion in considering whether to approve an application for a subdivision sketch plan the Town Board must complete the following and it has a full version of the Subdivision Ordinance. Is the application complete – yes. The application complies with all applicable requirements and I make a motion to approve based on the previous statements.

Commissioner Guignard seconded motion.

Mayor Aneralla called for the vote to approve the Oaks at Skybrook North Sketch Plan.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Swim Club Management Group Contract. Gerry Vincent, Town Manager, said you have before you a contract from Swim Club Management Group. We've had discussions the last several weeks about certain sections of the contract. Those sections have been nailed down and as a matter of fact was sent to you first thing this morning and also there is a copy at your desk for consideration.

Commissioner Gibbons said I'd like to I guess in discussing this when this was voted on 7 weeks ago to go with Swim Club Management Group to do this that's when I assumed and hoped that an earnest work effort was going into it to get us the contract so that we would have that well prior to now. Two weeks from today this company is supposed to open their doors at HFFA. They have been down there working diligently to figure out what's going on. They have talked and committed to hire a vast majority of the people that presently work there. They've got ideas. They've spoken with other companies and vendors that can help them do their job and they've told all of them we have a contract with the town to do this and those companies are signing contracts with them and it's two weeks prior to it and they are saying Swim Club Management Group can you show me your contract and as of now they don't have

something to show them. So Saturday I met, along with Commissioners Boone and Phillips, with the president or the director of Swim Club Management Group and said what are the issues still left on the table and how can we get this moved forward so that we can get a contract. The contract proposal summary which is public knowledge and is in what was proposed by the group that we voted on.....had some pretty, you know there's all the legalese and that's what I thought we were really looking at not necessarily renegotiating because we voted on their proposal but they have a term, they have their fee they are going to charge the town, they have the opportunity to be incentivized for doing a good job. They told us what their insurance coverage was and how they would take care of employees and then how they would invoice the town. That was really the five main things. Well, two of those things I guess have never been in question as far as insurance and invoicing but the term that's been back and forth. They put in for a 5 year term and I guess that's been back and forth. It's been down to as low as three and been talked about but again the company is coming in and taking over something that's been run for 15 years the same way. There's contracts in place that run for up to 2 more years from now that will tie the hands of this company to honor those contracts. So to me the term is necessary for them to conduct business. While I say that, I was one of the ones that was a huge proponent of making it a clean contract. By that I mean where the town is not going to be held at some point down the road liable to pay them severance if they are not doing a good job and we negotiate to get out of the contract it won't cost the town money. It will be a notification to the company that we have problems with the job they are doing. We will give the company time to remedy the problem and if at the end of 60 days I think is what's been talked about, if that problem is not remedied, we can give notice then for them to get out of the building and there is no extra charge to the town. That is not what we just got out of. With that, the management fee was much lower – about a third of what our management fee we were paying already was. But what they asked for was the opportunity to make more money by their performance which I think as a business type person is a good idea. We let someone go over there and we pay them a set fee because you have to give them something to do the job but then we let them have the opportunity through good performance of taking care of Huntersville's monies, taking care of the facility to get some more money. So we based that on profitability i.e. the net revenue versus the net income needed to be on the positive side and they could take a percentage of that and it was proposed at 50/50. Well, when you get into the good ole conversations with the government, the IRS has a rule and correct me if I say something wrong either Gerry or Jackie, they have a rule that in facilities that are owned and managed by government that if there's bond associated with some of the financing of that building you cannot incentivize the management group or the company with net income i.e. profits. Now if you want to, in my opinion that is completely backwards, that would be the way you do it. You let somebody go to work for you and make you money i.e. Huntersville and then you let them share in a portion of that. But, our hands are tied on that so we came to a crossroads and we said well what can we do, we've got to get this contract done, we're two weeks away from them starting so we started asking around about what we could do and we heard we could possibly incentivize them by allowing them to keep some of what they could save the town on an annual basis in how much hotel/motel tax we have had to put into the facility to balance the budget on an annual basis. A number was thrown out which happens to be the high water mark of numbers that we had over the years, that was done at a table on a Saturday. That number is not written in stone and that number by all accounts, ours and the person that's going to manage this, is negotiable. But I am here tonight to say I'm going to make a motion, I can do it now or I can wait until other people have made their comments, but I am going to make a motion that we sign a contract as presented with this company with the goodwill that they have told us they will be willing to come back and speak and our Mayor and our Town Manager, our Finance Director, and the company's people can sit down within the next 3-4 days and figure out legally and commonsense wise what works for the Town of Huntersville and will allow them to get in here and do their job. That's where I find ourselves here tonight. I know we have some people here, my colleagues at the dais, that are not of that same

mindset, but I felt it was time to get something pushed forward so that we could move forward with this and not have other people that want to do business over there be wavering. We need to get it in there. The only thing I see outstanding that's questionable is the way we do the incentive plan and I've been assured by all sides that they will come to the table and negotiate and something can be agreed upon, amended from what we do tonight, by the end of the week. With that said that's my comments and I will be putting a motion forward to accept this contract.

Commissioner Phillips said I'll second that motion.

Commissioner Kidwell said first of all I agree with Commissioner Gibbons on the fact that this contract does protect us. If we decide to get out of it, it doesn't cost the town a dime. However, I disagree with a lot of other things. At 10:41 a.m. on Friday we received an email that said hey, we've got some problems with the contract and the IRS legal jargon that Commissioner Gibbons talked about and there was talk of, and I believe an agreement to be pulled from this agenda with the contractor, Town Manager and the Mayor. And then a meeting happened with three commissioners and the contractor at a table and they've come up with a plan. There's nothing wrong with commissioners meeting with the contractor, it's out of the ordinary from our normal operation, but we've got a number here, the high earmark of \$631,000, the average is \$531,000, the low earmark is \$429,000 I think. I don't see why we would choose the year that we give the most tax dollars to something as they do better than that. If you choose the year you get the least tax dollars or you take the average and then put it in there and say there is where you've got to do better. This 40 percent. I will not agree to that. I don't know where that number came from. So as of Friday it's going to be pulled off. They are going to work it out. And then as of 11:41 this morning we receive an email here's the contract, we're voting on it tonight. I'm not like most people where I can be at a computer, download something and read it. I'm on a production floor. I am visiting customers. I am on the go. So to receive something to approve that impacts the town quite a bit of money and you've got 5 hours before the meeting to read it and digest it and go through it and say yes, let's do this. It's like Nancy Pelosi saying we've got to pass it so we know what's in it. That's ridiculous. I've got a problem with the timeline. But I've also got a problem with how it has all been handled. Seven weeks ago this Board, not unanimously, but this Board passed this right here, the proposal summary. Seven weeks. Where have we been on the Town side. Where has the contractor been. I'm very disappointed in the length of time and nothing has been accomplished and that we didn't know about the IRS thing and this has not been worked through and presented to this board in a timely manner for us to review it. Five hours is definitely not long enough no matter how good a contract it could be. Zero tax dollars and we are going to give you a million dollars a year, still going to want to review it more than 5 hours. There's fine print in there. As good as it might be for three commissioners who met with the contractor to get this thing moving and I appreciate getting it moving because sometimes it needs a kick in the pants, I'm disappointed all around in the seven weeks that we have been dormant. I'm disappointed in the fact that I got it at 11:41 this morning from the Town Manager. I will not be supporting it. I think we really need to take a look at how we do things going forward if this passes because that's just not enough time.

Commissioner Bales said I'm going to echo the same sentiments as Commissioner Kidwell. In addition to all that there are pieces to this contract that we don't have. Attachment A has not been provided. Exhibits 2 and 3 are missing. I am certainly not going to receive the contract a few hours prior to needing to vote and not have it complete and not really having time to digest what's been written and to have asked the questions of those necessary. Commissioner Gibbons thank you for taking the bull by the horns and trying to come to a resolution with this. But I will agree with Commissioner Kidwell that all the way around this has not been handled correctly. My fellow commissioners should not be the

ones negotiating a contract. That's why we have town staff. This is just not okay in my book and I will be voting no tonight.

Commissioner Guignard said I appreciate each of my fellow commissioners' previous comments. One small correction to what Commissioner Gibbons has said. It's not two weeks from today, but it is two weeks from tomorrow.....probably 4:45 that we are expecting this group to open the doors and I for one as a business person in my own business for over a half a century would not dare continue moving forward spending time and spending money and spending energies without a contract in hand. We ran into this same situation not too long ago when we tied the hands of the trash people and we did not give them the contract for some two months and we wondered why they didn't have new equipment.....their bosses' bosses' bosses' bosses said you're not buying \$4 million worth of trucks without a contract. It's no different here. Where the ball dropped I'm not sure. I personally am appreciative of the fact that three of my fellow commissioners took whatever time out of their Saturday afternoon to try to move this ball forward because maybe it was stuck in Charlotte water with fluoride in it because it was certainly stuck, but I think what I heard my fellow commissioner say in his motion that the commissioner to my right seconded that the contractor has stated and it's in the motion that he will work with the town to work out the legalese that the IRS has also put in a snowball effect. I look forward to moving forward and having a more competent, more caring, more understanding contractor in this facility in two weeks and 7 or 8 hours.

Commissioner Gibbons said I want to ask a question if anybody here actually knows the answer as Commissioner Bales asked what are the exhibits and the attachments that she said that are not here.

Mr. Vincent said the two exhibits are on Page 5 of 12 and these are rates that are going to be charged by the proposed firm and also current sponsorship agreements are Exhibit 3. We have the current agreements and arrangements but it's a book this thick. This has never been attached to the contract previously that you guys have been reviewing.

Commissioner Gibbons said so it has not been a point of contention by either party in the contract negotiations we've had.

Mr. Vincent said these have not been a point of contention.

Commissioner Gibbons said so again with that said I would say as I go through the marked up contract that I received yesterday there are three sections that are marked up. The section on the incentives/profit sharing/tax sharing, whatever it would be called at this point, the indemnification clause and that's by our attorney and then the other one is something on a formatting, changing the numbers of the paragraphs going forward starting with the Insurance paragraph on paragraph 12. So unless I'm mistaken, and I can be, I've made plenty of mistakes in my life, we have really right now two areas that have any contention in them and they are listed and everybody involved has agreed to come and sit down and negotiate that before the end of the week. Is that the understanding everybody has.

Commissioner Kidwell said so we are going to sign a contract and then renegotiate it....just to be clear. We're going to approve the contract as it is and then renegotiate it later.

Commissioner Gibbons said we are going to amend one section of the contract.

Commissioner Kidwell said we're approving a contract and then we are going to renegotiate the contract that we are approving.

Commissioner Gibbons said yes.

Mayor Aneralla called for the vote to approve contract with Swim Club Management Group of Charlotte, Inc. for management of Huntersville Family Fitness & Aquatics.

Motion carried 4 to 2, Commissioners Bales and Kidwell opposed.

Contract attached hereto as Exhibit No. 4.

Appointment CTAG. Commissioner Boone nominated Madelyn Walker

Commissioner Phillips nominated Todd Steiss

Commissioner Boone said I would just like to make a point that this Board is trying to have different people on different boards. I think Mr. Steiss that has been mentioned is on another board and I think Ms. Walker gives another opportunity to put a new citizen and a new set of eyes on a board position.

Vote for Todd Steiss: Commissioners Bales, Gibbons, Kidwell and Phillips.

Vote for Madelyn Walker: Commissioners Boone and Guignard.

Todd Steiss was appointed to the Citizens Transit Advisory Group (CTAG).

Resolution – Secretary Trogdon. Commissioner Phillips made a motion to adopt resolution requesting NC Secretary of Transportation Trogdon and appropriate representatives address the Town's concerns and comments regarding the Comprehensive Agreement between NCDOT and I-77 Mobility Partners, LLC for I-77 Managed Lanes Project.

Commissioner Guignard seconded motion.

Commissioner Gibbons said this is a resolution requesting Secretary Trogdon, who is the North Carolina Secretary of Transportation, to come and meet with us either as the North Mecklenburg towns or as the towns singularly because that was something that was asked previously by our senator and two representatives from this area and his staff I believe had made a commitment they would do that. With the Mercator report being out now and some more decisions up to being made, we would like the Secretary to come down and actually meet with us and hear from us and some citizens. Cornelius has passed this. I don't know if Davidson did or not.

Mayor Aneralla called for the vote to adopt resolution.

Motion carried unanimously.

Resolution attached hereto as Exhibit No. 5.

CMS Bonds. Mayor Aneralla said Commissioner Phillips had asked me to put this on the agenda. I'll give you a quick thumbnail sketch of what I think is going on and why I will not be supporting the upcoming Charlotte-Mecklenburg School bonds.

Initially this was about a \$700 million bond offering to improve schools, to build new schools and now it's over \$900 million. Politics played a lot in that additional \$200 million. None of the money is coming to north Mecklenburg other than potentially one school. In addition we had several schools that were jumped over including Huntersville Elementary and being that we all live in the fastest growing part of the county it seems counterintuitive that there wouldn't be new school bond money for new schools up in north Mecklenburg and this includes Cornelius and Davidson. Our school board representative Ronda Lennon is not supporting the bonds. Our county commission representative for District 1 Jim Puckett is not supporting the bonds. It's not so much an issue of sour grapes it's really an issue of fairness and it's going back to about 10 years ago when something similar happened.

The idea is to build new schools closer to the intercity in hope that people from the suburbs will drive down there for either a magnet school or some type of specialized education. That experiment did not do very well and fortunately over the last few years many more schools have been built in north Mecklenburg in addition to charter schools and private schools. CMS has actually anticipated not to grow nearly as much as the charter school system in Mecklenburg County. So ironically a lot of this projected growth that they are looking at in other parts of the community might not be necessarily based on real defined attributes.

One of the things and this is atypical CMS, one of the rationale they use for overcrowding is the number of teachers in a school. So it's not the number of pupils, but the number of teachers. So what's happening is you have a number of schools that have a lot at-risk children and rightly so they have extra teachers. So therefore in the CMS scheme of things those schools are looking like they are overcrowded. We just approved another development and in pretty much every meeting we're approving another development and we know that if they are not already crowded they are going to be crowded very shortly. We have about 10 percent of the population in north Mecklenburg and out of the \$922 million, I'm not sure what they are going to do with the old Alexander Middle School other than make it a K-8 magnet, but considerably less than 10 percent will be coming to north Mecklenburg with those new school bonds. I think it's time for Huntersville once again to lead. I think when we did this several years ago and I forget exactly when we did this but we collectively voted the bonds down and low and behold the county commission came with a certain type of bond that allowed them to put bond money to use where it was needed, kind of away from what the school board was doing. And just also as something that really bothers me and I've met the new superintendent and we all are going to give him time to settle in but from his initial decisions, especially with personnel, when in my opinion we are top heavy in administrators to give raises to people that are doing the same job as the people that were previously there, considerable raises and I think we also have somebody that's a chef that's getting about \$140,000. That just really bothers me. We could do a resolution but I'd just assume just have the board come out with hey we're voting for it or we're not voting for it.

Commissioner Phillips said I think we do need to approve a resolution. I feel like that sends a stronger message because our growth projected no classrooms for 10 years but it's not really 10 years. When you really think about it by the time we get back up to where monies would be we're 12 years out from the first brick. So it's not just 10 years we're going to get excluded. It's going to be a lot longer than that and so with projected growth and where our schools are we're pretty much in fair shape. I've always let Ms. Bales kind of direct me on the school issues but this one here really needs for people to pay attention to because we're one of the fastest growing communities.

Commissioner Bales said I'm going to say this. If the bond package had been let's say \$200 million to fix what needs to be fixed and there are schools in CMS that need renovation, we've all seen the pictures I'm sure, I could support that, because it still would give us plenty of time and there would still be some

debt service there that the county would be able to as we are continuing to grow we could have some of our needs met. But this is \$922 million bond ask. And everybody knows I am huge supporter of education. With that said our community continues to grow and there is nothing other than the new magnet at old Alexander for the at least the next 8 years. Hough is overcapacity. Bailey Middle School is overcapacity. Hopewell with the boundary changes are at capacity. North Meck is overcapacity. Bradley is at capacity. Barnette is right on the bubble. They are 100 percent capacity. Torrence Creek, Grand Oak, Huntersville Elementary and Huntersville Elementary was the project that's been skipped over. When are we going to and I don't know that the county can ever do it but when are we going to get ahead of the curve. We had the recession and admittedly thank goodness for that in regards to education because we were able to catch up to a degree. Being pushed out another 12 years knowing what this Board has just approved – forget Cornelius and Davidson and north Charlotte. Our kids are going to be back in trailers, more trailers are going to be shifted in if the county and CMS don't get a handle on it. The way they are measuring the need for schools is a flawed one. With that said I also agree with Commissioner Phillips, we need a resolution that sends a clear decisive message. Our job is to protect our citizens and that includes the youngest.

Commissioner Guignard said CMS has a history – we want your money north Mecklenburg but we don't care about you north Mecklenburg. You could say the same thing about Charlotte. We could probably say that to the cows come home the few that are left. The Mayor talked about I think it was 10 years ago you see on the front of the agenda under my name Planning Coordinating Committee. I sat on its predecessor Planning Liaison Committee for the county and I know John loves my history lessons in 98 and 99. It was a countywide function then. If I live to be 400 I will not forget that meeting. It was 1-1/2 hour presentation on the school system for the next 12 years of school buildings and I was sitting next to Becky Carney, the mayor of Charlotte, former governor of North Carolina was sitting on the other side of me and the more I heard the madder I got. Back then with all the explosive growth in north Mecklenburg they were not proposing what is now Torrence Creek, they were not proposing what is now Hopewell, they were not proposing what is now Hough, they were not proposing what is now Grand Oak, they were not proposing to fix Alexander and I think I could name one or two more. And some people at this dais have seen me upset but you have not seen me like I was that day. I couldn't talk. You find that hard to believe – I couldn't talk. Becky Carney finally said you've got to tell us what's going on. I said I don't know where y'all got these numbers from. They were reading a report that we had written in early 80's and had not updated it. I don't think it's any different, Mayor, than what you are talking about the way they are skewing the numbers. I don't know how to get ahead of the curve and I can't help but agree with both commissioners on each side of me, but I will say categorically I am not doing the computer stuff, but I have heard the rumblings that the legislature is looking at the two biggest systems in the state us and Wake. We need to get behind the proposal to break up that monstrosity. They don't care about us. I support the fact that we would want a resolution, I just don't know that we can make it strong enough. We certainly can't put the words in there that I would have used. But it needs to be so strong and somehow or another get Matthews and Mint Hill and Pineville involved.

Commissioner Kidwell said I agree with everybody, we need a resolution. In my mind CMS has never cared about North Mecklenburg. We get what's left over and that seems to be the norm. It's always disappointing. They are top heavy, even in this bond proposal it's another \$17 million for administrative individuals, not teachers, administrative individuals. I've got a problem with that too. The more they do this the more it makes me believe that along with breaking up the school district at the state level that the town has to start taking education for its folks in its own hands with charter schools – Lake Norman Charter well documented and represented in this area, well known and I think that is what CMS is going to eventually force municipalities around Charlotte to go towards. It's going to force that hand. Just like

NCDOT is forcing us to take charge of our roads. No one cares, we've got to take care of our citizens and I think that's what is going to lead us. I'm in full support of a resolution as strongly worded as possible without going to trucker school.

Mayor Aneralla said you want to write it? The last person to speak writes it. We'll put it on next agenda – September 5.

Contract for Civil Work – Commerce Substation. Staff requests the Board accept proposal from Country Boy Landscaping, Inc. to perform the necessary clearing, grading, erosion control, road construction and landscaping required to complete the balance of civil work for the Commerce Substation. This is necessary to accommodate access into and out of the substation from the Commerce Station drive public works road.

Commissioner Boone said do we do any background checks with people we sign contracts with or any type of background checks on any contracts that we sign.

Gerry Vincent, Town Manager, said only in police.

Commissioner Guignard made a motion to accept proposal from Country Boy Landscaping in the amount of \$126,115 to perform work required to complete the balance of civil work for the Commerce Substation.

Commissioner Bales seconded motion.

Commissioner Phillips said what is our procedures for subcontractors and that type of thing as far as background checks. Why didn't we put this out for bid.

Tim Kopacz, Electric Systems Manager said we didn't put it out for bid from the Electric department because Country Boy is already out there working on the road project I believe under a Public Works contract. This being paid through the Electric Fund it made sense to ask Country Boy for these charges in what amounts to a change order to handle civil work around the substation because they are already onsite and it just made sense to reduce those mobilization charges. Their cost and rates were cross checked against other contract proposals that we have gotten recently.

Mayor Aneralla called for the vote to accept proposal from Country Boy Landscaping, Inc.

Motion carried 5 to 1, with Commissioner Phillips opposed.

Proposal attached hereto as Exhibit No. 6.

CONSENT AGENDA

Approval of Minutes. Commissioner Guignard made a motion to approve the minutes of the August 7, 2017 Regular Town Board Meeting. Commissioner Bales seconded motion. Motion carried unanimously.

Resolution – Fire Protection Services. Commissioner Guignard made a motion to adopt resolution approving interlocal agreement with Mecklenburg County for fire protection services. Commissioner Bales seconded motion. Motion carried unanimously.

Resolution/Agreement attached hereto as Exhibit No. 7.

Indemnification Agreement – Duke Energy Carolina. Commissioner Guignard made a motion to authorize the Town Manager to execute the Indemnification Agreement and the Access Agreement and Assignment of Easement with Duke Energy Carolina. Commissioner Bales seconded motion. Motion carried unanimously.

Agreement attached hereto as Exhibit No. 8.

Right-of-way Encroachment Agreement – US 21/Gilead. Commissioner Guignard made a motion to authorize the Town Manager to execute the Right-of-way Encroachment Agreement for Highway 21/Gilead Road. Commissioner Bales seconded motion. Motion carried unanimously.

Agreement attached hereto as Exhibit No. 9.

CLOSING COMMENTS

Commissioner Guignard noted that in 5 years Huntersville will be celebrating its 150th anniversary.

Mayor Aneralla noted that the next Town Board meeting will be on Tuesday, September 5 due to the Labor Day holiday.

There being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2017.

Town of Huntersville
REQUEST FOR BOARD ACTION
9/5/2017

REVIEWED:

To: The Honorable Mayor and Board of Commissioners
From: Jackie Huffman / Gerry Vincent
Subject: Approve Tax Refund Report No 73

Attached is Report #73 of Mecklenburg County Assessor's Office Refunds. The report contains 5 refunds totaling \$824.97, which includes \$192.53 interest. With this report to date the Town of Huntersville has processed 10,559 refunds totaling \$482,101.52 of which \$436,699.36 is tax and \$48,398.83 is interest.

ACTION RECOMMENDED:

Approve refund report

FINANCIAL IMPLICATIONS:

Decrease revenue by \$824.97

ATTACHMENTS:

| Description | Type |
|--------------------|-------------|
| □ Report # 73 | Cover Memo |

HUNTERSVILLE Refunds

| Tax Year | Parcel # | Refund Recipient Name | Refund Address Line 1 | City | State | Zip Code | Payment Date for Interest Calculation | Refund Amount (\$) | Total Interest to Pay if mailed on or before 9/15/2017 (\$) |
|----------|----------|-----------------------|-----------------------|--------------|-------|----------|---------------------------------------|-----------------------|---|
| 2014 | 02108241 | HOWELL, MARSHALL J | 4320 ZION CHURCH RD | HUNTERSVILLE | NC | 28078 | 1/6/2016 | 152.27 | 25.89 |
| 2011 | 02108241 | HOWELL, MARSHALL J | 4320 ZION CHURCH RD | CONCORD | NC | 28025 | 1/6/2012 | 77.40 | 41.02 |
| 2012 | 02108241 | HOWELL, MARSHALL J | 4320 ZION CHURCH RD | CONCORD | NC | 28025 | 1/8/2013 | 77.40 | 34.06 |
| 2013 | 02108241 | HOWELL, MARSHALL J | 4320 ZION CHURCH RD | CONCORD | NC | 28025 | 1/7/2014 | 77.40 | 27.09 |
| 2014 | 02108241 | YOUNT, DAVID J | 16503 GRASSY CREEK DR | HUNTERSVILLE | NC | 28078 | 1/6/2015 | 247.97 | 64.47 |
| | | | | | | | | 632.44 | 192.53 |
| | | | | | | | | Tax + Interest | 824.97 |